44.H.2A

START

FIRST

SIDE

THE NUMBERED PAGES WHICH ARE OTHERWISE BLANK IN THE FILES ON THIS FILM HAVE NOT BEEN PHOTOGRAPHED.

CENTRAL REGISTRY MICROFILMING UNIT.

H.Q.C. 55-H-267 DEAD CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

DEAD

SUBJECT DISTRICT COURT MARTIAL

E/5095 PTE. JOSEPH HINOS

ROYAL 22 REGT. C.A.

DEAD DEAD DEAD

CONFIDENTIAL
H.Q.C.55-H-267

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and say here "With Minute")					
SEP 14 1943				Gen(A)	For Requisition C.R. SEP 4 1943		
					For Requisition C.R. SEP 14 1943		
				DM			
				ICM	Minute pls MO 20/9/43.		
				DM(Comp)	For Legislation, pls.		21/9/43.
SEP 22 1943	24/9/43	P.A.		ICM			MO 21/9/43.
SEP 28 1943	[redacted]			ICM	For Requisition C.R. SEP 28 1943		
SEP 29 1943	24/8/43			D.M.(A)	Per O.S. 24/9/43	C.R.	28/9/43
[illegible] 1943				D Mang	For Requisition B.F. OCT 6 1943		
				DMA	Per Requisition	CR	[illegible]
OCT [illegible] 1943	2/10/43.	P.A.		DM(Comp)	L. Note & pa		21/10/43
				LCM	With Papers C.R. NOV 3 - 1943		
NOV 4 1943				J.A.G.	L Note & pass to Admin		NOV 4 1943
NOV 5 - 1943	8/11/43	P.A.		Admin	To [illegible]		8-11-43
NOV 18 1943	17/11/43	P.A.		ICM	For Requisition C.R. NOV 17 1943		

NOTICE

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

PASS THIS FILE IN ENVELOPE

C.R (Confidential)

Please place on H.Q.C. 55-H-267

and P.A.

L. H. Clayton

L. H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial

OCT 23 1943

GOVERNMENT OF CANADA

CLASSES OF SERVICE

DAY MESSAGES
DAY LETTERS
NIGHT MESSAGES
NIGHT LETTERS

DAG

CANADA

RADIOTELEGRAPH SERVICE

ADMINISTERED BY

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

TELEGRAPH, CABLE AND RADIO CONNECTIONS TO ALL PARTS OF THE WORLD

29 CIQ GJ 25

QUEBEC OCT 22 1450

ROYAL CANADIAN SIGNALS
418 Wellington Bldg.
OTTAWA
OCT 22 1943
Phone
L
Army Signal Office

SECTY

OTTAWA

JA TWO NOUGHT RETEL DAG TWO THREE NOUGHT STOP ACTION

HAS BEEN TAKEN TO EFFECT IMMEDIATE RELEASE E FIVE NOUGHT

NINE FIVE PTE J HINCE

COMMANDING FIVE

1709

1656 MM 22

12232

D-5380

I.C.M.

1510

N.D.—G.F. 4 (a)
600 pads of 100-7-43 (841)
H.Q. 22-28-4.
K.P. 6691B.

L.R. (Confidential)

Please place on file H.Q.C. 55-H-267
and P.A.

G. H. Clayton

G. H. CLAYTON
Lieut.-Colonel
Director of Courts-Martial
OCT 28 1943

55-H-26

GOVERNMENT OF CANADA

CANADA

RADIOTELEGRAPH SERVICE

ADMINISTERED BY

DEPARTMENT OF NATIONAL DEFENCE OTTAWA, CANADA

CLASSES OF SERVICE

DAY MESSAGES
DAY LETTERS
NIGHT MESSAGES
NIGHT LETTERS

TELEGRAPH, CABLE AND RADIO CONNECTIONS TO ALL PARTS OF THE WORLD

NUMBER	SENT TO	SENT BY	REC'D BY	TIME SENT	TIME FILED	CHECK

SEND THE FOLLOWING MESSAGE SUBJECT TO THE TERMS ON THE BACK HEREOF

Q. 39-H-70 (JA)

QUEBEC 22nd OCTOBER 1945

JA-20

SECRETARY

DEPARTMENT OF NATIONAL DEFENCE

OTTAWA.

retel DAG 230 - stop-

ACTION HAS BEEN TAKEN TO EFFECT IMMEDIATE RELEASE E FIVE O NINE FIVE

PRIVATE J HINCE

COMMANDING FIVE

I.C.M.

CONFIRMATION:

(Edmund Blais) - Brigadier,
District Officer Commanding,
Military District No. 5.

SIGNAL OFFICE M.D. 5

SIGN BY PC trs 150 date 22

S.S.—G.F. 2—12 PADS OF 100—10-2 (1941)

IN REPLY PLEASE QUOTE No. Q:-39-H-70 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Quebec, November 2nd, 1943.

171620

The Secretary,
Department of National Defence,
Ottawa, Ont.

CENTRAL REGISTRY Army
CONF. SEC
NOV 3 1943
File C55-H.267
Chief to
Referred to

DISTRICT COURT MARTIAL
E-5095 - Pte Jos. HINCE
R. 22e R., C.A.
(Att. A.I.T.C. A-13, C.A.)

1. Reference your H.Q.C. 55-H-267 (ICM) dated 21st October 1943.

2. M.F.M. 288 in the case of the marginally named ex-soldier is returned herewith. The necessary entries were made in Part II Orders and in the documents of this ex-soldier. A certified extract of Unit Part II Orders relative to this remission is attached hereto.

(EDMOND BLAIS) - Brigadier
District Officer Commanding
Military District No. 5.

L.H. CLAYTON
Lieut.-Colonel
Assistant Adjutant General
NOV 4 1943

JAC/tl
Encls.

Noted.
Goals minute sheet
to cd & 7 admin
Nov. 9 1943.

260/1943

260/1943
28 oct 43

ADVANCED (INFANTRY) TRAINING CENTRE A-13,
DAILY ORDERS PART II No. 260, d/ 28 Oct 43, BY:
Colonel P.E. Poirier, M.M., O.C.

- Last Orders Issued No. 259 d/27 oct 43

SECTION " B"

1. REMISSION OF SENTENCE (For record purposes)

Under authority of Sec. 57, of the Army Act, the Adjutant- General has, on 21 Oct. 43, remitted with effect from 21 Oct 43, the unexpired portion of Sentence of detention awarded to the undermentioned by a District Court- Martial.

E-5095 Pte Hince, J. (R.22R C.A.)

SIGNED (M. DUCLOS) Capt.& Adj.
ADVANCED (INFANTRY) TRAINING CENTRE A-13
VALCARTIER CAMP, P.Q.

Certified true extracts of
D.O. 260 Part 11 d/ 28 of
October, 1943.

M. L. Esperance Lt.& Off i/c of Records,
Gen. List, C.A. att A.I.T.C. A-13, C.A.

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of E-5095, Private Jos HINCE,
(Number) (Rank) (Name in full)

Royal 22e Regiment, C.A., attached to A.I.T.C. A-13, C.A.
(Unit) (Attachment (if any))

Sentenced to 2 years less one day imprisonment.

on 16th day of July 1942 at Valcartier Camp, P.Que.

being served at Quebec Jail.
(Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment He enlisted 19 Feb.40 at 22 years old.

Medical grade or category "E" (Discharged).

FIRST TRIAL—PART II

To ..... (Superior Military Authority)

For details of offences see Part VII.

I have directed that the above-named be (not) committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) (reviewed on ..... (date)) for reasons given in paragraph X.

Place .... (Confirming Authority)

Date .....

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....) (be suspended) (be put into execution) of which I remit ..... (and) be reviewed on .....

Place .... (Superior Military Authority)

Date ..... (For action on review, see Part VI)

SECOND TRIAL—PART IV

To ..... (Superior Military Authority)

For details of offences, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced to ..... and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .... (Confirming Authority)

Date .....

M.F.M. 286
(Army Form A-3104)
MM—5-43 (350)
E.G. 1172-99-3015

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
24/9/43	B.F. for Review on 15/10/43	L. H. Clayton Capt. for Adjutant-General for Adjutant-General Superior Military Authority	
OCT 21 1943	Balance of sentence remitted.	L. H. Clayton Capt. Adjutant-General Superior Military Authority	

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
1.Wilfully injuring himself with intent thereby to render himself unfit for service. 2.Wilfully injuring person subject to Military law, with intent thereby to render that person unfit for service. 3.Idem. 4.Idem.	Jan. & Feb 1942	8 Jul.42.
W. Sweet Capt Signature of officer making entry		

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Signature of officer making entry		

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
16 sept.43	In view of the fact that Hinse is now discharged from the army, I would now recommend a remission of the sentence in his case.	C.E.Coiner Col.

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

I.C.M. - J

Department of National Defence,
H.Q.C. 55- H-267.(ICM) 1943.
OTTAWA, October 21,

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Que.

E.5095, Pte. J. HINCE.

1. Herewith enclosed M.F.M.288 in respect of the marginally-noted soldier who is serving under suspended sentence with the marginally-noted unit stationed in your Command.

2. You will note from Part VI of said Form that the sentence has been remitted as of the 21st, day of October, 1943.

3. Said Form is to be forwarded direct to the Officer Commanding, A.I.T.C. A-13, C.A. with instructions to make the necessary entries in Part II Orders and in the documents of the marginally-noted soldier in respect of said remission of sentence.

4. Said Form is then to be returned to this Headquarters.

(H.F.G. Letson)
Major-General
Adjutant-General.

DUPLICATE

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

L. H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial

PART I

Case of E.5095, Private Jos. HINCE,
(Number, Rank, Name in full)

Royal 22e Regiment, C.A., Attached to A.I.T.C., A-13, C.A.
(Unit, Attachment (if any))

Sentenced to 2 years less one day imprisonment,

on 16th day of July 1942 at Valcartier Camp, P.Que.

being served at Quebec Jail,
(Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment he enlisted 19 Feb. 40 at 22 years old

Medical grade or category "E" (Discharged)

FIRST TRIAL—PART II

To .....
Superior Military Authority

For details of offences see Part VII.

I have directed that the above-named be (not) committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) (reviewed on .....) for reasons given in paragraph X.
date

Place .....

.....
Confirming Authority

Date .....

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....)

of which I remit .....) (be suspended) (be put into execution)

(and) be reviewed on .....

Place .....

.....
Superior Military Authority

Date .....

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To .....
Superior Military Authority

For details of offence, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced

to ....., and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .....

.....
Confirming Authority

Date .....

M.F.M. 268
(Army Form A-3108)
1054—5-43 (330)
H.Q. 1772-99-2015

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
24/9/43	B.F.for Review on 15/10/43	(Sgd.) L.H.Clayton,Lt.Col. for Adjutant-General, Superior Military Authority	
Oct. 21 1943	Balance of Sentence remitted.	(Sgd.) L.H.Clayton,Lt.Col. for Adjutant-General, Superior Military Authority.	

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
1. Wilfully injuring himself with intent thereby to render himself unfit for service. 2. Wilfully injuring person subject to Military Law, with intent thereby to render that person unfit for service. 3. Idem. 4. Idem. (Sgd.) M. Duclos, Capt. Signature of officer making entry	Jan.&Feb. 1942	8 Jul. 42

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
..... Signature of officer making entry		

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
Sept.16-43	In view of the fact that Ince is now discharged from the army, I would now recommend a remission of the sentence in his case.	C.E. Col.

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

TELEGRAM

Department of National Defence,
H. Q. C. 55-1-267, (IGS)
OTTAWA, October 21, 1943.

GRUG. FIVE

E.A.G. 230

Re your . thirty-nine dash N dash seventy number R 3095 Private F. HINCE serial 12214 STOP balance of sentence remitted effective 21 October 1943 STOP effect immediate release STOP OK.

Adjutant-General.

Dispatched by:
[illegible]
[illegible]
Adjutant-General.

IN REPLY PLEASE QUOTE No. Q: 39-H-70 (JA).

161672

CANADA

DEPARTMENT OF NATIONAL DEFENCE

CONF. SEC.
C.J.T. 4.267
SEP 24 1943
File
Chgd. to
Referred to

Quebec, P.Q., September 23rd, 1943.

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: B/5095, Pte. J. HINCE.

Reference your H.Q.O. 55-H-267 (ICM) dated 21st September, 1943.

2. The proceedings of the District Court-Martial in the case of Pte. Hince, together with form M.F.M. 255, were returned to you by letter numbered as above and dated 20th September.

3. For your information, please.

(RAYMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

161487

PRISON QUEBEC CANADA

Quebec September 23rd. 1943

CENTRAL REGISTRY Army
CONF. SEC.
File C 55-H-267
Chgd. to 28-9-43
Referred to JCM

To Secretary

Department of National Defence

Ottawa, Ontario.

Sir;-

Re H.Q.C.55-H-267,(ICM)
E.5095, Pte J.Hince

In answer to yours of 21st inst, I may say that the form re Report on conduct for the above soldier was sent to you on the 8th. of September and address as follows;
The Secretary,Department of National Defence, Ottawa,Ontario.

Yourstruly,

A.J. DeGuise

A.J.DeGuise
Governor of Quebec Jail.

AJD/D

REVIEW OF SENTENCE

DATE: September 7th, 1943.

H.Q.C. FILE: 55- H-267, (ICM)

1. NO. RANK AND NAME: E.5095, Pte. J. HINCE.
2. UNIT AT DATE OF OFFENCE: Royal 22nd Regiment, C.A. att'd. to A-13, A(I)T.C.C.A.
3. AT PRESENT ON STRENGTH OF: Do M.D. 5
4. SENTENCE OF COURT: 2 yrs. less 1 day I.H.L. & dismissed with ignominy. DATE: July 16th, 1942
5. CONFIRMED SENTENCE: 2 yrs less 1 day, I.H.L. DATE: September 17th, 1942
6. BEING SERVED AT: Quebec Jail.
7. OFFENCES: 18-2

8. STATEMENT OF ACCUSED: " Nothing to say."

9. PREVIOUS CONDUCT: Enlisted: 19/2/40 Age: 24yrs. 9 mos.

A.W.L. 6 times
9-2 1 "

(over)

157841

Quebec, September 8th. 1943

To Secretary
Department of National Defence,
Ottawa, Ontario.

GENERAL MAIL
SEP 13 1943
QUEBEC
C 55-H-267
DMA

Sir;- H.Q.C. 55-H-267, (IOM))
E.5095 Pte J.Hince

Enclosed please find report of conduct in regard of the marginally-noted soldier.

Yours truly,

A.J.DeGuise
Governor Quebec Jail.

I.C.M. - D

REPORT ON CONDUCT

H. Q. C. 55-H-267, (ICM)

194 .

To:- Secretary,
Department of National Defence,
Ottawa, Ontario.

1.	Soldier under sentence	E.5095, Pte. J. HINCE,
2.	**PLEASE STATE:-**	
(i)	Date of sentence	September 17th. 1942
(ii)	Sentence	two years less 1 day
(iii)	Date you received soldier	September 21st. 1942
(iv)	(a) Can soldier read and write?	yes
	(b) Religion	Catholic
	(c) Married, widower, single	single
	(d) What Army trade has soldier?	Cook
(v)	(a) Conduct of soldier	very good
	(b) Industry of soldier	Cook in the bush
	(c) Remission earned:-	
	(i) Number of days actually earned.	52 days
	(ii) Number of days obtainable to date.	52 days
(vi)	Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	No
	(a) Whether imprisonment or detention will seriously aggravate soldier's condition.	detention would propably affect his health and morale
	(b) Whether further confinement is likely to prove fatal.	No
(vii)	(a) Whether in your opinion conduct of soldier warrants remission of balance of sentence?	yes
	(b) Moral effect confinement has had?	bad effet
(viii)	Date term will expire if all remission earned from now on.	September 20th. 1944

Signature A. J. DeGuise
Governor

Date of Report. September 8th.1943

100-6-43-(MO-2479)

IN REPLY PLEASE QUOTE No. Q:-39-H-70 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Quebec, September 20th, 1943.

The Secretary,
Department of National Defence,
Ottawa, Ont.

CANADIAN MILITARY MISSION
COMF SEC.
File 55-H-267
Chgd to
Referred to

160700

DISTRICT COURT MARTIAL
E-5095 - Pte Joseph HINCE
Royal 22e Regiment, C.A.
(Att'd. A-13 A.I.T.C., C.A.)

Reference your H.Q.C. 55-H-267, ICM) dated 7th September, 1943 relative to the marginally noted subject.

2. Please find enclosed herewith the proceedings of the District Court Martial in the case of Private Hince, together with M.F.M. 255 duly completed by the Officer Commanding, A.I.T.C. A-13. Parts II and X were left in blank for completion by the confirming authority.

3. For your information and any action you may deem necessary.

(EDMOND BLAIS) - Brigadier
District Officer Commanding
Military District No. 5.

JAC/tl
Encls.

NAT. DEF. B. 480

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

A

**Form of Proceedings for ~~General and~~ District Court-Martial

Proceedings of a District Court-Martial held at (Lecture Room) Drill Hall, Quebec, Que.

on the 8th day of July 1942 by order of Brigadier

George P.Vanier,D.S.O.,M.C. Commanding Military District No.5

dated the 30th day of June 1942.

President.

Lieut-Colonel G.R.Bouchard
Regiment de la Chaudiere, C.A.

Members.

Major P.A. Ducanse,
Régiment de Québec, C.A.

Capt. R.M. Ievers, R.R.C., C.A.

Major M.C.Lalonde, A.J.A.G.,M.D.No.4 Judge Advocate.

Trial of* No.E/5095, Pte.Joseph HINCE, Royal 22e Regiment, C.A. attached to A.I.T.C. A-13, C.A.

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

The Court satisfy themselves that Lt.Col. E.J.J.Légaré, C.O. [illegible] is not available to serve owing to more important military duty. Capt. R.M.Ievers, R.R.C., C.A. waiting member takes his place as a member of the Court. (See letter attached marked "A".)

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

The accused is brought before the Court.

Prosecutor,† Major J.G. Coote, R.C.A., C.A.

Counsel‡ ~~or defending officer‡~~ Mr. Réné Marceau, Advocate.

At 10:07 o'clock the Trial commences.

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

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

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

Q.1 *Answer by accused.* No, Sir.

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

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

(1)

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

President D.S.O.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

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

A

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

Proceedings of a District Court-Martial held at (Lecture Room) Drill Hall, Quebec, Que. on the 8th day of July 1942 by order of Brigadier George P. Vanier, D.S.O., M.C. Commanding Military District No. 5 dated the 30th day of June 1942.

President.

Lieut-Colonel G.R. Bouchard
Regiment de la Chaudiere, C.A.

Members.

Major P.A. Ducasse,
Régiment de Québec, C.A.

Capt. R.M. Ievers, R.R.C., C.A.

Major M.C. Lalonde, A.J.A.G., M.D. No. 4 Judge Advocate.

Trial of* No. E/5095, Pte. Joseph HINCE, Royal 22e Regiment, C.A. attached to A.I.T.C. A-13, C.A.

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

The Court satisfy themselves that Lt. Col. E.J.J. Léger, C.O. Infantry School is not available to serve owing to more important military duty. Capt. R.M. Ievers, R.R.C., C.A. waiting member takes his place as a member of the Court. (See letter attached marked "A".)

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

The accused is brought before the Court.

Prosecutor,† Major J.G. Coote, R.C.A., C.A.

Counsel‡ ~~or defending officer‡~~ Mr. Réné Marceau, Advocate.

At 10:07 o'clock the Trial commences.

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

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

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

Q. 1 *Answer by accused.* No, Sir.

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

---

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

X I have satisfied myself (1) that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

President D.S.M.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-30-224

B

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

~~The following officers under instruction are duly sworn.~~

Q.2 Avez-vous objection à M. H.P. Hould, Sténographe officiel, pour agir comme sténographe ?

A.2 Non monsieur.

H.P. Hould, Official Court Reporter, Quebec, is duly sworn as shorthand writer.

Charge-Sheet

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

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

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

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Non coupable.

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Answer.*

A.4 Non coupable.

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

A.5 Non coupable.

Q.6 Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Answer.*

A.6 Non coupable.

Q.7 Are you guilty or not guilty of the ~~third~~ fifth charge against you, which you have heard read? *Question.*

A.7 **Non coupable.**

Q.8 Are you guilty or not guilty of the sixth charge against you, which you have heard read? *Answer.*

A.8 Non coupable.

Q.9 Are you guilty or not guilty of the ~~fourth~~ seventh charge against you, which you have heard read? *Question.*

A.9 **Non coupable.**

Q.10 Are you guilty or not guilty of the **eighth** charge against you, which you have heard read? *Answer.*

A.10 Non coupable.

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

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

FACTUM DE LA DEFENSE

RE: E/5095 Pte. Joseph Hince
Royal 22e Regiment, C.A.,
Att. to A.I.T.C., A-13, C.A.

BUREAU FOR TRANSLATIONS NATIONAL DEFENCE
Rec'd 6-8-42 P.M.
Ref'd 14-8-42

La Cour martiale de district, qui a siégé au Manège militaire de Québec, du 8 au 16 juillet 1942, a entendu le procès du soldat Joseph Hince E/5095, contre lequel on avait porté huit (8) accusations. La Cour a acquitté le soldat Hince sur les 3e, 4e, 5e, 6e, 7e, et 8e chefs d'accusation, rendant de ce fait un verdict d'acquittement. La Cour, reservant sa décision sur le premier chef d'accusation. Ce premier chef d'accusation se lit comme suit:

First charge sec 18 (2) Army Act.

DE S'ETRE DELIBEREMENT BLESSE, DANS L'INTENTION DE SE RENDRE INAPTE AU SERVICE MILITAIRE:

Alors qu'à Québec, P.Q., au cours des mois de janvier ou février, 1942, il s'est délibérement blessé, en se donnant une injection hypodermique, avec l'intention par ce fait, de se rendre inapte au service militaire

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QUESTION DE DROIT

L'accusé ayant été accusé en vertu de l'article (18) section (2) des offenses prévues par l'Army Act, le tribunal n'a pas à sortir des cadres de cette accusation et doit prendre telle quelle l'accusation sans la disseoquer ou séparer les termes qui la composent.

Ainsi le soldat Hince ne peut être trouvé coupable de s'être blessé lui même, sans à la fois avoir voulu se rendre inapte au service militaire. Il ne peut s'agir ici d'une condamnation sur une partie d'accusation mitigée. Il faut prendre l'article tel que rédigé et l'abandonner complètement. Or légalement parlant, l'acte d'accusation tel que porté, ne s'applique pas contre l'accusé, étant donné qu'un élément essentiel de l'offense ne peut entrer en ligne de compte. Le soldat Jos. Hince, n'a jamais été apte au service militaire, et n'a pu, en conséquence, avoir voulu se blesser dans l'intention de vouloir se rendre inapte au service militaire. Les états de santé du militaire démontrent clairement que Jos Hince est inapte au service militaire, depuis de 22 mois, alors que l'offense qu'on lui reproche et en vertu duquel il se serait rendu inapte, ne remonte qu'à environ six mois. Cette question de droit seule est suffisante pour que la Cour rejette à l'unanimité l'accusation portée et acquitte l'accusé. Il manque, ce que le droit anglais détermine comme le mens rea, sans quel aucune accusation ne peut être maintenue devant un tribunal de justice. La preuve de cet argumentation légal se retrouve dans le certificat militaire de santé, émis par le Docteur Petitclerc, lieutenant colonel, qui en novembre 1941 a décerné au soldat Hince un certificat "Unfit pour la Drapht" et a, en conséquence, fait rayer son nom de la liste de ceux qui devaient partir pour outre mer. Dans deux ans de service militaire, le soldat Jos Hince a fait 17 mois d'Hôpital. La preuve faite par la poursuite ne donne pas ouverture à l'accusation reprochée. Dans aucun des témoignages l'on ne retrouve la preuve que le soldat Jos Hince ait eu l'intention de se rendre inapte au service militaire. Aucun témoignage ne vient établir et prouver cette partie essentielle de l'accusation. Devant l'absence de preuve, le Tribunal devait légalement acquitter l'accusé.

QUESTION DE FAITS

Seul le témoignage du private, Gérard Greffard, E/5760, laisse planer un doute très faible, lorsqu'il déclare; "Je ne pourrais pas jurer que Jos. Hince m'ait dit qu'il s'était lui-même donné une piqure". C'est le seul semblant de doute qui existe contre l'accusé et c'est sur ce point seul que la poursuite tente de faire trouver l'accusé coupable. Les médecins soit les Dr. Petitclerc, Lemieux et Lavallée affirment qu'il existait une infection au genou droit de Jos Hince. Aucun de ces médecins toutefois ne peut jurer, d'une manière catégorique, s'agissait d'une infection causée par une piqure, et [illegible]

des témoignages rendus, on ne retrouve nulle part, aucune preuve-fait dit te ne pouvant incriminer l'accusé. La poursuite s'est un argument en appuyant sur la preuve de circonstance. Tel que le prévoit l'article l'article 42 page 81, du manuel du military act, loi de la preuve, "facts cannot lie, mais, often, they may, and do deceive"

C'est un principe élémentaire de droit anglais que le doute est en faveur de l'accusé lors de son procès art. 67 page 58 (Military act), il incombe de plus à la poursuite d'établir, sans aucun doute, que l'offense a d'abord été commise, et que de plus celui qui est accusé, en est véritablement l'auteur Unless the guilt of the accused has been proved without any doubt, the accused must be acquitted

Je soutiens que par l'étude de la preuve qui a été faite par la poursuite, l'on ne retrouve nulle part la preuve;

1o- Que l'accusé a reçu une piqure,

2o- QU'il se soit lui-même donné cette piqure, s'il en avait reçu une.

Tel que je le faisais remarquer au début de ces observations sur la question de faits, seul le témoignage de Greffard laisse planer un supposé doute. Greffard est un complice, dont le témoignage n'est pas corroboré. De plus l'attitude de ce témoin de la POURSUITE démontre clairement qu'il n'y a rien à croire de ce qu'il dit. Ce soldat semble considérer le serment comme une farce et ne se soucie pas de la conséquence de ses actes. Le seul fait qu'il ait été déclaré hostile et que quelques minutes plus tard il ait été trouvé coupable de mépris de cour démontre clairement à quel sorte de type la poursuite a eu affaire. Il est évident que Greffardn'est pas susceptible d'être cru sous serment, et que son témoignage doit être mis de côté. Comme résultat le simple doute qui existait contre l'accusé disparaît et il ne reste plus contre lui aucune preuve.

La défense ne peut subir préjudice de l'attitude prise par ses propres témoins de la poursuite, et l'accusé a droit comme sujet britannique, de bénéficier des lois qui réjissent la preuve en droit criminel anglais.

Je soumets respectueusement au tribunal de revision ces quelques considérations. Je n'ai insisté que sur les points essentiels, amplement suffisants pour que la cour en arrive à un verdict d'acquittement.

Le soldat Jos. Hince n'a aucun record judiciaire. Il ne s'est rendu coupable depuis son entrée dans l'armée que de légères peccadilles tel que retard dans son retour au camp, absence de quelques heures sans permission, paroles un peu arrogantes en une circonstance. Il est en close arrest depuis le 1er juin, après avoir fait pour la même offense un séjour de 13 jours à la prison commune du district de Québec.

La cour, sur le doute qui existe, a non seulement le droit, mais aussi le devoir, comme juge de l'avenir d'une personne, de s'en tenir aux lois générales de la preuve en droit Criminel Anglais; "NO ONE CAN BE FOUND GUILTY OF AN OFFENSE, UNLESS IT HAS BEEN CLEARLY AND WITHOUT DOUBT ESTABLISHED THAT HE IS REALY THE ONE WHO HAD COMMITTED SUCH OFFENSE. IF ANY DOUBT EXISTED, THE ACCUSED PERSON MUST BE ACQUITTED."

Rene Marcoux

Procureur de la défense.

Québec, 18 juillet 1942.

Cour Martiale de district

RE: Private Joseph Hince
E/5095
Royal 22e Regiement, C.A.,
Att. to A.I.T.C. A-13, C.A.

MEMOIRE DE LA DEFENSE POUR LA
COUR DE REVISION.

RENE MARCEAU, Proc. Defense.,
111, Côte de la Montagne,
Québec.

B 2/3

P/Mudard Ordered Pres. D.C.M.

CHARGE SHEET

in the case of

No. E/5095, Private Joseph HINCE, Royal 22e Regiment, C.A., attached to A. (I). T.C. A-13, C.A., a soldier of the Canadian Army, placed on Active Service, is charged with:-

First Charge:
Sec. 18 (2)
Army Act.

WILFULLY INJURING HIMSELF, WITH INTENT THEREBY TO RENDER HIMSELF UNFIT FOR SERVICE.

in that the, at Quebec, P.Q., in the course of January and February, 1942, wilfully injured himself, by giving himself an hypodermic injection, with intent thereby to render himself unfit for service.

Second Charge:
"Alternative"
Sec. 40
Army Act.

NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE.

in that he, at Quebec, P.Q., between the 1st of January, 1942 and the 1st of April, 1942, negligently injured himself by giving himself, an hypodermic injection, thereby rendering himself unfit for service.

Third Charge:
Sec. 18 (2)
Army Act.

WILFULLY INJURING A PERSON SUBJECT TO MILITARY LAW, WITH INTENT THEREBY TO RENDER THAT PERSON UNFIT FOR SERVICE.

in that he, at Quebec, P.Q., in the course of January, 1942 and February, 1942, wilfully injured No. E/5760, Private Gerard Greffard, Royal 22e Regiment, C.A., a person subject to Military Law, by giving him an hypodermic injection, with intent to render him unfit for service.

CHARGE SHEET

Fourth Charge:
"Alternative"
Sec. 40
Army Act.

NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he, at Quebec, P.Q., between the 1st of January, 1942 and the 1st of April, 1942, negligently injured No. E/5760, Private Gerard Greffard, Royal 22e Regiment, C.A., a person subject to military law, by giving him an hypodermic injection, thereby rendering him temporarily unfit for service.

FIFTH CHARGE;
Sec. 18 (2)
Army Act.

WILFULLY INJURING A PERSON SUBJECT TO MILITARY LAW, WITH INTENT TO RENDER THAT PERSON UNFIT FOR SERVICE.

in that he, at Quebec, P.Q., in the course of January and February 1942, wilfully injured No. E/4984, Private Jules Monfette, Royal 22e Regiment, C.A., a person subject to military law, by giving him an hypodermic injection, with intent to render him unfit for service.

Sixth Charge:
"Alternative"
Sec. 40
Army Act.

NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he, at Quebec, P.Q., between the 1st of January, 1942 and the 1st of April, 1942, negligently injured No. E/4984, Private Jules Monfette, Royal 22e Regiment, C.A., a person subject to military law, by giving him an hypodermic injection, thereby rendering him temporarily unfit for service.

CHARGE SHEET

Fourth Charge:
"Alternative"
Sec. 40
Army Act.

NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he, at Quebec, P.Q., between the 1st of January, 1942 and the 1st of April, 1942, negligently injured No. E/5760, Private Gerard Greffard, Royal 22e Regiment, C.A., a person subject to military law, by giving him an hypodermic injection, thereby rendering him temporarily unfit for service.

FIFTH CHARGE;
Sec. 18 (2)
Army Act.

WILFULLY INJURING A PERSON SUBJECT TO MILITARY LAW, WITH INTENT TO RENDER THAT PERSON UNFIT FOR SERVICE.

in that he, at Quebec, P.Q., in the course of January and February 1942, wilfully injured No. E/4984, Private Jules Monfette, Royal 22e Regiment, C.A., a person subject to military law, by giving him an hypodermic injection, with intent to render him unfit for service.

Sixth Charge:
"Alternative"
Sec. 40
Army Act.

NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he, at Quebec, P.Q., between the 1st of January, 1942 and the 1st of April, 1942, negligently injured No. E/4984, Private Jules Monfette, Royal 22e Regiment, C.A., a person subject to military law, by giving him an hypodermic injection, thereby rendering him temporarily unfit for service.

CHARGE SHEET

(continued)

SEVENTH CHARGE:
Sec. 18 (2)
Army Act.

WILFULLY INJURING A PERSON SUBJECT TO MILITARY LAW, WITH INTENT THEREBY TO RENDER THAT PERSON UNFIT FOR SERVICE.

in that he, at Quebec, P.Q., in the course of January and February 1942 wilfully injured No.E-461987, Private Lorenzo Larouche, " R " Recruit, attached to C.A.B.T.C. No.53, Lauzon, a person subject to military law, by giving an hypodermic injection, with intent to render him unfit for service.

EIGHTH CHARGE:
"Alternative"
Sec. 40
Army Act.

NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he, at Quebec, P.Q., between the 1st of January, 1942 and the 1st of April, 1942, negligently injured No. E-461987, Private Lorenzo Larouche, "R" Recruit, Attached to C.A.B.T.C. No. 53, C.A., Lauzon, P.Q., a person subject to military law, by giving him an hypodermic injection, with intent to render him unfit for service.

Signed at Valcartier Camp, P.Q., this

27th day of June 1942.

J. Chamiard Lt-Col.

Officer Commanding, A
A.(I).T.C. A-13 (CA)

To be tried by District Court-Martial.

Signed at Quebec, P.Q., this 30th day of June, 1942.

(E.J.GIGNAC) - Major,
D.A.A.G., M.D.No.5.
for D. O. C., M.D.No.5.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Question.

Q.11 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.11 No, Sir. (See statement marked "H" attached) (

The prosecutor makes no opening address ~~[hands in a written address, which is read, marked , signed by the President, and attached to the proceedings]~~. MOTION BY THE COUNSEL TO PROCEED ON EACH CHARGE SEPARATELY . (See document marked "I" signed by the President, and attached)

The prosecutor proceeds to call witnesses. on the first and second charges.

First witness for prosecution. Lieut.Colonel J.L. Petitclerc, No.5 Can.H.C.A., M.C. attached to Military Hospital, Quebec,

being duly sworn, is examined by the prosecutor.

Q.12 Je comprends que vous êtes attaché à l'Hôpital Militaire du District de Québec?

A.12 Oui monsieur.

Q.13 Au cours des mois dejanvier ou février 1942 voulez-vous dire si vous avez eu occasion de traiter ou de soigner l'accusé, le soldat Hince?

A.13 Oui monsieur , je l'ai opéré.

Q.14 Quelles étaient vos fonctions à ce moment là ?

A.14 Je suis attaché au bureau du District Medical Officer, et le District Medical Officer me donne certaines fonctions.

Q.15 Vous avez eu des instructions du District Medical Officer?

A.15 De faire la chirurgie à l'hôpital militaire.

Q.16 En cette qualité vous avez été requis , je comprends, de faire une intervention chirurgicale sur l'accusé, le soldat Hince?

A.16 J'ai d'abord été demandé par l'Officier Commandant de l'hôpital de soigner le soldat Hince, et j'ai constaté qu'il y avait lieu de faire une intervention.

Q.17 A quel endroit avez-vous fait cette intervention?

A.17 C'était sur la face interne, l'extrémité inférieure de la cuisse droite, si je me rappelle bien.

Q.18 Quelle sorte d'intervention chirurgicale avez-vous faite? Sous anasthésie?

A.18 Sous anasthésie. C'est le Major Lemieux qui a fait l'anasthésie, et j'ai fait l'intervention.

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Q.19 Voulez vous dire à la Cour ce que vous avez constaté à cette occasion ?

A.19 J'ai constaté qu'il y avait un gonflement considérable de la cuisse, qu'il avait des lésions de la peau qui menacaient de se gangrener; la peau était morte à certains endroits. Et en cherchant à me renseigner sur les causes qui avaient pu amener cette condition j'ai appris du patient qu'il s'était blessé dans une chute; mais les symptômes que j'ai constatés ne correspondaient pas avec la cause que le patient m'indiquait. Je n'ai pas insisté. J'ai ouwert cela, j'ai trouvé une grande quantité de pus, et j'ai trouvé des débris, des morceaux de tissus sphacélés qui m'indiquaient qu'il y avait une infection virulente à ce moment là. La plaie a très bien guéri.. Ca a pris quelque temps avant de se vider, mais ça a très bien guéri.

Q.20 En examinant la plaie à ce moment avez-vous été en mesure de tirer des conclusions, comment la plaie se serait formée?

A.20 Non, je n'ai pas eu de preuve pour pouvoir tirer de conclusions précises comme on fait en médecine, une conviction scientifique; je [redacted] rien pour me permettre de dire cela, mais j'ai soupçonné qu'il devait s'être passé quelque chose que je ne pouvais pas mettre en évidence.

Q.21 Est-ce que quelque chose laissait croire qu'il y aurait eu des corps étrangers dans la plaie ?

A.21 Pas au moment de l'intervention, parce qu'il y avait une trop grande quantité de pus, et trop de tissus sphacélés qui n'avaient pas encore eu le temps de se transformer en pus pour me permettre de trouver quelque chose d'hétéroclite.

CROSS EXAMINED BY THE COUNSEL:

Q.22 Pouvez vous préciser aussi exactement que possible à quelle date exacte vous auriez pratiqué une intervention chirurgicale sur le supposé soldat Hince?

A.22 Je ne peux pas dire la date exacte; je l'ai vu à ce moment là.

Q.23 Vous ne pouvez pas donner la date ?

A.23 Non , mais c'est écrit dans le rapport de l'hôpital; c'est moi-même qui ai fait le rapport , et j'ai donné la date.

Q.24 Ces explications que vous venez de donner est-ce que c'est votre propre expérience personnelle ou si de sont des notes que vous avez prises sur le rapport du cas?

A.24 Ce que je viens de dire c'est ce que j'ai vu et que j'ai constaté moi-même.

Q.25 Pend-

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Q.25 Combien prend-il de temps à un tissu à l'intérieur du corps pour mourir, pour se désagréger?
A.25 Vous m'avez posé cette question déjà, et je vous ai dit qu'il était impossible de donner une réponse précise.

Q.26 Pouvez vous donner un minimum de temps ?
A.26 Non. Je vais vous dire pourquoi: parce qu'il y a des tissus qui ont une vitalité considérable, d'autres de moindre vitalité.

Q.27 Pour ce qui nous concerne, dans la partie affectée?
A.27 Il y a des injections qu'on peut faire chez tout individu qui ont certaines résistances; il y a la résistance des tissus ainsi que celle des individus, celle de l'individu. Ensuite il y a la dose de la substance toxique qu'on injecte. Si vous donnez une dose très considérable, vous allez amener la mort d'un tissu dans un temps de ... On ne peut pas établir de règle générale.

Q.28 Mais d'une manière positive pouvez-vous déclarer à la Cour si vous êtes en mesure de dire quelle était la nature de la blessure que vous avez traitée, de quoi provenait cette blessure?
A.28 Je n'ai rien à ajouter à ce que je viens de dire précédemment; j'avais des soupçons que je n'ai pas pu établir d'une façon scientifique.

THE PROSECUTOR:

Avec la permission de la Cour, ce n'est pas une nouvelle transquestion que je voudrais faire subir au témoin, lorsque j'aurai établi par d'autres témoins, ou que je crois que j'aurai établi par d'autres témoins la nature de la blessure, il faudra que j'entende de nouveau le docteur Petitclerc pour dire si des blessures d'une telle nature ce serait grave.

The Prosecutor declines ro re-examine.

THE COUNSEL:

Je voudrais que ces explications ne soient pas données en présence du témoin.

In the opinion of the Court and Judge Advocate, il is not necessary to comply with R.P. 83(B).
The Witness withdraws.

Second Witness for Prosecution. No. E/5760, Pte. Gérard Greffard, Royal 22nd Regiment, C.A, att'd to A.I.T.C. A.13.0.A being duly sworn is examined by the Prosecutor:

Q.29 Vous connaissez l'accusé Hince?
A.29 Oui monsieur.

Q.30 Avez-vous eu occasion de le rencontrer au cours du moisde janvier ou février dernier ?
A.30 Oui monsieur.

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Q.31 Avez-vous eu occasion de le rencontrer vers le temps où il était blessé au genou, ou dans le temps qu'il s'était blessé au genou?

A.31 Non monsieur; dans le temps que je l'ai rencontré il était pas blessé.

Q.32 Avez vous eu occasion de le rencontrer après qu'il était blessé?

A.32 A l'hôpital le 4 février.

Q.33 A l'hôpital avez vous eu occasion de lui demander de quoi il souffrait?

A.33 Oui.

Q.34 Qu'est-ce qu'il vous a dit?

A.34 Je peux pas dire exactement ce qu'il m'a dit....Il m'a dit qu'il s'était piqué lui-même... mais d'abord je peux pas me rappeler si c'est ça qu'il m'a dit.

Q.35 Est-ce qu'il vous a dit comment il s'était pris?

A.35 Non monsieur.

Q.36 Est-ce qu'il vous a dit quelle substance il s'était injectée?

A.36 Non monsieur.

Q.37 Est-ce qu'il vous en a parlé subséquemment?

A.37 Je demanderais d'employer des mots que je pourrais comprendre.

Q.38 Est-ce qu'il vous en a parlé après cela?

A.38 Non monsieur.

Q.39 Avez vous eu occasion de le rencontrer quelquefois après cela?

A.39 A l'hôpital seulement. Au camp je l'ai rencontré, je lui ai pas parlé.

Q.40 Avant qu'il vous ait dit qu'il s'était donné une piqûre, est-ce qu'il vous en avait parlé?

A.40 Je vous ai dit que je pouvais pas affirmer qu'il m'avait dit que réellement sa maladie c'était une piqûre; je vous ai pas affirmé qu'il m'avait dit que c'était une piqûre.

Q.41 Qu'est-ce que c'est que vous êtes capable d'affirmer par conséquent?

A.41 Je peux rendre témoignage sur ce qui s'est passé avant qu'il aille à l'hôpital.

Q.42 Qu'est ce que c'est qui s'est passé avant qu'il aille à l'hôpital?

A.42 J'ai été avec le soldat Monfette qui m'a demandé pour aller voir Jos. Hince.

Q.43 Parlez pas de Monfette?

A.43 J'ai été en sa compagnie à 143½ St.Paul le 30 janvier, il était pas là. Je suis retourné encore en compagnie de Monfette le 31; il était pas là encore. J'ai retourné le 1er février; c'est lui-même qui a ouvert la porte à Monfette.

Q.44 Qui lui? Hince?
A.44 Oui monsieur. Monfette lui a donné de l'argent pour aller chercher de la boisson. On a commencé à prendre un coup. C'est vers le soir qu'on a commencé à jouer aux cartes à table. C'est là que j'ai eu la piqûre.

Q.45 A votre connaissance est-ce qu'il était blessé, lui, dans ce temps là?
A.45 Non monsieur.

Q.46 Il était pas encore blessé?
A.46 Non monsieur.

Q.47 Est-ce qu'il a été blessé à votre connaissance subséquemment à cela?
A.47 Non monsieur ; la première fois que je l'ai vu blessé, je l'ai vu à l'hôpital; j' étais rendu à l'hôpital moi-même.

Q.48 A Alors vous l'avez pas vu se donner la piqûre dont vous parliez tantôt?
A.48 Non.

The Counsel declines to cross-examine.

QUESTIONED BY THE COURT:

Q.49 Monsieur Greffard, si je comprends bien vous êtes allé voir l'accusé Hince à l'hôpital? C'est exact?
A.49 J'étais à l'hôpital moi-même dans la chambre 208; l'accusé Hince était dans la chambre 210. Monfette est venu me chercher.

Q.50 Vous êtes allé lui faire visite?
A.50 Je suis allé lui faire visite; on a joué aux cartes.

Q.51 Et durant le temps que vous avez joué aux cartes vous avez parlé?
A.51 Oui monsieur.

Q.52 Esy-ce qu'il a été question de piqûres durant cette conversation là pendant que vous jouiez aux cartes?
A.52 Non, pas que je me rappelle, mais..!!!.

Q.53 Avant ou après que vous ayez joué aux cartes qu'est-ce que l'accusé Hince aurait dit au sujet de piqûre à lui-même?
A.53 L'accusé a dit qu'il s'était frappé, qu'il avait tombé.

Q.54 Il vous a pas dit qu'il s'était piqué?
A.54 Je suis pas certain qu'il m'a dit qu'il s'était piqué, parce que je m'en rappelle pas, voyez vous.

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

The witness withdraws.

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Third Witness for Prosecution.

Doctor Richard Lessard, 36 Couillard Street, Quebec, being duly sworn, is examined by the Prosecutor.

Q.55 Connaissez vous l'accusé?
A.55 Pas du tout.

Q.56 Avez vous eu occasion de faire quelque examen par rapport à l'accusé?
A.56 Pas du tout.

Q.57 Qu'est-ce que vous connaissez dans cette cause-ci?
A.57 Ce que j'ai vu dans les journaux dans le temps.

Q.58 C'est tout ce que vous connaissez?
A.58 Oui, rien du tout.

Q.59 Qui vous a demandé de venir ici ce matin?
A.59 Le Sergent Proulx, j'ai reçu un sub-poena. J'ai manifesté l'intention de ne pas venir, on m'a dit : "Tu dois venir". J'ai remis mon sub-poena tout à l'heure.

Q.60 Quelle est votre spécialité?
A.60 Je fais de la médecine interne et je fais le cours de thérapeutique à l'Université Laval. Je suis à l'Hôtel-Dieu.

Q.61 Seriez vous au courant des réactions dans les tissus, dans les tissus cellulaires, les réactions que pourrait causer l'huile de charbon?
A.61 La térébentine?

Q.62 Oui.
A.62 Oui, je suis au courant parce que c'est un moyen de traitement dans certaines infections, quand il y a de la température et qu'on ne sache pas trop le point de départ ou la cause, surtout dans les infections puerpérales après l'accouchement. Dans ces moments là il y a une méthode de traitement, l'abcès de fixation. C'est ce qui se fait depuis cinquante ans. On prend un peu de térébentine, on l'injecte sous la peau, un à deux centimètres cubes, ça doit représenter une cinquantaine de gouttes qu'on injecte sous la peau, et ça fait un abcès; on appelle cela l'abcès de fixation.

Q.63 Une injection comme cela dans le genou quel effet cela pourrait il avoir?
A.63 Généralement ça forme un abcès.

Q.64 Est-ce que ça aurait pour effet de tuer les tissus immédiatement en contact avec la térébentine?
A.64 Non, les tissus ne meurent pas mais réagissent et forment un abcès de pus.

Q.65 Est-ce qu'une injection comme celle-là dans une articulation pourrait causer une limitation des mouvements dans ce membre là?
A.65 Certainement , à la longue le genou doit rester avec un mouvement très limité.

Q.66 Ca pourrait par conséquent causer une infirmité permanente?
A.66 Je la croirais.

CROSS-EXAMINED BY THE COUNSEL:

Q.67 L'opinion que vous donnez là c'est une opinion en général sans avoir pris connaissance du cas qui nous intéresse?
A.67 Oui, parce que quand on fait le traitement médical avec l'abcès de fixation, on donne pas cela dans le genou; on donne cela sur la cuisse, sur le ventre, sur un bras. On donne pas cela dans les jointures; j'en ai jamais vu.

Q.68 Pour le cas qui nous occupe, vous ne connaissez pas l'accusé, vous n'avez pas eu occasion de l'examiner non plus?
A.68 J'ai rien vu. C'est une opinion générale.

The Prosécutor declines to re-examine.
In the opinion of the Court and Judge Advocate, il is not necessary to comply with R.P. 83(B).

The witness withdraws.

Fourth Witness for Prosecution. No. E/461989, Pte.Lorenzo Laroche, Régiment de Montmagny, C.A., being duly sworn is examined by the Prosecutor.

Q.69 Connaissez-vous l'accusé?
A.69 Oui monsieur.

Q.70 Où avez-vous eu occasion de le rencontrer?
A.70 Je l'ai rencontré au restaurant Chez Réné.

Q.71 Avez vous eu occasion de lui parler quand vous l'avez rencontré?
A.71 C'est lui qui est venu me parler.

Q.72 Que vous a-t'il dit ?
A.72 Il m'a dit si j'aimerais à prendre un coup. J'ai dit: "Certainement". Moi je prends de la boisson, j'en prends de la boisson; et après cela il m'a amené dans la chambre de toilette et il m'a donné un coup. On a pris un bon coup et après, moi je suis reparti.

(A la Cour)

Q.73 Je demande la permission de questionner plus directement, parce que ça va être long. Je ne voudrais pas poser de questions qui se rapporteraient à d'autres chefs d'accusation.

(Au témoin);

Q.73 Qu'est-ce qu'il vous a dit à cette occasion là en plus de cela?
A-73 Il dit: "Viens dans la chambre de toilette". Je pense bien que c'est lui, Joe Hince , dummoins, qui m'a fait prendre cela; c'est sa ressemblance.

Q.74 Ensuite?
A.74 Moi j'ai pris un coup. Il m'a pas parlé de piqûres. C'est pas lui qui m'en a parlé.

Q.75 Vous parliez de piqûres tout à l'heure. Connaissez vous quelque chose qui aurait trait aux piqûres relativement à lui Hince?
A.75 J'ai aucune instruction comme on dit ; sur ces grands mots là j'aime autant pas répondre, parce que ....

Q.76 Lui Hince vous aurait il parlé de piqûres par rapport à lui-même?
A.76 Je peux pas me rappeler de cela.

Q.77 Avez-vous eu occasion de le rencontrer ailleurs qu'à l'endroit que vous venez de mentionner ?
A.77 Non monsieur.

Q.78 Avez vous eu occasion de le rencontrer à l'hôpital?
A.78 Non. Auparavant?

The COUNSEL OBJECTS on the ground that the witness has already answered:no.

A.78(cont'd) Auparavant de ce cas là?

Q.79 Mettons auparavant?
A.79 Non, j'ai pas eu connaissance.

Q.80 Après , avez vous eu occasion de le rencontrer?
A.80 Je l'ai rencontré à l'hôpital.

Q.81 Et là à l'hôpital qu'est-ce qu'il vous a dit ? Avez-vous eu occasion de lui parler?
A.81 Il m'a parlé une fois. Il est venu dans ma chambre une fois, et j'ai parlé avec lui une autre fois ensuite de cela, je l'ai rencontré dans la chambre de toilette, il m'a dit : " Me reconnais-tu?"-"A première vue, je te dis franchement, je peux pas dire si je t'ai vu avant , mais je sais que t'es pas une figure inconnue".- Il dit: " Si tu parles, t'est mieux de faire attention à toi". Moi j'étais pas dans un état pour me battre là, j'ai reviré de bord et je m'en suis allé.

Q.82 A ce moment là dans quel état êtiez-vous?
A.82 J'avais la jambe pliée.

Q.83 Qu'est-ce que vous aviez?
A.83 Parce que j'avais été opéré.

Q.84 A quel endroit?

OBJECTION ENTERED BY THE COUNSEL: On est après embarquer sur d'autres chefs d'accusation;

TO WHICH THE PROSECUTOR REPLIES: On ne touche pas au deuxième ni au troisième chef d'accusation. Le témoin dit: "Dans l'état où j'étais, je ne pouvais pas parler". Alors on veut savoir quel était son état.

The Court Overrule the objection.

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A.84 A l'intérieur du genou gauche.

Q.85 Quelles sont les paroles au juste qu'il vous a dites?

A.85 "Me reconnais-tu?" - J'ai dit: "Là, je sais que t'es pas une figure inconnue, mais je peux pas te placer". - Il dit: " Si tu parles tu auras affaire à moi, tu feras pas vieux os". Moi j'ai reviré de bord, ça a pas été long, j' étais pas en état pour me battre.

Q.86 Pourquoi vous a-t'il dit: " Tu feras pas de vieux os"?

A.86 Je sais pas.

Q.87 Quelle conclusion avez vous tirée?

A.87 Comment, quelle conclusion?

Q.88 Vous avez dû vous demander: " Pourquoi faire qu' il me dit cela?"?

OBJECTED BY THE COUNSEL.

THE COURT MAINTAINS THE OBJECTION.

(A la Cour): The PROSECUTOR further SUBMITS: Ce que j'ai l'intention de mettre devant la Cour c'est qu'il y a eu une conversation qui a eu lieu entre les deux à ce stage là; il a fait une déclaration à l'effet que "si tu parles tu auras affaire à moi". Maintenant il me semble qu'il est important de mettre devant la Cour les circonstances dans lesquelles ça a été dit cela. Quant à moi je ne sais pas, je sais pas si c'est tout ce qui s'est passé à ce moment-là. Est-ce que c'est tout ce qu'ils se sont dits?

THE COURT: On nepeut pas demander l'opinion du témoin.

(A la Cour): THE PROSECUTOR: Le témoin ne peut pas exprimer d'ipinion à moins que ce soit une opinion d'expert; mais je ne pense pas que le témoin ici soit expert. Mais si j'ai posé la question ce n'était pas dans le but d'avoir son opinion; c'est dans le but d'avoir la res gestae, ce qui s'est passé à ce moment là et ce qui a entouré ce moment-là. Si le Conseil de l'accusé considère que son client puisse être lésé par la question, je pourra retirer la question et en poser une autre.

THE COUNSEL: Objecté en autant que ça ne tend pas à prouver quoi que ce soit pour ce qui regarde le premier chef.

THE PROSECUTOR withdraws his question.

Q.89 Qu'est-il arrivé immédiatement après qu'il vous ait dit cela, "que vous ne feriez pas vieux os" si vous parliez? Êtes-vous partis chacun de votre côté ou si vous avez répondu?

A.89 J'ai dit: "Viens pas me bâdrer". Moi j'ai reviré de bord, j'ai sacré mon camp. Ca a pas été plus long

que ça, ça a été fini par là.

Q.90 C'est la seule occasion que vous avez eue de lui parler?

A.90 Oui.

CROSS-EXAMINED BY THE COUNSEL:

Q.91 Dans quel état étiez vous quand vous êtes entré dans le restaurant de la rue St.Paul le 31 janvier ou le 1er février?

A.91 J'étais en boisson.

Q.92 Etiez-vous dans un état d'ébriété assez avancé pour pouvoir avoir passé des mots ? Etiez-vous chaud?

A.92 J'étais chaud.

Q.93 N'est-il pas vrai que vous avez déjà déclaré à quelqu'un, vous, vers le 25 ou le 26 février, soit trois semaines ou un mois après, que jamais de votre vie vous aviez vu ou connu le soldat Hince?

THE PROSECUTOR:- OBJECTE: Ca ne relève pas de l'examen en chef. Il n'y a rien dans mon examen en chef qui permettrait à l'avocat de la défense de poser cette question.

THE COUNSEL: Si mon confrère veut dire que le témoin n'a jamais vu l'accusé....

THE PROSECUTOR: Si mon confrère veut déclarer devant la Cour et devant le témoin quelle preuve il a l'intention de faire, le témoin doit sortir. L'avocat de la défense ne peut pas devant le témoin lui dire: " Je veux faire cette preuve là". Le témoin doit sortir.

THE COUNSEL: Le témoin déclare avoir rencontré l'accusé sur la rue St.Paul d'abord et que l'accusé lui a parlé, en plus de l'avoir rencontré à l'hôpital et lui avoir parlé. Je peux toujours essayer de prouver si....

THE PROSECUTOR OBJECTS.

Counsel withdraws the question.

Q.94 Etes-vous positif qu'il s'agit de la même personne? Regardez le soldat Hince. Pouvez vous jurer que c'est lui?

A.94 Je peux pas jurer que c'est lui qui me l'a donnée parce que j'étais en état de boisson.

Q.95 Vous jurez que c'est le même homme que vous avez rencontré sur la rue St. Paul au restaurant?

A.95 Je peux pas le jurer.

The prosecutor declines to re-examine.

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QUESTIONED BY THE COURT:

Q.96 A l'hôpital vous n'êtiez pas chaud ?
A.96 Non monsieur.

Q.97 Est-ce que c'est l'accusé présentement devant la Cour que vous avez vu à l'hôpital?
A.97 Oui monsieur.

Q.98 Vous pouvez jurer cela?
A.98 Oui monsieur.

Q.99 A-t'il été question lorsque vous êtiez à l'hopital avec l'accusé, quand vous l'avez vu et que vous lui avez parlé, a-t'il été question de la façon dont il avait été blessé lui-même?
A.99 Non.

Q.100 Il vous a pas dit comment il s'est blessé, qu'il avait été à l'hôpital?
A.100 Non monsieur.

Q.101 Combien de fois dans votre vie l'avez-vous vu l'accusé?
A.101 La première fois ça doit être ..... Comme Chez Réné je peux pas jurer que c'est lui, j'étais en boisson, je me rappelle pas. La première fois que je suis certain de moi c'est à l'hôpital; ensuite de cela je l'ai rencontré à l'hôtel de ville, deux fois pour lui parler.

Q.102 En quelque circonstance que ce soit quand vous l'avez vu, vous a-t'il déjà déclaré qu'il s'était piqué lui-même?
A.102 Non monsieur.

In the opinion of the Court and Judge Advocate, it is not necessary to comply with R.P. 63(B).

The witness withdraws.

Fifth Witness for Prosecution.

Major Renaud Lemieux, No.5 Dist. R.C.A.M.C. Officer Commanding Quebec Military Hospital, being duly sworn, is examined by the Prosecutor.

Q.103 Quelles sont vos fonctions dans le District Militaire No.5?
A.103 Commandant de l'Hôpital Militaire.

Q.104 En cette capacité avez vous eu occasion au mois de janvier ou février dernier de voir ou de soigner l'accusé Hince?
A.104 Oui monsieur.

Q.105 Voulez vous dire à la Cour ce que vous savez?
A.105 Il est arrivé à l'hôpital un matin, un mardi, j'ai oublié la date, porteur d'un kyste phlegmon qui siégeait si je me souviens bien sur la face interne du genou droit, et à la partie supérieure de la jambe, et à la partie inférieure de la cuisse.

Ce phlegmon ou cet abcès avait une allure un petit peu particulière, et il a dès la première minute attiré l'attention en ce sens que cette infection ou ce phlegmon avait l'apparence des phlegmons que l'on observe chez des gens qui recoivent sous la peau volontairement ou accidentellement à la suite des erreurs de technique ou de certaines erreurs médicales, qui recoivent sous la peau, dis-je, des produits chimiques, corrosifs ou toxiques. Il y avait sur la partie malade des endroits où existaient des sphacèles, où la peau était en voie de gangrène, tandis qu'à certains autres endroits dans le voisinage la peau était très rouge, très dure, et apparemment aussi assez sensible. Le malade avait la jambe un peu fléchie sur la cuisse, la cuisse sur le bassin comme ça arrive sur les gens porteurs d'une infection de la partie supérieure de la jambe ou la partie inférieure de la cuisse. Il a été mis immédiatement sous observation, et pendant quelques jours nous avons laissé évoluer l'infection comme nous devons le faire, quand à un moment il a été décidé d'ouvrir l'abcès. L'abcès a été ouvert par le Colonel Petitclerc, et il s'en est écoulé du liquide assez abondant qui renfermait des débris de tissus sphacélés, des débris de graisse, probablement certaines parties de muscles ou tendons. Il était assez difficile d'identifier ce qui pouvait en sortir, à cause de la décomposition assez avancée. Si je me rappelle bien une contre-ouverture a été faite quelques jours plus tard, et le tout a guéri sensiblement dans un temps normal, laissant l'individu apparemment sans infirmité . Ou du moins, c'est ce que nous croyions; je l'ai pas revu depuis.

Q.106 Vous avez donné tout à l'heure qu'il y avait des débris de tendons ?

A.106 Ce qui apparemment devait être des débris de tendons. Il y avait incontestablement des vaillots en voie de décomposition des tissus sous-cutanés, et possiblement aussi des débris de muscles.

Q.107 Ce serait des débris des tissus et des tendons du genou?

A.107 Oui, des tendons et des muscles du voisinage.

Q.108 Est-ce que cette blessure là aurait pu être d'une nature grave si plus de tendons avaient été endommagés?

A.108 Il est incontestable que si l'infection avait été plus profonde, ou la cause qui a entraîné l'infection avait gagné plus en profondeur, il est incontestable que ce malade serait resté avec une infirmité parce que c'était immédiatement dans le voisinage de l'articulation, et on sait avec quelle facilité les articulations peuvent devenir malades et entraîner la limitation des mouvements, etc.

Q.109 Avez vous eu occasion de parler avec l'accusé de la cause de sa maladie?

A.109 Oui. Quand il est entré à l'hôpital il nous a raconté qu'un beau jour il était sorti, qu'il était tombé sur le bord du trottoir, se serait blessé, et que c'est à la suite de cette blessure, deux jours après l'accident, qu'il se serait présenté à l'hôpital. Ça m'a paru dans le temps un conte assez amusant parce que même il n'existait pas de plaie franchement externe, et il y avait pas de porte d'entrée suffisante pour expliquer une histoire comme celle-là.

Nous avons gardé l'histoire tout de même jusqu'à ce que de nouveaux développements surviennent, et l'imputation première d'une infection un peu extraordinaire est devenue peu à peu vraisemblable, d'autant plus que le caractère même de l'infection me portait à y croire.

Q.110 Vous disiez que vous aviez pratiqué une intervention chirurgicale?

A.110 Le docteur Petirclerc.

Q.111 Etiez-vous présent?

A.111 Je peux pas.... j'ai vu la plaie immédiatement ou dans la journée ... je peux pas dire si j'étais présent... Je sais que j'ai été présent dans ces jours là dans deux ou trois interventions du même genre que celle qui a été faite. La sienne je peux pas dire.

Q.112 Seriez-vous en mesure de dire à la Cour si vous avez été à même de constater l'odeur de , ou quelque chose d'étrange dans l'odeur du pus dans le cas de Hince?

A.112 Dans un cas j'ai constaté personnellement quelque chose; pour celui-ci je peux pas dire , je me souviens pas.

CROSS-EXAMINED BY COUNSEL:

Q.113 Major, quand vous avez examiné l'accusé, portait-il au même genou des cicatrices antérieures?

OBJECTED BY THE PROSECUTOR: Ca ne relève pas de l'examen en chef. Si l'accusé aurait subi des accidents précédant cette affaire-ci, ça peut pas faire de différence. D'un autre côté, si le procureur de l'accusé veut faire une preuve dans ce sens là, il pourra faire revenir le témoin et l'entendre pour faire une preuve dans ce sens là. Pour le moment l'accusé est en transquestion et il ne peut questionner que sur les questions posées par la poursuite. Si le procureur veut faire une preuve spécialement en défense, c'est une partie de sa défense, une preuve à l'effet que l'accusé aurait subi un accident antérieurement, il peut rappeler le témoin et le faire entendre comme son témoin.

THERETO THE COUNSEL SUBMITS: Le témoin, sur une question posée par l'avocat a répondu qu'il avait constaté que de cette blessure s'échappaient des matières qui laissaient supposer une cause assez extraordinaire.

A.113 Si vous permettez, non. Il n'existait pas au niveau de la partie malade de cicatrice de quelque caractère que ce soit pouvant laisser croire à une blessure antérieure, un mois, deux mois, six mois. Il avait au niveau de la partie malade, face interne du genou, une série de petites bulles assez superficielles contenant une matière noirâtre qui m'a paru être des tissus sphacélés, mais il n'existait pas de cicatrice ni de blessurée suffisantee, suffisamment étendues pour pouvoir voir une porte d'entrée. J'entends par là sur la face interne du genou, là où existait l'infection.

Q.114 Major, avant le début de la guerre n'auriez-vous pas opéré monsieur Jos. Hince pour le genou droit? En 1936 ou '37 ne vous rappelez vous pas d'avoir vous-même opéré l'accusé pour le genou droit à l'hôpital St. Sacrement?

OBJECTED BY THE PROSECUTOR: 1o. Ce ne sont pas des transquestions ; 2o. on sort de la res gestae; 3o. c'est une question de preuve et non pas de contre-preuve la question actuellement devant la Cour.

TO WHICH THE COUNSEL SUBMITS: L'opinion du docteur est à l'effet que dans la substance qui a été trouvée dans le genou se trouvaient certaines substances de ligaments, de tissus morts. Je pose cette question pour savoir si le témoin prétend actuellement que cette infection a été causée par une injection d'une matière quelconque, et je voudrais savoir si l'infection constatée pouvait découler d'une autre cause.

THE COURT ALLOWS THE OBJECTION.

Q.115 Dans votre opinion, est ce que d'autres causes que celle que vous avez mentionnée pouvaient causer une infection.....?

OBJECTED BY THE PROSECUTOR: Le témoin n'a pas indiqué de cause.

THE COURT ALLOWS THE OBJECTION.

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT:

Q.116 Major, étant donnée votre expérience dans ce domaine et les faits que vous avez constatés vous-même quant aux blessures qu'avait l'accusé lorsqu'il était sous vos soins à l'hôpital, pouvez-vous de façon certaine attribuer une cause à son état, à l'état de sa jambe?

A.116 Il y a incontestablement une cause. Maintenant, les infections sont de deux ordres, on d'un ordre général ou d'un ordre local, d'origine générale ou d'origine locale. Or, une infection d'origine générale il ne saurait en être question chez lui, puisque les faits, les constatations éliminent d'une façon absolue l'infection générale. Nous en restons donc

à un domaine exclusif et c'est l'infection locale, l'infection locale du genre des abcès ou des phlegmons. Pour un abcès ou pour un phlegmon ça demande un apport de l'extérieur tout aussi infectieux ou encore tout aussi corrosif qui, à l'occasion de la destruction cellulaire qu'il entraîne, amènera avec lui une infection ou des infections qui seront toujours prêtes à se déclarer à n'importe quel endroit où il existe un travail quelconque, soit circulatoire, soit thermique, soit nerveux, en fin de compte tous désordres qui peuvent survenir dans l'organisme. Vous vous écrasez une orteil, il y a des chances de

faire une infection; vous pouvez ne pas en faire, mais vous avez des chances d'en faire. Dansl'espèce, chez l'individu en question, il s'est développé une infection, et une infection très virulente, puisque d'après l'histoire même du malade ça n'aurait daté que de trente-six, quarante-huit heures au plus. Or, les infections locales d'origine microbienne qui sont apportées par des blessures infectieuses qui se développent assez rapidement sont d'origine d'une une virulence extraordinaire , mais ça demande tout de même une lésion de la peau, ça demande une éraillure de la peau.

Q.117 Ce que vous appelez porte d'entrée?

A.117 Porte d'entrée; ça demande une porte d'entrée. Or, chez ce malade-ci il n'existait pas de porte d'entrée visible à l'oeil nu. Il y en a peut-être eu, il y en a eu une incontestablement, mais elle n'était pas visible, il était impossible de la voir avec le gonflement, l'infection qui se développaient à la suite du premier moment ou à la suite de l'accident qui a amené l'abcès, le phlegmon plus tard. Est-ce que cette porte d'entrée là aurait été visible douze heures avant, vingt heures avant ? C'est possible; mais au moment où nous l'avons examiné elle était pas visible.

Q.118 A la loupe?

A.118 Pas chez ce patient-ci.

Q.119 Vous ne vous êtes pas servi de loupe dans le cas de Hince ?

A.119 Je me suis servi d'une loupe pour l'un d'entre eux; je ne crois pas que ce soit celui-là. Mais je n'ai pas vu de porte d'entrée, possiblement parce que les tissus étaient trop gonflés. Maintenant , s'il s'était agi d'un accident banal comme celui d'un individu qui tombe sur un trottoir, on aurait pu voir quelque chose, une éraillure de la peau, une section de la peau; et ces sectionsde lapeau, plus il y a de gonflement plus ses lèvres se séparent et mieux on voit l'éraillure. Je n'en ai pas vu, mais il y en a une incontestablement, mais la porte d'entrée était tellement petite qu'il nous a été impossible de la voir. Quelle a été la cause!

Q.120 Est-ce que vous pouvez exprimer une opinion quant à la cause?

A.120 Mon opinion, ce que nous avons constaté était, médicalement parlant et humainement parlant, imputable à

l'introduction sous la peau d'une substance corrosive dont j'ignore la nature.

Q.121 Vous ignorez le procédé d'introduction?
A.121 Le procédé d'introduction, il est difficile qu'il ait pu être d'autre nature que d'une aiguille ou d'un instrument excessivement pointu puisque ça n'a laissé sur la peau aucune trace visible.

THE COUNSEL: Je voudrais savoir, si une personne souffrant d'une infection reconnue médicalement comme généralisée est victime d'un coup qui vienne de l'extérieur ou autrement, est-ce qu'il est possible dans un cas comme celui-là que le coup reçu produise une infection à la suite de la condition d'infection généralisée du type qui la porte.

THE COURT **DISALLOW THIS OBJECTION.**

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

The witness withdraws.

Sixth Witness for Prosecution.

Major L. Lavallée, **No.5 Detachment, R.C.A.M.C.** [illegible], being duly sworn, is examined by the Prosecutor.

Q.122 Quelles sont vos fonctions avec le 5ème détachement R.C.A.M.C. ?
A.122 Je suis en charge du département des Rayons X.
Q
Q.123 Quelles étaient vos fonctions au cours des mois de janvier et février dernier ?
A.123 Les mêmes fonctions.
Q
Q.124 Avez vous eu occasion au cours de ces mois là de rencontrer l'accusé à votre droite, le soldat Hince?
A.124 Je me rappelle de son nom; j'étais officier du soir.

Q.125 Vous étiez officier du soir où ?
A.126 Au bureau médical.

Q.126 Qu'est-il arrivé?
A.126 J'ai été appelé à aller voir Hince à sa chambre sur la rue St. Paul, je crois.

Q.127 Qu'est ce que vous avez fait?
A.127 Je suis monté voir le soldat Hince au troisième étage ; puis il se plaignait du genou, d'un gonflement à un genou. J'ai examiné son genou et je l'ai fait transporter. Je suis retourné au bureau chez nous et j'ai envoyé une autre voiture le chercher pour le faire transporter à l'hôpital.

Q.128 Avez-vous eu occasion de lui parler lors de cette visite là ?

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A.128 Oui , je lui ai demandé comment c'était arrivé cette chose là; il m'a répondu qu'il était tombé en entrant chez lui ou à la porte du restaurant, qu'il était tombé sur la glace, qu'il s'était fait mal.

Q.129 Subséquemment avez vous eu occasin de le revoir?
A.129 Non.

Q.130 Rendu à l'hôpital qu'est-ce que vous en avez fait du soldat Hince? L'avez vous remis à quelqu'un en particulier?
A.130 Je l'ai remis entre les mains de l'officier en charge de l'hôpital, et je lui ai fait remarquer que ça devait être quelque chose d'anormal cette blessure qu'il prétendait avoir au genou.

Q.131 Quelles constatations pathologiques avez-vous faites?
A.131 Il y avait un gonflement du genou, et sur le côté externe de l'articulation du genou j'ai constaté qu'il y avait une plaque à peu près grande comme un vingt-cinq cents qui semblait n'être pas en rapport immédiat avec le restant du gonflement. Ceci c'était très marqué, on voyait le bord de la peau plus prononcé vis à vis cette plaque là qu'ailleurs.

CROSS-EXAMINED BY THE COUNSEL:

Q.132 Vous avez dit tantôt que vous vous rappelliez du nom de Hince . Est-ce que vous le reconnaissez?
A.132 Oui.

Q.133 Positivement?
A.133 Positivement.

Q.134 A quel genou avez-vous constaté une blessure?
A.134 Ah! là par exemple, quel genou!

Q.135 Vous en avez eu plusieurs blessés dans ces soirs là?
A.135 C'était le deuxième que je voyais dans la même soirée .

Q.136 Depuis quand aviez vous vu l'autre?
A.136 La veille j'avais vu l'autre, un nommé Monfette.

Q.137 Pour ce qu'il s'agit de Hince, vous ne savez pas quel genou?
A.137 Je me rappelle pas le genou.

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT:

Q.138 Est-ce que la Cour doit comprendre que le gonflement ou l'ordflurs se trouvait sur une partie de la jambe et la petite plaque rouge de la grandeur d'un vingt-cinq cents se trouvait sur une autre...?
A.138 Non, sur le même gonflement.

Q.139 Sur le gonflement?

A.139 Sur le gonflement, un endroit sur le gonflement qui comprenait toute l'articulation du genou; sur le gonflement en outre, à peu près au centre du gonflement, il y avait une petite plaque grande comme un vingt-cinq cents à peu près que je voyais.

Q.140 Qui se distinguait par sa rougeur?
A.140 Non, c'était pas aussi rouge que l'autre.

Q.141 Par une différence de teinte?
A.141 Oui monsieur.

Q.142 Est-ce que je rends bien votre pensée en disant différence de teinte?
A.142 Oui monsieur , il y avait une différence de teinte, et c'était un peu plus prononcé, parce qu'on voyait le bord de la peau plus dilatée.

Q.143 Cette partie teintée différemment, seriez vous prêt à exprimer une opinion quant à la cause de la différence de teinte? Est-ce que ça n'aurait pas pu être causé par une pression?
A.143 Difficilement être causée par une pression.

Q.144 Est-ce que la peau était brisée à cet endroit?
A.144 La peau était pas brisée à cet endroit là, il n'y avait pas d'ecchymose, la peau n'était pas brisée.

Q.145 C'était un gonflement pur et simple des tissus?
A.145 Des tissus.

Q.146 Sanse ouverture, sans ecchymose?
A.146 Sans ouverture, sans ecchymose, sans plaie.

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

The witness withdraws.

Seventh Witness for Prosecution.

Simonne Monfette, 26½ Père Grenier, Québec, being duly sworn, is examined by the prosecutor.

Q.147 Mademoiselle, connaissez-vous l'accusé Hince?
A.147 Oui monsieur.

Q.148 Le connaissiez vous au mois de janvier ou février dernier?
A.148 Oui monsieur.

Q.149 Avez vous eu occasion de le rencontrer au cours de ce mois là ?
A.149 Certainement.

Q.150 A quel endroit?
A.150 Chez nous.

Q.151 Où est-ce?
A.151 143 Rue St. Paul.

Q.152 Au cours de ces mois là a-t'il eu occasion de vous parler de piqûres?
A.152 Non monsieur.

Q.153 Avez-vous eu connaissance qu'il se soit blessé à un genou au cours de ce mois là ?
A.153 Je sais qu'il est arrivé chez nous un soir en disant qu'il était tombé.

Q.154 Il vous a dit cela ?
A.154 Oui.

Q.155 Et qu'est-ce que vous avez fait?
A.155 J'ai rien fait.

Q.156 Vous l'avez pas soigné?
A.156 Je lui ai mis des linges humides. Qu'est-ce que vous vouliez que je fasse? Je suis pas médecin.

Q.157 Vous l'avez soigné avec des linges humides?
A.157 Oui monsieur.

Q.158 Vous l'avez soigné combien de temps?
A.158 C'est arrivé le dimanche soir, et le lundi il s'est senti du mal toute la journée, et le mardi matin on a décidé de l'envoyer à l'hôpital.

Q.159 Il était sur sa passe d'adieu?
A.159 Pardon, il devait pas partir sur une draft.

Q.160 Pourquoi?
A.160 Parce qu'il était pas sur la draft.

Q.161 Les dates, vous en souvenez-vous?
A.161 Il est arrivé chez nous le 31 janvier.

Q.162 C'était un vendredi?
A.162 Un samedi.

Q.163 Vous souvenez vous ce soir là d'une partie de cartes?
A.163 Une partie de cartes ce soir là?

Q.164 Oui.
A.164 Non.

Q.165 Est-ce que Jos.Hince et Gérard Greffard étaient là?
A.165 Non.

THE COUNSEL OBJECTS TO THE FORM OF THE QUESTION. Que le procureur demande au témoin ce qui s'est passé, qui était là.

THE COURT Allow THE OBJECTION.

Q.166 Qui était là le soir du 31 janvier à part de Hince?
A.166

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A.166 Le 31 au soir Greffard et Monfette sont arrivés et ont demandé Hince , et il était pas chez nous. Ils sont revenus, et Jos Hince est arrivé après.

Q.167 Ils sont arrivés quand?
A.167 Le samedi soir.

Q.168 Qu'est ce qu'ilsont fait quand ils sont revenus?
A.168 Ils ont rien fait.

Q.169 Est-ce qu'ils ont passé la soirée là ?
A.169 Non monsieur; ils sont repartis tout de suite.

Q.170 Est-ce qu'ils sont revenus ?
A.170 Non monsieur.

Q.171 Le lendemain ? Est-ce qu'ils sont revenus le lendemain?
A.171 ..... Le lendemain soir Greffard est venu demander à Jos Hince de lui serrer un flask d'huile de charbon.

Q.172 Hince l'a-t'il serré?
A.172 Il l'a pris et l'a mis sur le buffet dans la cuisine.

Q.173 Ensuite de cela qu'est-il arrivé?
A.173 Il s'en est retourné.

Q.174 Qu'est ce qu'il a dit quand il a apporté le flask d'huile de charbon?
A.174 Il a demandé de serrer ça.

Q.175 Quelle sorte de flask?
A.175 Un petit flask vide d'alcool.

Q.176 Est-ce qu'il a dit ce qu'il y avait là-dedans?
A.176 Il a demandé tout simplement: " Veux-tu me serrer ça?" Il dit: " J'ai une commission à aller faire, je le reprendrai en passant".

Q.177 Vous étiez là, vous ?
A.177 Oui, j'étais là.

Q.178 C'est tout ce qui s'est dit?
A.178 C'est tout ce qui s'est dit à ma connaissance.

Q.179 Il a pas dit de pas le boire, que c' était pas de l'alcool?
A.179 Certainement qu'il a dit de pas le boire.

Q.180 Qu'est ce qu'il a dit qu'il y avait dedans?
A.180 De l'huile de charbon.

Q.181 Il l'a dit?
A.181 Mais oui.

Q.182 Là , il l'a...
A.182 Il l'a mis sur le buffet dans la cuisine.

A.183

Q.183 Maintenant, un de ces soirs là il y a eu une petite partie de cartes dans la cuisine? Joe Hince, Greffard et Monfette ont joué aux cartes dans la cuisine?

A.183 Je me rappèle pas.

Q.184 Avez vous eu connaissance qu'un de ces soirs là ils soient allés dans la chambre de bain ?

A.184 Non, j'ai pas eu connaissance.

COUNSEL renews his objection to the form of the questions.

Q.185 Avez-vous eu connaissance de ce qui s'est passé entre les trois un de ces soirs là, mettons entre Hince et Greffard, d'autre chose que ce que vous venez de raconter?

A.185 Non, j'ai pas eu connaissance d'autre chose.

Q.186 Est-ce que vous demeuriez là tout le temps dans ce temps là ?

A.186 Oui.

Q.187 Avez vous eu connaissance de quelqu'un qui aurait donné une injection à quelqu'un?

A.187 Non.

Q.188 Vous connaissez l'accusé depuis longtemps?

A.188 Un an.

Q.189 Ca fait un an que vous sortez avec lui?

A.189 Pardon, je sors pas avec lui. C'est un ami de la famille. Sa soeur et lui viennent très souvent chez nous.

Q.190 Il couchait chez vous?

A.190 Pardon, il couchait pas chez nous.

THE COUNSEL: Le prévenu est accusé de s'être piqué, pas d'avoir couché à une place ou à une autre.

THE PROSECUTOR: J'ai un témoin un peu spécial ici.

Q.191 Quand Hince s'est plaint de son genou , arrivait-il de dehors?

A.191 Il a été chercher des cigarettes; c'était en hiver, au mois de janvier; il a été chercher des cigarettes au restaurant à côté . Il est sorti en souliers.

Q.192 A ce moment là étiez-vous dans le restaurant en bas ou dans la chambre en haut?

A.192 J'étais chez nous; j'étais pas dans la chambre.

Q.193 En haut, à 143½?

A.193 Oui.

Q.194 Je comprends que pour sortir dehors vous devez passer par le magasin, un grand escalier?

A.194 Il est sorti par dehors; c'est un restaurant à côté.

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Q.195 Quand il est sorti , où êties-vous?
A.195 J'étais chez nous.

Q.196 Dans quelle chambre ?
A.196 Dans la cuisine.

Q.197 A quelle distance la cuisine se trouve-t-elle de la chambre de bain?
A.197 L'entrée de la chambre de bain donne sur la cuisine.

Q.198 Et quand Hince est parti disant qu'il allait s'acheter des cigarettes, qui était dans la cuisine?
A.198 Je me rappelle pas.

Q.199 Etait-il seul?
A.199 Oui, il était tout seul certainement.

Q.200 Vous , êtiez vous seule quand il est parti s'acheter des cigarettes?
A.200 Je me rappelle pas.

Q.201 Vous vous souvenez pas si Greffard était là?
A.201 Non, il y avait pas d'hommes.

Q.202 Etait-il sobre?
A.202 Ah bien ça, il en avait peut-être pris un peu.

Q.203 Avez vous eu occasion de voir sa plaie, sa blessure?
A.203 Bien oui, je l'ai vue quand il m'a dit qu'il avait du mal; pour lui mettre des compresses fallait que je la voie.

Q.204 Qu'est-ce que vous avez constaté?
A.204 J'ai rien constaté. Je connais pas ça , je suis pas médecin.

Q.205 Qu'est-ce que ça avait l'air sa blessure?
A.205 C'était enflé, c'est tout.

Q.206 Il y avait pas de rougeurs?
A.206 J'en ai pas vu.

Q.207 A quel endroit c'était enflé?
A.207 Sur le genou; je me rappelle pas de la place, j'ai pas remarqué ça.

Q.208 Sur quel genou?
A.208 Je sais pas, j'ai pas remarqué.

Q.209 Vous feriez pas exprès pour pas le savoir ce matin?
A.209 Est-ce que je suis ici sous serment ou si je le suis pas? Je dis la vérité.

Q.210 Avez-vous eu occasion de parler du témoignage que vous rendriez ce matin avec quelqu'un?
A.210 J'ai pas parlé avec personne.

Q.211 Est-ce que vous jurez que vous n'avez pas eu occasion de parler avec personne du témoignage que vous deviez rendre ce matin?

A.211 Du témoignage que je devais rendre ce matin? J'ai vu , quelques minutes avant que Hince passe ici, avec son avocat...

Q.212 Vous avez parlé avec l'avocat?
A.212 Oui.

Q.213 Vous avez eu occasion de parler à Hince?
A.213 J'ai pas parlé à Hince du tout.

Q.214 Depuis qu'il est mêlé là-dedans?
A.214 Il est revenu chez nous.

Q.215 Il vous en a pas parlé?
A.215 Ca me regardait pas.

Q.216 Il vous en a pas parlé?
A.216 Ca me regardait pas.

Q.217 Quand il vous en a parlé, vous disiez: Ca me regarde pas?
A.217 Quand il me parlait je répondais à ses questions. J'ai pas tout marqué ça sur un livre.

Q.218 Vous avez dit : " Ca me regarde pas"?
A.218 Qu'est ce que vous vouliez que je dise ? Est-ce que c'est un roman que vous voulez? Je l'ai pas marqué.

Q.219 Qu'est-ce qu'il vous a dit , lui?
A.219 Je me rappelle pas. Je peux pas inventer quelque chose que je me rappelle pas.

Q.220 Vous vous souvenez de rien?
A.220 Non.

Q.221 Pas un mot?
A.221 Pas un mot.

Q.222 Pensez-vous que je vous crois?
A.222 Croyez-moi ou non, c'est moi qui fais serment. Je sais ce quse c'est qu'un serment, je suis assez vieille pour comprendre ça.

Q.223 Vous vous souvenez de pas un mot de ce qu'il vous a dit depuis qu'il est dans cette affaire là?
A.223 Il m'a dit : " Tu vas être appelée comme témoin parce que ce qui s'est passé c'était chez vous". A part cela, je sais pas ce que je viens faire ici.

Q.224 Il vous a pas parlé de piqûres , rien du tout?
A.224 Non monsieur.

Q.225 Pas un mot?
A.225 Non, pas un mot.

Q.226 Est ce que vous saviez quel trouble il avait avec cela?
A.226 Je l'ai vu sur les journaux comme les autres.

Q.227 Vous lui avez pas demandé ce que c'était?
A.227 Je lui ai demandé; il m'a dit qu'ile comprenait pas lui-même.

Q.228 Il vous a dit qu'il comprenait rien là dedans?
A.228 Oui.

Q.229 Quand il est rentré avec une bouteille d'huile de charbon, Greffard avait-il d'autre chose qu'une bouteille d'huile de charbon?
A.229 Non, pas à ma connaissance; j'ai rien vu àpart ça.

Q.230 Avez-vous eu occasion de voir une seringue chez vous pour donner des piqûres?
A.230 Non monsieur.

Q.231 Vous avez pas eu occasion d'avoir une seringue dans votre valise à vous ?
A.231 J'en ai pas de valise.

COUNSEL OBJECTS TO THE FORM OF THE QUESTIONS.

Q.232 Avez vous eu occasion de voir une seringue dans une valise chez vous?
A.232 J'ai vu aucune seringue chez nous.

Q.233 Chez vous , je comprends, c'est 143½?
A.233 Oui monsieur.

Q.234 C'est pas 26½ Grenier?
A.234 Non, parce que j'ai déménagé.

Q.235 Aviez vous vu Monfette là dans ces journées là?
A.235 C'est comme ça que j'ai vu Monfette.

Q.236 L'avez-vous vu dernièrement Monfette?
A.236 Non.

Q.237 Vous le connaissez pas ? Est-ce que c'est un de vos parents?
A.237 Aucune parenté.

The Counsel declines to cross-examine.

QUESTIONED BY THE COURT:

Q.238 Depuis combien d'années connaissez vous Jos Hince?
A.238 Un an.

Q.239 Si la Cour vous a bien comprise, c'est le frère d'une de vos amies surtout?
A.239 Oui monsieur.

Q.240 Est-ce qu'il habitait dans les environs de chez vous dans cette période là?
A.240 Je sais pas où il avait sa chambre.

Q.241 Votre amie, sa soeur, où restait-elle?
A.241 Sur les Remparts; elle est en chambre.

Q.242 Lui n'habitait pas avec sa soeur?
A.242 Sa soeur est mariée; ils restent pas ensemble. Ils pouvaient pas coucher trois dans le même lit.

Elle est en chambre.

Q.244 Il allait chez vous de temps en temps?
A.244 Oui monsieur.

Q.245 Quand vous avez dû l'envoyer à l'hôpital à la suite de cette blessure, depuis combien de temps était-il chez vous?
A.245 Le mardi matin ; il a vu que sa jambe était pas mieux..

Q.246 L'aviez vous vu le lundi?
A.246 Oui , le lundi je l'ai vu, mais il est reparti le soir.

Q.247 L'aviez vous vu le dimanche aussi?
A.247 Oui monsieur.

Q.248 Etait-il en congé de samedi?
A.248 Oui, en congé de samedi soir.

Q.249 Qui allait-il voir chez vous?
A.249 Il venait nous voir certainement. Il venait avec sa soeur.

Q.250 Il allait chez vous avec sa soeur?
A.250 Oui.

Q.251 Comment s'appelle-t'elle sa soeur?
A.251 Lucienne Hince.

Q.252 A qui est-elle mariée?
A.252 Monsieur Lee.

Q.253 Il était là dans ce temps là?
A.253 Oui, mais il mangeait pas là.

Q.254 Vous dîtes qu'il habitait en chambre ici?
A.254 Oui monsieur.

Q.255 Savez-vous à quel endroit ?
A.255 Non monsieur.

Q.256 A un moment donné vous dîtes qu'il s'est plaint qu'il avair du mal à un genou?
A.256 Oui monsieur.

Q.257 C'était quel jour qu'il s'est plaint pour la première fois?
A.257 Le dimanche soir.

Q.258 Le samedi il était correct?
A.258 Oui.

Q.259 La bouteille de térébentine apportée par Greffard, où a-t'elle été déposée?
A.259 Sur le buffet dans la cuisine.

Q.260 Greffard est revenu la chercher?
A.260 .... Non, il a pas revenu la chercher.

Q.261 Avez vous eu connaissance que l'accusé Hince ait touché à cette bouteille là, s'en soit servi?
A.261 Non monsieur; j'ai resté tout le temps dans la cuisine, lui aussi est resté là, et la bouteille aussi elle est restée là.

Q.262 Savez-vous pourquoi Greffard s' était procuré cette bouteille de térébentine?
A.262 Je sais pas.

Q.263 Il n' en a pas été question devant vous ?
A.263 Non monsieur.

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

The witness withdraws.

"At 12:30 o'clock on the 18th. day of July 1942, the Court adjourned until 2:30 o'clock on the same day.""

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"On the 8th day of July 1942 at 2:30 o'clock the Court reassemble pursuant to adjournment, present the same members as when adjourned."

Eighth Witness for Prosecution.

E/5818, Pte. Roland McDonald, Royal 22ème Regiment, attached to A.I.T.C.,A-13, being duly sworn, is examined by the Prosecutor:

Q.264 Vous connaissez l'accusé Hince ?
A.264 Oui monsieur.

Q.265 Avez-vous eu occasion de le rencontrer au camp?
A.265 Dans le camp et à l'hôpital ensuite.

Q.266 L'automne dernier que vous l'avez rencontré?
A.266 Oui, l'automne dernier.

Q.267 Racontez donc dans quelles circonstances vous l' avez rencontré?
A.267 Quand je l'ai rencontré c'est moi qui étais à l'hôpital. Le soldat Hince venait prendre ses traitements, il m'avait demandé pour voler une seringue.

Q.268 C'est le soldat Hince qui est ici?
A.268 Oui monsieur.

Q.269 Vous étiez à quel hôpital?
A.269 V.D.S.

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Q.270 Et lui venait prendre ses traitements?
A.270 Oui monsieur.

Q.271 Il vous a demandé de voler une seringue?
A.271 Oui monsieur.

Q.272 Vous a-t'il dit pourquoi c'était faire cette seringue?
A.272 Non monsieur.

Q.273 Subséquemment avez-vous eu occasion de le rencontrer?
A.273 Je l'ai rencontré dans le camp.

Q.274 Dans le temps de la draft?
A.274 Non monsieur.

Q.275 Quand vous êtes sorti de l'hôpital avez vous eu occasion de le rencontrer quand il y avait une draft qui partait pour outremer?
A.275 Non monsieur.

Q.276 Sur cette draft là vous aviez été classé "A", vous?
A.276 Oui monsieur.

Q.277 Il était présent quand vous avez subi ces examens pour la draft?
A.277 Il était au camp , oui monsieur.

Q.278 Il avait été classé quoi?
A.278 Je peux pas dire. Je pense qu'il était pas sur la draft. Il a été remis ensuite S.M.B.

Q.279 Il avait été remis S.M.B. à cette occasion là?
A.279 Oui.

Q.280 Cela c'était dans quel mois à peu près ?
A.280 A la fin de janvier, je crois, commencement de février.

Q.281 Vous, vous êtiez pas sur la draft?
A.281 Oui monsieur.

Q.282 Vous êtiez sur la draft?
A.282 Oui monsieur.

Q.283 Vous êtiez pour partir sur cette draft là à la fin de janvier?
A.283 Oui monsieur.

Q.284 Avez vous eu occasion de voir Hince?
A.284 Non, je l'ai vu seulement qu'en passant, en passant dans la hutte comme ça, mais je lui ai pas parlé.

Q.285 A la fin de janvier cela?
A.285 Si je me souviens bien c'est la fin de janvier.

Q.286 Vous l'avez vu?
A.286 Oui, il était au camp.

Q.287 Qu'est-ce qu'il vous a dit ?
A.287 Il a pas parlé.

Q.288 Pensez-y?
A.288 Il m'a demandé comment j'étais classé. J'ai dit que j'étais classé pour partir, il m'a demandé ce que j'allais faire, j'ai dit: " Je suis obligé de suivre, je suis obligé d'y aller ". Pas d'autre chose.

Q.289 Pas d'autre chose?
A.289 Non.

Q.290 Vous a-t'il parlé de piqûres?
A.290 Non monsieur.

THE COUNSEL OBJECTS TO THE FORM OF THE QUESTIONS.

Q.291 Mais au juste , qu'est ce qu'il vous a dit? Quelles sont ses paroles? En y repensant comme il faut, que vous aurait-il dit quand il vous a demandé si vous êtiez sur la draft?
A.291 Je peux pas me souvenir.

Q.292 Vous pouvez pas vous souvenir?
A.292 Non monsieur.

Q.293 Comment est il arrivé à vous avez cela? Où êtiez vous ?
A.293 On était dans la hutte.

Q.294 Vous passiez vos examens médicaux?
A.294 On a passé nos examens et il m'a demandé, quand les examens ont été passés, comment j'étais classé. J'ai dit: "Je suis classé A, je pars sur la draft".

Q.295 C'est tout ce qu'il vous a demandé?
A.295 A peu près tout.

Q.296 Pensez y comme il faut?

THE COUNSEL OBJECTS: Le témoin a répondu.

THE COURT ALLOWS THE QUESTION TO STAND.

Q.297 Pensez-y comme il faut?
A.297 .... (no reply)

Q.298 Je vais vous donner le temps d'y penser?
A.298 .... Je peux pas me souvenir.

Q.299 Dîtes le donc?
A.299 Je peux pas me souvenir d'avoir parlé d'autre chose.
... ... Je peux pas me souvenir.

Q.300 A-t'il été question de faire son devoir
A.300 Il m'a demandé ce que je ferais. J'ai dit : " Je pars moi, je suis classé A, je pars sur la draft". Je suis parti cet après midi là avec une passe d'adieu, je l'ai pas revu.

Q.301 Il a pas été question que c'était mieux de faire son devoir?
A.301 Je peux pas me prononcer là dessus.

Q.302 Peut-être?

A.302 Peut-être qu'il aurait été question, mais je me souviens pas.

Q.303 En y pensant comme il faut là, que vous lui auriez répondu quelque chose à lui ? Vous avez pas répondu quelque chose là dessus?

A.303 J'ai dit que j'étais mieux d'aller l'autre bord.

Q.304 Vous lui avez dit cela : " C'est mieux que j'aille l'autre bord"?

A.304 Oui.

Q.305 Pour que vous lui disiez cela : " C'est mieux d'aller l'autre bord", il avait dû vous dire quelque chose?

A.305 Je me souviens pas qu'il m'ait dit quelque chose.

Q.306 Moi je puis pas arriver à quelqu'un et lui dire: "C'est mieux que j'aille l'autre bord"; il faut bien qu'il me pose une question , me dise quelque chose pour que je lui réponde cela? Comprenez vous? Si vous, vous lui avez dit : " C'est mieux d'aller l'autre bord", il a dû vous dire quelque chose, et pour moi si vous y pensez comme il faut, ça va vous revenir. Je comprends que ça fait longtemps que ceci est arrivé, que ça a été dit, mais en y pensant,peut- être que votre conversation entre vous et lui va revenir?

A.306 Si je peux pas me souvenir!

Q.307 Vous vous souvenez de rien?

A.307 Non monsieur. Je me souviens qu'il m'a demandé comment j'étais classé et ce que je faisais. J'ai dit : " Je suis classé A , et je pars sur la draft".

Q.308 "Je suis classé A"?

A.308 Et je pars sur la draft.

Q.309 "C'est mieux de partir"?

A.309 Oui monsieur , j'ai dit: " Je pars sur la draft".

MOTION OF THE PROSECUTOR:

Le témoin, M. le Président, a des lapsus de mémoire , et je demande la permission de lui poser des questions pointées.

THE COUNSEL REPLIES:

Je ferai remarquer à la Cour que mon confrère semble vouloir venir ici mettre le témoin en face d'une déclaration déjà donnée avant le commencement de ce procès-ci. Je dois m'objecter formellement à cette manière de procéder, à cette manière d'agir, étant donné que toute déclaration faite par une personne tendant à incriminer un accusé, et faite en dehors de sa présence, doit être rejetée, ne peut pas être admise dans le dossier.

THE PROSECUTOR:

Je ne demande pas de déposer dans le dossier une preuve qui aurait pu être faite ailleurs ou de me

servir d'un document comme preuve soit contre l'accusé ou contre le témoin. Je demande seulement la permission, vu que le témoin apparemment ne se souvient pas, de lui poser des questions pointées; de même que lorsqu'un témoin ne se souvient pas on lui permet de consulter des notes, de même quand un témoin ne se souvient pas, on a le droit dans certaines circonstances, de lui poser des questions pointées, et c'est l'application que je fais dans le moment.

THE COUNSEL:

Si mon confrère veut faire déclarer le témoin hostile et le mettre en face de déclarations qu'il aurait faites, il doit commencer par faire déclarer le témoin hostile, et je ne vois pas la moindre raison pour cela.

THE COURT DISALLOW THE MOTION OF THE PROSECUTOR.

THE PROSECUTOR:

J'aurais une autre application, en me référant à l'article 113. En vertu de l'article 113 il y a trois cas: 1o. le cas où le témoin est directement "hostile", 2o. "to be interested on the other side", et 3o. "unwilling to give evidence." Ce serait le deuxième cas, " to be interested on the other side". Voici un témoin qui apparemment est intéressé de l'autre côté, Avec la preuve que nous avons jusqu'à date _ _ _ _ _ _ _ _

THE COUNSEL: Je demande que le témoin sorte.

THE PROSECUTOR: Le témoin serait directement intéressé parce que l'accusé demande au témoin de lui voler une seringue. Prima facie, avec la preuve que nous avons à date, il y a quelque chose qui indiquerait qu'il y aurait " some kind of interest on the other side ". Maintenant , si la Cour considère qu'il n'y a pas suffisamment de preuve encore à l'effet que le témoin serait intéressé de l'autre côté, avec la permission de la Cour, je demanderais de faire la preuve que le témoin était intéressé à l'accusé, et je soumets que si je prouvais que le témoin serait intéressé au sens de l'article 113, alors je pourrais demander à ce qu'il soit déclaré hostile.

Ma proposition est celle-ci: Au stage actuel, je soumets qu'il y a suffisamment d'intérêt entre les deux. Ce n'est certainement pas un témoin absolument étranger au litige, étranger aux faits que l'on reproche à l'accusé. Il y a certainement quelque chose puisqu'il lui demande une seringue. Alors il y a intérêt. Jusqu'à quel point doit-il y avoir intérêt en vertu de 113? Ce n'est pas indiqué.

THE COURT:

Il n'y a pas de preuve jusqu'ici pour supporter une des trois clauses de 113; il n'y pas pas de preuve d'hostilité, pas de preuve d'intérêt. Vous dites que l'accusé lui a demandé de voler une seringue; ce n'est pas suffisant.

THE COUNSEL:

C'est au mois d'octobre cela , et l'offence qu'on reproche à l'accusé c'est en janvier ou février.

THE COURT:

La Cour ne se croit pas justifiable d'autoriser la demande de l'avocat de la poursuite.

THE COURT DISALLOW THE APPLICATION.

The examination of thewitness is continued by the Prosecutor:

Q.310 Vous connaissez le soldat Hince depuis quand ?
A.310 Je connais le soldat Hince depuis l'automne passé.

Q.311 Depuis quel mois à peu près?
A.311 Je crois que c'est dans le mois de septembre ou octobre.

Q.312 Etes vous dans la même unité?
A.312 Oui monsieur.

Q.313 Dans la même compagnie?
A.313 Quand je l'ai connu, oui, on était dans la même unité, mais avant cela lui était à H.Q., et moi j'étais dans l'infanterie.

Q.314 Toujours au Training Center cela ?
A.314 Oui monsieur.

Q.315 Cela c'est au début?
A.315 Oui monsieur.

Q.316 Et subséquemment vous êtiez ensemble?
A.316 Oui, dans la même compagnie.

Q.317 Depuis quand êtes vous dans la même compagnie?
A.317 Là, je peux pas dire par exemple..... Depuis l'automne dernier.

Q.318 Vous avez toujours été dans la même compagnie après cela?
A.318 Oui monsieur.

THE COUNSEL OBJECTS: Non pertinent. Que ça fasse 25 ans ou 3 ans qu'ils sont dans la même compagnie, ce n'est pas pertinent, ça n'intéresse pas la cause.

Q.319 Est ce que vous couchiez toujours dans la même hutte?
A.319 Oui monsieur.

Q.320 Etiez-vous loin l'un de l'autre?
A.320 On était un à chaque bout de la hutte à peu près.

Q.321 Vous fréquentiez le même hôpital?
A.321 Oui monsieur.

Q.322 Vous vous rencontriez là les jours où vous aviez vos piqûres?
A.322 Oui monsieur.

Q.323 Vous alliez chercher vos piqûres ensemble?
A.323 Oui monsieur.

Q.324 Vous partiez ensemble?
A.324 On partait avec tous les autres malades ensemble.

Q.325 Vous reveniez ensemble?
A.325 Oui monsieur.

Q.326 Vers la fin du mois de janvier vous alliez chercher vos piqûres encore?
A.326 Oui monsieur, j'étais à l'hôpital dans ce temps là à la fin de janvier quand on allait chercher nos piqûres.

Q.327 Hince et vous?
A.327 Oui monsieur.

Q.328 Y a-t'il un moment où l'un de vous deux est resté là à l'hôpital?
A.328 Oui monsieur.

Q.329 Lequel?
A.329 Moi-même.

Q.330 V.D.G.?
A.330 V.D.S.

Q.331 A partir de quel moment êtes vous resté là à l'hôpital?
A.331 Partir du 28 ou du 29 novembre aller au 12 ou 14 janvier.

Q.332 Quand vous descendiez en ville , descendiez-vous avec Hince?
A.332 Je suis descendu seulement qu'une fois avec Hince.

Q.333 Dans quel temps cela, quel mois?
A.333 Je peux pas dire par exemple; je crois que c'est dans le mois de novembre.

Q.334 En ville sortiez vous avec Hince?
A.334 Non monsieur.

Q.335 Jamais?
A.335 Jamais.

Q.336 143½ St. Paul, connaissiez-vous cela?
A.336 J'avais été une fois là.

Q.337 Qui avez-vous vû là à 143½?
A.337 Seulement que le soldat Hince.

Q.338 Simonne?

A.338 Oui.

Q.339 Celle qui a comparu comme témoin ce matin ici?
A.339 Je sais pas ; j'étais pas ici ce matin.

Q.340 Qui vous a dit que c'était Simonne?
A.340 Il me semble qu'il l'appelait Simonne.

Q.341 Hince était là?
A.341 Oui monsieur.

Q.342 Y avait-il d'autres soldats là ?
A.342 Non monsieur.

Q.343 Qu'est ce que vous alliez faire là ?
A.343 Seulement qu'aller faire un tour avec le soldat Hince.

Q.344 C'est lui qui vous avait amené là?
A.344 Oui monsieur.

Q.345 C'était à la fin de janvier?
A.345 Non monsieur , pas à la fin de janvier, c'est dans le mois de novembre si je me souviens bien.

Q.346 Alors, sous le serment que vous avez donné tout à l'heure, ce sont les seules choses que vous vous souvenez des déclarations qui se sont faites à cette occasion là?
A.346 Oui monsieur.

CROSS EXAMINED BY THE COUNSEL:

Q.347 Monsieur McDonald, voulez vous préciser au meilleur de votre connaissance la date exacte à laquelle monsieur Hince vous aurait demandé de lui prêter une seringue?
A.347 Ce serait dans le mois de décembre...

Q.348 Comme question de fait, lui en avez-vous donné une?
A.348 Non monsieur.

Q.349 The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT:

Q.349 Quand Hince vous a demandé de lui procurer une seringue, est-ce qu'il vous a dit pour quelles fins il voulait s'en servir?
A.349 Non monsieur.

Q.350 Vous rappelez-vous ses paroles exactes?
A.350 Il m'a seulement que demandé si je pouvais avoir une seringue à l'hôpital. Dans ce temps là j'étais à l'hôpital. Je lui ai dit que je croyais pas pouvoir lui en avoir une. Je lui en ai pas eu.

Q.351 Avez vous eu connaissance un moment donné que le soldat Hince était invalide à la suite de blessures à la jambe?
A.351 Non monsieur.

Q.352 Vous n'avez pas eu connaissance de cela?
A.352 Non monsieur.

Q.353 Pouvez-vous vous rappeler les paroles du soldat Hince quand il vous a demandé cette seringue?
A.353 Il m'a seulement que demandé si je pouvais lui procurer une seringue,

Q.354 Ses paroles?
A.354 Si je pouvais lui procurer une seringue, voler une seringue à l'hôpital.

Q.355 Voler ou procurer? Comment a-t'il dit cela au meilleur de votre connaissance?
A.355 Voler une seringue,... prendre une seringue dans l'hôpital.

Q.356 De quelle sorte de seringue parlait-il?
A.356 Ca devait être une seringue pour....

Q.357 * A-t'il dit quelle sorte de seringue?
A.357 Non monsieur. A l'hôpital il y avait seulement qu' une sorte de seringue que je connais, pour donner des piqûres.

Q.358 A-t'il dit pour quoi faire?
A.358 Non monsieur.

Q.359 Qu'est-ce qui s'est dit entre vous avant cela, entre les deux,avant qu'il vous demande de lui procurer une seringue? S'est-il dit quelque chose entre vous avant cela ?
A.359 Non.

Q.360 C'était à propos de quoi que c'est arrivé cette demande là?
A.360 On a pas eu de conversation avant cela.

Q.361 C'est arrivé à propos de rien?
A.361 Oui monsieur.

MOTION BY THE PROSECUTOR:

Je ferais application pour que le témoin soit déclaré hostile en vertu du troisième argument: "Unwilling to give evidence".
Je me base sur le fait que voici un témoin qui est avec Hince, qui connaît Hince, qui voyage ensemble à l'hôpital, deux soldats qui font partie de la même unité, se rendent à l'hôpital ensemble. Sans aucun doute ils ont causé ensemble. Si quelqu'un me demande une seringue, sans aucun doute, la première chose que je lui demanderai: " Quelle sorte de seringue?".
D'après le témoignage du témoin, il lui a demandé : " Apporte moi une seringue". Il aurait dû lui dire une petite seringue, telle sorte de seringue, une seringue hypodermique, quelque chose.
D'après son témoignage , il serait patent que

que le témoin tombe dans le cas de "Unwilling to give evidence". "Unwilling" ne veut pas nécessairement dire un témoin qui s'assoit et qui dit :" Je ne parle pas". C'est le fait d'un témoin qui est récalcitrant, qui se tient à l'écart, qui par ses réponses , apparemment, c'est visible qu'il y a quelque chose qu'il ne veut pas dire. Il ne faut pas, je soumets, derrière l'attitude qu'un témoin prend, qu'il puisse se retrancher derrière les articles 108, 109, 110 pour dire: " Black out." L'on dit que les questions ne doivent pas être pointées; alors je demande le bénéfice de ces articles là".

Entendu que la loi dit que les questions ne doivent pas être pointées. Mais je soumets que l'article 113 vient rencontrer ces cas là de témoins qui, à la face même des témoignages qu'ils donnent, il est évident qu'ils sont plus au courant des faits que ceux qu'ils racontent devant la Cour, et se retranchent derrière cela :" Ce sont des questions pointées, je peux pas parler". Je soumets que c'est le cas de "Unwilling to give evidence".

THE COUNSEL OBJECTS:

Je comprends l'attitude de l'avocat de la poursuite si on admet dès le début que l'accusé est coupable et qu'on est prêt à prendre témoignage par témoignage pour le disséquer en partant du point de vue que l'accusé est coupable. Mais nous n'en sommes pas à ce point là. Le témoin dit qu'il est dans la même hutte que Hince, l'un couché à un bout et l'autre à l'autre bout, et ils se rendaient à l'hôpital avec les autres malades, ils étaient pas en contact direct; il l'a rencontré une fois en ville au mois de novembre; il a jamais sorti avec Hince en ville. Ils ont été un certain temps dans le même régiment; ils se sont vus comme se voient deux compagnons d'armes.

Je ne vois pas une base quelconque sur laquelle on puisse s'appuyer pour déclarer que ce témoin, soit d'une manière ou d'une autre, tente par quelque moyen de cacher la vérité.

THE COURT IS CLOSED TO CONSIDER THEIR DECISION.

The Court DISALLOWS the request of the Prosecutor, and the Court reopens and the decision is announced.

The Court proceeds with the trial.

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

The witness withdraws.

Ninth Witness for Prosecution: YVON PELLETIER, 145 St. Paul Street, Quebec City, being duly sworn, is examined by the Prosecutor:

Q.362 Votre occupation?
A.362 Restaurateur.

Q.363 Vous demeurez à 145 rue St. Paul ; c'est un restaurant, cela , je comprends?
A.363 Oui monsieur.

Q.364 Est-ce que vous demeurez pas en haut de 145?
A.364 Non ; c'est à moi la maison. Je demeure à l'Hotel Bellevue, 297 ; c'est à moi les deux bâtisses.

Q.365 Est ce que ça vous appartient le haut de la maison?
A.365 Toute la maison de 145 et toute la maison de l'Hotel Bellevue.

Q.366 En bas c'est un restaurant , et en haut?
A.366 En haut c'est une maison de chambres.

Q.367 Est-ce que vous connaissez l'accusé ici, Hince?
A.367 Oui monsieur.

Q.368 Estece qu'il avait une chambre chez vous, est-ce qu'il demeurait chez vous?
A.368 Non monsieur.

Q.369 Est-ce qu'il allait vous voir de temps à autre?
A.369 Je me rappelle pas s'il est venu chez nous; je me rappelle pas du tout. S'il est venu j'étais pas là. Il me semble qu'il a jamais pris de chambre chez nous.

Q.370 Vous ne vous souvenez pas l'avoir vu?
A.370 Chez nous, non.

Q.371 A 145?
A.371 145, je suis là rien que depuis le mois de mai.

Q.372 Qui était là avant vous?
A.372 Réné Côté.

Q.373 Alors, avant le mois de mai vous n'aviez rien à faire avec 143 et 145?
A.373 Non monsieur.

THE COUNSEL DECLINES TO CROSS-EXAMINE.

QUESTIONED BY THE COURT:

Q.374 Vous dîtes que vous connaissez l'accusé?
A.374 Oui monsieur.

Q.375 Comment l'avez vous connu?
A.375 Je l'ai connu sur le chemin de même. Je le connais de même par son nom, et par sa connaissance; mais c'est bien rare que je lui ai parlé.

Q.376 De quelle façon l'avez vous connu?
A.376 Je l'ai connu le plus le temps que ça se parlait sur les affaires dans le journal, et d'autres m'ont dit ça. A part ça je le connaissais pas.

Q.377 Depuis combien de temps le connaissez vous?
A.377 Toujours un an que je sais que c'est un nommé Hince, mais je connais pas son vrai nom.

Q.378 Est-ce que vous fréquentiez le restaurant à 143½ St. Paul avant d'en devenir propriétaire, est-ce que vous alliez là?
A.378 Non; j'ai acheté au mois de janvier et j'ai pris possession au mois de mai. J'ai été rien que deux fois.

Q.379 Connaissez vous les Monfette? Connaissez vous Simonne Monfette?
A.379 Non monsieur ; je l'ai connue rien qu'aujourd'hui à la cour.

Q.380 Durant janvier ou février avez vous eu connaissance de blessures, d'accident à l'accusé?
Q.380 J'ai entendu parler par les autres.

Q.381 Vous-même, vous avez pas vu l'accusé tomber, se frapper, se blesser, parler de blessures, rien de cela?
A.381 Non monsieur. Dans le mois de janvier je l'ai vu une fois sur le chemin. C'est tout ce que j'ai vu.

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

The witness withdraws.

MOTION BY THE PROSECUTOR:

Vu l'absence du témoin Jules Monfette, je demanderai l'ajournement jusqu'à vendredi. Je crois que jusqu'à ce temps là il y a des probabilités qu'on ait pu rejoindre ce témoin. Maintenant , j'espère que ça ne causera pas de préjudice à la défense. Si je fais cette demande là, c'est dans l'intérêt de la justice, pour entendre un témoin qui, je soumets , est impirtant à la cause.

OBJECTION BY THE COUNSEL:

Je dois soulever que mon client est apparemment dans le "clink" de Valcartier depuis le 1er juin. J'ai insisté et insisté à maintes reprises pour qu'on procède. On m'a toujours donné comme raison qu'on cherchait monsieur Monfette qui avait, comme on appele cela en termes d'armée," jumpé". Ca fait un mois qu'on le cherche et on ne l'a pas encore trouvé. C'est la raison qu'on me donne depuis un mois pour ne pas procéder dans cette cause-ci. Mon client est resté depuis un mois dans le "clink" sans pouvoir procéder. Ce matin on procède et on le cherche encore, et on le cherchera encore probablement vendredi.

À moins d'une raison absolument plausible qui, mise devant la Cour, nous permette de croire qu'on aura ce type là vendredi, je dois m'objecter à cette demande d'ajournement, étant donné que ça fait déjà un mois qu'on me dit qu'on cherche ce témoin.

THE PROSECUTOR REPLIES TO THE OBJECTION:

Je ne puis pas promettre que vendredi le témoin en question sera produit devant cette Cour. Seulement je sais d'une manière pertinente que la police militaire est à ses trousses, et nous avons des informations à l'effet qu'il sera localisé sous peu. Maintenant , je ne puis pas promettre d'une façon positive qu'il sera devant la Cour ici vendredi.

Maintenant , tant qu'à la question de préjudice, si c'était un ajournement d'une semaine, je comprends que ça pourrait être préjudiciable à l'accusé; mais je demande la journée de demain seulement, pour continuer vendredi. Je ne vois réellement pas que l'accusé puisse souffrir un grave préjudice pour un ajournement d'une journée de plus.

THE COURT:

Vous n'avez pas d'autres témoins à faire entendre dans cette cause-ci?

THE PROSECUTOR:

Non monsieur.

THE COUNSEL:

Si la Cour se rend à la demande de la poursuite, je me rends à la décision de la Cour ;je me rends d'avance à la décision de la Cour, mais je demande que vendredi soit le dernier délai accordé pour la même raison dans cette cause, vu les circonstances.

THE PROSECUTOR:

Je déclare que c'est un témoin essentiel.

"At 3:30 o'clock on the 8th. day of July 1942, the Court adjourned until 10.00 o'clock on the 10th. day of July 1942."

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"ON THE 10th. day of JULY 1942, at 10:00 o'clock, THE COURT REASSEMBLE PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS WHEN ADJOURNED."

STATEMENT BY THE PROSECUTOR:

Au nom de la poursuite, je dois déclarer qu'il nous a été impossible de retracer le témoin Monfette. J'ai été avisé par le D.A.P.M. qu'il avait fait toutes les démarches possibles et que ses efforts étaient restés sans succès.

A ce stage-ci, je voudrais faire application pour faire une preuve de "similar acts" en vertu de l'article 20 et 21 de la Loi de la Preuve, "Evidence Act", page 75. C'est dire que je voudrais faire entendre d'autres

témoins qui, sans prouver le fait que l'accusé se serait donné des piqûres ou se serait donné une piqûre, pourraient prouver qu'il aurait donné des piqûres à de ses semblables.

Evidemment cette preuve ne servirait pas à prouver le fait que Hince se serait donné des piqûres. Ca ne tendrait à prouver seulement que Hince agissait de cette façon, donnait des piqûres dans ou à peu près dans le même temps; en d'autres mots: "Similar Acts".

Les articles qui gouvernent l'application que je fais maintenant sont les articles 20, 21 et 22 de la Loi de la Preuve, chapitre 6 de M.M.L. 1929, et en particulier l'article 22 qui se lit comme suit:

"When several offences are so connected with each other as to form part on one entire transaction, evidence of one is admissible as proof of the another. On a charge of stealing, for example, though it is not material in general to inquire into any other taking of goods besides that specified in the charge, yet for the purpose of ascertaining the identity of the thief, it may be very relevant and therefore admissible to show that other goods which had been upon the same premises and were stolen on the same night were afterwards found in the possession of the accused. This is strong evidence of the accused having been near the owner's house on the night of the robbery. So, too, on a charge of arson, it may be shown that property which had been taken out of the house at the time of the firing was afterwards found secreted in the possession of the accused."

Alors, l'application que je fais maintenant est évidemment d'entendre d'autres témoins, tel que je l'ai dit tout à l'heure, basée d'abord sur les articles que je viens de citer, et en deuxième lieu sur l'article 23 du même chapitre de la même loi, qui serait basé sur le principe de "systematic course of conduct. Et alors, dans l'article 23, on énumère un certain nombre de cas, "stated cases" qui, je soumets respectueusement, sont absolument semblables, du moins sont semblables en principe à ceux dont il est question dans le présent cas.

En plus de 23 il y a l'article 24 qui illustre d'avantage le principe que je viens d'énoncer, et l'article 25 qui là également donne d'autres exemples.

Maintenant, évidemment, tel qu'on le verra plus tard, le but de faire une preuve de "similar acts", de "similar cases", tel qu'on le verra dans le plaidoyer subséquemment, tel que je tâcherai du moins de l'expliquer à la Cour dans mon plaidoyer, est d'abord de prouver l'intention;

deuxièmement, de prouver que c'est dans la "res gestae," et troisièmement, que cela fait partie d'un "systematic course of conduct." (Troisième ligne de l'article 23). Je soumets respectueusement cette demande.

OBJECTION BY THE COUNSEL:

D'abord au sujet de la déclaration du procureur de la poursuite mercredi dernier que Monfette était son dernier témoin, je m'objecte à la production d'autres témoins, et je donne comme première raison le fait que d'apporter de nouveaux témoins ici, à l'instance de Monfette, ce n'est pas la meilleure preuve, et la poursuite est d'abord obligée de fournir la meilleure preuve.

Pour ce qui est de l'article 21, je crois que nous devons d'abord commencer à l'article 20, même à 15, mais surtout l'article 20.

Pour ce qui est des articles 21, 22, 23 et 24 ils ne s'appliquent, si je puis m'exprimer ainsi, que comme corrolaires, en corroboration, à la suite d'une preuve principale; et on ne peut pas arriver pour se servir d'une preuve secondaire pour appuyer une preuve principale qui n'existe pas, et qui dans l'occurrence aurait du être la meilleure preuve.

L'article 20 est très clair. Il est dit :

" It is not competent for the prosecutor to adduce evidence tending to show that the accused has been guilty of criminal acts other than those included in the charge against him for the purpose of leading to the conclusion that he is a person likely from his conduct or character or disposition to have committed the offences for which he is being tried. Thus, on a charge of murder, the prosecutor cannot give evidence of the conduct of the accused in respect of other persons for the purpose of proving a blood-thirsty and murderous disposition. So on a charge against a sentry of having been asleep on his post on a particular occasion, evidence that he had been found asleep on his post on other occasions would not be admissible for the purpose of showing that he would be likely to commit the offence. "

Si on change tout simplement les mots, on ne peut pas arriver ici prétendre que l'accusé, étant donné qu'on n'a pas fait la meilleure preuve, qu'il se soit piqué lui-même, en arrivant par d'autres témoins essayer de dire que dans d'autres circonstances il aurait essayé de donner des piqûres à d'autres.

On ne peut pas procéder de cette manière, surtout avec l'article 20.

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Et la preuve de caractère n'est admise que comme corroboration, pour confirmer soit dans un sens de bonne conduite ou de mauvaise conduite, la position d'une personne qui peut être sous le coup d'une accusation du genre de celle qui est en jeu.

Même l'article 21 donne des détails suffisants pour déterminer quels sont les cas précis où la preuve demandée par la poursuite doit être permise. Je soumets comme gros argument qu'en l'absence de preuve principale on ne peut pas se servir de preuve de circonstances pour renforcer la preuve principale qui manque.

Et à l'article 17 surtout, il est clairement déterminé qu'une preuve de caractère ou d'actes similaires dans d'autres circonstances, ne peut servir de preuve pour la poursuite.

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THE COURT IS CLOSED TO CONSIDER THEIR DECISION.

THE COURT DISALLOWS THE APPLICATION OF THE PROSECUTOR, AND THE COURT IS REOPENED AND THE DECISION ANNOUNCED, AND THE COURT PROCEEDS WITH THE TRIAL.

D

The prosecution is closed.

Defence

Q.382 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.382 *Answer.* Non monsieur.

Q.383 *Question.* Do you intend to call any other witness in your defence?

A.383 *Answer.* Oui monsieur.

Q.384 *Question.* Is he a witness as to character only? A.384 *Answer.* One witness as to facts and one as to character only.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence ~~of the accused (and~~ of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Q.385 *Question to the accused.* Have you anything to say in your defence?

A.385 *Answer.* Oui monsieur.

The accused in his defence says†

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

(See document marked " J " signed by the President, and attached).

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

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First Witness for the Defence.

Major RENAUD LEMIEUX, Officer Commanding Quebec Military Hospital, being duly sworn, is examined by the Counsel:

Q.386 Vous êtes attaché au service médical à l'hôpital St. Sacrement ?

A.386 Oui, dans le temps.

Q.387 Alors auriez vous l'obligeance de produire à la Cour, et de donner à la Cour les explications nécessaires relativement à un rapport médical quant à la condition physique de Jos. Hince, en ce qui touche sa jambe droite, pour les traitements qu'il a subis antérieurement?

A.387 Voici un dossier ici qu'on a trouvé dans les records de l'hôpital, qui indique qu'un nommé Joseph Hince , sans domicile, 21 ans, c'est en 1939 cela, a fait un séjour à l'hôpital du 21 février au 12 avril 1939. J'ai demandé qu'on fasse des recherches pour savoir s'il n'y aurait pas un autre dossier, étant donné qu'on m'a appris que Hince aurait fait deux séjours. C'est le seul qu'on a.

Q.388 Je crois que c'est le seul que vous avez; l'autre c'est en Ontario.

A.388 Alors , d'après ce dossier là Hince aurait fait un séjour à l'hôpital du 21 février 1939 au 12 avril 1939. Il a été admis pour des douleurs névralgiques dans la jambe droite avec paralysie du pied droit consécutive à une fracture survenue quatre mois antérieurement. Les recherches qui ont été faites ont d'ailleurs a été prouvée après examens de laboratoire démontré qu'il était porteur d'une blennorragie qui qui ont été faits dans le temps, dont l'un le 27 février et les autres subséquemment.

Au moment de sa sortie de l'hôpital , le 12 avril, il aurait été ... le record signale qu'il aurait été en bonne voie de guérison et que les manifestations qu'il accusait étaient en train de disparaître. Une radiographie qui a été faite le 22 février 1939 indique qu'il y a eu une fracture à la partie moyenne du tibia, sans déplacement de fragments, fracture de la jambe droite, tibia droit; le trait de fracture qu'on signale est en voie de réparation parce qu'on a trouvé la substance osseuse assez abondante. On note une décalcification assez prononcée de l'ossature du pied et de la partie inférieure du tibia et du péroné, toujours du côté droit.

THE COUNSEL: Est ce que la Cour désire qu'une copie de ce dossier là- soit versée au dossier? Je pourrais en faire faire une copie certifiée par l'autorité compétente de l'hôpital.

THE PROSECUTOR: Evidemment , il n'y a pas de la part de la poursuite de contradiction quant au témoignage du docteur. Je ne le transquestionnerai pas, et ce que le docteur vient de dire est admis par la poursuite.

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S'il y a avait contradiction de la part de la poursuite et de la défense relativement au document , il y aurait peut-être lieu de verser le document au dossier. Mais n'ayant aucune contradiction où la Cour pourrait être appelée à examiner la véracité des déclarations du témoin, je soumets que la déposition au dossier de ce rapport me semble inutile.

THE COUNSEL: Un point que je dois soulever c'est, si vous vous rappelez, lors du témoignage d'un médecin, je ne me rappelle pas lequel, il a été soulevé à la suite d'une question à savoir, si une infection généralisée pouvait à la suite d'un coup occasionner une infection locale; et une des questions que la Cour m'a posée dans ce temps là, je crois bien que le Président m'a demandé si je serais plus tard en mesure d'établir la condition d'infection généralisée. C'est à ce point de vue là que je voudrais que ces documents soient versés au dossier.

THE COURT deems it unnecessary to have this record deposited as exhibit, as the evidence of the witness explains the record and has been taken verbatim .

THE PROSECUTOR DECLINES TO CROSS-EXAMINE.

In the opinion of the Court and Judge Advocate, it is unnecessary to comply with R.P. 83(B).

The witness withdraws.

Second Witness for the Defence.

Mrs . Lennox Lee, 35 Des Remparts Street, Quebec Cityé being duly sworn, is examined by the Counsel:

Q.389 Madame , vous êtes la soeur de l'accusé?
A.389 Oui monsieur.

Q.390 Je comprends que depuis nombre d'années vous avez pratiquement pas laissé de vue votre frère, vous avez eu occasion de le voir....

THE PROSECUTOR OBJECTS TO THE FORM OF THE QUESTION.

THE QUESTION IS WITHDRAWN.

Q.391 Voulez vous dire à la Cour quelle était à votre connaissance la manière d'agir de votre frère? Est-ce un bon garçon?
A.391 D'après moi mon frère a toujours été bon garçon,pour moi.

The Prosécutor declines to cross-examine.
In the opinion of the Court and Judge Advocate, it is unnecessary to comply with R.P. 83(B).
THE WITNESS WITHDRAWS.

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The Counsel makes a closing address.
(See document marked "K" attached).

The Prosecutor makes a closing address.
(See document marked "L" attached).

The Judge Advocate and the Court consider a summing-up unnecessary.

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused No. E/6095, Private Joseph Hinoe, Royal 22e Regiment, C.A. (Att. to A.I.T.C., A-13, C.A.) guilty of the first charge, but is not guilty of the second charge.

The Court is reopened, and the finding of "Not Guilty" on the second charge is read in open Court.

At 12:20 o'clock on the 10th. day of July 1942, the Court adjourned until 2:30 o'clock on the same day.

~~Proceedings on Conviction before Sentence~~

*When the Court is already open this sentence will be struck out.

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

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

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

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

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

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

Cross-examined by the accused.

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

~~*Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence~~?

Answer. ON THE 10th. day of July 1942, à 2:30 o'clock, the COURT REASSEMBLE PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS ON THE MORNING OF THE SAME DAY.

THE COURT PROCEED WITH THE TRIAL ON THE 3rd. and 4th. CHARGES.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked _____, signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. Lieut-Colonel L.J. PETITCLERC, No.5 Det.R.C.A.M.C., C.A. Attached to Quebec Military Hospital,

being duly sworn, is examined by the prosecutor.

Q.392 Je comprends que vous avez eu occasion de traiter un soldat du nom de Greffard au cours des mois de janvier ou février dernier?

A.392 Oui , à l'hôpital militaire.

Q.393 Je demande de faire entrer le soldat Greffard.

(Le soldat Greffard entre).

Lieutenant Colonel, voulez vous regarder le soldat Greffard qui vient d'entrer dans la salle d'audience, et nous dire si vous reconnaissez ce soldat comme étant celui que vous avez traité au cours des mois de janvier ou février dernier?

A.393 Oui monsieur.

(Le soldat Greffard se retire.)

Q.394 Voudriez vous raconter brièvement à la Cour ce que vous avez constaté à cette occasion?

A.394 J'ai été demandé par le Major Lemieux, Officier Commandant à l'hôpital, pour voir le soldat Greffard qui avait un gonflement considérable dans la région de son mollet gauche. J'ai cherché à trouver quelle était la cause de cette infection. Il y avait de la fluxion, et il y avait du pus en dessous de cela. Le soldat m'a dit qu'il pouvait pas me donner de renseignements, qu'il était chaud quand il est arrivé et qu'il se rappellait de rien.
Maintenant , en l'examinant attentivement , j'ai cru trouver un tout petit caillot que j'ai levé

avec mon ongle, et avec un verre grossissant j'ai cru qu'il y avait une petite ouverture qu'on aurait pu comparer ou prendre pour une piqûre hypodermique. Et le lendemain , à la table d'opération, j'ai incisé cet abcès dans lequel j'ai trouvé une grande quantité de pus, de tissus morts, sphacélés, et j'ai mis une gaze dans la plaie; et le lendemain , quand j'ai enlevé la gaze, il est sorti un gros bourbillon comme dans un clou. La plaie a guéri rapidement, sans qu'il en soit resté aucune incapacité.

Q.395 Pouvez vous dire à la Cour si en cette occasion vous avez examiné le contenu de cet abcès?

R.395 Je l'ai examiné microscopiquement avec mes yeux; je n'ai pas pu voir autre chose que des tissus morts, des tissus sphacélés.

Q.396 Est-ce qu'il y avait une odeur quelconque qui se dégageait de ces tissus sphacélés?

A.396 Pas du soldat Greffard.

Q.397 Maintenant , ce sont les seules constatations que vous avez faites relativement à cet abcès à ce moment là?

A.397 Oui monsieur.

Q.398 Vous pratiquez la médecine depuis quand, Colonel?

A.398 Depuis trente-deux ans.

THE PROSECUTOR:

Pour le bénifice de mon confrère de la défense, je dois lui dire que j'ai l'intention d'entendre maintenant le docteur Petitclerc comme expert. Avec le nombre d'années de service qu'il a à son crédit, je crois que j'aurais le droit de l'entendre comme expert sur ce qu'il croit pouvoir être la cause d'un abcès de ce genre là, si cet état pathologique pourrait provenir de causes naturelles ou de quelque chose qui aurait pu être introduit sous la peau.

THE COUNSEL:

C'est entendu toutefois que ses réponses seront considérées comme simples opinions.

Q.399 Quelle serait votre opinion sur la cause d'un état pathologique comme celui-là?

A.399 Vous voulez-dire sur le soldat Hince ?

Q.400 Oui.

A.400 Quand j'ai vu le soldat Hince d'abord, puis Greffard ensuite, je n'ai pas pu m'empêcher d'établir dans mon esprit une certaine connection. Le soldat Greffard avait sur son mollet une grosse collection en dessous de la peau avec une zône inflammatoire intense autour de cela, ce qui indiquait

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Q.404 Est-ce que vous prétendez qu'il faut nécessairement qu'il y ait une cause extérieure?

A.404 Non, ah non!

Q.405 Alors, une cause intérieure peut produire un abcès?

A.405 Avec cette restriction que si vous me dites où est l'endroit qui a causé l'abcès... il y a des routes anatomiques, des chemins, des rues qui vont aboutir à certains carrefours et qui n'aboutiront pas ailleurs.

Q.406 Dans le cas d'une personne qui souffre d'une infection généralisée, la chose est-elle possible?

A.406 Qu'est ce que vous appelez infection généralisée?

Q.407 Une personne, admettons, qui souffrirait de syphilis, mettons une syphilis datant de quatre ou cinq ans, la chose serait elle possible?

A.407 La syphilis... pour parler de choses généralisées, la tuberculose, sont des maladies qui donnent quelque fois la syphilis, très rarement des abcès.

Q.408 Je demande si la chose est possible?

A.408 Elle est possible, mais ce sont des abcès de certains organes que le spirochète attaque de préférence; et alors, par les symptômes... il peut y avoir un abcès, mais par les symptômes quelqu'un qui a l'expérience clinique, on peut peut-être pas toujours pouvoir affirmer cela, si la chose s'applique à la tuberculose ou.. mais on peut en avoir un droit suffisant.

Q.409 Vous avez précisé tantôt que dans le cas de Greffard il s'agissait d'un abcès de surface?

A.409 Est-ce que j'ai dit de surface? J'ai dit superficiel; c'est pas la même chose.

Q.410 Au point de vue d'odeur, vous dites que vous avez rien constaté de spécial?

A.410 Non.

Q.411 Aucune senteur spéciale?

A.411 Non.

THE PROSECUTOR DECLINES TO RE-EXAMINE.

IN THE OPINION OF THE COURT AND JUDGE ADVOCATE, IT IS UNNECESSARY TO COMPLY WITH R.P. 83(B).

The witness withdraws.

Second Witness for the Prosecution.

MAJOR RENAUD LEMIEUX, No.5 Det.R.C.A.M.C., C.A. Officer Commanding Quebec Military Hospital, being duly sworn, is examined by the Prosecutor:

Q.412 Major, voulez vous dire quelles sont vos fonctions à l'hôpital militaire de Québec?

A.412 Commandant.

Q.413 Voulez vous dire à la Cour si au cours des mois de

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qu'il s'était passé quelque chose d'extraordinaire. On peut avoir une collection aussi importante que cela sans qu'il y ait réaction inflammatoire. Par exemple dans un abcès tuberculeux qui peut exister dans une des vertèbres dorsales, même haute, et qui peut venir à faire une grosse fluxion dans la fosse illiaque, dans la région lombaire, loin de son origine, on peut avoir une condition autant de pus que cela, qu'on sente qu'il y a beaucoup de pus sans qu'il y ait réaction inflammatoire.

Dans le cas présent, à cause de la position de ces abcès qui étaient en dessous de la peau, qui ne pouvaient pas venir de la profondeur, et qu'il y avait une zône inflammatoire intense autour de cela, j'ai cherché à trouver une porte d'entrée. N'importe quelle infection banale ordinaire par microbes de spirochètes qu'on connait, ou staphylocoques ou streptocoques, peut donner un abcès phlegmoneux avec une zône inflammatoire; mais alors la porte d'entrée est visible; il a fallu une piqûre, une égratignure, une éraflure; il a fallu en d'autres termes que le derme ait été lésé pour permettre au microbe de pénétrer à l'intérieur.

Je n'ai rien trouvé dans le cas de Greffard comme porte d'entrée, et j'ai examiné toute la région au verre grossissant , à la loupe; je n'ai trouvé qu'une toute petite tache qui était un caillot que j'ai enlevé avec mon ongle , et qui recouvrait une petite ouverture qui ressemblait à l'ouverture qu'aurait pu causer une aiguille de seringue hypodermique.

CROSS-EXAMINED BY THE COUNSEL:

Q.401 Si je comprends bien , docteur , lorsque vous avez examiné Greffard sur la provenance de la cause de cet accident, il vous a répondu qu'il était chaud et qu'il ne se rappelait plus de rien?

A.401 Oui monsieur.

Q.402 J'ai écouté avec attention votre théorie que vous avez donnée sur les abcès. Au sujet de ce que vous entendez par porte d'entrée pour un abcès, pouvez vous jurer, docteur, que tous les abcès pouvant survenir dans le corps humain doivent nécessairement avoir une porte d'entrée extérieure, et qu'un abcès ne peut pas se produire par des causes internes?

A.402 Ah Non! J'ai bien spécifié que dans le cas du soldat Greffard, de son abcès qu'il avait au mollet. Je n'ai pas parlé des autres abcès de monsieur X ou Y.

Q.403 Le cas de Greffard?

A.403 Il faut qu'il ait une cause.

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janvier ou février dernier vous avez eu occasion de soigner le soldat Greffard?

A.413 Oui monsieur.

Q.414 Voulez vous nous dire ce que vous avez constaté dès les premiers jours qu'il est rentré sous vos soins?

A.414 Lorsque monsieur Greffard est entré il était porteur d'un phlègmon sur la face antéro externe de la jambe gauche.

Q.415 A quel niveau?

A.415 Vers le tiers moyen. L'examen a permis de constater qu'il n'existait pas de porte d'entrée à l'exception d'un petit orifice ponctiforme recouvert par un petit caillot qui m'a été montré par le Colonel Petitclerc, et que j'ai vu moi-même avec la loupe. L'abcès a été laissé à lui-même pendant quelques jours, et ouvert par la suite par le Colonel Petitclerc. L'abcès ouvert a drainé, a guéri dans le temps normal des abcès que l'on rencontre un peu partout.
De cet abcès s'est écoulé un pus très épais renfermant des grumaux, et à toute apparence, des débris d'apopévroses musculaires.

Greffard a quitté l'hôpital environ trois semaines ou à peu près après son entrée avec une plaie qui était parfaitement cicatrisée, et dont il n'a gardé d'ailleurs aucune infirmité. Je l'ai revu depuis, assez récemment, pour toute autre chose.

Q.416 Voulez vous dire à la Cour si la matière qui a été extraite de l'abcès, si ça présentait quelques caractéristiques spéciales au point de vue d'odeur ou autrement?

A.416 Au point de vue d'odeur je n'ai rien remarqué. Mais le pus était un pus fort épais et du type des pus gangréneux, pus que l'on observe dans les abcès qui sont entraînés par développement microbien, tel qu'il en existe avec des microbes de la série des microbes de types gangréneux.. Ca n'avait pas d'odeur très particulière, mais l'aspect du pus, lui, était assez remarquable.

Q.417 Depuis combien d'années pratiquez-vous?

A.417 Depuis 1926

THE PROSECUTOR:

Ici également j'aurais l'intention d'entendre le témoin comme expert. Son témoignage vaudra, s'il exprime une opinion, comme celui d'un expert.

THE COUNSEL:

Pour simplifier, je n'ai pas d'objection à ce qu'il soit versé au dossier que le docteur Lemieux rendrait comme expert le même

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témoignage que celui du docteur Petitclerc.

THE PROSECUTOR:

Je ferai remarquer à mon confrère que devant une Cour Martiale on ne peut pas verser de témoignages de consentement. Dans une cour criminelle les témoignages doivent tous être donnés "viva voce", contrairement à ce qui peut se faire devant une cour civile.

Q.418 Voudriez vous nous donner votre opinion, Major, à savoir ce qui aurait pu être la cause d'une blessure comme celle-là? De quelle nature serait-elle?

A.418 D'abord, la blessure apparente, il n'y avait qu'un orifice ponctiforme très petit, de la grosseur d'une aiguille, d'une épingle, qui était d'ailleurs assez bien cachée par le petit caillot qu'il a fallu décoller. Et c'est à ce moment là qu'avec une loupe on a pu constater l'ouverture du trou qui existait dans la peau. L'ouverture était trop petite pour qu'elle ait été faite par une épingle; elle était trop petite pour être considérée à elle seule comme porte d'entrée pour des éléments microbiens. D'un autre côté, l'abcès dont Greffard était porteur était un abcès très volumineux; c'était un abcès d'un type particulier. Ce sont de ces abcès là que l'on rencontre par exemple quand on est obligé de faire des abcès de fixation. Au cours des infections généralisées il arrivait autrefois qu'on était obligé d'injecter, on se croyait obligé d'injecter sous la peau de la térébentine ou un corrodant quelconque qui finissait par créer un abcès au bout de 24, 36, 48 heures, abcès que l'on opérait, et il s'en écoulait un pus qui ressemblait à s'y méprendre avec le pus qui s'est écoulé de l'abcès de Greffard lorsque celui-ci a été ouvert.

Dans mon opinion il n' y a qu'une injection d'un produit chimique qui puisse entraîner, bien entendu à la lumière des circonstances, absence de porte d'entrée suffisante, qui puisse entraîner un abcès comme celui que nous avons constaté.

CROSS-EXAMINED BY THE COUNSEL:

Q.419 Juste une question. Comme surintendant de l'hôpital militaire, voulez vous dire combien de cas de ce genre vous avez eu à traiter à l'hôpital?

OBJECTION BY THE PROSECUTOR:

Je ne sais pas si mon confrère peut demander le nombre de cas qu'il a eu à traiter à un endroit particulier. Je crois que dans un cas comme celui-là le témoin aurait le droit de se prévaloir de son privilège de docteur. Mon confrère pourrait peut-être lui demander, pour questionner sa valeur comme expert, combien de cas il a eu occasion de traiter en général durant le cours de sa pratique.

Si ce principe là est admis qu'on peut lui demander combien de cas il a eu occasion de traiter dans tel hôpital, la porte est ouverte pour lui demander "Combien de cas avez vous eu occasion de traiter pendant tant de mois du temps que vous étiez à l'hôpital". Alors on fait un pas à chaque fois vers un terrain qui est privilégié aux médecins. Et le médecin, en vertu de la loi du pays, a droit de se prévaloir de son privilège de docteur.
Maintenant, si mon confrère veut questionner la valeur du docteur comme expert, alors je n'aurais aucune objection s'il voulait modifier sa question et simplement demander combien d'abcès de ce genre il aurait eu à soigner durant les années de sa pratique.

THE COUNSEL:

Je regrette que mon confrère ne m'ait pas donné le temps de parler plus longtemps. Je ne veux pas discuter la qualité d'expert du témoin. Je veux savoir combien de cas il s'est présenté à l'hôpital militaire, des cas du même genre. Et le but de ma question est de savoir, avec le nombre approximatif de cas semblables, avec les dates auxquelles ces gens là ont été traités, d'en venir à la conclusion de prouver qu'avant l'arrestation de mon client, depuis l'arrestation de mon client et même encore aujourd'hui des piqûres se continuent, et que s'il y en avait dans ce temps là, mon client ne doit pas en être tenu responsable.
Je n'ai pas l'intention de contredire le médecin. J'admets tout ce qu'il nous a dit jusqu'ici. C'est de savoir si les piqûres se continuent encore aujourd'hui, alors que mon client n'y est plus, si des piqûres existaient bien avant que mon client soit mêlé à une affaire comme celle-là, et c'est de trouver d'autres causes dans l'origine de ces piqûres là, d'autres causes que mon client.

THE PROSECUTOR:

Je ne crois pas que mon confrère ait le droit de dire que les piqûres se continuent maintenant.

THE COUNSEL:

Je le demande.

THE PROSECUTOR:

C'est une déclaration que vous faites devant la Cour que des piqûres se font maintenant.

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Il n'y a rien dans la preuve à date que des piqûres de ce genre là soient faites maintenant, et je ne crois pas qu'aucune affirmation de ce genre puisse se faire.

THE OBJECTION OF THE PROSECUTOR IS RESERVED.

Q.420 Avez vous eu occasion à l'hôpital militaire de traiter des militaires pour des infections quelconques provenant d'une cause similaire à celle qui nous intéresse?

A.420 Oui monsieur.

Q.421 Plusieurs fois, sans préciser?

THE COURT: (JUDGE ADVOCATE)

Il serait peut-être opportun de restreindre vos questions à une période, une question de dates, depuis la détention de l'accusé. Ce serait cela que vous auriez dans l'idée?

THE COUNSEL:

Oui.

THE COURT:

Il serait mieux de limiter.

THE COUNSEL:

Voici le point de vue auquel je veux en venir. Mon client est accusé d'avoir donné une injection à un sujet militaire du nom de Greffard, une piqûre de nature à le rendre inapte au service militaire. Si le médecin par son témoignage établissait qu'en plusieurs occasions en dehors de la période pour laquelle mon client est concerné, des infections du genre de celle qu'on nous reproche aujourd'hui existaient, je ne dis pas oui, mais ça servirait peut-être à prouver que la cause de l'infection dont souffre Greffard actuellement a été causée non pas par mon client mais par un autre. Vous voyez là le point où je veux en venir. Nous ne nions pas que Greffard ait subi quelque chose; mais de là à conclure que c'est mon client qui lui ait donné cela, c'est différent.

A.421 Avant le mois de février , non. Deux en février, une en mars, et un autre dans un autre hôpital en février; c'est à dire trois en février si vous ajoutez à cela l'autre infection que j'ai eue dans l'autre hôpital, et en mars une; et depuis mars , non.

Q.422 Pas même de piqûres?

A.422 Vous m'avez demandé similaires, je réponds similaires. Ca c'est autre chose.

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THE PROSECUTOR DECLINES TO RE-EXAMINE.

In the opinion of the Court and Judge Advocate, it is unnecessary to comply with R.P. 83(B).

The witness withdraws.

Third Witness for Prosecution.

No. E/5760, Pte. Gérard Greffard, Royal 22e Regiment, C.A., Att. to 1st T.C.R., C.A., being duly sworn, is examined by the Prosecutor:

THE COUNSEL:

Avant que le témoin commence à rendre son témoignage, je désirerais attirer l'attention de la Cour sur l'article 95 qui traite des privilèges du témoin, aux pages 94 à 98.

THE COURT: (addressing the accused)

Q.423 La Cour vous avertit que vous n'êtes pas obligé de répondre si vous constatez que les réponses peuvent vous incriminer vous-même. Vous pouvez renoncer à ce droit là. Est-ce que vous renoncez au droit que vous avez de ne pas répondre aux questions qui peuvent vous incriminer?

A.423 Oui monsieur.

THE COURT:

Q.424 Les questions qui pourraient vous être posées qui seraient de nature à vous incriminer vous-même, c'est votre privilège de refuser d'y répondre. D'un autre côté, ce privilège vous pouvez y renoncer si vous voulez, vous pouvez répondre à toutes les questions qui peuvent vous être posées, qu'elles vous incriminent ou non. Vous êtes libre d'y renoncer. C'est pas votre procès qu'on fait. Comprenez vous cela comme il faut?

A.424 Oui monsieur.

THE COURT:

Q.425 Quelle est votre décision?

A.425 Je consens à renoncer.

THE COURT:

Q.426 Vous êtes prêt à répondre à toutes les questions qui pourront vous êtes posées?

A.426 Oui monsieur.

THE COURT:

Q.427 D'un côté et de l'autre?

A.427 Oui monsieur.

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EXAMINED BY THE PROSECUTOR:

Q.428 Connaissez-vous l'accusé?
A.428 Oui monsieur.

Q.429 Depuis quand le connaissez vous ?
A.429 Depuis octobre 1941, quand je suis sorti de détention.

Q.430 Vous êtiez avec quelle unité?
A.430 Le 22ème Régiment.

Q.431 Attaché au ?
A.431 A.I.T.C., A-13.

Q.432 Avez vous eu occasion de rencontrer Hince au cours des mois de décembre, janvier et février dernier?
A.432 Dans la chambrée; il était dans la même chambrée que moi. A part ça on s'est jamais parlé beaucoup.

Q.433 Est-ce que vous le rencontriez à Québec à 143½ St. Paul?

THE COUNSEL objects to the question as leading.

THE COURT ALLOWS THE OBJECTION OF THE COUNSEL.

Q.434 L'avez vous rencontré à Québec?
A.434 Je l'ai pas rencontré dans la ville de Québec.

Q.435 L'avez vous rencontré à l'hôpital?
A.435 Je suis dans le même hôpital que lui.

THE COUNSEL ENTERS THE SAME OBJECTION.

Q.436 Avez-vous déjà eu occasion de faire des déclarations contraires à celle que vous venez de faire maintenant? Oui ou non?

A.436 ... (no answer).

Q.437 Voulez vous répondre, Greffard, oui ou non?

THE COUNSEL OBJECTS:

Le Code Militaire ne permet pas de se servir d'une déclaration qu'aurait pu faire un témoin tendant à incriminer l'accusé lorsque cette déclaration aurait été faite hors de la présence de l'accusé, surtout dans un "summary of evidence."

THE PROSECUTOR:

Je n'ai pas l'intention de produire aucun document. Je suis assez au courant de la loi militaire pour ne pas demander cela. Mais, si le témoin a fait des déclarations autres à d'autres témoins, je peux entendre des témoins pour contredire son témoignage, le témoignage qu'il donne maintenant, et

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alors le témoin sera dansla condition que la Cour jugera en temps et lieu.
Alors , c'est la preuve que j'ai l'intention de faire. S'il a fait des déclarations autres, il va nous le dire, et alors j'en ferai la preuve.

BY THE JUDGE ADVOCATE:

La poursuite, apparemment, par cette question cherche à discréditer son propre témoin. Il faudrait d'abord le faire déclarer hostile.

BY THE PROSECUTOR:

Non , je soumets que je ne suis pas rendu au point de le faire déclarer hostile. Je voudrais procéder, si la Cour me le permet, par étapes. Si le remède que je crois que la loi me permet n'est pas permis, je soumets que j'aurai le droit là de demander à ce que le témoin soit déclaré hostile. Là je ne procède que par étapes. Mon premier pas est de lui demander s'il a fait des déclarations à d'autres personnes contraires à celles qu'il fait maintenant.

THE COURT RESERVE THE OBJECTION.

Q.437 (bis) Voulez vous répondre ?
A.437 Sur ma première déclaration que j'ai faite, j'ai fait une déclaration contraire à celle que je fais maintenant, parce que j'ai dû la faire, j'ai été forcé. J'ai été pendant un mois ét demi traîné partout, au procès , à l'hôtel de ville; et la manière de me questionner, me mettre la réponse dans la bouche, ça a passé. Mon témoignage est là.
Là vous me demandez de dire la vérité, je vais vous dire le meilleur de ma connaissance, et je vais répondre à vos questions.

Q.438 Alors, si je comprends bien, une des fois vous auriez fait des déclarations contraires parce que vous auriez été forcé?
Q.438 Premièrement, monsieur le Major Coote, la première déclaration que le Major Coote m'a demandée, je lui ai dit que j'étais en boisson, que je pouvais pas rendre témoignage. Je me rappelais pas du tout ce qui s'était passé. Le Major Coote a forcé tant qu'il a pu pour me faire dire comme il voulait me faire dire, comme il voulait que je dise. En fin de compte, il a réussi.

Q.439 Y en a-t'il un autre subséquemment qui a essayé à vous forcer à parler ?
A.439 Subséquemment veut dire avant ?

Q.440 Veut dire après.
A.440 La Police Montée a essayé à me forcer de parler.

Q.441 Alors vous avez fait des déclarations contraires à celles que vous venez de faire?
A.441 Oui monsieur.

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Q.442 Contraires exactement ?
Q.442 Oui monsieur.

Q.443 Subséquemment , avez vous eu occasion d'être vu par la police municipale?
A.443 Oui monsieur.

Q.444 Vous avez fait des déclarations contraires à celles que vous venez de faire ici ?
A.444 Oui monsieur.

Q.445 Etiez-vous là encore forcé de faire ces déclarations là ?
A.445 J'étais forcé; j'étais pour ainsi dire assailli, tout le temps bâdré.

Q.446 Subséquemment , une quatrième fois, lorsque le sommaire de l'évidence a été pris dans cette cause ci, avez-vous été questionné?
A.446 J'ai été questionné; le témoignage que j'avais donné avant m'a été lu avant que je sois questionné.

Q.447 Avez vous fait des déclarations contraires à celles que vous venez de faire?

THE COUNSEL OBJECTS:

Je crois que mon confrère ne peut pas continuer comme cela à moins de faire déclarer son témoin hostile.

THE PROSECUTOR REPLIES:

Tout de même , monsieur le Président , je voudrais attirer l'attention de la Cour sur ce fait-ci, que de l'aveu même fait maintenant du témoin, à quatre reprises il aurait fait une déclaration contraire à celle qu'il vient de faire maintenant. Evidemment , j'aurais pu me contenter de sa première déclaration où il dit qu'à la première occasion il aurait été forcé de dire ce qu il a dit; mais il me semble que l'argument aurait plus de valeur lorsqu'il déclare qu'en quatre occasions il aurait été forcé.
Maintenant , tel que je le disais tout à l'heure , je ne veux pas le faire déclarer hostile maintenant. Tout ce que je lui demande, c'est d'il a fait des déclarations contraires. Ce fait là est établi. D'ailleurs j'ai terminé sur cela.

Q.448 Vous avez dit tout à l'heure que vous n'aviez pas rencontré Hince à Québec durant les mois de décembre, janvier et février?
A.448 Je l'ai pas rencontré dans la ville. Je l'ai rencontré chez eux avec Monfette qui m'a demandé pour aller voir Jos. Hince.

Q.449 Où est-ce chez eux?

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A.449 143½ St. Paul .

Q.450 Est-ce que 143½ St. Paul c'est pas dansla ville de Québec?

A.450 Oui monsieur.

Q.451 Pourquoi avez vous dit que vous l'aviez pas rencontré à Québec?

THE COUNSEL OBJECTS

THE PROSECUTOR:

Alors je demande que le témoin soit déclaré hostile.

THE COUNSEL:

Je m'objecte à ce que le témoin soit déclaré hostile. Les motifs ne sontpas suffisants. Je trouve qu'il est absolument franc. C'est difficile d'être plus franc. Il dit :" A trois reprises, au cours de telles, telles circonstances, j'ai été questionné et j'ai fait telles déclarations. Aujourd'hui vous me demandez sous serment de dire la vérité, je suis prêt à la dire. J'admets que lorsque j'ai fait ma déclaration antérieurement , je n'ai pas dit la vérité." C'est pas un témoin hostile cela. Il prend assez de chances en parlant comme cela.

THE COURT:

Il a commencé par dire qufil l'avait pas rencontré à Québec.

QUESTIONED BY THE COURT:

Q.452 Qu'est ce que vous voulez dire par la ville ?

A.452 Pareil comme si je l'avais rencontré sur la rue, en marchant sur la rue.

THE PROSECUTOR:

C'est une porte de sortie maintenant. Il dit: " Je l'ai pas rencontré, je l'ai vu à Valcartier, mais j'ai jamais eu occasion de le rencontrer en ville.

THE JUDGE-ADVOCATE:

J'attire l'attention des deux avocats sur les dispositions de l'article 58, Chapitre 6. C'est peut-être là que vous trouveriez la solution à cet imbroglio, le dernier paragraphe. Dans le cas présent, le témoin admet qu'il avait fait cette déclaration. Il dit que c'était des déclarations fausses,

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qui ont été forcées.

THE PROSECUTOR:

Il admet que des déclarations antérieures ont été faites qui sont différentes de celle qu'il venait de faire, alors qu'il venait de dire seulement qu'il n'était jamais venu à Québec.

THE COURT:

Jamais venu en ville. Alors , pour le témoin , la ville et la bâtisse ce sont deux endroits différents. La ville, pour le témoin, c'est la rue. La maisnn c'est une adresse.

THE PROSECUTOR:

Tout de même, pour aller dans la bâtisse à 143½ St. Paul, il faut nécessairement passer dans les rues. Or , lorsqu'il a dit à la Cour qu'il n'était jamais venu en ville durant les mois de décembre , janvier et février, c'est à ce moment là que .....

THE COURT:

Il admet tout de même qu'il est allé à 143½ St. Paul.

THE PROSECUTOR:

C'est seulement après que j'ai eu la permission.

The Court is closed to consider their decision.

The Court allows the objection of the Counsel and the Court reopens and the decision is announced.

The Court proceeds with the trial.

THE PROSECUTOR CONTINUES TO EXAMINE THE WITNESS:

Q.453 Au cours des mois de janvier et février, vous nous avez dit en janvier ou février que vous aviez été à 143½ St. Paul. Voulez-vous nous dire qui vous y avez rencontré?

A.453 J'ai été sur la demande du soldat Monfette, et j'ai rencontré personne. On a pas rentré dans la maison le premier coup.

Q.454 Vous êtes allé à 143½, vous dites, et vous avez rencontré Monfette ?

A.454 Pardon; je suis parti sur la demande de Monfette pour aller à 143½.

Q.455 Vous n'avez rencontré personne la première fois ?

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A.455 Non monsieur.

Q.456 La deuxième fois , qui avez vous rencontré?
A.456 La deuxième fois j'étais en boisson.

Q.457 Avec qui y êtes vous allé?
A.457 Le soldat Monfette.

Q.458 Qui avez vous rencontré là ?
A.458 Le soldat Hince.

Q.459 Qu'est ce qui s'est passé?
A.459 Le soldat Monfette a envoyé Hince chercher de la boisson, et on a continué à boire dans le salon.

Q.460 Ensuite?
A.460 Questionnez.

Q.461 Qu'est ce qui s'est passé après cela que vous ayiez pris de la boisson? Qu'est ce que vous faisiez?
A.461 Je me rappelle que j'ai pris de la boisson. Après ça on a commencé à jouer aux cartes.

Q.462 Combien de temps avez-vous joué aux cartes ?
A.462 Je peux pas me rappeler le temps exactement.

Q.463 Vous êtes resté là jusqu'à quand?
A.463 Je peux pas dire exactement l'heure que je suis sorti, parce que j'étais en boisson.

Q.464 Vous êtes sorti ce soir là ou le lendemain?
A.464 Je me suis réveillé le lendemain, j'étais couché à l'hôtel de Yvon Pelletier.

Q.465 Le lendemain matin vous vous êtes réveillé chez Yvon Pelletier. C'est le témoin qui a été entendu hier cela ?
A.465 Oui monsieur.

Q.466 A quel endroit demeure-t'il Yvon Pelletier , quelle rue?
A.466 Sur la rue St. Paul; je peux pas dire le numéro.

Q.467 Est-ce loin de 143½?
A.467 Non monsieur.

Q.468 Combien de maisons ?
A.468 Une ... centaine de maisons plus loin.

Q.469 Dans quelle chambre ~~--~~ êtes vous allé à 143½ St. Paul ?
A.469 Je peux pas me rappeler; tout ce que je me rappelle , j'ai été dans le salon quand j'ai rentré. Je me rappelle qu'on a joué aux cartes. Je me rappelle pas de la suite. Le lendemain je me suis réveillé, j'étais couché chez Yvon Pelletier, l'hôtel.

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Q.470 Savez vous s'il y a une chambre de bain à 143½ St. Paul?

A.470 Ppur vous dire si je sais qu'il y a une chambre de bain! Parce que j'y ai jamais été.

Q.471 Vous y êtes jamais allé?

A.471 Non, j'y suis jamais allé que je me rappelle. Je peux y avoir été dans ma boisson, mais je me rappelle pas.

Q.472 Vous souvenez-vous si Hince vous a parlé de quelque chose à 143½ St. Paul?

A.472 Non monsieur.

Q.472 En particulier?

A.472 Non monsieur. On a parlé du camp, de ce qui se passait au camp, que Jos. Hince était supposé avoir un "reboard". A part ça j'ai parlé de la fille que je sortais avec, tout ça.

Q.473 Avez vousrencontré d'autres personnes que Monfette à 143½ St. Paul ce soir là ?

A.473 Dire franchement, c'est la première fois que je rentrais dans la maison. La premièrefois j'ai pas rentré. Je connaissais pas personne, c'était la première fois que je rentrais, je connaissais pas la maîtresse de la maison.

Q.474 Cela, est-ce que c'était le lundi ou le dimanche ? Vous souvenez-vous?

A.474 Je me rappelle d'avoir été en boisson le samedi.

Q.475 Etes-vous retourné le dimanche ?

A.475 Non monsieur , je suis pas retourné.

Q.476 Le lundi?

A.476 Le lundi je suis retourné.

Q.477 Etiez-vous en boisson le lundi?

A.477 Oui, j'étais en passeon.

Q.478 "Embarkation leave?"

A.478 Oui monsieur.

Q.479 Etes-vous retourné le mardi?

A.479 Non monsieur , j'étais à l'hôpital.

Q.480 Qu'est ce que vous aviez pour être à l'hôpital?

A.480 J'avais mal à la jambe.

Q.481 Quelle jambe?

A.481 La jambe gauche .

Q.482 A quel endroit?

A.482 Sur le gras de la jambe.

Q.483 Alors, vous êtes parti pour l'hôpital mardi?

A.483 Oui monsieur.

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Q.484 Quand vous vous êtes réveillé le mardi matin, est-ce que c'était le première fois que vous vous aperceviez que vous aviez mal à la jambe?

A.484 J'avais senti des douleurs avant cela, mais cêtait la première fois que je m'apercevais que ça faisait si mal que ça. Avant cela je marchais avec, le mal s'engourdissait à force de marcher.

Q.485 Le lundi vous marchiez?

A.485 Oui monsieur.

Q.486 Le dimanche vous marchiez sans trop de difficulté?

A.486 Le dimanche je me rappelle d'avoir dit que la jambe me faisait mal; ça a commencé dimanche soir.

Q.487 Le dimanche soir, qui avez-vous rencontré à 143½ St. Paul?

A.487 J'y suis pas allé.

Q.488 Le lundi vous dîtes que vous y êtes allé?

A.488 Oui monsieur.

Q.489 Qui avez-vous rencontré?

A.489 J'ai rencontré le monde qu'il y avait dans la maison.

Q.490 Qui y avait-il que vous connaissiez?

A.490 Comme je vous dis , j'en connaissais pas gros, je connaissais personne par leur nom. J'ai été sur la demande de Monfette qui voulait voir Jos. Hince avant de partir pour l'autre bord. Il était en boisson, il m'achalait pour aller voir Jos. Hince.

Q.491 Le samedi, qui avez vous rencontré là ?

A.491 Le samedi, comme j'ai dit , j'ai pris un coup dans le salon.

Q.492 Avec qui?

A.492 Jos. Hince, Monfette et moi.

Q.493 Rien que vous trois ?

A.493 Oui monsieur.

Q.494 Simonne y était-elle ?

A.494 Je me rappelle pas qu'elle est venue.

THE COUNSEL OBJECTS TO THE FORM OF THE QUESTION.

Q.495 A quelle heure avez vous commencé àprendre un coup?

A.495 Pour l'heure exacte, dire l'heure exacte, j'avais pas de montre sur moi pour dire l'heure. Quand on est en passe on s'occupe pas de l'heure. Si ça nous dit d'aller prendre un coup, on va prendre un coup. Si ça nous dit d'aller manger, on va manger.

Q.496 Vous avez aucune idée de l'heure exacte ? Le matin, l'après midi, le soir ?

A.496 Ca doit être vers l'après midi; je peux pas dire exactement; je m'occupe pas de l'heure quandje suis en boisson.

Q.497 C'était l'après midi. Alors vous jurez que c' était la première fois que vousrentriez dans la maison?

A.497 Oui monsieur.

Q.498 Avez vous eu occasion de rendre témoignage en Cour des Sessions de la Paix lorsque Jos. Hince a été accusé de s'être donné des injections ou d' avoir donné des injectionsde térébentine?

A.498 Oui monsieur.

THE COUNSEL OBJECTS:

Je réfère à l'article 82 , page 93, la fin de l'article 82: Une déclaration faite par une personne dans une autre cour ' cannot be used ~~against~~ against an officer or soldier before a court-martial unless the court-martial is one for the trial of an officer or soldier for wilfully giving false evidence before the court of inquiry'.
Dans le procès actuel il ne s'agit pas du fait que l'accusé ait tenté d'induire la Cour en erreur. L'accusation est pour une piqûre. Alors le chef d'accusation ne permet pas à l'avocat de la poursuite de se servir des déclarations qu'aurait pu faire le témoin à l'enquête préliminaire en Cour des Sessions de la Paix, pour essayer de contredire son propre témoin.

THE JUDGE-ADVOCATE:

Les mots 'Cout of Inquiry' dans le texte, c'est le conseil d'enquête militaire; c'est un comité composé de deux officiers ou plus, faisant une investigation sur certains faits. C'est cela que ça signifie.

THE COUNSEL:

Je ne crois pas que ce soit le droit de la Milice de se servir de dépositions faites devant une cour civile pour tenter d'incriminer l'accusé devant une cour-martiale, de verser dans le dossier d'une cour-martiale l'enquête qui a été faite devant la Cour des Sessions de la Paix.

THE COURT RESERVES THE OBJECTION OF THE COUNSEL, and the Prosecutor continues with the examination of the witness:

Q.499 Est ce que le témoignage que vous avez rendu là était libre?

A.499 Libre dans un sens, pas libre dans l'autre.

Q.500 Dans quel sens n'était-il pas libre?

A.500 Dans le sens des fausses promesses que vous m'avez faites.

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THE PROSECUTOR:

Devant la déclaration que le témoin vient de faire, en justice pour moi-même je demande que le Conseil de Guerre soit suspendu jusqu'à tant que les autorités supérieures soient mises au courant de ce que le témoin vient de dire, et je demanderais que toutes les rigueurs de la loi soient appliquées dans le cas du témoin s'il y a lieu.

S'il y a lieu, de produire les témoignages qui ont été rendus en Cour des Sessions de la Paix.

Voici un témoin qui accuse tout le monde de l'avoir forcé à rendre témoignage, y compris le Juge de la Cour des Sessions de la paix.

Dans les circonstances, je demande que l'audience soit suspendue jusqu'à ce que j'aie des directives de plus hautes autorités.

THE COUNSEL:

Je comprends la position de mon confrère, et je le blâme pas jusqu'à un certain point de la position qu'il prend en ce moment.

Seulement, je me demande s'il est opportun dans le moment de prendre l'attitude qu'il semble vouloir prendre sans que le témoin complète davantage sa déclaration. Si je comprends bien sa dernière réponse, c'est ceci: " La déposition faite en Sessions de la Paix n'était pas complètement libre, à la suite de promesses que vous m'avez faites". C'est vague.

THE JUDGE ADVOCATE:

C'est clair. C'est une accusation directe contre le Major Coote.

THE COURT ALLOW THE APPLICATION OF THE PROSECUTOR.

At the request od the Prosecutor, AT 4:15 o'clock, on the 10th. day of July 1942, the Court adjourned until 10:00 o'clock on the 13th. day of July 1942.

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ON THE 13th. DAY OF JULY 1942, at 10:00 o'clock, THE COURT REASSEMBLE PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS ON THE 10th. DAY OF JULY 1942.

STATEMENT BY THE PROSECUTOR:

Les accusés ne sont pas arrivés encore. J'ai pris des mesures dans le sens que je me suis

adressé au Capitaine Gelly qui représente le A.J.A.G., M.D.No.5, le Major Fortier, j'ai demandé quelles dispositions étaient été prises pour faire rendre les accusés ici. Il me dit qu'il prend des mesures incessamment pour se renseigner et savoir où sont les accusés actuellement, et par ailleurs on m'informe que les accusés sont actuellement à l'hôpital.

AS THE ACCUSED AND WITNESSES ARE ABSENT, THE COURT IS HELD IN SUSPENSE.

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AT 10:16 o'clock, the accused appears before the Court and the trial is proceeded with. Reason for the delay as stated by the Court-Martial Orderley, is having no transport available to bring the accused from the hospital to the place where the trial is being held.

EXAMINATION OF No.E/5760, PTE. GERARD GREFFARD, CONTINUED:ON HIS FORMER OATH:

Q.501 Voulez-vous dire à la Cour quelles sont les promesses auxquelles vous référez?

A.501 Avant d'aller plus loin, je voudrais savoir où nous en sommesrendus à l'accusation qui m'a été mise de faux serment vendredi après-midi.

Q.502 C'est pas une réponse à la question. Monsieur le Président, je soumets que le témoin n'a qu'une chose à faire, c'est de répondre aux questions, et non pas de poser des questions à la Cour, à savoir, où en sont rendues telles, telles procédures. Voulez-vous répondre à la question, Greffard?

THE COUNSEL OBJECTS TO THE ABOVE QUESTION ON THE FOLLOWING GROUND:

Etant donné qu'à l'ajournement vendredi après-midi, le prosecutor a déclaré qu'il prendrait des instructions nécessaires des autorités à l'effet de savoir si oui ou non il devait faire arrêter le témoin pour parjure.

THE PROSECUTOR REPLIES:

Je ne crois pas avoir mentionné le mot parjure. A tout évènement , il se peut que j'aurais pu le mentionner , mais ne l'ayant pas mentionné , je m'en tiens là.
Avant que la Cour rende une décision sur la réponse qu'a faite le témoin dans la boîte tout à l'heure, je crois qu'il est de mon devoir d'attirer l'attention de la Cour sur le "show" qu'il a maintenant en vue.

De deux choses l'une : où les autorités ont autorisé une accusation de parjure, ou elles ne l'ont pas autorisée. Si elles ne l'ont pas autorisée, le témoin peut continuer à prendre la même attitude qu'il a prise vendredi. Et si les procédures sont autorisées, alors le témoin peut changer de tactique et peut-être dire un témoignage autre.

Dans les circonstances, pour deux raisons, je demande qu'aucune information ne soit donnée au témoin, pour deux raisons:

La première que j'ai mentionnée au début, à savoir que ce n'est pas au témoin à poser des questions, ni à la Cour ni à l'avocat de la poursuite; et deuxièmement je soumets que ce serait exposer la justice à ne pas suivre le cours qu'elle devrait suivre si quelque renseignement de quelque sorte lui était donné à de stage-ci. Alors , étant encore dans le doute,si aucune information lui est donnée, il rendra plus un témoignage, suivant... je dirai... sa conscience.

THE COUNSEL REPLIES:

Il me semble que l'incident de vendredi est assez délicat , est assez grave, pour que la poursuite ne soit pas prise par surprise, et que la défense soit en position de voir où on veut en venir.

La réponse que peut donner le témoin, quelle que soit la réponse qu'il donne, c'est son affaire; il est sous serment. Seulement, voici : on ne peut pas ici essayer d'arracher de la bouche du témoin des éléments qui pourraient peut-être servir comme éléments de preuve d'une accusation de parjure. Je veux savoir si on fait actuellement enquête au sujet d'un parjure, ou si on continue sur le troisième chef d'accusation, à savoir si oui ou non mon client a donné des piqûres à Greffard.

THE COURT:

Procédez.

EXAMINATION OF PTE. GREFFARD CONTINUED:

Q.503 Voulez-vous dire à la Cour quelles sont les promesses en question qui vous ont été faites par moi,
A.503 tel que vous l'alléguez dans une de vos réponses? Premièrement , vingt minutes avant que le procès commence....

Q.504 Quel procès?
A.504 Que je vienne ici pour témoigner.

BY THE COUNSEL:

Q.505 Quelle date?
A.505 Vendredi passé. J'étais dans la toilette ici en

arrière, et le Major Coote est rentré, et le Major Ducasse, et le Major Coote s'est viré de bord et m'a parlé; il dit : " Bonjour Greffard. Tâchez de vous rappeler ce que vous avez dit la dernière fois. Faites attention de vous tromper. Votre premier témoignage que vous avez rendu est pas bien bien ce qu'il devait être".

BY THE PROSECUTOR:

Q.506 J'étais en présence du Major Ducasse?
A.506 Oui monsieur.

Q.507 Ensuite, veulez vous dire quelles sont les autres promesses ou menaces, je sais pas à quoi vous référez?
A.507 ! ! ! ! ...Et deuxièmement, avant de passer le procès au Recorder.

Q.508 À la Cour des Sessions de la Paix?
A.508 En Cour des Sessions de la Paix, le Major Coote m'a parlé, m'a bien dit , bien averti de faire attention de me tromper.

Q.509 C'est la deuxième fois cela. La troisième fois, quelles menaces ou promesses vous ai-je faites?
A.509 Aux Quarttiers-Généraux; j'étais absent sans permission; la police militaire m'a arrêté, m'a monté aux Quartiers-Généraux pour me faire questionner. Le Major Coote m'a questionné. Après qu'il m'a eu questionné, il m'a envoyé la Police Montée pour me faire questionnerencore.

Q.510 Ensuite de cela la police municipale?
A.510 La Police Montée premièrement. Ensuite de cela je suis revenu aux Quartiers-Généraux. Je n'avais pas dit la même chose à la Police Montée que j'avais dite au Major Coote. Alors il m'a menacé de me mettre 'close arrest'.

Q.511 Est-ce que c'était parce que vous êtiez A.W.L. que je demandais de vous mettre 'close arrest' ou parce que vous n'aviez pas dit la vérité?
A.511 La première fois , vous vous êtes informé à Valcartier si j'étais absent sans permission. Valcartier vous a répondu oui.

Q.512 Que vous êtiez absent?
A.512 Oui monsieur.

Q.513 Ensuite de cela la Police Militaire vous a arrêté?
A.513 Oui monsieur.

Q.514 La Police Militaire vous a conduit à mon bureau?
A.514 Oui monsieur.

Q.515 Et ensuite de cela vous avez été mis 'close arrest'?
A.515 Non.

Q516 Pas immédiatement?

A.516 Non, vous vous êtes informé à Valcartier pour savoir si j' étais absent sans permission.

Q.517 En tout cas , cette partie neme regarde pas. Ce qui intéresse la Cour , et ce qui m'intéresse aussi, c'est de savoir quelles sont les promesses ou les menaces que je vous ai faites?

A.517 C'est tout pour le moment.

Q.518 C'est tout pour le moment?

A.518 Oui monsieur.

Q.519 Je voudrais savoir s'il y a d'autres menaces ou promesses Greffard?

A.519 ..... (no answer)

Q.520 Répondez?

A.520 ..... (no answer)

Q.521 (By the Court) Qu'est-ce que vous répondez?

A.521 Non monsieur.

Q.522 (By the Prosécutor) Pourquoi avez vous dit tout à l'heure : "Pour le moment", que c'est tout ce que vous aviez à dire, s'il n' y a pas eu ni autres promesses ni autres menaces?

A.522 En voulant dire que si vous me mettiez l'accusation, je pourrais me défendre.

Q.523 Quelle accusation?

A.523 De faux serment que vous avez fait....!!

Q.524 Greffard, nous allons retourner à 143½ St.Paul par rapport aux piqûres.

A.524 J'en sais absolument rien, je peux rien me rappeler.

THE COUNSEL OBJECTS TO THE QUESTION AS LEADING.

<u>THE PROSECUTOR REPLIES</u>:

A première vue, l'objection du procureur de l'acusé me parait bien fondée. Je voudrais cependant référer la Cour à l'article 112 , Chap. VI, Evidence, Manual of Military Law.

Je désire dire à l'avocat de l'accusé que si cette question était pointée, c'est que je me crois autorisé en vertu de l'article 112 que je viens de citer, et le sens général de cet article est celui-ci:

Dans certains cas, il est difficile et quasi impossible de poser une question pour arriver au point. Il faut absolument poser une question qui "a priori" semble "leading", et on donne en exemple ceci, où la question est sans aucun doute leading: On dit:

" Avez-vous vu un tel frapper un tel avec ce bâton?" La question sans aucun doute est "leading." Mais c'est un cas où, si on ne se contente que de la règle ordinaire de

la preuve, où les questions ne doivent jamais être pointées, on ne pourrait jamais arriver au but. Un homme serait accusé de meurtre, on ne pourrait jamais demander à un témoin: "Avez vous déjà vu ce revolver-ci?" Un homme serait accusé d'assaut, on pourrait jamais demander à un témoin : " Avez-vous vu un tel homme frapper un tel autre avec un tel bâton?".

Et dans ce cas-ci, c'est une accusation de piqûre; c'est une accusation pour un acte qui se serait commis dans le mois de janvier ou de février, avec évidemment un instrument qu'on n'a pas, mais dont on a les effets.

C'est un petit incident. Si on pouvait demander à un témoin : " Avez-vous eu occasion de voir un tel?", et que la réponse est oui, et si tout ce qu'on pouvait lui demander ensuite est :" Qu'est-ce que vous avez à nous raconter de l'entrevue entre vous et l'accusé?", qu'il nous répondrait: " Rien d'étrange; nous avons causé, nous avons parlé";

Alors , si on permet de demander à un témoin une question comme celle-ci, qui est prévue par le Code, il ne peut pas ensuite venir dire , comme il dirait dans d'autres cas : " J'y avais pas pensé. C'est arrivé, mais j'y avais pas pensé. C'est vrai, je l'ai vu frapper avec un bâton, c'est vrai je l'ai vu se servir de ce revolver, et c'est vrai, je me souviens qu'il a été question de piqûres".

Alors , je soumets ceci, c'est que l'argument que je viens de développer est dans le but de pouvoir poser certaines questions dans une certaine catégorie. Je n'irai pas au delà ; je me contenterai des questions qui seront dans les limites de l'article 112. Lorsque j'aurai épuisé les questions pour 112, j'en avise la défense, lorsque j'aurai épuisé les questions pour 112, je poserai d'autres questions . Je demanderai plutôt la permission de demander d'autres questions qu'il me serait permis de poser, je soumets, en vertu de 113, où on dit :" Direct questions can be made to the witness where the party is interested on the other side".

THE COUNSEL:

Je ne crois pas que le procureur puisse arriver à se servir d'un argument en disant que plus tard il se servira de l'article 113.

THE PROSECUTOR:

Je fais la demande pour 112 pour le moment.

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THE COURT:

Procédez.

THE COUNSEL:

En réponse à l'argument de mon confrère pour l'article 112. L'article est très vague , mais ne s'applique pas. Il est clairement spécifié à 112 qu'on peut poser une question directe quand il s'agit d'identification d'une chose déterminée qui est déjà devant la Cour, un objet que le témoin puisse identifier, un objet qui a déjà été produit devant la Cour.

THE PROSECUTOR:

L'objet, la 'thing' en question, c'est la piqûre sur le genou dont il est question. Il y a eu une piqûre sur le genou, qui est clairement identifiée par des médecins, qui aurait été donnée dans certaines circonstances. Il s'agit de 'the thing' qui aurait été causé en certaine occasion.

THE COURT:

Il ne faut pas oublier de lire 111.

EXAMINATION OF PTE. GREFFARD CONTINUED:

Q.525 C'est votre réponse?
A.525 Oui monsieur.

Q.526 Voulez vous dire à la Cour si vous avez eu occasion de voir le genou nu de Hince?
(THE PROSECUTOR WITHDRAWS THE ABOVE QUESTION.)

Q.527 Voulez vous dire à la Cour si vous avez eu occasion de voir une aiguille hypodermique?
A.527 Non monsieur.

Q.528 Ou de voir une bouteille d'huile de charbon?
A.528 Pas que je me rappelle.

Q.529 Quelle différence y a-t'il entre 'Pas que je me rappelle' et la réponse précédente ? Faites-vous une distinction?
Ce que je veux dire, en y pensant comme il faut, pensez vous que vous pourriez vous rappeler la bouteille d'huile de charbon?
A.529 Je dis "Pas que je me rappelle" parce que j'avais l'intention de m'acheter de l'huile de charbon pour nettoyer mon habit au camp. C'est pour cela que j'ai dit : "Pas que je me rappelle".

Q.530 Vous aviez l'intention de vous acheter de l'huile de charbon pour nettoyer votre habit au camp?
A.530 Oui.

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Q.531 Au cours de cette soirée là , auriez-vous vu de l'huile de charbon quelque part, si c'est pas à 143½, ailleurs?

A.531 Je m'en rappelle pas.

Q.532 Avant que vous commenciez à jouer aux cartes , à prendre un coup à 143½, vous étiez sobre? Quand vous êtes arrivé, vous étiez sobre?

A.532 Oui.

Q.533 Aviez-vous été faire une commission avant cela chez Pelletier?

A.533 Oui , j'avais été .

Q.534 Vous aviez été faire une commission chez Pelletier qui a témoigné ici devant le Tribunal?

A.534 .... (no reply)

Q.535 Oui ou non?

A.535 Oui.

Q.536 Vous étiez allé faire quelle sorte de commission?

A.536 J'ai demandé s'il pouvait me donner de l'huile de charbon .

Q.537 A Pelletier ?

A.537 Oui monsieur.

Q.538 Pelletier vous en a-t'il donné?

A.538 Je m'en rappelle pas.

Q.539 Vous venez de dire que vous étiez sobre ?

A.539 Je vous dis que je m'en rappelle pas, c'est signe que je m'en rappelle pas. Vous demandez de dire la vérité.

Q.540 Vous êtes allé chez Pelletier?

A.540 Oui monsieur.

Q.541 Chercher de l'huile de charbon?

A.541 Je lui en ai demandé.

Q.542 Quelle heure était-il?

THE COUNSEL OBJECTS:

Je ferai remarquer à la Cour que le témoin n'est pas encore déclaré hostile.

THE PROSECUTOR:

Les questions ne sont pas "leading" du tout. J'ai demandé s'il était allé chez Pelletier. C'est la première fois que le témoin parle d'huile de charbon; il n'est pas en contradiction avec lui-même.

THE COUNSEL:

Continuez pas comme cela , ça peut être dangereux.

A.

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THE PROSECUTOR:

Des remarques comme celle-là, c'est tout à fait déplacé; et si le Counsel fait de nouveau des remarques comme celle-là,.....!

Q.543 Quelle heure était il quand vous êtes allé chez Pelletier?
A.543 Je vous ai dit vendredi que je m 'occupais pas de l'heure en descendant en ville.

Q.544 Est ce que c'était le matin, le midi ou le soir que vous êtes allé chez Pelletier ?
A.544 Vers le commencement de l'après midi.

Q.545 Alors c'est arrivé vers une heure, deux heures, trois heures, quatre heures ?
A.545 Je sais absolument rien pour vous donner l'heure. Vous allez essayer à me poigner après ça.

Q.546 Non , j'essaie pas à vous poigner.
A.546 . . . . (no reply)

Q.547

THE PROSECUTOR:

Je fais application pour que le témoin soit déclaré hostile.

THE COURT ALLOW THE APPLICATION, and

THE COURT DECIDES THAT THE WITNESS MAY BE TREATED AS HOSTILE, ON THE GROUND THAT HE IS UNWILLING TO GIVE EVIDENCE.

Q.547 A présent, vous allez nous parler de Pelletier, Greffard; comprenez-vous ?
A.547 Oui monsieur.

Q.548 Dîtes-nous ce qui s'est passé avec Pelletier?
A.548 Je vous ai dit ce qui s'est passé, que je lui avais demandé de l'huile de charbon, qu'il m'en avait pas donné.

Q.549 Il vous en avait pas donné?
A.549 Que je me rappellais pas qu'il m'en ait donné.

Q.550 N'avez-vous pas monté une bouteille d'huile de charbon, vous, à 143½ St. Paul?
A.550 Je me rappelle pas de cela.

Q.551 Est ce que ça se peut que vous ayiez monté une bouteille d'huile de charbon là?
A.551 Si vous me donnez la raison pour laquelle ça se pourrait! Je sais pas.

Q.552 Est-ce que ça se peut ou que ça se peut pas?
Q.552 Je peux pas vous le dire exactement.

Q.553 Etiez vous sobre ou si vous êtiez sous l'influence de la boisson?
A.553 Quand j'ai rentré, j'ai rentré absolument rien.

Q.554 Absolument sobre ?
A.554 Oui. C'est à savoir si je suis sorti de 143½ après. Quand je suis rentré j'avais absolument rien.

Q.555 Avant de sortir , vous êtes rentré?
A.555 Oui.

Q.556 Et vous êtes entré là bien sobre ?
A.556 Oui ; c'est à dire pas tout à fait sobre.

Q.557 Vous arriviez de chez Pelletier?
A.557 Oui monsieur.

Q.558 Aviez-vous une bouteille d'huile de charbon avec vous , oui ou non?
A.558 Non monsieur.

Q.559 Vous jurez cela ?
A.559 Oui monsieur.

Q.560 C'est aussi vrai que tout le restant de votre témoignage?
A.560 Oui monsieur.

Q.561 Vous êtes pas allé porter une bouteille d'huile de charbon dans la cuisine ? Pensez-y, Greffard?
A.561 Non monsieur.

Q.562 Vous avezpas remis une bouteille d'huile de charbon à quelqu'un là ?
A.562 Je me rappelle pas.

Q.563 Est-ce que ça se peut?
A.563 Je vous ai dit que je peux pas le dire.

Q.564 Parce que vous ne vous en souvenez pas?
A.564 Quand je suis rentré dans la maison lepremier coup, j'avais pas de bouteille d'huile de charbon.

Q.565 Est-ce que une deuxième fois vous êtes allé chercher une bouteille d'huile de charbon chez Pelletier?
A.565 Je me rappelle pas.

Q.566 C'est au deuxième voyage que vous êtes allé chercher de l'huile de charbon ?
A.566 Je me rappelle quand j'en ai demandé, mais je me rappelle pas d'en avoir emmené.

Q.567 Vous l'avez demandée à Pelletier?
A.567 Oui monsieur.

Q.568 Etait-il seul, Pelletier ?
A.568 Non.

Q.569 Avec qui était-il?
A.569 Avec sa femme.

Q.570 Est-ce que c'est sa femme ou lui qui a rempli

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la bouteille?

A.570 Il me l'a pas remplie ; je vous le dis , ~~il~~ je lui ai demandé , il m'a pas donné de réponse.

Q.571 Est-ce qu'il vous a demandé pourquoi faire l'huile de charbon?

A.571 Non.

Q.572 Ca avait l'air naturel donner de l'huile de charbon de même ?

A.572 Certainement.

Q.573 C'est pas un marchand d'huile de charbon?

A.573 Non monsieur... Un gars qui rend service à un autre.

Q.574 Avez-vous vu des aiguilles hypodermiques chez Pelletier?

A.574 Non monsieur.

Q.575 Alors, je comprends que vous êtes entré à 143½ rue St. Paul - laissons la question de l'huile de charbon de côté pour le moment -, vous êtes entré en haut, au salon?

A.575 Oui monsieur.

Q.576 Là vous avez joué aux cartes ?

A.576 C'est-à-dire , on a pas commencé à jouer aux cartes tout de suite.

Q.577 Vous avez envoyé chercher un petit coup?

A.577 C'est pas moi qui...

Q.578 Qui?

A.578 Jos. Hince.

Q.579 L'accusé?

A.579 Oui; c'est Monfette qui a donné de l'argent à Jos. Hince pour aller chercher un coup.

Q.580 Qui y avait-il dans le salon à 143½?

A.580 Il y avait bien des chaises pour s'asseoir.

Q.581 Vous pensez vous fin en donnant une réponse comme celle-là?

A.581 Quand un gars a pas d'instruction, et que vous essayez de meprendre...

Q.582 J'essaie de savoir qui il y avait dans le salon?

A.582 Je vous le dis que je me rappelle pas. Ca sert à rien deme casser la tête. Je suis pas un homme instruit, je connais rien. J'ai pas une deuxième année de classe de faite.

Q.583 Vous vous souvenez seulement que de Hince et Monfette?

A.583 Je me souviens que Hince et Monfette étaient dans le salon avec moi, et qu'on était après prendre un coup.

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Q.584 Vous avez joué aux cartes?
A.584 On a joué aux cartes après.

Q.585 Bien longtemps?
A.585 Je peux pas dire le temps qu'on a joué aux cartes, je me rappelle pas; mais on a joué aux cartes à peu près une heure, une heure et demie après qu'on a été dans la maison, qu'on en a commencé à jouer.

Q.586 A quel moment a-t'il été question de piqûres ? Avant ou après la partie de cartes?
A.586 Il en a pas été question nullement. Ce que je me rappelle , il en a pas été question. Quand je me rappelle pas, je peux pas dire.

Q.587 Etes-vous allé dans la chambre de bain avec Hince?
A.587 Je me rappelle pas d'y avoir été. Je sais seulement pas où est la chambre de bain.

Q.588 Vous souvenez-vous d'avoir témoigné devant le détective Lacasse?
A.588 Oui monsieur.

Q.589 Vous souvenez vous de ce que vous lui avez dit?
A.589 Oui.

Q.590 Avez-vous été mis en garde par le détective Lacasse?
A.590 Oui.

Q.591 Vous souviendriez vous si la mise en garde qu'il vous aurait faite aurait été à peu près comme celle-ci : " Vous n'êtes pas obligé de ne rien dire, vous n'avez rien à espérer d'aucunes promesses, vous n'avez rien à craindre d'aucunes menaces qui pourraient vous être faites, que vous disiez quelque chose ou non, mais tout ce que vous direz pourra servir de preuve,...
A.591 Oui , je me rappelle très bien, mais je me rappelle que j'avais pas été assermenté. Alors j'avais le droit de dire ce que je voulais.

Q.592 Alors vous aviez le droit de dire ce que vous voulûtez devant Lacasse?
A.592 Oui monsieur.

Q.593 Qu'est-ce que vous lui auriez dit à Lacasse ? Dîtes nous la petite histoire.
A.593 J'ai pas d'histoire à raconter. Je suis ici pour dire la vérité.

Q.594 Vous vous souvenez de ce que vous lui avez dit?
A.594 Oui , très bien.

Q.595 Qu'est-ce que vous lui avez dit ?
A.595 Vous me demandez de dire la vérité, je vous dis pour quelles raisons j'avais commencé ce roman.

Q.595 Dîtes nous donc quelle histoire vous avez racontée à Lacasse?

A.595 Je suis pas ici pour des histoires.

Q.596 Voulez vous répondre?
A.596 ..... (pas de réponse).

Q.597 Greffard, si vous répondez pas, je vais demander que vous soyiez pris en mépris de Cour?
A.597 Répondre à votre question , ce serait mettre la Cour en erreur.

Q.598 Occupez-vous pas des erreurs. Répondez aux questions?
A.598 .....(pas de réponse).

Q.599 Est-ce que vous refusez de répondre?
A.599 Oui monsieur.

~~Q.600~~ THE PROSECUTOR:

Je demande que le témoin soit déclaré en mépris de Cour, et subséquemment je demanderai l'ajournement de la Cour.

QUESTIONED BY THE COURT:

Q.600 Vous savez ce que ça veut dire mépris de cour?
A.600 Oui monsieur.

Q.601 Ca veut dire que l'acte que vous commettez en agissant comme vous le faites vous expose à recevoir 28 jours de détention donnés tout de suite ici par la Cour. La Cour est disposée à vous donner une chance de vous reprendre.
Avez-vous l'intention de répondre, oui ou non?
A.601 Oui monsieur.

THE COURT:

Alors, ne recommencez pas , parce que vous êtes passible de 28 jours du coup.

EXAMINATION CONTINUED:

Q.602 Dîtes-nous donc quelle histoire vous avez racontée?
A.602 Premièrement , je lui ai raconté une histoire à dormir debout, parce que quand vous m'avez questionné c'était la question et la réponse en même temps.

Q.603 Qu'est-cé que vous avez raconté à Lacasse.
Qu'est-ce que c'est l'histoire à dormir debout.
A.603 .....

Q.604 Dépêchez-vous, décidez vous; tout le monde est impatient.
A.604 Je réponds pas, monsieur.

THE COURT ORDERS:

" Vous ferez envoyer le témoin à la Citadelle. La Cour lui donne 28 jours de détention. "
In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. (53) (B).

The witness withdraws.

THE PROSECUTOR:

Je demande que la cause qui est devant la Cour soit ajournée à 28 jours afin que nous puissions continuer dans 28 jours.

Quant aux autres accusations ....

THE COURT:

Etes-vous en mesure de continuer le procès?

THE PROSECUTOR:

Je suis un peu pris par surprise pour savoir quel article je pourrais invoquer pour demander l'ajournement à 28 jours, mais je crois que je serais justifiable de demander un ajournement de 28 jours.

THE COURT:

Etes-vous en mesure de continuer sur d'autres chefs, ou sur le même chef malgré l'incident?

THE COUNSEL:

L'article 55 , page 27, déclare que dans un cas comme celui-ci la Cour ne peut ajourner pour plus de 21 jours.

THE COURT:

La sentence de 28 jours est suspendue jusqu'à ce que l'autorité supérieure rende une décision.

THE PROSECUTOR:

Je fais maintenant application pour que l'on procède avec les 7ème et 8ème chefs d'accusation.

THE COURT:

Je comprends que le Prosecutor désire toujours faire loger une accusation contre Greffard suivant l'article 28, par.4?

THE PROSECUTOR:

Oui monsieur.

THE COURT SUSPENDS THE TRIAL IN THE THIRD AND FOURTH CHARGES PENDING THE DECISION OF THE PROPER AUTHORITY.

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" AT 11:24 o'clock on the 13th.day of July 1942, the Court adjourned until 2:30 o'clock on the same day. "

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" On the 13th. day of July 1942, at 2:30 o'clock, the Court reassemble pursuant to adjournment, present the same members as in the morning of the same day.

THE PROSECUTOR:

Je désire faire application pour faire revenir Greffard pour lui demander s'il maintient sa décision, à savoir, s'il voudrait répondre ou s'il maintient à cette attitude qu'il a prise ce matin.

" THE COURT PROCEED WITH THE TRIAL ON THE THIRD AND FOURTH CHARGES. "

At the request of the Prosecutor, the examination of Pte. GERARD GREFFARD is continued on his former oath:

Examined by the Prosecutor:

Q.605 Ce matin , la dernière question que je vous ai posée était la suivante:"Dites nous donc quelle histoire vous avez racontée à Lacasse."
Sur cela vous avez répondu, vous avez dit à la Cour, que vous ne vouliez pas répondre.
Est-ce que vous demeurez toujours dans les mêmes sentiments?

A.605 Oui monsieur.

THE JUDGE-ADVOCATE:

Je crois de mon devoir de signaler à la Cour que le témoin ne semble pas réaliser la sanction possible pouvant résulter de son refus de répondre. Je suggère à la Cour de porter à la connaissance du témoin le fait qu'en refusant de répondre à une question qui lui a été posée, à une question qui a été déclarée légale, qu'il s'expose à des sanctions très sévères, pouvant aller, étant données les dispositions de l'article 25 de la Loi de l'Armée, paragraphe 4, jusqu'à l'emprisonnement dans une prison civile pour deux ans moins un jour.
Je suis porté à croire que le témoin ne réalise pas à l'heure qu'il est les ennuis qu'il peut se causer à lui-même en refusant de répondre. Il y a un règlement qui doit être porté à sa connaissance , qui pourrait peut-être....

THE COURT (The President):

C'est ce que j'avais dans l'idée quand j'ai demandé aux membres de la Cour s'ils étaient consentants à donner une autre occasion au témoin de se reprendre.

Cet article 25 de l'Acte de l'Armée dit que toute personne sujette à la Loi Militaire, — c'est votre cas cela, vous êtes sujet à la loi militaire, vous êtes un soldat, — qui refuse, étant témoin, de donner une réponse à une question légale, s'expose à être poursuivie et à subir la peine que le Juge-Avocat vient de vous signaler.

Si vous persistez à refuser de répondre, vous commettez une offence sur l'article 25 de l'Acte de l'Armée, qui vous expose à aller en prison civile pour un maximum de deux ans moins un jour.

Si vous continuez, l'accusation va être formulée et vous serez traduit devant un autre conseil de guerre pour cette offence là. Si vous changez d'attitude, et que vous donnez des réponses comme un témoin doit les donner.....

QUESTIONED BY
THE JUDGE ADVOCATE:

Q.606 La Cour ne veut pas autre chose que la vérité, pas autre chose. Est-ce que votre décision est prise, Guérard?

A.606 Oui monsieur.

Q.607 Est-ce que vous décidez de parler ou de ne pas parler?

A.607 De pas parler.

Q.608 Vous réalisez que vus vous exposez à deux ans de prison moins un jour?

A.608 Oui monsieur ; j'ai toute dit la vérité.

Q.609 C'est pas la question cela . La question c'est de savoir si vous allez répondre aux questions qui vous seront posées qui seront légales?

A.609 Non monsieur.

Q.610 Si les questions ne sont pas légales, la Cour est là pour vous protéger et vous dire de ne pas répondre?

(The witness does not reply).

Q.611 C'est votre décision finale, Guérard?

A.611 Oui monsieur.

Q.612 Il n'y a pas de revenez-y, comme on dit en canadien?

A.612 Non.

THE PROSECUTOR:

J'aurais une suggestion à faire, et ce serait la suivante: d'ajourner ce chef d'accusation

à demain pour faire comparaître de nouveau le témoin et lui poser de nouveau la question, car alors, s'il maintient sa décision, je déclarerai ma preuve close.

QUESTIONED BY THE COURT:

Q.613 Vous avez compris cela , Greffard?
A.613 Oui monsieur.

Q.614 Vous avez 24 heures à penser sérieusement à donner une réponse définitive demain.
A.614 (pas de réponse).
The witness withdraws.

AT 2:55 O'CLOCK ON THE 13th. DAY OF JULY 1942, THE COURT ADJOURNED THE TRIAL ON THE THIRD AND FOURTH CHARGES UNTIL 10:00 O'CLOCK ON THE 14th. DAY OF JULY 1942, AND THE TRIAL IS PROCEEDED WITH ON THE 7th. and 8th. CHARGES.

ON THE 14th. DAY OF JULY 1942, At 10:00 O'CLOCK, THE COURT REASSEMBLE PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS WHEN ADJOURNED; THE COURT THEN POSTPONE THE TRIAL ON THE 3rd. AND 4th. CHARGES TO HEAR TWO WITNESSES, AT THE REQUEST OF THE PROSECUTOR, IN THE TRIAL ON THE 7th. and 8th. CHARGES, AND THEREAFTER PROCEED WITH THE TRIAL ON THE 3rd. and 4th. CHARGES AS FOLLOWS:

Third Witness for Prosecution, No. E/5760, Pte. GERARD GREFFARD, Royal 22e Regiment, C.A., A.I.T.C., A-13, C.A., Third witness for the Prosecution, being recalled, is examined by the Prosecutor on his former oath.

Q.615 Greffard, vous êtes rappelé, vous comprenez, devant le Tribunal , pour la troisième fois?
A.615 Oui monsieur.

Q.616 Et je vous pose de nouveau la question que je vous ai posée lors du premier ajournement et lors du deuxième ajournement. Je vais vous poser de nouveau la question, et vous allez me dire si vous maintenez toujours l'attitude que vous avez prise de ne pas répondre. Alors , la question est: "Quelle histoire avez-vous racontée à Lacasse"?
A.616 Toujours la même attitude, monsieur, je réponds pas.

THE COURT:

The Court, having reconsidered their order given on the 13th. day of July 1942 to order the witness to undergo detention, do not think it expedient to apply the proviso to Army Act 28, but consider the case serious enough to take action under the proviso of Army Act 28(4), to charge the accused with refusing, when a witness, to answer the questions to which the Court-Martial may legally require an answer.

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The Counsel declines to cross-examine.

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

The witness withdraws.

The Prosecutor declares he has no further witnesses.

D

The prosecution is closed.

Defence

Q.617 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.617 *Answer.* No, Sir.

Q.618 *Question.* Do you intend to call any other witness in your defence?

A.618 *Answer.* No, Sir.

Question. ~~Is he a witness as to character only? *Answer.*~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Q.620 *Question to the accused.* Have you anything to say in your defence?

A.620 *Answer.* No, Sir.

~~The accused in his defence says†~~

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, see Instructions to the Court *above*.)

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The Prosecutor makes a Closing Address.
(See document marked " M " attached.

The Counsel makes no Closing Address.

The Court and Judge-Advocate do not consider a summing-up necessary.

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

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused No.E/5095, Pte. Joseph Hince, Royal 22e Regiment, C.A., attached to A.I.T.C., A-13, C.A., is not guilty of the third and fifth charges. The Court is reopened and the findings of "Not Guilty" on the third and fourth charges are read in open Court.

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

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

is duly sworn.

Evidence of character, &c.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

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

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

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

Cross-examined by the accused.

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

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

~~*Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?~~

Answer.

ON THE 13th. DAY OF JULY 1942, THE COURT PROCEED WITH THE TRIAL ON THE 7th. AND 8th. CHARGES, THE HEARING BEGINNING AT 2:55 O'CLOCK.

The prosecutor makes no opening address ~~[hands in a written address, which is read, marked , signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution.

Major RENAUD LEMIEUX, No.5 Det. R.C.A.M.C., C.A., Officer Commanding Quebec Military Hospital, being duly sworn, is examined by the Prosecutor:

~~being duly sworn, is examined by the prosecutor.~~

Q.621 Quelles sont vos fonctions, Major, dans le District Militaire No.5?

A.621 Commandant de l'Hôpital Militaire à Québec.

Q.622 En cette qualité avez vous eu occasion de rencontrer ou de soigner le soldat E/461987, le soldat Lorenzo Laroche?

A.622 Oui monsieur, du 2 mars au 4 avril 1942.

Q.623 Voulez vous dire à la Cour brièvement pour quelle sorte de lésion ou pour quelle sorte de maladie vous avez soigné le soldat Laroche?

A.623 Laroche a été admis pour un abcès de la face externe de la jambe gauche. Il a été sous observation pendant quelques jours, et opéré par le Colonel Petitclerc. J'ai assisté à l'opération, et au moment de l'ouverture de l'abcès il s'en est écoulé un pus très abondant qui avait une forte odeur de térébentine. Cette odeur a été constatée par les témoins que nous avons appelés, et qui étaient complètement ignorants des raisons pour lesquelles nous les appelions. Il s'est écoulé un pus très abondant avec forte odeur de térébentine. L'abcès a été drainé et il a guéri normalement , dans un espace de temps suffisamment normal pour un abcès aussi étendu. Il a dû quitter l'hôpital dans le mois d'avril, plus spécifiquement le 4 avril.

Q.624 A quel niveau de la jambe était cet abcès?

A.624 Vers la partie supérieure du tiers-moyen.

Q.625 Antéro-externe?

A.625 Oui monsieur.

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Q.626 Pourriez-vous décrire l'appect patholigique de la lésion, brièvement?

A.626 Il s'agissait d'une tumeur rouge, violacée, chade, douloureuse à la pression. Cette tumeur , au moment de l'entrée, n'était pas très très volumineuse, mais deux ou trois jours après l'entrée, l'admission à l'hôpital, elle a près des proportions plus considérables, et je puis dire qu'au moment de l'opération elle était de la grosseur approximativement de la moitié d'une pomme de grosseur moyenne. Sur la surface externe de la peau, au niveau de la peau qui était rouge et violacée, il nous a été possible de trouver un petit orifice de la grosseur d'une aiguille de seringue hypodermique, qui nous a paru être la porte d'entrée d'une substance, d'un corps étranger, d'une substance chimique, qui avait entraîné l'abcération. L'odeur qui s'est dégagée au moment de l'opération était franche, et n'est pas le résultat d'un peu d'imagination. Ca sentait , comme a dit une de nos infirmières, la paint shop.

Q.627 Combien avez vous/d'année de pratique, Major ?

A.627 Depuis 1926.

THE PROSECUTOR:

J'ai l'intention , Monsieur le Président, d'entendre le témoin comme expert pour donner son opinion sur la blessure.

Q.628 Pourriez vous dire à la Cour , dans votre opinion, quelle aurait pu être la cause d'une telle blessure?

A.628 Dans l'espèce , il ne peut pas s'agir d'autre chose que d'une injection sous-cutanée et un peu plus profonde, d'une substance chimique , dans l'espèce de la térébentine. C'est un abcès tout à fait identique à celui que vous avions l'habitude de faire autrefois dans les infections un peu sérieuses, en injectant dans la peau et sous les muscles/certaine quantité de térébentine. Il s'agissait de produire là un abcès de fixation qui avait comme résultat de localiser une infection à tendance générale. Ca donnait des résultats dans un certain nombre de cas, et à l'ouverture de ces abcès provoqués, ces abcès de fixation, il s'en écoulait du pus à forte odeur de térébentine, comme celui qui a été ouvert par le Colonel Petit-clerc, dont j'ai constaté l'odeur moi-même. Ces abcès sont assez caractétistiques, et ils ont l'habitude de se produire environ 36 à 48 heures après l'injection.

Q.629 D'après votre expérience, lorsque le docteur a ouvert l'abcès, à combien de temps pouvait remonter l'injection?

A.629 Lorsque Laroche est entré à l'hôpital cet abcès de fixation pouvait remonter dans le voisinage de 36 à 48 heures. Il a été ouvert quelques jours plus tard, deux ou trois jours plus tard, et nécessairement ça rallonge le temps qui s'est écoulé entre le moment de l'injection et le moment de la production de l'abcès. Nous avons laissé s'écouler un certain temps pour que la condensation, les limites de l'abcès soient mieux fixées, parce qu'ordinairement ces abcès guérissent beaucoup plus vite.

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Q.630 Quels sont les effets d'une substance comme l'huile de charbon ou la térébentine sur les tissus cellulaires?

A.630 Ca provoque une nécrose, mortification des tissus, de la graisse, des muscles, des aponévroses avec désintégration plus ou moins étendue suivant que la substance corrosive a été injectée plus ou moins profondément et qu'elle est plus ou moins corrosive. Si c'est injecté dans le voisinage de certaines articulations, de certains vaisseaux importants, il peut s'en suivre des accidents excessivement sérieux.

Q.631 Est ce qu'une injection à la térébentine ou à l'huile de charbon au niveau des articulations pourrait causer des incapacités permanentes ou temporaires?

A.631 L'incapacité peut être temporaire, elle peut aussi être permanente. Si c'est injecté dans le voisinage des articulations il peut s'en suivre des périartrites qui donnent lieu à des incapacités partielles ou totales qui peuvent être permanentes. Il s'agit là de pri-artrite, surtout d'artrite que rien ne saurait guérir du moins, toute guérison nécessiterait une intervention chirurgicale très élaborée, très difficile, dont les résultats sont aléatoires.

Q.632 Est ce que les tendons dont les tissus ou dont les cellules seraient nécrosés, morts, par l'huile de charbon ou la térébentine, pourraient repousser?

A.632 Oui, parce que c'est possible; ça arrive souvent d'ailleurs parce que la nature a ceci de bon, c'est qu'elle répare souvent avec une excessive facilité ce qui a été détruit par le traumatisme ou l'infection. Il arrive très souvent que les chirurgiens peuvent enlever des lambeaux de tendons, les réparent autant qu'ils le peuvent, autant qu'il leur est possible, et que l'exercice et l'entraînement dans la suite peuvent réussir à refaire, à redonner au tendon ainsi lésé des fonctions qui sont suffisantes.

CROSS-EXAMINED BY THE COUNSEL:

Q.633 Si j'ai bien compris , vous avez constaté la présence du soldat Laroche à l'hôpital , et vous l'avez traité du 2 mars au 4 avril 1942?

A.633 Si je me souviens bien , oui monsieur.

Q.634 Et vous dites qu'un abcès de ce genre là se produit habituellement 36 à 48 heures après l'injection, s'il s'agit d'injection?

A.534 Oui.

Q.635 Vous avez également dit, si j'ai bien compris, que la senteur qui se dégageait de la plaie après ouverture était sans équivoque une odeur de térébentine?

A.635 Oui monsieur.

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The Prosecutor declines to re-examine.

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

The witnesse withdraws.

Second Witness for Prosecution.

Lieut-Colonel J.L. Petitclerc, No.5 Det. R.C.A.M.C., C.A., being duly sworn, is examined by the Prosecutor:

Q.636 Colonel, voulez vous dire à la Cour si vous avez eu occasion de traiter ou de soigner ou d'opérer sur la personne du soldat Lorenzo Laroche au cours de l'hiver dernier ?

A.636 Oui monsieur.

Q.637 Voudriez vous raconter brièvement à la Cour la nature de l'intervention qui aurait eu lieu?

A.637 J'ai été demandé par l'Officier Commandant de l'Hôpital Militaire pour voir le soldat Laroche qui avait à sa jambe gauche un gonflement fluctuant. J'ai examiné cet abcès, ce que j'ai cru être un abcès, je l'ai examiné attentivement. Je l'ai examiné à la loupe, au verre grossissant. J'ai tâché de trouver la porte d'entrée qui avait causé cette infection. J'ai demandé au soldat lui-même comment il expliquait cela. Il m'a dit qu'il avait un bouton à cet endroit là et qu'il l'avait frotté. J'ai insisté pour lui faire préciser l'endroit où le bouton avait existé; je lui ai fait montrer un endroit qu'il m'a désigné. J'ai examiné à la loupe le coin qu'il m'a montré. Je suis à peu près sûr d'avoir trouvé en dessous d'un petit caillot tout petit une ouverture qui correspondrait à la piqûre d'une aiguille hypodermique. Après l'avoir examiné longuement , je j'ai regardé dans les yeux et je lui ai dit qu'il n'y avait jamais eu de bouton là. Il m'a répondu: " Si vous savez mieux que moi, je ne dirai plus rien". Je n'ai pas insisté. Le lendemain , à la salle d'opération, j'ai fait une incision qui a commencé juste à l'endroit où la veille j'avais trouvé ce petit point rouge; et quand mon incision a été faite au bistouri il s'est dégagé une odeur assez particulière. Sansrien dire, pour pas préjuger les témoins qui étaient là, j'ai demandé au Major Lemieux qui donnait l'anesthésie: " Voulez-vous sentir ce que c'est cela? Je sais pas si le nez me dégèle!" Le Major Lemieux s'est transporté vers les pieds du malade, il dit : " Ca sent la térébentine". "Tout le monde ici venez constater cela". La garde-malade qui était là, quelques ordonnances, ont constaté que ça sentait la térébentine. - Alors j'ai continué mon incision; j'ai nettoyé cette plaie, avec de la gaze, et je me suistourné vers les pieds du malade, et ça sentait la térébentine à plein nez. J'ai pansé cette plaie, et la plaie a guéri dans un temps relativement court, à peu près un mois. Ca a très bien guéri.

Je pense bien que le soldat n'en garde aucune infirmité quelconque.

Q.638 Vous rappelez vous la date , Colonel?
A.638 Au début de mars.

CROSS-EXAMINED BY THE COUNSEL:

Q.639 Pourriez-vous reconnaitre le soldat Laroche si vous le voyiez ?
A.639 Ah, je crois que oui. Je ne l'ai jamais vu en "full dress", en uniforme; je l'ai vu dans son costume d'hôpital.

Q.640 Tout de même, croyez vous que si vous le voyiez vous seriez en position de l'identifier ?
A.640 Je crois que oui.

"Private Laroche not having arrived yet, the Court will allow the Counsel to ask the witness if he recognizes Laroche, when the latter arrives."

QUESTIONED BY THE COURT:

Q.641 Avec toutes les constatations que vous avez faites relativement au soldat Laroche, est-ce que la blessure que vous avez constatée, l'état pathologique que vous avez constaté, auraient pu conduire à une infirmité permanente, à une incapacité permanente?
A.641 C'est assez difficile de préciser. Ce que j'ai vu, moi, c'était un abcès qui était en dessous de la peau, sous-cutané, entouré de ces aponévroses; et si un chirurgien ne l'avait pas ouvert ça aurait fini par s'ouvrir seul. Mais je ne pense pas qu'il en aurait gardé une incapacité sérieuse à cet endroit là.

No.E/561987 PRIVATE LAROCHE/IS BROUGHT BEFORE THE COURT.) Regiment de Montmagny, C.A.

CROSS-examination Contunued by the Counsel:

Q.642 Pouvez vous identifier ce soldat?
A.642 Oui. Je pense que si vous voulez me faire montrer son incision je pourrai voir la lésion. (Addressing Pte.Laroche) Voulez vous me montrer votre incision? (The soldier addressed to does as requested). C'est bien cela. D'ailleurs, je le reconnais, et en plus il porte ma signature sur son mollet.

The Prosecutor declines to re-examine.

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

The witness withdraws.

Third Witness for Prosecution.

No. E/461987, Pte. LORENZO LAROCHE, Régiment de Montmagny, C.A., being duly sworn, is examined by the Prosecutor:

Q.643 Voulez vous dire à la Cour si au mois de février

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ou mars vous avez eu occasion d'aller sur la rue St. Paul quelque part, ou pour plus de précision.....

THE COUNSEL OBJECTS:

Je ne crois pas que le témoin soit dans la même position que celui de ce matin (Geffard), et je ne voudrais pas que la poursuite précise ses questions outre mesure.

THE PROSECUTOR REPLIES:

C'est la seule façon que j'ai. Il faut toujours que je lui demande s'il est allé à 143½ St. Paul, comme on va demander à un témoin: " Avez vous eu occasion d'aller à Montréal? Avez vous eu occasion d'aller à Québec, à Lévis, au Chateau Frontenac? Rendu là, qui est ce que vous avez vu? Qu'est-ce que vous avez fait?" Je peux pas demander au témoin : " Racontez-nous quelque chose.

THE COURT DISALLOW THE OBJECTION.

Q.643 (cont'd) Pour plus de précision, à 143½ St. Paul?
A.643 143½ St. Paul , je sais pas le numéro, pour vous dire franchement; mais au Restaurant 'Chez Réné).'

Q.644 Pourriez vous donner une description brève , courte, de ce restaurant là , comment c'est organisé?
A.644 Je sais qu'en rentrant,à droite il y a des tables.

Q.645 Et puis, à quoi cela sert-il ?
A.645 Un quick lunch; des repas aussi.

Q.646 Y a-t'il une porte de communication pour monter en haut?
A.646 Je peux pas vous dire.

Q.647 Etes-vous monté en haut?
A.647 Non, je me rappelle pas d'avoir monté là.

Q.648 Vous ne vous rappelez pas d'être monté en haut ?
A.648 Non monsieur.

Q.649 Vous souvenez vous être allé là une fois en particulier vers neuf heures, neuf heures et demie?
A.649 Oui , je me rappelle de ça.

Q.650 Vous souvenez vous d'être monté en haut dans la chambre de bain?
A.650 La chambre de bain c'est sur le même plancher.

Q.651 C'est pas en haut?
A.651 En haut je sais pas comment c'est amanché , j'y ai jamais été; du moins je me rappelle pas; si j'ai monté,je me rappelle pas.

Q.652 Vous êtes allé dans la chambre de bain , sur le même plancher ?
A.652 Oui , dans lachambre de toilette.

Q.653 Qu'avez vous fait là ?
A.653 J'ai pris un coup.

Q.654 Avez vousrencontré quelqu'un là, avez vous fait des transactions ?
A.654 Un nommé Georges.

Q.655 Qu'est ce qu'il vous a dit ?
A.655 Il m'a parlé à propos des piqûres.

Q.656 Qu'est ce qu'il vous a dit ?
A.656 Il m'a dit que si je voulais prendre cela, que ça pourrait me baisser à B ou C, pas plus que C-2 certain.

Q.657 Comment savait-il que vous nêtiez pas dans B ? Pourquoi vous baisser à B ou C?
A.657 C'est lui qui m'offrait ça.

Q .658 Est ce qu'il savait dans quelle catégorie vous tiez?
A.658 Il me l'a demandé.

Q.659 Comment vous avait il demandé cela?
A.659 "Dans quelle classe que t'est J'ai dit : " Je suis classé A.

Q.660 Ensuite , qu'est ce que vous avez dit ?
A.660 J'ai dit : " Moi, des affaires pour rester infirme tout le temps de ma vie, moi j'en veux pas".

Q.661 Qu'est-il arrivé après cela ?
A.661 Là, sur ça , il m'a dit : " Si tu veux en avoir une, ça va te coûter cinq piastres". Moi , je lui ai pas rendu de réponse tout de suite.

BY THE JUDGE-ADVOCATE:

Q.662 Pour éclairer la Cour. Le soldat que vous connaissiez sous le nom de Georges auquel vous venez de référer, est ce que c'est l'accusé, celui-là ici?
A.662 Non , pas pour moi, mon monsieur.

Q.663 Où est-il l'accusé? ?
A.663 Là. (Le témoin indique l'accusé).

Q.664 Celui auquel vous venez de référer comme étant Georges, ce n'est pas l'accusé?
A.664 Non monsieur. Ce Georges là je l'avais jamais vu avant.

Q.665 L'avez vous revu depuis ?
A.665 Non monsieur , je l'ai jamais vu.

EXAMINATION CONTINUED BY THE PROSECUTOR:

Q.666 Y avait-il plusieurs soldats au restaurant en question?
A.666 Oui , quelques uns.

Q.667 Est-ce que vous vous souviendriez d'avoir vu l'accusé là ?
A.667 Comme j'ai dit l'autre jour , j'étais trop chaud pour cela , pour vous dire que c'était lui.

Q.668 Vous pouvez pas jurer que c'était lui ?
A.668 Non , je peux pas jurer ça.

Q.669 Alors, pour continuer l'histoire que vous aviez commencée tantôt, celui que vous avez appelé Georges vous a dit qu'il pourrait vous donner une piqûre pour baisser votre catégorie?
A.669 Oui monsieur.

Q.670 Sur cela vous lui auriez dit que vous ne vouliez pas rester informe?
A.670 Oui monsieur.

Q.671 Après cela, qu'est il arrivé?
A.671 Lui est parti, il a été jaser avec l'autre gars qui était venu avec moi pour me faire prendre un coup.

Q.672 A l'autre soldat?
A.672 Oui monsieur.

Q.673 Le soldat ququel vous référez, est-ce que c'est lui?
A.673 Pour moi c'est lui. (Le témoin désigne l'accusé). Je peux pas le jurer.

Q.674 Mais pour vous,c'est lui?
A.674 Pour moi, c'est lui, mais je peux pas jurer.

Q.675 Après cela qu'est il arrivé?
A.675 Une petite secousse après ça on a parti en machine.

Q.676 Qui cela 'On'?
A.676 Les trois ..... Quatre ; on était quatre.

Q.677 Vous ?
A.677 Moi, les deux soldats et un civil.

Q.678 Celui que vous connaissiez sous le nom de Georges?
A.678 Oui monsieur.

Q.679 Les deux autres , qui étaient ils ?
A.679 L'autre , je prétends d'après un peu deressemblance, je prétends que c'est lui. (Le témoin indique l'accusé).L'autre, le civil, je le connais pas.

Q.680 Un homme habillé en civil?
A.680 Oui.

Q.681 Le civil, est ce que vous pourriez donner une brève description de lui? Est-ce que c'est un grand maigre?
A.681 Non; un homme gros assez, à peu près dans cinq pieds huit, cinq pieds neuf à peu près. Je peux pas dire au juste .

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Q.682 Alors, vous êtes allé dans l'automobile ?
A.682 Oui.

Q.683 L'automobile, je comprends, était placée où?
A.683 Dans la rue St. Paul.

Q.684 A quel endroit ?
A.684 A peu près en face du restaurant. Ca fait une petite secousse de cela...

Q.685 Là , qu'est il arrivé dans l'automobile ?
A.685 On a reparti en machine.

Q.686 Et puis , qu'est il arrivé?
A.686 Je sais que l'autre soldat, c'est là que chose a dit: " Georges, lève sa jambe de culotte".

Q.687 L'autre soldat a dit : " Georges, lève sa jambe de culotte?
A.687 Oui monsieur.

Q.688 Est-ce que Georges l'a levée votre jambe de culotte?
A.688 Oui, ils se sont jetés tous les deux sur moi, je peux pas dire qui a fait l'ouvrage.

Q.689 Quand vous parlez d'ouvrage, quelle sorte d'ouvrage est-ce?
A.689 La piqûre.

Q.690 Maintenant, vous avez parlé tout à l'heure de cinq piastres. Qu'est il arrivé avec le cinq piastres ? Avez-vous payé?
A.690 Moi, quand j'ai vu que j'avais absolument rien senti, je sais pas si c'est par la boisson, moi j'ai dit: "Moi, je paie pas". SSur l'entrefaite, j'avais perdu la carte.

Q.691 Et puis qu'est-il arrivé après cela?
A.691 Quand je suis revenu à moi , j'étais devant le Chateau Champlain.

Q.692 Dans le chemin?
A.692 Non, sur le trottoir.

Q.693 En automobile?
A.693 Non, j' étais seul.

Q.694 Avez-vous eu occasion de revoir l'accusé Hince subséquemment à cette fois là ?
A.694 Non.

Q.695 Avez vous eu occasion de le voir à l'hôpital?
A.695 Je le connais de vue seulement.

A.696 Est ce qu'il vous a parlé à l'hôpital?
A.696 Rien qu'une fois qu il m'a parlé dans la chambre de tdlette.

Q.697 Qu'est ce qu'il vous a dit dans la chambre de bain?

A.697 Il est arrivé à ras moi, il dit: " Me reconnais-tu?" J'ai dit : " Non, je te reconnais pas".

Q.698 Puis, qu'estce qu'il a dit après ?
A.698 Il dit : " Si tu parles , t'auras affaire à moi".

Q.699 Est ce qu'il y a pas une autre manière qu'il a dit cela? Estce que ce sont ses propres mots?
A.699 "Tu vas avoir affaire à moi si tu parles, tu feras pas vieux os avec ça". Je sais pas de quelle manière qu'il a voulu dire ça, je sais pas.

CROSS-EXAMINED BY THE COUNSEL:

Q.700 Laroche , dans quel état êties-vous ? D'abord , à quelle date êtes vous allé au restaurant "Chez Réné"?
A.700 Vers la fin de février, commencement de mars; je me rappelle pas.

Q.701 Vers la fin de février ou le commencement de mars?
A.701 Vers ce temps là. Là, pour dire que je me rappelle juste!

Q.702 C'est sérieux ce que je vous demande. Tâchez de vous rappeler au meilleur de votre connaissance à quelle date à peu près vous êtes allé là ?
A.702 Ah! Au commencement de février ou à la fin de janvier, je peux pas dire au juste.

Q.703 Dans quel état êtiez-vous quand vous êtes allé là?
A.703 J'étais chaud , j'étais plus que chaud.

Q.704 Etiez-vous chaud un peu ou beaucoup?
A.704 Plus que moinsJ'en perdais des bouts.

Q.705 C'est l'expression que vous avez employée cela quand vous avez dit que vous aviez perdu la carte?
A.705 Oui.

Q.706 L'avez vous perdue la carte?
A.706 J'ai perdu la carte une secousse.

Q.707 Cette sorte de Georges , quel est son deuxième nom?
A.707 Je sais pas.

Q.708 C'est pas l'accusé?
A.708 Non.

Q.709 Où êtiez-vous assis dans la machine ?
A.709 En arrière.

Q.710 A quelle place en arrière?
A.710 Au milieu.

Q.711 Qui était avec vous en arrière?
A.711 Le soldat Georges et l'autre que je prétends que c'est lui, mais jenpeux pas jurer.

Q.712

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Q.712 A quelle place était-il le soldat Georges ? A droite ou à gauche ?
A.712 Je me rappelle pas.

Q.713 Vous dîtes que vous avez pas senti la piqûre parce que vous aviez perdu la carte ?
A.713 C'est par l'effet de la boisson que j'avais.

Q.714 Par l'effet de la boisson que vous aviez , vous avez pas senti la piqûre?
A.714 Non.

Q.715 Comment pouvez vous dire que vous avez été piqué?
A.715 Ah!

Q.716 Comment pouvez vous dire que vous avez été piqué, si vous avez pas senti la piqûre?
A.716 ..... (pas de réponse)

Q.717 Je demande la vérité, pas d'autre chose que cela. Pouvez vous dire que vous avez été piqué?
A.717 J'ai pas senti la piqûre. Ordinairement une piqûre ça brule un peu quand ils nous donnent ça, on sent du mal, on souffre d'une piqûre, ça fait mal un petit peu après la piqûre.

Q.718 Qui vous a dit cela, si vous l'avez pas sentie ?
A.718 Dans l'armée, ça fait assez de piqûres qu'on a pour le savoir!

Q.719 Vous dîtes, par le fait que les autres piqûres faisaient mal après, que vous aviez été piqué?
A.719 On se pique avec une éponge, c'est bien que le coup de l'épingle;mais une piqûre de l'armée, après ça fait mal un peu, ça brule, ça fait quelque chose. C'est sur l'effet de la piqûre que je parle ; c'est pas sur l'effet de rentrer l'épingle.

Q.720 Quelle sorte de machine était-ce le char dans lequel vous êtes embarqué?
A.720 Je sais pas; c'est un char brun.... Non, bleu foncé.

Q.721 Si je vous disais que Hince était pas dans ce char là , qu'est-ce que vous diriez?
A.721 Comme j'ai dit , je dis pas oui ou non.

Q.722 Jurez-vous positivement que vous l'avez vu?
A.722 Non , je peux pas jurer ça parce que j'étais chaud, trop chaud moi-même pour dire ça.

Q.723 Monsieur Laroche, avez vous jamais déclaré à personne que vous aviez jamais vu le soldat Hince avant d'entrer à l'hôpital ? Sous votre serment?
A.723 Comme j'ai dit , je peux pas jurer.

Q.724 Je demande si jamais vous auriez dit à quelqu'un après le mois de février, soit à une, deux ou trois personnes, que vous ne connaissiez pas le soldat Hince, que vous l'aviez jamais vu, que la première fois que vous l'aviez vu c'est à l'hôpital, lorsque vous l'avez vu à l'hôpital au mois de février ? Est-ce vrai ou pas vrai?

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A.724 Je me rappelle pas.

Q.725 Dans les deux ou trois semaines qui ont suivi votre entrée à l'hôpital, pour rafraîchir votre mémoire, vous auriez dit cela à des personnes, soit à l'Hôtel de Ville ou ailleurs ~~ou ailleurs~~, que jamais de votre vie vous aviez vu Joseph Hince avant de rentrer à l'hôpital?

A.725 .... (pas de réponse).

Q.726 Jurez-vous que vous avez jamais dit cela?

A.726 Je peux peut-être l(avoir dit; je me rappelle pas.

Q.727 Vous avez pas dit cela au chef des détectives, Lacasse?

A.727 Je peux pas le jurer, je m'en rappelle pas . M'en rappeler, je le dirais.

Q.728 Vous étiez à jeun cette journée là ?

A.728 Oui, probablement.

Q.729 Je parle pas du temps où vous étiez chaud, je parle du temps où vous étiez à jeun, à l'Hotel de Ville. Vous avez déclaré au détective Lacasse que vous aviez jamais rencontré Joseph Hince ?

A.729 Que je le connaissais pas.

Q.730 Que vous le connaissiez pas et que vous l(aviez jamais vu?

A.730 Je peux pas dire que j'ai dit ça de même.

Q.731 Qu'est ce que vous avez dit ?

A.731 Je peux pas jurer que j'ai dit ça comme ça.

Q.732 Qu'est ce que vous avez dit si vous avez pas dit ça comme ça?

A.732 Je me rappelle pas.

Q.733 Comment se fait-il que vous vous rappelez du tour en machine et que vous ne vous rappelez pas de cela, et vous étiez saoul quand vous avez fait votre tour de machine?

A.733 J'ai pas dit que je me rappelais du tour de machine.

Q.734 Vous vous rappelez plus du tour dans l'automobile?

A.734 Je me rappelle quand j'ai parti, mais le trajet qu'ils ont fait , je me rappelle pas.

Q.735 Vous étiez chaud?

A.735 J'étais chaud , certain.

Q.736 Et vous ne vous rappelez pas ce que vous avez pu dire trois ou quatre semaines après alors que vous étiez à jeun? Vous ne vous rappelez pas de cela?

A.736 Dans ce temps-là on avait dix-douze enquêtes par jour.

Q.737 Quelles sortes d'enquêtes que vous aviez par jour ?

A.737 Pour ces procédures là.

Q.738 Qu'est-ce qui s'est passé dans toutes ces procédures là ? On va le sortir le chat du sac.

THE PROSECUTOR OBJECTS:

Les menances de mon confrère sont tout à fait inappropriées. Mon confrère sait parfaitement bien que ce n'est pas mpi qui ai conduit la cause.

THE COUNSEL REPLIES:

Je suis en mesure de prouver que le témoin a déclaré à trois personnes qu'il n'avait jamais vu l'accusé, qu'il le connaissait pas, qu'il l'avait jamais vu avant son entrée à l'hôpital au mois de février.

CROSS-EXAMINATION CONTINUED:

Q.739 A quelle date êtes vous entré à l'hôpital?
A.739 Je peux pas dire si c'est février ou mars.

Q.740 Combien ça faisait de temps que vous aviez fait votre tour d'automobile dans ce temps là ?
A.740 Ca faisait peut-être un mois! A peu près un mois.

Q.741 Ca faisait un mois?
A.741 A peu près ça.

Q.742 Qu'est ce que vous avez fait après avoir reçu la piqûre, si vous en avez reçu une, le lendemain ou le surlendemain?
A.742 J'ai reparti sur la drill.

Q.743 Avez-vous drillé avec cela ?
A.743 J'ai drillé, j'ai fait toutes sortes d'ouvrages.

Q.744 Ca vous a rien fait?
A.744 Le mal m'a tombé dans le pied pour commencer.

Q.745 Vous avez travaillé dans le mois de février?
A.745 Oui monsieur.

THE PROSECUTOR DECLINES TO RE-EXAMINE.

QUESTIONED BY THE JUDGE-ADVOCATE:

Q.746 Pourquoi avez vous été traité à l'hôpital?
A.746 C'est supposé être une piqûre que j'ai eue là.

Q.747 Aviez-vous mal aux oreilles ou au nez?
A.747 J'avais mal à la jambe, à cette jambe là.

Q.748 La jambe gauche?
A.748 Oui monsieur.

Q.749 La supposée piqûre que vous auriez recue dans l'automobile, c'était à quelle jambe ?
A.749 La jambe gauche.

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Q.750 A peu près où ?
A.750 A peu près ici. (Le témoin indique la face antéro-interne, quatre pouces en dessous du genou).

Q.751 Vous avez été opéré?
A.751 J'ai été opéré ici .

Q.752 Qu'est ce que ça sentait ?
A.752 Je sais pas.

Q.753 Etiez vous endormi quand vous avez été opéré?
A.753 Oui; je l'ai demandé, ils m'ont pas répondu.

Q.754 Est-ce vous même qui avez demandé votre admission à l'hôpital?
A.754 Non monsieur.

Q.755 Est-ce que vous vous êtes rapporté malade un moment donné?
A.755 Oui monsieur.

Q.756 A qui ?
A.756 Au Major du Camp de Lauzon. Je me rappelle pas le nom.

Q.757 Au médecin militaire du Camp de Lauzon?
A.757 Oui monsieur.

Q.758 Vous vous êtes pas rapporté à un médecin civil avant?
A.759 J'y ai été et j'ai payé de ma poche.

Q.760 Quel docteur ?
A.760 Le docteur Gagnon, dans la rue St. Joseph à Québec.

Q.761 Pourquoi êtes vous allé le voir ?
A.761 Pour voir ce que j'avais là.

Q.762 Qu'est ce que vous aviez ?
A.762 Lui serait capable de le dire.

Q.763 Pourquoi êtes vous allé voir le docteur Gagnon?
A.764 Voir ce qu'il était capable de faire pour ça.

Q.764 Ca, qu'est-ce que c'était?
A.764 La jambe.

Q.765 Qu'est-ce qu'elle avait votre jambe?
A.765 C'est une piqûre qu'elle avait eue.

Q.766 <u>QUESTIONED BY THE COURT:</u>

Q.766 A quelle date êtes vous allé chez le docteur Gagnon?
A.766 Ah!

Q.767 Vous êtes allé plusieurs fois?
A.767 Une fois.

Q.768 Quand?
A.768 Je suis sorti le 28 février en passe , je me rappelle de ça ; c'était un samedi, et je dois avoir été là le dimanche soir ou le samedi soir, jepense.

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Je pense que c'est le dimanche soir que j'ai été là.

Q.769 Au commencement ou à la fin de février ?
A.769 A la fin de février, j'ai sorti en passe le 28 février; j'ai rentré à l'hôpital au mois de mars.

Q.770 Quand avez-vous commencé à avoir des ennuis avec votre jambe, combien de temps avant d'aller voir le docteur Gagnon?
A.770 C'est quand je suis parti en passe, avant de rentrer à l'hôpital.

Q.771 Quand vous êtes allé voir le docteur Gagnon, ça faisait combien de temps que votre jambe vous faisait mal?
A.771 Ca , c'est le premier mars que j'ai été le voir.

Q.772 Ca faisait combien de temps que vous aviez mal à la jambe?
A.772 A peu près trois semaines un mois , à peu près ça. Je sais pas...

Q.773 Et vous avez continué vos devoirs pareil?
A.773 Oui monsieur.

Q.774 Sans vous rapporter au médecin militaire?
A.774 J'y ai été au bout de deux semaines, deux semaines après avoir eu la piqûre, et la jambe était enflée un petit peu, mais c'était dans le bas de la jambe.

Q.775 Ca vous a pris deux semaines après le tour d'automobile pour que la jambe commence à enfler?
A.775 Oui monsieur.

Q.776 Dans cet intervalle de deux semaines , vous vous en êtes pas aperçu?
A.776 Je sentais du mal dans le pied et ça a monté. Ca a pas monté plus haut que le genou. Le docteur a dit: " Ca. c'est absolument rien du tout".

Q.777 Est-ce que ce mal là a monté du pied jusqu'au genou graduellement?
A.778 Il a monté jusqu'au genou.

Q.778 C'est quand ça a été rendu au genou que vous êtes allé voir le docteur Gagnon?
A.778 Oui monsieur.

Q.779 Qu'est-ce que le docteur Gagnon vous a dit?
A.779 Il m'a demandé ce que c'était. Moi, j'ai pas voulu parler.

Q.780 Vous avez pas voulu lui dire?
A.780 Non . J'ai demandé, j'ai dit : " Quelle sorte d'affaire que c'est ça? Est-ce un abcès?". Il dit: "Franchement, je sais pas du tout, mais je sais que tu dois avoir du méchant là-dedans. La seule chose que t'as à faire c'est de mettre des compresses d'eau froide, d'eau bouillie là-dessus". C'est tout ce qu'il m'a dit.

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Q.781 Combien de temps après avoir vu le docteur Gagnon êtes-vous entré à l'hôpital?
A.781 J'ai téléphoné le même soir ou le lendemain au camp de Lauzon pour me rapporter malade à la maison.

Q.782 Tout de suite après avoir vu le docteur Gagnon, le même jour ou le lendemain?
A.782 Oui monsieur.

Q.783 QUESTIONED BY THE JUDGE ADVOCATE:

Q.783 Le jour de la fameuse tournée en automobile, avant de monter en autombbile, qu'est ce que vous aviez pris comme boisson?
A.783 Ca m'a eu l'air comme du whisky.

Q.784 Quelle quantité ? Pendant combien de temps? Vous êtiez en congé de Lauzon?
A.784 Quand je suis parti j'étais en congé.

Q.785 Quand vous êtes parti du camp de Lauzon vous n'êtiez pas chaud ?
A.785 Non.

Q.786 Aviez vous pris de la boisson avant votre départ du camp ?
A.786 Non.

Q.787 Où avez-vous pris votre premier coup en arrivant à Québec?
A.787 Au coin de la rue St. Pierre et du Marché Champlain.

Q.788 Dans une taverne?
A.788 Oui monsieur.

Q.789 De la bière?
A.789 De la bière.

Q.790 Avec des compagnons?
A.790 J'en ai pris avec des compagnons et avec d'autres.

Q.791 Quelle heure était-il quand vous avez pris votre premier verre de bière?
A.791 J'ai sorti en passe vers quatre heures et demie.

Q.792 Vous êtes parti du camp à quatre heures et demie?
A.792 Vers quatre heures et quart, quatre heures et demie.

Q.793 Vous êtes arrivé à la taverne à quelle heure?
A.793 Quand on part vers quatre heures et quart, on se trouve à prendre le bateau de cinq heures moins vingt.

Q.794 Et vous avez commencé à prendre un coup à cinq heures moins vingt?
A.794 Pas à cinq heures moins vingt; vers cinq heures ,je suppose.

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Q.795 Vous avez resté combien de temps dans la taverne?
A.795 J'ai pris quelques verres là , et ensuite de cela je dois en avoir pris dans la rue St. Paul.

Q.796 Qu'est ce que vous avez pris ?
A.796 De la bière.

Q.797 Toujours de la bière?
A.797 De la bière.

Q.798 Le tour d'automobile a commencé vers quelle heure?
A.798 Peut-être dix heures.

Q.799 Vous aviez soupé?
A.799 Non monsieur , je me rappelle pas.

Q.800 Tout ce temps là vous aviez pris de la bière?
A.800 Oui monsieur.

Q.801 A part du coup que vous avez pris avec Georges?
A.801 Oui.

Q.802 Cela c'était du fort?
A.802 Oui monsieur.

Q.803 A même une fiole, à même la bouteille?
A.803 Oui monsieur.

Q.804 Sans eau, pur?
A.804 Pur, comme ça.

Q.805 Une bouteille?
A.805 C'était de la couleur du scotch.

Q.806 Pour vous c'était du scotch?
A.806 Oui.

THE PROSECUTOR:

S'il m'était permis de demander au témoin le premier nom du docteur Gagnon et son adresse, je crois que ce serait dans l'intérêt de la cause d'avoir le docteur Gagnon comme témoin. La version du témoin , je comprends qu'elle est de bonne foi, mais il y aurait peut-être quelques explications que le docteur Gagnon pourrait donner sur la nature d'une blessure qui apparemment, selon le témoin, serait partie du pied et aurait gagné en haut du pied. La situation actuelle, quant à moi, est qu'il y a quelque chose de nouveau relativement à la blessure que le témoin aurait eue dans le bas du pied, et que pendant un mois cette blessure là aurait fait une ascension jusqu'à ce que, rendue à un point "X" on ait trouvé une marque d'aiguille hypodermique. Vu que dans mon idée il y aurait quelque chose d'obscur, je fais cette application pour entendre le docteur Gagnon.

QUESTIONED BY THE COURT:

Q.807 Savez vous son nom au long au docteur Gagnon?

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A.507 Il me semble que c'est Roméo.

Q.508 Où a-t'il son bureau?
A.508 Sur la rue St. Joseph.

Q.509 A Québec?
A.509 A Québec; je pense que c'est entre la rue de la Chapelle et la rue du Pont. Je peux pas dire juste.

Q.510 Voisin de quel magasin?
A.510 Je sais pas.

Q.511 Est-ce que vous avez payé pour les soins du docteur Gagnon?
A.511 Oui, j'ai payé.

THE COURT:

Qu'est-ce que vous entendez prouver par le docteur Gagnon?

THE PROSECUTOR:

Je voudrais savoir du docteur Gagnon quelles sontles constatations qu'il a faites. Il est allé voir, suivant son histoire le témoin est allé voir le docteur Gagnon, et le docteur Gagnon a dû faire certaines constatations. Le docteur Gagnon apparemment aurait constaté certain mal dans la jambe alors qu'à ce moment là le mal n'aurait pas été rendu au niveau où il a été après; ce ne serait que quelques jours plus tard que le mal aurait été rendu au niveau où le témoin aurait été opéré. Il me semble que ce n'est pas clair cette question du docteur Gagnon, et peut-être que le docteur Gagnon pourrait éclaircir cette situation, nous dire ce qu'il a constaté, parce que les témoignages du Major Lemieux et du Colonel Petitclerc viendront en contradiction avec le témoignage que vient de rendre le témoin. Si je ne me trompe pas, il me semble que les deux médecins ont déclaré que d'après eux cette piqûre aurait été donnée deux ou trois jours antérieurement à la date où il aurait été opéré, tandis que ce témoin-ci vient de nous dire qu'il aurait eu sa piqûre et que ça aurait pris un mois avant de gagner le niveau en question.

THE COUNSEL:

Je me demande si la Loi de la Preuve peut permettre à mon confrère de refaire à cette phase-ci des procédures une nouvelle argumentation. Ce sont des faits donnés par un de ses témoins. Si c'était un témoin de la Défense, la transquestion lui serait permise.

C'est un fait nouveau soulevé par un de ses témoins ; c'est son propre témoin. Si c'était un de mes témoins, la transquestion serait possible. C'est un fait révélé de bonne foi entièrement par son témoin, et cela ne donne pas ouverture à la transquestion sur ce sujet là.

THE COURT:

L'enquête de la poursuite n'est pas encore terminée. Le procureur de la poursuite demande la permission defaire entendre un nouveau témoin.

THE PROSECUTOR:

C'est chose de courante occurrence que de demander un ajournement pour faire entendre un autre témoin.

THE COUNSEL:

J'aimerais avoir une décision sur mon objection.

THE COURT:

La demande d'ajournement est accordée.

THE COUNSEL:

Si je comprends bien, mon objection est renvoyée sans étude?

THE COURT:

La Cour a prise en considération votre objection.

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

The witness withdraws.

AT 4:09 O'CLOCK ON THE 13th. DAY OF JULY 1942, THE COURT ADJOURNED UNTIL 10:00 O'CLOCK ON THE 14TH. DAY OF JULY 1942.

ON THE 14th. DAY OF JULY 1942, at 10:00 O'CLOCK, THE COURT REASSEMBLE PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS ON THE 13th. DAY OF JULY 1942.

Fourth Witness for the Prosecution:- DR. ROMEO GAGNON, 130 St. Joseph Street, Québec, being duly sworn, is examined by the Prosecutor:

Q.812 Vous êtes médecin à Québec depuis combien de temps, docteur?

A.812 Ca fait depuis 1921.

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Q.813 Vous avez votre bureau à quel endroit ?
A.813 A 130 rue St. Joseph, Québec.

Q.814 Avez vous eu occasion de soigner au cours des mois de janvier , février ou mars derniers des soldats?
A.814 Oui monsieur.

Q.815 Plusieurs?
A.815 Il s'en présente assez souvent.

Q,816 Avez-vous eu occasion de soigner un soldat du nom de Laroche?
A.816 Par le nom , je pourraispas l'identifier ; il est possible même qu'il ne m'ait pas donné son nom.

NO.E/461987, Pte.LORENZO LAROCHE, IS BROUGHT BEFORE THE COURT.

Q.817 Voudriez vous regarder le soldat qui vient d'entrer, ici àvotre droite, et nous dire si vous pourriez identifier ce soldat comme s'étant présenté chez vous ?
A.817 Franchement , je pourraispas jurer.

Q.818 Vous souviendriez vous d'avoir soigné un soldat avec un mal de jambe?
A.818 En autant que je me suvienne, je crois me rappeler d'avoir vu quelqu'un souffrant à une jambe.

Q.819 Vous souviendriez vous à quel niveau de la jambe il souffrait?
A.819 Etant donné que la jambe est située du pied au genou, la jambe, ce serait cette partie là qui est en haut.

Q.820 C'est justement ce que je demande. Je demande à quel niveau de lajjambe. Est-ce au tiers-moyen, ou...?
A.820 Ce serait plutôt la partie médiane, autant que je me rappelle.

Q.821 Antéro-interne, extéro-postérieure?
A.821 Autant que je puis me rappeler, ce serait plutôt à la région antérieure; maintenant, externe ou interne, je nepeux pas préciser.

Q.822 Quel aspect la blessure ou la jambse donnait-elle quand vous l'avez vue?
A.822 A cette question je ne pourrais pas répondre de façon précise, parce que j'ai eu des malades qui s'étaient blessés soit en tombant dans un escalier ou quelque chose de semblable quelques fois ce sont des éraflures de la peau, où des fois un peu plus profondes. Mais quant à dire au sujet du monsieur qu'on me mentionnerait et que mes souvenirs peuvent me rappeler, je pourraispus préciser de quelle nature c'était. Ca ne devait pas être une blessure que j'ai dû panser, je crois pas; ça a été plutôt une chose de gonflement.

Q.823 De quoi le soldat se plaignait-il?

A.823 Je peux pas répondre, j'ai pas de souvenir assez fidèle. Evidemment une douleur, mais.!

Q.824 Est-ce qu'il boitait?

A.824 Autant que je me rappelle, oui.

Q.825 Est-ce qu'il a déclaré de quelle manière c'était arrivé cette blessure là?

A.825 Je ne peux pas me rappeler suffisamment pour pouvoir affirmer.

Q.826 Est-ce que la blessure était d'une nature , si on peut se servir de cette expression qui est tout à fait laique, que le mal pousserait de haut en bas , ou de bas en haut?

A.826 Rationnellement c'est supposé de voyager ou de changer par une station qui est plutôt verticale, étant donné que la position horizontale durant le coucher est ordinairement un peu moins longue que celle debout; aussi le mal est supposé descendre plutôt que monter. Je ne voudrais pas dire qu'il est absolument impossible que ça puisse monter, en ce sens qu'il y a certaines choses inflammatoires qui, fusant à travers l'enveloppe des muscles , il peut arriver que par certains caprices que ça puisse monter. Mais ça a tendance à descendre plutôt qu'à monter, quoique ce ne soit pas, comme j'ai dit, bien impossible que ça puisse monter, si par exemple c'était situé au tiers-supérieur de la jambe, c'est-à dire plus près du genou que de la cheville.

Q.827 Maintenant, en supposant une blessure au tiers-moyen, tel que vous venez de mentionner, est-ce que serait dans le domaine du possible que l'inflammation procède en descendant?

A.827 De préférence en descendant si le patient n'est pas soumis à une situation de position horizontale de son membre. Nécessairement ça doit aller en descendant. Si par exemple il est mis au repos ou s'y met lui-même, et que sa jambe est plutôt dans une position horizontale, si c'est au tiers moyen supérieur ça aurait tendance à monter plutôt vers le genou qu'à descendre. Tout dépend un peu de la position.

Q.828 Et quand vous avez examiné la blessure, pourriez vous décrire le genre de blessure que vous avez constatée à ce moment là?

A.828 Autant que je puis me rappeler , ce serait plutôt une chose d'inflammation; autant que je peux me rappeler il y avait pas de lésion de la peau, bien que c'est pas impossible, je peux pas préciser. J'ai peut-être meme pu couvrir la région, faire un pansement pour couvrir la région de façon à ce que le vêtement ne frictionne pas la peau. Je peux pas me rappeler; on fait tant de pansements pour toutes sortes de choses.!

Q.829 Avez vous quelque chose dans vos records, dans vos fiches à votre bureau, qui vous permettrait de donner plus de détails sur l'état pathologique que vous auriez constaté sur le soldat Laroche?

A.829 Absolument rien en ce sens là.

Q.830 Vous gardez aucun record?
A.830 Non. D'habitude je les vois une fois comme cela en passant. Quelques uns sont déjà venus deux ou trois fois, mais pour des choses autres.

Q.831 Vous parlez de soldats tout le temps ?
A.831 Oui, de militaires; et étant donné que d'habitude on les vois pas très souvent, des fois ils n'habitent pas la région de Québec, ils sont en passant comme cela, nous demandant une opinion.

Q.832 Je comprends qu'une des raisons pour lesquelles vous n'identifieriez pas définitivement le soldat Laroche, c'est que vous avez une grosse clientèle de militaires?
A.832 Pardon, je ne voudrais pas laisser faire entendre... mais je veux dire que presque chaque semaine il s'en présente de blessés, des fois coupés au visage, aux mains; des fois il y en a qui sont blessés, qui nous sont amenés; d'autres sont déjà venus parce qu'ils étaient en état d'ivresse, amenés par d'autres, conduits par d'autres. Ca arrive fréquemment en tout cas que j'en vois, mais je crois bien que j'en vois pas plus que d'autres ; c'est parce que mon bureau étant situé sur une artère de la ville assez achalandée, il y en a qui passent comme cela, me connaissent pas du tout et entrent.. Maintenant, ce qui peut faire que je ne reconnaisse pas le sujet, c'est que d'abord le teint est toujours un petit peu plus basané l'été que l'hiver; et ensuite, beaucou, surtout dans l'âge de ce monsieur, prennent de l'embonpoint, se transforment un peu. Je le reconnais pas, en tout cas

The Counsel declines to cross-examine.

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

The witness withdraws.

Third Witness for Prosecution RECALLED:- No. E/461987, Private LORENZO LAROCHE, Régiment de Montmagny, C.A., being recalled for the purpose of identifying the fourth witness for the prosecution, is examined by the Prosecutor on his former oath:

Q.833 Monsieur Laroche, reconnaissez vous le docteur Gagnon comme étant le docteur qui vous a soigné?
A.833 Oui monsieur.

Q.834 C'est bien lui?
A.834 Oui monsieur.

The Counsel declines to cross-examine .

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

The witness withdraws.

THE TRIAL IS NOW PROCEEDED WITH TO A CLOSE ON THE THIRD AND FOURTH CHARGES, AFTER WHICH THE COURT PROCEED WITH THE TRIAL ON THE SEVENTH AND EIGHTH CHARGES, THE HEARING BEING CONTINUED AS FOLLOWS:

Fifth Witness for Prosecution:- No.E/5818, Private Roland MCDONALD, Royal 22e Regiment, C.A., attached to A.I.T.C., A-13, C.A. being duly sworn, is examined by the prosecutor.

THE COUNSEL OBJECTS:

Je m'objecte à ce que la poursuite fasse entendre de nouveaux témoins avant l'audition des témoins de la défense, étant donné que l'avocat de la poursuite a déclaré avant le dernier ajournement que son enquête était close sur les accusations sept et huit, sauf éa entendre le docteur Gagnon. S'il faut absolument que mon client soit déclaré coupable, je me demande....

THE PROSECUTOR REPLIES:

En réponse à l'objection insultante de mon confrère, je dois dire ceci: Premièrement, il n'y a absolument rien dans la loi qui autorise les remarques de l'avocat de la défence . Deuxièmement, il n'y a absolument rien quant aux faits, à savoir même si la poursuite déclare qu'elle a l'intention d'entendre un témoin ou un autre , ou de clore son enquête avec un autre ou avec deux autres témoins, qui autorise la défense à soulever une objection en disant: " Je m'objecte à ce que la poursuite entende un témoin avant l'autre, parce que vous avez déclaré telle chose ", ou "Je m'objecte à ce que vous entendiez plus que deux témoins, parce que vous avez déclaré que vous n'entendriez que deux témoins", ou " Je m'objecte à ce que vous entendiez un deuxième témoin, parce que vous avez dit que vous n'entendriez qu'un témoin". Les déclarations que peuvent faire, soit la poursuite ou la défense, en examen en chef ou en rebuttal ou en sur-rebuttle, ne lient jamais aucun procureur ni dans un sens ni dans l'autre. Que ce soit de la part de la poursuite ou de la défense, ce n'est qu'une déclaration que peut faire un procureur à la Cour pour guider la Cour, en disant : " J'ai l'intention de procéder de telle façon, j'ai l'intention d'entendre un tel, ou deux tels, ou trois tels". Mais je soumets que si la poursuite, après avoir entendu un tel, considère qu'il y a lieu d'entendre un autre

témoin, il n'y a absolument rien ni en fait ni en droit qui pourrait autoriser la poursuite ou la défense à soulever une objection en disant: " Vous avez déclaré que vous n'entendriez qu'un témoin, je m'objecte, je ne veux pas que vous entendiez d'autres témoins". Si mon confrère peut me prouver un seul article ou dans la loi militaire, ou dans la loi civile ou criminelle, eh bien, j'abandonnerai le droit de questionner ce témoin-ci. Mais mon confrère sait parfaitement bien que son objection n'est pas fondée.

THE JUDGE-ADVOCATE:

J'abonde dans le sens de la poursuite, avec cette réserve-ci toutefois, que la partie adverse dans un cas comme celui-là, où la poursuite ou la défense a exprimé l'intention de faire entendre ou de ne pas faire entendre certains témoins, ou procéder d'une façon ou d'une autre, d'une façon plutôt que d'une autre, que ça ne le lie pas d'une façon formelle. Mais il y aurait peut-être dans certains cas lieu à ouverture d'une demande d'ajournement parce qu'un témoin aurait été appelé plutôt qu'un autre, et que la partie adverse ne serait pas en position de faire contre-preuve. Je n'ai pas compris que le Major Coote avait déclaré d'une façon formelle que sa preuve était close; ce n'était pas un engagement formel; et même si ça l'était, il pourrait encore faire entendre un autre témoin.

THE COUNSEL:

La question que je soulève n'est pas sur le fait que l'avocat de la poursuite air déclaré qu'il n'en ferait pas entendre; c'est sur le fait qu'il aurait déclaré sa preuve close.

THE COURT OVERRULE THE OBJECTION OF THE COUNSEL.

Examined by the Prosecutor:

Q.835 Vous connaissez l'accusé?
A.835 Oui monsieur.

Q.836 Voulez-vous raconter à la Cour ce que vous connaissez de cette affaire-ci?
A.836 Seulement que la fois qu'il m'avait demandé une seringue.

Q.837 Dans quelles circonstances?
A.837 Il venait chercher un traitement à l'hôpital. Il m'a demandé si je pouvais lui procurer une seringue.

Q.838 A quel hôpital?
A.838 A l'hôpital militaire à Valcartier.

Q.839 Il vous a demandé une seringue?
Q.839 Oui monsieur.

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Q.840 Quelle sorte de seringue ?
A.840 Il m'a pas dit quelle sorte de seringue.

Q.841 Quelle sorte de seringue avez-vous compris que c'était ? Il y a toutes sortes de seringues.
A.841 J'aurais cru que ça aurait été une seringue qu'ils donnent les traitements là-bas; je peux pas voir que ce soit d'autre chose.

Q.842 Comment vous a-t'il demandé cela? Pouvez-vous vous souvenir des mots qu'il a employés?
A.842 Il m'a demandé une seringue.

Q.843 Pour donner des piqûres?
A.843 Il m'a pas dit pourquoi c'était.

Q.844 Est ce quéil vous a parlé de la grosseur de la seringue, quelle sorte de seringue?
A.844 Non monsieur, il a pas parlé de la sorte ni de la grosseur; il m'a pas dit pourquoi, rien.

Q.845 Il y a des seringues pour huiler des automobiles; est-ce cela qu il vous a demandé?
A.845 Je sais pas.

Q.846 Avez vous pensé à lui en offrir une de même?
A.846 J'ai jamais pensé à lui en procurer une.

Q.847 Quelle sorte avez-vous pensé lui apporter?
A.847 Je sais pas quelle sorte de seringue je lui aurais apportée.

Q.848 Qu'est ce que vous lui avez répondu?
A.848 J'ai dit que je pouvais pas.

Q.849 Quand vous êtes sorti de l'hôpital, avez-vous eu occasin de le rencontrer?
A.849 Une fois. Je le rencontrais souvent dans le temps.

Q.850 Dans le temps qu'ils ont formé la "draft", avez-vous eu occasin de le rencontrer?
A.850 Au "board?"

Q.851 Oui.
A.851 Il m'a demandé comment j'étais classé. J'ai dit que j'étais classé "A", que je m'en allais sur la "draft."

Q.852 Ensuite?
A.852 Ensuite, je l'ai pas revu après ça.

Q.853 Lui avez-vous dit autre chose?
A.853 Non monsieur.

Q.854 Lui , vous a-t'il dit d'autre chose?
A.854 Il m'a dit qu'il était débarqué de sur la draft.

Q.855 Avez vous parlé de devoir ?

THE COUNSEL OBJECTS:

Je m'objecte à ce genre de questions comme n'étant pas pertinentes aux chefs d'accusation que nous commes actuellement à étudier.

THE PROSECUTOR REPLIES:

Il s'agît d'une piqûre qui aurait été donnée dans la mois de janvier ou février, aux environs d'un temps où il y avait une "draft" qui se préparait pour outremer. C'est mon témoin; je ne peux pas lui poser de questions directes, mais il me semble que je suis dans la "res gestae", je suis autour, et j'y arrive tranquillement. Je suis parti de l'hôpital où il s'agissait d'une seringue, et je suis rendu maintenant aux environs de la journée où la "draft" a été formée, et à une conversation entre le témoin et l'accusé. Je demande une décision.

THE COURT DISALLOW THE OBJECTION OF THE COUNSEL

A.856 Il m'a demandé comment j'étais classé; j'ai dit que j'étais classé "A" et que je m'en allais de l'autre bord, je m'en allais en passe d'adieu.

Q.857 Là, qu'est-ce qu'il a répondu, l'accusé?
A.857 Il m'a dit qu'il était déclassé, qu'il était débarqué de sur la draft.

Q.858 Et ensuite?
A.858 Je me souviens pas qu'il m'ait dit d'autre chose, monsieur.

Q.859 En vous souvenant un peu?
A.859 ... ... Je peux pas me souvenir d'autre chose.

The Counsel declines to cross-examine.

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

The witness withdraws.

The Prosecutor has no further witnesses on the seventh and eighth charges.

The prosecution is closed.

Defence

Question to the accused. Q. 860 Do you apply to give evidence yourself as a witness?

Answer. A. 860 Oui, monsieur.

Question. Q. 861 Do you intend to call any other witness in your defence?

Answer. A. 861 Oui monsieur.

Question. Q. 862 Is he a witness as to character only?

Answer. A. 862 Non monsieur, pas un seul pour prouver le caractère de l'accusé.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence ~~including witnesses as to character~~) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

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First Witness for Defence.

The accused, No./5095, Pte. Joseph HINCE, Royal 22e Regiment, C.A., attached to A.I.T.C., A-13, C.A., being duly sworn, is examined by the Counsel.

Q.863 Monsieur Hince, vous avez entendu le témoignage du soldat Laroche?

A.863 Oui monsieur.

Q.864 Voulez-vous dire à la Cour aussi brièvement et aussi véritablement que possible ce que vous connaissez de ce type là, où vous l'avez rencontré, où vous l'avez connu, ce qui s'est passé entre vous et lui?

A.864 J'ai vu le soldat Laroche pour la première fois au commencement de mars 1942 à l'hôpital militaire de Québec, dans la chambre de bain; un matin que le médecin m'avait donné la permission de me lever, je suis allé dans la chambre de bain faire ma toilette, après un séjour de cinq semaines au lit. J'ai vu le soldat Laroche, je le connaissais pas par son nom, il m'a adressé la parole. Quandje suis rentré, je marchais aux dépens d'une canne. Le soldat Laroche a dit à ceux-là qui l'entouraient, qui étaient dans lachambre de bain, à ceux qui l'entouraient : "Tiens, voilà encore un bosteux". A ce sujet là, il m'a demandé: " Qu'est-ce que tu as?" Je lui ai fait la réponse que j'avais subi une opération. Il dit : "C'est comme moi; j'ai subi une opération moi aussi". Et ça a été le seul sujet de conversation avec le soldat Laroche, pour la première vue, à l'hôpital militaire, au commencement de mars 1942.

Q.865 Lors de la même occasion, au même endroit, avez-vous , oui ou non, fait des menaces quelconque à monsieur Laroche?

THE PROSECUTOR OBJECTS:

Je m'objecte à la question pour deux raisons: Premièrement, sans aucun doute c'est une question "leading", deuxièmement, c'est une question dont la réponse indubitablement devra être un oui ou un non, ce qui est formellement défendu par le Code Militaire. Comme question de fait, mon confrère dit : " Dites-moi oui ou non", ce qui veut dire que le témoin devra répondre oui ou non, et le Code Militaire dit expressément qu'aucune question ne peut être posée à un témoin, à son témoin, si la réponse qui vient est un'oui 'ou un'non'. Cela s'applique dans le Code Militaire, dans le Code Criminel Civil et dans le Code Civil ordinaire. Pour ces deux raisons, je m'objecte à cegenre de question. Je demanderais à mon confrère d'en poser une nouvelle, et je pense que devant les remarques que je viens de faire, mon confrère n'insistera pas.

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The Counsel withdraws his question.

Q.866 Est-ce qu'il y a eu entre Laroche et vous-même d'autres conversations ?

THE PROSECUTOR OBJECTS:

Objecté pour les mêmes raisons, parce que la réponse qui va venir sera nécessairement un "oui" ou un "non". Alors la question est encore illégale pour les deux memes raisons que j'ai signalées tout à l'heure: la question est leading, et la réponse viendra avec un "oui" ou un "non".

THE COURT DISALLOW THE OBJECTION OF THE PROSECUTOR.

A.866 Aucune.

Q.867 Vous avez entendu le témoignage de monsieur Laroche?

A.867 Oui monsieur.

Q.868 Avez vous compris ce qu'il a raconté au sujet d'un restaurant du nom de Restaurant "Chez René", sur la rue St. Paul?

A.868 Oui.

Q.869 Si vous y êtes allé dans les circonstances qu'il a racontées, voulez-vous dire à la Cour ce qui s'est passé?

A.869 Non monsieur, j'y suis pas allé. Et même , d'autant plus, c'est un restaurant que je peuxrentrer assez souvent, comme tout autre restaurant, pour prendre quelque chose que j'aurais besoin, mais jamais pour insister à rester, à tenir une conversation dans ce restaurant là.

Q.870 Voulez vous dire à la Cour ce que vous connaissez d'un soldat du nom de "Georges" auquel il a été fait allusion?

A.870 Je connais absolument rien sous ce nom, aucune personne, même dans les places où je puisse aller, pour entendre nommer un nommé Georges.

CROSS-EXAMINED BY THE PROSECUTOR:

Q.871 Hince, vous connaissez McDonald?

A.871 Oui monsieur.

Q.872 Avez-vous eu occasion de le rencontrer en novembre dernier?

A.872 Je crois que oui; depuis deux ans qu'il est avec nous autres, on se rencontre assez souvent.

Q.873 Est-ce que vous dîtes que vous l'avez rencontré, ou que vous l'avez peut-être rencontré?

A.873 Je peux l'avoir rencontré comme un autre soldat.

Q.874 Vous êtes pas sûr?

A.874 On prend nos traitements la même semaine, les mêmes jours, ensemble.

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Q.875 Avec tout cela , vous êtes pas sûr de l'avoir rencontré?

A.875 Certainement . Je peux pas prouver que je l'ai rencontré le mardi, le mercredi.

Q.876 Je vous ai demandé si vous l'aviez rencontré?

A.876 Certainement que je peux l'avoir rencontré.

Q.877 Vous admettez l'avoir rencontré?

A.877 Oui monsieur.

Q.878 Pourquoi ne l'avez vous pas dit au début de mes questions?

A.878 Parce que vous m'avez pas donné le temps.

Q.879 Vous avez dit en novembre ?

A.879 Je dis l'avoir rencontré en janvier.

Q.880 J'ai demandé si vous l'aviez rencontré en novembre?

A.880 Certainement. Je suis sujet à l'avoir rencontré, je prends mes traitements ensemble même , et deux fois par semaine on va à la même place prendre les traitements. On est tout un groupe ensemble.

Q.881 - - - Dans le groupe qui prend des traitements pour la syphilis il y a vous ..?

A.881 Oui monsieur.

Q.882 Greffard?

A.882 Non , je crois pas , je l'ai jamais vu prendre de traitements.

Q.883 McDonald?

A.883 Oui monsieur.

Q.884 Quels autres dans votre groupe?

A.884 Plusieurs dont les noms m'intéressent pas, qui sont même pas dans mon régiment.

Q.885 Monfette?

A.885 Non monsieur.

Q.886 Alors, en novembre, on va au commencement de novembre, vous avez eu occasion d'aller à l'hôpital pour recevoir des traitements, et vous vous rendiez là en compagnie de McDonald?

A.886 En compagnie de tous ceux-là qui allaient là. On allait sous la charge d'un caporal ou d'un sergent.

Q.887 Vous rappelez vous d'avoir demandé à McDonald une seringue?

A.887 Je demanderai à la Cour , avant de répondre, si on m'a demandé de témoigner dans la cause de Laroche, ou ....

THE COURT: Vous êtes obligé de répondre.

Q.888 Lui avez vous demandé une seringue?

A.888 Roland McDonald était à l'hôpital comme patient. J'allais prendre des traitements deux fois par semaine à l'hôpital. Ca arrivait temps en temps qu' il pouvait me parler, me demander comme ça allait

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au régiment. Il avait hâte de sortir , que son cas soit rétabli. Il dit : " On est assez bien ici, on est à portée de tout ce qu'on veut, je pourrais avoir n'importe quoi". J'ai dit : " Qu'est ce que tu pourrais avoir?" Il dit : " Je pourrais avoir des seringues m'ème". La chose est restée là, en a pas été d'autre sujet.

Q.889 Pensez-vous que je vais vous croire, l'histoire que vous me dîtes là ?

A.889 Emmenez-moi d'autres preuves qui ont été témoins que c'est pas comme cela.

Q.890 C'est lui qui vous a offert une seringue?

A.890 Pardon; la réponse que je vous fais, il m'a dit qu'il était en possession de tout, qu'il était à la portée de tout, qu'il était en possession de tout , seringues , n'importe quoi. Il m'a pas dit qu'il voulait me donner une seringue.

Q.891 Il vous a offert une seringue ?

A 891 Non monsieur.

Q.892 C'est vous qui lui avez demandé une seringue ?

A.892 Non monsieur. Il dit : " On a tout ce qu'on veut." Il parlait d'aucunes seringues qui puissent causer des réactions quelconques pour les cas de piqûres, qui sont trop grosses. Il dit : " J'ai parlé avec le médecin pour en avoir une plus petite". Il dit: "On est très bien traité, on est à portée de tout". Il m'a pas dit que je pourrais me servir de cela pour mon utilité.

Q.893 Vous , vous lui avez pas demandé de seringue?

A.893 Non monsieur.

Q.894 Vous jurez cela?

A.894 Non, pas de ma connaissance de lui avoir demandé cela.

Q.895 Avez-vous votre connaissance?

A.895 Oui monsieur.

Q.896 Vous êtes capable de jurer que vous lui en avez pas demandé?

A.896 Je peux pas me rappeler de cela.

Q.897 Pensez-y? Essayez de vous rappeler ?

A.897 Ce que je me rappelle , je vous l'ai défriché; pas plus long que cela.

Q.898 Défrichez encore un petit peu. Vous allez la trouver la seringue?

A.898 Non, c'est le seul sujet dontil a été question.

Q.899 Et il vous a dit qu il pouvait pas en avoir de seringue?

A.899 Je lui en ai pas demandé.

Q.900 Lui vous en a pas offert?

A.900 Non; on a parlé de seringues, il m'a mentionné qu'il avait tout à la portée de tout.

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Q.901 Quand vous avez réalisé que vous ne pouviez pas avoir de seringue par McDonald, où avez vous été pour avoir une seringue?

A.901 Nulle part.

Q.902 Etez-vous allé chez un docteur civil?

A.902 Non monsieur.

Q.903 Etes-vous allé à une pharmacie?

A.903 Non monsieur.

Q.904 Pas de votre connaissance?

A.904 Non monsieur.

Q.905 Mais peut-être bien que vous seriez allé?

A.905 Ah non monsieur!

Q.906 Vous avez rencontré , je comprends, Mc Donald lorsque l'on était à préparer une "draft" à Valcartier?

A.906 Oui monsieur.

Q.907 Vous lui avez demandé dans quelle classe il était?

A.907 On était tous ensemble à passer le "reboard," les examens médicaux.

Q.908 Là vous lui avez dit que vous étiez S.M.B.

A.908 C'est à dire qu'on voulait savoir comment on était classés.

Q.909 Quand McDonald vous a dit qu'il était classé "A", vous lui avez demandé ce qu il avait l'intention de faire?

A.909 Je dois pas lui avoir posé cette question.

Q.910 Qu'est ce que vous lui avez demandé?

A.910 Je me rappelle pas lui avoir posé aucune question à ce sujet là.

Q.911 Qu'est ce que c'est qui s'est passé? Racontez moi ce qui s'est passé entre vous et McDonald?

A.911 Tous ensemble comme on était...

Q.912 Qui y avait-il? Greffard?

A.912 Je me rappelle pas qu'il soit là.

Q.912 Monfette?

A.912 Je me rappelle pas s'il était avec nous autres. On On était dans un appartement comme celui-ci, seulement plus de soldats. Le président c'était le Colonel Petitclerc. On a passé à tour de rôle avec nos dossiers. On voulait tous savoir l'un et l'autre comment on était classé. Il m'a demandé comment j'étais; j'ai dit que j'étais S.M.B.. Et McDonald dit: "Moi, je suis classé "A", je pars". C'est là le seul sujet.

Q.913 Vous lui avez pas dit : " Si j'étais à ta place, en allant en passe je m'arrangerais pour me faire donner une "shot" moi-même pour entrer à l'hôpital"? Vous avez pas dit cela ?

A.913 A qui?

Q.914 A quelqu'un ?
A.914 Je verrais pas aucune raison.

Q.915 Les "shots", qu'est ce que c'est ?
A.915 Dans l'armée, il y en a qui disent cela "des shots" quand ils nous donnent des piqûres dans le bras.

Q.916 Vous connaissez ce que c'est qu'une "shot" ?
A.916 Une piqûre.

Q.917 Une piqûre de morphine, vous connaissez cela?
A.917 J'en ai déjà eu quand j'étais dans les hôpitaux.

Q.918 Pas en d'autres occasions avant cela ? Pensez-y donc?
A.918 Au civil?

THE COUNSEL OBJECTS TO THIS QUESTION.

THE PROSECUTOR REPLIES:

Les questions peuvent être de deux natures, soit de nature à bâtir une preuve pour la cause, ou encore des questions de nature à discréditer le témoin. Maintenant , je soumets que nous ne sommes pas obligés de nous limiter strictement à d'abord faire une preuve qui va contribuer à bâtir la cause, et subséquemment faire une preuve pour discréditer le témoin. Je soumets que j'ai le droit de temps en temps de poser des questions au témoin qui soient de nature à le discréditer, et de temps en temps poser des questions qui sont de nature à édifier la cause. Tant qu'à la preuve qu'il m'incombe de faire ici pour prouver devant la Cour que Hince est celui qui aurait donné une piqûre à Laroche, il est entendu que je ne fais actuellement aucune preuve dans ces sens là. Seulement je soumets que c'est une preuve que je fais pour discréditer le témoin, de même que si je demandais au témoin : " Avez-vous eu occasion dans le passé d'être condamné par une Cour Militaire?", c'est complètement en dehors de la preuve, mais tout de même c'est une preuve qui est de nature à discréditer la véracité du témoignage en question. Si par le discrédit que j'apporte sur son témoignage je mets devant la Cour que c'est un témoin dont le témoignage doit être rejeté de côté, je soumets que je fais quelque chose pour la cause. Maintenant , je vais me soumettre volontiers si la Cour trouve que je vais trop loin, ou que je mets plus de preuve tendant à discréditer le témoin que de preuve tendant à édifier la cause; je vais me soumettre avec plaisir.

THE JUDGE-ADVOCATE:

Je référerai au chapitre VI, article 115 , qui se rapporte plus spécifiquement au cas de

l'accusé rendant témoignage: " Counsel will not state as a fact any matter which is not proved". Il n'est pas prouvé que l'accusé rendant actuellement témoignage, à une période quelconque de sa vie, se serait donné des piqûres de morphine, et ce n'est pas, je suppose, l'intention de la poursuite de faire telle preuve qui serait complètement en dehors.

THE COURT ALLOWS THE OBJECTION OF THE COUNSEL.

Q.919 143½ St. Paul , connaissez-vous cela?
A.919 Oui monsieur.

Q.920 Connaissez-vous cela depuis longtemps?
A.920 Non monsieur ; à peu près un an peut-être.

Q.921 Simonne demeurait là ?
Q.921 Oui monsieur.

Q.922 Elle demeurait au premier étage en bas ?
A.922 Au troisième.

Q.923 Simonne, je comprends .... Quel est son autre nom?
A.923 Monfette.

Q.924 Simonne c'est votre blonde?
Q.924 C'est une amie, comme l'amie de ma soeur. Elle me considère comme étant une connaissance.

THE COUNSEL OBJECTS TO THAT QUESTIN:

Ce n'est paspertinent auxchefs d'accusation.

THE PROSECUTOR REPLIES:

Il faut situer les lieux. Voici quelque chose qui se passe à 143½ St. Paul. Il faudrait tout de même situer les lieux, savoir qui fréquente les lieux , quelles sont les relations de chacun avec chacun, jusqu'à quel degré les connaissances sont liées les unes avec les autres. On sait maintenant jusqu'à quel point Simonne peut être intéressée dans la cause : c'est une amie de sa soeur.

Q.925 C'est pas une de vos amies ?
A.925 Je la considère comme étant une amie de ma soeur. Je vais là assez souvent. Je peux pas la considérer comme une méchante amie, elle m'a absolument rien fait. Je la considère comme une amie ordinaire.

Q.926 Votre soeur y va-t'elle à 143½ St. Paul ?
A.926 Oui monsieur.

Q.927 Maintenant , vous y allez , vous, souvent à 143½ rue St. Paul ?
A.927 Assez souvent.

Q.928 Qu'est ce que vous entendez par "assez souvent"?

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A.928 J'étais pas tous les jours en passe. On a pas des permissions tous les jours. On peut avoir une passe une fois par semaine, deux fois. Je pouvais aller peut-être une fois par semaine , deux fois par semaine , quand la chance pouvait se présenter.

Q.929 Quand vous descendiez en ville ?
A.929 J'allais chez ma soeur et j'allais faire un tour là. Ce sont les seules places que l'allais.

Q.930 Vers quel jour êtes vous allé à l'hôpital, vous, souffrant du genou?
Q.930 Je suis allé à l'hôpital, je crois, le trois février.

Q.931 Et vous avez rencontré Larocho à quelle date à l'hôpital?
A.931 C'est après que j'ai subi mon opération et que j'ai commencé à marcher. Ca doit être au moins au delà d'un mois après cela, ce qui devait être au commencement de mars. Je dois avoir été au moins un mois au lit par ordre du Colonel Petitclerc.

Q.932 Vous avez été A.W.L. de l'hôpital?
A.932 C'est pas dans cette secousse là; c'est après que j'ai commencé à marcher, ça.

Q.933 Jurez-vous que vous ne vous êtes pas sauvé de l'hôpital.
A.933 Oui , j'ai sorti de l'hôpital une journée et demie.

Q.934 Vous étiez sous traitement à l'hôpital, et vous vous êtes sauvé?
A.934 Je me suis pas sauvé, j'ai pris la porte et j'ai sorti.

Q.935 En uniforme bleu?
A.935 Oui monsieur.

Q.936 Vous êtes revenu de vous-même?
A.936 Je me suis rapporté de moi-même. Le Colonel et le Sergent-Major de l'hôpital sont témoins; c'est eux autres qui ont constaté mon arrivée.

Q.937 Vous avez ensuite à l'hôpital rencontré un soldat du nom de Larocho que vous avez vu cemmatin en cour?
A.937 Oui monsieur.

Q.938 Vous l'avez rencontré en particulier dans les toilettes?
A.938, Pour la première fois, dans la chambre de bain, dans la chambre de toilette.

Q.939 Et alors, vous lui avez adressé la parole, je comprends?
A.939 Non monsieur; c'est lui qui a eu le premier sujet à m'adresser la parole.

Q.940 Qu'est-ce que vous dîtes de son affirmation qu' il a faite en cour hier, quand il a déclaré que vous lui aviez dit: " Ferme ta gueule, tu feras pas vieux os"?

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A.940 Je trouve pas un point sur ça. Premièrement, faudrait que j'aurais eu un sujet auparavant qui aurait pu....

Q.941 (BY THE COURT) Ne discutez donc pas . Ce ne sont pas des histoires que la Cour veut, ce sont des faits?

A.941 Faudrait que j'aurais eu une chicane avec lui, premièrement.

Q.942 Faites pas le fin finaud. La question est claire: Avez vous menacé Laroche en lui disant : " Tu feras pas vieux os"?

A.942 Non monsieur.

THE COUNSEL DECLINES TO RE-EXAMINE.

QUESTIONED BY THE JUDGE-ADVOCATE:

Q.943 Avez-vous déjà eu des seringues hypodermiques en votre possession en quelque temps que ce soit ?

A.943 Non monsieur.

Q.944 Depuis que vous êtes dans l'armée?

A.944 Non monsieur.

Q.945 A quel endroit habite votre soeur?

A.945 35 Des Remparts.

Q.946 C'est une femme mariée?

A.946 Oui monsieur.

Q.947 Quand vous veniez en passe à Québec, est-ce que c'est chez votre soeur que vous vous retiriez, quand vous alliez en passe?

A.947 J'allais chez ma soeur .

Q.948 C'est là que vous vous retiriez?

A.948 Chez ma soeur et à 143½ rue St. Paul.

Q.949 Est ce que vous preniez une chambre à 143½ St. Paul?

A.949 Non ; c'est pas une maison de chambres, c'est une maison privée.

Q.950 En bas il y a un restaurant ?

A.950 Un magasin, une épicerie.

Q.951 Qui porte le nom de "Chez Réné"?

A.951 Non monsieur. A main droite est le restaurant "Chez Réné"; à main gauche est l'épicerie.

Q.952 Lequel des deux qui porte 143½?

A.952 C'est l'épicerie. Si je me trompe pas, c'est 145 le restaurant , et 143 l'épicerie.

Q.953 Qui rencontriez vous à cet endroit là ? A part de Simonne , qui restait là ?

A.953 Seulement que Simonne.

Q.954 Elle restait toute seule là ?

A.954 Oui.

Q.955 Avez vous déjà rencontré un nommé Georges là ?

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A.955 Personne à part des sa famille.

Q.956 Qui, sa famille?
A.956 Monsieur Laforce, ses soeurs, sa soeur , desamis..

Q.957 Vous avez pas rencontré Georges là ?
A.957 Non monsieur , jamais.

Q.958 Combien y a-t'il de chambres dans cette maison là?
A.958 Deux ou trois appartements; c'est seulement qu'un logement ordinaire.

Q.959 Des logements ordinaires, il y en a de 25 chambres, ça veut rien dire. C'est cela qu on vous reproche , de dire des chose qu'on ne vous demande pas. Combien de pièces dans cette maison là ?
A.959 Trois appartements; une cuisine, une chambre à coucher et un salon ou salle.

Q.960 Seulement qu'une chambre à coucher?
A.960 Je crois quecoui.

Q.961 Avez vous déjà joué aux cartes là ?
A.961 Oui monsieur.

Q.962 Avec qui?
A.962 Avec Greffard , Monfette.

Q.963 Simonne?
A.963 Non monsieur.

Q.964 Monsieur Laforce, c'est le père de Simonne?
A.964 Oui monsieur.

Q.965 Le beau-père? Elle s'appelle Simonne Monfette. Est-ce une femme mariée?
A.965 Oui .

Q.966 Son nom de fille c'est Simonne Laforce?
A.966 Oui monsieur.

Q.967 Si la Cour comprend bien , le soldat Monfette et Simonnne Monfette ne sont pas parents ni alliés?
A.967 Non monsieur.

Q.968 C'est une simple similitude de noms?
A.968 Oui.

Q.969 Qui avez vous rencontré à cet endroit là à part de Greffard, Monfette et Simonne Laforce?
A.969 Absolument pas d'autres.

Q.970 Aucune autre personne ?
A.970 Aucune autre personne ; comme j'ai dit, les membres de sa famille.

Q.971 Est ce que monsieur Laforce a une automobile?
A.971 Non monsieur.

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Q.972 Etes-vous déjà allé faire des tours en automobile avec monsieur Laforce?
A.972 Non . C'est un employé de chemin de fer; il a aucune machine.

Q.973 Combien de passes avez vous eues en janvier?
A.973 Je peux pas dire. Le plus deux passes parce que j'ai fait un séjour dans l'hôpital pour la boisson, une gastrite aigue, du 18 au 24 janvier. Je suis sorti le 24.

Q.974 A quelle date avez vous eu votre première passe après votre sortie de l'hôpital?
A.974 La semaine suivante, le samedi suivant, le 30 janvier je crois.

Q.975 A quelle heure êtes vous parti le 30 janvier ?
A.975 Vers quatre heures et demie le plus tard.

Q.976 Avec qui êtes vous parti?
A.976 Seul.

Q.977 Etes-vous venu par le train ?
A.977 Non monsieur , par l'autobus.

Q.978 A quelle heure êtes vous arrivé à Québec?
A.978 Vers cinq heures et quart, cinq heures.

Q.979 Où vous êtes vous rendu?
A.979 Je suis allé à 143½. Avant cela je suis allé au "grill" de l'Hotel St. Roch, j'ai pris quelques coups.

Q.980 Seul?
A.980 Oui monsieur.

Q.981 Avez vous rencontré des amis là ?
A.981 Oui , j'ai entrevu Greffard et Monfette sous l'influence de la boisson.

Q.982 De la taverne St. Roch vous vous êtes rendu où? Au restaurant?
A.982 Non; directement à 143½ St. Paul.

Q.983 Quelle heure était-il quand vous êtes arrivé là?
A.983 A peu près six heures et demie sept heures moins quart; entre six et sept heures.

Q.984 Où avez vous soupé?
A.984 J'ai pas mangé; j'avais pas soupé. J'avais pris quelques coups, j'avais pas idée de manger.

Q.985 Etiez-vous en boisson ?
A.985 Non monsieur . Je me trouvais toujours réchauffé.

Q.986 Qui y avait-il sur la rue St. Paul à 143½ quand vous êtes arrivé?
A.986 Seulement que Simonne; et ma soeur est arrivée quelques minutes après ça.

Q.987 Le soldat Laroche qui a rendu témoignage tout à l'heure, depuis quand le connaissez-vous?

A.987 Depuis le séjour que j'ai fait à l'hôpital au commencement de mars, après que j'ai eu commencé à marcher.

Q.988 Quel hôpital?

A.988 L'hôpital militaire de Québec.

Q.989 Il y a pas un soldat qui était chaud, qui est venu faire un tour ce soir là où vous êtiez? A part de Monfette et de Greffard, il y a pas un autre soldat qui est allé ce soir là?

A.989 Non.

Q.990 Le lendemain?

A.990 Non monsieur.

Q.991 Personne d'autre n'y est allé?

A.991 Non monsieur.

Q.992 Ni soldat ni civil?

A.992 Non monsieur.

Q.993 <u>QUESTIONED BY THE COURT:</u>

Q.993 Quand vous vous êtes sauvé de l'hôpital, aviez vous rencontré Laroche avant ?

A.993 Je crois que oui.

Q.994 D'après ce qui a été dit tout à l'heure, vous vous êtes sauvé pour une période de une journée et demie ?

A.995 Oui monsieur.

Q.996 Pourquoi?

A.996 Je voulais sortir pour prendre un coup. Ca faisait un mois et demi que j'étais renfermé.

Q.997 Où êtes vous allé?

A.997 Chez des amis , sur la rue Couillard. J'ai pris une chambre là, j'ai resté là une journée et demie, je me suis fait apporter de la boisson. Quand mon temps a été fini, j'ai fait venir un taxi, j'ai monté à l'hôpital seul.

Q.998 Etes-vous allé à 143½ rue St. Paul ?

A.998 Non monsieur.

Q.999 A l'hôpital, vous avez dit tout à l'heure que vous aviez rencontré le soldat Laroche pour la première fois dans la chambre de toilette?

A.999 Oui monsieur.

Q.1000 L'avez vous vu après.

A.1000 Oui monsieur.

Q.1001 Et dans les entrevues que vous avez eues avec lui après la première fois, avez vous menacé Laroche?

A.1001 Non monsieur.

Q

Q.1002 En aucun temps?
A.1002 Aucun temps, monsieur.

Q.1003 Vous avez entendu le témoignage de Laroche?
A.1003 Oui monsieur.

Q.1004 Le soir que Laroche a mentionné qu'il est venu ici à Québec, qu'il est allé au restaurant "Chez Réné, qu'il a pris un coup dansl'automobile, êtiez vous avez lui ce soir là ?
A.1004 Non monsieur. Même je peux pas dire , je sais pas quelle date que ça peut être.

Q.1005 Etiez vous avez lui ou non ?
A.1005 Non, j' étais pas avec lui.

Q.1006 Vous avez dit : " J'étais pas avec lui ", et vous avez ajouté : " Je peux pas dire". Avez vous fait un tour d'automobile avec Laroche en aucun temps?
A.1006 Non, en aucun temps.

Q.1007 Vous avez jamais fait de tour d'automobile avec Laroche?
A.1007 Non monsieur.

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

Second Witness for Defence:- No. E/5818, Private ROLAND MCDONALD, Royal 22e Regiment, C.A. attached to A.I.T.C.-A.13, C.A., being duly sworn, is examined by the Counsel.

Q.1008 Monsieur McDonald, connaissez vous le soldat Laroche?
A.1008 Non monsieur.

Q.1009 De vue ?
A.1009 Je l'ai vu comme ça ici, mais à part cela je le connais pas.

Q.1010 Savez vous son nom?
A.1010 Oui monsieur.

Q.1011 Est-ce que le soldat Laroche a eu occasion de vous parler de Joseph Hince dernièrement, et si oui, qu'est ce qu'il vous a dit ?
A.1011 Il est arrivé ici hier dans le passage en disant qu'il le connaissait pas. Un soldat dans le passage lui a demandé s'il connaissait Jos.Hince; il a dit qu'il le connaissait pas. Il lui a demandé s'il connaissait sa soeur, il dit : " Oui, je la connais depuis longtemps, elle".

The Prosecutor declines to cross-examine.

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

The witness withdraws.

Third Witness for Defence:-

MRS. LENNOX LEE, 35 des Remparts, Québec, being duly sworn, is examined by the Counsel:

Q.1012 Madame Lee, avez vous eu occasion, soit dans le corridor, soit ailleurs, de rencontrer le soldat Laroche qui a rendu témoignage ici ?

A.1012 Oui monsieur.

Q.1013 Voulez vous dire à la Cour si vous le connaissez, et depuis combien de temps?

A.1013 Monsieur Laroche, je le connais depuis trois ans, et mercredi, quand je suis venue ici, je l'ai rencontré dans le passage, il m'a parlé.

Q.1014 Vous le connaissez depuis trois ans ?

A.1014 Oui. Il m'a demandé ce que je venais faire ici. Je lui ai dit que j'avais affaire là-dedans. Il m'a dit qu'il avait jamais vu Jos. Hince, que la première fois qu'il l'avait rencontré c'était à l'hôpital. Il dit: " Je me demande ce qu'ils veulent me faire dire! Je le connais pas Jos. Hince. Je comprends rien là-dedans".

The Prosecutor declines to cross-examine.

QUESTIONED BY THE COURT:

Q.1015 Vous êtes la soeur de l'accusé?

A.1015 Oui monsieur.

Q.1016 Vous mentionniez tout à l'heure que vous connaissiez Laroche depuis trois ans ?

A.1016 Oui monsieur.

Q.1017 Où l'avez-vous connu?

A.1017 Dans un restaurant. Je travaillais dans un restaurant, il venait manger là, il travaillait sur le bord de l'eau.

Q.1018 Etes-vous au courant si l'accusé connaît Laroche?

A.1018 Non monsieur.

Q.1019 Vous n'avez jamais vu Laroche et l'accusé ensemble?

A.1019 Non monsieur. Laroche me connaissait pas sous mon nom. Quand il est venu ici, il dit:"Ton nom de fille, est-ce que c'est Hince, toi aussi?" Il connaissait juste mon nom de "Lusienne".

Q.1020 Est-ce qu'il savait que vous êtiez la soeur de l'accusé?

A.1020 Non, il l'a su mercredi, quand je le lui ai dit.

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

The witness withdraws.

The Accused has no further witnesses.

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First Rebuttal Witness for Prosecution:

The Prosecutor, with leave of the Court, recalls MRS. LENNOX LEE, 35 des Remparts St., Quebec, for the purpose of rebutting a material statement made by the accused, a witness for the Defence. The witness, on her former oath, being examined by the prosecutor, states as follows:

Q.1021 Vous fréquentez 143½ St. Paul ?
A.1021 Oui monsieur.

Q.1022 Souvent ?
A.1022 Oui monsieur.

Q.1023 Au mois de janvier et février dernier aussi?
A.1023 Oui , ça fait cinq six ans que je vais chez Simonne Monfette.

Q.1024 C'est une maison à trois étages?
A.1024 Oui monsieur.

Q.1025 Qui habite le haut ?
A.1025 Je connais pas.

Q.1026 Ca fait cinq six ans que vous allez là et vous ne savez pas qui habite en haut?
A.1026 J'ai pas d'affaire en haut, je vais seulement qu'à 143½.

Q.1027 Qu'est ce qui se passe en bas, quelle sorte d'emplacement que c'est en bas?
A.1027 143?

Q.1028 Il y a le magasin, la "shop" en bas?
A.1028 Ah!

Q.1029 Quelle sorte d'affaire que c'est?
A.1029 Un magasin, une épicerie.

Q.1030 Qu'est ce qui se vend là ?
A.1030 Toutes sortes de choses qui se vendent dans une épicerie.

Q.1031 Y a-t'il des tables là ?
A.1031 Non monsieur.

Q.1032 En arrière comment c'est fait cette place là ?
A.1032 Je suis jamais allée en arrière.

Q.1033 Ca fait six ans que vous allez là?
A.1033 Quand j'allais chez Simonne Monfette j'allais pas ailleurs.

Q.1034 Vous alliez en haut , vous ?
A.1034 Oui monsieur.

Q.1035 Vous êtes jamais allée au restaurant?
A.1035 Je suis allée depuis que je suis mariée acheter des effets; je suis allée au magasin acheter des effets pour manger , pas plus que ça.

Q.1036 En haut ... il y a trois étages?
A.1036 Oui monsieur.

Q.1037 Qui tient cela ?
A.1037 Un monsieur Monfette .

Q.1038 Les filles qui servent dans le restaurant couchent-elles en bas?
A.1038 C'est pas un restaurant , c'est une épicerie. Monsieur Monfette c'est un garçon.

Q.1039 Les filles qui servent en bas, est ce qu'elles couchent en haut ?
A.1039 Il y a pas de filles qui servent dans l'épicerie.

Q.1040 C'est trois étages,vous dîtes?
A.1040 En haut ce sont des chambres.

Q.1041 Des chambres à coucher ?
A.1041 Oui monsieur.

Q.1042 Y en a-t'il plusieurs?
A.1042 Je sais pas , j'ai jamais été en haut.

Q.1043 Vous êtes jamais allée en haut ?
A.1043 Non.

Q.1044 Vous êtes jamais allée en bas?
A.1044 J'ai été chercher des effets en bas après que j'ai été mariée.

Q.1045 Vous dîtes que ça fait six ans que vous allez là?
A.1045 Oui monsieur.

Q.1046 Et vous dîtes que vous êtes jamais allée en haut?
A.1046 J'avais pas d'affaires en haut, le monde en haut je les connaissais pas; ce sont des chambres.

Q.1047 Vous êtes allée en bas presque pas?
A.1047 J'allais pour acheter mes effets pour manger, c'est tout , j'achetais mes effets et je sortais. Quand j'allais chez Simonne, j'achetais en bas. C'est un monsieur Monfette qui tient ça, et enn haut Simonne Monfette restait là et j'allais faire un tour là.

Q.1048 Vous retourniez chez vous ?
A.1048 Oui.

Q 1049 Vous êtes jamais restée là ?
A.1049 Quelques minutes , quand j'allais acheter mes effets.

Q.1050 Vous savez pas ce qui se passait en haut?
A.1050 Ou ? Chez Simonne Monfette?

Q.1051 Vous venez de dire que vous êtes jamais montée en haut?
A.1051 Siminne Monfette restait au deuxième, et au troisième ce sont des chambres qu'il y a .

Q.1052 Pour aller au deuxième , est ce que vous passiez par le premier?
A.10524 Non, il y a un passage; j'avaispas affaire à passer par l'épicerie.

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Q.1053 Vous montiez directement ?
A.1053 Je prenais l'escalier et j'arrivais chez Simonne Monfette; et puis il y avait un autre escalier pour monter en haut, j'avais pas d'affaires là.

Q.1054 Cela c'est l'appartement où votre frère allait?
A.1054 Oui ; souvent il venait avec moi. Je sais pas s'il allait tout seul.

Q.1055 Pour aller au troisième, par où passent-ils ? Par le même appartement ?
A.1055 Il y a deux escaliers. Ils montent l'escalier, et la porte de Simonne est en bas. L'autre escalier est....

Q.1056 C'était par la même entrée?
A.1056 Oui.

Q.1057 Pour pénétrer dansle magasin, y avait il une porte par l'intérieur?
A.1057 Oui monsieur.

Q.1058 Alors , le magasin communique avec en haut?
A.1058 Vous avez seulement qu'à ouvrir la porte, et vous montez l'escalier.

Q.1059 Sans passer par dehors?
A.1059 Oui monsieur. L'hiver cette porte était barrée. Il y avait seulement que l'été qu'elle était ouverte.

Q.1060 Alors, du magasin on pouvait communiquer chez Simonne Monfette?
A.1060 Oui , et même au troisième.

Q.1061 Qui restait au troisième ?
A.1061 Des chambres....

Q.1062 Y en avait il plusieurs ?
A.1062 Je sais pas; j'ai jamais demandé comment il y en avait.

Q.1063 Des chambres, quelles sortes de chambres ? Ils louaient des chambres ?
A.1063 Des chambres qu'ils louaient. Il y avait des femmes mariées qui restaient là avec leurs enfants.

Q.1064 Est-ce qu'il y en avait d'autres qui restaient là ?
A.1064 Je sais pas, je suis jamais allée au troisième, j'y suis jamais allée.

Q.1065 Vous avez jamais eu occasion de rencontrer ceux qui allaient en bas?
A.1065 Non monsieur .... qui allaient au magasin?

A.1066 Oui.
A.1066 Non.

Q.1067 Vous pouvez pas nommer aucun nom?
A.1067 Non monsieur.

Q.1068 Est ce que Hince allait chez vous quand il venait de Valcartier?
A.1068 Oui, chaque fois qu'il descendait il venait me voir.

Q.1069 Il restait chez vous ?
A.1069 Il pouvait pas rester , j'étais en chambre. Il venait manger. Il pouvait pas coucher, j'ai juste une chambre, mon mari arrivait le soir, il venait coucher à la maison.

THE JUDGE-ADVOCATE (the Prosecutor):

Etes vous toujours en "rebuttal"?

THE PROSECUTOR:

Oui. La défense a prouvé que l'accusé allait rencontrer sa soeur. Je suis en "rebuttal".

Q.1070 Alors il se retirait chez vous souvent ?
A.1070 Oui monsieur.

Q.1071 Il mangeait chez vous ?
A.1071 Oui monsieur.

Q.1072 Est-ce que Simonne allait chez vous ?
A.1072 Oui monsieur.

Q.1073 Est-ce qu'elle couchait chez vous ?
A.1073 J'avais seulement qu'un lit, on était en chambre, on pouvait pas garder quelqu'un à coucher.

Q.1074 L'appartement de Simonne, elle, qu'est ce qu'elle avait? Estece qu'elle avait plusieurs appartements?
A.1074 Une cuisine, un salon et une chambre à coucher.

Q.1075 Et une chambre de bain?
A.1075 Oui; j'appelle pas ça un appartement.

Q.1076 Etes-vous allée avec Hince à l'appartement de Simonne?
A.1076 Oui monsieur.

Q.1077 A votre connaissance , est-ce que Hince serait rentré dans la chambre de bain?
A.1077 Je sais pas,.. quand il avait affaire à la chambre de bain.

Q.1078 Est-ce qu'il savait qu'il y avait une chambre de bain?
A.1078 Mais oui,monsieur .

THE COUNSEL:

Je crois que pour la satisfaction de la Cour, et même pour l'avocat de la poursuite, il serait absolument opportun que l'on fasse donner ici par le témoin une description aussi exacte que possible des lieux. Dans des questions posées tantôt par le Juge-Avocat à mon client, on a semblé, la Cour d'après les questions m'a semblée croire que le restaurant auquel a fait allusion Laroche se trouverait juste en dessous de l'appartement de Simonne Monfette. Au meilleur de ma connaissance, je voudrais faire établir par le témoin la division exacte des lieux.

EXAMINED BY THE COUNSEL(By leave of the Court)

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Q.1079 Voulez vous décrire à la Cour étage par étage, de 143 à 145 inclusivement ce qu'il y a au premier plancher, au deuxiè,e , et si vous le savez au troisième? Il y a 143, 143½ et 145 qui est un magasin?

A.1079 143 c'est la porte d'entrée à l'épicerie.

Q.1080 Pour le restaurant ou pour l'épicerie ?

A.1080 L'épicerie.

Q.1081 Est ce qu'il y a des tables pour manger ?

A.1081 Non , seulement que des caisses.

Q.1082 Un magasin où on vend de l'épicerie?

A.1082 Oui monsieur.

Q.1083 Tenu par qui ?

A.1083 Un monsieur Monfette qui est propriétaire là.

Q.1084 Il y a pas de place que les clients pourraient manger?

A;1084 Non , juste de la place pour passer; et la porte pour monter en haut c'est 143½.

Q.1085 Une autre porte sur la rue cela, 143½ ?

A.1085 Oui, à côté de l'autre.

Q.1086 Pour monter aux étages supérieurs?

A.10786 Oui monsieur.

Q.1087 Dans l'épicerie il y a une porte qui donne sur un escalier qui monte aux étages supérieurs ?

A.1087 Oui monsieur.

Q.1088 Et avec 143½ il y a pas de porte de communication avec l'épicerie?

A.1088 Mais oui, il y a une porte pour monter.

Q.1089 C'est la même ?

A.1089 Oui.

Q.1090 Il y a deux portes donnant sur cet escalier là, une porte sortant de l'épicerie, et une porte donnant sur la rue ?

Q.1090 Oui monsieur.

Q.1091 La porte portant le numéro 143½ conduisant à un excalier, cet escalier conduit d'abord au lègement de Simonne Monfette?

A.1091 Oui monsieur.

Q.1092 Et en continuant?

A.1092 Le deuxième escalier c'est pour monter au troisième.

Q.1093 Rendu au premier palier, au premier étage comme on dit, il y a une porte pour entrer chez Simonne Monfette?

A.1093 Oui monsieur.

Q.1094 Et l'escalier conduit à un étage supérieur?

A.1094 Oui.

Q.1095 Est-ce qu'il y a une communication entre le logement de Simonne Monfette et l'étage supérieur autrement que par l'escalier dont vous venez de parler ?

A.1095 Non monsieur.

Q.1096 Qu'est ce qu'il y a à 145?

A.1096 Un restaurant. Il y a une grande vitrine qui sépare la porte voisine, 145 de 143½.

Q.1097 Est ce qu'il y quelque communication à l'intérieur du restaurant qui conduit chez Madame Monfette?

A.1097 Non, faut sortir par dehors.

Q.1098 Il faut sortir de 145 pour entrer à 143½ ou 143?

A.1098 Faut sortir sur la rue.

Q.1099 Il y a des communications par en arrière?

A.1099 Oui, une ruelle qui passe en arrière; il y a des cours en arrière.

Q.1100 On peut passer par enarrière de l'épicerie pour monter chez Simonne Monfette ?

A.1100 Oui, mais les escaliers sont en dehors.

Q.1101 Connaissez vous monsieur Yvon Pelletier?

A.1101 Je le connais de vue comme ça.

Q.1102 Savez vous où il avait sa maison dans le mois de janvier 1942?

A.1102 Je crois qu'il restait au commencement de la rue St. Paul, un bon bout de là certain .

Q.1103 Quel numéro?

A.1103 Je sais pas le numéro. Je sais que c'est en face du Dépôt de Ste. Anne.

Q.1104 Est ce que c'est proche ou loin de 143?

A 1104 C'est loin.

Q.1105 En distance approximativement? Ca donne à peu près quelle distance ?

A.1105 A peu près une dixaine de minutes de marche.

Q.1106 Et depuis le mois de mai 1942?

A.1106 Il reste dans le restaurant.

Q.1107 A quel numéro?

A.1107 145.

Q.1108 Et depuis quelle date?

A.1108 Depuis le 1er mai 1942.

BY THE JUDGE ADVOCATE:

Q.1109 Qui était propriétaire du restaurant à 145 jusqu'au mois de mai?

A.1109 Monsior Réné Côté.

Q.1110 Et l'épicerie à 143 c'est un nommé Monfette qui était propriétaire tant avant mai que depuis?

A.1110 Oui monsieur.

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

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The witness withdraws .

Second Rebuttal Witness for Prosecution:-

The Prosecutor, with leave of the Court, calls MR. LAUREAT LACASSE, Chief-Detective in and for the City of Quebec, for the purpose of rebutting a material statement made by Mrs. Lennox Lee, a witness for the Defence. The witness, being duly sworn, is examined by the Prosecutor as follows:

Q.1111 Chef, connaissez vous 143½ rue St, Paul ?
A.1111 Je connais l'endroit où était un restaurant, la porte du restaurant, et une maison de chambres, quelque chose dans ce genre là. Mais je connais pas directement pour donner l'information de quelque chose, quoique ce soit. Je sais que c'est une espèce de restaurant dans le bas; en haut ce sont des chambres dans le haut, ou il y a un logement dans le haut.

Q.1112 Vous pouvez pas donner de description?
A.1112 Je suis pas allé, mais je sais que c'est là, c'est un restaurant; nos hommes de la moralité ont eu assez souvent quelque chose à faire dans ça. Dans la moralité, moi je m'en même pas.

CROSS-EXAMINED BY THE COUNSEL:

Q.1113 Vous dites qu'à 143½ St. Paul c'est la porte du restaurant?
A.1113 Je ne dis pas que c'est une porte de restaurant à 143½. Le bas de 143½ est un restaurant.

Q.1114 Le bas est un restaurant?
A.1114 Pour moi, proprement dit, pour moi, oui; le bas , oui . Il peut porter 145 ou 141, mais seulement que le bas de 143½ c'est un restaurant.

Q.1115 Etes vous déjà allé?
A.1115 Je suis passé plusieurs fois.

Q.1116 Etes vous entré?
A.1116 Dans le restaurant, non.

Q.1117 Et 143½?
A.1117 Pour 143½, je suis pas allé. Je suis allé une fois chez Perron, seulement , 110 ou 111 St. Paul .

Q.1118 Comment pouvez vous dire comment est fait l'intérieur si vous êtes pas entré à 143½?
A.1118 J'ai jamais décrit comment était fait l'intérieur, j'ai dit que j'étais jamais entré.

Q.1119 Vous dites que c'est l'entrée du restaurant?
A.1119 J'ai pas dit cela.

Q.1120 Vous avez mentionné que l'escouade de moralité aurait eu de l'ouvrage à faire assez souvent dans ce bout là ?
A.1120 Oui monsieur

Q.1121 A quelle adresse précisément?
A.1121 Voici, ils sont allés là.

Q.1122 Où, là?
A.1122 Au restaurant que vous mentionnez; ils ont eu une enquête à faire là au restaurant en question, et leur enquête , ils m'en ont parlé, ils m'en ont donné le résultat verbal. A présent, quand même je vous dirais ce qui s'est passé, c'est pas mon domaine; il serait plus prudent de faire venir après-midi les hommes. Ils vous diront ce qu'ils ont trouvé; moi je suis pas allé.

The Prosecutor declines to re-examine.

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

The witness withdraws.

AT 12:30 O'CLOCK ON THE 14th. DAY OF JULY, 1942, THE COURT ADJOURNED UNTIL 2:30 O'CLOCK ON THE SAME DAY.

On the 14th. day of July, 1942, at 2:30 o'clock, the Court reassemble pursuant to adjournment, present the same members as in the morning of the same day.

The Counsel makes a closing address.
(See document marked " N " attached.)

The Prosecutor makes a closing address.
(See document marked " O " attached.)

The Judge-Advocate addresses the Court.
(See document marked " P " attached.)

THE COURT IS CLOSED FOR CONSIDERATION OF THEIR FINDING.

THE COURT IS REOPENED, and, the Court, in accordance with Rule of Procedure 86(D), recalls No.E/461987, Pte.LORENZE BAROCHE, Regiment de Montmagny, C.A., who, on his former oath states, in reply to the President, as follows:

Q.1123 Vous allez être questionné par la Cour, par moi, sous le serment que vous avez déjà prêté. Vous comprenez cela ?
A.1123 Oui monsieur.

Q.1124 Vous avez prêté serment devant la Cour, vous avez juré que vous répondriez aux questions la vérité, toute la vérité, rien autre chose que la vérité. C'est encore de cette façon que vous allez répondre. Comprenez-vous cela?
A.1124 Oui monsieur.

Q.1125 Combien s'est-il écoulé de temps entre votre entrée à l'hôpital pour une blessure à la jambe, votre entrée à l'hôpital militaire, et le tour d'automobile que vous avez déclaré avoir fait avec l'accusé? Combien de temps s'est-il écoulé entre ces deux dates-là, votre admission à l'hôpital pour etre traité pour une blessure à la jambe, et le tour d'automobile?

A.1125 C'est à la fin de janvier, commencement de mars.

Q.1126 Combien de temps ? Est-ce que ça a pris une journée, deux jours, trois jours ?
A.1126 A peu près cinq semaines.

Q.1127 Entre le tour d'automobile et votre admission à l'hôpital militaire pour être opéré pour un abcès?
A.1127 A peu près cinq semaines.

A.1128 C'est très clair dans votre esprit? La Cour ne veut pas qu'il y ait de confusion possible, quelque chose en ce sens là. La Cour doit comprendre qu'entre le famouxtour d'automobile au cours duquel un nommé Georges, quelqu'un que vous connaissiez sous le nom de Georges, un autre militaire, un civil et vous, au cours de ce tour d'automobile vous auriez eu la jambe de votre pantalon relevée, entre ce jour de votre tour d'automobile et la date de l'opératin que vous avez subée à l'hôpital, à la jambe, il s'est écoulé une période de cinq semaines?
A.1128 Oui monsieur.

Q.1129 C'est pas quatre ou cinq jours?
A.1129 J'ai pas dit quatre-cinq jours.

Q.1130 Non , non ; je vous le demande ; c'est pour cela qu'on vous fait revenir. C'est après une période de plusieurs semaines?
A.1130 Oui, cinq semaines.

Q.1131 Est-ce que vous avez bien compris les questions que je vous ai posées?
A.1131 Je suis capable de comprendre, toujours.

Q.1132 A peu près combien de temps s'est il écoulé entre ce tour d'automobile et votre visite au docteur Gagnon?
A.1132 Il peut pas y avoir une grosse différence, j'ai été voir le docteur Gagnon le 1er mars.

Q.1133 Je vous demande combien detemps en jours ou en semaines; je veux pas avoir de date?
A.1133 32- 33 jours , à peu près cela.

Q.1134 Du 1er février cette année au 2 mars, vous souvenez vous quelle sorte de travail vous avez fait?
A.1134 J'ai fait de la garde; j'ai drillé un petit peu, pas beaucoup, surtout de la garde autant que je peux me rappeler.

Q.1135 Durant toute cette période là vous avez été une partie du temps sur la garde?
A.1135 Oui monsieur.

Q.1136 Ensuite vous avez drillé?
A.1136 Oui, pas beaucoup.

Q.1137 Vous remplissiez vos devoirs ordinaires?
A.1137 Oui monsieur.

QUESTIONED BY THE JUDGE-ADVOCATE:

Q.1138 Cela c'était après le tour d'automobile?

A.1138 Oui monsieur.

Q.1139 Etez-vous allé à l'hôpital durant cette période-là?

A.1139 Oui , je suis allé dans le milieu de février.

Q.1140 A l'hôpital militaire ?

A.1140 A l'hôpital du camp de Lauzon.

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

The witness withdraws.

E

Finding*

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

The Court is closed for the consideration of the finding.

~~The Court is reopened, and~~ - - - - - - - - - -

The Court find that the accused No. E/5095, Pte. Joseph Hince, Royal 22e Regiment, C.A., Attached to A.I.T.C., A-13, C.A., is not guilty of the seventh and eighth charges.

The findings are read in open court.

At 4:07 on the 14th. day of July 1942, the Court adjourned until 10:30 o'clock on the 15th. day of July 1942.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Evidence of character, &c. is duly sworn.

Question by the President. Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

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

Question by the President. Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question. Have you compared the contents of the above statement with the regimental books? *Answer.*

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

Cross-examined by the accused.

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

Question to the accused. Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

~~*Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?~~

Answer. On the 15th. day of July, 1941, the Court reassemble pursuant to adjournment, present the same members as when adjourned on the 14th.day of July, 1942, and the trial is proceeded with on the fifth and sixth charges.

The prosecutor makes his opening address ~~[hands in a written address, which is read, marked , signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. No.E/5760, Private GERARD GREFFARD, Royal 22e Regiment, C.A. Attaché to A.I.T.C., A-13, C.A., being duly sworn, is examined by the Prosecutor:

~~being duly sworn, is examined by the prosecutor.~~

Q.1141 Connaissez-vous le soldat Hince?
A.1141 Oui monsieur.

Q.1142 Connaissez-vous le soldat Monfette?
A.1142 Oui monsieur.

Q.1143 Voulez-vous dire à la Cour en quelle occasion vous avez rencontré le soldat Monfette au cours des mois de janvier et février derniers?
A.1143 Je l'ai rencontré chez lui , c'est-à dire, pas chez lui, à 143½ rue St. Paul.

Q.1144 Vers quelle date à peu près?
A.1144 Le samedi , ça se trouvait le 30 janvier, après ça le deux février, le lundi en tout cas.

Q.1145 Le samedi c'était le 30 janvier cela ?
A.1145 Oui monsieur.

Q.1146 Le samedi , qu'est-ce qui s'est passé?
A.1146 Absolument rien, on a pas rentré dans la maison.

Q.1147 Le lundi ?
A.1147 Le lundi, on a commencé à prendre un comp.

Q.1148 Vers quelle heure?
A.1148 Je peux pas dire ; dans l'après-midi.

Q.1149 Qui y avait-il à ce moment là ?
A.1149 Hince, Monfette et moi.

Q.1150 Vous trois?

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A.1150 Oui.

Q.1151 Qui a envoyé chercher la boisson?
A.1151 Monfette.

Q.1152 Est-ce lui qui a payé pour?
A.1152 Oui monsieur.

Q.1153 Là, vous dîtes que vous avez pris un coup?
A.1153 Oui monsieur.

Q.1154 Qu'est-il arrivé après cela?
A.1154 On a joué aux cartes.

Q.1155 A quel endroit était-ce cela ? Vous avez dit que c'était à 143½?
A.1155 Oui monsieur.

Q.1156 Chez qui?
A.1156 Madame Monfette.

Q.1157 Simonne ?
A.1157 Simonne

Q.1158 A quel étage de la maison était-ce?
A.1158 Au troisième , je pense.

Q.1159 Au troisième?
A.1159 Au troisième, oui.

Q.1160 En quoi consistait cet appartement là? Uue seule chambre ou plusieurs chambres?
A.1160 On était dans le salon; dans l'appartement , j'ai pas remarqué beaucoup, je pense qu'il y avait cinq ou six chambres.

Q.1161 Formant les appartements de mademoiselle Monfette?
A.1161 Quand j'ai rentré, j'ai rentré tout de suite dans le salon.

Q.1162 Après avoir joué aux cartes, qu'est-ce que vous avez fait?
A.1162 Je me rappelle pas.

Q.1163 Vous souvenez vous de quelque chose en parthélulier pour Monfette?
A.1163 Non monsieur.

Q.1164 Quelle heure était-il quand vous avez commencé à jouer aux cartes?
A.1164 Je peux pas dire l'heure juste. Sur le soir qu'on a commencé à jouer aux cartes.

Q.1165 A peu près ?
A.1165 Pour dire franchement, pour vous dire l'heure, je peux pas. J'ai pas de montre sur moi, je peux pas dire.

Q.1166 Etait-il sept heures,.. dix heures, onze heures?
A.1166 ... ... Franchement, un gars qui prend un coup, il regarde pas l'heure.

Q.1167 Le dimanche , y êtes vous allé là à 143½?
A.1167 Non monsieur.

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Q.1168 Etes-vous allé faire des commissions cette journée-là , ce soir là ?
A.1168 Quand?

Q.1169 Au cours de la soirée, êtes-vous allé quelque part?
A.1169 Quelle soirée?

Q.1170 → Le lundi soir?
A.1170 Je me rappelle pas, monsieur.

Q.1171 Le samedi soir?
A.1171 Le samedi on a pas rentré, il y avait personne, on a retourné de bord.

Q.1172 Etes-vous allé chez un nommé Pelletier?
A.1172 Oui monsieur.

Q.1173 Quel jour ? Estece que c'était le samedi ou le lundi?
A.1173 Je sais que j'ai couché là le lundi soir, parce que je me suis réveillé le lendemain, j'étais là.

Q.1174 Je demande si vous êtes allé chez Pelletier faire une commission le samedi ou le lundi, une de ces deux journées là?
A.1174 J'ai demandé à Pelletier de me donner de l'huile de charbon; je me rappelle pas qu'il m'en ait donné.

Q.1175 Vous rappelez vous quel jour c'était cela, le samedi ou le lundi?
A.1175 Je pense que c'était le dimanche.

Q.1176 Puis, le dimanche, chez qui êtiez-vous?
A.1176 J'ai passé la journée dans le restaurant, au grill.

Q.1177 Quel grill?
A.1177 Le grill Uuion, et l'Hôtel St. Roch.

Q.1178 Pour revenir au samedi, à quel endroit vous êtes vous rencontrés, Hince, Manfette et moi?
A.1178 Le samedi on a pas rencontré Hince. Monfette m'a demandé pour y aller.

Q.1179 Pour aller où?
A.1179 A 1432. Il a dit qu'il voulait voir Hince avant de partir. Il dit : " J'ai promis d'aller le voir, je vais le voir (Il était chaud), "Viens avec moi".

Q.1180 Cela c'était à l'Hôtel St. Roch?
A.1180 Non monsieur, dans la taverne de Cloutier.

Q.1181 Etes-vous allé à un hôtel avant cela ?
A.1181 J'ai tout le temps été à l'hôtel chez Yvon Pelletier.

Q.1182 Vous n'êtes pas allé à aucun endroit à part cela?
A.1182 Non monsieur.

Q.1183 Vous êtes pas allé à l'Hôtel St. Roch?
A.1183 Non , j'ai jamais couché à l'Hôtel St. Roch.

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Q.1184 Je demande pas si vous avez couché, je demande si vous êtes allé à la taverne de l'Hôtel St. Roch?
A.1184 Oui , je suis allé.

Q.1185 Qui avez-vous rencontré à la taverne de l'Hôtel St. Roch?
A.1185 Personne ; seulement que des filles que je connaissais.

Q.1186 A la taverne de l'Hôtel St. Roch?
A.1186 Pas à la taverne, au grill.

Q.1187 Au grill ou à la taverne, avez-vous rencontré Hince?
A.1187 Non monsieur.

Q.1188 Ou Monfette?
A.1188 Non monsieur .

Q.1189 Avez-vous reçu une piqûre , vous ?
A.1189 Les médecins ont prétendu cela que c'était une piqûre. Ils en ont tant parlé qu'en fin de compte ça nous rentre dans la tête. Je suis certain que c'est pas une piqûre.

Q.1190 Quel jour êtes-vous rentré à l'hôpital, vous , combien de jours après le lundi auquel vous venez de référer?
A.1190 Je suis rentré le mardi soir vers neuf heures.

Q.1191 Savez-vous où vous êtiez lorsque vous avez reçu votre piqûre?
A.1191 Je vous dis que je le sais pas. Les médecins ont essayé à me rentrer dans la tête que c'était une piqûre. Je sais que c'est pas une piqûre.

Q.1192 Qu'est-ce que c'est?
A.1192 Mon témoignage va se faire tout à l'heure quand mon procès va passer.

Q.1193 Qu'est ce que c'est que vous aviez?
A.1193 .... (pas de réponse)

Q.1194 Voulez-vous répondre?
A.1194 C'est un bouton que j'avais là.

Q.1195 Ca faisait longtemps que vous aviez ce bouton-là?
A.1195 J'en ai toujours eu tout le long du corps. J'en ai encore dans le moment.

Q.1196 Avez-vous déjà eu occasion de faire des déclarations contraire à celle que vous venez de faire?
A.1196 Oui monsieur.

Q.1197 Contraires à celles que vous avez faites au détective Lacasse?
A.1197 Oui monsieur.

Q.1198 Quelles déclarations avez-vous faites au détective Lacasse?
A.1198 Ma réponse est la même que la dernière fois.

Q.1199 Qu'est-ce que vous voulez dire au juste?
A.1199 Que la dernière fois je vous ai dit que cette fois là, que la déclaration que j'avais faite avant, que c'était faux.

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Q.1200 Pourquoi avez-vous fait une fausse déclaration au détective Lacasse?

A.1200 J'ai donné toutes les raisons. Vous me demandez encore une fois.

Q.1201 Je vous le demande; c'est signe que vous êtes obligé de répondre.

A.1201 Au détective Lacasse, parce que j'étais pas sous serment. Pas sous serment, j'ai le droit de dire ce que je veux.

Q.1202 Avez vous fait des déclarations contraires à celles que vous venez de faire en Cour des Sessions de la Paix ?

A.1202 Oui monsieur.

Q.1203 Etiez-vous sous serment en Cour des Sessions de la Paix?

A.1203 Oui monsieur.

Q.1204 Alors, même sous serment, vous avez fait des déclarations contfaires à la vérité?

A.1204 C'est à vous de le juger.

THE COUNSEL OBJECTS:

Je crois qu'il serait grandement temps , si on veut continuer ce genre de questions, il y a un moyen, c'est de faire déclarer le témoin hostile. Si l'avocat de la poursuite ne fait pas déclarer le témoin hostile, je m'objecte à ce genre de questions.

THE JUDGE-ADVOCATE:

Jusqu'à présent je ne crois pas que les questions que le Prosecutor a posées, tant questions que réponses, étaient de nature à faire déclarer le témoin hostile. Mais la poursuite est à discréditer son propre témoin, et ça vient de la bouche même du témoin.

THE PROSECUTOR:

Le témoin admet lui-même s'être parjuré devant la Cour des Sessions de la Paix. En tout cas, j'ai fini.

The Counsel declines to cross-examine.

QUESTIONED BY THE COURT:

Q.1204 Quand vous avez été chercher de l'huile de charbon chez Pelletier, vous avez dit tout à l'heure que vous aviez demandé à Pelletier de l'huile de charbon?

A.1204 Oui monsieur.

Q.1205 Estece que vous avez fait cette demande parce que vous êtiez cassé, que vous aviez pas de sous pour payer?

A.1205 C'était un service que je demandais; c'était pour nettoyer mes vêtements.

Q.1206 Vous auriez pas pu avoir la même sorte d'huile de charbon ailleurs.

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A.1206 Oui monsieur.

Q.1207 C'est pas une huile de charbon spéciale, préparée pour nettoyer les habits?
A.1207 Cassé, j'ai toujours été cassé, j'ai presque pas eu de paie depuis que je suis rentré.

Q.1208 Quand vous êtes allé chez Pelletier pour avoir de l'huile de charbon, en avez-vous eue?
A.1208 Je me rappelle pas si j'en ai eue. Je sais que je lui en ai demandé, mais je me souviens pas d'en avoir eue.

Q.1209 C'est le dimanche que vous êtes allé chercher de l'huile de charbon ou le lundi?
A.1209 Je pense que c'est le dimanche soir.

Q.1210 Tout à l'heure , dans votre témoignage, vous avez dit que vous aviez passé votre journée aux grilles de l'Hôtel St. Roch et de l'Hôtel Union. C'est cela?
A.1210 Oui monsieur.

Q.1211 Vous êtiez seul?
A.1211 Oui monsieur.

Q.1212 Qui a payé pour les coups que vous avez pu prendre aux grilles ? Vous êtiez cassé à ce que vous dites?
A.1212 J'ai le droit d'être cassé et d'avoir une couple de piastres toujours. Quand vous êtes cassé et que vous faites attention!

Q.1213 Quelle quantité d'huile de charbon avez-vous eue? Une pinte ou une chopine?
A.1213 Je sais pas. Je lui en ai demandé; je sais pas s'il m'en a donné.

Q.1214 Quand êtes vous allé le dimanche ? La matin ou l'après-midi?
A.1214 Le dimanche soir.

Q.1215 Etiez-vous en boisson ?
A.1215 Oui , j' étais en boisson.

Q.1216 Avez vous couché en ville le dimanche soir?
A.1216 Oui monsieur.

Q.1217 Où?
A.1217 Je me suis réveillé le dimanche matin, j'étais chez Yvon Pelletier. J'ai tout le temps été là.

Q.1218 Le lundi matin cela ou le dimanche?
A.1218 Lundi matin.

Q.1219 Yvon Pelletier, où était-ce ? Est-ce qu'il avait une maison privée ou quoi dans ce temps là?
A.1219 Un hôtel.

Q.1220 Où cela?
A.1220 Sur la rue St. Paul.

Q.1221 Est-ce que vous connaissiez bien Yvon Pelletier?
A.1221 Je le connais bien..... oui.

Q.1222 Vous êtiez déjà allé avant?

A.1222 Oui monsieur.

Q.1223 Avez-vous payé pour votre chambre?
A.1223 Oui monsieur.

Q.1224 Combien avez-vous payé pour votre chambre ?
A.1224 Une piastre et demie.

Q.1225 Vous avez commencé à boire le dimanche matin jusqu'au dimanche soir avec deux piastres?
A.1225 J'ai pas bu régulièrement.

Q.1226 Si vous avez pas bu régulièrement...
A.1226 Si je descends en ville, ma passe a commencé le vendredi après midi à quatre heures, je descends en ville, je paie chez Yvon Pelletier, je paie ma chambre pour le temps de ma passe, il me reste deux piastres, je le dépense à boire.

Q.1227 Il vous a resté deux piastres, vous l'avez dépensé à boire?
A.1227 Oui.

THE COURT: (The President)

Le "Summary of Evidence" ne sert pas devant un conseil de guerre à moins qu'il y ait une différence trop grande entre la déposition faite lors du "Summary" et celle qui est donnée devant la Cour. On ne s'en sert pas, excepté à moins qu'il y ait une différence comme cela. Quand il y a une différence dans les dépositions, l'article 56 de la Loi de la Preuve permet à la Cour de questionner le témoin pour s'assurer des faits.

Q.1228 Alors, à cette enquête préliminaire, ou "Summary of Evidence", vous avez déclaré sous serment, en présence de l'accusé, et devant le Lieutenant Lepage, ce sui suit: " Le lendemain de cet incident, vers onze heures du matin, je suis revenu à 143½ rue St. Paul, sur la demande de Monfette. Je lui ai dit que "J'ai de la misère à marcher; je vais y aller"; nous sommes entrés dans le salon. Simonne Monfette était là. Monfette était là. Il a donné de l'argent à Hince pour aller chercher du whisky. Quand il est revenu, nous avons pris un coup; Simonne Monfette aussi. Hince a sorti de la salle pour revenir avec la seringue. Il a relevé la jambe de pantalon de Monfette. Monfette n'a pas voulu. Hince lui a dit la même chose qu'à moi-même, qu'il partirait, qu'il partirait jamais sur la draft, qu'il serait déchargé de l'armée, peut-être, qu'il ferait de la température, et que les médecins ne pourraient trouver ce qu'il aurait. Et puis en jasant, il l'a piqué, il lui a pris une pincée sur le genou en l'injectant. Monfette s'est mis à se plaindre que sa jambe devenait bleue. Hince lui a dit :" N'aie pas peur". Simonne Monfette était là quand Hince a piqué Jules Monfette. J'ai été reconduire Monfette chez lui après qu'il s'était fait piquer. Il était presque pas capable de se tenir. Je me rappelle que Hince m'a dit qu'il s'était injecté ". " Vous rappelez-vous avoir fait cette déc

A.1228 claration devant le Lieutenant Lepage ?
Oui monsieur.

Q.1229 Est-ce vraie cette déclaration que vous avez faite devant monsieur Lepage ?
A.1229 Non monsieur.

Q.1230 Elle est fausse?
A.1230 Oui monsieur.

Q.1231 Alors , qu'est-ce que c'est qui est faux, et qu'est-ce qui est vrai ? Y a-t'il quelque chose de vrai là dedans?
A.1231 Absolument rien.

Q.1232 Ou si c'est faux complètement?
A.1232 Complètement.

Q.1233 "Hince est sorti du salon pour revenir avec la seringue", avez vous fait cette déclaration là à Monsieur Lepage ? L'avez-vous faite oui ou non ?
A61233 Oui monsieur.

Q.1234 Est-elle vraie ou fausse?
A.1234 Fausse.

Q.1235 "Il a relevé la jambe du pantalon de Monfette. Monfette n'a pas voulu. Hince lui a dit la même chose qu'à moi-même". Est-ce vrai ou si c'est faux ?
A.1235 Faux.

Q.1236 "Qu'il ne partirait jamais sur la draft, qu'il serait déchargé de l'armée peut-être; qu'il ferait de la température et que les médecins ne pourraient trouver ce qu'il aurait". Est-ce vrai ou faux ?
A.1236 Faux.

Q.1237 "Tout en jasant il l'a piqué". Est-ce bien vrai cela?
A.1237 Faux , tout est faux.

Q.1238 Vous aviez été assermenté quand vous avez fait cette déclaration devant monsieur Lepage?
A.1238 Oui monsieur.

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

The witness withdraws.

Second Witness for Prosecution:- SIMONNE MONFETTE, 26½ rue Père Grenier, Québec, being duly sworn, is examined by the Prosecutor:

Q.1239 Vous avez mentionné votre adresse comme étant actuellement 26½ Père Grenier?
A.1239 Oui monsieur.

A.1240 Au cours des mois de janvier et février derniers, quelle était-elle ?
A.1240 143½ rue St. Paul.

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Q.1241 Quel étage?
A.1241 Troisième.

Q.1242 Vous occupez un logement de combien de pièces?
A.1242 Trois.

Q.1243 Composé de ?
A.1243 Une salle, une chambre à coucher et la cuisine.

Q.1244 Y avait-il une chambre de bain?
A.1244 Oui.

Q.1245 Au cours des mois de janvier et février, ou plus particulièrement vers la fin de janvier ou le commencement de février, avez vous eu occasion de voir chez vous le soldat Joseph Hince ?
A.1245 Oui monsieur.

Q.1246 Avez-vous eu occasion de voir Greffard?
A.1246 Oui monsieur.

Q.1247 Avez vous eu occasion de voir le soldat Monfette ?
A.1247 Oui monsieur.

Q.1248 Vous les avez vus tous les trois chez vous ?
A.1248 Oui monsieur.

Q.1249 C'était vers quelle date cela?
A.1249 Le 31 janvier.

Q.1250 Quel jour de la semaine était-ce?
A.1250 Le samedi.

Q.1251 Est-il à votre connaissance s'ils étaient en passes d'adieu à ce temps là ?
A.1251 Ah! Je sais pas.

Q.1252 Combien de temps ont-ils passé chez-vous le samedi?
Q.1252 Une dizaine des minutes à peu près.

Q.1253 Qui y avait il là? Quels étaient les soldats qui étaient chez vous le samedi?
A.1253 Il y avait Greffard, Monfette, Hince, madame Lee et moi.

Q.1254 Alors, le samedi il y avait Greffard, Hince et Monfette?
A.1254 Madame Lee et moi.

Q.1255 Vous êtiez cinq?
A.1255 Oui monsieur.

Q.1256 Ils sont arrivés là à peu près vers quelle heure?
A.1256 Sept heures.

Q.1257 Ils sont partis vers quelle heure ?
A.1257 Ils ont été à peu près dix à quinzeminutes.

Q.1258 Est-ce qu'ils sont revenus ?
A.1258 Non.

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Q.1259 Quelle a été leur visite subséquente là , parce que cette visite qu'ils ont faite chez vous le dimanche, ils sont tous partis. Ils sont revenus après?
A.1259 Pas le samedi.

Q.1260 Quel jour sont-ils revenus?
A.1260 Greffard est revenu porter un "flask" d'huile de charbon, c'est tout.

Q.1261 Le samedi?
A.1261 Non; le dimanche.

Q.1262 Était-il seul ?
A.1262 Oui.

Q.1263 Il vous a donné cela à vous?
A.1263 Il l'a donné au soldat Hince.

Q.1264 A Jos. Hince ?
A.1264 Oui.

Q.1265 Jos. Hince, qu'est ce qu'il a fait ?
A.1265 Il l'a mis sur le buffet dans la cuisine.

Q.1266 Vous a-t'il dit pourquoi c'était faire ?
A.1266 Non. Il a dit de serrer ça, tout simplement, et il l'a mis là, et nous autres on a continué à parler dansla cuisine.

Q.1267 Qui y avait-il avec vous dans la cuisine?
A.1267 Je me rappelle pas.

Q.1268 L'accusé était-il dans la cuisine, lui?
A.1268 Oui.

Q.1269 Il a sorti, Jos. Hince?
A.1269 Une secousse.

Q.1270 Il vous a demandé de serrer le "flask" d'huile de charbon?
A.1270 Qui ça ? Jos. Hince ?

Q.1271 Greffard?
A.1271 Oui.

Q.1272 Vous a-t'il dit à qui donner cela ce "flask" là?
A.1272 Il l'a donné à Jos. Hince en lui demandant de serrer ça.

Q.1273 Et Jos. Hince , qu'est ce qu'il a fait ?
A.1273 Il l'a mis sur le buffet dans la cuisine.

Q.1274 Et Greffard , qu'est-ce qu'il a fait ?
A.1274 Il s'en est allé.

Q.1275 Il est parti?
A.1265 Oui.

Q.1276 Jos. Hince a laissé le "flask" là ?
A.1276 Oui.

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Q.1277 Il l'a pas serré?
A.1277 Non.

Q.1278 Quand est-ce que Greffard est revenu après cela chez vous ?
A.1278 Je me rappelle pas qu'il soit revenu cette journée-là.

Q.1279 Cette journée là il est pas revenu ?
A.1279 Non.

Q.1280 C'était le dimanche ?
A.1280 Oui.

Q.1281 Il est revenu après cela quand ? Le lundi ? Le mardi?
A.1281 Je me rappelle pas.

Q.1283 Ah oui, vous vous en souvenez!
A.1283 . . . (pas de réponse)

Q.1284 Pensez-y, là. Pensez aux jours suivants? Le lundi, est-ce que c'est pas le lundi qu'ils ont pris un coup et joué aux cartes ?
Q.1284 Non.

THE COUNSEL OBJECTS TO THE FORM OF THE QUESTION, AND THE PROSECUTOR WITHDRAWS HIS QUESTION.

Q.1285 Le lundi, qu'est ce qui s'est passé chez vous ?
A.1285 Je me rappelle pas.

Q.1286 Si on vous donnait une minute pour y penser, pensez vous que ça vous viendrait?
A.1286 Je fais y penser toujours.

Q.1287 Pensez-y?
A.1287 Je peux pas me souvenir.

Q.1288 Y a-t'il une journée que Jos. Hince s'est blessé à la jambe?
A.1288 C'est le dimanche soir cela.

Q.1289 Parlez nous donc de cela, comment c'est arrivé?
A.1289 Il est sorti pour aller chercher des cigarettes au restaurant à côté.

Q.1290 Le dimanche?
A.1290 Oui, il était en souliers.

Q.1291 C'était vers quelle heure cela à peu près ?
A.1291 De bonne heure.

Q.1292 Vers quelle heure ?
A.1292 Vers six heures et demie, sept heures.

Q.1293 Et Greffard avait apporté l'huile de charbon à quelle heure ?
A.1293 Vers neuf heures.

Q.1294 Il est allé vers neuf heures chez Pelletier?
A.1294 Chez Pelletier?

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Q.1295 Il est allé à neuf heures chercher de l'huile de charbon, et il est arrivé chez vous vers neuf heures...

A.1295 Je sais qu'il est entré chez nous à neuf heures; je sais pas à quelle heure il a été le chercher.

Q.1296 Vous dites que Hinge s'est blessé à quelle heure?

A.1296 Vers six heures et demie, sept heures. J'ai pas remarqué l'heure au juste.

Q.1297 Vous êtes positive sur les heures ?

A.1297 Je sais que Greffard est venu porter l'huile de charbon vers neuf heures.

Q.1298 Est-ce que ça se pourrait que ce serait vers onze heures qu'il serait tombé en sortant ?

A.1298 Ca se peut, parce que , pour dire au juste, je me rappelle pas beaucoup l'heure.

Q.1299 Qu'est-ce que vous avez fait quand il est revenu se plaignant d'un mal de jambe ?

A.1299 J'ai demandé ce qu'il avait. Il dit : " J'ai tombé à la porte". Il se plaignait de mal dans sa jambe. Je savais pas quoi faire, moi..

Q.1300 Qu'est ce que vous lui avez fait ?

A.1300 J'ai rien fait le soir.

Q.1301 Le lendemain?

A.1301 Le lendemain quandil est revenu?

Q.1302 Il est parti ce soir là ?

A.1302 Oui .

Q.1303 Il n'a pas couché à 143?

A.1303 Non, non.

Q.1304 Je veux pas dire qu'il aurait couché chez vous, dans votre appartement. Mais est-ce qu'il se peut qu'il aurait couché dans la bâtisse 143 St. Paul?

A.1304 Ah, ça, ça se peut. Je suis pas supposée savoir à quelle place il va coucher tout le temps.

Q.1305 Alors, ce soir là. est ce que c'est probable qu'il a couché à 143 St. Paul.

A.1305 Ca se peut certainement.

Q.1306 Mais, comme question de fait, est-ce qu'il a pas couché à 143 St. Paul ?

A.1306 Chez nous ?

Q.1307 Je dis pas chez vous. Je dis : " Est ce qu'il a pas couché à 143 St. Paul, dans la bâtisse 143 St. Paul"?

A.1307 Je peux pas dire.

Q.1308 Le lendemain , qu'est-ce que vous lui avez fait?

A.1308 J'ai mis des compresses humides le lendemain, quand il est revenu.

Q.1309 A quelle heure est-il revenu ?

A.1309 Dans le courant de l'avant midi.

Q.1310 Quelle heure?

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A.1310 Je sais pas , j'ai pas remarqué.

Q.1311 Est-ce que vous voulez dire quand il est revenu la nuit ?
A.1311 Non , quandil est revenu chez nous.

Q.1312 Vous lui avez mis des compresses d'eau froide?
A.1312 Humides.

Q.1313 Cela c'était quel jour ? Le dimanche?
A.1313 Lundi.

Q.1314 Est-ce qu'il pouvait marcher?
A.1314 Il marchait un peu ; ça faisait mal.

Q.1315 Est-ce qu il marchait pour sortir dehors?
A.1315 Il a pas sorti toujours de la journée.

Q.1316 Il est resté chez vous toute la journée?
A.1316 Oui monsieur.

Q.1317 C'était le lundi cela?
A.1317 Oui.

Q.1318 Il est resté toute la journée?
A.1318 Oui monsieur.

Q.1319 Qu'est-ce qu'il a fait ? Est-il resté assis sur une chaise?
A.1319 Oui , il avait pas d'autre chose à faire.

Q.1320 Le pied élongé, ou s'il marchait ?
A.1320 Il marchait quand il avait affaire.

Q.1321 Ca lui nuisait pas trop ?
A.1321 Non.

Q.1322 Qu'est-ce qu'il a fait toute la journée?
A.1322 Il a resté assis.

Q.1323 Toute la journée?
A.1323 Quand il avait affaire, il se levait.

Q.1324 Le soir , à quelle heure est-il parti?
A.1324 Dix heures et demie,onze heures.

Q.1325 A dix heures et demie, onze heures, il était seul chez vous le lundi?
A.1325 Quand il est parti, mais oui.

Q.1326 Au cours de la journée, était-il seul avec vous encore ?
A.1326 Oui.

Q.1327 Le lundi?
A.1327 Oui.

Q.1328 Il était seul ?
A.1328 Oui monsieur.

Q.1329 Vous savez ce que c'est qu'un serment?

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A.1329 Oui monsieur.

Q.1330 Et vous dites qu'il était seul chez vous le lundi après-midi et le lundi soir?
A.1330 Seul? Voulez vous dire en parlant de Greffard , ou bien..?

Q.1331 Je demande si vous êtiez tous les deux seuls dans l'appartement?

THE COUNSEL OBJECTS:

La Couronne est après discréditer son propre témoin .
The Prosecutor Withdraws his question.

Q.1332 Etiez-vous tous les deux seuls vous et Hince, au cours de la soirée, dans votre appartement ? Etiez vous tous les deux seuls?
A.1332 Non, il y avait mes deux soeurs, ma soeur et une autre femme.

Q.1333 Vous l'appelez votre soeur aussi, l'autre femme?
A.1333 Non.

Q.1334 Votre soeur , madame qui?
A.1334 Elle est pas mariée, c'est une fille.

Q.1335 Comment s'appelle-t'elle?
A.1335 ..... (pas de réponse)

Q.1336 Voulez-vous répondre?
A.1336 J'ai pas d'affaire à dire son nom.

Q.1337 Oui, vous êtes obligée.
A.1337 Mademoiselle Laforce.

Q.1338 Elle était chez vous ?
A.1338 Oui monsieur.

Q.1339 Lundi soir?
A.1339 Oui.

Q.1340 Qui y avait-il à part cela?
A.1340 Madame Bouchard.

Q.1341 Quelle Madame Bouchard ? Son premier nom?
A.1341 Yvonne.

Q.1342 Le premier nom de mademoiselle Laforce?
A.1342 Denise.

Q.1343 C'est votre soeur ?
A.1343 Oui monsieur.

Q.1344 Vous êtiez tous les quatre, Mademoiselle Laforce, Madame Bouchard, Hince et vous ?
A.1344 Oui.

Q.1345 C'étaient les seuls quatre qu'il y avait chez vous le lundi dans le courant de la soirée?
A.1345 Oui.

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Q.1346 Dans le courant de l'après-midi, qui y avait-il chez vous ?
A.1346 Seulement que moi et lui.

Q.1347 Jos Hince et vous?
A.1347 Oui monsieur.

Q.1348 Au cours de la journée de lundi, on parle toujours de la journée de lundi, avez-vous vu Greffard et Monfette ?
Q.1348 ... ...Si je me souviens bien, ilse sont venus lundi matin.

Q.1349 Vers quelle heure?
A.1349 Vers onze heures.

Q.1350 Ils sont partis tout de suite?
A.1350 Ils ont jasé, ils ont pris un coup ensemble et s'en sont retornés.

Q.1351 Ils sont restés combien de temps?
A.1351 Je peux pas préciser au juste.

Q.1352 A peu près?
A.1352 Je sais qu il y en a eu un qui a donné de l'argent, et Hince est parti pour aller chercher de la boisson. Il a été chercher de la boisson, ils sont revenus et ils ont pris un coup ensemble.

Q.1353 Après cela , qu'est ce qu'ilsont fait?
A.1353 Quand ils ont eu fini de boire, ils se sont en allés.

Q.1354 Ont-ils joué aux cartes?
A.1354 Non.

Q.1355 Avez vous vu si Hince aurait fait quelque chose à quelqu'un, un des soldats là ?
A.1355 Non monsieur.

Q.1356 Rien?
A.1356 Non.

Q.1357 Pas à votre connaissance?
A.1357 Non monsieur. Tout le temps qu'ilsont été en avant, j'ai été avec eux autres, à part quand le soldat Hince est allé chercher de la boisson.

Q.1358 Vous étiez pas en avant ?
A.1358 Non, j'ai resté dans la cuisine, et quand il est arrivé, j'ai resté avec lui en avant.

Q.1359 Avez-vous constaté s'il s'est passé quelque chose d'étrange?
A.1359 Non.

Q.1360 Tout avait l'air normal?
A.1360 Oui , je me suis pas aperçue de rien.

Q.1361 Etaient-ils sobres ou chauds, ou y en avait-il de chauds?
A.1361 Je me rappelle pas s'ils étaient chauds quand ils sont arrivés.

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Q.1362 Vous ne vous souvenez pas ?
A.1362 Non.

Q.1363 Ils étaient peut-être chauds, ilsétaient peut-être sobres ?
A.1363 Oui, peut-être ; je sais pas.

Q.1364 Qui est allé chercher la boisson?
A.1364 Le soldat Hince.

Q.1365 Avez vous vu qui avait donné l'argent pour l'acheter?
A.1365 Je peux pas dire, mais je sais que c'est un des deux, Greffardou Monfette. Je peux pas dire quel que c'est.

Q.1366 Combien lui avait il donné?
A.1366 Je sais pas.

Q.1367 Ils étaient tous les trois ensemble?
A.1367 Oui.

Q.1368 Auriez vous vu si l'un des soldats ou l'autre aurait relevé le pantalon de l'un ou de l'autre ?
A.1368 Non.

Q 1369 Vous avez pas vu cela?
A.1369 Non monsieur.

Q.1370 L'huile de charbon, à votre connaissance, y a-t'il quelqu'un qui en a fait usage cette journée là?
A.1370 Non.

Q.1371 Pas à votre connaissance?
A.1371 Non.

Q.1372 Qu'Est-ce que c'était pour faire,un cocktail, cela?
A.1372 Demandez-moi pas pourquoi c'était faire.

Q.1373 Vous savez pas ?
A.1373 Non.

Q.1374 Vous avez aucune idée?
A.1374 Non.

Q.1375 Personne vous en a jamais parlé?
A.1375 Non.

Q.1376 Vous jurez que vous avez aucune idée pourquoi cette huile de charbon devait servir?
A.1376 Je le jure.

THE COUNSEL OBJECTS:

Le témoin n'est pas ici pour donner des opinions. Elle est ici pour dire ce qu'elle a entendu et vu.

THE COUNSEL DECLINES TO CROSS-EXAMINE.

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QUESTIONED BY THE COURT:

Q.1377 Vous avez dit à la Cour tout à l'heure que c'était Hince qui avait été chercher la boisson?
A.1377 Oui monsieur.

Q.1378 Il pouvait marcher assez bien pour aller chercher de la boisson?
A.1378 Il a pas été loin la chercher.

Q.1379 Greffard, quand il est parti de chez vous, est-ce qu'il tricolait, est-ce qu'il était à jeun ou sobre?
A.1379 Il était pas sobre, certainement qu'il était pas sobre.

Q.1380 De même, il était pas à jeun; il était saoul?
A.1380 Sans être saoul, on peut être chaudasse un peu.

Q.1381 Avait-il de la misère à marcher ?
A.1381 Je me rappelle pas ça.

Q.1382 Vous trouvez pas cela curieux que vous auriez envoyé Hince chercher de la boisson quand il avait mal à la jambe, qu'il avait de la misère à marcher, que vous étiez obligée de lui mettre des compresses?
A.1382 Les autres savaient pas où il y en avait.

Q.1383 A-t'il été ailleurs qu'à la Commission des Liququre en chercher?
A.1383 Non, parce qu'on a une Commission des Liqueurs qui est tout près.

Q.1384 Vous dites que le 31 janvier c'était un samedi?
A.1384 Oui monsieur.

Q.1385 Hince était chez vous, puis Greffard et Monfette sont allés faire un tour?
A.1385 Oui monsieur.

Q.1386 Combien de temps ?
A,1386 Dix-quinze minutes.

Q.1387 Est-ce qu'ils étaient à jeun ?
A.1387 Ca, je me rappelle pas.

Q.1388 Ils étaient déjà allés chez vous précédemment, le soir avant cette date là, c'était la première fois que vous les voyiez ?
A.1388 Ils sont venus une fois, et Jos. Hince était pas chez nous.

Q.1389 Est-ce que vous les connaissiez avant qu'ils aillent chez vous?
A.1389 Non. J'ai connu le soldat Monfette une fois à l'hôpital, c'est tout.

Q.1390 Avant ou après cela ?
A.1390 Avant, à l'hôpital du camp.

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Q.1391 Vous connaissiez Manfette?
A.1391 Seulement que de vue .

Q.1392 Ils ont été dix-quinze minutes chez vous ?
A.1392 Oui monsieur.

Q.1393 Le dimanche , est-ce que vous avez vu Greffard?
A.1393 Il est venu le dimanche soir.

Q.1394 Vers quelle heure ?
A.1394 A neuf heures.

Q.1395 Il a apporté un flask d'huile de charbon? C'est ce que vous avez dit ?
A.1395 Oui monsieur.

Q.1396 Quelle sorte de flask?
A.1396 Un petit flask vide d'alcool.

Q.1397 Un vingt onces , treize onces?
A.1397 Un des plus petits.

Q.1398 Dix onces?
A.1398 Je sais pas les onces.

Q.1399 Il est allé le porter chez vous ?
A.1399 Oui monsieur..

Q.1400 Est-ce qu'il l'a donné à vous?
A.1400 Non.

Q.1401 A qui l'a-t'il donné?
A.1401 Au soldat Hince.

Q.1402 Le soldat Hince l'a placé où?
A.1402 Sur le buffet dansla cuisine.

Q 1403 Greffard a été combien de temps?
A.1403 Il est reparti tout de suite.

Q.1404 Est-ce que Hince est sorti ce soir là, le dimanche soir?
A.1404 Il est allé se chercher des cigarettes.

Q.1405 Vers quelle heure à peu près?
A.1405 Je peux pas...

Q.1406 Est-ce avant ou après Greffard ?
A.1406 Je me rappelle pas si c'est avant ou après.

Q.1407 Comment se fait-il que vous vous souvenez que Greffard est allé chez vous vers neuf heures? Vous ne vous souvenez pas si Hince est sorti avant ou après?
A.1407 Je me souviens que Greffard est venu vers telle heure parce j'étais après écouter un programme de radio.

Q.1408 Est ce que Hince est sorti avant ou après votre programme au radio?
A.1408 Je me rappelle pas, j'ai pas remarqué .

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Q.1409 (Je trouve étrange que le témoin se rappelle de certains points, et d'autres points ça laisse à désirer.) Maintenant , le lundi matin c'était quelle date cela?
A.14094 Le deux février.

Q.1410 Vous êtiez seule à la maison, vous dîtes ?
A.1410 Oui monsieur.

Q.1411 Seule?
A.1411 Oui.

Q.1412 Toute la journée du lundi?
A.1412 ... .(pas de réponse)

Q.1413 Oui ou non?
A.1413 Seule? Voulez vous dire avec des soldats?

Q.1414 Je parle seulement que de vous. Etiez-vous seule à votre maison ?
A.1414 Oui , j'étais seule.

Q.1415 Toute la journée de lundi?
A.1415 Non.

Q.1416 Qui était avec vous ?
A.1416 Je pensais que vous vouliez dire d'autres femmes avec moi.

Q.1417 Qui était avec vous le lundi?
A.1417 Le soldat Hince.

Q.1418 Le lundi matin?
A.1418 Oui monsieur.

Q.1419 A quelle heure ?
A.1419 Je sais pas; dix heures et demie, onze heures.

Q.1420 Vous êtes restés seuls tous les deux jusqu'à quelle heure ?
A.1420 Jusqu'à l'heure du souper.

Q.1421 Vous êtes certaine?
A.1421 Oui monsieur.

Q.1422 Personne est allé vous voir?
A.1422 L'avant midi Greffard et Monfette sont venus.

Q.1423 Vous êtiez pas seuls comme cela?
A.1423 Bien! Seuls!

Q.1424 A quelle heure Monfette et Greffard sont ils allés vous voir ?
Q.1424 Pas longtemps après que le soldat Hince est arrivé.

Q.1425 Ils sont pas arrivés ensemble avec Hince?
A.1425 Non .

Q.1426 Est-ce que c'est avant diner ou après diner?
A.1426 Avant diner.

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Q.1427 Est-ce qu'ils étaient ivres, à jeun, ou quoi?
A.1427 Ah! Je peux pas vous dire s'ils en avaient pris ou non. Je connais pas beaucoup ça.

Q.1428 Qu'est-ce qui est arrivé? Vous dites qu'ils sont arrivés chez vous; et où étiez-vous? Vous étiez dans la salle?
A.1428 Ils sont arrivés dansla cuisine. La porte donne sur la cuisine. Ils sont arrivés par la cuisine,et on a passé dans le salon.

Q.1429 Est-ce que Hince avait mal à la jambe dans ce temps là?
A.1429 Oui monsieur.

Q.1430 Est-ce qu'il pouvait marcher ?
A.1430 Oui monsieur.

Q.1431 Il marchait bien?.... Est-ce qu'au moment où Greffard et Monfette sont arrivés, vous aviez commencé à traiter la jambe de Hince?
A.1431 Non monsieur.

Q.1432 Pas du tout ?
A.1432 Non.

Q.1433 Qui a envoyé chercher la boisson?
A.1433 Je peux pas dire si c'est Greffard ou Monfette qui l'a envoyé chercher. J'ai pas remarqué, mais je sais que c'en est une des deux.

Q.1434 Vers quelle heure Hince est-il allé chercher la boisson?
A.1434 Presque tout de suite après qu'ils sont arrivés.

Q.1435 Après cela ils se sontmis à prendre un coup chez vous ?
A.1435 Oui monsieur.

Q.1436 Avez-vous dîné?
A.1436 J'ai dîné après qu'ils ont été partis.

Q.1437 Vers quelle heure sont ils partis ?
A.1437 Ils ont pas été longtemps.

Q.1438 Qu'est-ce qu'il a acheté comme boisson?
A.1438 Je peux pas dire si c'est un demiard ou une chopine d'alcool. Ils ont pris ça, et Greffard et Monfette sont repartis.

Q.1439 Ca a pris combien de temps à boire cela? Une heure? Deux heures, trois heures?
A.1439 Pas tant que cela.

Q.1440 A peu près?
A.1440 Une heure à peu près.

Q.1441 Vers quelle heure sontils partis? Avez-vous une idée? Est-ce qu il était une heure, deuxheures, trois heures?
A.1441 C'était avant midi.

Q.1442 Ils sont arrivé à quelle heure, dîtes-vous ?
A.1442 Onze heures moins quart, onze heures. Je peux pas préciser l'heure, j'ai pas remarqué.

Q.1443 Tout de suite en arrivant , ils ont dit : "Hince, va nous chercher un coup"?
A.1443 Oui monsieur.

Q.1444 Hince est allé chercher de la boisson?
A.1444 Oui monsieur.

Q.1445 Où étaient-ils durant ce temps là?
A.1445 Dans le salon en avant.

Q.1446 Vous , où êtiez-vous ?
A.1446 Dansla cuisine.

Q.1447 Pourquoi?
A.1447 J'avais pas d'arraire à rester avec eux autres; ça faisait deux,trois fois que je les voyais.

Q.1448 Vous les connaissiez?
A.1448 Je les connaissais pas, ils sont venus samedi soir, c'est tout.

Q.1449 Qu'est-ce qu'ils faisaient en avant , Greffard et Monfette ?
A.1449 Ils étaient assis.

Q.1450 Ils sont partis un peu avant midi.?
A.1450 Oui.

Q.1451 Est-ce qu'ils sont revenus?
A.1451 Pas dans la journée de lundi.

Q.1452 A ce4 temps là , le lundi midi, est ce que la bouteille d'huile de charbon était encore sur le buffet?
A.1452 Ah! Ca, j'ai pas remarqué.

Q.1453 Est-ce que dimanche soir le bouteille d'huile de charbon, lorsque Hince est parti. était encore sur le buffet?
A.1453 Oui.

Q.1454 Lundi matin elle y était pas ?
A.1454 Je sais pas, je peux pas dire, j'ai pas remarqué. Une affaire qui nous intéresse pas, on remarque pas beaucoup.

Q.1455 Vous me dîtes que le dimanche soir Hince est pas parti avec la bouteille d'hâile de charbon?
A.1455 Oui monsieur.

Q.1456 Elle était sur le buffet quand il est parti?
A.1456 Oui monsieur.

Q.1457 Est-ce que Greffard est revenu après Hince dimanche soir?
A.1457 Non monsieur.

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Q.1458 Lundi matin, la première personne entrée chez vous, qui était-ce?
A.1458 Le soldat Hince.

Q.1459 La bouteille était encore là ?
A.1459 J'ai pas remarqué si je l'ai ôtée . Je l'ai peut-être changée de place, mais je peux pas vous dire.

Q.1460 La dernière fois que vous l'avez vue la bouteille d'huile de charbon, c'était quand ? Dimanche ou lundi?
A.1460 . . . .(pas de réponse).

Q.1461 Pensez-y bien?
A.1461 . . . (pas de réponse.)

Q.1462 Vous dites que dimanche soir elle y était quand Hince est parti?
A.1462 Oui monsieur.

Q.1463 Lundi matin, est-ce qu'elle était là quand Greffard et Monfette sont venus, sur le buffet ?
A.1463 ... ., Je peux pas dire si elle était là. Une affaire qu'on remarque pas! C'est pas ma bouteille d'huile de charbon, ça, et j'ai pas resté en extase devant pour regarder si elle était pour partir de là.

Q.1464 Cette bouteille là, quelqu'un a dû la prendre? Si on déposait quelque chose, un bouteille, quelque chose dans ma maison ! C'est votre logement?
A.1464 Oui monsieur.

Q.1465 Greffard est étranger chez vous ?
A.1465 Oui.

Q.1466 Il avait confié quelque chose à Hince. Est-ce que vous laissez sortir n'importe quoi de ce qu'on vous confie, sans vous en apercevoir ?
A.1466 Quandils me le confient à moi , c'est correct. Mais l'huile de charbon a été confiée à Jos. Hince.

Q.1467 Avez vous eu connaissance que Jos.Hince l'ait prise?
A.1467 Non, j'ai pas eu connaissance.

Q.1468 Est-ce qu'elle est encore chez vous la bouteille d'huile de charbon?
A.1468 Non monsieur. .

Q.1469 Alors, depuis quand est-elle partie de chez vous? Depuis quand?
A.1469 Depuis quand?

Q.1470 Comment savez vous qu'elle est pas chez vous, la bouteille?
A.1470 Parce que j'ai déménagé.

Q.1471 L'aviez vous quand vous avez déménagé?
A.1471 Je l'ai peut-être jetée.

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Q.1472 Quand ?
A.1472 Je sais pas quand.

Q.1473 Quand avez-vous déménagé?
A.1473 C'est au mois de mai.

Q.1474 Est-ce avant le déménagement que vous avez jeté la bouteille?
A.1474 ... ... (pas de réponse).

Q.1475 Pouvez vous jurer que vous avez jeté la bouteille vous-même?
A.1475 Non; je crois que je l'ai donnée à l'avocat Marceau , la bouteille.

Q.1476 Quand?
A.1476 Ah, ça! Je peux pas vous dire la date et le mois; je m'en rappelle pas. Là , je me rappelle de l'avoir donnée à l'avocat Marceau.

Q.1477 Est-ce que c'est après la visite de Greffard et Monfette, le lundi deux février, que vous avez donné la bouteille?
A.1477 C'est après.

Q.1478 Alors, si vous avez donné cette bouteille là après la visite de Greffard et Monfette le deux février, elle était chez vous à cette date là ?
A.1478 Oui monsieur.

Q.1479 C'est ce que je veux savoir?
A.1479 Vous avez demandé si elle était changée de place.

Q.1480 Quand vous l'avez donnée, où l'avez-vous prise? Où était-elle?
A.1480 Je l'avais mise en arrière du bain.

Q.1481 Vous-Même?
A.1481 Oui.

Q.1482 Où l'aviez vous prise?
A.1482 Je l'ai prise sur le buffet.

Q.1483 Vous l'aviez prise sur le buffet?
A.1483 Je l'ai prise sur le buffet, puis je l'ai serrée là. C'était pas une annonce à garder, une bouteille comme ça, sur le buffet.

Q.1484 Quand cette bouteille là est arrivée, avez-vous remarqué un peu la bouteille ?
A.1484 Oui.

Q.1485 Est-ce qu'elle était pleine, la bouteille?
A.1485 Non, je pense pas.

Q.1486 Pouvez vous jurer si elle était pleine ou non ?
A.1486 Je peux jurer qu'elle était pas pleine.

Q.1487 Quand vous l'avez prise cette bouteille là de sur le buffet, et que vous l'avez placée en arrière du bain, est-ce qu il y avait la même quantité?

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A.1487 Oui.

Q.1488 Pouvez-vous jurer?
A 1488 Oui... Ecoutez un peu! Je peux pas jurer, j'ai pas mesuré dansla bouteille comment il y en avait; ni quand je l'ai reprise. Je suis certaine qu'elle était pas pleine; mais je peux pas dire,si elle était à un ou deux pouces, quand je l'ai serrée si elle était rendue à trois pouces. J'ai pas remarqué.

Q.1489 Durant le stage que la bouteille est arrivée chez vous , et que vous l'avez placée en arrière du bain .... Quand l'avez vous placée en arrière du bain ? Longtemps après la visite de Greffard et Monfette ? Bien longtemps après, ou si c'est la même journée que vous l'avez placée en arrière du bain? - Vous dites que c'était pas une annonce à avoir. Est ce que vous vous êtes aperçue que c'était pas une annonce le lundi?
A.1489 C'est parce que j'attendais de la visite, je me rappelle pas quelle journée,j'ai été ça. N'importe qui aurait pu penser que c'était du whisky.

A.1490 Deux ou trois jours après , ou la même journée?
A.1490 Je me rappelle pas si c'est la même journée ou si c'est après. Je sais que c'est moi-même qui l'ai prise et l'ai ôtée de là. J'attendais de la visite; c'était marqué "Alcool" sur la bouteille, ça avait l'air du whisky, et comme je bois pas.!

Q.1491 Lorsque Monfette et Greffard sont allés chez vous le lundi vous dites que lorsque Hince est allé chercher de labboisson vous êtes restée dans la cuisine?
A.1491 Oui monsieur.

Q.1492 Est-ce que Monfette et Greffard sont allésdans la cuisine durant que vous êtiez là?
A.1492 Non.

Q.1493 Est-ce que la bouteille d'huile de charbon était encore sur le buffet?
A.1493 J'ai pas remarqué.

Q.1494 Quand Hince était chez vous lundi matin, avez vous vu Hince prendre la bouteille d'huile de charbon?
A.1494 Non.

Q.1495 Il était toujours avec vous?
A.1495 Oui, mais je le suivais pas pas à pas pour voir ce qu'il faisait.

Q.1496 Qu'est-ce que vous avez fait le lundi matin dans votre maison?
A.1496 Mon ménage.

Q.1497 A quelle heure avez-vous fini votre ménage?
A.1497 Vers onze heures.

Q.1498 A peu près le temps que Hince est arrivé?
A.1498 Oui.

Q.1499 Après cela?
A.1499 Après ça, Hince est arrivé, et après cinq, six minutes à peu près, Greffard et Monfette sont arrivés.

Q.1500 Alors, il y a cinq minutes de laps de temps de l'arrivée de Hince à l'arrivée de Greffard et Monfette; avant l'arrivée de Hince vous avez fait votre ménage dans la cuisine; c'est cela?
A.1500 Oui monsieur.

Q.1501 Greffard est arrivé, Hince est allé chercher de la boisson ?
A.1501 Oui monsieur.

Q.1502 La bouteille d'huile de charbon était encore là dans ce temps là?
A.1502 Ecoutez un peu! Quand on rentre dansla cuisine, pour aller en avant faut passer à côté du buffet. Une bouteille ça se prend vite, sans qu'on s'en aperçoive. J'ai pas coutume de "watcher."

Q.1503 Est-ce qu'elle a été prise, la bouteille?
A.1503 Je le sais pas si elle est partie de sur le buffet.

Q.1504 Elle a pas été prise?
A.1504 Je sais pas si elle a été prise. Elle a peut-être été prise sans que j'en aie eu connaissance, je sais pas.

Q.1505 Vous m'avez dit tout à l'heure que vous aviez pris la bouteille vous-même de sur le buffet et que vous l'aviez placée en arrière du bain?
A.1505 Oui monsieur.

Q.1506 C'est cela?
A.1506 Oui.

Q.1507 Maintenant, avez vous eu connaissance que la bouteille ait été prise sur le buffet, oui ou non?
A.1507 J'en ai pas eu connaissance.

Q.1508 Avez vous eu connaissance que la bouteille a été remise sur le buffet, oui ou non, par quelqu'un?
A.1508 Après que je l'aie eu serrée?

Q.1509 Non, pas après?
A.1509 Si personne l'a prise, ils l'ont pas remise.

Q.1510 Avez-vous eu connaissance, ou est-il possible que quelqu'un ait pu prendre la bouteille surle buffet sans que vous en ayiez eu connaissance?
A.1510 Certainement, c'est possible.

Q.1511 Et l'ait remie sans que vous les voyiez?
A.1511 C'est possible.

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Q.1512 Quand vous avez mis cette bouteille derrière le bain, vous l'avez prise à quel endroit ?

A.1512 Sur le buffet.

Q.1513 Sur le même buffet, au même endroit où elle avaitété placée avant ?

A.1513 Ecoutez un peu, le même endroit! J'ai pas remarqué si c'était dans le milieu ou sur le bord. Mais elle était sur le buffet. En faisant le ménage, des fois on dérange bien des choses.

Q.1514 Vous êtes pas capable de vous rappeler combien de temps après cette matinée du lundi vous avez fait ce déplacement de la bouteille? Etes-vous capable de dire si c'était une journée après, deux jours, une semaine, ou rien que le premier mai?

A.1514 Elle a pas resté sur le buffet jusqu'au premier mai, certain.

Q.1515 Etes-vous capable de dire quand vous l'avez prise de sur le buffet pour la mettre en arrière du bain?

A.1515 Je sais pas si c'est deux ou trois jours après.

Q.1516 A peu près cela, deux-trois jours plus tard?

A.1516 Oui.

Q.1517 Vous êtes capable de dire quand vous avez donné cette bouteille là à monsieur Marceau?

A.1517 ..... Je peux pas me rappeler la date que j'ai donné la bouteille.

Q.1518 Supposons que vous ne vous rappelez pas que c'est le deux ou le quatre avril; mais une date à peu près? Etait-ce dans le mois de février ou dans le mois de mars?

A.1518 Vers la fin de mars ou avril, au commencement d'avril, je me rappelle pas au juste.

Q.1519 Quelles raisons aviez-vous pour donner cette bouteille là à monsieur Marceau? Etes-vous allée lui porter cela comme cela, vous-même?

A.1519 C'est parce que j'ai eu une entrevue avec monsieur Marceau.

Q.1520 Le dimanche, Greffard est allé porter la bouteille chez vous ?

A.1520 Oui.

Q.1521 Est-ce que vous êtiez là?

A.1521 Oui monsieur.

Q.1522 Vous êtiez là quand il est allé porter la bouteille?

A.1522 Oui.

Q.1523 Est-ce que vous avez dit 'Bonjour'? Est-ce qu'il vous a parlé à vous-même?

A.1523 Non, il m'a pas parlé.

Q.1524 Est-ce que vous l'avez vu?

A.1524 Je l'ai vu, l'entrée donne sur la cuisine.

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Q.1525 Hince était là?
A.1525 Oui monsieur.

Q.1526 Qu'est-ce qu'il a fait, Greffard ?
A.1526 J'ai vu qu'il a donné le "flask", il dit : " Tiens, veux-tu me serrer ça?".

Q.1527 C'est tout ce qu'il a dit ?
A.1527 Oui monsieur.

Q.1528 A-t'il mentionné quand il viendrait le chercher?
A.1528 Non.

Q.1529 C'est tout ce qui s'est passé dimanche?
A.1529 Oui monsieur.

Q.1530 Maintenant , est ce que Greffard, en allant chez vous le lundi avec Monfette, a demandé la bouteille ?
A.1530 Non. Ce qu'il a fait en arrivant , il a demandé de quoi à boire.

Q.1531 Est-ce qu'il a demandé la bouteille d'huile de charbon?
A.1531 Pas à ma connaissance.

Q.1532 A votre connaissance, vous avez pas entendu Greffard demander la bouteille d'huile de charbon?
A.1532 Non.

Q.1533 Avez vous entendu Greffard mentionner pourquoi c'était cette bouteille là ?
A.1533 Non monsieur.

Q.1534 Avez vous entendu Hince mentionner pourquoi cette bouteille était là ?
A.1534 Il le savait pas lui-même.

Q.1535 Comment savez-vous cela?
A.1535 Il dit: " Greffard m'a dit des serrer ça. Je peux la mettre sur le buffet? Ca me nuit pas?". J'ai dit "Non".

Q.1536 Quand vous a-t'il dit cela ?
A.1536 Dimanche soir.

Q.1537 Vous avez pas trouvé cela curieux qu'on vous confie une bouteille comme cela ?
A.1537 Certainement.

Q.1538 Vous avez pas demandé à Greffard ?
A.1538 J'ai pas demandé à Greffard parce qu'il m'a pas parlé.

Q.1539 Le lundi?
A.1539 Le lundi j'en ai pas parlé.

Q.1540 Vous avez pas demandé pourquoi cette bouteille là?
A.1540 J'ai pas parlé; ils ont commencé à prendre un coup, ils jasaient ensemble.

Q.1541 Vous êtiez pas du groupe?

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A.1541 Ma chambre donne surle salon. J'étais dans ma chambre; eux autres étaient dans le salon, ils jasaient. Mais,quand une affaire nous intéresse pas, on est pas là pour écouter.

Q.1542 Savez vousce que c'est qu'une aiguille pour injections hypodermiques?
A.1542 Non monsieur.

Q.1543 Vous avez jamais vu aucune seringue par laquelle on peut donner des injections ?
A.1543 J'en ai déjà vu à l'hôpital, parce que je me suis déjà faité endormir pour me faire ôter des dents.

Q.1544 C'est cela qui s'appele 'seringue pour injections'?
A.1544 J'ai vu qu'il m'a donné une piqûre; mais je serais bien en peine de décrire une seringue; j'ai assez peur de ça.

Q.1545 En avez-vous vu chez vous ?
A.1545 Non.

Q.1546 En la possession du soldat Hince?
A.1546 Non monsieur , j'ai vu aucune seringue chez nous.

Q.1547 Quelque chose qui aurait pu y ressembler?
A.1547 Non monsieur.

Q.1548 La bouteille que Greffard a confiée à l'accusé Hince, et qui jusqu'à maintenant a été mentionnée comme une bouteille d'huile de charbon, voulez-vous la décrire? Quelle couleur était-elle ?
A.1548 C'était une petit "flask" blanc.

Q.1549 Incolore?
A.1549 De la vitre blanche.

Q.1550 Est-ce qu il y avait une étiquette dessus?
A.1550 C'était marqué "Alcool".

Q.1551 Qu'est-ce qui vous fait dire que c'était de l' huile de charbon?
A.1551 Moi, je l'ai ouverte,, je l'ai sentie.

Q.1552 Quand cela ?
A.1552 Le dimanche soir.

Q.1553 Jusqu'à ce moment là pensiez-vous que c'était de l'huile de charbon ou de l'allcool, quoi?
A.1553 Je savais pas quoi penser.

Q.1554 Vous imagibiez-vous que ça pouvait être de l'huile de charbon qui pouvait être dans cette bouteille là , jusqu'au moment où vous l'avez sentie?
A.1554 Non.

Q.1555 Ou si vous êtiez plutôt sous l'impression que c'était plutôt de l'alcool qu il y avait dedans?
A.1555 J'étais plutôt sous l'impression que c'était de l'alcool.

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Q.1556 Il y a pas eu d 'autres paroles d'échangées entre Hince et Greffard au sujet de cette bouteille à votre connaissance, ni quand il la lui a confiée, ni plus tard?
A.1556 Non monsieur.

Q.1557 Est-ce Monfette ou Greffard qui a confié la bouteille?
A.1557 C'est Greffard.

Q.1558 Monfette était présent à ce moment là ?
A.1558 Quand Greffard est venu porter l'huile de charbon?

Q.1559 Oui?
A.1559 Non monsieur ; Greffard était seul.

Q.1560 Quand Monfette et Greffard sont revenus ensemble plus tard, est-ce qu'il a été question de cette bouteille là, à votre connaissance à vous?
A.1560 Non monsieur , pas à ma connaissance.

Q.1561 En autant que vous pouviez le juger, quand Greffard est venu confier cette bouteille à Hince, est-ce que Greffard était sobre, ou semblait-il sous l'influence de boisson?
A.1561 Ah! Il était peut-être sous l'influence de la boisson, mais j'ai pas remarqué.

Q.1562 Pas assez pour que vous le remarquiez?
A.1562 Non.

Q.1563 Quand Greffard est revenu avec Monfette, est-ce qu'ils étaient sobres ou plutôt en état d'ivresse à ce moment là ?
A.1563 J'ai pas remarqué. Il y a beaucoup d'hommes , quand même ils sont en état d'ivresse, ça paraît pas.

Q.1564 Vous avez pas remarqué?
A.1564 Non. Je remarque pas quand un homme est chaud ou qu' il l'est pas.

Q.1565 Avez-vous remarqué si Greffard boîtait quand il est revenu la deuxième fois ? S'il tirait de la jambe ?
A.1565 Non, je peux pas dire s'il boîtait.

Q.1566 L'aviez-vous vu monter l'escalier, Greffard?
A.1566 Non.

Q.1567 L'avez-vous vu descendre l'escalier ?
A.1567 Non.

Q.1568 Vous l'avez vu dans le salon?
A.1568 Oui monsieur.

Q.1569 Dans le logement chez vous ?
A.1569 Oui monsieur.

Q.1570 Vous l'avez vu marcher ?
A.1570 Oui monsieur.

Q.1571 Est-ce qu il boîtait , oui ou non?
A.1571 Je peux pas vous dire; j'ai pas remarqué.

Q.1572 C'est visible cela ?
A.1572 Oui, mais il y a boiter et boiter. Des fois on tire d'une jambe, ça parait pas beaucoup.

Q.1573 D'après vous, est-ce qu'il boîtait ou non? Est-ce qu'il tirait de la jambe? Pensez-y? Essayez de vous rappeler. C'est un point qui a son importance.

A.1573 Je peux pas vous dire.

Q.1574 Monfette boitait-il?
A.1574 Pour moi, ils boitaient pas ni un ni l'autre.

Q.1575 Avez vous pris quelque chose avez les trois hommes?
A.1575 Non , je prends pas de boisson.

Q.1576 Vous en prenez pas jamais ?
A.1576 Jamais.

Q.1577 Auriez-vous pris quelque chose d'autre que de la boisson,pour les accompagner, une liqueur douce par exemple?
A.1577 Non, rien.

Q.1578 Vous prenez pas de liqueurs douces?
A.1578 J'en prends, oui.

Q.1579 Vous en avez pas pris avec eux autres ce soir-là?
A.1579 Non monsieur.

Q.1580 Est-ce qu'il y a eu du tiraillage entre les trois hommes dans le salon, pendant qu'ils étaient là, à votre connaissance à vous, au salon? Des gens qui prennent un coup et qui se tiraillent, ça arrive?
A.1580 Ils étaient assis bien tranquilles; ils se sont pas tiraillés.

Q.1581 Assis, bien tranquilles ?
A.1581 Oui.

Q.1582 Vous êtes sûre de cela?
A.1582 Oui monsieur.

Q.1583 Quelle a été la conversation qu'il y a eue entre ces trois hommes là? De quoi parlaient-ils? Je veux pas avoir mot à mot, mais quel était le sujet de la conversation?
A.1583 Je sais que Monfette a parlé de son amie de fille; il parlait d'elle . Moi je la connais pas.

Q.1584 A part de cela ?
A.1584 C'est tout ce qu'il a dit.

Q.1585 Il a pas parlé seulement que de lui-même, de la fille de Monfettem tout le temps qu'ils étaient à prendre un coup?
A.1585 J'ai pas pris ça en note. J'ai remarqué ça parce qu'il m'a montré son jone. C'est comme ça que je l'ai remarqué.

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Q.1586 Est-ce qu'il a été question qu'il y en avait parmi eux autres qui étaient sur le point de partir, qui étaient en congé d'adieu, 'embarkation leave'?

A.1586 Je crois que Greffard et Monfette devaient partir. Il me semble. Je peux me rappeler de cela qu'il a été question de cela.

Q.1587 Ils auraient pas dit qu'ils venaient voir Hince pour lui dire bonjour avant de partir? C'est comme cela qu'ils se sont présentés?

A.1587 Je sais que Greffard et Monfette, le samedi soir, ils ont dit : " On part, et on veut pas partir. On est sur la "draft" et on veut pas partir".

Q.1588 Hince y était pas à ce moment là ?

A.1588 Oui, et c'est ce soir là que Madame Lee y était, et moi, et Greffard et Hince et Monfette. Je sais que Monfette a dit qu'il avait pris des aspirines avec de la boisson pour tâcher de se rendre malade. Même, Monfette était après le soldat Hince, qui pleurait et lui déchirait quasiment sa chemise sur le dos.

Q.1589 Alors, il y a eu du tiraillage, s'il lui déchirait sa chemise sur le dos Z

A.1589 Il était très chaud, premièrement, Monfette. C'est là que j'ai dit à Greffard:" Allez téléphoner à un taxi et amenez le. Des tiraillages de même, ça se passera pas ici." Le taxi est arrivé, et c'est Greffard et le soldat Hince qui l'ont descendu; il avait de la misère à marcher.

Q.1590 Cela c'est le samedi?

A.1590 Oui monsieur.

Q.1591 Qui leur a ouvert la porte le samedi?

A.1591 C'est moi.

Q.1592 C'est pas Hince?

A.1592 Une fois qu'ils sont venus, et Hince y était pas.

Q.1593 Le même soir?

A.1593 Oui, de bonne heure, avant que Hince arrive.

Q.1594 Ils sont venus une première fois le samedi, Hince n'y était pas ?

A.1594 Oui , avant qu'il arrive. Hince est arrivé dix-quinze minutes après.

Q.1595 Le lundi matin vers onze heures, quand Greffard et Monfette sont allés chez vous, comment Monfette était-il habillé?

A.1595 En soldat.

Q.1596 En uniforme?

A.1596 Oui monsieur, le même uniforme.

Q.1597 Il était complètement habillé?

A.1597 Oui monsieur.

Q.1598 C'était l'hiver, cela?

A.1598 Oui monsieur.

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Q.1599 Il avait un bonnet?
A.1599 Je crois qu'il avait un petit képi.

Q.1600 Un capot?
A.1600 Oui.

Q.1601 Il avait tout son uniforme? Avait-il ses guêtres? Avait-il de petites jambières comme cela ?
A.1601 J'ai pas remarqué.

Q.1602 Est-ce qu'il s'est déshabillé chez vous ?
A.1602 Il a seulement qu'enlevé son capot. Dans une maison, l'hiver, il fait chaud.

Q.1603 Il a enlevé sa coiffure et son capot?
A.1603 Oui monsieur .

Q.1604 Est-ce qu'il a ôté ses guêtres?
A.1604 Je peux pas dire s'il en avait , j'ai pas remarqué .

Q.1605 Avez vous remarqué comment il était chaussé?
A.1605 Il avait des bottines, mais il avait pas de pardessus.

Q.1606 Vous avez remarqué qu'il avait pas de pardessus, mais vous avez pas remarqué s'il avait des guêtres?
A.1606 J'ai remarqué qu'il avait pas de pardessus. Dans une maison, des bottes comme ça , ça fait du bruit.

Q.1607 Ils ont pas enlevés les pardessus en arrivant ?
A.1607 Non, ils en avaient pas.

Q.1608 Ils ont rien enlevé de leur équippement excepté la coiffure et la capot?
A.1608 Non.

Q.1609 Ni les uns ni les autres ?
A.1609 Non.

Q.1610 Monfette a pas enlevé d'autre chose sur lui?
A.1610 Non.

Q.1611 Et personne dans la maison lui a enlevé d'autres parties de vêtement, personne lui a enlevé ses guêtres, relevé son pantalon?
A.1611 Non.

Q.1612 Vous êtes certaine de cela ?
A.1612 Certaine.

Q.1613 Quand Hince est revenu avec la boisson, êtes vous allée en avant avec les trois ?
A.1613 Oui monsieur.

Q.1614 Vous avez passé tout votre temps en avant ?
A.1614 Oui monsieur.

Q.1615 Avez vous quitté le salon pour deux minutes? Vous êtes pas allée en arrière pour chercher de l'eau.

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A.1615 Non , c'est le soldat Hince qui s'est arrangé avec l'eau.

Q.1616 Vous êtes toujours restée en avant du moment que Hince est allé chercher de la boisson ?

A.1616 Oui. Le temps que Hince est allé chercher la boisson, je suis allée dans la cuisine.

Q.1617 Pourquoi?

A.1617 C'étaient des types, ni plus ni moins , que je parlais pas. J'avais pas de conversation à prendre avec eux.

Q.1618 Quand Hince est arrivé, vous êtes retournée au salon avec eux?

A.1618 Oui.

Q.1619 Vous êtes restée là tout le temps?

A.1619 Oui monsieur.

Q.1620 Vous avez pas quitté le salon un instant seulement?

A.1620 Non monsieur.

Q.1621 Jusqu'au moment où ils ont partis tous les deux?

A.1621 Oui monsieur.

Q.1622 C'est Hince qui est allé chercher de l'eau pour réduire la liqueur?

A.1622 Oui monsieur.

THE PROSECUTOR:

Est-ce qu'il m'est permis de poser une couple de questions au témoin, basées sur l'argument que je veux soumettre ici?- - - - - - - - - - La Défense n'a pas transquestionné le témoin. Maintenant , la Cour a posé une certain nombre de questions qui ont jeté beaucoup de lumière sur la cause, et je me demande si les questions de la Cour, posées par la Cour, ouvrent une porte à la poursuite pour poser des questions, ou si je tombe sous l'article en vertu duquel je dois poser les questions par l'entremise du Président?

THEPRESIDENT OF THE COURT:

Oui, à ce moment-ci vous deves poser vos questions par l'entremise de la Cour.

THE JUDGE-ADVOCATE:

C'est essentiel. Il faut que les questions portent exclusivement sur les sujets touchés par la Cour elle-même. C'est la Règle de Procédure 85(B).

QUESTIONED BY THE COURT, at the request of Prosecutor:

Q.1623 Vous avez dit avoir remis à monsieur Marceau, ici, la bouteille d'huile de charbon?

A.1623 Oui monsieur.

Q.1624 Avez-vous remis d'autre chose que cela à monsieur Marceau?

A.1624 Non.

Q.1625 Rien d'autre chose que cette bouteille d'huile de charbon?

A.1625 Non; seulement que la bouteille d'huile de charbon.

Q.1626 Jamais?

A.1626 J'ai pas remis d'autre chose que cela .

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

The witness withdraws.

At 12:26 o'clock, on the 15th. day of July, 1942, the Court adjourned until 2:30 o'clock on the same day.

On the 15th. day of July, 1942, at 2:30 o'clock , the Court reassemble pursuant to adjournment, present the same members as in the morning of the same day.

At the request of the Prosecutor, the following witnesses are called, but are absent: Denise, Laforce, Madame Yvonne Bouchard

THE COURT: (to the Prosecutor)

Avez-vous fait assigner ces témoins?

THE PROSECUTOR:

Je n'ai pas fait assigner les témoins que je viens de faire appeler, pour la bonne raison que les noms de ces témoins ne m'ont été fournis que ce matin, lors du témoignage de Madame Simonne Monfette, née Laforce. C'est elle qui a mentionné les noms des témoins que je viens de nommer. Maintenant , la seule façon que j'avais de pouvoir assigner les témoins était de communiquer avec les autorités policières du District Militaire. On a fait des recherches qui ont été évidemment très rapides, et on n'a pas pu les localiser. Tout de même , je ne vois pas qu'aucun de ces témoins là soit en mesure de rendre un témoignage qui puisse être définitivement utile. Ca n'aurait été plutôt qu'une pêche à la preuve. Je ne suis pas en mesure de dire que ça aurait été des témoins qui auraient jeté quelque lumière sur le procès. Ce n'était qu'une lueur d'espoir que j'avais d'entendre les témoins, d'arracher quelque aveu des témoins. Dans les circonstances, je ne considère pas que leur témoignage est essentiel à la preuve, et je déclare ma preuve close.

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THE COURT: (to the Prosecutor)

Qu'est-ce que vous avez fait de Monfette?

THE PROSECUTOR: Absent.

THE COURT:

Vous n'avez pas eu d'autres nouvelles de lui?

THE PROSECUTOR:

Non.Non. Je me suis informé dans le cas de Monfette auprès du D.A.P.M. qui me dit que Monfette, comme question de fait, est localisé d'une manière à peu près positive comme étant à un endroit connu sous le nom de "Passes Dangereuses", dans la direction de Mistassini, ou de la rivière Mistassini, et le D.A.P.M. m'a déclaré qu'il n'était pas autorisé à se rendre à cet endroit; qu'il lui faudrait, l'endroit étant apparemment d'une nature dangereuse, une autorisation spéciale,de l'Autorité pour se rendre à cet endroit, et on m'a déclaré de plus que même la Police Montée ne voulait pas intervenir à cet endroit connu sous le nom de "Passes Dangereuses". Dans les circonstances, ne pouvant pas prévoir quand le témoin en question pourrait être produit devant la Cour, et l'accusé ne pouvant pas être détenu plus longtemps devant la Cour à moins d'un ordre de la Cour, quant à moi, ma preuve est close, sauf à entendre évidemment les médecins. Mais, n'ayant pas prouvé le premier élément de ma preuve, soit , que c'est Jos Hince qui a donné la piqûre à Mondette, je ne vois pas l'utilité de faire entendre de médecins pour dire que lorsqu'ils ont examiné Monfette, il était porteur d'une blessure, d'un abcès, apparemment semblable aux abcès dont il a été question devant ce tribunal, soit: des abcès de fixation à l'huile de charbon ou à la térébentine. N'ayant pas prouvé la première partie de l'accusatin, je ne vois pas l'opportunité de faire la deuxième partie..

THE JUDGE-ADVOCATE (To the Prosecutor)

Avez vous fait émettre un sub-poena pour le soldat Monfette?

THE PROSECUTOR:

Je n'ai pas fait émettre de sub-poena, j'ai demandé de faire émettre un ordre pour l'arrestation.

THE JUDGE-ADVOCATE:

Je ne vois pas comment il peut y avoir arrestation.

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THE PROSECUTOR:

Se saisir de la personne.

THE JUDGE-ADVOCATE:

Il faut d'abord qu'il soit assigné comme témoin. Si la poursuite ou la Cour veut l'assigner ou nepas l'assigner, c'est à sa discrétion; mais tant qu'il n'a pas été assigné, on ne peut pas faire de rapport sur l'ordre de produire le témoin.

THE PROSECUTOR:

Dans les cas de témoins militairesqui sont sous la juridiction de l'Officier Commandant, je comprends que la pratique pour l'assignation est de s'adresser au Commandant de l'endroit en lui demandant de produire 'un tel' devant telle cour qui siègera tel jour, à tel endroit, à telle heure". Ceci a été fait et n'a donné évidemment aucun résultat, le témoin étant absent sans permission à ce temps là depuis environ cinq semaines, peut-être six semaines. Je me suis alors adressé à la Police Militaire, au D.A.M.P.. Je lui ai expliqué les circonstances actuelles, que le témoin était requis devant une Cour Martiale, et que de plus, il était absent de son Unité sans permission depuis environ cinq semaines. Alors, je lui ai suggéré de prendre les mesures nécessaires pour produire la personne de Monfette.

"" Under the provisions of R.P.70, the Court consider that it is essential to procure the evidence of No.E/4984, Private Jules Monfette, Royal 22e Regiment, C.A., and the Court decide to Court adjourned the trial on the fifth and sixth charges to report the circumstances to the 'Convening-Officer'. ""

AT 2:56 o'clock on the 15th. day of July,1942 the Court adjourned the trial on the fifth and sixth charges until 10:00 o'clock on the 16th. day of July, 1942.

THE COUNSEL THEN STATES:

Avant que la Cour prononce l'ajournement, j'aurais une remarque à faire. Je voudrais faire noter la remarque suivante:-
"La défense, dans les circonstances, est obligée de faire une remarque, niant en particulier le droit de continuer, après une enquête déclarée close, l'audition d'un témoin autre que ceux qui ont déjà été entendus au cours de laprésente enquête".

THE PROSECUTOR:

Il me serait un peu difficile de rapporter au "Convening-Officer" une objection qui serait basée sur rien. Je vais certainement rapporter au "Convening Officer" l'objection de mon confrère, mais je dois dire que je ne pourrai pas l'appuyer de quoi/que ce soit, parce qu'elle est basée sur rien.

THE COURT:

Je ferai remarquer à l'avocat de la défense, le texte de la Règle de Procdure 86(D): "The Court may call or recall any witness at any time before the finding, if they consider that it is necessary in the interest of justice". La discrétion donnée à la Cour ne peut pas être plus large:"La Cour a le droit, si elle considère que c'est dans l'intérêt de la justice, d'appeler n'importe quel témoin avant le 'finding".

ON the 16th. day of July,1942, at 10:: o'clock, the Court reassemble pursuant to adjournment, present the same members as on the 15th. day of July, 1942. The Court proceedwith the trial on the fifth and sixth charges , as follows:

THE PROSECUTOR:

La poursuite déclare qu'elle n'a pas d'autres témoins à faire entendre, déclare par conséquent son enquête close.. Aue sujet du témoin qui manque, Monfette, j'ai communiqué de nouveau avec le D.A.P.M., et il ne peut pas faire entrevoir une date à laquelle ilà serait en mesure de produire devant la Cour le témoin en question. Dans les circonstances, je déclare ma preuve close, n'ayant plus d'autres témoins à faire entendre.

WITNESS, NO.E/4984, Private Jules Monfette, Royal 22e Regiment, C.A., is called at the request of the Court, and he does not answer.

AND THE COURT DO DECLARE:

Etant donnée la déclaration du Prosecutor, la Cour ne juge pas opportun de procéder plus avant les dispositions de la Règle de Procédure 86(D).

D

The prosecution is closed.

Defence

Q.1627 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.1627 *Answer.* No, Sir.

Q.1628 *Question.* Do you intend to call any other witness in your defence?

A.1628 *Answer.* No, Sir.

Question. ~~Is he a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Q.1628-A *Question to the accused.* Have you anything to say in your defence?

A.1628-A ~~The accused in his defence says:~~† No, Sir.

~~[Here follows a written address which is marked signed by the President and attached to the proceedings.]~~

The Prosecutor makes a Closing Address.
(See document marked " Q " attached.)

The Counsel makes a Closing Address.
(See document marked "R " attached.)

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused No.E/5095, Private Joseph HINCE, Royal 22e Regiment, C.A., attached to A.I.T.C., A-13, is NOT GUILTY of the fifth and sixth charges. The Court is reopend and the findings of NOT GUILTY are read in open Court.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Lieutenant J.E.P.W.LAFLEUR, Gen.List, C.A. is duly sworn.
Adjudant, A.I.T.C., A.-13, C.A.

Evidence of character, &c.

Q.1629 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

A.1629 Yes, I produce M.F.B.355

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

Q.1630 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* Yes.

Q.1631 Have you compared the contents of the above statement with the regimental books? *Answer.* Yes

A.1631

Q.1632 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A. 1632 *Answer.* Yes.

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

~~Cross-examined by the accused.~~
The Counsel declined to cross-examine, but made an application to the Court to the effect that it be mentioned in the record that the accused has undergone twelve to fifteen days of civil detention on a similar charge.
In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83(B)
The witness withdraws.

Q.1633 *Question to the President.* Do you wish to address the Court? *Answer.*

A.1633 No,Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No.E/5095, Private Joseph Hince, Royal 22e Regiment, C.A., (att. to A.I.T.C., A-13, C.A.) to be imprisoned with hard labor for two years less one day, and to be discharged with ignominy from His Majesty's service.

Sentence.
Imprisonment with hard labor. Two years less one day.
Discharged with ignominy.

Signed at Quebec, Que., this sixteenth day of July, 1942.

M.C. Lalonde,
Major, A.J.A.G., M.D.4
Judge-Advocate.

G.R. Bouchard
Lt.Colonel,
Le Régiment de la Chaudière,
C.A.,
Président.

I reserve confirmation for superior authority.

Signed at Quebec, P.Q., this 29th day of July, 1942.

(George P. VANIER) - Brigadier,
District Officer Commanding,
Military District No. 5.

I confirm the finding and sentence of the Court but remit the discharge with ignominy from His Majesty's Service.

SIGNED at Ottawa this 17th day of September, 1942.

(H.F.G. Letson)
Major-General,
Adjutant-General.

Extracts entered as No. 6525 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 3rd day of August 1947

Promulgated and extracts taken at A.I.T.C., A-13, Valcartier Camp, P.Q., this 21st. day of September, 1942.

(J.A. Tessier) Major & Adjutant,
A.I.T.C., A-13, Valcartier Camp, P.Q.

" X "

Orders by Brigadier George F. Vanier, D.S.O., M.C. Commanding

the Military District No.5.

Quebec, P.Q. 30th June 1942.

The detail of Officers as mentioned below will assemble at

(Lecture Room) Drill Hall, Quebec, P.Q.

on Wednesday, the 8th day of July, 1942, at 1000 hours

for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

R/9099, Pte. Joseph KING,
Canal Bde Regiment, C.A.,
(Pris. to A.I.P.S. A-13, C.A.

PRESIDENT:

Lieut-Colonel G.R.Rousseau
Regiment de la Chaudiere, C.A.

is appointed President.

MEMBERS:

Lieut-Colonel E.J.J.Légaré
C.O.P.C. Level

Major F.A.Ducasse,
Regiment de Quebec, C.A.

WAITING MEMBERS:

Capt. R.M.Lovers, R.R.C., C.A.
Capt. G.S.Wells, Regt. de Levis, C.A.

JUDGE-ADVOCATE: Major H.E.Lalonde, A.J.A.G., M.D.No.5.
PROSECUTOR: Major J.A.Coutu, R.C.A., C.A.
DEFENCE COUNSEL: Mr. Rene Vanier

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

The proceedings will be forwarded to Headquarters, M.D.No.5.

Signed this Thirtieth day of June 1942.

(H.J.GIRARD) - Maj.
D.A.A.G., M.D.No.5.
for D. O. C., M.D.No.5.

M. F. B. 220.

"G"

G. R. Blackburn Colonel
Pres. D.C.M.

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

le 8 juillet 1942

Colonel G. R. Blackburn
Président
de la Cour Martiale

Des circonstances incontrôlables m'empêchent de siéger avec la cour ce matin. Je voudrais simplement vous demander de m'en excuser.

L'A.A.G. M.J. du District est au courant de la chose.

Croyez-moi, Lt-Colonel
Naval C.O.T.C.

E. Bouchard, O.S.A.
Pres. D.C.M.

" H "

MOTION BY THE COUNSEL RESERVING HIS RIGHT OF APPLYING LATER FOR AN ADJOURNMENT.

Il y a seulement qu'un témoin dont j'avais besoin, le soldat du nom de Maurice St.Laurent. On m'a informé à cinq heures hier soir qu'on ne l'avait pas localisé; il était supposé transféré au camp Borden d'où on a répondu qu'il n'était pas encore là. Je ne crois pas que ce soit un témoin de première importance. Si au milieu du procès je voyais la nécessité évidente d'avoir ce témoin, je serais forcé de demander un ajournement seulement sur ce cas là.

THE PROSECUTOR STATES:

Ce témoin nous a été demandé, je comprends, à la fin de la journée du six; nous avons alors immédiatement communiqué avec le Camp Borden. Je ne voudrais pas qu'il y eut apparence de négligence. Nous avons fait toute la diligence possible pour rejoindre ce témoin; nous avons le télégramme ici adressé au Camp Borden; nous avons communiqué avec eux immédiatement sur réception de la demande de la défense.

R.J. Michaud, Lt-Col.
Pres.

" I "

MOTION BY THE COUNSEL FOR A SEPARATE TRIAL ON EACH AND EVERY CHARGE.

THE PROSECUTOR:

Nous procédons dans le cas de Hince, et ensuite nous procéderons dans le cas de Greffard. Je comprends que nous procédons conjointement dans les accusations. Je souligne le cas afin que la Défense ne soit pas prise par surprise.

THE COUNSEL:

J'aurais une objection à formuler: Je voudrais que l'enquête se fasse séparément sur chacune des accusations, qu'on ne relie pas une accusation à une autre, que les témoignages rendus sur une accusation ne servent pas sur les autres.

THE COURT:

En vertu des Règles de Procédure, R.P.62(E), the Counsel demande à ce que la preuve soit faite sur chacune des accusations séparément.

THE PROSECUTOR:

J'aurais objection, parce qu'il faudrait faire ré-entendre chacun des témoins sur les huit chefs d'accusation. Nous avons par exemple le cas du docteur Petitclerc qui est ici témoin; il faudrait le rappeler quatre fois, et je ne vois pas qu'il y ait aucun préjudice quelconque, que l'accusé puisse subir aucun préjudice par le fait que les quatre chefs d'accusation soient entendus ensemble. Si je voyais un préjudice quelconque pour l'accusé, je serais le premier à ne pas m'objecter à ce que l'on procède sur les quatre chefs d'accusation séparément. Si le procureur de l'accusé peut nous donner une explication où son client peut subir un préjudice quelconque, je retirerai mon objection; mais je ne vois réellement pas pour le moment quel préjudice l'accusé peut subir.

THE COUNSEL:

Pour ce qui est de la preuve médicale, je ne m'objecte aucunement à ce que la preuve faite dans un cas serve pour tous les autres. Mais pour ce qu'il s'agit des autres témoins, il y a nécessairement des témoins qui vont servir sur un chef d'accusation, qui ne serviront pas sur les autres, qui peuvent peut-être incriminer l'accusé sur un autre chef, alors que dans les autres cas ils n'auront pas été témoins du tout.

THE COURT:

Je suis d'avis que la cause s'instruise sur toutes les accusations à la fois; je ne crois pas que vous soyez embarrassé pour la défense en procédant sur toutes les accusations ensemble. Avez-vous objection à ce que la Cour procède sur toute l'affaire?

THE COUNSEL:

L'inwonvénient que je vois, c'est que sur une charge en particulier la preuve soit plus forte que sur d'autres, et que si elle était versée pour servir de preuve sur tous les autres chefs d'accusation, elle aurait pour effet de diminuer la défense qui pourrait être présentée sur tous les autres chefs d'accusation. C'est pourquoi je demande qu'on procède sur chaque chef d'accusation séparément.

The Cout grant the motion of Counsel for separate trials on eact charge, except that each alternative charge shall be heard at the same time as the charge to which it is alternative, (R.P.62(E) & note 5).

LE PROCES S'INSTRUIT SUR LE 1er.et le 2ème. CHEFS D'ACCUSATION.

G. Michaud Colonel
Pres. D.C.M.

" J "

The accused in his defence says:

Pour l'état de ma santé, premièrement. Depuis le 19 février 1940 que je suis dans l'armée , j'ai été.. depuis 1940, le mois d'août, je suis sur le "reboard" pour attendre un examen médical, on doit me donner un"reboard", soit une décharge. On me refuse d'embarquer sur une"draft". De plus, on a obtenu de me donner un "reboard", dans la semaine du 28, 29, 30 janvier 1942, sous lesordres du Lieut-Colonel Petitclerc. Quand on est venu pour me passer, on m'a refusé. L'examen de ma jambe. Le Colonel Petitclerc m'a dit qu' il était impossible de s'embarquer sur une"draft"avec une jambe comme cela, une jambe plus petite. Et c'est dans cet intervalle là que la"draft"s'est préparée, et que le cas s'est déroulé à mon sens.

Et en plus , au sujet du soldat Laroche, cet homme m'est absolument inconnu. Sa première vue je l'ai faite à l'hôpital mi - litaire dans le courant du mois de mars 1942. J'étais comme patient , à la suite de mon opération que j'ai subie. C'était dans lespremiers jours que je commençais à me lever pour aller dans la chambre de bain. On était plusieurs dans la chambre de bain à faire notre toilette; quand je suis rentré je marchais avec un support, une canne. La première parole du soldat Laroche, un inconnu, il s'est adressé en disant: "Voilà encore un boiteux". Il m'a demandé tout de même : " QU'est-ce que tu as?" J'ai dit que j'avais subi une opération. Il dit : "C'est la même chose que moi". C'est tout ce qu'il m'a dit.

Ainsi, les relations des soldats Greffard et Monfette ainsi que McDonald, ce sont des soldats du même régiment que moi. Aucune entremise a été faite durant mon séjour dans l'armée, aucune rencontre a été faite pour demander à se rencontrer personnellement. On s'est vu au régiment, c'est tout.
Premièrement, le soldat Greffard est un soldat que je connaissais sous son nom depuis longtemps, mais pas de personne, par sa renommée il était pas trop trop souvent au régiment, on le renommait comme ceci.

Le soldat McDonald je le connais comme soldat dans la même hutte . Les soldats tous ensemble étaient traités de la même manière. Et le soldat Monfette aussi. J'ai jamais fait d'entremise pour descendre en ville avec Greffard, Monfette ou McDonald. On s'est rencontré comme ceci une fois à Québec.

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A la suite du moisde janvier, en même temps qu'ils ont passé un examen médical pour être sur une"draft", les classant "A", on m'a dit , ...moi je n'avais pas de passe d'adieu, on m'a dit : " On s'en va sur la"draft;" donne nous ton adresse où tu vas rester en ville, et on ira te voir avant de partir si tu restes en ville". Je leur ai donné où j'allais, et c'est de cette manière qu'ils sont arrivés chez nous, ils me rappelaient ce que j'avais dit, ils avaient de la boisson à leur disposition, m'offrant de me payer la traite, disant que c'était peut-être la dernière fois qu'on se verrait , et ils sont repartis.

Au sujet du soldat McDonald, au sujet de la seringue à injection, comme ceci: Le soldat McDonald est patient à l'hôpital, V.D.G. ; lui est admis comme patient, et moi je suis des traitements en dehors deux fois par semaine depuis deux ans, et comme à tous les mardis et vendredis on se rend à l'hôpital prendre nos traitements, je connaissais le soldat McDonald à le voir avec les autres. Il m'a dit quéil commençait à revenir, que son cas allait bien, qu'il allait sortir dans quelque temps,-" d'autant plus, on est assez bien traité, on est en possession de tout ce qu'on veut avoir; je peux avoir n'importe quoi ici, des seringues, n'importe quoi." Mais il a jamais été question que je lui aurais demandé de me procurer une seringue en aucune circonstance. C'est le sujet de seringue qui a é été adressé entre moi et McDonald en me disant qu'il était à portée de tout ce qu'il pouvait y avoir à l'hôpital, d'autant plus, de seringues comme d'autres choses, qu'il était sous traitement lui aussi. Je suivais les mêmes traitements pendant ce temps là moi aussi.

Encore ce matin on dit me donner mes piqûres; on me les donne pas ce matin pour la raison que ça m'empêcherait d'aller en Cour Martiale. Ces piqûres peuvent causer de graves réactions et même m'obliger à me mettre au lit; deux fois par semaine quand on me donne cette piqûre, on m'oblige de me reposer pendant vingt-quatre heures, et même pas déjeuner le matin.

J'ai fait différents séjours dans les hôpitaux à Québec ainsi que dans des camps militaires quelconques. En relevant les dossiers vous verrez; je dois avoir fait fait tout près de quinze mois d'hôpital depuis le 19 février 1940 que je suis dans l'armée. J'ai pas de drill de faite du tout pour la raison de ma jambe. On m'a débarqué des infanteries, on m'a fait pratiquer d'autres métiers du temps que j'ai été capable, et à la suite on a

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m'a transporté dans les hôpitaux. On a commencé à m'accuser en disant : " Il faut que vous alliez à l'hôpital". On m'a toujours traîné comme cela. Quand je suis sorti, là : " Vous passerez un examen médical et on vous déchargera". Ça a toujours été la même chose. J'ai demandé souvent à avoir des changements.

Un médecin peut en parlerde ma jambe qu'il m'a traitée souvent dans l'armée; c'est le Major Roy, attaché à Valcartier.

Je souffre d'une maladie , de scorbut; on m'a mis cinq-six fois à l'hôpital pour cette maladie; on a fini par m'enlever les dents.

Et puis d'autres cas qu'en termes de médecin je peux pas prononcer le mot : gastrite aigue, en janvier 1942, admis par le Major Lemieux à l'hôpital militaire pour une gastrite aigue; choc nerveux. Il m'a été suggéré d'avoir trop pris de boisson.

C'est tout ce que j'ai à dire.

" K "

CLOSING ADDRESS BY THE COUNSEL: ON 1st. & 2nd. CHARGES

Je veux d'abord rendre hommage au Tribunal qui a donné à l'accusé toute la latitude voulue pour se disculper des deux premières accusations portées contre lui.

Si l'on passe immédiatement à la question de la preuve, mon client est accusé de s'être donné à lui-même des piqûres dans le but de se rendre inapte au service militaire, et deuxièmement de s'être volontairement blessé dans l'intention de tromper le service militaire.

Le premier témoin qui a été entendu, le Docteur Petitclerc; je souligne le témoignage du Dr. Petitclerc et le témoignage du docteur Lavallée. Sensiblement, dans leurs témoignages, les trois médecins, Petitclerc, Lemieux, Lavallée disent en somme la même chose : ils ont constaté à peu près les mêmes cicatrices, le même gonflement, en faisant remarquer que le docteur Lemieux n'a pas assisté à l'opération et a rapporté ce qu'on lui avait dit.

J'attire l'attention de la Cour sur le témoignage du docteur Lessard qui après avoir expliqué une théorie générale sur les infections, répond à une question que je lui ai posée à savoir: si la nature de la blessure dont il était question, provoquée par une substance que l'on supposait avoir été injectée, pouvait dans un bref délai causer la mort des tissus.

Il faut se rappeler que mon client est accusé de s'être donné une piqûre le 31 janvier ou le 1er février, et que l'opération a eu lieu le mercredi, soit deux jours et demi après que ces fait sont supposés s'être passés.

Le docteur Lessard répond : " Il est impossible que les tissus soient morts dans un temps si court". Alors dissidence.

Je réfère à la condition générale de mon client, avec lapreuve qui a été faite des opérations antérieures, des traitements qui ont été faits à sa jambe, pour ce qu'on a trouvé quand on a ouvert sa plaie.

Pour ce qui est de la question de faits, il y a le soldat Larochc. Je passe vite sur son témoignage. Il ne peut pas identifier d'une manière positive s'il s'agit bien de mon client ou si c'est un autre.

Le témoignage de mademoiselle Monfette, elle jure qu'en aucune circonstance elle n'a constaté qu'on pouvait reprocher à Joe. Hince le fait pour lequel il est accusé. Le seul fait

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qu'elle rapporte c'est l'apport de la bouteille d'huile de charbon, et elle jure que Joseph Hince ne s'en est pas servi.

McDonald dit qu'il a rencontré Hince à l'hôpital au mois de février 1942, qu'il lui a demandé une seringue. Il jure qu'il ne lui en a pas donné de seringue, que Hince ne s'est pas procuré de seringue à l'hôpital. McDonald n'a pas revu Hince , sauf une fois en ville par une rencontre banale.

Pelletier ne connait absolument rien de cette histoire.

Que reste-t'il de ces témoignages là? Peut-être un semblant de preuves de circonstances qui porteraient peut-être à croire que mon client a été peut-être témoin de quelque chose. Mais de là à conclure par les témoignages rendus, que mon dient ait de loin ou deprès contribué de quelque façon à cela ou ait agi de quelque manière, à dire que mon client se soit donné à lui-meme des piqûres ! Aucun témoignage rendu ici ne va déterminer d'une manière catégorique que mon client se soit donné lui-même des piqûres. Si on prend témoignage par témoignage, dans aucune des phrases des témoins on retrouve la moindre affirmation en ce sens.

En conséquence, pour ces deux accusations là, je soumets que si mon client ne s'est pas donné de piqûres, la preuve qu'il ait entravé le service militaire en se donnant des piqûres tombe automatiquement. Or je fais une 'motion to quash', et je demande le renvoi des deux accusations .

F.J. Mitchell, Colonel
Pres. D.C.M.

" L "

CLOSING ADDRESS BY THE PROSECUTOR: ON 1st.& 2nd.CHARGES.

La question de la preuve , telle que déposée devant la Cour, je soumets respectueusement, est de deux natures: une première qui est une preuve directe, et une deuxième qui est une preuve de circonstances. Ce sont ces deux points que je développerai brièvement.

Premièrement , la preuve directe est unique, est celle où un témoin déclare catégoriquement que Hince aurait commis une offence contre la Loi Militaire, et je veux mentionner Greffard, à la page C-7, A.34; quand je lui demandais: "Qu'est-ce qu'il vous a dit?" sa réponse est :
" Je peux pas dire exactement ce qu'il m'a dit. Il m'a dit qu'il s'était piqué lui-même... mais d'abord je peux pas me rappeler si c'est ça qu'il m'a dit."

Alors je soumets que c'est là la seule preuve directe qui soit soumise devant le Tribunal.

Maintenant qu'il est question de ce témoin là, en justice pour la poursuite et en justice pour la défense, je dois attirer l'attention de la Cour sur la qualité du témoin. Le témoin, quoique affirmant qu'il aurait été un ami, ou un soldat qui aurait fréquenté Hince, à ce stage-ci tout de même, on ne peut pas le considérer comme complice. Tout de même je dois attirer l'attention de la Cour sur la valeur du témoignage de Greffard, et l'argument que je soulève peut valoir contre moi ou pour moi, dans ce sens que Greffard peut ou bien exagérer en ma faveur, ou exagérer en faveur de l'accusé en se montrant plutôt réticent. Je soumets tout de même que Greffard, qui est accusé devant cette Cour, qui doit subir son procès immédiatement après celui-ci, nécessairement doit se montrer réticent. Il n'est certainement pas aussi éloquent pour parler contre Hince qu'il le serait dans d'autres circonstances. Par conséquent je crois que j'ai le droit de demander aux membres de ce tribunal de prendre le témoignage de Greffard plutôt en ma faveur. S'il est considéré comme un complice, ça ne veut rien dire, ça n'enlève pas de valeur à son témoignage. Les lois sont claires à ce sujet là. Les anciennes lois ne voulaient pas qu'un complice témoignât contre le principal; ça a été amendé, et le point est clairement présenté dans nos manuels de loi militaire.

Voilà pour la preuve directe, voilà mon premier argument.

L - 3

Pour la preuve de circonstances, je soumets que tel que l'indique l'article 42 de l'Evidence Act, la preuve circonstancielle vaut dans bien des cas beaucoup plus que la preuve directe, parce que, tel qu'on le récite ici: " les témoins peuvent mentir, mais les choses ne peuvent pas mentir".

> " From the circumstances in which crimes (art. 42, page 81) are ordinarily committed, it follows that direct evidence of their commission is not always obtainable"..."

Un meurtrier commet souvent un meurtre et il n'y a pas de témoin, il n'est pendu que sur une preuve de circonstances.

> " ... and that in very many cases reliance must be placed on circumstancial evidence . Such evidence is in no way inferior to direct evidence, and is in some respects superior to it; for it has become a proverb that facts cannot lie, whilst witnesses may. "

Comme on dit devant nos tribunaux criminels: 'Res ipsa loquitur'.

> "... whilst witnesses may. On the other hand, it must always be borne in mind that if facts cannot lie, they may, and often do, deceive; in other words, that the interpretation which they appear to suggest is not that which ought to be placed upon them. Therefore, before the court finds an accused person guilty on circumstancial evidence, it must be satisfied not only that the circumstances are consistent with the accused having committed the act, but that they are inconsistent with any other rational conclusion than that the accused was the guilty person."

Or, Hince est dans le cas suivant: il est dans le cas d'un voleur qui est trouvé en possession d'un livre, de mon livre; je ne l'ai pas vu voler mon livre, mais il est en possession de mon livre.

Maintenant, en vertu de la preuve que je développe maintenant, la preuve de circonstances, je ne l'ai pas vu se donner une piqûre, mais il était porteur, suivant les témoignages des docteurs qui l'ont vu, il était porteur d'une plaie à la jambe, à l'intérieur du genou droit, qui indiquerait suivant l'opinion des experts, une intervention quelconque.

" L - 5 "

Une preuve a été faite par des docteurs, et cette preuve n'a pas été contredite, et on n'a même pas tenté de contredire la preuve qui a été faite devant la Cour que c'était une infection de nature spéciale qui n'indiquait aucune ouverture, aucune entrée. Et ce sont les expressions mêmes des docteurs, qu'il était porteur d'une blessure à l'intérieur du genou droit, n'indiquant aucune ouverture, aucune porte d'entrée.

On pourrait compléter la comparaison que je faisais tout à l'heure qu'il est dans le cas du voleur qui a volé mon livre, où je n'ai pas la preuve qu'il a volé mon livre, mais il est porteur de mon livre. Je ne l'ai pas vu se donner l'injection, tout le temps en développant l'argument que je développe maintenant. En vertu de mon premier argument, il m'a dit qu'il s' était donné une piqûre; mais en vertu du deuxième argument je n'ai que la preuve qu'il est porteur d'une blessure.

Alors, si la Cour en venait à la conclusion que la première charge ne s'appliquerait pas, de même que si la Cour en venait à la conclusion qu'un accusé n'est pas le voleur la Cour peut en venir à la conclusion qu'il est le récéleur; de même que si la Cour ne vient pas à la conclusion qu'il s'est donné une piqûre, la Cour en vient à la conclusion qu'il est le porteur 'négligently', et c'est la charge alternative qui s'appliquerait.

Quant à analyser la preuve, je ne ferai perdre aucun temps de la Cour sur ce sujet. La preuve est déposée au dossier, et je crois que la Cour a été à même de constater la bonne foi et le désintéressement complets des témoins qui ont rendu témoignage devant la Cour.

Pour ces raisons je considère que l'accusé devrait être tenu responsable et trouvé coupable.

E. Michaud, Colonel
Pres. D.C.M.

" M "

CLOSING ADDRESS BY PROSECUTOR ON 3rd. & 4th. CHARGES.

La preuve de la poursuite dans cette cause-ci est très faible, tellement faible que s'il m'était permis de demander de retirer l'accusation, je le demanderais. Seulement, c'est de mon devoir de poursuivre la cause jusqu'au bout et de produire devant la Cour tous les témoins et tous les arguments que je peux en faveur d'une condamnation, et c'est ce que je veux faire maintenant.
Il fallait deux choses pour trouver l'accusé coupable sur ce chef-ci. Il fallait d'abord faire la preuve que Greffard avait reçu une injection hypodermique, et deuxièmement, que ce soit prouvé sans aucun doute que ce soit lui, l'accusé ici, qui avait donné cette piqûre. J'ai prouvé la première partie, j'ai prouvé que Greffard avait reçu une piqûre, mais je soumets que je n'ai pas prouvé que Hince avait donné une piqûre à Greffard. Nous avons fait tout en notre pouvoir pour obtenir les témoignages qu'il nous aurait fallu pour prouver les éléments essentiels à cette cause, et il nous a été impossible d'obtenir le témoin, le 'star witness'. Nous avons tout de même réussi à savoir tard hier soir que Monfette avait été localisé à quatre cents milles, dans le haut de la Rivière Mistassini, à un endroit qui s'appellerait les Passes Dangereuses, je crois, mais à un endroit où il n'y a pas de communications autres que par bateau, et ce ne serait pas être juste pour l'accusé de demander un ajournement d'une couple de semaines. C'est ce que ça aurait pris pour le descendre, seulement que pour la partie en bateau. Tout de même, le témoin est maintenant localisé et je comprends que des mesures seront prises pour le faire réapparaître à la civilisation. Par conséquent, je regrette que je n'ai pu offrir plus de preuve.

G. Marchand, Lt-Col
Pres. D.C.M.

" x "

CLOSING ADDRESS BY THE COUNSEL ON 7th. & 8th.CHARGES.

Si je comprends bien, mon client, dans les septième et huitième charges, doit répondre d'abord à l'accusation d'avoir volontairement blessé une personne sujette au service militaire, avec l'intention de la rendre inapte au service, et la huitième charge, d'avoir par négligence, causé du préjudice au bon ordre et à la discipline militaires.

Avant de commencer l'étude des faits, je désirerais souligner aux Honorables Commissaires, les recommandations légales sur la preuve de circonstances d'abord, la preuve de caractère ensuite.

Pour ce qui est de la preuve de circonstances, page 81, article 42, l'article auquel a déjà référé l'avocat de la poursuite. Dans l'accusation qui nous occupe en ce moment, à mon sens c'est encore sur cette accusation-ci la seule chose qu'on pourrait invoquer contre mon client: la preuve de circonstances. Si on réfère à l'article 42, on doit compléter la lecture de l'article où on retrouve ceci: " On the other hand, it must always be borne in mond that, if facts cannon lie, they often do deceive." Je crois qu'en regard de la preuve de faits, il faudrait jeter sur cet article un coup d'oeil assez intéressé.

Pour ce qui est de la preuve de caractère, je souligne tout simplement , en donnant comme référence, à la page 74, l'article 18 qui détermine d'une manière catégorique que la preuve de caractère, (et à ce sujet je fais allusion au témoignage de mon client), que la preuve de caractère est admissible comme preuve pour la défense. Dans aucune circonstance , et à aucun endroit du Manuel, on peut retracer une mesure contradictoire, c'est-à-dire, à l'effet que la poursuite puisse se servir d'une preuve de caractère pour incriminer un accusé.

On passe maintenant à la question des faits. D'après les témoignages rendus ici, on peut facilement diviser la preuve faite en deux catégories, soit la preuve médicale et la preuve de faits strictement dits.

Pour ce qui est de la preuve médicale, le premier témoin entendu était le docteur Lemieux, et je n'insisterai pas longtemps sur son témoignage, si ce n'est qu'il nous affirme sans aucun doute avoir vu le soldat Laroche, avoir assisté à l'opération qui a été faite à la jambe du soldat Laroche entre le 2 mars au 4 avril 1942. J'insisterai aussi sur le fait que le témoin, sans aucun équivoque, s'est prononcé pour une senteur de térébentine bien déterminée, quand on lui a demandé quelle odeur se dégageait de la plaie qui avait été ouverte .

" N - 3 "

Je me servirai des témoins de la poursuite qui ont été pour moi ni plus ni moins, sinon des sauveteurs, du moins de très bons témoins. J'invoquerai le témoignage du Dr. Lemieux et du Docteur Petitclerc, comme experts pour la poursuite, qui ont juré sans aucune hésitation, le témoignage de l'un confirmant l'autre en tous points, que lors de l'entrée à l'hôpital de Laroche, soit le 2 mars 1942, la cause de la blessure ne pouvait pas remonter à plus de 36 ou 48 heures avant l'entrée à l'hôpital. Ce fait est absolument significatif et d'une importance capitale au chef d'accusation qu'on étudie actuellement. Si on passe au témoignage du Dr. Petitclerc, il confirme en tous points le témoignage du Dr. Lemieux. Le docteur Petitclerc a également été entendu comme expert, et de même que le docteur Lemieux, son témoignage, qui n'est pas contredit malgré que ce ne soit pas mon témoin, confirme catégoriquement tous les faits affirmés par le docteur Lemieux sur la question de temps, 36 à 48 heures, de l'origine de la blessure , avant l'entrée à l'hôpital, soit le 2 mars 1942.

Or, il est en preuve que tous les faits reprochés à mon client, que la visite de Laroche à Québec a eu lieu entre le 30 ou le 31 janvier 1942 et le 2 février 1942, soit trois jours de délai. L'entrée à l'hôpital est établie au 2 mars 1942, soit un mois après la visite de Laroche à Québec, visite au cours de laquelle il aurait pris beaucoup de bière, il aurait été pas mal émêché, se serait rendu au restaurant du nom de "Chez Rémé" sur la rue St. Paul, aurait fait un tour de machine, aurait tout simplement reçu, à son dire, une piqûre, qu'il n'aurait rien senti, et se serait retrouvé en face du Chateau Champlain, tout seul.

Si l'on prend maintenant les témoignages en dehors de lapreuve médicale, on a le soldat Laroche d'abord : Une partie importante du témoignage du soldat Laroche, une réponse donnée par lui à une des premières questions posées par l'avocat de la poursuite :" Qui avez vous rencontré au restaurant 'Chez Rénée?", la première réponse du soldat Laroche est celle-ci: " J'ai rencontré le soldat Georges".- " Que s'est-il passé?" - " Le soldat Georges a dit:' Si tu veux avoir une piqûre, ça te coûtera cinq piastres". Et je souligne le fait que Laroche lui même déclare : " Le soldat Georges m'a dit: 'Si tu veux avoir une piqûre, ça te coûtera cinq piastres'".

Pour ce qui est du tour de machine, Laroche admet qu'il était plutôt émêché, même , sa propre expression, 'il avait perdu la carte'. Puis, à une question de l'Honorable Juge-Avocat, il répond bien clairement que , depuis quatre heures et demie, cinq heures de l'après-midi, il avait

fait un stage à une taverne près de la traverse, à une autre sur la rue St. Pierre, pour aboutir au restaurant "Chez Réné" où il avait pris, sans avoir soupé, un verre qu'il qualifie de 'scotch'.

A tout évènement, les circonstances de temps, la quantité de bière qu'il avaitprise, le témoignage qu'il a rendu est à mon sens la plus belle preuve que ce type là avait réellement , selon son expression, perdu la carte. En tout cas, une question que je lui demandais: "Etes-vous positif, reconnaissez-vous dans l'accusé une des personnes, des soldats qui se trouvaient au restaurant "Chez Réné"?", sa réponse est celle-ci: " C'est quelqu'un qui y ressemblait. Je peux pas jurer que c'est lui".

Pour ce qui est du tour d'automobile, un autre fait significatif : Il faut d'abord de deux choses l'une , soit que ce gars là était absolument ce qu'on peut appeler 'en état d'ivresse", ou bien , dans les circonstances, si, ne connaissant pas les gens qui lui parlaient, après les propositions qui lui avaient été faites non pas par mon client, il n'a pas établi qu'il était là, mais par le soldat Georges... le soldat Georges lui a parlé de piqûres, .. il est absolument drôle qu'il soit parti avec des gens qu'il ne connaissait pas, qu'il peut même pas dire quelle espèce de machine c'était, peut même pas dire où ils sont allés, et le plus drôle de tout, c'est qu'à une question directe que je lui ai posée lui demandant des détails au sujet de la piqûre, il dit : " J'ai rien senti".

Bien, Mon Dieu, que croire de tout ce témoignage? Je comprends qu'il n'est pas donné à tout le monde d'avoir des lumières d'intelligence aussi avancées comme plusieurs témoins qu'on a entendus ici. Mais seulement , je soumets respectueusement que le soldat Laroche n'est pas assez fin pour mentir, et on doit déduire de ses paroles qu'il a dit la vérité. Mais seulement , on doit prendre son témoignage en regard de son degré d'intelligence. Il m'a tout à fait l'air d'un homme qui ne sait pas où il va,et qui est à moitié perdu, même quand il est à jeun. Alors , quand il est en état d'ivresse!

Pour le témoin Laroche également , quand il a affirmé que mon client, dans une salle de toilette de l'hôpital, l'aurait menacé dans le sens suivant: "Si tu fermes pas ta gueule, ça va te coûter cher" ou " tu feras pas vieux os", le soldat Laroche affirme que c'est mon client qui lui a dit cela, ils étaient deux. Proportions gardées, on peut dire, l'avocat de la poursuite va probablement dire: L'un est intéressé, l'autre ne l'est pas". Pour moi, on peut renverser l'argument en disant : " Un sait probablement ce qu'il dit, et l'autre a pas raison de ne pas le savoir."

Le soldat McDonald, à une question de la poursuite au sujet d'une conversation qui se serait déroulée

" N - 7 "

avec mon client à Valcartier, a admis dans une réponse que mon client lui aurait demandé dans quelle catégorie il était classé. Pour cette partie du témoignage , je crois de meme au point de vue des circonstances, même si on voulait tenter par des circonstances, ou par un témoignage, que mon client aurait parlé à McDonald de piqûres ou de supposées piqûres qui auraient pu être données pour exempter quelqu'un du service militaire, il n'y a rien de prouvé à ce sujet là, en ce sens là, surtout pour ce qui regarde la septième et la huitième accusations.

Maintenant , le témoignage de mon client, la Cour, je crois, doit prendre en considération le fait que sans aucune hésitation mon client a décidé de se faire assermenter et de rendre témoignage dans cette cause dans laquelle il est accusé. Mon client était bien renseigné; je lui avais fait savoir à quoi il s'exposait, qu'il s'exposait à une transquestion serrée de la part de la poursuite, qu'il se mettait pour ainsi dire 'au blanc' sur une euquête que la poursuite et que les Commissaires pouvaient faire. Je vous demande simplement, au point de vue humain, si le fait pour mon client d'avoir rendu témoignage n'est pas, après tout ce que j'ai pu dire au sujet des témoignages antérieurs, une confirmation du témoignage rendu par mon client à l'effet que jamais avant son entrée à l'hôpital, même jamais avant sa première sortie, (c'était la première fois qu'il se levait de son lit après son opération) il n'avait connu ou rencontré le soldat Laroche. Je crois que la Cour devrait prendre en considération le fait que mon client s'est fait entendre, et devrait interpréter sans aucun doute la sincérité qu'il a voulu apporter non seulement dans sa défense, mais dans le but d'éclairer la Cour, d'éclairer la Justice pour savoir ce qui s'est passé dans cette histoire là.

Comme question de fait , mon client ne connait pas celui qui est supposé avoir ~~connu~~ l'accusé, ne l'a jamais vu. Le soldat McDonald est venu témoigner que dès sa sortie de la cour, le soldat Laroche se demandait ce qu'il était venu faire ici. Il a jamais vu l'accusé Hince avant le tribunal. Il répète la même chose à Madame Lee. Madame Lee, et ça attache beaucoup d'importance au témoignage de Mc. Donald sur ce sujet, d'après son témoignage, a travaillé pendant trois ans dans uu restaurant du bord de l'eau; dans ce temps là, lui Laroche, travaillait sur le bord de l'eau et allait prendre ses repas là , la connaissait depuis trois ans. Et comme mouvement instinctif, sans qu'on lui demande rien, il va trouver Madame Lee: " Je me demande ce que je viens faire ici. C'est votre frère cela ? Je le connaissais pas, c'est la première fois que je le vois".

" N- 9"

Lors que je lui demande, après une question peut-être assez forte, comment il pouvait dire qu'il avait reçu une piqûre s'il avait rien senti, il dit qu il l'a appris après les enquêtes. Il s'est échappé; il dit : " C'est après la piqûre, lors de toutes les enquêtes qui ont été faites et toutes les questions qu'on m'a posées tout le long de l'enquête".

Je crois que le témoignage de Laroche doit être pris avec une extrême prudence. D'ailleurs , d'une manière absolument catégorique, en face de mon client, il ne peut pas jurer que c'est lui.

Pour ce qui est de lapreuve de circonstances , je soumets que l'article cité tantôt doit s'appliquer. Pour ce qui est de la preuve de caractère également.

De plus , j'ai fait préciser par madame Lee la description aussi exacte que possible des lieux qui nous intéressent, soit, 143 à 145 St. Paul. La Cour naturellement, pour se faire une idée exacte des lieux, avait pensé que quelqu'un la renseigne . Lamarche dans son témoignage a déclaré formellement : " Je n'ai jamais dit que j'étais monté chez madame Monfette à 143½ St. Paul". Je souligne que cette autre partie du témoignage de Laroche donne raison de croire qu il ne connaissait pas les lieux, qu'il y est jamais allé avant ou après les reproches qu on fait à mon client. La description donnée de matin , c'est à 145. Il est catégorique lorsqu'il dit qu il est jamais monté chez madame Monfette à 143½ St. Paul, qu'il est jamais entré.

Je crois que je n'ai pas besoin d'insister, et je demande que la Cour rattache,- j'ai bonne confiance aussi qu'Elle n'aura aucune difficulté pour le faire,-de rattacher les faits entre eux, en prenant comme point de départ la preuve médicale, les témoignages des docteurs de la poursuite sur la question de 36 à 48 heures après une blessure de ce genre là, et si on fait une concordance de dates , on ne peut pas faire autrement que d'en arriver aux faits.

Je nie pas que Laroche ait reçu une piqûre, il est tout probable qu'il en a eu une. Seulement, par qui? Où l'a-t'il eue? Qu'est-ce que le soldat Georges vient faire là dedans? Ce n'est pas à moi à me prononcer à ce sujet. J'ajouterai que pour la substance qu'on a essayé de prouver qui avait été injectée aux autres personnes, une seule allusion a été faite à une bouteille d'huile de charbon.

"m -11 "

Je soulignerai également une partie importante où le docteur Petitclerc affirme d'une manière catégorique qu'il se dégageait, sans aucune hésitation possible, une forte odeur de térébentine.

Pour ce qui est du docteur Gagnon, bien! Il est médecin de la Ville , il est appelé à toute heure du jour et de la nuit. Il y a une foule de gens qui vont le voir à son bureau. Il ne reconnait pas, il peut pas jurer positivement qu il s'agit du soldat qui est allé le voir, et en plus, il ne peut pas donner d' opinion sur la blessure qu'il a traitée. Il peut pas dire qu'il l'a traité pour telle/telle affaire; il s'en rappelle pas. Il peut pas identifier positivement.

Que Laroche soit allé là, pas d'objection. Mais de là à conclure contre mon client, je crois qu'à ce point là ce n'est pas un témoignage très important.

Je soumets que la balance de la preuve, et il est important dans ce chef-ci comme pour les autres, de ne pas attacher à un témoignage en particulier une importance capitale sans le mettre en regard des autres témoignages rendus .

Je comprends que cette cause est difficile. Si elle est difficile pour la poursuite, elle est aussi difficile pour la défense. Mon client est sujet Britannique, et est présumé innocent tant qu'il n'a pas été trouvé coupable, et il a le droit de jouir de tous les avantages attribués dans les circonstances à un sujet Britannique, et dans l'espèce le bénifice du doute lui est accordé. Et si la Cour n'en vient pas à une conclusion absolument catégorique qu'il est coupable, il doit bénéficier du doute.

Et je crois que dans les circonstances, je dois demander le renvoi de l'accusation contre mon client sur les deux chefs d'accusation.'

P.J. Mitchell, Colonel
Pres. DCM.

" O "

THE PROSECUTOR MAKES A CLOSING ADDRESS AS FOLLOWS:

ON THE 7th and 8th. CHARGES:

Pour réussir dans cette cause, il incombait à la poursuite de prouver deux choses: D'abord que Lorenzo Laroche, que le soldat Lorenzo Laroche avait reçu une piqûre hypodermique, et deuxièmement, que cette piqûre lui avait été donnée malicieusement ou négligemment par le nommé Hince, l'accusé devant la Cour.

Je soumets respectueusement que le premier élément est prouvé, savoir: que Lorenzo Laroche a reçu une piqûre hypodermique à sa jambe. L'argument qu'a développé mon confrère à savoir, si c'était une piqûre de térébentine ou d'huile de charbon, je soumets, importe peu, puisque la seule analyse qui a été faite a été l'analyse qui a été faite lors de l'opération, en sentant le liquide qui s'était écoulé de la plaie du malade.

Maintenant , il est des faits notoires; et tel que le dit le Code de l'Armée, lorsqu' il s'agit de faits notoires, il n'est pas besoin de les prouver. Il est de fait notoire que la térébentine et l' huile de charbon ont à peu près la mêmeodeur. Et je défie mon confrère de pouvoir distinguer entre de l' huile de charbon et de la térébentine qui auraient été injectées dans la plaie d'un individu comme dans le cas de Laroche, après que cette huile de charbon ou cette térébentine y aurait séjourné pendant un certain temps. Je soumets qu'il serait très difficile, en se servant de l'odorat, de déterminer d'une manière positive qu'il s'agissait d'huile de charbon ou de térébentine.

A tout évènement, la preuve qui est devant la Cour, et la seule preuve qui est devant la Cour, est que c'était de la térébentine, et n'étant pas contredite, cette preuve demeure. N'ayant pas été transquestionnés non plus, je soumets que les témoignages des témoins à ce sujet là doivent demeurer. Par conséquent, lepremier élément, je soumets, est prouvé, à savoir: que Laroche a reçu une piqûre.

Le deuxième élément:Est-ce Hince qui a donné l'injection, oui ou non?

Là interviennent deux genres de preuve qui ont été faits pour prouver cet élément, une preuve directe et unepreuve de circonstances.

La preuve directe, de son côté, se divise en deux : les témoins intéressés, et les témoins non-intéressés. Par conséquent, pour prouver le deuxième élément, j'ai deux sortes de preuves, la preuve directe et la preuve indirecte, etla preuve directe se subdivise en témoins intéressés et en témoins non-intéressés.

"O - 3 "

Je commence par la preuve directe. La preuve directe est la suivante: Laroche nous dit : "Je crois reconnaître comme étant Hince, celui qui m'a donné ma piqûre. Jene peux pas le jurer, mais je crois que c'est lui. Il était avec un soldat du nom de Georges. Georges est celui qui a relevé mon pantalon, et c'est l'autre qui m'a donné la piqûre." Et lorsqu'il réfère à l'autre, il dit qu'il croit que c'est Hince, l'accusé devant la Cour. A tout événement, il dit qu'à ce stage là, étant sous l'influence de la boisson, dansun état d'intoxication avancé, il ne peut pas en dire davantage, qu il s'est réveillé sur le trottoir en face du Chateau Champlain. Et il revoit subséquemment l'accusé Hince . Il le voit où? A l'hôpital. Et là, le premier mot de Hince : " Si tu fermes pas ta gueule, tu feras pas vieux os". Je soumets que juste avec sette preive là, en face de l' article 42 of the "Evidence Act", sur lequel je reviendrai tout à l'heure, il y a suffisamment deppreuve pour trouver l'accusé coupable. Le statut a prévu certains cas où il fallait de la corroboration. Le statut a prévu que dans un cas de viol, ou dansun cas de parjure, et je crois que le cas de parjure est cité à l'article 42, il faut corroboration; c'est - à dire que l'on ne peut pas condamner un accusé sur le seul témoignage d'un seul témoin. Le Code prévoit aussi certains cas que je n' énumérerai pas évidemment ici, mais je soumets que le cas de Hince n'en est pas un. S'il s'agissait de complices, s'il s'aggisaait d'une offence où deux accusés auraient participé à la même offence, que les accusés seraient traduits devant un tribunal séparément, individuellement, l'un après l'autre, et que l'on appellerait chacun des accusés pour témoigner l'un contre l'autre, alors le tribunal, constitué tel qu'il l'est aujourd'hui, représentant les fonctions d'un Juge avec les Jurés. doit prendre avec beaucoup de circonspection le témoignage d'un complice . Et il y a un certain nombre d'autres cas qui sont énumérés, prévus par la loi , où il faut corroboration. Mais dans ce cas-ci, je soumets que la corroboration n'est pas nécessaire.

Je parlais tout à l'heure d'une deuxième preuve pour prouver mon deuxième élément. La première preuve c'est la preuve directe. Maintenant, la preuve indirecte.

La preuve indirecte est la preuve de circonstances. Je soumets respectueusement qu'en ramassant tous les incidents, toutes les circonstances qui ont entouré la commission de l'acte criminel qu'on reproche aujourd'hui à l'accusé qui est devant la Cour, et je ne les énumérerai pas, qu'en ramassant tous ces actes là, on a là un faisceau de circonstances qui nous permettent de les relier toutes ensemble et de dire qu'en vertu O

" O - 5 "

des ces circonstances, "facts cannot lie" comme dit l'article 42, " res ipsa loquitur", comme on dirait dans notre droit, en ramassant tous les différents éléments de preuve de corconstances, qu'il y a suffisamment depreuve pour trouver là encore l'accusé responsable.

On ne peut pas évidemment s'attendre à ce qu'un accusé qui commet un acte criminel s'entore de témoins. Un meurtrier ne s'entrourerait pas de témoins pour tuer son semblable; un personnage commettant une offence telle que celle qui est devant la Cour ne s'entourera nécessairementpas d'un autre témoin; il ne cherchera pas de témoins; et si par malheur il y a des témoins, ce sera à la poursuite de les trouver, et à la défense de les cacher.

Je soumets qu'il y a suffisamment depreuves de circonstances, quand même n'aurais-je pas de preuve directe, que les circonstances qui ont été misesdevant la Cour : comment l'accusé s'est pris pour avoir une seringue, comment il s'y prenait en s'intéressant à ses confrères d'armes, s'informant dans quelles classes médicales ils étaient, etc. Un témoin peut bien venir devant la Cour et mentir sur un point, se parjurer sur un point. Mais, quand les faits sont là qui parlent par eux-mêmes, je soumets que cette preuve est encore plus forte, comme le dit l'artocle 42, qu'unepreuve de témoins.

R.J. Mackay Colonel
Pres. D.C.M.

" P "

SUMMING-UP BY THE JUDGE-ADVOCATE: ON 7th. & 8th. CHARGES:

Sur les accusations antérieures, je me suis abstenu de faire un résumé de la preuve, et je me suis également abstenu de donner une directive en droit à la Cour.

Dans le cas présent, je crois de mon devoir, sinon de résumer la preuve qui, si elle n'est pas très claire de part et d'autre a été exposée quant à ses avantages et à ses désavantages par l'Officier poursuivant et par l'avocat de la défense, de reprendre tous les témoignages entendus, et qui ontété écoutés attentivement par les membres de la Cour; mais je crois nécessaire de signaler certains textes de la loi, et certaines directives générales qui apparaissent dans le Manuel de Droit Militaire, et qui exposent les principaux principes qui doivent guider la Cour à ce stage-ci des procédures, lorsqu'elle est appelée à décider de la culpabilité ou de la non-culpabilité de l'accusé.

Les chefs d'accusation qui sontactuellement sous considération sont le septième et le huitième, lesquelschefs se rapportent au même ensemble de faits, mais donnent ouverture à deux interprétatins différentes.

Le point essentiel, il me semble, que la Cour devrait considérer comme son étoile, est la question de savoir si la poursuite, étant donnés tous les témoignages entendus, tant de la part de la poursuite que de la part de l'accusé, s'il a été établi sans doute raisonnable, que l'accusé a commis l'une ou l'autre des deux offences qui lui sont reprochées, dont les chefs d'accusation portent respectivement les numéros sept et huit.

A ce sujet, je me permets de citer l'article 67 du Chap.5, du Manuel de Droit Militaire, à la page 58, qui est la première directive donnée à une Cour Martiale quand elle est rendue à remplir son devoir de tirer une conclusion, de faire un "finding":-

"At the outset of their deliberations the Court must remember that it is a principle of British law that the accused is presumed to be innocent until he is proved to be guilty, and that the burden of the proof rests upon the prosecution. Unless, therefore, the guilt of the accused has been established beyond reasonable doubt, the accused must be acquitted, as the prosecution has failed to sustain adequately the burden of proving his guilt."

Le language est très clair. Il expose en quelques mots l'ensemble des lois se rapportant à toutes les questions de Droit pénal ou de Droit criminel, de Droit Militaire quand il s'agit d'offences criminelles ou pénales.

" P -3 "

Le mêmeprincipe est exposé également, sihon de façon identique du moins dans des formes similaires, à la page 647 du Manuel. Il s' agit d'une note à la Règle de Procédure No. 43; c'est le 5ème paragraphe de la note 2:

"The members of Courts-Martial must remember that (1) it is a fundamental maxim of English (British) law that an accused person is presumed to be innocent until he has been proved to be guilty, and (2) that their finding must be based upon the evidence given before them."

Je ne crois pas utile d'appuyer plus en détail dans ce domaine. Je croyais de mon devoir de le signaler. C'est un principe bien connu, que les Membres de la Cour connaissent très bien. Il arrive parfois qu'il y a lieu de renouveller ou de signaler certains principes généraux ou élémentaires.

Je terminerai en ajoutant simplement que, s'il y avait une accusation alternative, en vertu de la Règle de Procédure 44(F):

" Where there are alternative charges and the facts proved appear to the Court not to constitute the offence mentioned in any of those alternative charges, the Court shall record a finding of NOT GUILTY on that charge",

il y aura lieu pour la Cour de faire deux 'findings', nécessité absolue de faire deux "findings'.

" Q "

THE PROSECUTOR MAKES A CLOSING ADDRESS AS FOLLOWS:

Tel que je l'ai dit déjà hier au cours de certaines remarques que j'ai faites, lorsqu'il s'est agi d'entendre le témoin Monfette, il incombait à la poursuite de prouver deux choses: d'abord que Monfette avait reçu une piqûre; deuxièmement, que Hince était celui qui avait donné la piqûre. La poursuite a fait entendre un certain nombre de témoins qui ont versé au dossier une certaine preuve. Tout de même, je ne crois pas que la preuve qui soit présentement au dossier soite suffisante pour prouver que Hince est celui qui a donné la piqûre à Monfette. N'ayant pas prouvé cet élément de l'accusation, j'ai considéré qu'il était futile de prouver le deuxième élément, soit: que Monfette avait reçu une piqûre. Dans les circonstances, je soumets respectueusement que je n'ai pas fait ma preuve. Si je n'ai pas fait ma preuve, ce n'est pas que je n'ai pas essayé par tous les moyens à ma disposition de mettre la preuve que j'aurais voulu mettre devant le Tribunal. Pour différentes raisons, la première: l'absence d'un témoin très important qui semblerait le 'star witness', qui brillait par son absence.

Etant donné qu'il s'agit des deux dernières charges, la Cour ayant entendu la preuve dans toutes les charges, je crois qu'il est assez facile de comprendre qu il y avait une organisation de piqûres, pouf donner des piqûres. Tout de même, il ne m'incombe pas à ce stage-ci de répapituler la preuve qui aurait été faite sur d'autres chefs d'accusation. Lorsque le temps viendra, si la Vour me le permet, je ferai une récapitulation de ce qui a été prouvé dans tous les chefs. A ce stage-ci, je me contente de dire que je n'ai pas fait la preuve qu'il m'incombait de faire.

Est-ce que je dois comprendre, Monsieur le Président, que lorsqu'il s'agira du "Statement of Character", l'adjudant sera ici pour produire le 355, est-ce que je n'aurai pas une ouverture à cette occasion pour ajouter quelques remarques?

THE COURT: Vous devez considérer votre addresse comme "Closing Address".

THE PROSECUTOR CONTINUES:

Les quelques mots que je viens de dire s'appliquent évidemment aux 5ème et 6ème chefs. Je voudrais maintenant, avec la permission de la Cour, faire une récapitulation des faits qui ont été prouvés devant cette Cour.

THE JUDGE-ADVOCATE SAYS:

Il faudra faire attention de ne pas toucher aux accusations où il y a eu un verdict de "non-culpabilité".

THE PROSECUTOR CONTINUES:

" Q - 3 "

Je vais m'efforcer de rester strictement dans les limites de ce sur quoi il m'est permis d'argumenter, et si je comprends bien, il me sera permis d'argumenter sur le premier chef seulement.

Je désire attirer l'attention de la Cour sur la gravité de l'offence. L'article 18 (2) , en vertu duquel l'accusation a été portée devant la Cour, est un article évidemment, qui couvre tous les cas où il y a du "willfully maiming or injuring any person subject to military law, whether at the consent of that person ~~of that person~~ or not, with the intent of rendering him or her unfit for service".

Je soumets que cet article là couvre ce cas-ci sans aucun doute ; mais lorsque le Législateur a écrit cet article-là, je crois qu'il n'aurait jamais pu prévoir la méchanceté d'un individu qui irait jusqu'à se servir de méthodes telles que l'accusé ici devant la Cour a pu se servir. Je ne crois pas qu'au temps où le Code a été écrit il y avait des individus du calibre de Hince qui existaient. Je crois que des individus du calibre de Hince sont des individus d'un calibre qui devraient disparaître de la société, dans individus qui, malheureusement, en vertu de cet article-ci ne peuvent être mis en dehors de la société que pour deux ans, mais qui, à mon sens, avec un coeur noir comme il peut l'avoir, devrait être mis hors de la société pour le restant de ses jours. Un individu qui s'y prend d'une façon comme Hince d'y est pris dans ce cas-ci, peut être assimilé aux pires criminels que l'on peut rencontrer sur la surface de la terre. Et je le répète, je ne crois pas que lorsque la Loi Militaire a été codifiée, une telle offence avait été inventée encore; et si une telle offence avait été inventée, il y aurait eu un article spécial pour prendre soin d'un individu comme Hince, et ce ne serait pas tel que c'est malheureusement dans le présent cas seulement que deux ans; ce serait plutôt tel que prévu dans le Code Civil, quatorze ans. Et encore, dans notre Code Civil, monsieur le Président, il n'y a pas d'offence aussi ignominieuse, aussi disgracieuse que l'offence que Hince a commise. On ne pouvait pas prévoir, lorsqu'on a codifié les lois, d'offence aussi basse que cette offence-là. On prévoyait le cas ou un tel aurait pu mettre quelque chose dans la soupe d'un individu pour le rendre impotent pour un certain moment, on pouvait prévoir des cas comme ceux-là, mais pas des cas comme celui-ci . Se donner une piqure hypodermique de térébentine ou d'huile de charbon, c'est un cas qui n'avait pas été prévu par le Code Criminel; prévu sur des grandes lignes, mais je soumets que si un cas comme celui-là, lorsque les lois ont été codifiées avait été prévu, il y aurait une sanction spéciale pour avoir soin d'individus comme lui. Pour toutes des raisons, je demande que toutes les sanctions de la loi soient imposées à Hince.

E. Michaud Litteral
Pres. D.C.M.

" R "

THE COUNSEL MAKES A CLOSING ADDRESS AS FOLLOWS:

Au sujet des cinquième et sixième charges, je n'insisterai pas du tout, étant donnée la déclaration de mon confrère qui précède. Je n'insisterai pas sur la question de faits, il admet lui-même qu'il n'a pas fait de preuve. On n'a même pas prouvé que Monfette avait reçu une piqûre. Nécessairement , n'ayant pas prouvé que Monfette avait reçu une piqûre, il ne peut pas être question que mon client ait pu lui donner une piqûre. Je parle toujours en vertu de la preuve faite.

Je reviens à la première accusation. C'est de valeur que monconfrère n'ait pas véou il y a cinquante ou cent ans; il aurait pu contribuer au Code Criminel.

Mon client est accusé d'une offence déterminée, à savoir: de s'être donné une piqûre pour se rendre inapte au service militaire". Je développerai un dernier argument , qui est celui-ci:

Je soumets respectueusement à la Cour que la première accusation sur laquelle il n'y a pas encore eu de verdit final de prononcé, que l'accusationé doit se prendre, le chef doit se lire au complet, et que l'étude de ce cas déterminé doit se faire en tenant compte non pas d'une partie de l'accusation, mais l'accusation doit être prise au complet, et non pas pour être disséquée pour être coupable sur une partie et non coupable sur l'autre.

Si la Cour réfère aux témoignages rendus sur le premier chef d'accusation , et en prenant connaissance de l'état due caractère de mon client, la Cour ne pourra pas faire autrement que de se rendre compte que mon client, même de son propre aveu, - il a rendu témoignage ici - est 'unfit for the draft' depuis au delà de 22 mois. Mon client n'était pas sur la lite de ceux qui devaient partir. Il n'est pas sur la liste de ceux qui doivent partir. D'après les témoignages médicaux, il ne sera jamais sur la liste de ceux qui doivent partir sur la 'draft."

Comment mon client, en conséquence, aurait-il pu, en tentant de se donner une piqûre, vouloir se rendre inape au service militaire? Il y a quelque chose d'étrange dans cette affaire, du début de toute cette affaire, qui remonte déjà à quelques mois; on a fait étalage d'un racket; je soumets respectueusement que ni de près ni de loin, si ce n'est dans le cas du soldat Laroche, il n'est question d'un seul sou. Je soumets respectueusement que pour commettre une faute il faut quêil y ait une raison, à moins d'avoir affaire à un fou. Et je soumets respectueusement que depuis le commencement du procès, la Cour a été à même d'apprécier que l'accusé n'est certainement pas fou.

" R - 3 "

Alors, pourquoi aurait-ilcommis une offence semblable? Il n'est pas en preuve qu'il ait reçu un sou; il n'était pas 'fit' pour la 'draft', ne sera jamais 'fit' pour la "draft." Quel intérêt avait-il à se donner lui-même une piqûre pour se rendre inapte au service militaire?

Dans toute cette histoire, je comprends que la poursuite a eu affaire à des gens récalcitrants; mais tout de même , la Cour ne peut pas faire autrement que de prendre l'ensemble des témoignages qui ont été rendus dans le premier chef d'accusation, de les peser, et je crois nécessairement qu'Elle ne peut faire autrement qu'en venir à la conclusion que soit antérieurement, ou soit depuis quelque temps, il y a quelque chose qui cloche dans cette affaire là. Il manque un chaînon. Il est très difficile de s'imaginer, avec un semblant de raison , que le témoin Greffard, qui n'est pas un fou, puisse changer d'attitude devant la Cour sans raisons.

Je me soumets d'avance à la décision de la Cour. Mais je soumets encore que la seule chose que l'on pourrait reprocher à mon client est celle-ci: "de s'être blessé lui-même volontairement" point final. Il peut pas être question qu'il se soit blessé pour se rendre inapte au service militaire. Je soumets aussi d'attirer l'attentionde la Cour sur l'article 42 de la Loi de la Preuve, que si la Cour n'est pas en face d'une preuve de circonstances qui soit de force capitale, Elle doit en arriver nécessairement à donner à l'accusé le privilège et le droit qu'a tout sujet Britannique de bénéficier du moindre doute qui puisse exister, si la Cour n'en vient pas à une conclusion absolument catégorique qu'il n'existe aucun doute à de sujet là.

"Y"

P.J. Michaud Colonel
Pres. D.C.M.

A.F.B. 355
39 (2492)
H.Q. 1772-39-520

419

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
No. E-5095,	Private	Joseph Hince,	Royal 22eme Regiment(CA) Attached to A.(I)T.C. A-43(CA)

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

Within last 12 months	Since enlistment
For A.W.L. once ~~time~~ times	A.W.L. six ~~times~~ times
For When on Active Service, using insubordinate language ~~time~~ times	When on Active Service, using insubordinate language towards a superior officer once ~~times~~
For towards a superior officer once ~~time~~ times	
For ~~times~~ times	

Number of instances of gallantry or distinguished conduct nil

or,

~~There are no entries to record in the Conduct Sheet~~ EJH

~~No entry for drunkenness, the entries for drunkenness are not to be taken into account~~ EJH

2. The accused has not been previously convicted

or,

~~The conviction of the accused by a Court-Martial or a civil court of an offence under Section 47 of the Army Act and the sentence of trial under Section 73 thereof are to be taken into account in this statement~~ EJH

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

or,

~~The accused is at the present time under sentence for~~ ~~beginning on the~~ ~~expiry~~ EJH

4. The accused has been in confinement awaiting trial on the present charge EJH for ---- days in civil custody, and 46 EJH days in military custody, making a total of 46 EJH days in custody, of which 43 EJH days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ EJH attestation paper is 24 years 268 EJH days.

6. The date of his ~~commission~~ EJH attestation specified in his ~~record of service~~ EJH attestation paper 19 feb.1940

7. The service which the accused is allowed to reckon towards discharge is nil

8. The accused is entitled to reckon no service for the purpose of determining his pension, etc.

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

10. ~~(If the accused is a commissioned officer) The accused has not served with the last rank in the regular army~~ EJH

Para 11 , 12 and schedure non applicable.

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
		Eth		

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 16th day of July 1942 E. Thaflemann Lieut for Adjutant AITCN 13.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Z" signed by the president, and annexed to the proceedings.

I certify that No.-C-5095..Pte..Joseph.Hince.....

...Royal.22e.Regiment.(CA).....is in a .good..state

of Health and ..fit.....to undergo trial by Court-

Martial.

C Hormes Capt

M. O. Canadian Infantry (Rifle) Training Centre, Quebec, Que.

Valcartier Camp.P.Q.

July 6th, 1942.

I certify that No.E-5095, Private Jos Hince, of Royal 22eme Regiment(CA) A.I.T.C. A 13, is in a .Good.....state of health, and is fit....to be tried by Court Martial.

QUEBEC MILITARY HOSPITAL
R.C.A.M.C.
JUL 10 1942
ORDERLY

Station.Quebec Drill Hall.....

Date....July 10 1942.....

I certify that No.E-5095, Private Joe Hince,

of Royal 22eme Regiment(CA) A.I.T.C. A 13, is in

a ..good....state of health, and is ~~not~~....to

be tried by Court Martial.

QUEBEC MILITARY HOSPITAL
JUL 10 1942
ORDERLY ROOM

Station.....Quebec Jn. H.....

Date....~~July~~ 10.7.42.....

I certify that No. E-5095 Private Joseph Hince

of Royal 22ème Regiment (CA)

is in a good state of health and fit to undergo

Trial by Court-Martial.

Medical Officer.

DA QUEBEC MILITARY HOSPITAL ROAMPCA

Station O. Wt.

Date 13/7/42

M.F.B. 246

I certify that No. F-5095. Private Joseph Hines.....

.....of. Royal 22nd. Regiment. A.(I).T.C.A-13. (CA) is

in a ..Good.....state of health and fit.....to

undergo Trial by Court-Martial.

Medical Offi[illegible]

D.C. QUEBEC MILITARY HOSPITAL R.C.A.M.C./C.A.

Station Quebec Mil. H.

M.F.B.246 Date 14/7/42

I certify that No. H-5025 Private Joseph Higgy

of Royal 22nd Regiment (CA)

is in a good state of health and fit to undergo

Trial by Court-Martial.

Medical Officer. Lt Col RCAMC

O.C. QUEBEC MILITARY HOSPITAL RCAMC/CA.

Station Quebec

Date 15.7.42

M.F.B. 246

I certify that No. E-5760, Private G. GREFFARD

of Royal Stone Regiment (CA) is in a good

state of health and fit to undergo Trial by

Court-Martial.

Lt-Col

Medical Officer

Lt. QUEBEC MILITARY HOSPITAL RCAMC/CA

QUEBEC MILITARY HOSPITAL
R. C. A. M. C. C. A.
JUL 16 1942
ORDERLY ROOM

Station

Date

M.F.B. 246

SUMMARY OF EVIDENCE

CHARGE SHEET.

in the case of

No. E-5095, Private Joseph Hince, of Le Royal 22eme Regiment (CA), attached to A.(I).T.C. A-13 (CA), is charged with:

1: Wilfully injuring himself with intent thereby to render himself unfit for service;

2: Wilfully injuring a person subject to military law, with intent thereby to render that person unfit for service;

3: Wilfully injuring a person subject to military law, with intent thereby to render that person unfit for service;

4: Wilfully injuring a person subject to military law, with intent thereby to render that person unfit for service.

The C.O. directs that the evidence be taken on oath.

FIRST WITNESS: No: E-5760, Private Gerard Greffard, Royal 22eme Regiment (CA), attached to A.(I).T.C. A-13 (CA)

being duly sworn, states:

Le ou vers le 1er Fevrier 1942, un samedi, j'ai rencontre le Soldat Monfette au grill de l'Hotel St-Roch, il m'a amene a 143½ rue St-Paul, a Quebec et il m'a dit "viens on va aller voir Jos. Hince. En arrivant a 143½ rue St-Paul, No. E-5095 Pte Jos. Hince n'y etait pas. Nous ne sommes pas entres ce soir-la.

Le lendemain soir, vers sept heures et demie huit heures, j'ai rencontre le soldat Jules Monfette. Il m'a dit qu'il sortait de la taverne Jos. Cloutier au coin de la rue St-Paul et Lacroix a Quebec.

Nous sommes alles au cafe Donacona et a cet endroit il m'a demande si on allait voir Jos. Hince. Nous sommes entres a 143½ rue St-Paul. Je crois que Jos Hince lui-meme nous a ouvert la porte.

Nous sommes entres dans le salon. Un peu plus tard, j'ai joue aux cartes avec Jos. Hince. En jouant aux cartes, il m'a demande d'aller avec lui dans la chambre de bain. Je ne me rappelle pas de ce qu'il a ete question. Je me rappelle qu'il m'a donne une piqure avec une seringue plus petite que celles dont les medecins se servent dans l'armee. L'aiguille n'etait pas longue. Apres la piqure le coeur me serrait, j'etais comme etourdi. Je suis revenu a jeun. Ensuite on a continue a jouer aux cartes et je lui ai demande pourquoi il m'avait donne cette piqure. Il m'a repondu, "ca va t'empecher d'aller sur la draft, tu vas monter jusqu'a 102 degres de temperature et ca va finir par une operation.

First witness, continued.

D'apres la sentenne, c'est de l'huile de charbon qu'il y avait dans la seringue. Le lendemain au reveil j'avais la jambe enflee et raide et ca faisait mal. A force de marcher ca s'est engourdi. Vers les 5 heures le soir je n'etais plus capable de me porter sur ma jambe tant que ca faisait mal. J'ai ete oblige de prendre un taxi.

Le lendemain de cet a incident, vers 11 heures du matin je suis retourne a 143½ rue St.Paul sur la demande de Monfette. Je lui ai dit que "J'ai de la misere a marcher, mais je vais y aller". Nous sommes entres dans le salon. Simone Monfette etait la. Monfette etait chaud, il a donne de l'argent a Hince pour aller chercher du wisky Quand Hince est revenu nous avons pris un coup. Simone Monfette aussi. Hince est sorti du salon pour revenir avec la seringue. Il a releve la jambe de pantalon de Monfette. Monfette n'a pas voulu. Hince lui a dit la meme chose qu'a moi-meme. "Qu'il ne partirait jamais sur la draft, qu'il serait discharge de l'armee peut-etre, qu'il ferait de la temperature et que les medecins ne pourraient trouver ce qu'il aurait. En tout en jasant il l'a pique. Il lui pris une pincee sur le genou et l'injecta. Monfette se mit a se plaindre que sa jambe devenait bleue. Hince lui a dit : "Wales pas peur". Simone Monfette etait la quand Hince a pique Jules Monfette. J'ai ete reconduire Monfette chez lui apres qu'il s'etait fait piquer. Il etait chaud Il n'etait presque pas capable de se tenir.

Je me rappelle que Hince m'a dit qu'il s'etait injecte lui-meme.

Gerard Geoffroy

The accused declines to cross-examine this witness.

SECOND WITNESS: No. E-461987, Private Lorenzo Laroche, " R " Recruit, attached to C.A.B.T.C. No 53, Lauzon, in a written certificate of evidence, states:

" Le ou vers le premier fevrier 1942, je suis parti du Camp de Lauzon, C.A.B.T.C. No. 53 et me suis rendu a Quebec. Vers 2130 heures, j'etais dans un restaurant, 143½ ou 145 rue St-Joseph a Quebec. J'etais pas mal chaud a ce moment. J'ai rencontre un militaire. Il m'a demande quel classement j'avais. Je lui ai repondu "A" . Il me demanda si j'aimais a prendre un coup et je lui ai repondu que oui. Il me demanda de le suivre a la chambre de toilettte et me donna un coup. Je ne sais pas quel sorte de boisson, il me donna. Ensuite il me dit " je vais te donner une piqure qui va te donner les rhumatismes. Tu vas baisser de categorie; tu vas etre classe "B" ou "C", mais je ne penses pas que tu sois discharge avec ca."Il m'a dit que ca couterait $5.00. Je lui ai dit que je ne voulais pas rester infirme toute mavie; il me repondit qu'il n'y avait pas de danger.

" Ensuite nous sommes alles en automobile, Il y avait un militaire en question et un autre du prenom de Georges; celui-ci a leve mon pantalon, les deux se sont penches. Durant mon temps d'hopital, j'ai reconnu le militaire qui m'a parle dans la chambre de toilette et qui m'a offert la piqure comme le soldat Jos. Hince.

" Dans la machine,il faisait noir et j'etais tellement sous l'influence de la boisson que je ne puis jurer si c'est le soldat Hince ou le nomme Georges qui m'a donne cette piqure, tous les deux s'etant penches. Apres l'offre faite par le soldat Hince pour me donner cette piqure, celui-ci m'a dit " Viens dans la machine"

" A la suite de cette piqure, j'ai eu mal au genou gauche, mais le 28 fevrier 1942, j'ai ete voir le Dr. Gagnon, rue St-Joseph, qui me dit de mettre des compresses d'eau bouillie pour faire sortie le mechant que j'avais dans la jambe. Le 1er Mars 1942, j'ai telephone au camp de Lauzon pour avertir que j'etais malade a la maison. Le lendemain un officier est venu et m'a fait transporter a l'hopital ou j'ai ete sous les soins 33 jours. J'ai ete opere dans la jambe.

" Le 9 ou 10 Mars, j'ai rencontre Jos. Hince a l'hopital. Il m'a dit " Fermes ta gueules, mon calice, si tu parles tu ne feras pas vieux os " "

(signed) Lorenzo Laroche.

I certify that in my opinion the ~~statement~~ attendance of Pte Lorenzo Laroche, owing to the expenses and loss of time involved is not readily procurable and that the above statement signed by him has been read to the accused and is attached hereto as exhibit for the purposes of this summary of evidence.

Maxime Lebel, Lieut.
R 22e R (C&L)
Attached to A.(I).T.C.A-13 (C

FOURTH WITNESS: Lt.-Col. J.L. PETITCLERC, No. 5 Det., R.C.A.M.C., N.D. No. 5, in a written certificate of evidence states:

J'ai eu l'occasion, sur la demande du Major Lemieux, Officier Commandant de l'hopital militaire de Quebec, d'examiner le soldat Hince; je crois que c'est son nom, autant que je puis me rappeller, qui portait a la face interne de sa cuisse et dans la region du genou un tres large phlegmon avec trois plaques de gangrene de la peau. Le soldat m'a raconte qu'il avait fait une chute et qu'il s'etait blesse a la face interne de la cuisse. Je n ai pas cru a ce moment qu'il me disait la verite.

Le lendemain, sous anesthesie general,e j'ai ouvert ce phlegmon qui a laisse ecouler un pus tres abondant, sans odeur mele de debris de tissus sphaceles. Quelques jours plus tard j'ai du intervenir de nouveau pour avoir une autre collection de pus. La guerison s'est faite normalement et je ne crois pas que le soldat Hince en garde une infirmite.

Dans le meme temps j'ai vu un autre soldat, je crois que son nom est Greffard, qui portait sur la face externe de son mollet gauche une large collection de pus qui soulevait sa peau. Il m'a raconte qu'il avait fait une chute et que c'est a la suite de cette chute que cet abces s'etait developpe. L'examen ne m'a permis de trouver aucune trace quelconque de blessure, excepte une toute petite ouverture obstruee par un petit caillot et qui pouvait faire croire a la blessure causee par une aiguille hypodermique. Sous anesthesie generale, s'est offert un abces qui a laisse couler du pus, beaucoup de tissus sphaceles et de debris. Le lendemain de l'operation j'ai enleve la gaze dont j'avais recouvert la plaie et j'ai extrait de cette plaie un volumineux bourbillon comme on trouve dans un clou et qui a laisse une plaie a paroix propres et qui a gueri complement. Le soldat Greffard ne devrait garder de cet abces aucune infirmite.

Il y a deux ou trois jours, j'ai ete demande de nouveau par le Major Lemieux pour examiner le soldat Laroche qui presentait sur la face interne de sa jambe gauche un volumineux abces fluctuant, ayant distendu la peau. J'ai demande au soldat Laroche comment il expliquait la formation de cet abces. Il m'a dit qu'il avait un petit bouton a ce niveau, qu'il l'avait gratte et que deux ou trois jours plus tard, l'abces etait apparu.

Quand je lui ai demande de preciser l'endroit exact ou ce bouton se trouvait il m'a designe d'abord vaguement, puis devant mon insistance, plus directement un endroit sur sa peau. Grace a un verre grossissant dont je me suis servi, j'ai constate d'abord qu'il n'y avait aucune trace permettant de croire ou de soupconner l'existence d'un bouton ou d'une egratignure a cet endroit; exception faite toutefois de la presence d'un minuscule caillot recouvrant une toute petite incision que l'on pouvait facilement croire etre causee par le passage d'une aiguille hypodermique.

THIRD WITNESS:

Major L. LAVALLEE, R.C.A.M.C. (C.A.) No. 5 Det. M.D. No. 5, Quebec, in a written certificate of evidence, states:

"Mardi le 3 fevrier, 1942, je suis alle a 53½ rue St.Paul, Quebec, voir le soldat Hince qui avait fait demander un medecin du bureau du D.M.O.

Le soldat Hince se plaignait de douleurs a un genou qui auraient ete occasionnees par une chute sur le trottoir a la porte de cette maison, J'ai examine le blesse; le genou droit presentait un gonflement diffus dans toute son articulation. Je remarquai au centre du gonflement qu'il y avait une plaque de la grandeur d'un o.25 plus soulevee et qui laissait voir encore les pores de la peau. Ceci me frappa et me fit penser a une autre plaie semblable que j'avais trouvee la veille, aussi sur un genou, dans le cas d'un autre soldat. Je recommendai son transport a l'hopital militaire de Quebec ou il a recu les traitements appropries a son cas.

Je fis remarquer au Major Lemieux, l'Officier commandant de l'Hopital, les constations que j'avais faites sur le genou du blesse. A ma declaration que ceci semblait etre un cas ou une piqure hypodermique d'un sel quelconque semblait avoir ete la cause de son abces ou arthrite du genou, le major Lemieux me repondit que cela pouvait etre la cause probable mais qu'il etait difficile de le prouver. J'ai dit au Major Lemieux que je faisais un rapport au D.M.O. au sujet de ces deux cas pour lesquels j'avais ete appele. J'ai fait ce rapport.

(signed) L. LAVALLEE - Major
R.C.A.M.C., C.A.

I certify that in my opinion the ~~statement~~ attendance of Major L. Lavallee, owing to the expenses, loss of time and exigencies of service is not readily procurable, that the above statement signed by him has been read to the accused and is attached hereto as exhibit for the purposes of this summary of evidence.

Maurice Lepage Lieut.
R 22e R (CA)
Attached to A.(I).T.C. A-13 (CA)

FOURTH WITNESS: (Cont'd)

J'ai examine longuement toute cette region, un peu pour impressionner le soldat, puis je lui ai dit: " Il n'y a jamais eu de bouton a cet endroit". Il m'a repondu:" Si vous en savez plus long que moi, je ne dirai plus rien." Je n'ai pas insiste et j'ai revu le soldat Laroche le lendemain sur la table d'operation. A l'ouverture de l'abces, l'extremite superieure de nonincision commencant juste a l'endroit que je soupconnais etre l'endroit de la piqure hypodermique, il s'est ecoule un pus epais, assez abondant sentant la terebentine. Sans faire d'autre remarque j'ai demande au Major Lemieux de venir constater l'odeur qui se degageait de cette incision, ce qu'il a fait et il a fait constater a quelques-uns du personnel qui etaient a ce moment a la salle d'operation. J'ai agrandi mon incision, j'ai nettoye l'abces avec de la gaze et cette gaze sentait a plein nez la terebentine. L'abces est en train de se fermer d'une facon tres rapide et je ne pense pas que Laroche en garde une infirmite quelconque.

Les deux premiers soldats que j'avais operes m'avaient rendu un peu perplexe sur la nature de leurs abces respectifs que j'avais suppose etre causes par une substance chimique de nature X, mais le dernier opere me permets d'affirmer que cette fois-ci il s'agit de terebentine.

(signed) J.L. PETITCLERC - Lt.-Col.
R.C.A.M.C., C.A.

I certify that the ~~statement~~ attendance of Lieut.-Col. Petitclerc, owing to the expenses, loss of time involved and exigencies of the service is not readily procurable, and that the above statement signed by him has been read to the accused and is attached hereto as exhibit for the purposes of this summary of evidence.

Maurice LePage Lieut.
(Maurice Lepage)
R 22e R. (CA)
Attached to A.(I).T.C. A-13 (CA)

FIFTH WITNESS: Major Renaud Lemieux, 5th Det. R.C.A.M.C. (CA) in a written certificate of evidence, states:

" J'ai eu l'occasion d'examiner le soldat Hince a la suite de blessures qu'il pretendait avoir recues. Au moment de son admission a l l'hopital, il etait porteur d'un large phlegmon a caractere gangreneux situe a la face antero-interne de la cuisse et du genou droit.

" D'apres l'histoire qu'il a ete possible d'obtenir du malade, la question d'un traumatisme qu'il allegue a paru tout a fait invraisemblable. Le phlegmon a ete ouvert environ 36 heures apres l'admission de Hince a l'hopital. Il s'en est ecoule du pus avec grumeaux et des elements sphaceles comme on en rencontre dans les abces causes parvdes corps chimiques caustiques.

" L'abces, une fois ouvert, le drainage s'est fait d'une facon normale et la guerison est survenue elle aussi dans le delai normal. Il ne parait pas que Hince doive garder une infirmite serieuse du fait de la maladie dont il a souffert.

" J'ai eu l'occasion d'examiner et de traiter le Soldat Greffard a l'hopital militaire. Il etait porteur d'un large abces a titre gangreneux situe a la face antero-externe de la jambe droite, partie moyenne. L'abces a ete ouvert et draine et il s'en est ecoule un pus epais, contenant des grumeaux et des debris de tissus sphaceles.

" La guerison est survenu dans le delai normal. Cet abces avait toute l'apparence des abces qui sont entraines par des injections de produits chimiques caustiques. Il ne semble pas que Greffard doive garder de cette injection une infirmite, quelle qu'elle soit.

" Le soldat Monfette a d'abord ete hospitalise a l'hopital St-Sacrement et il a ete transferre a l'hopital militaire de Quebec ou j'ai eu l'occasion de l'examiner et de le traiter. Il etait porteur d'un abces superficiel a titre gangreneux situe a la face externe du genou gauche. Cet abces avait tous les caracteres d'un abces cause par des injections de corps chimiques caustiques. Apparemment, Monfette ne gardera de cette infection aucune infirmite.

"J'ai eu l'occasion d'examiner et de traiter le soldat Laroche a l'hopital militaire de de Quebec. Il etait porteur d'un abces a titre gangreneux sur la jambe gauche. Il s'est ecoule du pus dont l'odeur franche de terebentine a ete constate par le chirurgien, par moi-meme et par deux infirmieres. La guerison de l'abces se fait normalement et Laroche pourra quitter l'hopital d'ici quelques jours.

FIFTH WITNESS: (continued)

" Il est a remarquer que les injections sous-cutanees ou intra-musculaires de produits chimiques caustiques peuvent entrainer des delabrements considerables et des infirmites permanentes, si ces injections sont faites dans le voisinage des articulations ou encore si elles gagnent en profondeur au point de causer certaines scleroses avec limitation de mouvement, et le reste.

(signe) R.Lemieux, Major.
R.C.A.M.C.

I certify that in my opinion, owing to expenses and loss of time involved, and owing to exigencies of service, the ~~sta-~~ attendance MFL
tement of Major R.Lemieux, is not readily procurable and that the above written statement has been read to the accused and is attached hereto as exhibit for the purposes of this summary of evidence.

Maurice Lepage Lieut.
(Maurice Lepage)
Royal 22eme Regiment (CA)
Attached to A.(I).T.C. A-13 (CA)

Question to the accused: Do you wish to make any statement or give any evidence upon oath. You are not obliged to say anything or give any evidence unless you wish to do so. But whatever you say or any evidence you give, it will be taken down in writing and may be given as evidence.

Answer by the accused: N.T.L.

Rules of Procedure 4 (C) (D) and (E) has been complied with.

Taken down by me in presence of the accused at Valcartier Camp. P.Q., this 27th day of June 1942.

Maurice Lepage Lieut.
(Maurice Lepage)
Royal 22eme Regiment (CA)
Attached to A.(I).T.C.A-13 (CA)

FIFTH WITNESS: (continued)

" Il est a remarquer que les injections sous-cutanees ou intra-musculaires de produits chimiques caustiques peuvent entrainer des delabrements considerables et des infirmites permanentes, si ces injections sont faites dans le voisinage des articulations ou encore si elles gagnent en profondeur au point de causer certaines scleroses avec limitation de mouvement, et le reste.

(signe) R.Lemieux, Major.
R.C.A.M.C.

I certify that in my opinion, owing to expenses and loss of time involved, and owing to exigencies of service, the ~~sta-~~ attendance MFL
MFL tament of Major R.Lemieux, is not readily procurable and that the above written statement has been read to the accused and is attached hereto as exhibit for the purposes of this summary of evidence.

Maurice Lepage Lieut.
(Maurice Lepage)
Royal 22eme Regiment (CA)
Attached to A.(I).T.C. A-13 (CA)

Question to the accused: Do you wish to make any statement or give any evidence upon oath. You are not obliged to say anything or give any evidence unless you wish to do so. But whatever you say or any evidence you give, it will be taken down in writing and may be given as evidence.

Answer by the accused: N.T.L.

Rules of Procedure 4 (C) (D) and (E) has been complied with.

Taken down by me in presence of the accused at Valcartier Camp. P.Q., this 27th day of June 1942.

Maurice Lepage Lieut.
(Maurice Lepage)
Royal 22eme Regiment (CA)
Attached to A.(I).T.C.A-13 (CA)

LIST OF WITNESSES

in the case of

No. E-5095, Private Joseph Hince, Royal 22eme Regiment (CA), attached to A.(I).T.C. A-13 (CA).

FOR PROSECUTION:

1: No. E-5760, Private Gerard Greffard, Royal 22eme Regiment (CA), attached to A.(I).T.C. A-13 (CA)

2: No. E-461987, Private Lorenzo Laroche, "R" Recruit, attached to C.A.B.T.C. No.53, Lauzon, P.Q.

3: Major L.Lavallee, R.C.A.M.C.(CA), No 5 Det. M.D.5, Quebec.

4: Lieut.-Col.J.L.Petitclerc, R.C.A.M.C.(CA) No.5 Det. M.D. 5, Quebec.

5: Major Renaud Lemieux, R.C.A.M.C. (CA), No.5 Det. M.D. 5, Quebec.

6: No. E-4984, Private Jules Monfette, Royal 22eme Regiment (CA), attached to A.(I).T.C. A-13 (CA)

7: Miss Simone Monfette, 23½ rue Pere Grenier, Quebec.

8: Sergeant Gerard Proulx, 36th Coy, Canadian Provost Corps, M.D. 5.

FOR DEFENCE: N I L.

Signed at Valcartier Camp, P.Q., this 27th day of June 1942.

Lieut.-Col.
Officer Commanding,
A.(I).T.C. A-13 (CA)

LIST OF EXHIBITS.

in the case of

No. E-5095, Private Joseph Hince, Royal 22eme Regiment (CA), attached to A.(I).T.C. A-13 (CA).

1: Written certificate signed by No. E-461 987, Private Lorenzo Laroche, "R" Recruit, C.A.B.T.C. No. 53;

2: Written certificate signed by Major L.Lavallee, R.C.A.M.C.(CA) M.D. 5;

3: Written certificate signed by Lieut. Col. J.L.Petitclerc, R.C.N.M.C.(CA) No. 5 Det., M.D. 5;

4: Written certificate signed by Major Renaud Lemieux, R.C.A.M.C (CA) No. 5 Det., M.D. 5:

Signed at Valcartier Camp, P.Q., this 27th day of June 1942.

J. Chouinard Lieut.-Col.
Officer Commanding,
A.(I).T.C. A-13 (CA)

M.Q.C.55-M-267(JAG)

May 26th, 1943.

The District Officer Commanding,
Military District No. 5, Quebec, Que.

Re: District Court-Martial,
E.5095, Pte. Joseph Hince,
Royal 22e Regt., C.A.
att. to A.I.T.C.A-13, C.A.

Please refer to my letter of the 14th April 1943, numbered as above, your Q.30-M-70 (JA) under cover of which the proceedings of the marginally noted District Court-Martial were returned to you.

May I please be advised as to when I may expect the return of these proceedings.

Brigadier,
Judge Advocate-General.

LF/MM

H.Q.C. 55-H-207 (JAG)

April 17th, 1943.

District Officer Commanding,
Military District No. 5,
Quebec.

Re: DISTRICT COURT-MARTIAL
[illegible]5008, Pte. Joseph HINCE
-Royal 22e Regiment, C.A.
(Att. to A.I.T.C. A-13, C.A.)

Receipt is acknowledged of your letter dated 14th April, 1943, requesting the proceedings of the marginally-noted case, for the preparation of a similar case against Pte. Jules Monfette.

2. May the proceedings when they have served their purpose, be returned to this Headquarters.

Brigadier,
Judge Advocate-General.

LF/MAV

120430

IN REPLY PLEASE QUOTE
No. 9139-H-70 (JA).

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., April 14th, 1943.

File C55-H-267
Cmd. to
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: DISTRICT COURT-MARTIAL
E/5095, Pte. Joseph HINCE,
Royal 22e Regiment, C.A.,
(Att. to A.I.T.C. A-13, C.A.)

Reference your H.Q.C. 55-H-267 (JAG) dated 6th October, 1942, relative to the marginally noted subject.

2. May the proceedings in the case of Pte. Hince be returned to this Headquarters for reference purposes, please, in order to help the Prosecutor in the preparation of a similar case, that of Pte. Jules Menfette, an accomplice of Pte. Hince, who will shortly be tried by Court-Martial.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAG/rb.

NAT. DEF. B. 648
2,000 M—4-42 (4322)
H.Q. 1772-39-767

OTTAWA, ONT., October 6th, 1942.

District Officer Commanding,
Military District No. 5,
QUEBEC, P. Q.

RECEIVED
OCT 7 1942
ORG.
A.D.

Re: DISTRICT COURT-MARTIAL
T-5096 - Pte. HINCE, Joseph,
Royal 22nd Regt., C.A.,
(Att'd to A.I.T.C. A-13 C.A.)

Receipt is acknowledged of your 4:39-H-70 (JA), dated 29th September, 1942, under cover of which you forwarded for registration and custody the Proceedings of the marginally-noted District Court-Martial.

2. A review of the Proceedings has disclosed additional irregularities to those set out in your letter, but in view of the fact that the trial was a heavy one and was held more than two months ago, it is not considered that any useful purpose would be accomplished in setting such irregularities out in detail.

3. Accordingly, the Proceedings have been retained for custody.

Brigadier,
Judge Advocate-General.

EBB/S.

IN REPLY PLEASE QUOTE
No. G: 39-E-70 (JA)

80560

Your file HQC 55-H-267 (A.D.1)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

PM

Quebec, September 29, 1942.

The Secretary
Department of National Defence
OTTAWA, Ont.

CENTRAL REGISTRY Army
CONF. SEC.
OCT 5 1942
File G 55-H-267
Chgd. to
Referred to JAG

District Court-Martial
H-5095 - Pte. HINCE, Joseph
Royal 22e Regiment, C.A.
(Att. to A.I.T.C. A-15, C.A.)

Enclosed herewith please find the proceedings of the marginally noted District Court-Martial, which are forwarded to you for registration and custody.

2. The following irregularity has been noted and brought to the attention of the officers concerned:

a) on the Charge Sheet, the note in the margin should have been in red.

(G.P. VANIER) - Brigadier
District Officer Commanding
Military District No. 5.

N.D. No.
15000M-5-41 (Vol. 1)
H.Q. 1172-101-2

CONFIDENTIAL

H.Q.C. 55-H-267
(A.D.1)

17th September, 1942.

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

DISTRICT COURT-MARTIAL
[redacted], Pte. Joseph HINCE,
Royal 22e Regiment, C.A.
Att. to A.I.T.C. A-13, C.A.

Reference is made to your Q.30-H-70 (JA) dated 30th of July, 1942.

2. The finding and sentence of the court have been confirmed with the exception that the discharge with ignomy from His Majesty's Service is remitted.

3. I am, therefore, directed to return the proceedings for your further necessary action.

(H. F. G. Letson),
Major-General,
Adjutant-General.

17 1942

Encl.
RMT/EMF

MEMORANDUM

Department of National Defence

TO:

The Adjutant-General

H.Q. C.55-H-267 (A.D.1) - Army -

OTTAWA, 17th September, 1942.

District Court-Martial
E/5095, Pte. Joseph HINCK
Royal 22nd Regt.

With reference to your minute dated the 17th September, 1942, next folio down, I have prepared the form of confirmation in accordance therewith for execution by you. The same will be found on the proceedings at flag "B".

Brigadier,
D.A.G.

WMT/AMcC

Memorandum

To:— A.G.

Department of National Defence
H.Q.C. 55-H-267 (DAG)
OTTAWA, 16th September, 1942.

District Court-Martial
E.5095, Pte. Hince, Joseph,
Royal 22 Regt.

The J.A.G., at my request, has given further consideration to the question of the legal sufficiency of the evidence in this case.

2. After considering same, he has come to the conclusion that the prosecution did not discharge the onus and that the evidence adduced was legally insufficient to justify the finding of guilty.

3. I do not agree with him. In my opinion there is sufficient evidence to enable the Court to find as they did.

4. The J.A.G. basis his argument primarily on the hypothesis that it is not conclusively proven that the accused wilfully injured himself with intent thereby to render himself unfit for military service.

5. The J.A.G. gives his legal opinion for your guidance. You, however, are the confirming officer and you may or may not decide to be guided by the opinion of the J.A.G. There is precedence for this in at least two D.C.M's. - the cases of Perry and Thornber. In these two cases the J.A.G. and myself both recommended that the finding of the Court be not confirmed. The then A.G., however, did not agree with either of us and confirmed the finding of the Court.

6. It is for you to decide whether or not the finding and sentence of the Court be confirmed herein.

7. The sentence of the Court was "Imprisonment with hard labour for two years less one day, and to be discharged with ignominy from His Majesty's Service".

8. May I please have your instructions.

(O.M.M. Kay)
Brigadier,
D.A.G.

OMMK/EBF

Confirm finding and sentence but do not discharge

H. Thorson
Major-General
Adjutant-General

SEP 17 1942

N.D. 25a
25M—5-40 (4988)
H.Q. 1772-101-25

Memorandum

To: THE ADJUTANT-GENERAL

Confidential

Department of National Defence

H.Q.C.55-H-267 (JAG)

OTTAWA, 11th September, 1942

District Court-Martial
E.5095, Pte HINCE, Joseph,
Royal 22e Regiment

At your request Brigadier Kay, D.A.G., called at this branch this morning regarding this case and after discussion he stated that you wish further consideration to be given to the views expressed in the memorandum dated 15th August, addressed to you by Colonel Nolan the D.J.A.G. which occurred while I was overseas.

2. I have now had an opportunity for the first time of examining and considering the matter.

3. This, in my view, is a case in which arises the question as to whether the subject matter of some allegation made by the Prosecution is peculiarly within the knowledge of the accused. In my opinion, this question can partially be answered in the affirmative. Accordingly the Court can have regard to the particulars of knowledge with respect to the fact to be proved which may be possessed by the respective parties, and such evidence as the Prosecution may be in a position to give, including inferences from the conduct of the accused, may be accepted as justifying a conviction in the absence of explanation by the accused.

4. The fundamental point to which I have directed my attention is whether the evidence tendered by the Prosecution with all the weight attached thereto, as against the accused which the Court saw fit to place, including the lack of any explanation by the accused, was such as to be legally sufficient to justify a conviction on the actual charge whereof the Court found the accused Guilty.

5. In my opinion, there was, from the legal standpoint, sufficient evidence to warrant the Court coming to the following factual conclusions, -

(a) That the abscess on the accused's thigh and leg was not caused by the accused striking his knee, as he stated he had done;

(b) That the abscess was caused by some toxic substance from the outside;

(c) That the toxic substance had been injected by means of a needle or other similar sharp instrument;

(d) That the abscess in question could have been caused by an injection of turpentine;

(e) That the accused had been capable of obtaining turpentine.

6. .. ..

P.T.O.

N.D. 25a
60M—7-40 (6103-4)
H.Q. 1772-101-25
RJC:MIP

6. So far as Item (a) is concerned, the Court could legally be justified in concluding that the accused was lying, which would in itself connote something deliberate on his part. The making of such a false statement (if in fact it was false) would not in itself, in my opinion, legally suffice as a basis for the Court concluding that he, the accused, injured himself for the purpose mentioned in the charge. In the absence of any evidence to the contrary, the Court would have been equally justified in reaching the conclusion that someone else had injured the accused for the purpose mentioned in said charge, in which case the charge as laid would fall to the ground. The ingredient of self-infliction is an essential element in the charge whereof the accused was convicted and it is my opinion that this cannot properly be considered as being subject matter of an allegation made by the Prosecution which is peculiarly within the knowledge of the accused.

7. On the other hand, the ingredient of wilfulness, which is also an essential element might be considered as coming within the scope of the subject matter mentioned, and within the peculiar knowledge of the accused.

8. With regard to the other items enumerated above, none of them, either taken separately or collectively, would in my opinion constitute a legally sufficient basis for the Court to make a finding of fact in support of the allegations made by the Prosecution as set out in the charge as laid. Having regard to the foregoing, I must advise that, in my opinion, the Prosecution did not discharge its onus and that the evidence adduced was legally insufficient to justify the finding of Guilty.

K. F. Orde

Brigadier
Judge Advocate-General

Memorandum

To:

D. A. G.

Department of National Defence
-Army-
H.Q.C. 55-H-267 (A.D.1)
OTTAWA, 3rd September, 1942.

District Court-Martial
E.5095 - Pte. HINCE, Joseph
R. 22 R.

Reference your memorandum next folio down, dated 18th August, 1942, I have read the proceedings of the Court-Martial with respect to the first and second charges, and have read your memorandum to the Adjutant-General dated the 18th of August, 1942.

2. In addition to the reasons advanced in the last mentioned memorandum, it seems to me that the evidence of Pte. Greffard, ~~his~~ answers to questions 34, 44, and 54, are sufficient when coupled with the medical evidence you refer to, to allow the court to infer quite properly that the abscess was caused by an injection as is alleged in the first charge. It will be noted that Greffard attempts to qualify his evidence that Hince told him that he, Hince, had given himself an injection, but I think the court can properly accept such part of his evidence as they thought was truthful and reject the remainder. The members of the court had the opportunity of seeing the witness and seeing his demeanour in the witness box, and in best position to judge what part of his evidence, if any, should be accepted.

3. I do not think that it was necessary to prove that the injuries actually caused his unfitness for military service, but only that it was done with that intent. I think, from the review of all the evidence, the only reasonable conclusion which could be arrived at is that Hince administered the injection to himself with that intention. (See M.M.L., Page 444, Note 4.).

4. I am consequently of the opinion that the finding should be confirmed.

5. With regard to paragraph 3 of the memorandum, Hince alone was charged in the Police Court, and is awaiting trial before criminal courts. Your attention is directed to correspondence in this regard on H.Q. 1161-1-31 with particular reference to folios 26, 102, 105, 111, 112, 119, 120, 122, 123, 125, 126, 127, 128, 130, 133, & 137, passed herewith.

H. T. Cock

(H. T. Cock),
Colonel,
D.of O. & A.

WMI/EMP

Memorandum

To. A.D.

Department of National Defence

H.Q.C. 55-H-267 (DAG)

OTTAWA, 18th August, 1942.

Please read the English translation of the first and second account in the Hince Court-Martial.

2. After reading same will you please let me have your opinion on the finding.

3. Were Greffard, Monfette, Hince and Laroche charged in a police court? If so, what were they charged with and what happened on the disposition of same? I notice on page 2 on the question of law that Hince appeared in the Quebec Police Court "for the same offence".

4. Please verify this fact.

(O.M.M. Kay) Brigadier,
D. A. G.

OMMK/HH

N.D. 25
150M—2-41 (9250)
H.Q. 1772-101-38

Memorandum

To:— A.G.

Department of National Defence
H.Q.C. 55-H-267 (DAG)
OTTAWA, 18th August, 1942.

District Court-Martial
E.5095 - Pte. Hince, Joseph, Royal 22 Regt.

I have read the English translation of the first charge on which Pte. Hince was found guilty on the 8th July.

2. If I had been sitting as a trial judge without a jury, I doubt from a strictly legal point of view if I would have convicted Hince. There is no evidence in the translated portion of the depositions which definitely states that Hince rendered himself unfit for military service by a hypodermic injection.

3. The expert medical testimony disclosed the injuries found were "extremely suspicious". Col. Petitclerc, on page 2, stated, "the symptoms did not tally with the cause which the patient gave me". And on page 3 of the translation - "I had suspicions which I have been unable to establish scientifically."

4. Major Lemieux, R.C.A.M.C., Officer Commanding Quebec Military Hospital, on page 25 in answer to a question said, "When he was admitted to the hospital, he related to us that one day he had gone out and fallen against the edge of the sidewalk injuring himself and that it was following this injury that two days after he reported at the hospital. This seemed to be at the time a rather amusing story as there was not even any real external wound and no sufficient opening to account for such a story." Again on page 29, question 120, the doctor says, "In my opinion, what we noticed was medically and humanly speaking due to the insertion under the skin of a corrosive substance, the nature of which I do not know." Question 121 - "You do not know the method of insertion?" Answer - "This method could hardly be of other type than a needle or a very sharp instrument as it left no visible mark on the skin."

5. There is evidence that Hince had an alcohol flask containing turpentine, and evidence that he asked a man - Pte. MacDonald - to steal a syringe from the hospital for him. (See pages 51 and 53).

6. From a perusal of the evidence there is no question in my mind but that the witnesses, Pte. Gerard Greffard, Pte. Lorenzo Laroche and Pte. Jules Monfette, lied.

7. The J.A.G. in his memorandum to you dated 15th August in paragraph numbered 7 states, "If you should require my advice I must state that it is my view that the finding and sentence should be 'not confirmed'".

N.D. 25a
25M—5-40 (4968)
E.Q. 1772-101-23

8. I would draw to your attention, however, the fact that the members of the Court-Martial sat as jury and judge. As a jury their duty was to satisfy themselves as to the sufficiency of the evidence. To this end they are entitled to believe such portion or portions of the evidence as to them seemed truthful. To assist them in weighing the evidence they had the opportunity of studying the demeanour of each witness in the witness box. As jury it is their prerogative and right to make such inferences and deductions from the evidence as logically flow from the facts deduced. It is quite apparent from a reading of the depositions that as jury the members of the Court did not believe the evidence of Ptes. Laroche, Monfette or Greffard. They undoubtedly drew the correct inference from the evidence of Col. Petitclerc and Major Lemieux.

9. To have found the accused guilty, the members of the Court as a jury must have been satisfied beyond a reasonable doubt. Having been so satisfied, they were justified in arriving at a verdict which they did.

10. It should be pointed out that Pte. Hince gave no evidence himself. He called one witness only in defence - Major Lemieux - who did not assist him in any respect.

11. In a criminal appeal the Court of Appeal recognise that the jury are the judges of fact and if there is any evidence at all to justify the jury arriving at their verdict the Court will not upset findings of fact.

12. It is quite true that the medical testimony discloses that the injuries found were of a very suspicious nature and it is not shown that it could not have been caused by any other means, but I think there is sufficient evidence to justify the Court drawing the inferences which they did and from those inferences find the accused guilty.

13. I recommend that the finding be confirmed.

(O.M.M. Kay) Brigadier,
D. A. G.

OMMK/HH

CANADA

QUOTE No. H.Q.C.55-H-267 (JAG)

Department of National Defence

Ottawa, Canada,

15th August, 1942

To - THE ADJUTANT-GENERAL

District Court-Martial
E-5095 Pte. HINCE, Joseph
Royal 22e Regiment, C.A.,
Att. A.I.T.C., A-13, C.A.

Please note the proceedings of the marginally noted District Court-Martial, commencing at flag "A", the finding and sentence of which was referred by the D.C.C., M.D. No. 4, for your confirmation or otherwise pursuant to the provisions of A.A. Sec. 54(5). (Flag "B").

2. The accused was tried at Quebec City, P.Q., on the 8th July, 1942, on 8 charges. The first charge was under A.A. Sec. 15(2) of wilfully injuring himself with intent to render himself unfit for service by giving himself a hypodermic injection, and the second charge, in the alternative, was under A.A. Sec. 40, of negligently injuring himself by the same means. The third, fifth and seventh charges were under A.A. Sec. 15(2) of wilfully injuring other soldiers for the same purpose and by the same means, and the fourth, sixth and eighth charges were alternative thereto and laid under A.A. Sec. 40.

3. The accused was acquitted of all charges, except the first upon which he was found guilty and was sentenced to two years' imprisonment with hard labour less one day, and to be discharged with ignominy. (Folio "B")

4. I have had the proceedings in connection with the first charge translated and such translation is immediately hereunder.

5. I have reviewed the proceedings and I am compelled to the conclusion that the essential ingredients of the charge were not proven and that

(over)

Nat. Def. A 168a

not sufficient evidence was adduced so that the Court could properly draw the inference of guilt.

6. The expert medical testimony disclosed that the injuries found were of a very suspicious nature, but it was not shown that they could not have been caused by any other means, and in default of any direct evidence that the accused injured himself wilfully, I am of the opinion that the charge was not proven to the extent that the Court could have come to any rational conclusion that the injury in question was not caused by any other means than that alleged.

7. Accordingly, if you should require my advice I must state that it is my view that the finding and sentence should be "not confirmed".

A J Nolan
Col
Brigadier
Judge Advocate-General

Memorandum

To: THE CHIEF TRANSLATOR

Department of National Defence
H.Q.
OTTAWA, August 6th, 1942.

Will you please have made a translation of the proceedings of the two Courts-Martial forwarded herewith?

In the case of Pte. Gosselin the translation should commence at Q.15 on folio 5 and end at Ans.558 on folio 95, and in the case of Pte.Hinch should commence at Q.12 on folio 9 and end at Ans. 391 on folio 95, plus the Factum marked (1).

It would be appreciated if this work could be given priority as both these soldiers are undergoing incarceration and it is of great importance that, should there be any reason for this office to interfere, such action be taken at the earliest possible moment.

Geo. E. Barry Capt.
for Brigadier,
Judge Advocate-General.

S- J.A.G.

GEB/MM

Please find herewith translation, in duplicate, of Proceedings of District Court Martial, E-5095, Private Joseph Hince. The proceedings re/Pte Gosselin will be forwarded on Monday a.m.

H.T.

14-8-42

N.D. 25
15SM—2-41 (9256)
H.Q. 1773-101-25

MB/CeM TRANSLATION

FACTUM OF THE DEFENCE

Re - E-5095 Pte. Joseph HINCE,
Royal 22e Régiment, C.A.,
Att. to A.I.F.C., A-13, C.A.

The District Court-Martial which was held at the Quebec Drill Hall, from July 8 to July 16, 1942, heard the trial of Pte. Joseph Hince, E-5095, against whom eight (8) charges had been laid. The Court acquitted Pte. Hince on the 2nd, 3rd, 4th, 5th, 6th, 7th and 8th charges thereby giving a verdict of not guilty. The Court has reserved its decision on the first charge. This first charge reads as follows:

First charge sec.18(2) Army Act

WILFULLY INJURING HIMSELF WITH INTENT THEREBY TO RENDER HIMSELF UNFIT FOR MILITARY SERVICE :

In that, he, at Quebec in the course of January or February, 1942, wilfully injured himself by giving himself a hypodermic injection with intent thereby to render himself unfit for military service.

QUESTION OF LAW

The accused having been indicted under Section 18 (2) of offences laid down in the Army Act, the Court should not go beyond the scope of this charge and should take it as such without dissecting it or separating its component terms.

So Pte. Hince cannot be found guilty of having injured himself without having intended at the same time to render himself unfit for military service. A conviction on a mitigated charge is out of the question here. The section should be taken as laid down or rejected completely. Legally speaking, the charge laid down against the accused does not apply, as an essential element of the offence cannot be taken into account. Pte. Jos. Hince has never been physically fit for military service and could not therefore have wanted to injure himself with intent to render himself unfit for military service. The medical records of this soldier clearly show that Jos. Hince has been unfit for military service for over 22 months, while the offence with which he is charged and whereby he has allegedly rendered himself unfit dates but six months back. This question of law alone is sufficient to have the Court unanimously dismiss the charge laid against the accused and acquit him. There lacks what British Law calls the mens rea without which no charge can be maintained before a Court of Justice. The proof of this legal argument is to be found in the Army Medical Certificate issued by Dr. Petitclerc, Lieutenant-Colonel, who, in November 1941, delivered to Pte. Hince a certificate of medical unfitness for the draft and who, accordingly, had his name removed from the list of those who were to leave for overseas. During his two years of military service, Pte. Jos. Hince spent 17 months in the hospital. The evidence submitted by the Prosecution does not substantiate the charge laid. None of the evidence contains any proof that Pte. Jos. Hince intended to render himself unfit for military service. No evidence establishes or proves this essential part of the charge. In the absence of evidence, the Court should legally acquit the accused.

QUESTION OF FACTS

The evidence of Pte. Gérard Greffard, E-5750, alone gives rise to a very slight doubt, when he states: "I could not swear that Jos. Hince told me he had given himself an injection". This is the only apparent doubt there is against the accused and it is on that only point that the Prosecution attempts to have the accused convicted. The Medical Officers, i.e. Drs. Petitclerc, Lemieux and Lavallée state that there was an infection in Jos. Hince's right knee. None of these Medical Officers however is in a position to definitely swear that the said infection resulted from an injection and, in the rest of the evidence given, no direct proof is to be found that could incriminate the accused. The Prosecutor built up an argument based on circumstantial evidence. As laid down in Section 42, page 81, of the Manual of Military Law, on Evidence: "Facts cannot lie, but they may, and often do, deceive."

It is an elementary principle of English Law that the doubt is in favour of the accused at his trial, Section 67, Page 58 (Military Law). It is also the Prosecutor's responsibility to establish without any doubt that the offence has first been committed and that the accused is actually guilty of it. Unless the guilt of the accused has been proved without any doubt, the accused must be acquitted.

I maintain that following the examination of the evidence submitted by the Prosecution, no evidence is to be found anywhere -

1o - That the accused has been injected,

2o - That this injection was self-administered, if he was given any.

Greffard's evidence gives rise to an alleged doubt.

As pointed out at the beginning of these remarks on the question of facts, Greffard is an accomplice whose evidence is not substantiated. Besides the attitude of this witness for the Prosecution clearly shows that nothing can be believed of what he says. This soldier seems to consider the oath as a joke and does not care about the consequence of his acts. The sole fact that he has been declared hostile and that, a few minutes later, he was found guilty of contempt of court shows clearly what type of man the Prosecution has been dealing with. It is evident that Greffard is not likely to be trusted under oath and that his evidence should be disearded. As a result, the mere doubt which existed against the accused disappears and there remains no evidence against him.

The Defence cannot be prejudiced by the attitude taken by the Prosecution's own witnesses and the accused is entitled as a British Subject to the benefit of the rules governing evidence in English Criminal Law.

I respectfully submit these few remarks to the Reviewing Authority. I have stressed but the essential points which are fully sufficient to have this Authority reach a verdict of acquittal.

Pte. Jos. Hince has no police record. Since he has joined the Army, he has committed but slight offences, such as late returning to camp, a few hours of absence without leave, slightly arrogant language on one instance. The accused has been under close arrest since June 1st, after having spent 13 days in the Quebec District Common Jail for the same offence.

On the existing doubt, it is not only the Court's right, but its duty as a judge of a person's future to abide by the general rules of evidence in English Criminal Law;"NO ONE CAN BE FOUND GUILTY OF AN OFFENCE, UNLESS IT HAS BEEN CLEARLY AND WITHOUT DOUBT ESTABLISHED THAT HE IS REALLY THE ONE WHO HAD COMMITTED SUCH OFFENCE. IF ANY DOUBT EXISTED, THE ACCUSED PERSON MUST BE ACQUITTED."

René MARCEAU,
Counsel for the Defence.

QUEBEC, July 18, 1942.

MB/CeM TRANSLATION

(page 9)

TEXT "C"

x Instruction.
(See R.P. 39 (A))

PROCEEDINGS ON PLEA OF NOT GUILTY

Question.

Q. 11 x Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A. 11 No, Sir (See statement marked "H" attached).

The prosecutor makes no opening address. MOTION BY THE COUNSEL TO PROCEED ON EACH CHARGE SEPARATELY. (See document marked "I) signed by the President, and attached).

The prosecutor proceeds to call witnesses on the first and second charges.

First witness) for (prosecution)

Lt.-Col. J.L. Petitclerc, No. 5 Detach. R.C.A., M.C., attached to Military Hospital, Quebec, being duly sworn, is examined by the prosecutor.

TRANSLATION

Q. 12 I understand that you are attached to the Quebec District Military Hospital?

A. 12 Yes, Sir.

Q.- 13 Will you please tell us whether, during January or February 1942, you have had the occasion to treat or tend the accused, Pte. Hince?

A. 13 Yes, Sir, I performed an operation on him.

Q. 14 What were your duties at that time?

A. 14 I am attached to the office of the D.M.O., and I am assigned to certain duties by the D.M.O.

Q. 15 You have been given certain instructions by the District Medical Officer?

A. 15 To do surgical work at the Military Hospital.

Q. 16 In this capacity, you were required, I understand, to perform an operation on the accused, Pte. Hince?

A. 16 I was first asked by the Officer Commanding the hospital to tend Pte. Hince and I noticed that a surgical operation was necessary.

Q. 17 At what place was the operation performed?

A. 17 It was on the inner side and lower end of the right thigh, if I remember well.

Q. 18 What kind of surgical operation did you perform? Under anaesthesia?

A. 18 Under anaesthesia. It was Major Lemieux who performed the anaesthesia and I performed the operation.

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Q. 19 Will you please tell the Court what you noticed on that occasion?

A. 19 I noticed there was an extensive swelling of the thigh and lesions of the skin which threatened to become gangrened; the skin was mortified at certain points. And in an attempt to find out the causes responsible for this condition, I learned from the patient that he had injured himself in a fall; but the symptoms which I noticed did not tally with the cause which the patient was giving me. I did not insist. I opened this and found much pus and much gangrened tissues which showed a virulent infection at that time. The wound healed very well. It took some time to drain, but healed very well.

Q. 20 On examining the wound at that time, have you been in a position to draw conclusions as to how the wound developed?

A. 20 No, I did not get evidence enabling me to draw definite conclusions as we do in medicine; a scientific conviction, I had nothing which could permit me to say that, but I suspected that there should have been something which I could not clearly prove.

Q. 21 Did anything lead you to believe that there might have been foreign bodies in the wound?

A. 21 Not at the time of the operation, because there was too much pus, and too many gangrened tissues which had not yet had time to turn into pus to enable me to find anything unusual.

CROSS EXAMINED BY THE COUNSEL -

Q. 22 Could you give as definitely as possible the exact date on which you performed a surgical operation on Pte. Hince?

A. 22 I cannot state the exact date; I saw him at that time.

Q.-23 You cannot give the date?

A. 23 No, but it is given in the hospital's report; I made out the report myself and gave the date.

Q.24 Are the explanations which you have just given your own personal experience or notes which you took from the report on the case?

A.24 What I have just said is what I have seen and noticed for myself.

Q.25 How long does it take for a tissue inside the body to die out and disaggregate?

A.25 You have already asked me this question and I told you that It was impossible to give a definite reply.

Q.26 Could you state a minimum of time?

A.26 No, I am going to tell you why: because certain tissues have much vitality while others have less.

Q.27 As to what concerns us in the affected part?

A.27 There are injections which can be given to any person having certain resistances; there is that of the tissues as well as that of the individuals, that of the individual. Then there is the dose of the toxic substance injected. If you give a very large dose, this will cause the death of a tissue within ... No general rule can be set.

Q. 28 But positively could you state to the Court whether you are in a position to say what was the nature of the wound which you treated, and the cause of this wound?

A. 28 I have nothing to add to what I have already said; I had suspicions which I have been unable to establish scientifically.

THE PROSECUTOR -

With the Court's permission, I do not want to cross-examine the witness again, but when I shall have established through other witnesses or when I believe I shall have established through other witnesses the nature of the wound, I shall have to again hear Dr. Petitclerc tell me whether such wounds would be serious.

The Prosecutor declines to re-examine.

THE COUNSEL -

I do not want these explanations to be given in the presence of the witness.

TEXT

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

The Witness withdraws.

Second Witness for Prosecution

No. E-5760 Pte. Gérard GREFFARD, Royal 22e Régiment, C.A., att'd to A.I.T.C. A-13, C.A., being duly sworn is examined by the Prosecutor.

TRANSLATION

Q.29 You know Hince, the accused?

A.29 Yes, Sir.

Q.30 Did you have an opportunity of meeting him during last January or February?

A.30 Yes, Sir.

Q. 31 Did you have an opportunity to meet him around the time he was injured in the knee or when he had injured his knee?

A. 31 No, Sir, at the time I met him he was not injured.

Q.32 Have you had any opportunity of meeting him after he has been injured.

A.32 At the hospital on February 4.

C - 7

(page 15)

Q.33 At the hospital did you have any opportunity of asking him what was his trouble?
A.33 Yes.

Q.34 What did he tell you?
A.34 I cannot say exactly what he told me...He said he had given himself an injection... but for one thing I cannot remember whether this is what he told me.

Q.35 Did he tell you how he did it?

A.35 No, Sir.

Q.36 Did he tell you what substance he used for the injection?
A.36 No, Sir.

Q.37 Did he talk to you subsequently?
A.37 I would ask you to use words which I can understand.

Q.38 Did he talk t you after that?
A.38 No Sir.

Q.39 Have you had the opportunity of meeting him sometimes after that?
A.39 Only at the hospital. I met him at the camp, but I did not talk to him.

Q.40 Before he told you that he had given himself an injection, had he talked to you about it?
A.40 I told you that I could not certify that he had told me that his trouble was actually the result of an injection; I did not assert that he had told me it was an injection.
Q.41 So what are you in a position to certify?
A.41 I am in a position to give any evidence on what took place before he went to the hospital.

Q.42 What took place before he went to the hospital?
A.42 I went with Pte. Monfette who had asked me to go and see Jos. Hince.

Q.43 Do not talk about Monfette?
A.43 I went with him to 143½ St. Paul on January 30, he was not there. I went back again with Monfette on the 31st, again he was not there. I went back on February 1st - he was the one to open the door to Monfette.

Q.44 Who he? Hince?
A.44 Yes, Sir. Monfette gave him money to go for some liquor. We started to take a drink. It was towards the evening that we started to play cards, at the table. It was then that I had the injection.

Q.45 TO your knowledge was he injured at the time?
A.45 No Sir.

Q.46 He was not injured yet?
A.46 No Sir.

Q.47 TO your knowledge was he injured after that?
A.47 No, Sir; the first time I saw him injured was at the hospital; I was at the hospital myself.

Q.48 So you did not see him give himself an injection about which you were talking a few moments ago?
A.48 No.

The Counsel declines to cross-examine.

QUESTIONED BY THE COURT -

Q.49 Mr. Greffard if I am not mistaken, you went to see Hince, the accused, at the hospital? Is that right?
A.49 I was at the hospital myself in room 208; Hince, the accused, was in room 210. Monfette called for me.

Q.50 You went to pay him a visit?
A.50 I went to pay him a visit and we played cards.

Q.51 And while you played cards you talked?
A.51 Yes Sir.

Q.52 During that conversation, while you were playing cards, was there any mention made of injections?
A.52 No, as far as I can remember, but ..!!.

Q.53 Before or after you played cards what did Hince, the accused, is supposed to have told you about a self-administered injection?
A.53 The accused said that he had hurt himself and that he had fallen.

Q.54 He did not tell you that he had given himself an injection?
A.54 I am not sure whether he told me he had given himself an injection, because I do not remember, you see.

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

The witness withdraws.

THIRD WITNESS
for
Prosecution

Doctor Richard LESSARD, 36 Couillard Street, Quebec, being duly sworn, is examined by the Prosecutor.

TRANSLATION

Q.55 Do you know the accused?
A.55 Not at all.

Q.56 Have you had an opportunity of making some examination with respect to the accused?
A.56 Not at all.

Q.57 What do you know about this case?
A.57 What I saw on the newspapers at the time.

Q.58 Is this all you know?
A.58 Yes, nothing at all.

Q.59 Who asked you to come here this morning?
A.59 Sgt. Proulx. I received a subpoena. I expressed the intention not to come, but I was told: "You must come". I handed my subpoena a few moments ago.

Q.60 What is your specialty?
A.60 I practice internal medicine and I give the course in therapeutics at Laval University. I Am at the Hôtel-Dieu.

Q.61 Would you know the reactions in tissues, in cellular tissues, the reactions which coal oil could bring?
A.61 Turpentine?

Q.62 Yes.
A.62 Yes, I know because it is a method of treatment used in the case of certain infections, when there is temperature and when the starting point or cause is not definitely known, especially in the case of puerperal infections following childbirth. In such cases, there is a method of treatment, the fixation abcess. This has been done for 50 years. We take a small quantity of turpentine, from one to two cubic centimeters, this meaning about fifty drops; we inject it under the skin and an abcess develops. It is called the fixation abcess.

Q.63 What effect could such an injection in the knee have?
A.63 It generally causes an abcess.

Q.64 Would it result in the killing of the tissues coming in immediate contact with the turpentine?
A.64 No, the tissues do not die, but they react and form a pus abcess.

Q.65 Could such an injection in an articulation result in/hampering of the movements in that limb?
A.65 Certainly, after some time the movement of the knee should remain much hampered.

/the

Q.66 So it could cause a permanent infirmity?
A.66 I should think so.

CROSS-EXAMINED BY THE COUNSEL -

Q.67 Is the opinion you are giving now a general one without your having looked into the present case?
A.67 Yes, because when we give medical treatment with the fixation abcess, we do not give it in the knee, but in the thigh, abdomen or an arm. It is not given in the joints; I have never seen any.

Q.68 As far as the present case is concerned, you do not know the accused, you have had no opportunity of examining him either?
A.68 I have seen nothing. It is a general opinion.

TEXT The Prosecutor declines to re-examine.
In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83 (B).

The witness withdraws

Fourth Witness for Prosecution

No. E.461989 Pte. Lorenzo LAROCHE, Le Régiment de Montmagny, C.A., being duly sworn, is examined by the Prosecutor.

Q.69 Do you know the accused?
A.69 Yes, Sir.

Q.70 Where did you have an opportunity of meeting him?
A.70 I met him at the restaurant called "CHEZ RENE".

Q.71 Have you had an opportunity of talking to him when you met him?
A.71 He was the one to come to talk to me.

Q.72 What did he tell you?
A.72 He asked whether I would like to take a drink. I said: "Certainly". Of course, I drink; yes I do drink; and then he took me to the toilet-room and gave me a drink. We had a good drink and then I left.
(To the Court)
Q.73 I ask permission to examine more directly, as it is going to be long. I would not want to ask questions bearing on other counts.
(To the witness)
What did he tell you on this occasion besides this?
A.73 He said: "Come to the toilet-room". I am pretty sure it was he, Jos. Hince, who had me take that; it looks like him.

Q.74 Then?
A.74 I took a drink. He did not say anything to me about injections. He was not the one to talk to me about it.

Q.75 You spoke about injections a few moments ago. Would you know anything with respect to injections in connection with him, Hince.
A.75 I have no education, as one would say; I would rather not answer to these long words, because ...

Q.76 Did he, Hince, speak to you about injections with respect to himself?
A.76 I cannot remember this.

Q.77 Have you had any opportunity of meeting him elsewhere besides the place you have just mentioned?
A.77 No, Sir.

Q.78 Did you ever meet him at the hospital?
A.78 No. Previously?

TEXT The COUNSEL OBJECTS on the ground that the witness has already answered: No.

TRANSLATION
A.78(Cont'd) Previous to that?

Q.79 Let us say before that?
A.79 No, not that I know.

Q.80 Later, had you any opportunity of meeting him?
A.80 I met him at the hospital.

Q.81 And there at the hospital what did he tell you? Did you talk to him?
A.81 He talked to me once. He came to my room once, and I spoke to him again; after that, I met him in the toilet-room and he said to me: "Do you recognize me" - "At first sight, really I cannot say whether I have seen you before, but I know your face is not unfamilier to me". - He said: "If you talk, you had better be careful." As far as I am concerned, I was not in a condition to fight there, I turned around and left.

Q.82 At that time in what condition were you?
A.82 I had my leg bent.

Q.83 What had you?
A.83 Because I had been operated on.

Q.84 Where?

TEXT OBJECTION ENTERED BY THE COUNSEL: (Transl.) We are about to encroach on other counts;

TEXT TO WHICH THE PROSECUTOR REPLIES: (Transl.) We do not encroach on the 2nd or 3rd count. The witness says: "In the condition I was I could not talk". So, we want to know what his condition was.

TEXT The Court overrule the objection.

A.84 Inside the left knee.

Q.85 What are the exact words he told you?
A.85 "Do you recognize me?" - I said: "I know that your face is not unfamiliar to me, but I cannot identify you". - He said: "If you talk, I'll fix you - you won't live long". It did not take me long to turn around; I was not in a condition to fight.

Q.86 Why did he tell you: "You won't live long"?
A.86 I do not know.

Q.87 What conclusion did you draw?
A.87 What do you mean by what conclusion?

Q.88 You should have wondered: "Why does he say that to me"?

OBJECTED BY THE COUNSEL

TEXT

THE COURT MAINTAIN THE OBJECTION

TRANSLATION
(To the Court): The PROSECUTOR further submits: What I intend to lay before the Court is that a conversation took place between the two at that point; he made a statement to the effect that - "if you talk, I'll fix you". Now it seems to me that it is important to lay before the Court the circumstances under which this was said. As far as I am concerned, I do not know whether this is all that took place at that time. Is that all what they told each other?

THE COURT: The witness cannot be asked his opinion.

(To the Court): THE PROSECUTOR: The witness cannot express any opinion unless it is an expert's opinion; but I do not think this witness to be an expert. But if I asked the question, it was not with the intent of getting his opinion, but to get the res gestae, what took place at that moment and what attended that moment. If the Counsel for the accused feels that his client might be prejudiced by the question, I could withdraw the question and ask another one.

THE COUNSEL: Objected to inasmuch as it does not tend to prove anything with respect to the first count.

THE PROSECUTOR withdraws his question.

TEXT
TRANSLATION

Q.89 What happened immediately after he had told you that - "you would not live long", if you were to talk? Did you each go your own way or did you answer back?

A.89 I said: "Don't bother me". I turned around and left at once; it did not take any longer than that and that was all.

Q.90 Was this the only opportunity which you had of talking to him?

A.90 Yes.

TEXT

TRANSLATION

CROSS-EXAMINED BY THE COUNSEL

Q.91 In what state were you when you walked into the St. Paul Street restaurant, on January 31st or February 1st?

A.91 I was under the influence of liquor.

Q.92 Were you in a sufficiently under the influence of liquor to have slipped words? Were you intoxicated?

A.92 I was intoxicated.

Q.93 Is it not true that you said to someone around February 25th or 28th, i.e. three weeks or a month later, that you had never seen or known Pte. Hince in your life?

THE PROSECUTOR OBJECTS - This does not deal with the count under review. There is nothing in my examination-in-chief which would allow the Counsel for the defence to ask this question.

THE COUNSEL - If my colleague means that the witness never saw the accused ...

THE PROSECUTOR - If my colleague wants to state before the Court and the witness what point he intends to prove, the witness must withdraw. The Counsel for the Defence cannot say in the presence of the witness: "I want to prove such point". The witness must withdraw.

THE COUNSEL: The witness states that he met the accused on St. Paul Street first and that the accused talked to him and that he met him at the hospital and talked to him. Any way I can try to prove whether ...

TEXT

THE PROSECUTOR OBJECTS.
Counsel withdraws the question.

TRANSLATION

Q.94 Are you positive this is the same person? Look at Pte. Hince. Could you swear that it is he?

A.94 I cannot swear that he was the one to give it to me, because I was intoxicated.

Q.95 You swear that it is the same man whom you met on St. Paul Street at the restaurant?

A.95 I cannot swear to this.

TEXT

The prosecutor declines to re-examine.

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QUESTIONED BY THE COURT:

TRANSLATION

Q.96 At the hospital you were not drunk?
A.96 No, Sir.

Q.97 Was it the accused who is now before the Court that you saw at the hospital?
A.97 Yes, Sir.

Q.98 You can swear to this?
A.98 Yes, Sir.

Q.99 When you were in the hospital with the accused and when you saw him and talked to him, was there any mention made of the manner in which he had been injured?
A.99 No.

Q.100 He did not tell you how he had injured himself, that he had been at the hospital?
A.100 No, Sir.

Q.101 How many times in your life have you seen the accused?
A.101 The first time it must have been at CHEZ RENE'S. I cannot swear that it was he - I was drunk, I do not remember. The first time I am sure about it it was at the hospital; then I met him twice at the city-hall to talk to him.

Q.102 Whatever may be the occasion on which you saw him, did he ever state to you that he had given himself an injection?
A.102 No, Sir.

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

The witness withdraws.

FIFTH WITNESS for Prosecution

Major Renaud LEMIEUX, No.5 Detch. R.C.A.M.C., Officer Commanding Quebec Military Hospital, being duly sworn, is examined by the Prosecutor.

TRANSLATION

Q.103 What are your duties in Military District No. 5?
A.103 Officer commanding the Military Hospital.

Q.104 In this capacity have you had any opportunity in January or February last of seeing or attending Hince, the accused?
A.104 Yes, Sir.

Q.105 Will you please tell the Court what you know?
A.105 He arrived at the hospital on a Tuesday morning, I forgot the date, with a phlegmon cyst located, if I remember well, on the inner part of the right/, in the upper part of the leg and lower part of the thigh.

/knee

This phlegmon or abcess rather looked a little strange; it attracted attention from the very first moment inasmuch as this infection or phlegmon looked like the phlegmons noticed in the case of people receiving under the skin either wilfully or accidentally following technical or medical errors, corrosive or toxic chemical substances. There were on the affected part certain spots with sphacelus, where the skin was becoming gangrened while at certain other adjoining spots, the skin was very red, very hard and apparently quite sensitive. The patient had his leg slightly bent against the thigh, with the thigh against the pelvis as it happens in the case of people affected with an infection of the upper part of the leg or the lower part of the thigh. He was immediately placed under observation and for a few days, we allowed the infection to develop, as it has to be done when, at a given moment, it has been decided to open the abcess. The abscess was opened by Colonel Petitclerc, and out of it came quite a lot of liquid containing waste of gangrened tissues and fat, probably certain pieces of muscles or tendons. It was rather difficult to identify what was coming out on account of the rather advanced stage of decay. If I remember well, a counter-opening was made a few days later and the whole healed within a rather normal period, leaving the patient apparently free of any infirmity or at least this is what we believed. I have not seen him since then.

Q.106 You stated a few moments ago that there was waste of tendons?

A.106 These were apparently waste of tendons. There undoubtedly were clots in the stage of decay, some subcutaneous tissues and possibly also waste of muscles.

Q.107 This would be waste of tissues and tendons of the knee? near-by

A.107 Yes, of/tendons and muscles.

Q.108 Could have this wound be of a serious nature if more tendons had been affected?

A.108 It is indubitable that if the infection had been deeper or if the cause of the infection had gone deeper, this patient would have been left with an infirmity, because it was in the immediate vicinity of the articulation and we know how easily articulations may become affected and cause the hampering of movements, etc.

Q.109 Have you had any opportunity of talking to the accused about the cause of his ailment?

A.109 Yes. When he was admitted to the hospital, he related to us that one day he had gone out and fallen against the edge of the sidewalk injuring himself and that it was following this injury that two days after he reported at the hospital. This seemed to be at the time a rather amusing story as there was not even any real external wound and no sufficient opening to account for such a story.

We however kept the story until new developments took place and the first imputation of a rather unusual infection became gradually probable, especially as the nature of the infection itself led me to believe it.

Q.110 You said that you had performed a surgical operation?
A.110 Dr. Petitclerc.

Q.111 Were you present?
A.111 I cannot ... I saw the wound immediately after or during the day... I cannot say whether I was present... I know that at the time I was present at two or three operations of the same type as the one which has been performed. As to his, I cannot say.

Q.112 Would you be in a position to tell the Court whether you have had an opportunity of noticing the smell or something strange about the smell of the pus in the case of Hince?
A.112 In one case, I noticed something myself; as far as this one is concerned, I cannot say - I don't remember.

TEXT

TRANSLATION

CROSS-EXAMINED BY COUNSEL -

Sir, when you examined the accused, had he previous scars on the same knee?

TEXT

OBJECTED BY THE PROSECUTOR: (Translation)
This does not deal with the examination-in-chief. Should the accused have sustained previous accidents, it would make no difference in this case. On the other hand, if the Counsel for the accused wishes to submit evidence to that effect, he may have the witness recalled and hear him to submit evidence to that effect. For the moment, the accused is being cross-examined and you may examine him only on the questions asked by the Prosecutor. If the Counsel wants to submit a special defence evidence, it is part of his defence, evidence to the effect that the accused has allegedly sustained a previous injury, he may recall the witness and have him heard as his witness.

T E X T

THERETO THE COUNSEL SUBMITS: (Translation)
On a question asked by the Counsel, the witness answered that he had noticed that out of this wound came matters which led to suppose that it had quite an unusual cause.

A.113 Please let me say no. At the level of the affected part, there was no scar of any nature whatever which could lead to believe that a previous injury had been sustained one, two or six months before. There was at the level of the affected part the inner part of the knee a series of small quite superficial blisters containing a darkish substance which seemed to be gangrened tissues, but there was no scar or wound sufficiently large to enable us to see an opening. I mean by this on the inner face of the knee at the place where the infection was located.

Q.114 Sir, before the beginning of the war, did you not operate on Jos. Hince's right knee ? In 1936 or 1937, don't you remember having operated on the accused yourself for his right knee at St. Sacrament Hospital?

TEXT OBJECTED BY THE PROSECUTOR: 1o.(Translation) This is not cross-examination; 2o. this is out of the res gestae; 3o. it is a question of evidence, and not of counter-evidence, the question now before the Court.

TEXT TO WHICH THE COUNSEL SUBMITS: (Translation) The opinion of the doctor is to the effect that the substance found in the knee contained waste of ligaments and mortified tissues. I am asking this question to know whether the witness now contends that this infection was caused by the injection of any substance, and I would like to know whether the infection noticed could have had any other cause.

TEXT THE COURT ALLOW THE OBJECTION

TRANSLATION

Q.115 In your opinion, could the infection have been the result of causes other than the one you have mentioned ... ?

TEXT OBJECTED BY THE PROSECUTOR: (Translation) The witness did not mention any cause.

TEXT THE COURT ALLOW THE OBJECTION

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT:

TRANSLATION

Q.116 Sir, considering your experience in this matter and the facts which you noted yourself with regard to the wounds which the accused had when you had him under your care at the hospital, could you give a definite cause for his condition, that of his leg?

A.116 There is undoubtedly a cause to it. Now, infections are of two types, either general or local. An infection of general origin is out of the question in his case, as the facts noted absolutely rule out a general infection.

of general or local origin.

So we are left with but one possibility that of a local infection, the local infection of the abcess or phlegmon type. In the case of an abcess or phlegmon there must be an external cause as infectious or as corrosive which, due to the cellular destruction which it brings along, will cause an infection or infections always liable to develop anywhere where there is an activity of some kind either circulatory, thermic or nervous, or else any disorders which might occur in the organism. When one bruises one of his toes, chances are there might be an infection; he might not develop any, but chances are that he might. In the case of the man in question, an infection, a most virulent infection developed, since, according to the patient's own story, it dated 36 or 48 hours back at the most. Local infections of microbial origin caused by infectious wounds which develop quite rapidly are usually most virulent, but there has to be a lesion or scratch in the skin.

Q.117 What you call opening?

A.117 Opening ; there has to be an opening. In the case of this patient, there was none that could be seen with the naked eye. There might have been one, there has undoubtedly been one, but it could not be seen - it was impossible to see it due to the swelling and the infection which was developing following the first moment or as the result of the accident which later caused the abcess or phlegmon. Would this opening be visible twelve hours before, twenty hours before? It is possible, but, at the time, we examined him, it could not be seen.

Q.118 With the magnifying-glass?

A.118 Not in the case of this patient.

Q.119 Did you not use any magnifying-glass in the case of Hince?

A.119 I used a magnifying-glass in one of these cases; I do not think it was this one. I did not see any opening possibly because the tissues were too swollen. Now if this has been the case of a trifle accident as that of a man who falls on the sidewalk, we could have seen something, some scratch or cut in the skin; and in the case of cuts in the skin, the greater the swelling the more the lips separate and the easier it is to see the scratch. I did not see any, but there has undoubtedly been one, but the opening was so small that it was impossible for us to see it. What has been the cause?

Q.120 Could you express an opinion as to the cause?

A.120 In my opinion, what we noticed was medically and humanly speaking due to the insertion under the skin of a corrosive substance, the nature of which I do not know.

Q.121 You do not know the method of insertion?
A.121 This method could hardly be of other type than a needle or a very sharp instrument as it left no visible mark on the skin.

THE COUNSEL: I would like to know whether a person suffering from an infection which is medically recognized as generalized has been the victim of an injury, externd or otherwise? Is it possible that in a case such as this one the injury suffered could cause an infection as the result of the state of generalized infection with which the patient is affected?

TEXT THE COURT DISALLOW THIS OBJECTION.

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

The witness withdraws.

MB:CC
Sixth Witness for Prosecution

Major L. Lavallée, No. 5 Detachment, R.C.A., M.C., being duly sworn, is examined by the Prosecutor.

Q-122 What are your duties with the 5th Detachment R.C.A.M.C.?
A-122 I am in charge of the X-ray Department.

Q-123 What were your duties during the months of January and February last?
A-123 The same duties.

Q-124 Have you had any opportunity during these months of meeting the accused to your right, Pte Hince?
A-124 I remember his name. I was on night duty.

Q-125 Where were you on night duty?
A-125 At the medical office.

Q-126 What happened?
A-126 I was summoned to go and see Hince in his room on St-Paul Street, I think.

Q-127 What did you do?
A-127 I went up to see Hince on the third floor. He was complaining of a swelling to his knee. I examined his knee and I had him taken over. I went back to our office and I sent another car for him to have him taken to the hospital.

Q-128 Have you had any opportunity of talking to him at the time of that call?

A-126 Yes, I asked him how it had happened; he answered that he had fallen on getting home or at the door of the restaurant, that he had fallen on the ice and had hurt himself.

Q-129 Later, have you had any opportunity of seeing him again?
A-129 No.

Q-130 On reaching the hospital, what did you do with Pte Hince? Did you hand him over to anybody in particular?
A-130 I handed him over to the officer in charge of the hospital and I pointed out to him that this injury which he contended to have in his knee should be something unusual.

Q-131 What pathological findings did you make?
A-131 The knee was swollen and on the outer side of the knee joint I noticed a spot about the size of a .25 piece which did not seem to have any immediate relation with the rest of the swelling. This was clearly defined; the edge of the skin could be seen more distinctly opposite this spot than anywhere else.

CROSS-EXAMINED BY THE COUNSEL:

Q-132 You said a few moments ago that you remembered Hince's name. Do you recognize him?
A-132 Yes.

Q-133 Positively?
A-133 Positively.

Q-134 In what knee did you notice the injury?
A-134 Well, what knee!

Q-135 You had several cases of injury on these evenings?
A-135 It was the second I was having on that same evening.

Q-136 When had you seen the other before?
A-136 The day before I had seen another one, one by the name of Monfette.

Q-137 As far as Hince is concerned, you do not know which knee?
A-137 I do not remember which one.

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT

Q-138 Should the Court understand that the swelling was on one part of the leg and the small red spot about the size of a .25 piece on another?
A-138 No, on the same swollen part.

Q-139 On the swollen part?

A-139 On the swollen part, a spot on the swollen part which comprised the whole knee joint. Besides, on the swollen part, about in the middle of it, I could see a small spot about the size of a .25 piece.

Q-140 Which was noticeable by its redness?
A-140 No, it was not as red as the other.

Q-141 By a difference in shade?
A-141 Yes sir.

Q-142 Do I express exactly what you mean by saying a difference in shade?
A-142 Yes sir, there was a difference in shade and it was slightly more marked, as the edge of the skin was seen to be more swollen.

Q-143 As to this part of different shade, would you be in a position to express an opinion as to the cause of this difference in shade? Could it have been caused by pressure?
Q-143 It could have hardly been caused by pressure.

Q-144 Was the skin broken at that part?
A-144 The skin was not broken at that part, there was no ecchymosis, the skin was not broken.

Q-145 It was a mere swelling of the tissues?
A-145 Of the tissues.

Q-146 Without any opening or ecchymosis?
A-146 Without any opening, ecchymosis or wound.

In the opinion of the Court and Judge Advocate, it is not necessary to comply with R.P. 63(b).

The witness withdraws.

Seventh Witness for Prosecution — Simonne Monfette, 26½ Père Grenier, Quebec, being duly sworn, is examined by the prosecutor.

Q-147 Miss, do you know Hince, the accused?
A-147 Yes sir.

Q-148 Did you know him in January or February last?
A-148 Yes sir.

Q-149 Have you had any opportunity of meeting him in the course of that month?
A-149 Certainly.

Q-150 At what place?
A-150 At my home.

Q-151 Where is that?
A-151 143 St-Paul Street.

Q-152 In the course of these months, has he had any opportunity of talking to you about injections?
A-152 No Sir.

Q-153 Have you been aware that he injured one of his knees in the course of that month?
A-153 I know that he arrived home one evening stating that he had fallen.

Q-154 He told you that?
A-154 Yes.

Q-155 And what did you do?
A-155 I did nothing.

Q-156 You did not tend him?
A-156 I applied wet cloths on his knee. What did you want me to do? I am not a doctor.

Q-157 You treated him with wet cloths?
A-157 Yes sir.

Q-158 How long did you attend him?
A-158 This happened on Sunday evening and on Monday he felt a pain all day; on Tuesday morning we decided to send him to the hospital.

Q-159 He was on embarkation leave?
A-159 I beg your pardon. He was not supposed to leave on a draft .

Q-160 Why?
A-160 Because he was not on a draft.

Q-161 Do you remember the dates?
A-161 He arrived at our place on January the 31st.

Q-162 This was a Friday?
A-162 A Saturday.

Q-163 Do you remember about a game of cards on that evening?
A-163 A game of cards on that evening?

Q-164 Yes.
A-164 No.

Q-165 Were Jos. Hince and Gérard Greffard there?
A-165 No.

THE COUNSEL OBJECTS TO THE FORM OF THE QUESTION.
Let the counsel ask the witness what took place and who was there.
THE COURT ALLOWS THE OBJECTION.

Q-166 Who was there on the evening of January 31st, besides Hince?

A-166 On the evening of the 31st, Greffard and Monfette arrived and asked for Hince. He was not at home. They came back and Jos. Hince came in afterwards.

Q-167 When did they arrive?
A-167 On Saturday evening.

Q-168 What did they do after they were back?
A-168 They did nothing.

Q-169 Did they spend the evening there?
A-169 No sir, they left at once.

Q-170 Were they back?
A-170 No sir.

Q-171 The next day? Did they come back the next day?
A-171 On the next day in the evening, Greffard came to ask Jos Hince to put away a flask of coal oil.

Q-172 Did Hince put it away?
A-172 He took it and placed it on the cupboard in the kitchen.

Q-173 And then, what happened?
A-173 He left.

Q-174 What did he say when he brought in the flask of coal oil?
A-174 He asked him to put it away.

Q-175 What kind of flask?
A-175 A small empty alcohol flask.

Q-176 Did he say what there was in it?
A-176 He simply asked: "Will you please put that away for me. He said: "I have a message to do and I will pick it up in passing.

Q-177 You were there?
A-177 Yes, I was there.

Q-178 This is all that was said?
A-178 This is all that was said as far as I know.

Q-179 He did not say not to drink it, that it was not alcohol?
A-179 Of course he said not to drink it.

Q-180 What did he say there was in it?
A-180 Coal oil.

Q-181 He said it?
A-181 Well yes.

Q-182 Then he...
A-182 Then he placed it on the cupboard in the kitchen.

Q-183 Now, on one of these evenings, a little game of cards took place in the kitchen? Jos. Hince, Greffard and Monfette played cards in the kitchen?
A-183 I do not remember.

Q-184 Have you been aware that on one of these evenings they went to the toilet room?
A-184 No, I have not been aware of it.

COUNSEL renews his objections to the form of the questions.

Q-185 Have you been aware of what took place among these three men on one of these evenings, let us say between Hince and Greffard, besides what you have just related?
A-185 No, I have not been aware of anything else.

Q-186 Were you staying there all the time then?
A-186 Yes.

Q-187 Have you been aware that someone gave an injection to somebody?
A-187 No.

Q-188 You have known the accused for a long time?
A-188 For a year.

Q-189 You have been going out with him for a year?
A-189 I beg your pardon. I am not going out with him. He is a friend of the family. He and his sister come to our place very often.

Q-190 He was sleeping at your place?
A-190 I beg your pardon , he was not sleeping at our place.

THE COUNSEL: The accused is charged with having given himself an injection, not with having slept at some place or another.

THE PROSECUTOR: I have a rather special witness here.

Q-191 When Hince complained of his knee was he coming from outside?
A-191 He went for cigarettes; it was in the winter, in the month of January; he went for cigarettes at the near-by restaurant. He went out with but his shoes on.

Q-192 At that moment were you in the restaurant downstairs or in the room upstairs?
A-192 I was at home. I was not in the room.

Q-193 Upstairs, at 143½?
A-193 Yes.

Q-194 I understand that to go out you have to go through the store down a long stairway?
A-194 He went out by the outside door. There is a restaurant next door.

Q-195 Where were you when he went out?
A-195 I was at home.

Q-196 In what room?
A-196 In the kitchen.

Q-197 How far is the kitchen from the toilet room?
A-197 The toilet room door leads out into the kitchen.

Q-198 And when Hince left stating that he was going out for cigarettes, who was in the kitchen?
A-198 I do not remember.

Q-199 Was he alone?
A-199 Yes, of course he was alone.

Q-200 And you, were you alone when he left to go and buy cigarettes?
A-200 I do not remember.

Q-201 You do not remember whether Greffard was there?
A-201 No, there were no men.

Q-202 Was he sober?
Q-202 Well he might have taken a little.

Q-203 Have you had any opportunity of seeing his wound?
A-203 Yes, I saw it when he told me it was sore; in order to put compresses on it, I had to see it.

Q-204 What did you notice?
A-204 I did not notice anything, I do not know anything about that, I am not a physician.

Q-205 How did his wound look?
A-205 It was swollen, that is all.

Q-206 There were no red spots?
A-206 I did not see any.

Q-207 Where was it swollen?
A-207 On the knee. I do not remember the place. I did not notice that.

Q-208 On what knee?
A-208 I do not know. I did not notice.

Q-209 Is it not on purpose that you do not know it this morning?
A-209 Am I under oath here or am I not? I am telling the truth.

Q-210 Have you had any opportunity of speaking with someone of the evidence which you were to give this morning?
A-210 I did not talk to anybody.

Q-211 Do you swear that you have had no opportunity of talking to anybody about the evidence which you were to give this morning?
A-211 About the evidence which I was to give this morning? I saw Hince with his counsel a few minutes before Hince was here.

Q-212 You spoke to his counsel?
A-212 Yes.

Q-213 Have you had any opportunity of talking to Hince?
A-213 I did not talk to Hince at all.

Q-214 Since he has been involved in this case?
A-214 He came back to our place.

Q-215 He did not talk to you about it?
A-215 It was none of my business.

Q-216 He did not talk to you about it?
A-216 It was none of my business.

Q-217 When he talked to you about it, you said: "It is none of my business"?
A-217 When he talked to me I answered his questions. I did not take down everything in a book.

Q-218 You said: "This is none of my business"?
A-218 What did you want me to say? Is it fiction that you want? I did not take it down.

Q-219 What did he tell you?
A-219 I do not remember. I cannot imagine something which I do not remember.

Q-220 You remember nothing?
A-220 Yes.

Q-221 Not a word?
A-221 Not a word.

Q-222 Do you think I believe you?
A-222 Believe me or not, I am the one under oath. I know what an oath is. I am old enough to understand that.

Q-223 You do not remember a single word of what he told you since he has been involved in this case?
A-223 He told me: "You are going to be summoned as a witness because what happened took place at your home." Apart from this, I do not know why I am here.

Q-224 He did not talk to you of injections? Nothing at all?
A-224 No Sir.

Q-225 Not a word?
A-225 Not a word.

Q-226 Did you know what trouble he was having with that?
A-226 I saw it in the papers like the others.

Q-227 You did not ask him what it was?
A-227. I asked him; he told me he did not understand it himself.

Q-228 He told you that he did not understand anything about it?
A-228 Yes.

Q-229 When he came in with the bottle of coal oil had Greffard anything else besides the bottle of coal oil?
A-229 No, not to my knowledge. I saw nothing else.

Q-230 Have you had any occasion of seeing a hypodermic syringe?
A-230 No sir.

Q-231 You did not have the opportunity of keeping a syringe in your own suitcase?
A-231 I have no suitcase.

COUNSEL OBJECTS TO THE FORM OF THE QUESTIONS

Q-232 Have you had an opportunity of seeing a syringe in a suitcase at your place?
A-232 I have seen no syringe at my place.

Q-233 If I am not mistaken, your home is at 143½?
A-233 Yes sir.

Q-234 It is not 26½ Grenier?
A-234 No, because I have moved.

Q-235 Had you seen Monfette there on these days?
A-235 That is how I saw Monfette.

Q-236 Have you seen Monfette lately?
A-236 No.

Q-237 You do not know him? Is he one of your relatives?
A-237 He is not related to me at all.

The Counsel declines to cross-examine.

QUESTIONED BY THE COURT:

Q-238 For how many years have you known Jos. Hince?
A-238 For a year.

Q-239 If the Court is not mistaken, he is chiefly the brother of one of your girl-friends?
A-239 Yes sir.

Q-240 Was he residing in your neighbourhood during that period?
A-240 I do not know where he was rooming.

Q-241 Where was his sister, your girl-friend, living?
A-241 On Les Remparts Street. She is rooming.

Q-242 Was he not residing with his sister?
A-242 His sister is married. They do not live together. They could not sleep three in the same bed. She is rooming.

Note of translator: there is no question or answer numbered 243.

J.H. Lemay

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Q-244 He used to go to your place once in a while?
A-244 Yes sir.

Q-245 When you had to send him to the hospital following this injury, how long had he been at your home?
A-245 Since Tuesday morning. He saw that his leg was not any better.

Q-246 Had you seen him on Monday?
A-246 Yes, I saw him on Monday but he left in the evening.

Q-247 Had you seen him also on Sunday?
A-247 Yes sir.

Q-248 Had he been on pass since Saturday?
A-248 Yes, on pass since Saturday evening.

Q-249 Whom did he go to see at your place?
A-249 He came to see us of course. He would come with his sister.

Q-250 He was going to your place with his sister?
A-250 Yes.

Q-251 What is his sister's name?
A-251 Lucienne Hince.

Q-252 To whom is she married?
A-252 Mr. Lee.

Q-253 He was there at the time?
A-253 Yes, but he was not taking his meals there.

Q-254 You state that he was rooming here?
A-254 Yes sir.

Q-255 Do you know at what place?
A-255 No sir.

Q-256 You state that at a given moment he complained of a sore knee?
A-256 Yes sir.

Q-257 On what day did he complain about it for the first time?
A-257 On Sunday evening.

Q-258 Was he all right on Saturday?
A-258 Yes.

Q-259 Where was the bottle of turpentine brought over by Greffard placed?
A-259 On the cupboard in the kitchen.

Q-260 Greffard came back for it?
A-260 No, he did not.

Q-261 Have you been aware that Hince the accused touched the bottle or used it?
A-261 No sir. I stayed all the time in the kitchen and so did he, and the bottle also remained there.

Q-262 Do you know why Greffard had secured this bottle of turpentine?
A-262 I do not know.

Q-263 This was not mentioned in your presence?
A-263 No sir.

In the opinion of the Court and Judge Advocate, it is not necessary to comply with R.P. 63(b).

The witness withdraws.

"At 12:30 o'clock on the 16th day of July 1942, the Court adjourned until 2:30 o'clock on the same day."

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"On the 8th day of July 1942 at 2:30 o'clock the Court reassemble pursuant to adjournment, present the same members as when adjourned."

Eighth Witness for Prosecution — E/5818, Pte Roland McDonald, Royal 22nd Regiment, attached to A.I.T.C. A-13, being duly sworn, is examined by the Prosecutor:

Q-264 You know Hince, the accused?
A-264 Yes sir.

Q-265 Have you had an opportunity of meeting him at the camp?
A-265 At the camp and at the hospital later.

Q-266 Was it last fall that you met him?
A-266 Yes, last fall.

Q-267 Please tell us under what circumstances you met him?
A-267 When I met him I was at the hospital. Pte Hince was coming around for his treatments; he had asked me to steal a syringe.

Q-268 Is it Pte Hince who is here?
A-268 Yes sir.

Q-269 At what hospital were you?
A-269 V.D.S.

Q-270 And he was coming for his treatments?
A-270 Yes sir.

Q-271 He asked you to steal a syringe?
A-271 Yes sir.

Q-272 Did he tell you what he wanted to do with this syringe?
A-272 No sir.

Q-273 Later, had you any opportunity of meeting him?
A-273 I met him at the camp.

Q-274 At the time of the draft?
A-274 No sir.

Q-275 At the time of your discharge from the hospital, had you any occasion of meeting him when there was a draft leaving for overseas?
A-275 No sir.

Q-276 On that draft, you had been classed "A"?
A-276 Yes sir.

Q-277 Was he present when you underwent these examinations for the draft?
A-277 He was at the camp, yes sir.

Q-278 In what category had he been classed?
A-278 I cannot say. I think he was not on the draft. He was then recategorized S.M.B.

Q-279 He had been recategorized S.M.B. on that occasion?
A-279 Yes.

Q-280 In about what month did this take place?
A-280 At the end of January or the beginning of February, I think.

Q-281 As to yourself, you were not on the draft?
A-281 Yes sir.

Q-282 You were on the draft?
A-282 Yes sir.

Q-283 You were to leave on that draft at the end of January?
A-283 Yes sir.

Q-284 Have you had an opportunity of seeing Hince?
A-284 No, I saw him just in passing in the hut but I did not talk to him.

Q-285 This was at the end of January?
A-285 If I remember well, it was at the end of January.

Q-286 You saw him?
A-286 Yes, he was at the camp.

Q-287 What did he tell you?
A-287 He did not talk to me.

Q-288 Think hard.
A-288 He asked me in what category I had been placed. I told him that I was drafted; he asked me what I was going to do and I said: "I have to follow, I have to go". Nothing else.

Q-289 Nothing else?
A-289 No.

Q-290 Did he talk to you about injections?
A-290 No sir.

THE COUNSEL OBJECTS TO THE FORM OF THE QUESTIONS

Q-291 But what did he tell you exactly? What were his words? By thinking it over hard, what did he tell you when he asked you whether you were on the draft?
A-291 I cannot remember.

Q-292 You cannot remember?
A-292 No sir.

Q-293 How did he happen to ask you that? Where were you?
A-293 We were in the hut.

Q-294 You were undergoing your medical examination?
A-294 We underwent our examination and after it was over, he asked me in what category I had been placed. I said: "I have been classed "A", and I am leaving on the draft".

Q-295 Is that all what he asked you?
A-295 About all.

Q-296 Think it over hard.

THE COUNSEL OBJECTS: The witness has answered.

THE COURT ALLOW THE QUESTION TO STAND.

Q-297 Think hard.
A-297 (No reply)

Q-298 I am going to give you time to think it over.
A-298 I cannot remember.

Q-299 Well, say it.
A-299 I cannot remember having talked about anything else. I cannot remember.

Q-300 Was there any mention of doing one's duty?
A-300 He asked me what I was going to do and I said: "I am leaving. I have been classed "A" and I am leaving on the draft." I left on that afternoon on an embarkation leave and I did not see him again.

Q-301 Was it not said that it was better to do one's duty?
A-301 I cannot say anything about that.

Q-302 Maybe?
A-302 Maybe it was mentioned, but I do not remember.

Q-303 By thinking hard, did you not answer something about this?
A-303 I said it was better for me to go across.

Q-304 You said: "It is better for me to go across"?
A-304 Yes.

Q-305 Since you said to him: "It is better for me to go across", he must have told you something.
A-305 I do not remember his having told me anything.

Q-306 As to myself, I cannot come to a man and tell him: "It is better for me to go across". He has to ask me questions, to say something to me, in order that I could answer that. Do you understand? If you told him: "It is better for me to go across", he must have told you something and I believe that if you think hard, it will come back to your mind. I understand that this happened, was said a long time ago, but by thinking hard maybe the conversation you had with him will come back to you.
A-306 But if I cannot remember.

Q-307 You do not remember anything?
A-307 No sir. I remember that he asked me in what category I had been placed and what I was going to do. I said: "I have been classed "A" and I am leaving on the draft".

Q-308 "I am classed "A" "?
A-308 And I am leaving on the draft.

Q-309 "It is better to leave"?
A-309 Yes sir, I said: "I am leaving on the draft".

MOTION OF THE PROSECUTOR:

Mr. President, the witness has lapses of memory and I ask permission to ask him pointed questions.

THE COUNSEL REPLIES:

I wish to point out to the Court that my colleague seems to want to confront the witness with a statement already given before the beginning of this trial. I must object to this procedure considering that any statement made by a person tending to incriminate an accused and made outside his presence should be rejected and cannot be entered into the record.

THE PROSECUTOR:

I do not ask to enter in the record evidence which may have been given elsewhere or to use a document as evidence against the accused or the witness. As the accused does not seem to remember, I just ask permission to ask

him pointed questions, just as when a witness does not remember he is allowed to look at his notes; so when a witness does not remember, we have the right under certain circumstances, to ask him leading questions; and this is the application I am making here.

THE COUNSEL:

If my colleague wants to have the witness declared hostile and confront him with a statement which he has allegedly made, he must first have the witness declared hostile and I do not see the least reason for this.

THE COURT DISALLOW THE MOTION OF THE PROSECUTOR

THE PROSECUTOR:

I would have another application by referring to section 113. Under the provisions of section 113 there are three cases: 1. The case where the witness is directly hostile. 2. To be interested on the other side. 3. Unwilling to give evidence. This would be the second case i.e."to be interested on the other side". We have here a witness who seems to be interested on the other side, with the evidence we have had so far.

THE COUNSEL: I ask that the witness withdraw.

THE PROSECUTOR: The witness would be directly interested since the accused asks the witness to steal a syringe for him. Prima facie, with the evidence submitted so far, there is something which shows that there is some kind of interest on the other side. Now if the Court is of the opinion that there is not yet sufficient evidence to the effect that the witness would be interested on the other side, with the permission of the Court I would ask to submit evidence to the effect that the witness was interested in the accused and I submit that if I could prove that the witness was interested as laid down in section 113, I could then ask that he be declared hostile.

My motion is as follows: At the present stage, I submit that there is sufficient interest between the two. He is certainly not a witness having nothing to do with the case, with the facts with which the accused is charged. There is certainly something since he is asking him a syringe. So there is interest. How far must this interest go according to section 113? This is not shown.

THE COURT:

So far, there is no evidence in support of one of the three cases laid down in section 113. There is no evidence of hostility, no evidence of interest. You say that the accused asked him to steal a syringe; this is not sufficient.

THE COUNSEL: This was in October and the charge laid against the accused was in January or February.

THE COURT

The Court does not think it warrantable to comply with the application of the prosecution.

THE COURT DISALLOW THE APPLICATION

The examination of the witness is continued by the Prosecutor:

Q-310 How long have you known Pte Hince?
A-310 I have known him since last fall.

Q-311 Since about what month?
A-311 I think it was in September or October.

Q-312 Do you belong to the same unit?
A-312 Yes sir.

Q-313 To the same company?
A-313 Yes, when I met him we were in the same unit but before that he was with the H.Q. and I was with the Infantry.

Q-314 This was at the Training Centre?
A-314 Yes sir.

Q-315 This was at the beginning?
A-315 Yes sir.

Q-316 And later, you were together?
A-316 Yes, in the same company.

Q-317 How long have you been in the same company?
A-317 Well, I could not say:...since last fall.

Q-318 You have always been in the same company after that?
A-318 Yes sir.

THE COUNSEL OBJECTS: Irrelevant. Whether they have been 25 years or 3 years in the same company, this is not relevant. It has no bearing on the case.

Q-319 Were you always sleeping in the same hut?
A-319 Yes sir.

Q-320 Were you far from each other?
A-320 We were about at the opposite ends of the hut.

Q-321 You were attending the same hospital?
A-321 Yes sir.

Q-322 You met there on the days you were having your injections?
A-322 Yes sir.

Q-323 You went for your injections together?
A-323 Yes sir.

Q-324 You left together?
A-324 We left all together with the other patients.

Q-325 You came back together?
A-325 Yes sir.

Q-326 Towards the end of the month of January, you were still going for your injections?
A-326 Yes sir, I was at the hospital at that time, at the end of January when we were going for our injections.

Q-327 Hince and yourself?
A-327 Yes sir.

Q-328 Was there any time when one of you two stayed at the hospital?
A-326 Yes.

Q-329 Who?
A-329 Myself.

Q-330 V.D.G.?
A-330 V.D.S.

Q-331 From what date did you stay at the hospital?
A-331 From November 26 or 29 until January 12 or 14.

Q-332 When you went to town did you go with Hince?
A-332 I went with Hince just once.

Q-333 When was that, in what month?
A-333 Well, I cannot say; I think it was in the month of November.

Q-334 In town, did you go out with Hince?
A-334. No sir.

Q-335 Never?
A-335 Never.

Q-336 143½ St-Paul Street, do you know that place?
A-336 I have been there once.

Q-337 Whom did you see at 143½?
A-337 Just Pte Hince.

Q-338 Simonne?
A-338 Yes.

Q-339 The one who appeared as a witness this morning?
A-339 I do not know; I was not here this morning.

Q-340 Who told you it was Simonne?
A-340 It seems to me that her name was Simonne.

Q-341 Hince was there?
A-341 Yes sir.

Q-342 Were there any other soldiers there?
A-342 No sir.

Q-343 What were you going there for?
A-343 Just for a visit with Pte Hince.
Q-344 Was/he the one to take you there?
A-344 Yes sir.

Q-345 This was at the end of January?
A-345 No sir, not at the end of January, it was in November, if I remember well.

Q-346 So, under the oath you have taken a few moments ago, these are the only things which you remember about the statements which were made on that occasion?
A-346 Yes sir.

CROSS EXAMINED BY THE COUNSEL:

Q-347 Mr. McDonald, will you please give us to the best of your knowledge, the exact date on which Mr. Hince is said to have asked you to lend him a syringe?
A-347 It would be in the month of December.....

Q.348 As a matter of fact, did you give him one?
A.348 No Sir.

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT:

Q.349 When Hince asked you to get him a syringe, did he state what use he wanted to make of it?
A.349 No Sir.

Q.350 Do you remember his exact words?
A.350 He simply asked whether I could get him a syringe at the hospital. At that time I was at the hospital. I told him I thought I could not get him one. I did not get him any.

Q.351 Have you been aware at a given moment that Pte. Hince was incapacitated as the result of injuries in his leg?
A.351 No Sir.

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Q.352 You have not been aware of this?
A.352 No Sir.

Q.353 Could you remember Pte. Hince's words when he asked you for this syringe?
A.353 He simply asked me whether I could get him a syringe.

Q.354 His words?
A.354 Whether I could get him a syringe, steal a syringe at the hospital.

Q.355 Steal or get? How did he say it to the best of your knowledge?
A.355 Steal a syringe.....take a syringe away from the hospital.

Q.356 What kind of syringe was he talking about?
A.356 It must have been a syringe for.....

Q.357 Did he say what kind of syringe?
A.357 No Sir. At the hospital there is but one kind of syringe that I know, the one to give injections with.

Q.358 Did he say what it was for?
A.358 No Sir.

Q.359 What had been said between you two before that, before he asked you to get him a syringe? Was Was anything said between you before that?
A.359 No.

Q.360 In what connection did he make this request?
A.360 We have had no conversation before that.

Q.361 So it came up about nothing at all?
A.361 Yes Sir.

MOTION BY THE PROSECUTOR:

I will apply to have this witness declared hostile in accordance with the third argument: "Unwilling to give evidence".
I take my stand on the fact that this is a witness who is with Hince, who knows Hince, that these two soldiers travelled together to the hospital, belonging to the same unit and going to the hospital together. They undoubtedly talked together. If somebody were to ask me for a syringe, the first question I would ask him would, of course, be: "What kind of a syringe?"
According to the evidence of the witness, he asked him: "Bring me a syringe". He should have told him a small syringe, such a type of syringe, a hypodermic syringe, or something.
According to the evidence, it is clear that the

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witness is the case of one "unwilling to give evidence" "unwilling" does not necessarily mean a witness who sits down and says:"I do not talk". This is the case of a refractory witness, of one who keeps away and who apparently has something he does not want to say; this can be seen from his reply. I submit that a witness should not take refuge behind Sections 108, 109, 110, to say: "Black Out". It is said that there should not be leading questions, so I set these Sections forward.

Of course, the rules states that the questions should not be leading. However, I submit that Section 113 meets these cases of witnesses, who in the light of the evidence which they give, know more about the facts than what they relate before the Court, and take refuge behind the pretext: "These are leading questions, I cannot talk". I submit that this is the case of one "Unwilling to give evidence".

THE COUNSEL OBJECTS:

I appreciate the attitude of the prosecutor if it is admitted from the very start that the accused is guilty and if we are willing to take each testimony separately to dissect them upon the basis that the accused is guilty. But we have not reached that point. The witness states that he is in the same hut as Hince, that one was sleeping at one end and the other at the other end, and that they were going to the hospital with the other patients, that they were not in direct contact, that he met him once in town in November, that he never went out with Hince in town. They were in the same regiment for some time and saw each other as two comrades in arms would do.

I do not see there any ground on which a statement to the effect that the witness attempts, one way or the other to withhold the truth, may be based.

THE COURT IS CLOSED TO CONSIDER THEIR DECISION.

TEXT The Court DISALLOWS the request of the Prosecutor, and the Court reopens and the decision is announced.

The Court proceeds with the trial.

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

The witness withdraws.

Ninth Witness
for
Prosecution: YVON PELLETIER, 145 St. Paul Street, Quebec City, being duly sworn, is examined by the Prosecutor:

Q.362 Your occupation?
A.362 Restaurant keeper.

Q.363 You are residing at 145 St. Paul Street; this is a restaurant, if I am not mistaken?
A.363 Yes Sir.

Q.364 Aren't you residing upstairs at 145?
A.364 No; the house belongs to me. I reside at the Bellevue Hotel, 207; I own the two buildings.

Q.365 Does the upper part belong to you?
A.365 The whole house at 145 and the whole hotel Bellevue building.

Q.366 On the ground floor, it is a restaurant? What about the upper part?
A.366 Upstairs it is a rooming house.

Q.367 Do you know Hince, the accused?
A.367 Yes Sir.

Q.368 Had he a room at your place, was he residing at your place?
A.368 No Sir.

Q.369 Did he go to see you once in a while?
A.369 I do not remember whether he came to my place; I do not remember at all. If he came I was not there. It seems to me that he never took any room at my place.

Q.370 You do not remember having seen him?
A.370 At my place, no.

Q.371 At 145?
A.371 145, I have been there only since the month of May.

Q.372 Who was there before you?
A.372 Réné Côté.

Q.373 So before the month of May you had nothing to do with Nos.-143 and 145?
A.373 No Sir.

THE COUNSEL DECLINES TO CROSS-EXAMINE.

QUESTIONED BY THE COURT:

Q.374 You state that you know the accused?
A.374 Yes Sir.

Q.375 How did you meet him?
A.375 I met him on the road just like that. I know him by name and by his acquaintance, but I

have very seldom talked to him.

Q.376 How did you happen to meet him?
A.376 I have known him best at the time they were talking about these matters on the newspaper, and others told me about that. Apart from this, I do not know him.

Q.377 How long have you known him?
A.377 I have known his name to be Hince for a year, but I don't know his real name.

Q.378 Were you going to the restaurant at 143½ St. Paul before becoming its owner, were you going there?
A.378 No, I bought it in January and took possession of it in May. I have been there only twice.

Q.379 Did you know the Monfettes? Did you know Simonne Monfette?
A.379 No, Sir, I just met her today at the Court.

Q.380 Have you been aware in January or February that the accused sustained injuries or an accident?
A.380 I heard about it through the others.

Q.381 As to yourself, you did not see the accused fall, hurt or injure himself or talk about his wounds, nothing of that?
A.381 No Sir. In the month of January, I saw him once on the street. This is all I saw.

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

The witness withdraws.

MOTION BY THE PROSECUTOR:

Owing to the absence of the witness, Jules Monfette, I ask that the Court be adjourned until Friday. I think that until then it is probable that the witness might have been reached. Now, I hope that this will not prejudice the defence. I am making this request in the interest of justice, so as to hear a witness who, I submit, is important in the case.

OBJECTION BY THE COURT:

I must point out that my client has apparently been in the Valcartier Clink since June 1st. I have persistently insisted on several instances so that the case be proceeded with. I have always been given as a reason that they were looking for Mr. Monfette, who had, as they say in the Army, "Jumped". They have been looking for him for a month, but they have not yet traced him. This is the reason they have given me for a month not to proceed with this case. My client has been in the clink for a month without being able to have this case proceeded with. This morning the case is proceeded with, but they are still looking for him and will probably be still looking for him on Friday.

Unless an absolutely plausible reason submitted to

the Court permits us to believe that this man will be here on Friday, I must object to this application for an adjournment, considering the fact that I have been told for over a month that they were looking for that man.

THE PROSECUTOR REPLIES TO THE OBJECTION:

I cannot promise that the witness in question will be produced Friday before this Court. However, I know pertinently that the Military Police are on his track, and we have had information to the effect that he will soon be located. Now, I cannot give any definite promise that he will appear before the Court here Friday.
Now, as to the question of prejudice, if it were a one-week adjournment, I understand that it could be to the prejudice of the accused, but I have just asked for to-morrow to resume Friday. Really I do not think that an adjournment of one more day would be to the serious prejudice of the accused.

THE COURT:

You have no other witnesses to produce in this case?

THE PROSECUTOR:

No Sir.

THE COUNSEL:

If the Court grants the request of the prosecutor, I abide by the decision of the Court; I ask that Friday be the last delay granted for that same reason in this case owing to the circumstances.

THE PROSECUTOR:

I declare that it is an essential witness.

TEXT

"At 3:30 o'clock on the 8th day of July, 1942, the Court adjourned until 10:00 o'clock on the 10th day of July, 1942."

"ON THE 10th day of JULY, 1942, at 10:00 o'clock, THE COURT REASSEMBLE PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS WHEN ADJOURNED."

STATEMENT BY THE PROSECUTOR:

TRANSLATION

On behalf of the prosecution I must say that it has been impossible for us to trace Monfette the witness. I have been advised by the D.A.P.M. that he had taken all possible steps, but without avail.

At this stage, I would like to apply to submit evidence of similar acts in accordance with Sections 20 and 21 of the Evidence Act, page 75. That is, I would like to have other witnesses heard who, without

proving the fact that the accused gave himself injections or an injection could prove that he has given injections to other soldiers.

Obviously this evidence would not help prove the fact that Hince gave himself injections. It would tend to prove but that Hince was acting this way, giving injections at or about the same time, or in other words: "Similar Acts."

The sections governing the motion which I am now submitting are Sections 20, 21, & 22 of the Evidence Act, Chapter /6 of M.M.L. 1929, and especially Section 22 which reads as follows:-

TEXT

"When several offences are so connected with each other as to form part on one entire transaction, evidence of one is admissible as proof of the another. On a charge of stealing, for example, though it is not material in general to inquire into any other taking of goods besides that specified in the charge, yet for the purpose of ascertaining the identity of the thief, it may be very relevant and therefore admissible to show that other goods which had been upon the same premises and were stolen on the same night were afterwards found in the possession of the accused. This is strong evidence of the accused having been near the owner's house on the night of the robbery. So, too, on a charge of arson, it may be shown that property which had been taken out of the house at the time of the firing was afterwards found secreted in the possession of the accused."

TRANSLATION

So the motion which I am now submitting is evidently to hear other witnesses, as stated a few minutes ago, and first based on the Sections which I have just mentioned, and in the second place on Section 23 of the same Chapter of the same Act, which is based on the principle of "Systematic Course of Conduct". And then, in Section 23 a certain number of "stated cases" are given, and I respectfully submit that they are absolutely similar or at least similar in principle to the ones under review in the present case.

Besides Section23, there are Section 24 which further illustrates the principle which I have just **set forth** and Section 25 which also gives further examples.

Now, obviously, as it will be seen later, the purpose of submitting evidence of similar acts, of similar cases as the argument will later show, and at least as I will try to explain it to the Court in my argument, is first to prove the intention;

then, that it is in the "res gestae", and thirdly that this forms part of a "systematic course of conduct" (third line of Section 23). I respectfully submit this application.

OBJECTION BY THE COUNSEL:

to the effect that Monfette was his last witness,

First, as to the statement made by the prosecutor last Wednesday, I object to the hearing of other witnesses, and I give as a first reason for this, the fact of bringing new witnesses here, alike Monfette is not the best evidence, and the prosecution must first submit the best evidence.

As to Section 21, I think we should start with Section 20, even Section 15, but especially Section 20.

As to Sections 21, 22, 23 and 24 they apply, if I may say so, only as corollaries to corroborate the main evidence; and secondary evidence cannot be used to substantiate main evidence which does not exist and which should have been the best evidence under the circumstances.

Section 20 is very clear, stating that:

TEXT

"It is not competent for the prosecutor to adduce evidence tending to show that the accused has been guilty of criminal acts other than those included in the charge against him for the purpose of leading to the conclusion that he is a person likely from his conduct or character or disposition to have committed the offences for which he is being tried. Thus, on a charge of murder, the prosecutor cannot give evidence of the conduct of the accused in respect of other persons for the purpose of proving a blood-thirsty and murderous disposition. So on a charge against a sentry of having been asleep on his post on a particular occasion, evidence that he had been found asleep on his post on other occasions would not be admissible for the purpose of showing that he would be likely to commit the offence."

TRANSLATION

By simply changing the words it cannot be claimed, considering that the best evidence has not been submitted, that the accused gave himself an injection by trying to say, through other witnesses, that in other circumstances he tried to give injections to others.

This procedure cannot be followed, especially in view of Section 20.

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Character evidence is admitted only as corroborative evidence to substantiate ,by way of either good or ill conduct, the situation of a person who might be charged with an offence similar to the one now under review.

Even Section 21 gives sufficient particulars to determine what are the definite cases in which the evidence asked for by the prosecution should be allowed. I submit,as a strong argument, that in the absence of main evidence, circumstantial evidence cannot be submitted to strengthen main evidence which is lacking.

And in Section 17 especially, it is clearly stated that evidence as to character or of similar acts in other circumstances cannot be used as evidence for the prosecution.

THE COURT IS CLOSED TO CONSIDER THEIR DECISION.

THE COURT DISALLOWS THE APPLICATION OF THE PROSECUTOR, AND THE COURT IS REOPENED AND THE DECISION ANNOUNCED, AND THE COURT PROCEEDS WITH THE TRIAL.

D

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(SEE ENGLISH ORIGINAL COPY)

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First Witness for the Defence.

Major RENAUD LEMIEUX, No.-5 Det. R.C.A.M.C., Officer Commanding Quebec Military Hospital, being duly sworn, is examined b y the Counsel:

Q.386 You are attached to the Medical Service of the St. Sacrement Hospital?

A.386 Yes, I was at the time.

Q.387 Then would you be so kind as to submit and give to the Court the necessary explanations regarding a medical report on the physical condition of Joseph Hince with respect to his right leg and the treatments which he previously underwent?

A.387 Here is a file which was found in the hospital records showing that a man by the name of Joseph Hince, no fixed abode, 21 years of age, was at that hospital from February 21st to April 12, 1939. I have asked that inquiries be made with a view to finding out whether there is not another file, considering that I have been told that Hince was there twice. This is the only one we have.

Q.388 I think this is the only one you have; the other one is in Ontario.

A.388 So according to that file Hince was hospitalized from February 21, 1939 to April 12, 1939. He was admitted for neuralgic pains in his right leg with paralysis in the right foot, resulting from a fracture sustained four months before. The inquiries made have shown that he was suffering from blennorrhagia, which fact was later on substantiated following laboratory tests made at the time; one on February 27th, and the others later.

At the time of his discharge from the hospital on April 12th, he was supposed to be, as the file shows, on the way to recovery and the signs which he showed were about to disappear. An X-ray made on February 22, 1939, shows there has been a fracture of the middle part of the tibia without displacement of fragments, a fracture of the right leg, right tibia; the fracture line shown is gradually healing, as fairly abundant bony substance has been found. A rather marked decalcification of the bone structure of the foot and of the lower part of the tibia and fibula, also on the right side, is seen.

THE COUNSEL:- Does the Court wish to have copy of this document filed as exhibit? I could have a certified copy made by the appropriate authorities of the hospital.

THE PROSECUTOR:- Evidently, there is no contradiction on the part of the prosecution as to the doctor's evidence. I shall not cross-examine him, and what the doctor has just said is admitted by the prosecution.

If there were any contradiction on the part of the prosecution and the defence about this document, it would perhaps be advisable to have it filed as exhibit. But since there is no contradiction about which the Court could be called upon to examine the truth of the statement made by the witness, I submit that the filing of this report as exhibit seems to be useless.

THE COUNSEL:- A point which I must raise is the one which, if I remember well, came up at the time of the evidence given by a physician, I do not remember which one it was; it was raised following the question as to whether a general infection could, as the result of an injury, cause a local infection; one of the questions which the Court asked me at the time was that, I think, the President asked me whether I would later be in a position to establish the condition of generalized infection. It is for this reason that I would like these documents to be filed as exhibit.

TEXT

THE COURT:- deems it unnecessary to have this report filed as exhibit, as the evidence of the witness explains the record and has been taken verbatim.

THE PROSECUTOR DECLINES TO CROSS-EXAMINE.

In the opinion of the Court and Judge Advocate, it is unnecessary to comply with R.P. 83(b).

The witness withdraws.

Second Witness for the Defence.

Mrs. Lennox Lee, 35 Des Remparts Street, Quebec City, being duly sworn, is examined by the Counsel:

TRANSLATION

Q.389 Madam, you are the sister of the accused?
A.389 Yes Sir.

Q.390 I understand that for a number of years you have practically never lost sight of your brother, you have been seeing him?.....

THE PROSECUTOR OBJECTS TO THE FORM OF THE QUESTION.

THE QUESTION IS WITHDRAWN.

Q.391 Will you please tell the Court what was, to your knowledge, your brother's conduct? Is he a good boy?
A.391 According to me, my brother has always been a good boy..

TEXT

The Prosecutor declines to cross-examine.
In the opinion of the Court and Judge Advocate, it is unnecessary to comply with R.P. 83(b).

THE WITNESS WITHDRAWS.

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The Counsel makes a closing address.
(See document marked "K" attached).

The Prosecutor makes a closing address.
(See document marked "L" attached).

The Judge Advocate and the Court consider a summing-up unnecessary.

MB/Ceh

TRANSLATION

FACTUM OF THE DEFENCE

Re - E-5095 Pte. Joseph HINCE,
Royal 22e Régiment, C.A.,
Att. to A.I.T.C., A-13, C.A.

The District Court-Martial which was held at the Quebec Drill Hall, from July 8 to July 16, 1942, heard the trial of Pte. Joseph Hince, E-5095, against whom eight (8) charges had been laid. The Court acquitted Pte. Hince on the 2nd, 3rd, 4th, 5th, 6th, 7th and 8th charges thereby giving a verdict of not guilty. The Court has reserved its decision on the first charge. This first charge reads as follows:

First Charge Sec.18(2) Army Act

WILFULLY INJURING HIMSELF WITH INTENT THEREBY TO RENDER HIMSELF UNFIT FOR MILITARY SERVICE :

In that, he, at Quebec in the course of January or February, 1942, wilfully injured himself by giving himself a hypodermic injection with intent thereby to render himself unfit for military service.

QUESTION OF LAW

The accused having been indicted under Section 18 (2) of offences laid down in the Army Act, the Court should not go beyond the scope of this charge and should take it as such without dissecting it or separating its component terms.

So Pte. Hince cannot be found guilty of having injured himself without having intended at the same time to render himself unfit for military service. A conviction on a mitigated charge is out of the question here. The section should be taken as laid down or rejected completely. Legally speaking, the charge laid down against the accused does not apply as an essential element of the offence cannot be taken into account. Pte. Jos. Hince has never been physically fit for military service and could not therefore have wanted to injure himself with intent to render himself unfit for military service. The medical records of this soldier clearly show that Jos. Hince has been unfit for military service for over 22 months, while the offence with which he is charged and whereby he has allegedly rendered himself unfit dates but six months back. This question of law alone is sufficient to have the Court unanimously dismiss the charge laid against the accused and acquit him. There lacks what British Law calls the mens rea without which no charge can be maintained before a Court of Justice. The proof of this legal argument is to be found in the Army Medical Certificate issued by Dr. Petitclerc, Lieutenant-Colonel, who, in November 1941, delivered to Pte. Hince a certificate of medical unfitness for the draft and who, accordingly, had his name removed from the list of those who were to leave for overseas. During his two years of military service, Pte. Jos. Hince spent 17 months in the hospital. The evidence submitted by the Prosecution does not substantiate the charge laid. None of the evidence contains any proof that Pte. Jos. Hince intended to render himself unfit for military service. No evidence establishes or proves this essential part of the charge. In the absence of evidence, the Court should legally acquit the accused.

QUESTION OF FACTS

The evidence of Pte. Gérard Greffard, M-5760, alone gives rise to a very slight doubt, when he states: "I could not swear that Jos. Hince told me he had given himself an injection". This is the only apparent doubt there is against the accused and it is on that only point that the Prosecution attempts to have the accused convicted. The Medical Officers, i.e. Drs. Petitclerc, Lemieux and Lavallée state that there was an infection in Jos. Hince's right knee. None of these Medical Officers however is in a position to definitely swear that the said infection resulted from an injection and, in the rest of the evidence given, no direct proof is to be found that could incriminate the accused. The Prosecutor built up an argument based on circumstantial evidence. As laid down in Section 42, page 81, of the Manual of Military Law, on Evidence: "Facts cannot lie, but they may, and often do, deceive."

It is an elementary principle of English Law that the doubt is in favour of the accused at his trial, Section 67, Page 58 (Military Law). It is also the Prosecutor's responsibility to establish without any doubt that the offence has first been committed and that the accused is actually guilty of it. Unless the guilt of the accused has been proved without any doubt, the accused must be acquitted.

I maintain that following the examination of the evidence submitted by the Prosecution, no evidence is to be found anywhere -

1o - That the accused has been injected,

2o - That this injection was self-administered, if he was given any.

/ Greffard's evidence gives rise to an alleged doubt.

As pointed out at the beginning of these remarks on the question of facts, Greffard is an accomplice whose evidence is not substantiated. Besides the attitude of this witness for the Prosecution clearly shows that nothing can be believed of what he says. This soldier seems to consider the oath as a joke and does not care about the consequence of his acts. The sole fact that he has been declared hostile and that, a few minutes later, he was found guilty of contempt of court shows clearly what type of man the Prosecution has been dealing with. It is evident that Greffard is not likely to be trusted under oath and that his evidence should be discarded. As a result, the mere doubt which existed against the accused disappears and there remains no evidence against him.

The Defence cannot be prejudiced by the attitude taken by the Prosecution's own witnesses and the accused is entitled as a British Subject to the benefit of the rules governing evidence in English Criminal Law.

I respectfully submit these few remarks to the Reviewing Authority. I have stressed but the essential points which are fully sufficient to have this Authority reach a verdict of acquittal.

Pte. Jos. Hince has no police record. Since he has joined the Army, he has committed but slight offences, such as /late returning to camp, a few hours of absence without leave, slightly arrogant language on one instance. The accused has been under close arrest since June 1st, after having spent 13 days in the Quebec District Common Jail for the same offence.

On the existing doubt, it is not only the Court's right, but its duty as a judge of a person's future to abide by the general rules of evidence in English Criminal Law:"NO ONE CAN BE FOUND GUILTY OF AN OFFENCE, UNLESS IT HAS BEEN CLEARLY AND WITHOUT DOUBT ESTABLISHED THAT HE IS REALLY THE ONE WHO HAD COMMITTED SUCH OFFENCE. IF ANY DOUBT EXISTED, THE ACCUSED PERSON MUST BE ACQUITTED."

René MARCEAU,
Counsel for the Defence.

QUEBEC, July 16, 1942.

MB/CeM TRANSLATION

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TEXT "C"

x Instruction. (See R.P. 39 (A)) Question.

PROCEEDINGS ON PLEA OF NOT GUILTY

Q. 11 x Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A. 11 No, Sir (See statement marked "H" attached).

The prosecutor makes no opening address. MOTION BY THE COUNSEL TO PROCEED ON EACH CHARGE SEPARATELY. (See document marked "I) signed by the President, and attached).

The prosecutor proceeds to call witnesses on the first and second charges.

First witness) for (prosecution) TRANSLATION

Lt.-Col. J.L. Petitclerc, No. 5 Detach. R.C.A., M.C., attached to Military Hospital, Quebec, being duly sworn, is examined by the prosecutor.

Q. 12 I understand that you are attached to the Quebec District Military Hospital?

A. 12 Yes, Sir.

Q.- 13 Will you please tell us whether, during January or February 1942, you have had the occasion to treat or tend the accused, Pte. Hince?

A. 13 Yes, Sir, I performed an operation on him.

Q. 14 What were your duties at that time?

A. 14 I am attached to the office of the D.M.O., and I am assigned to certain duties by the D.M.O.

Q. 15 You have been given certain instructions by the District Medical Officer?

A. 15 To do surgical work at the Military Hospital.

Q. 16 In this capacity, you were required, I understand, to perform an operation on the accused, Pte. Hince?

A. 16 I was first asked by the Officer Commanding the hospital to tend Pte. Hince and I noticed that a surgical operation was necessary.

Q. 17 At what place was the operation performed?

A. 17 It was on the inner side and lower end of the right thigh, if I remember well.

Q. 18 What kind of surgical operation did you perform? Under anaesthesia?

A. 18 Under anaesthesia. It was Major Lemieux who performed the anaesthesia and I performed the operation.

Q. 19 Will you please tell the Court what you noticed on that occasion?

A. 19 I noticed there was an extensive swelling of the thigh and lesions of the skin which threatened to become gangrened; the skin was mortified at certain points. And in an attempt to find out the causes responsible for this condition, I learned from the patient that he had injured himself in a fall; but the symptoms which I noticed did not tally with the cause which the patient was giving me. I did not insist. I opened this and found much pus and much gangrened tissues which showed a virulent infection at that time. The wound healed very well. It took some time to drain, but healed very well.

Q. 20 On examining the wound at that time, have you been in a position to draw conclusions as to how the wound developed?

A. 20 No, I did not get evidence enabling me to draw definite conclusions as we do in medicine; a scientific conviction. I had nothing which could permit me to say that, but I suspected that there should have been something which I could not clearly prove.

Q. 21 Did anything lead you to believe that there might have been foreign bodies in the wound?

A. 21 Not at the time of the operation, because there was too much pus, and too many gangrened tissues which had not yet had time to turn into pus to enable me to find anything unusual.

CROSS EXAMINED BY THE COUNSEL -

Q. 22 Could you give as definitely as possible the exact date on which you performed a surgical operation on Pte. Hince?

A. 22 I cannot state the exact date; I saw him at that time.

Q.-23 You cannot give the date?

A. 23 No, but it is given in the hospital's report; I made out the report myself and gave the date.

Q.24 Are the explanations which you have just given your own personal experience or notes which you took from the report on the case?

A.24 What I have just said is what I have seen and noticed for myself.

Q.25 How long does it take for a tissue inside the body to die out and disaggregate?

A.25 You have already asked me this question and I told you that it was impossible to give a definite reply.

Q.26 Could you state a minimum of time?

A.26 No, I am going to tell you why: because certain tissues have much vitality while others have less.

Q.27 As to what concerns us in the affected part?

A.27 There are injections which can be given to any person having certain resistances; there is that of the tissues as well as that of the individuals, that of the individ Then there is the dose of the toxic substance injected. If you give a very large dose, this will cause the dea of a tissue within ... No general rule can be set.

Q. 28 But positively could you state to the Court whether you are in a position to say what was the nature of the wound which you treated, and the cause of this wound?

A. 28 I have nothing to add to what I have already said; I had suspicions which I have been unable to establish scientifically.

THE PROSECUTOR -

With the Court's permission, I do not want to cross- examine the witness again, but when I shall have established through other witnesses or when I believe I shall have established through other witnesses the nature of the wound, I shall have to again hear Dr. Petitclerc tell me whether such wounds would be serious.

The Prosecutor declines to re-examine.

THE COUNSEL -

I do not want these explanations to be given in the presence of the witness.

TEXT

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

The Witness withdraws.

Second Witness for Prosecution

No. E-5760 Pte. Gérard GREFFARD, Royal 22e Régiment, C.A., att'd to A.I.T.C. A-13, C.A., being duly sworn is examined by the Prosecutor.

TRANSLATION

Q.29 You know Hince, the accused?

A.29 Yes, Sir.

Q.30 Did you have an opportunity of meeting him during last January or February?

A.30 Yes, Sir.

Q. 31 Did you have an opportunity to meet him around the time he was injured in the knee or when he had injured his knee?

A. 31 No, Sir, at the time I met him he was not injured.

Q.32 Have you had any opportunity of meeting him after he has been injured.

A.32 At the hospital on February 4.

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Q.33 At the hospital did you have any opportunity of asking him what was his trouble?
A.33 Yes.

Q.34 What did he tell you?
A.34 I cannot say exactly what he told me...He said he had given himself an injection... but for one thing I cannot remember whether this is what he told me.

Q.35 Did he tell you how he did it?

A.35 No, Sir.

Q.36 Did he tell you what substance he used for the injection?
A.36 No, Sir.

Q.37 Did he talk to you subsequently?
A.37 I would ask you to use words which I can understand.

Q.38 Did he talk t you after that?
A.38 No Sir.

Q.39 Have you had the opportunity of meeting him sometimes after that?
A.39 Only at the hospital. I met him at the camp, but I did not talk to him.

Q.40 Before he told you that he had given himself an injection, had he talked to you about it?
A.40 I told you that I could not certify that he had told me that his trouble was actually the result of an injection; I did not state that he had told me it was an injection.
Q.41 So what are you in a position to certify?
A.41 I am in a position to give any evidence on what took place before he went to the hospital.

Q.42 What took place before he went to the hospital?
A.42 I went with Pte. Monfette who had asked me to go and see Jos. Hince.

Q.43 Do not talk about Monfette?
A.43 I went with him to 143½ St. Paul on January 30, he was not there. I went back again with Monfette on the 31st, again he was not there. I went back on February 1st - he was the one to open the door to Monfette.

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Q.44 Who he? Hince?

A.44 Yes, Sir. Monfette gave him money to go for some liquor. We started to take a drink. It was towards the evening that we started to play cards, at the table. It was then that I had the injection.

Q.45 Do your knowledge was he injured at the time?

A.45 No Sir.

Q.46 He was not injured yet?

A.46 No Sir.

Q.47 To your knowledge was he injured after that?

A.47 No, Sir; the first time I saw him injured was at the hospital; I was at the hospital myself.

Q.48 So you did not see him give himself an injection about which you were talking a few moments ago?

A.48 No.

The Counsel declines to cross-examine.

QUESTIONED BY THE COURT -

Q.49 Mr. Greffard if I am not mistaken, you went to see Hince, the accused, at the hospital? Is that right?

A.49 I was at the hospital myself in room 208; Hince, the accused, was in room 210. Monfete called for me.

Q.50 You went to pay him a visit?

A.50 I went to pay him a visit and we played cards.

Q.51 And while you played cards you talked?

A.51 Yes Sir.

Q.52 During that conversation, while you were playing cards, was there any mention made of injections?

A.52 No, as far as I can remember, but ..ll.

Q.53 Before or after you played cards what did Hince, the accused, is supposed to have told you about a self-administered injection?

A.53 The accused said that he had hurt himself and that he had fallen.

Q.54 He did not tell you that he had given himself an injection?

A.54 I am not sure whether the told me he had given himself an injection, because I do not remember, you see.

(TEXT) - In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 63 (B).

The witness withdraws.

THIRD WITNESS
for
Prosecution

Doctor Richard LESSARD, 36 Couillard Street, Quebec, being duly sworn, is examined by the Prosecutor.

TRANSLATION

Q.55 Do you know the accused?
A.55 Not at all.

Q.56 Have you had an opportunity of making some examination with respect to the accused?
A.56 Not at all.

Q.57 What do you know about this case?
A.57 What I saw on the newspapers at the time.

Q.58 Is this all you know?
A.58 Yes, nothing at all.

Q.59 Who asked you to come here this morning?
A.59 Sgt. Proulx. I received a subpoena. I expressed the intention not to come, but I was told: "You must come". I handed my subpoena a few moments ago.

Q.60 What is your specialty?
A.60 I practice internal médicine and I give the course in therapeutics at Laval University.I Am at the Hôtel-Dieu.

Q.61 Would you know the reactions in tissues, in cellular tissues, the reactions which coal oil could bring?
A.61 Turpentine?

Q.62 Yes.
A.62 Yes, I know because it is a method of treatment used in the case of certain infections, when there is temperature and when the starting point or cause is not definitely known, especially in the case of puerperal infections following childbirth. In such cases, there is a method of treatment, the fixation abcess. This has been done for 50 years. We take a small quantity of turpentine, from one to two cubic centimeters, this meaning about fifty drops; we inject it under the skin and an abcess develops. It is called the fixation abcess.

Q.63 What effect could such an injection in the knee have?
A.63 It generally causes an abcess.

Q.64 Would it result in the killing of the tissues coming in immediate contact with the turpentine?
A.64 No, the tissues do not die, but they react and form a pus abcess.

Q.65 Could such an injection in an articulation result in the hampering of the movements in that limb?
A.65 Certainly, after some time the movement of the knee should remain much hampered.

Q.66 So it could cause a permanent infirmity?
A.66 I should think so.

CROSS-EXAMINED BY THE COUNSEL -

Q.67 Is the opinion you are giving now a general one without your having looked into the present case?
A.67 Yes, because when we give medical treatment with the fixation abcess, we do not give it in the knee, but in the thigh, abdomen or an arm. It is not given in the joint; I have never seen any.

Q.68 As far as the present case is concerned, you do not know the accused, you have had no opportunity of examining him either?
A.68 I have seen nothing. It is a general opinion.

TEXT The Prosecutor declines to re-examine.
In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83 (B).

The witness withdraws

Fourth Witness for Prosecution

No. E.461989 Pte. Lorenzo LAROCHE, Le Régiment de Montmagny, C.A., being duly sworn, is examined by the Prosecutor.

Q.69 Do you know the accused?
A.69 Yes, Sir.

Q.70 Where did you have an opportunity of meeting him?
A.70 I met him at the restaurant called "CHEZ RENE".

Q.71 Have you had an opportunity of talking to him when you met him?
A.71 He was the one to come to talk to me.

Q.72 What did he tell you?
A.72 He asked whether I would like to take a drink. I said: "Certainly". Of course, I drink; yes I do drink; and then he took me to the toilet-room and gave me a drink. We had a good drink and then I left.
(To the Court)
Q.73 I ask permission to examine more directly, as it is going to be long. I would not want to ask questions bearing on other counts.
(To the witness)
What did he tell you on this occasion besides this?
A.73 He said: "Come to the toilet-room". I am pretty sure it was he, Jos. Hince, who had me take that; it looks like him.

Q.74 Then?
A.74 I took a drink. He did not say anything to me about injections. He was not the one to talk to me about it.

Q.75 You spoke about injections a few moments ago. Would you know anything with respect to injections in connection with him, Hince.
A.75 I have no education, as one would say; I would rather not answer to these long words, because ...

Q.76 Did he, Hince, speak to you about injections with respect to himself?
A.76 I cannot remember this.

Q.77 Have you had any opportunity of meeting him elsewhere besides the place you have just mentioned?
A.77 No, Sir.

Q.78 Did you ever meet him at the hospital?
A.78 No. Previously?

TEXT The COUNSEL OBJECTS on the ground that the witness has already answered: No.

TRANSLATION
A.78(Cont'd) Previous to that?

Q.79 Let us say before that?
A.79 No, not that I know.

Q.80 Later, had you any opportunity of meeting him?
A.80 I met him at the hospital.

Q.81 And there at the hospital what did he tell you? Did you talk to him?
A.81 He talked to me once. He came to my room once, and I spoke to him again; after that, I met him in the toilet-room and he said to me: "Do you recognize me" - "At first sight, really I cannot say whether I have seen you before, but I know your face is not unfamiliar to me". - He said: "If you talk, you had better be careful." As far as I am concerned, I was not in a condition to fight there, I turned around and left.

Q.82 At that time in what condition were you?
A.82 I had my leg bent.

Q.83 What had you?
A.83 Because I had been operated on.

Q.84 Where?

TEXT OBJECTION ENTERED BY THE COUNSEL:(Transl.) We are about to encroach on other counts;

TEXT TO WHICH THE PROSECUTOR REPLIES:(Transl.) We do not encroach on the 2nd or 3rd count. The witness says: "In the condition I was I could not talk". So, we want to know what his condition was.

TEXT The Court overrule the objection.

A.84 Inside the left knee.

Q.85 What are the exact words he told you?
A.85 "Do you recognize me?" - I said: "I know that your face is not unfamiliar to me, but I cannot identify you". - He said: "If you talk, I'll fix you - you won't live long". It did not take me long to turn around; I was not in a condition to fight.

Q.86 Why did he tell you: "You won't live long"?
A.86 I do not know.

Q.87 What conclusion did you draw?
A.87 What do you mean by what conclusion?

Q.88 You should have wondered: "Why does he say that to me"?

TEXT OBJECTED BY THE COUNSEL

THE COURT MAINTAIN THE OBJECTION

TRANSLATION
(To the Court):

The PROSECUTOR further submits: What I intend to lay before the Court is that a conversation took place between the two at that point; he made a statement to the effect that - "if you talk, I'll fix you ". Now it seems to me that it is important to lay before the Court the circumstances under which this was said. As far as I am concerned, I do not know whether this is all that took place at that time. Is that all what they told each other?

THE COURT: The witness cannot be asked his opinion.

(To the Court): THE PROSECUTOR: The witness cannot express any opinion unless it is an expert's opinion; but I do not think this witness to be an expert. But if I asked the question, it was not with the intent of getting his opinion, but to get the res gestae, what took place at that moment and what attended that moment. If the Counsel for the accused feels that his client might be prejudiced by the question, I could withdraw the question and ask another one.

THE COUNSEL: Objected to inasmuch as it does not tend to prove anything with respect to the first count.

TEXT
TRANSLATION

THE PROSECUTOR withdraws his question.

Q.89 What happened immediately after he had told you that - "you would not live long", if you were to talk? Did you each go your own way or did you answer back?
A.89 I said: "Don't bother me". I turned around and left at once; it did not take any longer than that and that was all.

Q.90 Was this the only opportunity which you had of talking to him?

A.90 Yes.

TEXT

TRANSLATION

CROSS-EXAMINED BY THE COUNSEL

Q.91 In what state were you when you walked into the St. Paul Street restaurant, on January 31st or February 1st?

A.91 I was under the influence of liquor.

Q.92 Were you in a sufficiently under the influence of liquor to have slipped words? Were you intoxicated?

A.92 I was intoxicated.

Q.93 Is it not true that you said to someone around February 25th or 28th, i.e. three weeks or a month later, that you had never seen or known Pte. Hince in your life?

THE PROSECUTOR OBJECTS - This does not deal with the count under review. There is nothing in my examination-in-chief which would allow the Counsel for the defence to ask this question.

THE COUNSEL - If my colleague means that the witness never saw the accused ...

THE PROSECUTOR - If my colleague wants to state before the Court and the witness what point he intends to prove , the witness must withdraw. The Counsel for the Defence cannot say in the presence of the witness: "I want to prove such point". The witness must withdraw.

THE COUNSEL: The witness states that he met the accused on St. Paul Street first and that the accused talked to him and that he met him at the hospital and talked to him. Any way I can try to prove whether ...

TEXT

THE PROSECUTOR OBJECTS.
Counsel withdraws the question.

TRANSLATION

Q.94 Are you positive this is the same person? Look at Pte. Hince. Could you swear that it is he?

A.94 I cannot swear that he was the one to give it to me, because I was intoxicated.

Q.95 You swear that it is the same man whom you met on St. Paul Street at the restaurant?

A.95 I cannot swear to this.

TEXT

The prosecutor declines to re-examine.

QUESTIONED BY THE COURT:

TRANSLATION

Q.96 At the hospital you were not drunk?
A.96 No, Sir.

Q.97 Was it the accused who is now before the Court that you saw at the hospital?
A.97 Yes, Sir.

Q.98 You can swear to this?
A.98 Yes, Sir.

Q.99 When you were in the hospital with the accused and when you saw him and talked to him, was there any mention made of the manner in which he had been injured?
A.99 No.

Q.100 He did not tell you how he had injured himself, that he had been at the hospital?
A.100 No, Sir.

Q.101 How many times in your life have you seen the accused?
A.101 The first time it must have been at CHEZ RENE'S. I cannot swear that it was he - I was drunk, I do not remember. The first time I am sure about it it was at the hospital; then I met him twice at the city-hall to talk to him.

Q.102 Whatever may be the occasion on which you saw him, did he ever state to you that he had given himself an injection?
A.102 No, Sir.

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

The witness withdraws.

FIFTH WITNESS for Prosecution

Major Renaud LEMIEUX, No.5 Detch, R.C.A.M.C., Officer Commanding Quebec Military Hospital, being duly sworn, is examined by the Prosecutor.

TRANSLATION

Q.103 What are your duties in Military District No. 5?
A.103 Officer commanding the Military Hospital.

Q.104 In this capacity have you had any opportunity in January or February last of seeing or attending Hince, the accused?
A.104 Yes, Sir.

Q.105 Will you please tell the Court what you know?
A.105 He arrived at the hospital on a Tuesday morning, I forgot the date, with a phlegmon cyst located, if I remember well, on the inner part of the right/, in the upper part of the leg and lower part of the thigh

/knee

This phlegmon on abcess rather looked a little strange; it attracted attention from the very first moment inasmuch as this infection or phlegmon looked like the phlegmon noticed in the case of people receiving under the skin either wilfully or accidentally following technical or medical errors, corrosive or toxic chemical substances. There were on the affected part certain spots with sphacelus, where the skin was becoming gangrened while at certain other adjoining spots, the skin was very red, very hard and apparently quite sensitive. The patient had his leg slightly bent against the thigh, with the thigh against the pelvis as it happens in the case of people affected with an infection of the upper part of the leg or the lower part of the thigh. He was immediately placed under observation and for a few days, we allowed the infection to develop, as it has to be done when, at a given moment, it has been decided to open the abcess. The abscess was opened by Colonel Petitclerc, and out of it came quite a lot of liquid containing waste of gangrened tissues and fat, probably certain pieces of muscles or tendons. It was rather difficult to identify what was coming out on account of the rather advanced stage of decay. If I remember well, a counter-opening was made a few days later and the whole healed within a rather normal period, leaving the patient apparently free of any infirmity or at least this is what we believed. I have not seen him since then.

Q.106 You stated a few moments ago that there was waste of tendons?

A.106 These were apparently waste of tendons. There undoubtedly were clots in the stage of decay, some subcttaneous tissues and possibly also waste of muscles.

Q.107 This would be waste of tissues and tendons of the knee? near-by

A.107 Yes, of/tendons and muscles.

Q.108 Could have this wound be of a serious nature if more tendons had been affected?

A.108 It is indubitable that if the infection had been deeper or if the cause of the infection had gone deeper, this patient would have been left with an infirmity, because it was in the immediate vicinity of the articulation and we know how easily articulation may become affected and cause the hampering of movements, etc.

Q.109 Have you had any opportunity of talking to the accused about the cause of his ailment?

A.109 Yes. When he was admitted to the hospital, he related to us that one day he had gone out and fallen against the edge of the sidewalk injuring himself and that it was following this injury that two days after he reported at the hospital. This seemed to be at the time a rather amusing story as there not even any real external wound and no sufficient opening to account for such a story.

We however kept the story until new developments took place and the first imputation of a rather unusual infection became gradually probable, especially as the nature of the infection itself led me to believe it.

Q.110 You said that you had performed a surgical operation?
A.110 Dr. Petitclerc.

Q.111 Were you present?
A.111 I cannot ... I saw the wound immediately after or during the day... I cannot say whether I was present... I know that at the time I was present at two or three operations of the same type as the one which has been performed. As to his, I cannot say.

Q.112 Would you be in a position to tell the Court whether you have had an opportunity of noticing the smell or something strange about the smell of the pus in the case of Hince?

A.112 In one case, I noticed something myself; as far as this one is concerned, I cannot say - I don't remember.

CROSS-EXAMINED BY COUNSEL -

TEXT Sir, when you examined the accused, had he

TRANSLATION previous scars on the same knee?

TEXT OBJECTED BY THE PROSECUTOR: (Translation) This does not deal with the examination-in-chief. Should the accused have sustained previous accidents, it would make no difference in this case. On the other hand, it the Counsel for the accused wishes to submit evidence to that effect, he may have the witness recalled and hear him to submit evidence to that effect. For the moment, the accused is being cross-examined and you may examine him only on the questions asked by the Prosecutor. If the Counsel wants to submit a special defence evidence, it is part of his defence, evidence to the effect that the accused has allegedly sustained a previous injury, he may recall the witness and have him heard as his witness.

TEXT THERETO THE COUNSEL SUBMITS: (Translation) On a question asked by the Counsel, the witness answered that he had noticed that out of this wound came matters which led to suppose that it had quite an unusual cause.

NOTE OF TRANSLATOR: There is no question or answer numbered 243

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A.113 Please let me say no. At the level of the affected part, there was no scar of any nature whatever which could lead to believe that a previous injury had been sustained one, two or six months before. There was at the level of the affected part the inner part of the knee a series of small quite superficial blisters containing a darkish substance which seemed to be gangrened tissues, but there was no scar or wound sufficiently large to enable us to see an opening. I mean by this on the inner face of the knee at the place where the infection was located.

Q.114 Sir, before the beginning of the war, did you not operate on Jos. Hince's right knee ? In 1936 or 1937, don't you remember having operated on the accused yourself for his right knee at St. Sacrament Hospital?

TEXT OBJECTED BY THE PROSECUTOR: 1o. (Translation) This is not cross-examination; 2o. this is out of the res gestae; 3o. it is a question of evidence, and not of counter-evidence, the question now before the Court.

TEXT TO WHICH THE COUNSEL SUBMITS: (Translation) The opinion of the doctor is to the effect that the substance found in the knee contained waste of ligaments and mortified tissues. I am asking this question to know whether the witness now contends that this infection was caused by the injection of any substance, and I would like to know whether the infection noticed could have had any other cause.

TEXT THE COURT ALLOW THE OBJECTION

TRANSLATION Q.115 In your opinion, could the infection have been the result of causes other than the one you have mentioned ... ?

TEXT OBJECTED BY THE PROSECUTOR: (Translation) The witness did not mention any cause.

TEXT THE COURT ALLOW THE OBJECTION

TEXT The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT:

TRANSLATION Q.116 Sir, considering your experience in this matter and the facts which you noted yourself with regard to the wounds which the accused had when you had him under your care at the hospital, could you give a definite cause for his condition, that of his leg?

A.116 There is undoubtedly a cause to it. Now, infections are of two types, either general or local. An infection of general origin is out of the question in his case, as the facts noted absolutely rule out a general infection.

of general or local origin.

So we are left with but one possibility that of a local infection, the local infection of the abcess or phlegmon type. In the case of an abcess or phlegmon there must be an external cause as infectious or as corrosive which, due to the cellular destruction which it brings along, will cause an infection or infections always liable to develop anywhere where there is an activity of some kind either circulatory, thermic or nervous or else any disorders which might occur in the organism. When one bruises one of his toes, chances are there might be an infection; he might not develop any, but chances are that he might. In the case of the man in question, an infection, a most virulent infection developed, since, according to the patient's own story, it dated 36 or 48 hours back at the most. Local infections of microbial origin caused by infectious wounds which develop quite rapidly are usually most virulent, but there has to be a lesion or scratch in the skin.

Q.117 What you call opening?

A.117 Opening ; there has to be an opening In the case of this patient, there was none that could be seen with the naked eye. There might have been one, there has undoubtedly been one, but it could not be seen - it was impossible to see it due to the swelling and the infection which was developing following the first moment or as the result of the accident which later caused the abcess or phlegmon. Would this opening be visible twelve hours before, twenty hours before? It is possible, but, at the time, we examined him, it could not be seen.

Q.118 With the magnifying-glass?

A.118 Not in the case of this patient.

Q.119 Did you not use any magnifying-glass in the case of Hince?

A.119 I used a magnifying-glass in one of these cases; I do not think it was this one. I did not see any opening, possibly because the tissues were too swollen. Now if this has been the case of a trifle accident as that of a man who falls on the sidewalk, we could have seen something, some scratch or cut in the skin; and in the case of cuts in the skin, the greater the swelling the more the lips separate and the easier it is to see the scratch. I did not see any, but there has undoubtedly been one, but the opening was so small that it was impossible for us to see it. What has been the cause?

Q.120 Could you express an opinion as to the cause?

A.120 In my opinion, what we noticed was medically and humanly speaking due to the insertion under the skin of a corrosive substance, the nature of which I do not know.

Q.121 You do not know the method of insertion?
A.121 This method could hardly be of other type than a needle or a very sharp instrument as it left no visible mark on the skin.

THE COUNSEL: I would like to know whether a person suffering from an infection which is medically recognized as generalized has been the victim of an injury, external/or otherwise? Is it possible that in a case such as this one the injury suffered could cause an infection as the result of the state of generalized infection with which the patient is affected?

TEXT THE COURT DISALLOW THIS OBJECTION.

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

The witness withdraws.

MB:CC
Sixth Witness for Prosecution

Major L. Lavallée, No. 5 Detachment, R.C.A., M.C., being duly sworn, is examined by the Prosecutor.

Q-122 What are your duties with the 5th Detachment R.C.A.M.C.?
A-122 I am in charge of the X-ray Department.

Q-123 What were your duties during the months of January and February last?
A-123 The same duties.

Q-124 Have you had any opportunity during these months of meeting the accused to your right, Pte Hince?
A-124 I remember his name. I was on night duty.

Q-125 Where were you on night duty?
A-125 At the medical office.

Q-126 What happened?
A-126 I was summoned to go and see Hince in his room on St-Paul Street, I think.

Q-127 What did you do?
A-127 I went up to see Hince on the third floor. He was complaining of a swelling to his knee. I examined his knee and I had him taken over. I went back to our office and I sent another car for him to have him taken to the hospital.

Q-126 Have you had any opportunity of talking to him at the time of that call?

A-128 Yes, I asked him how it had happened; he answered that he had fallen on getting home or at the door of the restaurant, that he had fallen on the ice and had hurt himself.

Q-129 Later, have you had any opportunity of seeing him again?
A-129 No.

Q-130 On reaching the hospital, what did you do with Pte Hince? Did you hand him over to anybody in particular?
A-130 I handed him over to the officer in charge of the Hospital and I pointed out to him that this injury which he contended to have in his knee should be something unusual.

Q-131 What pathological findings did you make?
A-131 The knee was swollen and on the outer side of the knee joint I noticed a spot about the size of a .25 piece which did not seem to have any immediate relation with the rest of the swelling. This was clearly defined; the edge of the skin could be seen more distinctly opposite this spot than anywhere else.

CROSS-EXAMINED BY THE COUNSEL:

Q-132 You said a few moments ago that you remembered Hince's name. Do you recognize him?
A-132 Yes.

Q-133 Positively?
A-133 Positively.

Q-134 In what knee did you notice the injury?
A-134 Well, what knee!

Q-135 You had several cases of injury on these evenings?
A-135 It was the second I was having on that same evening.

Q-136 When had you seen the other before?
A-136 The day before I had seen another one, one by the name of Monfette.

Q-137 As far as Hince is concerned, you do not know which knee?
A-137 I do not remember which one.

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT

Q-138 Should the Court understand that the swelling was on one part of the leg and the small red spot about the size of a .25 piece on another?
A-138 No, on the same swollen part.

Q-139 On the swollen part?

A-139 On the swollen part, a spot on the swollen part which comprised the whole knee joint. Besides, on the swollen part about in the middle of it, I could see a small spot about the size of a .25 piece.

Q-140 Which was noticeable by its redness?
A-140 No, it was not as red as the other.

Q-141 By a difference in shade?
A-141 Yes sir.

Q-142 Do I express exactly what you mean by saying a difference in shade?
A-142 Yes sir, there was a difference in shade and it was slightly more marked, as the edge of the skin was seen to be more swollen.

Q-143 As to this part of different shade, would you be in a position to express an opinion as to the cause of this difference in shade? Could it have been caused by pressure?
Q-143 It could have hardly been caused by pressure.

Q-144 Was the skin broken at that part?
A-144 The skin was not broken at that part, there was no ecchymosis, the skin was not broken.

Q-145 It was a mere swelling of the tissues?
A-145 Of the tissues.

Q-146 Without any opening or ecchymosis?
A-146 Without any opening, ecchymosis or wound.

In the opinion of the Court and Judge Advocate, it is not necessary to comply with R.P. 63(b).

The witness withdraws.

Seventh Witness for Prosecution — Simonne Monfette, 26½ Père Grenier, Quebec, being duly sworn, is examined by the prosecutor.

Q-147 Miss, do you know Hince, the accused?
A-147 Yes sir.

Q-148 Did you know him in January or February last?
A-148 Yes sir.

Q-149 Have you had any opportunity of meeting him in the course of that month?
A-149 Certainly.

Q-150 At what place?
A-150 At my home.

Q-151 Where is that?
A-151 143 St-Paul Street.

Q-152 In the course of these months, has he had any opportunity of talking to you about injections?
A-152 No Sir.

Q-153 Have you been aware that he injured one of his knees in the course of that month?
A-153 I know that he arrived home one evening stating that he had fallen.

Q-154 He told you that?
A-154 Yes.

Q-155 And what did you do?
A-155 I did nothing.

Q-156 You did not tend him?
A-156 I applied wet cloths on his knee. What did you want me to do? I am not a doctor.

Q-157 You treated him with wet cloths?
A-157 Yes sir.

Q-158 How long did you attend him?
A-158 This happened on Sunday evening and on Monday he felt a pain all day; on Tuesday morning we decided to send him to the hospital.

Q-159 He was on embarkation leave?
A-159 I beg your pardon. He was not supposed to leave on a draft .

Q-160 Why?
A-160 Because he was not on a draft.

Q-161 Do you remember the dates?
A-161 He arrived at our place on January the 31st.

Q-162 This was a Friday?
A-162 A Saturday.

Q-163 Do you remember about a game of cards on that evening?
A-163 A game of cards on that evening?

Q-164 Yes.
A-164 No.

Q-165 Were Jos. Hince and Gérard Greffard there?
A-165 No.

THE COUNSEL OBJECTS TO THE FORM OF THE QUESTION. Let the counsel ask the witness what took place and who was there.

THE COURT ALLOWS THE OBJECTION.

Q-166 Who was there on the evening of January 31st, besides Hince?

A-166 On the evening of the 31st, Greffard and Monfette arrived and asked for Hince. He was not at home. They came back and Jos. Hince came in afterwards.

Q-167 When did they arrive?
A-167 On Saturday evening.

Q-168 What did they do after they were back?
A-168 They did nothing.

Q-169 Did they spend the evening there?
A-169 No sir, they left at once.

Q-170 Were they back?
A-170 No sir.

Q-171 The next day? Did they come back the next day?
A-171 On the next day in the evening, Greffard came to ask Jos Hince to put away a flask of coal oil.

Q-172 Did Hince put it away?
A-172 He took it and placed it on the cupboard in the kitchen.

Q-173 And then, what happened?
A-173 He left.

Q-174 What did he say when he brought in the flask of coal oil?
A-174 He asked him to put it away.

Q-175 What kind of flask?
A-175 A small empty alcohol flask.

Q-176 Did he say what there was in it?
A-176 He simply asked: "Will you please put that away for me. He said: "I have a message to do and I will pick it up in passing.

Q-177 You were there?
A-177 Yes, I was there.

Q-178 This is all that was said?
A-178 This is all that was said as far as I know.

Q-179 He did not say not to drink it, that it was not alcohol?
A-179 Of course he said not to drink it.

Q-180 What did he say there was in it?
A-180 Coal oil.

Q-181 He said it?
A-181 Well yes.

Q-182 Then he...
A-182 Then he place it on the cupboard in the kitchen.

Q-183 Now, on one of these evenings, a little game of cards took place in the kitchen? Joe. Hince, Greffard and Monfette played cards in the kitchen?
A-183 I do not remember.

Q-184 Have you been aware that on one of these evenings they went to the toilet room?
A-184 No, I have not been aware of it.

COUNSEL renews his objections to the form of the questions.

Q-185 Have you been aware of what took place among these three men on one of these evenings, let us say between Hince and Greffard, besides what you have just related?
A-185 No, I have not been aware of anything else.

Q-186 Were you staying there all the time then?
A-186 Yes.

Q-187 Have you been aware that someone gave an injection to somebody?
A-187 No.

Q-188 You have known the accused for a long time?
A-188 For a year.

Q-189 You have been going out with him for a year?
A-189 I beg your pardon. I am not going out with him. He is a friend of the family. He and his sister come to our place very often.

Q-190 He was sleeping at your place?
A-190 I beg your pardon , he was not sleeping at our place.

THE COUNSEL: The accused is charged with having given himself an injection, not with having slept at some place or another.

THE PROSECUTOR: I have a rather special witness here

Q-191 When Hince complained of his knee was he coming from outside?
A-191 He went for cigarettes; it was in the winter, in the month of January; he went for cigarettes at the near-by restaurant. He went out with but his shoes on.

Q-192 At that moment were you in the restaurant downstairs or in the room upstairs?
A-192 I was at home. I was not in the room.

Q-193 Upstairs, at 143½?
A-193 Yes.

Q-194 I understand that to go out you have to go through the store down a long stairway?
A-194 He went out by the outside door. There is a restaurant next door.

Q-195 Where were you when he went out?
A-195 I was at home.

Q-196 In what room?
A-196 In the kitchen.

Q-197 How far is the kitchen from the toilet room?
A-197 The toilet room door leads out into the kitchen.

Q-198 And when Hince left stating that he was going out for cigarettes, who was in the kitchen?
A-198 I do not remember.

Q-199 Was he alone?
A-199 Yes, of course he wasalone.

Q-200 And you, were you alone when he left to go and buy cigarettes?
A-200 I do not remember.

Q-201 You do not remember whether Greffard was there?
A-201 No, there were no men.

Q-202 Was he sober?
Q-202 Well he might have taken a little.

Q-203 Have you had any opportunity of seeing his wound?
A-203 Yes, I saw it when he told me it was sore; in order to put compresses on it, I had to see it.

Q-204 What did you notice?
A-204 I did not notice anything, I do not know anything about that, I am not a physician.

Q-205 How did his wound look?
A-205 It was swollen, that is all.

Q-206 There were no red spots?
A-206 I did not see any.

Q-207 Where was it swollen?
A-207 On the knee. I do not remember the place. I did not notice that.

Q-208 On what knee?
A-208 I do not know. I did not notice.

Q-209 Is it not on purpose that you do not know it this morning?
A-209 Am I under oath here or am I not? I am telling the truth.

Q-210 Have you had any opportunity of speaking with someone of the evidence which you were to give this morning?
A-210 I did not talk to anybody.

Q-211 Do you swear that you have had no opportunity of talking to anybody about the evidence which you were to give this morning?
A-211 About the evidence which I was to give this morning? I saw Hince with his counsel a few minutes before Hince was here.

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Q-212 You spoke to his counsel?
A-212 Yes.

Q-213 Have you had any opportunity of talking to Hince?
A-213 I did not talk to Hince at all.

Q-214 Since he has been involved in this case?
A-214 He came back to our place.

Q-215 He did not talk to you about it?
A-215 It was none of my business.

Q-216 He did not talk you about it?
A-216 It was none of my business.

Q-217 When he talked to you about it, you said: "It is none of my business"?
A-217 When he talked to me I answered his questions. I did not take down everything in a book.

Q-218 You said: "This is none of my business"?
A-218 What did you want me to say? Is it fiction that you want? I did not take it down.

Q-219 What did he tell you?
A-219 I do not remember. I cannot imagine something which I do not remember.

Q-220 You remember nothing?
A-220 Yes.

Q-221 Not a word?
A-221 Not a word.

Q-222 Do you think I believe you?
A-222 Believe me or not, I am the one under oath. I know what an oath is. I am old enough to understand that.

Q-223 You do not remember a single word of what he told you since he has been involved in this case?
A-223 He told me: "You are going to be summoned as a witness because what happened took place at your home. Apart from this I do not know why I am here.

Q-224 He did not talk to you of injections? Nothing at all?
A-224 No Sir.

Q-225 Not a word?
A-225 Not a word.

Q-226 Did you know what trouble he was having with that?
A-226 I saw it in the papers like the others.

Q-227 You did not ask him what it was?
A-227. I asked him; he told me he did not understand it himself

Q-228 He told you that he did not understand anything about it?
A-228 Yes.

Q-229 When he came in with the bottle of coal oil had Greffard anything else besides the bottle of coal oil?
A-229 No, not to my knowledge. I saw nothing else.

Q-230 Have you had any occasion of seeing a hypodermic syringe?
A-230 No sir.

Q-231 You did not have the opportunity of keeping a syringe in your own suitcase?
A-231 I have no suitcase.

COUNSEL OBJECTS TO THE FORM OF THE QUESTIONS

Q-232 Have you had an opportunity of seeing a syringe in a suitcase at your place?
A-232 I have seen no syringe at my place.

Q-233 If I am not mistaken, your home is at 143½?
A-233 Yes sir.

Q-234 It is not 26½ Grenier?
A-234 No, because I have moved.

Q-235 Had you seen Monfette there on these days?
A-235 That is how I saw Monfette.

Q-236 Have you seen Monfette lately?
A-236 No.

Q-237 You do not know him? Is he one of your relatives?
A-237 He is not related to me at all.

The Counsel declines to cross-examine.

QUESTIONED BY THE COURT:

Q-238 For how many years have you known Jos. Hince?
A-238 For a year.

Q-239 If the Court is not mistaken, he is chiefly the brother of one of your girl-friend?
A-239 Yes sir.

Q-240 Was he residing in your neighbourhood during that period?
A-240 I do not know where he was rooming.

Q-241 Where was his sister, your girl-friend, living?
A-241 On Les Remparts Street. She is rooming.

Q-242 Was he not residing with his sister?
A-242 His sister is married. They do not live together. They could not sleep three in the same bed. She is rooming.

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Q-244 He used to go to your place once in a while?
A-244 Yes sir.

Q-245 When you had to send him to the hospital following this injury, how long had he been at your home?
A-245 Since Tuesday morning. He saw that his leg was not any better.

Q-246 Had you seen him on Monday?
A-246 Yes, I saw him on Monday but he left in the evening.

Q-247 Had you seen him also on Sunday?
A-247 Yes sir.

Q-248 Had he been on pass since Saturday?
A-248 Yes, on pass since Saturday evening.

Q-249 Whom did he go to see at your place?
A-249 He came to see us of course. He would come with his sister.

Q-250 He was going to your place with his sister?
A-250 Yes.

Q-251 What is his sister's name?
A-251 Lucienne Hince.

Q-252 To whom is she married?
A-252 Mr. Lee.

Q-253 He was there at the time?
A-253 Yes, but he was not taking his meals there.

Q-254 You state that he was rooming here?
A-254 Yes sir.

Q-255 Do you know at what place?
A-255 No sir.

Q-256 You state that at a given moment he complained of a sore knee?
A-256 Yes sir.

Q-257 On what day did he complain about it for the first time?
A-257 On Sunday evening.

Q-258 Was he all right on Saturday?
A-258 Yes.

Q-259 Where was the bottle of turpentine brought over by Greffard placed?
A-259 On the cupboard in the kitchen.

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Q-260 Greffard came back for it?
A-260 No, he did not.

Q-261 Have you been aware that Hince the accused touched the bottle or used it?
A-261 No sir. I stayed all the time in the kitchen and so did he, and the bottle also remained there.

Q-262 Do you know why Greffard had secured this bottle of turpentine?
A-262 I do not know.

Q-263 This was not mentioned in your presence?
A-263 No sir.

In the opinion of the Court and Judge Advocate, it is not necessary to comply with R.P. 63(b).

The witness withdraws.

"At 12:30 o'clock on the 18th day of July 1942, the Court adjourned until 2:30 o'clock on the same day."

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"On the 8th day of July 1942 at 2:30 o'clock the Court reassemble pursuant to adjournment, present the same members as when adjourned."

Eighth Witness for Prosecution — E/5516, Pte Roland McDonald, Royal 22nd Regiment, attached to A.I.T.C. A-13, being duly sworn, is examined by the Prosecutor:

Q-264 You know Hince, the accused?
A-264 Yes sir.

Q-265 Have you had an opportunity of meeting him at the camp?
A-265 At the camp and at the hospital later.

Q-266 Was it last fall that you met him?
A-266 Yes, last fall.

Q-267 Please tell us under what circumstances you met him?
A-267 When I met him I was at the hospital. Pte Hince was coming around for his treatments; he had asked me to steal a syringe.

Q-268 Is it Pte Hince who is here?
A-268 Yes sir.

Q-269 At what hospital were you?
A-269 V.D.S.

Q-270 And he was coming for his treatments?
A-270 Yes sir.

Q-271 He asked you to steal a syringe?
A-271 Yes sir.

Q-272 Did he tell you what he wanted to do with this syringe?
A-272 No sir.

Q-273 Later, had you anyopportunity of meeting him?
A-273 I met him at the camp.

Q-274 At the time of the draft?
A-273 No sir.

Q-275 At the time of your discharge from the hospital, had you any occasion of meeting him when there was a draft leaving for overseas?
A-275 No sir.

Q-276 On that draft, you had been classed "A"?
A-276 Yes sir.

Q-277 Was he present when you underwent these examinations for the draft?
A-277 He was at the camp, yes sir.

Q-278 In what category had he been classed?
A-278 I cannot say. I think he was not on the draft. He was then recategorized S.M.B.

Q-279 He had been recategorized S.M.B. on that occasion?
A-279 Yes.

Q-280 In about what month did this take place?
A-280 At the end of January or the beginning of February, I think.

Q-281 As to yourself, you were not on the draft?
A-281 Yes sir.

Q-282 You were on the draft?
A-282 Yes sir.

Q-283 You were to leave on that draft at the end of January?
A-283 Yes sir.

Q-284 Have you had an opportunity of seeing Hince?
A-284 No, I saw him just in passing in the hut but I did not talk to him.

Q-285 This was at the end of January?
A-285 If I remember well, it was at the end of January.

Q-286 You saw him?
A-286 Yes, He was at the camp.

Q-287 What did he tell you?
A-287 He did not talk to me.

A-295 About ---

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Q-286 Think hard.
A-286 He asked me in what category I had been placed. I told him that I was drafted; he asked me what I was going to do and I said "I have to follow, I have to go". Nothing else.

Q-289 Nothing else?
A-289 No.

Q-290 Did he talk to you about injections?
A-290 No sir.

THE COUNSEL OBJECTS TO THE FORM OF THE QUESTIONS

Q-291 But what did he tell you exactly? What were his words? By thinking it over hard, what did he tell you when he asked you whether you were on the draft?
A-291 I cannot remember.

Q-292 You cannot remember?
A-292 No sir.

Q-293 How did he happen to ask you that? Where were you?
A-293 We were in the hut.

Q-294 You were undergoing your medical examination?
A-294 We underwent our examination and after it was over, he asked me in what category I had been placed. I said: "I have been classed "A", and I am leaving on the draft".

Q-295 Is that all what he asked you?
A-295 About all.

Q-296 Think it over hard.

THE COUNSEL OBJECTS: The witness has answered.

THE COURT ALLOW THE QUESTION TO STAND.

Q-297 Think hard.
A-297 (No reply)

Q-298 I am going to give you time to think it over.
A-298 I cannot remember.

Q-299 Well say it.
A-299 I cannot remember having talked about anything else. I cannot remember.

Q-300 Was there any mention of doing one's duty?
A-300 He asked me what I was going to do and I said: "I am leaving. I have been classed "A" and I am leaving on the draft." I left on that afternoon on an embarkation leave and I did not see him again.

Q-301 Was it not said that it was better to do one's duty?
A-301 I cannot say anything about that.

Q-302 Maybe?
A-302 Maybe it was mentioned, but I do not remember.

Q-303 By thinking hard, did you not answer something about this?
A-303 I said it was better for me to go across.

Q-304 You said: "It is better for me to go across"?
A-304 Yes.

Q-305 Since you said to him: "It is better for me to go across",he must have told you something.
A-305 I do not remember his having told me anything.

Q-306 As to myself, I cannot come to a man and tell him:"It is better for me to go across". He has to ask me questions,to say something to me, in order that I could answer that. Do you understand? If you told him: "It is better for me to go across", he must have told you something and I believe that if you think hard, it will come back to your mind. I understand that this happened, was said a long time ago, but by thinking hard maybe the conversation you had with him will come back to you.
A-306 But if I cannot remember.

Q-307 You do not remember anything?
A-307 No sir. I remember that he asked me in what category I had been placed and what I was going to do. I said: "I have been classed "A" and I am leaving on the draft".

Q-308 "I am classed "A" "?
A-308 And I am leaving on the draft.

Q-309 "It is better to leave"?
A-309 Yes sir, I said:"I am leaving on the draft".

MOTION OF THE PROSECUTOR:

Mr. President, the witness has lapses of memory and I ask permission to ask him pointed questions.

THE COUNSEL REPLIES:

I wish to point out to the Court that my colleague seems to want to confront the witness with a statement already given before the beginning of this trial. I must object to this procedure considering that any statement made by a person tending to incriminate an accused and made outside his presence should be rejected and cannot be entered into the record.

THE PROSECUTOR:

I do not ask to enter in the record evidence which may have been given elsewhere or to use a document as evidence against the accused or the witness. As the accused does not seem to remember, I just ask permission to ask

him pointed questions, just as when a witness does not remember he is allowed to look at his notes; so when a witness does not remember, we have the right under certain circumstances, to ask him leading questions; and this is the application I am making here.

THE COUNSEL:

If my colleague wants to have the witness declared hostile and confront him with a statement which he has allegedly made, he must first have the witness declared hostile and I do not see the least reason for this.

THE COURT DISALLOW THE MOTION OF THE PROSECUTOR

THE PROSECUTOR:

I would have another application by referring to section 113. Under the provisions of section 113 there are three cases: 1. The case where the witness is directly hostile. 2. To be interested on the other side. 3. Unwilling to give evidence. This would be the second case i.e."to be interested on the other side." We have here a witness who seems to be interested on the other side. With the evidence we have had so far.

THE COUNSEL: I ask that the witness withdraw.

THE PROSECUTOR: The witness would be directly interested since the accused asks the witness to steal a syringe for him. Prima facie, with the evidence submitted so far, there is something which shows that there is some kind of interest on the other side. Now if the Court is of the opinion that there is not yet sufficient evidence to the effect that the witness would be interested on the other side, with the permission of the Court I would ask to submit evidence to the effect that the witness was interested in the accused and I submit that if I could prove that the witness was interested as laid down in section 113, I could then ask that he be declared hostile.

My motion is as follows: At the present stage, I submit that there is sufficient interest between the two. He is certainly not a witness having nothing to do with the case, with the facts with which the accused is charged. There is certainly something since he is asking him a syringe. So there is interest. How far must this interest go according to section 113? This is not shown.

THE COURT:

So far, there is no evidence in support of one of the three cases laid down in section 113. There is no evidence of hostility, no evidence of interest. You say that the accused asked him to steal a syringe; this is not sufficient.

THE COUNSEL: This was in October and the charge laid against the accused was in January or February.

THE COURT

The Court does not think it warrantable to comply with the application of the prosecution.

THE COURT DISALLOW THE APPLICATION

The examination of the witness is continued by the Prosecutor:

Q-310 How long have you known Pte Hince?
A-310 I have known him since last fall.

Q-311 Since about what month?
A-311 I think it was in September or October.

Q-312 Do you belong to the same unit?
A-312 Yes sir.

Q-313 To the same company?
A-313 Yes, when I met him we were in the same unit but before that he was with the H.Q. and I was with the Infantry.

Q-314 This was at the Training Centre?
A-314 Yes sir.

Q-315 This was at the beginning?
A-315 Yes sir.

Q-316 And later, you were together?
A-316 Yes, in the same company.

Q-317 How long have you been in the same company?
A-317 Well, I could not say!...since last fall.

Q-318 You have always been in the same company after that?
A-318 Yes sir.

THE COUNSEL OBJECTS: Irrelevant. Whether they have been 25 years or 3 years in the same company, this is not relevant. It has no bearing on the case.

Q-319 Were you always sleeping in the same hut?
A-319 Yes sir.

Q-320 Were you far from each other?
A-320 We were about at the opposite ends of the hut.

Q-321 You were attending the same hospital?
A-321 Yes sir.

Q-322 You met there on the days you were having your injections?
A-322 Yes sir.

Q-323 You went for your injections together?
A-323 Yes sir.

Q-324 You left together?
A-324 We left all together with the other patients.

Q-325 You came back together?
A-325 Yes sir.

Q-326 Towards the end of the month of January, you were still going for your injections?
A-326 Yes sir, I was at the hospital at that time, at the end of January when we were going for our injections.

Q-327 Hince and yourself?
A-327 Yes sir.

Q-328 Was there any time when one of you two stayed at the hospital?
A-328 Yes.

Q-329 Who?
A-329 Myself.

Q-330 V.D.G.?
A-330 V.D.S.

Q-331 From what date did you stay at the hospital?
A-331 From November 26 or 29 until January 12 or 14.

Q-332 When you went to town did you go with Hince?
A-332 I went with Hince just once.

Q-333 When was that, in what month?
A-333 Well, I cannot say; I think it was in the month of November.

Q-334 In town, did you go out with Hince?
A-334. No sir.

Q-335 Never?
A-335 Never.

Q-336 143½ St-Paul Street, do you know that place?
A-336 I have been there once.

Q-337 Whom did you see at 143½?
A-337 Just Pte Hince.

Q-338 Simonne?
A-338 Yes.

Q-339 The one who appeared as a witness this morning?
A-339 I do not know; I was not here this morning.

Q-340 Who told you it was Simonne?
A-340 It seems to me that her name was Simonne.

Q-341 Hince was there?
A-341 Yes sir.

Q-342 Were there any other soldiers there?
A-342 No sir.

Q-343 What were you going there for?
A-343 Just for a visit with Pte Hince.

Q-344 Was he the one to take you there?
A-344 Yes sir.

Q-345 This was at the end of January?
A-345 No sir, not at the end of January, it was in November, if I remember well.

Q-346 So, under the oath you have taken a few moments ago, these are the only things which you remember about the statements which were made on that occasion?
A-346 Yes sir.

CROSS EXAMINED BY THE COUNSEL:

Q-347 Mr. McDonald, will you please give us to the best of your knowledge, the exact date on which Mr. Hince is said to have asked you to lend him a syringe?
A-347 It would be in the month of December.....

Q.348 As a matter of fact, did you give him one?
A.348 No Sir.

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT:

Q.349 When Hince asked you to get him a syringe, did he state what use he wanted to make of it?
A.349 No Sir.

Q.350 Do you remember his exact words?
A.350 He simply asked whether I could get him a syringe at the hospital. At that time I was at the hospital. I told him I thought I could not get him one. I did not get him any.

Q.351 Have you been aware at a given moment that Pte. Hince was incapacitated as the result of injuries in his leg?
A.351 No Sir.

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Q.352 You have not been aware of this?
A.352 No Sir.

Q.353 Could you remember Pte. Hince's words when he asked you for this syringe?
A.353 He simply asked me whether I could get him a syringe.

Q.354 His words?
A.354 Wheth r I could get him a syringe, steal a syringe at the hospital.

Q.355 Steal or get? How did he say it to the best of your knowledge?
A.355 Steal a syringe.....take a syringe away from the hospital.

Q.356 What kind of syringe was he talking about?
A.356 It must have been a syringe for.....

Q.357 Did he say what kind of syringe?
A.357 No Sir. At the hospital there is but one kind of syringe that I know, the one to give injections with.

Q.358 Did he say what it was for?
A.358 No Sir.

Q.359 What had been said between you two before that, before he asked you to get him a syringe? Was anything said between you before that?
A.359 No.

Q.360 In what connection did he make this request?
A.360 We have had no conversation before that.

Q.361 So it came up about nothing at all?
A.361 Yes Sir.

MOTION BY THE PROSECUTOR:

I will apply to have this witness declared hostile in accordance with the third argument: "Unwilling to give evidence".
I take my stand on the fact that this is a witness who is with Hince, who knows Hince, that these two soldiers travelled together to the hospital, belonging to the same unit and going to the hospital together. They undoubtedly talked together. If somebody were to ask me for a syringe, the first question I would ask him would, of course, be: "What kind of a syringe?"
According to the evidence of the witness, he asked him: "Bring me a syringe". He should have told him a small syringe, such a type of syringe, a hypodermic syringe, or something.
According to the evidence, it is clear that the

witness is the case of one "unwilling to give evidence" "unwilling" does not necessarily mean a witness who sits down and says: I do not talk". This is the case of a refractory witness, of one who keeps away and who apparently has something he does not want to say; this can be seen from his reply. I submit that a witness should not take refuge behind Sections 108, 109, 110, to say: "Black Out". It is said that there should not be leading questions, so I set these Sections forward.

Of course, the rules states that the questions should not be leading. However, I submit that Section 113 meets these cases of witnesses, who in the light of the evidence which they give, know more about the facts than what they relate before the Court, and take refuge behind the pretext: "These are leading questions, I cannot talk". I submit that this is the case of one "Unwilling to give evidence".

THE COUNSEL OBJECTS:

I appreciate the attitude of the prosecutor if it is admitted from the very start that the accused is guilty and if we are willing to take each testimony separately to dissect them upon the basis that the accused is guilty. But we have not reached that point. The witness states that he is in the same hut as Hince, that one was sleeping at one end and the other at the other end, and that they were going to the hospital with the other patients, that they were not in direct contact, that he met him once in town in November, that he never went out with Hince in town. They were in the same regiment for some time and saw each other as two comrades in arms would do.

I do not see there any ground on which a statement to the effect that the witness attempts one way or the other to withhold the truth may be based.

THE COURT IS CLOSED TO CONSIDER THEIR DECISION.

TEXT

The Court DISALLOWS the request of the Prosecutor, and the Court reopens and the decision is announced.

The Court proceeds with the trial.

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

The witness withdraws.

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Ninth Witness
for
Prosecution: YVON PELLETIER, 145 St. Paul Street, Quebec City, being duly sworn, is examined by the Prosecutor:

Q.362 Your occupation?
A.362 Restaurant keeper.

Q.363 You are residing at 145 St. Paul Street; this is a restaurant, if I am not mistaken?
A.363 Yes Sir.

Q.364 Aren't you residing upstairs at 145?
A.364 No; the house belongs to me. I reside at the Bellevue Hotel, 297; I own the two buildings.

Q.365 Does the upper part belong to you?
A.365 The whole house at 145 and the whole hotel Bellevue building.

Q.366 On the ground floor, it is a restaurant? What about the upper part?
A.366 Upstairs it is a rooming house.

Q.367 Do you know Hince, the accused?
A.367 Yes Sir.

Q.368 Had he a room at your place, was he residing at your place?
A.368 No Sir.

Q.369 Did he go to see you once in a while?
A.369 I do not remember whether he came to my place; I do not remember at all. If he came I was not there. It seems to me that he never took any room at my place.

Q.370 You do not remember having seen him?
A.370 At my place, no.

Q.371 At 145?
A.371 145, I have been there only since the month of May.

Q.372 Who was there before you?
A.372 Réné Côté.

Q.373 So before the month of May you had nothing to do with Nos.-143 and 145?
A.373 No Sir.

THE COUNSEL DECLINES TO CROSS-EXAMINE.

QUESTIONED BY THE COURT:

Q.374 You state that you know the accused?
A.374 Yes Sir.

Q.375 How did you meet him?
A.375 I met him on the road just like that. I know him by name and by his acquaintance, but I

have very seldom talked to him.

Q.376 How did you happen to meet him?
A.376 I have known him best at the time they were talking about these matters on the newspaper, and others told me about that. Apart from this I do not know him.

Q.377 How long have you known him?
A.377 I have known his name to be Hince for a year, but I don't know his real name.

Q.378 Were you going to the restaurant at 143½ St. Paul before becoming its owner, were you going there?
A.378 No, I bought it in January and took possession of it in May. I have been there only twice.

Q.379 Did you know the Monfettes? Did you know Simonne Monfette?
A.379 No, Sir, I just met her today at the Court.

Q.380 Have you been aware in January or February that the accused sustained injuries or an accident?
A.380 I heard about it through the others.

Q.381 As to yourself, you did not see the accused fall, hurt or injure himself or talk about his wounds, nothing of that?
A.381 No Sir. In the month of January, I saw him once on the street. This is all I saw.

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

The witness withdraws.

MOTION BY THE PROSECUTOR:

Owing to the absence of the witness, Jules Monfette, I ask that the Court be adjourned until Friday. I think that until then it is probable that the witness might have been reached. Now, I hope that this will not prejudice the defence. I am making this request in the interest of justice, so as to hear a witness who, I submit, is important in the case.

OBJECTION BY THE COURT:

I must point out that my client has apparently been in the Valcartier Clink since June 1st. I have persistently insisted on several instances so that the case be proceeded with. I have always been given as a reason that they were looking for Mr. Monfette, who had as they say in the Army "Jumped". They have been looking for him for a month, but they have not yet traced him. This is the reason they have given me for a month not to proceed with this case. My client has been in the clink for a month without being able to have this case proceeded with. This morning the case is proceeded with, but they are still looking for him and will probably be still looking for him on Friday.

Unless an absolutely plausible reason submitted to

the Court permits us to believe that this man will be here on Friday, I must object to this application for an adjournment, considering the fact that I have been told for over a month that they were looking for that man.

THE PROSECUTOR REPLIES TO THE OBJECTION:

I cannot promise that the witness in question will be produced Friday before this Court. However, I know pertinently that the Military Police are on his track , and we have had information to the effect that he will soon be located. Now, I cannot give any definite promise that he will appear before the Court here Friday.
Now, as to the question of prejudice, if it were a one-week adjournment, I understand that it could be to the prejudice of the accused, but I have just asked for to-morrow to resume Friday. Really I do not think that an adjournment of one more day would be to the serious prejudice of the accused.

THE COURT:

You have no other witnesses to produce in this case?

THE PROSECUTOR:

No Sir.

THE COUNSEL:

If the Court grants the request of the prosecutor, I abide by the decision of the Court; I ask that Friday be the last delay granted for that same reason in this case owing to the circumstances.

THE PROSECUTOR:

I declare that it is an essential witness.

TEXT

"At 3:30 o'clock on the 8th day of July, 1942, the Court adjourned until 10:00 o'clock on the 10th day of July, 1942."

"ON THE 10th day of JULY, 1942, at 10:00 o'clock, THE COURT REASSEMBLE PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS WHEN ADJOURNED."

STATEMENT BY THE PROSECUTOR:

TRANSLATION

On behalf of the prosecution I must say that it has been impossible for us to trace Monfette the witness. I have been advised by the D.A.P.M. that he had taken all possible steps, but without avail.

At this stage, I would like to apply to submit evidence of similar facts in accordance with Sections 20 and 21 of the Evidence Act, page 75. That is, I would like to have other witnesses heard who, without

proving the fact that the accused gave himself injections or an injection could prove that he has given injections to other soldiers.

Obviously this evidence would not help prove the fact that Hince gave himself injections. It would tend to prove but that Hince was acting this way, giving injections at or about the same time, or in other words: "Similar Acts."

The sections governing the motion which I am now submitting are Sections 20, 21, & 22 of the Evidence Act, Chapter 5 of M.M.L. 1929, and especially Section 22 which reads as follows:-

TEXT

"When several offences are so connected with each other as to form part on one entire transaction, evidence of one is admissible as proof of the another. On a charge of stealing, for example, though it is not material in general to inquire into any other taking of goods besides that specified in the charge, yet for the purpose of ascertaining the identity of the thief, it may be very relevant and therefore admissible to show that other goods which had been upon the same premises and were stolen on the same night were afterwards found in the possession of the accused. This is strong evidence of the accused having been near the owner's house on the night of the robbery. So, too, on a charge of arson, it may be shown that property which had been taken out of the house at the time of the firing was afterwards found secreted in the possession of the accused."

TRANSLATION

So the motion which I am now submitting is evidently to hear other witnesses, as stated a few minutes ago, and first based on the Sections which I have just mentioned, and in the second place on Section 23 of the same Chapter of the same Act, which is based on the principle of "Systematic Course of Conduct". And then, in Section 23 a certain number of "stated cases" are given, and I respectfully submit that they are absolutely similar or at least similar in principle to the ones under review in the present case.

Besides Section23, there are Section 24 which further illustrates the principle which I have just set forth and Section 25 which also gives further examples.

Now obviously as it will be seen later, the purpose of submitting evidence of similar acts, of similar cases as the argument will later show, and at least as I will try to explain it to the Court in my argument, is first to prove the intention;

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/5

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Besides Section23, there are Section 24 which further illustrates the principle which I have just set forth and Section 25 which also gives further examples.

Now obviously as it will be seen later, the purpose of submitting evidence of similar acts, of similar cases as the argument will later show, and at least as I will try to explain it to the Court in my argument, is first to prove the intention;

then, that it is in the "res gestae", and thirdly that this forms part of a "systematic course of conduct" (third line of Section 23). I respectfully submit this application.

OBJECTION BY THE COUNSEL:

to the effect that Monfette was his last witness

First as to the statement made by the prosecutor last Wednesday, I object to the hearing of other witnesses, and I give as a first reason for this, the fact of bringing new witnesses here alike Monfette is not the best evidence, and the prosecution must first submit the best evidence.

As to Section 21, I think we should start with Section 20, even Section 15, but especially Section 20.

As to Sections 21, 22, 23 and 24 they apply, if I may say so, only as corollaries to corroborate the main evidence; and secondary evidence cannot be used to substantiate main evidence which does not exist and which should have been the best evidence under the circumstances.

Section 20 is very clear, stating that:

TEXT

"It is not competent for the prosecutor to adduce evidence tending to show that the accused has been guilty of criminal acts other than those included in the charge against him for the purpose of leading to the conclusion that he is a person likely from his conduct or character or disposition to have committed the offences for which he is being tried. Thus, on a charge of murder, the prosecutor cannot give evidence of the conduct of the accused in respect of other persons for the purpose of proving a blood-thirsty and murderous disposition. So on a charge against a sentry of having been asleep on his post on a particular occasion, evidence that he had been found asleep on his post on other occasions would not be admissible for the purpose of showing that he would be likely to commit the offence."

TRANSLATION

By simply changing the words it cannot be claimed, considering that the best evidence has not been submitted, that the accused gave himself an injection by trying to say, through other witnesses, that in other circumstances he tried to give injections to others.

This procedure cannot be followed, especially in view of Section 20.

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(page 89)

Character evidence is admitted only as corroborative evidence to substantiate , in way of either good or ill conduct, the situation of a person who might be charged with an offence similar to the one now under review.

Even Section 21 gives sufficient particulars to determine what are the definite cases in which the evidence asked for by the prosecution should be allowed. I submit,as a strong argument, that in the absence of main evidence, circumstantial evidence cannot be submitted to strengthen main evidence which is lacking.

And in Section 17 especially, it is clearly stated that evidence as to character or of similar acts in other circumstances cannot be used as evidence for the prosecution.

THE COURT IS CLOSED TO CONSIDER THEIR DECISION.

THE COURT DISALLOWS THE APPLICATION OF THE PROSECUTOR, AND THE COURT IS REOPENED AND THE DECISION ANNOUNCED, AND THE COURT PROCEEDS WITH THE TRIAL.

D

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(SEE ENGLISH ORIGINAL COPY)

D-3

(page 93)

First Witness for the Defence.

Major RENAUD LEMIEUX, No.-5 Det. R.C.A.M.C., Officer Commanding Quebec Military Hospital, being duly sworn, is examined by the Counsel:

Q.386 You are attached to the Medical Service of the St. Sacrement Hospital?

A.386 Yes, I was at the time.

Q.387 Then would you be so kind as to submit and give to the Court the necessary explanations regarding a medical report on the physical condition of Joseph Hince with respect to his right leg and the treatments which he previously underwent?

A.387 Here is a file which was found in the hospital records showing that a man by the name of Joseph Hince, no fixed abode, 21 years of age, was at that hospital from February 21st to April 12, 1939. I have asked that inquiries be made with a view to finding out whether there is not another file, considering that I have been told that Hince was there twice. This is the only one we have.

Q.388 I think this is the only one you have, the other one is in Ontario.

A.388 So according to that file Hince was hospitalized from February 21, 1939 to April 12, 1939. He was admitted for neuralgic pains in his right leg with paralysis in the right foot, resulting from a fracture sustained four months before. The inquiries made have shown that he was suffering from a blennorrhagia, which fact was later on substantiated following laboratory tests made at the time; one on February 27th, and the others later.

At the time of his discharge from the hospital on April 12th, he was supposed to be, as the file shows, on the way to recovery and the signs which he showed were about to disappear. An X-ray made on February 22, 1939, shows there has been a fracture of the middle part of the tibia without displacement of fragments, a fracture of the right leg, right tibia; the fracture line shown is gradually healing, as fairly abundant bony substance has been found. A rather marked decalcification of the bone structure of the foot and of the lower part of the tibia and fibula, also, on the right side is seen.

THE COUNSEL:- Does the Court wish to have copy of this document filed as exhibit? I could have a certified copy made by the appropriate authorities of the hospital.

THE PROSECUTOR:- Evidently, there is no contradiction on the part of the prosecution as to the doctor's evidence. I shall not cross-examine him, and what the doctor has just said is admitted by the prosecut

If there were any contradiction on the part of the prosecution and the defence about this document, it would perhaps be advisable to have it filed as exhibit. But since there is no contradiction about which the Court could be called upon to examine the truth of the statement made by the witness, I submit that the filing of this report as exhibit seems to be useless.

THE COUNSEL:- A point which I must raise is the one which, if I remember well, came up at the time of the evidence given by a physician, I do not remember which one it was; it was raised following the question as to whether a general infection could, as the result of an injury, cause a local infection; one of the questions which the Court asked me at the time was that, I think, the President asked me whether I would later be in a position to establish the condition of generalized infection. It is for this reason that I would like these documents to be filed as exhibit.

THE COURT:- deems it unnecessary to have this record filed as exhibit, as the evidence of the witness explains the record and has been taken verbatim.

THE PROSECUTOR DECLINES TO CROSS-EXAMINE.

In the opinion of the Court and Judge Advocate, it is unnecessary to comply with R.P. 83(b).

The witness withdraws.

Second Witness for the Defence.

Mrs. Lennox Lee, 35 Des Remparts Street, Quebec City, being duly sworn, is examined by the Counsel:

TRANSLATION

Q.389 Madam, you are the sister of the accused?
A.389 Yes Sir.

Q.390 I understand that for a number of years you have practically never lost sight of your brother, you have been seeing him?.....

THE PROSECUTOR OBJECTS TO THE FORM OF THE QUESTION.

THE QUESTION IS WITHDRAWN.

Q.391 Will you please tell the Court what was, to your knowledge, your brother's conduct? Is he a good boy?
A.391 According to me, my brother has always been a good boy..

TEXT

The Prosecutor declines to cross-examine. In the opinion of the Court and Judge Advocate, it is unnecessary to comply with R.P. 83(b).

THE WITNESS WITHDRAWS.

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The Counsel makes a closing address.
(See document marked "K" attached).

The Prosecutor makes a closing address.
(See document marked "L" attached).

The Judge Advocate and the Court consider a summing-up unnecessary.

H.Q.C. 55-H-287,(IOM)

OTTAWA, September 21, 3

The Governor,
Quebec Jail,
QUEBEC, P.Q.

H.5095, Pte. J. HINCE

On 7 September 1943, a "Report on Conduct" Form in respect of the m/n soldier was sent to you with a request that you complete same and return addressed to the Secretary, Department of National Defence, Ottawa, Ontario.

Said Form has not yet been received at this Headquarters. As this matter is considered as urgent, I would ask you to be good enough to complete same and return at your earliest possible convenience.

F.D.

Deputy-Minister (Army).

LHC:WS.

Sgt. 1.C.P.

H.Q.C. 55-H-267,(ICM)
Your file # Q.39-H-70(JA)

OTTAWA, September 21, 3

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

E.5095, Pte. J. HINCK

With reference to this Headquarters letter of 7th September 1943, as this matter is considered as urgent, might the proceedings of the m/n District Court-Martial and Form M.F.M. 288, duly completed, be despatched to this Headquarters by return mail.

(H.F.G.Letson),
Major-General,
Adjutant-General.

LHC:WS.

I.C.M. - C

DEPARTMENT OF NATIONAL DEFENCE
- ARMY -

H. Q. C. 55- H-267, (ICM)
OTTAWA, September 7th 1943.

The Governor,

Quebec Jail,

QUEBEC, P.Q.

E.5095, Pte. J. HINCE,

1. Herewith "Report on Conduct" form in respect of the marginally-noted soldier who is serving, in your institution, a sentence of 2 years less 1 day imprisonment with hard labour awarded by a District Court-Martial on the 16th day of July 1942.

2. Please complete said form and forward same BY RETURN MAIL addressed to the Secretary, Department of National Defence, Ottawa, Ontario.

I.C.M.
Please send sentence and keep me informed

09/9/43

F. Dalton

Deputy Minister (Army).

100-6-43 (M-3477)

H.Q.C. 55-H-267,(ICM)
Your file # Q.39-H-70 (JA)

OTTAWA, September 7th, 3.

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

District Court-Martial
E.5093, Pte. Joseph HINCK,
Royal 22e Regiment, C.A.,
(Att. to A.I.T.C. A-13,C.A.)

With reference to your Q.39-H-70(JA), herewith enclosed proceedings of the m/n District Court-Martial. As an application for review of sentence has been received at this Headquarters, please have the provisions of C.A.R.O. 3241 complied with in respect of said proceedings. Might said proceedings then please be returned to this Headquarters.

(H.F.G.Letson)
Major-General,
Adjutant-General.

LHCWS.

C O P Y/9

DROUIN, DROUIN & LEBEL
ADVOCATES

156246

Immeuble Quebec Power Building
229 St. Joseph
Tel.2-1561

C. R.
To register and pass to
JCM
ON FILE
GND

CENTRAL REGISTRY
CONF. SEC.
File C. 55-H-267
Chgd. to
Referred to J.C.M.

C 55-H-267

PERSONAL

August 13th, 1943.

James A. Sharpe, Esq.,
Wing Commander,
Secretary of the Air,
Ottawa, Ontario.

Dear Jimmie:

re: ~~The King~~
vs: Jos. Hince.

With further reference to our conversation on the telephone, I wish to inform you that my client, Mr. Joseph Hince, residing at 35 des Remparts, Quebec City, was convicted before a Court Martial on July 1942 for an offence under the Military Act, and was condemned to serve a sentence of twenty three months.

He had been under close arrest since June 1st 1942, and is actually serving his sentence at the Quebec Jail. He is single and twenty-six years old.

Lately, he was discharged from the army for reasons of health, was placed in category E and paid off.

At about the same date, another soldier, Auguste Gosselin, was convicted, for a similar offence, to an imprisonment of one year and was freed some time ago.

I believe it is in the power of Adjudant-General Letson who, I understand, is chairman of the Remission Board, to free this man on parole, seeing that he has already served more than the half of his sentence.

It would avoid me a trip to Ottawa if you were kind enough to see Adjudant-General Lettson and find out if he could see his way clear to grant my client's request.

Hince is not a bad fellow. He belongs to a very good family and anything you could do for him would certainly be appreciated by his family and friends including his lawyer.

Thanking you in advance, for anything you might do, I beg to remain,

Yours very much obliged.
(Sgd) Mark Drouin.

MD/CJ

D.C.M.
Thing the case be reviewed and your decision communicated to the Office
1/9/43

14

le 1er septembre 1943.

Mon cher Jimmy,

J'accuse réception de votre lettre du 27 août relative au cas de Joseph Hince.

Je vais discuter de cette question avec les autorités compétentes du Ministère et je me ferai un plaisir de vous écrire de nouveau, aussitôt que possible.

Votre tout dévoué,

R. Lavergne,
Adjoint général.

Commandant d'escadre
James A. Sharpe,
Secrétaire de l'Air,
Ministère de la Défense
Nationale pour l'Air.

CANADA

MINISTÈRE DE LA DÉFENSE NATIONALE POUR L'AIR

CABINET DU MINISTRE

OTTAWA, le 27 août 1943.

Personnelle

M. Roger Lavergne,
Adjoint général,
Cabinet du Sous-ministre de la Défense
nationale (Armée),
Ottawa.

Mon cher Roger,

Sous ce pli je vous transmets une lettre reçue de Me Mark Drouin, de Québec, et relative au cas de Joseph Hince.

Auriez-vous l'obligeance de me suggérer dans quel sens je pourrais répondre à mon correspondant?

Votre tout dévoué,

Le Secrétaire de l'Air,

James A. Sharpe

James A. Sharpe,
Commandant d'escadre.

7-11

H.Q.C.55-H-267(JAG)

CONFIDENTIAL

June 2nd, 1943.

The District Officer Commanding,
Military District No. 5, Quebec, Que.

District Court-Martial

E/5095, Private Joseph Hince,
Royal 22e Regiment, C.A.,
(Att. to A.I.T.C. A-13, C.A.)

Receipt is acknowledged of your ~~G.S.-H-10-JA~~ dated May 31st 194 , under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

Brigadier,
Judge Advocate-General.

EBR/HB.

500-6-42(M1255)

CANADA

IN REPLY PLEASE QUOTE
No. Q1 39-E-70 (JA)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

131308

QUEBEC, P.Q., May 31st, 1943.

JUN 1 1943
File C.J.T. H 1267
Orig. to
Rec'd to

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: DISTRICT COURT-MARTIAL
E/5095, Private Joseph HINCE,
Royal 22e Regiment, C.A.,
(Att. to A.I.T.C. A-13, C.A.).

Reference your H.Q.C. 55-H-267 (JAG) dated 17th April and 26th May, 1943, respectively, relative to the marginally noted subject.

2. The proceedings of the District Court-Martial in the case of Pte. Hince are returned herewith for custody.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

NAT. DEF. B. 449
2,000 M--4-43 (4322)
H.Q. 1772-20-767

6528

[redacted]
No. Q133-E-74

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., July 30th, 1942.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
PERS. SEC.
655-H-367
JUL 31 1942
File
Chgd. to
Referred to

DISTRICT COURT-MARTIAL
E/5095, Pte. Joseph HINCE,
Royal 22e Regiment, C.A.,
Att. to A.I.T.C. A.13, C.A.

1. Enclosed herewith please find the proceedings of the marginally noted District Court-Martial.

2. You will note on Page "F" (Page 360) that confirmation has been reserved for Superior Authority.

3. Attached to the proceedings you will also find a statement made by the Advocate of the accused.

LF/rb

(GEORGES P. VANIER) Brigadier,
DISTRICT OFFICER COMMANDING,
MILITARY DISTRICT NO. 5.

M.D. 05
150000-5-42 (2400)
M.G. 1772-202-05

Copy on 405-H-6469

H.Q. C.55-H-257
M.D. Q.39-H-70 (JA)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. E-5095 Name HINCE, J.

Rank Pte. Unit Royal 22nd Regt., A.I.T.C., A-13, C.A.

Charge (1) Sec. 18(2) A.A. Wilfully injuring himself etc.
(2) (Alternative) Sec. 40 A.A. Neglect of good order and discipline.

(3) Sec. 18 (2) A.A. Wilfully injuring a person etc.
(4) (Alternative) Sec. 40 A.A. Neglect of good order and discipline.

(5) Sec. 18 (2) A.A. Wilfully injuring a person etc.
(6) (Alternative) Sec. 40 A.A. Neglect of good order and discipline.

(7) Sec. 18 (2) A.A. Wilfully injuring a person etc.
(8) (Alternative) Sec. 40 A.A. Neglect of good order and discipline.

Date of Crime 1.3.5.7. In the course of January and February 1942.
2.4.6.8. Between Jan.1 and April 1st, 1942.

Date of Arrest Charge. Signed 27/6/42.

Orders for D.C.M. D.O.C., M.D.#5.

Place and Date of Trial Quebec, Que. 8/7/42.

Sentence Imprisonment with hard labour two (2) years less one day.
Discharged with ignominy.

Date of Confirmation 17/9/42.

Date of Promulgation 21/9/42.

Entered in Records of J.A.G. as No. 6525

Date 3/8/42.

MEMO Found guilty of first charge but not guilty of all other charges.

Confirmation withheld for higher authority.

Sentence to be discharged with ignominy remitted by Confirming Authority.

Unexpired portion of sentence remitted by the confirming authority 28/10/43.

C.B. Bury Capt.
for Judge Advocate-General.

2M-7-42(M1291)

55-H-268 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT MARTIAL

D-26267 PTE. J.R. HUBBARD,

THE BLACK WATCH OF CAN., C.A.

205-H-8052

DEAD

DEAD

CONFIDENTIAL H.Q. C 55-H-268

CENTRAL REGISTRY	DATE	P.A. OR S.P.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minutes")							
AUG 5 [redacted]		[redacted]	Ellis	JAG	With papers	CR	11/8/42
				JAG	With Papers C.R. AUG 28 1942		
SEP 12	31/8/42 11/9/42	PA		AJ	To note plus P.A.	Ellis	29-8-42
		P.A.	RKK	[redacted]	[redacted] SEP 7 [redacted]		
				J.A.G.	With Papers C.R. FEB 26 1944		
[redacted]	[redacted]	[redacted]	[redacted]	I.C.M.	To note & pass to admin	JHL	1 Mar 44.
[redacted]	[redacted]	PA	Sm.	admin	to note and [redacted]	[redacted]	2-3-44
[redacted] 1944	[redacted]	[redacted]	[redacted]	JCM	Per BF 2/4/44	CR	6/4/44
[redacted]	[redacted]	[redacted]	[redacted]	JCM			
[redacted]	9/4/44	[redacted]	[redacted]	JCM	PER B.F. [redacted] 1944		
OCT 21 1944	[redacted]	[redacted]	[redacted]	JCM	PER B.F. OCT 23 1944		
OCT 27 1944	[redacted]	[redacted]	[redacted]	JCM	PER B.F. OCT 28 1944		
[redacted]	[redacted]	[redacted]	[redacted]	JCM	PER B.F. OCT 31 1944		
[redacted] 1945	9/11/44	PA	Sm	JCM	With Papers C.R. NOV 10 1944		
DEC 10 1945	10-12-45	[redacted]	RKK	JAG	With Papers C.R. DEC 7 1945		
JAN 10 1946	21-12-45	[redacted]	Sm	JAG	PER A.F. JAN 10 1946		
JAN 15 1946	14-1-46	P.A.	[redacted]	JAG	[redacted] JAN 14 1946		
FEB 18 1946	16-2-46	PA	[redacted]	admin	With Papers C.R. FEB 16 1946		

NOTICE

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

PASS THIS FILE IN ENVELOPE

FILE NO: M. 1-H-401 A/DIS

DEPARTMENT OF NATIONAL DEFENCE

- A R M Y -

MONTREAL, 14 Feb 46

CENTRAL
CONFIDENTIAL
FEB 15 1946
File 65-H-2
Chgd. to
Referred to Admin

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

REVIEW OF SENTENCE CM CARO 5913 (HQC 405-H-8252)
D-26267 Pte HUBBARD, J R

Ref HQC 9039-1, Adm 3 (b), 3, dated 8 Sep 45, pertaining to the m/n soldier.

2. Att hereto MFM 288 duly completed with respect to the m/n soldier, submitted to HDHQ in accordance with instrs contained in Para 4 of the above mentioned letter.

(W.J. HEHAUD) Major-General,
DOC MD No. 4.

Encl.

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of D-26267 (Number) Pte. (Rank) HUBBARD John Richard (Name in full)

No. 35 Coy. Can. Provost Corps, C.A., Westm. Barracks, Westm. P.Q. (Unit) (Attachment (if any))

Sentenced to Six Months detention

on 5th November 1945 at Montreal South Que.

being served at No.65 Military Detention Barracks, Longueuil, Que. (Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment 19 Years 1 Month; 25th June 1940

Medical grade or category PULHEMS 1114111

FIRST TRIAL—PART II

To AG, NDHQ. (Superior Military Authority)

For details of offence see Part VII.

I have directed that the above-named be ~~not~~ committed to undergo his sentence, which I recommend should ~~not~~ be ~~suspended~~ (put into execution) (~~postponed~~ ..... date) for reasons given in paragraph X.

Place Montreal, Que.

Date 4 Jan 46

(E.J. Renaud), Maj Gen, DOC MD No. (Confirming Authority)

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....)

(of which I remit .....) (be suspended) (be put into execution)

(and) be reviewed on .....

Place .....

Date ..... Superior Military Authority

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To ..... (Superior Military Authority)

For details of offence, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced to ..... and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .....

Date ..... Confirming Authority

M.F.M. 288
(Army Form A-2104)
3M—9-43 (1519)
H.Q. 1773-29-903

Part V

I direct that the sentence (which I hereby commute to .....)

(of which I remit .....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of .....

.....(and) be reviewed on .....

Place .....

.....
Superior Military Authority

Date .....

Part VI

ACTION ON REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
5 Feb 46	Sentence remitted wef 3 Feb 46.	(E.J. Renaud), Maj Gen, DOC MD No. 4.	
8 Feb 46	Released	(P.M.D. Shaw) Major Liaison Officer DVA. MD 4.	

All recommendations, etc., considered upon review, should be punched here.

Part VII—First Trial

	Charge or Charges giving Particulars	Date of Offence	Date of Trial
1st CHARGE Sec 15(1) Army Act	ABSENT WITHOUT LEAVE, at Westmount, at 0800 hrs. 11th June 45, a.w.l. from his Unit No 35 Co, Canadian Provost Corps CA. Until apprehended by Mil. Auth. at Mont. Que. at 2100 hrs. 12th Oct. 1945, dressed in civilian clothes.	11 June 45	5 Nov 45
2nd CHARGE Sec24 (2) ARMY ACT	LOSING BY NEGLECT, EQUIPMENT, CLOTHING & REGT'L NECESSARIES, at Westmount, on 15th Oct 45, was deficient of his equipment, clothing and regimental necessaries.		

Signature of Officer making entry
(E.L. AUERBACH) Capt.
Gen List. C.A., att'd to
No.4 District Depot, C.A.

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial

Signature of Officer making entry

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
20th Dec. 1945	I do not recommend any remission of sentence in this soldier's case.	(S. ECHELBERG) Colonel, Commanding No. 4 District Depot, C.A.

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
4 Jan 46	Fair and reasonable.	(E.J. Renaud), Maj Gen DOC MD No. 4.

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

HQC 55-H-268 (JAG/D-6)

14 January 1946

District Officer Commanding,
Military District No. 4,
Montreal, P.Q.

Standing
D-26267, Pte. J.R.Hubbard.
Court-Martial.

M.L.-H-401(J)

Receipt is acknowledged of your 7 January 1946 dated 194 , under cover of which you returned to this office for custody the proceedings of the marginally noted Court-Martial.

E.L.M.

EIM:EJ

(R.J.Orde) Brigadier,

Judge Advocate-General.

8M-5-45(M-96)

IN REPLY PLEASE QUOTE No. M.1-H-401(J)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Montreal, P.Q.,
7th January, 1946.

REGISTERED

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

GENERAL REGISTRY ARMY
CO. A.F. H.Q.
1181
JAN 9 1946
JAG

STANDING COURT MARTIAL
D-26267 Pte. J.R. HUBBARD,
No.35 Coy. C. Pro. C., C.A.,
Westmount Barracks, Westmount,
P.Q.

Reference your HQC.55-H-268 (JAG/D-4) dated 10 Dec 45.

2. Herewith proceedings of the marginally-noted Standing Court-Martial which are returned to you for custody, please.

(E.J.Renaud), Major-General,
for D.O.C., M.D. No. 4.

Enc.

MEDICAL OFFICER'S REPORT

I certify that No. D-26267 Pte. HUBBARD, John, Richard
of C. Pro. C., C.A., att'd to 55 Provost Company is in a good state of health,
and fit to undergo Trial by Court martial.

C H Bazinet Capt
Medical Officer
(C.H. BAZINET) Captain,
R.C.A.M.C., C.A., att'd to
No. 4 District Depot, C.A.

Station Westmount Barracks
Westmount, Quebec.

Date 5th November 1945.

M. F. B. 246

50M—5-45 (254)
H.Q. 1772-99-486

MEDICAL OFFICER'S REPORT

I certify that No D 21247 HUBBARD

of _____ is in a good state of health,

and fit to undergo Trial by Court martial.

[illegible]
Medical Officer

Station _____

Date 2-11-45

M. F. B. 246
50M—5-42 (334)
H.Q. 1773-10-400

MEDICAL OFFICER'S REPORT

I certify that No. D-26267 Pte. HUBBARD, J. R.

of 35 Provost Company is in a Good state of health,

and fit. to undergo Trial by Court martial.

R. Aulie capt.
Medical Officer

Station Westmount Barracks

Date 31st October 1945

M. F. B. 246

50M—5-43 (554)
H.Q. 1773-30-400

A

Form of Proceedings for a Standing Court-Martial

Proceedings of a Standing Court-Martial held at No. 4 District Depot, C.A.,

on the 31st day of October, 19 45 at 1040 hours,

for the trial of: D-26267 (Number) Pte. (Rank) John Richard HUBBARD, (Full Name)

No. 35 Coy. (Unit) Canadian Provost Corps, C.A., Westmount Barracks, Westmount, P.Q. (Attachment, if any)

PRESIDENT: Major L.J.E. BELLEAU, Headquarters, Military District No. 4

PROSECUTOR: Captain (Rank) P.J.F. BOUSQUET, (Full Name) (Unit) (Attachment, if any)

~~COUNSEL~~ OR DEFENDING OFFICER: (See adjournments, page A-3) Captain (Rank) J.N. LABELLE, (Full Name) (Unit) (Attachment, if any)
C.I.C., C.A., att'd. to No. 4 District Depot, C.A.

FINDING:

The Court find the accused, D-26267, Pte. John Richard HUBBARD, No. 35 Coy. Canadian Provost Corps, CA, Westmount Barracks, Westmount, P.Q. guilty of the first charge but not guilty of the second charge.

SENTENCE: The Court sentence the accused, D-26267, Pte. John Richard HUBBARD, No. 35 Coy. Canadian Provost Corps, CA, Westmount Barracks, Westmount, P.Q., to undergo detention for six (6) months.

Extracts entered as No. 41740 in the Record of Courts-Martial kept in the office of the Judge Advocate General this 8 day of Nov 19 45

Signed at Montreal South, Que. this 5th day of November, 1945.

(L.J.E. BELLEAU) Major
President, Standing Court-Martial.

M.F.R. 1496
25M-5-44 (6826)
H.Q. 1772-30-2296

Lieut. J. Panet-Raymond, C.I.C., CA., att'd. to No. 4 District Depot, C.A., addresses the Court on behalf of the accused:

On behalf of the accused, in the absence of Captain Bell, Defending Officer choosen by the accused, I would request an adjournment until Friday, 2 Nov 45, at which time Capt. Bell will be present.

The Prosecutor does not object to the request for adjournment.

THE COURT GRANTS THE ADJOURNMENT REQUESTED BY THE DEFENCE.

At 1045 hours, the 31st day of October 1945, the Court adjourns the present case until the 2nd day of November, 1945, at 1000 hours.

-0-0-0-0-0-0-0-0-

On the 2nd day of November, 1945, at 1355 hours, the Court reassemble pursuant to adjournment, present the same President as when adjourned.

-0-0-0-0-0-0-0-0-

Capt. J.N. Labelle, CIC, CA., att'd. to No. 4 District Depot, C.A., addresses the Court:

I, Captain J.N. Labelle, will defend the accused, in the place of Captain Bell who cannot be here on account of being otherwise occupied.

-0-0-0-0-0-0-0-0-

Question to the accused. Do you object to be tried by me as President of the Court?

Answer: No, Sir.

(N.B. If objection is made it should be recorded together with the decision of the Court on a separate page marked "B B" and attached immediately under Page B.)

Question to the accused. [redacted] HSB

Answer: [redacted] HSB

Question to the accused. Do you object to D-136118, CSM (WO II) DeKoninck, P., CMSC, CA. as shorthand writer?

Answer: No, Sir.

The shorthand writer [redacted] HSB is duly sworn.

Question to the prosecutor. Has the accused elected to be tried by a Standing Court-Martial or other Court-Martial?

Answer: No, Sir.

The accused is arraigned upon each charge in the Charge Sheet marked B-2, and annexed to the proceedings after having been signed by the President.

Question to the accused. Is that your number, rank, name and unit?

Answer by accused. Yes, Sir.

Question to the accused. Are you guilty or not guilty of the (first) charge against you, which you have heard read?

Answer: Guilty, Sir.

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

Answer. Not guilty, Sir.

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

Answer.

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

Answer.

HSB

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

J.E. Bellerose, Major, Pres. GCM "B"

CHARGE SHEET

The accused D-26267 Private John Richard HUBBARD, No.35 Company, Canadian Provost Corps, C.A., Westmount Barracks, Westmount, Quebec, a C.S. Soldier of the Canadian Army placed on Active Service, is charged with:-

FIRST CHARGE
Sec. 15(1), Army Act

ABSENTING HIMSELF WITHOUT LEAVE

in that he

At Westmount, at 0800 hours 11th June 1945, absented himself without leave from No. 35 Company, Canadian Provost Corps, C.A., until apprehended by military authorities at Montreal, Quebec, at 2100 hours 12th October 1945, dressed in civilian clothes.

SECOND CHARGE
Sec. 24(2), Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES,

in that he

At Westmount, on 15 Oct 45 was deficient of the following articles of his equipment, clothing and regimental necessaries:-

Article	Section "A" Quantity	100%	75%
Gloves, Woollen K prs	1	.66	.50
Greatcoats, drab	1	15 .54	11 .66
Overalls, comb. prs	1	2 .52	1 .89
Dressing, first field	1	.22	.17
Caps winter melton	1	1 .05	.79
Jitts pullover leather, prs.	1	.93	.63
Overshoes, 4 bcks prs	1	2 .04	1 .55
Section "B"			
Blouses, Battle Dress	2	13 .00	9 .75
Bonnets, Tam-Shanter	1	.83	.62
Boots, ankle prs	2	11 .64	8 .73
Caps, field service	1	.70	.53
Drawers, cotton sh prs	2	.84	.63
Drawers woollen prs	2	2 .80	2 .10
Jackets, sweater	1	1 .37	1 .03
Shoes canvas prs	1	2 .29	1 .72
Socks, army, prs	3	1 .36	1 .02
Trousers, Battle dress	1	6 .55	4 .91
Shirts, woollen	2	2 .40	1 .80
Jackets, K/D o/s	2	6 .84	5 .13
Muffler, khaki	1	.93	.70
Puttees, drab, prs	1	.97	.73
Shirts, khaki, cotton	2	3 .08	2 .31
Shirts, undercotton	2	.86	.65
Trousers K/D Long	2	3 .60	2 .70
Trousers K/D short prs	2	2 .82	1 .97

Article	Quantity	100%	75%
Section "C"			
Bags, Kit MK 2	1	1.27	.95
Braces, prs.	1	.28	.21
Sticks, Button	1	.04	.03
Brushes, Button	1	.11	.08
" Clothes	1	.17	.13
" Hair	1	.39	.29
" Shaving	1	.42	.32
" Boot Blacking	1	.14	.11
" Boot Polishing	1	.21	.16
" Tooth	1	.09	.07
Caps, comforter	1	.41	.31
Combs Hair	1	.04	.03
Forks table	1	.08	.06
Holdall	1	.22	.16
Housewives	1	.35	.26
Knives, clasp	1	.99	.74
Knives Table	1	.18	.14
Razors safety sets	1	.42	.32
Spoons table	1	.08	.06
Towels hands	2	.62	.47
Belts waist web	1	.25	.19
Neckties black	1	.19	.14
Pins collar safety	1	.06	.05
Section "D"			
Armlets, M.P.	1	.31	.23
Buckles, Brass	1	.06	.05
Section "IA"			
Bottles water	1	.62	.47
Braces, WE left	1	.35	.26
Braces, WE Right	1	.35	.26
Covers, Mess Tin	1	.08	.06
Frogs, web, bayonet	1	.18	.14
Helmets, steel, complete	1	2.39	1.79
Pouches, basic	2	2.06	1.55
Straps, shoulder Haver/left	1	.31	.23
Straps, shoulder Haver/right	1	.31	.23
Straps, web supporting	2	.28	.21
Tins, mess	1	.57	.43
Helmets, sun	1	1.76	1.32
Section "2A"			
Capes, A/G	1	4.70	3.53
Respirator A/G	1	4.73	3.55
Ointment A/G	1	.29	.22
Eyeshields Pkg of 6	1	.68	.51

page three

Article	Quantity	100%	75%
Section "K"			
Blankets, G.S.	3	12.21	9.16
Covers, Mattress	1	1.20	.90
Mattresses, D.T.	1	3.20	2.40
Pillows, D.T.	1	.45	.34
Slips, Pillow	1	.35	.26
	Total	$130.09	$97.59

Signed at
Montreal, Quebec,
29th October, 1945.

Jacques Bousquet
J. Bousquet, Captain,
Pros., H.Q., M.D. No.4.

C

Proceedings on Plea of Not Guilty

Question to the accused.

SECOND CHARGE

Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.

No, Sir.

(If the accused applies for an adjournment see instructions at page 747 M.M.L.)

The Prosecutor does not wish to make an opening address.

The Prosecutor proceeds to call witnesses.

First Witness for prosecution.

D-136457, Sgt. R.L. BRUNET, Canadian Provost Corps, M.D. 4, Detachment, Westmount Barracks, Westmount, P.Q.

being duly sworn, is examined by the Prosecutor.

Question

Q. What's the nature of your duties?

A. Quartermaster.

Q. Do you know the accused?

A. Yes, Sir.

Q. Can you name him?

A. D-26267, Pte. Hubbard.

Q. Will you tell the Court what you personally know regarding a charge of losing by neglect his equipment, clothing and regimental necessaries laid against the accused?

A. His kit was turned in by a hut orderly in the hut which Hubbard used to sleep in. When the kit was turned in there was one pack-sack, one haver-sack , one coat water-proof army and small articles. The list submitted is a true deficiency of the kit of the accused on the 15 Oct 45.

Q. Did you conduct an inspection of the accused's kit on that date?

A. Yes, Sir.

Q. What did you find?

A. The same deficiencies.

Q. Will you name those deficiencies, giving the articles, the quantities and the prices?

A. Yes, Sir.

Article	Quantity	75%
Section "A"		
Gloves, Woollen K Prs	1	.50
Greatcoats, drab	1	11.66
Overalls, comb. prs	1	1.89
Dressing, first field	1	.17
Caps winter melton	1	.79
Mitts pullover leather, prs.	1	
Overshoes, 4 bcks prs	1	
Section "B"		
Blouses, Battle Dress	2	
Bonnets, Tam-Shanter	1	
Boots, ankle prs	2	

FIRST WITNESS FOR PROSECUTION (Cont'd.)

Caps, field service	1	.53
Drawers, cotton sh prs	2	.63
Drawers woollen prs	2	2.10
Jackets, sweater	1	1.03
Shoes canvas prs	1	1.72
Socks, army, prs	3	1.02
Trousers, Battle dress	1	4.91
Shirts, woollen	2	1.80
Jackets, K/D o/c	2	5.13
Muffler, khaki	1	.70
Puttees, drab, prs.	1	.73
Shirts, khaki, cotton	2	2.31
Shirts, undercotton	2	.65
Trousers K/D Long	2	2.70
Trousers K/D short prs	2	1.97

Section "C"

Bags, Kit MK 2	1	.95
Braces, prs.	1	.21
Sticks, Button	1	.03
Brushes, Button	1	.08
" Clothes	1	.13
" Hair	1	.29
" Shaving	1	.32
" Boot Blacking	1	.11
" Boot Polishing	1	.16
" Tooth	1	.07
Caps, comforter	1	.31
Combs Hair	1	.03
Forks table	1	.06
Holdall	1	.16
Housewives	1	.26
Knives, clasp	1	.74
Knives Table	1	.14
Razors safety sets	1	.32
Spoons table	1	.06
Towels hands	2	.47
Belts waist web	1	.19
Necktiss black	1	.14
Pins collar safety	1	.05

Section "D"

Armlets, M.P.	1	.23
Buckles, Brass	1	.05

Section "LA"

Bottles water	1	.47
Braces, WE left	1	.26
Braces, WE right	1	.26
Covers, Mess Tin	1	.06
Frogs, web, bayonet	1	.14
Helmets, steel, complete	1	1.79
Pouches, basic	2	1.55
Straps, shoulder Haver/left	1	.23
Straps, shoulder Haver/right	1	.23
Straps, web supporting	2	.21
Tins, mess	1	.43
Helmets, sun	1	1.32

FIRST WITNESS
FOR PROSECUTION
(Cont'd)

Section "2A"

Capes A/G	1	3.53
Respirator A/G	1	3.55
Ointment A/G	1	.22
Eyeshields Pkg of 6	1	.51

Section "K"

Blankets, G.S.	3	9.16
Covers, Mattress	1	.90
Mattresses, D.T.	1	2.40
Pillows, D.T.	1	.34
Slips, Pillow	1	.26
TOTAL		$97.59

Q. Will you produce to the Court certified true copies of MFC 800 and MFM 213 and also show to the Court originals of the certified true copies for comparison purposes?

A. Yes, Sir, I produce Certified true copies of MFC 800 and MFM 213, also originals of same documents, in the case of D-26267, Pte. Hubbard, J.R.

found correct
JRB

The above documents are compared and the originals returned to the witness.

The certified true copies of the above documents are read, marked "I" and "J", respectively, signed by the President and attached to the proceedings.

Q. Will you tell the Court where took place this Kit Inspection?

A. It was conducted in the QM stores, Provost Corps, Hut 5, Westmount Barracks.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q. Will you tell the court again on what date you carried out the Kit Inspection?

A. On 15 Oct 45.

Q. How often do you carry out Kit Inspections, in the normal course of events?

A. We don't very often because its very hard because most of the men are away on command and we only conduct kit inspections when men desert or go AWL.

Q. Can you tell us if a kit inspection was carried out on the 15th of June 1945, that will be about four days after the accused absented himself?

A. No, Sir.

Q. So you don't know what happened to the kit?

A. All I know is about the Kit Inspection I conducted.

THE PROSECUTOR DECLINES TO RE-EXAMINE

WITNESS FOR PROSECUTION

QUESTIONED BY THE COURT

Q. Was that Kit Inspection conducted in the presence of the accused, on 15 Oct 45?

A. No, Sir.

Q. Did the accused know about it in any way?

A. I do not think so.

Q. You did not tell him you were making an inspection of his kit?

A. That's right, Sir.

THE WITNESS WITHDRAWS

-0-0-0-0-0-0-0-0-0-

MOTION BY THE DEFENDING OFFICER

I move that the second charge, Losing by neglect his equipment, clothing and regimental necessaries, be cancelled, in view of the fact that the Kit Inspection was not carried in the presence of the accused.

BY THE COURT

The accused is declared "not guilty" of the second charge.

-0-0-0-0-0-0-

C.C.

Proceedings on Plea of Guilty

FIRST CHARGE

The accused having pleaded guilty to the first charge, is found guilty of the said charge.

(The Prosecutor will be asked if he has any statement to make regarding all the circumstances connected with the offence.)

Question to the accused. Have you any statement to make in reference to the charge to which you pleaded guilty?

Answer. No, Sir.

(Statement of the accused to be recorded on a separate page.)

Question to the accused. Do you wish to make any statement in mitigation of punishment?

Answer. Yes, Sir.

(See page CC-3)

(Statement of the accused to be recorded on a separate page.)

Question to the accused. Do you wish to give evidence yourself as to character?

Answer. No, Sir.

Question to the accused. Do you wish to call any witness as to character?

Answer. No, Sir.

R.P. 37 *(d). If from the statement of the accused or from the Summary or Abstract of Evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty" the Court shall alter the record and enter a plea of "Not Guilty" and proceed with the trial accordingly.*

For variation, see M.M.L. pg. 747.

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For variation, see M.M.L. pg. 747.

BY THE DEFENDING OFFICER

I would ask an ajournment of this case until the 5th Nov 45, in order to better prepare the defense for the first charge.

At 1430 hours, 2 Nov 45, the Court adjourns until 5 Nov 45, at 1000 hours.

-0-0-0-0-0-0-

At 1420 hours, 5 Nov 45, the Cour reassemble pursuant to adjournment; present the same President as when adjourned.

-0-0-0-0-0-0-

STATEMENT OF THE ACCUSED IN MITIGATION OF PUNISHMENT

Mr. President,

I went AWL because I was in trouble. I applied for assistance from the Army and had no results. I have a common-law wife and she got no money. I applied for allocation but she never got a cent and I had no means to support her besides the little money I gave her, and had no other way to turn to. I tried the best I could but could not get anywhere. My intention was to earn enough money to put her in hospital and return to the Army. She was not receiving any allowance from the army. I have a lawful wife.

-0-0-0-0-0-

E

Proceedings on Conviction before Sentence

After the Court has arrived at a Finding on all the charges against the accused and such Finding has been announced to the accused, the Prosecutor will tender to the President M.F.B. 355, together ,when it is possible, with an M.F.M. 6.

These documents are read to the Court by the President, are marked "Y" and "Z", signed by the President and annexed to the proceedings.

Question to the accused. Have you any statement to make concerning the documents which have just been read to you?

Answer. No, Sir.

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

Answer. Yes, Sir, through my Defending Officer.

BY THE DEFENDING OFFICER

Mr. President,

The accused has a medical background of H-4, also a psychiatric background. I view of that I would request that he be given an examination by a psychiatrist.

The Sentence is then recorded on Page "A' of the proceedings and same is announced to the accused in open Court.

The President then completes and signs the "Warrant of Commitment", if any, which shall be transmitted forthwith to the Commanding Officer of the accused. He will also complete and sign in every case, the "Certificate of trial by Standing Court-Martial", and address same as directed by the regulations. The proceedings, with all documents, will be transmitted to the Judge Advocate General.

A F

Certified True Copy

J.E. Purcell Major
Officer Commanding
No. 35 Coy. C.Pro.C.

PART II ORDERS
By
MAJOR J.E. PURCELL E.D.
Officer Commanding
No. 35 Company, Canadian Provost Corps C.A.

Order No. 117
30th Jun 45
Westmount
Que.,

(Last Order Issued No. 116 dated 29th Jun 45)

HOME WAR ESTABLISHMENT

"A" - OFFICERS

N I L

"B" - OTHER RANKS

1. ON COMMAND
(a) Off Cmd. Special Duty.....0900 hrs.....30 Jun 45

D-148846 PTE(L/CPL) CARON R.
D-189828 PTE PROULX J.F.G.

2. ABSENCE WITHOUT LEAVE
(a) A.W.L. from 0800 hrs. 11 Jun 45. Still absent 0800 hrs 30 Jun 45 (20th day)

D- 26267 PTE HUBBARD J.R.

(b) A.W.L. from 2325 hrs.....27 Jun 45

D-148762 PTE NEVEU W.

(c) A.W.L. from 0800 hrs 23 Jun 45. Still Absent 0800 hrs. 30 Jun 45. (8th day)

D-142522 PTE PAQUIN A.

3. STRENGTH RETURN
Strength return as shown in appendix "A" to this Order.

(J.E. Purcell) Major
Officer Commanding
35 Provost Company C.A.

Certified True Copy.
[illegible]
Officer Commanding
No. 35 Coy. C.Pro.C.

PART II ORDERS
By
MAJOR J.E. PURCELL E.D.
Officer Commanding
No. 35 Company, Canadian Provost Corps C.A.

Order No. 118
1st Jul 45
Westmount
Que.,

(Last Order Issued No. 117 dated 30th Jun 45)

HOME WAR ESTABLISHMENT

"A" - OFFICERS

N I L

"B" - OTHER RANKS

1. ABSENCE WITHOUT LEAVE

(a) A.W.L. from 0800 hrs 11 Jun 45. Still Absent 0800 hrs 1 Jul 45 (21st day)

D- 26267 PTE HUBBARD J.R.

(b) A.W.L. from 0800 hrs.23 Jun 45. Still Absent 0800 hrs 1 Jul 45 (9th day)

D-142522 PTE PAQUIN A.

(c) A.WL. from 2325 hrs. 27 Jun 45 Still Absent 2325 hrs 1 Jul 45 (5th day)

D-148762 PTE NEVEU W.

2. PUNISHMENTS

(a) Admon. for an offence under A.A. Sec 15 (1) A.W.L. from 0800 hrs 25 Jun 45 to 2210 hrs 25 Jun 45 (Absent: 14 hrs 10 mins). Forf. a total of 1 days pay under Art 149 (1) (a) FR&I.....26 Jun 45

D- 86109 PTE(L/CPL) MacLEOD D.K.

(b) Awarded 14 days Det'n for an offence under A.A. Sec 15 (1) A.W.L. from 0800 hrs 27 Jun 45 to 1030 hrs 27 Jun 45 (Absent: 2 hrs 30 mins) Thereby missing a militery duty and was replaced. Forf. 1 days pay under Art 153 FR&I. Forf. 14 days pay under Art 149 (1)(b) FR&I. Forf. a total of 15 days pay.... 27 Jun 45

D-149706 PTE LEGENDRE A.

3. DETENTION

(a) Admt. to Mil Det'n Bks No. 88.....28 Jun 45

D-149706 PTE LEGENDRE A.

(J.E. Purcell) Major
Officer Commanding
35 Provost Company C.A.

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Major J.E. Purcell. (Number) (Rank) O.C. Composite Provost Companies M.D. No.4 (Name) (Unit)

hereby certify that D-26267 (Number) Pte. (Rank) HUBBARD, John, Richard. (Name in full)

of the 35 Provost Company, Westmount Barracks. (Unit and attachment, if any)

Strike out words not applicable } was apprehended by [redacted] D-139760 (Number) Cpl (Rank)

PASSO, A. (Name) Composite Provost Companies M.D. No.4 (Unit or appointment)

at Montreal, Que. (Place) at 2100 (Hour)

on the 12th day of October 19 45

Strike out words not applicable } as a [redacted] absentee without leave), and that at the time of his arrest he was [redacted] (dressed in civilian clothes).

Dated at Montreal, Que. this 15th day of October 19 45

(J.E. Purcell) Major.
(Signature, Number, Rank, Unit or appointment)
O.C. Composite Provost Companies M.D. No.4

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
150M—2-44 (3730)
H.Q. 1772-39-1056

A SOLDIER OF THE ACTIVE ARMY.

CLOTHING SIZES RECORD

ARTICLE	SIZES
Anklets	
Battle Dress, blouse	
Battle Dress, trousers	
Cap or bonnet	
Boots, ankle	
Gloves	
Facepiece, respirator	
Greatcoat	
Helmet steel, lining	
Overalls, combination	
Jersey, pullover	
Shirts, Angola, drab	
Vest, woollen	
Drawers, cellular	
Drawers, woollen	

Certified true copy
(J.A. Smith) Major
Officer Commanding,
No. 35 Provost Coy., R.D.
Westmount, Barracks,

HUGGARD J.

OVERSEAS—Militia Book M. 1 Part III
40/P & S/1894 (2570)
CANADA —M.F.C. 880
750M 11-43 (2570)
H.Q. 1772-30-1643
K.P. 93282

"I"

H.R. Kilgour Major
Pres. Coy

CANADIAN ARMY
CLOTHING AND EQUIPMENT
STATEMENT

Regt'l. No. 2/26267

Rank Pte.

Name HUGGARD J.R.

Date of Attestation 25/6/40

Original Unit ..... Station FARNHAM QUE

Home Address
(Reserve Unit Personnel Only)

INSTRUCTIONS TO SOLDIER
(OVERSEAS ONLY)

1. You will always carry this book on your person and are responsible for its safe custody. (Officers need not carry this book on their person but will be responsible for its safe custody).

2. You will initial at the bottom of each page to signify that you understand its contents and have received the quantities entered.

3. Do not alter or make entries in this book. Disobedience of this order will be treated as a serious offence and disciplinary action will be taken.

4. You will at once report the loss of this book to your Commanding Officer.

INSTRUCTIONS TO QUARTERMASTERS
(OVERSEAS ONLY)

1. Unit equipment (e.g. compasses, binoculars, special clothing for cooks, m/cyclists, etc.) will not be recorded on this statement.

INSTRUCTIONS TO QUARTERMASTERS
(OVERSEAS AND CANADA)

1. This statement will be used to record articles of personal clothing and equipment issued to each soldier.

2. All entries will be made in ink. Blank spaces in columns will be ruled through. All columns used will be initialled in the space provided by soldier and by the QM, or his representative.

CERTIFICATE TO BE SIGNED BY INSPECTING OFFICER AT EACH KIT INSPECTION

Certified that the record detailed in this statement has been checked with the articles in possession of the soldier and found correct.

SIGNATURE	DATE	SIGNATURE	DATE
G. Cooly Sgt	May 1/44		

| | | |

ARTICLE	QUANTITY
BADGE, Tit-E SHOULDER	X
" SHOULDER, WAIST	X
Bádges, shoulder, Canada, drill, prs.	
Blacking, tins	X
Boot dressing, tins	X
Bootlaces, prs.	X
RINGS	X
Protectors, ear	
Sponge, pipeclay	X
Lanyard, pistol	
BADGES G.S.	X
Initials of Soldier	MH
Initials of QM or Rep.	[illegible]

3. Items withdrawn from soldier will be marked off by an "X" in [illegible], over the entry and initialled by the QM or his representative.

4. New issues will be recorded in the next open column. The remaining entries in old column on page affected will be carried forward into new column. Old column will be ruled out in ink.

5. No entry will be made on this statement when unserviceable articles are exchanged for serviceable ones or when issues are made on repayment.

6. See instructions re kit inspections on inside of back cover.

INSTRUCTIONS TO QUARTERMASTERS
(CANADA ONLY)

1. This statement must be retained by the Quartermaster and will accompany the regimental documents of an officer or soldier whether he is transferred or struck off strength for any reason whatsoever.

2. Arms, oil bottles and pullthroughs will not be transferred with the soldier unless authorized by N.D.H.Q. or by the D.O.C.

3. When stores other than regular overseas issues are withdrawn from an individual prior to his proceeding overseas, the section of the booklet and instructions applying to Canada only, will be ruled out in ink, by a line extending from the top left hand corner to the bottom right hand corner.

ADDITIONAL ISSUES — CANADA ONLY

ARTICLE	QUANTITY					
Belts, waist, leather, brown or web 1½"	1		1	1		
Boots ankle, felt, prs.						
Boots, insoles, prs.						
Boots, lumberman's rubber prs.						
Buttons, G.S., large	5	5	5			
Buttons, G.S., small	4	4	4			
Buttons Brass	1	1	1			
Cap, winter, melton cloth	1	1	1			
Coat waterproof			1			
Helmet, sun		1	1			
Jackets, Khaki drill	2	2	2			
Jackets, serge, drab, O.C.						
Initials of Soldier	[illegible]	[illegible]	[illegible]			
Initials of QM or Rep.	[illegible]	[illegible]	[illegible]			

ARTICLE	QUANTITY					
Jacket sweater, or jersey pullover	1					
Overalls, combination	1					
Overalls, blouses, denim						
Overalls, trousers, denim						
Shirts, Angola, drab or flannel khaki						
Shoes, canvas, prs.	1					
Socks, prs.	4					
Trousers, battle-dress, prs.	2					
Vests, woollen	2					
Badges, cap						
Badges, arm, drab, crowns						
Badges, arm, drab, crown in wreath						
Badges, arm, Tank Bn.						
Badges, shoulder, "CANADA", prs	1					
Initials of Soldier	[illegible]					
Initials of QM or Rep.	[illegible]					

ARTICLE	QUANTITY					
Veil, face, camouflage						
Yoke						
Capes, A/G	/					
Respirators, A/G, complete with haversack	/					
Outfits, A/D						
Ointment, A/G	/					
Eyeshields, A/G, pk of 6	/					
Detectors, Individual prs						
Wallet, A/G	/					
Blanket						
Mug, drinking						
Sheet, ground						
Initials of Soldier	JHW					
Initials of QM or Rep	RC					

ARTICLE	QUANTITY					
Comb, hair	/					
Discs, identity, sets, with cord	X					
Dressing, field	/					
Fork, NS Table	/					
Holdall	/					
Housewife, complete	/					
Knife, clasp	/					
Knife, table	/					
Lanyard, knife	X					
Razor, safety, with blade	/					
Patches, distinguishing, prs						
Shorts, gymnasium						
Spoons, NS dessert	/					
Vest, cotton, gym						
Initials of Soldier	JHW					
Initials of QM or Rep	RC					

ARTICLE	QUANTITY
Anklets, web, prs.	1
Blouses, Battle-dress	2
Bonnet, tam-o'shanter	1
Boots, ankle, prs.	2
Boots, rubber, high, prs.	
Boots, leather, high, prs.	
Bonnet, drab, Irish	
Cap, field service	1
Cap, mechanic	
Cap, tank battalion	
Drawers, Cellular (cotton) short, prs.	2
Drawers, Woollen, prs.	2
Gloves, knitted, drab, prs.	1
Greatcoat, drab	1
Initials of Soldier	[illegible]
Initials of QM or Rep.	[illegible]

ARTICLE	QUANTITY
Mitts, pullover, leather, prs.	1
Muffler, khaki	1
Necktie, black	1
Pin, collar, safety	1
Puttees, prs.	1
Rubbers, prs.	
Overshoes	1
Shirts, khaki, cotton	2
Shirts, undercotton	2
Shoes, leather, black, prs.	
Socks, black, prs.	2
Trousers, khaki drill, prs.	2
Trousers, khaki drill, short, prs.	2
Trousers, serge, drab, N.P. prs.	
Initials of Soldier	[illegible]
Initials of QM or Rep.	[illegible]

ARTICLE	QUANTITY					
Badges, arm, drab, Royal Arms						
Badges, arm, drab, Royal Arms in Wreath						
Bags, kit, universal	/					
Broom	/					
Brass, cleaning	/					
Brush, button, brass	/					
Brush, clothes	/					
Brush, hair	/					
Brush, shaving	/					
Brush, shoe, blacking	/					
Brush, shoe, polishing	/					
Brush, tooth	/					
Cap, comforter	/					
Chevrons						
Initials of Soldier						
Initials of QM or Rep.						

ARTICLE	QUANTITY					
Rifle No. (Regt'l No.)						
Bayonet No. w/scabbard						
Bottles, oil						
Pullthroughs, single						
Rods, cleaning, pistol						
Carbine, Mach. (Regt'l No.)						
Magazines, Carbine						
Pistol Revolver No. (Regt'l No.)						
Ctges, SA, revolver .380 in.						
Ctges, SA, .303 in Mk VII						
Initials of Soldier						
Initials of QM or Rep.						

ARTICLE	QUANTITY					
Towels, hand	2					
Unit or Corps titles, prs						
Attachments, brace						
Bag, ration						
Belts, waist	1					
Bottles, water	1					
Braces, WE (Right)	1					
(Left)	1					
Carriers, cartridge						
Carriers, waterbottle						
Cases, binoculars						
Cases, pistol						
Covers, bearch, rifle						
Initials of Soldier	[illegible]					
Initials of QM or Rep	[illegible]					

ARTICLE	QUANTITY					
Cover, mess tin	1					
Frogs, web, bayonet No 4 MK 2	1					
Haversack	1					
Helmet, steel	1					
Net camouflage helmet						
Packs	1					
Pockets Compass						
Pouches, amm, pistol						
Pouches, basic	2					
Pouches, utility { Front / Rear						
Slings, rifle, web						
Straps, shoulder, haversack { left / right	2					
Straps, web, supporting	2					
Tins, mess, TP	1					
Initials of Soldier	[illegible]					
Initials of QM or Rep	[illegible]					

(USE OTHER SIDE FIRST)

BEDDING AND UTENSILS CARD

J

M.Q. 1123-

NUMBER 126267 RANK Pte. NAME Howard J.R.

NOTE.—Enter Company and name of Unit in space provided at bottom of this form opposite number corresponding to number column in which issue is made. This form will accompany individuals on being transferred or re-posted between Units. Cards of personnel discharged, etc., will be placed with the individual's documents. J. Sullivan, Major, Pres. Com

ARTICLE	7 Issued	7 Rec'd	8 Issued	8 Rec'd	9 Issued	9 Rec'd	10 Issued	10 Rec'd	11 Issued	11 Rec'd	12 Issued	12 Rec'd	REMARKS
Blankets	3												
Cases, pillows, Camp	1												
Mattress	1												
Pillow	1												
Sheets	1												
Slip, Pillow	1												
Bowl													
Cup													
Mug													
Plate													
Saucer													
DATE ISSUED OR RECEIVED	4-11-44												
COY., ETC.	SIGNATURE OF INDIVIDUAL												UNIT
7.	J. R. Howard												7.
8.													8.
9.													
10.													
11.													
12.													

Certified true copy.

(Sgd. [illegible]) Major.
Principal Medical Officer,
R.C.A.M.C. Depot No.,
M.D.No 4 Det.
Westmount, Barracks.

H.H. Bellenis major
Pres. CM

M.F.H. 358
NM—11-41 (3273)
H.Q. 1772-30-620
A.F.H. 256

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
D-26267	Pte.	S.R. HUBBARD	No. 35 Company Cdn. Provost Corps. C.A.

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

Within last 12 months		Since enlistment or appointment	
For A.W.L.	(2) times	A.W.L.	(II) times
		Disobeyed a Lawful Command	(I) times

2. Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

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

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 24 days in military custody, making a total of 24 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 24 years 6 months

6. The date of his attestation specified in his attestation paper is 25th June 1940

7.

8.

9. The accused is in possession of or entitled to no military decoration, or military reward ( ).

10.

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of ..... Permanent Force ..... dated ....., and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number D-26267 Rank Pte Unit Name J.R. Hubbard No. 35 Company Cdn. Provost Corps, C.A. Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
1- D.C.M.	Farnham 8 July 1945	Desertion	9 months Detention	Nil
2- D.C.M.	Westmount, 10 Feb 44	A.W.L.	1 year Detention	Nil

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 5th November 1945 at .....

(J.E. Purcell) Major
Officer i/c Records,
No. 35 Company
C. Pro. C. R.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president and annexed to the proceedings.

CERTIFIED TRUE COPY: (J.E. Purcell) Major
Officer Commanding,
No. 35 Provost Coy
M.D. 4.

M.F.M. 6

Date of Birth 24 April 1921

Reg. No. D-26267 Name HUBBARD, J.R. Corps SP Coy Cdn. Provost Corps Date of enlistment or enrolment 25 June 1940 Sheet No. 1 of *1, 2, 3, 4, 5

Signature O.C. Company, etc.

*Place check mark against number of sheets in use.

PREVIOUS SHEET DESTROYED 25 JUNE 1944

Place	Date of Offence	Rank	Corps of Drunken Beast	OFFENCE	Names of Witnesses	*Punishment awarded	Date of award or order dispensing with trial	By whom awarded	Remarks
St. Helen's Island	22 Jul 40	Gdsm		A.A. Sec. 15(I) AWL from 2359 hrs 22 July 40 to 2305 hrs 27 Jul 40 (4 days 23 hrs 6 mins)	Gdsm Morton	7 days C.B.	29 Jul 40	Lt. Gilday	Forf. 5 days pay FR&I 149
St. Helen's Island	12 Aug 40	Gdsm		A.A. Sec. 15(I) AWL from 0730 hrs 12 Aug 40 to 2325 hrs 13 Aug 40 (15 hrs 55 min)	C.S.M. Busby	2 days det'n	13 Aug 40	Lt. Col Poiler	Forf. 3 days pay FR&I 149
Camp Borden	14 Oct 40	Gdsm		A.A. Sec. 15(I) AWL from 0730 hrs 14 Oct 40 to 1010 hrs 15 Oct 40 (26 hrs 40 min)	Sgt. Warr Cpl. Campbell	7 days C.B.	18 Oct 40	Major Dean	Forf 2 days pay FR&I 149
Valcartier Camp	14 Mar 41	Gdsm		A.A. Sec. 15(I) AWL from 1430 hrs 14 Mar 41 to 2300 hrs 19 Mar 41 (5 days 8 hrs 30 min)	C.S.M. Busby Documentary	12 days pay	22 Mar 41	Major Griffiths	Forf. 6 days pay FR&I 149

(P.T.O.)

M.F.M. 6—500M—6-44 (5286)
H.Q. 1772-39-1032

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or order dispensing with trial	By whom awarded	Remarks
Halifax NS	10 Jul 41	Gdsm		A.A. Sec. 9 Disobeying a lawful command given by a superior officer	Sgt. Cunningham	7 days C.B.	16 Jul 41	Lt. Harwood	
Sussex, NB	3 Oct 41	Gdsm		A.A. Sec. 9 conduct to the prejudice etc failing to carry out immediately an order.	Cpl. Hendry Cpl. Ashton	7 days C.B.	6 Oct 41	Major Dean	
St John NB	21 Oct 41	Gdsm		A.A. Sec. 15(I) AWL from 0630 hrs 21 Oct 41 to 1830 hrs 30 Oct 41 close C Pro C arrest from 1830 hrs 30 Oct 41 to 1430 hrs 5 Nov 41 (9 days 12 hrs)	Cpl. Hendry Sgt. Vincent	10 days det'n cost of apprehn. $10.40	5 Nov 41	Major Scott	Forf. 16 days pay FR&I 149
Farnham	7 May 42	Gdsm		A.A. Sec. 15(I) AWL from 2200 hrs 7 May 42 to 1910 hrs 11 May 42 (3 days 3 hrs 30 min)	Cpl. Krkel Cpl. Martin	4 days det'n	12 May 42	G.H.H. Eadie Major	Forf. 4 days pay FR&I 149
Farnham	5 Mar 43	Pte		A.A. Sec 15(I)AWL from 2359 hrs 5 Mar 43 to 2230 hrs 10 Mar 43 (4 days 22 hrs 31 min)	Cpl. Higus Documentary	Admonished	11 Mar 43	C.E. Cousins Major	Auto. forf. 5 days pay FR&I 149
Farnham	5 Apr 43	Pte.		A.A. Sec 15(I)AWL from 5 Apr 43 to 0120 hrs 21 Apr 43 (16 days 20 min)	L/C. Clark Documentary Sgt. Squires	forf. 15 days pay cost of apprehn $1.30	26 Apr 43	A.T. Howard V.D. Col.	Auto. forf. 17 days pay FR&I 149

CERTIFIED TRUE COPY:
(J.F. Purbell) Major
Officer Commanding, No. 35 Coy. C. Pro C.

M.F.M. 6

Date of Birth 24 April 1921

Reg. No. D-26267 Name HUBBARD, J.R.

Corps 35 Coy Cdn Provost Corps

Date of enlistment or enrolment 25 June 1940

Sheet No. 1 of *1, 2, 3, 4, 5

Signature O.C. Company, etc.

*Place check mark against number of sheets in use.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or order disposing with trial	By whom awarded	Remarks
Farnham	18 May 43	Pte		A.A. Sec. 12 Deserted his Majesty's service from 1830 hrs 19 May 43 to 1030 hrs 8 June 43 (17 days 18 hrs) close arrest from 6 Jun 43 to 8 Jul 43	Documentary	9 months det'n cost of apprehn. $2.05	8 Jul 43	D.C.M.	Auto. forf. 50 days pay FR&I 149
Westmount	24 Oct 43	Pte		A.A. Sec 15(I)AWL from 24 Oct 43 to 2005 hrs 24 Jan 44(81 days 22 hrs 5 min) A.A. Sec. 24(2) Losing by neglect etc. held in close arrest from 2005 hrs Jan 24th to 10 Feb 44	Documentary	1 year det'n	10 Feb 44	D.C.M.	Auto forf. 17 days pay FR&I 149
Westmount	29 May 45	L/C		A.A. Sec 15(I)AWL from 0800 hrs 29 May 45 to 0930 hrs 30 May 45 (absent 1 day 11 hrs 30 min)	Documentary	Reduced to Pte.	30 May 45	Major Pouliotte	Auto. forf. 1 days pay FR&I 149

(P.T.O.)

M.F.M. 6—250M—6-44 (5380)
H.Q. 1775-39-1052

HQC.53-R-238 (JAG/D-4)
Your File M.1-M-401 (J)

10 Dec 45

District Officer Commanding,
Military District No. 4,
MONTREAL, Que.

STANDING COURT-MARTIAL

M.L.24287, Pte. John Richard HUBBARD
No. 35 Coy. C. Pro. C., CA, Westmount
Barracks, Westmount, P.Q.

1. Receipt is acknowledged of the proceedings of the marginally noted Standing Court-Martial which were forwarded by the President named therein.

2. The proceedings are legally regular, the finding is properly made and the sentence is according to law. Pursuant to C.A.R.O. 4565 paragraph 12, the said proceedings are herewith forwarded to you. After they have served your purpose, will you please return the proceedings to this office for custody.

JOOR/AB

(R.J. Orde), Brigadier,
Judge Advocate-General.

SM-7-45(M-188)

THIS COPY FOR: H.Q.C. 55-H-268
M.D. M. 1-H-401 (J)

STANDING
MEMORANDUM - ~~DISTRICT~~ COURT-MARTIAL

No. D-26267 Name HUBBARD, John Richard

Rank Pte. Unit No.35 Coy., C.P.C. C.A.

Charge AA 15 (1) AWL

(2) AA 24 (2) Losing by Neglect.....

Date of Crime 11-6-45 (2) 15-10-45

Date of Arrest 12-10-45 Charge Signed 29-10-45

Orders for D.C.M.

Place and Date of Trial No. 4 DD, C.A. 31-10-45

Sentence Detention 6 months.

Date of Confirmation

Date of Promulgation

Entered in Records of J.A.G. as No. 41740

Date 8-12-45

MEMO Passed 8-12-45 (2) Not. Guilty

MD 4	No. 35, COY, C.P.C., C.A.
Absent	Sentence
4 mos.	Det. 6 mos.

for Judge Advocate-General

10M-11-45 [M-425]

IN REPLY PLEASE QUOTE No. M. 1-H-401 (J)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Montreal, Que.,
5 Dec 45.

JUDGE ADVOCATE GENERAL
13713
DEC 7 1945
File 26-2-7-H-266
Referred to JAG

CONFIDENTIAL

Judge-Advocate General,
National Defence Headquarters,
OTTAWA, Ont.

STANDING COURT-MARTIAL
D-26267 Pte. John Richard HUBBARD,
No. 35 Coy. C. Pro. C., CA., Westmount
Barracks, Westmount, P.Q.

With reference to the marginally-noted Standing Court-Martial, herewith the following documents:

a) Proceedings of the Court.

b) Medical Officers' Reports dated 31 Oct, 2 Nov and 5 Nov 45.

2. Submitted for your information, consideration and approval, please.

L.J.E. Belleau

(L.J.E. BELLEAU) Major
Headquarters, Military District No. 4
President, Standing Court-Martial

Encl.

41740

NAT. DEF. B. 44
250UM-4-44 (4321)
H.Q. 1772-20-76

IN REPLY PLEASE QUOTE No. M.1-H-401 A(DIS)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

268153

MONTREAL, P.Q., 8 Nov 44.

CENTRAL REGISTRY ARMY
CONF. SEC.
NOV 9 1944
File 022-34-268
Chgd. to
Referred to ACR

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

D-26267 Pte. John HUBBARD

Reference H.Q.C. 55-H-268(ICM) dated 2 Oct 44.

2. Attached hereto Report on Conduct in favour of the m/n soldier duly completed as directed.

3. Please be advised that this soldier was released from No. 65 Military Detention Barracks on 12 Oct 44 having earned remission.

(E.J. RENAUD) Major General,
D.O.C., M.D. 4.

Encl

Note & file

L.H. Curtis
Lieut. Colonel
Assistant Judge Advocate General
NOV 9 1944

NAT. DEF. B. 140

REPORT ON CONDUCT

I.C.M. - B

Department of National Defence,
N. Q. C. 55- H-268,(ICM)
OTTAWA, 2 October, 1944

To:- Commandant
No. 65 MONTREAL SOUTH, Military Detention Barracks.

1. Soldier under sentence	D-26267, Pte. John HUBBARD,
2. PLEASE STATE:-	
(i) Date of sentence	10th February, 1944.
(ii) Sentence	1 year.
(iii) Date you received soldier	21st February, 1944.
(iv) (a) Can soldier read and write?	Yes.
(b) Religion	C of E.
(c) Married, Widower, Single	Married.
(d) What Army trade has soldier?	None.
(v) (a) Conduct of soldier	Good.
(b) Industry of soldier	Good.
(c) Remission earned:-	Yes.
(i) Number of days actually earned	121 days
(ii) Number of days obtainable to date	121 days.
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	FIT.
(a) Whether detention will seriously aggravate soldier's condition.	No.
(b) Whether further confinement is likely to prove fatal.	No.
(vii) (a) Whether in your opinion conduct of soldier warrants suspension of sentence?	No.
(b) Moral effect confinement has had?	Good.
(c) If returned to Army, is soldier likely to become a good soldier?	Very smart soldier in detention. Weal trained, stability at camp?.
(viii) Date term will expire if all remission earned from now on.	Released on good time earned ,12th October, 1944.

I.H.C:WS.

See Copy to Office

(H.F.G. Letson)
Major-General
Adjutant-General.

Signature Walter Mazon
Commandant.

Date of Report:

I.C.M. - M.

Department of National Defence,
H. Q. C. 55 - H-268, (ICM)
OTTAWA, 30 October, 1944

Your File - M.1-H-401.

District Officer Commanding,
Military District No. 4,
MONTREAL, P.Q.

D-26267, Pte. John HUBBARD,

1. On 2 October, 1944 "Report on Conduct" Form in respect of the m/n soldier was sent to you for completion by the Commandant of No. 65 Montreal South, Military Detention Barracks. To date this Form does not appear to have been returned to this Headquarters.

2. Might said Form, duly completed, please be returned immediately together with an explanation of this delay.

A.C. Spencer,
Brigadier,
([redacted])
[redacted]
Acting Adjutant-General.

LHC:WS.

500-1-44 (M-3442)

I.C.M. - A.

Department of National Defence,
H. Q. C. 55 - H-268,(ICM)
OTTAWA, 2 October, 1944.

Your File - M.1-H-401,

District Officer Commanding,

Military District No. 4,

MONTREAL, P.Q.

D-26267, Pte. John HUBBARD,

1. Herewith enclosed "Report on Conduct" Form in respect of the marginally-noted soldier who is serving in No. 65 MONTREAL SOUTH, Military Detention Barrack, under your command, a sentence of 1 year, detention awarded by a District Court-Matial on the 1 day of February, 1944

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

(H.F.G. Letson)
Major-General
Adjutant-General.

LHC:WS.

SM-3-44 (M-3632)

M.1-H-401 A(DIS)

Com

14th April,

U.S. Army
APR 15 1944
File C 57-74-268
Chgd. to Adjutant General
Referred to

214322

D-26267 - Pte. HUBBARD, John

55-H-268 (ICM)

6th April, 1944.

REPORT ON CONDUCT

I.C.M. - 2

Department of National Defence,
N. Q. C. 55- H-268 (ICM)
OTTAWA, 6 April, 1944.

To:- Commandant
No.65 (Montreal South) Military Detention Barracks.

1. Soldier under sentence	D-26267, Pte. HUBBARD, John
2. PLEASE STATE:-	
(i) Date of sentence	10 FEB. 44
(ii) Sentence	1 year
(iii) Date you received soldier	21 FEB. 44
(iv) (a) Can soldier read and write?	Yes.
(b) Religion	Church of England.
(c) Married, Widower, Single	Married.
(d) What Army trade has soldier?	No.
(v) (a) Conduct of soldier	Good.
(b) Industry of soldier	Good.
(c) Remission earned:-	Yes.
(i) Number of days actually earned	10 days.
(ii) Number of days obtainable to date	10 days.
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	Fit.
(a) Whether detention will seriously aggravate soldier's condition.	No.
(b) Whether further confinement is likely to prove fatal.	No.
(vii) (a) Whether in your opinion conduct of soldier warrants suspension of sentence?	No.
(b) Moral effect confinement has had?	Good.
(c) If returned to Army, is soldier likely to become a good soldier?	Chronic A.W.L. 2 D.C.M. 15 Very good soldier in detention. Well trained. Stability outside nil.
(viii) Date term will expire if all remission earned from now on.	10 DEC. 1944.

LHC/JM

(H.F.G. Letson)
Major-General
Adjutant-General.

Signature: C. Potter Capt. (C. Potter) Capt.
Commandant.

Date of Report:

I.C.M. - A.

Department of National Defence,
H. Q. C. 55 - H-268 (ICM)
OTTAWA, 6 April, 1944.

Your File - M.1-H-401

District Officer Commanding,
Military District # 4,
MONTREAL, P.Q.

D-26267, Pte. HUBBARD, John

1. Herewith enclosed "Report on Conduct" Form in respect of the marginally-noted soldier who is serving in No.65 (Montreal South) Military Detention Barrack, under your command, a sentence of 1 year detention awarded by a District Court-Matial on the 1th day of February, 1944.

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

(H.F.G. Letson)
Major-General
Adjutant-General.

LHC/JM

SM-3-44 (M-3632)

H.Q.C.55-H-288 (JAG)

March 1st, 1944.

The District Officer Commanding,
Military District No. 4, Montreal, Que.

District Court-Martial,
D.28267 Pte. John Hubbard,
B.W. (RHR) of Canada, C.A.,
attached to No. 5 Special Employment Coy., C.A.

Receipt is acknowledged of your M.1-H-401 F.D.1 (J) dated the 23rd February 1944, under cover of which you forwarded, for registration and custody, the proceedings of the marginally-noted District Court-Martial.

2. It is noted that the accused was found Guilty of both charges and sentenced to 1 year detention and stoppages of $5.62.

3. Your remarks with regard to the irregularities in the proceedings have been noted and are concurred in.

4. As the proceedings would appear to be in order, they are being retained for custody.

5. These proceedings have been registered under No. 30492 the 28th day of February 1944.

Noted
L. M. CLAYTON
Lieut.-Colonel
Member of Court Martial
MAR 2 1944

noted
for C.J.A. Q.Command
5 Mar

(H.J.Orde), Brigadier,
Judge Advocate-General.

MCL

H.Q. C55-N-268
M.D. 1-N-401 (J)ED.1

MEMORANDUM - DISTRICT COURT-MARTIAL

No. D-26257 Name HUBBARD, John

Rank Pte. Unit The Black Watch (RHR) of Canada CA att. #5 Special Employment Coy., CA

Charge Sec. 15 (1) A.A. A.W.L.

Sec. 24 (2) A.A. Losing by neglect

Date of Crime 24-10-43, 29-1-44

Date of Arrest 24-1-44 Charge. Signed 31-1-44

Orders for D.C.M. DOC M.D. #4

Place and Date of Trial Westmount P.Q. 10-2-44

Sentence Detention 1 year. Stoppage $5.62

Date of Confirmation 15-2-44

Date of Promulgation 19-2-44

Entered in Records of J.A.G. as No. 20492

Date 28-2-44

MEMO

J. Urbain Simonsen Capt
for Judge Advocate-General

5M-12-43 (M-3229)

R.124

FEB 25 1944

CANADA

IN REPLY PLEASE QUOTE
No. M. 1-H-401 (J)FD1

DEPARTMENT OF NATIONAL DEFENCE
ARMY

REGISTERED

Montreal, P.Q., February 23rd, 1944.

The Secretary,
Department of National Defence,
O T T A W A, Ontario.

200724

CENTRAL REGISTRY Army
CONF. SEC.
X
FEB 25 1944
File C.55-H-268
Chgd. to
Referred to J.G.

DISTRICT COURT MARTIAL
D-26267, Private John HUBBARD,
B.W. (RHR) of Canada, C.A., attached to
No. 5 Special Employment Coy., C.A.

Herewith, proceedings of the marginally-noted District Court-Martial which have been confirmed and promulgated and which are forwarded for registration and custody, together with M.F.B. 246 and M.F.M. 288, duly completed.

2. Private Hubbard was tried by District Court-Martial on 10th February, 1944, on charges of "Absenting himself without leave, A.A. Sec. 15 (1)" and "Losing by neglect his equipment, clothing and regimental necessaries, A.A. Sec. 24 (2)". He pleaded not guilty to the first charge and guilty to the second charge. He was found guilty of both charges. On 10th February, 1944, he was sentenced to undergo detention for one year and to be put under stoppages of pay in the amount of $5.62.

3. The following irregularities have been noted in the proceedings:

(a) In M.F.B. 375, line 5, the unit and attachment of the accused should have been shown.

(b) In M.F.B. 375, the articles and value should have been itemized in exactly the same manner as required for the particulars of the charge as set out at page 28 of the Handbook on District Courts-Martial, 1941. If the list of deficiencies is too long for the space in the form, the deficiencies should be extended on a sheet of paper glued to the front of the form.

(c) In M.F.B. 355, the words "Field Conduct Sheet" should have appeared instead of the words "Company Conduct Sheet", as shown in the first paragraph.

(d) In M.F.M. 6, the name of the Officer Commanding the company of the accused does not appear on Sheet No. 2. There is no mention on this sheet that Sheet No. 1 has been destroyed. Whenever this is the

2442

Over please.

MAT. DEF. B. 440
1 Million—10-42 (5655)
H.Q. 1772-30-767

case, it should be so mentioned on the remaining sheet, otherwise copy should be produced.

(e) M.F.M. 6 produced as page 69 of the proceedings should also have been numbered.

4. May this Headquarters be advised of the date and number of registration, please.

(E.J. Renaud), Major-General,
District Officer Commanding,
Military District No. 4.

ENC.

MEDICAL OFFICER'S REPORT

D- 26267 (HRH)

I certify that No. ~~[illegible]~~ Pte HUBBARD. J.R.

of No. 5. S. E. Coy. is in a good state of health,

and fit to undergo Trial by Court martial.

Medical Officer
(V.F.OGULNIK)MAJOR.

R. C. A. M. C.
M. O. i/c Medical Report Centre M. D. No. 1

Station Montreal, P.Q. Feb 10/44

Date Feb. 10/44

J. C. F. Neilson major
President OCM.

M. F. B. 246

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of D-26267 Private John HUBBARD,
Number Rank Name in full

The Black Watch(RHR)(CA), attached to No. 5 Special Employment Coy(CA).
Unit Attachment (if any)

Sentenced to undergo detention for one (1) year and to be placed under stoppages of pay until he has made good the amount of $5.62.

on 10 February 1944 at Westmount Barracks, Westmount, Que.

being served at Branch Detention Barracks, Montreal South, Que.
(Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment 19 years 2 mos., 25 June 1940.

Medical grade or category "C-1" (H-4)

FIRST TRIAL—PART II

To Adjutant-General, National Defence Headquarters, Ottawa, Ontario.
Superior Military Authority

For details of offences see Part VII.

I have directed that the above-named be (~~not~~ committed to undergo his sentence, which I recommend should (~~not~~) be (~~suspended~~) (put into execution) (~~commencing~~ ..... date) for reasons given in paragraph X.

Place Montreal, P.Q.,

Date February 23rd, 1944.

Confirming Authority
(E.J. Renaud), Major-General,
D. O. C., M. D. No. 4.

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....) of which I remit .....) (be suspended) (be put into execution) (and) be reviewed on .....

Place .....

Date .....

Superior Military Authority

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To .....
Superior Military Authority

For details of offences, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced to ....., and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .....

Date .....

Confirming Authority

M.F.M. 358
(Army Form A-3108)
10M—6-43 (330)
H.Q. 1772-39-2015

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
MAY 12 1944	R.F. for Revision on 1/10/44	Adjutant-General for Superior Military Authority	

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Absence Without Leave from 2200 hrs. 24-10-43 to 2005 hrs. 24-1-44, Absent 91 dys, 22 hrs. 05 mins. A.A.Sec 15 (1).(2) Losing by neglect Clothing, Equipment and Regt'l Necessaries in amt of $5.62.A.A.Sec 24(2).	24-10-44	10-2-44

(T.W.Orr) Lieut., RHR(BW)(CA), Att. to No. 5 Spec. Empl Coy(CA),
~~Officer i/c Records,~~
No. 5 Spec. Empl. Coy(CA).

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial

Signature of officer making entry

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date		Signature
19 Feb. 44.	No remission of sentence recommended.	(F.J.Donnelly) Lieut., A/Officer Commanding, No. 5 Spec. Empl. Coy(CA).

Part X.

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date		Signature
23rd Feb. 1944.	Sentence is considered fair and reasonable.	(E.J.Renaud) Major-Gen. D. O. C., M.D. No.4.

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

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

A

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

Proceedings of a District Court-Martial held at No. 5 Special Employment Coy. C.A., Westmount Barracks, Westmount, P.Q. on the 10th day of February 1944 by order of Major-General E.J. Renaud, C.B.E. Commanding Military District No. 4.

dated the 4th day of February 1944

Major J.A.G. Dubeau, President.
Specially Employed List, No. 4 District Depot, C.A., attached to Headquarters, M.D. No. 4.

Members.

Major A. Spickler,
Le Régiment de Chateauguay (Mit) C.A.

Captain W.F. Mussell,
Royal Montreal Regiment, (MG) C.A., attached to No. 4 District Depot, C.A.

Trial of* D-26267, Pte. John HUBBARD, The Black Watch (RHR) of Canada, C.A., attached to No. 5 Special Employment Coy., C.A.

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

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

The accused is brought before the Court.

Prosecutor,† Captain L.C. Carroll, Specially Employed List, No. 4 District Depot, C.A., attached to Headquarters, M.D. No. 4.

Defending officer† Lieut. J.J.R. Masque, Les Fusiliers Mont-Royal, C.A., attached to No. 4 District Depot, C.A.

At 10.10 o'clock A.M. the Trial commences.

The order convening the Court is read, and is marked "X" (For amendment see "X-1") signed by the President, and attached to the proceedings.

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

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

A. 1 *Answer by accused.* No, Sir.

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

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

Mil. Form B. 271
NDM—7-42 (5387)
H.Q. 1772-30-224

X I have satisfied myself that (1) none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

(J.A.G. Dubeau) Major,
President, D.C.M.

2

B

The President and members are duly sworn.

The following officers under instruction are duly sworn (See attached list marked "G"

Q. 2 Do you object to D-137479, Cpl. (A/S/Sgt.) J.E.R. Samson, No. 4 Detachment, C.M.S.C., C.A., Headquarters, Military District No. 4 acting as shorthand writer?

A. 2 No, Sir.
D-137479, Cpl. (A/S/Sgt.) J.E.R. Samson, No. 4 Detachment, C.M.S.C., C.A. Headquarters, Military District No. 4 is duly sworn as shorthand writer.

Charge-Sheet

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

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

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

Q. 3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A. 3 Not Guilty. *Answer.*

Q. 4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A. 4 Guilty. *Answer.*

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

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

J.C.G. Chalmers major
President DCM

CHARGE SHEET

The accused, D-26267, Private John HUBBARD, The Black Watch, (R.H.R.) of Canada, CA, attached to No. 5 Special Employment Coy., (CA), a G.S. Soldier of the Canadian Army placed on Active Service, is charged with:-

FIRST CHARGE
SEC. 15(1)
Army Act

ABSENTING HIMSELF WITHOUT LEAVE,

in that he,

at Westmount Barracks, Westmount, Quebec, at 2200 hours on the 24th day of October 1943, absented himself without leave from his Unit, No. 5 Special Employment Coy., (CA), until he was apprehended by the Military Police, at 2005 hours, at Montreal, Que on the 24th day of January 1944.

Second Charge
Sec. 24 (2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES,

in that he,

at Westmount Barracks, Westmount, Quebec, on the 29th day of January 1944, was deficient of the following articles, viz:-

		100%	75%
CLOTHING DIVISION "A"			
Overalls Combination	1✓	$ 2.72	$ 2.04
CLOTHING DIVISION, "B"			
Drawers Cotton	2✓	.72	.54
Shirts Under Cotton	1✓	.39	.29
Socks prs.	1✓	.37	.28
Shirts Woollen	1✓	1.20	.90
CLOTHING DIVISION "C"			
Fork Table	1✓	.08	.06
Knife Table	1✓	.18	.14
Spoon	1✓	.07	.05
Knife Clasp	1✓	1.10	.83
Towels Hand	1✓	.23	.17
Housewives	1✓	.35	.26
SECTION "A-1"			
Covers Messtin, Rect.	1✓	.08	.06
Representing 100% Voc. rate		$ 7.86	
TOTAL Representing 75% Voc. Rate			$ 5.62

Signed at,
Westmount Barracks,
Westmount, Quebec,
this 31st day of January 1944

F.J. Donnelly Lieut.
(F.J. Donnelly) Lieut.,
A/Officer Commanding,
No. 5 Special Employment Coy(CA)

Montreal, Que.,
4th February, 1944

TO BE TRIED BY DISTRICT COURT MARTIAL

(E.J. Renaud), Major-General,
District Officer Commanding,
Military District No. 4.

C

Proceeding on Plea of Not Guilty
upon the first charge

*Instruction. (See R. P. 39 (A)) Question.

Q. 5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.

A. 5 No, Sir.

The prosecutor [redacted] declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution.

Lieut. T.W. Orr, The Black Watch (RHR) of Canada, C.A., attached to No. 5 Special Employment Coy., C.A.

being duly sworn, is examined by the prosecutor.

Q. 6 Will you describe yourself to the Court?

A. 6 I am Lieutenant T.W. Orr, The Black Watch (RHR) of Canada, C.A., attached to No. 5 Special Employment Company.

Q. 7 In what capacity?

A. 7 Officer i/c Records.

Q. 8 Do you know the accused?

A. 8 Yes, Sir.

Q. 9 What is his name?

A. 9 Private John HUBBARD.

Q. 10 Have you any documents to produce to the Court in connection with the first charge laid against the accused...absenting himself without leave?

A. 10 Yes, Sir, I have the M.F.B. 375.

M.F.B. 375, Record of the Declaration of a Court of Inquiry in the case of D-26267, Private John HUBBARD is read, marked Exhibit "H", signed by the President and attached to the proceedings.

Q. 11 Who is the person mentioned in the document that you have just produced?

FIRST WITNESS
FOR PROSECUTION (cont'd)

A. 11 The accused, Sir.

Q. 12 Have you any other document to produce to the Court?

A. 12 Yes, Sir, I have a certified true extract of Part II Orders dated 30th October, 1943.. the 6th day of absence of the accused.

Certified true extract of Part II Orders of No. 5 Special Employment Coy. (CA), Order No. 153 dated 30th October, 1943, showing an entry in the case of D-26267, Pte. J. HUBBARD is read, marked Exhibit "I", signed by the President and attached to the proceedings.

Q. 13 Who is the person mentioned in the document that you have just produced?

A. 13 The accused, Sir.

Q. 14 Have you any other document to produce to the Court?

A. 14 Yes, Sir, I have a certified true extract of Part II Orders dated 1st November, 1943,. the 8th day of absence of the accused.

Certified true extract of Part II Orders of No. 5 Special Employment Coy. (CA), Order No. 154 dated 1st November, 1943, showing an entry in the case of D-26267, Pte. J. HUBBARD is read, marked Exhibit "J", signed by the President and attached to the proceedings.

Q. 15 Who is the person mentioned in the document that you have just produced?

A. 15 The accused, Sir.

Q. 16 Have you any other document to produce to the Court?

A. 16 Yes, Sir, I have the M.F.M. 216.

M.F.M. 216, Certificate of apprehension by service authorities in the case of D-26267, Pte. John HUBBARD is read, marked Exhibit "K", signed by the President and attached to the proceedings.

Q. 17 Who is the person mentioned in the document that you have just produced?

A. 17 The accused, Sir.

The Defending Officer declines to cross-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The witness withdraws.

The Prosecutor has no further witnesses.

The Prosecution is closed.

D

~~The prosecution rests~~ g.c.k.u

Defence

Q.18 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 18 *Answer.* Yes, Sir.

Q. 19 *Question.* Do you intend to call any other witness in your defence?

A. 19 *Answer.* No, Sir.

~~Counsel~~ ~~[illegible]~~ g.c.k.u

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused ~~[illegible]~~ is recorded on a separate page ~~[illegible]~~ g.c.k.u ~~[illegible]~~ g.c.k.u. (See D-3 et seq.)

~~*(Where the accused does not give evidence upon oath.)*~~

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

g.c.k.u

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

PREMIER TEMOIN
POUR LA DEFENSE

THE ACCUSED, D-26267, Pte. John HUBBARD, The Black Watch (RHR) of Canada, C.A., attached to No. 5 Special Employment Coy., C.A. being duly sworn, is examined by the Defending Officer.

Q. 20 Will you give the Court your number and name?

A. 20 D-26267, HUBBARD, J.R.

Q. 21 You are the accused in question charged under section 15 (1) of the Army Act... that you were A.W.L. at 2200 hours on the 24th day of October, 1943, until apprehended by the Military Police at Montreal, Que. at 2005 hours on the 24th day of January, 1944?

A. 21 Yes, Sir.

Q. 22 When you were apprehended by the Provosts how were you dressed?

A. 22 I was dressed in civilian clothes, Sir.

The Prosecutor declines to cross-examine the witness.

Questioned by the Court.

Q. 23 Is the Court to understand that you absented yourself without leave from Westmount Barracks from 2200 hours on the 24th day of October, 1943?

A. 23 Yes, Sir.

Q. 24 And you were apprehended by the Military Police at 2005 hours on the 24th day of January, 1944?

A. 24 Yes, Sir.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The witness resumes his seat.

The Prosecutor makes a Closing Address.
(See document marked "L" attached).

The Defending Officer declines to make a Closing Address.

A.C.9.6

E-1

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

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused D-26267, Pte. John HUBBARD, The Black Watch (RHR) of Canada, C.A., attached to No. 5 Special Employment Coy., C.A. is guilty of the first charge.

J.C.E.W.

*When the Court is already open this sentence will be struck out.

~~Proceedings on Conviction before Sentence~~

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

is duly sworn.

Evidence of character, etc.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

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

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

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

Cross-examined by the accused.

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

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

CC

Proceedings on Plea of Guilty
upon the second charge

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

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

The accused D-26267, Pte. John HUBBARD, The Black Watch (RHR) of Canada, C.A., attached to No. 5 Special Employment Coy.,C.A. is found guilty of the second charge.

*The summary ~~[illegible]~~ 2645 of evidence is read, marked "M", signed by the President, and attached to the proceedings.

Q.25 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.25 *Answer.* The accused in mitigation of punishment ~~[illegible]~~ 2645 ~~[illegible]~~ hands in a written statement, which is read, marked "N" and "N-1" signed by the President, and attached to the proceedings.]

2645

2645

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

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

DD

J.C.Y.W.

Q. 26 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A. 26 No, Sir. *Answer.*

Evidence as to character.

J.C.Y.W.

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

~~Finding*~~

The Court is closed for the consideration of the finding.

The Court find that the accused

At 11.50 o'clock A.M., on the 10th day of February, 1944, the Court adjourned until 1.00 o'clock P.M., on the 10th day of February, 1944.

On the 10th day of February, 1944, at 1.00 o'clock P.M., the Court reassemble pursuant to adjournment; present the same members as when adjourned.

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

~~The Court being satisfied that the accused is the person named in the statement which has been read,~~ Lieut. T.W. Orr, the Black Watch (RHR) of Canada, C.A., attached to No. 5 Special Employment Coy., ~~having been duly sworn~~ C.A. having previously been sworn.

Evidence of character, etc.

Q.27 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.27 Yes, I produce M.F.B.355 and M.F.M. 6.

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

Q.28 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A.28 Yes, Sir.

Q.29 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A.29 Yes, Sir.

Q.30 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.30 Yes, Sir.

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

~~Cross-examined by the accused~~ The Defending Officer declines to cross-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The witness ~~resumes his seat~~ withdrew.

Q.31 *Question to the accused.* Do you wish to address the Court? *Answer.* A.31 No, Sir.

The Court is closed for the consideration of the sentence.

18

F

Sentence

The Court sentence the accused D-26267, Pte. John HUBBARD, The Black Watch (RHR) of Canada, C.A., attached to No. 5 Special Employment Coy., C.A., to undergo detention for one year and to be put under stoppages of pay until he has made good the value of the following articles, viz:-

Sentence.
Detention
1 year
Stoppages
$5.62

CLOTHING DIVISION "A"		
Overalls Combination	1	$2.04
CLOTHING DIVISION "B"		
Drawers Cotton	2	.54
Shirts Under Cotton	1	.29
Socks prs.	1	.28
Shirts Woollen	1	.90
CLOTHING DIVISION "C"		
Fork Table	1	.06
Knife Table	1	.14
Spoon	1	.05
Knife Clasp	1	.83
Towels Hand	1	.17
Housewives	1	.26
SECTION "A-1"		
Covers Messtin, Rect.	1	.06
		$5.62

Signed at Westmount, Quebec, this tenth day of February, 1944.

(J.R.G. Dubeau) Major,
Specially Employed List, No. 4 District Depot, C.A.,
attached to Headquarters, Military District No. 4,
President, D.C.M.

Montreal, P.Q.,
18th February, 1944.

CONFIRMED.

(E.J. Renaud), Major-General,
District Officer Commanding,
Military District No. 4.

Promulgated and extracts taken at Westmount, Que., this 19th day of February 1944.

(T.W.Orr) Lieut., RHR(BW)(CA)
Officer i/c Records, Attached to
No. 5 Special Employment Coy(CA),
Westmount, Barracks,
Westmount, Que.

Extracts [illegible] 80492
[illegible] in the
office of the Judge Advocate General
this 28 day of Feb. 1944

J.A.G. Dubeau major
President

X

Orders by Major-General E.J. Renaud, C.B.E., Commanding

Military District No. 4.

District Court-Martial

D-26267, Pte. John HUBBARD, Montreal, Que.,
The Black Watch, (R.H.R.) of Canada, C.A., 4th February, 1944
attached to No. 5 Special Employment, Coy., CA.

The detail of Officers as mentioned below will assemble

No. 5 Special Employment Coy. C.A.

at WESTMOUNT BARRACKS, Westmount, PQ on Thursday

the 10th day of February 1944 at 1000 hours

for the purpose of trying by a District Court-Martial the accused person named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Major J.A.G. Dubeau, Specially Employed List, No.4 District Depot, C.A.
attached to Headquarters, M.D. No. 4. is appointed President.

MEMBERS

Major A. Spickler,
Le Régiment de Chateauguay (Mit) C.A.

Captain W.F. Mussell, Royal Montreal Regiment, C.A. (MG)
attached to No.4 District Depot, C.A.

WAITING MEMBERS

Captain H.C. Brennan,
Royal Montreal Regiment, (MG) C.A.,
attached to No.4 District Depot, C.A.

PROSECUTOR

Captain L.C. Carroll, Specially Employed List, No.4 District Depot, CA
attached to Headquarters, M.D. No. 4. (is hereby) appointed
Prosecutor

DEFENDING OFFICER

Lieut. G.R. Gauthier, Le Regiment de Chateauguay (Mit) C.A.,
attached to No.4 District Depot, C.A. (is hereby) appointed
Defending Officer

UNDER INSTRUCTION: All Officers available at No. 5 Spec. Empl. Coy. Westmount

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

The Officer Commanding, No.5 Spec.Emp.C.Westmount will arrange for the necessary accommodation, stationery, court orderly, escort, and interpreters.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 4.

Signed this 4th day of February 1944

(E.J. Renaud), Major-General
District Officer Commanding,
Military District No. 4.

M.F.B. 220
A.F.A. 47
30M—10-43 (6397)
H.Q. 1775-20-244

(See sheet 7)

"X" 21

DISTRICT ORDERS PART I NOS.264-277

By Major-General E.J.Renaud, C.B.E.,
District Officer Commanding, Military District No.4.

MONTREAL, MONDAY 7TH FEBRUARY, 1944.

GENERAL STAFF

"N I L"

ADMINISTRATIVE

No.264 RANK BADGES - OFFICERS

The attention of all Officers is directed to the Provisions of C.A.R.O.'s 45 and 148, wherein it is stated that with the exception of those holding staff or depot appointments in Canada, Officers of the C.A.(A), whether serving in Canada or abroad, are required to wear the badges of rank pertaining to the rank they hold in the C.A.(A), and not that of any higher rank they may hold in the C.A.(R).

(M.8-0-1)

No.265 REGISTRATION CERTIFICATE ON DISCHARGE

It has been brought to the attention of District Headquarters that a number of ex-servicemen have been charged and fined in Civil Courts for not having National Registration Certificates.

2. It is laid down in Routine Order 2739 para.7(b) that a soldier on discharge is to be informed that he must obtain a National Registration Certificate, and where the same is to be obtained. It is requested that this be again drawn to the attention of all Officers concerned, and this fact impressed upon all men who are being discharged.

(M.8-1-17)

No.266 SENTENCE OF A DISTRICT COURT MARTIAL

Reference District Order Part I, No.38, dated 7th January, 1944, D-605411, Private Henri RODRIGUE, General List, R.C.A.M.C. Clearing Depot, attached to C.I.T.C.No.A-12, C.A., was tried by District Court-Martial on 10th January, 1944, on charges of "Absenting himself without leave, Army Act Section 15(1)" and "Losing by neglect his clothing, equipment and regimental necessaries, Army Act Section 24 (2)". He pleaded guilty to both charges and was found guilty thereof. On 10th January, 1944, he was sentenced to undergo detention for 11 months and to be placed under stoppages of pay in the amount of $58.51.

2. The finding and sentence having been confirmed by Major-General E.J.Renaud, C.B.E.,District Officer Commanding, Military District No.4, the sentence was duly promulgated.

(M.1-R-1883)

(OVER)

No. 267 DISTRICT COURT MARTIAL

The detail of Officers as mentioned below will assemble at C.I.(B) T.C.No.43, C.A., Sherbrooke, Quebec, at 1000 hours on Friday, the 11th day of February, 1944, for the purpose of trying by District Court-Martial, the accused, D-141651, Private Alfred Joseph Frederic Di TOMASSO, Canadian Infantry Corps, C.A., attached to C.I. (B) T.C.No.43, C.A., (and such other accused persons as may be brought before the Court):-

PRESIDENT

Captain(A/Major)G.B.Puddicombe,
Specially Employed List, No.4 District Depot,C.A.,
attached to Headquarters, Military District No.4.

MEMBERS

Major J.A.Prudhomme,
Le Regiment de Joliette, C.A.,
attached to No.4 District Depot, C.A.

Captain J.C.A.Landry,
Le Regiment de Maisonneuve, C.A.,
attached to No.4 District Depot, C.A.

WAITING MEMBER

Lieut.(A/Captain) A.Morin,
Le Regiment de Maisonneuve, C.A.,
attached to S-18 St.Jerome School of
Army Instruction, C.A.

PROSECUTOR

Captain L.C.Carroll,
Specially Employed List, No.4 District Depot,C.A.,
attached to Headquarters, Military District No.4.

DEFENDING OFFICER

Captain(A/Major) I.L.Lavallee,
General List, C.A.,
attached to C.I.(B) T.C.No.43, C.A.

UNDER INSTRUCTION

All Officers available at C.I.(B) T.C.No.43, C.A.

STENOGRAPHER

B-31571, Sgt. BOISSEAU, J.P.P.,
No.4 Detachment, C.M.S.C., C.A.

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

3. If the Waiting Member does not sit as a member of the Court, he will remain under instruction.

4. Proceedings will be forwarded to the A.A.& Q.M.G., Military District No.4.

(M.1-D-12224,F.D.1)

(OVER)

No.268 DISTRICT COURT MARTIAL

The detail of Officers as mentioned below will assemble at No.4 District Depot, C.A., Jacques Cartier Barracks, Montreal South, P.Q., at 1000 hours on Friday, the 11th day of February, 1944, for the purpose of trying by District Court-Martial, the accused, D-636248, Gunner Rosaire BOYER, 22nd Field Regiment, R.C.A., (80th Field Battery, R.C.A.) attached to No.4 District Depot, C.A., (and such other accused persons as may be brought before the Court):-

PRESIDENT

Major J.A.G.Dubeau,
Specially Employed List, No.4 District Depot, C.A.,
attached to Headquarters, M.D.No.4.

MEMBERS

Major J.J.Milloy, E.D.,
4th (Reserve) Divisional Signals, R.C.C.S, C.A.

Captain R.Levesque,
General List, C.A.,
attached to C.A.E.(B) T.C.No.42, C.A.

WAITING MEMBER

Lieut. P.Larocque,
General List, C.A.,
attached to S-18 St.Jerome School of
Army Instruction, C.A.

PROSECUTOR

Captain P.J.F.Bousquet,
Specially Employed List, No.4 District Depot, C.A.,
attached to Headquarters, M.D.No.4.

DEFENDING OFFICER

Lieut. J.J.R.Massue,
Les Fusiliers Mont-Royal, C.A.,
attached to No.4 District Depot, C.A.

UNDER INSTRUCTION

All Officers available at No.4 District Depot, C.A.

STENOGRAPHER

D-137479, Cpl.(A/S/Sgt.) SIMEON, J.E.R.
No.4 Detachment, C.M.S.C., C.A.

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

3. If the Waiting Member does not sit as a member of the Court, he will remain under instruction.

4. Proceedings will be forwarded to the A.A.& Q.M.G., Military District No.4.

(M.1-B-8342)

(OVER)

No. 267 DISTRICT COURT MARTIAL

The detail of Officers as mentioned below will assemble at C.I.(B) T.C.No.43, C.A., Sherbrooke, Quebec, at 1000 hours on Friday, the 11th day of February, 1944, for the purpose of trying by District Court-Martial, the accused, D-141651, Private Alfred Joseph Frederic Di TOMASSO, Canadian Infantry Corps, C.A., attached to C.I. (B) T.C.No.43, C.A., (and such other accused persons as may be brought before the Court):-

PRESIDENT

Captain(A/Major)G.B.Puddicombe,
Specially Employed List, No.4 District Depot,C.A.,
attached to Headquarters, Military District No.4.

MEMBERS

Major J.A.Prudhomme,
Le Regiment de Joliette, C.A.,
attached to No.4 District Depot, C.A.

Captain J.C.A.Landry,
Le Regiment de Maisonneuve, C.A.,
attached to No.4 District Depot, C.A.

WAITING MEMBER

Lieut.(A/Captain) A.Morin,
Le Regiment de Maisonneuve, C.A.,
attached to S-18 St.Jerome School of
Army Instruction, C.A.

PROSECUTOR

Captain L.C.Carroll,
Specially Employed List, No.4 District Depot,C.A.,
attached to Headquarters, Military District No.4.

DEFENDING OFFICER

Captain(A/Major) I.L.Lavallee,
General List, C.A.,
attached to C.I.(B) T.C.No.43, C.A.

UNDER INSTRUCTION

All Officers available at C.I.(B) T.C.No.43, C.A.

STENOGRAPHER

B-31571, Sgt. BOISSEAU, J.P.P.,
No.4 Detachment, C.M.S.C., C.A.

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

3. If the Waiting Member does not sit as a member of the Court, he will remain under instruction.

4. Proceedings will be forwarded to the A.A.& Q.M.G., Military District No.4.

(M.1-D-12224,F.D.1)

(OVER)

No.270 DISTRICT COURT MARTIAL

The detail of Officers as mentioned below will assemble at No.4 District Depot, C.A., Jacques Cartier Barracks, Montreal South, P.Q., at 1000 hours on Friday, the 11th day of February, 1944, for the purpose of trying by District Court-Martial, the accused, D-710446, Fusilier Raymond Israel SAUVE, Les Fusiliers de Sherbrooke, C.A., attached to No.4 District Depot, C.A,(and such other accused persons as may be brought before the Court):-

PRESIDENT

Major J.A.G.Dubeau,
Specially Employed List, No.4 District Depot, C.A.,
attached to Headquarters, M.D.No.4.

MEMBERS

Major J.J.Milloy, E.D.,
4th (Reserve) Divisional Signals, R.C.C.S., C.A.

Captain R.Levesque,
General List, C.A.,
attached to C.A.E.(B) T.C.No.42, C.A..

WAITING MEMBER

Lieut. P. Larocque,
General List, C.A.,
attached to S-18 St.Jerome School of
Army Instruction, C.A.

PROSECUTOR

Captain P.J.F.Bousquet,
Specially Employed List, No.4 District Depot,C.A.,
attached to Headquarters, M.D.No.4.

DEFENDING OFFICER

Lieut. J.J.R.Massue,
Les Fusiliers Mont-Royal, C.A.,
attached to No.4 District Depot, C.A.

UNDER INSTRUCTION

All Officers available at No.4 District Depot, C.A.

STENOGRAPHER

D-137479, Cpl. (A/S/Sgt.) SAMSON, J.E.R.
No.4 Detachment, C.M.S.C., C.A.

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

3. If the Waiting Member does not sit as a member of the Court, he will remain under instruction.

4. Proceedings will be forwarded to the A.A.& Q.M.G., Military District No.4.

(M.1-S-4212(J)F.D.1)

(OVER)

No.271 DISTRICT COURT MARTIAL(Cancellation)

Reference District Order Part I, No.2189, dated 18th December, 1943, notification is hereby made that on February 4th, 1944, on the advice of the Judge Advocate-General, the District Officer Commanding has quashed the finding and sentence of this Court and has directed that the accused be relieved of all consequences of the said sentence and that all records be amended accordingly.

(M.1-S-6376)

No. 272 SENTENCE OF A DISTRICT COURT MARTIAL

Reference District Order Part I, No.95, dated 15th January, 1944, D-125070, Private Maurice POTHIER, Le Regiment de St.Hyacinthe, C.A., attached to No.4 District Depot, C.A., was tried by District Court-Martial on 20th January, 1944, on charges of "Absenting himself without leave, Army Act Section 15(1)" and "Losing by neglect his equipment, clothing and regimental necessaries, Army Act Section 24(2)". He pleaded not guilty to the first charge and guilty to the second charge. He was found guilty of the first charge with the exception that the cost of his apprehension and return to his unit was only $4.80, and guilty of the second charge. On 20th January, 1944, he was sentenced to undergo detention for nine months and to be placed under stoppages of pay in the amount of $32.69.

2. The finding and sentence having been confirmed by Major-General E.J.Renaud, C.B.E., District Officer Commanding, Military District No.4., the sentence was duly promulgated.

(M.1-P-3317)

No. 273 SENTENCE OF A DISTRICT COURT MARTIAL

Reference District Order Part I, No.115, dated 19th January, 1944, D-122656, Private William Joseph BUCKLEY, R.C.O.C., C.A., attached to No.4 District Depot, C.A., was tried by District Court-Martial on 24th January, 1944, on charges of "Absenting himself without leave, Army Act Sec. 15(1)" and "Losing by neglect his equipment, clothing and regimental necessaries, Army Act Section 24(2)". He pleaded guilty to the first charge and not guilty to the second charge. He was found guilty of the first charge and not guilty of the second charge. On 24th January, 1944, he was sentenced to undergo detention for seven days.

2. The finding and sentence having been confirmed by Major-General E.J.Renaud, C.B.E., District Officer Commanding, Military District No.4, the sentence was duly promulgated.

(M.1-B-4338)

No.274 DISTRICT COURT MARTIAL (Cancellation)

It is notified that the Convening Officer has cancelled the Order dated 1st February, 1944, convening a District Court-Martial, which was to be held at No.4 District Depot, C.A., Montreal South, P.Q., on Tuesday, the 8th day of February, 1944, to try D-62727, Private Marcel DION, Les Fusiliers Mont-Royal, C.A., attached to No.4 District Depot, C.A., and which was published in District Order, Part I, No.233, dated 2nd February, 1944.

(M.1-D-2082)

(OVER)

No.275 SENTENCE OF A DISTRICT COURT MARTIAL

Reference District Order Part I, No.88, dated 14th January, 1944, D-710000, Pte. Simon BERTRAND, Les Fusiliers du St.Laurent, C.A., attached to No.4 District Depot, C.A., was tried by District Court-Martial on 20th January, 1944, on charges of "Absenting himself without leave, Army Act Section 15(1)" and "Losing by neglect his equipment, clothing and regimental necessaries, Army Act Section 24(2)". He pleaded guilty to both charges. He was found guilty of the first charge and guilty of the second charge in the amount of $2.70 only. On 20th January, 1944 he was sentenced to undergo detention for seventy-five days and to be placed under stoppages of pay in the amount of $10.50.

2. The finding and sentence having been confirmed by Major-General E.J.Renaud, C.B.E., District Officer Commanding, Military District No.4, the sentence was duly promulgated.

(M.1-B-7500)

No.276 SENTENCE OF A DISTRICT COURT MARTIAL

Reference District Order Part I, No.53, dated 11th January, 1944, D-611703, Private Christian BOURGEOIS, General List, R.R.M.A., No.4 Clearing Depot, attached to C.I.T.C.No.4-12, C.A., was tried by District Court-Martial on 14th January, 1944, on charges of "Absenting himself without leave, Army Act Section 15(1)" and "Losing by neglect his clothing, equipment and regimental necessaries, Army Act Section 24(2)". He pleaded guilty to both charges and was found guilty of both charges. On 14th January, 1944 he was sentenced to undergo detention for ninety days and to be put under stoppages of pay in the amount of $31.32.

2. The finding and sentence having been confirmed by Major-General E.J.Renaud, C.B.E., District Officer Commanding, Military District No.4, the sum of $0.95 was remitted to the accused, and the sentence, as so varied, was duly promulgated.

(M.1-B-7261)

No.277 DISTRICT COURT MARTIAL (Amendment)

District Order Part I, No.261, dated 5th February, 1944, is hereby amended by deleting the name of:-

DEFENDING OFFICER

Lieut. G.R.Gauthier,
Le Regiment de Chateauguay (Mit) C.A.,
attached to No.4 District Depot, C.A.

and substituting therefor:

DEFENDING OFFICER

Lieut. J.J.R.Massue,
Les Fusiliers Mont-Royal, C.A.,
attached to No.4 District Depot, C.A.

(M.1-H-401 F.D.1)

(A.F.HUTCHEN) COLONEL,
A.A.& Q.M.G., M.D.No.4.

"G"

J.C.E. Chabot, major
President DCM

LIST OF OFFICERS UNDER INSTRUCTION

DISTRICT COURT-MARTIAL
D-26267, Pte. John HUBBARD,
The Black Watch (RHR) of Canada, C.A.,
attached to No. 5 Special Employment Coy., C.A.

WAITING MEMBER -
Captain H.C. Brennan, Royal Montreal Regiment (MG) C.A.,
attached to No. 4 District Depot, C.A.

Lieut. F.J. Donnelly, A/Officer Commanding,
No. 5 Special Employment Coy., C.A.

J.C.E.C.

EXHIBIT "H"

J.C.G. Wilson maja
President OCM

"H"

RECORD of the Declaration of a Court of Inquiry assembled at Westmount, Que., on the 16th day of November 1943, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. D-26267, Pte. HUBBARD, J.

DECLARATION

The Court declare that No. D-26267, Pte. HUBBARD, John, R.H.R.(BW) CA, attached to No. 5 Special Employment Coy., (CA) illegally absented himself without leave from No. 5 Special Employment Coy(CA) at Westmount, Que. at 2200 hrs on the 24th day of October 1943, that he is still so absent, and that on the 16 November, 1943 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE		ARTICLES	VALUE	
ANKLETS WEB? PRS ONE		79	BELTS WAIST WEB 1 1/2" one		30
BATTLE DRESS SERGE TROUSERS TWO ($5.39)	10	78	HELMETS SUN ONE		62
BATTLE DRESS SERGE BLOUSES TWO ($5.25)	10	50	JACKETS KHAKI DRILL o/s THREE ($3.56)	10	68
BONNETS TAM O'SHANTER TWO	1	62	PUTTEES PRS ONE		97
BOOTS ANKLE PRS TWO	10	92	SHIRTS K.C. W/S/S TWO($1.25)	2	50
DRAWERS COTTON SHORTS PRS		72	TROUSERS KHAKI DRILL PRS TWO ($3.20)	6	40
GLOVES WOOLEN ONE PR.		59	TROUSERS KHAKI DRILL SHORTS PRS TWO ($1.20)	2	40
GREATCOAT DRAB ONE	17	22	BAGS KIT ONE		78
JACKET SWEATER	1	36	BARGES PRS ONE		32
OVERALLS COMBINATION PRS ONE	2	72	BRUSHES BOOT POLISHING		19
SHIRTS UNDER COTTON TWO ($0.39)		78	BRUSHES BOOT		11
SHIRTS FLANNEL KHAKI TWO($1.71)	3	42	BRUSHES BUTTON		27
SHOES CANVAS PRS ONE	2	55	BRUSHES CLOTH		26
SOCKS PRS THREE ($0.37)	1	11	BRUSHES HAIR		42
SHEETS GROUND ONE	2	47	BRUSHES SHAVING		09
DRAWERS WOOLLEN PRS TWO($1.20)	2	40	BRUSHES TOOTH		33
SHIRTS WOOLLEN TWO ($1.20)	2	40			

SUB/TOTAL----------$ 99.01

P.T.O. CONTINUED ON REVERSE SIDE OF PAGE

(J.C.Brodie) Lieut. RHR(BW)(CA) President
Att. to No. 5 Spec. Empl. Coy(CA)

(T.W.Orr) Lieut. RHR(BW)CA() Member
Att. to No. 5 Spec. Empl. Coy(CA)

(F.J.Donnelly) Lieut.RHR(CA) Member
Att. to No. 5 Spec. Empl. Coy(CA).

Signed at Westmount, Que.

this 16th day of Nov. 1943

Signature of Commanding Officer (Philippe Roy) Capt.R. 22e R.
ATT. to No. 5 Spec.Empl. Coy(CA).

Certified true copy

(T.W.Orr) Lieut. RHR(BW) CA(CA)
Attached to No. 5 Spec. Empl. Coy(CA).
Officer i/c Records,
No. 5 Spec. Empl. Coy(CA).

Signature of Officer having custody of Original Record

M.F.R. 275
A.F.B. 115
11M-12-40 (6615-5)
H.Q. 1772-39-267

32

D-26267 Pte. HUBBARD John.

SUB-TOTAL---------- $99.01

Cont'd from other page.

CAPS COMFORTER ONE	09	STRAPS WEB SUPPORTING	48
FORKS TABLE ONE	08	TINS MESS RECT.	69
HOLD ALL ONE	19	PACKS W.E.	2 36
HOUSEWIVES ONE	35	COVERS MESS TIN RECT.	08
KNIVES CLASPS ONE	1 10	RESPIRATORS	1 60
KNIVES TABLE	15	CONTAINER E. MK B. ONE	2 00
RAZOR SAFETY	39	FACE PIECE V	2 00
SPOONS TABLE	07	HAVERSACK MARK NO 7	1 27
TOWELS HAND TWO	46	CAPES ANTIGAS	1 43
BELTS WAIST	27	WALLET ANTI GAS	27
BOTTLES WATER	65		
BRACES LEFT	73	T OT A L.....$129	15
BRACES RIGHT	66		
CARRIERS	73		
FROGS	34		
HAVERSACK	2 34		
HELMETS STEEL COMPLETE	2 39		
POUCHES BASIC	3 86		
STRAPS SHOULDER HAVERSACK	1 48		

(J.C.Brodie) Lieut. R.H.R.(BW)(CA)
Att. to No. 5 Spec. Empl. Coy(CA)

Westmount Que.

(T.W.Orr) Lieut. R.H.R.(BW)(CA)
Att. to No. 5 Spec. Empl. Coy(CA)

16th Nov. 43

(F.J.Donnelly) Lieut. R.M.R.(CA)
Att. to No. 5 Spec. Empl. Coy(CA).

(Philippe Roy) Capt., R. 22e R.(CA)
ATT. to No. 5 Spec. Empl. Coy. (CA)

(T.W.Orr) Lieut., R.H.R.(BW)(CA)
R.[illegible] (CA) Att. to No. 5 Spec Empl. Coy(CA).
Officer i/c Records.

EXHIBIT "[illegible]"

I

J. C. G. [illegible] major
[illegible] OCM

PART II ORDERS
By
CAPTAIN PHILIPPE ROY
Officer Commanding
No. 5 Special Employment Coy. (CA)
Westmount Barracks, Westmount, Que.

No. 153 — 30 OCTOBER 1943 — No. 153

(Last Part II Orders No. 152, d/25 Oct. 1943.)

SECTION "B" OTHER RANKS (HOME WAR ESTABLISHMENT)

ABSENCE WITHOUT LEAVE

4.

D-26267 Pte. HUBBARD J.
Absence without leave from 2200 hrs. 24 Oct. 43.
(6th day of absence).

sgd. T.W. Orr Lieut.
for (Philippe Roy) Captain,
Officer Commanding,
No. 5 Special Employment Coy. (CA)

Certified true extract.

[illegible] Lieut.
(T.W. Orr) Lieutenant, R.H.R. (CA)
Attached to No. 5 Special Employment
Coy., (CA)
Westmount Barracks, Westmount, Quebec.
Officer i/c Records. [illegible]

EXHIBIT "K"

J. C. P. Hughes, major
President DCM

K

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Major J.F. Hamel, O.C. Composite Provost Companies M.D. No. 4
(Number) (Rank) (Name) (Unit)

hereby certify that D-26267 (Number) Private (Rank) HUBBARD, John. (Name in full)
R.H.R.(BW) (CA), attached to
~~the~~
~~xxxxx~~ No. 5 Special Employment Coy., C.A.
(Unit and attachment, if any)

Strike out words not applicable } was apprehended by ~~[illegible]~~ D-132506 (Number) Lance-Corporal (Rank)

CALZONE, W.F., of the Composite Provost Companies M.D. No. 4
(Name) (Unit or appointment)

at Montreal, Que. (Place) at 2005 (Hour)

on the 24th day of January 1944

Strike out words not applicable } as a deserter (~~[illegible]~~), and that at the time of his arrest he was ~~[illegible]~~ ~~[illegible]~~ (~~[illegible]~~). military clothes.

Dated at Montreal, Que. this 25th day of January 1944

KGW/ (J.F. Hamel) Major.
(Signature, Number, Rank, Unit or appointment)
O.C. Composite Provost Companies M.D. No. 4

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
19M—11-42 (9606)
M.O. 1772-99-1000

SOLDIER OF THE ACTIVE ARMY.

CLOSING ADDRESS BY THE PROSECUTOR

J. A. P. Wilson, major
President D.C.M.

Mr. President,
Gentlemen of the Court,

I think the proof has been made on the first charge by the documents produced before the Court.

The Court will notice that the Prosecution's proof with regard to the clothes which the accused wore at the time he was apprehended is made by the M.F.M. 216, which states that he was apprehended in Military clothes.

Therefore any reference of the accused to the clothes which he wore at the time of his apprehension is not mentioned in the particulars of the charge and is not mentioned in the document produced; therefore there is nothing there which would tend to aggravate the charge.

It is requested that the accused be found guilty of the charge as laid, and nothing should be added to the charge with regards to how he was dressed at the time.

J. A. P. W.

J. C. F. Hubbard, major
President D.C.M.

"M"

SUMMARY OF EVIDENCE

in the case of

D-26267, Private John Hubbard, The Black Watch, (R.H.R.) of Canada, CA, attached to No. 5 Special Employment Coy., (CA), a G.S. soldier of the Canadian Army placed on Active Service.

CHARGES:-

1. ABSENTING HIMSELF WITHOUT LEAVE.

2. LOSING BY NEGLECT HIS EQUIPMENTS, CLOTHING AND REGIMENTAL NECESSARIES.

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

FIRST WITNESS

Lieut. T.W. Orr, R.H.R. (CA) attached to No. 5 Special Employment Coy(CA), having been duly sworn, states:-

"I am the Officer in charge of Records at No. 5 Special Employment Coy, CA.

I identify the accused as the person named in the documents which I now produce, namely:-

(i) M.F.B. 375, dated 10th November 1943, filed as Exhibit "A".

(ii) Certified true extract from Daily Part II Orders No. 153 dated 30 October 1943, and No. 154 dated 1 November 1943., filed as Exhibit "B".

(iii) M.F.M. 216, dated 25th January 1944, filed as Exhibit "C".

The accused declined to crossexamine the witness.

T.W. Orr Lieut.

(T.W.Orr) Lieut.

SECOND WITNESS

D-81850, C.Q.M.S. HEATER, W., R.H.R.(CA) attached to No. 5 Special Employment Coy(CA), having been duly sworn states:-

"I am Quartermaster Sergeant of No. 5 Special Employment Coy. (CA).

At an inspection of the Accuded's Kit held in my presence and in the presence of the Accused the 29th day of January 1944, the following articles previously found to be deficient were recovered thereat, viz:-

(CONTINUED ON PAGE TWO)

D-26267, Private, John HUBBARD.

Anklets Web	1
Battle Dress Serge Trousers	2
Battle Dress Serge Blousee	2
Bonnets Tam O'Shanter	2
Boots Ankle	2
Gloves Woollen	1
Greatcoat Drab	1
Jacket Sweater	1
Shirts Under Cotton	1
Shirts Flannel Khaki	2
Shoes Canvas	1
Sheets Ground	1
Shirts Woollen	1
Belts Waist Web	1
Helmets Sun	1
Jackets Khaki Drill	3
Puttees	1
Shirts K.C. W./S/S.	2
Trousers Khaki Drill	2
Trousers Khaki Drill Shorts	2
Bags Kit	1
Braces, Prs.	1
Brushes----Boot Polishing	1
" Boot	1
" Button	1
" Cloth	1
" Hair	1
" SHAVEng	1
" Tooth	1
Caps Comforter	1
Hold All	1
Razor Safety	1
Towels Hand	1
Belts Waist	1
Bottles Water	1
Braces Left	1
" Right	1
Carriers	1
Frogs	1
Haversack	1
Helmets Steel Complete	1
Pouches Basic	1
Straps Shoulder Haversack	1
Straps Web Supporter	1
Packs W.E.	1
Tins Mess Rect.	1
Respirators--	1
Container E Mark B	1
Facepiece V	1
Haversack Mark 7	1
Capes Anit-Gas	1
Wallet Anti-Gas	1

I submit herewith a certified copy of M.F.C. 800, which I offer in evidence being the Clothing and Equipment Statement of D-26267, Pte. John HUBBARD, whom I identify as the person referred to therein. I produce the said M.F.C. 800 as Exhibit "D".

The accused declined to cross-examine.

W. Heater Coms
(W.Heater) C.Q.M.S.)

QUESTION TO THE ACCUSED:-

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever [illegible] or any evidence you give will be tak[illegible] may be gi[illegible]

SUMMARY OF EVIDENCE CONTINUED PAGE THREE (3)
D-26267 Pte. John HUBBARD.

ANSWER BY THE ACCUSED:-

I have nothing to say.

QUESTION TO THE ACCUSED:-

Do you desire to produce any witnesses to give evidence on your behalf?

ANSWER BY THE ACCUSED:-

No.

I have notified the Accused that the Convening Officer will detail as Prosecutor an Officer holding Legal qualifications. The Accused was also advised of his rights with the Provisions of Rule of Procedure 89 (B).

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

Taken down by me in the presence of the Accused at Westmount Barracks, Westmount, Quebec, this 31st day of January 1944.

T.W. Orr Lieut.
(T.W. Orr, Lieut.,
R.H.R.(CA) Attached to No. 5
Special Employment Coy(CA)
Officer Delegated to take down Summary of Evidence.

CERTIFICATE TO BE SIGNED BY COMMANDING OFFICER ON TRANSFER OR ATTACHMENT OF SOLDIER

Certified that the record detailed on this statement has been checked with the articles in possession of the soldier and found correct.		Certified that the record detailed on this statement has been checked with the articles in possession of the soldier and found correct.		Transferred	Attached
On transfer or attachment **from** the undermentioned Unit.	Date	On transfer or attachment **to** the undermentioned Unit.	Date		
A-12 C.I.T.C. FARNHAM, QUE.	29-6-43	No. 5 Special Employment Coy(CA)		30-6-43	
Name of Unit. (E.J. MALONE)Capt.		Name of Unit. (T.W.ORR) Lieut.			
for Signature of Commanding Officer.		for Signature of Commanding Officer.			
Name of Unit.		Name of Unit.			
Signature of Commanding Officer.		Signature of Commanding Officer.			
Name of Unit.		Name of Unit.			
Signature of Commanding Officer.		Signature of Commanding Officer.			
Name of Unit.		Name of Unit.			
Signature of Commanding Officer.		Signature of Commanding Officer.			
Name of Unit.		Name of Unit.			
Signature of Commanding Officer.		Signature of Commanding Officer.			

Mark X in appropriate column.

Name Pte. HUBBARD, J.R. Regtl. No. D-26267

Exhibit "B" M1

J.C.P. Weber, major
President OCM

CANADIAN ARMY (ACTIVE)

CLOTHING AND EQUIPMENT STATEMENT

M.F.C. 800

Regtl. No. D-26267 Name HUBBARD J.R.

Rank Pte. Date of Attestation 25-6-40

Original Unit Station A-12, C.I.T.C.

FARNHAM, QUE.

D-81850 CERTIFIED TRUE COPY
W Heath Clerk.

D-81850 (W.Heater) C.Q.M.S.,
R.H.R.(BW)(CA) Attached to No 5 Special Employment Coy. (CA)
Officer i/c Records,
No. 5 Special Employment Coy(CA)

MFC 800
35625—8-43 (3752)
H.Q. 1775-36-1843

M.F.C. 800

INSTRUCTIONS

1. This statement will be used to record free issues to all ranks of the Canadian Army, Active, Reserve and C.W.A.C., as well as all ranks at Training Centres and Army Trade Schools, etc.

2. A continuous vertical line in ink will be drawn through all blank spaces left in a column after an issue has been entered before an individual signs for articles issued to him.

3. On return of any article a line in ink will be drawn through the entry concerned and same will be initialled by the representative of the Quartermaster.

4. Entries in connection with issues should be placed as far to the left of each column as possible to leave room for initials in the event of articles being returned to Quartermaster Stores.

5. Entries will not be made on this form when articles of clothing and equipment are exchanged or replaced.

6. Arms, oil bottles and pullthroughs will not be transferred with the soldier unless authorized by N.D.H.Q. or by the D.O.C.

7. Quote Unit consecutive number of bayonet and serial number of rifle in the space provided in the appropriate "Quantity" column

8. On transfer of an officer or soldier the certificate on the back of this statement will be properly filled in and signed.

9. This statement must accompany the regimental documents of an officer or soldier whether he is transferred or struck off strength for any reason whatsoever.

SIZE CARD

Article	Size	Article	Size
Cap		Greatcoat	
Boots		Gloves	
Battle Dress Blouse		Soldier's Measurements	
Battle Dress Trousers		Height	
Khaki Drill Jacket		Weight	
Khaki Drill Trousers		Neck	
Shirt		Chest	
Drawers		Waist	
Shirt (under)		Inseam	

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Respirator A.G.—								
Cloths, decontecting, facepiece								
Container	/							
Facepiece	/							
Haversack	/							
Outfit anti-dimming								
Eyeshields, A.G. Paquets	/							
MUG								
Capes, A. G.	/							
Curtains, helmet								
Detectors, tippet pattern								
Ointment, A.G. 2	/							
Wallets, A.G.	/							
Detector Powder								
BLANKETS	X Issd							
PILLOW	X Issd							
" SLIP	X Issd							
MATTRESS	X Issd							
BADGES G.S.		3						
Date of Issue	25-6-40, 2-3-43							
	1	2	3	4	5	6	7	8
Signature	(J.R. HUBBARD)	(J.R. HUBBARD)						

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Attachments, brass								
Bags, ration								
Belts, waist	1							
Bottles, water	1							
Braces	2							
Carriers, cartridge								
" water bottle	1							
Cases, binocular								
" pistol								
Frogs, bayonet No. 4 Mk2	~~1~~ two		1					
Haversacks	1							
Helmets, steel, complete	1							
Lanyards, pistol								
Pockets, compass								
Pouches, ammunition, pistol								
" basic	2							
" utility								
Slings, rifle		~~1~~ two						
Straps, shoulder, haversack	2							
" web, supporting	2							
Tins, mess, rectangular	1							
Packs	1							
Yokes								
Covers Messtin	~~1~~ 1							
Date of Issue	25-6-40	11-3-43	31-3-43					
Signature	(J.R.Hubbard)	(J.R.Hubbard)	(J.R.Hubbard)					

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Anklets [redacted] pr.	1							
Badges arm Tank Bn.								
" " worsted, "CANADA" prs.	2							
" title shoulder ~~[illegible]~~ prs.	1							
" shoulder, worsted prs.	1							
Battle Dress, serge, trousers prs.	2							
" " blouses	2							
Bonnets, Tam O'Shanter		1						
Boots, ankle prs.	2							
Caps, field service	~~1~~ two		1					
" forage, drab								
" tank battalion								
Drawers, cotton, short prs.	2							
Dressings, 1st field			1					
Gloves, woollen, khaki prs.	1							
Greatcoats, drab	1							
Jackets, serge, drab								
" sweater or jersey pullover	1							
Overalls, combination			1					
Protectors, ear prs.								
Shirts, under, cotton	2							
Shirts, flannel, khaki								
Shoes, canvas prs.	1							
Socks prs.	2							
Trousers serge, drab prs.								
Sheets, ground	1							
Date of Issue	25-6-40	26-4-43	29-6-43					
Signature	(J.R.Hubbard)	(J.R.Hubbard)	(J.R.Hubbard)					

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Winter Issues—								
Pants, lumbermans, rubber prs.	1							
" ankle, felt prs.								
" insoles prs.								
Caps, winter, malton cloth	X							
Drawers, woollen prs.	2							
Mitts, pullover, leather prs.	X							
Mufflers, khaki								
Overshoes, prs.	X							
Rubbers prs.								
Shirts, woollen	2							
Belts waist web 1 1/2				1				
Disc Ind. with cord	3							
Summer Issues—								
Belts, waist, leather, brown								
Buttons, G.S., large	5							
" " small	4							
Helmets, sun			1					
Jackets, khaki drill O/C 2	X			1½				
Puttees prs.	1							
Shirts, khaki, cotton W/S.S.	2							
Trousers, khaki drill prs.	2	1		1				
" " " short prs.	2							
Buckles brass		1						
rings		8						
Walking Out Dress—								
Jackets, serge, drab, open collar								
Neckties, black		1						
Pins, collar, safety		1						
Shoes, leather, black prs.								
Socks, black prs.			2					
Trousers, serge, drab, N.P. prs.								
Coats, waterproof								
Date of Issue	25-6-40	18-6-43	29-6-43	2 Jul. 43				
Signature	(J.R.Hubbard)	(J.R.Hubbard)	(J.R.Hubbard)	(J.R.Hubbard)				

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Badge, cap	X							
Bags, kit	1							
Blacking tins	1							
Boot dressing tins	1							
Boot laces prs.	2							
Braces prs.	1							
Brasses, button	1							
Brushes—								
Boot, polishing Blacking	1.1.							
Button	1							
Cloth	1							
Hair	1							
Shaving	1							
Tooth	1							
Caps, comforter	1							
Combs, hair	1							
Forks, table	1							
Holdalls	1							
Housewives	1							
Knives, clasp, and lanyard	1							
" table	1							
Razors	1							
Sponges, pipeclay	1							
Spoons	1							
Towels, hand	2							
Arms—								
Rifle		X	X					
Bayonet and scabbard		X	X					
Pistol								
Bottles, oil		X						
Pullthroughs		X						
Date of Issue	25-6-40	11-3-43	25-6-43					
Signature	(J.R.Hubbard)	(J.R.Hubbard)	(J.R.Hubbard)					

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Attachments, brace								
Bags, ration								
Belts, waist	1							
Bottles, water	1							
Braces	2							
Carriers, cartridge								
" water bottle	1							
Cases, binocular								
" pistol								
Frogs, bayonet No. 4 Mk2	x Ins.		1					
Haversacks	1							
Helmets, steel, complete	1							
Lanyards, pistol								
Pockets, compass								
Pouches, ammunition, pistol								
" basic	2							
" utility								
Slings, rifle		x Ins.						
Straps, shoulder, haversack	2							
" web, supporting	2							
Tins, cans, rectangular	1							
Packs	1							
Yokes								
Covers Messtin	1							
Date of Issue	25-6-40	11-3-43	3-3-43					
Signature	(J.R.Hubbard)	(J.R.Hubbard)	(J.R.Hubbard)					

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Anklets prs.	1							
Badges arm Tank Bn.								
" " worsted, "CANADA" prs.	2							
" title shoulder prs.	1							
" shoulder, worsted prs.	1							
Battle Dress, serge, trousers prs.	2							
" " blouses	2							
Bonnets, Tam O'Shanter		1						
Boots, ankle prs.	2							
Caps, field service	1 rw		1					
" forage, drab								
" tank battalion								
Drawers, cotton, short prs.	2							
Dressings, 1st field			1					
Gloves, woollen, khaki prs.	1							
Greatcoats, drab	1							
Jackets, serge, drab								
" sweater or jersey pullover	1							
Overalls, combination			1					
Protectors, ear prs.								
Shirts, under, cotton	2							
Shirts, flannel, khaki								
Shoes, canvas prs.	1							
Socks prs.	2							
Trousers serge, drab prs.								
Sheets, ground	1							
Date of Issue	25-6-40	26-4-43	29-6-43					
Signature	(J.R.Hubbard)	(J.R.Hubbard)	(J.R.Hubbard)					

J. C. P. Williamson
Lumberton

N.

Dear Sir

At the beginning of this letter I shall endeavour to give the reasons for my writing, to start. As you know of my being AWOL from the Army I need not go into details except my reasons for being so. Air the reason I writing this letter is because I am now returning to my Unit and in the event I do not have the opportunity to talk to you I wish to explain my reasons (if not excuse) for my absence. I am not positive that this is quite appropriate, but in desperation it is the only way I may turn. As you know Sir, for quite some time, as to be exact since May 1942. I have received no pay from the Army, this misfortune I blame no

one but myself, but Sir as you can understand it has been most difficult for me working the same as any soldier and yet receiving no pay for doing so, Sir please try to understand my position, I have been unable to go anywhere or do anything what so ever, I have been unable to even visit occasionally a simple ordinary theatre, but even so it would not have been so bad if I had no debts which I am obliged to settle, so sir, this is the reason for being absent from the Army, I just had to have a certain sum of money and the only way to acquire the same was by working, I have no one who I could turn to for assistance, My father, at the present moment, is not in the best of financial position, I cannot depend upon the Army as you yourself know and also although

according to the law I have a wife and who receives an income from the Army I am unable to accept or expect and assistance what ever from that quarter, as for quite sometime I have not been living with her although I am not separated legally and there is also nothing I am able to do concerning that situation, so sir as you are quite able to see for yourself I had no other alternative I am sorry hence my writing thus hoping that you will please understand my position and reason for writing

I remain respectfully

Pte. Hubbard

N

Mr. THE PRESIDENT,

S T A T E M E N T

I was tried by a D.C.M. at Farnham, Que., on 8 July 1943, and I received as sentence 9 months detention, and a total of 324 days forfeiture of pay. On completion of my term of detention and return to my Centre at Farnham, I had to borrow money every two weeks in order to proceed home on pass, to my home at Delson, Que.

I was transferred to No. 5 Special Employment Coy., Westmount Barracks, Westmount, Que., on 29 June 1943. I was paraded to my new Officer Commanding and explained my case to him, in order that he may make arrangements to enable me to receive Pay Allowances, as I was attached to Headquarters Military District No. 4, at Montreal, Que.

I had living out expences to pay, but unable to make ends meet, that is both live and pay off my debts. So I had once more to borrow more money.

My furlough was coming due in October, 1943, so I went home and tried to borrow sufficient money from my father, but he was at that time in financial difficulties.

So finding no means of clearing myself of these debts, I had but one alternative left, to go and look for a job. I wrote my Officer Commanding Capt. Roy, a letter to the fact that I was returning to the Army, explaining my reasons for Absenting Myself without leave. This was on the 18th day of November 1943. I now wish to submit this letter.

But still due to my financial situation, I was still unable to return as yet.

I joined Active Service with the Canadian Grenadier Guards, with the intention of going Overseas, but not succeeding to accomplish this, I transferred to the Black Watch at Farnham.

I wish to ask the Court to consider the fact that I am still willing to proceed overseas, and perform my duties in a soldierly manner as soon as possible.

(D-26267 Pte. HUBBARD, John).

J. C. P. Kirkham, major
President DCM

"Y"

M.F.B. [illegible]
HM—5-43 (145)
H.Q. 1773-99-429
A.F.B. [illegible]

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number Rank Name Regiment (or unit)

D-26267, Private, John HUBBARD, Black Watch, (RHR)(CA), Attached to No. 5 Special Employment Coy(CA)

1. The following is a fair and true summary of the entries in the [redacted] Jud. [redacted] Jud. [redacted] Jud. Company Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, [redacted] Jud. of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	AWL	2 times	AWL	10 times
For		times	Disobedience	1 times
For		times	Conduct to the Prejudice	1 times
For		times		times

[redacted] Jud. [redacted] Jud. [redacted] Jud.

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

2. [redacted] Jud. [redacted] Jud. Previous convictions of the accused by a court-martial [redacted] Jud., of summary awards under [redacted] Jud. Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement. [redacted] Jud.

The accused is not under sentence at the Present time.

3. [redacted] Jud. [redacted] Jud. [redacted] Jud.

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 16 days in military custody, making a total of [redacted] 16 days in custody, of which nil days were spent in hospital. [redacted] Jud.

5. The present age of the accused according to his [redacted] Jud. attestation paper is 22 years 9 months. (24 Apr. 1921).

6. The date of his [redacted] Jud. attestation specified in his [redacted] Jud. attestation paper is 25 June 1940.

7. [redacted] Jud.

8. [redacted] Jud. [redacted] Jud. [redacted] Jud.

9. The accused is [redacted] Jud. entitled to [redacted] Jud. military decoration, [redacted] Jud. [redacted] Jud. [redacted] Jud. [redacted] Jud. [redacted] Jud. Canadian Volunteer Service Ribbon.

10. [redacted] Jud. Air Force. [redacted] Jud. [redacted] Jud. [redacted] Jud.

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of ..... Permanent Force unit dated ....., and in his regiment (or corps) the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number D-26267 Rank Private Unit

Name HUBBARD, John of Black Watch(RHR)(CA) Regiment

Attached to No. 5 Special Employment Coy(CA)

NOTE.—A Written extract from the regimental books showing the convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
District Court-Martial	8 July, 42	DESERTION	9 months detention	nil

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 10th day of February 1944

(TWOFF) Lieut, RHR(BW)C
Att. to No. 5 Special Employment Co
Officer i/c Records

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

J. C. F. Hughes, Major
President OCM

D26267 No. Name Hubbard J.R. Sqn., Battery, or Company 4 Corps C.G.G. Date of enlistment 25 Jun 40 Badge C.G.C. Service or Proficiency Pay

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. 2 | Signature O.C. Company, etc. (?) Major | Character

M.F.M. 3 (A.F.S. 122) 20234—11-40 (3625) H.Q. 1272-45-18

Place	Date of 1940	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
St. Helena Island	22 Jul	Gdsm		AWL from 2359 Hrs 22 Jul to 2305 hrs 27 Jul. (4 days 23 hrs 6 mins)	Gdsm Morton	7 days C.B.	29 Jul	Lt Gilday	Forfeits 5 days pay FR & I.
"	12 Aug	"		AWL from 0730 hrs 12 Aug to 2355 hrs 12 Aug. (15 hrs 55 mins)	CSM Busby	2 days detn.	13 Aug.	Lt.-Col. Peiler	Forfeits 3 days pay F.R.
Camp Borden	14 Oct.	"		AWL from 0730 hrs 14 Oct 40 to 1010 hrs 15 Oct 40 (26 Hrs 40 min.)	Sg. Warr Cpl Campbell	7 days C.B.	18 Oct.	Major Dean	Forfeits 2 days Pay
Valcartier	14 Mar 41	"		AWL from 1430 hrs 14 Mar 41 until 2300 hrs 19 Mar 41 (128 hrs 30 mins.	CSM BUSBY	Forfeits 12 days pay	22 Mar41	Major Griffin	Forfeits 6 days pay
Halifax N.S.	10 JUL 1941	"		Disobeying a lawful command given by his superior officer	Sgt. Cunningham	7 days CB	16 Jul41	Lt. Harwood	

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Sussex N.B.	30Oct41	"		Conduct to the prejudice of (failing to carry out immediately an order)	Cpl Ashton	7 days CB	6 Oct41	Major Dean	
St. John N.B.	21 Oct 41			A.W.L. from 0630hrs 21 Oct 41 until 1830hrs 30 Oct 41. Held under close arrest from 1830hrs 30 Oct 41 until 1430 hrs 5 Nov 41. Total time AWL 9 days 12 h s - Total time 5 days 19½ hrs.	Cpl Hendry C.P.C.	10 days detention	5 Nov41	Major Scott	Fo feits 10 days pay Forfeits 6 days pay (Time in close arrest) Cost. of Appreh. 10.40. 10 days pay while in detention Total Forfeit 25 days pa
Sussex N.B.	16 Jan 42	"		A.W.L. from 0700hrs 16 Jan 42 until 1600hrs 16 Jan 42 (9hrs)	Cpl. Hendry	Forfeits 1 days pay	17/1/42	Major Griffij	Forfeits 1 days pay

D-26267 Hubbard J.R.
Name

Sqn., Battery, or Company: Black Watch
Corps

Date of enlistment: 25 Jun 40
O.C. Badge:
Service or Proficiency Pay:
Character

Date of last entry in Company Conduct Sheet:
No. and date of last drunk:
Period not reckoning towards freedom from extra fine:
Sheet No.
Signature O.C. Company, etc.:

M.F.M. 8
(A.F.B. 122)
H.Q. 1772-48-18

Date	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order disposing with trial	By whom awarded	Remarks
Farnham P.Q.	7 May 1942.	Gdsm		AWL from 2200 hrs 7 May 42 until 1910 hrs 11 May 42	Cpl Martin	4 days Det.	12May 42	Major Eadie	Forfeits 4 days pay
FARNHAM QUE 15 MAR 42 ISSUED WITH SPECIAL LEAVE AND FURLOUGH TRANSPORT WARRANT No 49586									
Farnham, Que	5 Mar 1943	Pte		AWL from 2359 hrs 5 Mar 43 to 2230 hrs 10 Mar 43. Held in Close Arrest (Abs. 4 days 22 hrs 31 mins (A.A. Sec 15(1))	Cpl Mingus	Admonished	11 Mar 43	C.E. Cousins Major	Auto Forfeits 5 days pay FR & I
Farnham	5 Apr 43			AWL from 5 Apr 43 until 0120 hrs 21 Apr. 43 (Absent 16 days 20 mins Cost of transportation	L/Cpl Clarke	Summary Forf 15 days pay	26 Apr 43	A.T. Howard V.D. Col.	Auto forfs, 17 days pay

Certified true copy of original.

(T.W.Orr) Lieut.
Records Officer, No. 5 Spec. Empl. Coy. (CA)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order directing trial with trial	By whom awarded	Remarks
Farnham, Que	19-5-42	Pte.		D.C.M. on 8-7-42 Deserting His Majesty's Service and found guilty. To undergo detention for 9 months, and Stoppages of pay in amt of $2.05(Cost of apprehension. Sentence confirmed and duly promulgated. By Brig. Gen. E de B. Panet DMG DSO. 24-7-42. AWL from 1830 hrs. 19-5-42 to 0230 hrs. 6-6-42. Absent 17 dys 16 hrs. Held in close arrest.	Documentary	Stoppages of pay in amt of $2.05 & 9 Months detention	8-7-42	(DCM)	Auto forf of 324 days pay. fr71 149.

Certified True copy.

(T.W. Orr) Lieut.,
Officer i/c Records No 5 Spec. Empl. Coy(CA)
10 Feb. 44.

H.Q.C.55-H-200
(JAG)

Ottawa, August 29th, 1942.

The District Officer Commanding,
Military District No. 4,
Montreal, Que.

RECEIVED
AUG 29 1942
ORG.
A. D.

District Court-Martial

D.26267, Pte. John R. Hubbard,
The Black Watch (RHR) of Canada, C.A.
attached to C.I.T.C. No.A-12, C.A.

Receipt is acknowledged of your M.1-H-401, dated August 20th, 194 , under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

Brigadier,
Judge Advocate-General.

EBS/MM

500-6-42(M1235)

AUG 28 1942
R.H.H.

IN REPLY PLEASE QUOTE
No. M. 1-H-401
Your H.Q. C. 55-H-268 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

REGISTERED

Montreal, P.Q., August 26th, 1942.

73469

CENTRAL REGISTRY Army
PERS. SEC.
AUG 28 1942
File C 55-H 268
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT MARTIAL
D-26267, Pte. John Richard HUBBARD,
The Black Watch (RHR) of Canada, C.A.,
attached to C.I.T.C. No. A 12, C.A.

ADDITION ENTERED

Reference your H.Q. C. 55-H-268 (JAG), dated August 4th, 1942.

2. The proceedings of the marginally-noted District Court-Martial are returned, herewith, for custody as requested in paragraph 3 of your above-mentioned letter.

3. The irregularities noted in the proceedings have been called to the attention of the President and members of the Court, this for their future guidance.

4. For your information, please.

(E. de B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

Encl.

NAT. DEF. B. 440
(600,000—10-41 (2924))
Q. 1772-39-767

MEDICAL OFFICER'S REPORT

I certify that No. D-26267 PTE. HUBBARD, J.R.

of R.H.R. R.W. is in a FIT state of health,

and ABLE to undergo Trial by Court martial.

Capt [illegible]
Medical Officer

Station A-12, C.I.T.C.,
FARNHAM, Que..

Date 8-July-42

M. F. B. 246
DSM—9-41 (1765)
H.Q. 1772-20 600

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

A

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

x (See document marked "G")

Proceedings of a District Court-Martial held at C.I.T.C. A-12 C.A., Farnham, P.Q. on the 8th x day of July 19 42 by order of Brig.-General E.de B.Panet, CMG., DSO. Commanding Military District No. 4. dated the 30th day of June 19 42

President.
Major H. J. Keating, E.D.,
12th Army Tank Bn., C.A.
Att'd to C.A.(B) T.C. No. 42, C.A.

Members.

Major J. G. Carrique,
Victoria Rifles of Canada, C.A.,
Att'd to C.A.(B) T.C. No. 41, C.A.

Captain A. T. Stikeman,
Att'd to C.A.(B) T.C. No. 41, C.A.

Trial of * D-26267, Pte. John Richard HUBBARD, ~~The Black Watch~~ (RHR) of Canada, C.A., Att'd to C.I.T.C. A-12, C.A.

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

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

The accused is brought before the Court.

Prosecutor,† Captain S. Lerner, Royal Canadian Regiment, C.A., Att'd to C.I.T.C. A-12, C.A.

~~Counsel~~ defending officer† Lieut. J. Hart, General List, C.A., att'd to C.I.T.C. A-12, C.A.

At 10 AM o'clock the Trial commences.

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

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

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

A.1 *Answer by accused.* No, Sir.

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

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

x I have satisfied myself (1) that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

Major,
President, D. C. M.

Mil. Form B. 271
1551—9-41 (1762)
H.Q. 1772-30-224

B

The President and members are duly sworn.

The following officer under instruction is duly sworn. Captain J.R. Pophom, 2nd Bn, Black Watch (RHR) of Canada, C.A. (see document marked "J")

Q.2 Do you object to No. D-126762 a/S/Sgt. Joseph La Rivière, No. 4 Det., C.M.S.C., C.A., acting as shorthand writer?

A.2 No, Sir.

No. D-126762 a/S/Sgt. Joseph La Rivière, No. 4 Det., C.M.S.C., C.A. is duly sworn as shorthand writer.

Charge-Sheet

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

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

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

Q.3 Are you guilty or not guilty of the [the] charge against you, which you have heard read? *Question to the accused.*

A.3 Guilty, Sir. *Answer.*

Answer.

Answer.

Answer.

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

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

"B2"

CHARGE SHEET

THE ACCUSED, No. D-26267 PRIVATE JOHN RICHARD HUBBARD, The Black Watch (R.H.R.) of Canada, C.A., attached to Canadian Infantry Training Centre A-12, C.A., Farnham, Que., a Soldier of the Canadian Army, placed on Active Service

is charged with

FIRST CHARGE
Army Act
Sec. 12
(1) (a)

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he

at Farnham, Que., on 19th May 42 after having been warned to proceed for Service Overseas, with intent to avoid so proceeding, absented himself without leave from C.I.T.C. A-12, C.A., from 0830 hours, 19th May 42 until he was apprehended by the Can. Provost Corps at Montreal, Que., 0235 hours, 6th June 42, thereby failing to so proceed overseas.
(Cost of Escort $2.05)

Signed at
Farnham, Que.,
9th June 42.

Major
(J. M. E. Sauve)
Acting Officer Commanding,
A-12 C.I.T.C., C.A., Farnham.

Montreal, Que.,
June 30th, 1942.

To be tried by District Court-Martial,.

(E. de B. Panet), Brig.-General,
District Officer Commanding,
Military District No. 4.

CC

Proceedings on Plea of Guilty

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

*[redacted]

The accused No. D-26267, Pte. John Richard Hubbard, The Black Watch (RHR) of Canada, C.A., Att'd to C.I.T.C. A-12, C.A., is found guilty of the charge.

*The summary [redacted] of evidence is read, marked "H", signed by the President, and attached to the proceedings.

Q.4 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.4 *Answer.* The accused in mitigation of punishment says:— No, Sir.

[redacted]

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

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

DD

Q. 5 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A. 5 No, Sir. *Answer.*

Evidence as to character.

E

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

Finding*

~~The Court is cleared for the consideration of the finding.~~

~~The Court finds that the accused~~

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~*The Court being reopened the accused is again brought before it.~~

Captain S. Lerner, Royal Canadian Regiment, C.A., attached to C.I.T.C. A-12, C.A. is duly sworn.

Evidence of character, &c.

Q.6 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.6. Yes, I produce MFB 355 and MFM 6.

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

Q.7 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A.7 He is, Sir.

Q.8 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A.8 I have, Sir.

Q.9 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.9 Yes, Sir.

~~Cross-examined by the accused~~

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83(b).

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

Q.10 *Question to the accused.* Do you wish to address the Court? *Answer.* A.10 See Document marked "I"

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. D-26267, Pte. John Richard Hubbard, The Black Watch (RHR) of Canada, C.A., Attached to C.I.T.C. A-12, C.A., to be imprisoned with hard labour for a period of 18 months, and to be put under stoppages of pay until he has made good the sum of $2.05 in respect of the cost of apprehension and return to his corps.

Sentence.
Detention
18 months
Stoppages
$2.05

Signed at Farnham, P.Q., this 8th day of July 1942.

(H.J. KEATING) Major,
12th Army Tank Bn., C.A.
Att'd to C.A.(B) T.C. No. 42, C.A.
President, D.C.M.

Montreal, P.Q.,
July 24th, 1942. I confirm the finding and sentence of the Court but commute the sentence to read: "to undergo detention for 9 months and to be put under stoppages of pay until he has made good the sum of $2.05 in respect of the cost of apprehension and return to his corps".

(Leonards B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

Promulgated and extracts taken at Farnham, Que., this 27th day of July, 1942.

(F.T. Rea) Lieutenant,
The Black Watch (RHR) of C., C.A.,
Asst.-Adjt., A-12 C.I.T.C., C.A.,
Farnham, Que.

Extracts entered as No. 6524 in the Record of Courts-Martial kept in the office of the Judge Advocate General this 3rd day of August 1944

"X"

Orders by Brigadier-General E. de B. Panet, CMG., DSO. Commanding

Military District No. 4.

District Court-Martial

D-26267, Pte. John Richard HUBBARD
The Black Watch (RHR) of Canada, C.A.
Attached to C.I.T.C. No. A 12, C.A.

Montreal, Que., June 30th 1942.

The detail of Officers as mentioned below will assemble at C.I.T.C. A 12, C.A., Farnham, P.Q. on Tuesday the 7th day of July 1942 at 1000 hours for the purpose of trying by a District Court-Martial the accused person named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Major H.J. Keating, E.D.,
12th Army Tank Bn., C.A.,
Att'd to C.A.(B) T.C. No. 42, C.A. is appointed President.

MEMBERS

Major, J.G. Carrique, Victoria Rifles of Canada, C.A.,
Attached to C.A.(B) T.C. No. 41, C.A.

Captain A.T. Stikeman,
Attached to C.A.(B) T.C. No. 41, C.A.

WAITING MEMBERS

Captain J.R. Popham,
2nd Bn. Black Watch (RHR) of Canada, C.A.

PROSECUTOR

Captain S. Lerner, Royal Canadian Regiment, C.A.,
Attached to C.I.T.C. No. A 12, C.A. (is hereby) appointed Prosecutor

DEFENDING OFFICER

Lieut. J. Hart, General List, C.A.,
Attached to C.I.T.C. No. A 12, C.A. (is hereby) appointed Defending Officer

UNDER INSTRUCTION: All officers available at C.I.T.C. No. A 12, C.A.

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

The Officer Commanding, C.I.T.C. No. A 12, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, and interpreters.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 4.

Signed this 30th day of June 1942.

M.F.B. 220
A.F.A. 47
13M—1-43 (8800)
H.Q. 1772-39-564

(E. de B. Panet), Brig.-General,
District Officer Commanding,
Military District No. 4.

T. J. Keating Major
President DCM

The Court was held on July 8th 1942 instead of July 7th 1942, as per Convening Order.

This delay was due to the fact that the Senior Member and the Junior Member of the Court had not received the District Orders Part I, Nos.550 and 551, dated July 6th 1942, convening them for this duty, until it was too late to permit them to be at C.I.T.C. A-12, C.A., Farnham, P.Q., on July 7th, 1942.

T. J. Keating
Major
President, D.C.M.

1/11

"H"

President DCM

SUMMARY OF EVIDENCE

IN THE CASE OF D-26267 PRIVATE JOHN RICHARD HUBBARD, The Black Watch (R.H.R.) of Canada, C.A., attached to C.I.T.C. A-12, C.A., a Soldier of the Canadian Army, placed on Active Service, is charged with

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

The accused declined to have the evidence taken on oath and The Commanding Officer did not order that it be so taken.

1st WITNESS — Capt. S. Lerner, The Royal Canadian Regiment, C.A., attached to C.I.T.C. A-12, C.A., states:

"At C.I.T.C. A-12, C.A., I am Adjutant. I offer in evidence as Exhibits "A", "B", "C", "D", "E", "F", "G" and "H", pertinent sheets of Part II Orders of C.I.T.C. A-12, C.A.: A-81 (13 Apr. 42), A-99 (12 May 42), A-101 (15 May 42), A-105 (21 May 42)(two sheets), A-130 (24 Jun. 42), A-118 (8 Jun. 42), A-120 (10 Jun. 42), establishing respectively the taking on strength of D-26267 Pte. Hubbard, J.R. at C.I.T.C. A-12, C.A., the awarding of 4 days detention to Pte. Hubbard, J.R. on 12 May 42, the posting of Pte. Hubbard, J.R. from "E" Coy. to "F" Coy; the transfer of Pte. Hubbard, J.R. to the Black Watch (R.H.R.) of Canada, C.A.; and the absence without leave of Pte. Hubbard, J.R. from 0235 hrs. 19th May 42 until 0235 hrs. 6th June 42."

S. Lerner Capt-Adjt.
(S. Lerner) Capt-Adjt.

The accused declined to cross-examine the witness.

2nd WITNESS — Major C.E. Brodeur, Le Regiment de Chateauguay (Mit) C.A., attached to C.I.T.C. A-12, C.A., states:

"Sir, at C.I.T.C. A-12, I am Company Commander "F" Company. I was present 15th May 42 and heard the Draft Warning Order read and explained by the Adjutant, C.I.T.C. A-12, C.A.. All personnel present, including Pte. Hubbard, J.R. appeared to understand the nature and consequences of signing of Warning Order as no questions were asked. I then witnessed Pte. Hubbard, J.R. sign the Warning Order. I offer in evidence as Exhibit "I", original of Draft Warning Order, of which Pte. Hubbard, J.R. was a member. The Draft of which Pte. Hubbard, J.R. was a member proceeded on service overseas from this Training Centre 30th May 42, and Pte. Hubbard, J.R. who is known to me, was not among those who were on the train conveying the Draft from this Training Centre."

C.E. Brodeur Major
(C.E. Brodeur) Major

The accused declined to cross-examine the witness.

3rd WITNESS — Lieut. F.T. Rea, The Black Watch (R.H.R.) of Canada, C.A. attached to C.I.T.C. A-12, C.A., states:

"Sir, at C.I.T.C. A-12, C.A. 15th May 42, I was an Officer of "E" Company. I was present 15th May 42 when the Draft Warning Order was read and explained by the Adjutant, C.I.T.C. A-12, C.A.. All personnel present, including Pte. Hubbard, J.R. were asked if they fully understood the nature and consequences of such Warning Order and as no questions were asked, they appeared to do so. I was present also on 30th May 42 when the Draft,

SUMMARY OF EVIDENCE
(Cont'd)

3rd WITNESS (Cont'd)

of which Pte. Hubbard, J.R. was a member, proceeded on service overseas from this Training Centre and Pte. Hubbard, J.R. was not on the train."

F. T. Rea Lieut.
(F.T. Rea) Lieut.

The accused declined to cross-examine the witness.

4th WITNESS

D-511177 A/Sgt. Squires, J.P., The Black Watch (R.H.R.) of Canada, C.A., attached to C.I.T.C. A-12, C.A., states:

"Sir, at C.I.T.C. A-12, C.A., I am Sergeant in charge of the Camp Provost. On 18th May 42 at about 2200 hrs. I was in the C.I.T.C. A-12, C.A. Guard Room and D-26267 Pte. Hubbard, J.R. reported to me as having arrived back from special leave. He(had been in detention on 15 May 42 up to the time he went on special leave and)had left his kit and equipment in the Guard Room. At his request, and with my consent Pte. Hubbard, J.R. spent the night of 18th/19th May 42 in the Guard Room. At 0830 hrs. 19th May 42, I told Pte. Hubbard, J.R. to take his kit and equipment and report to his Company and he thereupon left the Guard Room. I did not see Pte. Hubbard, J.R. again between that time and 6th June 42."

J. P. Squires Sgt.
D-511177 A/Sgt. Squires, J.P.

The accused declined to cross-examine the witness.

5th WITNESS

D-63804 A/Cpl. Moffatt, R., Les Fusiliers Mont-Royal, C.A. attached to C.I.T.C. A-12, C.A., states:

"Sir, at C.I.T.C. A-12, C.A., I am attached to "F" Company. I was Company Orderly Sergeant from Retreat on 18th May 42 to Retreat on 19th May 42 and was at "F" Company quarters during most of this time. At no time during this period did I see D-26267 Pte. Hubbard, J.R., who is known to me, nor was it reported to me at any time that he was in camp."

R. Moffatt Cpl
D-63804 A/Cpl. Moffatt, R.

The accused declined to cross-examine the witness.

6th WITNESS

D-56319 C.S.M. Lesperance, J., Regt. de Maisonneuve, C.A., attached to C.I.T.C. A-12, C.A., states:

"Sir, at C.I.T.C. A-12, C.A., I am Company Sergeant-Major "F" Company. I called the roll of "F" Company at the regular morning parades each morning from 19th May 42 to 29th May 42 inclusive and from 1st Jun. 42 until 5th Jun. 42 inclusive and Pte. Hubbard, J.R. who is known to me was not present on any of these occasions."

Lesperance C.S.M.
D-56319 C.S.M. Lesperance, J.

The accused declined to cross-examine the witness.

7th WITNESS

D-46100 A/C.Q.M.S. Carrigan, J.M., Sherbrooke Fusiliers Regt., C.A., attached to C.I.T.C. A-12, C.A., states:

"Sir, at C.I.T.C. A-12, I am Acting Company Quartermaster Sergeant "F" Company. I called the roll of "F" Company at the regular morning parades on the mornings

SUMMARY OF EVIDENCE
(Cont'd)

7th WITNESS (Cont'd)

of 30th May 42 and 31st May 42 and D-26267 Pte. Hubbard, J.R. who is known to me, was not present. On 30th May 42, when the draft for which Pte. Hubbard, J.R. was warned, departed, I was at the train and Pte. Hubbard, J.R. was not there and was not in Camp. I did not see Pte. Hubbard, J.R. between 15th May 42 and 7th June 42."

D-46100 S/C.Q.M.S. Carrigan, J.E.

The accused declined to cross-examine the witness.

8th WITNESS

D-27240 A/I/Cpl. Plumb, A., 22nd Armoured Regt. (C.G.G.) C.A., attached to C.I.T.C. A-12, C.A., states:

"Sir, at C.I.T.C. A-12, I am attached to "E" Company. On 19th May 42 I was Company Orderly Sergeant and was at "E" Company quarters all day except for short periods when called elsewhere on duty and at no time during the day did I see D-26267 Pte. Hubbard, J.R. who is well known to me, nor was it reported to me at any time that he was in Camp."

D-27240 A/I/Cpl. Plumb, A.

The accused declined to cross-examine the witness.

9th WITNESS

D-512072 Pte. Kendall, V., Home Defence, C.A., attached to C.I.T.C. A-12, C.A., states:

"Sir, at C.I.T.C. A-12 I am attached to Centre Headquarters. On 6th June 42, I was ordered to proceed to St. Lambert, Que., by train as escort to pick up D-26267 Pte. Hubbard, J.R.. I received Pte. Hubbard, J.R. from No. 4 District Depot Police, C.A. at St. Lambert, Que., at 1645 hrs. and returned with him by train to C.I.T.C. A-12, C.A., where he was placed under close arrest. I offer in evidence as Exhibit "J", Certificate of Arrest establishing the apprehension of Pte. Hubbard, J.R. at Montreal, Que. on 6th June 42 at 0235 hours. I also offer in evidence as Exhibit "K" M.F.R. 1481 establishing cost of escort 6th June 42 as $2.05."

D-512072 Pte. Kendall, V.

The accused declined to cross-examine the witness.

The accused having heard the evidence, and having been warned in accordance with 'Rules of Procedure 4(E) as follows:

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

Replied: "No, I do not wish to say anything."

The accused declined to call any witness on his behalf.

Rules of Procedure 4(A) (B) (C) (D) (E) (F) and (G) have been complied with.

Taken before me at Farnham, Que., 25th day of June 1942.

(J.G. Perrault) Lieut.
P.M.R., C.A.
Attached to C.I.T.C. A-12, C.A.

The Defending Officer addresses the Court on behalf of the Accused:

I should like to offer for the consideration of the Court, the following letter which I shall read into the record. I received this letter from the sister of the accused, Mrs Laura Chartier, and it is dated June 16th, 1942.

"Dear Mr. Hart:

I received a letter from my brother, Pte. John R. Hubbard, informing me that he has been told that he is to be court-martialed for deserting the army, and that you are to be his attorney. So, I am writing you this letter as a plea, Sir, as I do not believe that my brother is to be blamed entirely for what he has done.

The reason I say this is because I do not believe him to be mentally fit for the Army, and the reason why I so believe is the strange outlook he has had towards life for the past three years. He thinks that there is nothing left in life really worthwhile or worth living for, and that most people in the world today are stupid useless things, and Sir, I am afraid that with this attitude towards life he may do himself harm.

I do not know if you can do anything to have him released from the army, but if you will only try to help him, Sir, I would be deeply grateful to you.

I think, Sir, that a person in his condition if of no use to the Army, and I am sure that if he could come back to civilian life again and go out to the country where it is quiet, he would be all right again. So, please, won't you try your best to see what can be done about him.

Yours respectfully,

Mrs Laura Chartier."

May I submit to the Court that the accused is now 21 years of age and he has a wife who is 18 years old; he has been married already one year. It is clear from his record and conduct sheet that he should not be in the Army. He has been examined by a psychiatrist previous to his joining the Army and from my knowledge, he has certain concepts which I shall not attempt to explain, but which in my opinion, render him unsuitable for the Army. In his ownwords "he is all mixed up". In view of these facts, I ask the Court to give these facts consideration in passing sentence.

A12TC 5-4-4-DCM -22-

DEPARTMENT OF NATIONAL DEFENCE "J"

- A R M Y -

To Reading Major President DCM

Farnham, Que., 7 July 42.

President,
District Court-Martial
C.I.T.C., A-12
Farnham, Que.

DISTRICT COURT-MARTIAL
D-26267 Pte. HUBBARD, J.H.

Please be advised, there will be no Officers available from this Training Centre to attend the m/n District Court-Martial for instructional purposes at this time.

2. For your information, please.

J.M.P. Sauvé Major

(J. M. P. Sauvé) Major
OFFICER COMMANDING
C.I.T.C., A-12 Farnham.

JMP/vk

"Y" -23-

1. Hearing Adjn President DCM

M.F.B. 389
22M—5-41 (579-2)
H.Q. 1773-30-630
A.F.B. 396

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
D-26267	PRIVATE	HUBBARD, John Richard, B.W. (RHR)	of C. C.A.

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

	Within last 12 months		Since enlistment or appointment	
For	Conduct to the prej. good	times	Conduct to the prej. good	times
For	order and Mil. disc.	2 times	order and Mil. disc.	2 times
For	A.W.L.	3 times	A.W.L.	7 times
For		times		times

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

2. The accused has not been previously convicted

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

or,

4. The accused has been in confinement awaiting trial on the present charges, for No days in civil custody, and 33 days in military custody, making a total of 33 days in custody, of which No days were spent in hospital.

5. The present age of the accused according to his attestation paper is 21 yrs. ~~2 month, 15 dys.~~ 1 month 14 days

6. The date of his attestation specified in his attestation paper is 25 June 1940

7. The service which the accused is allowed to reckon towards discharge is ~~715~~ 748 days

8.

9. The accused is in possession of or entitled to no military decoration, or military reward (

10.

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~"8th"~~ "8th" day of ~~June~~ "July" 42 Capt. The R.C.R.
(S. Letter) Adjt. CITC A-12. C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

H.Q.C.55-H-268 (JAG)

August 4th, 1942.

District Officer Commanding,
Military District No. 4,
MONTREAL, Quebec.

District Court-Martial,
D.26267 Pte. John Richard Hubbard,
The Black Watch (RHR) of Can., C.A.,
Attached to C.I.T.C. A-12, C.A.

1. Receipt is acknowledged of your M.1-H-401 dated 29th July, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities set out in your letter, the following minor omes have been observed:-

(a) There being only one charge in the Charge Sheet, the word "first" in the marginal notation thereof was unnecessary.

(b) The words, "Cost of escort $2.05" in the particulars of the charge in the Charge Sheet should have been "Cost of apprehension and return to his Corps being $2.05".

3. As requested the proceedings are returned in order that the irregularities set out in your letter and the foregoing may be brought to the attention of all officers concerned for their future guidance. When they have fulfilled their purpose may they please be returned.

Brigadier,
Judge Advocate-General.

KEB/amb

Copy on 405-H-8252

H.Q. C.55-H-268
M.D. M. 1-H-401

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. D-26267 Name HUBBARD, J.R.

Rank Pte. Unit The Black Watch of Canada, C.I.T.C., A-12, C.A.

Charge Sec. 12(1)(a) A.A. Deserting H.M.S.

Date of Crime 19/5/42.

Date of Arrest 6/6/42. Charge. Signed 30/6/42.

Orders for D.C.M. D.O.C., M.D.#4.

Place and Date of Trial Farnham, P.Q., 8/7/42.

Sentence ~~Detention~~ Imprisonment with hard labor for 18 months and stoppages of $2.05.

Date of Confirmation 24/7/42.

Date of Promulgation 27/7/42.

Entered in Records of J.A.G. as No. 6524

Date 3/8/42.

MEMO Sentence commuted to Nine (9) months detention ~~remitted~~ by Confirming Authority.

E.R. Ruel Capt
for Judge Advocate-General.

2M-7-42(M1291)

JUL 31 1942 65'24

R-19

IN REPLY PLEASE QUOTE
No. M. 1-H-401

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

REGISTERED

Montreal, P.Q., 29th July 1942.

CENTRAL REGISTRY Army
PERS. SEC.
AUG 1 1942
File C 55-H-268
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ont.

DISTRICT COURT MARTIAL
D-26267 Pte. John Richard HUBBARD
The Black Watch (RHR) of Can., C.A.,
Attached to C.I.T.C. A-12, C.A.

Herewith, proceedings of the marginally noted D.C.M. which have been confirmed and promulgated and which are forwarded for registration, please.

2. Pte. Hubbard was tried by District Court-Martial on the 8th July, 1942, on a charge of desertion under A.A. Sec. 12 (1)(a).

3. The accused pleaded guilty to the charge and was duly found guilty thereof by the Court. He was sentenced to be imprisoned with hard labour for a period of 18 months and to be put under stoppages of pay in the amount of $2.05 to make good the cost of apprehension and return.

4. However, the Confirming Officer has commuted the sentence to read: "to undergo detention for 9 months and to be put under stoppages of pay until he has made good the sum of $2.05 in respect of the cost of apprehension and return to his corps".

5. The following irregularities have been noted in the proceedings:

6. Page 1.
(a) In the designation of the second member of the Court, the words "attached to" should have been omitted. This comment applies equally to the designation of said member on page 9.
(b) As no Court of Inquiry appears to have been held, the notation in red at the foot of the page would not be necessary.

7. Page 7.
It is considered that the answer to question 10 should have been recorded as "Yes, Sir". The notation "See document marked "I" would then follow.

8. Page 8.
It is considered that the sentence is informally expressed and should have read: "to undergo imprisonment with hard labour for a period of 18 months".

9. It would have been preferable if evidence had been adduced to prove the amount of the cost of apprehension. Such evidence could have consisted of M.F.B. 1481 which had been filed at the taking of the Summary of Evidence. However, as such costs were alleged in the particulars of the charge and the accused pleaded guilty thereto, the sentence appears to be justified in this respect.

10. Page 8.
The marginal notation should have read, in part: "Imprisonment - 18 months" and not "Detention - 18 months".

11. May the proceedings be returned to this Headquarters so that the above-mentioned irregularities may be drawn to the attention of the officers concerned. When this will have been done, the proceedings will be returned to you for custody.

12. Also enclosed, herewith, M.F.B. 246 (Medical Officer's Report).

M. E. Faulkner
Major

(E. de B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

Encls.

H.Q.C. 55-H-269 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT MARTIAL

L-533050, PTE. W. HULM.

DEAD

DEAD

CONFIDENTIAL
H.Q.C. 55-H-269

CENTRAL REGISTRY	DATE	P.A. OR S.P.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")							
				JAG	new file	BR	3/6/42
[redacted] 2 [redacted]	6 E 42	PA	Sent	A.D.	Consult P.A.	Ellis	5-6-42
SEP 12 1942	11 9/42	P.A.	WAR	JAG	Returned to C.R. SEP 7 1942		
NOV 12 1942	13 11/42	Pa	Pa	JAG	For Requisition C.R. NOV 10 1942		
				JAH	With Papers C.R. JAN 19 1943		
JAN 27 1943	7/1/43	P.A	Wing	WR	Consult P.A	Ellis	22/1/43
JUN 8 - 1943	5/6/43	P.A	Ellis	JAG			
				JAG	With Papers C.R. MAY 2 - 1944		
MAY 3 - 1944				DCM	Do note	[illegible]	3 May 44
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

NOTICE

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

PASS THIS FILE IN ENVELOPE

FORM FOR REMISSION, COMMUTATION OR MITIGATION OF SENTENCE BY COURT-MARTIAL.

219000 N.D.H.Q. File No.H.Q.C.55-H-399 Adm. 3(c)1.

District File No.R.C.1-H-562.

PART I

No.L.533050 Rank: Private Name: Wendelin HULM
Unit: No. 12 District Depot, C.A.

PART II

Date of Trial: 7th January, 1943
Charge: Disobeying in such a manner as to show wilful defiance of authority, a lawful command given personally by his superior officer in the execution of his office.
Sentence: 23 months imprisonment with hard labour.
Date of Sentence: 7th January, 1943.
Confirmation -(a)Authority: District Officer Commanding, M.D. No. 12.
(b)Date: 8th January, 1943.

PART III

REMISSION

I, the undersigned, being the competent military authority under Section 57(2) of the Army Act, do hereby remit the balance of the sentence of imprisonment effective 15th April, 1944.

Signed at Regina, Saskatchewan, this 11th day of April, 1944

(G.R.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

PART IV

PROMULGATION

Remission promulgated and extracts taken at Regina, Sask., this 15th day of April, 1944.
(1)

C.R.KING, A/Capt. & Adjt.,
No.12District Depot,C.A.

Officer i/c Documents.

(1) Unit, attachment and appointment to be stated.

PART V
CERTIFIED TRUE EXTRACT OF DAILY ORDERS PART II

No. L.533050 Rank: Private Name: Wendelin HULM
The balance of sentence of imprisonment awarded by District Court-Martial on the 7th January, 1943 has been remitted on the 15th April, 1944 by order of the District Officer Commanding, M.D. No. 12.

Certified true Extract of Daily Orders Part II of

No. #105 Place 12 DD, Regina Date 14 Apr 44

C.R.King, A/Capt. & Adjutant

H.Q.C.55-H-269(JAG)

January 22nd, 1943.

CONFIDENTIAL

District Officer Commanding,
Military District No. 12,
REGINA, Saskatchewan.

Re: District Court-Martial
L-533050 - Pte. Wendelin HULM,
General List, No. 12 N.R.M.A. Clearing Depot,
Att. No. 180 C.A. (B) T.C.,C.A.

Receipt is acknowledged of your R.C. 1-H-562 dated January 16th, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The proceedings have been well prepared and apart from two small irregularities which you have mentioned in your covering letter, the only other observations are that in the Summary of Evidence -

(i) It might be indicated whether or not Private Hulm made his statement on oath. Because of his religious belief it is apparent that he did not do so but there is nothing in the Summary to indicate that.

(ii) It is well to show that R.P. 3 was complied with and that the accused was given an opportunity to call witnesses in his defence which may be done by inserting after his evidence some phrase such as "The accused declines to call any witnesses."

(iii) It is preferable to have the officer taking the summary set under his signature - "Officer detailed to take the Summary of Evidence." This also assists the Court when it is desired to put the statement of the accused in evidence at his trial. See para. 9 (a) page 40 of the Handbook.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

ROS/HB.

H.Q. 55-H-269
M.D. R.C. 1-H-562

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. L.533050 Name Hulm, Wendelin

Rank Pte. Unit No. 12 M.R.M.A. Clearing Depot att. ~~#120 C.A.~~ (B) T.C., C.A

Charge Sec. 9 (1) A.A. Disobeying in such manner as to show a wilful defiance of authority, a lawful command given personally by his superior officer in the execution of his office.

Date of Crime 29/12/42

Date of Arrest Charge. Signed 31/12/42

Orders for D.C.M. D.O.C. M.D.12

Place and Date of Trial Exhibition Camp, Regina, Sask. 7/1/43

Sentence Imprisonment with hard labour twenty-three months (23)

Date of Confirmation 8/1/43

Date of Promulgation 11/1/43

Entered in Records of J.A.G. as No. 7596

Date 21/1/43

Balance of sentence remitted by Conf. Auth. 15-4-44

MEMO

R.O. Stockdale, Capt.
for Judge Advocate-General.

3M-12-42(M1754)

7596 108001

CANADA

IN REPLY PLEASE QUOTE
No. R.C. 1-H-562

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Regina, Sask., 16th Jan. 1943.

CENTRAL REGISTRY Army
PERS. SEC.
JAN 19 1943
File C.E.E.-H 269
Chgd. to
Referred to

CONFIDENTIAL

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
L-533050 - Pte. Wendelin HULM
General List, No. 12 N.R.M.A. Clearing Depot,
Att. No. 120 C.A. (B) T.C., C.A.

Forwarded herewith for registration and custody proceedings of District Court-Martial in the case of this soldier. The Finding and Sentence have been confirmed and duly promulgated.

2. The following irregularities have been noted and brought to the attention of the officers concerned:

(a) The abreviation "A.A" should not have been used in the marginal note on the Charge Sheet.

(b) The unit of the Medical Officer is not set out in M.F.B. 246.

3. The accused was asked if he wished to have an officer defend him at his trial. He stated that he did not and signed a statement to that effect.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Encl:

NAT. DEF. B. 440
2,000 M—4-42 (4321)
P.Q. 1772-39-767

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

A

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

Proceedings of a District Court-Martial held at Exhibition Camp, Regina, Sask. on the 7th day of Janua-ry 1943 ~~193~~ by order of Briga-dier G.A.H. Trudeau, Commanding Military District No. 12. District Officer dated the 4th day of January 1943 ~~193~~

President.

Lt.-Col. J.R. Hopkins, D.F.C., E.D.,
No. 12 District Depot, C.A.,

Members.

Major W.J. Hanney, V.D.,
No. 120 C.A. (B) T.C., C.A.

Capt. S.A. Pechey,
No. 12 District Depot, C.A.

Trial of: L-533050 Pte. Wendelin HULM,
General List, No. 12 N.R.M.A. Clearing Depot,
Att. No. 120 C.A.(B).T.C., C.A. , ~~Judge Advocate.~~

~~Trial of:~~

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

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

, ~~waiting member takes his place as a member of the Court.~~

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

The accused is brought before the Court.

Prosecutor,† Major F.C. Little, M.C., No. 12 District Depot, C.A.

~~Counsel‡ or defending officer‡~~ No Counsel or defending officer.

At 1020 o'clock the Trial commences.

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

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

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

A.1 *Answer by accused.* No, Sir.

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

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

Mil. Form B. 271
15M—2-43
H.Q. 1773—25—426

The President, ~~members~~ and, ~~judge advocate~~ members are duly sworn.
At 1025 hours the Court adjourns. For minute of Adjournment and Reassembly, see document marked "G".
~~The following officers under instruction are duly sworn.~~

Q.2 Do you object to L.102378 Pte. Jack L. Sheffield, No. 120 C.A.(B)T.C. C.A., acting as shorthand writer?

A.2 No, Sir.

L.102378 Pte. Jack L. Sheffield, No. 120 C.A.(B).T.C., C.A., is duly sworn as shorthand writer.

Charge Sheet

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

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

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

Q.3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A.3 Not guilty. *Answer.*

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

Answer.

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

Answer.

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

Answer.

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

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

"B2" Imperial Hotel President Dom

1.

CHARGE SHEET

The accused No.L.533050 Pte. Wendelin HULM, General List No. 12 N.R.M.A. Clearing Depot, attached No. 120 Canadian Army (Basic) Training Centre, C.A. A soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act, 1940, and the Regulations made thereunder, as amended, is charged with.

Charge Sec.9(1) A.A.

DISOBEYING IN SUCH MANNER AS TO SHOW A WILFUL DEFIANCE OF AUTHORITY, A LAWFUL COMMAND GIVEN PERSONALLY BY HIS SUPERIOR OFFICER IN THE EXECUTION OF HIS OFFICE.

in that he,

at Regina, Sask., at 1335 hours on 29 December, 1942, when personally ordered by L.84007 (Pte.) A/Sgt. A.E. BOWRON, his Platoon Sergeant, No. 11 Platoon, No. 3 Company, Canadian Army (Basic) Training Centre # 120, "PUT ON YOUR ANKLETS AND GET READY FOR PARADE", did not do so saying, "I am a concientious objector, I won't soldier."

Regina, Sask.
31 Dec., 42.

Lt.-Col.
Officer Commanding,
No.120 Canadian Army (Basic) Trng. Centre.

To be tried by District Court-Martial.

(Fairfax Webber),
Lieut.Col.,
A.A. & Q.M.G., M.D. No. 12.
for (G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Signed at Regina, Sask.,
this 5th day of January, 1943.

C

*Instruction (See R. P. 39 (A))

Proceedings on Plea of Not Guilty

Q.4 *Question.* * Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.4 *Answer.* No, Sir.

The prosecutor makes an opening address ~~[hands in a written address, which is read, marked , signed by the President, and attached to the proceedings.]~~ See document marked "H".

The prosecutor proceeds to call witnesses.

First witness for prosecution. L.84007 Pte. A/Sgt. Albert Bowron of No. 11 Platoon No. 3 Coy. No. 120 C.A.(B).T.C., C.A.

being duly sworn, is examined by the prosecutor.

Q.5 How are you employed Sgt.?

A.5 As Sgt. in 11 Platoon, 3 Coy, in the No. 120 C.A.(B).T.C., Sir.

Q.6 Do you know the accused?

A.6 Yes, Sir.

Q.7 Does he belong to the No. 120 C.A.(B).T.C.?

A.7 Yes, Sir.

Q.8 What Platoon?

A.8 11 Platoon, Sir.

Q.9 Did he belong to tha-t Platoon on the 29th December, 1942?

A.9 Yes, Sir.

Q.10 Did a-nything take place on that day, involving the accused?

A.1 0 Yes, Sir.

Q.11 What?

A.11 I gave him an order to put on his anklets and get ready for para-de.

Q.12 What time was tha-t?

A.12 1335 hours, Sir.

Q.13 You gave him an order to put on his anklets and get ready for parade?

A.13 Yes, Sir.

Q.1 4 How far were you from the accused when you gave him that order?

A.14 Approximately two feet, Sir.

Q.15 Did the accused say anything when you gave him the order?

A.15 Yes, Sir. First of all he wanted to know what kind of parade it was. I told him to never mind, to put on his anklets and get ready for parade, and he refused. He said, "I am a Concientous Objector. I won't soldier."

Q.16 Where did that take place?

A.16 In 11 Platoon area 3 Coy in the West Wing of the Grain Show Building.

Q.1 7 Where is the Grain Show Building?

A.17 In Regina, Sir.

Q.18 How were you dressed at the time you gave that order?

A.18 Battledress, Sir.

Q.19 Were you wearing any rank badges?

A.19 Yes, Sir.

Q.20 What?

A.20 Three Chevrons on my arms, Sir, the rank of Sgt.

Q.21 Did the accused carry out the order?

A.21 No, Sir.

Q.22 What is your number and rank?

A.22 L-84007 Pte. A/Sgt. Bowron A.E.

Q.23 Is there any more than one 11 Platoon in the Training Centre?

A.23 No, Sir, just the 11 Platoon in 3 Coy, Sir.

The accused declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P. 83(b).

Witness withdraws.

SECOND WITNESS FOR THE PROSECUTION

Lieut. William David GRAYSON, 1st Bn. Regina Rifle Regiment, att. No. 120 C.A.(B).T.C., C.A., being duly sworn is examined by the Prosecutor:-

Q.24 How a-re you employed in the No. 120 C.A.(B).T.C.?

A.24 Platoon Commander, No. 3 Coy, No. 120 C.A.(B).T.C.

Q.25 What Platoon?

A.25 11 Platoon, Sir.

Q.26 Do you know Pte. A/Sgt. Bowron?

A.26 Yes, Sir.

Q.27 What is he?

A.27 He is Platoon Sgt., in No. 11 Platoon 3 Coy. No. 120 C.A.(B).T.C., C.A., Sir.

Q.28 Do you know the a-ccused?

A.28 Yes, Sir.

Q.29 To what Platoon and Coy. does he belong to?

A.29 He belongs to 11 Pla-toon 3 Coy., No. 120 C.A.(B).T.C.

Q.30 On the 29th December, 1942, did he belong to that platoon?

A.30 Yes, Sir.

Q.31 Did anything ha-ppen on that date in which the accused was involved?

A.31 Yes, Sir.

Q.32 What?

A.32 He wa-s ordered by Sgt. Bowron to put on his anklets, which he refused to do.

Q.33 Did you hear what Sgt. Bowron told the accused?

A.33 Yes, Sir.

Q.34 What?

A.34 He said, "Put on your anklets and get ready for parade."

Q.35 Where wa-s he when he said that?

A.35 In 11 Pla-toon area in 3 Coy lines in the West Wing of the Grain Show Building, No. 120 C.A.(B).T.C., Regina, Saskatchewan.

Q.36 How wa-s Sgt. Bowron dressed at the time?

A.36 He was dressed in the battledress.

Q.37 Did he have any badges of rank showing?

A.37 Yes, Sir.

Q.38 What?

A.38 Sgt's. Chevrons, Sir.

Q.39 Did the accused obey the order?

A.39 No, Sir.

Q.40 Did the a-ccused make any reply?

A.40 He said, "What kind of a parade is it."

Q.41 Is that all?

A.41 That is all he said at that time, Sir.

Q.42 Did he say anything later?

A.42 After the Sgt said "never mind, put on your anklets", the a-ccused said, "I am a Concientous Objector, and I won't soldier."

Q.43 What time of the day did that take place?

A.43 1335 hours, Sir.

Q.44 Did you take a-ny part in this?

A.44 Yes Sir.

Q.45 What?

A.45 I sa-id to the accused, "Do you realize that you have been given an order by the Sgt. which you refused to obey." He said, "Yes, Sir." I then said, "Do you rea-lize that serious consequences may result from your refusal." He said, "Yes, Sir." I then told the Sgt. to repeat the order. The Sgt. said, "Put on your anklets"and the accused replied, "I won't."

The accused declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P. 83(b).

The Witness withdraws.

The Prosecutor has no further witnesses.

D

The prosecution is closed.

Defence

Q.46 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.46 *Answer.* No, Sir.

Q.47 *Question.* Do you intend to call any other witness in your defence?

A.47 *Answer.* No, Sir.

Question. ~~Is he a witness as to character only~~? *Answer.*

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

The Prosecutor declines to make a final address.

(Where the accused does not give evidence upon oath.)

Q.48 *Question to the accused.* Have you anything to ssy in your defence?

A.48 *Answer.* The accused in his defence ~~says:~~† See document marked "I".

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

Instruction. † In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused L-533050 - Pte. Wendelin HULM, General List, No.12 N.R.M.A. Clearing Depot, Att. No.120 C.A.(B) T.C., C.A. is guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

* The Court being re-opened, the accused is again brought before it. Major F.C.Little, M.C., No.12 District Depot, C.A., is duly sworn.

Evidence of character, etc.

Q.49 *Question by the President.*
A.49

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* Yes, I produce M.F.B.355 and M.F.M.6.

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

Q.50 *Question by the President.*
A.50

Is the accused the person named in the statement[s which you have heard read? *Answer by the Witness.* Yes, Sir.

Q.51 *Question.*
A.51

Have you compared the contents of the above statement[s with the regimental books? *Answer.* Yes, Sir.

Q.52 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.52 *[Instructions.—If by reason the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]*

Answer. Yes, Sir.

~~Cross examined by the accused.~~
The accused declines to cross-examine.
In the opinion of the Court it is not necessary to comply with R.P.83(b).
The witness resumes his seat.

Q.53 *Question to the accused.*
A.53

Do you wish to address the Court? *Answer.* No, Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused L-533050 - Pte. Wendelin HULM, General List, No.12 N.R.M.A. Clearing Depot, Att. No.120 C.A.(B) T.C., C.A. to be imprisoned with hard labour for twenty-three months.

Sentence.

Imprisonment with hard labour

23 months.

Signed at Regina, Saskatchewan, this 7th day of January 1943.

J.R.HOPKINS., Lt.-Col.
No.12 District Depot, C.A.
President.

Extracts entered as No. 7596 in the Record of Conduct-Medal Book in Con. 71 Jany 43 RJS

Confirmed.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Signed at Regina, Sask.,
8th January, 1943.

Promulgated and extracts taken at REGINA, Saskatchewan, this 11th day of January, 1943.

(A.M. Yates) Capt. & Adj't.
Captain,
#120 C.A.(B).T.C., C.A.

[illegible]

[illegible]
District Officer [illegible],
REGINA, Sask., 4th January, 1943.

The detail of Officers as mentioned below will assemble at the Exhibition Camp, Regina, Sask., on the 7th January, 1943, at 1000 hours, for the purpose of trying by a District Court-Martial the accused person named in the margin, (and such other person or persons as may be brought before them.)

[illegible] John Kenneth Niel [illegible]
[illegible] Regt. Military Police, CANADIAN ARMY,
Att. No. 12 District Depot, C.A.

PRESIDENT

Lt.-Col. J.R. Hopkins, D.F.C., R.D., No. 12 District Depot, C.A., is appointed President.

MEMBERS

Major G.J. Hanson, V.D., No. 120 C.A. (R) S.D., C.A.
Capt. [illegible], No. 12 District Depot, C.A.

[illegible]

[illegible] Capt. [illegible], R.A., No. 12 District Depot, C.A.

[illegible]

[illegible]

[illegible]

The [illegible]

[illegible] as [illegible]

The [illegible] No. 12 District Depot, [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

(Signed) [illegible]

[illegible]

for

[illegible]

"G"

Hodgkins Lt Col
President Com.

MINUTE OF ADJOURNMENT AND REASSEMBLY

At 1025 hours on the 7th January 1943 the Court adjourns until 1115 hours on the 7th January 1943.

On the 7th January 1943 at 1115 hours the Court reassembles pursuant to adjournment; present the same members as when adjourned.

H
proceedings to col
President D.C.m.

OPENING ADDRESS BY THE PROSECUTOR

Mr. President and Members of the Court.

The Prosecution intends to proove that the accused, L-533050 - Pte. Wendelin HULM, was given an order at 1335 hours on the 29th of December, 1942, by L-84007 Pte. A/Sgt. A.E. Bowron and that the order was given personally and that Sgt. Bowron was the Platoon Sgt. of No. 11 Platoon, No. 3 Coy. No. 120 C.A.(B).T.C., C.A. to which Platoon the accused belonged. That the order given was, "Put on your anklets and get ready for parade." That the accused did not in fact obey the order, and that the order was given at Regina, Saskatchewan.

I

Photographing Ltd.
President-Town

STATEMENT OF THE ACCUSED

The reason for refusing this time, as the first time, is that man's laws are lower than God's commands.

The Lord is the creator of the world. He put us all on this world. Christ Jesus, his only son was persecuted for his right to seek, and preach the truth, going from city to city.

Apostle Paul, a witness of Jahowah God was also persecuted, imprisoned, beaten by iron rods, stoned, ship-wrecked, and what not, all just for his right to seek. I also have suffered the last six months as a witness. I was three days locked in my cell for refusing a uniform which I am not proud of.

Jesus said to his Apostles that, "My Father has shown me [illegible] Therefore I choose to [illegible] my witnesses."

I also, am well treated at home, where I am well treated. The duty at home is still out in the world. Furthermore, the part of my highest trouble is Ministers, the Preachers and Rabbi. They seek just for their own good. I was told by a Chaplain, that this way doesn't exist like the last war. He admitted that the last one was promoted, but the present war and is fighting for Christianity and Freedom. I told a him that [illegible] the war [illegible] to [illegible] it all over, that this war [illegible] to the [illegible]

I therefore say that in my belief it is wrong to do anything in the army whatsoever. That God's commandment is much greater than man. Any order that does not interfere with God, I will gladly obey.

That is all I have to say, Sir.

"Y" Interpreting Unit
President Form

M.F.B. 355
H.Q. 1772-39-630
10M-8-40 (M19)

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
L53 3050	Pte	WENDELIN HULM	#120 C.A.(B) T.C. CA

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

	Within last 12 months		Since enlistment	
For	NIL	times	NIL	times
For		times		times
For		times		times
For		times		times

Army ~~Number of instances of gallantry or distinguished conduct~~ on Army

Army ~~There are no entries in the conduct sheets of the accused.~~

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

Army 2. ~~The accused has not been previously convicted~~ on Army

Previous convictions of the accused by a court-martial ~~or a civil court, of summary awards under~~ Army ~~A.F.Act 70~~ Army ~~Air Force Act~~ Army Army ~~Section 47 of the Army Act and dispensations with trial under A.A. 70,~~ are set out in the Schedule annexed to this statement.

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

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

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in civil custody, and 9 days in military custody, making a total of 9 days in custody, of which NIL days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ Army ENROLMENT FORM attestation paper is 24 year 2 mos. 25 days.

6. The date of his ~~commission~~ Army ENROLMENT specified in his ~~record of service is~~ ENROLMENT FORM attestation paper Army 1 Sept 1942.

Army 7. ~~The service which the accused is allowed to reckon towards discharge is~~

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

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

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

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act, and of cases in which trial has been dispensed with of accused, Number 45[illegible] Rank Pte

Name WENDELIN HULM. of #20 C.A. (B) T.C. C.A. Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
District Court Martial	24 July 42 Regina Sask.	A.W.L.	6 mos. DETENTION	26 days.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 8th day of Jan. 1943. [illegible] Capt
Officer i/c Records
#1 20 C A (B) T C CA

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

Interpreter Lieut
President Adjt

No. L.533050 Name HULM, W. Sqn., Battery, or Company No.12 NRMA Clearing Depot Corps Date of enlistment 9-4-42 G.C. Badges Service or Proficiency Pay

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. | Character

M.F.M. 5 (A.F.B. 122) 20251—4-42 (7500) H.Q. 1777-49-19

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Regina, Sask.	9-4-42	Pte.	NA	AWL from 2359 hrs 9-4-42 until apprehended by RCMP at 1050 hrs 8-7-42.	Documentary Evidence	6 mons Det.	24-7-42	District Court Martial	

certified true copy

J. Thompson Capt
President DCM

A.M. YATES (Capt. & Adjt.)
#120 C.A. (B) T.C.

(P.T.O.)

27

MEDICAL OFFICER'S REPORT

I certify that No. L.533050 Pte. Wendelin HULM of No.120 CA(B)TC is in a good state of health, and is fit to undergo Trial by Court martial.

Medical Officer
T. Sedden, Lieut.

Station Regina, Sask.

Date 7-1-43

M. F. B. 246
SEM—6-42 (4744)
H.Q. 1773-20 600

SUMMARY OF EVIDENCE.

In the case of
No. L.533350 Pte. Wendelin HULM No.12 N.R.M.A. Clearing Depot, a soldier of the Canadian Army (Basic) Training Centre, C.A.

Charge:- Wilfully disobeying a lawful command given by his Superior Officer.

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

First Witness

L.84007 Pte. Acting Sergeant Albert BOWRON of No. 11 Platoon No. 3 Coy. No. 120 C.A.(B) T.C. having been duly sworn states:

Q. Can you identify the accused?

A. Yes, sir.

Q. Who is he?

A. Pte. HULM, W.

Q. Did you ever give Pte. HUlm an order?

A. Yes, Sir.

Q. What was that order?

A. "Put on your anklets and get ready for parade."

Q. Where was that order given?

A. In # 11 Platoon area, # 3 Coy. West Wing of Grain Show Buildings in Regina, Sask.

Q. How were you dressed when you gave that order?

A. In battle dress.

Q. Were your badges of rank showing on your battle dress?

A. Yes, sir.

Q. How far were you from accused when you gave that order?

A. Approximately two feet.

Q. W as the order obeyed?

A. No, sir.

Q. Did Pte. Hulm make any reply?

A. Yes. He replied by asking: "What kind of a parade is it?" My reply was "Never mind - just get ready for parade."
Pte. Hulm then stated. " I am a conscientious objector, I wont soldier."

Q. What time was that order given?

A. At 1335 hours.

Q. What was the day, month and year?

A. 29 December, 1942.

[illegible] 3/Sgt.

SUMMARY OF EVIDENCE (cont'd)

First Witness cont'd

Q. (to Pte. Hulm) Are there any questions you wish to ask this witness?

A. No, sir.

Second Witness

Lieutenant William David GRAYSON, 1st Bn. Regina Rifle Regiment, attached # 120 C.A.(B) T.C. being duly sworn states:

Q. Can you identify the accused?

A. Yes.

Q. What is his name?

A. Pte. Hulm W.

Q. What is your capacity in this Training Centre?

A. Platoon Commander of No.11 Platoon, No. 3 Coy.

Q. Were you present when Acting Sgt. Bowron Platoon Sgt. of # 11 Platoon, gave Pte. Hulm an order?

A. Yes.

Q. What was that order?

A. "Put on your anklets and get ready for parade."

Q. How was Sgt. Bowron dressed when he gave that order?

A. He was dressed in Battle Dress.

Q. Did he have the badge of rank of Sgt. showing?

A. Yes.

Q. Where was this order given?

A. In 11 Platoon area, # 3 Coy, Line in West Wing of Grain Show Buildings Regina.

Q. Was the order obeyed?

A. No.

Q. What time of the day or night was the order given?

A. At 1335 hours.

Q. What day, month and year?

A. 29 December, 1942.

Q. Did Pte. Hulm make any reply?

A. Yes. He replied by asking "What kind of a parade is it?"

Q. What answer did Sgt. Bowron make?

A. Sgt. Bowron said, "Never mind, put on your anklets."

Q. Did accused make any statement in answer to this?

A. Yes. He stated: " I am a concientious objector, I wont soldier."

I then said to accused,

Q. " Do you realize the Sgt. has given you an order

SUMMARY OF EVIDENCE (cont'd)

Second Witness con'd

which you refuse to obey?

He said, "Yes Sir."

I then said, " Do you realize that serious consequences may occur as a result of your refusal?

He answered, "Yes, sir."

I ordered the Sgt. to repeat the order, which he did saying, " Put on your anklets."

The accused replied, " I wont do it."

W. D. Grayson Lieut.

Q. (to Pte. Hulm) Do you wish to ask this Witness any questions?

A. No, sir.

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

A. Yes. I was in Detention six months and the reason I refused the first time was that I was a conscientious objector, and I was needed at home, and right now I am still needed at home, and they cannot expect me to soldier with my beliefs by being in detention or otherwise restrained.

Glendon Hulm Pte.

I certify that rules of Procedure 4.(a), (d), (e), and (f), have been complied with.

Taken down by me in the presence of the accused at Exhibitions Grounds, Regina, Sask. this 1st day of December, 1942.

D. A. Moylan Lt.
(D. A. Moylan, Lieutenant.)

General List. attached #20 C.A.(B) T.C., C.A.

H.Q.C.55-H-269 JAG

August 5, 1942.

District Officer Commanding,
Military District No. 12,
Regina, Saskatchewan.

District Court-Martial
L.533050 - Pte. Wendelin Hulm

1. Receipt is acknowledged of your R.C.1-H-562 dated 30th July, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed:-

(a) As the accused elected trial by District Court Martial under the provisions of Army Act, Section 46(8), a notation in the form set out in M.M.L. page 744 should have been set out on page "B" of the proceedings before the arraignment. Also, the form of endorsement on the Charge Sheet as to election should have been in the form set out in the Handbook, page 24, para. 2.

(b) The words "for training" should not have been inserted between the words "No. 12 N.R.M.A. Clearing Depot, attached" and "to the No. 120 Canadian Army (Basic) Training Centre" in the description of the accused on the Charge Sheet.

(c) It was improper for the Prosecutor in his closing address to have referred to matters which were not given in evidence. The Prosecutor should be very careful in this regard.

3. The comments contained in paragraph 2 of your letter as to the form of charge have been considered and it appears that the particulars of the charge on the Charge Sheet are quite adequately prepared with one important exception. It is observed that it is set out that the accused had been ordered to report for training, under the provisions of Section 30 of Reserve Army Special Regulations 1941, and this is of course the fact. However, it is thought that reference should also be made to Section 28, which deals with the actual mechanics of the calling out and the status of the accused on failure to obey the order. Accordingly, I think there should be inserted between the words "Reserve Army Special Regulations 1941 and amendments thereto" and "and having failed so to report" the following words "and having been sent a notice to report for such training, service or duty under the provisions of Section 28 of Reserve Army Special Regulations 1941 and amendments thereto". It is thought that if these words

Noted
G. A. FERGUSON
LT. COL.
ORD. A. D.
AUG 6 1942

..... 2

are added, a complete picture of the situation is given to the accused and although the particulars are much longer and more complicated than is usual, it is thought that same are for the benefit of the accused.

4. It is not considered necessary to return the proceedings which are accordingly retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

KBB*ADK

H.Q. C.55-H-269
M.D. R.C. 1-H-562

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. L-533050 Name HUIM., W.

General List 2012, N.R.M.D Cleary depot att

Rank Pte. Unit #120 C.A. (B) T.C., C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Date of Crime 9/4/42

Date of Arrest 8/7/42 Charge. Signed 17/7/42.

Orders for D.C.M. D.O.C., M.D.#12.

Place and Date of Trial Regina Sask., 24/7/42.

Sentence Detention 6 months and stoppages of $7.32.

Date of Confirmation 25/7/42.

Date of Promulgation 27/7/42.

Entered in Records of J.A.G. as No. 6529

Date 4/8/42.

MEMO

E C Ross Capt
for Judge Advocate-General.

2M-7-42(M1291)

6529.

IN REPLY PLEASE QUOTE

Department of National Defence

No. R.C. 1-H-562

CANADA

Regina, Sask., 30th July, 1942

CONFIDENTIAL

CENTRAL REGISTRY Army
PERS. SEC.
C5-5-4-269
AUG 2 1942
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

L.523050 - Pte. Wendelin HULM
District Court-Martial.

1. Herewith Proceedings of the marginally named Court-Martial for registration and custody. The sentence has been confirmed by the District Officer Commanding and duly promulgated.

2. The following observations with regard to these proceedings are submitted:

(a) Charge Sheet - It is considered that much of the detail, included in the description of the offence might have been omitted. However, this is the first case in this district in which a charge of Absence Without Leave is based on the fact that an "R" Recruit failed to report for training when ordered to do so and your comments, with regard to framing of charges in a case of this kind, are invited.

(b) It is considered that the evidence as to the mailing by registered mail of the order to report for military training is weak in that there is no actual evidence of the mailing of the letter containing the order. It is suggested that the person who actually mailed the letter might have been called as a witness.

However, the defence made no effort to prove that the order had not been received and in his final address to the court, the accused admitted, by inference at least, that the order was received.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

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

A

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

Proceedings of a District Court-Martial held at Exhibition Camp, Regina, Sask. on the 24th day of July 1942 by order of Brigadier G.A.H.Trudeau, District Officer Commanding Military District No.12 dated the 21st day of July 1942.

President.

Lieut.-Col. J.R.Hopkins, D.F.C.,E.D., No.12 District Depot,C.A.

Members.

Major A.G.Smith,No.32 Coy., C.D.C., C.A., D.D.O., M.D.No.12.

Major G.Anderson, No.120 C.A. (B) T.C., C.A.

Trial of L.533050 - Private Wendelin HULM,
General List No.12 N.R.M.A. Clearing Depot,
Attached No.120 C.A.(B) T.C., C.A.

~~Judge Advocate~~

~~Trial of~~

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

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

~~, waiting member takes his place as a member of the Court~~

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

The accused is brought before the Court.

Prosecutor,† Captain J.F.Arnott, M.C.,No.12 District Depot,C.A.

~~Counsel or~~ defending officer† Lieut.W.F.VanAlstine, No.10 District Depot (Inf.) C.A.,Att.No.120 C.A.(B) T.C.,C.A.

At1020 o'clock the Trial commences.

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

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

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

A.1 *Answer by accused.* It doesn't matter to me,Sir, at all.

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

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

Mil. Form B. 271
10M—6-40 (5715)
H.Q. 1772-39-224

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

J.R.HOPKINS,Lt.Col.
President, D.C.M.

2)

B

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

The following officers under instruction are duly sworn.

See separate list marked "G".

Q.2 Do you object to No.L.84078 A/Cpl.James Richard Quigley,No.120 C.A.(B) T.C.,C.A. acting as shorthand writer?

A.2 No, sir.

No.L.84078 A/Cpl.James Richard Quigley,No.120 C.A.(B) T.C.,C.A. is duly sworn as shorthand writer.

Charge-Sheet

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

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

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

Q.3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

Answer.

A.3 Not guilty.

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

Answer.

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

Answer.

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

Answer.

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 25 (B) are here complied with.~~

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

"B2" Skaarhaug Lt Col. President (3)

The Accused elected to be tried under

A.A. 46 (8)

CHARGE SHEET

The Accused, L.533050 Private Wendelin HUIM, General List, No. 12 N. R. M. A. Clearing Depot, attached for training to the No. 120 Canadian Army (Basic) Training Centre, C.A., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act 1940 and the regulations made thereunder as amended, is charged with:

CHARGE
Section 15(1)
A.A.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Regina, Saskatchewan, having been ordered to report on the 9th day of April, 1942, for training at the Military Training Centre, Regina, Saskatchewan, under the provisions of section 30 of Reserve Army (Special) Regulations, 1941, and amendments thereto, and having failed so to report, and having been attached to No. 120 Canadian Army (Basic) Training Centre, C.A., effective on the said 9th day of April, 1942 absented himself without leave from No. 120 Canadian Army (Basic) Training Centre, C.A., from 2359 hours on the 9th day of April, 1942, until he was apprehended by the R.C.M.P. at Allan, Saskatchewan, at 1050 hours on the 8th day of July, 1942, the cost of his apprehension and return to his Unit being $7.32

(F.C. Little, Lt.-Col.) O.C.
No. 120 Cdn Army Basic Trng. Centre, C.A.

Regina, Sask.,
July 17th, 1942.

To be tried by a District Court-Martial.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Regina, Sask., July 21st, 1942.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.4 Answer. No, Sir.

The prosecutor declines to make an opening address ~~[hands in a written address, which is read, marked , signed by the President, and attached to the proceedings.]~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. } Miss Julia Irene MALONEY.

being duly sworn, is examined by the prosecutor.

Q.5 Will you tell the Court what is your civilian occupation?

A.5 I am employed as a stenographer at the National War Services Department for the Divisional Registrar.

Q.6 What are your duties there?

A16 I send out the Notices of Call for Military Training.

Q.7 This document that I hand you, will you tell the Court what it is?

A.7 This is a certified copy of a Notice of Military Training for the recalling of Wendelin Hulm.

Q.8 Who certified that as a true copy?

A.8 I did.

Q.9 That is your signature?

A.9 Yes sir.

Q.10 Would you tell the court whether this document is a true copy or not?

A.10 Yes, it is a true copy.

Notice of Military Training is marked EXHIBIT "H", signed by the President, and attached to the proceedings.

Q.11 This document that I hand you, will you tell the Court what it is?

A.11 This is a receipt that we get back from the Post Office. These are made out in duplicate and one is sent back from the Post Office acknowledged and signed by the Post Office and given to us as a receipt for our files.

Q.12 Is that a true copy?

A.12 Yes sir.

Q.13 Who certified that it is a true copy?

A.13 I did.

Q.14 That is your signature?

A.14 Yes sir.

Q.15 Have you got the original copy?

A.15 Yes sir.

The original copy is produced and handed over to the Court.

Q.16 Will you tell the court if that is the original?

A.16 Yes it is.

Original Post Office Receipt is marked EXHIBIT "I", signed by the President, and attached to the proceedings.

Q.17 Who mailed the Notice of Call for Military Training to Pte. Wendelin Hulm?

A.17 There is no record of who sent it out. There is a man who takes down the registered letters to the Post Office. There are usually thirty on a sheet, but on the 6th of April 1942 there were just two.

Q.18 Did you yourself, put that Notice of Call into an envelope and mail it?

A.18 Yes sir, I prepared it for mailing.

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The Witness Withdraws.

Second Witness for the
Prosecution.

Captain John Daniel RUDDY, No. 120
C.A.(B).T.C., C.A.

being duly sworn, is examined by the
Prosecutor.

Q.19 Will you tell the Court what your military position is?

A.19 I am Adjutant of the No. 120 Canadian Army (Basic) Training Centre, C.A.

Q.20 This document that I hand you, will you tell the Court what it is?

A.20 This is a copy of Basic Training Centre No. 120's Part II Order No. 128 dated June 22nd, 1942 showing L.533050 Pte. Hulm taken on strength on that date.

Q.21 Is this a true copy?

A.21 Yes, it is a certified true copy of the Part II Order of that date, signed by myself.

Part II Order No. 128 is marked EXHIBIT "J", signed by the President, and attached to the proceedings.

Q.22 Do you know one L.533050 Pte. Wendelin Hulm?

A.22 I do.

Q.23 Can you point him out?

A.23 Yes, that is him, (pointing to the Accused).

Q.24 This document that I hand you, will you tell the Court what it is?

A.24 This is a copy of Basic Training Centre No. 120's Part II Order No. 128, dated June 22nd, 1942 showing Strength Increase of L.533050 Pte. Hulm, W. Taken on Strength on that date.

Q.25 Who certified that to be a true copy?

A.25 I did sir, as Adjutant of No. 120 Canadian Army (Basic) Training Centre.

Part II Order No. 128 is marked EXHIBIT "K", signed by the President and attached to the proceedings.

Q.26 This document that I hand you, will you tell the Court what it is?

A.26 This is a certificate of Declaration of a Court of Inquiry assembled at Regina, Sask. on July 7th, 1942 for the purpose of investigating and reporting upon the Absence without leave from duty and deficiencies if any in his Arms, Ammunition, equipment, regimental necessaries etc. M.F.B. 375 certified be a true copy by myself.

Q.27 What does the document declare?

A.27 It declares that after a period of twenty-one days at a Court of Inquiry held at the No.120 Canadian Army (Basic) Training Centre,C.A.,that L.533050 Pte. Wendelin Hulm was illegally absent.

Q.28 On what date?

A.28 On the 8th of July 1942.

Q.29 On what date did the absence commence?

A.29 On April 9th 1942.

M.F.B.375 Declaration is marked Exhibit "L", signed by the President, and attached to the proceedings.

Q.30 This document that I hand you, will you tell the Court what it is?

A.30 M.F.M.215, Apprehension by or surrender to Civilian authorities, giving a description of L.533050 Pte.Hulm Wendelin. This is an original document received from the R.C.M.P. at Young, Saskatchewan.

M.F.M.215 is marked Exhibit "M", signed by the President, and attached to the proceedings.

Q.31 This document that I hand you, will you tell the Court what it is?

A.31 M.F.B.1481, Costs incurred by the D.S.& T.O. for the transportation of the escort and the absentee, L.533050 Pte. W.Hulm. This is an original document.

M.F.B.1481 is marked Exhibit "N", signed by the President, and attached to the proceedings.

Q.32 This document that I hand you, will you tell the Court what it is?

A.32 This is M.F.B.1482 Costs of Meals incurred by the military escort in the apprehension of L.533050 Pte.W. Hulm. This is also an original document.

Q.33 Were these meals incurred by the escort?

A.33 Yes, but chargeable to the accused. They were paid for by the escort.

Q.34 Who was the escort?

A.34 L.55286 A/Cpl.Bond,L.G.,No.43 Provost Coy.C.A.

Q.35 Would you say that the meal was for the escort?

A.35 Yes, Sir.

The M.F.B.1482 is marked Exhibit "O", signed by the President, and attached to the proceedings.

Q.36 This document that I hand you, will you tell the Court what it is?

A.36 It is Canadian Army Basic Training Centre Part II Order No. 145 showing Strength Increase of L.533050 Pte. HULM, W. Taken on Strength after being apprehended by the R.C.M.P. at Young, Sask., and certified as a true copy by myself as a true copy of our Part II Order of that date.

Part II Order No. 145 is marked EXHIBIT "P", signed by the President, and attached to the proceedings.

Q.37 This document that I hand you, will you tell the Court what it is?

A.37 It is a copy of Canadian Army (Basic) Training Centre Part II Order No. 146 dated 16th July 1942 in which is shown an ammendment correcting the place of apprehension of L.533050 Pte. HULM, W. to read "Allan District Sask." rather than Young, District, Sask.

Part II Order No. 146 is marked EXHIBIT "Q", signed by the President and attached to the proceedings.

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The Witness withdraws.

The prosecution is closed.

Defence

Q.38 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.38 *Answer.* No,Sir.

Q.39 *Question.* Do you intend to call any other witness in your defence?

A.39 *Answer.* No, Sir.

Question. ~~Is he a witness as to character only?~~ *Answer.*

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Q.40 *Question to the accused.* Have you anything to say in your defence?

A.40 *Answer.* The accused in his defence says† See document marked "R".

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

The Defending Officer makes a closing address, see document marked "S".

The Prosecutor replies, see document marked "T".

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused L.533050 - Private Wendelin HULM, General List No.12 N.R.M.A. Clearing Depot, Attached No.120 C.A. (B) T.C., C.A. is Guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Captain J.F.Arnott, M.C., No.12 District Depot, C.A. is duly sworn.

Evidence of character, &c.

Q.41 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused?

A.41 *Answer by the Witness.* Yes, I produce M.F.B.355 and M.F.M.6.

The above statements with the schedule of convictions and of cases in which trial has been dispensed with are "Y" and "Z" respectively read, marked , signed by the President, and annexed to the proceedings.

Q.42 *Question by the President.*

Is the accused the person named in the statements which you have heard read?

A.42 *Answer by the Witness.* Yes,Sir.

Q.43 *Question.*

Have you compared the contents of the above statements with the regimental books?

A.43 *Answer.* Yes, Sir.

Q.44 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.44 *Answer.* Yes, Sir.

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

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

Q.45 *Question to the accused.*

Do you wish to address the Court?

A.45 I am needed on the farm at home as my dad and mother are both old and sick half the time. I do not know why I should not be where I am some good. Also that when I did receive my calls I stated plainly the reasons why I was not coming for them.

~~Do you wish to address the Court? Answer.~~

The Court is closed for the consideration of the sentence.

(8)

F

Sentence

The Court sentence the accused L.533050 - Private Wendelin HULM, General List No.12 N.R.M.A. Clearing Depot, Attached No.120 C.A.(B) T.C., C.A. to undergo detention for six months and to be put under stoppages of pay until he has made good the sum of $7.32 in respect of the cost of apprehension and return to his corps.

Sentence.

Detention

6 months

Stoppages

$7.32

Signed at Regina, Saskatchewan, this 24th day of July 1942.

J.R. Hopkins

J.R.HOPKINS.,Lt.Col.
No.12 District Depot.
President.

Confirmed.

G.A.H. Trudeau

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Signed at Regina, Sask., this 25th day of July, 1942.

Promulgated and extracts taken at Regina, Saskatchewan, this 27th day of July 1942.

F.C. Little

(F.C. Little, Lt.-Col.)
Officer Commanding,
#120 C. A. (B) T. C.

Extracts entered as No. 6529 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 4 day of August 1942.

"X" J.R. Hopkins Lt Col President

ORDERS BY Brigadier G.A.H. Trudeau,
District Officer Commanding, M.D. No. 12,
Regina, Sask., July 21st, 1942.

(19)

The detail of Officers as mentioned below will assemble at Exhibition Camp, Regina, Sask., on the 24th day of July, 1942, at 1000 hours for the purpose of trying by a District Court-Martial the accused person named in the margin (and such other person or persons as may be brought before them.)

L.533050 - Private Wendelin HULM
General List No.12 N.R.M.A. Clearing Depot
Attached No. 120 C.A. (B) T.C., C.A.

PRESIDENT:

Lieut.-Col. J.R. Hopkins, D.F.C., E.D., No. 12 District Depot, C.A., is appointed President.

MEMBERS:

Major A.G. Smith, No. 32 Coy., C.D.C., C.A., D.D.O., M.D. No. 12.

Major G. Anderson, No. 120 C.A. (B) T.C., C.A.

WAITING MEMBER:

Lieut. A. Broughton, No. 120 C.A. (B) T.C., C.A.

PROSECUTOR:

Captain J.F. Arnott, M.C., No. 12 District Depot, C.A.

DEFENDING OFFICER:

Lieut. W.F. VanAlstine, No. 10 District Depot (Inf.) C.A., Att. No. 120 C.A. (B) T.C., C.A.

THE FOLLOWING OFFICERS WILL ATTEND FOR INSTRUCTION:

Lieut. J.C. Mehain, South Sask. Regt., C.A., Att. No. 120 C.A. (B) T.C., C.A.; Lieut. F.C. Peters, Winnipeg Grenadiers, C.A., Att. No. 120 C.A. (B) T.C., C.A.; Lieut. J.J. McKenzie, Regina Rifle Regt., C.A., Att. No. 120 C.A. (B) T.C., C.A.; Lieut. J. Shaw, Regina Rifle Regt., C.A., Att. No. 120 C.A. (B) T.C., C.A.; Lieut. J.W. Causier, South Sask. Regt., C.A., Att. No. 120 C.A. (B) T.C., C.A.; Lieut. R.A. Young, Saskatoon Light Infantry, C.A., Att. No. 120 C.A. (B) T.C.,C.A.

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

The Officer Commanding, No. 120 C.A. (B) T.C., C.A., will arrange for accommodation for the Court and detail clerks and orderlies for duty thereat.

The Proceedings will be forwarded to Headquarters, M.D. No. 12, under CONFIDENTIAL cover, addressed to D.A.A.G., M.D. No. 12.

Signed this 21st day of July, 1942. (R.C. 1-H-562)

(G.A.H. Trudeau)
Brigadier
D.O.C., M.D. No. 12

"G" Hopkins Lt Col
President

(21)

List of Officers under Instruction

Lieut. J.C.Mehain, South Sask.Regt., C.A. Att.No.120 C.A.(B) T.C., C.A.

Lieut. F.C.Peters, Winnipeg Grenadiers, C.A., Att. No. 120 C.A.(B) T.C., C.A.

Lieut. J.J.McKenzie, Regina Rifle Regt., C.A., Att. No. 120 C.A.(B) T.C., C.A.

Lieut. J. Shaw, Regina Rifle Regt., C.A., Att. No.120 C.A.(B) T.C., C.A.

Lieut. J.W.Causier, South Sask.Regt., C.A., Att. No. 120 C.A.(B) T.C., C.A.

Lieut. R.A.Young, Saskatoon Light Infantry, C.A., Att. No.120 C.A.(B) T.C., C.A.

Exhibit "H"
Murphy Inquiry

Exhibit M

23

DEPARTMENT OF NATIONAL DEFENCE

The National Resources Mobilization Act, 1940.
The Militia Act

Regimental Number L533050
Serial Number (Notice of Call) M6276

ORDER TO REPORT FOR MILITARY TRAINING, SERVICE OR DUTY

1. Having been required by the Minister of National Defence to undergo additional training and perform service or duty within Canada and its territorial waters, you are hereby ordered to report for training at the Military Training Centre at Regina Sask.
on the 9th day of April 194 2

CERTIFIED TRUE COPY
J. Malone
for Divisional Registrar

TO

Mr. Wendelin Hulm,
Allan, Saskatchewan.

NOTE

BRING WITH YOU:

(a) Army Boots, etc., which you retained on completion of your 35 day training;

(b) Your certificate of training, M.F.M. 63.

2. Transportation Warrant No. 1476 is enclosed herewith.
3. You will present this Order on reporting at the Training Centre, where it will be given to the Commanding Officer.

Date of this Order April 6 194 2

(B. W. BROWNE)
Major-General,
Adjutant-General.

M.F.M. 143
50M—8-41 (1488)
H.Q. 1772-39-1646

Exhibit 'I' Joseph Lloyd President

(25)

DATE STAMP: REGISTERED MAIL REGINA, SASK. APR 6 1942

SHEET No. 1

REGISTERED ARTICLES MAILED AT

National War Services Board

DESCRIPTION	NAME	ORIGINAL NUMBER		DESTINATION	RECEIVED AND ENTERED BY	DATE STAMPED AND BACK STAMPED BY	RECEIVED AND POSTED BY
	T. Ardeylan	X1	1	Truax			
	W. Hulm		2	Allan			
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Left

(2) W. Randolph

53B.—250,000—15-1-41

Exhibit "J" Photographic Local President

#120 CANADIAN ARMY (BASIC) TRAINING CENTRE
Regina, Sask., June 22, 1942
PART II ORDER #128
RESERVE ARMY PERSONNEL (NRMA 1940)

Exhibit C

Last Order #127, d/19-6-42

SUBJECT - NAME	COY CASUALTY & REMARKS	DATE

1. STRENGTH INCREASE:
The undermentioned having been ordered to report under section 30 of R.A.(S)R are posted to #12 NRMA Clearing Depot and are attached to this training centre for all purposes effective 9-4-42. AUTH: DOC's Rep MD#12 letter file DR4004, DR7204, DR3642, DR5125, DR3812, d/16-6-42 and DR6276, DR4166, DR7493, DR3839, DR1904, d/16-6-42. NOT TORS (AWL)

L.533622 Pte. Skoretz, Joseph
L.465961 Pte. Carrobourg, Pierre Louis Henry
L.466016 Pte. Hager, John
L.464920 Pte. Durrant, Gilbert Alvin
L.532823 Pte. Danchilia, John
L.533050 Pte. Hulm, Wendelin
L.465671 Pte. Eiserman, Arnold
L.532841 Pte. Djkowich, Victor
L.532952 Pte. Glowatsky, Peter
L.532140 Pte. Kopeck, Edward
L.464770 Pte. Bloom, Floyd,Willard

2. ABSENT WITHOUT LEAVE:
The personnel mentioned in para 1, above are AWL from 2359 hrs 9-4-42 (not TORS)

3. ATTACHMENTS:
L.602800 Pte. Rurak, J. — CS
L.602804 Pte. Stang, J.E. — CS
proceeded to 40th (Res) Inf Bde Group Dundurn, Sask., at 2355 hrs 20-6-42 and are attached to that Bde for all purposes except pay effective 21-6-42 AUTH: DAAG MD#12 R.3-1-2-164,d/17-6-42

4. SICK LEAVE:
L.602865 Pte. Derow, W. — 3
granted Sick Leave with pay from 20-6-42 to 15-7-42, inclusive, SORS 19-6-42 AUTH MFB 227, d/15-6-42

5. SICK LEAVE ALLOWANCE:
L.602865 Pte. Derow, W. — 3
authorized to draw Subsistence Allowance at the rate of $1.00 per diem in accordance with article 200(1) FR&I for period of authorized Sick Leave 20-6-42 to 15-7-42, inclusive, 26 days ($26.00) AUTH MFB 227,d/15-6-42

6. HOSPITAL:
(a)L.603589 Pte. Nelson, E.N. — 3 — admitted RMH and SORS 19-6-42
L.605274 Pte. Helgason, C.P. — 3 — admitted RMH and SORS 19-6-42
L.604237 Pte. Borsa, S. — 1 — admitted RMH and SORS 18-6-42

(b)L.465004 Pte. Thompson, J.G. — 4 — discharged RMH 19-6-42 TORS 20-6-42

7. STRENGTH DECREASE:
L.603761 Pte. Lindsay, S.T. — 3
having been granted postponement of training is returned to the #12 NRMA Clearing Depot and ceases to be attach for all purposes to this Training Centr effective 22-6-42 (6 months postponeme AUTH: DOC's Rep MD#12 R.1-1-23-2, DR 10904, d/13-6-42

8. SPECIAL LEAVE:
(a)L.605192 Pte. Byers, N.H. — 3
granted extention of Special Leave WITH OUT PAY for the period 25-6-42 to 8-7-42, inclusive, (14 days) CONT SORS AUTH DOC's Rep MD#12 DR17531,d/19-6-42

(b)L.603937 Pte. Sayers, J.B. — 3
returned from Special Leave WITHOUT PA at 0001 hrs 21-6-42 TORS 21-6-42

JAS

SUBJECT - NAME	COY	CASUALTY & REMARKS	DATE
9. SICK AT HOME:			
L.604079 Pte. Harkett, W.	1	Sick at Home since 21-6-42 SORS 21-6-42	
10. AMENDMENTS:			
(a)Ref PTO #127 sub 4 HOSPITAL insofar as it concerns L.604030 Pte. Canwood, J.F. amend surname to read 'CAWOOD'			
(b)Ref PTO #127 sub 2 ATTACHEMENTS add 'SORS 18-6-42' to the entry.			
11. ABSENT WITHOUT LEAVE:			
(a)L.533723 Pte. Tokarchuk, M.L.	3	returned 2200 hrs 20-6-42 TORS 20-6-42	
(b)L.604240 Pte. Ingenthron, N.	1	AWL since 2200 hrs 18-6-42 SORS 18-6-42	
L.604070 Pte. Birn, M.F.	3	AWL since 1700 hrs 20-6-42 SORS 20-6-42	

12. PUNISHMENTS:

L.533723 Pte. Tokarchuk, M.L. 3
charged with ABSENTING HIMSELF WITHOUT LEAVE from 2200 hrs 1-6-42 to 2200 hrs 20-6-42 Sec 15(1) A.A.
TOTAL TIME ABSENT 19 days.
AWARD 7 days C.B. and payment of cost of telegram 43¢
DATE OF AWARD 22-6-42
FORFEITS 19 days pay for AWL (article 149(1a) FR&I)
TOTAL FORFEITURE 19 days pay amounting to $24.70

H H Wheldon Capt
Captain & Adjutant,
for Officer Commanding,
#120 C. A. (B) T. C.

Certified true Copy
J Ruddy Capt

Exhibit "K" Inquiry into Lt Col President

#120 Canadian Army (Basic) Training Centre, Page 1. 31
Regina, Sask., June 22nd, 1942.
PART II ORDERS No. 128
RESERVE ARMY PERSONNEL (NRMA 1940).

SUBJECT - NAME	COY	CASUALTY & REMARKS	DATE

1. STRENGTH INCREASE:
The undermentioned having been ordered to report under section 30 of t R.A.(S).R. are posted to #12 NRMA Clearing Depot and are attached to this training centre for all purposes effective 9-4-42. AUTH: DOC's Rep MD#12 letter file DR4004, DR7204, DR3642, DR5125, DR3812, d/16-6-42 and DR6276, DR4166, DR7493, DR3839, DR1904, d/16-6-42. NOT TORS (AWL).

L.533622 Pte. Skoretz, Joseph.
L.465961 Pte. Carrobourg, Pierre Louis Henry.
L.466016 Pte. Hager, John
L.464920 Pte. Durrant, Gilbert Alvin.
L.532823 Pte. Danchilla, John
L.533050 Pte. Hulm, Wendelin,
L.465671 Pte. Eiserman, Arnold.
L.532841 Pte. Djkowich, Victor.
L.532952 Pte. Glowatsky, Peter.
L.532140 Pte. Kopeck, Edward.
L.464770 Pte. Bloom, Floyd Willard.

2. ABSENT WITHOUT LEAVE:
The personnel mentioned in para 1, above are AWL from 2359 hrs 9-4-42 (Not TORS).

3. ATTACHMENTS:

L.602800 Pte. Rurak, J.	CS	proceeded to 40th (Res) Inf.Bde Group, Dundurn, Sask., at 2355 hours 20-6-42 and are attached to that Bde for all purposes except pay effective 21-6-42 AUTH: DAAG MD#12 R.3-1-2-164,d/17-6-42.
L.602804 Pte. Stang, J.E.	CS	

4. SICK LEAVE:

L.602865 Pte. Derow, W.	3	Granted sick leave with pay from 20-6-42 to 15-7-42, inclusive, SORS 19-6-42 AUTH MFB 227, d/15-6-42.

5. SICK LEAVE ALLOWANCE:

L.602865 Pte. Derow, W.	3	authorized to draw Subsistence Allowance at the rate of $1.00 per diem in accordance with article 200 (1) FR&I for period of authorized Sick Leave 20-6-42 to 15-7-42, inclusive. 26 days ($26.00) AUTH MFB 227 d/15-6-42

6. HOSPITAL:

(a) L.603589 Pte. Nelson, E. N.	3	admitted RMH and SORS 19-6-42.
L.605274 Pte. Helgason, C.P.	3	admitted RMH and SORS 19-6-42.
L.604237 Pte. Borsa., S.	1	admitted RMH and SORS 18-6-42. 19-6-42.
(b) L.465004 Pte. Thompson, J.G.	4	discharged RMH/and TORS 20-6-42

7. STRENGTH DECREASE:

L.603761 Pte. Lindsay, S. T.	3	having been granted postponement of training is returned to the #12 NRMA clearing Depot and ceases to be attached to this training centre for all purposes effective 22-6-42 (six months postponement) AUTH: DOC's Rep MD#12 R.1-1-23-2, DR 10904, d/13-6-42

8. SPECIAL LEAVE:

(a) L.605192 Pte. Byers, N. H.	3	granted extention of Special Leave WITHOUT PAY for the period 25-6-42 to 8-7-42, inclusive, (14 days) CONT SORS AUTH DOC's Rep MD#12 DR17531, d/19-6-42.
(b) L.603937 Pte. SAYERS, J. B.	3	returned from Special Leave WITHOUT PAY at 0001 hrs 21-6-42 TORS 21-6-42.

SUBJECT - NAME	COY.	CASUALTY & REMARKS	DATE.
9. SICK AT HOME:			
L.604079 Pte. Harkett, W.	1	Sick At Home since 21-6-42 SORS 21-6-42	
10. AMENDMENTS:			
(a) Ref PTO #127 sub 4 HOSPITAL insofar as it concerns L.604030 Pte. Canwood, J.F. ament surname to read CAWOOD.			
(b) Ref PTO #127 sub 2 ATTACHEMENTS, add 'SORS 18-6-42' to the entry.			
11. ABSENT WITHOUT LEAVE:			
(a) L.533723 Pte. Tokarchuk, M. L.	3	Returned 2200 hours 20-6-42 TORS 20-6-42.	
(b) L.604240 Pte. Ingenthron, N.	1	AWL since 2200 hrs 18-6-42/18-6-42 SORS.	
L.604070 Pte. Birn, M. F.	3	AWL since 1700 hrs 20-6-42/20-6-42	

12 PUNNISHMENTS:

L.533723 Pte. Tokarchuk, M. L. 3
charged with ABSENTING HIMSELF WITHOUT LEAVE from 2200 hours 1[illegible]6-42 to 2200 hours, 20-6-42, Sec. 15(1) A.A.
TOTAL TIME ABSENT: 19 days.

AWARD: 7 days C.B. and payment of cost of telegram 43¢
DATE OF AWARD: 22-6-42.
TOTAL FORFEITURE: 19 days pay amounting to $24.70

SIGNED: (H.H. Meddrum, Lt., A/Adjt.
for Captain and Adjutant,
for Officer Commanding,
#120 C.A.B.T.C.,C.A.(A).

Certified true copy
[illegible] Capt

Exhibit "L"
J.H. Hopkins Lieut
President

RECORD of the Declaration of a Court of Inquiry assembled at REGINA, Sask., on the 7th day of J U L Y 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. L.533050 Pte, HULM, Wendelin.

DECLARATION

The Court declare that No. L.533050 Pte. HULM, Wendelin, N.R.M.A. Clearing Depot No. 12 a soldier of the Cdn.Army (RF)

illegally absented himself without leave when ordered to report for training to the #120 C.A.B.T.C.,C.A.(A) at REGINA, Saskatchewan on the 9th day of APRIL 1942, 2359 hrs.

that he is still so absent, [redacted] N/A. he was deficient, and

that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
N/A.			

Signed: A.M.Yates, Captain, R.R.Regt, detailed for duty #120 C.A.B.T.C., — President

Signed: Lieut. A. Broughton, General List, detailed for duty #120 C.A.B.T.C. — Member

Signed, Lieut.F.C. Peters, Wpg.Gren. detailed for duty with #120 CABTC. — Member

Signed at REGINA, Sask.,

this 8th day of JULY 1942.

Signature of Commanding Officer Signed: F.C.Little, Lt.Col.,

Certified true copy

Signature of Officer having custody of original record

M.F.B. 275
A.F.B. 115
25M—6-41 (790)
H.Q. 1772-99-257

Exhibit 'M'

J. A. Hopkins Lt Col
President

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

Strike out words not applicable

I certify that the person whose description is given below was arrested by ~~(surrendered to)~~ Constable T.R.M Conway (Name of Peace Officer or Constable) at SE 12-33-1-W3 (Place) at Allan Dist: Saskt (Hour) 10.50 A.M. on the 8th. day of July 1942.

Strike out words not applicable

and at the time of arrest (~~surrender~~) he was wearing ~~military~~ ~~[illegible]~~ (dressed in civilian clothes).

Regimental particulars of officer or Soldier referred to above.

(No. L.533050.
(Rank Private.
(Name Wendelin HULM
(Unit Saskatoon Light Inf.

Description

(Age 23 on Oct 14th 1941.
(Height 5 ft 5½'
(Complexion Fair
(Hair Reddish Brown.
(Eyes Blue.
(Marks Scar at Back of Head also scar above the left ear.

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

T.R.M. Conway
~~Cst. T.R.M. Conway~~
(Peace Officer)(constable) (or officer in charge of Police Station).

(Strike out (words not (applicable

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

A. S. Nash. Cpl
RCM Police
Yorkton

~~Cst Constable~~
~~[illegible]~~

Exhibit "N"
F.K. Hopkins Lt Col President

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description

I, Major W. Evans, D.S. & T.O., M.D. No. 12.
(Rank) (Name) (Unit)

Strike out word not applicable

hereby certify that I (~~issued~~ (authorized) the hereinafter itemized transportation for escort

Complete

to proceed from Regina, Sask. (Place) to Young, Sask., (Place)

and return to Regina, Sask. for the

Full description of soldier being escorted

purpose of escorting L/533050 Pte. W.HULM, No.12 NRMA Clearing Depot.

Strike out phrase n/a applicable

alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~[illegible]~~ and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
ESCORT: L/55286 A/L/Cpl. F.G. BOND, No. 43 Provost Coy., Second Class Transportation Regina to Young & Return. T.W.# A 145454	$4.54
ABSENTEE: L/533050 Pte. W. HULM, No. 12 NRMA Clearing Depot, Second Class Transportation Young to Regina, T.W.# A 145455	2.27
RECOVERABLE FROM THE PAY OF: L/533050 Pte. W. HULM, No. 12 NRMA Clearing Depot, Regina, Sask.	
Total	$ 6.81

Dated at Regina, Sask. this 8th day of July A.D. 19 42.

W. Evans
(W. Evans), Major,
D.S. & T.O., M.D. No.12.

Signature and rank of officer ~~issuing~~ authorizing transportation. Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1681
50M—7-41 (1199)
E.Q. 1723-38-1684

Exhibit "O"
Sketching Lt Col
President

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, L/55286 S/Cpl. Hume, F.G., No. 43 Provost Company, CA(A),
(No.) (Rank) (Name) (Unit)

Strike out words not applicable

as (escort) ~~(Commander of escort)~~ consisting of:

Members of escort

detailed to proceed from Regina (Place) to Young (Place)

Name and description of soldier escorted

to return L/533050 Pte. Hulm, W., No. 12 N.M.R.A. Clearing Depot

alleged to be a deserter or absentee without leave, to Regina (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
9-7-42 Young, Sask. Lunch	.51
Total	$ .51

Certified correct. Travelling claim (M.F.D. 811) for .51¢ submitted bythe escort has been passed for payment.

for D.S. & T.O. M.D. No.12

Recoverable from the pay of:
L/533050 Pte. W.Hulm,
NO.12 N.M.R.A. Clearing Depot,
Regina, Sask.

Dated at Regina this 9th day of July A.D. 1942.

Signature and rank of commander of escort (escort)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.D. 1482
7636—4-42 (5430)
H.Q. 1172-39-1626

Exhibit "P" Inquiry Lt Col President 43

#120 CANADIAN ARMY (BASIC) TRAINING CENTRE

Regina, Sask., July 14th, 1942

PART II ORDER #145

RESERVE ARMY PERSONNEL (NRMA 1940)

Last Order #144, d/13-7-42

SUBJECT - NAME	COY	CASUALTY & REMARKS	DATE
1. STRENGTH DECREASE:			
(a)L.603951 Pte. Monette, G.U.	3	while on Special Leave WITHOUT PAY is granted postponement of training and is returned to #12 NRMA Clearing Depot and ceases to be attached for all purposes to this Training Centre effective 8-6-42. AUTH: DOC's Rep MD#12 DR.12251 dated 7-7-42.	
(b)L.604082 Pte. Angel, N.F.	4	ceases to be attached for all purposes on proceeding to A6 R.C.E. Training Centre, Chilliwack, B.C. effective 14-7-42. AUTH: HQS.20-6-18 Mob RS 2(d) d/2-7-42 and DAQMG MD#12 RS.3-1-5-137 (Admin. Instructions #141),d/11-7-42	
L.604161 Pte. Belisle, P.J.	2		
L.604069 Pte. Besjer, O.H.	1		
L.604072 Pte. Bob, W.	1		
L.604074 Pte. Gherney, W.	1		
L.604059 Pte. Pawluck, A.	2		
L.603403 Pte. Sellinger, E.W.	3		
L.603541 Pte. Wolosenuk, S.	3		
(c)L.602572 Pte. Young, J.C.	3	having been placed in category "E" is SOS the #12 NRMA Clearing Depot and ceases to be attached to this Training Centre for all purposes effective 14-7-42. Anticipated time of arrival at destination (Maple Creek, Sask.) 0043 hrs 15-7-42.	
(d)L.533009 Pte. Hendrickson, J.G.	3	having been placed in category "E" is SOS the #12 NRMA Clearing Depot and ceases to be attached to this Training Centre for all purposes effective 14-7-42. Anticipated time of arrival at destination (Fort a la Carne, Sask) 1710 hrs 15-7-42. Granted meal allowance of $1.00 on retunrn journey.	
(e)L.532140 Pte. Kopeck, E.		having been declared by a Court of Inquiry held on 7-7-42 to have been Illegally Absent since 2359 hrs 9-4-42 are SOS the #12 NRMA Clearing Depot and cease to be attached to this Training Centre effective 7-7-42. (having failed to report under section 30 of RA(S)R) FORFEITS 90 days pay for AWL amounting to $117.00 (article 149(1a) FR&I)	
L.532952 Pte. Glowatsky, P.			
L.465671 Pte. Eiserman, A.			
L.464770 Pte. Bloom, F.W.			
L.533050 Pte. Brim, W.			
2. STRENGTH INCREASE:			
L.533050 Pte. Brim, W.		having been declared by a Court of Inquiry held on 7-7-42 to be illegally absent and having been apprehended by the RCMP at Young District, Sask. at 1350 hrs 8-7-42 is TOS the #12 NRMA Clearing Depot and attached for all purposes to this Training Centre effective 8-7-42. Returned under Close Arrest at 1830 hrs 9-7-42 and is TORS 9-7-42.	
3. REHABILITATION GRANT:			
L.602572 Pte. Young, J.C.,	3	having been discharged category "E" effective 14-7-42 and having served for the period 4-12-41 to 14-7-42 is entitled to receive payment under the Rehabilitation Act of 30 days pay of rank ($39.00) AUTH: CARO 1079	

JAS

SUBJECT - NAME	NATURE, CAUSALITY & REMARKS	DATE

4. CIVILIAN CLOTHING ALLOWANCE:

(a)L.602572 Pte. Young, J.C. 3 having been discharged category "E" and having served for the period 4-12-41 to 14-7-42 is entitled to receive Civilian Clothing Allowance of $35.00 in accordance with article 187(1a) FR&I AUTH: RA(S)R 1941 as amended.

(b)L.533009 Pte. Hendrickson, J.G. 3 having been discharged category "E" and having served for the period 19-2-42 to 14-7-42 is entitled to receive Civilian Clothing Allowance of $17.00 in accordance with article 187(1b) FR&I AUTH: RA(S)R 1941 as amended.

5. PUNISHMENTS:

L.603841 Pte. Zaebel, F.A. 3
charged with ABSENTING HIMSELF WITHOUT LEAVE from 2200 hrs 13-7-42 to 0300 hrs 14-7-42 Sec 15(1) A.A.
TOTAL TIME ABSENT 5 hours.
AWARD 5 days C.B.
DATE OF AWARD 14-7-42

6. SICK AT HOME:

(a)L.601162 Pte. Haughian, M.J. 2 Sick at Home since 8-7-42 SORS 8-7-42 Returned and TORS 14-7-42.

7. AMENDMENTS:

(a)Ref PTO #142 sub 7 ABSENT WITHOUT LEAVE delete the entire entry.
(b)Ref PTO #140 sub 3(c) STRENGTH DECREASE delete the entry insofar as it concerns L.533009 Pte. Hendrickson, J.G.
(c)Ref PTO #140 sub 4 CIVILIAN CLOTHING ALLOWANCE delete the entire entry.
(d)Ref PTO #119 sub 5(a) SEEDING LEAVES insofar as it concerns L.603951 Pte. Monette, G.U. delete the entry.

8. SPECIAL LEAVE:
L.603837 Pte. McAvoy, E.J. 3 granted extension of Special Leave from 15-7-42 to 13-8-42, inclusive, (WITHOUT PAY) 30 days CONT SORS AUTH: DOC's Rep MD#12 DR.12019,d/10-7-42

9. ABSENT WITHOUT LEAVE:

(a)L.603913 Pte. Desjarlais, J.A. 3 AWL since 0700 hrs 6-7-42 CONT SORS (8 days)

(b)L.601183 Pte. Dumont, A.P. 3 AWL since 2200 hrs 6-7-42 CONT SORS (8 days)

10. HOSPITAL:

L.464974 Pte. Dyck, J.H. 3 discharged RMH 14-7-42 TORS 15-7-42
L.603971 Pte. Kersey, V.W. 4 discharged RMH 13-7-42 TORS 14-7-42
L.603527 Pte. Nickula, W.W. 3 discharged RMH 13-7-42 TORS 14-7-42

SUBJECT - NAME	COY CASUALTY & REMARKS	DATE

11. STRENGTH DECREASE:

The undermentioned cease to be attached for all purposes on proceeding to the Advanced Training Centres or Units as shown above their names effective 14-7-42. AUTH: HQS.20-6-18 Mob RS.2(d), d/2-7-42 and DAQMG MD#12 R.S. 3-1-5-137 (Administrative Instructions #141), d/11-7-42.

A15 Cdn. Infantry T.C. - Camp Shilo, Manitoba

L.604202 Pte. Baker, H.H.P.
L.604172 Pte. Bernaski, A.
L.604236 Pte. Bobrowski, S. J.
L.604104 Pte. Gottselig, P.
L.604186 Pte. Graf, T.
L.603571 Pte. Hagele, J. J.
L.604215 Pte. Houghton, V. R.
L.604241 Pte. Kostryba, W.
L.604257 Pte. Lajoie, V. W.
L.604259 Pte. Popowich, N.
L.604093 Pte. Popescul, A.
L.604017 Pte. Ritter, N.
L.604251 Pte. Schlampp, G. J.
L.604229 Pte. Staluba, J. A.
L.604153 Pte. Skulmoski, A.
L.604122 Pte. Soparlo, N. G.
L.603986 Pte. Soveran, W.
L.604020 Pte. Steenbruggen, J.
L.604022 Pte. Stuckel, E. S.
L.604270 Pte. Wornath, O.
L.604234 Pte. Zakaluzny, J. A.

Cdn. Forestry Corps. - Port Arthur, Ontario

L.603887 Pte. Kobelka, M.

A22 R.C.A.M.C., T.C. Camp Borden, Ontario

L.604032 Pte. Arnold, R. J.
L.603734 Pte. Frederick, A.
L.603741 Pte. Breton, P.
L.604057 Pte. Melnyk, J. G.

A21 R.C.O.C. Training Centre, Barriefield, Ont.

L.604028 Pte. Belich, J.
L.604071 Pte. Blackwell, R. W.
L.603773 Pte. Bodner, J.
L.604203 Pte. Bromberger, R.
L.604103 Pte. Ehmann, V. S. J.
L.603962 Pte. Ewart, J. W.
L.604043 Pte. Finlayson, T. A.
L.604049 Pte. Hundeby, G. T.
L.604217 Pte. Krochak, N. J.
L.604218 Pte. Lannan, F. X.
L.604219 Pte. Ledingham, L. G.
L.604007 Pte. McClement, G.
L.603975 Pte. McCormick, G.
L.533264 Pte. Manchester, E. W.
L.604090 Pte. Nadler, W.
L.604119 Pte. Nykulaik, N.
L.604260 Pte. Rutherford, G. R.
L.604151 Pte. Satter, N. L.
L.604061 Pte. Schmidt, C. J.
L.604063 Pte. Sweet, A. D.
L.604155 Pte. Toporoski, P.

A7 R.C.C.S. Training Centre, Barriefield, Ont.

L. 604031 Sgn. Andruzek, M.
L. 604169 Sgn. Antymniuk, M.
L. 604171 Sgn. Bertieg, B. C.
L. 603996 Sgn. Bestrop, C. B.
L. 604035 Sgn. Birovoshu, J. T.
L. 603613 Sgn. Buchanan, H. R.
L. 604205 Sgn. Cameron, E. D.
L. 604135 Sgn. Campbell, T. J.
L. 604184 Sgn. Elliott, R. E.
L. 604185 Sgn. Ganley, J. P.
L. 604211 Sgn. Gessner, G. H.
L. 603967 Sgn. Heidebrecht, H. A.
L. 604003 Sgn. Hoffman, W. R.
L. 604047 Sgn. Huculak, M.
L. 604081 Sgn. Ivanoff, C.
L. 603973 Sgn. Korowski, F.
L. 604190 Sgn. Kowall, N.
L. 604054 Sgn. Lidster, R. J.
L. 604222 Sgn. Meginbir, O. H.
L. 604224 Sgn. Murchison, P. E.
L. 604010 Sgn. Nadler, A. G.
L. 603981 Sgn. Overland, O. E.
L. 604148 Sgn. Quick, E. N.
L. 604250 Sgn. Selanders, K. E.
L. 604095 Sgn. Scheller, H.
L. 604154 Sgn. Sofranik, W.
L. 604265 Sgn. Watson, G.
L. 604247 Sgn. Weinhandl, W. H.
L. 604066 Sgn. Wostradowski, A. J.
L. 604012 Sgn. Ovans, D. W.

6th Division, R.C.A.S.C. T.C., Valcartier, Quebec

L. 603994 Pte. Bechtle, W.
L. 604130 Pte. Belza, C. L.
L. 604206 Pte. Diewold, A. L.
L. 603049 Pte. Gerard, F. J.
L. 604055 Pte. Lawrence, E. R.
L. 604056 Pte. Maystruck, S.
L. 604016 Pte. Rachert, J. P.

11. STRENGTH DECREASE (CONT'D)

A23 R.C.A. Training Centre, Halifax, N.S.

L.604131 Gnr. Bjornson, L.
L.604001 Gnr. Dowell, H.A.
L.603505 Gnr. Flick, L.
L.604212 Gnr. Haubrick, M.J.
L.604249 Gnr. Kasthely, M.
L.604164 Gnr. Lizee, E.
L.604108 Gnr. Kettler, A.
L.604165 Gnr. Mailliot, P.E.J.
L.604118 Gnr. Nesdoly, J.P.
L.604015 Gnr. Pielak, J.A.
L.603987 Gnr. Stef, G.
L.604167 Gnr. Schmell, J.J.
L.602769 Gnr. Chizek, G.W.
L.604078 Gnr. Hansen, C.N.
L.604140 Gnr. Jacob, L.H.
L.603841 Gnr. Leibel, F.A.
L.604221 Gnr. Lundeen, B.J.
L.604101 Gnr. Walter, P.
L.604200 Gnr. Yaskowich, W.L.
L.603984 Gnr. Rigetti, J.C.
L.604179 Gnr. Chuhaniuk, P.A.
L.604160 Gnr. Chuhaniuk, R.E.
L.604238 Gnr. Galandie, W.
L.604185 Gnr. McGillis, F.J.
L.604210 Gnr. Gehl, J.L.
L.604137 Gnr. Gee, W.G.
L.604263 Gnr. Wagner, H.P.

for Captain & Adjutant
Officer Commanding,
#120 C. A. (B) T. C.

Certified true copy
[illegible] Capt.

Exhibit "G" Sgt Hopkins Lt Col President 51

#120 CANADIAN ARMY (BASIC) TRAINING CENTRE Page 1
Regina, Sask., July 16th, 1942
PART II ORDER #146
RESERVE ARMY PERSONNEL (NRMA 1940)

Last Order #145, d/14-7-42

SUBJECT - RANK	COY	CASUALTY & REMARKS	DATE

1. LEAVE OF ABSENCE:

L.603901 Pte. Zbitnuike, W. 3 granted leave of absence with pay from 1100 hrs 14-7-42 to 2100 hrs 20-7-42 SORS 14-7-42

2. SICK LEAVE:

L.602865 Pte. Derow, W. 3 returned 0001 hrs 16-7-42 TORS 16-7-42
L.533551 Pte. Sanders, S.J. 4 returned 0001 hrs 15-7-42 TORS 15-7-42
L.465412 Pte. Anthony, J.C. 3 returned 0001 hrs 15-7-42 TORS 15-7-42

3. SICK LEAVE ALLOWANCE:

(a)L.602865 Pte. Derow, W. 3 ceases to draw Subsistence Allowance effective 15-7-42.

(b)L.533551 Pte. Sanders, S.J. 4 ceases to draw Subsistence Allowance
L.465412 Pte. Anthony, J.C. 3 effective 14-7-42.

4. AMENDMENTS:

(a)Ref PTO #128 sub 1 STRENGTH INCREASE insofar as it concerns L.466016 Pte. Hager, John amend christian names to read JOHANNES WILLIAM
(b)Ref PTO #146 sub 2 STRENGTH INCREASE insofar as it concerns L.533050 Pte. Hulm, W. for Young District, Sask., read Allan District, Sask.

5. SICK AT HOME:

L.603964 Pte. Gans, E. 3 returned 14-7-42 TORS 14-7-42.

6. PUNISHMENTS:

(a)L.603978 Pte. Miller, W.H. 3
charged with ABSENTING HIMSELF WITHOUT LEAVE from 0900 hrs 13-7-42 to 0930 hrs 14-7-42 Sec 15(1) A.A.
TOTAL TIME ABSENT 24 hours and 30 minutes.
AWARD Admonished.
DATE OF AWARD 15-7-42.
FORFEITS 2 days pay for AWL (article 149(1a) FR&I)
TOTAL FORFEITURE 2 days pay amounting to $2.60

(b)L.604127 Pte. Ziegler, F.J. 3
charged with ABSENTING HIMSELF WITHOUT LEAVE from 0700 hrs 13-7-42 to 1230 hrs 14-7-42 Sec 15(1) A.A.
TOTAL TIME ABSENT 29 hours and 30 minutes.
AWARD Admonished
DATE OF AWARD 15-7-42
FORFEITS 2 days pay for AWL (article 149(1a) FR&I)
TOTAL FORFEITURE 2 days pay amounting to $2.60

(c)L.604145 Pte. Miller, R.A. 2
charged with ABSENTING HIMSELF WITHOUT LEAVE from 0001 hrs 15-7-42 to 1000 hrs 15-7-42 Sec 15(1) A.A.
TOTAL TIME ABSENT 9 hours and 59 minutes.
AWARD 14 days forfeiture of pay under section 46(2d) A.A.
DATE OF AWARD 16-7-42
FORFEITS 14 days pay under article 149(2) FR&I
1 days pay for AWL (article 149(1a) FR&I
TOTAL FORFEITURE 15 days pay amounting to $19.50

JAS

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SUBJECT - NAME	NOTIFICATION & REMARKS	DATE

6. PUNISHMENTS (CONT'D)

(d) L.604136 Pte. Herback, F. 2
charged with ABSENTING HIMSELF WITHOUT LEAVE from 0001 hrs 15-7-42 to 1000 hrs 15-7-42 Sec 15(1) A.A.
TOTAL TIME ABSENT 9 hours and 59 minutes.
AWARD Forfeiture of 14days pay under section 46(2d) A.A.
DATE OF AWARD 16-7-42
FORFEITS 14 days pay under article 149(2) FR&I
1 days pay for AWL (article 149(1a) FR&I)
TOTAL FORFEITURE 15 days pay amounting to $19.50

H A Mulchrone Capt
Captain & Adjutant
for Officer Commanding,
#120 C. A. (B) T. C.

Certified true copy
J O Ruddy Capt

"R"

Theophanis Lt Col
President

STATEMENT BY THE ACCUSED.

Since I have had my call in the Army, since I had my thirty days training in 1940, I have become a Christian, or what they call Jehovah's Witness. That I believe the Bible when it says, "Thou Shalt Not Kill." I got no bitterness whatsoever against nobody. That it is not stubborness that I wont put on a uniform or pick up arms. It is just against my beliefs. And you may give me any punnishment that you wish to. That I fear God much more than I do man. I will do any duties in civilian clothes such as forest work, road work or farm work. I will have nothing to do with the Army, Air Force, or Navy. That being a truck driver, or medical doctor is as bad as being a soldier going to kill. Also that being in the Detention Barracks I cannot serve the country in any way, and am costing the government a lot of money. The reason for not swearing on oath is it says in the Bible "Thou Shalt Not Swear To Heaven, Nor To Earth, Nor On Oath." That is all I have to say. Thank you.

S

Jackson Lt Col
President

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CLOSING ADDRESS BY THE DEFENDING OFFICER.

When the accused was called up in 1940 to serve his period of thirty days training, he was quite willing to serve at that time, and he did. Evidently he must have been a fair soldier as no charges have been recorded against him during that period while he was taking his training. However, during the period from the time the accused completed his training and up to April 9th 1942 when he was called up for further training, the Accused has evidently come into contact with outside influences, which have changed his convictions and have altered his attitude towards religious matters. He accepts the Biblical quotation "Thou Shalt Not Kill" in a literal way. He is unable to distinguish between Combatant and Non-Combatant service, believing that a non-combatant is an accessory and aiding and abetting the cause. He is evidently quite serious in his beliefs, as no objections were offered when he was first called up for training in 1940. The Accused has expressed a willingness to serve in any capacity he may be called upon other than in the Armed Forces. Would it not be adviseable to put this man where he would indirectly be of some service to his country, at the same time he would not feel that he was over-riding his convictions, and instead of being a burden to his country, he would be an asset. On the other hand, taking into consideration the Accused's back-ground, his training and consequent susceptibility to a doctrine of this nature, I would like to ask the Court to deal in as lenient a way as possible with the Accused.

No. L.533050 Gnr. HULM, Wendelin | Sqn., Battery, or Company: #120 C.A.(B)T.C. Corps | Date of enlistment: 9-1-42 | G.C. Badges | Service or Proficiency Pay

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. | Character

M.F.M. 6 (A.F.B. 122) 95032—4.39 (7500) H.Q. 1773-45-18

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks

T

Josephine Lecol
President

REPLY BY THE PROSECUTOR.

The Accused by his own statement admits that he is a member of a subversive sect, outlawed, known as Jehovah's Witness. It would be noticed in the particulars of the charge against the Accused that it states, "Having been ordered to report". The Accused has told us that he served thirty days training previously, and therefore, it must be assumed that the Accused understood the nature of a Military Order. In chapter 3, Section 14, Page 18, in the Manual of Military Law, I quote: "Religious scruples, however bona fide, afford no justification for neglect or refusal to obey orders". Therefore, I submit that the Accused cannot plead justification for his absence illegally from the service upon receiving his notice, on religious grounds. More especially as he appears to be guided in his convictions by an outlawed sect. I would like to draw the attention of the Court to two hymns. One is, if I remember the lines correctly "Fight the good fight with all thy might". And the lines of another famous hymn, "Onward Christian Soldiers, marching as to war".

"Y" Jurisprudence Trial President

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M.F.B. 355
9651—11-41 (2275)
H.Q. 1772-59-620
A.F.B. 206

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
L.533050	Private	Wendelin HULM,	#120 CABTC,CA.

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

	Within last 12 months		Since enlistment or appointment	
For	NIL	times	NIL.	times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

or,

There are no entries in the conduct sheets of the accused.

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

2. The accused has not been previously convicted

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~ ~~Air Force Act~~ ~~A.F.A. 73~~

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

or,

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

4. The accused has been in confinement awaiting trial on the present charges, for ONE days in civil custody, and ~~FIVE~~ 15 days in military custody, making a total of 16 days in custody, of which NIL. days were spent in hospital.

5. The present age of the accused according to ~~his record of service is~~ Med.Form LAR attestation paper is 23 yrs. 9 mos.

6. The date of ~~his commission~~ enrolment specified in his record of service is ~~attestation~~ ~~attestation paper~~ 30 days; 25-11-40 to 23-12-40 #121 NPAM T.C, Dundurn Sask.

7. ~~The service which the accused is allowed to reckon towards discharge is~~

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

9. The accused is in possession of or entitled to ~~an air force~~ military decoration, or ~~air force~~ military reward (or is in ~~possession of or entitled to). State any air force decoration or reward.~~ ~~military~~

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

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11. ~~(In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....dated ....., Permanent Force unit, and in his regiment (or corps), the rank of .....dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

In the rank of ..... years. ..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 24th day of JULY, 1942 [signature] Adjt. #120 CAFCC, CA.A.F.

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

[signature] Lt Col
President

MEDICAL OFFICER'S REPORT

I certify that No. L.533050 Pte. Hulm, W.

of 120 CA(B)TC is in a good state of health,

and is fit to undergo Trial by Court martial.

A.H. Singleton, Capt.

Medical Officer
A.H. Singleton, Capt.

Station Regina, Sask.

Date July 24, 1942

M. F. B. 246
2M—6-39 (1724)
H.Q. 1772-39 486

SUMMARY OF EVIDENCE

in the case of

No. L.533050 Pte. Wendelin HULM, No. 12 N.R.M.A. Clearing Depot, a soldier of the Canadian Army, (Res.) called out for training, pursuant to the National Resources Mobilization Act, 1940 and the regulations made thereunder as amended and attached for training to the No. 120 Canadian Army (Basic) Training Centre, C.A.(A), Regina, Saskatchewan.

CHARGES:

(1). ABSENTING HIMSELF WITHOUT LEAVE.

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

FIRST WITNESS:

Miss Julia Irene MALONEY, employed as a Civilian Clerk stenographer in the Divisional Registrar's Office in the Federal Building, Regina, Sask., having been duly sworn, states:

I am employed as a civilian stenographer in the Divisional Registrar's office, Federal Building, Regina, Sask., and a portion of my duties consist in preparing and mailing the notices of call, known as M.F.M. 143, to N.R.M.A. 30 day recruits. On April 6th, 1942 in the regular course of my duties, I mailed a notice of call to No. L.533050 Pte. Wendelin HULM, which was properly made out on the regular form M.F.M. 143, a certified true copy hereby produced and marked Exhibit "M". These notices are all sent by registered mail, and the method used is that we in the Divisional Registrar's Office number each letter being mailed and also, prepare duplicate lists of the letters so numbered, When the Post Office check these lists, they retain one, and return the other to the person mailing the letters as a receipt for the registration. This was done in the case of L.533050 Pte. Wendelin HULM, and I produce here a certified true copy of the receipt obtained for the letter mailed to him. This copy is marked Exhibit "N".

Julia Irene Maloney

Miss Julia Irene Maloney.

The Accused declined to cross-examine.

SECOND WITNESS:

Captain J.D. Ruddy, No. 12 District Depot, C.A., attached to No. 120 C.A.(B).T.C.,C.A.(A) as Adjutant, having been duly sworn, states:

I am Adjutant of the No. 120 C.A.(B).T.C.,C.A.(A), and I produce the following documents as evidence, and I identify the Accused as the person referred to in such evidence:

(a). No. 121 N.P.A.M., T.C. Part II Orders No. 30 dated November 25th, 1940, Page 8, showing L.533050 Pte. Wendelin HULM taken on Strength that date.

(b) Letter received from the D.O.C.s Representative ordering L.533050 Pte. Wendelin HULM to be taken on the strength of No. 12 N.R.M.A. Clearing Depot, and attached to the No. 120 C.A.(B).T.C.,C.A.(A) effective April 9th, 1942, and to show him as Absent Without Leave from the same date.

(c) No. 120 C.A.(B).T.C.,C.A.(A) Part II Order No. 128 dated 22nd June 1942 showing the Accused as Absent Without Leave from 2359 hours on April 9th, 1942 and not taken on Ration Strength.

(d) M.F.B. 375 Declaration of Court of Inquiry, dated July 7th, 1942 declaring the Accused illegally absented himself without leave as from the dates shown.

(e). No. 120 C.A.(B).T.C.,C.A.(A) Part II Order No. 145 dated July 14th, 1942 having been declared by a Court of Inquiry held on July 7th, 1942 to have been illegally absent since 2359 hours 9th April 1942 is Struck Off Strength the No. 12 NRMA Clearing Depot and ceases to be attached to this Training Centre effective July 7th, 1942 having failed to report under Section 30 of R.A.(S).R. Forfeits 90 days pay for A.W.L. amounting to $117.00 Article 149 (L.A.), F.R.&.I.

No. 120 C.A.(B).T.C.,C.A.(A) Part II Order No. 145 dated July 14th, 1942 having been declared by a Court of Inquiry held on July 7th, 1942 to be illegally absent, and having been apprehended by the R.C.M.P. at Young District Sask., at 1030 hours July 8th, 1942 is taken on Strength No. 12 N.R.M.A. Clearing Depot and attached for all purposes to this Training Centre effective July 8th, 1942. Returned under Close Arrest at 1830 hours, July 9th 1942 and is taken on Ration Strength July 9th, 1942.

(f) No. 120 C.A.(B).T.C.,C.A.(A) Part II Order No. 146 dated July 15th, 1942. Reference Part Two Order No. 145, sub 2, "Strength Increase" insofar as it concerns L.533050 Pte. HULM, W. amend "Young District Sask.," to read "ALLAN DISTRICT, SASK."

(continued on next page)

SECOND WITNESS CONTINUED:

Captain J.D.Ruddy, Adjutant, #120 C.A.(B).T.C.,C.A.(A).

(g), Certificate of Apprehension certifying that the Accused was arrested by the R.C.M.P. at ALLAN POSTAL DISTRICT, SASK., on the 8th day of July 1942.

(h). Statement from the 43rd Provost Coy. certifying that the Accused was taken into custody by L.55286 A/Cpl. BOND, F. G. from the R. C. M. P. at Young Sask., and escorted to the 12th District Depot Guard Room and turned over to the Guard N.C.O. in charge, at 1830 hours, 9th July 1942.

The Following Documents are submitted in support of the costs of apprehension:

(j). M.F.B. 1481 Certificate of Transportaion Expenses of the Accused and Escort: $6.81

(k) M.F.B. 1482 Certificate of Incidental Expenses: .51¢

(l) Statement of Expenses incurred by the R.C.M.P. in apprehending and holding the Accused: $1.60

(Captain J. D. Ruddy, Adjutant)

The Accused declined to Cross-Exmanine.

QUESTION TO THE ACCUSED:

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

ANSWER BY THE ACCUSED:

I have nothing to say.

I certify that Rules of Procedure 4 (c), (d), (e), and (f) have been complied with.

Taken down by me in the presence of the Accused, at No. 120 Canadian Army (Basic) Training Centre C.A.(A), Regina, Sask., this 15th day of July, 1942.

Captain,
R.R.Regt, detailed for duty
with #120 C.A.B.T.C.,C.A.(A).

H.Q.C. 55-H-270 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURTMARTIAL

C-37818 GNR. J.L.O. HENRI.

NO. 3A D.D., C.A.

H-7282

DEAD

CONFIDENTIAL
H.Q.C. 55-H-270

CENTRAL REGISTRY	DATE	P.A. OR R.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")			With Papers C.R. AUG 6 1942		
AUG 8 1942	10 8/42	PA	JAG	JAG A.D.	Noted & P.A.	JAG	8-8-42
				JAG	Init C55-H-270.		
AUG 1 9 1942 AUG 2 0	19 8/42	PA	JAG	A.D.	Init C55-H-270	JAG	19-8-42.

NOTICE

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

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-270 JAG.

August 8th, 1942.

RECEIVED AUG 10 1942 ORG. A. D.
RECEIVED AUG 10 1942 ORG. A. D.

District Officer Commanding,
Military District No. 3,
KINGSTON, Ontario.

District Court-Martial,
C.37818 Gnr. Joseph Louis Oscar Henri,
No. 3A District Depot, C.A.

1. Receipt is acknowledged of your K.55-H-1724 (JAG) dated August 4th, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities set out in your letter it has been observed that the Prosecutor should have called as a witness the witness who gave evidence on behalf of the Defence in connection with the second charge of losing by neglect. The Prosecutor should have known the present state of the accused's deficiency before trial and it is considered rather unfair to put the burden upon the accused to prove the articles returned with him.

3. The accused was apprehended on the 8th of June, 1942, and the Charge Sheet was not signed until July 14th, 1942.

4. I am requested by the Adjutant General to require an explanation of this delay over the signature of the District Officer Commanding or a Senior Staff Officer.

5. It is not considered necessary to return the proceedings which are retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their guidance.

Noted
G. A. FERGUSON
LT. COL.
ORG. A. D.
AUG 10 1942

Brigadier,
Judge Advocate-General.

MMB/amb

Copy on 405-H-7282

H.Q. C.55-H-270
M.D.K.55-H-1724 (JAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. C-37818 Name HENRI, J.L.O.

Rank Gnr. Unit #3A District Depot, C.A.

Charge Sec. 12 (1)(A) A.A. Deserting H.M.S.

Sec. 24 (2) A.A. Losing by neglect.

Sec. 22 A.A. When in lawful custody attempting to escape.

Date of Crime 1. 19/4/42. 2. 12/5/42. 3. 28/6/42.

Date of Arrest 8/6/42. Charge. Signed 14/7/42.

Orders for D.C.M. D.O.C., M.D.#3.

Place and Date of Trial Kingston, Ontario. 21/7/42.

Sentence Detention 60 days and stoppages of $14.40.

Date of Confirmation 30/7/42.

Date of Promulgation 31/7/42.

Entered in Records of J.A.G. as No. 6542.

Date 7/8/42.

MEMO On first charge found not guilty of desertion but guilty of absence without leave.

E H Russ Capt
for Judge Advocate-General.

2M-7-42(M1291)

HG 6542

IN REPLY PLEASE QUOTE
No. K.55-H-1724 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, Aug. 4 1942

CENTRAL REGISTRY Army
P.A.R.S. SEC.
C 55 H 270
AUG 5 1942
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
C.37818 Gnr. Joseph Louis Oscar HENRI,
No. 3A District Depot, C.A.

Herewith enclosed Proceedings on the trial by District Court-Martial of the marginally named soldier, for registration and custody in your office. The finding and sentence have been confirmed by the District Officer Commanding and duly promulgated.

2. The comments attached hereto in connection with the irregularities have been brought to the attention of all Officers concerned.

(F.L. Armstrong) Brigadier,
District Officer Commanding,
Military District No.3.

Encl.

N.D. 88
1500M-2-42 (R464)
H.Q. 1772-161-88

DISTRICT COURT-MARTIAL
C.37818 Gnr. Joseph Louis Oscar HENRI,
No. 3A District Depot, C.A.

(a) In the particulars of a Charge of Desertion or Absence Without Leave, it is recommended that it be stated in the charge whether or not the apprehension is made by military or civil authorities.

(b) Exhibit " ", M.F.B.375, does not show the Unit of the Officers signing the same.

(c) The certificate of apprehension, M.F.B.215, should not have the word "civil" struck out and the changes should have been initialled by the Police Officer.

(d) As the sentence of the Court-Martial in this case found the accused guilty of deficiencies of kit, etc., in the amount shown in the sentence, all items on the soldiers M.F.C.600 should be struck off his charge and this may be considered your authority for so doing, with the exception of the following:

Anklets, web, prs.	2
Badges, shoulder, R.C.A. prs	2
Boots, ankle, prs	2
Jackets, sweater	1
Knives, clasp	1
Mitts, leather, prs	1
Shoes, canvas, prs	1
Socks, woollen, prs	3
Boot laces, prs.	1
Brasses, button	1
Brushes, boot blacking	1
Brushes, button	1
Brushes, tooth	1
Buttons, G.S., large	5
Discs, identity, sets	1
Dressing, first field	1

F. Bowsley, Major
President, D.C.M.

MEDICAL OFFICER'S REPORT

I certify that No. C37815 Gnr. Henri G.T.C.

of 3rd Artillery Depot in a fit state of health,

and able to undergo Trial by Court martial.

C. Edwards Major
Medical Officer

Station Kingston, Ont

Date 8/7/42

M. F. B. 246
20M—8-41 (792)
H.Q. 1772-39 486

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

A

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

Proceedings of a District Court-Martial held at No. 3A District Depot, Fort Frontenac, Kingston, Ont., on the 21st day of July, 19 42, by order of Brigadier F.L.Armstrong, O.B.E., Commanding Military District No. 3, dated the 16th day of July, 1942.

President.

Major J.E. Dowsley, No. 3A District Depot, C.A.

Members.

Capt. W.E. Scott, C.O.C.T.C. (A21), C.A.

Lieut. J.E. Graham, C.O.C.T.C. (A21), C.A.

~~, Judge Advocate~~

Trial of* C.37818 Gunner Joseph Louis Oscar HENRI, No. 3A District Depot, C.A.

The order convening the Court, the charge-sheet and the summary ~~under-signed~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to ,~~

~~, waiting member takes his place as a member of the Court.~~

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

The accused is brought before the Court.

Prosecutor,† Capt. C.F. Swayze, S.D. & G.H., att. No. 3A District Depot, C.A.

~~Counsel‡ or~~ defending officer† Major E.T. Nayler, E.D., No. 3A District Depot, C.A.

At 10AM o'clock the Trial commences.

(See appendix "C" attached)

The order convening the Court is read, and is marked X, X1, signed by the President, and attached to the proceedings.

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

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

Answer by accused. A.1 No, Sir.

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

---

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

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

‡ Qualification to be stated.

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

J.E. Dowsley Major,
President, D.C.M.

Mil. Form B. 271
16M—9-39 (21337)
H.Q. 1772—39-224

B

The President and members ~~and judge advocate~~ are duly sworn.

The following officer is under instruction ~~are~~ duly sworn.

Major K.M. Benson, U. of Sask.
(See Appendix "G" attached)

Q.2 Do you object to C.28866 C.S.M. Stringer, L., No. 3 Detachment C.M.S.C., C.A., acting as Shorthand Writer?

A.2 No, Sir.

C.28866 C.S.M. Stringer, L., No. 3 Detachment C.M.S.C., C.A., is duly sworn as Shorthand Writer.

Charge-Sheet

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

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

The accused is arraigned upon each charge in the above-mentioned charge-sheet. 2.00 p.m. o'clock.

Q. 3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A. 3 **Not Guilty.** *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 **Not Guilty.** *Answer.*

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

A.5 **Guilty.** *Answer.*

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

Answer.

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

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

B.2

3.

G. Bowley, Major
President, DCM.

CHARGE SHEET

The accused, No. C 37818, Gnr. Joseph, Louis, Oscar, Henri, No. 3-A District Depot, C. A., a soldier of the Canadian Army placed on Active Service, is charged with:-

First Charge
Sec. 12(1) (a)
Army Act

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

at Sussex, New Brunswick, absented himself without leave, from the 3rd. Anti-Tank Battery, at 2200 hours, 19th. of April, 1942, until apprehended at Gananoque, Ontario, at 1430 hours, 8th. of June, 1942, dressed in civilian clothes.

Second Charge
Sec. 24(2)
Army Act

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING, AND REGIMENTAL NECESSARIES

in that he

at Sussex, New Brunswick, on the 12th. day of May, 1942, was deficient of the following articles:-

Anklets, Web	1 16
Badges, Arm Worsted CANADA	11
" Cap	07
" Shoulder, RCA	12
Battle Dress Blouse Serge	4 19
" " Trousers Serge	4 20
Boots, Ankle	7 80
Sweater	1 04
Knives, Clasp	87
Mitts, Leather	48
Shoes, Canvas	1 42
Socks	81
Shirts, Flannel	88
Boot Laces	1
Brasses, Button	03
Brushes Boot Blacking	12
" Button	10
" Tooth	07
Buttons, GS Large	15
Discs, Identity	04
Dressing, First Field	18
	$ 23 74

Third Charge
Sec. 22
Army Act

WHEN IN LAWFUL CUSTODY, ATTEMPTING TO ESCAPE

in that he

at Kingston, Ontario, on 28th. of June, 1942, when proceeding under escort to the dining-room, broke away from the escort, and attempted to escape.

(A.M. Hughes)
Major, R.C.A.,
Comdg. #3A District Depot.

Kingston, Ontario,
July 14, 1942.

TO BE TRIED BY A DISTRICT COURT-MARTIAL

Kingston, Ontario
16th July 1942

Brigadier
District Officer Commanding
Military District No. 3

C

*Instruction.
(See R. P. 39 (A))
Question.

Proceedings on Plea of Not Guilty

Q.6 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.6 No, Sir.

The prosecutor makes an opening address ~~[hands in a written address, which is read, marked~~ (See Appendix "H" attached) ~~, signed by the President, and attached to the proceedings.]~~

The prosecutor proceeds to call witnesses.

First witness for prosecution.

Capt. C.F. Swayze, S.D. & G.H., att. No. 3A District Depot, C.A.,

being duly sworn, ~~is examined by the prosecutor~~ states:

I am Adjutant of No. 3A District Depot and am officer in charge of documents, and as such I produce the following documents which relate to the accused, No. C.37818 Gnr. Joseph Louis Oscar Henri:

M.F.B.375, Record of the Declaration of a Court of Inquiry assembled at Sussex Camp, N.B. on the 12th day of May, 1942.

(Read, marked EXHIBIT "I", signed by the President and attached to the Proceedings)

M.F.M.215, Certificate of Apprehension, showing the accused to be dressed in civilian clothes at the time of apprehension.

(Read, marked EXHIBIT "J", signed by the President and attached to the Proceedings)

* The Defending Officer declines to cross-examine.

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

The witness resumes his seat as Prosecutor.

The Prosecution has no further witnesses.

D

The prosecution is closed.

Defence

The Defending Officer declines to make Opening Address.

Question to the accused. Q.7 Do you apply to give evidence yourself as a witness?

Answer. A.7 Yes, Sir.

Question. Q.8 Do you intend to call any other witness in your defence?

Answer. A.8 Yes, Sir.

Question. Q.9 Is he a witness as to character only? *Answer.* A.9 No, Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witness for the defence ~~(including witnesses as to character)~~ is recorded on a separate page ~~(or pages)~~.

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

Instruction. † In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, see Instructions to the Court *above*.)

FIRST WITNESS FOR DEFENCE) The Accused, C.37818 Gunner Joseph Louis Oscar HENRI, No. 3A District Depot, C.A., being duly sworn, is examined by the Defending Officer:

Q.10 Gnr. Henri, were you a member of the 3rd Anti-Tank Battery stationed at Sussex, New Brunswick?

A.10 Yes, Sir.

Q.11 When did you join that Battery?

A.11 I was transferred from the Ordnance.

Q.12 Transferred from the Ordnance; do you know what time?

A.12 I could not say what time.

Q.13 Were you transferred to them when they were in Gananoque?

A.13 Yes, Sir.

Q.14 Sometime in August or September?

A.14 Yes, Sir.

Q.15 What date did you enlist in the Ordnance? Was it in the Spring of 1941?

A.15 Yes, it was in the Spring.

Q.16 You remained in the Ordnance until transferred to the 3rd A/Tk. Battery sometime in August or September?

A.16 Yes, Sir.

Q.17 How old were you when you enlisted?

A.17 Eighteen, Sir.

Q.18 Just over eighteen years of age?

A.18 Yes, Sir.

Q.19 After you left Gananoque and went to Sussex, what did your duties consist of?

A.19 I was in the cook-house and then I was a butcher.

Q.20 You were a cook and a butcher?

A.20 Yes, Sir.

Q.21 How much leave did you have while at Sussex?

A.21 I did not have none.

Q.22 Didn't you have at least a week-end?

A.22 No, Sir.

Q.23 When Christmas leave came up, what happened?

A.23 I was promised a pass at New Years.

Q.24 You were told you could not get a pass until New Years?

A.24 Yes, Sir.

Q.25 When New Years came around, what happened?

A.25 One of the cooks went on the loose and I had to work. They promised me a pass at Easter.

Q.26 At New Years had you made any preparations to go home?

A.26 Yes, Sir. I had my ticket bought and everything.

Q.27 What did you do with that ticket?

A.27 I went back and got my money.

Q.28 What happened at Easter?

A.28 I asked the Colonel for a pass and he said if he gave a pass to me a lot of the boys would like to go home too.

Q.29 Had you any previous crimes whatever in the Army since you enlisted in April 1941?

A.29 Once I was drunk.

Q.30 Then, when your pass was not forthcoming at Easter, what happened?

A.30 I wanted to go home and I went.

Q.31 I presume that was roughly at 2200 hours on the 19th April?

A.31 Yes, Sir.

Q.32 You left Sussex in company of another soldier?

A.32 Yes, Sir.

Q.33 Who was that?

A.33 Gnr Wand.

Q.34 The two of you proceeded to where?

A.34 To Ottawa, Sir.

Q.35 How long did it take you?

A.35 Three weeks.

Q.36 Roughly three weeks from Sussex to Ottawa?

A.36 Yes, Sir.

Q.37 Is Ottawa your home?

A.37 Yes, Sir.

Q.38 After you stayed there for a while, where did you go then?

A.38 Gananoque.

Q.39 Whom did you stay with at Gananoque?

A.39 Freddy Wand's father.

Q.40 During the time you were at Gnr Wand's, did you hire out to any person?

A.40 No, Sir.

Q.41 Did you receive any money for work?

A.41 No, Sir.

Q.42 What did you do? How did you live?

A.42 I helped Mr. Wand with the work to get my board.

Q.43 You helped Gnr Wand's father and during that time they gave you board?

A.43 Yes, Sir.

Q.44 During this period that you were at Gananoque, what clothes did you wear in the day time when you were roughing around? When you were helping Wand's father?

A.44 Civilian clothes.

Q.45 Where did you get the clothes? Who did they belong to?

A.45 They belonged to Freddy.

Q.46 To your chum?

A.46 Yes, Sir.

Q.47 When did you wear your uniform?

A.47 When we used to go down town.

Q.48 In the evenings when you went out you always wore your uniform?

A.48 Yes, Sir.

Q.49 At the time you were apprehended, 1430 hours 8th June, dressed in civilian clothes, where were you and what were you doing?

A.49 Fixing the barn.

Q.50 Whose barn?

A.50 Mr. Wand's barn.

Q.51 Why were you dressed in civilian clothes?

A.51 I was working on top of the barn, Sir, and did not want to get my suit all dirty.

Q.52 During that time did you ever come to Kingston?

A.52 Yes, Sir.

Q.53 How were you dressed?

A.53 In Army clothes.

Q.54 Practically the same as you are now?

A.54 Yes, Sir.

Q.55 Now during all this time had you any intention of keeping away from the army?

A.55 No, Sir, we were going to go back when Wand got married.

CROSS-EXAMINED BY THE PROSECUTOR

Q.56 Gnr. Henri, you enlisted in the Spring of 1941?

A.56 Yes, Sir.

Q.57 How old were you when you enlisted?

A.57 Eighteen.

Q.58 Did you take the oath of allegiance? Did you swear that you would be faithful to your country when you enlisted?

A.58 Yes, Sir.

Q.59 What age did you put on your attestation papers?

A.59 Eighteen.

Q.60 You are sure about that?

A.60 You mean when I joined up?

Q.61 How old did you tell the recruiting officer you were?

A.61 Eighteen, Sir.

Q.62 Where is your home, Henri?

A.62 In Ottawa, Sir.

Q.63 When you came back from Sussex you went to your home in Ottawa?

A.63 Yes, Sir.

Q.64 How long did you stay there?

A.64 Two days, Sir.

Q.65 Why did you go to Gananoque?

A.65 I wanted to be with my chum, Sir.

Q.66 And during the time you were staying with your chum the only payment you received was your board?

A.66 Yes, Sir.

Q.67 Nothing else?

A.67 No, Sir.

Q.68 Now, during the time you were absent did you try to communicate with your Battery?

A.68 No, Sir.

Q.69 You did not try to tell them where you were?

A.69 No, Sir.

Q.70 When did you intend to return to your unit?

A.70 Freddy Wand wanted to get married and after that we would come back right away.

Q.71 How long were you in Gananoque?

A.71 Three weeks to come down, two days in Ottawa and the rest in Gananoque.

Q.72 At the time you were there, did you know Gnr Wand was really going to be married?

A.72 Yes, Sir.

Q.73 He had a definite date set to be married?

A.73 No, he had no definite date set, Sir.

Q.74 What part of Gananoque does Wand live in? The centre, or the outside of the town?

A.74 About one mile outside the town.

Q.75 In the eastern portion?

A.75 No, the north.

Q.76 Do you like soldiering?

A.76 Yes, Sir.

Q.77 Do you want to go back to your unit?

A.77 Yes, Sir.

Q.78 During the time you were with the Battery in Sussex, did you work in the cook-house all the time?

A.78 First I worked in the cook-house and then I transferred to the butcher shop.

Q.79 You have told the Court, Henri, that you didn't get leave at Christmas, 1941?

A.79 I didn't get no leave.

Q.80 Or at New Years, 1941?

A.80 No, Sir.

Q.81 When did you get leave before that?

A.81 I got a furlough in Montreal.

Q.82 What time of the year was that?

A.82 Must have been in October. We were down in Montreal for a month and I got my furlough there.

Q.83 Then you went down to Sussex?

A.83 Yes, Sir.

Q.84 It was your intention to remain in Gananoque until your friend was married, is that right?

A.84 Yes, Sir.

Q.85 How old are you?

A.85 I am 20 now. I was 18 when I joined.

The Defending Officer declines to re-examine.

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

The witness resumes his seat as the Accused.

SECOND WITNESS FOR DEFENCE) C.5050 Regimental Quartermaster Sergeant Arnold Vincent GAEBEL, No. 3A District Depot, C.A., being duly sworn, is examined by the Defending Officer:

Q.86 Quartermaster Sergeant, what is your official position in regards to the Depot?

A.86 I am Regimental Quartermaster Sergeant of No. 3A District Depot.

Q.87 And as such you have custody of all documents pertaining to stores?

A.87 I do, Sir.

Q.88 Have you the M.F.C.800 of C.37818 Gnr. Henri, J.L.O.?

A.88 I have, Sir.

Q.89 On that M.F.C.800 is Gnr Henri charged with practically a full set of equipment and necessities?

A.89 Yes, he is, Sir.

Q.90 In the face of that M.F.C.800, what would you expect Gnr Henri to have in his possession?

A.90 I would expect him to have a complete issue as normally issued to a soldier, Sir.

Q.91 When a man from this Depot goes absent without leave and you are called into give evidence before a Court of Inquiry, what is the procedure adopted?

A.91 We first have to make out an inventory of his kit on his proper form, check that against his 800 to ascertain deficiencies and present that at the Court of Inquiry.

Q.92 If this absentee is picked up at some distant point and we have instructions to transfer that man to that point, what procedure would the quartermaster stores go through with their documents?

A.92 In order to save express, Sir, we would normally bring the articles as shown on our inventory of kit to regimental charge, deleting the same from the M.F.C.800 and forward the M.F.C.800. The other procedure would be to send the M.F.C.800, as is, together with kit, as is, to the other point.

Q.93 Up to this time have you ever received any kit from the 3rd A/Tk. Battery relative to Gnr Henri?

A.93 No we have not.

Q.94 Is there any articles deleted from the M.F.C.800 by the 3rd A/Tk. Battery?

A.94 There is one deletion of Caps, Winter, Melton Cloth and one of Overalls, Blouse and Trousers, Denim. It is impossible to tell who made the deletions. They are just scratched through with no initials.

Q.95 Now, when a man returns from absence without leave and you check the man against the kit, I presume, to give him credit for what he has on his person?

A.95 That is right.

Q.96 Have you checked what Gnr Henri has on his person?

A.96 I have, Sir.

Q.97 Would you give the Court a list of the same?

A.97 I find in his possession as of this date:

1 Battle dress, blouse, serge
1 pr. Battle dress, trousers, serge
1 cap badge
1 pr. badges, arm, canada
1 shirts, flannel, khaki

Q.98 When you have presented the list of deficiencies when the man goes absent and then checked the articles the man has on his return, the difference then should be the only amount he is deficient?

A.98 That is right, Sir.

Q.99 Under the circumstances, as the MFC.800 stands, Henri would be deficient, as far as your stores are concerned, complete equipment except those articles you have named?

A.99 That is right, Sir.

Q.100 When M.F.B.375 is made by the Court of Inquiry that statement then shows all other articles as listed on the M.F.C.800 have been returned to stores?

A.100 To be correct it should, Sir.

The Prosecutor declines to cross-examine.

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

The witness withdraws.

The Defending Officer makes a Closing Address.

(See Appendix "K" attached)

The Prosecutor makes a Closing Address.

(See Appendix "L" attached)

E

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

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused C.37818 Gunner Joseph Louis Oscar Henri, No. 3A District Depot, C.A., is NOT GUILTY of desertion, but is GUILTY of Absence Without Leave on the first charge and GUILTY of the second charge with the exception that the deficiencies should be as follows:

Anklets, web, prs.	2	$1.16	Brushes, Boot, Blacking	1	$ .12
Badges, shoulder, RCA, prs.	2	.12	Brushes, button	1	.10
Boots, Ankle, prs.	2	7.80	Brushes, tooth	1	.07
Jackets, Sweater	1	1.04	Buttons, G.S. large	5	.15
Knives, clasp	1	.87	Discs, identity, sets	1	.04
Mitts, leather, prs.	1	.48	Dressing, First field	1	.18
Shoes, canvas, prs.	1	1.42			
Socks, woollen, prs.	3	.81	Total		$14.40
Boot laces, prs.	1	.01			
Brasses, button	1	.03			

*When the Court is already open this sentence will be struck out.

~~Proceedings on Conviction before Sentence~~

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

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

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

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

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

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

Cross-examined by the accused.

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

CC

Proceedings on Plea of Guilty

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

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

The accused C.37818 Gunner Joseph Louis Oscar Henri, No. 3A District Depot, C.A., is found guilty of the third charge.

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

Question to the accused. 101 Do you wish to make any statement in mitigation of punishment?

101 (The Defending Officer addresses the Court on behalf of the Accused in mitigation of punishment)

Answer. ~~The accused in mitigation of punishment says:~~

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

In mitigation of punishment on the third charge to which he has pleaded guilty, I might say there was quite a number of men being paraded from the guard room to the kitchen for their meals. Someone in the crowd shouted "Let's go" and without any further thought several did beat it, the accused being one. They only went a short way up town when he and his chum, thinking better of it, had turned back when they met the L/Bdr who asked them to get into the car and return to the Depot, which they did. It is just a case of follow the leader and was done on the spur of the moment and a few minutes later their better judgment prevailed and they were returning.

Instruction.

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

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

28.

DD

Q.102 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A.102 No, Sir.

Answer.

~~*Evidence as to character.*~~

E 2

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

~~Finding*~~

The Court is closed for the consideration of the finding.

The Court find that the accused

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

~~*The Court being reopened, the accused is again brought before it.~~

Evidence of character, &c.

Capt. C.F. Swayze, S.D. & G.H.,
att. No. 3A District Depot, C.A., is already duly sworn.

Question by the President.

103 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* 103 Yes, I produce M.F.B.355.

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

Question by the President.

104 Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* 104 He is, Sir.

Question.

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

Question.

106 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 106 They are, Sir.

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

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

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

The witness resumes his seat as the Prosecutor.

Question to the accused.

107 Do you wish to address the Court? *Answer.* No, Sir.

The Court is closed for the consideration of the sentence.

30

F

Sentence

The Court sentence the accused C.37818 Gunner Joseph Louis Oscar Henri, No. 3A District Depot, C.A., to undergo detention for sixty (60) days and to be put under stoppages of pay until he has made good the value of the following articles, viz:-

Sentence.

DETENTION
60 days

STOPPAGES
$14.40

Anklets, web, prs.	2	$ 1.16
Badges, shoulder, RCA, prs.	2	.12
Boots, ankle, prs.	2	7.80
Jackets, sweater	1	1.04
Knives, clasp	1	.87
Mitts, leather, prs.	1	.48
Shoes, canvas, prs.	1	1.42
Socks, woollen, prs.	3	.81
Boot laces, prs.	1	.01
Brasses, button	1	.03
Brushes, boot, blacking	1	.12
Brushes, button	1	.10
Brushes, tooth	1	.07
Buttons, G.S. large	5	.15
Discs, identity, sets	1	.04
Dressing, first field	1	.18
Total		$14.40

Signed at Kingston, Ontario, this 21st day of July, 1942.

(J.E. Dowsley) Major,
No.3A District Depot, CA.
PRESIDENT, D.C.M.

Confirmed

Signed at Kingston, Ontario, this 30 day of July, 1942

Major,
District Officer Commanding,
Military District No.3.

PROMULGATED AND EXTRACTS TAKEN AT FORT FRONTENAC, KINGSTON, ONT., THIS THIRTY-FIRST DAY OF JULY, NINETEEN HUNDRED AND FORTY-TWO.

(C.F. SWAYZE),
Captain.
a/Adj., 3-A District Depot, A.F.

Extracts entered as No. 6542 in the Record of Courts Martial kept in the Office of the Judge Advocate-General this 7 day of Aug. 1942.

"X"

31.

Dowsley, Major
President

K.55-S-1154
K.55-H-1724

ORDERS BY
BRIGADIER F.L.ARMSTRONG, O.B.E.
DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO. 3

KINGSTON, Ontario, 16th July, 1942

DISTRICT COURT-MARTIAL
C.38743, Gnr. Frederick Edward WARD
C.37818, Gnr. Joseph Louis Oscar HENRI
No. 3A District Depot, C.A.

1. The detail of Officers, as mentioned below will assemble at No. 3A District Depot, Fort Frontenac, Kingston, Ontario, at 1000 hours, Tuesday, 21st July, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major J.E. Dowsley, No. 3A District Dept, C.A.

MEMBERS

Capt. W.E. Scott, C.O.C.T.C. (A21) C.A.
Lieut. J.E. Graham, C.O.C.T.C. (A21) C.A.

WAITING MEMBER

Capt. H.N. Brimstin, Midland Reg't. att. No.3A District Depot, C.A.

PROSECUTOR

Capt. C.F. Swayne, S.D.& G.H., att. No.3A District Depot, C.A.

DEFENDING OFFICER

Major E.T. Nayler, E.D., No. 3A District Depot, C.A.

2. Officers attending for instruction may be detailed by the Officer Commanding, No. 3A District Depot, Fort Frontenac, Kingston, Ontario, and the Commandant, Royal Military College, Kingston, Ontario, may detail officers to attend for instruction.

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

4. The Officer Commanding, No. 3A District Depot, Fort Frontenac, Kingston, Ontario, will arrange for necessary accommodation and stationery.

5. The Proceedings of the Court will be forwarded to the District Officer Commanding, Military District No. 3.

Signed this 16th day of July, 1942.

W.H. MacGregor

(W.H. MacGregor) Major
D.A.A.G., M.D. No. 3
for District Officer Commanding
Military District No. 3

"X1"

33.

c o p y

J. Dowsley, Major
President, D.C.

RMC 5-8-8

Kingston, Ont.,

18 Jul 42

Major J.E. Dowsley,
No. 3A District Depot,
Kingston, Ont.

District Court Martial

1. Reference your K 55-C-1516. The name of the following officer is submitted to attend for instruction on Tue, 21 Jul 42.

Major K.M. Benson - U. of Sask.

(signed)

H. Lewis

for (H.F.H. Hertzberg)
Major-General
Commandant, Royal Military College

(original copy attached to Proceedings of District Court-Martial in the case of C.38743 Gnr. Frederick Edward WAND, No. 3A District Depot, C.A.)

Appendix "C"

35.

G. Donzley, Major
President DCM.

ADJOURNMENT

Due to the trial by District Court-Martial of C.38743 Gunner Frederick Edward Wand, No. 3A District Depot, C.A., taking place, at 1015 hours on the 21st of July, 1942, the Court adjourned until 1400 hours the 21st of July, 1942.

On the 21st of July, 1942, at 1400 hours, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

G. Bowsley, Major,
President, DCM.

OPENING ADDRESS BY THE PROSECUTOR

Sir, and Gentlemen of the Court:

I will, with your permission, bring forward evidence which lead to the preferment of the charges against the accused.

May I call myself as the first witness, Sir.

Exhibit "I"

39.

G. Bowsley, Major
President, FCM.

RECORD of the Declaration of a Court of Inquiry assembled at Sussex Camp, N.B. on the 12th day of May 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. C37818, Gnr. Henri, J.L.O.

DECLARATION

The Court declare that No. C37818, Gnr. Henri, J.L.O.

J. Cdn. Anti-Tank Bty., RCA

illegally absented himself without leave from Sussex Military Camp, N.B.

at 2200 hrs. on the 19th day of April, 1942,

that he is still so absent, and that on the ~~XX XXX~~ 12th May 42. he was deficient, and

that he is still deficient of the following articles:—

ARTICLES	VALUE		ARTICLES	VALUE	
Anklets, Web	1	16	Boot Laces		01
Badges, Arm Worsted CANADA		11			
" Cap	~~2~~	07	Brasses, button		03
" Shoulder, RCA		12			
Battle Dress Blouse Serge	4	19	Brushes Boot Blacking		12
" " Trousers Serge	4	20	" Button		10
Boots, Ankle	7	80	" Tooth		07
Sweater	1	04	Buttons, GS large		15
Knives, Clasp	~~2~~	67	Discs, Identity		04
Mitts, Leather		48	Dressing, First Field		18
Shoes, Canvas	1	42			
Socks		81	TOTAL	$23	74
Shirts, flannel		88			

(Sgd.) E.R. Robertson, Lieut. President

(Sgd.) G.M. MacGregor, Lieut. Member

Signed at Sussex Military Camp, N.B.

(Sgd.) I.G. Dunlap, Lieut. Member

this 12th day of May 1942.

Signature of Commanding Officer Geo Hutchison Lt Col

Certified true copy I H Cowan Capt

Signature of Officer having custody of original record

M.F.B. 375
A.F.B. 115
25M—6-43 (750)
H.Q. 1372-29-207

Exhibit A

Exhibit "J"

41.

G. Donald Finlayson
President, J.C.M.

District Depot
ORDERLY ROOM
JUN 3 1942
Kingston, Ontario.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to ~~Civil~~ SERVICE authorities)

Strike out words not applicable

I certify that the person whose description is given below was arrested by (~~surrendered to~~) Cpl. W.H. Ferguson (Name of Peace Officer or Constable) at Gananoque (Place) at about 2:30 P.M. (Hour) on the 8th day of June 1942

Strike out words not applicable

and at the time of arrest (surrender) he was ~~wearing military (air force) uniform~~ (dressed in old civilian clothes). working on barn with friend.

Regimental particulars of officer or Soldier referred to above.

(No. C-37818
(Rank Gunner
(Name Henri, J.L.O.
(Unit 3rd, A/T.Bty. 5th ~~A/T Regt. R.C.A.~~

Description

(Age 20yrs., 9 Mths.
(Height 5' 6½"
(Complexion Sallow
(Hair Light Brown
(Eyes Hazel
(Marks Appendix Scar

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

(W.H. Ferguson, Cpl. R.C.M. Police) (~~Peace Officer~~) (~~constable~~) (~~or officer in charge of Police Station~~) (Strike out words not applicable.)

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

Exhibit B

Appendix "K"

G. Rowley, Major
President, DCM.

CLOSING ADDRESS BY THE DEFENDING OFFICER

Gentlemen:

My remarks in this case are going to be brief. You see before you a young French-Canadian charged with desertion. He enlisted, according to his documents, the 18th of April, 1941, at a very young age. Up until the 16th of January, 1942, he had a clear conduct sheet; then he had one charge of drunkenness. Charged with desertion now, it is upon the Prosecution to prove that he had intention to desert and I submit there has been no intention proved. Alternately you will have to find him guilty of absence without leave, which he has stated in evidence that he actually did leave at the approximate time stated and came home and then proceeded to his friends.

The civilian clothes which might have a bearing to prove desertion in this case, does not as the accused has stated under oath he was wearing some of his chum's old clothes while helping his chum's father in order to save his own and that during the evenings when he went into town he, as well as his chum, always appeared in uniform.

On the second charge it has been proved to the satisfaction of everyone that he has certain articles with him, but I might also point out to the Court in this case that according to the records of District Depot 3A, to which the soldier is now attached, he is still charged with a complete set of equipment for which he would have to pay as he has not it with him, but according to his M.F.B.375 he was only deficient of certain articles. If it is within the power of the Court I would suggest that some kind of letter be given with your Findings so that this young soldier will not be under the necessity of paying for something that has already been returned to stores.

F. Bowsley, Major,
President, D.C.M.

CLOSING ADDRESS BY THE PROSECUTOR

Sir; Gentlemen of the Court:

I will speak very briefly. The accused, Gnr. Henri, by his own admission, was absent. When he was apprehended he was dressed in civilian clothes and not in his own home city. I am not unmindful of the fact that the accused, under oath, stated to this Court it was his intent to return to his unit. That intent may have existed, but was not carried out. In other words it is my contention that he may have thought some day he would return to his unit or surrender to military authorities, but that may have gone on for ever and ever. It is something you cant exactly put your finger on. It has been brought out that the accused went absent, as I have said before, and was apprehended not in his home community and dressed in civilian clothes.

With regard to the second charge, losing by neglect, it is my thought, in all fairness to this soldier, that the M.F.B.375 should be taken as a basis of the articles he has lost by neglect less those articles he now has in his possession.

That is all, Sir. Thank you.

"K"

C. Bonvalet, Major
President, D.C.M.

47.

SUMMARY OF EVIDENCE

in the case of

No. C 37818, Gnr. Joseph Louis Oscar, Henri, No. 3-A District Depot, C. A. a soldier of the Canadian Army placed on Active Service.

CHARGES

1. When on Active Service, deserting His Majesty's Service.

2. Losing by neglect his equipment, clothing and regimental necessaries.

The accused demands that the evidence by taken on oath.

First Witness Captain C.F. Swayze, A/Adjutant, No. 3-A District Depot, C.A., Kingston, Ontario, having been duly sworn, states:-

I am Captain and A/Adjutant, No. 3-A District Depot, Kingston, Ontario, and I produce marked Exhibit A, Form M.F.B. 375, Declaration of Court of Inquiry which shows the accused went absent from Sussex Military Camp, N. B. at 2200 hours, on the 19th day of April, 1942. It also shows the accused to have deficiencies in his kit to the total of $23.74. Exhibit B, Form M.F.M. 215, proves that the accused was arrested by the R.C.M.P. at 1430 hours, 8th of June, 1942, dressed in civilian clothes. Exhibit C, statement by No. C 53918, Sgt. Desormeaux, C.A. stating that several prisoners escaped from the Guard Room, the accused being one.

C.F. Swayze, Captain

The accused declines to cross-examine the witness.

SUMMARY OF EVIDENCE

Second Witness

No. C 53918, Sgt. Desormeaux, C.A. No. 3-A District Depot, C.A., having been duly sworn states:-

On June, 28th, 1942, I was N.C.O. i/c Main Gate Guard, Fort Frontenac, and at 0750 hours, when the men in custody were being escorted from the Mess Hall in "D" Block to the Guard Room, five broke away from the escort and proceeded towards the main gate. I commanded them to halt, but they proceeded through the gate on the run, and at once dispersed in different directions. I captured one man at the Railway tracks

I directed the escort to pursue these men. I then ran to the Guard Room telephone, and tried to rouse the Provost, but after several tries was unable to get an answer. Then I phoned the Civil Police, giving a description of B 603189, Gnr. Stevens, F., who was yet to be found. The other four men in custody having been apprehended by the different men of the Guard. A little later, Stevens was brought into custody by L/Bdr. Davis and Gnr. Beven.

All men in custody were returned to their cells by 0815 hours.

The accused was one of the men who attempted to escape.

C. G. Desormeaux Sgt.
C 53918 Sgt. Desormeaux, C.A.

The accused declines to cross-examine the witness.

Third Witness

No. C 40272 L/Bdr. Davis, W. E., No. 3-A District Depot, C.A. having been duly sworn states:-

At about 0750 hours, on June 28, 1942, I was a member of the escort of prisoners from the Mess Hall to the Guard Room. Several of the prisoners escaped, I ran out of the gate and a friend was passing in a car. I got in and we chased three prisoners amongst whom was the accused. I caught him on the corner of Queen and King Streets, and escorted him back to the Guard Room.

L/Bdr Davis W.E.
C 40272 L/Bdr. Davis, W. E.

The accused declines to cross-examine the witness.

Sheet No. 3

SUMMARY OF EVIDENCE

Question to the accused:-

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

Answer by the accused:-

I have nothing to say.

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

Taken down by me in the presence of the accused at Fort Frontenac, Kingston, Ontario, this 14th day of July, 1942.

J.G. Caldwell

Lieut. J.G. Caldwell

"Y"

J. Bowsley, Capt President

53.

M.F.B. 855
S.M. 19-39 (2492)
A.G. 4772-39-820

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
C 37818	Gnr.	Henri, J.L.O.	No. 3-A District Depot

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

	Within last 12 months		Since enlistment	
For	drunkeness	1 times	drunkeness	1 times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~ ~~or~~

~~There are no entries in the conduct sheets of the accused~~

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

2. The accused has not been previously convicted ~~or~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act, and of dispositions with trial under A.F.A. 72 ~~A.F.A. 72~~ set out in the Schedule annexed to this statement~~

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

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

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 43 days in military custody, making a total of 43 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 21 years

6. The date of his ~~XXXXXXX~~ attestation specified in his ~~record of service is~~ attestation paper 18-Apr-41

~~7. The service which the accused is allowed to reckon towards discharge is~~

~~8. The accused is entitled to reckon ..... service for the purpose of ..... his pension, viz.~~

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

~~10. (If the accused is a current officer). The accused before he was made a current officer had held the regimental rank of .....~~

54.

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

~~.....dated....., and in his regiment (or corps), the rank of~~

~~.....dated.....~~

~~12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—~~

~~.....Date of promotion.~~

~~In the rank of.....years.~~

~~In the rank of.....years.~~

~~In the rank of.....years.~~

~~NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.~~

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the ~~Army~~ Air Force Act, and of cases in which trial has been dispensed with of accused, Number C 37618 Rank Gnr.

Name Henri, J.L.O. of No. 3-A District Depot Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
nil	nil	nil	nil	nil

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 21 day of July, 1942. [illegible] Capt
for Records 31 DD.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

H.Q.C. 55-H-271 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

DISTRICT COURT MARTIAL

K-62375, TPR. A. HAYWOOD,

1S MAN. ARMD. CAR. REGT., C.A.

K-3073

DEAD

CONFIDENTIAL
H.Q.C. 55-H-271

CENTRAL REGISTRY	DATE	P.A. OR E.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
					AUG 6 1942		
[redacted]	4/42	PN	[illegible]	A.D.	[illegible] P.D.	[illegible]	10-8-42.
SEP 23 1942	23/42	P.A.	RAK	J.a.Y.	SEP 23 1942		

NOTICE

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

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-271 JAG.

August 8th, 1942.

RECEIVED
AUG 11 1942
ORG.
A. D.

General Officer Commanding,
4th Canadian Armoured Division,
DEBERT, Nova Scotia.

District Court-Martial,
K.62375, Tpr. Alfred Haywood,
18 (Man) Armd. Car Regt. C.A.

1. Receipt is acknowledged of your 4AD/5-4-5-2 dated 3rd August, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In connection with Paragraph 3 of your letter, it is necessary to note in the proceedings that R.P.83(B) has been complied with where such is the case. See Handbook Page 40 Para. 6.

3. In addition to the irregularities set out in your letter the following have been observed:-

(a) No notation appears after the evidence of the accused as to cross-examination by the Prosecutor or compliance with R.P.83(B).

(b) No marginal notation appears in connection with the evidence of the accused in the following words; "First witness for the Defence."

(c) No notation appears at the end of the evidence on the proceedings on Conviction before Sentence as to compliance with R.P.83(B).

(d) It is observed that the Summary of Evidence is in no way complete. The accused was charged with failing to appear at the place of parade appointed by his Commanding Officer and no evidence appears in the said Summary as to the appointment by the said Commanding Officer or the order. The accused pleaded guilty and inasmuch as the said Summary did not disclose that the accused did not understand his plea, the Finding and Sentence can stand.

(e) Answer 4 to Question 4 was not numbered.

(f) Concern has been felt over the Minute of Confirmation which is not in proper form. On the surface, it does not appear that the Sentence was confirmed but only the Finding, in view of the fact that the words "and Sentence" were omitted from the Minute. However, it is felt because the Convening Officer remitted two months of the period of detention, that it may be considered that the balance of the said Sentence was confirmed by inference and, accordingly, the Sentence can stand. However, reference is made to the forms of confirmation set out in M.M.L. Page 760 which should be followed in all cases.

Noted
Sub
C. A. FERGUSSON
LT. COL.
ORG. A. D.
AUG 14 1942

.....

3. It is not considered necessary to return the proceedings which are, accordingly, retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

H.S.

Brigadier,
Judge Advocate-General.

EBB/amb

Copy on 405-H-3093

H.Q. C.55-H-271
M.D. 4AD/5-4-5-2

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. K-62375 Name HAYWOOD, A.

Rank tpr. Unit 18 (Man) Armd. Car Reg't C.A.

Charge Sec. 15 (2) A.A. Failing to appear at the place of parade appointed by his Commanding Officer.

Sec. 15 (1) A.A. Absenting himself without leave.

Date of Crime 1. 14/6/42. 2. 15/6/42.

Date of Arrest 19/6/42. Charge Signed 29/6/42.

Orders for D.C.M. Officer Commanding, 4 Cdn. Armd. Div.

Place and Date of Trial Debert, N.S., 10/7/42.

Sentence Detention 6 months.

Date of Confirmation 24/7/42.

Date of Promulgation 27/7/42.

Entered in Records of J.A.G. as No. 6539

Date 7/8/42.

MEMO 3 months detention remitted by Confirming Officer.

E. W. Jones Capt
for Judge Advocate General.

2M-7-42(M1291)

6539

IN REPLY PLEASE QUOTE
No. 4AD/5-4-5-2

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

HQ 4 Cdn Armd Div.,
Debert, N.S., 3 Aug 1942.

CENTRAL REGISTRY Army
P. RS. SEC.
255-4-271
AUG 8 1942
File
Chgd. to
Referred to

Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL
K.62175, Tpr. Alfred Haywood,
18 (Man) Armd Car Regt C.A.,

Herewith proceedings of the District Court-Martial held for the trial of the m/n soldier for registration and custody.

2. The following irregularities, none of which are considered to be vital, are noted:

(a) On Page "B" with reference to R.P.35(B), the word "both" instead of "first and second" should have been used. ✓

(b) On the Charge Sheet the christian name of the accused should have preceded his surname, and the letters "C.A." should have followed his unit. ✓

(c) With reference to the second charge, the deletion should have been initialled by the Commanding Officer. ✓

(d) With further reference to the second charge, the particulars are poorly drawn in that there should be evidence as to from what Unit the accused absented himself and the particulars of his apprehension or surrender. ✓

(e) On the Convening Order the decorations of the President and the change of the name of one of the Members should have been initialled. ✓

3. When a shorthand reporter is used it is necessary to note that in the opinion of the Court and the Judge-Advocate it is unnecessary to comply with the provisions of R.P.83(B). May advice be received please, if it be desirable to note that same has been complied with where such is the case, or whether the maxim "omnia acta rite praesumabatur" will apply.

for (F.F. WORTHINGTON) Major-General,
G.O.C., 4 Cdn Armd Div.,

Enc.

ACH/AHS

M.F.H. 239
1000M-4-41 (139)
H.Q. 1772-29-184

1.

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

A

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

Proceedings of a District Court-Martial held at 18 Infantry Armd Car Regt (WD) Debert, NS

on the 10th day of July 1942 by order of Maj Gen F.F. Worthington, M.C. MM/~~General Officer~~ Commanding 4 Cdn Armd Div.

dated the 9th day of July 1942

Major K. P. Harris, MM, West Nova Scotia Regt, CA. President.

Capt. R.F.H. Hunt, 25 Cdn. Armd. Regt (Elgin R) CAC

Capt. F.C. McKerlow, 21 Cdn Armd Regt (GGFG) CA. Members.

Capt. A.C. Hall, HQ 4 Cdn Armd Div. CA. ,Judge Advocate.

Trial of* K 62375, Tpr. Alfred Haywood, 18 (Mon) Armd Car Regt CA

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

~~The Court satisfy themselves that is not available to serve on the Court~~

~~, waiting a member takes his place as a member of the Court~~.

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

The accused is brought before the Court.

Prosecutor,† Lieut. R.W. Gammon, 18 (Mon) Armd. Car Regt CA

~~Counsel~~ defending officer† Lieut. V.C. Stilwell, 18 (Mon) Armd Car Regt CA

At 1020 o'clock the Trial commences.

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

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

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

A 1 *Answer by accused.* No. Sir

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

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

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

2

B

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

~~The following officers under instruction are duly sworn:~~

~~[illegible]~~

Charge-Sheet

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

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

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

Q2 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A2 Guilty, Sir. *Answer.*

Q3 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A3 Guilty, Sir. *Answer.*

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

Answer.

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

Answer.

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

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

"B 2"

K.P. Hamm Maj President

3

CHARGE SHEET

The accused, K.62375 Trooper HAYWOOD, Alfred, 18th (Man.) Armd. C. Regt. C.A.C., a soldier of the Canadian Army placed on Active Service, is charged with:-

FIRST CHARGE
Sec. 15 (2)
Army Act

FAILING TO APPEAR AT THE PLACE OF PARADE APPOINTED BY HIS COMMANDING OFFICER,

in that he

at Debert Military Camp, Nova Scotia, on 14th June, 1942, failed to appear at the Squadron Parade Area, at 0830 hours, for church parade; the place of Parade duly appointed by Lieutenant A. G. Pryce, his Commanding Officer.

SECOND CHARGE
Sec. 15 (1)
Army Act

ABSENTING HIMSELF WITHOUT LEAVE ~~WHILST UNDER OPEN ARREST~~ the ,

in that he

at Debert Military Camp, Nova Scotia, whilst under open arrest, did absent himself from 2200 hours, 15 June, 1942, until 0100 hours, 19th June, 1942.

P.H.K. Coupland
(P. H. K. Coupland) Lt.-Col.,
Commanding,
18th (Man.) Armd. C. Regt. CAC.

29th June, 1942,
Debert Military Camp, Nova Scotia

To be tried by District Court-Martial.

Signed at Debert, N.S. this 4 day of July, 1942.

F.F. Worthington
(F.F. WORTHINGTON) Major-General,
G.O.C., 4 Cdn Armd Div.

5

CC

Proceedings on Plea of Guilty

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

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

The accused K 62375. Tpr Alfred Haywood 18 (Mon) Armd Car Regt. CA is found guilty of each charge.

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

Qu *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A No. Sir

Qs *Answer.* ~~The accused in mitigation of punishment says:—~~

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

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

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

6

DD

Q6 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A6 Yes, sir *Answer.*

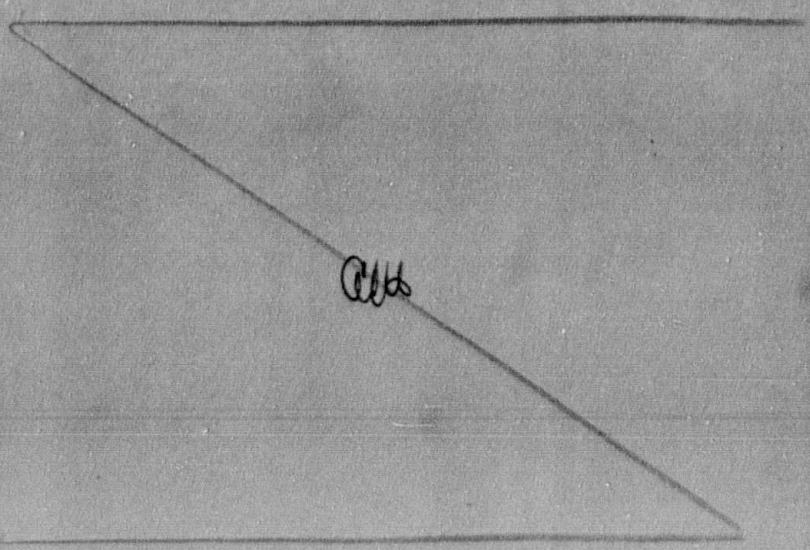
See evidence of accused next page *Evidence as to character.*

Accused:

K 62375 Tpr Alfred Haywood being sworn states.

Before I joined the Army I worked for three years, during the summer, ~~I worked~~ with Dept of Forestry on Vancouver Island and had a clean record. In the Army my only offences are minor, no theft or drunkenness or anything like that. When I came back I was sober a properly dressed.

Tpr Haywood



E

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

~~Finding~~*

~~The Court is closed for the consideration of the finding.~~

~~The Court finds that the accused~~

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~*The Court is re-opened, the accused is again brought before it.~~

Evidence of character, &c. Lieut R.W. Gammon, 18 (man) Aerod Car Rept CA is duly sworn.

Question by the President. Q7 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A7 Yes Sir.

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

Question by the President. Q8 Is the accused the person named in the statement which you have heard read? A8 *Answer by the Witness.* Yes Sir.

Question. Q9 Have you compared the contents of the above statement with the regimental books? A9 *Answer.* Yes Sir.

Question. Q10 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? A10 *Answer.* Yes Sir.

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

~~Cross-examined by the accused.~~

Defending officer declines to cross-examine

Question to the accused. Do you wish to address the Court? *Answer.* Through my defending officer - see an letter "K" by and my final address

The Court is closed for the consideration of the sentence.

10

F

Sentence

The Court sentence the accused K 62375. Tpr Alfred Haywood, 18th (Man) Armd Car Reg't C.A to undergo detention for six months.

Sentence. 6 months Detention

Signed at Camp Debert N.S this 10th day of July 1942

A. [illegible] Capt
Judge Advocate

K.P. Harris Maj
President

Confirm the finding but remit ~~[illegible]~~ Two Months detention

Signed at Debert N.S this 24th day of July 1942

E. Lee Burns Brig
a/Comd 4th Can Armd Div

Promulgated and extracts taken at Debert Camp N.S. this 27 day of July 1942

P. H. Bousfield Lt Col
COMMANDING
18th. (Man.) Armd. Car Regt. C.A.

D. M. McDonald Lieut
adjt.
18 Man Armd Car Regt.

Extracts entered as No. 6354 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 7th day of August 1942.

"X" K.P. Harris President

11

ORDERS BY MAJOR-GENERAL F. F. WORTHINGTON, M.C., M.M.
G. O. C., 4 CDN ARMD DIV

DEBERT, N.S.,
9 July 42.

DISTRICT COURT-MARTIAL
K.62375, Tpr. Alfred Hayweed,
18 (Man) Armd Car Regt, C.A.,

The detail of Officers as mentioned below will assemble in the 18 (Man) Armd Car Regt lines at 0900 hours on the 10th day of July, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major K.P. Harris, M.C.
West Nova Scotia Regiment, C.A.,
is appointed President.

MEMBERS

Captain R.F.H. Hunt,
25 Cdn Armd Regt, (Elgin R) C.A.,

Captain M.C. McKergow,
21 Cdn Armd Regt (GGFG) C.A.,

WAITING MEMBER

Lieut. M.W. Babe,
Lake Superior Regt (Motor) C.A.,
att'd HQ 4 Cdn Armd Div., C.A.,

PROSECUTOR

Lieut. R.W. Gammen,
18 (Man) Armd Car Regt, C.A.,

DEFENDING OFFICER

Lieut. V.C. Stilwell,
18 (Man) Armd Car Regt, C.A.,

JUDGE ADVOCATE

Captain A.C. Hall,
HQ 4 Cdn Armd Div, C.A.,

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

3. The Officer Commanding, 18 (Man) Armd Car Regt, C.A., will arrange for the necessary accommodation, stationery, Court Orderly and will also ensure that the necessary escort has been provided.

4. The proceedings will be forwarded to Headquarters, 4 Cdn Armd Div., C.A.

Signed at Debert, N.S., this 9 day of July, 1942.

(F.F. WORTHINGTON) Major-General,
G.O.C., 4 Cdn Armd Div.,

"J"

13

K.P. Hammond Maj
President.

SUMMARY OF EVIDENCE

in the case of

K-62375 Trooper Alfred Haywood, of the 18th(Man) Armd. Car Regt. C.A.C., a soldier of the Canadian Army.

CHARGES.

1. Failing to appear at the place of parade appointed by his Commanding Officer.

2. Absenting himself without leave whilst under Open Arrest.

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

First Witness. H-77051 A/Cpl. E.F.Phillips, of the 18th(Man) Armd. Car Regt. C.A.C., having been duly sworn states:--

" on the morning of the 14th, of June 1942, I was acting Squadron Orderly Sergeant. I started calling the men at Reveille. I came to trooper Haywood's bed and called him. I wakened him and told him it was time to get up. He did'nt get up. Shortly after I called him again. He still did'nt get up. About 0745 hours Squadron Sergeant Major Vanderlip came in and asked me why trooper Haywood was not up. I told him that I had wakened him and he did'nt get up. He then asked Cpl. Woodfield to waken him and ask him why he did'nt get up. I then proceded to call out the men for Church Parade. Trooper Haywood remained in bed."

Ques. "Who placed him under Open Arrest?"

Ans. "Squadron Sergeant Major Vanderlip Sir."

The accused declined to cross examine.

E. F. Phillips Cpl
H-77051 A/Cpl. E.F. Phillips.

Second Witness. H-77544 Cpl. A.A. Woodfield, of the 18th(Man) Armd. Car Regt. C.A.C., having been duly sworn states:--

" I was Regimental Orderly Sergeant on the 14th, of June 1942. At approximately 0810 hours Squadron Sergeant Major Vanderlip entered my hut. He asked me why trooper Haywood was in bed. I told that I did not know. He then asked me to waken him up. I did so. The Sergeant Major asked trooper Haywood why he was still sleeping. Trooper Haywood said that he was tired. The Sergeant Major then informed him that he would be on Orders on the morning of June the 15th, 1942."

Ques. "What time was parade called for?"

Ans. "At 0815 Sir"

Ques. "He trooper Haywood was still in bed at 0810 hours?"

Ans. "Yes Sir."

The accused declined to cross examine.

A.A. Woodfield Cpl
H-77544 Cpl. A.A. Woodfield.

Third Witness

H-77014 A/Cpl. I.Lecker of the 18th(Man) Armd. Car Regt. C.A.C., having been duly sworn states:--

"I was Squadron Orderly Sergeant of Headquarters Squadron on 14th of June, 1942. I called Tattoo Roll call at 2200 hours and trooper Haywood did not answer his name. He was not present in his barracks. On the following morning the 15th, day of June 1942, I called the roll again and found trooper Haywood still absent."

The accused declined to cross-examine.

I. Lecker
H-77014 A/Cpl. I. Lecker.

Fourth Witness

H-77514 Tpr. D.H.Watson, of the 18th(Man) Armd. Car Regt. C.A.C., having been duly sworn states:--

"I am a Provost in the 18th(Man) Armd. Car Regt. and was on duty on the night of June 18th and 19th, 1942. I was on duty when trooper Haywood reported to the Guard Room at 0100 hours on June the 19th, 1942. He was sober and properly dressed. I placed him in Close Arrest and showed him to his cell."

Ques. "Why did you place him under Close Arrest?"

Ans. "He was under open Arrest when he absented himself and was reported on the Tattoo and Absentee Reports as being so absent."

The accused declined to cross-examine.

D.H. Watson
H-77514 Tpr. D.H Watson.

Fifth Witness

H-77004 Sqn. S. M. E.A. Vanderlip, of the 18th(Man) Armd. Car Regt. C.A.C., having been duly sworn states:--

" I am the Squadron Sergeant Major of Headquarters Squadron. On 14th. of June 1942, I came to Headquarters' Hut to call the Parade at 0810 hours. I saw trooper Haywood in bed. I asked Cpl. Woodfield why isn't trooper Haywood up. He said, (quote)" He's too tired",(unquote). I said better warn him that he will be up for Orders if he fails to attend the Parade. I called the Para de at 0830 hours and trooper Haywood did'nt answer his name."

"On June 15th, 1942, at 0830 hours we held Orders in the Squadron Orderly Room, and trooper Haywood was remanded for the Commanding Officer's Orders. Lieut, A.G. Pryce held the Squadron Orders. I warned trooper Haywood to consider him--self under Open Arrest until his case had been dealt with."

Ques. " When did you find out that trooper Haywood was absent without leave."

Ans. "He was shown on the Tattoo report of the 15th of June, 1942.

Ques. " Was he still on the Tattoo report of the 18th, of June 1942.

Ans. "Yes Sir".

The accused declined to cross-examine.

Ed Vanderlip
H-77004 Sqn. S.M. E.A. Vanderlip.

Question to the accused.--

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

Answer by accused--

"I have nothing to say."

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

Taken down by me in the presence of the accused at the 18th(Man) Armd. Car Regt. C.A.C., barracks, at Debert Military Camp, Nova Scotia, this 26th day of June, 1942.

W.S. Mandreth
(W.S.Mandreth) Lieut. & I.O.
18th(Man) Armd. Car Regt. C.A.C.

19

K.P. Harris Major
Pres.

M.F.R. 355
12M—8-40 (6435-6)
H.Q. 1772-39-620

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
K/623 75	Trooper	HAYWOOD Alfred	18th(MAN) Armd. Car Reg

1. The following is a fair and true summary of the entries in the [redacted] Equadron, [redacted] Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, [redacted] of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment
For	times	times
For NOTE: SEE APPENDIX "A"	times	times
For	times	times
For	times	times

[redacted]

or,

[redacted]

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

2. [redacted]

or,

Previous convictions of the accused by a court-martial or a civil court, of summary awards under [redacted] Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

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

[redacted] day of

4. The accused has been in [redacted] awaiting trial on the present charges, for Nil days in civil custody, and 21 days in military custody, making a total of 21 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his [redacted] attestation paper is 21 years

6. The date of his [redacted] specified in his [redacted] attestation paper 2nd. march 1940

7. [redacted]

8. [redacted]

9. The accused is in possession of or entitled to no [redacted] military decoration, or [redacted] military reward ([redacted]

[redacted]

10. [redacted]

20

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of
Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Air Force
Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number..... Rank.....

Name.....of.....Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~[illegible]~~ 10 day of ~~June~~ July 1942

[illegible] Lieut. & Adjt. 18th(Man) Armd. Car Regt

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

K.P. Harris Major
Pres.

APPENDIX (A) [redacted]

[redacted]

in the case of

K-62375, trooper Alfred Haywood, of the 18th(Man) Armd. Car Regt. C.A.C, a soldier of the Canadian Army.

	Within last 12 months	Since enlistment or appointment
For.....Absent Without Leave	6.....Times.....	11.....Times
For.....Failure to Appear, etc....	2 Times.....	2.....Times
For.....Frundulent Enlistment....	1 Times.....	1.....Times
For.....Losing by Neglect.....	1 Times.....	1.....Times
For.....Disobedience	3 Times.....	4.....Times
For.....Conduct to the Prejudice.	Times.....	3 .....Times
For.....Attempting to Escape....	1 Times.....	1.....Times
For.....Breaking out of Barracks.	4 Times.....	8.....Times

D.M. MacDonald Lieut.

(D.M. MacDonald) Lieut. & Adjt.
18th(Man) Armd. Car Regt. C.A.C

No. K-62375 Name HAYWOOD Alfred Sqn., Battery, or Company H.Q Coy Corps 1-C-Scots-R Date of enlistment 2-3-40 G.C. Badges Service or Proficiency Pay

Date of last entry in Company Conduct Sheet No. and date of last drunk Period not reckoning towards freedom from extra fine Sheet No. 2 Signature O.C. Company, etc. Character Indifferent.

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order disposing with trial	By whom awarded	Remarks
Sheet No. 1 destroyed upon completition of six months service.						REGIMENTAL ENTRIES "NIL"			
Work Point.	15-6-40	Pte.		Whilst on active service absent from guard mounting, in that he at Work point Camp on the 15-6-40 at 1530 hrs. was absent from the quarter guard mounting.	Cpl. Turnbll R.E L/Cpl. Smith, R	168 Hrs. detention Forfiats 7 days pay F.R.&I. 149 (1) B.	17/6/40	Lt-Col. Parker.	
	16/6/40			Whilst on active service absent without leave, in that he was absent from 1530 hrs. 15-6-40 until 2350 hrs. 16-6-40.	Part 11. 170 June 18th	forfiats 2 days pay F.R.& I 149 (1)B			

"Z"

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Patricia Bay	12/7/40	Pte.		Conduct to the prejudice of good order and military discipline (Absent from 2200 hrs. 12-7-40 to 2200 hrs. 14-7-40) Absent 48 hrs. (A.A. 40)	A.A. 40 Cpl. Hunter	7 days C.B 4 days C.B		Major Wightman	Forfiets 2 days pay-F.R.1 1[illegible] (1) (A) awarded 1 days pay forfeitures under 46(2) (d) A.A 149 (1) (e)
~~Debert Camp~~	~~18-11-40~~			~~Conduct to the prejudice etc. used obscene language to N.C.O.~~	~~Sgt. Hunter~~ ~~Cpl. Baxter~~	~~5 days C.B~~ ~~5 days pay~~ ~~F.R.& I. 149(1)~~	~~17-11-40~~	~~Lt-Col Kingham~~	
Work Point Camp	21-8-40	Pte.		A.W.L. from tattoo 21-8-40 to reporting at 2130 hrs. 5-9-40 (absent 14 days 23 hrs, 30 min. A.A. 15	Sgt. McCaig Sgt. Marshall	14 days detention 14 days pay FRI. 149 (1) (B)	6-9-40	Lt-Col J.R Kingham	Forf. 15 days FRI. 149 (1) (A)

No. K-62375 Name HAYWOOD Alfred | Sqn., Battery, or Company H.Q Coy. | Corps 1. C Scots. R.CASC | Date of Enlistment 2-3-40 | G.C. Badges | Service or Proficiency Pay nil | M.F.M. & (A.F.B. 1120 amd.—11-43 (M.S.) R.O. 1173-44-18)

Date of last entry in Company Conduct Sheet 19-8-40 | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. 3 | Signature O.C. Company, etc. | Character Indifferent

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Debert Camp	15-11-40	Pte.		The accused K-62375 Pte. Haywood A. is charged with conduct to the predudice of good order and military discipline in that he used obscene language at a N.C.O A.A. 40	Sgt. Hunter Cpl. Baxter	5 days C.B 5 days pay F.R.& I 149 (1) (e)	17-11-40	J.R. Kingham O.C. 1.C Scots R.	
Debert ~~Military~~ Camp	15-4-42	Pte.		The accused is charged whilst on active service with;- Failing to comply with an order in that he when ordered by his superior to to clean his boots did not do so A.A 40	Cpl. Gow	5 days C.B			

MO
PE

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order disposing with trial	By whom awarded	Remarks
Debert Camp.	9-2-41	Pte.		The accused K-62375 Pte Haywood A. is charged with When on active service ; REFUSING TO OBEY AN ORDER BY HIS SUPERIOR OFFICER; in that he when ordered to move from the table he was sitting at to another table and warned that if he did not move he would be charged he said, "Go ahead you can bring me up"	A/Cpl.Lake Cpl. Gow	5 days C.B	10-2-41	(E.A. Henderson) Major.	

21

No. K-62375 Name Haywood Alfred Sqn., Battery, or Company H.Q Coy Corps L.C . Scots R. (A) Date of enlistment 2-4-40 G.C. Badges Service or Proficiency Pay nil

B.F.M. 6 (A.F.S. 122) 20234—11-41 (6625) H.Q. 1773-48-18

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. 4 | Signature O.C. Company, etc. | Character Indifferent

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Debert Military Camp	28-3-41	Pte		K-62375 Pte. HAYWOOD A. Whilst on active service the accused is charged with; conduct to the prejudice of good order and military discipline in that he had a dirty rifle on parade. A.A. 40	L/Sgt. Stone Sgt. Gorse A.	4 days C.B	3-4-41	Major Henderson	
Debert Military Camp	16-4-41	Pte.		The accused whilst on active service is charged with: 1. A.W.L. from 1330 hrs 16-4-41 until 0645 hrs 25-4-41. Total 161 hrs. & 15 min. A.A. 15 2. Breaking out of camp whilst a defaulter Sect. 10(4) A.A.	Cpl. Tytus Cpl. Gow	14 days C.B with one hrs per day pack drill	23-4-41		8 days forfeiture pay 149 (1) (a) 14 days forfeiture pay 149 (1) (a)

(P.T.O.)

K-62375
No. K-77150 Name HAYWOOD Alfred | Sqn., Battery, or Company: B Squadron 18th (Man) Recc. Bn. (AF) | Date of enlistment: 3-6-41 | G.C. Badges | Service or Proficiency Pay | M.F.M. 3 (A.F.B. 122) MGM—11-42 (8655) H.Q. 1772-42-18

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period of continuous freedom from extra fine | 18th (Man) Armd. Car Regt. C.A. Sheet No. 2 | Signature O.C. Company, etc. | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				old sheet destroyed 12-12-41					
Camp Shilo	16-8-41	Pte.		A.W.L from 0530 hrs. 16-8-41 to 1530 hrs. 25-8-41. Absent 9 days 10 hrs. A.A. 15 (1) Close arrest 1530 hrs. 25-8-41 to 1130 hrs. 26-8-41 Close Arrest 20 hrs.	Documentary	14 days C.B	26-8-41	Major Robinsom	A.F. 10 days pay F.R.&I 149 (1) (a) A.F 1 days pay F.R.& I (1) (c)
					Sgt. McCowan	96 hrs detention			
Shilo Camp	27-8-41	Pte.		Failure to appear at the place of parade appointed by his C.O.A.A. 15 (2)	Pte Robinson		28-8-41	P.H.K.Coupland Lt-Col	
	27-8-41	Pte.		Disobedienve in such a manner as show wilful defiance of authority	to Sgt. McCowan	Dismissed	28-8-41		
					Pte. Robinsom				
	5-9-41	Pte.		AWL from 0800 hrs. 5-9-41 to 2200 hrs. 13-10-41 38 days 15 hrs.	Documentary	28 days	18-10-41	H.S.Robinson Major	3 days pay F.R.T.D.

72

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Shilo Camp	16-10-41	Pte.		Attempting to Escape; in that he did attempt to escape from Guard detention room of his unit.	Gpl. Bacon R. Pte. Turner E	168 Hrs detention	17-10-41	Major H.S. Robinson	
Camp Borden	4-12-41	Pte.		Failing to comply with a lawful order, in that he did fail to get out of bed being warned twice.	Gpl.C.S Wiggins	3 days C.B	4-12-41	Major H.S. Robinson	
Otter Point	30-12-41	Pte.		ABSENCE WHILST IN QUARANTINE: from 2200 hrs. Dec 20/41 to 2230 hrs. Dec. 21/41 Abs. 24 hrs. 30 min.	L/Cpl. Willis L/Cpl. Pickard C.S.M Hill	28 days detention	22-12-41	major H.S.Robinson	Forfeits 2 days pay under F.R.&I
Otter Point	29-12-41	Pte.		REFUSING TO OBEY A LAWFUL COMMAND in that he did refuse to get out of bed whilst in detention	2/Lt. Garen L/Cpl.Willis A/Sgt.Begley	2 days No.1 diet	Dec.30/41	Major H.S.Robinson	
Otter Point	25-4-41	(1)		AWL. from 25-4-41 to 19-5-41 Absent 24 days	DOCUMENTARY	Admonished 14 days detention	22-1-42	Lt-Col. P.H.K Coupland	F.$17.40 F.R.&I.--L.PC Debt. Bal.
		(2)		Fraudlent enlistment					
		(3)		LOSING BY NEGLECT		ion Stoppage $48.61			

25

No. K-62379 Name HAYWOOD Alfred | Sqn., Battery, or Company H.Q | 18th(Man) Armd. Car Regt Corps C.A.C | Date of enlistment 3-6-41 | G.C. Badge | Service or Proficiency Pay | Character

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. 3 | Signature O.C. Company, etc.

M.F.M. 6 (A.F.B. 122) MOM—11-40 (9035) H.Q. 1772-42-18

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Work Point Camp	1-3-42	Tpr.		In that he at Work Point Camp 1-3-42 broke out of Barracks when his duty required him to be in Bks, A.A. Sec. 10 (4)	Documentary evidence	7 days C.B	11-3-42	Lieut. L.	L. Cantlon
Work Point	14-3-42	Tpr.		Failure to appear at place of parade: In that he failed to appear at defaulters parade. A.A. Sec15(2)	H-77625 L/Cpl. Willis H	3 days C.B	16-3-42	Lieut. L.	L. Cantlon
Work Point	3-4-42	Tpr.		1. Breaking out of Barracks: In that he on 3-4-42 did break out of Barracks. A.A. Sec. 10-4 2. AWL. Was absent without leave 2200hrs 3-4-42 until 1230 hrs					

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				6-4-42 Close arrest 2 hrs Time absent 2 days 14 hrs 30 min.A.A. Sec.15(1) H-77547					
				3. Breaking out of barracks whilst L/Cpl. under open arrest. Did break out of Bks. under open arrest at 0630 hrs. 10-4-42 A.A. Sec. 10 (4)	Sutherland S.S.M Vanderlip E.A				
				4. Breaking into barracks: Did break into barracks on 6-4-42 A.A. Sec. 10 (4)	S.S.M Vanderlip E.A				
				5. A.W.L. from 0630 hrs. 10-4-42 until 1015 hrs 22-4-42. Placed under C.A. Sooke B.C. Time absent 12 days 3 hrs. 45 min. C.A. 1 day 15 hrs. 30 min. A.A. Sec. 15 (1)	Lt. Cantlon S.S.M Vanderlip E.A	1.2.3.4.5. 14 days detention Forf. 17 days pay F.R.&.I	24-4-42	(P.H.K.Coupland) Lt-Col.	

CERTIFIED A TRUE COPY OF ORINGINAL M.F.M. 6.

[illegible] Lt

15th (Manitoba) Armoured Car Regiment C.A.

23

"K" K. P. Haywood Pte. 33

Statement in Mitigation of Punishment

Pr. Haywood is, as you can see a clean cut, clean living young man. He has had not had one charge for drunkenness or theft. Prior to joining the army he worked for three years for the ~~Gov.~~ B.C. Forestry Branch ~~in~~ during which time he had an unblemished and enviable record. He was sober and properly dressed when he returned ~~of his own~~ voluntarily to the unit.

From the above record it would seem evident that a severe penalty would only tend to sour and spoil this young man's career. Therefore I am asking the court to consider a light punishment which, ~~will~~ I am sure they will feel, will accomplish the same purpose as a heavy one.

Pr. Haywood also asks, that he be allowed to rejoin the unit when his sentence is served. In the event of this not being possible that he be allowed to join an Inf. Bn. preferably the W.L.I.

J. C. Stewart Lt.

K.P. Harris Major
Pres

MEDICAL OFFICER'S REPORT

I certify that No K 62375 Haywood A. Tpr.
of 18th Man Armd Cav Rgt is in a Good state of health,
and FIT to undergo Trial by Court martial.

Medical Officer

Station Debert.

Date 10/7/42

K.P. Harris Major
President.

M. F. B. 246
20M—3-40 (4495)
H.Q. 1172-39 480

H.Q.C. 55-H-272 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

DISTRICT COURT MARTIAL

NO. H-94674 PTE. S.L. HOUNSOME

NO. 10 D.D. C.A.

HQC-H-7750

DEAD

DEAD

CONFIDENTIAL
H.Q.C. 55-H-272

CENTRAL REGISTRY	DATE	F.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
AUG 4 1942	4 Aug	PA	[illegible]	A.D.	to file + P.A.	[illegible]	11-8-42
SEP 1 2 1942	11 Sep	P.A.	[illegible]	[illegible]			

NOTICE

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

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-272 JAG

August 11, 1942.

RECEIVED
AUG 12 1942
ORG.
A. U.

District Officer Commanding,
Military District No. 10,
Winnipeg, Manitoba.

District Court-Martial
No. H-94674, Pte. Stanley Lloyd Hounsome
No. 10 District Depot, C.A.

1. Receipt is acknowledged of your W.44-H-3248 (J) dated 4th August, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been noted:-

(a) The first witness for the prosecution should have been described as "No. B-37047 Pte. (A/Cpl.) J. Hanson", rather than "No. B-37047 A/Corporal J. Hanson".

(b) The cost of meals should be included in M.F.B.1482 and not in M.F.B. 1481.

(c) There should have been a statement at the beginning of the Summary of Evidence as to whether the evidence was taken under oath by the order of the Commanding Officer or on the demand of the accused.

(d) The word "dated" as used in the signing of the Sentence and in the Minute of Confirmation should have been "signed".

3. It is not considered necessary to return the proceedings which are accordingly retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

Noted
C. A. FERGUSON
LT. COL.
ORG. A. O.
AUG 14 1942

Brigadier,
Judge Advocate-General.

EBB*AEK

Copy on 105-H-7750

H.Q. C.55-H-272
M.D. W.44-H-3248 (J)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H-94674 Name HOUNSOME, S.L.

Rank Pte. Unit #10 District Depot, C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 14/5/42. 2. 9/7/42.

Date of Arrest 27/6/42. Charge Signed 16/7/42.

Orders for D.C.M. D.O.C., M.D.#10.

Place and Date of Trial Port Arthur, Ontario, 24/7/42.

Sentence Detention 28 days and stoppages of $72.72.

Date of Confirmation 29/7/42.

Date of Promulgation 1/8/42.

Entered in Records of J.A.G. as No. 6553

Date 10/8/42.

MEMO

Found not guilty of desertion but guilty of A.W.L.

E.R. Cruz Capt
for Judge Advocate-General.

2M-7-42(M1291)

6553

W.44-H-3248 (J)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Winnipeg, Manitoba,
August 4th, 1942.

Secretary,
Department of National Defence,
Ottawa, Ontario.

CENTRAL REGISTRY Army
P.R.S. SEC.
AUG 8
H-27
Transferred to

District Court-Martial
No. H-94674, Private Stanley Lloyd Hounsome,
No. 10 District Depot, C.A.

Forwarded herewith, for registration and custody, are the proceedings of the marginally noted District Court-Martial.

(H.J. Riley) Brigadier,
District Officer Commanding,
M.D. No. 10.

VB
Enc.

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

A

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

Proceedings of a District Court-Martial held at Current River Park, Port Arthur, Ont. on the 24th day of July 1942 by order of Brigadier H.J. Riley, D.S.O. District Officer Commanding Military District No. 10 dated the 18th day of July 1942

President.
Lt.-Col. A.J. Brice, V. D., Royal Cdn. Artillery, C.A.

Members.
Major J.T. Thomson
102nd C.A. (B) Training Centre, C.A.

Captain J.D. Morrison,
102nd, C.A. (B) Training Centre, C.A.

~~Judge Advocate~~

Trial of* No. H-94674, Private Stanley Lloyd Hounsome, No. 10 District Depot, C.A.

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

~~The Court satisfy themselves that~~ ~~is not available~~

~~[illegible] waiting number takes this place as a member of the Court~~

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

The accused is brought before the Court.

Prosecutor,† Captain L.J. Lesk, No. 10 District Sub-Depot C.A.

~~Counsel or~~ defending officer† Captain T.L. Reid, No. 6 Coy. Veterans Guard of Canada, C.A.

At 10 o'clock the Trial commences.

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

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

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

Answer by accused. A 1 No, Sir.

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

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

Mil. Form B. 271 ‡
15M—9-41 (1762)
H.Q. 1772-39-224

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

Lt Col
President

2

B

The President and members are duly sworn.

Q 2 Do you object to No. H-99304, Pte. P. DelBel Belluz, No. 10 District Sub-Depot, C.A., as shorthand Writer?

A 2 No, Sir.
No. H-99304, Pte. P. DelBel Belluz, No. 10 District Sub-Depot, C. A., is duly sworn as shorthand writer.

Charge-Sheet

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

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

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

Q 3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A 3 Not Guilty, Sir. *Answer.*

Q 4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A 4 Not Guilty, Sir. *Answer.*

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

B-2 C. F. Duff Lt Col 3
President

CHARGE SHEET

The accused No.H-94674 Private Stanley Lloyd HOUESCHE, The No.10 District Depot, C.A., a soldier of the Canadian Army, placed on Active Service:-

- is charged with -

First Charge
Sec. 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

- in that he -

At Port Arthur, Ontario, on the 14th day of May, 1942, at 2300 hours absented himself from the No.10 District Sub-Depot, until apprehended at 1910 hours, on the 27th day of June, 1942, at Toronto, Ontario, by the Military Police.
Cost of apprehension and return to Unit $54.54.

Second Charge
Sec.(24)(2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENTS, CLOTHING AND REGIMENTAL NECESSARIES

- in that he -

at Port Arthur, Ontario on the 9th day of July, 1942, was deficient of the following articles, viz:-

Anklets, prs	1	.66	Badges Arm, Canada, Wor. prs.		.05
Battle Dress, Trousers, prs	1	4.20	Badges, Cap. W.P.C.		.09
Drawers, Woollen prs	1	.86	Badges, Shoulder, C.P.C.		.08
Boots, Ankle, prs	1	5.90	Brasses, button	1	.01
Gloves, Woollen Khaki, prs	1	.45	Brushes, shaving	1	.30
Shirts Flannel Khaki	2	1.76	Brushes, teeth	1	.09
Shirts Woollen	1	.84	Combs, hair	1	.04
Socks, prs	3	.81	Forks, table	1	.09
Mitts, leather pullover, prs	1	.49	Knife, table	1	.18
Dressings, First field	1	.18	Spoon, table	1	.08
Pack W.E. '37	1	1.27	Kettle	1	.17
Straps Shoulder H'Sack WE '37 Lt. & Rt.		.54	Razor, safety sets	1	.55
Straps W/Supporting '37	1	.11	Sponges, pipe clay	1	.02
Slips, Pillow	1	.22	Towels, hand	2	.42
		$18.22			$1.96

Deficiencies amounting to $18.18.
Clothing at 75% Vocabulary rate.
Necessaries at 100% Vocabulary rate.

Fort Osborne Barracks
Winnipeg, Manitoba
16th July, 1942

Lieut. Colonel
Officer Commanding
No.10 District Depot, C.A.

TO BE TRIED BY DISTRICT COURT-MARTIAL

Winnipeg, Manitoba.

18th July, 1942.

(H.J. Riley) Brigadier,
District Officer Commanding
M.D. No. 10

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. 5 No, Sir.

The prosecutor declines to make an opening address [~~[illegible]~~ ~~which is [illegible]~~, ~~[illegible]~~ ~~the proceedings~~].

The prosecutor proceeds to call witnesses.

First witness for prosecution. } No. B-37047, A/ Corporal J. Nanson, No. 10 District Sub-Depot, C.A.

being duly sworn, is examined by the prosecutor.

Q 6 Tell us what you know about this case, Corporal?

A 6 I was Orderly-Corporal on May 14th, 1942 at Number 10 District Sub-Depot, Current River Barracks, Port Arthur, Ontario. On calling the roll at 2300 hours on the 14th of May, 1942 No. H-94674 Pte. Hounsome, S.L., whom I recognize as the accused, failed to answer the roll-call at 2300 hours. I made a search for him but he was nowhere to be found. I reported him absent in the absentee report.

Cross examined by the Defending Officer:-

Q 7 Did you actually call the roll at 2300 hours?

A 7 Yes, Sir.

Q 8 That was the usual proceedure at that time?

A 8 Yes, Sir.

Q 9 Did you submit the absentee report to the Orderly-room?

A 9 Yes, Sir, the next morning.

Q 10 In the Summary of Evidence you stated you immediately submitted the absentee Report, is that correct?

A 10 No, Sir, I submitted it the next morning as that was the usual proceedure.

The Prosecuting Officer declines to re-examine This Witness.

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

The Witness withdraws.

Second Witness) for the Prosecution) No. H-45921, C.Q.M.S., C.W. Searle, No. 10 District Sub-Depot, C.A., being duly sworn, is examined by the Prosecuting Officer:-

Q 11 I show you a document Quartermaster, what is that?

A 11 M.F. B. 375, showing that the accused, whom I recognize as No. H-94674, Pte. Hounsome, S.L. was absent from 2300 hours on the 14th of May, 1942, and was still so absent on the 9th of June, 1942.

M.F.B. 375, is read, marked " G ", signed by the President and attached to the proceedings.

Q 12 I show you another document, will you tell the Court what that is?

A 12 A certificate in accordance with Order-in-Council P. C. 2797, dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942, Form No. M.F.M. 216, showing that the accused was arrested on the 27th of June, 1942, and it is signed by Major H.C. Witthun, Officer Commanding No. 31 Coy. Canadian Provost Corps, C.A.

M.F.M. 216, is read, marked " H ", signed by the President and attached to the proceedings.

Q 13 I hand you another document, what is that please?

A 13 Form M.F. B. 1481, showing transportation expenses in connection with the apprehension of the Accused No. H-94674, Pte. Hounsome, S.L.

Form M.F.B. 1481, is read, marked " I ", signed by the President and attached to the proceedings.

Q 14 Did you examine the kit of the accused on his return?

A 14 I examined them on the 9th day of July, 1942 and the following articles were recovered: Battle dress, serge, blouse, 1, $5.58; Battle dress serge, Trousers, pairs, 1 $5.60; Boots ankle, pairs, 1, $5.20; Caps field Service, 1, $0.78; Blankets, 3, $10.98; Necessaries Badges, Arm, Canada Prs, 1, $0.03; Braces, prs, 1, $0.27; total clothing, equipment and necessaries $21.41.

Q 15 What articles was he deficient and what was the value of the same on the 9th of July, 1942?

A 15 Clothing: Anklets, Prs, 1, $0.77; Battle Dress, Serge, Trousers, Prs, 1, $5.60; Drawers, woollen, prs, 1, $1.17; Boots, Ankle, prs, 1, $5.20; Gloves, woollen, Khaki, prs, $0.59; Shirts Flannel Khaki Prs, 2, $234; Shirts woollen,

prs, 1, $1.14; Socks, prs, 3, $1.08; Mitts, leather pullover, prs, 1, $0.64; Dressing First Field, $0.24; Web Equipment: Pack WE '37, 1, $2.36; Straps, shoulder, H'Sack WE '37 Left, $0.74; Straps, shoulder, H'Sack WE '37, Right, $0.74; Straps W/Supporting '37, $0.48; Slips, pillow, $0.22; Total $23.31 at 75% of Vocabulary rate, $17.48. Necessaries; Badges, Arm, Canada, prs 1, $0.03; Badges, Cap, C.F.C., 1, $0.06; Badges, shoulder C.F.C., 1, $0.08; Brasses, Button, one, $0.04; Brushes, Shaving, 1, $0.30; Brushes, tooth, 1, $0.09; Combs, hair, 1, $0.04; Forks, table, 1, $0.09; Knives, table, 1, $0.18; Sppons, table, 1, $0.08, Holdalls, 1, $0.17; Razor, Safety, Sets, 1, $0.39; Sponges, pipe, clay, 1, $0.02; Towels, Hand, 2, $0.42; Total deficiencies, $19.47.

Cross examined by the Defending Officer:-

Q 16 This man was reported absent on the 14th of May, 1942 and you say that no inventory of his kit was taken until the 9th of June, 1942, is that correct?

A 16 Yes, Sir. If a man goes to Hospital or goes A.W.L., his kit is turned into the Q.M. Stores for safe-keeping. When a man is reported as a deserter his kit is checked for shortages and I notify the Orderly-room of the shortages.

Q 17 Is this the usual procedure?

A 17 Yes, Sir.

Q 18 Who handles these goods or chattels when a man goes to Hospital or A.W.L.?

A 18 The Orderly Sergeant or Orderly Corporal.

Q 19 Is there any receipt given by the Q.M.Stores?

A 19 Yes, Sir.

The Prosecuting Officer declines to re-examine this witness.

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

The Witness withdraws.

The Prosecution have no further witnesses.

D

The prosecution is closed.

Defence

Question to the accused. Q 20 Do you apply to give evidence yourself as a witness?

Answer. A 20 No, Sir.

Question. Q 21 Do you intend to call any other witness in your defence?

Answer. A 21 No, Sir.

~~Q 22 Have you any other witness to call?~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused and of the witnesses for the defence including witnesses as to character is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Question to the accused. Q 22 Have you anything to say in your defence? A 22 Yes, Sir.

Defending Officer speaks for the Accused (See page " J ")

~~The accused or defence says:~~

~~[Handing in a written address which is read, marked signed by the President and attached to the proceedings.]~~

The Defending Officer declines to make a closing address.

The Prosecuting Officer makes a closing address.

(See page " K ")

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused No. H-94678, Private Stanley Lloyd Hounsome, No. 10 District Depot, C.A., is not guilty of desertion but is guilty of absence without leave on the first charge and is guilty of the second charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Captain L.J. Lesk, No. 10 District Sub-Depot, C.A. is duly sworn.

Evidence of character, &c.

Question by the President. Q23 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A23 Yes, I produce M.F.B. 355

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

Question by the President. Q24 Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A24 Yes, Sir.

Question. Q25 Have you compared the contents of the above statement with the regimental books? *Answer.* A25 Yes, Sir.

Question. Q26 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A26 Yes, Sir.

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

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In theopinion of the Court it is not necessary to Comply with R.P. 83 (B).

Question to the accused. Q27 Do you wish to address the Court? *Answer.* A27 No, Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. H-94674, Private Stanley Lloyd Hounsome, No. 10 District Depot, C. A. to undergo detention for twenty-eight days (28) and to be put under stoppages of pay until he has made good the sum of $54.54 in respect of the cost of apprehension and return to his Unit and until he has made good the value of the following articles:-

Sentence.
Detention:
28 Days'
Stoppages:
$54.54
18.18
$72.72

Anklets, prs	1	.58	Badges Arm, Canada, Wor, prs.		.05
Battle Dress, Trousers, prs	1	4.20	Badges, Cap, C.F.C.		.09
Drawers, Woollen prs	1	.88	Badges, Shoulder, C.F.C.		.08
Boots, Ankle, prs	1	3.90	Brasses, Button	1	.01
Gloves, Woollen Khaki, prs	1	.45	Brushes, Shaving	1	.30
Shirts Flannel Khaki	2	1.76	Brushes, tooth	1	.09
Shirts woollen	1	.84	Combs, Hair.	1	.04
Socks, prs	3	.81	Forks, table	1	.09
Mitts, leather pullover, prs	1	.48	Knife, Table	1	.18
Dressings, First Field	1	.18	Spoon table,	1	.08
Pack W.E. '37	1	1.27	Holdalls	1	.17
Straps Shoulder H'Sack			Razor, Safety, Sets.	1	.39
WE '37 Lt & Rt.		.54	Sponges, Pipe clay	1	.02
Straps W/Supporting '37	1	.11	Towels, Hand	2	.42
Slips, Pillow	1	.22			$1.96
		$16.22			

Total Deficiencies: $18.18

Dated at Current River Park, Port Arthur, Ont. This 24thday of July, 1942.

Lt.-Col, President
Royal Canadian Artillery, C.A.

CONFIRMATION

Confirmed
Dated at Winnipeg, Manitoba, this 29th day of July, 1942.

(H.J. Riley) Brigadier
District Officer Commanding
M.D. No. 10

PROMULGATION

Promulgated and Extracts taken at Current River Park, Port Arthur, Ontario, this 1st day of August 1942.

Major
(A.B. BENNETT)
Officer in charge of documents.
No. 10 District Sub-Depot.
Current River Park, Port Arthur
Ontario.
M.D. No. 10

Current River Park, Port Arthur, Ontario

July, 1942.

Extracts entered as No. 6553 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 20 day of August 1942

X A.J. Brice Lt Col President

15

Orders by Brigadier H.J. Riley, D.S.O., Commanding

the Military District No. 10.

District Court-Martial

18th July, 1942

The detail of Officers as mentioned below will assemble

at Current River Park, Port Arthur, Ont. on Friday,

the 24th day of July, 1942 at 1000 hours,

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

No. H.94674, Private Stanley Lloyd Hounsome, No. 10 District Depot, C.A.

PRESIDENT

Lt.Col. A.J. Brice, V.D., Royal Cdn. Artillery, C.A., is appointed President.

MEMBERS

Major J.T. Thomson, 102nd C.A.(B) Training Centre, C.A.

Captain J.D. Morrison, 102nd C.A.(B) Training Centre, C.A.

WAITING MEMBERS

Major H.U. Western, No. 10 District Depot, C.A.

~~JUDGE ADVOCATE~~

~~Judge Advocate~~ ~~has been (is hereby) appointed~~

PROSECUTOR

Captain L.J. Lesk, No. 10 District Sub-Depot, C.A. has been (~~is hereby~~) appointed Prosecutor

DEFENDING OFFICER

Captain T.L. Reid, No. 6 Coy. Veterans Guard of Canada, C.A. has been (~~is hereby~~) appointed Defending Officer

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

The Officer Commanding, No. 10 District Depot C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters., and will detail, as may be convenient, two Officers each from the Canadian Forestry Corps Wing, No. 10 D.D. and 102nd C.A.(B) T.C., C.A. to attend for instruction.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 10.

Signed this 18th day of July, 1942

L.W. Morton Major,
D.A.A.G., M.D. No. 10.

M.F.B. 220
A.F.A. 47
HM—9-41 (1761)
H.Q. 1772-39-564

EXHIBIT "A"

G

C.F. Bowen Lt Col
President

17

RECORD of the Declaration of a Court of Inquiry assembled at Port Arthur, Ontario on the 9th. day of June 19 42, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. E-94674, Pte. Hounsome, Stanley Lloyd, Canadian Forestry Corpw Wing,D.D.,M.D.10.CA

DECLARATION

The Court declare that No. H-94674, Pte. Hounsome, S.L. Canadian Forestry Corps Wing, D.D.,M.D. 10. C.A.

illegally absented himself without leave from 2300 hours, 14th.

at Port Arthur, Ontario on the 14th. day of May, 1942.;

and that on the 14th. May, 1942. he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE		ARTICLES	VALUE	
CLOTHING			NECESSARIES		
Anklets Web Prs		77	Badges Arm Wor.CANADA Prs		06
B.Dress Serge: Blouses	5	58	Badges Cap C.F.C.		06
" " " Trousers Prs(2)	11	20	Badges Shoulder C.F.C.		08
Boots Ankle Prs (2)	10	40	Braces Prs		27
Caps Field Service		78	Brasses Button		04
Drawers Woollen Prs	1	17	Brushes Shaving		30
Dressing First Field		24	Brushes Tooth		09
Gloves Woollen Khaki Prs.		59	Combs Hair		04
Mitts Pullover Leather Prs		64	Forks Table		09
Shirts Flannel Khaki (2)	2	34	Knives Table		18
Shirts Woollen	1	14	Holdalls		17
Socks Prs (3)	1	08	Razor Safety Sets		39
EQUIPMENT			Sponges Pipeclay		02
Packs WE Patt.'37	2	36	Spoons		08
Straps Shoulder H'sack WE'37(L)		74	Towels Hand (2)		42
" " " " " (R)		74	Total	2	29
" Web Support ing WE Patt'37		48	Cloth. & Equip.75% Vocabulary Rate	38	59
Blankets G.S.	10	98	Necessaries 100% " "	2	29
Slips Pillow		22			
Total	$51	45	Total Deficiency	$ 40	88

President
(L.J. LESK), Capt. R.C.A.S.C. C.A.

Member
(G.C. WARDROPE) Capt. C.F.C. Wing,D.D.,M.D. 10C.A.

Member
(G.K. McKEOWN) Capt. Can. Dental Corpw C.A.

Signed at Port Arthur, Ontario.

this 9th. day of June 1942

Signature of Commanding Officer J. Neish Lieut. Colonel
Officer Commanding No.10 D.D.C.A.

Certified true copy Captain
Adjt. No.10 District Depot, C.A.
of Officer having custody of original record

M.F.H. 175
HQ. 3-2-40

EXHIBIT "D"

H

9

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to service authorities)

I, ...Major, H.C. Witthun, No. 31 Coy, Cdn. Pro. C., C.A.
(Number) (Rank) (Name) (Unit)

hereby certify that H.94674 Pte. HOUNSOME, S .....
(Number) (Rank) (Name in full)

of the Canadian Forestry Corps, CA PORT ARTHUR, ONT. .....
(Unit and attachment (if any))

was apprehended by (~~xxxxxxxxxxxxxxxx~~) B.77175 Sgt. COGHILL, D
(Number) (Rank)

& B.35253 L/Cpl. HAMMEND, S., No. 31 Coy, Cdn. Provost Corps. C.A.
(Name) (Unit or appointment)

at ....11 Fenning Street, TORONTO .....
(Place)

at 1910 .... on the ....27th.....day of ....JUNE.....1942
(Hour)

as a~~xxxxxxxxxxxx~~ absentee without leave), and that at the time of his arrest he was wearing military (~~xxxxxxxx~~) uniform (~~xxxxxxxxxxxxxxxxxxxxxxxx~~).

DATED AT ....280 Lansdowne Ave., Toronto, Ontario. .....

this ...28th..... day of ....JUNE..... 1942

(Strike out words not applicable)

.....Major.....
(Signature, Number, Rank, Unit or appointment)
(H.C. Witthun)
O.C., No. 31 Coy, Canadian Provost Corps, CA

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216

EXHIBIT "C" C.J. Bruce Lieut Lieutenant 21

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, Captain H.C.Barker, A/D.S. & T.O., M.D.No. 10.
(Rank) (Name) (Unit)

Strike out words not applicable — hereby certify that I (issued) (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from Winnipeg, Man. (Place) to Toronto, Ont. (Place)

and return to Winnipeg, Man. for the

Full description of soldier being escorted — purpose of escorting H/94674 Pte. Hounsome, F. - No.10 D. Sub-Depot

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Cost of Transport Warrant No. A. 164516 Particulars as follows:	
One Single Second Class Fare, Toronto, Ont. to Port Arthur, Ont. 807 miles @ 1 2/3 cents per mile plus 15% tax	15.45
Meals required en route: Two @ 75 cents each One @ $1.00	2.50
One-seventh cost of Transport Warrants Nos. A.164517-8 Return fares for four escorts escorting seven absentees including meals for round trip etc.	36.59
Total	$ 54.54

Dated at Winnipeg, Man. this 3rd day of July, A.D. 19 42

H.C. Barker
(H.C. Barker) Captain,
A/D.S. & T.O.
(Signature with official title)
(issuing transport warrants)
(authorizing transportation)
Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
50M—7-41 (1128)
H.Q. 1172-38-1851

J A.J.Bruce Lt Col President

DEFENDING OFFICER'S STATEMENT ON BEHALF OF THE ACCUSED

The accused admits that he lost the kit complained of and also admits that he was absent without leave, but states that he had no knowledge of military discipline and that he had only been in the Army for approximately two months and had no intention of deserting. He asks this court that he should only be found guilty of Absence Without Leave.

A.J.B.

K C.J. Bruce Lt-Col 25

PROSECUTING OFFICER'S CLOSING ADDRESS President

On March the 14th, 1942, L.S. Hounsome joined the Canadian Forestry Corps Wing in Port Arthur, Ontario. Two months later, May 14th, 1942, it has been shown that he went A.W.L. and was apprehended forty-three days' later. He was apprehended furthermore in Toronto which is a long way from Port Arthur. While he claimes he was not familiar with the rules and regulations of the Army he could hardly claim that he did not know it was wrong for him to go away without permission of his superiors. It should also be noted that he did not give himself up but was apprehended. There is also the cost of apprehension which amounts to $54.54. Considering that the accused went absent for forty-three days', having been in the Army for two months, and saying that he did not know the consequences, is not a very sound argument. It is submitted that he should be found guilty of desertion.

C.J.B.

EXHIBIT "D"

Y- [illegible]

M.F.B 355
H.Q. 1772-39-620
10M-6-40 (M19)

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H-94674	Private	Stanley Lloyd HOUNSOME	No.10 District Depot,C.A.

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

Within last 12 months		Since enlistment	
For A.W.L.	1 times	A.W.L.	1 times
For Neglect of duty to the prejudice of good order and	times	Neglect of duty to the prejudice etc.,	1 times
For Military discipline.	1 times		times
For	times		times

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

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

2. The accused has not been previously convicted ~~or~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act, and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~ ~~Air Force Act~~ ~~A.F.A. 73~~

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

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

4. The accused has been in confinement awaiting trial on the present charges, for 0 days in civil custody, and 28 days in military custody, making a total of 28 days in custody, of which 0 days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 19 years

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 14 Mar 42

7. ~~The service which the accused is allowed to reckon towards discharge~~

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

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

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer had held the regimental rank of~~

29

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force / Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 24th day of July 1942 — Capt. & Adj.
No. 10 District Depot, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

SUMMARY OF EVIDENCE
in the case of

H-94674, Private HOUNSOME, Stanley, Lloyd, No. 10 District Sub-Depot, C.A., Current River Barracks, Port Arthur, Ontario:-

is charged with:-

1. WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE" in that he at Port Arthur Ontario, on the fourteenth day of May, one thousand nine hundred and forty two, absented himself without leave from the No. 10 District Sub-Depot, C.A., Military District No. 10 from 2300 hours the fourteenth of May one thousand nine hundred and forty two until apprehended by the Military Police at Toronto, Ontario at 1910 hours the Twenty Seventh day of June one thousand nine hundred and forty two.

2. "LOSING BY NEGLECT HIS REGIMENTAL NECESSARIES, CLOTHING AND EQUIPMENT"

in that he;

at Port Arthur, Ontario on the ninth day of July one thousand nine hundred and forty two was deficient of the following articles:-

CLOTHING

Anklets prs (1)	$ .77		
Battle Dress, Serge Trousers prs (1)	5.60		
Drawers Woollen prs (1)	1.17		
Boots, Ankle prs (1)	5.20		
Gloves, Woollen Khaki prs (1)	.59		
Shirts Flannel Khaki (2)	2.34		
Shirts Woollen (1)	1.14		
Socks prs (3)	1.08		
Mitts Leather Pullover prs (1)	.64		
Dressing First Field	.24		
WEB EQUIPMENT			
Pack WE '37 (1)	2.36		
Straps Shoulder H'sack WE '37 Left	.74		
" " " " " Right	.74		
Straps W/Supporting '37	.48		
Slips Pillow (1)	.22		
	$23.31	@ 75% Voc.Rate	$17.48

NECESSARIES

Badges Arm "Canada" wor. prs.	.03		
Badges Cap C.F.C. (1)	.06		
Badges Shoulder C.F.C. Prs (1)	.08		
Brasses Button (1)	.04		
Brushes Shaving (1)	.30		
Brushes Tooth (1)	.09		
Combs Hair (1)	.04		
Forks Table (1)	.09		
Knives Table (1)	.18		
Spoons Table (1)	.08		
Holdalls (1)	.17		
Razors Safety Set (1)	.39		
Sponges pipe Clay (1)	.02		
Towels Hand (2)	.42		
	1.99	@ 100% Voc. Rate	$ 1.99
			$19.47

3. COST OF APPREHENSION:
Cost of Transport Warrant No. A 164516
Particulars as follows:-

One Single Class Fare Toronto, Ontario to Port Arthur, Ontario 807 miles @ 1 & 2/3 cents per mile plus 15% Tax	15.45
Meals Required en-route:- Two @ 75¢ each one @ 1.00	2.50
One-seventh cost of Transport Warrant Nos. A. 164517-8 Return fares for four escorts escorting seven absentees including meals for round trip etc.,	36.59
	$54.54

FIRST WITNESS:

B-37042, A/Cpl. NANSON, J. No. 10 District Sub-Depot (CA) having been duly sworn states:-

I am B-37042 A/Cpl. NANSON, J. No. 10 District Sub-Depot (CA). I was Orderly Corporal on the 14th of May 1942, and on taking the roll call at 2300 hours 14th of May 1942 I found that H-94674 Pte. Hounsome, S.L. was absent.
I immediately submitted an absentee report to the orderly room.
I recognize the accused as Pte. HOUNSOME, S.L.

J. Nanson A/Cpl.
(B/37042 - A/Cpl. J. Nanson)

The accused declined to cross examine the witness.

SECOND WITNESS:

H-45921 CQMS SEARLE, C.W. No. 10 District Sub-Depot, (CA) having been duly sworn states:

I am H-45921 CQMS Searle, C.W. No. 10 District Sub-Depot, (CA) Port Arthur, Ontario. My duties are Quarter-Master Sergeant of the Sub-Depot.
I produce M.F.M. 375 being a Record of a Declaration of a Court of Inquiry held at Current River Park Barracks, Port Arthur, Ontario the 9th of June 1942, with reference to the illegal abscence of H-94674 Pte. HOUNSOME, S.L. whom I recognize as the soldier referred to therein and deficiencies of kit which amount to: $40.88
(Record of Declaration of Court marked EXHIBIT "A")

After Pte. HOUNSOME, S.L. was apprehended and brought to this Unit on the 9th of July 1942, the following articles were recovered:-

CLOTHING			
Battle Dress Serge (Blouse)	$5.58		
Battle Dress Serge Trousers Prs (1)	5.60		
Boots Ankle Prs (1)	5.20		
Caps Field Service	.78		
EQUIPMENT			
Blankets (3)	10.98		
	28.14 @75% Voc. Rate $21.11		
NECESSARIES			
Badges Arm "Canada" Prs. (1)	.03		
Braces Prs. (1)	.27		
	.30 100% Voc.Rate		.30
			21.41

and the following articles are still deficient:-

CLOTHING			
Anklets Prs (1)	.77		
Battle Dress Serge Trousers Prs (1)	5.60		
Drawers Woollen Prs (1)	1.17		
Boots Ankle Prs (1)	5.20		
Gloves Woollen Khaki Prs (1)	.59		
Shirts Flannel Khaki (2)	2.34		
Shirts Woollen (1)	1.14		
Socks Prs (3)	1.08		
Mitts Leather Pullover Prs (1)	.64		
Dressing First Field	.24		
WEB EQUIPMENT			
Pack WE '37 (1)	2.36		
Straps Shoulder H'Sack WE '37 Left	.74		
" " " " " Right	.74		
Straps W/Supporting '37	.48		
Slips Pillow	.22		
	$23.31 @75% Voc. Rate 17.48		
NECESSARIES			
Badges Arm "Canada" Wor. Prs	.03		
" Cap C.F.C. (1)	.06		
" Shoulder CFC (1)	.08		
Brasses Button (1)	.04		
Brushes Shaving (1)	.30		
" Tooth (1)	.09		
Combs Hair (1)	.04		
Forks Table (1)	.09		
Knives Table (1)	.18		
Spoons Table (1)	.08		
Holdalls	.17		
Razor Safety Sets (1)	.39		
Sponges Pipe Clay	.02		
Towels Hand (2)	.42	1.99	Total 19.47

The articles on Sheet #2 are still deficient amounting to:; $19.47

C.Q.M.S.
(H/45921, CQMS Searle,C.

The accused declines to cross-examine the witness.

THIRD WITNESS

H-62530 A/Sgt. H.W. Seargeant Sub-Depot, No. 10 District Depot, M.D. 10, Port Arthur, Ontario having been duly sworn states:-
I am H-62530 A/Sgt H.W. Seargeant. Sub-Depot, No. 10 District Depot, M.D. 10 in charge of Records at Port Arthur, Ontario. I produc M.F.M 216 and M.F.B. 1481 which was received from Provost covering the apprehension and Transport cost returning from Toronto, Ontario to Port Arthur Ontario, of H-94674, Pte HOUNSOME, S.L. I recognize the accused Pte. H-94674, HOUNSOME, S.L.

(Certificate of apprehension marked as EXHIBIT "B"

A/Sgt.
(H-62530 A/Sgt. Sergeant, H.W.

The accused declines to crossexamine the witness:-

QUESTION TO THE ACCUSED

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

The accused declines to make any statement.

Captain.
(L.J. Lesk
Signature of Officer Taking Summary of Evidence.

I certify that the Rules of Procedure 4 (c), (d) and (e) have been complied with. Taken down by me in the presence of the accused at Port Arthur, Ontario, this 9th day of July, 1942.

Captain
(L.J. Lesk)
Signature of Officer Taking Summary of Evidence.

MEDICAL OFFICER'S REPORT

I certify that No. H-94674, Pte. HOUNSOME, Stanley, Lloyd of No. 10 Dist Sub-Depot (CA) in a good state of health, and fit to undergo Trial by Court martial.

Medical Officer

Station Port Arthur, Ontario

Date 24th. July, 1942

M. F. B. 246

20M—9-41 (1742)
H.Q. 1773-20-400

H.Q.C. 55-H-273 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT -D.C.M.

DEAD

HALL A.Q. D.55472 PTE

ALGONQUIN REGT., NO.2 DISTRICT DEPOT, C.A.

55-H-6738

DEAD

CENTRAL REGISTRY	DATE	P.A. OR S.P.	INITIALS	REFERRED TO		INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
AUG 18 1942				JAS	With Papers	CR	11 8/42
AUG 1 [illegible]	13 42	PA	[illegible]	AII	To note Clos. & P.A.	[illegible]	13-8-42
DEC 5 - 1942	5 [illegible]	[illegible]	[illegible]	JTG	With Papers C.R. DEC 4 1942		
				JAG	With Papers C.R. DEC 17 1942		
DEC 21 1942	21/12/42	P.A.1	[illegible]	A.D.	Noted & P.A.	[illegible]	21/12/42.

CONFIDENTIAL
H.Q.C. 55-H-273

NOTICE

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

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-275 (JAG)

December 18th, 1942.

The District Officer Commanding,
Military District No. 2,
Toronto, Ont.

Re: District Court-Martial,
B.55472 Pte. Arnold George Hall,
The Algonquin Regiment,
No. 2 District Depot, C.A.

1. Receipt is acknowledged of your T.20-H-4008 (AJAG) dated the 16th December, 1942, under cover of which you returned for registration and custody the proceedings of the marginally-noted District Court-Martial.

2. It is noted that the balance of detention awarded in this case has been remitted, said remission being effective 1st December, 1942.

21/12/42

EBB/MM

Brigadier,
Judge Advocate-General.

IN REPLY PLEASE QUOTE
No. T.20-H-4008 (AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

December 16th 1942

Headquarters, Military District No.2,
159 Bay Street, Toronto, Ontario.

34615

CENTRAL REGISTRY Army
CONF. SEC.
DEC 17 1942
File C55-H-273
Cogt. to
Referred to JRE

The Secretary,
Department of National Defence,
Ottawa, Canada.

District Court-Martial
E-55472 Pte. Arnold George Hall,
The Algonquin Regiment, C.A.
No.2 District Depot, C.A.

Reference H.Q.C. 55-H-273 (JAG) dated 5th December, 1942.

2. The proceedings of the marginally noted District Court-Martial are now returned for the custody of the Judge Advocate-General. It will be noted, please, that the District Officer Commanding, M.D.No.2, has, pursuant to powers vested in him under Section 57(2) of the Army Act, remitted the balance of detention awarded by District Court-Martial, said Remission being effective from the first day of December, 1942.

Robt. D. Mavoy Major

(C.F.Constantine)
Major-General
District Officer Commanding,
M.D.No.2.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

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

A

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

Proceedings of a District Court-Martial held at Lecture Room 249 Fort York Armouries, Toronto, Ontario.
on the 30th day of July, 1942. by order of Major General C. F. Constantine, D.S.O.
District Officer Commanding Military District No. 2.
dated the 28th day of July, 1942,

President.
Lieut-Col. J. H. Bennett, V. D.
2nd (Reserve) Battalion, The Queen's York Rangers, (1st American Regiment) (MG) C.A.

Members.
Captain T. G. Blackstock,
The Royal Regiment of Canada, C. A.
Posted to No. 23 Canadian Army (Basic) Training Centre, C. A.

Captain W. B. Martin, D.C.M.,
2nd (Reserve) Battalion,
The Royal Regiment of Canada, C.A.

Major F. M. Reid,
25th (Norfolk) (Reserve) Field Brigade,
Royal Canadian Artillery, C. A. attached
Headquarters, Military District No. 2.
, Judge Advocate.

Trial of* No. B-55472, Private Arnold George Hall, (Algonquin Regiment) No. 2 District Depot, C. A.

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

~~The Court satisfy themselves that xxxxxxxxxxxxxxxx is not available xxxxxxxxxxxxxxx~~

~~xxxxxxxxxxxxxxx

B

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

The following officers under instruction are duly sworn. (see list marked "C" attached.)

Q-2 Do you object to No. B-89360, S/Sgt. R.C.Sturgeon, No. 2 Det. CMSC C.A., H. Q. M. D. No. 2., acting as shorthand writer?

A-2 No, sir.

(No. B-89360, S/Sgt. R.C.Sturgeon is duly sworn as shorthand writer.)

Charge-Sheet

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

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

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

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4 Guilty, sir. *Answer.*

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

Answer.

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

Answer.

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

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

B2

CHARGE SHEET:

The accused, No. B-55472, Private Arnold George Hall, (Algonquin Regiment) No. 2 District Depot, C.A., a soldier of the Canadian Army, placed on active service, is charged with :-

FIRST CHARGE
Section 15 (1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE :

- in that he -

at Chippewa Barracks, Ontario, at 2250 hours, 18th. January, 1942, absented himself without leave from the Algonquin Regiment, C.A., until he was apprehended by the Civil Police, at Burks Falls, Ontario, at 2350 hours, 18th. May, 1942.

Absent 120 days, 1 hour, 20 minutes - 121 days.

Cost of apprehension and return:	
Transportation by D.N.D. vehicle, Burks Falls to Camp Borden, Ontario, accused proportion	2.[illegible]
Meals whilst in civil custody Burks Falls	.70
	[illegible]

Transport Warrant - Not applicable.

SECOND CHARGE
Section 24 (2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES, to the amount of $40.81.

- in that he -

at Stanley Barracks, Toronto, Ontario, on the 23rd. day of July, 1942, was deficient of the following articles, viz:

		Ves. rate	Amount rate
Anklets, web, pr[illegible]	1...	.77	.[illegible]
Battle dress blouse serge	1....	5.[illegible]	4.[illegible]
Battle dress trousers serge, pr[illegible]	1...	5.[illegible]	4.[illegible]
Boots ankle pr[illegible]	2...	10.[illegible]	7.[illegible]
Cape, field service	1...	.[illegible]	.[illegible]
Greatcoats drab 32 pattern	1...	17.[illegible]	12.[illegible]
Drawers cotton shorts pr[illegible]	1...	.[illegible]	.[illegible]
Drawers woollen pr[illegible]	1...	1.17	.[illegible]
Gloves woollen khaki pr[illegible]	1...	.59	.[illegible]
Helmets web	1...	.06	.[illegible]
Jackets khaki drill	1...	2.12	2.[illegible]
Jackets sweater	1...	1.[illegible]	1.[illegible]
Kilts P.S. leather pr[illegible]	1...	.64	.[illegible]
Overshoes pr[illegible]	1...	1.19	.[illegible]
Puttees pr[illegible]	2...	1.[illegible]	1.[illegible]
Shirts flannel khaki	1...	1.[illegible]	.[illegible]
Shirts khaki cotton W/BS	1...	.[illegible]	.[illegible]
Socks, pr[illegible]	3...	1.[illegible]	.[illegible]
Trousers khaki drill shorts pr[illegible]	2...	2.[illegible]	1.[illegible]
Mufflers khaki	1...	.64	.[illegible]
Dressing, first field	1...	.24	.12
Sheets ground Mk VIII	1...	1.64	1.38
Forward:		59.93	45.13

No.B-55472. Pte. Hall.A.G. — Charge Sheet continued:

		Vce. rate	Depreс. rate 75%
Forward		59.93	45.15
Blacking, tins	1...	.05	.05
Bootlaces, prs.	1...	.02	.02
Brushes shaving	1...	.30	.30
Caps, comforter	1...	.30	.30
Combs, hair	1...	.04	.04
Discs identity W/cord	1...	.02	.02
Forks, table	1...	.09	.09
Holdalls	1...	.17	.17
Knives clasp and lanyard	1...	1.18	1.18
Knives table	1...	.18	.18
Razors safety sets	1...	.39	.39
Razor blades sets	1...	.05	.05
Sponges pipe clay	1...	.02	.02
Spoons, table	1...	.08	.08
Towels hand	2...	.42	.42
Badges cap	1...	.09	.09
Badges shoulder worsted prs.	1...	.08	.08
		$6.42	$5.42
TOTAL SHORTAGES			$48.61

Dated at Toronto, Ontario, this 22nd. day of July, 1942.

G.M. Alexander Colonel.

Officer Commanding No. 2 District Depot, C.A.

To be tried by District Court Martial

W.H. Thomson Lt Col
DAAG I MD 2
for D.O.C. MD 2

Signed at Toronto Ont
this 28th day of July 1942

Proceedings on Plea of Guilty

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

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

The accused No. B-55472; Private Arnold George Hall, (Algonquin Regiment) No. 2 District Depot, C. A., is found guilty of both charges.

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

Q-5 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-5 *Answer.* The accused ~~in mitigation of punishment~~ says:— No, sir.

~~He hands in a written statement which is read, marked, signed by the President, and attached to the proceedings.~~

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

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

Q-6 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A-6 No, sir.

Answer.

Evidence as to character.

E

~~Findings~~

~~The Court is satisfied by the confession of the Guilty~~

~~The Court find the accused~~

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

Proceedings on Conviction *before Sentence*

When the Court is already open this sentence will be struck out.

~~The Court being reopened, the accused is again brought before it.~~

Evidence of character, &c.

Major C. Goodday, Lord Strathcona Horse, No. 2 District Depot, C. A. is duly sworn.

Q-7 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-7; Yes, I produce M. F. B. 355 and certified copy of M. F. M. 6.

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

Q-8 *Question by the President.*

Is the accused the person named in the statement which you have ~~heard~~ read? *Answer by the Witness.* A-8 Yes.

Q-9 *Question.*

Have you compared the contents of the above statement with the regimental books? *Answer.* A-9 Yes.

Q-10 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-10 Yes.

~~Cross-examined by the accused.~~

---The Defending Officer declines to cross-examine.

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

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

Q-11 *Question to the accused.*

Do you wish to address the Court? *Answer.* A-11 Yes, through my Defending Officer. (see document marked "I" attached.)

The Court is closed for the consideration of the sentence.

Q-6 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A-6 No, sir. *Answer.*

Evidence as to character.

Pursuant to powers vested in me under Section 57(2) of the Army Act I hereby remit the balance of detention awarded No. B-55472, Pte. Arnold George Hall, No. 2 District Depot, C.A., said remission to be effective from the 1st day of December, 1942.

(C.F. Constantine)
Major-General
District Officer Commanding,
M.D. 2.

Signed at TORONTO, Ontario,
this 9th day of December, 1942.

J. Clyde Bennett Lieut-Col
President.

X 11

ORDERS BY

Major-General C.F. Constantine, D.S.O.
District Officer Commanding,
Military District No.2.

Toronto, Ontario, 28th July, 1942.

District Court-Martial
No. B 55472, Pte. Arnold George Hall,
(Algonquin Regiment) No. 2 District Depot, C.A.

The detail of Officers mentioned below will assemble at Lecture Room 249, Fort York Armouries, Toronto, Ontario, on Thursday, 30th July, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin(and such other persons as may be brought before them).

PRESIDENT

Lieut.-Col. J.H. Bennett, V.D.,
2nd (Reserve) Battalion, The Queen's York Rangers, (1st American Regiment) (MG) C.A.

MEMBERS

Captain T.G. Blackstock,
The Royal Regiment of Canada, C.A.,
Posted to No. 23 Canadian Army (Basic) Training Centre, C.A.

Captain W.B. Martin, D.C.M.,
2nd (Reserve) Battalion,
The Royal Regiment of Canada, C.A.

WAITING MEMBER

Major G.W. Riley,
Royal Canadian Army Service Corps, C.A.,
Attached to No. 2 District Depot, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Major F.M. Reid,
25th (Norfolk) (Reserve) Field Brigade,
Royal Canadian Artillery, C.A.,
Attached Headquarters, Military District No.2.

The Officer Commanding, No. 2 District Depot, C.A., may detail 4 Officers to attend the Court-Martial for instruction.

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

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial, will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No.2.

SIGNED at Toronto, Ontario, this 28th day of July, 1942.

(A.E. Duncanson)
Lieutenant-Colonel,
D.A.A.G. M.D.2.

CERTIFIED TRUE COPY

Capt.
Adjutant
No. 2 District Depot.

ORDERS BY
COL. O.S. HOLLINRAKE, E.D.
CMDG NO. 2 DISTRICT DEPOT, C.A.

Order No. 207A
29th July 42

PART I

DISTRICT COURT MARTIAL
No. B.5[illegible]472 Pte. Arnold George Hall,
(Algonquin Regt.) No. 2 District Depot, C.A.

1. The detail of Officers mentioned below will assemble at Lecture Room 249, Fort York Armouries, Toronto, Ontario, on Thursday, 30th July, 1942, at 10 o'clock, a.m (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brough before them).

PRESIDENT

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2nd (Reserve) Battalion, The Queen's York Rangers, (1st American Regiment) (MG) C.A.

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Captain T.G. Blackstock,
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Posted to No. 23 Canadian Army (Basic) Training Centre, C.A.

Captain W.B. Martin, D.C.M.,
2nd (Reserve) Battalion,
The Royal Regiment of Canada, C.A.

WAITING MEMBER

Major G.W. Riley,
Royal Canadian Army Service Corps, C.A.
Attached to No. 2 District Depot, C.A.

PROSECUTOR

Major C. Gooday, Lord Strathcona Horse

DEFENDING OFFICER

Capt. L.C. Biggar, M.C.
Dufferin & Haldimand Rifles

JUDGE ADVOCATE

Major F.M. Reid,
25th (Norfolk) (Reserve) Field Brigade,
Royal Canadian Artillery, C.A.
Attached Headquarters, Military District No. 2.

Detailed for Instruction

Lieut. W. Pentland,
48th Highlanders of Can.

DISTRICT COURT MARTIAL (Continued)
B.35472 Pte. Arnold George Hall,
(Algonquin Regiment) No. 2 District Depot, C.A.

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

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial, will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters Military District No. 2.

M. M. Dunlop .....Capt. Adj't.
No. 2 District Depot, C.A.

OFFICERS ATTENDING FOR INSTRUCTION.

(Duly sworn).

- - - - - - -

Lieut. W. Pentland, 48th Highlanders of Canada, No. 2 District Depot, C.C. A.

- - - - - -

J. Clyde Bantz. Lieut
J. Friendly — H

SUMMARY OF EVIDENCE RE:

No. B-55472, Private Arnold George Hall, (Algonquin Regiment) No. 2 District Depot, C.A., a soldier of the Canadian Army, placed on active service, is charged with :-

FIRST CHARGE
Section 15 (1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE:

Absent 120 days, 1 hour, 20 minutes - 121 days.

SECOND CHARGE
Section 24 (2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENTS, CLOTHING AND REGIMENTAL NECESSARIES in the amount of $48.61.

The Commanding Officer directed that the evidence be taken upon Oath.

FIRST WITNESS:

No. B-50153, SERGEANT GILMAN, H., 24th. Cdn.Army Trade Bn., (GARR) No. 2 District Depot, C.A., having been duly sworn, stated as follows:-

I am Sergeant of Holding Company, "A" Wing, No. 2 District Depot, C.A. I produce herewith a certified true copy of a Declaration of a Court of Inquiry, held at Stanley Barracks, Toronto, Ontario, commencing on the [illegible] February, 1942, showing the accused, No. B-55472, Private Hall, A.G., illegally absent from Coldstream Barracks, Ontario, at 2200 hours, 15th. January, 1942. This document refers to the accused, No. B-55472, Private Hall, A.G.

EXHIBIT "A" Certified true copy of a Declaration of a Court of Inquiry above referred to, produced and marked.

I also produce certificate of apprehension signed by James Gray, Officer in charge of Burks Falls, Ontario, Police Station, showing the accused, No. B-55472, Private Hall, A.G., apprehended at Burks Falls, Ontario, at [illegible] hours, 16th. May, 1942. This document refers to the accused, No. B-55472, Private Hall, A.G.

EXHIBIT "B" Certificate of Apprehension above referred to, produced and marked.

I also produce M.F.B. 1481, signed by Lieutenant F.Jones, No. 12-A Coy., O.R.C., Camp Borden, Ontario, showing cost of [illegible] from Burks Falls to Camp Borden, Ontario, amounting to $8.96. This document refers to the accused, No. B-55472, Private Hall, A.G.

EXHIBIT "C" M.F.B. 1481 above referred to, produced and marked.

I also produce account for two meals supplied to the accused No. B-55472, Private Hall, A.G., whilst in civil custody at Burks Falls, Ontario, amounting to .70¢. This document refers to the accused, No. B-55472, Pte. Hall, A.G.

EXHIBIT "D" ~~MXXXXX~~ Account above referred to, produced and marked.

The accused declined to cross examine the witness.

H. Gill Capt.

SECOND WITNESS: No. B-94964, CORPORAL REYNOLDS, W.J. (RCOC), No. 2 District Depot, C.A., having been duly sworn, stated as follows:-

I am a Corporal in the Quartermaster's Stores, No. 2 District Depot, C.A. On the 23rd July, 1942, at Stanley Barracks, Toronto, Ontario, I checked the kit of the accused, No. B-55472, Private Arnold George Hall, with his M.F.C. 800 and find a deficiency in articles of clothing and equipments in the amount of $ 48.61 , made up as follows:-

		Voc.rate	Deprec. rate 75%
Anklets, web, prs.	1..	.77	.58
Battle dress blouses,serge	1..	5.58	4.19
Battle dress trousers serge,prs.	1..	5.60	4.20
Boots ankle, prs	2..	10.40	7.80
Caps, field service	1..	.78	.59
Greatcoats drab 39 Patt	1..	17.22	12.92
Drawers cotton shorts,prs	1..	.33	.25
Drawers woollen,prs	1..	1.17	.88
Gloves woollen khaki,prs	1..	.59	.44
Helmets,sun	1..	.86	.65
Jackets khaki drill	1..	3.12	2.34
Jackets sweater	1..	1.38	1.04
Mitts P.O. leather,prs	1..	.64	.48
Overshoes, prs	1..	1.19	.89
Puttees, prs	2..	1.78	1.34
Shirts flannel khaki	1..	1.17	.88
Shirts khaki cotton W/SS	1..	.99	.74
Socks, prs	3..	1.08	.81
Trousers khaki drill shorts,prs	2..	2.36	1.98
Mufflers khaki	1..	.84	.63
Dressings, first field	1..	.24	.18
Sheets ground MK VIII	1..	1.84	1.38
		$59.95	$45.15
Blacking, tins	1..	.05	.05
Bootlaces,prs	1..	.02	.02
Brushes shaving	1..	.30	.30
Caps, comforter	1..	.30	.30
Combs, hair	1..	.04	.04
Discs identity W/cord	1..	.02	.02
Forks, table	1..	.09	.09
Holdalls	1..	.17	.17
Knives clasp and lanyard	1..	1.18	1.18
Knives, table	1..	.18	.18
Razors safety sets	1..	.39	.39
Razor blade sets	1..	.05	.05
Sponges pipe clay	1..	.02	.02
Spoons, table	1..	.08	.08
Towels, hand	2..	.42	.42
Badges, cap	1..	.09	.09
Badges shoulder worsted,prs.	1..	.08	.08
		$3.48	$3.48

TOTAL SHORTAGES: $48.61

The articles on which there is no depreciation are kept up at the soldier's own expense after first issue.

I file herewith certified true copy of M.F.C. 800. This document refers to the accused, No. B-55472, Private Hall, A.G.

EXHIBIT "E" Certified true copy of M.F.C. 800 above referred to, produced and marked.

W.J. Reynolds, Cpl.

The accused declined to cross examine the witness.

SUMMARY OF EVIDENCE RE:

No. B-55472, Private Arnold George Hall, (Algonquin Regiment) No. 2 District Depot, C.A.

Major N.M.Menzies, 26th. Cdn. Army Tank Bn., (GASF) No. 2 District Depot, C.A., thereupon warned the accused in accordance with Rules of Procedure 4 (e) as follows:-

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

WHEREUPON the accused replied "Yes, sir, I wish to make a statement under Oath."

No. B-55472, Private Arnold George Hall, (Algonquin Regiment) No. 2 District Depot, C.A., having been duly sworn, stated as follows:-

"I received a week-end pass from the 16th to 18th. January, 1942. I left my home at Karney to hitch hike back to Camp on the 18th. January, 1942. I only got as far as Huntsville that night, and as I could not get any further I got a ride back home. On Wednesday, the 21st. January, I got a ride as far as Toronto and stayed over night with my brother. I left on Thursday for Niagara and when I got there found out my Unit had left, so I came back home. Later I made enquiries to find out where they were and was told they had gone to Newfoundland. I got work then to try and make the price of my fare in order to rejoin my Regiment in Newfoundland."

A.G. Hall

The accused declined to call any witnesses on his own behalf.

N.M. Menzies Major,
26th. Cdn. Army Tank Bn., (GASF) No. 2
District Depot, C.A.

I HEREBY CERTIFY that the documentary evidence was read in the presence of the accused.

N.M. Menzies Major,
26th. Cdn. Army Tank Bn., (GASF) No. 2
District Depot, C.A.

SUMMARY OF EVIDENCE RE:

No. B-55472, PRIVATE ARNOLD GEORGE HALL, (Algonquin Regiment) No. 2 District Depot, C.A.

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

Taken down by me in the presence of the accused at Stanley Barracks, Toronto, Ontario, this 23rd day of July, 1942.

H. F. Menzies Major,

26th. Cdn. Army Tank Bn., (G&SR) No. 2 District Depot, C.A.

J. Hyde Desmarais to be forwarded

Exhibit in Motion for 79

RECORD of the Declaration of a Court of Inquiry assembled at Stanley Barracks, Toronto, Ontario. on the 23rd. day of February 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B 55472 Pte. HALL A.G. (ALG. Regt.) "I" Wing No 2 District Depot. C.A. (A) from 2230 hours 18th. January 1942.

DECLARATION

The Court declare that No. B 55472 Pte. HALL A.G. (Alg. Regt.) "I" Wing No 2 District Depot C.A. (A)

illegally absented himself without leave (or other sufficient cause)

at Chippawa Bks. at 2230 hrs. on the 18th. day of January 1942.;

and is still so absent

and that on the 23rd. February 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
SEE ATTACHED LIST		SEE ATTACHED LIST	

Signed at Stanley Barracks, Toronto, Ontario.

this 16th. day of March 1942.

Major N.M. MENZIES (GSF) No 2 District Depot. C.A. — President

Lieut W.A. Stilwell (QOR) No 2 District Depot. C.A. — Member

Lieut. F.J. Conway (RCCS) No 2 District Depot. C.A. — Member

Signature of Commanding Officer C.S. Hollinrake Colonel. No. 2 District Depot. C.A.

Certified true copy [signature] Capt. & Adjt.

Signature of Officer having custody of original record

No 2 District Depot. C.A.

M.F.B. 375
VM—10-46 (7485-6)
H.Q. 1772-39-247

Anklets web	1	.77
Battle dress blouse	2	12.36
Battle dress trousers	2	12.48
Boots ankle	2	9.62
Caps field service	1	.82
Caps winter melton	1	1.20
Greatcoat	1	17.22
Drawers cotton short	2	.92
Drawers woollen	2	2.34
Dressing first field	1	.24
Gloves woollen khaki	1	.59
Helmets sun	1	.86
Jacket khaki drill	1	3.05
Jacket sweater	1	1.71
Mitts pullover leather	1	.64
Overalls blouses denim	1	2.40
Overalls ~~kimmmmxt~~ trousers	1	2.75
Overshoes	1	1.19
Puttees	1	.89
Shirts flannel	2	4.10
Shirts ko w/ss	2	1.98
Shirts under cotton	2	.68
Shirts woollen	2	2.28
Shoes canvas	1	1.97
Socks	3	1.11
Trousers khaki drill short	2	2.64
Bags ration	1	.03
Belts waist	1	.85
Bottles water	1	.65
Braces l & r	2	.70
Covers mess tin	1	.08
Frogs bayonet	1	.17
Haversacks	1	1.75
Helmet steel	1	2.25
Packs	1	1.69
Pouches basic small	2	2.08
Slings rifle	1	.23
Straps shoulder	2	.70
Straps web supporting	2	.28
Tins mess	1	.66
Respirator anti gas		
Container type "E" mk vi	1	1.60
Discs identity red #2	1	.01
Face pieces	1	3.10
Haversack mk vi	1	1.56
Outfits anti-dimming mk 1	1	.15
Seals discs identity lead	1	.01
Sheets ground	1	1.84
TOTAL		107.22
Unexpired value		$80.52
Badges canada	1	.10
Badges cap	1	.09
Badges choulder	1	.08
Bags kit	1	.74
Belts waist	1	.32
Blacking tins	1	.04
Bootdressing	1	.04
Bootlaces	1	.02
Braces	1	.29
Brasses button	1	.04
Brushes boot blacking	1	.15
Brushes boot polishing	1	.15
Brushes button	1	.15
Brushes cloth	1	.24
Brushes hair	1	.24
Brushes shaving	1	.30
Brushes tooth	1	.08
Buttons gs	9	.09
Caps comforter	1	.25
Combs hair	1	.04

CERTIFIED TRUE COPY. CAPT. & ADJT. #2 DISTRICT DEPOT. C.A.S.

Discs identity sets	2	.06
Forks table	1	.09
Holdalls	1	.17
Housewives	1	.50
Knives clasp & lanyard	1	1.18
Knives table	1	.16
Razors sets	1	.42
Razor bla des	1	.05
Sponges pipe clay	1	.05
Spoons talle	1	.08
Towels hand	2	.42
Bayonet & scabbord	1	7.15
Bottles oil	1	.19
Pullthrough	1	.08
Rifle #229 Mark 1 & 3 Star	1	53.22
TOTAL SHORTAGES		$147.83

CERTIFIED TRUE COPY.

A H Ramsey ..... Capt. & Adjt.
No 2 District Depot.

APPENDIX 'A'

Certificate in accordance with Order in Council, P.C. 2797 dated 10th April, 1942 as published in General Order 127, 1942.

(Apprehension by or surrender to civil authorities).

I certify that the person whose description is given below was arrested by (~~surrendered~~ to) A. E. Ayres. (~~Name of Peace Officer or Const~~) at Burks Falls (Place) at 23.50 (Hour) on the 18th day of May 1942. and that at the time of arrest (surrender) he was wearing military (air force) uniform (dressed in civilian clothes) undressed in bed.

Regimental particulars of officer or soldier referred to above.

No B.55472
Rank Pte.
Name Hall Arnold.
Unit Algonquin Regt.

Description

Age
Height
Complexion
Hair
Eyes
Marks

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of Police station at which officer or soldier was taken into custody upon such arrest or surrender.

(~~Peace Officer~~)(~~Constable~~) or (Officer in charge of police station) Burk's Falls, Ont.

James Gray

M.F.M. 215

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ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5th, 1941 AS PUBLISHED IN CANADIAN [illegible] ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description
Strike out word not applicable
Complete

I Lieut. F. Joyce, 2 i/c. 12A Coy., Cdn. Prov. Corps
(Rank) (Name) (Unit)
hereby certify that I ~~xxxxxxxx~~ (authorized) the hereinafter itemized transportation for escort to proceed from Camp Borden (Place) to North Bay & Burk's Falls (Place)

Full description of soldier being escorted
Strike out phrase not applicable

and return to Camp Borden, Ont. for the purpose of escorting B 55472 Pte. Hall, Arnold alleged to be a ~~xxxxxxxxxx~~ absentee without leave, the facts, date and particulars of (~~xxx xxxxxxxxxxxxxxxxxxxxxxxx~~ the transportation required) and the cost thereof for said soldier and escort being as follows:

	PARTICULARS	COST
1942 May 19th.	Transportation per, D.N.D. Vehicle from Camp Borden to North Bay & Burk's Falls and return to Camp Borden. 298 miles @ 3¢. per mile Divided between 3 men escorted	8.94 3)8.94 $2.98

Dated at Camp, Borden, Ont. 20th day of May 1942

F. Joyce, Lieut.
2 i/c. 12A Coy.,
Cdn. Prov. Corps

F. Joyce, Lieut.
Signature, rank, unit of officer ~~xxxxxxxx~~ ~~xxxxxxxxxxxxxxxx~~ (authorizing transportation).
Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier.
Transportation only.

M.F.B. 1481

50M-7-41 (1129)

H.Q. 1772-39-1851

E. T. Baker

Date, Aug 19 19[illegible]

Sold to Last Meals

		ACCT. PAID
1		
2	2 Meals	7[illegible]
3		
4		
5		
6	Paid	
7	E. T. Baker	
8		
9		
10		
11		
12		
13		
14		
15	39	

M.F.C. 800
100M—7-40 (516)
H.Q. 1772-36-1643

Regt. No. B[illegible]472 Rank Pte Name HALL A.G.

INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

Date of Attestation 19-2-41

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials
Anklets, web, prs.	1	6/41							
Badges, arm, worsted, Canada, prs.									
Badges, cap	1	11/41							
" collar, prs.									
" shoulder, prs.	1	2/41							
Bags, Kit									
Battle Dress—									
Blouses, serge	1	10/41		1	1/42				
Trousers, serge, prs.	1	10/41		1	1/42				
Belts, waist, leather, brown									
Blacking, tins	1	2/41							
Bonnets, Tam O'Shanter									
Bootdressing, tins									
Bootlaces, prs.	1	2/41							
Boots, ankle, prs.	1	2/41		1	1/41				
" " felt, prs.									
Boots, lumberman's, rubber—prs.									
Insoles, prs.									
Braces, prs.	1	2/41							
Brasses, button									
Breeches, D.C., or Trousers, S.D. prs.									
Brushes, boot, blacking									
" boot, polishing									
" button									
" cloth									
" hair									
" shaving	1	2/41							
" tooth	1	2/41							
Cap, comforter	1	2/41							
" field service	1	2/41							
" forage, drab									
" winter, Melton cloth	1	2/41							
Cloak or Greatcoat, drab	1	2/41							
Comb, hair	1	2/41							

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials
Discs, identity, with cord	1	7/41							
Drawers, cotton, short, prs.	1	6/41							
Drawers, woollen, prs.	2	2/41							
Dressings, first field	1	2/41							
Forks	1	2/41							
Gloves, woollen, khaki, prs.	1	2/41							
Helmets, sun	1	6/41							
Holdalls	1	2/41							
Jackets or Doublets, all									
Jacket, battle	1	6/41							
Jacket, weatherproof	1	2/41							
Jacket, [illegible]	1	7/41							
Jacket, [illegible]	1	2/41							
Jacket, [illegible]	1	2/41							
Overalls—									
Blouses, denim									
Trousers, denim, prs.									
Overshoes or Rubbers, prs.	1	3/41							
Pantaloons or Trousers, service, prs.									
Puttees, prs.	1	6/41		1	7/41				
Razors	1	2/41							
" Blades	1	2/41							
Shirts, flannel, khaki	2	2/41							
" khaki, cotton, with short sleeves	1	6/41							
" service									
" under, cotton									
" woollen									
Shoes, canvas, prs.									
Socks, prs.	3	2/41							
Sponges, pipeclay	1	2/41							
Spoon, table	1	2/41							
Towels, hand	2	2/41							
Trousers, khaki drill, prs.									
" " short, prs.	2	6/41							
Muffler Khaki	1	1/42							

Certified true copy of this man's present issue as shown on his Original M.F.C.800. He has signed or initialled for each item on both sides of the sheet.

Edmund O King, Major.
Quartermaster.
No.2 District Depot, CA

Free issues only will be accounted for on this form.

Signature of Soldier A.G. HALL

Signature of Quartermaster W. FISCHER
Lieut 'QM'
Algonquin Regt

Unit Algonquin Regt No. B55472 Rank Pte Name HALL A.G.

From Algonquin Regt	to #2 LD	Date 12/2/42	Transferred or Attached	39/140
From	to	Date		
From	to	Date		
From	to	Date		
From	to	Date		

EQUIPMENT (a)	Date of Issue	Date of Issue	Date of Issue	Date of Issue	ARMS AND MISCELLANEOUS (a)	Date of Issue	Date of Issue	Date of Issue	Date of Issue
Attachments, brace					Bayonets and Scabbards				
Bags, ration					Bottles, oil				
Bandoliers					Pistol				
Belts, waist					Pullthroughs				
Bottles, water					Rifles				
Braces					Swords and Scabbards				
Carriers, cartridge									
" waterbottle									
Cases, pistol									
Covers, mestin					Blankets				
Frogs, bayonet					Sheets, ground Mk VIII	1/2/41			
Haversacks									
Helmets, steel									
Lanyards, pistol									
Packs									
Pouches, ammunition									
Slings, rifle									
Spurs, jack, prs.									
Straps, shoulder									
" web, supporting									
Tins, mess									

(a) Arms and equipment will not be transferred with the soldier unless authorized by the D.O.C.

On return of any article the Q.M. will initial in the date column opposite the article returned and line through in red ink.

Signature of Soldier

Signature of Soldier

Signature of Soldier

Signature of Soldier

Signature of Soldier SIGNED A.G. HALL

Signature of Soldier

Signature of Soldier

Signature of Soldier

THE DEFENDING OFFICER: Sirs; I would like to make a brief statement. Referring to the summary of evidence, I would like to bring out a few points which have already been stated under oath., which possibly may be in mitigation of punishment.

The accused was on pass from the 16th to the 18th of January, when he went absent without leave. He returned to Niagara on the 22nd of January, with the full intention of rejoining his Unit, but when he found they had left, he was frightened, and not knowing what to do, he went home. It was his intention to get sufficient funds together so that he could rejoin them in Newfoundland. He found it was rather had to get steady work, and when he did, his wages were very low. He worked for his father for a while, but only got $5.00 a week and his board and lodging, and at that rate, Newfoundland being where it is, it would take him some time to get sufficient funds to get there.

He served in the Militia from August, 1940, to February, 1941, with the Algonquin Regiment, prior to joining an Active Unit. He has one brother who is serving in the Army Service Corps, and from cross-questioning the accused, I know it was always his intention, during his absence, to rejoin the Unit when he was put in funds to do it.

I think the most important plea I can make in mitigation will be that he has assured me that no matter what award the Court may give him, he intends to soldier in the future.

That is all; thank you.

- - - - - - - -

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M.F.B. 355
22M—5-41 (572-3)
H.Q. 1772-39-630
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B-55472,	Private	Arnold George Hall, (Alg.Regt.)	No. 2 District Depot, CA

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

	Within last 12 months		Since enlistment or appointment	
For	AWL	two times	AWL	three times
For	Escaping	one times	Breaking Barracks	one times
For	Losing by neglect	one times	Losing by neglect	one times
For		times	When in con. escape	one times

~~Number of instances of gallantry or distinguished conduct~~

~~or~~

~~There are no entries in the conduct sheets of the accused~~

~~Except if the charge is for drunkenness the entries for drunkenness must be stated separately~~

2. ~~The accused has not been previously convicted~~

~~or~~

Previous convictions of the accused by a court-martial or a civil court, of summary awards under ~~Air Force Act~~ Section 47 of the Army Act and dispensations with trial under ~~A.A. 73~~ A.A. 73 are set out in the Schedule annexed to this statement.

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

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

4. The accused has been in confinement awaiting trial on the present charges, for ~~34~~ one days in civil custody, and ~~27~~ 34 days in military ~~Air Force~~ custody, making a total of ~~61~~ 35 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 23 years.

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 10th. February, 1941

7. ~~The service which the accused is allowed to reckon towards discharge~~

8. ~~The accused is entitled to reckon~~ ~~for the purpose of determining his pension~~

9. ~~The accused is in possession of or entitled to wear the decoration of an Imperial or military~~ ~~military~~ ~~military~~ ~~

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of
Permanent Force
unit
..... dated N.A., and in his regiment (or corps), the rank of
..... dated N.A.

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

N.A. Date of promotion.

In the rank of N.A. years.

In the rank of N.A. years.

In the rank of N.A. years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the ~~Air Force~~ Army Act, and of cases in which trial has been dispensed with of accused, Number B-55472 Rank Private
Unit
Name Arnold George Hall, of (Alg. Regt.) No. 2 District Depot, C.A.
Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
Police Court	16th. June '42. Parry Sound, Ontario.	Sec. 458 (A) Housebreaking	one month.	Nil.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 30 day of July, 1942 Capt. & Adjt.
No. 2 District Depot, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked signed by the president, and annexed to the proceedings.

Original sheet destroyed 10-8-41

M.F.M. 5 (A.F.B. 122) 500M—21-10 (8022) H.Q. 7772-45-18

No. B-55472 Name Hall, A.G. | Sqn., Battery, or Company "A" | Corps Algonquin Regt. | Date of enlistment 10/2/41 | G.C. Badges | Service or Proficiency Pay | Sheet No. 2 | Signature O.C. Company, etc. S.Mason. Capt. | Character

Date of last entry in Company Conduct Sheet 17/5/41 | No. and date of last drunk | Period not reckoning towards freedom from extra fine

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order directing with trial	By whom awarded	Remarks
Pt.Arthur	1/5/41	Pte		(1) Breaking barracks.(2)AWL 2 days.	Sgt.Wilson.	8 dys Det	17/5/41	J.B.Stewart Lt.Col.	16 dys Forfe
Shilo Camp				Furlough Sept. 5/41.	F.W. No. 75134				
Shilo Camp	6/10/41	Pte		Absence without leave - 9 days	Documentary	9 dys Det.	3/11/41	Lt.Col.Stewart	344.30
	5/11/41	"		when in confinement escaping	Sgt.Hobbs,Cpl.Hinckberger	Serve 5 days former sentence	5/12/41	J.B.Stewart Lt.Col.	34 days Forfeitur
				AA22(3)					Stoppages 37.30
" "	5/11/41	"		Losing by neglect 24(2) AA	Documentary	28 Days			
" "	5/11/41	"		Absent without leave 30days.	Sgt. Hobbs				
				21 hrs. 45 min. AA 15 (1)	L/Cp.Hinckberger	Detention	8-12-41	J.B.Stewart Lt. Colonel	34 days Forfeiture
					C.Q.M.S.Langstaff				
Parry Sound.				Convicted by Civil Power, Parry Sound.		Committed to Common Gaol, Parry Sound for one month.		D.O. 155. 29-5-42	

CERTIFIED TRUE COPY:

Capt. & Adj't.

No. 2 District Depot, C.A.

(P.T.O.)

go obey orders to commit the bed
Ch
g'rmed.

MEDICAL OFFICER'S REPORT

I certify that No B 55472 Hall, [illegible] A.G. ....

of .....No. 2. D.D. ..... is in a ....fit..... state of

health, and # fit.....to undergo Trial by Court Martial

'fit' or 'unfit'

Ch

Capt. RAMC
(Medical Officer)

Station ....No. 2 District Depot.

Date ....July 10th, 1942

H.Q.C. 55-H-273 (JAG)

December 5, 1942.

District Officer Commanding,
Military District No. 2,
Toronto, Ontario.

Re: DISTRICT COURT MARTIAL
B.55472, Pte. Hall, Arnold George,
Algonquin Regiment, No.2 District
Depot, C.A.

1. This will acknowledge receipt of your T-20-H-4008 of December 3, 1942, and in accordance with the request contained therein, the proceedings of the marginally noted District Court Martial are returned herewith.

2. When they have served their purpose may they please be returned to this Headquarters.

EBB/jg

Brigadier,
Judge Advocate-General.

6574.

IN REPLY PLEASE QUOTE
No. T-20-H-4008
(AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

10th August 1942
Headquarters, Military District No.2,
159 Bay Street, Toronto, Ontario.

CENTRAL REGISTRY Army
PERS. SEC.
AUG 11 1942
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
B.55472, Pte. HALL, Arnold George
Algonquin Regiment, No. 2 District
Depot, C.A.

Herewith Proceedings of the marginally noted District Court-Martial the Finding and Sentence of which have been duly confirmed and promulgated.

2. The Proceedings are now forwarded for the custody of and registration by the Judge Advocate-General.

for (C.F. Constantine)
Major-General
District Officer Commanding
M.D.2.

N.D. 28
7M(M)—10-41 (8266)
H.Q. 1772-101-28

Copy on 405-H-5738

H.Q.C.55-H-273
M.D.T-20-H-4008 (AJAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-55472 Name HALL, A.G.

Rank Pte. Unit Algonquin Regt., #2 District Depot, C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 18/1/42. 2. 23/7/42.

Date of Arrest 18/5/42. Charge. Signed 23/7/42.

Orders for D.C.M. D.O.C., M.D.#2.

Place and Date of Trial Toronto, Ontario, 30/7/42.

Sentence Detention 6 months and stoppages of $51.59

Date of Confirmation 4/8/42.

Date of Promulgation 6/8/42.

Entered in Records of J.A.G. as No. 6574

Date 12/8/42.

MEMO Balance of detention remitted as of 1/12/42 by DOC MD #2

E V Rees Capt
for Judge Advocate-General.

2M-7-42(M1291)

CANADA

91838

IN REPLY PLEASE QUOTE
No. T-20-H-4008
(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

3rd, December, 1942.

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
CONF. SEC.
DEC 4 1942
File C.S.S.-H-275
Chgd. to
Referred to JAG.

District Court-Martial
B-55472, Pte. A.G. Hall,
No. 2 District Depot, C.A.

May the proceedings of the marginally noted District Court-Martial be forwarded to this Headquarters for consideration of the recommendation of Remission, please.

for Robt. O'Hanrey Major
(C.F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

NAT. DEF. B. 449
1,000 M.-4-42 (4327)
H.Q. 1772-39-767

H.Q.C.55-H-273 (JAG)

RECEIVED
AUG 14 1942
ORG.
A. D.

August 13th, 1942.

The District Officer Commanding,
Military District No. 2,
Toronto, Ont.

Re: District Court-Martial,
B.55472, Pte. Hall, Arnold George,
Algonquin Regiment, No. 2 District
Depot, C.A.

1. Receipt is acknowledged of your T-20-H-4008 (AJAG), dated the 10th August, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The Sentence would appear to be legal, and accordingly the proceedings are retained for custody.

Brigadier,
Judge Advocate-General.

EBB/MM

Noted
G. A. FERGUSON
LT. COL.
ORG. A. D.
AUG 15 1942

H.Q.C. C.55-H-274 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

TPR. GERARD HENAIRE. D-46537

27 CDN. ARMD. REGT. SHER FUS R C.A.

405-H-8364.

DEAD

DEAD

CENTRAL REGISTRY	DATE	P.A. OR S.V.	INITIALS	ROUTED TO	FOR REMARKS		DATE
					(If purpose for which referred cannot be expressed on one line, add minute on file and refer here "With Minute")		
				Jas	With Papers	CR	12 8/42
AUG 15 1942	16 8 42	PA	JAG	A.D.	London & P.A.	Sub.	14-8-42
AUG 17 1942	23 9/42	P.Q.	RKR	JaH			
SEP 23 1942					SEP 23 1942		

CONFIDENTIAL
H.Q.C. C.55-H-274

NOTICE

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

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-274 JAG

August 14, 1942.

4
RECEIVED
AUG 15 1942
ORG.
A. D.

General Officer Commanding,
4 Canadian Armoured Division,
Debert, Nova Scotia.

District Court-Martial
D.46537 Tpr. Gerard Henaire
27 Cdn Armd Regt (Sher Fus R) C.A.

1. Receipt is acknowledged of your 4AD/5-2-4-2 dated 8th August, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The irregularities set out in your letter have been noted and are concurred in.

3. In addition, the following would appear to be in the proceedings:-

(a) The place of trial on page "A" of the proceedings is not identical with that set out in the Convening Order.

(b) The letters "A" or "Q", as the case may be, should appear before the number of each question and answer throughout the proceedings.

(c) There should have been a marginal notation at the beginning of the evidence of the accused, on page DD of the proceedings, as follows - "The first witness for the Defence".

(d) The questions of the Court to the accused after his evidence should have been set out in full, rather than merely a notation that the Court did so question the accused.

(e) Page 7 of the proceedings should have been headed "DD 2".

(f) No notation as to R.P. 83 (b) appears after the evidence of the witness on the Proceedings on Conviction before Sentence.

(g) No marginal notation of the Sentence appears on page "F" of the proceedings.

(h) It is presumed that the evidence given in the proceedings was given in narrative form and what is set out therein, is a true record thereof. If such is the case, the proceedings are properly prepared.

Noted
G. A. Ferguson
Lt. Col.
Org. A. D.
AUG 16 1942

4. It is not considered necessary to return the proceedings which are accordingly retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

EEB*ADK

Copy on 405-H-8364

H.Q. C.55-H-274
M.D. 4A/5-2-4-2

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. D-46537 Name HENAIRE, G.

Rank Tpr. Unit 27 Cdn. Armd. Regt. (Sher. Fus) C.A.

Charge Sec. 15(1) A.A. Absenting himself without leave.

Date of Crime 1/7/42.

Date of Arrest 8/7/42. Charge. Signed 20/7/42.

16 days

Orders for D.C.M. Brig. E.L.M. Burns, O.B.E., M.C., OC the 4th Canadian Armoured Brigade, C.A.

Place and Date of Trial Debert, N.S., 24/7/42.

Sentence Detention 60 days and stoppages of $50.17.

Date of Confirmation 24/7/42.

Date of Promulgation ~~31~~ 25/7/42.

Entered in Records of J.A.G. as No. 6575

Date 13/8/42.

MEMO

$9.34 of the stoppages remitted by confirming authority.

E.R. Bury Capt.
for Judge Advocate-General

2M-7-42(M1291)

6575

IN REPLY PLEASE QUOTE
No. 4AD/5-2-4-2

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

HEADQUARTERS, 4 Cdn Armd Div.,
DEBERT, N.S., 8 August, 1942.

CENTRAL REGISTRY Army
P. AG. SEC.
AUG 12 1942
File
Chgd. to
Referred to

Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL -
D.4697, Tpr. Gerard Hénaire
27 Cdn Armd Regt (Sher Fus R) C.A.,

Herewith proceedings of the District Court-Martial held for the trial of the m/n soldier, for registration and custody.

2. The following irregularities are noted, none of which however, are considered vital to the validity of the Finding:

(a) On The Charge Sheet the christian name of the accused should precede the surname. ✓

(b) On the Charge Sheet the marginal note should have been in red. ✓

(c) The description of the charge should be "Absenting Himself Without Leave". ✓

(d) In the particulars it should state where the offence occurred, and from where he absented himself. It would also be preferable if it were stated by whom he was apprehended and how he was dressed. ✓

(e) In the evidence of the first witness there should be evidence that the documents refer to the accused. There should also be evidence that the documents were read to the accused and identified by being marked exhibits. ✓

(f) Exhibit "J1" purports to be a true copy, whereas it would appear to be a certified true copy of an extract.

(g) The M.F.B.1482 and M.F.B.1481 are made out in an unsatisfactory manner. Upon the face it would appear that the amount to be charged against the accused is the total amount. Both the Charge Sheet and the Finding interpreted these documents this way. However, upon review, it appears that only 1/13 of these amounts should be charged against the accused, and the General Officer Commanding, 4 Cdn Armd Div., C.A., has remitted part of the stoppages, in order that the sentence may conform with the evidence.

P.....2

M.F.B. 230
50000M—4-41 (135)
H.Q. 1773-30-106

(h) It is noted that in the M.F.B.1482 Cpl. Michaud testifies that he was detailed to proceed to Drummondville, P.Q., to return Pte. Henaire to Montreal, P.Q. On the M.F.M.216 Major Draper testifies that the accused was apprehended by Cpl. Michaud at Drummondville, P.Q.

(i) The M.F.B.1481, dated 11 Jul 42, includes the price of meals.

3. It is requested that any comments upon the longhand form of these proceedings may be received.

for (F.F. WORTHINGTON) Major-General,
G.O.C., 4 Cdn Armd Div.,

Enc.

ACH/AHS

1.

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

A

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

Proceedings of a District Court-Martial held at Camp Debert, N. S.
on the 24th day of July 1942 by order of
Brigadier E. L. M. Burns, OBE, MC Commanding the 4 Canadian Armoured Brigade
dated the 22 day of July 1942

President.

Major M. C. Finley 21 Cdn Armd Regt (GGFG) C.A.

Members.

Capt. I. Echenberg - 27 Cdn Armd Regt (Sher Fus R) C.A.
Lieut. S. C. Robinson - 22 Cdn Armd Regt (G.G.G.) C.A.

Capt. A. C. Hall, HQ. 4 Cdn Armd Div C.A. Judge Advocate.

Trial of* D46537 Tpr. Gerard Henaire - 27 Cdn Armd Regt (Sher Fus R) C.A.

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

~~The Court satisfy themselves that is not available to sit during to , when the member takes his place as a member of the Court.~~

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

The accused is brought before the Court.

Prosecutor,† Lieut. H. R. Howitt - 27 Cdn Armd Regt (Sher Fus R) C.A.

~~Counsel~~ or defending officer† Lieut. T. C. Gleeson - 27 Cdn Armd Regt (Sher Fus R) C.A.

At 10 o'clock the Trial commences.

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

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

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

Answer by accused. No. Sir

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

---

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

Mil. Form B. 271
5M—9-41 (1907)
H.Q. 1772-39-224

* I have satisfied myself that none of the officers detailed as members of the Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court Martial
M C Finley Maj. Pres.

N

B

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

~~The following officers under instruction are duly sworn.~~ Sgt Poirier P.C. 27 in Can. Armd Regt C.A. is duly sworn as interpreter

2. Do you elect to D11H885 Sgt Poirier P.C. 27 in Can. Armd Regt acting as interpreter?

2. No, sir.

D11H885 Sgt Poirier P.C. 27 in Can. Armd Reg't C.A. is duly sworn as interpreter

Charge-Sheet

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

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

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

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

3 Guilty *Answer.*

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

Answer.

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

Answer.

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

Answer.

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

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

"B 2"

McCharles Mel
Ges. 3

CHARGE SHEET

The accused D-46537 Tpr. HENAIRE, G. 27 Cdn Armd Regt. (Sher Fus R), a soldier of the Canadian Army Placed on Active Service is charged with

CHARGE
Sec 15 (1)
Army Act.

ABSENCE WITHOUT LEAVE

in that he,

was absent without leave from 0600 hours 1st July 42, until he was apprehended in DRUMMONDVILLE, QUE. at 0740 hours 8th JULY 1942.

(Total absence 7 days 1 hour 40 minutes)

Cost of apprehension and return to unit
$ 50.17

Signed at Camp Debert, N.S.
this 20 day of July 42.

To be tried by District Court Martial

E. Lin Burns
Brigadier

1942

(J.C. Cave), Major,
A/Commanding Officer,
27 Cdn Armd Regt (Sher Fus R)

5

CC

Proceedings on Plea of Guilty

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

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

The accused D 46537 Tpr. Gerard Henry 27 Cdn Armd Regt (Sask Dns R) C.A.

is found guilty of the charge

*The summary (~~or abstract~~) of evidence is read, marked ,

signed by the President, and attached to the proceedings.

Question to the accused. H · Do you wish to make any statement in mitigation of punishment?

No.

Answer. H ~~The accused in mitigation of punishment says:—~~

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

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

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

DD

5 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

5 I wish to give evidence myself and call Lt Stevens *Answer.*

The accused DHG537 Tpr Gerard Henaire 27th Can. Armd Reg't, CA. having been duly sworn states; *Evidence as to character.*

"I am married and have two children. For eight years I worked for Canadian Celanese at Drummondville, before for five years I was assistant foreman. I have never had any complaints and my work was satisfactory. I left my job to join the Army. That's all."

Prosecutor declines to cross-examine.

On being examined by Capt. accused states "I have no family difficulty. My children are aged 6 and 3½ years. My only reason for going A.W.L. is that I was homesick. I had not been home since May 13. My father died and I went A.W.L."

Gerard Henaire

R.P. 93 (6) complied with

2nd Witness for accused

Lieut T.C. Stevens. 27th Can. Armd Reg't CA having been duly sworn states

I have known accused personally for one year and six months. I know of accused family and background. I have had T/Sgt Tessaine on numerous occasions under me on route marches and on schemes and he has always given his full support to the N.C.O's and officers. He always orders promptly and to the best of his ability

T C Stevens Lt.

Prosecution declines to cross-examine
R.P 83 (b) complied with.

E

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

~~Finding~~*

~~The Court is closed for the consideration of the finding.~~

~~The Court find that the accused~~

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

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

Evidence of character, &c.

Lieut. H. R. Hewitt 27 Coy Royal Regt (Shrs Rifs R) C.A. is duly sworn.

6 Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? 6 *Answer by the Witness.* yes. MFB 35s MFM 6

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

7 Question by the President.

Is the accused the person named in the statement which you have heard read? 7 *Answer by the Witness.* yes sir

8 Question.

Have you compared the contents of the above statement with the regimental books? 8 *Answer.* yes sir

9 Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? 9 *Answer.* yes sir

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

~~Cross-examined by the accused.~~

Defending Officer declines to cross examine witness.

10 Question to the accused.

Do you wish to address the Court? 10 *Answer.* Yes by the defending officer. See Exhibit "K"

The Court is closed for the consideration of the sentence. sentenced by firing and attached to proceedings

10

F

Sentence

The Court sentence the accused D46537, Tpr Gerard Sentence.
Hendrie, 27th Can Armd Reg't CA
to undergo detention for (60) sixty days
and be put under stoppages of pay
until he has made good the sum of
$50.17 in respect of cost of apprehension
and return

Signed at Camp Debert N.S. this
24th day of July A.D. 1942.

[illegible]
Judge Advocate

M.C. Finley Maj
President

I confirm the finding and
sentence of the Court

Dated at Debert, N.S.
this 24th day of
July, 1942

E. Lee Burns Brig
a/Comd, 4th Cdn Armd Div

PROMULGATED AND EXTRACTS TAKEN AT CAMP DEBERT, N.S.,
this 25th day of July, 1942.

W.D. [illegible] Judge Advocate
.....
A/Adjutant, 27 Cdn Armd Regt (Sher Fus R)

I remit $9.34 of the stoppages in respect of the costs
of apprehension and return.

F.F. Worthington

Debert, N.S.,
29 Jul 42.

(F.F. WORTHINGTON) Major-General,
G.O.C., 4 Cdn Armd Div.,

Remission Promulgated at Camp Debert this 31 day of
July, 1942.

W.C. Walsh
.....
(W. C. Walsh) Capt/Adjt.,
27 Cdn Armd Regt (Sher Fus R)

Extracts entered as No. 6575 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 13th day of August 1942

"X" McFinley May Pres. 11

Orders by Brigadier E.L.M. BURNS, O.B.E., M.C. Commanding

the 4 CANADIAN ARMOURED BRIGADE, C.A.

D 46537 Tpr. Gerard HENAIRE,
27 Cdn Armd Regt (Sher Fus R) C.A.

22 July, 1942

The detail of Officers as mentioned below will assemble at

Camp Debert, Debert, N.S.

on 24 July 42 at 0900 hrs.

for the purpose of trying by DISTRICT Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT:

Major M.C. Finley, - 21 Cdn Armd Regt (GGHG) C.A.

is appointed President.

MEMBERS:

Capt. L. Echenberg, - 27 Cdn Armd Regt (Sher Fus R) C.A.

Lieut. G.C. Robinson, - 22 Cdn Armd Regt (CGG) C.A.

JUDGE ADVOCATE:

Capt. A.C. Hall, - H.Q., 4 Cdn Armd Div. (C.A.)

WAITING MEMBERS:

Capt. F.C. McKergow - 21 Cdn Armd Regt (GGHG) C.A.

DEFENDING OFFICER:

Lieut. T.C. Stevens, - 27 Cdn Armd Regt (Sher Fus R) C.A.

PROSECUTOR:

Lieut. H.R. Howitt, - 27 Cdn Armd Regt(Sher Fus R) C.A.

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

The proceedings will be forwarded to H.Q., 4 Cdn Armd Bde., C.A.

Signed this twenty second day of July, 1942

E.L.M. Burns

(E.L.M. BURNS) Brig.,
Comd., 4 Cdn Armd Bde

M. F. B. 228.

30 M.—7-42.
H. Q. 1772-30-003.

"J" McTenley Res. 13

SUMMARY OF EVIDENCE

in the case of

D-46537 Tpr. Henaire, G. , 27 Cdn Armd Regt, (SFR) Camp Debert, N.S. a soldier of the Canadian Army placed on Active Service

Charged with

1st CHARGE ABSENCE WITHOUT LEAVE

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

1st WITNESS Lieutenant W.D. Humphrey, 27 Cdn Armd Regt (Sher Fus R) A/Adjutant, having beem duly sworn states:
"I am Lieutenant W.D. Humphrey, A/Adjutant, 27 Cdn Armd Regt. (Sher Fus R) and as such have custody of the records and documents cuncerning the accused D-46537 Tpr. Henaire, G and I produce the following documents.

1. Copy of Part 11 Daily Orders No. 86 dated the 1 July 1942, showing the accused Absent without leave from 2200 hours 30 Jun 42.

2. Copy of Absentees and Deserters form signed by D-62486 Cpl. Michaud, J. dated 11 July 1942 stating the cost for meals for the apprehension for the accused.

3. Copy of Absentees and Deserters form signed by Major W.H. Draper O.C. Commanding Cdn Provost Coy M.D. # 4 Detachment stating the cost of transportation from Montreal to Drummondville, Que and return to Montreal, Que.

4. Certificate of apprehension signed at Montreal, Que on the 8th day of June 42, showing that the accused D-46537 Tpr. Henaire, G. was apprehended at Drummondville, Que. at 0740 hours 8 July 1942.

5. Certificate of Absentees and Deserters signed at Camp Debert, N.S. by Captain J.D. Christie, H.Q. 4 Cdn Armd Div., dated 11th day of July 1942 stating the cost of transportation for the accused from Bebert, N.S. to Montreal and return to Debert, N.S.

The accused declines to cross examine this witness.

W.D. Humphrey
.....
(W.D. Humphrey), Lieut.

To be tried by District Court Martial

E. Lee Burns
Brig.
Comd. 4 Cdn Armd Div.

JUL 22 1942

15

2nd WITNESS D-46179 Tpr. Coulombe, E. 27 Cdn Armd Regt (SPR) having been duly sworn states:

"I am D-46179 Tpr. Coulombe, E. 27 Cdn Armd Regt (SPR) and I was acting Squadron Orderly Sergeant on July 1st July 1942, at Reveille roll call I found D-46537 Tpr. Henaire, G. absent and reported this to Sergeant Poirier in Headquarters Squadron Orderly Room immediately. I did not see Tpr Henaire until he was reported in at the Guard house at 2030 hours on the 15th July 1942.

The accused declines to cross examine this witness.

TPR Coulombe E
.....
D-46179 Tpr. Coulombe, E.

Question to the Accused:

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

Answer by the Accused:-

Le seul chose que jai a dire ces't que jai demande pour avoir une passe et il me la refuse. Jaivais pas eu de passe depuis Connaught Ranges a Ottawaexcepte mon furlough que jai eue avec le premier groupe qui ont parti de Debert. Jai partit A.W.L. car je m'enyuais pour ma femme et mes enfants.

Translation of above statement: Gerard Henaire

The only thing that I have to say is that I asked for a pass and it was refused me. I had not been home on a pass since we were at Connaught Ranges except for my furlough which I had when we first arrived in Debert Camp. I left because I was homesick for my wife and children. That is all that I have to say.

I certify that the rules of procedure 4 (C) (D) (E) and (f) have been complied with.

Taken down by me in the presence of the accused at Debert, N.S. this 17 day of July 1942.

E.P. Hall
.....
(E.P. Hall), Lieut,
Officer detailed to take summary of evidence.

McFarley Reg
Pers
17

Part II Orders
by
MAJOR J.C. CAVE
Acting Commanding Officer
27 CANADIAN ARMOURED REGIMENT
Camp Debert, Debert, N.S.

No. 86 | 1st July 1942 | No. 86

Last Order Issued No. 85, dated 30th June 1942

6. ABSENT WITHOUT LEAVE

(b)	D-46537 Tpr. HENAIRE, G.	H.Q. Sqn	Absent without leave with effect from 2200 Hrs...30 Jun42.

Certified True Copy
A.D. Murphy, Capt.

12 McFinley Pres 19

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, D-62468 Cpl. Michaud J. Cdn. Prov. Corps Det., M.D.No.4
(No.) (Rank) (Name) (Unit)

Strike out words not applicable

as (escort) (commander of escort) consisting of

Members of escort

myself and 4 O.R.'s

detailed to proceed from Montreal, Que. to Drummondville, Que.
(Place) (Place)

Name and description of soldier escorted

to return D-46537 Pte. HENAIRE, G. S.F.R. Debert N.S.
(Place)

alleged to be a deserter or absentee without leave, to Motordrome Brks. Montreal,
(Place)

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
11-7-42.- Meals.....	4.83
The above amount ~~xxx~~ is the total expenses incurred ro apprehend 18 absentees and divided evenly among them.	
Total.....	$ 4.83

Dated at Montreal, Que. this 11th day of JULY A.D. 19 42

D-62468

Signature and rank (of commander of escort) (escort)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of all incidental expenses properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.D. 1452
7334—2—43 (3500)
M.G. 1072-39-1000

ABSENTEES AND DESERTERS

3 McAuley Pres. 21

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4013
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1090, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description

I, Major W.H. Draper, O.C. Cdn. Provost Corps Det., M.D.No.4
(Rank) (Name) (Unit)

Strike out word not applicable

hereby certify that I (~~XXXXXX~~ (authorized) the hereinafter itemized transportation for escort

Complete

to proceed from Montreal, Que. (Place) to Drummondville, Que. (Place)

and return to Montreal, Que. for the

Full description of soldier being escorted

purpose of escorting D-46537 Pte. HENAIRE,G. S.F.R. Debert, N.S.

Strike out phrase not applicable

alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
11-7-42.- Montreal, Que. to Drummondville, Que. & Return:- 84 miles @ 0.06 per mile.....	5.04
TOTAL MILEAGE INCURRED TO APPREHEND 18 ABSENTEES WITHOUT LEAVE AND DIVIDED EVENLY AMONG THEM.	
Total	$ 5.04

Dated at Montreal,Que. this 11th day of JULY A.D. 19 42

W.H. Draper

(W.H. Draper)Major
O.C. Cdn.Provost C. Det.
M.D.No.4

Signature, rank, unit of officer (issuing transport warrants) (authorizing transportation) Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
500M—12-41 (2754)
H.Q. 1772-22-1261

23

J.H. McNaughton Gen.

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Major W.H. Draper, O.C. Canadian Provost Corps Det., M.D.#4
(Number) (Rank) (Name) (Unit)

hereby certify that D-46537 Pte. HENAIRE G.
(Number) (Rank) (Name in full)

of the Sherbrooke Fus. Regiment, Debert, N.S.
(Unit and attachment, if any)

Strike out words not applicable } was apprehended by [redacted] D-62468 Cpl. Michaud J.
(Number) (Rank)

of the CANADIAN PROVOST CORPS DETACHMENT, M.D. No.4
(Name) (Unit or appointment)

at Drummondville, Que. at 0740
(Place) (Hour)

on the 8th day of JULY 1942

Strike out words not applicable } as a [redacted] absentee without leave), and that at the time of his arrest he was wearing military [redacted] uniform ([redacted]

Dated at Montreal, Que. this 10th day of JULY 1942

As the Provost detail who arrested the a/m will return to their Station Saturday, M.F.M. 1481 & 1482 willbe sent Monday, 13-7-42.

(W.H. Draper) W.H. Draper Major,
(Signature, Number, Rank, Unit or appointment)
O.C., CDN.PROV.CORPS DET., M.D. No.4

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
50M—5-41 (4731)
H.Q. 1771-29-1936

R.G.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER 1099, 1941

(TRANSPORTATION ~~XXX~~ and MEAL TICKETS

Fill in complete description — I, Capt, J.D. Christie (Rank) H.Q. 4 Cdn Armd Div., (Name) Debert, N.S. (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~XXXXXXXXX~~ the hereinafter itemized transportation for escort

Complete — to proceed from Debert Camp, N.S. (Place) to Montreal, P.Q. (Place)

and return to Debert Camp, N.S. for the

Full description of soldier being escorted — purpose of escorting Three Other Ranks as undermentioned

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) ~~XXXXXXXXXXXXXXXXXX~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Transport Warrant # A 40320	
To be Charged To:	
D 46399 Tpr Duhaime, A. D 46424 Tpr Gaucher, M D 46537 Tpr Henaire, A. } (27 bCdn Armd Regt, (S.F.R.)	
Escort Fare Debert to Montreal Return	65.59
Meals enroute " " " "	15.00
Absentee Fare Montreal to Debert, N.S.	32.82
Meals enroute " " " "	7.50
TOTAL AMOUNT TO BE RECOVERED	$ 120.91

Dated at Debert, N.S. this 11th. day of July A.D. 1942

J.D. Christie Capt.
(J.D. CHRISTIE) Captain,
H.Q. 4 Cdn ArmdDiv.,

(Signature, rank, unit of officer issuing transport warrants or transportation) Strike out description not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.H. 1401
5000—7-43 (1128)
H.Q. 1177-39-185

Y McDrabey Mag Ons 27

M.F.B. 355
30M—11-41 (2272)
H.Q. 1772-30-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
D-46537	Trooper	HENAIRE	27 Cdn Armd Regt

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

	Within last 12 months		Since enlistment or appointment	
For A. W. L.	two	times	six	times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

~~or~~

~~There are no entries in the conduct sheets of the accused.~~

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

2. The accused has not been previously convicted

~~or~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act Air Force Act and dispensations with trial under A.A. 72 AFAA 28 are set out in the Schedule annexed to this statement.~~

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

~~or~~

~~The accused at the present time is undergoing sentence for XXXXXXXXXXXX beginning on the day of~~

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 16 days in military Air Force custody, making a total of 16 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service or~~ attestation paper is 30 years 10 months

6. The date of his ~~commission~~ attestation specified in his ~~record of service or~~ attestation paper 3 Sep 40

~~7. The service which the accused is entitled to reckon towards pension is~~

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

9. The accused is ~~in possession of or entitled to an air force decoration, or an air force medal (or is in possession of or entitled to)~~ military military. State any air force decoration or reward. NIL

military

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

G
N

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ WDA

Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....
Name.....of.....Regiment Unit

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which Convicted	Sentence of the Court	Punishment Remitted
		WDA		

WDA

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 24th day of July, 1942

(W. D. Carey, Lieut. A/Adjt)

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

McSimley Maj
President

M.F.M. 6
(A.F.B. 122)
300M—8-39 (1738)
H.Q. 1173-43-16

No. D-46537 Name Renaire, G | Sqn., Battery, or Company: 27 Cdn Armd Regt (SFR) Corps | Date of enlistment: 4-9-40 | G.C. Badges | Service or Proficiency Pay

Date of last entry in Company Conduct Sheet: 16-12-40 and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. 2 | Signature O.C. Company, etc.: D.W. Beaudry Major

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Sherbrooke	16/1/41	Pte		A.W.L. from 0800 hrs 16/1/41 to 0630 hrs 3-3-41 Absent 45 days 22 hours 30 minutes	CSM Dufault	28 days detention	Order 48	Col McA'Nulty	
Sherbrooke	10/4/41	"		A.W.L. from 2300 Hrs 10-4-41 to 1420 hrs 16-4-41 A.A. 15 (1) Open arrest	CSM Dufault	7 days CB Forfeits 6 days pay	Order 81	Captain Boisvert	
Sherbrooke	1-5-41			A.W.L. from 0800 hrs 1-5-41 to 1800 hrs 6-5-41 Absent 5 days and 10 minutes.	CSM Dufault	Forfeits 6 days pay 14 days C.B.		Lt/Col. McA'Nulty	
Farnham	31-5-41			A.W.L. from 0800 hrs 31 May 41 until 1800 hrs 18-8-41 totals absence 18 days 10 hours	J. St Amant, M.P.	28 days detention 49 days pay		Lt/Col. McA'Nulty	
				Granted 48 hours embarkation leave w.e.f. 14 Aug 41 D.O.			No. 177	Dated 20 Aug 41	

(P.T.O.)

30

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Debert, N.S.	24-3-42	Tpr.		A.W.L. from 2359 hrs 22 Mar 42 until 1700 hrs 23 Mar 42	Cpl Caron	5 days pay		Major A. Biron	
Debert, NS	4 May 42	"		Granted 14 days Furlough W.e.f. 9-3-42 to 22-3-42 T.W.A. 105938				"	
Debert, NS	4-5-42	"		A.W.L. from 0600 hrs 4-5-42 until 1630 hrs 21-5-42	Sgt. Birault	168 hours detention 18 days pay	23-5-42	Major W.H. Cave	

Certified True Copy W. Johnson Maj. RCAF A/Adj

"K"

McNirby Maj
Jas 31

Address of Defending Officer

The accused has pleaded guilty to a minor offence — AWL for seven days. His general character is good. Prior to enlistment he was a trusted and energetic employee. While with this unit he has been a good soldier. Has obeyed orders and is liable for his AWL. There is no fault to be found in him.

R Stevens Lieut.

Ent

MEDICAL OFFICER'S REPORT

I certify that No. D-46537, TPR. MENAIRE, G.

of 27 C. A. R. is in a Good state of health,

and fit to undergo Trial by Court martial.

B. Black Capt.
Medical Officer

Station Camp Debert, N.S.

Date 24 Jul 42

M. F. B. 246
MM—9-41 (17GP)

H.Q.C. 55-H-275

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

55-H-146

SUBJECT DISTRICT COURT MARTIAL

H-19808, SPR. W.J. HEARTY,

R.C.E., C.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-275

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
					With Papers C.R. AUG 14 1942		
AUG 1 8 1942					A.D. minute + Encls + P.A.	GCB	12-8-42
					D. M. & R. with minute		19 42
SEP 12 1942	11/9/42	P.A.		A.D.	Min file	GMW	19 9/42
	29-08 9/42	P.A.		19K.			

NOTICE

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

PASS THIS FILE IN ENVELOPE

Memorandum

To: D. of O. & A.

RECEIVED
AUG 20 1942
ORG.
A. D.

Department of National Defence

H.QC. 55-H-275 (M.R.).

OTTAWA, August, 19th, 1942.

CONFIDENTIAL

(4)

1. Reference your minute 3, next folio down, it is almost impossible to prevent second enlistments if the man presenting himself does not wish to disclose that he has been in the Active Army previously.

2. With regard to the case of Spr. W.J. Hearty, in particular, this man stated, under oath, that on his second enlistment he advised the Recruiting Officer that he had previously been in the Army. In this case the Recruiting Officer was to blame. If some action were taken in this case it might help to deter Recruiting Officers from displaying such an excess of zeal in the future.

G. M. Morrison Lt Col
for Colonel,
D. M. & R.

N.D. 25
150M—2-41 (9256)
H.Q. 1773-101-35

H.Q.C.55-H-275 JAG.

August 17th, 1942.

RECEIVED
AUG 18 1942
ORG
A. D.

District Officer Commanding,
Military District No. 2,
TORONTO, Ontario.

District Court-Martial,
H.19808, Spr. W. J. Hearty,
R.C.E., C.A., att'd No. 26 C.A. (B) T.C., C.A.

(1)

1. Receipt is acknowledged of your T.20-H-3785 (AJAG) dated 12th August, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed:

(a) The Court not having been closed, the first sentence on the proceedings on Conviction before Sentence, should have been struck out and initialled.

(b) M.F.B. 355 was not brought up to date of trial.

3. It is not considered necessary to return the proceedings which are, accordingly, retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

(2) A.D.:
Please note evidence of accused folios 8-27 inc.
17/8/42
EBB/amb

Brigadier,
Judge Advocate-General.

(3) D.J.M. & R.
1. The Deputy Minister has asked the A.G. for suggestions as to how these second indictments can be prevented. Your remarks will be appreciated.
2. Your remarks will be appreciated particularly in view of the case

Copy on 405-H-146

H.Q. C-55-H-275
M.D.T.20-H-3785 (AJAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H-19808 Name HEARTY, W.J.

Rank Spr. Unit R.C.E., #26 C.A.(B)T.C. C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 10/7/42. 2. 28/7/42.

Date of Arrest 19/7/42. Charge. Signed 28/7/42.

Orders for D.C.M. D.O.C., M.D.#2.

Place and Date of Trial Orillia, Ontario, 3/8/42.

Sentence Imprisonment with hard labour 6 months and stoppages of $45.89

Date of Confirmation 6/8/42.

Date of Promulgation 11/8/42.

Entered in Records of J.A.G. as No. 6582

Date 15/8/42.

MEMO

E V Bailey Capt
for Judge Advocate-General.

2M-7-42(M1291)

CONFIDENTIAL

6182

IN REPLY PLEASE QUOTE
No. T. 20-H-3785(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

12th August, 1942.
Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

CENTRAL REGISTRY Army
PERS. SEC.
AUG 14 1942
File C 52-H-275
Chgd. to
Referred to

Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
H.19808, Spr. W. J. HEARTY,
R.C.E., C.A., att'd No. 26 C.A. (B) T.C., C.A.

Herewith proceedings of the marginally-noted District Court-Martial, the Findings and Sentence of which have been duly confirmed and promulgated. The same are now forwarded for the custody of and registration by the Judge Advocate-General.

for (C. F. Constantine)
Major-General
District Officer Commanding
M. D. 2.

Enc.

N.D. 39
750M—10-41 (E544)
H.Q. 1773-101-89

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

A

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

Proceedings of a District Court-Martial held at Grey & Simcoe Forester's Armoury, Orillia, Ontario, on the 3rd day of August, 1942, by order of Major-General C. F. Constantine, D.S.O., District Officer Commanding Military District No. 2, dated the 28th day of July, 1942.

President.

Major A. H. Woods,
Queen's York Rangers, posted to No. 22
C.A.E. (B) T.C., C.A.

Members.

Captain A. Champagne,
Le Regiment de Maisonneuve, att'd No. 22
C.A.E. (B) T.C., C .A.

Captain E. Cay,
Veterans' Guard of Canada, attached
Headquarters, Internment Camp No. 20

Major R. O. D. Harvey,
Canadian Scottish Regiment,
Assistant Judge Advocate-General,
Military District No. 2, , Judge Advocate.

Trial of* No. H.19808, Sapper William Joseph HEARTY, Royal Cdn. Engineers, C.A., att'd to No. 26 C.A. (B) T.C., C.A.

The order convening the Court, the charge-sheet and the summary ~~extract~~ of evidence are laid before the Court.

~~The Court satisfy themselves that the accused is not available~~

~~The accusing officer takes his place as a member of the Court~~

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

The accused is brought before the Court.

Prosecutor,† Lieut. P. C. Trendell, Royal Hamilton Light Infantry, att'd No. 26 C.A. (B) T.C., C.A.

Counsel or defending officer† Capt. B. G. Saunders, 7th Toronto ~~Reg't~~, R.C.A., C.A. (A), att'd No. 26 C.A. (B) T.C., C.A.

At 10:25 o'clock a.m. the Trial commences.

The order convening the Court is read, and is marked "X" (No.26C.A.(B)T.C. dated Aug. 1, 1942, detailing Prosq. & D. Officer is marked "X-1" signed by Pres. & att'd to the proceedings.

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

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

A-1 *Answer by accused.* No, sir.

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

---

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

x I have satisfied myself (1) that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

A. H. Woods Maj.
President.

Mil. Form B. 271
1054—3-41 (2670)
H.Q. 1772-39-224

B

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

The following officers under instruction are duly sworn(See list marked "C"attached.

Q-2 Do you object to No. M.36367, S/Sgt. R. Gostick, No. 2 Det., C.M.S.C.,CAH.Q., M.D. No. 2, acting as shorthand writer?

A-2 No, sir. (No. M.36367, S/Sgt. R. Gostick, No. 2 Det., C.M.S.C., C H.Q., M.D. No. 2, is duly sworn as shorthand writer.

---See Page "H" for Minute of Adjournment and Reassembly.

Charge-Sheet

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

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

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

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4 Guilty, sir. *Answer.*

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

Answer.

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

Answer.

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

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

B2 Cdt Wooten May
QYR
President

3

CHARGE SHEET

The accused, H.19808, Sapper William Joseph Hearty, Royal Canadian Engineers, Canadian Army, attached to No. 26 Canadian Army (Basic) Training Centre, Canadian Army, Orillia, a soldier of the Canadian Army, placed on Active Service, is charged with:

First Charge
Army Act
Section 15(1)

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at No. 26 Canadian Army (Basic) Training Centre, Canadian Army, Orillia, Ontario, absented himself without leave from No. 26 Canadian Army (Basic) Training Centre, Canadian Army, Orillia, Ontario, from 2200 hours, 10th day of July, 1942, until apprehended by the Chief Constable of the Township of Teck, Ontario, at Kirkland Lake, Ontario, at 1500 hours on the 19th day of July, 1942, wearing military uniform.

Total absence: 8 days and 17 hours.

Together with costs of apprehension and return as follows:

B.101028, Sgt. Paget, N. W., return rail fare from Orillia to Kirkland Lake.....	10.40	
Tax.....	1.56	
B.29933, Spr. Fournier, R., return rail fare from Orillia to Kirkland Lake.....	10.40	
Tax.....	1.56	
H.19808, Spr. Hearty, W. J., one single rail fare, Kirkland Lake to Orillia.....	5.20	
Tax.....	.78	
TOTAL COST OF RAILWAY FARES.....		29.90

Incidental Expenses

B.101028, Sgt. Paget, N.W.,		
2 Breakfasts on train.....	1.00	
2 Suppers on train.....	2.00	
2 Dinners on train.....	1.00	
TOTAL.....		4.00

Reduced to maximum allowance of $5.10 for 6 days in civil custody @ 85c per day.

Meals for accused while held in Custody at township of Teck.		
1 Breakfast.....	.35	
6 Half Breakfasts.....	1.20	
7 Dinners.....	2.45	
Suppers - 6.....	2.10	
TOTAL.....		$5.10
TOTAL COST OF APPREHENSION.....		$39.00

Second Charge
Army Act
Section 24 (2)

LOSING BY NEGLECT HIS EQUIPMENT,

CLOTHING AND REGIMENTAL NECESSARIES,

in that he

at No. 26 Canadian Army (Basic) Training Centre, Canadian Army, at Orillia, Ontario, on the 28th day of July, 1942, was deficient of the following articles:

			Percentage of Vocabulary Value.
Boots, ankle, prs.	1	3.96	75%
Boots, dressing, tins	1	.05	100%
Brushes, hair	1	.24	100%
Overshoes, prs.	1	.90	75%
Shirts, flannel, khaki	1	.88	75%
Shirts, woollen	1	.86	75%
TOTAL AMOUNT OF SHORTAGES		$ 6.89	

The above valued according to Routine Order 1877, dated 18th day of April, 1942.

Signed at No. 26 Canadian Army (Basic) Training Centre, Canadian Army, Orillia, Ontario, this 28th day of July, 1942.

T.W. Greenfield Lt.Col.
(Lt.Col.T.W. Greenfield)
Officer Commanding
No. 26 C. A. (B) T. C
Orillia, Ontario.

Tobe tried by District Court Martial

H.H. Kean Maj
DAAG M D 2
for DOC. M D 2

Signed at Toronto this 31st day of July 1942

CC

Proceedings on Plea of Guilty

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

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

The accused , No. H.19808, Sapper William Joseph HEARTY, Royal Cdn. Engineers, C.A., att'd No. 26 C.A. (B) T.C., C.A., is found guilty of both charges.

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

Q-5 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-5 *Answer.* No, sir. ~~The accused in mitigation of punishment says:~~ RM

~~xxxx

8

DD

Q-6 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A-6 I wish to give evidence myself, but have no witnesses to call. *Answer.*

Evidence as to character.

First witness for the prosecution. The accused, No. H.19808, Sapper William Joseph H E A R T Y, Royal Cdn. Engineers, C.A., att'd to No. 26 C.A. (B) T.C., C.A., being duly sworn, is examined by the Defending Officer.

Q-7 When did you first enlist in the Army?

A-7 September, sir, 1939.

Q-8 And with what unit did you enlist?

A-8 The Queen's Cameron Highlanders.

Q-9 Where did you enlist?

A-9 Winnipeg.

Q-10 How long were you with the Queen's Cameron Highlanders?

A-10 Approximately 18 months.

Q-11 Did you leave with the Queen's Cameron Highlanders when they left Winnipeg?

A-11 No, sir; my Category was put down.

Q-12 What was it put down to?

A-12 It just wasn't told to me what my Category was at the time, but I was kept around the Depot and I got worse and was

discharged in Category "E".

Q-13 What Depot?

A-13 M.D.10.

Q-14 You were discharged as Category "E". Have you a discharge certificate?

A-14 I have lost it, sir.

Q-15 What did you do when you were discharged?

A-15 I went back to work in the paper mill at Temiskaming, Quebec.

Q-16 How long did you work in the paper mill there?

A-16 Approximately a month or a month and a half.

Q-17 Then what did you do?

A-17 There was a Major going around recruiting for the Engineers. They wanted miners overseas and I had mined for 7 years before and they told me when I joined up there was no basic training or anything and that I was going over to Gibraltar or Scotland. When I joined up they sent me to Toronto to a Basic Training Centre, which training I couldn't do because of arthritis. I explained that to the Major.

Q-18 At North Bay did you have a medical examination?

A-18 Yes, sir.

Q-19 What was the result of that examination?

A-19 I was boarded down to "C-1".

Q-20 I mean when you joined the Army as an Engineer?

A-20 I was "A-1".

Q-21 Did you have a thorough examination?

A-21 It wasn't as much as I had in Winnipeg before.

Q-22 It wasn't?

A-22 No, sir.

Q-23 Did you tell the Recruiting Officer that you had been in the Cameron Highlanders?

A-23 Yes, sir.

Q-24 What did he say about that?

A-24 He explained to me after that this was a working party and it didn't matter as it was going overseas as a mining party.

Q-25 Go back to when you were boarded out of the Army in Winnipeg -- was it on account of arthritis?

A-25 Yes, sir.

Q-26 What did the Medical Officer say?

A-26 He told me he couldn't operate on it as it might leave a stiff knee.

THE JUDGE ADVOCATE: I am not clear which one that is -- which Medical Officer?

EXAMINATION-IN-CHIEF CONTINUES.

Q-27 I mean the one in Winnipeg?

A-27 They told me they couldn't operate and that I had better go out in civilian life again, and I was discharged Category "E".

Q-28 Did you join the Army and enter a unit again?

A-28 No, sir.

Q-29 Are you able to march?

A-29 I am able to march a bit, sir, but not very good.

Q-30 Since the time you joined the Army a second time on the 9th of November, 1941, have you had a medical board?

A-30 Yes, sir.

Q-31 Where did you have that board?

A-31 North Bay, sir.

Q-32 And what was the result of that medical board?

A-32 I was boarded down and they told me to try it at "C-1".

Q-33 Try it at "C-1"?

A-33 Yes, sir.

Q-34 What did you infer from "trying it at "C-1'?"

A-34 That I couldn't do the marching and that, sir.

Q-35 Did you think they meant that they would keep you permanently in "C-1" Category or did they say you would have another board later on?

A-35 He didn't tell me about another board, sir.

Q-36 You have a long list of absences without leave, in fact, ten times since November 4, 1941. You joined the Army on the 4th and went absent on the 10th. What was your reason for going absent so many times?

A-36 Well, it was on account of my knee. When I heard that I wasn't going overseas, but to these Basic Training Centres, I got disgusted with everything as they didn't carry out what they promised me. Otherwise, I would never have joined the Army as I knew I couldn't carry on.

CROSS-EXAMINED BY THE PROSECUTOR.

Q-37 When you enlisted, according to the attestation paper, last November at North Bay, that was the second time you had enlisted?

A-37 Yes, sir.

Q-38 You stated you had never previously suffered from any ailment or body disease.

THE JUDGE ADVOCATE: DID he? Ask him if he did.

CROSS-EXAMINATION CONTINUES.

Q-38 Did you state that you had never previously suffered from any ailment or body desease?

A-38 I didn't notice in the questions I was asked.

Q-39 Do you recognize that document and your signature (handing document to accused)?

A-39 Yes, sir.

Q-40 Is that your signature?

A-40 Yes, sir.

Q-41 What do you recognize the document as?

A-41 As my certificate of medical examination.

Q-42 When was it filled out?

A-42 In North Bay on November 4th.

Q-43 Do you remember that being filled out and signing that document?

A-43 Yes, sir.

Q-44 Do you recognize this as the front page of that document?

A-44 Yes, sir.

Q-45 That was filled in when?

A-45 That was filled in on November 4th..

Q-46 Was that when you enlisted?

A-46 Yes, sir.

Q-47 Do you recognize that signature (indicating)?

A-47 Yes, sir.

Q-48 Whose is it?

A-48 Mine, sir.

Q-49 Can you read those words (indicating)?

A-49 Yes, sir.

Q-50 What does it say?

A-50 It says, "Have you served in an Active Service Force?", and the answer is "No."

(Certified true copy of M.F.M. 2 is substituted for the original, is marked exhibit "J", signed by the President ant attached to the proceedings.)

RE-EXAMINED BY THE DEFENDING OFFICER.

Q-51 Have you any reason to offer to the Court as to why you signed that document and enlisted, making such statements?

A-51 Because I figured I was going right overseas, sir.

Q-52 With regard to this medical examination that you had at North Bay on the 9th of November, 1941, was it a thorough examination?

A-52 No, sir.

Q-53 It wasn't?

A-53 No, sir.

THE JUDGE ADVOCATE: Now, Mr. Defending Officer, you must confine your questions in re-examination to questions that have been opened up by the cross-examination, and what was opened up by the cross-examination was his answer to the question as to whether he had served before, and he said "No." Now, if there is anything you want to re-examine on that point, which I think was the only point, my advice to the Court is that you may do so.

RE-EXAMINATION CONTINUES.

Q-54 The matter of re-enlistment in the Army -- this document that you admit you signed -- there is a statement on here which says that he had not had previous service in the Army. Are you sure that you told the Recruiting Officer that you had?

A-54 Yes, sir.

Q-55 Why did you not put that you had enlisted in the Cameron Highlanders in 1939?

A-55 He told me before I went in, when those documents were written out, that it didn't make any difference.

QUESTIONED BY THE JUDGE ADVOCATE.

Q-56 Who is "he"?

A-56 The man that recruited.

QUESTIONED BY THE COURT.

Q-57 Who was he?

A-57 I couldn't tell you his name, sir.

RE-EXAMINATION CONTINUES.

Q-58 There was a Major Wiber of the Algonquin Regiment here that signs himself as the R.O. He was the actual man who signed this document, and you said it wasn't Major Wiber that you were speaking to. Was it an Engineer Officer?

A-58 Yes, sir.

Q-59 And you told that Officer that you had been in the Cameron Highlanders?

A-59 I explained everything to him.

THE JUDGE ADVOCATE: You didn't answer that question.

A-59 -------I did tell him, sir.

Q-60 And he said that it didn't make any difference?

A-60 That is what he said, sir.

QUESTIONED BY THE COURT.

Q-61 Hearty, after your second enlistment and you found that you had been sent back to undergo basic training, did you at any time parade before your Commanding Officer and complain to him that you had enlisted for the specific purpose of going overseas?

A-61 Sir, I did explain that to him that I enlisted for overseas with the Engineers and I was supposed to go over right away, and I went to the Medical Officer about it too.

Q-62 Did you parade before the Commanding Officer or did you explain that to him when appearing before him on a charge of absence without leave?

Q-63 I explained that to him.

Q-64 When before him on a charge?

A-64 Yes, sir.

Q-65 You didn't ask to be paraded before the Commanding Officer to make a complaint at any time?

A-65 No, sir.

QUESTIONED BY THE JUDGE ADVOCATE.

Q-66 Where were you when you were approached the second time by the Recruiting Officer whose name you say you don't remember?

A-66 I was in North Bay, sir.

Q-67 What were you doing in North Bay?

A-67 I came down from the paper mill which is only 40 miles from North Bay.

Q-68 And how did you come in contact with this Officer?

A-68 It was a Sergeant.

Q-69 I thought you said it was a Major?

A-69 It was a Sergeant who told the Major that I was a miner.

Q-70 I understood from the evidence that it was a Major who told you that you would be sent overseas right away to Gibraltar or Scotland.

A-70 Yes, sir.

Q-71 Now, was it a Major or a Sergeant?

A-71 It was a Sergeant who pointed me out to a Major and told him that I was a miner and that is how the Major came to approach me.

Q-72 And the Major was the one who told you you would go to Scotland or Gibraltar?

A-72 Yes, sir.

Q-73 Not the Sergeant?

A-73 No, sir.

Q-74 And did he tell you anything else?

A-74 That is all, sir. He told me this working party was going over right away as miners.

Q-75 How soon was it going?

A-75 He said it would be leaving Toronto in a very short time.

Q-76 Did he take you to the Recruiting Officer in North Bay?

A-76 I was sent over there.

Q-77 By whom?

A-77 By this Officer. These statements were taken down and I explained everything to them before.

Q-78 To the first Major?

A-78 Yes, sir.

Q-79 And then you went over to the second Major who signed this document, is that right?

A-79 I went over to get these documents written down before I went up for a medical examination.

Q-80 Do you remember making this declaration that all the particulars that you had given in the document were true?

A-80 Yes, sir.

Q-81 You knew that the answer to Question 13 -- "Have you served in the Canadian Active Service Force?" was answered wrongly, didn't you?

A-81 Yes, sir.

Q-82 What purpose was there in making a wrong answer?

A-82 Because he told me it would be alright. I told him that I had been in Active Service before and he said it don't make any difference.

Q-83 If it didn't make any difference, why didn't you insist on the answer being true.

A-83 I figured I wanted to get overseas with the work party; that is why.

Q-84 Yet you were told that it didn't make any difference that you had been in the Army before?

A-84 Yes, sir.

QUESTIONED BY THE COURT.

Q-85 Hearty, after you were attested at North Bay, where were you sent?

A-85 I was sent to M.D. 2, Toronto.

Q-86 To the District Depot?

A-86 Yes, sir.

Q-87 And how long were you there?

A-87 I was there about three weeks, sir.

Q-88 And what was the nature of the duties you performed?

A-88 All I was doing was line orderly and stuff like that at the "Horse Palace."

Q-89 And from the District Depot in Toronto you were sent where?

A-89 To North Bay, No. 22 Basic Training Centre.

Q-90 And what did you do when you got there?

A-90 I started on drill the same as the rest and I couldn't keep it up and I went over to the Medical Officer and tried to get something and explained to him that I wasn't supposed to be there at all and that I was supposed to be gone overseas.

Q-91 What did you do then?

A-91 I started going absent without leave and everything else. I was disgusted.

Q-92 How long were you at North Bay altogether, including the time you were absent, from the time you first arrived there until you left?

A-92 7 or 8 months.

Q-93 And during that time you were either doing basic training, were absent without leave, or doing punishment for that absence, is that right.

A-93 Yes, sir.

Q-94 You felt, did you, that you would be able to carry out your duties overseas had you been sent overseas?

A-94 Yes, sir.

Q-95 You didn't think that your disability would interfere with the carrying out of those duties?

A-95 I didn't think so at the time, sir, but I see now that it would have.

QUESTIONED BY THE JUDGE ADVOCATE.

Q-96 It is pretty hard work, isn't it, rock mining?

A-96 Yes, sir, but there was other work I could have done.

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

---The Defending Officer has no further witnesses.

- - - - - - - - - -

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Evidence of character, &c.

Lieut. P. C. Trendell, Royal Hamilton Light Infantry, att'd No. 26 C.A. (B) T.C., C.A. is duly sworn.

Q-97 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-97. I produce M.F.B. 355 and certified true copy of M.F.M. 6.

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

Q-98 *Question by the President.*

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-98. He is, sir.

Q-99 *Question.*

Have you compared the contents of the above statement with the regimental books? *Answer.* A-99. I have, sir.

Q-100 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-100. Yes, sir.

~~Cross-examined by the accused:~~

---The Defending Officer declines to cross-examine.

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

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

Q-101 *Question to the accused.*

Do you wish to address the Court? *Answer.* A-101. Through my Def. Officer (See document marked "K" attached.)

The Court is closed for the consideration of the sentence.

30

F

Sentence

The Court sentence the accused, No. H.19808, Sapper William Joseph HEARTY, Royal Cdn. Engineers, C.A., att'd to No. 26 C.A. (B) T.C., C.A., to six month's imprisonment with hard labour and to be put under stoppages of pay until he has made good the sum of $39.00 in respect of the cost of apprehension and return to his corps and until he has made good the value of the following articles, viz:--

Boots, ankle, prs.....1..	$	3.96
Boots, dressing, tins.....1..		.05
Brushes, hair.....1..		.24
Overshoes, prs.....1..		.90
Shirts, flannel, khaki....1..		.88
Shirts, woollen.....1..		.86
Total.....	$	6.89

Sentence.

Imprisonment with hard labour.

6 months.

Stoppages.

$ 39.00
6.89
$ 45.89

Signed at Orillia, Ontario, this 3rd day of August, 1942.

C. St. Woods (Major)
Queen's York Rangers, posted to
No. 22 C.A.E. (B) T.C., C.A.
President.

Roy O'Mahony (Major)
Canadian Scottish Regiment,
Assistant Judge Advocate-General,
Military District No. 2,
Judge-Advocate.

Confirmed.

P. J. Cantelon Maj.
D.O.C.

Signed at Toronto Ont. this 6th day of August 1942

*Promulgated on parade and extracts taken at Orillia, Ontario., this 11th day of August, 1942.

for (W. WREN) Captain,
Adjt. for,
Lt.Col.T.W.Greenfield,
Officer Commanding,
No.26 C. A. (B) T.C.,
Orillia, Ontario.

Extracts entered as No. 6582 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 15th day of August 1942

X Col Woods 31 Maj QYR President

ORDERS BY

Major-General C.F. Constantine, D.S.O.
District Officer Commanding,
Military District No.2.

Toronto, Ontario, 28th July, 1942.

District Court-Martial
No. B-79621, Pte. Frank Edward BRILLIAN,
Irish Regiment of Canada, No. 2 District Depot,
attached No. 26 Canadian Army (Basic) Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Grey & Simcoe Foresters' Armoury, Orillia, Ontario, on Monday, August 3rd, 1942, at 10 o'clock, a. m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major A.H. Woods,
Queen's York Rangers, posted to
No. 22 Canadian Army Educational
(Basic) Training Centre, C.A.

MEMBERS

Captain A. Champagne,
Le Regiment de Maisonneuve, attached
No. 22 Canadian Army Educational
(Basic) Training Centre, C.A.

Captain E. Cay,
Veterans' Guard of Canada, attached
Headquarters, Internment Camp No. 20.

WAITING MEMBER

Lieutenant F. Pearce,
No. 23 Active Company, Veterans' Guard of
Canada, Attached Internment Camp No. 20.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Major R.O.D. Harvey,
Canadian Scottish Regiment,
Assistant Judge Advocate-General,
Military District No. 2.

OFFICERS ATTENDING FOR INSTRUCTION

The Commandant, Northern Area, may detail 8 Officers to attend the Court-Martial for instruction.

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

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No. 2.

SIGNED at Toronto, Ontario, this 28th day of July, 1942.

(A.E. Duncanson)
Lieutenant-Colonel
D.A.A.G. M.D.2.

"X-1" 35
A.H. Jones Maj.
QYR
President.

DAILY ORDERS PART I
BY
LT.COL.T.W.GREENFIELD,E.D. O.C. No. 26 C.A.(B)T.C.
ORILLIA ONTARIO

Sheet No. 1 1st Aug. 1942

No. 409 DUTIES

Camp Field Officer	2-8-42	Major. K.T. Whyte
For Duty	3-8-42	Capt. B.G. Saunders
Next for Duty	4-8-42	Major. J.D. Toogood
Next for Duty	5-8-42	Capt. R.G. Young
Orderly Officer	2-8-42	Lieut. C.H. Edwards
For Duty	3-8-42	Lieut. R.A. Ross
Next for Duty	4-8-42	Lieut. J.M. Jewell
Next for Duty	5-8-42	Lieut. P.C. Trendell
Company Duty Officer		
"A" Company	2-8-42	Capt. J.F. Moeser
For Duty	3-8-42	Lieut. C.H. Edwards.
"B" Company	2-8-42	Lieut. P.J. Carten
For Duty	3-8-42	Lieut. P.J. Carten
"C" Company	2-8-42	Major. J.D. Toogood
For Duty	3-8-42	Lieut. R.G. Davidge
"D" Company	2-8-42	Capt. B.G. Saunders
For Duty	3-8-42	Lieut. W.A. Hunter
Orderly Sergeant	2-8-42	Sgt. McGuinness. A.
For Duty	3-8-42	Sgt. Frechette. A.
Next for Duty	4-8-42	Sgt. Ogilvie. A.R.
Next for Duty	5-8-42	Sgt. Cloutier. G.
Orderly Corporal	2-8-42	L/Cpl. Sandford. R.
For Duty	3-8-42	Cpl. McNeely. F.F.
Next for Duty	4-8-42	Cpl. Daggs. R.
Next for Duty	5-8-42	Cpl. Martel. J.
Duty Bugler	2-8-42	L/Cpl. Coles. H.B.
For Duty	3-8-42	L/Cpl. Coles. H.B.

No. 410 PARADES As per syllabus, Monday, August 3rd, 1942.

No. 411 CHURCH PARADES Sunday, August, 2nd, 1942

THE PROTESTANT CHURCH PARADE will be called by C.S.M. Jones, G.C., at 0840 hours. Officers will fall in on Command from the Adjutant at 0855 hours. The parade will proceed to Divine Service in St. James Church of England, Peter Street, North, Orillia, Ontario. The Service will be conducted by The Reverend A.G. Emmett at 0915 hours, Parade will move off at 0900 hours.

THE ROMAN CATHOLIC CHURCH PARADE will be called by A/R.S.M. Burgess, C.S., at 0800 hours. Officers will fall in at 0815 hours. The parade will proceed to The Guardian Angels Church, West Street, North, Orillia, Ontario. The Service commences at 0830 hours.

No. 412 BEST LINES

Pennant Winner - Sat. Aug. 1st, 1942 - "A" Company.

1-8-42

DAILY ORDERS PART I

1st August, 1942

Sheet No. 2

No.
413 MEALS

Commencing Monday, 3rd August, 1942, Meals will be served in two sittings and Company's will attend as follows:

1st Breakfast	0645 hours
2nd Breakfast	0715 hours
1st Dinner	1145 hours
2nd Dinner	1215 hours
1st Supper	1700 hours
2nd Supper	1730 hours

No. 1 Cook House -- H.Q. Company will attend 1st Sittings
"D" Company will attend 2nd sittings

No. 2 Cook House -- "A" & "B" Coy's will attend 1st Sitting
"C" Company will attend 2nd Sitting.

Company's will rotate weekly taking first and second sittings.

for (W. Wren) Captain
Adjt. for
Lt.Col.T.W.Greenfield
Officer Commanding
No. 26 C. A. (B) T.C.
Orillia, Ontario

1-8-42

APPENDIX

DAILY ORDERS PART I

Sheet No. 1 — 1st Aug. 1942

No. 414

DISTRICT COURT-MARTIAL
B.101060. Pte. George Albert. CLATTENBURG
#2 District Depot,
attached to No. 26 Canadian Army (Basic) Training Centre. C.A.

The detail of Officers mentioned below will assemble at the Grey and Simcoe Foresters' Armoury, Orillia, Ontario, on Monday, August 3rd, 1942, at 10 o'clock, a.m. (EDST), for the purpose of trying by District Court-Martial, the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major A.H. Woods
Queen's York Rangers, posted to
No. 22 Canadian Army Educational (Basic)
Training Centre, C.A.

MEMBERS

Captain. A. Champagne,
Le Regiment de Maisenneuve, attached
No. 22 Canadian Army Educational (Basic)
Training Centre, C.A.

Captain E. Cey
Veterans' Guard of Canada, attached
Headquarters, Internment Camp 20.

WAITING MEMBER

Lieutenant F. Pearce,
No. 23 Active Company, Veterans' Guard of
Canada, attached
Internment Camp No. 20

DEFENDING OFFICER

Capt. B.G. Saunders,
7th Toronto Regiment, R.C.A., CA(A)
att'd #26 CABTC, Orillia, Ontario.

PROSECUTOR

Capt. G.W. Akehurst,
Lorne Scots, #2 District Depot, CA(A)
attached #26 Canadian Army (Basic) T. Centre

JUDGE ADVOCATE

Major. R.O.D. Harvey
Canadian Scottish Regiment,
Assistant Judge Advocate-General,
Military District No. 2.

1-8-42

APPENDIX
DAILY ORDERS PART I

Sheet No. 2 — 1st Aug. 1942

No. 415

DISTRICT COURT MARTIAL
H.19808. Spr. William Joseph HEARTY
Royal Canadian Engineers, No. 2 District Depot,
attached No. 26 Canadian Army (Basic) Training Centre. C.A.

The detail of Officers mentioned below will assemble at the Grey and Simcoe Foresters' Armoury, Orillia, Ontario, on Monday, August 3rd, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major. A.H. Woods,
Queen's York Rangers, posted to
No. 22 Canadian Army Educational (Basic)
Training Centre, C.A.

MEMBERS

Captain A. Champagne,
Le Regiment de Maisenneuve, attached
No. 22 Canadian Army Educational (Basic)
Training Centre, C.A.

Captain. E. Day,
Veterans' Guard of Canada, attached
Headquarters, Internment Camp No. 20

WAITING MEMBER

Lieutenant F. Pearce,
No. 23 Active Company, Veterans' Guard of Canada
Attached Internment Camp No. 20

DEFENDING OFFICER

Capt. B.G. Saunders,
7th Toronto Regiment, R.C.A., C.A.(A).
attached to No.26 Canadian Army (Basic)
Training Centre, C.A.

PROSECUTOR

Lieut. P.C. Trendell
Royal Hamilton Light Infantry,
attached to No. 26 Canadian Army (Basic)
Training Centre, C.A.

JUDGE ADVOCATE

Major. R.O.D. Harvey,
Canadian Scottish Regiment,
Assistant Judge Advocate-General,
Military District No. 2.

1-8-42

For (W. Wren) Captain & Adjutant,
for Lt.Col.T.W.Greenfield,
Officer Commanding, #26 C.A.B.T.C.,
Orillia, Ontario.

OFFICERS UNDER INSTRUCTION
(Duly Sworn)

Lieut. F. Pearce, (Waiting Member)	No. 23 Active Company, Veterans' Guard of Canada, att'd Internment Camp No. 20.
Capt. G. W. Akehurst,	Lorne Scots, No. 2 District Depot, C.A. (A), att'd No. 26 C.A. (B) T.C., C.A.

- - - - - - - - - -

NOA

At 10:40 o'clock, a.m., on the 3rd day of August, 1942, the Court adjourned until 1:30 o'clock p.m. that same day.

On the 3rd day of August, 1942, at 1:30 o'clock p.m. the Court reassembly pursuant to adjournment, present the same members as when adjourned.

- - - - - - - - - - -

"I" Page One.

Owen Morris Maj
Q.Y. Presiding

SUMMARY OF EVIDENCE.

Taken by Lieutenant P. C. Trendell in the case of H.19808, Sapper William Joseph Hearty of the Royal Canadian Engineers, attached to No. 26 Canadian Army (Basic) Training Centre, Canadian Army, Orillia, Ontario, who is charged with:

1. Absenting himself without leave. Total absence: 8 days 17 hours, together with Cost of Apprehension and return of $40.00.

2. Losing by neglect his equipment, clothing and regimental necessaries to the extent of $6.89.

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

To the Accused:

"Are you H.19808, Sapper William Joseph Hearty?"

By the Accused.

"Yes, sir."

The accused has had explained to him his rights on the taking of a Summary of Evidence and appears to understand them.

1st Witness.

B.101097, Sergeant W. J. Morrison of No. 10 Platoon, No. 26 Canadian Army (Basic) Training Centre, Canadian Army, having been duly sworn, states:

"Sir, on the 10th day of July, 1942, I was Company Orderly Sergeant of "C" Company, No. 26 Canadian Army (Basic) Training Centre, Canadian Army, and I called the roll of the Company at 2200 hours. H.19808, Sapper William Joseph Hearty of No. 10 Platoon, whom I now identify as the accused, was absent from his quarters, and I reported him absent without leave. I am Platoon Sergeant of No. 10 Platoon and the accused has not been on parade since that date. Had he been present, I would have known it."

(Signed) W J Morrison Sgt.

The accused declines to cross-examine the witness.

SUMMARY OF EVIDENCE.

Taken by Lieutenant P. C. Trendell in the case of H.19808, Sapper William Joseph Hearty of the Royal Canadian Engineers, attached to No. 26 Canadian Army (Basic) Training Centre, Canadian Army, Orillia, Ontario, who is charged with:

1. Absenting himself without leave. Total absence: 8 days 17 hours, together with Cost of Apprehension and return of $40.00.

2. Losing by neglect his equipment, clothing and regimental necessaries to the extent of $6.89.

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"Are you H.19808, Sapper William Joseph Hearty?"

By the Accused.

"Yes, sir."

The accused has had explained to him his rights on the taking of a Summary of Evidence and appears to understand them.

1st Witness.

B.101097, Sergeant W. J. Morrison of No. 10 Platoon, No. 26 Canadian Army (Basic) Training Centre, Canadian Army, having been duly sworn, states:

"Sir, on the 10th day of July, 1942, I was Company Orderly Sergeant of "C" Company, No. 26 Canadian Army (Basic) Training Centre, Canadian Army, and I called the roll of the Company at 2200 hours. H.19808, Sapper William Joseph Hearty of No. 10 Platoon, whom I now identify as the accused, was absent from his quarters, and I reported him absent without leave. I am Platoon Sergeant of No. 10 Pletoon and the accused has not been on parade since that date. Had he been present, I would have known it."

(Signed) W. J. Morrison Sgt.

The accused declines to cross-examine the witness.

2nd Witness.

B.68228, Cpl. W. J. Dickey, of No. 10 Platoon, No. 26 Canadian Army (Basic) Training Centre, Canadian Army, having been duly sworn, states:

"Sir, I am a Corporal of No. 10 Platoon, No. 26 Canadian Army (Basic) Training Centre, Canadian Army, Orillia, Ontario. On the 11th day of July, 1942, at 0600 hours, I called the roll of my platoon and found that H.19808, Sapper W. J. Hearty was still absent from his quarters. Sapper Hearty, whom I now identify as the accused, has not been on parade with his platoon nor present in his quarters since that date. Had he been present, I would have known it."

(Signed) Dickey W. J.

The accused declines to cross-examine the witness.

3rd Witness

Lieutenant M. Bovell, Assistant Adjutant at No. 26 Canadian Army (Basic) Training Centre, Canadian Army, Orillia, Ontario, having been duly sworn, states:

"I am Assistant Adjutant of No. 26 Canadian Army (Basic) Training Centre, Canadian Army, and in that capacity produce the following documents:

"Certified true copy of Daily Orders Part II dated 11th day of July, 1942, of No. 26 Canadian Army (Basic) Training Centre, Canadian Army, in which H.19808, Spr. W. J. Hearty is posted as absent without leave as from 2200 hours, 10th of July, 1942."

Certified true copy of Daily Orders Part II dated 11th July, 1942, is marked Exhibit "A."

3rd Witness (Continued)

"I produce M.F.M.215, duly completed and showing that H.19808, Spr. William J. Hearty was apprehended by the Chief Constable of the Township of Teck, Ontario, at 3 p.m. on the 19th day of July, 1942, at Kirkland Lake, Ontario."

Completed M.F.M.215 is marked Exhibit "B".

"I produce M.F.B.1482 duly completed and showing that incidental expenses incurred in the apprehension and return of the accused are in the amount of $10.10. The M.F.M.1482 is signed by Sgt. N. W. Paget, the commander of the escort."

Completed M.F.B.1482 is marked Exhibit "C".

"I produce M.F.B.1481 duly completed, being authorization for and statement of cost of transportation of escort and accused by rail in the return of the accused from Kirkland Lake, Ontario. The M.F.B.1481 is signed by Capt. W. Wren, Adjutant of No. 26 Canadian Army (Basic) Training Centre, Canadian Army, and the amount of cost is shown as $40.00."

Completed M.F.B.1481 is marked Exhibit "D".

"The foregoing documents all relate to H.19808, Sapper William Joseph Hearty, whom I now identify as the accused."

(Signed) Kenneth Bowell. Lieut., Asst. Adj.

The accused declines to cross-examine the witness.

4th Witness

B.101018, C.Q.M.S. Bonnett, H. J., of No. 26 Canadian Army (Basic) Training Centre, Canadian Army, having been duly sworn, states:

"Sir, I am in charge of records of kit of absentees from my Unit. I produce certified true copy of M.F.C.800 of H.19808, Sapper William Joseph Hearty, certified by Lieut. A. MacGowan, Acting Quartermaster of No. 26 Canadian Army (Basic) Training Centre, Canadian Army, Orillia, Ontario."

Certified true copy of M.F.C. 800 is marked Exhibit "E."

"On the 28th day of July, 1942, I checked the kit of H.19808, Sapper William Joseph Hearty in the detention room of No. 26 Canadian Army (Basic) Training Centre, Canadian Army, and found the following articles were deficient:

			Percentage of Vocabulary Value.
Boots, ankle, prs	1	3.96	75%
Boots, dressing, tins	1	.05	100%
Brushes, hair	1	.24	100%
Overshoes, prs.	1	.90	75%
Shirts, flannel, khaki	1	.88	75%
Shirts, woollen	1	.86	75%
TOTAL AMOUNT OF SHORTAGES		$ 6.89	

These articles are valued according to Routine Order 1877, dated 18th day of April, 1942."

Question to witness by Officer taking the Summary.

"Do you identify the accused as H.19808, Sapper William Joseph Hearty?"

By the Witness.

"No, sir. I only know that he was shown to me by the Regimental Provost as Sapper Hearty."

(Signed) H. J. Bonnett C.Q.M.S.

The accused declines to cross-examine the witness.

All documentary evidence has been shown to and read over in the presence and hearing of the accused.

To the Accused.

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

By the Accused.

"I have nothing to say, sir."

The accused declines to call any witness on his own behalf.

Rules of procedure 4, (c), (d), (e) and (f) have been complied with.

Taken before me in the presence of the accused at No. 26 Canadian Army (Basic) Training Centre, Canadian Army, at Orillia, Ontario, this 28th day of July, 1942.

(Signed) P. C. Trendell Lieut.
Lieut. P. C. Trendell,
No. 26 C. A. (B) T. C.
Orillia, Ontario..
The Officer taking the
Summary of Evidence..

57

This document is marked Exhibit "A" in the Summary of Evidence in the case of B-19808 Spr. W.J. Hearty taken 28th July 1942.

Signed [illegible]
Officer taking Summary.

ADMINISTRATIVE AND TRAINING STAFF
DAILY ORDERS PART II
BY
LT.COL.T.W.GREENFIELD.E.D. O.C. No. 26 C.A.(B)T.C.
ORILLIA ONTARIO

Sheet No. 1 D.O.No.73 11th July, 1942
LAST PART II ORDERS ISSUED D.O.No.72 Dated 10th July,1942.

"A"

1. STRENGTH DECREASE
Capt. C.W. Procunier
ceases to be attached to No. 26 C.A.(B) T.C., Orillia, Ont., on being transferred to No. 23 C.A.(B) T.C., Newmarket,Ont., for all purposes. Effective date.....10-7-42
(Auth:D.A.A.G. Letter T.15-3-P-74(m), dated 3-7-42).

2. STRENGTH INCREASE
Capt. L.A. Weissgerber
is attached to No. 26 C.A.(B) T.C., Orillia, Ontario, for all purposes, on being transferred from No. 23 C.A.(B) T.C., Newmarket, Ontario. Effective date.....11-7-42.
(Auth:D.A.A.G. Letter T.15-3-P-74(m), dated 3-7-42).

"B"

3 RESULTS - A.25 C.S.A.T.C. (E.C.)
The undermentioned personnel attended Course No. 372 - "A" Wing - Platoon Weapons, at Long Branch, Ontario, and qualified as under.
(Auth:District Order, M.D. 2, No. 762, dated 9-7-42).

NAME	QUALIFICATION OBTAINED
B.101067. Sgt. Squires. F.S.	Q.II
B.101065. L/Cpl. Simmons. C.O.	Q.I

4 FURLOUGH
The undermentioned personnel are granted furlough. Times and Dates shown below.

B.97066. L/Cpl. Vail. G.C.	from 0600 hrs 18-7-42 to 0600 - 1-8-42
B.101095.Cpl. Karpluk. M.J.	from 1200 hrs 17-7-42 to 1200 - 31-7-42
B.17887. Gnr. Brown. L.	from 0800 hrs 16-7-42 to 0800 - 30-7-42

5. SPECIAL FURLOUGH AND TRANSPORT WARRANT
The undermentioned personnel are granted Special Furlough and Transport Warrant. Numbers and Destinations as shown below.

B.97066. L/Cpl. Vail. G.C.	Meaford, Ontario	A.162456
B.101095.Cpl. Karpluk. M.J.	Foleyet, Ontario	A.162458
B.17887. Gnr. Brown. L.	Toronto, Ontario	A.162457

6 PUNISHMENTS
B.406303. Pte. McClelland. A.A.
Admonished on 3-7-42, "WHILST A PATIENT IN CHRISTIE STREET HOSPITAL", for Absence Without Leave from 2359 hours, 26-6-42, to 1840 hours, 2-7-42. Total absence - 138 hours, 41 minutes. (5 days, 18 hours, 41 minutes). Forfeits 6 days Pay and Allowances under Art. 149, FR & I, CASF.

B.406303. Pte. McClelland. A.A.
Admonished on 3-7-42, WHILST A PATIENT IN CHRISTIE STREET HOSPITAL, for Absence Without Leave from 1930 hours, 2-7-42, to 0130 hours, 3-7-42. Total absence - 6 hours, Forfeits 1 days Pay and Allowances under Art. 149, FR & I, CASF.

D.O.No. 73
Dated 11-7-42

DAILY ORDERS PART II

Sheet No. 2 D. O. No. 73

6 PUNISHMENTS

B.610692. Pte. Thomas. C.O.
Admonished on 10-7-42, for Neglecting to obey Camp Orders. A.A.Sec. 11.
Breaking Barracks. A.A. Sec. 10(4). Open Arrest.

7 STRENGTH - Absent Without Leave

(a) B.24378. Pte. Roberts. E.C. from 1200 hours, 7-7-42
B.406303. Pte. McClelland.A.A. from 2359 hours, 26-6-42
B.406303. Pte.McClelland.A.A. from 1930 hours, 3-7-42

(b) B.406303. Pte.McClelland. A.A. returned at 1840 hours 2-7-42
B.406303. Pte.McClelland.A.A. returned at 0130 hours 3-7-42

C.A.(A) RECRUITS

8 HOSPITAL - Admittance

B.114084. Pte. Wall. A. (B) to O.M.H., on 10-7-42

- Discharges

B.114562. Pte. Nesbitt. J. (B) from O.M.H., on 10-7-42
B.113567. Pte. Thompson.W. (D) from O.M.H., on 10-7-42
B.114507. Pte. Aston. J. (A) from O.M.H., on 10-7-42
B.113936. Pte. Hobin. W. (C) from O.M.H., on 10-7-42
B.113978. Pte. Clarke. E.M.(C) from O.M.H., on 10-7-42
B.114553. Pte. Duhamel. J. (C) from O.M.H., on 10-7-42
B.113987. Pte. D'Eath. R.H.(C) from O.M.H., on 10-7-42
B.113953. Pte. Geisler. R. (C) from O.M.H., on 10-7-42

9 PUNISHMENTS

B.112564. Pte. Baumhour. W.(A)
Awarded 7 days C.B. on 11-7-42, for AWL from 2359 hours, 8-7-42, to 1200 hours, 10-7-42. Total absence - 1 day, 12 hours, 1 minute. Forfeits 2 days Pay and Allowances under Art. 149, FR & I, CASF. Open Arrest.

B.114064. Pte. Davis. J.O.(A)
Awarded 7 days C.B. on 11-7-42, for AWL from 2359 hours, 8-7-42, to 1200 hours, 10-7-42. Total absence - 1 day, 12 hours, 1 minute. Open Arrest. Forfeits 2 days Pay and Allowances under Art. 149, FR & I, CASF.

10 STRENGTH - Absent Without Leave

(a) H.19808. Spr. Hearty.W.J. (C) from 2200 hours, 10-7-42

(b) B.114064. Pte. Davis. J.A. (A) returned at 1200 hours, 10-7-42
B.112564. Pte. Baumhour. W.(A) returned at 1200 hours, 10-7-42

(c) 8 day Posting

B.110001. Pte. Meyers. C. (D) from 2359 hours, 2-7-42

W. Wren

(W. Wren) Captain,
Adjt. for
Lt.Col.T.W.Greenfield,
Officer Commanding,
No. 26 C.A. (B) T. C.,
Orillia, Ontario.

Certified true copy.
L. Bowell Lieut. Asst. Adj.

D.O.No. 73
Dated 11-7-42

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

I certify that the person whose description is given below was arrested by (~~xxxxxxxxxxxx~~ R.P.) R. Pineger (Name of Peace Officer or Constable) Chief Constable Township of Teck at Kirkland Lake (Place) at 3. P. M. (Hour) on the 19th day of July 1942 and at the time of arrest (~~xxxxxxxx~~ R.P. he was wearing military (~~xxxxxxxx~~ R.P.) uniform (~~xxxxxxxxxxxxxxxxxxxxxxxxxx~~ R.P.).

(Strike out words not applicable)

Regimental particulars of officer or Soldier referred to above.

(No. H.19808
(Rank Private
(Name William Hearty
(Unit R. C. E.

Description

(Age 26 years
(Height 5 feet 8 inches
(Complexion Fair
(Hair Brown
(Eyes Brown
(Marks Nil

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

R. Pineger
(~~xxxxxxxxxxxxxxxxxxxx~~ (or officer in charge of Police Station).
CHIEF CONSTABLE
Township of Teck

(Strike out words not applicable.)

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

59

This document is marked Exhibit "B" in the Summary of Evidence in the case of B-19808 Spr. W.J. Hearty taken 28th July 1942.

Signed [illegible]
Officer taking Summary

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1699, 1941~~ 1877, 1942

(INCIDENTAL EXPENSES)

Complete description

I, B 101028 (No.) Sjt. (Rank) Paget (Name) No 26 C.A.(B).T.C.C.A. (Unit),

Strike out words not applicable

as (~~XXXX~~) (commander of escort) consisting of B 29933 (Name) Spr. W. J. Fournier (Unit)

Members of escort

and Hearty R.C.E.

detailed to proceed from Orillia, Ontario (Place) to Kirkland Lake, Ontario (Place)

Name and description of soldier escorted

to return to Orillia with H 19808 Spr W.J.Hearty

alleged to be a deserter or absentee without leave, to No 26 C.A.(B) T.C. C.A. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement			Amount	
2 Breakfasts on train		26-7-42	1.00	
2 Dinners on train		26-7-42	1.00	
2 Suppers on train		26-7-42	2.00	
				4.00
The following is a list of meals secured by Sapper Hearty, while held in Police Department, Twp. of Teck, Kirkland Lake , Ontario.				
Breakfasts	1 full	35 cents	.35	
Breakfasts	6 half	20 cents	1.20	
Dinners	7	35 cents	2.45	
Suppers	6	35 cents	2.10	
				6.10

This document is marked Exhibit "C" in the Summary of Evidence in the case of B-19808 Spr. W.J. Hearty taken 28th July 1942.

Signed [signature]
Officer taking Summary.

Total $10.10

Dated at Orillia this 27th day of July A.D. 19 42
No 26 C.A.(B) T.C.

N.A. Paget Sgt
Sgt Paget N.A.
Signature and rank (of commander of escort)
~~Strike out description not applicable.~~

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.D. 160
75M—2-43 (3530)
H.Q. 1772-99-1050

POLICE DEPARTMENT.
Township of Teck
Kirkland Lake
Ontario.

July 26th. 1942.

The following is a list of the meals secured by Private William Hearty, while held in custody awaiting Escort.

Breakfasts.	1	full	35 cents
Breakfasts.	6	half	20 cents
Dinners.	7		35 cents
Suppers.	6		35 cents

Total..... $6.10

Private William Hearty R.C.E. Reg # M19808, Surrendered to H Pinager Chief Constable July 19th 1942.

Signed Ed Dugmont Det.
for Chief Constable H. Pinager.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description: B.101028 Sgt. (Rank) Paget (Name) # 26 C. A. (B) T. C. (Unit)

Strike out word not applicable: hereby certify that I ~~(issued)~~ (authorized) the hereinafter itemized transportation for escort

Complete: to proceed from Orillia (Place) to Kirkland Lake (Place) for the

and return to Orillia

Full description of soldier being escorted: purpose of escorting H. 19808 Spr. Hearty, W. J.

Strike out phrase not applicable: alleged to be a ~~deserter~~ or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars		Cost
B.101028 Sgt. Paget Return Fare from Orillia to Kirkland Lake	10.40 1.56 Tax	11.96
B.29933 Spr. Fournier Return Fare from Orillia to Kirkland Lake	10.40 1.56 Tax	11.96
H. 19808 Spr. Hearty, W.J. One fare from Kirkland Lake to Orillia	5.20 .78 Tax	5.98 $29.90

65

This document is marked Exhibit "D" in the Summary of Evidence in the case of B-19808 Spr. W.J. Hearty taken 28th July 1942.

Signed: [illegible]
Officer taking Summary.

Total $ 29.90

Dated at Orillia Ont. this 27th, day of July A.D. 19 42

W. Wren Capt
ADJUTANT
(Rank) (Authorizing transportation)
No. 26 C.A. (Basic) T.C.
(Unit)

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1461
[illegible]-7-41 (1139)
H.Q. 1172-38-1461

Regtl. No. B-27820 Rank Sapper Surname HEARTY Christian Name William Joseph

STATION	Date of Admission into Station	Date of Admission into Hospital Day	Month	Year	Date of Discharge from Hospital Day	Month	Year	DISEASE	Number of days in Hospital	Remarks on nature of the disease (now indexed, if mild or severe; if completely recovered from) whether any particular treatment was adopted. In case of relapse, state whether it is considered to be a relapse or a fresh attack. In case of injury, state whether it was caused by enemy action, and whether it was due to negligence or misconduct. Date of leave and particulars of additional leave, or original expiration completed.	Signature of Medical Officer
St. Joseph's H.		4	4	42	15	4	42		11		
C.B.M.H.		23	3	42	3	4	42		11		

For additional entries use M.F.M. 1 and 2 (b).

ORIGINAL
DUPLICATE Duplicate
TRIPLICATE

Ocl'd Woods May 24/R Pres.

M.F.M. 2
A.F.B. 271
20034—4-41 (9726)
H.Q. 1771-39-1045

(To be completed in triplicate. Copy designation to be shown by striking out terms not applicable.)

Unit No. 2 District Depot (AF) R.C.E. AES Wing Regimental Number B-27820

ACTIVE FORMATIONS AND UNITS OF THE CANADIAN ARMY

ATTESTATION PAPER

1. Surname HEARTY
2. Christian Names William Joseph
3. Present address Temiskaming Quebec Canada
4. Date of birth 27th May 1915
5. Place of birth Canada (Country) Quebec (County or Province) Fort Colonga (Town or Township)
6. Religion (state denomination) Roman Catholic
7. Trade or Calling Miner
8. Married, Widower or Single Single
9. Name of next of kin Mrs Mary Hearty
10. Relationship Mother
11. Address of next of kin Temiskaming Quebec Canada
12. Do you belong to, or have you served in a Reserve Formation or Unit of The Canadian Army? No.
(If Yes, Give Unit and Dates of Service)
13. Have you served in (a) an Active Formation or Unit of The Canadian Army? No (Yes or No)
(If Yes, Give Regimental No. and Unit)
(b) Any other Naval, Military, or Air Force? No (Yes or No) (If Yes, specify Unit and Period of Service)
14. Did you serve during the Great War 1914-1918? No.
(If Yes, specify Regimental No., Unit and Dates of Service)

DECLARATION TO BE MADE BY MAN ON ATTESTATION

I, William Joseph HEARTY, do solemnly declare that the above particulars are true, and I hereby engage to serve in any Active Formation or Unit of The Canadian Army so long as an emergency, i.e., war, invasion, riot or insurrection, real or apprehended, exists, and for the period of demobilization after said emergency ceases to exist, and in any event for a period of not less than one year, provided His Majesty should so require my services.

Witness (J.W. Koper)
Date 4-11-41 (W.J. Hearty) (Signature of recruit)

OATH TO BE TAKEN BY MAN ON ATTESTATION

I, William Joseph do sincerely promise and swear (or solemnly declare) that I will be faithful and bear true allegiance to His Majesty.

(W. J. Hearty) (Signature of Recruit)

CERTIFICATE OF MAGISTRATE, JUSTICE OF THE PEACE OR ATTESTING OFFICER

The Recruit above-named was cautioned by me that if he made any false answers to any of the above questions he would be liable to be punished as provided by law.

The above questions and answers were then read to the recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered as replied to, and the said recruit has made and signed the declaration and taken the oath before me,

at North Bay Ontario, Canada this 4th day of November 1941

(W.R. Wiber) Major — (Signature of Magistrate, Justice or Attesting Officer.)

No. 2 District Depot (A) Alg. Regt. R.O. — (Office or Rank and Unit or appointment.)

N.B.—ATTENTION IS DRAWN TO THE FACT THAT ANY PERSON MAKING A FALSE ANSWER TO ANY OF THE ABOVE QUESTIONS IS LIABLE TO A PENALTY OF SIX MONTHS' IMPRISONMENT

This is Exhibit "C" referred to in the Summary of Evidence taken before me at [illegible] on the [illegible] day of February, 1943.

Name in full William Joseph HEARTY

Place North Bay, Ontario, Canada

Place

Date 4th November 1941

CERTIFICATE OF MEDICAL EXAMINATION

Part 1. Information obtained from the recruit.

1. Age 26

2. Have you ever suffered from any of the following diseases?

a. Rheumatism	NO
b. Tuberculosis or pleurisy	NO
c. Bronchitis or asthma	NO
d. Heart disease	NO
e. Kidney or bladder disease	NO
f. Stomach or bowel trouble	NO
g. Rupture	NO
h. Varicose veins	NO
i. Foot trouble	NO
j. Nasal trouble	NO
k. Ear disease	NO
l. Eye disease	NO
m. Fits	NO
n. Nervous or mental disease	NO
o. Syphilis	NO
p. Gonorrhoea	NO
q. Have you ever worn glasses?	NO
r. Are you now or have you in the past received disability pension or compensation? If so, give details	NO

(W.J. Hearty)
Signature of Applicant

THE RECRUIT MUST BE STRIPPED

Part 2. Information obtained by medical examination.

1. Identification marks or scars. (If operative obtain history). Small Scar palm right hand

2. Height 5 feet 6 inches. 3. Weight 142 pounds.

4. Complexion fair Eyes Hazel Heir Fair 5. Development Good

6. Chest measurement—Girth on full expansion 38 inches. Range of expansion 2 inches.

7. Vision, With Glasses— right 20/20 left 20/20 8. Hearing, right C.U.20 ft left C.U. 20 ft. Good EXF PTF

9. Condition of mouth and teeth Hypetrofheil Tonsils

10. The abnormalities (congenital and pathological) found on examination are as follows

Ears -Normal
Urine - Normal
Reflexes - Normal

Part 3. We, the examiners, find no evidence of the diseases mentioned in Question 2, Part 1, except as reported in the remarks. We have examined the Recruit in accordance with the pamphlet "Physical Standards and Instructions for the medical examination of recruits" and he is found fit for Category

Special remarks when category lower than A

R.A. White
President

V.N. Campbell
Member

G.F. Gest.
Member

VACCINATIONS, INOCULATIONS, BOARDS, RECLASSIFICATION OF MEDICAL CATEGORY

Date	Brief details and signature
Nov.4/41	Xrey chest Neg. VNC.
Nov7/41	Vacc.
17-1-42	T.A.B.T. I
	No.22 (B) T.C.
	Category A.1 not Confirmed
	R.M.O. C.W. Procunier.
	Capt. R.C.P.M.C. (A)
21-2-42	Traumatic Arthritis (Left Knee)
	Cat. "C.1" M.F.B. 227
	D.O. #47

Record of Service of HEARTY (Surname) William Joseph (Christian Names)

Qualifications

Military

Business or Professional NIL

Trade or Civil NIL

Technical MINER

Languages NIL

All enlisted personnel will be taken on as Private soldiers, appointments and promotions to higher rank to be shown as provided in the space below.

High School / or / Collegiate

Educational Qualifications (years completed) 1 year

*College NIL

*University NIL

*(Name of institution, courses or years completed, and degrees obtained to be shown)

Date	Rank shown	Effective Date	Unit	Place	Record of Promotion, Reduction, Transfer, Casualty, Hospital, etc., from date taken on Strength of Canadian Army (Active)	Attest on appointment: Record of Service	Buyer: Date	Buyer: From whom received
	Sapper	4-11-41	R.C.E.	North Bay	T.O.S. No. 2 District Depot (AF)			
	"	5-12-41	AES Wing	Ontario. Ft. 2 D.D.	S.O.S. on attach. to #22 B.T.C.			
	"	27-11-41	"	"	14 days C.B. and forfeits 17 days pay for AWL 10-11-41 to 26-11-41			
	"	6-12-41	"	"	T.O.S. No.22 (B) T.C. North Bay Out on Attachment for 28 days pay for 28 days detention and forfeits 21 days pay for neglecting to obey an order. Attached Branch Detention barracks Camp Borden for all purposes except pay			
	"	8-12-41	No.22 R.T.C.	North Bay	Qualified Miner Class II			
	Sapper	9-12-41	"	"	Att. #22 B.T.C. f.s.p. on returning from Branch Detention Barracks, Camp Borden			
	"	25-11-41	"	"	awarded 21 days Detention for A.W.L. forfeits 18 days pay & allowances			
	"	24-12-41	"	"	attached Branch Detention barracks except pay			
	"	29-12-41	"	"	Borden for all purposes except pay			
	"	29-12-41	"	"	Att. #22 BTC. f.s.p. on returning from Branch Detention barracks, Camp Borden			
	"	17-1-42	"	"	Remission of sentence to read 16 D ays Detention barracks, 16 days Detention			
	"	24-12-41	"	"	96 hours Detention, forfeits 8 days pay			
	"	26-1-42	"	"	AWL 2 days pay & allowances			
					23 hrs. 45 mins			

27820

Record of Service of HEARTY (Surname) William Joseph (Christian Names) Regimental Number B.27820

Educational Qualifications

High School or Collegiate	1 year (years completed)	Graduation or Matriculation (specify)	NIL
*College	NIL		
*University	NIL		

*(Name of institution, courses or years completed, and degrees obtained to be shown)

Qualifications

Military	NIL
Business or Professional	NIL
Trade or Civil	MINER
Technical	NIL
Languages	ENGLISH & FRENCH

All enlisted personnel will be taken on as Private soldiers, appointments and promotions to higher rank to be shown as provided in the space below.

Date	Report From whom received	Record of Promotions, Inductions, Transfers, Casualties, Reports, etc., from date taken on Strength of Canadian Army. (Active)	Rank Shown	Effective Date	Unit	Place	Authority Part II D.O. No. Can. List, etc.	Dated
		Joined on appointment.						
		T.O.S. No. 2 District Depot (AF)	Sapper	4-11-41	R.C.E. AES Wing	North Bay Ontario.	Pt. 2 D.O.#267	8-11-41
		S.O.S. on attach. to #22 B.T.C.	"	5-12-41	"	"	D.O. 288B	3-12-41
		14 days C.B. and forfeits 17 days pay for AWL 10-11-41 to 26-11-41	"	27-11-41	"	"	D.O. 288	3-12-41
		T.O.S. No.22 (B) T.C. North Bay Ont. on Attachment fm #2 D.D.	"	6-12-41	No.22 R.T.C.	North Bay	D.O. 284	5-12-41
		28 days detention and forfeits 28 days pay for neglecting to obey an order. Attached Branch Detention barracks Camp Borden for all purposes except pay	Sapper	8-12-41	"	"	D.O. 285	8-12-41
				9-12-41	"	"	D.O. 285	8-12-41
		Qualified Miner Class II	"	25-11-41	"	"	D.O. 298	22-12-41
22-12-41	#22 BTC	Att. #22 B.T.C. f.a.p. on returning from Branch Detention Barracks, Camp Borden	"	24-12-41	"	"	D.O. 301	26-12-41
26-12-41	"	Awarded 21 days Detention for A.W.L. forfeits 18 days pay & allowances attached Branch Detention barracks Camp Borden for all purposes except pay	"	29-12-41	"	"	D.O. 303	29-12-41
29-12-41		Att. #22 BTC. f.a.p. on returning from Branch Detention Barracks, Camp Borden	"	29-12-41	"	"	D.O. 303	29-12-41
19-1-42		Remission of sentence to read 16 Days Pay & Allowances, 16 days Detention. Forfeits 8 days Pay	"	17-1-42	"	"	D.O. 17	19-1-42
24-1-42		96 hours Detention. Forfeits 8 days Pay	"	24-12-41	"	"	D.O. 22	24-1-42.
26-1-42		AWL 2 days 23 hrs. 45 mins	"	26-1-42	"	"	D.O. 23	26-1-42.

*Additional entries see M.F.M. Part II.

CERTIFICATE OF MEDICAL EXAMINATION

Name in full William Joseph HEARTY Place

Place North Bay, Ontario, Canada Date 4th November 1941

Part 1. Information obtained from the recruit.

1. Age 26 2. Have you ever suffered from any of the following diseases?

a. Rheumatism	NO	k. Ear disease	NO
b. Tuberculosis or pleurisy	NO	l. Eye disease	NO
c. Bronchitis or asthma	NO	m. Fits	NO
d. Heart disease	NO	n. Nervous or mental disease	NO
e. Kidney or bladder disease	NO	o. Syphilis	NO
f. Stomach or bowel trouble	NO	p. Gonorrhoea	NO
g. Rupture	NO	q. Have you ever worn glasses?	NO
h. Varicose veins	NO	r. Are you now or have you in the past received disability pension or compensation? If so, give details	NO
i. Foot trouble	NO		
j. Nasal trouble	NO		

(W.J. Hearty) Signature of Applicant

Part 2. Information obtained by medical examination. **THE RECRUIT MUST BE STRIPPED**

1. Identification marks or scars. (If operative obtain history).
Small Scar palm right hand

2. Height 5 feet 6 inches. 3. Weight 142 pounds.

4. Complexion fair Eyes Hazel 5. Development Good Good ~~Fair~~ ~~Poor~~

Hair Fair

6. Chest measurement—Girth on full expansion 38 inches.
Range of expansion 2 inches.

7. Vision, right 20/20 left 20/20 8. Hearing, right C.U.20 ft left C.U. 20 ft.
With Glasses— right left.

9. Condition of mouth and teeth Hyfetrofheil Tonsils

10. The abnormalities (congenital and pathological) found on examination are as follows
Ears -Normal
Urine - Normal
Reflexes - Normal

Part 3. We, the examiners, find no evidence of the diseases mentioned in Question 2, Part 1, except as reported in the remarks. We have examined the Recruit in accordance with the pamphlet "Physical Standards and Instructions for the medical examination of recruits" and he is found fit for Category

Special remarks when category lower than A

R.A. White (President) V.N. Campbell (Member) G.F. Guest. (Member)

VACCINATIONS, INOCULATIONS, BOARDS, RECLASSIFICATION OF MEDICAL CATEGORY

Date	Brief details and signature	Date	Brief details and signature
Nov.4/41	Xray chest Neg. VNC.		
Nov7/41	Vacc.		
	T.A.B.T. I		
17-1-42	No.22 (B) T.C.		
	~~Category A.1 not Confirmed~~		
	~~R.M.O. C.W. Procunier.~~		
	~~Capt. R.C.P.M. C.A.(A)~~		
	~~Traumatic Arthritis (Left Duce)~~		
21-2-42	Cat. "C.1" M.F.B. 227		

Statement of the Service of No. H.19808 Rank Sapper Sheet No. 2

M.F.M. 1 & 2 (a)
230M—7-41 (1151)
H.Q. 1772-30-1646

Name HEARTY, William Joseph

REPORT Date	REPORT From whom received	Record of Promotions, Reductions, Transfers, Casualties, Reports, etc. (Continuation of Folio 2, M.F.M. 1 or M.F.M. 2)	Rank Shown	Effective Date	Unit	Place	Authority Part II D.O. No. Can. List, etc.	Authority Dated
6-2-42	#22 BTC	168 hrs. Detention. Forfeits 13 days pay	Spr.					
		AWL 4 days , 4 hrs. Stoppage of Pay $6.60 (COST OF APPREHENSION)	"	6-2-42	No. 22 B.T.C.	North Bay	D.O. 34	6-2-42.
17-2-42		Forfeits 1 days pay AWL. 12 hrs. 30 mins	"	17-2-42	"	"	D.O. 43	17-2-42.
		Awarded 28 days Detention AWL, breaking Barracks and Conduct to the Prejudice of Good Order and Military Discipline	"	4-3-42	"	"	D.O. 58	5-3-42.
	Branch Detention Barracks, Camp Borden							
	T.O.S. #22 C.A.(B) T.C. f.a.p. returning from		"	28-3-42	"	"	D.O. 92	9-4-42.
	Granted remission 4 days Pay & Allowances and 4 days Detention		"	10-4-42	"	"	D.O. 92	9-4-42
	S.O.S. 26 CABTC on trans. from 22 CABTC f.a.p.		"	16-4-42	"	"	D.O. 98A	16-4-42.
	T.O.S. 26 CABTC on trans. from 22 CABTC f.a.p.		"	17-4-42	"	"	D.O. 1A	17-4-42.
	Awarded 14 days C.B. AWL 9 hrs, 41 mins. Forfeits 5 days Pay and Allowances		"	21-4-42	"	"	D.O. 4	21-4-42.
	awarded 28 days Detention AWL 15 days, 17 hrs, 21 mins. Forfeits 45 days Pay and Allowances		"	12-5-42	"	"	D.O. 22	12-5-42.
CA.BT.C.	No.26 S.O.S. on transfer to No.22 C.A.(B) TC. North		Bay, "	14-5-42	"	"	D.O.23	13-5-42.
	T.O.S. of #22 CABTC f.a.p. incl. pay on transfer from #26 CABTC		"	15-5-42	22CABTC	N'Bay	D.O. 25	15-5-42.
	S.O.S. of No. 22 C.A.E.BT.C. F.A.P. incl pay on transfer to No.26 CABTC		"	5-6-42	Do.	do	D.O.44	5-6-42.
T.O.S. #26 CABTC on trans from No. 22 CABTC f.a.p.			"	6-6-42	"	Camp Niagara	D.O.44	6-6-42
6	awarded 28 days Detention for Drunk and Barracks. Forfeits 55 days P.A.A. and $4.93 cost of apprehension		"	16-6-42	"	Orillia	D.O. 52	17-6-42.

Statement of the Service of No. H.19308 Rank Sapper

Name HEARTY, William Joseph

Sheet No. 2

M.F.M. 1 & 2 (a)
250M—7-41 (1141)
H.Q. 1772-39-1646

REPORT Date	REPORT From whom received	Record of Promotions, Reductions, Transfers, Casualties, Reports, etc. (Continuation of Folio 3, M.F.M. 1 or M.F.M. 2)	Rank Shown	Effective Date	Unit	Place	Authority Part II D.O. No. Can. List, etc.	Authority Dated
		SOS on att't to Branch Detention Barracks Camp Borden						
			Spr.	17-6-42	No26 CASTC	Orillia	D.O. 53	18-6-42.
		granted remission of sentence of 5 days P.&.A. & 5 days Detention. Total Forfeiture is amended to read 33 days P.&.A. and award is amened to read 23 days Detention	"	9-7-42	"	"	D.O. 71	9-7-42.
		Certified True Copy - FOR Lt. Col. T.W. Greenfield, Officer Commanding, No. 26 C.A.(S) T.C. Orillia, Ontario.						
		Certified true copy C.A.T.W. Woods Maj. QYR Pres.						

W. Bowell. Lieut.
Lieut. Bowell, Assist Adjutant.

DEFENDING OFFICER'S ADDRESS RE. MITIGATION

GENTLEMEN: With reference to the matter of a medical examination at North Bay, Hearty joined the Army the second time 51 days after he had been discharged from the Army the first time. Medical reports from Winnipeg, '227, said he was discharged with arthritis and was unlikely to be of any further use to the Service.

THE JUDGE ADVOCATE: You didn't put those in, did you, as exhibits?

THE DEFENDING OFFICER: I haven't got them, sir. All I have is a letter from Ottawa which just states the fact.

THE JUDGE ADVOCATE: A letter from whom?

THE DEFENDING OFFICER: This letter is to the District Medical Officer from the Headquarters in Ottawa. It seems to me that they should have found out whether or not the man had arthritis when he was discharged only 51 days previously with arthritis. I don't think that the medical examination was very good.

THE JUDGE ADVOCATE: Suppose it wasn't; he is still not Category "E" according to the Army; he is "C-1" now, isn't he?

THE DEFENDING OFFICER: According to the Winnipeg board he is Category "E" and according to the board that was held in North Bay by Dr. White, Dr. Campbell and Dr. Guest he is "C-1." The boards are at variance there are they not?

THE JUDGE ADVOCATE: They are; but he failed to disclose, you know, his previous enlistment. He failed to put them on any inquiry as to the reason for his having been discharged because he said he hadn't served before.

As far as I think you can go is to say that they are at variance.

THE DEFENDING OFFICER: Are these M.F.M.'s 2 always accurate, sir? A man reads them over, but I venture to say there are several mistakes made in them.

THE JUDGE ADVOCATE: The difficulty, you see, is that he says that he knew that that answer was wrong.

THE DEFENDING OFFICER: But he might have been confused by the Engineering Officer who had not, it would seem, if Hearty's statement is true, urged upon him the seriousness of this matter. He admits that he told thm he had been in the Cameron Highlanders. Hearty didn't type this form.

THE JUDGE ADVOCATE: He said he told the first Major about his situation and he said that that Major said that his having served previously wouldn't make any difference. Then he goes on to the Recruiting Officer at North Bay, Major Wiber, and he says he knows that the answer is wrong.

THE DEFENDING OFFICER: HE knows that the answer is wrong, but the Engineering Major didn't impress upon him the seriousness of the matter. He said that it was not important, if Hearty's statement is true.

THE JUDGE ADVOCATE: He said it would make no difference and yet, according to his evidence, he made a wrong statement.

THE DEFENDING OFFICER: That is about all I have to say, sir. But a case of arthritis serious enough to board a man out of the Army -- it is surprising to me that

they would put a man in the Army as "A-1" on a medical board again without having any sign of it, even if the man didn't say he had arthritis. After 51 days it would seem to me that they would see some sign of it.

- - - - - - - -

Y Capt Woods Maj. 79
PRB
President

M.F.B. 555
22M—5-41 (572-3)
H.Q. 1772-99-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H 19808	Sapper	William Joseph Hearty	No 26 C.A.(B) T.C., C.A.

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

	Within last 12 months		Since enlistment or appointment	
For	A.W.L.	seven times	A.W.L.	seven times
For	Breaking Barracks	four times	Breaking Barracks	four times
For	A.A.Sec. 40 (1)	three times	AA.Sec.40 (1)	three times
For	A.A.Sec. 15 (2)	once times	A.A.Sec 15 (2)	once times

Number of instances of gallantry or distinguished conduct Nil

~~xxx~~

~~There are no entries in the conduct sheets of the accused~~

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

2. The accused has not been previously convicted

~~xxxx~~

~~The xxx xxx xxxx of the accused by a court-martial or a xxx without xxx of summary xxxxx under~~ ~~A.F.B. 12~~ ~~Section 47 of the xxxxxx Act and dispositions with trial under A.A. 73 xxx not xxx in the Schedule~~ ~~xxxxxx to this xxxxxx~~

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

~~xxx~~

~~The accused at the present time is under sentence for ..... beginning on the ..... days ..... xxxxxx~~

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in ~~xxxxxx~~ civil custody, and 15 days in military custody, making a total of 15 days in custody, ~~xxxxxx~~ ~~xxxxxxxxxxxxxxxxxx~~

up to the 3rd. of Aug. 1942.

5. The present age of the accused according to his ~~xxxxx xxxxxx~~ attestation paper is 27 years

6. The date of his ~~xxxxxxx~~ attestation specified in his ~~xxxxxxxxxx~~ attestation paper is 4th of November 1941

7. The service which the accused is allowed to reckon towards discharge is nil.

8. The accused is entitled to reckon NO service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no ~~xxxxxxx~~ military decoration, or ~~xxxxxx~~ military reward ~~xxxxxx~~ ~~xxxxxxxxxxxxxxxxxx~~ ~~xxxxxxxxxxxxxxxxxx~~

10. ~~(If the accused is a warrant officer.) The accused has never made a warrant officer but has xxxxxxxx xxxxxxxx xxxxxxxxxxxxxxxxxx~~

80

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~

Permanent Force
unit

.....dated....., and in his regiment (or corps), the rank of

.....dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number..... Rank..... Name..... of..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 29th day of July 1942 N. Bellamy Lt Col
C.O. No. 26 C.A. (B) T.C. C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

A.J. Woods Maj
RYR President

No H 19808 Spr William Joseph Heady

On the 3rd day of August 1942
was charged with.

Absenting himself without leave
for 8 days & 17 hrs

+

Forfeiting eighteen days of his
~~Equipment~~ ~~[illegible]~~

Arthur Woods Maj
QVR
President

MEDICAL OFFICER'S REPORT

I certify that No. H19808 SPR HEARTY W J

of 26 BATC is in a fair state of health,

and fit to undergo Trial by Court martial.

L W Weingarten
Medical Officer Capt.
RAMC

Station No 26 B.T.C.

Date 3/8/42

M. F. B. 246
35M—9-41 (1753)
H.Q. 1773-39 600

No. H-19808 Name Spr. HEARTY, W.J. Sqn., Battery, or Company #2 D.D. (AF) R.C.E. Corps AES Wing Date of enlistment 4-11-41 O.C. Badges Service or Proficiency Pay

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. E.A. Dunn, Capt. | Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Toronto	10-11-41	Spr.		AWL from 0800 hrs. 10-11-41 until Apprehended at 2320 hrs. 26-11-41 (17 days)	L/Cpl. Joseph	Forfeits (17 days pay 14 days C.B.	2-12-41	Col. OS Hollinrake	
				5-12-41				E.A. Dunn, Capt.	
North Bay	6-12-41	Spr.		Neglecting to obey an order Conduct to the prejudice of Good Order and Military Discipline Neglect to obey any Camp Order	L/Cpl. Cloutier L/Cpl. Cloutier L/Cpl. Smith Cpl. Dickey Gnr. Boas.	28 days Detention	8-12-41	Lt.Col. T.W.Greenfield	Forfeits 28 P & A under F.R. & I.
North Bay	26-12-41	Spr.		AWL from 2200 hrs, 26-12-41 to 2350 hrs 27-12-41 (1 day 1 hr. 50 minutes) Open Arrest.	L/Cpl. Ward. Cpl. O'Hagen	21 days Detention	29-12-41	Lt.Col.T.W.Greenfield.	Forfeits 2 days P & A under F.R. & I. (P.T.O.)

Certified True Copy Kenneth Barnes, Lieut. Asst. Adj.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
North Bay	22-1-42	Spr.		AWL from 2300 hrs 22-1-42 to 2245 hrs 25-1-42 (2 days 23 hrs. 50 minutes) Close Arrest.	Cpl. Gough. L/Cpl. Leach	96 hours Detention	26-1-42	N.M. Woung, Major.	Forfeits 4 days Pay and Allowances.
North Bay	1-2-42	Spr.		AWL from 0800 hours 1-2-42 to 1200 hours 5-2-42 (4 days 4 hrs. Close Arrest Breaking barracks	L/Cpl. Cloutier L/Cpl. Boas. Cpl. Cadieux H. Daggett	168 hours Cost of Apprehension $6.60	6-2-42.	LT.Col. T.W. Greenfield.	Forfeits 5 days P & A under F.R. & I.
North Bay	15-2-42	Spr.		A.A. Sec. 15 1 AWL from 2200 hrs 15-2-42 to 1030 hours 16-2-42 TOTAL ABSENCE 12 hours 30 minutes CLOSE ARREST:	Cpl. Jantzen Cpl. O'Hagen	7 days C.B.	16-2-42	J.D. Toogood, Major.	Forfeits 1 days pay
North Bay	3-3-42	Spr.		AWL Before he was relieved. A.A. Sec. 15. (2) Breaking Bks Conduct to the prejudice of Good Order and Military Discipline A.A. Sec. 40. Close Arrest	Cpl. O'Hagen Sgt. Welch L/Cpl. Boas Cpl. Toogood, Spr. Blakely, Spr. Crawford Sgt. Bayley.	28 days Detention	4-3-42	Lt.Col. T.W.Greenfield	

No. H-19808 Name HEARTY, W.J. | Sqn., Battery, or Company | Corps | Date of enlistment | G.C. Badges | Service or Proficiency Pay | Character

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. 2. | Signature O.C. Company, etc.

M.F.M. 5 (A.F.B. 122) (Revised 11-12 (1922)) H.Q. 1273-45-18

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
North Bay	19-4-42	Spr.		AWL from 2359 hrs. 18-4-42 to 0740 hrs 19-4-42. Total Absence 7 hours 41 minutes. Open Arrest A.A. Sec. 15 (1)	L/Cpl. Boas	14 dyas C.B.	21-4-42		Forfeits 3 day P & A under Art 149 F R &I C.A.S.R.
				Breaking Barracks A.A.Sec.20(4)	L/Cpl. Murley				Forfeits 3 da P & A under A.A. Sec. 46.
				A.W.L. from 0741 hours 19-4-42 to 2115 hours 20-4-42 Total Abs. 1 day 13 hours 34 minutes	L/Cpl. Leach				
				Under close arrest from 2115 20-4-42 to 1100 hrs 21-4-42. A.A. Sec. 15 (1)			Lt./Col. T.W. Greenfield		
North Bay	25-4-42	Spr.		AWL from 2359 hours 25-4-42 to 1720 hours 11-5-42 Total Absence	L/Cpl. Boas	28 days Detention	12-5-42		Forfeits 45 days P & A under Art. (P.T.O.)

Certified Copy [illegible] Lieut. Asst Adj.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				15 days 17 hours 21 minutes.					149 FR & I
				Under close arrest from 1720 hours					CASF
				11-5-42 to 1100 hours 12-5-42					
				A.A. Sec. 15 (1)					
				Breaking Barracks A.A. Sec. 10 (4)					
				Conduct to Prejudice of Good Order					
				and Military Discipline A.S. Sec. 40.					
				Admitted to Detention at 1100 hours					
				12-5-42.				Lt.-Col.Greenfield.	

No. H-19808 Name Hearty, W.J. Sqn., Battery, or Company | Corps | Date of enlistment | G.C. Badges | Service or Proficiency Pay | Character

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No 3. | Signature O.C. Company, etc.

M.F.M. 6 (A.F.M. 122) M—11-40 (3625) H.Q. 1771-40-15

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Camp Niagara	6-6-42	Spr.		AWL from 2200 hrs. 6-6-42 to 2250 hrs. to 6-6-42 Total absence 50 minutes. Open Arrest A.A.Sec. 15(1)	L/Cpl. Lacombe	28 days Detention	16-6-42	—	Forfeits 1 days P & A under Art 153(b) FR & I, Forfeits 37 days under Art 149 F.R. & I C.A.S.F. Total Forfeiture 38 days P & A
				Failing to appear at a place of parade appointed by his Command Officer. A.A. Sec. 15 (8)	Cpl. Couper.				
				Breaking Barracks A.A. Sec. 10 (4)	Sgt. Heard				
				AWL from 2040 hours 7-6-42 to 0055 hrs. 12-6-42 Total Absence 4 days 4 hours 15 minutes.	Documentary Evidence.	TOTAL COST OF APPREHENSION			$4.93
				Under Close Arrest from 0055 hrs. 12-6-42 to 1500 hours 16-6-42. A.A. Sec. 15 (1) Admitted to Detention at 1500 hours 16-6-42.			Lt.-Col.	T.W. Greenfield. (P.T.O.)	

Certified True Copy Lennett Ronald, Lieut. Asst. Adj.

FLASH NUMBER ONE

FLASH NUMBER ONE

FLASH NUMBER ONE

FLASH NUMBER ONE

H.Q.C. 55-H-276 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT MARTIAL

G.17172 SPR. G.F. HANSON

3RD FORTRESS COY., R.C.E.

HQS-H.7127

DEAD

CONFIDENTIAL
H.Q.C. 55-H-276

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				JAG	New File	CR	17/8/42.
AUG 1 9 1942	18/8/42	PA	Int	A.D.	to note & P.A.	Gdb	18/8/42
				JAG.	With Papers C.R. AUG 31 1942		
[redacted]	2/9/42	PA	Int	AD.	to note & P.A.	Gdb	1-9-42.
SEP 23 1942	23/9/42	PA	BHR.	JAG.	SEP 23 1942		

NOTICE

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

PASS THIS FILE IN ENVELOPE

IN REPLY PLEASE QUOTE
No. H-H-1193

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CENTRAL REGISTRY Army
CONF. SEC 194
AUG 31 1942
File C.55-H-276
Chgd. to
Referred to JAG.

Halifax, N.S. 28th August, 1942

Secretary,
Department of National Defence,
Ottawa, Ontario

District Court-Martial
G.17172 Spr. HANSON, G.F.
3rd Fortress Coy., R.C.E.

74020

Reference H.Q.C. 55-H-276 (JAG) dated 18th August, 1942.

1. The O.C., 3rd Fortress Coy., R.C.E. (CA) reports as follows:

"Spr. Hanson was apprehended on 19 April and and escort dispatched for him returning on 24 April. He then entered Sydney Military Hospital and waz later sent to Cogswell St. Hospital, Halifax, N.S. Summary of evidence was ordered taken on 20th June. One Witness was home sick during this period and some delay ensued in obtaining his evidence. Application for Court-Martial was submitted on 4th July.

The Officer appointed to take the summary of evidence also had to do his job as works officer, and conduct a Court of Inquiry into the death of Spr. MacDonald, M.G., of this Unit."

RECEIVED
SEP 2 1942
ORG.
A.D.

Noted
G.A. FERGUSON
LT. COL.
ORG. A.D.
SEP 2 1942

(W.W. FOSTER) Brigadier,
D. O. C., M. D. No. 6

/CMcD

NAT. DEF. B. 440
2,800,000—10-41 (3624)
H.Q. 1772-30-767

H.Q.C.55-H-276 JAG.

August 18th, 1942.

District Officer Commanding,
Military District No. 6,
HALIFAX, Nova Scotia.

RECEIVED
AUG 19 1942
A. D.

District Court-Martial,
G.17172, Spr. G.F. Hanson,
3rd Fortress Coy., R.C.E.

1. Receipt is acknowledged of your H.H-1193 dated August 13th, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed:-

(a) The word "charge" in the footnote on Page "A" of the proceedings should have been in the plural.

(b) It is preferred if Minutes of Adjournment and Re-Assembly, if not set out in the proceedings where the same actually took place, should be set out on a separate sheet of paper and attached to the proceedings in sequence with other documents and notations made in the proceedings referring to such attachments at the place where the adjournment took place. It is not considered proper to insert the Minutes of Adjournment and Re-Assembly after the Charge Sheet.

(c) Notations should have appeared after the Finding that the Finding of not guilty in connection with the second charge, had been read to the accused in Open Court.

(d) No notation appears after the proceedings on Conviction before Sentence as to cross-examination by the Defending Officer, compliance with R.P. 83(b), or as to the withdrawal of the witness.

(e) It was not proper to set out in the Sentence the full amount of the cost of apprehension "less $5.00 for meals". A deduction could have properly have been set out in the Finding in connection with the first charge and the Sentence would properly just set out the net amount awarded against the accused.

(f) M.F.B. 355 was not brought up to date of trial.

(g) The accused was apprehended on 19th April, 1942, and the Charge Sheet was dated 24th April, 1942, and the trial was held on 24th July, 1942. Though the accused spent 54 days in hospital, an explanation is required as to the delay in this matter.

Noted
G. A. FERGUSON
LT. COL.
ORD. A. G.
AUG 19 1942

.....2

3. It is not considered necessary to return the proceedings which are, accordingly, retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

EBB/amb

Copy on 405-H-7127

H.Q. C.55-H-276
M.D. H.H-1193

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. G-17172 Name HANSON, G.F.

Rank Spr. Unit #3 Fortress Coy, R.C.E., C.A.

Charge Sec. 12 (1) (a) A.A. Deserting H.M.S.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 23/1/42. 2. 24/1/42.

Date of Arrest 19/4/42. Charge. Signed 25/4/42.

Orders for D.C.M. D.O.C., M.D.#6.

Place and Date of Trial Sydney, N.S., 24/7/42.

Sentence Detention 14 days and stoppages of $38.16.

Date of Confirmation 7/8/42.

Date of Promulgation 10/8/42.

Entered in Records of J.A.G. as No. 6593

Date 18/8/42.

MEMO Not guilty of desertion but guilty of A.W.L. on the first charge.
Not guilty of the second charge.

E.R. Ruggles Capt
for Judge Advocate-General.

2M-7-42(M1291)

6593.

IN REPLY PLEASE QUOTE
No. H.R.-1193

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, M.D. No.6,
Halifax, N.S., 13 August, 1942

no file

CONFIDENTIAL

CENTRAL REGISTRY Army
P.RS. SEC.
6 55-H-376
AUG 16 1942
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
Ottawa, Ontario.

District Court-Martial
G17172, Spr. G.F. Hanson,
3rd Fortress Coy., R.C.E.

Reference District Court-Martial held for the trial of Spr. G.F. Hanson, 3rd Fortress Coy., R.C.E., attached are the proceedings of the Court, forwarded for approval and safe custody.

(W.W. FOSTER) Brigadier,
D. O. C., M. D. No.6.

Enc.
/HRD.

NAT. DEF. B. 440
2,000,000—10-41 (3034)
H.Q. 1772-39-767

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

A

**Form of Proceedings for District Courts-Martial

Proceedings of a DISTRICT Court-Martial held at Sydney, N.S. on the 24th. day of July 1942 by order of Brigadier W.W. Foster, D.S.O. V.D. Commanding Military District No. 6 dated the 13th day of July 1942.

President.

MAJOR R. P. BOULAY — Le Regiment de Joliette, C.A.

Members.

CAPTAIN L.V.CUSHING — 16th. Coast Regiment, R.C.A. C.A.

LIEUT. L. MCKEAGAN — 16th. Coast Regiment, R.C.A.C.A.

Trial of* G 17172 Sapper George Franklin Hanson, 3rd. Fortress Coy., R.C.E., C.A.

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

The Court satisfy themselves that Lt./A.T.E. Fairweather is not available to serve owing to illness.

Lieut. L. McKeagan, 16th Coast Regiment, R.C.A. (CA) waiting member takes his place as a member of the Court.

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

The accused is brought before the Court.

Prosecutor,† Lieut. F.J. Baker, No. 5 Coy., A.C. Signals RCCS (CA)

defending officer† Lieut. A.E.Cunningham, 9th. S/L Bty. R.C.A. (CA)

At 1000 o'clock the Trial commences.

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

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

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

Answer by accused. A.1. "No, Sir."

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

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

Mil. Form B. 271
5M—9-41 (1967)
H.Q. 1772-39-224

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

R.P. Boulay, Major
President D.C.M.

B

The President/members and RHB are duly sworn.

RHB

Q. 2. "Do you object to Miss Marie Macneill, civil servant, employed with the Department of National Defence, as shorthand writer?"

A. 2. "No, Sir."

Miss Marie Macneill, civil servant, employed with the Department of National Defence, Sydney, N.S., is duly sworn as shorthand writer.

Adjournment:- See B4 attached.

Charge-Sheet

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

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

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

Q. 3. Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A. 3. "Not Guilty', Sir." *Answer.*

Q. 4. Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A. 4. "'Not Guilty', Sir." *Answer.*

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

Answer.

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

Answer.

RHB ~~The accused having pleaded Guilty to~~ ~~the~~ RHB ~~the charge~~ ~~the~~ ~~proceedings~~ RHB

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

CHARGE SHEET

R2 3.

R. P. Beulay Major
President D.C.M.

The accused No. G 17172 Spr. George Franklin Hanson 3rd. Fortress Coy., R.C.E., C.A., a soldier of the Canadian Army, placed on Active Service is charged with:-

FIRST CHARGE
Sec. 12(1) (a)
Army Act

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

At Sydney, N.S., at 2230 hours on the 23rd. January, 1942 absented himself from the 3rd. Fortress Coy., R.C.E., C.A. until apprehended at Greenfield, N.B., by the civil police at 1930 hours on the 19th. April, 1942, the cost of his apprehension and return to his corps being $ 43.16.

SECOND CHARGE
Sec. 24 (2)
Army Act

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

in that he

at Sydney, N.S., on 24th. January, 1942, was deficient of the following articles, viz:-

Article	Quan.	Voc. Rate.	Est'd Rate
Attachments, brace, Resp. A. br.	1	$ .45	$ .35
Bags, rations MKIV	1	.04	.03
Bootlaces, prs.	1	.02	.02
Boots, Ankle, prs.	1	4.80	3.75
Brasses, button	1	.04	.03
Brushes, boot blacking	1	.15	.12
Brushes, boot polishing	1	.17	.14
Brushes, button	1	.15	.12
Brushes, cloth	1	.24	.18
Frogs, bayonet W.E. 37	1	.34	.30
Greatcoat, drab, 39 pattern	1	17.63	13.63
Drawers, cotton, short, prs.	1	.46	.35
Knife, clasp & lanyard	1	1.18	1.00
Mitts, leather, pullover, prs.	1	.64	.44
Overalls, blouses, denim	1	2.75	2.25
Sponges, pipe clay	1	.02	.02
Discs, indentity, w/cord	1	.02	.02
Total Estimated Value			$ 22.75

Sydney, N.S.
25th. April, 1942

(A.P.Boutilier) A/Major
Officer Commanding
3rd. Fortress Coy.,R.C.E.(CA)

To be tried by a District Court-Martial.

Halifax, N.S.
13-7-42

(F. J. NORTH) Lieut.-Col.
A.A. & Q. M. G., M. D. No. 6
For (W. W. FOSTER) Brigadier,
D. O. C., M. D. No. 6

B4 5.
R.J. Beulay Mayer
President D.C.M.

ADJOURNMENT:

"At 1015 hours on the 24th. day of July, 1942, the Court adjourned until 1400 hours on the 24th. day of July, 1942.

On the 24th. day of July, 1942, at 1400 hours the Court reassemble pursuant to adjournment, present the same members as when adjourned."

ADJOURNMENT:

"At 1400 hours on the 24th. day of July, 1942, the Court adjourned until 0930 hours on the 25th. day of July, 1942.

On the 25th. day of July, 1942, at 0930 hours the Court reassemble pursuant to adjournment, present the same members as when adjourned."

ADJOURNMENT:

"At 0930 hours on the 25th. day of July, 1942, the Court adjourned until 1400 hours on the 25th. day of July, 1942.

On the 25th. day of July, 1942, at 1400 hours the Court reassemble pursuant to adjournment, present the same members as when adjourned."

RJB.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Question.

Q.5. *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.5. "No, Sir."

The prosecutor makes an opening address [redacted], which is read, marked "G" , signed by the President, and attached to the proceedings].

The prosecutor proceeds to call witnesses.

First witness for prosecution } F 22309 Sergeant Hickman, G.L., 3rd. Fortress Coy.,R.C.E.(CA)

being duly sworn, is examined by the prosecutor.

Q.6. "You are F 22309, Sergeant Hickman?"
A.6. "Yes, Sir."

Q. 7. "Were you on duty on the night of the 23rd. of January, 1942?"
A. 7. "Yes, Sir."

Q. 8. "You were on duty here in Victoria Park?"
A. 8. "Yes, Sir."

Q. 9. "Did you take the Tattoo Roll Call that night?"
A. 9. "Yes, Sir."

Q.10. "What did you notice that night when you took the Tattoo?"
A.10. "I noticed that Sapper Hanson was absent."

Q.11. "Did you make any attempt to find out his whereabouts?"
A.11. "I reported his absence to the Sergeant Major."

Q.12. "Had you been given any instructions as to Sapper Hanson of any kind?"
A.12. "No, Sir.

Defending Officer declines to cross-examine.

"In the opinion of the Court it is not necessary to comply with R.P. 83 (B)".

The witness withdraws.

(C 3)

SECOND WITNESS FOR PROSECUTION — F 22471, C.Q.M.S. Ball, E.M.K., 3rd. Fortress Coy., R.C.E. (CA)

being duly sworn, is examined by the prosecutor:-

Q. 13. "You are # F 22471, C.Q.M.S. Ball?"
A. 13. "Yes, Sir."

Q. 14. "Will you tell us in your own words what you know about the deficiencies in the equipment of Sapper Hanson?"
A. 14. "At the present time Sapper Hanson is deficient under clothing division "C":-

	Voc. Rate	Est'd Rate
1 Brasses, button	.04¢	.03¢
1 Sponges, pipe clay	.02¢	.02¢
1 Discs, identity w/cord	.02¢	.02¢
	Total:	.07¢

A great deal of Sapper Hanson's equipment was returned since the Summary of Evidence was taken...it had been held at Greenfield by the police."

Defending Officer declines to cross-examine.

"In the opinion of the Court it is not necessary to comply with R.P. 83 (B)"

The witness withdraws.

THIRD WITNESS FOR PROSECUTION — G 17901, S/Sergeant Lovely, G.A., 3rd. Fortress Coy., R.C.E. (CA)

being duly sworn is examined by the prosecutor:-

Q. 15. "You are G 17901, S/Sgt. Lovely?"
A. 15. "Yes, Sir."

Q. 16. "Will you tell the Court what you know about the transportation on the trip on which you were detailed to escort Sapper Hanson back to his Unit?"
A. 16. "I was detailed by the Officer Commanding the 3rd. Fortress Coy., R.C.E. to go to Fredericton, New Brunswick, for Sapper Hanson, on or about the 20th. day of April. I left here around 8.30 at night and arrived the following night at Fredericton around 9 o'clock, and I reported to the Officer Commanding No. 7 Depot and told him I had been detailed to escort Sapper Hanson back to Sydney. I had his papers fixed up the following day and the day after that I left for Sydney; returning here I reported to the Officer Commanding 3rd. Fortress Coy., R.C.E. and he told me to turn Sapper Hanson over to the Guard House."

Q. 17. "Was Sapper Hanson in uniform when you saw him?"
A. 17. "Yes, Sir."

Q. 18. "You were issued a transportation warrant?"
A. 18. "I was, Sir, for my own transportation, but he was fixed up at No. 7 Depot."

Q. 19. "So the expenses of the trip were borne by the public?"
A. 19. "Yes, Sir."

Cross-examined by the Defending Officer:-

Q. 20. "On that trip back from Fredericton did you buy some meals for yourself and the accused?"
A. 20. "Yes, Sir."

Q. 21. "Did you have money for that?"
A. 21. "Yes, Sir, I had meal tickets but not sufficient to make the round trip."

Q. 22. "You bought the others yourself?"
A. 22. "I did."

Q. 23. "Were you paid back?"
A. 23. "No, I did not ask to be paid back, Sir."

Q. 24. "When you received Spr. Hanson into your custody, where did you get him?"
A. 24. "I got him at No. 7 Depot in the Guard House."

Q. 25. "He was completely clothed in military uniform?"
A. 25. "Yes, Sir."

Prosecutor declines to re-examine.

"In the opinion of the Court it is not necessary to comply with R.P. 83 (B)"

The witness withdraws.

FOURTH WITNESS FOR PROSECUTION) F 44831 L/Sgt. Wallace, C.E., 3rd. Fortress Coy., R.C.E.

being duly sworn is examined by the prosecutor:-

Q. 26. "You are in charge of the Regimental documents as Orderly Room Sergeant?"
A. 26. "Yes, Sir."

Q. 27. "Have you any of the documents pertaining to this case?"
A. 27. "Yes, Sir, I have M.F.B. 1481 which is the account of the transportation for escort from Sydney, N.S. to Fredericton, N.B. I would like to make one point here, Sir, according to Routine Order # 1877 there has to be a form # 1482 which gives an account of extra expenses other than the travelling expenses. Those forms are not available and I don't think we can charge Sapper Hanson with the meals as that Routine Order has not been complied with. Herewith present three M.F.B. 1481's covering cost of transportation of Sapper Hanson and escort, one signed by Lieut.-Colonel A.J.C. Taylor, D.S. & T.O. M.D. No. 7".

Passed to the Court, signed by the President, marked Exhibit "H" and attached to the proceedings.

Q. 28. "Have you another transportation document?"
A. 28. "Yes, Sir, I have M.F.B. 1481, signed by Lieut. J.W. du Manoir, R.C.A.S.C."

Passed to the Court, signed by the President, marked Exhibit "I" and attached to the proceedings.

Q. 29. "You have another?"
A. 29. "Yes, Sir, I have M.F.B. 1481, signed by Lieut. G.S. Grant, No. 6 District Coy., R.C.A.S.C."

Passed to the Court, signed by the President, marked Exhibit "J" and attached to the proceedings.

Q. 30. "Have you any other documents?"
A. 30. "Yes, Sir, I have here certified copy of the Unit Part II Orders showing Sapper Hanson's absence and time of apprehension."

Passed to the Court, signed by the President, marked Exhibit "K" and attached to the proceedings.

Q. 31. "Have you any further documents?"
A. 31. "I have another, Sir, Certificate of Arrest, signed by Constable John Thompson, R.C.M.P., Greenfield, New Brunswick, certifying that Sapper Hanson was arrested at 7.30 P.M. on the 19th. day of April at Greenfield, New Brunswick."

Passed to the Court, signed by the President, marked Exhibit "L" and attached to the proceedings.

Q. 32. "Have you another?"
A. 32. "I have Part I Orders dated the 14th. of February, 1942 covering the Court of Inquiry on deficiencies of clothing, arms and equipment for Sapper Hanson."

Passed to the Court, signed by the President, marked Exhibit "M" and attached to the proceedings.

Defending Officer declines to cross-examine.

"In the opinion of the Court it is not necessary to comply with R.P. 83 (B)"

The witness withdraws.

"THE PROSECUTOR HAS NO FURTHER WITNESSES."
"THE PROSECUTION IS CLOSED."

RAB

D

The prosecution is closed.

Defence

Question to the accused. Q. 33. Do you apply to give evidence yourself as a witness?

Answer. A. 33. "Yes, Sir."

Question. Q. 34. Do you intend to call any other witness in your defence?

Answer. A. 34. "Yes, Sir."

Question. Q. 35. Is he a witness as to character only? *Answer.* A. 35. "No, Sir."

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

RHH ~~[illegible]~~)

Question to the accused. RHH ~~[illegible]~~

Answer. RHH ~~[illegible]~~

RHH ~~[illegible]~~

RHH ~~[illegible]~~

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

FIRST WITNESS FOR DEFENCE) G 17172 Sapper Hanson, G.F., 3rd. Fortress Coy., R.C.E.(CA)

being duly sworn is examined by the Defending Officer:-

Q. 36. "Will you tell the Court about your case?"
A. 36. "During the latter part of December, I don't remember the date, I was up three different times on sick parade to Captain Selznick. Each time that I went on parade he told me that there were too many coming on sick parade and he did not have time to bother with me. I told him if he did not have time to bother with me I would have to go to the hospital or see another doctor. He said if you go to the hospital or to see another doctor I will have you under arrest. Then I got leave to go home for Christmas. When I went home I went to a civilian doctor, Dr. John S. Burley. He found me suffering from laryngitis of the throat. He gave me medicine and told me to go home and stay in. I went home and I stayed in, I am not sure how long, then I went to Dr. Buchanan at Bath, New Brunswick. He also told me to stay in and gave me medicine. Dr. Burley was away, that is why I changed my doctor. Then I received a telegram from Captain Boutilier, 3rd. Fortress Coy., R.C.E. telling me to report back to my Unit. I sent him a telegram that I would be in on Monday. I took sick and went back to Dr. Buchanan. He told me to stay in a while longer. On the 18th. of April I got ready to come back. On the 19th. of April the R.C.M.P. drove into my brother's yard. I went to the door and asked him if he was looking for me. He says, 'Who are you?' and I told him. He took me to Woodstock and handed me over to the Military authorities. During the time I was absent I was never unproperly dressed from His Majesty's uniform or had I any intention of deserting His Majesty's Forces. There were telegrams sent to my Unit by Dr. J.S. Burley, before I was classed as "Absent Without Leave', I do not remember the dates exactly."

Q. 37. "Why did you remain away upon expiration of your leave?"
A. 37. "I was sick, Sir."

Q. 38. "When your leave had expired you were already under medical care."
A. 38. "Yes, Sir."

Q. 39. "Did you feel that you were treated properly at the local Military Hospital here when you went to be examined?"
A. 39. "No, Sir, I was not."

Q. 40. "You were not feeling well at all that morning?"
A. 40. "No, Sir."

Cross-examined by the prosecutor:-

Q. 41. "Sapper Hanson after you came back from sick parade, you say you did not get fair treatment, is that right?"
A. 41. "Yes, Sir."

Q. 42. "Did you report that to anybody in your Unit?"
A. 42. "Yes, Sir, I reported it to the Sergeant Major."

Q. 43. "Did you ask for parade to your Commanding Officer?"
A. 43. "No, Sir."

(D 5)

Q. 44. "You knew that that was your privilege?"
A. 44. "I have never asked for a parade to the Commanding Officer, since I came into the Army."

Q. 45. "How long were you in the United States?"
A. 45. "I was only there a very short time, I visited my uncle."

Q. 46. "How long were you in civilian clothes?"
A. 46. "I was not in civilian clothes."

Q. 47. "You are sure?"
A. 47. "Yes, Sir, the Immigration Officer at the border would substantiate that."

Q. 48. "Do you know the Immigration Officer?"
A. 48. "I don't know his name."

Q. 49. "You were talking to him?"
A. 49. "Yes, Sir."

Q. 50. "Why did he report to the R.C.M.P. that you were in civilian clothes?"
A. 50. "I do not think he did that Sir, I was not in civilian clothes."

Q. 51. "What were you doing down in the States?"
A. 51. "I belong in the States and I have an uncle there."

Q. 52. "Dr. Burley and Dr. Buchanan both told you to stay in?"
A. 52. "Yes, Sir."

Q. 53. "You were very sick?"
A. 53. "Yes, Sir."

Q. 54. "But you were not sick enough to keep you from visiting the States?"
A. 54. "I went down to the States just before I came back."

Q. 55. "Why did you not come back when you received a wire from the Officer Commanding your Unit telling you to come back?"
A. 55. "I had bronchitis, Sir."

Q. 56. "When you got the wire, what did you do?"
A. 56. "I went to my brother's and was sick with my throat."

Q. 57. "You made no effort to get in touch with your Commanding Officer?"
A. 57. "I sent him a telegram."

Q. 58. "Did you ever have meningitis?"
A. 58. "No, Sir."

Q. 59. "Did you not say so in your telegram?"
A. 59. "That was a mistake, it should have been laryngitis, the telegraph office must have misunderstood me."

Re-examined by the Defending Officer:-

Q. 60. "Was the Immigration Officer you were talking to a Canadian or an American?"
A. 60. "I was talking to both, Sir."

Q. 61. "They both let you through?"
A. 61. "Yes, Sir."

(D 7)

Q. 62. "They knew your uncle?"
A. 62. "Yes, Sir."

Q. 63. "Did you know them personally?"
A. 63. "No, Sir."

Q. 64. "You had military clothing on?"
A. 64. "Yes, Sir."

Q. 65. "Would you like to tell the Court about your stay in Sydney Military Hospital and the Halifax Military Hospital?"
A. 65. "I was in the Sydney Military Hospital nearly a month."

Q. 66. "That was after you returned?"
A. 66. "Yes, Sir, I went straight to the Hospital."

Q. 67. "The Sydney Hospital, first?"
A. 67. "Yes, Sir."

Q. 68. "According to the Medical Officer, Captain Riddolls, you were found to be sick?"
A. 68. "Yes, Sir, bronchitis, he called it."

Q. 69. "It states on M.F.B. 1478 that you had a touch of laryngitis and several other ills?"
A. 69. "Yes, Sir.

Q. 70. "How long were you out of the Hospital before you were sent to Halifax?"
A. 70. "I was not out, Sir, I was sent direct from the Sydney Hospital to the Halifax Hospital."

Q. 71. "Then you returned from Halifax Military Hospital to Sydney?"
A. 71. "Yes, Sir, without an escort. I was under my own escort during my stay in Halifax hospital and most of the time in Sydney hospital, and I returned to my Unit without an escort, although I was supposed to be still under close arrest. I have been under close arrest since the 19th. of April, 1942."

Re-examined by the prosecutor:-

Q. 72. "Where was the nearest medical officer to where you were staying in New Brunswick?"
A. 72. "Twelve miles, Sir, twenty-four miles to the nearest military M.O."

Q. 73. "You did not go to see the Military doctor at all?"
A. 73. "No, Sir, I had no way of getting there."

Q. 74. "You did not try to report there after you got word from your Commanding Officer to come back?"
A. 74. "No, Sir."

"In the opinion of the Court it is not necessary to comply with R.P. 83 (B)"

The witness withdraws.

(D 9)

SECOND WITNESS FOR DEFENCE) F 22381, Sapper Pace, I.W., 3rd. Fortress Coy., R.C.E.(CA)

being duly sworn is examined by the Defending Officer:-

Q. 75. "Do you remember being at the Medical Officer's office in Victoria Park sometime in the later part of December, 1941 with the accused?"
A. 75. "Yes, Sir."

Q. 76. "Do you remember anything about what the Medical Officer said to Spr. Hanson when he went before him for an examination?"
A. 76. "Yes, Sir, he refused to look into his case at all and refused to have anything to do with him. Spr. Hanson said that he would go to the hospital and get treatment and he said if you go to the hospital I will lay charge against you."

Prosecutor declines to cross-examine.

"In the opinion of the Court it is not necessary to comply with R.P. 83 (B)"

The witness withdraws.

The Defending Officer makes a Closing Address.
(See document marked "N" attached).

The Prosecutor makes a Closing Address.
(See document marked "O" attached).

RAB

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused G 17172 Sapper George Franklin Hanson, 3rd. Fortress Coy., R.C.E.(CA) is 'not guilty' on the charge of 'desertion', but is 'guilty' of 'absence without leave', and 'not guilty' of the second charge.

RHB.

Proceedings on Conviction *before Sentence*

When the Court is already open this sentence will be struck out.

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

Evidence of character, &c.

F 44831 L/Sgt. Wallace, C.E. 3rd. Fortress Coy. R.C.E.(CA) is duly sworn.

Question by the President.

Q.77. Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* 77. "Yes, Sir, I produce M.F.B. 355 and M.F.M. 6."

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

Question by the President.

Q.78. Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* 78. "He is."

Question.

Q.79. Have you compared the contents of the above statement with the regimental books? *Answer.* 79. "I have."

Question.

Q.80. Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 80. "They are."

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

~~Cross Examined by the accused.~~ RHB.

RHB.

Question to the accused.

Q.81. Do you wish to address the Court? *Answer.* 81. "No, Sir."

The Court is closed for the consideration of the sentence.

26.

F

Sentence

The Court sentence the accused G 17172 Sapper George Franklin Hanson, 3rd. Fortress Coy.,R.C.E.(CA) to undergo detention for fourteen days and to be put under stoppages of pay until he has made good the sum of $ 43.16 in respect of the cost of apprehension and return to his corps, less $ 5.00 for meals.

Sentence.

Detention

14 days

Stoppages

$ 43.16
- 5.00

$ 38.16

R P Boulay Major

(R. P. Boulay) Major
Le Regiment de Joliette
President.

Signed at Sydney this 25th. day of July, 1942.

CONFIRMED.

Signed at Halifax, N.S., this 7th. day of August, 1942.

W W Foster

(W.W.Foster) Brigadier,
District Officer Commanding,
Military District No. 6.

PROMULGATION

Promulgated and extracts taken at Sydney, N.S., this 10th day of August, 1942.

E M Johnston

(E.M. Johnston) Lieut.
Officer in charge of
documents
3rd.Fortress Coy.,R.C.E.

Extracts entered as No. 6543 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 18 day of Aug 1942

Exhibit "X" R P Boulay Major President DCM

Orders by Brigadier W.W. Foster, D.S.O. V.D. Commanding

XXX Military District No. 6

No. S.17172 Sapper George Franklin Hanson,
3rd Fortress Company, R.C.E., C.A.

13th July 1942

The detail of Officers as mentioned below will assemble at

Victoria Park, Sydney, N. S.

on Friday, twenty-fourth day of July, 1942 at 1000 hours

for the purpose of trying by a District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT:

Major R. P. Boulay, Le Regiment de Joliette, C. A.

is appointed President.

MEMBERS:

Captain L. V. Cushing, 16th Coast Regiment, R.C.A., C.A.

Lieutenant A.T.E. Fairweather, Saint John Fusiliers (M.G.) C. A.

WAITING MEMBERS:

Lieutenant L. McKeagan, 16th Coast Regiment, R. C. A., C.A.

PROSECUTOR: Lieutenant F. J. Baker, No. 5 Company Atlantic Command Signals, RCCS CA

DEFENDING OFFICER: Lieutenant A.E. Cunningham, 9th Searchlight Battery, RCA CA

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

The proceedings will be forwarded to Headquarters, Military District No.6

Signed this 13th day of July 1942

(F. J. NORTH) Lieut.-Col.
A.A. & Q. M. G., M. D. No. 6
For (W. W. FOSTER) Brigadier,
D. O. C., M. D. No. 6

M. F. B. 220.
5/46. 7-46.
H. Q. 1772-39-564.

Exhibit "G" R.J. Baulay Major
President D.C.M.

29

PROSECUTOR'S OPENING ADDRESS:

Mr. President and members of the Court: "You have heard the charges, I do not think I need to make a very long address.

On the charge, one of desertion, I propose to call three witnesses and I also propose to introduce documentary evidence to support the charge that Sapper Hanson was 'absent without leave'.

(F. J. Baker) Lieut.
No. 5 Coy., A.C. Signals R.C.C.S(CA)

R.A.B.

Appendix "P2" Exhibit "N" 31

ABSENTEES AND DESERTERS

R. B. Bentley Major President B.C.H.

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description

Strike out word not applicable

Complete

Full description of soldier being escorted

Strike out phrase not applicable

I, Lieut.-Col. (Rank) A.J.C. Taylor (Name) D.S. & T.O., M.D. No.7. (Unit)

hereby certify that I (issued) ~~authorized~~ the hereinafter itemized transportation for escort to proceed from Woodstock, N.B. (Place) to Fredericton, N.B. (Place) and return to Woodstock, N.B. for the purpose of escorting G17172 Spr. Hanson, G.F., 13 M Coy., RCE, Victoria Park alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transportation required~~) and the cost thereof for said soldier and escort being as follows:—

Sydney, N.S.

Particulars	Cost
Escort - T.W. No. A124456 (Part) (Woodstock, N.B. to Fredericton, N.B. and Return)	2.42
Alleged Absentee - T.W. No. A124456 (Part) (Woodstock, N.B. to Fredericton, N.B.	1.21
Total	$ 3.63

Dated at Saint John, N.B. this 5th day of May, A.D. 19 42.

A.J.C. Taylor

D.S. & T.O., M.D. No.7. Lieut.-Colonel, Signature, rank, unit of officer issuing transport warrants ~~or authorizing transportation~~

Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only*

M.F.H. 1401
50M—7-41 (1128)
H.Q. 1772-30-1051

Appendix "P" Exhibit "I"

ABSENTEES AND DESERTERS

President DCH

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — Strike out word not applicable — Complete — Full description of soldier being escorted — Strike out phrase not applicable

I, Lieutenant (Rank) - - J.H. du Manoir (Name) - - R.C.A.S.C. (Unit) hereby certify that I (issued) (authorized) the hereinafter itemized transportation for escort to proceed from Fredericton, N.B. (Place) to Sydney, N.S. (Place) and return to ---- ---- ---- ----- ---- for the purpose of escorting (G17172) Spr. Hanson, G.F. 3rd Fortress E.L. Coy. RCE. alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Escort Already in possession of transportation issued at Sydney, N.S.	
Transport Warrant A86353, providing second-class fare, Fredericton, N.B., to Sydney, N.S.	$9.33
~~Two Meals @ .75¢ each and one Meal @ $1.00~~	~~$2.50~~
Total	$ 11.83

Dated at Fredericton, NB this 24th day of April, A.D. 19 42

J.H. du Manoir Lieut.

Signature, rank, unit of officer (issuing transport warrants) ~~(authorizing transportation)~~

Strike out description not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

N.F.B. 1481
50M—7-41 (1329)
H.Q. 1772-38-1551

Appendix "P2" Exhibit "J" 35

R.D. Beasley Major President B.C.M.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description

Strike out word not applicable

Complete

Full description of soldier being escorted

Strike out phrase not applicable

I, Lieut. G.S. Grant (Rank) No.6 District Coy. R.C.A.S.C. (Name) (Unit) hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort to proceed from Sydney, N.S. (Place) to Fredricton, N.B. (Place) and return to Sydney, N.S. for the purpose of escorting G17172 Spr. Hanson, G.F. 3rd Fortress Co'y., R.C.E C.A. alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
G.17901 Sgt. Lovely G.A. 3rd. Fort. (E&M) Coy R.C.E. (escort)	
~~Escort r T.W. Mr. (Sydney, N.S. to Fredricton, N.B.~~	
Cost of transportation for escort from Sydney N.S. to Fredericton N.B. (T.W. A 47386)	15.83
RBB ~~Cost of meal tickets for escort from Sydney N.S. to Fredericton N.B. (M.O. # 28733)~~	~~2.50~~ RBB
Cost of transportation for escort from Fredericton N.B. to Sydney N.S. (T.W. A 47387)	9.37
Total	$27.70

Dated at Sydney, N.S. this 20th day of April A.D. 1942

G.S. Grant
(G. S. Grant) Lieut.
Area Supply & Transport Officer
Sydney N.S.

(Strike out description not applicable)

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1461
500M—7-41 (3120)
H.Q. 1773-26-1831

Exhibit "K" 37
R.F. Bentley Major D.C.M.

3rd Fortress (E&M) Coy., R.C.E.
(C. A.)

No. 11

PART II ORDERS

Sydney, N. S.

By Captain A. P. Boutilier, Commanding: 14th February, 1942

Last Daily Order Part II, No. 10 Published 9-2-42

"A" Officers

1. SUBSISTANCE ALLOWANCE:

Major H. E. Dickson, being compelled to pay rent for his quarters at Sydney, N.S., is authorized to continue to receive Subsistance allowance, under the provisions of Article 199 (4)(a) F.R. & I. C.A., whilst absent on duty for a period not exceeding 30 days from 8-1-42.

"B" Other ranks

2. ABSENT WITHOUT LEAVE:

(a) G17172 Spr. Hanson, G.F., continued to be absent without leave from 2230 hours 23-1-42.

(b) F22408 Spr. MacDougall, C.D., is absent without leave from 2230 hours, 13-2-42.

3. FURLOUGH:

The undermentioned personnel having proceeded on furlough, cease to draw rations and quarters Effective.....13-2-42

F22428 Spr. Gillis, F.X. F22412 Spr. Wadden, H.T.

4. SICK FURLOUGH:

F22409 Spr. Woodfine, P.J., having returned from sick furlough 11-2-42, will draw rations and quarters Effective.....12-2-42

5. SUBSISTANCE ALLOWANCE:

F22409 Spr. Woodfine, P.J., cease to draw subsistance allowance as authorized by D.O. 138 para. 4 Effective.....11-2-42

6. HOSPITAL:

(a) F22412 Spr. Wadden, H.T., admitted to Sydney Military Hospital Installation ceases to draw rations and quarters, Effective.....5-2-42

(b) The undermentioned personnel having been admitted to Hospital (SMHI) cease to draw rations and quarters Effective dates shown

F22409 Spr. Woodfine, P.J.	12-2-42
F22378 L/Cpl. West, T.W.	13-2-42

(c) The undermentioned O. R. 1 having been discharged from Sydney Military Hospital Installation, will draw rations and quarters Effective 11-2-42

F22412 Spr. Wadden, H.T.

(Continued Page 2)

7. ATTACHED:

(a) The undermentioned personnel of Area Headquarters, cease to draw rations and quarters, Effective dates shown:

F10094 Gnr. Purvis, C.C. 13-2-42
P4633 " Martin, D. 11-2-42

(b) F76760 A/Cpl. Forsey, A.G., No. 26 Coy., C.D.C., ceases to be attached fro rations, quarters, and discipline
Effective.....4-2-42

(c) F10086 Gnr. Montague, F.L., 16th Coast Brigade, R.C.A., ceases to draw rations and quarters
Effective.....4-2-42
Will draw rations and quarters
Effective.....13-2-42

(d) F10354 Gnr. Holland, G.R., 16th Coast Brigade, R.C.A., ceases to draw rations and quarters
Effective.....12-2-42

(e) F28478 Gnr. Chaisson, F.A., No. 5 Coy., A.C. Signals, will draw rations, Effective.....9-2-42

(f) The undermentioned personnel of No. 5 Coy., A.C. Signals, cease to draw rations, Effective dates shown.

M41608 Sig. Waterman, F.L. 9-2-42
F28332 " Phillips, J.W. 12-2-42
F28307 Cpl. Turnbull, J. 12-2-42
F28329 Sig. St. John, M.V. 12-2-42

Certified true copy
(A.P. Boutilier) A/Major
Officer Commanding,
3rd Fortress Coy., R.C.E.

(A. P. Boutilier) Captain,
Officer Commanding,
3rd Fortress (E&M) Coy., R.C.E.(CA)

/CDW

Exhibit "C" R.J. Beasley Major
President D.C.M.

I certify that the person whose description is given below was arrested at Greenfield N.B.
at the time of 7.30 p.m. on the 19th day of April 1942.

Reg. No. ..... G. 17172
Rank ..... Spr.
Name ..... George Franklin Hanson
Unit ..... R.C. Engineers
Age 42
Height ..... 5' 8½"
Complexion ..... Dark
Hair ..... Brown
Eyes ..... Hazel
Marks ..... Scar on Neck

The above noted received into custody.
Sgd: J.H. Moyer, Lt. 21 00 hrs 19th

No. 7 DISTRICT DEPOT VOCATIONAL WING

John Thompson
Cst. John THOMPSON
R. C. M. Police

1883

13 M Coy. Victoria Park
Sydney NS
Capt A P Boulter

APPENDIX "N"

Exhibit "M"
R.J. Beasley Major
President D.C.M.

3rd Fortress (E&M) Coy., R.C.E.
(C. A.)

No.....41

PART I ORDERS

Sydney, N. S.

By Captain, A. P. Boutilier, Commanding: 14th February, 1942

1. DUTIES:

The undermentioned personnel are detailed for duty from 0600 hours, 14-2-42, till 0600 hours, 15-2-42.

Orderly N.C.O.....L/Cpl. Sabesberger, A.
Next for duty.....L/Cpl. Miller, R.
For duty 16-2-42.....L/Cpl. Ellis, D.L.

Truck duty.....Spr. Jessome, W.J.
Next for duty.....Spr. MacDonald, M.G.
For duty 16-2-42.....Spr. Edstrom, W.I.

2. PARADES:

0600 hours.....Reveille
0700 hours.....Breakfast
0745 hours.....Parade & Inspection
1200 hours.....Dinner
1330 hours..... ....Work Parade
1700 hours.....Supper
2230 hours.....Lights Out

3. COURT OF INQUIRY:

A Court of Inquiry, as named hereunder, will assemble at the call of the President for the purpose of inquiring into and reporting on the absence (and deficiencies, if any, of clothing, arms, and equipment) of G17172, Spr. Hanson, G.F., 3rd Fortress (E&M) Coy., R.C.E.(CA)

President — Lieut. C.W. Morrison, 3rd Fortress (E&M) Coy., R.C.E.

Members — Lieut. C.D. Rich, 3rd Fortress (E&M) Coy., R.C.E.

C.S.M.(W.O.II) A. Dunlop, 3rd Fortress (E&M) Coy., R.C.E.C

A P Boutilier
(A. P. Boutilier) Captain
Officer Commanding,
3rd Fortress (E&M) Coy., R.C.E.(CA)

Certified true copy: A P Boutilier
(A.P. Boutilier) A/Major
Officer Commanding,
3rd. Fortress Coy., R.C.E.

Exhibit "N" R.B. Bentley Mayor
President D.C.M.

43.

DEFENDING OFFICERS' CLOSING ADDRESS:

President of the Court, gentlemen: "In summing up the case in defence of the accused, it is apparent that the reason that the accused did not return from his Christmas leave was because he was endeavouring to obtain experienced medical case, as he was apparently unable to have the local medical officer regard his case as serious.

There has been no proof at all that the accused intended to desert the Army; when the accused was apprehended he was wearing the uniform of the Canadian Army.

With regard to the second charge, it has been pointed out by one of the witnesses, Q.M.S. Ball of his Unit, that shortages that were charged against the accused amount to .07¢ instead of the previous amount of $ 22.75. I believe that is all there is to be said concerning this case on the two charges.

(A. E. Cunningham) Lieut.
9th. Searchlight Battery, R.C.A.(CA)

R.B.B.

Exhibit "G"
R.G. Beulay Major
President D.C.M.

PROSECUTOR'S CLOSING ADDRESS:

President, members of the Court:- "I have not very much to say in summing up the case for the Prosecution: The charge, as read, was one of 'desertion' and Sapper Hanson was absent from his Unit for approximately three months. I submit, Sir, that medical evidence given here is not relevant, we are simply trying the accused for being absent and we have proven through documentary evidence; and that under the orders of the Officer Commanding 3rd. Fortress Coy., R.C.E., Sapper Hanson was given leave and he overstayed his leave. He wired and got an extension and upon being ordered back by his Commanding Officer, he failed to return. Sapper Hanson is a soldier, he is under military law; there are proper methods of recourse for his grievances. There is no doubt Sapper Hanson has been ill, subsequent medical testimony has proven so, but that does not allow him 'absence without leave'.

The Defence has not been able to bring forward any medical certificates signed by any competitent medical authority, so I submit, Sir that Sapper Hanson is 'guilty' as charged on the first charge.

On the second charge it has been proven that he has been deficient in a very small amount, and I do not need to say anything about it.

(F. J. Baker,)Lieut
No. 5 Coy., A.C. Signals,R.C.C.S.(CA)

RAB

Exhibit "Y" APPENDIX "D" R.A. Beasley Major President D.C.M.

M.F.B. 355
H.Q. 1772-39-620
10M-8-40 (M19)

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
G17172	Sapper	Hanson, George Franklin	3rd Fortress Co'y., R.C.E. (CA)

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

Within last 12 months		Since enlistment	
For Absent Without leave	1 times	Absent without leave	2 times
For N/A	times	N/A	times
For N/A	times	N/A	times
For N/A	times	N/A	times

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

2.

3. the present time.

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 79 days in military custody, making a total of 79 days in custody, of which 54 days were spent in hospital.

5. The present age of the accused according to his attestation paper is 40 Years 5 Months

6. The date of his attestation specified in his attestation paper 18th March, 1940

7.

8.

9. The accused is in possession of or entitled to no military decoration, or military reward

10.

11. ~~(In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit .....dated....., and in his regiment (or corps), the rank of .....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 4th day of July, 1942 .....

(A.P.Boutilier)A/Major
3rd Fortress Co'y.,R.C.E.(CA)

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

Exhibit "2". R.H. Bentley Major Lieutenant

APPENDIX "C"

49

No. G17172 Name Hanson, G.F. Sqn., Battery, or Company C&Y Regt'l Depot Corps

Date of enlistment 18-3-40 G.C. Badges

Service or Proficiency Pay

M.F.M. 6 (A. [illegible] 132) [illegible] (1923) H.Q. 1172-43-18

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Period not reckoning towards freedom from extra fine

Sheet No.

Signature O.C. Company, etc.

Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Sydney, N.S.	20-5-41	Spr.		A.W.L. from 2230 hrs, 20-5-41, till 0600 hrs, 21-5-41	Cpl. MacDonald, J.B. CSM Dunlop, A.	7 da. C.B. For. 1 d/pay	21-5-41	A.P. Boutilier Lieut.	
Sydney, N.S.	14-7-41	"		A.W.L. from 2230 hrs 14-7-41, till 0830 hrs, 15-7-41	CSM Dunlop, A Sgt. Miller, W.	4 da. C.B. 1 da/pay.	15-7-41	H.E. Dickson	

Certified True Copy.

(A. P. Boutilier) A/Major,
Officer Commanding,
3rd Fortress Company, R.C.E. (CA)

(P.T.O.)

15

Medical Officer's Certificate

This is to certify that No. G17172 Rank, Spr.
Name Hanson, G.F., is medically fit
and in a good state of health to undergo trial by Court Martial.

J. A. M Duncan Capt.
Signature

Date 25th July 1942.

Station Victoria Park, Sydney. N.S.

MEDICAL OFFICER'S REPORT

I certify that No. G17172 Spr. Hanson, G.F.
3rd. Fortress Coy., R.C.E.
of ..... is in a good state of health,
and fit to undergo Trial by Court martial.

J. A. M. Dubeau Capt.
Medical Officer

Station Sydney, N.S.

Date 24 July 1942

M. F. B. 246
25M—9-41 (1745)
H.Q. 1773-30 440

APPENDIX "G"

SUMMARY OF EVIDENCE

in the case of

[redacted] Sapper GEORGE FRANKLIN HANSON, 3rd Fortress Co'y., R.C.E. C.A., a member of the Canadian Army placed on Active Service.

FIRST CHARGE
A.A. Sec. 12
(1) (a)

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE.

in that he

at Sydney, N.S. at 2230 hours on the 23rd of January, 1942 absented himself from the 3rd Fortress Co'y., R.C.E. until apprehended by the Civil Power at Greenfield, N.S., [redacted] hours on the 19th April, 1942, the total cost of his apprehension and return to his corps being $43.16

SECOND CHARGE
A.A. Sec. 24
(1)

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

in that he

at Sydney, N.S. on the 24th January, 1942, was deficient of the following articles of equipment and public clothing:-

Articles	Quan.	Voc. Rate	Est. Value
Attachments, brace, Resp. A. br	1	.45	.3[illegible]
Bags, rations, Mk. IV	1	.04	.0[illegible]
Bootlaces, prs.	1	.02	.02
Boots, ankle, prs.	1	4.80	3.75
Brasses, Button	1	.04	.0[illegible]
Brushes, Boot, Blacking	1	.15	.1[illegible]
Brushes, Boot, Polishing	1	.17	.11
Brushes, Button	1	.15	.1[illegible]
Brushes, Cloth	1	.24	.18
Frogs, Bayonet W.E. 37	1	.34	.30
Greatcoat, Drab, 39 Pattern	1	17.63	13.63
Drawers, Cotton, Short, prs.	1	.45	.35
Knife, Clasp, & Lanyard	1	1.18	1.00
Mitts, Leather, Pullover. prs.	1	.64	.44
Overalls, Blouses, Denim	1	2.75	2.25
Sponges, Pipe Clay	1	.02	.02
Discs, Identity, with cord.	1	.02	.02

Total Estimated Value $22.75

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

Miss M.A. MacNeill, Civil Servant, is duly sworn as Shorthand Writer.

WITNESS:

F22309 Sgt. Hickman, G.L., 3rd Fortress Company, R.C.E., (C.A.), having been duly sworn, states:-

"On the 23rd of January at 2230 hours, I called the roll and Sapper Henson, G.F., was absent. I reported him absent.

(The accused declines to cross-examine.)

Sgt. Hickman G.L.

SECOND WITNESS:

F22471, C.Q.M.S. Ball, E.M.K., 3rd Fortress Company, R.C.E., (C.A.), having been duly sworn, states:-

"On the 24th day of January, 1942, I was acting Quartermaster Sergeant of the 3rd Fortress (E&M) Company, R.C.E., and on the absence of Spr. Hanson being reported, I had all articles belonging to him collected. On checking these against his M.F.C. 800 the articles as listed below were found deficient:

Article	Quan.	Voc. Rate	Est. Value
Attachments, brace, Resp. A. br.	1	.45	.35
Bags, rations, Mk. IV	1	.04	.03
Bootlaces, prs.	1	.02	.02
Boots, Ankle, prs.	1	4.80	3.75
Brasses, Button	1	.04	.03
Brushes, Boot, Blacking	1	.15	.12
Brushes, Boot, Polishing	1	.17	.14
Brushes, Button	1	.15	.12
Brushes, Cloth	1	.24	.18
Frogs, Bayonet, W.E. 37	1	.34	.30
Greatcoat, Drab, 39 Pattern	1	17.63	13.63
Drawers, Cotton, Short, prs.	1	.46	.35
Knife, Clasp, & Lanyard	1	1.18	1.00
Mitts, Leather, Pullover, Prs.	1	.64	.44
Overalls, Blouses, Denim	1	2.75	2.25
Sponges, Pipe Clay	1	.02	.02
Discs, Identity, w/cord.	1	.02	.02

Total Estimated Value $22.75

Erick. Ball

(The accused declines to cross-examine)

THIRD WITNESS:

G 17901 Sergeant Lovely, G.A., 3rd Fortress Company, R.C.E., (C.A.), having been duly sworn, states:-

"I was detailed by the Officer Commanding, 3rd Fortress Coy., R.C.E. on the 20th April, 1942, to go to Fredericton, New Brunswick for Sapper Hanson.

I left Sydney at 2030 hours on the 20th of April, 1942, and arrived Fredericton at 2100 hours on the 21st od April. I reported to the Commanding Officer No. 7 Depot that same night and told him I came to escort Spr. Hanson back to Sydney.

I got his papers fixed up the following day and returned with Spr. Hanson to Sydney at 0830 hours on the 25th of April, 1942.

Sgt Lovely G A

I reported to the Officer Commanding 3rd Fortress Company, R.C.E. and he had me turn Spr. Hanson over to the Guard House in Victoria Park. (The accused declines to cross-examine)

TO THE ACCUSED:

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

A."Yes, Sir, I wish to make a statement."

G 17172, Sapper Hanson, G.F. 3rd. Fortress Coy., R.C.E.(C.A.) having been duly sworn, states:-

"I am not sure of the date, but during December, 1941 I was on Sick Parade on three different mornings to the M.O., Dr. Selznick, and each morning that I went up there he told me he had no time to bother with me, saying that there were too many coming up here on Sick Parade. The third morning I went up he told me the same thing and I told him if he would not bother with me, as I needed medical attention, I would go to another Doctor. He told me that if I went to another Doctor he would have me arrested. I have a witness, Sapper Robert Pace, to certify my evidence regarding the M.O. at Sydney.

I received pass to go home on Christmas Leave and I consulted Dr. John S. Burley and he found my ailment to be laryngitis of the throat, so he gave me medicine and told me to go home and stay in.

I called upon Dr. Buchanan of Bath, New Brunswick, and he told me to stay in, so I sent a telegram answering a telegram I received from the Officer Commanding and told him I would be in on Friday. I took sick and went home and I was sick until I arrived in Sydney and went to the Hospital.

During my periods in the Hospital, Sydney and Halifax I was under my own escort and also returned to my Unit under my own escort. Never during the time of being away was I unproperly dressed from His Majesty's uniform or ever had any intentions of deserting His Majesty's Forces.

Also periods of hospitalization, Sydney, can be certified with papers received from Staff Physicians at Hospital.

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

Taken down before me in the presence of the accused at R.C.E. Headquarters, Victoria Park, Sydney, N.S., this 20th. day of June, 1942.

C W Morrison Lieut

(C. W. Morrison) Lieut., R.C.E.,
3rd. Fortress Coy., R.C.E.(C.A.)

FOURTH WITNESS: F 44831 L/Sgt. Wallace, C.D., 3rd. Fortress Company, R.C.E. (CA) having been duly sworn, states:-

"I certify that G 17172, Sapper Hanson, G.F. is the soldier referred to in documents attached as appendices "J", "K", "K1", "K 2", K3", "K4", "L", "M", "N", "O", "O1" "P", "P1", "P2", "Q", "R" and "S"."

C.D. Wallace
(C.D. WALLACE) L/SGT.

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

A. "No, Sir, I have nothing to say."

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

Taken down before me in the presence of the accused at R.C.E. Headquarters, Victoria Park, Sydney, N.S., this 9th. day of July, 1942.

E M Johnston
(E. M. Johnston) Lieut., R.C.E.
3rd. Fortress Coy., R.C.E.(CA)

H.Q.C.C. 55-H-277 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

PTE. T.V.J. HESS, D-93046

NO. 6 FIELD AMBULANCE, RCAMC CA.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-277

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
AUG 22 [redacted]	21 9/42	B.F.	Ellis	J.A.G.	New File	C.R.	19/8/42
[redacted]	10 10/42	B.F.	Ellis	J.A.G.	[redacted] Requisition C.R. SEP 5 1942		
SEP 27 1942	27/9/42	P.A.	Ellis	J.A.G.	[redacted] SEP 24 1942		
OCT 6 1942	3 10/42	P.A.	Ellis	J.A.G.	Per Requisition C.R. OCT - 3 1942		
[redacted]	3 11/42	B.F.	[illegible]	J.A.G.	PER B. F. OCT 10 1942		
[redacted]	28 11/42	B.F.	Ellis	Jas	PER B. F. NOV 3 - 1942		
NOV 20 1942	20/11/42	P.A.	[illegible]	[illegible]	Per Requisition C.R. NOV 20 1942		
NOV 28 1942	12/42	B.F.	Ellis	J.A.G.	PER B. F. NOV 28 1942		
DEC 7 1942	12/42	P.A.	Ellis	J.A.G.	With Papers C.R. DEC 5 1942		
DEC 28 1942	7/43	B.F.	Ellis	Jas	PER B. F. DEC 28 1942		
JAN 7 1943	[redacted]	[redacted]	Ellis	J.A.G.	PER B. F. JAN - 7 1943		
				J.A.G.	[redacted] C.R. JAN 9 1943		
JAN 15 1943	11/1/43	P.A.	Ellis	A.D.	Back to P.A.	Ellis	11-1-43

NOTICE

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

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-277 (JAG)

January 11th, 1943.

The District Officer Commanding,
Military District No. 5, Quebec, Que.

RECEIVED
JAN 13 1943
A. D.

District Court-Martial
D.93046, Pte. T. V. J. Hess,
No. 6 Field Ambulance R.C.A.M.C., C.A.

Receipt is acknowledged of your Q.39-H-1246 (JA) dated January 5th, 194 3. under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

It is noted that a Minute was entered on page 7, and duly signed.

Brigadier,
Judge Advocate-General.

14/1/43

KBB/MM

500-6-42(M1255)

C3284

IN REPLY PLEASE QUOTE
No. Q. 39-R-1246 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, January 5th, 1943.

CENTRAL REGISTRY ARMY
CONF. SEC.
JAN 7 1943
File 6 S.J. H. 277
Chgd. to 9 G.R.R. 13
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL
D-33046, Pte. T.V.J. HESS,
No. 6 Field Ambulance, RCAMC, CA.

1. Returned herewith are the proceedings of the District Court-Martial in the case of the marginally named man.

2. Please take note that a Minute was entered on Page F, and duly signed.

PG/nc

Pierre Gelly, Capt
for (Edmond BLAIS) - Brigadier
District Officer Commanding,
Military District No.5.

N.D. 23
1-500M—7-42 (8219)
H.Q. 1772-101-23

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

A

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

Proceedings of a District Court-Martial held at Terrace.B.C.

on the 16th day of July 19 42 by order of Brigadier District Officer R.G.Whitelaw/ Commanding Military District No 11

dated the 9th day of July 19 42

President.

Lieut-Col T.R.MacNutt,E.D.
The King's Own Rifles of Canada,CA

Members.

Captain E.R.Young
Captain S.A.Clark
Both of the Winnipeg Grenadiers CA

Chas
D Jas

~~Judge Advocate~~

Trial of* D93046 Pte T.V.J.Hess,No 6 Field Ambulance,RCAMC,CA

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

The Court satisfy themselves that Capt J.L.Murdoch is not available to serve owing to lack of two year's service, Captain S.A.Clark, waiting member takes his place as a member of the Court.

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

The accused is brought before the Court.

Prosecutor,† Capt F.D.Johnston,No 6 Field Ambulance RCAMC,CA
~~Counsel for~~ defending officer† Capt W.S.Rodger,No 6 Fld Amb,RCAMC CA

At 10.30 o'clock the Trial commences.

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

Orders detailing members, prosecutor and defending officer marked "X" 1,2 & 3

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

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

Answer by accused. A.1 No Sir.

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

---

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

Mil. Form B. 271
5M—9-41 (1907)
H.Q. 1772-39-238

1

B

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

~~The following witnesses were duly sworn.~~

Q.2 Do you object to K71517 Pte G.Gullivan,No 6 F.A.,RCAMC CA as shorthand
A 2 writer ? A. No sir.
No K71517 Pte G.Gullivan,No 6 F.A.,RCAMC,CA is duly sworn as shorthand writer

Adjournment see document "B"3

Charge-Sheet

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

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

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

Q. 3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A 3 Guilty Sir *Answer.*

Q 4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A 4 Guilty Sir *Answer.*

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

A 5 Guilty Sir *Answer.*

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

Answer.

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

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

"B" 2 T. R. Chennett Lieut-Col

CHARGE SHEET.

The accused, No. D93046, Pte. Thomas Verdun Johnston, HESS, No. 6 Field Ambulance, RCAMC., C.A., a soldier of the Canadian Army, placed on Active Service, is charged with:-

FIRST CHARGE
SEC. 8(1)
ARMY ACT

STRIKING HIS SUPERIOR OFFICER BEING IN THE EXECUTION OF HIS OFFICE,

in that he at Terrace, B.C., at 0100 hours on the 30th day of June, 1942, when told by Staff Sergeant H.Milmine, No.6, Field Ambulance, RCAMC., C.A., his superior officer, to be quiet, did strike the said Staff Sergeant H.Milmine on the side of the head.

SECOND CHARGE
SEC 40
ARMY ACT

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISICIPLINE,

in that he at Terrace, B.C. at 0030 hours on the 30th day of June, 1942, did create a disturbance in the lines of "A" Company, No.6 Field Ambulance, RCAMC, C.A. by using foul language and shouting.

THIRD CHARGE
SEC 9(1)
ARMY ACT.

DISOBEYING A LAWFUL COMMAND GIVEN PERSONALLY BY HIS SUPERIOR OFFICER IN THE EXECUTION OF HIS OFFICE,

in that he at Terrace, B.C., at 0100 hours on the 30th day of June, 1942, on being personally ordered by D93715, Staff Sergeant H.Milmine, No.6 Field Ambulance, RCAMC., C.A., to enter a military lorry under escort, disobeyed in a manner to show wilful defiance by saying: "I'll take no orders from any bastard N.C.O., or Officer in this Unit, or words to that effect, and would not enter the lorry.

Signed at Terrace, British Columbia, this 1st day of July, 1942.

R. Reid, Lt-Col.
(R.G.Reid) Lieut.Col.,
Officer Commanding,
No. 6 Field Ambulance,
R.C.A.M.C., C.A.

TO BE TRIED BY DISTRICT COURT MARTIAL.

Signed at Vancouver, B.C. this 9th day of July, 1942,

Hugh Allan
(Hugh Allan) Lieut Col.,
A.A. & Q.M.G., for District
Officer Commanding, M.D.11.

"B" 3

ADJOURNMENT

At 10.45 A.M. the Court adjourns until 1.30 P.M. on the 16th July.
On the 16th of July 1942 at 1.30 P.M. the Court reassemble pursuant to adjournment, present the same members as on the adjournment at 10.45 A.M.

T. R. Macquet
Lieut-Col.

CC

Proceedings on Plea of Guilty

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

*[The Court having been sworn, the accused is again brought before it, and the charge is read to him, he pleads Guilty.]

The accused D93046 Pte T.V.J.Hess,No 6 Field Ambulance,RCAMC, CA,

is found guilty of all the charges.

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

Q.6 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

yes sir

A.6 *Answer.* The accused in mitigation of punishment says—

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

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

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

DD

Q 7 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A 7 I do not wish to give evidence myself but wish to call Sergt Schofield *Answer.*

Evidence as to character.

WITNESS FOR THE DEFENCE AS TO CHARACTER

D-93015 Sgt. W. Schofield, 6th Field Ambulance, RCAMC (CA) being duly sworn is examined by the defending officer.

8 QUESTION

During the period when Pte. Hess was with the Unit about the first of this year, when he served under you, what was his conduct?

8. ANSWER

He was a model soldier Sir. He attended all duties and we had no trouble with him at all.

The Court is of opinion that it is unnecessary to comply with Rule of Profedure 83b.

Witness withdraws.

E

Finding*

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

~~The Court is closed for the consideration of the finding.~~

~~The Court finds that the accused~~

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Evidence of character, &c.

Capt F.D.Johnston,No 6 Field Ambulance,RCAMC,~~duly~~ sworn.

9. Question by the President.

A. 9

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* Yes sir,I produce M.F.B. 355 & M.F.M.6

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

10. Question by the President.

10

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* Yes sir

11. Question.

11

Have you compared the contents of the above statement with the regimental books? *Answer.* Yes Sir

12. Question.

12

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

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

~~Cross-examined by~~ the accused. declines to cross examine
The Court considers that it is unnecessary to comply with Rule of Prodedure 83 "B"

13. Question to the accused.

13.

Do you wish to address the Court? *Answer.* Yes the defending officer will speak for me see document marked "I"

The Court is closed for the consideration of the sentence.

12

F

Sentence

The Court sentence the accused D93046 Pte T.V.J.Hess, No 6 Field Ambulance, RCAMC, CA to undergo detention for Seventy five (75) days

Sentence.

75 days detention

Signed at Terrace, B.C. this 16th day of July A.D. 1942.

T.R. MacNutt

(T.R.MacNutt) Lieut-Col, K.O.R.C.
President

CONFIRMATION.

On the advice of the Judge Advocate-General, I hereby quash the finding of this Court on the first charge and I direct that the accused be relieved of all consequences of the said Finding on the first charge and that all records be amended accordingly. I further remit sixteen days of the period of detention.

Signed at Vancouver, B.C. on the 12th day of September, 1942.

R.L. Peakes
General Officer Commanding-in-Chief
Pacific Command

this 10th day of August, 1942.

K B Waller Major
for (R.G.Reid) Lt.-Col.,
Officer Commanding,
No. 6 Field Ambulance,
RCAMC (CA)
Officer i/c Documents.

~~On the advice of the Judge Advocate-General, I hereby quash the finding of this Court on the first charge and I direct that the accused be relieved of all consequences of the said finding on the first charge and that all records be amended accordingly.~~

Brigadier
a/District Officer Commanding
Military District No 11.

Extracts entered as No. ... Record of Courts-Martial ... office of the Judge Advocate-General this 20th day of August 1942.

12

F

Sentence

Sentence.

The Court sentence the accused D93046 Pte T.V.J.Hess, No 6 Field Ambulance, RCAMC, CA to undergo detention for Seventy five (75) days

75 days detention

Signed at Terrace, B.C. this 16th day of July A.D. 1942.

T.R. MacNutt

(T.R.MacNutt) Lieut-Col, K.O.R.C.
President

CONFIRMATION.

I confirm the finding and sentence of the Court as to the first and second charges but do not confirm the finding on the third charge.

Signed at Vancouver Barracks, Vancouver, B.C., this 4th day of August, 1942.

R.G. Whitelaw

(R.G. Whitelaw) Brigadier,
A/District Officer Commanding,
Military District No.11.

PROMULGATION

Promulgated and extracts taken at Terrace, B.C., this 10th day of August, 1942.

K B Waller Major

for (R.G.Reid) Lt.-Col.,
Officer Commanding,
No. 6 Field Ambulance,
RCAMC (CA)
Officer i/c Documents.

~~I hereby quash the finding of this Court on the first charge and I direct that the accused be relieved of all consequences of the said finding on the first charge and that all records be amended accordingly.~~

~~Brigadier
A/District Officer Commanding
Military District No 11.~~

Extracts entered as No. ___ in Record of Courts-Martial office of the Judge Advocate-General this 20th day of August 1942.

On the advice of the Judge Advocate-General, I hereby quash the finding of this Court on the first charge and I direct that the accused be relieved of all consequences of the said Finding on the first charge and that all records be amended accordingly. I further remit sixteen days of the period of detention.

Signed at Vancouver, B.C. on the 12th day of September, 1942.

E.L. Pearkes

General Officer Commanding-in-Chief
Pacific Command

G.O.C. C.

Promulgated and Extracts taken at Terrace, B.C.,
this tenth Day of September, 1942.

F. G. Spencer, Capt.
for (R.G.Reid) Lt.-Col.,
Officer Commanding,
No. 6 Field Ambulance,
RCAMC

On the instruction of the General Officer Commanding in Chief, Pacific Command, the accused was relieved of all consequences of the said Finding on the First Charge and all records were amended accordingly. Record was also made of the remission of sixteen days of the period of Detention.

Signed at Valcartier Camp, Que., on the 10th Day of December, 1942.

R G Reid, Lt Col

(R.G.Reid) Lt.-Col.,
Officer Commanding,
No. 6 Field Ambulance,
RCAMC

BRIGADIER R.G.WHITELAW

ORDER TO.....

Lieut-Col
President
D.C.M.

DISTRICT OFFICER COMMANDING, MILITARY DISTRICT NO. XI.

Vancouver,B.C. July 9 1942
~~Vancouver~~.....1942.

The detail of Officers as mentioned below will assemble

at...TERRACE,B.C.

on.....Thursday the 16th day of July 1942 at 10 A.M.

for the purpose of trying by....DISTRICT.....

Court-Martial the accused person named in the margin (and

such other persons as may be brought before them).

H7107
Pte Edward
Leroux
The Winnipeg
Grenadiers CA

B27865 Spr
Joseph
Edgar
Lalonde
5th Field
Coy RCE CA

D93046
Pte Thos
Verdun
Johnston
Hess No 6
Fld Amb.
RCAMC,CA

PRESIDENT:

Lieut-Col T.B.MacNutt E.D.
The Kings Own Rifles of Canada CA

is appointed President.

MEMBERS:

One Captain from the Winnipeg Grenadiers,CA and
One Captain from the 19th Field Regiment,RCA,CA
each to be detailed by the Officer Commanding 14th
Infantry Brigade CA

WAITING MEMBERS:

One Captain and one Lieutenant from the Winnipeg
Grenadiers CA to be detailed by the Officer Commanding
14th Infantry Brigade CA.

The Prosecutor and Defending officer in each case
brought before the Court to be detailed by the
Officer Commanding the unit of the accused soldier.

The accused person will be warned and all witnesses

duly required to attend.

The proceedings will be forwarded to District Officer

Commanding, Military District No.XI

Signed this....9th.....day of.....July 1942.....1942.

Hugh Allan

(Hugh Allan) Lieut-Col.,A.A.& Q.M.G.
~~for District Officer Com~~ anding,Military
District No. 11.

X'l
T.R. MacNutt
Lt Col.

15.

BRIGADE ORDERS Nos.311 - 312

by 13 Jul 42

BRIGADIER V.HODSON, O.C.14 CDN INF BDE

GENERAL STAFF

"NIL"

ADMINISTRATIVE STAFF

311 DISTRICT COURT MARTIAL
H-7107, Pte. Edward Leroux - The Winnipeg Grenadiers,CA
H-6098, Pte. Richard Phillips - The Winnipeg Grenadiers,CA
B-27865, Spr. Joseph Edgar Lalonde - 5th Field Coy.,R.C.E.,CA
D-93046, Pte. Thomas VerdunJohnston Hess - No.6 Field Ambulance,R.C.A.M.C. CA

By order of Brigadier R.G. Whitelaw - District Officer Commanding Military District No.XI.

The detail of Officers mentioned below will assemble at the Recreation Building, Anglican Church, Terrace, B.C. on Thursday, the 16th day of July 1942 at 10 o'clock A.M. (P.D.S.T.) for the purpose of trying By District Court-Martial the accused persons named in the margin and such other persons as may be brought before them

PRESIDENT

Lieut-Col. T.R. MacNutt,E.D.
The Kings Own Rifles of Canada, CA

MEMBERS

Major R.S. Hetherington,
19th Field Regiment, R.C.A.,CA

Capt. E.R. Young,
The Winnipeg Grenadiers,CA

WAITING MEMBERS

Capt. K.C. Berwick,
No.6 Field Ambulance, R.C.A.M.C. CA

Lieut. S.C. Latta
The Kings Own Rifles of Canada,CA

The Prosecutor and Defending Officer in each case to be detailed by the Officer Commanding the unit of the Accused Soldier

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

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial, will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The proceedings will be forwarded to District Officer Commanding, Military District No.XI

BRIGADE ORDERS 13 Jul 42

312 COURT OF ENQUIRY

A Court of Enquiry , composed as under, will assemble at the call of the President for the purpose of investigating the circumstances in which Government Vehicle D.N.D. No.42-1-2782 (on charge to The Winnipeg Grenadiers,CA, and on loan to "K" Sec. 6th Div.Sigs) was damaged on 9 July 42

PRESIDENT

Capt. J.A. Morgan, H.Q. 14 CDN INF BDE

MEMBERS

Capt. J.A.S. Burry, H.Q. 14-CDN INF BDE
Lieut. K.G. Russell, "K" Sec. 6th Div. Sigs.

A K Stirling
(A.K.STIRLING)Capt.
S/C/14 CDN INF BDE.

"X" 2 T.A. Bennett Capt

19.

BRIGADE ORDERS

by

Nos. 313 - 317
4 Jul 42
Terrace, B.C.

BRIGADIER V. HODSON, O.C. 14 CDN INF BDE

GENERAL STAFF

"NIL"

ADMINISTRATIVE STAFF

313 AMENDMENT

Bde. Order No. 311 (District Court Martial) is amended as follows (Date of Order:-13 Jul 42)

(A) MEMBERS - Delete:- Major R.S. Hetherington
19th Field Regiment R.C.A.,CA

Substitute:- Capt. J.L. Murdoch,
19th Field Regiment, R.C.A.CA

(B) WAITING MEMBERS - Delete:- Capt. K.C. Berwick,
No.6 Field Ambulance,R.C.AM.C.CA

Lieut. S.C. Latta,
Kings Own Rifles of Canada,Ca

Substitute:- Capt. G.A. Clark
The Winnipeg Grenadiers, CA

Lieut. L.E. Pope
The Winnipeg Grenadiers,CA

314 CAMP DUTIES

For the Week commencing 0900 hours 21 Jul 42 to 0900 hrs 27 Jul 42

DUTY UNIT - The Winnipeg Grenadiers,CA

CAMP FIELD OFFICER:Capt. S.C. Stephens, The Winnipeg Grenadier.

CAMP MEDICAL OFFICER: Capt. J.C. Mc Kellar, #6 Fd.Amb.RCAMC

RATION BOARD: - President - Capt. S.C. Stephens, Wpg. Grenadi
Member - Capt. J.C. McKellar,#6 Fd Amb.RCAMC
Member - Capt. J.A. Morgan, Brigade H.Q.

315 DUTIES (Brigade H.Q. Staff)

	OFFICERS	N.C.O.'s
Jul 20	Lieut. J.A.S. Gourdeau	Cpl. George, W.J.
21	Lieut. K.G. Russell	Cpl. Sarginson, J.C.
22	Lieut. G.E. Walker	Cpl. Ramsay, D.D.
23	Capt. J.A. Morgan	Cpl. Jackson, C.L.
24	Capt. E.D. Taylor	L/Cpl.Noble, W.L.
25	Capt. G.S. Coward	L/Cpl.Russell, H.F.
26	Capt. A.K.S. Stirling	Sgt. DiBartolo, C.

316 CHURCH PARADE

Protestants - 0930 hours Sunday 19th Jul 42, weather permitting, an open air service will be held on the grounds of the Terrace Ball Park,.

H/Capt. W.R. Hullin, The Winnipeg Grenadiers,CA will officate.

Units will be paraded independently so as to be in position on the Ball Park Grounds by 0925 hours.

The R.S.M. of the Winnipeg Grenadiers will act as parade Sgt.Major

Units will detail a marker and one guide to report to the Parade Sergeant Major 0915 hrs. at the Terrace Ball Park.Guides will meet their Units and guide them on their respective markers.

Markers will be provided with Church Parade States which they will turn over to the Parade Sergeant Major who will deliver same to the Staff Captain.

Dress - Summer Dress.

Roman Catholics - 0930 hrs 19 Jul 42, weather permitting, an open air Mass will be held on the grounds of the Sacred Heart Church, Terrace.

H/Capt. A.E. Rouleau, Bde. H.Q. will officiate.

Units will parade independently so as to be in position on the grounds of the Sacred Heart Church by 0925 hrs.

The R.S.M. of the 19th Fd. Regt.R.C.A. will act as Parade Sgt.Major

Units will detail one marker and one guide to report to the parade Sgt.Major at the Sacred Heart Church at 0915 hrs. Guides will meet their units and guide them on their respective markers..

Markers will be provided with Church Parade States which they will turn over to the Parade Sergeant Major who will deliver same to Brigade Headquarters.
Dress - Summer Dress

317 BOUNDS

Brigade Order No. 272 is republished for the information and guidance of all concerned.

The C.N.R. Station and the Area directly connected with the Railway is placed out of bounds to other ranks of the 14 CDN INF BDE, except those on duty there.

A.K. Stirling
(A.K.STIRLING)Capt
S/C 14 CDN INF BDE.

NOTICE

Communion Service will be held at St. Matthews Anglican Church at 0800 hrs. Sunday, 19 Jul 42. All personnel are invited to attend.

PART I ORDER
By Lt.-Col. R.G.Reid
Commanding No. 6 Field Ambulance R.C.A.M.C.(CAA)

TERRACE, B.C.

No. 193 July 15th, 1942 No. 193

1.- DUTIES:

Orderly Officer	July 15/42	Lieut. T. S. Wilson
Next for duty		Capt. W. S. Rodger
Orderly Sergeant	July 15/52	Sgt. Aspell J.H.
Next for duty		Sgt. London J.J.

2.- REGIMENTAL PICQUET:

From 1800 hrs. 15-7-42 to 1800 hrs. 16-7-42			From 1800 hrs. 16-7-42 to 1800 hrs. 17-7-42		
B-91859	L/Cpl. Dunton	S.	D-93006	L/Cpl. Weiss	A.
D-93042	Pte.Buttle	G.	B-91920	Pte. Grundy	W.
B-91922	Pte. Bench	F.	D-109026	Pte. Lloyd	F.
B-91897	Pte. Dixon	L.	D-122719	Pte. McKinnon	W.
D-121826	Pte. Fitton	S.	L-64182	Pte. Nicholson	G.
D-93007	Pte. Martin	G.	K-89880	Pte. Prier	F.
B-91913	Pte. Cameron	G.	D-93027	Pte. Rubin	S.

3.- KITCHEN FATIGUE: From July 14th, to July 16th, 1942

D-94001	Pte. Duhamel	L.	K-89865	Pte. Tritschel	W.
D-82495	Pte. Busby	R.			

4.- DISTRICT COURT MARTIAL: D-93046 PTE HESS TV.

A District Court Martial will be assembled at the Recreation Building, Anglican Church, Terrace, B.C. on Thursday, the 16th day of July, 1942 at 1000 hours (P.D.S.T.) for the purpose of trying the marginally named man.

The following Officers and other ranks are detailed for duty:

Prosecutor:	Capt. F. D. Johnston No. 6 Fld.Amb. R.C.A.M.C.(CAA)		
Defending Officer:	Capt. W. S. Rodger No. 6 Fld. Amb. R.C.A.M.C.(CAA)		
Escort:	D-93892	L/Cpl. Kirby	C.
	B-91884	Pte. Dunstan	W.
	B-91850	Pte. Comerford	J.
Clerk:	K-71517	Pte. Gullivan	G.

(R.G.Reid) Lt.-Colonel
Officer Commanding
No. 6 Field Ambulance
R.C.A.M.C. (CAA)

"G"
G. L. Mason
Lieut Col.
President

SUMMARY OF EVIDENCE

in the case of

No. D-93046, Pte HESS, Thomas Verdun Johnston,
No. 6 Field Ambulance, RCAMC (CAA)

charged with: 1st: Striking his superior Officer being in the execution of his duty; 2nd: Conduct to the prejudice of good order and military discipline; 3rd: Disobeying a lawful command given personally by his superior Officer in the execution of his Office.
(a) The O.C. directs that the evidence be taken on oath.

1st Witness: D-93715, Staff Sergeant Milmine, H., No. 6 Field Ambulance, RCAMC(CAA) having been duly sworn states:

Sir-At 0030 hours June 30th, 1942, I was called by Sergeant Coulter from my bed, who stated that Private Hess was in the lines, having returned after completing his period of detention. On arriving at the scene I found Pte Hess, the accused, being held forcibly by the Guards as he was very noisy and belligerant, I told him to be quiet.

At that moment, Pte Hess, the accused, recognized me by saying: "Staff you are the only man in this Unit I have any respect for". I then told the Guards to release the accused.

On being released he swung his fist striking me in the back of the neck. I then grappled with him, holding him until relieved by the Guards.

I then ordered him into the lorry under escort, and he refused by saying:" I'll take no fucking orders from any bastard N.C.O. or Officer in this Unit"(or words to that effect). I then had him forcibly placed in the lorry-Sir.

Question: Did Pte Hess in your opinion deliberately strike you?

Answer: In my opinion Pte Hess was swinging at anyone, and I was the only one in the immediate vicinity.

Question: Was Private Hess in your opinion drunk?

Answer: No Sir. He was not drunk; in my opinion he was not incapable although he smelt of liquor.

: Private Hess, under the Regulations of the Summary of Evidence, you have permission to cross-examine the witness.

Answer: I do not wish to cross-examine the witness-Sir.

(Signed) Hugh Milmine S/Sgt
D-93715, S/Sgt Milmine, H.

2nd Witness: B-91923, Pte Briggs, E.R., No. 6 Field Ambulance, RCAMC(CAA)

having been duly sworn states:

Sir-I was relief Guard on the 30th June 1942. When Pte Hess came in, Pte Crichton woke me up and told me to come out, and he told me he had to put Pte Hess under close arrest. Pte Hess was going around the yard. We went to him and held him down and S/Sgt Milmine came. Pte Hess then said: "You Staff, you are the only man in this Unit I have respect for". Then Staff ordered us to let him up. When we let him up, S/Sgt Milmine told him to get in the truck. He then struck Staff with his fist and tried to kick him. He was then put in the truck and taken to jail.

He then continued to threaten everybody and break the bunk out of the cell. The Provost then arrived and removed his boots and the broken material from the cell.

Question: Did you hear Pte Hess refuse to obey a command to get in the lorry?

Answer: Yes Sir: he threatened all Officers and N.C.Os, saying that he would not obey their orders.

Pte Hess, you may now cross-examine the witness; it is your privilege if you so desire.

Answer: I Would like to ask three questions.

Question: When called on the scene, was I running around wild in the yard?; What was being done to me? Was I struck while being held in restraint or not?

Answer: What I heard was that you said that no fucking Trainee is going to lay his hands on me. The Guard held you down on the ground until S/Sgt Milmine said to let you up. When you were asked to get on the lorry you then tried to kick S/Sgt Milmine. You were then forcibly put into the lorry.

(Signed) Pte. E.R. Briggs.....
B-91923, Pte Briggs, E.R.

3rd Witness: D-93055, Pte Crichton, J.W., No. 6 Field Ambulance, RCAMC(CAA)

having been duly sworn states:

Sir-I am D-93055, Pte Crichton, J.W. At about 0030 hours June 30th, 1942, I was on Guard making my round and I saw a light coming in our Lines. On arriving to where the light was I saw Sergeant Major Lavigne who asked for S/Sgt Wilmine's tent. I directed and followed him. On our way up to wake Staff Wilmine, we discovered a light and it happenned to be in Sgt. Coulter's tent, and he went in and told him that Pte Hess had arrived. I went back to the truck. The Sergeant Major instructed Pte Hess to de-bus and he did so. He started to use threatening language. Sergeant Coulter spoke to him, but he continued in the same manner. He went a few yards into the field. I went to him and told him to go back on the truck. Then Staff Sergeant Wilmine came, and Pte Hess recognized him. He promised to go with him and at that time he struck Staff. Staff retaliated and I went to his rescue and a few other boys took him to the truck-that was Pte Bullock, myself and Pte Briggs.

That is all that I know-Sir.

Question: Was the accused, Pte Hess, at that time drunk in your opinion?

Answer: Very hard to say, but did not seem normal at that moment, Sir.

Question: Did Pte Hess have any conversation with you? Did he make any remarks which might have suggested that he had some special reasons for these actions?

Answer: No Sir.

Question: Pte Hess do you wish to cross-examine the Witness? It is your privilege if you so desire.

Answer: I would like to ask two questions.

Question: Pte crichton, did you see, on putting me on the truck, anyone strike me or was I by myself unrestrained?

Answer: Yes by Sergeant Major Lavigne.

Question: In your belief, was I not being taken back to my tent, back with the Unit?

Answer: That was what S/Major Lavigne stated to Sgt Coulter, and Sgt Coulter asked the R.S.M.: "Why did you bring him here?" or words to that effect.

Question: In Company with the Guard would I have returned to the Unit had I not being so forcibly, as they say: restrained?

Answer: In my opinion, during the period you were being struck you seemed to get more angry. This is my personal opinion.

(Signed) J.W. Crichton
D-93055, Pte Crichton, J.W.

4th Witness: D-93049, Pte Bullock, C., No. 6 Field Ambulance, RCAMC(CAA)

having been duly sworn states:

Sir-I was relief Guard and heard a disturbance. Pte Crichton asked for help, and I found the accused acting in a very belligerant manner.

Staff Sergeant Milmine came out and tried to control him. At that time Pte Hess struck him but the Staff did not retaliate, and then we put him on the truck and took him to jail.

Question: You say that the accused was acting in a very belligerant manner?

Answer: He was staggering around and very uncontrollable-Sir.

Question: Did you see the accused strike anyone?

Answer: Yes: S/Sgt Milmine; whether intentionally or not, I do not know. Myself, Pte Crichton and Pte Briggs helped out and put him on the truck and finished up the matter-Sir.

Question: Did you see anybody strike the accused prior to his striking S/Sgt Milmine?

Answer: No, but for a moment there was a struggle between Pte Briggs and the accused. Pte Crichton, Pte Briggs and myself handled him and carried him to the lorry.

Question: Was Pte Hess drunk in your opinion?

Answer: He seemed that way-Sir.

Question: Pte Hess, do you wish to cross-examine the witness; it is your privilege if you so desire?

Answer: Yes Sir.

Question: Did I recognize you?

Answer: No you did not. I looked to you as if I were a member of the Provost Corps. That is all.

(Signed) Charles Bullock.
D-93049, Pte Bullock, C.

5th Witness. C-93070, A/Sgt Coulter, J.S., No. 6 Field Ambulance, RCAMC (CAA)

having been duly sworn states:

Sir, I am C-93070, A/Sgt Coulter, J.S. On the morning of June 30th, 1942 at about 0030 hours, I was approched by Sergeant Major Lavigne who told me that Private Hess had returned and "was out here rory-eyed". Prior to this I had heard a disturbance, but I thought it was in the construction Camp nearby. Immediately afterwards, I was informed by the Sergeant Major, I proceeded to where Hess was causing the disturbance. I instructed Pte Crichton to call out the relief guard. I was instructed by the R.S.M. to call S/Sgt Milmine whom I awakened. I attempted to quieten Pte Hess myself but was forced to order him into close arrest. S/Sgt Milmine appeared shortly and took over from me.

Question: Was Pte Hess, in your opinion, drunk?

Answer: Sir-It was difficult to say. His face was about two (2) inches from mine at one time and I did not notice any particular smell of liquor. In my opinion he was either drunk or hysterical, Sir.

Question: Did you hear Pte Hess defy the authority of an N.C.O.?

Answer: Definitely, Sir.

Question: Was his language foul and abusive?

Answer: His language was foul and abusive, Sir.

Question: Pte Hess, do you wish to cross question the witness? It is your privilege if you so desire.

Answer: No Sir.

(Signed) J.S. Coulter
C-93070, A/Sgt Coulter, J.S.

QUESTION TO THE ACCUSED:-

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

ANSWER BY THE ACCUSED:-

"I have nothing to say."

(Signed) Thomas J. Huss
D-93046, Pte Thomas Verdun Johnston
HESS

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

Taken down by me in the presence of the accused at Terrace, B.-C, this First day of July, 1942.

R.G. Reid, Lt-Col
(R.G. Reid) Lt.-Colonel,
Officer Commanding,
No. 6 Field Ambulance,
R.C.A.M.C. (CAA)

"H." T.A. Beaumont Lieut-Col. 83-

I Thomas Verdun Johnston , Hess, having pleaded guilty as charged offer the following in Mitigation:-

During the months of Nov. thru March inclusively Character was good, as can be verified from my company N.C.O's namely Sgt. Schofield.

In January I began to suffer a great deal of pains in back and joints. On February 12th, at Camp Borden Military Hospital (on advice of Consultation with Major Hetherington) physiotherapy treatments were given. Those treatments did not however seem to help the condition. On March 3rd, I was given a medical reboard on the advice of Col. Ross of C.B.M.H. At that time I was placed in "B1" category with the understanding, that (If Pte Hess is still bothered at all, we (the board) want him back here in 4 (four) to 6 (six) weeks"). Joint pain and back pains still persisted, which rendered me incapable of proper performance of duty. Therefore for days and weeks as before I had to lie about in the hut on excused duty, sometimes not even able or required, to obtain proper Medical Excused Duty Slip. I found then that I was crippled up and suffering, and was from Feb. 12th to March 21st without any other treatment except A.P.C. for pain and a few Physiotherapy treatments. The situation when I could not get any relief from my suffering or see any great concern or effort made on my behalf, in fact what I believed to be, actual neglect seemed hopeless. No effort seemed to be expended, in remedying it. I then on occasion neglected reporting day after day on sick parade when I only received "Excused Duty" and A.P.C. Tablets. For that I was Paraded and admonished. April came and I was still suffering and sick losing weight after the three months of Arthritis. I was then sent to the hospital again where after examination and tests I was told that they could not find anything wrong with me. The arthritis still gave me great pain and limited movements of my legs and arms through the pain and stiffness. My unit then began to ignore my legitimate medical complaints and placed me out on duties which in my condition I could not reasonably be expected to perform. Refusal to go on parade and long series of marches etc. then earned for me a sentence of 10 (ten) days detention. The first day of detention after such a long period of illness I fainted on parade. After returning from detention my Commanding Officer offered me a transfer. We agreed to think the

situation over. Then I left for my furlough during which time I consulted various doctors, 2 of which advised me in writting as to my condition in their opinion. I returned when called back to Camp Borden from my furlough to go on draft to Terrace. On arrival in Terrace, rations were short, sleeping accomodation was on the ground and I could not stand the dampness in my condition.

I tried then to get some consideration or transfer to a place where I would not have to sleep on the ground and place myself in a position where I could perform my duties properly for the Army and My Country. When I saw that I could not get any attention or voice in the matter I attempted to get a hearing by deliberately disobeying an order, to enable me to get paraded and refuse the punishment and get a D.C.M. hearing and what I thought to be justice.

Due to some misunderstanding instead of obtaining my solution to my troubles I got only 21 (Twenty-one) days detention. I returned from that detention with the feeling that I had run up against a series of great injustices, and circumstantial and unwarranted penalties and grief against which I was helpless to overcome. When immediately on returning I was met at the train and ordered into a truck in a bullying fashion without time to ever obtain my kit-bag from the baggage-car of the train; being under the influence of liquor and long nervous, mental and physical strain; I simply could not tolerate any ordering about of that nature as it seemed to be merely a continuance of the past injustices.

Even then the trouble would not have been as serious had I been handled in a kind forceful authorative manner, instead of the mean, cowardly, pushing, striking, kicking manners to which I was subjected When drunk, a man who is held on the ground then abused, will always, if he can, at all, put up a fight in self-defense. In this regard the striking of S/Sgt. Milmine was purely an accident in as much as I did not recognize him as a superior officer and was striking out in all directions against those who were restraining me. In the same way the other two charges rise directly out of the fact that I was beside myself with rage at the treatment I was receiving. The loss of control of my actions was also due to the fact that I was drunk at the time.

Pte. Thomas V. J. Hess.

J. R. Mangett Lieut Col.

M.F.D. 555
30M—11-41 (3275)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number D-93046 Rank Private Name HESS, Thomas Verdun Johnston, Regiment (or unit) No. 6 Field Ambulance, RCAMC (CAA)

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

Within last 12 months		Since enlistment or commitment	
AWL	1 time	AWL	1 time
For Threatening & Insubordination to his superiro	1 times	Threatening & Insubordination to his superior	1 times
For Refused to report on Parade	1 times	Refused to report on Parade	1 times
For Wilful disobedience to a lawful command	1 times	Wilful disobedience to a lawful command	1 times
For Drunkenness	1 times	Drunkenness	1 times

~~Number of instances of gallantry or distinguished conduct~~

or,

~~There are no entries in the conduct sheets of the accused.~~

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

2. ~~The accused has not been previously convicted~~

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Air Force Act A.F.A. 73 Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~

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

or,

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

4. The accused has been in confinement awaiting trial on the present charges, for N11 days in civil custody, and ~~one~~ 17 days in military custody, making a total of ~~one~~ 17 days in custody, of which N11 days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 25 years.

6. The date of his commission specified in his ~~record of service is~~ attestation attestation paper 31st October, 1941.

7. ~~The service which the accused is allowed to reckon towards discharge is~~

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

9. ~~The accused is in possession of or entitled to an air force decoration, or air force award (or is in possession of or entitled to). State any air force decoration or award~~ military military military

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

4

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....

Permanent Force unit,

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 16th day of July, 1942 (R.C.Reid) Lt.-Col. O.C.#6 Fld.Amb. RCAMC (CAA)

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

COPY

No. D-93046 Name HESS, T.V.J. Sqn., Battery, or Company Corps No. 6 Field Ambulance, RCAMC(CAA) Date of enlistment 31-10-41 G.C. Badges Service or Proficiency Pay

M.F.M. 6 (A.F.B. 133) 300M—11-40 (8725) H.Q. 1772-53-10

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
J-C Barracks	13-11-41	Pte		Using threatening & Insubordinate language to his Superior Officer A.A. Sec. 8(2)		168-hrs Detention	13-11-41		Forfeits a total of 7 days pay.
Camp Borden, Ont	21.3.42	Pte		A.W.L. from sick parade at 0730 hrs, 21-3-42, after being duly warned to do so by his superior officer. A.A. 15(2)	Sgt.Macdonald RSM Lavigne	G.I. C.B. Admonished	23-3-42	Signed:	W.S. Rodger, Capt.
Camp Borden	6.5.42	Pte		Wilful disobediance to alawful command when ordered by his superior officer to report on parade, refused to do so. A.A. 9(1)	Cpl. Adams Cpl. Adler.	10 days Detention	6-5-42	Signed:	Lt.-Col. R.G. Reid

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Terrace BC	9-6-42	Pte		Wilful disobedience to a lawful command, in that he refused to obey an order by his superior.	Sgt.Coulter Cpl. Adams	21 days Detention	9-6-42	(Signed) Lt.-Col. R.G. Reid.	
Terrace BC	30-6-42	Pte		Drunkenness	RSM Lavigne C.B. CSM Pessex E.A. Pte DeMontigny	Admonished	30-64-42	Signed: Lt.-Col; R.G. Reid.	

"Z."

T.A. Macaulay

Lieut-Col.

J. R. Bennett
Lieut-Col.

ADDRESS OF DEFENDING OFFICER

I would like to offer evidence in mitigation of this accused. I wish to state that up to the time he became sick, we had no trouble with him as Sgt. Schofield has just now testified. But from the time he became sick we have a couple of serious crimes. The result of his sickness may or may not have been the cause of these crimes, but a great deal of discretion has been used as to whether he has been sick or not. On March 3rd, he was medically boarded on M.F.B. 227's and a definite diagnosis was arrived at, and his category was lowered from A to B1. This will supplement that something was the matter with him. Then due to his sickness, followed a long period in which he believed that he was suffering from a series of injustices from his fellow men. These all dammed up in him. Then after a period of twenty-one detention he comes back to his unit a free man. When he got on the train he was a free man, and he was returning the same when he left the train. At the time he left the train he was interfered with and this stirred him up and he believedhe was being unduly treated. I think, that although the facts have been proved that he struck his supperior officers and used fould and abusive language, I think that he was possessed by these troubles and thus did not know what he was doing at the time, and besides that I think that the fact that the man wasdrunk also and to the extent of losing control of himself, and the fact that he was brought up on a charge of drunkeness. Therefore, believing that the accused did not know what he was doing at the time, I would ask the court to consider this fact and exercise clemency.

A Company (Squadron / Battery / Company / Detachment) # 6 Field Ambulance R.C.A.M.C. Unit or Battalion

MORNING SICK REPORT 16th July 1942.

Regt'l No.	RANK AND NAMES (Christian Name in full)	Age	Religion	Whether for duty a prisoner or defaulter	Married or Single	DISEASE	Medical Officer's Remarks and Initial
D93046	Pte. Hess, T.V.J.	25	U.C.	Pris.	S	Examination.	

This man was examined by me on the above noted date viz. 16th July, 1942 and was found medically fit to undergo court-martial.

R. Place Capt

R.Place, Captain, R.C.A.M.C.

#6 Field Ambulance.

Medical Officer

Orderly N.C.O.

(OVER)

M. F. B. 292

H.Q.C.55-H-277 (JA

December 7th, 1942.

Brigadier i/c Administration,
Pacific Command,
VANCOUVER, B. C.

Re: DISTRICT COURT-MARTIAL
B-93046, Pte. T.V.J. Hess,
6th Field Ambulance, R.C.A.M.C., C.A.

Receipt is acknowledged of your 22-H-2531, dated 30th of November, 1942.

2. The Proceedings of the marginally-noted case have not been returned to this Headquarters direct by the Unit concerned. I trust that you will see that action is taken in this regard.

E R Burns

Brigadier,
Judge Advocate-General.

EBB/S.

CANADA

91990

IN REPLY PLEASE QUOTE
No. 22-H-2531

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, Pacific Command (Administration)
Vancouver, B.C. 30th November, 1942.

CENTRAL REGISTRY ARMY
CONF. SEC.
5 1942
File C 55-H-277
Chgd. to
Referred to JAG.

Judge Advocate-General
National Defence Headquarters,
Ottawa, Ontario.

District Court-Martial
D-93046, Pte. T.V.J. Hess
6th Field Ambulance, R.C.A.M.C., C.A.

1. Reference your H.Q.C. 55-H-277 (J.A.G.) d. 21st September, 1942.

2. Please advise this Headquarters if the proceedings in the m/n case were returned to National Defence Headquarters, direct, by the unit concerned.

cb

for (W.H.S. Macklin) Brigadier
Brigadier i/c Administration,
Pacific Command

NAT. DEF. B. 440
2,000 M—4-42 (4327)
H.Q. 1772-39-767

CANADA

80524

IN REPLY PLEASE QUOTE
No. 22-H-2531

DEPARTMENT OF NATIONAL DEFENCE

ARMY Headquarters, Pacific Command,
Vancouver, B.C.
29th September 1942.

Judge Advocate General,
National Defence Headquarters,
Ottawa, Ont.

CENTRAL REGISTRY Army
CONF SEC.
OCT 4 1942
File C 55-H-277
Chgd. to
Referred to JAG

District Court-Martial
D-93046 Pte. T.V.J. Hess
No. 6 Field Ambulance, RCAMC., C.A.

Reference your H.Q.C. 55-H-277 (J.A.G.) dated September 21st, 1942, the Unit concerned left this area on the 18th September and as the entry of remission and quashing of part of the Findings and Sentence was not made at the time of promulgation it was necessary to forward the Proceedings to them at Valcartier Camp, Valcartier, P.Q. for completion.

Immediately on receipt the Proceedings will be returned to you.

Brigadier i/c Administration,
Pacific Command.

cb

RECEIVED
NOV 20 1942
A. D.

NAT. DEF. B. 668
2,000 M—4-42 (4322)
H.Q. 1772-39-767

OTTAWA, September 21st, 2.

Brigadier i/c Administration,
Pacific Command,
VANCOUVER, B. C.

Re: DISTRICT COURT-MARTIAL
D-93046 Pte. T. V. J. Hess,
No. 6 Field Ambulance, RCAMC, C.A.

Please refer to my H.Q.C.55-H-277 (JAG), dated August 21st, 1942, under cover of which the Proceedings of the marginally-noted District Court-Martial were returned to you.

May I please be advised as to when I may expect the return of these papers.

Brigadier,
Judge Advocate-General.

EBB/S.

H.Q.C.55-H-277 JAG

August 21, 1942.

Brigadier i/c Administration,
Pacific Command,
Vancouver, British Columbia.

District Court-Martial
D-93046 Pte. T.V.J. Hess
No. 6 Field Ambulance, RCAMC, CA

1. Receipt is acknowledged of your 22-H-2531 dated 17th August, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities set out in your letter, the following have been observed:-

(a) It is preferred if Minutes of Adjournment and Reassembly be given a reference letter in sequence with other documents produced to the Court and attached to the proceedings in the proper order, rather than being inserted in the proceedings after the Charge Sheet and marked "B 3".

(b) The Statement of the Offence of the third charge on the Charge Sheet was bad in that all the essential ingredients of an offence under Army Act, Section 9 (1) were not disclosed. The words "In such manner as to show a wilful defiance of authority" were omitted. I presume that this irregularity has already been pointed out to all officers concerned in view of the fact that the Finding on this charge was not confirmed.

(c) The letters "Q" or "A" should appear before the number of each question and answer respectively.

(d) The notation at the end of the proceedings on Conviction before Sentence as to cross-examination should have been "The Defending Officer declines to cross-examine" rather than "The accused declines to corss-examine".

(e) The accused in his statement in mitigation of punishment stated that he did not recognize Staff Sergeant Milmine as a superior officer. This statement is inconsistent with a plea of 'guilty' and the Court should have altered the plea to the first charge to 'not guilty' and proceeded with the trial accordingly. See R.P. 37 D. Accordingly, pursuant to Note 6 to R.P. 37, I must advise that the Finding on the first charge be quashed. Quashing may be effected by the endorsement on page "F" of the proceedings, duly promulgated and reflected in Unit Orders of the following:-

..... 2

"On the advice of the Judge Advocate-General, I hereby quash the Finding of this Court on the first charge and I direct that the accused be relieved of all consequences of the said Finding on the first charge and that all records be amended accordingly."

3. The Sentence can legally stand in connection with the Finding of 'guilty' on the second charge, but you may wish to make some remission in view of K.R. (Can) para. 569.

4. The proceedings are returned in order that the above noted irregularities may be brought to the attention of all officers concerned for their future guidance and the above direction carried out. When they have fulfilled their purpose, may they please be returned.

Brigadier,
Judge Advocate-General.

EBB*AJK
Encls.

Copy on 405-H-6590

H.Q. C.55-H-277
M.D. 22-H-2531

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. D-93046 Name HESS, T.V.J.

Rank Pte. Unit #6 Field Ambulance RCAMC, C.A.

Charge Sec. 8 (1) A.A. Striking his superior officer being in the execution of his office.

Sec. 40 A.A. Conduct to the prejudice of good order and military discipline.

Sec. 9 (1) A.A. Disobeying a lawful command given by his superior officer in the execution of his office.

Date of Crime 1.2.3. 30/6/42.

Date of Arrest Charge. Signed 1/7/42.

Orders for D.C.M. D.O.C., M.D.#11.

Place and Date of Trial Terrace, B.C., 16/7/42.

Sentence Detention 75 days.

Date of Confirmation 4/8/42.

Date of Promulgation 10/8/42.

Entered in Records of J.A.G. as No. 6599

Date 20/8/42.

MEMO Finding on the third charge not confirmed.

On the advice of the J.A.G., finding on first charge quashed by G.O.C. Pacific Command, and 16 days detention remitted as of 12/9/42.

E V Ewing Capt
for Judge Advocate-General.

2M-7-42(M1291)

6599

IN REPLY PLEASE QUOTE

CANADA

Department of National Defence

NO. 22-H-2531.

Headquarters, Pacific Command,
Vancouver Barracks, Vancouver, B.C.,
August 17, 1942.

AIR MAIL.

CENTRAL REGISTRY Army
PERS. SEC.
AUG 19 1942
File C 55-11-377
Chgd. to
Referred to JAG

Judge Advocate-General,
National Defence Headquarters,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL.
D-93046, Pte. T.V.J. Hess,
No. 6 Field Ambulance, RCAMC, CA.

1. The proceedings in the m/n case have now been duly confirmed and promulgated and are forwarded to you herewith for registration and safe custody.

2. The following irregularities are noted in the proceedings and have been drawn to the attention of the officers concerned for their future assistance in matters of this kind:-

(a) The backs of pages and blank spaces have not been ruled through and initialled by the President.

(b) On page DD2 it is not indicated that the Prosecutor declines to cross-examine the witness for the defence.

(c) The references on pages DD2 and E do not follow the wording prescribed re non compliance with R.P. 83(b).

(d) Since no schedule of convictions, etc. was produced with M.F.B. 355, the words in brackets referring to it should have been struck out and initialled.

(e) The medical certificate attached does not follow the wording of M.F.B. 246.

3. There has been considerable delay due to the slowness of communication with Terrace, which is approximately 600 miles distant and is not served by a daily mail from Vancouver.

Hugh Allan
Lieut.-Colonel for
(R.G. Whitelaw) Brigadier,
Brigadier i/c Administration,
Pacific Command.

tt/ac
encl.

M.F.B. 259

22-H-2531.

Headquarters, Pacific Command,
Vancouver Barracks, Vancouver, B.C.,
August 17, 2.

AIR MAIL.

Judge Advocate-General,
National Defence Headquarters,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL.
D-93046, Pte. T.V.J. Hess,
No. 6 Field Ambulance, RCAMC, CA.

1. The proceedings in the w/n case have now been duly confirmed and promulgated and are forwarded to you herewithfor registration and safe custody.

2. The following irregularities are noted in the proceedings and have been drawn to the attention of the officers concerned for their future assistance in matters of this kind:-

(a) The backs of pages and blank spaces have not been ruled through and initialled by the President.

(b) On page DD2 it is not indicated that the Prosecutor declines to cross-examine the witness for the defence.

(c) The references on pages DD2 and E do not follow the wording prescribed re non compliance with R.P. 83(b).

(d) Since no schedule of convictions, etc. was produced with M.F.B. 355, the words in brackets referring to it should have been struck out and initialled.

(e) The medical certificate attached does not follow the wording of M.F.R. 246.

3. There has been considerable delay due to the slowness of communication with Terrace, which is approximately 600 miles distant and is not served by a daily mail from Vancouver.

(R.C. Whitelaw) Brigadier,
Brigadier i/c Administration,
Pacific Command.

tt/ac
encl.

H.Q.C. 55-H-278 • CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

GENERAL COURT-MARTIAL

LIEUT. RAPH BERNARD HOGAN

NO.6 ORDNANCE DEPOT COY. R.C.O.C.

C.A.

CONFIDENTIAL
H.Q.C. 55-H-278

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		

NOTICE

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

PASS THIS FILE IN ENVELOPE

PRECIS OF FILE No 518-4-21

LIEUT R B HOGAN
R.C.A.M.C.

Apr 24/09	-	Date of birth, Halifax NS
Mar 21/38	-	Married
June 1/38	-	Finished at Dalhousie - diploma ~~medical course~~ [organic Chemistry]
Nov 6/39	-	Enlisted in R.C.A.M.C.
Nov 24/39	-	Child born
Nov 22/41	-	Child born
Dec 15/41	-	Transferred to R.C.O.C. and sent on officers course to Brockville as a cadet.
Feb 28/42	-	Promoted to commissioned rank and appointed to RCOC as 2/Lt
May 11/42	-	Sent on I.O.C. Course at Halifax
May 16/42	-	Promoted Lieut. (B.O. 4th Cl.) w.e.f. 11 Apr 42
Jul 24/42	-	Placed in arrest charged with drunkenness
Oct 9/42	-	GCM at Quebec - charge drunkenness-reprimanded.
Dec 10/42	-	Tried by GCM at Quebec 3 chrgs (i) AWL (ii) drunkenness (iii) an act to the prejudice of good order and military discipline.
Jan 5/43	-	Sentence confirmed, severely reprimanded, forfeiture of seniority of rank 8 mos but found NOT GUILTY of drunkenness.
Jan 20/43	-	Medically boarded "E" at Quebec chronic alcoholism.
Feb 3/43	-	NDHQ letter to DOC 5 asking for date to be SOS Cat "E".
Feb 9/43	-	SOS Cdn Active Army Cat "E"
Feb 9/43	-	Placed on retired list Cat "E"
May 5/43	-	Was granted WS Badge No 017197
July 27/43	-	Passed to "suspense" $135.76 debit bal.

MEMORANDUM

TO: A.D.

Department of National Defence,
H.Q. C.55-H-278 (ICM)
OTTAWA, March 8th, 1943.

General Court-Martial
Lieut. HOGAN, R.B.

1

With reference to the Routine Order 2857 at folio 158 this file, your attention is called to the fact that said Order sets out the date of trial as "10th day of September, 1942". From Page A of the Proceedings of the General Court-Martial, (folio 150) and from the Convening Order (folio 120) it appears that the trial took place on the 10th day of December, 1942. From folio 91 (back page thereof) it appears that the marginally noted was also tried by a General Court-Martial on 10th September 1942, the results of which were published in R.O. 2508 (see folio 52).

2. I suggest that R.O. 2857 be amended to show the correct date of trial.

2

AM2
For erratum R.O.
Approved
A.D.
11 Mar 43.

LHC/MM

3.
Published with R.Os dated 15 March 1943.
A.D.

L.H. Clayton

(L.H.Clayton) Lt.Col.
Inspector of Courts-Martial.

4.
Noted
L.H. Clayton
Lt.Col.
I.C.M.
15/3/43.

201

HQ-C.55-H-278(Pay 10)

CONFIDENTIAL

19th February, 1943.

District Officer Commanding,
Military District No.5,
QUEBEC, Que.

Lieut. R.B.Hogan

With reference to your Q:C/142-H-14 (JA) dated 8th February, 1943, re the officer marginally named, you are advised that the following decisions have been obtained pursuant to the provisions of Article 87, F.R.& I. (Canada).

(a) Lieut. Hogan forfeit all pay and allowances (excepting Dependents' Allowance and Assigned Pay) for the periods he was in close arrest, i.e., 2130 hours 24th July 1942 to 1000 hours 25th July 1942 and suspended from duty, i.e., 10th September 1942 to 2nd October 1942.

(b) He forfeit all pay and allowances (excepting Dependents Allowance and Assigned Pay) for the periods suspended from duty in respect to the second Court-Martial, i.e., 13th October 1942 until 1400 hours 14th October 1942 and from 1000 hours 15th October 1942 until 14th January 1943, less the period from 9th November 1942 to 17th November 1942 (9 days) for which pay has already been forfeited under Article 222 F.R.& I. (Canada).

(c) He forfeit all pay and allowances (excepting Dependents' Allowance) for the period he was absent without leave, i.e., 1400 hours 14th October 1942 until 1000 hours 15th October 1942.

(A.R.Mortimore) Brigadier,
Paymaster-General,
for ADJUTANT-GENERAL.

DH

CONFIDENTIAL

Memorandum

To: Deputy Minister (Army)

Department of National Defence

H.Q. C.55-H-278 (Pay 10)

OTTAWA, 16th Feb., 1943.

Lieut. R.B.Hogan

1. This submission recommends that the marginally named officer forfeit pay and allowances under the provisions of Article 87 F.R.& I. (Canada) as follows:

(a) Forfeiture of pay and allowances (excepting Dependents' Allowance) for a period of absence without leave.

(b) Forfeiture of pay and allowances (excepting Dependents' Allowance and Assigned Pay) for the periods of suspension from duty.

2. Lieut. Hogan was tried by General Court Martial at Halifax on the 10th September, 1942, on a charge under Section 19 of the Army Act (Drunkenness).

3. He was found guilty and sentenced to be reprimanded.

4. Lieut.Hogan was under close arrest from 2130 hours 24th July, 1942, until 1000 hours 25th July, 1942, and suspended from duty from 10th September 1942, to the 2nd October, 1942.

5. He was again tried by General Court-Martial at Quebec on the 10th December 1942 on three charges:-

1. Absenting himself without leave (Section 15(1) Army Act).
2. Drunkenness (Section 19 Army Act).
3. An Act to the prejudice of Good Order and Military Discipline (Section 40 Army Act).

6. Lieut. Hogan was found guilty on the first and third charges and not guilty on the second charge and was sentenced to be severely reprimanded and to take rank and precedence in his corps and in the Army as if his appointment as Lieutenant bore date of the 28th October, 1942.

7. He was suspended from duty from the 13th October 1942, to the 14th January 1943.

8. During this period Lieut. Hogan was absent without leave from 1400 hours 14th October until 1000 hours 15th October 1942, and was under stoppage of pay under the provisions of Article 222 F.R. & I. (Canada) whilst in hospital for the period from 9th November 1942 to 17th November 1942 (9 days).

9. The findings and the sentences were confirmed by Order-in-Council P.C.8595 and P.C.37, dated 28th September 1942, and 5th January 1943 respectively, and were promulgated in Canadian Army Routine Order Numbers 2508 and 2857.

10. During the periods of suspension Dependents' Allowance was in issue at the rate of $69.00 per month to the wife of this officer together with assigned pay of $35.00 per month.

P.T.O.

N.D. 25a
60M—7-40 (6103-4)
H.Q. 1772-101-25

11. The Officer Commanding his unit recommends Lieut. Hogan forfeit pay and allowances for the periods suspended from duty on the first Court-Martial, i.e., 2130 hours 24th July 1942 until 1000 hours 25th July 1942 and from the 10th September 1942 to the 2nd October 1942. This recommendation is concurred in by the District Officer Commanding, Military District No.6.

12. The Adjutant-General concurs in the foregoing recommendation and also recommends that Lieut. Hogan forfeit pay and allowances for the periods of suspension from duty, arising from the second Court-Martial.

13. Therefore, it is recommended, pursuant to the provisions of Article 87 F.R. & I. (Canada) that:

(a) Lieut. Hogan forfeit all pay and allowances (excepting Dependents' Allowance and Assigned Pay) for the periods he was in close arrest, i.e., 2130 hours 24th July 1942 to 1000 hours 25th July 1942 and suspended from duty, i.e., 10th September 1942 to 2nd October 1942.

(b) He forfeit all pay and allowances (excepting Dependents' Allowance and Assigned Pay)for the periods suspended from duty in respect to the second Court-Martial, i.e., 13th October 1942 until 1400 hours 14th October 1942 and from 1000 hours 15th October 1942 until 14th January 1943, less the period from 9th November 1942 to 17th November 1942 (9 days) for which pay has already been forfeited under Article 222 F.R.& I. (Canada)

(c) He forfeit all pay and allowances (excepting Dependents' Allowance) for the period he was absent without leave, i.e., 1400 hours 14th October 1942 until 1000 hours 15th October 1942.

APPROVED
18/2/43.
D.M.A. (ARMY)

DH/

(A.R.Mortimore) Brigadier,
Paymaster-General,
for ADJUTANT-GENERAL.

MEMORANDUM

TO

PAYMASTER-GENERAL

Department of National Defence
-Army-
H.Q. C. 55-H-278 (A.D.2)

OTTAWA, 12th February, 1943.

GENERAL COURTS-MARTIAL
Lieut. Ralph Bernard HOGAN
No. 5 Ord. Depot Coy., R.C.O.C., C.A.

There are two Courts-Martial on this officer and the question of pay is outstanding in each case.

2. See report dated the 21st December, 1942, at flag "A".

3. This officer was under close arrest for 12½ hours, 24-25th July, and was suspended from duty from the 10th September until the 2nd October.

4. The Officer Commanding the Unit has recommended that this officer be placed under stoppages of pay and allowances from the 10th of September to the 2nd of October, 1942, and this recommendation is concurred in by the District Officer Commanding.

5. It is recommended that besides the above forfeiture that one more day's pay should be forfeited with respect to the period on the 24-25th July when this officer was under close arrest.

+ 35¢ AP
71.60 Y A

6. With regard to the second Court-Martial, see reports flagged "B" and "C".

7. This officer was suspended from duty from the 13th of October, 1942, until the 14th January, 1943. No recommendation with respect to forfeiture for this period has been received from the Officer Commanding the Unit or from the District Officer Commanding.

8. It is recommended that pay and allowances be forfeited for the period from the 15th October, 1942, until the 14th January, 1943.

(over)

9. It is noted from the letter February 8th, 1943, Flag "C", that this officer has already been put under stoppages of pay for 9 days during this period under the provisions of Article 221, F.R.& I.

(H. T. Cock),
Colonel,
D. of Admin.

AGM/EMP

IN REPLY PLEASE QUOTE

No. Q10/142-H-14 (JA).

205428

DEPARTMENT OF NATIONAL DEFENCE

ARMY

CONFIDENTIAL

Quebec, P.Q., February 5th, 1943.

CENTRAL REGISTRY Army
CONF. SEC.
File C JJ-H-278
Chgd. to
Referred to AD2

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: GENERAL COURT-MARTIAL
Lieut. Ralph Bernard HOGAN,
No. 5 Ordnance Depot Coy, RCOC., C.A.

Reference your H.Q.C. 55-H-278 (A.D.2) dated 28th January, 1943, relative to the m/n subject.

2. Advice has been received from the Officer Commanding No. 5 Ordnance Depot Coy. R.C.O.C., C.A., to the effect that Lieut. Hogan was released from his suspension of duty on 14th January, 1943.

3. He further advises that he does not wish to make any recommendation as to what pay suspension should be made in this case other than suspension authorized by medical report. This suspension has already been published in Unit Orders as follows:-

> "Is placed under stoppage of pay whilst in hospital for the period 9-11-1942 to 17-11-42 under the provisions of Art. 222 (1) F.R. & I. Total 9 days."

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

159

NAT. DEF. S. 440
2,000 M—4-43 (4322)
H.Q. 1772-39-767

ROUTINE ORDER
No. 2857
Date 3 Jul 43
Capt. Galway Capt.
Office ORDERS

DRAFT ROUTINE ORDER

ADJUTANT-GENERAL'S BRANCH

SENTENCE OF A GENERAL COURT-MARTIAL

1. Lieutenant Ralph Bernard HOGAN, No. 5 Ordnance Depot Coy., R.C.O.C., C.A., was tried by a General Court Martial on the 10th day of September, 1942 on three charges,- the first under Section 15 (1) of the Army Act relating to absence without leave, the second under Section 19 of the Army Act relating to drunkenness and the third under Section 40 of the Army Act relating to borrowing money from a subordinate. He was found guilty on the first and third charges but not guilty of the second charge. He was sentenced to be severely reprimanded and to take rank and precedence in his Corps and in the Army as if his appointment as Lieutenant bore date the 28th day of October, 1942.

2. The finding and sentence having been confirmed by the Governor-in-Council, the charges finding and sentence were duly promulgated.

(H.Q. C.55-H-278)

Recommended:

Colonel,
D. of Admin.

Approved:

for Major-General,
Adjutant-General.

PERMED

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H.Q.C.55-H-278
(A.D. 2)

28th January, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

GENERAL COURT-MARTIAL
Lieut. Ralph Bernard HOGAN
No.5 Ordnance Depot Coy, RCOC (CA)

Reference your Q.C/142-H-14 (JA) dated 23rd January, 1943, in connection with the marginally noted officer.

2. Advise the date on which this officer was released from his suspension from duty.

3. If the Officer Commanding the Unit or the District Officer Commanding desires to make any recommendation as to what suspension should be made of pay in this case, the recommendations should be forwarded with your letter.

(H.F.G. Letson),
Major-General,
Adjutant-General.

ACM/VB

157

19-1-43 D.O.S.(A)

102209

IN REPLY PLEASE QUOTE

No. Q.C/142-H-14 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

QUEBEC, P.Q., January 23rd, 1943.

CENTRAL REGISTRY
QUE. P.Q.
File C55-H-278
Chgd to D.O.S.(A) 19-1-43
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

GENERAL COURT-MARTIAL
Lieut. Ralph Bernard HOGAN,
No.5 Ordnance Depot Coy, RCOC (CA)

1. Reference your HQC.55-H-278(A.D.2) dated January 11th, 1943, relative to the marginally noted General Court-Martial.

2. Information received from the Officer Commanding No.5 Ordnance Depot Coy, R.C.O.C., C.A., indicates that Lieutenant Hogan was suspended from duty on October 15th, 1942. He was tried by General Court-Martial on December 10th, 1942, and proceedings were duly promulgated on January 14th, 1943.

JAC/nc

(Edmond BLAIS) -Brigadier,
District Officer Commanding
Military District No.5.

N.D. 25
1,500M—7-42 (5219)
H Q 1773-101-23

MEMORANDUM.

DEPT. of NATIONAL DEFENCE.

TO: A. D.

H.Q.C. 55-H-278 (JAG)

OTTAWA, ONT., January 28, 1943.

Re: GENERAL COURT-MARTIAL.
Lieut. Ralph Bernard HOLAN,
No. 5 Ordnance Depot Coy., RCOC, C.A.

1. The Proceedings hereunder of the marginally-noted General Court-Martial are passed to you to note and for the result to be published in the usual manner pursuant to C.A.R.O. 2578.

2. It is to be noted that the accused was found guilty of the first and third charges and not guilty of the second charge. The Finding and Sentence have been duly confirmed by Order in Council P.C. 37, dated 5th January, 1943, and promulgation has been effected to the accused officer.

3. Attention is called that the D.O.S.(A) would like to see the Proceedings, after you have finished with same.

A. L. Holaw Col
Brigadier,
Judge Advocate-General.

EBB/S.

155

H.Q. C. 55-H-278
M.D. Q.C/142-H-14

General

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. ..... Name Lieut. HOGAN, R.B.

Rank Lieut. Unit No. 5 Ordnance Depot Coy, RCOC (CA)

Charge (1) Sec. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

(2) Sec. 19 AA WHEN ON ACTIVE SERVICE, DRUNKNESS

(3) Sec. 40 AA AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

Date of Crime (1) 14/10/42 (2) 14/10/42 (3) 13/10/42

Date of Arrest 15/10/42 Charge. Signed 26/10/42

Orders for C.M. Adjutant-General (by virture of his warrant, dated 1st March, 1940

Place and Date of Trial Quebec, P.Q. 10/12/42

Sentence Severely Reprimanded Forfeiture of seniority or rank: 8 Months

Date of Confirmation 5/1/43

Date of Promulgation 14/1/43

Entered in Records of J.A.G. as No. 7652

Date 27/1/43

MEMO

FOUND NOT GUILTY OF SECOND CHARGE

154

E V Ruggles Capt
for Judge Advocate-General.

3M-12-42(M1754)

P/6 P.C. 37 HQC.55-H-228

CENTRAL REGISTRY ARMY
CONF. SEC.
JAN 8 1943
File HQC-H-228
Chgd. to
Referred to

PRIVY COUNCIL
CANADA

C. R.
To register and pass to
8/1/43

98543

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of JANUARY, 1943

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS The Minister of National Defence reports that Lieutenant Ralph Bernard Hogan, No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps (CA), an officer of the Canadian Army, placed on Active Service, is charged with:-

"ABSENTING HIMSELF WITHOUT LEAVE in that he at Quebec, P.Q., on the 14th day of October, 1942, absented himself without leave from No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps (CA), from 14.00 hrs the 14th day of October, 1942, until 10.00 hrs. the 15th day of October, 1942.

"WHEN ON ACTIVE SERVICE, DRUNKENNESS, in that he at Quebec, P.Q., on the 14th day of October, 1942, after having been previously warned to report to Lieut. H. Taschereau at the Ordnance Immigration Building, was drunk.

"AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he at Quebec, P.Q. on the 13th day of October, 1942, borrowed money from a subordinate.

That the accused officer pleaded Not Guilty to the charges in question, and was found not guilty of the second charge, but guilty of the first and third charges, and was sentenced to be severely reprimanded and to take rank and precedence in his Corps and in the Army as if his appointment as Lieutenant bore date the 28th day of October, 1942; and

That the Judge Advocate-General has reported that the Proceedings are regular, the Finding properly made and the Sentence according to law.

THEREFORE, His Excellency, the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to confirm and doth hereby confirm the said Finding and Sentence accordingly.

A. D. P. Heeney

The Clerk of the Privy Council.

Honorable
Minister of National Defence

752

102210

IN REPLY PLEASE QUOTE
No. Q.C/142-H-14 (J.A.)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

QUEBEC, P.Q., January 23rd, 1943.

COMP. SEC.
JAN 28 1943
File 55-H-278
Chgs. to D.O.J.(A) Ottawa
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

GENERAL COURT-MARTIAL
Lieut. Ralph Bernard HOGAN
No.5 Ordnance Depot Coy, RCOC (CA)

1. Reference your H.Q.C.55-H-278(JAG) dated January 8th, 1943, relative to the marginally noted General Court-Martial.

2. The proceedings of the marginally noted Court-Martial having been duly promulgated, they are herewith returned for registration and custody, please.

JAC/nc

(Edmond BLAIS) -Brigadier,
District Officer Commanding,
Military District No.5.

152

N.D. 23
1,500M—I-43 (5219)
H.Q. 1772-101-23

P.C. 37

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of JANUARY, 1943

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS The Minister of National Defence reports that Lieutenant Ralph Bernard Hogan, No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps (GA), an officer of the Canadian Army, placed on Active Service, is charged with:-

"ABSENTING HIMSELF WITHOUT LEAVE in that he at Quebec, P.Q., on the 14th day of October, 1942, absented himself without leave from No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps (GA), from 14.00 hrs the 14th day of October, 1942, until 10.00 hrs. the 15th day of October, 1942.

"WHEN ON ACTIVE SERVICE, DRUNKENNESS, in that he at Quebec, P.Q., on the 14th day of October, 1942, after having been previously warned to report to Lieut. E. Taschereau at the Ordnance Immigration Building, was drunk.

"AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he at Quebec, P.Q. on the 19th day of October, 1942, borrowed money from a subordinate.

That the accused officer pleaded Not Guilty to the charges in question, and was found not guilty of the second charge, but guilty of the first and third charges, and was sentenced to be severely reprimanded and to take rank and precedence in his Corps and in the Army as if his appointment as Lieutenant bore date the 28th day of October, 1942; and

That the Judge Advocate-General has reported that the Proceedings are regular, the Finding properly made and the Sentence according to law.

THEREFORE, His Excellency, the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to confirm and doth hereby confirm the said Finding and Sentence accordingly.

The Judge Advocate-General
Department of National Defence
Central Chambers.

A. P. Heney
The Clerk of the Privy Council

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

A

**Form of Proceedings for General ~~and District~~ Court-Martial

Proceedings of a - - - General Court-Martial held at the Drill Hall, QUE

on the 10th day of December, 19 42, by order of Major-General H.F.G. LETSON, M.C., E.D., Adjutant-General (by virtue of his warrant, dated 1st March, 1940), dated the 30th day of November, - - - - - - - - 19 42.

President.

Colonel G.E.A. DUPUIS, M.C., O.C. 35 (Reserve) Brigade Group, C.A.

Members.

Lieut.-Colonel M.M.L. GARON, Royal 22e Regiment, C.A.

Lieut.-Colonel G.N. DICKENSON, The Corps of Royal Canadian Engineers, C.A.

Major J.G. COOTE, The Royal Canadian Artillery, C.A.

Capt.(Acting Major) A. H. BOLTON, No.6 Coy. The Royal Canadian Army Service Corps, C.A.

Capt.(O.O.4th Cl.) (Acting Major) G.G.G. WALKER, No.4 Ordnance Coy., The Royal Canadian Ordnance Corps, C.A.

Capt. P.L. JOHNSTON, D.C.M., E.D., No.5 District Depot, C.A.

Captain J. Alfred CROWE, Royal Canadian Corps of Signals, C.A. - - - - - , Judge Advocate.

Trial of*Lieutenant Ralph Bernard HOGAN, No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps, C.A.

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

The Court satisfy themselves that Capt.(A/Major) C.A.ROGERS, Canadian Forestry Corps, C.A., is not available to serve owing to his being on a sick leave. Capt.(A/Major) G.G.G.WALKER, No. Ordnance Coy, The Royal Canadian Ordnance Corps, C.A., - - - - , waiting member takes his place as a member of the Court. ‡

‡ The Court satisfy themselves that Capt. (A/Major) A.de L. MACDONALD, Les Fusiliers Mont-Royal, CA, Att. No. A-13 Infantry Training Centre, CA, is not available to serve owing to his being sick in hospital. Capt. P.L. JONSTON, D.C.M., E.D., No.5. District Depot, CA, waiting member takes his place as a member of the Court.

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

The accused is brought before the Court.

Prosecutor,† Captain Pierre GELLY, Corps Reserve (6th Q&L) Coast Brigade C.A.

~~Counsel for~~ defending officer† Lieut. Camil NOEL, C.O.T.C. Laval (R), C.A.

At 10.04 o'clock the Trial commences.

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

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

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

Answer by accused. A-1. No, Sir.

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

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

MH. Form B. 271
10M—6-40 (5715)
H.Q. 1772-39-224

B

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

Q-2. Do you object to Mrs. Noella CARON and to Miss Rital BEGIN, Civilian Employees, acting as shorthand writers?

~~The following abbreviations are duly sworn.~~

A-2. No, Sir.

Mrs. Noella CARON and Miss Rita BEGIN, Civilian Employees, Stenographers at HQ., M.D. No.5, QUEBEC, P.Q., are duly sworn as shorthand writers.

Charge-Sheet

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

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

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

Motion by the Defending Officer (See document marked "G" attached).

Motion by the Defending Officer (See document marked "H" attached.)

Q-3. Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3. Not Guilty, Sir. *Answer.*

Motion by the Defending Officer (See document marked "I" attached).

Q-4. Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4. Not Guilty, Sir. *Answer.*

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

Answer.

A-5. Not Guilty, Sir.

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

Answer.

~~The accused has pleaded Guilty to xxxx

"B-2" "B"

G.C.M.

CHARGE SHEET

The accused Lieutenant Ralph Bernard Hogan No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps (CA), an Officer of the Canadian Army, placed on Active Service, is charged with:-

FIRST CHARGE
Sec. 15 (1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he at Quebec, P.Q., on the 14th day of October, 1942, absented himself without leave from No.5 Ordnance Depot Company, Royal Canadian Ordnance Corps (CA), from 14.00 hrs the 14th day of October, 1942, until 10.00 hrs, the 15th day of October, 1942.

SECOND CHARGE
Sec. 19
Army Act.

WHEN ON ACTIVE SERVICE, DRUNKNESS
IN THAT HE

at Quebec, P.Q., on the 14th day of October, 1942, after having been previously warned to report to Lieut. H. Taschereau at the Ordnance Immigration Building, was drunk.

THIRD CHARGE
Sec. 40
Army Act.

AN ACT TO THE PREJUDICE OF GOOD
ORDER AND MILITARY DISCIPLINE.

in that he at Quebec, P.Q. on the 13th day of October, 1942, borrowed money from a subordinate.

L.A. Lacroix

(L.A. Lacroix) Major,
O.C.No.5 Ord. Depot Coy.R.C.O.C.(CA)

Quebec, P.Q.
26-10-1942.

To be tried by General Court Martial.

DATED at Ottawa, Ont., this 30th

day of November, 1942.

H.F.G. Letson

(H.F.G.Letson)
Major-General,
Adjutant-General.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Question.

Q-6. *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A-6. No, Sir.

The prosecutor makes an opening address [~~[illegible]~~ ~~which is read~~, marked " J ", signed by the President, and attached to the proceedings].

The prosecutor proceeds to call witnesses.

First witness for prosecution. Major L.A. LACROIX, O.C. No. 5 Ordnance Depot Coy, The Royal Canadian Ordnance Corps, C.A.,

being duly sworn, is examined by the prosecutor.

Q-7. What are your functions at the Ordnance Depot?
A-7. I am the District Ordnance Officer, also the Commanding Officer of the Depot.

Q-8. Do you know the accused?
A-8. Yes, Sir.

Q-9. Could you identify the accused in this Court?
A-9. Yes, Sir. He is sitting to my right.(The witness points to the accused)

Q-10. As O.C., have you any documents to produce before this Court regarding the accused ?
A-10. Yes, Sir. I produce to the Court a certified true copy of Part II Orders of No.5 Ordnance Depot Company R.C.O.C., No. 33, dated 26-10-42. This Part II Orders show Lieutenant R.B. HOGAN absent without leave from 1400 hours on 14-10-42 until 1000 hours on 15-10-42. (This Part II Orders No. 33 is read to the Court, marked Exhibit "E", signed by the President and attached to the Proceedings.)

Cross-examined by the Defending Officer:

Q-11. Have you known the accused for a great length of time? For how long?
A-11. Only since he reported for duty, in Quebec.

Q-12. On what day did he report to you for the first time?
A-12. I am sorry I can not say; I do not know the date off hand.

C-3.

Q-13. Have you any means by which you could ascertain what date?
A-13. Lieutenant Hogan ceased to be attached to No. 6 Ordnance Depot On October 11th, 1942.

Q-14. At what exact date did he report in Quebec to you ?
A-14. On the following Monday morning.

Q-15. Which make it what date? Will you look at this calendar ?
A-15. Monday morning, on the 12th.

Q-16. Can you remember at what time he reported to you ?
A-16. Around 1000 hours.

The Prosecutor declines to re-examine.

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

The witness withdraws.

Second Witness for the Prosecution: Lieutenant H. TASCHEREAU, No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps, C.A., being duly sworn is examined by the Prosecutor:

Q-17. Will you tell the Court what are your functions in your Unit?
A-17. At the time I am Acting Inspecting Ordnance Officer.

Q-18. Do you know the accused?
A-18. Yes, Sir.

Q-19. Can you identify him in this room ?
A-19. He is sitting there, in the centre of the room. (The witness shows the accused.)

Q-20. Will you tell the Court what you know about the case concerning the accused?

Objection to the question, by the Defending Officer, saying there being three charges, the witness can answer absolutely anything.

By the Court:
It is a very legal question. Objection overruled.

A-20. Lieutenant Hogan reported to Quebec, M.D. 5, on Sunday afternoon. That is the first time I met him. On the 14th October at 0900 hours, I instructed Pte. Chartré to go and pick up the accused at the St. Louis Hotel, at the same time to tell him to report at 1400 hours. I wanted to see him. He did not report at that time. I waited until 1500 hours; he still did not report, so I reported the fact to the O.C. He did not report that afternoon, not until the next day at 1200 hours, October 15th. He was placed under open arrest, and I was instructed to escort him to his quarters. I accompanied the accused to the Officers' Mess and reported to the officer in charge at the Citadel.

C-5.

Q-21. On what date did the accused reported to you ?
A-21. What do you mean ?

Q-22. You say that on the 14th October you noticed the accused to report at 1400 hours ?
A-22. Yes.

Q-23. At what time and what date did he report then ?
A-23. At 1000 hours on the 15th October.

Q-24. Did anything happened in the afternoon of the 14th ?
A-24. When I reported the circumstances to the O.C., he instructed me to seek Lieutenant Hogan's quarters at the Officers' Mess, at the Citadel. Which I did. I found Lieut. Hogan in his room, No. 33; he was asleep; I tried to wake him, which I succeeded after several minutes. After muttering a few words, he fell back to sleep. I tried several times to wake him up, and a few times I could smell liquor off his breath. A half glass of beer was on the trunk beside the bed.

Q-25. Will you tell the Court how the accused was dressed in his room ?
A-25. He was lying on his bed with just his trousers, no jacket, no tie.

Q-26. Will you tell us what happened on the morning of the 15th October ?
A-26. On the morning of the 15th, the accused reported at the Immigration Building Ordnance Depot. I notified Lieutenant Hogan had arrived. I went downstairs. I escorted him to the O.C.'s office. The Officer Commanding asked him where he was the afternoon previously, he only replied that he wanted to see an M.O.

Q-27. Did you have any conversation with the accused?
A-27. Non, Sir.

Cross-examined by the Defending Officer:

Q-28. Have you been with the Ordnance for quite a while?
A-28. Yes, Sir.

Q-29. How long ?
A-29. Around 15 months; maybe 10 months.

Q-30. You were not Lieutenant when you started ?
A-30. No, Sir.

Q-31. You were given a promotion, when?
A-31. The first May, 1942.

Q-32. I understand your functions were Ordnance Inspecting Officer ?
A-32. Yes, Sir.

Q-33. Not an I.O.O.? There is a distinction between being an Ordnance Inspection Officer and an I.O.O.?
A-33. Yes, Sir.

C-7.

Q-34. Will you explain the difference?
A-34. O.I.O. or Ordnance Inspecting Officer, is to inspect the ledgers of the Unit, the stocks, etc. An I.O.O. or Inspecting Ordnance Officer, his duty consists purely in ammunition .

Q-35. This would mean that an I.O.O. who inspects ammunition would need a better qualification to....

Objection by the Prosecutor as to the questions of the Defending Officer, in cross-examination, not being solely from the examination-in-chief. Also the evidence of the witness being absolutely irrelevant of the evidence brought against the accused, as the difference between qualification of the accused and the witness has no relation with the charges.

Objection maintained by the Court.

By the Defending Officer:
The reason flows from the question, which was the first question asked to the witness by the Prosecutor, as to what were his duties and the witness said an "I.O.O.". The point in bringing that up in cross-examination is that the accused is an O.I.O., a qualified Ordnance Inspecting Officer whereas the witness is an ordinary Ordnance Officer and thus gave to Lieut. Hogan an order while he, Lieut. Taschereau, was his inferior.

By the Prosecutor:
This fact is a matter of Defence. If the Defence wants to bring up that the order given came from a subordinate, it is a matter of Defence and not of cross-examination.

By the Court:
The objection of the Prosecutor is maintained. The point raised by the Defending Officer should be brought in defence of the accused.

By the Defending Officer to the witness:

Q-36. You were detailed to meet the accused at the train, at Levis, on Sunday the 12th October?
A-36. Yes, Sir.

Q-37. You did meet him?
A-37. Yes, Sir.

Q-38. Where did you take Lieutenant Hogan then ?
A-38. We went to the Clarendon Hotel to get a room; they were filled up, so we went to the St. Louis Hotel.

Q-39. At what time did you arrive at the St. Louis Hotel ?
A-39. At approximately 1500 hours. I did not notice the time.

C-9.

Q-40. Did you go in the hotel with Lieutenant Hogan ?
A-40. Yes, Sir.

Q-41. Was Lieutenant Hogan sober at the time ?
A-41. Yes.

Q-42. Were you the one who make the necessary arrangements for a room for Lieut. Hogan ?
A-42. No. He made his own arrangements. He told me that being Sunday he would have to stay until Monday at the hotel. So we proceeded to the Clarendon then to the St. Louis Hotel.

Q-43. Did Lieutenant Hogan seem tired at the time ?
A-43. I could not tell you. It was the first time I saw him.

Q-44. Of course. But would you say he looked tired ?
A-44. Like anybody else who gets off a train.

Q-45. He did look tired?
A-45. Slightly.

Q-46. Did he mention that he was tired ?
A-46. No, Sir.

Q-47. You had quite a conversation with him then, What was it about?
A-47. Concerning our work. About the duties he was coming down here to perform; about the set up we had down here, the work; the location of magazines; where most of the work was done; where it was situated. He was trying to give me an idea of the work down Halifax.

Q-48. He seemed quite interested ?
A-48. He did.

Q-49. This was on Sunday, the 12th ?
A-49. Yes.

Q-50. Did you make arrangement to meet him again ?
A-50. For the next morning. At 0845 hours, at the Hotel St. Louis.

Q-51. Were you expected to pick him up ?
A-51. At a quarter to nine.

Q-52. Did you pick him up ?
A-52. Yes. At a quarter to nine, at the St. Louis Hotel.

Q-53. In his room ?
A-53. I called him up in his room, and he met me downstairs in about five minutes.

Q-54. You were in the lobby ?
A-54. Yes.

Q-55. Where did you go then ?
A-55. We got in the car and drove down to the Immigration. Myself and Lieutenant Hogan.

1114

C-11.

Q-56. And the driver?
A-56. I was driving the car. My own car.

Q-57. Where did you go from the St-Louis Hotel?
A-57. To the Immigration Building, the Ordnance Depot.

Q-58. What happened there ?
A-58. We waited for Major Lacroix, then Lieut. Hogan went to see him. We waited in my office, then proceeded to the D.O.O.'s office.

Q-59. You introduced Lieutenant Hogan to Major Lacroix?
A-59. Yes, Sir.

Q-60. Then what happened?
A-60. Major Lacroix told him he was coming down here to cover duties of an I.O.O., and that he would be in my care till he got familiar with the situation at M.D.5; he was to stay with me until I was to proceed on a course for instructions.

Q-61. Were you, in acting capacity, doing the work Lieut. Hogan was supposed to do when arriving in Quebec?
A-61. Yes, Sir.

Q-62. Did you and Lieut. Hogan stay very long in Major Lacroix' office?
A-62. No, Sir. I would say not more than 5 or 10 minutes.

Q-63. What happened after?
A-63. When we came out Major Lacroix' offbe, I told Lieut. Hogan he could use a truck we had, to pick up his baggage and get fixed up at the Mess.

Q-64. Did you detail a driver for him ?

Objection by the Prosecutor:

I do want want to deprive the Defence, but I think the Defence should examine on facts relating to the 14th of October. All what Lieut. Taschereau and Lieut. Hogan did together on the 12th has nothing to do with the Absence Without Leave on the 14th. The Defence should cross-examine the witness on what happened relating with the offence on October 14th.

By the Defending Officer:

With an accusation such as before the Court, it is impossible to defend a man in Lieutenant Hogan's position unless the Court has a complete background of what happened two or three days before. The man may have been exausted by work, after arriving from Halifax, which might explain the acts of the accused later. I submit very respectfully that the Defending Officer is given every opportunity to present his defence. I may also point out to the Court that in the M.M.L., (I cannot find the article right now) it is said that if the Defence in cross-examination of a witness which has been produced by the Crown does not cross-examine on which he could have examined, then the Defending Officer cannot in Defence bring this same witness.

C-13.

By the Judge-Advocate:
In view of the fact that the accused has a common trial, I think it is advisible to allow the Defending Officer to proceed.

By the Court:
Objection overruled.

A-64. I do not detail the drivers. They are with the trucks. In this case, his name was Pte. Chartré.

Q-65. You did not go with Lieut. Hogan when he left the Commanding Officer Monday morning, after his interview ?
A-65. No, Sir.

Q-66. When did you see Lieutenant Hogan for the first time after that ?
A-66. On the morning of the 15th October, at 1000 hours.

Q-67. On Tuesday morning, did you pick up Lieut. Hogan, at the St.Louis Hotel ?
A-67. No, Sir.

Q-68. Do you know if Pte. Chartré did ?
A-68. I do not know. I told him to report; to pick up Lieutenant Hogan.

Q-69. On Wednesday, did you pick him up ?
A-69. No, Sir.

Q-70. Do you know if Pte. Chartré did ?
A-70. He was detailed to do so.

Q-71. Do you know if he actually went to pick up Lieut. Hogan ?
A-71. I could not tell you.

Q-72. Therefore, on October 14th, you did not see Lieut. Hogan ?
A-72. Yes, Sir, in the afternoon. I am sorry, will you please repeat the question ?

Q-73. I repeat then. When did you see Lieutenant Hogan for the first time after the interview ?
A-73. At 1500 hours, on the 14th.

Q-74. Where?
A-74. At the Officers' Mess, Room 33.

Q-75. Were you instructed to go there ?
A-75. Yes.

Q-76. By whom ?
A-76. By the D.O.O., Major Lacroix.

Q-77. What were your orders ?
A-77. Major Lacroix told me to go at the Officers' Mess and see if Lieut. Hogan was in his quarters, which I did.

Q-78. You went in the Mess ?
A-78. Yes, Sir. I inquired what room Lieutenant Hogan occupied, and went up to his room.

C-15.

Q-79. At about three o'clock in the afternoon ?
A-79. Yes, Sir.

Q-80. Alone ?
A-80. Yes.

Q-81. You knocked at the door ?
A-81. The door was open.

Q-82. Just ajar, or completely open ?
A-82. Completely open.

Q-83. You walked in ?
A-83. Yes.

Q-84. Lieut. Hogan was sleeping on his bed ?
A-84. Yes.

Q-85. You attempted to wake him up ?
A-85. Yes.

Q-86. What did you do ?
A-86. I spoke to him; he did not answer. I shook him; he was facing the wall. What he said, I could not understand. He just turned around and fell back to sleep.

Q-87. Was he snoring ?
A-87. No, Sir.

Q-88. You said before there was a glass of beer near him ?
A-88. Half a glass of beer.

Q-89. It was beer ? Not liquor ?
A-89. It was beer.

Q-90. Could you swear that man was drunk ?
A-90. I could not sear he was drunk.

Q-91. He might have been tired ?
A-91. He did not give me the impression of being tired.

Q-92. He did give you that impression.
A-92. No he did not.

Q-93. Why ?
A-93. Because a man being tired does not look like a man who is drunk. There is a difference.
Q-94. What is the difference?
A-94. When under the influence of liquor... His face was red, blotted, his eyes were blood shot. I would not say that if a man is exausted; he can give intelligible answers and his breath does not smell liquor.

By the Judge-Advocate:
This man is not an expert on the subject.

By the Defending Officer:
This man is the star-witness in this case.

C-17.

Q-95. It is merely the smell that makes you say he was drunk ?
A-95. I didn't know he was drunk. I merely said he had been taken liquor.

Q-96. Therefore, you do not say he was drunk?
A-96. I told you that before.

Q-97. Therefore, if he was not drunk, he was tired?
A-97. You asked me that before.

By the Court:
Objection. This is a matter of opinion.

A-98. Just to resume your testimony, you gathered that Lieutenant Hogan at the time was slightly intoxicated ?

Objection by the Prosecutor:
I think it is not the answer given by the witness. The Defending Officer says the accused was slightly under the influence of liquor. The witness never said that. I think the question is not fair to the witness.

By the Court:
That is right. Objection maintained.

By the Defending Officer, to the witness:

Q-99. Did you stay in his room very long ?
A-99. I would say between ten and twenty minutes. That is what it seemed to me.

Q-100. Were you alone ?
A-100. Yes.

Q-101. Then you left?
A-101. Yes,Sir.

Q-102. He was not undressed at the time ?
A-102. No, he had his jacket off. His collar was unb uttoned. He had his trousers on and his shoes on.

Re-examined by the Prosecutor:

Q-103. You said that the accused was introduced to the D.O.O. on Monday morning ?
A-103. Yes, Sir.

Q-104. You were present when the instructions were given to the accused by the D.O.O.?
A-104. Yes, Sir.

Q-105. Would you tell the Court what they were?
A-105. I would not say word for word, but the main ppint was that Lieutenant Hogan was to be in my care until he got familiar with the situation regarding the work in this district.

C-19.

Q-106. On Monday did you ask Lieutenant Hogan, the accused, to go and report for work ?
A-106. After the interview with Major Lacroix, I told him he could have a truck and Pte. Chartré to pick up his baggage at the St. Louis hotel and to proceed to the Officers' Mess.

Q-107. On Monday, did you tell the accused where to report for duty ?
A-107. I told him if he wanted to go to Valcartier, the truck would be going out there in the afternoon and he could go to look at the magazines; which he did.

Q-108. On the 14th, on whose instructions did you detail Pte. Chartré to go to the hotel and advise the accused to report at 1400 hours?
A-108. I was acting under Major Lacroix'orders.

Q-109. When you saw the accused in his room in the afternoon of the 15th, would you state he was tired or under the influence of liquor?
A-109. That is pretty hard to say. He could have been sick, he could have felt exausted when in bed.

Q-110. On what grounds did you base your opinion that this man was under the liquor ?
A-110. I could smell liquor off his breath.

Q-111. Would you describe the physical appearance of the accused when you saw him in bed ?
A-111. His eyes when he talked to me were kind of stary, bloodshot, his face was....

Objection by the Defending Officer:
The witness is not an expert. If this witness was a doctor, I would not object. But he is not a doctor.

By the Prosecutor:
The witness is not an expert, but these are facts that the witness could see. By the appearance of the accused from these facts, the Court will draw a conclusion; he is not testifying as an expert, but is telling the court what he saw.

By the Court:
Objection overruled.

By the witness:

A-111. ..... his face was red and blotted.

Q-112. Nothing else ?
A-112. There was a smell of liquor off his breath.

Q-113. When you smelt his breath, at what distance were you from him ?
A-113. Approximately 12 inches.

C-21.

Q-114. Apart the glass of beer, there was no other liquor in the room ? Any empty bottles ?
A-114. No. Only half a glass of beer on the trunk, beside his bed.

Questioned by the Court:

Q-115. Are you senior to the accused, in rank, in No. 5 Ordnance Depot Company, in Quebec ?
A-115. I could not tell you. We are the same rank. The accused is an Ordnance Officer, Fourth Class, Lieutenant. I am an Ordnance Executive Officer, third Class.

Q-116. Which is the senior officer ?
A-116. I do not know, Sir.

Q-117. What is the date of your appointment ?
A-117. The first of May, 1942.

Q-118. What is the date of Lieutenant Hogan's appointment ?
A-118. I do not know, Sir.

Q-119. Do you know if the accused is qualified as an Ordnance Officer, Fourth Class ?
A-119. I do not know, Sir.

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

The witness withdraws.

MINUTE OF ADJOURNMENT AND REASSEMBLY :

At 12.25 o'clock P.M., on the 10th day of December, 1942, the Court adjourned until 2.15 o'clock P.M., on the 10th day of December, 1942.

On the 10th day of December, 1942, at 2.15 o'clock P.M., the Court reassemble pursuant to adjournment, present the same members as when adjourned.

The accused is again brought before the Court.

C-23.

Third Witness for the Prosecution: E-20431, Pte. B. CHARTRE, No. 5 Ordnance Depot Company, The Royal Canadian Ordnance Corps, C.A., being duly sworn is examined by the Prosecutor:

The Prosecutor asks the Defending Officer if the accused wishes to have an interpreter, as Pte. Chartré's evidence will be in french.

? The Defending Officer states the accused will be satisfied if the Court, or J.A. will give to the accused a résumé of the evidence given.

Q-120. Connaissez-vous l'accusé ?
A-120. Oui, monsieur.

Q-121. Pouvez-vous l'identifier dans cette Cour ?
A-121. Il est assis là. (Le témoin montre l'accusé.)

Q-122. Voulez-vous dire à la Cour ce qui s'est passé, ce que vous savez au sujet de cette cause ?
A-122. Oui, monsieur. Le 13 octobre, le Lieutenant Taschereau m'a demandé d'aller chercher le Lieutenant Hogan à l'Hôtel St-Louis.

Q-123. Etes-vous allé le chercher ?
A-123. Oui, monsieur.

Q-124. Voulez-vous nous dire ce qui s'est passé entre vous et l'accusé à cette occasion-là ?
A-124. Lieutenant Hogan m'a demandé de lui prêter $12.00.

Q-125. Qu'avez-vous fait ?
A-125. Je lui ai prêté $12.00.

Q-126. A quel endroit lui avez-vous fait ce prêt ?
A-126. Entre l'Hôtel St-Louis et le Restaurant Old Homestead.

Q-127. Vous dites entre l'Hôtel St-Louis et le Old Homestead. De quelle façon vous transportiez-vous ?
A-127. En truck, en camion.

Q-128. Voulez-vous dire à la Cour si le 14 vous avez eu quelque devoir à faire ?
A-128. Oui, monsieur. Le 14 au matin, à neuf heures; Lieutenant Taschereau m'a demandé d'aller dire au Lieutenant Hogan de se rapporter à l'Ordonnance pour deux heures de l'apres-midi.

Q-129. Qu'avez-vous fait ?
A-128. J'ai été à l'Hôtel St-Louis. J'ai monté à sa chambre et je lui ai dit.

Q-130. L'accusé vous a dit quelquechose à cette occasion-là ?
A-130. Il m'a dit qu'il ne filait pas bien, mais qu'il se rapporterait à deux heures.

C-25.

Q-131. Avez-vous fait autre chose cette journée-là ?
A-131. A deux heures, j'ai retourné chercher le Lieutenant Hogan à l'hotel St-Louis. Il n'était pas là. Puis j'ai été a la Citadelle, au Mess des Officiers. Il était la; il m'a dit de l attendre cinq minutes.

Q-132. Ou l'avez-vous vu ?
A-132. Au Mess des Officiers.

Q-133. Dans quel état était-il ?
A-133. Il paraissait correct.

Q-134. Qu'avez-vous fait ?
A-134. Je suis retourné au truck qui était dehors; j'ai attendu cinq minutes; quand j'ai vu que cela prenait un peu de temps, j'ai rentré au Mess des Officiers; j'ai été a sa chambre et Lieutenant Hogan n'était pas la.

Q-135. Qu'est-ce que vous avez fait alors?
A-135. Je suis retourné a l'Ordonnance.

Q-136. Avez-vous vu quelqu'un a l'Ordonnance ?
A-136. Lieutenant Taschereau.

Q-137. Qu'avez-vous dit au Lieutenant Taschereau ?
A-137. Que j'avais été chercher lieutenant Hogan au Mess des Officiers, et qu'il n'était pas la.

Cross-examined by the Defending Officer:

Q-138. Vous dites qu'il n'était pas la au Mess des Officiers ?
A-138. Il était la, mais je ne savais pas a quelle place. J'avais frappé à sa chambre et il n'avait pas répondu.

Q-139. Vous aviez reçu des ordres du lieutenant Taschereau d'aller Chercher lieutenant Hogan à l'Hôtel St-Louis?
A-139. Oui, monsieur.

Q-140. Quand aviez-vous reçu ces ordres-là ?
A-140. Le matin a neuf heures.

Q-141. Quel jour etait-ce ? Vous en souvenez-vous ?
A-141. J'ai reçu cet ordre le 13 et le 14.

Q-142. Le 13 ? Ou êtes-vous allé le chercher ?
A-142. Le 13 j'ai été le chercher a l'Hôtel St-Louis; il est venu avec moi.

Q-143. Le 14, ou êts-vous allé le chercher ?
A-143. Le 14, a l'Hôtel St-Louis aussi. Il devait se rapporter, à l'Ordonnance à deux heures.

Q-144. Est-ce que vous l'avez vu ?
A-144. Je l'ai vu en bas.

Q-145. Il avait l'air plutôt malade ?
A-145. Il m'a dit qu'il ne filait pas bien.

C-27.

Q-146. Il avait l'air fatigué?
A-146. Il avait l'air fatigué.

Q-147. Est-ce le matin du 13 que lieutenant Hogan vous aurait demandé un emprunt de $12.00 ?
A-147. Oui, monsieur.

Q-148. Il ne vous a pas donné de chque ?
A-148. Non, monsieur.

Q-149. Vous lui en avez prëté ?
A-149. Oui.

Q-150. Il n'était pas chaud a ce moment-la ?
A-150. Non.

Q-151. C'était pas pour acheter de la boisson ?
A-151. Je ne le sais pas.

Q-152. Il est entré au Old Homestead?
A-152. Oui.

Q-153. Il en est sorti ?
A-153. Oui, monsieur.

Q-154. Vous ëtes parti avec lui en camionnette ?
A-154. En camion, au Fort de la Martiniere, a Lauzon, et au Fort No. 1.

Q-155. C'était la premiere fois que vous sortiez avec lieutenant Hogan ?
A-155. Non, monsieur.

Q-156. Vous étiez sorti la journée précédente?
A-156. Oui, monsieur.

Q-157. Etiez-vous sorti avantla journée précédente?
A-157. Non, monsieur.

Q-158. La journée précédente, ou étiez-vous allé avec lieutenant Hogan?
A-158. En camion, au Magazine No.3, a Valcartier.

Q-159. Vers quelle heure ëtes-vous arrivé a Valcartier ?
A-159. Vers 11.00 ou 11.30 du matin . C'est a peu pres l'heure a laquelle on arrive.

Q-160. Qu'a fait Lieutenant Hogan a Valcartier ?
A-160. C'était la premiere fois qu'il venait a Valcartier. Il a été voir le Caporal. Apres cela il a fait le tour des magazines. Il visitait les établissements .

Q-161. A quel heure etes-vous revenu ce soir-la ?
A-161. J'ai fait deux voyages dans ma journée. Ma job c'est de charroyer des minitions avec un truck . Dans l'avant-midi, j'ai fait un voyage et dans l'apres-midi j'ai fait un autre voyage. Le Lieutenant Hogan est venu les deux voyages, pour connaitre la place.

C-29.

Q-162. Ce jour-la vous aviez fait un voyage a Valcartier pour y transporter le lieutenant Hogan, et vous etes revenu en vill et puis retourné à Valcartier. A quelle heure êtes-vous revenu avec le Lieutenant Hogan le soir?
A-162. Après mon voyage. Vers cinq heures. J'ai été le reconduire à l'Hôtel St-Louis.

Q-163. C'était le 12 ?
A-163. Oui, monsieur.

Q-164. Le 13 qu'avez-vous fait?
A-164. J'ai retourné à Valcartier dans l'avant-midi.

Q-165. Avec lieutenant Hogan?
A-165. Non, tout seul.

Q-166. Vous êtes allé le chercher a l'Hôtel St-Louis?
A-166. A deux heures, dans l'apres-midi.

Q-167. C'étaient des instructions que vous aviez reçu du Lieutenant Tascheres
A-167. Oui.

Q-168. Le 14 octobre, vous vous êtes rendu a l'Hôtel St-Louis?
A-168. Le 13 au matin.

Q-169. C'est le 13 que vous vous etes rendu a l'hotel St-Louis ?
A-169. Oui, monsieur. le 13 a neuf heures.

Q-170. C'est la que vous auriez vu le leintenant Hogan dans le lobby ?
A-170. Oui, monsieur.

Q-171. C'est la que vous lui auriez parlé et que vous auriez constaté qu'il avait l'air fatigué ?
A-171. Il m'a dit qu'il nefflait pas bien.

Q-172. Il avait l'air fatigué ?
A-172. Il avait l'air fatigué.

Q-173. L'apres-midi, vous avez reçu des ordres subséquemment d'aller chercher lieutenant Hogan a l'hotel St-Louis ?
A-173. Oui, monsieur.

Q-174. Vous vous êts rendu a l'Hotel St-Louis?
A-174. Vous monsieur.

Q-175. Vous etes entré dans le lobby ?
A-175. Je suis entré et j'ai demandé au garçon qui était a la porte si le lieutenant Hogan était là. Il m'a dit qu'il n'était pas la et qu'il pensait qu'il était à La Citadelle.

Q-176. Qu'avez-vous fait alors?
A-176. J'ai été au Mess des Officiers pour aller le chercher. Je l'ai vu, il m'a dit "Attends-moi cinq minutes, cela ne sera pas long".

Q-177. A ce moment-là, il avait l'air correct ?
A-177. A ma connaissance, il était correct.

Q-178. Quelle était-il à ce moment-la ?
A-178. Deux heures de l'apres-midi.

C-31.

Re-examined by the Prosecutor:

Q-179. Si je comprends bien votre témoignage, vous avez rencontré l'accusé pour la premiere fois, le 12 ?
A-179. Oui, monsieur.

Q-180. Et vous êtes allé ou ?
A-180. A Valcartier, aux magazines.

Q-181. Maintenant, a quelle date êtes-vous allé au Fort de la Martiniere ?
A-181. Le 13 dans l'apres-midi.

Q-182. A quelle heure le 13 avez-vous rencontré l'accusé ?
A-182 A deux heures de l'apres-midi. J'ai été a Valcartier a neuf heures le matin. Dans l'apres midi j'ai été a Lévis.

Q-183. Quand vous avez parlé d'un prêt fait à l'accusé, à quelle occasion avez-vous fait ce prêt-là ?
A-183. Le Lieutenant Hogan après être sorti de l'HOtel St-Louis m'a dit "J'ai oublié mon argent. Si je trouvais quelqu'un qui pouvait m'en prêter, cela farait bien mon affaire".

X-examen en re-examen.

Q-184. Quel jour était-ce ?
A-184. Le 13 dans l'après-midi. Avant d'aller à Lévis.

Q-185. A quelle date avez-vous été envoyé par le lieutenant Taschereau pour avertir le lieutenant Hogan de se rapporter à l'Ordonnance ?
A-185. Le 14, le lendemain matin.

Questioned by the Court:

Q-186. Vous avez dit tout-a-l'heure que lorsque Lieutenant Hogan est sorti de l'Hotel il vous a dit: "Si je pouvais trouver quelqu'un qui me prêterait de l argent, cela ferait mon affaire."?
A-186. Oui, monsieur.

Q-187. Est-ce que vous lui avez offert de l'argent a ce moment-là ?
A-187. Je lui ai dit que s'il en avait besoin je pourrais lui rendre service

Q-188. Par conséquent, c'est vous qui lui en avez offert ?
A-188. Oui, monsieur.

The JudgeAdvocate gives, in english, a résumé of this witness' testimony for the information of the accused.

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

The witness withdraws.

THE PROSECUTOR HAS NO FURTHER WITNESSES.

D

The prosecution is closed.

Defence

Question to the accused. Q-189 Do you apply to give evidence yourself as a witness?

Answer. A-189. Yes, Sir.

Question. Q-190 Do you intend to call any other witness in your defence?

Answer. A-190. Yes, Sir.

Question. Q-191 Is he a witness as to character only? *Answer.* A-191. No, Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

D-3.

First Witness for the Defence:

The accused, Lieutenant Ralph Bernard HOGAN, No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps, C.A., being duly sworn is examined by the Defending Officer:

Q-192. Lieutenant Hogan, previous to your coming to Quebec, where were you?
A-192. At No. 6 Ordnance Depot Company, Halifax.

Q-193. You were in No. 6 Ordnance Depot until what date?
A-193. Until October 10th, 1942.

Q-194. Will you tell the Court what took place, as far as you are concerned, on that date ?
A-194. Well, on October 9th, 1942, I was notified by phone , at Bedford Magazine, where I was stationed, at 1600 hours, that I was to proceed to Quebec on October 10th, a Saturday. I live in Darmouth which is across the harbour from Halifax and Bedford Magazines, five miles from Darmouth also four miles from Halifax. I went to Darmouth, to my home, got my pistol and bullets and to turn them to the quartermaster stores as they could not be taken out of the district. At about 1700 or 1730 hours in the afternoon, turned in my pistol and bullets from my receipt from the quartermaster stores and than went to the paymaster where I got my pay. I went then to the regimental office, I got my warrant, my transportation warrant, my route letter. After which I went down town to the City ticket off office, which was closed at that time, so I could not take my ticket. I then took my ferry back to Darmouth and home. I told Mrs. Hogan....

Q-195. I understand you are married?
A-195. Yes, Sir.

Q-196. You have any children ?
A-196. I have two, and there will be another one in May.

Q-197. Please continue.
A-197. I told Mrs. Hogan that I did not get my ticket and that I would have to go back in the morning to do so. I packed my books and got the children off to bed, and had my dinner. On account of Mrs. Hogan's condition, I told her to go to bed at eleven o'clock. I continued to pack for both of us, because I was taken her and the children for a visit to my mother in Moncton, N.B.

Q-198. At what time did you finish packing ?
A-198. After I finished packing my own, hers and the children stuff and clothes, it was about four o'clock in the morning. So late, I did not bother to go to bed. I put on the fire, there was no gas. I got the place ready, warmed up so that when the children got up il was warm. That would bring us to Saturday morning the 10th, the day I was to leave. After breakfast, around nine o'clock, I went over to Halifax, to turn in my transportation warrant, got my ticket, did some shopping, and got back around 11.30 or so. We had lunch, and Mrs Hogan bathed the baby while I bathed the boy; then we dressed them. Called a taxi around two o'clock and we got the ferry around 2.30 or 3.00 o'clock. We went to the station and we got on the train, which leaves at approximately 1500 or 1515 hours. We arrived at Moncton at around 2200 hours. The train stops there fifteen minutes. I got them off, and my mother met us. We put the children in the car and said goodbye to my wife. The train was the Maritime Express; I say that because it is not as smooth running as other trains. Around 23.59 hours, I prepared for bed and got in bed, read Readers' Digest, and then found that I was sleepy, turned out the light and tried to sleep. I travelled a good deal

D-5.

a good deal, but I must say that that track was espially rough, jerky and everything else. We seemed to bung at every station, and all the passengers seemed to complain about the same thing; there was very little sleep . At sixk o'clock I was shaving, and then I had my breakfast, then to smoke until we got in Quebec, Sunday the eleventh.

Q-199. At what time did you arrive in Levis ?
A-199. We arrived late. At 1430 hours. I got off the train with my grip and everything and met Lieutenant Taschereau from the Ordnance at the station. I had never seen him before and he had never seen me. He walked to me and asked: "Are you Mr. Hogan? Of the Ordnance?" I said "Yes." Are you Mr. Taschereau?" He said "Yes". I had a nive portable typewriter under my seat and when I got off the train I forgot it there. I did not think of it until we got to the St. Louis Hotel, in town. Mr. Taschereau said he had his own car and would take me to where I was going to stay. We waited for the ferry a few minutes and came over the Quebec side. On our way we chattered on ammunition and v arious things. When we got over the Quebec side , we went to the Clarendon Hotel, took out the packs and baggage, and after we got in they told us it was filled up, that there were no rooms. I did not know where to go. I did not know any hotel in Quebec City as I had never been in Quebec City in all my life. Lieutenant Taschereau said : "There is another hotel just around the street, here. The hotel St. Louis". I said "We will go there". We went to that hotel and this time we did not take the baggage in before we made sure there was any vacancy. We went in and asked the clerk, he said "Yes, we have a room". I got the room No. 515. Mr. Taschereau and I wnet up with the bellboy to the room, when we got in I noticed I had forgotten my typewriter on the train, and I was quite worry about it. I immediately phoned the C.N.R., to see if the porter had found my typewriter under the seat. I gave then the car number and my seat number where I was at. The train then could have been not very far. Not being able to speak french, I had difficulty to make them understand about my typewriter. I asked Mr. Taschereau to explain the situation, but it all took fifteen minutes to do it. finally, they said they would try to trace it. Mr. Taschereau said "Would you like to see the City. I said "Yes". So we drove along the Plaines of Abraham, we looked at those. We went along various streets in the City, and finally we went back to the Mess .

Q-200. Wjat time was it?
A-200. It was around 5.00 o'clock,or 1700 hours. We went in in the Mess and sat down. There was nobody in there. Mr. Taschereau said: "Would you like to drink a scotch?" I said "Yes". We drank a scotch and water. We drank it slowly. I said "Would you like another one " He said "Yes". So I returned the drink, Scotch and water again. After which he said, "I am sorry, I cannot spend the evening with you. I will drive you off to your hotel, and would advise you that the New World is a very good place to eat. I went to the Hotel upstairs in my room, washed up, and then went out to follow his directions as best as I could to find this New World Restaurant, and I had dinner there and finished around 8.00 oclock.

D-7.

I forgot to mention that Lieutenant Taschereau told me he would meet me at 9.00 o'clock, next morning, that would be Monday the 12th. I went to the New World Restaurant, got back around 8 or 9 o'clock. I had difficulty in asking for the local paper to the waitress; they brought me a napkin..I finally got the paper and read it, then had my dinner. The I got back to the hotel. I wrote three letters. One to my mother, one to my wife and another to my brother. I finish those three letters around midnight. Then I took a shower and got into bed. Now it seems to me that this hotel is not the quietest place in the world; If I had known about it , I would have insisted upon another. When I got into bed I started to read. I read a while, which is my habit every night. I notice the noise was starting in room 513, the next room in my case. I turned out the lights and tried to get sleep. I had my window open. The noise started on one side and then on the other side and it kept on, kept on, kept on. I was pretty mad; I phoned down stairs in order to have the noise stopped, saying that I wanted some sleep; it did quiet down for a few minutes, but it started up again. I went to the room which was making the most noise, they said: "Come in, come in" I was pretty mad. I did not want to go in. They were three sailors, and three civilians; they were making an excessive amount of noise. I asked them if they would please stop the noise. They did not know me then, that I was an Army man, I was in my bath robe. They said "O.K." because I wanted to get some sleep. Remember this was about three o'clock in the morning. I got back to my room and had a very restless sleep; I dosed off, but the noise did not really stopped. Finally at 5 o'clock I got up and closed the window thinking the noise would calm down. I had to get up at 7 o'clock, which I did, and I was very tired and took another shower, a cold shower to see if it would spruce me up. I went downstairs, and had my breakfast in the hotel. In the lobby, I read the morning papers for a while, I was ahead of time; I met Mr. Taschereau at about 8.45 a.m.

I went down to the Depot, and Mr. Taschereau looked in the Officer Commanding's office, Major Lacroix, to see if he was in. He was not, and just then we went to Lieutenant Taschereau's office to wait. We went back to the O.C.' s office, Major Lacroix was there and I gave him my documents. I reported to him at 0900 Monday morning, October the 12th, and he told me that he did not know just where I would start, not being familiar with the places and things around and with what had been going on, and he told me to go along with Lieutenant Taschereau until I became familiar with it all. Mr. Taschereau was to go very shortly to Camp Borden, to qualify, as he is a man who was promoted from the ranks in the Ordnance so that when given a commission, I presume,it was as a O.I.O. Provisional Lieutenant and was supposed to go away and take a course at Brockville, to qualify. He was going away on this course and I was to work along with him until then. So that day, he said to me: "The best thing for you to do is to get familiar with the District and the various magazines you have to deal with." He sent me out on a truck with Pte. Chartré, in an Army Service Corps Truck, the driver of which I do not know. That was on Monday October the 12th.

D-9.

We went to Valcartier. We got there around 11.50 hours I know that when we got there it was lunch time, and I was driven to the Mess, where I met one chap which I knew and waited with him until the Brigadier came in for lunch. We had lunch, after which I waited for the truck to come up; and then we visited various establishments, magazines, proof ranges; I notice where the shells were hitting around the grounds. I was taken where I could have a general survey of the place. We drove back. We came across a bridge. I presume it is the Quebec Bridge. We drove back and they dropped me off at the St. Louis hotel, it was rather late when I got back. All this is what happened Monday the 12th,; it takes care of that working day.

Q-201. What did you do that night?

A-201. I got back so late, that I hated to go to the Officers' Garrison Mess , so I thought I would stay one more night in that hotel. I thought that being week days, there would not be so much noise that night. I went down and ate at the Old Homestead , went in there and had my dinner. It is not very far from the hotel and I walked in and had my dinner again very slowly. I was trying to pass the time. Finally, I got out around 8.30 or 9 o'clock. I walked along the streets and came to a movie which is just opposite the City Hall. I went in there, in the movie, and got out around 11.15 o'clock and walked back to the hotel. That night I went to bed and felt very tired; I did not feel well. Since Monday night the 12th, I did not feel well; I could feel a cold coming on in my throat. My throat was sore; however, I thought I would be better by the morrow and went to bed.

The truck was supposed to call for me at 0900 hours, or a little before, the next morning, to meet me at that hotel. The idea is, or at least I understood,that they would be loaded and they would be passing by this hotel from the Ordnance, and they would simply pick me up. So the next morning I got up at 7 o'clock. I met the truck at 0900 hours, or a little before, and went to valcartier. We unloaded, and again I took the opportunity to look around the magazines, simply to get familiar, noting the marking on the boxes and various things like that. This on Tuesday, the 13th.

In the afternoon we came back and went to Fort La Martiniere and to No. 1 Fort and looked around again, just looking around the scenes to get familiar with the various locations, to get my geography straight. We got back to the City roughly around 6.00 or 6.30 o'clock. This is still Tuesday the night of October 13th.

That night, (this point I am not sure of, it is quite some time ago, and quite hard to report), it is that night I moved to the Garrison Officers' Mess. I went up there and got there too late for dinner. I went down to a Restaurant called The Normandie I went in there and got my dinner. Afterwards, I looked around, walking up and down along the streets,and not feeling very well I went home, I would say around 10.00 o'clock. I sat in the Mess for a while, and talked to the officers. Then went to my room, No. 33, and off to bed. Again I read. As you can notice, I am quite a reader. I tried to look in my throat, to see what it looked like. It just looked red, and I gargled. I went downstairs to see if they had any medicine, they said "No". I went back to bed roughly around 12.00 o'clock.

D-11.

I got up Wednesday morning, and Tuesday night when I left the truck they had told they would pick me up at the same hour, at the St. Louis Hotel. The next morning I got up early, around 7.00 o'clock, and I was downstairs for my breakfast. I had some time to spare, so I sat down and read the papers for a while, then walked down to the hotel St-Louis, where I waited for the truck. Pte. Chartré told me that Lieutenant Taschereau wanted to see me at 1400 hours in the afternoon, which I said I would do.

That morning, we went to the Freight Shed, and I sat in the truck while the driver and Pte. Chartré went inside. I waited, waited and waited. Finally I went in. Pte. Chartré, the driver and the manager of the Freight Shed were looking for smoke ammunition. They had been looking a good half hour. I walked in and looked along and climbed on boxes. Finally I saw the characteristic color of smoke ammunition boxes. That was it. It was loaded, and delivered to, I do not know the place. This, on the morning of the 14th.

At noon, I came home and started to eat my lunch. I left part of it; I did not feel very well. I went upstairs and decided to lay down because I did not feel very well. But I thought I would stick the day out. I read for a while, then I decided to get something at the bar to spruce me up. I got a pint of beer, and drank half of it, and continued to read. Around 1445 hours, Pte. Chartré called for me. I went downstairs and told him I would be down in about five minutes. I went back upstairs. I did not feel well, I felt very tired, miserable; I certainly did not feel like going to work. I threw myself on the bed and I thought to myself: Oh, if I could only sleep!! I seemed to close my eyes for a minute, and the next thing I knew, I woke up, and I had been absent without leave.....I did not know what to do. I was very worried, I thought : What can I do?. The only thing I could do is just to stick the evening out, and go to work as usual in the morning, and when my O.C., calls me I will try to explain, if possible.

So, I walked along the streets that night, worrying. I did not know what to do. Finally I went home to bed, to sleep.

The next morning, (this is the morning of the 15th,) I went down to the St. Louis Hotel as usual, at 0900 hours. I waited, waited and waited for that truck until 09.30 hours. When it did not show up, well, I thought I would phone up to see if it was coming. I spoke to Lieut. Taschereau, and all he said was "You come right in to the Depot" I walked from the hotel to the Depot and arrived there at 1000 hours. Mr. Tascherau told me that charges had been laid and that I was to see the O.C. That brings us to 1000 hours, Thursday, October 15th.

Q-202. You did borrow money from Pte. Chartré?

A-202. I did borrow money from Pte. Chartré. The circumstances of that is I said to Pte. Chartré, (I forget the exact wording) something to the effect that I wish I had some money. I did not have any on me. I did borrow the money from Pte. Chartré; I did not think there was an offence. If I had written a cheque for Pte. Chartré, he could

D-13.

go in the hotel with my cheque, because I am not known. But Chartré could not cash it in any case. As I come from the ranks, when I was a Staff-Sergeant in Halifax, Clogswall Street, Military Hospital, as a laboratory technician, on thre or four occasions I had loan money to commissioned officers. I was Staff-Sergeant at the time. Subsequently, I knew, or should have known more of military law at Brockville; I had the idea that it was wrong for an other rank to lend money to an officer, but I did not know it was wrong for the officer to borrow money from an other rank until I was shown in the small print under section 40 of the Army Act by Sergeant-Major E. Kirkwood, at the Ordnance, after charges had already been laid.

Gentlemen, I know it is pretty poor policy, and all that, but the thing is I had it backwards. I made a mistake, and it is most surprising when you think that I had been asked and had loan money to officers before I was an officer myself. That did give me that impression.

Cross-examined by the Prosecutor:

Q-203. If I understand your evidence well, when you left Halifax and were advised to go to Quebec, it was October the 9th ?
A-203. Yes, Sir.

Q-204. And your travel from Bedford to Darmouth, is it by train or taxi?
A-204. By taxi. I travelled from Bedford to Halifax in taxi.

Q-205. You had a berth on the train?
A-205. Yes, Sir.

Q-206. You had any drinks on the train ?
A-206. No, Sir. Not one drink.

Q-207. Did you take any drinks on the night of October 12th ? When you were in the New World Restaurant ?
A-207. No. Not in the Restaurant. I did not eat there on the 12th.

Q-208. You arrived on the 12th ?
A-208. No. On the 11th, Sir.

Q-209. At the Mess, you had drinks ?
A-209. Two drinks.

Q-210. And that night, at the New World Restaurant ?
A-210. No, Sir.

Q-211. Did you have any drinks on Sunday night, in Quebec?
A-211. No, Sir. I wrote three letters.

Q-212. On Monday ? Did you take any drinks on that day ?
A-212. Not during the day. Maybe a glass or two in the evening, after the duty was over.

Q-213. Where did you have these drinks ?
A-213. I cannot name the place, Sir.

D-15.

Q-214. You ate at the Old Homestead ?
A-214. That is Monday night. I ate there and then went to the movies. I did not drink.

Q-215. That you swear ?
A-215. Yes. I am under oath.

Q-216. On Tuesday night? When did you have this glass of beer?
A-216. That was Tuesday night, and that was in the Mess, in the Garrison Officers' Mess.

Q-217. That was Tuesday night, the 13th ?
A-217. Yes, that is right.

Q-218. At the time it was understood you were to report in the morning ?
A-218. Yes,Sir.

Q-219. At what time?
A-219. The truck would pick me up at the Hotel St. Louis, at 0900 hours.

Q-220. At 0900 hours, on the 14th, you met Chartré, and he told you that at 1400 hours you would report to the Immigration Building, at the Ordnance ? To Mr. Taschereau ?
A-220. That is correct.

Q-221. In the morning, what did you do between 0900 hours and 1400 hours ?
A-221. We went down to the Ordnance Building, and the driver was given instructions where to proceed. In this case was a freight shed near the bridge by the Immigration Building.

Q-222. You proceeded there with Pte. Chartré?
A-222. Yes, he was with me. Oh no! I do not remember. I had a man with me.

Q-223. What did you do at 0900 hours when Pte. Chartré met you in the lobby of St. Louis Hotel and told you that you would have to report only in the afternoon. What did you do after that?
A-223. That is what I just explained. We went to this freight shed.

Q-224. Pte. Chartré told you you had to report at 1400 hours in the afternoon ?
A-224. That is true.

Q-225. Then Pte. Chartré left you there? After having made his message, he left you there? Is that true ?
A-225. Well. Remember, this is 8 weeks ago. I want to give you as much cooperation as possible. I am not trying to evade the question. In any case whether Pte. Chartré left me there, I did go down to the Ordnance and did go to the freight shed.

Q-226. All this evidence you gave to the Court stating you got no sleep, and so very tired, and in the morning of Wednesday Pte. Chartré told you that you had to report only at 1400 hours on the same day, do you mean to tell the Court that yOu went there being so tired ?
A-226. Pte. Chartré had no right to tell me that I was excused from duty.

D-17.

Q-227. If Pte. Chartré is sent on instructions by the O.C., and gives a message to you, do you pretend that he has no right to do so ?

A-227. There was no reason for me to believe that I did not have to go to work because Lieutenant Taschereau wanted to see me at 1400 hours. And I would do so again, I think. I saw the truck and asked them where they were going that morning. They told me to the freight shed, and I proceeded with them.

Q-228. Would it not have been more natural and normal, knowing that the Officer asked you, to report to him at the Ordnance, to go there and report to him, since when you reported to the O.C. he told you to work with Lieutenant Taschereau ?

A-228. Looking at it now, and all considered, I suppose that it would have been the natural thing to do. But I thought 1400 hours was the time I was supposed to go. That is my only impression.

Q-229. Where did you have your lunch on that day ?

A-229. At the Garrison Officers' Mess.

Q-230. You said that after your lunch you did not feel well ?

A-230. No, I did not feel well.

Q-231. You did not feel like working too ?

A-231. I did not feel like anything, Sir. When you have a cold coming up.....

Q-232. During the evening preceding that day, did you have any drinks?

A-232. I had a couple in the Mess that night.

Q-233. That noon ?

A-233. That noon, I had a glass of beer, and drank about half of it.

Q-234. At what time did you wake up that afternoon ?

A-234. I slept. I do not remember. 5 or 5.30. It had started to get dark, I had slept so long.

Q-235. You did not report to anybody ?

A-235. No, Sir. I suppose that was wrong, I know it now. When things comme like that, you cannot think, you are naturally worried. You would like to go to somebody for help, that is the way I felt. You feel you would like to have somebody for advice and I think possibly that feeling is quite natural, and as I said before, I went out and walked along the streets that night.

Q-236. Did you take any drinks ?

A-236. No, Sir.

Q-237. You swear that since you arrived in Quebec up to the 14th, you only had tow glasses of beer ?

A-237. No, I told you that I had two drinks of scotch, with Lt. Taschereau.

Q-238. No other drinks?

A-238. Il will say a few because I will not commit myself.

D-19.

Q-239. When you say a few, it might mean many ?
A-239. It might mean 3, 4, or 5.

Q-240. The only one occasion you took beer was on the evening of the 13th. You might have drank three or four bottles of beer, and at noon also a bottle of beer ?
A-240. Well, they are bottles which fill the glass they have at the Mess.

The Defending Officer declines to re-examine.

Questioned by the Court:

Q-241. What date were you commissioned?
A-241. I was commissioned in the Ordnance Corps on 28th February, 1942.

Q-242. What is you r first status?
A-242. At the time, an Inspector Ordnance Officer, fourth class.

Q-243. Did you go to Barriefield ?
A-243. Yes, Sir. I took my subsequent qualification course in Barriefield, April 11th, 1942, as 2/lieut. Then I went to Halifax and did Ordnance Inspecting work for one month, after which I took four months course at Halifax and Bedford under Major Pearce, as Instructor

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

The witness resumes seat as accused.

Second Witness for the Defence: E-20431, Pte. B. CHARTRE, No. 5 Ordnance Depot Company, The Royal Canadian Ordnance Corps, C.A., is re-called, and under his former oath is examined by the Defending Officer:

Q-244. Le matin du 14 octobre, qui était un mercredi matin, ou êtes-vous allé ?
A-244. J'ai été à l'Hôtel St-Louis, pour dire au Lieutenant Hogan de se rapporter à l'Ordonnance à 2.00 heures.

Q-245. Est-ce que vous avez vu Lieutenant Hogan la ?
A-245. Oui, monsieur.

Q-246. Qu'avez-vous fait ensuite?
A-246. Je lui ai dit de se rapporter à l'Ordonnance à 2.00 heures.

Q-247. Qu'avez-vous fait le matin du 14 ?
A-247. J'ai été à Valcartier.

Q-248. Vous êtes sûr que vous êtes allé à Valcartier ?
A-248. Oui, monsieur.

Q-249. Avec qui êtes-vous allé la ?
A-249. Je suis allé la tout seul.

D-21.

Q-250. Quel jour était-ce le 14?
A-250. Je ne m'en souviens pas.

Q-251. Vous vous souvenez que vous êtes allé a Valcartier. Qu'est-ce qui vous fait dire cela?
A-251. Je fais seulement que cela aller a Valcartier et a Québec. Je charroie les munitions de Québec a Valcartier, ou de Québec a Lévis.

Q-252. D'où partez-vous de Québec ?
A-252. Du C.P.R., du C.N.R., de l'Ordonnance.

Q-253. Est-il possible que vous soyez descendu a l'Ordonnance avant de partir pour Valcartier?
A-253. Oui, monsieur.

Cross-examined by the Prosecutor:

Q-254. Je comprends que le 14 vous êtes allé a l'hôtel pour faire le message du Lieutenant Taschereau au Lieutenant Hogan ?
A-254. Oui, monsieur.

Q-255. Vous avez fait votre message a l'accusé?
A-255. Oui, monsieur.

Q-256. Qu'est-ce que vous avez fait apres cela? Etes-vous retourné à l'Ordonnance ce matin-là ? Apres lui avoir dit de se rapporter a 2.00 heures?
A-256. Oui, monsieur.

Q-257. Qu'est-ce que l'accusé a fait apres cela?
A-257. Je ne sais pas.

Q-258. Vous êts parti seul de l'hotel St-Louis ?
A-258. Je suis parti seul.

Q-259. Quand avez-vous revu l'accusé ce matin là ?
A-259. J'ai vu l'accusé à 2.00 heures de l'apres-midi, le 14.

Re-examined by the Defending Officer:

Q-260. Vous rappelez-vous si,le matin du 14 vous etes descendu a l'Ordonnance chercher des boites de munitions "smoke", et avez demandé a l'accusé, le Lieutenant Hogan, pour vous aider a les trouver?
A-260. Non, monsieur.

In the opinion of the Court and the Judge Advocate, it is not necessary to comply with Rule of Procedure 23(B).

The witness withdraws.

The Defending Officer makes a Closing Address.
(See document marked "L" attached.)

The Prosecutor makes a Closing Address.
(See document marked "M" attached.)

The Judge Advocate makes a Summing Up.
(See document marked "N" attached.)

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused , Lieutenant Ralph Bernard HOGAN, No.5 Ordnance Depot Company, Royal Canadian Ordnance Corps, C.A., is GUILTY of the first and third charges, and is NOT GUILTY of the second charge.

The Finding of NOT GUILTY is read in open Court.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Evidence of character, &c.

Major L.A.LACROIX,O.C.,No.5 Ordnance Depot,RCOC,CA, is already duly sworn.

Question by the President. Q-261. Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness*-261. Yes, I produce M.F.B.355

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

Question by the President. Q-262. Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-262. Yes, Sir.

Question. Q-263. Have you compared the contents of the above statement with the regimental books? *Answer*- 263. Yes, Sir.

Question. Q-264. Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*-264. Yes, Sir.

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

~~Cross-examined by the accused~~
The Defending Officer declines to cross-examine.

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

The witness withdraws.

Question to the accused. Q-265. Do you wish to address the Court? *Answer*- 265. Yes, through my Defending Officer (See document marked "O" attached.)

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused, Lieutenant Ralph Bernard HOGAN, No.5 Ordnance Depot Company, Royal Canadian Ordnance Corps, C.A., to be severely reprimanded and to take rank and precedence in his corps and in the Army as if his appointment as Lieutenant bore date the 28th day of October, 1942.

Sentence.

Severely Reprimanded.

Forfeiture of seniority of rank;
6 months.

Signed at the Drill Hall, QUEBEC, P.Q., this tenth day of December, 1942.

Colonel,
O.C. 35 (Reserve) Brigade Group, C.A.
PRESIDENT.

- Captain,
Royal Canadian Corps of Signals, C.A.
JUDGE ADVOCATE.

PROMULGATION

Promulgated and extracts taken at Quebec, P.Q. this 14th Day of January 1943.

(L.A. Lacroix) Major,
O.C. No.5 Ord. Depot Coy. RCOC (CA)

Extracts entered as No. 7652 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 27 day of January 1943
EWB.

GENERAL COURT-MARTIAL.

G.C.M.

ORDERS BY Major-General H.F.G. Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Lieutenant Ralph Bernard HOGAN,
No. 5 Ordnance Depot Company,
Royal Canadian Ordnance Corps (CA).

A detail of officers, as mentioned below, will assemble at the Drill Hall, Quebec, P.Q., on Thursday, the 10th of December, 1942, at 1000 hours, for the purpose of trying by General Court-Martial, the accused person named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Colonel G.E.A. Dupuis, M.C.,
O.C. 35 (Reserve) Brigade Group, C.A.

MEMBERS.

Lieut-Colonel M.M.L. Garon,
Royal 22e Regiment, C.A.

Lieut-Colonel G.N. Dickenson,
The Corps of Royal Canadian Engineers, C.A.

Major J.G. Coote,
The Royal Canadian Artillery, C.A.

Capt.(Acting Major) C.A. Rogers,
Canadian Forestry Corps, C.A.

Capt.(Acting Major) A. de L. Macdonald,
Les Fusiliers Mont-Royal, C.A., attached
No. A-13 Infantry Training Centre, C.A.

Capt. (Acting Major) A.H. Bolton,
No. 5 Coy. The Royal Canadian Army Service Corps,C.A.

WAITING MEMBERS.

Capt. (O.O.4th Cl.)(Acting Major) G.G.G. Walker,
No. 4 Ordnance Coy., The Royal Canadian Ordnance Corps, C.A.

Capt. P.L. Johnston, D.C.M., E.D.,
No. 5 District Depot, C.A.

JUDGE ADVOCATE.

Capt. J. Alfred Crowe,
Royal Canadian Corps of Signals, C.A.

PROSECUTOR.

Capt. Pierre Gelly,
Corps Reserve (6th Q. & L.) Coast Brigade, C.A.

(2)

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

The District Officer Commanding, Military District No. 5, will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The Proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED at OTTAWA, ONTARIO, this 30th day of November, 1942.

H F G Letson
(H.F.G. Letson)
Major-General,
Adjutant-General.

"G"

MOTION BY THE DEFENDING OFFICER:

I have a motion to make regarding the charges against the accused. I wish to draw the attention of the Court to Article 62 (e) of the Rules of Procedure, where it is said:

" Where a Charge-Sheet contains more than one charge, the
" accused may, before pleading, claim to be tried separately
" in respect of any charge or charges in that Charge-Sheet,
" on the ground that he will be embarrassed in his defence
" if he is not so tried separately.".

I respectfully submit that the accused would be prejudiced in his defence if a separate trial is not permitted in the case of each charge against him.

REPLY BY THE PROSECUTOR:

By Rule of Procedure 62(e), it is understood that a separate trial is to be for each charge if the accused is embarrassed in his defence. I understand the Prosecutor cannot object absolutely as this Rule of Procedure gives right to the Defence for separate trial if it is claimed the accused will be prejudiced in his defence.

In this case, two charges could be tried together because they concern the same facts of evidence. We could have one trial for the two first charges, and I do not make any objection for a separate trial on the last charge.

BY THE DEFENDING OFFICER:

The Court will notice that the charges are distinct:

1st charge: Absence without leave.
2nd charge: Drunkenness.
3rd charge: An act to the prejudice of good order and military discipline.

Obviously, they are distinct charges, though they may have some connection, and I think Rule of Procedure 62(e) should apply; if the Defence has the right to use this article, then the Court should allow a trial for each charge.

BY THE JUDGE ADVOCATE:

With regard to this motion, I advise the Court that unless they think it unreasonable, they should acceed to the demand of the Defending Officer.

THE COURT IS CLOSED to consider their decision.

The Court disallows the motion of the Defending officer, and the Court reopens, and the decision is announced.

The Court proceeds with the trial.

"H"

Jerrit Colonel President G.C.M.

MOTION BY THE DEFENDING OFFICER:

I do not wish to argue on the decision of the Court. But I would like to make a further motion.

I agree with the decision of the Court as to the first and second charges, based on the procedure of M.M.L.; as far as the two first charges are concerned, they might be connected together.

But as far as the third charge is concerned, I wish to have a separate trial.

BY THE COURT:

In closed Court, the three charges were considered. And the Court just gave their decision thereon.

B

" I "

Guilty
Found
Punish
G.C.M.

MOTION BY THE DEFENDING OFFICER:

The present motion is that I object on the second charge, which charge is as follows:

"When on Active Service, Drunkenness, in that he ,
" at Quebec, P.Q., on the 14th day of October, 1942,
" after having been previously warned to report to
" Lieut. H. Taschereau at the Ordnance Immigration
" Building"

I claim that the charge is irregular, due to the fact that it describes two different offences. It is a charge which is "duplicity", he is charged with being drunk after having been charged previouslyof being warned to report to Lieut. Taschereau.

This second charge is not distinctly described in that it implies that the accused would have disobeyed an order, or refused to obey an order, thus making two offences in the same charge.

This second charge is irregular and should be stricken off.

REPLY BY THE PROSECUTOR:

I think this objection of the Defence is groundless. The charge is of being drunk, and the fact that he was previously warned to report is not another offence and does not include the fact he disobeyed an order; that is only a circumstance which might aggravate the offence; but there is absolutely nothing in the wording of the charge that can give belief that he disobeyed an ordre. The charge is well framed, and it is an ordinary charge of drunkenness, the fact that the accused had been warned for duty previously is only aggravating the offence. I submit therefore, that the objection made by the Defence is absolutely groundless and irregular.

BY THE JUDGE ADVOCATE:

The Court has to decide whether or not the second charge discloses two different offences. In this regard, the Court should refer to Specimen Charges which are at pages 725-726 of the Army Act, and the Court may use this as a guide to form their opinion.

THE COURT IS CLOSED to consider their decision.

The Court disallows the motion of the Defending Officer, and the Court reopens, and the decision is announced.

The Court proceeds with the trial.

" J "

Journal Young
Proceeding
G.C.M.

OPENING ADDRESS BY THE PROSECUTOR:

In this case three charges have been brought against the accused.

The first charge is that of Absence Without Leave from 1400 hours on October 14th, 1942, until 1000 hours on October 15th, 1942, under Section 15(1) of the Army Act.

The second charge is Drunkenness in that he, on 14th October 1942, after having been previously warned to report to Lieut. Taschereau, at the Ordnance Immigration Building, was drunk. This charge is under Section 19 of the Army Act.

The third charge is an Act to the Prejudice of Good Order and military discipline, in that he, on October 13th, 1942, he borrowed money from a subordinate. This charge is under Section 40 of the Army Act.

It is the intention of the Prosecutor to prove that at 0900 hours, the morning of the 14th October, the accused was warned for duty, and that he was to report at 1400 hours in the afternoon, to Lieut. Taschereau, which he did not do. I will also prove that on the 13th day of October, the accused borrowed money from a subordinate. In this regard, Pte. B. Chartré will give testimony.

With the permission of the Court, I will now call the witnesses.

"K"

Exhibit "K" Page 70

Entered Record G.C.M.

PART 11 ORDERS

No. 5 Ordnance Depot Company R.C.O.C. (C.A.)

No.....55
Station.....Quebec, P.Q.
Date.....26-10-1942

Sub. No.	SUBJECT	RANK & NAME	CASUALTY & REMARKS	DATE
		Last Part 11 Order issued No. 34 d/26-10-1942		
			"A"	
1.	HOSPITAL	Capt Trainor, J.J.	Discharged from Jeffrey Hale Hospital on.....20-10-1942	
2.	ATTACHMENT	2/Lieut Aubin, J.L.	Is hereby attached to No. 5 Ordnance Depot Coy. RCOC (CA) for all purposes except rations & quarters with effect from.....25-10-1942 being attached for rations & quarters to Citadel, Quebec, P.Q. Auth: O.T.C. Pt. 11 Order No. 251 d/24-10-1942	
3.	ABSENT WITHOUT LEAVE	Lieut. Hogan, R.B.	The M/N Officer was ~~XXXXXXXX~~ absent without leave from 1400 hrs on 14-10-42 to 1000 hrs on 15-10-1942.	
			"B"	
4.	STRENGTH INCREASE	E.20495 L/Sgt Guay, B.	Having been struck off the strength of No. 16 Ordnance Store Coy. RCOC (CA) is hereby taken on the strength of No. 5 Ordnance Depot Coy. RCOC (CA) with effect from.....1-10-1942	
5.	AMENDMENT.	Sub. Para No. 3 of Part 11 Order No. 25 d/22-9-1942 insofaras it concerns E.20440 Sgt Lamontagne, L.P. is hereby amended to read "For all purposes except pay.		
6.	SUBSISTENCE ALLOWANCE	E.20440 Sgt Lamontagne, L.P.	Ceases to draw subsistence allowance for the period 24-9-1942 to 4-10-1942.	
7.	STRENGTH DECREASE	Z.20499 Pte St.Laurent, G	Ceases to be attached to Sub.Staff Headquarters M.D. 5 for all purposes except duty effective.....30-9-1942 on reposting to No. 5 Ord. Depot Coy R.C.O.C. (C.A.)	
8.	STRENGTH INCREASE	E.20499 Pte St. Laurent, G	On ceasing to be attached to Sub.Staff Headquarters M.D. 5, is hereby taken on the strength of No. 5 Ord. Depot Coy. RCOC (CA) effective.....1-10-1942.	
9.	PROMOTION	E.20422 T/Sgt Gingras, P.E	To be Acting Staff Sergeant with pay and allowance of rank with effect from.....1-10-1942	
10.	PROMOTION	E.20404 T/Sgt Perry, C.	To be Acting Staff Sergeant with pay and allowance of rank with effect from.....1-10-1942	
11.	PROMOTION	E.20517 L/Sgt Donnelly W.F.	To be Acting Sergeant with pay and allowance of rank with effect from 1-10-1942	

Part 11 Order No. as continued,
dated 26-10-1942

Sub. No.	SUBJECT	RANK & NAME	CASUALTY & REMARKS	DATE
12.	PROMOTION	E.20495 L/Sgt Guay, B.	To be Acting Sergeant with pay and allowance of rank with effect from	1-10-1942
13.	PROMOTION	E.20530 T/Cpl Angers C.E.	To be Acting Sergeant with pay and allowance of rank with effect from	1-10-1942
14.	PROMOTION	E.20589 Pte Baird T.H.	To be Acting Lance Corporal with pay and allowance of rank with effect from	1-10-1942
15.	PROMOTION	E.20499 Pte St. Laurent, G.	To be Acting Lance Corporal with pay and allowance of rank with effect from	1-10-1942
16.	PROMOTION	E.20564 Pte Dundon, E.C.	To be Acting Lance Corporal with pay and allowance of rank with effect from	1-10-1942
17.	PROMOTION	E.20504 Pte Belanger, R.	To be Acting Lance Corporal with pay and allowance of rank with effect from	1-10-1942
18.	PROMOTION	E.20552 L/Sgt Fortin, D.	To be Acting Sergeant with pay and allowance of rank with effect from	1-10-1942
19.	PROMOTION	E.20542 L/Cpl Simard, R.	To be Acting Corporal with pay and allowance of rank with effect from	1-10-1942

20. TRADESMENS' PAY — The undermentioned having qualified in accordance with Tradesmens' Tests for the Canadian Militia, 1940, are hereby awarded Tradesmens' Rates of Pay, therefore, as shown under the provisions of Articles 146 and 147 F.R. & I. (Can) as amended.

No. 3 Armourer Section

GROUP "B"

E.74511	Pte Dionne, J.	Armourer	1-10-1942
E.74501	Pte Edgley, G.M.	Armourer	1-10-1942
E.74503	Pte Wallis, P.A	Armourer	1-10-1942
E.20538	Pte Giroux, L.	Armourer	1-10-1942

No. 1 Store Section

GROUP "C"

E.20555	Pte Blais, R.	Storeman	1-10-1942

"C"

---------- N I L ----------

(Certified true copy.)
L.A. Lacroix
(L.A. Lacroix) Major,
O.C.No.5 Ord.Depot Coy.RCOC (CA)

L.A. Lacroix
(L.A. Lacroix) Major
O.C. No. 5 Ord. Depot Coy. RCOC (CA)

"L"

Appeal Colonel Pariseau G.C.M.

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS:

I beg the indulgence of the Court for the errors of grammar, or of pronunciation, I may make.

On the first charge, Lieutenant Hogan is charged under section 15 of the Army Act, para. (1), which reads as follows: "Every person subject to military law " who commits any of the following offences; that is to " say, absents himself without leave.". Before going into the particulars, I would like to point out and refer the Court to sec. 138 Army Act, Foot note 4:

> " Section 140 (2) lays down six hours as the
> " minimum period of absence that will count as
> " a day of absence, unless two conditions are
> " fulfilled, first, that the absentee was prevented
> " from fulfilling a military duty and, second,
> " that the duty was thrown upon some other person."

This is not an argument against the charge, but merely to call the attention of the Court.

To establish the absence without leave in this case, as far as the pay of officers is concerned, the C.O. has not the right to deducy one day's pay. This charge is not as serious as it might appear.

Section 15, para. 1, reveals after the words: "Absence Without Leave" to look up Note 2 where it is said:

> " In charges under this section the court may look
> " to the accused to give evidence of his "leave,
> " "urgent necessity" or "due Cause" as soon as the
> " prosecution have given evidence establishing his
> " absence".

Therefore, a soldier accused of absence without leave may

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS. (continued)

establish a reason, or several reasons, which would convice the Court that the absence without leave was not deliberate.

We shall now go back to the facts, and see if those presented before the Court by the Prosecutor and Defending Officer establishing that Lieutenant Hogan was absent without leave, and note due explaination of same.

In this case, it was necessary to go back as far as October 9th. On this charge, the Defence stands as follows: Lieutenant Hogan was absent without leave because he was tired and because he was sick. He was tired because he was called on the night of October 9th, 1942, at Halifax, to report to Quebec the following Sunday. This transfer from Halifax to Quebec gave Lieutenant Hogan a considerable amount of anxiety and worry. This anxiety and worry of the transfer were added to the fact that Lieutenant Hogan was not alone. He is a married man, with two children, and one child not yet born. It was necessary for Lieutenant Hogan to look after his transfer, to organize his transportation, to close his house, to leave Halifax with his luggage ans whatever necessaries his family needed, to get transportation tickets for the various members of this family under conditions which would not facilitate transportation, due to the fact he had to cross the river at Darmouth.

On the 9th he was called and he came back home and started to pack, and he packed until four o'clock in the morning. At the time, it was too late to take any rest, due

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS: (continued)

to the fact he was shortly afterwards, and most likely he was too tired to do anything else; we know there are times that we are too tired to be able to sleep. I submit this was the case with Lieutenant Hogan. He managed to organize his family, wash the babies, pack and take the three o'clock train in Halifax. He arrived there in Moncton, and looked after his family. The train stayed there fifteen minutes, and Lieutenant Hogan was on the train when it left.

As Lieutenant Hogan states himself in his testimony, he took the Maritime Express. Personally, I never took the Maritime Express, but I am familiar with the Lake St-John Train, and I can assure you that you get the impression that the train is going to leave the track any minute. The Maritime Express is something like it, and if you make attempt to sleep on those trains, it is quite impossible.

Then, he did not sleep on Saturday, and he arrived in Levis on Sunday, where he was met by Lieutenant Taschereau. Lieutenant Taschereau was sent down to help him out in finding a hotel. At the time, Lieutenant Hogan was quite tired, and his anxiety and worry was increased by the fact that he lost his typewriter, and this he noticed when he arrived at the hotel. As soon as he arrived there, he tried to get in touch with the operator at the station;

. . . . 4

THE DEFENDING OFFICER MAKES ACLOSING ADDRESS: (continued)

he was not successful to get back his typewriter. Things went pretty bad afterwards. He was then going from one hotel to another. I think he stated he was quite tired. He went back to the hotel that night, he made an attempt to read and he was not successful again due to the fact that there was so much noise he was unable to sleep; so, he decided he would do something about it. He called up down stairs in order to have the management stop the noise; but then, hearing noise again, he went and knocked at the room where there seemed to be more noise. This was around three o'clock in the morning. He asked them to remain quiet; they did acquiesce to his demand, but it did not last very long. A few minuts later, a door banged; Lieutenant Hogan had just managed to get a little sleep when he was awakened again with the result. This was Sunday night.

On Monday morning, first he reports to Lieutenant Taschereau, and then reports to Major Lacroix, the O.C. He stays with his O.C., for a while, and then he is rushed in a truck and taken around various establishments,in order to get familiar with his work. He goes to Valcartier with Pte. Chartré, and visits establishments; then he is brought back in the car, to the St-Louis Hotel, at around 6.30 or 7.00 o'clock. This is a good day's work, particularity for a man who is just coming from Halifax and who had quite a restless sleep, and so little of it. But he did his work that day to the satisfaction of his O.C. When his O.C. gave evidence, I did

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THE DEFENDING OFFICER MAKES ACLOSING ADDRESS: (continued)

not notice any criticism about the accused's work. Lieutenant Hogan then decided to have supper and to stick around. Evently, he went in a movie. That Monday night, around 1200 o'clock, he gets back to the hotel, and to bed.

After having a very restless night, which is not surprising because he is a very tired man, and at that stage it is quite difficult to go to sleep; he managed a few hours of sleep. Then next morning, that is Tuesday morning, he is again picked up by the truck and repeats on Tuesday what he has done on Monday. Not a minute of rest. From the morning, and he gets up at 7 o'clock, until he returns at night, he goes around rushing here and rushing there, with not one moment of respite. After work, he immediately moves to the Garrison Officers' Mess. When he gets there, it is too late to have a meal, so he decides to go to a restaurant down town, then has a few glasses of beer and goes to bed.

He now has a cold in his nose, and he gets another restless night. The next morning, he awakens, goes back to the St. Lousi Hotel. I want to point out that this in only two or three days after his arrival in Quebec from Halifax. This is on the 14th. Back at the hotel, Pte. Chartré says to him: "Will you please report to Lieutenant Taschereau?" Then Lieutenant Hogan goes down with Pte. Chartré to the Ordnance, where Chartré is supposed to pick up ammunition boxes, which he had quite a time to identify. This point is not quite clear, and it is impossible to get any definite answer from Pte. Chartré. These facts occurred several weeks

THE DEFENDING OFFICERS MAKES A CLOSING ADDRESS: (continued)

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and the exact dates,or time, are quite difficult to determine for anyone, though Pte. Chartré says that he might have gone to the Ordnance.

We now arrive to 1400 hours, on the 14th October 1942, when Pte. Chartré with the truck, drove up to the Mess, in order to pick up Lieutenant Hogan. He arrived there and asked for the accused. The accused goes downstairs and tells him: "Wait a few minutes, and I will be right down". If the Court remembers, I asked Pte. Chartré how the accused looked to him at the time. (This is at 1400 hours, on October 14th), and Chartré answered: "Il paraissait correct". Which means: "he looked all right." Which means also that he was sober. This is a statement made by a witness of the Prosecution when examined by the Defending Officer; this happened one hour previous to the time when Lieutnenant Taschereau claims he wnnt up to Lieutenant Hogan's room to wake him up.

I am still on the first charge; I will deal with the second charge later. But the fact is that at 1400 hours, on the 14th October, Lieutenant Hogan was quite correct when he answered Chartré to wait a few minutes. "I will be right down" he said. We must take the only evidence we have, which is the evidence of the accused, who says that when he met Chartré, he had the intention of coming down and go with him. He was tired, he had a cold. He goes upstairs, he lays down on his bed, just expressing a desire, not an intention, but

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THE DEFENDING OFFICER MAKES A CLOSING ADDRESS (continued)

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in the condition he was in, being a sick man, he lays on the bed and dozes off. Lieutenant Hogan is a hard sleeper. I have known people myself to sleep so hard that an earthquake can come to the place, and you have to shake them fifteen minutes before they awaken.

In this case, Lieutenant Hogan went to sleep, and he is only human, and if a man, any man I should say, (unless he had a big constitution) would be a very tired man, the same thing might happen. He had went downstairs to the bar, saying to himself "I think it will pick me up" and had a glass of beer. But the reverse happened. Instead of picking him up, the glass of beer put him to sleep. Afterwards, at around 1500 hours, Lieutenant Taschereau says the accused was under the influence of liquor, when Chartré declares one hour earlier that Lieutenant Hogan looked correct. Inside an hour, it is quite impossible to take many drinks. It is one hour after that that Mr. Taschereau comes up, and now stated that he attempted to wake Lieutenant Hogan; he claims the accused looked at him with stary eyes, bloodshut eyes, and that half a glass of beer was there beside him.

I submit very respectfully that if the Prosecution intended to establish as charge of drunkenness against Lieutenant Hogan on the strength of the evidence which was adduced before the court today, I state that as far as this Court is concerned, the evidence is insufficient. It is not because a man who is asleep, being awaken, has bloodshut eyes, or that his eyes are stary, that he is drunk. I defy any man who awakes someone, while in slumber,

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS (continued)

and gazing into the man's eyes to tell me that these eyes are not stary and bloodshot. Even babies, when they awake, have stary eyes and their eyes are bloodshot. This is not evidence of drunkenness because a man has stary eyes when he awakes from slumber; there must be more than that to establish a charge of drunkenness. There is another element: a half glass of beer, which was beside Lieutenant Hogan. Now this half glass of beer which has been ingugitated by the accused, must have been taken between the time Pte. Chartré came(and around 1400 hours) calling for Lieutenant Hogan, and the moment when Lieutenant Taschereau came in around 1500 hours, which means that this half glass of beer must have been consumed inside that hour. Therefore, it is impossible that Lieutenant Hogan be drunk at the time, when one hour earlier, he was quite correct.

If the Prosecution wanted to adduce evidence on drunkenness, it would have been in order to bring in as witnesses, officers or men from the Garrison Officers' Mess, who had seen Lieutenant Hogan drinking at the Mess. But no witnesses came; the accused was not even examined by a doctor. On the strength of the evidence adduced today, there is no charge of drunkenness that stands. You have to bring a doctor in the box who can testify that this man was drunk.

As far as the first charge of Absence Without Leave is concerned, or the second charge, that of Drunkenness, they are not founded. If there is a doubt in the mind of

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS: (continued)

the Court that the accused is not guilty, I submit respectfully that you must give him the benefit of the doubt. He cannot be found guilty of the first charge, as he had good reasons for not reporting, or for not going down to report to Lieutenant Taschereau: he was sick and he was tired, and could not help himself as he just went to sleep.

The second charge, is as follows: When on Active Service, Drunkenness, in that he, at Quebec, P.Q., on the 14th October 1942, after having been previously warned to report to Lieutenant H. Taschereau at the Ordnance Immigration Building, was drunk.

Before I go any further, I would like to point out that it was the duty of the Prosecutor to establish that Major Lacroix had given an order to be repeated to Lieutenant Hogan. Major Lacroix was called as a witness this morning; there was no question asked him by the Prosecutor as to whether or not he had given an order, or directed Lieutenant Taschereau to convey an order to Mr. Hogan.

The two first accusations are connected, and therefore the charges might have been the element of one trial. His absence has a relation with the second charge, and as far as this second charge is concerned the same arguments apply. The man is tired, is sick, but is not drunk, and the Prosecution has failed to establish the conditions of drunkenness. If there was a doubt in the mind of the Court, they must give the accused the benefit of it.

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS. (continued)

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Now we arrive at the third charge. There was a third objection that I could have made to the third charge. But in view of the fact for the reason which I will explain, the Defending Officer thought it would be more advantageous to withheld his objection, and plead now on it. This I must say to the Court, that I have looked through the M.M.L., the K.R.Can. and the Routine Orders, and I failed ot find any specific article, regulations, or even a suggestion, with regard to the third charge. The only mention of this offence could be found in the footnote of Section 40 of the Army Act.

There are two arguments against this charge. The first is that this charge must not be described as an offence which is provided for by the Army Act. It is quite true that it is mentioned in the Note to Section 40 A.A., but there is no distinct section which provides for this offence.

Therefore, if we accept the fact that there is no offence provided for as to borrowing money from a subordinate, we cannot accept, which is a fundamental principle.

I am sure that nobody can plead ignorance of the law. Yet, no one can plead ignorance of the law provided it is in the law, but in this case there is no law, no regulation, or ordnance, or even a suggestion;

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS. (continued)

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there is only a Note under section 40 of the Army Act. But this is not a law. I defy the Prosecution to find any distinct mention of such an offence in any Manual. Therfore, we have the testimony of the accused, where Lieutenant Hogan states that at the time,he ignored it completely. Therefore, not being a law in the Regulations, he has a right to state he did not know and can plead ignorance not of the law,but of the fact.

May the Court bear in mind that Lieutenant Hogan came from the ranks, and that he has been an officer only since February last, and I believe his good faith is corroborated when he states that he could have attempted a more simplier mean,that is, by giving a cheque to Pte. Chartré. Had he done so, he would not be accused now. Therefore, Lieutenant Hogan is of good faith.

May I make a final statement. I do not wish to critisice any decision in this case. I am merely making this statement. I beg to say that if Lieutenant Hogan had had a distinct trial on the third charge, his defence would not have been as prejudiced as it was.

"M"

Lieut Col
President
G.C.M.

THE PROSECUTOR MAKES A CLOSING ADDRESS.

May it please the Court!

In this case, there are three charges brought against the accused.

In the first charge, it was the duty of the Prosecutor to prove that the accused was absent without leave at the date and time mentioned in the charge.

I submit that the evidence before the Court is sufficient, in that the evidence given by Major Lacroix in producing Part II Orders states that the accused was absent without leave at the hour and date mentioned. This evidence given is sufficient to prove the charge, and it was the duty of the Defending Officer to bring or to prove an excuse for his absence.

In this case, the accused knew, and he admitted it in his testimony, that he was supposed to report at 1400 hours on October 14th, 1942, and he did not do so. He said he was tired on the days preceding the 14th. But on the 14th in the morning he was advised by Pte. Chartré to report at 1400 hours and to that he said he would report at 1400 hours when he met Pte. Chartré in the Mess, and taking the argument brought by the Defence that the accused was sober, the accused did say to Chartré to wait for him, that he would report. He went back to his room. He told us he did not feel well then, that he did not feel like working, and that he went

. . . . 2

THE PROSECUTOR MAKES A CLOSING ADDRESS.(Continued)

- page 2 -

to sleep. Is that a legal excuse? I say NO. Only sickness is an excuse. Why did he not telephone an officer to excuse himself ?

He admitted that since Monday he was supposed to report for duty at 0900 hours. On the 15th, he still waits and only reports at 1000 hours. Section 15(1) of the Army Act in this case applies, and the evidence is complete.

Now the second charge which reads: "When on " Active Service, Drunkenness, in that he, at Quebec, P.Q., " on the 14th day of October 1942, after having been " previously warned to report to Lieutenant H. Taschereau " at the Ordnance Immigration Building, was drunk." I want to point out to the Court that it is not a charge for disobeying an order, or a command; if it had been so, the Prosecution would have been obliged to prove the legality of the order given to the accused from the officer or soldier.

When the accused was told by the O.C., that he would work with Lieutenant Taschereau, and that, until Mr. Taschereau left, he was to work under the instructions of Lieutenant Taschereau. On the morning of the 14th October, when Taschereau (and he gave that in his evidence) sent Pte. Chartré to advise the accused to report for duty at 1400 hours, he was acting under the instructions of the O.C., and I pretend that the accused was warned for duty.

. 3

THE PROSECUTOR MAKES A CLOSING ADDRESS.

- page 3 -

The charge is Drunkenness. I refer the Court to the Army Act, Section 19, and to Chapter 3 of the M.M.L. (section 42), where it is laid down that drunkenness is only one offence. It was the only one that could be brought against the accused, for being under the influence of liquor is drunkenness. What is drunkenness regarding the Army law? Chapter 45 of the M.M.L. states:

" Drunkenness on duty is considered in reference
" to the soldier being fit or not fit for duty."

It is not necessary to prove before the Court that the man was warned for duty, or to prove that the man was dead drunk. But as long as it is proven that the man at the time mentioned was under the influence of liquor; whether he had taken a galss of beer or a bottle of beer, but if by doing so he rendered himself unfit for duty, then I pretend that the charge should stand.

The accused also admitted he had taken half a glass of beer in the afternoon of the 14th, but what did he do that morning after he was told by Pte. Chartré he was to report only at 1400 hours ? Pte. Chartré said that after he had delivered the message, he left for Valcartier. The accused said he went down at the Ordnance and worked there. I leave to the Court to decide on the statement. But I must tell the Court it is my duty as Prosecutor that this charge must be proven beyond the shadow of a reasonable doubt. If there is a reasonable doubt in this case, it should be to the benefit of the accused. It has not been proven that the man was drunk and did not know what he

THE PROSECUTOR MAKES A CLOSING ADDRESS.(continued)

- page 4 -

was doing. All we had to prove is that he had to report that afternoon. Therefore, if he rendered himself unfit for duty by drinking one glass of beer, the quantity is not an element in this case; but if the Court is convinced the accused rendered himself unfit by what he took, he then should be found Guilty; but if doubtful, the benefit should be given to the accused.

On the third charge, as there is no charge in the Army Act which mentions specifically the fact of borrowing money from a subordinate, section 40 of the Army Act then applies: "Every person subject to military " law who commits any of the following offences; that is " to say, is guilty of an act, conduct, disorder, or neglect " to the prejudice of good order and military discipline, " shall, on conviction by court-martial." And the Note to that Section mentions: "Borrowing money from " subordinates". I refer the Court to section 421(B) and 426(A) of the K.R.Can. in connection with A.A. Section 40. Now, is not the fact of an officer borrowing money from a subordinate to place him in a suspicious position ? I believe that it is the spirit of the law in this case that any act, any prejudice agaisnt the good order and military discipline is an act that can be dealt with under section 40 of the Army Act.

The charge is in fact under Section 40 A.A. And so, is legally founded.

. 5

THE PROSECUTOR MAKES A CLOSING ADDRESS.(continued)

- page 5 -

As to the evidence on this charge, I do not insist, because it has been admitted by the accused himself. I know the reason the accused gave might be taken in consideration as to his sentence; but the Court has to decide now if the charge is legal and if it is proven.

Resuming, I say that it has been proven before this Court, without a doubt that the accused was absent without leave at the time and date mentioned in the charge; that on the 14th October, after having been warned for duty, he drank some liquor, some beer, and rendered himself unfit for duty; and that on the 13th October, he borrowed some money from a subordinate.

I think it was the duty of Prosecution to prove these facts; and that the evidence brought by the Defence was not sufficient and did not prove the accused was not guilty .

"N"

General Court Martial President G.C.M.

SUMMING UP BY THE JUDGE ADVOCATE.

My task is to advise the Court as to Law, and leave the facts for the appreciation of the Court. If I make reference to the facts established during this trial, the Court should not be guided by my opinion in this regard.

The facts in this case are very well summed up in the speech for the defence, and the prosecutor's address. The accused is charged with three offences:

First: Absence Without Leave.

Second: Drunkenness.

Third: An act to the prejudice of good order and military discipline.

Each of these charges can be broken down into certain ingredients and the Court must be satisfied that they were all established.

With regard to the first charge, the Court must satisfy that :

a) On 14th October, 1942, the accused

b) Absented himself without leave,

c) From No.5 Ordnance Depot Company,

d) Until 15th October, 1942.

The notes to Section 15 A.A., could help the Court in deciding whether or not the accused is an absentee.

THE SUMMING UP BY THE JUDGE ADVOCATE (continued)

- page 2 -

With regard to the second charge, the Court must satisfy that:

a) On 14th October, 1942,

b) After having been warned to report to Lt.Taschereau,

c) The accused was drunk.

The Court will find explanations in regard to this third element at paras 42, 46 and 47, Ch. III, M.M.L.

With regard to the third charge, the Court must satisfy that:

a) On October 13th, 1942,

b) At Quebec,

c) The accused borrowed money,

d) From a subordinate.

If the members of the Court come to the conclusion that all the necessary ingredients for a particular offence have not been established, then the accused must be acquitted on the charge in question. If all the ingredients have been established, then the Court must decide whether or not the facts established to support each charge constitute a military offence.

For instance, with regard to the third charge, if the Court comes to the conclusion that all the necessary ingredients have been established, it must decide whether

SUMMING UP BY THE JUDGE ADVOCATE.(continued)

- page 3 -

or not the fact of borrowing money from a subordinate is an act to the prejudice of good order and military discipline.

A few examples of offences commonly charged under section 40 A.A., may be found in the note to this section and could enable theCourt to decide whether or not the fact of borrowing money from a subordinate is an act to the prejudice of good order and military discipline. The Defence, however, pretends that the notes have not force of law and cannot be taken into consideration by this Court.

This is a question of law which has been raised previously before Courts-Martial, and I think it is my duty to give to the Court the following ruling:

The Notes found in the Army Act are intended to be explanatory; they are also intended to be a guide to the procedure which should be followed in applying any particular section of the Army Act. Certain notes which are of an explanatory nature (This is our case), are based on decisions of the English Courts, which, through course of time and approval by superior tribunals have become part of the common law resulting in certain principles being established.

SUMMING UP BY THE JUDGE ADVOCATE: (continued)

- page 4 -

I admit that the Notes temselves do not have the force of law and that they do not override the provisions of the A.A. However, in view of the reasons I just gave you, I think that the note to section 40 should serve as a guide, and it is my duty to advise this Court that, only in exceptional cases, should this note be disregarded.

I must advise the Court that this ruling, which I make mine, has been given by the Judge Advocate-General in similar cases which were submitted to him in the past.

It is my duty to remind the Court that, under our English Law, any doubt goes to the accused. I must also advise the Court that ignorance of Law is no defence, but ignorance of Law may be taken into consideration in determining the amount of punishment to be awarded.

I may assure the accused that the Court will decide impartially and only upon the evidence placed before them.

"O"

General Court Martial G.C.M.

THE DEFENDING OFFICER ADDRESSES THE COURT:

I would like to mention, as briefly as possible, a few facts regarding the Sentence.

The accused , in the service of the Canadian Army, came from the ranks,and started off right at the beginning of the War as an other rank. Due to his intelligence, hard labour and after passing examinations, he got his commission and became an I.O.O..

He is a married man; has a family, two children, a third one expected soon.

In view of all this, I submit respectfully that the Sentence, if any, to be given should be with regards to the 57 days the accused has already passed in detention, and also consideration should be given because of his marital status.

I request the Court to be very clement in this case, because the man was found Not Guilty on the second charge. For these reasons, I beg the Court to be extremely lenient.

"Y"

Gurnett Clonel Brewer G.C.M.

A.F.B. 155
2015-11-41 (2272)
A.F.B. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
	Lieutenant	Hogan Ralph Bernard	No. 5 Ord. Depot Co.R.C.E.(C)

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

	Within last 12 months		Since enlistment or appointment	
For	~~Drunkenness~~ NIL	~~1~~ times	~~Drunkenness~~ NIL	~~1~~ times
For		times		times
For		times		times
For		times		times

Number of instances of gallantry or distinguished conduct NIL

or,

There are no entries in the conduct sheets of the accused. NIL

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

2. ~~The accused has not previously convicted~~

~~Previous convictions of the accused by a court-martial ~~Act~~ or by a court of summary jurisdiction under ~~Section 47 of the Army Act~~ Act 1938 ~~and dispensation of trial under section 18 of the Schedule annexed to the Act.~~

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

or,

~~The accused is at the present time under sentence for the following offence:~~

4. The accused has been in confinement awaiting trial on the present charges, for ~~days in civil custody, and~~ 57 days in military custody, making a total of 57 days in custody, of which 9 days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 33 Years

6. The date of his commission specified in his ~~record of service is~~ attestation Regard of Brevet is ~~attestation paper is~~ ~~22-7-1942~~ 28-2-42

7. The service which the accused is allowed to reckon towards discharge is 3 years ~~355~~ 34 days

8. ~~The accused is entitled to reckon the following for the purpose of discharge:~~

9. The accused is in possession of or entitled to no ~~medals~~ military decoration, or ~~medals~~ military reward (~~or is in possession of or entitled to~~). State any ~~medals~~ military decoration or reward. NIL

10. ~~The accused is a warrant officer or officer and has no warrant officer last held rank~~

Active Force

11. (In the case of an officer.) The accused holds in the [redacted] the rank of [redacted]

2/ Lieut. dated 28-2-1942., and in his [redacted] corps), the rank of

Lieut. dated 11-4-1942.

12. ~~The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—~~

~~Date of promotion.~~

~~In the rank of years.~~

~~In the rank of years.~~

~~In the rank of years.~~

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial [redacted] Rank Lieut.

Unit

Name HOGAN, RALPH BERNARD of NO.5 ORD. DEPOT COY.R.C.O.C.(CA)

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
General Court-Martial	No.6 Ord. Depot Coy. R.C.O.C. C.A. Halifax, N.S. 10-9-42 R.O. 2508	Drunkeness	Reprimanded	N.A.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 10th day of September 1942 [illegible]

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked signed by the president, and annexed to the proceedings.

SUMMARY OF EVIDENCE

in the case of
Lieutenant Ralph Bernard Hogan,
No.5 Ordnance Depot Company, Roayl
Canadian Ordnance Corps (CA),
Charged with:- 1st, Absenting Himself without leave, 2nd. Conduct to the prejudice of good order, and military discipline, 3rd. An act to the prejudice good order and military discipline.

DESCRIPTION

Age ..... 33 years.
Height ..... 5 ft, 6¾ in.
Complexion ... Medium
Hair ..... Brown
Eyes ..... Blue
Marks ..... Appendix scar.

Absenting himself without leave

Conduct to the prejudice of good order and military discipline.

An act to the prejudice of good order and military discipline.

The C.O. does not direct nor does the accused demand that the evidence be taken on oath.

1st Witness

Major L.A. Lacroix, Officer Commanding No.5 Ordnance Depot Company, Royal Canadian Ordnance Corps (CA), being duly called produces documentary evidence, being:-

Part II Order Number 35, dated October 26th,1942.

L.A. Lacroix
(L.A. Lacroix) Major,
O.C.No.5 Ord.Depot Coy. RCOC (CA)

The accused declines to cross examine this witness.

2nd Witness

Lieut. H. Taschereau Acting Inspecting Officer No.5 Ordnance Depot Company Royal Canadian Ordnance Corps (CA) being duly called states:-

At 0900 hrs on the 14th day of Oct. 1942, I instructed No.E.20431 Pte. Chartre, B. to proceed to the St.LOuis Hotel, St.Louis St., Quebec, P.Q., and advise the accused to report to me at the Ordnance, Immigration Building at 1400 hrs, on the 14th day of October, 1942. At 15.00 hrs he had not yet reported, so I then reported his absence to the Officer Commanding.

At 15.30 hrs on the 14th day of October,1942, I proceeded to Garrison Officers' Mess the Citadel room No.33 occupied by the accused, where I found him asleep. After several minutes I succeeded in awakening him. He siad a few words unintelligible, and he then fell bakc to sleep. His eyes were red and starey, his face was red. I smelt his breath, and it was smelling alcoholic liquor. Near him was half a glass of unconsumed beer.

SUMMARY OF EVIDENCE

~~Circumstances to the Officer Commanding:~~

At 0930 hrs on the 15th day of October, 1942, the accused called me on the phone, and asked me why I wanted to see him, I replied that there were several reasons, which could not be discussed over the telephone. He then told me that he wanted to report to the Medical Officer, so I then instructed him to report to the Ordnance Depot, Immigration Building, to get a sick report.

At or about 10.00 hrs, the 15th day of October, 1942, the accused reported at the Immigration Building. I accompanied him to the Office of the Officer Commanding, where he was placed under open arrest, and I was instructed by the Officer Commanding to escort him to his quarters, at the Garrison Officers' Mess the Citadel, Quebec. I reported to the Officer in Charge at the Citadel that the accused had been returned to his quarters, under open arrest.

H. Taschereau
(H. Taschereau) Lieut.
No.5 Ordnance Depot Coy. R.C.O.C.(CA)

The accused declines to cross examine this witness.

3rd Witness

No. E.20431 Private B. Chartre, No.5 Ordnance Depot Company, Royal Canadian Ordnance Corps, (CA) duly called states:-

On or about 14.00 hrs on the 13th day of October, 1942, I was detailed for duty by Lieut. Taschereau Acting Inspecting Ordnance Officer to report to Lieut. Hogan R. at the St.Louis Hotel St. Louis St. Quebec, I reported in a truck, where I met the accused. The accused asked me for the loan of twelve dollars, which I handed to him, I then proceeded to the Old Homestead Restaurant, St. Anne St., Quebec, with the accused, and then waited for him for about five minutes, then proceeded with him to Fort No.I at Lauzon, P.Q., and Fort Lamartiniere. We then returned to Levis, where I remained, and the accused returned to Quebec.

B. Chartre Pte
(B. Chartre) Pte.
No.5 Ord. Depot Coy. R.C.O.C.(CA)

The accused declines to cross examine this witness.

3. Witness No.E.20431 Private B. Chartre, No.5 Ordnance Depot Company, Royal Canadian Ordnance Corps, (CA) being duly recalled states:-

At 0900 hrs on the 14th day of October, 1942, I was instructed by Lieut. H. Taschereau to proceed to the St.Louis Hotel, St.Louis St., Quebec, and advise Lieut. R.B. Hogan to report to Lieut. H. Taschereau at the Immigration Building. At 1400 hrs on the 14th day of October, 1942, I proceeded to the St.Louis Hotel, and advised the accused to that effect. Lieut. Hogan stated he would report.

At 1400 hrs the 14th day of October I was once more instructed by Lieut. H. Taschereau to proceed to the Citadel, in a truck, and pick up Lieut. Hogan, and bring him down to the Immigration Building. I reported to the Citadel, where I met the accused, and he instructed me to wait 5 minutes. I waited, he did not appear, so I then returned to the Immigration Building, and reported to Lieut. H. Taschereau.

B. Chartre
(B. Chartre) Pte.
No.5 Ord. Depot Coy. R.C.O.C.(CA)

The accused declines to cross examine this witness.

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

ANSWER BY THE ACCUSED:- No I have nothing to say.

R.B. Hogan
(R.B. Hogan) Lieut.
No.5 Ord. Depot Coy. R.C.O.C.(CA)

Rules of procedure 4 (C), (D) and (E) have been complied with.

Taken down by me in the presence of the accused at Quebec, P.Q., this 26th day of October, and this 12th day of November, 1942.

F.E. Findlay
(F.E. Findlay) Capt.
No. 5 Ord. Depot Coy. R.C.O.C.(CA)

Quebec, P.Q.
12-11-1942.

MEDICAL OFFICER'S REPORT

I certify that No. LIEUT. Ralph Bernard HOGAN

of No.5 Ord.Depot Coy.RCOC (CA) is in a good state of health,

and fit to undergo Trial by Court martial.

R.C.A.M.C.

Medical Officer

O.C. QUEBEC MILITARY HOSPITAL RCAMC/CA.

Station Quebec, P.Q.

Date 10-12-1942.

QUEBEC MILITARY HOSPITAL
R.C.A.M.C. C.A.
DEC 10 1942
ORDERLY ROOM

M. F. B. 246
35M—9-41 (1743)
H.Q. 1773-20 469

CONFIDENTIAL

H.Q.C. 55-H-278
(A.D.2)

District Officer Commanding,
Military District No.5,
Quebec, P.Q.

OTTAWA, Ontario, 11th January, 3.

Re: General Court-Martial
Lieut. Ralph Bernard Hogan
No. 5 Grenades Depot Coy., RCOC., CA

The proceedings of the marginally noted General Court-Martial were forwarded to you on the 8th instant for promulgation.

2. As soon as this action has been taken, will you forward the necessary statement under Section 87 F.R. & I. as to the length of the period this officer was suspended from duty in order that the necessary action may be taken in regard to his pay.

NDM/MEL.

(E.F.C. Latson),
Major-General,
Adjutant-General.

.2

H.Q.C.55-H-278 (JAG)
Your Q.C/142-H-14 (JA)

January 8th,1943.

RECEIVED JAN 9 1943 A.D.

The District Officer Commanding,
Military District No. 5, Quebec,Que.

Re: General Court-Martial,
Lieut. Ralph Bernard Hogan,
No. 5 Ordnance Depot Coy, R.C.O.C.,C.A.

1. Herewith enclosed please find proceedings of the marginally noted General Court-Martial together with P.C.37 of 1943 dated 5th January 1943, in which the Finding and Sentence of the Court have been duly confirmed by the Governor in Council.

2. Promulgation should now be duly effected to the accused and a Minute thereof endorsed on page V of the proceedings. When same has been done may the proceedings together with P.C. 37 be returned to this office for registration and custody.

Gmad
for
Brigadier,
Judge Advocate-General.

EBB/MM

Enc.

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To: Jall C55-H-278 cant locate
AD 17 1/2

H.Q. A-7236-18-2 .....for which we hold a requisition signed by an authorized officer, is charged to your branch.....1/12/41..... and is urgently required by.....AD.....

J. W. Lingman
(Confidential C.R.)

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CANADA

IN REPLY PLEASE QUOTE
No. Q:C/142-H-14 (JA).

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

QUEBEC, P.Q., December 24th, 1942.

The Judge Advocate-General,
Department of National Defence,
OTTAWA, Ont.

RE: GENERAL COURT-MARTIAL
Lieut. Ralph Bernard HOGAN,
No. 5 Ordnance Depot Coy, R.C.O.C., C.A.

Reference your H.Q.C. 55-H-278 (JAG) dated 22nd December, 1942, relative to the marginally-noted General Court-Martial.

2. The undersigned having no official appointment was under the impression that he could not sign any letter addressed to N.D.H.Q. This is the reason why the D.A.A.G. was requested to sign our letter dated 18th December, 1942, under cover of which these proceedings were forwarded.

3. It is pointed out for your information that the D.A.A.G., who signed this letter, was told before signing that he could not look at the proceedings because they had not yet been confirmed. The letter was signed in my presence and the proceedings were brought back immediately to my office and mailed. No person in this District, except the President of the Court, the stenographers and the Judge-Advocate, saw these proceedings.

4. This error is very much regretted and has been noted for future guidance.

(J. ALFRED CROWE) - Capt.,
For A.J.A.G., M.D. No. 5.

AC/rb.

NAT. DEF. B. 440
2,300 M—4-42 (4322)
H.Q. 1772-39-767

CANADA

IN REPLY PLEASE QUOTE
No. HC/H-866

96263

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

Halifax, N.S., December 21, 1942

CENTRAL REGISTRY ARMY
CONF. SEC.
DEC 28 1942
File C 55-H-278
Digest to Jan 24/42
Referred to JAG

The Secretary,
Department of National Defence,
Ottawa, Ontario.

General Court-Martial
Lt. Ralph Bernard Hogan
No. 6 Ord. Depot Coy, RCOC (CA)

Reference H.Q.C. 55-H-278; H.Q. 518-4-21 (A.D.2) dated 8 Dec 42.

1. Lt. R.B. Hogan was under close arrest from 2130 hours, 24 Jul, until 1000 hours, 25 Jul, a total of 12½ hours; and was under open arrest from 1001 hours, 25 Jul, until 1600 hours, 10 Sep, a total of 47 days, 5 hours, 59 minutes.

2. He was suspended from duty from 10 Sep to 2 Oct, the date that the finding and sentence was promulgated (a total of 22 days).

3. The O.C. No. 6 Ord. Depot Coy, RCOC recommends that this officer be placed under stoppages of Pay and Allowances from 10 Sep to 2 Oct 42.

4. In view of the circumstances surrounding this case, I concur.

(W. W. FOSTER) Brigadier
D. O. C., M. D. No. 6

BFW

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NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

The Minister

H.Q.[redacted] 55-H-278

[redacted]

Lieut. Ralph Bernard HOGAN

1. Charges:- Absence without leave, drunkenness and conduct to the prejudice (borrowing money from a subordinate). Found guilty of first and third charges; not guilty of drunkenness.

2. Evidence:- A.W.L. 1400 hours Oct. 14/42 to 1000 hours Oct. 15/42. Defence - ill and tired. Borrowed money ($12.00) from No. E.20431, Pte. B. Chartre. Defence - did not know it was wrong; when he was O.R. had loaned money to officers. Drunkenness not proven.

3. Sentence:- To be severely reprimanded and seniority to date from Oct. 28/42: (i.e. loss of exactly 8 months' seniority).

4. A.G. convened the Court on the application of the D.O.C., M.D. 5. President of the Court, Col. G.E.A. Dupuis, M.C. (O.C. 35 (Reserve) Bde. Grp. C.A.) Judge Advocate, Captain J. Alfred Crowe, R.C.C.S.

5. A.G. (D. of Admin.) concurs in finding and sentence.

6. J.A.G. recommends confirmation (Flag A.)

7. Remarks:- Hogan enlisted as a private 6-11-39. Commissioned (Brockville) 28-2-42. Age: 33. Married. Organic chemist, Inspector of explosives. At a previous Court-Martial, Hogan pleaded guilty to a charge of drunkenness. Halifax, Sept. 10/42. Sentenced to be reprimanded.

Col. M.S.

DW/D

Memorandum

THE MINISTER OF NATIONAL DEFENCE.

Department of National Defence

H.Q. C.55-H-278 (JAG)

OTTAWA, December 24, 1942.

Re: GENERAL COURT-MARTIAL.
Lieutenant Ralph Bernard Hogan,
No. 5 Ordnance Depot Company,
Royal Canadian Ordnance Corps (CA).

The marginally-noted officer was tried by a General Court-Martial on the 10th day of December, 1942, at the Drill Hall, Quebec, P. Q., on the following charges:

"ABSENTING HIMSELF WITHOUT LEAVE in that he at Quebec, P. Q., on the 14th day of October, 1942, absented himself without leave from No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps (CA), from 14.00 hrs the 14th day of October, 1942, until 10.00 hours, the 15th day of October, 1942."

"WHEN ON ACTIVE SERVICE, DRUNKENNESS IN THAT HE at Quebec, P. Q., on the 14th day of October, 1942, after having been previously warned to report to Lieut. H. Taschereau at the Ordnance Immigration Building, was drunk.

"AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he at Quebec, P.Q., on the 13th day of October, 1942, borrowed money from a subordinate.

2. The accused officer pleaded Not Guilty to the charges in question, and was found not guilty of the second charge, but guilty of the first and third charges, and was sentenced to be severely reprimanded and to take rank and precedence in his Corps and in the Army as if his appointment as Lieutenant bore date the 28th day of October, 1942.

3. I have reviewed the Proceedings and hereby certify that the same are regular, the Finding properly made and the Sentence according to law.

4. The Adjutant-General has, pursuant to K.R. (Can.) 575, as amended by G.O. 225/1941, reviewed the Proceedings and concurs in the Sentence awarded. There do not appear to be any reasons which, in my opinion, would warrant any mitigation or commutation of the Sentence in question, and accordingly, I attach a draft submission to the Governor in Council recommending that the Finding and Sentence be confirmed.

H. G. Chocan Col
Brigadier,
Judge Advocate-General.

EEB/S.

N.D. 26c
50M--9-40 (7182)
H.Q. 1772-101-25

H.Q.C.55-H-278(JAG)

December 24, 1942.

TO: HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL.

The undersigned has the honour to report,-

That Lieutenant Ralph Bernard Hogan, No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps (CA), an officer of the Canadian Army, placed on Active Service, is charged with:-

"ABSENTING HIMSELF WITHOUT LEAVE in that he at Quebec, P. Q., on the 14th day of October, 1942, absented himself without leave from No. 5 Ordnance Depot Company, Royal Canadian Ordnance Corps (CA), from 14.00 hrs the 14th day of October, 1942, until 10.00 hrs, the 15th day of October, 1942.

"WHEN ON ACTIVE SERVICE, DRUNKENNESS, in that he at Quebec, P. Q., on the 14th day of October, 1942, after having been previously warned to report to Lieut. H. Tascheresu at the Ordnance Immigration Building, was drunk.

"AN ACT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he at Quebec, P.Q. on the 13th day of October, 1942, borrowed money from a subordinate.

That the accused officer pleaded Not Guilty to the charges in question, and was found not guilty of the second charge, but guilty of the first and third charges, and was sentenced to be severely reprimanded and to take rank and precedence in his Corps and in the Army as if his appointment as Lieutenant bore date the 28th day of October, 1942.

That the Judge Advocate-General has reported that the Proceedings are regular, the Finding properly made and the Sentence according to law.

The undersigned has, therefore, the honour to recommend that the Finding and Sentence be confirmed.

Respectfully submitted,

(Sgd) [illegible]

MINISTER OF NATIONAL DEFENCE.

Approved as to form
H G Nolan
DEPUTY
Judge Advocate-General

DEC 2 1 1942

J. P. C.
2/1/43

TO PRIVY COUNCIL
DATE 2-1-43
SERIAL No. 216
J. E. B.
signature

M E M O R A N D U M

Department of National Defence
-Army-
H.Q. C.55-H-278 (A.D.2)

OTTAWA, December 23, 1942.

To

J. A. G.

General Court-Martial -
Lieut. Ralph Bernard HOGAN
No.5 Ordnance Depot Coy., R.C.O.C., C.A.

The proceedings of the marginally noted General Court-Martial have been reviewed.

2. The finding and sentence are concurred in.

3. The proceedings are now returned to you pursuant K.R.(Can.) 575, and General Order 225 of 1941, in order that you may make your submission to the Minister with respect to confirmation.

(H. F. G. Letson),
Major-General,
Adjutant-General.

AGM/EMP

154

MEMORANDUM.

TO: ADJUTANT-GENERAL.

DEPT. of NATIONAL DEFENCE.
H.Q.C.55-H-278 (JAG)
OTTAWA, ONT., December 22, 1942.

Re: GENERAL COURT-MARTIAL.
Lieutenant Ralph Bernard HOGAN,
No. 5 Ordnance Depot Coy, R.C.O.C., C.A.

RECEIVED
DEC 22 1942
A. D.

1. Pursuant to K.R.(Can.) 575, General Order 225 of 1941, the Proceedings of the marginally-noted General Court-Martial should have been transmitted directly to you for you to forward them, together with your recommendations and remarks, to the Judge Advocate-General, who will, after review, forward the Proceedings to the Minister of National Defence for submission to Council.

2. The Proceedings are passed herewith in order that the necessary action as indicated above may be taken by you.

H G Nolan Col
Brigadier,
Judge Advocate-General.

EEB/S.

153

H.Q.C.55-H-278(JAG)

December 22, 1942.

District Officer Commanding,
Military District No. 5, QUEBEC, P. Q.

Re: GENERAL COURT-MARTIAL.
Lieutenant Ralph Bernard HOGAN,
No. 5 Ordnance Depot Coy, R.C.O.C., C.A.

Receipt is acknowledged of your Q.C/142-H-14(JA), dated 18th of December, 1942, under cover of which you forwarded for confirmation, the Proceedings of the marginally-noted General Court-Martial.

2. Under the terms of the Convening Order and of Routine Order 1629, the Proceedings should have been forwarded direct by the Judge Advocate to the Adjutant-General, and not through you and the Secretary of the Dept. of National Defence. The Proceedings, not having been confirmed, no person is entitled to see them except the Judge Advocate, the Convening Authority and the Judge Advocate-General.

Brigadier,
Judge Advocate-General.

EBB/S.

152

Your File: H.Q.C.55-H-278 (JAG)

IN REPLY PLEASE QUOTE
No. Q.C/142-H-14 (JA)

95267

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, December 18th, 1942.

CONFIDENTIAL

CENTRAL REGISTRY Army
CONF. SEC.
DEC 19 1942
File 55-H-278
Chgd. to
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

GENERAL COURT-MARTIAL:
Lieutenant Ralph Bernard HOGAN,
No.5 Ordnance Depot Coy, R.C.O.C., CA.

1. Enclosed herewith please find the proceedings of the General Court-Martial held in the case of the marginally named officer.

2. The proceedings are duly completed, and are forwarded to you for confirmation, please.

AC/nc

(George P. VANIER) - Brigadier,
District Officer Commanding,
Military District No.5.

N.D. 23
1,500M—7-42 (5219)
H.Q. 1772-101-23

CONFIDENTIAL

H.Q.C.55-H-278
H.Q.518-4-21 (A.D.2)

AIR MAIL
DEC 15 1942
A.D.

8th December, 1942.

District Officer Commanding,
Military District No. 6,
HALIFAX, N.S.

General Court-Martial
Lieut. Ralph Bernard Hogan
No. 6 Ordnance Depot Coy., R.C.O.C.(CA)

Reference your H.C/H-866 dated 10th October, 1942, in connection with the marginally named officer,-

2. May I be furnished with a report, please, as to the length of time he was suspended from duty in connection with the General Court-Martial proceedings. This report should also show the period for which he was in close arrest and open arrest, and should also contain the recommendation of the Officer Commanding as to what disposition should be made of the pay and allowances of the officer for the period during which he was suspended from duty.

for (H.F.G.Letson)
Major-General,
Adjutant-General

AGM/SP

96

92497

IN REPLY PLEASE QUOTE
No. 35 RBG 5-4-1
6-0-2-2

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

The Armoury,
Quebec, 7th December 1942

CONFIDENTIAL

CENTRAL REGISTRY Army
COURT M.C.
8 DEC 1942
File C 55-H-278
Chgd. to AD 7/12/42
Referred to

Secretary,
N.D.H.Q.,
Ottawa, Ont.

Re: General Court-Martial
Lieut. Ralph Bernard Hogan
No. 5 Ordnance Depot Coy.
R.C.O.C. C.A.

1- Reference H.Q.C.55-H-278 (JAJ) dated 30th November 1942, it is desired to acknowledge receipt of following documents in the case of marginally noted General Court-Martial:-

(a) Original Charge Sheet

(b) Original Summary of Evidence.

(G.E.L. DUPUIS) Colonel,
Commanding
35th Reserve Brigade Group.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

IN REPLY PLEASE QUOTE
No. H.C/H-866

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

DEC 7 1942 A.D. MINISTER'S OFFICE

CONFIDENTIAL

Halifax, N.S., 3rd December, 1942.

Major-General H.F.G. Letson, M.C., E.D.,
Adjutant-General,
Department of National Defence,
Ottawa, Ontario.

General Court-Martial
Lieut. R.B. HOGAN

Reference N.D.H.Q. letter H.Q.C. 55-H-278 (A.D.2) dated 27th November, 1942.

2. The comment contained in your letter of 27th November has been noted. The case came before me July 29th and had I felt a serious reprimand would have met the situation, it would have been given. In view, however, of the nature of the offence and the publicity given to it, due to the fact that the accused was taken to the City Police Station, a General Court Martial was applied for.

3. It is, however, pointed out that it would be contrary to the provisions of K.R. (Can.) 570 (b) to comment upon the inadequacy of a sentence. It is true the confirming authority is the Governor-General in Council, but it is assumed the Adjutant-General would be considered as speaking for him.

4. If the above assumption is correct, the only action that can be taken is that of extreme care in the selection of those selected to exercise judicial authority.

W.W. Foster

(W.W. FOSTER) Brigadier,
District Officer Commanding,
Military District No. 6.

GPG

7/12/42

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 8772-39-767

L21110

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AGM/EMP

District Officer Commanding,
Military District No. 4,
MONTREAL, P.Q.

H.Q.C. 55-H-278 (A.D.2)
Ottawa, Ontario,
December 2nd, 1942.

RANKS: 6219

HAVE MAJOR G G G WALKER NO 4 ORDNANCE DEPOT REPORT TO DISTRICT OFFICER COMMANDING MILITARY DISTRICT NUMBER 5 AS MEMBER OF GENERAL COURT-MARTIAL AT QUEBEC CITY ON 10TH DECEMBER AT 1000 HOURS stop ADVISE THIS HEADQUARTERS WHEN ACTION TAKEN

(ARMY)

ADJUTANT-GENERAL

Major-General,
Adjutant-General.

(Sgd. 1225 hrs.) 3098

N.D.—G. F. 4 (a)
8M pads of 100-2-42 (3545)
H.Q. 82-20-5.

A.D.

Reference phonecall
Bull - MacDougall today,
will you please take
such steps as are necessary
to have Major G.G.G
Walker detailed to attend
trial from M.D. # 4.

E. Arthur Capt.
for G.A.G.

30/11/42.

RECEIVED
NOV 30 1942
A.D.

47

Memorandum

To: ADJUTANT-GENERAL.

Department of National Defence
H.Q. 55-H-278 (JAG)
OTTAWA, November 30, 1942.

Re: GENERAL COURT-MARTIAL.
Lieut. Ralph Bernard Hogan,
No. 5 Ordnance Depot Company,
Royal Canadian Ordnance Corps, C.A.

1. Attached hereto are the following:

(a) Letter to the District Officer Commanding, M.D. No. 5, enclosing two copies of Convening Order with instructions as therein set out, and returning the original M.F.B. 355 and exhibits.

(b) Letter to Colonel G.E.A. Dupuis, M.C., the President of the Court, enclosing the original Convening Order, Charge Sheet and Summary of Evidence. This letter and said documents in a sealed envelope should be forwarded to the D.O.C., M.D. 5. The letter under (a) above instructs the said D.O.C., M.D. 5, to deliver the said sealed envelope to the President of the Court.

2. The Convening Orders, letters, and the Order for Trial on the Charge Sheet above mentioned should be signed by you if you concur. The date of signing same should also be inserted in the Convening Orders and the Order for Trial.

3. Attached herewith is also an additional copy of the Convening Order which will be required for the marginally-noted officer's file. May this please be returned to me after signature.

J. L. Holman Col
Brigadier,
Judge Advocate-General.

EBB/S.

81

N.D. 25a
50M—9-40 (7162)
H.Q. 1772-101-25

H.Q.C.55-H-278 (JAG)

CONFIDENTIAL.

November 30th, 1942.

Colonel G.E.A. Dupuis, M.C.,
O.C. 35 (Reserve) Brigade Group, C.A.,
No. 5 District Depot,
Quebec, P. Q.

Re: GENERAL COURT-MARTIAL.
Lieutenant Ralph Bernard Hogan,
No. 5 Ordnance Depot Company,
Royal Canadian Ordnance Corps, C.A.

1. Herewith enclosed original Convening Order of the marginally-noted General Court-Martial, of which you have been appointed President. There is also enclosed herewith original Charge Sheet and original Summary of Evidence.

2. The enclosed documents should be placed before the Court by you at the assembly of the Court.

3. Please acknowledge receipt.

(H.F.G. Letson)
Major-General,
Adjutant-General.

MBB/S.

80

H.Q.C.55-H-278 (JAG)

CONFIDENTIAL.

November 30th, 1942.

The District Officer Commanding,
Military District No. 5,
QUEBEC, P. Q.

Re:GENERAL COURT-MARTIAL.
Lieutenant Ralph Bernard HOGAN,
No. 5 Ordnance Depot Company,
Royal Canadian Ordnance Corps, C.A.

With reference to your Q:C/142-H-14 (JA), dated 20th of November, 1942, the marginally-noted Application for General Court-Martial has been granted and there are enclosed herewith two copies of the Convening Order.

2. You will, immediately on receipt, deliver one copy of this Order to the accused Officer, Lieutenant Hogan, in pursuance of R.P. 15(c).

3. You will note from the Convening Order that you are responsible for arranging the various matters as therein set out, in which connection the following should be noted:-

(a) You should ensure that all the necessary witnesses will be available at the Drill Hall, Quebec, P. Q., when the trial takes place.

(b) You will arrange for the due attendance of those officers composing the Court who are under your jurisdiction; also the Prosecutor, the accused and the Judge Advocate.

(c) It is preferable that there be at least two shorthand writers who may relieve each other at periodic intervals.

4. The original Convening Order, Charge Sheet and Summary of Evidence are enclosed herewith in a sealed envelope and should beddelivered by you to the President of the Court.

5. If you have not already done so, a copy of the Charge Sheet and the Summary of Evidence should forthwith pursuant to R.P. 14 and 15 be delivered to the accused officer.

6. If the Prosecutor has legal qualifications, at least 7 days' notice thereof must be given to the accused, under the provisions of Note 2 to R.P. 89.

7. As to the question of Defending Officer, your application did not contain any statement as to whether or not the accused desired a Defending Officer, or if he did, what officer he so required. Accordingly, no officer has been named in the Convening Order to act as such. Steps should be immediately taken to find out the accused's requirements in this connection, and every effort shall be made to detail such officer as may be requested to act as Defending Officer.

.....(over)

GENERAL COURT-MARTIAL.

ORDERS BY Major-General H.F.G. Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Lieutenant Ralph Bernard HOGAN,
No. 5 Ordnance Depot Company,
Royal Canadian Ordnance Corps (CA).

A detail of officers, as mentioned below, will assemble at the Drill Hall, Quebec, P.Q., on Thursday, the 10th of December, 1942, at 1000 hours, for the purpose of trying by General Court-Martial, the accused person named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Colonel G.E.A. Dupuis, M.C.,
O.C. 35 (Reserve) Brigade Group, C.A.

MEMBERS.

Lieut-Colonel M.M.L. Garon,
Royal 22e Regiment, C.A.

Lieut-Colonel G.N. Dickenson,
The Corps of Royal Canadian Engineers, C.A.

Major J.G. Coote,
The Royal Canadian Artillery, C.A.

Capt.(Acting Major) C.A. Rogers,
Canadian Forestry Corps, C.A.

Capt.(Acting Major) A. de L. Macdonald,
Les Fusiliers Mont-Royal, C.A., attached
No. A-13 Infantry Training Centre, C.A.

Capt. (Acting Major) A.M. Bolton,
No. 5 Coy. The Royal Canadian Army Service Corps, C.A.

WAITING MEMBERS.

Capt. (O.C.4th Cl (Acting Major) G.G.G. Walker,
No. 4 Ordnance Coy., The Royal Canadian Ordnance Corps, C.A.

Capt. P.L. Johnston, D.C.M., E.D.,
No. 5 District Depot, C.A.

JUDGE ADVOCATE.

Capt. J. Alfred Crowe,
Royal Canadian Corps of Signals, C.A.

PROSECUTOR.

Capt. Pierre Gelly,
Corps Reserve (6th Q. & L.) Coast Brigade, C.A.

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

The District Officer Commanding, Military District No. 5, will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The Proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED at OTTAWA, ONTARIO, this 30th day of November, 1942.

H.F.G. Letson

(H.F.G. Letson)
Major-General,
Adjutant-General.

MEMORANDUM

TO:

J.A.G.

Department of National Defence
- Army -
H.Q. C.55-H-278 (A.D.2)
OTTAWA, 27th November, 1942.

General Court-Martial
Lieut. Ralph Bernard HOGAN
No. 5 Ordnance Depot Coy., R.C.O.C., C.A.

Reference the marginally noted matter, it is considered that this officer should be tried by General Court-Martial.

2. Immediately hereunder appears a list of officers arranged in order of seniority and suggested members of the Court.

3. It is recommended that the trial take place at the Drill Hall, Quebec, P.Q. Will you be good enough to arrange this for as early a date as possible.

4. Captain J. Alfred Crowe, R.C.C.S., C.A. is suggested as J.A.G.

5. Captain Pierre Celly, Corps Reserve (6th (Q. & L.) Coast Brigade, is suggested as Prosecuting Officer.

6. The District has not advised as to the name of any defending officer.

7. Will you be good enough to draft the Convening Order and forward same to the Adjutant-General for his signature.

Colonel,
D. of Admin.

AGM/AMcC

76

PRESIDENT

Colonel
G.E.A. Dupuis, M.C.
O.C. 35 (Reserve) Brigade Group C.A.

MEMBERS

Lieut-Colonel
M.M.L. Garon
Royal 22e Regiment C.A.

Lieut-Colonel
G.N. Dickenson
The Corps of Royal Canadian Engineers C.A.

Major
J.G. Coote
The Royal Canadian ~~Engineers~~ artillery, C.A.

Capt. (Acting Major)
C.A. Rogers
Canadian Forestry Corps C.A.

Capt. (Acting Major)
A. de L. Macdonald
Les Fusiliers Mont-Royal, C.A., attached
No. A-13 Infantry Training Centre, C.A.

Capt. (Acting Major)
A.H. Bolton
No. 5 Coy. The Royal Canadian Army Service Corps. C.A.

WAITING MEMBERS

Capt. (O.O. 4th Cl.) (Acting Major)
G.G.C. Walker
No. 4 Ordnance Coy. The Royal Canadian Ordnance Corps. C.A.

Capt.
P.L. Johnston, D.C.M., E.D.
No. 5 District Depot. C.A.

Pers file back to Mac Dougall

75

OUT MAIL

CONFIDENTIAL

H.Q.C.55-H-278(A.D.2)

27th November, 1942.

District Officer Commanding,
Military District No. 6,
HALIFAX, N.S.

Re: General Court-Martial
Lieut. Ralph Bernard Hogan
No. 5 Ordnance Depot Coy., R.C.O.C., C.A.

Reference H.C/H-866, General Court-Martial held on the marginally named officer.

2. The marginally noted General Court-Martial proceedings have come to the attention of the Adjutant-General and the sentence imposed upon this officer, namely, a reprimand, has been very seriously considered. The Adjutant-General is of the opinion that the sentence imposed in this case is entirely inadequate and he is of the opinion that if an officer is tried by General Court-Martial on a charge of drunkenness and does not receive any more severe punishment than simple reprimand, such a sentence will certainly not have a salutary effect on the officer himself and will not act as a deterrent to others.

3. This officer is at present under arrest at Military District No. 5 on another charge of a similar nature.

4. Serious consideration should be given by yourself to this matter and such appropriate action as you deem advisable and necessary should be taken to ensure that in the future more adequate disciplinary action is taken.

(H.F.C. Letson),
Major-General,
Adjutant-General.

AGH/AMcC

74

D. of Admin.

Reference Telegram A260

The seniority of Major G.G.G. Walker No.4 Ordnance Coy, The Royal Canadian Ordnance Corps is directly following Capt. A/Major A.H. Bolton.

The dates of his rank:- Captain (O.O.4th Cl.) 10-9-41
Capt. A/Major 1-9-42

The commissioned service of this officer in the Canadian Army dates from 20-5-40 but according to his personal file he previously held a commission in the British Army during the last war.

27-11-42

Major
for Dir. of Pers.

73

AD

9 MTL AJ 33 NL MONTREAL NOVEMBER 27 1205

THE SECRETARY

DEPT NATIONAL DEFENCE

OTTAWA

A 260 REFERENCE TELEPHONE MCDOUGALL VAUTELET YOUR FILE C FIFTY-FIVE DASH H DASH TWO SEVENTY EIGHT MAJOR G G G WALKER NUMBER FOUR ORDNANCE DEPOT COMPAFY AVAILABLE FOR COURT MARTIAL

COMMANDING FOUR

ROYAL CA... NOV 27 ... Army Signal C...

STATION	TIME	SIGNATURE

13443

1334/27

CLASS[redacted]E	SYMBOL
Full[redacted]ge	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

408 B

CANADIAN NATIONAL TELEGRAM

(08)

D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

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518-5-12. 102

ROYAL CANADIAN VETERANS NOV 26 1942 Army Navy Air Force

Q321 REF Q299 AND TELEPHONE CONVERSATION 26 NOV 1942 STOP ONLY RCOC OFFICER AVAILABLE HAVING 3 YEARS SERVICE IS CAPT J L T TREMBLAY BUT IS NOT RECOMMENDED BY DOO FOR THAT PARTICULAR DUTY STOP SUGGEST YOU TRY MD 4=

COMMANDING FIVE.

THIS IS AN ACTION COPY

IF INCORRECTLY DELIVERED, COMPLETE BELOW AND RETURN TO A.S.O. 615 WORDS

BRANCH	TIME	SIGNATURE

301

13286

11

D. of Admin.

Re. M.D.5 Telegram 25th instant.

The seniority of A-Capt. J.D. Dion is immediately between Capt.A-Major A.H. Bolton and Capt. P.L. Johnston.

The dates of his rank:-	Lieut. A-Capt.	1-12-41
	Lieut.	1-9-40

The commissioned service of this officer dates from 1-9-40 with previous service in the ranks.

Major
for Dir. of Pers.

26-11-42

70

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ROYAL CANADIAN MAILS
NOV 25 1942
Army S. O. S.

THE SECRETARY 1091

DEPT OF NATIONAL DEFENCE OTTAWA ONT

REF HQ 55-H-278 AND TELEPHONE CONVERSATION 25 NOVEMBER BETWEEN MAJOR MCDONGALL AND MAJOR GIGNAC RELATIVE LIEUTENANT HOGAN STOP CAPT J D DION RCOC SUGGESTED

COMMANDING FIVE

612P

THIS IS AN ACTION COPY IF INCORRECTLY DELIVERED, COMPLETE BELOW AND RETURN TO A.S.C. 619 WOODS		
BRANCH	TIME	SIGNATURE

12950

19

Nothing Matters Now But Victory—Buy Victory Bonds

CONFIDENTIAL

MEMORANDUM

TO: Personal Services

Department of National Defence
- Army -
H.Q. C.55-H-278 (A.D.2)
OTTAWA, 25th November, 1942.

Reference the undermentioned list of Officers.

2. Will you please be good enough to check same for rank, correct name, unit and appointment. If the rank given is Active, may Permanent rank be shown.

3. Will you also please arrange them in order of seniority.

Colonel G.E.A. DUPUIS, M.C.
O.C. 35 (Reserve) Brigade Group.

Lieut.-Col. M.M.L. GARON
Royal 22e Regiment, C.A.

Lieut.-Col. G.W. DICKENSON
D.E.O., M.D. No. 5.

Major J.G. COOTE
R.C.A., C.A.

Major C.A. ROGERS
Canadian Forestry Corps, C.A.

Major A. de L. MACDONALD
Fusiliers Mont-Royal, C.A.

Major A.H. BOLTON
No. 5 Coy., R.C.A.S.C., C.A.

Captain P.L. JOHNSTON
No. 5 District Depot.

for Colonel,
D. of Admin.

AGM/BM

D. of Admin.

List showing seniority with date of rank, (temp. substantive and acting) correct name and unit is attached. All the officers have over three years commissioned service.

25/11/42

L. A. of D.

MEMORANDUM.

DEPARTMENT OF NATIONAL DEFENCE.

TO: ADJUTANT-GENERAL (A.D.)

H.Q.C. 55-H-278 (JAG)

OTTAWA, ONT., November 24, 1942.

Re: APPLICATION for GENERAL COURT-MARTIAL
Lieutenant Ralph Bernard HOGAN
No. 5 Ord. Det. Coy, R.C.O.C., C.A.

Please find hereunder, resubmitted Application for General Court Martial of the marginally-noted Officer, including draft Charge Sheet, Summary of Evidence and list of officers available to act as President and members of the Court.

2. It would appear that the Charge Sheet is now in order and a prima facie case disclosed in the Summary of Evidence.

3. If you should require this officer tried by General Court-Martial, may I be advised accordingly, together with a list of the President, members of the Court, Judge Advocate and Prosecutor that you require to act as such. The President and members of the Court must have three whole years commissioned service. The President should be of the rank of Colonel and six members should be detailed. There should be at least two waiting members nominated.

4. It is to be observed that the statement by the accused as to whether or not he desires to have a Defending Officer assigned has not been forwarded with the Application, and no indication has been made by the D.O.C., M.D. 5 in this respect.

5. It is also observed that the M.F.B. 355 forwarded with the Application has not been properly completed, but it is thought that this matter can be corrected when the necessary documents are returned to the District.

6. If you should require trial, will you please advise me accordingly, and in addition to the foregoing, indicate the date, time and place of trial.

H. G. Nolan Col
Brigadier,
Judge Advocate-General.

67

EBB/S.

59610

IN REPLY PLEASE QUOTE

Department of National Defence

No. Q: C/142-H-14 (JA)

CANADA

Quebec, November 20, 1942. 194

CENTRAL REGISTRY Army
CONF. SEC.
NOV 23 1942
File C 55-H-278
Chgd. to
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

APPLICATION FOR GENERAL COURT-MARTIAL
Lieutenant Ralph Bernard HOGAN,
No. 5 Ord. Det. Coy. R.C.O.C., C.A.

1. Reference your H.Q.C/55-H-278, F.D. 1 (A.D. 2), dated 7th November 1942, relative to the marginally noted subject.

2. The application for a General Court-Martial in the case of the m/n Officer is returned herewith, together with the following documents:-

a) Charge Sheet and duplicate;
b) Summary of Evidence and duplicate;
c) List of witnesses for Prosecution and Defence;
d) Statement as to character and particulars of service of accused (M.F.B. 355);
e) Certified true copy of Part II Orders No. 44, dated 26th October, 1942.

3. Enclosed also is a list of Officers available for this General Court-Martial.

4. It is pointed out for your information that Lieut. H. Taschereau, one of the witnesses in this case, is on Command at Brockville, Ontario, and is expected to return here by the end of this month, i.e. 30th of November, 1942.

5. It is recommended that the trial takes place at the Drill Hall, Quebec, P.Q.

(George P. VANIER) - Brigadier,
District Officer Commanding,
Military District No. 5.

CA/fv

66

M.F.B. 239
10000M—9-40 (7302)
H.Q. 1772-88-194

FORM OF APPLICATION FOR A COURT-MARTIAL

No.5 Ord.Depot Coy Regiment
Royal Can.Ord. Corps

Station Quebec, P.Q. Date 26-10-1942 19

Application for a General **Court-Martial**

SIR,

I have the honour to submit 3 charges against

No. Lieut. Ralph Bernard Hogan
No.5 Ord.Depot Coy.

of the R.C.O.C.(CA) under my command, and request you will obtain the sanction of D.O.C. M.D. No.5 that a General Court-Martial may be assembled for his trial at Quebec, P.Q.

The case was investigated by (a) Major L.A. Lacroix
Capt. P.E. Findlay

A Court of Inquiry was held on (b) ..... (date)

at ..... (Station).

President ..... } Ranks,
Members ..... } names
..... } and
..... } corps.

The accused is now at Quebec, P.Q. His general character is (c) Fair

I enclose the following documents (d):—

1. one Charge Sheet (in duplicate) (e).
2. Summary of Evidence, original (f) and two copies.
3. ~~Original Exhibit (g)~~.
4. List of witnesses for the prosecution and defence (with their present stations or addresses) (g).
5. ~~[illegible]~~
6. ~~[illegible]~~.
7. Statement as to character (M.F.B. 355) and regimental and company, etc., conduct sheets (or Field Conduct sheets) of accused (g).
8. Statement by accused as to whether or not he desires to have an officer assigned by the Convening Officer to represent him at the trial (R.P. 14 (B)) (h).

Your obedient servant,

Signature of Commanding Officer (L.A. Lacroix) Major,
O.C. No.5 Ord. Depot Coy.R.C.O.C.(CA)

To:

MEDICAL OFFICER'S CERTIFICATE

I certify that No. Lieut. Ralph Bernard Hogan Regiment

is* Fit to undergo trial by Court-Martial.

Signature of the Medical Officer.

* Insert "fit" or "unfit."

(a) Here insert name of:—
(i) Officer who investigated the charges.
(ii) Company, etc., Commander who made preliminary enquiry into the case.
(iii) Officer who took down the Summary of Evidence (R.P. 19 (B) (iii)).
(b) To be filled in if there has been a Court of Enquiry respecting any matters connected with the charges; otherwise to be struck out (R.P. 19 (B) (iii)).
(c) To be filled in by the Commanding Officer.
(d) Any items not applicable to be struck out.
(e) One copy to be sent to the President; one copy to be filed with the application for trial.
(f) Original summary of evidence to be sent to the President.
(g) 3, 4, 6 and 7 to be returned to the Officer Commanding the unit of the accused with the notice of trial.
(h) 5 and 8 to be sent to the President.
(If the accused has elected to be tried under A.A. (8), the fact should be recorded at the top of this form.)

M.F.B. 221
(A.F.B. 118)
2M—1-41 (362)
H.Q. 1773-39-481

Colonel — Col. 24-4-42
G.E.A. Dupuis, MC.
O.C. 35 (Reserve) Brigade Group

Lieut.Colonel — Lt.Col. 1-9-39
M.M.L. Garon
Royal 22e Regiment

Lieut.Colonel — Lt.Col. 1-9-39
G.N. Dickenson
The Corps of Royal Canadian Engineers

Major — Major 8-9-39
J.G. Coote
The Royal Canadian Engineers

Capt. Acting Major — Capt. 25-1-41
C.A. Rogers — A/Major 19-6-41
Canadian Forestry Corps

Capt. Acting Major — A/Capt. 29-4-41
A.de L. Macdonald — Capt. 1-8-42
Les Fusiliers Mont-Royal — A/Maj. 22-9-41
No.A 13 Infantry Training Centre

Capt. Acting Major — Capt. 2-10-39
A.H. Bolton — A/Maj.1-5-42
No.5 Company The Royal Canadian Army Service Corps

Capt (QOWRC) Acting Major G.S.S. Walker — Capt (QOWRC) 10-9-[illegible]
No.14 Ordnance Company The Royal Canadian Ordnance Corps — Capt (Quartermaster) A/Maj 1-9-[illegible]

Capt. P.L. Johnston, DCM.ED. — Capt. 1-1-42
No.5 District Depot

Lieut [illegible] — Lieut 1-9-[illegible]
[illegible] Corps — A/Capt 1-12-41

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LIST OF WITNESSES

in the case of

Lieutenant Ralph Bernard Hogan
No.5 Ordnance Depot Company,
Royal Canadian Ordnance Corps (CA).

FOR PROSECUTION:-

1) Major L.A. Lacroix
Commanding No.5 Ordnance Depot Company,
Royal Canadian Ordnance Corps, (CA).

2) Lieut. H. Taschereau
No.5 Ordnance Depot Company,
Royal Canadian Ordnance Corps, (CA).

3) E.20431 Private B. Chartre
No.5 Ordnance Depot Coy.
Royal Canadian Ordnance Corps, (CA).

FOR DEFENCE N I L.

L.A. Lacroix

(L.A. Lacroix) Major,
O.C. No.5 Ordnance Depot Company,RCOC (CA)

Quebec, P.Q.
26-10-1942.

(3)

LIST OF OFFICERS QUALIFIED AND AVAILABLE
FOR A GENERAL COURT-MARTIAL.

PRESIDENT: Colonel J. PINEAULT, V.D.,
Commandant, Valcartier Camp.

Colonel G.E.A. DUPUIS, M.C.
O.C. 35 (Reserve) Brigade Group.

MEMBERS: Lieut.- Col. E.J.J. LEGARE, E.D.
C.O.T.C. Laval (Reserve).

Lieut.- Col. M.M.L. GARON,
Royal 22e Regiment, C.A.

Lieut.- Col. F.C. MAGEE,
O.C. No. 5 District Depot.

Lieut.- Col. G.W. DICKENSON,
D.E.O., M.D. No. 5.

Major J.G. COOTE,
R.C.A., C.A.

Major C.A. ROGERS,
Canadian Forestry Corps, C.A.

Major A. de L. MACDONALD,
Fusiliers Mont-Royal, C.A.

1 Reserve Army or Cpt

Major K.G. FRANCIS,
No. 5 Coy. R.C.E., C.A.

Major A.H. BOLTON,
No. 5 Coy R.C.A.S.C., C.A.

Captain J.W. PHILIPPS,
R.C.A., C.A.

Captain P.L. JOHNSTON,
No. 5 District Depot.

Captain A.H.C. SMITH,
Royal Rifles of Canada, C.A.

Captain R.M. IEVERS,
Royal Rifles of Canada, C.A.

JUDGE ADVOCATE: Captain J. Alfred CROWE,
R.C.C.S., C.A.

The following officers may act as Prosecutor or Defending Officer; they are all members of the Legal Profession.

PROSECUTOR OR DEFENDING OFFICER: Captain Pierre GELLY, Corps Reserve (6th (Q.&L.) Coast Bde.

Lieut. Camille NOEL, C.O.T.C. LAVAL (Reserve).

62

CONFIDENTIAL

H.Q.C. 55-H-278 V.D.1
(A.D.2)

RECEIVED
NOV 10 1942
ORG.
A. D.

7th November, 1942.

District Officer Commanding,
Military District No.5,
QUEBEC, P.Q.

APPLICATION FOR GENERAL COURT-MARTIAL
Lieutenant Ralph Bernard HOLAN
No. 5 Ordnance Depot Company, R.C.O.C., C.A.

Receipt is acknowledged of your Q.2-7-88 (JA) of 30th October, 1942, enclosing application for General Court-Martial in the case of the marginally named officer.

2. After consideration of the summary of evidence it is considered that there is no evidence to substantiate charge No.2, i.e., that on the fifteenth day of October this Officer was unfit for duty by reason of previous indulgence in alcoholic stimulants.

3. It is further considered that there is some evidence to indicate drunkenness on the afternoon of the fourteenth, and further consideration should be given by your District to the question of adding a charge in this regard.

4. I am returning herewith the application for Court-Martial together with all attached documents.

Enc.
AMM/EEL

(H.F.G. Letson),
Major-General,
Adjutant-General.

RECEIVED
NOV 20 1942
ORG.
A. D.

60

CONFIDENTIAL

H.Q.C.55-H-278
F.D.1 (A.D.2)

November 6th, 1942.

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

APPLICATION FOR GENERAL COURT-MARTIAL
Lieutenant Ralph Bernard HOGAN,
No. 5 Ordnance Depot Company R.C.O.C., C.A.

Receipt is acknowledged of your Q.2-7-88 (JA) of October 30th, 1942, enclosing application for General Court-Martial in the case of the marginally-named officer.

2. Perusal of the evidence taken on the summary does not disclose any evidence to substantiate charge Number 2 i.e. on the 15th day of October, this officer was unfit for duty by reason of previous indulgence in alcoholic stimulants. There is some evidence that he was intoxicated on the afternoon of the 14th.

3. A charge sheet should be re-drawn and charge Number 2 should be omitted.

4. I am to ask that this action be completed and the proceedings returned to this Headquarters.

(H. F. G. Letson),
Major-General,
Adjutant-General.

Encl. ACM/EMP

39

MEMORANDUM.

DEPT. of NATIONAL DEFENCE.

H.Q.C. 55-H-278 (JAG)

OTTAWA, ONT., November 3rd, 1942.

TO: ADJUTANT-GENERAL.

RECEIVED NOV 14 1942 ORG. 4 D

Re: APPLICATION FOR GENERAL COURT-MARTIAL
Lieutenant Ralph Bernard HOGAN,
No. 5 Ordnance Depot Company, R.C.O.C., C.A.

Hereunder, please find letter from the District Officer Commanding, M. D. No.5, dated October 30th, 1942, enclosing Application for General Court-Martial of the marginally-noted officer, and which application has been forwarded for your decision.

2. In case you should require my views, I have considered the draft Charge Sheet and Summary of Evidence.

3. The Charge Sheet would appear to be in order as to form.

4. As far as the evidence is concerned, there would appear to be sufficient to establish a prima facie case against the accused officer on the first and third charges on the Charge Sheet. As far as the second charge is concerned, although there is some evidence of drunkenness on the afternoon of October 14th, 1942, the accused is not charged with this offence, and there is no evidence whatsoever that the accused was unfit for duty whether by reason of alcoholic stimulant or otherwise on the 15th of October, 1942, as charged.

5. For your information, it is observed that this officer was tried on a charge of drunkenness under Army Act, Sec. 19 by General Court-Martial on the 10th of September, 1942, and was sentenced to be reprimanded, which was confirmed by the Governor-in-Council.

H G Lolan Col
Brigadier,
Judge Advocate-General.

58

EBB/S.

85448

CANADA

IN REPLY PLEASE QUOTE
No. 912-7-88 (JA).

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., October 30th, 1942.

The Secretary,
Department of National Defence,
OTTAWA, Ont.

CENTRAL REGISTRY Army
CONF. SEC.
OCT 31 1942
File C.55-H-278
Chgd. to Oct 30/42
Referred to JAG

APPLICATION FOR GENERAL COURT-MARTIAL
Lieutenant Ralph Bernard HOGAN,
No. 5 Ordnance Depot Company R.C.O.C., C.A.

1. Enclosed herewith please find an application for General Court-Martial in the case of the marginally named officer.

2. Also enclosed are the following documents:-

(a) Charge Sheet and duplicate,
(b) Summary of Evidence and duplicate,
(c) List of witnesses for Prosecution and Defence,
(d) Statement as to character and particulars of service of accused (M.F.R. 355),
(e) Certified true copy of Part II Orders, No. 44, dated 26th October, 1942.

3. Enclosed also is a list of officers available for this General Court-Martial.

4. It is recommended that the trial takes place at the Drill Hall, Quebec, P.Q.

(GEORGE P. VANIER) - Brigadier,
District Officer Commanding,
Military District No. 5.

AC/rb.

NAT. DEF. R. 446
2,000 M—4-42 (4322)
H.Q. 1772-39-767

57

A. G. 9/11/42

These two files C55-H-278, and C55-H-278 fol. 1 were received in C.R. to-day. The false docket is marked "with main; but it is referred to A.G. while the main is referred to DOS(C).

Shouldn't the letter on second folio down have been despatched? There is an envelope addressed to D&C. M. D. 6 attached to same, please.

U. J. Brown

C.R. (Conf)

56

CONFIDENTIAL

H.Q.C. 55-H-276 F.D.1
(A.D.2)

7th November, 1942.

District Officer Commanding,
Military District No.5,
QUEBEC, P.Q.

APPLICATION FOR GENERAL COURT-MARTIAL
Lieutenant Ralph Bernard HOGAN
No. 5 Ordnance Depot Company, R.C.O.C., C.A.

Receipt is acknowledged of your Q.2-7-88 (JA) of 30th October, 1942, enclosing application for General Court-Martial in the case of the marginally named officer.

2. After consideration of the summary of evidence it is considered that there is no evidence to substantiate charge No.2, i.e., that on the fifteenth day of October this Officer was unfit for duty by reason of previous indulgence in alcoholic stimulants.

3. It is further considered that there is some evidence to indicate drunkenness on the afternoon of the fourteenth, and further consideration should be given by your District to the question of adding a charge in this regard.

4. I am returning herewith the application for Court-Martial together with all attached documents.

Enc.
A(DA)/EAL

for (H.F.G. Letson),
Major-General,
Adjutant-General.

55

AIR MAIL

CONFIDENTIAL

H.Q.C.55-H-278(A.D.2)

RECEIVED NOV 10 1942 ORG. A. D.

31st October, 1942.

District Officer Commanding,
Military District No. 6,
HALIFAX, N.S.

Re: General Court Martial
Lieut. Ralph Bernard Hogan,
No.5 Ordnance Depot Coy., R.C.O.C., C.A.

Reference H.C/H-866, General Court Martial held on the marginally named officer.

2. The marginally noted General Court Martial proceedings have come to the attention of the Adjutant General and the sentence imposed upon this officer; namely, a reprimand, has been very seriously considered. The Adjutant General is of the opinion that the sentence imposed in this case is entirely inadequate and he is of the opinion that if an officer is tried by General Court Martial on a charge of drunkenness and does not receive any more severe punishment than simple reprimand, such a sentence will certainly not have a salutary effect on the officer himself and will not act as a determrent to others.

3. Serious consideration should be given by yourself in this connection and such appropriate action should be taken by yourself to ensure that more adequate disciplinary action is taken in the future.

(H.F.G. Letson),
Major-General,
Adjutant-General.

AGS/KF

Memorandum

Department of National Defence

To D. of Admin.

H.Q.C. 55-H-278 (DAG)

Ottawa, 30th October 1942

Now that routine action has been taken on this file, will you please refer to the A.G.'s memorandum dated 16th September, 1942, to the J.A.G.

2. You will note that the A.G. is of the opinion that the sentence awarded in this case is totally inadequate for the nature of the offence. Will you please be good enough to communicate with the D.O.C. M.D. No. 6 and so advise him.

3. If an Officer is to be tried by Court-Martial on a charge of drunkenness and can get away with a simple reprimand, such fact will certainly not have a salutary effect on the Officer himself and will not act as a deterrent to others.

(D.M.M.Kay) Brigadier
Deputy Adjutant-General

RH/EMK

N.D.A. 168C
100M—11-41 (2582)
H.Q. 1772-39-376

ROUTINE ORDER
No 2508
Date 31-10-42
Ed Salary Capt
O/C ORDERS

DRAFT ROUTINE ORDER

ADJUTANT-GENERAL'S BRANCH

SENTENCE OF A GENERAL COURT-MARTIAL

1. Lieutenant Ralph Bernard HOGAN, No. 6 Ordnance Depot Coy., R.C.O.C., C.A., was tried by a General Court-Martial on the 10th day of September, 1942 on a charge under Section 19 of the Army Act relating to drunkenness, and was found Guilty. He was sentenced to be reprimanded.

2. The finding and sentence have been confirmed by Governor-in-Council and the sentence was duly promulgated.

(H.Q.C.55-H-278)

Recommended:

Colonel,
D. of Admin.

Approved:

Major-General,
Adjutant-General.

MEMORANDUM.

DEPARTMENT OF NATIONAL DEFENCE.

H.Q.C. 55-H-278 (JAG)

OTTAWA, ONT., October 15, 1942.

TO: A. D.

Re: GENERAL COURT-MARTIAL
Lieut. Ralph Bernard Hogan,
No. 6 Ordnance Depot Coy., R.C.O.C., C.A.

In connection with the marginally-noted General Court-Martial, please be advised that the Finding and Sentence was duly confirmed by the Governor-in-Council on the 23rd September, 1942, and promulgation to the accused was effected on 3rd October, 1942.

The Proceedings are now passed to you to note, and for you, thereafter, to pass to Personal Services in order that the result may be duly published in Routine Orders pursuant to C.A.R.O. 211 and 367.

Please note that the D.A.G. requires that this file be passed to him as soon as it is available, as he intends to write to the District Officer Commanding in connection with the case.

A. G. Lucas Col
~~Brigadier~~,
Judge Advocate-General.

KBB/S.

H.Q. C. 55-H-278
M.D. H.C/H-866

GENERAL

MEMORANDUM - ~~DISTRICT~~ - COURT-MARTIAL.

No. ..... Name Hogan, Ralph, Bernard.

Rank Lieut. Unit #6 Ordanance Depot, R.C.O.C. CA.

Charge Sec. 19 A.A. Drunkenness.

Date of Crime 24/7/42.

Date of Arrest ..... Charge. Signed 21/8/42

Orders for ~~D.C.M.~~ G.C.M. Adjutant-General.

Place and Date of Trial Halifax, 10/9/42.

Sentence Reprimanded.

Date of Confirmation 23/9/42

Date of Promulgation 3/10/42

Entered in Records of J.A.G. as No. 6897

Date 15/10/42

MEMO

E R Kenny Capt
for Judge Advocate-General.

60

(M1291)

6897

82254

IN REPLY PLEASE QUOTE
No. H.C/H-866

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, M.D. No.6,
Halifax, N.S., 10 October, 1942

CONFIDENTIAL

CENTRAL REGISTRY Army
CONF. SEC.
OCT 14 1942
File C 55-H-278
Chgd. to
Referred to JAG.

The Secretary,
Department of National Defence,
Ottawa, Ontario.

General Court-Martial
Lieut. Ralph Bernard Hogan,
No. 6 Ordnance Depot Coy., R.C.O.C. (CA)

Reference H.Q.C. 55-H-278 (JAG)
dated 28 Sep 42.

1. The proceedings of the General Court-Martial held for the trial of Lieut. R.B. Hogan, No. 6 Ord. Depot Coy. RCOC are returned herewith for safe custody. The Sentence has been duly promulgated to the accused and a minute to this effect has been inserted on page "F" of the proceedings.

(W.W.FOSTER) Brigadier,
D. O. C., M. D. No.6.

Enc.
/HRD.

NAT. DEF. B. 440
2,000 M—4-43 (4122)
H.Q. 1772-39-767

49

D84

P.C. 8595

7897 C. R.
To register and pass to
JAG
23 9 42

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 23rd day of SEPTEMBER, 1942

CENTRAL REGISTRY Army
CONF. SEC.
1942
CMS 5-21-275
Chgd. 28 9 42
Referred to

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of National Defence reports that Lieutenant Ralph Bernard Hogan, No. 6 Ordnance Depot Company, Royal Canadian Ordnance Corps, C.A., an officer of the Canadian Army placed on Active Service, was by a General Court-Martial held at No. 6 District Depot, Halifax, Nova Scotia, on the 10th day of September, 1942, tried on the following charge:-

Charge
Section 19
Army Act.

WHEN ON ACTIVE SERVICE DRUNKENNESS

in that he

In the City of Halifax, province of Nova Scotia, on the 24th day of July, 1942, was drunk.

That the accused pleaded guilty to the said charge and was sentenced to be reprimanded; and

That the Judge Advocate-General has reported that the proceedings are regular, the finding properly made and the sentence according to law.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, is pleased to confirm and doth hereby confirm the said finding and sentence accordingly.

A. P. Heney

Clerk of the Privy Council.

119

The Honourable
the Minister of National Defence

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

A

**Form of Proceedings for General ~~xxxxxxxxxxx~~ Courts-Martial

Proceedings of a General Court-Martial held at No. 6 District Depot, Halifax, N.S. on the 10th. day of September 1942 by order of Major-General H.F.G.Letson, M.C., E.D., Adjutant-General, by virtue of his warrant, dated ~~xxxxxxxxxxx~~ 1st. March, 1940.

~~xxxxxxxx xxxxx xxx~~

President.

Lieut.-Colonel D.A.Guildford, M.C.,V.D., No. 6 District Depot, (CA).

Members.

Lieut.-Colonel J.A.Adamson, M.C., E.D., The Pictou Highlanders (CA).

Lieut.-Colonel E.P.Flowers, V.D., 1st. Halifax Coast Regiment, R.C.A.,(CA).

Major C.D.Sills, 1st. A.A. Battery, R.C.A., (CA).

Major A. MacDonald, No. 6 Vocational Training Centre, (CA).

Captain (Acting Major) T.P.Slaven, 1st. A.A.S/L Battery, R.C.A., (CA).

Captain L.S. Murray, The Pictou Highlanders, (CA).

Major D.D. Macdonald, R.C.A., (CA),
Assistant Judge Advocate-General, M.D. No. 6. ,Judge Advocate.

Trial of* Lieutenant Ralph Bernard Hogan, No. 6 Ordnance Depot Coy., R.C.O.C., (CA).

The order convening the Court, the charge-sheet and the summary ~~xxxxxxxxxx~~ of evidence are laid before the Court.

~~xxxxxxxxxx

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

A

**Form of Proceedings for General ~~xxxxxxxxxxxx~~ Courts-Martial

Proceedings of a General Court-Martial held at No. 6 District Depot, Halifax, N.S. on the 10th. day of September 1942 by order of Major-General H.F.G.Letson, M.C., E.D., Adjutant-General, by virtue of his warrant, dated ~~xxxxxxxxxxx~~ 1st. March, 1940.

~~xxxxxxxx xxxxx xxx~~

President.

Lieut.-Colonel D.A.Guildford, M.C.,V.D., No. 6 District Depot, (CA).

Members.

Lieut.-Colonel J.A.Adamson, M.C., E.D., The Pictou Highlanders (CA).

Lieut.-Colonel E.P.Flowers, V.D., 1st. Halifax Coast Regiment, R.C.A.,(CA).

Major C.D.Sills, 1st. A.A. Battery, R.C.A., (CA).

Major A. MacDonald, No. 6 Vocational Training Centre, (CA).

Captain (Acting Major) T.P.Slaven, 1st. A.A.S/L Battery, R.C.A., (CA).

Captain L.S. Murray, The Pictou Highlanders, (CA).

Major D.D. Macdonald, R.C.A., (CA), Assistant Judge Advocate-General, M.D. No. 6. Judge Advocate.

Trial of* Lieutenant Ralph Bernard Hogan, No. 6 Ordnance Depot Coy., R.C.O.C., (CA).

The order convening the Court, the charge-sheet and the summary ~~xxxxxxxxx~~ of evidence are laid before the Court.

~~xxxxxxxxxxx

B

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

Q. 2 Do you object to No. F-77032 S/Sgt. C.W.Moore, No. 6 District Depot, (CA), and No. L-2610 S/Sgt. D.J.Patenaude, C.M.S.C., (CA), acting as shorthand writers?

A. 2 No Sir.
No. F-77032 S/Sgt. C.W.Moore, No. 6 District Depot, (CA), and No. L-2610 S/Sgt. D.J.Patenaude, C.M.S.C., (CA), are duly sworn as shorthand writers.

Charge-Sheet

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

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

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

Q. 3 Are you guilty or not guilty of the charge against you, which you have heard read?

Question to the accused.

A. 3 Guilty.

Answer.

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

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

B2
No. A. Gunnyfore Lt Col
President

CHARGE SHEET

The accused, Lieutenant Ralph Bernard Hogan, No. 6 Ordnance Depot Company, Royal Canadian Ordnance Corps C.A., an officer of the Canadian Army, placed on active service, is charged with:

SECTION 19
Army Act

WHEN ON ACTIVE SERVICE DRUNKENNESS

in that he

in the City of Halifax, Province of Nova Scotia, on the 24th day of July, 1942, was drunk.

(W.E.L. Edwards) Major,
O.C., No. 6 Ordnance Depot Company,
R.C.O.C., C.A.

Halifax, N.S.,
21st August, 1942.

To be tried by General Court-Martial.

Signed at Ottawa, Ontario, this 3rd day of September A.D. 1942

Major-General
Adjutant-General.

116

CC

Proceedings on Plea of Guilty

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

The accused Lieutenant Ralph Bernard Hogan, No. C Ordnance Depot Coy., R.C.O.C., (CA) is found guilty of the charge.

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

Q. 4 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A. 4 *Answer.* The accused in mitigation of punishment says:— (See document marked "H" attached.)

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

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

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

DD

Q. 5 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A. 5 No Sir. *Answer.*

~~*Evidence as to*~~ *character.*

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~The Court being reopened, the accused was again brought before the~~

Captain A.F.Lynch,
No. 6 Ordnance Depot Coy., R.C.O.C.,(CA). is duly sworn.

Evidence of character, &c.

Q. 6 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* Yes, I produce MFB-355 and M.F.M. 6.

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

Q. 7 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* Yes.

Q. 8 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* 8. Yes.

Q. 9 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 9. Yes.

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

~~Cross-examined by the accused~~
THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT AND JUDGE ADVOCATE, IT IS NOT NECESSARY TO COMPLY WITH R. P. 83 (B).

THE WITNESS WITHDRAWS.

Q. 10 *Question to the accused.* Do you wish to address the Court? *Answer* 10. (See document marked "I" attached.)

The Court is closed for the consideration of the sentence.

8.

F

Sentence

The Court sentence the accused Lieutenant Ralph Bernard Hogan, 906 Ordnance Depot Company, Royal Canadian Ordnance Corps C.A. to be reprimanded. *Sentence.* Reprimanded

Signed at Halifax N.S. this 10th day of September 1942

D. O. Macdonald Major
Judge Advocate

W. A. Gunnings Lt Col
President

"Promulgated and Extracts taken at Halifax, Nova Scotia, this 3rd day of October, 1942.

(W.F.L. Edwards) Major
O.C. No. 6 Ord. Depot Coy RCOC (CA) "

Extracts entered as No. 6897 in the Record of Courts-Martial Kept in the Office of the Judge Advocate General this 15th day of October 1942

X
No. 8 Company for the trial
President

GENERAL COURT-MARTIAL.

ORDERS BY Major-General H.F.G. Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Lieutenant Ralph Bernard Hogan,
No. 6 Ordnance Depot Coy., R.C.O.C., C.A.

A detail of officers, as mentioned below, will assemble at No. 6 District Depot, Halifax, N. S., on Thursday the tenth day of September, 1942, at 1000 hours for the purpose of trying by General Court-Martial the accused person named in the margin, and such other persons as may be brought before it.

PRESIDENT

Lieut-Colonel D.A. Guildford, M.C.,V.D., No. 6 District Depot (C.A.)

MEMBERS

Lieut-Colonel J.A. Adamson, M.C., E.D., The Pictou Highlanders, (C.A.)

Lieut-Colonel E.P. Flowers, V.D., 1st Halifax Coast Regiment, R.C.A., (C.A.)

Major C.D. Sills, 1st A.A. Battery, R.C.A., (C.A.)

Major A. MacDonald, No. 6 Vocational Training Centre (C.A.)

Captain (Acting Major) T.P. Slaven, 1st A.A. S/L Battery, R.C.A., (C.A.)

Captain L.S. Murray, The Pictou Highlanders, (C.A.)

WAITING MEMBERS

Major N.F. MacLeod, 1st Halifax Coast Regiment, R.C.A. (C.A.)

Major L.A. MacLean, The Pictou Highlanders, (C.A.)

PROSECUTOR

Captain G. Dwyer, Princess Louise Fusiliers (M.G.), (C.A.)

DEFENDING OFFICER

Lieutenant H.H. Gordon, No. 9 Coy. Veterans' Guard of Canada (C.A.)

JUDGE ADVOCATE

Major D.D. Macdonald, R.C.A., C.A., Assistant Judge Advocate-General, M.D. No. 6.

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

H3

The District Officer Commanding, Military District No. 6 will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED at Ottawa, Ontario, this 3rd day of September 1942.

H.F.G. Letson
(H.F.G. Letson,)
Major-General,
Adjutant-General.

G
Lt Hogan [illegible]
President

SUMMARY OF EVIDENCE

TAKEN UNDER OATH AT THE ORDER OF

Major Edwards, O.C., No. 6 Ordnance Depot Company R.C.O.C.

in the case of

Lieut. Ralph Hogan, R.C.O.C. Magazine, Dartmouth, N.S., an Officer of the Regular Forces, charged with, while on Active Service, drunkenness, in that he, when not on duty, at Halifax, on 24th July, 1942, was drunk.

First Witness Capt. R.O. Matteson, No. 37 Provost Company, Canadian Provost Corps, C.A., having been duly sworn stated as follows:

Q. "During what period of time did you have Lieut Hogan's conduct under observation on July 24th,1942?"

A. "From approximately 2135 hrs, 24-7-42, until about 2300 hrs., 24-7-42."

Q. "At what place or places did you have Lieut Hogan's conduct under observation?"

A. "First of all in the Waiting Room of the Dartmouth Ferry on the side of Halifax and from then continuously until about 2300 hrs., at which time Lieut. Hogan was left in custody at No. 6 District Depot."

Q. "Was Lieut. Hogan riotous at any time?"

A. "No."

Q. "What reasons have you for stating or believing that the accused was drunk?"

A. "When I first saw the accused he was in a stupor which on examination, in my opinion, was caused by drunkenness. After some effort he was awakened and was assisted by Sgt. Davidson, of No. 37 Provost Coy., into the station wagon and in a few minutes was sound asleep on the seat immediately behind the driver in the same position as when he was first seen. This position was such that he was lying with his head against the seat of the station wagon and his feet dangling over the end of the seat. He remained in this stupor while we stopped at the Police Station where he was examined by Constable Fry, No. 23 of the Halifax Police Department, and from there to the Orderly Room of No. 37 Provost Coy. While waiting at the Orderly Room of No. 37 Provost Coy. he vomitted all over himself and the back of the station wagon seat but did not rouse from his stupor. He remained so until arrival at No. 6 District Depot, where, after

being examined by Lieut. Gillespie, Hilcot and the Medical Officer, Lieut. Ritchie, he again had ~~a relapse~~ TO BE AWAKENED, so that he had to be carried from the station wagon to the cot which had been prepared for him. On being placed on the cot and his clothing loosened, shoes removed, he immediately relapsed into the drunken stupor."

The accused declined to cross-examine.

R O Matteson
(R.O. Matteson) Capt.

Second Witness F.45279 Sgt. Davidson W., No. 37 Provost Company, Canadian Provost Corps, C.A., having been duly sworn stated as follows:

Q. "During what period of time did you have Lieut. Hogan's conduct under observation on July 24th, 1942?"

A. "Approximately 2115 hrs., when I first saw him, till about 2230 hrs."

Q. "At what place or places did you have Lieut. Hogan's conduct under observation?"

A. "At approximately 2115 hrs. I first saw Lieut. Hogan in the Waiting Room of the Dartmouth Ferry on the Halifax side. I helped to put him in the wagon. We stopped at the City Police Station, Barracks of No.37 Provost Coy., Orderly Room of No. 6 District Depot and from there to the Marquee Tent at No. 6 District Depot.

Q. "Was Lieut. Hogan riotous at any time?"

A. "No, sir."

Q. "What reasons have you for stating or believing that the accused was drunk?"

A. "Well, sir, you could smell liquor; he was sound asleep on the bench and I couldn't awaken him. When we put him in the wagon he had to have a lot of help. Constable Fry, of the City Police, was called out at the Police Station and said he was drunk. He never moved from the time we put him into the wagon until we helped him out. Then on Cogswell St., in front of No. 37 Provost Barracks, he was lying in the wagon and he got sick and still he never moved. He never moved until we helped him into the tent at the District Depot. We took off his tie, unfastened his collar, took off his shoes, and we laid him on the bed."

The accused declined to cross-examine.

W Davidson
(W. Davidson) Sgt.

H.C

Third Witness F.87789 L/Cpl. Plumb, G.A., No. 37 Provost Company, Canadian Provost Corps, C.A., having been duly sworn stated as follows:

Q. "During what period of time did you have Lieut. Hogan's conduct under observation on July 24th, 1942?"

A. "Between 2130 hrs. and 2200 hrs."

Q. "At what place or places did you have Lieut. Hogan's conduct under observation?"

A. "At the City Jail and in the Orderly Room of No. 6 District Depot.

Q. "Was Lieut. Hogan riotous at any time?"

A. "No, sir."

Q. "What reasons have you for stating or believing that the accused was drunk?"

A. "Well, sir, he couldn't move, he couldn't waken, he was sick, and the Medical Officer, Lieut. Ritchie, at No. 6 District Depot, when asked if Lieut. Hogan was drunk said yes."

Q. "Anything to add to that?"

A. "No, sir."

Q. "What were your duties on the night of July 24th, 1942?

A. "Driving for Capt. Matteson."

The accused declined to cross-examine.

G A Plumb L/Cpl
(G.A. Plumb) L/Cpl.

Fourth Witness Constable Fry, No. 23 of the Halifax Police Force, having been duly sworn stated as follows:

Q. "During what period of time did you have Lieut. Hogan's conduct under observation on July 24th, 1942?"

A. "Between 9.40 p.m. and 9.45 p.m."

Q. "At what place or places did you have Lieut. Hogan's conduct under observation?"

A. "In the station wagon of the Provost Corps that was on Duke St., of the city of Halifax."

Q. " Was Lieut. Hogan riotous at any time?"

A. "No, sir, he wasn't."

Q. "What reasons have you for stating or believing that the accused was drunk?"

A. "I was in the station wagon and I looked at him, his face was flushed, his eyes were bleary, I asked him his name and his speech was so thick I couldn't make it out. I asked him to stand up and he fell into a sound stupor. He smelled of liquor."

Q. "What were you duties that night at the station?"

A. "I was on station duty at the office of the Police Station of Halifax, N.S."

The accused declined to cross-examine.

Arthur E. Fry

(Constable Fry)
No. 23 of Halifax Police Force.

Fifth Witness F.49981 A/CSM Harrison, J.E., No. 37 Provost Company, Canadian Provost Corps, C.A., having been duly sworn stated as follows:

Q. "During what period of time did you have Lieut. Hogan's conduct under observation on July 24th, 1942?"

A. "At approximately 2150 hrs. until 2230 hrs."

Q. "At what place or places did you have Lieut. Hogan's conduct under observation?"

A. "On Cogswell St. in front of No. 37 Provost Corps Barracks, in the station wagon, and from there to No. 6 District Depot."

Q. "Was Lieut. Hogan riotous at any time?"

A. "No, sir."

Q. "What reasons have you for stating or believing that the accused was drunk?"

A. "When I entered the station wagon in front of No. 37 Provost Company Barracks the said Officer was lying on the seat of the station wagon and he didn't move and when we arrived at the Depot the Medical Officer came up and examined him. I was standing by the station wagon and the window was up and I heard the Medical Officer state that this man was drunk. We escorted him from there to the Marquee Tent.

Q. "Have you any other reasons for stating or believing that the accused was drunk?"

A. "Fumes of liquor I could smell in the station wagon. He didn't move and when we got him by the District Depot we could smell the liquor and I did hear the Medical Officer state that he was drunk."

The accused declined to cross-examine.

J.E. Harrison Sgt.
(J.E. Harrison) A/CSM.

Sixth Witness F8062 F.~~[illegible]~~ Sgt. Gillis, J., No. 37 Provost Company, Canadian Provost Corps, C.A., having been duly sworn stated as follows:

Q. "During what period of time did you have Lieut. Hogan's conduct under observation on July 24th, 1942?"

A. "At 2145 hrs. till, I would say, about 2230 hrs.

Q. "At what place or places did you have Lieut. Hogan's conduct under observation?"

A. "First place I saw the Lieut. was just in front of No. 37 Provost Barracks and I stayed with him until we got to No. 6 District Depot."

Q. "Was Lieut. Hogan riotous at any time?"

A. "No, sir."

Q. "What reasons have you for stating or believing that the accused was drunk?"

A. "He was lying in the seat and he never moved at all and just before I got into the wagon he was sick and the Medical Officer made the statement that the man was drunk."

The accused declined to cross-examine.

J. Gillis Sgt.
(J. Gillis) Sgt.

Seventh Witness Lieut. Ritchie, R.C.A.M.C., Halifax Military Hospital, stationed at No. 6 District Depot, being duly sworn states:

Q. "During what period of time did you have Lieut. Hogan's conduct under observation on July 24th, 1943.

A. "2205 hrs. to 2210 hrs.

Q. "At what place or places did you have Lieut. Hogan's conduct under observation?"

A. "On the seat behind the driver of the station wagon of the Provost Corps immediately behind the Medical Inspection Room at No. 6 District Depot."

Q. "Was Lieut. Hogan riotous at any time?"

A. "No, sir."

Q. "What reasons have you for stating or believing that the accused was drunk?"

A. "The patient was in a stuporous condition; there was evident an odour of pei~~sonous liquor~~ alcoholic beverage; he had been violently sick; he was not rousable.

The accused cross-examined as follows:

Q. "Do you think, Mr. Ritchie, that a stuporous condition could be brought on by a weakened condition from loss of sleep and from taking too many aspirins?"

A. "In my opinion, yes."

Q. "That is generally upheld by the Medical profession?"

A. "Yes."

Q. "Could the condition be caused by a poisonous alcoholic beverage?"

A. "In my opinion it could be."

Q. "Then if a man were in a debilitated condition would he be apt to get stuporous from an amount of alcohol which does not ordinarily produce that effect on him?"

A. "Yes, a man who is not accustomed to imbibing excessive amounts of alcohol would, in this condition, be effected by a smaller amount than ordinarily."

J.G. Ritchie Lieut.

(Lieut. Ritchie).

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

Answer by accused -
"I have nothing to say."

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

Taken down by me in the presence of the accused at the District Ordnance Depot, Halifax, N.S., this 30th and 31st day of July, 1942.

R A Parkinson Lieut

(R.A. Parkinson) Lieut.
No. 6 Ordnance Depot Coy. R.C.O.C.

"H"

Answer to Question No. 4 by Defending Officer.

I am not quite aware of the procedure. Lieut. Hogan certainly wants to make a statement. I would prefer that he made the statement under oath so that it would have greater import with the Court.

The Accused, Lieutenant Ralph Bernard Hogan, No. 6 Ordnance Depot Coy., R.C.O.C., (CA), being duly sworn, is questioned by the Defending Officer.

How old are you?

Thirty-three.

You are a graduate of Dalhouse University?

Yes Sir.

Your degree is what?

I have a diploma in organic chemistry.

You are married?

Yes Sir.

You have how many children?

Two.

One in expectancy?

Yes Sir.

You joined the Army in what year?

1939.

Do you remember the date?

November 7th.

You joined the Army as a private?

Yes Sir.

Attached to what Unit?

R.C.A.M.C.

You served as a private for how long?

About seven or eight months. Until the end of May, 1940.

You were promoted to corporal?

Yes Sir.

How long did you serve as corporal?

Until December, 1940.

You were promoted again to sergeant?

Exhibit "H"---page two.

Yes Sir.

How long did you serve as sergeant?

Until June, 1941.

You were promoted to Staff-Sergeant?

Yes Sir.

Do you recall the date?

Just before Xmas, 1941.

Then you received your commission?

Yes Sir.

On what date?

February 28th, 1942.

As a 2/Lieutenant?

Yes Sir.

Having received your commission where did you proceed to?

To Barriefield, Ont., on an advance training course.

When did you finish that course?

The middle of April, this year.

Did you receive any promotion due to your efforts?

I was made a full Lieutenant.

Following that up, from April 15th, 1942, you were attached to what Unit?

No. 6 Ordnance Depot Coy.

In what capacity?

I was put on a course, but first for one month I was on Unit inspections.

What nature of course did you take?

It is known as an Inspecting Ordnance Officers' Course, it is inspecting ammunition and explosives.

It is to qualify you as an inspector of explosives?

Yes Sir.

When did you complete it?

Officially it is over today.

Have you been told what your standing is in that course?

Yes Sir.

Exhibit "H"---page three.

What is your standing?

75%.

How many were in the course?

Twenty.

Do you have to have any special qualifications before entering on that course?

Yes Sir. You have to be a chemist, preferably an organic chemist.

The course lasted four months?

Yes Sir.

Were you ever brought up before your Officer Commanding on any occasion which reflected upon your conduct?

No Sir.

Never at any time?

Never.

During your entire term of service from 1939 to the present date?

This is the only time.

To get back to this night when you made a fool of yourself. Where were you drinking?

In Halifax.

Did you have much to drink?

Not very much.

How do you account for this sickness that you underwent in the wagon?

I suppose I might have known better, but, possibly this may not hold, it is very probable that by handling explosives which contain nitro-glycerine may have caused an un-due nervous state, and then combined with alcohol, brought it on quickly. Besides that I had been up late, that is why I took a drink in the first place.

You should have known that you should not have taken a drink in that condition?

Yes Sir.

It has been stated in the summary that you were not riotous, you dont remember that?

No Sir.

You dont remember anything after being in the wagon?

I remember getting out of the taxi and going in the waiting-room to wait for the ferry.

Did you feel this coming on?

Yes Sir. That is why I was going home early.

When did you land in Halifax?

About six o'clock.

Had you been drinking?

I had a few drinks.

Where did you get this liquor? Maybe you better not tell me. Do you realize the fool you made of yourself?

Yes Sir.

Can you assure the Court that this situation will never arise again?

I feel my position very keenly and it certainly wont happen again.

Are you what could be commonly termed "a drinking man"?

No Sir. Definitely not.

You are not used to daily drinking?

No Sir. Never have been.

You still make the assertion that from the time you enlisted in 1939, that you have never appeared before your Officer Commanding?

Never once.

On any charge of any kind or nature?

None.

You have never been warned or cautioned as to your conduct?

Never.

35.

M.F.B. 355
5M-10-39 (2492)
H.Q. 1772-39-620

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
	Lieutenant	Ralph Bernard Hogan,	No. 6 Ordnance Depot Company

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

	Within last 12 months	Since enlistment
For	times	times
For	times	times
For	times	times
For	times	times

Number of instances of gallantry or distinguished conduct

or,

There are no entries in the conduct sheets of the accused.

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

2. The accused has not been previously convicted

or,

Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Air Force Act / Army Act and dispensations with trial under A.F.A. 73 / A.A. 73 are set out in the Schedule annexed to this statement.

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

or,

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

4. The accused has been in confinement awaiting trial on the present charges, for ..... days in civil custody, and 25 days in military custody, making a total of 25 days in custody, of which ..... days were spent in hospital. (Open arrest)

5. The present age of the accused according to his record of service is 33 years ~~attestation paper is~~

6. The date of his commission specified in his record of service is February 28th, 1942. ~~attestation~~ ~~attestation paper~~

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

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

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

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

30

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank ..... Permanent Force unit ..... dated ....., and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Act, and of cases in which trial has been dispensed with of accused, Number..... Rank.....

Name..... of.....Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

Certified True Copy
A. P. Lynch Capt
for O.C. #6 Ordnance Depot Coy. R.C.O.C.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~15th~~ 10th day of ~~August~~ September, 1942

W. Edwards
Major,
(W.E.L. Edwards)
O.C. No. 6 Ord. Deopt Coy.
R.C.O.C.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked..... signed by the president, and annexed to the proceedings.

FORM OF APPLICATION FOR A COURT-MARTIAL

Station Halifax, Nova Scotia — No. 6 Ordnance Depot Coy (CA) Regiment

Date August 19th 19 42

Application for a General **Court-Martial**

Sir,

I have the honour to submit one charge against No. Lieutenant Ralph Bernard Hogan of the Coy. under my command, and request you will obtain the sanction of the D.O.C., M.D. 6 that a General Court-Martial may be assembled for his trial at Halifax, Nova Scotia

The case was investigated by (a) Major J.P. Petrie
Lieut R.A. Parkinson

A Court of Inquiry was held on (b) ..... (date) at ..... (Station).

President .....
Members .....
..... } Ranks, names and corps.

The accused is now at Bedford Magazine His general character is (c) Good

I enclose the following documents (d):— Halifax

1. One Charge Sheet (in duplicate) (e).
2. Summary of Evidence, original (f) and one copy copies.
3. ~~Original Exhibits~~ (g).
4. List of witnesses for the prosecution ~~and defence~~ (with their present stations or addresses) (g).
5. ~~List of Exhibits~~ (h).
6. Correspondence (g).
7. Statement as to character (M.F.B. 355) and regimental and company, etc. conduct sheets (or Field Conduct sheets) of accused (g).
8. Statement by accused as to whether or not he desires to have an officer assigned by the Convening Officer to represent him at the trial (R.P. 14 (B)) (h).

Your obedient servant,

Signature of Commanding Officer W.F.L. Edwards

(W.F.L. Edwards) Major,
O.C., No. 6 Ordnance Depot
Company, R.C.O.C., (CA)

To:

MEDICAL OFFICER'S CERTIFICATE

I certify that No. 6 Ord. Depot Coy. Lt. R.B. Hogan. Regiment is* fit to undergo trial by Court-Martial.

20 Aug. '42 — C.K. Whitelock Capt.

*Insert "fit" or "unfit."

Signature of the Medical Officer.

(a) Here insert name of:—
(i) Officer who investigated the charges.
(ii) Company, etc., Commander who made preliminary enquiry into the case.
(iii) Officer who took down the Summary of Evidence (R.P. 19 (B) (iii)).
(b) To be filled in if there has been a Court of Enquiry respecting any matters connected with the charges; otherwise to be struck out (R.P. 19 (B) (iii)).
(c) To be filled in by the Commanding Officer.
(d) Any items not applicable to be struck out.
(e) One copy to be sent to the President; one copy to be filed with the application for trial.
(f) Original summary of evidence to be sent to the President.
(g) 3, 4, 6 and 7 to be returned to the Officer Commanding the unit of the accused with the notice of trial.
(h) 5 and 8 to be sent to the President.
(If the accused has elected to be tried under A.A. (8), the fact should be recorded at the top of this form.)

4

M.F.B. 355
(A.F.B. 196)
MM—1-G (3352)
H.Q. 1772-19-453

37

No. F76633 Name HOGAN, R.B. Sqn., Battery, or Company H.M.H.I Corps R.C.A.M.C. Date of enlistment 6-11-39 G.C. Badges Service or Proficiency Pay

M.F.M. 6 (A.F.B. 122) 500M—11-40 (8215) H.Q. 1712-45-18

Character Z

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				No Entries CERTIFIED TRUE COPY Major O.C. No. 6 Ord. Depot Coy RCOC					

(P.T.O.)

"I".

Answer to Question No. 10 by the Defending Officer.

In summing up the case, gentlemen. This young man is, as he states, thirty-three years of age. He is a well educated man, particularly in the line of work that the Army requires at the moment. He is an organic chemist. As such he was detailed to take this course which he has just completed at the J.S. Magazine. He has made a mistake. He got drunk. He was so hopelessly drunk that he did not know what he was doing. Whether that was caused by the amount of liquor that he consumed or by chemical action, I am at a loss to understand, but he feels his position most keenly and realizes the error he made and throws himself on the mercy of the Court.

He is of good character and his record is clean. Of what value is a man's character if he cannot bring it up in his hour of need? Surely this is the young man's hour of need. He presents his character record to you absolutely clean from the time he enlisted in the Army, shortly after the outbreak of the war. He was so well thought of by those who were his superiors that he was sent to take this course at Barriefield, Ont. He passed and was made a full Lieutenant and now, owing to his experience as an organic chemist, he was put on this course to qualify as an inspector of explosives.

His past has been a credit to himself. Surely one false step is not going to mar the entire career of this man. Any measure taken against him would not only mar his military career but would mar his career when he returned to civilian life. This is one case where I plead that something be meted out to this man that is not drastic.

I could bring his Officer Commanding to testify as to the worth of this man. I dont bring some man up before you who was a drunkard and ask you to gloss over it. The condition of the accused on the night in question has been brought out, and I would like to stress the point, and very decidedly, that he himself had sufficient intelligence to realize that he was not well. He even took a taxi to get to the ferry, and while there he fell in this state of coma. Whether it was due to his physical condition or not. In all events, there he was.

I might have pleaded Not Guilty, but I have explained to him that a man engaged in handling chemicals and realizes the effect of chemicals on the body should have had the sence to abstain from alcoholic stimulants, and, therefore, he took my advice and pleaded guilty.

He is a married man, has two children, and as he has told the Court, his wife is in expectancy at the moment. I cannot say any more. You gentlemen are acquainted with the facts, but I just say that here is a man needed by the Army. He has a clean record. He made this one mistake. We would not attain anything in this world if we did not make mistakes in endeavoring to attain it. Possibly this mistake that he has made, when he finds himself in the most embarrasing condition of facing a General Court -Martial will be sufficient to show him that he must redouble all his efforts towards the job that he has in hand, namely; the successful pursuit of his profession in this war. He is a qualified inspector of explosives. He has passed very high in his class, 75%. He has learned his lesson and he throws himself now on the mercy and consideration of the gentlemen of the Court.

MEDICAL OFFICER'S REPORT

I certify that Lt. R. B. Hogan
of R.C.O.C. is in a good state of healty,
and fit to undergo Trial by Court martial.

Macdonald Major RCAMC
Medical Officer

Station Halifax, N.S.
Date 10-9-42

M.F.B. 246

27

Memorandum

To D.A.G. (B)

Department of National Defence

H.Q.C. 55-H-278

Ottawa, September 26th 1942.

This file reached A.M. Section to-day on a B.F., apparently made in your office.

2. It is presumed it was the intention to forward the file to Pers. for preparation of a Routine Order. However, until approval of the recommendation to the Governor-in-Council is received, it is suggested that no action should be taken towards publication of a Routine Order in this case.

H T Cock

(H.T.Cock)
Colonel
D. of Admin.

N.D.A. 165C
100M—2-41 (5044)
H.Q. 1772-39-370

24

OTTAWA, ONT., September 28, 2.

District Officer Commanding,
Military District No. 6,
HALIFAX, N. S.

Re: GENERAL COURT-MARTIAL
Lieut. Ralph Bernard Hogan,
No. 6 Ordnance Depot Coy, R.C.O.C., C.A.

Herewith enclosed, Proceedings of the marginally-noted General Court-Martial, together with Order-In-Council P.C. 8595, dated 23rd September, 1942, confirming the Finding and Sentence.

2. Same should now be promulgated to the accused and a Minute of Promulgation endorsed on page F of the Proceedings. After same has been completed, may the Proceedings, together with P.C. 8595, be returned to this office for publication in Routine Orders and, thereafter, registration and custody.

Brigadier,
Judge Advocate-General.

MBB/S.

The Minister.

H.Q.C. 55-H-278

1. Lieut. Hogan charged with drunkenness, was found guilty and sentenced to be reprimanded.

2. A.G. concurs in the sentence but feels that it is inadequate and intends writing D.O.C. Lieut. Hogan's past record appears to be good.

3. Submission recommended by J.A.G.

1869-42.

Military Secretary.

23

Memorandum

To:—

THE MINISTER OF NATIONAL DEFENCE

Department of National Defence
H.Q. C. 55-H-278 (JAG)
OTTAWA, September 16, 1942.

General Court-Martial
Lieut. Ralph Bernard Hogan
No. 6 Ordnance Depot Coy., RCOC (CA)

The marginally noted officer was tried by a General Court-Martial on the 10th day of September, 1942, at No. 6 District Depot, Halifax, N. S. on the following charge -

Charge
Section 19
Army Act

WHEN ON ACTIVE SERVICE DRUNKENNESS

in that he

in the City of Halifax, province of Nova Scotia, on the 24th day of July, was drunk.

2. The accused officer pleaded guilty to the charge in question and was sentenced to be reprimanded.

3. I have reviewed the proceedings and hereby certify that the same are regular, the finding properly made and the sentence according to law.

4. The Adjutant-General has, pursuant to K.R. (Can.) 575, as amended by G.O. 225/1941, reviewed the proceedings and concurs in the sentence awarded. There do not appear to be any reasons which, in my opinion, would warrant any mitigation or commutation of the sentence in question, accordingly I attach a draft submission to the Governor in Council recommending that the finding and sentence be confirmed.

H F Nolan Col
Brigadier,
Judge Advocate-General.

HFGB/ADK

N.D. 25a
25M—5-40 (4988)
H.Q. 1772-101-25

22

H.Q.C.55-7-278. (JAG)

September 16, 1942.

TO:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL.

The undersigned has the honour to report -

That Lieutenant Ralph Bernard Hogan, No. 6 Ordnance Depot Company, Royal Canadian Ordnance Corps, C.A., an officer of the Canadian Army placed on Active Service, was by a General Court-Martial held at No. 6 District Depot, Halifax, Nova Scotia, on the 10th day of September, 1942, tried on the following charge:-

Charge
Section 19
Army Act.

WHEN ON ACTIVE SERVICE DRUNKENNESS

in that he

In the City of Halifax, province of Nova Scotia, on the 24th day of July, 1942, was drunk.

That the accused pleaded guilty to the said charge and was sentenced to be reprimanded.

That the Judge Advocate-General has reported that the proceedings are regular, the finding properly made and the sentence according to law.

The undersigned has, therefore, the honour to recommend that the finding and sentence be confirmed.

Respectfully submitted,

(Sgd) [signature]

MINISTER OF NATIONAL DEFENCE.

SEP 18 1942

Approved as to form
[signature]
DEPUTY
Judge Advocate-General

PC
20
19-9-42

21

OFFICIALS

Memorandum

To J.A.G.

Department of National Defence

H.Q. 55-H-278 (DAG)

Ottawa, 16th September, 1942.

General Court-Martial,
Lieut. Ralph Bernard Hogan,
No.6 Ordnance Depot Coy., RCOC (CA)

1. Proceedings General Court-Martial in the case of the marginally named officer have been reviewed and the sentence awarded is concurred in.

2. Will you please take the necessary further action.

3. Although I have no alternative but to concur in the sentence, I feel that the same is wholly inadequate. To this end I intend writing to the D.O.C. Will you, therefore, please return the file to this office when you have finished with same.

H.F.G. Letson
(H.F.G. Letson),
Major-General,
Adjutant-General.

OMMK/HH

K

20

N.D.A. 168C
100M—9-40 (7157)
H.Q. 1777-38-376

Memorandum

To The Adjutant General.

Department of National Defence

HQC. 55-H-278 (JAG)

Ottawa, September 14 1942

Re: General Court-Martial,
Lieut. Ralph Bernard Hogan,
No. 6, Ordnance Depot Coy., R.C.O.C., (CA)

Pursuant to K.R.(Can.) 575 (General Order 225 of 1941), the Proceedings of the marginally noted General Court Martial should have been transmitted directly to you for you to forward them, together with your recommendations and remarks, to the Judge Advocate-General, who will, after review, forward the Proceedings to the Minister of National Defence for submission to the Privy Council.

2. The Proceedings are passed herewith in order that the necessary action as indicated above may be taken by you.

A G Lucas Col

for Brigadier,
Judge Advocate-General.

EBR/CEW.

N.D.A. 168C
100M—2-41 (9244)
H.Q. 1772-39-378

19

R 1460 76471

IN REPLY PLEASE QUOTE
No. H. H-566

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters M.D. No. 6.
Halifax, N.S., 11th. Sept. 1942.

CENTRAL REGISTRY Army
CONF. SEC.
Sep 13 1942
File C 55-H-278
Clgd. to
Referred to JAG

CONFIDENTIAL.

Adjutant-General,
National Defence Headquarters,
Ottawa, Ont.

General Court-Martial,
Lieut. Ralph Bernard HOGAN,
No. 6 Ordnance Depot Coy., R.C.O.C., (CA).

Reference H.Q.C. 55-H-278 (JAG) dated 31st. August, 1942.

2. Attached are the proceedings of the Court, forwarded for approval and safe custody.

D D Macdonald

(D.D. Macdonald) Major,
A/J.A.G., Military District No. 6.

Encls.

DDM/DJP.

19

MAT. DEF. B. 440
2,000,000—10-41 (2024)
H.Q. 1772-30-767

DEPARTMENT OF NATIONAL DEFENCE

- A R M Y -

6 D.D. 3-1-6

Halifax, N. S., 7th September 1942.

Adjutant General,
N.D.H.Q.,
Ottawa, Ontario

C55-H-278

GENERAL COURT/MARTIAL
Lieut. Ralph Bernard HOGAN
No. 6 Ordnance Depot Coy. R.C.O.C., C.A.

Reference H.Q. 55-1-1-278 (JAG) dated 31st August 1942.

1. Receipt is acknowledged of above mentioned letter, also, Convening Order of the marginally noted General Court-Martial together with Charge Sheet and Summary of Evidence.

D. A. Guildford

(D. A. GUILDFORD) Lt. Col.
O.C. No. 6 District Depot, C. A.

DAG/LGS

JAG
To note & p.a.a.r
bcc: N.D. file pls.

10.9.42
noted
10-9-42

RECEIVED
SEP 10 1942
A. G.

17

IN REPLY PLEASE QUOTE
No. NO/H-966

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

Halifax, N.S., 7th Sept., 1942

CENTRAL REGISTRY Army
CONF. SEC.
Sep 9 1942
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
Ottawa, Ontario

General Court-Martial
Lieut. H. S. MORAN
No. 6 Ordnance Depot Coy., R.C.O.C. (CA)

This is to acknowledge receipt of your letter H.Q.C. 55-H-228 (JAG) dated 31st August, 1942.

D. S. Macdonald Major
for (C. S. CRAIG) Colonel,
D. O. C., M. D. No. 6

Leave blank. Place on file and P.O.

/CMcD

N.D. 88
1500M-2-42 (2466)
H.Q. 1772-101-88

16

Memorandum

To: THE ADJUTANT-GENERAL.

Department of National Defence

H.Q. 55-H-278 (JAG)

OTTAWA, August 31st, 1942.

General Court-Martial
Lieut. Ralph Bernard Hogan,
No. 6 Ordnance Depot Coy., R.C.O.C. (C.A.)

1. Attached herewith are the following:-

(a) Letter to the D.O.C., M.D. 6, enclosing two copies of Convening Order with instructions as therein set out, and returning the original M.F.B. 355.

(b) Letter to Lieut-Colonel D.A. Guildford, the President of the Court, enclosing the original Convening Order, Charge Sheet and Summary of Evidence. This letter and said documents, in a sealed envelope, should be forwarded to the D.O.C., M.D. 6. The letter under (a) above instructs the said D.O.C., M.D. 6, to deliver the said envelope to the President of the Court.

2. The Convening Order, letters, and the Order for Trial, on the Charge Sheet above-mentioned should be signed by you if you concur. The date of signing same should also be inserted in the Convening Order and the Order for Trial.

3. Attached hereto is also an additional copy of the Convening Order, which will be required for the marginally-noted officer's file.

4. May the above documents please be returned to me after signature and I shall see that same are properly despatched.

H G Nolan Col

Brigadier,
Judge Advocate-General.

HFGB/amb

N.D. 25
HQM—2-41 (9256)
H.Q. 1772-101-25

15

N.Q.C.55-H-278 (JAS)
Your File H.C/H-866.

August 31st, 1942.

The District Officer Commanding,
Military District No. 6,
Halifax, Nova Scotia.

General Court-Martial
Lieut. Ralph Bernard HOGAN,
No. 6 Ordnance Depot Coy., R.C.O.C., (C.A.)

1. With reference to your H.C/H-866 dated August 22nd, 1942, the marginally-noted application for General Court-Martial has been granted and there are enclosed herewith two copies of the Convening Order.

2. You will immediately on receipt deliver one copy of this Order to the accused officer, Lieut. Hogan, in pursuance of R.P. 15(C).

3. You will note from the Convening Order that you are responsible for arranging the various matters as therein set out, in which connection the following should be noted:-

(a) You should ensure that all necessary witnesses will be available at No. 6 District Depot, Halifax, N.S., when the trial takes place.

(b) You will arrange for the due attendance of those officers composing the Court who are under your jurisdiction, also the Prosecutor, the accused and the Judge Advocate.

(c) It is preferable that there be at least two shorthand writers who may relieve each other at periodic intervals.

(d) The original Convening Order, Charge Sheet and Summary of Evidence are enclosed herewith in a sealed envelope and should be delivered by you to the President of the Court.

(e) If you have not already done so, a copy of the Charge Sheet and the Summary of Evidence are to be delivered to the accused officer forthwith pursuant to R.P. 14 and 15.

(f) If the Prosecutor has legal qualifications, at least seven days' notice must be given to the accused to that effect. (See R.P. 89, Note 2.)

4. Please acknowledge receipt.

(H.F.G. Letson)
Major-General
Adjutant-General.

HFGL/amb

14

H.Q.C.55-M-278 (JAG)

Ottawa, Canada. August 31st, 2.

Lieutenant-Colonel D.A. Guildford, M.C., V.D.,
No. 6 District Depot, (C.A.),
Military District No. 6,
Halifax, Nova Scotia.

General Court-Martial
Lieut. Ralph Bernard HOGAN,
No. 6 Ordnance Depot Coy., R.C.O.C., C.A.

1. Herewith enclosed original Convening Order of the marginally-noted General Court-Martial, of which you have been appointed President. There is also enclosed herewith Charge Sheet and Summary of Evidence. These documents should be placed before the Court by you at the assembly thereof.

2. Please acknowledge receipt.

(H.F.G. Letson)
Major-General
Adjutant-General.

HFGB/amb

13

Memorandum

Department of National Defence

To J.A.G.

H.Q.C. 55-H-278 (Pers 2A)

Ottawa, 28th August, 1942.

Application for General Court-Martial
Lieut. Ralph Bernard Hogan
No. 6 Ordnance Depot Coy., R.C.O.C. (C.A.)

The trial by General Court-Martial of the marginally named Officer is concurred in.

2. Will you, therefore, please take the necessary further action.

(H.F.G. LETSON),
Major-General,
Adjutant-General.

nl-bj

10

N.D.A. 168C
100M—2-41 (9844)
H.Q. 1772-39-376

M. F. R. 1442
BOSM-1-419171-2)
H. Q. 1772-30-1434

DEPARTMENT OF NATIONAL DEFENCE
RADIOTELEGRAPH SERVICE
OTTAWA - CANADA

CANADA

NR45AC BU 45BLUE

HALIFAX NS AUG 27 1632

ROYAL CANADIAN SIGNALS
AUG 27 1942
Army Signal Office

JUDGE ADVOCATE GENERAL
NATIONAL DEFENCE HQS
OTTAWA ONT

JAG 1231 REFERENCE JAG 99 AUGUST 26 RE APPLICATION GCM HOGAN STOP MAJOR A MACDONALD NO 6 VOCATIONAL TRAINING CENTRE S SAME PERSON AS MAJOR A MACDONALD FORMERLY NO 6 DISTRICT DEPOT BUT NOTMSAME PERSON AS MAJOR A E MACDONALD.

COMMANDING SIX.

12941

1633
1725/27TH 2967
3578

9

M. F. B. 1442
DGAM-1-41 (9121-2)
H. Q. 1772-59-1634

DEPARTMENT OF NATIONAL DEFENCE
RADIOTELEGRAPH SERVICE
OTTAWA - CANADA

ROYAL CANADIAN SIGNALS
615 Wood-Bldg.
OTTAWA
AUG 27 1942
Phone L 3267
Army Signal Office

Hdq. C. 55-H-278

NO 106 AC GW 98 NL HALIFAX NS AUG 26 1920 Rec'd. 28-8-42

THE SECRETARY
DEPARTMENT OF NATIONAL DEFENCE
OTTAWA ONTARIO

JAG 1217 REFERENCE APPLICATION FOR GENERAL COURT-MARSHIAL LT R B HOGAN AND MY H C H 866 DATED 22 AUGUST 42 STOP THE FOLLOWING CHANGES ARE TO BE MADE IN THE LIST OF OFFICERS SUBMITTED STOP FOR PRESIDENT SUBSTITUTE LT COL D A GUILDFORD INSTEAD OF LT COL I H EAKIN STOP ADD TO MEMBERS OF COURT LT COL E P FLOWERS STOP ADD TO WAITING MEMBERS MAJOR L A MACLEAN PICTOU HIGHRS CA STOP FOR PROSECUTOR SUBSTITUTE CAPT G DWYER P L FUS (MG) INSTEAD OF CAPT PUDDICOMBE

COMMANDING SIX

12769 [redacted]

9335

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W. D. NEIL, General Manager of Communications, Montreal

Send the following message, subject to the conditions on the back thereof, which are hereby agreed to.

Ottawa, August 26th, 1942.

The District Officer Commanding,
Military District No. 6,
Halifax, Nova Scotia.

JAG NINETY-NINE RE APPLICATION GENERAL COURT MARTIAL HELDAN YOUR R.C/H DOUH EIGHT SIX SIX DATED AUGUST TWENTY SECOND RE MAJOR A. MACDONALD OF NUMBER SIX VOCATIONAL TRAINING CENTRE AS MENTIONED IN YOUR SUGGESTED SLATE OF OFFICERS SUBMITTED AS MAJOR A. E. MACDONALD FORMERLY OF NUMBER SIX DISTRICT DEPOT (STOP) PLEASE WIRE REPLY

A G Nolan Col
Judge Advocate-General (10s)

CHARGE - DEPT. OF NATIONAL DEFENCE.

1

Memorandum

To: ADJUTANT-GENERAL.

Department of National Defence

H.Q. C.55-H-278 (JAG)

OTTAWA,

August 26th,1942.

Application for General Court-Martial,
Lieut. Ralph Bernard Hogan,
No. 6 Ordnance Depot Coy., R.C.O.C.(CA)

1. Please refer to the letter of the District Officer Commanding, Military District No. 6 dated August 22nd,1942, one folio down, and the enclosures attached thereto.

2. If you should decide that this officer should be tried, it would appear that the Charge Sheet is in order and a prima facie case disclosed by the Summary.

3. If you should so decide and the list of officers suggested is suitable to you, may I please be advised accordingly and I shall draw the Convening Order and necessary documents for your signature.

H. F. G. Grant

Brigadier,
Judge Advocate-General.

HFGB/MM

6

N.D. 25
150M.—2-41 (9256)
H.Q. 1772-101-26

IN REPLY PLEASE QUOTE
No. H.C/H-866

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, M.D. No.6,
Halifax, N.S., 22 August, 1942

AIRMAIL

CONFIDENTIAL

CENTRAL REGISTRY Army
PERS. SEC.
AUG 24 1942
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
Ottawa, Ontario.

Application for General Court-Martial
Lieutenant Ralph Bernard Hogan,
No. 6 Ordnance Depot Coy., R.C.O.C. (CA)

Reference application for a General Court-Martial to try Lieut. R.B. Hogan, No. 6 Ordnance Depot Coy. R.C.O.C. (CA), attached are the following documents:

(a) Application for G.C.M.

(b) Charge Sheet

(c) Summary of Evidence

(d) M.F.B. 355

(e) List of witnesses for prosecution

(f) Statement from the accused that he wishes Lieut. H.H. Gordon, No. 9 Coy. V.C. of C. to defend him.

(g) List of officers recommended to sit as members of the Court.

2. Because of operational duties, no General Officer or Colonel is available to act as president of the Court.

for (W.W.FOSTER) Brigadier,
D. O. C., M. D. No.6.

Enc.
/HRD.

MAT. DEF. B. 440
2,000,000—10-41 (2504)
H.Q. 1772-39-767

Trial of Lieutant Ralph Bernard Hogan,
Royal Canadian Ordnance Corps.

List of Witnesses for the Prosecution

Captain R.O. Matteson, No. 37 Provost Company, Halifax, N.S.

F.45279 Sgt. Davidson, W., No. 37 Provost Coy., Halifax, N.S.

F.87789 L/Cpl. Plumb, G.A. No. 37 Provost Coy., Halifax, N.S.

Constable Fry, No. 23, City of Halifax Police Force, Halifax, N.S.

F.49981 A/C.S.M. Harrison, S.E., No. 37 Provost Coy, Halifax, N.S.

F.8062 Sgt. Gillis, J., No. 37 Provost Coy., Halifax, N.S.

Lieut Ritchie, No. 23 Officers Training School, R.C.A.M.C.,
Camp Borden, Ontario.

W.E.L. Edwards

(W.E.L. Edwards) Major,
O.C. No. 6 Ordnance Depot Company,
R.C.O.C.

Halifax, N.S.
August 19th, 1942.

In accordance with rules of procedure 14 (b) I wish to have the following Officer assigned to represent me at trial Lieut H.H. Gordon No 9 Coy, V.G. of C.

R.B. Hogan Lieut R.C.O.C.

2

LIST OF OFFICERS RECOMMENDED TO ACT AS PRESIDENT AND MEMBERS OF THE GENERAL COURT-MARTIAL TO BE HELD FOR THE TRIAL OF LIEUT. R.B. HOGAN, NO. 6 ORDNANCE DEPOT COY. RCOC (CA)

PRESIDENT

Lieut-Colonel I.H. Eakin, 1st Bn. Victoria Rifles of Canada (CA)

MEMBERS

Lieut-Colonel D.A. Guildford, M.C., V.D., No. 6 District Depot (CA)

Lieut-Colonel J.A. Adamson, M.C., E.D., The Pictou Highlanders (CA)

Major C.D. Sills, 1st A.A. Battery, R.C.A. (CA)

Major A. MacDonald, No. 6 Vocational Training Centre (CA)

Captain (Acting Major) T.P. Slaven, 1st A.A. S/L Battery, R.C.A. (CA)

Captain L.S. Murray, The Pictou Highlanders (CA)

WAITING MEMBERS

Lieut-Colonel E.P. Flowers, V.D., 1st Halifax Coast Regiment, R.C.A.(CA)

Major N.F. MacLeod, 1st Halifax Coast Regiment, R.C.A. (CA)

PROSECUTOR

Captain G.B. Puddicombe, R.C.A.P.C., Attached 1st Bn. Victoria Rifles of Canada (CA)

DEFENDING OFFICER

Lieut. H.H. Gordon, No. 9 Coy. Veterans' Guard of Canada (CA)

JUDGE ADVOCATE

Major D.D. MacDonald, E.D., R.C.A., C.A., A/J.A.G., M.D. No.6

Place: No. 6 District Depot, Halifax, N.S.

Date: 10th September, 1942 1000 hours

H.Q.C. 55-H-279

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

405-H-8771

SUBJECT DISTRICT COURT-MARTIAL-

HINDS, H. B.40875 PTE.

LINCOLN & WELLAND REGIMENT.

DEAD

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and write here "With Minute")		
				JAG	With papers	CR	27/8/42
[redacted] 29 [redacted]	31 5/42	PA	[illegible]	AD	To note & PA	[illegible]	28/8/42.
[redacted] 8 - [redacted]	8 9/42	PA	[illegible]	JAG	PA Papers C.R. SEP 8 1942		
SEP 28 1942	28	P.A.	[illegible]	JAG	Transmission C.R. SEP 28 1942		

CONFIDENTIAL
H.Q.C. 55-H-279

NOTICE

1. Files should be retained no longer than absolutely necessary or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed down to another branch.
3. All outgoing letters should bear the official file number.

If a file is frequently needed at short intervals, it is better to B.F. it for two

PASS THIS FILE IN ENVELOPE

75274

IN REPLY PLEASE QUOTE
No. T-20-H-4497 (AJAG)

Your H.Q.C.55-H-279 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

7th September 1942
Headquarters, Military District No.2,
159 Bay Street, Toronto, Ontario.

CENTRAL REGISTRY Army
CONF. SEC.
8 SEP 1942
File CJ-5-H-279
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
B-40875, Pte. Herbert HINDS,
Lincoln & Weiland Regiment,
Attached A-11 I (A) T.C., C.A.

With reference to your H.Q.C.55-H-279 (JAG) dated 29th August, 1942, the irregularities noted in the Proceedings of the marginally noted District Court-Martial have been drawn to the attention of the Officers concerned for their future guidance.

(C.F. Constantine)
Major-General,
District Officer Commanding,
M.D. 2.

N.D. 22
1500M-2-42 (2466)
H.Q. 1772-101-22

H.Q.C.55-H-279 (JAG)

August 29, 1942.

District Officer Commanding,
Military District No. 2,
Toronto, Ontario.

RECEIVED
AUG 29 1942
ORG.
A. D.

District Court-Martial
B.40875 Pte. Herbert Hinds
Lincoln & Welland Regiment
Attached A-11 I (A) T.C., C.A.

1. Receipt is acknowledged of your T-20-H-4497 (AJAG) dated August 26th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed in the proceedings:-

(a) Forms M.F.B. 1481 and 1482 were not properly completed in that there is not a full description of the accused, his corps and unit, if any, having been omitted.

(b) There is no evidence as to the hour the accused went absent without leave. M.F.B. 375 does not disclose the same nor did any of the witnesses in their evidence.

3. It is not considered necessary to return the proceedings and they are, therefore, retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Noted
G. A. FERGUSON
LT. COL.
ORG. A. D.
AUG 31 1942

Brigadier,
Judge Advocate-General.

HPGB/ADK

Copy on 405-H-8771

H.Q. C.55-H-279
M.D. T-20-H-4497 (AJAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-40875 Name HINDS, H.

Rank Pte. Unit Lincoln and Welland Reg't., A-11 (I.A.T.C.) C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 28/2/42. 2. 23/7/42.

Date of Arrest 20/7/42. Charge. Signed 24/7/42.

Orders for D.C.M. D.O.C., M.D.#2.

Place and Date of Trial Camp Borden, Ontario, 11/8/42.

Sentence Detention 9 months and stoppages of $21.18.

Date of Confirmation 17/8/42.

Date of Promulgation 21/8/42.

Entered in Records of J.A.G. as No. 6646

Date 28/8/42.

MEMO Not guilty of desertion but is guilty of A.W.L.

H.F.T. Briggs, Lieut.
for Judge Advocate-General

2M-7-42(M1291)

✓ 646

IN REPLY PLEASE QUOTE
No. T-20-H-4497 (AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

No file

CONFIDENTIAL

26th August 1942

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
P.E.R.S. SEC.
AUG 27 1942
File C55-H-8719
Chgd. to
Referred to

District Court-Martial
B.40875 Pte. Herbert HINDS
Lincoln & Welland Regiment,
Attached A-11 I (A) T.C., C.A.

Enclosed herewith Proceedings at Trial by District Court-Martial of the marginally noted soldier. It will be noted that the Finding and Sentence have been confirmed and promulgation effected to the accused.

2. The Proceedings are forwarded for the registration by and custody of the Judge Advocate-General.

Robt. C. Harvey Major

(C.F. Constantine)
Major-General
District Officer Commanding,
M.D.2.

N.D. 23
750M—10-41 (2314)
H.Q. 1772-101-23

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

A

**Form of Proceedings for ~~General and~~ Part 2 District Courts-Martial

Proceedings of a District Court-Martial held at Court room, Camp Borden, Ontario, on the 11th day of August, 1942, by order of Major General C. F. Constantine, D. S. O. Commanding Military District No. 2. District Officer, dated the 4th day of August, 1942.

President.

Major H. F. Ellins,
A-10 Infantry (Advanced) Training Centre,
C. A.

Members.

Captain G. H. Guy,
A-19 Royal Canadian Army Service Corps,
(Advanced) Training Centre, C. A.

Captain A. F. Shaw,
20th Canadian Army Tank Regiment, (16/22
Sask. Horse) C. A.

Major F. M. Reid,
25th (Norfolk)(Reserve) Field Brigade,
Royal Canadian Artillery, Headquarters,
Military District No. 2.
, Judge Advocate.

Trial of *No. B-40875; Private Herbert Hinds, (LAWR) attached, A-11 I. (A). T. C., C. A.

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

Part 2 ~~[illegible]~~

Part 2 ~~[illegible]~~

Part 2 ~~[illegible]~~

Part 2 ~~[illegible]~~

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

The accused is brought before the Court.

Prosecutor,† Captain A. E. Judd, A-11 I. (A). T. C., C.A.

Part 2 ~~[illegible]~~ defending officer‡ Captain I. S. Wallace, A-11 I. (A). T.C., C.A.

At 1046 o'clock the Trial commences.

The order convening the Court is read, and is marked "X"; amended convening order marked "X-1" attached. Unit Part I Order signed by the President, and attached to the proceedings. No. 188, 10th Aug. '42, detailing Pros. & Def. Officer, marked "X-2" attached.

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

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

A-1 *Answer by accused.* No, sir.

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

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

Mil. Form B. 271
[illegible]-3-41 (9670)
H.Q. 1772-39-324

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

H. F. Ellins Major President

2

B

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

The following officers under instruction are duly sworn. (see list marked "G" att'd.)

Q-2 Do you object to No. B-89360, S/Sgt. R. C. Sturgeon, No. 2 Det. C.MS.C., C.A., H. Q. M. D. 2., acting as shorthand writer?

A-2 No, sir. (No. B-89360, S/Sgt. R.C.Sturgeon, is fuly sworn as shorthand writer.)

---re Minute of adjournment: (See document marked "H" attached.)

Charge-Sheet

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

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

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

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3 Not guilty, sir. *Answer.*

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4 Guilty, sir. *Answer.*

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

Answer.

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

Answer.

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

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

H. Elmis Major
president

B.V3

CHARGE SHEET

The accused, B.40875, Private Herbert HINDS, Lincoln & Welland Regiment, attached to A 11 Infantry (Advanced) Training Centre, C.A., Camp Borden, Ontario, a soldier of the Canadian Army, placed on Active Service, is charged with:

1st Charge
Section 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE
DESERTING HIS MAJESTY'S SERVICE

in that he

at Camp Borden, Ontario, on the 28th day of February, 1942, after having been warned to proceed for service overseas, with intent to avoid so proceeding, absented himself from A 11 Infantry (Advanced) Training Centre, C.A., Camp Borden, Ontario, from 0645 hours on the 28th day of February, 1942, until apprehended by the Military Police at St. Catharines, Ontario, at 1630 hours on the 20th day of July, 1942, dressed in uniform.
Total absence, 142 days, 9 hours, 45 minutes.

Cost of apprehension:

Telegrams, Camp Borden, Ontario to Niagara-on-the-lake, Ontario, and Niagara-on-the-lake, Ontario to Camp Borden, Ontario	.96
Transportation, Camp Borden, Ontario to Niagara-on-the-lake, Ontario and return	8.01
	$8.97

2nd Charge
Section 24(2),
Army Act.

LOSING BY NEGLECT HIS CLOTHING AND EQUIPMENT AND REGIMENTAL NECESSARIES

in that he

at Camp Borden, Ontario, on the 23rd day of July, 1942, was found deficient of the following articles, to the unexpired value of $12.21.

	No.	Vocabulary Price	Unexpired Price
Clothing Division "A"			
Greatcoat,	1	17.22	8.61
Anklets, Web, prs.	1	.77	.39
Cap, Winter, Melton	1	1.20	.60
Clothing Division "B"			
Drawers, Woollen, prs.	1	1.17	.58
Shirts, Flannel, Khaki	1	1.17	.58
Shirts, Woollen, Section " -1"	1	1.14	.57
Haversack, Web 37 pat.	1	1.75	.88
		$24.42	$12.21

Camp Borden, Ontario,
July 24th, 1942

.....Lieut-Col.
(E.L. Denison)
Commandant, A 11 Infantry (Advanced) Training Centre, C.A.

To be tried by District Court Martial
P.F. Constantine M.G.
D.O.C.2.
Signed at Toronto Ont. this 8th day of August 1942

C

Proceedings on Plea of Not Guilty

*Instruction.
(See R. P. 39 (A))
Question.

Q-5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.
A-5 No, sir.

---The Prosecutor declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution. No. B-24189, Sgt. F. C. BREMNER, A-11 I. (A). T. C., C.A.,

being duly sworn, is examined by the prosecutor.

Q-6 Sgt. Bremner, will you tell the Court where you are stationed, what your duties are, and how long you have been there?

A-6 At the present time I am an instructor at the School of Instruction at A-11 I. (A). T. C., Camp Borden. I have been in A-11 over two years.

Q-7 Do you recognize the accused?

A-7 Yes, sir.

Q-8 Tell the Court his name?

A-8 The accused's name is Pte. Hinds.

Q-9 Tell the Court what happened concerning the accused on the 28th of February, 1942?

A-9 On the 28th of February, 1942, I was Company Orderly Sergeant of No. 2 Company. When the roll was called, Pte. Hinds failed to answer. We did not check up immediately at that time, but checked up shortly after at the Guard Room where he was to report for defaulters' parade. He had not reported on defaulters' parade, so I placed him on the special Absentee Report.

---The Defending Officer declines to cross-examine.

QUESTIONED BY THE COURT:

Q-10 Do I understand that the accused was undergoing confinement to Camp at the time of his absence?

A-10 Yes, sir.

BY THE JUDGE ADVOCATE:

Q-11 Did you personally call the roll?

A-11 No, sir.

Q-12 Did you personally make any search for the accused?

A-12 Yes, sir.

THE DEFENDING OFFICER: It is stated in the summary of evidence that he called the roll. Would the Court please ask the witness why he stated he called the roll at 0630 hours. He just denied it now.

THE JUDGE ADVOCATE: Is it material, from your standpoint, to find that out?

THE DEFENDING OFFICER: I suppose it does not serve any particular purpose. Let it go.

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

---The witness withdraws.

- - - - - - - -

2nd witness for: The Prosecution: No. B-24124; C.S.M. (W.O.II) AC. HANCOCK, A-11 I. (A). T. C., C.A., being duly sworn, is examined by the Prosecutor.

Q-13 Will you tell the Court where you are stationed and how long youhave been there and what your duties are?

A-13 I am with No. 2 Company, A-11 I. (A). T. C.. I have been there approximately two years, and my duties at the present time are Company Sergeant-Major, of that company.

Q-14 Do you recognize the accused?

A-14 I do.

Q-15 Tell the Court his name?

A-15 Private Hinds.

Q-16 Tell the Court the dealings you had with the accused on February 28th, and thereafter?

A-16 At that time I was a Sergeant in No. 2 Company, and he was one of the draft of the Lincoln & Wellands which we were waiting to ship to the regiment. I remember that at approximately at that time he went absent, and he has not been on parade since that date.

Q-17 Do you recognize this document (indicating)?

A-17 Yes. This is a certificate of apprehension, M. F. M. 216, signed by ~~Lieut.~~ Sergeant Brown, of No. 1 Detachment, No. 31 Company, Canadian Provost Corps.

Q-18 Tell the Court how this document refers to the accused?

A-18 It shows that he was picked up by Sgt. Brown and L/Cpl. Thompson, in St. Catherines, on the 20th day of July.

M. F. M. 216, relating to accused, marked "I" attached.

Q-19 Do you recognize this document (indicating)?

A-19 Yes. This is M. F. B. 1481, cost of apprehension, station-wagon trip to Niagara-on-the-Lake and return. It is signed by Mr. Wilson, Adjutant of A-11.

BY THE JUDGE ADVOCATE:

Q-20 The cost of apprehension for whom?

A-20 Pte. Hinds.

Q-21 The accused?

A-21 Yes, sir.

(M.F.B. 1481, marked "J" attached./

BY THE PROSECUTOR:

Q-22 Do you recognize this document, Sergeant-Major (indicating)?

A-22 Yes; this is M. F. B. 1482, incidental expenses connected with picking up the accused, being telegram from Niagara-on-the-Lake to A-11 I. (A). T. C., and from A-11 to Niagara-on-the-Lake, amounting to $0.96, signed by Mr. Wilson, Adjutant, A-11 I. (A). T.C.

THE JUDGE ADVOCATE: I will point out to the Court that this document is not exactly what it purports to be, as it is made out by Captain Wilson, as "Commander of the Escort".

THE PROSECUTOR: I think I have another document.

THE JUDGE ADVOCATE: Then this may be withdrawn?

THE PROSECUTOR: Yes.

BY THE PROSECUTOR:

Q-23 Do you recognize this document (indicating)?

A-23 Yes; this is one signed by G. H. Young, L/Cpl, incidental expenses $0.96 - "telegrams".

(M. F. B. 1482, marked "K" attached.)

Q-24 Do you recognize this document (indicating)?

A-24 Yes, this is M. F. B. 375, a Declaration of a Court of Inquiry, with regard to deficiencies in the accused's kit, to the unexpired value of $32.82.

BY THE JUDGE ADVOCATE:

Q-25 What is that document?

A-25 A certificate of loss of kit.

Q-26 What does it say at the top?

A-26 A Declaration of the Court of Inquiry, assembled at Camp Borden, Ontario, on the 26th day of March, 1942, for the purpose of investigating and recording the absence without leave from his duty, and deficiency, if any in the Arms, ammunition, equipments, instruments, regimental necessaries, or clothing of B-40875, Pte. Hinds, H., Lincoln & Welland Regiment.

The Court declare that No. B-40875, Pte. Hinds, H., Lincoln & Welland Regiment, No. 2 Company, I. (A) . T.C. illegally absented himself without leave, or other sufficient cause, at Camp Borden, Ontario, on the 28th day of February, 1942, and that he is still so absent.

Q-27 That is signed by whom?

A-27 Signed by Captain Williams, Lieut. Marty, and Lieut. Rorke, on the 26th March, 1942.

Q-28 And by whom else?

A-28 J. H. Wilson, Lieutenant and Adjutant.

Q-29 Is there no other signature?

A-29 Yes, R. L. Denison, Commandant, A-11.

(M. F. B. 375, marked "L" attached.)

---The Defending Officer declines to cross-examine.

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

---The witness withdraws.

- - - - - - -

3rd witness for: The Prosecution. Captain A. B. BONNER, D.S.O., M.M., A-11 I. (A). T. C., C.A., being duly sworn, is examined by the Prosecutor:

Q-30 Captain Bonner, will you tell the Court where you are stationed, and what your duties are, and how long you have been there?

A-30 At present I am Company Commander of No. 3 Company, A-11 Infantry (Advanced) Training Centre. I have been Company Commander since last May, and have been 2 i/c since last January.

Q-31 Do you recognize the accused?

A-31 Yes, sir.

Q-32 Tell the Court his name?

A-32 Pte. Hinds.

Q-33 Captain Bonner, do you recognize this book (indicating)?

A-33 Yes, sir, that is the book in which the nominal roll is kept, with the signatures of all men warned for draft or special duty.

Q-34 In what way does it refer to the accused?

A-34 Only that on the 23rd of January, I was instructed to warn men for a draft, a certain party of men, amongst whom was

the accused. In company with Cpl. Loveday, I went down and read over the warning to them, and then asked each man to sign it. I am sure that Pte. Hinds signed it.

Q-35 Do you recognize this signature?

A-35 No, I don't recognize the signature, because that is possibly the only time I saw it, was when I saw him put it into that book.

BY THE JUDGE ADVOCATE:

Q-36 Did you see the signature signed?

A-36 I did, sir.

BY THE PROSECUTOR:

Q-37 Will you tell the Court whose signature that is?

A-37 Pte. Hind's signature.

BY THE JUDGE ADVOCATE:

Q-38 Whose signature is affixed in red ink, at the top?

A-38 That is mine.

Q-39 And you were present when this page was signed by whom?

A-39 The accused.

Q-40 Who is Pte.Hinds?

A-40 The accused here present.

Q-41 Tell the Court what warning was administered?

A-41 I cannot remember it word for word.

Q-42 You may refer to the document to refresh your memory?

A-42 "The Unit or draft will proceed on special duty any date after today. Any soldier, who be being absent without leave or by over-staying his pass or furlough, is absent when the Unit, or Draft, proceeds on such special duty, will be liable to be charged with desertion".

Q-43 That is dated when?

A-43 Dated the 23rd of January, 1942.

Q-44 And on what date was it signed?

A-44 It was signed on January 23rd.

(By leave of the Court, a certified copy of the appropriate page of the book referred to, was substituted for the book, and marked "M" attached.)

---The Defending Officer declines to cross-examine.

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

---The witness withdraws.

- - - - - -

---The Prosecutor has no further witnesses.

- - - - - - - - -

D

The prosecution is closed.

Defence

Q-45 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A-45 *Answer.* Yes, sir.

Q-46 *Question.* Do you intend to call any other witness in your defence?

A-46 *Answer.* No, sir.

~~Q-47 Question~~ ~~Is there witness as to character only? Answer~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused ~~and of the witnesses for the defence including witnesses as to character~~ is recorded on a separate page (*see overleaf*).

~~(Where the accused does not give evidence upon oath)~~

~~Have you anything to say in your defence?~~

~~Answer.~~

~~The Accused in his own words~~

~~(Here insert any address which is recorded or handed in and signed and attached to the proceedings.)~~

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, see Instructions to the Court *above*.)

1st witness for: The Defence. The Accused, No. B-40875, Private HERBERT HINDS, Lincoln & Welland Regiment, attached A-11, I. (A). T. C., C.A., being duly sworn, is examined by the Defending Officer.

Q-47 Now, Pte. Hinds, on the 23rd of January you signed the draft warning?

A-47 Yes, sir.

Q-48 What happened immediately after you signed the draft roll?

A-48 In doing so, we went on embarkation leave.

Q-49 How late were you in coming back from this embarkation leave?

A-49 I was not late.

Q-50 Did you have any further leave, which you got after that?

A-50 Yes; on February 13th I had another week-end pass.

Q-51 How late were you in coming back from this?

A-51 I was not late; I was on time.

Q-52 If you returned from two leaves, one embarkation leave and one week-end, you returned voluntarily fromtwo leaves; why did you on the 28th of February, suddenly go absent? What was your reason for doing that all of a sudden.

A-52 On February 27th, I was supposed to have got a week-end pass, and I had been awarded punishment for something I had done, and the rest of the Company had gone on pass, and I was a little disappointed, so I went and took the pass anyway.

Q-53 You were fed up because you missed this week-end to which you had been looking forward and you, more or less, took matters into your own hands?

A-53 Yes, sir.

Q-54 Did you not realize how serious it might be; that you had signed the draft roll, and might be charged with desertion?

A-54 Yes, I did, or rather, had, but after coming back from embarkation leave, our week-end passes had been resumed, and I thought may the draft had been cancelled.

Q-55 Did you have any reason for thinking the draft had been called off?

A-55 We all had heard rumors to that effect. When we left on embarkation, we were told by some of the N. C. O's, that we would be leaving almost immediately after we got back.

Q-56 And when the draft finally did leave---

THE PROSECUTOR: I object to that question.

THE JUDGE ADVOCATE: Ask him what he did, but don't suggest the answer.

BY THE DEFENING OFFICER:

Q-57 What was the direct result of your week-ends having been resumed?

A-57 As a result of the week-ends being resumed, I naturally thought the draft had been called off.

Q-58 Why did you not return? You had had your week-end? What caused your continued absence?

A-58 Actually, I started back to Camp Borden from St. Catherines, on the 20th. The M. P's had been around two or three times, and my parents got worried, and said I had better go back to Camp, so I decided to start back, to get back inside the 21 days. I got a lift from St. Catherines to Hamilton, and he asked me what regiment I was in and I said "The Lincoln & Welland's", and he said he had a relative who left with that regiment for Newfoundland. I figured that the draft must have pulled out, and I got cold feet, and I got out at Hamilton, and went back to St. Catherines, and the longer I stayed away, the harder it was for me to come back.

Q-59 Where were you living during your absence?

A-59 In St. Catherines most of the time - except for a short period.

Q-60 And these were for how long?

A-60 Not more than three weeks at the most, and not all at one time.

Q-61 Your leaving at any one time was not more than a week?

A-61 No.

Q-62 How were you dressed?

A-62 I was dressed in uniform all the time.

Q-63 What was your intention in staying away this length of time, and going just before the draft went?

A-63 I did not stay away with the idea of missing the draft; it was, more or less, I was scared to come back, thinking they had left.

Q-64 What would be your re-action to the suggestion if, tomorrow, you would be put on a draft?

A64 I wouldmost certainly like to go on draft.

CROSS-EXAMINED BY THE PROSECUTOR:

Q-65 Were you ever informed officially that the draft would be cancelled?

A-65 Not officially, no.

Q-66 Then why did you stay away?

A-66 The reason I stayed away so long was I thought I had missed the draft, and I was scared to come back.

Q-67 Why did you not come back, thinking there might be another draft waiting to go?

A-67 I knew there would not be another draft.

Q-68 How did you know?

A-68 That was all the men there was to go back to the Lincoln & Welland.

Q-69 How did you know there were not other men coming in to go on draft?

A-69 I didn't know that for a fact.

Q-70 Then you did not know whether there was a draft going or not?

A-70 No, I did not.

Q-71 You understood when you signed the draft warning that it was warning you for a special duty. Did you realize what that meant?

A-71 Yes, I thought I did.

Q-72 Will you tell the Court how much schooling you had?

A-72 8 years public school.

Q-73 Why did you only stay three weeks in St. Catherines at a time?

A-73 I didn't say that. I said I only stayed away three weeks but not all at one time

Q-74 Did you not say you were only in St. Catherines three weeks at a time?

A-74 I said I was in St. Catherines all the time, except for three weeks.

---The Defending Officer declines to re-examine.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-75 What were you doing all the time you were away?

A-75 Just staying at different peoples' places, whom I knew.

Q-76 Where were you?

A-76 In St. Catherines.

Q-77 You were not staying at home?

A-77 Just the first 21 days.

Q-78 And after that?

A-78 After that, I went home every two weeks, so my mother would notnkhow I was A. W. L

Q-79 What did you do in the day time?

A-79 I stayed in the house most of the day time, sir.

Q-80 Did you go out at all?

A-80 Yes, sir.

Q-81 When?

A-81 Mostly at night.

Q-82 And how were you dressed?

A-82 In uniform, sir.

Q-83 But you were not around during the day-time?

A-83 I was sometimes.

Q-84 Keeping out of the road of the Military Police?

A-84 I did not worry much about that; there did not seem to be so many around.

BY THE PRESIDENT:

Q-85 Why did you stay until just under the 21 days? Why not 20 or 22 days?

A-85 I always understood if you were over 21 days, you would be charged with desertion, so I tried to get back before the 21 days was up.

Re-examination

BY THE PROSECUTOR:

Q-86 Pte. Hinds, you stated you were staying for most of the time at the houses of various different friends?

A-86 Yes.

Q-87 Would your parents know where that was? Would they have been able to tell anybody where to find you?

A-87 Yes; if the M. P's had come to the house after that, she was to tell them, if she knew where I was. She probably knew where I would be, if I was A. W. L.

Q-88 Your parents could have given the M. P's the information as to where you were?

A-88 Yes, sir; if they had come to the house.

BY THE PRESIDENT:

Q-89 Is your next-of-kin your mother?

A-89 Yes, sir.

Q-90 That is on your records?

A-90 Yes, sir.

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

- - - - - - -

---The Defending Officer has no further witnesses.

---The Defence is closed.

---The Prosecutor makes a closing address. (See document marked "N" attached).

---The Defending Officer hands in a closing address. (See docu-

ment marked "O" attached.)

---The Judge Advocate and the Court think a summing-up unnecessary.

- - - - - - - - - - -

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused No. B-40875, Private Herbert Hinds, Lincoln & Welland Regiment, attached A-11 Infantry (Advanced) Training Centre, C. A., is not guilty of desertion, but is guilty of absence without leave on the first charge.

~~Proceedings on Conviction *before Sentence*~~

*When the Court is already open this sentence will be struck out.

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

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

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

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

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

Cross-examined by the accused.

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

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

CC

Proceedings on Plea of Guilty

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

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

The accused No. B-40875, Private Herbert Hinds, Lincoln And Welland Regiment, att'd A-11, I. (A). T. C., C.A. is found guilty of the second charge.

*The summary ~~[illegible]~~ of evidence is read, marked "P", signed by the President, and attached to the proceedings.

Q-91 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-91 *Answer.* The accused in mitigation of punishment says:— The only statement I have to make is that if I get a chance to get home I can get most of my equipment back.

~~The hand is a written statement which is read, marked, signed by the President, and attached to the proceedings.~~

Instruction.

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

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

Q-92 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A-92 No, sir.

Answer.

Evidence as to character.

E[2]

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

~~Finding~~*

~~The Court is closed for the consideration of the finding.~~

The Court find that the accused

*When the Court is already aware of this sentence will be struck out.

Proceedings on Conviction *before Sentence*

~~The following proceedings were conducted through interpreter~~

Evidence of character, &c.

Captain A. E. Judd, A-11, I. (A). T. C., C.A., is duly sworn.

Q.93 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* **A-93; Yes, I produce M. F. B. 355 and certified copy of M. F. M. 6.**

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

Q.94 *Question by the President.* Is the accused the person named in the statement which you have ~~heard~~ read? *Answer by the Witness.* **A-94 Yes.**

Q.95 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* **A-95**

Q-96 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* **A-96 Yes, sir.**

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

~~Cross-examined by the accused~~

----The Defending Officer declines to cross-examine.

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

Q.97 *Question to the accused.* Do you wish to address the Court? *Answer.* **A-97; Yes, through my Defending Officer; (see document marked "Q" attached.)**

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. B-40875, Private Herbert Hinds, (L&WR), attached A-11, I. (A). T. C., C.A. to undergo detention for 9 months.

Sentence. Detention; 9 months.

and to be put under stoppages of pay until he has made good the sum of $8.97, in respect to the costs of apprehension and return to his Corps, and until he has made good the value of the following articles, viz:-

Stoppages.
$ 8.97
12.21
$21.18

Greatcoat,	1	$8.61
Anklets, web, prs.	1	.39
Cap, winter, Melton,	1	.60
Drawers woollen, prs.	1	.58
Shirts, flannel, khaki,	1	.58
Shirts, woollen,	1	.57
Haversack, Web. 37 pat.	1	.88
		$12.21

Signed at Camp Borden, Ontario, this 12th day of August, 1942.

N. Ellis (Major)
President.

L. [illegible] (Major)
Judge Advocate.

Extracts entered as No. [illegible] in the Record of Courts-Martial Kept in the office of the Judge Advocate General this 20th day of August 1942.

Confirmed
[illegible] M.G.
D.O.C.2.
Signed at Toronto Ont this 17th day of August 1942

Promulgated and extracts taken at Camp Borden, Ontario, this 21st day of August, 1942.

J.V.H. Wilson
(J.V.H. Wilson) Lieut-Adjt.,
for (R.L. Denison) Lieut-Colonel,
Commandant, A 11 I.(A).T.C.

H F Ellins Major
President

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X

ORDERS BY

Major-General C.F. Constantine, D.S.O.
District Officer Commanding,
Military District No.2.

Toronto, Ontario, 4th August, 1942.

District Court-Martial
C 6424, Pte. William John Stewart,
(H. & P.E.R.) A-10 Infantry (Advanced) Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Tuesday, 11th August, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major H.F. Ellins,
A-10 Infantry (Advanced) Training Centre, C.A.

MEMBERS

Captain G.H. Guy,
A-19 Royal Canadian Army Service Corps (Advanced) Training Centre, C.A.

Captain A.F. Shaw,
20th Canadian Army Tank Regiment (16/22 Sask Horse) C.A.

WAITING MEMBER

Captain E.M. Vance,
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Lieutenant E.E. Pearlman,
The Algonquin Regiment,
Headquarters, Military District No.2.

OFFICERS ATTENDING FOR INSTRUCTION

The Commandant, Camp Borden, may detail 20 Officers to attend the Court-Martial for instruction.

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

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No.2.

SIGNED at Toronto, Ontario, this 4th day of August, 1942.

(M.H.A. Drury)
Lieutenant-Colonel
A.A. & Q.M.G. M.D. 2.

M.E. Ellis May
president

X.1 43

ORDERS BY

Major-General C.F. Constantine, D.S.O.
District Officer Commanding,
Military District No.2.

Toronto, Ontario, 7th August, 1942.

District Court-Martial
C 6424, Pte. William John Stewart,
(H. & P.E.R.) A-10 Infantry (Advanced) Training Centre, C.A.

With reference to the Order by Major General C.F.Constantine, District Officer Commanding, Military District No.2, dated 4th August, 1942, convening a District Court-Martial for the trial of the accused person named in the margin and such other persons as may be brought before it, substitute

Major F.M. Reid,
25th (Norfolk) (Reserve) Field Brigade,
Royal Canadian Artillery, attached
Headquarters, Military District No.2.

as Judge Advocate in place of

Lieutenant E.B. Pearlman,
The Algonquin Regiment,
Headquarters, Military District No.2.

DATED at Toronto, Ontario, this 7th day of August, 1942.

M. Drury

(M.H.A. Drury)
Lieutenant-Colonel
A.A. & Q.M.G. M.D. 2.

N.H. Elias Major
president

X2 45

All INFANTRY (ADVANCED) TRAINING CENTRE
CAMP BORDEN ONTARIO

PART I ORDERS

BY

Major H.R. CASE

NO.188
10 AUG 42

Last Part I Order No.187 Dated 8 AUG 42

---

1. ORDERLY DUTIES

(a) Orderly Officer	10 AUG 42	Lieut. R. SHARP	
For Duty	11 AUG 42	Lieut. W.L. BEATTY	
Next for Duty	12 AUG 42	Lieut. R.C. FAWTHROP	
(b) Orderly Sergeant	10 AUG 42	Sgt. ROGERS,	W.H.
For Duty	11 AUG 42	Sgt. ADAMS,	W.D.
Next for Duty	12 AUG 42	Sgt. SMITH,	T.J.
Picquet Commander	10 AUG 42	Sgt. SMITH,	T.J.
(c) Orderly Corporal	10 AUG 42	Cpl. PUSKAS,	L.
For Duty	11 AUG 42	Cpl. TEALE,	R.
Next for Duty	12 AUG 42	Cpl. TASSE,	E.P.
Picquet Corporal	10 AUG 42	Cpl. TASSE,	E.P.
(d) Duty Company	10 AUG 42	No. 6 Company	
For Duty	11 AUG 42	No. 1 Company	
Next for Duty	12 AUG 42	No. 3 Company	

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2. PARADES - Training Parades - All Companies as per Syllabus.

3. POSTINGS

(a) Lieut. R.C. FAWTHROP S.D.&G.H.(RE)
Posted to No.6 Coy.

(b) B.74293 Pte. FINLEY, R.J. 48 Highrs.(RE)
Posted to H.Q. Coy. from "K" Coy.

(c) B.58455 Pte. BROWN, J. L.&W.Regt.(RE)
K.100082 " DRUMMOND, J.M. Westmr. Regt.(RE)
B.68290 " HARDING, P. R.Regt.C.(RE)
K.100197 " REINE, R. Westmr. Regt.(RE)
B.488297 " FIEGENBLATT, L. All I(A)T.C.("R")
B.601689 " GOODEVE, T.E. All I(A)T.C.(HD)
Posted to No.6 Coy. from No.1 Coy.

(d) K.76675 Pte. TOWLE, H.A. Westmr. Regt.(RE)
B.49513 " WRIGHT, L.W. 48 Highrs.(RE)
B.40230 " NADJIWON, R.D. Lorne Scots(RE)
B.82628 " HAYES, W.T. L.&W.Regt.(RE)
B.81926 " MERVYN, A.M. R.C.C.S.(RE)
B.40214 " BLACKWOOD, H.W. R.Regt.C.(RE)
Posted to "K" Coy. from No.1 Coy. (and attached to H.Q. Coy.)

POSTINGS (Cont'd)

(e)	K.100028	Pte.	BROWN, M.L.	Westmr. Regt.(RE)
	B.40242	"	HAYES, H.B.	R.Regt.C.(RE)
	B.51049	"	McKAY, T.H.	48 Highrs.(RE)
	B.53720	"	McMILLAN, J.	"
	B.75325	"	McQUEEN, P.G.	"
	K.100038	"	MIERKE, A.	Westmr. Regt.(RE)
	M.50563	"	POTVIN, H.P.	48 Highrs.(RE)
	B.84648	"	ROBSON, J.A.	L.&W.Regt.(RE)
	K.48078	"	SIMPSON, R.	Westmr. Regt.(RE)
	B.18358	"	YOUNG, F.T.	S.D.&G.H.(RE)
	K.45063	"	ATKINSON, G.A.	Westmr. Regt.(RE)

Posted to H.Q. Coy. from No.1 Coy.

(f)	B.91828	Pte.	CRUISE, C.A.	Lorne Scots(RE)
	B.58456	"	HOMAN, C.F.	L.&W.Regt.(RE)
	K.100090	"	MOOY, A.R.	Westmr. Regt.(RE)
	C.57636	"	RAYMOND, D.M.	S.D.&G.H.(RE)
	B.75350	"	RIOUX, R.R.	48 Highrs.(RE)
	B.84571	"	RYAN, J.E.	48 Highrs.(RE)
	B.86893	"	WALLACE, N.D.	Lorne Scots(RE)
	B.58471	"	LOMAS, L.E.	L.&W.Regt.(RE)
	K.45017	"	HAMM, A.	Westmr. Regt.(RE)
	K.100036	"	WASKO, W.	S.D.&G.H(RE)
	C.31399	"	WOODHOUSE, W.J.	S.D.&G.H(RE)
	B.17401	Gnr.	COUSINEAU, H.D.	R.C.A.(RE)
	B.17447	"	KITTS, R.H.A.	"
	B.17477	"	STAINTON, E.T.	"
	B.52453	Spr.	DEGRAAF, G.	R.C.E.(RE)
	B.400	Tpr.	HAHN, W.C.J.	C.A.C.(RE)
	C.75776	"	SHORTT, W.A.	C.A.C.(RE)
	B.32190	Pte.	HAMELIN, A.F.	R.C.C.S.(RE)
	B.110029	"	OLMSTEAD, S.	Gen. Serv.(RE)

Posted to No.2 Coy. from No.1 Coy.

4. EXTRACTS FROM CAMP BORDEN ORDERS DATED 7 AUG 42 (No.2856-2864)

No.2856
VILLAGE - PATCHING TARGETS

All targets must be properly patched prior to any Unit leaving the Battle Range. The necessary patching is available at the Village, and further supplies may be secured at the 1000 Yard Range.

No.2857
TRAINING - VILLAGE

Units are instructed to have any individuals or sections as the case may be go over the Village using blank ammunition prior to actual practices with ball ammunition.

No.2858
CLEANLINESS - ALL RANGES
INCLUDING BATTLE RANGE & VILLAGE

Units are again reminded that immediately upon completion of any practices, the area must be thoroughly cleaned by the firing details. This applies to the firing point areas and the butts on the open ranges, and all the area in the vicinity of the 30 Yard Range including the Obstacle Course.

2. A number of Units have been falling down in this regard and this condition is to be rectified immediately.

EXTRACTS FROM CAMP BORDEN ORDERS DATED 10 AUG 42 (Cont'd)

No.2860
DISTRICT COURT-MARTIAL
C.6424 Pte. STEWART, W.J.
H.& P.E.R., A-10 I(A) T.C., C.A.
C.6437 Pte. ZACHARIAH, L.E.
H.& P.E.R., A-10 I(A)T.C.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Tuesday, 11th August, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them.)

PRESIDENT

Major H.F. ELLINS
A-10 Infantry (Advanced) Training Centre, C.A.

MEMBERS

Captain G.H. GUY
A-19 Royal Canadian Army Service Corps (Advanced) Training Centre, C.A.

Captain A.F. SHAW
20th Canadian Army Tank Battalion (16/22 Sask. Horse) C.A.

WAITING MEMBER

Captain E.M. VANCE
A-9 Canadian Armoured Corps (Advanced) Training Centre C.A.

PROSECUTOR

Captain A.E. JUDD
A-11 Infantry (Advanced) Training Centre, C.A.

DEFENDING OFFICER

Captain I.S. WALLACE
A-11 Infantry (Advanced) Training Centre, C.A.

ATTENDING FOR INSTRUCTION

Lieut. W.D. KNOX
A-11 Infantry (Advanced) Training Centre, C.A.

5. EXTRACT FROM CAMP BORDEN ORDERS DATED 8 AUG 42(Nos. 2865-2871)

No.2865
RESPIRATORS
GYMNASIUM

All personnel attending the Camp Gymnasium on Tuesday of each week, must take their respirators with them.

No.2866
FIRING - RIFLE RANGES
TUESDAY - 11 AUG 42.

No firing will take place after 1800 hours on any rifle range in Camp Borden on Tuesday, 11 AUG 42.

EXTRACTS FROM CAMP BORDEN ORDERS DATED 8 AUG 42(Cont'd)

No.2867
DISCIPLINE

It has been brought to the attention of this Unit that soldiers in uniform have been begging on the streets or in public places. It is also noted with regret that officers and N.C.O.s, who must have witnessed such acts, took no action in regard to the apprehension of said offenders.

2. A serious view is to be taken of any such conduct and any officer or N.C.O. who sees any soldiers begging should at once take action and have the offender apprehended.

No.2869
PLACES OUT OF BOUNDS
TORONTO, ONTARIO.

The undermentioned establishment is hereby placed "Out of Bounds" to all Military personnel in this District, effective 23 JUL 42.

Great China Chop Suey House,
69 Albert Street,
Toronto, Ontario.

No.2870
RATIONING - SUGAR
LEAVE AND DUTY RATION CARDS

Ration cards will be collected from all personnel who since 1st JUL 42 have been drawing Subsistence Allowance and have subsequently been placed on rations, also from those who since that date have been enlisted into the Canadian Army and are drawing rations.

6. SWEEPSTAKES, RAFFLES, Etc.

It is understood that "Punchboards" have been operated in certain messes and canteens. Attention is drawn to Routine Order #100, which forbids the holding, carrying out or conducting of draws, sweepstakes or raffles, when these are contrary to law.

J.V.H. Wilson-Lt.
ADJUTANT
A 11 INFANTRY (A) TRAINING CENTRE

J.V.H. Wilson
(J.V.H. Wilson) Lieut.
A/Adjutant
A-11 Inf. (Adv.) T.C.

NOTICE

MESS MEETING

There will be a regular monthly meeting of the Sergeants' Mess at 1800 hrs. to-night. All members will attend.

LOST REGISTRATION CARD and also wallet with $2.00 bill, book of stamps- Case from glasses.
B.37090 Pte. McCLEERY, M.R. (Owner)
Finder please return to H.Q. Coy.

H. Ellis Major
President

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OATHS RE APPROACHING WAR INSTRUCTION.

(Duly sworn.)

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Lieut. W. D. Knox,	(SD&MH) A-11 I. (A). T. C., C.A.
Lieut. D. A. Jackson,	(RSR) A-10 I. (A). T.C., C.A.
Lieut. B. P. Baker,	(M&PER) A-10 I. (A). T. C., C.A.
Lieut. D. A. Ross,	(GS) A-8 C.A.C (A). T. C.
S/Lieut. R. Y. McCrenthum	C.A.C. A-8 C.A.C (A). T.C., C.A.
Lieut. D. Dean,	(Algon.Rect.) H. C. M. D. E.
Captain E. M. Vance, (Waiting Member).	A-9m C. A. C. (A). T. C., C.A.
Lieut. G. C. Davis,	A-9 C.A.C.(A). T.C., C.A.
Lieut. G. F. Dowdell,	A-9 C.A.C. (A). T. C., C.A.

- - - - - - - - - - - - - - -

Hinds

-1-

-11-

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At 11:08 o'clock, a. m. on the 5th day of August, 1942, the Court adjourned, until 10:30 o'clock, a. m., on the 12th day of August, 1942.

- - - - -

On the 12th day of August, 1942, at 10:30 o'clock, a., m., the Court reassemble pursuant to adjournment, present the same members as when adjourned.

- - - - - - - - - - -

This is Exhibit "B" refferred to in the Summary of Evidence, taken before me at Camp Borden, Ontario, on the 24th day of July, 1942

(D.S.P. Cameron) ....Major

O.C.	
2 I.C.	
Adj.	
Q.M.	

Certificate in accordance with Order-in-Council P.C.2737 dated April 10th, 1942, as published in Routine Order 1987, and in General Order No. 127, 1942.

(Apprehension by or surrender to service authorities)

I, B97691 (Number) SGT. BROWN (Rank) NCO DETACHMENT 21.COY.CAN.PROVOST CORPS (Unit)

hereby certify that D40875 (Number) PTE. (Rank) HINES. H. (Name in full)

of the LAB. (Unit and attachment (if any)) A11 CAMP BORDEN

was apprehended by (~~surrendered to~~) B97691 (Number) L/CPL. (Rank)

THOMPSON (Name) NCO DETACH.21COY. CAN. PROVOST CORPS (Unit or appointment)

at ST.PAUL ST. ST.CATHARINES (Place)

at 1630 (Hour) on the 20 day of JULY 1942

as a deserter (or absentee without leave), and that at the time of his arrest he was wearing military (air force) uniform (~~dressed in civilian clothes~~).

DATED AT CAMP NIAGARA

this 20 day of JULY 1942

(Strike out words not applicable)

I/C

B97691 SGT.NCO.DETACHMENT 21 COY.CAN.PROVOST CORPS
(Signature, Number, Rank, Unit or appointment)

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

JUL 25 42 PM

M.F.M. 216

No. 2 CANADIAN INFANTRY (RIFLE) TRAINING CENTRE M.D. No. 2

This is Exhibit "C" referred to in the Summary of Evidence taken before me at Camp Borden, Ontario, on the 24th day of July, 1942.

J B Clarke Major

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

J. N. Ellis Major President

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut. (Rank) J.V.H. Wilson (Name) A-11 Inf. (Adv.) T.C. (Unit)

Strike out word not applicable — hereby certify that I (~~issued~~) (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from Camp Borden, Ont. (Place) to Niagara-on-the-Lake, Ont. (Place)

and return to Camp Borden, Ont. for the

Full description of soldier being escorted — purpose of escorting B.40875 Pte. Hinds, H.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
1 Station Waggon Camp Borden to Niagara-on-the-Lake, Ont. and return 267 miles @ .03¢ per mile	$8.01
Total	$ 8.01

Dated at Camp Borden, Ont. this 23rd day of JUL A.D. 1942

J.V.H. Wilson Lieut.

A/Adjutant (Signature, rank, unit of officer ~~issuing transport warrants~~ authorizing transportation) ~~Lt.-Col.~~

~~for (E.) L. Boulton~~ (Strike out description not applicable)

~~Commanding A-11 I.A.(A).T.C.~~

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.D. 1461
8664—C-43 (1129)
H.Q. 1712-30-1461

K. M.C. Ellis Major President

57

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, B.74468, L/Cpl. Young, G.H. A 11 I.(A).T.C.,
(No.) (Rank) (Name) (Unit)

Strike out words not applicable

as (escort) (~~COMMANDER OF ESCORT~~) consisting of myself

Members of escort

detailed to proceed from Camp Borden, Ontario to Niagara-on-the-lake, Ont.
(Place) (Place)

Name and description of soldier escorted

to return B.40875, Pte. Hinds, H.

alleged to be a deserter or absentee without leave, to Camp Borden, Ontario.,
(Place)

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Two Telegrams: Niagara-on-the-lake to Camp Borden Camp Borden to Niagara-on-the-Lake	.96
Total	$ .96¢

Dated at Camp Borden, Ont. this 24th day of July A.D. 19 42

G. H. Young L/Cpl.
(B.74468 Young, G.H. (signature and rank of commander of escort)
(escort)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.R. 1462
8036—7-47 (1100)
H.Q. 1772-39-1550

This is Exhibit "D" referred to in the Summary of Evidence taken before me at Camp Borden, Ontario, on the 24th day of July, 1942.

Exhibit D 59

H. Williams Major President

D. B. Cameron Major

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ontario on the 26th day of March, 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B.40875, Pte. Hinds, H., Lincoln & Welland Regiment

DECLARATION

The Court declare that No. B.40875, Pte. Hinds, H. Lincoln & Welland Regiment, No. 2 Company, A 11 I.(A).T.C. illegally absented himself without leave or other sufficient cause at Camp Borden, Ontario on the 28th day of February, 1942, that he is still so absent, and that on the 26th March, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES	VALUE
Clothing Division "A"					
Anklets, web prs.	1		77		
Cap, Winter, Melton	1	1	20		
Mitts, Leather, prs.	1		64		
Clothing Division "B"					
Battle dress, trousers, prs	1	6	24		
Battle Dress, Blouse	1	6	18		
Boots, Ankle, prs.	1	4	81		
Greatcoast	1	17	22		
Drawers, woollen	1	1	17		
Shirts, Flannel, Khaki	1	2	05		
Shirts, Woollen	1	1	14		
Division "A-1"					
Haversack, Web, Pat. 37	1	1	75		
TOTAL		$43	17		
25% off Clothing Division "A"					
25% off Clothing Division "B"					
Full charge for Section "A-1"					
Unexpired Value		$32.82			

Sgd. (H.M. Williams) Capt. A 11 I.(A).T.C. President

Sgd. (J.K. Marty) Lieut. A 11 I.(A).T.C. Member

Sgd. (W.K. Rorke) Lieut. A 11 I.(A).T.C. Member

Signed at Camp Borden, Ontario.

this 26th day of March, 19 2

Signature of Commanding Officer Sgd. (R.L. Denison) Lieut-Colonel Commandant, A 11 I.(A).T.C.

Certified true copy (J.T.R. Wilson) Lieut. Adjutant A 11 I.(A).T.C.

Signature of Officer having custody of original record

M.F.R. 323
A.F.B. 116
15M—2-41 (8766-70)
H.Q. (773-30-337)

H F Elliott Major
President

M 61

I HAVE BEEN DULY WARNED FOR DRAFT
ON THE 23 JANUARY 1942
TO PROCEED ON D-15

WITNESSES:

Sgd.(Arthur B. Bonner)Lieut.

Sgd.(B.38164, Loveday, F.)Cpl.

The Unit (or Draft) will proceed on special duty any date after today. Any soldier, who by being absent without leave or by overstaying his pass or furlough, is absent when the Unit (or Draft) proceeds on such special duty, will be liable to be charged with Desertion.

	Reg. No. & Name			Address	Signature
	B.41555	Pte.	Antonelli, E.	537 Westmount Ave., Toronto	(E.Antonelli)
	60653	"	Barry, R.	206 Verdun Rd. Oshawa	(R. Barry)
	41106	"	Christopher, A.	723 Durie St. Toronto	(A. Christopher)
XX	40875	"	Hinds, H.	8 Ann St., St. Catharines	(H. Hinds)
	41133	"	Dover, F.	9 Gray Ave. Mt. Dennis	(F. Dover)
	41171	"	Hannigan, N.	9 Gray Ave. Mt. Dennis	(N. Hannigan)
	41124	"	Jenowski, F.	101 Delaware Ave. Toronto	(F. Janowski)
	40728	"	McClure, J.C.	167 Ross St. Welland	(J. McClure)
	41398	"	Ryan, J.B.	1378A Queen St. E. Toronto, Ont.	(J.B. Ryan)
	41115	"	Slattery, G.W.	624 Woodbine Ave. Toronto	(G.W. Slattery)
	40679	"	Taylor, H.G.	91 Sherbourne St. Toronto	(H.G. Taylor)
	41251	"	Turner, E.A.	2 Paisley Ave. Toronto	(E.A. Turner)
	60856	"	Wadsworth, T.	2717 Ontario St. E. Montreal, P.Q.	(T. Wadsworth)

Certified True Copy
J.V.H. Wilson
(J.V.H. Wilson)Lieut-Adjt.,
A 11 I.(A).T.C.

Exhibit A
J.D. Cameron Major

-N- 63

Helms May
President

THE PROSECUTOR: Sirs; the man has stated that he is educated; that he, when he signed the roll, well understood and he can read and write, and he understood thoroughly that when he signed the roll that if he did not report on time from leave, or was absent at any time, he would be classed as a deserter, and yet, having that in his mind, and thoroughly understanding it, he stayed away and did not return. I submit that is proof enough that the man understood enough to to know that he was a deserter, himself.

That is all I have to say, sirs.

- - - - - - - - -

"O" 65

Gentlemen:

The prosecution maintains that by signing the draft roll, Pte Hinds is guilty of desertion. They are not charging him simply with Absence without leave, but with desertion, and are pinning their case on the draft roll. On the strength of this they have attempted to prove that the accused intended to permanently desert His Majesties Service, and in particular, to skip the draft which left here on Mar 23rd.

I submit that an examination of the evidencewhich has been submitted proves conclusively that this man, while absent without leave at the time of the draft moving, was absent for a reason entirely different from intention to desert. Let us examine the facts prior to the commencement of the absence of the accused, as shown by the evidence.

On Jan 23rd, Pte Hinds signed the draft roll, and in a day or so went on embarkation leave. From this he returned on time, [redacted]. He also returned from a week-end leave which was given to him on Feb 14th. After a further 2 weeks had passed, making a total of five weeks since Hinds signed the draft roll, Hinds was awarded 14 days C.B. as a punishment. This was on Feb. 28th, a Friday, and was to have been his second week-end since his embarkation leave. He was naturally a bit fed up, at having got into trouble just when all the rest of the Coy were going on week-end leave, and it is from this day that his absence dates.

At this point it occurs to one to ask the question "Did not the accused realise at the time how serious his absence might be regarded?" Pte Hinds has stated under oath that when week-ends were resumed after the embarkation leave had been granted, he was under the impression that the the draft had been cancelled, or at least indefinaitely postponed. [redacted]. Due to these factors it is not surprising that the gravity of the situation did not dawn on Hinds until he heard a rumour on or about Mar 20th, that a draft had moved. He then became frightened, of the repercussions should he return, and kept putting it off. It is interesting to note that Pte Hinds was on his way back to Camp on or about 20th Mar, not so much because he was coming back, as because he was trying to get back under the 21-day limit. In other words, so improbable did the draft seem, that it was pushed into the back of his mind by what normally is a much less important matter - namely returning within 21 days. Avoiding the draft seems to have been far from his mind, both in leaving and returning, as each action was governed by two entirely different reasons.

There are many factors, such as Hinds' returning to his home in St. Catherines, where he could easily have been apprehended, and wearing his uniform during the whole time of his absence, which belie the accusation that he intended to desert; but the most outstanding fact is that he returned not once, but twice from leave and altogether spent five weeks, during which time had it been his intentio to desert he would surely have done so. To suggest that Hinds had any inside information as to when the draft was leaving, and that he waited until the last possible moment would be rediculous; on the contrary, Hinds had heard from his Sjt-Maj. that the draft woul likely be leaving very soon "so be back on time from your leave". Hinds went absent without leave at a time when the passage of some considerable time, and numerous rumours had rendered the draft, at least in his own mind less imminent. Furthermore, the reason for his going cannot in any way be connected with intention to desert. That Hinds missed the draft is an established fact, but that his absence was premeditated and intentional, and for the express purpose of missing the draft must on the strength of the evidence be ruled out. It is impossible to reconcile the actions of a deserter with those of a man who during the period when the draft is most likley to go returns twice voluntarily from leave, and remains, over a period of five weeks at the disposal of his superiors.

The draft roll said - "will be liable to a charge of desertion" - NOT "will be charged with desertion". So the onus still rests on the prosecution of proving fully the charge of desertion, or that the accused did not intend to return for duty with any unit or corps. I do not think it is intended by the Army to use these draft rolls as a sort of ready-made confession to desertion by the accused, which it can whip out the moment a man fails to appear for special duty, thus establishing beyond any possible doubt that the man is a deserter, without going any deeper into the facts. The purpose of the draft roll is to establish simply that the accused was warned for the special duty. This, of itself, however, does not provide for unforseen contingencies which may arise, such as an unduly long wait for the draft, or a misunderstanding as to the date of embarkation. The prosecution have no evidence to show that Pte Hinds definitely intended to desert, and I submit that while they have proven absence without leave they have failed to establish desertion.

Lt. J.

P H F Ellis Major President

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A 11 INFANTRY (ADVANCED) TRAINING CENTRE
CAMP BORDEN ONTARIO

SUMMARY OF EVIDENCE

The accused, B.40875, Private Herbert HINDS, Lincoln & Welland Regiment, attached to A 11 Infantry (Advanced) Training Centre, C.A., a soldier of the Canadian Army placed on Active Service is charged with:

(1) When on Active Service, Deserting His Majesty's Service, in that he, at Camp Borden, Ontario, on the 28th day of February, 1942, after having been warned to proceed for service overseas, with intent to avoid so proceeding, absented himself from A 11 Infantry (Advanced) Training Centre, C.A., Camp Borden, Ontario, from 0645 hours on the 28th day of February, 1942, until apprehended by the Military Police at St. Catharines, Ontario, at 1630 hours on the 20th day of July, 1942, dressed in uniform.

Total absence, 142 days, 9 hours, 45 minutes.

Cost of apprehension:

Telegrams, Camp Borden, Ontario to Niagara-on-the-lake, Ontario, and Niagara-on-the-lake, Ontario to Camp Borden, Ontario.....	$ .96
Transportation, Camp Borden, Ontario to Niagara-on-the-lake, Ontario, and return.....	8.01
	$8.97

(2) Losing by Neglect his Clothing and Equipment and Regimental Necessaries in that he, at Camp Borden, Ontario, on the 23rd day of July, 1942, was found deficient of articles to the unexpired value of $12.21.

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

The accused, having had his rights upon the taking of the Summary explained to him, in accordance with the Rules of Procedure, the evidence is taken in his presence.

1ST WITNESS Captain A.B. Bonner, Royal Regiment of Canada, attached to A 11 I.(A).T.C., having been duly sworn, states:

"Sir, on the 23rd January, 1942, the accused B.40875, Pte. Hinds, H., Lincoln & Welland Regiment, attached to A 11 I.(A).T.C., with others were duly warned for draft. We drew up a form and read this form over the men, who were on draft, including the accused and he was told to read the form before he signed it. I accompanied by Cpl. Loveday witnessed his signature. I produce the signed form as evidence. This is now marked Exhibit "A"."

Arthur B Bonner .....Capt.
(A.B. Bonner)

The above document, Exhibit "A" was read over to the accused, is attached hereto, and submitted as evidence.

The accused declines to cross-examine the witness.

2ND WITNESS B.24189, Sgt. Bremner, F.C., 48th Highlanders of Canada, attached to A 11 I.(A).T.C., having been duly sworn, states:

"Sir, on the 28th day of February, 1942, I was the Company Orderly Sergeant of No. 2 Company, A 11 I.(A).T.C. I called the roll at 0630 hours, and as the accused, B.40875, Pte. Hinds, H., Lincoln & Welland Regiment, No. 2 Company, A 11 I.(A).T.C., was on defaulters' parade, I did not know he was absent until I went over to the Guard Hut, A 11 I.(A).T.C., at 0645 hours. I searched the lines, but could not find the accused. I placed his name on a Special Absentee Report."

F C Bremner .....Sgt.
(B.24189, Bremner, F.C.)

The accused declines to cross-examine the witness.

3RD WITNESS B.24124, C.S.M. Hancock, A.C., 48th Highlanders of Canada, attached to A 11 I.(A).T.C., having been duly sworn, states:

"Sir, I am Sergeant-Major of No. 2 Company, A 11 I.(A).T.C. On the 28th February, 1942, I was a Sergeant with the same company. I distinctly remember that the accused, B.40875, Pte. Hinds, H., Lincoln & Welland Regiment, attached to No. 2 Company, A 11 I.(A).T.C. went absent at that time. He has not

3RD WITNESS (Continued)

attended any parades in the Company, and I did not see him untilhe was brought up on charge for illegal absence, on the 23rd July, 1942. I have been continually with No. 2 Company, A 11 I.(A).T.C., since February, 28th, 1942. If the accused had been present during that time, I would Have known it. I present certificate of apprehension, signed by B.97621, Sgt. Brown, No. 1 Detachment, 31 Company, Canadian Provost Corps. This is now marked Exhibit "B". I also produce M.F.B. 1481, cost of transportation. This is now marked Exhibit "C". I produce also, M.F.B. 1482, Incidental expenses. This is now marked Exhibit "E". I produce also, M.F.B. 375, Declaration of a Court of Inquiry, dated March 26th, 1942. This is now marked Exhibit "D". TheseexExhibits, "B", "C" "D", "E" all apply to the accused."

A.C. Hancock .....C.S.M.
(Hancock, A.C.)

The above documents, Exhibits "B", "C", "D", and "E" were read over to the accused, are attached hereto, and are submitted as evidence.

The accused declines to cross-examine the witness.

4TH WITNESS B87878, C.Q.M.S. Campbell, J., 48th Highlanders of Canada, attached to A 11 I.(A).T.C., having been duly sworn, states:
"Sir, ~~Sirx~~ having checked the kit of B.40875, Pte. Hinds, H., Lincoln & Welland Regiment, attached to No. 2 Company, A 11 I.(A).T.C. on the 23rd July, 1942, with his M.F.C. 800. I find him deficient the following articles, to the unexpired value of $12.21, which is 50% of Vocabulary price: I present herewith a certified copy of M.F.C. 800 belonging to B.40875, Pte. Hinds, H., Lincoln & Welland Regiment, Attached to A 11 I.(A).T.C.. This is now marked Exhibit "F"."

Clothing Division "A"	No.	Vocabulary Price	Unexpired Value
Greatcoat,	1	17.22	8.61
Anklets, Web, prs.	1	.77	.39
Cap, Winter, Melton	1	1.20	.60
Clothing Division "B"			
Drawers, Woollen, prs.	1	1.17	.58
Shirts, Flannel, Khaki	1	1.17	.58
Shirts, Woollen	1	1.14	.57
Section "A-1"			
Haversack, Web 37 pat.	1	1.75	.88
		$24.42	$12.21

The above document, Exhibt "F" was read over to the accused, is attached hereto, and submitted as evidence.

J. Campbell .....CQMS
(B.87878 Campbell, J.)

The accused declined to cross-examine the witness.

Question: "Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."
Answer (by accused) "I wish to make a statement, not on oath, Sir."

B.40875, Pte. Hinds, H., Lincoln & Welland Regiment, attached to A 11 I.(A).T.C., states:
"Sir, I was duly warned for draft on January 23rd, 1942, and I had my embarkation leave. We had a week-end after that, and by February 28th, 1942, it looked to me, as if we were not going to go on draft at all. When I went away, I did not mean to desert the draft, in fact I did not mean to stay away 142 days, but once I was away, I was afraid to come back. If i had wanted to desert the draft, I would have gone away, when I had my embarkation leave, but it appeared to me that we were not going to go on draft."

H. Hinds .....Pte.
(B.40875, Hinds, H.)

The accused declines to call any witnesses on his behalf.

Rules of Procedure 4(c), (d), (e), (f) and (g) have been complied with.
Taken before me in the presence of the accused, at Camp Borden, Ontario, the 24th day of July, 1942.

D.S.F. Cameron .....Major
(D.S.F. Cameron) O.C. No. 6 Coy.
A 11 I.(A).T.C.

This is Exhibit "F" referred to in the Summary of Evidence taken before me at Camp Borden, Ontario, on the 24th day of July, 1942

DSF Cameron Major

M.F.C. 800

H.Q. (373-39-164)

Regtl. No. B40875 Rank Pte Name Hinds H. vs Major

H.B. Blevins Major President

INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

Date of Attestation 15-7-40

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials
Ankleta, web, prs.	1								
Badges, ~~arm, unarmed~~, Canada, prs.	2								
Badges, cap LYW	1								
" collar, prs.									
" shoulder, prs.	1								
Bags, Kit	1								
Battle Dress—									
Blouses, serge	1	1							
Trousers, serge, prs.	1	1							
Belts, waist, leather, brown									
Blacking, tins	1								
Bonnets, Tam O'Shanter									
Bootdressing, tins	1								
Bootlaces, prs.	1								
Boots, ankle, prs.	1	1							
" " felt, prs.									
Boots, lumberman's, rubber—prs.									
Insoles, prs.									
Braces, prs.	1								
Brasses, button	1								
Breeches, D.C., or Trousers, S.D. prs.									
Brushes, boot, blacking	1								
" boot, polishing	1								
" button	1								
" cloth	1								
" hair	1								
" shaving	1								
" tooth	1								
Cap, comforter	1								
" field service	1								
" forage, drab									
" winter, Melton cloth		1							
Cloak or Greatcoat, drab		1							
Comb, hair	1	13-4-41							

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials
Discs, identity, with cord									
Drawers, cotton, short, prs.									
Drawers, woollen, prs.	1	1							
Dressings, first field		1							
Forks	1								
Gloves, woollen, khaki, prs.		1							
Helmets, sun									
Holdalls	1								
Housewives	1								
Jackets or Doublets, S.D.									
Jackets, khaki drill									
Jacket, sweater	1								
Knife, clasp, and lanyard									
" table	1								
Mitts prs.	1								
Overalls— ~~Blouses, denim~~ Boots	1								
Trousers, denim, prs.									
Overshoes or Rubbers, prs.	1								
~~Raincoats or~~ Trousers, service, prs.	1								
Putters, prs.									
Razors	1								
Shirts, flannel, khaki	2								
" khaki, cotton, with short sleeves	1								
" service	2								
" under, cotton									
" woollen	1	1							
Shoes, canvas, prs.	1								
Socks, prs.	1	2	1						
Sponges, pipeclay									
Spoon, table	1								
Towels, hand	1		1						
Trousers, khaki drill, prs.									
" " " short, prs.	14-4-41	12-4-41							

Free issues only will be accounted for on this form.

Cirtified trueCopy of Origanel
M-F-C-800

Signature of Soldier

Signature of Quartermaster A.F. Spencer

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Unit ..... No. ..... Rank ..... Name .....

From 2 D. Depot to A-11-9-A-T-C Date 5-12-41 | Transferred or Attached

From ..... to ..... Date .....

From ..... to ..... Date .....

From ..... to ..... Date .....

From ..... to ..... Date .....

EQUIPMENT (a)	Date of Issue	Date of Issue	Date of Issue	Date of Issue	ARMS AND MISCELLANEOUS (a)	Date of Issue	Date of Issue	Date of Issue	Date of Issue
Attachments, brace					Bayonets and Scabbards				
Bags, ration	1				Bottles, oil				
Bandoliers					Pistol				
Belts, waist	1				Pullthroughs				
Bottles, water	1				Rifles				
Braces L+R	2				Swords and Scabbards				
Carriers, cartridge									
" waterbottle	1								
Cases, pistol									
Covers, messtin	1				Blankets				
Frogs, bayonet	1				Sheets, ground MK VIII	1			
Haversacks	1				Respirator a/g				
Helmets, steel	1				Container Type E	1			
Lanyards, pistol					Facepiece MK IV	1			
Packs	1				Haversack MK VI	1			
Pouches, ammunition Basic	2				Outfit a/Dim	1			
Slings, rifle	1								
Spurs, jack, pr.									
Straps, shoulder	2								
" web, supporting	2								
Tins, mess	1								

(a) Arms and equipment will not be transferred with the soldier unless authorised by the D.O.C.

On return of any article the Q.M. will initial in the date column opposite the article returned and line through in red ink.

Signature of Soldier .....

Signature of Soldier .....

Signature of Soldier .....

Signature of Soldier .....

Signature of Soldier .....

Signature of Soldier .....

Signature of Soldier .....

Signature of Soldier .....

77

H. Elmir Major
President

THE DEFENDING OFFICER: With regard to this charge of desertion; the accused's main offence was the length of time he was away. That is due to the fact that he ran into this apprehension on his part on learning that the draft had gone, and, fearing the consequences, he stayed away longer than he ever intended to, in the first place.

He is keen and wants to do his acts of service. He has said so. I think he is a soldier who could be of considerable use, and I do not think it is necessary that he be denied any more actual over-seas' service than is possible, because I think he wants to get over-seas, and I feel he would be satisfied and get along better once he got over there.

It seems to me, he has missed some training; he wants to get back, more or less, into the harness again, and I think, in view of that, the Court may consider leniency.

That is all, sirs.

- - - - - - - -

H.G. Ellis Major
President

F.B. 355
H.Q. 1772-39-620
10M-8-40 (M19)

Y

79

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B.40875	Pte.	HINDS, H.	Lincoln & Welland Regiment

1. The following is a fair and true summary of the entries in the [redacted] or Company Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For	A.W.L.	3 times	A.W.L.	9 times
For	Asleep on Picquet	1 times	Asleep on Picquet	1 times
For		times	Con.Prej.good ord. & Mil. Discipline	1 times
For		times		

[redacted]

2. The accused has not been previously convicted [redacted]

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

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 11 days in military custody, making a total of 11 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his [redacted] attestation paper is 25 years, 11 months

6. The date of his [redacted] attestation specified in his [redacted] attestation paper is 15th July, 1940.

7. The service which the accused is allowed to reckon towards discharge is 2 years, 1 16 days.

[redacted]

8

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of
Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this twelfth day of August 1942 J.T.H. Wilson Lieut. Adjt., A.I.T.(A).T.C.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

H. Elliott Major
president

Certified True Copy..(J.H. Wilson)...Lieut. Adjutant, A 11 I.(A).T.C.

No. B.40875 Name Hinds, H. Sqn., Battery, or Company D Corps L. & W. Regt. Date of enlistment 15-7-40 G.C. Badges

Service or Proficiency Pay

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. (R.A. Legit) Major

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Niagara Camp	1-10-40	Pte.		AWL 0640-1-10-40 to 2230-6-10-40	CSM Stobridge	7 days C.B.	7-10-40	Lt.Clarke	6 days pay
Chippawa Bks.	5-12-40	Pte.		AWL 0635-5-12-40 to 1230-9-12-40	" "	14 days Det.	11-12-40	Maj.Madill	7 days pay
Allanburg Bk.	15-1-41	Pte.		AWL 2359-15-1-41 to 2340-5-2-41	" "	22 days Det.	6-2-41	Lt-Col.Muir	23 days pay
Niagara Bks.	4-4-41	Pte.		AWL 2359-4-4-41 to 2100-15-4-41	" "	14 days C.B.	16-4-41	" "	22 days pay
Niagara Bks.	19-4-41	Pte.		AWL 1800-19-4-41 to 1645-21-4-41	" "	120 hrs. Det.	22-4-41	" "	2 days pay
Niagara Bks.	3-5-41	Pte.		AWL 2357-3-5-41 to 0700-5-5-41	" "	14 days C.B.	6-5-41	Maj.Madill	2 days pay stoppage 4 days.
Nanaimo Camp	30-5-41	Pte.		Con.Prej.good ord. & Mil. Disc.	Cpl.Mathews	7 days C.B.	31-5-41	Capt.Usher	
Toronot	24-9-41	Pte.		AWL from Niagara Camp at 0600 hrs. 24-9-41 to 0740 hrs. 4-10-41. Also placed under stoppage pay to cover cost of apprehension: $524	Documentary	28 days det.	8-10-41	Col. O.S. Holindrake	Forfiets 11 days pay for AWL & 5 days pay for per.custody.

(F.2.O.)

82

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				S.O.S. No. 2 D.D. 5-12-41 (J.Bradley)Capt.					
Toronto				ATTACHED TO A 11 I.(A).T.C. FROM NO. 2 D.D.E. EFFECTIVE 5 DEC 41 D.O. PART II NO. 293					
Camp Borden	11-1-42			AWL from 0630 hrs. 11-1-42 until 1830 hrs. 19-1-42. Total 8 days 12 hours A.A. 15(1)	Cpl.Baker Sgt.Fenton	18 days pay A.A. 46	20-1-42	Lt-Col.R.L. Denison	9 days pay FRI
Camp Borden	29-1-42			AWL from 1430 hrs. 29-1-42 until 2235 hrs. 29-1-42 after being warned for duty. 8 hours, & 15 min. A.A.Sec.6(2)(e) when a soldier acting as a sentinel, sleeping on post in that he at 2145 hrs. on 26-2-42 at Camp Borden, Ont. when sentry on the inlying Picquet was asleep.	Cpl.Darnbrough Cpl. Baker Sgt.Bryer Cpl/Cpl Lonie Pte.Friolet	168 hrs. Det. 14 days C.B.	30-1-42 27-2-42	Major H.Y. Cory Major H.Y. Cory	1 days pay FRI

H. E. Ellis Major
President

MEDICAL OFFICER'S REPORT

I certify that No. B 40875 Pte Hinds H

of # 2 Coy. is in a Fit state of health,

and Fit. to undergo Trial by Court martial.

J A Gu[illegible] Capt. R.C.A.M.C.
Medical Officer

Station A.II.I.(A) T.C.

Date IIth Aug 19/42.

M. F. B. 246
2534—9-41 (1743)
H.Q. 1773-39 460

H. Collins Major
President

MEDICAL OFFICER'S REPORT

I certify that No. B-40875 Pte. Hinds, H.....
of A-11 I (A) T.C.....is in a .....fit.....state of health ,
and.....fit.....to undergo ~~Detention~~ Trial by Court Martial

.....Capt. RCAMC
Medical Officer

Station. Camp. Borden, Ont.....

Date.. August. 12th.. 1942.....

M. F. B. 246(A)

H.Q.C. 55-H-280

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

COMBINED FILE

SUBJECT DISTRICT COURT-MARTIAL-

HANCOCK W.: B.85662 DVR.

R.C.A.S.C.

DEAD

1047-7

CONFIDENTIAL
H.Q.C. 55-H-280

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					All purpose for which referred cannot be expressed on one line, add minute to file and endorse "With Minute"		
3 - 1942	cancelled			JAG	with papers		25/8/42
8 - 1942					With Papers C.R. SEP 5 1942		
SEP 8 - 1942	7/9/42	PA	H.F.B.	JAG	For Requisition C.R. SEP 23 1942		
SEP 2 8 1942	8/9/42	P.A.	H.F.B.	JAG			
OCT 2 3 1942	22/10/42	PA	Eller	JAG	With Papers C.R. OCT 21 1942	OK	
				JAG	With Papers C.R. NOV 4 - 1942	OK	
NOV 3 1942	7/11/42	PA		AD	Letter to PA	Eller	5/11/42
NOV 2 5 1942	23/11/42	PA	Eller	JAG	PER B.F. NOV 22 1942		
OCT 20 1945				Admin	For Requisition C.R. OCT 18 1945		
				admin	For Requisition C.R. OCT 24 1945		
				SE(AG)	SE	LOS	26.10.45
OCT 30 1945	Oct 25	PA	Eld	H.S.	"		29.11.45
NOV 8 - 1945	8.11.45	PA	WOF	Admin	PER B.F. NOV 8 - 1945		
FEB 1 5 1946	15.2.46	PA		Admin	With Papers C.R. NOV 21 1945	OK	
				Admin	With Papers C.R. APR 18 1946	OK	
APR 20 1946	25/4/46		H.L.	JAG	to auth pls		30/7/46
OCT 28 1946	25/10/46		Wed	DJB	For Requisition C.R. SEP 27 1946		
FEB 2 5 1948	28/2/48	PA	G.H.	WGR	For Requisition C.R. JAN 7 1948		

NOTICE

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

PASS THIS FILE IN ENVELOPE

Correspondence to be PINNED here.

F.G.C.M.

B-85662 Pte. W. Hancock
1 CASCRU
BGHQ 5-6-2/262

KK-44

Army Form A.3.

Form for Assembly and Proceedings of Field General Court Martial on Active Service.

PROCEEDINGS.

A. Order convening the Court.

On Active Service, this Sixteenth day of July, 1943

Whereas it appears to me, the undersigned, an officer in Command of B GROUP CANADIAN REINFORCEMENT UNITS, on active service, that the persons named in the annexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned.

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court Martial; *[~~and that it is not practicable to delay the trial for reference to superior military authority.~~]

*Omit where Convening Officer is a Commanding Officer or is of Field Rank.

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers appointed or detailed hereunder.

*[~~It is hereby ordered that~~ :—

*(1) ~~Three Officers to form the Court~~)

*(2) ~~A Field Officer as President~~)

~~the following members~~ ~~accordingly~~ ~~-~~]

* Omit if not applicable.

Proceedings Reviewed by Judge Advocate General's Office

Ville Dorpall, Capt
for
23 Aug 43

NOTE.—The President must be named. The members and waiting members (if any) may be mentioned by name, or the number and ranks and the unit to which they belong may alone be named. In the latter event, the ranks, names, &c., of the members of the court, as constituted, will be recorded on the proceedings.

President.

* Rank.	Name.	Regiment.
Major	A.E. Chalmers	1 CERU

Members.

Rank.	Name.	Regiment.
Capt	from	1 CSRU
Lieut	from	1 CASCRU

* Must be signed personally by the Officer actually in command at the time, and all alterations in the composition of the Court to be initialled by him.

*Signed (P.R. Shields) Brig
Commanding "B" Group Cdn Rft Units.
Convening Officer.

'B' GROUP H.Q. 26 JUL 1943 CDN REINFORCEMENT UNITS

SCHEDULE.

Number, Rank (a), Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (d)
B-85662 Pte.HANCOCK Walter. 1 CASCRU	First Charge A.A. Sec 15(1)	Guilty	Guilty. To undergo detention for a period of six months. A.E. Holman Maj. 17 Jul 43.	Confirmed. P.R. Shields Brig. 22 Jul 43
	See Attached Charge Sheet			

* Question to be asked of accused, if he pleads not guilty (R. of P. 89 (A)) :—
"Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence ?"
Answer (*to be recorded on separate sheet if necessary*) :—

(*Signed*) P.R. Shields (P.R. Shields) Brig — (*Signed*) A.E. Holman Maj.
Commanding "B" Group Cdn Rft Units — *Convening Officer* (*e*) — *President.*

(*a*) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

(*b*) Unless unavoidable, not more than three names are to be entered on one form, and in serious cases one only.

(*c*) Recommendation to mercy, if any, to be inserted in this column.

(*d*) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.

(*e*) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

Evidence and Charge Sheets (if necessary) to be PINNED here.

B. Certificate of President as to proceedings.

I certify that the above Court assembled on the 17th day of July 1943, and duly tried the persons named in the Schedule, and that the plea, finding, and sentence in the case of each such person were as stated in the third and fourth columns of that Schedule.

I also certify that :—

1. The members of the Court
2. The witnesses
*~~(3. The interpreter)~~ N/A.
*(4. The officers under instruction)

were duly sworn.

* Omit if not applicable.

Signed this 17 day of July 1943.

A.E. Holman Maj.
President of the Court Martial.

C. Certificate in case of death sentences. N/A.

* See footnote (*b*) on page 762 M.M.L. 1929.

~~I certify that the terms of *A.C.I. 570 of 1918 have been complied with.~~

~~Signed this day of 19 .~~

President of the Court Martial.

D. Confirmation.

I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what I have there stated, I hereby confirm the above findings and sentences.

~~*(I direct that the soldier named in the margin be not committed to prison or detention barrack until further orders.)~~

* To be omitted unless penal servitude, imprisonment or detention having been awarded, the Confirming Officer either has no authority to commit to prison or detention barrack, or, having such authority, recommends suspension.

Signed this 22 day of Jul 1943.

P.R. Shields Brig.
Confirming Officer.

Promulgated and extracts taken in the case of B 85662 Pte Hancock W.

(*a*) (Dated) 24 July 43 (Signed) W.C. Fletcher Lt. Col. Comd. 1 Trng. Wing. Cdn. A.S.C. R.U.

Promulgated and extracts taken in the case of

(Dated) D.O. 179 [illegible] (Signed) [illegible] Officer i/c Records 1 Cdn. A.S.C. Reinf. Unit.

Promulgated and extracts taken in the case of

(Dated) (Signed)

(*a*) When several cases are promulgated in one unit on the same day the Officer need only sign once.

W.L. 47793/1937 35 M. 5/41 K.H.,826602 Gp. 699/2

(A)

CHARGE SHEET

The accused B-85662 Pte. Walter HANCOCK, 1 Cdn. A.S.C. Rft. Unit, a soldier of the Canadian Army Overseas, is charged with, When On Active Service:

1st Charge
A.A. Sec
15 (1)

ABSENTING HIMSELF WITHOUT LEAVE

in that he, at Farnborough, Hampshire did absent himself without leave from 2359 hrs 5 Jun 43 until surrendering to the Civil Police at Russell Square, London at 1100 hrs 8 Jul 43. (Absent 32 days, 11 hours and 1 minute).

W. C. Fletcher

Farnborough, Hampshire.
11 July 1943.

(W.C. Fletcher) Lt-col.
Comd No 1 Trg Wing.
1 Cdn. A.S.C. Rft. Unit.

To be tried by Field General Court Martial

16 Jul 43

P.R. Shields

(P.R. Shields) Brig
Comd B Gp
Cdn Rft Units.

A. E. Chalmers Maj.

'B' GROUP H.Q. 16 JUL 1943 CDN REINFORCEMENT UNITS 542/262

'B' GROUP H.Q. 15 JUL 1943 CDN REINFORCEMENT UNITS 542/262

(B)

Medical Officers' Certificate
K.L. (Cpn.) Para 557

I certify that I have this morning examined No. 85662 Pte Hancock W.
of 1 (Gdn) A.S.C. (R.M.) and in my opinion he is fit to undergo
trial by court martial.

Station. Field

Date. 17 July 43

Sgd. [illegible] (Medical Officer)

PROCEEDINGS OF A FIELD GENERAL COURT-MARTIAL
HELD AT 1 CASCRU, Blenheim Barracks, Farnborough, Hants.
ON THE 17 DAY OF July 1943

The accused..B.85662 Pte W. Hancock.....Unit. 1 CASCRU.....

The order convening the Court and charge sheet are laid before the Court, who satisfied themselves as provided by R.P. 22 and 23. (A)

The accused is brought before the Court.
The Medical Certificate is laid before the Court. — marked (B)
The order convening the Court is read by the President, and the accused having been asked, stated that he had no objection to the President or any Member of the Court.
The Court is duly sworn.

The following constitute the Court:-

President..Major A.E. Chalmers.....Unit..1 CERU.....

Members...Capt. R.H. Letourneau.....Unit..1 CERU.....

...Lieut. C.M. Thompson.....Unit..1 CASCRU.....

The officers under instruction are duly sworn:-

Lieut W.R. Hetherington
.....Unit...1 CERU
Lieut L. de G. Poirier
....Lieut. W.R. Smith.....Unit..1 CERU
.....Unit..1 CASCRU.....

Prosecutor...Lieut. A.J. Eatock.....Unit. 1 CASCRU.....

Defending Officer. Lieut. D.R. Pidgeon....Unit..1 CASCRU.....

The charge sheet is signed by the President and the accused is arraigned.
The accused pleads guilty to the charge(s) and R.P. 35(B) is complied with.
The accused does not desire to make a statement in reference to the charge(s). R.P. 37(B).
The Summary of Evidence is read. — marked (C)
The Prosecutor produces MFB 355, AFB 296 and MFM 6. marked (D) and (E)
The Court complies with R.P. 46(B).

Pursuant to R.P. 37 THE ACCUSED:-

(a) ~~Makes a statement in mitigation of punishment.~~
(b) ~~Calls witnesses as to character.~~
(c) ~~Calls witnesses in mitigation of punishment.~~ } A.E. Chalmers Maj
(d) Addresses the Court by his Defending Officer. marked (F)

C/S R.O. was complied with.
The Court is closed to consider the sentence.

~~SUMMARY OF STATEMENT~~ N/A ~~IN MITIGATION, CHARACTER~~ N/A ~~EVIDENCE~~ and ADDRESS OF ACCUSED OR HIS DEFENDING OFFICER

The defending officer hands in a written statement which is read, marked (F) and signed by the President, and attached to the proceedings.

A.E. Chalmers Maj.

(F)

Plea mitigation of sentence of B-85662 Pte Hancock W.

"Mr. President, members of the court, you have heard the charge against the accussed, and his plea of guilty. I wish to draw to the attention of the court, that Pte Hancock enlisted in the Canadian Army voluntarily two years ago at the age of eighteen. And while I fully realize that youth in itself does not constitute grounds for a plea for leniecy, I would draw to your attention that in the course of his twenty years there has never been inculcated into his mind or spirit any semblance of a sence of responsiblity.

I have talked with the accussed at some lenght on this point and he has assured me that upon completion of such sentence as this court may see fit to give him, it is his intention to mend his ways and settle down to a job of good and steady soldiering.

D.R. Pidgeon Lieut.
(D.R. Pidgeon) Lieut.

A. Chalmers Maj.

Army Form B 115.

Record of the Declaration of a Court of Inquiry on the Illegal Absence of a Soldier.

RECORD of the Declaration of a Court of Inquiry assembled at Blenheim Barracks Farnborough Hampshire on the 29th day of June 19 43, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B.85662 Pte. Hancock, W. 1 Cdn. ASC Rft. Unit CA (O)

DECLARATION.

The Court declare. that B.85662 Pte.Hancock, W. 1 Cdn ASC Rft. Unit,illegally absented himself without leave from Blenheim Barracks,Farnborough,Hampshire,at 2359 hrs.,on the 5th June 1943.That he is still so absent,and that on the 29th day of June 43,he was deficient and that he is still deficient of the following articles :-

As listed on reverse side.

Names of President and Members

(F.S. Ives) Capt. RCASC
1 Cdn.ASC Rft.Unit.President

1Cdn ASC Rft.Unit (J.B.Harris)Lt. RCASC

1Cdn ASC Rft.Unit (W.F.Pickersgill)Lt. RCASC

Signature of Commanding Officer ..... COL
COMMANDING,
1 CDN. A.S.C. REIN. UNIT.

CERTIFIED TRUE COPY.

Signature of Officer keeping custody of the Original Record.

1 CDN. A.S.C. REIN. UNIT.

(12281) Wt.34318/1622 75,000 10/39 A.& E.W.Ltd. Gp.498
(13443) Wt.45725/760 225,000 1/40 " " Forms/B115/58

ARTICLES	QUANTITY	VALUE			VALUE (75%)		
		£	s	d	£	s	d
B.D. Blouse	1	1	7	8	1	0	9
B.D. Trousers	1	1	7	11	1	0	10½
Boots Ankle	2	2	3	0	1	12	0
Caps F.S.	1		3	8		2	9
Gloves Woollen	1		2	7½		2	0
Sweater "	1		6	9		5	1
Shirt Angola Drab	1		9	2		6	10½
Socks (Pair)	1		1	8		1	3
Cap Badge	1			4½			3½
Brush Button	1			8			6
Comb	1			2			1½
Shirt Gym	1		1	11		1	5
Towel	1			11½			9
Bag Ration	1			3			2
		6	6	9½	4	14	10

CERTIFY that the man whose personal description is given below surrendered himself to* RCMP Surrey

at Russell Square at (hour) 11 am on

the 8th day of July as being 3.95 Hrs

(Rank and Name) Pte. Walter HANCOCK

a deserter (or absentee without leave) from Royal Canadian Army Service Corps

and it appears to me from his confession that he is a deserter or absentee without leave.

*Enter the word "to" to be inserted the name and rank of the police officer concerned.

Age 20 Height 5 Feet 7½ Inches

Complexion fresh Hair ginger

Eyes blue

Marks

In uniform or plain clothes uniform

Probable Date and Place of Attestation	14/7/41 Toronto Ontario Canada
Probable Date of Desertion or beginning of absence, and from what place	10th June 1943 Farnborough Hants

---

E. Thacker Pte

Signature of Officer of Police in charge of Group Im Lord Station.

8th July 1943 Date of Signature.

A Elledge Mp

(C)

SUMMARY OF EVIDENCE

IN THE CASE OF B-85662 Pte. Walter HANCOCK, 1 Cdn. A.S.C. Rft. Unit, Blenheim Barracks, Farnborough, Hampshire.

Colonel, J.M. Pocock, Commanding, 1 Cdn. A.S.C. Rft. Unit, directs that the Evidence be taken on oath.

Lt. A.J. Eatock, RCASC, 1 Cdn. A.S.C. Rft. Unit.

I produce:

(a) Record of Declaration of a Court of Inquiry on the Illegal Absence of a soldier (AFB 115).

(b) A.F.O. 1617 Certificate purporting to be signed by the Officer in Charge Grays Inn Road Police Station, London, with a statement of Evidence referring to the surrender of the accused at 1100 hrs 8 Jul 43.

A J Eatock
(A.J. Eatock) Lt.

1st WITNESS (for the Prosecution) P.C.548 E. Turner, Police Station Grays Inn Road, London. (Documentary)

2nd WITNESS (for the Prosecution) E. Thaxton, Police Sgt, Police Station Grays Inn Road, London. (Documentary)

I certify that in my opinion, the attendance of the 1st and 2nd witnesses for the Prosecution, owing to the expense and loss of time involved, are not readily procurable and written statements signed by them have been read to the accused.

A J Eatock
(A.J. Eatock) Lt.

I do not require the attendance of the 1st and 2nd witnesses for the purpose of cross-examination.

W Hancock
(B-85662 Pte. Hancock, W.)

A Oldham Maj.

SUMMARY OF EVIDENCE

B.85662 Pte. Hancock, W., the accused was then warned in accordance with R.P. 4 (e)

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

"I do not wish to make any statement at this time."

W Hancock
(B.85662 Pte. Hancock, W.)

I hereby certify that the foregoing Summary of Evidence was taken down by me in writing on the 10th day of July 43 at 1 Cdn ASC Rft Unit in the presence and hearing of the accused and that R P 4 (c) (d) (e) (f) and (g) have been complied with.

A.J. Eatock Lt.
(A.J. Eatock) Lt.
1 Cdn ASC Rft Unit

I, B.85662 Pte. Hancock, W., desire the assignment of an Officer to represent me at my forthcoming Trial by Court Martial.

W Hancock
(B.85662 Pte. Hancock, W.)

11 July 43.
Farnborough, Hampshire.

A.G. Glelm Maj.

No. B85662 Name HANCOCK W. | Sqn., Battery, or Company | Corps RCASC | Date of enlistment 14 July 1941 G.C. Badges | Service or Proficiency Pay | M.F.M. 6 (A.F.R. 122) 40/P & S/136 (3037)

Date of last entry in Company Conduct Sheet 4 Nov. 1941 | No. and date of last drunk 2 1 Oct. 41 | Period not reckoning towards freedom from extra fine | Sheet No. 1 | Signature O.C. Company, etc. | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Sheet destroyed: 14 Jan. 42. Last entry: 4 Nov.41. Number of cases of drunkenness: 2. Ssigned.....									
Newmarket Ontario	31 Mar. 1942	Pte		AWL from 2230 hrs 31 Mar. 42 to 2030 hrs 1 Apr. 42.(Total time absent 22.— hrs.)A.A. Sec 15(1)	Cpl Ritchie	14 days Dtn.	2 Apr.42	Lt. Col. Harkness	Forf. 2 days pay FR&I 149
Newmarket Ontario	30 Apr. 1942	Pte		A.A. Sec 15(1) AWL from 2230 Hrs 30 Apr.42 to 0640 hrs 11 July42 (Total time absent 71 Days 8 hrs)		120 days Detention	19 Aug. 1942	D.C.M.	Forf.159 days pay FR&I 149
Camp Borden Ontario	30 Nov. 1942	Pte		A.A. Sec 15(1) AWL from 0600 hrs 30 Nov. 42 until 1610 hrs 5 Dec. 1942(Total time absent 5 days 10 hrs. 10 mins.)	Documentary Evidence Sjt.Jacques	28 days Detention	7 Dec. 1942	Major J.E. Roberge	Forf. 6 days pay & allow. FR&I 149
Camp Borden Ontario	1 Feb. 1943	Pte		A.A. Sec 15(1)AWL From 1 Feb.43 until 0800 hrs. 8 Feb.43(Total time absent 7 days 2 hrs.)	Documentary Evidence L/Cpl Purdon,T	14 Days Detention	12 Feb. 1943	Lt. Col. E.M.Rimmer	Forf. 11 days pay&allow. FR&I 149 (P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Camp Borden Ontario	1 Mar. 1943	Pte		A.A. Sec.40 conduct to the prejudice, did attempt to remove DND vehicle from vehicle lot.	Sjt.TolletA. L/Cpl Friend F. Pte.Marks M. Pte.Burns J.	7 days C.B. with extra drill	3 Mar. 1943	Col. Ruttan	
Camp Borden Ontario	4 Mar. 1943	Pte		A.A. Sec 15(1)AWL From 2200 hrs. 4 Mar. until 0450 hrs. 7 Mar. 43.(Total time absent 33 days 6 hrs. 50 mins.)Cost of App.1.50	Cpl.Dyson F Documentary Evidence	28 days Detention	8 Apr. 1943	Lt-Col. E.M.Rimmer	Forf.25 days pay &All.PR-I 149 Tot. Forf. 53 days RECALL
Camp Borden	12. Apr. 1943	Pte		A.A. Sec.40. Conduct to the prejudice of good order & Military discipline	Sjt. Campbell M.	3 days No. 1 punishment diet.	13 Apr. 1943	Capt. H. Adair	
Camp Borden Ontario	27 Apr. 1943	Pte		A.A.Sec.40.Withoutsuthority held intercourse with another soldier under sentence,contrary to Military detention barracks. Regulation Sec. 16 (h)	A/Sjt. Noble J.	4 days lost of remission	28 Apr. 1943	Capt. H. Adair	

M.F.M. 6
(A.F.B. 122)
40/P & S/138 (2637)

No. B.85662 Name Hancock W. | Sqn., Battery, or Company | Corps RCASC | Date of enlistment 14-7-41 | G.C. Badges | Service or Proficiency Pay

Date of last entry in Company Conduct Sheet 4 Nov 1941 | No. and date of last drunk (2) 1-10-41 | Period not reckoning towards freedom from extra fine | Sheet No. 2 | Signature O.C. Company, etc. | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Camp Borden Ontario	10th May 1943	Pte.		A.A. Sec.15(1) AWL from 2200 hrs 5 May 43 until 0745 hrs 8 May 43. (Total time absent 2 days 9 hrs 45 mins). Cost of app. 10.23	Documentary Cpl.Robertson F.G.	28 days Detention	10 May 1943	Lt-col E.M.Rimmer	Forf 5 days pay FR&I 149 Tot.Forf 33 days pay
REMISSION granted by Capt C.H. Wilson on instructions from Lt-Col E.M. Rimmer.									
Field	28 May 1943	Pte.		A.A. Sec.15(1)AWL from 2200 hrs. 27 May 43. until 0100 hrs. 28 May 43.(Total time absent 3 hrs).	Documentary	7 days C.B.	29 May 1943	Lt.A.J. Eatock	
Field	10 Jul 1943	Pte.		Losing by neglect his equipment and regimental necessaries. (AA Sec 24(2)	Documentary	Placed under stoppages of £0-8-0½	10-7-43	Lt-Col W.C. Fletcher	Placed under stoppages of £0-8-0½ FR&I 158 (2)

CERTIFIED TRUE COPY
.....Lt. Officer i/c Records
Cdn. A.S.C. Reinf. Unit.

(P.T.O.)

(D)

M.F.B. 355
22M—5-41 (572-3)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B-85662	Pte.	Walter, HANCOCK	1 CASC R/U

1. The following is a fair and true summary of the entries in the [redacted] Conduct sheets [redacted] of the accused, exclusive of convictions by a Court-Martial or a Civil Court, [redacted] of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	A.A. Sec 15(1)	FIVE times	A.A. Sec 15(1).	SEVEN times
For	A.A. Sec 40	THREE times	A.A. Sec 40	THREE times
For		times	A.A. Sec 19	TWO times
For		times		times

Number of instances of gallantry or distinguished conduct NIL

[redacted]

Previous convictions of the accused by [redacted] summary awards under [redacted] Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

[redacted]

The accused at the present time is under sentence for N/A beginning on the N/A day of N/A

4. The accused has been in confinement awaiting trial on the present charges, for 1 days in civil custody, and 3 days in military custody, making a total of 4 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his [redacted] attestation paper is 20 years

6. The date of his [redacted] specified in his [redacted] attestation paper 14-7-41

7. The service which the accused is allowed to reckon towards discharge is Nil

[redacted]

9. The accused is in possession of or entitled to no [redacted] decoration, or [redacted] (or is in possession of or entitled to). State any [redacted] decoration or reward.

10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of N/A

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Camp Borden Ontario	1 Mar. 1943	Pte		A.A. Sec.40 conduct to the prejudice, did attempt to remove DND vehicle from Vehicle lot.	Sjt.Tollet A. L/Cpl Friend F. Pte.Marks M. Pte.Burns J.	7 days C.B. with extra drill 28 days Detention	3 Mar. 1943	Col. Ruttan	
Camp Borden Ontario	4 Mar. 1943	Pte		A.A. Sec 15(t) AWL From 2200 hrs. 4 Mar. until 0450 hrs. 7 Mar. 43. (Total time absent 33 days 6 hrs. 50 mins.) Cost of App. 1.50	Cpl. Dyson F. Documentary Evidence		8 Apr. 1943	Lt-Col. B.N. Rimmer	Forf. 25 days pay &All. FRAI 149 Tot. Forf. 53 days RAALL
Camp Borden	12 Apr. 1943	Pte		A.A. Sec.40. Conduct to the prejudice of good order & Military discipline	Sjt. Campbell M.	3 days No. 1 punishment diet.	13 Apr. 1943	Capt. H. Adair	
Camp Borden Ontario	27 Apr. 1943	Pte		A.A.Sec.40. Withoutsuthority held intercourse with another soldier under sentence, contrary to Military detention barracks. Regulation Sec. 16 (h)	A/Sjt. Noble J.	4 days lost of remission	28 Apr. 1943	Capt. H. Adair	

I, the accused, B-85662 Pte. Hancock, W., desire Lieut. D.R. Pidgeon to represent me at my forthcoming trial by Court-Martial. Failing the ability of the above mentioned Officer to represent me I should like the convening authorities to appoint a competent officer to defend me.

W Hancock
(Pte. Hancock, W.) B-85662.

THIS COPY FOR H.Q.C.55-H-280
M.D.10/Hancock, W/1

FIELD GENERAL
MEMORANDUM - ~~DISTRICT~~ COURT-MARTIAL

No. B-85662 Name HANCOCK, W

Rank Pte Unit 85 Cdn Bridge Coy, RCASC, Att 21 AGp CM Centre CAO

Charge (1) AA 15(1) WOAS AWL

(2) AA 40 WOAS, Conduct to the prejudice.

(3) AA 15(1) WOAS AWL

Date of Crime (1) 3-12-44; (2) between 3-12-44 and 1-1-45; (3) 26-12-44.

Date of Arrest (1) 23-12-44; (3) 1-1-45. Charge Signed

Orders for ~~R.C.~~ FG.M. Comd 2nd A Tps.

Place and Date of Trial In the field; 31-1-45.

Sentence Det 2 yrs.

Date of Confirmation 14-2-45

Date of Promulgation 10-4-45.

Entered in Records of J.A.G. as No. 4866

Date 24-4-46

MEMO Balance of sentence remitted by Conf. Auth. 24-4-46

Reviewed at CMHQ also at NDHQ.

for Judge Advocate-General

10M-11-43 [M-425]

C A N A D I A N A R M Y

Canadian Military Army
CONF. ETC.
15575
APR 18 1946
File 39-H-280
Orig'd. to
Referred to Admin

T-33-10-202 Vol.4(AJAG)
T-20-C-4983
T-20-F-442
T-20-G-12213
T-20-H-4358
T-20-H-2334
T-20-M-27251
T-20-M-24979
T-20-W-13065

HQ MD 2
12 Apr 46.

The Secretary,
DND (Army)

Remissions of Sentences - SUS exUK

B-83908	Pte. CASSELS, N.P.	- 1029(8)	(3 Apr 46)
B-63823	Pte. FRENCH, E.H.	- 1029(8)	(4 Apr 46)
B-148690	Pte. GAGNE, L.C.	- 1029(8)	(5 Apr 46)
B-85662	Pte. HANCOCK, W.	- 1029(8)	(4 Apr 46)
B-95140	Pte. HUGHES, A.	- 1029(8)	(5 Apr 46)
B-82109	Rfmn MAGAS, J.	- 1029(8)	(3 Apr 46)
B-73147	Pte. MacDOUGALL, A.	- 1029(8)	(4 Apr 46)
B-26271	Spr. WALLACE, A.A.	- 1029(8)	(3 Apr 46)

1 Reference CB-1-4-8-2 (SCA) dated 27 Mar 46.

2 Enclosed herewith are completed Appendices "G" and AFs A 3104 referring to each of the marginally-named SUS who were discharged under CARO 1029(8) on the date indicated after the name in each case and were granted remissions of sentences effective the date of discharge.

(F.J. Flynn) Maj
for D.O.C. MD 2

PJF/JB

COPY TO : [redacted] Commander
[redacted] Camp Borden

866

APPENDIX "G" TO CANADIAN ARMY ROUTINE ORDER No. 5912

REMISSION, COMMUTATION, MITIGATION, SUSPENSION OR MATTING
TO EXECUTION OF SENTENCE AWARDED BY CM.

NDHQ File No.
District File No. T-20-H-4358

PART I.

No. B-85662 Rank Pte. NAME HANCOCK, W.
Unit No. 2 District Depot, C.A. (formerly 85 Cdn Bdge Coy RCASC)

PART II.

Date of Trial 31 Jan 45 (FGCM)
Charge(s) (1) AWL (AA Sec. 15(1) (2) Using vehicle without authority
(3) AWL (AA Sed.15(1) (AA Sec. 40)
Sentence 2 years' Detention
Date of Sentence 31 Jan 45
Confirmation - (a) Authority ???? Maj-Gen. GO i/c Cdn Sec 1 Ech HQ 21 Army Gp
(b) Date

PART III.
REMISSION

I, the undersigned, being the competent Military authority under Section 87(2) of the Army Act (XXXX

Army Form A

REVIEW OF SENTENCES AWARDED BY COURT MARTIAL.

I.—Case of No. R85662 Pte HANCOCK W Unit 85 Cdn Bdge Coy RCASC

Sentenced to two years detention on 31 Jan 45

Age on, and date of, enlistment 18yrs 14 Jul 41 Term of service Duration

FIRST TRIAL.

For details of offences, see paragraph VII.

For C.O.'s remarks, see paragraph IX.

II.—To ..... Superior Military Authority.

I have directed that the above-named be not committed to undergo his sentence, which I recommend should be (suspended) (put into execution) (1) for reasons given in paragraph X.

Place ..... Confirming Authority.

Date .....

III.—I direct that the sentence (which I hereby commute to .....) (of which I remit .....) (1) (2) (be suspended) (be put into execution) (1) and be reviewed on ..... (3).

Place .....

Date ..... Superior Military Authority (4).

(For action on review, see paragraph VI.)

SECOND TRIAL.

For details of offence, see paragraph VIII.

For C.O.'s remarks, see paragraph XII.

IV.—(5) To ..... Superior Military Authority.

This man was again convicted on ..... and sentenced to ..... and I have directed that he shall not be committed to undergo his sentence, which I recommend should be (suspended) (put into execution) (1) and run (concurrently) (consecutively) (1) with the previous (6) sentence for the reasons given in paragraph XIII.

Place ..... Confirming Authority.

Date .....

V.—(5) I direct that the sentence (which I hereby commute to .....) (of which I remit .....) (1) (2) (be suspended) (be put into execution) and that it run (concurrently) (consecutively) (1) with the previous (6) sentence of ..... and be reviewed on ..... (3).

Place .....

Date ..... Superior Military Authority (4).

(1) Erase words not required, and initial erasures.
(2) A sentence of penal servitude or imprisonment, combined with Discharge with Ignominy, cannot be suspended unless the Discharge with Ignominy is remitted.
(3) A suspended sentence must be reviewed at least once every three months, and a sentence put into execution should be reviewed in not more than six months.
(4) An order directing a sentence to be put into execution must be signed by the Superior Military Authority personally.
(5) This paragraph to be left unused until required. If the man is convicted a third time, a fresh form, using only paragraphs IV and V, will be made out and attached to this form, and all further reviews will be on the attached form.
(6) A previous sentence of imprisonment or detention in a state of suspension is avoided by the award of a subsequent sentence of penal servitude.

(*22948) Wt.36630/311 60,000 11/42 A.& E.W.Ltd. Gp.698 Forms/A.3104/11.

VI.—Action on Review.

(Whether the sentence or sentences are suspended or in execution.)

Any Reviewing Authority *under Section 57 of the Army Act* may under [illegible] Section mitigate, remit or commute a sentence which is in execution, and if the sentence as commuted or mitigated is penal servitude, imprisonment or detention, it will remain subject to the powers granted by Section 57A of the Army Act. A partial remission of a sentence in suspension is not legal.

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and Appointment of Authority giving the directions.	If sentence suspended, actual date of release and marks earned to count towards remission, and signature of O.C. Prison or Detention Barracks
	NO REMISSION-BF 31 OCT 45.	for (Beverley Matthews), Major, Deputy-Adjutant General, Canadian Military Headquarters 28 AUG 1945	
	NO REMISSION-RETURN TO CANADA IN CUSTODY UNDER SENTENCE.	for W. A. B. Machin-Barnes Col D.A.G. Canadian Military Headquarters 31 OCT 1945	
1 Apr 46	Remit effective date of discharge.	(C.C. Mann) Brig D.O.C. MD 2	

(Continued on page 4.)

If further space required, an additional slip should be pasted here.

	Charge or Charges giving particulars	Date of Offence	Date of Trial
VII.—First Trial.	1st Charge: AA Sec 15 (1) AWL from 3 Dec 44 until 23 Dec 44.	3 Dec 44	31 Jan 45
	2nd Charge: AA Sec 40. Without auth used mil veh for own private purposes.	3 Dec 44	
	3rd Charge: AA Sec 15 (1) AWL from 26 Dec 44 until 1 Jan 45.	26 Dec 44	
	Signature of Officer making entry.		
VIII.—Second Trial.			
	Signature of Officer making entry.		

IX.—C.O.'s remarks and recommendations on First Trial.

Date		Signature
16 Apr 45	Recommend sentence be served in full. (UK)	Medhurst Lt Col

X.—Confirming Officer's remarks and recommendations on First Trial.

Date		Signature
	Recommend that sentence be served in full less remissions earned by good conduct, in accordance with regulations	E. Ben Burns Major-General. GO i/c Gen. Sec. L of A. HQ. 21 Army Gp 23 APR 1945

C A N A D I A N A R M Y

T-36-10-282 Vol.4(AJAG)
T-20-C-4963 T-20-H-2334
T-20-F-442 T-20-M-37251
T-20-G-12213 T-20-M-24979
T-20-H-4356 T-20-W-13065

HQ MD 2
5 Apr 46.

O.C.
2 DD

PA

CENTRAL REGISTRY Army
CONF. SEC.
APR 4 1946
File 16145
Chgd. to
Referred to

Remission of Sentences - SUS ex UK

B-83908	Pte. CASSELS, R.P.	- 1029(8)
B-63823	Pte. FRENCH, E.H.	- 1029(8)
B-148690	Pte. GAGNE, L.C.	- 1029(8)
B-85662	Pte. HANCOCK, W.	- 1029(8)
B-95140	Pte. HUGHES, A.	- 1029(8)
B-52109	Rfmn. MAGAS, J.	- 1029(8)
B-73147	Pte. MacDOUGAL, A.	- 1029(8)
B-26271	Spr. WALLACE, A.A.	- 1029(8)

1 Reference CB-1-4-8-2 (SCA) dated 27 Mar 46.

2 The T/Commander, Camp Borden has advised that the marginally-named SUS were despatched to No. 2 District Depot, C.A. for discharge under C.A.R.O. 1029(8) and remission of balance of sentences.

3 The D.O.C. MD 2 has remitted the balance of the sentences now being served by the marginally-named SUS effective the date of discharge and hereby authorizes discharge as indicated above.

4 Enclosed herewith Appendix "G" to C.A.R.O. 5013 effecting remission.

5 May Promulgation of the remission be made to the said respective SUS effective the date of discharge, Parts IV and V of the said form completed and the form then returned to this Headquarters, please.

(P.J. Flynn) Major
AJAG MD 2

COPIES TO : The Secretary, (For Information)
DND (Army).

The Commander, (For Information)
CAMP BORDEN.

C O P Y

CSS-H-280

CB 1-4-8-2 (SCA)
and personal files

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, Camp Borden,
CAMP BORDEN, Ontario
27 Mar 46

District Officer Commanding,
Military District No. 2,
TORONTO, Ontario.

Officer Commanding,
No. 2, District Depot,
TORONTO, Ontario

The Commandant,
No. 86 Military Detention Bks.,
CAMP BORDEN, Ontario.

B.83908 Pte Cassels R.P. CARO 1029(8)
B.83662 Pte Hancock W. CARO 1029(8)
B.95140 Pte Hughes A. CARO 1029(8)
SUS - XUK at No. 86 M.D.B.

The m/n soldiers under sentence by Court Martial O/S and presently serving sentence at No. 86 M.D.B. have completed one half of their sentences and are therefore eligible for discharge in accordance with CARO 5913 para 9.

2. In this connection Report on Conduct and AFA 3104 are enclosed for these soldiers. May these forms be forwarded to NDHQ when they have served their purpose.

3. These SUS are being despatched to their home District Depot in accordance with N.D.H.Q. letter HQC 9039-1-1 (Adm 3) dated 31 Oct 45 (R863A) for discharge as indicated after their names.

4. These SUS will be despatched to No. 2 DD on 29 Mar 46 as per shhedule below. Officer Commanding No. 48 Coy C Pro C, Camp Borden, will provide escorts and arrange movement including meals and necessary transportation by vehicle to be supplied by C.S. & T.O., Camp Borden.

(J.F. Bingham) Colonel
T/Commander, Camp Borden.

/W

Copy to:
The Secretary,
Department of National Defence,
OTTAWA, Ontario.

Officer Commanding,
No. 48 Coy, C Pro C,
CAMP BORDEN, Ontario

C.S. & T.O.,
CAMP BORDEN,
Ontario

DEPARTMENT OF NATIONAL DEFENCE
- ARMY -

CONFIDENTIAL
OTTAWA, Ontario

HQC
[illegible]

District Officer Commanding,
Military District No 2,
TORONTO, Ontario.

14 Feb 46

Commander,
Camp Borden Military Camp,
CAMP BORDEN, Ontario

~~R.85662 Pvt HAYCOCK W.~~
SUB - [illegible] ARTICLE

1. Further this HQ letter HQ3 8336-6 Vol 5 dated 2 Feb 46 and 12 Feb 46.

2. Herewith is AFA 3104 and CMHQ letter.

3. It will be noted that CMHQ has recommended discharge under CARO 1028(8).

3. It will be noted that this SIS was sentenced [redacted]

4. The sentence awarded has been reviewed by CMER [redacted]

5. Ack.

(E.G. Weeks)
Major-General
Adjutant-General.

BOMBER

AIR MAIL

Quote No. 10/Hancock, W/1

CONFIDENTIAL

CANADIAN MILITARY HEADQUARTERS

LONDON 5 Nov 45

CR

NOV 20 1945 103 02
C.55-H-280
Chgd. to
Referred to Adjutant

The Secretary,
Department of National Defence,
OTTAWA, Canada.

B.85662 Pte Hancock, W.

1. The m/n soldier is now serving a sentence of 2 years detention awarded by FGCM 31 Jan 45 for an absence without leave of 20 days from which he surrendered, and a further absence when in lawful custody from which he was apprehended after 6 days (AA Sec 15(1)), and for improper use of a WD motor-cycle, (AA Sec 40).

2. He has not so far earned full remissions for good conduct while serving his sentence and the earliest date on which his sentence should terminate, if he earns full remissions hereafter, is reported to be 6 Jun 46.

3. This soldier enlisted 14 Jul 41 at Toronto, Ontario, and he is now 23 years of age. In addition to the offences mentioned in para 1 above, he has since enlistment been found guilty of 9 offences under AA Sec 15(1), of 1 offence under AA Sec 10(4) and of 2 offences under AA Sec 40. He has had 1 DCM on 30 Oct 42 when he was awarded a sentence of 120 days detention for an absence without leave of 72 days, AA Sec 15(1), and he has had 1 previous FGCM when on 17 Jul 43 he was awarded 6 months detention for an absence without leave of 33 days, (AA Sec 15(1)).

4. This soldier has been medically examined and certified as fit to undergo his sentence.

5. The SPO who has examined this soldier states that he is an easily excited, quick tempered soldier who jumps into things too quickly and who apparently went absent without leave when he became angry at an NCO who refused to parade him to see an officer about his mother's allowance.

6. In view of this soldier's record, which includes 1 DCM and two FGC'sM, coupled with the fact that he went absent without leave immediately upon arrival in the UK May 43 and that his misconduct in NWE resulted in a summary award of 28 days Field punishment, and his present FGCM for the absence as hereinbefore mentioned, which commenced 3 Dec 44, it is considered that he is incorrigible and should serve his sentence in full and be discharged for misconduct under the provisions of para 8 of Appx to CARO 1029. It is therefore so recommended. It is considered that this soldier must have realized that his repeated misconduct would lead to serious trouble and probably to discharge.

7. It has accordingly been directed pursuant to P.C. 1304/44 that this soldier be returned to Canada in custody under sentence. Herewith original proceedings of FGCM held 31 Jan 45, together with original AF A3104 in respect thereof, on which this direction has been endorsed.

M Kippard Lt Col
for (J.C.Murchie)Lieutenant-General
Chief of Staff
Canadian Military Headquarters

Copy to: OIC Records.

1/39B CMHQ 1000-77 40/P&S/803 (6740)

Extracts entered at No. 4966 in the Record of Court Martial kept in the office of the Judge Advocate General this 24 day of April 1945

4

SCHEDULE.

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

Accused :

Charge. (Insert "alternative" where applicable.)	Plea. (See Instrs p 2.)	Finding. (See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st AA 15(1)	Guilty	Guilty	
2nd AA 40	Guilty	Guilty	
3rd AA 15(1)	Guilty	Guilty	
4th			
5th			
6th			

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

At present under sentence for ..... beginning on (date) ..... (1)

(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of 30 days, of which — days were spent in hospital.(1)

(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court :

To undergo two years detention.

(Sgd) ..... Judge-Advocate, if any. 31st January 1945 Date awarded. (Sgd) A M Munday Major President. (RP 45, 80.)

(See back of Convening Order as to assembly and disposal of record after trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 760.)

(Sgd) ..... Commanding.

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

(For duties and powers see AA 54, 57, RP 37(D) fn 6,46(A), 51-56, 120, MML pp 759-761, KR Con 567-577. Acquittals require no confirmation and cannot be revised : AA 54(3). Sending back finding or sentence for revision by Court : AA 54(2), RP 120(G). If not confirmed, accused may be tried again : AA 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation : RP 53, MML p 65. Quashing after promulgation : KR Con 573. Duties and powers of reviewing offrs : AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

My decision on the finding(s) and sentence set forth in Part I is :

Confirmed

~~I direct that the accused be not committed to prison or detention barracks until further orders.~~(1) E Duncan

(1. AA 57A. Delete if not used.)

(Sgd) E Duncan Lieut Gen

Date ..... Commanding Officer ..... Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 53, KR Con 576, 577.)

Accused.	Date.	Signature of Offr.
B-85662 Pte HANCOCK W.	10 Apr 45	[illegible]

Comdg, I Cdn Disciplinary Coy

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

I certify that there are no Penalties or Forfeitures to justify withholding or postponement of these Proceedings

CR #67 12 Apr 45

RECORDED AT CMHQ IN AB 160 5F-121.

FIELD GENERAL COURT-MARTIAL

CFA86 (In lieu of AFA21) 40/P & S. 1098 (49701) 4/38B

RECEIVED 7 MAY 1945 JAG BRANCH C.M.H.Q.

Convening Order of ..... Comd Second Army Troops dated 30 Jan

ACCUSED.

(As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Con 308, 328, 330.)

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.
B-85662	Pte	N		HANCOCK.

PROCEEDINGS REVIEWED J. Mitchell Capt 9 May 45 REVIEWING OFFICER, JAG BRANCH C.M.H.Q.

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) N.W. BELGIUM on (date(s)) 31st January 45.

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT. 29/78

A1. The President, Members, ~~waiting Member, JA, if any, and Offrs under instr, if any,~~ assemble, and the Court is closed.

(PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES OR JA. The Schedule referred to throughout is on p 4. Citations do NOT include all relevant fmn ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instrs on how to record addresses, evidence, etc, which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(1) The Court is satisfied that it is properly convened and constituted(2), accused is (~~are~~) amenable to military law, and each charge discloses an offence.(3)

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 1615 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (~~are~~) fit to undergo trial by court-martial.(1) ~~The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the CO.(2)~~

(1. KR Con 557. 2. AA 46(8), RP 60 fn 1. For effect see KR Con 563(c). Delete, if not applicable.

A5. President to accused : Do you object to ..... as interpreter ? Ans .....

The Interpreter is sworn.(1) Do you object to ..... as shorthand writer ? Ans .....

The shorthand writer is sworn.(1)

(1. RP 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused.(1) President to accused : Do you object to be tried by me as President or by any of the Members of the Court ?

Ans No (2)

(1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, JA, if any, and Offrs under instr, if any, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc :

President	Major A M.	Munday	Leicester
Member	Captn K. M.	Clarke	RA. 107 Rft Sqn.
Member	Captn E.J.M.	Hughes.	RCASC.
Judge-Advocate			
Prosecutor	~~Lt~~ 2/Lieut R	Metcalfe	Gen List.
Defending Offr	Lieut J.	Agro	RCASC.

Questions by President : Is the Prosecutor a lawyer ? Ans No Is the Defending Offr a lawyer ? Ans No (2)

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.)
(2. If Pros a lawyer and Def Offr not, accused is entitled to an adjournment when RP 69 (B) and fn 2 were not followed. See D1 p 3.)

A8. The accused Pte W. Hancock. before arraignment make(s) (no) (~~or~~) plea ..... (1)

(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 34, 35(A), 113), or in ber of trial (RP 35), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fns to RaP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused is (~~are~~) arraigned (separately) on all charges in the charge sheet.(1) The accused does NOT not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(3) The President records the pleas in Part I of the Schedule.

(1. RP 31, 112. See para 1 of Instrs p 2. When more than one Charge Sheet see RP 62 ; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. ~~The Court (is closed and) considers the Instrs on Procedure after Arraignment at top of p 2.~~ The proceedings are continued on Record Form B

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

1 FEB 45 P28

INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

1. *The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.* (RP 37(A).) *As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc, offence.* (RP 44(H).) *Accused may change a plea of Not Guilty to Guilty during trial.* (RP 38.) *As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).*

2. *The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective circumstances stated:*

I. If pleas to all charges are GUILTY, use Record Form B below.

II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.

III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,

(a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below. (RP 37(A).)

(b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs as may be appropriate to result of its decision. See M M L p 744 Instrs (2).

3. *As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 91, 92; swearing and withdrawal of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83-85; calling or re-calling of witnesses by Court, etc, see RP 75-79, 86, 116; use of Summary of Evidence at Trial see RP 17(E) fn 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.*

RECORD FORM B—PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(s).(1), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(s), call witnesses as to character and make an address in mitigation of punishment.(2)
(1. RP 35 fn 3. 2. MML p 54 para 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(3), we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(4)

President to accused: Do you wish to make a statement? Ans. No .....(5)
(1. RP 37(B). 2. RP 37(D) fn 6. 3. RP 35(B) fn 5 para 3, MML p 54 para 47. 4. See para E3 of Record Form E. 5. Statement, if any, recorded per Notes.)

B3. The Court considers the accused's statement.(1) The Court decides (not) to advise accused to change his (their) plea(s) of Guilty to Not Guilty on ..... charge(s). The accused is (are) so informed, and he (they) change(s) his (their) plea(s) on ..... charge(s). Part I of the Schedule is amended accordingly.
(1. Court may be closed to consider the statement. Delete whole or part not used.)

B4. On the charge(s) to which the plea(s) of Guilty ~~is~~ (are) not changed the President records finding(s) of Guilty in Part I of the Schedule.(1)
(1. RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex A, initialled and read aloud by the President.(1)
(1. If there is no Summary, or if it is inadequate, comply with RP 37(B). If there is any evidence inconsistent with any plea standing as Guilty, Court will advise accused to change such plea and, if changed to Not Guilty, try such charge(s) by use of paras D1 to D8 inclusive of Record Form D on p 3. RP 37(D).)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

RECORD FORM C—PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1)
(1. RP 37(A) (E).)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above.(1)
(1. Under B5 such parts only of the Summary of Evidence are read as relate to the charges dealt with under C1. If any plea is changed to Not Guilty, trial thereon proceeds by complying with paras D1 to D8 inclusive in Record Form D on p 3 and making an appropriate record thereof on a separate sheet.)

C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

RECORD FORM D—PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence? Ans. .....(1)
(1. If "yes", see RP 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address.(1)
(1. RP 39(B), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).)

D3. The evidence for the Prosecution is taken.(1)
(1. RP 39(C), 114, KR Con 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not establish a prima facie case against the accused on the ..... charge(s).(2) The Court is closed, and considers the submission.(3) The Court is re-opened, and the President announces that the submission is disallowed on the ..... charge(s), and allowed on the ..... charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on the latter charge(s).(4)
(1. Delete remainder of this para, if submission not made. 2. Arguments on submission, answer and reply are recorded per Notes. 3. RP 40 fn 1. See MML p 72 paras 12-14 and p 81 para 42. 4. Delete part not used. If accused acquitted on all charges, use second alternative in para D8.)
NB: If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on ground of irrelevance. (RP 60(C), 114, 115.)

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination.(2) You may, however, make a statement without being sworn, and you will not be subject to cross-examination.(3) But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony.(4) You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do neither.

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither? Ans. ..... Do you intend to call witnesses on your behalf? Ans. ..... Are they witnesses as to character only? Ans. .....
(1. RP 115. 2. RP 60(A), see 80(D). 3. RP 40 fn 10. 4. RP 40 fns 2, 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)
(1. RP 114, 115, 116. For procedure see Notes on back of Convening Order, CF A95. Evidence for accused as to his character should, if in his interest, be given before the finding. See RP 46(A) fn 1, 86(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RP 42, 103(e).)

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule.(2) The Court is re-opened.
(1. RP 43, 117(A). See Notes in Part I of Schedule. 2. RP 44(A).)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the ..... charge(s), being subject to confirmation, will be promulgated later.(1)
Or, The President announces that the accused is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed.(2)
(1. AA 54(3) (6), RP 45, 120(A). 2. AA 54(3), RP 45, 117. This alternative announcement is not applicable when there are pleas of Guilty outstanding and dealt with under Record Form B or C.)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

RECORD FORM E—PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character?(1) Ans. No
(1. If evidence has already been given by accused or his witnesses as to his character, delete this para. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are sworn. Evidence recorded per Notes.)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy ~~(copies)~~ of Conduct Sheet(s)(2), purporting to refer to the accused, which he submits to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 163(l) (g) (h), and (ii) they purport to refer to (a) soldier(s) having the same number, rank, name and corps as the accused. Admitted in evidence and marked Ex B and Ex ..... respectively.(3)
(1. MFB 355 or AFB 296. 2. MFM 6. 3. RP 46, KR Con 558. If above documents not produced, see RP 46 fn 1 para 1.)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in mitigation of punishment?(1) Ans. Yes.
(1. RP 37(C), 46(D). 2. Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on oath anything here or previously stated which would affect the amount of punishment. RP 37(F) fn 7.)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the proceedings in open court are accordingly terminated.(1)
(1. AA 54(6), RP 120(A).)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is dated and signed by him and the JA, if any.(2)
(1. When several accused tried separately see RP 71 (D). One sentence only, comprised of the punishment or punishments laid down in AA 41, 44 and its proviso, is to be awarded to cover all charges in all charge sheets on which accused found guilty. RP 48. As to sentences see AA 44, 138, 182, RP 46-50, 69, 118, 119(A), KR Con 308, 330, 563-566, Overseas RO 309, 2323, MML p 60, 757-759. As to sentences assigned for civil offences by the law of England see AA 41 (5), MML p 132. When accused already under sentence of imprisonment or detention see AA 44(18), 98(1), KR Con 564. 2. RP 50. As to release from arrest by Confirming Offr see KR Con 567. As to assembly and disposal of record after trial see instrs on back of Convening Order.)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

A17 [illegible]

CHARGE SHEET

The accused, B-85662 Private HANCOCK, W., of 85 Canadian Bridge Company RCASC, attached 21 Army Group Court-Martial Centre, a soldier of the Canadian Army Overseas, is charged with :-

1st Charge
Section 15(1)
Army Act.

WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

in that he

in the field, absented himself without leave from 3 December 1944 until 23 December 1944.

2nd Charge
Section 40
Army Act.

WHEN ON ACTIVE SERVICE CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

in the field, on dates between 3 December 1944 and 1 January 1945 improperly and without authority used motor-cycle No. CC 5262474 for his own purposes.

3rd Charge
Section 15(1)
Army Act.

WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

in that he

in the field, when in lawful custody absented himself without leave from the 26 December 1944 until 1 January 1945.

Captain, RNF,
Comd 21 Army Group Court-Martial Centre.

TO BE TRIED BY FIELD GENERAL COURT-MARTIAL.

J. G. Carew Pole Colonel
Brigadier, [illegible]
Commander, Second Army Troops.

FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may on application to him be convened by any offr of Cdn Army Overseas, or of any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authy. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap V paras 20 and 23, RP 87(5).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets see RP 62, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

ACCUSED.

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
B-85662	Private	- - -	W	HANCOCK	85 Canadian Bridge Company RCASC.

CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(s) named above as the accused, being subject to military law, has (~~have~~) committed the offence(s) set forth in the Charge Sheet(s) attached and on (date) ..... endorsed by me, (or by an offr of my staff for me), " To be tried by Field General Court-Martial ".

2. And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary General Court-Martial ; (~~and that it is not practicable to delay the trial for reference to a superior qualified offr~~)

(Delete part in brackets when not required for compliance with RP 105(C).)

3. I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed or detailed hereunder.

4. ~~I am unable to appoint (a) three Offrs to form the Court, (b) a Fd Offr as President, for the reasons I have attached hereto~~

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

5. ~~I also appoint as Judge-Advocate thereat the Offr mentioned hereunder.~~

(RP 106(E). Delete, if none appointed.)

PRESIDENT.

Major (Rank.) A.M. MUNDAY (Must be named. RP 106.) Leicestershire Regt. (Unit.)

MEMBERS.

to be detailed by Comd 101 Rft.Gp.

Captain (Rank.) Captain E.J.M. HUGHES (Named or detailed. RP 106.) 85 Cdn Bridge Coy. R.C.A.S. (Unit.)

WAITING MEMBER.

—— (Rank.) —— (Named or detailed, if any. RP 106.) —— (Unit.)

JUDGE-ADVOCATE.

—— (Rank.) —— (Must be named, if any. RP 106.) —— (Unit.)

On Active Service in the Fd

in BELGIUM (Country.)

Date 30 January 1945.

J.F. Carew Pole (Signed personally. RP 105 fn 2.)

Colonel ~~Brigadier~~, (Rank.)

Commanding Second Army Troops. Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See overleaf for oaths and notes for use on trial.)

4/38A CFA 98 (In lieu of AFA 2) 40/P & S/1807 (6143)

MEDICAL OFFICER'S CERTIFICATE

I certify that No. B-85662 Rank Pte. Name HANCOCK, W.

Regiment _____ is + fit

to undergo trial by Court-Martial.

Date:- 31 Jan 1945 Signature of the Medical Officer T. Ogilvie

Captain

+ Insert "fit" or "unfit"

A.T. Mackay

CANADIAN LEGION WAR SERVICES Inc.

CANADIAN KNIGHTS OF COLUMBUS WAR SERVICES

ON ACTIVE SERVICE

CANADIAN Y.M.C.A. OVERSEAS

THE SALVATION ARMY CANADIAN WAR SERVICES

Character Witness

Sir:

Pte Hancock was in my platoon for a period of 3 months prior to being A.W.L. during that time I found him a willing worker but rather despondent, and more or less browbeaten by the boys. When we went to a bridge site, Hancock volunteered to replace one of the other grooms and deliver the load to the bridge site. He tried to succeed but liquor and despondency do not help him.

4/71 CFA 170 PLEASE WRITE ON BOTH SIDES

D Ann—

CANADIAN LEGION WAR SERVICES Inc.

CANADIAN KNIGHTS OF COLUMBUS WAR SERVICES

ON ACTIVE SERVICE

CANADIAN Y.M.C.A. OFFICIALS

THE SALVATION ARMY CANADIAN WAR SERVICES

Sir:

In my plea for mitigation of sentence, I wished to draw the attention of the Court to a few points which, I think, have a bearing on this C.M.

Havercroft has had anything but an ideal home life. His parents were separated and then divorced. He spent his time wandering between mother & father, having very little attention from either. At the age of 14 he joined the army, the incorrect attitude.

In the army he found that the lack of home attention and discipline hindered his efforts to be a soldier.

In the short while I've known Havercroft, he has been a good soldier, except for his lack of legions he was quite OK.

Just before he went A.W.L. he had appl'd for

4/71 CFA 170 PLEASE WRITE ON BOTH SIDES

(2)

CANADIAN LEGION WAR SERVICES Inc.

CANADIAN KNIGHTS OF COLUMBUS WAR SERVICES

ON ACTIVE SERVICE

CANADIAN Y.M.C.A. OVERSEAS

THE SALVATION ARMY CANADIAN WAR SERVICES

compassionate return to Canada; I've seen a few of the letters that Pancoast's mother had sent him. She was despondent, earning very little money and not having any place to go. Finally she created a room where she and her daughter lived. — all these things piled up, I think gave Pancoast no end of worries. When his plea for compassionate return to Canada was turned down. He possibly forgot himself and tried to drown his sorrows by going loose and getting drunk from every thing.

I ask the court to consider these pts. and in your mercy be lenient and if possible have him release to a Canadian Detention Barracks

4/71 CFA 170 PLEASE WRITE ON BOTH SIDES

Summary of Evidence in the case of 35662 Pte. Vanover, W., US Cdn. Bridge Coy RCASC, a soldier of the Canadian Army

The 0 spoke concerning duty and all evidence he taken under oath

First Witness C 32548 Cpl Prepost, A.R. US Cdn. Bridge Coy RCASC testifying for duty roster stated.

I am C 32548 Cpl. Prepost A.R. of "7" platoon US Cdn Bridge Coy RCASC.

On the 3 Dec. 1944, I was guard commander at 2230 hrs. I called the platoon roll. Pte. Vanover did not answer his name. I marked him absent on the roster report along with other other names and turned it into Coy. Orderly room. On subsequent roll call Pte Vanover ~~was called~~ ~~but failed to answer to name~~ ~~to be present~~. I did not see him again until 5 Jan. 1945, when he was in custody.

On the evening 3 Dec. 1944 at 2230 hrs. when I took the roll call I noticed that McLaughlin No. LL 526 24474 was not running from the platoon

On the morning of Dec 4, 1944 I made a definite check and found not find the said McLaughlin. I immediately reported

the matter to D 123543 H/Sgt
Perkin S. N. the administrative
sergeant of the platoon. I have
not seen ~~it~~ him since that time.

C32548 G. M. Prefari Cpl

The accused declined to
cross examine the witness.

Next witness D 123543 H/Sgt Wisher
F. W. PS Cdn. Bridge Coy R CASC
having been duly sworn states.

I am D 123543 H/Sgt Wisher
F. W. ~~PS of J~~ administrative
sergeant of "J" platoon PS Cdn.
Bridge Coy R CASC.

On D/M 3rd 1944, at about 2230 hrs
Cpl Prefari, the guard commander
reported to the platoon orderly
room, that Pte Warlock and
another man were missing
when tatoo roll call was
taken. After reporting to me
Cpl. Prefari took the tatoo
roll call to Coy H.Q. On all
roll calls and tatoo roll calls
subsequent to this time Pte.
Warlock continued to be
marked absent. I did not see
him again until the morning
5 Jan 1945.

Cpl. Prefari also reported to
me that M/C C52624474 was
missing, that night. I immediately
forwarded the report to Coy H.Q.

a search party was made for the motorcycle that evening and the next morning but it was never then located.

J- 123543 - S.W. Hickson 4/Sgt.

The accused declined to cross examine the witness.

Third witness. D106640 Pte. Goddard
PS Can Bridge Coy R.C.H.S.C.
being sworn duly states

I am D106640 Pte Goddard J, of "J" platoon of the PS Can Bridge Coy R.C.H.S.C. &

I was attached to C.R.H.S.C. H.Q during the early part of the month of December and April, on duty sent to Aurora, Wallace for C.R.H.S.C. I saw B05662 Pte. Warren in on a motorcycle. This occurred on Thursday Dec. 14, 1944.

I immediately questioned Pte. Warren and Overton, two engineers of 'J' platoon who was in the yard, as I was anxious to obtain my mail. I then went with him for drill and noticed that the motorcycle was then assigned to H/Cpl. Waterhouse. I then took this motorcycle because I ~~admitted it~~ had ridden it myself. On questioning Pte. Warren, he admitted it was H/Cpl. Waterhouse's motorcycle.

When I returned my platoon about five day later, I learned

At the first time that I
learned was a n.d. I immediately
reported the matter to my platoon
sgt the next day.

P106648 Pte J Goddard

The accused declined to cross
examine.

Pte
witness E 40424 Pte Sanlin E, PS cdn
Bridge coy R C H S C, sworn
per dvg from statto.

I am E 40424 Pte Sanlin E
"2" platoon PS cdn Bridge coy
R C H S C.
On 10th 3rd 1944, at about
1630 hrs, I saw Pte Stevens
riding H/cycle motorcycle
motorcycle from the rear
left of the platoon area towards
the platoon area. Later that
day he told me he was in
possession of H/cycle motorcycle
belonging to the purpose
of doing maintenance. I
actually did not see him
leave the area. I have not
seen the motorcycle since
that time. E 40424 Pte. Sanlin E.

The accused declined to cross
examine the witness

F upon
prisoner

HH17AA Hqs Bgade Group H
O2CBR S. Birnaly.

Due to the exigencies of the service it is impossible for Hqs Bgade Group to attend any summary of evidence.
I have read over Hqs Bgade Group statement to the accused & to witnesses herein and marked exhibit A to my summary of evidence.

D.S. Pepper Capt
Officer detailed to take the summary of evidence.

I do not require the presence of HH17AA Hqs Bgade Group for the purpose of cross examination

P Hancock

Witnesses

Lieut. J. S. Higgins, RSCan
Bridge Cog RCASC serving
here duty swore statutory

I am Lieut. J. S. Higgins
Adjutant, RSCan, Bridge Cog RCASC
I produce certificate of my surrender of B05662 Pte Vance at 1345 hrs on 23 Dec. 44 duly signed C.J. Allerdyce Capt, RAPM
Can for HQ Branches Sallom.
I to be attached here and marked exhibit "B" to this summary of evidence
I further produce certificate of arrest in accordance with army act sect. 63 (1)(D) of the army act

Bridges stated to B 5662 Pte Warren
W A S Cdn Bridge Coy R C A S C
was admitted at B Coy ~~the~~ de Coll
at 1.30 pm on 1 Jan 1945.
I beg signed by R. Sr. Ogden
Capt Cdr 6th Saskatoon Regt. R.A.
I to attached hereto and
marked exhibit "C" to the
summary of evidence.

I further state that on the
5 day Jan 1945 I had a visit
in person made of Pte. Warren
relerging a depleting list
with the price of the money
articles in question hereto and
marked exhibit "D" to the
sum of of evidence.

J Higgins Capt

I the accused declined cross-examine
the witness.

Question to the accused

Do you wish to make any statement, or give any evidence under oath? You are open to say anything, or give any evidence, but whatever will be taken down in writing and may be used in evidence.

Answer by the accused

I do not wish to give evidence at this time

B85662. Hancock. W.

I certify that the evidence was taken down in the presence of the witnesses and accused jointly, and that Rules of Procedure 4(c) (h) (k) and (l) have been duly complied

W. S. Stephens Capt.
Officer detailed
to take the summary

HEADQUARTERS 2 CANADIAN BASE REINFORCEMENT GROUP

5-4/PERS ESC MIL CUSTODY/20a-16
27 Dec 44

D.A.P.M.
2.C.B.R.G.

PERS ESC MIL CUSTODY - BRUSSELS - GHENT
26DECEMBER 1944

1. At 0900 hrs 26 Dec 44 I was appointed for escort duty by the DAPM, 2.CBRG to proceed to Brussels and escort back soldiers who were held there under close arrest.

2. I left 2.CBRG at 0930 hrs with 4 escorts in a 60 cwt vehicle. The escorts were as follows. Pte Fox, Dedrick, Shelton, and Hayes.

3. On arriving at Brussels I reported to the DAPM. Capt. Allendorf who gave me instructions on my duty of escorting the soldiers held at Prince Albert Bde with the 120 Coy.,CMP. I reported to the guard room and handed over my order of release for the soldiers held there waiting to be escorted back to 2.CBRG.

4. At approx 1500 hrs after all the documents were checked and the prisoners signed for they were loaded into the vehicle, at total of 14 prisoners. The four escorts were placed on duty at the rear of the vehicle, at the tailgate. The driver and myself sat in the cab of the vehicle so I could direct the driver the way out of the city of Brussels and out on the main through road from Brussels to Ghent. I then left proceeding on my return journey to Ghent.

5. At about 1530 hrs we were about 4 or 5 miles out on the highway in a small town, the driver slowed down the vehicle on account of traffic conditions. It was then that Pte. Fox gave me warning call of the prisoners putting up a fight for their escape. The prisoners rushed the escort and 9 made their escape. Five of the prisoners were around in the truck and checked in their attempt to escape. I immediately halted the vehicle and turned around for a search of the escaped prisoners. I caught sight of 4 prisoners hiding behind a church. I took Pte Fox with me and tried to overtake them. As soon as they seen our approach they scattered and ran down different streets and lanes. We followed in their direction but when arriving at the spot where we last seen them, they were no where in sight. Pte Fox and myself carried out a search down the streets, but no sight of the escaped prisoners could be seen. The prisoners who made their escape were as follows: B-117356 Pte Mequade, R.P.- D-85662 Pte Hancock, W. -G-52186 Pte Cregan, C.P.- E-10397 Pte Douget, E. - G-17988 Gnr Ellis, C.B. - D-77761 Pte Jeancotte, J.- K-53768 Pte Hunter, C.F. - F-36084 Gnr.Gerrior, J.H.- G-63396 Pte Boudreau, A. I then proceeded on my journey back to Ghent.

6. At arriving at Ghent at about 1630 hrs I sent Pte Fox to report the escape of these prisoners and make a phone call back to Brussels as soon as possible to inform the DAPM at Brussels. I then turned over the remaining prisoners to their respective Guardrooms at 2.CBRG and received body receipts for them. I then reported to the DAPM's office at 2.CBRG.

Sgd. L/Cpl Dynesky, J
H-41788

THIS IS EXHIBIT "A" TO THE SUMMARY OF EVIDENCE

D.S. Stephens Capt

(D.S. Stephens) Capt
Officer detailed to take the Summary of Evidence

6651 73650

CANADA

IN REPLY PLEASE QUOTE
No. T-20-H-4358 (AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

28th August 1942
Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

CONF. SEC.
AUG 28 1942
File L-55-H-280
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
B.85662, Dvr. Walter HANCOCK,
R.C.A.S.C., Attached No. 23 C.A. (B) T.C., C.A.

With reference to this Headquarters' letter dated 28th August, 1942, enclosing the Proceedings at Trial by District Court-Martial of the marginally noted soldier, it is noted that the above mentioned letter should have been dated 27th August, 1942, and the date of Trial, in para 2, should have been the 19th August, 1942, in place of the 27th August, 1942, which is in error.

(C.F. Constantine)
Major-General
District Officer Commanding,
M.D.2.

N.D. 23
750M—10-41 (2244)
H.Q. 1772-101-23

CERTIFICATE UNDER THE ARMY ACT, SECTION 163 (1) J

I A/Capt.J.Tweddle OC.2 Cdn.LofC Pro.Coy. Certify that

Reg No B-[illegible] Rank Pte. Name HANCOCK W.
R.C.A.S.C. C1 A Gp.

REGIMENT

UNIT 45 Bridge Coy. J.Platoon

STATIONED AT Field

Surrendered himself to No B-7[illegible] Rank L/C. Name Winter H.P.

of the 8 Sec. 2 Cdn.LofC Pro.Coy.

on the 27rd. Day of Dec 1944 at 1745 Hours, at Brussels

AS AN ABSENTEE WITHOUT LEAVE

at the time of his surrender he was wearing (military uniform) or (civilian clothes).

Signature of Provost-Marshal, Assistant Provost-Marshal or other officer or the Commanding Officer of the portion of his Majesty's Forces or the officer, warrant officer or non-commissioned officer in charge of the detachment of the Canadian Provost Corps, Canadian Army, into whose custody the above named person was taken on surrender.

[illegible] is erased to save summary of evidence

N.S. Myrtone Capt

Field
27 Dec 44

(J.Tweddle) A/Capt.
Officer Commanding,
2 Cdn.LofC Pro.Coy.

CAPT
Adjutant
BRUSSELS GARRISON

C

CERTIFICATE OF ARREST IN ACCORDANCE WITH ARMY ACT, SECTION 163(1)(ii)

I certify that No. B 85662 Rank PTE Name HANCOCK W of 85 Canadian Bridge Bty. Canadian Army (Unit) was arrested at BRAN-LE-COMTE (place) at 21.30 hr 1 Jan 1945 (date). He was dressed in uniform ~~plain clothes~~

Date 2 Jan 1945

Signature of Provost Marshal, AFM or other officer into whose custody the above-named person was taken on arrest. } P.H. Ogden Capt (Rank) (Unit or Appointment) 68 Garrison Regt. R.A.

NOTES

1. This certificate must be signed personally by the Officer concerned.

2. In no circumstances may it be signed by one Officer "for" another, or by anyone who does not hold commissioned rank.

3. In no circumstances should the place of apprehension be described as "in the Field". The actual place of apprehension should be stated, or if difficulty is experienced in describing the place, the map reference should be given.

THIS IS EXHIBIT "C" TO THE SUMMARY OF EVIDENCE

D. S. Stephens Capt

(D S Stephens) Capt

Appendix "D" to 21 Army Group General Routine Orders No.56 (677) dated 13th.Oct'44.

CERTIFICATE OF SURRENDER AND APPREHENSION.

CERTIFICATE OF SURRENDER UNDER ARMY ACT
SECTION 163 (1) (j).

I .....(rank and name) certify that No..... Rank.....
Name ..... of.....(Unit) surrendered himself to No.....
Rank ..... Name..... of.....(Unit) at.....
.....(place) at.....hrs on.....(date) as a deserter,
absentee without leave). He was dressed in uniform.
plain Clothes.

(Signature).....
Officer Commanding

Date..... .....(Unit)

Notes.

1. If the surrender was made to an OR, this certificate must be signed personally by his Commanding Officer.

2. If the surrender was made to an officer, this certificate may be signed either by that officer or by his Commanding Officer.

3. In no circumstances may it be signed by one Officer "for" another, or by anyone who does not hold commissioned rank.

4. In no circumstances should the place of surrender be described as "in the Field". The actual place of surrender should be stated, or if difficulty is experienced in describing the place, the map reference should be given.

85 CDN BRIDGE COY
R.C.A.S.C.

The following is a detailed list of kit deficiencies of B-85662 pte Hancock, W. as per kit check made 5 Jan 45 showing the Vocab. price and actual value as per Cdn Army Overseas R.O. 4585 para 2 sub para b (iii)

Item		Quantity	Actual Price	Vocab Price
Blouses B.D.		1	3.94	5.25
Trousers B.D.		1	4.04	5.39
Boots Ankle		1	4.09	5.46
Boots Rubber High		1	1.14	1.52
Greatcoat		1	8.48	11.31
Jerkin		1	4.32	5.77
Shirt Angola		1	1.52	2.03
Jersey Pullover		1	1.34	1.79
Beret Kahaki		1	.75	1.00
Badges Cap RCASC		1	.06	.09
Brush Cloth		1	.36	.48
Brush Hair		1	.27	.34
Brush Shaving		1	.27	.37
Brush Polishing		1	.21	.28
Cap Comforter		1	.27	.34
Comb Hair		1	.03	.04
Knife Table		1	.11	.15
Fork		1	.05	.07
Spoon		1	.05	.07
Holdall		1	.14	.19
Housewife		1	.13	.17
Knife Clasp		1	.64	.86
Towels Hand	32¢ ea.	2	.48	.64
Belts Waist		1	.57	.74
Pack W.E.		1	1.38	1.84
Tins Mess		1	.27	.35
Cape A/G		1	2.07	2.76
Sheets Ground		1	2.22	2.94
Mug Drinking		1	.09	.13
Carbine Sten 9 mm		1	11.18	11.18
Blankets G 1098		1	2.31	3.07
Shirts Woolen		1	.90	1.20
M.T. Gloves		1	1.50	2.01
			Tot. 55.18	Tot. $69.73

Certified Correct [signature]
(J.S. Higgins) Lieut.
Adjutant 85 Cdn Bridge Coy, RCASC

THIS IS EXHIBIT "D" TO THE SUMMARY OF EVIDENCE

D. S. Stephens Capt
(D.S. Stephens) Capt
Officer detailed to take the Summary of Evidence

B. MM.

ARMY FORM B.296 (WAR).

Statement as to Character and Particulars of Service of Accused

(For Use at Trials by Field General Courts-Martial only)

Number.	Rank.	Name.	Regiment (or at the case may be).
B-85662	Pte.	HANCOCK, W	85 Cdn Bridge Coy RCASC

NOTE.—The Field Conduct Sheet is to be produced in Court with this statement but is not to be entered in the proceedings. The numbers herein stated should correspond with the number of Entries in the Field Conduct Sheet, prominence being given to the most serious offence in each entry. If the charge is for drunkenness or absence without leave, the entries for drunkenness or absence, as the case may be, should be stated separately. Any recognized special acts of gallantry or distinguished conduct recorded on the Field Conduct Sheet should also be inserted here.

1. The following is a fair and true summary of the entries in the Field Conduct Sheet of the accused, exclusive of convictions by a court martial or a civil court :—

For AA Sec 15(1) eight times.

For AA Sec 40 three times.

For AA Sec 24(2) one times.

For AA Sec 19 two times.

Date of first entry in Field Conduct Sheet Unknown

Date of last entry in Field Conduct Sheet 19 Jan 44

2. Previous convictions of the accused by a court martial or a civil court are set out in the Schedule overleaf.

*Strike out if not applicable.

*3. ~~The accused at the present time is under sentence for~~

beginning on the day of

4. The accused has been awaiting trial on the present charges for NIL days in civil custody; and for 30 days in military custody, *i.e.*, NIL days in open arrest, 30 days in close arrest; of which NIL days were spent in hospital.

5. The present age of the accused is 22 YEARS 3 MONTHS

6. The date of his attestation is 1 July 1941

~~calling up for military service~~

~~7. The service which the accused is allowed to reckon~~

~~8. The accused is in possession of~~

†State the military decorations (if any) held by accused.

~~9. (*If the accused is a warrant officer* / N.C.O.). The accused has served continuously without reduction, to the present date~~

Date of Promotion.

~~in the substantive rank of~~

~~in the acting substantive rank of~~

~~in the acting rank of~~

INSTRUCTION.—*If any matter in any of the above paragraphs cannot be stated from the regimental books the paragraph must be struck through.*

Wt 55000/1002 20,000 3/44 81-4751. Form/B.296(War)/2

SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT

Description of Court by which tried.	Date and Place of Trial.	Charges upon which convicted.	Sentence of the Court.	Punishment remitted or sentence suspended.
DCM	Newmarket Ont 19-6-42	AA Sec 15(1)	120 days Detn	
FGCM	Field 17-7-43	AA Sec 15(1)	6 months Detn	

I HEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best of my knowledge and belief.

Signed this 15th day of January 46

[illegible] Capt

LIST OF WITNESSES

1. C-32548 Cpl PREWASI, A.M. of the 85 Cdn Bridge Coy RCASC.
2. D-106648 Pte. GOODWIN, J of the 85 Cdn Bridge Coy RCASC
3. E-40424 Pte. GAULDN, E of the 85 Cdn Bridge Coy RCASC
4. H-41788 L/Cpl DYNESKI, K of 2 C.E.R.G.
5. Lieut. J S Higgins of the 85 Cdn Bridge Coy RCASC

LIST OF EXHIBITS

Exhibit "A" Statement of L/Cpl Dynesky, J of R 2 C.B.R.C.

Exhibit "B" Certificate of Apprehension (AA Sec 163 (1) J) on the 23 December 1944

Exhibit "C" Certificate of Apprehension (AA Sec 163 (1) J) on the 1 January 1945

Exhibit "D" List of Kit Deficiencies

...d. serve against the serious
hurt f. 2-agra or depending
appliers.

B5566. Hamah. P.

MEMORANDUM

Department of National Defence,
(Army)

TO: M.S.

HQC 55-H-280 Adm 3(b)2

OTTAWA, Ontario 26 Oct 45

S.E. 6709B d/16 Oct 45
Min File: 1047-7

B.65662 Dvr HANCOCK, W

This SUS was tried by FGCM on a charge of improperly using a motorcycle and 2 charges of absenting himself without leave for 20 days and 6 days respectively. He was sentenced 31 Jan 45 to 2 years detention.

2. On review of sentence it was directed that there be no remission. The next review will take place in Nov 45.

(A E Walford)
Major-General
Adjutant-General

FINAL

WOP:da

MINISTERS OFFICE
OCT 29 1945
DEPT. N. D. OTTAWA.

1047-7

CIPHER MESSAGE

ARMY MESSAGE

(INCOMING)

CLASSIFIED

RESTRICTED

PLACE FROM — DATE & TIME

LONDON, ENGLAND — 221600 OCT 45.

C.G.S. A.G. (ACTION) Q.M.G. M.G.O. M.S. D.M.O. & P.

RECEIVED OCT 23 1945

3B2

A.18770....

- RESTRICTED -

AG 12660 SEEPARAS ONE AND TWO

405 H10216

PARA ONE. --- HENDERSON. SOLDIER SENTENCED TWO YEARS IMPRISONMENT WITH HARD LABOUR AND DISCHARGE WITH IGNOMINY 20 JUNE 1945 OFFENCE AA 40 FRATERNIZATION WITH A GERMAN WOMAN ON REVIEW DISCHARGE WITH IGNOMINY REMITTED NEXT REVIEW DEC. PARTICULARS FOLLOW SEPARATE.

PARA TWO. --- HANCOCK. SENTENCED 31 JANUARY 1945 TWO YEARS DETENTION AA. 20 DAYS. IMPROPER USE MOTOR CYCLE. AA. 6 DAYS ON REVIEW NO REMISSION NEXT REVIEW NOV.

G.S.S. H.2F0

CANNILITRY.

XXXX/xx/xxxxxxx OCT 45.

A.G. CONTROL
COPY FOR:
DATE:
OCT 22 1945
COPY ALSO REFERRED
To: For Action
Informa'n.

NOTE. THIS MESSAGE HAS BEEN DISPATCHED IN CIPHER AND MUST NOT BE PUBLISHED OR REPRODUCED OUTSIDE GOVERNMENT DEPARTMENTS, OR HEADQUARTERS OR RETRANSMITTED WITHOUT BEING PARAPHRASED.

COPY 3 ACTION

INCLUDE SECURITY CLASSIFICATION AND ORIGINATOR'S NO. AS THE FIRST GROUPS IN THE TEXT OF THE MESSAGE.

CIPHER

ARMY MESSAGE

(OUTGOING)

HQ 405-H-10,216
HQC 55-H-280
Adm 3(b)2
FILE

PLACE OTTAWA, Ontario

DATE 20 Oct 45

CANMILITRY

AG 12660 RESTRICTED

PARA 1 B.18570 HENDERSON V H (.) FORWARD REPORT CONTAINING CIRCUMSTANCES SURROUNDING OFFENCE WITH PARTICULARS CHARGE SENTENCE AND REVIEW

PARA 2 B.85662 HANCOCK W (.) INFORM CHARGE SENTENCE AND REVIEW

DEFENSOR

WOP:da

ORIGINATOR'S INSTRUCTIONS

THIS MESSAGE MUST BE SENT IN CIPHER	IF THIS MESSAGE IS LIABLE TO BE PUBLISHED, [illegible] BELOW	DEGREE OF PRIORITY	TIME OF ORIGIN
SIGNED W. G. [illegible] Major-General Adjutant-General			1 7 0

THIS MESSAGE WILL BE TRANSMITTED IN CIPHER. CONFIRMATION COPIES MUST NOT BE SENT BY MAIL.

SINGLE FORM FOR CIPHER MESSAGE

C-55-H-280 **SPECIAL ENQUIRY**

Date OCT 16 1945

No. 6709 B

To D Admin

Reply addressed to M.S will be forwarded in duplicate (exclusive of file copy) to Special Enquiry Section, A.G. Branch, BY HAND at the earliest possible moment. If any part of the information is not available, or will involve a great deal of time to prepare, an Interim Reply or other advice will be forwarded to the Special Enquiry Section (Room 508 Bate Bldg.) immediately. Replies will be signed in the Directorate concerned for the A.G.

A.G. Control & Co-ordination
(S.E. Section)

13 October, 1945.

John W. Bell, Esq.,
264 Pape Avenue,
TORONTO, Ontario.

Dear Mr. Bell,

Re: B.85662 - Pte. Walter Hancock.

Mr. Abbott has asked me to acknowledge receipt of your letter of October 2nd addressed to the Minister of Veteran's Affairs which was referred to this office for attention.

The Minister does not feel that he would be justified in ordering the release of a soldier from detention except on the advice of the officers having jurisdiction over such matters. He has, however, instructed that your letter be brought to the attention of the appropriate officers of the Department and as soon as I have a report on any review that may have been made of Private Hancock's case I shall write to you again.

Yours very truly,

(H.L. Cameron) Colonel,
Military Secretary.
Min. File 1047-7

OCT 17 1945

JBd A.G. (Co-ord 3)

May the Minister be informed of the offence, sentence and any review which may have taken place, please.

W. A. Sylvestre
Col. MS.

280

H.Q.C.35-H-2
(JAG)

OTTAWA, ONT., Nov. 5th 2.

District Officer Commanding,
Military District No. 2,
TORONTO, ONT.

Re: DISTRICT COURT-MARTIAL.

District Court-Martial

B.85662, Dvr. Walter Hancock,
R.C.A.S.C., No. 23 C. A. (B) T.C., C.A.

Receipt is acknowledged of your T-20-H-4558 (AJAG) dated 2nd November, 194 2, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial, and wherein Remission is noted.

Brigadier,
Judge Advocate-General.

Wbd
7 11 42

KEB/S.

500-6-42(M1255)

IN REPLY PLEASE QUOTE

nT-20-H-4358(AJAG)
Your H.Q.C. 55-H-280(JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY 86029

2nd November, 1942

Headquarters, Military District No.2,
159 Bay Street, Toronto, Ontario.

CONFIDENTIAL

CENTRAL REGISTRY Army
CONF. SEC.
NOV 4 1942
File C. 55-H-280
Chgd. to
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
B 85662, Dvr. Walter Hancock,
R.C.A.S.C., No. 23 C.A.(B) T.C., C.A.

Herewith proceedings of the marginally noted District Court-Martial for the custody of the Judge Advocate-General.

2. It is advised that the balance of the accused's sentence has been remitted as from October 30, 1942.

Robt. Murray Major
for (G.F. Constantine)
Major-General
District Officer Commanding,
M.D.2.

NAT. DEF. B. 448
2,000 M—4-42 (4322)
H.Q. 1772-39-767

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

A

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

Proceedings of a District Court-Martial held at The Corporals' Mess Building, No. 23 Canadian Army (Basic) Training Centre, C.A., Newmarket, Ont., on the 19th day of August, 1942, by order of Major-General C. F. Constantine, D.S.O., District Officer Commanding Military District No. 2, dated the 17th day of August, 1942.

President.

Lieut.-Col. S. H. B. Grasett, V.D.,
Royal Regiment of Canada, C.A.,
Posted to No. 2 District Depot, C.A.

Members.

Captain T. G. Blackstock,
Royal Regiment of Canada, C.A.,
Posted to No. 23 Canadian Army (Basic)
Training Centre, C.A.

Captain J. Read,
Royal Hamilton Light Infantry, C.A.,
Attached No. 2 District Depot, C.A.

Major F. M. Reid,
25th (Norfolk)(Reserve) Field Brigade,
Royal Canadian Artillery, C.A.,
Attached Headquarters, Military District No. 2.

Judge Advocate.

Trial of* No. B. 85662, Driver Walter HANCOCK, Royal Canadian Army Service Corps, attached to No. 23 C.A. (B) T.C., C.A.

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

~~The Court satisfy themselves that the accused is not available to serve on the Court~~

~~A waiting member takes his place as a member of the Court~~

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

The accused is brought before the Court.

Prosecutor,† Lieut. F. Lorriman, 1st Midland Regiment, C.A., Posted to No. 23 C.A. (B) T.C., C.A.

~~Counsel or~~ defending officer† Major W. H. Swayze, L. & W. Reg't. C.A., Posted to No. 23 C.A. (B) T.C., C.A.

At 11:00 am clock the Trial commences.

The order convening the Court is read, and is marked "X" (Part I Order No. (No. 23 CA(B)TC 165 dated 19th Aug. 1942, detailing Pros. & Def. Officer, signed by the President, and attached to the proceedings. The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

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

A-1 *Answer by accused.* No, sir.

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

---

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

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

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

President

2

B

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

The following officers under instruction are duly sworn.(See list marked "G" attached.

Q-2 Do you object to No. M.36367, S/Sgt. R. Gostick, No. 2 Det., C.M.S.C., C.A., H.Q., M.D. No. 2, acting as shorthand writer?

A-2 No, sir. (No. M.36367, S/Sgt. R. Gostick, No. 2 Det., C.M.S.C., C.A., H.Q., M.D. No. 2, is duly sworn as shorthand writer.)

Charge-Sheet

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

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

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

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4 Not Guilty, sir. *Answer.*

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

Answer.

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

Answer.

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

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

B 2 FIRST CHARGE SHEET

3

The accused, No.B.85662, Driver Walter Hancock, Royal Canadian Army Service Corps, attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, a soldier of the Canadian Army placed on Active Service, is charged with:

FIRST CHARGE
ARMY ACT
SEC.15(1)

1) ABSENTING HIMSELF WITHOUT LEAVE

in that he, at No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, absented himself without leave from 2230 hours on the 30th day of April, 1942, until apprehended by the Military Police at Toronto, Ontario, at 0640 hours on the 11th day of July, 1942.

Total absence: 71 days, 8 hours, 10 minutes

SECOND CHARGE
ARMY ACT
SEC.24(2)

2) LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

in that he, at No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, on the 13th day of July, 1942, was deficient of the following:

		Full Value	75% of Full Value
Anklets, web, prs.	1	.77	.58
Badges, cap.	1	.09	.07
Belts, waist, leather, brown	1	.37	.28
Boots, ankle, prs.	1	5.20	3.90
Brushes, hair.	1	.24	.18
Drawers, cotton, short	1	.33	.25
Drawers, woollen, prs.	2	2.34	1.76
Shirts, under, cotton,	2	.80	.60
Shirts, woollen, prs.	2.	2.28	1.71
Shirts, cotton, khaki, S/S	1	.99	.75
Towels, hand.	2	.42	.32
		$13.83	$10.40

Signed at Newmarket, Ontario, this 17th day of July, 1942.

R. B. Harkness Lt Col

(R. B. Harkness) Lieut-Colonel
Officer Commanding
No.23 C.A.(B)T.C., C.A.

To be tried by District Court Martial
[illegible] Doc 2.

Tried at Toronto and this 25th day of July 1942

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Question.

Q-5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A-5 Answer. No, sir.

---The Prosecutor declines to make an opening address.

~~The prosecutor makes an opening address (hands in a written address, which is read, marked signed by the President, and attached to the proceedings).~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. No. B.425762, C.Q.M.S. H. F. R U S S E L L, Queen's York Rangers, Posted to No. 23 C.A. (B) T.C., C.A.,

being duly sworn, is examined by the prosecutor.

Q-6 C.Q.M.S. Russell, when was the first occasion that you had anything to do with the kit of the accused?

A-6 On the 13th of July, sir.

Q-7 What did you do at that time?

A-7 I checked the kit with his original M.F.C. 800.

Q-8 And will you tell us what articles the accused was found deficient of at that time?

A-8 I haven't a list of them, sir; I have just the totals.

Q-9 Can you identify this document?

A-9 This is the original M.F.C. 800 pertaining to Dvr. Hancock, who is the accused.

(The original M.F.C. 800 is substituted for by a certified true copy which is marked Exhibit "H", signed by the President and attached to the proceedings.)

BY THE JUDGE ADVOCATE.

Q-10 Will you tell the Court again just what you did on the 13th July?

A-10 I checked his kit with his original M.F.C. 800 and found shortages amounting to $13.83, less a discount of 25%, which leaves $10.40.

Q-11 Will you tell the Court what the items were?

A-11 Anklets, prs.....1...$ .77

Q-12 The document that you are referring to for the purpose of refreshing your memory was made when?

A-12 On the 13th of July, sir.

	Full Value	75% Value
------Anklets, web, prs.....1..	$ .77	$ .58
Cap badge, RCASC.....1..	.09	.07
Belts, waist, leather, brown.1..	.37	.28
Boots, ankle, prs.....1..	5.20	3.90
Brush, hair.....1..	.24	.18
Shorts, cotton, prs.....1..	.33	.25
Drawers, woollen, prs.....2..	2.34	1.76
Shirts, under, cotton.....2..	.80	.60
Shirts, woollen.....2..	2.28	1.71
Shirts, cotton, khaki, S/S...1..	.99	.75
Towels, hand.....2..	.42	.32
Total	$ 13.83	$ 10.40

EXAMINATION-IN-CHIEF CONTINUES.

Q-13 Where did you find this kit on that occasion?

A-13 In the Quartermaster's Stores, sir.

Q-14 What precautions have been taken by you to see that that kit was in safe custody?

A-14 Well, the Orderly Corporal is ordered to turn in all kits of absentees. They are turned in and he makes a list of the kit and turns one list into the Company Orderly Room and one list into the Stores and it is signed both by the Corporal and the man who takes it into his charge.

Q-15 Was it in a safe place of custody while it was in the Quartermaster's Stores up until the time that you checked it, so that no one would have access to it?

A-15 Yes, sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q-16 This document you reported from is what?

A-16 M.F.C. 565.

Q-17 Made when?

A-17 On the 13th of July.

Q-18 It was made at that time was it?

A-18 Yes, sir, when I checked the kit.

---The Prosecutor declines to re-examine.

BY THE JUDGE ADVOCATE.

Q-19 How was the depreciated value arrived at?

A-19 25% off on the original cost, sir.

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

---The witness withdraws.

---The Prosecutor has no further witnesses.

- - - - - - -

D

The prosecution is closed.

Defence

Q-20 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A-20 *Answer.* No, sir.

Q-21 *Question.* Do you intend to call any other witness in your defence?

A-21 *Answer.* No, sir.

~~Q-22 Question. Is he a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).†~~

(Where the accused does not give evidence upon oath.)

Q-22 *Question to the accused.* Have you anything to say in your defence?

A-22 *Answer.* The accused in his defence says†

~~(This is in a written address which is read, marked signed by the President and attached to the proceedings.)~~

I have certain articles I wish to produce, sir -- two woollen shirts, one pair of woollen drawers, one pair of anklets, and one cotton shirt with short sleeves which I am wearing.

I was down in Toronto and I brought them up with me when I was brought back after apprehension. I was issued at Monteith with these articles, sir, when I was stationed up there.

(This clothing is marked "I" for purposes of identification.)

The Defending Officer makes a Closing Address (See document marked "J" attached)

---The Prosecutor declines to make a Closing Address.

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

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

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused, No. B.85662, Driver Walter HANCOCK, Royal Canadian Army Service Corps, attached to No. 23 C.A. (B) T.C., C.A., is guilty of the second charge except that he is not deficient of the following articles, viz.:

Anklets, web, prs.	1	$ .58
Drawers, woollen, prs.	1	.88
Shirts, woollen, prs.	2	1.71
Shirts, cotton, khaki, S/S.	1	.75
		$ 3.92

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

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

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

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

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

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

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

Cross-examined by the accused.

Question to the accused.

Do you wish to address the Court? *Answer.*

The Court is closed for the consideration of the sentence.

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

A

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

Proceedings of a Court-Martial held at

on the day of 19 by order of

Commanding

dated the day of 19

President.

Members.

Judge Advocate.

Trial of*

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

The Court satisfies themselves that is not available to serve owing to

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

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

The accused is brought before the Court.

Prosecutor,†

Counsel‡ or defending officer†

At o'clock the Trial commences.

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

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

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

Answer by accused.

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

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

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

16

B3

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

The following officers ~~[illegible]~~ are duly sworn.

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

Charge-Sheet

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

The second charge sheet is signed by the President, marked B4 and annexed to the proceedings.

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

Q-23 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

Answer.

A-23 Guilty, sir.

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

Answer.

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

Answer.

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

Answer.

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

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

B 4

Second CHARGE SHEET

The accused, No.B.85662, Driver Walter Hancock, Royal Canadian Army Service Corps, attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, a soldier of the Canadian Army placed on Active Service, is charged with:

CHARGE
ARMY ACT
SEC.15(1)

ABSENTING HIMSELF WITHOUT LEAVE

in that he, at No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, at 2120 hours on the 25th day of July, 1942, when in arrest, absented himself without leave from No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, until apprehended by No.31 Company, Canadian Provost Corps, Canadian Army, at Toronto, Ontario, at 1800 hours, on the 28th day of July, 1942.

Total absence: 2 days, 20 hours, 40 minutes.

Signed at Newmarket, Ontario, this 7th day of August, 1942.

.....
(N. M. Young) Major
Officer Commanding
No.23 C.A.(B)T.C.,C.A.

To be tried by District Court Martial

P. J. Armstrong M.G.
D.O.C.R.

Signed at Toronto Ont. this 12th day of August 1942

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with. [~~The Court having been so opened, the accused is again brought before~~ the charge to which he has pleaded "Guilty" is read to the accused on the first charge sheet ~~him~~ again.]

The accused , No. B.85662, Driver Walter HANCOCK, Royal Canadian Army Service Corps, attached to No. 23 C.A. (B) T.C., C.A. is found guilty of the first charge on the first charge sheet.

*The summary ~~or abstract~~ of evidence on the first charge sheet is read, marked "K" , ~~signed by the President, and attached to the proceedings.~~

Question to the accused. Do you wish to make any statement in mitigation of punishment?

Q.-24

Answer. ~~*The accused in mitigation of punishment says:~~

A-24 ~~No, sir.~~

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

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

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

~~Q 25 Do you wish to give evidence yourself or to call any witnesses as to character?~~ *Question to the accused.*

~~A 25 No, sir.~~ *Answer.*

Evidence as to character.

Proceedings on Plea of Guilty

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

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

The accused, No. B.85662, Driver Walter HANCOCK, Royal Canadian Army Service Corps, attached No. 23 C.A. (B) T.C., C.A., is found guilty of the charge. on the second charge sheet.

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

Q-26 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-26 *Answer.* The accused in mitigation of punishment says:— I was in close arrest at the Guard Room, sir, and I had a letter sent to me from Toronto, saying my sister was sick and had to be taken to the hospital from her work, and I told the Sergeant there ~~(or handed in a written statement, which is marked signed by the President, and attached to the proceedings.)~~ and he said there was nothing I could do, so I got out of the Guard Room that night. My sister had double pneumonia, sir and an appendix operation.

Instruction.

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

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

DD

Q-27 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A-27 No, sir.

Answer.

Evidence as to character.

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

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Evidence of character, &c.

Lieut. F. Lorriman, 1st Midland Regiment, Posted to No. 23 C.A. (B) T.C., C.A. is duly sworn.

Q-28 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-28. I produce M.F.B. 355 and certified true copy of M.F.M. 6.

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

Q-29 *Question by the President.* Is the accused the person named in the statement which you have read? *Answer by the Witness.* A-29. He is, sir.

Q-30 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-30. I have, sir.

Q-31 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-31. Yes, sir.

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

Cross-examined by the accused.

---The Defending Officer declines to cross-examine.

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

Q-32 *Question to the accused.* Do you wish to address the Court? *Answer.* A-32. Through my Defending Officer (See document marked "M" attached.)

The Court is closed for the consideration of the sentence.

24

F

Sentence

The Court sentence the accused , No. B.85662, Driver Walter HANCOCK, Royal Canadian Army Service Corps, attached to No. 23 Canadian Army (Basic) Training Centre, C.A., to undergo detention for 120 days and to be put under stoppages of pay until he has made good the value of the following articles, viz:

Sentence.

Detention

120 days

Stoppages

$ 6.48

Badges, cap	1..	$ .07
Belts, waist, leather, brown	1..	.28
Boots, ankle, prs	1..	3.90
Brushes, hair	1..	.18
Drawers, cotton, short	1..	.25
Drawers, woollen, prs	1..	.88
Shirts, under, cotton	2..	.60
Towels, hand	2..	.32
		$ 6.48

Signed at Newmarket, Ontario, this 19th day of August, 1942.

(Lt.-Col.)
Royal Regiment of Canada, C.A.,
Posted to No. 2 District Depot, C.A.
President

(Major)
25th (Norfolk)(Reserve) Field Brigade,
Royal Canadian Artillery, C.A.,
Attached Headquarters, M.D.2.
Judge Advocate.

Extracts entered as No. 657 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 31st day of August 1942

Confirmed
P. J. Montague Maj.
Doc 2
Signed at Toronto Ont this 21st day of August 1942

Promulgated and Extracts taken at No. 23 Canadian Army (Basic) Training Centre, Newmarket Ontario, this 25th day of August 1942

G. A. Crutcher, Capt
Adjutant, No. 23 C.A.(B) T.C., C.A.

Pursuant to powers vested in me under Section 57(2) of the Army Act, I hereby remit the balance of detention awarded B 85662, Dvr. Walter Hancock, R.C.A.S.C., No. 23 C.A.(B) T.C., C.A., said remission to date from 30th October, 1942.

Signed at Toronto, Ontario, this 26th day of October, 1942.

P. J. Montague Maj.
Doc 2.

Remission of sentence promulgated to the accused and Extracts taken at Number 23 Canadian Army (Basic) Training Centre, Newmarket, Ontario, this 31st day of October, 1942

G. A. Crutcher Captain
Adjutant, No 23 C.A.(O)T.C.

ORDERS BY

Major-General C.F. Constantine, D.S.O.,
District Officer Commanding,
Military District No. 2.

Lieut. Col. S.H.B. Grabett, President

Toronto, Ontario, 17th August, 1942.

District Court-Martial
No. H-8566E, Dvr. Walter HANCOCK,
R.C.A.S.C. att'd No. 23 C.A. (Basic) T.C. C.A.

The detail of Officers mentioned below will assemble at the Corporal's Mess Building, No. 23 Canadian Army (Basic) Training Centre, C.A., Newmarket, Ontario, on Wednesday, 19th August, 1942, at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them.)

PRESIDENT

Lieut.Col. S.H.B. GRABETT, V.D.,
Royal Regiment of Canada, C.A.,
Posted to No. 2 District Depot, C.A.

MEMBERS

Captain T.G. Blackstock,
Royal Regiment of Canada, C.A.,
Posted to No. 23 Canadian Army (Basic)
Training Centre, C.A.

Captain J. Read,
Royal Hamilton Light Infantry, C.A.,
Attached No. 2 District Depot, C.A.

WAITING MEMBER

Lieutenant G.O. Gordon,
Canadian Forestry Corps, C.A.,
Attached No. 2 District Depot, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Major F.M. Reid,
25th (Norfolk) (Reserve) Field Brigade,
Royal Canadian Artillery, C.A.,
Attached Headquarters, Military District No. 2.

The Officer Commanding, No. 23 Canadian Army (Basic) Training Centre, C.A. may detail 4 Officers to attend the Court-Martial for instruction.

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

The Commanding Officer of each soldier brought before the Court for trial, will, if the accused soldier requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No. 2.

SIGNED at Toronto, Ontario, this 17th day of August, 1942.

(C.F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

XI Lt. Gen. Grant Lect. Pamphlet

29

NO. 23 C. A. (BASIC) TRAINING CENTRE

NEWMARKET ONTARIO

AUG 18 1942 ORDERLY ROOM

PART I

DAILY ORDER - 19th AUGUST 42

BY

Lieut.-Col. R. B. Harkness, D.S.O.,
Officer Commanding

Last Part I Order No. 164 dated 18th AUGUST 42 NO. 165

ORDERLY DUTIES

1.	ORDERLY OFFICER	19th AUGUST 42	LIEUT. D. M. DICKIE
	For Duty	20th AUGUST 42	Lieut. J. Brunette
	Next For Duty	21st AUGUST 42	Lieut. E. C. Eddy
2.	ORDERLY SERGEANT	19th AUGUST 42	SGT. WARWOOD, G. J.
	For Duty	20th AUGUST 42	Sgt. Lawrence, G. W.
	Next For Duty	21st AUGUST 42	Sgt. Cox, E.
3.	ORDERLY CORPORAL	19th AUGUST 42	L/CPL. GLENNIE, J. M.
	For Duty	20th AUGUST 42	L/Cpl. Brown, C. E.
	Next For Duty	21st AUGUST 42	L/Cpl. Hammell, F.

TRAINING PARADES

4. Training Parades will be carried out as per syllabus.

PLATOON INSPECTION

5. No. 2 Platoon, "A" Company, will be inspected by the Commanding Officer after Battalion Parade on Wednesday, 19th AUGUST 42.

COURT OF INQUIRY

6. A Court of Inquiry, composed as under, will assemble at the call of the President, to inquire into the circumstances surrounding the injury to:

B-80516 Pte. Lynch, J.

President	-	Capt. J. A. Easson
Member	-	Lieut. G. H. Goff
Member	-	Lieut. J. G. Rogerson

The completed proceedings of this Court of Inquiry to be submitted to Battalion Headquarters by 1700 hrs. 19 August 42.

COURT OF INQUIRY

7. A Court of Inquiry, composed as under, will assemble at the call of the President to inquire into the circumstances surrounding the injury to:

B-40444 Pte. Mellett, L. J.

President	-	Capt. N. S. Polson
Member	-	Lieut. A. P. Graham
Member	-	Lieut. W. A. Cree

The completed proceedings of this Court of Inquiry to be submitted to Battalion Headquarters by 1700 hrs. 19 August 42.

DAILY ORDERS
PART I.
NO. 165
DATED 19th AUGUST 42
SHEET NO. 2.

COURT OF INQUIRY

8. A Court of Inquiry, composed as under, will assemble at the call of the President to inquire into and report upon the alleged illegal absence and deficiencies, if any, in the arms, ammunition, equipment, instruments, regimental necessaries or clothing allegedly issued to:
B-9874 Gnr. Saunders, C. E.

President	-	Capt. R. C. Clarkson
Member	-	Lieut. D. R. Baillie
Member	-	Lieut. P. F. Fisher

The completed proceedings of this Court of Inquiry to be submitted to Battalion Orderly Room by 1700 hrs. 19 August 42.

DISTRICT COURT MARTIAL

9. (1) Extract from District Orders by Major-General C. F. Constantine, D.S.O. Convening order for District Courts Martial in the cases of:
B-85662 Dvr. Walter Hancock B-610490 Pte. Oliver Ernest Sutton.

(2) District Court Martial

B-85662 Dvr. Walter Hancock
R.C.A.S.C. attached
No. 23 C.A. (Basic) T. C.

B-610490 Pte. Oliver Ernest Sutton
No. 2, N.R.M.A. Clearing Depot, Attached
No. 23 C.A. (Basic) T. C.

The detail of Officers mentioned below will assemble at the Corporal's Mess Building, No. 23 Canadian Army (Basic) Training Centre, C.A., Newmarket, Ontario, on Wednesday, 19th August, 1942, at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them.)

PRESIDENT

Lieut.-Col. S. H. B. Grasett, V.D.
Royal Regiment of Canada, C.A.,
Posted to No. 2 District Depot, C. A.

MEMBERS

Captain T. G. Blackstock,
Royal Regiment of Canada, C.A.,
Posted to No. 23 Canadian Army (Basic)
Training Centre, C.A.

Captain J. Read,
Royal Hamilton Light Infantry, C.A.,
Attached No. 2 District Depot, C.A.

WAITING MEMBER

Lieutenant G. O. Gordon,
Canadian Forestry Corps, C.A.,
Attached No. 2 District Depot, C.A.

DAILY ORDERS
PART I.
NO. 165
DATED 19th AUGUST 42
SHEET No. 3.

DISTRICT COURT MARTIAL - Cont'd.

9.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Major F. M. Reid,
25th (Norfolk) (Reserve) Field Brigade,
Royal Canadian Artillery, C.A.,
Attached Headquarters, Military District No. 2.

The Officer Commanding, No. 23 Canadian Army (Basic) Training Centre, C.A. may detail 4 Officers to attend the Court-Martial for instruction.

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

The Commanding Officer of each soldier brought before the Court for trial, will, if the accused soldier requires it, detail an interpreter for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No. 2.

In accordance with the above mentioned convening Order concerning the marginally noted soldiers, the undermentioned Officers are detailed for duty as stated.

B-85662 Dvr. Walter Hancock

Prosecutor	Lieutenant F. Lorriman 1st Midland Regiment Posted to No. 23 Canadian Army (Basic) Training Centre, C.A.
Defending Officer	Major W. H. Swayze Lincoln & Welland Regiment Posted to No. 23 Canadian Army (Basic) Training Centre, C.A.

B-610490 Pte. Oliver Ernest Sutton

Prosecutor	Lieut. C. F. Moss R. C. A. Posted No. 23 Canadian Army (Basic) Training Centre, C.A.

DAILY ORDERS
PART I.
NO. 165
DATED 19th AUGUST 42
SHEET NO. 4.

DISTRICT COURT MARTIAL - Cont'd.

Defending Officer — Lieut. T. George, Posted to No. 23 C. A. (Basic) T. C.

9. The undermentioned Officers are detailed to attend the above mentioned Courts Martial for instruction:

Lieut. J. F. Bongard
Lieut. D. R. Baillie
Lieut. J. G. Rogerson
Lieut. T. C. Dutcher

The Regimental Sergeant-Major will detail one N. C. O. to attend for duty and will be responsible for the setting up of necessary equipment.

S. Q. M. S. Goodings of the Battalion Orderly Room Staff will be responsible for supplying the necessary stationery and ink, etc.

The Provost Sergeant will detail escort for the accused persons.

The above mentioned Courts Martial will be held in the Corporals' Mess Building.

REPOSTINGS

10. The undermentioned are reposted as indicated:

B-101522 Pte. Musselman, R. J. FROM: "HQ" Coy. (R.A.P.) to "B" Coy.
B-111026 Pte. O'Connell, J. C. "HQ"Coy. FROM: "F" Wing to R.A.P.

G. A. Crutcher, Capt.

for (G. A. Crutcher) Capt. & Adj.,
(R. B. Harkness) Lt.-Col.,
O. C. No. 23 C.A.(B)T.C.

NOTICES

TUESDAY, AUGUST 18th, 1942

A concert will be given by camp talent in the Drill Hall at 2000 Hrs.

A first-rate program is assured. All ranks are invited.

WEDNESDAY, AUGUST 19th, 1942.

There will be movies at 2000 hrs.

FEATURE: "THE WINDJAMMER"

Lt. Col. Grant
President

OFFICERS UNDER INSTRUCTION
(Duly Sworn)

Lieut. G. O. Gordon, (Waiting Member)	Canadian Forestry Corps, C.A., att'd No. 2 District Depot, C.A.
Lieut. J. F. Bongard	Q.O.R. of C., 1st Bn., att'd No. 23 C.A. (B) T.C., C.A.
Lieut. J. G. Rogerson	R.R. of C. (R.E. Officer), att'd No. 23 C.A. (B) T.C., C.A.
Lieut. T. C. Dutcher	2nd Bn., G. & S.F., att'd No. 23 C.A. (B) T.C., C.A.
Lieut. D. R. Baillie	48th Highlanders of Canada (R.E. Officer), att'd No. 23 C.A. (B) T.C., C.A.

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CERTIFIED TRUE COPY ... Capt. ... Lieut.

INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

EXHIBIT No.3

Free Issues only to be accounted for on this form.
Blank spaces left after an issue has been entered will be ruled through before the individual signs for articles issued to him.

Regtl. No. B 85662 Rank Dvr Name Hancock W. Date of Attestation 4-7-41

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Anklets, web, prs.	1	7/42						
Badges, arm Can.	1	7/41						
Badges, cap R.C.A.S.C.	1	7/41						
Badges, collar, prs.								
" shoulder or worsted, prs.	2	1/42						
Bags, kit, Mk. II	1	7/42						
Battle dress, serge— Blouses	1	7/41						
Trousers, prs.	1	7/41						
Belts, waist, leather, brown	1	7/41						
Blacking, tins	1	7/41						
Boots, ankle, prs.	2	7/42						
" felt, prs.								
" Lumbermans, rubber, prs.								
Boot dressing, tins	1	7/42						
Boot laces, prs.	1	7/41						
Braces, prs.	1	7/41						
Brasses, button	1	7/42						
Breeches, D.C., prs.								
Brushes, boot, blacking	1	7/42						
" " polishing	1	7/41						
" button	1	7/42						
" cloth	1	7/42						
" hair	1	7/41						
" shaving	1	7/41						
" tooth	1	7/41						
Buttons, G.S., large								
" " small								
Caps, comforter	1	7/42						
" field service	1	7/41						
" forage, drab								
" tank battalion								
" winter, melton cloth								
Cloak or greatcoat, drab	1	7/41						
Combs	1	7/41						
Discs, identity, with cord								
Drawers, cotton, short, prs.	2	7/42						
" woollen, prs.	2	7/41						
	W. Hancock Signature of Soldier		Signature of Soldier		Signature of Soldier		Signature of Soldier	

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Dressings, first, field	1	7/42						
Forks	1	7/42						
Gloves, woollen, khaki, prs.	1	7/42						
Helmets, sun	1	7/42						
Holdalls	1	7/42						
Housewives	1	7/42						
Jackets or doublets, S.D.								
" khaki drill								
" sweater	1	7/42						
Knives, clasp and lanyard								
" table	1	7/42						
Mitts, pullover, leather, prs.								
Overalls ~~XXXX~~ Comb, denim	1	7/42						
" Trousers, denim, prs.								
Overshoes or rubbers, prs.								
Pantaloons, service, prs.								
Putters, prs.	1	7/42						
" shirty	1	7/41						
" blades								
Shirts, flannel, khaki	2	7/42						
" khaki, cotton, with short sleeves	2	7/41						
" under, cotton	2	7/42						
" woollen	2	7/41						
Shoes, khaki, prs.	1	7/42						
Socks, prs.	3	7/42						
Spoons, pipeclay								
Spoons, table	1	7/42						
Towels, hand	2	7/41						
Trousers, khaki, drill, prs.								
" " short, prs.	2	7/42						
" serge, drab, prs.								
" service, prs.								
	W. Hancock Signature of Soldier		Signature of Soldier		Signature of Soldier		Signature of Soldier	

Certified true copy. Capt. Lieut.

W.F.C. 200
200m—3-41 (9603)
H.Q. 1772-39-1643

DEFENDING OFFICER'S CLOSING ADDRESS

Lieut. A.S. Beauchesne
President.

These articles have been produced and that leaves a balance of shortages of $5.60, sir. There is nothing else for me to say.

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SUMMARY OF EVIDENCE

in the case of

No.B.85662, Driver Walter Hancock, Royal Canadian Army Service Corps, attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, a soldier of the Canadian Army placed on Active Service, charged with:

1) ABSENTING HIMSELF WITHOUT LEAVE

2) LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

THE COMMANDING OFFICER DIRECTS THAT EVIDENCE BE TAKEN ON OATH

1st Witness: No.B.68175, Corporal Hugo, H.V., attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, having been duly sworn, states:

"Sir, as Corporal in charge of Hut No.9, No.12 Platoon, "C" Company, in which the accused, No.B.85662, Driver Walter Hancock was quartered, I called the Roll of the soldiers quartered in this Hut at 2230 hours on the 30th day of April, 1942, and the accused, No.B.85662, Driver Walter Hancock failed to answer to his name. I called the Roll twice daily since, up until the 9th day of May, 1942, and the accused No.B.85662, Driver Walter Hancock failed to answer to his name at any time." Cpl H V Hugo

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS

2nd Witness: No.B.61640, Corporal Ware, J.G., attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, having been duly sworn, states:

"Sir, I was Acting Orderly Sergeant of "C" Company, of which the accused, No.B.85662, Driver Walter Hancock was a member, from the 9th day of May, 1942, until the 14th day of May, 1942. I called the Roll of "C" Company twice daily during that period, and the accused, No.B.85662, Driver Walter Hancock, failed to answer to his name at any time." Cpl J.G. Ware.

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS

3rd Witness Sergeant Gantner, B.A., No.B.101528, attached to No.23 C.A. (Basic) Training Centre, Canadian Army, Newmarket, Ontario, having been duly sworn, states:

"Sir, I was Acting Orderly Sergeant of "C" Company of which the accused No.B.85662, Driver Walter Hancock was a member from the 14th day of May, 1942, until the 22nd day of May, 1942. I called the Roll twice daily during that period and the accused failed to answer to his name at any time. Sgt B.A. Gantner

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS

SUMMARY OF EVIDENCE

in the case of

No.B.85662, Driver Walter Hancock, Royal Canadian Army Service Corps, attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario.

4th Witness:

No.B.101555, Sergeant Ibey, E.M., attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, having been duly sworn, states:

"Sir, I am the senior N.C.O. in charge of Records at No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, and as such I have custody of all records pertaining to the accused, No.B.85662, Driver Walter Hancock.

I submit herewith an M.F.B.375 which is a certified true copy of a Record of the Declaration of a Court of Inquiry assembled at Newmarket, Ontario on the 23rd day of May, 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No.B.85662 Driver Walter Hancock, signed by G.A. Crutcher, Captain and Adjutant of No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario. (Exhibit No.1)

I submit herewith a Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order No.1877, and in General Order 127, 1942, which establishes the time, date, place and fact of the apprehension of the accused, No.B.85662, Driver Walter Hancock, and signed by Major H.C. Witthun, Officer Commanding No.31 Company, Canadian Provost Corps, Canadian Army. (Exhibit No.2)

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS

5th Witness:

No.B.425762, C.Q.M.S. Russell, H.F. attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, having been duly sworn, states:

"Sir, I am C.Q.M.S. at No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, and as such I checked the kit of No.B85662, Driver Walter Hancock, with his M.F.C.800, which I now produce, on the 13th day of July, 1942, and found the following shortages: (Exhibit No.3)

		Full Value	75% of Full Value
Anklets, web, prs.	1	.77	.58
Badges, cap,	1	.09	.07
Belts, waists, leather, brown	1	.37	.28
Boots, ankle, prs.	1	5.20	3.90
Brushes, hair	1	.24	.18
Drawers, cotton, short	1	.33	.25
Drawers, woollen, prs.	2	2.34	1.76
Shirts, under, cotton	2	.80	.60
Shirts, woollen, prs.	2	2.28	1.71
Shirts, cotton, khaki, S/S	1	.99	.75
Towels, hand		.42	.32
		$13.83	$10.40

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS

SUMMARY OF EVIDENCE

in the case of

No.B.85662, Driver Walter Hancock, Royal Canadian Army Service Corps, attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario.

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

Q. "Do you wish to make a statement?"
A. "No, sir."

Q. "Do you wish to give any evidence upon oath?"
A. "No, sir."

Rules of Procedure 4 (C),(D), (E), (F) and (G) have been complied with.

All documentary evidence has been read over to the accused.

Taken down by me in the presence of the accused at No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, this 15th day of July, 1942.

C. F. Moss Lieut

(C. F. Moss)Lieutenant
Attached to No.23 C.A.(B)T.C.,C.A.

Lt-Col. H.S. Grant Lt-Col. President

EXHIBIT No.1 45

C.F. Moss ....Lieut.

RECORD of the Declaration of a Court of Inquiry assembled at Newmarket, Ontario on the 23rd day of MAY 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B-85662 Dvr. Hancock, W.

DECLARATION

The Court declare that No. B-85662 Dvr. Hancock, W.
R.C.A.S.C.
illegally absented himself without leave from No. 23 (Basic) T.C. Newmarket, Ont. at 2230 hours on the 30th day of April 1942, that he is still so absent, and that on the 23rd day of May, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE		ARTICLES	VALUE	
1 Anklets, web, prs.		77	Forward	32	66
1 Badges, cap RCASC		08	Less 25%	8	16
1 Battle Dress, serge, blouse	5	58	TOTAL.....	$ 24.	50
1 Battle Dress, trousers, prs	5	60			
1 Belts, waist, leather, brown		37			
2 Boots, ankle, prs.	10	40			
1 Braces, prs.		27			
1 Brushes, hair		24			
1 Brushes, tooth		09			
1 Caps, field service		78			
1 Combs		04			
1 Drawers, cotton, short, prs.		33			
2 Drawers, woollen, prs.	2	34			
1 Shirts, khaki, cotton,		99			
2 Shirts, under, cotton		80			
2 Shirts, woollen,	2	28			
2 Towels, hand		42			
1 Trousers, khaki, shorts, prs.	1	28			
	32	66			

"N.R. Pilcher", Captain, 2nd Batt. Q.O.R. Attached to No. 23 (B) T.C. President
"P.F. Fisher" Lieut. Gen. List No.2 D.D. Attached to No. 23 (B) T.C. Member
"A.W. Baillie" Lieut. 48th Highlanders Attached to No. 23 (B) T.C. Member

Signed at Newmarket, Ontario
this 23rd day of MAY 19 42

"R.B. Harkness" Lieut.-Col. Officer Commanding No.23 C.A.(B)T.C., C.A.
Signature of Commanding Officer

Certified true copy G.A. Mercher Capt. & Adjt.
Signature of Officer having custody of original record
No23CA(B)TC

M.F.B. 375
A.F.B. 115
11M-12-40 (8685-6)
H.Q. 1772-29-207

EXHIBIT No.2

Lt. Col. Grant Wh. President. C.F. Moss ....Lieut.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to service authorities)

I, ...Major..H.C..Witthun..No..31 Coy..Cdn..Pro..C.
(Number) (Rank) (Name) (Unit)

hereby certify that ..B.85662..Dvr...HANCOCK..W.....
(Number) (Rank) (Name in full)

of the .(RCASC)..No..23 (B) Training Centre..NEWMARKET..ONT.
(Unit and attachment (if any))

was apprehended by (~~surrendered~~ were) .B.97756..Cpl...HADAWAY..A.A
(Number) (Rank)

& B.97672 L/Cpl. PRICE, I.L., No. 31 Coy, Cdn. Provost Corps.
(Name) (Unit or appointment)

at .....70 Westwood Ave..TORONTO.....
(Place)

at ..0640... on the ....11th.....day of ....JULY.....1942
(Hour)

as ~~a deserter~~ an absentee without leave), and that at the time of his arrest he was wearing military (~~civilian~~ some) uniform (~~dress~~ some).

DATED AT ....280 Lansdowne Ave., Toronto, Ontario.....

this ..11th..... day of .....JULY..... 194 2

(Strike out words not applicable)

H.C. Witthun Major,
(Signature, Number, Rank, Unit or appointment)
(H.C. Witthun)
O.C., No. 31 Coy, Cdn. Provost Corps, CA

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216

Second

SUMMARY OF EVIDENCE

in the case of

No.B.85662, Driver Walter Hancock, Royal Canadian Army Service Corps, attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, a soldier of the Canadian Army placed on Active Service, charged with:

ABSENTING HIMSELF WITHOUT LEAVE

THE COMMANDING OFFICER DIRECTS THAT EVIDENCE BE TAKEN ON OATH

1st Witness

No.B.91790, Private Winson, W., Royal Canadian Army Medical Corps, attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, having been duly sworn, states:

"Sir, at 2105 hours on the 25th day of July, 1942, I relieved Private Cowie of his duties in guarding the prisoners in the cell-block of the Guard Room. On instructions, I ordered the prisoners to take their bedding into the cells. I went into the toilet for possibly five minutes. I then started at one end of the corridor off which the cells are located, to lock the prisoners in their cells. When I got down to the end where there is a large room I could not find some of the prisoners. I looked around the room and noticed a bar was pulled out of the window. I immediately reported this to L/Cpl. Joanisse who was in charge of the Guard Room at the time, and then assisted him in calling the Roll of the prisoners, and found that No.B.85662, Driver Walter Hancock was missing."

Pte Winson W.R.

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS

2nd Witness

No.B.58412, L/Cpl. Joanisse, L.H., Royal Canadian Ordnance Corps, attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, having been duly sworn, states:

"Sir, I was in charge of the Guard Room at No.23 Canadian Army (Basic) Training Centre, Newmarket, Ontario, on Saturday, the 25th day of July, 1942, in which the accused, No. B.85662, Driver Walter Hancock was a prisoner. Acting on information received at 2120 hours, I rushed into the cell-block and saw that one of the cross-bars of the west-side window had been pulled down, and one of the bars was bent. I immediately took a Roll call of the prisoners and found that No.B.85662, Driver Walter Hancock failed to answer to his name. I have been on duty in the Guard Room for 8 hours each day since that time, and the accused, No.B.85662, Driver Walter Hancock was not present at any time until the 29th day of July, 1942."

L/Cpl Joanisse L.H.

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS

3rd Witness

No.B.101555, Sergeant Ibey, E.M. attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, having been duly sworn, states:

"Sir, I am the Senior N.C.O. in charge of the Records at No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, and as such I have custody of all documents pertaining to the accused, No.B.85662, Driver Walter Hancock.

I submit herewith a certificate in accordance with Order-in-Council P.C.2797, dated April 10th, 1942, as published in Routine Order 1877, and in General Order No.127, 1942, which establishes the time, date, place and fact of the apprehension of the accused, No.B.85662, Driver Walter Hancock, and signed by Major H.C. Witthun, Officer Commanding No.31 Company, Canadian Provost Corps, Canadian Army. (Exhibit 1)

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS

SUMMARY OF EVIDENCE

in the case of

No.B.85662, Driver Walter Hancock, Royal Canadian Army Service Corps, attached to No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario.

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

Q. "Do you wish to make a statement?"
A. "No, sir."

Q. "Do you wish to give any evidence upon oath?"
A. "No, sir."

Rules of procedure 4 (C), (D), (E), (F) and (G) have been complied with.

All documentary evidence has been read over to the accused.

Taken down by me in the presence of the accused Mt No.23 Canadian Army (Basic) Training Centre, Canadian Army, Newmarket, Ontario, this 6th day of August, 1942.

.....F. Lorriman Lieut.....
(F. Lorriman)Lieutenant
Attached to No.23 C.A.(B)T.C.,C.A.

File: 31P 1-4-H

Exhibit No. 1

President. ..R. Lemieux.....Lieut.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to ~~civil~~ service authorities)

I, Major H.C. Witthun, O.C. No. 31 Coy. Cdn.Provost Corps
(Number) (Rank) (Name) (Unit)

hereby certify that B85662 Dvr. HANCOCK W.
(Number) (Rank) (Name in full)

of the RCASC "C" Coy #23 BTC Newmarket, Ontario
(Unit and attachment (if any)

Strike out words not applicable } was apprehended by (~~surrender~~) B82976 Sgt. Robbie G.
(Number) (Rank)

B97721 Pte. Vacola W. of #31 Coy.Cdn.Provost Corps, C.A.
(Name) (Unit or appointment)

at 40 Allen Ave. Toronto Ont. at 1800 hours
(Place) (Hour)

on the 28th day of July 1942

as a ~~deserter~~ absentee without leave), and that at the

Strike out words not applicable } time of his arrest he was wearing military (~~civilian~~)

uniform ~~[illegible]~~.

DATED AT ~~Toronto Ont.~~ 280 Lansdowne Avenue, this 29th day of July 1942.

H.C. Witthun

(H.C. Witthun) Major, Officer Commanding
No. 31 Company, Canadian Provost Corps, C.A.
(Signature, Number, Rank, Unit or appointment)

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42 (M1126)
H.Q. 1772-39-1936

Lieut. H.S. Grant Ulch
President

DEFENDING OFFICER RE. MITIGATION

GENTLEMEN: I would ask the Court for leniency for this chap. He has been in the Army one year with 4 offences of A.W.L. and 2 charges of drunkenness.

I might mention that the accused was in my Company for 5 weeks before his last absence and drinking seems to be the contributing factor to his absence without leave in every case. While with me the accused was a well-behaved soldier and he has ability. May I mention a case in that regard. His home was broken up, and as a young fellow he left home at 13 and went to the West Coast and with another chap went into the window-washing business out there in in a matter of three years he came back here with $250.00. Not many chaps without a head on them could go to Vancouver -- it's a large city -- and establish themselves and come back that way with $250.00 in his pocket.

The accused made a statement voluntarily to me that he would quit drinking and I would ask the Court to give him as light a sentence as possible, and I would ask that he be returned to the Army as soon as possible. He has been in the Army one year with only 4 offences of A.W.L. due partly to his home conditions and without the supervision of a family. He told me he joined the Army himself of his own accord and he resented, after he got in, he told me, the close supervison. However, he understands now and he will endeavour to do the right thing, and I think the chap has ability, and, as I say, except for his absence, he was a well-behaved soldier, and I ask that the Court consider this in regard to his sentence.

- - - - - - -

Lieut. Col. Garrett Lyell, President.

M.F.D. 355
30M—11-41 (2272)
H.Q. 1772-39-620
A.F.B. 266

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B.85662	Driver	Walter Hancock	R.C.A.S.C.

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

Within last 12 months		Since enlistment or appointment	
For AWL	4 times	AWL	4 times
For Resisting an escort	1 times	Resisting an escort	1 times
For Drunkenness	2 times	Drunkenness	2 times
For	times		times

~~Number of instances of gallantry or distinguished conduct~~

~~There are no entries in the conduct sheets of the accused.~~

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

2. ~~The accused has not been previously convicted~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act Air Force Act and dispensations with trial under A.A. 73 A.F.A. 73 are set out in the Schedule annexed to this statement.~~

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

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

4. The accused has been in confinement awaiting trial on the present charges, for ....nc.... days in civil custody, and 35 days in military Air Force custody, making a total of 35 days in custody, of which ....nc.... days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 19 9/12 years

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper 14th day of July, 1941.

~~7. The service which the accused is allowed to reckon towards discharge is:~~

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

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward for ~~in possession of or entitled to:~~ ~~State any air force decoration or reward.~~ military

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

62

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit .....dated.....!.....and in his regiment (or corps), the rank of .....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank..... Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 19 day of aug., 1942.

Schlicher Capt. adjt. No. 23 Ch. Bat. C. Newmarket, Ont.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y. signed by the president, and annexed to the proceedings.

Lieut. G.S. Grantt W.Cl.
President.

B.85662 DVR. HANCOCK WALTER
No. Name

Sqn., Battery, or Company: #2 DD(AF) RCASC RWING Corps

Date of enlistment: 14-7-41 G.C. Badge

Service or Proficiency Pay

M.F.M. 6 (A.F.B. 137) 50M—11-42 (3055) R[redacted]73-44-12

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Period not reckoning towards freedom from extra fine

Sheet No.

Signature O.C. Company, etc.

Character "S.H.B. Grasett" Lieut-Col.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Toronto	23-7-41	Dvr.		AWL from 0730 Hrs.23-7-41 to 0730 Hrs. 24-7-41 (1 day)	Cpl.Beamsley	3 days C.B. forfeits 1 days pay	24-7-41	"Lt.Col.Grasett"	
Toronto	30-7-41	Dvr.1st		Drunkenness 30-7-41 26-8-41	Doc.Evidence	Admonished	31-7-41	Lt.Col.S.H.B.Grasett	
Camp "Q" Monteith	1-10-41	Dvr.2nd		Drunkenness AWL from 0001 hrs.1-10-41 until 1245 hrs. 1-10-41	Sgt. Horton L/Cpl.Morin	14 Days C.B. Fined $5.00 forfeits 1 days pay	2-10-41	Lt.Col. R.O.Bull	
Monteith	4-11-41	Dvr.		AWL from 0746 hrs. 4-11-41 until apprehended in Toronto by Military Police at 1530 hours 7-11-41. Under close arrest 1530 hours. 7-11-41 until returned to Monteith 1000 hours 14-11-41	Sgt.Horton	14 days Detn. forfeits 11 days pay FRI App.charges $8.95	14-11-41	Lt.Col. R.O.Bull	

(P.T.O.)

Place	Date of offence	Rank	Corps or department	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Newmarket	31-3-42	Bvr.		AWL from 2230 hrs. 31-3-42 to 2030 hours 1-4-42 (22 hours. A.A.15(1) Resisting arrest A.A.10(3) SOS 13-5-42	Cpl.Ritchie	14 days detn.	2-4-42	Lt.Col.Harkness	forfeits 2 days pay R.R.&I.

CERTIFIED TRUE COPY

19 Aug 42 [illegible] CAPT.
Captain & Adjutant
No.23 C.A.(H)T.C.,C.A.

Lady Alex. Grant Ward.
President.

MEDICAL OFFICER'S REPORT

I certify that No. B.85662, Dvr. Hancock, Walter of No.23 C.A.(B)T.C. is in a fit state of health, and fit to undergo Trial by Court martial.

Medical Officer
Captain R.C.A.M.C.

Station Newmarket, Ontario.

Date 19th August, 1942.

M. F. B. 246
25M—9-41 (1763)
H.Q. 1773-99 680

OTTAWA, ONT., October 22nd, 2.

District Officer Commanding,
Military District No. 2,
TORONTO, ONT.

Re:REMISSION OF SENTENCE.
B-85662, Dvr. Walter Hancock,
R.C.A.S.C., att'd No. 23 C.A. (B) T.C., C.A.

Receipt is acknowledged of your T-20-H-4358 (AJAG) dated 20th October, 1942, and I am returning herewith the Proceedings of the marginally-noted District Court-Martial, as requested.

2. When these papers have served their purpose, may they please be returned to this Headquarters.

Brigadier,
Judge Advocate-General.

EBB/S.

83498

CANADA

IN REPLY PLEASE QUOTE
No. T-20-H-4358
(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

20th, October, 1942.

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

Army
CONF
OCT 21 1942
File C.55-H-280
Chgd. to
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

Remission of Sentence
B-85662, Dvr. Walter HANCOCK,
R.C.A.S.C. att'd. No. 23 C.A. (B) T.C. C.A.

May the proceedings of the marginally noted District Court-Martial be forwarded for the purposes of Remission of Sentence under Section 57 (2) of the Army Act.

Robt. D. Murray Major
for (C.F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

NAT. DEF. B. 440
2,000 M—4-42 (4323)
H.Q. 1772-39-767

H.Q.C.55-H-250.
(JAG)

Ottawa, Sept. 8th, 2.

District Officer Commanding,
Military District No. 2,
Toronto, Ontario.

Disposal: Court-Martial Hancock,
R.C.A.S.C., Att. No. 23 C.A. (B) T.C., C.A.

T.20-H-4356

I have the honour to acknowledge of your dated 4 September 194 , under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

H.F.G.B.
Brigadier,
Judge Advocate-General.

500-6-42(M1255) HFGB:ALG

74921

IN REPLY PLEASE QUOTE
No. T-20-H-4358 (AJAG)
Your H.Q.C.55-H-280 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

4th September 1942
Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
CONF. SEC.
SEP 5 1942
File C55-H-280
Chgd. to
Referred to JAG

District Court-Martial
B.85662, Dvr. Walter Hancock,
R.C.A.S.C., attached No. 23 C.A. (B) T.C., C.A.

With reference to your H.Q.C.55-H-280 (JAG) dated 2nd September, 1942, returning the Proceedings of the marginally noted District Court-Martial in order that the irregularities noted might be drawn to the attention of the Officers concerned for their future guidance.

2. With reference to the irregularity noted in Paragraph 2 (b), it is advised that the procedure laid down at the top of page 661 of M.M.L. (R.P. 62(F) and Note 6) was followed at the trial, and the Summaries of Evidence were not read until after the Finding of the Court on all the Charge Sheets had been arrived at. Pages 19 and 21 of the Proceedings have been amended in accordance with the instructions contained in your above mentioned letter under reply.

3. The irregularities noted in paragraph 2(a) have been drawn to the attention of the Officers concerned for their future guidance.

4. The Proceedings are now returned for the custody of the Judge Advocate-General.

Robt. J. Harvey Major
for (C.F. Constantine)
Major-General
District Officer Commanding,
M.D. 2.

NAT. DEF. B. 440
1,000M-2-41 (8020)
H.Q. 1772—5—787

H.Q.C.55-H-280 JAG.

September 2nd, 1942.

District Officer Commanding,
Military District No. 2,
TORONTO, Ontario.

District Court-Martial,
B.85662, Dvr. Walter Hancock,
R.C.A.S.C., attached No. 23 C.A. (B) T.C., C.A.

1. Receipt is acknowledged of your two letters bearing file No. T-20-H-4358(AJAG) both dated August 28th, 1942, together with the proceedings of the marginally noted District Court-Martial which you forwarded to this office for registration and custody.

2. The following irregularities have been observed in the proceedings:-

(a) In the marginal notations of the charges on the two Charge Sheets the section and sub-section should have been stated before the words "Army Act" and not after the same.

(b) If reference is made to R.P. 68(F) and Note 6 to the same at the top of Page 661 of the M.M.L. it will be noted that where an accused has pleaded guilty to a charge in one of several Charge Sheets, the Summary of Evidence relating thereto will not be read or recorded until after the Finding of the Court on all the Charge Sheets has been arrived at. In the case at bar it is noted on Page 19 that the Summary of Evidence on the first Charge Sheet was read before there was a Finding on the second Charge Sheet. Hence, on Page 19, everything should have been struck out after the Finding on the first Charge Sheet; the same applies to Page 20. On Page 21 there should have appeared the following, "The Summaries of Evidence are read, marked "K" and "L", signed by the President.....etc."

3. The proceedings are returned in order that the above mentioned irregularities may be brought to the attention of the officers concerned for their future guidance. When this has been done may they please be returned to this office for custody.

Brigadier,
Judge Advocate-General.

HFGB/amb

Copy on 405-H-7505

H.Q. C.55-H-280
M.D. T-20-H-4358 (AJAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-85662 Name HANCOCK, W.

Rank Dvr. Unit R.C.A.S.C., #23 C.A. (B) T.C., C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Sec. 24 (2) A.A. Losing by neglect.

Second Charge Sheet
Sec. 15 (1) A.A. Absenting himself without leave.

Date of Crime 1. 30/4/42. 2. 13/7/42. 3. 25/7/42.

Date of Arrest 11/7/42. 28/7/42. Charge. Signed 17/7/42. 7/8/42.

Orders for D.C.M. D.O.C., M.D.#2.

Place and Date of Trial Newmarket, Ontario, 19/8/42.

Sentence Detention 120 days and stoppages of $6.48.

Date of Confirmation 21/8/42.

Date of Promulgation 25/8/42.

Entered in Records of J.A.G. as No. 6651

Date 31/8/42.

MEMO Balance of detention remitted as of 30/10/42 by D.O.C. M.D. #2.

W. G. Bridge Lieut.
for Judge Advocate-General.

2M-7-42(M1291)

IN REPLY PLEASE QUOTE
No. T-20-H-4358 (AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

27th (See re follow up)

CONFIDENTIAL

28th August 1942
Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

to file

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
PERS. SEC.
AUG 28 1942
File C 55-H-250
Chgd. to
Referred to

District Court-Martial
B.85662, Dvr. W. HANCOCK,
R.C.A.S.C., Att'd. No. 23 C.A. (B) T.C., C.A.,
NEWMARKET, Ontario.

Enclosed herewith Proceedings at Trial by District Court-Martial of the marginally noted soldier. It will be noted that the Finding and Sentence have been confirmed and promulgation effected to the accused.

2. It will be noted that the Order for Trial on the original Charge Sheet is dated 25th July, 1942, while the Trial was not held until the 27th August, 1942. The reason for the delay is due to the fact that after the Order for Trial was granted the accused escaped from custody and a further charge was laid as contained on Charge Sheet 2, and an Order for Trial made on such Charge Sheet on 12th August, 1942. 19th

3. The Proceedings are forwarded for the custody of and registration by the Judge Advocate-General.

Robt. Manery Major
for (C.F. Constantine)
Major-General
District Officer Commanding,
M.D.2.

NAT. DEF. B. 440
1,500M-3-41 (9520)
H.Q. 1773—29—767

H.Q.C. 55-H-281

CONFIDENTIAL

M.F.S. 1018
(Ex-E.M.(S.)(1)-2)
D.Q. 281-1-48

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HUBBARD R.J., L.15556 PTE.

DEAD

NO. 12 DIST. DEPOT, C.A.

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
					With papers	CR	31/8/42
P.4 - 1[illegible] 12 [illegible]	7/9/42	PA		AD	to note & P.A.	Ellis	3-9-42

CONFIDENTIAL
H.Q.C. 55-H-281

NOTICE

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

PASS THIS FILE IN ENVELOPE

H.Q.C.55-M-281 JAG

September 3rd, 1942.

District Officer Commanding,
Military District No. 12,
REGINA, Saskatchewan.

District Court-Martial,
L.18556 - Pte. R. J. Hubbard,
No. 12 District Depot, C.A.

1. Receipt is acknowledged of your RC. 1-H-390 dated 27th August, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities set out in your letter, the following have been observed:

(a) The letters, "C.A." are sufficient to denote Active Service and letters, "A.F." or simply "A" are improper.

(b) Under the provisions of Routine Order 1877 (4) the particulars of the charge set out in the Charge Sheet under Army Act, Section 24 (2) should set out the proper depreciated values. In the event that a Charge Sheet does not set out such depreciated values, the Court should make a Special Finding. In this case the Court did not make such a Special Finding although the accused was only put under the proper stoppages in the Sentence.

(c) The Corps of the President and Members was not set out after their names in M.F.R. 375.

(d) The Court not having been closed, the first printed sentence on Page "Z-2" of the proceedings should have been struck out and initialled.

3. It is not considered necessary to return the proceedings which are, accordingly, retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

H. G. Nolan Col
Brigadier,
Judge Advocate-General.

EBB/amb

Noted
G. R. Ferguson
Lt. Col.
Dep. A. G.
SEP 7 1942

RECEIVED
SEP 4 1942
DIR.
A. D.

Copy On 405-H-6303

H.Q. C.55-H-281
M.D. RC-1-H-390

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. L-18556 Name HUBBARD, R.J.

Rank Pte. Unit #12 District Depot, C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Sec. 12 (1)(a) A.A. Deserting H.M.S.

Sec. 12 (1)(a) A.A. Deserting H.M.S.

Sec. 12 (1)(a) A.A. Deserting H.M.S.
Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 5/5/42. 2. 10/6/42. 3. 3/7/42. 4. 13/7/42. 5. ~~15~~ 7/8/42
1. 2/6/42. 2. 22/6/42.

Date of Arrest 3. 12/7/42. Charge. Signed 5/8/42.
4. 15/7/42.

Orders for D.C.M. D.O.C., M.D.#12.

Place and Date of Trial Regina Sask., 17/8/42.

Sentence Detention 28 days and stoppages of $36.95.

Date of Confirmation 25/8/42.

Date of Promulgation 25/8/42.

Entered in Records of J.A.G. as No. 6666

Date 1/9/42.

MEMO

Found not guilty of the fourth charge.
Not guilty of desertion but is guilty of A.W.L. on the second and third charges.

E.R. Bell Capt
for Judge Advocate-General.

2M-7-42(M1291)

6666

IN REPLY PLEASE QUOTE
No. RC.1-H-390

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

no file

CONFIDENTIAL

Regina, Sask., 27th Aug. 1942

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
P. RS. SEC.
AUG 30 1942
RC.1-H-390

District Court-Martial
L.18556 - Pte. R.J. HUBBARD
No. 12 District Depot, C.A.

Herewith, proceedings of the marginally noted Court-Martial for custody and safe keeping. The findings and sentence have been confirmed and duly promulgated.

2. The following irregularities have been noted and have been brought to the attention of the Officers concerned:-

(a) As regards the 2nd charge, the place of the offence is stated as being "at or near Regina" whereas actually the offence did not occur until the train, from which absence occurred, was two days out of Regina. However, the charge states further that the accused absented himself when enroute from Regina to St. Jerome, Quebec, and it is submitted therefore that the use of the words "at or near Regina" did not mislead the accused or prejudice him in his defence.

(b) As regards the 4th charge, obviously a typographical error was made, part of the charge having been omitted. This would indicate careless checking and the matter has been forceably brought to the attention of all officers concerned so that there will be no repetition in the future.

(c) The accused having pleaded guilty to the first charge, documentary evidence of his surrender, on 2nd June, 1942, need not have been submitted.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Encl.
MJW

N&T. DEF. B. 440
2,000,000—10-41 (3024)
H.Q. 1773-29-767

(1)

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

A

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

Proceedings of a District Court-Martial held at Exhibition Camp, Regina, Sask. on the 17th day of August 1942 by order of Brigadier G.A.H.Trudeau, District Officer Commanding Military District No.12 dated the 14th day of August 1942.

President.

Lieut.-Col.J.R.Hopkins, D.F.C.,E.D., No.12 District Depot, C.A.

Members.

Capt. R.G.Wait, No.32 Coy. C.D.C., C.A.

Lieut. A.G.E.Carter, No.12 District Depot,C.A.

Trial of L18556 Private Roy John HUBBARD, No.12 District Depot, C.A. , ~~Judge Advocate~~

~~Trial of~~

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

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

, ~~waiting member takes his place as a member of the Court.~~

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

The accused is brought before the Court.

Prosecutor,† Captain J.F.Arnott,M.C.,No.12 District Depot,C.A.

~~Counsel‡ or~~ defending officer† Lieut.(A/Capt.) S.Linton, No.120 C.A.(B) T.C., C.A.

At 1020 o'clock the Trial commences.

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

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

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

A.1 *Answer by accused.* No, I do not, Sir.

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

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

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

J.R.HOPKINS, Lt.Col.
President, D.C.M.

Mil. Form B. 271
10M—6-40 (5715)
H.Q. 1772-39-224

B

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

The following officers under instruction are duly sworn. Lieut.J.W.Mooney, Winnipeg Rifle Regt. C.A.,Att.No.120 C.A.(B) T.C.,C.A.
2/Lieut.N.B.Taylor, "O" Company, C.W.A.C.,C.A.

Q.2 Do you object to No.L.25619 A/Sgt.H.I.Bay, No.12 Detachment, C.M.S.C.,(A.F.) acting as shorthand writer?

A.2 No,Sir.

No.L.25619 A/Sgt.H.I.Bay,No.12 Detachment,C.M.S.C.,(A.F.) is duly sworn as shorthand writer.

Charge-Sheet

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

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

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

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Guilty,Sir. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Not guilty. *Answer.*

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

A.5 Not guilty. *Answer.*

Q.6 Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

A.6 Not guilty. *Answer.*

Q.7 Are you guilty or not guilty of the fifth charge against you, which you have heard read?

A.7 Not guilty.

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

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

"B2"
Jerrosphine Lt-Col
President

CHARGE SHEET

The accused No. L.18556, Private Roy John HUBBARD, No. 12 District Depot, C.A., a soldier of the Canadian Army, placed on Active service is charged with:

1st Charge
Sec. 15(1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at St. Jerome, Quebec at an unknown hour on 5th May, 1942, absented himself without leave from No. 44 C.A.(B) T.C., C.A. until he surrendered himself to the Military Authorities at Regina, Saskatchewan at 2340 hours on the 2nd June, 1942

2nd Charge
Sec. 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he

at or near Regina, Saskatchewan, when in arrest, at an unknown hour on 10th June, 1942, absented himself from his escort when on a train enroute, under escort, to his unit at St. Jerome, Quebec, until apprehended by the Civil Authorities at Admiral District, Saskatchewan, at 1500 hours on 22nd June, 1942, dressed in civilian clothes, the cost of his apprehension and return to his unit being $3.42.

3rd Charge
Sec. 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he

at Regina, Saskatchewan, when in open arrest at 1900 hours on 3rd July, 1942, absented himself from No. 12 District Depot, C.A. until apprehended by the Civil Authorities at Admiral District, Saskatchewan at 1330 hours, on 12th July, 1942, dressed in civilian clothes, the cost of his apprehension and return to his unit being $10.71.

4th Charge
Sec. 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he

at or near Regina, Saskatchewan at an unknown hour on 13th July, 1942, when in arrest, absented himself from his escort when on a train enroute under escort, to his unit at

Bab

CHARGE SHEET - Continued

Regina, Saskatchewan at 2155 hours on 15th July, 1942.

5th Charge
Sec. 24(2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

in that he

at Regina, Saskatchewan, on the 7th day of August, 1942, was deficient of the following articles, viz:-

		Value at vocabulary rate
1 pr.	Anklets Web	$ .77
1	Badges, Canada	.05
1	Badges, Cap	.09
1	B.D. Blouse	5.58
1 pr.	B.D. Trousers	5.60
1	Blacking, Tin	.05
1	Boots, Ankle	5.20
1	Boot, Dressing	.05
1	Boot Laces	.02
1	Brushes, Shaving	.30
1	Brushes, Tooth	.09
2	Caps, F.S.	1.56
1	Comb	.04
1 pr.	Drawers, Woollen	.33
1 pr.	Drawers, Cotton Short	.33
1	Fork, Table	.09
1 pr.	Gloves	.59
1	Housewife	.51
1	Jackets, Sweater	1.38
1	Knives, Table	.18
2	Shirts, Flannel K.	2.34
1	Shirts, Service	.84
1	Shirts, Under Cotton	.40
1	Shirts, Woollen	1.14
3 pr.	Socks	1.08
1	Sponge, Pipe clay	.02
1	Spoon, Table	.08
3	Towels, Hand	.63
1	Bags Ration	.03
2	Cloths, Disinfect, F.P.	.02
		29.39

Regina, Saskatchewan,
August 5th, 1942.

B.A. Cooke

(B. A. Cooke) Lieut.-Col.
Officer Commanding
No. 12 District Depot, C.A., Regina.

To be tried by a District Court-Martial.

Trudeau

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Regina, Sask., August 13th, 1942.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.8 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.8 Answer. Yes, sir. The Defending Officer will speak for me. The Defending Officer applies for adjournment in order to procure attendance of a witness for the Defence. See Document marked "G".

The Prosecutor replies. See Document marked "G2".

~~The prosecutor makes an opening address (hands in a written address,~~

The Court is closed to consider their decision.

~~which is read, marked , signed by the President, and attached to~~

The Court disallows the application for adjournment, and ~~the proceedings).~~ the Court reopens and the decision is announced.

The Prosecutor hands in a written address, which is read, marked "H", and attached to the proceedings.

The prosecutor proceeds to call witnesses.

First witness for prosecution. Captain (A/Major) E.Ross, Adjutant, No.12 District Depot, C.A.

being duly sworn, is examined by the prosecutor.

Q.8A. Will you tell the Court your official position?
A.8A. I am the Adjutant, No.12 District Depot, C.A.

Q.9 Do you know one Private Hubbard?
A.9 Yes. (Witness indicates accused).

Q.10 This document that I hand you, will you tell the Court what it is?
A.10 It is a M.F.B.375, Declaration of shortage of kit by a Court of Inquiry held at A.T.C.No.44, St. Jerome, Quebec, relating to the accused.

Q.11 Is that all the document declares?
A.11 It is a declaration of shortage of kit and illegal absence without leave from the C.A.(B) T.C. No.44, St.Jerome, Quebec, on the 5th day of May 1942. Document is dated the 27th day of May 1942, and at that date he was deficient, and is still deficient, the following articles (List of articles read by witness).

M.F.B.375 is marked "Exhibit" "I", signed by the President and attached to the proceedings.

Q.12 What is this document that I hand you?
A.12 It is form M.F.M.216 relating to the accused, Private Hubbard, and indicates that he surrendered to L.2797 Sgt.Davis, No.12 District Depot, C.A.(A), Regina, at 2340 hours on the 2nd June 1942. At the time of his arrest he was wearing military uniform.

M.F.M.216 is marked "Exhibit" "J", signed by the President, and attached to the Proceedings.

First Witness -- continued.

Q.13 This document that I hand you--will you tell the Court what it is?

A.13 It is a certified true copy of Part II Orders No. 195 signed by Captain Robinson, Officer i/c Records, No. 12 District Depot, on July 14, 1942. On page 4 there are four items referring to the accused:

(1) Escape from custody;
(2) Return from absence without leave;
(3) Released to open arrest;
(4) Absent without leave.

and on page 3: Strength increase--desertion.

(Part II Order No. 195 is marked "Exhibit" "K", signed by the President and attached to the Proceedings)

Q.14 This document that I hand you--will you tell the Court what it is?

A.14 It is M.F.M.215, showing the accused was arrested by the R.C.M.P. at 1500 hours, 22nd June, 1942.

Q.15 Does that refer to the dress of the accused?

A.15 Yes. It says "dressed in civilian clothes".

(M.F.M.215 is marked "Exhibit" "L", signed by the President and attached to the Proceedings)

Q.16 This document that I hand you--will you tell the Court what it is?

A.16 It is M.F.B.1481. It shows transportation issued by the D.S. & T.O. for the accused from Gull Lake to Regina--$3.42.

(M.F.B.1481 is marked "Exhibit" "M", signed by the President and attached to the Proceedings).

Q.17 This document that I hand you--will you tell the Court what it is?

A.17 This is a certified true copy of District Depot Part II Order No. 187 issued under instructions of Lt.-Col. B.A. Cooke, Officer Commanding. On page seven there is an entry showing the accused absent without leave.

(Part II Order No. 187 marked "Exhibit" "N", signed by the President and attached to the Proceedings)

Q.18 This document that I hand you--will you tell the Court what it is?

A.18 This is certified true copy of No. 12 District Depot Part II Order No. 213, issued by Lt.-Col. B.A. Cooke. On page three there are entries showing the accused returned from absence without leave and escape from custody.

(Part II Order No. 213 marked "Exhibit" "O", signed by the President and attached to the Proceedings)

Q.19 This document that I hand you--will you tell the Court what it is?

A.19 It is M.F.M.215, showing the accused was arrested by R.C.M.P. at 1330 hours, 12th July, 1942.

(M.F.M.215 is marked "Exhibit" "P", signed by the President and attached to the Proceedings)

First Witness (Continued)

Q.20 This document that I hand you--will you tell the Court what it is?

A.20 It is M.F.B.1481, showing transportation issued by the D.S. & T.O. for the accused and escort from Gull Lake to Regina--$10.71.

(M.F.B.1481 marked "Exhibit Q", signed by the President and attached to the Proceedings)

Q.21 This document that I hand you--will you tell the Court what it is?

A.21 It is M.F.M.216, showing the accused was apprehended by A/Cpl. Martin at 2155 hours, 15th July, 1942.

(M.F.M.216 is marked "Exhibit R", signed by the President and attached to the Proceedings)

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q.22 Major Ross, will you tell the Court whether or not on the day previous to Private Hubbard's being despatched by train to his Unit at St. Jerome, Quebec, you had a conversation with him?

A.22 Yes. Colonel Quinn (then Officer Commanding) and I talked to him.

Q.23 Was the accused present?

A.23 Yes. He was asked why he left. He told the Colonel and I that he was practically the only one in the Training Centre that could speak English. It was a French Training Centre. I can't say whether he asked for a transfer to No. 12 District Depot. We told him the only thing we could do was to send him back and he would have to start proceedings for his transfer from his own Unit. At the same time I took the matter up with Major Hamilton and I am pretty sure that Major Hamilton had Private Hubbard up to see him. He was warned that the only thing that could be done was to send him back to his Unit, in view of the declaration of the Court of Inquiry.

Q.24 Will you tell the Court whether Private Hubbard had any other complaint?

A.24 No. I can't remember anything else.

In the opinion of the Court, it is not necessary to comply with R.P. 83(b).

The Witness withdraws.

SECOND WITNESS -- L.22088 A/Cpl. C.M. EASTMAN, No. 12 District Depot, being duly sworn, is examined by the Prosecutor.

Q.25 Do you know Private Hubbard?
A.25 Yes, sir. (Witness identifies accused).

Q.26 Will you tell the Court what you did on June 7, 1942?
A.26 On the 7th June, 1942, at 0730 in the morning Corporal Gallant and I went to the Guard Room at the Exhibition Gate and took Private Hubbard to the C.P.R. station in Regina and turned him over to the Corporal in charge and got a receipt for the man.

Q.27 From whom did you get the receipt?
A.27 From Corporal Winchell.

Q.28 Will you tell the Court what this is?
A.28 That is the receipt.

Q.29 To whom does that receipt refer?
A.29 To Private Hubbard.

(Receipt is marked "S", signed by the President and attached to the Proceedings).

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83(b).

The Witness withdraws.

THIRD WITNESS -- L.27797 A/Cpl. D.S. GALLANT, Regina Rifle Regiment, attached to No. 12 District Depot, being duly sworn, is examined by the Prosecutor.

Q.30 Do you know Private Hubbard?
A.30 Yes, sir.

Q.31 Will you identify him?
A.31 Yes, sir. (Witness identifies accused).

Q.32 Will you tell the Court what you did on June 7, 1942?
A.32 On June 7, 1942, Cpl. Eastman and myself got Private Hubbard at the Guard House at the Main Gate of the Exhibition Grounds at about 0730 and took him down to the C.P.R. station and turned him over to Cpl. Winchell at 0815 hours and received a receipt for the live body and documents.

Q.33 From whom did you receive the receipt?
A.33 From Cpl. Winchell, sir.

Q.34 Will you tell the Court what this is?
A.34 That is the receipt for the live body, signed by Cpl. Winchell.

Q.35 Is that the receipt you refer to?
A.35 Yes, sir.

Receipt marked Exhibit "T", signed by the President and attached to the Proceedings.

THIRD WITNESS (Continued)

Q.36 Did you see Private Hubbard placed on the train?
A.36 Yes, sir.

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83(b).

The Witness withdraws.

FOURTH WITNESS -- L.55378 A/L/Cpl. W.R. BURKE, No. 43 Provost Company, being duly sworn, is examined by the Prosecutor.

Q.37 Do you know Private Hubbard?
A.37 Yes, sir.

Q.38 Can you identify him?
A.38 Yes, sir. (Witness identifies accused).

Q.39 Will you tell the Court what you did on July 12, 1942?
A.39 On July 12, 1942, I proceeded to Gull Lake on command to escort Private Hubbard from Gull Lake to Regina. On July 13th Private Hubbard escaped from me in the vicinity of Swift Current. He was in battle dress.

Q.40 When did you take Private Hubbard into custody?
A.40 July 13th, 1942.

Q.41 From whom did you take him?
A.41 From Constable Sharpe, R.C.M.P.

Q.42 You state that the accused when you took him into your custody was dressed in uniform?
A.42 Yes, sir.

Q.43 There is previous evidence to the effect that when apprehended by the R.C.M.P. on the 12th July, the accused was dressed in civilian clothes. Can you explain to the Court how he came to be in battle dress when you took him over?
A.43 When talking with the accused, he stated that when the R.C.M.P. apprehended him at the place where he was staying, they said he had pulled out of the Army and immediately he realized why they came and he changed back to the Army battle dress and was escorted to where I took him into custody.

Q.44 You say that the accused told you this?
A.44 Yes, sir.

FOURTH WITNESS (Continued)

Q.45 Did you escort the accused on to the train?
A.45 Yes, sir, I did.

Q.46 You said that the accused escaped your custody. Will you tell the Court the approximate time?
A.46 Between 0400 hours and 0530 hours on July 13, 1942.

Q.47 What time did you get on the train?
A.47 I made a mistake in the previous statement. The train pulled into Gull Lake at 0400 hours and the train was two hours late in getting into Gull Lake and he escaped around 0600 hours.

Q.48 The train was two hours late and it came in at 0400 hours and approximately two hours later he escaped?
A.48 Yes, sir.

Q.49 When did you next see him?
A.49 After he had been apprehended by Sergeant-Major Ottway and had been taken to the Guard House on the 11th August, 1942.

Cross-examined by the Defending Officer.

Q.50 I would like you to repeat to the Court your previous statement as to when you saw the accused next?
A.50 The next time I saw the accused was on the 11th August, after he had been apprehended by Sergeant-Major Ottway, Sergeant-Major of the No. 43 Provost Company.

Q.51 Will you tell the Court what time you took Private Hubbard into custody?
A.51 Approximately 0200 hours on the morning of 13th July, 1942.

Q.52 What time did you take him on the train?
A.52 Approximately 0400 hours on the morning of 13th July, 1942.

Q.53 And what time do you set as the time he escaped?
A.53 Approximately 0600 hours. Two hours later.

Q.54 Tell the Court whether or not you know just the point where he escaped.
A.54 It was in the vicinity of Swift Current.

Q.55 The accused escaped while in the vicinity of Swift Current?
A.55 It was in that vicinity somewhere. It was the Transcontinental and stopped only at points to pick up water and coal. Morse was the next stop. I discovered he was missing at Morse.

Q.56 Why don't you know when he left?
A.56 I fell asleep on the train.

Q.57 You don't know where he left the train?
A.57 No, sir.

FOURTH WITNESS (Continued)

Q.58 He might have left it at Swift Current?
A.58 He could have.

Q.59 You don't know where he left it?
A.59 No, sir.

Q.60 Tell the Court whether or not you were charged on account of losing the accused.
A.60 Yes, sir.

Q.61 Tell the Court what the charge was that was laid against you.
A.61 Charged with, while on Active Service, while escorting Private Hubbard, to allow him to escape from custody.

Q.62 You were punished for that offence?
A.62 Yes, sir.

Q.63 To sum it up, the accused escaped from the train while you were asleep and you were charged with the offence and found guilty?
A.63 Yes, sir.

Q.64 You say that Private Hubbard was apprehended in Regina by Sergeant-Major Ottway. At what time and date?
A.64 I don't know, sir.

Re-examined by the Prosecutor.

Q.65 That was the only time you saw him?
A.65 Yes, sir.

In the opinion of the Court, it is not necessary to comply with R.P. 83(b).

The Witness withdraws

FIFTH WITNESS -- L.22001 A/R.Q.M.S. D.L. SNEDDON, No. 12 District Depot, being duly sworn, is examined by the Prosecutor.

Q.66 Tell the Court what your military position is.
A.66 I am the quartermaster sergeant of No. 12 District Depot Quartermaster Stores.

Q.67 Do you know Private Hubbard?
A.67 Yes, sir.

FIFTH WITNESS (Continued)

Q.68 Will you identify him?
A.68 Yes, sir. (Witness identifies the accused).

Q.69 Have you ever checked the kit of the accused?
A.69 Yes, sir. On August 15, 1942, I proceeded to the Guard Detention Barracks at the Main Gate of the Exhibition Grounds.

Q.70 Was Private Hubbard present?
A.70 Yes, sir -- under escort. I found the accused deficient of the following:

1	pr.	Anklets Web	.77
1		Badges, Canada	.05
1		Badges, Cap	.09
1		B.D. Blouse	5.58
1	pr.	B.D. Trousers	5.60
1		Blacking, tin	.05
1		Boots, Ankle	5.20
1		Boots, dressing	.05
1		Boot Laces	.02
1		Brushes, shaving	.30
1		Brushes, tooth	.09
2		Caps, F.S.	1.56
1		Comb	.04
1	pr.	Drawers, Woollen	.33
1	pr.	Drawers, Cotton short	.33
1		Fork, table	.09
1	pr.	Gloves	.59
1		Housewife	.51
1		Jackets, sweater	1.38
1		Knives, table	.18
2		Shirts, Flannel K.	2.34
1		Shirts, Service	.84
1		Shirts, Under Cotton	.40
1		Shirts, Woollen	1.14
3	pr.	Socks	1.08
1		Sponge, pipe clay	.02
1		Spoon, table	.08
3		Towels, hand	.63
1		Bags Ration	.03
2		Cloths, Disinfect, F.P.	.02
			$29.39

Q.71 Is that the full vocabulary rate?
A.71 Yes, sir.

Q.72 Tell the Court why that is the full vocabulary rate.
A.72 According to the Court of Inquiry held at St. Jerome, the full vocabulary rate was charged for his deficiencies and I took the same values.

Q.73 Have you got the 75% vocabulary rate?
A.73 No, sir.

FIFTH WITNESS (Continued)

Q.74 How long would it take you to obtain it?
A.74 About 15 minutes, sir.

At 1145 hours on the 17th August, 1942, the Court adjourned until 1200 hours on the 17th August, 1942.

On the 17th August, 1942, at 1200 hours the Court reassemble pursuant to adjournment; present the same members as when adjourned.

Examination of L.22001 A/R.Q.M.S. D.L. Sneddon continued.

Q.75 You found the accused deficient in certain articles. Will you tell us the articles he was deficient which were valued at the 75% rate?
A.75 Yes, sir.

1 pr.	Anklets Web	.57
1	Battle Dress Blouse	4.12
1 pr.	Battle Dress Trousers	4.20
1	Boots, ankle	3.90
2	Caps, F.S.	1.16
1 pr.	Drawers, Woollen	.53
1 pr.	Drawers, Cotton Short	.24
1 pr.	Gloves	.44
1	Jackets, sweater	1.04
1	Shirts, Service	.63
2	Shirts, Flannel K.	1.77
1	Shirts, Under Cotton	.30
1	Shirts, Woollen	.86
3 pr.	Socks	.81
	TOTAL	$20.57

Q.76 Will you tell the Court what articles are charged for their full value?
A.76 Yes, sir.

1	Badges, Canada	.05
1	Badges, Cap	.09
1	Blacking, tin	.05
1	Boots, Dressing	.05
1	Boot Laces	.02
1	Brushes, shaving	.30
1	Brushes, tooth	.09
1	Comb	.04
1	Fork, table	.09
1	Housewife	.51
1	Knives, table	.18
1	Sponge, pipe clay	.02
1	Spoon, table	.08
3	Towels, hand	.63
1	Bags, ration	.03
2	Cloths, disinfect, F.P.	.02
	TOTAL	$2.25

Q.77 What is the total full value?
A.77 $2.25

Q.78 What is the 75% value?
A.78 $20.57

Q.79 What is the total?
A.79 $22.82

FIFTH WITNESS (Continued)

At 1215 hours on the 17th August, 1942, the Court adjourned until 1430 hours on the 17th August, 1942.

On 17th August, 1942, at 1430 hours, the Court reassemble pursuant to adjournment; present the same members as when adjourned.

Examination of L.22001 A/R.Q.M.S. D.L. Sneddon continued.

Q.80 This document that I hand you -- will you tell the Court what it is?
A.80 This is original M.F.C.800 on Private Hubbard.

M.F.C.800 marked "U", is signed by the President and attached to the Proceedings.

Q.81 This document that I hand you -- will you tell the Court what it is?
A.81 This second M.F.C.800 shows items issued to the accused when he arrived at Regina.

Q.82 Is that an original?
A.82 Yes, sir.

Supplementary M.F.C.800 is marked "V", signed by the President and attached to the Proceedings.

Q.83 Tell the Court what this document is.
A.83 When Private Hubbard reported back here he was issued with the items shown on this M.F.C.800.

Q.84 Describe that document.
A.84 This is an original supplementary M.F.C.800 for the accused, sir.

Supplementary M.F.C.800 is marked "W", signed by the President and attached to the Proceedings.

Cross-examined by the Defending Officer.

Q.85 In your original statement in the Summary of Evidence, you give evidence that the Declaration of Court of Inquiry held on the 27th May, 1942, found deficiencies of $30.43. Would that amount represent the amount of kit that they found him short of at St. Jerome, Quebec?
A.85 Yes, sir. But when I inspected him, there was no indication that these had been written off his charge.

Q.86 That would give the amount of kit that they found to be deficient?
A.86 Yes, sir.

Q.87 Is it or is it not so that the kit which he was in possession of would change that?
A.87 Yes, sir.

Q.88 You find him to be deficient in kit to $22.82. Is it not possible that part of his kit is still at Ste. Jerome, Que.?
A.88 Yes, sir.

FIFTH WITNESS (Continued)

Q.89 Have you had word from them that it isn't there? Is this a true statement of deficiencies?
A.89 Yes, according to the M.F.C.800 returned from St. Jerome.

Q.90 You don't know what he is short?
A.90 All I can go by is his M.F.C.800.

Q.91 It would look as if you are not putting complete evidence before the Court.
A.91 If that kit had been found at St. Jerome, it would naturally be struck off his M.F.C.800. The M.F.C.800 we got back from St. Jerome had no indication that it had been struck off.

Q.92 If there is nothing struck off, then it is reasonable to believe that those deficiencies of the kit are still held at St. Jerome pending his return?
A.92 It is possible.

Q.93 You don't know whether it is struck off or if it isn't?
A.93 No, sir. There are figures in circles on the outside of the line. That might indicate that one uniform has been taken off his charge at St. Jerome. Or it might mean that he had another uniform issued. I had to take the two uniforms into consideration.

Q.94 Are you prepared to say that the kit which he left at St. Jerome has been struck off and he received credit for it?
A.94 I wouldn't like to give a definite answer right now.

Q.95 You don't know?
A.95 I don't know.

Q.96 Don't you usually get in touch with them when a Court-Martial is coming up?
A.96 I never did it yet, sir.

Q.97 If you did, you would then be in a position to tell the Court what it is?
A.97 I would, sir.

Re-examined by the Prosecutor.

Q.98 Tell the Court what procedure is followed regarding a man's kit when the man goes A.W.L.
A.98 It is the policy of the Orderly Sergeant to bring that kit to the Q.M. Stores. An inventory is taken after the second notification of being A.W.L. comes through Part II Orders. We again examine the kit. Everything in his kit bag is taken back into stock and struck off the M.F.C.800. So it isn't charged against him.

Q.99 In this instance, the accused was not on the strength of No. 12 District Depot?
A.99 No, sir.

FIFTH WITNESS (Continued)

Questioned by the Court.

Q.100 You show the accused is deficient one pair of anklets. Will you show me on the M.F.C.800 how you arrive at that?

A.100 This one in the circle. I don't know whether that indicates one has been returned to stores or whether it is an extra issue. It is hard to say what that means.

Q.101 On this sheet, how many pairs of anklets are there?

A.101 Two, sir.

Q.102 You examined the man's kit in the man's presence. Did he produce two pairs of anklets?

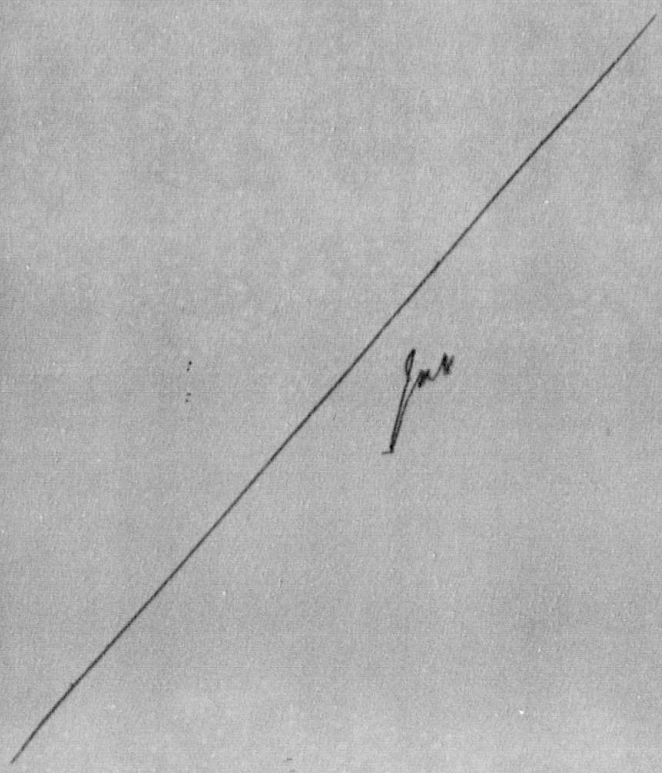
A.102 Only one, sir.

Q.103 In the case of the other articles you show deficient. How did you arrive at the statement that he was deficient--did you take the figure which showed that he was issued with so many, and if he did not produce that number, he was deficient?

A.103 Yes, sir.

In the opinion of the Court, it is not necessary to comply with R.P. 83(b).

The Witness withdraws.



30A

The Defence submits that a prima facie case has not been established by the Prosecution with respect to the Second, Third and Fourth charges.

See document marked "W1".

The Prosecutor replies.

See document marked "W2".

The Defending Officer replies.

See document marked "W3".

The Court is closed to consider their decision.

The Court allows the submission with respect to the Fourth charge, and disallows the submission with respect to the Second and Third charges.

The Court re-opens and announces the decision.

The Court proceeds with the trial.

D

The prosecution is closed.

Defence

Q.104 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.104 *Answer.* No, sir.

Q.105 *Question.* Do you intend to call any other witness in your defence?

A.105 *Answer.* I would like to call Corporal Stoddart,Sir.

Q.106 *Question.* Is he a witness as to character only? *Answer.*

A.106 No,sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

For notation as to the proposed witness Corporal Stoddart, ~~*(Where any evidence is given for the defence.)*~~ See overleaf.

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Q.107 *Question to the accused.* Have you anything to say in your defence?

A.107 *Answer.* The accused in his defence says† See Document marked "W4".

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

The Defending Officer makes a closing address,
(See document marked "W5" attached)

The Prosecutor makes a closing address,
(See document marked"W6" attached).

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

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

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused L.18556 Private Roy John HUBBARD, No. 12 District Depot, C.A. is not guilty of the fourth charge, and is not guilty of desertion but is guilty of absence without leave on the second and third charges, and is guilty of the fifth charge. The finding of not guilty on the fourth charge is read in open Court.

When the Court is already open this sentence will be struck out.

~~Proceedings on Conviction~~ *before Sentence*

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

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

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

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

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

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

Cross-examined by the accused.

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

CC

Proceedings on Plea of Guilty

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

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

The accused L.18556 Private Roy John HUBBARD, No.12 District Depot, C.A. is found guilty of the first charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "Z2", signed by the President, and attached to the proceedings.

Q.108 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.108 No,sir.

Answer. ~~The accused in mitigation of punishment says:~~

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

Instruction.

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

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

Q.109 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A.109 No,sir. *Answer.*

Evidence as to character.

D

The prosecution is closed.

Defence

Q.104 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.104 *Answer.* No, sir.

Q.105 *Question.* Do you intend to call any other witness in your defence?

A.105 *Answer.* I would like to call Corporal Stoddart,Sir.

Q.106 *Question.* Is he a witness as to character only? *Answer.*

A.106 No,sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

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~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Q.107 *Question to the accused.* Have you anything to say in your defence?

A.107 *Answer.* The accused in his defence says† See Document marked "W4".

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

The Defending Officer makes a closing address,
(See document marked "W5" attached)

The Prosecutor makes a closing address,
(See document marked"W6" attached).

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

32

D2

Instruction.
The evidence of the witnesses for the defence, including that of the accused, if he is a witness, will be taken here in the order in which they give evidence.

The Court having already refused an application for adjournment for the purpose of procuring the attendance of the proposed witness Corporal Stoddart, proceed with the trial.

JAH

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

~~Finding*~~

The Court is closed for the consideration of the finding.

The Court find that the accused

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

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

Evidence of character, &c.

Captain J.F.Arnott,M.C., No.12 District Depot, C.A., is duly sworn.

Q.110 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* Yes, I produce M.F.B.355 and M.F.M.6.

A.110

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

Q.111 *Question by the President.*

Is the accused the person named in the statements which you have heard read? *Answer by the Witness.* Yes, Sir.

A.111

Q.112 *Question.*

Have you compared the contents of the above statements with the regimental books? *Answer.* Yes, Sir.

A.112

Q.113 *Question.*

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

A.113

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

Q.114 ~~Question to the accused.~~

A.114 ~~Do you wish to address the Court? Answer.~~

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83b.

Do you wish to address the Court?

I would like to say one more thing. When receiving that 14 days C.B., I also had to wait 62 days under open arrest. That is all, sir.

The Court is closed for the consideration of the sentence.

38

F

Sentence

The Court sentence the accused L.18556 Private Roy John HUBBARD, No.12 District Depot, C.A., to undergo detention for twenty-eight days and to be put under stoppages of pay until he has made good the sum of $14.13 in respect of the costs of apprehensions and returns to his corps and until he has made good the value of the following articles, viz:-

Sentence.

Detention

28 days

Stoppages

1	pr.	Anklets Web	$ .57	$ 3.42
1		Badges, Canada	.05	10.71
1		Badges, Cap	.09	14.13
1		B.D. Blouse	4.12	22.82
1	pr.	B.D. Trousers	4.20	$36.95
1		Blacking, Tin	.05	
1		Boots, Ankle	3.90	
1		Boot, Dressing	.05	
1		Boot Laces	.02	
1		Brushes, Shaving	.30	
1		Brushes, Tooth	.09	
2		Caps, F.S.	1.16	
1		Comb	.04	
1	pr.	Drawers, Woollen	.53	
1	pr.	Drawers, Cotton Short	.24	
1		Fork, Table	.09	
1	pr.	Gloves	.44	
1		Housewife	.51	
1		Jackets, Sweater	1.04	
1		Knives, Table	.18	
2		Shirts, Flannel K.	1.77	
1		Shirts, Service	.63	
1		Shirts, Under Cotton	.30	
1		Shirts, Woollen	.86	
3	pr.	Socks	.81	
1		Sponge, Pipe clay	.02	
1		Spoon, Table	.08	
3		Towels, Hand	.63	
1		Bags Ration	.03	
2		Cloths, Disinfect, F.P.	.02	
			$22.82	

Extracts entered as No. 9969 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 1st day of Sept. 1943

Signed at Regina, Saskatchewan, this 17th day of August 1942.

J.R. Hopkins

J.R. HOPKINS., Lt.Col.
No.12 District Depot, C.A.
President.

I confirm the Finding and Sentence.
Signed at Regina, Saskatchewan, this 25th day of August 1942.

J.H.H. Trudeau

G.A.H. TRUDEAU.,
Brigadier.
District Officer Commanding.
Military District No.12.

Promulgated and Extracts taken at Regina, Saskatchewan, this 25th, day of August 1942.

G. Robinson

(G. Robinson, M.C.), Capt. & Adjt.,
for Officer Commanding,
No.12 District Depot, C.A. (A) Regina.

"X" J.R. Hopkins Lt-Col
President

ORDERS BY Brigadier G.A.H. Trudeau,
District Officer Commanding, M.D. No. 12,
Regina, Sask., August 14th., 1942.

The detail of Officers as mentioned below will assemble at Exhibition Camp, Regina, Sask., on the17th day of August, 1942, at 1000 hours for the purpose of trying by a District Court-Martial the accused person named in the margin (and such other person or persons as may be brought before them.)

L18556 Private Roy John HUBBARD
No. 12 District Depot, C.A.

PRESIDENT:

Lieut.-Col. J.R. Hopkins, D.F.C., E.D., No. 12 District Depot, C.A., is appointed President.

MEMBERS:

Capt. R. G. Wait, No. 32 Coy. C.D.C., C.A.
Lieut. A. G. E. Carter, No. 12 District Depot, C.A.

WAITING MEMBER:

Lieut. (A/Capt.) A. Broughton, No. 120 C.A.(B)T.C., C.A.

PROSECUTOR:

Captain J. F. Arnott, M.C., No. 12 District Depot, C.A.

DEFENDING OFFICER:

Lieut. (A/Capt.) S. Linton, No. 120 C.A.(B)T.C., C.A.

THE FOLLOWING OFFICERS WILL ATTEND FOR INSTRUCTION:

Lieut. J. W. Mooney, Winnipeg Rifle Regt. C. A., Att. No.120 C.A.(B)T.C., C.A., 2/Lieut. N. B. Taylor, "O" Company, C.W.A.C., C.A.

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

The Officer Commanding, No. 12 District Depot, C.A., will arrange for accommodation for the Court and detail clerks and orderlies for duty thereat.

The Proceedings will be forwarded to Headquarters, M.D. No. 12, under CONFIDENTIAL cover, addressed to D.A.A.G., M.D. No. 12.

Signed this 14th day of August, 1942.

(R.C. 1-H-390)

Paul Lambert for
A A Dunn

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

"G" Josephine Lt-Col
President

4/

APPLICATION BY THE DEFENCE FOR ADJOURNMENT
TO PROCURE ATTENDANCE OF A WITNESS.

Address by the Defending Officer:-

I would like to have Corporal Stoddard of the R.C.M.P. at Shaunavon in the Court in regard to his evidence. Corporal Stoddard in his statement of the arrest of Private Hubbard stated that he was wearing civilian clothes. Corporal Stoddard verbally agreed to furnish evidence to the effect that he has seen Private Hubbard on various occasions and he was in uniform and he stated that he was willing to give evidence to that effect.

I tried to get in touch with Corporal Stoddard by telephone but he is on leave at present, somewhere in the Prince Albert district and I was not able to get in touch with him in order to have him give evidence before the Court.

There is very great importance attached to the question as to how the man was dressed in regard to desertion. In some cases, the fact that a man was dressed in civilian clothes was the basis of a conviction. Unless the Court is prepared to accept the word of the accused and the witnesses, then I think we must have Corporal Stoddard here. If the Court is prepared to accept the statement of the accused and the witnesses, I will proceed with the case without Corporal Stoddard's evidence.

"G2"
Mr Hopkins Lt Col
President

APPLICATION BY THE DEFENCE FOR ADJOURNMENT
TO PROCURE ATTENDANCE OF A WITNESS

Reply by the Prosecutor:-

In order to avoid any expense that might be incurred by the accused in producing this witness, the Prosecution has witnesses to the effect that they took the accused from the R.C.M.P., dressed in uniform, which might be used in rebuttal to that statement.

JHH

"H"

Josephine Lt Col
President

45

OPENING ADDRESS BY PROSECUTOR

Gentlemen:-

I shall endeavor to prove through witnesses the following narrative of events which have lead to the preferment of the charges against the accused.

Firstly, I shall show that the accused absented himself without leave from his unit at St. Jerome, Quebec, in May of 1942, and remained absent until he surrendered himself voluntarily to the Sergeant of the Guard at the Exhibition Camp at Regina, Saskatchewan, at 2340 hours on June 2, 1942.

On June 7, 1942, the accused was taken under escort from the Guard Room and delivered over to an N.C.O. at the C.P.R. Depot, at Regina, Sask., and placed on board a train to be returned under escort to his then unit at St. Jerome, Quebec. It would appear that the accused escaped custody whilst en route on June 10, 1942, and remained absent without leave until apprehended by the R.C.M.P. in the Admiral district of Saskatchewan on June 22, 1942, and it appears that the accused at that time was wearing civilian clothes.

The accused was returned to 12th District Depot, C.A., and on July 3, 1942, absented himself without leave whilst in open arrest and remained absent without leave until apprehended by the R.C.M.P. in the Admiral district of Saskatchewan on July 12, 1942, at which time it appears the accused was again wearing civilian clothes.

On being returned to this unit, the 12th District Depot, in the charge of an escort, he escaped from the custody of his escort on July 13, 1942, and remained absent without leave until apprehended in Regina, Sask., July 15, 1942.

I will now ask your permission, Sir, to call my first witness.

Aug. 17th 1942
Regina Sask.

J.H. Arnott Capt.
No. 12 District Depot, C.A.

Exhibit I
Jos Stephens Lt Col
President

47

(1)

RECORD of the Declaration of a Court of Inquiry assembled at St-Jerome, Que. on the 27th day of May 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. L-18556 Pte. Hubbard R., No. 12 D.D. (A) C.A.

DECLARATION

The Court declare that No. L-18556 Pte. Hubbard R., No. 12 D.D. (A)C.A. illegally absented himself without leave C.A. (B) T.C. No. 44. at St-Jerome, Que. on the 5th day of May, 1942, that he is still so absent, and that on the 27th May, 1942, he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE	ARTICLES		VALUE
Clo. Div. "A"			Brasses button	1	0 04
Anklets web	1 prs	0 77	Brushes boot blacking	1	0 15
Gloves woollen khaki	1 prs	0 59	Brushes boot polishing	1	0 15
Clo. Div. "B"			Brushes shaving	1	0 30
Battle Dress blouses	1	5 58	Brushes tooth	1	0 09
Battle Dress trousers	1 prs	5 60	Combs hair	1	0 04
Boots ankle	1 prs	5 20	Forks table	1	0 09
Caps field service	1	0 78	Holdalls	1	0 17
Drawers woollen	1 prs	0 33	Housewives	1	0 51
Jackets sweater	1	1 38	Knives table	1	0 18
Shirts flannel khaki	2	2 34	Razors safety set	1	0 39
Shirts service	1	0 84	Sponges pipeclay	1	0 02
Shirts woollen	1	1 14	Spoons table	1	0 08
Socks	3 prs	1 08	Towels hand	1	0 21
Clo. Div. "C"			Clo. Div. "D"		
Blacking tins	1	0 05	Badges arm "CANADA"	2 prs	0 10
Bootdressing tins	1	0 05	Badges cap	1	0 09
Bootlaces	1 prs	0 02	Section "A-1"		
Braces	1 prs	0 27	Bags ration MK IV	1	0 03
			Haversacks	1	1 75
			Section "A-2"		
			Cloths desracting Recep.	2	0.02
			Total:		$30.43

(Sgd.) R. Dupuis Major President

(Sgd.) C. DeSalaberry Lieut. Member

Signed at St-Jerome, Que.

(Sgd.) J.E.L. Warren Lieut. Member

this 27th day of May 1942.

Signature of Commanding Officer (Sgd.) G. Francoeur Lieut.-Col. O.C., C.A.(B)T.C. No. 44.

Certified true copy J.F.G. Brosseau

Signature of Officer having custody of record

J.F.G. Brosseau Capt., Reg't de Maisonneuve
Adjt., C.A. (B)T.C. No. 44.

N.F.B. 275
A.F.B. 113
50M—9-41 (1909)
H.Q. 1173-30-237

Exhibit "J"
Proceeding Local President

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to ~~xxxxxx~~ Service authorities)

I, Lieut.-Col. B. A. COOKE, No. 12 District Depot, C.A.(A)
(Number) (Rank) (Name) (Unit)

hereby certify that L.18556 Private HUBBARD, Roy John
(Number) (Rank) (Name in full)

of the No. 12 District Depot, C.A., Regina.
(Unit and attachment (if any)

Strike out words not applicable } ~~xxxxxxxxxxxxxxxxxx~~ (surrendered to) L.27297 Sergeant
(Number) (Rank)

DAVIS, Harold, No. 12 District Depot, C.A.(A), Regina.
(Name) (Unit or appointment)

at Regina, Saskatchewan, at 2340 hours
(Place) (Hour)

on the 2nd day of June 1942

as a ~~xxxxxxx~~ (or absentee without leave), and that at the

Strike out words not applicable } time of his arrest he was wearing military ~~xxxxxxxxx~~

uniform ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

DATED AT Regina, Sask. this 11th day of August 1942

B A Cooke
(Signature, Number, Rank, Unit or appointment)
(B. A. Cooke) Lieut.-Col. O.C. No. 12 District Depot

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42 (M1126)
H.Q. 1772-39-1936

Certified true copy.

Captain
(G. Robinson, M.C.)
Officer having charge of records.

#12 DISTRICT DEPOT, CANADIAN ARMY (ACTIVE)
REGINA, SASK.

Last Part II Order #194	DAILY ORDERS PART II	This Part II Order #195
d/13-7-42	Lt.Col. B.A. Cooke	July 14th, 1942.
PAGE ONE	Commanding Officer	PAGE ONE

V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...-

SECTION ONE
H.W.E.STAFF

"A1" Officers and Nursing Sisters

N I L

"B1" Other Ranks

1. FURLOUGH:
L.22003 A/QMS Henning, E.E. Granted furlough with pay from 2200 hrs 15-7-42 to 2200 hrs 29-7-42. (On Sub.)(No Spec. Trans. Warrant issued)

2. LEAVE OF ABSENCE:
The u/m are granted leave of absence with pay from A.D. 11-7-42 to time and dates shown: (On Sub.)
L.55411 Sgt. Kenney, W. to 2359 hrs 15-7-42.
L.27387 A/Cpl. Whittingham, J.P. to 0800 hrs 14-7-42.

3. RETURN FROM LEAVE OF ABSENCE:
The u/m returned from leave of absence at the time and dates shown. (All On Sub.)
L.22785 A/S/Sgt. Bell, R.H. 0800 hrs 13-7-42.
L.8257 Cpl. Dietrich, H.W. 0730 hrs 13-7-42.
L.7011 A/S/Sgt. Portlock, C.M. 0830 hrs 13-7-42.
L.27387 A/Cpl. Whittingham, J.P. 0800 hrs 14-7-42.

4. RETURN FROM FURLOUGH:
L.22405 A/Cpl. Klyne, E.A. Returned from furlough at 2200 hrs 13-7-42. (On Sub.)

"C1" Members C.A.(H.D.)

1. RETURN FROM SICK LEAVE:
L.601385 Pte. Watson, D. Returned from sick leave at 0800 hrs 10-7-42. T.O.R.S. 10-7-42.

"D1" C.W.A.C. Replacements

1. RETURN FROM EXCUSED DUTY AT HOME:
W.12024 Pte. Althouse, B. Returned from excused duty at home at 0800 hrs 13-7-42.

SECTION TWO
REINFORCEMENTS AND ATTACHED PERSONNEL

"A2" Officers & Nursing Sisters

1. ON COMMAND: (Return)
2/Lieut. E.E. Hargreaves Having qualified as a 2/Lieut. R.C.A.P.C., C.A., Ceases to be On Command and attached for all purposes to O.T.C., W.C., Gordon Head, B.C., effective 10-7-42 on return to Depot effective 11-7-42.

2. ON COMMAND:
(a)The u/m are S.O.S. for pay purposes effective 15-7-42 and are On Command and attached for all purposes to O.T.C., W.C., Gordon Head, B.C., effective 16-7-42.

2/Lieut. J.D. Bie
2/Lieut. G.B. MacCoy,
2/Lieut. H.D. Ayers
2/Lieut. H.T. Hargrave
2/Lieut. H.R. Lamberton

(b)
2/Lieut. L.W. Geake — S.O.S. for pay purposes effective 15-7-42 and is On Command and attached for all purposes effective 16-7-42 to O.T.C., Brockville, Ont.

3. SUBSISTENCE ALLOWANCE:
Lieut. G.G. Brown)
Lieut. G.H. MacDonald) — Granted subsistence allowance at the rate of $1.70 per
Lieut. K.I. Jefferson) — diem under the provisions of Art. 199(1)F.R.& I.(Can.) effective 10-7-42. (Auth. D.A.A.& Q.M.G. M.D.#12 letter File R.3-1-9-136 d/13-7-42)

4. RETURN FROM LEAVE OF ABSENCE:
A/Major W.G. Baker — Returned from leave of absence on 14-7-42. (On Sub. Allow.)

"B2" Other Ranks

1. STRENGTH INCREASE: Attestation
(a)The u/m having been attested are T.O.S. #12 Dist. Depot, CAA., as from the dates shown for the Units stated and are T.O.R.S. the same date:

#12 Dist. Depot Gen. List Reinf.

L.101172 Pte. BOAST, Allan Herbert	(S) T.O.S. 11-7-42.	U.C.	A1
L.101170 Pte. BODNARCHUK, William	(S) T.O.S. 11-7-42.	Gr.Orth.	A1
L.101169 Pte. KNUTSON, Allen	(S) T.O.S. 11-7-42.	Luth.	A1
L.101171 Pte. Lloyd, Clifford Edward	(M) T.O.S. 11-7-42.	M.C.	A1
L.101163 Pte. McBride, Malcolm Hughes	(S) T.O.S. 11-7-42.	Bapt.	A1
(L.443005 KORC "R" 1940-1941, 10/2 to date)			
L.101173 Pte. PARSONS, William Robert	(S) T.O.S. 4-7-42.	C.of E.	B1
(L.465400 #120(B)T.C. 22-11-40 to 22-12-40)			
L.101164 Pte. ROULEAU, Joseph	(S) T.O.S. 11-7-42.	R.C.	B1
L.101166 Pte. SYMKO, Michael	(S) T.O.S. 10-7-42.	U.C.	B1
(L.433757 RRR. "R" 28-4-42 to date)			
L.101165 Pte. YAGER, Hugh John	(S) T.O.S. 11-7-42.	U.C.	C1
(L.433877 RRR "R" 11-4-42 to date)			

#1 Base Ord. Depot Serial #1027

L.67012 Pte. DeWOLF, James Delawan	(S) T.O.S. 30-6-42.	Pres.	A1

#78 Coy. V.G.of C.

L.32632 Gdsmn. McCORMICK, Neil Dan	(M) T.O.S. 13-7-42.	R.C.	C2

#12 Dist. Depot Gen. List Reinf.

H.204732 Pte. MILLER, Lawrence Elmer	(S) T.O.S. 7-7-42.	U.C.	A1

(Formerly Served as "R" Rec. #100(B)T.C., 20-5-41 to 8-8-41; #A.6 R.C.E.T.C. from 9-8-41 to 31-10-41; "H.D." from 1-1-41 to 18-6-42 #12A D.D.; #12 D.D. from 19-6-42 to date"H.600862")

(b)
L.76015 Pte. BUCKWOLD, Sidney Labe Having been attested is T.O.S. #12 Dist. Depot,
(M) CAA., effective 8-7-42 as a Prov. Reinf. Officer Cadet for the 29th Quota R.C.A.S.C. T.O.R.S. 8-7-42. (Auth. H.Q.54-27-20-705 F.D.41(Pers.2b1)d/24-6-42 and D.A.A.G. M.D.#12 letter File R.37-B-630 d/8-7-42)

2. STRENGTH INCREASE: Transfer
(a)L.368 Gnr. Read, C.W. — T.O.S. for all purposes on transfer from 8th Cdn. L.A.A. Regt., R.C.A., Sussex, N.B., effective 8-7-42. T.O.R.S. 13-7-42. (Category "C2")

(b)
L.3034 Pte. Clark, W.S. — T.O.S. for all purposes on transfer from #17 C.(MG) T.C., Three Rivers, P.Q., effective 7-7-42. T.O.R.S. 8-7-42. (Cat. "C1")

(CONTINUED NEXT PAGE)

2. STRENGTH INCREASE: (Continued)

(c)
L.64227 Ptel Stach, A.A. — T.O.S. for all purposes on transfer from #3 T.T.C., Montreal, P.Q., effective 10-7-42. T.O.R.S. 14-7-42. (Cat. "C1")

(d)
L.74274 Sgmn. Reynolds, C.A. — T.O.S. for all purposes on transfer from C.S.T.C., Kingston, Ont., effective 9-7-42. T.O.R.S. 13-7-42. (Posted Temporarily to Base Coy.)

3. STRENGTH INCREASE: Desertion
L.18556 Pte. Hubbard, R.J. — T.O.S. for all purposes on return from Desertion from #44 (B)T.C., St. Jerome, P.Q., effective 2-6-42 having voluntarily surrendered to Regina Garrison Guard Commander at 2340 hrs 2-6-42. (Auth. N.D.H.Q. Radio Ranks 2758 d/29-6-42 and D.A.A.G. M.D.#12 letter File R.1-H-390 d/30-6-42)

4. STRENGTH DECREASE: Transfer

(a)
L.101168 A/Cpl. Murchison, G.K. — S.O.S. for all purposes effective 15-7-42 on transfer to 7th Div. Sigs., R.C.C.S., Barriefield, Ont., effective 16-7-42. S.O.R.S. 15-7-42. (Auth. D.A.A.G. M.D.#12 letter File R.S.3-1-5A d/11-7-42)

(b)
L.12036 Pte. MacKay, E.M. — S.O.S. for all purposes effective 15-7-42 on transfer to Dist. Rec. Det., M.D.#12, Regina, effective 16-7-42 S.O.R.S. 15-7-42. (Auth. D.A.A.G. M.D.#12 letter File R.3-1-16-180 d/11-7-42)

5. STRENGTH DECREASE: Discharge
The u/m are S.O.S. for all purposes on discharge Category "E" effective 13-7-42. S.O.R.S. 13-7-42. (Auth. C.A.R.O. #1029(10) and Commanding Officer)

L.2254 Sgt. Campbell, T.H.
L.83 BSM Swaine, C.B.
L.7788 Pte. Simons, H.N.
L.11019 Gnr. Titcombe, W.L.

6. REDESIGNATION:
L.67015 Pte. Buckwold, S.L. — Designated as an Officer Cadet for the 29th Quota R.C.A.S.C., effective 8-7-42. (Auth. H.Q.54-27-20-705 F.D.41(Pers.2b1)d/24-6-42 and D.A.A.G. M.D.#12 letter File R.37-B-630 d/8-7-42)

7. ON COMMAND:
(a)The u/m are S.O.S. for pay purposes effective 15-7-42 and are On Command and attached for all purposes to O.T.C., W.C., Gordon Head, B.C., effective 16-7-42. S.O.R.S. 15-7-42.

L.67015 Pte. Buckwold, S.L.
L.18016 Sgt. Cashman, B.A.W.
L.67006 Pte. Conley, R.
L.67002 Pte. Forsyth, W.A.
P.7222 BSM. McFarlane, K.
L.67003 Pte. Medland, S.L.
L.66500 Pte. Oliver, R.E.
L.100598 Cpl. Shienfield, I.
L.2503 Sgt. Walker, G.R.
L.67008 Pte. Blair, D.G.
L.53102 S/Sgt. Clyde, N.M.
L.2572 Sgt. Dorrow, R.D.(On Sub.)
L.67007 Pte. Lacina, E.J.
L.18003 Bdr. McKinnon, A.B.
L.41798 Pte. Neilson, J.D.
L.67004 Pte. Riecken, T.O.
L.66499 Pte. Tollefson, T.S.
L.67005 Pte. Webb, A.W.
L.2081 Sgt. Farrell, L.W.(On Sub.)

(b)
B.31 Sgt. McKechnie, J.R.A.
C.15605 L/Cpl. Ryan, R.P.
L.59661 Pte. Shaw, D.A.
} S.O.S. for pay purposes effective 15-7-42 and On Command and attached for all purposes to O.T.C., Brockville, Ont., effective 16-7-42. S.O.R.S. 15-7-42.

8. ATTACHMENTS:
L.2772 Sgt. Dorrow, R.D.
L.2081 Sgt. Farrell, L.W.
} Cease to be attached for duty and discipline to #12 Det. R.C.A.F.C., Regina, effective 15-7-42.

Exhibit "K"
Photo in Hed
President

(9)

9. SUBSISTENCE ALLOWANCE:

L.2572 Sgt. Dorrow, R.D.)Cease to draw subsistence allowance at the rate of $1.00
L.2081 Sgt. Farrell, L.W.)per diem under the provisions of Art. 199(1)F.R.& I.(Can.)
effective 15-7-42. (On Command)

10. PROMOTIONS:

L.101168 Pte. Murchison, C.K. Promoted to the Acting rank of Corporal with pay effective 11-7-42. (Auth. H.Q.S.20-4-6-D, H.Q.S. 20-4-25-D MR 1, d/9-7-42 and D.A.A.G. M.D.#12 letter File R.S.3-1-54 d/11-7-42)

11. ESCAPE FROM CUSTODY AND A.W.L.

L.18556 Pte. Hubbard, R.J. Having received authority from D.A.P.M., M.D.#12 (R.1-H-390 d/8-6-42) to despatch the m/n soldier to his Unit, #44(B)T.C., St. Jerome, P.Q., he escaped from custody of escort on 10-6-42, enroute. A.W.L. from 10-6-42, hour unknown. (Auth. D.A.P.M. M.D.#12 letter File R.1-H-390 d/12-6-42)

12. RETURN FROM ABSENT WITHOUT LEAVE:

L.18556 Pte. Hubbard, R.J. Having been apprehended by R.C.M.P. at Admiral Dist., Sask., at 1500 hrs 22-6-42, ceases to be A.W.L. at that date. Returned to Regina by Provost and placed in Giard Room on 23-6-42. T.O.R.S. 23-6-42.

13. RELEASE TO OPEN ARREST:

L.18556 Pte. Hubbard, R.J. Released to Open Arrest at 0945 hrs 1-7-42.

14. ABSENT WITHOUT LEAVE:

L.18556 Pte. Hubbard, R.J. A.W.L. from Open Arrest at 1900 hrs 3-7-42. S.O.R.S. 3-7-42.

14. STRENGTH DECREASE: Transfer

L.51151 Pte. Lizee, F.R. S.O.S. for all purposes effective 15-7-42 on transfer to #A.15 I(A)T.C., Camp Shilo, Man., effective 16-7-42. S.O.R.S. 15-7-42. (Auth. D.A.A.G. M.D.#12 letter File R.37-L-287 d/22-6-42)

15. CLOTHING ALLOWANCE:

The u/m having been discharged under the provisions of C.A.R.O. #1029(10) and having served for the period shown are entitled to clothing allowance of $35.00 in accordance with Art. 187(1) F.R.& I.(Can.)

L.2254 Sgt. Campbell, T.H. Served from 15-2-40 to 13-7-42.
L.7788 Pte. Simons, H.N. Served from 28-2-40 to 13-7-42.
L.83 BSM. Swaine, C.B. Served from 7-9-39 to 13-7-42.
L.11019 Gnr. Titcombe, W.L. Served from 4-9-39 to 13-7-42.

16. REHABILITATION GRANT:

The u/m having been discharged under the provisions of C.A.R.O. #1029(10) and having served for the period shown are entitled to receive payment under the Rehabilitation Act of 30 days pay of rank. (C.A.R.O. #1079)

L.2254 Sgt. Campbell, T.H. Served from 15-2-40 to 13-7-42. ($66.00)
L.7788 Pte. Simons, H.N. Served from 28-2-40 to 13-7-42. ($39.00)
L.83 BSM. Swaine, C.B. Served from 7-9-39 to 13-7-42. ($90.00)
L.11019 Gnr. Titcombe, W.L. Served from 4-9-39 to 13-7-42. ($39.00)

17. ADDRESS ON DISCHARGE:

L.2254 Sgt. Campbell, T.H. Gen. Del., Cancood, Sask.
L.7788 Pte. Simons, H.N. Box 236, Shaunavon, Sask.
L.83 BSM Swaine, C.B. 898 4th Ave. N.E., Moose Jaw, Sask.
L.11019 Pte. Titcombe, W.L. 1425 Ave. "H" N., Saskatoon, Sask.

18.RETURN FROM LEAVE OF ABSENCE.

(a)The u/m returned from leave of absence at 2359 hrs. 12-7-42.
T.O.R.S. date of return.

L.101085 Pte. Bauer, A.
L.101077 Pte. Dolphin, T.
L.101071 Pte. Gottselig, W.
L.101070 Pte. Genge, R.S.
L.101086 Pte. Koshnysh, F.
L.101067 Pte. Mittlested, W.O.
L.101073 Pte. Promhouse, H.J.
L.100947 Pte. Bakken, A.W.
L.101072 Pte. Bachmann, J. J.
L.93678 Pte. Grosenick, A.W.
L.66490 Pte. Gunn, J.
L.101083 Pte. Kolstad, A.H.
L.101082 Pte. Girard, R.R.
L.101081 Pte. Potter, M.L.
L.101069 Pte. Woolsey, M.P.
L.53434 Pte. Kitchen, D.L.(Sub)

(b)
The u/m returned from leave of absence at 2359 hrs. 13-7-42.
T.O.R.S. date of return.

L.101068 Pte. Demecuik, P.W.
L.101075 Pte. Rabski, A.W.
L.66489 Pte. Brunelle, F.O.
L.101074 Pte. Malasky, D.E.
L.101079 Pte. Milne, C.L.

(c)
The u/m returned from leave of absence at the time and dates shown.
T.O.R.S. date of return.

L.101078 Pte. Cummings, H.F. 0800 hrs. 13-7-42.
L.101076 Pte. Beckett, T.L. 0700 hrs. 13-7-42.
L.101058 Pte. Chamberland, J.B. 2359 hrs. 13-7-42.
L.101048 Pte. Hernon, R. 2359 hrs. 13-7-42.
L.25710 Pte. Hyslop, J. 0800 hrs. 13-7-42.
L.54790 Pte. Dagenais, J.E. 0600 hrs. 13-7-42.
L.66391 Pte. Afanasieff, A.A. 2400 hrs. 9-7-42.(Sub)
L.41793 A/Sgt.Neilson, J.D. 0800 hrs. 13-7-42.
L.12019 Sgt.Glew, H.A. 0700 13-7-42.(Sub)
L.101017 Pte. Huston, O.W. 2359 hrs. 10-7-42.
L.101014 Pte. Allan, J.M. 1100 hrs. 9-7-42.
L.101021 Pte. Steele, A.L. 1000 hrs. 9-7-42.
L.66480 Pte. Holoyouk, A. 2359 hrs. 11-7-42.
L.100815 Pte. Barton, H.R. 2359 hrs. 11-7-42.
L.101036 Pte. Pasternak, J. 2359 hrs. 11-7-42.
L.66479 Pte. Polowick, J.M. 2359 hrs. 11-7-42.
L.101029 Pte. Vancott, H.E. 2359 hrs. 11-7-42.
L.101047 Pte. Berlie, M.R. 0700 hrs. 11-7-42.
L.25819 Pte. Hanna, A.M. 1000 hrs. 9-7-42.
L.101003 Pte. Rosenthal, A. 2359 hrs. 9-7-42.
L.101009 Pte. Pinder, H.B. 2359 hrs. 9-7-42.
L.101002 Pte. Still, R. 0700 hrs. 8-7-42.
L.100929 Pte. Cheney, C.P. 0600 hrs. 8-7-42.
L.100999 Pte. Bruce, R.H. 1000 hrs. 8-7-42.
L.100998 Pte. Hancauk, W.E. 2359 hrs. 9-7-42.
L.100993 Pte. McIntyre, F. 2359 hrs. 12-7-42.
L.100964 Pte. Holliday, R.J. 2359 hrs. 7-7-42.
L.100982 Pte. Reznick, R. 2359 hrs. 6-7-42.

(d)
The u/m returned from leave of absence at 2359 hrs. 7-7-42. T.O.R.S. date of return.

L.100992 Pte. Wynes, H.G.
L.100996 Pte. McFall, J.
L.100994 Pte. Banias, M.
L.100997 Pte. Gunderson, R.C.
L.100995 Pte. Yuzichapi, G.
L.101001 Pte. Melnyk, R.

(e)
The u/m returned from leave of absence at 2359 hrs. 6-7-42. T.O.R.S. date of return.

L.100979 Pte. Bartch, E.G.
L.100990 Pte. Ringrose, L.M.
L.100983 Pte. Boyd, C.W.

19. RETURN FROM LEAVE OF ABSENCE(Contd)

(d) The u/m returned from leave of absence at 2359 hrs. 10-7-42. T.O.R.S. date of return.

L.101028 Pte. Meyer, M.W.	L.101027 Pte. Fink, R.R.
L.101038 Pte. Heffer, A.N.	L.101035 Pte. Gilchrist, J.A.
L.101041 Pte. Edgerton, C.H.	L.101032 Pte. Tronsgard, A.
L.101033 Pte. Williams, W.K.	L.101046 Pte. Dokken, C.I.
L.101050 Pte. Flanders, N.L.	L.101037 Pte. Harrison, C.J.
L.101040 Pte. Edmonds, N.L.	L.86485 Tpr. Grant, F.C.
L.101034 Pte. Paul, E.J.	L.101039 Pte. McKenzie, E.A.

(e)
The u/m returned from leave of absence at 2359 hrs. 11-7-42. T.O.R.S. date of return.

L.101059 Pte. Wilson, W.	L.101055 Pte. Grimm, O.N.
L.101063 Pte. Frazer, J.R.	L.66188 Pte. Houston, M.E.
L.86486 Pte. Paulson, O.	L.101062 Pte. Dalgliesh, G.A.
L.101050 Pte. Johnson, E.W.	L.101064 Pte. Diekmann, T.
L.101066 Pte. Truscott, J.I.	

20. RETURN FROM EMBARKATION LEAVE.

The u/m returned from Embarkation Leave at the time and dates hsown. T.O.R.S. date of return.

L.12391 Tpr. Bell, C.	0800 hrs. 7-7-42.
H.19192 Tpr, Harnish, E.E.	2400 hrs. 9-7-42.

21. RETURN FROM DISEMBARKATION LEAVE.

The u/m returned from disembarkation leave at the time and dates shown. T.O.R.S. date of return.

P.7222 BSM McFarlane, K.	0800 hrs. 13-7-42.
B.31 Sgt.McKechnie, J.R.A.	0600 hrs. 13-7-42.
L.18003 A/Sgt.McKinnon, A.B.	0600 hrs. 13-7-42.
L.18016 Sgt. Cashman, B.A.W.	0600 hrs. 13-7-42.

22. BIRTH OF A DEPENDENT.

L.33125 Pte. Brabant, J.A. — DAUGHTER: Shirley Brabant
DATE OF BIRTH: 27-4-42
PLACE OF BIRTH: Saskatoon, Sask.
Birth Certificate Produced.

23. RETURN FROM FURLOUGH.

L.61733 Gnr. Bratton, W.B. — Returned from furlough at 2000hrs. 13-7-42. T.O.R.S. 13-7-42.

24. RETURN FROM DISEMBARKATION LEAVE.

L.6119 Sgt.Corroyer, H.S. — Returned from Disembarkation leave at 0900 hrs. 14-7-42. T.O.R.S. 14-7-42.

25. RETURN FROM EXTENTION OF LEAVE OF ABSENCE.

L.101024 Pte. Brown, G. — Returned from extention of leave of absence at 2359 hrs. 10-7-42. T.O.R.S. 10-7-42.

26. ABSENT WITHOUT LEAVE:

L.74152 Pte. Marz, E.F.	A.W.L. from 0815 hrs. 8-7-42. S.O.R.S. 8-7-42.
L.86675 A/Cpl.Kitar,,W.	A.W.L. from0800 hrs. 9-7-42. While on sick leave. Contd. S.O.R.S.
L.22941 Pte. LaRocque, W.J.	A.W.L. from 0500 hrs. 11-7-42. S.O.R.S. 11-7-42.
L.8304 Pte. Bonneville, J.O.	A.W.L. from 2200 hrs. 10-7-42 While on leave of absence. Contd. S.O.R.S.
L.101060 Pte. Henbid, V.	A.W.L. from 2359 hrs. 11-7-42. While on leave of absence. Contd. S.O.R.S.
L.101031 Pte. Johnson, F.T.	A.W.L. from 2359 hrs. 12-7-42. While on leave of absence. Contd. S.O.R.S.

27 INTER UNIT POSTINGS.

L.101024 Pte. Greenway, C.T.
L.101134 Pte. Ross, G.F.
L.101102 Pte. Vankoughnett, A.G.
) Posted from Gen. Reif. to A.27 CACTC. effective 14-7-42.

28 AMENDMENTS.

Return from sick leave:

Ref. D.O.Pt.II #190 d-9-7-42 para.19 Sec.B2 insofar as it concerns L.85075 A/Cpl.Kitar, W. ""Delete his name from list.""

29 HOSPITAL.

L.101125 Gnr. McLeod, L.L. Admitted to R.M.H. sick 14-7-42. SORS 14-7-42. Trans to R.G.H. 14-7-42.

L.66465 Pte. Reinhoel, G. Admitted to R.M.H. sick 14-7-42.SORS 14-7-42.

L.25024 Spr.Segal, B. Admitted to R.M.H. sick 14-7-42. SORS 14-7-42.

L.101051 Pte. Hurst, G.T.L. Discharged from R.M.H. 14-7-42. TORS 15-7-42.

30 RETURN FROM ABSENT WITHOUT LEAVE.

L.8354 Pte. Bonneville, J.O. Returned from A.W.L. 1800 hrs. 13-7-42. T.O.R.S. 13-7-42.

31 PUNISHMENTS.

(a) L.8354 Pte. Bonneville, J.O. Charged with ABSENTING HIMSELF WITHOUT LEAVE from 2200 hrs. 10-7-42 to 1800 hrs. 13-7-42. A.A.Sec.15(1)
TOTAL TIME ABSENT: 2 days 20 mins.
AWARD: Admonished.
DATE OF AWARD: 14-7-42.
FORFEITURE: 3 days for A.W.L. under Art.149(1)(a) F.R. & I
TOTAL FORFEITURE: 3 days amounting to $3.30.

(b) L.19741 Pte. Abrahamson, O. Att.Dundurn M.Hosp. Charged with ABSENTING HIMSELF WITHOUT LEAVE from 0230 hrs. 12-7-42 to 2330 hrs. 12-7-42.A.A.Sec.15(1)
TOTAL TIME ABSENT: 21 hrs.
AWARD: Admonished.
DATE OF AWARD: 13-7-42.
FORFEITURE: 1 day for A.W.L. under Art. 149(1)(a) F.R. & I.
TOTAL FORFEITURE: 1 day amounting to $1.30.

32 AMENDMENTS.

Strength Increase.

Ref. D.O.Pt.II #189 d-8-7-42 para. 3(c) Sec.B2 insofar as it concerns S.15605 Cpl.Ryan, R.P. Amend rank to read ""L/Cpl"". Auth. Ordnance Depot, Saskatoon, Sask. D.O.Pt.II #10 d-9-7-42.

STRENGTH INCREASE. "C2" Members C.A.(H.D)

L.[illegible]153 Pte. Thome, J. T.O.S. for all purposes effective 9-6-42 from K.O.R.C. Moose Jaw, Sask. while serving sentence of 60 days Civil Custody in Moosomin Common Gaol effective 28-5-42 Not T.O.R.S. Auth. KORC D.O.Pt.II #93 d-31-5-42.

2. STRENGTH DECREASE.

L.600682 Pte. Miller, L.E. — Having enlisted in the Cdn.Army.Active effective 7-7-42 is S.O.S. #12 Dist. Depot, CA. as a member H.D. and #12 N.R.M.A. Clearing Depot effective 6-7-42. S.O.R.S. 6-7-42.

3. AMENDMENTS.

(a) Strength Increase

Ref. D.O.Pt.II #194 d-13-7-42 para. 1 Sec.C2 ""In line two after #12 D.D. C.A. ""Add on return to #12 N.R.M.A. Clearing Depot"".

(b) Hospital, Sick Leave and Sick Leave Allowance.

Ref. D.O.Pt.II #194 d-13-7-42 paras. 2,3 and 4 Sec.C2 ""Delete entire entries"".

RATIONS.

L.600312 Pte. Derzaph, E. — T.O.R.S. and Q from #131 C.A.B.T.C. Camrose, Alta. from 1100 hrs. 4-7-42 to 6-7-42 on return from Seeding Leave.

"D2" R.Recruits.

1. RETURN FROM LEAVE OF ABSENCE.

L.606062 Pte. Crawford, C.G. — Returned from leave of absence at 0600 hrs. 13-7-42. T.O.R.S. 13-7-42.

2. AMENDMENTS.

Detention.

Ref. D.O.Pt.II #188 d-7-7-42 para.1 Sec.D2 Amend Auth to read ""Form S. signed by Officer Commanding, #12 District Depot, CA.

"E2" C.W.A.C. Personnel.

1. ATTACHMENT.

W.12475 Pte. Newman, A. — Attached to #12 Dist.Depot, CA. from "O"Coy C.W.A.C. for duty effective 13-7-42 for Probationary Period.

Major & Adjutant
for O.C.#12 District Depot, CA.

DISTRIBUTION?

Distribution as per distribution list on file.

Certified true copy.

Captain
(G.Robinson, M.C)
Officer having charge of records.

Exhibit "L"
Josephine Le Col
President

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

Strike out words not applicable

I certify that the person whose description is given below was arrested by (~~xxxxxxxxxxxxxx~~) Cst. A. STODDART (Name of Peace Officer or Constable) R.C.M.P. at Admiral District (Place) at 1500 hours (Hour) Sask.

on the 22nd day of June 1942

Strike out words not applicable

and at the time of arrest (~~xxxxxxxx~~) he was wearing ~~xxxxxxxx~~ (~~xxxxxxxxxxxxxxxxxx~~) (dressed in civilian clothes).

Regimental particulars of officer or Soldier referred to above.

(No. L.18556
(Rank Private
(Name HUBBARD, Roy John
(Unit A/44 T.C. St. Jerome, Quebec

Description

(Age 22 years
(Height 5' 7½"
(Complexion Medium (fresh)
(Hair Dark Brown
(Eyes Brown
(Marks Distal Phalanx right thumb amputated following accident.

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

A. Stoddart
(~~xxxxxxxxxxx~~ (constable) (~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ ~~xxxxxxxxxxxx~~ No. 10920 A. Stoddart, Cst. i/c Shaunavon Detachment.

(Strike out words not applicable.

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

Exhibit "M"
Josephine Lecol
President

(11)

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieutenant (Rank) J.H.Littlehales (Name), Ass't. D.S. & T.O., M.D.12 (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~authorized~~ the hereinafter itemized transportation for escort

Complete — to proceed from N/A (Place) to (Place)

and return to for the

Full description of soldier being escorted — purpose of escorting L/18556 Pte.Hubbard, R.J., A44 C.A.(B)T.C.,

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~no transportation required~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
ABSENTEE: L/18556 Pte. Hubbard, R. J., A-44 C.A.(B) T.C., Second Class Transportation, Gull Lake to Regina, T.W.# A 144116	$3.42
RECOVERABLE FROM THE PAY OF: L/18556 Pte. Hubbard, R.J., A-44 C.A.(B) T.C., St. Jerome, P.Q.	
Total	$ 3.42

Dated at Regina, Sask. this 22nd day of June A.D. 19 42

Signature, rank, unit of officer (issuing transport warrants) ~~(authorizing transportation)~~
Strike out description not applicable

Lieut.
Ass't. D.S. & T.O., M.D. No.12

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1461
50M—7-41 (1129)
H.Q. 1722-29-1461

Certified true copy.
[illegible]
12 District Depot.
Officer [illegible]

#12 DISTRICT DEPOT, CANADIAN ARMY (ACTIVE)
REGINA, SASK.

Last Part II Order #186 d/5-7-42 PAGE ONE	DAILY ORDERS PART II Lt.Col. B.A. Cooke Commanding Officer	This Part II Order #187 July 6th, 1942. PAGE ONE

V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...- V ...-

SECTION ONE
H.W.E. STAFF

"A1" Officers and Nursing Sisters

N I L

"B1" Other Ranks

1. FURLOUGH:
The u/m are granted furlough with pay from 2200 hrs 7-7-42 to 2200 hrs 21-7-42.
(On Sub.)(No Spec. Trans. Warrant issued)
L.51306 Pte. Ducharme, R.H.

2. BIRTH OF A DEPENDANT:
L.22427 A/Cpl. Bott, H.J. — SON: Herbert William BOTT
BORN AT: Naicam, Sask.
DATE: 30-4-42
(Birth Cert. Produced)

SECTION TWO
REINFORCEMENTS AND ATTACHED PERSONNEL

"A2" Officers & Nursing Sisters

1. STRENGTH DECREASE:
H/Capt. J.C. Daisley — S.O.S. for all purposes effective 6-7-42 on Posting to Chaplain Pool, M.D.#3, Kingston, Ont., effective 7-7-42. (Auth. H.Q.54-27-68-3(Pers.1C(L))d/23-5-42 and D.A.A.G. M.D.#12 letter File R.37-D-312 d/3-7-42)

2. ATTACHMENTS:
2/Lieut. R.B. Porter — Attached for all purposes except pay to H.W.E. of #122 (B)T.C., Prince Albert, Sask., effective 6-7-42. (Auth. D.A.A.G. M.D.#12 letter File R.37-P-277 d/4-7-42)

3. SUBSISTENCE ALLOWANCE:
(a)
2/Lieut. R.B. Porter — Ceases to draw subsistence allowance at the rate of $1.70 per diem under the provisions of Art. 199(1) F.R.& I.(Can.) effective 6-7-42. (On Attachment)

(b)
H/Capt. J.C. Daisley — Entitled to draw subsistence allowance at the rate of $1.70 per diem under the provisions of Art. 199(1) F.R.& I.(Can.) effective 3-7-42.(Auth. A.A.& Q.M.G. M.D.#12 letter File R.3-1-9-136 d/5-7-42)

(c)
H/Capt. J.C. Daisley — Ceases to draw subsistence allowance at the rate of $1.70 per diem under the provisions of Art. 199(1) F.R.& I.(Can.) effective 6-7-42. (On Posting)

4. CHANGE OF ADDRESS OF NEXT OF KIN:
Lieut. J. Davies — NEW ADDRESS: Suite 33, Wellingdon Apts., Regina, Sask.

5. AMENDMENTS:

Rations Allowance

(a)Ref.D.O.Pt.II #185 d/4-7-42 para 7 Sec. "A2" the date of ceasing should read ""3-7-42.""

Amendments

(b)Ref.D.O.Pt.II #186 d/5-7-42 para 4(b) Sec."A2" AMEND para Reference to read ""para 10.""

6. STRENGTH INCREASE: Records Purposes Only

The u/m Officers are T.O.S. for all purposes on transfer from #12A Dist. Depot, CAA., Saskatoon, Sask., effective 19-6-42. (Auth. #12A D.D. D.O.Pt.II #167 d/18-6-42)

2/Lieut. R.A. Swanson	On Command and attached for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. G.E. Hanson	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. H. Todd	On Comm. & Att. for a/P to O.T.C., Gordon Head, B.C.
Major H.S. Packman	Att. a/p to #9 Det. C.M.S.C., Ottawa, Ont.
2/Lieut. R.D. Archibald	On Comm. & Att. O.T.C., Brockville, Ont. for a/p
2/Lieut. J.M. Moynes	On Comm. & Att. for a/p to O.T.C., Brockville, Ont.
Lieut. H.W. Hadden	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. R.W. McNally	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. R.W. Merrywaether	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. J.M. Bayes	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. A.J.G. Leighton	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. G.C. Scowcroft	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. W.R. Hetherington	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. J.C. Traynor	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. J.K. Frizzell	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
Lieut. R.J. Pulley	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
Lieut. J. Gourlay	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. R.E. Brunnelle	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. E.A. Reid	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
Lieut. J.B. Nicholson	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. W.A. Irvine	On Comm. & Att. for a/p to O.T.C., Gordon Head, B.C.
2/Lieut. J.L. Summers	On Comm. & Att. for a/p to R.C.O.C.T.C., Barriefield, Ont
2/Lieut. W.L. Hutcheon	On Comm. & Att. for a/p to O.T.C., Brickville, Ont.

"B2" Other Ranks

1. STRENGTH INCREASE: Attestation

The u/m having been attested are T.O.S. #12 Dist. Depot, CAA., as from the dates shown for the Units stated and are T.O.R.S. the same date.

#12 Dist. Depot Gen. List Reinf.

L.101061 Pte. CHELLAK, Stephen	(S) T.O.S. 4-7-42.	R.C.	A1
L.101062 Pte. DALGLIESH, Gordon Alexander	(M) T.O.S. 4-7-42.	R.C.	B
L.101060 Pte. HENBID, Victor	(S) T.O.S. 2-7-42.	R.C.	A1
L.101057 Pte. MORK, Orval John	(S) T.O.S. 23-6-42.	Luth.	A1
L.101059 Pte. WILSON, Woodrow	(S) T.O.S. 3-7-42.	U.C.	A1

#12 Dist. Depot to be attached to D.R.O.

L.66486 Pte. PAULSON, Oliver	(S) T.O.S. 4-7-42.	U.C.	C1

2. STRENGTH INCREASE: Transfer

L.17335 Pte. Shevkenek, J. T.O.S. for all purposes on transfer from #A.22 RCAMCTC, Camp Borden, Ont., effective 1-7-42. T.O.R.S. 2-7-42. (For transfer to V.T.S., Saskatoon)

3. STRENGTH DECREASE: Transfer

(a)The u/m are S.O.S. for all purposes effective 6-7-42 on transfer to #27 Coy., V.G.of E., Ozada, Alta., effective 7-7-42. S.O.R.S. 6-7-42. (Auth. D.A.A.G. M.D. #12 letter File R.S.3-1-15E d/4-7-42)

L.32615 Gdsmn. Adams, J.B.	L.32524 Gdsmn. Fletcher, J.R.
L.32526 Gdsmn. Howey. G.H.	L.32614 Gdsmn. Maxwell, L.
L.32616 Gdsmn. Scott, W.J.	L.32530 Gdsmn. Silver, W.J.

(CONTINUED NEXT PAGE)

3. STRENGTH DECREASE: (Continued)

(b)

L.17335 Pte. Shevkenok, J. S.O.S. for all purposes effective 3-7-42 on transfer to V.T.S., CAA., Saskatoon, Sask., effective 4-7-42. S.O.R.S. 3-7-42.

(c)

L.21081 Cpl. Hagan, M.C. Ceases to be attached for a/p except pay and is S.O.S. #12 Dist. Depot, CAA., effecitve 30-6-42 on transfer to Maple Creek Military Hospital, R.C.A.M.C., Maple Creek, Sask., effective 1-7-42. Not S.O.R.S. (Auth. D.A.A.G. M.D.#12 letter File R.1-H-464 d/3-7-42)

4. STRENGTH DECREASE: Discharge

L.41562 Spr. Sulik, P. S.O.S. for all purposes on discharge Category "E" effective 3-7-42. S.O.R.S. 3-7-42. (Auth. C.A.R.O. #1029(10) and Commanding Officer)

5. ATTACHMENTS:

L.51503 Pte. Fairbairn, C.B. Ceases to be attached for all puroses except duty & discipline effective 3-7-42 on proceeding with Unit, 26th Fld. Coy., R.C.E., to Chilliwack, B.C., effective 4-7-42. (On Sub.)(Auth. 26th Fld. Coy., D.O.Pt.II #2 d/4-7-42)

6. SUBSISTENCE ALLOWANCE:

(a)

L.51503 Pte. Fairbairn, C.B. Ceases to draw subsistence allowance at the rate of $1.00 per diem under the provisions of Art. 199(1) F.R.& I.(Can.) effective 3-7-42. (On ceasing to be att. for a/p)

(b)

L.66478 Pte. Shaw, R.M. Granted subsistence allowance at the rate of $1.00 per diem under the provisions of Art. 199(1)F.R.& I.(Can.) effective 1-7-42. S.O.R.S. 30-6-42. (Auth. A.A.& Q.M.G. M.D.#12 letter File R.3-1-9-136 d/5-7-42)

(c)

L.100817 Pte. Parker, W.J. Granted subsistence allowance at the rate of $1.00 per diem under the provisions of Art. 199(1)F.R.& I.(Can.) effective 16-6-42 and ceases effective 30-6-42 on transfer. (15 days)($15.00)(Auth. A.A.& Q.M.G. M.D.#12 letter File R.3-1-9-136 d/4-7-42)

7. CLOTHING ALLOWANCE:

L.41562 Spr. Sulik, P. Having been discharged under the provisions of C.A.R.O. #1029(10) and having served for the period 8-7-41 to 3-7-42 is entitled to clothing allowance of $35.00 in accordance with Art. 187(1)F.R.& I.(Can.)

8. REHABILITATION GRANT:

L.41562 Spr. Sulik, P. Having been discharged under the provisions of C.A.R.O. #1029(10) and having served for the period 8-7-41 to 3-7-42 is entitled to receive payment under the Rehabilitation Act of 30 days pay of Rank. ($39.00)(Auth. C.A.R.O. #1079)

9. ADDRESS ON DISCHARGE:

L.41562 Spr. Sulik, P. Gen. Del., Shipman, Sask.

10 LEAVE OF ABSENCE RETURNED

(a) The u/m returned from Leave of Absence at the time and date shown. T.O.R.S. date of return.

L.22166 Sigmn. Johnson, K.A.	0600 hrs. 3-7-42.
L.27579 Cpl. Milton, J.A.	2359 hrs. 5-7-42 (On Sub.)
L.32525 Gdsm. Thompson, J.W.	2359 hrs. 5-7-42.
L. 8322 Pte. Belliveau, L.A.	2359 hrs. 5-7-42.
L.66476 Pte. Scamahorn, H.D.	2359 hrs. 5-7-42.
L.100980 Pte. Gillings, S.W.	2359 hrs. 5-7-42.
L.36624 Pte. Nicholson, A.	2200 hrs. 5-7-42.
L.100960 Pte. Johnson, F.	2359 hrs. 4-7-42.
L.66472 Pte. Malt, B.	
L.32534 Gdsm. Barnett, E.T.	2359 hrs. 4-7-42.
L.100962 Pte. Wilgan, M.J.	2359 hrs. 5-7-42.
L.100958 Pte. Sutherland, J.M.	2359 hrs. 5-7-42.
L.100963 Pte. Kolimisk, N.	2359 hrs. 5-7-42.
L.100973 Pte. Hill, G.F.	2359 hrs. 5-7-42
L.100972 Pte. Ellis, S.J.	2359 hrs. 5-7-42.
L.100957 Pte. Bjork, E.E.	2359 hrs. 5-7-42.
L.100959 Pte. Bodnar, W.	2359 hrs. 5-7-42.

(b)
The u/m returned from Leave of Absence at 2359 hrs. 3-7-42. T.O.R.S. date of return.

L.100949 Pte. Dament, J.W	L.100920 Pte. Doyle, C.G.
L.100890 Pte. Edwards, A.L.	L.100903 Pte. Halterman, L.J.
L.100946 Pte. Marlatt, G.A.	L.100952 Pte. Slobeda, J.
L.100901 Pte. St.John, G.L.	L.100913 Pte. Van Allen, V.W.
L.100925 Pte. Voll, F.N.	L.100870 Pte. Will, R.T.
L.100927 Pte. Wagner, A.J.	L.100909 Pte. Petruic, D.
L.100871 Pte. Cej, P.	L.100862 Pte. Froom, G.E.
L.100869 Pte. Nelson, E.	L.100921 Pte. McNernie, L.
L.100857 Pte. Crowson, E.W.	L.100887 Pte. Logan, E.C.
L.100868 Pte. Lane, J.	L.100893 Pte. Lizee, R.J.
L.100924 Pte. Gardiner, M.E.	L.100936 Pte. Grindley, R.H.
L.100889 Pte. Madden, A.K.	L.100905 Pte. Huston, T.E.
L.100923 Pte. Engler, S.	L.100930 Pte. Erickson, L.E.
L.66460 Pte. Erickson, A.L.	L.100890 Pte. Edwards, A.L.
L.100860 Pte. Chartrand, B.J.	L.100931 Pte. Crosby, N.E.
L.66467 Pte. Cameron, D.	L.66469 Pte. Cross, W.L.
L.100928 Pte. Braconnier, M.E.	L.100917 Pte. Stepenko, P.
L.100919 Pte. Shoquist, J.A.L.	

(c)
The u/m returned from Leave of Absence at the time and date shown. T.O.R.S. date of return.

L.100932 Pte. Bazylinski, S.	2359 hrs. 4-7-42.
L.100898 Pte. Best, R.J.	2359 hrs. 4-7-42.
L.100951 Pte. Fraser, A.R.	2359 hrs. 4-7-42.
L.100948 Pte. Holaday, J.L.	2359 hrs. 4-7-42.
L.100933 Pte. McRitchie, O.J.D.	2359 hrs. 4-7-42.
L.100954 Pte. Smelt, A.H.	2359 hrs. 4-7-42.
L.100953 Pte. Walde, R.E.	2359 hrs. 4-7-42.
L. 9517 Pte. Brink, R.M.	0900 hrs. 2-7-42. (On Sub)
L.22618 Pte. (A/Cpl) Lund, P.I.	2359 hrs. 4-7-42. (on Sub.)
L.27202 Pte. (a/L/Cpl.) Weekes, S.C.E.	0300 hrs. 3-7-42. (on Sub.)
L.100865 Pte. Gagnon, L.	2359 hrs. 4-7-42.
L.100881 Pte. Ryckman, F.	2359 hrs. 2-7-42.
L.100945 Pte. Buckberger, H.A.	2359 hrs. 4-7-42.
L.100900 Pte. Cumming, G.B.	0300 hrs. 4-7-42.
L.66466 Pte. Coulsey, J.A.	2359 hrs. 5-7-42.
L.100892 Pte. Moisan, J.M.	1800 hrs. 4-7-42.
L.32531 Gdsm. McIntosh, J.F.	2359 hrs. 5-7-42.
L.100876 Pte. Rabbetz, M.	2359 hrs. 3-7-42.
L.100152 Pte. (A/L/Cpl.) Swarbrick, C.	0000 hrs. 4-7-42.

11. LEAVE OF ABSENCE

(a) The u/m are granted Enlistment Leave with pay from A.D. 4-7-42 to 2359 hrs. 6-7-42. S.O.R.S. date of departure.

L.101019 Pte. Johnson, E.A.
L.101025 Pte. Orsen, L.
L.101018 Pte. Didluck, P.
L.101013 Pte. Fowles, F.G.
L.101026 Pte. Reynoldson, M.
L.101022 Pte. Thauberger, J.
L.66475 Pte. Boyko, M.W.
L.101020 Pte. Brown, H.K.
L.101010 Pte. McLeod, A.C.
L.101023 Pte. Strobel, R.
L.101015 Pte. Dauphinais, S.H.
L.101016 Pte. May, R.B.
L.101011 Pte. Hutchinson, A.M.
L.101012 Pte. Guthrie, A.F.
L.100814 Pte. Bain, C.J.
L.92117 Gnr. Brunner, F.A.
L.101024 Pte. Brown, G.

(b)
The u/m are granted Enlistment Leave with pay from the time and date shown. S.O.R.S. date of departure.

L.101017 Pte. Huston, O.W. — 0800 hrs. 6-7-42 to 2359 hrs. 10-7-42.
L. 101014 Pte. Allan, J.M. — A.D. 4-7-42 to 1100 hrs. 9-7-42.
L.101021 Pte. Steele, A.L. — A.D. 4-7-42 to 1000 hrs. 9-7-42.

(c)
The u/m are granted Leave of Absence with pay from the time and date shown. S.O.R.S. date of departure.

L.74768 Pte. Ward, E.R. — 1200 hrs. 3-7-42 to 2359 hrs. 7-7-42.
L.532520 Spr. Wald, J. — A.D. 3-7-42 to 0600 hrs. 6-7-42.
L.32532 Pte. Thomas, — A.D. 27-6-42 to 2359 hrs. 1-7-42.
L. 2254 Sgt. Campbell, P.H. — 1800 hrs. 2-7-42 to 2359 hrs. 7-7-42.

12. ABSENT WITHOUT LEAVE

L.74755 Pte. Curly, C. — A.W.L. from 0815 hrs. 2-7-42
L.100971 Pte. McLeod, D.C. — A.W.L. from 2359 hrs. 4-7-42 (while on leave)
(while on leave)
L.41862 Pte. St. Hilaire, L.V. — A.W.L. from 0815 hrs. 5-7-42.

13. BIRTH OF A DEPENDENT

L.28192 Rfn. Poitras, J. — Born: SCN
Date of Birth: 13-6-42.
Name: Donald Joseph Poitras.
(Birth certificate produced)

14. AMENDMENTS

(a) Amendment
Ref. D.O. Part II #186 d-5-7-42 Para 13(a) Sec. B2, Para reference should read ""2(d)"".

(b) Leave of Absence
Ref. D.O. Part II #180 d-29-6-42 Para 19(c) Sec. B2 insofar as it concerns L.100901 Pte. St. John, G.L. ""Delete his name from the list.""

(c) Clothing Allowance
Ref. D.O. Part II #184 d-3-7-42 Para 13(a) Sec. B2 insofar as it concerns L.65272 Gnr. Bowie, H.G. amend dates to read ""21-4-42 to 2-7-42"" and amount ""$17.00.""

(d) Rehabilitation
Ref. D.O. Part II #184 d-3-7-42 Para 14 Sec. B2 insofar as it concerns L.65272 Gnr. Bowie, H.G. ""Delete the entry.""

15. SICK AT HOME

L.100853 Pte. Gerrell, G. — Sick at home from 2359 hrs. 4-7-42 while on leave of absence. Continued S.O.R.S.

16. LEAVE OF ABSENCE

a) The u/m are grnated Enlistment Leave with pay from A.D. 6-7-42 to 2359 hrs. 10-7-42. S.O.R.S. date of departure.

L.101028 Pte. Meyer, M.W.
L.101038 Pte. Heffer, A.N.
L.101044 Pte. Edgerton, C.H.
L.101033 Pte. Williams, W.K.
L.101030 Pte. Flanders, D.H.
L.101040 Pte. Edmonds, N.L.
L.101034 Pte. Paul, E.J.
L.101027 Pte. Fink, R.A.
L.101035 Pte. Gilchrist, J.A.
L.101032 Pte. Tronsgard, A.
L.101046 Pte. Dokken, C.I.
L.101037 Pte. Harrison, C.J.
L.66485 Tpr. Grant, F.C.
L.101039 Pte. McKenzie, E.A.

(b)
The u/m are granted Enlistment Leave with pay from the time and date shown. S.O.R.S. date of departure.

L.101031 Pte. Johnson, F.T. — 0800 hrs. 8-7-42 to 2359 hrs. 12-7-42.
L.66480 Pte. Holoyouk, A. — 0900 hrs. 7-7-42 to 2359 hrs. 11-7-42.
L.100815 Pte. Barton, H.R. — 0700 hrs. 7-7-42 to 2359 hrs. 11-7-42.
L.101036 Pte. Pasternak, J. — A.D.7-7-42 to 2359 hrs.11-7-42.
L.66479 Pte. Polowick, J.M. — 0700 hrs. 7-7-42 to 2359 hrs. 11-7-42.
L.101029 Pte. Vancott, H.E. — 0700 hrs. 7-7-42 to 2359 hrs. 11-7-42.
L.101047 Pte. Berlie, M.R. — A.D.6-7-42 to 0700 hrs.11-7-42.

17. FURLOUGH

The u/m are grnated Furlough with pay from 2200 hrs. 7-7-42 to 2200 hrs. 21-7-42. S.O.R.S. date of departure.

L. 9828 Pte. Hodge, J.J.
L.64131 Pte. Loucks, J.A.
L.51357 Pte. Mossington, P.H. (On Sub.)
L.51419 A/L/Cpl. Novits, L.J. Special Warrant No. A 128171 (On Sub)

18. FURLOUGH RETURNED

The u/m returned from Furlough at the time and date shown. T.O.R.S. date of return.

L.51500 Pte.(A/Cpl.) Hungle, R.E. — 2200 hrs. 5-7-42.
L.51470 Pte. Bowman, T.P. — 2200 hrs. 4-7-42.

19. RELEASE FROM DETENTION

L.110256 Pte. Morin, E.
L.110265 Pte. Katchich, J.
released from detention at 1400 hrs. 4-7-42 T.O.R.S. 5-7-42.

20. REMISSION OF SENTENCE

L.74107 Pte. Peters, L.H. — Having been awarded 28 days detention 11-6-42 and having been released 4-7-42 is entitled to 4 days remission of sentence and pay accordingly. Auth: M.F.M. 200 d-4-7-42.(Dundurn Detention Barracks)

21. HOSPITAL.

L.1180 CSM Fleming, G — Discharged from Melfort Gen.Hospital 2-7-42.REporting to V.T.S. Saskatonn, Sask. 4-7-42. Not T.O.R.S.

22. SICK LEAVE.

L.1180 CSM Fleming, C. — Granted sick leave with pay from 5-7-42 to 10-7-42(inclusive) Auth. M.F.B.(V.T.S. Saskatoon, Sask)292 d-6-7-42.

23. SICK LEAVE ALLOWANCE.

L.1180 CSM Fleming, C. — Entitled to sick leave allowance at the rate of $1.00 per diem for the period of authorized sick leave under the provisions of Art.200(1) P.R. & I.
(5-7-42 to 10-7-42)(6days)($6.00)

Exhibit "N" Joseph Lt Col President (12)

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#12 District Depot, Regina, Sask.

 This Part II Order #187 d-6-7-42.

24. ABSENT WITHOUT LEAVE.

L.18556 Pte. Hubbard, R.J. A.W.L. from 1900 hrs. 3-7-42. S.O.R.S. 3-7-42. (To be republished in D.O.Pt.II of A&A CABTC St.Jerome, P.Q.)

25. RATIONS.

(a) L.8112 Pte. McDowell, J.R. T.O.R.S. and Q effective 1-7-42 on return from RCASC 65th Trans. Coy. Camp Borden, Ont. Cat."E". Auth. DAAG M.D. #12 Letter File R.1-Mc-247 d-3-7-42.

(b)
M.11218 A/L/Cpl Lupul, N.J.) T.O.R.S. and Q from #43 Provost Coy.
L.55241 Pte. Rempel, I.) CPC effective 4-7-42 Auth. DAAG M.D.#12 Letter File R.1-L-247 and R.1-R-316 d-4-7-42.

(c) L.287 Gnr. Johnson, L.J.K. T.O.R.S. and Q effective 2115 hrs 5-7-42 while A.W.L. from 110 Fd.Bty R.C.A. Sussex, N.B.

26. RETURN FROM ABSENT WITHOUT LEAVE.

L.100866 Pte. Adams, P.C. Returned from A.W.L at 0605 hrs. 5-7-42 T.O.R.S. 5-7-42.

L.54584 Pte. Hall, J.R. Returned from A.W.L. at 0500 hrs. 6-7-42 T.O.R.S. 6-7-42.

L.22941 Pte. LaRocque, W.J. Returned from A.W.L. at 1100 hrs. 5-7-42 T.O.R.S. 5-7-42.

L.100899 Pte. Schlotter, E.J. Returned from A.W.L. at 0740 hrs. 2-7-42. T.O.R.S. 2-7-42.

L.1137 Pte. Willis, R.W. Returned from A.W.L. at 2115 hrs. 5-7-42 T.O.R.S. 5-7-42.

27. PUNISHMENTS

(a) L.100866 Pte. Adams, P.C. Charged with ABSENTING HIMSELF WITHOUT LEAVE from 2359 hrs. 1-7-42 to 0605 hrs. 5-7-42. A.A. Sec. 15(1).
TOTAL TIME ABSENT: 3 days 6 hrs. 6 mins.
AWARD: 2 days C.B.
DATE OF AWARD: 6-7-42.
FORFEITURE: 4 days for A.W.L. under Art.149 (1)(a)F.R. & I.
TOTAL FORFEITURE: 4 days amounting to $5.20.

(b) L.54584 Pte. Hall, J.R. Charged with ABSENTING HIMSELF WITHOUT LEAVE from 0815 hrs. 1-7-42 to 0500 hrs. 6-7-42. A.A. Sec. 15(1)
TOTAL TIME ABSENT: 4 days 20 hrs. 45 mins.
AWARD: 4 days C.B.
DATE OF AWARD: 6-7-42.
FORFEITURE: 5 days for A.W.L under Art.149 (1)(a) F.R.& I.
TOTAL FORFEITURE: 5 days amounting to $6.50.

(c) L.22941 Pte. LaRocque, W.J. Charged with ABSENTING HIMSELF WITHOUT LEAVE from 0815 hrs. 4-7-42 to 1100 hrs. 5-7-42. A.A. Sec. 15(1).
TOTAL TIME ABSENT: 1 day 2 hrs. 45 mins.
AWARD: 4 days C.B.
DATE OF AWARD: 6-7-42.
FORFEITURE: 2 days for A.W.L. under Art.149 (1)(a)F.R. & I.
TOTAL FORFEITURE: 2 days amounting to $2.60.

27. PUNISHMENTS (Cont.)

(d) L.100899 Pte. Schlotter, E.J. Charged with ABSENTING HIMSELF WITHOUT LEAVE from 2359 hrs. 1-7-42 to 0740 hrs. 2-7-42. A.A. Sec. 15(1)
TOTAL TIME ABSENT: 7 hrs. 41 mins.
AWARD: 2 days C.B.
DATE OF AWARD: 6-7-42.
FORFEITURE: 1 day for A.W.L. under Art. 149 (1)(a) F.R. & I.
TOTAL FORFEITURE: 1 day amounting to $1.30.

(e) L. 1137 Pte. Willis, R.W. Charged with ABSENTING HIMSELF WITHOUT LEAVE from 0815 hrs. 2-7-42 to 2115 hrs. 5-7-42. A.A. Sec. 15(1)
TOTAL TIME ABSENT: 3 days 13 hrs.
AWARD: 4 days C.B.
DATE OF AWARD: 6-7-42.
FORFEITURE: 4 days for A.W.L. under Art.149 (1)(a) F.R. & I.
TOTAL FORFEITURE: 4 days amounting to $5.20.

28. HOSPITAL

(a) The u/m were admitted to R.M.H. sick unless otherwise shown effective dates shown. S.O.R.S. date of admitt ance.

L. 2693 Pte. Lowe, E. 2-7-42.
L.100926 Pte. Nofield, G.A. 3-7-42.
L.100921 Pte. McNernie, L. 4-7-42.
L.100941 Pte. Kendel, J.C. 4-7-42.
L.110356 Pte. Wickstrom, R. 4-7-42.
L.17689 Pte. Demerais, L.R. 6-7-42.
L.36503 Pte. Bjola, G.V. 2-7-42. (N.Y.D.) May become liable to Hosp. Stoppages of pay.
L.74954 Pte. Nicholls, P.R. 2-7-42.

(b) The u/m were transferred from R.M.H. to R. Gen. Hosp. effective 4-7-42.
L.110356 Pte. Wickstrom, R. L.86955 Pte. Betchauer, J.

(c)
L. 9372 Spr. Bell, H.W. Discharged from R. G. H. 4-7-42. T.O.R.S. 5-7-42.

29. EXTENSION OF LEAVE

L.101024 Pte. Brown, G. Granted extension of leave of Absence with pay from 2359 hrs. 8-7-42 to 2359 hrs. 10-7-42. Cont'd. S.O.R.S.

C2 Members C.A.(H.D.)

1. AMENDMENTS
(a) Clothing Allowance
Ref. D.O. PartII #186 d-5-7-42. Para 5 Sec. C2 insofar as it concerns L.602885 Pte. Labanowich, J. Amend dates to read ""8-1-42 to 4-7-42."" and amount to read ""$17.00.""
(b) Rehabilitation Grant.
Ref. D.O. Part II #186 d-5-7-42 Para 6 Sec. C2""Delete entire entry.""
(c) Strength Decrease (Transfer)
Ref. D.O. Part II #186 d-5-7-42. Para 3 Sec. C2 "" Delete the entire entry.""
(d) Rations
Ref. D.O. Part II #183 d-2-7-42 Para 3(a) Sec. C2 insofar as it concerns H.600682 Spr. Miller, L.E. ""Delete his name from list.""

2. STRENGTH DECREASE (Transfer)
The u/m are S.O.S. for all purposes effective 6-7-42 on transfer for all purposes to #11 Aeredrome Defence Platoons, Dundurn Rng. Area effective 7-7-42. S.O.R.S. 6-7-42. Authority:D.O.C's Rep. M.D. 12 Letter file R.1-1-23-8 d-4-7-42.
L.601275 Pte. Davies, R. L.601230 Pte. Derkacts, S.
L.601018 Pte. De Vreese, P. L.601275 Pte. Dolha, J.A.
L.600734 Pte. Ell, T.J. L.600638 Pte. Grace, A.J.
L.600992 Pte. Novakowski, E.J.

3. STRENGTH DECREASE (Discharge)
L.602579 Pte. Boychuk, N.) SOS for all purposes on discharge Cat.
L.603086 Pte. Monette, A.J.) "E" effective 4-7-42. S.O.R.S. 4-7-42.
Authority: C.A.R.O. 1029 (10) and O.C.

4. CLOTHING ALLOWANCE
The u/m having been discharged under the provisions of C.A.R.O. 1029 (10) and having served for the period shown are entitled to Clothing Allowance in the amount stated under the provisions of Art. 187(1) F.R. & I.
L.602579 Pte. Boychuk, N. 15-12-41 to 4-7-42.($35.00)
L.603086 Pte. Monette, A.J. 5-2-42 to 4-7-42 ($17.00)

5. REHABILITATION GRANT
L.602579 Pte. Boychuk, N. having been discharged under the provisions of C.A.R.O. 1029 (10) and having served for the period of 15-12-41 to 4-7-42 is entitled to Rehabilitation under the Rehabiliatation Act of 30 days pay of rank. ($39.00)
Auth: C.A.R.O. 1079.

6. ADDRESS ON DISCHARGE
L.602579 Pte. Boychuk, N. Box 32, Stenen, Sask.
L.603086 Pte. Monette, A.J. Gen. Del. Lac Pelletier, Sask.

7. ATTACHMENTS
H.600682 Spr. Miller, L.E. Ceases to be On Command and attached for all purposes except pay to H.Q. Staff, Dundurn and is T.O.R.S. 2-7-42 on return to #12 Dist, Depot. CA.

8. HOSPITAL
L.532384 Pte. Bjerkness, F.A. Admitted to R.M.H. sick 2-7-42 S.O.R.S. 2-7-42.
L.533163 Pte. Langlois, G. Admitted to R.M.H. sick on 3-7-42. S.O.R.S 3-7-42.

#12 District Depot, Regina, Sask.
This Part II Order #187, d-6-7-42.

9. STRENGTH INCREASE (Transfer)

(a) M.601835 Pte. Ricard, C. T.O.S. for all purposes on transfer from K.O.R.C. Terrace B.C. effective 9-6-42. (While in Providence Hospital Moose Jaw, Sask.) Not T.O.R.S.

(b) L.603107 Pte. Seckinger, A.F. T.O.S for all purposes on transfer from K.O.R.C. Terrace B.C. effective 9-6442. T.O.R.S. 10-6-42. Posted to Base Coy

10. ATTACHMENTS.

H.600995 Spr. Gagne, M. Ceases to be attached for all purposes except pay effective 6-7-42 on return to 22nd Fd.Coy. R.C.E. Dundurn, Sask. effective 7-7-42. S.O.R.S. 6-7-42. Auth. DAAG M.D.#12 Letter File R.20-2-40 d-4-7-42.

1. ATTACHMENTS. "D2" R. Recruits.

L.603594 Pte. Pander, M.F. Attached for all purposes from #12 N.R.M.A Clearing Depot effective 1-7-42 on ceasing to be attached to 102nd (NBC) Hy.Bty.R.C.A. Prince Rupert, B.C. effective 30-6-42. T.O.R.S. 4-7-42. Cat."E".

2. RATIONS.

L.603391 Pte. Schopf, L.F. T.O.R.S. and Q on return from A.W.L. effective 4-6-42 having been apprehended by R.C.M.P. at Glen Elder, Dist. Sask. at 2000 hrs. 2-7-42. T.O.R.S. 4-7-42. (For Att. of P.A. Vol. Vernon B.C.)

3. RELEASE FROM DETENTION.

H.600307 Spr. Andruniak, J. Released from Detention at 1400 hrs. 4-7-42. T.O.R.S. 5-7-42.

Major & Adjt.
for O.C. #12 District Depot, CA.

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Regina, Sask.

Last Part II Order #212
d-31-7-42.
Page One.

DAILY ORDERS PART II
Lt. Col. B.A.Cooke
Commanding Officer

This Part II Order #213
d-1-8-42
Page One.

SECTION ONE
H.W.E. STAFF

"A1" Officers and Nursing Sisters.

N I L

"B1" Other Ranks.

1.ON COMMAND.
L.12360 C.S.M.Hanson, N.T. — Proceeded On Command with Draft to Chilliwack, B.C. effective 0930 hrs. 27-7-42. and returned at 0820 hrs. 31-7-42.(Sub)

2.LEAVE OF ABSENCE.
The u/m are granted leave of absence with pay from the time and dates shown S.O.R.S. date of departure.
L.53612 A/Cpl. GARNER, F.W. — 1530 hrs. 31-7-42 to 0600 hrs. 3-8-42.
L.7196 A/CSM Palmer, W.H. — A.D. 30-7-42 to 0600 hrs. 5-8-42.

3.FURLOUGH.
The u/m are granted furlough with pay from 2200 hrs. 2-8-42 to 2200 hrs. 16-8-42. S.O.R.S. date of departure.
L.12360 C.S.M. Hanson, N.T.
L.26116 Pte. MORRIS, P.P. (Sub)
L.7322 A/Cpl.Moore, M.T.H.
L.7011 A/S/Sgt.Portlock, C.M.

4.REVERSION OF RANK.
The u/m revert to their permanent grade of Private effective dates shown. Auth. Comanding Officer.

L.101078 A/Cpl. Cummings, H.F.	31-7-42.
L.97003 A/Cpl. Fetch, C.	31-7-42.
L.101098 A/Cpl. Horsley, B.	28-7-42.
L.64121 A/Cpl. Mowles, R.A.	31-7-42.
L.101084 A/Cpl.Adair, G.W.	31-7-42.
L.59775 A/Cpl. Novak, J.N.	31-7-42.
L.101205 A/Cpl.Armatage, L.C.	28-7-42.
L.101179 A/Cpl. Ballendine, T.G.	31-7-42.
L.2116 A/Cpl. Derkson, E.C.	31-7-42.

5.INTER UNIT POSTINGS.
a)The u/m personnel are posted from H.W.E. to Gen.Reinforcements effective 31-7-42.
L.101078 Pte.CUMMINGS, H.F.
L.64121 Pte. MOWLES, R.A.
L.59775 Pte. NOVAK, J.N.
L.2116 Pte. DERKSON, E.C.
L.97003 Pte. Fetch, C.
L.101084 Pte. ADAIR, G.W.
L.101179 Pte. Ballendine, T.G.
(b)
The u/m are posted from H.W.E. to Gen. Reinforcements effective 28-7-42.
L.101098 Pte. Horseley, B.
L.101205 Pte. Armatage, L.C.

Certified True Copy.
Group Adjutant.
12 District Depot, C.A.A.
Officer i/c Regimental Records

SECTION TWO.
REINFORCEMENT AND ATTACHED PERSONNEL

"A2" Officers and Nursing Sisters.

1.ATTACHMENTS.

Major D.G. SCOTT CALDER — Detailed for duty to #121 C.A.(B) T.C. effective 31-7-42. S.O.R.S. 31-7-42. (Auth. D.A.A.G. Letter File R.37-S-38 d-28-7-42.)

2.RETURN FROM LEAVE OF ABSENCE.

2nd Lieut B.E.M.EISLER — Returned from leave of absence 29-7-42. T.O.R.S. 29-7-42.

3.SPECIAL TRANS.WARRANT.

Capt.M.RUBIN — Granted Special Trans. Warrant #A.128328.

"B2" Other Ranks.

1.STRENGTH INCREASE(Transfer)

(a)L.36954 Pte. SCOTT, C.C. — T.O.S. for all purposes on transfer from #12A D.D. Saskatoon, Sask. effective 19-6-42. T.O.R.S. 1-7-42. Posted to Base Coy.

(b)
L.36061 Sgt.Pollock, M.H. — T.O.S. for all purposes on transfer from #6 D.D. effective 29-7-42. T.O.R.S. 31-7-42. Cat."D". Posted to Base Coy.

(c)
L.74223 Gnr. HURLBURT, L. — T.O.S. for all purposes on transfer from A.2 C.A.T.C. Petawawa, Ont. effective 26-7-42. T.O.R.S. 31-7-42. Posted to Base Coy.

2.STRENGTH INCREASE.

The u/m personnel are T.O.S. for Pay Purposes only on return from Overseas effective 1-8-42.

L.51091 Pte. BENNETT, E.H.
L.41206 Spr.Evans, D.D.
L.13177 Spr. HARRIS, F.A.
L.19156 Spr. KLYNE, J.
L.53743 Pte. MONTOUR, W.
L.8132 Pte. ROHATENSKY, H.
L.9352 Pte. VINT, R.J.
L.12199 Cpl. TOWNSEND, H.O.
L.25821 Sgt. PORTEOUS, W.S.
L.12021 Sgt. GREER, L.N.
L.27261 Rfn.ALLAN, R.J.
L.22349 Pte. BARRON, A.A.
L.12138 Pte. BLOMBERG, B.B.
L.11135 Gnr. BYERS, R.J.
L.19514 Spr. DEHM, W.H.
L.7282 Pte. FRANCIS, H.
L.27286 Rfn. INKSTER, A.A.
L.2053 Pte. REINDEL, L.F.
L.12932 Pte. MOSLEY, D.N.
L.22650 Pte. McKNIGHT J.D.
L.27806 Gnr. POPP, J.A.
L.10099 Gnr. SHANNON, R.L.
L.19278 Spr. WARMINGTON, J.A.L.
L.1736 Pte. MORAN, H.
L.1439 C.S.M. BRAIN, F.E.
L.27676 Rfn. FOLSTER, D.
L.41605 Pte. HURLBURT, F.C.
L.17223 Pte. LOVELOCK, E.C.
L.12058 Cpl. REYNOLDS, F.A.
L.22518 Sgmn. SUTHERLAND, H.R.
L.7484 Pte. BEAULIEU, W.
L.2397 Cpl. JOHANCSIK, D.E.
L.12038 Sgt. SCHUBERT, V.
L.1310 Cpl. HOGG, E.
L.2181 Pte. BALUCH, A.
L.19749 Pte. BERTRAND, J.
L.11279 Gnr. BRATTLEE, M.R.
L.11093 Gnr. CHESTER, G.L.
L.2304 Cpl. DOUGLAS, T.H.G.
L.7040 Cpl. HOGG, J.S.
L.51115 Gnr. JACOBSON, L.M.
L.17197 Pte. METCALFE, J.
L.7252 Pte. MacKENZIE, P.
L.1540 Pte. POCHYNUK, H.
L.22522 Pte. RINTOUL, W.J.
L.10222 Bdr. SNELL, D.
L.50123 Pte. ADAMS, G.H.

Exhibit "O" per Captain Lacol President.

(13)

X

#12 District Depot, Regina, Sask.
This Part II Order #213, d-1-8-42.

3. STRENGTH DECREASE (Discharge)

(a) The u/m are S.O.S. for all purposes effective 30-7-42 on Discharge (Unable to meet the required Military Physical Standards) S.O.R.S. 30-7-42. Auth. C.A.R.O. 1029-10 and Commanding Officer.

L.65511 Pte. DOTZLER, A.
L.41553 Spr. ZARUBIAK, W.

(b)

L.440933 Spr. MYSOUTH, C.T. Ceases to be employed under G.O. 139 of 1939 on return to Reserve Status effective 30-7-42. S.O.R.S. 30-7-42. Auth. D.A.A.G. Letter File R.1-B-35 d-25-7-42.

4. ATTACHMENTS.

a) The u/m personnel are S.O.S. for pay purposes effective 1-8-42 and ~~at the 42 ftr~~ a/p to V.T.S. Saskatoon, Sask. effective 2-8-42. S.O.R.S. 1-8-42. Auth. D.A.A.G. M.D.#12 Letter File R.3-1-16-153 d-30-7-42.

L.19481 Spr. BLENKIN, L.J.
L.56821 Spr. CARRIERE, J.A.
L.41870 Tpr. GUNTHER, E.
L.55477 Gnr. PILSTA, W.
L.33135 Spr. BRABANT, J.A.
L.34035 Pte. FISHER, H.G.
L.41869 Pte. INGRAM, Z.A.
L.100019 Pte. SCHWAB, J.W.

(b)

The u/m having been attached for all purposes except pay to Dundurn/Sub Staff H.Q. Dundurn, Sask. cease to be so attached and are S.O.S. for pay purposes effective 31-7-42 on attachment for all purposes to Dundurn H.Q. Sub Staff effective 1-8-42. Not S.O.R.S. (Auth. D.A.A.G. Letter File R.3-2-2 d-28-7-42.)

L.17105 A/L/Cpl. ZIZZY, A.
L.27427 Rfn. BIRCH, M.F.
L.36794 Pte. LAWRENCE, P.
L.1267 Pte. SANDERSON, W.V.
L.36765 Pte. HUCAL, F.W.
L.36046 Cpl. BRADY, J.P.
L.7813 Pte. BECK, C.H.
L.27062 Rfn. DESJARLAIS, J.E.
L.53823 Pte. GRELOWSKI, J.
L.41295 Pte. EVANIUK, J.
L.37002 Pte. LAVALLIE, P.E.
L.41153 Cpl. FORAISTER, G.H.

(c)

The u/m having been attached for Pay Purposes from Dundurn H.Q. Sub Staff cease to be so attached effective 31-7-42 on ~~return~~ to Dundurn H.Q. Sub Staff for Pay Purposes effective 1-8-42. Not S.O.R.S. (Auth. D.A.A.G. Letter File R.3-2-2 d-28-7-42)

L.2620 A/CQMS SHERMAN, J.C.
L.2166 Pte. (A/Sgt) IND. L.
L.27146 A/Sgt. SCHNELL, D.
L.19034 Pte. (A/Cpl) BELANGER, E.S.
L.27545 Pte. (A/Cpl) HOLDSTOCK, E.
L.28019 Pte. (A/Cpl) McKAY, J.A.
L.9251 Pte. (A/Cpl.) Wraith, A.E.
L.36010 Pte. ARMESON, A.
L.26367 Rfn. BELCOURT, R.
L.27090 Pte. BULBECK, G.E.
L.27940 Rfn. GARSON, C.
L.55416 Gnr. HEIMLE, R.J.
L.27416 Rfn. HOFFMAN, J.J.
L.27391 Rfn. KENT, W.C.
L.36697 Pte. MOSER, A.
L.27764 Rfn. PETIT, T.
L.19277 Spr. PLUNKETT, T.L.
L.19425 Spr. Ransom, G.T.
L.22546 Pte. SMITH, R.A.
L.2241 Sgt. HABETLER, J.
L.41042 A/Sgt. KUNDERMAN, E.W.
L.2438 Pte. (A/Cpl) AYERS, R.W.
L.36453 Pte. (A/Cpl) HEILMAN, A.C.
L.7704 Pte. (A/Cpl) HIGGINS, C.
L.19064 Pte. (A/Cpl) SAUER, C.
L.10464 Pte. ALFORD, A.A.
L.27734 Rfn. BEAUMONT, A.A.
L.36257 Pte. BELTON, W.H.
L.22395 Pte. FERGUSON, E.W.
L.36193 Pte. HAYDEN, E.
L.27592 Rfn. HIGGINS, W.R.G.
L.36404 Pte. JOHNSTON, M.G.
L.27816 Rfn. MOORE, K.T.
L.27348 Rfn. PETERS, H.
L.10439 Pte. PICHE, H.
L.7787 Pte. POPE, J.R.
L.36139 Pte. St.ONGE, F.
L.28120 Rfn. TALBOT, W.P.

5. RETURN FROM ABSENT WITHOUT LEAVE.

L.18556 Pte. HUBBARD, R.J. Returned from A.W.L. at 1330 hrs. 12-7-42 when apprehended by R.C.M.P. dressed in Civilian Clothes at Admiral, Sask.

6. ESCAPE FROM CUSTODY.

L.18556 Pte. HUBBARD, R.J. Escaped from custody of Military Escort 13-7-42 (Time Unknown)

7. ABSENT WITHOUT LEAVE AND RETURN:

L.18556 Pte. HUBBARD, R.J. — A.W.L. from 13-7-42 (hour unknown) on escape from escort between Swift Current and Moose Jaw, Sask., until apprehended by #43 Provost Coy. in Regina, at 2155 hrs 15-7-42 and returned to Depot. T.O.R.S. 15-7-42.

8. CLOTHING ALLOWANCE:

(a)
L.65511 Pte. DOTZLER, A. — Having been discharged under the provisions of C.A. R.O. #1029(10) and having served for the period 25-2-42 to 30-7-42 is entitled to clothing allowance of $17.00 in accordance with Art. 187(1)F.R.& I. (Can.)

(b)
L.41553 Spr. ZARUBIAK, W. — Having been discharged under the provisions of C.A. R.O. #1029(10) and having served for the period 4-7-41 to 30-7-42 is entitled to clothing allowance of $35.00 in accordance with Art. 187(1)F.R.& I. (Can.)

9. REHABILITATION GRANT:

L.41553 Spr. ZARUBIAK, W. — Having been discharged under the provisions of C.A. R.O. #1029(10) and having served for the perio 4-7-41 to 30-7-42 is entitled to receive payment under the Rehabilitation Act of 30 days pay of Rank. ($39.00)(Auth. C.A.R.O. #1079)

10. ADDRESS ON DISCHARGE:

L.65511 Pte. DOTZLER, A. — Box 216 Kincaid, Sask.
L.41553 Spr. ZARUBIAK, W. — Gen. Del., Keatley, Sask.

11. LEAVE OF ABSENCE

The u/m are granted Leave of Absence withpay from the time and dates shown. S.O.R.S. date of departure.

L. 9425 Pte. KNIGHT, C. A.D. 31-7-42 to 0900 hrs. 3-8-42.
L.27297 A/Sgt. DAVIS, H. A.D. 31-7-42 to 0730 hrs. 3-8-42.
L.55503 Gnr. LAFONTAINE, G. 1630 hrs. 31-7-42 to 1730 hrs. 5-8-42.
L.36509 Pte. SHINGOOSE, N.S. 1200 hrs. 1-8-42 to 0700 hrs.3-8-42.
L.22341 Spr. FOX, C.H. A.D. 31-7-42 to 0600 hrs. 1-8-42.
L.1137 Pte. WILLIS, R.W. A.D. 31-7-42 to 0800 hrs. 3-8-42.
L.64743 Cpl. FORD, A.E. 0800 hrs. 1-8-42 to 2200 hrs. 4-8-42.
L.22639 Pte. REIS, V.P. A.D. 31-7-42 to 0700 hrs. 3-8-42.
L.64790 Pte. STRANDLUND, E.V. 1630 hrs. 31-7-42 to 0800 hrs.4-8-42.
L.55417 Gnr. BRIGGS, R.M. A.D. 31-7-42 to 1700 hrs. 4-8-42.
L.100067 Pte. RYAN, J.L. 1700 hrs. 31-7-42 to 0800 hrs. 3-8-42.
L.65560 Pte. WEST, W.E. A.D. 31-7-42 to 0730 hrs. 3-8-42.
L.36129 Pte. BADGER, F.J. 1200 hrs. 1-8-42 to 0700 hrs. 3-8-42.
L.65589 Pte. BROMLEY, R. 1700 hrs. 31-7-42 to 2359 hrs. 2-8-42.
L.100232 A/Cpl. CHARBONNEAU, L.J. 1530 hrs. 31-7-42 to 0600 hrs.3-8-42.

12. COMPASSIONATE LEAVE

H.82011 Pte. KABEL, P.G. Granted Compassionate Leave with pay from 1600 hrs. 31-7-42 to 1600 hrs. 3-8-42. S.O.R.S. 31-7-42.

13. FURLOUGH GRANTED

L.22453 A/CSM McHATTIE, J.A. Granted Balance of furlough with pay from 2200 hrs. 2-8-42 to 2200 hrs. 10-8-42. S.O.R.S. 2-8-42.

L.51521 Pte. McCONACHIE, R.R. Granted Furlough with pay from 2200 hrs 2-8-42 to 2200 hrs. 16-8-42. S.O.R.S. 2-8-42. Special Warrant # A.128320.

14. FURLOUGH RETURNED

L.74092 Pte. KUSCH, C.H. Returned from Furlough 2200 hrs. 30-7-42 T.O.R.S. 30-7-42.

15. INTER - UNIT POSTINGS

The u/m are posted from General Reinforcements to H.W.E. effective 1-8-42.

L.41194 Pte. CLARKE, J.A. L.41186 Pte. GREEN, C.N.

16. ABSENT WITHOUT LEAVE

L. 67050 Pte. BOURRETT, J.F.A. A.W.L. from 2359 hrs. 31-7-42.
L.101363 Pte. DAUM, F.R. A.W.L. from 2359 hrs. 31-7-42.

17. HOSPITAL STOPPAGES

L.36129 Pte. BADGER, F.J. Placed under Hospital Stoppages at the rate of 75¢ per diem for the period of 14-7-42 to 29-7-42 under the provisions of Art. 222(1) F.R. & I.(16 days)amounting to $12.00) Authprity: M.F.D. 869 d-29-7-42.

L.101250 Pte. McLEAN, A.W. Having been admitted to R.M.H. 30-7-42 is liable to Hospital Stoppages under Art. 222(1) F.R.& I.effec. 30-7-42 Authority: M.F.D. 869 d-31-7-42.

18. SICK LEAVE

L.36061 Sgt. POLLOCK, A.H. Granted Sick Leave with pay from 1-8-42 to 31-8-42 inclusive. Auth: M.F.B.227 d-1-8-42.

19. SICK LEAVE ALLOWANCE
L.36081 Sgt. POLLOCK, M.H. — Entitled to subsistence allowance at the rate of $1.00 per diem for the period of authorized sick leave under the provisions of Art.200(1)F.R.& I. (1-8-42 to 31-8-42.)(31 days)($31.00)

20. AMENDMENTS
(a) Ref. D.O. Pt. II #211 d-30-7-42 Para 10(b) Sec. B2 insofar as it concerns L.12865 Pte. GIESBRECHT, H.A. ""Delete his name from the list.""
(b) Attachments
Ref. D.O. Pt. II #181 d-30-6-42 Para 4(d) Sec. B2 ""Delete the entire entry.""
(c) Amendments
Ref. D.O. Pt. II #184 d-3-7-42 Para 17(c) Sec. B2 ""Delete the entire entry.""
(d) Absent Without Leave
Ref. D.O. Pt. II #212 d-31-7-42 Para 7 Sec. B2 insofar as it concerns L.17679 Pte. DEMRAIS, L.E. Amend the regimental number to read ""L.17689"" and amend the initials to read ""L.R.""
(e) Absent Without Leave(Republished)
Ref. D.O. Pt II #212 d-31-7-42 Para 8 Sec. B2 insofar as it concerns L.17679 Pte. Denrais, L.E. Amend to read""L.17689 Pte. DEMRAIS, L.R.""

21. PUNISHMENTS
H.87349 Pte. LARLE, H.J. (Attached R.C.E.) — Charged with DRUNKENNESS(1st Offense) A.A.Sec. 15(1)
AWARD: Admonished.
DATE OF AWARD: 1-8-42.

"C2" Members G.A.(H.D.)

1. STRENGTH DECREASE(Discharge)
L.602644 Pte. LESLIE, A. — S.O.S. for all purposes on discharge being unable to meet the required Military Physical Standards effective 30-7-42. - S.O.R.S. 30-7-42. Authority: C.A.R.O. 1029(10) & O.C.

2. CLOTHING ALLOWANCE
L.602644 Pte. LESLIE, A. — Having been dishharged under the provisions of C.A.R.O. 1029 (10) and having served for the period 8-1-42 to 30-7-42 is entitled to clothing allowance in the amount of $35.00 under the provisions of Art. 187 F.R. & I(Can.)

3. REHABILITATION GRANT
L.602644 Pte. LESLIE, A. — Having been discharged under the provisions of C.A.R.O. 1029(10) and having served for the period of 8-1-42 to 30-7-42 is entitled to Rehabilitation under the Renabilitation Act of 30 days pay of rank ($39.00) Authority: C.A.R.O.1079.

4. ADDRESS ON DISCHARGE
L.602644 Pte. LESLIE, A. — General Delivery, SPOONER, Sask.

5. HOSPITAL
The u/m were discharged from R.M.H. 1-8-42 to Sick Leave.
L.603171 Pte. ALBERTSON, A.A. L.602631 Pte. HEEBNER, V.W.

6. SICK LEAVE ALLOWANCE
L.603171 Pte. ALBERTSON, A.A. Entitled to subsistence allowance at the rate of $1.00 per diem for the period of authorized sick leave under the provisions of Art.200(1)F.R.&I. (1-8-42 to 24-8-42)(24.days)($24.00).
L.602631 Pte. HEEBNER, V.W. Entitled to subsistence allowance at the rate of $1.00 per diem for the period of authorized sick leave under the provisions of Art.200(1)F.R.&I. (1-8-42 to 24-8-42)(24 days)($24.00).

7. SICK LEAVE
The u/m are grnated Sick Leave with pay from 1-8-42 to 24-8-42 inclusive. Authority: M.F.B. 292 d-1-8-42.
L.603171 Pte. ALBERTSON, A.A. L.602631 Pte. HEEBNER, V.W.

8. LEAVE OF ABSENCE
M.600642 Spr. KOCH, D. Granted Leave of Absence with pay from A.D. 31-7-42 to 0800 hrs. 3-8-42. S.O.R.S. 31-7-42.

9. AGRICULTURAL LEAVE
L.600519 Pte. WEIMAN, W. Granted Agricultural Leave without pay from A.D. 1-8-42 to 0600 hrs. 28-9-42. S.O.R.S. 1-8-42.

10. AMENDMENT
(a) Attachments
Ref. D.O. Pt. II #212 d-31-7-42 Para 2 Sec. C2 insofar as it concerns L.601416 Fus. MARKWART, T. amend Christian name to read ""Theodore.""

11. ATTACHMENTS
(a) The u/m having been attached for all purposes except pay to Dundurn H.Q. Sub.Staff Dundurn, Sask., cease to be so attached and are S.O.S. for pay purposes effective 31-7-42 on attachment for all purposes to Dundurn H.Q. Sub.Staff effective 1-8-42. Not S.O.R.S.. (Auth. D.A.A.G. Letter File R.3-2-2 d-28-7-42.)

L.600726 Spr. BRAITENBACK, A.	L.601269 Spr. BROCHU, A.F.
L.601067 Spr. CADIEU, J.C.	M.600202 Spr. CONLIN, W.C.
L.601333 Spr. DEGENHARDT, B.	L.600922 Spr. DYKUN, M.
L.600274 Spr. KOLENCHUK, J.	L.600689 Spr. KOT, E.A.
L.601362 Spr. MISZEROS, S.	L.601570 Spr. REBEYKA, H.
L.601612 Spr. SARETSKY, P.	M.600707 Spr. SOMERS, E.A.

(b) The u/m having been attached for pay purposes from Dundurn H.Q. Sub.Staff cease to be so attached effective 31-7-42 on return to Dundurn H.Q. Sub.Staff for Pay Purposes effective 1-8-42. Not S.O.R.S. (Auth: D.A.A.G. Letter File R.3-2-2 d-28-7-42.

M.601040 Spr. BRENZEN, T.	M.600899 Spr. BOGUCKI, M.
M.600900 Spr. BOYCHUK, W.	M.605039 Spr. CHAREST, L.R.
M.600953 Spr. CHUKREE, S.	L.600580 Spr. DEIBERT, E.F.
M.600884 Spr. ELASCHUK, M.	M.600944 Spr. HANTIUK, J.
L.601320 Spr. HOFFMAN, B.	M.600759 Spr. KWASNYCIA, W.
L.600691 Spr. LARSEN, A.D.	M.601042 Spr. LESOWY, P.
L.600999 Spr. SEIDEL, F.R.	L.601383 Spr. WALKER, A.G.

George Tolmie Major & Adjt.
for O.C. #12 District Depot, CA.

DISTRIBUTION
As per list on file.

Exhibit "P"
Jackpheim Local President.

105

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

I certify that the person whose description is given below was arrested by (~~xxxxxxxxxxxx~~) Cst. A. STODDART (Name of Peace Officer or Constable) R.C.M.P. at Admiral Diatrict (Place) Sask. at 1330 hours (Hour) on the 12th day of July 1942 and at the time of arrest (~~xxxxxxxx~~) he was wearing ~~military~~ ~~xxxxxxxxxxxxxxxx~~ (dressed in civilian clothes).

Strike out words not applicable

Strike out words not applicable

Regimental particulars of officer or Soldier referred to above.

(No. L.18556
(Rank Private
(Name HUBBARD, Roy John
(Unit A/44 T.C. St. Jerome Quebec

Description

(Age 22 years
(Height 5' 7½"
(Complexion Medium (fresh)
(Hair Dark Brown
(Eyes Brown
(Marks Distal Phelanx right thumb amputated following accident.

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

A. Stoddart
~~xxxxxxxxxxxx~~ (constable) ~~xxxxxxxxxxxxxxx

Exhibit "Q" Inst. of Claim for Col President

107

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

15

Fill in complete description

I, Lieutenant E.A.LeCours, Ass't.D.S. & T.O., M.D. No.12
(Rank) (Name) (Unit)

Strike out word not applicable

hereby certify that I (issued) (authorized) the hereinafter itemized transportation for escort

Complete

to proceed from Regina, Sask. to Gull Lake, Sask.
(Place)

and return to Regina, Sask. for the

Full description of soldier being escorted

purpose of escorting L/18556 Pte. Hubbard, R.J., No. 12 District Depot alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Strike out phrase not applicable

Particulars	Cost
ESCORT: L/55378 A/L/Cpl. Burke, W.R., No. 43 Provost Coy., Second Class Transportation Regina to Gull Lake & Return, T.W. # A 145878	$7.14
ABSENTEE: L/18556 Pte. Hubbard, R.J., No. 12 District Depot, Second Class Transportation Gull Lake to Regina, T.W. # A 145879	3.57
RECOVERABLE FROM THE PAY OF: L/18556 Pte. Hubbard, R.J., No. 12 District Depot, Regina, Sask.	
Total	$ 10.71

Dated at Regina, Sask. this 13th day of July A.D. 19 42

E.A.LeCours Lieut.
Signature, rank, unit of officer (authorizing transportation)

Ass't. D.S. & T.O., M.D. NO. 12.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
500M—T-41 (1128)
H.Q. 1222-28-169

Exhibit "R"
Jo Hopkins Local President

(16)

109

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to ~~xxxxx~~ Service authorities)

I, Lieutenant James EREMKO, No. 43 Provost Company, C.A.
(Number) (Rank) (Name) (Unit)

hereby certify that L.18556 Private Roy John HUBBARD
(Number) (Rank) (Name in full)

of the No. 12 District Depot, C.A.
(Unit and attachment (if any)

Strike out words not applicable } was apprehended by (~~xxxxxxxxxxxxxxxx~~ L.55276 - A/Cpl.
(Number) (Rank)

MARTIN, W. G., No. 43 Provost Company, C.A.
(Name) (Unit or appointment)

at Regina, Saskatchewan at 2155 hours
(Place) (Hour)

on the 15th day of July 1942

as a deserter (or absentee without leave), and that at the time of his arrest he was wearing military (~~air force~~) uniform (~~dressed in civilian clothes~~).

Strike out words not applicable } JE JE

DATED AT Regina, Sask. this 8th day of August 1942

J Eremko Lieut
(Signature, Number, Rank, Unit or appointment)
Lieut. J. Eremko, 43 Provost Company CA

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42 (M1126)
H.Q. 1772-39-1936

Exhibit "S"
for Hopkins to ex
President - Regina, Sask.
7 June, 1942.

(2)

Receipt is acknowledged of the live body of

L.18556 Pte. HUBBARD, R. J.

Capt Trinchuk

N. G.
C M E

Relinquished to Hopkins Local President

(3)

(113)

Regina, Sask.,
7 June, 1942

Receipt is acknowledged of the documents enclosed for
L.18556 Pte. HUBBARD, R. J.

A.D.
c m c

Exhibit "U" - Jackson Lewis Lt Col
Respondent

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INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

Free Issues only to be accounted for on this form.
Blank spaces left after an issue has been entered will be ruled through before the individual signs for articles issued to him.

Regtl. No. 1855 Rank Pte Name HUBBARD J. Date of Attestation 27-2-42

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
A Anklets, web, prs. (1)	2	✓						
D Badges, arm Canada prs	2	✓						
D Badges, cap	1	✓						
Badges, collar, prs.								
" shoulder or worsted, prs.								
Bags, kit, Mk. II	M	✓						
Battle dress, serge—								
B Blouses (1)	2	✓						
B Trousers, prs. (1)	2	✓						
Belts, waist, leather, brown								
C Blacking, tins	1	✓						
B Boots, ankle, prs. (1)	2	✓						
" felt, prs.								
" Lumbermans, rubber, prs.								
C Boot dressing, tins	1	✓						
C Boot laces, prs.	1	✓						
C Braces, prs.	1	✓						
C Brasses, button	1	✓						
Breeches, D.C., prs.								
C Brushes, boot, blacking	1	✓						
C " " polishing	1	✓						
" " button	M	✓						
" " cloth	M	✓						
" " hair	M	✓						
C " " shaving	1	✓						
C " " tooth	1	✓						
Buttons, G.S., large								
" " small								
Caps, comforter	M	✓						
B " field service (1)	2	✓						
" forage, drab								
" tank battalion								
" winter, melton cloth	M	✓						
Cloak or greatcoat, drab	M	✓ 15-4-42						
C Combs	1	✓						
Discs, identity, with cord								
Drawers, cotton, short, prs.		15-4-42						
B " woollen, prs. (1)	2	✓						
Signature of Soldier								

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Dressings, first, field								
C Forks	1	✓						
A Gloves, woollen, khaki, prs.	1	✓						
Helmets, sun								
C Holdalls	1	✓						
C Housewives	1	✓						
Jackets or doublets, S.D.								
" khaki drill								
B " sweater	1	✓						
Knives, clasp and lanyard								
C " table	1	✓						
Mitts, pullover, leather, prs.	M	✓						
Overalls—Blouses, denim								
" Trousers, denim, prs.								
Overshoes or rubbers, prs.								
Pantaloons, service, prs.								
Puttees, prs.								
C Razors, safety	1	✓						
" blades	5	✓						
B Shirts, flannel, khaki	2	✓						
" khaki, cotton, with short sleeves								
B " service	1	✓						
" under, cotton								
A " woollen (1)	2	✓						
Shoes, canvas, prs.	M	✓						
B Socks, prs.	3	✓						
C Sponges, pipeclay	1	✓						
C Spoons, table	1	✓						
C Towels, hand (1)	2	✓						
Trousers, khaki, drill, prs.								
" " short, prs.								
" serge, drab, prs.		15-4-42						
" service, prs.	M	✓						
Signature of Soldier								

M.F.C. 800
200m—3-41 (9661)
H.Q. 1772-39-1643

"A"

Lieutenant Col
President

OPENING ADDRESS BY PROSECUTOR

Gentlemen:-

I shall endeavor to prove through witnesses the following narrative of events which have lead to the preferment of the charges against the accused.

Firstly, I shall show that the accused absented himself without leave from his unit at St. Jerome, Quebec, in May of 1942, and remained absent until he surrendered himself voluntarily to the Sergeant of the Guard at the Exhibition Camp at Regina, Saskatchewan, at 2340 hours on June 2, 1942.

On June 7, 1942, the accused was taken under escort from the Guard Room and delivered over to an N.C.O. at the C.P.R. Depot, at Regina, Sask., and placed on board a train to be returned under escort to his then unit at St. Jerome, Quebec. It would appear that the accused escaped custody whilst en route on June 10, 1942, and remained absent without leave until apprehended by the R.C.M.P. in the Admiral district of Saskatchewan on June 22, 1942, and it appears that the accused at that time was wearing civilian clothes.

The accused was returned to 12th District Depot, C.A., and on July 3, 1942, absented himself without leave whilst in open arrest and remained absent without leave until apprehended by the R.C.M.P. in the Admiral district of Saskatchewan on July 12, 1942, at which time it appears the accused was again wearing civilian clothes.

On being returned to this unit, the 12th District Depot, in the charge of an escort, he escaped from the custody of his escort on July 13, 1942, and remained absent without leave until apprehended in Regina, Sask., July 15, 1942.

I will now ask your permission, Sir, to call my first witness.

Aug. 17th 1942
Opening Address

J.F. Arnott, Capt.
Prosecutor

Exhibit "U" - Jr Hopkins Lt Col President

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INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

Free Issues only to be accounted for on this form.

Blank spaces left after an issue has been entered will be ruled through before the individual signs for articles issued to him.

Regtl. No. 1755.6 Rank Pte Name HUBBARD R. J. Date of Attestation 27-2-42

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Anklets, web, prs. (1)	2	✓						
Badges, arm Canada prs	2	✓						
Badges, cap	1	✓						
Badges, collar, prs.								
" shoulder or worsted, prs.								
Bags, kit, Mk. II	M	✓						
Battle dress, serge— Blouses (1)	2	✓						
Trousers, prs. (1)	2	✓						
Belts, waist, leather, brown								
Blacking, tins	1	✓						
Boots, ankle, prs. (1)	2	✓						
" felt, prs.								
" Lumbermans, rubber, prs.								
Boot dressing, tins	1	✓						
Boot laces, prs.	1	✓						
Braces, prs.	1	✓						
Brasses, button	1	✓						
Breeches, D.C., prs.								
Brushes, boot, blacking	1	✓						
" " polishing	1	✓						
" button	M	✓						
" cloth	M	✓						
" hair	M	✓						
" shaving	1	✓						
" tooth	1	✓						
Buttons, G.S., large								
" " small	M	✓						
Caps, comforter								
" field service (1)	2	✓						
" forage, drab								
" tank battalion								
" winter, melton cloth	M	✓						
Cloak or greatcoat, drab	M	15-4-42						
Combs	1	✓						
Discs, identity, with cord								
Drawers, cotton, short, prs.								
" woollen, prs. (1)	2	✓						
Signature of Soldier								

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Dressings, first, field								
Forks	1	✓						
Gloves, woollen, khaki, prs.	1	✓						
Helmets, sun								
Holdalls	1	✓						
Housewives	1	✓						
Jackets or doublets, S.D.								
" khaki drill								
" sweater	1	✓						
Knives, clasp and lanyard								
" table	1	✓						
Mitts, pullover, leather, prs.	M	✓						
Overalls—Blouses, denim								
" Trousers, denim, prs.								
Overshoes or rubbers, prs.								
Pantaloons, service, prs.								
Putters, prs.								
Razors, safety	1	✓						
" blades	5	✓						
Shirts, flannel, khaki	2	✓						
" khaki, cotton, with short sleeves								
" service	1	✓						
" under, cotton								
" woollen (1)	2	✓						
Shoes, canvas, prs.	M	✓						
Socks, prs.	3	✓						
Sponges, pipeclay	1	✓						
Spoons, table	1	✓						
Towels, hand (1)	2	✓						
Trousers, khaki, drill, prs.								
" " short, prs.								
" serge, drab, prs.								
" service, prs.	M	15-4-42						
Signature of Soldier								

M.F.C. 800
200m—3-41 (9603)
H.Q. 1772-39-1043

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CERTIFICATE TO BE SIGNED BY ACCOUNTING OFFICER ON TRANSFER OR ATTACHMENT OF SOLDIER

Certified that the record detailed on this form is correct			Certified that the record detailed on this form has been verified with the articles in possession of the soldier				
On transfer or attachment to the undermentioned Unit	Date	Signature of Accounting Officer	On transfer or attachment from the undermentioned Unit	Date	Signature of Accounting Officer	Transfer	Attachment

EQUIPMENT (a)	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Attachments, brace								
Bags, ration	1							
Bandoliers								
Belts, waist	M							
Bottles, water								
Braces	M							
Carriers, cartridge								
" waterbottle	M							
Cases, pistol							A-2	Cloth disinfection
Covers, mosstin								
Frogs, bayonet	M							
Haversacks	1							
Helmets, steel	M							
Lanyards, pistol								
Packs	M							
Pouches, ammunition								
Pouches, basic	M							
Slings, rifle	M							
Spurs, jack, prs.								
Straps, shoulder	M							
" web, supporting	M	15-4-42						
Tins, mess								
Signature of Soldier	R. Rubbard							
Signature of Soldier								
Signature of Soldier								
Signature of Soldier								

ARMS AND MISCELLANEOUS (a)	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Eyeshields, Anti-gas Mk. II					M			
Respirator Anti-gas:—								
Container, Type "E", Mk. VI					M			
Disc, Identity, Red, No. 2								
Facepiece, Mk. IV					M			
Haversack, Mk. VI					M			
Line, natural, whipcord, 7-in.								
Outfit anti-dimming Mk. I					M			
Seal, disc, identity (lead)								
Cloth disinfection					2			
Bayonet and scabbard*								
Bottle, oil								
Pistol*								
Pullthrough								
Rifle*								
Sword and scabbard								
Mattress Cover								
Blankets								
Sheets ground								
MATTRESS T.P. PILLOWS T.P. SLIPS PILLOW								
Signature of Soldier	R. Rubbard				R. Rubbard			
Signature of Soldier	R. Rubbard				R. Rubbard			
Signature of Soldier	R. Rubbard				R. Rubbard			
Signature of Soldier								

(a) Arms and equipment will not be transferred with the soldier unless authorized by the D.O.C.

On return of any article the Q.M. will initial in the date column opposite the article returned and line through in red ink.

*QUOTE UNIT CONSECUTIVE NUMBER OF BAYONET AND SERIAL NUMBER OF PISTOL OR RIFLE.

K.T. INSPECTED AT Regina. 24-6-42

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INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

Free Issues only to be accounted for on this form.
Blank spaces left after an issue has been entered will be ruled through before the individual signs for articles issued to him. Initial V for Hopkins Lt Col President.

Regtl. No. 12556 Rank Pte Name HOBBARD R.J. Date of Attestation Sept.

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Anklets, web, prs.								
Badges, arm								
Badges, cap								
Badges, collar, prs.								
" shoulder or worsted, prs.								
Bags, kit, Mk. II								
Battle dress, serge— Blouses	1							
Trousers, prs.	1							
Belts, waist, leather, brown								
Blacking, tins								
Boots, ankle, prs.	1							
" felt, prs.								
" Lumbermans, rubber, prs.								
Boot dressing, tins								
Boot laces, prs.								
Braces, prs.								
Brasses, button								
Breeches, D.C., prs.								
Brushes, boot, blacking								
" " polishing								
" button								
" cloth								
" hair								
" shaving X	1							
" tooth X	1							
Buttons, G.S., large								
" " small								
Caps, comforter								
" field service	1							
" forage, drab								
" tank battalion								
" winter, melton cloth								
Cloak or greatcoat, drab								
Comb								
Disc, identity, with cord								
Drawers, cotton, short, prs.								
" woollen, prs.								
Signature of Soldier	R J Hobbard	Signature of Soldier		Signature of Soldier		Signature of Soldier		

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Dressings, first, field								
Forks								
Gloves, woollen, khaki, prs.								
Helmets, sun								
Holdalls								
Housewives								
Jackets or doublets, S.D.								
" khaki drill								
" sweater								
Knives, clasp and lanyard								
" table								
Mitts, pullover, leather, prs.								
Overalls—Blouses, denim								
" Trousers, denim, prs.								
Overshoes or rubbers, prs.								
Pantaloons, service, prs.								
Puttees, prs.								
Razors, safety X	1							
" blades X	5							
Shirts, flannel, khaki X	1							
" khaki, cotton, with short sleeves								
" service								
" under, cotton								
" woollen								
Shoes, canvas, prs.								
Socks, prs.	1							
Sponges, pipeclay								
Spoons, table								
Towels, hand X	1		1	8/42	RGH			
Trousers, khaki, drill, prs.								
" " short, prs.								
" serge, drab, prs.								
" service, prs.								
Signature of Soldier	R J Hobbard	Signature of Soldier		Signature of Soldier		Signature of Soldier		

X ISSUED AT Regina.

M.F.C. 800
200m—3-41 (9603)
H.Q. 1772-39-1043

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CERTIFICATE TO BE SIGNED BY ACCOUNTING OFFICER ON TRANSFER OR ATTACHMENT OF SOLDIER

Certified that the record detailed on this form is correct			Certified that the record detailed on this form has been verified with the articles in possession of the soldier			Transferred	Attached
On transfer or attachment to the undermentioned Unit	Date	Signature of Accounting Officer	On transfer or attachment from the undermentioned Unit	Date	Signature of Accounting Officer		

EQUIPMENT (a)	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Attachments, brace								
Bags, ration								
Bandoliers								
Belts, waist								
Bottles, water								
Braces								
Carriers, cartridge								
" waterbottle								
Cases, pistol								
Covers, mesatin								
Frogs, bayonet								
Haversacks								
Helmets, steel								
Lanyards, pistol								
Packs								
Pouches, ammunition								
Pouches, basic								
Slings, rifle								
Spurs, jack, prs.								
Straps, shoulder								
" web, supporting								
Tins, mess								

ARMS AND MISCELLANEOUS (a)	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Eyeshields, Anti-gas Mk. II								
Respirator Anti-gas:— Container, Type "E", Mk. VI								
Disc, Identity, Red, No. 2								
Facepiece, Mk. IV								
Haversack, Mk. VI								
Line, natural, whipcord, 7-in								
Outfit anti-dimming Mk. I								
Seal, disc, identity (lead)								
Bayonet and scabbard*								
Bottle, oil								
Pistol*								
Pullthrough								
Rifle*								
Sword and scabbard								
Blankets								
Sheets ground								

Signature of Soldier R. Blackhood

Signature of Soldier

Signature of Soldier

Signature of Soldier

Signature of Soldier

(a) Arms and equipment will not be transferred with the soldier unless authorized by the D.O.C.

On return of any article the Q.M. will initial in the date column opposite the article returned and line through in red ink.

*QUOTE UNIT CONSECUTIVE NUMBER OF BAYONET AND SERIAL NUMBER OF PISTOL OR RIFLE.

C.R.(3) T.O. 44 — 46. Lisbonne Quebec.

INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

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Regtl. No. 18556 Rank Pte Name Hubbard. Date of Attestation

Sup. 1/7/42 CLOTHING Exhibit "W" Jr. Engineers Lt. Col. President

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials
Anklets, Web, prs.															
Battle Dress—															
Blouses, serge															
Trousers, serge, prs.															
Belts, waist, leather, brown															
Boots, ankle, prs.															
" ankle, felt, prs.															
" Lumberman's, rubber, prs.															
Breeches, D.C., or trousers, S.D., prs.															
Caps															
Cloak or greatcoat, drab															
Drawers, cotton, short, prs.	1	5/7/42	RJ												
" woollen, prs.	X														
Gloves, woollen, khaki, prs.															
Helmets, sun															
Jackets or doublets, S.D.															
Jackets, khaki, drill															
" sweater															
Mitts, pullover, leather, prs.															
Overalls—Blouses, denim															
" Trousers, denim, prs.															
Overshoes or rubbers, prs.															
Pantaloons or trousers, service, prs.															
Puttees, prs.															
Shirts, flannel, khaki															
" khaki, cotton, with short sleeves.	1	5/7/42	RJ												
" service															
" under, cotton	1	5/7/42	RJ												
" woollen															
Shoes, canvas, prs.															
Socks, prs.	1	5/7/42	RJ												
Trousers, khaki, drill, prs.															
" khaki, drill, short, prs.															

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials
Bags, kit			
Blacking, tins			
Bootdressing, tins			
Bootlaces, prs.			
Braces, prs.			
Brasses, button			
Brushes, boot, blacking			
" boot, polishing			
" button			
" cloth			
" hair			
" shaving			
" tooth			
Caps, comforter			
Combs			
Discs, identity, with cord			
Dressings, first, field			
Forks			
Holdalls			
Housewives			
Knives, clasp, and lanyard			
Knives, table			
Razors, safety			
" blades			
Sponges, pipeclay			
Spoons, table			
Towels, hand	1	5/7/42	RJ
SOAP.	1	5/7/42	RJ
Badges, arm			
Badges, cap			
Badges, shoulder or worsted, prs.			
Buttons, G.S., large			
" " small			

Free Issues only will be accounted for on this form.

Signature of Soldier R J Hubbard. Signature of Quartermaster

M.F.C. 800
400M—10-40 (7356)
H.Q. 1773—39-1643

"W1" (Sheet 1)

Lt Col Jenkins Lt Col President

SUBMISSION BY THE DEFENCE THAT
A PRIMA FACIE CASE HAS NOT
BEEN ESTABLISHED

ADDRESS BY DEFENDING OFFICER

I am going to deal right now with the 2nd charge which is laid under 12(1)(a) of the Army Act. The charge reads "when in arrest, at an unknown hour on the 10th June, 1942, absented himself from his escort when on a train enroute, under escort, to his Unit at St. Jerome, Quebec, until apprehended by the Civil Authorities at Admiral District, Saskatchewan, at 1500 hours on 22nd June, 1942, dressed in civilian clothes, the cost of his apprehension and return to his Unit being $3.42"

The Prosecution has submitted evidence in support of that charge and the evidence they have submitted is by Corporal Gallant and Corporal Eastman who state that on the 7th day of June, 1942, they escorted Private Hubbard to the train. In other words, it took him three days to get on the train and start his journey East. I can say that there is no evidence to support that charge as the charge says on the 10th day of June he absented himself without leave. The only evidence is what happened on the 7th of June. The case which must be proven to the Court is covered in Section 8, page 71 in the Extracts from the Manual of Military Law. (Section 8, page 71 of the Extracts from the Manual of Military Law read by the Defending Officer). The charge brought is that on the 10th June he absented himself from escort and the evidence shows that he was turned over to the escort on the 7th day of June. Therefore, the charge falls by its own weight.

In connection with the 3rd charge of desertion. It reads "at Regina, Saskatchewan, when in open arrest at 1900 hours on 3rd July, 1942, absented himself from No. 12 District Depot, C.A. until apprehended by the Civil Authorities at Admiral District, Saskatchewan at 1330 hours, on 12th July, 1942, dressed in civilian clothes, the cost of his apprehension and return to his Unit being $10.71".

In respect to that charge, this man had not been declared a deserter by any Court of Inquiry up to that time. As a matter of fact, his time absent was less than nine days. The Prosecution has not shown that by breaking barracks he has did nothing more than committed an offence of being absent without leave. The usual procedure was followed in that they asked the police to pick him up. But up to the time he was apprehended he had not been declared a deserter. There is only one thing in that charge that would lead us to believe he was a deserter and that is that it states he was dressed in civilian clothes. And that is why those three words are a very important part of that charge. He has not been shown as having missed any draft or special duties and that is the basis of a charge of desertion unless he has been declared a deserter by a Court of Inquiry. It boils down to whether or not dressing in civilian clothes when a man is absent without leave constitutes desertion and there still is a very great question as to whether or not he was dressed in civilian clothes. We are prepared to disprove that if we are able to bring evidence before the Court.

"W1" (Sheet 2)

J.K. Hopkins Lt Col
President

SUBMISSION BY THE DEFENCE THAT
A PRIMA FACIE CASE HAS NOT
BEEN ESTABLISHED

(Continued)

Address by the Defending Officer (Continued):-

The 4th charge states "at or near Regina, Saskatchewan, at an unknown hour on 13th July, 1942, when in arrest, absented himself from his escort when on a train enroute under escort to his Unit at Regina, Saskatchewan at 2155 hours on the 15th July, 1942".

The evidence brought out this morning, which is of a questionable character to say the best, shows that he absented himself around 0400 and 0600 hours from his escort. The charge says "at an unknown hour on the 13th July" and later states "2155 hours on the 15th July". If there is any head or tail to be made of that charge, I would like to know what the answer is to it. It gives a time two days later than the unknown hour. We don't see how evidence could be brought before the Court to support it. If these charges had been laid under Section 22 of the Army Act, which would have charged him with escape from custody, I could see some point in it but to charge a man with desertion when all he is guilty of is absence without leave, it doesn't seem to me that the man is getting a fair deal. I don't think the charge should stand at all. The evidence given here this morning is that he broke away from his escort and that is all the evidence we have. There has been no evidence shown to support the charge of desertion except three words -- "dressed in civilian clothing", and that is the basis for conviction of desertion.

I again ask for Corporal Stoddard's evidence. I know what type that evidence will be but I can't say anything about it because it would be hearsay. These charges have not been supported by evidence and it seems that nothing can be done except to find the man not guilty. There is nothing supporting the charges. Not one bit of evidence has come up here yet so I think the charges should be washed out. I think the charge of absence without leave is the only proper charge that can be brought against him. No. 4 is just as ambiguous as No. 2.

My submission is that the evidence does not support the charge sheet and the charges should be dismissed.

"W2"

Hodgkins Lt Col
President

SUBMISSION BY THE DEFENCE THAT
A PRIMA FACIE CASE HAS NOT
BEEN ESTABLISHED

REPLY BY THE PROSECUTOR:

In rebuttal, I would like to draw the attention of the Court to the evidence before the Court that a Declaration of Desertion was made on May 27, 1942. That deals with the first charge.

In regard to the 2nd charge, there is evidence before the Court (Part II Order No. 195 dated July 14th, 1942). May I have that Order read?

Part II Order No. 195 read by the Prosecutor -- Re: Escape from Custody and Absence Without Leave. L.18556 Pte. Hubbard, R.J. Having received authority from the D.A.P.M., M.D. 12 (R.1-H-390 dated 8-6-42) to despatch the marginally noted soldier to his Unit, 44 B.T.C., St. Jerome, P.Q., he escaped from custody of escort on 10-6-42 enroute. A.W.L. from 10-6-42, hour unknown. Authority: D.A.P.M. M.D. 12 letter file R.1-H-390 dated 12-6-42.

That is evidence in support of the first charge, sir.

DEFENDING OFFICER (Interrupting)

Where would the information come from when he had escaped? He was taken to the station on the 7th June.

BY THE COURT:

You may speak again when the Prosecutor's address is finished.

Jan ~~Reply~~ BY THE PROSECUTOR (Continued)

There is evidence before the Court that the accused was apprehended by the R.C.M.P. at 1530 hours on June 22, 1942, in the Admiral district and the accused was dressed in civilian clothes. I submit, sir, that if a soldier had no intention of desertion, he would not escape from custody and change to civilian clothes.

In support of the 3rd charge. It states that the man was placed in open arrest. When a man is placed in open arrest, the Commanding Officer has confidence in that man. If he had no intention of deserting, why would he absent himself when confidence is placed in him? And again, there is evidence to the effect before the Court that he was dressed in civilian clothes when apprehended by the Mounted Police in the Admiral district on June 12, 1942. Therefore, I submit, sir, that it is prima facie evidence in support of those charges and the Prosecution has established its case.

J. A. Hopkins Lt Col
President

SUBMISSION BY THE DEFENCE THAT
A PRIMA FACIE CASE HAS NOT
BEEN ESTABLISHED

Reply by the Defending Officer:-

I don't want you to have the idea that I regard Part II Orders as hearsay evidence, but the basis of what was placed in that Order was something that somebody had been told by somebody else and had no personal knowledge of the thing, nor is there anything to show that there was anything more than something that he had heard. He probably believed that the man had escaped on the 10th June when he was taken on the train on the 7th and two N.C.Os have sworn that he was turned over to the escort on the train.

BY THE COURT:-

Is it such an impossibility as you seem to suggest. A train having the accused on board, going back to Quebec, leaves here on the 7th. He could still be on the train on the 10th and not yet have reached Quebec.

Defending Officer:-

Not according to the Charge, sir. It says "at or near Regina" and it doesn't take a train three days to get to Winnipeg. As a matter of fact, it might have happened right in Regina the way the Charge reads. I can't see that this offence was committed at an unknown hour on the 10th of June and the PartII Order alone is not enough to refute the evidence of two N.C.Os that he was delivered on the 7th June. Again I refer to the clause in the Charge Sheet "dressed in civilian clothes".

"W4"

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Stoughton Local President

STATEMENT BY THE ACCUSED

Being in St. Jerome from February 25th to 1st May, I applied several times to my Commanding Officer and N.C.Os to get a transfer from St. Jerome, Quebec, as it was entirely a French camp and I was the only English-speaking boy there. After being paraded to my Commanding Officer several times, he gave me no satisfaction. I therefore went A.W.L. on May 1st.

Regarding being apprehended as it may be termed, I was in civilian clothing. I wish to state that the only reason that I was wearing partly civilian clothing was to avoid abusing my battle dress. On any occasion when the Mounted Police apprehended me I can truthfully state that I had on Army shoes, Army underclothing, Army shirt. When taken in with Corporal Stoddard, I noticed him marking down civilian clothing. I asked him the reason as I told him I had on most of my Army clothing. He told me that any time I was taken before a Court and charged with desertion, he would notify the Court that the only reason he could see for me being in partly civilian clothing was that to save abusing my uniform. While at home, I made several trips to Admiral and Scotsguard and at all times was dressed fully in Army uniform. I never left the premises of the house without an Army uniform on. On two occasions when Corporal Stoddard came to my house, my battle dress was being pressed by my wife and I was in the house and never even went out to see Corporal Stoddard. When he came into the house he seen that the battle dress was being pressed and that was the reason I had it off on those two occasions. If I am being classed as a deserter, I don't see no way why a deserter would voluntarily surrender at his own Depot or go home to his own family where the Army is sure he will be.

That is all, sir.

"W5" (Sheet 1)

J.A. Hopkins Lt Col
President

CLOSING ADDRESS BY DEFENDING OFFICER

In making a closing address, there are only one or two points I would like to again call the attention of the Court to. The first one is that this soldier, who speaks no French, from the 25th February until the 1st of May was stationed at a French-speaking station and regardless of the fact that he tried on several occasions to get a transfer, nothing was done about it. He got no satisfaction at all. No action was taken. It seems to me that that fact should weight very heavily in favor of the accused. Following that, when he did go absent without leave, he reported himself back to his original station and it appears he was again being returned to the French-speaking Unit -- right back where he came from. This man has not a great deal of military experience. His knowledge of Military Law and procedure is very limited.

I also would like to draw the attention of the Court to the fact that this man is a volunteer. He is not called up under N.R.M.A. Regulations. He is a category man -- C.1. And the prospect of being attached to a Headquarters Company of a French Unit certainly isn't an attractive situation. That is almost enough to make anybody go A.W.L. The fact that he was a category man should be taken into consideration.

Another thing is that he kept his uniform with him and when he left home he continually was in uniform and that it was immediately available if not actually on his body when the police apprehended him at his home. His uniform was right there and I think he has given a reasonable explanation of why he wasn't wearing it. That was new to me and it appears to me like a reasonable explanation.

There is only one complaint that this man has had and that is that he could not get away from a French-speaking station and get into some line of endeavor where he could be useful. He is category C1 on account of his hand, as you can see. His wish, which has been repeatedly expressed, is that he should be given a trade school and be allowed to become a useful Unit in our War Effort and while he asked for that repeatedly, nothing has been done about it up until now.

As far as the charges as outlined here are concerned, regarding the 2nd and 3rd charges, I think there isn't much more that I can say that is not already on record because my objection to those charges and my reason for believing that they should never have been laid have been definitely stated. Under these circumstances, it seems to me that if the favorable public opinion which we so much desire for the Army is going to be maintained, this man must have a little different treatment than he has had up until now.

"N5" (Sheet 2)

Jackpain Lt Col
President.

CLOSING ADDRESS BY DEFENDING OFFICER (Continued)

On account of his disability, he was frustrated in his attempt to get overseas. He was posted to a French station where he had no hope of getting out and he was paraded in that station. He faced serious charges on account of leaving but he did leave and report himself back to this station, which is not actually deserting. The Court is permitted to find him guilty on a lesser charge. There is no question as to whether or not he was absent and I would respectfully ask the Court to consider that point when arriving at their decision.

It seems to me that we can make better use of this man than has been done up to now. Another thing is that public opinion of the Army is certainly going to suffer if we are going to allow a case like this to become common knowledge in some districts. We can't help it, and I think something should be done in that respect. This man is a reasonably good citizen, it seems to me. He volunteered to the Army, which any young man in his right mind would do and I don't think we can say his action up to the time he got in difficulty at the French station is detrimental to his character at all and I feel he has a real cause for complaint and I think it should be handled leniently on account of all the circumstances.

I think that is all I have to say, sir.

Jnr

"W 6" Lt Col Hopkins President

CLOSING ADDRESS BY THE PROSECUTOR

The criterion between desertion and absence without leave is that of intention. Intention may be disguise. It is not necessarily the distance that will prove intention. But the fact of disguise or else the possible evasion of a duty is sufficient to prove desertion. The accused, on being returned to his Unit to perform his duty whilst on Active Service, evaded the return and evidence was produced that he was apprehended in civilian clothes. On two occasions he evaded custody. Once when confidence was placed in him and he was placed in open arrest from close arrest. It is not the soldier's right or privilege to take into his own hands the restitution of any alleged wrong. A soldier who volunteers for duty volunteers for duty anywhere in Canada and out of Canada. If a soldier has a grievance, there is a procedure which is recognized. He does not take the law into his own hands.

It was very evident from the evidence produced that the accused had no intention of returning to his Unit as on two occasions he absented himself. Therefore, I submit that the intention to desert has been established.

"Y" Jr Hopkins Lt Col
President

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M.F.B. 355
36M—11-41 (2273)
H.Q. 1772-39-620
A.F.B. 206

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
L.18556	Pte.	HUBBARD, Roy John	No. 12 District Depot C.A.

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

	Within last 12 months		Since enlistment or appointment	
For	A.W.L.	1 times	A.W.L.	1 times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

~~or,~~

There are no entries in the conduct sheets of the accused.

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

2. The accused has not been previously convicted

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Air Force Act A.F.A. 79 Section 47 of the Army Act and dispositions with trial under A.A. 72 are set out in the Schedule annexed to this statement.~~

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

~~or,~~

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

4. The accused has been in confinement awaiting trial on the present charges, for ..... days in civil custody, and 46 days in military custody, making a total of ..... days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 22 years and 4 months

6. The date of his attestation November 21st, 1941.

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper

7. ~~The service which the accused is allowed to reckon towards discharge is~~

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

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

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

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11. ~~(In the case of an officer:) The accused holds in the Royal Canadian Air Force rank of~~
Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of
.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number..... Rank..... Name..... of..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 17th day of August, 1942. (E. Ross, M.C.)
Major & Adjt., No112
Dist. Depot, C.A.

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

J. M. Hopkins Lt Col
President

No. L 18556 Name Hubbard, R.J.

Sqn., Battery, or Company: 22nd Quots, R.C.A. (Field Regt.) Corps Depot, CAA #12 District Depot

Period not reckoning towards freedom from extra fine

Date of enlistment: C/R 21-11-41

G.C. Badges

Sheet No.

Signature O.C. Company, etc.: [illegible]

Service or Proficiency Pay

Character

M.F.M. 6 (A.F.M. 112) 100M—L—40 (3625) H.Q. 1772-43-18

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Name of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
St.Jerome, Que.	29-11-41	Pte	Nil	AWL. from 0600 hrs 29-11-41 to 1300 hrs 4-2-42. (38 days 7 hrs)	Documentary	14 days' pay 14 days' C.B.	20-4-42	Lt.Col. Francoeur	Forf. 23 days' pay F.R.&I.

(P.T.O.)

Certified true original copy
[illegible]

"Z" Detachment
President

"Z.2" Proceedings of Court President.

SUMMARY OF EVIDENCE

In the Case of

L.18556 - Private Roy John HUBBARD, No. 12 District Depot, REGINA, Saskatchewan, a soldier of the Active Army.

CHARGE:
ABSENTING HIMSELF WITHOUT LEAVE.

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

1st Witness: Captain G. Robinson, Adjutant of No. 12 District Depot, having been duly sworn, states:

"I am the Adjutant of No. 12 District Depot.

I produce M.F.M. 215 ~~217~~, showing the accused surrendered to the Guard Room at 2340 hours, June 2nd, 1942, dressed in uniform.

I produce certified true copy of letter signed by the Officer Commanding No. 12 District Depot, dated July 13th, 1942, to the effect that the accused escaped his escort somewhere west of Winnipeg on June 10th, 1942.

I produce certified true copy of Part 11 Order #195, dated July 14th, 1942, showing the accused escaped from custody enroute on June 10th, 1942.

I produce Certificate of Apprehension of the accused by the R.C.M.P. at 1500 hours, June 22nd, 1942. When apprehended the accused was wearing civilian clothing.

I produce M.F.B. 1482, dated June 23nd, 1942.

I produce M.F.B. 1481, dated June 22nd, 1942, showing Transportation costs $3.42.

I produce Certificate of expenses incurred by the Mounted Police in apprehending the accused totaling $10.90, dated June 22nd, 1942.

I produce certified true copy of Part 11 Order #187, dated July 6th, 1942, showing the accused A.W.L. from 1900 hours, July 3rd, 1942.

I produce Certificate of Apprehension by the R.C.M.P., dated July 12th, 1942, showing the accused as apprehended at Admiral District, Sask., at 1330 hours on the 12th day of July, 1942. The accused was wearing civilian clothes.

I produce M.F.B. 1481, transportation costs incurred by the accused $10.71, dated July 13th, 1942.

I produce Certificate of Expenses incurred by R.C.M.P. in apprehending the accused, $10.91, dated July 12th, 1942.

I produce M.F.M. 216, showing apprehension of the accused at 2155 hours, July 15th, 1942, in Regina, wearing uniform.

I produce a letter signed by L/Cpl. W.R. Burke, No. 43 Provost Company, dated the 16th July, 1942, stating that on route from Gull Lake to Regina, during the early morning of July 14th, the accused escaped from custody in the vicinity of Swift Current.

1st Witness: Captain G. Robinson (Continued)

Q. 1 Do you identify the accused?

A. 1 Yes.

The accused declines to cross-examine the witness.

(G. Robinson) Captain & Adjt.
No. 12 District Depot, C.A.(A)

2nd Witness: L.55378 - A/L/Cpl. Burke, W.R., No. 43 Provost Company, C.A., having been duly sworn, states:

"I identify the accused as Pte. Hubbard. Acting upon instructions, I proceeded to Gull Lake, Sask., on 12th of July, 1942, and took Pte. Hubbard into my custody at Gull Lake, Sask., from the R.C.M.P. at 0130 hours, July 13th, 1942. En route from Gull Lake to Regina on the 13th of July, 1942, Pte. Hubbard escaped from my custody at Swift Current, as this is the only stop between Gull Lake and Morse, Sask.

Q.2 Did the accused use any violence?

A.2 No, Sir.

Q.3 How was the accused dressed?

A.3 He was dressed in uniform, sir.

Q.4 When did you first miss the accused on the train?

A.4 When we had left Morse, sir.

Cross Examined by the accused.

Q.5 Did the R.C.M.P. warn you of my character?

A.5 They told me to "watch this man closely".

The accused declines to cross-examine further.

L.55378 - A/L/Cpl. Burke, W.R.
No. 43 Provost Coy., C.A.

Question to the Accused:

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

Answer by Accused:

I have nothing to say.

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

Taken down by me in the presence of the accused at No. 12 District Depot, Regina, Sask., this 30th day of July, 1942.

J.F. Arnott Capt.
Captain J.F. Arnott, M.C.
No. 12 District Depot, C.A., Regina.

A Continuation of Summary of Evidence taken under date of the 30th day of July, 1942

in the case of

L.18556 Private Roy John HUBBARD, No. 12 District Depot, Regina, Saskatchewan, a soldier of the Active Army.

CHARGE

ABSENTING HIMSELF WITHOUT LEAVE

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

3rd Witness: No. L.22303 A/Sgt. C.M. Aasen, No. 12 District Depot, having been duly sworn, states:

"I am of No. 12 District Depot, Regina, Saskatchewan, acting Orderly Room Sergeant with the full rank of Corporal.

I produce a receipt for documents of L.18556 Private HUBBARD, R.J., dated June 7th, 1942, and signed by Cpl. Winchill, J.

I produce a receipt of live body of L.18556 Private HUBBARD, R.J., Regina, Saskatchewan, June 7th, 1942, signed by Cpl. Winchill, J.

Q.1 Do you identify the accused?

A.1 Yes, Sir.

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3rd Witness: L.22303 A/Sgt. C.M. Aasen (Continued)

The accused declines to cross-examine the witness.

C. M. Aasen Sgt
L.22303 C.M. Aasen, A/OR Sgt.
No. 12 District Depot, C.A., Regina.

4th Witness: No. L.27797 Cpl. D.S. Gallant, No. 12 District Depot, H/31/43 having been duly sworn, states:

"I identify the accused. On the 7th of June, 1942, myself and Cpl. Eastman took Pte. HUBBARD from the main Guard House at Exhibition Grounds in Regina, Saskatchewan, and delivered him to Cpl. Winchill, J. at the C.P.R. Depot and received a receipt for the live body of Pte. HUBBARD and a receipt for his documents."

The accused declines to cross-examine the witness.

Cpl D S Gallant H/31/43
L.27797 Cpl. D.S. Gallant,
No. 12 District Depot, C.A., Regina.

5th Witness: No. L.22088 Cpl. C.M. Eastman, No. 12 District Depot, having been sworn, states:

"I identify the accused. On the 7th day of June, 1942, myself in company with Corporal Gallant took the accused from the Guard Room at the main gate of No. 12 District Depot in Regina, Saskatchewan, to C.P.R. Station in Regina, turned him over to Cpl. Winchill, who was in charge of a Draft going East to St. Jerome. We received a receipt for the live body of Pte. HUBBARD and a receipt for his documents.

The Accused declines to cross-examine the witness.

Cpl C M Eastman
L.22088 Cpl. C.M. Eastman,
No. 12 District Depot, C.A., Regina.

Question to the Accused:

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

Answer by Accused:

No, Sir, I have nothing to say.

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

Taken down by me in the presence of the accused at Regina, Saskatchewan, this 8th day of August, 1942.

H. B. F. Boyce, Lieutenant,
No. 12 District Depot, C.A., Regina.

SUMMARY OF EVIDENCE

in the case of

L.18556, Private Roy John HUBBARD, No. 12 District Depot, C.A., Regina, Saskatchewan, a soldier of the Canadian Army placed on Active Service.

CHARGE

1. Absenting himself without leave.

2. Losing by neglect his equipment, clothing and regimental necessaries.

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

1st Witness: No. L.22303 A/Sgt. C.M. Aasen, No. 12 District Depot, having been duly sworn, states:

"I am of No. 12 District Depot, Regina, Saskatchewan, and am acting Orderly Room Sergeant with the full rank of Corporal.

I produce M.F.B. 375, Declaration of a Court of Inquiry, dated 27th of May, 1942, at St. Jerome, Quebec.

I produce copies of Part 11 Orders; No. 75, dated 7th May, 1942, issued at St. Jerome, Quebec; No. 79A dated 13th May, 1942, issued at St. Jerome, Quebec; No. 87, dated 26th May, 1942, issued at St. Jerome, Quebec. Part 11 Order, 1st publication of the accused absence without leave. Also Part 11 Order, No. 91, dated 30th May, 1942, referring to S.O.S. of accused, illegal absence by Court of Inquiry. No. 87 refers to 3rd publication of the accused absence.

I produce M.F.M. 216, Form of Surrender, dated August 6th, 1942, signed by Sgt. Davis, H., L.27297, relating to surrender of accused.

Q.1 Do you identify the accused?

A.1 Yes, Sir.

The accused declines to cross-examine the witness.

C.M. Aasen, Sgt.
L.22303 A/CR Sgt. C.M. Aasen, Sgt.
No. 12 District Depot, C.A., Regina.

2nd Witness: No. L.22001 A/RQMS D.L. Sneddon, No. 12 District Depot, having been duly sworn, states:

"I am the quartermaster sergeant of No. 12 District Depot, at Regina, Saskatchewan, having the full rank of C.S.M. I went down to the Detention Guard Room at the main gate and inspected the kit of the accused, L.18556 Private Roy John HUBBARD, and the possession of

2nd Witness: L.22001 A/RQMS D.L. Sneddon, (Continued)

number of articles which were issued to him according to Declaration of the Court of Inquiry held at St. Jerome, Quebec, the 5th day of May, 1942. He was found deficient of Kit to the value of $30.43. After Kit inspection I still find him deficient $29.39.

No.	Kind	In His Possession	Deficient	Cost of Deficiency
2	Anklets	1	1	.77
2	Badges, Canada	1	1	.05
1	Badges, Cap	0	1	.09
2	B.D. Blouses	1	1	5.58
2	B.D. Trousers	1	1	5.60
1	Blacking, Tin	0	1	.05
2	Boots, Ankle	1	1	5.20
1	Boot, Dressing	0	1	.05
1	Boot Laces	0	1	.02
1	Braces prs.	1	0	.00
1	Brasses Button	1	0	.00
1	Brushes, Blacking	1	0	.00
1	Brushes, Polishing	1	0	.00
2	Brushes, Shaving	1	1	.30
2	Brushes, Tooth	1	1	.09
3	Caps, F.S.	1	2	1.56
1	Comb	0	1	.04
2	Drawers, Woollen	1	1	.33
1	Drawers, Cotton Short	0	1	.33
1	Fork, Table	0	1	.09
1	Gloves	0	1	.59
1	Holdall	1	0	.00
1	Housewife	0	1	.51
1	Jackets, Sweater	0	1	1.38
1	Knives, Table	0	1	.18
2	Razor, Safety Sets	2	0	.00
5	Razor, Blades	5	0	.00
3	Shirts, Flannel K.S	1	2	2.34
1	Shirt, K.C. S/S	1	0	.00
1	Shirt, Service	0	1	.84
1	Shirt, Under Cotton	0	1	.40
2	Shirt, Woollen	1	1	1.14
4	Socks	1	3	1.08
1	Sponge Pipeclay	0	1	.02
1	Spoon, Table	0	1	.08
4	Towels, Hand	1	3	.63
1	Bags, Ration	0	1	.03
1	Haversack W.E. 37	1	0	.00
2	Cloths, Disinfect.F.P.	0	2	.02
				29.39

Final Total Issue	32.36
In man's Possession	2.97
In Debt	$29.39

Q.2 Do you identify the accused?

A.2 Yes, Sir.

HBFB.

2nd Witness: L.22001 A/RQMS D.L. Sneddon, (Continued)

Cross-examined by the accused.

Q.3 When getting the report from St. Jerome, Quebec I was found deficient to the amount of $30.43. After the Q.M.S. checked my stuff I was still deficient to the amount of $29.39, I would like an explanation of this.

A.3 On checking his 800s I took into consideration all items that were issued to him. Some articles on the 800s were strocked off in red ink. These were not charged up against him. The only articles charged to him showed no signs of being written off charge and, therefore, articles in his possession were taken into consideration and accounted for.

The accused states that he does not want to ask any more questions.

D. L. Sneddon a/RQMS
L.22001 A/RQMS D.L. Sneddon
No. 12 District Depot, C.A., Regina.

Question directed to the accused.

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

Answer by the Accused.

I have nothing to say, Sir.

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

Taken down by me in the presence of the accused at Regina, Saskatchewan, this 7th day of August, 1942.

H B P Boyce Lt.
H. B. P. Boyce, Lieutenant
No. 12 District Depot, C.A., Regina.

MEDICAL OFFICER'S REPORT

I certify that No. L 19556 Pte R J Hubbard of 12 Dist Depot is in a fit, state of health, and fit to undergo Trial by Court martial.

J Anderson Capt
Medical Officer

Station Regina

Date 17 Aug 1942

M. F. B. 246
20M—3-40 (4353)
H.Q. 1773-99 606

H.Q.C. 55-H-282 DEAD CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HOLOSKO E.J., M.477659 PTE.

GEN.LIST, NO.13 NRMA. CLEAR.DEPOT.

DEAD

CENTRAL REGISTRY	DATE	P.A. OR R.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
DEC 18 1942					If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minutes"		
	29/12/42				With papers	CR	31/12/42
JAN 2 1943	2/1/43	PA					
JUL 6 1943	6/7/43	PA			For acquisition C.R. JUL 6 1943		

CONFIDENTIAL H.Q.C. 55-H-282

NOTICE

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

PASS THIS FILE IN ENVELOPE

H.Q. C.55-H-282
M.D. C.36-H-2474

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. M-477659 Name HOLOSKO, E.J.

Rank Pte. Unit #13 N.R.M.A. Clearing Depot, #131 C.A.(B) T.C., C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 20/10/41. 2. 4/6/42.

Date of Arrest 2/6/42. Charge. Signed 11/6/42.

Orders for D.C.M. O.C., M.D.#13.

Place and Date of Trial Camrose, Alta., 5/8/42.

Sentence Detention 28 days and stoppages $22.08.

Date of Confirmation 15/8/42.

Date of Promulgation 21/8/42.

Entered in Records of J.A.G. as No. 6670

Date 1/9/42.

MEMO Not guilty of desertion but is guilty of A.W.L.

H. F. G. Bridgland Lieut.
for Judge Advocate-General.

2M-7-42(M1291)

6670 OR 1226

IN REPLY PLEASE QUOTE
No. G. 36-H-2474

CANADA

Department of National Defence
Headquarters, M.D. No. 13
Calgary, Alberta.

25th August 1942 193

CONFIDENTIAL

REGISTER

CENTRAL REGISTRY Army
PERS. SEC.
AUG 31 1942
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
Ottawa, Canada.

DISTRICT COURT-MARTIAL
No. M.477659 Pte. Emil John Holosko
General List, No. 13 N.R.M.A. Clearing Depot
Attached 131 Canadian Army (Basic) Training Centre, C.A.

Reference the attached proceedings of the marginally noted District Court-Martial.

1. The proceedings have been reviewed at this Headquarters and it has been observed that:

(a) It is not necessary to amplify or explain M.F.B. 1481 and 1482 as was done by the First Witness on Page C3. These documents are certificates and are in themselves evidence of the matters stated therein.

(b) In document "M", page 43, the initial of the accused should have preceded his surname.

(c) With reference to the closing address of the Defending Officer, Exhibit "Q", page 51, it is noted that he stated "nowhere in the prosecution has there appeared one iota of evidence as to the accused's intent to desert", this is not correct. The accused was apprehended in civilian clothes. This factor should have been dealt with by the Defending Officer and care must be exercised that when broad statements are made they are accurate.

(d) The exclusion of the First Witness for the defence on the ground that such witness was not an expert is erroneous in view of the latitude to be allowed to the defence. The Court should have allowed the evidence of this witness as evidence of an expert; it is considered however that no prejudice resulted to the accused thereby.

(e) It will be noted that the phrase "the witness withdraws" is not inserted after the evidence of the First Witness. This is because the Witness is the prosecutor, similarly it will also be noted that on page C the words "is examined by the prosecutor" were struck out. This was done because the witness was the prosecutor.

(f) In view of the exclusion by the Court of the evidence of the First Witness for the defence there was then no evidence for the defence and thus addresses to the Court by the Prosecutor and the Defending Officer were made in the order laid down by R.P. 40 (D) (ii).

(P.T.O.)

NAT. DEF. S. 239

MEDICAL OFFICER'S REPORT

I certify that No. M 477659 Pte. Emil John Holosko of 131 C.A.(B)T.C., C.A. is in a good state of health, and fit to undergo Trial by Court martial.

C. F. Connolly Capt. RCAMC
(C.F. CONNOLLY) Medical Officer attached
131 C.A.(B)T.C., C.A.

Station Camrose, Alberta.

Date 5th August 1942.

M. F. B. 246
28M—4-43 (6744)
H.Q. 1773-29-400

MEDICAL OFFICER'S REPORT

I certify that No. K 477659 Pte. Emil John HOLOSKO of 131 C.A.(B)T.C., C.A. is in a normal state of health, and fit to undergo Trial by Court martial.

J. Drumble Capt. RCAMC
Medical Officer att.
131 C.A.(B)T.C., C.A.

Station Camrose, Alberta.

Date 10 Aug. 42.

M. F. B. 246
HM—8-43 (4744)
H.Q. 1775-26 400

No. 131 CAN. ARMY (BASIC) TRAINING CENTRE
AUG 10 1942
ORDERLY ROOM
CAMROSE, ALBERTA.

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

A

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

Proceedings of a District Court-Martial held at Camrose, Alberta, on the 5th day of August 19 42 by order of Col. H.C. Greer, Commanding Military District No. 13. dated the 30th day of July, 1942.

President.

Major C.A. Welbourn, 131 Canadian Army (Basic) Training Centre, C.A.

Members.

Major G.K. Watts, 131 Canadian Army (Basic) Training Centre, C.A.

Major H.C. Seagrim, A20 Canadian Army Service Corps Training Centre, C.A.

~~Judge Advocate.~~

Trial of* No. M.477659, Pte. Emil John Holosko, General List, No. 13 N.R.M.A. Clearing Depot, Attached 131 Canadian Army (Basic) Training Centre, C.A.

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

~~The Court satisfy themselves that ---------- is not available to serve owing to~~

~~†-waiting member takes his place as a member of the Court.~~

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

The accused is brought before the Court.

Prosecutor,† Lieut. R. MacDonald, 131 Canadian Army (Basic) Training Centre, C.A.

~~Counsel‡ or~~ defending officer† Capt. G.E. Gleave, M.M., 131 Canadian Army (Basic) Training Centre, C.A.

At 10.08 o'clock the Trial commences.

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

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

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

~~Answer by accused.~~

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

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

Mil. Form B. 271
10M—6-40 (5715)
H.Q. 1772-20-224

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

C.A. Welbourn Major,
President, D.C.M.

B

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

The following officers under instruction are duly sworn.

Charge-Sheet

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

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

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

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

Answer.

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

Answer.

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

Answer.

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

Answer.

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

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

Answer.	A.1	I object to the President of the Court, Major C.A. Welbourn.
Question to Accused	Q.2	Do you object to any other person?
Answer	A.2	No, sir.
Question to Accused	Q.3	What is your objection to me as president?
	A.3	The accused, in support of his objection to the president, makes the following statement; through his Defending Officer:

The President, Major C.A. Welbourn, has become the Commanding Officer of the accused, in that he has, since the charges against the accused were made, assumed command of "A" Company of this Training Centre, which is the Company to which the accused belongs (Army Act, Section 50, Note 3).

The Court is closed to consider the objection.

Decision. The Court allow the objection.

The Court is re-opened, and the above decision is made known to the accused, and the Court adjourn.

At 10.00 o'clock on Monday, the 10th day of August, 1942, the Court resume their proceedings, and an Order appointing another president is read, marked "Exhibit X-1", signed by the President and attached to the proceedings.

The Court satisfy themselves with respect to such president as provided by Rule of Procedure 22. x

Question to Accused	Q.4	Do you object to be tried by me as President?
Accused.	A.4	No, sir.

The president and members of the Court, as constituted after the above proceedings, are as follows:-

President.

Major C.E. Ball, V.D., A20 Canadian Army Service Corps Training Centre, C.A.

Members.

Major G.K. Watts, 131 Canadian Army (Basic) Training Centre, C.A.
Major H.C. Seagrim, A20 Canadian Army Service Corps Training Centre, C.A.

---

x I have not previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

Major,
President, D.C.M.

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

A

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

Proceedings of a Court-Martial held at
on the day of 19 by order of
Commanding
dated the day of 19

President.

Members.

Trial of* , Judge Advocate.

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

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

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

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

The accused is brought before the Court.

Prosecutor,†

Counsel‡ or defending officer†

At o'clock the Trial commences.

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

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

Question by the President to the accused.

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

Answer by accused.

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

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

Mil. Form B. 271
10M—6-40 (5715)
H.Q. 1772-39-224

6.

B

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

The following officers under instruction are duly sworn. See attached list marked "G".

Q.5 Do you object to No. M.41155, A/Sgt. John McMann, No. 13 Detachment, Corps of Military Staff Clerks, C.A., acting as shorthand writer?

A.5 No, sir.

No. M.41155, A/Sgt. John McMann, No. 13 Detachment, Corps of Military Staff Clerks, C.A., is duly sworn as shorthand writer.

Charge-Sheet

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

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

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

Q.6 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.6 Not Guilty *Answer.*

Q.7 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.7 Guilty *Answer.*

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

Answer.

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

Answer.

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

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

B-2 1

CHARGE SHEET

The accused N 477659 Private [illegible] JOHN H. LEGLO, General List No. 13 National Resources Mobilization Act Clearing Depot, attached to 131 Canadian Army (Basic) Training Centre, C.A., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act, 1940, and the Regulations made thereunder, as amended, placed on Active Service, is charged with:

WILFUL DISOBEDIENCE OF A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER

First Charge
Sec. 12 (1) (a)
Army Act

In that he

at Camrose, Alberta, at 1730 hours on 20th October, 1941, absented himself from 131 Canadian Army (Basic) Training Centre, C.A., until apprehended by the Civil Police at LYALTA, Alberta, at 1200 hours on 2nd June, 1942, dressed in plain clothes, the cost of his apprehension and return to his Corps being $11.48

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND MILITARY ACCOUTREMENTS.

Second
Charge
Sec. 24 (2)
Army Act

In that he

at Camrose, Alberta, on 4th June, 1942, was deficient of the following articles:-

1 pull-through	.04	1 pr. Braces	.27
1 pr. Anklets, web	.67	1 pr. Drawers, Woollen	.86
1 pr. Badges, Cap	.05	1 " Shirts, Woollen	.47
2 prs. Boots, Ankle	7.22	1 pr. Gloves, Woollen	.44
2 prs. Boot laces	.03	1 pr. Socks	.26
			10.60

J. Fleming Lt.-Col.,
(J. [illegible] Fleming) Commandant
131 Canadian Army (Basic)
Training Centre, C.A.,
Military District No. 13

CAMROSE, Alberta,
11th June, 1942.

To be tried by District Court Martial

Signed at Calgary Alberta
This 30th Day of July 1942

H. O. Grue Col
D.O.C. M.D. No. 13

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.8 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.8 No, sir.

The prosecutor ~~makes an opening address~~ [hands in a written address, which is read, marked "Exhibit H", signed by the President, and attached to the proceedings.]

The prosecutor proceeds to call witnesses.

First witness for prosecution. } Lieut. R. MacDonald, 131 Canadian Army (Basic) Training Centre, C.A.,

being duly sworn, ~~is examined by the prosecutor~~, states:

I now produce the following documents and identify the accused as the person to whom they relate:

M.F.B. 375, copy of Declaration of a Court of Inquiry, which declares the accused to be absent without leave from 131 Canadian Army (Basic) Training Centre, C.A., at 1730 hours on the 20th day of October, 1941, and to be still so absent on the date the Court of Inquiry was held;

(M.F.B. 375 is marked "Exhibit I", signed by the President, and attached to the Proceedings.)

Certified copy of Part II Orders No. (B)210, dated 17th November 1941, striking the accused off strength effective the 13th November 1941.

(Certified copy of Part II Orders No. (B) 210, dated 17th November 1941, is marked "Exhibit J", signed by the President, and attached to the Proceedings.)

A certified copy of Part II Orders No. (B)122, dated 12th June 1942, taking the accused on strength for all purposes except pay on the 2nd of June 1942.

(Certified copy of Part II Orders No. (B) 122, dated 12th June 1942, is marked "Exhibit K", signed by the President, and attached to the Proceedings.)

M.F.M. 215, Certificate of Apprehension by civil authorities, showing the accused apprehended at Lyalta, Alberta, at 1200 hours on the 2nd day of June, 1942.

(M.F.M. 215 is marked "Exhibit L", signed by the President, and attached to the Proceedings.)

M.F.B. 1481, certificate of transportation from Calgary to Camrose covering the transportation of the escort; in connection with this certificate, sir, I would like to explain that the escort was already in Calgary, having gone there on other duty, and that is the reason for the one-way fare.

(M.F.B. 1481, transportation for escort, is marked "Exhibit M", signed by the President and attached to the Proceedings.)

M.F.B. 1481, certificate of transportation for the accused from Calgary to Camrose.

(M.F.B. 1481, transportation for accused, is marked "Exhibit N", signed by the President and attached to the Proceedings.)

M.F.B. 1482, certificate of incidental expenses, meals for the escort and accused and hotel for the escort. In explanation of the hotel room, the escort had to stay overnight in Calgary to bring the accused back.

(M.F.B. 1482 is marked "Exhibit O", signed by the President and attached to the Proceedings.)

In addition there were certain other expenses, namely,

Telegram from the Provost Marshall advising of the apprehension, a sum of, ...$	.59
Telegram requesting documents, from the D.R.C., . . .	.45
Telegram advising that the escort and prisoner were leaving Calgary, from the Garrison Commandant, Calgary, a sum of, ...	.50

making in all the total charge of $11.48.

The Defending Officer declines to cross-examine.
In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The Prosecutor has no further witnesses.

D

The prosecution is closed.

Defence

Q.9 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.9 *Answer.* No, sir.

Q.10 *Question.* Do you intend to call any other witness in your defence?

A.10 *Answer.* Yes, sir.

Q.11 *Question.* Is he a witness as to character only? A.11 *Answer.* No, sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence ~~of the accused (and~~ of the witnesses for the defence ~~including witnesses as to character)~~ is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Q.12 *Question to the accused.* Have you anything to say in your defence?

A.12 *Answer.* No, sir.

~~The accused in his defence says†~~

~~[Hands in a written address which is read, marked~~

~~signed by the President and attached to the proceedings.]~~

The Defending Officer makes an opening address, which is recorded, marked "Exhibit P", signed by the President, and attached to the Proceedings.

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for the Defence

No. M.69015, Sgt. F.J. O'Brien, 131 Canadian Army (Basic) Training Centre, C.A., being duly sworn, is examined by the Defending Officer,-

Q.13 What is your position in this camp?

A.13 Psychological examiner in the Department of Personnel Selection.

Q.14 Will you tell the Court your qualifications for such a responsible position as this? Has this been your life work?

A.14 Partly, sir. As a teacher I have had much experience in psychology. I have had a six weeks' course in psychology from the Department of Education at the University of Alberta, in tests and measurements, and also six months' experience with Capt. Kibblewhite, the Assistant Army Examiner of this Training Centre.

Q.15 Do you recognize the accused?

A.15 I do.

Q.16 Have you examined him recently?

A.16 Yes, sir.

Q.17 What were your findings?

A.17 He was interviewed on August 4th, 1942, at the Personnel Selection Office in this camp, by myself. While he appears normally bright and alert there is no doubt that his life has been definitely affected by his passion for music -- even to such an extent that he has no sense of responsibility. It is my opinion that when his mind is centred on music he could perform an act involuntarily without being conscious of such action. Holosko does not appear to be an ordinary discipline case and I failed to detect any evidence of criminal tendencies.

Objection: The Prosecutor objects to the foregoing evidence on the ground that it is opinion evidence and is inadmissible under Chapter VI, M.M.L., paragraph 63, and that paragraph 64 of the same Chapter does not apply to this witness.

The Defending Officer answers the objection: It is the submission of the defence that this witness is well qualified to give such an opinion. He is employed for the special purpose of examining men so that they may go into the proper channels in which they may best serve. It is his daily work at this Training Centre and this evidence is his considered opinion.

The Prosecutor replies: The Prosecution submits that this witness is not an expert within the meaning of the Army Act.

Questioned by the Court.

Q.18 What is your opinion of your work?

A.18 I have examined practically all of those who have come in -- that is, both of us, I myself and Capt. Kibblewhite.

The Court is closed to consider their decision.

The Court allow the objection, and the Court is re-opened and the decision announced and the Court proceed with the trial.

The evidence of the only witness for the defence having been successfully objected to, the Court rules that the accused may now make a statement giving his account of the subject of the charge against him.

The accused in his defence addresses the Court through his Defending Officer:

"The Defending Officer, gentlemen, now addresses the Court on behalf of the accused. In other words, my interpretation of it is that I am merely the mouthpiece of the accused and I so address you.

"The accused has made music a study all through his life so far. He has concentrated on the one thing. He has been absorbed in his work to the exclusion of all else. Sense of any duty, not only to his country, is subordinated to an uncontrollable urge to perfect himself in this art. His teacher was Professor Garbowitsky who was conductor of the Calgary Symphony Orchestra, and it is quite true that only pupils of distinction have the privilege of taking lessons from him. And then when he sees success finally in sight, the whole world, as he knows it, crashes about his ears. He is called up for service and reports to Camrose. He sees the ambitions of his parents, who are poor, people, swept away all in one moment. He has no opportunity to study in this camp. He has no teacher whom he can go to . He finds himself taking muscular exercises as set out in the Army Syllabus of Training, that are ruining his technique, and as far as he is concerned in his world, everything is lost. The nights he spent on his cot were filled with worry and turmoil, and in this state of desperation he left camp. This is no normal youth. Look at him now. I do not believe at this moment now, sir, he realizes the full import of the undertakings

here."

The Defending Officer makes a Closing Address. The address is recorded, marked "Exhibit Q", signed by the President and attached to the Proceedings.

The Prosecutor makes a Closing Address. The address is recorded, marked "Exhibit R", signed by the President and attached to the Proceedings.

E

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

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused No. M.477659, Pte. Emil John Holosko, General List, No. 13 N.R.M.A. Clearing Depot, Attached 131 Canadian Army (Basic) Training Centre, C.A., is not guilty of desertion but is guilty of absence without leave on the first charge.

**When the Court is already open this sentence will be struck out.*

~~Proceedings on Conviction *before Sentence*~~

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

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

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

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

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

Cross-examined by the accused.

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

Question to the accused.

Do you wish to address the Court? *Answer.*

The Court is closed for the consideration of the sentence.

CC

Proceedings on Plea of Guilty

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

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

The accused No. M.477659, Pte. Emil John Holosko, General List, No. 13 N.R.M.A. Clearing Depot, Attached 121 Canadian Army (Basic) Training Centre, Ottawa, is found guilty of the second charge.

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

Q.19 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.19 *Answer.* No, sir. ~~The accused in mitigation of punishment says:~~

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

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

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

Q.20 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A.20 No, sir. *Answer.*

Evidence as to character.

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

~~Finding~~*

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Lieut. R. MacDonald, 131 Canadian Army (Basic) Training Centre, C.A., on his former oath, states: "~~is duly sworn.~~"

Evidence of character, &c.

Q.21 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? A.21 *Answer by the Witness.* Yes, I produce M.F.B. 355.

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

Q.22 *Question by the President.* Is the accused the person named in the statement which you have heard read? A.22 *Answer by the Witness.* Yes.

Q.23 *Question.* Have you compared the contents of the above statement with the regimental books? A.23 *Answer.* Yes.

Q.24 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? A.24 *Answer.* Yes.

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

~~Cross-examined by the accused.~~
The Defending Officer declined to cross-examine.
In the opinion of the Court it is not necessary to comply with R.P. 83(B).

Q.25 *Question to the accused.* Do you wish to address the Court? A.25 *Answer.* The Accused addresses the Court through his Defending Officer. The address is recorded, marked "Exhibit Z", signed by the President, and attached to the Proceedings. The Court is closed for the consideration of the sentence.

26

F

Sentence

The Court sentence the accused No. M.477659, Pte. Emil John Holosko, General List, No. 13 N.R.M.A. Clearing Depot, Attached 131 Canadian Army (Basic) Training Centre, C.A., to undergo detention for twenty-eight days and to be put under stoppages of pay until he has made good the sum of $11.48 in respect of the cost of apprehension and return to his corps and until he has made good the value of the following articles, viz:-

1 pull-through,	$ .06
1 pr. anklets, web,	.57
1 pr. Badges, cap,	.05
2 prs. boots, ankle,	7.22
2 prs. boot laces,	.03
1 pr. braces,	.22
1 pr. drawers, woollen,	.86
1 shirts, woollen,	.87
1 pr. gloves, woollen,	.44
1 pr. socks,	.28
	$10.60

Sentence.

Detention
28 days

Stoppages
$11.48
10.60
$22.08

Signed at Camrose, Alberta, this 10th day of August, 1942.

Major,
A20 Canadian Army Service Corps Training Centre, C.A.,
President.

Extracts entered as No. 6670 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 1st day of October 1942

Signed at Calgary Alta
this 15th day of August

Confirmed

Confirmed

PROMULGATION

Promulgated and extracts taken at Camrose, Alberta, this 21 day of August 1942

Signature of Assistant Adjutant

Unit 131 CA(B)TC C.A.

for
D.S.? M.D. 13

"Exhibit X" X 27

ORDERS BY COLONEL H.C. GREER

District Officer Commanding, Military District No. 13

Calgary, Alberta,
30th July 1942.

DISTRICT COURT-MARTIAL
No. M.477659 Pte. Emil John Holosko
General List, No. 13 N.R.M.A. Clearing Depot,
Attached 131 Canadian Army (Basic) Training Centre, C.A.

1. The detail of Officers as mentioned below will assemble at Camrose, Alberta, at 1000 hours, Wednesday, the 5th day of August, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major C.A. Welbourn, 131 Canadian Army (Basic) Training Centre, C.A., is appointed President.

MEMBERS

Major G.K. Watts, 131 Canadian Army (Basic) Training Centre, C.A.,
Major H.C. Seagrim, A20 Canadian Army Service Corps Training Centre, C.A.,

WAITING MEMBER

Capt. L.R. Riddell, 131 Canadian Army (Basic) Training Centre, C.A.

PROSECUTOR

Lieut. R. MacDonald, 131 Canadian Army (Basic) Training Centre, C.A.

DEFENDING OFFICER

Capt. G.E. Gleave, M.M., 131 Canadian Army (Basic) Training Centre, C.A.

OFFICERS UNDER INSTRUCTION

Lieut. V.L. Sims, 131 Canadian Army (Basic) Training Centre, C.A.,
Lieut. J.T. Potts, 131 Canadian Army (Basic) Training Centre, C.A.,
Lieut. E.W. Newland, 131 Canadian Army (Basic) Training Centre, C.A.,
Lieut. C.H. Ralph, 131 Canadian Army (Basic) Training Centre, C.A.,
Lieut. S. Savage, 131 Canadian Army (Basic) Training Centre, C.A.,
Capt. A.H. Mitchell, A20 Canadian Army Service Corps Training Centre, C.A.,
Lieut. D.L. Swanney, A20 Canadian Army Service Corps Training Centre, C.A.,
Capt. G.A. Wry, A20 Canadan Army Service Corps Training Centre, C.A.,
Lieut. J.J. Moray, A20 Canadian Army Service Corps Training Centre, C.A.,
2nd Lieut. M.D. Bouchard, Canadian Women's Army Corps, C.A.

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

3. The Officer Commanding, 131 Canadian Army (Basic) Training Centre, C.A., will arrange for the necessary accommodation, stationery, and Court Orderly and will also ensure that the necessary escort has been provided.

4. M.41155 A/Sgt. John McMann, No. 13 Detachment, Corps of Military Staff Clerks, C.A., is detailed as stenographer to the Court and will report to the President of the Court at 0945 hours on the day set out.

5. The Proceedings, marked "Confidential", will be forwarded to the A.J.A.G Military District No. 13.

Signed at Calgary, Alberta, this 30th.day of July, 1942.

H.C. Greer

(H.C. Greer) Colonel,
District Officer Commanding,
Military District No. 13.

"Exhibit X-1" 29

Thos. Mac Rossett

ORDERS BY BRIGADIER F.M.W. HARVEY, V.C., M.C.

District Officer Commanding, Military District No. 13.

Calgary, Alberta,
6th August 1942.

DISTRICT COURT-MARTIAL
No. M.477659 Pte. Emil John Holosko
General List, No. 13 N.R.M.A. Clearing Depot,
Attached 131 Canadian Army (Basic) Training Centre, C.A.

1. Whereas, pursuant to Convening Order dated the 30th day of July, 1942, the detail of Officers mentioned therein assembled at Camrose, Alberta, at 1000 hours, Wednesday, the 5th day of August, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as might be brought before them);

2. And whereas, upon the opening of the Court, the accused person objected to the President thereof, as appointed by the said Convening Order, and the Court allowed the objection;

3. And whereas the decision of the Court was reported to me by the President thereof;

4. I hereby appoint Major C.E. Ball, V.D., A20 Canadian Army Service Corps Training Centre, C.A., as President of the said Court.

Signed at Calgary, Alberta, this 6th day of August, 1942.

(F.M.W. Harvey) Brigadier,
District Officer Commanding,
Military District No. 13.

Major
Pearson

Officers Under Instruction

Lieut. V.L. Sims, 131 Canadian Army (Basic) Training Centre, C.A.,
Lieut. J.T. Potts, 131 Canadian Army (Basic) Training Centre, C.A.,
Lieut. C.H. Ralph, 131 Canadian Army (Basic) Training Centre, C.A.,
Lieut. S. Savage, 131 Canadian Army (Basic) Training Centre, C.A.,
Capt. A.H. Mitchell, A20 Canadian Army Service Corps Training Centre, C.A.
Lieut. D.L. Swanney, A20 Canadian Army Service Corps Training Centre, C.A.
Capt. G.A. Wry, A20 Canadian Army Service Corps Training Centre, C.A.
Lieut. J.J. Moray, A20 Canadian Army Service Corps Training Centre, C.A.
2nd Lieut. M.D. Bouchard, Canadian Women's Army Corps, C.A.

"Exhibit H" 33

Pull. Major Masciotti.

OPENING ADDRESS of the Prosecutor.

Gentlemen:

I shall endeavour to prove through the production of documents ~~[illegible]~~ and statements by witnesses the following narrative of events:

The accused M/477659 Pte. Emil John HOLOSKO was first reported absent without leave from 131 S.A.(B)T.C. C.A., Camrose, Alberta at 1730 hours on the 20th day of October 1941, he failed to return to his unit until apprehended by the R.C.M.P. at Lyalta, Alberta at 1200 hours on the 2nd June 1942, a total absence of 224 days, 17 hrs and 30 mins. When apprehended he was dressed in plain clothes. The accused was brought back to his unit under escort, the costs of his apprehension and return amounted to $11.40. A check of the kit of the accused showed him to be deficient of articles the total recoverable value of which is $10.60.

"Exhibit I" 35

Pte. Hayse. Regiment

RECORD of the Declaration of a Court of Inquiry assembled at 131 C.A.(B)T.C. C.A. on the 13th day of November 1941, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. M 477659 Pte. HOLOSKO, E.J.

DECLARATION

The Court declare that No. M 477659 Pte. HOLOSKO, E.J. General List, No. 13 National Resources Mobilization Act Clearing Depot attached 131 Canadian Army (Basic) Training Centre C.A.

illegally absented himself without leave from 131 C.A.(B)T.C. C.A. Camrose, Alberta at 1730 hours on the 20th day of October, 1941; and that on the 13th November, 1941 he was deficient, and that he is still deficient of the following articles:—

Pte. Hood is still so absent.

ARTICLES	VALUE	ARTICLES	VALUE
Anklets, Web	.77		
Badges Cap	.07		
Boots Ankle (2)	9.62		
Boot Laces (2)	.04		
Braces	.29		
Drawers Woollen	1.14		
Shirts Woollen	1.17		
Gloves, Woollen	.59		
Socks	.37		
Pull-through	.08		
	14.14		
Less 25%(C.A.R.O. 1770)	3.54		
	$ 10.60		

Capt. F.S. MacGregor — President

Signed at Camrose, Alberta

Lieut. A.R. Robertson — Member

this 13th day of November 1941

Lieut. H.C. Hughes — Member

Signature of Commanding Officer Louis Scott Lt.-Col., Commanding, 131 C.A.(B)T.C. C.A.

Certified true copy F.H. Newcombe

F.H. Newcombe Capt. & Adjt. Signature of Officer having custody of original record

131 Canadian Army (Basic) Training Centre, C.A.

M.F.B. 338
GM—10-40 (7435-4)
H.Q. 1772-39-267

"Exhibit J" 3

Pte. Hare. Present.

CANADIAN ARMY (BASIC) TRAINING CENTRE 131
CAMROSE : ALBERTA

(B) RESERVE ARMY PERSONNEL (N.R.M.A. 1940)

No. of sheets - 1 -
Last Pt. II Order issued # (B) 209 d/14 Nov. 41.

PART II ORDERS
by
Lt.-col. LOUIS SCOTT D.C.M.,
Commandant

No. (B) 210
Sta. CAMROSE
Date 17 Nov. 41.

1. LEAVE OF ABSENCE

M/537687 Pte. HARROLD, J.H. "A" 10 T.P.
m/n O.R. granted leave of absence, without pay, from 2359 hours 17 Nov. 41. to 2359 hours 20 Nov. 41. for the purpose of enlisting in the R.C.A.F.

M/601772 Pte. SPROULE, R.C. "B" 11 T.P.
m/n O.R. granted leave of absence, without pay, from 2359 hours 17 Nov. 41. to 2359 hours 22 Nov. 41. for the purpose of enlisting in the R.C.A.F.

2. STRENGTH DECREASE

(a) The undermentioned personnel having been enlisted in the R.C.A.F. are discharged from No. 13 N.R.M.A. Clearing Depot, and cease to be attached to C.A.(B.)T.C. 131, effective dates and Reg.No.'s as shown. (Auth. DHQ.Lr. C-15-19, d/25 Apl. 41. & 25 July 41.)

M/507667 Pte. RAE, W.W. "A" 10 T.P. (R.140170) 12 Nov. 41.
M/601665 Pte. DORWARD, F.A. "A" 10 T.P. (R.142534) 14 Nov. 41.

(b) The undermentioned personnel having been enlisted in the Can. Postal Corp., is discharged from No. 13 N.R.M.A. Clearing Depot, and ceases to be attached to C.A.(B.)T.C. 131, effective 27 Oct. 41. New Reg. No. "C.97810".

M/601551 Pte. WOOD, C.L. "B" 9 T.P.

(c) The undermentioned personnel having been declared by a Court of Inquiry to have been illegally absent since 1730 hours 20 Oct. 41. and to have deficiencies in kit to the amount of $14.14 is struck off strength with effect from 13 Nov. 41. Forfeits 25 days pay under F.R. & I. 149(1)(a).

M/4477659 Pte. HOLOSKO, E.J. "B" 10 T.P.

(d) The undermentioned personnel having been declared by a Court of Inquiry to have been illegally absent since 2359 hours 21 Oct. 41. and to have deficiencies in kit to the amount of $27.83 is struck off strength with effect from 14 Nov. 41. Forfeits 25 days pay under F.R. & I. 149(1)(a).

M/601428 Pte. MOUTRAY, LE. "A" 9 T.P.

I certify that this is a true copy of Part II Order No.(B) 210 dated 17th November, 1941, of which it purports to be a copy.

T. Shewcombe.
(T. Newcombe) Capt. A Adjt.,
131 C.A.(B)T.C. C.A.

S. J. Ellerton Lieut. & Adjutant
For Louis Scott, Lt.-col., Commandant,
No.131, C.A.(B)T.C., Camrose, Alberta.

"Exhibit K" 39

Last Pt.II.
O.(B)121
d/9 Jun 42.

PART II ORDER
by
Lt.-col. P.J.A. FLEMING,
Commandant.

No. (B)122
Sta. CAMROSE
d/12 Jun 42

CANADIAN ARMY (BASIC) TRAINING CENTRE 131

(1 sheet)

RESERVE ARMY PERSONNEL (N.R.M.A. 1940)

1. HOSPITAL
Rations.

(a)M/602020 Pte. GAINES C.L. "B" 14TP Sick at home, Stettler, Alta., 23 May 42
Struck off ration strength, 23 May 42
Ret. from sick at home, Stettler, 1 Jun 42
Taken on ration strength, 2 Jun 42

(b)M/448121 Pte. CHRISTENSEN I.M. "A" 16TP Sick at home, Provost, Alta., 31 May 42
Struck off ration strength, 31 May 42
Ret. from sick at home, Provost, 13 Jun 42
Taken on ration strength, 14 Jun 42

(c)M/602771 Pte. REHAUME C.A. "C" 16TP Disch. Camrose Mil. Hosp., 25 May 42
M/478426 Pte. ROE J.H. "A" 15TP Taken on ration strength, 26 May 42
(d)M/602598 Pte. KEEHN G.A. "A" 16TP Disch. Camrose Mil. Hosp., 26 May 42
Taken on ration strength, 27 May 42

2. MEDICAL CATEGORY

(a)M/478426 Pte. ROE J.H. "A" 15TP Placed in Med. Cat. A1, from D, 4 Jun 42
(Auth: DMO 13 Appvd.B227 d/10-6-42)

(b)M/602651 Pte. RIMSTAD R.A. "D" 16TP Placed in Med. Cat. D, for 7 weeks, 8 Jun 42
(Auth: DMO 13 Appvd. B227 d/10-6-42)

3. NEXT-OF-KIN

M/602840 Pte. ERICKSON S.L. "B" 16TP Next-of-kin changed to Marion Eilleen ERICKSON (wife). Gen. Del. CAMROSE, Alberta.

4. CLOTHING ALLOWANCE

M/602598 Pte. KEEHN G.A. "A" 16TP Entitled to $17.00 clothing allowance on discharge. F.R.&I 167 (1)(b)
(Amendment No.3 to Special Army Reserve Regulations)

5.

6. STRENGTH INCREASE

(a)M/537544 Pte. McCULLOUGH Thomas George (S) (posted to "C" Coy.)
Having been apprehended is taken on strength 13 NRMA and attached CA(B)TC 131 for all purposes except, pay. 11 Jun 42

(b)M/477659 Pte. HOLOSKO E.J. "A" Coy Having been apprehended, is taken on strength for all purposes, except pay, 2 Jun 42

I certify that this is a true copy of Part II Order No. (B) 122 dated 12th June, 1942, of which it purports to be a copy.

F.H. Newcombe
(F.H. Newcombe) Capt. & Adjt.,
131 C.A.(B)T.C. C.A.

R. McFarlane
Capt. & Adjt.

"Exhibit L" 41

Ind. Maj. Rissot

No. 181 CAN. ARMY (BASIC) TRAINING CENTRE
JUL 10 1942
ORDERLY ROOM
CAMP SHILO, MAN.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

Strike out words not applicable

I certify that the person whose description is given below was arrested by (~~surrendered to~~) Constable C. Rawsthorne (Name of ~~Peace Officer~~ Constable) at LYALTA, Alberta (Place) at 1200 hours (Hour) on the 2nd day of June 1942.

Strike out words not applicable

and at the time of arrest (~~surrender~~) he was ~~wearing military (air force) uniform~~ (dressed in civilian clothes).

Regimental particulars of officer or Soldier referred to above.

(No. M 477659
(Rank Private
(Name Emil HOLOSKO
(Unit C.A.(R) T.C. #131, C.A.

Description

(Age 24 years
(Height 5' 9"
(Complexion Dark
(Hair Black
(Eyes Blue
(Marks Rose tatooed on right forearm.

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

C. Rawsthorne Const.
(C.Rawsthorne) Regt.No.11141.
(~~Peace Officer~~) (constable) (Strike out words not applicable.
(~~or Officer~~ in charge of ~~Police Station~~).
Strathmore Detachment, R.C.M.P.

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

"Exhibit M" 43

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

R.S.A.S.C. attd.

Fill in complete description — I, Lieutenant (Rank) J.J.Jamieson (Name) No.131 C.A.(B) T.C. (Unit)

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort

Complete — to proceed from Calgary, Alberta (Place) to Camrose, Alberta (Place)

and return to XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX for the

Full description of soldier being escorted — purpose of escorting M/477659 Pte. HOLOSKO, E. No.131 C.A.(B) T.C.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) XXXXXXXXXXXXXXXXXXXXXXXX and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
T.W. #A78364 Calgary to Camrose, single, 2nd class, one	$3.42
Total	$ 3.42

Dated at Camrose, Alberta this 9th day of July A.D. 1942.

J.J. Jamieson Lieut.
att. No.131 C.A.(B) T.C. (Signature, rank, unit of officer (issuing transport warrants) ~~authorizing transportation~~) RCASC.
Strike out description not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.H. 1481
MGM—7-41 (1139)
H.Q. 1172-39-1881

"Exhibit N" 45

ABSENTEES AND DESERTERS

Hale. Resume

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Captain E.L. Jenson, (Rank) (Name) 13 Coy. R.C.A.S.C. (Unit)

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort

Complete — to proceed from CALGARY (Place) to CAMROSE (Place)

and return to General List No.13 R.R.M.A. Clearing Depot attached to 131 Canadian Army Basic Training Centre C.A. for the

Full description of soldier being escorted — purpose of escorting M 477650 Pte. E. HOLOSKO,

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the ~~transportation required~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
TW-A130764 for one single second class fare CALGARY to CAMROSE for accused.	$ 3.27
Total	$ 3.27

Dated at CALGARY, Alta. this 8 day of JULY A.D. 1942

E. L. Jenson Capt.,
Signature and rank of officer
13 Coy.RCASC.
~~Strike out phrase not applicable~~

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1665
5036—12-41 (3734)
H.Q. 1772-59-1883

"Exhibit O" d9

Paul Hayre
President

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(INCIDENTAL EXPENSES)

Complete description

I, K 69147 (No.) L/Cpl. (Rank) Osadchy (Name) 131 C.A.(B)P.C. C.A. (Unit),

Strike out words not applicable

as (escort) (~~commander of escort~~) consisting of

Members of escort

detailed to proceed from CALGARY (Place) to CAMROSE (Place),

Name and description of soldier escorted

to return N 477869 Pte. Kotcher S. attached 131 Canadian Army Basic Training Centre, C.A. (Place) Clearing Depot

alleged to be a deserter or absentee without leave, to CAMROSE, Alberta (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
1 meal for escort	$ 1.00
1 meal for prisoner	1.00
Hotel Room for escort	1.25
Total	$ 3.25

Dated at CAMROSE, Alberta this 8th day of July A.D. 19 42

A L Osadchy
(A.L. Osadchy) L/Cpl.

Signature and rank of commander of escort (escort)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.D. 1403
75M—3-42 (8626)
H.Q. 1775-39-1400

"Exhibit P" 49

Maj. R. Fraser

Opening Address of the Defending Officer:

"It is the submission of the defence, that because of his peculiar mentality, evidence of which we shall present to you, the accused could not be so responsible for his act as to render him capable of committing such a crime as desertion of which intention to desert is an essential factor."

"Exhibit Q" 51

Maj. Maj.
President

Closing Address of the Defending Officer:

"As to the charge against the accused: nowhere in the Prosecution has there appeared one iota of evidence as to the accused's intent to desert His Majesty's Forces, and intention is admitted by all authorities to be the basis of desertion. So now, as you go to your finding, gentlemen, if you convict him there must be no doubt in your mind but what he had the intention of deserting. For unless you are quite convinced and clear in your own minds on this one point, you must acquit him, and to convict him you must believe he was aware of all the implications and all the results of his act."

"Exhibit R" 53

Pres. H.R.
President

Closing Address of the Prosecutor:

"Gentlemen, I submit that it has been proved that the accused was absent for a period of 224 days, 18 hours and 30 minutes, and that when he was apprehended, he was dressed in civilian clothes. I submit that these facts prove conclusively that he deserted."

"Exhibit S" 65

Hqr. Pleaded

SUMMARY OF EVIDENCE

In the case of

M 477659 Private EMIL JOHN HOLOSKO, General List, No. 13 National Resources Mobilization Act Clearing Depot, attached to 131 Canadian Army (Basic) Training Centre C.A., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act, 1940, and the Regulations made thereunder, as amended, placed on Active Service.

Charges:-

1. Desertion

2. Losing by neglect his equipment, clothing and Regimental necessaries.

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

First Witness

Lieut. and Assistant Adjutant, R. MacDonald, 131 Canadian Army (Basic) Training Centre, C.A., having been duly sworn, states:-

"I produce the following documents and identify the accused as the person to whom these documents relate:--

M.P.M. 375	Court of Inquiry	
Part II Order	- Striking accused off strength	
Part II Order	- Taking accused on strength	
M.F.M. 215	- Certificate of Apprehension	
M.F.M. 1481	- Certificate of Transportation	$ 3.42
M.F.M. 1481	- Certificate of Transportation	3.27
~~M.F.M. 1481 - Certificate of Transportation~~		
M.F.M. 1482	- Certificate of Incidental Expenses	3.26

Other expenses incurred in connection with apprehension of accused were as follows: -

Telegram from Provost Marshall	.59
Telegram from D.R.C.	.45
Telegram from Garrison Commandant	.50

the total costs of apprehension being $11.48

The accused declined to cross-examine.

R. MacDonald Lieut. & Asst. Adjt.

R. MacDonald, Lieut. & Assistant Adjutant

Second Witness

M 69061 Cpl. Hartman, A.L., 131 Canadian Army (Basic) Training Centre, C.A., having been duly sworn, states:-

"I am acting Company Quartermaster Sergeant of "A" Company. I recognize the accused as M 477659 Pte. E.J. Holosko. On the 4th day of June, 1942, I inspected the kit of the accused and found the following articles to be deficient:-

		Recoverable Value
1	Full-through	.06
1 pr.	Anklets, web	.67
1 pr.	Badges, Cap	.05
2 prs.	Boots, Ankle	7.22
2 prs.	Boot laces	.03

1 pr.	Braces	.22
1 pr.	Drawers, Woollen	.86
1	Shirts, Woollen	.87
1 pr.	Gloves, Woollen	.44
1 pr.	Socks	.28
		$ 10.80

The accused declined to cross-examine.

M 66 A L Hartman Cpl
M 66001 A.L. Hartman, Cpl.

Question to the Accused:-

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

Answer by Accused:-

I have nothing to say.

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

Taken down by me in the presence of the accused at 131 Canadian Army (Basic) Training Centre, C.A. Camrose, Alberta, this 11th day of June, 1942.

F.H. Newcombe Capt & Adjt.
F.H. Newcombe, Captain & Adjutant
131 Canadian Army (Basic)
Training Centre, C.A.

"Exhibit "Y"" 59

M.F.B. 355
H.Q. 1772-39-620
10M-8-40 (M19)

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
M 477659	Private	Emil John Kolesko	General List No. 13 National Resources Mobilization Act Clearing Depot attached 131 Canadian Army (Basic) Training Centre C.A.

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

	Within last 12 months		Since enlistment	
For A.W.L.	1	times	A.W.L.	1 times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

~~or~~

~~There are no entries in the conduct sheets of the accused.~~

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

2. The accused has not been previously convicted

~~Previous convictions of the accused by a court martial or a civil court, of summary awards under Section 47 of the Air Force Act or Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~

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

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

4. The accused has been in confinement awaiting trial on the present charges, for ~~1~~ days in civil custody, and 68½ days in military custody, making a total of 69 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his record of service is 24 years 9 months

6. The date of his ~~enrollment~~ attestation specified in his record of service is 2nd Oct. 1941

7. ~~The service which the accused is allowed to reckon towards discharge is~~

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

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

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

60

11. ~~(In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank..... Army

Name.....of.....Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 10th day of Aug 42 J. Silvercombe Capt.
Adjutant 1st C.A. (S)T.O. C.A.

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

"Exhibit I" 61

4/9/18.
Filed.

The Accused addresses the Court through his Defending Officer:

"May it please the Court:

"The Defending Officer addresses the Court at this place in the proceedings, where the trial is over, the finding has been made, and now it remains for the accused to be sentenced. In doing so, I wish to sketch briefly for you a resume of the accused's life. His age has just been mentioned in Court. He is not a very old boy. Early in his life we find that he has a leaning towards a musical career. He is born of poor parents -- his father is a labourer working for the Imperial Oil Company of Canada. In a cutting from the Calgary Albertan dated November 19th, 1929, I have here an account of a reception given to the Honorable Mackenzie King, Premier of Canada. Many musical people of note were there to add to the day and Emil Holosko's name appears as one who gave a violin recital. I also have here, and I ask the privilege of presenting it to you, a picture of the Calgary Junior Symphony Orchestra, of which Emil Holosko is marked as a member. And I have here, almost pathetic in a way, a school paper of a Calgary High School, put out, I suppose, by the students of that school, in which this paragraph appears:

"'One of the highlights of the afternoon was when Emil Holosko, this school's contribution to the musical world, favoured us with a well executed violin solo. We believe if this boy pursues his studies, his name will soon be seen in the hall of musical fame.'

"I have here a copy of an Adjudicator's finding in a musical festival -- his comment: 'What lovely tone!' I have here a letter from his mother telling us the sacrifices they had to make in order that they could secure for the accused the instruction, the services of a teacher that they felt to be fitting for a boy with

his ability. And here I have a document, a testimonial certifying that Emil Holosko was second in the violin Open Competition in 1937.

"I present these to the Court so that you may understand that this is no normal boy that faces you this afternoon. He is a boy that lives in a world by himself and the harsher phases of life are totally unknown as far as he is concerned.

"I wish to read to you from a striking letter written from this Training Centre to Headquarters, M.D. 13, by Colonel Louis Scott:

"'This soldier is of a nervous, high-strung temperament but is well educated, having reached Grade 12 according to his own statement. In view of the fact that Private Holosko is a young soldier and quite evidently not aware of the gravity of his offence, may authority be granted please to deal summarily with this case as one of absence without leave.'

"These are the comments of the former Commandant of this Training Centre.

"You may say: 'But the country is at War.' True -- but those years when these events took place were his formative years. He didn't know the War was to come: none of us did: the War wasn't in sight: nor was he to blame for the conflict but the War did come and swept away all his hopes and ambitions. Surely these are things which the Court must consider.

"Gentlemen, I want you to look at the accused: he is presentable, he is clean. He could be your boy and with his attainments in the musical world you could be well proud of him, as a father. But you have your duty to do -- you must pronounce sentence. And I ask you that you temper that sentence with mercy. He has already served, the Prosecutor has stated, sixty-nine days in cus-

tody.

"Gentlemen, six months in custody to one man is totally different from six months in custody to another -- to one day in custody to another. The Court are all men who wear ribbons showing that they have served in wartime. You know quite well how easy it was for some men to go into action,-- they were men of rough fibre. Other men, temperamentally highly-strung, first had to fight themselves before getting near to fight the enemy. Again, take the barnyard foul: you can take it, put it in confinement, feed it and give it water and it will prosper. But bring down the eagle from flying around in his vast expanse of sky, and place it in the same confinement and feed it and water it -- it will waste away and die.

"What are we fighting for? Aren't we fighting for tolerance? Aren't we fighting for freedom -- just for the one thing: the right to live our own lives in our own way? Punish this boy; yes. But in punishing him let your punishment bear the key-note of the prayer that came down from the Cross on Calvary -- forgiveness.

"The defence rests."

H.Q.C. 55-H-283 CONFIDENTIAL

M.D.S. 1079

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HINSE L.P., E.6057 PTE.

ROYAL 22ND. REGT., C.A.

DEAD

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
				JAG	With Papers C.R. SEP 3 1942		
				F.T.	In translation		5/9/42.
		Fascicled		J.A.G.	with brief		10/9/42
	12 9/42	PA		AD	Convicted		11/9/42
				JAG	SEP 1		
	22 9/42	PA		A.D.	Cancel P.A.		21-9-42
	2/2/43	H.H.D.R.			FEB 2		

NOTICE

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

PASS THIS FILE IN ENVELOPE

CONFIDENTIAL
H.Q.C. 55-H-283

OTTAWA, September 21.

District Officer Commanding,
Military District No. 5,
QUEBEC, P. Q.

RECEIVED
SEP 22 1942
ORG.
A. D.

Re: DISTRICT COURT-MARTIAL
E-6057, Pte. Louis-Philippe Hinse,
Royal Rhnd Regiment, C.A.,
(Att'd to ...L.T.C. A-13, C.A.)

Receipt is acknowledged of your Q-39-H-1070, dated 15th September, 1942, under cover of which you forwarded to this office, for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

Brigadier,
Judge Advocate-General.

Noted
E. A. Ferguson
Lt. Col.
A. D.
SEP 22 1942

EBB/S.

IN REPLY PLEASE QUOTE
No. Q: 39-H-107C
Your file H.Q.C. 55-H-283 Jan

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

PM

76978 Quebec, September 15, 1942.

The Secretary
Department of National Defence
Ottawa, Ontario.

CENTRAL REGISTRY Army
CONF. SEC.
SEP 16 1942
File C 55-H-283
Chgd. to
Referred to

District Court-Martial
E-6057, Pte. Louis-Philippe HINSE
Royal 22e Regiment, C.A.
(Att. to A.I.T.C. A-13, C.A.)

Receipt is acknowledged of your letter numbered as above and dated 11th September, 1942.

2. The irregularities mentioned in the above quoted letter have been brought to the attention of the Officer Commanding.

3. The proceedings of the marginally noted District Court-Martial are herewith returned.

(G.P. VANIER) - BRIGADIER
District Officer Commanding
Military District No. 5.

NAT. DEF. B. 440
2,000,000—10-41 (3014)
H.Q. 1772-39-767

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

A

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

Proceedings of a District Court-Martial held at Q.A. S.T.C. A-13 Valcartier Camp, P.Q. on the 17th day of August, 1942 by order of Brigadier George P. Vanier, DSO, M.C. Commanding Military District No 5 dated the 11th day of August, 1942.

President.

Lt. Colonel J. E. Rollet
Le Regiment de la Chaudière, C.A.

Members.

Major L. J. Beaneau,
Regiment de Maisonneuve C.A.

Captain J. E. Dupont,
Voltigeurs de Quebec, C.A.

Trial of* No E-6057 Private Louis Philippe Vince, Royal 22e Regiment (CA) attached to 13 T.C. A-13 (CA)

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

~~The Court satisfy themselves that is not available to serve, owing to~~

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

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

The accused is brought before the Court.

Prosecutor,† Lieut. Pierre Deguise Le Regiment de la Chaudière

~~Counsel or~~ Defending officer† Captain Marc Langelier, Royal 22e Reg. CA

At 10.13 o'clock the Trial commences.

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

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

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

Answer by accused. No.

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

---

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

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

B

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

~~The following officers under instruction are duly sworn.~~

Charge-Sheet

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

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

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

Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.* 2

Not guilty. *Answer.* 2

Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.* 3

Not guilty *Answer.* 3

Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.* 4

Not guilty. *Answer.* 4

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

~~*Answer.*~~

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

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

B 2

P.J. Mackey, Colonel
Pres. D.C.M.

CHARGE SHEET

in the case of

The accused, No. E-6057, Private L.P. Hinge, Royal 22ieme Regiment (CA), attached to A.(I)T.C. A-13, (CA), is charged with:

FIRST CHARGE: Sec.18(1), Army Act.

FEIGNING DISEASE.

in that he

The Court being satisfied that the name and description of the accused are Louis Philippe Hinge and not as stated in the charge sheet amended the charge sheet accordingly. P.J.M.

At Valcartier Camp, P.Q., between the first day of July and the fifteenth day of July, 1942, pretended to Captain E. Barrette, Medical Officer, Valcartier Military Hospital (V.D.C. section), that he was suffering from a gonorrhea, as he well knew he was not so suffering.

SECOND CHARGE: Sec. 15 Army Act.

ABSENTING HIMSELF WITHOUT LEAVE.

in that he

at Valcartier Camp, P.Q., when under arrest, at 1800 hours, on the 15th day of July, 1942, absented himself without leave until apprehended by Military Authorities, on the 22nd day of July, 1942, at 1315 jours, dressed in civilian clothes. The cost of his apprehension and return to his unit, is $12.42.

THIRD CHARGE: Sec. 24(2) Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES,

in that he

at Valcartier Camp, P.Q., on the 24th day of July, 1942, was deficient of the following articles, viz:

Equipment and clothing

1 Battle dress blouse,	5.58
1 b ttle dress trousers,	5.60
1 Boot ankle,	5.20
1 Cap Field service,	0.78
2 Drawers cotton short,	0.66
2 shirts under cotton,	0.80
1 shirt khaki cotton S.S.	0.99
1 Braces pr,	0.27
1 brass button,	0.04

1 Holdall	0.17
1 Housewife,	0.51
C.A.R.O. 1862, Total	20.60
C.A.R.O. 1877, Less 25%,	5.15
Net total,	15.45

Valcartier Camp, P.Q.
7th August, 1942.

J. Chouinard Lt.-Col.
(J.J. CHOUINARD)
C.O., A.(I)T.C. A-13 (CA).

To be tried by District Court-Martial.

Signed at Quebec, P.Q., this 11th day of August 1942.

(E.F. GIGNAC) - Major,
D.A.A.G., M.D.No.5.
for D. O. C., M.D.No.5.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.

5 No

The prosecutor, ~~makes~~ declines to make an opening address ~~[beyond of a written address, which is read, marked ——, signed by the President, and attached to the proceedings]~~.

The prosecutor proceeds to call witnesses.

First witness for prosecution. } Lieut. J.E.P.W. Lafleur, General list, C.A., attached to A.S.T.C. A.13, C.A.

being duly sworn, is examined by the prosecutor.

I am assistant-adjutant and officer i/c of records at the A.S.T.C. A.13 C.A.

I produce Part II Order No 169, dated 18th July 1942 showing the accused absent without leave from 1800 hours on the 15th of July 1942.

Read, signed by the President marked 'Q' and attached to the proceedings.

I produce Certificate of apprehension by Service Authorities, M.T.M. 216, showing that the accused was apprehended by Regl Marechal No 4 Detd, C.D.C. at Montreal P.Q. at 1315 hours on the 22nd July 1942

Read, signed by the President, marked 'R' and attached to the proceedings.

I produce Certificate of Incidental Expenses M.T.S. 1482 showing a deposition of $3.00

issued for apprehension
read, signed by the President,
marked 'S' and attached to the proceedings

I produce certificate of transportation M.T.C. 1481 showing a proportion of $9.42 chargeable to the accused
read, signed by the President marked 'T' and attached to the proceedings.

The Defending Officer declines to cross-examine

R.C. 53 (B) has been complied with.

The witness withdraws.

Second witness for prosecution.

Lieut. Armand Bois, General list, C.A. attached to A. S. T. C. A. 13, C.A. being duly sworn, is examined by the Prosecutor.

I am assistant Quartermaster, A. S. T. C. A. 13.

I produce a list of deficiencies of clothing and equipment, amounting to $15.45. The list is a copy of M.T.C. 512 in the name of the accused.
read, signed by the President marked 'U' and attached to the proceedings
The Court has examined the original M.T.C. 512 and verified the items

The Defending Officer declines to cross-examine

R.C. 53 (B) has been complied with

The witness withdraws.

Private Omer Caron, N. R. M. A. appears before the Court as shorthand writer.

Question to accused. 6 — Do you object to No D-605477 Private Omer Caron, N. R. M. A. attached to A(S) T. C. A-13, as shorthand writer?

A. 6 — No.

Third witness for prosecution. — No E-20665 Corporal Albert Lacasse, No 5 Dist. R. C. A. M. C. being duly sworn, is examined by the Prosecutor.

The evidence of Corporal Lacasse is taken down by the shorthand writer.

The Court desires to ascertain if the shorthand writer is qualified and request him to read his notes.

The shorthand writer reads his notes with difficulty and it is found that the evidence of the third witness, as recorded, is not correct and Private Omer Caron, the shorthand writer is requested to withdraw and he withdraws. — Adjournment. —

The taking down of the evidence is continued by the Court and Corporal Lacasse, the third witness for the prosecution is recalled.

Depuis ce mois je travaille au laboratoire de l'hôpital d'isolation à Falcarly. Je fais les examens microscopiques des crachats dans l'urine des patients, sous le

Adjournment. At 1.50 o'clock the Court adjourns until 2 o'clock of the same day. On the 17th of August 1942 at 2 o'clock the Court re-assemble pursuant to adjournment, present the same members as on the morning of the same day.

BUREAU FOR TRANSLATIONS A.M. Rec'd 2.9.42 Rec'd 10/4/42 NATIONAL DEFENCE

contrôle du docteur Carrette.

L'accusé est venu à l'hôpital d'isolation vers le 8 de juil. 902. A son entrée, j'ai examiné du pus provenant de son urètre. J'ai trouvé seulement des cellules inflammatoires. Le lendemain, j'ai examiné de nouveau son écoulement et j'ai trouvé des débris. La même journée j'ai encore examiné son écoulement d'urètre et j'ai trouvé des microbes de gonocoque. Le 11 juil. j'ai encore examiné l'écoulement de l'urètre et j'ai trouvé des cellules inflammatoires seulement. Pas de gonocoque. Le 14 juil. j'ai encore examiné l'écoulement de l'urètre de l'accusé après qu'il eut subit un massage de prostate par le docteur Carrette ou le Surgeon Magreault, et j'ai trouvé des cellules inflammatoires avec staphylocoques. Pas de gonocoques. Le 15 juil. 1902 nouvel examen au microscope et résultat négatif.

Cross examined by the defending Officer

Q. 7 Etes-vous médecin?

A. 7 Non.

Q. 8 Etes-vous chimiste?

A. 8 Non.

Q. 9 Avez-vous déjà fait du travail de laboratoire?

A. 9 Non.

Q. 10 Pour quelle raison l'accusé fut-il envoyé de l'hôpital militaire de Québec à l'hôpital d'isolation à Valcartier ?

R. 10 Je ne le sais pas.

Q. 11 Saviez-vous que l'accusé avait déjà souffert 3 fois de gonorrhée à différentes dates ?

R. 11 Je me souviens de l'avoir vu à l'isolation mais je ne me rappelle pas combien de fois. Je ne me souviens pas pourquoi.

Q. 12 Saviez-vous que l'accusé avait souffert d'urétrite en mai 1942 ?

R. 12 Non, je ne me souviens pas.

Q. 13 Avez-vous vu à ce que l'accusé, avec vous séparément, soit averti d'être de 4 à 6 heures sans uriner ?

R. 13 Non. Je n'ai jamais entendu parler de cela.

Q. 14 Saviez-vous que des précautions sont nécessaires afin de savoir si il y a encore des gonocoques ?

R. 14 Non.

Q. 15 Savez-vous ce que c'est qu'une urétrite ?

C. 11

R. 15 Non. Je ne connais pas cela.

Q. 16 Savez-vous qu'il y a des cas de gonorrhée qui ne sont pas décelés par l'examen bactériologique?

Réf. R. ~~16~~ 16 Non. Je ne connais pas cela.

Q. 17 Qu'entendez par examens sous le contrôle du Capt. Barrette?

Réf. R. 17 Je colore la lame, j'examine au microscope et si j'ai quelque difficulté, je réfère au Capt. Barrette.

Q. 18 Le Capt Barrette a-t-il fait l'examen du pus dans chaque cas pour l'accusé?

R. 18 Je ne peux pas dire. Il en a certainement fait.

Q. 19 Pouvez-vous jurer qu'à l'examen du 15 juillet que vous avez pris un test du pus?

R. 19 Le 15 juil. j'ai fait un examen d'urine et non un examen du pus.

Q. 20 Préparez-vous vous même les solutions pour l'examen du pus?

R. 20 Non.

Q. 21 Vous servez-vous du procédé de Gram pour l'examen du pus?

A. 21 Oui.

Q. 22 Vos solutions sont-elles gardées à la lumière

A. 22 Non. dans des bouteilles colorées.

Q. 23 Savez-vous que ces solutions sont très sensibles à la lumière?

A. 23 Non.

Q. 24 Savez-vous que les solutions A & B ne se conservent pas?

A. 24 Non.

Q. 25 Depuis quand avez-vous la solution C?

A. 25 On les reçoit tous les 15 jours

Q. 26 Saviez-vous qu'elles ne se conservent pas plus qu'un mois?

A. 26 Non.

Q. 27 Etes-vous prêt à jurer que l'accusé ne coaffrait pas de gonorrhée entre les dates du 8 au 15 juillet?

A. 27 Je ne peux pas le jurer.

The Prosecutor declines to re-examine

R.O. 53(B) has been complied with
The witness withdrew

Board witness for prosecution.

Captain Elgin Barrette, Nos Det. 1.61.20 being duly sworn ~~to the~~ is examined by the Prosecutor.

Je suis préposé au traitement des maladies vénériennes à l'hôpital d'isolation à Valcartier, depuis le 22 janvier 1942. Je suis médecin depuis 4 ans. Je ne suis pas spécialiste en maladies vénériennes. J'en ai traité au cours de ma pratique. J'ai vu l'accusé à l'hôpital d'isolation le 8 juillet 1942. Il est venu de l'hôpital militaire de Québec marqué "gonorrhée avec archi-epididymite". Il est arrivé à l'hôpital 6 vers du 8. Le lendemain, après avoir pris connaissance du rapport de l'examen de la veille, j'ai constaté au microscope la véracité du rapport. J'ai trouvé des débris en abondance et des cellules d'inflammation et à contact. Il n'y avait pas de gonocoques. J'ai fait faire un second examen. Le rapport en était le même. J'ai dit à l'accusé de venir passer un autre examen aussitôt qu'il verrait de l'écoulement à son urètre. Environ une heure plus tard, le patient s'est présenté au laboratoire avec un écoulement purulent de son urètre. L'examen s'est révélé positif au gonocoque. ~~C'est~~ Cet examen montrait une gonorrhée à l'état aigu. J'ai prescrit le traitement habituel, des pilules de sulphathiazole, 16 pilules pour les premières 24 heures et en diminuant.

Le 11 juil. l'accusé a subit un examen

d'urine, le matin au lever, le rapport démontrait qu'il n'y avait que des cellules inflammatoires et pas de pus. Normalement, si l'accusé avait souffert d'une gonorrhée, comme le montrait son examen du 11, il y aurait eu du pus en assez grande abondance dans l'urine. Le 14, j'ai fait à l'accusé un massage de prostate et j'ai trouvé du staphylocoque et des cellules d'inflammation mais pas de gonocoque du tout. Le 15, l'accusé a subit un autre examen d'urine. Résultat tout à fait négatif. D'après mon expérience, le résultat de tous ces examens dans si peu de jours était anormal. Cliniquement, je ne peux pas expliquer cet état de chose.

Du 9 au 15 juil., excepté le dimanche, j'ai visité l'accusé et j'ai trouvé à l'entrée du méat urinaire un dépot graisseux jaunâtre qui n'avait pas du tout les caractères du pus. C'était une goutte qui restait collée sur place, tandis que le pus s'étale, et qui ressemblait à ce que contient les tubes de prophylaxie.

Avant son départ de l'hôpital le 15 aurait du prendre un total de 64 pilules. Le caporal Gagnes m'a rapporté 48 pilules de la médication que l'accusé aurait du prendre. J'ai fait venir l'accusé. Il a dit devant moi au Lt Magneault qu'il n'avait pas besoin de prendre de pilules parce qu'il guérissait seul. Il a avoué avoir pris des pilules la première journée

seulement. Je produis ces bitules dans la boîte dans laquelle elles ont été trouvées. Exhibit "M" signed by the President. Il faut remarquer que plusieurs de ces bitules ont perdu leur lustre, ce qui indique qu'elles ont souffert de l'humidité. Après avoir découvert que l'accusé n'avait pas suivi son traitement, je l'ai ramené de l'hôpital sous escorte à son unité.

Cross-examined by the Defending Officer

Q 28 Vous avez traité des maladies vénériennes pendant combien de mois?

A. 28 Sept mois à Falaise.

Q. 29 Avez vous fait vous-même l'examen microscopique du pus de l'accusé?

A. 29 Oui.

Q 30 Etes vous prêt à jurer que l'accusé souffrait pas de gonorrhée entre le 8 et le 15 juillet?

A 30 Non, car c'était la 6e fois qu'il était admis à l'hôpital en rapport avec une gonorrhée ou une urétrite. Il souffrait d'une gonorrhée chronique.

Q 31 Y a-t-il eu un examen quelconque des dépôts trouvés dans l'urètre de l'accusé?

C-21

Q. 31 Non.

Q. 32 Pourquoi avez-vous renvoyé l'accusé de l'hôpital le 15 juillet?

R. 32 Parce qu'il a avoué ne pas avoir pris ses pilules et que son examen d'urine ce matin là était négatif.

Re-examined by the Prosecutor

Q. 33 Vous avez dit que vous avez renvoyé l'accusé de l'hôpital parce qu'il n'avait pas pris ses pilules et que dans son examen d'urine du 15 il n'y avait pas d'apparence de pus. Vous êtes vous simplement basé sur cet examen d'urine du 15, ou si vous avez également tiré en considération les examens négatifs antérieurs?

R. 33 Je me suis aussi basé sur le rapport des examens antérieurs

Q. 34 Voulez vous expliquer à la Cour ce que c'est qu'une gonorrhée chronique? Est-ce que dans une gonorrhée chronique on trouve nécessairement du gonocoque?

R. 34 Oui et non. Il y a des laps de temps où on trouve du microbe, et d'autres fois seulement du pus qui n'est pas nécessairement du pus à gonocoques. Parfois il y a de l'écoulement, parfois pas. Mais la plupart du temps, ce que nous

constatons, c'est la goutte matutinale. Jamais à l'état aussi virulent qu'on l'a constaté chez l'accusé et pouvant arrêter aussi subitement. Je parles toujours cliniquement en disant cela.

R.C. 83 (B) has been complied with.

The witness withdrawn

Zfol witness for prosecution.

No E-20636 Corporal Jean Charles Borgnes No 5 Det. R.C.A.M.C. being duly sworn is examined by the Prosecutor.

Je suis infirmier à l'hôpital d'isolation à Bruxelles. Je connais l'accusé. Je suis les patients pour m'assurer qu'ils suivent leur traitement. Le 15 juil. 47, en faisant mon inspection, j'ai trouvé dans le lit du soldat Vince, sous son oreiller, une boîte vide de cigarettes Winchester contenant des pilules de sulphatiazol. J'en ai fait rapport immédiatement au Cap. Barrette. Il m'a donné l'ordre d'aller chercher l'accusé.

La boîte qui m'est montrée par la Cour est semblable à celle que j'ai trouvé dans le lit de l'accusé.

Cross-examined by the Defending Officer.

Q. 35 Avez vous jamais constaté que l'accusé ne prenait pas ses pilules?

A. 35 Je ne sais pas.

C. 25

Q. 36 Avez-vous vu l'accusé prendre ses pilules comme le font les autres patients?

A. 36 Oui.

Q. 37 Étiez-vous présent quand l'accusé aurait déclaré ne pas avoir pris ces pilules et qu'est-ce qu'il a dit?

A. 37 J'étais présent. Il a dit qu'il ne prenait pas ces pilules parce qu'il était gêné.

The prosecutor declines to re-examine

R.P. 63 (B) has been complied with

The witness withdraws

Adjournment.

At 4.31 p.m. the Court adjourns until 10.00 a.m. on the 18th.

On the 18th of August, 1942, at 10.00 a.m. the Court re-assembled, pursuant to adjournment, present the same members as on the 17th of August, 1942.

Sixth witness for prosecution.

No. E-25914 Sergeant Lucien Roberge, No. 5 Det. R.C.A.M.P. being duly sworn is examined by the Prosecutor.

Je suis serveur R.C.A. à l'hôpital militaire d'isolation à Alexandrie. Je connais l'accusé. Dans l'après-midi du 15 juillet, j'étais de service au bureau. Le lieutenant Roberts

a fait venir l'accusé. Le Serg. Magnenault a demandé à l'accusé si les pilules trouvées sous son oreiller étaient les siennes. L'accusé a répondu que oui. J'ai entendu la question et la réponse. Le Capt. Lacroix a alors renvoyé l'accusé de l'hôpital sous escorte. Quelques minutes plus tard l'escorte est revenue seule et a déclaré avoir perdu le prisonnier. J'en ai immédiatement informé la police militaire du camp.

The Defending Officer declines to cross-examine.

R. P. 83 (B) has been complied with.

The witness withdrawn.

Second witness for prosecution.

No E-615466 Private Elzéar Routier, R. de ~~Maisonneuve~~ Quebec, C.A. being duly sworn is examined by the Prosecutor.

Je connais l'accusé Vince depuis que je l'ai escorté le 15 juillet. Je partais de l'hôpital d'isolation des Valcartier pour le conduire au M.O. Rendu là, à l'hôpital d'isolation, je suis parti avec lui. En route il a jeté son kit bag à terre et il est parti en courant. Je suis retourné à l'hôpital et j'ai rapporté que je l'avais échappé.

The Defending Officer declines to cross-examine.

R. P. 83 (B) has been complied with.

The witness withdrawn.

D

The prosecution is closed.

Defence

Question to the accused. 38 Do you apply to give evidence yourself as a witness?

Answer. 38 yes

Question. 39 Do you intend to call any other witness in your defence?

Answer. 39 yes

Question. 40 Is he a witness as to character only? *Answer.* 40 no

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence ~~including witnesses as to character~~) is recorded on a separate page (*see overleaf*).

~~*(Where the accused does not give evidence upon oath.)*~~

~~*Question to the accused.*~~ ~~Have you anything to say in your defence?~~

~~*Answer.*~~ ~~The accused in his defence says†~~

[~~Hands in a written address which is read, marked~~ signed by the President and attached to the proceedings.]

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

D-3

First witness for the Defence.

The accused, No E-6057 Private Louis Philippe Pierce, Royal 22e Regiment, C.A., attached to A.S.P.C. A-13 C.A. being duly sworn, is examined by the Defending Officer

J'ai jamais déclaré que j'avais une gonorrhée. Le 5 de juil. 1942 j'ai été au "sick parade" à 6 heures du soir pour un testicule enflé. Le dit a constaté en même temps un écoulement. On m'a tout de suite envoyé à Québec. Je suis entré à l'hôpital militaire de Québec à 9.30 heures le même soir. Je n'ai pas vu de spécialiste le lendemain je n'en ai pas vu non plus le surlendemain, le Colonel Petitclerc m'a examiné et il m'a prescrit de la glace. Deux jours plus tard, j'ai été envoyé à Valcartier parce qu'on s'était aperçu que je coulais. Quand je suis descendu à Québec, je suis allé à l'hôpital de l'Immigration. Le médecin m'a examiné, il m'a demandé si j'avais déjà eu des oreillons. Je lui ai dit: Non. Jamais. C'est après cela qu'on m'a envoyé à l'hôpital d'isolation à Valcartier. Je n'ai jamais fait de déclaration que j'avais la gonorrhée. Personnellement je ne sais pas quelle maladie que j'ai, mais je coule depuis 6 ans. Je voudrais passer un autre examen n'importe quand devant des spécialistes en maladies vénériennes parce que j'ai absolument la même goutte jaune dans le canal (see further for explanation on page 42)

Cross-examined by the Prosecutor

Q. 41 Vous savez ce que c'est qu'une chaude-pisse?

A. 41 Oui.

Q. 42 Par conséquent, vous avez subi des traitements pour cela? Vous comprenez cela.

A. 42 Oui.

Q. 43 Vous dites que vous vous êtes rapporté le 5 juillet parce que, pour me servir de votre expression, vous avez une grosse enflée?

A. 43 Oui.

Q. 44 Vous avez dit tout à l'heure, que vous n'avez pas de chaude-pisse?

A. 44 J'ai dit que je n'avais déclaré que j'avais une gonorrhée.

Q. 45 Vous avez dit aussi que depuis 6 ans vous avez une goutte jaunâtre dans le canal?

A. 45 Oui.

Q. 46 Vous vous étiez déclaré malade le 5 parce que vous avez dit avoir un testicule enflé, c'était la cause de la maladie dont vous prétendiez souffrir à ce moment? Alors pourquoi n'avez vous pas déclaré ce fait

D-7

en entrant à l'hôpital d'isolation?

R. 46 C'est parce que j'ai été traité à l'hôpital militaire de Québec pour un testicule enflé. On m'a déchargé parce qu'il n'était plus enflé, et cela devrait être dit sur la "décharge" de l'hôpital. On m'a envoyé à l'isolation parce qu'on s'est aperçu que je couvais.

Q. 47 Pourquoi n'avez vous pas pris vos médicaments après la découverte d'une chaude-pisse à l'examen du 9 juillet, le deuxième examen?

R. 47 Je les ai pris.

Q. 48 Si vous les avez pris, comment expliquez vous qu'on ait trouvé ces médicaments sous votre oreiller?

R. 48 Je couchais dans le milieu de la salle. Il y avait quelques jours que je connaissais dans l'autre coin et le lit à côté de lui, en bas, était pris par un autre qui a été déchargé dans ce temps là. Alors, je suis "monté" et j'ai pris sa place. Il y avait un vieux matelas. J'ai voulu le changer pour prendre celui là en haut qui était roulé et en le déroulant, j'ai trouvé les pilules que j'ai mis dans la boîte. (Les parties for explanation on page 45)

Q. 49 Vous déclarez sous votre serment que les pilules produites devant la cour n'étaient pas les vôtres.

D-9

Q. 49 Oui.

Q. 50 Par conséquent, si vous étiez innocent pourquoi n'avez vous pas déclaré cela au Capitaine Barrette quand vous êtes paru devant lui?

A. 50 C'est la cause que je n'ai pas comparu devant le Cap. Barrette.

Q. 51 Avez vous comparu devant le Sgt Mignault

A. 51 Oui,

Q. 52 Pourquoi ne lui avez vous pas déclaré cela à lui?

A. 52 C'est la cause qu'il était "drafté" pour l'autre côté le même soir. J'ai cru qu'il ne serait à rien de lui faire une déclaration.

Q. 53 Avez vous déclaré soit au Sgt Mignault ou au Cap. Barrette en réponse à leurs questions "Pourquoi n'avez vous pas fait vos pilules?" que vous étiez guéri et que vous guérissiez seul.

A. 53 Je ne m'en souviens pas

The Defending Officer declares to p. Granaire (A.O. 83 B)

The witness, on his evidence being read to him, makes the following explanations:

1. Pendant les 6 ans, il est arrivé que la goutte était blanche et très collante dans

le canal. Quand la goutte est blanche elle sort en pressant la verge. Quand elle est jaune elle sort moins.

2. Quand j'ai trouvé les pilules, il y avait 3 pilules qui n'étaient pas des sulphatiogol et je les ai mis dans la boite avec les autres.

The Prosecutor and the Defending Officer decline to examine him respecting the above explanations.

Second witness for the Defence

Marie-Ange St Pierre, married and divorced, waitress for the Canada Steamship lines, 90 boulevard Charest, Quebec, being duly sworn as examined by the Defending Officer.

Je connais le soldat Pierce, l'accusé depuis 1½ ans. Il m'a déjà dit qu'il souffrait de maladies vénériennes. Je l'ai constaté moi-même entre la fin de juin et le commencement de juillet 1942. Il est venu à l'hôpital d'isolation parce qu'il était malade. Vers le 4 juillet, j'ai eu un rapport sexuel avec l'accusé et j'ai constaté qu'il était malade.

Cross-examined by the Prosecutor.

Q. 54 Avez-vous eu des relations sexuelles à plusieurs reprises avec l'accusé?

A. 54 Assez souvent.

Q. 55 Depuis mettons environ 6 mois, combien

D-13

de fois?

A. 55 5 ou 6 fois par mois jusqu'au ~~4~~ 4 juillet.

Q. 56 Vous avez déclaré que vous saviez que l'accusé souffrait et malade récemment et vous aviez des relations ~~d~~ avec lui quand même 5 ou 6 fois par mois?

A. 56 Je voyais toujours avec des "safes" et il paraît que c'est guéri cela.

Q. 57 Dites donc comment vous vous êtes pris pour constater que l'accusé était malade?

A 57 Parce qu'il couchait.

The Defending Officer declines to re-examine.

R.P. 83(B) has been complied with.

The witness withdrew.

Adjournment

At 11.47 o'clock the Court adjourns until 2.00 o'clock on the same day.

On the 18th of August, 1943, at 2.11 o'clock, the Court re-assemble pursuant to adjournment; present the same members as at the morning of the same day.

The Court in accordance with Rule of Procedure 86(D) recalls the first witness

for the Defence, the accused, who on his former oath states in reply to the President as follows

Q. 58 Vous avez entendu le Cap. Barrette déclarer qu'il a examiné votre écoulement le 9 de juillet 2 fois et qu'il n'y avait pas de gonorrhée. Qu'il vous a demandé de lui montrer votre écoulement aussitôt qu'il apparaîtrait de nouveau; qu'une heure plus tard vous lui avez montré de l'écoulement qui révélait une gonorrhée à l'état aigue et qu'ensuite à d'autres examens il n'y avait plus rien. Quelle explication pouvez vous fournir à ce sujet?

A. 58 Dabord, à l'hôpital, quand on passe un examen ils viennent vous chercher et puis à toutes les fois que j'en ai passé un, j'ai toujours pissé avant et j'ai dit au Capt Magnenault que je venais de pisser ce matin du 9 juillet et puis, ils m'ont dit de pas pisser et si ce ce remontrait d'aller les voir. C'est ce que j'ai fait. A chaque examen que j'ai toujours pissé avant. Je suis déjà allé à l'hôpital avant cela et puis j'avais pas d'écoulement, seulement une goutte dans le canal, blanche ou jaunâtre et j'ai resté 32 jours pour cela. Durant ces 32 jours, j'ai eu des examens d'urine que des matins étaient négatifs et d'autres matins positifs.

The Defending Officer declines to further examine

D-17

R.P. 83(B) has been complied with.

The Defending Officer makes a closing address. (See document marked "O" attached)

The Prosecutor makes a closing address (See document marked "P" attached

E

Finding*

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

The Court is closed for the consideration of the finding.

The Court find that the accused No E-6057 Private Louis Philippe Vince, Royal 22nd Regiment, C.A.

is guilty of all the charges.

F.J.H.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

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

Evidence of character, &c.

Lieut J.E.O.W. Loftus Ex Lieut, C.A. attached to M.G. 7 C.A. 1-13 C.A. is duly sworn.

Question by the President. 59

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* 59 I produce M.F.O. 355

F.J.H.

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

Question by the President. 60

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* 60 He is

Question. 61

Have you compared the contents of the above statement with the regimental books? *Answer.* 61 I have.

Question. 62

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 62 They are

F.J.H.

~~Cross examined by the accused.~~

The Defending Officer declines to cross examine

F.O. 83(D) has been complied with

the witness withdrews

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

Question to the accused. 63

Do you wish to address the Court? *Answer.* 63 No

The Court is closed for the consideration of the sentence.

54

F

Sentence

The Court sentence the accused No E. 605 7 Private Louis Philippe Vinet Royal 22nd Regiment, attached to A.S.F.C. A.13, to undergo detention for eighteen months and to be put under stoppages of pay until he has made good the sum of $12.42 in respect of the cost of apprehension and return to his corps and until he has made good the value of the following articles, viz:

1 Battle dress blouse	5.58
1 Battle dress trousers	5.60
1 Pr boots ankle	5.20
1 Cap field service	.78
2 Drawers Cotton short	.66
2 Shirts under cotton	.80
1 Shirt khaki cotton l.l.	.91
1 pr braces	.27
1 brass button	.04
1 Holdall	.17
1 housewife	.51
	20.60
less	5.15
	15.45

Sentence.

Detention

18 months

Stoppages

$12.42
15.45
$27.87

Signed at Valcartier Camp, P.Q. this 18th day of August 1942.

G/ Michael Strong
Le Régiment de la Chaudière, C.A.
President.

Extracts entered as No. 6687 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 4th day of Sept. 1942

Duly promulgated and extracts taken at Valcartier Camp, P.Q., this 26th day of August 1942.

Captain.
Officer i/c Records, A.I.T.C., A-13.

The Finding of the Court on the first and third charges is not confirmed and I confirm the finding and sentence of the Court on the second charge but I remit from the said sentence 15 months detention and stoppages of pay for the amount of $15.45.

Signed at Quebec, P.Q., this 24th day of August, 1942.

(George P. VANIER) - Brigadier,
District Officer Commanding,
Military District No. 5.

-X

G. Michaud Colonel
Pres. D.C.M.

Orders by Brigadier George P.Vanier DSO. MC. **Commanding**

the Military District No.5.

District Court-Martial

Quebec,P.Q. Aug. 11th 194 2.

The detail of Officers as mentioned below will assemble

at CABTC A-13, Valcartier Camp, P.Q. on Monday

the 17th day of August 194 2 at 1000hours

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margn (and such other person or persons as may be brought before them).

E/6057, Pte. L.P.HINCE,
Royal 22e Regiment, C.A.,
(Att. to A.I.T.C. A-13 C.A.)

PRESIDENT

Lt-Colonel G.R.Bouchard, Regiment de la Chaudiere C.A. is appointed President.

MEMBERS

One Major to be detailed by the O.C. A.I.T.C. A-13 C.A.

One Captain to be detailed by the O.C. A.I.T.C. A-13 C.A.

WAITING MEMBERS

One Officer to be detailed by the O.C. Regiment de Montmagny C.A.

JUDGE ADVOCATE

~~Judge Advocate~~ ..... has been (is hereby) appointed

PROSECUTOR

Lieut.Pierre Dupuis, Regiment de la Chaudiere C.A. ..... has been (is hereby) appointed
Prosecutor

DEFENDING OFFICER

One Officer to be detailed by the O.C. A.I.T.C. A-13, C.A. ..... has been (is hereby) appointed
Defending Officer

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

The Officer Commanding A.I.T.C. A-13 C.A. ..... will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D.No.5.

Signed this 11th day of August 194 2.

M.F.B. 220
A.F.A. 47
15M—9-41 (1781)
H.Q. 1772-29-564

(E.J.GILBERT) - Major,
D.A.A.J., M.D.No.5.
for D. O. C., M.D.No.5.

X-1

194/1942
14 août '42

ORDRES DU JOUR PARTIE 1, No. 194,
Par le Lt. Colonel J.J. Chouinard, V.D.
Officier Commandant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE No. A/13.

194/1942
14 août '42

1. DEVOIRS.

OFFICIER DU JOUR.

Demain le 15 août '42:	Lt. C. Dorval,	R.22e.R.,	A/A.C.	(Spec.)
Remplaçants	:2/Lt. R. Lachance,	Liste G.,	A/A.C.	(Ecole)
	:2/Lt. R.L. Plante,	Liste G.,	A/A.C.	(Ecole)
Suivant de devoir	: Lt. J.J. de G. Loranger,	R.22e.R.		(5e I.)
Remplaçants	:2/Lt. L. Savard,	Liste G.,	A/A.C.	(Ecole)
	:2/Lt. E. Scheiber,	Liste G.,	A/A.C.	(Ecole)

SERGENT DU JOUR.

Demain le 15 août '42:	Sgt. Bonsaint, L.	R.22e.R.,	A/A.C.	(1e I.)
Suivant de devoir	: Sgt. Beaudoin, J.	R.22e.R.,	A/A.C.	(2e I.)

CAPORAL DU JOUR.

Demain le 15 août '42:	Cpl. Duchesne, J.E.	R.22e.R.	A/A.C.	(4e I.)
Suivant de devoir	: Cpl. Tanguay, L.P.	R.22e.R.,	A/A.C.	(2e I.)

AMENDEMENT:
D.O. pl No. 193 d/13 août '42, para. 1; au Cpl. Vienneau, O. substituez le Cpl. Duchesne, J.E.

2. PARADES.
Les Parades du 15 août '42 seront telles que détaillées au SYLLABUS.

3. CONSEIL DE GUERRE REGIONAL.
Les Officiers sous-mentionnés s'assembleront au Camp Valcartier, P.Q., à 1000 heures, le 17 août '42, dans le but de juger, par un Conseil de Guerre Régional, l'accusé: E-6057 Sdt. L.P. Hince, Royal 22e Régt., A.C. (et toute personne ou personnes qui pourrait être appelée à comparaitre devant cette Cour.)

PRESIDENT: Lt. Colonel G.R. Bouchard, Régt. de la Chaudière, A.C.

MEMBRES : Major L.J. Bruneau, Régt. de Maisonneuve, A.C.
: Capitaine J.R. Dupont, Volt. de Que., A.C.

MEMBRE SUPPLEANT: Un Officier à être désigné par l'O.C., Le Régt. de Mont'y.

PROCUREUR: Lieut. Pierre de Guise, Régt. de la Chaudière, A.C.

DEFENSEUR: Capitaine Marc Langelier, Royal 22e Régt., A.C.

L'accusé sera dûment avisé et tous les témoins seront requis d'être présents.

Les Officiers Commandants voudront bien s'assurer que tous les Officiers disponibles assistent aux procédures pour fins d'instruction.

L'Officier Commandant A.I.T.C., A/13 devra faire les arrangements nécessaires pour l'installation de la Cour, et devra pourvoir au personnel de bureau requis.

Les procédures devront être transmises aux Quartiers Généraux, 5ième R.M. (Q.-39-H-1070 (J.A.))

4. COMMISSION D'EPREUVE.
Une Commission d'Epreuve, composée des Officiers sous-mentionnés, s'assemblera au Camp Valcartier, P.Q., à une heure et à une date que fixera le Président, dans le but de faire subir un examen pratique pour qualification de "Tradesman" et faire rapport des résultats obtenus par les candidats du personnel de Les Fus. du St. Laurent, 15th Field Coy., R.C.E., Le Régt. de Mont'y., 6th Div. Petrol Coy., R.C.A.S.C., (et toute personne (ou personnes) qui pourrait être appelée à subir cet examen.

...../2.

Certified true copy
Adjutant, Canadian Infantry School
Training Centre, Quebec, Que.

(C.Os., d/13-9-40)

NO. 1136 EXTRACTS FROM ROUTINE ORDER NO 669, d/11-9-40, Conc.

MILITARY DISTRICT NO 5 (DETAILS)

Royal Canadian Artillery

59th Hy. Bty. (Details)

To be Lt.: Lt. J.G. Lefebvre, (59th Hy.Bty.). 21st June, 1940.

DEPOTS

No 5 District Depot.

RCA/ To be Lt.: 2nd Lt. and Lt. B.W. Scott, (57th(Quebec)Fd. Bty., 13th Fd. Bde.). 18th July, 1940.

RCA/ To be 2nd Lts.: 2nd Lts. J.W. Dudmore, (82nd Fd.Bty., 13th Fd. Bde.). 22nd July, 1940.
J.J. Taugher, (82nd Fd. Bty., 13th Fd. Bde.). 23rd. July, 1940.

RCCS/ To be Lt.: 2nd Lt. and Lt. J.F. Collins, (5th Dist. Sigs.). 30th July, 1940.

R. 22e R. Depot / To be 2nd Lts.: Lt. Comm. 2nd Lt. P. Roy, (C.M.). 22nd July, 1940.
2nd Lt. (Supy.) P. Magnan, (R. de Lévis). 23rd, July, 1940.

MEMORANDA

Capt. E.J. Leclerc, is granted the acting rank of Maj. while employed as Officer i/c Medical Boards & Hospitals, Sherbrooke, Dist. No 5. 1st July, 1940.

The undermentioned officers are posted for duty as under, with effect from the dates shown:

The Corps of Royal Canadian Engineers, CASF

Lieutenant J.G.A.V. Bourbonnais, to No 5 Detachment, C.A.S.F., 15th August, 1940.

Canadian Chaplain Service, CASF

Chaplain and Hon. Captain G. Barnett, to Chaplains Pool, M.D. No 5, 1st August, 1940.

Chaplain and Hon. Captain M. Dery, to Chaplains Pool, M.D. No 5, 10th August, 1940.

NO. 1137 GARRISON STRENGTH

Lieut. J. Descoteaux, Jr., No 8 Coy, C.A.C.I., CASF, is taken on strength of the Garrison with effect from 5-8-40.

2. One Officer (Lt. Col. G. Gordon) and 6 Other Ranks (advance party) are taken on strength of the Garrison with effect from 10-8-40. This advance party belongs to No 11 Coy, C.A.S.C., CASF.

/5

4. COMISSION D'EPREUVE (suite)

Président: Major Fernand Trudeau, R.22e.R., A/A.C.

Membres : Lieut. G.L.P. Plow, R.C.E., A/A.C.
Lieut. E.P. Lafleur, Liste Gén., A/A.C.
Capitaine G.H. Rajotte, Régt. de Mais., A/A.C.

5. COUR D'ENQUETE.
Une Cour d'Enquête, composée des Officiers ci-après mentionnés, s'assemblera au Camp Valcartier, P.Q., à une heure et à une date, que fixera le Président, dans le but d'enquêter et faire rapport sur les absences illégales et les pertes d'équipement (s'il y en a) des sous-mentionnés:

E-610502	Sdt.	Labbé, G.	D.T., A.C.
D-125169	"	Larrivée, U.	R.22e.R., A/A.C.
E-11072	"	Duguay, A.	R. de la C., A/A.C.
G-58003	"	Arseneault, L.	R.C.A.S.C., A/A.C.
E-6152	L/Cpl.	Brideau, L.	R.22e.R., A/A.C.
D-59282	Sdt.	Lepage, A.	R. de Mais., A/A.C.

Président: Capitaine O. Gauthier, R.22e.R., A/A.C.

Membres : Capitaine Marc Langelier, R.22e.R., A/A.C.
Lieut. M. Langevin, R.M.R., A/A.C.

6. COMITE D'OFFICIERS DE COUR D'ENQUETE.
Un Comité d'Officiers de Cour d'Enquête s'assemblera au Camp Valcartier P.Q., à une heure et à une date que fixera le Président, dans le but d'enquêter et faire rapport sur les absences illégales et les pertes d'équipement (s'il y en a) du sous-mentionné:

E-52656 Sdt. Cook, I. R.R.of C., A/A.C. (3e I.)

7. COUR D'ENQUETE.
Une Cour d'Enquête, composée comme suit, s'assemblera aux endroit, date te heure que fixera le Président, pour enquérir et faire rapport sur les blessures subies par le Sdt. E-62617 Pierre Soucy, C.F.C., A.C., à la fin de juin '42:

Président: Capitaine Pierre Gelly, 6ième (Q&L) Coast Bde. A.R.C.

Membres : Lieut. J.de S. Laterrière, 12ième Army Tank Bn. (T.R.R.)
Lieut. W.R. Michaud, Liste Générale, D.M.5.

Les procédures devront être transmises en triplicata au A.J.A.G., 5ième R.M. (Q.39-S-1575) (GnOs.2444)

8. COUR D'ENQUETE.
Une Cour d'Enquête, composée comme suit, s'assemblera aux endroit, date et heure que fixera le Président, pour enquérir et faire rapport sur les blessures subies par le Sdt. E-610987 Marcel Simard, A.I.T.C., A/13, le 16 juillet, '42:

Président: Capitaine Pierre Gelly, 6ième (Q&L) Coast Bde. A.R.C.

Membres : Lieut. J. de S. Laterrière, 12ième Army Tank Bn. (T.R.R.)
Lieut. W.R. Michaud, Liste Générale, D.M.5.

Les procédures devront être transmises en triplicata, au A.J.A.G., 5ième R.M. (Q-39-S-1769) (GnOs.2445)

...../3.

4. COMISSION D'EPREUVE (suite)

Président: Major Fernand Trudeau, R.22e.R., A/A.C.

Membres : Lieut. G.L.P. Plow, R.C.E., A/A.C.
Lieut. E.P. Lafleur, Liste Gén., A/A.C.
Capitaine G.H. Rajotte, Régt. de Mais., A/A.C.

5. COUR D'ENQUETE.
Une Cour d'Enquête, composée des Officiers ci-après mentionnés, s'assemblera au Camp Valcartier, P.Q., à une heure et à une date, que fixera le Président, dans le but d'enquêter et faire rapport sur les absences illégales et les pertes d'équipement (s'il y en a) des sous-mentionnés:

E-610502	Sdt.	Labbé, G.	D.T., A.C.
D-125169	"	Larrivée, U.	R.22e.R., A/A.C.
E-11072	"	Duguay, A.	R. de la C., A/A.C.
G-58003	"	Arseneault, L.	R.C.A.S.C., A/A.C.
E-6152	L/Cpl.	Brideau, L.	R.22e.R., A/A.C.
D-59282	Sdt.	Lepage, A.	R. de Mais., A/A.C.

Président: Capitaine O. Gauthier, R.22e.R., A/A.C.

Membres : Capitaine Marc Langelier, R.22e.R., A/A.C.
Lieut. M. Langevin, R.M.R., A/A.C.

6. COMITE D'OFFICIERS DE COUR D'ENQUETE.
Un Comité d'Officiers de Cour d'Enquête s'assemblera au Camp Valcartier P.Q., à une heure et à une date que fixera le Président, dans le but d'enquêter et faire rapport sur les absences illégales et les pertes d'équipement (s'il y en a) du sous-mentionné:

E-52656 Sdt. Cook, I. R.R.of C., A/A.C. (3e I.)

7. COUR D'ENQUETE.
Une Cour d'Enquête, composée comme suit, s'assemblera aux endroit, date te heure que fixera le Président, pour enquérir et faire rapport sur les blessures subies par le Sdt. E-62617 Pierre Soucy, C.F.C., A.C., à la fin de juin'42:

Président: Capitaine Pierre Gelly, 6ième (Q&L) Coast Bde. A.R.C.

Membres : Lieut. J.de S. Laterrière, 12ième Army Tank Bn. (T.R.R.)
Lieut. W.R. Michaud, Liste Générale, D.M.5.

Les procédures devront être transmises en triplicata au A.J.A.G., 5ième R.M. (Q.39-S-1575) (GnOs.2444)

8. COUR D'ENQUETE.
Une Cour d'Enquête, composée comme suit, s'assemblera aux endroit, date et heure que fixera le Président, pour enquérir et faire rapport sur les blessures subies par le Sdt. E-610987 Marcel Simard, A.I.T.C., A/13, le 18 juillet,'42:

Président: Capitaine Pierre Gelly, 6ième (Q&L) Coast Bde. A.R.C.

Membres : Lieut. J. de S. Laterrière, 12ième Army Tank Bn. (T.R.R.)
Lieut. W.R. Michaud, Liste Générale, D.M.5.

Les procédures devront être transmises en triplicata, au A.J.A.G., 5ième R.M. (Q-39-S-1789) (GnOs.2445)

...../3.

55/1941. 55/1941.
4-3-41.

CANADIAN INFANTRY (RIFLE) TRAINING CENTRE,

ORDRES DU JOUR PARTIE II,

No. 55,

Le 4, mars, 1941.

Derniers Ordres émis, #54, d/3-3-41.

1.CONGES.

D 22379, L/Cpl., Guay, L W., R.22e.R. A.F.	A obtenu un Congé du Réveil, le 6-3-41, au Tattoo, le 19-3-41.
D 62396, Soldat, Thouin L F.M.R. A.F.	A obtenu un Congé du Réveil, le 6-3-41. au Tattoo, le 19-3-41.
(ANNULATION)	
D 106040, Soldat, Laliberte R R.22e.R. A.F.	Para.1, D.O. PtII, #50, d/26-2-41, en ce qui concerne le mentionné en marge est annulé.

2.CONGE DE CONVALESCENCE.

2/Lt. L G Grandbois, R.22e.R. A.F.	A obtenu un Congé de Convalescence du Réveil, le 28-2-41 au Tattoo, le 27-4-41.

3.MALADES A LA MAISON.

Major A A Larue, R.22e.R. A.F.	Est malade à la maison, le 3-3-41.
P 48778, C.S.M., Belzile J R.22e.R. A.F.	Est malade à la maison, le 2-3-41.

4.PERMISSIONS.

D 62490, Soldat, Bickley G F.M.R. A.F.	A obtenu une Permission de 1400hrs, le 3-3-41 à 0800hrs, le 6-3-41.
D 63138, Soldat, Peters, M. F.M.R. A.F.	A obtenu une Permission de 1400hrs, le 3-3-41 à 0800hrs, le 6-3-41.
D 57660, Cpl., Chretien G R.de Mais. A.F.	A obtenu une Permission de 1000hrs, le 3-3-41 à 0800hrs, le 5-3-41.

5.NAISSANCE.

D 56326, L/Cpl., Aubertin R, R.de Mais. A.F.	Est née une Fille; M., Desneiges, Ernest & Elizabeth, Huguette, le 22-2-41.

6.RECORDS.

D 106056, Soldat, Barrière E R.22e.R. A.F.	Ayant déclaré que sa nouvelle adresse est Mrs. S.Barrière, No. 51, Place Royale, Apt. 1 Québec, Que.; tous les records devront être amendés en conséquence.
D 46728, Soldat, Dagenais A R.de Mais. A.F.	Ayant déclaré que sa nouvelle adresse est No. 6742, rue Alma, Montréal, Que; tous les records devront être amendés en conséquence.

/2.

9. COUR PERMANENTE D'ENQUETE.
La Cour Permanente d'Enquête s'assemblera aux endroit, date et heure que fixera le Président pour enquérir et faire rapport sur les blessures subies par le Sdt. H-99518 Edward Taylor, C.F.C., att. au A.I.T.C., A/13, le 26 juillet, '42.

Les procédures devront être transmises en triplicata, au D.A.A.G., 5ième R.M. (Q.39-T-1601) (GnOs.2449)

10. ROLE NOMINAL DE COMPAGNIE.
Un rôle nominal complet de chaque compagnie devra être transmis à l'Officier en charge des Records, au plus tard à 1600 heures, lundi le 17 août'42, pour l'usage de l'Officier Dentaire du Camp. Ce rôle nominal sera tel qu'en date de 2359 heures, dimanche, le 16 août'42.

11. MISE EN DISPONIBILITE DES SPECIALISTES DES DIFFERENTES UNITES FORMATIONS etc. DANS L'INTERET DU BON FONCTIONNEMENT GENERAL.
L'expansion rapide de l'Armée Canadienne crée une demande considérable d'officiers et sous-officiers expérimentés pour occuper de nouveaux postes importants.

Ces officiers et sous-officiers doivent être obtenus pour la plupart des formations, unités et H.W.E. actuellement en sevice.

Il s'en suit que les Quartiers-Généraux, unités et effectifs de toute catégorie doivent être en position de libérer tout officier ou sous-officier de leurs effectifs à un très court avis.

Il est de la responsabilité des commandants de toutes les formations, unités, etc., d'organiser et de maintenir l'entrainement de subalternes de manière à ce que la perte de quelques spécialistes n'affecte pas le bon fonctionnement de son commandement.

En un mot, aucun officier ou sous-officier jugé indispensable ne doit être sur les effectifs, et la perte d'un officier affectant le bon fonctionnement d'une unité dénote un manque d'habilité et de clairvoyance de la part du commandant.
(O.C.V.1800)

12. PERMUTATIONS.

a) Les sous-mentionnés permutent de la Cie.d'I.No.1 à la Cie.d'I.No.7:

D-121012 Sdt. Proulx, A. R.C.A.S.C., C.A./A.
E-621250 " Michaud, P.E. Recrue "R" A.C.

b) Le sous-mentionné permute de la Cie.d'I.No.3 à la Cie.d'I.No.2:

E-480578 Sdt. Larose, A. Recrue "R" A.C.

c) Les sous-mentionnés permutent de la Cie.des Spéc.à la Cie.d'I.No.7:

E-4542 Sdt. Turcotte, R. R.22e.R., A/A.C.
D.T.,A.C.

G-427419 Sdt. Albert, L.		E-610554 Sdt. Brindle, A.	
D-620217 " Cuerrier, B.		D-605670 " Derouin, P.	
G-600818 " Savois, E.		E-610991 " Trudeau, R.	

(J.A. Tessier) Capitaine et Adjudant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE No.A/13,
Camp Valcartier, P.Q.

9. COUR PERMANENTE D'ENQUETE.
La Cour Permanente d'Enquête s'assemblera aux endroit, date et heure que fixera le Président pour enquérir et faire rapport sur les blessures subies par le Sdt. H-99518 Edward Taylor, C.F.C., att. au A.I.T.C., A/13, le 26 juillet, '42.

Les procédures devront être transmises en triplicata, au D.A.A.G., 5ième R.M. (Q.39-T-1601) (GnOs.2449)

10. ROLE NOMINAL DE COMPAGNIE.
Un rôle nominal complet de chaque compagnie devra être transmis à l'Officier en charge des Records, au plus tard à 1600 heures, lundi le 17 août'42, pour l'usage de l'Officier Dentaire du Camp. Ce rôle nominal sera tel qu'en date de 2359 heures, dimanche, le 16 août'42.

11. MISE EN DISPONIBILITE DES SPECIALISTES DES DIFFERENTES UNITES FORMATIONS etc. DANS L'INTERET DU BON FONCTIONNEMENT GENERAL.
L'expansion rapide de l'Armée Canadienne crée une demande considérable d'officiers et sous-officiers expérimentés pour occuper de nouveaux postes importants.

Ces officiers et sous-officiers doivent être obtenus pour la plupart des formations, unités et H.W.E. actuellement en sevice.

Il s'en suit que les Quartiers-Généraux, unités et effectifs de toute catégorie doivent être en position de libérer tout officier ou sous-officier de leurs effectifs à un très court avis.

Il est de la responsabilité des commandants de toutes les formations, unités, etc., d'organiser et de maintenir l'entrainement de subalternes de manière à ce que la perte de quelques spécialistes n'affecte pas le bon fonctionnement de son commandement.

En un mot, aucun officier ou sous-officier jugé indispensable ne doit être sur les effectifs, et la perte d'un officier affectant le bon fonctionnement d'une unité dénote un manque d'habilité et de clairvoyance de la part du commandant.
(O.C.V.1800)

12. PERMUTATIONS.
a) Les sous-mentionnés permutent de la Cie.d'I.No.1 à la Cie.d'I.No.7:

D-121012 Sdt. Proulx, A. R.C.A.S.C., C.A./A.
E-621250 " Michaud, P.E. Recrue "R" A.C.

b) Le sous-mentionné permute de la Cie.d'I.No.3 à la Cie.d'I.No.2:

E-480578 Sdt. Larose, A. Recrue "R" A.C.

c) Les sous-mentionnés permutent de la Cie.des Spéc.à la Cie.d'I.No.7:

E-4542 Sdt. Turcotte, R. R.22e.R., A/A.C.
D.T.A.C.
G-427419 Sdt. Albert, L. E-610554 Sdt. Brindle, A.
D-620217 " Guerrier, B. D-605670 " Derouin, P.
G-600818 " Savois, E. E-610991 " Trudeau, R.

L B Caughlen, Capt.
(J.A. Tessier) Capitaine et Adjudant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE No.A/13,
Camp Valcartier, P.Q.

67

67/1941

ORDRES DU JOUR PARTIE II,#67,d/18-3-41,Page.....8

9 COURTECATIONS DE SOLDE.(Suite.)

D 63219,Soldat Rioux.M. F.M.R. A.F.	Perd 1 journée de Solde sous F.R.& I, 1939 pour absence sans permission de 2359 hrs 16-3-41 à 1000 hrs 17-3-41 (10 hrs. [illegible] min.)
D 57770,Soldat Fontaine.E. R. de Mais.A.F.	Perd 1 jrs de Solde sous F.R.& I, 1939 pour absence sans permission de 0900 hrs 17-3-41 à 1600 hrs 17-3-41 (7 hrs.)
D 58064,Soldat Deslauriers.H. R. de Mais. A.F.	Perd 63 jrs de Solde sous F.R.& I, 1939 pour absence sans permission de 2200 hrs 5-12-40 à 1400 hrs 6-2-41 inclusivement (62 jrs 16 hrs.)

10 A R R E T .

D 58064,Soldat Deslauriers.H. R. de Mais.A.F.	Aux arrêts de 1400 hrs 6-2-41 à 1200 hrs 17-3-41

11 DETENTION.

D 58064,Soldat Deslauriers.H. R. de Mais. A.F.	Condamné à 28 jrs de détention de 1200 hrs 17-3-41 pour absence sans permission.

12 CONFISCATIONS DE SOLDE.
(AMENDEMENTS.)

D 57258,Soldat Vandal.O. R. de Mais. A.F.	Para 9 D.O.PT II,#65,d/15-3-41 en ce qui concerne le soldat mentionné en marge doit lire comme suit:Pour absence sans permission de 2215 hrs 18-12-40 au lieu de 18-2-41
D 56781,Soldat Verrier.G. R. de Mais. A.F.	Para 9 D.O.PT II,#56,d/5-3-41 est rayé et substitué par le suivant: Para 11 D.O.PT II,#55,d/4-3-41 en ce qui concerne le soldat mentionné en marge.on doit lire: Absent sans permission de 0600 hrs 21-1-41 au lieu de 21-2-41

13.AUGMENTATION D'EFFECTIF.

Lieut.P.De Sève, R. de Mais. A.F.	Est pris sur l'Effectif sur Transfert de l'Attachement avec effet du 15-2-41 Aut: H.Q.558-4-101 (Pers.) I.B,d/13-3-41

14.AUGMENTATION D'ATTACHEMENT.

D 106098,L/Cpl Fyfe.W.H. R. 22e R. A.F.	Est attaché pour toutes fins le 12-3-41 sur Transfert du D.D.No 4.

15.DIMINUTION D'ATTACHEMENT.
(ANNULATION.)

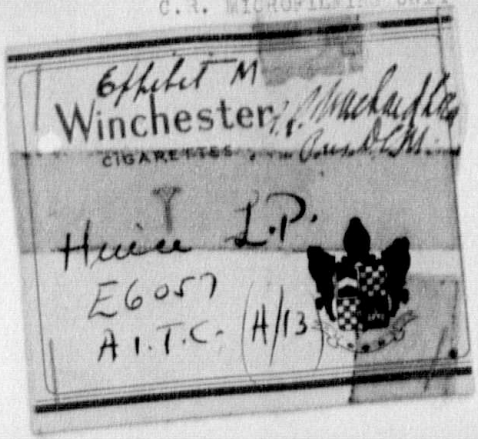
D 57786,Soldat Brisebois.L.P. R. de Mais. A.F.	Para 12 D.OPT II,#16,d/20-1-41 en ce qui concerne le soldat mentionné en marge est annulé.

/9.

MEDICINAL TABLETS REMOVED

UNABLE TO FILM.

C.R. MICROFILMING UNIT



'O'

R. v. Mackenzie
Gnr.

Closing address by the Defending Officer

L'accusation est d'avoir feint la maladie au Dépôtoire Garnotte entre les 1er et 15 juillet. J'attire l'attention de la Cour à l'M.R. 18 note 3.

Considering le record médical de l'accusé. Il a déjà souffert de gonorrhée. Il est envoyé de l'Hôpital de Québec où il a été examiné par le Colonel Pettelere. Son rapport est marqué gonorrhée et orchi-épididymite.

Je soumets que la poursuite n'a pas fait sa preuve de la première accusation et demande que l'accusé en soit acquitté.

Je n'ai rien à dire sur les autres accusations.

"P"

A.P. Archer L. St. Paul
Cus. D.T.M.

Closing address by the Prosecutor.

Ma preuve est faite sur les 1re et 3e accusations, l'accusé doit en être trouvé coupable.

Sur la première accusation l'accusé a assez d'expérience sur la gonorrhée pour feindre cette maladie qu'il n'avait pas au temps donné dans l'accusation.

On ne peut pas mettre en doute la bonne foi des témoins, le Capt. Barrette et ses subordonnés auxquels nous avons confiance.

L'accusé dans son témoignage a essayé de jeter un doute quand à la sincérité de ces témoignages rendus. La question préliminaire dans le Règlement qui est soumise au tribunal est la suivante. En premier lieu l'accusé se déclare malade souffrant d'un testicule enflé. Cette question de gonorrhée a ce moment là. On l'envoie à l'Hôpital Militaire de Québec où là on l'envoie à Valcartier avec un écoulement. A son entrée le 8 juillet commence la simulation de l'accusé me basant sur le témoignage du Capt. Barrette. On lui fait subir un examen on trouve des débris mais pas de gonorrhée le lendemain non plus, plus tard il montre une gonorrhée aiguë, 2 jours après, l'examen d'urine ne montre rien. Le 14 juillet non plus. Comment se fait-il que sur 6 examens un seul décèle une gonorrhée aiguë. Le Capt. Barrette déclare cela inexplicable.

"Q"

70/1942

CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE #A-13, 18 juil.42.
ORDRES DU JOUR PARTIE II #170 d/18 juil.42.

Derniers Ordres émis: #169 d/17 juil.42.

SECTION "A"

1. PERMISSIONS.

Les Officiers sous-mentionnés ont obtenu une permission aux heures et da dates indiquées à la suite de leurs noms.

Lieut. R. Guenet, (RdeLevis AC) 0800hrs. 18 juil.42, 0800hrs.20juil.42.
Lieut. J.J.de Gaspe Loranger (R22RAC)0800hrs 18juil42 " "

2. ON COMMAND. (AMENDEMENT)

Para. 2(b) Sec. "A" D.O. Pt. II #168 d/16 juil.42., en ce qui concerne 180fficier sous-mentionné on doit lire: Lieut. Nadeau, Y au lieu de Lieut. Nadeau, G.

Lieut. G. Nadeau. (Gen.List. AC)

3. QUALIFICATIONS. (AMENDMENT)

Para. 4 Sec. "A" D.O. Pt. II #168 d/16 juil.42., en ce qui concerne l'Officier sous-mentionné on doit lire: " Lieut. Y Nadeau" au lieu de: "Lieut. T."

Lieut. T. Nadeau. (Gen.List. AC)

4. HOPITAL (SORTIES)

L'Officier sous-mentionné est sorti de l'Hôpital du St-Sacrement le 16 juil.42.

Lieut. J. Chouinard. (R22R AC) Cie. Spec.

5. PERMISSION SPECIALE.

L'Officier sous-mentionné a obtenu une permission speciale de 1200hrs. 17 juil.42., à 0800hrs. 18 juil.42.

Lieut. J. Chouinard, (R22R AC) Cie. Spec.

6. DIMINUTION D'EFFECTIF.

L'Officier sous-mentionné est rayé de l'Effectif du A.(I).T.C. A-13, à compter du 15 juil.42., sur transfert au C.A.(B).T.C. #53 Lauzon, P.Q.

Capt. J.P. Kempf, (Gen.List. AC) 1ère Inf.

SECTION "B"

1. CONSEIL DE GUERRE REGIONAL (REMISSION) (AMENDEMENT)

(a)Para. 1 D.O. Pt. II #62 d/3 mars.42., Sec. "B" es rayé et substitué par le suivant:

REMISSION DE SENTENCE.

Le sous-mentionné a obtenu une remission de sentence de 16 jours à compter du 9 mars.42. (Officer administrating Detention Barracks.)

D-56153, Sdt. Bissonnette, J.L. (RdeM AC)

(b)Para 2 (b) Sec. "B" D.O. Pt. II #79 d/2 Avril.42, est rayé et substitué par le suivant:

REMISSION DE SENTENCE.

Le sous-mentionné a obtenu une remission de sentence de 20 jours, à compter du 4 avril.42.(Officer administrating Detention Barracks.)

E-5984, Sdt. Potvin, H. (R22R AC)

...../2.

2. REMISSION DE SENTENCE.

Le sous-mentionné a obtenu une remission de sentence de 20 jours à compter du 7 juil.42.(Officer administrating Detention Barracks.)

D-57840, Sdt. Corriveau, D. (RdeM AC) 1ère Inf.

3. AUGMENTATION D'ATTACHEMENT.(AMENDEMENT)

(a) Para. 17 Sec. "B" D.O. Pt. II #168 d/16 juil.42., en ce qui concerne les sous-mentionnés il faut lire à compter du 15 juil.42., au lieu de 14 juil.42.

E-11139, Sdt. Dubuc, G. (RdeChaud. AC) 3e Inf.
E-9062, " Picard, R. " " 3e Inf.

(b) Para. 17 Sec. "B" D.O. Pt. II #168 d/16 juil.42., en ce qui concerne le sous-mentionné il faut lire: à compter du 16 juil.42. au lieu de: 14 juil.42.

E-6134, Sdt. Collin, T. (R22R AC) 3e Inf.

4. DIMINUTION D'ATTACHEMENT.

Le sous-mentionné cesse d'être attaché pour toutes fins au A.(I).T.C. A-13, à compter du 20 juil.42., étant libéré sous R.O.1029 (10)

D-62422, Sdt. Robert, D. (FMR AC) Cie du Q.G.

5.ALLOCATION DE REHABILITATION.

Le sous-mentionné ayant servi pour une période continuelle de 183 jours ou plus et ayant été libéré sous R.O. 1029 (10), est autorisé à recevoir l'allocation de rehabilitation de 30 jours de solde regimentaire selon le rang au moment de sa libération, sous R.O. 872.(Enrôlé à Montreal le 12 juil.40.)

D-62422, Sdt. Robert, D. (FMR AC) Cie du Q.G.

6. ALLOCATION D'HABITS.

Le sous-mentionné, étant libéré le 20 juil.42., et ayant servi pour une période continuelle de 183 jours ou plus et étant en possession d'habits civils satisfaisants, lui est crédité un montant de $35.00, sous l'Art.187 (1)(a) F.R.& I. 1939.(Enrôlé à Montreal le 12 juil.40.)

D-62422, Sdt. Robert, D. (FMR AC) Cie du Q.G.

7. CONGE.

Le sous-mentionné à obtenu un congé de 0600hrs. 20 juil.42., à 0600hrs. le 28 juil.42.

P-15015, QMS.(WOII) Sarrasin, E. (RCR AC) R.H.Q.

8. ON COMMAND.

Le sous-mentionné étant absent sans permission de 2359hrs. le 4 juin.42., cesse d'être "On Command" au Regt. de Quebec, à compter de la même date.

D-124812, Sdt. Chalifoux, R. (R22R AC) 7e Inf.

9. MARIAGE.

Le sous-mentionné ayant obtenu la permission de se marier, s'est marié à Mlle. Isabelle Provencher le 7 juil.42., par Rev. Jean Charles Lougeot, Ptre. en l'Eglise de Val d'Or, Val d'Or, P.Q. Mlle. Provencher devient la plus proche parente tous les documents devront être amendés en conséquence.

E-11139, Sdt. Dubuc, G. (RdeChaud. AC) 3e Inf.

10. QUALIFICATIONS.

Le sous-mentionné s'est qualifié "Driver I.C. Class III (Tracked)", le 16 juil.42.

E-13127, Sgt. Gauvreau, H. (Rde Chaud. AC)

11. HOPITAL (ADMISSIONS)

Les sous-mentionnés sont admis à l'Hôpital aux dates indiquées à la suite de leurs noms.

D-57725, Sdt. Mondoux, J. (RdeM AC)/7e Inf. Hosp. Mili. de Quebec. 16 juil.42.
D-56073, CQMS. Mantha, R. "(5e Inf)" Enfant Jesus.... 15 juil.42.

12. HOPITAL (SORTIES)

Les sous-mentionnés sont sortis de l'Hôpital aux dates indiquées à la suite de leurs noms.

D-63209, Sdt. Beauchamp, L. (FMR AC)/Cie des Spec. Hopi. St-Sacrement 15 juil.42.
D-62422, " Robert, D.(FMR AC) Q.G. " Roy Rousseau. 14 juil.42.

13. ABSENCES SANS PERMISSION.

Les sous-mentionnés sont absents sans permission aux heures et dates indiquées à la suite de leurs noms.

D-106187, Sdt. Duclos, C.(R22R AC) Cie Spec. 0700hrs. 17 juil.42.
D-63094, " D vis, H. (FMR AC) Cie du Q.G. 2200hrs. 17 juil.42.
D-63106, " Lacroix, L. " " " 2200hrs. 17 juil.42.
E-6057, " Hince, [illegible] (R22R AC) 7e Inf. 1800hrs. 15 juil.42.
D-62656, " Dion, D. (FMR AC) " 2030hrs. 16 juil.42.
D-62687, " Letourneau, D. " " 2030hrs. 16 juil.42.
E-20026, " Francoeur, A.(R22R AC) " 0800hrs. 17 juil.42.

14. ABSENCES SANS PERMISSION. (ANNULATION)

(a) Para. 18 Sec. "B" D.O. Pt. II #53 d/3 mars.42., en ce qui concerne le sous-mentionné est annulé.

E-4542, Sdt. Turcotte, R. (R22R AC)

(b) Para. 13 Sec. "B" D.O. Pt. II #121 d/22 mai.42., en ce qui concerne le sous-mentionné est annulé.

D-62483, Sdt. Goyette, A. (FMR AC)

15. ABSENCE SANS PERMISSION. (8 jours et plus) (ANNULATION)

Para. 14 Sec. "B" D.O. Pt. II #125 d/27 Mai.42., en ce qui concerne le sous-mentionné est annulé.

D-62483, Sdt. Goyette, A. (FMR AC)

16. RETOUR D'ABSENCE SANS PERMISSION.

(a) Les sous-mentionnés sont de retour d'absence sans permission aux heures et dates indiquées à la suite de leurs noms.

D-106187, Sgt. Duclos, C(R22R AC)Q.G. 2300hrs. 17 juil.42.
D-57630, " Desrochers C(RdeMAC) Q.G.1500hrs. 16 juil.42.
D-62675, " Richard, P.(FMR AC) 2e Inf. 0610hrs. 18 juil.42.
E-5656, " Ducas, N. (R22R CA) " 0610hrs. 18 juil.42.
E-100178, " Harvey, J.P. (Rde Ch.AC)3e.I. 0600hrs. 18 juil.42.
E-20026, " Francoeur, A.(R22R AC)7e Inf. 2200hrs. 17 juil.42.

(b) Le sous-mentionné cesse d'être absent sans permission en étant admis à l'hôpital militaire de Quebec, le 16 juil.42.

D-57725, Sdt. Mondoux, J. (RdeM. AC) 7e Inf.

...../4.

170/1942 ORDRES DU JOUR PARTIE II #170 d/18 juil.42. Page..4.

- -

17. RETOUR D'ABSENCE SANS PERMISSION.(ANNULATION)

(a) Para. 21 Sec. "B" D.O. Pt. II #53 d/3 mars.42., en ce qui concerne le sous-mentionné est annulé.

E-4542, Sdt. Turcotte, R. (R22R AC)

(b) Para. 10 Sec. "B" D.O. Pt. II #127 d/29 mai.42., en ce qui concerne le sous-mentionné est annulé.

D-62483, Sdt. Goyette, A. (R1R AC)

18. CONFISCATION DE SOLDE.

Le sous-mentionné perd sous F.R.& I. 1939, 10 jours de solde, pour absence sans permission de 0800hrs. 4 juil.42., à 0800hrs. 14 juil.42. (total: 10 jours.)

E-5437, Sdt. Geoffroy, G. (R22R AC)

19. ARRETS DE SOLDE.

Le sous-mentionné est condamné le 15 juil.42., à 10 jours de solde ordinaire pour absence sans permission. (A.A. Sec. 15 (1).

E-5437, Sdt. Geoffroy, G. (R22R AC)

SECTION "C"

1. DIMINUTION D'EFFECTIF.

Les sous-mentionnés sont rayés de l'effectif à compter du 17 juil 42. sur transfert au Reg. de Québec.

E/615 763	Sdt	Loiselle,	R.		D/610 921	Sdt	Allard,	P.	7e Inf
D/609 959	"	Allison,	G.	7e Inf.	E/606 049	"	Bourassa,	R.	"
E/615 909	"	Briere,	L.	"	D/610 826	"	Baien,	O.	
C/621 110	"	Beaulieu,	A.	"	D/610 930	"	Clouatre,	G.	
E/554 715	"	Chouinard,	A	"	E/531 631	"	Duval,	E.	7e Inf
D/625 595	"	Dubois,	E.	"	E/616 009	"	Emond,	L.	"
E/620 740	"	Grenier,	M.	"	D/463 015	"	Grondin,	G.	"
E/620 359	"	Parento,	J.		E/621 035	"	Rousseau,	A.	"
E/600 020	"	Simard,	J.	7e Inf	E/463 400	"	Trepanier,	D.	"
E/606 068	"	Denomme	V.	&	E/553 932	"	Dube,	L.M.	6e Inf
E/553 945	"	Dumont,	P.	6e Inf	E/620 672	"	Gagne,	L.	"
E/606 005	"	Philibert,	L.P.	"	E/615 581	"	Synott,	E.	.
E/615 466	"	Boutin,	G.	7e Inf.	E/615 296	"	Delisle,	L.	
D/604 003	"	Lanteigne,	E.		E/507 910	"	Lapointe,	G,E	7e In
E/620 288	"	St-Pierre,	W.	7e Inf.					

2. CONGE (AGRICULTURE)

(a) Le sous-mentionné a obtenu un conge sans solde du Réveil le 18 juil 42 au Tattoo le 17 Dec. 42.

E/578 123 Sgt Poirier, A. (DTAC) 6e Inf.

(B) Le sous-mentionné a obtenu un conge sans solde du Réveil le 18 juil 42 au Tattoo le 31 Oct 42.

E/600 423 Sdt Guay, A. (DTAC) 6e Inf.

3. ABSENCES SANS PERMISSION.

Les sous-mentionnés sont absents sans permission aux heures et dates indiquées à la suite de leur nom.

D/607 034	Sdt.	Coutu,	O.	(DTAC)	2200hrs. 14 juil.42.
B/610 859	"	Grenier,	F	"	2200hrs. 16 juil.42.

(J.A. TESSIER) Capitaine & Adjudant.
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE #A-13
CAMP VALCARTIER, P.QUE.

I/T

Certified True Copy
C. LeHallum Lieut
for Adjutant AITC A13.

31.7.42.

"R"

R. Hindard Dr. Edmond
Capt. D.C.M.

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Major W.H. Draper, O.C. Cdn. Provost Corps Det, M.D. No. 4,
(Number) (Rank) (Name) (Unit)

hereby certify that E-6057, Pte. Hinse, L.P.,
(Number) (Rank) (Name in full)

of the Royal 22nd Reg't, Valcartier, Que.
(Unit and attachment, if any)

Strike out words not applicable } was apprehended by [redacted] D-109813, Lance Corporal.
(Number) (Rank)

Marechal, Canadian Provost Corps Detachment, M.D. No. 4,
(Name) (Unit or appointment)

at Montreal, Que. (Place) at 1315 (Hour)

on the 22nd, day of July. 19 42

Strike out words not applicable } as a [redacted] absentee without leave), and that at the time of his arrest he was [redacted] (dressed in civilian clothes).

Dated at Montreal, Que. this 23rd, day of July. 19 42

IR/...

W.H. Draper
(W.H. Draper) Major.
(Signature, Number, Rank, Unit or appointment)
O.C. Cdn. Provost Corps Det., M.D.#.4.

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
50M—5-42 (4731)
H.Q. 1771-39-1936

'5'

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, E-6157 Pte. Pinel J.B.R. (No.) (Rank) 22e.R. (Name) attached A.(I) T.C. A-13 (Unit),

Strike out words not applicable

as (escort) (commander of escort) consisting of D-615994 Pte. Lecompte J.L.

Members of escort

and myself,

detailed to proceed from Valcartier Camp P.Q. (Place) to Montreal P.Q. (Place)

Name and description of soldier escorted

to return D-57709 Pte. Benoit A. & E-6057 Pte. Hinse L.P.

alleged to be a deserter or absentee without leave, to Valcartier Camp P.Q. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement		Amount
JULY 22nd	Dinners (2) for escorts, at 0.75 (tickets)	1.50
" 23rd	Breakfasts (2) for escorts at 0.75 "	1.50
" "	Lunches (2) for escorts at 0.75 "	1.50
" "	Dinners (2) for escorts at 0.75 "	1.50
	Total	$ 6.00

Dated at Valcartier Camp this 24th. day of JULY A.D. 19 42.

E-6157 Pte. J.B.R. Pinel R.M.P.
R.22e.R.
A.(I) T.C. A-13
(Ca).

Signature and rank (of commander of escort) (escort)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.D. 1483
5036:—7-42 (1126)
H.Q. 1772-59-1650

T

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ABSENTEES AND DESERTERS

No. 52

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Attached to Escort Orders

Fill in complete description — I, Lt. (Rank) Wall, W.J. (Name) No.5 Dist. Coy. (Unit) PCASC

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort

Complete — to proceed from Quebec City (Place) to Montreal, Que. (Place)

and return to Quebec City for the

Full description of soldier being escorted — purpose of escorting Prisoners-D57709 Pte. Alphonse Benoit & E6057 Pte. Pinsonneault

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

~~Transport Warrant No. . . . . issued~~ (A.I.T.C. A-13)

Particulars	Cost
on . . . . . covering transportation	
T. of No. A178510 issued on July 22/42 covering transportation for one Escort from Quebec City to Montreal and return.	
to . . . . . and return.	$12.56
T. of No. A178510 issued on July 22/42 covering transportation for two Prisoners from Montreal to Quebec City.	6.28
~~Transport Warrant No. . . . . issued~~	
on . . . . . covering transportation	
for the absentee from	
to	
Total	$ 18.84

Dated at Val. Camp this 24th. day of July A.D. 19 42

(W.J.Wall) Lt.
C.S.S.P.C. Val. Camp, P.Q.

Signature, rank, unit of officer (issuing transport warrants) (authorizing transportation) Strike out phrase not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1461
5434—12-41 (3750)
H.Q. 1712-30-1000

Valcartier Camp

July 24th, 1942.

R. Rickard Colonel
Pres. D.C.M.

SUMMARY EVIDENCE

E. 6057 - Hinse, L.P. Pte.

Clo. Div. "B"

1 Battle dress blouse	5.58
1 Battle dress trousers	5.60
1 Boot ankle	5.20
1 Cap field service	0.78
2 Drawers cotton short	0.66
2 Shirts under cotton	0.80
1 Shirt khaki cotton S S	0.99

Clo. Div. "C"

1 Braces prs	0.27
1 Brass button	0.04
1 Holdall	0.17
1 Housewife	0.51
C.A.R.O. 1862 Total	$20.60
C.A.R.O. 1877 Less 25%	5.15
Net total	$15.45

(Summary Evidence No. 109)

M Belanger Lt.
Quarter Master

JGB

Certified true copy of W.F.C. 512
G. Bois Lieut. a D.M.

Y

M.P.D. 305

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
E-6057	Private	L.P. Hince	A.I.T.C. A-13 (CA)

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

	Within last 12 months		Since enlistment or appointment	
For	A.W.L.	7 times	A.W.L.	9 times
For		times		times
For		times		times
For		times		times

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

2. The accused has not been previously convicted

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

4. The accused has been in confinement awaiting trial on the present charges for — days in civil custody, and 25 days in military custody, making a total of 28 days in custody, of which 8 days were spent in hospital.

5. The present age of the accused according to his attestation paper is 32 yrs 62 days

6. The date of his attestation specified in his attestation paper is 14th April, 1941.

9. The accused is in possession of or entitled to no military decoration, or military reward

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~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....

Permanent Force

unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number..... Rank..... Name..... of..... Regiment Unit

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 18th 18th day of August 1942 for Adjutant A.I.C. A13.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

SA.10

September 11th, 1942.

District Officer Commanding,
Military District No. 5,
QUEBEC, P. Q.

District Court-Martial,
E.6057, Pte. Louis Philippe Hinse,
Royal 22nd Regiment, C.A.
(Att. to A.I.T.C. A-13, C.A.)

1. Receipt is acknowledged of your Q.39-H-1070(JA) dated September 1st, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities mentioned in your letter, the following have been noted in the proceedings:-

(a) In the marginal notation on the Charge Sheet for the second charge the same should have read "Sec. 15(1)," instead of merely "Sec. 15".

(b) No mention is made in the proceedings of the order detailing the other two members of the Court and which order was attached to the proceedings and marked "X-1".

(c) It would have been preferable if the entries, made in the proceedings for the various documents put in evidence, had been in the form as set forth on Page 61 of the Handbook.

(d) The various documents admitted in evidence have been marked with letters commencing with "Q". It is preferable that these exhibits should commence with the letter "C".

(e) The addresses of the Defending Officer and Prosecutor should have appeared in the proceedings after the various exhibits, which were attached to the proceedings and not before.

3. The proceedings are returned herewith in order that the above noted irregularities may be brought to the attention of all officers concerned and further in order that the attention of the D.M.O. may be called to the evidence given by Captain Barrette as mentioned in Para. 3 of your letter. When they have served these purposes may they please be returned to this office.

Noted
G. A. FERGUSSON
LT. COL.
A. D.

H.G.B./amb
SEP 12 1942

Brigadier,
Judge Advocate-General.

RECEIVED
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Memorandum

To: THE CHIEF TRANSLATOR

Department of National Defence
H.QC. 55-H-283. (JAG)
OTTAWA.

District Court-Martial - E-6057,
Pte. Louis Philippe Hinse, Royal 22nd Regt., C.A.

Will you kindly furnish this Branch with a translation from the French language into the English language of the following parts of the proceedings of the marginally noted District Court-Martial.

From the bottom of Page C-5 (at folio 11) to the bottom of Page D-15 (at folio 49).

The closing address of the Defending Officer, Exhibit "O" (at folio 63).

The closing address of the Prosecutor, Exhibit "P" (at folio 65).

Ina Strathy W/C
for
Brigadier,
Judge Advocate-General.

J. A. J.
Please find translation herewith.
10/9/42 J. H. Brennan
H.T.

N.D. 25
15M—2-41 (9256)
H.Q. 1773-101-25

TRANSLATION
JPC/CL
9/9/42

C-7 (page 13)

Proceedings of District Court-Martial.
Trial of B-6057-Pte. Louis Philippe Hinse, Royal 22nd Regt., C.A.

Third Witness for prosecution.

E-20665, Corporal Albert Lacasse, No. 5 Det. R.C.A.M.C., being duly sworn, is examined by the Prosecutor.

(SEE ENGLISH ORIGINAL TEXT)

Translation

For the last 15 months, I have been working at the Isolation Hospital Laboratory in Valcartier. I am doing the microscopic tests of pus in the urine of patients, under the supervision of Captain Barrette.

The accused entered the Isolation Hospital around July 8, 1942. When admitted I examined some pus taken out of his urethra. I found only inflamatory cells. On the following day, I again tested his discharge and I found some waste matter. On the same day, I again tested his urethral discharge and I found some gonococci. On July 11th, I again tested the discharge of the accused and I found some inflamatory cells only, and no gonococci. On July 14th, I again tested the urethral discharge of the accused after he had undergone a massage of the prostate by Captain Barrette or Sgt. Migneault, and I found inflamatory cells with staphylococci, but no gonococci. On July 15, 1942, a new microscopic examination with a negative result.

CROSS-EXAMINED BY THE DEFENDING-OFFICER.

Q.7 Are you a physician?
A.7 No.

Q.8 Are you a chemist?
A.8 No.

Q.9 Did you ever do any laboratory work?
A.9 No.

C-9 C-11 C-13 (pages 15-17-19)

Q.10 Why was the accused sent from the Quebec Military Hospital to the Isolation Hospital in Valcartier?
A.10 I do not know.

Q.11 Did you know that the accused had already suffered from gonorrhea on three different occasions?
A.11 I remember having seen him at the Isolation Hospital, but I do not remember how many times, neither do I remember why he was there.

Q.12 Did you know that the accused had suffered from urethritis in May, 1942?
A.12 No, I do not remember.

Q.13 Before your tests did you see to it that the accused be warned not to urinate for four to six hours?
A.13 No, I never heard anything about it.

Q.14 Did you know that these precautions were necessary in order to find out whether any gonococci were remaining?
A.14 No.

Q.15 Do you know what orchitis is?
A.15 No, I do not know.

Q.16 Do you know that there are cases of gonorrhea which are not detected by the bacteriological test?
A.16 No, I am not aware of that.

Q.17 What do you mean by tests under the supervision of Captain Barrette?
A.17 I stain the blade, I examine it with a microscope, and if I have some difficulty I refer to Captain Barrette.

Q.18 Did Captain Barrette make the pus test in each case for the accused?
A.18 I cannot say; he certainly made some.

Q.19 Can you swear that in the examination of July 15th you took a pus test?
A.19 On July 15th, I made a urine test and not a pus test.

Q.20 Do you prepare the solutions yourself for the pus test?
A.20 No.

Q.21 Do you use Gram's method for the pus test?
A.21 Yes.

Q.22 Are your solutions kept in the light?
A.22 No, in coloured bottles.

Q.23 Do you know that these solutions are very sensitive to light?
A.23 No.

Q.24 Do you know that solutions A & B do not keep?
A.24 No.

Q.25 How long had you had solution "C"?
A.25 We receive them every fortnight.

Q.26 Do you know that they do not keep for more than a month?
A.26 No.

Q.27 Are you ready to swear that the accused was not suffering from gonorrhea between the 8th and the 15th of July?
A.27 I cannot swear it.

THE PROSECUTOR DECLINES TO RE-EXAMINE

R.P. 83 (b) has been complied with.

The witness withdraws.

Fourth Witness for Prosecution

Captain Elzear Barrette, No. 5 Det. R.C.A.M.C. being duly sworn, is examined by the Prosecutor.

"I have been in charge of venereal diseases at the Isolation Hospital at Valcartier since January 22, 1942. I have been a physician for four years. I am not a specialist in venereal diseases, but I have treated some of them during my practice. I saw the accused at the Isolation Hospital on July 8, 1942. He came from the Quebec Military Hospital with the mention "Gonorrhea with intensive epididymitis". He arrived at the hospital in the evening on the 8th. The following day, after having taken cognizance of the report on the examination of the previous day, I noted by use of microscope that the report was correct. I found a lot of waste matter and inflamatory cells and that is all. There were no gonococci. I had another test made. The report was the same. I told the accused to come for another examination as soon as he would notice a discharge from the urethra. About an hour later, the patient called at the laboratory, /a there being purulent discharge from his urethra. The test gave a positive reaction to gonococci. The test showed an acute gonorrhea. I prescribed the usual treatment, sulfathiazole pills, 16 pills for the first 24 hours and then gradually decreasing.

On July 11th, the accused had a second urine test, in the morning upon getting up, the report showed that there were no inflamatory cells and no pus. Normally if the accused /as had suffered from gonorrhea shown by the test of the 11th, there would have been a

rather considerable amount of pus in the urine. On the 14th, I gave the accused a massage of the prostate and I found some staphylococci and inflamatory cells, but no gonococci. On the 15th, the accused had another urine test, and the result was absolutely negative. According to my experience, the result of all these tests, within so short a time, was abnormal. From a clinical point of view I cannot explain such a condition. From July 9th to July 15th, except on Sunday, I visited the accused and I found at the entrance of the urinary meatus a greasy yellow deposit which had not at all the characteristics of pus. It was a drop which remained stuck there, whereas pus spreads, and it resembled the contents of prophylactic tubes.

Before his leaving the hospital on the 15th, he should have taken a total of 64 pills. Corporal Forgues brought back to me 48 pills of the medicament which the accused should have taken. I called the accused. He stated to Sgt. Migneault in my presence that he didn't need to take any pills because it was getting cured by itself. He admitted having taken pills on the first day only. I am producing these pills in a box in which they were found.

EXHIBIT "M" (signed by the President).

It should be noted that many of these pills have lost their polish which indicates that they have suffered from dampness. Upon discovering that the accused had not followed his treatment, I sent him back from the hospital to his unit with an escort.

CROSS-EXAMINED BY THE DEFENDING-OFFICER.

Q.28 During how many months have you been treating venereal diseases?
A.28 Seven months at Valcartier.

Q.29 Did you make a microscopic examination of the pus of the accused yourself?
A.29 Yes.

Q.30 Are you ready to swear that the accused did not suffer from gonorrhea between July 8th and July 15th?
A.30 No, because it was the 6th time that he was admitted to the hospital in connection with a gonorrhea or urethritis. He may be suffering from chronic gonorrhea.

Q.31 Was there any test made of the deposits found in the urethra of the accused?

A.31 No.

Q.32 Why did you dismiss the accused from the hospital on July 15th?
A.32 Because he admitted that he had not taken his pills and that his urine test, that very morning, was negative.

RE-EXAMINED BY THE PROSECUTOR.

Q.33 You said that you dismissed the accused from the hospital because he had not taken his pills and that his urine test on the 15th did not show any pus? Did you base yourself simply on that urine test of the 15th, or did you also take into consideration the prior negative tests?
A.33 I also took into account the report of the previous tests.

Q.34 Will you explain to the Court what is a chronic gonorrhea? Do you necessarily find gonococci in a chronic gonorrhea?
A.34 Yes and no. There are intervals during which the bacterium is found, and on similar occasions there is only some pus which does not necessarily contain gonococci. Sometime there is a discharge and sometime there is none. But most of the time we note what is called gleet, but never in such virulent form as was noted in the accused and which could stop so suddenly. I am now speaking from a purely clinical point of view."

R.P. 83 (b) has been complied with.

The witness withdraws.

Fifth Witness for Prosecution

E-20626-Corporal Jean Charles Forgues, No. 5 Det. R.C.A.M.C. being duly sworn, is examined by the Prosecutor.

"I am orderly at the Isolation Hospital in Valcartier. I know the accused. I watch the patients to make sure that they follow their treatment. On July 15, 1942, during my inspection, I found in Pte. Hinse's bed, under his pillow, an empty box of Winchester cigarettes containing sulfathiazole pills. I immediately reported to Captain Barrette. He ordered me to go and fetch the accused.

The box which is shown to me by the Court is similar to that which I found in the bed of the accused.

CROSS-EXAMINED BY THE DEFENDING-OFFICER.

Q.35 Did you ever notice that the accused was not taking his pills?
A.35 I do not know.

Q.36 Did you see the accused take his pills such as other patients do?

A.36 Yes.

Q.37 Were you present when the accused is alleged to have stated that he didn't take his pills, and what did he say?

A.37 I was present. He said that he wasn't taking his pills because he was cured.

THE PROSECUTOR DECLINES TO RE-EXAMINE

TEXT

R.P. 83 (b) has been complied with.

The witness withdraws.

A D J OU R N M E N T.

At 4:30 o'clock the Court adjourns until 10:00 o'clock on the 18th.

On the 18th of August, 1942, at 10:00 o'clock the Court re-assemble, pursuant to adjournment, present the same members as on the 17th of August, 1942.

Sixth Witness for Prosecution.

E-25914-Sergeant Lucien Roberge, No. 5 Det. R.C.A.M.C. being duly sworn, is examined by the Prosecutor.

Translation

"I am senior N.C.O. at the Military Isolation Hospital in Valcartier. I know the accused. In the afternoon of July 15th, I was on duty at the Office. Captain Barrette called for the accused. Sgt. Migneault asked the accused if the pills found under his pillow were his. The accused replied that they were. I heard the question and the reply. Captain Barrette then sent the accused away from the hospital under escort. A few minutes later, the escort came back alone and said that he had lost the prisoner. I immediately notified the Military Police of the Camp."

THE DEFENDING-OFFICER DECLINES TO CROSS-EXAMINE.

R.P. 83 (b) has been complied with.

The witness withdraws.

Seventh Witness for Prosecution.

E-615466-Pte. Clovis Boutin, "Le Regiment de Quebec", C.A., being duly sworn, is examined by the Prosecutor.

"I know the accused Hinse since I escorted him on July 15th. I left the Valcartier Isolation Hospital to take him to the M.O. On the way he threw his kit-bag down and left running. I returned to the Hospital and reported that he had escaped.

THE DEFENDING-OFFICER DECLINES TO CROSS-EXAMINE.

R.P. 83 (b) has been complied with.

The witness withdraws.

D (page 35)

(SEE ENGLISH ORIGINAL TEXT)

First Witness for the Defence.

The accused No. E-6057-Pte. Louis Philippe Hinse, Royal 22nd Regiment, C.A., attached to A.(I)T.C. A-13, C.A., being duly sworn, is examined by the Defending-Officer.

"I never stated that I had gonorrhea. On July 5, 1942, I was on sick parade at 6 o'clock P.M. for a swollen testicle, The M.O. also noted a discharge . I was at once sent to Quebec. I entered the Quebec Military Hospital at 9:30 on that same evening. I saw no specialist. On the following day, I didn't see any. On the following day, Lieut.-Col. Petitclerc examined me and prescribed ice. Two days later, I was sent to Valcartier because they noticed that I had a discharge. When I went down to Quebec, I went to the Immigration Hospital. The Doctor examined me and asked me if I had ever had the mumps. I told him that I never had had the mumps. It was then that he sent me to the Isolation Hospital in Valcartier. I never stated that I was suffering from gonorrhea. Personally I do not know what disease I am suffering from, but I have had a discharge for the last six years. I would like to submit to another examination at any time by venereal disease specialists, because I have absolutely the same yellow drop in the canal. (See further for explanation on page 43).

CROSS-EXAMINED BY THE PROSECUTOR.

Q.41 Do you know what clap is?
A.41 Yes.

Q.42 Consequently you underwent a treatment for it? You understand that?
A.42 Yes.

Q.43 You said that you reported on July 5th, because, to use your own expression, you had a swollen testicle?
A.43 Yes.

Q.44 You said a moment ago that you had not the clap?
A.44 I said that I never stated that I had gonorrhea.

Q.45 You also said that you had for the last six years a yellow drop in the canal?
A.45 Yes.

Q.46 You went on the sick parade on the 5th, because you said you had a swollen testicle, and that was the cause of the ailment of which you said you were then suffering? Then why did you not report it when you were admitted to the Isolation Hospital?

A.46 Because I was treated at the Quebec Military Hospital for a swollen testicle. I was discharged because the swelling had disappeared, and it must have been mentioned on the hospital discharge. I was sent to the Isolation Hospital when it was noticed that I had a urethral discharge.

Q.47 Why did you not take your medicaments when it was discovered that you had the clap on the second examination on July 9th?
A.47 I took them.

Q.48 If you took them how do you explain that they were found under your pillow?
A.48 I was sleeping in the centre ward. There was somebody that I knew in the other corner, and the bed beside his, the lower bed, was occupied by another man who was discharged at the time. I then moved and took his place. There was an old mattress. I wanted to change it to take that which was in the upper bed and which was rolled up. When unrolling it I found the pills which I put in the box. (See further for explanation on page 45).

Q.49 You state under oath that the pills produced before this Court were not yours?
A.49 Yes.

Q.50 Consequently, if you are innocent, why did you not say so to Captain Barrette when you appeared before him?
A.50 The reason is that I did not appear before Captain Barrette.

Q.51 Did you appear before Sergeant Migneault?
A.51 Yes.

Q.52 Why did you not say so to him?
A.52 Because he was drafted for Overseas that same evening, and I thought that it would be useless to make such a statement to him.

Q.53 Did you state, either to Sgt. Migneault or to Captain Barrette, in reply to their questions,"why did you not take your pills" that you were cured and that your illness was getting cured by itself?
A.53 I do not remember.

THE DEFENDING-OFFICER DECLINES TO RE-EXAMINE.

R.P. 83 (b) has been complied with.

The witness, on his evidence being read to him, makes the following explanations:

1. During the six years, it happened that the drop was white and quite sticky in the

canal. When the drop is white, it comes out when I press on the penis, and when it is yellow, it doesn't come out so easily.

2. When I found the pills, there were three of them which were not sulfathiazole pills and I put them together in the box with the others."

THE PROSECUTOR AND THE DEFENDING-OFFICER DECLINE TO EXAMINE HIM RESPECTING THE ABOVE EXPLANATIONS.

Second Witness for the Defence

Marie-Ange St. Pierre, married and divorced, waitress for the Canada Steamship Lines, 90 Boulevard Charest, Quebec, being duly sworn, is examined by the Defending-Officer.

"I have known Pte. Hinse, the accused, for 1½ years. He already told me that he was suffering from a venereal disease between the end of June and the beginning of July, 1942. He came to the Isolation Hospital because he was sick. Around July 4th, I had a sexual relation with the accused and I noticed that he was sick.

CROSS-EXAMINED BY THE PROSECUTOR.

Q.54 Had you sexual relations with the accused on several occasions?
A.54 Rather often.

Q.55 During the last six months, about how many times?
A.55 Five or six times a month until July 4th.

Q.56 You say that you knew that the accused was suffering from a venereal disease and you nevertheless had sexual relations with him five or six times a month?
A.56 I always had safes, and it is said that they are guaranteed.

Q.57 Tell us how you proceeded to find out that the accused was sick?
A.57 Because he had a discharge.

TEXT

THE DEFENDING-OFFICER DECLINES TO RE-EXAMINE.

R.P. 83 (b) has been complied with.

The witness withdraws.

A D J O U R N M E N T

At 11:42 o'clock the Court adjourns until 2:00 o'clock on the same day.

On the 18th of August, 1942, at 2:00 o'clock the Court re-assemble, pursuant to adjournment, present the same members as on the morning of the same day.

The Court in accordance with Rule of Procedure 86 (D) recalls the first witness for the

Defence, the accused, who on his former oath states in reply to the President as follows:

Translation

Q.58 You heard Captain Barrette when he stated that he had tested your discharge twice on July 9th, and there were no gonococci, and he asked you to notify him as soon as the discharge would reappear, and an hour later you showed him the discharge which indicated acute gonorrhea, and later upon other tests being made, there was nothing wrong. How can you explain that?

A.58 In the first place, when we undergo an examination at the Hospital, they come to fetch us, and then each time I underwent an examination, I always urinated before, and I said to Sgt. Migneault that I had just urinated that morning of July 9th, and then they told me not to urinate, and if it showed up again to come and see him. That is what I did. At each following examination, I always urinated before. I had gone to the hospital before and I had no discharge, only a white or yellow drop in the canal, and I remained 32 days on that account. During these 32 days, I underwent urine tests which on some mornings were negative and on some other mornings were positive.

TEXT

THE DEFENDING-OFFICER DECLINES TO FURTHER EXAMINE.

R.P. 83 (b) has been complied with.

THE DEFENDING-OFFICER MAKES A CLOSING ADDRESS.

(SEE DOCUMENT MARKED "O" ATTACHED)

THE PROSECUTOR MAKES A CLOSING ADDRESS

(SEE DOCUMENT MARKED "P" ATTACHED)

E (page 53)

FINDING

Pages 53-54-55-56-57-58-59-60-61-62

(SEE ENGLISH ORIGINAL TEXT)

"O" (page 63)

TRANSLATION

CLOSING ADDRESS BY THE DEFENDING-OFFICER

The charge is to have feigned disease to Captain Barrette between July 1st and July 15th. I am calling the attention of the Court upon A.A.18, note 3.

If we consider the medical record of the accused, he has already been suffering from gonorrhea; he was sent to the Quebec Hospital, where he was examined by Lt.-Col. Petitclerc, and the report indicates gonorrhea and orchiepididymitis.

I submit that the prosecution has not proven the first charge, and I ask that the accused be acquitted thereon. I have nothing to say as regards the other charges.

"P" (page 65)

CLOSING ADDRESS BY THE PROSECUTOR.

My case is closed on the 2nd and 3rd charges, and the accused should be found guilty on these two counts.

As regards the first charge, the accused had enough experience with gonorrhea but feigned such disease/which he was not suffering at the time indicated in the charge.

/from

The good faith of the witnesses, Captain Barrette and his subalterns, in whom we have confidence, cannot be doubted.

In his evidence, the accused tried to raise a doubt as to the truth of such evidence. The essential point in this strange case submitted to the Court is the following:
In the first place the accused declares that he is ill and suffering from a swollen testicle. There is no mention being made then of gonorrhea. He is sent to the Quebec Military Hospital and from there to Valcartier while he had a urethral discharge. Upon his admission to the hospital, the accused starts feigning disease, judging by the evidence given by Captain Barrette. Upon being examined, waste matter is found but no gonococci. None are found on the following day, later he shows an acute gonorrhea, and two days later a urine test is negative. On July 14th,

same result. How is it that out of six examinations, one only shows an acute gonorrhea. Captain Barrette finds it inexplicable.

TRANSLATION
JPC/ML
9/9/42

C-7 (page 13)

Proceedings of District Court-Martial.
Trial of B-6057-Pte. Louis Philippe Hinse, Royal 22nd Regt., C.A.

Third Witness for prosecution.

E-20665, Corporal Albert Lacasse, No. 5 Det. R.C.A.M.C., being duly sworn, is examined by the Prosecutor.

(SEE ENGLISH ORIGINAL TEXT)

Translation

For the last 15 months, I have been working at the Isolation Hospital Laboratory in Valcartier. I am doing the microscopic tests of pus in the urine of patients, under the supervision of Captain Barrette.

The accused entered the Isolation Hospital around July 8, 1942. When admitted I examined some pus taken out of his urethra. I found only inflamatory cells. On the following day, I again tested his discharge and I found some waste matter. On the same day, I again tested his urethral discharge and I found some gonococci. On July 11th, I again tested the discharge of the accused and I found some inflamatory cells only, and no gonococci. On July 14th, I again tested the urethral discharge of the accused after he had undergone a massage of the prostate by Captain Barrette or Sgt. Migneault, and I found inflamatory cells with staphylococci, but no gonococci. On July 15, 1942, a new microscopic examination with a negative result.

CROSS-EXAMINED BY THE DEFENDING-OFFICER

Q.7 Are you a physician?
A.7 No.

Q.8 Are you a chemist?
A.8 No.

Q.9 Did you ever do any laboratory work?
A.9 No.

Q.10 Why was the accused sent from the Quebec Military Hospital to the Isolation Hospital in Valcartier?
A.10 I do not know.

Q.11 Did you know that the accused had already suffered from gonorrhea on three different occasions?
A.11 I remember having seen him at the Isolation Hospital, but I do not remember how many times, neither do I remember why he was there.

Q.12 Did you know that the accused had suffered from urethritis in May, 1942?
A.12 No, I do not remember.

Q.13 Before your tests did you see to it that the accused be warned not to urinate for four to six hours?
A.13 No, I never heard anything about it.

Q.14 Did you know that these precautions were necessary in order to find out whether any gonococci were remaining?
A.14 No.

Q.15 Do you know what orchitis is?
A.15 No, I do not know.

Q.16 Do you know that there are cases of gonorrhea which are not detected by the bacteriological test?
A.16 No, I am not aware of that.

Q.17 What do you mean by tests under the supervision of Captain Barrette?
A.17 I stain the smear, I examine it with a microscope, and if I have some difficulty I refer to Captain Barrette.

Q.18 Did Captain Barrette make the pus test in each case for the accused?
A.18 I cannot say. He certainly made some.

Q.19 Can you swear that in the examination of July 15th you took a pus test?
A.19 On July 15th, I made a urine test and not a pus test.

Q.20 Do you prepare the solutions yourself for the pus test?
A.20 No.

Q.21 Do you use Gram's method for the pus test?
A.21 Yes.

Q.22 Are your solutions kept in the light?
A.22 No, in coloured bottles.

Q.23 Do you know that these solutions are very sensitive to light?
A.23 No.

Q.24 Do you know that solutions A & B do not keep?
A.24 No.

Q.25 How long had you had solution "C"?
A.25 We receive them every fortnight.

Q.26 Do you know that they do not keep for more than a month?
A.26 No.

Q.27 Are you ready to swear that the accused was not suffering from gonorrhea between the 8th and the 15th of July?
A.27 I cannot swear it.

THE PROSECUTOR DECLINES TO RE-EXAMINE

R.P. 83 (b) has been complied with.

The witness withdraws.

Fourth Witness for Prosecution

Captain Elzear Barrette, No. 5 Det. R.C.A.M.C. being duly sworn, is examined by the Prosecutor.

"I have been in charge of venereal diseases at the Isolation Hospital at Valcartier since January 22, 1942. I have been a physician for four years. I am not a specialist in venereal diseases, but I have treated some of them during my practice. I saw the accused at the Isolation Hospital on July 8, 1942. He came from the Quebec Military Hospital with the mention "Gonorrhea with intensive epididymitis". He arrived at the hospital in the evening on the 8th. The following day, after having taken cognizance of the report on the examination of the previous day, I noted by use of microscope that the report was correct. I found a lot of waste matter and inflamatory cells and that is all. There were no gonococci. I had another test made. The report was the same. I told the accused to come for another examination as soon as he would notice a discharge from the urethra. About an hour later, the patient called at the laboratory, /a there being/purulent discharge from his urethra. The test gave a positive reaction to gonococci. The test showed an acute gonorrhea. I prescribed the usual treatment, sulfathiazole pills, 16 pills for the first 24 hours and then gradually decreasing.

On July 11th, the accused had a second urine test, in the morning upon getting up, the report showed that there were no inflamatory cells and no pus. Normally if the accused /as had suffered from gonorrhea/shown by the test of the 11th, there would have been a

rather considerable amount of pus in the urine. On the 14th, I gave the accused a massage of the prostate and I found some staphylococci and inflamatory cells, but no gonococci. On the 15th, the accused had another urine test, and the result was absolutely negative. According to my experience, the result of all these tests, within so short a time, was abnormal. From a clinical point of view I cannot explain such a condition. From July 9th to July 15th, except on Sunday, I visited the accused and I found at the entrance of the urinary meatus a greasy yellow deposit which had not at all the characteristics of pus. It was a drop which remained stuck there, whereas pus spreads, and it resembled the contents of prophylactic tubes.

Before his leaving the hospital on the 15th, he should have taken a total of 64 pills. Corporal Forgues brought back to me 48 pills of the medicament which the accused should have taken. I called the accused. He stated to Sgt. Migneault in my presence that he didn't need to take any pills because it was getting cured by itself. He admitted having taken pills on the first day only. I am producing these pills in a box in which they were found.

EXHIBIT "M" (signed by the President).

It should be noted that many of these pills have lost their polish which indicates that they have suffered from dampness. Upon discovering that the accused had not followed his treatment, I sent him back from the hospital to his unit with an escort.

CROSS-EXAMINED BY THE DEFENDING-OFFICER.

Q.28 During how many months have you been treating venereal diseases?
A.28 Seven months at Valcartier.

Q.29 Did you make a microscopic examination of the pus of the accused yourself?
A.29 Yes.

Q.30 Are you ready to swear that the accused did not suffer from gonorrhea between July 8th and July 15th?
A.30 No, because it was the 6th time that he was admitted to the hospital in connection with a gonorrhea or urethritis. He may be suffering from chronic gonorrhea.

Q.31 Was there any test made of the deposits found in the urethra of the accused?

A.31 No.

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Q.28 During how many months have you been treating venereal diseases?

A.28 Seven months at Valcartier.

Q.29 Did you make a microscopic examination of the pus of the accused yourself?

A.29 Yes.

Q.30 Are you ready to swear that the accused did not suffer from gonorrhea between July 8th and July 15th?

A.30 No, because it was the 6th time that he was admitted to the hospital in connection with a gonorrhea or urethritis. He may be suffering from chronic gonorrhea.

Q.31 Was there any test made of the deposits found in the urethra of the accused?

A.31 No.

C-9 C-11 C-13 (pages 15-17-19)

Q.10 Why was the accused sent from the Quebec Military Hospital to the Isolation Hospital in Valcartier?

A.10 I do not know.

Q.11 Did you know that the accused had already suffered from gonorrhea on three different occasions?

A.11 I remember having seen him at the Isolation Hospital, but I do not remember how many times, neither do I remember why he was there.

Q.12 Did you know that the accused had suffered from urethritis in May, 1942?

A.12 No, I do not remember.

Q.13 Before your tests did you see to it that the accused be warned not to urinate for four to six hours?

A.13 No, I never heard anything about it.

Q.14 Did you know that these precautions were necessary in order to find out whether any gonococci were remaining?

A.14 No.

Q.15 Do you know what orchitis is?

A.15 No, I do not know.

Q.16 Do you know that there are cases of gonorrhea which are not detected by the bacteriological test?

A.16 No, I am not aware of that.

Q.17 What do you mean by tests under the supervision of Captain Barrette?

A.17 I stain the blade, I examine it with a microscope, and if I have some difficulty I refer to Captain Barrette.

Q.18 Did Captain Barrette make the pus test in each case for the accused?

A.18 I cannot say; he certainly made some.

Q.19 Can you swear that in the examination of July 15th you took a pus test?

A.19 On July 15th, I made a urine test and not a pus test.

Q.20 Do you prepare the solutions yourself for the pus test?

A.20 No.

Q.21 Do you use Gram's method for the pus test?

A.21 Yes.

Q.22 Are your solutions kept in the light?

A.22 No, in coloured bottles.

Q.23 Do you know that these solutions are very sensitive to light?

A.23 No.

Q.32 Why did you dismiss the accused from the hospital on July 15th?
A.32 Because he admitted that he had not taken his pills and that his urine test, that very morning, was negative.

RE-EXAMINED BY THE PROSECUTOR.

Q.33 You said that you dismissed the accused from the hospital because he had not taken his pills and that his urine test on the 15th did not show any pus? Did you base yourself simply on that urine test of the 15th, or did you also take into consideration the prior negative tests?
A.33 I also took into account the report of the previous tests.

Q.34 Will you explain to the Court what is a chronic gonorrhea? Do you necessarily find gonococci in a chronic gonorrhea?
A.34 Yes and no. There are intervals during which the bacterium is found, and on similar occasions there is only some pus which does not necessarily contain gonococci. Sometime there is a discharge and sometime there is none. But most of the time we note what is called gleet, but never in such virulent form as was noted in the accused and which could stop so suddenly. I am now speaking from a purely clinical point of view."

R.P. 83 (b) has been complied with.

The witness withdraws.

Fifth Witness for Prosecution

E-20626-Corporal Jean Charles Forgues, No. 5 Det. R.C.A.M.C. being duly sworn, is examined by the Prosecutor.

"I am orderly at the Isolation Hospital in Valcartier. I know the accused. I watch the patients to make sure that they follow their treatment. On July 15, 1942, during my inspection, I found in Pte. Hinse's bed, under his pillow, an empty box of Winchester cigarettes containing sulfathiazole pills. I immediately reported to Captain Barrette. He ordered me to go and fetch the accused.

The box which is shown to me by the Court is similar to that which I found in the bed of the accused.

CROSS-EXAMINED BY THE DEFENDING-OFFICER.

Q.35 Did you ever notice that the accused was not taking his pills?
A.35 I do not know.

Q.36 Did you see the accused take his pills such as other patients do?

A.36 Yes.

Q.37 Were you present when the accused is alleged to have stated that he didn't take his pills, and what did he say?

A.37 I was present. He said that he wasn't taking his pills because he was cured.

TEXT

THE PROSECUTOR DECLINES TO RE-EXAMINE

R.P. 83 (b) has been complied with.

The witness withdraws.

A D J OU R N M E N T.

At 4:30 o'clock the Court adjourns until 10:00 o'clock on the 18th.

On the 18th of August, 1942, at 10:00 o'clock the Court re-assemble, pursuant to adjournment, present the same members as on the 17th of August, 1942.

Sixth Witness for Prosecution.

E-25914-Sergeant Lucien Roberge, No. 5 Det. R.C.A.M.C. being duly sworn, is examined by the Prosecutor.

Translation

"I am senior N.C.O. at the Military Isolation Hospital in Valcartier. I know the accused. In the afternoon of July 15th, I was on duty at the Office. Captain Barrette called for the accused. Sgt. Migneault asked the accused if the pills found under his pillow were his. The accused replied that they were. I heard the question and the reply. Captain Barrette then sent the accused away from the hospital under escort. A few minutes later, the escort came back alone and said that he had lost the prisoner. I immediately notified the Military Police of the Camp."

THE DEFENDING-OFFICER DECLINES TO CROSS-EXAMINE.

R.P. 83 (b) has been complied with.

The witness withdraws.

Seventh Witness for Prosecution.

E-613468-Pte. Clovis Boutin, "Le Regiment de Quebec", C.A., being duly sworn, is examined by the Prosecutor.

"I know the accused Hinse since I escorted him on July 15th. I left the Valcartier Isolation Hospital to take him to the M.O. On the way he threw his kit-bag down and left running. I returned to the Hospital and reported that he had escaped.

THE DEFENDING-OFFICER DECLINES TO CROSS-EXAMINE.

R.P. 83 (b) has been complied with.

The witness withdraws.

D (page 35)

(SEE ENGLISH ORIGINAL TEXT)

First Witness for the Defence.

The accused No. E-6057-Pte. Louis Philippe Hinse, Royal 22nd Regiment, C.A., attached to A.(I)T.C. A-13, C.A., being duly sworn, is examined by the Defending-Officer.

"I never stated that I had gonorrhea. On July 5, 1942, I was on sick parade at 6 o'clock P.M. for a swollen testicle, The M.O. also noted a discharge . I was at once sent to Quebec. I entered the Quebec Military Hospital at 9:30 on that same evening. I saw no specialist. On the following day, I didn't see any. On the following day, Lieut.-Col. Petitclerc examined me and prescribed ice. Two days later, I was sent to Valcartier because they noticed that I had a discharge. When I went down to Quebec, I went to the Immigration Hospital. The Doctor examined me and asked me if I had ever had the mumps. I told him that I never had had the mumps. It was then that he sent me to the Isolation Hospital in Valcartier. I never stated that I was suffering from gonorrhea. Personally I do not know what disease I am suffering from, but I have had a discharge for the last six years. I would like to submit to another examination at any time by venereal disease specialists, because I have absolutely the same yellow drop in the canal. (See further for explanation on page 43).

CROSS-EXAMINED BY THE PROSECUTOR.

Q.41 Do you know what clap is?
A.41 Yes.

Q.42 Consequently you underwent a treatment for it? You understand that?
A.42 Yes.

Q.43 You said that you reported on July 5th, because, to use your own expression, you had a swollen testicle?
A.43 Yes.

Q.44 You said a moment ago that you had not the clap?
A.44 I said that I never stated that I had gonorrhea.

Q.45 You also said that you had for the last six years a yellow drop in the canal?
A.45 Yes.

Q.46 You went on the sick parade on the 5th, because you said you had a swollen testicle, and that was the cause of the ailment of which you said you were then suffering? Then why did you not report it when you were admitted to the Isolation Hospital?

D-7 D-9 (pages 41-43)

A.46 Because I was treated at the Quebec Military Hospital for a swollen testicle. I was discharged because the swelling had disappeared, and it must have been mentioned on the hospital discharge. I was sent to the Isolation Hospital when it was noticed that I had a urethral discharge.

Q.47 Why did you not take your medicaments when it was discovered that you had the clap on the second examination on July 9th?
A.47 I took them.

Q.48 If you took them how do you explain that they were found under your pillow?
A.48 I was sleeping in the centre ward. There was somebody that I knew in the other corner, and the bed beside his, the lower bed, was occupied by another man who was discharged at the time. I then moved and took his place. There was an old mattress. I wanted to change it to take that which was in the upper bed and which was rolled up. When unrolling it I found the pills which I put in the box. (See further for explanation on page 45).

Q.49 You state under oath that the pills produced before this Court were not yours?
A.49 Yes.

Q.50 Consequently, if you are innocent, why did you not say so to Captain Barrette when you appeared before him?
A.50 The reason is that I did not appear before Captain Barrette.

Q.51 Did you appear before Sergeant Migneault?
A.51 Yes.

Q.52 Why did you not say so to him?
A.52 Because he was drafted for Overseas that same evening, and I thought that it would be useless to make such a statement to him.

Q.53 Did you state, either to Sgt. Migneault or to Captain Barrette, in reply to their questions, "why did you not take your pills" that you were cured and that your illness was getting cured by itself?
A.53 I do not remember.

THE DEFENDING-OFFICER DECLINES TO RE-EXAMINE.

R.P. 83 (b) has been complied with.

The witness, on his evidence being read to him, makes the following explanations:

1. During the six years, it happened that the drop was white and quite sticky in the

canal. When the drop is white, it comes out when I press on the penis, and when it is yellow, it doesn't come out so easily.

2. When I found the pills, there were three of them which were not sulfathiazole pills and I put them together in the box with the others."

THE PROSECUTOR AND THE DEFENDING-OFFICER DECLINE TO EXAMINE HIM RESPECTING THE ABOVE EXPLANATIONS.

Second Witness for the Defence

Marie-Ange St. Pierre, married and divorced, waitress for the Canada Steamship Lines, 90 Boulevard Charest, Quebec, being duly sworn, is examined by the Defending-Officer.

"I have known Pte. Hinse, the accused, for 1½ years. He already told me that he was suffering from a venereal disease between the end of June and the beginning of July, 1942. He came to the Isolation Hospital because he was sick. Around July 4th, I had a sexual relation with the accused and I noticed that he was sick.

CROSS-EXAMINED BY THE PROSECUTOR.

Q.54 Had you sexual relations with the accused on several occasions?
A.54 Rather often.

Q.55 During the last six months, about how many times?
A.55 Five or six times a month until July 4th.

Q.56 You say that you knew that the accused was suffering from a venereal disease and you nevertheless had sexual relations with him five or six times a month?
A.56 I always had safes, and it is said that they are guaranteed.

Q.57 Tell us how you proceeded to find out that the accused was sick?
A.57 Because he had a discharge.

TEXT

THE DEFENDING-OFFICER DECLINES TO RE-EXAMINE.

R.P. 83 (b) has been complied with.

The witness withdraws.

A D J O U R N M E N T

At 11:42 o'clock the Court adjourns until 2:00 o'clock on the same day.

On the 18th of August, 1942, at 2:00 o'clock the Court re-assemble, pursuant to adjournment, present the same members as on the morning of the same day.

The Court in accordance with Rule of Procedure 86 (D) recalls the first witness for the

D-15 D-17 (pages 49-51)

Defence, the accused, who on his former oath states in reply to the President as follows:

Translation

Q.58 You heard Captain Barrette when he stated that he had tested your discharge twice on July 9th, and there were no gonococci, and he asked you to notify him as soon as the discharge would reappear, and an hour later you showed him the discharge which indicated acute gonorrhea, and later upon other tests being made, there was nothing wrong. How can you explain that?

A.58 In the first place, when we undergo an examination at the Hospital, they come to fetch us, and then each time I underwent an examination, I always urinated before, and I said to Sgt. Migneault that I had just urinated that morning of July 9th, and then they told me not to urinate, and if it showed up again to come and see him. That is what I did. At each following examination, I always urinated before. I had gone to the hospital before and I had no discharge, only a white or yellow drop in the canal, and I remained 32 days on that account. During these 32 days, I underwent urine tests which on some mornings were negative and on some other mornings were positive.

TEXT

THE DEFENDING-OFFICER DECLINES TO FURTHER EXAMINE.

R.P. 83 (b) has been complied with.

THE DEFENDING-OFFICER MAKES A CLOSING ADDRESS.

(SEE DOCUMENT MARKED "O" ATTACHED)

THE PROSECUTOR MAKES A CLOSING ADDRESS

(SEE DOCUMENT MARKED "P" ATTACHED)

E (page 53)

FINDING

Pages 53-54-55-56-57-58-59-60-61-62

(SEE ENGLISH ORIGINAL TEXT)

"O" (page 63)

TRANSLATION

CLOSING ADDRESS BY THE DEFENDING-OFFICER

The charge is to have feigned disease to Captain Barrette between July 1st and July 15th. I am calling the attention of the Court upon A.A.18, note 3.

If we consider the medical record of the accused, he has already been suffering from gonorrhea; he was sent to the Quebec Hospital, where he was examined by Lt.-Col. Petitclerc, and the report indicates gonorrhea and orchiepididymitis.

I submit that the prosecution has not proven the first charge, and I ask that the accused be acquitted thereon. I have nothing to say as regards the other charges.

"P" (page 65)

CLOSING ADDRESS BY THE PROSECUTOR.

My case is closed on the 2nd and 3rd charges, and the accused should be found guilty on these two counts.

As regards the first charge, the accused had enough experience with gonorrhea but feigned such disease/which he was not suffering at the time indicated in the charge.

/from

The good faith of the witnesses, Captain Barrette and his subalterns, in whom we have confidence, cannot be doubted.

In his evidence, the accused tried to raise a doubt as to the truth of such evidence. The essential point in this strange case submitted to the Court is the following:
In the first place the accused declares that he is ill and suffering from a swollen testicle. There is no mention being made then of gonorrhea. He is sent to the Quebec Military Hospital and from there to Valcartier while he had a urethral discharge. Upon his admission to the hospital, the accused starts feigning disease, judging by the evidence given by Captain Barrette. Upon being examined, waste matter is found but no gonococci. None are found on the following day, later he shows an acute gonorrhea, and two days later a urine test is negative. On July 14th,

same result. How is it that out of six examinations, one only shows an acute gonorrhea. Captain Barrette finds it inexplicable.

Copy on 405-H-6518

H.Q. C.55-H-283
M.D. Q. 39-H-1070 (JA)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. E-6057 Name HINSE, L.P.

Rank Pte. Unit Royal 22e Regt., A-13 AITC., C.A.

Charge Sec. 18 (1) A.A. Feigning disease.

Sec. 15 (1) A.A. Absenting himself without leave.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 15/7/42. 2. 15/7/42. 3. 24/7/42.

Date of Arrest 22/7/42. Charge. Signed 7/8/42.

Orders for D.C.M. D.O.C., M.D.#5.

Place and Date of Trial Valcartier Camp, P.Q., 17/8/42.

Sentence Detention 18 months and stoppages $27.87.

Date of Confirmation 24/8/42.

Date of Promulgation 26/8/42.

Entered in Records of J.A.G. as No. 6687

Date 4/9/42.

MEMO Finding of the Court on the first and third charges not confirmed, and 15 months of period of detention remitted along with $15.45 of stoppages.

W.F.T. Bridges, Lieut.
for Judge Advocate-General.

2M-7-42(M1291)

6687

file

IN REPLY PLEASE QUOTE
No. Q. 39-H-1070 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., September 1st, 1942.

CENTRAL REGISTRY Army
PERS. SEC.
SEP 2 1942
File C 55-H-283
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL
E-6057, Pt. Louis-Philippe HINSE,
Royal 22e Regiment, C.A.
(Att. to A.I.T.C. A-13,CA.)

1. Enclosed herewith are the proceedings of the marginally noted District Court-Martial, which are addressed to you for registration.

2. The following irregularities have been noted, and brought to the attention of the officers concerned:

a) The description of the accused, which was incomplete on the Charge Sheet, has been completed by the President of the Court.

b) M.F.M.216, words struck out should be initialled by the Officer signing this form.

c) On M.F.B. 1481 and M.F.B. 1482, phrases and words not applicable should have been struck out and initialled by the Officer and O.R. signing these forms. M.F.B.1481 should have been signed in ink.

d) Exhibit "U" is not admissible as evidence.

3. May these proceedings, after they have been registered, be returned to this Headquarters in order that the attention of the D.M.O. be called to the evidence given by Capt. Barrette.

LF/ng

(George P. VANIER), Brigadier,
District Officer Commanding,
Military District No.5.

NAT. DEF. B. 440
2,000,000—10-41 (3084)
H.Q. 1772-36-767

Q.10 Why was the accused sent from the Quebec Military Hospital to the Isolation Hospital in Valcartier?
A.10 I do not know.

Q.11 Did you know that the accused had already suffered from gonorrhea on three different occasions?
A.11 I remember having seen him at the Isolation Hospital, but I do not remember how many times, neither do I remember why he was there.

Q.12 Did you know that the accused had suffered from urethritis in May, 1942?
A.12 No, I do not remember.

Q.13 Before your tests did you see to it that the accused be warned not to urinate for four to six hours?
A.13 No, I never heard anything about it.

Q.14 Did you know that these precautions were necessary in order to find out whether any gonococci were remaining?
A.14 No.

Q.15 Do you know what orchitis is?
A.15 No, I do not know.

Q.16 Do you know that there are cases of gonorrhea which are not detected by the bacteriological test?
A.16 No, I am not aware of that.

Q.17 What do you mean by tests under the supervision of Captain Barrette?
A.17 I stain the blade, I examine it with a microscope, and if I have some difficulty I refer to Captain Barrette.

Q.18 Did Captain Barrette make the pus test in each case for the accused?
A.18 I cannot say; he certainly made some.

Q.19 Can you swear that in the examination of July 15th you took a pus test?
A.19 On July 15th, I made a urine test and not a pus test.

Q.20 Do you prepare the solutions yourself for the pus test?
A.20 No.

Q.21 Do you use Gram's method for the pus test?
A.21 Yes.

Q.22 Are your solutions kept in the light?
A.22 No, in coloured bottles.

Q.23 Do you know that these solutions are very sentitive to light?
A.23 No.

H.Q.C. 55-H-284

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HERMAN W.: B.64973 RFMN.

405-H-8884

Q.O.R.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-284

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				JAS	With papers	CR	3/9/42
SEP 5 - 1942	4/9/42	P.A.	WM	AD	To note & P.A.	H.F.B.	4/9/42.
SEP 8 1942	8/9/42	P.A.		JAS			
JUN 17 1943				JAS	With Papers C.R. JUN 16 1943		
JUN 19 1943				J.C.M.	To note	J.C.M.	18/6/43
JUN 21 1943	23/6/43			AD	to note & pa		JUN 21 1943
JUN 23 1943							

NOTICE

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

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-284(JAG)

June 18th, 1943.

The Commander,
CAMP BORDEN, ONT.

Re: DISTRICT COURT-MARTIAL
B-64973, Rfn. W. HERMAN,
QOR of C., att. A-10 CITC, C.A.

Receipt is acknowledged of your CB 40-H-30(AJAG), dated the 11th June, 1943, under cover of which you forwarded for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. With the exception of the irregularities mentioned in your letter, it would seem that the Proceedings are in order. As the Finding is supported by the evidence and the Sentence legal, they are, accordingly, retained for custody.

Noted
L. H. Clayton
L. H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial
JUN 21 1943

(R.J.Orde) Brigadier,
Judge Advocate-General.

HFGB/S.

H.Q. C. 55-H-284
M.D.CB 40-H-40

MEMORANDUM - DISTRICT COURT-MARTIAL

No B.64973 Name HERMAN, W.

Rank Rflmn. Unit QUEEN'S OWN RIFLES OF CANADA C.A. ATT' TO A-10 C.I.T.C. CA

Charge SEC. 12(1)(a) AA DESERTING H.M.S.

Date of Crime 5/5/43

Date of Arrest k7/5/43 Charge. Signed 19/5/43

Orders for D.C.M. COMMANDER CAMP BORDEN, MIL' CAMP

Place and Date of Trial Camp Borden, Ontario 26/5/43

Sentence 1 YEAR' IMP' WITH HARD LABOUR STOPPAGES $2.25

Date of Confirmation 7/6/43

Date of Promulgation 9/6/43

Entered in Records of J.A.G. as No. 8849

Date 17/6/43

MEMO

H.F.G. Bridges Capt.
for Judge Advocate-General

3M-3-43-(MO-2114)

8849

CANADA

IN REPLY PLEASE QUOTE
No. CB 40-H-30(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Camp Headquarters,
Camp Borden, Ont. 11 JUN 43 194

The Secretary,
Dept. of National Defence,
OTTAWA, Ont.

CENTRAL REGISTRY Army
CORR. & D.C.
55-H-284
File
Chgd. to
Referred to JAG

DISTRICT COURT-MARTIAL
B-64973, Rfn. W. Herman,
QOR of C., att. A-10 CITC, CA. 134962

Herewith proceedings of trial by District Court-Martial of the m/n soldier, for registration by and custody of the Judge Advocate-General.

2. The following irregularity has been noted and will be brought to the attention of the Officers concerned for their future guidance :-

(a) Folio 69 - M.F.B. 1481: The date of transportation should be shown in the particulars.

3. It will be noted that, according to the evidence (See folio 19), a new draft warning was obtained from the accused after he was apprehended and returned to his unit, because it was considered by his company commander that the original draft warning had been irregularly signed by the accused. It will be further noted, from the evidence, that this new draft warning was destroyed and the original draft warning used at the trial. It has already been brought to the attention of the Officers concerned that the obtaining of a new draft warning from the accused was an improper procedure and steps should be taken to avoid the recurrence of a similar incident.

4. Owing to the fact that AFM 255 is not available, the provisions of para. 7(b) of CARO 3241 have not been complied with.

(A.C. Spencer) Brigadier,
Commander, Camp Borden.

NAT. DEF. H. 440
1 Million—10-43 (6626)
H.Q. 1772-20-767

(1)

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

A

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

Proceedings of a DISTRICT Court-Martial held at the Court Room, Camp Borden, Ontario, on the 26th day of MAY, 1943 by order of Brigadier A.C. Spencer, E.D., ~~Commanding~~ LSB Commander, Camp Borden, dated the 21st day of MAY, 1943.

President.

Major C.J. Page,
A-10 Canadian Infantry Training Centre, C.A.

Members.

Capt. F.A. Hall,
Governor General's Foot Guards, C.A.,
Att. A-8 Canadian Armoured Corps
(Advanced) Training Centre, C.A.

Capt. R.J. Wilkinson, M.C.,
South Saskatchewan Reg't. C.A.,
Att. A-10 Canadian Infantry Training
Centre, C.A.

Capt. L.J. Brody,
Essex Scottish Reg'ts., C.A., att.
Headquarters, Military District No.2, Judge Advocate.

Trial of* No.B68073 Rifleman Wilfred Herman, Queen's Own Rifles of Canada, C.A., attached to A-10 Canadian Infantry Training Centre, C.A.

The order convening the Court, the charge-sheet and the summary LSB ~~[illegible]~~ of evidence are laid before the Court.

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

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

The accused is brought before the Court.

Prosecutor,† Capt. H.H. Bull, 2nd (Res) Bn. R.R. of C.(CA) Att'd. Headquarters, Camp Borden.

LSB ~~Counsel or~~ defending officer† Lieut. E. Sirluck, Algonquin Reg't. Att'd. A.10 CITC(CA)

at 10: 20 a.m. o'clock the Trial commences.

The order convening the Court is read, and is marked "X"; A-10 CITC, CA, Unit Order No.122, signed by the President, and attached to the proceedings.

24 MAY 43, detailing Pros. & Def. Off. is marked "X-1" attached.

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

Q-1 *Question by the President to the accused.*

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

A-1 *Answer by accused.*

No, sir.

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

---

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

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

‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-20-234

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

L Wagenfeld, Pres., D.C.M.

2

B

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

Q-2 The following officers under instruction are duly sworn. (See attached list marked "G") Do you object to No.B-126121, Pte.(A/Sgt) W.A.Coote, #9 Det., C.M.S.C.,C.A., att. H.Q.,Camp Borden, Ont., and No. B-83584, Pte.(A/C.S.M.)(W.O.II) F.J. McGuigan, Camp Borden Det.,C.M.S.C.,C.A.,att.H.Q.Camp Borden, Ont., as shorthand writers? A-2: No, sir. (No.B-126121,Pte.(A/Sgt)W.A.Coote, #9 Det.,C.M.S.C.,C.A.,att.H.Q.CampBorden, Ont., and No.B-83584,Pte.(A/C.S.M.)(W.O.II) F.J. McGuigan, Camp Borden Det.,C.M.S.C.,C.A.,att.H.Q. Camp Borden, Ont., are duly sworn as shorthand writers.

------ See Page "H" for Minute of Adjournment and Reassembly.

Charge-Sheet

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

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

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

Q-3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A-3 Not guilty, sir. *Answer.*

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

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused is arraigned upon the charge in the above-mentioned charge-sheet.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

3

B2 C Wagner Pres. Gen.

CHARGE SHEET

The accused, B64973 Rifleman Wilfred Herman, Queen's Own Rifles of Canada, C.A., Attached to A-10 Canadian Infantry Training Centre, C.A., a soldier of the Canadian Army placed on Active Service, is charged with:

Charge Section 12(1)(a) Army Act

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE,

in that he,

at Camp Borden, Ont., on 5 MAY 43, after having been warned to proceed for special duty, with intent to avoid so proceeding, absented himself without leave from A-10 C.I.T.C., C.A., from 0600 hrs, 5 MAY 43, until apprehended by the military authorities at Toronto, Ont., at 2130 hrs, 17 MAY 43, dressed in military uniform.

Together with the cost of apprehension and return to his corps.....$ 2.25

M.P.A. Hare
(M.P.A. Hare) Colonel,
Commandant, A-10 Canadian Infantry Training Centre, C.A.,

Camp Borden, Ontario,
19 MAY 43.

To be tried by District Court Martial

J.L. Connor
Lt. Col
A.A. & Q.M.G.
for Commander
Camp Borden

Signed at Camp Borden, Ontario this 22nd day of May 1943

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q-4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. No, sir.

-----The Prosecutor declines to make an opening address.

188 ~~[illegible]~~.

The prosecutor proceeds to call witnesses.

First witness for prosecution. No. B-131847, Pte.(A/ Cpl.) N. GILLIES
A-10 C. I. T. C., C.A.,

being duly sworn, is examined by the prosecutor.

Q - 5 Cpl. Gillies, you are a corporal in No.2 Company at A-10 C.I.T.C., is that correct?

A- Yes, sir.

Q- 6 Will you look at the accused. Do you recognize him?

A- Yes, sir.

Q -7 Is he a member of No.2 Company?

A- Yes, sir.

Q-8 Did you call the reveille roll call of No. 2 Coy. at 0600 hours on the 5th of May, 1943?

A- Yes, sir.

Q-9 Did the accused answer his name?

A- No, sir.

Q-10 What did you do?

A- I searched the barrack-rooms, ablution room and the Company lines I couldn't find him and I reported him to the office as A.W.L.

Q-11 When did you next see the accused?

A-11 I can't remember, sir.

Q-12 Was he there the following day?

A- No, sir.

Q-13 Or the day after that?

A- No, sir.

CROSS-EXAMINATION BY THE DEFENDING OFFICER:

Q-14 Cpl. Gillies, you stated you recognized the accused?

A- Yes, sir.

Q-15 What is his name?

A- Pte. Herman, sir.

---The Prosecutor declines to re-examine.

---In the opinion of the Court and Judge Advocate it is not necessary to comply with R.P. 83(b).

---The witness withdraws.

...— ...—

SECOND WITNESS FOR THE PROSECUTION

No.C-117004, Pte. (A/Sgt.) F. J. K E I L T Y, H. & P. E. R., att. A/10 C.I.T.C., C.A., being duly sworn is examined by the prosecutor;

Q-16 You are Administrative Sergeant of No.2 Company,

A-10 C.I.T.C., is that correct?

A- Yes, sir.

Q-17 Will you look at the accused. Do you recognize him?

A- Yes, sir.

Q-18 Who is he?

A- Rifleman Herman, sir.

Q-19 Is he in No.2 Company?

A- Yes, sir.

Q-20 Do you recall the 5th of May, 1943?

A- Yes, sir.

Q-21 What occured on that day in connection with the accused?

A- He was placed in the Absentee Report, as being absent without leave.

Q-22 Did you make make any search for the accused that day?

A- Yes, sir.

Q-23 Where did you search?

A-23 I searched the Company lines, and around the barrack rooms and the ablution rooms.

Q-24 And did you find the accused?

A- No, sir.

Q-25 When did you next see the accused?

A- I don't recall the date, sir, but---

Q-26 Roughly how long afterward?

A- Not until he was brought in to the Company offices.

Q-27 Do you remember when that was?

A- I don't remember the date, right now.

Q-28 I am showing you an M.F.M.216. To whom does that refer?

A- To Pte. Herman, W., sir.

Q-29 Is that the accused?

A- Yes, sir.

(M.F.M.216, dated 18th day of May, 1943, is read to the Court, marked Exhibit "I", signed by the President and attached to the proceedings.)

Q-30 Did you see the accused betwen the 5th of May and the 17th of May, 1943?

A- No, sir.

Q-31 I am showing you an M.F.B.1481. To whom does that document refer?

A- It refers to Rifleman Herman, W., sir.

Q-32 Is that the accused man?

A- Yes, sir.

(M.F.B.1481, dated 19th day of May, 1943, is read to the Court, marked Exhibit "J", signed by the President and attached to the proceedings.)

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and Judge Advocate it is not necessary to comply with R.P. 83(b).

---The witness withdraws.

...— ...—

THIRD WITNESS FOR THE PROSECUTION — Lieut. J. A. C. A U L D, A-10 C.I.T.C.,C.A., being duly sworn is examined by the Prosecutor:

Q-33 Mr. Auld, you are the Administrative Officer of No.2 Coy., at A-10 C.I.T.C.?

A- I am.

Q-34 Is that the trained soldier's company?

A- It was at the time the accused went absent.

Q-35 And the company, at that time, from which drafts were sent overseas; is that correct?

A- That's correct.

Q-36 Will you look at the accused. Can you identify him?

A- Yes, sir, Pte. Herman, who was in No.2 Coy. at that time.

Q-37 At what time?

A- The time the draft left.

Q-38 Was the accused a member of No.2 Coy. on the third of May, 1943?

A- He was.

Q-39 What did you have, if anything, to do with the accused on the 3rd of May?

A- About 1500 hours, approximately, on the 3rd of May, I went down to the Company Hut P-41-A, I think it was, with a nominal roll of the numbers of the men who were proceeding on a draft for which we had just been warned.

Q-40 That you had been warned for. That is, through the Orderly Room?

A- We had been told to warn these men for draft and I read out the draft warning.

Q- 41 Did you call the roll?

A- I called the roll.

Q-42 Was the accused present?

A- Yes, sir. I read out the draft warning and asked each one if they all understood it and I explained it thoroughly and explained what the penalty would be for being absent when the draft left and I witnessed each man sign the draft warning.

Q -43 Do you recall what you read?

A-43 Well, it is a printed form. I think it says, "This certifies I have been duly warned for draft to proceed overseas on short notice after", then a date is stamped in. I think it was the 6th of May.

Q-44 Yes.

A- Then a second paragraph, "I understand that if I am absent without leave when the draft moves I may be proceeded against as a deserter." I think that is about what it says.

Q-45 Did you ask if there were any questions?

A- Yes, sir. Several times.

Q46 Were there any questions?

A- There were none.

Q-47 After that had been done what did you do?

A- After that had been read and explained each man in turn signed the draft warning.

Q-48 Did the accused sign the draft warning?

A- He did, in my presence and I witnessed the signature.

Q-49 I am showing you a document; a warning for draft. Can you identify that?

A- That is the draft warning which the accused signed on Tuesday afternoon, the 3rd of May, 1943.

Q-50 Is that your signature as a witness?

A- Yes, sir.

Q-51 Is that the signature of the accused?

A- Yes, it is.

(Warning for draft, dated May 3, 1943, is read to the Court, marked Exhibit "K", signed by the President and attached to the proceedings.)

Q-52 Was there any indication given to you at that time, by the accused, that he did not understand what had taken place?

A- None, whatsoever.

Q-53 Was the accused given any leave?

A- He was given leave before the draft. He wasn't given any leave after that time.

Q-54 After the 3rd of May?

A- No, sir.

Q-55 Did the draft leave?

A - We were originally warned for the draft to proceed overseas on the 7th, which was the following Friday, but didn't leave until the following Tuesday, which was the 11th, at approximately 2030 hours, I think it was.

Q-56 Was the accused present on the 7th of May?

A- He was not.

Q-57 Was he present on the 11th of May?

A- He was not, to the best of my knowledge.

Q-58 To the best of your knowledge had the accused been given permission to be absent on the 11th of May?

A- He had not.

-----See page "L" for minute of adjournment and reassembly.

... ...

P. M. SESSION

Lieut. J. A. C. A U L D, A-10 C.I.T.C.,C.A., being recalled and acknowledging his former oath continues to be examined by the Prosecutor;

Q -59 Mr. Auld, during the noon recess it has come to my attention that your evidence of this morning is not correct in every detail and that you wish to now amend it; is that correct?

A- That is correct.

Q-60 Will you, then, tell the Court exactly what happened in connection with this charge against the accused, so far as it is within your knowledge?

A- Well, previously I had stated that the accused was warned for draft at 1530 hours on the 3rd of May. Well, during the noon recess I was checking up on the records looking for the roll that had been called when those men were warned. I couldn't find it but I found a list of men

who were on fatigues and the accused was one of them. There were twenty men and they went to the Ordance to help unload some bombs. I checked with the various members of the staff in the offices and I found those men were all warned the following morning.

Q-61 What men?

A- Those twenty men who were on fatigues that day. I checked with Sgt. Keilty--we checked over the roll we had of those available for draft and those not available, and those that were wanred, and Sgt. Keilty said--

Q-62 What did you do?

A- Sometime on the morning of the 4th of May, between 0800 and 1200 hours Sgt. Keilty came into my office and as a result of what he told me I went out to the outer offices and warned two or three men for draft. There were several groups that morning that came in. We were the fatigue company at that time and we supplied all the fatigues from the trained soldiers. As we got these men we warned them for draft and I went out to the office and warned several groups of men. One group, I think it was two or three men, of which the accused was one. I read over the draft warning in the same way I stated beforehand. Possibly, if anything, I went into it a little more clearly than I had before with the other groups. I asked them individually if they had any questions or if they didn't understand the warning, sir, and each of them signed and I witnessed their signatures in Sgt. Keilty's presence. As a matter of fact the warning was signed at his desk in the office.

Q-63 I am showing you now what is marked as Exhibit "K".

A- That is the draft that was signed in the morning at Sgt. Keilty's desk in No.2 Company office.

Q-64 Was any warning given to the accused on the 3rd of May?

A- None whatsoever.

Q-65 Did he sign any paper or warning on that day?

A- No, sir, he did not. Not to my knowledge.

Q-66 And this Exhibit "K" is the warning which the accused signed on the 4th of May?

A- That is correct.

Q-67 When the accused was brought back to camp?

A- When the accused was brought back to camp after being apprehended he came up before the Company Commander in the Company Office. That was about a week ago--a little more than a week ago; A week ago Monday, I think, and the Company Commander----the accused was marched out of the Company office and it was suggested to me----

Q-68 Don't tell me what somebody suggested to you.

A- All right. I was handed the certificate of apprehension, the charge sheet, etc., and the draft warning, and upon the instructions of Major Smith, Company Commander, I inspected this draft warning which had been attached as evidence. That is the one which he had signed on the 4th of May, and I stopped the accused who was at that time out in front of the office with the escort---they were just going to take him to the detention room--and I called him into the office and told him that I believed that the original warning he had signed was incorrect and would he sign another; that is one with the same date and so on; one of the mimeographed forms which the accused had signed on the 4th of may. The accused expressed his willingness to do so and signed again. The reason that the second draft warning was signed, in other words this one the accused signed, was that I had been told his signature was not in the correct place. Then the accused was taken to detention. I returned to my office and was looking over this charge and wondering about the whole thing and checked into the matter a little more closely and found out that the original draft warning had been signed correctly at the bottom as on the Exhibit "K" there, and the one I had just had signed was incorrect and was unneccessay anyway.

I then went out to the outer office and spoke to Cpl.Wilson who had witnessed all this previous signing that morning and told him I thought I better get rid of the thing. I showed it to him and then burned it in the stove in the Coy. Office.

Q-69 That is the second one he signed?

A- The one he signed after he came back.

Q -70 Can you account, Mr. Auld, for the fact that your evidence this afternoon is considerably different from your evidence this morning and also the evidence you gave at the taking of the summary?

A- Well, the only reason that I can explain it was that I was unable to find the roll that was called on the afternoon of the third when the men were checked off as having signed the warning. It seems to have disappeared, and I knew the accused had signed a warning because I saw my own signature there as having witnessed it and I presumed he had been warned with the rest of the group. I didn't recollect that fatigues had been supplied at that time. We had supplied a lot of fatigues at that time.

Q-71 Do you recollect now,the actual circumstances that took place on the 3rd of May and on the 4th of May?

A- I do now, sir.

Q-72 Is there any doubt in your mind that the accused was present on the 4th of May and signed a draft warning?

A- Absolutely nothing.

Q-73 Is there any doubt in your mind as to when the document, now exhibited as "K", was signed?

A- None whatsoever.

Q-74 Is that the document that was signed on the 4th of May, 1943? (Indicating Exhibit "K")

A- It is.

Q-75 What had occured before that document was signed on the 4th of May?

A- The document had been read over,to the accused, paragraph by paragraph. Each paragraph was explained and at the con-

of the reading of each paragraph the accused was asked if he had any questions; whether he understood what the document he was signing was, and----

Q-76 Do you actually recall doing that?

A- I do.

Q-77 Did the accused have any questions to ask'

A- He did not. There was only one man who had a question to ask that morning. He was a chap who has just come back to A-10. I don't recall his name but we put him in protective custody. The accused did not have any questions.

CROSS-EXAMINATION BY THE DEFENDING OFFICER:

Q-78 You have testified, Mr. Auld, that the document which is now marked Exhibit "K", was signed by the accused on the 4th of May.

A- That's correct.

Q-79 Will you look at the document. What is it dated?

A- May 3, 1943.

Q-80 Yet you testified it was signed on the 4th of May, 1943?

A- Yes.

Q-81 By whom was it witnessed?

A- By myself.

Q-82 When was it witnessed?

A- The morning of the 4th of May.

Q-83 Do I understand you witnessed a signature to a document which was dated the 3rd of May but was signed on the 4th of may?

A- I did, for this reason. We had mimeographed sheets such as this with several warnings on it and all dated May 3, 1943. We didn't have any more of these warnings without the date and it would have been necessary to go over to the Unit Orderly Room and have a new stencil cut and run off again for more copies. It didn't seem to me to make a great deal of difference to me provided he signed it before the 6th of May when the warning was due.

Q-84 You say, in other words, one or another considerations

of convenience caused you to permit a date to stand upon a document which was other than the correct date, and a document which you had signed as a witness?

A- Right. I might say that as you know we have been having a lot of notice about shortages of stationery--I won't put it that way---and I felt that under the circumstances it would be permissible to allow a change of one day.

Q-85 I have had no experience in the warning of drafts, but in your experience is there anything to lead you to believe that the erasure or correction of the stenciled date on a document and the insertion of the longhand written corrected date together with your initial and the initial of the signor would make that document invalid?

A- I couldn't say. I have been told not to change these things, If the document is printed and is signed and so on that that is the way it should stand and that any erasures make it invalid.

Q-86 You have been told that any trifling with a document makes it invalid? By whom were you told?

A- By Capt. Thompsoh, of No.2 Coy., who was Administrative Officer before I came.

Q-87 Did he tell you that in an administrative capacity or off the record?

A- I would say in an administrative capacity. That is hearsay, but that is what I heard.

Q-88 The document Exhibit "K", is the document you have testified as being the document signed on the 4th of May?

A- That's right.

Q-89 There was a document entitled Warning for Draft, signed by the accused after he returned to Camp Borden?

A- That's right.

Q-90 That document, you say, was subsequently destroyed?

A- That's right.

Q-91 You recall what was on that document?

A- I do.

Q-92 Whose signature was on that document?

A- The accused's.

Q-93 Who witnessed the signature?

A- I witnessed it.

Q-94 You witnessed it?

A- I think I did. I'm not sure if I signed it as a witness or if I burnt it first.

Q-95 Would you have witnessed his signature at any other time than the moment you saw the accused sign the document?

A- I'm afraid I can't answer that because I don't know if I would have or not because to my knowledge the circumstance hadn't arisen.

Q-96 Are you prepared to testify as to what date appeared on that document.

A- Which document?

Q-97 The document which was signed after the accused returned to Camp Borden?

A- Yes, I am, because all the draft warnings had the same date on it.

Q-98 What date did that document have on it?

A- May 3, 1943.

Q-99 What date was it signed on?

A- 17th of May, I think; the date the accused returned or was up before the Company Commander.

BY THE JUDGE ADVOCATE: It must have been after the 17th because the accused was apprehended at 2130 hours in Toronto on the 17th of May.

BY THE WITNESS: I'm sorry, it was the 18th of May.

BY THE DEFENDING OFFICER: (continuing cross-examination)

Q-100 Is it then true that on the 18th of May you required, or requested the accused's signature for a document dated the 3rd of May and to that document you appended your signature as a witness?

A- It is true. I requested he sign it and the document was dated the 3rd of May, 1943 and in all respects similar

to that signed by all members of the draft. Whether I signed it as a witness or not I couldn't swear.

Q-101 This document was in all respects similar to Exhibit "K"; had the same wording and the same date?

A- It had nothing else except what appears there on Exhibit "K".

Q-102 Nothing that you know of?

A- No.

Q-103 Did it bear something of this sort; Copy?

A- No,sir.

Q-104 It didn't bear the words, "copy". It represented itself as the original document you had signed?

A- Yes.

Q-105 What was your intention with respect to this document? Why did you procure it?

A- Because, as I said, I had been instructed that the original document the accused had signed was incorrectly signed and it was my intention if that was the case and the accused was willing to sign the thing at the time--if he was willing to sign another, witnessed by myself, that he do so, and it be sent to the Adjutant as a copy to be given to the Commanding Officer with such information on it. The idea was that if the accused admitted signing the orginal document he should have no hesitation in signing the copy which would be correct, but it turned out that it wasn't needed so without any more typing on it it was burned.

Q-106 But when the accused signed it it was not marked "Copy". In other words it purported to be the original document.

A- Yes.

Q-107 In other words, when the accused, at your request, signed the document it didn't purport to be a copy?

A- No.

Q-108 What use were you going to put to either this original document or the copy of it? Was it to be used as evidence?

A- That's correct.

Q-109 And in the condition which the accused left that document with you; a signed document at that time purporting to be an original? You were going to present that document to the Court?

A- As a copy.

Q-110 But at that moment it was not marked, Copy, but purported to be an original. Is that correct?

A- Yes.

Q-111 Can you offer any proof that the document which you were going to serve in substitution for Exhibit "K" would not have been presented to the Court unless it was marked copy?

A- Yes. There is another witness who saw me burn it.

Q-112 Is the substance of your proof the declaration to that fact?

A- Yes, that's right, and might I make another answer to your question as to the intention of what would have happened. If it was necessary that the sign another warning to be presented as evidence it would in its regular channels go up to the Commanding Officer with the original attached with a statement as to why we had to make a copy. Because you can't make a copy without an original and they both must be available to compare one with the other in order to certify a true copy. It was not necessary to do so in this case so the copy was burned in front of a witness.

Q-113 You have a witness that it was destroyed?

A- I have, sir.

Q-114 Who is that witness?

A- Corporal Wilson, P.B.

Q-115 To make sure I understand the difference in this matter, between the testimony of this morning and of this afternoon, the roll that was taken of the group warned for draft the day before--that is, on the third of may------No further questions.

---The Prosecuter declines to re-examine.

----In the opinion of the Court and Judge Advocate it is not necessary to comply with R.P.83(b).

--- The witness withdraws.

BY THE PROSECUTOR: It is irregular for the Prosecution to recall a witness and can only be done in extraordinary circumstances with the permission of the Court. I am calling Sgt. Keilty to testify in connection with the new evidence which had been adduced this afternoon and of which I had no knowledge when Sgt. Keilty was a witness this morning. I ask the Court's indulgence.

BY THE COURT: You may call Sgt. Keilty.

- v -

4th Witness for: THE PROSECUTION. No. C-117004, Pte. (A/Sgt.) F. J. K E I L T Y, being recalled and acknowledging his former oath, is examined by the Prosecutor :-

Q-116 Do you recall the 3rd of May, 1943?

A- Yes, I do.

Q-117 Do you recall a number of men at A-10 being warned for draft on that day?

A- Yes, sir.

Q-118 Were you present at the draft warning?

A- Yes, sir.

Q-119 Who gave the warning?

A- Mr. Auld read the warning out, sir.

Q-120 Was a nominal roll called?

A- I wouldn't say for sure, sir, that the nominal roll was called, but I was there when themen were warned.

Q-121 Do you know, of your own knowledge, whether the accused was present on the 3rd of May?

A- I don't think the accused was present on the 3rd of May. He was on a fatigue party at the Camp Ordnance Office. I was detailed to take 20 men up there and Rfn. Herman being a training soldier was put on that fatigue.

Q-122 Did you detail that party?

A- Yes, sir.

Q-123 Did you detail the accused on that fatigue?

A- I think the accused was on that fatigue party.

Q-124 Are you sure? If not, say so.

A- Well, sir, I think that he was on it because he wasn't there to sign the draft warning at that time.

Q-125 When?

A- In the afternoon when most of the company went to sign it.

Q-126 On May 3rd?

A- On May 3rd.

Q-127 Do you recall May 4th?

A- Yes, sir.

Q-128 What occurred on that morning?

A- On the morning of May 4th, I went down to the company linesto get some of the men that were on fatigue party the afternoon before; took them up and signed the draft warning. I brought either 3 or 4 men up to the company office and I called Mr. Auld out to warn the men that they were proceeding on draft and to explain to them what the penalty would be if they were A.W.L.

Q-129 Was the accused there at that time?

A- Yes, he was there.

Q-130 Do you remember that?

A- Yes, sir.

Q-131 Is there any doubt in your mind about it?

A- No, sir. I remember the situation.

Q-132 What occurred?

A- I called Mr. Auld out and he warned the men and they signed the draft warning.

Q-133 Do you remember what Mr. Auld told them?

A- Well, he, more or less, told them exactly what the draft warning read.

Q-134 What did he tell them?

A- He told them that they would be proceeding on draft shortly after May 6th and if they were not present, they would be charged with Desertion, or something very similar to that effect, and he warned them what the penalty would be, that they might be

charged with two years' hard labour, and he asked them if they all realized what it meant to sign a draft warning and they said that they understood what it meant, if they weren't present when the draft would leave.

Q-135 Did the accused have any questions?

A- No, sir, there wasn't anyone had any questions.

Q-136 Were these men asked to sign a draft warning?

A- Yes, sir, I asked the men down in the company lines to sign the draft warning. I asked them to come up to the company office, brought them up there, and I told them they were going to sign a draft warning and I , not knowing the circumstances very well, was going to get them to sign the draft warning myself, but realizing that this situation might arise, I went in and got Mr. Auld and he came out and gave them the lecture and while Mr. Auld and I were standing there, these men signed the draft warning.

Q-137 Did you witness the signing of the draft warning yourself?

A- Yes, sir.

Q-138 Did you sign the draft warning?

A- No, sir, I didn't sign the draft warning.

Q-139 Who did?

A- Lieut. Auld, I think, sir.

Q-140 Did he sign it himself?

A- Did Mr. Auld sign it?

Q-141 Yes.

A- Well, sir, I just witnessed the accused sign the draft warning. I won't swear that I saw Mr. Auld witness it but I know that Mr. Auld witnessed it because I was there present at the same time.

Q-142 I am showing you Exhibit "K". Do you recognize that?

A- Yes, sir.

Q-143 What is it - a draft warning?

A- Yes, sir.

Q-144 Have you ever seen it before?

A- Yes, I have, sir.

Q-145 Where?

A- In the company office.

Q-146 When?

A- I think I saw that on the 4th of May.

Q-147 Did you see it signed?

A- Yes, sir, I was present.

Q-148 Did you see that signature "W. Herman" on it?

A- Yes, sir.

Q-149 Who placed that signature on it?

A- W. Herman.

Q-150 Is that the accused?

A- Yes, sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-151 You testified, Sgt. Keilty, that you were present when the accused signed Exhibit "K"?

A- Yes, sir.

Q-152 Were you present during the whole affair?

A- Yes, sir.

Q-153 When the warning order was read and they were all asked whether they understood it?

A- Yes, sir, I had the three men there.

Q-154 You were present during the entire business?

A- Yes, sir.

Q-155 You testified, did you not, that nobody asked any questions?

A- Yes, sir.

Q-156 No one asked any questions?

A- No, sir, not to my knowledge.

Q-157 Originally you put that more positively. You said no one had asked any questions. Are you still as positive?

A- I would say that no one asked any questions.

---The Prosecutor declines to re-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- v -

BY THE PROSECUTOR: Before this next witness is sworn, I would like to say that the witness was not called at the taking of the Summary of Evidence. It is apparent now that what he had to say was not known at that time. I propose to call him now but have not given the required notice under the Rules of Procedure to the accused and his Defending Officer. I am asking for the purpose of the record whether the Defending Officer has any objection to this witness now being called. The testimony which I propose to adduce from Cpl. Wilson is concerning the destruction of the draft warning which is alleged to have been signed by the accused after his return to the unit.

BY THE DEFENDING OFFICER: No objection.

BY THE JUDGE ADVOCATE: Under Rule of Procedure 76, it is the duty of the Court to inform the accused that he has the right to ask for an adjournment after the taking of the evidence of this witness if he wishes to meet it with other evidence, or has the right to ask for a postponement of the cross-examination of the witness so that he may prepare himself for such cross-examination of the witness. ~~xxxxxxxxxxxxxxx~~ A.J.A.

- v -

5th Witness for: THE PROSECUTION.

No. B-610490, Corporal P. B. WILSON, R.C.R., C.A., att. A-10 Canadian Infantry Training Centre, C.A., being duly sworn, is examined by the Prosecutor :-

Q-158 Cpl. Wilson, do you recall May the 18th when the accused, Pte. W. Herman, appeared at company office?

A- Yes, sir.

Q-159 What occurred on that morning?

A- Well, the accused came up for company office in the

morning and there was a draft warning on him. When he went in for company office, when the company office was over, Major Smith, the O.C. of No. 2 Coy. noticed that.....

Q-160 Don't tell us that, nor what he said, but as a result of any instructions he may have given, what was done by you or by any person else?

A- Lieut. Auld went out and called Rfmn. Herman back in again and asked him if he would mind signing another draft warning. He showed him another draft warning and said he had signed it before and that to sign it again. Rfn. Herman signed it and....

Q-161 Before you go on there. Did Rfn. Herman make any objection to this procedure?

A- No, he never.

Q-162 Was he asked if he had any objection?

A- Well, I couldn't say that. I was sitting at a typewriter; I didn't hear. He just asked him if he would sign it and Rfn. Herman signed it.

Q-163 Then what happened?

A- Mr. Auld went into the back office and he came out to me later on and he said"the first one is alright and I better destroy ~~the first~~ this other one in case there is any trouble over it", so he went to the stove, put it in the stove, and burnt it.

Q-164 Put it in the stove and burned it?

A- Yes, sir.

Q-165 Did you see the second one signed?

A- Yes, I did.

Q-166 Did you see it when Mr. Auld brought it out from the back office?

A- He put it in front of me and said he better burn it.

Q-167 Was the one that Mr. Auld showed you and put in the stove the same one you say signed?

A- Yes, sir, it was.

CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-168 You saw the draft order signed?

A- That is right, sir.

Q-169 By whom?

A- By Rfn. Herman.

Q-170 Was any other signature placed on that draft order?

A- No, sir, there wasn't that I saw.

Q-171 None that you saw?

A- No, sir.

Q-172 But could you testify that no other signature was placed on that draft order even though you testify that you saw no other being placed on it?

A- At the time Rfn. Herman signed the draft warning, I testified that I didn't see anyone else sign for the draft warning on it, but on all draft warnings the Administrative Officer or whoever warns him puts a signature to the left of his signature.

Q-173 Did this one contain that signature?

A- I didn't notice.

Q-174 The document was shown to you by Mr. Auld between the time that it was signed and the time that it was destroyed, is that correct?

A- That is right.

Q-175 Did you read it?

A- No, I didn't, sir. I just glanced at where he had signed.

Q-176 How did you know it was the document signed by Rfn. Herman if you hadn't read it?

A- I looked at it and saw Rfn. Herman's signature on it.

Q-177 You saw Rfn. Herman's signature?

A- Yes, sir.

Q-178 Did you read the text?

A- No, sir. I have worked with Mr. Auld and I have made them out; I have made the stencils out.

Q-179 Can you explain to the Court why that fact makes it possible for you to say that the document which had Rfn. Herman's

signture on it was the copy of the draft document the Court has as Exhibit "K"?

BY THE JUDGE ADVOCATE; I am afraid I don't understand that question, and I don't believe the witness does either.

BY THE DEFENDING OFFICER: (resuming examination)

Q-180 Did you say that you had not read the document?

A- I did not read the document Rfn. Herman signed; I have read others.

Q-181 How do you recognize this as one of those others?

A- It had the very same wording on it. It had the same spacing, and it had the same dates - the date warned before and the date warned that the draft was to leave.

Q-182 What was the date?

A- I believe it was the 3rd of May.

Q-183 What date did you see this signed?

A- The second one, I saw it signed the morning Rfn. Herman was brought up on charge; it would be the 18th.

Q-184 Did you see whether the document had been marked "copy" or something like that?

A- I never saw that; no.

Q-185 And you recognize the document to be of the same appearance, the same general appearnce, but you didn't read the text?

A- That is right.

Q-186 You couldn't testify what the document was on oath?

A- I couldn't testify what it was, but I have seen lots of them around. I don't read every one of them. I know what they have on them. That is why I didn't read Rfn. Herman's warning.

Q-187 But, can you declare on oath that no other context was on that document? Have you any other way of knowing whether the text of that document had not been changed?

A- Mr. Auld came out of the office and he asked me to get him another draft warning and I took out one from the place where they are all kept and handed him one. It is the very same draft

warning that the other men had signed.

Q-188 But at the moment that Mr. Auld would show you the document that he subsequently destoryed, can you testify what appeared on that document besides Rfn. Herman's signature?

A- As far as I know, I don't believe anything else was on it. It was the very same draft warning.

Q-189 You repeat that it was the same draft warning. Did you read it?

A- No, sir., I never read it.

---The Prosecutor declines to re-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witnesswithdraws.

- v v -

---The Prosecution has no further witnesses.

---The Prosecution is closed.

- v -

48B

48B

48B

D

48 ~~The prosecution is closed.~~

Defence

Q-190 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A- *Answer.* No, sir.

Q-191 *Question.* Do you intend to call any other witness in your defence?

A- *Answer.* No, sir.

~~Question~~ 48 ~~Is he a witness as to character only? Answer~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

~~(Where any evidence is given for the defence~~

48 ~~The evidence of the accused and of the witnesses for the defence including witnesses as to character) is recorded on a separate page here and attached.~~

(Where the accused does not give evidence upon oath.)

Q 192 *Question to the accused.* Have you anything to say in your defence?

A-192 *Answer.* The accused ~~in his defence~~ 48 says† No, sir.

48 ~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.~~

---The Prosecutor makes a closing address. (See document marked "M", attached.)

---The Defending Officer makes a closing address. (See document marked "N", attached.)

---In the opinion of the Judge Advocate and the Court, it is not necessary to sum-up the case.

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. B64973 Rifleman Wilfred Herman, Queen's Own Rifles of Canada, C.A., attached to A-1C Canadian Infantry Training Centre, C.A., is guilty of the charge.

LgB.

LgB.

LgB

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, etc.

Capt H H Bull, 2nd (Res) Bn R.R. of C (CA)
Att'd Headquarters, Camp Borden, is duly sworn.

Q-193 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* Yes, sir, I produce M.F.H. 335 and certified true copy of M.F.M. 6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-3", signed by the President, and annexed to the proceedings.

Q-194 *Question by the President.*

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* Yes, sir.

Q-195 *Question.*

Have you compared the contents of the above statement with the regimental books? *Answer.* Yes, sir.

Q-196 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* Yes, sir.

(Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.)

LgB ~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court and Judge Advocate, it is not necessary to comply with R.P. 85 (b).

The Prosecutor resumes his seat.

Q-197 *Question to the accused.*

Do you wish to address the Court? *Answer.* Yes, sir, through my Defending Officer. (See document marked "C", attached.)

The Court is closed for the consideration of the sentence.

54

F

Sentence

The Court sentence the accused No.B64073 Rifleman Wilfred Herman, Queen's Own Rifles of Canada, C.A., attached to A-10 Canadian Infantry Training Centre, C.A., to be imprisoned with hard labour for one year, and to be put under stoppages of pay until he has made good the sum of $2.25 in respect of the costs of apprehension and return to his corps.

Sentence. IMPRISONMENT with hard labour: one year.

STOPPAGES: $2.25.

Signed at Camp Borden, Ontario, this 26th day of May, 1943.

C J Page (Major)
A-10 Canadian Infantry Training Centre, C.A.
PRESIDENT

H J Brody (Capt.)
Essex Scottish Reg't., C.A., att.
Headquarters, Military District No. 2
JUDGE ADVOCATE

Extracts entered as No. 8849 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 17th day of June 1943.
H.T.T.B.

Confirmed

A G L McNaughton

Brigadier,
Commander,
Camp Borden.

Signed at Camp Borden, Ontario, this 7th day of June, 1943.

Promulgated and Extracts Taken, at Camp Borden, Ontario, this ninth day of June, 1943

J H Peters Capt
Asst. Adjt. A10 C.I.T.C. C.A.

55

ORDERS BY

Brigadier A.C. Spencer, E.D.
Commander, Camp Borden.

Camp Borden, Ont.,
21st May, 1943.

DISTRICT COURT-MARTIAL
No. C-110027 Trooper Earl Lemon Burns,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Wednesday, 26th May, 1943, at 10 o'clock, a.m., (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major C.J. Page,
A-10 Canadian Infantry Training Centre, C.A.

MEMBERS

Capt. F.A. Hall,
Governor General's Foot Guards, C.A.,
Att. A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Capt. R.J. Wilkinson, M.C.,
South Saskatchewan Reg't., C.A.,
Att. A-10 Canadian Infantry Training Centre, C.A.

WAITING MEMBER

Lieut. J.N. Bell,
26th Can. Tk. Reg't. (G&SF) C.A.

JUDGE ADVOCATE

Capt. L.J. Brody,
Essex Scottish Reg't., C.A., att:
Headquarters, Military District No. 2.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

The Officers Commanding the following Training Centres will detail not less than two and not more than five Officers to attend the Court-Martial for instruction :-

A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-10 Canadian Infantry Training Centre, C.A.
A-11 Canadian Infantry Training Centre, C.A.
A-19 Canadian Army Service Corps Training Centre, C.A.
A-22 Canadian Army Medical Corps Training Centre, C.A.

The Officer Commanding any other unit or detachment in Camp Borden may detail two Officers to attend the Court-Martial for instruction.

All Officers detailed to attend the Court-Martial for instruction will assemble at said Court Room on said 26th day of May, 1943, at 9 o'clock, a.m., (EDST), for the purpose of instruction by the Judge-Advocate.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The proceedings will be forwarded to the A.A. & Q.M.G., Camp Borden, Ontario.

SIGNED at Camp Borden, Ontario, this 21st day of May, 1943.

(J.D. Conover)
Lieut.-Colonel
A.A. & Q.M.G., Camp Borden.

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CERTIFIED TRUE COPY

J H Peters ..CAPT. & ASST. ADJT.
(J H. PETERS) A-10 C.I.T.C., C.A.

"X-1" 6

A.10 CANADIAN INFANTRY TRAINING CENTRE (CA)

CAMP BORDEN ONTARIO

PART I ORDERS

BY

COLONEL M. P. A. HARE

Last Part I Order No 121 dated 22 MAY 43 — No 122, 24 MAY 43

1. ORDERLY DUTIES

(a) Orderly Officer	24 MAY 43 Lieut F H Smith
For duty	25 MAY 43 Lieut E Willbanks
Next for duty	26 MAY 43 Lieut E E B Morgan
	27 MAY 43 Lieut A J Charbonneau
(b) Orderly Sergeant	24 MAY 43 Sgt Rese C F
For duty	25 MAY 43 Sgt Ray A
Next for duty	26 MAY 43 Sgt McLelland J D
(c) Canteen Corporal	24 MAY 43 Cpl Trebell R
For duty	25 MAY 43 Cpl Hartman A M
Next for duty	26 MAY 43 L/Cpl Hillock H C

2. TRAINING PARADES

(a) For 25 MAY 43 all companies as per syllabus

3. COURT OF INQUIRY

(a) A Court of Inquiry composed as under will assemble at No 5 Coy Office at 1900 hrs 24 MAY 43 to inquire into the alleged injury sustained by B24388 L/Cpl Rozon R UHQ on 9 MAY 43

PRESIDENT:	Capt T A Leishman	5 Coy
MEMBERS:	Lieut R H Baker	5 Coy
	Lieut M O Morgan	5 Coy

(b) All witnesses are hereby warned to attend at the time and place aforesaid prepared to give evidence

4. INLYING PICQUET

(a) Companies detailed for Inlying Picquet for the week ending 31 MAY 43

24 MAY 43 MONDAY	No 6 Coy	28 MAY 43 FRIDAY	No 4 Coy
25 MAY 43 TUESDAY	No 2 Coy	29 MAY 43 SATURDAY	No 3 Coy
26 MAY 43 WEDNESDAY	No 1 Coy	30 MAY 43 SUNDAY	No 6 COY
27 MAY 43 THURSDAY	No 5 Coy	31 MAY 43 MONDAY	No 2 Coy

5. COURT OF INQUIRY

(a) A Court of Inquiry composed as under will assemble at No 9 Coy Office at 1900 hrs 24 MAY 43 to inquire into and report on the alleged illegal absence and deficiencies if any in the arms, ammunition, instruments, equipment, regimental necessaries or clothing allegedly issued to B48573 Pte Lavalley V J 1 Coy B135884 Pte Hardy D E J 2 Coy B138552 Pte Dillon J W M 4 Coy B138313 Pte Yorke B A 5 Coy

PRESIDENT:	Capt H J P Stephenson	9 Coy
Members:	Lieut R C Graves	9 Coy
	Lieut R W Midgley	9 Coy

(b) All witnesses are hereby warned to attend at the time and place aforesaid prepared to give evidence

6. DISTRICT COURT-MARTIAL

(a) B64973 Rfn Herman W QOR Att'd A.10 CITC (CA)

C75046 Pte Bosley J A HAPER Att'd A.10 CITC (CA)

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Wednesday 26 MAY 43 at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused persons named in the margin (and such other persons as may be brought before them).

PRESIDENT	Major C J Page	A.10 CITC (CA)
MEMBERS	Capt F A Hall	Governor General's Foot Guards (CA) Att'd A.8 CAC (A)TC
	Capt R J Wilkinson M C	South Saskatewan Reg't (CA) Att'd A.10 CITC (CA)
WAITING MEMBER	Lieut J N Bell	26th Cdn Tk Reg't (G&SF) C.A.
JUDGE ADVOCATE	Capt L J Brody	Essex Scottish Reg't Att'd Headquarters Mil Dist No 2
DEFENDING OFFICER	Lieut E Sirluck	Algonquin Reg't Att'd A.10 CITC (CA)
PROSECUTOR	Capt H H Bull	2nd (Res) Bn RR of C (CA) Att'd Headquarters Camp Borden
OFFICERS FOR INSTRUCTION	Lieut J R Rogers	QOR Att'd A.10 CITC (CA) 3 Coy
	2/Lieut J W Barrett	Gen List A.10 CITC (CA) 4 Coy

(b) Witnesses must report to the Court Room at 0945 hrs 26 MAY 43 as follows

B131847 Cpl Gillies N C117004 Sgt F J Keilty RPE
Lieut J A C Auld QOR

(c) Officers for instruction will report at the Court Room at 0845 hrs in order to hear the opening remarks of the AJAG

W T Shrives
.....Capt & Adjt.,
(W T Shrives)
A.10 Canadian Infantry Training Centre (CA)

NOTICES

LOST
One tool kit, "Fitters Mk II in "E" Area or between "E" Area and Hut T-43. The kit may be identified by the No 29 stencilled in white on the end of the box. Finder please return to Unit Orderly Room

EXHIBITION BASEBALL
There will be an exhibition game between A.10 & RCAF at the Airforce Field at 1830 hrs 24 MAY 43

"C" 63

OFFICERS UNDER INSTRUCTION

2/Lt.	J.W.Barrett	I. R. of C.,C.A.	Att.A-10 C.I.T.C.,C.A.
2/Lt.	J.R.Rogers	Q.O.R. of C., C.A.	Att.A-10 C.I.T.C.,C.A.
2/Lt.	J.W.Combe	C.A.C., C.A.	Att.A-8 C.A.C.(A)T.C.,C.A.
2/Lt.	C.S.Brodie	R.C.A.S.C.,C.A.	Att.A-19 C.A.S.C.(A)T.C.,CA
2/Lt.	M.E.Ripley	R.C.A.S.C.,C.A.	Att.A-19 C.A.S.C.(A)T.C.,CA
2/Lt.	E.E.Kendrick	R.C.A.S.C.,C.A.	Att.A-19 C.A.S.C.(A)T.C.,CA
2/Lt.	L.S.Smith	R.C.A.S.C.,C.A.	Att.A-19 C.A.S.C.(A)T.C.,CA
2/Lt.	C.A.Johnston	R.C.A.S.C.,C.A.	Att.A-19 C.A.S.C.(A)T.C.,CA
Lieut.	J.A.Bonner	C.A.C.,C.A.	A-9 C.A.C.(A)T.C.,C.A.
Lieut.	G.M.Malcomson	C.A.C.,C.A.	A-9 C.A.C.(A)T.C.,C.A.
Lieut.	G.E.Pateman	Lorne Scots,C.A.	A-11 C.I.T.C.,C.A.
Lieut.	G.Cain	I.R. of C.,C.A.	A-11 C.I.T.C.,C.A.

...— ... — ...—

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Cf. Page Major Pers Con "H" 65

MINUTE OF ADJOURNMENT

At 10:40 o'clock, a.m., on the 26th day of May, 1943, the Court adjourned until 11:30 o'clock, a.m., on the 26th day of May, 1943.

On the 26th day of May, 1943, at 11:30 o'clock, a.m., the Court reassemble pursuant to adjournment, present the same members as when adjourned.

...— ...— ...—

LJB.

LJB

LJB.

"I" 61

EXHIBIT "A"

6 Pages Prec. this

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to ~~civil~~ Service authorities) 7 Eee

I, Captain F.E. McMahon, O.C. No.31 Coy., Cdn. Provost Corps.
(Number) (Rank) (Name) (Unit)

hereby certify that B.64973 Pte. HERMAN, W.
(Number) (Rank) (Name in full)

of the A.10 C.A. Inf. (A) T.C. Camp Borden, Ont.
(Unit and attachment (if any)

Strike out words not applicable

was apprehended by (~~xxxxxxxxxxxxxx~~ 7 Eee) B.97633 L/Cpl. KIRBY, L.
(Number) (Rank)

B.97718 Pte. BROOKS, S.K., No.31 Coy., C. Pro. C.
(Name) (Unit or appointment)

at 41 Ontario St., Toronto, Ontario. (Place) at 2130 hrs (Hour)

on the 17th day of May 1943

as a (~~xxxxxxxxxxxx~~ 7 Eee absentee without leave), and that at the time of his arrest he was wearing military (~~xxxxxxxxx~~ 7 Eee uniform (~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ 7 Eee.

Strike out words not applicable

DATED AT 339 George St., Toronto, Ontario this 18th day of May 1943

(SOLDIER OF THE ACTIVE ARMY)

F. E. McMahon

(F. E. McMahon) Captain.

(Signature, Number, Rank, Unit or appointment)

Officer Commanding, No.31 Coy., C. Pro. C.

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

This is Exhibit "A" referred to in the Summary of Evidence in the case of B64973 W. Herman, taken before me at Camp Borden, Ontario, this 19th day of May, 1943.

J. H. Peters

(J.H. Peters) Capt. & Asst. Adjt.,
A-10 C.I.T.C., C.A.

M.F.M. 216
25M-4-42 (M1126)
H.Q. 1772-39-1936

EXHIBIT "B"

ABSENTEES AND DESERTERS

69

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, Capt. & Asst. Adjt. J.H. Peters, A-10 C.I.T.C., C.A.
(Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I [redacted] (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from Camp Borden, Ont. (Place) to Toronto, Ont. (Place)

and return to Camp Borden, Ont. for the

Full description of soldier being escorted — purpose of escorting B64973 Rfn. Herman, W., A-10 C.I.T.C., C.A.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of [redacted] (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Station Wagon travelled 150 miles @ $.03 per mile in the apprehension of B64973 Rfn. Herman, W. (one half of $4.50 charged to B64973 Rfn. Herman, W.)	$2.25
Total	$ 2.25

Dated at Camp Borden, Ont this 19th day of MAY A.D. 1943.

J.H. Peters
(J.H.Peters) Q.O.R. Capt.& Asst. Adjt.,
A-10 C.I.T.C., C.A.
Signature, rank, unit of officer [redacted] (authorizing transportation) Strike out description not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

This is Exhibit "B" referred to in the Summary of Evidence in the case of B64973 Rfn. Herman, W. taken before me at Camp Borden, Ont. this 19th day of May, 1943.

J.H. Peters
(J.H.Peters) Capt. & Asst, Adjt.,
A-10 C.I.T.C., C.A.

M.F.R. 1661
16M—7-43 (1139)
H.Q. 1113-39-1651

EXHIBIT "C"

"B" 71 K

TO: O.C. No. 2 Coy.

FROM: B-64973 Pte. Herman W.

Date: MAY 3 1943

Warning for draft

1. This certifies that I have been duly warned for draft to proceed overseas on short notice after MAY 6 1943

2. I understand that should I be absent without leave when the draft move, I may be proceeded against as a deserter. W. Herman

witness J.A.C. Auld Lt.

MINUTE OF ADJOURNMENT

At 12:05 o'clock, p.m., on the 26th day of May, 1943, the Court adjourned until 1:45 o'clock, p.m., on the 26th day of May, 1943.

On the 26th day of May, 1943, at 1:45 o'clock, p.m., the Court reassemble pursuant to adjournment, present the same members as when adjourned.

...— ...— ...—

L.J.B.

L.J.B.

L.J.B.

seen the demeanour of the witness, that he is a sincere witness and conscientious in his duty, and that it was no attempt on his part to mislead this Court on the evidence that he gave, and I think that the Court can take it that the story as now told by the witness is the true story. Having had an opportunity to refresh his memory, he is now sure enough. A draft warning was given to the accused on the 4th of May and Exhibit "K" is tangible evidence that he received that warning and signed it. As to the subsequent draft warning which he signed after being returned to his unit, I have nothing to say as to the propriety or the irregularity of this procedure because it does not affect this case. Something has been suggested by the Defending Officer as to false evidence or false testimony or the fabricating of evidence. Whether or not that would have been the case, the Court need not concern itself because that is pure hypothesis. That warning was never used. It was destroyed. The Court is not concerned with conjecture, with supposition, with what might have been done had circumstances been different. The Court is concerned with what is before it in evidence here to-day and I submit that the Court can forget all about that subsequent warning which was signed, regularly or irregularly, and concern itself entirely with that warning which is now before it, Exhibit "K", and which the witness - and I submit a reliable witness - has sworn is the warning which he gave, which he read and explained to the accused on the 4th of May, and which was signed by the accused. I submit that the accused had full knowledge of the fact that he was to proceed on a special duty sometime after the 6th of May. With that knowledge, on the 5th of May he absented himself without leave and he was still absent when the special duty occurred on the 11th of May.

In the face of those facts, I submit that it is quite open to the Court, that it is an irresistible inference, and that they must come to the conclusion that the accused did absent himself with the intention of avoiding that special duty.

of desertion as to vitiate it if it was not given. It assists the Court in inferring the intent or the intention, but even if there had been no draft warning given whatsoever and that the accused had not been told that if he were absent when the draft left, he would be liable to a charge of desertion, the elements of the charge are still present, if the Court is satisfied that the accused went absent with the intention of avoiding the special duty. If he knew that there was a draft, no matter how he came to know it, and he knew when it might go and was absent intentionally and wilfully at that time, the Court can readily infer that the accused had no intention of proceeding with that draft. However, it has been seen fit by the authorities to provide for a draft warning, and I think the discrepency between the evidence of Mr. Auld as given in the first instance and as he gave it this afternoon can be readily understood. An officer who is given the task of warning approximately 100 men as in this case and who is also given the task of warning other drafts of probably the same or larger numbers can hardly be expected to remember clearly each individual soldier. What there is to refresh his memory on that point is his own signature on the draft warning as a witness. He follows a procedure which is almost formal - the reading of the warning, the explanation, the asking if there were any questions, and then the signing. And it may be that he cannot remember the face of each individual man or the actual instance of that man signing the draft warning, but if he can satisfy himself with those things with which he is entitled to refresh his memory that the accused was present or that any particular man was present when he gave the warning, and if he has before him his own signature witnessing the signature of the man, then surely we must take him as a reliable witness. It was easy for him to have thought that the accused in this case was one of those warned on the 3rd of May. However, on refreshing his memory, it comes back to him what actually took place, and I submit to the Court, after they have

L. J. Page mg. 75
Pers. Ech.

CLOSING ADDRESS BY THE PROSECUTOR:

Mr. President and Members of the Court; First of all, not in any sense of trying to escape from any responsibility, I wanted it to be clear in the Court's mind that the very radical change in testimony between this morning and this afternoon is something just as fresh to me as it is to the Court. It came to me as quite a surprise and has placed me in rather an embarrassing position in the conduct of the Prosecution. However, we are dealing here with a charge of desertion, that type of desertion which consists of a man going absent without leave with the intention of avoiding a special duty. Evidence has been given of the man's absence and his subsequent apprehension. There has been evidence given that there was a special duty, thats draft did proceed from A-10 C.I.T.C. on May 11th, and that the accused man was one of the men who it was intended should go on that draft, and that he was absent when the draft left. It is for the Court to determine from those facts whether the accused went absent with the intention of avoiding that special duty, and the Court is free to infer the intentions of the accused, it being the only way, or nearly the only way, in which intentions can be determined. The Court cannot get into a man's mind, and they must, therefore, make their inferences from his words and from his actions. In order to determine whether this man when he went absent had the intention of avoiding this special duty, we can look at what notice he had of the special duty, and that is where the draft warning comes into the picture. We have heard a great deal to-day about this draft warning and the manner in which it was given. I am well aware of the provisions of Routine Order 1677 which sets out that a draft warning of the nature shown in this Court shall be given to all men who are detailed for special duty, whether it be overseas duty or whether it be some duty in Canada, but I submit to this Court that whether or not such draft warning was given or whether it was given in an irregular manner does not so strike to the root of a charge

CLOSING ADDRESS BY THE DEFENDING OFFICER :-

Mr. President and Members of the Court: It is quite correct as the Prosecutor began to suggest by stating that the accused was absent without leave during the period from the 5th to the 17th of May. It is also quite correct that there was a special duty in that period. It may be quite correct and it appears quite correct that the accused was intended to be a part of that special duty. That does not, however, it seems to me, approach the heart of the matter which was whether or not the accused had declared himself aware that he was, in fact, a part of that special duty.

The testimony of the first two witnesses, that is, of Cpl. Gillies and of Sgt. Keilty, testimony which has not been contested in the Court, is simply to the effect that the accused was absent. The testimony of Mr. Auld is the crucial testimony in regard to the accused's having declared himself to be on that draft. Now it is not my intention, it is very far from my intention, to impeach the integrity of that witness, Mr. Auld, and the Prosecution's defence of Mr. Auld's integrity is quite aside from the point. The question is as to the reliability - or if I may repeat myself rather differently - as to the possibility of error.

The weight of the Prosecution depends upon the premise that the Court is entitled to infer, and the basis upon which this inference is to be made is testimony by a witness whose reliability in terms of accuracy is open to question. The Prosecution mentioned that an officer in charge of large numbers of drafts would be unable to remember faces of specific people. In regard to that, it is quite normal, and the Prosecution felt that it is quite permissible to rely upon, in the first place, memory, and in the second place, his own signature upon the document which he had witnessed.

Mr. Auld's memory is not unimpeachable. That, I think,

is quite clear from the testimony. In the first and in the, of course, most serious instance, the entire weight of direction, purpose, and effect of the testimony given upon the foundation of memory in Court this morning was contradicted, contradicted to a fundamental purpose and effect, by the testimony given in the afternoon. But even in the afternoon, his memory cannot escape the charge of, at least, inaccuracy because he said when he was doing his obvious best to summon the exact circumstances, he declared that only one question was asked him by the ~~mm~~ the group of men, of which he did not remember whether it consisted of two or three soldiers. He remembered quite clearly that the question was asked by a man who had returned from absence without leave. He could not, however, remember the name of the man nor the effect of the question. Sgt. Keily, however, who testified that he was present at this same collection of the signatures and I beg to remind the Court that this is a case where it was not one hundred or thereabouts soldiers warned for draft but two or, perhaps, three. Sgt. Keily testified that he was present and said in reply to a question from the Prosecutor that no questions had been asked, and when the Defence insisted that he be certain whether or not he was positive that no questions had been asked, he replied that he was positive that no questions had been asked. I merely indicate that a memory which in vital circumstances was not infallible this morning has demonstrated that it is not equally infallible this afternoon. And on the basis of that fallible memory I do not believe an inference of guilt can be placed.

Now in connection with a signature which should help a memory, that is to say that the witness was able to refresh his memory by glancing at his own signature, I do not for one moment attempt now what I declared unwilling to attempt a few minutes ago, that is, to impeach the integrity of Mr. Auld either as a witness nor as an Administrative Officer, but it is very clear that in each case, each of the two cases of the collection

of the Rifleman Herman's signature for a draft, or the alleged collection for a draft order, Mr. Auld's signature as witness was incorrectly appended. That is a matter, of course, of mere administrative book-keeping, but administrative book-keeping or administrative routine of that nature over a large scale and over a long time can give a picture of inaccuracy. The document which is before this Court is signed and witnessed as being produced on the 3rd of May whereas it was actually on the 4th of May. A similar document is alleged to have been extracted on the 16th of May. The signature for that was accepted by the witness and he was prepared to witness it. That does not mean a dereliction from integrity. It means simply that the conveniences and routine of administrative book-keeping are paramount in the mind of Mr. Auld. Now the conveniences and routine of administrative book-keeping may, as I have said, lead to a misleading picture, a picture from which it is beyond the competence of the Court to infer guilt. May I repeat very briefly that the Court is in possession of evidence that there was an absence without leave on the part of Rfn. Herman, that this absence extended over a period in which there was a special duty, that the evidence may be competent that he was intended as a part of this special duty, but that there is no evidence which is competent that Rfn. Herman accepted, signed, and returned a declaration that he was a part of that special duty, that the destruction of the alleged copy of Exhibit "K" was made by Mr. Auld in an attempt to keep book-keeping straight and was not witnessed by Cpl. Wilson except in as far as the signature itself was concerned, that the text of the document which Mr. Auld described cannot be established from the testimony of Cpl. Wilson who testified that he did not read the document.

If guilt of desertion is to be inferred in this case, it must be inferred - I regret to labour this point but it seems to be to me the important one - it must be inferred upon the basis of a memory which has several times proven itself not to be infallible

and which has involved itself in contradictory evidence, and on the basis of such hesitancy, testimony which might be imagined to be of no special worth. I, therefore, submit that guilt in the charge of desertion has no case.

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"Y"
C.J. Pagent
Pro Sec.

M.F.B. 335
7M—3-40 (6400-1)
H.Q. 1772-39-429
A.F.B. 296

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STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment
B64973	Rfn.	W. Herman,	Queen's Own Rifles of Canada, C.A.

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For A.W.L.	2 times		A.W.L.	4 times
For	X times			times
For	times			times
For	times			times

2. Previous convictions of the accused by a court-martial or a civil court of summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 29 days in military custody, making a total of 29 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 27 yrs, 3 mos, 27 dys.

6. The date of his attestation specified in his attestation paper is 20 JAN 42.

7.

8.

9. The accused is in possession of or entitled to no military decoration, or military reward (or is in possession of or entitled to). State any military decoration or reward.

10.

9

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of .....
Permanent Force
unit
dated ....., and in his regiment (or corps), the rank of .....
dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number B64973 Rank Rifleman Name Wilfred HERMAN of Queen's Own Rifles of Can. Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
District Court-Martial	19 AUG 42 Camp Borden, Ontario.	Desertion	7 months and 15 days Detention	37 days

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 26th day of MAY 43.

J.H. Peters (J.H. Peters) Capt. & Asst. Adjt.,
A-10 Canadian Infantry Training Centre, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

B64973 No. | RFMN HERMAN, Wilfred Name | Sqn., Battery, or Company: #2 D.D. (AF) QOR I Wing. Corps | Date of enlistment: 20 1 42 | G.C. Badges / Signature O.C. Company, etc.: | Tradesmen's Rates of Pay: | Character

No. and date of last drunk: | Period not reckoning towards freedom from extra fine: | Sheet No. 1

M.F.M. 6 (A.F.B. 122) 500M—11-41 (7469) H.Q. 1773-39-1651

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				S.O.S. #2 D.D. FEB 6 1942				"J. Bradley" Capt.	
Toronto Guelph, Ontario	28-2-42	Rfmn		AWL from 2200 hrs 28-2-42 to 1535 hrs. 20-3-42	L-C Blake	14 days det.	21-3-42	Maj.Garrod	25 days FOP F.R.& I. Cost of apprehensin $2.56.Pt.II O. No. 29
Guelph, Ontario	15 Apr. "			AWL from 2200 hrs 15-4-42 to 1124 hrs. 19-4-42	Cpl.Sisson	FOP 6 DAYS 14 days C.B. Cost of Appre. $2.71	27-4-42	Maj.Garrod	FOP 4 days FR&I 149
				T.O.S. A-10 I(A)TC from BTC, Geulph, Ont. Pt. II D.O. No. 113 d/14 MAY 42. Eff. 14 MAY 42.					
Camp Borden	1 JUN 42	Rfn		AWL from 0230 hrs 1 JUN 42 to 2200 hrs 3 JUNE 42. AA 15-1	Cpl.Hyslop Cpl.Esson	7 days C.B. 5 days pay A.A.46	5 JUN 42	Lt.Col. Hare	Forfeits 3 pay FRI

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Camp Borden	12-7-42	Rfmn		Desertion in that after being warned for special duty he absented himself without leave from 0200 hrs 12 JUL 42 until apprehended at Toronto at 0300 hrs 4 AUG 42. Total absence 23 days 1 hr.	Sgt.J.E.Kropt Cpl.W.Whyte Capt.O.H.Mace	7 months, 15 dys. det.	19 AUG 42	D.C.M.	Forfeits 227 dys. pay F.R.I.
Camp Borden		Pte.		Granted special leave from 27 MAR 43 until 30 MAR 43 incl. 50¢ per diem in lieu of rations. special transportation warrant ##16909		D.O. # 73 d/27 MAR 43		J.A.C.	Auld, Lt.
Camp Borden	30 MAR 43	Pte.		AWL from 1200 hrs 30 MAR 43 until apprehended at Toronto 0930 hrs 3 APR 43 Total absence 3 days 21 hrs. 30 min.	Cpl.Holmes	14 days det.	6 APR 43	Maj.H.M.Levis	forfeits 4 days pay FRI, cost of app.$3.90

CERTIFIED TRUE COPY 19 MAY 43

J.H. Peters

(J.H.Peters) Capt. & Asst. Adjt.

~~A-10 S.I.T.C. C.A.~~

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FINAL ADDRESS BY THE DEFENDING OFFICER :-

Mr. President and Members of the Court: That the accused was absent from the 5th to the 17th of May is clear. What interpretation of that absence has been given by the Court I do not know. At any rate, that he was guilty of a military crime is, as I say, clear.

To say that a man is guilty of a crime is shorthand for saying that he has been derelict in his duty to the community. But to assess the gravity of dereliction of duty to the community, it is necessary to ascertain the opportunities that that man has had to realize or become aware of the obligation to the community.

I should like to review by giving a brief personal history of the accused, the circumstances in which such a realization of obligation to the community could have been made.

He was born 27 years ago in Quebec City of a father and a mother who died three years later. His mother was the second wife of his father, and so close and satisfactory were the home ties and home environment that he does not know whether his father had five or seven children by his first wife. As for the other two children by the accused's mother, he has never seen them since virtually from infancy. He was three, as I say, when he was orphaned, and a batchelor uncle of his adopted him. The uncle was a farmer in the neighbourhood who lived with his sister. When the accused became of sufficient age to attend school, his aunt suggested several times to his uncle that he be sent to school. His uncle refused on the grounds that the accused was required to help work on the farm. His education was no concern to his uncle. His uncle was obliged to feed him and had the right to extract from him an equivalent amount of work. He remained on the farm without one day or hour of instruction or education until his uncle died when he was fourteen. Shortly thereafter he got into trouble with the civilian

authorities. He was caught after he had left a house which he had entered to steal a pair of boots and a blanket. In the confused and rudimentary logic of the accused, the reason for entering and stealing these articles was a very simple one: he needed it.

This first encounter with law was actually the only lucky break that he ever got because he was consigned by a juvenile court to a reform institution, a sort of education farm for delinquent children, where he remained for three years, at the end of which time he was discharged. The maximum term was three years which he got. At the end of three years, he tried very hard to persuade the authorities of the institution to allow him to remain. The only occasion on which he had ever had the slightest chance of learning anything. He tells me that he learned the rudiments of reading and writing which he hasn't mastered. It is a curious sort of commentary on his life before that and since, that nothing appears to have affected his life as this reform institution which most of us regard as a grim business to which we must confine children when they have committed crimes. But to him it was a benediction; but a single or sole benediction; there has been no other.

When he emerged, a series of non-rooted, dislocated, half-jobs follow one another in very irregular succession - the kind of thing one could imagine for the accused when one hears his personal history.

He was doing half-time steel work when he enlisted in the Army in January, 1941, voluntarily. Some dim, some not strong, not clear, nevertheless present, appreciation of the national cricis induced him to enlist. After he enlisted in the Army, he received no instructions as to the meaning of that obligation to the Army. Those of us who do training in Army training centres are very well aware that a 45-minute period, called T.A.B.C. is allotted for the instruction of recruits to the nature of the war, the function of the Army, and the place of the soldier

in the Army. We are also aware that in a quarter of a year's training which is considerably more than the service of a recruit in any advanced training centre, this period may be given once, in which it is not likely that he will learn very much. However, these rudimentary obligations which he felt, which prompted him to enlist in the Army were not reinforced and died.

Now, I submit that it is not ~~strained~~ STRANGE that a man of quite literally, not figuratively this time, no education, quite literally no position in the community, quite literally anti-social in his home life, displays certainly dereliction of duty in performing a military crime, but does not display anything more in the way of viciousness than, perhaps, anti-socialism. In spite of the fact that the accused was found guilty at a court-martial in 1942 of leaving with intent to avoid a draft, he declares himself to be very anxious - not merely ready, but very anxious - to get into service overseas. I, therefore, ask that the Court in awarding punishment to the accused, take into consideration: first, that no vicious criminal traits have been adduced in his conduct; secondly, that he can be of a great deal more use and make himself much more happy overseas than in a penal institution.

- v v -

MEDICAL OFFICER'S REPORT

I certify that No. B649.73 Pte. Herman W

of A.10.C.I.T.C is in a GOOD state of health

and fit to undergo ~~Deserter~~ Trial by Court Martial

R.Butler Capt., RCAMC.
Medical Officer.
Att. A10. C.I.T.C.(CA).

Camp Borden, Ontario.

Date May 26th 1943.

SUMMARY OF EVIDENCE in the case of B64973 Rifleman Wilfred Herman, Queen's Own Rifles of Canada, C.A. Attached to A-10 Canadian Infantry Training Centre, C.A., charged with desertion.

The accused's rights in respect to a Summary of Evidence are explained to him.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS: B131847 Cpl. N. Gillies, General List, att. A-10 C.I.T.C., C.A., having been duly sworn, states:

"I am a corporal in No. 2 Coy. A-10 C.I.T.C., C.A., Camp Borden, Ont., to which Coy the accused is attached. At A-10 C.I.T.C., C.A., at 0600 hrs, 5 MAY 43, as barrack room corporal for No. 2 Coy, I called the reveille roll call and the accused failed answer his name. Immediately after calling the roll I made a thorough search of the barrack rooms, ablution hut and Coy. lines of No. 2 Coy., but the accused could not be found. I then reported him to No. 2 Coy. office as being absent without leave from 0600 hrs, 5 MAY 43. To the best of my knowledge the accused remained so absent without leave until his apprehension at Toronto, Ont. at 2130 hrs, 17 MAY 43."

The accused declines to cross-examine this witness.

N. Gillies
.....Cpl.
B131847 (N. Gillies) A-10 C.I.T.C., C.A.

SECOND WITNESS: C117004 Sgt. F.J. Keilty, H.& P.E.R., att. A-10 C.I.T.C., C.A., having been duly sworn, states:

"I am the Administrative Sergeant of No. 2 Coy. A-10 C.I.T.C., C.A., to which Coy. the accused is attached. At about 0730 hrs, on 5 MAY 43, the accused having been reported to me as being absent without leave from 0600 hrs, 5 MAY 43, I made a thorough search of the barrack rooms, ablution hut, and Coy. lines of No. 2 Coy. but the accused could not be found. To the best of my information, knowledge, and belief the accused remained so absent until he was apprehended at Toronto, Ont. at 2130 hrs, 5 MAY 43, dressed in military uniform. I identify the accused to be the person referred to in the following documents now shown to me:-

(a) M.F.M. 216 dated 18 MAY 43,

(b) M.F.B. 1481 dated 19 MAY 43."

The above mentioned documents are read over to the accused and marked Exhibits "A" and "B" respectively.

The accused declines to cross-examine this witness.

F.J. Keilty
.....Sgt.
C117004 (F.J. Keilty) A-10 C.I.T.C., C.A.

THIRD WITNESS: Lieut. J.A.C. Auld, Q.O.R. of C., att. A-10 C.I.T.C., C.A., having been duly sworn, states:-

"I am the Administrative Officer of No. 2 Coy, A-10 C.I.T.C., C.A to which Coy. the accused is attached. At A-10 C.I.T.C., C.A., at abou 1530 hrs., 3 MAY 43, the accused in my presence signed the warning fo

draft was produced by me after the same had been read by me to the accused, who stated that he thoroughly understood the meaning thereof. The draft for which the accused was warned proceeded overseas from Camp Borden, Ont., at about 2030 hrs, on 11 MAY 43. The accused was absent without leave at the time the draft left.".

The said warning for draft is marked Exhibit "C", and is read over to the accused.

The accused declines to cross-examine this witness.

J.A.C. Auld .....Lieut.
(J.A.C. Auld) A-10 C.I.T.C., C.A.

QUESTION TO THE ACCUSED: "Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED "No Sir".

W. Herman .....Rfn.
B64973 (W. Herman) A-10 C.I.T.C., C.A.

The accused declines to call any witnesses in his own behalf.

Rules of Procedure 4 (c) (d) (e) and (f) have been complied with.

Taken down by me in the presence of
the accused at Camp Borden, Ontario,
this nineteenth day of May, 1943.

J.H. Peters .....Capt. & Asst. Adjt.,
(J.H. Peters) Q.O.R. of C.,
A-10 C.I.T.C., C.A.

H.Q.C.55-H-284 JA

September 4th, 2.

SEP 5 1942
ORG.
A. D.

District Officer Commanding,
Military District No. 2,
TORONTO, Ontario.

District Court-Martial,
B.64973, Rfmn. Wilfred Herman,
Q.O.R. att'd A-10 I (A) T.C. C.A.

1. Receipt is acknowledged of your T.20-H-4951 dated 1st September, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularity has been noted in the proceedings:

(a) On the Convening Order, one of the members of the Court is described as "Captain T.A. Philips, etc." and on Page "A" of the proceedings it would seem that the same officer is described as "Captain T. Philips."

3. In other respects it appears that the Finding is supported by the evidence and the Sentence legal. The proceedings are therefore retained for custody.

for Brigadier,
Judge Advocate-General.

HFGE/amb

Noted
G. A. FERGUSSON
Lt. Col.
ORG. A. D.
SEP 7 1942

Copy on 405-H-8884

H.Q. C.55-H-284
M.D. T-20-H-4951 (AJAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-64973 Name HERMAN, W.

Rank Rfm. Unit Q.O.R., A-10 I. (A) T.C., C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Date of Crime 1. 12/7/42.

Date of Arrest 4/8/42. Charge. Signed 5/8/42.

Orders for D.C.M. D.O.C., M.D.#2.

Place and Date of Trial Camp Borden, Ontario, 19/8/42.

Sentence Detention 7 months and 15 days.

Date of Confirmation 24/8/42.

Date of Promulgation 27/8/42.

Entered in Records of J.A.G. as No. 6680

Date 4/9/42.

MEMO

H.F.G. Bridges, Lieut.
for Judge Advocate-General.

2M-7-42(M1291)

(10)

file 6680

CANADA

IN REPLY PLEASE QUOTE
No. T-20-H-4951
(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

1st, September, 1942.

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

CONFIDENTIAL

CENTRAL REGISTRY Army
PERS. SDC.
SEP 2 1942
File C 25-H-284
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
B-64973, Rfmn. Wilfred HERMAN,
Q.O.R. att'd A-10 I (A) T.C. C.A.

Herewith proceedings of the marginally noted District Court-Martial, the Findings and Sentence of which have been duly Confirmed and Promulgated, and the same are now forwarded for the custody of and registration by the Judge Advocate-General.

Robert Harvey Maj

(C.F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Court room, Camp Borden, Ontario, on the 19th day of August, 1942, by order of Major General C. F. Constantine, D. S. O., District Officer Commanding Military District No. 2., dated the 14th day of August, 1942.

President.
Major H. T. R. Gilmore,
A-28 Canadian Armoured Corps (Advanced) Training Centre, C. A.

Members.
Captain T. Phillips,
Royal Hamilton Light Infantry, att'd A-11 Infantry (Advanced) Training Centre, C. A.

Lieutenant B. M. Blackader,
23rd Army Tank Battalion, (Halifax Rifles), C. A.

Lieutenant E. E. Pearlman,
The Algonquin Regiment,
Headquarters, Military District No. 2.
, Judge Advocate.

Trial of* No. B-64973, Rfmn. Wilfred Herman, Queens Own Rifles of Canada, att'd A-10, I. (A). T. C., C. A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that xxxxxxxxxxxxxxxx is not available to xxxxxxxxxx to~~ x

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Lieut. W. A. Martin, (HLI) A-10, I.(A). T.C., C.A.

~~Counsel or~~ defending officer† Lieut. R. H. Baker, M.D. 1, A-10 I (A). T. C., C.A.

At 1:6 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings (Unit Part I Orders, 196, dated 18th Aug. '42, detailing Pros. & Def. Officer, marked "X-1" attached.)

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
10M—6-40 (5715)
H.Q. 1772-39-224

I have satisfied myself that none of the Officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court Martial.

H. T. Gilmore Major Pres.

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn. (See list marked "C" att'd.)

Q-2 Do you object to No. B-89360, S/Sgt. R. C. Sturgeon, No. 2 Det. C.M.S.C., H.Q.M.D. 2., acting as shorthand writer?

(No. B-89360, S/Sgt. R.C.Sturgeon, is duly sworn, as shorthand writer.)

A-2 No, sir.

Charge-Sheet

Instruction. *If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.*

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ all the charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

Answer.

A-3 Not guilty, sir.

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

Instruction. If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge.

F. Wilson Major
President

CHARGE SHEET

The accused, B64973 Rifleman Wilfred Herman, Queen's Own Rifles of Canada, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., a soldier of the Canadian Army placed on Active Service is charged with:

B-2

CHARGE
Section 12(1)(a) Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE,

in that he,

at Camp Borden, Ont., on 12 JUL 42, after having been warned to proceed for special duty, with intent to avoid so proceeding, absented himself without leave from A-10 I.(A) T.C., C.A., from 0200 hrs, 12 JUL 42, until apprehended by the military authorities at Toronto, Ont., at 0300 hrs, 4 AUG 42, dressed in civilian clothes. Total absence 23 days, 1 hour.

Rolland
Extra Duty

G Machell

(G. Machell) Major, Officer
Comdg A-10 Infantry (Advanced) Training Centre, C.A.

Camp Borden, Ontario,
5 AUG 42.

To be tried by District Court Martial

P. F. Cantlie Maj.
D.O.C.2.

Signed at Toronto Ont. this 14th day of Aug 1942

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.
Q-4

*Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.
A-4 No, sir.

---The Prosecutor declines to make an opening address.

~~The prosecutor makes an opening address thereof in a written address, which is read, marked xxxxxxx signed by the President, and attached xx to the proceedings.xx~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. No. A-4283, Sgt. J. E. KROPF, A-10, I. (A). T. C., C. A.,

being duly sworn, is examined by the prosecutor.

Q-5 What is your present employment?

A-5 Sergeant Instructor at the present time.

Q-6 Do you recognize the accused?

A-6 Yes, sir.

Q-7 The accused is charged with desertion. What is your evidence in that connection?

A-7 I was Corporal in charge of the Barrack room, and I called the roll shortly after Reveille, on the 12th of July, 1942, and the accused did not answer his name. I reported him to the Orderly Sergeant as being absent without leave, after making a thorough search of the Barrack room.

Q-8 You reported it to the Orderly Sergeant?

A-8 Yes, sir.

Q-9 Did you make a search of the Company area for the accused?

A-9 Yes, sir; I made a thorough search.

Q-10 You are satisfied he could not be found at that time?

A-10 Yes, sir.

Q-11 Your evidence is he was absent without leave from the 12th of July?

A-11 Yes, sir.

Q-12 Did he return at any time subsequent to that?

A-12 Not to my knowledge. I never saw him from the time I called the roll until he was apprehended.

Q-13 You would have known it, if he had been back?

A-13 Yes, sir.

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and Judge Advocate, it is not necessary to comply with R. P. 83 (b).

---The witness withdraws.

- - - - - - -

2nd witness for:
The Prosecution. No. B-79427, Cpl. Whyte, W., A-10, I. (A). T. C., C.A., being duly sworn, is examined by the Prosecutor:

Q-14 What is your present employment?

A-14 I am Administrative Corporal of No. 2 Company, A-10.

Q-15 How long have you been employed as such?

A-15 Approximately three months.

Q-16 Do you recognize the accused?

A-16 Yes, sir.

Q-17 He was a member of No. 2 Company?

A-17 Yes, sir.

Q-18 And his name?

A-18 Rifleman Herman.

Q-19 What is your evidence with regard to his alleged absence?

A-19 On the morning of July 12th, at 0730 hours, then Cpl. Kropf, who is now Sergeant, came to me and reported the accused did not answer his name at Reveille roll call. I made a thorough search of the lines, and did not find the accused anywhere, and I placed his name on the Absentee Report as of 0200 hours, as the accused had been on a daily pass the previous day, and at roll call he had been absent from 0200 hours.

Q-20 You are quite satisfied the accused could not be found at that time?

A-20 Yes, sir.

Q-21 Can you identify the person named in this document (indicating)?

A-21 The accused here, sir, (indicating).

THE PROSECUTOR: This is form 216, which I would like to file with the court.

(Form 216, marked exhibit "H" attached.)

Q-22 Now, the certificate of apprehension indicates that the accused was apprehended at Toronto. To the best of your knowledge, was the accused present at any time during that period?

A-22 No, sir, he was not.

Q-23 Would you have known it, in the course of your duties if he had returned?

A-23 Yes, sir.

Q-24 And further, did he at any time communicate with the Company in any way, send a message in, ---

A-24 There was never any message received in No. 2 Company, office at any time.

Q-25 Until the time of his apprehension?

A-25 Until the time of his apprehension.

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and Judge Advocate, it is not necessary to comply with R. P. 83 (b).

---The witness withdraws.

- - - - - -

3rd witness for: The Prosecution. Captain O. H. MACE, A-10, I. (A). T. C., C.A., being duly sworn, is examined by the Prosecutor:

Q-26 What is your employment?

A-26 At present 2 i/c No. 2 Company.

Q-27 Do you recognize the accused?

A-27 Yes, sir.

Q-28 Can you identify this document (indicating), and the person named in it?

A-28 Yes, he signed this document before me.

(Draft warning, marked exhibit "I" attached.)

Q-29 You identify the signature as that of the accused?

A-29 Yes, sir.

Q-30 At the time this warning was signed, were you satisfied that the accused understood fully the significance of it, and the provisions in it?

A-30 Yes, the draft warning was read to him by myself - amongst other people - and they were given permission to ask questions about it, and if they fully understood it, they said they did.

Q-31 How many people were being warned at the same time?

A-31 I cannot say exactly. Approximately 30 at the time he was warned.

Q-32 There was not such a large crowd, that he could not hear?

A-32 No, sir. Everybody was given full permission to raise their hands if they did not understand, and fully realize what it was.

Q-33 Did the draft in question subsequently leave Camp Borden?

A-33 Yes, sir.

Q-34 At what time and date?

A-34 At 1415 hours on the 18th of July.

Q-35 And proceeded over-seas?

A-35 Yes, sir.

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and Judge Advocate, it is not necessary to comply with R. P. 83 (b).

---The witness withdraws.

---The Prosecutor has no further witnesses.

- - - - - - -

D

The prosecution is closed.

Defence

Q-36 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A-36 *Answer.* Yes, sir.

Q-37 *Question.* Do you intend to call any other witness in your defence?

A-37 *Answer.* No, sir.

~~*Question.*~~ ~~Is he a witness as to character only?~~ ~~*Answer.*~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused ~~and of the witnesses for the defence including witnesses as to character~~ is recorded on a separate page (*see overleaf*).

~~*(Where the accused does not give evidence upon oath.)*~~

~~*Question to the accused.*~~ ~~Have you anything to say in your defence?~~

~~*Answer.*~~ ~~The accused in his defence says:~~

~~(Hands in a written address which is read, marked signed by the President and attached to the proceedings.)~~

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

1st witness for:
The Defence.

The Accused, No. B-64973, Rfmn. Wilfred Herman, Queens Own Rifles of Canada, att'd A-10 I. (A). T. C., C.A., being duly sworn, is examined by the Defending Officer:

Q-38 How old are you?

A-38 36, sir.

Q-39 Are you married or single?

A-39 Single.

Q-40 Where is your home?

A-40 Quebec City.

Q-41 When did you join the Army?

A-41 I joined the Army on the 20th of January, 1942.

Q-42 Why did you join the Army?

A-42 Because I thought it was my duty, and all my friends were there, and I figured I would like to get over-seas.

Q-43 Were you in the Militia?

A-43 Yes, sir.

Q-44 When did you join the Militia?

A-44 It was around the 29th of August, 1939.

Q-45 What Unit did you join?

A-45 The Queens Own Rifles.

Q-46 Whereabouts?

A-46 The University Armouries.

Q-47 Were you drilling at night in the militia

A-47 Yes, sir, three nights a week.

Q-48 Before joining the Army, what was your occupation in civil life?

A-48 I worked in aluminum and steel.

Q-49 Why were you taken off this steel job?

A-49 The boss I was working for figured I was kind of nervous, and maybe I might get into some accident, or something like that, so he thought I probably had better go and get another job somewhere.

Q-50 You were relieved of that job on account of your nervousness, the fear of accident, and possibly causing some damage?

A-50 Yes.

Q-51 After you were taken off the job, what happened then?

A-51 I went to get another job, and I worked at that job up until I joined the Army.

Q-52 Then you joined the Active service, did you not?

A-52 Yes, sir.

Q-53 How did you feel about joining the active service in the Army?

A-53 I was nervous of getting past the re-Board. I did not know whether I would get in or not, but I was trying my best. I was surprised after I passed the Board that I got in.

Q-54 You thought it would be best, when your nervousness was not getting any better, to apply to get by the Board in the Army than leave it to a later date?

A-54 Yes.

THE JUDGE ADVOCATE: I have given you a great deal of leeway, as regards leading questions. In matters of this nature it is not so important, but try and not put evidence into the mouth of the witness.

BY THE DEFENDING OFFICER:

Q-55 After joining the Army, where were you stationed?

A-55 For one week in the Exhibition Grounds, and then I was up in Guelph, at the Basic Training Centre.

Q-56 After doing your basic training, you went where?

A-56 Up to Borden here.

Q-57 Which Company in Borden were you posted to?

A-57 To No. 5 Company.

Q-58 How long were you in No. 5 Company?

A-58 I was there about three or four months.

Q-59 And then went where?

A-59 To No. 2 Company.

Q-60 On June 24th , last year, you signed a draft warning?

A-60 Yes, sir.

Q-61 Did you know the importance of the warning youhad signed?

A-61 Yes; I knew it was important. I knew it was for special duty over-seas.

Q-62 After signing this warning, what happened then?

A-62 There was not very much to do. We were cleaning up some of the things we had around the hut, getting ready to leave.

Q-63 Immediately after you signed this draft warning?

A-63 We got a pass for embar ation. leave, for four days.

Q-64 After this four days had expired, did you come back from that leave?

A-64 Yes, sir.

Q-65 You were back on time?

A-65 Yes, sir.

Q-66 Then you had quite a lapse of time; you came back from the four days on time - what happened?

A-66 They woke us up at five o'clock the same morning, and told us were were going out on Army week demonstration.

Q-67 Where did you go on this Army week?

A-67 To Penetang, and Colling wood and Midland, sir.

Q-68 On that Army week demonstration were you given any passes?

A-68 No, sir. The Commanding Officer told us we did not need any passes; to come back between 12 and one o'clock - that we were on our own.

Q-69 Were you ever absent on that four-day scheme?

A-69 No, sir.

Q-70 You were back every night?

A-70 Yes, sir.

Q-71 Did you return back to Camp Borden after the four-days' scheme, with the company you left with?

A-71 Yes, sir.

Q-72 And what did you do when you got back to Camp?

A-72 There was not very much to do; we were just working around the huts, and getting things ready for the draft.

Q-73 When did you leave Camp Borden, to go A. W. L?

A-73 I got a pass in the afternoon - I think it was on a Satur-

day - for Barrie. It was good until two o'clock in the morning.

Q-74 What kit did you take with you when you left?

A-74 I had no kit at all.

Q-75 What were you wearing?

A-75 I had my battle dress on, sir.

Q-76 Did you know when this draft for which you had signed the draft warning, left?

A-76 I did not have any idea.

Q-77 Why did you decide to go A. W. L?

A-77 Because I was not getting very much sleep and my nerves were all on the rocks, and I thought I would go A. W. L. so when I came back I would get re-boarded.

Q-78 Was it ever your intentuon to evade this draft?

A-78 No, sir.

Q-79 On July 12th, where did you go?

A-79 I was in Toronto for a little while, about one day, and from there I went to Montreal.

Q-80 What clothes were you wearing in Toronto?

A-80 I had my battle dress on all the time.

Q-81 Where did you go from Toronto?

A-81 I left there and went to Montreal. I was down there fourteen days or so.

Q-82 Why did you not go on to your home in Quebec City?

A-82 When I got to Montreal I started to think things over, and I did not want to get down there and get them to know what was happening, and make trouble for them, so I turned around and came back.

Q-83 After you had been in Montreal for a little over two weeks, what did you do?

A-83 I decided I had better change my mind and come back to Borden here, sir.

Q-84 You were apprehended in Toronto?

A-84 Yes, sir.

Q-85 How long were you there?

A-85 I was there only a few days.

Q-86 What clothes were you wearing?

A-86 I still had my battle dress on.

Q-87 When you were apprehended by the Military Police, where were you?

A-87 I was at 41 Ontario street, and I was sleeping in bed, sir.

Q-88 Did the Military Police come into your bed room?

A-88 Yes. I was sleeping when they came in, and they woke me up.

Q-89 What did they tell you to do?

A-89 They told me to hurry up and get my clothes on, and I was kind of excited, and did not know what was coming off.

Q-90 What clothes, in your excitement, did you put on?

A-90 I put on a pair of civilian pants I had on a chair in that room. I was going to press my uniform, and through my excitement I got mixed up and put these pants on.

Q-91 This bed you were sleeping in; had you slept there before?

A-91 Yes, that is where I used to stay when I was working - the same bed room.

Q-92 Were you living at that house when you joined the active service?

A-92 Yes, sir.

Q-93 Did you realize that you had put on civilian clothes?

A-93 I never realized I had these clothes on until I got downstairs by the door.

Q-94 Why did you not wear your uniform? Why did you not go back and get your uniform?

A-94 The reason why I could not get it on was they were in such a rush to get me out of there, that they just would not give me time to get it, and when I was in the car, they told me they would look after that, up here.

Q-95 Did you have your identification disc on at the time?

A-95 Yes, I put this disc on when I was warned for draft, and I have worn it ever since.

Q-96 Due to the nervousness and the mental strain you have been under, did you ever apply for a reboard?

A-96 Never, sir.

Q-97 Had it ever entered your mind to apply for it?

A-97 It did. I did not know just how to go about it; maybe they would not believe me, and would think I was trying to make up some kind of a story, or something.

Q-98 Coming back to Montreal; when you were in Montreal were you offered a job?

A-98 Yes, sir.

Q-99 Why did you not take the job?

A-99 The reason why I did not take the job, was because I had no intention of staying away. I had my mind made up to come back and get things straightened up.

CROSS-EXAMINED BY THE PROSECUTOR:

Q-100 On the 24th of June, you signed the warning for draft, what date was on that warning?

A-100 I never remembered the date.

Q-101 There was a date on it?

A-101 Yes, sir.

Q-102 And you have already given evidence to the effect that you understood - and Captain Mace, in his previous evidence, testified that you understood completely, what was in that warning for draft? You still don't know what date it was? Did you know at that time?

A-102 I understood it was the 12th of July.

Q-103 That the draft might move on the 12th, or any date thereafter?

A-103 Any time after.

Q-104 And you went absent on the 12th of July?

A-104 Yes, sir.

Q-105 Now, you give as your reason for going absent, the fact that your nerves were in bad condition, and you would get re-boarded. What made you think you would get re-boarded? What circumstance on your return, led you to believe that there might be an investigation? Is it customary when a man returns from absence without leave, if that was what you intended to re-board him?

A-105 I knew very well I was not fit to go over-seas.

Q-106 Had you any idea that you might miss the draft by leaving on the 12th, other than the fact that the date on the warning was the 12th? Did it occur to you that you might miss it?

A-106 I was not warned. I was not sure exactly when the draft was leaving.

Q-107 You said you were sure Now, nobody knows the exact date of a draft, but you knew that any time on or after the 12th of July, it might move?

A-107 Yes, sir.

Q-108 But, notwithstanding that, you were in Toronto for a day, even though the draft might have moved? And then you went to Montrea

A-108 My intention was to go down and see some of my people.

Q-109 The thought never occurred to you that during the period you were away, you might miss the draft?

A-109 I was not quite sure of the dates, exactly, when it was leaving, sir.

---At 12:05 o'clock, p. m. the Court adjourned until 2:00 o'clock, p. m. on the 19th August, 1942.

AFTERNOON SESSION.

Camp Borden, Ontario.
Wednesday, August 19, 1942.
2:00 o'clock, p. m.

- - - - - -

-------At 2:00 o'clock, p. m., on the 19th August, 1942, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

- - - - - -

---The further examination of this witness was continued.

---The Defending Officer declines to re-examine.

QUESTIONED BY THE COURT:

Q-110 When Court adjourned this morning you had just been asked a question, "Did the thought never occur to you that you might miss the draft". I want you to think carefully. You should be able to give either a "Yes" or "No" answer to that question. Anything further to a "Yes" or "No" answer, in order to explain your answer, may be given, but I think there should be a definite answer "Yes" or "No". Did the thought occur to you that you might miss that particular draft?

A-110 Yes, sir.

Q-111 It did occur to you?

A-111 Yes, sir.

Q-112 What did you plan to do about it? You thought you might miss the draft; what did you do about it?

A-112 I thought I was not exactly fit to go over-seas. I thought I might be able to get a re-board.

Q-113 In order to get that re-board, did you plan to miss the draft?

A-113 Yes, sir.

Q-114 You understood the draft was to leave on or after July 12th?

A-114 Yes, sir.

Q-115 And you were warned for that draft?

A-115 Yes, sir.

Q-116 Did you understand that by going absent, after having been warned, you would be treated as a deserter?

A-116 Yes, sir.

---In the opinion of the Court and Judge Advocate, it is not necessary to comply with R. P. (83(b).

- - - - - -

----The Defending Officer has no further witnesses.

---The Defence is closed.

- - - - - -

---The Prosecutormakes a closing address. (See document marked "J" attached.

---The Defending Officer makes a closing address (see document marked "K" attached.)

---In the opinion of the Court and Judge Advocate, a summing-up is not necessary.

- - - - - - - - - -

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. B-64973; Rfmn. Wilfred Herman, Queens Own Rifles of Canada, att'd A-10, I. (A). T. C., C.A. is guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Lieut. W. A. Martin, (HLI) A-10, I.(A). T.C., C.A., is duly sworn.

Evidence of character, &c.

Q-117 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-117; Yes, I produce M. F. B. 355 and certified copy of M. F. M. 6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y-Z, signed by the President, and annexed to the proceedings.

Q-118 *Question by the President.* Is the accused the person named in the statement which you have ~~heard~~ read? *Answer by the Witness.* A-118 Yes.

Q-119 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-119 Yes.

Q-120 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* -120 Yes.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and Judge Advocate, it is not necessary to comply with R. P. 83 (b).

Q-121 *Question to the accused.* Do you wish to address the Court? *Answer.* A-121 Yes, through my Defending Officer (see document marked "L" attached.)

The Court is closed for the consideration of the sentence.

34

F

Sentence

The Court sentence the accused No. B-64973; Rfmn. Wilfred Herman, Queens Own Rifles, of Canada, attached to A-10, I. (A). T. C. , C. A., to undergo detention for 7 months and 15 days.

Sentence. Detention; 7 months and 15 days.

Signed at Camp Borden, Ontario, this 19th day of August, 1942.

H. Gilmour (Major)
President.

E. E. Scardman (Lieut.)
Judge Advocate.

Confirmed.
P. J. Montague Mg.
D.O.C. 2

Signed at Toronto Ont. this 24th day of August 1942

PROMULGATED AND EXTRACTS TAKEN, at Camp Borden, Ontario, this twenty-seventh day of August, 1942.

J. H. Peters

(J.H. Peters) Lieut. & Asst. Adjt.,
for M.P.A. Hare, Lt.-Col.,
Comd. A-10 Infantry (A) Training Centre, C.A.

Extracts entered as No. 6680 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 4th day of Sept. 1942.

A. Perlman Major
President

X

ORDERS BY

Major-General C.F. Constantine, D.S.O.
District Officer Commanding,
Military District No.2.

Toronto, Ontario, 14th August, 1942.

District Court-Martial
No. B 64973, Rfmn. Wilfred Herman,
Queen's Own Rifles of Canada, C.A., att'd
A-10 Infantry (Advanced) Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Wednesday, 19th August, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major H.T.R. Gilmore,
A-28 Canadian Armoured Corps (Advanced)
Training Centre, C.A.

MEMBERS

Captain T.... Philips,
Royal Hamilton Light Infantry, att'd
A-11 Infantry (Advanced) Training Centre, C.A.

Lieutenant B.M. Blackader,
23rd Army Tank Battalion (Halifax Rifles) C.A.

WAITING MEMBER

Captain L. Lacerte,
24th Recce Battalion, (Voltigeurs de Quebec) C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Lieutenant E.E. Perlman,
The Algonquin Regiment,
Headquarters, Military District No.2.

OFFICERS ATTENDING FOR INSTRUCTION

The Commandant, Camp Borden, may detail 20 Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No.2.

SIGNED at Toronto, Ontario, this 14th day of August, 1942.

(M.H.A. Drury)
Lieutenant-Colonel
A.A. & Q.M.G. M.D. 2.

EEJ

H. T. Gilmore Major
Pres.

39

A.10 INFANTRY (ADVANCED) TRAINING CENTRE (CA)

CAMP BORDEN ONTARIO

PART I ORDERS

BY

LT.-COL. M. P. A. HARE

Last Part I Order No 195 dated 17 AUG 42 — No 196, 18 AUG 42

1. ORDERLY DUTIES

(a) Orderly Officer
For duty — 18 AUG 42 Lieut R L Harvey
Next for duty — 19 AUG 42 Lieut S J Reynolds
20 AUG 42 Lieut J Manion
21 AUG 42 Lieut V K Ross

(b) Orderly Sergeant
For duty — 18 AUG 42 Sgt Carless A A
Next for duty — 19 AUG 42 Sgt Stanley F
20 AUG 42 Sgt Holmes T

2. TRAINING PARADES

(a) For 19 AUG 42 all companies as per syllabus

3. DISTRICT COURT-MARTIAL

(a) B64973 Rfn W Herman
QOR att'd A.10 I(A)TC C.A.

The detail of Officers mentioned below will assemble at the Court Room Camp Borden Ontario on Wednesday 19th August 1942 at 11 o'clock a.m. (EDST) for the purposes of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them)

PRESIDENT	Major H T R Gilmore A28 CAC(A) TC CA
MEMBERS	Capt T A Philips RHLI att'd A.11 I(A)TC Lieut B M Blackader 23rd Army Tank Bn (Halifax Rifles) CA
WAITING MEMBER	Capt L Lacerte 24th Recce Bn (Voltigeur CA
PROSECUTOR	Lieut W A Martin HLI att'd A.10 I(A)TC
DEFENDING OFFICER	Lieut R H Baker MD 1 att'd A.10 I(A)TC
JUDGE ADVOCATE	Lieut E E Pearlman Algon Headquarters MD 2
OFFICERS FOR INSTRUCTION	Lieut R L Harvey Elgin att'd A.10 I(A)TC Lieut G D Papple MD 2 att'd A.10 I(A)TC

CERTIFIED TRUE COPY

A.P. ADJUTANT LIEUT.
A. 10 I. (A) T.C.

3. DISTRICT COURT-MARTIAL CONT'd

(b)The following are hereby duly warned that they will be required as witnesses on the above Court-Martial and under no circumstances are to leave the Unit lines from Reveille 19 AUG 42 until the Court-Martial is completed

A4283	Sgt Kropf J	2 Coy
B79427	Cpl W Whyte	2 Coy
	Capt O H Mace	2 Coy

(c)The commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial

(d)The Commanding Officer of each soldier brought before the Court for trial will if the accused requires it detail an interpreter for the trial of such soldier.

(e)The proceedings will be forwarded to Headquarters Military District No 2.

4. UNSANITARY POP BOTTLES

(a)Camp Borden Order No 2912 d/17 AUG 42 is republished below for the information and guidance of all concerned

Officers Commanding all Units are instructed that pop bottles must be returned to the Beverage Companies in a clean and sanitary condition Recent complaints from the Department of Health of Ontario show, in some cases, bottles have been returned full of urine. This deplorable and unsanitary practice must cease immediately.

5. ORDNANCE SERVICES

(a)Camp Borden Order No 2916 d/17 AUG 42 is republished below for the information and guidance of all concerned

Attention is directed to Camp Ordnance Officer's Circular Letter dated 6th August 1942 regarding Memoranda of Examination for Ordnance in connection with Routine Order 2210 dated 29th July 1942. These Memoranda are to be submitted to the Camp Ordnance Officer for furtherance to N.D.H.Q. and not direct to the District Ordnance Officer MD 2

J H Peters Lieut for ....Capt.
(W.T. Shrives)
Adjt., A10 Infantry (A) Training Centre CA

NOTICE - With reference to the proposed visit of H/Capt. Rabbi Samuel Cass to Camp Borden on Thursday, 20 AUG 42, it is notified for the information and guidance of all concerned that a meeting of all personnel of Jewish Faith will be held in the Educational Building Area E.6 at 1900 hours.

SOCCER - Wednesday, 19 AUG 42 - A10 vs RCAF at RCAF Field

Transportation has been arranged for all spectators wishing to attend. Trucks will be at HQ Coy at 1815 hrs.

SUPPORT YOUR TEAM SEE THE GAME

A. Wilson Major Pres.

OFFICERS ATTENDING FOR INSTRUCTION.

(Duly sworn).

- - - - - - - - - -

Lieut. R. L. Harvey,	A-10 I (A). T. C. C.A.
Lieut. G. D. Popple,	"
Capt. L. L. Bernstein,	A-22 R.C.A.M.C. T. C.
Capt. H. W. Blakeley,	"
Lieut. J. G. Nichols,	A-11 I. (A). T. C., C.A.
Lieut. A. H. Hindeman,	"
Lieut. R. E. Hyde,	A-9nC.A.C. (A). T. C. C. A.
Lieut. G. H. Millette,	"
2/Lieut. H. G. McCarty,	A-8 C.A.C. (A). T. C. C. A.
2/Lieut. K. K. Stokes,	"
Lieut. L. A. Bissonnette,	A-19 R.C.A.S.C. (A). T. C. C.A.
Lieut. W. G. C. Howland,	"

- -

EEC

Exhibit "H" EXHIBIT "A" 31P 1-4-H

Lt. Colonel Major President

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Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to service authorities)

I, Captain F.E. McMahon, A/OC No. 31 Coy. Cdn. Provost Corps
(Number) (Rank) (Name) (Unit)

hereby certify that B64973 Pte. HERMAN W.
(Number) (Rank) (Name in full)

of the QUEENS OWN RIFLES A-10 (A) T.C. Camp Borden
(Unit and attachment (if any))

was apprehended by ~~surrendered to~~ B35243 L/Cpl. Hammond S. &
(Number) (Rank)

B97659 Pte. Matthews N. of #31 Coy. Cdn. Provost Corps, C.A.
(Name) (Unit or appointment)

at 41 Ontario Street, Toronto, Ontario
(Place)

at 0300 hrs. on the 4th day of August 1942
(Hour)

as ~~a deserter or~~ absentee without leave), and that at the time of his arrest he was ~~wearing military clothing~~ (dressed in civilian clothes).

DATED AT 280 Lansdowne Avenue, Toronto, Ontario

this 4th day of August 1942

(Strike out words not applicable)

F. E. McMahon
(F.E. McMahon) Captain
(Signature, Number, Rank, Unit or appointment)
Officer Commanding
No. 31 Coy. Cdn. Provost Corps, C.A.

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216

This is Exhibit "A" referred to in the Summary of Evidence in the case of B64973 Rfn. W. Herman, taken before me at Camp Borden, Ont., this 5th day of Aug 42.

J. H. Peters ....Lieut. & Asst. Adjt.
(J. H. Peters) A-10 I.(A) T.C., C.A.

To: O.C. No.2 Coy. EXHIBIT "B" Exhibit "I"

From: _____ D. H. Mahoney Major Recruiting

Date: JUN 24 1942 47

R-64973 Pte. Herman H. R.C.R.

Warning for draft

1. This certifies that I have been duly warned for draft to proceed overseas on short notice after JUL 12 1942

I understand that should I be absent without leave when the draft moves, I may be proceeded against as a deserter.

Witness

W. B. Bayly

A. H. MacCoy Capt.

Herman H. _____

(OVER)

This is Exhibit "B" referred to in the Summary of Evidence in the case of B64973 Rfn. W. Herman, taken before me at Camp Borden, Ont., this 5th day of AUG 42.

J. H. Peters ....Lieut. & Asst. Adjt.
(J.H. Peters) A-10 I.(A) T.C., C.A.

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H. Robinson Major Pres.

THE PROSECUTOR: I have very little to say. The circumstances surrounding this charge are very clear. The absence has been established as having commenced at 0200 hours, on the 12th of July, and having ceased, on apprehension, at 0300 hours on the 4th of August. Further, the President of the Court in the questions just asked, has established the question of intention, which it might have been necessary for me to go into at some length to bring out. I was having difficulty with the accused in my questioning, and was not prepared to press the point.

I would like to point out two things brought forward by the Defence. First, the argument about the civilian clothes, which has absolutely no bearing on this case, as far as I am concerned. The charge reads "Having been warned to proceed for special duty, with intent to avoid the draft, absented himself without leave".

The fact that he was in civilian clothes during that absence has very little to do with it, except that it might have established, had it been necessary, that he was trying to avoid apprehension.

The mere statement of the accused that he intended to return to the Unit has no bearing on the case. He knew the draft was warned for the 12th of ~~xxxxxxxx~~ July, and I submit his intention was to evade that draft. His subsequent intentions have no bearing on the case at all, but his intention, upon his own admission, was to miss the draft, and that is the charge upon which he is being tried today.

Other than that I have nothing to say. I merely wanted to point these things out.

- - - - - - - - -

A. E. Gilmour Major.
Pres.

THE DEFENDING OFFICER: Mr. President and members of the Court: After hearing the evidence of the accused, as to just what happened, I submit to you that it never was his intention to desert the Army. He had, the draft in mind, as he admitted himself, but his intention, to my mind, was to return to his Unit, and he was on his way back at the time of his apprehension in Toronto, where he stayed over night at his former boarding house. Had he not been apprehended, he would have been back in Camp the next morning.

This chap is of a very nervous type, and his nervous and mental strain was too much. He knew he signed this document, and it preyed on his mind, and he thought with a reboard he would get his nerves settled up, and he wanted that before he proceeded over-seas. That was on his mind. While he was in Montreal he claimed he was offered a job, which he refused. That is another reason why I submit to you his intention was to return. He tell he has worked at several different jobs in civilian life, and has been let out of these jobs on account of his nerves. He must have been glad to havebeen in the Army, or else a couple of years ago he would not have taken such an interest in it as to go down to the Armouries and train at night, in the Militia, and then eventually join the Active Service, of his own free will. He has gone through his elementary training, his basic training, and I saw his crime sheet, and it only had a couple of minor offences on it. I suggest to you this purely another case to be treated as A. W. L., and this man should receive medical attention which he never got around to getting, after whatever sentence the court may award has been served.

I believe that is all I have to say, sirs.

- - - - - - - -

H. P. Gilmour Major. 2-I-53
Pres.

THE DEFENDING OFFICER: Gentlemen, I would like to bring out that the accused is, as you have seen, in a very nervous state in front of the court, and is not too overly bright. I believe he wants to go over-seas, and he figured on going. Had he gone with his own Unit, he might have been a burden to them after getting over. I ask you to be lenient in the way of punishment, as it would be better to fix him up, and there is no sense in filling up the Detention Barracks, when men are needed over seas to bring this war to a successful conclusion.

I ask the Court for leniency.

- - - - - - - - -

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A. T. Gilmore Major
Pres.

M.F.B. 355
22M—5-41 (379-2)
H.Q. 1772-39-620
A.F.B. 206

55

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment
B64973	Rifleman	W. Herman,	Queen's Own Rifles of Canada, C.A.

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For AWL	3 times		AWL	3 times
For	times			times
For	times			times
For	times			times

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 215 days in military custody, making a total of 215 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 26 yrs, 6 mos, 28 dys.

6. The date of his attestation specified in his attestation paper is 20 JAN 42.

7. The service which the accused is allowed to reckon towards discharge is 6 mos, 30 dys.

8. The accused is entitled to reckon 6 mos, 30 dys, service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no military decoration, or military reward (or is in possession of or entitled to). State any military decoration or reward. Nil.

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of ..... Permanent Force unit ..... dated ....., and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Name ..... of ..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ..... day of AUG 42.

J.H. Peters (J.H. Peters) Lieut. & Asst. Adjt.,
A-10 Infantry (A) Training Centre, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

A.I. Gilmour Major
Pres.

B 64974 RFMN HERMAN Wilfred. Name | Sqn., Battery, or Company #2.D.D. (AF) QOR I Wing, Corps | Date of enlistment 20 1 42 | G.C. Badges | Service or Proficiency Pay | Character

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. (J. Bradley) Capt.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				S.O.S. #2 D.D. FEB 6 1942				(J. Bradley) Capt.	
Toronto Guelph, Ontario	28-2-42	Rfmn.		AWL from 2200 hrs. 28-2-42 to 1534 hrs. 20-3-42	L/C Blake	14 days' Det.	21-3-42	Maj.Garrod	25 days' FOP F.R.&I. Cost of APP. $2.56 (PT.III.O. #29)
Guelph, Ontario	15 Apr	"		AWL from 2200 hrs. 15-4-42 to 1124 hrs. 19-4-42	Cpl.Sisson	FOP: 6 DAYS 14 days CB cost of appre. $2.37	27-4-42	Maj.Garrod	FOR: 4 days FR&I 149
Camp Borden	1 JUN 42	Rfmn		T.O.R. A-10 I.(A) T.C. from B.T.C. Guelph, Ont. Pt. II D.O. No. 113 d/14 May 42. AWL from 0230 hrs. 1 June 42 to 2200 hrs. 3 June 42. A.A.15 I	Sgt.Hyslop Cpl.Esson	7 days C.B. 5 days Pay A.A.46	5 June42	Eff. 14 May 42 Lt.-Col. Hare	Forfeits 3 dys pay FRI

CERTIFIED TRUE COPY (J.H. Peters) Lieut. & Asst. Adjt. A-10 I.(A)T.C., C.A.

(P.T.O.)

MEDICAL OFFICER'S REPORT

I certify that No. B.44973 Pte. Herman W

of D.L.O.R.C. is in a fit state of health,

and able to undergo Trial by Court Martial ~~Reduction~~

H. Duff

Medical Officer Capt RCAMC

Camp Borden, Ontario

Date 6 August 42

SUMMARY OF EVIDENCE in the case of B64973 Rifleman Wilfred Herman, Queen's Own Rifles of Canada, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., charged with desertion.

The accused's rights in respect to a Summary of Evidence are explained to him.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS: A4283 Sgt. J.E. Kropf, R.C.R., att. A-10 I.(A) T.C., C.A., having been duly sworn, states:-

"I am a sergeant attached to No. 2 Coy. A-10 I.(A) T.C., C.A., Camp Borden, Ont. On 12 JUL 42, I was a corporal attached to No. 2 Coy. to which Coy. the accused is attached. At 0700 hrs, 12 JUL 42, as barrack room corporal for No. 2 Coy., I called reveille roll call and the accused failed to answer his name. Immediately after calling the roll I made a thorough search of the barrack rooms, ablution hut and Coy. lines of No. 2 Coy., but the accused could not be found. I then reported him to No. 2 Coy. office as being absent without leave from 0700 hrs, 12 JUL 42. To the best of my knowledge the accused remained absent without leave until his apprehension at 0300 hrs, 4 AUG 42."

The accused declines to cross-examine this witness.

J. Kropf .....Sgt.
A4283 (J.E. Kropf) A-10 I.(A) T.C., C.A.

SECOND WITNESS: B79427 Cpl. W. Whyte, Irish Reg't., att. A-10 I.(A) T.C., C.A., having been duly sworn, states:-

"I am the administrative corporal for No. 2 Coy. A-10 I.(A) T.C., C.A., Camp Borden, Ont., to which Coy. the accused is attached. Sergeant (then corporal) Kropf reported to me on the morning of 12 JUL 42, at about 0730 hrs, that Rfm. Herman did not answer his name at reveille roll call. I then made a thorough search of the barrack rooms, ablution hut and Coy. lines of No. 2 Coy., but the accused could not be found. As he had been on daily pass, I entered his name on the absentee report, as being absent without leave from 0200 hrs, 12 JUL 42, at which time his daily pass expired. To the best of my knowledge the accused remained so absent until he was apprehended at Toronto, Ont., at 0300 hrs, 4 AUG 42. I identify the accused to be the person referred to in the document now shown to me:-

(a) M.F.M. 216 dated 4 AUG 42."

The above mentioned document is read over to the accused and marked Exhibit "A".

The accused declines to cross-examine this witness.

Wm Whyte .....Cpl.
B79427 (W. Whyte) A-10 I.(A) T.C., C.A.

THIRD WITNESS: Capt. O.H. Mace, Calgary Highlanders, att. A-10 I.(A) T.C., C.A., having been duly sworn, states:-

"I am the Officer Commanding No. 2 Coy. A-10 I.(A) T.C., C.A., Camp Borden, Ont., to which Coy. the accused is attached. At A-10 I.(A) T.C., C.A., on 24 JUN 42, in No. 2 Coy. office the accused in my presence signed the warning for draft now produced by me after the same had been read by me to the accused, who stated that he thoroughly understood the meaning thereof. The draft for which the accused was warned proceeded overseas from Camp Borden, Ont., at about

1415 hrs, [illegible]JUL 42. The accused was absent without leave at the time the draft left."

The said warning for draft is read over to the accused and marked Exhibit "B".

The accused declines to cross-examine this witness.

.....Capt.
(O.H. Mace) ~~A-10 I.(A)~~ T.C., C.A.

QUESTION TO THE ACCUSED: "Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED: (Having been duly sworn) "I admit that I went absent without leave from A-10 I.(A) T.C., C.A., Camp Borden, Ont., from 0200 hrs, 12 JUL 42, until I was apprehended at Toronto, Ont., at 0300 hrs, 4 AUG 42. I would like to make the following statement in respect to my actions. I am subject to nervousness and to a nervous condition which I can't explain, but which frequently gets me all mixed up on occasions when I am surprised, or under any tension, and for a long period I have been afraid that this would effect my ability to soldier. I really wanted to be re-boarded for this condition, but I did not ask for it because I believed that the condition would reveal itself, and I would eventually be automatically re-boarded. I had this in mind when I went absent without leave. I did not intend to desert in the true sense of the word, but I wanted a re-board, and as I hadn't received it, I wanted to have a chance again to get re-boarded and figured by going away and missing the draft I would have that chance. I always intended to come back to A-10 I.(A) T.C., C.A., and had refused work in Montreal and had returned to Toronto with that in mind. With regard to being in civilian clothes I have this to say: I had not stopped wearing my uniform. When I was apprehended, I was in bed and my uniform was hanging on the wall. When I arrived at Camp Borden, I was in civilian clothes, but that was because I was so excited on being apprehended and nervous that I put on the first thing I saw, which was my civilian clothes. They were handy because I had worn them on occasions in the house. I definitely state that, however, knowing that I am under oath, that I never wore anything but my uniform outside of the house. I have nothing further to say at this time."

.....Rfn.
B64973 (W. Herman) A-10 I.(A) T.C., C.A.

The accused declines to call any witnesses in his own behalf.

Rules of Procedure 4 (c) (d) (e) and (f) have been complied with.

Taken down be me in the presence of the accused at Camp Borden, Ontario, this fifth day of August, 1942.

.....Lieut. & Asst. Adjt.,
(J.H. Peters) Q.O.R. of C., A-10 I.(A)T.C., C.A.

FLASH NUMBER TWO

FLASH NUMBER TWO

FLASH NUMBER TWO

FLASH NUMBER TWO

FLASH NUMBER TWO

H.Q.C. C.55-H-285 **CONFIDENTIAL**

M.V.D. 1019
TUM—6-46 (5000)
H.Q. 351-1-46

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

405-A-81 95

SUBJECT DISTRICT COURT-MARTIAL

PTE. S.B. HUBBARD, A-58394

R.C.R. A-10 I. A T.C. C.A.

DEAD

CONFIDENTIAL
H.Q.C. C.55-H-285

CENTRAL REGISTRY	DATE	FILE OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				A.G.	With papers	CR	16/9/42
SEP 1 9 1942	9/42	PA	Int	A.D.	Council & P.A	Eth.	18-9-42

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry needlessly. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified immediately a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

COUNTER NUMBER 52130

HOUR 10:55

OPERATOR'S INITIALS C.C.P.

RELIEVING OPERATOR AWD

79192

IN REPLY PLEASE QUOTE
No. T-20-H-4942
(AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

25th, September, 1942.

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

CONF. SEC.
SEP 28 1942
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
A-58394, Pte. S.B. HUBBARD,
R.C.R. A-10 I (A) T.C. C.A.

May the proceedings of the marginally noted District Court-Martial be returned to this Headquarters for consideration of an application for Remission of Sentence.

2. As soon as the same have served their purpose, they will be returned for the custody of the Judge Advocate-General.

(C.F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

NAT. DEF. B. 448
2,000 M—4-42 (4322)
H.Q. 1772-39-767

H.Q.C.55-H-285 (JAG)

September 18, 1942.

District Officer Commanding,
Military District No. 2,
Toronto, Ont.

Re: DISTRICT COURT-MARTIAL
A-58394, Pte. Hubbard, S. B.,
R.C.R., A-10 I. (A) T.C., C.A.

Receipt is acknowledged of your T-20-H-4942 (AJAG) dated 15th September, 1942, under cover of which you forwarded, for registration and custody, Proceedings of the marginally-noted District Court-Martial.

2. The following irregularities have been observed:

(a) The letters and words "C.A. and Attached" should have been inserted between the name of the Regiment and the attachment of the Judge Advocate on page A of the Proceedings.

(b) The permanent grade of the shorthand writer should have been set out before the Acting Rank, which latter should have been in brackets.

(c) In M.F.B. 375, the attachment of the accused was not shown in the fifth line and the Regiment was not shown in the 8th line.

(d) It is thought that the cost of meals in M.F.B. 1482 should have been more particularized.

3. It is not considered necessary to return the Proceedings which are accordingly retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

Noted for G. A. FERGUSON LT. COL. A.G.

SEP 19 1942

Brigadier,
Judge Advocate-General.

EBB/S.

Copy on 405-H-8195

H.Q. C.55-H-285
M.D. T-20-H-4942 (AJAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. A-58394 Name HUBBARD, S.B.

Rank Pte. Unit R.C.R., A-10 I. (A) T.C., C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Date of Crime 10/6/42.

Date of Arrest 27/7/42. Charge. Signed 13/8/42.

Orders for D.C.M. D.O.C., M.D.#2.

Place and Date of Trial Camp Borden, Ontario, 27/8/42.

Sentence Detention 150 days and stoppages of $16.60.

Date of Confirmation 8/9/42.

Date of Promulgation 11/9/42.

Entered in Records of J.A.G. as No. 6747

Date 17/9/42.

MEMO 90 days' detention remitted by the confirming authority.

E.R. Ruegg Capt
for Judge Advocate-General.

2M-7-42(M1291)

6747

6

IN REPLY PLEASE QUOTE
No. T-20-H-4942 (AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

No FILE

15th September 1942
Headquarters, Military District No.2,
159 Bay Street, Toronto, Ontario.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
PERS. SEC.
SEP 16 1942
File
Referred to
Date

District Court-Martial
A-58394, Pte. HUBBARD, S.B.,
R.C.R., A-10 I.(A) T.C., C.A.

Herewith Proceedings of the marginally noted District Court-Martial which have been duly confirmed with a remission and promulgated.

2. The Proceedings are now forwarded for the custody of and registration by the Judge Advocate-General.

for Robt. Harvey Major
(C.F. Constantine)
Major-General
District Officer Commanding,
M.D. 2.

N.D. 20
1500M-2-42 (3466)
H.Q. 1772-101-23

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General~~ District Courts-Martial

Proceedings of a District Court-Martial held at the Court Room, Camp Borden, Ontario, on the 27th day of August, 19 42, by order of Major-General C.F. Constantine, D.S.O., District Officer Commanding Military District No. 2, dated the 24th day of August, 19 42.

President.

Major L.G. Black,
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Members.

Captain T.H. Taylor,
A-19 Royal Canadian Army Service Corps (Advanced) Training Centre, C.A.

Lieutenant L.P. Gagnon,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Lieutenant E.E. Pearlman,
The Algonquin Regiment, Headquarters, Military District No. 2, Judge Advocate.

Trial of *No. A58394 Private Sylvester Budd Hubbard, Royal Canadian Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A.

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves that Capt. L.S. Fomm, A-19 RCASC(A) TC C.A. is not available to serve owing to illness.

Capt. T.H. Taylor, A-19 RCASC(A)TC C.A., waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Lieut. W.A. Martin, HLI att'd A.10 I(A)TC, C.A.

defending officer† Lieut. L.J. Brady, ESR A.10 I(A) TC, C.A.

At 10:20 a.m. o'clock the Trial commences.

The order convening the Court is read, and is marked "X"; signed by the President, and attached to the proceedings. Unit Order No. 203, dated 26 AUG 42, detailing Prosecutor & Defending Officer, is marked "X-1" attached

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Forms B. 271
15M—9-41 (1762)
H.Q. 1772-36-224

I have satisfied myself that none of the Officers d members of this Court have previously served upon any Inquiry respecting the matters forming the subject of before this Court-Martial.

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn.(See attached list marked "G")

Q-2 Do you object to No.B-83584,A/Sgt.F.J.McGuigan,Camp Borden Det.C.M.S.C. att'd.Camp Headquarters,Camp Borden,Ont.,acting as short-hand writer?

A-2 No, sir.

(No.B-83584,A/Sgt.F.J.McGuigan,Camp Borden Det.C.M.S.C.,att'd.Camp Headquarters,Camp Borden,Ont.,is duly sworn as short-hand writer.)

---See Page H for Minute of Adjournment & Reassembly.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the charge against you, which you have heard read? *Question to the accused.*

A-3 Not guilty, sir. *Answer.*

Answer.

Answer.

Answer.

The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 86(B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

Lt Beauchamp
for

B2.3

CHARGE SHEET

The accused, A58394 Private Sylvester Budd Hubbard, Royal Canadian Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., a soldier of the Canadian Army placed on Active Service is charged with:-

CHARGE
Section 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he,

at Camp Borden, Ont., on 10 JUN 42, after having been warned to proceed for special duty, with intent to avoid so proceeding, absented himself without leave from A-10 I.(A) T.C., C.A., from 0600 hrs, 10 JUN 42, until apprehended by the military authorities at Leamington, Ont., at 2200 hrs, 27 JUL 42. Total absence 47 days, 16 hrs.

Together with cost of apprehension:-

Railway fare, Windsor to London and return (escort)	$ 4.05
Railway fare, Windsor to London (accused)	2.05
Railway fare, Camp Borden to London and return (escort)	5.50
Railway fare, London to Camp Borden (accused)	2.75
Meals	2.25
Total	$16.60

G Machell

(G. Machell) Major,
Comd. A-10 Infantry (Advanced) Training Centre, C.A.

Borden, Ontario,
JG 42.

To be tried By District Court Martial
P. J. Montgomery Maj.
D.O.C.2

Signed at Toronto this this 21st day of August 1942

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Question. Q-4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A-4 Answer. No, sir.

~~The prosecutor makes an opening address (handing a written address, which is duly marked xxxxxx, signed by the President, and attached to the proceedings).~~

---The Prosecutor declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution. No.B-79427, Corporal W. WHYTE, Irish Regiment, attached A-10 I. (A) T.C., C.A.,

being duly sworn, is examined by the prosecutor.

Q-5 Cpl. Whyte, what is your present employment?

A-5 I am administrative corporal of No. 2 Coy. A-10.

Q-6 Do you recognize the accused?

A-6 Yes, I do, as Pte. Hubbard. He is attached to No. 2 Coy.

Q-7 I have here a series of documents which I want you to, in turn, identify. I want you to identify the person named in them. This is M.F.B. 375?

A-7 It refers to Pte. Hubbard, the accused, sir.

(M.F.B.375, read to the Court, marked Exhibit "I" signed by the President, and attached to the Proceedings.)

Q-8 Again, Cpl. Whyte, will you identify the person named in this document (indicating)?

A-8 Pte. Hubbard, the accused, sir.

BY THE PROSECUTOR: This is M.F.B.216, Certificate of Apprehension

(M.F.B.216, Certificate of Apprehension, read to the Court, marked Exhibit "J", signed by the President, and attached to the Proceedings.)

Q-9 Will you identify, in turn, each of these: M.F.B. 1481 dated 28th of July, 1942?

A-9 It refers to the accused, sir.

(M.F.B.1481 dated 28 JUL 42 read to the Court, marked Exhibit "K", signed by the President, and attached to the Proceedings.)

Q-10 M.F.B.1481 dated 7th day of August, 1942?

A-10 It refers to the accused, sir.

(M.F.B.1481 dated 7 AUG 42 read to the Court, marked Exhibit "L" signed by the President, and attached to the Proceedings.)

Q-11 M.F.B.1482 dated 7th of August, 1942?

A-11 It refers to the accused, sir.

(M.F.B.1482 dated 7 AUG 42 read to the Court, marked Exhibit "M", signed by the President, and attached to the Proceedings.)

Q-12 We have established the fact that the accused went absent on the 10th day of June and that he was apprehended on the 27th of July. Was the accused continually absent during that period?

A-12 He was.

Q-13 You would have known if he had returned at any time?

A-13 Yes, sir. The lines were carefully searched every day. The accused was not anound at any time.

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - - - -

2nd witness for: The Prosecution. Captain O. H. MACE, Calgary Highlanders, att'd. to A-10 Infantry (Advanced) Training Centre, C.A., being duly sworn, is examined by the Prosecutor :-

Q-14 What is your employment at A-10 I.(A) T.C?

A-14 At the present time as 2 i/c of No. 2 Coy?

Q-15 Do you identify the accused?

A-15 Yes (indicating the accused), Pte. Hubbard.

Q-16 He was a member of your company?

A-16 Yes, he was.

Q-17 We have here a document. Will you identify the person named in it and also identify the document?

A-17 This is a draft warning signed by Pte. Hubbard in my presence.

Q-18 Will you read the warning to the Court and identify both the signature of the accused and of the witness, please?

A-18 "To O.C. No. 2 Coy, from A-58394, Pte. Hubbard, S.B. (Kent Regt) June 2nd, 1942. Warning for draft. One: This certifies that I have been duly warned for draft to proceed overseas on short notice after June 11th, 1942. Two: I understand that should I be absent without leave when the draft moves, I may be proceeded against as a deserter." It is signed by "S.B. Hubbard". The witnesses are myself and Lieut. W.S. McBean.

(Warning for Draft marked Exhibit "N", signed by the President, and attached to the Proceedings.)

Q-19 Did the draft for which the accused was warned leave Camp Borden subsequent to the 11th of June?

A-19 Yes, sir. It left on the 12th of June, 1942.

Q-20 Was the accused present?

A-20 No, sir.

---The Defending Officer declines to cross-examine.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-21 Is there any doubt in your mind that the accused understood the nature of the draft warning?

A-21 No, sir.

Q-22 What makes you say that?

A-22 Because when that draft warning was read out, anybody that did not understand it was given an opportunity to raise their hands, and no one raised their hands, in the group.

Q-23 The accused was in the group?

A-23 Yes, sir.

Q-24 Did you actually see him sign Exhibit "N"?

A-24 Yes, sir.

Q-25 And that is your signature?

A-25 Yes, sir.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - - -

---The Prosecution has no further witnesses.

---The Prosecution is closed.

- - - - -

D

~~The prosecution is closed.~~

Defence

Q-26 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A-26 *Answer.* Yes, sir.

Q-27 *Question.* Do you intend to call any other witness in your defence?

A-27 *Answer.* Yes, sir.

Q-28 *Question.* Is he a witness as to character only? *Answer* A-28; No, sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

~~*(Where the accused does not give evidence upon oath)*~~

~~Q-29 *Question to the accused.*~~ Have you anything to say in your defence?

Answer. ~~The accused in his defence says:~~

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings]~~

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

D-3

The Accused, No. A58394 Private Sylvester Budd Hubbard, Royal Canadian Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., being duly sworn, is examined by the Defending Officer :-

Q-29 How old are you?

A-29 22, sir.

Q-30 Where do you live?

A-30 Wheatley, Ontario.

Q-31 That is in Ontario - a town near Chatham?

A-31 That is right, sir.

Q-32 Are you married or single?

A-32 Married.

Q-33 When were you married?

A-33 The 20th of December, 1941.

Q-34 What military experience, if any, did you have before becoming a member of the Active Army?

A-34 I served with the 1st Kent Regiment while they were a militia unit. Later, I transferred to the 2nd Kent Regt. Militia.

Q-35 When did you join the 1st Kent Regiment Militia?

A-35 Approximately April or May of 1940.

Q-36 How old were you then?

A-36 19, sir.

Q-37 How long were you in the 1st Kent?

A-37 Until August of that year.

Q-38 Who was the Commanding Officer of the 1st Kent while you were a member?

A-38 Lt.-Colonel Codlin.

Q-39 Did he become the Officer Commanding the 1st Kent Regiment when they went Active?

A-39 Yes, sir.

Q-40 And, as far as you know, he has since continued to be the Officer Commanding that unit?

A-40 Yes, sir.

Q-41 When the 1st Kent were mobilized as an Active unit, you joined

the 2nd Kent Regiment, did you?

A-41 Yes, sir.

Q-42 How long were you with the 2nd Kent Regiment?

A-42 Until I was called to No. 12 Basic Training Centre on the 2nd day of October, 1941.

Q-43 You were called for service?

A-43 Yes, sir.

Q-44 Before being called up, had you made any effort to enlist in the Air Force?

A-44 Yes, sir.

Q-45 When?

A-45 September, I believe - the latter part of August and the first part of Sept.'41.

Q-46 What effort did you make?

A-46 I attempted to enlist at Windsor Recruiting Depot and I was refused because of a nose ailment.

Q-47 You applied for enlistment in the R.C.A.F. at the Windsor Depot and were refused because of a nose ailment?

A-47 Yes, sir.

Q-48 Did you make any other effort to enlist in the Air Force?

Q-48 They told me to see a specialist and I went to Dr. Dwyte Hendricks and had my nose X-rayed. I intended to have an operation on it and they told me it might succeed and come back in a few month's time and they would reconsider it. I was called into No. 12 Basic Training centre before I had it fixed.

Q-49 In what capacity, did you apply for enlistment in the Air Force - as what?

A-49 Wireless gunner.

Q-50 You reported after receiving your call to No. 12 (B) T.C. at Chatham?

A-50 Yes, sir.

Q-51 What was your occupation at the time you reported to Basic Training Centre, Chatham?

A-51 I was welding at Canada Top and Body Corp'n.

Q-52 You were a welder by trade?

A-52 Yes, sir.

Q-53 What education have you had?

A-53 3 years high school.

Q-54 Your father who will be called as a witness is the reeve of the town of Tilbury, I believe?

A-54 Yes, sir.

Q-55 You were living in Tilbury before your marriage?

A-55 Yes, sir.

Q-56 He is also, I believe, President of the Tilbury branch of the Canadian Legion?

A-56 Yes, sir.

Q-57 You reported to Basic Training Centre at Chatham. How long were you there?

A-57 I served 5 weeks there.

Q-58 What happened while you were at the Basic Training Centre at Chatham with respect to your going active?

A-58 Wel , I didn't want to remain a trainee, and naturally I picked the Kent Regiment. I had served with them and I knew a lot of the officers and men of the Kent Regiment and I wished to turn Active with them and at the same time and Trade School officer came around to get recruits for the Army Trade School. At the same time that I was considering, this Trade School officer interviewed us with regard to taking an Army trade. That could only be done through turning Active, so I was sworn into the Kent Regiment with the understanding that I should obtain a trade course.

Q-59 Did you want to go Active with any other unit except the Kent Regiment?

A-59 No, sir.

Q-60 The Kent Regt. was recruited from the Chatham, Tilbury, and Wheatley district, was it not?

A-60 Yes, sir.

Q-61 As you said, you knew many of the officers and men in the unit because of your association with them while a reserve of the unit?

A-61 That is right, sir.

Q-62 Where was the Active Kent Regiment at the time you went Active?

A-62 I believe in Debert, N.S.

Q-63 At the time you went Active, was it definitely understood by you as to the unit that you were becoming attached to?

A-63 I was given to understand that a soldier signing of his own free will to a regiment had his right to go to it.

Q-64 What did you understand you regiment would be?

Q-64 The 1st Kent Regiment.

Q-65 When did you go Active? You told us you were at the Chatham Training Centre. To the best of your knowledge, when did you go Active?

A-65 It was the 2nd week of October, sir.

Q-66 At that time you were at the Basic Training Centre at Chatham. What happened after that?

A-66 I continued with my Basic Training at No. 12 (B) T.C. for a period of 5 weeks.

Q-67 While you were at the Basic Training Centre at Chatham, was any suggestion made to you that you might be able to become an N.C.O. while there?

A-67 Yes, sir.

Q-68 What was that? What was said to you and what happened?

A-68 Mr. Treadgold, our platoon commander, offered me the opportunity of going to an N.C.O. Training School and returning to the staff in Chatham.

Q-69 What did you say to that?

A-69 I told him that I preferred to go with the Kent Regiment, and I wanted my trade training.

Q-70 Then what happened?

A-70 I was accepted for the Trade School and transferred to Kitchener.

Q-71 What did you do at Kitchener?

A-71 I attended the Army Trade School for approximately two months and three weeks.

Q-72 Learning what trade?

A-72 Motor mechanics.

Q-73 Did anything happen at the Trade School regarding your affiliation with the Kent Regiment?

A-73 I was still under the impression I would go there when my training was complete.

Q-74 What happened at Kitchener after you had finished at the Trade School there?

A-74 I had not completed my Basic Training in Chatham, so I was transferred into the Kitchener Training Depot - No. 10 Basic Training Centre.

Q-75 Before you left the Trade School at Kitchener, were you told anything as to what was going to happen to you?

A-75 We were told we would be proceeding to advanced Trade School in either London or Hamilton on the completion of our Basic Training.

Q-76 Did you complete your basic training?

A-76 Yes, sir.

Q-77 Where?

A-77 In Kitchener.

Q-78 While you were at Kitchener, was any offer of promotion made to you?

A-78 Yes, sir.

Q-79 When? You don't have to remember the exact date.

A-79 The 3rd week I was in the training centre, I believe.

Q-80 The third week while you were doing your basic training what happened?

A-80 Mr. Campbell our platoon commander and my company commander interviewed me in the company orderly room and I was offered the chance of another N.C.O's. course and a staff job there.

Q-81 What did you say to that?

A-81 I refused for the same reason I had in Chatham.

Q-82 That reason was that you wanted to get to the Kent Regt. after completing your trade training, is that right?

A-82 That is right, sir.

Q-83 After you completed your basic training at Kitchener, where were you sent?

A-83 A-10, Borden.

Q-84 Where you have been, since?

A-84 Yes, sir.

Q-85 What company were you first posted to after coming to A-10?

A-85 No. 1 Company.

Q-86 When did you arrive at A-10?

A-86 March 10th, 1942.

Q-87 You went into No. 1 Coy?

A-87 Yes, sir.

Q-88 How long were you there?

A-88 I am not positive, sir, three to five weeks.

Q-89 While you were in No. 1 Coy, was there any offer of promtion made to you?

A-89 Mr. Brier, our platoon commander, asked me if I was interested in going to the School of Instruction here in Borden ?

Q-90 To take a course ~~xx~~ which, if you succeeded, would qualify you as an N.C.O.?

A-90 Yes, sir.

Q-91 What did you say to that?

A-91 I turned it down.

Q-92 Where did you go from there?

A-92 To No. 4 Coy.

Q-93 How long were you there?

A-93 Only a matter of a week or a week and a half.

Q-94 Where did you go then?

A-94 To No. 2 Coy.

Q-95 Up until the time you went to No. 2 Coy, was there any thought in your mind that you belonged to any other unit than the Kent Regt?

A-95 No, sir.

Q-96 What happened after you got to No. 2 Coy?

A-96 We went on with your advanced training for approximately 5 weeks.- up until the time we were called up for this draft.

Q-97 Tell the Court about being called out for this draft, as you put it?

A-97 The whole company was called out on the parade square ....

Q-98 Just a moment. I want to get the date of this that you are telling us about. Was it the date that the draft warning was signed or the day before, to the best of your recollection?

A-98 The day before, sir.

Q-99 You were then a member of No. 2 Coy?

A-99 Yes.

Q-100 Go ahead.

A-100 We were called out on the parade square - the whole company. Our names were called out according to the regiment to which we belonged. I was called with the two other Kents and we were put in a group by ourselves. I was under the impression that the 3 of us were going to the Kent Regiment.

Q-101 No. 2 Coy. is the Trained Soldiers' Coy.of A-10, is it not?

A-101 Yes, sir.

Q-102 Yes, go on?

A-102 Later on our names were called out over again and my name was called out with a group of the R.C.R. Regiment and I was told to fall in there.

Q-103 The first time your name was called that day, you were left in a group with 2 other members of the Kent Regiment?

A-103 That is right.

Q-104 That is, there was a group of 3 of you standing by yourselves?

A-104 Yes, sir.

Q-105 Then the roll was called over again?

A-105 Yes, sir.

Q-106 On the same parade?

A-106 Yes, sir.

Q-107 And this time you found yourself with a group of men you knew to be R.C.R's?

A-107 Yes, sir.

Q-108 Were you told anything at that time about becoming an R.C.R. whether you liked it or not?

A-108 No, sir.

Q-109 The situation then was that you found yourself with a group of men that you knew to be members of the Royal Canadian Regiment?

A-109 Yes, sir.

Q-110 Then, what happened?

A-110 There were a few remarks passed about new recruits for the R.C.R's. When the parade was broken off, I approached Capt. Mace and asked him if I was being put into the R.C.R. Regiment and he said that nothing was definite about it, and I told him that I wanted to go to the Kent Regiment - to my own unit, and he said he'd see about it. He said nothing definitely had been done about it. Just then, an N.C.O. I believe it was, walked up to him, so I walked back to the ranks.

Q-111 Then what happened?

A-111 I finished the day with a group of R.C.R's, and I fell out on parade with them the following morning.

Q-112 That would be the 2nd of June, 1942?

A-112 I believe so, sir.

Q-113 Go ahead?

A-113 Well, we were paraded to the Drill Hall and officers were there with the draft warning. I got into the line that was signing at Capt. Mace's table and I asked him before I signed it if I was definitely transferred to the R.C.R. Regiment and he said that there would be a number of us pulled off the draft before it left. I told him I really very much wanted to go to the Kent Regiment. He said there was nothing he could do about it. He had orders - I cannot repeat it word for word - but he said he had orders that the whole of the company was to sign the draft warning and proceed on embarkation leave, so I signed the warning.

Q-114 In that draft warning, I noticed that you are referred to as belonging to the Kent Regiment?

A-114 Yes, sir.

Q-115 Up until the time you signed the draft warning, what regiment did you continue to believe you were a member of?

A-115 The Kent Regiment, sir.

Q-116 Before you signed the draft warning, did you get in touch with your father?

A-116 Yes, sir.

Q-117 When?

A-117 The day that we were called up and formed up into the respective groups.

Q-118 You 'phoned, did you?

A-118 Yes, sir.

Q-119 From Borden and he was in Tilbury?

A-119 Yes, sir.

Q-120 Did you tell him what had happened to you on that day - the 1st of June, that is - that you had been called up with a group of R.C.R's?

A-120 Yes, sir.

Q-121 Did you tell him how you felt about it?

A-121 I told him that I would like to have him get in touch with Col. Tosland and have him call me at the Kent Regiment.

Q-122 How did you feel at that time? Did you feel that you might be getting, what you thought, was a raw deal?

A-122 Yes, sir.

Q-123 Although you hadn't actually been transferred to the Royal Canadian Regiment, you felt that if you didn't do something you might be forced to Join the R.C.R's?

A-123 Yes, sir.

Q-124 You 'phoned your father on the 1st of June?

A-124 Yes, sir.

Q-125 Did he say he would do something about it?

A-125 He said he would wire to Col. Codlin immediately.

Q-126 You told us what happened on the 2nd of June - you signed this draft warning after you had this conversation with Capt. Mace?

A-126 Yes, sir.

Q-127 Did anything else happen on the 2nd of June?

A-127 Not that I can recollect, sir.

Q-128 What happened after that?

A-128 The following day we were given our embarkation leave. That was at approximately noon that day until the following Sunday mid-night.

Q-129 What was in your mind regarding embarkation leave? Why did you think you were receiving embarkation leave?

A-129 Well, as I said, Capt. Mace told me that orders were to hold the Kent Regiment after embarkation leave.

Q-130 Was it in your mind that although you were a member of the Kent Regiment, you would.....

A-130 Will you repeat that, sir.

Q-131 Did you think that while still being amember of the Kent Regiment, you would be getting embarkation leave?

A-131 Under ordinary circumstances, I didn't expect to but if the company was to have it, I would get it with everybody else.

Q-132 You went home on embarkation leave. What, if anything, happened while you were at home with respect to your going to the Kent Regiment?

A-132 I spoke to my father about it.

Q-133 Did he say ~~xxxx~~ that he had done anything about it?

A-133 He told me that Col. Codlin had been wired.

Q-134 As a result of what your fathertold you while you were home on embarkation leave, hat did you consider your chances of being sent to the Kent Regiment?

A-134 I expected to be sent there when I returned to Borden.

Q-135 Did you return from embarkation leave within the proper time?

A-135 Yes, sir.

Q-136 When did you get back to your company from embarkation leave?

A-136 On the last train in on Monday morning.

Q-137 Do you remember that date?

A-137 It was Sunday, sir, I don't recall the date.

Q-138 What happened after you got back to No. 2 Coy?

A-138 I continued to parade with the R.C.R. troop.

- - - -

--- At 12:15 o'clock on the 27th day of August, 1942, the Court adjourned until 2 o'clock in the afternoon on the 27th day of August, 1942.

--- At 2 O'clock in the afternoon on the 27th day of August, 1942, the Court re-assembled pursuant to adjournment, present the same members as when adjourned.

- - - -

AFTERNOON SESSION

Q-139 You came back from embarkation leave; you continued to parade with No. 2 Coy. Do you remember that?

A-139 Yes, sir.

Q-140 Then what happened?

A-140 While on parade - during the break-off - I approached Capt. Mace and I asked him if he had heard anything about my transfer coming through. He said he had not heard anything about it.

Q-141 How long after you returned from your embarkation leave, did this take place?

A-141 I am not positive, sir. I think it was the 2nd day I was back.

Q-142 What answer did he give you?

A-142 He said he had heard nothing of it.

Q-143 Was anything else said at that time?

A-143 No, sir.

Q-144 Then, what happened after that?

A-144 Well, I continued to parade with my group that I was placed with until the following afternoon when, after the break-off, I 'phoned my father to have him get in touch with Col. Godlin to see why my

transfer hadn't come through. He told me that he'd get in touch with Colonel Codlin again and also told me that my wife was ill. Well, I was beginning to feel none too sure, that is, as to going with my regiment. Well, when I left I fully expected to go to the Kent Regiment whereas at the time of the last 'phone call I thought that I was going to be shipped overseas. I wasn't positive I'd be shipped overseas but I, more or less, expected it.- unless my transfer came through between the time I left Borden and the time I reached the Coast. So, I decided I'd go home and see her again in case my transfer didn't come through in time.

Q-145 Why did you want to see your wife again?

A-145 She was ill.

Q-146 Your father had told you in this 'phone conversation between you and your father?

A-146 Yes, sir.

Q-147 Was this the date that you went absent?

A-147 Yes, sir.

Q-148 You actually left Camp on the 9th?

A-148 Yes, on the evening of the 9th.

Q-149 What was your state of mind when you left Camp on the 9th?

A-149 I guess I was rather flustered, sir.

Q-150 "Guess you were"?

A-150 I certainly was.

Q-151 Would you say that you were in a very agitated state of mind? Your wife was sick and you wanted to see her again before you might possibly go over seas. Was that the idea?

A-151 Yes, sir.

Q-152 How long did you intend to stay away?

A-152 I intended to come back the following night.

Q-153 What did you do when you left Camp on the 9th? Where did you go?

A-153 I took a train to Tilbury?

Q-154 That is your father's home?

A-154 Yes, my father's home.

Q-155 What time did you arrive there?

A-155 5 A.M. on the10th of June.

Q-156 What did you do then?

A-156 I asked Dad for the use of his car.

Q-157 Did you see your father?

A-157 Yes, sir.

Q-158 Right away?

A-158 Yes, sir.

Q-159 Did you tell him what had happened?

A-159 No, sir not right then.

Q-160 What happened next?

A-160 I told him that I had come home without leave. I told him I was going back and he advised me to send a telegram to that effect.

Q-161 Did you send a telegram?

A-161 Yes, sir.

Q-162 To whom?

A-162 Capt. Mace.

Q-163 Telling him what?

A-163 I told him I was taking the last train back to Borden that night.

Q-164 What happened then?

A-164 I went to Wheatley to see my wife.

Q-165 What happened after that?

A-165 I spent the day with her.

Q-166 Was she sick?

A-166 Yes, sir.

Q-167 Go ahead?

A-167 Well, I came back too late to catch the train back that night.

Q-168 You came back from where?

A-168 From Wheatley to Tilbury.

Q-169 You went from Wheatley to Tilbury to catch the train on the night of the 10th of June?

A-169 Yes, sir.

Q-170 You say you were late - by how much?

A-170 Approximately 20 or 25 minutes.

Q-171 What did you do then?

A-171 I went to my father's home and spent the night there.

Q-172 Then what happened?

A-172 I intended to return the next morning.

Q-173 Why didn't you?

A-173 I realized.....

Q-174 Don't be afraid to say that you were afraid.....

BY THE JUDGE ADVOCATE: I don't think you should lead at this particular point.

BY THE DEFENDING OFFICER:

Q-175 Go ahead.

A-175 I realized what I had done, sir, and knew that I would probably be charged with desertion and, well, I didn't like to come back and face a desertion charge.

Q-176 You were away a total of 47 days and 16 hours. Did you make any effort to return during that entire absence of 47 days?

A-176 Yes, sir.

Q-177 What efforts did you make?

A-177 Well, I started out by train twice for Borden and got as far as Toronto.

Q-178 Let me understand this. You started out by train from Tilbury to return to Borden?

A-178 That is right, sir.

Q-179 And you got as far as Toronto?

A-179 Yes.

Q-180 What happened then?

A-180 I returned to Tilbury once - I was alone. The second time, my wife was with me and she took sick and so I came back.

Q-181 When was the first time that you took the train to return to Borden, to the best of your recollection?

A-181 It would have been approximately the 18th of June.

Q-182 Were you alone then?

A-182 Yes, sir.

Q-183 That was when you reached Toronto and returned to Tilbury?

A-183 Yes, sir.

Q-184 Why didn't you continue on to Borden?

A-184 I didn't like facing desertion.

Q-185 You got afraid when you reached Toronto and turned back, is that it?

A-185 (no audible answer).

Q-186 When was the second time you took the train with your wife and your wife got sick and you returned with here?

A-186 That was approximately 2 weeks later or a week and a half.

Q-187 Except for these two trips by train, did you at any time start out during your absence to return to Borden?

A-187 Yes, sir. I started hitch-hiking my way a number of times.

Q-188 How many times?

A-188 Really, I couldn't say, sir.

Q-189 To the best of your recollection?

A-189 8 to 11; somewhere around there.

Q-190 Each time you turned back because why?

A-190 Most of the times I got stuck.

Q-191 Lost courage?

A191 I guess so, sir.

Q-192 Did you, at any time, intend to desert His Majesty's service?

A-192 I did not, sir.

--- CROSS-EXAMINED BY THE PROSECUTOR:

Q-193 Pte. Hubbard, you stated that you didn't return because you did not want to face a charge of desertion?

A-193 Yes, sir.

Q-194 Did that mean that you realized that you had deserted?

A-194 After I had been home, sir, I realized that I had signed a

draft notice and I would probably be charged with desertion.

Q-195 You were aware of that?

A-195 Yes, sir.

Q-196 The fact of your intention to return eventually has very little to do with this charge.....

BY THE DEFENDING OFFICER: I don't want to interfere with the Prosecution but I think that is a matter of law.

BY THE JUDGE ADVOCATE: Yes, that is for the Court to decide.

BY THE PROSECUTOR: I believe it has been established far enough to my satisfaction. Those are all the questions I have.

QUESTIONED BY THE COURT:

Q-197 Originally, before you enlisted in the Active Service, you were serving with the 1st Kent Regiment in the Militia?

A-197 That is right, sir.

Q-198 I understood you to say, before lunch, that when it became mobilized, you transferred to the 2nd Kent Regiment?

A-198 Yes, sir.

Q-199 I am not very clear on that - when you wanted to soldier with the ~~first~~ 1st Kent Regiment, and then you transferred to the 2nd?

A-199 I was advised by Major Duck that because of my age and education, it would be best for me to transfer to the 2nd until I became of age and acquired more education.

Q-200 Your wife, when you missed the train on the 10th day of June and you returned with her, was she very ill?

A-200 Yes, sir.

Q-201 How far is your home from your father's?

A-201 It is approximately ~~17~~ about 17 miles, sir.

Q-202 Yet you spent the night at your father's?

A-202 Yes, sir.

~~Q-203~~ BY THE JUDGE ADVOCATE:

Q-203 You have already stated that you remember signing the warning for draft - Exhibit "N"?

A-203 Yes, sir.

Q-204 That was on June 2nd?

A-204 Yes, sir.

Q-205 I think the Court wants to give you an opportunity to state whether you fully understood the meaning of the Warning for Draft given you on June 2nd?

A-205 I don't believe I did, sir.

Q-206 What was your understanding of it?

A-206 Well, I knew that it was a draft but, really, I cannot recollect having heard it read.

Q-207 Would you deny that it was read to you?

A-207 No, I wouldn't, sir.

Q-208 Would you deny that it was explained to you?

A-208 No, sir.

Q-209 Would you deny that you had an opportunity to ask questions and satisfy yourself as to the meaning of the Warning?

A-209 No, sir. I asked Capt. Mace about my transfer and, well, he said the Company was to sign the Draft and go on embarkation leave.

Q-210 Did you realize that the Warning was to take effect any time after the 11th of June?

A-210 Yes, sir.

Q-211 You have already admitted that you signed Exhibit "N"?

A-211 Yes, sir.

Q-212 Can you say whether or not you read it before you signed it?

A-212 No, I didn't read it, sir.

Q-213 Any reason why you didn't?

A-213 No, sir, well except that the lads behind me were in a hurry.

Q-214 What did you understand you were signing?

A-214 I knew that I was signing a draft but I thought I was still in the Kent Regiment, and it never occurred to me to look for "overseas" on the draft notice.

Q-215 Did you know you were signing a Warning for Draft that might proceed overseas on short notice?

A-215 No, sir, I didn't know it was a draft overseas. I was still

in the Kent Regiment. At the present time they are in New Westminster, British Columbia. That was where I thought I was going.

Q-216 Is the Court to understand then that when you signed the Warning, you did not understand you were signing a warning for draft that might proceed overseas any time after June 11th?

A-216 Yes, sir.

Q-217 When you signed Exhibit "N", you did not understand that it was a Warning For Draft which might proceed overseas any time after June 11th, 1942?

A-217 I knew, sir, that most of the regiments that were represented there were overseas regiments and I had the opinion that they would be going with their regiments, that is, overseas, but my regiment is in New Westminster.

Q-218 Did you understand that you were receiving a warning for draft?

A-218 Yes, sir.

Q-219 When?

A-219 After the 11th of June.

Q-220 Did you realize or understand that if you went absent without leave when the draft moved, you might be proceeded against as a deserter?

A-220 I didn't know, sir. I knew that it was applicable to an overseas draft, but if I wasn't going overseas I wasn't sure.

Q-221 I understood you to say that you understood you were being warned for overseas draft?

A-221 For a draft, sir, not necessarily overseas. I knew that a lot of fellows there belonged to overseas regiments and were going overseas but in my case I expected to be sent to my regiment which was not overseas.

Q-222 You are quite definite in stating that when you signed this Warning for Draft, Exhibit "N", you did not understand that it was a Warning for a Draft which might proceed overseas?

A-222 That is right, sir. Although, I knew that some of them were going overseas.

Q-223 Did you have any reason to think that the Warning might not apply to you whereas it might apply to others?

A-223 Well, my regiment isn't overseas and if I was going with them which I fully believed I was.

Q-224 At the time you signed Exhibit "N", you didn't fully believe you were going with the Kent Regiment?

A-224 I hadn't been told otherwise. I was rather leary about the subject.

Q-225 You still hoped to?

A225 Yes, sir.

BY THE DEFENDING OFFICER: Might I suggested "expected"?

BY THE JUDGE ADVOCATE:

Q-226 You still hoped and expected to join the Kent Regiment?

A-226 Yes, sir.

Q-227 What did you do during the 47 days and 16 hours that you were A.W.L?

A-227 I stayed at home with my wife.

Q-228 At your parents' home?

A-228 No, at her parents' home. That is, part of the time; part of the time we were by ourselves. While she was sick, we stayed at her parents' home.

Q-229 You realized that quite a length of time had elapsed from the time you went A.W.L?

A-229 Yes, sir.

Q-230 What did you propose to do about it?

A-230 I didn't think that there was any timeperiod concerned with me, although I tried to get back before the 21st day was past.

Q-231 After that you made no further attempt?

A-231 No, I made further attempts.

Q-232 Were you going to remain away indefinitely?

A-232 No, sir.

Q-233 You, I presume, talked the situation over with other people - your father, for instance?

A-233 Not a great deal.

Q-234 Did you, at all?

A-234 I don't believe so, sir, not after the 1st day.

Q-235 Were you advised to return to your unit?

A-235 Yes, sir, the first day I was home he advised me to go right back. I intended to go right back. It was the same time that he advised me to send a telegram to Capt. Mace.

Q-236 Were you advised but once?

A236 Yes, sir.

Q-237 Were you in uniform all the time?

A-237 Yes, sir.

QUESTIONED BY THE COURT:

Q-238 You told us that although you signed Exhibit "N", you did not read it?

A-238 That is right, sir.

Q-239 Did you tell us a little while ago that the reason you continually set out for Camp and then went home again was because you didn't want to be proceeded against as a deserter? Is that correct?

A-239 Yes, sir.

Q-240 How did you know you would be proceeded against as a deserter?

A-240 I didn't, sir, but if my transfer hadn't come through I was in an overseas unit and it was a draft.

Q-241 Do you want to go overseas?

A-241 I want to go with my unit overseas. If they won't have me, I'll go with any other unit.

Q-242 When you left Camp on the 10th day of June, was it your intention to avoid a draft of any kind?

A-242 No, sir.

Q-243 Were you prepared at that time to come back in a day after seeing your wife who was ill and, if necessary, go overseas with the R.C.R's?

A-243 If my transfer hadn't come through by the time I left the Coast, I would go over with them. I wouldn't be very well satisfied, sir, but I would have gone.

---The Defending Officer declines to re-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

BY THE DEFENDING OFFICER: At this stage of the proceedings, I would like to submit and file as exhibits certified true copies of correspondence relating to this matter and which I think is of great importance.

BY THE JUDGE ADVOCATE: Certified by whom?

BY THE DEFENDING OFFICER: Certified by the assistant adjutant. The originals are in the files of the unit.

BY THE JUDGE ADVOCATE: Would it not be advisable for the Court to see the originals in order that the Court may certify the copies.

BY THE DEFENDING OFFICER: Yes.

---At this point the originals of the correspondence were introduced in Court and compared by the Court with the copies and the copies certified by the Court.

BY THE DEFENDING OFFICER: With the permission of the Court, I would like to submit these certified true copies as evidence.

(Copy of letter from H.Q. M.D.No.11 to D.O.C,M.D. No.2,dated 6 JUN 42, read to the Court, marked Exhibit "O", signed by the President, and attached to the Proceedings.)

(Copy of telegram from B.A.Hubbard to Lt.-Col.Codlin, dated 3 JUN 42, read to the Court, marked Exhibit "P", signed by the President, and attached to the Proceedings.)

(Copy of letter dated 12 JUN 42 from H.Q.,M.D.No.2 to Camp H.Q.,Camp Borden,Ont. read to the Court, marked Exhibit "Q", signed by the President, and attached to the Proceedings.)

(Copy of letter from A.10 I(A)TC CA. to Camp H.Q.,Camp Borden, dated 15 JUN 42, read to the Court, marked Exhibit "R", signed by the President, and attached to the Proceedings.)

(Copy of letter from H.Q.,M.D.No.2 to Camp H.Q.,Camp Borden, dated 20 JUN 42, read to the Court, marked Exhibit "S", signed by the President, and attached to the Proceedings.)

BY THE DEFENDING OFFICER: In view of the contents of the last letter (Exhibit "S"), I should like to ask the Court to alter the description of the accused on the Charge Sheet from the "Royal Canadian

Regiment"to the "Kent Regiment". I think that is Rule of Procedure 33.

BY THE JUDGE ADVOCATE: Are you putting this in the form of a motion?

BY THE DEFENDING OFFICER: Yes.

- - -

---The Court closed to consider the motion.

---The Court denies the motion, and the Court reopens and the decision is announced.

---The Court proceeds with the trial.

- - -

2nd Witness for: The Defence Mr. B. A. HUBBARD, field-manager, Tilbury, Ontario, being duly sworn, is examined by the Defending Officer :-

Q-244 You are the father of the accused?

A 244 I am.

Q245 You live in Tilbury, Ontario?

A-245 I do.

Q-246 What is your occupation?

A-246 Field manager of the Canadian-Dominion Steel Co.

Q-247 What is your official position, if any, with respect to the town of Tilbury?

A-247 I am reeve.

Q-248 What connection, if any, have you with the Canadian Legion?

A-248 President, sir.

Q-249 Of what?

A-249 Of the Canadian Legion Branch at Tilbury.

Q-250 Your son has told us that he was in the reserve of the Kent Regiment before they mobilized?

A-250 He was.

Q-251 And, you yourself are a veteran of the last War?

A-251 Yes, sir.

Q-252 And, I presume, have been keenly interested in your son's military career?

A-252 Yes, sir.

Q-253 Were you acquantied with the Officer Commanding the Active

Kent Regiment?

A-253 I was.

Q-254 How well acquainted were you with him?

A-254 Quite well.

Q-255 How would you describe the interest shown by your son in the Kent Regiment before they mobilized as an Active unit?

A255 He was very enthusiastic about it.

Q-256 What sort of progress did he make there, as far as you know?

A-256 I think he learned to be a fairly smart soldier

Q-257 When the Reserve Kents became the Active Kent Regiment, your son transferred?

A-257 He remained in the 2nd. He was automatically taken into the 2nd when he didn't mobilize. At least, that is my understanding of it.

Q-258 Your son has given us as the reason why he .....

A-258 He and I had a talk with Major Hutton or Colonel Hutton, I am not sure of the name. Col. Codlin was attending a school somewhere, and he advised me to hold him back, and his mother thought that he was a little young for enlisting at that time.

Q-259 So, he continued in the 2nd Kent Reserve?

A-259 Yes, sir.

Q-260 I don't want you to repeat what your son has already said regarding his attempts to get into the Air Force. He has already told us of that. Will you verify that?

A-260 Yes, sir.

Q-261 He did try to get in the Air Force but was rejected because of a nasal condition?

A-261 Yes, sir. I drove him to Windsor a number of times when he was attempting to join.

Q-262 Then, he was called up as a trainee and reported to the Basic Training Centre at Chatham?

A-262 Yes, sir.

Q-263 As you know, he turned Active there as a reinforcement for

the Kent Regiment?

A-263 Yes, sir.

Q-264 Then he went to Kitchener?

A-264 Yes, sir.

Q-265 From Kitchener, he went to the Advanced Training Centre at

A-10 I.(A) T.C., at Borden?

A-265 Yes, sir.

Q-266 When did you first learn from your son, the accused, that there was some chance of his not proceeding to the regiment of his choice, the Kent Regiment?

A-266 May I answer that in my own way. Each time that he came home on week-end leave, the matter was talked over and we were anticiapting a call from the Kent Regiment and he was practically waiting all through the winter - all the period that he was down here. The first few days of June he got the wind up and called me up from Camp Borden and told me that they were shoving him in another outfit and asked me if anything could be done about it, and I immediately attempted to do what I could.

Q-267 What did you do?

A-267 Well, I sent a wire to Col. Codlin who was the O.C. of the Kents.

Q-268 The telgram you sent to Col. Codlin as a result of that conversation with your son, is that it (indicating Exhibit "P")?

A-268 Yes, sir.

Q-269 What took place then?

A-269 Well, I received a reply from Col. Codlin and expected.....

Q-270 In what form was that reply?

A-270 You have it there. It was a telegram asking for him and advising me that he would have to make application himself.

Q-271 Where is the original telegram that you received from Col. Codlin?

A-271 It has, apparently, become lost.

Q-272 Did you make any effort to obtain a copy?

A-272 Yes.

Q-273 What did you do?

A-273 I got a copy from the telegraph agent.

Q-274 Would you recognize the contents of that telegram?

A-274 I would.

Q-275 From this telegram I show you solely for the purpose of refreshing your memory as to the contents of the telegram you received, can you tell us from inspecting that document what the contents were of the telgram that you received from Col. Codlin?

BY THE JUDGE ADVOCATE: In your own words, tell the Court what the contents of the telegram were you received on such and such a date from Col. Codlin.

A-275 In my own words, it would be that he had asked for his transfer and that the boy would have to ask that he be transferred himself.

Q-276 That telegram was dated the 4th of June, 1942?

A-276 I believe it was, sir, but I cannot remember dates very well.

By the Defending Officer

Q-277 You told of receiving this telegram. What happened next as far as you were concerned regarding your son's situation?

A-277 So far as I can remember, he called me again and said that he wasn't making any headway and that they were shoving him into this unit, and he didn't want to go into it, and they didn't, apparently, believe what he had said or paid no attention to it, and so I telegraphed to Col. Codlin and asked him if he would notify his O.C. to verify that he was being asked for.

Q-278 Did you receive any reply from Col. Codlin to that second telegram to him?

A-278 I received a letter from him.

Q-279 Is this the letter that you refer to?

A279 Yes, sir.

(Letter from Kent Regiment to Mr.B.Hubbard dated 10 JUN 42, mead to the Court, marked Exhibit "I", signed by the President, and attached to the Proceedings.)

Q-280 Then what happened after that?

A-280 The next morning when I get up, I found the boy in my kitchen.

Q-281 Will you tell us what took place then?

A-281 I immediately went after him, rather rough-shod, and told him that his best move was to notify his Company O.C. that he'd be back on the next train, by telegram, and to get back onthe next train; and he wouldn't do it.

Q-282 This would be the morning of the 10th of June. What did you find your son's state of mind to be when you got up and found him in the house?

A-282 He was certainly upset about everything. I don't know how to describe it, sir.

Q-283 Can you tell the Court what sort of a temperament your boy has. How does he take what we might call"hard knocks"?

A-283 Well, he is very emotional and he'll fight back if it is possible to at all, and he was of the opinion, it seems to me, that the Army was giving him a raw deal in things, and at the same time his wife wasn't very well. As a matter of fact, when I was talking to him on the 'phone I mentioned to him that his wife wasn't very well, and all these things, I think, contributed to the fact that the boy was pretty well upset. At the same time, I don't think he intended to do anything greatly wrong. I think he knew he was doing wrong, and I think he was going to make the best of it. I think he thought he would do some time without pay and that would be the end of things.

Q-284 You told him to get back , and he did send a telegram?

A-284 Yes, sir.

Q-285 He didn't return that night. He said he arrived at the station late and spent the night at your home. Do you remember that?

A-285 I remember that he came up to meet the train but I am not certain whether he spent the night at our place.

Q-286 You do know that he did not return to Camp?

A-286 I am not certain of that. My understanding was that he had returned. In fact, he showed up at my place after being away for 2 or 3 weeks and I said: "What crime did you get?" And, he said: "Well, they gave me suspended sentence."

Q-287 He gave you the impression he had returned and had received punishment for the offence. You did not know that he continued absent over this long period of time?

A-287 I didn't know he had been absent up until then but I knew for, possibly, a week before he came back he was absent. In fact, if he hadn't been my own son, I would have turned him in. I felt that I was sort of in a spot.

Q-288 Were you well acquainted with other officers in the Kent Regiment in addition to Col. Codlin?

A-288 Some other officers.

Q-289 How did you, personally, feel about your son's opportunity to make progress in the Kent Regiment as compared to others?

A-289 I helped to recruit for the Kent Regiment or, at least, spoke when the Kent Regiment was being recruited and I told the people of my own town that I'd rather have my own boy go overseas with the Commander of the Kents than with any other officer I knew, so that was the way I felt about the Kents and that was the way I felt about my boy joining the Kents.

---The Prosecutor declines to cross-examine.

BY THE PRESIDENT:

Q-290 Did you speak to your son again after the first night. Outside of the first night, did youspeak to him again about the subject?

A-290 Yes, he avoided me as much as he could but I told him on one occasion, specifically that I can recall, but on 2 or 3, I think - on every occasion, there was an argument as to his being away, until it go so that I didn't see him - it got so that I wasn't at home when he came.

Q-291 How do you account for your son's actions in being A.W.L?

A-291 Gentlemen of the Court, we Hubbards make mistakes sometimes, but we are not deserters or not quitters.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - -

3rd witness for : The Defence. Mrs. L. D. HUBBARD, Store clerk, Wheatley, Ontario, being duly sworn, is examined by the Defending Officer :-

Q-292 You are the wife of Pte. Hubbard?

A-292 I am.

Q-293 Do you remember your husband coming home on embarkation leave?

A-293 Yes.

Q-294 Then he returned to Camp?

A-294 Yes.

Q-295 Then he came home again?

A-295 Yes.

Q-296 That date, I believe, was the 10th of June, 1942, and on that date, what was your condition?

A-296 Well, I had been ill since the latter part of May.

Q-297 I don't want to take you over all the period of your husband's absence without leave. He has told us of one occasion on which you accompanied him to Toronto by Train?

A-297 Yes.

Q-298 How long had he been absent at that time, to the best of your recollection?

A-298 Well, I'd say about 3 weeks. I am not sure.

Q-299 Why did you got with him to Toronto. Was there any particular reason?

A-299 Well, he was just a little afraid. He was bashful about returning, and I thought it would be a little easier for him to

return if I came with him.

Q-300 You got as far as Toronto, and what happened then?

A-300 I took sick.

Q-301 Then what happened?

A-301 I wanted him to return, but he wouldn't hear of it. He was more worried about me.

Q-302 And he returned with you?

A-302 Yes.

---The Prosecutor declines to cross-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - -

---The Defence has no further witnesses.

---The Defence is closed.

- - - -

---The Defending Officer makes a closing address. (See document marked "U", attached.)

---The Prosecutor makes a closing address. (See document marked "V", attached.)

---The Judge Advocate and the Court think a summing-up is unnecessary.

- - - -

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No.A53394 Private Sylvester Budd Hubbard, Royal Canadian Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., is guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Lieut.W.A.Martin,HLI att'd A.10 I(A)TC CA is duly sworn.

Q-303 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-303;Yes, I produce M.F.B.355 and certified true copy of M.F.M.6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-Z", signed by the President, and annexed to the proceedings.

Q-304 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-304;Yes, sir.

Q-305 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-305;Yes, sir.

Q-306 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-306;Yes, sir.

[Instruction.—If by reason of the nature of the service of the accused in a depot or mental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

Q-307 *Question to the accused.* Do you wish to address the Court? *Answer.* A-307;Yes, through my Defending Officer. (See document marked "W", attached.)

The Court is closed for the consideration of the sentence.

71

F

Sentence

The Court sentence the accused No.A58394 Private Sylvester Budd Hubbard, Royal Canadian Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., to undergo detention for 150 days, and to be put under stoppages of pay to the amount of $16.60 in respect of the costs of apprehension and return to his unit.

Sentence. Detention: 150 days.

Stoppages: $16.60

Signed at Camp Borden, Ontario, this 27th day of August, 1942.

(Major)
President.

(Lieutenant)
Judge-Advocate.

I confirm the finding and sentence but remit 90 days detention

C. F. Constantine Mg
D.O.C.

Signed at Toronto Ont. this 8th day of Sept: 1942

Extracts entered as No. 6747 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 17th day of Sept. 1942

PROMULGATED AND EXTRACTS TAKEN at Camp Borden, Ontario this eleventh day of September, 1942.

(W.T. Shrives) Capt. & Adjt.,
A-10 Infantry (A) Training Centre, C.A.

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O R D E R S B Y

Major-General C.F. Constantine, D.S.O.
District Officer Commanding,
Military District No. 2.

Toronto, Ontario, 24th August, 1942.

District Court-Martial
No. B-67951, Pte. Harold Anthony McNABB,
Royal Regiment of Canada, C.A.,
Attached A-11 Infantry (Advanced) Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Thursday, 27th August, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major L.G. Black,
A-9 Canadian Armoured Corps (Advanced)
Training Centre, C.A.

MEMBERS

Captain L.S. Pommet,
A-19 Royal Canadian Army Service
Corps (Advanced) Training Centre, C.A.

Lieutenant L.P. Gagnon,
A-8 Canadian Armoured Corps(Advanced)
Training Centre, C.A.

WAITING MEMBER

Captain T.H. Taylor,
A-19 Royal Canadian Army Service
Corps (Advanced) Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Lieutenant E.E. Pearlman,
The Algonquin Regiment,
Headquarters, Military District No. 2.

The Commandant, Camp Borden, may detail 20 Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No. 2.

SIGNED at Toronto, Ontario, this 24th day of August, 1942.

M.H.A. Drury

(M.H.A. Drury)
Lieutenant-Colonel
A.A. & Q.M.G. M.D. 2.

coe

Ex Bunch K
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X-79

A.10 INF NTRY (ADV NCED) TRAINING CENTRE (CA)

CAMP BORDEN ONTARIO

PART I ORDERS

BY

LT.-COL. M. P. A. HARE

No 203
26 AUG 42.

Last Part I Order No 202 dated 25 AUG 42

1. ORDERLY DUTIES

Orderly Officer	26 AUG 42 Lieut K C W Dean
For duty	27 AUG 42 Lieut P Cote
Next for duty	28 AUG 42 Lieut W G Herbert
	29 AUG 42 Lieut H A Secord
(b) Orderly Sergeant	26 AUG 42 Sgt McLelland J D
For duty	27 AUG 42 Sgt Yates
Next for duty	28 AUG 42 Sgt Shaw M M

2. TRAINING PARADES

(a) For 27 AUG 42 all companies as per syllabus

3. MISUSE OF EQUIPMENT

(a) CA RO 2267 d/22 AUG 42 is republished below for the information and guidance of all concerned

On occasions when carrying out exercises and demonstrations for publicity purposes there has been considerable misuse of military equipment particularly mechanical transport. Not only does this le to considerable damage and loss of the use of this equipment while repairs are being effected but it creates an adverse effect on the public as it displays carelessness and waste

Demonstrations and exercises of this nature are forbidden. "Stunts" wherein equipment will misused and lead to damage will not be permitted for publicity or other purposes.

This order will be brought expressly to the attention of all unit commanders and will be repeated in unit orders

4. REQUIREMENTS FOR PROMOTION ABOVE RANK OF LIEUT, ACTIVE FORCE

(a) CA RO 2269 d/22 AUG 42 is republished below for the information a guidance of all concerned

Promotion of officers of the Active Force to the ranks of Major and Lieutenant-Colonel will in future be by selection, as is now the case with promotion to the rank of Captain Active Force. It will not be necessary for such officers to obtain prior qualification at a Company Commanders or Senior Officers Course.

In future, promotions to ranks senior to that of Lieutenant in all Arms of the Service will be governed by the following conditions:-

4. REQUIREMENTS FOR PROMOTION ABOVE RANK OF LIEUTENANT ACTIVE FORCE Co

(a)Selection and recommendation
(b)A Vacancy in the War Establishment
(c)Possession of a Certificate of Qualification in Driving and Maintenance (CARO 1530/1941)
(d)Seniority if all other factors are equal

Before an officer is promoted to each rank senior to that of Lieut it will be obligatory that he be known personally by, or appear before, an officer not below the rank of Brigadier for written endorsement of the Commanding Officer's Recommendation.

The present qualifying courses at the Royal Military College and School of Army Administration will continue on an instructional basis. Attendance at these courses will be controlled by NDHQ and vacancies allocated to Commands, Districts and Formations must be filled as detailed

Effective date of above will be 1st of August 1942

5. COURT OF INQUIRY

(a)A Court of Inquiry composed as under will assemble at No 9 Coy Office at 1900 hrs 26 AUG 42 to inquire into and report upon the alleged illegal absence and deficiencies if any in the arms ammunition equipment instruments regimental necessaries or clothing allegedly issued to A22984 Pte Huber M M No 9 Coy and B59747 Pte Sebastian W A No 1 A D Bn.

PRESIDENT	Capt V J Westfall	9 Coy
MEMBERS	Lieut D Cameron	9 Coy
	Lieut J H Pe[illegible]	UHQ

(b)All witnesses are hereby warned to attend at the time and place aforesaid prepared to give evidence.

6. COURT OF INQUIRY

(a)A Court of Inquiry composed as under will assemble at No 2 Coy Office at 1900 hrs 26 AUG 42 to inquire into the injuries sustained on the 25 AUG 42 by B40125 Pte Bond C H No 6 Coy

PRESIDENT	Capt O H Mace	No 2 Coy
MEMBERS	Lieut J D Steen	No 2 Coy
	Lieut R L Chantler	No 2 Coy

(b)All witnesses are hereby warned to attend at the time and place aforesaid prepared to give evidence.

7. DEPENDENTS ALLOWANCE

(a)CA RO 2216 d/1 AUG 42 is republished below for the information and guidance of all concerned

Awards of Dependents' Allowance made on behalf of officers and soldiers at the time of appointment or enlistment, or subsequent thereto are based on the state of dependency existing between the officer or soldier and his dependents at the time applications for Dependents Allowances are submitted. These awards however are subject to review and possible revision suspension or cancellation in the event that a change in relationship occurs between the officer or soldier and the dependents concerned.

Sylvester Budd
Pte.

X-1 83

Daily Order Part I No 203 Page 3

7. DEPENDENTS ALLOWANCE Cont'd

(b)In consequence, changes in relationship that affect awards of Dependents Allowance should be reported immediately such changes take place in order to avoid overpayments in these allowances which if incurred are recoverable from the officer or soldier concerned

(c)The most flagrant cases involving overpayments of Dependents Allowance that have come to attention through non-reporting of changes of relationship have arisen in respect of changes in domestic status such as Separation Divorce etc, as such cases are governed by the provisions of Article 101 Provisoes (iii) and (iv) FR&I (Canada) necessitating in practically every instance a revision in the current award of Dependents Allowance.

(d)Prompt notification of death of dependents or other occurrences affecting dependency is also required, in order to avoid overpayments of Dependents Allowance

(e)All concerned will be impressed with the absolute necessity for the reporting of changes in relationship between themselves and their dependents immediately such changes occur. This information will be made available to the Unit Paymaster as soon as received.

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8. DISTRICT COURT-MARTIAL

CERTIFIED TRUE COPY
J. H. Peters
ASST ADJUTANT LIEUT.
A 10 I (A) T.C.

(a)A58394 Pte Hubbard, Sylvester Budd
Royal Canadian Regiment C.A. att'd
A.10 I(A)TC CA

The detail of Officers mentioned below will assemble at the Court Room Camp Borden Ontario on Thursday 27 AUG 42 at 10 o'clock a m (EDST) for the purpose of trying by District Court Martial the accused persons named in the margin (and such other persons as may be brought before them)

PRESIDENT	Major L G Black	A9 CAC(A)TC C A
MEMBERS	Capt L S Pommet	A19 RCASC (A) T C CA
	Lieut L P Cagnon	A8 CAC(A) TC CA
WAITING MEMBER	Capt T H Taylor	A19 RCASC TC CA
PROSECUTOR	Lieut W A Martin	HLI att'd A.10 I(A)TC
DEFENDING OFFICER	Lieut L J Brody	ESR A.10 I(A)TC
JUDGE ADVOCATE	Lieut E E Pearlman	Algon Headquarters MD 2
OFFICERS FOR INSTRUCTION	Lieut R W Midgley	D&HR A.10 I(A)TC
	Lieut P H Sullivan	SSM&S A.10 I(A)TC

(b)The following are hereby duly warned that they will be required as witnesses on the above Court-Martial and under no circumstances are to leave the Unit lines from Reveille 27 AUG 42 until the Court - Martial is completed

B79427 Cpl Whyte W Capt O H Mace

W. T. Shrives
(W. T. Shrives) Capt & Adjt
Adjt., A.10 Infantry (Advanced) Training Centre, C.A

Lieutenants pas.

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OFFICERS UNDER INSTRUCTION

Capt. N.C. Delarue	A-22 R.C.A.M.C. T.C., C.A.
Capt. G.L. Crane	A-22 R.C.A.M.C. T.C., C.A.
Lieut. G.F.McKinnon	A-11 Infantry (Adv) T.C.,C.A.
Lieut. J.J.Urie	Prince of W.Rangers,att'd.A-11 I.(A) T.C.,C.A.
Lieut.P.H. Sullivan	S.Ste.M.&Sud.Regt.,att'd.A-10 I.(A) T.C., C.A.
Lieut.R.Desjardins	A-19 R.C.A.S.C. (A) T.C., C.A.
Lieut.W.G.C.Howland	A-19 R.C.A.S.C. (A) T.C., C.A.
Lieut.K.K. Stokes	A-8 C.A.C. (A) T.C., C.A.
Lieut.A.J. Charbonneau	A-8 C.A.C. (A) T.C., C.A.
Lieut.J.F.Flinn	A-9 C.A.C. (A) T.C., C.A.
Lieut.T.A.Lamb	A-9 C.A.C. (A) T.C., C.A.
Lieut.R.W.Midgley	D.&.H.R.,att'd.A-10 I.(A) T.C., C.A.

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At 10:30 o'clock in the morning on the 27th day of August, 1942, the Court adjourned until 11 o'clock in the morning on the 27th day of August, 1942.

At 11:10 o'clock in the morning on the 27th day of August, 1942, the Court re-assemble pursuant to adjournment, present the same members as when adjourned.

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BEP

EXHIBIT "A" Subject Per Ryr I 89

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ont., on the 6th day of July 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. A58394 Pte. Hubbard, S.B. - R.C.R.

DECLARATION

The Court declare that No. A58394 Pte. Hubbard, S.B. No. 2 Coy., A-10 I.(A) T.C. illegally absented himself without leave from Camp Borden, Ont., at 0600 hrs on the 10th day of JUN 42, that he is still so absent, and that on the 6 July 42 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE	ARTICLES	VALUE
Anklets, web prs.		.58	Bags, ration	.03
B.D. Blouses, serge		4.19	Bottles, water	.65
B.D. Trousers prs.		4.20	Carriers, waterbottle	.40
Boots, ankle, prs.		3.90	Covers, mess tin	.08
Caps, F.S.		.59	Haversacks	1.75
Drawers, woollen prs.		.88	Packs	1.69
Shirts, flannel		1.16	Straps, shldr. haversack L	.35
Socks, prs.		1.08	" " " R	.35
Brasses, button		.04	Straps web supporting	.28
Trousers K.D. prs.		.96	Tins, Mess, Rect.	.66
Brushes, boot, polishing		.15	Sheets, ground Drab MkVIII	1.81
" hair		.24	Total	$ 28.63
" shaving		.30		
" tooth		.09		
Combs, hair		.04		
Holdalls		.17		
Razor, safety sets		.39		
Towels, hand	2	.42		

Signed at Camp Borden, Ontario, this 6th day of July 1942

Capt. H.A. Fauquier (RCR) Att. A-10 I.(A) T.C., C.A. — President

Lieut. T.W.R. Brier (RCR) Att. A-10 I.(A) T.C., C.A. — Member

Lieut. S.J. Reynolds (QOR) Att. A-10 I.(A) T.C., C.A. — Member

Signature of Commanding Officer (M.P.A. Hare) Lt.-Col.

Certified true copy J.H. Peters (J.H. Peters) Lieut. & Asst. Adjt.
Signature of Officer having custody of original record

This is Exhibit "A" referred to in the Summary of Evidence in the case of A58394 Pte. S.B. Hubbard, taken before me at Camp Borden, Ont., this 13th day of AUG 42.

M.F.B. 173
A.F.B. 115
25M—3-41 (3700-20)
H.Q. 1772-39-187

EXHIBIT "B"

Certificate in accordance with Order-in-Council P.C. 2797 dated April 10th, 1942, as published in Routing Order 1877, and in General Order No. 12[illegible], 1942.

(Apprehension by or surrender to Service authorities)

I, A 99717 (Number) Cpl. (Rank) Schultz, H.A. (Name) No. 30 Provost, Coy., CA. (Unit or appointment)

hereby certify that A 58394 Pte. (Number) (Rank) Hubbard, S. (Name in full)

of the R.C. Regt, ~~New Westminster, B.C.~~ (Unit and attachment (if any)) A10 (1) AHC Camp Borden Ont

Strike out words not applicable } was apprehended by (~~xxxxxxxxxxxxxx~~ A 34716 (Number) Cpl. (Rank)

Wilson, H.C. (Name) No. 30 Provost, Coy., CA. (Unit or appointment)

at Leamington, Ontario. (Place) at 2200 (Hour)

on the 27th. day of July 1942

as a deserter (~~xxxxxxxxxxxxxxxxxxxxxx~~), and that at the

Strike out words not applicable } time of his arrest he was wearing military ~~xxxxxxxxx~~

uniform (~~xxxxxxxxxxxxxxxxxxxxxxxx~~)

DATED AT Windsor, Ontario. this 27th. day of July. 1942

H.A. Schultz Cpl

(H.A. Schultz) Cpl. NCO i/c No. 5 Sec.
(Signature, number, rank, unit or appointment)

No. 30 Provost, Coy., CA.

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer under him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42(M1126)
H.Q.1772-39-1936

This is Exhibit "B" referred to in the Summary of Evidence in the case of A58394 Pte. S.B. Hubbard, taken before me at Camp Borden, Ont., this 13th day of AUG 42.

J. H. Peter
ASST. ADJUTANT LIEUT.
A.10 1 (A.H.C.)

EXHIBIT "C"

K 93

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, 2/Lieut. R.V.Rochefort, Issuing Officer D.S. & T.O. M.D.No.1
(Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~authorized~~ the hereinafter itemized transportation for escort

Complete — to proceed from Windsor, Ontario (Place) to London, Ontario. (Place)

and return to Windsor, Ontario for the

Full description of soldier being escorted — purpose of escorting A 58394 Pte.Hubbard,S.B. Kent Regt.New Westminster B.C.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
To cost of Transport Warrant A 155366 - dated 28-7-42 covering the following transportation:-	
One second class return Windsor, Ont. to London, Ont.(Escort)	4.05
One second class single Windsor, Ont. to London,Ont.(Absentee)	2.05
The cost of the above transportation is recoverable from:- A 58394 Pte.Hubbard,S.B. R.C.R. A-10 I.(A) T.C., C.A.	
Total	$ 6.10

Dated at Windsor, Ont. this 28th. day of July A.D. 1942

R.V.Rochefort 2/Lieut.
(R.V.Rochefort)
Issuing Officer D.S.& T.O.M.D.No.1

Signature, rank, unit of officer (issuing transport warrants) (authorizing transportation) (issuing transportation)

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.D. 1491
500M—7-41 (1128)
H.Q. 1773-29-151

This is Exhibit "C" referred to in the Summary of Evidence in the case of A58394 Pte. S.B. Hubbard, taken before me at Camp Borden, Ont., this 13th day of AUG 42.

ASST ADJUTANT LIEUT.
A. 10 I. (A) T.C.

EXHIBIT "D"

"L" 95

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, L.G.A. Wilson (Rank) issuing officer for A/C.S. & T.O., (Name) Camp Borden, (Unit) Ont.

Strike out word not applicable — hereby certify that I (issued) ~~[illegible]~~ the hereinafter itemized transportation for escort

Complete — to proceed from Camp Borden, Ont. (Place) to London, Ont. (Place)

and return to Camp Bord n, Ont. for the

Full description of soldier being escorted — purpose of escorting A-58394 Pte. Hubbard, A.J. (A-10 I.T.C.) alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~[illegible]~~) and the cost thereof for said soldier and escort being as follows:--

Strike out phrase not applicable

Particulars	Cost
1/2 Cost of T.W.No's 121879 & 121880 issued to cover cost of transportation of escort.....	4.80
Tax.....	.70
1/2 Cost of T.W.No's 121879 & 121880 issued to cove transportation of absentee.....	2.40
Tax.....	.35
-COSTS /	
Total	$ 8.25.

Dated at Camp Borden, Ont. 7th day of Aug A.D. 19 42

L.G.A. Wilson Lieut

Issuing Officer for A/C.S. & T.O., Camp Borden, Ont.

Signature, rank, unit of officer (issuing transport warrants) ~~Strike out designation not applicable~~

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.D. 1481
5000—12-41 (2754)
H.Q. 1773-39-1001

This is Exhibit "D" referred to in the Summary of Evidence in the case of A58394 Pte. S.B. Hubbard, taken before me at Camp Borden, Ont., this 13th day of AUG 42.

J. H. Parker
ASST. ADJUTANT LIEUT.
[illegible] I.T.C.

EXHIBIT "E"

"M"

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Lybrand Mr Pes.

Complete description

I, P20862 (No.) C.S.M. (W.O.II) (Rank) N. Lystar (Name) A8 CAC(A)TC(AF) (Unit)

Strike out words not applicable

as (escort) ~~commander of escort~~ consisting of

Members of escort

detailed to proceed from Camp Borden, Ont., (Place) to London, Ont., (Place)

Name and description of soldier escorted

to return A-58394 Pte. Hubbard, S.B.

alleged to be a deserter or absentee without leave, to Camp Borden, Ont. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Meals (escort and absentee)	2.25
Total	$ 2.25

Dated at Camp Borden, Ont. this 7th day of AUG A.D. 1942

A Captain

~~Signature and rank of officer~~ (escort)

Strike out description not applicable

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1403
5636—7-41 (1180)
H.Q. 1773-39-1850

This is Exhibit "E" referred to in the Summary of Evidence in the case of A58394 Pte. S.B. Hubbard, taken before me at Camp Borden, Ont., this 13th day of AUG 42.

ASST. ADJUTANT LIVATE.
A.H.Q. (A) T.C.

To: O.C. No.2 Coy. [redacted] Cap Bach Hdqs "N" 99

From:

Date: JUN 2 1942

A-58394 Pte. Hubbard S.B. (Kent Regt.)

Warning for draft

1. This certifies that I have been duly warned for draft to proceed overseas on short notice after

JUN 11 1942

2. I understand that should I be absent without leave when the draft moves, I may be proceeded against as a deserter.

S.B. Hubbard.

P.T.O.

This is Exhibit "F" referred to in the Summary of Evidence in the case of A58394 Pte. S.B. Hubbard, taken before me at Camp Borden, Ont., this 13th day of AUG 42.

J.H. Peters .....Lieut. & Asst. Adjt.
(J.H. Peters) A-10 I.(A) T.C., C.A.

C O P Y

CERTIFIED TRUE COPY

ASST. ADJUTANT LIEUT.
A. 10 L. (A) T. C.

Certified true Copy

"O" 101

22-H2459 (D2)

Headquarters, M.D. No. 11,
VICTORIA, B.C., 6th June 2.

District Officer Commanding,
M.D. No. 2,
TORONTO, Ontario.

A-58394 - Pte. Hubbard, S.B.
A10 Advanced Infantry Training Centre

1. Attached hereto is a copy of a telegram forwarded to the O.C. Kent Regiment by the father of the m/m.

2. The O.C. Kent Regiment requests that if possible the m/m be posted to his unit on completing of his advanced training.

3. Kindly advise action taken in this regard, please.

"Signed"

G. G. Aitken L.-Col.
D.A.A.G., M.D. No. 11.

c
o
p
y

CERTIFIED TRUE COPY

J. H. Peters

ASST. ADJUTANT LIEUT.
A. 10 L (A) T. C.

Exhibit "A" 103

VA7 116/106 NL - TILBURY ONT JUNE 3 -

LIEUT COL. T. E. CODLIN -

OC FIRST KENT REGIMENT QUEENS PARK WESTMINSTER B.C. -

MY BOY PTE S.B. HUBBARD A58394 NO. A.10 ADVANCED INFANTRY TRAINING CENTRE CAMPBORDEN WHO SERVED WITH YOU IN KENT REGIMENT NON PERMANENT MILITIA RE ENLISTED IN YOUR REGIMENT THE SECOND WEEK IN OCTOBER 1941 SINCE THEN HE HAS COMPLETED ADVANCED INFANTRY TRAINING AND HAS BEEN RECOMMENDED THREE TIMES FOR NON COMMISSIONED OFFICERS TRAINING COURSES FOR STAFF POSITIONS AT CHATHAM - KITCHENER - AND BORDEN AND HAS REFUSED EACH TIME SEE HE WANTS TO BE IN YOUR REGIMENT NOW IT APPEARS THAT HE IS BEING SWITCHED TO SOME OTHER OUTFIT AND HE WOULD LIKE VERY MUCH IF YOU COULD SEE YOUR WAY CLEAR TO CALL HIM TO THE FIRST KENTS CORDILLY

BASIL A HUBBARD

CERTIFIED TRUE COPY

Certified true copy

T-20-H-4942(A4)

Q

J H Peters
ASST. ADJUTANT LIEUT.
A. 10 I. (A) T.C.

Headquarters, Military District No. 2
159 Bay Street, Toronto, Ontario, 12th June 2.

Camp Headquarters,
Camp Borden,
Ontario.

A-58394 - Pte. Hubbard, S. B. (1)
A-10 Adv. Inf. Training Centre

I am directed to attach a copy of 22-H2459 (D2) and enclosure, dated 6th June, 1942, from the D.O.C., M.D. No. 11.

2. Would you please advise of the disposition being made of this other rank and your recommendations in regard to the statements outlined in the enclosure as attached.

(2) 13/6/42.
The Commandant
A-10 Inf. (A) T.C.,
Camp Borden, Ontario.

Passed.

(Sgd.) "T. Ferris" Lieut.

(T. Ferris) Lieut.
for D.A.A.G. M.D. No. 2

(H.G. Wylde)
Major
D.A.A.G., Camp Borden.

Certified true copy
LaBarrett
1.C.

"CERTIFIED TRUE COPY"

ASST ADJUTANT LIEUT.
A. 10 I (A) T.C.

"R"

A10 ITC 6-2-2

A-10 Infantry (A) Training Centre,
Camp Borden, Ontario

15 JUN 42

Camp Headquarters,
Camp Borden,
Ontario

A.58394 Pte. HUBBARD S.S.
A-10 I (A) T.C.

With reference to T.20-H-4942 (A4) dated 12 JUN 42, referring to the m/n man, please be advised that the m/n soldier has completed his advanced training and is being held at this Training Centre for despatch to his unit,

2. It is recommended, therefore, that the m/n man be despatched to the Kent Regiment wherever they are located.

3. May it be further pointed out that the m/n man is absent without leave from this Training Centre at the present time from 0600 hours, 10 JUN 42.

4. This is for your information,

(W.T.Shrives) Capt. &Adjt.
For M.R.A.Hare Lieut-Colonel,
Cmdg. A-10 Inf.(Adv) Trng. Centre,

WTS:N

Certified true copy

T. 20-H-1942 (A4)

"CERTIFIED TRUE COPY"

ASST. ADJUTANT LIEUT.
A. 10 I. (A) T. C.

Headquarters, M.D. No 2,
159 Bay Street, Toronto, Ont.
20th June 2

"S"

Camp Headquarters,
Camp Borden, Ont.

A-58394 Pte. HUBBARD S.B.
A-10 I (A)T.C.

Reference C.B. 1-100 dated 17th June 1942.

2. The dispatch of the marginally named soldier to the Kent Regiment will be proceeded with upon the return of the marginally named from being A.W.L. and on completion of disciplinary action, with due regard to R.O. 1570.

3. May this Headquarters be advised when this soldier had been dispatched.

4. If Pte. Hubbard had not yet returned to his unit at Camp Borden, MFB 483 should be issued in this case under the provisions of R.O. 1877, Para 1(b)

(2) 24-6-42
The Commandant,
A10 I (A)T.C.
Camp Borden, Ontario.

Forwarded.

(R.J. Wylde)
Major
DAAG Camp Borden,

(Signed)

(T. Ferris)
Lieutenant,
for D.A.A.G. M.D. No 2.

"T"

IN REPLY PLEASE QUOTE
No. 6-9-1

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

The Kent Regiment, C.A.(A),
Westminster Camp,
New Westminster, B.C., 10 JUN 42 194

Mr. Basil Hubbard,
Tilbury, Ontario.

Dear Sir:

Replying to your telegram of 8 JUN 42.

On 4 JUN 42 we wrote Vancouver Defences requesting them to forward application for transfer for your son.

Thos Codlin

(T. E. Codlin) Lt. Col.,
Officer Commanding,
The Kent Regiment, C.A.(A)

N.D. 23
750M—10-41 (2244)
H.Q. 1772-101-23

BY THE DEFENDING OFFICER: Sirs: Surely, this Court is not going to brand this accused for life with the ignominy of being found a deserter. He does not come of a deserting stock. He is not, himself, a deserter. He is a very young man of an emotional nature who, through no fault of his own, found himself forced into a difficult, unexpected, and troublesome situation, a situation which he tired to meet with as much courage as he could muster and what he considered to be his sense of duty under the circumstances. What he has done has not been the result of any intention to desert or to escape any special duty or to escape going overseas with the R.C.R's. or any otherunit. He found himself in a difficult situation which would have presented difficulty to a much older and wiser man. To him, it was a very distressing situation. He didn't know exactly what to do about it. He did what he thought was best. If he had returned within a few days, he would not, I suggest to the Court, be facing this Court or a ny other Court.

First of all, he belonged - and I say this in all sincerity - to the Kent Regiment and not to any other unit. It is very easy to say: "We are all in the Canadian Army. What difference does it make what unit we are in?" Yet, I myself am an officer, and I would feel very badly were I compelled to join any other unit than my own. I would have felt badly at first but certainly much more so since then. I am trying to get before the Court the state of mind of the accused. He is not as wise as the Court or myself or, perhaps, the officers under instruction. He wanted to join the Kent Regiment. He was in the Reserve of that regiment when the 1st Kent Regiment went Active. His father and himself went to whoever was the Commander and he advised that the boy wait until later when he was a little older. We are dealing with a soldier, not a boy. He tried, not merely superficially, to join the AirForce. Certainly, a very Active unit. Not as a clerk - he didn't want to fight with a pen; he wanted to do some real fighting. He wanted to join the Air Force. He applied and was rejected through no fault of his own. He tried twice and was

rejected because of a nasal condition. He was called up, and was up at Basic Training Centre for a few weeks. During that time, he considered what he should do. He decided on the Kent Regiment. His was not merely a mere interest in the Kent Regiment. It was not merely the case of a man living in Tilbury or like a man like myself living in Windsor and wanting to join the Essex Scottish. He had a real stake in that regiment. He had been in the Reserve of that regiment. He knew the Colonel; the Colonel knew him. His father knew the officers. His father had helped to recruit that unit. It was important to that boy; it was important to his father; it was very important to this boy that he go to the Kent Regiment. He went Active upon the understanding - I will call it more than that - upon the promise that he would be in the Kent Regiment. He was attested to the Kent Regiment; his "2" shows that. He was attested to the Kent Regiment, not the Royal Canadian Regiment. That was his unit and he went Active under those circumstances.

What sort of a soldier was he? Three times at each Training Centre that he went to, he was offered promotion or a chance of promotion. Does that speak well for the boy? That he was singled out at each Training Centre that he went to as likely N.C.O. material. Could there be a higher recommendation? At each Training Centre, he was a stranger. He wasn't home at Chatham; he wasn't home at Kitchener; he wasn't home at Borden. He wasn't home. Yet at each place he was asked if he would consider promotion. He said: "No, thanks", probably, but "no" definitely, "no, because I wanted to go to my unit - the Kent Regiment." He belonged to the Kents; he was proud of the Kents; he wanted to be with them. He had every reason to believe he would be with them. He was getting along alright until the 1st of June, 1942. He was in the Trained Soldiers' Company. Why he wasn't despatched to his unit before that, I don't know. I am not criticizing the Training Centre. What happened is not their fault. What happened is not Hubbard's fault. A call came in for re-inforcements for the R.C.R's for overseas. Apparently, the Officer Commanding No. 2 Coy. was instructed: "Everybody in your

company gets embarkation leave." What happened? First, they are called out - the 3 Kent Regiment in one group - on the 1st of June. Alright. Then, at the same parade, they are called out again - put with a group of R.C.R's. The accused wasn't told from that moment on that he was going to be an R.C.R. but he began to wonder. Was he told anything definite? Was he ever told? Is there a bit of evidence that that he was told: "You are in the Royal Canadian Regiment and not any other Regiment"? Was he ever told that? I submit he was not - not definitely. I am not criticizing anybody for that because nobody knew. The situation then was that everybody in 2 Coy. was to go on embarkation leave. The following day, he calls up his father. Was he trying to get out of anything? No. His father's heart was in the Kent Regiment. So was his. He called his father as any intelligent good son would do. "I found myself out on parade; I was called out in the R.C.R's; I am afraid I will not be called out with my unit. Will you do something about it?" His father telegraphs, on the 4th of June, the C.O. of the Kent Regiment. The Commanding Officer of the Kent Regiment said in a telegram to the accused's father: "I have asked for your son to be transferred to my unit." That is what happened. It is right in the evidence. I say, in all sincerity, that from that minute No. 2 Coy. held this accused in trust for the Kent Regiment. He should not have been called and should not have remained on that draft at all if the communications between the Kent Regiment and A-10 been slowed through the various labyrinths these things have to follow. I am not criticizing the training Centres, but from the 4th of June to the 10th of June was plenty of time for A-10 to be notified: "We want this man; he belongs to the Kent Regiment." Had No. 2 Coy., A-10 been notified of that, his name would have been removed.

What happened at the warning for draft. He signed the warning for draft. Yes, he admitted that. Was he to say: "I won't sign it." He was told this in all honesty. What was he told? Before he signed the Warning for Draft on that parade, he went to Capt. Mace for the 2nd time. He had went to him before when he was called out

in this group of R.C.R's. He said: "Am I going to be in the R.C.R's? Capt. Mace said, in effect: "I cannot tell you definitely". He said: "Some men won't be going on this draft; some men won't be proceeding overseas." Is that a definite warning? Can it possibly be construed as a definite warning. "Young man, you are going overseas; forget about anything else." You are going to go overseas any time after June 12th." He wasn't told that. Capt. Mace didn't tell him that. Capt. Mace had instilled in his mind - let us remember this - "every man must be given embarkation leave. My instructions are to give every man embarkation leave. Therefore, every man must sign this draft warning." I strongly urge upon you that that was all that happened this day. What did the accused think? Was there a chance of his going overseas? Of course, he had a remote chance. A remote chance that his transfer would not go through, but that was extremely remote as his father had been in touch with the O.C. of the Kent Regiment. Can we say he thought: "When I sign this draft warning I am definitely going overseas after the 12th." What does the accused say. He says: "I knew I was on draft, yes - on draft to my own regiment." Was there anything wrong with thinking that under the circumstances? Cannot a man go on draft to his own unit? It has been done. Men have been given embarkation leave from their training centres and then sent to join their units whether on the west coast or to Debert. What his state of mind was at that time is of great importance.

Then, what happened after that. He goes on embarkation leave. Does he stay home? No, he returns. He came back. Then, he asked again about a transfer to the Kent Regiment and still there was nothing definite. Had anybody told him yet: "Hubbard you are R.C.R?" No, it was still indefinite. And all this time, from the 4th of June on, the Kent Regiment had ear-marked him and said: "He is our man; we want him." I say it would have been a tragedy under those circumstances if this man had gone with the R.C.R's. Just because a letter written in Vancouver didn't reach Borden until the 14th or 15th of June. It is only 24 hours away by air-mail. I say, in all sincerity,

that it would have been as bad as anything the accused has done.

What happened next? He called his father again on the 9th. His father told him that his wife was ill. Why did he leave? I don't know why he left. He was agitated, undoubtedly worried. Worried about not going to the Kent Regiment. He said he intended to stay away only over-night. Is there any evidence to support that that was his intention. He sent a telegram the following morning. Would a man intending to desert, gentlemen, in all sincerity, go home where he was the son of, perhaps, the best known person in the community - the reeve. Why did he stay away 47 days? He got cold feet. That is all. He was afraid. He is not to be given a medal for that; he is to be punished. It has been an ordeal for his father. His father had trouble with him; the son deceived him - lied to him. The son told the father that he had gone back and been punished. The son was afraid to return. He was not a deserter. He did not intend to desert. If he hadn't been put in this position, he wouldn't have found himself before this Court. The reason he is here is because a letter written on the 4th of June didn't reach this Training Centre until the 14th or 15 th of June. I am not criticizing how things are done. I say that nothing was ever brought definitely to the mind of this accused, beyond a doubt, that he was ear-marked for overseas - that he would be despatched overseas after a certain date. Desertion, I don't have to tell this Court, is perhaps the most ignominious of all the offences. Is this man to be convicted of desertion. Can it be said that there isn't, in the minds of the Court, a doubt, a reasonable doubt? Can it be said the Court isn't satisfied there is more than a reasonable doubt. I have never said this to any Court, either civil or military, before but I am going to be bold enoughto say that to convict this man as a deserter would be a miscarriage of justice.

After this boy is released from here, he is going to his regiment. That has been arranged.

- - -

BY THE PROSECUTOR: I have nothing to say in reply. I have presented the facts of this case. I think the interpretation of the Defence's case is a matter for the Court to decide.

- - - - -

"Subsequently" per.

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M.F.R. 355
22M—5-41 (572-3)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment
A58394	Private	S.B. Hubbard,	Royal Canadian Regiment, C.A.

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment
For AWL	1 times	AWL	1 times
For	times		times
For	times		times
For	times		times

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 31 days in military custody, making a total of 31 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 22 yrs, 3 mos, 17 dys.

6. The date of his attestation specified in his attestation paper is 8 OCT 41.

7. The service which the accused is allowed to reckon towards discharge is 10 mos, 17 dys.

8. The accused is entitled to reckon 10 mos, 17 dys. service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no military decoration, or military reward (or is in possession of or entitled to). State any military decoration or reward. NIL

10.

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11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of
Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of
.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force / Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....
Unit
Name.....of.....Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 27th day of AUG 42.
J H Peters (J.H. Peters) Lieut. & Asst. Adjt.
A-10 Infantry (A) Trng. Centre, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

Cuthbert Lt Col
Pres.

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A.58394 No. | HUBBARD, S.B. Name | Sqn., Battery, or Company | No. 1 DD (AF) Corps (Kent Regt.) | Date of enlistment 8-10-41 | G.C. Badges | Service or Proficiency Pay 1.30 | M.F.M. 6 (A.F.S. 122) 500M—11-40 (8025) H.Q. 1172-48-15

Date of last entry in Company Conduct Sheet 1941 | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. 1 | Signature O.C. Company, etc. (R.M. Merritt) Capt. | Character

Z

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Camp Borden	Ont.			Att. A-10 I.(A) T.C. d. 12-3-42 Eff. 11-3-42					
				granted D.O. Pt. II #102 1/4/42 from 4/4/42 to 17/4/42	Warrant			133972	(J.S.)
Camp Borden	First furlough 17 MAY 42	Pte.		A.W.L. from 2200 hrs. 17 MAY 42, to 0050 hrs. 25 MAY 42. Total absence 7 days, 2 hrs, 50 mins. A.A. Sec. 15(1).	Cpl.Slathon Sgt.Wallace	14 days C.B.	25 MAY 42	Major Machell	8 days pay forfeit FRI (J.S.)
Reposted to the Royal Canadian Regiment, as transfer. D.O. Pt. II #135 R. 51 para. 111(c) d 8 [illegible] 42. [illegible]									
				CERTIFIED TRUE COPY 13 AUG 42. J. H. Peters (J.H. Peters)	Lieut. & Asst. Adjt. A-10 I.(A) T.C., C.A.				

(F.T.O.)

Lyttbach Wy 129
Pen: "

BY THE DEFENDING OFFICER: Gentlemen: The accused was guilty of absence without leave once before. I think the punishment was 14 days C.B. Obviously, it was not serious.

With respect to this offence, whatever this Court does to him, he is going to his unit. He is going to the Kent Regiment, out on the West coast.

He is a good soldier; he is good material. Let us get him to his unit as soon as we can. Who of us knows that he may not be needed more on the west coast than overseas. We don't know where the enemy will strike first. He is a good soldier. He comes of good stock. May I respectfully suggest to the Court that here is a chance to save a good soldier. He has already been punished; he has been in custody for 31 days. The punishment of his own mind that he has broken his father's heart is added to the punishment which this Court may give him. I respectfully suggest to the Court and I strongly urge the Court - I feel more strongly about this case than any other I have ever had - I suggest that the Court be lenient. I suggest that this accused would be greatly encouraged to go to his unit, get there, and have reason to be grateful for being in the Army, and make a good job, which, I am sure, he can do.

- - - -

SUMMARY OF EVIDENCE in the case of A58394 Private Sylvester Budd Hubbard, Royal Canadian Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., charged with desertion.

The accused's rights in respect to a Summary of Evidence are explained to him.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS: B79427 Cpl. W. Whyte, Irish Reg't., att. A-10 I.(A) T.C., C.A., having been duly sworn, states:-

"I am the administrative corporal for No. 2 Coy. A-10 I.(A) T.C., C.A., Camp Borden, Ont., to which Coy. the accused is attached. To the best of my knowledge, information and belief the accused was continuously absent without leave from A-10 I.(A) T.C., C.A., from 0600 hrs, 10 JUN 42, until he was apprehended at Leamington, Ont., at 2200 hrs, 27 JUL 42. If the accused had been present with his Coy. at any time during such period, I would have knowledge thereof. I identify the accused to be the person referred to in the following documents now shown to me:-

(a) M.F.B. 375 dated 6 JUL 42.

(b) M.F.M. 216 dated 27 JUL 42.

(c) M.F.B. 1481 dated 28 JUL 42.

(d) M.F.B. 1481 dated 7 AUG 42.

(e) M.F.B. 1482 dated 7 AUG 42."

The above mentioned documents are read over to the accused and marked Exhibits "A", "B", "C", "D" and "E" respectively.

The accused declines to cross-examine this witness.

Wm Whyte .....Cpl.
B79427 (W. Whyte) A-10 I.(A) T.C., C.A.

SECOND WITNESS: Capt. O.H. Mace, Calgary Highlanders, att. A-10 I.(A) T.C., C.A., having been duly sworn, states:-

"I am 2 i/c of No. 2 Coy. A-10 I.(A) T.C., C.A., Camp Borden, Ont., to which Coy. the accused is attached. On 2 JUN 42, I was the Officer Commanding No. 2 Coy. At. A-10 I.(A) T.C., C.A., Drill Hall on 2 JUN 42, the accused in my presence signed the warning for draft now produced by me after the same had been read by me to the accused, who stated that he thoroughly understood the meaning thereof. The draft for which the accused was warned proceeded overseas from Camp Borden, Ont., at about 2200 hrs, 12 JUN 42. The accused was absent without leave at the time the draft left."

The said warning for draft is read over to the accused and marked Exhibit "F".

The accused declines to cross-examine this witness.

O.H. Mace .....Capt
(O.H. Mace) A-10 I.(A) T.C., C.A.

QUESTION TO THE ACCUSED: "Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED: (Having been duly sworn) "I admit that I went absent without leave from A-10 I.(A) T.C., C.A., Camp Borden, Ont., from 0600 hrs, 10 JUN 42, until I was apprehended at Leamington, Ont., at 2200 hrs, 27 JUL 42. With reference to my conduct I would like to make the following statement. When I originally joined the Army, I joined the Kent Regiment which I liked and had always hoped to remain with. About two months after I joined up I decided to get married. My fiance was not in the best of health and has always suffered from a nervous condition and has a weak heart or a leaking valve I think they call it. I thought a long time before getting married, because I did not want to marry her and then go right overseas. However, it was my understanding, that the Kent Regiment would not be going overseas for sometime and on the basis of that information I decided to get married. When I was first warned for draft at A-10 I.(A) T.C., C.A., I was told I had to transfer to the Royal Canadian Regiment in order to proceed overseas. This was quite a surprise to me and I wired Colonel T. Codlin, Kent Regiment, New Westminster, B.C., asking his advise, who wired advising me to ask for a transfer to my Unit at New Westminster, adding that he had already taken steps for this transfer at New Westminster through the correct channels. I immediately went to Capt. Mace and asked for this transfer, who told me he would see what he could do although he had heard nothing about it. I had already been asked to sign my certificate of draft warning which I had done after I wired Colonel Codlin but before I had received his reply. Shortly after my interview with Capt. Mace we were granted embarkation leave. When I arrived home I told my wife what had happened. It was quite a shock to her, and as a matter of fact she fainted. When I returned to Camp after my embarkation leave I learned that nothing had been done about my transfer, and as I could not get hold of a telegraph operator in Camp Borden, I telephoned my father and asked him to wire Colonel Codlin again. While I was talking to my father over the telephone I learned that my wife was ill again. Perhaps I lost my head, but I went right back to my hut packed a couple of shirts and left for home. I intended to stay only one night, but as realization came to me of what I had done, I kept putting off the issue of returning. I told my father that I had come home, but I thought that I was going right back the next day and told him so. That was what I intended to do. I remember that I wired Capt. Mace, that I was coming right back. Then as I explained above I kept putting it off. I have nothing further to say."

S.B. Hubbard .....Pte.
A58394 (S.B. Hubbard) A-10 I.(A)T.C., C.A.

The accused declines to call any witnesses in his own behalf.

Rules of Procedure 4 (c) (d) (e) and (f) have been complied with.

Taken down by me in the presence of the accused at Camp Borden, Ontario, this thirteenth day of August, 1942.

J.H. Peters .....Lieut. & Asst. Adt.
(J.H. Peters) Q.O.R. of C., A-10 I.(A)T.C.

MEDICAL OFFICER'S REPORT

I certify that No. 068396 T. Hubbard L
of R.C.O.1(A)T.C. is in a fit state of health,
and is able to undergo Trial by Court Martial
~~Return~~ on

H. Elliott Capt
Medical Officer
R.C.A.M.C.

Station Camp Borden, Ont.
Date 27 August 42

H.Q.C. C.55-H-286 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

SPR. RENE HUNEAULT. D-16796

R.C.E. NO. 3 DIST. DEPOT. C.A. **DEAD**

1405-H-722

CONFIDENTIAL
H.Q.C. 55-H-286

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				Jas	With Papers	CR	26 Jul
SEP 30 1942 OCT 1 1942	10/42	1a	[illegible]	AD	To mte & PA.	[illegible]	29/9/42.

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-286 JAG.

SEP 30 1942 A.J.

September 29th, 2.

District Officer Commanding,
Military District No. 3,
KINGSTON, Ontario.

District Court-Martial,
D.16796, Spr. Rene Huneault,
R.C.E., No. 3 District Depot, C.A.

1. Receipt is acknowledged of your K.55-H-1747 (JAG) dated September 23rd, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities mentioned in your memorandum forwarded along with your letter, the following have been observed in the proceedings:-

(a) It would have been preferable if the Statement of Particulars for the first offence had disclosed the Unit from which the accused absented himself.

(b) The Medical Officer who signed the M.F.B. 246 should have stated his attachment after his signature.

3. It is not considered necessary to return the proceedings which are, therefore, retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

HFGB/amb

Copy on 405-H-7222

H.Q. C.55-H-286
M.D. K.55-H-1747 (JAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. D-16796 Name HUNEAULT, R.

Rank Spr. Unit R.C.E., #3 District Depot, C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 17/3/42. 2. 6/8/42.

Date of Arrest 30/7/42. Charge Signed 18/8/42.

Orders for D.C.M. D.O.C., M.D.#3.

Place and Date of Trial Lansdowne Park, Ottawa, Ontario, 31/8/42.

Sentence Detention 120 days and stoppages of $36.06.

Date of Confirmation 5/9/42.

Date of Promulgation 11/9/42.

Entered in Records of J.A.G. as No. 6786

Date 28/9/42.

MEMO Guilty of A.W.L. on the first charge, but not guilty of desertion, and is guilty of the second charge.

H. R. Bridges, Lieut.
for Judge Advocate-General.

2M-7-42(M1291)

CR 6786.

IN REPLY PLEASE QUOTE
No. K.55-H-1747 (JAG)

EWC

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, 23rd September 1942

~~H-4999~~

NO. FILE
(1)

OFFICIAL RECORD A.G. BRANCH SEP 24 1942 OTTAWA NATIONAL DEFENCE

Military Army Hdqrs. SEC. SEP 25 1942 File Chgd. to Referred to

The Secretary
Department of National Defence
OTTAWA, Ontario

District Court - Martial
D.16796, Spr. Rene HUNEAULT
R.C.E., No. 3 District Depot, C.A.

Herewith enclosed Proceedings on the trial by District Court-Martial of the marginally named soldier, the finding and sentence having been confirmed by the District Officer Commanding, and duly promulgated.

2 The same are forwarded to your office for registration and custody, the observations contained in the attached list having been brought to the attention of all Officers concerned.

(P.L.Armstrong) Brigadier
District Officer Commanding
Military District No. 3

Encl.

NAT. DEF. B. 440
2,000,000—10-41 (2024)
H.Q. 1772-39-767

DISTRICT COURT-MARTIAL
D.16796 Spr Rene HUNEAULT
R.C.E., No. 3 District Depot, C.A.

(a) In the Charge Sheet it is not necessary to use the words "without leave" where the desertion is unassociated with intent to avoid special duty, etc. (See Specimen charges 30 to 33A on page 720 of Manual of Military Law.)

(b) In the M.F.M.216 the deletions are not initialled.

(c) In M.F.B.1481, dated 1st August, 1942, the deletions are not initialled and the non-applicable phrase is not struck out.

(d) In M.F.B.1481, dated 31st July, 1942, deletions are not initialled.

(e) In M.F.B.355 there is a slight oversight in that the soldier's name is incorrectly spelled where it first appears.

(f) Production of a certified true copy of a Daily Order setting forth the Record of the Declaration of a Court of Inquiry would appear to be introducing secondary evidence of secondary evidence. While this would appear to be admissible under appendix to Routine Order 1877 para 7(a), nevertheless the M.F.B.375 was the proper document to be used in this case.

: : : : :

L. Bowsley Major
President, DOM

MEDICAL OFFICER'S REPORT

I certify that No. D-16796 Spr. Huneault R.

of D.D.M.D.3 (A.F.) is in a good state of health,

and fit to undergo Trial by Court martial.

J. Macfarlane Major RCAMC
Medical Officer

Station Lansdowne Park Ottawa

Date 31 Aug. 1942

M. F. B. 246
25M—9-41 (3745)
H.Q. 1772-20 483

All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Lansdowne Park, Ottawa, Ontario, on the 31st day of August, 1942, by order of Lieut.-Col. L.F. Grant A/District Officer Commanding Military District No. 3, dated the 22nd day of August, 1942.

President.

Major J.E. Dowsley, No. 3A District Depot, C.A.

Members.

Capt. J. Courtwright, C.A.(B) T.C. No. 2, C.A.

Lieut. F.M. Sutcliffe, No. 3 District Depot, C.A.

~~, Judge Advocate~~

Trial of* D.16796 Sapper Rene HUNEAULT, R.C.E., No. 3 District Depot, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to , waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Capt. W.A. Stewart, No. 3 District Depot, C.A.

~~Counsel‡ or~~ defending officer† Lieut. J.G.C. Charlebois, Cdn. Postal Corps, Base Post Office, C.A.

At 10AM o'clock the Trial commences.

The order convening the Court is read, and is marked X, X1, signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. 1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. 1 No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

(1) I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

Dowsley Major,
President, D.C.M.

Form R. 271

B

The President and members ~~and judge-advocate~~ are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q.2 Do you object to C.28866 C.S.M. Stringer, L., No. 3 Det. C.M.S.C., C.A., acting as Shorthand Writer? A.2 No, Sir.
C.28866 C.S.M. Stringer, L, No. 3 Det. C.M.S.C., C.A. is duly sworn as shorthand writer.

Q.3 Do you object to C.40030 Sgt. Enright, G.H., No. 3 District Depot, C.A., acting as Interpreter? A.3 No, Sir.
C.40030 Sgt. Enright, G.H., No. 3 District Depot, C.A., is duly sworn as Interpreter.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.4 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.4 Not Guilty. *Answer.*

Q.5 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.5 Not Guilty. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

"B2" A. Bousley, Major
President, DCM.

3.

CHARGE SHEET

The accused D-16796 Spr Rene HUNEAULT, R.C.E., District Depot M.D. 3, C.A., a soldier of the Canadian Army, placed on Active Service is charged with:-

First Charge
Sec: 12 (1) (a)
ARMY ACT

WHEN ON ACTIVE SERVICE, DESERTING
HIS MAJESTY'S SERVICE

in that he

at Petawawa, Ontario, at 0700 hrs on 17th March 1942 absented himself without leave from Petawawa Military Camp , and remained so absent until apprehended at St-Jerome, Que., at 1820 hrs on 30th July 1942, dressed in Military uniform, the cost of his apprehension and return to his Unit being $8.61.

Second Charge
Sec: 24 (2)
ARMY ACT

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING
AND REGIMENTAL NECESSARIES

in that he

at Ottawa, Ont., on the 6th August 1942 was deficient of the following articles at the values shown:-

Anklets web, prs.	1	.58	Drawers woollen prs	2	1.76
Badges carm drab Canada prs		.10	Gloves woollen prs	1	.44
Badges shoulder wor. prs	3	.24	Holdalls,	1	.17
Bags kit, Mk II	1	.78	Housewife,	1	.51
Belt waist leather brown	1	.37	Mitts pullover prs	1	.48
Brushes blacking	1	.15	Razors sets	1	.39
" polishing	1	.15	Shirts woollen	2	1.76
" shaving	1	.30	Towels hand	2	.42
" tooth	1	.09	Respirator A.G.	1.X	4.90
Cap winter melton	1	.90			
Greatcoat 1939	1	12.92	TOTAL DEFICIENCY		$ 27.45
Comb hair	1	.04			

(G.D. Gillis) Lt. Col.
OFFICER COMMANDING
DISTRICT DEPOT M.D. 3, C.A.

OTTAWA, ONTARIO
18 AUGUST 1942.

TO BE TRIED BY A DISTRICT COURT-MARTIAL

Kingston, Ontario
22nd August, 1942

L F. Grant
(L.F.Grant) Lieut. - Col.
A/District Officer Commanding
Military District No. 3

C

*Instruction.
(See R. P. 39 (A))
Question.

Proceedings on Plea of Not Guilty

Q.6 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.6 No, Sir.

The Prosecutor declines to make an Opening Address. ~~The prosecutor makes an opening address [hands in a written address, which is read, marked , signed by the President, and attached to the proceedings.]~~

The prosecutor proceeds to call witnesses.

First witness for prosecution.

Capt. W.A. Stewart, No. 3 District Depot, C.A., being duly sworn, ~~is examined by the prosecutor~~ states:

With regard to the charge of desertion against the accused, D.16796 Sapper Rene Huneault, I produce certified true extract from Part II Order No. 60 of the 3rd Bn. R.C.E. showing the accused struck off strength on having been declared by a Court of Inquiry illegally absent from 0700 hours 17th March, 1942, and to have deficiencies in kit to the amount of $56.15.

(Read, marked Exhibit "G", signed by the President and attached to the Proceedings)

I produce M.F.M.216, certificate of apprehension, showing the accused apprehended by M.D. No. 4 Canadian Provost Corps Detachment at St.Jerome, Quebec, at 1820 hours the 30th day of July, 1942, dressed in military uniform.

(Read, marked EXHIBIT "H", signed by the President and attached to the Proceedings)

I produce M.F.B.1481, certificate showing the cost of transportation of the accused and escort from Montreal to Ottawa, the amount being $6.51.

(Read, marked EXHIBIT "I", signed by the President and attached to the Proceedings).

I produce M.F.B.1481, certificate showing the cost of transportation of the escort from Montreal, Quebec, to St.Jerome, Quebec, in the amount of $2.10.

(Read, marked EXHIBIT "J", signed by the President and attached to the Proceedings)

The Defending Officer declines to cross-examine.

QUESTIONED BY THE COURT

Q.7 Do the documents which you have submitted apply to the accused?

A.7 Yes, Sir, they do.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat as Prosecutor.

SECOND WITNESS FOR PROSECUTION) C.30155 Sergeant Osler Harold HENDERSON, District Depot No. 3, C.A., being duly sworn, is examined by the Prosecutor:

Q.8 What is your position in the District Depot, Sgt. Henderson?

A.8 Quartermaster-Sergeant, Sir.

Q.9 Have you made a kit inspection of C.16796 Spr. Huneault, R.?

A.9 Yes, Sir.

Q.10 Will you tell me the amount of the shortages, if any?

A.10 $27.45, Sir.

Q.11 On what basis is that amount calculated?

A.11 Unexpired wear value of clothing and equipment and full value of necessaries, Sir.

Q.12 That is to say, 75% of the vocabulary value of clothing and equipment?

A.12 Yes, Sir.

Q.13 On what date was this inspection made?

A.13 6th August, Sir.

Q.14 Have you a written statement of deficiencies which you can submit to the Court?

A.14 Yes, Sir.

Anklets, web, prs.	1	$ .58
Badges, arm, drab, Canada, prs.		.10
Badges, shoulder, worsted, prs.	3	.24
Bags, kit, Mk.II	1	.78
Belts, waist, leather, brown	1	.37
Brushes, blacking	1	.15
polishing	1	.15
shaving	1	.30
tooth	1	.09
Caps, winter, melton	1	.90
Greatcoat, 1939	1	12.92
Combs, hair	1	.04
Drawers, woollen, prs.	2	1.76
Gloves, woollen, prs.	1	.44
Holdalls	1	.17
Housewife	1	.51
Mitts, pullover, prs.	1	.48
Razors, sets	1	.39
Shirts, woollen	2	1.76
Towels, hand	2	.42
Respirators, A.G.	1	4.90
Total deficiency		$27.45

(List of deficiencies is produced to the Court, marked EXHIBIT "K", signed by the President and attached to the Proceedings)

CROSS-EXAMINED BY DEFENDING OFFICER

Q.15 Sgt. Henderson, was any kit brought back by the accused after he was apprehended and brought to the District Depot taken into consideration in making up this list?

A.15 Everything was taken into consideration, Sir.

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT

Q.16 This list is the deficiencies as of today's date?

A.16 Yes, Sir.

Q.17 The total deficiencies as of today's date is $27.45?

A.17 Yes, Sir.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness withdraws.

The Prosecution has no further witnesses.

D

The prosecution is closed.

Defence

The Defending Officer declines to make Opening Address.

Question to the accused. 18 Do you apply to give evidence yourself as a witness?

Answer. 18 No, Sir.

Question. 19 Do you intend to call any other witness in your defence?

Answer. 19 No, Sir.

Question. ~~Is he a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Question to the accused. 20 Have you anything to say in your defence?

Answer. 20 No, Sir.

~~The accused in his defence (by)~~

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

The Prosecutor declines to make a Closing Address.

The Defending Officer declines to make a Closing Address.

Instruction. † In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused D.16796 Sapper Rene HUNEAULT, R.C.E., No. 3 District Depot, C.A., is NOT GUILTY of desertion, but is GUILTY of absence without leave on the first charge and GUILTY of the second charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Capt. W.A. Stewart, No. 3 District Depot, C.A., already is/duly sworn.

Evidence of character, &c.

Question by the President.

21 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* 21 Yes, I produce M.F.B.355.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

Question by the President.

22 Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* 22 Yes, Sir.

Question.

23 Have you compared the contents of the above statement with the regimental books? *Answer.* 23 Yes, Sir.

Question.

24 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 24 Yes, Sir.

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

[Instruction.—If by reason of the nature of the service of the accused in a depot-mental corps or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat as Prosecutor.

Question to the accused.

25 Do you wish to address the Court? *Answer.* 25 No, Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused D.16796 Sapper Rene HUNEAULT, R.C.E., No. 3 District Depot, C.A., to undergo detention for one hundred and twenty (120) days and to be put under stoppages of pay until he has made good the sum of Eight Dollars and Sixty One Cents ($8.61) in respect of the cost of apprehension and return to his unit and until he has made good the value of the following articles, viz:

Anklets, web, prs.	1	$ .58
Badges, arm, drab, Canada, prs.		.10
Badges, shoulder, wor. prs.	3	.24
Bags, kit, Mk. II	1	.78
Belts, waist, leather, brown	1	.37
Brushes, blacking	1	.15
polishing	1	.15
shaving	1	.30
tooth	1	.09
Caps, winter, melton	1	.90
Greatcoats, 1939	1	12.92
Combs, hair	1	.04
Drawers, woollen, prs.	2	1.76
Gloves, woollen, prs.	1	.44
Holdalls	1	.17
Housewife	1	.51
Mitts, pullover, prs.	1	.48
Razors, sets	1	.39
Shirts, woollen	2	1.76
Towels, hand	2	.42
Respirators, A.G.	1	4.90
Total deficiency		$27.45

Sentence.

DETENTION

120 days

STOPPAGES

$ 8.61
27.45

$36.06

Signed at Ottawa, Ontario, this 31st day of August, 1942.

(J.E. Dowsley) Major
No.3A District Depot, C.A.
PRESIDENT, D.C.M.

Extracts entered as No. 6786 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 28th day of September 1942.

Confirmed.

Signed at Kingston, Ontario this 5th day of September, 1942.

Brigadier
District Officer Commanding,
Military District No.3.

PROMULGATION OF DISTRICT COURT-MARTIAL

Promulgated and extracts taken at Ottawa, Ontario this 11th day of September 1942.

(J.A. Pentreas) Capt. & A/Adjt.
District Depot M. D. 3. (AF)..

"X" Dowsley, Major 15.
President DCM.

K.55-H-1747

ORDERS BY
LIEUT. - COL. L.F. GRANT
A/DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO. 3

KINGSTON, Ontario, 22nd August, 1942

DISTRICT COURT-MARTIAL
D.16796, Spr. Rene HUNEAULT
R.C.E., No. 3 District Depot.

1. The detail of Officers as mentioned below will assemble Lansdowne Park, Ottawa, Ontario, at 1000 hours, Monday, 31st August, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major J.E. Dowsley, No. 3A District Depot, C.A.

MEMBERS

Captain J. Courtwright, C.A.(B) T.C. No. 2, C.A.
Lieut. F.M. Sutcliffe, No. 3 District Depot, C.A.

WAITING MEMBER

Capt. T.E. Veitch, R.C.O.C., att'd. No. 3 District Depot, C.A.

PROSECUTOR

Capt. W.A. Stewart, No. 3 District Depot, C.A.

DEFENDING OFFICER

Lieut. J.G.C. Charlebois, Cdn. Postal Corps, Base Post Office, C.A.

2. Officers attending for instruction will be detailed by the Commandant, Ottawa Area, Ottawa, Ontario.

3. The accused person will be warned and all witnesses duly required to attend.

4. The Commandant, Ottawa, Area, Ottawa, Ontario, will arrange for necessary accommodation and stationery.

5. The Proceedings of the Court will be forwarded to the District Officer Commanding, Military District No. 3.

Signed this 22nd day of August, 1942.

(G.T. Walmsley) Major
A.J.A.G., M.D. No. 3
for A/District Officer Commanding
Military District No. 3

"X-1" G.B. Gourley, Major 17.

K.55-H-1747

President, D.O.R.

ORDERS BY
BRIGADIER F. L. ARMSTRONG, O.B.E.
DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO. 3.

KINGSTON, Ontario, Aug. 25, 1942.

DISTRICT COURT-MARTIAL
D.16796 Spr. Rene HUNEAULT,
R.C.E., No. 3 District Depot.

1. With reference the Order convening the marginally noted District Court-Martial dated 22nd August, 1942, the same is hereby amended, insofar as it pertains to the Waiting Member as follows:

WAITING MEMBER

Add: Major G.H. Lawrence, Cdn. Postal Corps,
Base Post Office, C.A.

Signed this 25th day of August, 1942.

W.K. MacGregor

(W.K.MacGregor) Major,
D.A.A.G., M.D.No.3.
for District Officer Commanding,
Military District No.3.

D. R.

EXHIBIT "G"

G. Bowsley, Major
President, BOI

Each issue of orders will be numbered consecutively, commencing on the 1st January each year, and each item will be given a sub-number.

UNIT 3rd Battalion, R.C.E.

PART II ORDERS

N.B.—(1) All casualties affecting an officer's pay and allowances to be shown in Part II Orders.

(2) Every circumstance which affects a soldier's pay, service or documents must be published immediately after its occurrence.

No. 60

STATION Petawawa, Ont.

DATE 5-5-42.

SUB. No.	SUBJECT	REGTL. No.	RANK AND NAME	SQDN. COY. ETC.	CASUALTY AND REMARKS	DATE
616	STRENGTH DECREASE.					
		D-16796	Spr. HUNEAULT, R.	"C"	Having been declared illegally absent since 0700 hrs. 17-3-42 and to have deficiencies in kit to the amount of $56.15 by a Court of Inquiry held 4-5-42 is struck off strength with effect from 4-5-42. To forfeit pay from 17-3-42 to 4-5-42 under Art. 149 (1)(a) F.R.& I. (49) forty-nine days.	
	CERTIFIED TRUE EXTRACTS FROM PART II ORDERS.					

Officer i/c Records
A. G. Branch
AUG 18 1942
Nat. Defence Hqrs.
Ottawa, - Canada

Exhibit "C" to summary of Evidence.

N.B.—Copies of Part II Orders when required to be issued will be sent to the District Paymaster concerned and to the Officer in charge of Records (Para. 1494, K. R. & O., 1939), who will retain them for reference.

M. F. D. 673A
500M—12-39 (3464-T)
H.Q. 1773-24-204

Geo. W. Smith, Lieut-Colonel.
Officer Commanding or Adjutant
O.C. 3rd Battalion, R.C.E. (CA)AF

EXHIBIT "H" Stanley Mayer President Dom. A

21.

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Major W.H. Draper, C.C. Cdn. Provost Corps Det., M.D.No.4
(Number) (Rank) (Name) (Unit)

hereby certify that D- 16796 Pte. HUNEAULT, R.
(Number) (Rank) (Name in full)

of the R.C.E. -- 3rd Batt., ~~Petawawa, Ont.~~
(Unit and attachment, if any)

Strike out words not applicable } was apprehended by (~~surrendered to~~) D-109813 L/Corporal
(Number) (Rank)

Marechal L. of the CDN. PROVOST CORPS DET., M.D.No.4
(Name) (Unit or appointment)

at St. Jerome, Que. at 1820
(Place) (Hour)

on the 30th day of JULY 19 42

Strike out words not applicable } as a deserter (or absentee without leave), and that at the time of his arrest he was wearing military (~~air force~~) uniform (~~dressed in civilian clothes~~).

Dated at Montreal, Que. this 30th day of JULY 19 42

W.H. Draper
(W.H. Draper) Major
Officer Commanding,
Cdn. Provost Corps Det., M.D.No.4
(Signature, Number, Rank, Unit or appointment)

JAB/...

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
50M—5-42 (4731)
H.Q. 1773-39-1936

Exhibit "A" to Summary of Evidence.

EXHIBIT "I" C. Dowsley, Major p. 23.

President D.C.M.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieutenant L. J. Maiden, No. 3 District Coy, R.C.A.S.C. (Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~authorized~~ the hereinafter itemized transportation for escort

Complete — to proceed from Ottawa, Ont. (Place) to Montreal, Que. (Place)

and return to Ottawa, Ont. for the

Full description of soldier being escorted — purpose of escorting D-16796 Pte. Huneault, J.; 3rd Bn. R.C.E., Montreal, P.Q.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
(a) Escort Duty.	
C-30831 Cpl. Daley, T.C.	
Transport Warrant No. 127544	$3.74
Government Tax 15%	.60
(One second class militia ticket Ottawa, Ont., to Montreal, Que., and return.)	
(b) Personnel under escort.	
D-16796 Pte. Huneault, J.	
Transport Warrant No. 127545	$1.87
Government Tax 15%	.30
(One second class militia ticket Ottawa, Ont., to Montreal, Que.)	
Absentee being returned to unit under escort.	
Total	$ 6.51

Dated at Ottawa, Ont. this 1st day of August A.D. 19 42

L J Maiden Lieut.

~~Sgt~~ D.S.A.T.O. M. Regiment (Signature, rank, unit of officer issuing transport warrants) (Authority for transportation) Strike out description not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
5686—7-41 (3120)
B.Q. 1572-39-1861

Exhibit "B" to Summary of Evidence

EXHIBIT "J" G. Donzley. Major "B" 25.

ABSENTEES AND DESERTERS

President, DCM.

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~4099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description: I, Major W.H. Draper, O.C., Canadian Provost Corps Det., M.D. #4 (Rank) (Name) (Unit)

Strike out word not applicable: hereby certify that I ~~issued~~ (authorized) the hereinafter itemized transportation for escort

Complete: to proceed from Montreal, Que. (Place) to St-Jerome, Que. (Place) and return to Montreal, Que. for the

Full description of soldier being escorted: purpose of escorting D-16796 Pte. HUNEAULT R. 3rd Btn. RCE Petawawa, Ont.

Strike out phrase not applicable: alleged to be a ~~deserter or~~ absentee without leave, the facts, date and particulars of ~~transport warrants issued~~ (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
July 30th, 1942.	
Montreal to St-Jerome, Que.	
35 miles @ 0.06 per mile	$2.10
Total mileage covered by a Provost Detail to apprehend	
2 absentees without leave and divided evenly among them.	
Total	$ 2.10

Part of Exhibit "B" to Summary of Evidence.

Dated at Montreal, Que. this 31st day of JULY A.D. 19 42

(W.H. Draper) W.H. Draper Major,
O.C. CDN. PROV. C. DET.
M.D. No. 4

Signature, rank, unit of officer ~~issuing transport warrants~~ (authorizing transportation)
Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1483
MM—12-41 (2754)
H.Q. 1173-39-1881

EXHIBIT "K"

27

L. Bowsley, Capt
President D.C.M.

6th August 42

Officer Commanding
District Depot M.D.3(AF)
Lansdowne Park,
Ottawa Ontario.

This is to certify that on this date I have inspected the kit of D-16796 Spr. Huneault, R. and find him deficient the undermentioned articles at the un-expired wear value of clothing and equipment and full value of deficient necessaries:

Anklets web prs.	1	.58
Badges carm drab Canada prs.		.10
Badges shoulder wor. prs.	3	.24
Bags kit, Mk.11	1	.78
Belt waist leather brown	1	.37
Brushes blacking	1	.15
polishing	1	.15
s shaving	1	.30
tooth	1	.09
Cap winter melton	1	.90
Greatcoat 1939	1	12.92
Comb hair	1	.04
Drawers woollen prs.	2	1.76
Gloves woollen prs.	1	.44
Holdalls,	1	.17
Housewife,	1	.51
Mitts pullover prs	1	.48
Razors sets,	1	.39
Shirts woollen	2	1.76
Towels hand	2	.42
Respirator A.G.	1	4.90
Total deficiency		$27.45

Exhibit "D" to summary of Evidence.

Sgt. Ronald Henderson
(C-30155 Sgt. Henderson O.H.)
District Depot M.D.3(AF).

"Y" Bowsley, Major
President, DSM

29

A.F.B. 153
(M.—11-41 (1273))
H.Q. 1772-30-420
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
D-16796	Spr	Rene HUNEALT,	R.C.E. D.D.M.D. 3, C.A.

1. The following is a fair and true summary of the entries in the ~~Regimental Conduct Sheet~~ Service and General Conduct sheets ~~or company Conduct Sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~or by a Court~~ of summary awards under Section 47 of the ~~Militia Act~~ Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For A.W.L.	6 times		A.W.L. 6	times
For	times			times
For	times			times
For	times			times

~~Number of instances of illegal or dishonorable conduct.~~

~~If the accused has no record in the conduct sheets of the accused.~~

~~Note: If the charge is for misconduct, the circumstances must be stated separately.~~

2. The accused has not been previously convicted.

~~2. The accused has not been previously convicted.~~

~~Previous convictions of the accused by a court-martial or a civil court of summary awards under Section 47 of the Militia Act and dispensations with trial under Section 47 of the Militia Act.~~

~~If the accused is not under sentence at the present time.~~

~~The accused at the present time is serving a sentence for ..... imposed on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for nil days in ~~civil~~ custody, and ~~18~~ 33 days in military custody, making a total of ~~18~~ 33 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~enlistment paper~~ attestation paper is 21 years 11 mos

6. The date of his ~~enlistment~~ attestation specified in his ~~enlistment paper~~ attestation paper 30 July 41

~~Statement showing the accused's service to enter record of charges.~~

~~Statement is not required in cases ..... for the purpose of determining the punishment, etc.~~

9. The accused is in possession of or entitled to no ~~civilian~~ military decoration, or ~~civilian~~ military reward (or ~~civilian~~ military ~~possession of or entitled to, Statement showing the nature of reward.~~

~~If the accused is a commissioned officer. The accused before he was made a commissioned officer held the rank of .....~~

30.

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

..... dated ....., and in his regiment (or corps), the rank of

..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number D16796 Rank Spr. Name Rene HUNEAULT of R.C.E. DISTRICT DEPOT M.D. 3, C A Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
NIL	NIL	NIL	NIL	NIL

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~18th~~ 31st day of ~~Aug.~~ Nov. 1942 (J.A. Pentress) Capt.
A/Adjutant D.D.M.D. 3, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

G. Bowsley, Major
President D.C.M.

SUMMARY OF EVIDENCE

in the case of.

No. D-16796 Spr Rene HUNEAULT, R.C.E., District Depot M.D. 3, C.A., a soldier of the Canadian Army, placed on Active Service.

FIRST CHARGE: Desertion

SECOND CHARGE: Losing by neglect.

THE COMMANDING OFFICER DIRECTS THAT THE EVIDENCE BE TAKEN ON OATH.

FIRST WITNESS

Captain J.A. Pewtress, A/Adjutant District Depot M.D. 3, C.A., being duly sworn states:-

With regard to the charge of desertion preferred against the accused D-16796 Spr Rene Huneault, I produce the following documents which pertain to this case:-

(1) M.F.M. 216 "Certificate of Apprehension" signed by Major W.H. Draper, O.C. Can Provost Corps Det., M.D. # 4 , showing the accused as having been apprehended at St-Jerome, Quebec at 1820 hrs 30 July 42.
(2) M.F.B. 1481 "Certificates as to cost of apprehension" showing the total cost to be $8.61.
(3) Certified true extract of 3rd Bn R.C.E. Part II D.O. No. 60 d/5 May 42.

The above mentioned documents were received, read, and Marked Exhibits "A" "B" "C".

THE ACCUSED DECLINED TO CROSS-EXAMINE THIS WITNESS.

J A Pewtress Capt

SECOND WITNESS

C-30155 Sgt O.H. Henderson, District Depot M.D. 3, C.A; being duly sworn states:-

On the 6th of August 1942 I checked the clothing and equipment of the accused had in his possession against the M.F.C. 800 and find he is still short of articles to the unexpired wear value of clothing and necessaries of $27. 45 in accordance with the provisions of Routine Order #1877 d/10 Apr. 42.

I produce certified list of the shortages to which I have just referred. The list referred to is received, read, marked exhibit "D" .

THE ACCUSED DECLINED TO CROSS/EXAMINE THIS WITNESS.

O H Henderson

QUESTION TO THE ACCUSED.

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED.

I have nothing to say.

I certify that Rules of Procedure 4 (C) (D) (E) a nd (F) have been complied with.

Taken down by me in the presence of the accused at Lansdowne Park Ottawa, Ontario, this 18th day of August 1942.

(W.A. Stewart) Capt.
District Depot M.D. 3, C.A.
Officer detailed to take this
Summary of Evidence.

H.Q.C. 55-H-288

CONFIDENTIAL

M.F.H. 2078

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

SUBJECT DISTRICT COURT MARTIAL.

B.-53132, SGMN. J.A. HOUSDON,

-R.C.C.S.- NO. 2 DISTRICT DEPOT. C.A

CROSS REFERENCE

405-H-1218

DEAD

CONFIDENTIAL
H.Q.C. 55-H-288

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
OCT 4 1942	3 10/42	PA	J.F.B.	JAS	With papers	CR	2/10/42
				JAS	With Papers C.R. NOV 2 - 1942		
NOV 6 1942	6 11/42	Nu	agen	AD	Go with PA		
DEC 15 1942	5/12/42	P.A.1	S/Ne	Jals.	For Requisition DEC 14 1942	J.F.B.	4/11/42.

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-288 (JAG)

Ottawa, Canada,

November 4th, 2

District Officer Commanding,
Military District No. 2,
159 Bay Street,
Toronto, Ont.

Re: District Court-Martial
B.53132, Sgmn. John Albert Housdon
(H.C.C.S) Att'd No. 2 District Depot, C.A.

1. Receipt is acknowledged of your T-20-H-5304 (AJAG) dated October 30th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. It appears that the finding is supported by the evidence and the sentence is legal. The proceedings are therefore retained for custody.

Brigadier,
Judge Advocate-General.

HFGB/DC

Copy on 405-H-8218

H.Q.C.55-H-288
M.D.T-20-H-5304 (AJAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-53132 Name HOUSDON, J.A.

Rank Sgmn. Unit R.C.C.S., #2 District Depot, C.A.

Charge Sec. 18 (4) A.A. Stealing property belonging to a person subject to military law.

Sec. 18 (4) A.A. Stealing property belonging to a person subject to military law.

Sec. 18 (4) A.A. Stealing property belonging to a person subject to military law.

Date of Crime 1. on or about 18/7/42. 2. on or about 6/7/42. 3. on or about 18/7/42.

Date of Arrest Charge. Signed 3/9/42.

Orders for D.C.M. D.O.C., M.D.#2.

Place and Date of Trial Toronto, Ontario, 12/10/42.

Sentence Detention 9 months.

Date of Confirmation 23/10/42.

Date of Promulgation 24/10/42.

Entered in Records of J.A.G. as No. 7006

Date 3/11/42.

MEMO Guilty of both charges.

G. R. Bridges, Lieut.
for Judge Advocate-General.

2M-7-42(M1291)

1006

85818

IN REPLY PLEASE QUOTE
No. T-20-H-5304
(AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

30th October 1942
Headquarters, Military District No.2,
159 Bay Street, Toronto, Ontario.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
B.53132, Sgmn. John Albert HOUSDON,
(R.C.C.S) Att'd No. 2 District Depot, C.A.

GENERAL REGISTRY Army
SEC.
65-14-288
NOV 2 1942
File
Chgd. to
Referred to

Herewith Proceedings of the marginally noted Trial by District Court-Martial for the custody of the Judge Advocate-General.

(C.F. Constantine)
Major-General
District Officer Commanding,
M.D. 2.

N.D. 88
1500M-2-42 (8466)
H.Q. 1772-101-23

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Lecture Room 249 Fort York Armouries, Toronto, Ontario, on the 12th day of October, 1942, by order of Brig.-Gen. G. E. McCuaig, C.M.G., D.S.O., V.D., Temporary District Officer Commanding Military District No. 2, dated the 7th day of October, 1942.

President.

Major C. Goodday,
Lord Strathcona Horse, att'd No. 2 Dist. Depot, C.A.

Members.

Major H. C. H. Miller,
University of Toronto Contingent,
Canadian Officers Training Corps (R) C.A.

Captain W. B. Martin, D.C.M.,
2nd (Reserve) Bn. Royal Regiment of Canada, C.A.

Lieut. D. G. Dean,
The Algonquin Regiment, att'd Headquarters,
Military District No. 2. Judge Advocate.

Trial of* No. B.53132, Signalman John Albert HOUSDON, (RCCS) att'd No. 2 District Depot, C.A.

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

~~The Court satisfy themselves that xxxxxxxxxxxxxxxxxx is not available for serving as a member of the Court~~

~~The acting member takes his place as a member of the Court~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. x

The accused is brought before the Court.

Prosecutor,† Lieut. J. S. Stephens, No. 2 District Depot, C.A.

~~Prosecutor~~ defending officer† Lieut. J. R. Purcell, C.A.C., H.W.E. att'd No. 2 Dist. Depot CA.

At 10:10 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" (No. 2 DD. Pt I Order 269 dated 9th Oct. '42, detailing Pros. & D.O. is signed by the President, and attached to the proceedings and marked "X-1" send by the Pres. & att'd to the proceedings.)

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
5M—9-41 (1907)
H.Q. 1772-39-224

x I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

President.

N

B

The President, members and judge-advocate are duly sworn.

~~The following officers under instruction are duly sworn:~~

Q-2 Do you object to No. M.36367, S/Sgt. R. Gostick, No. 2 Det., C.M.S.C., C.A., H.Q., M.D. No. 2, acting as shorthand writer?

A-2 No, sir. (No. M.36367, S/Sgt. R. Gostick, No. 2 Det., C.M.S.C., C.A., H.Q., M.D. No. 2, is duly sworn as shorthand writer.)

---See Page "G" for Minute of Adjournment and reassembly.
---See Page "H" for Minute of Waiver of Notice.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4 Guilty, sir. *Answer.*

Q-5 Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

A-5 Guilty, sir. *Answer.*

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to all the charges ~~charge~~, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B2

3

CHARGE SHEET.

Chronic Thief Incident

The accused No. B-53132, Signalman John Albert Housdon, (RCCS) attached No. 2 District Depot, C.A. a soldier of the Canadian Army, placed on active service, is charged with:-

FIRST CHARGE
Section 18 (4)
Army Act.

STEALING PROPERTY BELONGING TO A PERSON SUBJECT TO MILITARY LAW:

- in that he -

at Vocational Training School, Toronto, Ontario, on or about the 18th July, 1942, stole nine snapshots and one tie clip with chain, the property of No. L-19536, Sapper Mader, W.R. a person subject to military law.

SECOND CHARGE
Section 18 (4)
Army Act.

STEALING PROPERTY BELONGING TO A PERSON SUBJECT TO MILITARY LAW:

- in that he -

at Vocational Training School, Toronto, Ontario, on or about the 6th July, 1942, stole a wallet containing $8.00 in cash, registration card and photographs, the property of No. B-54056, Driver Graham, I.A., a person subject to military law.

THIRD CHARGE
Section 18 (4)
Army Act.

STEALING PROPERTY BELONGING TO A PERSON SUBJECT TO MILITARY LAW:

- in that he -

at Vocational Training School, Toronto, Ontario, on or about the 18th July, 1942, stole a notebook, the property of No. B-91785, Private Gray, M.M., a person subject to military law.

Dated at Toronto, Ontario, this 3rd day of September, 1942.

D.H. Hammond Colonel.

Officer Commanding No. 2 District Depot, C. A.

To be tried by District Court Martial.

W. Dunn
Lt. A.A.-Q.M.G. M.D. 2.
for D.A.G. M.D. 2.

Signed at Toronto, Ont, this 6th day of October 1942

5

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been reopened, the accused is again brought before it and the charge to which he has pleaded "Guilty" xxxx xxxxxx read to him again.]

The accused, No. B.53132, Signalman John Albert HOUSDON, (RCCS) attached No. 2 District Depot, C.A., is found guilty of of all the charges.

*The summary ~~or abstract~~ of evidence is read, marked "I", signed by the President, and attached to the proceedings.

Q-6 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-6 *Answer.* No, sir. ~~The accused in mitigation of punishment says:—~~

[*or* hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.]

Instruction.

* If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q-7 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A-7 No, sir.

Answer.

Evidence as to character.

7

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~The Court being re-opened, the accused is again brought before it.~~

Lieut. J. S. Stephens, No. 2 District Depot, C. A., H.W.E. is duly sworn.

Evidence of character, &c.

Q-8 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-8. I produce M.F.B. 355 and certified true copy of M.F.M. 6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-Z", signed by the President, and annexed to the proceedings.

Q-9 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-9. He is, sir.

Q-10 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-10. I have, sir.

Q-11 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-11. Yes, sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused~~

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and Judge Advocate, it is not necessary to comply with R.P. 83 (b).

Q-12 *Question to the accused.* Do you wish to address the Court? *Answer.* A-12. Yes, sir.

{See document marked "J" attached.}

The Court is closed for the consideration of the sentence.

8

F

Sentence

The Court sentence the accused, No. B.53132, Signalman John Albert HOUSDON, (RCCS), att'd No. 2 District Depot, C.A., to undergo detention for 9 months.

Sentence.

Detention

9 mos.

Signed at Toronto, Ontario, this 12th day of October, 1942.

C. Gossage (Major)
Lord Strathcona Horse, att'd
No. 2 Dist. Depot, C.A.
President.

D. Deas (Lieut.)
The Algonquin Regiment, att'd Headquarters,
Military District No. 2.
Judge Advocate.

Confirmed.
P. Flanagan Mg.
D.O.C.2.

Signed at Toronto Ont. 23rd of October 1942

Promulgated and extracts taken at Exhibition Camp Toronto this 24th day of October 1942

W. W. Dunlop Capt & Adjt
No 2 District Depot

Extracts entered as No. 7006 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 3rd day of Nov. 1942

Choose Major President

ORDERS BY

Brigadier-General G.E. McCuaig, C.M.G., D.S.O., V.D.
Temporary District Officer Commanding,
Military District No.2.

Toronto, Ontario, October 7th, 1942.

District Court-Martial
No. B 800605, Pte. William Alexander Manley
(H.D.) No. 2 District Depot, C.A.

The detail of Officers mentioned below will assemble at Lecture Room 249, Fort York Armouries, Toronto, Ontario, on Monday, 12th October, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major C. Goodday,
Lord Strathcona Horse, att'd
No. 2 District Depot, C.A.

MEMBERS

Major H.C.H. Miller,
University of Toronto Contingent,
Canadian Officers Training Corps (R) C.A.

Captain W.B. Martin, D.C.M.
2nd (Reserve) Bn. Royal Regiment of Canada, C.A.

WAITING MEMBER

Major G.O. Brown,
Veterans Guard of Canada, att'd
No. 2 District Depot, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Lieutenant D.G. Dean,
The Algonquin Regiment, att'd
Headquarters, Military District No.2.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No.2.

SIGNED at Toronto, Ontario, this 7th day of October, 1942.

M. Drury.

(M.H.A. Drury)
Lieutenant-Colonel
A.A. & Q.M.G. M.D. 2.

X-1 13

ORDERS BY
COL. O.S. HOLLINGRAKE, E.C.
CMDG. NO. 2 DISTRICT DEPOT, C.A.

Order No. 269
9 Oct. 42

PART I

Certified true copy

1. DUTIES

Field Officer of the Day

9 Oct. 42 Capt. D.H. Holliday
10 Oct. 42 Lt.-Col. J. Roberts, M.C., E.D.
11 Oct. 42 Lt.-Col. J. Roberts, M.C., E.D.

Orderly Officers

Stanley Barracks	Grandstand	Horse Palace
9 Oct. 42 Capt. W.C. Barclay	Capt. E.C. Witcombe	Capt. F. Cronk
10 Oct. 42 Capt. A.H. Ferry	Lt. M.B.C. Jennings	Lt. D.M. Baldwin
11 Oct. 42 Capt. A.H. Ferry	Lt. M.B.C. Jennings	Lt. Burrows

Orderly Officers Gov't and International Bldg.	Duty Medical Officer
9 Oct. 42 Lt. W.H. Smith	9 Oct. 42 Capt. Winkler
10 Oct. 42 Capt. C.W. Tunis	10 Oct. 42 Capt. Soucier
11 Oct. 42 Capt. C.W. Tunis	Capt. Kline
	11 Oct. 42 Capt. Kline

Depot Duty Warrant Officer of the Day

9 Oct. 42 C.S.M. Tingey, F.W.
10 Oct. 42 S.S.M. Jones
11 Oct. 42 S.S.M. Jones

Buildings - Orderly Sergeant

Horse Palace (Mount 1000 hrs)	Stanley Barracks (Mount 1000 hrs)
9 Oct. 42 Sgt. Walker, R.	9 Oct. 42 CQMS. Ward, A.E.
10 Oct. 42 Sgt. Ribble, R.R.C.	10 Oct. 42 CQMS. Ward, A.E.
(Alternate Days)	11 Oct. 42 CQMS. Ward, A.E.

Government Bldg. (Mount 1000 hrs)	Grandstand D.W.O. or N.C.O. (Mount 1600 hrs)
9 Oct. 42 Sgt. Stratton, S.	8 Oct. 42 C.S.M. Rowell, C.F.
10 Oct. 42 Sgt. Sweet, F.	9 Oct. 42 RQMS. Deacon, K.A.
11 Oct. 42 Sgt. Wilkes, H.F.	10 Oct. 42 C.S.M. Rowell, C.F.

N.C.O. i/c Inlying Gate & Fire Picquet

Stanley Barracks	Horse Palace
9 Oct. 42 Cpl. West, W.A.	9 Oct. 42 Cpl. Hoover, J.B.
10 Oct. 42 Cpl. Dowell, A.	10 Oct. 42 Cpl. Chartrand, H.C.
(Alternate Days)	11 Oct. 42 L/Cpl. Hardie, G.J.

Government Bldg.	Grandstand (Mount 1600 hrs)
9 Oct. 42 Cpl. Burningham, N.E.	8 Oct. 42 Sgt. Coyle, J.R.
10 Oct. 42 Cpl. Baker, W.F.	9 Oct. 42 Sgt. Slade, T.
(Alternate Days)	10 Oct. 42 Sgt. Munro, R.W.

1. DUTIES - (continued)

Duty N.C.O. i/c R.M.P.

Stanley Barracks

9 Oct. 42 A/L/Cpl. Needham, J.
10 Oct. 42 Cpl. Leach
(Alternate Days)

Administration Building

L/Cpl. Rand
L/Cpl. Seibel
(Alternate Days)

Horse Palace

A/L/Cpl. Farrows
Cpl. Finch, J.
(Alternate Days)

A/N.C.O. i/c Fire Hall

9 Oct. 42 L/Bdr. Hollinger, A.
10 Oct. 42 Cpl. Stacey, E.H.
(Alternate Days)

N.C.O. i/c Traffic Picquet

9 Oct. 42 Cpl. Cox, E.R.
10 Oct. 42 Cpl. Hogg
11 Oct. 42 Sgt. Roberts

2. DUTY BANDS

Monday	12 Oct. 42	Pipe Band
Tuesday	13 Oct. 42	Brass Band
Wednesday	14 Oct. 42	Trumpet Band
Thursday	15 Oct. 42	Brass Band
Friday	16 Oct. 42	Trumpet Band
Saturday	17 Oct. 42	Pipe Band
Sunday	18 Oct. 42	Pipe Band (Brass Band for Church Parade)
Monday	19 Oct. 42	Trumpet Band

3. DISCIPLINE NIGHT MARCHES

All troops on roadways or highways after dark, will carry a red lantern at front and rear of column.

Red lanterns are an issue and may be drawn from Q.M. Stores.

4. CHURCH PARADE

1. Divine Service at 0930 hrs. will be held in the Music Hall of the Salvation Army, on Sunday 11 Oct. 42.

(A) "D" Wing will detail 50 men.
"A" Wing will detail 100 men.
(R.R. & T.T. Coy. will not be included)
"R" Wing will detail 650 men.

(B) "R.R. & T.T." Coy. will hold their church parade at 1015 hrs. and will parade all staff and recruits who have not been given passes or who are not essentially employed.

(C) The R.S.M. will be responsible that pianists are available when Brass Band is not on duty.

2. (i) Markers will report to R.S.M. on Parade Ground at 0900 hrs.

(ii) Fall in on Depot Parade Ground at 0905 hrs.

(iii) Move off at 0915 hrs.
Wing markers will report to R.S.M. at 0900 hrs. and have in their possession a Parade State of their Wing, showing the Protestant and R.C. personnel separately.

4. CHURCH PARADE - (continued)

3. R.C. Church Parade will be held in the Music Hall of the Salvation Army.

Fall in West side of the Horse Palace at 0800 hrs.
Move off at 0815 hrs.
Service at 0830 hrs.

4. Lt.-Col. J. Roberts, M.C., E.D., will act as Officer Commanding.

5. "R" Wing will detail 2 Officers and the other Wings, one Officer each.

5. CHURCH SERVICE
OCT. 11th 1942

B.131035, Cnr. Goodaire, E. Hdqrs. "A" Wing will play the Hymnal Service, Sunday, 11th Oct. 42 at 0930 hrs. and 1015 hrs. Music Hall, Salvation Army Service Centre.

6. DISTRICT COURT-MARTIAL

B.600605, Pte. William Alexander Manley
(H.D.) No. 2 District Depot, C.A.

B.92858, Pte. Ronald Charles Gothard
(A. & S.H. of C.) att. No. 2 District Depot C.A.

B.53132, Sgmn. J.A. Housdon
(R.C.C.S.) No. 2 District Depot, C.A.

The detail of Officers mentioned below will assemble at Lecture Room 249, Fort York Armouries, Toronto, Ontario, on Monday, 12th October, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused persons named in the margin (and such other persons as may be brought before them).

PRESIDENT

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Major G. O. Brown,
Veterans Guard of Canada, att'd
No. 2 District Depot, C.A.

PROSECUTOR

Lieut. J.S. Stephens
No. 2 District Depot, C.A., H.W.E.

PART I ORDERS

Order No. 269

6. DISTRICT COURT-MARTIAL - (Continued)

DEFENDING OFFICER

Lieut. J. R. Purcell
C.A.C. att'd No. 2 District Depot, C.A.

JUDGE ADVOCATE

Lieut. D. G. Dean,
The Algonquin Regiment, att'd
Headquarters, Military District No. 2.

W. M. Dunlop, Capt. Adj't.
No. 2 DISTRICT DEPOT, C.A.

C. Gowan Davis
President

At 10:20 o'clock a.m. on the 12th day of October, 1942, the Court adjourned until 2:00 o'clock p.m. that same day.

On the 12th day of October, 1942, at 2:00 o'clock p.m. the Court reassemble pursuant to adjournment, present the same members as when adjourned.

- - - - - -

THE PROSECUTOR: I must inform the Court that I am an officer with legal qualifications and I understand that the Accused and his Defending Officer are willing to waive the full 7 days' notice and proceed with the trial.

THE DEFENDING OFFICER: Yes; that is correct.

- - - - -

"1" 25

Charges proved Punishment

SUMMARY OF EVIDENCE RE:

No. B-53132, Signalman John Albert Housdon, (ROCE) attached No. 2 District Depot, C.A., a soldier of the Canadian Army, placed on active service, is charged with :-

FIRST CHARGE
Section 18 (4)
Army Act.

STEALING PROPERTY BELONGING TO A PERSON SUBJECT TO MILITARY LAW:

SECOND CHARGE
Section 18 (4)
Army Act.

STEALING PROPERTY BELONGING TO A PERSON SUBJECT TO MILITARY LAW:

THIRD CHARGE
Section 18 (4)
Army Act.

STEALING PROPERTY BELONGING TO A PERSON SUBJECT TO MILITARY LAW:

The Commanding Officer directed that the evidence be taken upon Oath.

FIRST WITNESS:

No. B-33188, CORPORAL HINDS, G.W., (QOR) V.T.School, Huron Barracks, Toronto, Ontario, having been duly sworn, stated as follows:-

I am Corporal of the Regimental Police, V.T.School, Huron Barracks, Toronto, Ontario. I was making my round through the building on the 23rd. July, 1942, about 0030 hours, and on reaching the third floor I found the accused, No. B-53132, Sgmn. Housdon, J.A., in Room 310, and I questioned him as to his being there. I then brought him down to R.S.M.Davies, who instructed me to put him under close arrest, which I did. Room 310 is about four or five doors from Room 316, and it is quite easy for any person to go from one room to the other. I identify the accused, No. B-53132, Sgmn. Housdon, J.A., as the soldier found on the third floor of Huron Barracks, Toronto, at the time and place mentioned above.

G. W. Hinds Cpl.

The accused declined to cross examine the witness.

SECOND WITNESS:

No. B-60541, R.S.M.DAVIES, H., (Ont.Regt)(T), V.T. School, Huron Barracks, Toronto, Ontario, having been duly sworn, stated as follows:-

I am R.S.M. of V.T.School, Huron Barracks, Toronto. At approximately 0030 hours, 23rd. July, 1942, [illegible] the accused, No. B-53132, Sgmn.Housdon, J.A., was found on the third floor of Huron Barracks, V.T.School, Toronto, and was paraded to me. I questioned him and he stated he was from Vimy Barracks, Kingston, and gave his name as Housdon. As his pass did not appear to be genuine I had Corporal Hinds place him under close arrest. I identify the accused, No. B-53132, Sgmn. Housdon, J.A., as the soldier who was brought before me at the time and place above mentioned.

During a tour of inspection of the Huron Barracks, Toronto, Ontario, in company with C.S.M.Ching, at about 1500 hours, 24th. July, 1942, we found that certain cupboards containing books etc., had been opened in Room 316. C.S.M.Ching opened the bottom cupboard in the room and found a battle dress trousers and blouse with L/Corporal's stripes on the latter. On searching for identification marks the name "Soulsby" was found written inside the trousers. On further search other articles were found, which C.S.M.Ching will produce as Exhibits.

H Davies RSM

The accused declined to cross examine the witness.

THIRD WITNESS: No. B-51535, C. S. M. CHING, C.E., (LER) V.T. School, Toronto, Ontario, having been duly sworn, stated as follows:-

I am C.S.M. of V.T. School, Huron Barracks, Toronto, Ontario. Sometime previous to the 23rd. July, 1942, a pair of dirty trousers were found in place of a pair of battle dress trousers belonging to a member of the Northern School group by the name of Soulsby, in the pocket of which was found a telegram addressed to "No. B-35152, Sgmn. Houston,J.A.,RCCS.M.T.Company,Vimy Barracks" which I now produce as Exhibit "A". This document refers to the accused, No. B-35152, Sgmn. Houston,J.A.

EXHIBIT "A" Telegram above referred to, produced and marked.

I kept this telegram for some time, and when the accused was brought before the R.S.M. I checked up with the accused and he acknowledged it was addressed to him and that he had had a birthday about the 8th. May, 1942. On the 24th. July, 1942, at about 1500 hours, whilst on a tour of inspection with R.S.M.Davies, we found in a cupboard in Room 316 on the third floor of Huron Barracks a battle dress blouse, a pair of battle dress trousers and braces, a pair of anklets, and one pair of chevrons attached to the battle dress blouse. I noticed on the inside band of the trousers the name "Soulsby" written in indelible pencil. This man, Soulsby, has left this School on draft. I identify the battle dress blouse the accused is wearing, the chevrons having been removed by the present modification of No. 31 Company, Canadian Provost Corps, as the one that was found as stated above. I produce herewith the pair of battle dress trousers as an Exhibit.

EXHIBIT "B" Battle dress trousers above referred to, produced and marked.

I now produce a wallet containing a number of snapshots and a registration certificate made out in the name of Isaac Alexander Graham, as well as a number of addresses and various other papers.

EXHIBIT "C" Wallet and contents above referred to, produced and marked.

I also produce a notebook with the name "Private Gray,M.,B-97185" inscribed thereon.

EXHIBIT "D" Notebook above referred to produced and marked.

I also produce one notebook with no name on it as a means of identification; also one book entitled "Task System" containing the name of Sgmn. J. Housdon, B-53132, RCCS, Vimy Barracks, Kingston."

EXHIBIT "E" Book above referred to produced and marked.

I also produce an envelope containing two pawn tickets made out to J. Housdon, one for a camera and one for a watch, one dated 9th. July, 1942, and the other dated 15th. July, 1942.

EXHIBIT "F" Envelope containing pawn tickets above referred to produced and marked.

Exhibits C, D, E and F were found in the battle dress blouse discovered in the cupboard in Room 316, Huron Barracks, Toronto, as mentioned in the first of my evidence. They were turned over to Corporal McGillicuddy, No. 31 Coy., C.P.C., and returned to me intact.

G. E. Chung, L.S.M.

The accused declined to cross examine the witness.

FOURTH WITNESS: No. B-54056, DRIVER I. A. GRAHAM, (RCASC) V.T. School, Huron Barracks, Toronto, Ontario, having been duly sworn, stated as follows:-

I am a member of the V.T.School, Northern School Group, Toronto, Ontario. I came off picquet duty at 1400 hours, Monday, 6th. July, 1942, and went to my bunk to have a sleep. At that time I had my battle dress hanging behind my bed with a leather wallet in the left front pocket of the trousers, containing $8.00 in bills, my registration card, an English three-penny bit, a collar clip, photographs and numerous addresses. This wallet was taken between 1400 hours and 1600 hours whilst I was sleeping as I noticed it was missing as soon as I woke up. I identify the wallet and contents now produced to me as Exhibit "C", as belonging to me.

BY MAJOR MENZIES:

Q. Is there anything missing from this wallet?
A. Yes, sir, $8.00 in cash, an English three penny bit and a sterling silver collar clip.

I. A. Graham

The accused declined to cross examine the witness.

FIFTH WITNESS: No. B-91785, PRIVATE GRAY, M.M., (RCAMC) V.T.School, Huron Barracks, Toronto, having been duly sworn, stated as follows:-

On or about the 17th. July, 1942, I lost a 620 Brownie box camera. It was taken from a locked kit bag from my room in the Barracks. I also lost a notebook at the same time.

BY MAJOR MENZIES:

Q. Have you seen the camera since then ?
A. No, sir, not since it was taken.

Q. Do you identify any of the Exhibits as belonging to you ?
A. Yes, sir, that is my book containing the notes I had from Basic training. (indicating Exhibit D)

The accused declined to cross examine the witness. M.M. Gray

SIXTH WITNESS: No. D-121581, DRIVER GRAY, D.W., (RCASC) V.T. School, Huron Barracks, Toronto, Ontario, having been duly sworn, stated as follows:-

Sometime ago I lost a Bull's Eye camera at the V.T. School, Huron Barracks, Toronto, Ontario.

BY MAJOR MENZIES:

Q. Have you seen the camera since it was lost ?
A. I was taken down to a pawnshop by a Provost Corporal to identify one. I could not prove it was mine, but it was of the same type that I lost.

D.W. Gray

The accused declined to cross examine the witness.

SEVENTH WITNESS: No. B-97602, CORPORAL McGILLION, E.J., No. 31 Coy., Canadian Provost Corps, Lansdowne Barracks, Toronto, having been duly sworn, stated as follows:-

I am a member of No. 31 Company, Canadian Provost Corps, and on the 24th. July, 1942, I was detailed to carry out an investigation regarding the accused. On the 25th. July, 1942, the accused was interrogated by myself in the presence of L/Corporal Clarke, No. 31 Coy., C.P.C., as a result of which a signed statement was obtained from the accused after he had been duly warned by me.

BY MAJOR MENZIES:

Q. Was this statement purely voluntary or were any promises or threats made to obtain it ?
A. No threats or promises were made as is shown by the warning which is written at the top of the statement, which statement is now produced to me and marked as my Exhibit "G".

EXHIBIT "G" Statement above referred to produced and marked.

Nine snapshots were found in the accused's possession and also one tie clip. These items he admitted having stolen from the Vocational Training School whilst staying there during the time he was AWL. I also found in his possession one Army issue tie, which he also admitted having stolen from the Training School. Investigation of the two pawn tickets found by C.S.M.Ching and turned over to me resulted in one having been obtained through the pawning of a Bull's Eye 620 size camera. The property produced by C.S.M.Ching previously and entered as Exhibits have been in my possession until turned over to him for filing as Exhibits. The Army jack knife mentioned in this statement was recovered from amongst the accused's personal possessions at the No. 2 District Depot,C.A. Guard Room, which I now file as the next Exhibit.

EXHIBIT "H"	Nine snapshots above referred to, produced and marked.
EXHIBIT "I"	One tie clip and chain above referred to, produced and marked.
EXHIBIT "J"	One army tie above referred to, produced and marked.
EXHIBIT "K"	One jack knife above referred to, produced and marked.

B97682 M J McGuigan Cpl

NINETH WITNESS: No. L-19534, SAPPER MADER, W.R., (RCE) V.T.Wing, No. 2 District Depot,C.A., having been duly sworn, stated as follows:-

I am a Member of the V.T.School, Huron Barracks, Toronto, Ontario. I was quartered in Room 302 of the said Barracks during the month of July, 1942. On or about the 18th July, 1942, I missed a number of my personal belongings, including a number of snapshots, pen and pencil set, a sleep knife, an army tie, khaki in colour, and a tie clip and chain.

BY MAJOR MENZIES:

Q. Do you identify any of these articles marked as Exhibits "H" "I" "J" and "K" as belonging to you ?

A. Yes, seven of these snapshots are of my wife and two are of my wife and her girlfriend (indicating Exhibit "H") and my handwriting is on the back of most of them. I also identify the tie clip and chain as belonging to me. (indicating "I") The knife I could not swear to, but it is similar to one I had in my possession, but as it is not specifically marked I could not identify it. I cannot identify the tie because the tie I lost was of a khaki colour.

W.R. Mader.

The accused declined to cross examine the witness.

SUMMARY OF EVIDENCE RE:

No. B-53132, Sgmn. John Albert Housdon, (RCCS) No. 2 District Depot, C.A.

Major N.M. Menzies, E.D., 26th. Cdn. Army Tank Regt., (G&SF) No. 2 District Depot, C.A. thereupon warned the accused in accordance with Rules of Procedure 4 (e) as follows:-

"Do you wish to make any statement or to give evidence upon Oath? You are not obliged to say anything or to give any evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

THEREUPON the accused replied "No, sir, I have nothing to say at this time."

J.A. Housdon

The accused declined to call any witnesses on his own behalf.

N.M. Menzies Major.

26th. Cdn. Army Tank Regt.(G&SF), No. 2 District Depot, C.A.

I hereby certify that the documentary evidence was read in the presence of the accused.

N.M. Menzies Major.

26th. Cdn. Army Tank Regt. (G&SF) No. 2 District Depot, C.A.

SUMMARY OF EVIDENCE RE:

No. B-53132, Sgmn. John Albert Housdon, (RCCS) No. 2 District Depot, C.A.

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

Taken down by me in the presence of the accused at Stanley Barracks, Toronto, Ontario, this 3rd. day of September, 1942.

H. M. Drenzer Major,

26th. Cdn. Army Tank Regt., (G&SF)No. 2 District Depot, C.A.

CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

STANDARD TIME INDICATED

W. O'NEIL

39

TORONTO ONT
MAY 8 1942

VIMY 1028 Hrs 1.00 TELEGRAPHS

E-53132
Sigmn J A HOUSTON
R C C S MT COY VIMY BARRACKS

MANY HAPPY RETURNS OF TODAY

SHIRLEY

CM / DM

Capt.
for O.C. Vocational Training School M.D.

COME ON CANADA! — BUY THE NEW VICTORY BONDS

31 Coy., Can. Provost Corps,
280 Lansdowne Ave. Toronto.
July 25th. 1942.

STATEMENT OF B 53132, Signalman, HOUSDON, J. A., R.C.C.S.,
"C" Coy., Vimy Barracks, Kingston.

You have been warned that you might be charged with a Military Offence, to wit, unlawfully possession of personal property of other soldiers of the Vocational Training School, M. D. 2., Huron and College, Toronto. That you have nothing to fear from any threat, nor nothing to gain from any promise or favor held out, and that you need not say anything, but if you do say anything same may be taking down in writting and used in evidence at your trial.

I Reg. No. B 53132, Signalman HOUSDON, J. A., of the R.C.C.S., stationed at Vimy Barracks, Kingston, Ont. state as follows: I left my Barracks at Kingston on June 20th. 1942 for Toronto on two pass. I was to report back to my Unit on June 22nd. 1942, 0600 Hrs. I did not report back and was eventually arrested at Vocational Training School, Huron and College Aves. Toronto, on July 23rd. 1942. While in Toronto, I slept and ate at the Vocational Training School Barracks, without the knowledge of the R.S.M. While staying at these barracks, I stole a wallet belonging to a soldier by name of G-sham, in this wallet there was $8.00 in cash and some papers, I took the money and left the Wallet in my tunic. I stole two Cameras from the 2nd. floor. One was Brownie Junior Box Camera and the other was a Bulls-eye 6-20 size Camera. I pawned the Bulls-eye Camera for $1.00. The Pawn-ticket I left in my tunic. The other Camera I left in a Weston Co., Bread wagon at the back of the Weston Bakeries. From the 2nd. floor of the same Barracks, I also stole one pair of Puttees, one pair of Shorts, one pair of Boots and one summer issue shirt, one issue black Tie, One Tie clip, a number of photos, 6¢ in cash, 2 Packages of Tobacco, one large package of cigarettes, one pair of Battle-dress trousers, and one of Anklets. To replace some of the articles I took, I left behind, one of Battle dress trousers, one summers issue shirt and one pair of boots. I also took, one issue Jack knife.

When arrested at Vocational Training School Barracks, I had one Battle-dress blouse and one pair of Battle dress trousers in a cupboard on the second floor. The battle-dress blouse had Lance/Cpl. sewn on the sleeves.

The above statement has been read over by me and is true to the best of my knowledge and belief. This statement has been made of my own free will, no threats or promises have been held out to me.

Signed: J. A. Housdon.

Witnessed by. B97682 Cpl. McGillivray, J.
B 42976 Sgt Robbie G.

No. 2 DISTRICT DEPOT C.M.P.
AUG 6 1942
ORDERLY ROOM

9

Chaney
Prisoner

THE ACCUSED IN MITIGATION

I finally found out that I have made a mistake stialing things which belong to other men and will try to make it up to see that I won't do it any more. That is all I have to say.

- - - - - - - - - - -

Chronology Sign! Sundries

Y

45

M.F.B. 385
27M—5-41 (372-3)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
No. B-53132	Sgmn.	John Albert Housdon, (RCCS)	No. 2 District Depot, C.A.

1. The following is a fair and true summary of the entries in the ~~Company Conduct sheets~~ Regimental and ~~Squadron Records~~ Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~or Karakas~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For	AWL two times	AWL two times
For	times	times
For	times	times
For	times	times

~~Number of instances of gallantry or distinguished conduct~~

~~or~~

~~There are no entries in the conduct sheets of the accused~~

~~Nature of the charge for which punished, the entries for the last preceding twelve months~~

2. The accused has not been previously convicted

~~or~~

~~Previous convictions of the accused by Court-Martial or Karakas or Summary awards under Section 47 of the Army Act and dispensations with trial under Rules for Discipline in the Schedule to the Army Act~~

3. The accused is not under sentence at the present time.

~~or~~

~~The accused at the present time is under sentence for~~ ~~beginning on the~~ ~~days of~~

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and ~~42~~ 58 days in military custody, making a total of ~~42~~ 58 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~Enlistment Paper~~ attestation paper is 19 years, 3 months.

6. The date of his ~~enlistment~~ attestation specified in his ~~Enlistment Paper~~ attestation paper 18th. Sept. 1941

7. ~~The service which the accused is alleged to have rendered the Crown~~

8. ~~The accused is entitled to wear~~ ~~a badge of distinction for~~

9. ~~The accused is in possession of or entitled to obtain free demobilization~~ ~~or has received a free passage or an allowance~~ ~~in lieu~~ ~~Karakas~~ ~~Military~~ ~~Karakas~~ ~~Military~~.

10. ~~(If the accused is a warrant officer) The accused is entitled to wear a medal for the regimental rank of~~

46

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

..... dated ....., and in his regiment (or corps), the rank of

..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank .....

Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 12th ~~3rd~~ day of ~~September~~ October, 1942. Capt. & Adjt.
No. 2 District Depot, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

President

Charge Sheet

No. B-53132 Name HOUSDON, J.A. Sqn., Battery, or Company N11

Date of last entry in Company Conduct Sheet 8-10-41

No. and date of last drunk

2 Spec. W/T Sec. Type "B" Corps

Period not reckoning towards freedom from extra fine

Date of enlistment 18-9-41 G.C. Badges

Sheet No. One

Signature O.C. Company, etc. R H Ardron

Service or Proficiency Pay

Character Capt

M.F.M. 8 (A.F.B. 122) 30934—11-40 (9525) H.S. 3772-43-16

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Conduct sheet for 1st. six months service destroyed. No. entries fwd.					R H A
Kingston	1942 27-4	Sig.		AWL at 0600 hrs. 27-4-42 to 1115 hrs. 27-4-42 (5 hrs 15 mins.)	Cpl. Carswell Sgt. Hill	3 days C.B.	28-4-42	Major WH McMurray	R H A
Kingston	1942 16-5	Sig.		AWL at 2145 hrs. 16-5-42 to 0415 hrs. 27-5-42 (10 days 6 hrs. 30 mins.)	Cpl. Coakwell Sgt. Thomson	11 Days C.B.	28-5-42	Lt. Col. Malloch MC	VD Forfeits 11 days pay

CERTIFIED TRUE COPY W H Imlay

Capt. Adjt., No. 2 District Depot, C.A.

(P.T.O.)

No. 2 District Depot-Medical Station

Stanley Barracks

Toronto

This is to certify that B-53132 Sgm. Housdon, J.A. .....October 12, ...194 2

of Holding Coy. "A" Wing .....is in a fit state of health to undergo

~~Detention~~
Court-Martial

fit

S.M.O. No. 2 D.D.

OTTAWA, ONTARIO, October 3rd. 2.

The District Officer Commanding,
Military District No.2,
Toronto, Ont.

Re: Application for District Court-Martial,
B.53132, Sgmn. J. A. Housdon,
(RCCS) No. 2 District Depot, C.A.

1. Receipt is acknowledged of your T.20-H-5304 (AJAG) dated the 29th September, 1942, under cover of which you forwarded to this office application for District Court-Martial of the marginally noted soldier, together with Summary of Evidence and Charge Sheet.

2. It would appear from perusal of the Summary that there is sufficient evidence to establish a prima facie case against the accused and to put him on trial. The Charge Sheet as drawn by you seems to be in order. The application is therefore granted and the documents enclosed with your letter are returned herewith.

3. Regarding the telegram addressed to the accused it would seem doubtful as to whether this will be admitted in evidence. Apparently C.S.M.Ching only knows what someone else told him about the finding of the same and his testimony therefore concerning the telegram is hearsay.

Brigadier,
Judge Advocate-General.

HFGB/MM

Enc.

IN REPLY PLEASE QUOTE
NJT-20-H-5304(AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

29th September, 1942
Headquarters, Military District No.2,
159 Bay Street, Toronto, Ontario.

CONFIDENTIAL

CENTRAL REGISTRY Army
P.&RS. SEC.
SEP 30 1942
File 8 55-H-288.
Check No.
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial (application)
B 53132, Sgmn. J.A. Housdon,
(RCCS) No. 2 District Depot, C.A.

Herewith original charge sheet and summary of evidence which are submitted for the opinion of the Judge Advocate-General in accordance with K.R. (Can) 540.

for (C.F. Constantine
Major-General
District Officer Commanding,
Military District No.2.

NAT. DEF. B. 448
2,000 M—4-42 (4322)
H.Q. 1772-39-767

H.Q.C. 55-H-269

CONFIDENTIAL

M.S.D. 207B
1426—8-46 (M4)
17-12, 30-1-45

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

DISTRICT COURT MARTIAL

E. 46131 TPR. A.J.HOLMES.

A-9 C.A.C.(A) T.C.,C.A.

HQC-H-2318

DEAD

CONFIDENTIAL
H.Q.C. 55-H-269

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and quote "Minute")					
				JAG	With papers	CR	5/10/42
OCT 8 1942	9 80			AD	Locate & P.A.	[illegible]	7/10/42
26 1945	2644				[illegible]		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to S.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.5[illegible]-H-289 (JAG)

October 7, 1942.

Commandant,
Camp Borden, Ontario.

District Court-Martial
B-46131, Tpr. A. J. Holmes
A-9 C.A.C. (A) T.C., C. A.

1. Receipt is acknowledged of your C.B.20-H-22 (AJAG) dated October 1st, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed:-

(a) The particulars of the second charge on the Charge Sheet do not disclose how the absence ended, whether by apprehension or surrender or by or to the civil or military authorities.

(b) In connection with the confirmation at Camp Borden which was added to the proceedings as well as that by the District Officer Commanding, M. D. No. 2, it is noted that the said confirmation was made by Colonel R. Wood as Acting Commander Camp Borden. It is pointed out, that the power to confirm is a personal power to a particular officer and that that officer is "persona designata" and no one can sign for him or in his absence. Under P.C. 6106 the person authorized to confirm Findings and Sentences is the officer appointed to command the area. If Colonel Wood was not duly and authoritatively appointed to command Camp Borden, he has no power to confirm, as he has not the powers of a District Officer Commanding given to him. The matter is not of importance in this particular case as it is considered that the proper confirming authority was the District Officer Commanding, M. D. No. 2.

3. It is not considered necessary to return the proceedings which are, accordingly, retained for custody. May the above noted irregularities be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

KRR/ADK

Copy on 405-H-2318

H.Q. C.55-H-289
M.D. C.B-20-H-22 (AJAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-46131 Name HOLMES, A.J.

Rank Tpr. Unit A-9 C.A.C. (A) T.C., C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Sec. 15 (1) A.A. Absenting himself without leave.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 1/12/41. 2. 11/2/42. 3. 18/8/42.

Date of Arrest 1. 18/1/42. 2. 11/8/42. Charge. Signed 28/8/42.

Orders for D.C.M. D.O.C., M.D.#2.

Place and Date of Trial Camp Borden, Ontario, 16/9/42.

Sentence Imprisonment with hard labour 14 months and stoppages of $8.55.

Date of Confirmation 22/9/42.

Date of Promulgation 29/9/42.

Entered in Records of J.A.G. as No. 6829

Date 6/10/42.

MEMO Guilty of all the charges.

E.R. Ruggles Capt
for Judge Advocate-General

2M-7-42(M1291)

6829.

IN REPLY PLEASE QUOTE
No. C.B. 20-H-22
(A.J.A.G.)

Department of National Defence

CANADA

Camp Headquarters,
Camp Borden, Ont., 1 OCT 42, 194

GENERAL REGISTRY Army
OCT 5 1942
File
Chgd. to
Referred to

The Secretary,
Dept. of National Defence,
OTTAWA, Ontario.

District Court-Martial
B.46131, Tpr. A.J.Holmes,
A-9 C.A.C. (A) T.C.,C.A.

Herewith Proceedings of the marginally-noted District Court-Martial for registration and custody.

2. By reason of the creation of Camp Borden as a separate entity as of September 11th, 1942, and upon the advice of the Judge Advocate-General, the Finding and Sentence were confirmed by the District Officer Commanding, Military District No. 2, and concurred in by an additional confirmation by the Acting Commander, Camp Borden, and promulgation effected and endorsed.

3. It will be noted that the order for trial is dated the 31st day of August, 1942, and it is pointed out that the accused was unable to undergo trial at the court-martial held on the 3rd of September, 1942, by reason of ill health. In this connection, there is attached to the proceedings, an M.F.B.246 certifying that the accused was unfit to undergo trial on the 3rd of September, 1942.

4. It will also be noted that the first endorsement of promulgation was incorrect and, accordingly, an additional endorsement was obtained.

5. It is noted that the Certificate of Apprehension, Exhibit "B", has not had the deletions initialled by the officer signing same. This has been brought to the attention of the officers concerned, and it is pointed out that considerable difficulty is consistently being experienced in obtaining proper M.F's.M.216 or M.F's.M. 215. The certificates when received are usually incorrect and since same are usually received from points a considerable distance from this Headquarters, the time involved in obtaining a corrected certificate results in the accused being kept in custody awaiting trial for an inordinate length of time.

(A.C. Spencer) Brigadier,
Commander, Camp Borden.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at the Court Room, Camp Borden, Ontario, on the 16th day of September, 19 42, by order of Major-General C.F.Constantine, D.S.O., District Officer Commanding Military District No. 2, dated the 9th day of September, 19 42.

President.

Major C.J.Page,
A-10 Infantry (Advanced) Training Centre, C.A.

Members.

Captain R.F.Butler,
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Lieutenant P. St. Hilaire,
24th Recce Battalion (Voltigeurs) C.A.

Lieutenant E.E. Pearlman,
(The Algonquin Regiment) Headquarters, Military District No. 2 ,Judge Advocate.

Trial of* No.B-46131,Tpr.Alfred James HOLMES,Canadian Armoured Corps attached to A-9 Canadian Armoured Corps(Advanced)Training Centre(CA),Camp Borden, Ont.

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23#

The accused is brought before the Court.

Prosecutor,†2/Lieut.J.S.Kilgour,A-9 Canadian Armoured Corps(ADV Training Centre,C.A.
defending officer† 2/Lieut.H.L.Bolton,A-9 Canadian Armoured Corps (Advanced) Training Centre,CA

At 10:20 o'clock the Trial commences.

The order convening the Court is read, and is marked "X";A-9 CAC(A)TC CA. Unit Order No. 216, 15 SEP 42,detailing Prosecutor & Defending Officer is marked "X-1" attached.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

I have satisfied myself that none of the Officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

C J Page Major
Pres

2

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn. (See attached list marked "C"

Q-2 Do you object to No.B-83584,Sgt.F.J.McGuigan,Camp Borden Det. C.M.S.C., att'd.Headquarters,Camp Borden,Ont. acting as short-hand writer?

A-2 No, sir.

(No.B-83584,Sgt.F.J.McGuigan,Camp Borden Det.C.M.S.C.,att'd.Headquarters,Camp Borden, Ont., is duly sworn as short-hand writer.)

---See Page H for Minute of Adjournment & Reassembly.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4 Guilty, sir. *Answer.*

Q-5 Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

A-5 Guilty, sir. *Answer.*

[illegible] *Question.*

Answer.

The accused having pleaded Guilty to all the charges [illegible], the provisions of Rule of Procedure 35 (B) are here complied with.

Instruction. If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA)
CAMP BORDEN
ONTARIO

3

6 Page Reg. Pres. B2

CHARGE SHEET

The accused, B-46131 Tpr. Alfred James HOLMES, Canadian Armoured Corps, attached to A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) Camp Borden, Ont., a soldier of the Canadian Army placed on Active Service, is charged with:-

FIRST CHARGE
Section 15 (1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Camp Borden, Ont., on 1st December, 1941 absented himself without leave from A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) from 0600 hours on said 1st day of December, 1941 until apprehended by the Military Police at Toronto, Ont., at 0840 hours on the 18th day of January, 1942, dressed in plain clothes.

SECOND CHARGE
SECTION 15 (1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

when in arrest at Camp Borden, Ont., on 11th February, 1942 absented himself without leave from A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) from 1600 hours on said 11th day of February, 1942 until 0245 hours on 11th day of August, 1942.

THIRD CHARGE
Section 24 (2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

in that he

at Camp Borden, Ont., on the 18th day of August, 1942, was deficient of the following articles, viz:-

Articles	Quantity	% of Vocab. Rate	Cost
Drawers cotton short	prs. 2	75	.50
Gloves woollen khaki	" 1	75	.43
Jackets sweater	1	75	1.04
Mitts pullover leather	prs. 1	75	.48
Overalls trousers denim	" 1	75	1.67
Shirts flannel khaki	2	75	1.76
Brushes boot blacking	1	100	.15
" " polishing	1	"	.15
" button	1	"	.14
" cloth	1	"	.24
" hair	1	"	.24
" tooth	1	"	.09
Dressings first field	1	75	.18
Towels hand	2	100	.42
Badges cap C.A.C.	1	"	.16
Caps winter melton cloth	1	75	.90
		Total deficiencies	$8.55

Camp Borden, Ont.,
25th August, 1942.

J. A. McCamus
(J. A. McCamus) Lt. Col.
Commandant, A-9 CAC(A)TC (CA)

To be tried by District Court Martial
C. J. Constantine Maj.
D.O.C.2.

Signed at Toronto Ont this 31st day of August 1942

CC

Proceedings on Plea of Guilty

*To be struck out in case no "Not Guilty" has been pleaded with.

*[The Court having been sworn, the accused is again brought before the Court and the charge is read to him, and he is asked if he has anything to say why the sentence of the Court should not be pronounced upon him.]

The accused No.B-46131,Tpr.Alfred James HOLMES,Canadian Armoured Corps,attached to A-9 Canadian Armoured Corps(Advanced)Training Centre(CA), (Camp Borden, Ont., is found guilty of all the charges.

*The summary (~~SEALED~~) of evidence is read, marked "I" , signed by the President, and attached to the proceedings.

Q-6 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-6 *Answer.* The accused ~~in mitigation of punishment~~ says:— No, sir.

~~[On being sworn the accused makes the following statement, marked "I", signed by the President and attached to the proceedings]~~

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q-7 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A-7 I wish to give evidence myself. *Answer.*

Evidence as to character.

The Accused, No.B-46131, Tpr. Alfred James HOLMES, Canadian Armoured Corps, attached to A-9 Canadian Armoured Corps (Advanced) Training Centre, (CA), Camp Borden, Ont., being duly sworn, is examined by the Defending Officer :-

Q-8 When did you join the Army?

A-8 Sometime in August, '40.

Q-9 At Toronto?

A-9 Yes, sir.

Q-10 You enlisted of your own free will and because you wished to serve in some particular branch of the Army?

A-10 Yes, sir.

Q-11 What branch of the service did you join or want to join?

A-11 Army Service Corps, sir.

Q-12 Was there any particular reason for wanting to join the Army Service Corps?

A-12 All my parters were in that outfit, sir.

Q-13 Any other reason?

A-13 No, sir.

Q-14 Have you any special qualifications or trade?

A-14 No, sir.

Q-15 What happened when you were posted to the R.C.D. in Toronto?

A-15 I was in that outfit, sir, about a day. Then they moved me over to the Toronto Scottish;from there I went back to where I enlisted. There I met some Lieut.-Colonel and he advised me I would be well satisfied with the Canadian Armoured Corps.

Q-16 That is how you came to the Armoured Corps, is that correct?

A-16 Yes, sir.

Q-17 Are you satisfied with the Armoured Corps?

A-17 No, sir.

Q-18 What do you feel about the service generally?

A-18 I don't know, sir. If they'd let me in the outfit I wanted to get in first, I would have had no trouble at all.

Q-19 In other words you feel that you want to be in the service you wanted to join?

A-19 Yes, sir.

Q-20 When you surrendered at the Guard House at Camp Borden on August 11th, you surrendered voluntarily?

A-20 Yes, sir.

BY THE JUDGE ADVOCATE: You are asking leading questions.

Q-21 In other words you came in and gave yourself up?

A-21 Yes, sir.

Q-22 Will you tell the Court why?

A-22 It was only for the wife and baby, sir. I didn't want them to go on with me being like that.

Q-23 You realized you were facing a serious charge?

A-23 Yes, sir.

Q-24 You wanted to sort of clean up the slate?

A-24 Yes, sir.

Q-25 Any particular reason you had for that?

A-25 No, sir.

--- CROSS-EXAMINED BY THE PROSECUTOR:

Q-26 You tell us that you enlisted in August, '40?

A-26 Yes, sir, around there.

Q-27 Were you discharged from the Army?

A27 Yes, sir.

Q-28 For what reason?

A-28 Bad conduct.

Q-29 When was that?

A-29 Around 1939.

Q-30 And you re-enlisted?

A-30 Yes, sir.

Q-31 And you were discharged in '39?

A-31 Yes, sir, I re-enlisted in 1940.

Q-32 According to your documents you enlisted in May, '41?

A-32 I wasn't sure exactly.

Q-33 You are satisfied with that?

A-33 Yes, sir.

Q-34 It was May, '41 not August, 1940?

A-34 Yes, sir.

Q-35 Where does your wife live?

A-35 79 Essex St.

Q-36 Where?

A-36 Toronto - with her moter.

Q-37 Where did you spend your time when you were away?

A-37 All over, sir.

Q-38 In Toronto much?

A-38 All the time, sir.

Q-39 Were you living with your wife?

A-39 No, sir.

Q-40 Did you see your wife very often?

A-40 No, sir.

Q-41 You are not very fond of your wife?

A-41 I wouldn't say that, sir.

Q-42 You have been in the Army since May, '41, which is about 16 months ago, is that correct?

A-42 Yes, sir.

Q-43 Would you be surprised if I suggested that in 16 months you have been either A.W.L. or in detention for 12 months?

A-43 No, sir.

--- RE-EXAMINED BY THE DEFENDING OFFICER:

Q-44 Are your domestic relations unhappy?

A-44 In a way, sir.

--- QUESTIONED BY THE COURT:

Q-45 Were you working during the time you were absent?

A-45 Yes, sir.

--- BY THE JUDGE ADVOCATE:

Q-46 There has been some mention made of your domestic troubles or the situation at home. Would you care to inform the Court whether that had anything to do with your A.W.L?

A-46 I don't think I would care to, sir.

Q-47 You don't wish to speak about that at all?

A-47 No, sir.

Q-48 I would like you to understand the question. I am not asking you to tell the Court what the situation is but whether it had anything to do with your going A.W.L?

A48 It did in a way, sir.

Q-49 You don't wish to go into detail?

A-49 No, sir.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

- - -

---The Defence has no further witnesses.

- - -

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

~~The Court is closed for the consideration of the finding.~~

~~The Court find that the accused~~

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

~~The Court being satisfied that the accused is guilty of the charge~~

Evidence of character, &c.

2/Lieut.J.S.Kilgour,A-9 Canadian Armoured Corps (Adv)Training Centre,C.A. is duly sworn.

Q-50 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-50 ;Yes, I produce M.F.B.755 and certified true copy of M.F.R.6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-2", signed by the President, and annexed to the proceedings.

Q-51 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness* A-51 ;Yes, sir.

Q- 52 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer* A-52 ;Yes, sir.

Q- 53 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-53 ;Yes, sir.

[Instruction.—If by reason of the nature of the sentence of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused~~

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and the Judge Advocate,it is not necessary to comply with R.P. 83 (b).

Q-54 *Question to the accused.* Do you wish to address the Court? *Answer.* A-54 ;Yes, through my Defending Officer. (See document marked "J", attached.)

The Court is closed for the consideration of the sentence.

14

F

Sentence

The Court sentence the accused No.B-46131,Tpr.Alfred James HOLMES,Canadian Armoured Corps, attached to A-9 Canadian Armoured Corps (Advanced) Training Centre,(CA), Camp Borden, Ont., to be imprisoned with hard labour for fourteen months, and to be put under stoppages of pay until he has made good the sum of $8.55 in respect of the following deficiencies :-

Sentence. Imprisonment: hard labour, 14 months.

Stoppages: $8.55

Drawers cotton short, prs.	2	$ .50
Gloves woollen khaki, prs.	1	.43
Jackets sweater	1	1.04
Mitts pullover leather,prs.	1	.48
Overalls trousers denim,prs.	1	1.67
Shirts flannel khaki	2	1.76
Brushes boot blacking	1	.15
Brushes boot polishing	1	.15
Brushes button	1	.14
Brushes cloth	1	.24
Brushes hair	1	.24
Brushes tooth	1	.09
Dressings first field	1	.18
Towels hand	2	.42
Badges cap C.A.C.	1	.16
Capts winter melton cloth	1	.90
		$ 8.55

Signed at Camp Borden, Ontario, this 16th day of September, 1942.

Promulgated and extracts taken at Camp Borden Ont this 17th day of September 1942.

(J W GRAHAM) MAJOR
A/COMMANDANT
A/CAC (A) TC (CA)

G. J. Page (Major)
President.

G. B. Pearlman (Lieut.)
Judge-Advocate

I confirm the finding and sentence of the Court but remit (4) Four months Imprisonment with Hard Labour

P. J. Pearkinson Maj.
D.O.C. 2

Signed at Toronto Ont this 22nd Day of Sept 1942

I confirm the Finding and Sentence of the Court but remit (4) Four months imprisonment with Hard Labour.

R. Bell Colonel.
O/Commander Camp Borden.

Camp Borden 24 Sept. 1942.

Extracts entered as No. 6929 in the Record of Courts-Martial kept in the Office of the Judge Advocate-General this 6th day of October 1942

C.J. Page Major Pres

X

15

ORDERS BY

Major-General C.F. Constantine, D.S.O.
District Officer Commanding,
Military District No.2,

Toronto, Ontario, September 9, 1942.

District Court-Martial
C 54738, Tpr. Hermidas Gerald Coveau
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Wednesday, 16th September, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major C.J. Page,
A-10 Infantry (Advanced) Training Centre, C.A.

MEMBERS

Captain R.F. Butler,
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Lieutenant P. St. Hilaire,
24th Recce Battalion (Voltigeurs) C.A.

WAITING MEMBER

Major J. Smith,
A-10 Infantry (Advanced) Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Lieutenant E.E. Pearlman,
The Algonquin Regiment,
Headquarters, Military District No.2.

0265

PROMULGATED AND EXTRACTS TAKEN AT CAMP BORDEN, ONTARIO, THIS 29TH DAY OF SEPTEMBER, 1942.

(K.M. Ramsay) Capt.,
Adjutant, A-9 C.A.C.(A)T.C., C.A.

OFFICERS ATTENDING FOR INSTRUCTION

The Commandant, Camp Borden, may detail 20 Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No.2.

ISSUED at Toronto, Ontario, this 9th day of September, 1942.

(M.H.A. Drury)
Lieutenant-Colonel
A.A. & Q.M.G. M.D. 2.

X-1 17

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA)

ORDERS BY

LIEUT. COL. J. A. McCAMUS

CAMP BORDEN, ONT. PART I 15TH SEPTEMBER, 1942

4 PAGES NO. 216 PAGE NO. 1

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1. LAST NUMBER ISSUED NO. 215 DATED 14TH SEPTEMBER, 1942.

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2. CAMP FIELD OFFICER — 13th to 16th Sept. 1942
Capt. J. D. Shawe, R.C.R. att'd. to A-10 I. (A) T.C.

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3. ORDERLY OFFICER

Tuesday	15th Sept. 1942	2/Lt. A. Romanow
Wednesday	16th Sept. 1942	" M. V. Rossell
Thursday	17th Sept. 1942	" I. M. Stewart

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4. CAMP ORDERLY MEDICAL OFFICER

Tuesday	15th Sept. 1942	Capt. A. E. Conley, 20th Army Tank Regt.
Wednesday	16th Sept. 1942	Capt. I. A. Grenville, A-11 I. (A) T. C.

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5. UNIT DUTY OFFICER

Tuesday	15th Sept. 1942	2/Lt. W. J. Cassleman
Wednesday	16th Sept. 1942	" F. P. Clarke
Thursday	17th Sept. 1942	" L. N. Davies

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6. DUTY WARRANT OFFICER — 14/9/42 to 21/9/42
P-1053 C. S. M. Young, W. H. -- Tech. Wing

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7. ORDERLY SERGEANT — H61756 Sgt. Arnold, W. -- Adm. Wing.

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8. TRAINING CENTRE FIELD OFFICER — 14/9/42 to 21/9/42
Capt. J. R. W. Murland

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9. WING POSTINGS

The undermentioned is reposted from Technical Wing to Trained Soldiers Squadron, effective 15-9-42:

B60877 Tpr. Ellis, W. C.

The undermentioned is reposted from Trained Soldiers Squadron to Administration Wing, effective 14-9-42:

H600160 Tpr. Barnette, A. T.

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10. INOCULATION PARADE

All ranks as shown below will report to the R. A. P. for inoculation at 1730 hours, Tuesday, 15th Sept. 1942:

D54613	Tpr.	Andres, G. D.	L58603	Tpr.	Jacobsen, S. E.
B61968	"	Ash, F. N.	B62657	"	Labrosse, J. R.
C38036	"	Blais, B.	D96257	"	Leonard, V. W.
B102609	Sgt.	Barton, C. M.	L84608	"	Locke, E. V.
B36340	Cpl.	Brown, H. W.	G788	"	Mills, H. W.
B61758	Tpr.	Blayhart, L. H.	M35580	"	Moore, R.
L53718	"	Behnet, B.	B62808	"	McMahon, P. M.
B126892	"	Boychuk, M.	C600122	"	McDonald, C. P.
B61606	"	Bradbury, H.	C600075	"	Mahew, W. V.
H64138	"	Buchanan, A. R.	B62110	Sgt.	May, A. H.
B131028	"	Clarke, K. C.	B52397	Tpr.	Morris, P.
B4749	Sgt.	Cowan, G. W.	F86526	"	McPhee, J. J.
M27272	L/Cpl.	Craven, M. S.	M66269	"	Nichols, D. G.
B19515	Tpr.	Connor, N.	B62499	Sgt.	Parks, E. R.
C32367	"	Cornell, J. J. J.	B102629	Tpr.	Penney, E. J.
D135664	"	Currie, J. J.	B17944	"	Pqilech, J.
B61778	"	Donague, J. P.	K73590	"	Parriot, R.
C100564	"	Dunn, J. F.	B50863	"	Pyatte, F. N.
L53796	"	Dresser, F.	D131135	"	Ramsden, K.
C600051	"	Dalyea, G. A.	D131213	"	Rey, J. K.
D131210	"	Egar, S. E.	B9015	Sgt.	Rennie, W. N.
B11346	"	Ferguson, A. N.	B21180	"	Rodway, W.
D116090	"	Frankum, H. A.	B102716	Tpr.	Roy, T.
B11346	"	Ferguson, A. M.	C77950	"	Scharfe, P. B.
H61864	"	Fennell, J. H.	B63023	"	St. Germain, G. G.
D3739	"	Gauthier, J. R.	B338	"	Stinson, A. J.
P17149	S/Sgt.	Gregory, W.	B62820	"	Turner, F. J.
K45808	Tpr.	Goranson, A. C.	B46198	"	Walker, W.
C75885	"	Hayley, C.	B4811	"	Willard, R. E.
B64120	"	Hern, W. L.	C19725	"	Wall, C. E.
B61665	Cpl.	James, R.	C52920	"	Woodstock,
B62358	L/Cpl.	Jones, J. A.	B600957	"	Fitzsimmons, H.
M26894	S/Sgt.	Smith, P. L.	H63542	"	Funnell, L. T.
H63680	Tpr.	Stevens, D. G.	L84613	"	Perrins, W.
B4846	"	Hodge, H. H.	C60066	"	Smith, B. E.

11. COMMAND

Captain J. F. Rutherford, R. C. C. S. temporarily assumes command of A-9 C. A. C. (A) T. C. Wireless Wing, effective 1/9/42.

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA)

4 PAGES PART I ORDER NO. 216 PAGE NO. 3

DATED 15TH SEPTEMBER, 1942

12. Part I Order No. 213, paragraph 14, dated 11th Sept. 1942 is amended to read as follows:

DISTRICT COURT-MARTIAL

C34738 Tpr. Hermidas Gerald Couveau
A-8 Canadian Armoured Corps (Advanced) Training Centre, C. A.
B46131 Tpr. Alfred James Holmes
A-9 Canadian Armoured Corps (Advanced) Training Centre, C. A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Wednesday, 16th September, 1942, at 10 o'clock a. m. (EDST) for the purpose of trying by District Court-Martial the accused persons named in the margin (and such other persons as may be brought before them.)

PRESIDENT

Major [illegible]. Page
A-10 I[illegible]ntry (Advanced) Training Centre (CA)

MEMBERS

Captain R. F. Butler
A-9 Canadian Armoured Corps (Advanced) Training Centre, C. A.

Lieut. P. St. Hilaire
24th Recce. Battalion (Voltigeurs) C. A.

PROSECUTOR FOR B46131 Tpr. Holmes, A. J.

2/Lieut. J. S. Kilgour
A-9 Canadian Armoured Corps (Advanced) Training Centre, C. A.

DEFENDING OFFICER FOR B46131 Tpr. Holmes, A. J.

2/Lieut. H. L. Bolton
A-9 Canadian Armoured Corps (Advanced) Training Centre, C. A.

JUDGE ADVOCATE

Lieutenant E. E. Pearlman
The Algonquin Regiment
Headquarters, Military District No. 2

OFFICERS UNDER INSTRUCTION

2/Lieut. J. G. Robson, - A-9 C.A.C.(A)T.C.(CA)
2/Lieut. T. Coates, - A-9 C.A.C.(A)T.C.(CA)

13. NOTICE

In the interest of more efficiently keeping check on the articles in use and Barrack Stores used in quarters and buildings of A-9 Training Centre, the Training Centre has been divided into areas and sections of responsibility.

The undermentioned Officers are detailed for duty in this connection, commencing Monday, 14-9-42:

Area #II Officer i/c.....Capt. R. F. Butler
Section I Area II .....2/Lt. W. J. F. Casselman
Section II Area II .....2/Lt. F. P. Clark
Section III Area II. .....2/Lt. L. N. Davies
Section IV Area II .....2/Lt. A. M. Fraser
Section V Area II .....2/Lt. Z. M. Ferley
Section VI Area II .....2/Lt. G. A. Flint

These Officers will please report to the Quartermaster, Capt. H. R. Herbert, Hut T-68J for further instructions.

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14. WING POSTING

The undermentioned is reposted from Trained Soldiers Squadron to D. & M.Wing, effective 15-9-42:

L41548 Tpr. McKenny, J. R.

(K. M. Ramsey) Capt.
Adjutant
A-9 C. A. C. (A) T. C. (CA)

Certified true copy
J. S. Kilgour 2/Lt
Adjt A-9 CAC(A)TC.

C. J. Burgess Major
Pmco.

OFFICERS UNDER INSTRUCTION

Capt.K.M.Pack	2nd Cdn Army Tk Bn., RCASC, C.A.
Lieut.D.H.Brown	2nd Cdn Army Tk Bn., RCASC, C.A.
Lieut.P.K.Hanley	66th Tk Transporter Coy., RCASC, C.A.
Lieut.A.E.Eagles	66th Tk Transporter Coy., RCASC, C.A.
Lieut.S.G.Quinn	A-19 R.C.A.S.C.(A) T.C.,C.A.
2/Lt.W.G.Dennis	A-19 R.C.A.S.C.(A) T.C.,C.A.
Lieut.J.Paradis	Gen. List, att'd.A-11 I.(A) T.C.,C.A.
2/Lt.H.L.Bolton	2/10th Dragoons (R),att'd.A-9 C.A.C.(A)T.C.,C.A.
Capt.I.Winkler	A-22 R.C.A.M.C.,T.C.,C.A.
Capt.S.Aber	R.C.A.M.C.,att'd.A-22 R.C.A.M.C. T.C.,C.A.
Lieut.J.G.Robson	A-9 C.A.C.(A) T.C.,C.A.
Lieut.Roger Booth	A-8 C.A.C.(A) T.C.,C.A.
Lieut.H.V.Gar	A-8 C.A. C.(A) T.C.C.A.
Lieut.T.Coates	A-9 C.A.C.(A) T.C.,C.A.
Lieut.D.G.Schoone	A-8 C.A.C.(A) T.C.,C.A.
Lieut.F.F.Knight	R.Regt of C.,att'd.A-11 I.(A) T.C.,C.A.

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b. J. Page Major
Pres.

At 10:30 o'clock A.M. on the 16th day of September, 1942, the Court adjourned until 2 o'clock P.M. on the 16th day of September, 1942.

At 2 o'clock P.M. on the 16th day of September, 1942, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

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A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA) "I" 27
CAMP BORDEN ONTARIO

SUMMARY OF EVIDENCE 6 Pages Preceding Pres.

in the case of

B-46131 Tpr. Alfred James HOLMES, Canadian Armoured Corps, attached to A-9 Canadian Armoured Corps (Advanced) Training Centre (CA), Camp Borden, Ont., a soldier of the Canadian Army placed on Active Service.

Charges:-

1. Absence Without Leave.
2. Absence Without Leave.
3. Losing by Neglect.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS: Lieut. C. S. Dickson, having been duly sworn, states:-

I am Assistant Administrative Officer of A-9 Canadian Armoured Corps (Advanced) Training Centre (CA), Camp Borden, Ont., and as such present the following documentary evidence in the case of the accused, B-46131 Tpr. Alfred James HOLMES, which evidence refers to the accused:-

(a) Certified true copy of Declaration of Court of Inquiry (M.F.B. 375) (Exhibit "A") declaring the accused illegally absent from 0600 hours, 1st December, 1941 and still so absent 27th December, 1941, at which time he was Struck Off Strength as a Deserter.

(b) Certificate of apprehension of the accused by B-67014 L/Cpl. Bramble, A., and B-97660 L/Cpl. Woodward, A.F., of the Canadian Provost Corps, CA., No. 12 Coy., Toronto, Ont. (Exhibit "B").

(c) Certified true copy of Declaration of Court of Inquiry (M.F.B. 378) (Exhibit "C") declaring the accused illegally absent from 1600 hours, 11th February, 1942 and still so absent 12th March, 1942, at which time he was Struck Off Strength as a deserter.

C. S. Dickson Lieut.
Lieut. C. S. Dickson

The accused declined to cross-examine this witness.

SECOND WITNESS: B-61642 Tpr. Cooper, E. C., having been duly sworn, states:-

I am on the strength of #2 Canadian Armoured Corps Reinforcement Holding Unit, Camp Borden, Ont., attached for all purposes to A-9 Canadian Armoured Corps (Advanced) Training Centre (CA), Camp Borden, Ont.

On 11th February, 1942 I was employed in the Guard House at A-9 Canadian Armoured Corps (Advanced) Training Centre (CA), Camp Borden, Ont., as a member of the Regimental Police. At about 1530 hours I was directed to take the accused, B-46131 Tpr. Alfred James HOLMES, whom I recognize, and who was then under close arrest awaiting trial by District Court Martial, to the ablution room, T-68 at A-9 Canadian Armoured Corps (Advanced) Training Centre (CA), Camp Borden, Ont., where he was to wash his clothes, I was then to return him to the Guard House.

While in the ablution room and while he was dressed in battle dress trousers and in his shirt sleeves with no tunic or hat he asked to be permitted to use the urinal in the adjoining room at about 1600 hours. I took him in to the urinal and when I turned my head to speak to someone passing by, the accused, B-46131 Tpr. Alfred James HOLMES made a dash for the door and escaped. He hid himself so that I was unable to find him and I have not seen him since that date until I saw the accused, B-46131 Tpr. Alfred James HOLMES on the 17th of

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA)
CAMP BORDEN ONTARIO

(2)

SUMMARY OF EVIDENCE in the case of

B-46131 Tpr. Alfred James HOLMES.

G. J. Page Major
Pres.

SECOND WITNESS: B-61642 Tpr. Cooper, E. C. (Cont'd.)

August, 1942 after his return from Absence Without Leave. He did not return to the Guard House after escaping from my custody and was continuously away until 11th August, 1942 for I would have known of his return had he returned before that.

E C Cooper
B-61642 Tpr. Cooper, E. C.

The accused declined to cross-examine this witness.

THIRD WITNESS: B-102608 Cpl. Boville, C., having been duly sworn, states:-

I am Corporal in charge of the night shift on duty in the Guard House at A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) Camp Borden, Ont. and have been so for about seven (7) months.

At 0245 hours on the 11th August, 1942, the accused, B-46131 Tpr. Alfred James HOLMES, whom I recognize, surrendered himself at the Guard House at the above centre from Absence Without Leave. , and was placed under close arrest. He was sober and properly dressed.

The accused when under close arrest went Absent Without Leave on the 11th February, 1942 and as Corporal employed in the Guard House I know that at no time since that date did the accused, B-46131 Tpr. Alfred James HOLMES return to A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) until he surrendered at 0245 hours on the 11th of August, 1942. Had he returned at any time in the interval I would have known of it.

Cpl Boville C
B-102608 Cpl. Boville, C.

The accused declined to cross-examine this witness.

FOURTH WITNESS: B-102663 Tpr. Kennedy, J.R., having been duly sworn, states:-

I am employed in the Quartermaster Stores of A-9 Canadian Armoured Corps (Advanced) Training Centre (CA), Camp Borden, Ont.

On the 18th August, 1942, at Camp Borden, Ont., I checked the kit of the accused, B-46131 Tpr. Alfred James HOLMES, whom I recognize, against his M.F.C. 800 and found he was deficient of the following articles:-

Articles	Quantity	% of Vocab. Rate	Cost
Drawers cotton short	prs. 2	75	.50
Gloves woollen khaki	" 1	75	.43
Jackets sweater	1	75	1.04
Mitts pullover leather	prs. 1	75	.48
Overalls trousers denim	" 1	75	1.67
Shirts flannel khaki	2	75	1.76
Brushes boot blacking	1	100	.15
" " polishing	1	"	.15
" button	1	"	.14
" cloth	1	"	.24
" hair	1	"	.24
" tooth	1	"	.09

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA)
CAMP BORDEN ONTARIO

SUMMARY OF EVIDENCE in the case of

B-46131 Tpr. Alfred James HOLMES.

FOURTH WITNESS: B-102663 Tpr. Kennedy, J.R. (Cont'd.)

Articles	Quantity	% of Vocab. Rate	Cost
Dressings first field	1	75	.18
Towels hand	2	100	.42
Badges cap C.A.C.	1	"	.16
Caps winter melton cloth	1	75	.90
		Total deficiencies	$8.55

I present the following document relating to the accused:-

Certified true copy M.F.C. 800 (Exhibit "D".)

B-102663 Tpr. Kennedy, J.R.

The accused declined to cross-examine this witness.

QUESTION TO THE ACCUSED:

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so; but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED:

"Sir, I do not wish to make any statement or to give evidence upon oath."

A J Holmes,
B-46131 Tpr. Holmes, A. J.

The accused declined to call witnesses to testify on his behalf.

I certify that Rules of Procedure 4(C), (D), (E), (F) and (G) have been complied with and that Exhibits "A", "B", "C", and "D" referred to above were read over in the presence of the accused.

Taken down before me in the presence of the accused at A-9 Canadian Armoured Corps (Advanced) Training Centre (CA), Camp Borden, Ont., this 25th day of August, 1942.

(J. S. Kilgour) 2/Lieut.,
Officer taking Summary,
A-9 C.A.C.(A).T.C. (CA)

This is Exhibit "A" referred to in the Summary of Evidence taken before me at Camp Borden Ont. on the 15th day of August, 1942.

(J. S. Kilgour) 2/Lieut.,
Officer taking Summary,
A-9 CAC(A)TC (CA)

I-1 33

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ont. on the 27th day of December, 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B-46131 Tpr. HOLMES, A. J. A-9 C.A.C.(A).T.C. (CA) Camp Borden, Ont.

DECLARATION

The Court declare that No. B-46131 Tpr. HOLMES, A.J. A-9 C.A.C.(A).T.C. (CA) Camp Borden, Ont.

illegally absented himself without leave from A-9 C.A.C.(A).T.C. (CA) Camp Borden, Ont.

at 0600 hours on the 1st day of December, 1941,

that he is still so absent, and that on the 27/12/41 he was deficient, and

that he is still deficient of the following articles:—

Articles	Quantity		75% of priced list. VALUE	ARTICLES		75% of priced list. VALUE
Anklets web	prs.	1	.58	Brushes boot blacking	1	.12
Battle dress blouses		1	4.64	" tooth	1	.06
" " trousers	prs.	2	9.36	Combs	1	.03
Boots ankle	"	1	3.61	Dressings first field	1	.18
Caps tank battalion		1	.65	Towels hand	1	.16
Greatcoats drab '39 Patt.		1	12.92	Badges cap (Tor. Scottish)	1	.07
Drawers woollen	prs.	2	.70	" shoulder " "	prs. 1	.06
Gloves woollen khaki	"	1	.45	Badges arm Tank	1	.09
Jackets sweater		1	1.29	Attachments brace W.E. Patt '37	2	.38
Shirts flannel khaki		2	3.08	Belts waist WE Patt '37 Lge	1	.64
" khaki cotton w/s/s		1	.75	Bottles water Mk VI	1	.49
" service		1	.63	Braces WE Patt '37 L & R	prs. 1	.54
" undercotton		1	.26	Carriers waterbottle	1	.30
Shoes canvas	prs.	1	1.48	Haversacks WE Patt '37	1	1.32
Socks	"	3	.84	Pouches ammunition Pistol WE Patt '37	1	.34
Cleanser web	tins	1	.03	Sheets ground drab Mk VIII	1	1.38
Caps mechanic		1	.13	Total deficiencies		$47.80
Bootlaces	prs.	1	.02			
Braces	"	1	.22			

(Sgnd.) N. H. Macaulay, Major, A-9 C.A.C.(A).T.C. (CA) ..... President

" David Woods, Lieut., A-9 C.A.C.(A).T.C. (CA) ..... Member

" J. H. Macdonald, Lieut., A-9 C.A.C.(A).T.C. (CA) ..... Member

Signed at Camp Borden, Ont.

this 27th day of December, 1941

Signature of Commanding Officer (Sgnd.) J. A. McCamus) Lt. Col., Commandant, A-9 CAC(A)TC (CA)

Certified true copy

(J. S. Kilgour) 2/Lieut., Signature of Officer having custody of original record
A/Adjutant, A-9 CAC(A)TC (CA)

M.F.B. 375
A.F.B. 115
25M—6-41 (750)
H.Q. 1773-13-257

This is Exhibit "B" referred to in the Summary of Evidence taken before me at Camp Borden, Ont. on the 28th day of August, 1942.

B. Page Mayor Pres.

I-2

(J. A. Kilgour) 2/Lieut., Officer taking Summary, A-9 CAC(A)TC (CA)

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to service authorities)

I, ...Maj.Jor.H.C. Witthun, No. 31 Coy, Cdn. Provost Corps,
(Number) (Rank) (Name) (Unit)

hereby certify that B.461431 Tpr. HOLMES, A.J.
(Number) (Rank) (Name in full)

of the (Opt. Regt) A-9 C.A.C. Training Centre, CAMP BORDEN
(Unit and attachment (if any))

was apprehended by (~~surrendered~~) B.67014 L/Cpl. BRAMBLE, A.E.
(Number) (Rank)

& B.97660 L/Cpl. WOODWARD, A.F., No. 31 Coy, Cdn. Provost Corps
(Name) (Unit or appointment)

at ....43 Widmer Street, TORONTO, ONT.
(Place)

at 0840 on the 18th day of JANUARY 1942
(Hour)

as ~~a deserter or~~ an absentee without leave), and that at the time of his arrest he was ~~wearing civilian clothes~~ ~~uniform~~ (dressed in civilian clothes).

DATED AT ...280 Lansdowne Ave., Toronto, Ontario.

this ...28th..... day of .....AUGUST..... 1942

(Strike out words not applicable)

.....Major
(Signature, Number, Rank, Unit or appointment)
(H.C. Witthun)
O.C., No. 31 Coy, Canadian Provost Corps, CA

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216

This is Exhibit "C" referred to in the Summary of Evidence taken before me at Camp Borden Ont., on the 25th day of August, 1942.

(J. S. Kilgour) 2/Lieut.,
Officer taking Summary,
A-9 CAC(A)TC (CA)

I-3

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ont.

on the 12th day of March, 1942 19 , for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B-46131 Tpr. HOLMES, A. J. A-9 C. A. C. (A). T. C. (CA) Camp Borden, Ont.

DECLARATION

The Court declare that No. B-46131 Trooper HOLMES, A. J. A-9 CAC(A)TC (CA) Camp Borden Ont. illegally absented himself without leave from Camp Borden, Ontario A-9 CAC(A)TC (CA) at 1600 hours on the 11th day of February, 1942, that he is still so absent, and that on the 12/2/42 he was deficient, and that he is still deficient of the following articles:—

75% of priced list

ARTICLES		VALUE	ARTICLES		VALUE
Battle Dress trousers serge prs	1	4.68	Combs, hair	1	.03
Boots, ankle prs	1	3.61	Dressing first field	1	.18
Caps, tank bt'n	1	.65	Forks, table	1	.07
Drawers cotton short prs.	2	.70	Knives table	1	.14
Gloves woollen khaki prs.	1	.45	Spoons "	1	.06
Jackets sweater	1	1.29	Towels, hand	2	.32
Mitts pullover leather prs.	1	.33	Badges cap C.A.C.	1	.12
Overalls denim trousers prs.		1.35	" shoulder worsted prs.	1	.09
Shirts flannel khaki	2	3.06	" A.D. Tank	1	.09
" service	1	.63	Caps Winter Melton Cloth	1	.80
Socks prs.	3	.81			
Cleanser, web tins	1	.04	Total deficiencies		$20.63
Bootlaces prs.	1	.02			
Braces prs.	1	.22	Note: The above enumerated articles represent approximately 75% of Ordnance Priced Lists as contained in C.A.R.O. 1428.		
Brushes bootblacking	1	.12			
" " polishing	1	.13			
" button	1	.12			
" cloth	1	.18			
" hair	1	.18			
" tooth	1	.06			

(Sgnd) N. H. Macaulay) Major ..... President
A-9 C.A.C.(A).T.C. (CA)

" M. Shulman, Lieut. ..... Member
A-9 C.A.C.(A).T.C. (CA)

" J. G. Cawthorpe, Lieut. ..... Member
A-9 C.A.C.(A).T.C. (CA)

Signed at Camp Borden, Ont.

this 12th day of March, 1942.

Signature of Commanding Officer (Sgnd) J. A. McNamee) Lt. Col.,
A-9 C.A.C.(A).T.C. (CA)

Certified true copy ..... Lt. Col., Signature of Officer having custody of original record

for Adjutant General A-9 C.A.C.(A).T.C. (CA)

M.F.B. 373
A.F.B. 133
50M—9-41 (1909)
H.Q. 1372-39-257

This is exhibit "D" referred to in the Summary of Evidence taken before me at Camp Borden, Ont., on the 26 day of August, 1942.

J. S. Kilgour, Lieut.
Officer Commanding
A-9 Cas. Coy.

39

INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

Tor. Scot.

I-4 6 Pages Number

The issues only to be accounted for on this form.
Blank spaces left after an issue has been entered will be ruled through before the individual signs for articles issued to him.

Regtl. No. B-46131 Rank Pte. Name HOLMES, A. J. Date of Attestation 20/5/41

DESCRIPTION OF ARTICLES	Number	Number	Number	Number	Number	Number	Number	Number
Anklets, web, prs	1 5/41 AH							
Badges, arm tank	1 16/9 AH							
Badges, cap tank	1 6/41 AH							
Badges, ~~[illegible]~~	~~[illegible]~~							
" shoulder ~~[illegible]~~ worsted ~~[illegible]~~	1 6/41 AH							
Bags, kit, Mk. II	1 5/41 AH							
Battle dress, serge— Blouses	1 5/41 AH							
Trousers, prs	1 5/41 AH	1 9/41 AH						
Belts, waist, leather, brown								
Blacking, tins	1 5/41 AH							
Boots, ankle, prs	1 5/41 AH	1 3/2/42 AH						
" felt, prs								
" Lumbermans, rubber, prs								
Boot dressing, tins	1 5/41 AH							
Boot laces, prs	1 5/41 AH							
Braces, prs	1 5/41 AH							
Brasses, button	1 5/41 AH							
Breeches, D.C., prs								
Brushes, boot, blacking	1 5/41 AH							
" " polishing	1 5/41 AH							
" button	1 5/41 AH							
" cloth	1 5/41 AH							
" hair	1 5/41 AH							
" shaving	1 5/41 AH							
" tooth	1 5/41 AH							
Buttons, G.S., large								
" " small								
Caps, comforter	1 5/41 AH							
" Mesh ~~[illegible]~~	1 6/9 AH							
" forage, drab								
" tank battalion	1 6/41 AH							
" winter, melton cloth	1 3/2/42 AH							
Cloak or greatcoat, drab	1 5/41 AH							
Combs	1 5/41 AH							
Discs, identity, with cord								
Drawers, cotton, short, prs	2 5/41 AH							
DATE OF ISSUE								
Signature of Soldier	Alfred Holmes	Alfred Holmes						

DESCRIPTION OF ARTICLES	Number	Number	Number	Number	Number	Number	Number	Number
Drawers, woollen, prs								
Dressings, first, field	1 5/41 AH							
Forks	1 5/41 AH							
Gloves, woollen, khaki, prs	1 3/2/42 AH							
Helmets, sun								
Holdalls	1 5/41 AH							
Housewives	1 5/41 AH							
Jackets or doublets, S.D.								
" khaki drill								
" sweater	1 5/41 AH							
Knives, clasp and lanyard								
" table	1 5/41 AH							
Mitts, pullover, leather, prs	1 3/2/42 AH							
Overalls combination ~~[illegible]~~	1 3/2/42 AH							
" Trousers, denim, prs	1 6/41 AH							
Overshoes ~~[illegible]~~ prs	1 3/2/42 AH							
Pantaloons, service, prs								
Puttees, prs								
Razors, safety	1 5/41 AH							
" blades								
Shirts, flannel, khaki	2 5/41 AH							
" khaki, cotton, with short sleeves	2 6/41 AH							
" service	1 5/41 AH							
" under, cotton	2 5/41 AH							
" woollen								
Shoes, canvas, prs	1 5/41 AH							
Socks, prs	3 5/41 AH							
Sponges, pipeclay								
Spoons, table	1 5/41 AH							
Towels, hand	2 5/41 AH							
Trousers, khaki, drill, prs								
" " short, prs								
" serge, drab, prs								
" service, prs								
Cleanser web	1 5/41 AH							
DATE OF ISSUE								
Signature of Soldier	Alfred Holmes							

M.F.C. 800
20036—9-41 (1654)
H.Q. 1272—20-1643

40

CERTIFICATE TO BE SIGNED BY ACCOUNTING OFFICER ON TRANSFER OR ATTACHMENT OF SOLDIER

Certified that the record detailed on this form is correct			Certified that the record detailed on this form has been verified with the articles in possession of the soldier			Transferred	Attached
On transfer or attachment to the undermentioned Unit	Date	Signature of Accounting Officer	On transfer or attachment from the undermentioned Unit	Date	Signature of Accounting Officer		
23 (B).T.C.	27/6/41	W. W. Niace Lt.	No. 2 District Depot				
A-9 Ont.(T)Rgt.	27/8/41		23BTC Newmarket	27/8/41	W J Lock		

EQUIPMENT (a)	Number	Number	Number	Number	Number	Number	Number	Number	ARMS AND MISCELLANEOUS (a)	Number	Number	Number	Number	Number	Number	Number	Number
Attachments, brace	2	16/9							Tins, mess Rect.	1	3/11/41						
Bags, ration	1	3/11/41							Eyeshields, Anti-gas Mk. II								
Bandoliers									Respirator Anti-gas:— Container Type "E", Mk. VI								
Belts, waist W.E. '37	1	16/9							Disc, Identity, Red, No. 2								
Bottles, water Mk. VI	1	16/9							Facepiece, Mk. IV								
Braces L. & R. W.E. '37	[redacted]		2	3/11/41					Haversack, Mk. VI								
Carriers, cartridge									Line, natural, whipcord, 7 in.								
" waterbottle W.E. '37	1	16/9							Outfit anti-dimming Mk. I								
Cases, pistol R.T.C.	1	3/11/41							Seal, disc, identity (lead)								
Covers, mosquito Rect.	1	3/11/41															
Frogs, bayonet									Bayonet and scabbard*								
Haversacks W.E. '37	[redacted]		1	3/11/41					Bottle, oil								
Helmets, steel	1	3/11/41							Pistol*								
Lanyards, pistol									Pullthrough								
Packs W.E. '37	[redacted]		1	3/11/41					Rifle*								
Pouches, ammunition Pistol	[redacted]		1	3/11/41					Sword and scabbard								
Pouches, basic																	
Slings, rifle																	
Spurs, jack, pr.									Blankets								
Straps, shoulder L. & R. W.E. '37	2	16/9							Sheets, ground Mk. VIII	1	5/41	1	3/11/41				
" web, supporting WE '37	[redacted]		2	3/11/41													
DATE OF ISSUE									DATE OF ISSUE								

(a) Arms and equipment will not be transferred with the soldier unless authorized by the D.I.C.

On return of any article the O.M. will draw a red line through the entry opposite the item and initial same.

Signature of Soldier: Alfred Holmes

Alfred Holmes

Certified true copy

(J. S. Kilgour) 2/Lieut.,
A/Adjutant,
A-9 CAC(A)TC (CA)

Signature of Soldier: Alfred Holmes

Alfred Holmes

*QUOTE UNIT CONSECUTIVE NUMBER OF BAYONET AND SERIAL NUMBER OF PISTOL OR RIFLE.

41

6 Page Major Phes

Y

M.F.B. 355
22M—6-41 (572-3)
H.Q. 1772-39-620
A.F.B. 206

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B-46131	Trooper	HOLMES Alfred James	A-9 CAC(A)TC (CA)

1. The following is a fair and true summary of the entries in the FIELD. [redacted] JSK

Conduct sheets [redacted] of the accused, exclusive of convictions by a Court-Martial or a Civil Court, [redacted] JSK of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months JSK	Since enlistment or appointment JSK
For A.W.L.	1 ~~2~~ times	4 ~~3~~ times
For Breaking out of Bks.	times	2 times
For	times	times
For	times	times

Number of instances of gallantry or distinguished conduct nil

[redacted] JSK

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

[redacted] JSK

3. The accused is not under sentence at the present time.

[redacted] JSK

4. The accused has been in confinement awaiting trial on the present charges, for 0 days in civil custody, and 37 JSK days in military custody, making a total of 37 JSK days in custody, of which ~~nil~~ 12 JSK days were spent in hospital.

5. The present age of the accused according to his [redacted] attestation paper is 21 yrs., 1½ JSK mths. JSK

6. The date of his [redacted] specified in his [redacted] attestation paper is 20th May, 1941. JSK

[redacted]

8 [redacted]

9 [redacted] JSK

[redacted]

42

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of ..... Permanent Force ..... dated ....., and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused Number ..... Rank ..... Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 16th day of September 1942. J S Kilgour Capt A/Adj D-9 CAC(A) T.C.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

G J Page Major Pres

No. B46131 Name Holmes, A.J. Sqn., Battery, or Company #2 D.D. (AF) Corps C.A.C. Date of enlistment 20-5-41 G.C. Badges Tradesman's Rates of Pay 6 of Page Marks Pass M.F.M. 6 (A.F.B. 122) 500M—11-41 (2498) H.Q. 1772-30-1450

No. and date of last drunk — Period not reckoning towards freedom from extra fine — Sheet No. 2 — Signature O.C. Company, etc. — Character Z

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Original sheet destroyed 20-11-41					
Newmarket	4-8-41	Tpr.	-	AWL from 2130 hrs 4-8-41 till app. by Military Police in Toronto at 1500 hrs 12-8-41(7 days 17hrs 30 mins) A.A. 15(1)	Cpl.Evans L/C Jeffrey " MacLean	8 days C.B.	13-8-41	Major Geary	Forf. 8 dys pay FR&I
Newmarket	16-8-41	Tpr.	-	Breaking camp whilst a defaulter & remained AWL from 0630 hrs 16-8-41 till app. by military police in Toronto at 2345 hrs 17-8-41(1 day 17 hrs 15 mins)AA 15(1)AA(10)4	Cpl.Evans Documentary L/Cpl Kirby Pte Harris	3 dys detention	18-8-41	Major Geary	Forf. 2 dys pay FR&I
Camp Borden	30-8-41	Tpr.	-	Breaking ou of barracks when his duties required him to be in barracks AWL from 0200 hrs 30-8-41 to 1600 hrs 2-9-41(2dys.20 mins)	Sgt. Paradis, L.	72 hrs detention	3-9-41	Lt.Col. J.A.McCamus	Total forf. 6 days.
Camp Borden	29-9-41	Tpr.	-	AWL 17 days 17 hrs from 0630 hrs 29-9-41	Sgt.Paradis	28 days det-	1-11-41	J.A. McCamus Lt.Col.	Forf. 18 days pay

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Certified true copy J.S. Kilgour 2/Lt (J. S. Kilgour) 2/Lieut., A/Adjutant, A-9 C.A.C.(A) R.C.(CA)					

C.J. Page Major
Pres.

BY THE DEFENDING OFFICER: The only thing I can say to the Court on behalf of the accused is merely that, after a long conversation with the accused before he came before this Court, he certainly feels that he wants to clear up the record. That is one of the main reasons why he returned. He also feels that he would be better at his trade - in the original branch of the service which he wished to join. There is also undoubtely domestic trouble but I think, after discussing the case thoroughly, it is really the desire of the accused to throw himself on the mercy of the Court in order that he may be able to show in future that he can become a good soldier. That is all I have to say, sir.

- - -

MEDICAL OFFICER'S REPORT

I certify that No. B46131 Tpr Holmes A.T.

of Alice Springs is in a poor state of health,

and unfit to undergo Trial by Court martial.

He is suffering from V.D.G. Pediculi Abrasions of forearm do

A. Collins Capt

Medical Officer R.A.A.M.C.

ATTD A9 CAC(A)TC

Station Camp Borden

Date 5 Apr 1942

M. F. B. 246

20M—9-41 (1743)

H.Q. 1772-29 480

MEDICAL OFFICER'S REPORT

I certify that No. 846131 Tpr Holmes R.J.
of A 9 C A C (A) T C is in a good state of health,
and fit to undergo Trial by Court martial.

A Collins Capt
Medical Officer RCAMC
ATTD A 9 C A C (A) T C

Station Camp Borden Ont

Date 18/9/42

M. F. B. 246
25M—9-41 (1743)
H.Q. 1772-29-480

H.Q.C. 5-H-290

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HORTON, C.A. B.37928 GNR. 1019

NO. 1 DIST. DEPOT, CA., A.

DEAD

CONFIDENTIAL
H.Q.C. 5-H-290

CENTRAL REGISTRY	DATE	P.A. OR B.P.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter Ctrl. "With Minute")					
				J.A.G.	With Papers C.R. OCT - 7 1942		
OCT 14 1942	13/10/42	Au	opu	AD	To note & PA	H.F.B.	10/10/42
				J.A.G.	With Papers C.R. JUL 13 1943		
JUL 28 1943	8/43	B.F.	S/Ye	J.C.M.	To note &		22-7-43
JUL 26 1943	27/7/43	O A	Sm	Admin	To Note & opu	S/Ye	27/7/43
AUG 6 1943	13/8/43	B.F.	S/Ye	J.C.M.	PER B.F. AUG 6 1943		
AUG - 9 1943	7-8-43	G.D.	Sm	AD	Request	CR	7/8/43
AUG 13 1943	13/8/43	G.A.	A.S.	J.C.M.	PER B.F. AUG 13 1943		
JUL 12 1945	2/2/45	12	ML	D. Adm.	[illegible] C.R. JUL 12 1945		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for one or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the subject file number.

PASS THIS FILE IN ENVELOPE

IN REPLY PLEASE QUOTE
L.91-62-1

405-H-1019

CANADA

r n b

DEPARTMENT OF NATIONAL DEFENCE
ARMY

HQ MD 1 London, Ontario, 2 August 1943

Officer i/c Records
A. G. Branch
AUG 4 1943
Nat Defence Hqrs.
Ottawa, Canada.

Secretary,
Department of National Defence,
OTTAWA, Canada.

B.87928--Pte. HORTON, C.A.
S.U.S., M.D.B., London, Ont.

As required in H.Q.C. 55-H-290 (ICM) dated 24 July, 1943, herewith is returned completed form I.C.M-B concerning the marginally named soldier.

Entd. Casualty Nominal Roll & CE & P Chan Aug 7/43

enc.

W. S. P. Gow

for (D.J. MacDonald) Brigadier
D.O.C., M.D. No. 1.

N.D. 20
5 MIL.—11-42 (7229)
H.Q. 1772-101-23

I.C.M. - B

REPORT ON CONDUCT

Department of National Defence,
H. Q. C. 55- H-290, (IEMS)
OTTAWA, July 24th, 1943.

To:- Commandant CAMLING HEIGHTS, Military Detention Barracks.

1. Soldier under sentence	B.87928, Pte. C. A. HORTON,
2. PLEASE STATE:-	
(i) Date of sentence	June 24th. 1943
(ii) Sentence	6 Months
(iii) Date you received soldier	2 July 43
(iv) (a) Can soldier read and write?	Yes.
(b) Religion	Methodist
(c) Married, Widower, Single	Single (Divorced)
(d) What Army trade has soldier?	None.
(v) (a) Conduct of soldier	Good.(Since his incarceration)
(b) Industry of soldier	Good.An excellent soldier.
(c) Remission earned:-	
(i) Number of days actually earned	6 Days.
(ii) Number of days obtainable to date	6 Days.
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	Physically fit. Mentally above average Anxious to get overseas. Should be a good soldier. amo.
(a) Whether detention will seriously aggravate soldier's condition.	
(b) Whether further confinement is likely to prove fatal.	
(vii) (a) Whether in your opinion conduct of soldier warrants suspension of sentence?	Conduct while under sentence has been very good and it is my opinion that should this man be drafted for Over-Seas service directly from Military Detention Bks he would prove to be an efficient soldier. The above opinion is based on the fact that domestic trouble has been the undelying cause of his previous bad record.
(b) Moral effect confinement has had?	
(c) If returned to Army, is soldier likely to become a good soldier?	
(viii) Date term will expire if all remission earned from now on.	Sentence with remission will expire 24 Nov.43

(H.F.G. Letson)
Major-General
Adjutant-General.

PTO

Signature [signature]
Commandant.
(L.L. Shipley) Capt. Military Detention Bks.
Date of Report: July 30th. 1943

It should be noted that this soldier had appr. 5 months of a previous sentence of 9 months remitted by D.O.C. Mn 1 as of 1 Feb 43. The Commandant's previous report of DOC., 30 Nov 43, also recommended that soldier be transferred overseas direct from MnB as "if granted Embarkation Leave he will again absent himself."

G

W. E. P. GOW, Major,
D.A.P.M., M.D. No. 1

AUG 2 1943

I.C.M. - A

Department of National Defence,
H. Q. C. 55- H-200, (ICM)
OTTAWA, July 24th 1943.
Your file # L.28-H-101,

District Officer Commanding,
Military District No. 1,
LONDON, Ontario.

B.87928, Pte. C. A. HORTON.

1. Herewith enclosed "Report on Conduct" Form in respect of the marginally-noted soldier who is serving in CARLING HEIGHTS, Military Detention Barrack, under your command, a sentence of 6 months detention awarded by a District Court-Martial on the 22nd day of June 1943.

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

(H.F.G. Letson)
Major-General
Adjutant-General.

Noted.
Gerald Moignet Lieut
for C.A.G. of Adm.
July 27 1943.

H.Q.C.55-H-290 (JAG)

July 22nd,1943.

The District Officer Commanding,
Military District No. 1, London,Ont.

Re: District Court-Martial,
B.87928, Pte. Horton, C.A.
No. 5 Coy, A-29, C.I.C.T.C.,C.A.

Receipt is acknowledged of your L.28-H-101 dated the 14th July 1943, under cover of which you forwarded for registration and custody the proceedings of the marginally-noted District Court-Martial.

2. The proceedings have been reviewed and the following irregularities noted:

(a) On page A of the proceedings it is stated that Capt. N.E.Porte was not available to serve as a Member of the Court-Martial and that the Waiting Member, Capt.H.D.McLeod, took his place as a Member of the Court. However, Capt. Porte is listed above this statement as one of the two Members of the Court. Where a Waiting Member takes the place of a Member of the Court, under the heading "Members" on page A his name should appear instead of the name of the Member detailed in the Convening Order who has been found unavailable to serve. See page 32, paragraph 11, Handbook on District Courts-Martial as amended.

(b) On page B, the words "and Judge Advocate" in the first line should have been struck out, and the word "and" inserted between "President" and "Members". See page 36, of the Handbook.

(c) As noted by you in your letter, Exhibit "B" (2 sheets) is not admissible in evidence. Exhibit "C", however, does not contain any evidence of the surrender of Pte. Horton to the American authorities. The correct procedure in such circumstances is described on page 22 of the Amendment to the Handbook on District Courts-Martial which replaces pages 61 to 63 inclusive thereof.

(d) Exhibit "E" is not admissible in evidence since it is required that it be completed by the officer who authorized the transportation. Although as you state in your letter, the Transport Officer was absent on duty, there is no provision for the completion of the document by a Sergeant. However, I do not consider it necessary to have the sentence commuted by deducting the amount shown in Exhibit "E", since the total transportation expenses were included in the Particulars of the Charge and the accused did not dispute the accuracy of this amount, but pleaded Guilty.

(e) The correct military number of Pte. Horton appears to be B.87928. In Exhibit "F" (M.F.B.375) his number is stated in every instance as A.87928. Pte.

Noted
L. H. Clayton
L. H. CLAYTON
Lieut.-Colonel
Inspector of Courts-Martial
JUL 2 1 1943

.....(over)

Horton is, however, adequately identified in Exhibit "F" by name, initial, rank, company, etc. Therefore, this error may in this instance be regarded merely as an irregularity.

(f) Exhibit "G" is not admissible in evidence. The witness who produced this exhibit should have included in his testimony the facts contained in Exhibit "G". To assist him in doing so he could have used the sheet submitted as Exhibit "G" to refresh his memory, in the manner described on page 89, paragraph 70, M.M.L. Exhibit "F" is however admissible, and since the amount found to be due by the Court-Martial is less than the amount shown in Exhibit "F" and the accused had an opportunity to question the amount but did not do so, the inadmissibility of Exhibit "G" does not affect the decision of the Court on this matter.

3. It is not considered necessary to return the proceedings which are accordingly retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

(R.J.Orde), Brigadier,
Judge Advocate-General.

AMW/MM

H.Q. C. 58-H-290
M.D. 1. 28-H-101

MEMORANDUM - DISTRICT COURT-MARTIAL

No R-87928 Name HORTON, C.A.

Rank Pte. Unit No. 5 COY. A.29 C.I.C.T.C., CA

Charge 1- SEC. 15(1) AA ABSENTING HIMSELF WITHOUT LEAVE

2- SEC. 24(2) AA LOSING BY NEGLECT

Date of Crime 1- 19/4/43 2- 5/6/43

Date of Arrest 31/5/43 Charge. Signed 7/6/43

Orders for D.C.M. D.O.C. M.D. #1

Place and Date of Trial Camp Ipperwash, Ontario 22/6/43

Sentence DETENTION 6 MONTHS STOPPAGES $30.43

Date of Confirmation 24/6/43

Date of Promulgation 2/7/43

Entered in Records of J.A.G. as No. 9156

Date 20/7/43

MEMO

A. McWilding Lt Cole
for Judge Advocate-General

3M-3.43-(MO-2114)

IN REPLY PLEASE QUOTE

142643

No. L. 28-H-101

CANADA

9158

DEPARTMENT OF NATIONAL DEFENCE
ARMY

bp/

HQ MD 1, London, Ontario, 14 July 1943

CENTRAL REGISTRY Army
COMF. ETC.
JUL 14 1943
File
Chgd. to
Referred to JAG

Judge Advocate General,
Department of National Defence,
OTTAWA, Canada.

DISTRICT COURT-MARTIAL
5-87028, Pte. Horton, C.A.

The proceedings in connection with the District Court-Martial of the m/n accused are enclosed herewith. Your attention is directed to the following irregularities.

2. The documents now comprising pages 21 and 23 of the proceedings although not properly admissible in evidence were admitted at the request of the Defending Officer. (See page 35 of the proceedings.)

3. On page 27 of the proceedings in the M.F.B. 1481 the deletions are not initialled by the officer executing the document.

4. Page 29 the M.F.B. 1481 is signed by the Transport Sergeant with respect to transportation authorized. At the time this transportation was authorized the sergeant who executed this certificate was in fact the only one with authority to authorize this transportation, as the Transport Officer was absent on duty.

5. The delay in forwarding these proceedings was occasioned by the necessity of distributing and properly instructing the Officers commanding the units in connection with the completion of form M.F.M. 288.

6. It is trusted that you will find the proceedings in all other respects in order.

for (D.J. MacDonald) Brigadier
D.O.C., M.D. No. 1.

Alex Fergusson Capt

NAT. DEF. B. 440
1 Million—10-42 (9658)
H.Q. 1772-29-767

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of B-87928 (Number) Pte. Horton, Charles Allen (Rank, Name in full)

A-29 C.I.C.T.C.,C. A., Camp Ipperwash, Ontario (Unit, Attachment (if any))

Sentenced to six (6) months detention, stoppages of pay to make good $30.43.

on 22 Jun 43 at A-29 C.I.C.T.C.C.A., Camp Ipperwash, Ontario

being served at Detention Barracks, Carling Heights, London, Ont. (Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment 22 years, 351 days, 25 Mar 41

Medical grade or category A

FIRST TRIAL—PART II

To Adjutant-General, Department of National Defence (Army) (Superior Military Authority)

For details of offences see Part VII.

I have directed that the above-named be (not) committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) (XXXX

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
13/8/43	No Suspension or Remission No further Review	L. McLaughlin Capt for Adjutant General Superior Mil. Authority	

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
First Charge - Absenting himself without leave, in that he at A-29 CICTC, Camp Ipperwash, Ont., at 1200 hrs, 19 Apr 43 absented himself without leave until he surrended himself to the civil police, Highland Park, Mich., U.S.A., at 1920 hrs, 31 May 43, sober and dressed in military uniform. Cost of apprehension and return $7.35. Second Charge - Losing by neglect, Clothing, Equipment and Regimental necessaries amounting to $23.08. Signature of officer making entry	19 Apr 43	22 Jun 43

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Signature of officer making entry		

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date		Signature
2 Jul 43	The past record of service of this soldier is such that his future usefulness to the Canadian Army is doubtful. I recommend that no action be taken during future reviews of this case.	H. Ballantyne (H. Ballantyne) Col Commandant A-29 C.I.C.T.C.

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date		Signature
9 July 1943	I concur with O.C. A-29 C.I.T.C.	D. J. Macdonald (D.J. MacDonald) Brigadier DCD MD 1.

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at A.29 C.I.C.T.C.,C.A., Camp Ipperwash, Ontario

on the 22nd day of June 19 43 by order of Brigadier J.D.MacDonald,DSO,MC Commanding Military District No. 1

dated the 18th day of June 1943

President.

Lieut-Colonel H.C.Cameron,M.C.,
President Courts-Martial MD 1.

Members.

Major E. Cerson, E.D.,Lorne Scots,
Att'd A.29 C.I.C.T.C.,C.A.

Captain M.E. Porte,
A.29 C.I.C.T.C., C.A.

Judge Advocate.

Trial of B-87928 Pte Charles Allen HORTON
No. 5 Coy A.29 C.I.C.T.C.,C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

The Court satisfy themselves that Capt M.E.Porte is not available to serve owing to absence from station on duty. Capt H.D.McLeod, R.C.R., Att'd A-29 C.I.C.T.C.,C.A. waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Captain A.S. Fergusson, Legal Officer M.D. No. 1.

~~Counsel‡ or~~ defending officer† Captain A.S. Eadie, Perth Regt., A.29 C.I.C.T.C.,C.A.

At 10 AM o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

X I HAVE SATISFIED MYSELF THAT NONE OF THE OFFICERS NOT ASSIGNED AS MEMBERS OF THIS COURT HAVE PREVIOUSLY SERVED UPON ANY COURT OF INQUIRY RESPECTING THE MATTERS FORMING THE SUBJECT OF THE ~~OFFENCE~~ (CHARGES) BEFORE THIS COURT MARTIAL.

B

The President, members and judge-advocate are duly sworn.

Q.2 Do you object to A.99632 S/Sgt (A/C.S.M.) Hagen,G.B.,No. 1 Det., CMSC, C.A. being sworn as shorthand writer?

~~The following officers under instruction are duly sworn.~~

A.2 No,Sir.

-- A.99632 S/Sgt (A/C.S.M.) Hagen,G.B., No. 1 Det CMSC, C.A. is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Guilty, Sir. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Guilty, Sir. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which~~ *Question.* you ~~have heard read~~?

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which~~ *Question.* you ~~have heard read~~?

~~Answer.~~

The accused having pleaded Guilty to both the charges the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

Br. [illegible]
Pres. D.C.M.

CHARGE SHEET

The accused, No. B-87928 Pte. Charles Allan HORTEN, of No. 5 Coy., A-29 C.I.C.T.C., Camp Ipperwash, Ont., a soldier of the Canadian Army placed on Active Service is charged with:

ABSENTING HIMSELF WITHOUT LEAVE

in that he

First Charge
Sec 15 (1)
Army Act

at A-29 C.I.C.T.C., Camp Ipperwash, Ont., at 1200 hours, on 19 Apr 43 absented himself without leave until he surrendered himself to the civil police, Highland Park, Michigan, U.S.A., at 1930 hours on the 31st. day of May 1943, sober and dressed in military uniform. The cost of apprehension and return to his unit being $7.35 (Seven dollars and thirty-five cents).

LOSING BY NEGLECT HIS CLOTHING, EQUIPMENT AND REGIMENTAL NECESSARIES

in that he

Second Charge
Sec 24 (2)
Army Act

at Camp Ipperwash, Ontario, on 5 Jun 43, was deficient of the following articles.

		C.A.R.O. 1862	Less 25% C.A.R.O. 1877
Clothing Division "A"			
Anklets, web prs.	1	.79	.60
Gloves, wollen, khaki prs.	1	.62	.46
Greatcoats	1	17.22	12.92
Equipment Division "A1"			
Bags, kit	1	.78	.59
Equipment Division "B"			
Caps, field service	1	.70	.52
Drawers, cotton short prs.	1	.36	.27
Jackets, sweater	1	1.56	1.17
Socks, woollen prs.	1	.37	.27
Drawers, woollen prs.	1	1.20	.90
Mufflers, khaki	1	.87	.64
Shirts, woollen	1	1.20	.90
Shirts, khaki cotton	2	2.50	1.88
Clothing Division "C"			
Belts, waist leather brown	1	.37	.25
Neckties, black	1	.21	.16
Blacking tins,	1	.05	.04
Bootlaces prs.	1	.03	.02
Braces prs.	1	.32	.24
Brushes, hair	1	.26	.20
Comb, hair	1	.04	.03
Knives, clasp & Lanyard	1	1.12	.84
Sponges, pipeclay	1	.03	.02
Bags, ration	1	.04	.03
Clothing Division "D"			
Badges, Arm, worsted, "Canada" prs.	2	.08	.06
Badges, cap prs.	1	.09	.06
	TOTAL		$23.06

To be tried by a district court martial under Regulations for Canadian Forces, 1943 Dress.

Camp Ipperwash, Ontario
7 Jun 43

(H. Ballantyne) Lt. Col., A/C
(A. Farmer) Major, A/O.C.
A-29 Can. Inf. Corps Trg. Centre

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[~~The Court having been re-opened, the accused is again brought before it, and the charge - to which he has pleaded "Guilty" - - - - - - - - - - - - read to him again.~~]

The accused B-87928 Pte Charles Allan HORTON, No. 5 Coy., A.29 C.I.C.T.C.,C.A.
is found guilty of both charges.

*The summary ~~(or abstract)~~ of evidence is read, marked "G" , signed by the President, and attached to the proceedings.

-- Statement by Prosecutor.
(See document marked "H")

Q.5 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.5 *Answer.* No,Sir.

~~-The accused in mitigation of punishment says:~~

~~[or hands in a written statement, which is read, marked - - - - , signed by the President, and attached to the proceedings.]~~

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q.6 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

Answer.

A.6 No,Sir.

~~*Evidence as to character.*~~

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~Finding~~*

~~The Court is closed for the consideration of the finding.~~

~~The Court find that the accused~~

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*~~The Court being re-opened, the accused is again brought before it.~~

Evidence of character, &c.

Captain Thomas Edward Kellett, Adjutant A-29 C.I.C.T.C.,C.A., is duly sworn.

Q.7 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused?

A.7 *Answer by the Witness.* Yes,Sir; I produce M.F.B.355 & M.F.M.6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y & Z, signed by the President, and annexed to the proceedings.

Q.8 *Question by the President.* Is the accused the person named in the statement which you have heard read?

A.8 *Answer by the Witness.* Yes, Sir.

Q.9 *Question.* Have you compared the contents of the above statement with the regimental books?

A.9 *Answer.* Yes, Sir.

Q.10 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.10 *Answer.* Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83(B).

THE WITNESS WITHDRAWS.

Q.11 *Question to the accused.* Do you wish to address the Court?

A.11 *Answer.* No,Sir; my defending officer will speak for me.

(See document marked "I")

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused B-87928 Pte Charles Allan HORTON, No. 5 Coy., A.29 C.I.C.T.C.,C.A., to undergo detention for a period of six (6) months, and to be put under stoppages of pay until he has made good the sum of $7.35 in respect of cost of apprehension and returnto his Unit, and until he has made good the value of the following articles , viz:-

Sentence.
Detention
six months
Stoppages
$ 7.35
23.08
30.43

		(Less 25%) C.A.R.O. 1877
Clothing Division "A"		
Anklets, web, prs	1	.60
Gloves, Wollen, khaki, prs	1	.46
Greatcoats	1	12.92
Equipment Division "A1"		
Bags, kit	1	.59
Equipment Division "B"		
Caps, field service	1	.52
Drawers, cotton short prs	1	.27
Jackets, swearter	1	1.17
Socks, woollen, prs	1	.27
Drawers, woollen prs	1	.99
Mufflers, khaki	1	.64
Shirts, woollen	1	.90
Shirts, khaki cotton	2	1.88
Clothing Division "C"		
Belts, waist leather brown	1	.26
Neckties, black	1	.16
Blacking tins,	1	.04
Bootlaces, prs	1	.02
Braces, prs	1	.24
Brushes, hair	1	.20
Comb, hair	1	.03
Knives, clasp & Lanyard	1	.84
Sponges, pipeclay	1	.02
Bags, ration	1	.03
Clothing Division "D"		
Badges, Arm , worsted, "Canada"	prs 1	.06
Badges, cap	prs 1	.06
		$23.08

Signed at Camp Ipperwash, Ontario, this 22nd day of June, 1943

(H.C.Cameron) Lieut-Colonel
President Courts-Martial MD 1

Extracts entered as No. 5158 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 20th day of July 1943

H. Cameron

Signed at London Ont this 24th day of June 1943

S.J. Wendover
Major
Deputy D.J.A.

Promulgated and extracts taken at A29 C.I.C.T.C. CA Camp Ipperwash, Ont. This 2nd day of July 1943

A.R. Kellett Capt Adjt. A-29 C.I.C.T.C. Camp Ipperwash.

X Cameron H.C.
Pres. D.C.M.

Orders by Brigadier D.J.MacDonald, DSO, MC Commanding

the Military District No. 1

District Court-Martial
B-87928 Pte Charles Allan HORTON
No. 5 Coy.,A.29 C.I.C.T.C.,C.A.

18 June 1943

The detail of Officers as mentioned below will assemble

at A.29 C.I.C.T.C.,C.A.,Camp Ipperwash on Tuesday

the 22nd day of June 1943 at 1000 hrs

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Lieut-Colonel H.C.Cameron,M.C.,
President Courts-Martial MD 1 is appointed President.

MEMBERS

Major E. Gerson, E.D., Lorne Scots
Att'd A.29 C.I.C.T.C.,C.A.
Captain M.E. Porte,
A.29 C.I.C.T.C.,C.A.

WAITING MEMBERS

Captain H.D. McLeod, R.C.R.,
Att'd A.29 C.I.C.T.C.,C.A.

~~JUDGE-ADVOCATE~~

~~has been (is hereby) appointed~~
~~Judge Advocate~~

PROSECUTOR

Captain A.S.Fergusson
Legal Officer, M.D. No. 1. has been (~~is hereby~~) appointed Prosecutor

DEFENDING OFFICER

Captain A.S. Eadie, Perth Regt
Att'd A.29 C.I.C.T.C.,C.A. has been (~~is hereby~~) appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding A.29 C.I.C.T.C.,C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to A.A. & Q.M.G., M. D. No. 1.

Signed this 18th day of June 1943

M.F.R. 220
A.F.A. 67
HM—9-41 (3761)
H.Q. 1773-29-564

for (W.H. Kippen), Colonel A.O.D.
A. A. & Q. M. G., M. D.No.1
for D.O.C., M. D.No.1.

G Kilmurray Sgt
Pres. D.C.M.

SUMMARY OF EVIDENCE in the case of No. B-87928 Pte. Charles Allan HORTON, of No. 5 Coy., A-29 C.I.C.T.C., Camp Ipperwash, Ontario, a soldier of the Canadian Army on Active Service.

CHARGE:

1. Absenting himself without leave.

2. Losing by neglect his equipments, clothing and regimental necessaries.

The Commanding Officer directs that the evidence be taken on oath.

First Witness

Captain T.E. Kellett, Perth Regt., Adjutant A-29 C.I.C.T.C., Camp Ipperwash, Ontario, after having been duly sworn, states that:

As Adjutant of A-29 C.I.C.T.C., and Officer in charge of Records, I produce herewith, the following documentary evidence relating to the accused.

(a) Certified true copy of Guard report of Absentees dated 5 Jun 43. Hereto attached and marked Exhibit "A".

(b) Certificate of apprehension (2 sheets) dated 31 May 43 and 1 Jun 43, certifying as to date, and place accused surrended himself. Hereto attached and marked Exhibit "B".

(c) Certificate of apprehension (MFM 216 with Appendix) certifying as to date and place accused taken over from U.S. Immigration Authorities by Canadian Provost Corps. Hereto attached and marked Exhibit "C".

(d) Certificate as to cost of Apprehension of the accused (transportation only) (MFB 1481) Windsor to London. Hereto attached and marked Exhibit "D".

(e) Certificate as to cost of Apprehension of the accused (transportation only) MFB 1481) London to Camp Ipperwash. Hereto attached and marked Exhibit "E".

(f) Certified true copy of record of Declaration of a Court of Inquiry. (MFB 375). Hereto attached and marked Exhibit "F".

The accused declines to cross-examine the witness.

T.E. Kellett
.....
(T.E. Kellett) Capt. & Adjt.
A-29 Can. Inf. Corps Trg. Centre

Second Witness

No. A-56631 Pte. A/C.S.M. Randerson, W. No. 5 Coy., A-29 C.I.C.T.C., having been duly sworn states:

Second Witness cont'd

At 1320 hours on 19 Apr 43, the Coy., Orderly Sergeant reported to me that No. B-87928 Pte. HORTON, C.A., was absent from the 1315 hour roll call. As Pte. Horton had a pass which expired at 1200 hours, 19 Apr 43, I instructed the Coy., Orderly Sergeant to place his name on the Absentee Report. Pte. Horton was absent from all roll calls until it was reported to me at approximately 1600 hours 4 Jun 43 that he was under close arrest in the Regimental Guard Room.

The accused declines to cross-examine the witness.

W. Randerson CSM
(W. Randerson) C.S.M.
No. 5 Coy., A-29 C.I.C.T.C.

Third Witness

No. A-67822 Pte. (A/Cpl) Retzler, A.F., No. 5 Coy., A-29 C.I.C.T.C., Camp Ipperwash, having been duly sworn states:

On 19 Apr 43, I was acting as Coy., Orderly Sergeant of No. 5 Company. I called the roll at 1315 hours 19 Apr 43 and found No. B-87928 Pte. Horton, C.A., absent without leave. I turned the Company over to the C.S.M., and reported that Pte. Horton was absent.

The accused declines to cross-examine the witness.

A.F. Retzler Cpl
(A.F. Retzler) Cpl.
No. 5 Coy., A-29 C.I.C.T.C.

Fourth Witness

A-37402 C.Q.M.S. (A/R.Q.M.S.) Ellins, H., (H.L.I. of Can., C.A.) attached to A-29 C.I.C.T.C., after having been duly sworn states that:

On 5 Jun 43, I as A/R.Q.M.S. checked the clothing and equipment of Pte. Horton, C.A., and found him defecient of clothing and equipment as per certified inventory herewith produced and marked Exhibit "G".

The accused declines to cross-examine the witness.

H. Ellins
(R.Q.M.S. Ellins, H.)

QUESTION TO THE ACCUSED

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give, will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED

No Sir.

QUESTION TO THE ACCUSED

Do you wish to call any witnesses to give evidence on your behalf.

ANSWER BY THE ACCUSED

No Sir.

C.H. Horton
.....
(C.H. Horton) Pte.

Rules of Procedure 4 (C), (D), (E), (F) and (G) having been complied with.

Taken by me in the presence of the accused at A-29 C.I.C.T.C., Camp Ipperwash, Ontario, this 7th day of June, 1943.

A.L. Gollnick
.....
(A.L. Gollnick) Capt.,
The Regina Rifle Reg't
Attached A-29 CICTC

Exhibit "A" Referred to in the statement of
Capt. T.E. Kellett, Adjutant.

GHQ.

DETAIL					SENTRIES		ARTICLES IN CHARGE OF GUARD																									
Officers	Sergeants	Bombardiers or Corporals	Lance-bombardiers or Lance-corporals	Acting Lance-bombardiers or Acting Lance-corporals	Trumpeters or Buglers	Troopers, Gunners, Privates, etc.	Tables	Forms	Fire Shovels	Hay Brooms	Bulbs, electric	Water Pails	Long Scrubbers	Hand Scrubbers	Lanterns	Mops	Coal Tray	Sentry Boxes	Locks and Keys	Pokers	Fenders	Padlocks	Water Cans	Arm Racks	Announcements, etc.	Boards of Orders	Handcuffs	Urine Tubs	Inventory Boards	Coal Box	Stretchers	Ladders
							BROKEN OR DAMAGED																									
Parole							By whom							When												Remarks						
Countersign																																

CERTIFICATE

I Relieved ..... at ..... o'clock. Previously to the old Guard marching off, I inspected the several articles in charge of the Guard, and found them correct according to the above list, the Guard Room clean, and the Board of Orders legible. Immediately after the old Guard marched off, I read the orders to the Guard, and again to the sentries first posted, after they had been relieved, after which I visited the Sentries and found them properly posted and acquainted with their orders, and the Board of Orders hung up in the Sentry Boxes and complete. I inspected all Reliefs both going out and coming in, and found them regular. I also visited the Sentries frequently during my Guard and found them alert and on their posts and correct in their orders. The Guard was under arms at Retreat, Tattoo and Reveille sounding when all were present and sober. I inspected the Kits of the men on Guard and found them .....

Visited by the Field Officer ..... o'clock by Day, and at ..... o'clock by Night

" Captain at ..... o'clock by Day, and at ..... o'clock by Night

" Subaltern at ..... o'clock by Day, and at ..... o'clock by Night

Report by Guard Commander of any special occurrences during tour of duty (attached if necessary):—

.....

.....

.....

..... *Commanding Guard*

TIME AND POST ROLL

Regtl. No.	NAME	Corps	Squadron, Battery or Company	Post	Time		Time		Time		Time		Time		Time		REMARKS
					From	To	From	To	From	To	From	To	From	To	From	To	

M. F. B. 257
200M—8-42 (3606)
H.Q. 1772-99-171

(Sgd) H.W. Smithers, Cpl. ..... *Commanding Guard*

(OVER)

RETURN of Offenders Confined to the Guard Detention Room at Camp Ipperwash on 5th Jun 19 43

No.	Regt. No.	RANK AND NAME	Corps	When Confined	Date of Offence	CHARGE	EVIDENCE	DECISION	REMARKS Here insert particulars of arrest or surrender, the actual time, date and place, by whom arrested or to whom surrendered (name and unit), and whether in uniform or in civilian clothes.
B-87928	Pte.	HONTON, C.A.	A-29 CICTC	4-6-43	19-4-43	W.O.A.S., is charged with absenting himself without leave, in that he at Camp Ipperwash, Ont. absented himself without leave from 1200 hrs. 19 Apr 43 until released by U.S. Immigration Office to Can. Provost Corps at 1430 hrs. 1 Jun 43. TOTAL ABSENCE - 43 days, 2 hrs. 30 mins. A.A. Sec. 15 (1) Cost of Apprehension: Return Windsor Ont., to London Ont. (Escort) (escort) $3.70 Single Windsor, Ont. to London, Ont. (escort) $1.85 Party from London to Ipperwash and return $1.80 $7.35	L/Cpl. Kreuger, L.A. (Doct'y) Sgt. Eagle, H.A. (Doct'y)		Remanded for D.C.M.

CERTIFIED TRUE COPY

T.E. Kellett

(T.E. Kellett) Capt. & Adjt.,
A-29 Can. Inf.Corps Trg. Centre

H.W. Smithers, Cpl.

Commanding Guard

(OVER)

Exhibit "B" referred to in the statement of Capt. T.E. Kellett.

a10.

HEADQUARTERS DISTRICT NO. 1
Office of the Provost Marshal
479 Federal Building
Detroit, Michigan

June 1, 1943

SUBJECT: Disciplinary Report.

TO : Commanding Officer
Unit A - C.I.T.C.

1. The following report is forwarded to you for your information and appropriate action:

Rank	Name	ASN	Organization
Pte.	Horton, C. A.	B-87928	Unit A - C.I.T.C., Ipperwash, Ontario

Date and time of ~~arrest~~ (surrender) Highland Park Police Station, Michigan. 7:20 P.M.

Arrested by:

Surrendered to: Lieutenant Patrolman Noel G. Lawson, Highland Park Police, Mich.

Witness:

Offense and where committed: AWOL since 4/19/43

REMARKS: Released to Immigration authorities, Mr. Benda, 6/1/43, 9:15 A.M. Soldier was not picked up on the morning report at this headquarters.

C.O. Lt. Col. Ballintyne
Soldier was dressed in: (Uniform) [redacted]

Case #Det 1547

Milton J. Gearing
MILTON J. GEARING,
Lt. Col., F.A.,
Detroit District
Provost Marshal.

STATEMENT OF APPREHENDING OFFICER OR TO WHOM SOLDIER SURRENDERED

Highland Park, Mich.
(Place)

B

May 31, 1943
(Date)

Horton, C.A. (Soldier's Name) Pte. (Grade) B-87928 (A.S.F.) Unit A- C.I.T.C., Ipperwash, Ontario (Organization)

Soldier *(~~XXXXXXXXXXXX~~) *(surrendered) at Highland Park Police Station, Michigan. 7:20 P.M. (Place and Date)

If by apprehension:
Name and address of official making arrest: _____

Official capacity at time of arrest: _____

Was soldier arrested for any crime other than desertion, if so, what:

AWOL since 4/19/43

Place and date of return to military control: Highland Park, Mich. 7:20 P.M., 5/31/43

If by surrender:
Name and address of person to whom surrendered: Noel G. Lawson, Highland Park Police, Mich.

Official capacity of person to whom surrendered: Lieutenant Patrolman

Place and date of return to military control if surrender not at Army Station: _____

Information to be given in all cases:
Soldier was dressed in *(uniform) *(~~XXXXXXXXXXXXXX~~) when *(surrendered) *(~~XXXXXXXXXX~~).

REMARKS

Circumstances surrounding arrest or surrender, including any statement made by the soldier:

Soldier came into Highland Park Police Station and stated that he was AWOL since 4/19/43. Soldier was not intoxicated. Transported to this 1627th S.U., M.P. Det. by Pfc. Janisch and Pfc. Kronk. Registered by Sgt. Fields.

Soldier *(was) *(~~XXXXXX~~) warned of right to remain silent before making above statement. C.O. Lt. Col. Ballintyre

If no warning was given, was his statement entirely voluntary? _____

Noel G. Lawson
(Signature)

Highland Park Police
(Rank & Organization)

M.P. Case # Det. 1547

Lieutenant Patrolman
(Official Capacity)

NOTE: This statement should be made out by the person to whom the soldier first actually surrendered himself or by whom he was apprehended and forwarded in triplicate with the charges.
*Strike out words not applicable.

Exhibit "C" referred to in the statement of Capt. T.E. Kellett.
atQ
.....

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO Military AUTHORITIES)

I, A-56012 (Number) Sgt. (Rank) Eagle, H.A. (Name) #30 Provost Coy., CA. (Unit)

hereby certify that B-87928 (Number) Pte. (Rank) HORTON, C.A. (Name in full)

of the #5 Coy., A-29 C.I.T.C., Camp Ipperwash, Ontario. (Unit and attachment, if any)

Strike out words not applicable } Not (surrendered to) A-59614 (Number) L/Cpl. (Rank)

BALCH, G. (Name) #5 Sec. #30 Provost Coy., CA., (Unit or appointment)

at Windsor, Ontario. (Place) at 1430hrs. (Hour)

on the 1st day of June 19 43

Strike out words not applicable } as a d[redacted]r absentee without leave), and that at the time of his arrest he was wearing military [redacted]ce) uniform (d[redacted] Not Not

Dated at Windsor, Ontario this 1st day of June 19 43

H.A. Eagle A-56012 Sgt 1/c
(H.A. Eagle) A-56012 Sgt. #5 Sec.
(Signature, Number, Rank, Unit or appointment)
#30 Provost Coy., CA., Windsor, Ont.

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
100M—11-42 (8000)
H.Q. 1772-39-1936

Exhibit "D" referred to in the statement of
Capt. T.E. Kellett, Adjutant.

ABSENTEES AND DESERTERS.....GHQ.....

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut. (Rank) R. V. Rochefort (Name) Issuing Officer for D.S. & T.O. M.D.1 (Unit),

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort

Complete — to proceed from Windsor, Ontario (Place) to London, Ontario (Place)

and return to Windsor, Ontario (Place) for the purpose of escorting

Full description of soldier being escorted — B-87928 (Number) Private (Rank) Horton, C.A., (Name in full)

#5 Coy. A-29 CITC. (Unit) Camp Ipperwash, Ontario (Attachment, if any)

Strike out phrase not applicable — alleged to be a deserter or an absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transportation required~~) and the cost thereof for said soldier and escort being as follows:

PARTICULARS	COST
To cost of Transport Warrant No. C-110899 dated 2-6-43 covering the following transportation:-	
One second class return Windsor, Ont. to London, Ont. (Escort)	3.70
One second class single Windsor, Ont. to London, Ont. (Absentee)	1.85
	5.55
The cost of the above transportation is recoverable from:- B-87928, Pte. Horton, C.A., #5 Coy. A-29 CITC, Camp Ipperwash, Ontario.	
TOTAL	$5.55

Dated at Windsor, Ontario this 2nd. day of June A.D. 19 43

R. V. Rochefort Lieut.
Signature, rank, unit, [redacted] of officer
(issuing transport warrants) [redacted]
Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1482
(Rev—10-42 (1482)
H.Q. 1173-99-1651

Dates of warrants or transportation issued must be set out.
Cost of meals and incidental expenses must be on M.F.B. 1482

Exhibit "E" Referred to in the statement of Capt. T.E.Kellett, Adjutant

ABSENTEES AND DESERTERS .A.L.C.....

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, A.3435 Sgt (Rank) McINTYRE G B (Name) A.29 C.I.C.T.C. (Unit)

Strike out word not applicable — hereby certify that I (~~have~~ ~~been~~) (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from A.29 C.I.C.T.C. to London, Ontario (Place) and return to A.29 C.I.C.T.C. (Place) for the

Full description of soldier being escorted — purpose of escorting A.87928 Pte Hortan C A 5 coy

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (~~the transport warrants issued~~) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
120 miles @ 3¢ per mile	$3.60
1/2 of these charges are recoverable from the following:man:	
A.117322 Pte Kennedy H B	$1.80
Total	$ 1.80

Dated at Camp Ipperwash this 4th day of June A.D. 19 43

~~Lieut. Col. R.A.F. [illegible]~~ G B McIntyre Sgt.
~~[illegible]~~ (authorizing transportation)
Strike out description not applicable
Transport. Sgt. 29 CIC

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
3034—12-41 (2734)
H.Q. 1775-29-185

Exhibit "F" referred to in the statement of
Capt. T.E. Kellet, Adjutant.

.....610.....

RECORD of the Declaration of a Court of Inquiry assembled at Camp Ipperwash, Ont. on the thirteenthday of May 1943, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. A.87928, Pte. Horton, C.A., No. 5 Coy., A-29 C.I.C.T.C. Camp Ipperwash, Ontario

DECLARATION

The Court declare that No. A-87928 Pte. Horton, C.A. of No. 5 Company A-29 Canadian Infantry Corps Training Centre, Camp Ipperwash, Ontario illegally absented himself without leave from Camp Ipperwash, Ontario, C.I.C.T.C. at 1330 hours on the nineteenth day of April 1943, that he is still so absent, and that on the 13 May 43 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES		VALUE	
Anklets, web Prs.	1		79	Badges cap	1		09
Badges, worsted "Canada" "	2		08	Bags, kit	1		78
Battle Dress serge trousers	1	5	39	Blacking tins	1		05
Battle dress serge blouses	1	5	25	Bootlaces, prs.	1		03
Boots, ankle Prs.	1	5	46	Braces, prs.	1		32
Caps, field service	1		70	Brushes, hair	1		26
Drawers, cotton short	1		36	Combs, hair	1		04
Gloves, woollen, khaki Prs.	1		62	Knives, clasp and lanyard	1	1	12
Greatcoats, drab	1	17	22	Sponges, pipeclay	1		03
Jackets, sweater, pullover	1	1	56	Bags, ration	1		04
Socks, woollen, pairs	1		37				
Caps, winter, melton	1	1	06			47	97
Drawers, woollen, Prs.	1	120					
Mufflers, khaki	1		87				
Shirts, woollen	1	1	20				
Belts, waist, leather brown	1		37				
Shirts, khaki, cotton	2	2	50				
Neckties, black	1		21				

L.C. Botting, Major (R.C.R.) A.29 C.I.C.T.C. — President

Signed at Camp Ipperwash, Ontario

J.O. Potter, (Lieut) (Essex Scottish Regt.) A.29 C.I.C.T.C. — Member

this 13th day of May 19 43

J.H. Child, (Lieut) (Perth Regt.) A.29 C.I.C.T.C. — Member

Signature of Commanding Officer H. Ballantyne, Lt. Col. C.C. A29 CICTC

Certified true copy T.E. Kellett Capt Adjt A29 CICTC

Signature of Officer having custody of original record

M.F.B. 575
A.F.B. 03
50M—9-41 (1909)
H.Q. 1772-20-267

Exhibit "G" referred to in the statement of
R.Q.M.S Ellins.

			C.A.R.O. 1862	Less 25% C.A.R.O. 1887
Clothing Division "A"				
Anklets, web	prs.	1	.79	.60
Gloves, woollen, khaki	"	1	.62	.46
Greatcoats		1	17.22	12.92
Equipment Division "A1"				
Bags, kit		1	.78	.59
Equipment Division "B"		1		
Caps, field service	1	1	.70	.52
Drawers, cotton short	prs.	1	.36	.27
Jackets, sweater	1	1	1.56	1.17
Socks, woollen	prs.	1	.37	.27
Drawers, woollen	prs.	1	1.20	.90
Mufflers, khaki		1	.87	.64
Shirts, woollen		1	1.20	.90
Shirts, khaki cotton		2	2.50	1.88
Clothing Division "C"				
Belts, waist leather brown		1	.37	.26
Neckties, black		1	.21	.16
Blacking tins,		1	.05	.04
Bootlaces	prs.	1	.03	.02
Braces	prs.	1	.32	.24
Brushes, hair		1	.26	.20
Comb, hair		1	.04	.03
Knives, clasp & lanyard		1	1.12	.84
Sponges, pipeclay		1	.03	.02
Bags, ration		1	.04	.03
Clothing Division "D"				
Badges, Arm, worsted, "Canada"	prs.	2	.08	.06
Badges, cap	prs.	1	.09	.06
			TOTAL	$23.08

Camp Ipperwash, Ontario
8 Jun 43

H. Ellins
(R.Q.M.S. Ellins, H.)

Case of B.87928, Pte. HORTON, Charles Allan
A.29 Can. Inf. Corps Trg. Centre

DOCUMENT "H"

Hamilton, Sgt
See D.L.M

THE PROSECUTOR:

In regard to Exhibit "B" to the Summary of Evidence, pursuant to R.P. 60, footnote 1, I should state that this document, which forms part of the Summary, establishes that the accused did surrender himself to the American Military Authorities on the 31st day of May; and in the Charge Sheet he is charged with being absent without leave until that time. The proper form, M.F.M.216, which is also part of the Summary, only establishes that the accused came into custody of the Canadian Military Authorities on 1st June. So that it makes a difference of one day in the period of absence with which the accused is charged.

-- The Defending Officer requests that these documents be admitted.

"Y" Alderson Dila
Pres. D.S.M.

M.F.B. 355
SM—9-43 (3092)
H.Q. 1772-20-626
A.F.B. 294

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B-87928	Pte.	Horton, C.A.	A-29 C.I.C.T.C.

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For		times		times
For	Nil	times	A.W.L. Three	times
For		times		times
For		times		times

2. Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for 1 days in civil custody, and 21 days in military custody, making a total of 22 days in custody, of which no days were spent in hospital.

5. The present age of the accused according to his attestation paper is 25 years 75 days Date of Birth 8 Apr 18

6. The date of his attestation specified in his attestation paper is 25 Mar 41

The accused is in possession of or entitled to no military decoration, or military reward

38

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

TEK

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army ~~Air Force~~ TEK. Act, and of cases in which trial has been dispensed with of accused, Number B57928 Rank Pte ~~Unit~~ TEK

Name HORTON, Charles Allan of No 5 Coy. A-29 C.I.C.T.C. ~~Regiment~~ TEK

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
Civil Court	Guelph, Ont. 14-11-41	2 Charge, Bigamy and Perjury	12 months and six months concurrently from 14-11-41	Released from Guelph Reformatory 12-9-42
District Court Martial	23 Sep 42	Absence without leave ~~Desertion~~ TEK.	9 TEK months Detention	1 Feb 43

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 29th ~~27th~~ TEK day of June 1943 T.E. Kellett

(T.E.Kellet) Capt. & Adjt.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked..... signed by the president, and annexed to the proceedings.

No. B.87928 Name HORTON C.A. Sqn., Battery, or Company 69th Bty Corps 4th L.A.A. Regt Date of enlistment 25-3-41 G.C. Badges Tradesmen's Rates of Pay Character Signature illegable

No. and date of last drunk Period not reckoning towards freedom from extra fine L.A.A. Sheet No. 1 Signature O.C. Company, etc.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Guelph	12-4-41	Gnr		AWL from 2230hrs 12-4-41 to 2130hrs 15-4-41 (2 days 23 hrs)		3 days C.B. F.O.P. 3 days Pay	24-4-41	Major Gossage	Forfeits 3days pay F.R.I 149 1(a)
Woodstock	8-5-41	Gnr		AWL from 0815hrs 8-5-41 to 1800hrs 12-5-41 (4 days 3hrs 45 mins)		10 days Detention	12-5-41	Major Gossage	Forfeits 16dys pay F.R.I.149 1(a)
Woodstock	23-5-41	Gnr		AWL from 1800hrs 23-5-41 to 1630hrs 9-6-41 (16days 22hrs 30mins)		21 days Detention	13-6-41	Major Gossage	Forfeits 42dys & cost of apprehenion & return to unit
Woodstock	5 Jul 41	Gnr		AWL from 2200hrs 5 July 41 until apprehended by Civil authorities at 1600hrs on 25 Oct. 41		Signature illegable	23 Sept 42	D.C.M.	Forfeits 273 days pay

Certified last entry 11 July 41

...d remission of sentence and released from detention 1 Feb 43

CERTIFIED TRUE COPY

Adjutant A.29 C.I.C.C.T.

M.F.M. 5 (A.F.B. 122) 5000M—11.41 (7650) H.Q. 1772-39-1500

Zimmerman 2

DOCUMENT "I"

Reference File Pte C.M.

ADDRESS BY DEFENDING OFFICER IN MITIGATION OF SENTENCE

The accused, Pte Horton, realizes that he has done wrong, and he has pleaded guilty to both charges. He has no desire to take up your time, andhe places himself at the mercy of the Court.

His past record, it is true, hasn't been very good; but during his basic training at Chatham he was recommended as possible N.C.O. material. He has a high M-test score, and could be a good soldier. Since enlisting he has been willing and anxious to go overseas. I am sure if you could include with his punishment a recommendation that he be put on some future draft, that he would become a credit to the Canadian Army.

MEDICAL OFFICER'S REPORT

I certify that No. B-67928 Pte. Horton, G.A.

of No. 5 Company is in a good state of health,

and is fit to undergo Trial by Court martial.

Medical Officer

Station A-29 C.I.C.T.C. Camp Ipperwash, Ont.

Date 22 Jun 43

M. F. B. 246

25M—10-43 (5803)
H.Q. 1775-20-463

OTTAWA, ONT., October 10, 2.

District Officer Commanding,
Military District No. 1,
LONDON, ONT.

Re: DISTRICT COURT-MARTIAL.
B.27928, Gnr. HORTON, C.A.
No. 1 District Depot, (CA) (A).

Receipt is acknowledged of your L.28-H-101, dated 6th October, 1942, under cover of which you forwarded to this office for registration and custody the Proceedings of the marginally-noted District Court-Martial.

2. The following irregularities have been observed:

(a) In the marginal notation on the Charge Sheet, the word "Charge" was omitted.

(b) In the particulars of the Charge, the words "On charges of bigamy and perjury" should have been omitted. These particulars had no reference to the charge itself.

(c) On Form W.F.B. 375, the letters "A.F." after the description of No. 1 District Depot should have been omitted. The letters "C.A." are sufficient to denote Active Service.

3. Itis not considered necessary to return the Proceedings and they are, therefore, retained for custody. May the foregoing irregularities be brought to the attention of all officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

RECEIVED
OCT 13 1942
ORG.
A. D.

Noted & organization
13/10/42

HFGB/S.

Copy on 405-H-1019

H.Q. C.55-H-290
M.D. L.28-H-101

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-87928 Name HORTON, C.A.

Rank Gnr. Unit #1 District Depot, C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Date of Crime 5/7/41.

Date of Arrest 28/10/41. Charge. Signed 17/9/42.

Orders for D.C.M. D.O.C., M.D.#1.

Place and Date of Trial London, Ontario, 23/9/42.

Sentence Detention 9 months.

Date of Confirmation 2/10/42.

Date of Promulgation 5/10/42.

Entered in Records of J.A.G. as No. 6852

Date 8/10/42.

MEMO Guilty of the charge.

W. Francis E. Bridges Lieut.
for Judge Advocate-General.

2M-7-42(M1291)

6852.

IN REPLY PLEASE QUOTE
No. L. 28-H-101

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

bp

N/O FILE

London, Ont., 6th October 1942

CENTRAL REGISTRY Army
P-RS. SEC. H-290
OCT 6 1942
File
Check to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Canada.

DISTRICT COURT-MARTIAL
B-87928, Gnr. HORTON, C.A.,
No. 1 District Depot, (CA) (A)

Enclosed please find proceedings of District Court-Martial held for the m/n man. These proceedings have been duly confirmed and promulgated.

2. It is trusted that the proceedings will be found in order.

(D.J. MacDonald) Brigadier,
D.O.C., M.D.No. 1.

Encl:

NAT. DEF. B. 440
2,000,000—10-41 (2554)
H.Q. 1772-29-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Royal School Building, Wolseley Barracks, London, Ontario.

on the 23rd day of September 19 42 by order of Brigadier D.J.MacDonald, DSO, MC Commanding Military District No. 1

dated the 19th day of September 1942

President.

Major F.A. Landrigan,
S-15 M.T.S., R.C.O.C., (CA)

Members.

Major W. M. Diehl,
O.C. 1st Div. (Res) RCASC (CA)

Captain J.W.Dawkins,
No. 1 District Depot (CA)

Lieut-Colonel, W.G.Kerr, V.D., A.J.A.G., M.D.No. 1 Judge Advocate.

Trial of* B-87928, Gunner Charles Allen HORTON,
No. 1 District Depot (CA) (A)

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

The Court satisfy themselves that Capt.W.H.White is not available to serve owing to his having been disqualified. Capt.J.W.Dawkins, No.1 District Depot (CA) waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Captain D. H. Thomas, No. 1 District Depot (CA)

~~Counsel or~~ defending officer† H/Captain D.A. Cowan, Chaplain (P) No. 1 District Depot (CA)

At 10.15 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

" I HAVE SATISFIED MYSELF THAT NONE OF THE OFFICERS NOW ASSIGNED AS MEMBERS OF THIS COURT HAVE PREVIOUSLY SERVED UPON A BOARD OF INQUIRY REPORTING THE MATTERS FORMING THE SUBJECT OF THE CHARGE ~~ADVANCED~~ BEFORE THIS COURT MARTIAL

President.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

v

B

The President, members and judge-advocate are duly sworn.

detailed by Special District Order dated 19th September, 1942, marked "X-1".

The following officers under instruction are duly sworn.
Lieut.C.B.Dawdy, No.1District Depot (CA).
Lieut.J.R.Binning, No. 1 District Depot (CA).

Q.2 Do you object to A.99632 A/S/Sgt. G.B. Hagen, No. 1 Det.,C.M.S.C., (CA), acting as shorthand writer?

A.2 No,Sir.

A.99632 A/S/Sgt. G.B. Hagen, No. 1 Det., C.M.S.C. (CA) is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ the 2nd charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the ~~[first]~~ 2nd charge against you, which you have heard read? *Question to the accused.*

A.3 Not Guilty, Sir. *Answer.*

2nd ~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

2nd ~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

2nd ~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

2nd ~~The accused having pleaded Guilty to ---------- charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

Instruction. If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge

B2.

Infantman Major etc
President.

CHARGE SHEET

The accused, No. B-87928, Gunner Charles Allen Horton, No. 1 District Depot (CA) (A), London, Ontario, a soldier of the Canadian Army placed on Active Service, is charged with:

WHEN ON ACTIVE SERVICE

Sec. 12 (1)(a) Army Act

DESERTING HIS MAJESTY'S SERVICE

in that he

at London, Ontario, at 2200 hours on the fifth day of July, 1941, after having been warned to proceed on special duty, with intent to avoid so proceeding, absented himself without leave from the 69th L.A.A. Battery, R.C.A., (CA), from the said fifth day of July, 1941, until apprehended by the civil authorities at Guelph, Ontario, at 1600 hours on the twenty eighth day of October, 1941, on charges of bigamy and perjury.

(Wm. Neilson) Lieut. Col.,
C.O., No. 1 District Depot (CA) (A)

London, Ontario
September 17th, 1942.

To be tried by a district court martial

D. J. Macdonald
Brigadier
DOCAM

London Ont
18th Sept 1942

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Question.

Q.4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.4 Answer. No, Sir.

THE PROSECUTOR DECLINES TO MAKE AN OPENING ADDRESS.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked _____, signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. Captain H.C. Lowther, Adjutant No. 1 District Depot (CA), being duly sworn is examined by the Prosecutor.

~~being duly sworn, is examined by the prosecutor.~~

Q.5 Will you give your full name, rank and attachment?

A.5 Captain H.C. Lowther, No.1 District Depot (CA).

Q.6 What is your position at No. 1 District Depot?

A.6 I am adjutant of the Depot.

Q.7 And will you also state for the record that you are the officer having custody of the records?

A.7 As the Adjutant I am the officer who has custody of the records.

Q.8 Will you present to the Court certain documentary evidence that you have there?

A.8 I will. Record of Court of Inquiry held on the 5th day of August, 1941, M.F.B. 375.

M.F.B. 375, Record of Court of Inquiry MARKED EXHIBIT "G" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

I produce Part II Orders, No. 196, showing when Horton was taken on strength at No. 1 District Depot

PART II ORDERS No. 196 MARKED EXHIBIT "H" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

I produce Part II Orders, No. 353, certified.

PART II ORDERS No. 353 MARKED EXHIBIT "I" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE-ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R. P. 83(B).

THE WITNESS WITHDRAWS.

2nd Witness for Prosecution) A.99756 Sergeant W.R. Lewis, Military Detention Barracks, London, Ontario, being duly sworn is examined by the Prosecutor.

Q.9 Would you give your name, number and attachment, please?

A.9 A.99756, Sgt. William Robert Lewis, Military Detention Barracks, London, Ontario.

Q.10 Sgt. Lewis, do you recognize the accused?

A.10 Yes, Sir.

Q.11 Will you tell us how you know him, and how you recognize him?

A.11 The accused, Sir, is Gunner Horton, C.A. I recognize him by serving a sentence in the Detention, previous to this time, in May and June, 1941, Sir.

Q.12 You know him because of the fact that you were on the staff at the Detention Barracks at that time, is that so?

A.12 Yes, Sir.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE-ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83(B).

WITNESS WITHDRAWS.

3rd Witness for Prosecution) Lieut. G.E.D. Stevenson, A.D. & M. School, Woodstock, Ontario, being duly sworn is examined by the Prosecutor.

Q.13 Would you give the Court your full name, rank and detachment?

A.13 My name is George Everret Drake Stevenson, Lieutenant, A.D.& M. School, Woodstock.

Q.14 I am giving you this document, and want you to tell the Court what that is, and what you know about it?

A.14 This is a document I was asked to witness when the 69th Battery were warned for embarkation.

Q.15 Read the document; that part of it that effects the accused?

A.15 "The 69th L.A.A. Bty. R.C.A.(CA) will proceed on special duty any date after today, 3rd July, 1941. Any soldier who by being absent without leave or by overstaying his pass or furlough, is absent when the Unit proceeds on such special duty, will be liable to be charged with desertion. I, the undersigned, have heard the above warning and understand exactly its meaning."

Q.16 Is there anything there further that relates to the accused before this Court?

A.16 There is one B.87928, Gnr. C.O. Horton, signed here.

Q.17 He is one of the signatories to this warning order?

A.17 Yes, Sir.

Q.18 Where do you come in? What is the statement at the foot there? Would you read that?

Q.18 At the foot of the paper it says----

Q.19 Your connection with the document?

A.19 Witness to the above signatures. My name is signed.

Q.20 That is your signature at the bottom, is it?

A.20 Yes, Sir.

Q.21 You recognize your signature on that document?

A.21 Yes, Sir.

DOCUMENT HEADED "69TH L.A.A. BATTERY R.C.A. (CA) 3rd JULY,1941," MARKED EXHIBIT "J",SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

Q.22. Mr. Stevenson, would you remember the circumstances under which this warning order was completed?

A.22 Yes, Sir. Major Gossage read the statement, which I read here, to the 69th Battery, who were drawn up on the parade ground; and warned verbally by him. He asked them if every person heard him clearly and understood the meaning of the statement he had read. I was asked by Major Gossage to sign as witness to these signatures, and I did.

Q.23 Did you actually see each of the persons sign?

A.23 Yes, Sir.

Q.24 They signed before you?

A.24 Yes, Sir; they signed at the bottom of the hall of"H" Hut, which is now known as 5-A and 5-B, Sir.

CROSS-EXAMINED BY DEFENDING OFFICER

Q.25. Lieut. Stevenson, do you recognize the accused?

A.25 I couldn't swear to that, Sir.

Q.26 If you couldn't recognize the accused, then you can't recognize his signature?

A.26 Not after that length of time.

Q.27 The date of this document is the 3rd of July?

A.27 Yes, Sir.

Q.28 What time was it on that day?

A.28 I couldn't tell you, Sir.

Q.29 Was it in the morning?

A.29 I couldn't tell you, Sir.

Q.30 Was it in the afternoon?

A.30 I believe it was the afternoon.

Q.31 About what time?

A.31 Sometime after dinner, Sir.

Q.32 Immediately after dinner?

A.32 I couldn't verify that statement, Sir.

Q.33 That is very important?

A.33 After a year's lapse of time and thousands of men have gone through the school, it is very difficult to remember.

Q.34 This signature here was read as Gunner C.O. Horton; it might be an "A". This might be an "E", but you can't remember what time of day these boys were paraded?

A.34 No sir, I cannot.

Q.35 Were you in the parade?

A.35 Yes,Sir, but I don't know what time it was. I believe it was sometime after dinner.

Q.36 You heard the verbal warning given?

A.36 Yes, Sir.

Q.37 And these boys were paraded to you and signed this document?

A.37 Yes, Sir.

Q.38 But you cannot identify the accused?

A.38 No, Sir, I wouldn't say that.

Q.39 Where was this document signed?

A.39 It was signed on the south side of the parade ground, Sir,at the bottom of the hall of "H" hut, right along the parade ground; the hut is directly behind the flag; it is now known as 5-A and 5-B.

Q.40 At Queens Park?

A.40 No, at Woodstock.

Q. 41 Signed at Woodstock?

A.41 Yes, Sir.

Q.42 And not at Queens Park ?

A.42 No,Sir.

Q.43 And not at London?

A.43 No, Sir.

THE PRSOECUTOR DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT

Q.44 Mr. Stevenson, are you sure in your own mind that this man was present when you witnessed the document?

A.44 I can't swear to this man. All I can swear to on that document is my signature.

Q.45 You were present when all those signatures were put on that document?

A.45 Yes, Sir.

Q.46 In case a point maybe made of this later, and to clear up the point: what do you say as to whether or not you were present when the men whose signatures are purported to be, were actually signed on this document?

A.46 I was, Sir.

Q.47 And did they sign directly in front of you, or over at that far corner of the parade ground, or over there?

A.47 They signed on a table the same as you are using now.

Q.48 Where were you?

A.48 Sitting behind, Sir.

QUESTIONED BY THE JUDGE-ADVOCATE

Q.49 That is to say, they paraded along past a table at which you were sitting behind, and each man stopped and wrote his name, is that right?

A.49 That is right, Sir.

Q.50 Who put the numbers down in each case, that is the regimental numbers, who wrote them down, the man himself?

A.50 I believe the man himself wrote it down, Sir; signed his name and his number, Sir.

Q.51 The man stopped, wrote out his number, rank and signed his name?

A.51 Yes, Sir.

IN THE OPINION OF THE COURT AND THE JUDGE-ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R. P. 83(B).

THE WITNESS WITHDRAWS.

D

The prosecution is closed.

Defence

Q.52 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.52 *Answer.* Yes, Sir .

Q.53 *Question.* Do you intend to call any other witness in your defence?

A.53 *Answer.* Yes, Sir.

Q.54 *Question.* Is he a witness as to character only? *Answer.* A.54. No, Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*). D-3

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence~~?

Answer. ~~The accused in his defence says~~†

[~~Hands in a written address which is read, marked signed by the President and attached to the proceedings.~~]

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

1st Witness for Defence — The accused, B.87928, Gunner Charles Allen Horton, No. 1 District Depot (CA) (A), being duly sworn is examined by the Defending Officer.

Q.55. Tell the Court your number and full name?

A.55 B.87928, Gunner Horton, C.A.

Q.56. Gunner Horton, I want you to tell the Court your story from the 3rd of July - what happened on the 3rd of July, until the present, if you like - in detail, for the next three months, approximately three months?

A.56. I was at the barracks at Woodstock on the 3rd day of July; and I had just been married to a girl in Guelph. I attempted to get a pass to go back to Guelph to see her, and was refused a pass by my troop officer. He wouldn't parade me to the Battery Commander ...I don't know why he wouldn't what the reason was. I waited until Saturday, which would be the 5th of July. I went away Saturday afternoon, and intended returning Saturday night back to the barracks. When I arrived at Guelph my wife wasn't home....

Q. 57. Just a moment: may I get back a little, to the 3rd of July. You were in barracks at Woodstock on the 3rd of July?

A.57 No, I arrived in barracks at Woodstock about four o'clock on that afternoon, sir; just before mess time.

Q.58 Just before mess time?

A.58 Yes, Sir.

Q.59 Was there any parade that you attended that day?

A.59 No, I did not.. ..When I got into barracks, Sir, the troops were out on parade somewhere, and I went and worked in the kitchen that night, Sir.

Q.60 On the 3rd of July did you sign any document warning you for overseas service or special duty ?

A.60 No, Sir, I never saw any such document.

Q.61 Did you ever see Lieut. Stevenson before?

A.61 No, Sir.

Q.62 You didn't see him on the 3rd of July?

A.62 I never saw him before in my life.

Q.63 Never saw him in your life before until today?

A.63 I am sure of that.

Q.64 You never signed any statement that day. You were not in parade for being warned for any special duty, and you went to work in the kitchen?

A.64 I never was on any parade that day, Sir.

Q.65 Go along with your story....on Saturday the 5th....?

A.65 The 5th of July, Sir.

Q.66 You were telling us about requesting a pass?

A.66 I tried to get a pass from Lieut. Mathews, my troop officer, Sir; he refused me a pass. I tried to get him to parade me to Major Gossage, and he wouldn't parade me. I waited until Saturday, and went to Guelph. When I got there my wife wasn't there, and her mother wasn't. I stayed around until Saturday night, and she didn't return. I was kind of worried at that time - I had only been married three weeks. I waited until Sunday...Sunday night she wasn't back. My mother-in-law went and told the police, the Guelph Police. She didn't return yet on Monday; so at this time, I think Monday or Tuesday, I am not positive, I learned that I was being looked for for bigamy. I had never been in trouble before with the civilian authorities, and I guess I made a kind of a bad mistake not coming back to camp, to go away from the law.

Q.67 Where did you go from there?

A.67 I went first to Niagara Falls to my father's place to see if she was there. She hadn't been there. I heard she was at Woodstock; I returned there, and was only there a couple of hours, and went back to the Falls; and that is where I spent the time until I was returned to the civilian authorities at Guelph.

Q.68 You went from Guelph sometime Monday or Tuesday to your father's place in Niagara District....Stamford?

A.68 Yes, Sir.

Q.69 And how were you dressed?

A.69 Uniform, Sir.

Q.70 And you stayed around your father's place or in that district with your relatives for a matter oftwo or three months?

A.70 Yes, Sir.

Q.71 Did you leave the home? Did you hide yourself?

A.71 No, Sir. I was around town. I was at my sisters' place, and all my relatives down there. I wasn't hiding.

Q.72 You went around?

A.72 Yes, Sir.

Q.73 Did you ever come up further into Western Ontario?

A.73 I was at Tilsonburg once, Sir.

Q.74 And where did you go from Tilsonburg?

A.74 Back to the Falls again, Sir.

Q.75 Didn't you go any place else?

A.75 I was in Brantford. I was at Tilsonburg. I went to Brantford, and it was a Saturday night, and I decided I was going to turn myself back to the army, so I went to Brantford...

Q76 What date was that?

A.76 The latter part of September....I wouldn't be sure.

Q.77 It was a Saturday night?

A.77 Saturday night, Sir. I attempted to turn myself in at this training centre at Brantford; and I told the sergeant on the guard I was absent without leave from Woodstock, and he said "We can't turn you in here; you will have to go back to your Unit."

Q.78 That was on a Saturday night near the end of September in Brantford?

A.78 Yes, it was. There was a dance on there, or something of that sort.

Q.79 Where did you go from there?

A.79 Back to the Falls, Sir.

Q.80 You went back to the Falls, and then what happened?

A.80 I stayed around there a few more days.....I realized how foolish I had been, and so I went to Welland and turned myself in to the Provincial Police.

Q.81. You went to Welland and turned yourself in...

A.81 To the City Police.

Q.82 To the City Police?

A.82 City Police, Welland.

Q.83 When you went to the Police Station what did you say?

A.83 I said "I understand there is a warrant for my arrest for bigamy, and I am also Absent without leave from the army. I am going to turn myself in."

Q.84 What date was that, or approximate date?

A.84 The 21st of October.

Q85 How long were you in jail in Welland?

A.85 I was held there on remand, Sir, on a charge....just a holding charge of vagrancy, for seven or eight days, I am not positive which.

Q.86 Seven or eight days?

A.86 Yes.

Q.87 Who came for you?

A.87 A police officer, a detective by the name of Hodgkiss, and another Mr. Gill, from Guelph City Police; they came for me, and took me back to Guelph.

Q.88 Took you back to Guelph?

A.88 Yes, Sir.

Q.89 When you left the barracks at Woodstock on the 5th of July, at noon, after you had requested a pass and it was refused, when the other boys were getting passes, it was

(Continued) refused, and you asked to see the senior officer, and it was refused.....?

A.89 Yes, Sir.

Q.90 Being a half holiday you decided to go to Guelph?

A.90 Yes, Sir.

Q.91 You went off to Guelph - what did you intend to do?

A.91 I intended to go and see my wife, Sir, that afternoon, and return that night at 9.30 at roll call.

Q.92 To roll call at 9.30?

A.92 Yes, Sir.

Q.93 Then you found your wife had disappeared?

A.93 Yes, Sir.

Q.94 And you were naturally worried, and stayed around for a few days. During the time you were absent from the army how were you dressed?

A.94 I was dressed in uniform at all times.

Q.95 You have stated you didn't try to hide yourself?

A.95 No, Sir.

Q.96 You were dressed in uniform and you circulated freely about the people...?

A.96 Yes, Sir.

Q.97 And then on the 21st day of October, not the 28th as the charge sheet says, you were not apprehended by the police?

A.97 No, I voluntarily turned myself in.

Q.98 You voluntarily turned yourself into the police at Guelph ?

A.98 Yes, Sir.

Q.99 And you were held there for at least one week?

A.99 Yes, Sir.

Q.100 CROSS-EXAMINED BY THE PROSECUTOR

Gunner Horton, would you tell us what happened on the 3rd of July: where were you when you woke up in the morning on the 3rd of July?

A.100 I was in detention at London, Sir.

Q.101 And what happened during the day?

A.101 Well, I was in detention, Sir, until about 1.30. My escort came for me and took me back to Woodstock, where I was released.

Q.102 How did they take you back?

A.102 Truck, Sir.

Q.103 What time did you arrive at Woodstock?

A.103 It was very very close to parade....parade was just over I think; that would be 4.30, very shortly after the parade was over, I think.

Q.104 Were you on any parade that day?

A.104 No, I went straight to the kitchen that day.

Q.105 I don't mean drill parade necessarily, but were you in any gathering where the troop got together? Was there a parade for any purpose that day?

A.105 Not when I came back; there was hardly no one around the barracks. The boys were out on a recruiting parade or something, all over the country. There was one man there in the kitchen....

Q.106 What time did you go to work in the kitchen?

A.106 Before supper; as soon as I got my clothes changed.

Q.107 When you came back to Woodstock you were released and immediately warned for duty in the Kitchen, is that so?

A.107 It wasn't necessary that I go into the kitchen, but there was another guy there, and he wanted to get off and go out, and he wanted me to come and take his place; that is why I went into the kitchen. There was no parade that day. I was never on parade that day, Sir.

Q.108 What did you learn about the Battery when you came back to Woodstock - any news about the Battery? You know when you get back, you ask what happened, what is going on, and what has happened?

A.108 While I was in detention, Sir, I heard our regiment was moving; We had been hearing that ever since I had been in the outfit.

Q.109 Did you hear anything more along that line when you got back to Woodstock?

A.109 No, I wouldn't say I heard anythingspecial, Sir; but it wasn't with any intention of avoiding any draft that I left.

Q.110 Have you seen this document? Would you say that was your signature? (Produces Exhibit "J" to witness)

A.110 I would say it looks like it.

Q.111 You would say it looks like it?

A.111 Yes, Sir.It is my name and number all right.

Q.112 I think the Court and you will realize that that "A"....it looks like an "O".....Do you not think that for instance that capital "H" of yours is absolutely typical; it is an unusual "H". Those three are the same?

A.112 I wouldn't be prepared to say that, Sir.

Q.113 Would you be prepared to say, Gunner Horton, that you did not sign this sheet?

A.113 I am certain, Sir, that if I signed that sheet, I never saw that sheet before.

Q.114 Sirs, the document which Gunner Horton has just said he

Q.114 (continued) did not sign and did not see before was the warning order, Exhibit "J". The specimen signatures that I have shown him for comparison, and which I would like to present to the Court, are the signatures on the Summary of Evidence in this trial; the other is M.F.M. 2 purporting to be M.F.M. 2 for B.87928 Charles Allen Horton. Is that your signature?

A.114 Yes, Sir.

Q.115 And this is your statement in the Summary of Evidence taken before this trial, which is signed by C.A. Horton: is that your signature?

A.115. Yes, Sir.

Q.116. The two signaturew which you have identified, and the third signature on the warning order, what do you say as to the similarity between those three signatures?

A.116 Well, they look very much alike.

Q.117 What do you say as to this one, the warning order's signature being your signature?

A.117 I would say it wasn't; it couldn't be.

Q.118 And you say you did not sign this form?

A.118 I could have signed the form, but it never had that on it when I signed it, and I never signed it on that date. I could have signed it sometime, but not as a warning for draft.

Q.119 Gunner Horton, did you sign it the next day?

A.119 No, Sir.

Q.120 There has been no suggestion that the signing wasn't completed on that day, but I would like to put that question: your answer is "no"?

A.120 "No".

Q.121 When you left on the 5th, as you have told us, did you know that the Battery had been warned for overseas?

A.121 No,Sir.

Q.122 Was the entire 69th Battery at Woodstock?

A.122 I couldn't say that, Sir; Idon't know.

Q.123 Do you recognize any of these names as having been at Woodstock: Gunner House, Gunner Hughes, Gunner J.H.Hughes....?

A.123 No, Sir.

Q.124 Gunner W.W. Homes?

A.124 No, I couldn't answer that man, Sir.

Q.125 Gunner Harwood?

A.125 Yes, I know that man.

Q.126 Harwood, you recognize was at Woodstock with the 69th Battery at that time?

A.126 Yes, Sir.

Q.127 And Gunner Holmes?

A.127 No, Sir.

Q.128 Gunner Hardy?

A.128 No, Sir.

Q.129 Gunner Hammer?

A.129 I remember the name, but I don't remember the man.

Q.130 Gunner Howard?

A.130 Yes, Sir.

Q.131 Two, Howard E.W. and C.P. Gunner Husnik?

A.131 No, Sir.

Q.132 Gunner Hutchinson?

A.132 No, Sir.

Q.133 Gunner Hand, R.J.Hand?

A.133 I remember the name, but it is a long time; I don't remember all of the men.

Q.134 Gunner Hays?

A.134 No, Sir.

Q.135 Gunner Harding? Lance-Bombadier Harding?

A.135 Yes, I remember him.

Q.136 You remember him at Woodstock?

A.136 Yes.

Q.137 Those men were at Woodstock with the 69th Battery at the time you went back , they were members of the unit?

A.137 They were members of the unit, Yes, Sir.

Q.138 How long had you been away from the unit?

A.138 21 days, Sir.

Q.139 Here we have a unit warned for overseas, and all of these men, for instance, here are in "H's" you will notice - just one letter of the alphabet, and you have recognized a good few of them..some of them....Those men had signed this form and they knew that the battery was warned for overseas - no fooling this time; because this doesn't happen until you are going. I admit there are always rumors that you are going to move and going to move; but in this case it was serious and definite; these men knew it. Can you suggest how on the 5th, when you went away, you didn't know it?

A. 139 I had never been told; there was never any parade that I attended.

Q.140 Did you know it as a matter of common knowledge?

A.140 I just knew what I said before, that we were going to move....we were in Guelph, and of course went to Woodstock; I heard that.

Q.141 When you went from Guelph to Woodstock you didn't have all This business of warning?

A.141 No, Sir.

Q.142 I submit to you it would have been very difficult, Gunner Horton, to have been in that Camp at Woodstock when the 69th Battery were moving for overseas, and you a member of that unit, without knowing? The air would be full of it. ....Without your knowing that the outfit was going overseas. You say that at the time you went absent without leave on the 5th of July you did not know that the 69th Battery was moving overseas, is that so?

A.142 I did not know; If I had I wouldn't have ever went absent.

Q.143 Then you went home, you went to Guelph?

A.143 Yes, Sir.

Q.144 You didn't go back: you came, according to your evidence, close to Woodstock....in Woodstock on one occasion? Did you know that the Battery had gone?

A.144 No, I don't think it had yet. I dom't know when it left, but that was only about five days after I left when I was back in Woodstock.

Q.145 According to your evidence, which is in Court as part of this case, on the 15th of July, all the men who, and you as one, did not go to the 4th Light Anti-Aircraft Regiment were transfer red to the strength of No. 1 District Depot - that is the 15th of July, that is when ithad been completed. When did you know that the outfit had gone?

A.145 The fist time I had definite knowledge of it, Sir, was when I was doing time up at the Ontario Reformatory. I saw the Battery Commander's picture in the paper, and it said he was in England.

PAGE 3 OF SUMMARY OF EVIDENCE MARKED EXHIBIT "K",SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

M.F.M. 2 OF ACCUSED MARKED EXHIBIT "L",SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

Q.146 When you gave yourself up to the City Police in Welland on some date in October, 1941, on what charge did you surrender?

A.146 On the two charges, Sir.

Q.147 The civilian charge?

A.147 And the military charge.

Q.148 The City Police then did what, what did they do to you then?

A.148 I told them about being absent without leave, and they asked me my name, number and unit. They said they would get in touch with the Provosts; and nothing happened. The Police from Guelph came down and got me about a week later.

Q.149 In other words, they proceeded with the civil charge?

A.149 Yes, Sir.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT

Q.150 How long were you in Woodstock altogether?

A.150 Stationed there, Sir?

Q.151 Yes.

A.151 I couldn't say that, Sir; I am not sure.

Q.152 You can tell the Court if you were there a week, two weeks or a month?

A.152 I would say a month; I am not positive of the time, Sir.

Q.153 About a month?

A.153 I would say that is right, Sir.

Q.154 Around that barracks every day for a month?

A.154 I was there about four days when I got this 21 up here; then I came back and that is the rest of my time....

Q.155 You were only at Woodstock four days prior to this warning order that you are supposed to have signed?

A.155 Yes, I would say I wasn't there.....About that, yes.

Q.156 The point I am getting at is, what opportunity you had to become acquainted with Mr. Stevenson?

A.156 We moved into Woodstock, Sir, and we were there about three days when I went absent and got married. I was gone twelve or fifteen days and I cam back and got twenty-one days detention. After I got out of there...that is the 3rd of July.

Q.157 You were only actually in Woodstock three or four days prior to the time of the signing of the order?

A.157 Yes, Sir.

Q.158 How long were you down around St. Catharines....?

A.158 Niagara Falls.

Q.159 How long were you down there?

A.159 This time?

Q.160 When you were absent without leave?

A.160 I was down there all the time I was away.

Q.161 How long would that be, six or seven weeks.. ..three and a half months. You were about three and a half months in uniform?

A.161 Yes, Sir.

Q.162 Didn't your in-laws or wife question your being in uniform?

A.162 I wasn't living there with my wife.

Q.163 But you mentioned about your mother or father or some relative....?

A.163 I stayed with my father...I have a father and three sisters there, and an uncle and an aunt and soforth.

Q.164 Didn't they want to know what you were doing there all the time in uniform?

A.164 They might have, but I never stayed very long at one place.

Q.165 Didn't they ask you that question?

A.165 No, they did not.

Q.166 They never asked you all that time you were around there whether you were on leave or but of the army?

A.166 No, Sir.

Q.167 No one ever asked you that question?

A.167 No, I can't say they did. I don't remember they did.

Q.168 How did you support yourself during that time?

A.168 I had some money of my own, and I stayed with my father and sisters and soforth.

Q.169 You claim you were released here from detention on the 3rd of July at 1.30?

A.169 Yes, Sir.

Q.170 What time did you arrive in Woodstock?

A.170 I would say it was around four o'clock.

Q.171 How did you go from here to Woodstock?

A.171 Truck.

Q.172 Did it take three hours, or two and a half hours to go in a truck...?

A.172 We stopped along the way and I am not sure about the time; but when we got back to Woodstock the boys had been on parade, and gone back when I got there.

Q.173 How long did it take you to go from London to Woodstock?

A.173 I don't know; I didn't have any watch.

Q.174 How long approximately?

A.174 I sayan hour or an hour and a half. We made one stop at least, Sir, at a gasoline station; I remember that. I don't know how long it took us.

Q.175 You just stopped at a gasoline station, and got gas?

A.175 No, we got soft drinks; two of us got out.

Q.176 How long did you stop at the gasoline station?

A.176 Not very long; twenty minutes or half an hour, at the longest.

Q.177 Then immediately you arrived back at Woodstock who did they deliver you to, or where did you go?

A.177 We drove in front of the orderly room when I got out of the truck, and I was released from detention by Sgt. Wagg. I went over to the hut. There was only two or three soldiers around the hut. This one wanted me to take his place in the kitchen; he said he wanted me to go in before supper. I took off my battle-dress, and went into the kitchen.

Q.178 It seems strange that you were let out of detention barracks and went into kitchen duty for a friend...?

A.178 He paid me for it.

Q.179 Do you know his name?

A.179 No; he was a Frenchman.

Q.180 He was a friend of yours?

A.180 Yes, Sir.

Q.181 You don't know his name?

A.181 I don't know his name. I came back into Barracks, and we were sitting talking for a while; he wanted to go out and wanted to know if anybody would take his place in the Kitchen.

Q.182 What was the gist of the conversation then?

A.182 We were talking about how thing were up in London at Detention; just ordinary conversation.

Q.183 There was a general conversation for fifteen or twenty minutes?

A.183 I couldn't tell you what we talked about.

Q.184 Was anything mentioned about the unit going overseas during this discussion?

A.184 No, not that I remember, Sir.

Q.185 Do you suggest that the men wereon parade signing this order when you arrived back into camp then?

A.185 No, the men weren't signing the warning order that day; they had been out recruiting or something, wut with the trucks, and just came back about the time I went into the kitchen; no soldiers around camp from my hut.

Q.186 Do you suggest that during this time you were in camp there weren't any men around that it would have been possible to hold a parade to sign this order ?

A.186 No, there was no such parade.

Q.187 There was no such parade around during the time you were there?

A.187 No, Sir.

Q.188 To your knowledge?

A.188 No, Sir.

Q.189 Captain Thomas, the Prosecutor, read the names of the men on this warning order, Exhibit "J"; some of them you said you didn't know, some of them you thought you knew. When you returned from Detention and arrived at Woodstock on the 3rd of July were those men with the Unit stationed at Woodstock? I will read all those names to you again. (List of names on Exhibit "J" read to witness). Now were those men , or do you remember any of those men being around the station or training centre, or where ever you were at Woodstock, on your return from Detention Barracks on the 3rd of July?

A.189 No, Sir, I can't remember seeing any of them right on my return.

Q.190 Did you see them then the day following, say the 4th of July, or the 5th, Saturday the 5th before you went off to Guelph?

A.190 I saw a few of them.

Q.191 Can you give me the name of more than one you saw?

A.191 The only one I remember of seeing is Lance-Bombadier Harding.

Q.192 You saw Harding?

A.192 Yes, Sir.

Q.193 Can you remember when you saw Harding.....From the night of your return, the following day or was it Saturday before you went away?

A.193 I saw him; I couldn't tell exactly when I saw him, but I know I saw him and talked to him.

Q.194 Do you remember seeing anybody else besides Harding?

A.194 I know some of the other men.

Q.195 Were any of these men, whose names I read out, of your troop?

A.195 This L/Bdn. Harding.

Q.196 Any others besides Harding?

A.196 I don't remember, no; there may have been, but I don't know; it is quite a while ago.

Q.197 Did Harding, for example, say anything to you about the Battery leaving?

A.197 They were mostly talking, Sir, about examinations they had had...All the rest of the boys had had gas detention examinations, and I had missed that. That is all they talked about mostly; they were always talking about moving.

Q.198 I understand that, but had rumors and talk about moving began to crystalize into what was going to be a reality?

A.198 Not to my knowledge.

Q.199 Not to your knowledge perhaps, but did you between the time you returned from Detention Barracks the 3rd of July, to the time you went away on Saturday afternoon the 5th of July, did you at that time understand from any source at all that the prospects of the Battery leaving

Q.199 (continued) were very very much better than they had been say since you went off to the Detention Barracks?

A.199 No, I wouldn't say that.

Q.200 Was there any change in the attitude of the men that might be attributed to the fact that the Battery was going to start moving?

A.200 I don't think there was any change in the attitude.

Q.201 How long after your arrival at Guelph.....When were you sentenced?

A.201 By the civilian Court?

Q.202 Yes?

A.202 Iwas sentenced on the 14th of November.

Q.203 The 14th of November?

A.203 I believe that is right.

Q.204 After leaving on the 5th of July, how long was it before you heard from any source anything which would suggest to you that your Battery had arrived in England?

A.204 It was in January, I believe, Sir; sometime in the winter.

Q.205 You say you spent the period of your absence around Niagara Falls?

A.205 Yes, Sir.

Q.206 And did you earn any money anywhere?

A.206 No, Sir.

Q.207 How much money did you have when you went absent? You said you had some money - how much did you have?

A.207 I believe I had around $14.00, Sir; I had some more coming.

Q208 Are you quite content that the Court should understand that during the entire period of your absence, when you circulated about your relatives, your father, one brother, I think you said, and some sisters, with whom I understood you to say you lived and got money, that none of these people at that time asked you or suggested to you the suspicion that you were absent without leave?

A.208 I don't know what they suspected; but they never asked me, Sir.

Q209 Might I suggest they knew you were absent without leave, and that is why they didn't ask you?

A.209 I don't know, Sir; I never stayed very long with one person.

Q.210 How long did you stay with somebody?

A.210 The longest I ever stayed with my father.....I stayed two weeks with him at one time.

Q.211 Your absence then, which was three and a half months, was spent then around among others. How many other people did you visit?

A.211 I visited my uncle in Tilsonburg.

Q.212 In Tilsonburg once?

A.212 I visited my sister in Niagara Falls, and another sister.... that is two sisters in Niagara Falls, and I have another sister living out in the country.

Q.213 Did you visit her?

A.213 Yes.

Q.214 Whoelse did you visit?

A.214 I visited another uncle at a place called Currie Station.

Q.215 That is five. Whoelse?

A.215 Then I have a man who is a second cousin of my father.

Q.216 Did you visit him?

A.216 Yes.

Q.217 How long?

A.217 I stayed there a couple of days different times.

Q.218 That is six people. Whoelse did you visit?

A.218 I guess that is about all, Sir.

Q.219 Two weeks with your father was the longest visit you had?

A.219 Yes, Sir.

Q.220 And you have given us or described five other people with whom you visited, and what do you say was the longest you had visited any one of them?

A.221 I stayed with this cousin of my father off and on with him; I stayed out there at one time for maybe six or seven days....

QUESTIONED BY THE JUDGE-ADVOCATE

Q.222 You were present when Lieut. Stevenson gave his evidence?

A.222 Yes, Sir.

Q.223 And you remember that he said in answer to a question of mine that he was sitting behind a table, something like one of these, a folding table like this, and that the men came along outside the table, and each man stopped, wrote down his number and his name, and as they came along the paper was there, and they signed their name. Now your name, or what purports to be your name, is the fifth on the list. You say you never saw Lieut. Stevenson in your life before?

A.223. No, Sir.

Q.224 Did you ever sign a list of "H's" with nothing on it, just a piece of paper?

A.225 No, not that I know of.

Q.226 And if you did would you tell the Court why the first "H" would be started down in the middle of the page?

A.226 I wouldn't know, Sir.

Q.227 I want you to come up here. I want you to notice two things - this first exhibit put in, what is called the warning order, you will notice what purports to be your signature there No. 5 down?

A.227 Yes, Sir.

Q.228 I want you just to notice...This is supposed to be on the 3rd of July, 1941....I want to show you your M.F.M. 2, that is you, No. B.87928?

A.228 Yes, Sir.

Q.229 Is that your number?

A.229 The number is right, Sir.

Q.230 You have already said that is your signature on Exhibit "L"?

A.230 Yes, Sir.

Q.231 Is that also your signature on Exhibit "L" the second one?

A.231 Yes, Sir.

Q.232 And over here, this is exactly the same form as Exhibit "L", that is your signature?

A.232 Yes, Sir.

Q.233 I want you to look again at the dates. This signature on Exhibit "L" is the 25th of March, 1941?

A.233 Yes, Sir.

Q.234 And that purports to be the 3rd of July, 1941, marked Exhibit "J" . That is the same year, is it not?

A.234 Yes, Sir.

Q.235 I want you to look carefully at the first "C" in Exhibit "L", the "C" in "Charles"...all the three signatures, do you see that?

A.235 Yes, Sir.

Q.236 Those are all very much the same?

A.236 Yes.

Q.237 Now will you look at that "C" on Exhibit "J"; that "C" look s very similar to that, doesn't it?

A.237 Yes.

Q.238 Also looking at the whole word "Horton" in the three exhibits: the "T" like that; The tail of the "n" goes back to cross the "t", in the second signature of Exhibit "L" and the third signature of Exhibit "L"?

A.238 No, the third signature doesn't.

Q.239 But the first two signatures on Exhibit "L", the tail of the "n" is used to cross the "t", and on the third it is not? On Exhibit "J" you notice the tail of the "n" is used to cross the "t"?

A.239 Yes.

Q.240 And the tail of the "n" in both these signatures as it comes to the left is very close to the top of the "t" - do you notice that?

A.240 Yes, Sir.

Q.241 And then it comes back underneath, you notice that?

A.241 Yes, Sir.

Q.242 Having heard what Mr. Stevenson says, that he saw this signed, and having looked now at the signatures made in the same year, and you admit two of those, and one which you say is not yours, and your never having seen Mr. Stevenson before, could you suggest any reason why he would say that the men paraded and each one gave his number and each one signed his name, if you were not present on that occasion?

A.241 I can't see any reason.

Q.242 Now having looked at "H" and "n" in the signature on Exhibit "J"..."H" and "n" in the word Horton particularly - both the signature in the front of Exhibit "L" and the signature on Exhibit "J" ...do you want to suggest to the Court that that is not your signature on Exhibit "J"?

A.242 It looks very much like my signature.

Q.243 Do you know anybody that could copy it that closely?

A.243 I never saw it copied.

Q.244 Nobody in that Battery would be apt to copy your signatre?

A.244 Why should they?

Q.245 That is what I want to understand. Do you not think that is your signature and you have forgotten about it?

A.245 Sir, if I had signed a thing like that I would never have went absent.

Q.246 You might have under some stress or strain?

A.246 No, Sir.

Q.247 Do you say that is not your signature?

A.247 I can't say it isn't my signature; it looks very much like it, but I can't say it is because I don't remember doing it.

Q.248 You don't remember signing that thing, but it looks very much like your signature?

A.248 It looks like my signature.

Q.249 You wouldn't tell anybody that it wasn't your signature?

A.249 No, because I don't know what it could have been....sometime but I don't know how.

Q.250 It could be your signature - you don't remember signing that any sheet?

A.250 Yes, sir; I know I never signed that sheet; at least, that wasn't on it when I signed it.

Q.251 The warning at the top of Exhibit "J" wasn't on the sheet when you signed it, if you did sign it?

A.251 If I did sign it.

Q.252 But you do tell the Court that looks very much like your signature?

A.252 Looks very much like my signature.

Q.253 Were you ever warned for draft?

A.253 No, I was never warned for draft....I understood a warning for draft.

Q.254 Were you ever warned for draft in any other way? Do you suggest that there is any particular formality about being warned for draft?

A.254 I never was on a draft; wouldn't know anything about the formality.

Q.255 This L/Bdr Harding, when did you know he was warned for draft?

A.255 I never knew he was warned for draft; I never knew anyone was warned for draft.

Q.256 Did you ever sign a piece of paper along with another bunch of men whose names started with "H"?

A.25 6 Only paper I signed were pay parade papgers - stuff like that.

Q.257 I mean outside of forms. Did you ever sign a blank sheet of foolscap paper along with another bunch of men whose names started with "H"?

A.257 No, not that I know of, Sir.

Q.258 If you signed that, you can see four people signed ahead of you?

A.258 Yes, Sir.

Q.259 Did you ever sign any blank sheets of paper in that order, which you have seen there?

A.259 No, I would say no.

Q.260 Do you swear no, or do you want to say you don't remember?

A.260 I wouldn't swear I didn't; I don't remember.

Q.261 What you mean is, when you say you never did, "If I did so I don't remember"?

A.261 If I did so, I don't remember.

IN THE OPINION OF THE COURT AND THE JUDGE-ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH RULES OF PROCEDURE 83(B).

2nd Witness for Defence) A.56091 L/Cpl G. H. Hodgkiss, 30th Provosts Coy.,(CA) being duly sworn is examined by the Defending Officer.

Q.262 Will you give your name and number?

A.262 Hodgkiss George H., A.56091.

Q.263 L/Cpl Hodgkiss, you were a police officer on the Guelph Police Force?

A.263 I was, Sir.

Q.264 Did you ever see the accused before?

A.264 I did, Sir.

Q.265 Where did you see him?

A.265 In Welland.

Q.266 Under what circumstances?

A.266 He was under arrest being held awaiting removal to Guelph by the Guelph Police Department.

Q.267 What date was that, that you--?

A.267 It was late in the fall, last year; I don'tknow the exact date.

Q.268 You were sent from Guelph to Welland to pick up this man?

A.268 That is right, Sir.

Q.269 To escort him back to Guelph?

A.269 Yes, Sir.

Q.270 It was late in October, you say?

A.270 Approximately in around there sometime; late in the fall.

Q.271 You don't remember the date?

A.271 No, Sir, I do not.

Q.272 Do you know how long this man was held in Welland before you picked him up?

A.272 Not definitely, Sir.

Q.273 How long is a man generally held in a case like that?

A.273 I understand he was arrested on a vagrancy charge, held on a vagrancy charge, and could be held on remand for one week.

Q.274 Supposing you got him on the 28th of October, as we know you did, only you don't remember that, he would likely have been arrested or given himself up the week previous, about the 21st?

A.274 That is possible, Sir; but it may have happened that he was arrested later, and it was arranged with a Justice of the Peace that an officer would come and transfer him.

Q.275 But the general thing is about a week?

A.275 Yes, Sir.

CROSS-EXAMINED BY THE PROSECUTOR

Q.276 Cpl. Hodgkiss, you were employed in civilian life with the Guelph City Police?

A.276 Guelph Police.

Q.277 You went from Guelph to Welland to pick this man up in the line of duty?

A.277 Yes, Sir.

Q.278 It was on the civil charge?

A.278 Yes, on a civil warrant.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE.

QUESTIONED BY THE JUDGE-ADVOCATE

Q.279 Did you know at thattime that he was wanted by the military authorities as an absentee?

A.279 I am not positive of that, Sir.

Q.280 Was it brought to your attention?

A.280 Yes, it was afterwards, Sir.

Q.281 Later?

A.281 Yes, Sir.

Q.282 And you don't know whether or not you knew it at that time?

A.282 That is right.

Q.283 Do you know of your knowledge when a man walks in to a Police Station and tells the policeman he is wanted by some other police force, and tells them the charge he is wanted on is something definite such as theft, or wanted for false pretenees, do you book him in the police station under a charge of vagrancy or book him under a charge of theft?

A.283 Book him on a charge of vagrancy?

Q.284 Always?

A.284 Yes, Sir.

Q.285 No matter what he tells you?

A.285 No matter what he tel s us.

Q.286 If he told you he was wanted for murder, he would be held on vagrancy?

A.286 It would always be a vagrancy charge, even if it was murder.

IN THE OPINION OF THE COURT AND THE JUDGE-ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH RULES OF PROCEDURE 83(B).

THE WITNESS WITHDRAWS.

AT 1230 hrs, 23 SEPTEMBER 1942 THE COURT ADJOURNED UNTIL 1400 hrs 23 SEPTEMBER 1942. ON THE 23 SEPTEMBER 1942 AT 1400 hrs THE COURT RE-ASSEMBLED PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS WHEN ADJOURNED.

d Witness for Defence) A.56049 Sgt-Major Edward Lamb, Military Detention Barracks, London, Ontario, being duly sworn is examined by the Defending Officer.

Q.287 Sgt-Major Lamb, will you tell the Court your name, rank and number?

A.287 A.56049, Edward Lamb, W.O.1.

Q.288 Sgt-Major Lamb, you are in charge of the Detention Barracks at Carlings Heights, London?

A.288 Yes, Sir.

Q.289 You have the oversight of the reception and release of prisoners that come to your detention barracks?

A.289 That is correct, Sir.

Q.290 How long have you been Sgt-Major in charge of the Detention Barracks?

A.290 Since December 28, 1940.

Q.291 Naturally you would very likely be there on July 3,1941?

A.291 I would, Sir.

Q.292 You don't remember definitely?

A.292 I have no reason to believe otherwise, Sir.

Q.293 You have a certain hour, or you have a definite time at which you release the prisoners when the day of sentence is up, have you?

A.293 1400 hours, Sir.

Q.294 Is that in your instructions, or is that a matter of --?

A.295 It is laid down in rules and regulations of Military Detention Barracks, Sir.

Q.295 Sometimes if their escort does not come in time it is even later than that?

A.295 Quite often it is the next day.

Q.296 It is often later inthe day; sometimes it might be earlier?

A.296 It could be, yes, Sir.

Q.297 Under special circumstances?

A.297 But if it was earlier, Sir, we would have a letter from the Commander of that particular unit stating that that man should be released to the escort when he arrived.

Q.298 Otherwise you release only at 1400 hours or later?

A.298 That is right.

CROSS-EXAMINED BY THE PROSECUTOR

Q.299 Mr. Lamb, have you any records relating to the release of Gunner Horton, the accused, before this Court?

A.299 Yes, I have, Sir.

Q.300 Would the Court permit Mr. Lamb to refresh his memory from his own documents? Could you tell us on what day Gunner Horton was released?

A.300 Yes sir, I can. He has been released on two occasions....

Q.301 July, 1941?

A.301 He came into us on the 13th of June, 1941 for twenty-one days detention, and was released on the 3rd of July, 1941.

Q.302 Your record doesn't extend to the actual time released, or does it?

A.302 It doesn't state the time.

Q.303 It is customary to release at 1400 hours?

A.303 Or after.

Q.304 Is that the day on which the sentence expired or the day after the sentence expired?

A.304 The release appears "would expire 3/7/41".

Q.305 The prisoner is allowed to go on 1400 hours on that day?

A.305 Upon the arrival of the escort, Sir.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE-ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R. P. 83 (B).

THE WITNESS WITHDRAWS.

THE DEFENDING OFFICER: I have no further witnesses.

3rd Witness for Prosecution recalled in rebuttal

THE PROSECUTOR WITH LEAVE OF THE COURT RECALLS LIEUT. G.E.D. STEVENSON A.D. & M. SCHOOL, WOODSTOCK, ONTARIO, FOR THE PURPOSE OF REBUTTING A MATERIAL STATEMENT MADE BY THE ACCUSED. THE WITNESS ON HIS FORMER OATH BEING EXAMINED BY THE PROSECUTOR STATES AS FOLLOWS:

Q.306 Mr. Stevenson, the accused in his testimony, which was given after you left the room raises a question about this Exhibit "J" - part of his testimony was if he signed this piece of paper it did not have this heading on it. What are you prepared to say about the completeness of this form in its present state, when it was signed ?

A.306 As far as I know, Sir, it was complete.

Q.307 Are you prepared to state that this heading was on the form when the signatures were given before you?

A.307 Yes, I believe it was. There were several of those forms; that isn't the only form I signed.

Q.308 It is obvious they were prepared in alphabetical order; the man finds which sheet he belongs on....?

A.308 Yes.

Q.309 You say the forms were complete as far as you know?

A.309 Yes, Sir.

Q.310 Were any of them blank sheets, or any of them just plan white paper?

A.310 No, not that I remember.

Q.311 Are you prepared to state the forms signed by these men were not blank sheets of paper, but were headed with the warning order?

A.311 They all had the warning order on the same as that one.

Q.312 They all had the warning order on them?

A.312 Yes, Sir.

Q.313 Can you tell us something about how these men appeared before you, how they formed up?

A.313 They came up to the table all in single file.

Q.314 Were they just standing around in a group, or were they paraded to this space between the huts?

A.314 They paraded up alphabetically.

Q.315 They paraded alphabetically?

A.315 As far as I remember, Sir, Yes.

Q.316 Were they marched there in alphabetical order?

A.316 The whole Battery was on the parade ground...I can't remember... It is sometime ago since.....whether they were arranged alphabetically as they came on the parade or not. Each man came in single file and signed his name to the paper.

Q.317 Where did they come from, were they called off the parade alphabetically?

A.317 As far as I remember, yes.

Q.318 Then what did they do, did they fall out then?

A.318 Beg your pardon?

Q.319 After the signing of the form did each man fall out or go back in his place?

A.319 He just went off after that; in fact, If I remember, they went off to their huts. I don't remember that they fell in any particular place or in parade.

Q.320 After signing the warning orders the men did not fall in on parade again?

A.320 Not that I remember.

Q.321 Did the men sign one below the other?

A.321 Yes.

Q.322 Did each man sign below the signature of the man preceding him in line?

A.322 As they came up to the table they signed the slip of paper that you have, and turned to the left and went off, I don't remember where.

Q.323 The next man then signed on the line below that?

A.323 Yes, Sir.

Q.324 And them came to you in alphabetical order?

A.324 Yes, Sir.

Q.325 So the signature which is a third of the way down the list would have been well up among the "H's"?

A.325 I don't recall how far along in the "H's" he was.

Q.326 If that is Horton's signature on Exhibit "J", would he or would he not have been at the tail end of the parade?

A.326 He wouldn't have been at the tail end of the parade, because a man by the name of Harding signed his name last on this sheet.

Q.327 How many names are there after Horton?

A.327 Eleven.

Q.328 There are eleven signatures on Exhibit "J" after Horton?

A.328 Yes.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q.329 Lieut. Stevens, these sheets when they were presented to you had the heading as on that document Exhibit "J"?

A.329 Yes, Sir.

Q.330 You are absolutely sure of that?

A.330 I believe I am right in saying so.

Q.331 You believe.....?

A.331 I certainly wouldn't sign a blank document.

Q.332 You remember that quite distinctly?

A.332 Yes, Sir.

Q.333 These sheets when they were given to you, were they given to you in alphabetical order?

A.333 Yes, Sir.

Q.334 One had all the "B's", and so on....?

A.334 Some of them, I think....other letters of the alphabet would continue on to another sheet.

Q.335 But you had quite a number of those sheets on your desk before you?

A.335 Yes, Sir.

Q.336 And an "A" man came along to the "A's" and "B" to the "B's", and one man took them?

A.336 Yes.

Q.337 You remember that quite distinctly?

A.337 Yes, Sir.

Q.338 The men were lined up and spoken to, and then the signatures took place after that?

A.338 That is right, Sir.

Q.339 You tell us that the parade broke off then?

A.339 I didn't tell you the parade broke off.

Q.340 To your knowledge it didn't form up again that afternoon?

A.340 I said the parade was called into the parade grounds and the Battery was read this warning.

Q.341 Was there not something said just a moment ago that Captain Thomas brought out, that they weren't formed up again that afternoon?

A.341 I said after they signed the paper they were not formed up again.

Q.342 And it would take sometime for you to collect some 300 signatures?

A.342 I don't recall how many signatures there were; it took quite a while for everybody to sign.

Q.343 Can you give us an idea how long it took? How long were you behind the table taking these signatures?

A.343 I recall going from there over to the mess when it was finished, before dinner.

Q.344 You can remember distinctly that these papers, all of them, had that heading all thesame, a year ago last July?

A.344 I can remember that the papers were all the same, Sir.

Q.345 There were no blank ones?

A.345 Not that I know of, Sir.

Q.346 Yes or no?

A.346 All that I saw were not blank.

Q.347 You say that you can remember quite distinctly that all this sheaf of papers were headed the same; no blanks among them; and yet you can't tell this Court what time of day it was, whether morning or afternoon or what hour it was...You say that when you finished signing up these 300 or so men you went to supper, but youcan't tell what time of day?

A.347 I believe I told you it was in the afternoon.

Q.348 In the afternoon, you thought; what time in the afternoon?

A.348 I am not prepared to say what time it was.

Q.349 But you can remember distinctly that this paper had that heading, that sheaf of paper, but youcan't remember what time in the afternoon this took place ?

A.349 Quite true.

QUESTIONED BY THE JUDGE-ADVOCATE

Q.350 As these papers were signed up in front of you, following right along, were there any blank lines left for any person to write ~~x~~ names in, or each man sign up against the other?

A.350 Not that I remember; it followed right along in that sheet of paper there, as each man...

Q351 Did you instruct any man "don't sign on that line, leave that for Pte. Holmes or Gunner Harding"?

A.351 No, I did not instruct anybody to leave any blank lines.

Q.352 Did you have any muster-roll to check against to see that all the "H's " signed, all the "A's" and "D's" signed?

A.352 As I remember, Sir, the man's name was called as he came up and signed.

Q.353 Someone was caling out the names, and as a name was called out the man came up and signed?

A.353 Yes, as I remember, Sir, the name was called out.

Q.354 All your job was was to witness his signature?

A.354 Yes, sir, that is right.

Q.355 It was somebody' else's job to see that each man signed?

A.355 That is right, Sir.

IN THE OPINION OF THE COURT AND THE JUDGE-ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH RULES OF PROCEDURE 83(B).

THE WITNESS WITHDRAWS.

FOR FINAL ADDRESS BY DEFENDING OFFICER SEE DOCUMENT MARKED "M" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

FOR FINAL ADDRESS BY PROSECUTOR SEE DOCUMENT MARKED "N" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

FOR SUMMING-UP BY THE JUDGE-ADVOCATE SEE DOCUMENT MARKED "O" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused B.87928, Gunner Charles Allen Horton, No. 1 District Depot (CA) (A) is guilty of the charge, except that he went absent from Woodstock and not London, and was apprehended by the civil authorities on the 21st October, 1941, at Welland, Ontario, and not on 28th October, 1941 at Guelph, Ontario.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it. Captain C.H. Lowther, Adjutant, No. 1 District Depot (CA), on his former oath, states ~~is duly sworn.~~

Evidence of character, &c.

Q.356 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused?

A.356 *Answer by the Witness.* Yes, Sir, I have M.F.B. 355

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

Q.357 *Question by the President.* Is the accused the person named in the statement which you have heard read?

A.357 *Answer by the Witness.* Yes, Sir.

Q.358 *Question.* Have you compared the contents of the above statement with the regimental books?

A.358 *Answer.* have, Sir.

Q.359 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.359 *Answer.* They are.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.
IN THE OPINION OF THE COURT AND THE JUDGE-ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R. P. 83(B).

THE WITNESS WITHDRAWS.

Q.360 *Question to the accused.* Do you wish to address the Court?

A.360 *Answer.* No, Sir. My Defending Officer will speak for me.

FOR ADDRESS BY DEFENDING OFFICER IN MITIGATION OF SENTENCE(5) SEE DOCUMENT MARKED " P " SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

The Court is closed for the consideration of the sentence.

108

F

Sentence

The Court sentence the accused B.87928, Gunner Charles Allen Horton, No. 1 District Depot (CA) (A) to undergo detention for nine (9) months.

Sentence.

Detention

9 months

Signed at London, Ontario, the 23rd day of September, 1942.

JUDGE-ADVOCATE

PRESIDENT

Confirmed

Signed at London Ontario this 2nd day of October 1942

B.J. Turnbull

Brigadier

D.O.C. No. 1

Extracts entered as No. 6852 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 8th day of Oct 1942.

Amalgamated and extracts taken at London Ontario this fifth day of October, nineteen forty two.

H Blanchard Capt

Officer i/c Records

No. 1. Dist Depot

"X" Infantryman Major CAZ
President

Orders by Brigadier D.J.MacDonald,DSO,MC, Commanding

the Military District No. 1.

District Court-Martial

B-87928, Gunner Charles Allen HORTON,
No. 1 District Depot (CA) (A). 19 September 194 2

The detail of Officers as mentioned below will assemble
at Royal School Building, Wolseley Barracks, London, Ontario, on Wednesday

the 23rd day of September 194 2 at 1000 hrs
for the purpose of trying by a District Court-Martial the accused person (~~persons~~) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Major F.A. Landriau,
S-15 M.T.S., RCOC (CA) is appointed President.

MEMBERS

Major W. M. Diehl,
O.C. 1st Div. (RES) RCASC (CA)
Captain W.B. White,
No. 1 District Depot (CA)

WAITING MEMBERS

Captain J. W. Dawkins,
No. 1 District Depot (CA)

JUDGE ADVOCATE

Lieut-Colonel W.G.Kerr,V.D.,A.J.A.G., M.D. No.1 has been (~~is hereby~~) appointed Judge Advocate

PROSECUTOR

Captain D. H. Thomas,
No. 1 District Depot (CA) has been (~~is hereby~~) appointed Prosecutor

DEFENDING OFFICER

H/Captain D. A. Cowan, (CA)
Chaplain (P) No.1 District Depot has been (~~is hereby~~) appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding No. 1District Depot (CA) will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to A. A. & Q.M.G., M. D. No. 1

Signed this 19th day of September 194 2

(W.H. Kippen) Colonel
A. A. & Q.M.G., M. D. 1,
for D. O. C., M. D. No.1.

M.F.B. 226
A.F.A. 47
15M—8-41 (1761)
H.Q. 1772-29-564

X a

SPECIAL DISTRICT ORDER

by

Brigadier D. J. MacDonald, D. S. O., M.C.

Military District No. 1 London, Ontario, 19th September, 1942.

District Court-Martial

The detail of officers as constituted below will assemble at Royal School Building, Wolseley Barracks, London, Ontario, on Wednesday, the 23rd day of September, 1942, at the hour of 10 o'clock in the forenoon, for the purpose of trying by District Court-Martial, the accused person named in the margin, (and such other persons as may be brought before them).

B-89922, Gunner Charles Allen MORTON
No. 1 District Depot (CA) (A).

PRESIDENT

Major P.A. Labarriere,
S-15 M.T.S., RCOC, (CA)

MEMBERS

Major W.M. Diehel,
O.C. 1st Div. (Res) RCASC (CA)

Captain W.B. White,
No. 1 District Depot, (CA).

WAITING MEMBER

Captain J. W. Dawkins,
No. 1 District Depot (CA).

JUDGE-ADVOCATE

Lieut-Colonel W.G.Kerr, V.D., A.J.A.G., M.D.1.

PROSECUTOR

Captain D. H. Thomas,
No. 1 District Depot (CA).

DEFENDING OFFICER

H/Captain D. A. Cowan,
Chaplain (P), No. 1 District Depot (CA)

OFFICERS FOR INSTRUCTION

Lieut.G.B. Dawdy, No.1 District Depot (CA)
Lieut.T.B. Minning, No.1 District Depot (CA).

Officer Commanding No. 1 District Depot (CA) will arrange for necessary accommodation and will warn all witnesses duly required to attend.

The Proceedings will be forwarded to the A.A. & Q.M.G., M. D. No. 1, marked "Court Manual".

(C. E. Kirkwood), Colonel
A. A. & Q.M.G., M. D. No.1

(H.25-E-1CA)

Copies to:
All officers mentioned above.

"G"

Lieutenant Major CBC
President

RECORD of the Declaration of a Court of Inquiry assembled at Wolseley Barracks London, Ontario, on the 5th day of August 19 41, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B-87928 Gnr. HORTON, C.A.

DECLARATION

The Court declare that No. B-87938 Gnr. HORTON, C.A., No. 1 District Depot, (AF) Wolseley Barracks, London, Ont., illegally absented himself without leave from Queens Park at 2200 hrs. on the 5th day of July, 1941, that he is still so absent, and that on the 5-7-41 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES		VALUE	
Clo. Div. "A"				Knives, clasp and lanyard	1	1	18
Anklets, web, prs.	1		77	Towels, hand	1		21
Overalls, combination	1	2	81	Clo. Div. "D"			
Clo. Div. "B"							
Battle dress, blouse	1	6	18	Badges, cap, R.C.A.			08
Battle dress, trousers	1	6	24	Badges, shld. worst.			14
Boots, ankle	1	4	81	Buttons, sets,	1		11
Caps, field service	1		82				
Shirts, under cotton	2		68				
Shirts, under woollen	1	1	15				
Socks, prs.	1		37	TOTAL		26	22
Clo. Div. "C"							
Blacking, tins	1		04				
Bootdressing, tins	1		04				
Bootlaces, prs.	1		02				
Braces, prs.	1		29				
Brushes, hair	1		24				
Combs,	1		04				

Signed at London, Ont., this 6th day of Aug. 1941

(K.A. ROSS) Capt. President No. 1 DD (A)

(W.B. WHITE) LT. Member No. 1 DD (A)

(F.G.W. PANNELL) LT. Member No. 1 DD (A)

Signature of Commanding Officer (Wm. NEILSON) Lt. Col. No. 1 DD (A)

Certified true copy (H.L. PETRIE) Capt. Adj.

Signature of Officer having custody of original record No. 1 DD (A)

M.F.B. 275
A.F.B. 115
15M—3-41 (9789-70)
H.Q. 1772-39-257

No. 1 District Depot (A.F.)
Wolseley Barracks
London, Ontario.
15-th July 1941

DAILY ORDERS PART II No. 196

BY

Lt. Col. Wm. Neilson, D.S.O., Officer Commanding

Last Part II Order No. 195 d/14-7-41.

"A"

SEE PARA 1. SHEET 2.

OFFICERS AND NURSING SISTERS

1. COMMAND

Captain BRYAN, C.A. — On Command Huron County, from 0900 hrs. 7-7-41 until 1100 hrs. 13-7-41.(Recruiting Duties)

2. LEAVE OF ABSENCE

Captain CAREY, P.F. — Granted Leave of Absence from 7th July to 20th July 1941 inclusive.

"B"

OTHER RANKS

1. STRENGTH INCREASE

Undermentioned personnel having been attested are taken on strength No. 1 District Depot (AF) and posted to Units and Sections as shown effective from dates as indicated.

"C" Sect. R.C.A. Survey Regt.

A-28615 Gnr. WALKER, Truman Mansfield — 8-7-41.
Single-United-20-"B-1"

"C" Sect. R.C.A.S.C. 18th Quota

A-9805 Pte. PHILLIPS, James Elmere — 8-7-41.
Single-Presby.-25-"A"

A-9806 Pte. HART, Frank Leslie — 11-7-41.
Single-Presby.-24-"A" (2/Perth (RF))

A-9807 Pte. HILL, Spencer Ray — 11-7-41.
Single-Baptist-20-"A"(2/Perth (RF))

"C" Sect. CAN. ARMOURED CORPS. A.R.

A-57957 Tpr. BEAVIS, Andrew — 11-7-41.
Single-C. of E.-22-"A"

"C" Sect. H.L.I. of C.

A-38322 Pte. HARTUNG, Raymond George Thomas — 11-7-41.
Single-Lutheran-19-"A"

- - - - - - - - -

Undermentioned personnel Taken on Strength No. 1 District Depot (AF) on transfer from the 4 L.A.A. Regt. R.C.A. (CA) Guelph, Ont., effective 15-7-41, and Posted "F" Sect.

			Cat.
A-31266	Gnr. FIGG,	T.	"C-1"
A-31330	Gnr. JACKLIN,	B.C.	"E"

A-20609 Gnr. McGAHEY, C.A. "C" Sect. — Para 1 D.O. 185 d/4-7-41 insofar as it concerns the man Regimental Number is amended to read:- A-28609 .

Undermentioned personnel are taken on strength No. 1 District Depot (AF) on transfer from 6th Amd. Reg. (1.H) C.A.C., Camp Borden, Ont., effective 12-7-41, and Posted "F" Sect.

A-206	Tpr. Wood	G. L.	
A-517	Tpr. TREIBNER	D.	

..... 2

PTO.

(H.C.Lowther) Capt.,&Adj.

CERTIFIED TRUE COPY.

"H" Infantrian Major CMC President.

"B"

OTHER RANKS

1. STRENGTH INCREASE (cont'd.)

Undermentioned personnel Taken on Strength No. 1 District Depot (AF) on transfer from 4th L.A. Bty. (AF) effective 12-7-41, and Posted "F" Section.

B-37210	Gnr.	ADAMS	G.A.	
B-11477	"	BAILEY	A.R.	In Hospital Woodstock M.H.
B-8292	"	BRADLEY	R.J.	In Hospital London M.H.
B-8070	"	BROWN	C.G.	In Hospital Toronto M.H.
B-8219	"	CLARK	A.G.	In Hospital London M.H.
B-8027	"	COOPER	M.	In Civil Prison London County Jail
B-8089	"	CURLEY	C.OL	
B-8261	"	DOWNEY	E.J.	
B-8020	"	EVANS	W.	
B-8267	"	HOLMES	W.W.	In Hospital London M.H.
B-87928	"	HORTON	C.A.	A.W.L. from 2200 hrs 5-7-41.
B-8013	"	HUDDARD	J.M.	A.W.L. from 2359 hrs 30-6-41.
B-8275	"	MAROIS	A.	In Hospital Queens Park M.H.
B-42797	"	McLEAN	K.	In Detention
B-6934	"	NEWTON	H.G.	
B-6935	"	NEWTON	C.H.	
A-56575	"	REARDON	B.	
B-8010	"	VANDERLIP	G.E.	

A-57586 Pte. COLE, Samuel Alfred George — Having been attested at No. 11 A.D.M. School Woodstock, Ont., is Taken on Strength No. 1 District Depot (AF) effective 7-7-41 and Posted "E" Sect. Establishment.11 A.D.M.School. (RECORDS ONLY)
Married-C. of E.-31-"A"

Certified True Copy
(H. Elsmer) Capt.
A/Adj. No. 1 District Depot (AF)

2. STRENGTH DECREASE

Undermentioned personnel are Struck off Strength No. 1 District Depot (AF) on transfer to the H. L. I. of C. (AF), Debert, N.S. effective 15-7-41.

A-38102	Pte.	CHARBONNEAU	L.J.
A-38318	Pte.	WALKER	D.C.W.
A-38320	Pte.	SLOAT	R.J.

Undermentioned personnel are Struck off Strength No. 1 District Depot (AF) on transfer to the 15th Field Amb. R.C.A.M.C.(AF) Valcartier, Quebec, effective 16-7-41.

A-62113	A/L/C.	DOUPE	B.E.	A-62155	Pte.	ANTONE	J.W.
A-62156	Pte.	BINDER	F.A.	A-34403	Pte.	BOWMAN	J.T.
A-62154	Pte.	BROWN	W.	A-23051	Pte.	COFFEE	J.T.
A-62134	Pte.	DeLEARIE	D.F.	A-62121	Pte.	DUNNING	B.J.
A-62153	Pte.	FINCH	G.G.	A-62151	Pte.	GARDHOUSE	D.C.
A-62150	Pte.	GRANDVILLE	L.H.	A-55340	Pte.	HARAKAS	C.
A-55339	Pte.	HETRICK	E.W.	A-62146	Pte.	LONG	E.J.
A-55371	Pte.	OWENS	E.W.	A-62158	Pte.	MURRAY	M.J.

A-54634 Pte. PHELAN, P.A. "F" Sect. — Para 2, D.O. 194 d/13-7-41, insofar as it concerns the m/n man, is amended to read "3-A District Depot (AF)

B-46468 Pte. EICHORN, G.A. "F" Sect. — Struck off Strength No. 1 District Depot (AF) on Discharge, effective 14-7-41 under R.O. 1029 (12)1941 for reason of: "His services being no longer required."
Character:-Bad
Address:-408 Parr St., Winnipeg, Manitoba.

..... 3

"B"

OTHER RANKS

2. STRENGTH DECREASE

A-38212 Pte. LIVOCK, A. "F" Sect. — Struck off Strength No. 1 District Depot (AF) on transfer to Central Mechanization Depot, R.C.O.C. (AF) effective 15-7-41.

A-35437 Gnr. COADY, R.J. "F" Sect. — Struck off Strength No. 1 District Depot (AF) on transfer to 12th Field Regt. R.C.A.(AF) Sussex, N.B., effective 14-7-41.

3. ATTACHED

A-38120 Pte. THOMAS, M.W. "F" Sect. — Ceases to be attached to Thames Valley Camp for all purposes except pay., effective 14-7-41.

4. ATTACHED-RATIONS

A-99249 Pte. KUNDER, J.E. No.1Det.RCASC — Attached No. 1 District Depot (AF) for Rations only from 12th-7-41 until 14-7-41.

A-63 Pte. LAIRD, E. — Attached No. 11 Provost Coy (AF) for Rations only effective 13-7-41.(In Detention)

A-63 Pte. LAIRD, E. — Ceases to be attached No. 11 Provost Coy(AF) for Rations only effective 14-7-41.(Released Det.)

A-46468 Pte. EICHORN, G.A. — - DITTO -

5. COMMAND

A-3188 A/L/Cpl. LUSCOMBE P.F. H.Q. Sect. — On Command Huron County, from 0900 hrs.7-7-41 until 1100 hrs. 13-7-41.(Recruiting Duties)

P-13272 Boy FARMER, E.W. H.Q. Sect. — - DITTO -

A-17069 Pte. BAGE, A.F. "E" Sect. — On Command, Kitchener, Military Hospital and attached to No. 10 B.T.C. Kitchener, Ont., for all purposes effective 14-7-41.

6. POSTING

A-99753 Pte. SWEENEY, P.J. — Posted from H.Q. Section to C/1st Army Tank Ordnance Field Park, R.C.O.C., effective 15-7-41.

A-38102 Pte. CHARBONNEAU, L.J. — Posted from "F" Sect. to "C/H.L.I.of C." effective 14-7-41.

7. ABSENT WITHOUT LEAVE

A-28598 Pte. PEACOCK T. "F" Sect. — A.W.L. from 0800 hrs. 23-6-41. (3rd Entry)

A-23077 Pte. EMORY A. "C" Sect.RCAMC — A.W.L. from 0600 hrs. 7-7-41. (2nd Entry)

8. APPOINTMENTS & PROMOTIONS

A-99753 A/Cpl. SWEENEY P.J. H.Q. Sect. — Reverts to permanent grade of Private at his own request, effective 15-7-41. (H.Q. Establishment)

..... 4

"B"

OTHER RANKS

9. TRADESMAN RATES OF PAY

A-99753 A/Cpl. SWEENEY, P.J. H.Q. Sect. — Ceases to draw Tradesman's Pay Class "C" Clerk, H.Q. Establishment, effective 14-7-41.

10. PUNISHMENTS AND FORFEITURES OF PAY

A-63 Pte. LAIRD, E. "F" Sect. — Awarded 7 days C.B. and to forfeit 1 days pay under Article 149 F.R.&.I. (Can)CASF for:- 1. When on active service, absent from duty when permanently employed.
2. A.W.L. from 1700 hrs. 12-7-41 until apprehended at London, Ont., at 1105 hrs. 13-7-41.
(Total forfeiture 1 days pay)

11. STOPPAGES OF PAY

Undermentioned personnel are placed under stoppages of pay to make good amounts as shown and reasons as indicated. (C.D.V. No. 12 d/12-7-41.

A-22628	Pte.	WALL,	F.E.	$3.24	Deficient	"F"
A-29549	Pte.	COLES	G.S.	1.84	Deficient	"F"
A-23051	Pte.	COFFEE	J.T.	1.84	Deficient	"C"
L-22900	Pte.	WATERMAN	H.	1.55	Deficient	"E"
L-19093	Pte.	GEDAK,	N.A.	.78	Deficient	"E"
A-9797	Pte.	EBERT	K.W.	.45	DEFICIENT	"C"
A-38120	Pte.	THOMAS	M.W.	.45	Deficient	"F"
A-52046	Pte.	BUORS	L.	.03	Deficient	"F"
A-4486	Pte.	FLANNIGAN	C.B.	.45	Deficient	"F"
A-44066	Pte.	HALPIN	E.P.	1.84	Deficient	"C"
A-120	Pte.	LINDSAY	G.A.	.27	Def.on Discharge	"F"
A-9797	Pte.	EBERT	K.W.	.59	Deficient.	"C"
A-44066	Pte.	HALPIN	E.P.	.59	Deficient	"C"
A-34880	Pte.	ANDERSON	C.F.	.45	Deficient	"F"
A-22628	Pte.	WALL	F.E.	3.23	Def.onDischarge	"F"
A-11983	Pte.	LAWSON	J.W.	.15	Def.onDischarge	"F"
A-269	Tpr.	ANDREWS	E.	1.20	Deficient	"F"
A-558	Tpr.	Fitzpatirck	T.	.19	Deficient	"F"
A-559	Tpr.	BELL	H.A.	.08	Deficient	"F"
A-28583	Gnr.	BAUGHMAN	C.W.	.03	Deficient	"E"
L-41208	Pte.	FRANK	A.	.03	Deficient	"E"
L-53755	Pte.	MUTCH	A.	.03	Deficient	"E"
P-13131	CSM	Lewis	R.C.T.	.08	Deficient	"F"

12. FURLOUGH

A-18235 Sgt. VALLIERES, J.E. H.Q.Sect. — Granted Furlough with pay from 15-7-41 until 28-7-41.

13. PERMISSION TO MARRY

A-38120 Pte. THOMAS, M.W. "F" Sect. — Granted permission to marry 18-7-41.

14. REGIMENTAL NUMBER

A-55244 Pte. LOCHERY, W.M. — Having had previous service with 1st Fd. Park Coy.R.C.E. is allotted his former Regtl. number-A-18111-all documents to be amended accordingly.(Auth.L.91-1-7/53.(RECORDS ONLY)

(W.C.Woods) Lieut.
A/ADJ. No. 1 District Depot (AF)

CJW

"I"

83

No. 1 District Depot (AF)

DAILY ORDERS PART II

No.353

Wolseley Barracks
London, Ontario,
December 19, 1941.

BY

Lt.Col. Wm. Neilson, D.S.O., Officer Commanding

Last Part II Order No. 352 d/18-12-41.

"A"

OFFICERS & NURSING SISTERS

1. COMMAND

Lieut.
SMITH, C.A.
No. 1 D.D.

On Command from 1100 hours, 16-12-41 until 0800 hours, 18-12-41, conducting duties to Camp Borden, Ontario.

"B"

OTHER RANKS

Undermentioned personnel having been attested are taken on strength No. 1 District Depot (AF), effective dates as indicated and posted to sections as shown:

"C" SECTION (R.C.A. (AA).

A.28711, Gnr. CHILDS, Paul Haines, Single-U.C.-19-"A1". 16-12-41.

A.28712, Gnr. PETTIGREW, Robert Paul, Single-U.C.-19-"A1". 16-12-41.

"C" SECTION (R.C.E.)

A.20682, Spr. WILLIAMS, William Howard, Single-C.of E.-21-"A1". 16-12-41.

"C" SECTION (R.C.A.S.C.)

A.9940, Pte. ZELENIUK, John, Married-R.C.-44-"A2". 13-12-41.

A.42069, Pte. CHADWICK, Leslie Wilbur, Single-C.of E.-21-"A1". 16-12-41.

Certified True Copy
(H C Lowman)
A/Adj No. 1 District Depot (AF)

"E" SECTION (R.C.O.C.) (No. 1 Detachment) (Electrician)

A.59110, Pte. McDOWELL, William Allan, Single-Bapt.-22-"A1". 17-12-41.

Undermentioned personnel taken on strength No. 1 District Depot (AF), on ceasing to be attached to No. 12 B.T.C., Chatham, Ont., effective 18-12-41, and posted to "F" Section.

A.55636, Pte. RUSSELL, E.H. Category "C1".
A.55558, Gnr. ZWINA, J.M. Category "C1".

B.87928, Pte. HORTON, C.A.

Having been arrested by Civil Authorities at 1600 hours, 28-10-41 is taken on strength No. 1 District Depot (AF), from absence without leave effective, 26-10-41, and posted to "C" Section.

(i)

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No. 1 District Depot (AF)

DAILY ORDERS PART II No.353 (SHEET II) 19-12-41.

"B"

OTHER RANKS

2. STRENGTH DECREASE

A.57952, Pte. SHIRLEY, H. "F" Section	Struck off strength No. 1 District Depot (AF), on transfer to No. 1 Detachment, R.C.C.S. (AF), London, Ont., effective, 19-12-41.
A.99306, Pte. WATMORE, W.T. "G" Section	Struck off strength No. 1 District Depot (AF), on discharge effective 18-12-41, under R.O. 1029 (10), 1941, for reason of being unable to meet the required military physical standards, and to D.P. & N.H. under R.O. 502 for post discharge treatment. Character: Very Good. Address: 23 Mills St., London, Ont.
A.31340, Gnr. HOFSTRAND, D. "G" Section.	Struck off strength No. 1 District Depot (AF), on discharge, effective 18-12-41, under R.O. 1029, (3),1941, for reason of "Being under 17 years of Age at date of application for discharge.". Character: Very Good. Address: Cape Chin, Ontario.

3. POSTINGS.

A.9924, Pte. GREEN, R. "C" Section.	Posted from "C" Section to "E" Section, effective 19-12-41,(Driver Mechanic)
A.66797, Gnr. DANE, F.A., "C" Section.	Posted from "C" Section to "E" Section, effective 19-12-41, (Dr. Mechanic)
M.12435, Pte. DENSON, T.E.L. "C" Section	Para. 4 of D) 350 d/16-12-41 insofar as it concerns the m/n men regimental number is to read as now shown.

4. FURLOUGH

L.51263, Tpr. FRIESEN, P.B. "E" Section	Para. 9 of DO 301 d/28-10-41 insofar as it concerns the m/n add granted Special Transport Warrant No. A.10900
A.28656, Gnr. CAMPBELL, H.R. "E" Section.	Para. 4 of DO 348 d/14-12-41 insofar as it concerns the m/n add granted Special Transport Warrant No. A.11235.
L.6685, Gnr. MILLER, H.J. "E" Section	Granted furlough with pay from 26-12-41 until 8-1-42.
P.15222, RSM (WO I) WRIXON, J. HQ Section.	Para.5 of DO 352 d/18-12-41 insofar as it concerns the m/N add granted Special Transport Warrant No. 11293.

5. SUBSISTENCE ALLOWANCE

P.13089, Pte. LARMANT, J.E., HQ Section.	Para. 5 of DO 344 d/10-12-41 and Para. 6 of DO 347 d/13-12-41 insofar as it concerns the m/n men regimental number is to read as now shown.

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No. 1 District Depot (AF)

DAILY ORDERS PART II | No.353 (SHEET III) | 19-12-41.

"B"

OTHER RANKS

6. HOSPITAL

A.57977, Pte. BLACK, C.R. "E" Section	Admitted to London Military Hospital, 18-12-41.
A.11291, Pte. BARNES, J.T. "C" Section	Admitted to London Military Hospital, 18-12-41.
A.34959, Pte. LAMBERT, M.B. "E" Section	Discharged from London Military Hospital, 6-12-41.
A.32100, Gnr. MOOR, J.F. "F" Section	Discharged from London Military Hospital, 18-12-41.
P.35358, S/Sgt. THORNE, K.E. "F" Section	Discharged from London Military Hospital, through Westminster, 16-12-41.
A.99805, Sgt. MANSELL, J.R. "F" Section	Discharged from London Military Hospital, 18-12-41.

7. ABSENT WITHOUT LEAVE

A.17068, Pte. BROADWELL, A.E. "F" Section	AWL from 1300 hrs. 18-12-41.

8. PUNISHMENTS & FORFEITURES OF PAY

A.42229, Pte. CARTWRIGHT, W.E. "C" Section	Forfeits 3 days pay under ART 149 F.R. & I. (Can) CASF for: AWL from 0800 hrs., 3-10-41 until 0800 hours, 6-10-41. Awarded 3 days pay under Section 46 of the A.A. (Total forfeiture 6 days pay.)
A.12001, Pte. MUXLOW, R.T., "C" Section	Forfeits 5 days. pay under ART 149 F.R. & I. (Can) CASF for: AWL from 0800 hrs. 3-10-41 until 2100 hrs., 7-10-41. Awarded 5 days. pay under Section 46 of the A.A. (Total forfeiture 10 days pay.)
A.55659, Pte. CUMMINGS, D.W. "C" Section	Forfeits 6 days pay under ART 149 F.R. & I. (Can) CASF for: AWL from 0600 hrs. 6-12-41 until 1000 hrs. 11-12-41, and to forfeit cost of apprehension: Railway Fare Escort $4.05; Railway Fare Prisoner $2.05; Total $6.10. Awarded 3 days forfeiture of pay under section 46 of the A.A. (Held in Close Arrest from 1800 hrs. 11-12-41 until 1200 hrs. 17-12-41.) (Total forfeiture 9 days pay.)

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"B"

OTHER RANKS

8. PUNISHMENTS & FORFEITURES OF PAY

C.58234, Pte.
FELTEAU, D.
"C" Section

Forfeits 20 days pay under ART 149 F.R. & I. (Can) CASF for: AWL from 0800 hrs. 3-10-41 until 1650 hrs. 22-10-41, and to forfeit cost of apprehension:

Railway Fare Escort.	$2.12
Railway Fare Prisoner	$2.12
Meals	.37
Total	$4.61.

Awarded 10 days forfeiture of pay under Section 46 of the A.A. (Held in Close Arrest from 1650 hrs. 22-10-41 until 1200 hrs. 8-11-41.)
(Total forfeiture 30 days pay.)

D.26880, Pte.
VASILOPOULOS, G.
"C" Section.

Forfeits 28 days pay under ART 149 F.R. & I. (Can) CASF for: AWL from 0800 hrs. 3-10-41 until surrendering at Montreal, P.Q. at 2245 hrs. 30-10-41, and to forfeit cost of apprehension:

Railway Fare Escort	$16.40
Railway Fare Prisoner	8.24
Meals	3.75
Total	$28.47.

Awarded 10 days forfeiture of pay under Section 46 of the A.A. (Held in Close Arrest from 2245 hrs. 30-10-41 until 1200 hrs. 8-11-41.)
(Total forfeiture 38 days pay.)

A.37961, Pte.
MILLER, W.H.
"C" Section

Forfeits 15 days pay under ART 149 F.R. & I. (Can) CASF for: AWL from 0800 hrs. 3-10-41 until 0900 hrs. 17-10-41, and to forfeit cost of apprehension:

Railway fare Escort.	$2.18
Railway fare Prisoner	1.09
Telephone Call	.70
Total	$3.97.

Awarded 15 days forfeiture of pay under Section 46 of the A.A. (Held in Close Arrest from 0900 hrs. 17-10-41 until 1200 hrs. 8-11-41.)
(Total forfeiture 30 days pay.)

C.58777, Pte.
PHILLIPS, J.H.
"C" Section

Forfeits 20 days pay under ART 149 F.R. & I. (Can) CASF for: AWL from 0800 hrs. 3-10-41 until 1650 hrs. 22-10-41, and to forfeit cost of apprehension:

Railway Fare Escort	$2.12
Railway Fare Prisoner	2.12
Meal Ticket	.38
	$4.62

Awarded 10 days forfeiture of pay under Section 46 of the A.A. (Held in Close Arrest from 1650 hrs. 22-10-41 until 1200 hrs. 8-11-41.)
(Total forfeiture 30 days pay.)

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No. 1 District Depot (AF)

DAILY ORDERS PART II No. 353 (SHEET V) 19-12-41.

"B"

OTHER RANKS

8. PUNISHMENTS & FORFEITURES OF PAY

A.34949, Pte. MacDONALD, E.D. "E" Section	Forfeits 5 days pay under ART 149 F.R. & I.(Can) CASF for: (1) Held in Civil custody from 0600 hrs. 28-10-41 until convicted at 1130 hrs. 31-10-41 and given suspended sentence. (2) AWL from 1130 hrs. 31-10-41 until 0030 hrs. 2-11-41. (Total forfeiture 5 days pay) (Forfeiture to run concurrent with forfeiture on PART II Order No. 312 d/8-11-41.)
A.56580, Pte. MILLS, O.H. "F" Section	Forfeits 1 days pay under ART 149 F.R. & I. (Can) CASF. Awarded 6 days C.C. by Capt. W.G. Freel, on 10-12-41 for AWL from 2000 hrs. 8-12-41 until 1830 hrs. 9-12-41. (Total forfeiture 1 days pay) (Extract Part II Order No. 297 d/15-12-41 No. 31 A.N.S., Port Albert, Ont.)

9. CLOTHING ALLOWANCE.

Undermentioned personnel being discharged are granted a Clothing Allowance of $35.00 as authorized by ART 187 F.R. & I. (Can) CASF as amended to be paid through the pay lists of this Depot.

A.99306, Pte. WATMORE, W.T. A.31340, Gnr. HOFSTRAND, D.

10. REHABILITATION GRANT

A.99306, Pte. WATMORE, W.T., "G" Section	Being discharged from the Active Service for reason of being physically unfit for further Military Service under existing standards and having completed 183 days continuous service in the force is hereby granted a rehabilitation grant as authorized by R.O. 872.

11. RECATEGORIZATION

L.19435, Pte. GROSECLOSE, G., "E" Section.	Being medically examined and placed in Category "A2", by M.F.D. 227, d/26-11-41, at London, Ontario.

12. PERMISSION TO MARRY

L.9767, Pte. GILLANDERS, R.E. "E" Section	Granted permission to marry, 19-12-41.

13. CIVIL CUSTODY

B.87928, Pte. HORTON, C.A. "C" Section	In Civil Custody from 1600 hrs. 28-10-41 until 2400 hrs. 13-11-41, (Forfeits 17 days pay)
B.91465, Pte. MOORE, W.F. "C" Section	In Civil Custody from 2359 hrs. 15-12-41

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"B"

OTHER RANKS

13. CIVIL CUSTODY (Continued)

B.11311, Pte. LeCLEAR, W.J. "C" Section	In Civil Custody from 1600 hours, 10-12-41.
K.10610, Gnr. BIGGS, W.H. "C" Section	Released from Civil Custody 1400 hours, 15-12-41.

14. CIVIL CONVICTION

B.87928, Pte. HORTON, C.A. "C" Section	Convicted on 14-11-41 on two charges, (Bigamy and Perjury), in the Guelph Ont., Police Court, and committed to the Ontario Reformatory for 12 and 6 months sentence to run concurrently. (Forfeits all pay from 14-11-41.)

15. QUALIFICATIONS.

A.11617, Cpl. HOPPS, W.S. HQ Section	Results - Course No. 293, "B" Wing, - 3" Mortar and Rangefinder, C.S.A.T.C., Long Branch, Ont., 12-12-41. Qualified - Q.II.

16. GOOD CONDUCT BADGES.

A.18282, Spr. DUNN, W.T. HQ Section	Awarded 1(one) Good conduct badge on completion of Two years service in Active Force, effective 23-9-41. (Auth. GO 165/1940, appendix, to RO 635.)

17. REGIMENTAL NUMBER

A.38366, Pte. HOWARD, F.J. "C" Section	Having had previous service in RCASC., (AF), from 13-2-41 until 27-3-41, is hereby granted his former regimental number A.9713. (All documents to be amended accordingly.)

18. BIRTHS.

A.57874, Pte. WESTBROOK, O.H. "E" Section	Born: (SON) Oliver Dean Westbrook, Zone Township, Kent County, 15th., October, 1941.

19. RECORDS

Undermentioned personnel having been attested at No. 11 A.D. & M. School, Woodstock, Ont., are taken on strength No. 1 District Depot (AF), effective 16-12-41.

STAFF- No. 11 A.D. & M.

K.76260, Sgt. FOWLER, Ernest,
Married-47-C.of E.-"C2".
A.57633, Sgt. FIELDS, Lincoln,
Married-U.C.-25-"B"
Previous service under G.O. 139/39, at No. 11 A.D. & M. from 16-10-41 until 16-12-41.

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"B"

OTHER RANKS

19. RECORDS.

STAFF- No. 11 A.D. & M. (Continued)

A.57632, Pte. PETO, Bertram, Windsor,
Married-C.of E.-39-"B1".
Previous service under G.O. 139/39 with No. 11 A.D. & M. from 18-6-41 until 16-12-41.

A.57634, Sgt. GROSVENER, Alfred,
Married-C.of E-44-"B1".
Previous service under G.O. 139/39 with No. 11 A.D. & M. from 1-9-40 until 16-12-41.

Above mentioned personnel are on command and attached to No. 11 A.D. & M. School, Woodstock, Ontario, for all purposes, and posted to "G" Section, effective 16-12-41.

Undermentioned personnel having been attested at No. 10 B.T.C. Kitchener, Ont., are taken on strength No. 1 District Depot (AF), effective 12-12-41.

STAFF - No. 10 B.T.C.

A.58275, Pte. DOWD, Gordon,
Single-Bapt. 23-"A".

A.58277, Pte. SCHLUETER, Nelson Christian
Single-Luth.-24-"A".

A.58278, Pte. KLEIN, Maurice Lester,
Single-Evan-22-"B1".

Above mentioned personnel are on Command and attached to No. 10 B.T.C., Kitchener, Ont., for all purposes, effective 12-12-41.

R.C.A.S.C. - No. 10 B.T.C.

A.58575, Pte. GATENBY, Sidney James,
Single-C.of E.-21-"A1

A.58582, Pte. HEINPEL, Howard Henry,
Single-Luth.-21-"A1".

A.58583, Pte. HAIGH, Norman Nelson,
Single-C.of E.-24-"A1".

A.58584, Pte. NICKASON, Robert George,
Single-Presby-22-"A1".

R.C.O.C.

A.58574, Pte. GARCIA, Vincent William,
Single-Pente.-21-"A1".

A.58580, Pte. ROBINSON, Arthur Gerald,
Single-Presby-21-"A1".

R.C.A.M.C.

A.58577, Pte. RICHARDSON, John Robert,
Married-Presby-21-"A1".

H.L.I. of C.

A.58576, Pte. CRITTENDEN, Wesley,
Single-C.of E.-22-"A".

Above mentioned personnel are struck off strength No. 1 District Depot (AF), on attachment to No. 10 B.T.C. Kitchener, Ont. effective 12-12-41.

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No. 1 District Depot (AF)

DAILY ORDERS PART II 19-12-41.

No.353
(SHEET VIII)

"B"

OTHER RANKS

19. RECORDS

The undermentioned off command and ceases to be attached to No. 12 R.T.C. Chatham, Ontario, for all purposes, effective 15 Dec 41. (Driver Mechanic,Phase 1) "E" Section.

E-67134 Pte. ST. CYR H.

The above mentioned is struck off strength No.1, District Depot (AF) on transfer to 1st Canadian Base Ordnance Workshop,R.C.O.C. Camp Borden, Ontario, effective 15 Dec 41. (Auth: L.C. 1435 dated 6 Dec 41.)

The undermentioned personnel off command and cease to be attached to C.A.T.S., Hamilton, Ontario, for all purposes,effective 16-12-41. (Motor Mechanics Phase III) "E" Section.

A-9729	Pte.	GUNNESS	A.L.
A-29560	Pte.	PARRATT	D.
A-57444	Pte.	SCHMITT	E.
A-57440	Pte.	SLY	C.L.

The above mentioned are struck off strength No.1, District Depot (AF) on transfer to 1st Canadian Base Ordnance Workshop, R.C.O.C., Camp Borden, Ontario, effective 16-12-41. (Auth: HQ. 54-28-1044-1 P.D.1 (A.P.3) 5-12-41.)

The undermentioned personnel off command and cease to be attached to C.A.T.S. Hamilton, Ontario, for all purposes, effective 16-12-41. "E" Section. (Motor Mechanics, Phase III).

A-57388	Pte.	BLUNT	C.A.
A-57429	Pte.	BROWN	T.A.
A-57433	Pte.	CAMPBELL	H.R.
A-57445	Pte.	HENKEL	O.
A-57469	Pte.	MAYMAN	J.E.
A-584	Tpr.	MILLER	E.J.
A-57417	Pte.	MILNE	A.T.
A-57428	Pte.	McDONALD	A.T.
A-57403	Pte.	PORTER	W.G.
A-57499	Pte.	SCOTT	E.D.
A-57433	Pte.	SHANTZ	S.
A-28481	Pte.	WHITE	A.P.
A-57383	Pte.	WORSELL	C.S.

The above mentioned personnel are struck off strength No.1, District Depot (AF) on transfer to A.5. R.C.E.,T.C. Petawawa, Ontario, effective 16-12-41. (Auth: HQ. 54-27-35-110. Org. RSI 27-10-41)(N.D. 2TS. 22-13-10, 13-12-41.)

The undermentioned off command and ceases to be attached to Mechanics Training Centre, R.C.O.C.(AF) London, Ontario, for all purposes, effective 14 Dec 41. (Phase III). "E" Section.

A-57442 Pte. LeSOUDER F.C.

The above mentioned is struck off the strength of No.1, District Depot (AF) on transfer to 1st Cdn. Base Ordnance Workshop,RCOC., Camp Borden, Ontario, effective 14-12-41. (Auth: HQS 20-1-9-L, FDAR, (AP3)d.29/11/41.

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No. 1 District Depot (AF)

DAILY ORDERS PART II 19-12-41.

No.353
(SHEET IX)

"D"

OTHER RANKS

19. RECORDS (Continued)

The undermentioned off command and cease to be attached to Mechanics Training Centre, R.C.O.C. (AF),London, Ontario, for all purposes, effective 14 Dec 41. (Phase III). "E" Section.

A-50044 Pte. JARVIS H.K.

The above mentioned is struck off strength No.1, District Depot (AF) on transfer to 1st Canadian Base Ordnance Workshop,RCOC., Camp Borden, Ontario, effective 14-12-41. (Auth: HQS 20-1-9-L, FD18, (AF3)d.29/11/41.

Having been attested at No.10 D.T.C., Kitchener, Ontario (from 1 R.R.M.A. Clearing Depot) are taken on strength No.1, District Depot (AF), for all purposes, and posted to "E" Section for Trades Training, effective 12 Dec 41.

A-58578	Pte.	SOMMERS	H. V.	Cook	Phase 1
A-58579	Pte.	MEYER	R. C.	Mtr.Mech.	Phase 1
A-58581	Pte.	ARNOLD	A. E.	Welder	Phase 1

The above mentioned on command and attached for all purposes to No.10 D.T.C., Kitchener, Ontario, effective 12 Dec 41.' (Phase 1).

(H.L. Petrei) Captarin,
Adj. No. 1 District Depot, (AF)

:DH

69th L.A.A. Battery, R.C.A.(CA)
3rd July 1941.

J. Sandman Major
President.

The 69th L.A.A. Bty. R.C.A.(CA) will proceed on special duty any date after today, 3rd July 1941.

Any soldier who by being absent without leave or by overstaying his pass or furlough, is absent when the Unit proceeds on such special duty, will be liable to be charged with desertion.

"I, the undersigned, have heard the above warning and understand exacly its meaning.

Number	Rank	Signature	Name
		(G)	
		(H)	
B2031	Gnr	Jack C House	
H5[illegible]	Gnr	[illegible]	
B8267	Gnr	W. W. Holmes	
B2019	Gnr	E E Harwood	
B67928	Gnr	C.A. Foster	
B8248	Gnr	H.C. Holmes	
B8273	Gnr	E E Hardy	
B8131	Gnr	G T Hardy	
B8104	Gnr	K.C. Hammer	
B1428	Gnr	E.H. Howard	
B8280	Gnr	C P Howard	
B.8230	Gnr	A.C. Hussink	
B.8276	Gnr	J.H. Hutchinson	
B64025	Gnr	R J Hand	
B8052	Gnr	[illegible] Hall	
A67382	L/Bdr	R.F.H. Harding	

Witness to the above signature:
Rank. [illegible] Name. [illegible]
Rank. [illegible] Name. [illegible]

K Canadian Major CAC
President

STATEMENT

By the accused, No. B-87928, Gunner Horton, C.A., No. 1 District Depot (CA) (A), London, Ontario.

QUESTION TO THE ACCUSED:

"Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED:

"I will make a statement on oath, Sir!"

No. B-87928, Gunner Horton, C.A., having been duly sworn, states:

"I was married in Guelph, Ontario, on the 31st day of May, 1941, without permission, and was arrested immediately afterwards by the R.C.M.P. at Niagara Falls, for being A.W.L. and sentenced to twenty one days detention in Wolseley Barracks after which I was returned to my Unit as Woodstock, Ontario. Being unable to get a pass, I went to Guelph Ontario, to see my wife.

Being unable to find my wife as she had moved to Woodstock, Ontario, and hearing that the civil authorities were looking for me, I made a mistake and instead of returning to my Unit, I went A.W.L.

Since then, I have obtained a divorce and am a single man and I am willing to do anything to get back into useful service of my country."

C. A. Horton

(B-87928, Gnr. Horton, C.(A.)
No. 1 District Depot (CA) (A)

CERTIFICATE OF OFFICER TAKING THE SUMMARY OF EVIDENCE

I certify that Rules of Procedure 4 (c),(d), (e), and (f) have been complied with.

Taken down by me in the presence of the accused at Wolseley Barracks, London, Ontario, this 17th day of September, 1942.

W. P. McBean

(W.P. McBean) Major,
No. 1 District Depot (CA) (A)

'L' Marquis Major OC
Occupational History Form Complete

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ORIGINAL
DUPLICATE
TRIPLICATE

M.F.M. 2
A.F.B. 271
20GM—10-40 (7370)
H.Q. 1772-39-1045

(To be completed in triplicate. Copy designation to be shown by striking out terms not applicable.)

Unit 69th. L.A.A. Bty. RCA (AF) Regimental Number B 87928

CANADIAN ACTIVE SERVICE FORCE

ATTESTATION PAPER

1. Surname HORTON
2. Christian Names CHARLES ALLAN
3. Present address Wellandport, Ont.
4. Date of birth 8 April, 1918
5. Place of birth Canada (Country) Ontario (County or Province) Wellandport (Town or Township)
6. Religion (state denomination) Baptist
7. Trade or Calling Farmer
8. Married, Widower or Single Single
9. Name of next of kin Alex Horton
10. Relationship Father
11. Address of next of kin Wellandport, Ont.
12. Do you belong to, or have you served in the Active Militia of Canada? NO
(If Yes, Give Unit and Dates of Service)
13. Have you served in (a) The Canadian Active Service Force? NO
(Yes or No)
(If Yes, Give Regimental No. and Unit)
(b) Any other Naval, Military, or Air Force? NO
(Yes or No) (If Yes, specify Unit and Period of Service)
14. Did you serve during the Great War 1914-1918? NO
(If Yes, specify Regimental No., Unit and Dates of Service)

DECLARATION TO BE MADE BY MAN ON ATTESTATION

I, CHARLES ALLAN HORTON do solemnly declare that the above particulars are true, and I hereby engage to serve in the Canadian Active Service Force so long as an emergency, i.e., war, invasion, riot or insurrection, real or apprehended, exists, and for the period of demobilization after said emergency ceases to exist, and in any event for a period of not less than one year, provided His Majesty should so require my services.

Date 25 March 41 Witness Jackson O. Bds

Charles Allan Horton (Signature of recruit)

OATH TO BE TAKEN BY MAN ON ATTESTATION

I, CHARLES ALLAN HORTON do sincerely promise and swear (or solemnly declare) that I will be faithful and bear true allegiance to His Majesty.

Charles Allan Horton (Signature of Recruit)

CERTIFICATE OF MAGISTRATE, JUSTICE OF THE PEACE OR ATTESTING OFFICER

The Recruit above-named was cautioned by me that if he made any false answers to any of the above questions he would be liable to be punished as provided by law.

The above questions and answers were then read to the recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered as replied to, and the said recruit has made and signed the declaration and taken the oath before me,

at Brantford this 25 day of March 19 41

J. D. Mathews (Signature of Magistrate, Justice or Attesting Officer.)

Lieut o.c. 69th L.A.A. Bty RCA (AF) (Office or Rank and Unit or Appointment.)

N.B. ATTENTION IS DRAWN TO THE FACT THAT ANY PERSON MAKING A FALSE ANSWER TO ANY OF THE ABOVE QUESTIONS IS LIABLE TO A PENALTY OF SIX MONTHS' IMPRISONMENT

CERTIFICATE OF MEDICAL EXAMINATION

Name in full HORTON CHARLES ALLAN

Place Brantford, Ont. Date 25 March 1941

Part 1. Information obtained from the recruit.

1. Age 22 2. Have you ever suffered from any of the following diseases?

a. Rheumatism	NO	k. Ear disease	NO
b. Tuberculosis or Pleurisy	NO	l. Eye disease	NO
c. Bronchitis or asthma	NO	m. Epilepsy	NO
d. Heart disease	NO	n. Nervous or mental disease	NO
e. Kidney or bladder disease	NO	o. Syphilis	NO
f. Gastro-intestinal	NO	p. Gonorrhoea	NO
g. Rupture	NO	q. Have you ever worn glasses?	NO
h. Varicose veins	NO	r Are you now or have you in the past received disability pension or compensation? If so, give details	NO
i. Flat or deformed feet	NO		
j. Nasal trouble	NO		

Charles Allan Horton
Signature of Applicant

Part 2. Information obtained by medical examination. The recruit must be stripped.

1. Identification marks or scars. (If operative obtain history).
   1" linear scar inner surface forearm

2. Height 5 feet 8¾ inches. 3. Weight 153 pounds.

4. Complexion Medium Eyes Blue 5. Development Good (Good / Fair / Poor)

Hair Dark Brown

6. Chest measurement—Girth on full expansion 36 inches.

Range of expansion 2½ inches.

7. Vision, right 20/20 left 20/20 8. Hearing, right CV20 left CV20

9. Condition of mouth and teeth Upper left molar cavious, Others good

10. The abnormalities (congenital and pathological) found on examination are as follows
    Ear Drums Normal
    Urine Normal
    Reflexes Normal

Part 3. We, the examiners, find no evidence of the diseases mentioned in Question 2, Part 1, except as reported in the remarks. We have examined the Recruit in accordance with the pamphlet "Physical standards and Instructions for the medical examination of recruits" and he is found fit for Category A

Special remarks when category lower than A

Rhob 29/4/41 (Interp) — President; [illegible] — Member; A J Turcotte Capt — Member

VACCINATIONS, INOCULATIONS, BOARDS, RECLASSIFICATION OF MEDICAL CATEGORY

Date	Brief details and signature	Date	Brief details and signature
25/3/41	Chest X Ray Neg Rhob		
22-4-41	TABT [illegible]		
	3		
22-41	VACC [illegible]		
4 July, 1941	Recan hrng ears reflexes normal Cat A J Duffy Major		

Record of Service of HORTON (Surname) CHARLES ALLAN (Christian Names) Regimental Number B8004

Qualifications		Educational Qualifications			
Military	NIL	High School or Collegiate	NIL (years completed)	Graduation or Matriculation	(specify)
Business or Professional	NIL				
Trade or Civil	Farmer	*College	NIL		
Technical	NIL	*University	NIL		
Languages	English		NIL		

*(Name of institution, courses or years completed, and degrees obtained to be shown)

All enlisted personnel will be taken on as Private soldiers, appointments and promotions to higher rank to be shown as provided in the space below.

Report		Record of Promotions, Reductions, Transfers, Casualties, Reports, etc., from date taken on Strength of Field Force	Rank Shown	Effective Date	Unit	Place	Authority	
Date	From whom received						Part II D.O. No. Can. List, etc.	Dated
		Joined on appointment						
25Mar41	Civil Life	4th L.A.A. Regt. A.F. and posted to the 69th L.A.A. Bty. A.F.	Gunner	25Mar41	R.C.A.	Brantford	D.O. No. 2	27 Mar.41
25Mar41		T.O.S. 69th L.A.A. Bty. A.F.	Gunner	25Mar41	R.C.A.	Guelph	D.O. No. 2	27 Mar.41
12-4-41		Awd.3 days C.B. for A.W.L.2 days 23 hrs.	Gnr.	25-4-41	R.C.A.	Guelph	D.O.No.15	26 Ap141
27/3/41		Attached to #20 C.At T.C. Brantford, for rations quarters and discipline	Gunner	27/3/41	R.C.A.	Guelph	D.O. No. 2	27/3/41
12/5/41		Is awarded 10 days Detention and Forfeits 16 Days pay.	Gnr.	12/5/41	R.C.A.	Woodstock	Do. O. No. 26	13/5/41.
13/5/41		Is attached to Branch Detention Barracks London, for All Purposes except pay.	Gnr.	13/5/41	R.C.A.	Woodstock	D.O. No. 26	13/5/41
24-5-41		Ceases to be attached to Detention Barracks	Gnr.	24-5-41	RCA	Woodstock	D.O. # 32	24-5-41
12/6/41		Awd. 21 days detention and forfeits 42 days pay under F.R. & I.	Gunner	12/6/41	R.C.A.	Woodstock	D.O. No. 46	13/6/41.
13/6/41		Is attached to Branch Detention Barracks London, Ontario. for All purposes ex. pay	Gnr.	13/6/41	R.C.A.	Woodstock	D.O. No. 46	13/6/41.

Statement of the Service of No. B8004 Rank Gunner Sheet No.

M.F.M. 1 & 2 (a)

Name HORTON, G.A.

REPORT Date	From whom received	Record of Promotions, Reductions, Transfers, Casualties, Reports, etc. (Continuation of Form 2, M.F.M. 1 or M.Fdl. 2)	Rank Shown	Effective Date	Unit	Place	Authority Part II D.O. No. Can. Lit. etc.	Dated
13/6/41		Isplaced under stoppage of pay to make good amount of $8.60 Cost of Apprehension to Niagara Falls and return to Unit	Gnr.	13/6-41	R.C.A.	Woodstock	D.O. No. 52	25/6/41.
3/7/41		Ceases to be attached to Branch Detention Barracks, London, Ontario.	Gnr.	3/7/41	R.C.A.	Woodstock	D.O. No. 59	5/7/41.
11-7-41		S.O.S. 4th L.A.A. Reg't 68th Battery on transfer to No 1 D.D.	Gnr	11-7-41	R.C.A	Woodstock	D.O. No 65	11-7-41
13-7-41	R.C.A.	TOS No.1 District Depot (AF)	Gnr.	13-7-41	No.1 DD	London	D.O.# 176	21/15-7-41
10-8-41	No.1 DD	CDV 179 insofar as it concerns the man Gnr. Horton Charged $8.60. The amount of $1.25 is to be credited to his account (Auth. C.C.V. No. 179A)	Gnr.	10-8-41	No.1 DD	London	D.O.#222	10-8-41
14-8-41	No.1 DD	Having been declared illegally absent since 220 Hrs. 5-7-41 by a court of Inquiry held at Wolseley Barracks, London, Ont. 5-8-41 is struck off strength No.1 Dist. Depot (AF) as a DESERTER effective 27-7-41. (Total forfeiture of pay 23 days) (Deficiencies $26.22)	Gnr.	27-7-41	No.1 DD	London	D.O.#226	14-8-41
28-10-41		T.O.S. No1 D.D. On Being Arrested By Civil Police at London Ont. 28-10-1941 until 2400 hrs 13-11-41 (Forfeits 17 days Pay.	Gnr	28-10-41 No1 D.D.	London	D.O.# 353	19-12-41	
28-10-41	No1 DD		gnr	28-10-41 No1 DD				
14-11-41	No1 DD	Convicted on two charges i Bigamy & Fraud at Guelph Ont. and Sentenced to the Ontario Reformatory for 1yr 6 months sentence to run concurrently. forfeits all pay from 14-11-41	Gnr	14-11-41	No1 DD	"	353	19-12-41

DOCUMENT "M"

Canadian Regiment President

FINAL ADDRESS BY DEFENDING OFFICER

Members of the Court, in the first place I would like to draw your attention to the fact that the charge in the charge sheet is incorrect in at least three particulars, showing a good deal of confusion of some kind in this case. It reads at London, Ontario....This offence, if it did take place, didn't take place in London. All the evidence both for the Prosecution and for the Defence has revealed that it took place in Woodstock. In the second place, "until apprehended by the civil authorities at Guelph... " This man was not apprehended by the civil authorities anywhere; he surrendered himself to the police, saying "I am wanted for bigamy, and I am also A.W.L. from the Army." Again, it wasn't at Guelph, it was at Welland, where this surrender took place; and then it states that on the 28th day of October, when the evidence that was brought out shows that it was the 21st day of October. This mass of incorrect statements perhaps doesn't prove very much, but it certainly proves this, Gentlemen, that the accused is not guilty of the charge according to the Charge Sheet, and I don't see how it is possible to find him guilty of any charge on a Charge Sheet like that.

Here is a prisoner, accused of desertion after having been warned to proceed on special duty, with intent to avoid so proceeding, absented himself without leave. Here is a man who comes and tells a straight story of the happenings of the 3rd of July, the time that this signature was supposed to have been appended to this document, and a straight story of what happened afterwards. There has been no inkling of evidence to disprove the statements given to you under oath, under the most rigid, stiffest cross-examination possible, and his story has not been shaken one particle, in my opinion... no evidence to disprove his testimony. Lieut. Stevenson comes before the Court, and tells us that those documents all have a certain heading, quite a sheaf of them, and yet he can't remember whether it was morning or afternoon; he thinks

it was afternoon...."early in the afternoon", I think was his statement this morning. Yet here is a lad who was released from detention that day in London, not earlier, on sworn testimony from Sgt-Major Lamb, than two o'clock, maybe three o'clock, claims he didn't get back to Woodstock until four o'clock, never attended any parade that day, and never signed any document. There has been no evidence submitted to this Court in any manner, shape or form to prove that these statements of the accused are not true. True, there is a document with a signature onit that looks like his signature, but Gentlemen, look at the three signatures onthe M.F. 1, and the signature on that form, and one of those signatures is different in a very particular way from the other three; and I submit that, if any, findings of this are certainly very very doubtful. You have this man's sworn statement that he did not sign that document, that he wasn't on parade, he wasn't warned, he wasn't warned for any special duty.

Now he is charged with desertion. I don't need to go into the idea ofdesertion. Two factors enter into it: one the idea of not returning - which he did; and the other the idea to escape some special duty. On the evidence submitted to this Court no evidence has been submitted that he was warned for this special duty. We find this boy requesting from his O.C. a pass after spending 21 days in detention - a natural thing - that he might go and see his wife in Welland. He was refused. Saturday afternoon was a holiday; he decided to slip away to Quelph to see his wife , on his sworn testimony, and be back to camp at 9.30, that night. When he got to Guelph his wife disappeared; her mother terribly upset over it. I have a letter I wrote to the Chief of Police in Guelph - there happened to be a Chief of Police Convention in some place, and they did not reply to it - to confirm this idea that her mother requested the police to find her. This boy stayed around Guelph for two or three days, and then went back

to Woodstock for a couple of hours, thinking he would find his wife there. He heard rumors she was there. Then he finds he was in a jam, and goes down to his father at Niagara Falls. This boy stayed in uniform all the time. He didn't try to hide himself. He went to Stamford, Niagara Falls, from Niagara Falls to Brantford. The last Saturday in September, he did go to a military camp in Brantford and asked to give himself up, and the sergeant at the gate says "We haven't any place for absentees to give themselves up here." The lad turns around and goes away again - all this time not hiding himself - properly dressed. Then he goes back down to Niagara Falls again, and feeling that things are getting warmer all the time, knowing that he has done wrong, thinking about this thing, he goes to Welland, walks into the Police Station and says "I understand I am wanted on a charge of bigamy; I am also A.W.L. from the army."

Now, Gentlemen, I submit that there has not been one particle of evidence submitted in this Court to prove the guilt of this man as a deserter from the Canadian Army. If there is a doubt, and there can't help but be a doubt in the minds of everyone of you, youmust find him guilty, not of desertion but of A.W.L. If his evidence under oath, and under the very stiffest cross-examination is not to be accepted, then you will have to find him guilty of the charge as laid down. But I venture to say, Gentlemen, that the evidence has certainly been not only inconclusive, but very unconvincing in every way, and no charge of guilty of desertion has been proven.

DOCUMENT "N" 111

FINAL ADDRESS BY PROSECUTOR

Mr. President and Members, the Defending Officer has called attention to certain descrepencies in the Charge Sheet.. .The President has called them "troublesome". I agree they are not material to the facts of the charge - they are unfortunate; they shouldn't have occurred. The place he went absent without leave is shown on M.F.B. 375 as London; and it is easy to understand how that mistake can be made. His Regiment was at Queens Park; all their men left behind were handed over to No. 1 District Depot on Part II Orders, without any particular description where the men were, except as to why they were handed over, such as in hospital, absent without leave and soforth. Thedate andplace apprehended in this particular case, does not make any difference to the accused's pay, because of the fact that the time at which the absence ceased to be voluntarily, whether it was the 21st, 20th or 28th, was immediately followed by civil custody, leading to a conviction, and the penalty for the civil custody followed by a convenction, is exactly the same as absence without leave; in other words, pay is lost under the Army Act for one as for the other. The President says these details are "troublesome"; but I say they do not make any material difference to the facts as laid down in the charge, which is being faced by Gunner Horton.

There has been a great deal of testimony centering around the warning order, which the prosecution places in evidence to show that Gunner Horton was warned for some special important service. Now the place on which the signature, which the prosecution claims is Gunner Horton's signature...the place on the form occupied by that signature, puts him fairly early on the parade; but the circumstances of the parade, which we have heard as given in evidence was that the parade was rather late in the day. Mr. Stevenson, who is our witness to prove the warning order, can't remember the time of day, and the Defence has tried to throw doubt on the credibility of

Mr. Stevenson, because of his failure to remember the time of day this took place. I say that that shows Mr. Stevenson is a careful witness, a witness with a tender conscience; he doesn't all ow himself to be committed to anything which he could not remember clearly; but the circumstances, that the man did not fall in for parade again after signing the warning order, and the circumstances that apparently Mr. Stevenson's duties were over when that business was finished, because he went from that to the mess, all put the thing rather late in the day. So it seems to me that the whole business could have happened. There has been a lot of time spent on the question of time spent by Gunner Horton in being released and getting himself down to Woodstock; but I submit that the evidence does not add up to an alibi, which is what the Defence is trying to establish that he could not have been there. I think if we take the chronology of all these different things, there is time for all of them to have happened. Now Gunner Horton denies being on that parade - that is his sworn testimony - and the prosecution can only say that that testimony is not believed; that we believe that Gunner Horton was on that parade, and that he did sign that warning order. We believe so because the signature on the warning order looks like his signature; it is a very very characteristic signature: there is a capital "H" that is very very characteristic - there is a little trick of bringing the tail of the end back, which appearas in every time, but sometimes.....We don't have to produce a handwriting expert in a Court of this kind. Nevertheless, I think that the Court has seen enough, and enough similarity to suggest a number of important peculiarities in the various signatures which have been put in evidence to reach their own conclusion that the same hand signed the three or four or five different signatures which have been put in evidence, including the signature on the warning order.

In spite of all this special orwarning order, I submit that in order to prove desertion in the sense of paragraph 20, page 19 of the Army Act, a warning order is not necessary; and it seems to me very very strange that Gunner Horton was able to go back to Woodstock from detention on the 3rd of July, and no know that his unit was warned for overseas. Certainly if anybody was around here last night they would have known that there were a bunch of men who were going overseas. The air was full of it. Everybody is excited, and everybody knows about it; it is a thing that has happened - little enough happens to you in the army, and when anything happens everybody gets excited about it....that Gunner Horton was able to go back to Woodstock from detention and stay there two days, not knowing that his own unit was going overseas, I find definitely incredible. They did go overseas; and the effective date on which transfers were made of the men who could not be take, was the 13th; that is ten days after. And the date of that warning order is the effective date... the effective date was the same day, the 3rd of July. So we have here a set of circumstances, the essentials of which have been proved, and which add up to desertion within the meaning of the act, within the second meaning, the intention never to return. I feel that there is also a pretty good case against Gunner Horton under the primary meaning - the straight intention not to return . It is true that he did give himself up, but he gave himself up on another charge...He naturally mentioned the second one at the same time. In some part of his statement he says he knew the law was after him; and I am prepared to go considerable distance in showing that the primary meaning of desertion is also a thing we could have proved in this case. However, I don't think it is necessary; it is a question of unit being moved overseas because of a warning order.

I submit, Mr. President and Gentlemen, that the evidence which has been laid before you is clear proof of the charge against Gunner Horton.

DOCUMENT "O"

In Canadian Air Force
President.

SUMMING-UP BY JUDGE ADVOCATE

I think this a case wherein I should sum up. It is an experienced Court so I need not take long in summing up what is the law of desertion. A very good definition of the two kinds of desertion is contained on page 19 of the Manual, with which we are all familiar. One kind of desertion is where one goes absent without leave, and intends never to come back to any portion of His Majesty's Service; that is to say, as it reads in the act - the offence of desertion implies an intention on the part of the offender either not to return to His Majesty's Service at all, or to escape some particular important service as mentioned in para 20.... It is, as I see it, two forms of desertion.

This charge before you today is a charge of desertion in that the man went absent with intent to avoid proceeding, after having been warned; so that the draftsman of the charge has confined himself to this particular instance. It is a charge of desertion in that the man, after having been warned to proceed on special duty, absented himself without leave. That throws upon the prosecution the onus of proving that the man was warned to proceed on special duty. Before proceeding on that, in order that the question of the difference in the particulars might be cleared up - the draftsman of this charge, or the man who prepared the charge, the Officer Commanding No. 1 District Depot, was confined to his information at the time he laid the charge, to the documents Exhibits "G", "H", "I", "J", "L"; Exhibit "K" was the Summary...the signature on the summary, if you will recall it. Now the evidence before the draftsman of the charge therefore shows that the particulars as shown in the charge sheet were in fact the particulars at that time. If, in fact, these documents which are the only available things before the draftsman of the charge, if in fact they are wrong, that is for the defence to prove that they are wrong, and they can be w righted. If in fact, as it now appears,

this man left from Woodstock, then 375 has erred in stating he went absent from London. You have the evidence of the policeman who was called, and picked him up at Welland; you have the evidence of the man himself, and the evidence of Mr. Stevenson, that it was at Woodstock, where this warning was given; and the evidence of the man himself that he went absent from Woodstock. I am of the opinion, and I so give my opinion to the Court, if it sees fit to bring in a special verdict as to the change to be made in those particulars in view of the evidence which has been produced before it: that is to say, the evidence that it was at Woodstock from which he went absent, it is proper.

Now then let us get to the apprehension at Guelph: it is stated by the accused he gave himself up in Welland on the 21st, and it is stated by the former police officer from Guelph, that he went to Welland and got him on the 28th. Again, the Part II Orders were in that respect deceiving. May I point out in this regard that at the time of the taking of the Summary it was within the knowledge and the sole knowledge of the accused to tell the draftsman on that occasion when he heard the charge read, as he must have, "well you are wrong here, you are wrong there.....; and do not forget that he cannot be cross-examined upon any statement or questioned upon any statement he may make at the Summary. So that, if the accused, having heard these particulars taken at the summary, and knew they were wrong, can he now be heard to come into the Court, after the charge has been laid, and having held to himself something which ispeculiarly within his own knowledge, now take advantage of something which he knew and could have disclosed at that time? That is for you and the Court to decide.

Now let us consider the particulars in so far as they apply....It reads, after having been warned for special duty, and with intent to escape proceeding, absented himself....

The Prosecutor files Exhibit "J",to substantiate the charge he calls Lieut. Stevenson, a member of the staff of No. 11 A.D. & M. School, Woodstock. After looking at Exhibit "J" as he is entitled to do, says "Yes...onthe day in question, the 3rd of July, in the afternoon...I can't say whether early or late.... but sometime in the afternoon. When we finished up, I know it was close to supper time...I can't swear in a year, what hour it was but I do remember that the 69th Battery were brought before me, one by one at the special request of Major Gossage. I do remember the place they were brought to....they were brought to me in the hall between H- hut, which is now known as so-and-so... I do remember that they came before a desk, and that somebody was calling out the names, and as a name was called out a man stepped up, and on a blank sheet of paper, of which this is one, he put down his own number, his own rank and his own name." I find on this Exhibit "J", the 5th name down is B.87928, Gnr C.A. Horton, and he was in the 69th Battery, and he was at Woodstock on the 3rd of July. It is true that at first Gunner Horton says that is not my signature, but under cross-examination, he says "Well, it looks like my signature, but I never signed anything with writing on it like that." When he was asked did he sign a blank sheet, he said "I don't think I did." When he is confronted with the signature which is submitted on Exhibit "L", he finally ends up by saying "It looks like my signature, but if I signed it I have forgotten." In the face of that you have the actual routine of it. Lieut. Stevenson said they were paraded in alphabetic order, and he eye-witnessed the signature on each paper.

Gunner Horton was also asked if there was anybody in the Battery who had forged or was there any reason why anybody would forge his name, to which he answered "No, I can't say why anybody could." Now there is something about this being a blank sheet of paper. Gunner Horton gives his age....born

in 1918, over twenty-one. A man of twenty-one years of age is presumed to know the kind of document to which he is appending his name. A man of twenty-one doesn't sign a note in blank and get away without paying it. He doesn't sign a contract without reading it; if he does he is stuck with it. So the whole thing comes down to whether the Court believew Horton when he says he did not sign that, or whether , or whether they believe the contents of all the exhibits filed and the evidence of Mr. Stevenson that he did sign it, and therefore he is taken to have gist and contents of the document which he signed.

Mr. Stevenson says he saw those signatures put on, heard the names called; as a name was called the man stepped up in alphabetical order. And on that I see B.87928 Gnr. Horton. When he says he does not know the man - I can't see how he would know the man. I would be very likely tempted to advise the Court, if he said he did know the man - I don't think he could remember a man's face that he saw that day. When Gunner Horton says he never saw Stevenson before - he might say that he never saw Stevenson before, when he only saw him for the flash of a moment when he signed this....I wouldn't blame hi m for that at all. I would say that Mr. Stevenson is such a man that he can't take a look at a man and come back in a year and say that "I know that man." That he would be either a superman or some person that nobody would believe.

It might also be pointed out that there is nothing particular about the man's behaviour to make him remember. If one of these gunners or bombadiers had been walking up there drunk and cursing and swearing, he might remember; but when a decent soldier comes up and signs his name, and walks on, I doubt very much, in the fleeting glance, that unless he is a freak of nature, that he would remember.

A great deal was made of the fact that Mr. Stevenson could remember that these sheets were all alike f except for the fact that some of them had different letters on. I venture to say that every officer here is perfectly able to get up and say that M.F.M. 2's that he has seen are exactly alike; this is a form prescribed by Routine Orders. I doubt very much if any officer, in a case of this kind, would permit a man to sign a sheet that was blank. He would be open to grave discipline, I must say, if he permitted a man to sign a blank sheet when it was meant for the very purpose for which this was being used.

Now going on further...The form of this is laid down - I have forgotten whether it is inRoutine Orders or in a circular letter, but I have seen it; it came from Ottawa; that is the form laid down by Ottawa to be filed. You have got also this to consider in Gunner Horton's arrival back to the Battery sometime in the afternoon of the 3rd of July; if he was let out of here at the regular hour, one or two o'clock, he would get back to Woodstock in due course, somewhere around three or a little after...by truck - thirty miles. He himself says in his evidence he thought it was about 1.30. Under those circumstances I think the Court can accept it that he left here about two or nearly two as he could have gotten away. This parade took place after the men had done their ordinary day's work; they had been out recruiting, and had come back. That was the evidence of the accused himself. The Battery had been out recruiting and came back in. This parade was then formed up,and then what happened...certainly most of the Battery accepted it - most of them did - very few of them stayed behind. What does he do? The Court is entitled to take this into consideration, because it is in evidence. He had just spent 21 days in London, and it was the first freedom he had had for 21 days, and he was a newly married man - he asked for a pass, and

didn't get one. After a warning order like this nobody gets a pass. That is the reason for the warning order. It has the effect of being an order to stand to, and people are not given passes when they are standing to. You are entitled to consider that.

It is not my opinion, and I will agree that it is not my opinion, but if you have any reasonable doubt in the matter you must find him not guilty of the charge, but , under Section 56 you may find him guilty of absent without leave. A pass at any time, embarkation or otherwise, is not a matter of right, but a matter of privilege; and if the Officer Commanding the 69th Battery at that time was of the opinion that a leave should not be granted, it was perfectly within his right to refuse all leaves.

I don't want to drag it out any longer: it is up to the Court to either believe the evidence of the accused, and refuse this documentary evidence, Exhibit J, K & L, or to believe the documents "J", which purports to have his signature on it. And if the Court thinks that after having received this order he deliberately went absent , then I say to the Court you are at liberty to come to the opinion that he went absent without leave with the intention of avoiding the service - if you believe the documents. If you do not, or if, as I say, you have any doubt whatsoever in the matter then in that event you must resolve that doubt in favour of the accused, and find him not guilty of desertion, but guilty of absence without leave.

If I have expressed any opinion, the President of the Court is an able, trained man, many years experience at the Bar, and he has been in the positionof Judge at the Bar; he has been Master of the Supreme Court where he has had to make his own decisions, he will not be influenced by any opinion I have made, or seemed to have made.

'Y' For American Major CA President

M.F.B. 355
H.Q. 1772-39-620
10M-8-40 (M19)

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B-87928	Gunner	Charles Allen Horton,	No. 1 District Depot (CA)(A)

1. The following is a fair and true summary of the entries in the ~~Regimental and Squadron Books~~ Service and General Conduct sheets or ~~Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For		times	Absence without leave	3 times
For	NIL	times		times
For		times		times
For		times		times

~~Number of consecutive days of distinguished conduct~~

~~or,~~

~~Number of years in the order of merit of the unit~~

~~Note: Do not include in this summary the entries for drunkenness and breach of quarantine~~

~~2. The accused has not previously been convicted~~

~~or,~~

Previous convictions of the accused by a ~~court-martial~~ or a civil court, ~~or summary awards under Section 47 of the Army Act and dispensations with trial under K.R.&O.~~ are set out in the Schedule annexed to this statement.

~~3. The accused is not under sentence at the present time~~

~~or,~~

~~The accused at the present time is under sentence for ..... beginning on the ..... day of ....~~

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and ~~6~~ 12 days in military custody, making a total of ~~6~~ 12 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 24 years 5 months

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 25th March, 1941

7. The service which the accused is allowed to reckon towards discharge is 1 $\frac{183}{365}$ year

8. The accused is entitled to reckon 1 $\frac{183}{365}$ yr service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force award~~ military ~~or is in possession of or entitled to the following air force decoration or award military~~

10. ~~(If the accused is a warrant officer) The accused before he was made a warrant officer held the regimental rank of .....~~

138

11. (In the case of an officer) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by court-martial or civil court, ~~or summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with on the ground~~ Number B-27925 Rank Gunner

Name Charles Allen Horton of No. 1 District Depot C.A. Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
Police Court Guelph, Ontario.	14th November 1941 Guelph, Ontario	Bigamy and Perjury	12 and 6 months definite to run concurrently	2 months

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 29th day of Sept. 1942.

(H. C. Lowther) A/Adjutant Capt.
No. 1 District Depot (CA) (A)

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" signed by the president, and annexed to the proceedings.

Zaparadnian Regt CAC
DOCUMENT "P" President.

ADDRESS BY DEFENDING OFFICER IN MITIGATION OF SENTENCE

Gentlemen, thereis very little I have to say, very little needs to be said. I have been in close contact with this lad , his record is not good with the Army or in civilian life; but I have been in close contact with him for the last few days, and I have found him to tell a straight story, and always tell the same story. I have asked him definitely about the matter of the question of escaping the draft, and he says "Padre, I want to go overseas; if they will put my name on the draft today I will go." "I didn't try to escape the draft..." As I have said, I have found him to tell a straight story. He knows he is going to be punished; he knows it is coming to him. The only thing I can ask is that This Court.....And may I quote from No. 17, page 19, "Further,

even assuming that he is charged with desertion the Court that tries him should not find him guilty of desertion unless fully satisfied on the evidence..." I would ask for leniency, that your feelings in this matter may not override the evidence submitted, and any break that the lad can get should be given to him. He promises me that when he gets out he will be a good soldier. He has learned his lesson, he claims, and if the Court is fair with him that he will do the job that he started out to do.

Interrogation
Pres

MEDICAL OFFICER'S REPORT

I certify that No. B-87928 - Gr. Horton. C. H.
of 69th L.A.A. is in a Fair state of health,
and Fit. to undergo Trial by Court Martial.

D. R. Campbell Capt.
Medical Officer RCAMC
Ass No 1 MD (CA)

Station No. 1 D.D. "A"

Date Sept 23 - 1942.

M. F. B. 246
BBM—9-41 (1763)
H.Q. 1775-39 480

H.Q.C. C.55-H-291 CONFIDENTIAL

M.F.D. 8978
10M—4-40 (1465)
H.Q. 30-4-49

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

405-H-3160

SUBJECT DISTRICT COURT-MARTIAL

CPL. F.R. HARVEY, B-78801

IRISH REG T OF CANADA.

DEAD

CONFIDENTIAL
H.Q.C.C. 55-H-291

CENTRAL REGISTRY	DATE	F.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
OCT 15 1942	10 42				(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "pap. to file") With papers	CR	9/10/42
					With Papers C.R. OCT 24 1942		
OCT 20 1942	28 10 41	Paraph		AD	2 note + PA	Wills	26/10/42

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-291 (J

RECEIVED OCT 27 1942 A.D.

October 26th, 1942.

General Officer Commanding,
7th Canadian Division, C.A.,
Debert, N.S.

District Court-Martial

B.78601 Cpl. Francis Reginald Harvey,
Irish Regiment of Canada, C.A.

Receipt is acknowledged of your 7D/5-4-5-12 dated 21st October 1942, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

Brigadier,
Judge Advocate-General.

EBB/DC

Mr Bell
o/ymelkowski
10 wrn
28/10/42 PDR

500-6-42(M1255)

84044

IN REPLY PLEASE QUOTE
No. 7B/5-4-5-12

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

H.Q. 7 Cdn Div C.A.,
DEBERT, N.S., 21 Oct 42 194

CENTRAL REGISTRY Army
COMF. SEC.
OCT 23 1942
File 55-H-291
Chgd. to
Referred to JAG.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court Martial
B. 78801 Cpl. Francis Reginald Harvey,
Irish Regiment of Canada, C.A.

Reference H.Q.C. 55-H-291 JAG dated 14 Oct 42:-

1. The irregularities pointed out in the above mentioned letter have been brought to the attention of the Officers concerned, for their future guidance.

2. The Proceedings of the trial by District Court Martial of the marginally named soldier, are returned herewith, with certified copies of the Discharge Certificates included.

(P.E. LEGLERC), Major-General,
General Officer Commanding,
7th Canadian Division, C.A.

Encl's

NAT. DEF. B. 448
2,000 M—4-42 (4522)
H.Q. 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Debert Military Camp, N.S.

on the 29th day of September 1942 by order of Major-General P.E.Leclerc, MM. ED. Commanding 7th Cdn. Div., C.A.

dated the 27 day of September 1942.

President.

Major K. P. Harris, M.M., W.N.S.R., att'd H.Q., 7th Cdn. Div., C.A.

Members.

Capt. G. A. Hambly, Toronto Scottish Regt., C.A. H.Q., 7th Cdn. Div., C.A.

Lieut. J. H. Patton, V. R. of C., C.A., Att'd H.Q., 7th Cdn. Div., C.A.

Capt. E. K. McDougall, A.D.J.A., 7th Cdn. Div., C.A.
Judge Advocate.

Trial of *B-78801 Cpl. Francis Reginald HARVEY, Irish Regt. of Canada, C.A.

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

~~[illegible]~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Capt. S. C. Bell, Irish Reg't of Canada, C.A.

~~Counsel‡~~ defending officer† Capt. N. H. Shaw, Irish Reg't of Canada, C.A.

At 9.00 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q. *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A. *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

(1)

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

K P Harris Major.
President.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

B

The President, members and judge-advocate are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q. 2 Do you object to L22010 S/Sgt. Bulmer, N.C., C.M.S.C., att'd H.Q., 7th Cdn. Div., acting as shorthand writer?

A.2 No, sir.

L22010 S/Sgt. Bulmer, N.C., C.M.S.C., att'd H.Q., 7th Cdn. Div., C.A. is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

Answer.

A.3 Not guilty, sir.

Q. 4. Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Not guilty, sir.

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to xxxxxxxxxxxxxxxxxxxx charge, the provisions of Rule of Procedure 85 (11) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B2 F. P. Hanna Major President

CHARGE SHEET

The accused B78801 Corporal FRANCIS REGINALD HARVEY, the Irish Regiment of Canada, C.A. a soldier of the Canadian Army, placed on Active Service, is charged with.

FIRST CHARGE (When on Active Service) ABSENTING HIMSELF WITHOUT LEAVE

SEC. 15 (1) in that he

ARMY ACT at Gaspe, Quebec, at 1000 hours the 5th day of August 1942, absented himself without leave from "C" Company, the Irish Regiment of Canada, C.A. until apprehended at Jarvis and Queen Streets, Toronto, Ontario at 1050 hours 11th September 1942, dressed in Military uniform: the total cost of apprehension and return to his corps amounting to $21.85.

SECOND CHARGE LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING, AND REGIMENTAL NECESSARIES

SEC. 24 (2) in that he

ARMY ACT at Debert Military Camp, Debert, N.S., on or about the 23rd day of September 1942 was deficient of:-

Belts Waist Leather Brown	1	Value	.37
Jackets, K.D.	1	"	3.12
Jacket, Sweater	1	"	1.38
Trousers Khaki Drill, Pr.	1	"	1.67
Shirts Service	2 @	.84	1.68
Flashes Pair	1	Value	.35
Kilt	1	"	25.00
Buckles Brass	1	"	.25
Buttons, C.G. Large	4 @	.01	.04
Buttons C.G. Small	4 @	.01	.04
Covers mess tins	1	Value	.08
Frog Bayonet	1	"	.34
Tins Mess	1	"	.69
Detector Powder 4 oz #1	1	"	.05
Housewife	1	"	.51
Bags Kit	1	"	.78
Brushes Boot Blacking	1	"	.15
Brushes Boot Polishing	1	"	.15
Brushes Button	1	"	.15
Brushes Cloth	1	"	.24
			$37.04

J.H.S. Broughall

Debert Camp, N.S.
23 September 1942

J.H.S. Broughall, A/Major
A/C.O. The Irish Regiment of Canada, C.A.

TO BE TRIED BY DISTRICT COURT MARTIAL

H.W. Wallace Lt Col
A.A.&Q.M.G. 7th Div

DEBERT, N.S.,
27 Sep 42

(P.E. LECLERC), Major-General
General Officer Commanding
7th Canadian Division, C.A.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Question. Q.5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.5 No Sir

The prosecutor makes an opening address [~~[illegible]~~ 8KIII, which is read, marked "Q", signed by the President, and attached to the proceedings].

The prosecutor proceeds to call witnesses.

First witness for prosecution. } Captain L.H.C. Payne, Irish Regt of Can (C.A.)

being duly sworn, is examined by the prosecutor.

Q.6 Captain Payne, will you give to the Court your rank, name, initials and Regiment, please.

A.6 Acting Captain L.H.C. Payne, The Irish Regiment of Canada, C.A.

Q.7 Captain Payne, I have various documents which I wish you to produce to the Court.

A.7 I present to the Court the following documents: (1) Part II Order No. 7 of "C" Company, the Irish Regt of Can (C.A.) dated 10 Aug 42 (Read by the President of the Court and marked exhibit "G" and attached to the Proceedings). (2) the next document is Part II Order No. 14, "C" Company the Irish Regt of Can (C.A.) dated 28 Aug 42 at Gaspe, Quebec. (Read by the President of the Court and marked exhibit "H" and attached to the proceedings). The next document is a record of the declaration of a Court of Inquiry assembled at Gaspe Defences Headquarters on 27th August, 1942, which shows the deficiencies of kit of the accused. (Read by the President of the Court and marked exhibit "I" and attached to the Proceedings). The next document is a certificate of apprehension, M.F.M. 216 which indicates that Corporal Harvey was apprehended in Toronto, Ontario. (Read by the President of the Court and marked exhibit "J" and attached to the Proceedings).

Q.8 Captain Payne, can you make a declaration to the Court that all these documents refer to the accused.

Judge Advocate
As that is a leading question we cannot allow it.

Q.9 Captain Payne, can you declare that these documents refer to the accused.

Judge Advocate
You are still leading the witness.

Q.10 To whome do these documents refer.

A.10 They refer to the accused, Corporal Harvey, Sir.

The Defending Officer declines to cross examin the witness.

In the opinion of the Court and the Judge Advocate, it is unnecessary to comply with R.P. 83 (b)

The witness withdraws.

Second Witness for Prosecution Major R.D. Glendening, The Irish Regiment of Canada C.A. being duly sworn, is examined by the prosecutor:

Q.11 Major Glendening, what is your position in the Irish Regiment of Canada, C.A.

A.11 I am Company Commander of "C" Company, The Irish Regt of Can C.A.

Q.12 Where was your Company located between the dates 2nd August, 1942, and 6th August, 1942.

A.12 Headquarters, Gaspe Defences, Quebec.

Q.13 Was the accused a member of your Company at that time.

A.13 He was Sir

Q.14 Do you recognize the accused.

A.14 Yes

Q.15 Major Glendening, will you explain to the Court in your own words the circumstances surrounding the accused between the dates 2nd August and 6th August, 1942.

A.15 Corporal Harvey came to me and requested a pass to go to Matapedia, it is the main road junction. I gave him a 48 hour pass, or, if he had any difficulty getting to there or back, a further extension would be granted to him. The pass was made out from 2nd August, 1942, to the morning of the 5th, and at morning roll call Corporal Harvey did not answer his name. The next day I received a telegram stating that he had difficulty getting back and that he should be leaving Campbelltown on the 6th. However he did not appear and I have not seen him until he appeared before me on this charge of Absence without Leave.

Cross examined by the Defending Officer:

Q.16 Major Glendening, when Corporal Harvey asked you for this pass, did he explain why he wanted it.

A.16 Yes, he requested a pass to meet a relative whom he said was willing to loan him some money.

Q.17 And you sympathized with him.

A.17 Yes

Q.18 When you received his telegram, were you surprised.

A.18 No, we have had difficulty in getting out of Gaspe and I was quite willing to accept his story.

Q.19 Since this Regiment has been mobilized, you have, I believe, performed the duties of either Acting Company Commander, or Company Commander, from time to time.

A.19 Yes

Q.20 In the course of those duties, you have had considerable experience with the offence of men being Absent without Leave.

A.20 Yes I have.

Q.21 Is it your experience that a man intending to go absent without leave from a pass acts as this man did in telegraphing you as to the date of his return.

A.21 At the time of sending the telegram I would say that he intended to come back.

Q.22 How long had Corporal Harvey been with your Company.

A.22 Approximately two weeks.

Q.23 He had come to your Company from another Company.

A.23 Yes, from Headquarters Company.

Q.24 What were his duties with your Company during those two weeks he was with you.

A.24 He was Training N.C.O.

Q.25 Were you satisfied with his performance as Training N.C.O.

A.25 When Corporal Harvey wants to apply himself, he is one of the best instructors we have in the Battalion.

The Prosecuting Officer declines to re-examine the witness.

In the opinion of the Court and the Judge Advocate, it is unnecessary to comply with R.P. 83 (b)

The witness withdraws.

Third witness for Prosecution B. 78602 Sergeant J. Leitch, The Irish Regiment of Canada, C.A.

being duly sworn is examined by the prosecutor

Q.26 Sergeant Leitch, will you state, in your own words, what took place in Toronto on the 16th September, 1942, and what orders you received from your Commanding Officer.

A.26 Sir, while on embarkation leave I received instructions from my Commanding Officer to report at M.D. No. 2 for the purpose of escorting Pte. Roddy and Pte Robson back to Debert Camp, N.S. On reporting to Stanley Barracks the morning of the 16th September, 1942, I was informed by the Sergeant in charge --

Judge Advocate

Never mind what you were told by the Sergeant in charge, just tell us what you did.

--I took in charge Privates Roddy and Robson, also Corporal Harvey returned with me under open arrest. I received warrants for the railroad tickets and meal tickets at the Union Station, Toronto. I handed Corporal Harvey his railroad tickets and meal tickets . I travelled with the party until reaching the Battalion Orderly Room at Debert, N.S., where I reported to the Adjutant. I was ordered by the Adjutant to place all the men in the Guardhouse, which I did. That is all Sir

Q.27 Sergeant Leitch, will you present these documents to the Court.

A.27 I here produce M.F.B. 1482 and M.F.B. 1481.

Judge Advocate

I must advise the Court that, in my opinion, neither of these documents are properly made out and should not be allowed in the record. Neither of these documents are signed by the Officer who actually issued the warrants.

The Court refused to accept the documents in question.

The witness is cross examined by the Defending Officer.

Q.28 You brought Corporal Harvey back under open arrest, is that correct.

A.28 Yes Sir

Q.29 Did you have any trouble on the way down.

A.29 No Sir

Q.30 Would you state that his conduct whilst in your charge was very soldierly.

A.30 He was very good Sir.

The Prosecuting Officer declines to re-examine the witness.

In the opinion of the Court and the Judge Advocate, it is unnecessary to comply with R.P. 83 (b)

The witness withdraws.

Fourth Witness for Prosecution B. 78504 A/CQMS Bain, C.M.

being duly sworn is examined by the prosecutor

Q.31 Will you give to the Court the circumstances surrounding the deficiencies in kit of the accused.

A.31 Being attached to "C" Company and being sent up to Gaspe from Mulgrave, I took over from C.Q.M.S. Farmer, now discharged. Corporal Harvey's kit, which had been collected by C.Q.M.S. Farmer, had been placed for safe keeping in his stores. The list of deficiencies which have already been submitted--

Judge Advocate

Submit the list again, please.

--The list of deficiencies which I now submit, are, to the best of my belief, correct Sir.

Judge Advocate

Q.32 You have checked the equipment which was returned against the equipment which is missing and you are now prepared to swear that the total deficiencies which are shown here amount to $37.04, and you have personally checked all these items.

A.32 Yes Sir

Q.32 Will you please state these deficiencies.

A.32

Belts Waist leather brown,	value	.37
Jackets, K.D.	"	3.12
Jacket, sweater,	"	1.38
Trousers, K.D. pr	"	1.67
Shirts Service 2 Pair @ 84		1.68
Flashes pair		.35
Kilt		25.00

Buckles Brass, value		.25
Buttons C.G. Large	4 @ .01	.04
Buttons C.G. Small	4 @ .01	.04
Covers Mess Tin		.08
Frog bayonet		.34
Tins mess		.69
Detector powder 4 Oz		.05
Housewife		.51
Bags kit		.78
Brushes boot blacking		.15
Brushes boot polishing		.15
Brushes, button		.15
Brushes, cloth		.24
Making a total, Sir, of		$ 37.04

Prosecuting Officer

Q.33 At what charge were the clothing and regimental necessaries valued in this list.

A.33 Full value Sir

Judge Advocate

Q.34 Then this amount of $37.04 shows the total value of these items and not 75% of the value.

A.34 No Sir, they are shown at full cost.

The Defending Officer cross examines the witness:

Q.35 You have told the Court that these articles are valued at full cost, how do you arrive at this.

A.35 From the list of prices submitted by the Regiment.

Q.36 By the Regiment?

A.36 From the Regimental price list.

Q.37 As to one article, namely the Kilt, how was the price of $25.00 arrived at, as I understand that this article is not Government property but rather Regimental property.

Prosecuting Officer

I object Sir, as I understand these Kilts belong to the Government at this time.

Judge Advocate

We are only concerned with establishing the value of the Kilt. Whether it is Government or Regimental property is of secondary importance. Under the circumstances, it is a matter to be decided by the Court.

Prosecuting Officer

Q.38 How is the value of the Kilt arrived at.

A.38 It is a Regimental custom to set the value of the Kilt at 25.00.

Q.39 Do you know in what condition this Kilt was in when it was issued to the accused.

A.39 I could not say Sir

Q.40 Was it in good condition.

A.40 Yes Sir

Q.41 Do you know how old this Kilt was.

A.41 No Sir

Q.42 It amounts to this then, the valuation you placed on the kilt was not a valuation placed on it by your own knowledge, but was heresay.

A.42 Yes Sir

Q.43 I understand that the kilt is being forwarded to the Regiment. You have not received it yet.

A.43 I have not received it yet, Sir

Judge Advocate

There is no evidence before the Court to show that the Kilt is being returned. If this Kilt is returned at a later date, and if the accused is found guilty of this charge, it will not be charged against him.

Prosecuting Officer

If there is doubt as to where the amount was obtained as to the cost of the Kilt, the Prosecution would like to bring forward another witness who could give evidence as to the cost of the Kilt.

Judge Advocate to Defending Officer

Q.44 Have you any objection to the Prosecuting Officer bringing another witness before this Court in an endeavour to establish the value of this Kilt

A.44 No objection Sir

Judge Advocate to Prosecuting Officer

Q.45 Who is this witness

A.45 Captain George R. Duncan, Quartermaster, The Irish Regiment of Canada, C.A.

In the opinion of the Court and the Judge Advocate it is unnecessary to comply with R.P. 83 (b)

Fifth Witness for Prosecution

Captain (Q.M.). George R. Duncan, The Irish Regiment of Canada, C.A.

The witness withdraws.

being duly sworn is examined by the Prosecutor

Q.46 In what capacity do you act in the Irish Regt of Can C.A.

A.46 As Quartermaster

Q.47 Will you give to the Court what you know in reference to the value placed on Kilts in the Irish Regiment of Can. C.A.

A.47 These Kilts were purchased some time ago from Beecham & Howe, at a charge to the Regiment of $25.00 each. They are Regimental clothes, not government property, therefore they do not come under the rules of reduced rates for length of wear. To replace this Kilt it would cost the same amount as when bought.

Cross examined by the Defending Officer:

Q.48 You have a certain number of Kilts in your stores at present.

A.48 Yes

Q.49 Are they all worth $25.00

A.49 No Sir, but to replace them it would cost $25.00 each.

Q.50 Do you always, when issueing a Kilt, issue a new one.

A.50 No Sir

Q.51 So that it might follow that if you issued a worn Kilt to a man, and he lost it, you would charge him $25.00

A.51 That is the custom.

Q.52 What is the basis of that custom.

A.52 I couln't say

Q.53 Have you any knowledge of the Kilt issued to Corporal F.R. Harvey.

A.53 I do not know anything about the Kilt issued to Corporal Harvey, but it would not be a new one, as he has had it for some time.

Q.54 So, of your own knowledge, you could not say what the Kilt at this time would be worth.

A.54 No Sir

Re-examined by the Prosecutor:

Q.55 When a Kilt is lost in the Regiment, what are the circumstances surrounding such a loss.

Judge Advocate

I dont see how the witness can answer that question. I would like to point out to the Court that both the President of the Court and one of the members are at present serving in Regiments which have Kilts. For this reason I think that the value of the Kilt and whether any value can be charged at all may be left to the Court. I stand corrected on my first sentence, what I meant to say was the President was a member of a Highland Regiment in the last war. If you leave the case in the hands of the Court they will decide upon the value of the Kilt and whether it is to be charged at all. With Kilts as expensive as this, I am surprised a Scotchman ever thought them up.

In the opinion of the Court and the Judge Advocate, it is unnecessary to comply with R.P. 83 (b)

The witness withdraws.

EWM

EWM

EWM

D

The prosecution is closed.

Defence

Q.56 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.56 *Answer.* Yes Sir

Q.57 *Question.* Do you intend to call any other witness in your defence?

A.57 *Answer.* No Sir

Question. ~~Is he a witness as to character only? [illegible]~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. ~~The accused in his defence says:~~

~~Handing a written address which is signed, marked signed by the President and attached to the proceedings.~~

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for Defence — B. 78801 Corporal Francis Reginald HARVEY, The Irish Regiment of Canada, C.A.

Having been duly sworn is examined by Defending Officer

Q.58 You are Corporal Francis Reginald Harvey, The Irish Regiment of Canada, C.A.

A.58 Yes Sir

Q.59 You are the accused N.C.O.

A.59 Yes Sir

Q.60 You have been charged, and the charges have been read out to you, and in order to establish for the benefit of the Court background surrounding this offense, will you give to the Court a brief resume of your military career.

A.60 At the age of 14 I enlisted in the Imperial Army, namely the King's Royal Regiment , with whom I served for 4½ years, during which time I served 3 years in India and Egypt. Upon coming to this country in 1922 --

Defending Officer

Q.61 May I interrupt; what were the circumstances surrounding your release from the Imperial Army.

A.61 In 1922 the big reduction of the British Army took place and quite a number were allowed to obtain their discharge to civilian life.

Q.62 You were one of those men.

A.62 Yes Sir

Q.63 What did you do when you came to Canada.

A.63 On my arrival in Canada in 1922 I enlisted with the Royal Canadian Horse Artillery in Kingston, Ontario, being a member of their band.

Q.64 You served with them how long.

A.64 Three years Sir

Q.65 Why were you discharged from that Unit.

A.65 I wished to go to the Royal Canadian Regiment, Headquarters London Ontario.

Defending Officer

I produce copy of Discharge from the Royal Canadian Horse Artillery.

Q.66 Is this the certificate you received upon discharge from Royal Canadian Horse Artillery.

A.66 Yes Sir

The certificate was read by the President, marked as exhibit "K" and attached to the proceedings.

Q.67 On leaving the R.C.H.A., you say you joined the Royal Canadian Regiment.

A.67 Yes Sir

Q.68 How long did you serve in that Regiment.

A.68 5½ Years Sir.

Q.69 What were the circumstances of your leaving that Regiment.

A.69 I purchased my discharge upon wishing to return to civil life.

Q.70 I produce what purports to be a Certificate of Discharge of Corporal F.R. Harvey from the Royal Canadian Regiment, dated 2nd February, 1933; is this the Certificate you received.

A.70 It is Sir

The certificate was read by the President, marked as exhibit "L" and attached to the proceedings.

Q.71 What Unit did you join next.

A.71 The Non-Permanent Active Militia Sir, The Irish Regiment of Canada.

Q.72 What year

A.72 1934 Sir

Q.73 With what rank.

A.73 Sergeant, Sir

Q.74 Did you, or did you not, continue with that Unit until the outbreak of war.

A.74 I did Sir

Q75 At the outbreak of war, what did you do.

A.75 At the outbreak of war I was sent to Camp Borden, Ontario, with a Detachment of men to perform guard duties with the R.C.A.F. guarding their hangers.

Q.76 How long were you with this Guard detachment.

A.76 Until the Irish Regiment of Canada mobilized in June, 1940.

Q.77 What was your rank with the Guard detachment.

A.77 First as a Sergeant, then, later, six months as Company Sergeant Major.

Q.78 Who was the Officer in charge of that Detachment.

A.78 Major E.R. Hughes, M.C., The Irish Regiment of Canada, C.A.

Q.79 On your completion of service with the Guard Detachment, did you obtain any recommendation from Major Hughes as to your conduct.

A.79 I had cause to ask Major Hughes for a recommendation after I had been with the Guard Detachment for three months with a view of going to the R.C.A.F. as a Disciplinarian. However, on talking to my Colonel I abandoned the idea, but I did receive a recommendation from Major Hughes.

Q.80 I produce to you a letter signed by Major Hughes, is that the recommendation you received.

A.80 Yes Sir

Judge Advocate to Prosecuting Officer

Q.81 Do you object to this letter being used as evidence.

A.81 I do not Sir

The letter was read by the President, marked as exhibit "M" and attached to the Proceedings.

Defending Officer

Q.82 When the Irish Regiment of Canada C.A. mobilized, you told us you enlisted with them, in what rank.

A.82 With the rank of Private for one week, then C.S.M. Headquarters Company.

Q.83 How long did you continue in that rank.

A.83 Until July 16th, 1942.

Q.84 Where was Headquarters Company located on July 16th, 1942.

A.84 At Mulgrave, Nova Scotia.

Q.85 What occurred on 16th July, 1942.

A.85 I reverted to the rank of Corporal at my own request.

Q.86 What was the reason for that reversion at your own request.

A.86 The cause being that I owed certain money to subordinate ranks.

Q.87 Now, on that reversion, you were transferred to another Company - what Company was that.

A.87 "C" Company, Sir, stationed at Gaspe, Quebec.

Q.88 Commanded by Major Glendening at that time.

A.88 Yes Sir

Q.89 Did you report to Gaspe

A.89 Yes Sir

Q.90 What date - approximately.

A.90 17th July, 1942, Sir

Q.91 Will you give the Court the circumstances leading up to your going Absent without Leave.

A.91 I had a long distance telephone call from Halifax from a cousin of mine telling me that he was going through on the train to Toronto on a certain date and that he could probably, if I saw him, would be able to help me financially. I applied for leave and obtained it from Major Glendening.

Q.91 You applied for leave to go where.

A.91 To Matapedia, Sir

Q.92 Is that where the train was to pass through.

A.92 Yes Sir, but the pass was made out for Campbelltown instead, which allowed me to meet the train just the same and still saved me a few miles.

Q.93 You have told the Court that your object in meeting the train was to get in touch with this relative of yours.

A.93 That is correct Sir

Q.94 When had you received your last pay from the Army.

A.94 On the last day of July Sir.

Q.95 How much did you draw.

A.95 One dollar and ninety cents Sir

Q.96 What was the reason for such a small amount being drawn on that date.

A.96 The reason being that my assigned pay as a Sergeant Major was $45.00 and the time did not permit the pay and records to make the necessary changes on my wife's check.

Q.97 By the way, had your wife been informed of your reversion.

A.97 No Sir

Q.98 Did you at this time still owe money.

A.98 Yes Sir

Q.99 You have told the Court that you hoped to obtain money from this relative.

Judge Advocate
Will you please stop leading the witness.

Prosecuting Officer
I have no objections

Q.100 What occurred when you proceeded on that pass.

A.100 Upon reaching Campbelltown I met the train that I intended to, but no-one appeared at all. I immediately felt pretty low about the whole thing and I sent a telegram to my Commanding Officer telling him that I would be back a day later as my means of transportation would have had to be by the road. In the morning I felt very much the worse with myself and I got an idea in my head that I might be able to go somewhere and raise the necessary cash. After further deliberation I took that attitude and proceeded towards Halifax where I thought I might accomplish this. My idea being that if I could get the necessary money and clean it all up in a hurry, that that would be the finish of the whole thing. This idea was paramount in my mind.

Q.101 What happened next.

A.101 I proceeded as far as Truro, all the time thinking that I should turn back, but the days went on and I proceeded to Halifax, knowing that I was in a worse state than ever. I couldn't think of any means by which I could raise the sum except by working, but I could not bring myself to take my uniform off and decided to return. In the meantime I heard through a relative of mine in Halifax that my Mother had been taken to the St Josephs Hospital in Toronto, and, knowing that she did not understand anything of the whole affair, I decided to try and make Toronto and explain the whole thing, which otherwise might have been disasterous to her as she is suffering with Diabetis. Upon reaching Toronto I stayed at the Y.M.C.A. overnight, with the intention of getting my clothes pressed before seeing my people. In the morning I proceeded to get my clothes pressed at a "While you Wait" establishment where I was picked up by the Provost and escorted to the Detention Barracks in Toronto.

Q.102 Did you see your Mother.

A.102 Yes Sir

Q.103 How did you manage this.

A.103 I asked permission to go out for a couple of hours, with an escort, in order that I might see my Mother. I was the weekend leave without an escort and told to report Monday morning, which I did. They then placed me on the roll of a Company in the Grounds.

Q.104 How did you return.

A.104 I had orders to see Sgt. Leitch who gave me my ticket and I returned with his party.

Q.105 Up until July 16th, 1942, what have you to say about any crimes you may have committed during your military career.

A.105 I had no crimes against me Sir.

Q.106 Does that apply to your whole Military Career.

A.106 It does Sir.

The Prosecuting Officer cross examines the witness:

Q.107 Corporal Harvey, in your long experience with the Army you have probably acquired a knowledge of rules and regulations affecting all ranks of the Army.

A.107 Yes Sir

Q.108 It would be fair to say then that you knew well the regulations concerning a member of the army going Absent without leave.

A.108 Very well, Sir.

Q.109 Did you find your Commanding Officer agreeable to assisting you in clearing up your financial affairs.

A.109 Yes Sir, he was.

Q.110 Did your commanding Officer give you your pass for that reason, that is, so that you could clear up your financial affairs.

A.110 Yes Sir

Q.111 Then it would be fair to say Corporal Harvey, that if you had of applied for an extension of leave on your pass, your Commanding Officer would, in all probability have granted it.

Judge Advocate

That question or any like it are purely guesswork, and it is not fair to ask the witness to answer them.

Q.112 Did you apply to your Company Commander for an extension of your pass.

A.112 No Sir

Judge Advocate

Q.113 You stated that you drew your last pay of $1.90, then how were you able to travel from Gaspe to Halifax, then to Toronto with no money.

A.113 I only had a couple of dollars on me Sir, but I obtained lifts at various points.

Q.114 You hitch-hiked from Gaspe to Halifax then to Toronto.

A.114 Yes Sir

Q.115 How much was this sum that you needed.

A.115 $80.00 Sir

The Defending Officer declines to re-examine the witness

In the opinion of the Court and the Judge Advocate, it is unnecessary to comply with R.P. 83 (b)

The witness withdraws.

The Defending Officer makes closing address, attached to proceedings marked "N"

The Prosecuting Officer makes a closing address which is attached to the Proceedings as exhibit "O".

The Judge Advocate sums up which is attached to the proceedings as exhibit "P".

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused B78801 Cpl. Francis Reginald HARVEY, the Irish Regiment of Canada, C.A., is guilty of the charges.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Q 116 A 116 Question by the President.

Capt, L.H.C.Payne, Irish Regt. of Canada, C.A. is duly sworn.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* Yes, sir, I produce M.F.B. 355 and M.F.M. 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] ~~is~~ are read, marked Y & Z signed by the President, and annexed to the proceedings.

Q 117 A 117 Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* Yes, sir.

Q 118 A 118 Question.

Have you compared the contents of the above statement with the regimental books? *Answer.* Yes, sir.

Q 119 A 119 Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* Yes, sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~
The Defending Officer declines to cross examine.
In the opinion of the Court and Judge Advocate it is unnecessary to comply with R.P. 83 (b)
The witness withdraws.

Q 120 A 120 Question to the accused.

Do you wish to address the Court? *Answer.* No, sir.

The Court is closed for the consideration of the sentence.

34

F

Sentence

Sentence.

The Court sentence the accused B 78801 Cpl. Francis Reginald HARVEY, the Irish Regiment of Canada, C.A. to be reduced to the ranks and to be put under stoppages of pay until he has made good the value of the following articles, viz:-

Belts Waist Leather Brown	.37
Jackets, K.D.	3.12
Jacket, Sweater	1.38
Trousers Khaki drill Pr.	1.67
Shirts service 2@$4	1.68
Flashes, pr.	.35
Kilt,	25.00
Buckles, brass	.25
Buttons, C.G. large 4@1	.04
Buttons, C.G. small 4@1	.04
Covers mess tin	.08
Frog Bayonet	.34
Tins mess	.69
Detector powder 4 oz@1	.05
Housewife	.51
Bags Kit	.78
Brushes boot blacking	.15
" " polishing	.15
Brushes button	.15
Brushes cloth	.24
Total	$37.04
less 25%	9.26
	$27.78.

Extracts entered as No. 6873 in the Record of Courts-Martial Kept in the office of the Judge Advocate-General this 9th day of Oct 1942

Signed at Debert, N.S., this 29th day of September, 1942.

Errol K. McDougall

(Errol K. McDougall) Capt.
Judge Advocate.

K. P. Harris

(K. P. Harris) Major
President.

Signed at Debert, N.S., this 12 day of October, 1942.

Confirmed.

P. E. Leclerc

(P. E. Leclerc) Major-General,
G.O.C., 7th Cdn. Div., C.A.

Promulgated and Extracts taken at Camp Debert, Nova Scotia, this 3rd day of October, 1942.

L.H.C. Payne

L.H.C. Payne, A/Captain & Adjutant.
The Irish Regiment of Canada, C.A.

35

ORDERS BY MAJOR GENERAL P.R. LEOLEC, C.B.E., D.S.O.,
GENERAL OFFICER COMMANDING, 7TH CANADIAN DIVISION, C.A.

"X"

N.P. Harris Major
President

Debert Military Camp, N.S.,
27th September, 1942.

DISTRICT COURT MARTIAL
No. B. 78801 Cpl. Francis Reginald HARVEY
The Irish Regiment of Canada, C.A.

1. The detail of officers as mentioned below will assemble at at Debert Military Camp, N.S., at 0900 hours, Tuesday, 29th September, 1942, for the purpose of trying by District Court Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major N.P. Harris, M.M.
W.N.S.R. Att'd H.Q. 7 Cdn Div CA

MEMBERS

Captain G.A. Hambly,
Toronto Scotish Regt. C.A.
H.Q. 7 Cdn Div C.A.

Lt. J.H. Patton, V.R. of C. C.A.,
Att'd H.Q. 7 Cdn Div C.A.

WAITING MEMBERS

Lieut. D.G. Beauld,
P.L.F. (Mot) C.A.

JUDGE ADVOCATE

Captain E.E. McDougal,
A.D.J.A. 7 Cdn Div C.A.

PROSECUTOR

Captain S.C. Bell,
The Irish Regt of Can (CA)

DEFENDING OFFICER

Captain H.H. Shaw,
The Irish Regt of Can. C.A.

2. The accused person will be warned and all witnesses duly required to attend.

3. The Officer Commanding, The Irish Regt. of Can C.A., will arrange for the necessary accommodation, stationery and Court Orderly, and will ensure that the necessary escort has been provided.

4. The proceedings will be forwarded to H.Q. 7 Cdn Div

Signed at DEBERT, N.S. this 27th day of SEPTEMBER, 1942.

P.R. LEOLEC C.B.E., Major-General,
General Officer Commanding,
7th Canadian Division, C.A.

"G" Sub 37

By.

Lt. Hand
President Mogn

[illegible] R.C.A.S.C. [illegible]

[illegible] "G" Group, [illegible] Area Headquarters [illegible] Group (Inf)

No. 7
Gaspe, Quebec

[illegible] Unit [illegible] Section [illegible] No. 8 [illegible] for 8 Aug. 42.

10 Aug. 42.

[illegible] "A" - [illegible]

[illegible]

[illegible] "B" - [illegible]

1. ABSENT WITHOUT LEAVE

B78302 Cpl. Harvey F.H.	#CM	A.W.L. from 1000 hrs. 6 Aug. 42.
B78570 Pte. Hosey S.	#CM	A.W.L. from 2400 hrs. 31 July 42. (10 Day Posting.)
B79025 Pte. Hobson E.	#CM	A.W.L. from 2400 hrs. 31 July 42. (10 Day Posting)
B79345 Pte. Reynolds S.	#CM	A.W.L. from 0080 hrs. 2 Aug. 42. (8 Day Posting)

2. GOOD CONDUCT STRIPES

The undermentioned Other Ranks of the Irish Regt. of Can., having completed 2 years service with Good Conduct are granted Good Conduct Stripes under Auth. R.O. 656 with effective dates as stated opposite their names:

B79308 L/Cpl. Lucas V. ---- 27-6-42.
B79094 Pte. Davis M. ---- 24-6-42.
B79209 Pte. Irvine A. ---- 24-6-42.
B78078 Pte. Martin G.R. ---- 24-6-42.
B78858 Pte. Roberts R. ---- 21-6-42.
B78975 Pte. Gunn D. ---- 21-6-42.
B79347 Pte. Shior J.G. ---- 28-6-42.

3. STRENGTH DEPLETION

B78645 Pte. Keenan E. #CM Struck off strength on Transfer to No. 1 Matriat Depot. Category "E" effective 5-8-42 (Auth N.D.R.227 dated 9 July 42.) & (N.R. 812, dated 31 July 42.).

4. STRENGTH

B79216 A/Cpl. Freeman E. #CM Returned from [illegible] Command to C.M.A.T.C Long branch at 0130 hrs. 8 Aug. 42.

5. FURLOUGH.

B79431 Pte. Bulliens J.A. #CM Granted Annual Furlough from 12-8-42 until 25-8-42. Special Furlough Transportation Warrant No. A188169

B79455 Pte. Sherman V. #CM Granted Annual Furlough from 12-8-42 until 25-8-42. Special Furlough Transportation Warrant No. A188170

R.L. [illegible] Capt.
O.C. [illegible] Company,
The Irish Regiment of Canada (CA)

"C" COY., THE IRISH REGIMENT OF CANADA, C.A.

PART II ORDERS "H"

No. 14
Gaspe, Quebec.
August 1942.

SECTION "A" — OFFICERS.

1. CHANGE.

A/Capt. F.L. Jones. "C" To be A/C.C. "C" Company, during the absence of Major R.D. Clendenning.

2. LEAVE.

Major R.D. Clendenning "C" Granted Embarkation Leave from 28 August 1942. until, 4 September 1942, (Authorization by Phone from Battalion H.Q.) Transportation Warrant # A180188

SECTION "B" — OTHER RANKS.

1. LEAVE.

B78504 Sgt. Bain C.M. "C" Granted Embarkation Leave from 28 August 1942, until 4 September 1942, (Authorization by Phone from Battalion H.Q.) Transportation Warrant #A180189.

2. HOSPITALIZATION.

A42427 Pte. Baker T.A. "C" Admitted to Gaspe Military Hospital on the 26 August 1942.

3. RESULT OF COURSE.

B79285 Cpl. Freeman E. "C" Having attended Course No. 374 Platoon Weapons at C.S.A.T.C.(EC) Lewis Branch which concluded on 7 August 1942, qualified Q-I.

4. PUNISHMENTS.

B79431 Pte. Bullions J.A. "C" Forfeits one days Pay under F.R.& I. 149 (1) (a) and awarded 7 Days C.B. for being A.W.L. from 2130 hrs. 25 August 1942, until 1930 hrs. 26 August 1942.

5. STRENGTH DECREASE.

B78801 Cpl. Harvey F.R. "C" Having been declared by a Court of Inquiry held 27 August 1942, to have been "Illegally Absent" from 1000 hrs. 5 August 1942. and to have deficiencies in kit and equipment amounting to $71.00 (F.R.& I. 175 (1) (a) & (b) is struck off Strength effective 27 August 1942. Forfeits 15 days Pay and Allowances under F.R.& I. 149 (1) (a).

6. ABSENT WITHOUT LEAVE.

B78891 Pte. Crackel H. "C" Absent Without Leave from 1400 hrs. 26 August 1942.

B78973 Pte. Oden D. "C" Absent Without Leave from 1400 hrs 26 Aug. 42.

A/Capt. F.L. Jones A/C.C.

I

41

RECORD of the Declaration of a Court of Inquiry assembled at Gaspe Defence H.Q. on the 27th day of August 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B78801 Cpl. Harvey F.R.

DECLARATION

The Court declare that No. B78801 Cpl. Harvey F.R., "C" Company, The Irish Regiment of Canada, C.A. illegally absented himself without leave Gaspe Defence H.Q., Sandy Beach, Gaspe, P.Q. at 1000 hours on the 5th. day of August 1942, that he is still so absent, and that on the 27 August 1942. he was deficient, and that he is still deficient of the following articles:—

	ARTICLES	VALUE		ARTICLES	VALUE	
1	Belt Waist Leather Brown	27	2	Straps, Web Supporting		48
1	Pr. Boots Ankle	5 20		Tins Mess		69
1	Bonnett Irish	1 75	1	Whistle Infantry		34
1	Great Coat	17 22	1	Thong Whistle		03
1	Pr Gloves, Woollen, Khaki	60	1	Detector Powder 4oz.#1		05
2	Jackets K.D. @ 3.12	6 24	1	Holdall		17
1	Jacket Sweater	1 38	1	Housewife		51
1	Overalls Combination	2 70	1	Comb		04
1	Pr. Trousers, Khaki Drill	1 87	1	Bags Kit		78
2	Shirts , Service @ .84	1 68	1	Pr. Bracers		27
1	Pr Flashes	35	1	Brasses Button		04
1	Kilt	25 00	1	Brushes Boot Blacking		15
1	Buckle Brass	25	1	Brushes Boot Polishing		15
4	Buttons C.S. Large @.01	04	1	Brushes Button		15
4	Buttons C.S. Small @.01	04	1	Brushes Cloth		24
1	Cover Mess Tin	08	1	Brushes Hair		24
1	Frog Bayonet	34	1	Brushes Shaving		30
1	Pack	2 36	1	Brushes Tooth		09
				Total	$71	98

R.D. Clendenning Major — President
"C" Company, The Irish Regiment of Can.C.A.

F.L. Jones Capt. — Member
"C" Coy., The Irish Regiment of Canad, C.A.

J.A. Everts Lieut. — Member
Royal Canadian Engineers.

Signed at Sandy Beach, Gaspe, Quebec.

this 27th day of August 1942.

Signature of Commanding Officer J.H.Strong Major A/OC.

Certified true copy

Signature of Officer having custody of original record

M.F.B. 175
A.F.B. 115
50M—8-41 (1569)
H.Q. 1772-20-267

"J" 31P 1-4-H

L. P. Hammington
President

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to service authorities)

I, Major H.C.Witthun O/C No. 31 Coy.Cdn.Provost Corps
(Number) (Rank) (Name) (Unit)

hereby certify that B.78801 Cpl. HARVEY F.R.
(Number) (Rank) (Name in full)

of the Irish Regiment of Canada, Gaspe Quebec
(Unit and attachment (if any))

was apprehended by (~~surrendered~~) B-35253 L/Cpl. Hammond S
(Number) (Rank)

B92878 L/Cpl. Harvey A.J. of #31 Coy.Cdn.Provost Corps
(Name) (Unit or appointment)

at Jarvis and Queen Streets, Toronto
(Place)

at 1050 hrs. on the 11th day of September 1942
(Hour)

as a ~~[illegible]~~ absentee without leave), and that at the time of his arrest he was wearing military (~~[illegible]~~) uniform ~~[illegible]~~

DATED AT 280 Lansdowne avenue, Toronto, Ontario

this 12th day of September 194 2

(Strike out words not applicable)

(H.C.Witthun) Major
(Signature, Number, Rank, Unit or appointment)
Officer Commanding
No. 31 Company, Canadian Provost Corps

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216

PERMANENT FORCE

Should this Parchment be Lost or Mislaid, no Duplicate of it can be obtained.

PARCHMENT CERTIFICATE of Discharge of No. 8818 (Rank) Musc

(Name) Harvey, Francis Reginald

Royal Canadian Horse Artillery Regiment

Born in the County of Plymouth

in the Province of Devonshire, England.

Attested at Kingston, Ontario on the 30th August, 1924

for the R.C.H.A. Regiment, at the age of 20 11/12 years.

His description is as follows:-

Age 23 11/12 years Height 5 feet 7 1/2 ins. Complexion Fresh

Eyes D. Brown Hair D. Brown Trade Musician

Marks or scars on the face or other parts of the body: L. index finger amputated at Proximial phalanx. Scar L. Wrist.

Signature of man F.N. Harvey

Service towards completion of engagement - Three years 20 days

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Campaigns Nil

Medals and Decorations Nil

Discharge confirmed at Kingston, Ontario.

Signature H.E. Boak

(H.E. Boak),
Lt.-Col., R.C.H.A.,
Commanding R.C.H.A. Brigade.

Date 19th September, 1927

CERTIFIED TRUE COPY

(E.K. McDOUGALL),
Judge Advocate.

N.B. - Any person finding this Certificate is requested to forward it in an unstamped envelope to the Secretary, Defence Council, Ottawa, Canada.

PARMANENT FORCE

Should this parchment be lost or Mislaid, no Duplicate of it can be obtained.

Parchment Certificate of Discharge of No. 13116 (Rank) Corporal

Name ----------Francis Reginald Harvey ----------

----------The Royal Canadian----------Regiment

Born in the County of ----------Devonshire ----------

----------in England ----------

Attested at London, Ontario, on the 17th April, 1928

for the Royal Canadian Regiment, at the age of 24 6/12 years.

His description is as follows:

Age 29 4/12 years Height 5 feet 7 1/2 ins. Complexion Fresh

Eyes Brown Hair Brown Trade Musician

Marks or scars on the face or other parts of the body. Index finger left hand amputated at prox. phalanx.

Signature of Man F.R. Harvey

Service towards completion of engagement 4 Years 292 days

He is discharged on 2nd February, 1933 at his own request after three months service, on payment of $3.00 per month of unexpired service.

Campaigns Nil

Medals and Decorations Nil

Discharge confirmed at Wolseley Barracks, London, Ontario.

Signature ?? Lt.-Col.,
Commanding The R.C.R.

Date 2 Feb 33

CERTIFIED TRUE COPY

(E.K. MCDOUGALL), Captain,
Judge Advocate.

"M"

IN REPLY PLEASE QUOTE
NO. 49

CANADA

Department of National Defence

A1 DETACHMENT,
The Irish Regiment of Canada (MG),
Camp Borden, Ont. Nov. 20th, 1939.
19

K.P. Harvey Major
President

TO WHOM IT MAY CONCERN

NPAM/507
Sgt. F.R. Harvey.

This is to certify that I have known the marginally noted Non-Commissioned Officer for a number of years, both as a soldier and civilian and have always found him honest and honourable, a good organizer, a first class instructor and disciplinarian.

Sergeant Frank Harvey was chosen by Lieutenant-Colonel Allan Cockeram, our former Officer Commanding, to represent this Regiment, The Irish Regiment of Canada (M.G.), at the Coronation of King George VI. The choice proved a very popular one with all ranks.

When this Detachment was called out, Sergeant Harvey was one of the first N.C.O.s to answer the call. He has been under my command in Camp Borden for the past three months, and I have always found him willing and ready to assist at all times. He has proven himself an excellent instructor and I do not hesitate to recommend him to anyone who could use his services.

E.R. Hughes

(E.R. Hughes) Major,
Commanding,
Detachment.

Address for Defence "N"

Cpl. Harvey, F.R.

Mr. President and Gentlemen - Cases of absence without leave are usually pretty well cut and dried. The offence is certainly too common a one and its proof and punishment are generally routine - varying only with the length of the absence and the record of the accused.

I venture to think that this is not an entirely usual case, and that is why I entered a plea of "not guilty" to an arraignment which all of us know would never have reached the stage for a Court Martial had it not been easily provable.

We base our defence not on attacking the evidence of the prosecution, but on a full explanation of the circumstances surrounding it. We invite the Court to consider the motives leading to the commission of the offence, the reasons the accused man had for continuing it, once committed. We ask the Court to consider the accused's record, not only in the present army but previous to that. In view of all these matters we feel justified in asking that the Court in passing sentence exercise the greatest leniency in its discretion.

I mentioned a few moments ago that I felt this to be an unusual case of absence without leave. It is unusual becuase it involves an N.C.O. who a short time ago was a Warrant Officer, Class II with a long and creditable military record behind him - a record which, according to his statement, backed up by official documents was unblenished by even the most trivial military crime. Cpl. Harvey's military record stretches back to the end of last war in the Imperial Army, which he entered as a boy. From that time until his reversion to the rank of Corporal, his military history is one of steady and intelligent progress, culminating in his rank of W.O. II in his present regiment. It was a position which had taken more than 20 years to build up and it is not difficult to imagine the force with which his reversion to junior N.C.O.'s rank must have struck him. Th e effect was not only on his pride. His family, dependent on him for support, has learned naturally enough to live at a standard only maintainable on a Sergeant-Major's pay. His reversion demanded a drastic revision downward of their standard of living, or that Cpl. Harvey himself give up any hope of paying back the money which had been the original cause of his downfall.

(I should like to make clear at this stage, Gentlemen, that these remarks of mine are not intended to reflect criticism on the punishment itself - they are intended to help you realize the frame of mind that this N.C.O. was in when he went absent) To cap the matter, a friend on whom he had been counting to help him financially, failed to arrive at Campbellton. Harvey had, by this time, already overstayed his leave, but he had telegraphed his Commanding Officer, which is certainly not the act of a man intending to go absent over a long period. The final failure of his friend to arrive on a later time, was appearently the last show. He conceived the wild idea of going off and getting a job, earning or borrowing some money and repaying his debts. I have called it a wild idea Gentlemen, and wild it certainly is - but no wilder, I venture to think, than would have occurred to some of us in the same situation. And Harvey, by his own admission, realized soon enough how wild it was. The scheme, had he carried it out, would have involved his going into civilian clothes, which might have amounted to desertion - and he is too old a soldier to consider that - but precisely because he is an old soldier he was horrified at being A.W.L. and like a good many soldiers who have been in his position he grew more and more reluctant to return as the period of his absence grew longer. Finally he made up his mind to surrender himself and was only delaying long enough to visit his mother who was sick in hospital when he is arrested by the Provost.

Now, his wish to visit his mother in hospital may well be considered as something of a tear jerker and requires some corroboration. That corroboration is furnished by the fact that once lodged in jail he made a request to visit her under escort, and once the request was investigated by the authorities, was granted permission to do so without escort and merely under open arrest.

One or two other thoughts I should like to offer the Court. It may well be said, as my friend the prosecutor undoubtedly will say, that this offence is made still more serious, this having been committed by an N.C.O. who was a Warrant Officer. No doubt this is true, but I suggest with respect that the circumstances surrounding this particular case are more than sufficient to explain why the offence occurred and to offer a reasonable basis for a lenient sentence. In time of war, Gentlemen, it is doing no service to the Army and discipline in the Army to penalize an N.C.O. expertly trained for years as such, so that he ceases to be of use to the Army which he serves. This is so unless the Court is convinced that by giving a lenient sentence it is overlooking a flagrant and definite breach of discipline. If the court is of this opinion, all that I have said has been a waste of their time. If so I shall apologize - but I hope I shall not have to do so.

"O" 55

L P Hanna Major
President

Mr President and Gentlemen of the Court; the Prosecution has attempted to bring forward to the Court the facts that the accused, Corporal Harvey was absent without leave during the period stated; that he was not seen by his Commanding Officer during the period stated; that he was away and that he was brought back in a party under the supervision of a Sergeant of this Regiment. The Prosecution has also brought forward a list of the deficiencies which the accused was not in possession of on his return. That is all Sir

"P" 57

It is not my intention to sum up, as I sometimes do. The charge here as the Defending Officer has said himself has pointed out, are straightforward enough. It is now the duty of the Court to make up its mind on these charges. They have heard the evidence and I am sure they are capable of attaching the proper weight to this evidence, without any advice from me.

I do however wish to congratulate both the Prosecuting Officer and the Defending Officer, as well as the Irish Regiment in general for the most capable and soldierly escort which they have had before the Court this morning. I do not think there is anything else I have to say.

"Q"

K P Harris Maj President

Mr President and Gentlemen of the Court. B.78801 Corporal Harvey, F.R. The Irish Regiment of Canada a soldier of the Canadian Army placed on Active service is charged with, (1) Absence without Leave and (2) Losing by neglect his clothing, equipment and regimental necessaries. The evidence which the Prosecution proposes to produce is that the accused did not return from a pass that he was given when it was due, that he was not seen in his Company during the period from August 5th, 1942, to September 14th or 15th, 1942, that the accused on not returning to the Regiment, the kit left by him was checked and found to be deficient, by a Court of Inquiry amounting to $71.98, but on the return of the accused he brought back certain equipment which still left him deficient in kit amounting to $37.04. That is all Sir.

SKIM

SKIM

SKIM

"Y"

M.F.R. 355
MSM—11-41 (3273)
[illegible]772-39-620)

61

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B78801	Cpl.	Harvey, E.R.,	The Irish Regt. of Canada CA.

1. The following is a fair and true summary of the entries in the Service and General Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For	times	times
For NIL	times	NIL times
For	times	times
For	times	times

or,

There are no entries in the conduct sheets of the accused.

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

or,

Previous convictions of the accused by a court-martial or a civil court, or summary awards under A.F.A. 73 and dispensations with trial under A.A. 73 are set out in the Schedule

3. The accused is not under sentence at the present time.

or,

The accused at the present time is under sentence for ..... beginning on the ..... day

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 12 days in military custody, making a total of 12 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 38 years 11 mons. 16 d

6. The date of his attestation specified in his attestation paper is 20 June 1940

7. The date from which the accused is to reckon towards discharge is

8. The accused is entitled to reckon ..... for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to military decoration, military medal (or is in possession of or entitled to). State any military medal or reward.

King George VI's Coronation Medal

10. (If the accused is a warrant Officer) The accused before he was made a warrant officer last held the rank of Sergeant

the regimental rank of

62

11. [redacted]

12. The accused has served as a non-commissioned officer [redacted], to the present date:—

16 July 1942 Date of promotion.

In the rank of W.O.II 1 years. 11 months 15 days

In the rank of Cpl. years. 2 months

In the rank of years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number Rank Unit Name of Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 29th day of September 1942 A/Capt.
Adjutant The Irish Regt. of Canada

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" and signed by the president, and annexed to the proceedings.

President

No. B78801 Name Harvey, F.R. Sqn., Battery, or Company } H.Q. Corps I.R. of Can(MG) Date of enlistment } 25-6-40 G.C. Badges } Service or Proficiency Pay }

Date of last entry in Company Conduct Sheet } No. and date of last drunk } Period not reckoning towards freedom from extra fine } Sheet No. Signature O.C. Company, etc. } J.H. Garlick, Major Character

M.F.M. 6 (A.F.R. 122) 500M—2-39—(108) H.Q. 1772-45-18

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks

CERTIFIED A TRUE COPY

L.H.C. Payne

L.H.C. Payne, A/Capt. & Adj.
Cmdg. The Irish Regiment of Canada (CA)

F.R. Harvey
Private

Major

(P.T.O.)

6 SCB

SUMMARY OF EVIDENCE

in the case of

B78801 Cpl.Harvey,F.R.. The Irish Regiment of Canada,C.A. a soldier ofthe Canadian Army,placed on Active Service.

Charges;-

1.Absenting himself without leave.

2.Losing by neglect his clothing,equipments andregimental necessaries.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS Captain L.H.C. Payne,The Irish Regiment of Canada,Having been duly sworn states:-

I am Captain L.H.C. Payne,Adjutant of the Irish Reg't of Canada,C.A. I present PartII Order No 14,dated 28 Aug 42 Gaspe Quebec,of "C" Company, The Irish Reg't of Canada showing strength decrease of Cpl. Harvey, F.R.,The Irish Regiment of Canada (CA.).Having been declared by a Court of Inquiry tobe illegally absent from 1000 hrs 5 Aug 42. and having deficiencies in kit amounting to $71.98 struck off strength effective 27 Aug 42.and also present proceeding ofthe Court of Inquiry reporting on the absence of B78801 Cpl.Harvey F.R. This Court of Inquiry found Cpl. Harvey F.R. Illegally Absent from 1000 hrs. 5 Aug. 42 and having deficiencies in kit amounting to $71.98 I present a certified copy of record declaration of the Court of Inquiry.I declare all these documents refer to the accused.

Accused declined to cross-examine the Witness.

L.H.C. Payne Capt.

SECOND WITNESS B78504 A/CQMS. Bain, C.M. The Irish Regiment of Canada,C.A. Having been duly sworn states:

"I am B78504 A/CQMS Bain,C.M. The Irish Regiment of Canada,C.A. I act in the capacity of Company Quartermaster Sergeant of "C" Company The Irish Reg'tof Canada,C.A. and on taking over from CQMS.Farmer,I accepted Cpl.Harveys F.R. kit which had been collected by CQMS Farmer, and submitted a corrected list of deficiencies amounting to $37.04 The clothing and regimental necessaries are charged at full value in thefollowing list.

Belts Waist Leather Brown,	1.	Value	$ .37
Jackets, K.D.	1.	"	3.12
Jacket,Sweater	1.	"	1.38
Trousers Khaki Drill,pr.	1.	"	1.67
Shirts Service	2.	@.84	1.68
Flashes Pair	1.	Value	.35
Kilt	1.	"	25.00
Buckles Brass	1.	"	.25
Buttons C.G. Large	4.	@.01	.04
Buttons C.G. Small	4.	@.01	.04
Covers mess Tins	1.	Value	.08
Frog Bayonet	1.	"	.34
Tins Mess	1.	"	.69
Detector Powder 4 oz #1	1.	"	.05
Housewife	1.	"	.51
Bags Kit	1.	"	.78
Bruses Boot Blacking	1.	"	.15
BrushesBoot Polishing	1.	"	.15
Brushes Button	1.	"	.15
Brushes Cloth	1.	"	.24
Total Value.			$37.04

THE ACCused declined to cross-examine the witness.

C.M. Bain C.Q.M.S.

THIRD WITNESS B78602 Sgt. Leitch,J. The Irish Regiment of Canada,C.A. Having been duly sworn states:

"I am B78602 Sgt. Lietch,J. The Irish Reg't of Canada C.A. I was on four days Embarkation Leave at the completion of my course at Long Branch Ontario. I had instructions from the Regiment to report at M.D.#2 on the the 16 th Sept.42 to escort Pte.Roddy & Pte.Robson. On reporting there,I was informed by the Sgt. in charge that Cpl. Harvey F.R. would return with my party under open arrest. I was issued with a warrant to obtain train fare and meal tickets which I gave to Cpl Harvey at the Union Station. Cpl. Harvey F.R. travelled with my party untill we reached the Bn.Orderly Room where I was ordered by the Adjutant to place Cpl Harvey F.R. under close arrest and place him in the guard room. I produce herewith M.F.B.1481 and M.F.B.1482 covering cost of apprehension and return of the accused.

The accused declined to cross-examine the witness.

James Leitch Sgt.

Fourth WITNESS

"Major R.D. Clendening.The Irish Reg't of Canada,C.A. having been duly sworn states:

"I am Major R.D. Clendening.The Irish Regiment of Canada C.A. I am Company Commander of "C" Company The Irish Regiment of Canada C.A. Cpl. Harvey F.R. is a member of my Company and and as such recieved a pass from me for two days leave dated 2 Aug.42. at the expiration of his leave I recieved a Telegram,wich I present,from Cpl Harvey F.R.,saying that he would return on the 6 Aug.42.,He did not return and has not been with the Company since that time.I have not seen Cpl Harvey since that time except when he was brought before me on the 18 Sept 42.

The accused declined to cross-examine the witness.

R.D. Clendening Major

Question to the accused -

> Do you wish to make any statement or give evidence upon oath? You are not obligated to say anything or give evidence unless wish to do so,but whatever you say,or any evidence you give,will be taken down in writing,and may be given in evidence.

The accused declined to make any statement.

I certify that Rulesof Procedure 4 (c) (d) (e) (f) have been complied with.

Taken down by me,in the presence of the accused, at Camp Debert, N.S.,this day of September 1942.

S.C. Bell,A/Captain,
The Irish Regiment of Canada,C.A.

September 29th. 1942.

B 78801 Cpl. Harvey F.R.

The M/N/ N.C.O. has been examined by me and found fit to undergo trial by D.C.M.

R.W. Boyden Capt.

R.W.Boyden, Capt. M.O. I.R. of C. (C)

H.Q.C.55-E-291 JAG

October 14, 1942.

General Officer Commanding,
7th Canadian Division,
Debert Military Camp,
Debert, Nova Scotia.

District Court-Martial
B-76801 Cpl. Francis Reginald Harvey
Irish Regiment of Canada, CA

1. Receipt is acknowledged of your 7D-5-4-5-12 dated October 6th, 1942, under cover of which you forwarded to this of ice for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed in the proceedings:-

(a) It is preferable if the Christian names or initials of the shorthand writer appear in the proceedings before his surname instead after the same.

(b) It is noted that the two documents M.F.B. 1481 and 1482 were not admitted in evidence. However it is preferable even though they are not admitted in evidence that the same should be forwarded to this office for perusal.

(c) There should, in this case, have been a Special Finding made on the first charge inasmuch as there is no evidence to support the costs of apprehension in the amount of $21.85 as the two forms M.F.B. 1481 and 1482 have been rejected.

(d) The words "When on Active Service" should have been omitted in the Statement of the Offence in the first charge on the Charge Sheet.

3. The proceedings are r turned in order that the above noted irregularities may be brought to the attention of the officers concerned for their future guidance and further in order that the two original discharge certificates belonging to the accused, which were attached to the proceedings may be deleted and returned to him. I would ask you to insert certified copies of the same in place of these originals. When the proceedings have served their purpose, may they please be returned to this office.

Brigadier,
Judge Advocate-General.

HPGR/ADK

6873.

NOTICE

VD/5-4-5-12.

H.Q., 7 Cdn.Div.,CA,
Debert,N.S., 6 Oct.1942,

CENTRAL REGISTRY Army
PERS. SEC.
OCT 8 1942
File C 52 A.291
Chgd. to
Returned to

Dept. of Nat.Defence,

F.34928 Cpl.Leo Alfred Tocks.P.L.Fus. (Motor(CA),
F.5449 Fus.Russell Patey,P.L.,Fus. (Motor)CA
B.79515 Pte.Alfred William Downey,Irish Regt. of Can.CA.
B.78801 Cpl.Francis Reginald,Harvey,Irish Regt. of Can.CA,

Please find enclosed herewith the Proceedings of the trials by District Courts-Martial of themarginallynamed soldiers.

2. The findings and the sentences have been confirmed by the G.O.C., 7th Cdn.Div.,CA. The Sentences have been promulgated and extracts taken at Debert Camp,N.S., on 3rd Oct.42.

3. The Proceedings are forwarded to you for safe custody.

(P.N.Leclerc)Major-General,
G.O.C.,7th Cdn.Div.,CA.

Encl's.

Copy on 405- H- 3150

H.Q. C.55-H-291
M.D. 7D/5-4-5-12.

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. R-78801 Name HARVEY, F.R.

Rank Cpl. Unit Irish Reg't of Canada, C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 5/8/42. 2. 23/9/42.

Date of Arrest 11/9/42. Charge. Signed 23/9/42.

Orders for D.C.M. O.C. 7th Cdn. Division, C.A.

Place and Date of Trial Debert Military Camp, N.S., 29/9/42.

Sentence Reduced to the ranks and stoppages of $27.78.

Date of Confirmation 1/10/42.

Date of Promulgation 3/10/42.

Entered in Records of J.A.G. as No. 6873

Date 9/10/42.

MEMO
Guilty of the charges.

for Judge Advocate-General.

2M-7-42(M1291)

H.Q.C. 55-H-292 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURTMARTIAL

F-49983, PTE. H.B. HAYES.

405-H-544

DEAD

CONFIDENTIAL
H.Q.C. 55-H-292

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If purpose for which referral cannot be expressed on one line, add minute to file and enter here "With Minute")							
				JAS	With Papers C.R. OCT - 8 1942		
OCT 3 1942				AD	To note & PA		12/10/42
OCT 23 1942					With Papers C.R. OCT 20 1942		
					With Papers C.R. NOV 3 1944		
NOV 6 1944				JCM	To note	EJM	4-11-44
NOV 8 1944					ADMIN. TO NOTE & P. A.		NOV 7 - 1944
NOV 22 1944					With Papers C.R. NOV 20 1944		
NOV 23 1944				JCM	PER B.F. NOV 24 1944		
DEC 5 1944				JCM	With Papers C.R. DEC 4 1944		
DEC 20 1944					With Papers C.R. DEC 13 1944		
JAN 12 1945				JCM	With Papers C.R. JAN 11 1945		
MAR 3 1945				JCM	PER B.F. MAR 2 1945		
MAR 13 1945					With Papers C.R. MAR 12 1945		
MAR 23 1945				JCM	With Papers C.R. MAR 23 1945		
APR 11 1945				JCM	PER B.F. APR 14 1945		
APR 18 1945				JCM	With Papers C.R. APR 17		
				JCM	PER B.F. MAY 2 - 1945		
MAY 2 - 1945				Admin	Memo, pls		1/5/45
MAY 4 - 1945				DOS(A)	Minute pls		3/5/45
				Admin	—		15/5/45
MAY 23 1945					—		21/5/45
JUN 12 1945				JCM	With Papers C.R. JUN 11 1945		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it to these days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters of and from the editor file numbers.

PASS THIS FILE IN E

DEPARTMENT OF NATIONAL DEFENCE
- Army -

HQC 55-H-292 (ICM)

NDHQ Ottawa, Ont

27 Jul 45 1945

CONFIDENTIAL
C.M.

District Officer Commanding,

Military District No. 3,

Kingston, Ont.

F.49983 Pte. HAYES, H. B.

Ref 55-H-5028

2. Enclosed herewith:-

(a) MFM 288

(b) ~~Most recent report on conduct.~~

3. Your attn is directed to provisions of CARO 5913 which must be strictly followed.

4. Pursuant to AA 57A, GO 245/45 and the said CARO, review of sentence in this case is to be made by you. As a superior military authority you should take such action concerning this sentence as you deem just and proper.

5. Copy of CM proceedings will be forwarded upon request.

for (A E Walford)
Major-General
Adjutant-General

IN REPLY PLEASE QUOTE
No. K.55-H-5028(JAG)

HG

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CANADA

KINGSTON, Ontario, June 8 1945

320559

CENTRAL REGISTRY Army
CONF. SEC.
JUN 8 1945
File C55-H-292
Chgd. to
Referred to ICM

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

F.49983 Pte. H.B.Hayes
No. 9 District Depot, C.A.

Reference H.Q.C.55-H-292(ICM) dated 23rd May, 1945.

2. Returned herewith M.F.M.288 containing the report on Page 2 of the Officer Commanding, together with a certified copy of the M.F.M.6.

(F.L.Armstrong) Brigadier,
District Officer Commanding
Military District No.3.

Encl.

AD B

No. F-49983 Name HAYES, H. Sqn., Battery, or Company } Corps R.C.A.S.C. Date of enlistment } 27 Aug 39 G.C. Badges } N/A Service or Proficiency Pay } N/A

Date of last entry in Company Conduct Sheet } No. and date of last drunk } N/A Period not reckoning towards freedom from extra fine } N/A Sheet No. Two Signature O.C. Company, etc. } Character

M.F.M. 6 (A.F.B. 122) 500M—11-40 (8078) H.Q. 1772-2

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Windsor, N.S	24 Jan 44	Pte		A.A. Sec 40 CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE	Pte Vibert Pte McKinnon	5 days C.B.	26 Jan 44	(Sgd) Major George S.C.M.	
Windsor, N.S.	1 Apr 44	Pte		A.A. Sec 15(1) A.W.L. from 1000 hrs 1 Apr 44 until 2359 hrs 16 Sep 44 (Absent 168 days 11 hrs 59 mins)	Documentary Evidence	150 days Detention	10 Oct 44	(Sgd) Pilsg	Forf 169 days P&A under FR&I 149(1)(a)
Camp Borden	19 Feb 45	Pte		A.A. Sec 15(1) A.W.L. from 0600 hrs 19 Feb 45 until 0200 hrs 22 Feb 45 (Absent 2 days 20 hrs)	Documentary Evidence	21 days loss of Pay	22 Feb 45	(Sgd) Col. M.L. Brennan	Forf 3 days P&A under FR&I 149(1)(a)
Ottawa	2 Apr 45	Pte		A.W.O. from 0845 hrs 2 Apr 45 until 10 Apr 45 (Total time absent 8 days) A.A. Sec 15(1)	RSM Guertin, W. Cpl Beedie, AF	120 hrs detention	10 Apr 45	(Sgd) Lt-Col Waddell for C.O., GOD OTTAWA RCOC (CA)	Aut for 8 days P&A FR&I 149(1)(a)

CERTIFIED TRUE COPY

[illegible] & Adjutant

[illegible] District Depot.

(P.T.O.)

CERTIFIED TRUE COPY

Previous sheet destroyed 27-FEB-44

No. F/49983 Name HAYES, H. Sqn., Battery, or Company } Corps R.C.A.S.C. Date of enlistment } 27 Aug 39 G.C. Badges } N/A Service or Proficiency Pay } N/A

Date of last entry in Company Conduct Sheet } No. and date of last drunk } N/A Period not reckoning towards freedom from extra fine } N/A Sheet No. Signature O.C. Company, etc. } (Sgd)Illeg. Major Character

M.F.M. 5 (A.F.R. 112) 500M—11-40 (OS) H.Q. 1772-[illegible]

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Sheet destroyed on completion of 4 years service 27 Aug 43; last entry dated 3 Mar 43; Nil cases of drunkenness									
Amherst,NS	3 Apr 40	Pte		A.A.Sec 15(1)A.W.L. from 0845 hrs 3 Apr 40 until 1300 hrs 9 Apr 40 (Absent 6 days 4 hrs 15 mins)	Sgt. Ashade	14 days C.B.	13 Apr 40	(Sgd)Lt-Col A.G.McLellan	Forf 7 days P&A under FR&I 149(1)(a)
Amherst,NS	4 Jan 41	Pte		A.A.Sec 15(1)A.W.L. from 2315 hrs 4 Jan 41 until 1205 hrs 22 Jan 41 (Absent 17 days 12 hrs 20 mins)	Sgt Boutilier	168 hrs Detn	24 Jan 41	(Sgd)Lt-Col J.W.Murdock	Forf 18 days P&A underFR&I 149(1)(a)
Amherst,NS	28 Feb 41	Pte		A.A.Sec 15(1) A.W.L. at Tattoo Parade	L/C Payneter	2 days loss of Pay	1 Mar 41	Major J.D. Stewart(Sgd)	
Halifax,NS	22 May 41	Pte		A.A.Sec 15(1) A.W.L. from 0600 hrs 22 May 41 until 2200 hrs 26 May 41 (Absent 4 days 16 hrs)	Cpl. Carter	14 days Detn.	27 May 41	(Sgd)Lt-Col Guildford	Forf 5 days P&A under FR&I 149(1)(a)

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
New Glasgow N.S.	28 Jun 41	Pte		A.A.Sec 15(1) A.W.L. from 2200 hrs 28 Jun 41 until 2200 hrs 16 Jul 41 (Absent (Absent 18 days)	Sgt Chandler	32 days pay Cost of Apprehn $10.03	17 Jul 41	(Sgd)Lt-Col A.E.MacDonald	Forf. 18 days P&A under FR&I 149(1)(a).
Halifax, N.S.	18 Nov 41	Pte		A.A.Sec 15(1) A.W.L. from 1330 hrs 18 Nov 41 until 0800 hrs 11 Dec 41 (Absent 23 days 21 hrs 30 mins)	Sgt.Sheppard	10 days Detn.	12 Dec 41	Lt-Col D.A. Guildford (Sgd.)	Forf 24 days P&A under FR&I 149(1)(a).
Halifax, N.S.	2 Feb 42	Pte		A.A.Sec 15(1) A.W.L. from 2200 hrs 2 Feb 42 until 0800 hrs 18 Feb 42 (Absent 16 days 6 hrs)	Sgt Morrison	21 days Detn.	19 Feb 42	(Sgd)Lt-Col Guildford	Forf 17 days P&A under FR&I 149(1)(a)
Halifax, N.S.	13 Apr 42	Pte		A.A.Sec 15(1)A.W.L. from 0800 hrs 13 Apr 42 until 0755 hrs 5 May 42 (Absent 21 days 23 hrs 55 mins)	L/Cpl Grant Pte Johnson	28 days Detn	5 May 42	(Sgd)Lt-Col D.A. Guildford	Forf 22 days P&A under FR&I 149(1)(a)
Debert, N.S.	27 Feb 43	Pte		A.A.Sec 15(1) A.W.L. from 1200 hrs 27 Feb 43 until 0600 hrs 28 Feb 43. (Absent 22 hrs)	S/Sgt Johnson	5 days loss of pay	1 Mar 43	(Sgd)Major R.J.George	Forf 1 days P&A under FR&I 149(1)(a).
Debert, N.S.	3 Mar 43	Pte		A.A.Sec 15(1)A.W.L. from 2359 hrs 3 Mar 43 until 2300 hrs 15 Mar 43 (Absent 11 days 23 hrs 1 min)	BSM Allcroft	21 days Detn	16 Mar 43	(Sgd)Lt-Col D.A. Guildford	Forf 11 days P&A under FR&I 149(1)(a)

I.C.M. - G.

Department of National Defence,
H. Q. C. 55 - H-292, (ICM)
OTTAWA, 23 MAY 1945

Your File -

District Officer Commanding,
Military District No. 3,
KINGSTON, Ontario.

F49983, Pte. H.B. HAYES,
No. 9 District Depot, CA

1. Herewith enclosed M.F.M. 288 in respect of this soldier who while under suspended sentence is serving with this unit in your command.

2. Please have the Officer Commanding the said unit append to page two of the said Form a report as to the conduct of said soldier since the suspension of said sentence and have same returned, together with a copy of the M.F.M. 6 (Field Conduct Sheet) to this Headquarters.

3. Before so returning M.F.M. 288 please append to page two thereof your comments and recommendations.

LHC:WS.

(A. E. Walford)
Major-General
Adjutant-General.

IN REPLY PLEASE QUOTE No. C.O.D.A. 3660

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

15 May 45

RECEIVED
15 MAY 1945
O.A.
R.C.O.C

Officer Administering,
Royal Canadian Ordnance Corps,
Room 3416, New Army Building,
O T T A W A - Ontario.

E. 49983, Pte. Hayes, H.B.

Reference H.Q.C. 55-14-292 (DOS.A) dated 9 May 45.

2. This will advise that the marginally named soldier was SOS to #9 District Depot, Lansdowne Park on the 19th April 45. Regimental Documents were forwarded to No. 9 District Depot and therefore copy of M.F.M. 6 is not available at this Depot.

(H.A. Campbell), Colonel,
Commanding Officer,
Central Ordnance Depot.

D. Admin.
To note, pls
see minute 2,
folio 91.
CW/AK

ICM:
Ref. folio 91.
pls.

for DOS A.
15-5-45

for D Admin

93

NAT. DEF. 8 AG

HQC 55-H-292 (DOS.A)

Officer Commanding,
Central Ordnance Depot, RCOC,
OTTAWA - Ontario.

F.49983 Pte. Hayes, H.B.

1. The Director of Administration has requested a report as to the conduct of the marginally named soldier since serving with the unit under your command, and a copy of his MFM 6.

2. May same be forwarded under confidential cover, please.

OTTAWA - Ontario
9 May 45

(R.P. Saunders) Colonel,
Officer Administering,
Royal Canadian Ordnance Corps.

92

MEMORANDUM

To:-
D OF ADMIN.

Department of National Defence,
HQC. 55-H-292,(ICM),
OTTAWA, ~~18 APR~~ 1 MAY 45.

RECEIVED
4 MAY 1945
C.A.
R.C.O.C
B-3

I

F49983 Pte. HAYES, H.B.
Central Ordnance Depot, N.D.H.Q.

Would you please have the O.C. this Unit append to page two of MFM-288 a report as to the conduct of this soldier since serving with said unit (10 MAR 45) and return same to this office together with a copy of MFM-6.

2. For necessary action, please.

(L.H. CLAYTON) Lieut-Col.
Inspector of Courts-Martial.

LHC:WS.

II DOS(A)
May the request in Min I be implemented, please.
3/5/45
H.A. Stilwell Major
for D Adm.

91

307298

IN REPLY PLEASE QUOTE
No. C.R. 40-H-2794 (AJAC)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, Camp Borden
Camp Borden, Ont., 13 APR 1945

The Secretary
Dept. of National Defence
OTTAWA, Ontario

CENTRAL REGISTRY Army
CONF. SEC.
APR 17 1945
File C55-H-292
Chgd. to
Referred to JCM

F-49983 Pte. HAYES, H.B.

Reference H.Q.C.55-H-292, (ICM) dated 11 APR 45.

2. MFM 288 is returned herewith since this soldier was s.o.s. A-19 CASCTC to Central Ordnance Depot, NDHQ and is no longer present at A-19 TC. In this connection your attention is invited to this Headquarters' letter of 19 MAR 45.

(A.C. Spencer)
Major-General,
Commander - Camp Borden

N.D. 28
3 MR.—11-43 (2979)
H.Q. 1772-101-23

88

I.C.M. - G.

Department of National Defence,
H. Q. C. 55 - H-292, (ICM)
OTTAWA, 11 APR 1945

Your File - G.B.40-H-2794

Commander,

Camp Borden Military Camp,

CAMP BORDEN, Ontario.

N49983 Pte. H.R. HAYES,
A-19, C.A.S.C.T.C., CA

1. Herewith enclosed M.F.M. 288 in respect of this soldier who while under suspended sentence is serving with this unit in your command.

2. Please have the Officer Commanding the said unit append to page two of the said Form a report as to the conduct of said soldier since the suspension of said sentence and have same returned, together with a copy of the M.F.M. 6 (Field Conduct Sheet) to this Headquarters.

3. Before so returning M.F.M. 288 please append to page two thereof your comments and recommendations.

(A. E. Walford)
Major-General
Adjutant-General.

LHC:WS.

500-1-45 (M-4518)

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DUPLICATE

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of F.49983, Pte. H.B. HAYES
Number Rank Name in full

No. 9 District Depot, C.A. Centre Ordnance Depot, N.D.H.Q.
No. 1 Transit Camp A-19 C.A.S.C.T.C., C.A.
Unit Attachment (if any)

Sentenced to 150 days detention

on 10 October 1944 at Windsor, Nova Scotia

being served at Aldershot Military Detention Barracks, Aldershot, NS
(Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment 19 yrs. of age 27 August 39

Medical grade or category 20 1 1 2 1 1 2 2

FIRST TRIAL—PART II

To The Adjutant-General
Superior Military Authority

For details of offences see Part VII.

I have directed that the above-named be ~~not~~ committed to undergo his sentence, which I recommend should ~~not~~ be ~~suspended~~ (put into execution) (reviewed on 1st Dec 44 date) for reasons given in paragraph X.

Place Halifax, N.S.,

Date 1 Nov 44

??????????????
Confirming Authority
for D.A. WHITE, Brigadier,
D.O.C., M.D. No. 6.

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....)

of which I remit .....) (be suspended) (be put into execution)

(and) be reviewed on .....

Place .....

Date .....

Superior Military Authority

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To .....
Superior Military Authority

For details of offence, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced to ....., and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .....

Date .....

Confirming Authority

M.F.M. 288
(Army Form A-3104)
10M—5-43 (330)
H.Q. 1772-39-2015

86

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
Dec 5/944	No Suspension or Remission. No further Review	Adjutant-General Superior Military Authority	RELEASED 23 Dec.44 MARKS EARNED TOWARD REMISSION 592
DEC 20 1944	Sentence suspended effective 23 December 1944 Review on 23/3/45	Adjutant-General Superior Military Authority	J.T.Brown, Lieut. Commandant, # 68 MIL DET. BKS., ALDERSHOT N.S.

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
A.W.L. from 1000 hrs. 1-4-44 until apprehended at Springhill, N.S. at 2359 hrs. 16-9-44.	1 Apr.44	10 Oct 44

Signature of officer making entry

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial

Signature of officer making entry

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
28 Oct 44	Recommended that the sentence be remitted so that Pte. Hayes may be placed in the reinforcement stream.	????????? Lt.Col.

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
1 Nov 44	To be reviewed on 1 Dec 44	????????? for D.A. WHITE, Brigadier D.O.C., M.D.6

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

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IN REPLY PLEASE QUOTE No. C.B. 40-H-2794 (AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, Camp Borden,
Camp Borden, Ontario,
19 MAR 45.

The Secretary,
Dept. of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
COMP. ETC.
MAR 22 1945
C 55-H-292

F-44983 Pte. HAYES, H.B.
A-19 CASCTC, CA.

301091

Reference H.Q.C. 55-H-292, (ICM) dated 13 MAR 45, herewith is enclosed M.F.M. 288 regarding the marginally-named soldier.

2. As he was S.O.S. to Central Ordnance Depot, N.D.H.Q. on 10 MAR 45 it is impossible to enclose a copy of M.F.M. 6 or append a report to the enclosed form as requested since his documents have already been forwarded.

(F.F. Worthington)
Major-General,
Commander - Camp Borden.

L.H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial
MAR 23 1945

NAT. DEF. B. 440
H.Q. 1772-39-767

83

I.C.M. - G.

Department of National Defence,
H. Q. C. 55 - H-292, (ICM)
OTTAWA, 13 March, 1945.

Your File -

Commander,

Camp Borden Military Camp,

CAMP BORDEN, Ontario.

F-44983, Pte. H.B. HAYES,
A-19, C.A.S.C.T.C., CA

1. Herewith enclosed M.F.M. 288 in respect of this soldier who while under suspended sentence is serving with this unit in your command.

2. Please have the Officer Commanding the said unit append to page two of the said Form a report as to the conduct of said soldier since the suspension of said sentence and have same returned, together with a copy of the M.F.M. 6 (Field Conduct Sheet) to this Headquarters.

3. Before so returning M.F.M. 288 please append to page two thereof your comments and recommendations.

LHC:WS.

(A. E. Walford)
Major-General
Adjutant-General.

81

500-1-45 (M-4518)

IN REPLY PLEASE QUOTE
No. H.H-1286 (JAC)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

Headquarters, M.D. No. 6,
Halifax, N. S. 8 Mar 1945

298311

CENTRAL REGISTRY Army
CONF. SEC.
MAR 12 1945
File 55-H-292
Chgd. to
Referred to

The Secretary,
Dept. of Nat. Defence,
Ottawa, Ontario.

F-44983 Pte. H. B. Hayes
No. 1 Transit Camp, C. A.

Reference H.Q.C. 55-H-292(ICM) dated 2 Mar 45.

2. M.F.M. 288 is herewith returned, as the O.C., No. 1 Transit Camp reports that this soldier was S.O.S. 15 Jan 45 to A-19 C.A.S.C.T.C. Camp Borden, Ontario.

for (D.A. WHITE) Brigadier
D. O. C., M. D. No. 6

NFM/GHR
Enc.

80

N.D. 23
3 M.M.—11-43 (1979)
H.Q. 1772-101-23

7

I.C.M. - G.

Department of National Defence,
H. Q. C. 55 - H-292,(ICM)
OTTAWA, 3 March, 1945.

Your File - H.H.1286,

District Officer Commanding,

Military District No. 6,

HALIFAX, N.S.

F-44983, Pte. H.B. HAYES,
No. 1 Transit Camp, CA

1. Herewith enclosed M.F.M. 288 in respect of this soldier who while under suspended sentence is serving with this unit in your command.

2. Please have the Officer Commanding the said unit append to page two of the said Form a report as to the conduct of said soldier since the suspension of said sentence and have same returned, together with a copy of the M.F.M. 6 (Field Conduct Sheet) to this Headquarters.

3. Before so returning M.F.M. 288 please append to page two thereof your comments and recommendations.

(A. E. Walford)
Major-General
Adjutant-General.

LHC:WS.

500-1-45(M-4518)

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IN REPLY PLEASE QUOTE
No. H.H-1286 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, M.D. No. 6,
Halifax, N.S. 7 Jan 1945

CONFIDENTIAL

CENTRAL REGISTRY Army
CONF. SEC.
JAN 11 1945
File CJS-N-292
Chgd. to
Referred to JCM

283515

The Secretary,
Dept. of Nat. Defence,
Ottawa, Ontario.

F-44963 Pte. H.B. Hayes
No. 1 Transit Camp, CA

Reference HQC 55-H-292 (ICM) dated 20 Dec 44.

2. Enclosed herewith is M.F.M. 286 duly completed as requested.

3. The necessaries were made in No. 1 Transit Camp Daily Orders Part II No. 317 dated 29 Dec 44.

P.A. Fielding for
(D.A. WHITE) Brigadier
D. C. O., M. D. No. 6

GD/GER
Enc.

77

N.D. 28
3 Mil.—11-43 (2979)
H.Q. 1772-101-23

I.C.M. - F.

Department of National Defence.
H. Q. C.55 - H-292,(ICM)
OTTAWA, Ont., 20 Dec. 1944.

Your File - H.1286

District Officer Commanding,

Military District No. 6,

HALIFAX, N.S.

F-44983, Pte. H.B. HAYES,

1. With reference telegram A.G. dated 20 December,1944 herewith enclosed M.F.M. 288 in respect of the marginally-noted soldier who has been serving in Aldershot, Military Detention Barracks, in your Command, a sentence of 150 days' detention awarded by a Court-Martial on the 10 day of October, 1944. Standing,

2. You will note from Part VI of said form that the sentence has been suspended.

3. Will you please have the Commandant of said Detention Barracks enter in Column 4 of Part VI of said Form the word "Released", the date of said release, the number of marks earned towards remission and sign same, inserting his appointment underneath his signature (e.g. Commandant, Nanaimo Military Detention Barracks).

4. When completed as above said Form is to be forwarded direct to the Officer Commanding No. 1 Transit Camp with instructions to make the necessary entries in Part II Orders and in the documents of the marginally-noted soldier in respect of said suspension of sentence.

5. M.F.M. 288 when duly completed as above is to be returned to this Headquarters.

(A. E. Walford)
(~~[illegible]~~)
Major-General
Adjutant-General.

LHC:WS.

500-8-44 (M 4274)

76

CIPHER

ARMY MESSAGE

(OUTGOING)

FILE [illegible]

PLACE	DATE
OTTAWA, Ontario.	16 December, 1944

District Officer Commanding,
Military District No. 6,
HALIFAX, N.S.

CONFIDENTIAL DCM 108 REFER DATED 16 DECEMBER 1944 NOTE H
GIVE TWO EIGHT SIX BRACKETS FA BRACKETS
NUMBER F 44303 PRIVATE H B HAYES SERIAL
3960 STOP SENTENCE SUSPENDED EFFECTIVE
23 DECEMBER 1944 STOP REPORT RELEASE
ON THAT DATE

ADJUTANT-GENERAL

ORIGINATOR'S INSTRUCTIONS

THIS MESSAGE MUST BE SENT IN CIPHER	IF THIS MESSAGE IS LIABLE TO BE PUBLISHED, INDICATE BELOW.	DEGREE OF PRIORITY	TIME OF ORIGIN
SIGNED Adjutant-General / Adjutant-General			20 1500

COPY 7 - FOR ORIGINATOR'S FILE COPY 2 WILL BE RETURNED AS CONFIRMATION

75

ZM-8-44 (M-4177)

I.C.M. - L 3021

REVIEW OF SENTENCE

DATE 20 December, 1944

H.Q.C. File: 55- H-292, (ICM)

1. No. RANK AND NAME F-44983, Pte. H.B. HAYES,
2. UNIT AT DATE OF OFFENCE No. 1 Transit Camp, CA
3. AT PRESENT ON STRENGTH OF Do M.D. 6
4. SENTENCE OF COURT 150 days detention DATE 10-10-44
5. CONFIRMED SENTENCE DATE
6. BEING SERVED AT No. 68 Aldershot Detention Barracks
7. OFFENCES :- AWL from 1-4-44 till arrested 16-9-44, 5½ months

   Has Served:- 2 months

   Expires:- 17-1-45

   Army Trade:- None

8. PREVIOUS CONDUCT

   ENLISTED ~~ENROLLED~~ 17-10-39 AGE 24

   PULHEMS: 1121122

   AWL, 13 times,

9. STATEMENT OF ACCUSED: After category lowered, and I left my unit, I have been kicked around quite a bit and have done nothing but fatigues and I was sick and fed up. Disgusted. Tried to get overseas. Promised by 3 different Colonels to be put on draft. Never was. Been a Cpl. twice. Wore stripes for 4 or 5 months. Never paid for them. Still drawing only $1.30. Never got 20¢ raise although have had B.T. and A.T. for years. 2 brothers overseas with 3rd div. Would like to go overseas very much.

~~STATEMENT OF ACCUSED~~

10. RECOMMENDATIONS:

C.O. 28-10-44 That sentence be remitted so that he may be placed in the reinforcement stream.

D.O.C. 1-11-44 To be reviewed on 1-12-44.

Cmdt. 29-11-44 Earned 17 days out of 17. Conduct warrants suspension.

D.O.C. 16-12-44 That sentence be suspended in order to complete training before being placed in Reinforcement stream.

ICM 20-12-44 Immediate suspension in view of Cmdt's and DOC's recommendations.

~~RECOMMENDATION~~

L.H. Clayton.

(L.H. Clayton) Lieut-Col.
Inspector of Courts-Martial.

LHC:WS.

Approved
R. Raymond
A.A.G. Adjutant
D.A.G. (E)

DEC 20 1944

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IN REPLY PLEASE QUOTE No. H.K. 1286 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, M. D. No. 6
Halifax, N. S., 16 Dec 44.

CONFIDENTIAL

The Secretary
Dept. of Nat. Defence
Ottawa, Canada.

278465

CONF'L REGISTRY
DEC 19 1944
C 55-H-292
J.C.M.

F.44983 Pte. H.B. Hayes
No. 1 Transit Camp, C.A.

1. Reference your K.Q.C. 55-H-292, (ICM) dated 23 Nov 44.

2. The Officer Commanding, No. 1 Transit Camp reports on this soldier as follows:

The Pulhems Profile on this soldier reads: 121122. Documents show that this soldier has received basic training only.

3. It is recommended that this sentence should be suspended in order for Pte. Hayes to complete his training before being placed in the Reinforcement Stream.

for (D.A. White) Brigadier
D. O. C., M. D. No. 6

NPM/IS

IN REPLY PLEASE QUOTE
No. H.1286 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, M. D. No. 6
Halifax, N. S., 30 Nov 1944.

CONFIDENTIAL

The Secretary
Dept. of Nat. Defence
Ottawa, Canada.

274601

CENTRAL REGISTRY Army
CONF. SEC.
DEC 3 1944
File C.55-H-292
Chgd. to
Chgd. to JAGMJ

F.44983 Pte. H.B. Hayes
No. 1 Transit Camp, C.A.

1. Reference H.Q.C. 55-H-292, dated 23 Nov 44.

2. Report on Conduct Form re the m/n soldier is returned completed as requested.

for (D.A. White) Brigadier
D. O. C., M. D. No. 6

NFM/IS
Enc.

N.D. 23
5 MS.—11-43 (3979)
H.Q. 1772-101-23

71

REPORT ON CONDUCT

I.C.M. - B

Department of National Defence,
H. Q. C. 55- H-292, (ICM)
OTTAWA, 23 November, 1944.

To:- Commandant Aldershot, Military Detention Barracks.

1. Soldier under sentence	F-49983, Pte. H.B. HAYES,
2. PLEASE STATE:-	
(i) Date of sentence	10 Oct., 44
(ii) Sentence	150 days
(iii) Date you received soldier	11 Oct., 44
(iv) (a) Can soldier read and write?	Yes
(b) Religion	R.C.
(c) Married, Widower, Single	Single
(d) What Army trade has soldier?	None
(v) (a) Conduct of soldier	Good
(b) Industry of soldier	Good
(c) Remission earned:-	17 days
(i) Number of days actually earned	17 days
(ii) Number of days obtainable to date	17 days
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	
(a) Whether detention will seriously aggravate soldier's condition.	No
(b) Whether further confinement is likely to prove fatal.	No
(vii) (a) Whether in your opinion conduct of soldier warrants suspension of sentence?	Yes
(b) Moral effect confinement has had?	Good
(c) If returned to Army, is soldier likely to become a good soldier?	Yes
(viii) Date term will expire if all remission earned from now on.	17 Jan., 45

70

(A. E. Walford)
Major-General
Adjutant-General.

LHC:WS.

Signature [illegible]
Commandant.
Date of Report: 29 Nov., 44

I.C.M. - A.

Department of National Defence,
H. Q. C. 55 - H-292,(ICM)
OTTAWA, 23 November, 1944.

Your File - H.H. 1286,

District Officer Commanding,
Military District No. 6,
HALIFAX, N.S.

F-49983, Pte. H.B. HAYES,

1. Herewith enclosed "Report on Conduct" Form in respect of the marginally-noted soldier who is serving in Aldershot, Military Detention Barrack, under your command, a sentence of 150 days' detention awarded by a Standing, Court-Matial on the 10 day of October, 1944.

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

(A. E. Walford)
(~~xxxxxxxxxx~~)
Major-General
Adjutant-General.

LHC:WS.

69

5M-3-44 (M-3632)

IN REPLY PLEASE QUOTE No. H.H-1286 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

27.118

CONFIDENTIAL

Headquarters, M.D. No. 6,
Halifax, N. S. 16 Nov 44.

The Secretary,
Dept. of Nat. Defence,
Ottawa, Ontario.

CENTRAL REGISTRY Army
COURT SEC.
CJS-N-292
NOV 19 1944
File
Chgd. to
Referred to admin

STANDING COURT-MARTIAL
F-49983 Pte. H.B. Hayes
No. 1 Transit Camp, C.A.

Reference H.Q.C. 55-H-292 Adms.3(b)3 dated 8 Nov 44.

2. The Officer Commanding, No. 1 Transit Camp reports as follows:

> Please be advised that the m/n soldier was not entitled to any increase in Regt. Rates of pay as this increase came into effect on the 1 Jan 43, and Pte. Hayes' conduct does not warrant this increase: AWL from 2 Jan 43 until 21 Jan 43 and 28 Feb 43 one day. AWL 3 Mar 43 until 15 Mar 43, awarded 21 days detention. Close arrest 17 Sep 43 to 28 Sep 43, Civil Custody 28 Sep 43 to 6 Oct 43 case dismissed. AWL 18 Oct 43, SOS Deserter 12 Nov 43. Surrendered 29 Nov 43, 20 days detention from 30 Nov 43. AWL 1 Apr 44, SOS deserter 25 Apr 44; apprehended 16 Sep 44, awarded 150 days detention on 18 Oct 44.

3. The notification of trial of this soldier set the date of the Standing Court-Martial for 3 Oct 44. The case had to be adjourned for one week, and was tried on 10 Oct 44. The application for the Standing Court-Martial was returned, as there were several corrections required in connection with the documents submitted.

Letter for Col Dawson 27 Nov 44

NFM/GHR

for A.K. Wilson Major
(C.S. CRAIG) Colonel
A/D. O. C., M.D. No. 6

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H.Q.C. 55-M-292
Adm.3(b)3

6 Nov 44

District Officer Commanding
Military District No. 6
HALIFAX, N.S.

Standing Court Martial
M.49563 Pte. M. M. [illegible]
No. 1 Transit Camp, CA

Reference H.M. 1286 (JAG) dated 1 Nov 44:

1. It is noted from the statement of the accused in the Standing Court Martial proceedings herein that he complains that he did not receive the proper increases in rates of regimental pay provided by G.A.R.O. 3481.

2. His M.F.M. 6 discloses that during the period from February, 1942 to January 1944 he has been charged and found guilty of five offences involving forfeiture of pay. However, he apparently enlisted 27 Aug 39.

3. May his M.F.M. 14 be examined please to determine whether or not his complaint is justified.

4. It is noted that he was confined in military custody for a period of 24 days awaiting trial.

5. May this Headquarters be informed please as to whether his Officer Commanding considers that this man is entitled to increased rates of pay. May information be received as to the reason why this soldier was held in custody awaiting trial such a length of period of time.

(A.E. Walford)
Major-General
Adjutant-General

MC:CP

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H.Q.C.55-H-292 (JAG/D)

4th Nov. 1944.

District Officer Commanding,
Military District No.6,
Halifax, N.S.

Standing Court-Martial
F.49983, Pte. H.B. HAYES
No. 1 Transit Camp, C.A.

Receipt is acknowledged of your H.H.1286(JAG) dated 1st Nov. 194 4, under cover of which you returned to this office for custody the proceedings of the marginally noted Standing Court-Martial., together with M.F.M.288.

(R.J. Orde), Brigadier,
Judge Advocate-General.

LF:ELM

Note L.H. Clayton

L.H. CLAYTON
Lieut.-Colonel
Judge Advocate General
NOV 7 1944

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IN REPLY PLEASE QUOTE
H.H.1286 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, M.D. No.6,
Halifax, N.S., 1 Nov 44 194

CONFIDENTIAL

266792

CENTRAL REGISTRY Army
CONF. SEC.
NOV 3 1944
File C. 55-H-292
Chgd. to
Referred to

The Secretary,
Dept. National Defence,
OTTAWA, Can.

STANDING COURT-MARTIAL
No.F.49983, Pte. H. B. HAYES,
No. 1 Transit Camp, C.A.

1. Ref your H.Q.C. 55-H-292 (JAG/D-5) d/23 Oct 44, there is enclosed herewith proceedings of the m/n Court, which have been reviewed, together with M.F.M. 288, duly completed.

(D. A. White) Brigadier,
D.O.C., M.D. No.6.

NFM/1.
encl.

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N.D. 28
3 MIL.—11-43 (2979)
H.Q. 1772-101-28

PROCEEDINGS OF A STANDING COURT-MARTIAL

No.P-49983 Private Harold Benedict HAYES
No. 1 Transit Camp, C. A.

Windsor, N. S., 10th October, 1944.

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A

Form of Proceedings for a Standing Court-Martial

Proceedings of a Standing Court-Martial held at Windsor, N. S.

on the 10th day of October 1944 at 1430 hours,

for the trial of: F.49983 (Number) Private (Rank) Harold Benedict HAYES (Full Name)

No. 1 Transit Camp, C. A. (Unit) (Attachment, if any)

PRESIDENT: Major R.F.Barnes, E.D., Headquarters M.D.No.6. Permanent President Standing Courts-Martial, M.D.No.6.

PROSECUTOR: Capt.A.L.Bourque, M.C., Headquarters M.D.No.6. Permanent Prosecutor District Courts-Martial, M.D.No.6. (Rank, Full Name, Unit, Attachment, if any)

~~COUNSEL~~ ~~OR~~ DEFENDING OFFICER: Capt. T. E. Rowley, No. 1 Transit Camp, C. A. (Rank, Full Name, Unit, Attachment, if any)

FINDING: The Court find the accused No.F.49983 Pte. Harold Benedict HAYES, No. 1 Transit Camp, C. A. not guilty of desertion but guilty of absence without leave on the charge.

SENTENCE: The Court sentence the accused No.F.49983 Pte.Harold Benedict HAYES, No. 1 Transit Camp, C. A. to undergo detention for one hundred and fifty (150) days, and to be placed under stoppages of pay until he has made good the sum of $7.70 in respect of the costs of apprehension and return to his unit.

Extracts entered as No. 34019 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 21st day of Oct 1944

Signed at Windsor, N.S. this 10th day of October 1944.

(R. F. BARNES) Major
President, Standing Court-Martial.

M.F.R. 1486
25M-6-44 (4826)
H.Q. 1772-39-2256

61

Forms of Oaths and Declarations

Oaths

Shorthand Writer

You swear by Almigthy God that you will truly take down to the best of your power the evidence to be given before this court-martial and such other matters as may be required, and will, when required, deliver to the Court a true transcript of the same.

Answer: I do.

Interpreter

You swear by Almighty God that you will to the best of your ability truly interpret and translate, as you shall be required to do, touching the matter before this court-martial.

Answer: I do.

Witness

You swear by Almighty God that the evidence which you shall give before this Court shall be the truth, the whole truth, and nothing but the truth.

Answer: I do.

Solemn Declarations

The form of declaration will be the same as the form of oaths except that for the words "You swear by Almighty God" will be substituted the words "You (name in full) do solemnly promise and declare"; and that the words "solemnly promise and declare" will be substituted for the word "swear" wherever it occurs.

Question to the accused. Do you object to be tried by me as President of the Court ?

Answer: No sir.

(N.B. If objection is made it should be recorded together with the decision of the Court on a separate page marked "B B" and attached immediately under Page B.)

Question to the accused. ~~Do you object to ... as interpreter ?~~

Answer:

Question to the accused. Do you object to F.83514 Sgt.(A/CSM(W.O.11)J.R.Ross, No. 6 Detachment, C.M.S.C. as shorthand writer ?

Answer: No sir.

The shorthand writer ~~and interpreter (if any) are~~ is duly sworn.

Question to the prosecutor. Has the accused elected to be tried by a Standing Court-Martial or other Court-Martial ?

Answer: No sir.

The accused is arraigned upon each charge in the Charge Sheet marked B-2, and annexed to the proceedings after having been signed by the President.

Question to the accused. Is that your number, rank, name and unit ?

Answer by accused. Yes sir.

Question to the accused. Are you guilty or not guilty of the ~~(first)~~ charge against you, which you have heard read ?

Answer: Not guilty.

Question to the accused. ~~Are you guilty or not guilty of the second charge against you, which you~~ have heard read ?

Answer.

Question to the accused. Are you guilty or not guilty of the third charge against you, which you have heard read ?

Answer.

Question to the accused. Are you guilty or not guilty of the fourth charge against you, which you have heard read ?

Answer.

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(The accused having pleaded guilty to ... ~~charge, the provisions of Rule of Procedure 35 (B) are here complied with.)~~

"B-2"

R. F. Barnes
(R.F. BARNES) Major
President S.C.M.

3

CHARGE SHEET

The accused F.49983 Private Harold Benedict HAYES, No. 1 Transit Camp, C.A. a G.S. soldier of the Canadian Army placed on Active Service is charged with:-

CHARGE
Section 12 (1)(2)
ARMY ACT.

WHEN ON ACTIVE SERVICE
DESERTING HIS MAJESTIES SERVICE

in that he

at Acadia Barracks, Windsor, N.S. on the 1st. day of April 1944, absented himself from No. 1 Transit Camp, C.A. from 1000 hours, on the said 1st. day of April 1944 until he was apprehended by 38 Provost Coy. at Springhill, N.S. at 2359 hours on the 16th. day of September, 1944 dressed in Military uniform. Cost of apprehension and return to unit, $11.20.

D. A. Guildford
(D.A. Guildford) Lt.Col.,
Officer Commanding,
No. 1 Transit Camp, C.A.

Acadia Barracks,
Windsor, N.S.
4th Oct. 44.

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C

Proceedings on Plea of Not Guilty

Question to accused. Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. No sir.

(If the accused applies for an adjournment see instructions at page 747 M.M.L.)

The Prosecutor proceeds to call witnesses.

First Witness for prosecution. F.51280 Sgt. K. P. Cody
No. 1 Transit Camp, C. A.

being duly sworn, is examined by the Prosecutor.

Question What is your number, rank, name and unit?

A. No.F.51280 Sgt. K.P.Cody, No. 1 Transit Camp, C. A.

Q. How are you employed?

A. In the Orderly Room.

Q. I am handing you certain documents will you tell the Court what they are please?

A. M.F.B. 375 dated 25th April 1944.
M.F.M. 216 dated 16th September 1944.
Certified true extract from No. 1 Transit Camp daily orders Part 11, No. 84, dated 5th April 1944.
Certified true extract from No. 1 Transit Camp daily orders Part 11, No. 97, dated 21st April 1944.
Certified true extract from No. 1 Transit Camp daily orders Part 11, No. 98, dated 22nd April,1944.
Certified true extract from No. 1 Transit Camp daily orders Part 11, No.231, dated 20th September 1944.
Certified ture extract from No. 1 Transit Camp daily orders Part 11, No. 235, dated 25th September 1944.
M.F.B. 1481 dated 18th September 1944 in the amount of $7.70.
M.F.B. 1482 dated 18th September 1944 in the amount of $2.22.
M.F.B. 1482 dated 19th September 1944 in the amount of $1.25.

Q. To whom do these documents refer?

A. They refer to F.49983 Pte. Hayes, H.B.

Q. Who is he?

A. The accused.

Q. Do you recognize him as the accused?

A. Yes sir.

Q. Do you produce these documents in evidence?

A. I do sir.

M.F.B. 375 DATED 25TH APRIL 1944 IS READ BY THE COURT, MARKED EXHIBIT "F", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

M.F.M. 216 DATED 16TH SEPTEMBER 1944 IS READ BY THE COURT, MARKED EXHIBIT "G", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

CERTIFIED TRUE EXTRACT FROM NO. 1 TRANSIT CAMP DAILY ORDERS PART 11, NO. 84, DATED 5TH APRIL 1944 IS READ BY THE COURT, MARKED EXHIBIT "H", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

CERTIFIED TRUE EXTRACT FROM NO. 1 TRANSIT CAMP DAILY ORDERS PART 11, NO. 97, DATED 21ST APRIL 1944 IS READ BY THE COURT, MARKED EXHIBIT "I", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

CERTIFIED TRUE EXTRACT FROM NO.1 TRANSIT CAMP DAILY ORDERS PART 11, NO.98, DATED 22ND APRIL 1944 IS READ BY THE COURT, MARKED EXHIBIT "J", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

CERTIFIED TRUE EXTRACT FROM NO. L TRANSIT CAMP DAILY ORDERS PART 11, NO. 231, DATED 20TH SEPTEMBER 1944 IS READ BY THE COURT, MARKED EXHIBIT "K", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

CERTIFIED TRUE EXTRACT FROM NO.1 TRANSIT CAMP DAILY ORDERS PART 11,NO. 235, DATED 25TH SEPTEMBER ,944 IS READ BY THE COURT MARKED EXHIBIT "L", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

M.F.B. 1481 DATED 18TH SEPTEMBER 1944 IN THE AMOUNT OF $7.70 IS READ BY THE COURT, MARKED EXHIBIT "M", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

M.F.B. 1482 DATED 18TH SEPTEMBER 1944 IN THE AMOUNT OF $2.22 IS READ BY THE COURT, MARKED EXHIBIT "N", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

M.F.B. 1482 DATED 19TH SEPTEMBER 1944 IN THE AMOUNT OF $1.26 IS READ BY THE COURT, MARKED EXHIBIT "O", SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

THE WITNESS WITHDRAWS.

D

The Prosecutor has no further witness to call.
The Prosecution is closed.

Motion – No Case

It is open to the accused, his Counsel or Defending Officer at the close of the case for the prosecution to submit that the evidence given for the prosecution has not established a *prima facie* case against him, and that he should not therefore be called upon for his defence. If such Motion is made, the proceedings will be recorded on separate pages which will be inserted immediately before the present page D. If the Court is satisfied that the Motion is well founded, it must acquit the accused and register its Finding on Page A.

Defence

The President will now address the acused as follows:—

"It is my duty at this stage to advise you as to your rights in the general conduct of your defence. The procedure to be followed depends entirely on the answers given to the formal questions which are about to be put to you. It is therefore important that you should understand and appreciate the effect of your answers to these questions. You do not need to give evidence on oath unless you wish to do so, but if you do give sworn evidence you are liable to be cross-examined by the Prosecutor and questioned by the Court."

"If you do not give evidence on oath you are entitled to make a statement giving your account of the subject of the charge against you. You will not be sworn and no question may be put to you by the Court or any person with respect to such statement. I must warn you, however, that evidence given on oath will carry more weight with the Court than a mere statement not on oath."

If there is no Defending Officer the President should then explain to the accused the effect which his answer to the formal questions on Page D of the proceedings will have on the order of the Closing Addresses as provided in R.P. 40 and 41.

Question to the accused. Do you apply to give evidence yourself as a witness, or do you wish to make an unsworn statement?

Answer. Yes sir I apply to give evidence as a witness.

Question to the accused. Do you intend to call any witness in your defence?

Answer. No sir.

Question to the accused. ~~Is the witness to be called a witness as to character only?~~

Answer.

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First Witness for the Defence) The Accused, F.49883 Pte. H.B.Hayes, No. 1 Transit Camp, C. A.

being duly sworn is examined by the defending officer

Q. Will you tell your story to the Court?

A. Sir--I have been in the army for five years, over five years and ever since my category was lowered and I left my unit I have been kicked around quite a bit and have done nothing but fatigues and I was sick and fed up. I was disgusted. I tried to get overseas and I was promised to be put on three drafts. I was promised this by three different Colonels, but I was never even put on a draft sir. I have even had stripes, I have been a Cpl. twice and I have worn stripes 4 or 5 months and I never have beenpaid for them and I am still only drawing $1.30 a day pay I have never even got the .20¢ raise although I have had my basic and advanced training for years. When I left here I was pretty well fed up with everything. The last job I had around here was running around all day with a toilet plunger. I was at that for about a month before I went on leave. I have two brothers overseas with the 3rd Division and all my friends that I was with in the first of the war and when I left them everything seemed to go wrong. I would like to go overseas very much, even after any punishment which I expect to get I would still like to go sir. That is about all sir.

Q. You have been in the army over five years, have you?

A. Yes sir.

Q. What has been your intention all along regarding the army?

A. I expected to get overseas, I expected to get over as soon as I enlisted.

Q. How long have you been in this camp?

A Since the 20th April 1943.

Q. You said something about still receiving only $1.30 a day regimental pay?

A. That is right sir.

Q. How long have you gone without a summary crime against you, that is from the last crime until this time?

A. Around seven or eight months.

Q. I believe it is 13 months. You also mentioned that you had requested at various times to go on draft?

A. That is right sir.

Q. When was the last time you asked to be put on draft?

A. Last December was the last time sir.

Q. Who did you see at that time?

A. Col. Brooks.

Q. What did he say?

A. He turned to the Adjutant and told him to see that I was put on draft right away.

Q. What was your category then?

A. B-1 I was to be reallocated and put in a unit that I could go overseas with.

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Q. Did you at any time make further application?

A. Sir I was taken to the Army Examiner--Capt. Fraser and also to see Capt. Barnhill, who was supposed to be interceding for me.

CROSS-EXAMINED BY THE PROSECUTOR

Q. What was your original unit?

A. The North Nova Scotia Highlanders.

Q. How long were you with them roughly?

A. About two years and a half sir.

Q. Why were you taken off their strength?

A. My category sir.

Q. And since you left the North Novas you have been doing fatigues practically all the time?

A. Yes sir.

Q. And that was the reason that you went A.W.?L. on the 1st of April?

A. Mostly sir, well I was pretty well fed up.

Q. On account of that you couldn't get overseas?

A. Yes sir.

Q. Were you apprehended on the 10th September 1944?

A. Yes sir.

Q. At Springhill?

A. Yes sir.

Q. Is Springhill your home?

A. Yes sir.

Q. From the 1st of April until the 16th of September, were you at home all the time?

A. No sir I was working on a farm.

Q. Near your home?

A. A few miles outside of town.

Q. Did you try to hide during that period?

A. Well sir not exactly, some.

Q. You didn't go out of your way?

A. No sir.

Q. Was it your intention to come back to the army?

A. Yes sir.

Q. Actually you went because you were fed up and couldn't get overseas?

A. Yes sir.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q. How were you employed when you were apprehended?

A. I was still working on the farm I had just came up to town.

Q. How long did you intend to keep working on the farm?

A. It would be finished within a few weeks.

Q. Was it your farm?

A. No sir, friends of mine.

Q. Are you married?

A. No sir.

Q. Do you know what your category is now?

A. No sir, it is three years since I have had a reboard.

Q. Are you a trained soldier?

A. Yes sir, I had by basic and Advanced training with my unit--the North Nova Scotia Highlanders.

THE WITNESS RESUMES HIS SEAT.

THE DEFENCE HAS NO FRUTHER WITNESSES.

THE DEFENCE IS CLOSED.

THE PROSECUTOR DECLINES TO MAKE A CLOSING ADDRESS.

THE DEFENDING OFFICER DECLINES TO MAKE A CLOSING ADDRESS.

E

Proceedings on Conviction before Sentence

After the Court has arrived at a Finding on all the charges against the accused and such Finding has been announced to the accused, the Prosecutor will tender to the President M.F.B. 355, together ,when it is possible, with an M.F.M. 6.

These documents are read to the Court by the President, are marked "Y" and "Z", signed by the President and annexed to the proceedings.

Question to the accused. Have you any statement to make concerning the documents which have just been read to you?

Answer. No sir.

Question to the accused. Do you wish to address the Court?

Answer. Yes sir through my defending officer.

DEFENDING OFFICER: There is no doubt that this man feels very discouraged and disappointed with his brothers and all his friends who he joined the army with at the first of the war, gone overseas and him left behind, doing fatigue work. He is a fully trained soldier and resents doing fatigue work as he feels that he should do some fighting. It is a fact that Hayes has a very lengthy M.F.M. 6, but apart from that his conduct from March 1943 until April 1944--13 months he has had a good record. As I stated before it is his intention to go overseas and I might state that I know that Hayes has seen the Army Examiner within the past few days and the Army Examiner recommended him for the Army Service Corps and I believe that the documents have already gone to his C.O. and have been acted on. That is all sir.

The Sentence is then recorded on Page "A' of the proceedings and same is announced to the accused in open Court.

The President then completes and signs the "Warrant of Commitment", if any, which shall be transmitted forthwith to the Commanding Officer of the accused. He will also complete and sign in every case, the "Certificate of trial by Standing Court-Martial", and address same as directed by the regulations. The proceedings, with all documents, will be transmitted to the Judge Advocate General.

F

11

RECORD of the Declaration of a Court of Inquiry assembled at WINDSOR, N.S.

on the 25th day of April 19 44, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. F.49983 Pte. HAYES, H.B.

DECLARATION

Marked "F" and signed by me.

B. Bauer
President, C.M.

The Court declare that No. F.49983 (Regt'l No.) Private (Rank) HAYES, Harold Benedict (Full Name) No. 1 Transit Camp, C.A. (Unit)

illegally absented himself without leave from No. 1 Transit Camp, C.A.

at WINDSOR, N.S. (Place) at 1000 hours on the first day of April 1944

that he is still so absent, and that on the 2nd April 1944 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE	ARTICLES		VALUE
Overshoes prs	1	.90	Boot laces prs	1	.02
Battledress Trousers prs	1	8.04	Braces prs	1	.27
Battledress Blouse	1	3.94	Brasses Button	1	.04
Boots Ankle prs	2	8.20	Brushes boot polish	1	.15
Caps Field Service	1	.53	Brushes Button	1	.14
Drawers cotton short prs	2	.54	Brushes shaving	1	.30
Gloves woollen K. prs	1	.44	Brushes tooth	1	.09
Greatcoat Drab MiPatt		13.34	Combs hair	1	.04
Jackets Sweater	1	.98	Shirts flannel khaki	2	2.56
Overalls Comb. prs	1	1.99	Socks woollen prs	3	.84
Shirts, undercotton	2	.58	Caps Winter melton	1	.90
Shoes L. black prs	1	4.95	Drawers woollen prs	2	1.80
Bags, kit	1	.78	Shirts woollen	2	1.80
Boot dressing tins	1	.02	Belts waist L. Brown	1	.37

..... President
(Name) (Rank) (Unit)

Signed at ..... Member
(Name) (Rank) (Unit)

this ..... day of ..... 19 ..... Member
(Name) (Rank) (Unit)

Signature of Commanding Officer .....
(Name) (Rank) (Unit)

Certified true copy .....
(Name) (Rank) (Unit)
(Signature of Officer having custody of original record)

M.F.B. 375
A.F.B. 115
150M—10-42 (5530)
H.Q. 1772-39-267

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- To sheet 2 -

RECORD of the Declaration of a Court of Inquiry assembled at

on the day of 19 , for the purpose of investigating

and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition,

Equipments, Instruments, Regimental Necessaries, or Clothing of No.

DECLARATION

The Court declare that No. (Reg'l No.) (Rank)

(Full Name) (Unit)

illegally absented himself without leave

at (Place) at hours on the day of

that he is still so absent, and that on the he was deficient, and

that he is still deficient of the following articles:—

ARTICLES		VALUE	ARTICLES		VALUE
Puttees prs	1	.73	Capes A.G.	1	3.32
Shirts K.C. w/SS	2	1.88			$67.98
Shirts K.C. N.P.	2	1.92			
Neckties black	1	.21			
Socks black prs	2	.56			
Holdalls	1	.17			
Housewife	1	.51			
Knives Clasp & Lanyard	1	1.18			
Razors	1	.39			
Towels Hand	2	.42			
Braces R.	1	.35			
Haversack	1	1.61			
Slings Rifle	1	.18			

(H.H. Meldrum) Capt. President
(Name) (Rank) (Unit)
No. 1 Transit Camp, C.A.

(T.E. Rowley) Lieut. Member
(Name) (Rank) (Unit)
No. 1 Transit Camp, C.A.

(C.E. Pigeon) Lieut. Member
(Name) (Rank) (Unit)
No. 1 Transit Camp, C.A.

Signed at WINDSOR, N.S.

this 25th day of April 19 44

Signature of Commanding Officer (A.J. Brooks) Lt. Col
(Name) (Rank) (Unit)
Commandant, No. 1 Transit Camp, C.A.

Certified true copy
(Name) (Rank) (Unit)
(V.F. Whalen) (Signature of Officer having custody of original record)
Adjutant,
No. 1 Transit Camp, C.A.

M.F.B. 375
A.F.B. 115
150M—10-43 (6530)
H.Q. 1772-39-237

50

Marked "G" and signed by me.

R. V. Barnard
MAJOR
PRESIDENT, C.M.

CERTIFICATE OF APPREHENSION OR SURRENDER

(Certificate in accordance with Order-in-Council P.C.., 2797 dated 10 April 1942 as published in G.O.127/42.

Apprehension or Surrender to Service Authorities.

I F-53010, Sgt. Merritt, P.P. N.C.O I/C. Amherst Det.
(Rank) (Name) (Unit) NO.38 Provost Coy.

hereby certify that F-49986, Pte. Hayes, H.B.
(Number) (Rank) (Name)

of the Acadia Barracks, Windsor, N.S.
(Unit and Detachment., if any)

was apprehended by P.P.M. Pte 010. Sgt.
(Rank) F17161. Cal.
(Number) (Rank)

Merritt, P.P. Amherst Detachment NO.38 Provost Company.
Mcnamaman, J.E. Amherst Detachment NO.38 Provost Company.
(Name) (Unit)

Springhill, N.S.
(Place)

at approx 2359 hours on the 15th, day of September 194 4.

as a P.P.M. Absentee without leave. At the time of his arrest, he was wearing (Dressed in Civilian Clothes).

Dated at Amherst, N.S. This 16th day of Sept. 194 4

Distribution:
Unit Concerned (1)
D.A.P.M. (1)
File. (1)

M.F.M. 216.
/F

Sgt. Merritt, P.P.
N.C.O. I/C Amherst Det.
No. 38 Provost Company.,
Canadian Provost Corps, (CA)

A G.S. Soldier

PLEASE FORWARD ONE COPY OF CHARGE SHEET TO THIS DETACHMENT

AT Amherst, N.S. SHOWING DISPOSITION OF CASE

COST OF APPREHENSION To $ 1.25 (Close. ARREST.)

M.F.S. 1482 will follow.

I hereby acknowledge receipt of the live body of F-49986 Pte. Hayes, H.B. and appendix (B)225 against the soldier named above.

Signature...

49

H

Marked "H" and signed by me.
MAJOR
C.M.

DAILY ORDER PART II

BY

COL. A.J. BROOKS, V.D.

ORDER NO. 84

COMMANDING

NO. 1 TRANSIT CAMP

WINDSOR, N.S.
5th. Apr. 1944

LAST DAILY ORDER PUBLISHED NO. 83 DATED 4th. Apr. 1944

DEC

INC

4. A.W.L.

(a) P.49983 PTE. HAYES, H.B. (No. 1 Transit Camp) A.W.L. from 1000 hours 1 Apr. 44. (First Time Published.)

CERTIFIED TRUE EXTRACT

(V.F. Whelan) Capt.
Adjutant
No. 1 Transit Camp, C.A.

(Sgd.) H.H. Meldrum) Capt.
for (V.F. WHELAN)CAPT.
ADJUTANT
NO. 1 TRANSIT CAMP

48

Marked "I" and
Signed by me.
BARR
Capt. C.M.

DAILY ORDER PART II

BY

COL. A.J. BROOKS, V.D.

COMMANDING

NO. 1 TRANSIT CAMP

ORDER NO...97....

WINDSOR, N.S.

21 Apr. 1944

LAST DAILY ORDER PUBLISHED NO. 96 DATED 20th. Apr. 1944.

DEC

INC

6. A.W.L.

(a) F.49963 PTE. HAYES, H.B. (No. 1 Transit Camp) A.W.L. from 1000 hrs. 1 Apr. 1944 (Second Time Published.)

CERTIFIED TRUE EXTRACT

(V.F. Whelan) Capt.
Adjutant,
No. 1 Transit Camp, C.A.

(Sgd.) H.H. Meldrum) Capt.
for (V.F. WHELAN) CAPT.
ADJUTANT
NO. 1 TRANSIT CAMP

47

Marked "J" and signed by me
MAJOR
PRESIDENT, C.M.

J

15

DAILY ORDER PART 11

BY

COL. A.J. BROOKS, V.D.

COMMANDING

NO. 1 TRANSIT CAMP

ORDER NO. 231

WINDSOR, N.S.
20 Sep. 1944

LAST DAILY ORDER PUBLISHED NO. 230 DATED 19 Sep. 1944

DEC | INC

2. STRENGTH INCREASE

(a) T.O.S. on appreh. from des. by No. 38 Det. C. Prov. C. at Springhill, N.S. at 2359 hours 16 Sep. 44. (T.O.S. Rations 19 Sep. 44.)

F.49986 PTE. HAYES, H.B.

CERTIFIED TRUE EXTRACT

(V.F. Whelan) Capt.
Adjutant,
No. 1 Transit Camp, C.A.

(Sgd.) H.H. Meldrum) Capt.
for (V.F. WHELAN) CAPT.
ADJUTANT
NO. 1 TRANSIT CAMP

46

Marked "K" and signed by me.
MAJOR
C.M.

K

16

DAILY ORDER PART 11

BY
COL. A.J. BROOKS, V.D.

COMMANDING

NO. 1 TRANSIT CAMP

ORDER NO....98..

22 nd April 1944

WINDSOR, N.S.

LAST DAILY ORDER PUBLISHED NO. 97 DATED 21st April 1944

DEC INC

5. ABSENT WITHOUT LEAVE
(a) F49983 PTE HAYES, H.B.(No. 1 Transit Camp) A.W.L. from 1000 hrs., 1 Apr. 44. (Third Time Published).

CERTIFIED TRUE EXTRACT

sgd. (H.H. Meldrum) Capt.,
(V.F. WHELAN)CAPT.
ADJUTANT
NO. 1 TRANSIT CAMP

(V.F. Whalen) Capt.
Adjutant,
No. 1 Transit Camp, C.A.

45

Marked "L" and signed by me.
MAJOR
C.M.

17

DAILY ORDER PART 11

BY

COL. A.J. BROOKS, V.D.

COMMANDING

NO. 1 TRANSIT CAMP

ORDER NO...235...

WINDSOR, N.S.
25th. Sept., 1944

LAST DAILY ORDER PUBLISHED NO. 234 DATED 23rd. Sept. 1944

DEC INC

26. STRENGTH INCREASE

Amendment

Ref. D.O. #231 d/20 Sep 44 para 2(a) insofar as it concerns the U/M amend Reg, No. to read "F.49983".

F49986 PTE. HAYES, H.B.

CERTIFIED TRUE EXTRACT

(V.F. Whelan) Capt.
Adjutant
No. 1 Transit Camp, C.A.

(Sgd.) H.H.(Meldrum) Capt.
(V.F. WHELAN)CAPT.
for ADJUTANT
NO. 1 TRANSIT CAMP

44

M.F.B. 1481
115M—10-43 (7206)
N.Q. 1773-39-1851

M

Marked "M" and signed by me.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, CAPT. V.F. WHELAN ADJT. NO. 1 TRANSIT CAMP (Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I ~~[illegible]~~ (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from WINDSOR N.S. (Place) to AMHERST N.S. (Place)

and return to WINDSOR N.S. (Place) for the purpose of escorting

Full description of soldier being escorted — F49983 PTE. HAYES H.B. (Number) (Rank) (Name in full)

NO. 1 TRANSIT CAMP (Unit) (Attachment, if any)

Strike out phrase not applicable — alleged to be ~~[illegible]~~ an absentee without leave, the facts, date and particulars of (the transport warrants issued) ~~[illegible]~~ and the cost thereof for said soldier and escort being as follows:

DATE	PARTICULARS (No. of Warrant or Itemized Particulars of Journey)	COST
18 Sep 44	Escort T.W. C659321 Windsor, N. S. to Amherst return second-class	$ 5.14
	Absentee T. W. C659322 Amherst to Windsor, N. S. single second-class	$2.56
	TOTAL	$ 7.70

Dated at WINDSOR N.S. this 18th day of SEPT. A.D. 19 44

(V.F. WHELAN CAPT. ADJT. NO. 1 TRANSIT CAMP

Signature, rank, unit, attachment (if any) and appointment of officer (~~[illegible]~~ authorizing transportation)

Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

Dates of warrants or transportation issued must be set out.

Cost of meals and incidental expenses must be on M.F.B. 1482.

This form must be signed by the Officer who authorizes or issues the transportation and not by an Officer "for" him.

N.

Marked "N" and signed by me.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1877, 1942

(INCIDENTAL EXPENSES)

Complete description — I, F57133 (No.) PTE. (Rank) MC LEAN A.N. (Name) NO. 1 TRANSIT CAMP (Unit),

Strike out words not applicable — as (escort) (~~[illegible]~~) consisting of ONE

Members of escort .....

detailed to proceed from WINDSOR N.S. (Place) to AMHERST N.S. (Place)

Name and description of soldier escorted — to return F49983 PTE. HAYES H.B.

alleged to be a deserter or absentee without leave, to WINDSOR N.S. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Escort T. W. C659321 Meals 2@ 75¢	1.50
Absentee T. W. C659322 Meal 1@ 75¢	.75
Total	$ 2.25

Dated at WINDSOR N.S. this 18th day of SEPT. A.D. 19 44

(F57133 MC LEAN A.N.) PTE. NO. 1 TRANSIT CAMP

Signature and rank (escort)

Strike out description not applicable.

- Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1482
75M—4-43 (8838)
H.Q. 1772-39-1884

42

0

Marked "O" and signed by me.
R. T. Barnett

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

H.110-252-18 (PRO)

Complete description

I, F50010 Sgt. MERRITT, P.P., N.C.O. i/c, Amherst Detachment,
(No.) (Rank) (Name)

Strike out words not applicable

as (~~[illegible]~~ commander of escort) consisting of 38 Provost Coy.

Members of escort

F77161 Cpl. McMenaman, J.E., Amherst Det., 38 Provost Coy.

detailed to proceed from Amherst, N.S. to Springhill, N.S.
(Place) (Place)

Name and description of soldier escorted

to return F.49986 Pte. HAYES, H. B. No.1 Transit Camp
(Rank) (Place)

alleged to be a deserter or absentee without leave, to Windsor, N. S.
(Place)

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
IN ACCOUNT WITH:	
TOWN OF AMHERST, N. S.	
19 Sep 44.	
5 Meals @ 25¢ $ 1.25	
Total $1.25	$ 1.25

Dated at Amherst, N.S. this 19th, day of September A.D. 19 44

P.P. Merritt, P.P.
N.C.O. I/C. Amherst Det.
NO. 38 Provost Company
(Officer or Commander of escort)
(Strike out description not applicable.)

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1482
M6M—7-41 (1130)
H.Q. 1772-59-1850

41

Marked "Y" and signed by me.

MAJOR
Supt. C.M.

M.F.R. 358
SEM—9-43 (3392)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
F.49983	Private	HAYES, Harold Benedict,	#1 Transit Camp

1. The following is a fair and true summary of the entries in the Field ~~Service and General~~ b.s.w. ~~Regimental and Squadron, Battery~~ b.s.w. Conduct sheets b.s.w. ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ b.s.w. of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	A.W.L.	3 times	A.W.L.	13 times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~ b.s.w.

~~—~~ b.s.w.

~~There are no entries in the conduct sheets of the accused.~~ b.s.w.

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

~~2. The accused has not been previously convicted~~ b.s.w.

~~or~~

Previous convictions of the accused by a court-martial b.s.w. ~~or a civil court~~ of summary awards under ~~Air Force Act~~ b.s.w. Section 47 of the Army Act and dispensations with trial under ~~A.F.A. 73~~ b.s.w. A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

~~or~~

~~The accused at the present time is under sentence for~~ b.s.w. ~~beginning on the day of~~ b.s.w.

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in civil custody, and 24 days in ~~Air Force~~ b.s.w. military custody, making a total of 24 days in custody, of which NIL days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ b.s.w. attestation paper is 24 years

6. The date of his ~~commission~~ b.s.w. specified in his ~~record of service is~~ b.s.w. attestation paper 14th October, 1939

~~7. The service which the accused is allowed to reckon towards discharge is~~ b.s.w.

~~8. The accused is entitled to reckon~~ b.s.w. ~~service for the purpose of determining his pension, etc.~~ b.s.w.

9. The accused is ~~in possession of or~~ b.s.w. entitled to ~~an air force~~ b.s.w. military C.V.S.M. decoration, or ~~air force~~ b.s.w. military reward (~~or is in~~ b.s.w. ~~possession of or entitled to). State any air force decoration or reward.~~ b.s.w. ~~military~~ b.s.w.

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held~~ b.s.w. ~~Air Force~~ ~~the regimental rank of~~ b.s.w.

40

~~11c (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the ~~paragraph must be struck through.~~

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the ~~Air Force~~ Army Act, and of cases in which trial has been dispensed with of accused, Number F.49983 Rank Private

Name HAYES, Harold Benedict of #6 Dist. Depot Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
D.C.M.	Halifax, N.S. 17 Sept. 42	Absent Without Leave Losing by Neglect	84 days Detention	
Found guilty on all charges				

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 10th day of October, 1944

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked..... signed by the president, and annexed to the proceedings.

(V.F. Whelan) Capt.,
Adjutant,
No. 1 Transit Camp., A.C.

MEDICAL OFFICER'S REPORT

I certify that No. 749983 Pte. Hayes, N.B.
of Staff #1 T.C. is in a Sd state of health,
and Sd to undergo Trial by Court martial.

Medical Officer RCAMC.
att No. 1 Transit Camp, C.A.

Station Windsor, N.S.

Date 10th Oct. 44

39

M. F. B. 246
MM—2-43 (9529)
H.Q. 1772-39-480

M.F.M. 6
(A.F.B. 122)
7805—12-41 (3337)
H.Q. 1772-99-1652

No. F.49983 Name HAYES, H. Sqn., Battery, or Company "D" Corp. N.S.Hqrs.(MG) Date of enlistment Aug 27/39 G.C. Badges nil Tradesmen's Rates of Pay Character Good

No. and date of last drunk Period not reckoning towards freedom from extra fine Sheet No.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Halifax, N.S.	2-2-44	Pte.		A.W.L. from 2200 hrs. 2-2-42 to 0800 hrs. 18-2-42	Sgt. Morrison, JJ	21 days Detention	19-2-42	Lt.Col. D.A. Guildford	Forfeiture 38 days pay
Halifax, NS	13-4-42	"		AWL from 0800 hrs 13-4-42 until 0755 hrs 4-5-42	Pte. Johnson L/Cpl. Grant	28 days Detention	6-5-42	Lt.Col. DA Guildford	Forfeits 49 days pay
Debert, NS	27-2-43	"		AWL from 1200 hrs 27-2-43 to 0600 hrs 28-2-43 sec. 15AA	S/Sgt. Johnson, J.	5 days pay	1-3-43	Major R.J. George	Forfeits 1 days Pay
Debert, NS	3-3-43	"		AWL 2359 hrs 3-3-43 until 2300 hrs 15-3-43	BSM Allcroft, L/Cpl McNeill, HJ Spr. Levy, AA	21 days Detention	16-3-43	Lt.Col. DA Guildford	Total forfeiture 44 days Pay

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order disposing with trial	By whom awarded	Remarks
Debert, NS	3-3-43	Pte.		AWL. from 2359 hrs 3-3-43 until 2300 hrs 15-3-43 (11 days 23 hrs 1 min)	BSM Allcroft L/Cpl MacNeill	21 days Detention	17 Mar 43	Lt.Col.DA Guildford	Forfeits 13 days pay. Total 44 days Pay
Windsor, NS	24-1 44	"		Conduct to the Prejudice of good order and military discipline.	A136442 Vibert F76023 McKinnon	5 days CB	26-1-44	Major George	

CERTIFIED TRUE COPY

(V.F. Whelan) Capt.,
Adjutant,
No. 1 Transit Camp, C.A.

H.Q.C.55-H-292(JAG/D-5)
Your File No. H.H-1286(JAG)

October 23, 1944.

District Officer Commanding,
Military District No. 6,
Halifax, N.S.

STANDING COURT-MARTIAL

F.49983 Pte. Harold Benedict Hayes
No. 1 Transit Camp, C.A.

1. Receipt is acknowledged of the proceedings of the marginally noted Standing Court-Martial which were forwarded by the President named therein.

2. The proceedings are legally regular, the finding is properly made and the sentence is according to law. Pursuant to C.A.R.O. 4565 paragraph 12, the said proceedings are herewith forwarded to you. After they have served your purpose, will you please return the proceedings to this office for custody.

RJC Orde

(R.J.Orde) Brigadier,
Judge Advocate General.

LCC/MR

36

This copy for; H.Q.C.55-H-292
M.D. H.H-1286

MEMORANDUM STANDING COURT-MARTIAL

No. F-49983 Name HAYES, Harold Benedict

Rank Pte. Unit No.1 Transit Camp, C.A.

Charge Sec. 12(1)(a) A.A. - W.O.A.S., deserting H.M.S.

Date of Crime 1-4-44

Date of Arrest 16-9-44 Charge. Signed 4-10-44

Orders for D.C.M.

Place and Date of Trial Windsor, N.S., 10-10-44

Sentence Detention 150 days; stoppages $7.70

Date of Confirmation

Date of Promulgation

Entered in Records of J.A.G. as No. 34019

Date 21-10-44

MEMO Guilty A.W.L.

M.D. 6

Absence 5½ months

Detention 150 days

35

R.C. Carroll Capt.
for Judge Advocate-General

SM-7-44 (M-4112)

In reply please quote H.E-1286 (JAG)

DEPARTMENT OF NATIONAL DEFENCE

ARMY

CONFIDENTIAL

263019

Headquarters M.D.No.6,
15th October 1944

CENTRAL REGISTRY Army
CONF. SEC.
OCT 20 1944
File 8.33-H-243
Chgd. to
Referred to
JAG

The Secretary,
Department of National Defence,
OTTAWA, Can.

STANDING COURT-MARTIAL
F.49983 Pte.Harold Benedict HAYES
No. 1 Transit Camp, C. A.

1. Proceedings of the m/n Court are forwarded herewith for the consideration of the Judge Advocate General, in accordance with R.O.4566.

R.F. Barnes

(R.F. Barnes) Major,
President, Standing Court-Martial,
M. D. No.6.

RFB/JRR:
encl.1.

34619

34

H.Q.C.55-M-292 JAG.

October 12th, 1942.

RECEIVED
OCT 13 1942
ORG.
A. D.

District Officer Commanding,
Military District No. 6,
H A L I F A X, Nova Scotia.

District Court-Martial,
F.49983, Pte. Harold Benedict Hayes.

1. Receipt is acknowledged of your H.H-1286 dated October 5th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed in the proceedings:-

(a) The Medical Officer who signed Form M.F.B. 246 neglected to state his Corps and Unit after his signature.

(b) The Officer who signed the M.F.B. 1481 neglected to strike out the inapplicable parts. In addition, it is preferable that in the completion of this Form, each particular should be properly dated.

(c) M.F.B. 1482 is also improperly completed in that there is not a full description of the accused, his Corps and Unit having been omitted after his name. It is likewise preferable in completing this Form to have each item of the particulars dated.

(d) It was improper for the Prosecutor to make any reference as to what the Sentence should be before the Finding had been made by the Court. In making closing addresses, Prosecutors should confine themselves to the evidence in the case.

3. It is not considered necessary to return the proceedings which are, therefore, retained for custody. May the foregoing irregularities please be brought to the attention of all officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

HFGB/amb

33

Copy on 405-H-549

H.Q.C.55-H-292
M.D.H H-1286

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. E-49983 Name HAYES, H.R.

Rank Pte. Unit #6 District Depot, C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Date of Crime 24/7/42.

Date of Arrest 31/8/42. Charge. Signed 8/9/42.

Orders for D.C.M. D.O.C., M.D.#6.

Place and Date of Trial Halifax, N.S., 17/9/42.

Sentence Detention 84 days and stoppages of $10.85.

Date of Confirmation 29/9/42.

Date of Promulgation 3/10/42.

Entered in Records of J.A.G. as No. 6866

Date 10/10/42.

MEMO

Guilty of the charge.

W.F.R. Briggs, Lieut. 32
for Judge Advocate-General.

2M-7-42(M1291)

NO FILE

6866

IN REPLY PLEASE QUOTE
No. H H-1286

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

Headquarters, M.D. No. 6,
Halifax, N. S., October 5, 1942.

CENTRAL REGISTRY Army
P. R. & C. SEC.
OCT 8 1942
File
Chgd. to
Referred to

The Secretary,
Dept. of Nat. Defence,
Ottawa, Canada.

District Court-Martial
F-49983, Pte. Harold Benedict Hayes

Reference the m/n District Court-Martial.

1. The proceedings in connection with this District Court-Martial are forwarded for approval and safe custody.

(W.W. FOSTER) BRIGADIER,
D.O.C., M.D. NO. 6.

/FC

N.D. 88
1500M-2-42 (8466)
H.Q. 1772-101-23

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*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for District Courts-Martial

Proceedings of a District Court-Martial held at No. 6 District Depot, Halifax, N.S. on the 17th day of September 19 42 by order of Brigadier W.W.Foster, D.S.O.,V.D., Commanding Military District No. 6. dated the 11th day of September 19 42.

President.

Major H.G.Scott,
The Pictou Highlanders, (CA).

Members.

Captain D. Fenton,
Lan. and Ren. Scot. Regiment (CA).

Lieut. D.J.Selvage,
Lan. and Ren. Scot. Regiment (CA).

Trial of* F-49983 Private Harold Benedict HAYES, No. 6 District Depot, (CA).

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Captain G.A.Seaman, No. 6 District Depot, (CA).

Defending officer† Captain J.P.Roy, No. 6 District Depot, (CA).

At 2 PM o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q. 1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A. 1 *Answer by accused.* No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
5M.—9-41 (1907)
H.Q. 1772-39-224

2

B

The President and members are duly sworn.

Q. 2 Do you object to No. L-2610 S/Sgt. D.J.Patenaude, C.M.S.C., (CA), acting as shorthand writer?

A. 2 No Sir.
No. L-2610 S/Sgt. D.J.Patenaude, C.M.S.C., (CA), is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the charge in the above-mentioned charge-sheet.

Q. 3 Are you guilty or not guilty of the charge against you, which you have heard read? *Question to the accused.*

A. 3 Not Guilty. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which~~ *Question.* you have heard read?

Answer.

Are you guilty or not guilty of the third charge against you, which *Question.* you have heard read?

Answer.

Are you guilty or not guilty of the fourth charge against you, which *Question.* you have heard read?

Answer.

The accused having pleaded Guilty to charge, the ~~provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

"B-2" Hq Sect Halifax Provost Corps

3.

CHARGE SHEET

-o-

The accused, No.F.49983, Private Harold Benedict HAYES, No.6 District Depot,CA. a soldier of the Canadian Army placed on active service is charged with:-

FIRST CHARGE
Section 15(1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Halifax, Nova Scotia, absented himself without leave from No.6 District Depot,CA., at 0800 hours on the 24th July,1942 until apprehended at 1500 hours on the 31st August,1942 dressed in uniform. Costs of apprehension and return to unit being as follows: meals for escort $1.15, meals for prisoner whilst in civil custody $1.25 meal for prisoner en route .35¢: transportation for escort $5.40, transportation for prisoner $2.70. Total costs $10.85

D.A. Guildford

(D.A. Guildford)Lieut.-Col.,
COMMANDING, No.6 District Depot,CA.

Halifax,N.S.
8th September,1942.

To be tried by a District Court-Martial.

(F.J.NORTH)Lieut-Colonel,
A.A. & Q.M.G., M.D. No.6
for (W.W.FOSTER)Brigadier,
D. O. C., M. D. No.6

Halifax, N.S.,
11 September, 1942.

29

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 29 (A)) Question.

Q. 4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A. 4 Answer. No Sir.

The prosecutor makes an opening address. ~~[xxxx

Q. 9 In your own opinion would you say that the Company concerned had failed to report that man at the Orderly Room on the second and third time for publication?

A. 9 No Sir. Not in my opinion.

Q. 10 Why can you not produce documents showing those records?

A. 10 You will understand that as records clerk I can only produce documents handed to me.

Q. 11 In other words, the fact that you are evidence in this case for the prosecution, is it not your duty to see that you have all documents pertaining to that man's absence?

A. 11 Yes Sir.

Q. 12 Then, if you have produced exhibit "H" showing the first publication, where are Part 11 Orders showing the second and third time published?

A. 12 I have no other documents.

Q. 13 Could you tell the Court where you get the voucher to base the expenses incurred for the escort or meals?

A. 13 As long as the prisoner or the accused is apprehended and an escort is sent for him from the Depot to wherever he was apprehended, expenses incurred on the trip bringing him back to here, the escort concerned submits to the officer issuing these warrants his expenses, and form MFB-1481 and MFB-1482 are compiled.

Q. 14 There were no vouchers accompanying that account?

A. 14 There were no receipts attached, Sir.

THE PROSECUTOR DECLINES TO RE-EXAMINE.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS WITHDRAWS.

Second Witness for the Prosecution. F-49779 Sgt. R.W.Briggs, No. 6 District Depot, (CA), being duly sworn, is examined by the Prosecutor.

Q. 15 What Company are you a member of?

A. 15 Casualty Company.

Q. 16 What are your duties in that Company?

A. 16 Platoon Sergeant.

Q. 17 Of what platoon?

A. 17 Nos. two and three, now, Sir.

Q. 18 What platoon were you previously platoon Sergeant of?

A. 18 Number five.

Q. 19 Was the accused, Pte. Hayes, a member of your platoon?

A. 19 Yes Sir.

Q. 20 Did you find him absent at any time?

A. 20 Yes Sir.

Q. 21 On what date?

A. 21 24th. July, 1942.

Q. 22 About what time?

A. 22 After the morning parade at 0800 hours.

Q. 23 What did you do when you found him absent?

A. 23 I reported it to the absentee Sergeant.

Q. 24 Did you check to make certain the accused was not on some other duty?

A. 24 Yes Sir.

Q. 25 Could you find him?

A. 25 No Sir.

Q. 26 Was his name called daily after that on all parades of the Company?

A. 26 Yes Sir.

Q. 27 Do you know if the accused returned to the Depot on his own account?

A. 27 No Sir. I did not see the accused until he was warned for Company office.

Q. 28 Did you know that he was apprehended?

A. 28 No Sir.

Q. 29 Do you recognize the accused here in Court?

A. 29 Yes Sir.

Q. 30 Who is he?

A. 30 Pte. Hayes, H.B.

CROSS-EXAMINED BY DEFENDING OFFICER.

Q. 31 You say you were platoon Sergeant of No. 5 Platoon on the 24th. of July, 1942?

A. 31 Yes Sir.

Q. 32 When did you leave No. 5 Platoon and go to Platoons numbers 2 and 3?

-6

A. 32 I cannot recall the date.

Q. 33 Was it in July?

A. 33 Yes Sir.

Q. 34 You do not know what date?

A. 34 No Sir.

Q. 35 In August you were in No. 2 and 3 Platoons?

A. 35 Yes Sir.

Q. 36 When you went to No. 2 and 3 Platoons, did you transfer Pte. Hayes to those platoons?

A. 36 No Sir.

Q. 37 He was still in No. 5?

A. 37 Yes Sir.

Q. 38 Then, how could you call his name daily on parade?

A. 38 The absentee Sergeant called his name.

Q. 39 Not according to your evidence in the summary of evidence which reads as follows:-- "I am Platoon Sergeant of No. 5 Platoon, Casualty Company, No. 6 District Depot, (CA). On the 24th. July, 1942, the accused was posted on sanitary fatigue. After roll call at 0800 hours on the 24th. July, 1942, I checked the duties and found the accused to be absent. I reported his absence to the Absentee Sergeant and continued to call his name daily on parade and he failed to answer his name. I did not see the accused until I was called as a witness against him before his Company Commander on 5th. September, 1942". Did you say that?

A. 39 Yes Sir.

Q. 40 The accused was on sanitary fatigue?

A. 40 Yes Sir.

Q. 41 Who put him on that fatigue?

A. 41 He was posted there while I was on pass.

Q. 42 Do you know what job he was doing?

A. 42 He was changing foot-baths.

Q. 43 How did you find that out?

A. 43 It was marked on the platoon roll.

Q. 44 Is it not a fact that you found Pte. Hayes in the hut and asked him what he was doing, and he told you he was changing foot-baths?

A. 44 No Sir.

Q. 45 You are sure of that.

A. 45 Yes Sir.

RE-EXAMINED BY THE PROSECUTOR.

Q. 46 When you found the accused was absent to whom did you report his absence?

A. 46 To Sgt. Conrod.

Q. 47 What are Sgt. Conrod's duties in the Company?

A. 47 Absentee Sergeant.

Q. 48 Does he keep a list of the absentees?

A. 48 Yes Sir.

Q. 49 Does he call those names on every parade?

A. 49 Yes Sir.

Q. 50 That, then, is what you mean when you say his name was continued to be called daily?

A. 50 Yes Sir.

Q. 51 Does the platoon Sergeant still call the names of the men absent as well?

A. 51 Yes Sir.

Q. 52 There is a double check then?

A. 52 Yes Sir.

R.P. 83 (B) HAS BEEN COMPLIED WITH.

THE WITNESS WITHDRAWS.

THE PROSECUTOR HAS NO FURTHER WITNESSES.

D

The prosecution is closed.

Defence

Q. 53 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 53 *Answer.* No Sir.

Q. 54 *Question.* Do you intend to call any other witness in your defence?

A. 54 *Answer.* No Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

(Where the accused does not give evidence upon oath.)

Q. 55 *Question to the accused.* Have you anything to say in your defence?

A. 55 *Answer.* No Sir.

The Prosecutor makes a closing address.
(See document marked "M" attached.)

The Defending Officer makes a closing address.
(See document marked "N" attached.)

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

23

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. F-49983 Private Harold, Benedict HAYES, No. 6 District Depot, (CA) is found guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Lieut. M.R.Cummings, No. 6 District Depot (CA) is duly sworn.

Q. 56 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-56 Yes, I produce MFB-355 and MFM-6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y" and "Z" signed by the President, and annexed to the proceedings.

Q. 57 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-57 Yes.

Q. 58 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* 58. Yes.

Q. 59 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 59. Yes.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused~~

The Defending Officer declined to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The witness withdraws.

Q. 60 *Question to the accused.* Do you wish to address the Court? *Answer.* 60. No Sir.

The Court is closed for the consideration of the sentence.

22

18

F

Sentence

The Court sentence the accused No. F-40983 Private Harold, Benedict, HAYES, No. 6 District Depot, (CA) to undergo detention for eighty-four days and to be put under stoppages of pay until he has made good the sum of $10.85 in respect of the cost of apprehension and return to his Unit.

Sentence.

Detention

84 days.

Stoppages.

$10.85

Signed at Halifax, N.S., this 17th. day of September, 1942.

H.G. Scott

H.G. SCOTT,
Major,
The Pictou Highlanders, (CA),
President.

CONFIRMED

Signed at Halifax, N.S., this 29th day of September, 1942.

W.W. Foster

(W.W. FOSTER) Brigadier,
D. O. C., M. D. No.6.

Promulgaed and extracts taken at No. 6 District Depot, C.A., Halifax, N. S., this third dya of October, 1942.

L.R. Cox

(L. R. COX) Lieutenant,
Asst. Adjutant,
No. 6 District Depot, C.A.

Extracts entered as No. 6866 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 10th day of Oct. 1942.

"X" Appointed Pres. Court Mart.

19.

Orders by Brigadier W.W. Foster, D.S.O., V.D., Commanding

~~the~~ Military District No.6

District Court-Martial

F49983, Private Harold Benedict Hayes,
No. 6 District Depot (CA)

Halifax, N.S.,
11 September, 1942

The detail of Officers as mentioned below will assemble

at No. 6 District Depot, Halifax, N.S. on Thursday,

the 17th day of September, 1942 at 1400 hours

for the purpose of trying by a District Court-Martial the accused person ~~persons~~ ~~is~~ named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Major H.G. Scott, The Pictou Highlanders (CA)

is appointed President.

MEMBERS

Captain D. Fenton, Lan. and Ren. Scot. Regiment (CA)

Lieut. D.J. Selvage, Lan. and Ren. Scot. Regiment (CA)

WAITING MEMBERS

Lieut. E. Stockley, Lan and Ren. Scot. Regiment (CA)

~~JUDGE ADVOCATE~~

~~Judge Advocate~~ ~~is hereby appointed~~

PROSECUTOR

Captain G.A. Seaman, No. 6 District Depot (CA)

Prosecutor ~~hereby~~ (is hereby) appointed

DEFENDING OFFICER

Captain J.P. Roy, No. 6 District Depot (CA)

Defending Officer ~~hereby~~ (is hereby) appointed

The accused will be warned and all witnesses duly required to attend.

The O.C., No. 6 District Depot (CA) will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D. No.6

Signed this 11th day of September, 1942

M.F.B. 220
A.F.A. 47
15M—9-41 (1761)
H.Q. 1772-39-364

(F.J. NORTH) Lieut-Colonel,
A.A. & Q.M.G., M.D. No.6
for (W.W. FOSTER) Brigadier,
D. O. C., M. D. No.6.

21

"G"

Opening Address by the Prosecutor.

Gentlemen:--

In opening the proceedings for the Prosecution there is not much I can say. The charge against the accused is absence without leave. The accused was not struck off strength by a Court of Inquiry. He remained absent until apprehended at Amherst, N.S. at 1500 hours on the 31st. August, 1942. A certificate to that effect will be entered as evidence.

I wish at this time to draw the Court's attention to the date on the charge sheet. The date from which the accused is charged with being absent, namely 29th. July, 1942. All the evidence for the prosecution shows the accused as having been absent from 0600 hours on the 24th. of July, 1942. This error in the date on the charge sheet evidently was made when the charge was being typed. That is the only explanation the prosecution can offer. It was not noticed before the charge was sent in, in time to be rectified.

CERTIFIED TRUE COPY
.....Capt. Adjt.,
No. 6 District Depot, C.A.

NO. 6 DISTRICT DEPOT, C.A.

DAILY ORDERS PART II

"H"

No. 182,
Halifax, N. S.,
27th July, 1942.

LAST PART II DAILY ORDERS NO. 181, ISSUED 25th JULY, 1942.

SECTION "A"
Officers.

1. STRENGTH INCREASE.

(a) The undermentioned Officer, having been appointed to a commission in the Canadian Army in the rank of Lieutenant, is taken on strength No. 6 District Depot, C.A., effective 22nd July, 1942. Posted to Recruit Coy.

Lieut. Leslie MARTIN, (M) (Pres)
(Authority H.Q. 424-M-33 (Pers 1 B), dated 23rd July, 1942.

(b) The undermentioned Officer, having been employed under G.O. 139 of 1939, is attached to No. 6 District Depot, C.A., for all purposes, effective 21st July, 1942. Posted to Casualty Coy.

Lieut. Gilbert Earl BERRINGER, (M) (Pres)
(Authority H.C. 278, dated 16th July, 1942.)

2. ATTACHED.

(a) The undermentioned Officer, C.A.T.C. (A-2) Petawawa Camp, is attached to No. 6 District Depot, C.A., for all purposes except pay, effective 24th July, 1942. Posted to Casualty Coy.

Lieut. C.E. MAYWARD,

3. APPOINTMENTS AND PROMOTIONS.

(a) The undermentioned Officer to be Lieutenant effective 8th November, 1941. (for record purposes only).

2/Lieut. S.L. CASELEY (A.P. & R. 50 of 1941).

(b) The undermentioned Officer to be Lieutenant effective 8th April, 1942. (for record purposes only).

2/Lieut. L.M. HANWAY (A.P. & R. 20 of 1942).

(c) The undermentioned Cadet to be 2nd Lieutenant effective 7th February, 1942. (for record purposes only).

P39999 Cadet WILTSHIRE, C.M. (A.P. & R. 15 of 1942).

(d) The undermentioned Officer to be Lieutenant effective 21st February, 1942. (for record purposes only).

2/Lieut. G. HYDE (A.P. & R. 11 of 1942).

(e) The undermentioned Officer to be Lieutenant effective 20th December, 1941. (for record purposes only).

2/Lieut. F.R. WIGGS (A.P. & R. 5 of 1942).

(TO PAGE TWO)

NO.6 DISTRICT DEPOT C.A. DAILY ORDERS PART II NO.182 DATED 27th JULY 42

3. APPOINTMENTS AND PROMOTIONS. (Continued.)

(f) The undermentioned Officer to be Lieutenant effective 8th April, 1942. (for record purposes only).

2/Lieut. R.J. CORRY (A.P. & R. 18 of 1942).

(g) The undermentioned Officer to be 2nd Lieutenant effective 12th August, 1941. (for record purposes only).

2/Lieut. R. WILLIAMS (R.O. No. 1488).

(h) The undermentioned Cadet to be 2/Lieutenant effective 9th May, 1942. (for record purposes only).

F5517 Cadet MC TAGUE, M.A. (H.C./60-11-23 and 24 d/2-2-42).

SECTION "B"
Other Ranks

HEADQUARTERS COMPANY.

1. ATTACHED.

(a) The undermentioned O.R., No. 6 Coy. R.C.A.S.C. C.A., is attached to No. 6 District Depot, C.A., for all purposes except pay, effective 22nd July, 1942. Posted to Headquarters Coy.

F.87601 Pte. LINKLETTER, T.A.

2. FURLOUGH.

(a) The undermentioned O.R. granted furlough from 25th July, 1942 to 7th August, 1942 under the provisions of R.O. 699(b).

F.87878 Pte. MAC DONALD, J.W,

3. MARRIAGE.

(a) The undermentioned O.R., having been granted permission to marry on the 14th July, 1942, was married on the 21st July, 1942 to Carmella Carrigan at Reserve Mines, N. S.

F.31639 Pte. MC NABB, A.

ADDRESS OF NEXT OF KIN.

Mrs. Carmella Mc Nabb,
Reserve Mines, N. S.

(b) The undermentioned O.R., having been granted permission to marry on the 12th June, 1942, was married to Iris Agnes Joan Heatly Hall on the 11th July, 1942 at Port Elgin, N.B.

F.65496 Bdsm. ESTABROOKS, C.W.

ADDRESS OF NEXT OF KIN.

Mrs. Iris Agnes Joan Estabrooks,
17 Cogswell St., Halifax, Nova Scotia.

(TO PAGE THREE.)

HEADQUARTERS COMPANY. (Continued.)

4. BIRTH.

(a) F.30490 Bdsm. HUTCHINSON, W.

DAUGHTER: Rita Dellores Hutchinson (3rd Child.)
BORN: 5th June, 1942
BORN AT: New Waterford, N. S.,

5. CHANGE OF ADDRESS -- NEXT OF KIN.

(a) F.3355 Pte. JOSEPH, E.

OLD ADDRESS: Mrs. Evelyn Josephine Joseph
112 Charles St., St. John, N. B.

NEW ADDRESS: Mrs. Evelyn Josephine Joseph
75 Argyle St., Halifax, N. S.

6. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.Rs. are absent without leave from time and dates as shown. (1st time published.)

F.29765 Rfn. STAPLETON, T.	0800 hrs., 24-7-42
F.89677 Pte. WHISTON, W.E.	0800 hrs., 24-7-42
F.858 Pte. WOOD, J.R.	0800 hrs., 9-7-42

(b) The undermentioned O.R. is absent without leave from 0800 hrs., 18th July, 1942. (2nd time published.)

F.60134 Pte. THOMPSON, F.J.

(c) The undermentioned O.Rs. reported absent at time and dates as shown, returned at time and dates as shown.

F.55027 Pte. COCHRANE, J.R.	from 0800 hrs., 15-7-42 to 1200 hrs., 25-7-42
F.45477 Pte. SLATER, E.	from 0700 hrs., 23-7-42 to 1500 hrs., 23-7-42

RECRUIT COMPANY.

7. STRENGTH INCREASE.

(a) The undermentioned having been attested to the Active Force by No. 6 District Depot, C.A., is taken on strength No. 6 District Depot, C.A., effective 25th July, 1942. Posted to Recruit Coy. (For No. 6 Coy. Atlantic Command Signals.) Category "A-1".

F.80020 Pte. DAGLEY, Reginald Arthur (S) (Bapt)

(b) The undermentioned having been attested by No. 6 District Depot, C.A., is taken on strength No. 6 District Depot, C.A., effective 25th July, 1942. Posted to Recruit Coy. (Quota.) Category "B-2".

F.80017 Pte. MC COOMBS, James William (M) (U.C.C.)

(c) The undermentioned having been attested by B.R.O., Truro, N. S., is taken on strength No. 6 District Depot, C.A., effective 22nd July, 1942. Posted to Recruit Coy. (Quota.) Category "A-1".

F.65771 Pte. CHAPMAN, Osburne Lesley (M) (U.C.C.)

(TO PAGE FOUR.)

RECRUIT COMPANY. (Continued.)

7. STRENGTH INCREASE. (Continued.)

(d) The undermentioned having been attested by B.R.O., Yarmouth, N. S., are taken on strength No. 6 District Depot, C.A., effective dates as shown. Posted to Recruit Coy. (Quota.) Category as shown.

F.64841 Pte. BAXTER, Samuel James (S) (R.C.) "B-2" 8-7-42
F.64653 Pte. NICKERSON, Clyde Elsworth (S) (Bapt) "A-1" 22-7-42

(e) The undermentioned having been attested by D.R.O., Halifax, N. S., is taken on strength No. 6 District Depot, C.A., effective 24th July, 1942. Posted to Recruit Coy. (For No. 6 Coy. R.C.A.S.C. C.A.) Category "C-1".

F.30945 Pte. MAC NEIL, Frank Angus (S) (B.C.)

(f) The undermentioned having been attested by B.R.O., Sydney, N. S., is taken on strength No. 6 District Depot, C.A., effective 24th July, 1942. Posted to Recruit Coy. (Quota.) Category "A-1".

F.31955 Pte. GOUTHRO, Henry (M) (R.C.)

(g) The undermentioned having been attested to the Active Force by No. 6 District Depot, C.A., are taken on strength No. 6 District Depot, C.A., from the N.R.M.A., effective 25th July, 1942. Posted to Recruit Coy. (Quota.) Category as shown.

F.80008 Pte. ALLISON, Raymond Wallace	(S)	(U.C.C.)	"A-1"
F.80030 Pte. BOND, Alden LeRoy	(S)	(Pres)	"B-2"
F.80031 Pte. BROWN, Robert Mac Millan	(S)	(U.C.C.)	"A-1"
F.80028 Pte. BEAULIEU, Benoit	(S)	(R.C.)	"A-1"
F.80021 Pte. BURKE, Eugene Lawrence	(S)	(R.C.)	"A-1"
F.80033 Pte. CLATTENBURG, Bruce Lemonte	(M)	(C.D.)	"A-1"
F.80022 Pte. CAMPBELL, James Daniel	(S)	(Pres)	"B-1"
F.80025 Pte. DOUCET, Joseph James	(S)	(R.C.)	"A-1"
F.80023 Pte. GRANT, William	(M)	(R.C.)	"A-1"
F.80007 Pte. GAULT, Louis, William	(S)	(U.C.C.)	"A-1"
F.80012 Pte. HANRAHAN, Walter Bernard	(S)	(R.C.)	"A-1"
F.80027 Pte. IRVINE, Thomas Ellison	(S)	(U.C.C.)	"A-1"
F.80019 Pte. JENNINGS, Herman Albert	(S)	(CofE)	"A-1"
F.80015 Pte. KAIZER, Melburn Elijah	(S)	(Bapt)	"B-2"
F.80024 Pte. LEBLANC, Edward Peter	(S)	(R.C.)	"A-1"
F.80016 Pte. LANGILLE, Leigh Everette	(S)	(U.C.C.)	"A-2"
F.80026 Pte. LAINEZ, Oscar	(S)	(U.C.C.)	"A-1"
F.80029 Pte. MC ISAAC, Alexander Joseph	(S)	(R.C.)	"A-1"
F.80018 Pte. MC CAUL, Redvers John	(S)	(R.C.)	"A-1"
F.80010 Pte. NOWE, Gerald LeRoy	(S)	(Bapt)	"A-1"
F.80011 Pte. OLIVER, Joseph	(S)	(R.C.)	"A-1"
F.80009 Pte. POIRIER, Paul Joseph	(S)	(R.C.)	"A-1"
F.80032 Pte. RUDDERHAM, Carl Roman	(S)	(U.C.C.)	"A-2"
F.80013 Pte. TAYLOR, James	(S)	(R.C.)	"B-2"
F.80014 Pte. WENTZELL, Everett Warren	(S)	(O.D.)	"A-1"

8. STRENGTH DECREASE.

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to No. 6 District Coy. R.C.A.S.C. C.A., effective 25th July, 1942.

F.30945 Pte. MAC NEIL, F.A.

(TO PAGE FIVE.)

RECRUIT COMPANY. (Continued.)

9. MEDICAL CATEGORY.

(a) The undermentioned O.R. having been medically boarded on the 15th July, 1942 is placed in Category "E".

F.64957 Pte. DESMOND, A.
(Authority Medical Board approved by D.G.M.S.)

10. REPOSTING.

(a) The undermentioned O.R. is reposted from "Recruit Coy" to "Depot Headquarters", effective 27th July, 1942.

F.79983 Pte. WOODWORTH, G.D.

(b) The undermentioned O.Rs. are reposted from "Recruit Coy." to "Discharge Coy.", effective 27th July, 1942.

F.64957 Pte. DESMOND, A.
F.65321 Pte. LAMROCK, C.R.

11. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.Rs. are absent without leave from time and dates as shown. (1st time published.)

F.64841 Pte. BAXTER, S.J.	2200 hrs., 10-7-42
C.52252 Pte. CEBRYK, A.	2300 hrs., 23-7-42
F.95093 Pte. HARRIS, R.M.	0600 hrs., 25-7-42
F.64653 Pte. NICKERSON, C.E.	2300 hrs., 23-7-42

(b) The undermentioned O.Rs. reported absent at time and dates as shown, reported at time and dates as shown.

F.64894 Pte. JOLLETTA, R.T.	from 2300 hrs., 12-7-42 to 1155 hrs., 22-7-42
F.97510 Pte. DEVOE, W.R.	from 2200 hrs., 4-7-42 to 0930 hrs., 24-7-42

12. PUNISHMENTS.

(a) F.97510 Pte. DEVOE, W.R.---was on the 25th July, 1942 awarded:--- 21 days' Detention. For:--Absent without leave from 2200 hrs., 4-7-42 to 0930 hrs., 24-7-42. (Absent 19 days, 11 hrs., 31 mins.) Forfeits 20 days' pay under F.R. & I., for the C.A. 149(a). Held in close arrest from 0930 hrs., 24-7-42 to 2359 hrs., 24-7-42. Total forfeiture of 40 days' pay.

CASUALTY COMPANY.

13. STRENGTH INCREASE.

(a) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A., on transfer from No. 15th Hvy. A.A. Bty. R.C.A. C.A., effective 16th July, 1942. (In hospital.)

B.98063 Gnr. SIKOS, James Peter (S)

(b) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A., on transfer from A.19 R.C.A.S.C. T.C., effective 20th July, 1942. Posted to Casualty Coy.

F.96306 Pte. MAC LEOD, Earl Joseph (S) (Pres)

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NORTH WESTERN CONTROL C.A. DAILY ORDERS PART II NO.181 DATED 27th JULY 42

CAVALRY COMPANY. (Continued.)

13. STRENGTH INCREASE. (Continued.)

(c) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A., on transfer from A.23 C.D. & A.A. T.C., effective 24th July, 1942.

F.97151 Pte. MAC DONALD, Raphael Harrington (S) (R.C.)
F.40238 Pte. MUIRS, James Anthony (M) (R.C.)
B.86846 Pte. ROUSSEAU, Louis Albert (S) (R.C.)
B.58818 Gnr. POWER, Roy Malcolm Charles (S) (U.C.C.)
G.53854 Gnr. STEEVES, Oley Boyne (S) (Bapt)

(d) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A., on transfer from A.23 C.D. & A.A. T.C., effective 26th July, 1942.

L.74804 Gnr. HOWATT, Glen Kelly (S) (U.C.C.)
L.74726 Gnr. MC BRIDE, Cecil James (S) (U.C.C.)
L.65726 Gnr. TUNKS, Charles Fredrick (S) (CofE)
L.74727 Gnr. PREBUSHEWSKI, Frederick (S) (O.D.)
B.98067 Gnr. BROWN, Arthur Raymond (S) (U.C.C.)

14. STRENGTH DECREASE.

(a) The undermentioned O.Rs. are struck off strength No. 6 District Depot, C.A., on transfer to No. 3 District Depot, C.A., effective 26th July, 1942.

B.58100 Pte. LAPREIDLE, A.
C.33530 Pte. BEAUDOIN, L.

(b) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to No. 2 District Depot, C.A., effective 21st July, 1942.

S.27657 Spr. HARRIS, F.S.

(c) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to No. 4 District Depot, C.A., effective 26th July, 1942.

D.62986 Pte. PICARD, G.

(d) The undermentioned O.Rs. are struck off strength No. 6 District Depot, C.A., on transfer to 4th Division Supply Col. R.C.A.S.C. C.A., Debert N.S., effective 25th July, 1942.

F.97548 Pte. DAVIDSON, S.C.
F.97685 Pte. FITZGERALD, J.V.
F.64741 Pte. FROINEN, V.W.
F.96702 Pte. GALLANT, K.F.
F.96622 Pte. GALLANT, J.R.
F.64858 Pte. JULIAN, E.
F.96663 Pte. MAYNARD, C.
F.96828 Pte. MAC ARTHUR, K.W.
F.96700 Pte. MAC MILLAN, N.
F.97739 Pte. MAC QUARRIE, W.R.
F.65413 Pte. PURCELL, C.W.
F.65421 Pte. STEWART, A.R.
F.95117 Pte. WELLWOOD, L.W.
F.5616 Pte. DOIRON, A.A.
F.97724 Pte. FRANCIS, E.E.
F.96547 Pte. GALLANT, A.J.
F.96703 Pte. GALLANT, J.A.
F.96593 Pte. GALLANT, W.J.
F.95719 Pte. LAYTE, P.
F.97545 Pte. MENEZES, J.R.
F.97744 Pte. MAC DONALD, J.A.
F.97639 Pte. MC PHERSON, W.
F.97612 Pte. ORGAN, R.G.
F.96692 Pte. RAMSAY, A.L.
F.95263 Pte. TINDEY, T.F.
F.30633 Pte. WHITE, W.H.
F.5579 Pte. GRAHAM, C.S.

(TO PAGE SEVEN.)

NO.6 DISTRICT DEPOT C.A. DAILY ORDERS PART II NO.182 DATED 27th JULY 42

CASUALTY COMPANY. (Continued.)

19. MEDICAL CATEGORY.

(a) The undermentioned O.Rs. having been medically boarded dates as shown, are placed in Category as shown.

L.36061 Sgt. POLLOCK, M.H. 18-7-42 "D"
B.92335 Pte. MYKE, L. 15-7-42 "C-1"
F.64895 Pte. MC KENZIE, J.A. 15-7-42 "E"
(Authority Medical Board approved by D.G.M.S.)

20. REPOSTING.

(a) The undermentioned O.Rs. are reposted from "Casualty Coy." to "Discharge Coy." effective 27th July, 1942.

G.51126 Spr. COUTURE, E.
F.64895 Pte. MC KENZIE, J.A.

21. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.Rs. are absent without leave from time and dates as shown. (1st time published.)

F.[illegible]893 Pte. HAYES, H.B. 0800 hrs., 24-7-42
F.96382 Pte. O'BRIEN, P.A. 2359 hrs., 24-7-42
F.67999 Pte. WHITE, F.I. 0800 hrs., 25-7-42

(b) The undermentioned O.R. reported absent at 0800 hrs., 22nd July, 1942 returned at 1500 hrs., 24th July, 1942.

F.30195 Rfn. MURPHY, W.J.

22. PUNISHMENTS.

(a) F.30195 Pte. MURPHY, W.J.---was on the 25th July, 1942 awarded 5 days' C.B. For--Absent without leave from 0800 hrs., 22-7-42 to 1500 hrs., 24-7-42. (Absent 2 days, 7 hrs., 1 min.) Forfeits 3 days' pay under F.R. & I., for the C.A. 149(a).

DISCHARGE COMPANY.

23. STRENGTH INCREASE.

(a) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from No. 14 A.I.(R) T.C., for all purposes except pay, effective 21st July, 1942 and for pay purposes, effective 25th July, 1942. Posted to Discharge Coy.

F.3334 Pte. MOSES, Elroy Clarence (S) (Bapt)

(b) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from No. 14 A.I.(R) T.C., effective 26th July, 1942. Posted to Discharge Coy.

G.18953 Pte. PITRE, George Jerome (M) (R.C.)

(c) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A., on transfer from the New Brunswick Rangers C.A., effective 21st July, 1942. Posted to Discharge Coy. (In hospital.)

G.28051 Pte. WHALEN, John Junior (S) (R.C.)

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NO.6 DISTRICT DEPOT C.A. DAILY ORDERS PART II NO.182 DATED 27th JULY 42

DISCHARGE COMPANY. (Continued.)

24. STRENGTH DECREASE. (Continued.)

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to No. 4 District Depot, C.A., effective 21st July, 1942. (In St. Anne's Hospital.)

D.46130 Pte. RIOUX, A.J.

(b) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to No. 2 District Depot, C.A., effective 17th July, 1942. (In Christie St. Hospital.)

B.79214 Sgt. WHITE, F.M.

(c) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required Military Physical Standards. Enlisted 11th May, 1942. Will draw $17.00 clothing allowance under F.R. & I., for the C.A. 187-1-(b).

F.30622 Pte. CROSSLEY, F.A. (S) (Bapt)

ADDRESS: Kempt Shore, Hants Co. N. S.,

(d) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required Military Physical standards. Enlisted 3rd April, 1942. Will draw $17.00 clothing allowance under F.R. & I.,,for the C.A. 187-1-(b).

F.96564 Pte. GALLANT, D. (M) (R.C.)

ADDRESS: North Market St. Summerside P.E.I.,

(e) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required Military Physical Standards. Enlisted 27th April, 1942. Will draw $17.00 clothing allowance under F.R. & I., for the C.A; 187-1-(b).

F.97667 Pte. MC PHERSON, A. (S) (R.C.)

ADDRESS: Reserve Mines, N. S.,

(f) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required Military Physical Standards. Enlisted 4th June, 1941, 1 year and 48 days unencumbered service. Entitled to receive Rehabilitation grant under the provisions of R.O. No. 1079, 3/41. Will draw $35.00 clothing allowance under F.R. & I., for the C.A. 187-1-(a).

L.27906 Spr. CHABOT, J. (S) (R.C.)

ADDRESS: Rostern Sask.

(g) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required Military Physical Standards. Enlisted 28th April, 1942. Will draw $17.00 clothing allowance under F.R. & I., for the C.A. 187-1-(b).

F.95834 Pte. DEMPSEY, A.D. (M) (CofE)

ADDRESS: Wolfville, N. S.,

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DISCHARGE COMPANY. (Continued.)

24. STRENGTH DECREASE. (Continued.)

(h) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required Military Physical Standards. Enlisted 22nd April, 1942. Will draw $17. clothing allowance under F.R. & I., for the C.A. 187-1-(b).

F.95420 Pte. JOHNSON, E.E. (E) (Pres)

ADDRESS: R.R. No. 2. Truro, N. S.,

(i) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(3), being under the age of 17 years, at date of application for discharge. Enlisted 11th June, 1942. Will draw $17.00 clothing allowance under F.R. & I., for the C.A. 187-1-(b)

F.97966 Pte. QUINN, J.C. (S) (R.C.)

ADDRESS: 153 Guy St. Sydney Mines, N. S.,

(j) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required Military Physical Standards. Enlisted 21st January, 1942, 185 days unencumbered service. Entitled to receive Rehabilitation grant under the provisions of R.O. 1079, d/41. Will receive $35.00 clothing allowance under F.R. & I., for the C.A. 187-1-(a).

(k) F.96169 Pte. PURDY, B.L. (M) (Bapt)

ADDRESS: Rockville, Yarmouth Co. N. S.,

(l) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required Military Physical Standards. Enlisted 1st February, 1942, 174 days unencumbered service. Entitled to receive Rehabilitation grant under the provisions of R.O. No. 1079, d/41. Will draw $35.00 clothing allowance under F.R. & I., for the C.A. 187-1-(a).

F.5338 Pte. COLE, G.G. (S) (Bapt)

ADDRESS: ADVOCATE Harbour, Cumberland Co. N. S.,

(m) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required Military Physical Standards. Enlisted 3rd July, 1942, 1 year and 22 days unencumbered service. Entitled to receive Rehabilitation grant under the provisions of R.O. No. 1079, d/41. Will draw $35.00 clothing allowance under F.R. & I., for the C.A. 187-1-(a).

L.41541 Spr. HAZARD, W.A. (M) (U.C.C.)

ADDRESS: General Delivery, Mill Centre, Sask.

(n) The undermentioned O.R. discharged 24th July, 1942 under the provisions of R.O. No. 1029(4), being between the ages of 17 and 18 years at date of application for discharge. Enlisted 24th July, 1942, 362 days unencumbered service. Entitled to receive Rehabilitation grant under the provisions of R.O. No. 1079, d/41. Will draw $35.00 clothing allowance under F.R. & I., for the C.A. 187-1-(a).

F.64437 Pte. MC KINNON, J.F. (S) (R.C.)

ADDRESS: 430 9th St. New Waterford, N. S.,

(TO PAGE TWELVE.)

DISCHARGE COMPANY. (Continued.)

25. ATTACHED.

(a) The undermentioned O.R. 18th Ord. Coy. R.C.O.C. C.A., is attached to No. 6 District Depot, C.A., for all purposes except pay, effective 21st July, 1942. Posted to Discharge Coy.

F.87080 Pte. O'HARA, J.E.

(b) The undermentioned O.R., No. 6 Ordnance Depot, Coy. R.C.O.C. C.A., is attached to No. 6 District Depot, C.A., for all purposes except pay, effective 23rd July, 1942. Posted to Discharge Coy.

F.96156 Pte. DUGAS, I.J.

(c) The undermentioned O.R., Signals, 4th Cdn. Armd. Div. is attached to No. 6 District Depot, C.A., for all purposes except pay, effective 21st July, 1942. Posted to Discharge Coy.

C.36669 L/Cpl. JOHNSON, M.R.

(d) The undermentioned O.R., 27th Cdn. Armd. Regt. (Sherbrooke Fusiliers) is attached to No. 6 District Depot, C.A., for all purposes except pay, effective 20th July, 1942. Posted to Discharge Coy.

D.46493 Tpr. LAPOINTE, O.O.

(e) The undermentioned O.R., No. 14 A.I.(R) T.C., is attached to No. 6 District Depot, C.A. for all purposes except pay, effective 21st July, 1942. Posted to Discharge Coy.

F.3334 Pte. MOSES, E.C.

(f) The undermentioned O.R., No. 14 A.I.(R) T.C., is attached to No. 6 District Depot, C.A., for all purposes except pay, effective 11th May, 1942. Posted to Discharge Coy.

G.18953 Pte. PITRE, G.J.

26. HOSPITAL.

(a) The undermentioned O.R. admitted to Halifax Military Hospital, 25th July, 1942.

F.89716 Pte. BERRY, K.A.

27. MEDICAL CATEGORY.

(a) The undermentioned O.Rs. having been medically boarded dates as shown, are placed in Category "E".

F.65685	Pte. BLACKMOORE, P.S.	15-7-42
F.54852	Pte. CAMPBELL, G.T.	15-7-42
F.95437	Pte. MELANSON, E.J.	11-7-42
F.97506	Pte. MC GEAN, J.W.	15-7-42
F.97976	Pte. BODHAINE, P.	15-7-42
F.96527	Pte. BROWN, H.N.	15-7-42
H.77894	Tpr. BERGSTRESSER, H.	10-7-42
H.77865	Tpr. BRADFORD, D.E.	10-7-42

(Authority Medical Board approved by D.G.M.S.)

(TO PAGE THIRTEEN.)

CERTIFIED TRUE COPY

NO. 6 DISTRICT DEPOT, C.A.

DAILY ORDERS PART II

Capt.
Adjt.,
No. 6 District Depot, CA.

"I" Regt'l Sgt Maj.
President, RCA.

No. 219,
Halifax, N. S.,
8th September, 1942.

PAGE ONE.

LAST PART II DAILY ORDERS NO.218 DATED 7th SEPTEMBER 1942.

SECTION "A"
Officers.

Nil

SECTION "B"
Other Ranks

HEADQUARTERS COMPANY.

1. ATTACHED.

(a) The undermentioned O.R., No. 6 Detachment R.C.A.M.C. C.A., ceases to be attached to No. 6 District Depot, C.A. for all purposes except pay, effective 3rd September, 1942.

F.607 Pte. FOWLER, S.W.

2. MARRIAGE.

(a) The undermentioned O.R., having been granted permission to marry on the 15th August, 1942, was married on the 17th August, 1942 to Margaret Mary Bradley at Halifax, Nova Scotia.

F.26348 Sgmn. DUNCAN, M.R.

ADDRESS OF NEXT OF KIN: Mrs. Margaret Mary Duncan, (Wife.)
112 Isleville St., Halifax, N. S.

(b) The undermentioned O.R., having been granted permission to marry on the 22nd July, 1942, was married on the 26th August, 1942 to Evelyn Maud Kirby at Halifax, Nova Scotia.

F.30718 Bdsm. BRACE, R.A.

ADDRESS OF NEXT OF KIN: Mrs. Evelyn Maud Brace, (Wife.)
Dutch Village Road, Halifax, N. S.

3. AGRICULTURAL LEAVE.

(a) The undermentioned O.R. granted "Agricultural Leave" without pay and allowance, for the period from 7th September, 1942 to 20th September, 1942.

F.30723 Pte. JUBIS, D.E.
(Authority H.J.-475, H.S.-1766, dated 4th September, 1942.)

4. FURLOUGH.

(a) The undermentioned O.R. returned from furlough, effective 6th September, 1942.

F.79540 Pte. LOHNES, H.

5. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.R. is absent without leave from 2359 hrs., 17th August, 1942. (3rd time published.)

F.97576 Pte. NEARING, A.

(TO PAGE TWO.)

NAVAL DISTRICT PRESCOTT DAILY ORDERS PART II NO. 219 DATED 8th SEPTEMBER 42

HEADQUARTERS COMPANY. (Continued.)

5. ABSENT WITHOUT LEAVE. (Continued.)

(h) The undermentioned O.R. reported absent at 0800 hrs., 5th September, 1942 returned at 0700 hrs., 6th September, 1942.

F.59747 Pte. GAUDET, H.J.

6. STRENGTH INCREASE.

(a) The undermentioned having been attested by D.R.O. Halifax, N. S. is taken on strength No. 6 District Depot, C.A., effective 7th September, 1942. Posted to Headquarters Coy. Category "A-2".

F.51064 Pte. TIDGWELL, George Albert (S) (U.C.C.)

RECRUIT COMPANY.

7. STRENGTH INCREASE.

(a) The undermentioned having been attested by B.R.O. Sydney, N. S. are taken on strength No. 6 District Depot, C.A., effective dates as shown. Posted to Recruit Coy. (Quota.) Category as shown.

F.32225	Pte. ADDICOT, Leo	(S) (R.C.)	"B-1"	3-9-42
F.32224	Pte. BEATON, Douglas Angus	(S) (R.C.)	"A-1"	2-9-42
F.32217	Pte. BRAY, Gerald	(S) (CofE)	"A-1"	2-9-42
F.32227	Pte. DONOVAN, Wilson Leo	(S) (R.C.)	"A-1"	3-9-42
F.32230	Pte. LAINEZ, Augustus	(S) (Pres)	"A-1"	3-9-42
F.32231	Pte. LLOYD, Aubrey Bernard	(S) (Pres)	"A-1"	3-9-42
F.32233	Pte. MAC DONALD, Archibald	(S) (R.C.)	"A-1"	3-9-42
F.32223	Pte. MAC LEOD, Philip	(S) (U.C.C.)	"A-2"	2-9-42
F.32222	Pte. MC DONALD, James Donald	(S) (R.C.)	"A-1"	2-9-42
F.32241	Pte. MC LEOD, Angus Earl	(S) (U.C.C.)	"B-1"	3-9-42
F.32232	Pte. MORRISON, Donald Ryhburn	(S) (U.C.C.)	"A-1"	3-9-42
F.32237	Pte. SHAW, Roddie William	(S) (Pres)	"A-1"	3-9-42

(b) The undermentioned having been attested by B.R.O. Sydney, N. S. is taken on strength No. 6 District Depot, C.A., effective 3rd September, 1942. Posted to Recruit Coy. (Quota.) Category "A-1".

F.32242 Pte. MAC RAE, Duncan Daniel Alexander (S) (Pres)

(c) The undermentioned having been attested by B.R.O. Charlottetown, P.E.I. are taken on strength No. 6 District Depot, C.A., effective dates as shown and are attached to No. 62 C.A.(B) T.C. for all purposes except pay for the period from date of attestation to 4th September, 1942. Posted to Recruit Coy. (Quota.) Category as shown.

F.31212	Pte. CAMPBELL, Arthur Edmund	(S) (U.C.C.)	"A"	27-8-42
F.31232	Pte. MAC KENZIE, Alvin Stewart	(S) (Pres)	"A"	1-9-42
F.31233	Pte. MAC NEILL, Robert Bruce	(S) (Pres)	"A"	1-9-42
F.31215	Pte. MC KINNON, William Vincent	(S) (R.C.)	"A"	27-8-42
F.31231	Pte. MORRISON, James Daniel	(S) (R.C.)	"B-1"	1-9-42
F.31214	Pte. MURPHY, Peter Leonard	(S) (CofE)	"A"	27-8-42

(d) The undermentioned having been attested by B.R.O. New Glasgow, N. S. are taken on strength No. 6 District Depot, C.A., effective 31st August, 1942. Posted to Recruit Coy. (Quota.) Category "A-1".

[illegible]041 Pte. SMITH, Horace Vincent (M) (R.C.)
[illegible]040 Pte. WADDEN, Straun George (M) (Pres)

(TO PAGE THREE.)

NO. 6 DISTRICT DEPOT, C.A. DAILY ORDERS PART II #219 DATED 8th SEPTEMBER, 1942

RECRUIT COMPANY. (Continued.)

7. STRENGTH INCREASE. (Continued.)

(a) The undermentioned having been attested by D.R.O. Halifax, N. S. is taken on strength No. 6 District Depot, C.A., effective 4th September, 1942. Posted to Recruit Coy. (Quota.) Category "A-1".

F.51063 Pte. KARREL, Samuel (M) (O.D.)

(f) The undermentioned having been attested by B.R.O. Yarmouth, N. S. is taken on strength No. 6 District Depot, C.A., effective 3rd September, 1942. Posted to Recruit Coy. (Quota.) Category "A-2".

F.66067 Pte. JOURNEAY, Foster Keith (S) (CofE)

(g) The undermentioned having been attested by D.R.O. Halifax, N. S. is taken on strength No. 6 District Depot, C.A., effective 5th September, 1942. Posted to Recruit Coy. (For No. 6 District Coy. R.C.A.S.C. C.A.) Category "A-1".

F.51066 Pte. GAMMON, James Harry (S) (U.C.C.)

(h) The undermentioned having been attested by B.R.O. Charlottetown P.E.I. is taken on strength No. 6 District Depot, C.A., effective 1st September, 1942 and is attached to No. 62 C.A.(B) T.C. for all purposes except pay for the period from date of attestation to 4th September, 1942. Posted to Recruit Coy. (For No. 6 Ordnance Depot Coy. R.C.O.C. C.A.) Category "A".

F.31227 Pte. BISHOP, Ralph Lesley (S) (Pres)

(i) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from A.23 C.D. & A.A. T.C., effective 5th September, 1942. Posted to Recruit Coy. (For 31st Quota of Officers.)

D.132045 Gnr. (A/Bdr.) GAUTHIER, Roland (S) (R.C.)

8. STRENGTH DECREASE.

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to No. 6 District Coy. R.C.A.S.C. C.A., effective 7th September, 1942.

F.51066 Pte. GAMMON, J.H.

(b) The undermentioned O.Rs. are struck off strength No. 6 District Depot, C.A. on transfer to No. 6 Ordnance Depot Coy. R.C.O.C. C.A., effective 4th September, 1942.

F.31085 Pte. WOOD, W.W.B.
F.30997 Pte. MORRIS, C.F.

9. CHANGE OF REGIMENTAL NUMBERS.

(a) F.31974 Pte. DOUCETTE, F.A., having had previous service in the Canadian Army under regimental number F.77987, the allotment of regimental number F.31974 is hereby cancelled. All documents to be amended accordingly.

10. FURLOUGH.

(a) The undermentioned O.Rs. were granted furlough from and to dates as shown, under the provisions of R.O. No. 699(b).

P.12865 Sgt. CAREY, G. 7-8-42 to 20-8-42
F.86351 Pte. (A/L/Cpl.) PREST, C.E. 6-8-42 to 19-8-42

(TO PAGE FOUR.)

NO. 6 DISTRICT DEPOT C.A. DAILY ORDERS PART [illegible]

RECRUIT COMPANY. (Continued.)

11. HOSPITAL.

(a) The undermentioned O.Rs. discharged from hospital, effective dates as shown.

F.66317 Pte. IYOUBE, A. 21-8-42
F.32162 Pte. GILLIS, T.W. 7-9-42

12. REPOSTING.

(a) The undermentioned O.Rs. are reposted from Recruit Coy., to Headquarters Coy., effective 8th September, 1942.

F.51023 Pte. DAVIS, H.R.
F.51004 Pte. TURNER, H.J.

13. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.Rs. are absent without leave from 2200 hrs., 4th September, 1942. (1st time published.)

F.66511 Pte. PORTER, J.C.
F.66492 Pte. PURDY, E.N.

(b) The undermentioned O.Rs. are absent without leave from time and dates as shown. (2nd time published.)

F.30741 Pte. (A/L/Cpl.) BERGMAN, D.L.G. 1800 hrs., 30-8-42
F.75654 Pte. HARTNETTE, J.N. 2300 hrs., 30-8-42

CASUALTY COMPANY.

14. STRENGTH INCREASE.

(a) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from 18th Ordnance Store Coy. R.C.O.C. C.A., effective 29th August, 1942. Posted to Casualty Coy.

F.88675 Pte. MC MULLEN, Hugh George (S) (R.C.)

(b) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from Signals, 4th Cdn. Armd. Div. C.A., effective 1st September, 1942. Posted to Casualty Coy.

A.67853 Sgmn. MC NAMARA, James Jerome (M) (R.C.)

(c) The undermentioned O.R., 23rd Armd. Tk. Regt. C.A., having been apprehended at 1530 hrs., 1st September, 1942 is taken on strength No. 6 District Depot, C.A. on apprehension, effective 1st September, 1942. Posted to Casualty Coy.

F.29621 Rfn. BAILEY, Arnold Walter (S) (CofE)

15. STRENGTH DECREASE.

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to 16th Coast Regt. C.A., effective 20th August, 1942.

F.77177 Sgt. HOLLETT, W.L.

(TO PAGE FIVE.)

CASUALTY COMPANY. (Continued.)

16. ATTACHED.

(a) The undermentioned O.R., the Irish Regiment of Canada, C.A., is attached to No. 6 District Depot, C.A. for all purposes except pay, effective 6th September, 1942.

M.45369 Pte. GREENWOOD, F.

(b) The undermentioned O.R., presently attached to No. 6 Ordnance Depot Coy. R.C.O.C. C.A., for duty, is attached to No. 6 Ordnance Depot Coy. R.C.O.C. for all purposes except pay, effective 8th September, 1942.

F.89779 Pte. KING, J.P.

(c) The undermentioned O.R., P.E.I. Highlanders, C.A., is attached to No. 6 District Depot, C.A. for all purposes except pay, effective 4th September, 1942. Posted to Casualty Coy.

F.59654 Pte. MC MURRER, W.

(d) The undermentioned O.R. ceases to be attached to Halifax Military Hospital, R.C.A.M.C. C.A. for all purposes except pay, effective 4th September, 1942.

F.30195 Pte. MURPHY, W.J.

17. RATIONS AND QUARTERS.

(a) The undermentioned O.R., 104th Hvy. Bty. R.C.A. C.A., is attached to No. 6 District Depot, C.A. for rations and quarters, for two days only, effective 7th and 8th September, 1942.

F.40535 Gnr. SPURR, P.R.

18. BIRTH.

(a) F.91426 B.S.M.I. (WO I) SHORTT, W.T.

SON: Victor Wayne Shortt, (2nd child.)
BORN: 29th May, 1942,
BORN AT: Halifax, Nova Scotia.

19. SUBSISTENCE ALLOWANCE.

(a) The undermentioned O.R. is authorized to draw subsistence allowance @ $1.00 per diem, effective 8th August, 1942.

F.30311 Rfn. FLEET, I.H. (Authority D.A.Q.M.G.)

(b) The undermentioned O.R. is authorized to draw subsistence allowance @ $1.00 per diem, for the period from 25th August, 1942 to 7th September, 1942.

F.34837 Pte. (A/Cpl.) SPENCER, C.J. (Authority D.A.Q.M.G.)

20. FURLOUGH.

(a) The undermentioned O.Rs. granted furlough from and to dates as shown, under the provisions of R.O. No. 699(b).

F.77013 Pte. LEGERE, J.	1-9-42 to 14-9-42
C.58812 Pte. ROBINSON, K.E.	5-9-42 to 18-9-42

(TO PAGE SIX.)

CASUALTY COMPANY. (Continued.)

20. FURLOUGH. (Continued.)

(b) The undermentioned O.Rs. returned from furlough, effective dates as shown.

F.59862 Pte. (A/SGT.) VICTOR, L.J.	6-9-42
G.44730 Spr. MC LEAN, R.H.	5-9-42
C.75023 Spr. TAGGART, E.G.	6-9-42

21. HOSPITAL STOPPAGE OF PAY.

(a) The undermentioned O.R. is placed under a hospital stoppage of pay @ 0.75¢ per diem, whilst in hospital from 15th August, 1942 to 5th September, 1942.

K.70003 Tpr. ALGER, F.
(Authority Art. 222 (1) (B) (11), of F.R. & I.)

22. REPOSTING.

(a) The undermentioned O.R. is reposted from Casualty Coy. to "O" Coy., effective 7th September, 1942.

A.44003 Tpr. GROVES, E.A.

(b) The undermentioned O.Rs. are reposted from Casualty Coy. to Headquarters Coy., effective 8th September, 1942.

F.2801 Pte. JONES, A.	F.86069 Pte. HUMPHREY, E.S.
F.40[illegible]07 Pte. HALEY, E.J.	F.81104 Gnr. GALLEY, C.G.

23. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.R. reported absent at 0800 hrs., 24th July, 1942 was apprehended at Amherts, N. S. at 1500 hrs., 31st August, 1942.

F.49993 Pte. HAYES, H.B.

24. PUNISHMENTS.

(a) A.60007 Pte. CAMERON, M.A. was on the 7th September, 1942 awarded:--14 days' detention. For:--Absent without leave from 2359 hrs., 17th August, 1942 to 1800 hrs., 6th September, 1942. (Absent 19 days, 18 hrs., 1 min.) Forfeits 20 days' pay under F.R. & I., for the C.A. 149(a). Held in open arrest. Total forfeiture of 34 days' pay.

(b) H.45863 Pte. WILSON, P.H. was on the 7th September, 1942 awarded:--14 days' detention. For:--Absent without leave from Debert Military Camp, C.A. at 1800 hrs., 19th August, 1942 until apprehended at St. John, N. B. at 2200 hrs., 28th August, 1942. (Absent 9 days, 4 hrs., 1 min.) Forfeits 10 days' pay under F.R. & I., for the C.A. 149(a). Held in close arrest from 2200 hrs., 28th August, 1942 to 2359 hrs., 6th September, 1942. Total forfeiture of 33 days' pay. To pay costs of apprehension in the amount of $21.30. (Transportation for escort $14.20.) (Transportation for prisoner $7.10.)

(TO PAGE SEVEN.)

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CASUALTY COMPANY. (Continued.)

24. PUNISHMENTS. (Continued.)

(c) H.45611 Pte. DODD, W. was on the 7th September, 1942 awarded:--14 days' detention. For:--Absent without leave from Debert Military Camp, C.A. at 1800 hrs., 19th August, 1942 until apprehended at St. John, N. B. at 2200 hrs., 28th August, 1942. (Absent 9 days, 4 hrs., 1 min.) Forfeits 10 days' pay under F.R. & I., for the C.A. 149(a). Held in close arrest from 2200 hrs., 28th August, 1942 to 2359 hrs., 6th September, 1942. Total forfeiture of 33 days' pay. To pay costs of apprehension in the amount of $21.30. (Transportation for escort $10.70.) (Transportation for prisoner $5.35.) (Meals for escort $3.50.) (Meals for prisoner $1.75.)

"O" COMPANY.

25. STRENGTH INCREASE.

(a) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from 29th Cdn. Armd. Regt. C.A., effective 16th August, 1942. Posted to "O" Company. (In Debert Military Hospital.)

D.122977 Tpr. MARTIN, Frederick Roy (S)

26. ATTACHED.

(a) The undermentioned O.R. ceases to be attached to Mc Nabs' Island Detention Barracks for rations, effective 22nd August, 1942 and for quarters and discipline, effective 31st August, 1942.

F.89969 Pte. MC INNIS, W.A.

27. FURLOUGH.

(a) The undermentioned O.R. returned from furlough, effective 2nd September, 1942.

G.53725 Pte. KAYE, R.A.

28. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.Rs. are absent without leave from 2359 hrs., 17th August, 1942. (3rd time published.)

F.86000 Pte. BURNETTE, J.C.
F.89232 Pte. MC INTYRE, R.

(b) The undermentioned O.Rs. reported absent at time and dates as shown, returned at time and dates as shown.

F.5537 Pte. COOPER, C.E.	from 0800 hrs.,	3-8-42
	to 2045 hrs.,	5-9-42
F.87732 Pte. MC LAUGHLIN, J.B.	from 2359 hrs.,	17-8-42
	to 1140 hrs.,	3-9-42
H.46318 Pte. BATES, G.I.M.	from 0800 hrs.,	5-9-42
	to 0800 hrs.,	7-9-42
K100053 Tpr. MARTIN, R.C.	from 0800 hrs.,	4-9-42
	to 0800 hrs.,	7-9-42

(TO PAGE EIGHT.)

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DAILY ORDERS.

NOVA SCOTIA DEPOT CA DAILY ORDERS PART II #219 DATED 8th SEPTEMBER 42

DISCHARGE COMPANY.

79. STRENGTH INCREASE.

(a) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from No. 14 M.T. Workshop Section, R.C.O.C. C.A., effective 1st September, 1942. Posted to Discharge Coy.

F.30556 Pte. POWER, James Edward (S) (U.C.C.)

(b) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from No. 61 C.A.(B) T.C., effective 1st September, 1942. Posted to Discharge Coy.

F.95138 Pte. LOWTHER, Leonard Lorraine (S) (U.C.C.)

80. STRENGTH DECREASE.

(a) The undermentioned O.R. discharged 5th September, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required military physical standards. Enlisted 9th July, 1940, 2 years and 59 days unencumbered service. Entitled to receive Rehabilitation grant under the provisions of R.O. No. 1079, d/41. Will draw $35.00 clothing allowance under F.R. & I., for the C.A. 187-1-(a).

F.30161 Pte. HALL, W.C. (M) (Pres)

ADDRESS: 286 Brunswick St., Truro, N. S.

(b) The undermentioned O.R. discharged 5th September, 1942, under the provisions of R.O. No. 1029(10), being unable to meet the required military physical standards. Enlisted 20th July, 1942. Will draw $17.00 clothing allowance under F.R. & I., for the C.A. 187-1-(b).

F.65765 Pte. MERREY, D. (W) (U.C.C.)

ADDRESS: Springhill, N. S.

(c) The undermentioned O.R. discharged 5th September, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required military physical standards. Enlisted 22nd February, 1941, 1 year and 51 days unencumbered service. Entitled to receive Rehabilitation grant under the provisions of R.O. No. 1079, d/41. Will draw $35.00 clothing allowance under F.R. & I., for the C.A. 187-1-(a).

F.77492 Pte. MAC KINNON, A.J. (S) (R.C.)

ADDRESS: Rear 64 Douglas St., Sydney, N. S.

(d) The undermentioned O.R. discharged 5th September, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required military physical standards. Enlisted 18th May, 1942. Will draw $17.00 clothing allowance under F.R. & I., for the C.A. 187-1-(b).

F.30659 Pte. HATT, F.E. (S) (CofE)

ADDRESS: Beech Hill, Lunenburg Co., N. S.

(e) The undermentioned O.R. discharged 4th September, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required military physical standards. Enlisted 17th April, 1942. Will draw $17.00 clothing allowance under F.R. & I., for the C.A. 187- 1 -(b).

D117443 Pte. MC CORMACK, W.F. (S) (R.C.)

ADDRESS: 349 Centre Ave., New Aberdeen, Glace Bay, N. S.

(TO PAGE NINE)

DISCHARGE COMPANY. (Continued.)

30. STRENGTH DECREASE. (Continued.)

(f) The undermentioned O.R. discharged 5th September, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required military physical standards. Enlisted 7th December, 1940, 1 year and 273 days unencumbered service. Entitled to receive Rehabilitation grant under the provisions of R.O. No. 1079, d/41. Will draw $35.00 clothing allowance under F.R. & I., for the C.A. 187-1-(a).

F.55690 Pte. PALMER, W. (M) (Pres)

ADDRESS: 349 Centre Ave., New Aberdeen, Glace Bay, N. S.

31. MEDICAL CATEGORY.

(a) The undermentioned O.Rs. having been medically boarded dates as shown, are placed in Category as shown.

G.18953 Pte. PITRE, G.J.	27-8-42	"C-2"
F.30998 Pte. BRINE, M.S.	25-8-42	"E"
F.89317 Pte. BARTLETT, H.W.	12-8-42	"E"

(Authority Medical Board approved by D.G.M.S.)

32. PUNISHMENTS.

(a) F.50307 Pte. BLOCK, H. was on the 7th September, 1942 awarded:-- 7 days' C.B. For:--Conduct to the prejudice of good order and military discipline in that he did fail to appear on Company Parade at 0830 hrs., 6th September, 1942.

A.E. HOLDING COY.

33. PUNISHMENTS.

(a) F.97793 Pte. MC PHEE, M.H. was on the 9th September, 1942 awarded:--Admonished. For:--Drunkenness (1st offence), in that he at Glace Bay, N. S. at 2030 hrs., on the 31st August, 1942. To pay costs of apprehension (return to unit) in the amount of $11.20. (Transportation for escort.)

34. CORRECTIONS.

(a) Part II Order No. 218 dated 7th September, 1942. Sub.Para. 42(i). For "Enlisted 7th August, 1942" read "Enlisted 11th August, 1941".

(b) Part II Order No. 214 dated 2nd September, 1942. Sub.Para. 37(b). Delete entire paragraph.

(c) Part II Order No. 216 dated 4th September, 1942. Sub.Para. 48(d). Delete entire paragraph.

(d) Part II Order No. 155 dated 25th June, 1942. Sub.Para. 15(e). For "effective 22nd June, 1942" read "for the period from 22nd June, 1942 to 30th June, 1942".

(e) Part II Order No. 217 dated 5th September, 1942. Sub.Para. 33(i). For "effective 13th August, 1942" read "effective 26th August, 1942.

(f) Part II Order No. 217 dated 5th September, 1942. Sub.Para. 35(a). Insofar as it concerns F44961 Pte. MAHONEY, T.C. delete all reference.

(TO PAGE TEN)

3a. CORRECTIONS (Continued).

(h) Part II Order No. 217 dated 5th September, 1942. Sub.Para. 31(a). Insofar as it concerns H.45634 Pte. SOLOMON, R. delete all reference.

(i) Part II Order No. 214 dated 2nd September, 1942. Sub.Para.30(a). Insofar as it concerns F.95496 Pte. O'BRIEN, M.A. and F.46580 Pte. CONNLEY, G.J.F. delete all reference.

(j) Part II Order No. 216 dated 4th September, 1942. Sub.Para.34(a). Insofar as it concerns F.46318 Pte. BATES, G.I.M. and M.50571 Tpr. BERNAS, F.G. delete all reference.

SECTION "C"
H.D. Personnel

1. STRENGTH DECREASE.

(a) The undermentioned O.R. discharged 5th September, 1942 under the provisions of R.O. No. 1029(13) for the purpose of enlisting in another service. Called up for N.R.M.A. 18th May, 1942.

F.606497 Gnr. LEWIS, L.G. (S) (U.C.C.)

ADDRESS: 24 Mechanic St., Sydney, N. S.

2. ATTACHED.

(a) The undermentioned O.Rs. cease to be attached to Reserve Army Pr. Camp, Aldershot; N.S. for all purposes except pay, effective 15th August, 1942 and are attached to Headquarters No. 36 Reserve Brigade Group for all purposes except pay, effective 16th August, 1942.

F.610345 Pte. ARSENAULT, A.J.	F.600992 Pte. BARKHOUSE, A.R.
F.455501 Pte. CAMPBELL, J.B.	F.601321 Pte. COFFIN, D.H.
F.610295 Pte. DOUCETTE, J.H.	F.606305 Pte. MC KENZIE, J.D.
F.606195 Pte. MC LEOD, A.J.	F.534712 Pte. MAC SWEEN, R.
F.606278 Pte. MITCHELL, H.A.	F.606345 Pte. REID, P.J.
F.600991 Pte. RHODENIZER, A.D.	F.600906 Pte. RUMKEY, M.A.
F.601048 Pte. SAMPSON, P.J.	F.601132 Pte. YOUNG, G.P.

(b) The undermentioned O.Rs. cease to be attached to Headquarters 36th Inf. Bde. Group for all purposes except pay, effective 29th August, 1942.

F.610345 Pte. ARSENAULT, A.J.	F.600992 Pte. BARKHOUSE, A.R.
F.455501 Pte. CAMPBELL, J.B.	F.601321 Pte. COFFIN, D.H.
F.610295 Pte. DOUCETTE, J.H.	F.606305 Pte. MC KENZIE, J.D.
F.606195 Pte. MC LEOD, A.J.	F.534712 Pte. MAC SWEEN, R.
F.606278 Pte. MITCHELL, H.A.	F.606345 Pte. REID, P.J.
F.600991 Pte. RHODENIZER, A.D.	F.600906 Pte. RUMKEY, M.A.
F.601048 Pte. SAMPSON, P.J.	F.601132 Pte. YOUNG, G.P.

3. LEAVE OF ABSENCE.

(a) The undermentioned O.R. returned from "Leave of Absence" without pay and allowance, effective 3rd September, 1942.

F.400585 Gnr. MAC NEVIN, L.W. (Casualty Coy.)

(D.H. Borden), Captain
Adjutant,
No. 6 District Depot, C.A.

"J" [illegible]

APPENDIX "B"

Certificate in accordance with Order-in-Council P.C. 2797 dated 10 April, 1942, as published in General Order 127, 1942.

(Apprehension by or surrender to Service authorities)

I F50010 Sgt Merritt P.P. No 37 Provost Coy C.P.C. (C.A.)
(Number) (Rank) (Name) (Unit)

hereby certify that F49983 Pte Hayes Harold d.
(Number) (Rank) (Name in full)

of the Casualty Coy No. 6 district depot Halifax N.S.
(Unit and attachment)(if any)

was apprehended by (~~surrendered~~) F50010 Sgt
(Number) (Rank)

Merritt P.P. No 37 Provost Coy C.P.C. (CA) N.C.O.'s Amherst det
(Name) (Unit and appointment)

at Amherst N.S. at 1500 hrs
(Place) (Hour)

on the 31st day of Aug 1942,

~~[illegible]~~ absentee without leave), and that at the time of his arrest he was wearing military (~~[illegible]~~) uniform (~~[illegible]~~).

Dated at Amherst N.S. this 31st day of Aug 1942.

Sgt Merritt P.P.

Merritt P.P. F50010 Sgt No 37 Provost Coy C.P.C.
(Signature, number, rank, Unit or appointment.) N.C.O.'s Amherst det.
Amherst N.S.

"K" [illegible]

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ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, W.J. Mc Call, Capt. (Rank) No.6.District Depot C.A. (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from Halifax, N.S. (Place) to Amherst, N.S. (Place) for the

Full description of soldier being escorted — and return to F-40983 Pte. Hayes, H.B. No.6.District Depot C.A.

Strike out phrase not applicable — purpose of escorting alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Escort: O-46680 Pte. Kennett, H.J.	
Leaving Halifax, N.S. 1530 hrs. 1-9-42.	
Transport Warrant No. A179295 One second class ticket Halifax to Amherst return	5.40
Transport Warrant No. A179295 One second class ticket Amherst to Halifax single	2.70
Total	$ 8.10

Dated at Halifax, N.S. this 1st day of September A.D. 1942

W.J. Mc Call, Capt. No.6 D.D. C.A.

Signature, rank, unit of officer (issuing transport warrants) (authorizing transportation) Strike out description not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1401
5000—Type 6 (2716)
H.Q. 1272-39-1001

8

"L" Westcott Regt Pendant Bcn. 47

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description — I, G.46680 (No.) Pte. (Rank) H.J. Kennett (Name), No.21 Coy., V.G. of C. (Unit),

Strike out words not applicable — as (escort) ~~(commander of escort)~~ consisting of .....

Members of escort .....

detailed to proceed from Halifax,N.S. (Place) to Amherst, N.S. (Place)

Name and description of soldier escorted — to return F.49983 Pte. Hayes, H.B.

alleged to be a ~~deserter~~ or absentee without leave, to Halifax,N.S. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Expenses incurred whilst en route:	
One dinner for escort	.75¢
One lunch for escort	.40¢
One lunch for prisoner	.35¢
Expenses incurred by prisoner whilst in custody in the Town of Amherst Jail:	
2 meals 1 Sep 42	.50¢
3 meals 2 Sep 42	.75¢
Total	$ 2.75

Dated at Halifax,N.S. this 3rd day of September, A.D. 1942

G.46680 Kennett H.J.

Signature and rank (of commander of escort) (escort)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1482
5036—7-41 (1130)
S.Q. 1773-99-1850

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"M" Regd Maj. Pensioned Sec'y.

Closing address by the Prosecutor.

Gentlemen:--

In closing the proceedings for the prosecution there is just one thing I wish to draw to your attention.

The accused absented himself without leave, remained absent until apprehended by a member of the Military Police. He is lucky he is not charged with desertion. He was away long enough, 38 days and 7 hours. The fact that he had not been struck off strength by a Court of Inquiry saved him from a desertion charge. There can be no doubt about his being absent. The circumstances warrant the prosecution to ask for a much longer sentence than is usually given in ordinary cases of absence without leave. That is the idea of bringing the accused to trial by a District Court-Martial.

HGL

6

NG Dist Hqs.
Prince Albert

"N"

Closing address by the Defending Officer.

Mr. President and Gentlemen of the Court.--

In my closing address the first thing I am going to ask for is that the Court take into consideration the evidence which I shall point out, give justice to the accused and dismiss the charge.

In the first place the accused was marked absent, and it was published in Orders as the first time. Nothing further was published in Orders, which, if the Company had been doing their job, would have. I also wish to point out that in the costs of meals no receipt voucher accompanied it, and that, in my opinion, is wrong. Again, in the evidence of Sgt. Briggs I wish to point out this fact. As the platoon Sergeant of No. 5 in July calling the roll, reporting him absent, and so on. Still, in July, he leaves that platoon with the roll and everything else and still calls the man's name on parade with the other platoon.

In my opinion the evidence of Sgt. Briggs should be entirely washed out.

"Y" H.Q. First Hqs. Vancouver D.C.M.

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M.F.R. 355
22M—5-41 (573-2)
H.Q. 1772-20-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
F.49983,	PRIVATE	Harold Benedict HAYES	No.6 District Depot,CA.

1. The following is a fair and true summary of the entries in the Field Service ~~and General Regimental and Squadron, Battery~~ MAL Conduct sheets MAL ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, MAL ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For	Absent without leave 3 times	Absent without leave 8 times
For	Conduct to the prejudice 0 times	Conduct to the prejudice 3 times
For	... times	... times
For	... times	... times

MAL ~~Number of instances of gallantry or distinguished conduct.~~

MAL ~~or~~

MAL ~~There are no entries in the conduct sheets of the accused.~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

MAL ~~or~~

MAL ~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under~~ MAL ~~Air Force Act~~ MAL ~~A.F.A. 73~~ MAL ~~Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule~~ MAL ~~annexed to this statement.~~

3. The accused is not under sentence at the present time.

MAL ~~or~~

MAL ~~The accused at the present time is under sentence for ... beginning on the~~ MAL ~~day of~~ ...

4. The accused has been in confinement awaiting trial on the present charges, for 2 days in civil custody, and 15 days in MAL ~~military~~ Air Force custody, making a total of 17 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his MAL ~~record of service~~ is attestation paper is 22 years 5 months.

6. The date of his MAL ~~commission~~ specified in his MAL ~~record of service~~ is attestation attestation paper 14 Oct 39

MAL ~~7. The service which the accused is allowed to reckon towards discharge is~~

MAL ~~8. The accused is entitled to reckon ... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no MAL ~~air force~~ military decoration, or MAL ~~air force~~ military reward (MAL ~~or is in possession of or entitled to). State any air force decoration or reward.~~

MAL ~~military~~

MAL ~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held~~ MAL ~~Air Force~~ MAL ~~the regimental rank of~~ ...

4

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....
Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of
.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....
Unit
Name.....of.....Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
		Nil.		

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 17th day of September 1942
W R Cummings Lt. Asst. Adjt. No. 6 District Depot. 6a

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

S U M M A R Y O F E V I D E N C E

in the case of

No.F.49983, Private Harold Benedict HAYES, No.6 District Depot,CA., a soldier of the Canadian Army placed on Active Service.

CHARGE 1. ABSENCE WITHOUT LEAVE

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS No.M.50238, Sgt. J.P.F. Horton, No.6 District Depot,CA., having been duly sworn states as follows:-

I am a clerk in the Orderly Room of No.6 District Depot,CA., and I present the following documents concerning the accused:-

1. Certified copy of Daily Orders Part II No.182 dated 27 Jul 42.
2. Certificate of apprehension dated 31 Aug 42.
3. M.F.B.1481, dated 1 Sep 42 showing costs of transportation.
4. M.F.B.1482, dated 3 Sep 42 showing costs of meals.
5. Certified copy of Daily Orders Part II No. 219 dated 8 Sep 42.

The accused declines to cross examine.

J. Horton .....Sgt.
No.6 District Depot,CA.

SECOND WITNESS No.F.49779, Sgt. R.W. Briggs, No.6 District Depot,CA., having been duly called states as follows:-

I am Platoon Sergeant of No.5 Platoon, Casualty Company, No.6 District Depot,CA. On the 24th July,1942 The accused was posted on sanitary fatigue. After roll call at 0800 hours on the 24th July,1942 I checked the duties and found the accused to be absent. I reported his absence to the Absentee Sergeant and continued to call his name daily on parade and he failed to answer his name. I did not see the accused until I was called as a witness against him before his Company Commander on 5th September, 1942.

The accused declines to cross examine.

R.W. Briggs .....Sgt.
No.6 District Depot,CA.

QUESTION TO THE ACCUSED -

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED -

I have nothing to say.

I certify that Rules of Procedure 4 (C) (D) (E) and (F) have been complied with.

Taken down by me in the presence of the accused at Halifax,N.S. this 8th day of September,1942.

M.R. Cummings, Lieut.
No.6 District Depot,CA.

2

MEDICAL OFFICER'S REPORT

I certify that No. F 40983 Pte. Hayes, H.B.

of District Depot #6 is in a fit state of health,

and fit to undergo Trial by Court martial.

[illegible]

Medical Officer

Station Halifax, N.S.

Date 17 September 1942.

M. F. B. 246

MM—9-41 (1768)

H.Q. 1773-89 600

CONFIDENTIAL

H.Q.C. 55-H-293

DEPARTMENT OF NATIONAL DEFENCE OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT MARTIAL,

G.-19851 HOPKINS, LESTER MATTHEW, PTE.

DEAD

NO. 7 DISTRICT DEPOT, C.A.

CENTRAL REGISTRY	DATE	P.A. OR R.F.	INITIALS	REFERRED TO	FOR REMARKS (If paper for which referral cannot be expressed in one line, add minute to file and enter here "With Minute")	INITIALS	DATE
					Jag With Papers CR	CR	12/10/42
					AD 20-24 PA		14/10/42
OCT 15 1942	16/10/42						
OCT 19 1942							
APR 28 1944							
	5-44						
					PER B.F. MAY 15 1944		
					PER B.F. MAY 28 1944		
					PER B.F. JUN 7 1944		
MAY 30 1944					PER B.F. APR 10 1945		
JUN 7 1944					With Papers C.R. APR 19 1945		
APR 6 1945					With Papers C.R. MAY 23 1945		
APR 19 1945							
					MAY 7 1947		
AUG 19 1947							

NOTICE

If a file is temporarily needed at short intervals, return it to R.F. in Sealed Envelope. If a file is temporarily needed and kept in order, return it when finished. The content is being compiled and kept in order, return it when finished. The content is being compiled and kept in order, return it when finished.

PASS THIS FILE ON ENVELOPE

CONFIDENTIAL

H.Q.C. 55-H-293

MEDICAL OFFICERS CERTIFICATE

I certify that No. G.19251. Pte. Hopkins L# 7 District Depot, C.A. ~~is in good~~ health. ~~and fit~~ ..... to undergo trial by Court-Martial ~~or Detention~~.

24-9-42
Fredericton, N.B.

..... Capt.
MEDICAL OFFICER
7 District Depot, C.A.

IN REPLY PLEASE QUOTE No. J/38-H-642 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

SAINT JOHN, N.B., 21 May 45.

316372

CENTRAL REGISTRY Army
CONF. SEC.
MAY 23 1945
File C55-H-293
Chgd. to
Referred to J.C.M.

Secretary,
Department of National Defence,
OTTAWA, Ontario.

Re: G-19851 Pte. L.M. Hopkins

Reference H.Q.C.55-H-293 (ICM).

1. Herewith form of remission as it pertains to the marginally named soldier. For your files, please.

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

L.H. CLAYTON
Lieut.-Colonel,
Director of Courts-Martial
MAY 23 1945

Enc.

NAT. DEF. B. AND
2500M-4-44 (4525)
H.Q. 1772-24-267

FORM OF REMISSION, COMMUTATION OR MITIGATION
OF SENTENCE BY COURT-MARTIAL

N.D.H.Q. File No. H.Q.C. 55-H-293 (ICM)
District File No. J/38-H-642 (JAG)

PART I.

No. G-19851 Rank Private Name Lester Matthew HOPKINS
Unit A-30 Canadian Infantry Training Centre, C.A.

PART II

Date of Trial 10 April 44
Charge(s) (a) WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE.
(b) LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES.
Sentence: DETENTION:-- 23 months - Stoppages:- $36.19.
Date of Sentence: 10 Apr 44
Confirmation: (a) Authority:- J.G. Hart, Col. T/D.O.C., M.D. No. 7.
(b) Date:- 11 April 44

PART III REMISSION

I, the undersigned, being the competent military authority under Section 57(2) of the Army Act, do hereby remit ~~xxxxxxxxxxxxxxxxxx~~ the balance of the period of detention awarded No. G-19851 Pte. Lester Matthew HOPKINS, A-30 C.I.T.C., C.A. -- EFFECTIVE 16 May 45

Signed at Saint John, N.B. this 10th day of May 1945.

(G.G. Anglin) Brigadier,
(Appointment) (D.O.C., M.D. No. 7.)
To be signed by the remitting authority personally.

PART IV - PROMULGATION

Remission [redacted] promulgation and extracts taken at UTOPIA CENTRE, N.B. this 17 day of May 1945

(1) (N.R. McKnight) Captain.,
Adjt., A-30 C.I.T.C. (CA), and
(Officer i/c Documents)
A-30 CITC(CA)

(1) Unit, attachment and appointment to be stated.

PART V

CERTIFIED TRUE EXTRACT OF DAILY ORDERS PART II

No. G 19851 Rank Private Name Lester Matthew HOPKINS
Balance of The sentence of Twenty-three (23) months detention
awarded by ~~xxxxxxxx~~ (District) Court-Martial on the 10th April 1944
has been remitted EFFECTIVE 16th May 1945

UNIT A-30 Canadian Infantry Training Centre(CA)

Certified true extract of Daily Order Part II of
No. 130 Place UTOPIA CENTRE, N.B. Date 17 May 1945

(N.R. McKnight) Capt.,
Adjutant
A-30 C.I.T.C. (CA).

* Strike out and initial words not applicable.

IN REPLY PLEASE QUOTE No. J/38-H-642 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY 307946

SAINT JOHN, N. B., 16 Apr 45.

CENTRAL REGISTRY Army
CONF. S.C.
APR 19 1945
File C55-21-293
Chgd. to
Referred to

Secretary,
Department of National Defence,
OTTAWA, Ontario.

G-19851 Private HOPKINS, L.M.

Reference H.Q.C.55-H-293 (ICM) dated 9 Apr 45.

2. You are advised that the marginally named soldier escaped from his guard on 29 Sep 44 whilst undergoing treatment at Sussex Military Hospital, Camp Sussex, N. B.

(G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

Noted
L.d. CATA
APR 19 1945

NAT. DEF. B. 440
ENGOM-4-44 (4525)
M.G. 1775-39-767

I.C.M. - A.

Department of National Defence,
H. Q. C. 55 - H-293,(ICM)
OTTAWA, 9 APR 1945.

Your File - J/384-H-642

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.
G19851 Pte. L.M. HOPKINS,

1. Herewith enclosed "Report on Conduct" Form in respect of this soldier who is serving in Saint John, Military Detention Barrack, under your command, a sentence of 23 months' detention awarded by a Court-Martial on the 10 day of APR 1945

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

(A. E. Walford)
Major-General
Adjutant-General.

LHC:WE

5M-2-45(M-4516)

IN REPLY PLEASE QUOTE No. J/38-H-642

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

SAINT JOHN, N.B., 25 May 44.

226075

CENTRAL REGISTRY Army
CONF. SEC.
MAY 29 1944
File C55-H-293
Chgd. to
Referred to

Secretary,
Department of National Defence,
OTTAWA, Ontario.

Re: G-19851 Pte. L.M. HOPKINS

1. Reference your H.Q.C.55-H-293, (ICM) dated 15 May 44.

2. Herewith "Report on Conduct" form duly completed as requested.

(G. G. Applin) Brigadier,
District Officer Commanding,
Military District No. 7.

Enc.

REPORT ON CONDUCT

I.C.M. - 3

Department of National Defence,
H. Q. C. 55- H-293,(ICM)
OTTAWA, May 15th, 1944.

To:- Commandant
SAINT JOHN, Military Detention Barracks.

1. Soldier under sentence	G.19851, Pte. L. M. HOPKINS,
2. PLEASE STATE:-	
(i) Date of sentence	10 Apr.44
(ii) Sentence	23 Months
(iii) Date you received soldier	18 Apr.44
(iv) (a) Can soldier read and write?	Yes
(b) Religion	Bapt.
(c) Married, Widower, Single	Widower
(d) What Army trade has soldier?	None
(v) (a) Conduct of soldier	Very Good
(b) Industry of soldier	Very Good
(c) Remission earned:-	
(i) Number of days actually earned	6 Days
(ii) Number of days obtainable to date	6 Days
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	This man is physically fit & is suitable to undergo detention. E.A. Jones Lieut. H-7 Coy RCAMC
(a) Whether detention will seriously aggravate soldier's condition.	
(b) Whether further confinement is likely to prove fatal.	
(vii) (a) Whether in your opinion conduct of soldier warrants suspension of sentence?	NO
(b) Moral effect confinement has had?	Problematical
(c) If returned to Army, is soldier likely to become a good soldier?	No
(viii) Date term will expire if all remission earned from now on.	14 Nov.45

LHC:WS.

(H.F.G. Letson)
Major-General
Adjutant-General.

Signature D. Edgar Kennedy Lieut.
Officer i/c Administration.

Date of Report: 24 May 44

I.C.M. - A.

Department of National Defence,
H. Q. C. 55 - H-293,(ICM)
OTTAWA, May 15th, 194 4

Your File - J/38-H-642,

District Officer Commanding,

Military District No. 7,

SAINT JOHN, N.B.

G.19851, Pte. Lester Matthew HOPKINS,

1. Herewith enclosed "Report on Conduct" Form in respect of the marginally-noted soldier who is serving in SAINT JOHN, Military Detention Barrack, under your command, a sentence of 23 months detention awarded by a District Court-Matial on the 10 day of April 1944.

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

LMC:WS.

(H.F.G. Letson)
Major-General
Adjutant-General.

H.Q.C.55-H-293 (JAG)

April 27th, 1944.

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

Re: DISTRICT COURT-MARTIAL
G-19851, Pte. Lester Matthew HOPKINS,
A-30 Canadian Infantry Training Centre, C.A.

Receipt is acknowledged of your J/38-H-642, dated the 20th April, 1944, under cover of which you forwarded to this office, for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. As the Proceedings appear to be in order, they are retained for custody.

(R.J. Orde) Brigadier,
Judge Advocate-General.

Noted
L. H. CLAYTON
Lieut.-Colonel
Inspector of Courts Martial
APR 29 1944

Noted
for L.J.A.
1-5-44

DRC/S.

7

H.Q.C. 55-H-293
M.D.I/38-H-642

MEMORANDUM - DISTRICT COURT-MARTIAL

No. G19851 Name HOPKINS, Lester Matthew

Rank Pte Unit A-30 C. I. T. C. C.A.

Charge Sec. 12(1)(a) A. A. Deserting H. M. S.

Sec. 24(2) A. A. Losing by neglect

Date of Crime 5-7-43, 27-3-44

Date of Arrest 14-3-44 Charge. Signed 23-3-44

Orders for D.C.M. D.O.C. M. D. #7.

Place and Date of Trial A-30 Utopia Centre, N. S. - 10-4-44

Sentence Detention 23 mos. - Stoppages $36.19.

Date of Confirmation 11-4-44

Date of Promulgation 17-4-44

Entered in Records of J.A.G. as No. 31239

Date 26-4-44

MEMO Balance of sentence remitted by Conf. Auth. 14-5-44

D R Chapman Capt
for Judge Advocate-General

SM-12-43 (M-3229)

R730

IN REPLY PLEASE QUOTE No. J/38-H-642

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

SAINT JOHN, N.B., 20 Apr 44.

CENTRAL REGISTRY Army
CONF. SEC.
APR 24 1944
File 6-33-H-793
Chgd. to
Referred to

216/24

Secretary,
Department of National Defence,
OTTAWA, Ontario.

RE: DISTRICT COURT-MARTIAL
No. G-19851 Private Lester Matthew HOPKINS,
A-30 Canadian Infantry Training Centre, C.A.

1. I enclose herewith for registration, please, proceedings of the District Court-Martial held for the trial of the marginally named soldier.

2. The Permanent Prosecutor was not available to serve at this time.

(G. G. Hogan) Brigadier,
District Officer Commanding,
Military District No. 7.

31239

Enc.

NAT. DEF. G. 440

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of G-19851 (Number) Pte. (Rank) Lester Matthew HOPKINS (Name in full)

A-30 C.I.T.C., (CA). (Unit) n/a (Attachment (if any))

Sentenced to Twenty-three (23) months detention

on 10th April 1944 at UTOPIA CENTRE, N.B.

being served at Detention Barracks, Utopia Centre, N.B. (pending transfer to Military Detention Barracks at SAINT JOHN, N.B. 18 Apr 44) (Place of confinement)

Age on, and date of, enlistment 23 Date of Enlistment 27 May 42

Medical grade or category YOB P U L H E M S
18 1 1 1 1 1 2 3

FIRST TRIAL—PART II

To ADJUTANT-GENERAL, DEPARTMENT OF NATIONAL DEFENCE, OTTAWA, ONT.
(Superior Military Authority)

For details of offences see Part VII.

I have directed that the above-named be ~~XXX~~ committed to undergo his sentence, which I recommend should ~~XXX~~ be ~~XXXXXXX~~ (put into execution) ~~XXXXXX

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be paged here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
JUN 6 1944	B.r. for Review on 10/4/45	J.H. Clayton Lt Col Adjutant-General for Superior Military Authority	
APR 19 1945	No Suspension or Remission No further Review	J.H. Clayton Lt Col Adjutant-General for Superior Military Authority	

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
1. WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE, in that he, at UTOPIA CENTRE, N.B., on 5th July 1943 absented himself from A-30 C.I.T.C.(CA) from 0600 hours on the said 5 July 1943 until he was apprehended by the civil police at SACKVILLE, N.B., at 1600 hours 14 March 1944, dressed in civilian clothes. Cost of apprehension and return to his unit - $15.29.	5 Jul 43	10 Apr 44
2. LOSING BY NEGLECT HIS EQUIPMENT CLOTHING AND REGIMENTAL NECESSARIES, in that he, at UTOPIA CENTRE, N.B., on 27 March 1944, was deficient articles to the amount of $20.90		
W.B. Manzer (W.B. Manzer) Lt-Col., O.C., A-30 CITC.(CA). Signature of Officer making entry		

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Signature of Officer making entry		

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
17 Apr 44	Remission of sentence not recommended	W.B. Manzer (W.B. Manzer) Lt-Col. O.C., A-30 CITC(CA).

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
20 Apr 44	Remission of sentence not recommended.	(G.G. Anglin) Brigadier, District Officer Commanding, M.D.7.

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at A-30 Canadian Infantry Training Centre, UTOPIA CENTRE, N.B. on the 10th day of APRIL 1944 by order of Brigadier G.G. Anglin, M.C., E.D. Commanding Military District No. 7. dated the 1st day of APRIL, 1944.

President.

Major W. C. McQuade, V.D.,
No. 7 District Depot, C.A.,
Attached Headquarters, M.D. No. 7.

Members.

Major K.S. Lynch, E.D.,
A-30 Canadian Infantry Training Centre, C.A.

Captain E.E. Jenner,
A-30 Canadian Infantry Training Centre, C.A.

DRLS Copy for J.G.S. 2 Sept 44

, ~~Judge Advocate~~

Trial of* No. G-19851 Private Lester Matthew HOPKINS, A-30 Canadian Infantry Training Centre, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to~~

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. ~~X~~

The accused is brought before the Court.

Prosecutor,† Lieutenant M. Pierce, 22nd A.A. Regiment R.C.A., C.A.

~~Counsel‡ or~~ defending officer† Captain F.H. Gordon, A-30 Canadian Infantry Training Centre, C.A.

at 1030 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1. *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1. *Answer by accused.* No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

Mil. Form B. 271
MM—7-42 (5387)
H.Q. 1772-30-224 X

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

W. C. McQuade
(W. C. McQuade) Major
President, D.C.M.

B

The President and members ~~and judge-advocate~~ are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q.2. Do you object to No. G-4364 Sergeant (Acting Staff Sergeant) R.E. McCoombs, No. 7 Detachment Corps of Military Staff Clerks, C.A. acting as shorthand writer?

A.2. No Sir.
No. G-4364 Sergeant (Acting Staff Sergeant) R. E. McCoombs, No. 7 Detachment Corps of Military Staff Clerks, C.A. is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3. Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3. Guilty Sir. *Answer.*

Q.4. Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4. Guilty Sir. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to both charges the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

"B-2"

CHARGE SHEET

The accused, G-19851 Pte. Lester Matthew Hopkins, A-30 C.I.T.C.(C.A.), a G.S. soldier of the Canadian Army placed on active service, is charged with:-

First Charge Sec. 12(1)(a) Army Act

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he

at Utopia Centre, N.B., on 5 July 1943 absented himself from A-30 C.I.T.C.(C.A.) from 0600 hours on the said 5 July 1943 until he was apprehended by the civil police at Sackville, N.B. at 1600 hours 14 March 1944, dressed in civilian clothes. Cost of apprehension and return to his unit - $15.29.

Second Charge Sec. 24(2) Army Act

LOSING BY NEGLECT HIS EQUIPMENT CLOTHING AND REGIMENTAL NECESSARIES

in that he

at Utopia Centre, N.B., on 27 March 1944, was deficient the following articles:

Article	No.	Value at 100% of Vocabulary	Value at 75% of Vocabulary
Anklets web prs	2	$1.58	$1.18
Overalls			
Blouses denim	1	2.59	1.94
Trousers denim8	1	2.23	1.67
Clothing Div. B			
Battle Dress			
Blouses serge	1	5.25	3.96
Boots ankle prs	1	5.46	4.09
Caps field service	1	.70	.52
Drawers cotton short prs	1	.36	.27
Shoes, leather black prs	1	4.41	3.31
Drawers woollen prs	2	2.40	1.80
Clothing Div C			
Belts waist leather brown	1	.37	.27
Neckties black	1	.21	.16
Pins collar safety	1	.06	.04
Socks black prs	2	.54	.40
Bootdressing tins	1	.05	.04
Braces prs	1	.32	.24
Combs hair	1	.04	.03
Sponges pipeclay	1	.03	.02

CHARGE SHEET (Cont.)

Clothing Division D			
Badges, Canada prs	2	.08	.06
Badges, cap M.L.	1	.09	.07
Section A-1			
Helmets sun	1	.86	.64
Bags, ration Mk IV	1	.04	.03
Covers mess tin rect.	1	.08	.06
Section A-2			
Ointment Anti Gas No.2	1	.12	.10
			$20.90

(W.B. Manzer) Lt.-Col.,
Officer Commanding,
A-30 C.I.T.C. (C.A.)

Utopia Centre, N.B.
23 March 1944.

To be tried by District Court-Martial.

(G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

SAINT JOHN, N.B.,
1 April 44.

CC

Proceedings on Plea of Guilty

*To be ~~taken~~ in case no plea of "Not Guilty" has been proceeded with.

~~*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" read to him again.]~~

The accused No. G-19851 Private Lester Matthew HOPKINS, A-30 Canadian Infantry Training Centre, C.A. is found guilty of both charges.

*The summary ~~(or abstract)~~ of evidence is read, marked "G", signed by the President, and attached to the proceedings.

Q.5. *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.5. *Answer.* The accused in mitigation of punishment ~~says:—~~

~~[or~~ hands in a written statement, which is read, marked "H", signed by the President, and attached to the proceedings.]

Instruction.

* If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q.6. Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A.6. No Sir.

Answer.

Evidence as to character.

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

*~~The Court being re-opened, the accused is again brought before it.~~ Captain E.A. Trites, Adjutant and Officer in charge of Records A-30 Canadian Infantry Training Centre, C.A. is duly sworn.

Evidence of character, etc.

Q.7. *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.7. Yes, I produce M.F.B. 355 and M.F.M. 6.

The above statements [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y" & "Z" respectively, signed by the President, and annexed to the proceedings.

Q.8. *Question by the President.* Is the accused the person named in the statements which you have heard read? *Answer by the Witness.* A.8. Yes.

Q.9. *Question.* Have you compared the contents of the above statements with the regimental books? *Answer.* A.9. Yes.

Q.10. *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.10. *Answer.* Yes.

[Instruction.—If by reason of the nature of the service of the accused in a depot, regimental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83(b).

The Witness withdraws.

Q.11. *Question to the accused.* Do you wish to address the Court? *Answer.* A.11. Yes Sir, through my Defending Officer. See document marked "I" attached.

PRESIDENT: The Court is closed for the consideration of the sentence. The Sentence to be awarded by the Court, being subject to confirmation, will not be announced but will be promulgated later, and the proceedings in open Court are accordingly terminated.

F

Sentence

The Court sentence the accused No. G-19851 Private Lester Matthew Hopkins, A-30 Canadian Infantry Training Centre, C.B., to undergo detention for twenty three months and to be put under stoppages of pay until he has made good the sum of $15.29 in respect of the costs of apprehension and return to his corps and until he has made good the value of the following articles viz:-

Sentence.

Detention 23 months

Stoppages
$15.29
20.90
$36.19

Leaflets net pr.	2	1.18	Socks black, pr	2	.40
Blouses, denim	1	1.94	Clothing, tins	1	.04
Trousers, denim	1	1.67	Braces, pr.	1	.24
Battle dress blouses	1	3.96	Comb bar	1	.03
Coats, cable, pr.	1	4.09	Sponges, sponge bag	1	.02
Caps, field service	1	.52	Badges, bands pr	2	.06
Drawers, cotton, short pr	1	.37	Badge, cap. W.C.	1	.07
Shoes, leather, black pr	1	3.31	Elastic, sew	1	.64
Drawers, woolen pr	2	1.60	Bags, ration M.K. IV	1	.08
Belts, waist leather, sr.	1	.37	Brooms, Whisk, wet.	1	.06
Buckles, black	1	.16	Ointment, anti-louse	1	.10
Pins, collar, safety	1	.04			$20.90

Signed at Utopia Centre, N.B. this 10 day of April 1944

Col M. Goode Major
Pres. District Court Martial

CONFIRMED

Signed at Saint John, N.B., this 11th day of April, 1944.

Extracts entered as No. 31239 in the Record of Courts-Martial kept in the office of the Judge Advocate General this 27 day of Apr 1944

Capt

J. Edward Lee
T/ ~~(G.G. Anglin) Brigadier,~~
District Officer Commanding,
Military District No. 7.

Promulgated and extracts taken at UTOPIA CENTRE, N.B., this 17th day of April 1944.

(E.A.Trites) Capt.,
Officer in charge of documents,
A-30 C.I.T.C., (CA).

"X"

Orders by BRIGADIER G.G. ANGLIN, M.C., E.D. Commanding

~~the~~ Military District No. 7.

District Court-Martial

1 APRIL, 1944.

The detail of Officers as mentioned below will assemble at A-30 Canadian Infantry Training Centre, C.A., UTOPIA CENTRE, N.B. on MONDAY the 10th day of APRIL, 1944 at 1030 HOURS for the purpose of trying by a District Court-Martial the accused person (~~persons~~) named in the margin (and such other person or persons as may be brought before them).

No. G-19851 Private
Lester Matthew HOPKINS,
A-30 Canadian Infantry
Training Centre, C.A.

PRESIDENT

Major W.C. McQuade, V.D.,
No. 7 District Depot, C.A. is appointed President.
Attached Headquarters, M.D. No. 7.

MEMBERS

Major K.S. Lynch, E.D.,
A-30 Canadian Infantry Training Centre, C.A.
Captain E.E. Jenner,
A-30 Canadian Infantry Training Centre, C.A.

WAITING MEMBERS

Major W.H. Clark,
A-30 Canadian Infantry Training Centre, C.A.
Captain R.A. Couch,
A-30 Canadian Infantry Training Centre, C.A.

~~JUDGE ADVOCATE~~

~~Judge Advocate~~ ~~has been (is hereby) appointed~~

PROSECUTOR

Lieutenant M. Pierce, 22nd A.A. Regiment, R.C.A., C.A.
Prosecutor ~~has been~~ (is hereby) appointed

DEFENDING OFFICER

Captain F.H. Gordon, A-30 Canadian Infantry Training Centre, C.A.
Defending Officer ~~has been~~ (is hereby) appointed

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, A-30 Canadian Infantry Training Centre, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, ~~shorthand writers~~, and interpreters.

The proceedings will be forwarded to The A.A. & Q.M.G., M.D. No. 7.

Signed this 1st day of APRIL, 1944.

M.F.S. 220
A.F.A. 47
MDM—10-42 (5000)
H.Q. 1772-99-504

(G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

Lt Col M.D. Reade Major
Pro D.C.M.

SUMMARY OF EVIDENCE

IN THE CASE OF

G-19851 Pte. Lester Matthew Hopkins, A-30 C.I.T.C. (C.A.), a G.S. soldier of the Canadian Army placed on active service.

Charges:-

1. Desertion.
2. Losing by neglect his equipment clothing and regimental necessaries.

By order of the Commanding Officer the evidence is taken on oath.

First Witness

Capt. E.A. Trites, A-30 C.I.T.C.(C.A.), having been duly sworn, states:

I am adjutant and officer in charge of records A-30 C.I.T.C.(C.A.), stationed at Utopia Centre, N.B. The accused whom I recognize is a soldier of this unit. I submit certified copy of Part II Orders of A-30 C.I.T.C.(C.A.), No. 161, dated 5 Jul 43, showing accused posted as A.W.L. from 0600 hours, 5 Jul 43; certificate in accordance with Section 163(1)(M) of the Army Act: M.F.B. 1481 for $3.60; M.F.B. 1481 for $8.19; M.F.B. 1482; M.P.C. 800. All these documents relate to the accused.

(Documents are handed to officer taking the summary, initialled by him, marked respectively "A" "B" "C""D" "E" and "F" and attached to the summary.)

The accused declined to cross-examine.

E.A. Trites
.....
(E.A. Trites) Capt.

Second Witness

G-23355 C.S.M. N.J. Furlotte, A-30 C.I.T.C. (C.A.), having been duly sworn, states:

I am Coy. Sgt. Major of B Coy., A-30 C.I.T.C. (C.A.). At all times material hereto I have been with B Coy. either as C.S.M. or as Acting C.S.M. I know accused who is a member of B Coy. I know of my own knowledge that he was not with the Company at any time between 0600 hours 5 Jul 43 and 1600 hours 14 Mar 44.

The accused declined to cross-examine.

N.J. Furlotte
.....
(N.J. Furlotte) C.S.M.

Third Witness

G-64840 L/Cpl. S.M. Perl, A-30 C.I.T.C.(C.A.), having been duly sworn, states:

I am company storeman of B Coy., and I also act as C.Q.M.S. when necessary. Acting as C.Q.M.S. on 27 Mar 44 I checked the kit of accused against his M.P.C. 800. I found he was deficient as follows:

Article	No.	Value at 100% Vocabulary	Value at 75% Vocabulary
Clothing Div. A			
Anklets web prs	2	$1.58	$1.18
Overalls:-			
Blouses denim	1	2.59	1.94
Trousers denim	1	2.23	1.67

Third Witness (cont)

Clothing Div. B			
Battle dress:-			
Blouses serge	1	5.25	3.96
Boots ankle prs	1	5.46	4.09
Caps field service	1	.70	.52
Drawers cotton short prs	1	.36	.27
Shoes leather black prs	1	4.41	3.31
Drawers woollen prs	2	2.40	1.80
Clothing Div. C			
Belts waist leather brown	1	.37	.27
Neckties black	1	.21	.16
Pins collar safety	1	.06	.04
Socks black prs.	2	.54	.40
Bootdressing tins	1	.05	.04
Braces prs	1	.32	.24
Combs hair	1	.04	.03
Sponges pipeclay	1	.03	.02
Clothing Div. D			
Badges Canada prs	2	.08	.06
Badges Capt M.L.	1	.09	.07
Section A-1			
Helmets sun	1	.86	.64
Bags ration Mk. IV	1	.04	.03
Covers mess tin rect.	1	.08	.06
Section A-2			
Ointment anti gas No. 2	1	.12	.10
			$20.90

Cross-examined by accused:

Q. Was all my kit missing or just part of it?

A. Part of it. Part had previously been turned in to stores.

S.M. Perl

.....

(S.M. Perl) L/Cpl.

Question to accused -

Do you wish to make any statement or to give evidence on oath? You are not bound to make any statement or to give any evidence but any statement you make or any evidence you give will be taken down in writing and may be given in evidence.

Answer by accused -

I have nothing to say.

I certify that Rules of Procedure 4(C)(D)(E) and (F) have been complied with.

Taken down by me in the presence of the accused at Utopia Centre, N.B., this 27th day of March 1944.

K.E. MacLauchlan

(K.E. MacLauchlan) Capt.
A-30 C.I.T.C. (CA)
Officer detailed
to take Summary
of Evidence

A
18 Mar
27 Mar 44

Certified a True Copy
[illegible]
ADJT + Q Records

A-30 CANADIAN INFANTRY TRAINING CENTRE (CA)

Orders by

Lieut.-Col. W.B. Manzer ED
Commanding

Page No. 1
No. of Pages 5
Station, UTOPIA CENTRE, N.B.
Date, 5th JULY, 1943

PART II

161 (LAST ORDER ISSUED NO. 160 DATED 3 JUL 43) # 161

ACTIVE ARMY PERSONNEL

"A"
OFFICERS

1 SPECIAL LEAVE (Gen)

The undermentioned are granted disembarkation leave under J/2-1-10-1 dated 1 Jul 43 (14 days) and are authorized to draw allowance in lieu of rations of 60¢ per diem under Art.196(4) FR&I (CAN) from 6 Jul 43 to 19 Jul 43.

Lieut. W. R. N.	POLLARD	"A" Coy.
Lieut. R. P.	WEBBER	"C" Coy.
Lieut. E. Mc.	MURRAY	"A" Coy.

"B"
OTHER RANKS

2 STRENGTH INCREASE (Staff)

The undermentioned are taken on strength A-30 C.I.T.C.(CA) on transfer from No.7 District Depot and are posted to Admn.Wing 26 Jun 43
(Auth: J/45-1-47, J/C 5249 dated 22 Jun 43)
(NB/6-3-1)

G 26469 Pte. ALLEN	Walter Peter	(S)	(RC)
G 50714 Pte. BEERS	Thomas Clinton	(S)	(CofE)
G 52412 Pte. BOUDREAU	Yvon Joseph	(S)	(RC)
G 4424 Pte. GOGUEN	Joseph Maxime Alcime	(S)	(RC)
G 6292 Pte. JALBERT	Albert	(S)	(RC)
G 53673 Pte. O'DONNELL	Murray Frank	(M)	(CofE)
G 51014 Pte. PETTIGREW	Charles Frederick	(S)	(RC)
G 23645 Pte. RUSSELL	Francis Joseph	(S)	(RC)

3 STRENGTH INCREASE (Hein)

The undermentioned are taken on strength A-30 C.I.T.C.(CA) on transfer from No. 22 C.A.E.(B) T.C., NORTH BAY, Ont. and are posted "B" Coy. 30 Jun 43 to
(Auth: T.S.22-32-1-1 (A 2) dated 23 Jun 43)(NB/S/6-3-6-21)

G 7475 Pte. CAISSIE	Leo	(S)	(RC)
G 28468 Pte. LANDRY	Harvey Joseph	(S)	(RC)
G 23299 Pte. McDOUGALL	Ward Joseph	(S)	(RC)
G 1179 Pte. MURRAY	Paul Arthur	(S)	(Bap)

4 STRENGTH DECREASE (Staff)

The undermentioned are struck off strengh Staff A-30 C.I.T.C.(CA) on transfer to Reinforcements. 5 Jul 43

G 27701 Sgt. THOMPSON	R.J.H.	T.S. Coy.
G 27700 Sgt. THOMPSON	P.A.	S. of I.

5 STRENGTH INCREASE (Rein)

The undermentioned are taken on strength A-30 C.I.T.C.(CA) Reinforcements on transfer from staff. 5 Jul 43

G 27701 Sgt. THOMPSON R.J.H. T.S. Coy.
G 27700 Sgt. THOMPSON P.A. S. of I.

6 POSTINGS (Rein)

G 27700 Sgt. THOMPSON P.A. S. of I.
Posted to Trained Soldier Company. 5 Jul 43

7 PERMISSION TO MARRY (Staff)

G 18401 CSM(W.O.II) DRYSDALE A. S. of I.
Granted permission to marry Miss Mary Anita Seamans of St. George, N.B. on or about 15 Aug 43. 3 Jul 43

8 RECORDS (Birth)

Born at Campobello Island a son 13 Jun 43
Vernon Elwood Malloch to
G 19410 Cpl. MALLOCH V.E. T.C.HQ.

9 FURLOUGH (Staff)

G 21086 L/Sgt. CHARETTE L. "B" Coy.
Granted furlough under the provisions of R.O. 699(2b) and 1118/41 from 6 Jul 43 to 21 Jul 43 (14 days) and is authorized to draw allowance in lieu of rations of 50¢ per diem under Art.196(4) FR&I (CAN), for the purpose of proceeding to EDMUNDSTON, N. B.

G 52454 Pte. BEAULIEU R. Admn.Wing
Granted furlough under the provisions of R.O. 699 (2b) and 1118/41 from 6 Jul 43 to 19 Jul 43 (14 days) and authorized to draw allowance in lieu of rations of 50¢ per diem under Art.196(4) FR&I(CAN)

10 FURLOUGH (Rein)

The undermentioned are granted furlough under the provisions of R.O. 699(2b) and 1118/41 from 6 Jul 43 to 19 Jul 43 (14 days) and are authorized to draw allowance in lieu of rations of 50¢ per diem under Art.196(4) FR&I(CAN)

F 51991	Pte.	MURPHY	H.J.	T.S. Coy.
F 66217	Pte.	McGUIRE	R.A.	"
G 47324	Pte.	LEGERE	C.J.	"
G 7532	Pte.	KIERSTEAD	R.C.	"
G 4623	Pte.	MacDONALD	D.H.	"
F 33027	Pte.	TOOMEY	A.C.	"
G 4619	Pte.	JONES	H.F.	"
G 3077	Pte.	HAYWARD	N.I.	"
G 7554	Pte.	FRANCIS	F.H.	"
G 4612	Pte.	RACKLEY	R.S.	"
G [illegible]	Pte.	[illegible]	[illegible]	"
G 4614	Pte.	LAWTON	G.H.	"
G 57099	Pte.	DeLONG	G.	"
G 3917	Pte.	BARALY	P.J.	"
F 9250	Pte.	BRUCE	G.L.	"
G 4487	Pte.	DELEGARDE	L.N.	"
G 4582	Pte.	FENTON	E.M.	"
G 4593	Pte.	FRASER	A.D.	"
G 6286	Pte.	DOUCET	J.A.	"
G 4594	Pte.	HARRIS	C.F.	"
G 51416	L/Cpl.	LAVOIE	H.E.	"
G 4592	Pte.	KNOWLES	D.G.	"
G 52260	Pte.	LeBLANC	L.	"
G 4649	Pte.	MEAN	I.R.	"
G 1261	Pte.	MEYER	C.W.	"
G 4599	Pte.	RICHARD	W.J.	"
G 4639	Pte.	ROSS	J.L.	"
G 4580	Pte.	STREVES	E.M.	"

11 RATE OF PAY (Rein)

The undermentioned having attained the required qualifications in accordance with C.A.R.O. 2772, are authorized to draw regimental pay at rates shown per diem under the provisions of Art.144 (1) FR&I (CAN) as amended by G.O. 406 of 1942, effective on dates shown:

				Rate	w.e.f.		Enlisted
G 50340	Pte.	STUDLEY	F.	$ 1.40	16 Jun 43	"A" Coy.	16 Feb 43
F 56067	"	SYMONDS	A.S.	1.40	2 Jun 43	"A" Coy.	2 Feb 43
G 60875	"	SAVOIE	D.	1.40	1 May 43	"A" Coy.	1 Jan 43
G 49156	"	SAUNDERS	W.B.	1.40	12 Jun 43	"A" Coy.	12 Feb 43
G 60641	"	SUTHERLAND	M.C.	1.40	22 Apr 43	"A" Coy.	22 Dec 42
G 63355	"	SURETTE	A.J.	1.40	19 Jun 43	"A" Coy.	19 Feb 43
G 4557	"	THORNE	R.V.	1.40	5 Jun 43	"A" Coy.	5 Feb 43
G 4595	"	THORNTON	W.P.	1.40	8 Jun 43	"A" Coy.	8 Feb 43
G 60892	"	THORNE	K.F.	1.40	3 Jul 43	"A" Coy.	3 Mar 43
G 50343	"	URQUHART	F.W.	1.40	17 Jun 43	"A" Coy.	17 Feb 43
F 56372	"	WHIDDEN	K.B.	1.40	1 Jul 43	"A" Coy.	1 Mar 43
F 56317	"	WARNER	N.H.	1.40	23 Jun 43	"A" Coy.	23 Feb 43
F 56344	"	WARNELL	H.T.	1.40	24 Jun 43	"A" Coy.	24 Feb 43
F 56340	"	WAMBOLT	C.S.	1.40	24 Jun 43	"A" Coy.	24 Feb 43
G 50331	"	WATSON	A.V.	1.40	10 Jun 43	"A" Coy.	10 Feb 43
G 4564	"	WOODLAND	F.R.	1.40	4 Jun 43	"A" Coy.	4 Feb 43
F 56005	"	WILLIAMS	M.E.	1.40	29 May 43	"A" Coy.	29 Jan 43
G 50902	"	WALSH	J.G.	1.50	15 Jun 43	"A" Coy.	24 Feb 43
G 60905	"	WILSON	J.	1.40	24 Jun 43	"A" Coy.	24 Feb 43

12 LEAVE AND FURLOUGH TRANSPORTATION

The undermentioned were issued with Special Leave and Furlough Transportation Warrants as shown:

G 60722	Pte.	FAIRWEATHER	J.A.	#A432472
G 4580	Pte.	STEEVES	E.M.	#A432474
G 4639	Pte.	ROSS	J.L.	#A432475
G 4599	Pte.	RICHARD	W.J.	#A432476
G 1261	Pte.	MEYER	C.W.	#A432477
G 4549	Pte.	MEAN	I.R.	#A432478
G 52260	Pte.	LeBLANC	L.	#A432479
G 4592	Pte.	KNOWLES	D.G.	#A432480
G 51418	L/Cpl.	LAVOIE	H.E.	#A432481
G 4594	Pte.	HARRIS	C.F.	#A432482
G 6285	Pte.	DOUCET	J.A.	#A432483
G 4593	Pte.	FRASER	A.D.	#A432484
G 4502	Pte.	FENTON	E.M.	#A432485
G 4487	Pte.	DELEGARDE	L.N.	#A432486
F 9250	Pte.	BRUCE	G.L.	#A432487
G 3917	Pte.	BARALY	P.J.	#A432488

13 ABSENT WITHOUT LEAVE (Rein)

The undermentioned are absent without leave as shown:

G 51361	Pte.	DOIRON	O.J.	"A" Coy.	A.W.L. from 2200 hrs. 4 Jul 43
G 7839	Pte.	DOUTHWRIGHT	D.G.	"A" Coy.	A.W.L. from 2200 hrs. 4 Jul 43
X G 19851	Pte.	HOPKINS	L.M.	"B" Coy.	A.W.L. from 0600 hrs. 5 Jul 43
G 47263	Pte.	McARTHUR	I.L.	"B" Coy.	A.W.L. from 0600 hrs. 5 Jul 43
G 3923	Pte.	LANDRY	E.J.	"B" Coy.	A.W.L. from 0600 hrs. 5 Jul 43
G 4732	Pte.	LITTLE	L.L.	"C" Coy.	A.W.L. from 0600 hrs. 4 Jul 43
G 6333	Pte.	RICHARD	J.G.E.	"C" Coy.	A.W.L. from 2200 hrs. 4 Jul 43
G 4776	Pte.	BELL	M.S.	"C" Coy.	A.W.L. from 0600 hrs. 4 Jul 43
G 50360	Pte.	LIRETTE	J.A.A.	"C" Coy.	A.W.L. from 2200 hrs. 4 Jul 43
G 51557	Pte.	RICHARD	L.B.	"C" Coy.	A.W.L. from 0600 hrs. 5 Jul 43
G 53006	Pte.	DOIRON	A.J.	T.S. Coy.	A.W.L. from 0600 hrs. 5 Jul 43
G 56421	Pte.	PYE	N.D.	"C" Coy.	A.W.O. from 2359 hrs. 26 Jun 43 (8th day posting)

14 PUNISHMENTS (Main)

F 56361 Pte. RIZOK M. "C" Coy.
Awarded 168 hrs. detention 5 Jul 43
For: Using insubordinate language to his superior officer. Forfeits 7 days pay and allowances under Art.149 (1)(b) FR&I(CAN)
To detention 1400 hrs. 5 Jul 43

" A "

OFFICERS (CONTINUED)

15 AMENDMENTS

D.O. Pt.II No. 49 (A)(1) (ATTACHED) dated 24 Feb 43 as it concerns 2nd/Lieut. E. L. BURDON, is hereby cancelled and the following substituted:
"Taken on strength A-30 C.I.T.C.(CA) on transfer from No.7 District Depot." 20 Feb 43
(Presently attached to No.70 C.A.(B) T.C.)(Auth: R.O.3184)

D.O. Pt.II No. 98 (A)(2) (ATTACHED) dated 21 Apr 43 as it concerns Lieut. E. L. BURDON is hereby cancelled and the following substituted:
"Attached to No.70 C.A.(B) T.C. for all purposes" 22 Apr 43
(Auth: J/2-10-4 dated 13 Apr 43)(NB/6-1-1)

D.O. Pt.II No. 100 (A)(1)(ATTACHED) dated 24 Apr 43 as it concerns 2/Lieut. J. E. DRAGER is amended as follows:
FOR: "attached from OTC (EC) BROCKVILLE, Ont., for all purposes"
READ: "Taken on strength A-30 C.I.T.C.(CA) from OTC (EC) BROCKVILLE, Ont." 24 Apr 43
(Auth: J/2-131-3 dated 2 Jul 43)(NB/S/6-2-0)

D.O. Pt.II No. 125 (A)(4) (ATTACHED) dated 25 May 43 as it concerns the undermentioned, is amended as follows:
FOR: "attached from OTC (EC) BROCKVILLE, Ont. for all purposes"
READ: "Taken on strength A-30 C.I.T.C.(CA) on transfer from OTC (EC) BROCKVILLE, Ont."
(Auth: J/2-131-3 dated 2 Jul 43)(NB/S/6-2-0)

2/Lieut. M. G. AUBUT	2/Lieut. W.R.N. POLLARD
2/Lieut. A. G. BURNHAM	2/Lieut. R. H. TINGLEY
2/Lieut. A. J. LeBLANC	2/Lieut. W. E. TRANTON
2/Lieut. [illegible] M. MURRAY	2/Lieut. R. P. WEBBER

D.O. Pt.II No. 126 (A)(17)(ATTACHED) dated 27 May 43 as it concerns 2/Lieut. J. S. HUMPHREYS, is amended as follows:
FOR: "attached to A-30 C.I.T.C.(CA) from OTC., THREE RIVERS, P.Q. for all purposes"
READ: "taken on strength A-30 C.I.T.C.(CA) on transfer from OTC THREE RIVERS, P.Q.
(Auth: J/2-131-3 dated 2 Jul 43)(NB/S/6-2-0)

D.O. Pt.II No. 150 (A)(1)(ATTACHED) dated 22 Jun 43 as it concerns the undermentioned is amended as follows:
FOR: "attached to A-30 C.I.T.C.(CA) from OTC (EC) BROCKVILLE, Ont., for all purposes"
READ: "taken on strength A-30 C.I.T.C.(CA) on transfer from OTC (EC) BROCKVILLE, Ont."
(Auth: J/2-131-3 dated 2 Jul 43)(NB/S/6-2-0)

15 AMENDMENTS (Cont'd)

2/Lieut. A. AZZIE
2/Lieut. E. E.FINLEY
2/Lieut. R.B. McPHERSON
2/Lieut. C.G. WALSH
2/Lieut. J.G.R. WILSON

D.O. Pt.II No. 19(A)(1)(ATTACHED) dated 22 Jan 43 as it concerns Lieut. L. R. WILSON is amended as follows:
FOR: "attached from OTC (EC) BROCKVILLE, Ont., for all purposes"
READ:"taken on strength A-30 C.I.T.C.(CA) on transfer from OTC (EC) BROCKVILLE, Ont."
(Presently attached to No.71 C.A.(B) T.C.)
(Auth: J/2-131-3 dated 2 Jul 43)(NB/S/6-2-0)

D.O. Pt.II No. 72 (A)(1)(ATTACHED) dated 22 Mar 43 as it concerns Lieut. L. R. WILSON is hereby cancelled and the following substituted:
"Attached to No.71 C.A.(B) T.C. for all purposes" 22 Mar 43
(Auth: J/2-1-10-4 dated 10 Mar 43)(NB/6-1-1)

D.O. Pt.II No. 154 (A)(1)(ATTACHED) dated 14 Dec 42 as it concerns 2/Lieut. H. A. STAPLES is amended as follows:
FOR: "attached from ORC (EC) for all purposes including pay"
READ:"taken on strength A-30 C.I.T.C.(CA) on transfer from OTC (EC) BROCKVILLE, Ont."
(Auth: R.O. 2664)

D.O. Pt.II No. 127 (A)(2) (ATTACHED) dated 26 May 43 as it concerns Lieut. H. A. STAPLES, is hereby cancelled and the following substituted:
"Attached to No.70 C.A.(B) T.C. for all purposes" 26 May 43
(Auth: J/2-1-10-4 dated 20 May 43)(NB/6-1-1)

D.O. Pt.II No.160 (A)(14) (COMMAND) dated 3 Jul 43 as it concerns Lieut.(A/Capt.) D.E. ALLEN, is amended as follows:
FOR: "1130 hrs."
READ:"2330 hrs."

16 STRENGTH DECREASE (Main)

2/Lieut. R. OUELLET
Struck off strength A-30 C.I.T.C.(CA) on transfer to staff of No.54 C.A.(B) T.C. 20 Mar 43
(Auth: J/2-131-3 dated 2 Jul 43)(NB/S/6-2-0)
(FOR RECORD PURPOSES ONLY)

" B "

OTHER RANKS (CONTINUED)

17 AMENDMENTS

D.O. Pt.II No. 106 (B)(14)(FURLOUGH) dated 1 May 43 as it concerns G 53962 Pte. WELLS H.R., is hereby cancelled.

(E. A. TRITES) CAPT.
ADJUTANT
A-30 C.I.T.C.(CA)

B
KB Mar
23 Mar 44

CERTIFICATE IN ACCORDANCE WITH

SECTION 163 (1) (M) OF THE ARMY ACT

I certify that the person whose description is given below was arrested (~~[illegible]~~) at Sackville, N.B. (place) at 4.00 P.M. (Hour) on the 14th. day of March 19 44

Regimental particulars of officer or soldier referred to above.	No. G 19851
	Rank Private
	Name HOPKINS, Lester Matthew.
	Unit. Unknown.
	Age 22 years
DESCRIPTION	Height 5'9"
NOTE: When apprehended this soldier was wearing civilian clothes.	Complexion Fair
	Hair Light brown.
	Eyes Blue
	Marks None known.

Signature of officer of police in charge of station where the above named person was taken or placed in custody on arrest or surrender.

Lester Matthew HOPKINS

(In charge of) (N.C. Wilson) Sgt. (Police Station).
i/c Sackville Detachment.
R.C.M.P.

(Vide Pg. 4, DES. G.H.Q. Instructions.)

C
28 Mar
23 Mar 44

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Capt. (Rank) G.W. Bonnell (Name), No. 7 District Recruiting Coy.,(CA). (Unit)

Strike out word not applicable — hereby certify that I [redacted] (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from Moncton,N.B. (Place) to Sackville,N.B.&Dorchester,N.B. (Place)

and return to Moncton,N.B. (Place) for the purpose of escorting

Full description of soldier being escorted — G 19851 (Number) Pte. (Rank) Hopkins, L.E. (Name in full)

A-30 C.I.T.C.,(CA)., Utopia,N.B. (Unit) (Attachment, if any)

Strike out phrase not applicable — alleged to be [redacted] an absentee without leave, the facts, date and particulars of [redacted] (the transportation required) and the cost thereof for said soldier and escort being as follows:

PARTICULARS	COST
Transportation supplied by D.N.D. Vehicle M 71-303 (Jeep) on 16th March 1944 from Moncton,N.B. to Dorchester and Sackville,N.B. and return to Moncton,N.B. a distance (60) Sixty Miles at .06¢ per mile.....	$3.60
TOTAL	$3.60

Dated at Moncton,N.B. this 16th day of March A.D. 1944

G.W. Bonnell
(G.W.Bonnell)Capt.
No. 7 Dist.Recruiting Coy.,(CA)
No. 1 Sub Station,Moncton,N.B.

Capt.
Signature, rank, unit, attachment (if any) and appointment of officer [redacted] (authorizing transportation)
Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

Dates of warrants or transportation issued must be set out.
Cost of meals and incidental expenses must be on M.F.B. 1482.

M.F.B. 1481
(Dist—30-42 15400)
H.Q. 1772-39-580

D
LB mcL
44

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut., (Rank) J.G.Starr (Name) No. 7 Dist. Coy., RCASC., (Unit)

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort

Complete — to proceed from St.George, N.B. (Place) to Moncton, N.B. (Place)

and return to St.George, N.B. (Place) for the purpose of escorting

Full description of soldier being escorted — G.19851 (Number) Private (Rank) Hopkins, Lester Matthews (Name in full)

A-30 C.I.T.C.(CA)., (Unit) M.D. No. 7, (Attachment, if any)

Strike out phrase not applicable — alleged to be a deserter or an absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transportation required~~) and the cost thereof for said soldier and escort being as follows:

PARTICULARS	COST
Escort:	
G.24174 L/Cpl. McConnell, S.M.	
Transport Warrant No. C 353180 dated 15th March, 1944. Providing one return second class fare from St.George, N.B. to Saint John, N.B.	1.96
Transport Warrant No. C 353182 dated 15th March, 1944. Providing one return second class fare from Saint John, N.B. to Moncton, N.B.	3.50
Alleged Absentee:	
G.19851 Pte. Hopkins, L.M.	
Transport Warrant No. C 353183 dated 15th March, 1944. Providing one single second class fare from Moncton, N.B. to Saint John, N.B.	1.75
Transport Warrant No. C 353181 dated 15th March, 1944. Providing one single second class fare from Saint John, N. B. to St. George, N.B.	.98
TOTAL	$ 8.19

Dated at Utopia Centre, N.B. this 16th day of March A.D. 19 44.

J.G.Starr Lieut., O.i/c Supplies.
No.7 Dist.Coy., RCASC.,
Signature, rank, unit, attachment (if any) and appointment of officer (issuing transport warrants) (~~authorized~~) Utopia Centre, N.B.
Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*
Dates of warrants or transportation issued must be set out.
Cost of meals and incidental expenses must be on M.F.B. 1482.

M.F.B. 1481
(Dec—26-42 (1000))
M.42 (172-29-1481)

E
NFOR
27 Mar 44

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, G 24174 (No.) L/Cpl. (Rank) McConnell, S.M. (Name) A-30 C.I.T.C.(CA) (Unit),

Strike out words not applicable

Members of escort

as (escort) ~~LOCKMASTER OF ESCORT~~ consisting of Self & One Absentee

detailed to proceed from Utopia Centre, N.B. (Place) to Moncton, N.B. (Place)

Name and description of soldier escorted

to return G-19851 Pte. Hopkins, L.M.

alleged to be a ~~deserter or absentee without leave~~ S.M. to Utopia Centre, N.B. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
ESCORT	
G.24174 L/Cpl. McConnell, S.M., A-30 C.I.T.C. (CA).	
1 meal - 17 Mar 44	.75
1 meal - 17 Mar 44	1.00
ALLEGED ABSENTEE	
G.19851 Pte. Hopkins, L.M., A-30 C.I.T.C.(CA)	
1 meal - 17 Mar 44	.75
1 meal - 17 Mar 44	1.00
Issued on T.W. #C 353182	
Total	$ 3.50

Dated at Utopia Centre, NB this 17 day of March A.D. 19 44

S.M. McConnell L/Cpl
G.24174Pte(L/Cpl)McConnell, S.M.
A-30 CITC(CA) S.M.
(Signature and rank ~~LOCKMASTER OF ESCORT~~ (escort))

Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1493
75M—2-45 (35250)
H.Q. 1773-59-1858

CERTIFICATE TO BE SIGNED BY COMMANDING OFFICER ON TRANSFER OR ATTACHMENT OF SOLDIER

Certified that the record detailed on this statement has been checked with the articles in possession of the soldier and found correct.		Certified that the record detailed on this statement has been checked with the articles in possession of the soldier and found correct.		Transferred	Attached
On transfer or attachment **from** the undermentioned Unit.	Date	On transfer or attachment **to** the undermentioned Unit.	Date		
No. 7 DISTRICT DEPOT Name of Unit. Major Signature of Commanding Officer.	JAN 8 1943	No. 70 BTG. Name of Unit. G. E. Lutz Capt Signature of Commanding Officer.			
#70 Lead B/Sta Name of Unit. G. E. Lutz Capt Signature of Commanding Officer.	4/4/43	A30 T.C. Name of Unit. Signature of Commanding Officer.	9/3/43	X X	
Name of Unit. Signature of Commanding Officer.		Name of Unit. Signature of Commanding Officer.			
Name of Unit. Signature of Commanding Officer.		Name of Unit. Signature of Commanding Officer.			
Name of Unit. Signature of Commanding Officer.		Name of Unit. Signature of Commanding Officer.			

Mark X in appropriate column.

Name HOPKINS L.M. Regtl. No. G19850

Dt

F
KB Mon
27 Mar 44

CANADIAN ARMY (ACTIVE)

CLOTHING AND EQUIPMENT STATEMENT

M.F.C. 800

Regtl. No. G19850 Name HOPKINS L.M.

Rank PTE Date of Attestation

Original Unit No. 7 DISTRICT DEPOT Station Fredericton NB.

MFC 800
35GM—5-42 (4201-4276)
H.Q. 1772-38-1543

M.F.C. 800

INSTRUCTIONS

1. This statement will be used to record free issues to all ranks on Active Service, as well as all ranks at Training Centres and Army Trade Schools, etc.

2. A continuous vertical line in ink will be drawn through all blank spaces left in a column after an issue has been entered before an individual signs for articles issued to him.

3. On return of any article a line in ink will be drawn through the entry concerned and same will be initialled by the representative of the Quartermaster.

4. Entries in connection with issues should be placed as far to the left of each column as possible to leave room for initials in the event of articles being returned to Quartermaster Stores.

5. Entries will not be made on this form when articles of clothing and equipment are exchanged or replaced.

6. Arms, oil bottles and pullthroughs will not be transferred with the soldier unless authorized by N.D.H.Q. or by the D.O.C.

7. Quote Unit consecutive number of bayonet and serial number of rifle in the space provided in the appropriate "Quantity" column

8. On transfer of an officer or soldier the certificate on the back of this statement will be properly filled in and signed.

9. This statement must accompany the regimental documents of an officer or soldier whether he is transferred or struck off strength for any reason whatsoever.

SIZE CARD

Article	Size	Article	Size
Cap		Greatcoat	
Boots		Gloves	
Battle Dress Blouse		Soldier's Measurements	
Battle Dress Trousers		Height	
Khaki Drill Jacket		Weight	
Khaki Drill Trousers		Neck	
Shirt		Chest	
Drawers		Waist	
Shirt (under)		Inseam	

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Respirator A.G.—								
Cloths, disinfecting, facepiece								
Container								
Facepiece								
Haversack								
Outfit anti-dimming								
Eyeshields, A.G.	6							
Capes, A. G.								
Curtains, helmet								
Detectors, tippet pattern								
Ointment, A.G.	~~2~~ x 1							
Wallets, A.G.								
Detector Powder								
Date of Issue			3	4	5	6	7	8
Signature								

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Attachments, brace								
Bags, ration	1							
Belts, waist	1							
Bottles, water	1							
Braces	2							
Carriers, cartridge								
" water bottle	1							
Cases, binocular								
" pistol								
Frogs, bayonet	1			1				
Haversacks	1							
Helmets, steel, complete	1							
Lanyards, pistol								
Pockets, compass								
Pouches, ammunition, pistol								
" basic, small	1							
" utility								
Slings, rifle	1			1				
Straps, shoulder, haversack	1							
" web, supporting	1							
Tins, mess, rectangular	1							
Packs	1							
Yokes								
Cover Mess Tin	1							
Cartridges, drill.								
b. lift, ammi				1				
Date of Issue			13-4-43	18/6/43				
Signature	Hopkins T.	Hopkins T.	Hopkins T.	Hopkins T.	5	6	7	8

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Anklets, web ... prs.	1	1	+					
Badges arm Tank Bn.								
" " worsted, "CANADA" ... prs.	2	1	+					
" embroidered, unit title ... prs.								
" shoulder, worsted ... prs.								
Battle Dress, serge, trousers ... prs.	1	1						
" " blouses	1	1	+					
Bonnets, Tam O'Shanter								
Boots, ankle ... prs.	1		+					
Caps, field service	1	1	+					
" forage, drab								
" tank battalion								
Drawers, cotton, short ... prs.	1		+					
Dressings, 1st field	1							
Gloves, woollen, khaki ... prs.	1							
Greatcoats, drab	1							
Jackets, serge, drab								
" sweater or ~~jersey pullover~~	1							
Overalls, combination			1					
Protectors, ear ... prs.								
Shirts, under, cotton	1							
Shirts, flannel, khaki	1							
Shoes, canvas ... prs.	1							
Socks ... prs.	1							
Trousers serge, drab ... prs.								
Overall Blouse	1		+					
" Trousers	1		+					
Sheets, ground Dr Mk III		1						
Date of Issue		14/9/42						
Signature	Hopkins T.	Hopkins T.	Hopkins T.	4	5	6	7	8

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Winter Issues—								
Boots, lumbermans, rubber ... prs.								
" ankle felt ... prs.								
" insoles ... prs.								
Caps, winter, melton cloth								
Drawers, woollen ... prs.								
Mitts, pullover, leather ... prs.								
Mufflers, khaki								
Overshoes ... prs.								
Robbers ... prs.								
Shirts, woollen								
Summer Issues—								
Belts, waist, leather, brown								
Buttons, G.S., large								
" small								
Helmets, sun								
Jackets, khaki drill								
Puttees ... prs.								
Shirts, khaki, cotton W/S.S.								
Trousers, khaki drill ... prs.								
" short ... prs.								
Walking Out Dress—								
Jackets, serge, drab, open collar								
Neckties, black								
Pins, collar, safety								
Shoes, leather, black ... prs.								
Socks, black ... prs.								
Trousers, serge, drab, N.P ... prs.								
Coats, waterproof								
Date of Issue		3/9/42			6/2/43	18/6/43		
Signature								

Description of Articles	Quantity 1	Quantity 2	Quantity 3	Quantity 4	Quantity 5	Quantity 6	Quantity 7	Quantity 8
Badges, cap								
Bags, kit								
Blacking ... tins								
Boot dressing ... tins								
Boot laces ... prs.								
Braces ... prs.								
Brasses, button								
Brushes—								
Boot, polishing								
Button								
Cloth								
Hair								
Shaving								
Tooth								
Caps, comforter								
Combs, hair								
Forks, table								
Holdalls								
Housewives								
Knives, clasp, and lanyard								
" table								
Razors								
Sponges, pipeclay								
Spoons								
Towels, hand								
Mess								
Arms—								
Rifle								
Bayonet and scabbard								
Pistol — Webb Drill								
Bottles, oil								
Pullthroughs								
Date of Issue					8/3/42	18/6/43		
Signature								

1. April 8th

To any one it may concern in the Can. Army:

"H"
Pro. D.C.M.

I the under signed Lester Matthew Hopkins do state the reason of my desertion from the ~~can~~ Army on July 5th 1942 i L. M. Hopkins have had 2 other court-marshal and i am well aware of the penelty for desertion, in my first court-marshal i told a true story about my supposed sister and brother turning me from them and making me an outcast of the

2.

KNIGHTS OF COLUMBUS
CAH
WAR SERVICES

hopkins family
i have allways
had it thrown up
to my face that i was
not one of there family
i now know the reason
for it, my mother was
a german girl and my
~~father~~ father was a
canadian was supposed
to have been a german
prisoner in the last
war and that is where
my mother and dad
~~meet~~ met i was told that
i was born over there
and was brought over
here when i was about
year old my mother
died when i was 2 years
old and when i was 3
years old.

3. my father ran
away with another
woman and i was
taken by his sister to
bring up, i stayed
with his sister until
i was about 12 years
old and then i was
sent the reform schools
in 1930. and from then
on i have been on my
own, but sence i joined
the army i have known
down in my heart that
i could never train to
fight against the
germans because of
the thought that
there is relatives of
mine of there i have
no sympathy for the
german leaders like

KIWANIS CLUBS OF COLUMBUS
CAH
WAR SERVICES

4.

Hitler; so i am
stating here and
now that it will
be a lot better if
the people of canada
to intern me for the
doration of the war
or set me me free and
let me report to
the. R. C. M. P. once
a month; there is
no proof of me not
being a canadian
and there is no
proof of me being
canadian so now
you have the reason
why i ~~[illegible]~~ deserted
~~the army of canada~~

KIWANIS CLUBS OF BRITISH COLUMBIA
CAH
WAR SERVICES

5

please do you
hurt for me
sir; if i go to
detention and i
come out alive and
not crippled i will
hate the Army
a lot more than
i hate it now and
i hate it with all
my heart now, i would
rather be in prison
for the duration
of the war,

Signed

L. M. Gardiner

Witnessed,
Cpl Vickers B. J.

KNIGHTS OF COLUMBUS
CAR
WAR SERVICES

"Y"

M.F.B. 155
20M—9-42 (3901)
H.Q. 1773-30-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
C19851	Pte.	Lester Matthew Hopkins	A-30 C.I.T.C. (CA)

1. The following is a fair and true summary of the entries in the Field ~~Service and General~~ ~~Regimental and Squadron, Battery~~ Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For	~~1~~ ~~U.L.~~ ~~2~~ times	4 A.W.L. times
For	times	times
For	times	times
For	times	times

~~Number of instances of gallantry or distinguished conduct~~

~~or~~

~~There are no entries in the conduct sheets of the accused.~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

~~2. The accused has not been previously convicted~~

~~or~~

Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and dispensations with trial under ~~A.F.A. 73~~ A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

~~or,~~

~~The accused at the present time is under sentence for ..... beginning on the ..... day of ....~~

4. The accused has been in confinement awaiting trial on the present charges, for 2 days in civil custody, and ~~16~~ ~~26~~ days in military custody, making a total of ~~15~~ ~~28~~ days in custody, of which 5 days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 26 years 1 month

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper 27 May 1942

7. ~~The service which the accused is allowed to reckon towards discharge is~~

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward (~~or is in possession of or entitled to~~). ~~State any air force decoration or reward~~ ~~military~~

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer last held Air Force the regimental rank of~~ .....

11. ~~(In the case of an officer:) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

~~.....Date of promotion.~~

~~In the rank of.....years.~~

~~In the rank of.....years.~~

~~In the rank of.....years.~~

~~NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.~~

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the ~~Air Force~~ Army Act, and of cases in which trial has been dispensed with of accused, Number C19851 Rank Pte.

Name Lester Matthew Hopkins of A-30 C.I.T.C. (CA) Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
D.C.M.	Fredericton, N.B. 24 Sept. 42	Absence without leave	Awarded 90 days detention and placed under stoppages of $14.01.	7 Days.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~29~~ 10 day of ~~March~~ 1944. (E.A. TRITES) CAPT.
Adj. & Officer i/c Records.
A-30 C.I.T.C. (CA)

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

No. 019851 Name Hopkins, L.M. Sqn., Battery, or Company | Corps Infantry (R) | Date of enlistment 27 May 42 | G.C. Badges | Tradesmen's Rates of Pay | 1/3c

M.F.M. 6 (A.F.B. 122) 500M—11-41 (3408) H.Q. 1772-39-1452

No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. One | Signature O.C. Company, etc. W.S.A. Daley, Capt.

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
F'ton, N.B.	16-6-42	Pte. T.O.S.		AWL. since 1630 hrs. 16-6-42 on apprehension #7 D.D. Effec. 5-9-42 Order 218/d/14-9-42	Documentary	SOS by C of I	8-7-42	C of I	Forfeits 23 days P&A
F'ton, N.B.	16-6-42	Pte.		AWL from 0630 hrs. 16-6-42 till 1800 hrs. 5-9-42 (Dressed in civilian clothes when apprehended)	Documentary	90 days det.	24-9-42	DCM	forfeits 143 days P&A 14.01 stoppages.
F'ton, N.B.	14-12-42	Pte.		AWL from 0100 hrs. 14-12-42 till 15-12-42 1 day 21 hrs forfeits	Documentary	5 days CB	16-12-42	Capt. Gay	2 days pay & A.
F'ton, N.B.	19-1-43	Pte.		AWL from 100 hrs. 19 Jan. 43 till 1330 hrs. Feb 7 43.	Cpl. MacCallum JR Cpl. Picard P.	21 days det.	11-2-43	Major Lounsbury	20 days pay F.R. 149 (1)a 20 day " b 4 days " c Stoppage, $11.80

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
F'ton, N.B.	29-3-43	Pte.		Absent without leave from 2359 hrs. 29-3-43 till 1600 hrs. 1[illegible]-43	Cpl. Richard AD Sgt. Blakney RL	7 days detention	6-4-43	Major Lounsbury	3 days pay forft. F.R. (149)(1) stoppage of pay of $9.71 5 days pay F.R.I 149 (1)

Certified True Copy
(E.A. Trites) Capt.
Adjt. Officer 1/c Records
A-30 C.I.T.C.(CA)

Lt Col M. S. Pedlow
Pres D.C.M.

Address by the Defending Officer on behalf of the Accused before Sentence at the trial by District Court-Martial of No. G-19851 Private Lester Matthew HOPKINS, A-30 Canadian Infantry Training Centre, C.A.

Well we are going to make a plea on the defence's behalf Sir on the basis of early circumstances as set out in his written statement. His mother died when he was two years of age and then he was left more or less to defend for himself. At the age of three when his father ran off with another woman, he was left with his father's sister, who had a family of her own to take care of and I suppose he was more or less neglected. So it was very easy for him to fall in with the wrong type of companions, so that at about the age of twelve, he was sent to Reform School. Any youngster at that age who has been sent to Reform School naturally finds it pretty hard to find companionship when he returns again and is looked upon as more or less of an outcast . Being in that position, I think the trend would be for him to retire, the man himself might very easily get off the straight and narrow. Even today, according to his own admission, he prefers solitude, rather than company, finds it hard to speak with anyone else, prefers his own company. According to the history he has given, his mother was German. It is therefore possible that his statement that he is sympathetic towards the Germans, the German people, but not to the German leaders might be true. You may even go farther to say his desire not to carry arms against the German People is true. In that connection, he has told me that he would willingly serve in the Merchant Marine, where it would not be necessary for him to carry arms. He could do a service in the Merchant Marine, which would be of just as much value to the Country as in the front line. The failure, if it is not possible to place him in the services of the Merchant Marine, he feels the wisest thing would be internment, since his feelings will never permit him to become a good soldier in the Canadian Army. So to sum up the plea on his behalf, it is either service in the Merchant Marine, if possible, or internment. That is all Sir.

MEDICAL OFFICER'S REPORT

I certify that No. G19851 Pte Hopkins, L.M.

of "B" Coy, A-30 C.I.T.C. is in a Good. state of health

and Is fit to undergo Trial by Court martial.

Medical Officer

Capt. R.C.A.M.C. Attached to A-30 C.I.T.C. (CA)

Station Utopia Centre. N.B.

Date 10 April 44.

N.F.B. 246

H.Q.C.55-H-293 (JAG)

RECEIVED OCT 15 1942 ORG A.D.

October 14th, 1942.

District Officer Commanding,
Military District No. 7,
St. John, N.B.

Re: District Court-Martial
G-19851 Private Lester Matthew Hopkins,
No. 7 District Depot, C.A.

1. Receipt is acknowledged of your J/38-H-642 dated October 10th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed in the proceedings:-

(a) In completing the Forms M.F.B. 1481 and 1482 it is preferable that each item of the particulars in the same should be dated.

(b) In Form M.F.B. 1482 the accused was not fully described, his corps and unit having been omitted after his name.

3. It is not considered necessary to return the proceedings and they are, therefore, retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Noted & generally
ADC
16 10 42

Brigadier,
Judge Advocate-General.

HFGB/DC

Copy on 405-H-9474

H.Q. C. 55-H-293
M.D. J/38-H-642

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. G. 19851 Name Hopkins, Lester, Matthew.

Rank Pte. Unit No. 7, District Depot, CA.

Charge Sec. 12(1)(a) A.A. Deserting H.M.S.

Date of Crime 16/6/42

Date of Arrest 5/9/42 Charge. Signed 14/9/42

Orders for D.C.M. D.C.C. M.D. #7.

Place and Date of Trial Fredericton, N.B. 24/9/42.

Sentence Ninety (90) days detention. Stoppages $14.01

Date of Confirmation 30/9/42

Date of Promulgation 5/10/42

Entered in Records of J.A.G. as No. 6890

Date 13/10/42

MEMO Found not guilty of desertion but guilty of absence without leave.
Forty-eight (48) days detention remitted by confirming authority.

W. F. R. Bridges, Lieut.
for Judge Advocate-General.

2M-7-42(M1291)

6890

IN REPLY PLEASE QUOTE
No. J/38-H-642

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

W/FILE
(8)

SAINT JOHN, N.B., Oct 10th 1942.

CENTRAL REGISTRY Army
P.L.R.S. SEC.
OCT 12 1942
File C.D.D. 2.293
Cirgd. to
Referred to

Secretary,
Department of National Defence,
OTTAWA, Canada.

RE: DISTRICT COURT-MARTIAL
G-19851 Private Lester Matthew HOPKINS,
No. 7 District Depot, C.A.

1. I enclose herewith for registration, please, proceedings of the District Court-Martial held for the trial of the marginally named soldier. I also enclose for your information copy of letter written by the A.J.A.G. of this District under date of the 17th Sep, 42.

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

NAT. DEF. B. 440
2,000,000—10-41 (2504)
H.Q. 1773-39-767

Enc.

C
O
P
Y

HEADQUARTERS, M. D. NO. 7.

File J/38-H-642

Saint John, N.B., 17 Sep 42.

Officer Commanding,
No. 7 District Depot, C.A.,
FREDERICTON, N. B.

RE APPLICATION FOR D.C.M.
G-19851 Private L.M. HOPKINS
No. 7 District Depot, C.A.

1. A District Court-Martial for the trial of the marginally named soldier will assemble at No. 7 District Depot, C.A., Fredericton, N.B. on Thursday, 24th of May at 0930 hours.

2. I enclose herewith the undermentioned documents:

(a) Convening Order.
(b) Charge sheet.
(c) Summary of Evidence.
(d) Exhibits "A" to "G" inclusive.
(e) Conduct sheet.
(f) Statement as to Character.
(g) List of exhibits.

3. It is your responsibility to see that the accused is warned of the trial and copies of the convening order, charge sheet and summary of evidence are delivered to him at least 24 hours before his trial.

4. It also is your responsibility to arrange for the attendance of all witnesses.

5. The marginal notation in the charge sheet is incorrect. It should be amended to read:

CHARGE
Section 12 (1)(a)
Army Act

6. As no charge of deficiencies has been laid against the accused the evidence of R.Q.M.S. Burrill is surplusage.

7. Exhibit "A" establishing the date upon which the accused was taken on strength of your unit is not necessary.

8. The unit of the accused should be indicated in the headnote to M.F.B. 375.

9. The typewritten insertion "and is still so absent" made between the 3rd and 4th lines of the copy of the Declaration of the Court of Inquiry is not necessary.

10. The certificate of apprehension describes the accused as belonging to the Royal Canadian Engineers. If any evidence is available to explain this description it should be produced at the trial.

11. Exhibit "E" establishing that the accused was taken on strength of your unit following apprehension is not necessary.

12. While not applicable to this charge it is noted that in listing the deficiencies the Court of Inquiry has charged both clothing and equipment and regimental necessaries at 100% and then deducted 25% from the total making the charge on all items 75%.

13. Corporal Currie should initial the deletions on Exhibit "F".

14. It is preferred that all documents forwarded with the application for the assembly of a District Court-Martial be submitted in triplicate.

15. As Lieutenant John Keeffe was a member of the Court of Inquiry which investigated the illegal absence of the accused he is not eligible to serve as a member of the Court-Martial held for his trial.

(L. McC. Ritchie)
Major
A.J.A.G., M. D. No. 7.

Encls.
LMR/RB

**All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at No. 7 District Depot C.A., Fredericton, N.B.,
on the 24th day of September 1942 ~~1943~~ by order of
Brigadier G.G. Anglin, M.C. Commanding Military District No. 7
dated the 18th day of September 1942 ~~1943~~

President.
Major W. C. McQUADE, V.D.
No. 7 District Depot, C.A.
Attached H.Q., M.D. No. 7

Members.

Captain F. G. McNICHOL
No. 7 District Depot, C.A.

Captain J. D. MacLEAN, M.C.
No. 7 District Depot, C.A.

H.S.h.
D.J.A.G.

Trial of* G-19851 Private Lester Matthew HOPKINS, No. 7 District Depot, C.A. ~~; Judge Advocate.~~

The order convening the Court, the charge-sheet and the summary (or abstract) of evidence are laid before the Court.

The Court satisfy themselves that Major A.E. Gillis is not available to serve owing to not having been properly warned for this duty

Captain J. D. MacLean waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 & 23.

The accused is brought before the Court.

Prosecutor,† Lieutenant Robert J. LOVE, No. 7 District Depot, CA

~~Counsel‡ or~~ defending officer Captain E. F. HARRINGTON, No. 7 District Depot, C.A.

At 9:30 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial

W.C. McQuade Major
D.M.S. Detailed board Member

Mil. Form B. 271
12M—3-39
H.Q. 1775—39—224

B

The President, members and ~~and judge advocate~~ are duly sworn.

~~The following officers under instruction are duly sworn.~~

G-45159

Q.2 Do you object to Corporal (A/C.S.M.) R. A. BREWER, No. 7 Detachment C.M.S.C., C.A. acting as shorthand writer?

A.2 No, Sir.

G-45159 Corporal (A/C.S.M.) R. A. BREWER, No. 7 Detachment, C.M.S.C., C.A. is duly sworn as shorthand writer.

Charge Sheet

Instruction.

If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the ~~each~~ charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read?

Question to the accused.

A.3 Not Guilty

Answer.

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~

Question.

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~

Question.

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~

Question.

Answer.

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge.

Instruction.

"B-2"

CHARGE SHEET

to G.M. Rode Major
Pres. District Court Martial

The accused, G-19851 Private Lester Matthew Hopkins, No. 7 District Depot, C. A., a soldier of the Canadian Army placed on active service is charged with:-

CHARGE
Section 12(1)(a)
Army Act

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

at Fredericton, N.B. on the 16th day of June 1942 absented himself from No. 7 District Depot, C.A., from 0630 hours until he surrendered himself to the military authorities at Amherst, N.S. at 1800 hours on the 5th day of September, 1942, dressed in civilian clothes, cost of apprehension and return to his Unit being $14.01.

Major
(T. C. BARKER), A/O.C.
No. 7 District Depot, C.A.

September 14, 1942
Fredericton, N.B.

To be tried by District Court-Martial

(G. G. Anglin) Brigadier
District Officer Commanding
Military District No. 7.

17 Sep 42
Saint John, N.B.

to GM

C

Proceedings on Plea of Not Guilty

*Instruction (See R. P. 39 (A)

Q.4 *Question.* * Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.4 *Answer.* No, Sir.

The prosecutor makes an opening address ~~[hands in a written address,~~ which is ~~read,~~ marked "G" , signed by the President, and attached to the proceedings.]

The prosecutor proceeds to call witnesses.

First witness for prosecution. Captain F. F. CREIGHTON, Adjutant, No. 7 District Depot, C.A.

being duly sworn, is examined by the prosecutor.

Q.5 Will you identify yourself to the Court please?
A.5 Captain F. F. Creighton, Adjutant and Officer in Charge of Records and Documents at No. 7 District Depot, C.A., Fredericton, N.B.

Q.6 Will you explain to the Court the signifigance of this M.F.B. 375, a Declaration of a Court of Inquiry?
A.6 Sir, I present to the Court an M.F.B. 375 which is a Declaration of a Court of Inquiry showing the illegal absence of the accused.

M.F.B. 375, is read, marked Exhibit "H", signed by the President and attached to the proceedings.

Sir, I present in evidence certified true copy of Part II Order No. 162 issued by Lieutenant-Colonel W. A. McDougall, Officer Commanding No. 7 District Depot, C.A. which shows the accused struck of strength as the result of the Declaration of the Court of Inquiry, and also deficiencies at that time, effective date being 8th July 1942.

Part II Order No. 162, is read.

By the President: The Court have already accepted the Declaration of the Court of Inquiry, M.F.B. 375, as prima facie evidence of the accused's absence and in view of the fact that this order does not agree in hours that the accused absented himself with the M.F.B. 375 the Court will not accept this order in evidence.

I present in evidence a Certificate of Apprehension signed by Sergeant P.P. Merritt, N.C.O. in charge Amherst, Nova Scotia Detachment, No. 37 Provost Company, Canadian Provost Corps, C.A. dated at Amherst 5th September 1942.

Q.7 Captain Creighton could you explain how that certificate of apprehension reads that the accused belongs the Royal Canadian Engineers?

A.7 What evidence I could give on that would be entirely hearsay.

By the Defending Officer: The accused is willing to accept that this certificate refers to him and that he belongs to No. 7 District Depot rather than the R.C.E.

M.F.B. 216, is read, marked Exhibit "I", signed by the President and attached to the proceedings.

I present in evidence M.F.B. 1481 showing the expense of apprehending and bringing the accused back to his own unit.

M.F.B. 1481, is read, marked Exhibit "J", signed by the President and attached to the proceedings.

By the President: The Court has accepted this document but they would like to say that it has not been perfectly made out.

Sir, I present M.F.B. 1482 showing the incidental expenses of the escort in bringing the accused back to his own unit.

M.F.B. 1482, is read, marked Exhibit "K", signed by the President and attached to the proceedings.

By the President: I would like to say once again that this is not perfectly made out and it makes it very difficult for the Court to decide whether to reject these documents or accept them.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE THIS WITNESS.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RULE OF PROCEDURE 83 (B).

WITNESS WITHDRAWS.

THE PROSECUTION HAS NO FURTHER WITNESSES.

D

The prosecution is closed.

Defence

Q.8	*Question to the accused.*	Do you apply to give evidence yourself as a witness?
A.8	*Answer.*	Yes, Sir.
Q.9	*Question.*	Do you intend to call any other witness in your defence?
A.9	*Answer.*	No, Sir.

~~*Question.* Is he a witness as to character only? *Answer.*~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused ~~(and of the witnesses for the defence including witnesses as to character)~~ is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused.	Have you anything to say in your defence?
Answer.	The accused in his defence says† [Hands in a written address which is read, marked , signed by the President and attached to the proceedings.]

Instruction. † In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

FIRST WITNESS for the defence

G-19851 Private Lester Matthew HOPKINS, No. 7 District Depot, C.A., having been duly sworn, is examined by the Defending Officer.

Q.10 Will you identify yourself to the Court by giving your number, rank, name and unit?
A.10 I am, G-19851 Private Lester Matthew Hopkins of No. 7 District Depot.

Q.11 You are a soldier of No. 7 District Depot?
A.11 Yes, Sir.

Q.12 On or about the 16th of June you went to Sackville. Did you go there with a pass or without a pass?

By the President: I do not want to interrupt you. I will allow you any latitude but I do not want you to make your questions leading. Will you try to word your questions differently.

Q.13 Did you go on pass or without a pass?
A.13 I went on pass.

Q.14 Why did you ask for a pass?
A.14 I received a letter from my cousin that my aunt was sick and I requested a pass.

Q.15 Suppose you tell us what happened when you got to Sackville?
A.15 I went to see my aunt, she is over 40. She could not afford to keep me while I was on leave so I went up to my sisters. I got there, I don't see any reason, but she could not keep me she has a good home.

Q.16 What did you do then?
A.16 When she turned me away, when she did that, well, I got some liquor and started drinking, I felt kind of sick or low about it, I have not been turned away much, I just went to pieces then I started hitch-hiking and after a while all my money was gone.

Q.17 Were you in uniform all that time?
A.17 Yes, Sir.

Q.18 When did you take your uniform off?
A.18 I took it off just about two days before I surrendered myself.

Q.19 Why did you take it off?
A.19 I took it off to go to Amherst to get a job.

Q.20 Why did you want to go to work?
A.20 I was hungry, no food and could not get a job without a discharge paper from the army. I was promised work by a fellow in Amherst. When I got there they had another man in my place so instead of going back, I never thought of getting my uniform, I just went up and surrendered myself to Sergeant Merritt.

D - 57

Q.21 Had you intended to return to the army?
A.21 As soon as I got enough money I intended to return.

Q.22 Did you know that you could obtain transportation by surrendering yourself?
A.22 No, I did not.

Q.23 After you surrendered yourself did you did you remain in civilian clothes until you came back here?
A.23 No my uniform was sent for.

Q.24 Where did you get your uniform?
A.24 I got it while I was in gaol in Amherst.

CROSS-EXAMINED BY THE PROSECUTOR.

Q.25 Hopkins, you said that your aunt was sick?
A.25 Yes, Sir.

Q.26 And that is why you got a pass?
A.26 That is right, Sir.

Q.27 When you reported your visit to your aunt you found that you were unable to stay there?
A.27 Yes, Sir.

Q.28 Why did you not return?
A.28 I was allowed my freedom from the army from one minute to twelve Thursday evening. That is why I did not come back.

Q.29 Did you dislike the bit of army life you saw?
A.29 No I liked the army alright.

Q.30 When your sister was unable to take you in you said that you began to drink?
A.30 Yes, Sir.

Q.31 Then you had sufficient funds to come back at that time if you wanted too?
A.31 Yes, Sir.

Q.32 You kept your uniform until two days before you surrendered?
A.32 Yes, Sir.

Q.33 Where did you leave your uniform?
A.33 At West Sackville.

Q.34 At a relatives?
A.34 Yes, Sir.

Q.35 Did you know the danger to you of taking off your uniform?
A.35 No, Sir, I didn't.

Q.36 After you surrendered yourself to Sergeant Merritt you sent for your uniform in Sackville?
A.36 Yes, Sir.

Q.37 When you took your uniform off you intended to return here after you got money?
A.37 Yes, Sir, as soon as I could pay my way back.

Q.38 You didn't think it possible to come back without doing that?
A.38 I could have hitch-hiked but traffic is very scarce.

Q.39 You intended to get the job?
A.39 Yes, Sir, to get money.

RE-EXAMINED BY THE DEFENDING OFFICER.

Q.40 Hopkins, the nature of the job that you were taking there, was it a permanent job or just by the day?
A.40 Just by the day, Sir.

QUESTIONED BY THE COURT.

Q.41 Why did you not return here after your pass was up?
A.41 I could not, Sir, the reason I was away and could not get back is because I didn't have the money to pay my way and did not know anything about surrendering to the military police.

Q.42 In other words you had spent all your money?
A.42 Yes, Sir.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RULE OF PROCEDURE 83 (B).

THE WITNESS RESUMES HIS SEAT AS THE ACCUSED.

THE DEFENCE IS CLOSED.

THE PROSECUTOR MAKES A CLOSING ADDRESS.
See document marked "L".

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS.
See document marked "M".

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. G-19851 Private Lester Matthew Hopkins, No. 7 District Depot, C.A., is not guilty of desertion but is guilty of absence without leave.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

* The Court being re-opened, the accused is again brought before it.

Captain F. F. Creighton, Adjutant, No. 7 District Depot, C.A. is examined on his former oath ~~is duly sworn.~~

Evidence of character, etc.

Q.44 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? Q.43 *Answer by the Witness.* Yes, Sir, I produce M.F.B. 355

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

Q.45 *Question by the President.* Is the accused the person named in the statement which you have heard read? A.45 *Answer by the Witness.* Yes, Sir.

Q.46 *Question.* Have you compared the contents of the above statement with the regimental books? A.46 *Answer.*

Q.47 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? A.47 *Answer.* Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The defending officer declines to cross-examine this witness.
In the opinion of the Court it is not necessary to comply with Rule of Procedure 83 (B).
Witness withdraws.

Q.48 *Question to the accused.* Do you wish to address the Court? A.48 *Answer.* No, Sir.

The Court is closed for the consideration of the sentence.

18

F

Sentence

The Court sentence the accused No. G-19851 Private Lester Matthew Hopkins No. 7 District Depot, C.A., to undergo detention for ninety days and to be put under stoppages of pay until he has made good the sum of $14.01 in respect of the cost of apprehension and return to his corps.

Sentence.

Detention 90 days

Stoppages $14.01

The Court recommend the accused to mercy on the ground that he was in the army but a few days, went to visit relatives and they would have nothing to do with him, hurting his feelings so that he took to drink.

Signed at Fredericton N. B. this 24th day of September 1942

W. O. Mc Leod Major
Pres. District Court Martial

I confirm the finding and sentence of the Court but remit 48 days of the period of detention.

Signed at Saint John, N. B., this 30th day of September, 1942.

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

Promulgated and extracts taken at Fredericton, N. B. this 5th day of October 1942.

Extracts entered as No. 6890 in the Record of Courts-Martial kept in the office of the Judge Advocate General this 12th day of Oct. 1942.

H.F.B.

G. T. Dole Lt.
Officer in Charge of Documents
No. 7 District Depot, C. A.

"X" Lt Col W. C. McQuade Engr
Pres. District Court Martial

Orders by BRIGADIER G. G. ANGLIN, M.C. Commanding

the Military District No. 7

District Court-Martial

18th September 1942

The detail of Officers as mentioned below will assemble

at No. 7 District Depot, C.A. Fredericton, N.B. on Thursday the 24th day of September 1942 at 0930 hours for the purpose of trying by a District Court-Martial the accused person ~~persons~~ named in the margin (and such other person or persons as may be brought before them).

G-19851 Private Lester Matthew HOPKINS, No. 7 District Depot, C.A.

PRESIDENT

Major W. C. McQUADE, V.D.
No. 7 District Depot, C.A.
Attached H.Q., M.D. No. 7 is appointed President.

MEMBERS

Major A. E. GILLIS, No. 70 Canadian Army (Basic) Training Centre, C.A.
Captain F. G. McNICHOL, No. 7 District Depot, C.A.

WAITING MEMBERS

Captain J. D. MacLEAN, M.C., No. 7 District Depot, C.A.

~~JUDGE ADVOCATE~~

~~has been (is hereby) appointed~~

~~Judge Advocate~~

PROSECUTOR

Lieutenant Robert J. LOVE
No. 7 District Depot, C.A.
Prosecutor
~~has been~~ (is hereby) appointed

DEFENDING OFFICER

Captain E. F. HARRINGTON
No. 7 District Depot, C.A.
Defending Officer
~~has been~~ (is hereby) appointed

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding No. 7 District Depot, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, ~~shorthand writers, and interpreters~~

The proceedings will be forwarded to the A.A. & Q.M.G., M.D. No. 7

Signed this 18th day of September 1942

(G. G. Anglin) Brigadier
District Officer Commanding
Military District No. 7.

M.F.B. 220
A.F.A. 47
15M—1-41 (9906)
H.Q. 1772-20-164

"G" Col Mc Trade Maj
Pres, District Court Martial

OPENING ADDRESS BY THE PROSECUTOR

xxxxXxxxx

The evidence that we will produce is documentary altogether, and so it will be shown that the accused Private Lester Matthew Hopkins, No. 7 District Depot, C.A. illegally absented himself without leave from his unit at 0630 hours 16th June 1942 until he surrendered himself in civilian clothes at 1800 hours on the 5th day of September 1942 after being absent from his unit 81 days. It shall also be shown that the cost of returning the accused to his unit will be $14.01

WDM

Exhibit B

"H" Maj. Reade Major
Pay Director Court Martial.

RECORD of the Declaration of a Court of Inquiry assembled at Fredericton, N.B. on the 8th day of July 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. G 19851 Pte. Hopkins, L.M., No. 7 District Depot (CA)

DECLARATION

The Court declare that No. G 19851 Pte. Hopkins, L.M. No. 7 District Depot, C.A.

illegally absented himself without leave from No. 7 District Depot, C.A. ~~and is still so absent~~ at 0630 hours on the 16th day of June 1942, that he is still so absent, and that on the 8 July 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
Anklets, Web, prs.	.77	Holdalls	.47
Badges, Cap ML	.02	Jackets, sweater	1.38
Blouse, B.D. Serge	5.58	Knives, table	.18
Trousers, B.D.Serge	5.60	Razors, safety sets	.42
Blacking, tins	.05	Shirts flannel khaki	2.05
Boots, ankle prs	5.20	Shirts, khaki cotton W/SS	.99
" " "	5.20	Shirts under cotton	.34
Boot dressing tins	.05	Shoes, canvas prs	1.89
Bootlaces, prs	.02	Towel, hand	.21
Braces, prs	.89	Braces, WE '37 Left	.73
Brasses, button	.04	Braces " " Right	.66
Brushes, shaving	.30	Packs, WE '37	2.36
" tooth	.09	Slings, rifle WE '37	.30
Caps, comforter	.25	Straps, shoulder hav.	.48
" field service	.88		
Combs, hair	.04		38.12
Drawers, cotton short prs	.34	Less 25% (R.O. 1774) 28.59	TOTAL
Drawers, woollen prs.	1.15		
Forks	.09		

(Sgd) G.W. Anderson, Major
No. 7 District Depot, C.A. — President

(Sgd) J. Keeffe, Lieut.
No. 7 District Depot, C.A. — Member

(Sgd) J.F.R. Charest, Lieut.
No. 7 District Depot, C.A. — Member

Signed at Fredericton, N.B.
this 8th day of July 1942.

(Sgd)
Signature of Commanding Officer W.A.McDougall Lieut-Col.
(W.A.McDougall) O. C.
No. 7 District Depot, C.A.

Certified true copy

M.F.B. 375
A.F.B. 115
(R.O. 1773-20-257)

Signature of Officer having custody of original record

Certified true copy .....A/Capt
(E.E. Creighton) Officer i/c Records
No. 7 District Depot, C.A.

"I" [illegible]

(Certificate in accordance with Order-in-Council P.C. 2797 dated 10 April, 42 as published in G.O. 127, 1942)

(Apprehension by or surrender to Service Authorities).

I, E Sooro Sgt Merritt PP No 37 Provost Coy Cpc (CA)
(Number, Rank and Name) (Unit)

hereby certify that G 19851 Pte Hopkins Lester Matthew
(Number, Rank) (Name in Full)

of the Royal Canadian Engineers No 7 depot Fredericton N.B.
(Unit and Attachment) (If any)

~~was apprehended by~~ (surrendered to) E Sooro Sgt Merritt PP
(Number, Rank) (Name)

No 37 Provost Coy Cpc (CA) Amherst N.S. det.
(Unit)

At Amherst N.S.
(Place)

at 1800 hours on the 5th day of September 1942

[redacted] and that at the

as a deserter ([redacted])

time of his arrest he was [redacted]

(dressed in Civilian Clothes).

Dated at Amherst N.S. this 5th day of September 1942

Sgt Merritt P.P.

Sgt Merritt P.P.
A.C.O. i/c Amherst N.S. Detachment
No. 37 Provost Company, Canadian
Provost Corps, (CA).

/w. e. n.
4--9--42

M.D. No. 7 DISTRICT DEPOT SEP 9 1942

"J" [illegible] 27

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, - Lieut. - J.W. du Manoir - No.7 District Coy. RCASC (CA)A.,
(Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) (~~[illegible]~~) the hereinafter itemized transportation for escort

Complete — to proceed from Saint John, N.B. (Place) to Amherst, N.S. (Place)

and return to Saint John, N.B. for the

Full description of soldier being escorted — purpose of escorting G19581, Pte. Hopkins, L.M. No.7 Dist. Depot

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~[illegible]~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Escort	
Transport Warrant No. A176338, dated 8th Sept. 1942, providing one second-class Return fare, Saint John, N.B. to Amherst N.S.	$5.26
Alleged Absentee	
Transport Warrant No. A176337, dated 8th Sept. 1942, providing one single second-class fare, Amherst, N.S. to Fredericton, N.B.	4.00
Total	$ 9.26

Dated at Fredericton, NB this 8th day of Sept. A.D. 19 42

J.W. du Manoir Lieut.
Signature, rank, unit of officer issuing transport warrants
(issued transportation)
Strike out phrase not applicable.

No.7 Dist. Coy. RCASC (CA)A

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1461
5024—12-42 (2754)
H.Q. 1772-39-1581

"K" No. 6 M.P. Depot Moncton
Pass Detachment Moncton

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(INCIDENTAL EXPENSES)

Filed "B" BJR

Complete description

Strike out words not applicable

Members of escort

Name and description of soldier escorted

I, G428 (No.) CBC (Rank) Cpl. Currie, C.B. (Name) No. 7 District Depot, C.A. (Unit)

as (escort) (~~XXXXXXXXXXXXXXXX~~) consisting of Myself

detailed to proceed from Fredericton, N.B. (Place) to Amherst, N.S. (Place)

to return #19851 Spr. Hopkins, L.M.

alleged to be a deserter or absentee without leave, to Fredericton, N.B. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement			Amount
1 MEAL TICKET AT	1.00		
3 MEAL TICKETS AT	.75	(escort).....	$ 3.25
2 MEAL TICKETS AT	.75	(prisoner).....	$ 1.50
		Total	$ 4.75

Dated at Fredericton, N.B. this 10th day of Sept. A.D. 19 42

C B Currie Cpl
(G428 Cpl. Currie, C.B. ~~XXXXXXXXXXXXXXXX~~ (Rank) CBC
No. 7 District Depot, C.A. (Strike out description not applicable.)

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1462
75M.—2-42 (3668)
H.Q. 1773-39-1380

"L" [illegible] Major
Res. District Court Martial

PROSECUTOR'S CLOSING ADDRESS

XXXXXXXXXXX

It has been shown that the accused left his unit, No. 7 District Depot at 0630 hours on the 16th of June 1942 and that he was found to be absent by a Court of Inquiry as shown in the documentary evidence and that he continued to be absent until he surrendered himself to the military authorities at Amherst, N.S. on the 5th of September 1942. He was away a total of 81 days during which time he changed into civilian clothes for the purpose, as he states, of getting back here. When his attempt to obtain work was unsuccessful he gave himself up to military authorities although he tells us he did not know about this previous to the time he took off his uniform. It has been shown conclusively that he was away 81 days. The only evidence towards desertion was the fact he changed into civilian clothes and it is a matter for the Court to decide what his intention was from the evidence given here. It has also been shown by the forms 1481 and 1482 that the cost of getting him back here was $14.01.

[illegible]

Not Guilty Maj
Pres. District Court Martial

DEFENDING OFFICERS ADDRESS

xxxXxxx

The Court as the prosecutor said, will decide on the evidence whether there was an intent which forms the basis of the charge of desertion. The defence has shown by evidence that the accused made no attempt to conceal his whereabouts during the period of his absence, that he remained in uniform until driven to hunt work, due to the fact that he had unwisely spent his money and I think the Court will realize that a man who serves in the army is prejudiced, would not apt to turn to the military police except as the last resort, since there seems to be an impression, well, there is a natural impulse to stay away from the police as much as possible unaware that he could obtain transportation to his unit by applying to them and he tried every other method of earning enought money to return to his unit before going to the military police, which he did voluntarily. Under the circumstances I fail to see how any case of desertion can be established, the defence admits the absence without leave.

NGM

"J" [illegible]
Pte. [illegible]

M.F.R. 15
25M—5-41 (572-3)
H.Q. 1772-99-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
G 19851	Pte.	Lester Matthew Hopkins	No. 7 District Depot C.A.

1. The following is a fair and true summary of the entries in the Regimental Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	Nil	times	Nil	times
For		times		times
For		times		times
For		times		times

There are no entries in the conduct sheets of the accused.

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, nineteen days in military custody, making a total of nineteen days in custody, of which None days were spent in hospital.

5. The present age of the accused according to his attestation paper is 24 years 7 months

6. The date of his attestation specified in his attestation paper May 27th, 1942.

36

11. (In the case of an officer.) ~~The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit .....dated....., and in his regiment (or corps), the rank of .....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number..... Rank..... Name..... of..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 24th day of September, 1942.

(R. P. Creighton) A/Capt Adjutant
No. 7 District Depot, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

Lt Col
President, District Court Martial

SUMMARY OF EVIDENCE

in the case of

G 19851 Pte. Lester Matthew Hopkins, No. 7 District Depot, C.A., a soldier of the Canadian Army placed on active service.

Charge--

Desertion.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS

A/Captain F.F. Creighton, Adjutant and Officer in charge of Documents, No. 7 District Depot, C.A., having been duly sworn, states:--

I am A/Captain F.F. Creighton, Adjutant and Officer in charge of Records, No. 7 District Depot, C.A. I hereby submit a certified true copy of Part II Order No. 126, dated 28th May 1942, issued by Officer Commanding No. 7 District Depot, C.A. Fredericton, N.B., which shows under Section B, para 1 that the accused, whom I recognize as Private Lester Matthew Hopkins, G 19851, was taken on strength of said No. 7 District Depot, C.A. on 27th May 1942.

I submit M.F.B. 375, declaration of illegal absence refering to the accused, G 19851 Pte. Lester Matthew Hopkins.

I submit certified true copy of Part II Order No. 162, dated 10th July 1942, which in Section B, para 4 shows that the accused was struck off strength. ~~by Court of Inquiry~~.

I submit Certificate of Apprehension showing that the accused surrendered to F-50010 Sgt. Merritt, P.P., No. 37 Provost Coy., C.P.C., C.A., at Amherst, N.S. at 1800 hours on the 5th day of September 1942, and at the time of his arrest he was dressed in civilian clothes.

I submit Part II Order No. 218, dated 14th September 1942, showing that the accused was taken on strength of No. 7 District Depot, C.A., on 5th September 1942.

I submit M.F.B. 1482 dated at Fredericton, N.B. on 10th September 1942, showing incidental expenses of apprehension and return of accused to his corps to be $4.75.

I submit M.F.B. 1481 dated at Fredericton, N.B. 8th day of September 1942 showing the cost of transportation of returning the accused to his corps to be $9.26.

The accused declines to cross-examine.

.....A/Capt
(F.F.Creighton) Adjutant & Officer
in charge of Records
No. 7 District Depot, C.A.

Part II Order No. 126 accepted in evidence and marked exhibit "A".
M.F.B. 375 accepted in evidence and marked exhibit "B".
Part II Order N . 162 accepted in evidence and marked exhibit "C".
Certificate of Apprehension accepted in evidence and marked exhibit "D".
Part II Order No. 218 accepted in evidence and marked exhibit "E".
M.F.B. 1482 accepted in evidence and marked exhibit "F".
M.F.B. 1481 accepted in evidence and marked exhibit "G".

SECOND WITNESS G 42575 R.Q.M.S. Burrill, G.D. of No. 7 District Depot, C.A., Fredericton N.B. having been duly sworn states:

I am G-42575 G.D. Burrill, Regimental Quartermaster Sergeant of No. 7 District Depot, C.A., Fredericton, N. B. I checked the kit and equipment of the accused G 19851 Pte. Lester Matthew Hopkins in the guard room on the 12 th September 1942, and found that he was deficient only a few articles, which were put on a M.F.C. 512 for repayment, and put through to the Pay Office, so that at the present time the accused is not deficient any kit or equipment.

The accused declines to cross-examine.

G. D. Burrill R.Q.M.S.
(G. D. Burrill) R.Q.M.S.
No. 7 District Depot, C.A.

Question to the Accused

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

Answer by accused

I have nothing to say.

I certify that the Rules of Procedure 4 (C)(D) (E) and (F) have been complied with.
Taken down by me in the presence of the accused at No. 7 District Depot, C.A., Fredericton, N.B. this 14th day September, 1942.

R. J. Love Lieut.
(R.J. Love) Lieut.
No. 7 District Depot, C.A.

No. 7 DISTRICT DEPOT C.A.
PART II ORDERS.
NO. 162

Fredericton, N.B.
10-7-42.

SUB NO	SUBJECT	NAME AND RANK	REGTL. NOS	SQDN COY	CASUALTY AND REMARKS	DATE

Last Part II Order No.161 D/9-7-42.

Section "A",

1. LEAVE OF ABSENCE.

Lieut. J. KEEFFE

Granted leave of absence from 0800 hrs 9-7-42 until 0800 hrs 13-7-42 incl (Auth O.C. No. 7 D.D.).

2/Lieut. G.R. POIRIER

Granted leave of absence from 1800 hrs 10-7-42 until 1500 hrs 13-7-42 incl. (Auth. Approved by O.C. No. 7 D.D.).

Section "B"

1. STRENGTH INCREASES

The undermentioned personnel having been attested are T.O.S. on dates set after their names and are allotted regtl. nos. as shown:-

Burlock, Allan James Single - no dependents.	Pte	G 28871	6-7-42.
Boucher, Joseph Bertrand Single - no dependents.	Pte	G 28876	4-7-42.
Calder, Hugh Alexander Married - 1 dependent.	Pte	G 28868	3-7-42.
Galley, William Alexander Single - 1 dependent.	Pte	G 28873	3-7-42.
Godsoe, Dewey Nathenial Single - no dependents.	Pte	G 28875	7-7-42.
McIntosh, Fraser John Single - 1 dependent.	Pte	G 50178	6-7-42.
MacKenzie, Hugh John Married - 2 Dependents.	Pte	G 28874	7-7-42.
Peters, Walter Joseph Single - no dependents.	Pte	G 28870	6-7-42.
Price, Merlin George Married - 1 dependent.	Pte	G 28878	7-7-42.
Osborne, Harold Roy Single - no dependents.	Pte	G 28872	8-7-42.
Ruch, Samuel Allen Single - no dependents.	Pte	G 28869	7-7-42.
Robichaud, Celestin Single - no dependents.	Pte	G 28877	6-7-42.

2. STRENGTH INCREASES(TRANSFER)

G 23602 Pte HAMMOND O.

T.O.S.....8-7-42 on transfer from No. A-30 (I)T.C.,Aldershot,N.S. (Auth. Pt. II Order No. 17 D/8-7-42 of A-30 T.C.).

Pt. II Order No. 162 D/10-7-42 of No. 7 D.D.Continued.....

2. STRENGTH INCREASES (TRANSFER)(CONTINUED)

G 18851 Pte BOUDREAU G.

T.O.S.....9-7-42 on transfer from No. A-14 (I)T.C., Aldershot,N.S. (Auth Pt. II Order No. 165 D/8-7-42 of A-14 (I)T.C..).

3 STRENGTH INCREASES (ATTACHMENTS)

G 983 Cadet Colville D.A.

T.O.S.....8-7-42 on ceasing to be on command and attached for all purposes to O.T.C. Brockville, Ontario. eff. 7-7-42. (Auth. Pt. II Order No. 158 D/7-7-42 of O.T.C.).

4. STRENGTH DECREASES

G 50178 Pte MCINTOSH F.J.

S.O.S.....10-7-42 on being attached for all purposes to Fredericton Military Hospital eff. 11-7-42. (Approved by O.C.No. 7 D.D.).

G 19851 Pte HOPKINS L.M.

Having been declared by a Court of Inquiry held on 8-7-42 to have been illigally absent since 1630 hrs 16-6-42 and to have deficiencies in kit and equipment to amount of $28.59 is S.O.S. No. 7 D.D.C.A. with eff. 8-7-42. Forfeits 23 days pay and allowance. Art. 149 (1)(A)FR&I. 8-7-42.

D 94529 Pte LARRIVEE J.L.

Having been declared by a Court of Inquiry held on 2-7-42 to have been illegally absent since 2359 hrs 9-6-42 and to have deficiencies in kit and equipment to the amount of $80.68 is S.O.S. No. 7 District Depot C.A. with eff. 2-7-42. Forfeits 24 days pay and allowance. Art. 149 (1)(A)FR&I. 2-7-42.

The undermentioned personnel cease to be attached for all purposes to No. 7 Ordnance Depot R.C.O.C.(CA) Eff. 8-7-42 on being S.O.S. on transfer to No. 7 Ordnance Depot Coy. R.C.O.C.(CA). Eff. 8-7-42. (Auth. letter received from DAAG D/8-7-42.).

G 697	Pte	Babineau	A.J.	G 53076	Pte	Northrup	R.J.
G 53088		Andrews	L.D.	G 3519		Young	H.A.
G 6154		LeBreton	G.W.	G 450006	L/Cpl.	Steeves	T.A.

(For record purposes only.).

5 ATTACHMENTS

G 32300 Pte ROGERS E.M.

Ceases to be attached for duty and discipline to No. 7 Det C.M.S.C.Eff. 28-6-42.

Section "B"

6. ON COMMAND

G 32300 Pte ROGERS E.M.

Returned from On Command to Headquarters MD No.7 St. John, N.B. (Employed in Stationery Department) eff. 0920 hrs 29-6-42.

G 45408 Sgt. Foster D.E.
G 7190 Sgt. Dorman E.C.

Proceeded on command to Small Arms Training Centre, Long Branch, Ontario eff. 1735 hrs 9-7-42. (Auth J/13-14-1 J/13-28-1 D/7-7-42.).

7 PUNISHMENTS

G 28110 Pte LEBLANC A.G.

Awarded 168 hours detention (Auth. for forfeiture of pay while in detention Art. 149 (1)(B)FR&I) For (1) Breaking into barracks in that he at F'Ton N.B.at 0050 hrs 10-7-42 did break into barracks by climbing over back fence. (Sec. 10(4)(A/A). (2) Absent without leave from 2200 hrs 9-7-42 until he was arrested by Military Police when climbing over the fence at 0050 hrs 10-7-42 . Placed under close arrest at 0050 hrs 10-7-42 until 1100 hrs 10-7-42. (A.W.L. 2 hrs 50 min.)(Close arrest 10 hrs 10 min.). (Admitted to detention at 1101 hrs 10-7-42.). Total forfeitures 7 days pay and allowance. 10-7-42.

G 54576 Pte HERBERT G.

Awarded 168 hrs detention(Auth. for forfeiture of pay while in detention Art. 149 (1)(B)FR&I) For (1) Breaking into barracks in that he at F'Ton,N.B. at 0050 hrs 10-7-42 did break into barracks by climbing over back fence (Sec. 10(4)(A/A). (2) absent without leave from 2200 hrs 9-7-42 until he was arrested by military police when climbing over the fence at 0050 hrs 10-7-42. (A.W.L. 2 hrs 50 min.)(Close arrest 10 hrs 10 min.). (Admitted to detention at 1101 hrs 10-7-42.). Total forfeitures 7 days pay and allowance. 10-7-42.

8 SUBSISTENCE ALLOWANCE

The under mentioned personnel are anthroized to draw S/A of $1.00 per diem eff. from 30-6-42 until 6-7-42 incl. (While on command to Newcastle,N.B.). (Auth. J/23-1-6 D/7-7-42.).

G 14082	Sgt.	Montague	G.V.	G 4971	Pte	Savoie	L.
G 52603	Pte	LeBlanc	M.	G 56758		McAllister	L.
G 23742		Barlow	W.	G 28565		Barry	H.A.
G 23670		Roy	A.				

G 27746 Pte FERAN H.F.

Authorized to draw S/A of $1.00 per diem eff. from 3-7-42(while attached to No. 7 Det.C.M.S.C.) (Auth J/23-1-6 D/7-7-42.)

Pt. II Order No. 162 D/10-7-42 of No. 7 D.D. Continued.....

Section "B"

8. SUBSISTENCE ALLOWANCE (CONTINUED)

G 32300 Pte ROGERS B.M.

Ceases to draw Subsistence Allowance at the rate of $1.00 per diem off. 28-6-42.

9 MARRIAGE.

G 53530 Pte Beaulieu L. (Attached for all purposes except pay to Island Camp Park,.).

Having been granted permission to marry Lauriana LAGACE, was married on 5th day of July 1942.

G 52454 Pte Beaulieu R. (Attached for all purposes except pay to Island Camp Park.).

Having been granted permission to marry Lillianne FRANCOUER was married on 5th day of July 1942.

10 HOSPITAL STOPPAGES.

G 3199 Pte MUNRO R. W.

Placed under stoppages of pay at the rate of $.75 per diem off. 3-7-42. (Art. 222 (1) (B) (ii) F.R.&I) (Auth. M.F.D. 869 D/7-7-42 at St John,N.B.).

11 A.W.L.

G 6265 Pte LEBLANC G.G.

Having returned from A.W.L. at 2359 hrs 9-7-42 was brought up for office at 1100 hrs 10-7-42 and case was dismissed.

G 52114 Pte LECLAIR A.

Having returned from A.W.L. at 1330 hrs 9-7-42 was brought up for office at 1100 hrs 10-7-42 and case was dismissed.

12 CIVIL CUSTODY

G 3816 Pte METALLIC F.

Placed in civil jail at Newcastle,N.B. at 2015 hrs 4-6-42. (Awaiting trail in October 1942 on circumstances surrounding his case.).

13 FURLOUGH

G 53494 Pte BONNAR H.D.

Granted furlough from 9-7-42 until 22-7-42 incl.

Section "B"

14. FARMING LEAVE.

G 32300 Pte ROGERS E.M.

Granted farming leave of absence without pay from 1630 hrs 13-7-42 until 2359 hrs 1-8-42 incl. (Auth J/38-R-421 D/7-7-42.).

15 HOSPITAL

G 28503 Pte GILLILAND H.

Admitted to Fredericton Mil. hospital eff. 9-7-42.

G 28799 Pte GLENN C.

Discharged from Fredericton Mil. Hospital to Sussex Mil. Hospital eff. 10-7-42.

C 52958 Pte HARVEY A.

Discharged from Sussex Military Hospital to D. P. & N.H. Eff. 9-7-42.

16 CANCELLATION

G 53842 Pte MCINERNEY H.K.

Pt. II Order No. 161-B-2 D/9-7-42 re the M/N is hereby cancelled.

17 CORRECTION

G 53365 Pte Blakely S.

Pt. II Order No.161-B-10 D/9-7-42 re the M/N is amended as follows:
FOR 22-7-42.
READ 21-7-42.

G 28007 Pte Jacquard K.J.

Pt. II Order No..161-B-9 D/9-7-42 re the M/N is amended as follows:-
FOR G 28007 Pte Jackard K.G.
READ G 28007 Pte Jacquard K.J.

G 46278 Pte Hill W.F.

Pt. II Order No. 155-P-12 D/2-7-42 re the M/N is amended as follows:-
FOR Fredericton Mil. Hospital.
READ Lancaster Hospital.

18 DEPENDENTS

G 27369 Pte IRONS T.J.

SON:- Ralph Wendell Irons
BORN 2nd July 1942.
At: Fredericton, N.B.

Pt. II Order No..162 D/10-7-42 of No. 7 D.D. Continued.....

Section "C"

1 STRENGTH INCREASES

G 604102 Pte DOIRON L.
G 422740 Pte GODIN P.
G 604168 Pte SENECHAL F.J.
G 600784 Pte BREAU A.J.

T.O.S.....8-7-42 on transfer from Le Regt. De Joliette "AP" Sydney, N.S. (Auth D.A.A.G. No.2 M.D.No. 6 1/d/1-7-42 file H110-855-16.).

2 SUBSISTENCE ALLOWANCE.

G 437696 Pte COLLETTE D.

Authorized to draw S/A of $1.00 per diem off. from 30-6-42 until 6-7-42 (While on command to Newcastle,N.B.). (Auth J/23-1-6 D/7-7-42.).

Section "D"

1. REHABILITATION GRANT

D 118027 Pte PAIN R.

Having enlisted on 28-12-40 and hav ing beenndischarged on 29-5-42 (Pt. II Order No. 127-D-1 D/29-5-42) is authorized to draw rehabilitation grant under R.O.872.

2. CORRECTION

G 23392 Pte COUTURE M.F.
G 19426 Pte Schriver T.A.

Pt. II Order No. 161-D-1 D/9-7-42 re the M/N is amended as follows:-
FOR S.O.S.....9-6-42.
READ S.O.S.....9-7-42.

Section "A".

2. ATTACHMENTS

Lieut. J.S. ROXBOROUGH

(Extract from Pt. II Order No. 55 D/30-6-42 of No. 7 Det R.C.A.P.C.).

Ceases to be attached for all purposes under the provisions of Art. 33(2) on being attached to No. 7 District Depot C.A. with effect from 30-6-42.

RESERVE ARMY PERSONNEL

1 STRENGTH INCREASES

The undermentioned personnel having reported as ordered and having been placed in medical categories of A or B1 or B2 and enrolled posted to No. 7 N.R.M.A.Clearint Depot and assigned regtl. nos. which appear opposite their names are taken on strength of No 7 D.D. as of the dates shown:-

RESERVE ARMY PERSONNEL

1. STRENGTH INCREASES (CONTINUED)

G 601646	Pte	Lebel, Simon	1930 hrs 26-6-42.
G 601647		Lang, Armand	1330 hrs 26-6-42
G 601643		Lavoie, Ernest	1930 hrs 29-6-42.
G 601644		Duguay, Lionel	1315 hrs 2-7-42.
G 605555		Colford, Ambrose Henry	1400 hrs 6-7-42.
G 601649		Shears, F.	0920 hrs 6-7-42
G 601652		Harvey D.B.	1920 hrs 6-7-42.
G 601650		Thibodeau, A.	1315 hrs 7-7-42.
G 601651		Valetaire, Y.J.H.	1315 hrs 7-7-42.
G 601645		Leger, Gedeon	1315 hrs 7-7-42.
G 601648		Blanchard, Michel Joseph	1315 hrs 7-7-42

2 STRENGTH INCREASES

The undermentioned personnel having reported as ordered and having been placed in medical categories lower than B2 are attached to No. 7 D.D. for pay rations and quarters as of the dates shown:-

Dorcas, A.F.	1300 hrs 30-6-42.
Harrigan, Gerald A.	1400 hrs 29-6-42.

3 STRENGTH DECREASES

The undermentioned personnel having reported as ordered and having been placed in categories lower than B2 coase to be attached to No. 7 D.D. and return to destinations as of the dates shown:-

Dorcas, A.F.	Left depot at 1700 hrs 10-7-42. Arv. destination 1800 hrs 10-7-42.
Harrigan, G.A.	Left depot at 1700 hrs 10-7-42. Arv. destination at 2100hrs 10-7-42.

4 HOSPITAL

G 601593 Pte DIXON L.A.

Admitted to F'Ton Mil. Hospital eff. 10-7-42.

H. O. Evans, F.Capt.
H. O. Evans Adjutant
No. 7 District Depot C.A.
Certified True Copy

A/Captain
(F.F.Creighton) Officer i/c Records
No. 7 District Depot, C.A.

DISTRIBUTION
D.RECORDS OFF NDHQ 4
D. RECRUITING OFF MD7 1
D. RECORDS OFF MD7 1
D.P.M. 3
A/REP. D.O.C. 1
No 7 D. VOC T. WING 1
A-30 T.C. 1
1st Bn St John Fus 1
No 70 BTC 1.

H.Q.C. 55-H-294 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

OVERSEAS COMPILED FILE

SUBJECT DISTRICT COURT-MARTIAL-

HADFIELD A. L.36644 FUS.

P.L. FUS. -MOTOR- C.A. DEAD

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If space for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
OCT 26 1942	26/10/42		Ellis	JAG	New File	CR.	22/10/42
				JAG	With Papers C.R. NOV 1 - 1942		
NOV 6 1942	11/11/42	PA	ofgc	AD	bonne & P.A.	Ellis	2/11/42
JAN 21 1943	21/1/43	P.A.	Ellis	JAG	For Reference JAN 21 1943		
JAN 28 1943	28 JAN 43	P.A.	Ell.	JAG	For Reference C.R. JAN 28 1943		

CONFIDENTIAL
H.Q.C. 55-H-294

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to see it.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

SCHEDULE.

PART I. PLEA(S), FINDING(S) AND SENTENCE.

Accused: L-36644 Pte Albert HADFIELD - CIC - 5 CITR

Charge. (Insert "alternative" where applicable.)	Plea. (See Instrs p 2.)	Finding. (See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st AA Sec 15(1)	GUILTY	GUILTY	
2nd AA Sec 19	GUILTY	GUILTY	
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in loss of kit see RP 44 fn 6.)

~~At present under sentence for ..... beginning on (date) .....~~ (1)

(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of 14 days, of which 14 days were spent in hospital.(1)

(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court:

To undergo detention for a period of sixty (60) days.

(Sgd) ..... Judge-Advocate, if any. 29 May 45 Date awarded. (Sgd) ..... President. (RP 45, 50.)

(See back of Convening Order as to assembly and disposal of record after trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 760.)

Date ..... (Sgd) ..... Commanding .....

PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.

(For duties and powers see AA 54, 57, RP 37(D) fn 6.46(A), 51-56. 120, MML pp 759-761, KR Con 567-577. Acquittals require no confirmation and cannot be revised: AA 54(3). Sending back finding or sentence for revision by Court: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 157. MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: KR Con 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

My decision on the finding(s) and sentence set forth in Part I is:

Confirmed

~~I direct that the accused be not committed to prison or detention barracks until further orders.(1)~~ (1. AA 57A. Delete if not used.)

Date 30 May 45 (Sgd) (K. G. BLACKADER) Brig Commanding Comd-13 Cdn Inf Trg Bde Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 53, KR Con 576, 577.)

Accused.	Date.	Signature of Offr.
L 36644 Pte. ALBERT HADFIELD (5 CITR Pt II D.O. No. 152 dated 2 Jun 45.)	1 June 1945	J D Ferrin Col. Offr. Comd. 5 Cdn Inf Bde

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECORDED AT CMHQ IN AB 160. 5J-120

CFAMS (In lieu of AFMS) 40/P & R/1686 (8144) 4/38B

FIELD GENERAL COURT-MARTIAL

RECEIVED 14 JUN 1945 C.M.H.Q.

Convened by Order of Brigadier K G Blackader DSO, MC, ED Comd 13 CITB dated 28 May 45

ACCUSED.

(As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Con 308, 328, 330.)

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
L-36644			Albert	HADFIELD	CIC 5 CITR

PROCEEDINGS REVIEWED 13 June 45 W M Shaw Capt REVIEWING OFFICER, JAG BRANCH C.M.H.Q.

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) England. on (date(s)) 29 MAY 45

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

A1. The President, Members, ~~waiting Member, JA, if any~~, and Offrs under instr, ~~if any~~, assemble, and the Court is closed.

(PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES OR JA. The Schedule referred to throughout is on p 4. Citations do NOT include all relevant fmn ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instrs on how to record addresses, evidence, etc, which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(1) The Court is satisfied that it is properly convened and constituted(2), accused is (are) amenable to military law, and each charge discloses an offence.(3)

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 11 40 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial.(1) ~~The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the CO.(2)~~

(1. KR Con 557. 2. AA 46(B), RP 60 fn 1. For effect see KR Con 563(c). Delete, if not applicable.)

A5. ~~President to accused: Do you object to~~ 2Lt Jill Lalia AH as Interpreter? Ans ..... ~~The Interpreter is sworn.(1)~~ Do you object to S/Sgt Jinclair as shorthand writer? Ans N.O. The shorthand writer is sworn.(1)

(1. RP 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused.(1) President to accused: Do you object to be tried by me as President or by any of the Members of the Court? Ans N.O. S/JA.(2)

(1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, ~~JA, if any~~, and Offrs under instr, ~~if any~~, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	Lt-Col	D.A. BEDMAN	HQ CBU
Member	CAPT	J.A. LALIBERTE	4 CITR
Member	Lt	E.A. KEENAN	3 CITR
~~Judge-Advocate~~			
Prosecutor	Lt	W.R. BAILEY	5 CITR
Defending Offr	Lt	E. SCHAIBER	5 CITR

Questions by President: Is the Prosecutor a lawyer? Ans N.O. Is the Defending Offr a lawyer? Ans N.O.(2)

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.) (2. If Pros a lawyer and Def Offr not, accused is entitled to an adjournment when RP 69 (B) and fn 2 were not followed. See D: p 3.)

A8. The accused ..... before arraignment make(s) (no) ~~(or) plea~~ .....(1)

(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 34, 35(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fns to RaP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused is (are) arraigned (separately) on all charges in the charge sheet.(1) The accused does (do) not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(3) The President records the pleas in Part I of the Schedule.

(1. RP 31, 112. See para 1 of Instrs p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court (is closed) and considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form "B".

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

1. *The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.* (*RP* 37(*A*).) *As to withdrawal of alternative charges by Prosecutor see RP* 35(*C*). *No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc, offence.* (*RP* 44(*H*).) *Accused may change a plea of Not Guilty to Guilty during trial.* (*RP* 38.) *As to refusing to plead or not pleading intelligibly see RP* 35(*A*). *As to plea when sentence may be death see RP* 35(*D*).

2. *The proceedings on each charge sheet* (*RP* 62) *after arraignment will be conducted as follows in the respective circumstances stated:*

I. *If pleas to all charges are GUILTY, use Record Form B below.*

II. *If pleas to all charges are NOT GUILTY, use Record Form D on p 3.*

III. *If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,*

(a) *Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below.* (*RP* 37(*A*).)

(b) *Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP* 37 (*A*) *and fn* 2 *as to discretion of Court,* (i) *to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or,* (ii) *to record the pleas as the findings of Court. After deciding between* (i) *and* (ii), *Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p* 744 *Instrs* (2).

3. *As to responsibility of President to accused see RP* 59, 60(*C*); *powers and duties of JA see RP* 103; *duty of Prosecutor see RP* 60(*A*) (*B*); *duty and privileges of accused and Defending Offr see RP* 60(*C*), 87(*C*), 91, 92; *swearing and withdrawal of witnesses from Court see RP* 81, 82; *questioning of accused see RP* 80, 87(*C*), 92(*B*), *and of witnesses see RP* 83-85; *calling or re-calling of witnesses by Court, etc, see RP* 75-79, 86, 116; *use of Summary of Evidence at Trial see RP* 17(*E*) *fn* 6; *and responsibility of JA or Pres to record proceedings see RP* 94, 96.

RECORD FORM B—PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President ~~or JA, if any,~~ complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(s)[1], and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(s), call witnesses as to character and make an address in mitigation of punishment.[2]
(1. *RP 35 fn 3.* 2. *MML p 54 para 47.*)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).[1] If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty[2], or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined[3], we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.[4]

President to accused: Do you wish to make a statement? Ans. N O S I R .....[5]
(1. *RP 37(B).* 2. *RP 37(D) fn 6.* 3. *RP 35(B) fn 5 para 3, MML p 54 para 47.* 4. *See para E3 of Record Form E.* 5. *Statement, if any, recorded per Notes.*)

B3. ~~The Court considers the accused's statement.[1] The Court decides (not) to advise accused to change his (their) plea(s) of Guilty to Not Guilty on ..... charge(s). The accused is (are) so informed, and he (they) change(s) his (their) plea(s) on ..... charge(s). Part I of the Schedule is amended accordingly.~~
(1. *Court may be closed to consider the statement. Delete whole or part not used.*)

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Schedule.[1]
(1. *RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.*)

B5. The Summary of Evidence is marked Ex "A", initialled and read aloud by the President.[1]
(1. *If there is no Summary, or if it is inadequate, comply with RP 37(B). If there is any evidence inconsistent with any plea standing as Guilty, Court will advise accused to change such plea and, if changed to Not Guilty, try such charge(s) by use of paras D1 to D8 inclusive of Record Form D on p 3. RP 37(D).*)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

RECORD FORM C—PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.[1]
(1. *RP 37(A) (E).*)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above.[1]
(1. *Under B5 such parts only of the Summary of Evidence are read as relate to the charges dealt with under C2. If any plea is changed to Not Guilty, trial thereon proceeds by complying with paras D1 to D8 inclusive in Record Form D on p 3 and making an appropriate record thereof on a separate sheet.*)

C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

RECO[illegible] FORM D—PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence? Ans. .....[1]
(1. *If "yes", see RP 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.*)

D2. The Prosecutor makes (an) (no) opening address.[1]
(1. *RP 39(B), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).*)

D3. The evidence for the Prosecution is taken.[1]
(1. *RP 39(C), 114, KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).*)

D4. The Prosecution is closed.[1] The Defending Offr submits that the evidence for the Prosecution does not establish a prima facie case against the accused on the ..... charge(s).[2] The Court is closed, and considers the submission.[3] The Court is re-opened, and the President announces that the submission is disallowed on the ..... charge(s), and allowed on the ..... charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on the latter charge(s).[4]
(1. *Delete remainder of this para, if submission not made.* 2. *Arguments on submission, answer and reply are recorded per Notes.* 3. *RP 40 fn 1. See MML p 72 paras 12-14 and p 81 para 42.* 4. *Delete part not used. If accused acquitted on all charges, use second alternative in para D8.*)
NB: If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on ground of irrelevance. (*RP 60(C), 114, 115.*)

D5. President to accused: You will now proceed with your defence.[1] You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination.[2] You may, however, make a statement without being sworn, and you will not be subject to cross-examination.[3] But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony.[4] You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do neither.

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither? Ans. ..... Do you intend to call witnesses on your behalf? Ans. ..... Are they witnesses as to character only? Ans. .....
(1. *RP 115.* 2. *RP 40(A), see 80(D).* 3. *RP 40 fn 10.* 4. *RP 40 fns 2, 9.*)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.[1]
(1. *RP 114, 115, 116. For procedure see Notes on back of Convening Order, CF A95. Evidence for accused as to his character should, if in his interest, be given before the finding. See RP 46(A) fn 1, 66(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RP 42, 103(a).*)

D7. The Court is closed to consider the finding(s).[1] The finding(s) of the Court is (are) recorded in Part I of the Schedule.[2] The Court is re-opened.
(1. *RP 43, 117(A). See Notes in Part I of Schedule.* 2. *RP 44(A).*)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the ..... charge(s), being subject to confirmation, will be promulgated later.[1]
Or, The President announces that the accused is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed.[2]
(1. *AA 54(3) (6), RP 45, 120(A).* 2. *AA 54(3), RP 45, 117. This alternative announcement is not applicable when there are pleas of Guilty outstanding and dealt with under Record Form B or C.*)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

RECORD FORM E—PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character?[1]
Ans. Call char witness NOTE ATT .....
(1. *If evidence has already been given by accused or his witnesses as to his character, delete this para. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are sworn. Evidence recorded per Notes.*)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service[1], and certified true copy (copies) of Conduct Sheet(s)[2], purporting to refer to the accused, which he submits to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 163(l) (g) (h), and (ii) they purport to refer to (a) soldier(s) having the same number, rank, name and corps as the accused. Admitted in evidence and marked Ex. B and Ex. D respectively.[3]
(1. *MFB 355 or AFB 296.* 2. *MFM 6.* 3. *RP 46, KR Can 558. If above documents not produced, see RP 46 fn 1 para 1.*)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in mitigation of punishment?[1] Ans. BY MY DEF OFFR (NOTE ATT) .....
(1. *RP 37(C), 46(D).* 2. *Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on oath anything here or previously stated which would affect the amount of punishment. RP 37(F) fn 7.*)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the proceedings in open court are accordingly terminated.[1]
(1. *AA 54(6), RP 120(A).*)

E5. The Court considers the sentence.[1] The President records the sentence in Part I of the Schedule, which is dated and signed by him ~~and the JA, if any.~~[2]
(1. *When several accused tried separately see RP 71 (D). One sentence only, comprised of the punishment or punishments laid down in AA 41, 44 and its proviso, is to be awarded to cover all charges in all charge sheets on which accused found guilty. RP 48. As to sentences see AA 44, 138, 182, RP 46-50, 69, 118, 119(A), KR Can 308, 330, 563-566, Overseas RO 309, 2323, MML p 60, 757-759. As to sentences assigned for civil offences by the law of England see AA 41(5), MML p 130. When accused already under sentence of imprisonment or detention see AA 44(1B), 68(1), KR Can 564.* 2. *RP 50. As to release from arrest by Confirming Offr see KR Can 567. As to assembly and disposal of record after trial see instrs on back of Convening Order.*)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

CHARGE SHEET

The accused, No. L. 36644, Private Albert HADFIELD, Canadian Infantry Corps, No. 5 Canadian Infantry Training Regiment, C.A.O., is charged with:

FIRST CHARGE Sec.15(1) Army Act.

WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

in that he, in the Field absented himself without leave from No. 5 Canadian Infantry Training Regiment from 2359 hrs. 13 May 45 until apprehended by C.P.C. at 2145 hrs. 15 May 45.

Total absence 1 day, 21 hrs., and 46 mins.

SECOND CHARGE Sec.19 Army Act.

WHEN ON ACTIVE SERVICE DRUNKENNESS.

in that he, at East Croydon Railway Station, at 2145 hrs., 15 May 45, was drunk.

Col

(J.D. FORIN) ED
Officer Commanding
No. 5 Canadian Infantry
Training Regiment

In the Field,
21st May, 1945.

To be tried by Field General Court Martial.

(K G Blackader) Brig
Comd
13 Cdn Inf Trg Bde

IN THE FIELD
28 May 45

FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may on application to him be convened by any offr of Cdn Army Overseas, or of any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authy. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap V paras 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets see RP 62, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

ACCUSED.

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
L-36644	Pte		Albert	HADFIELD	CIC 5 CITR

CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(~~s~~) named above as the accused, being subject to military law, has ~~XXXX~~ committed the offence(s) set forth in the Charge Sheet(~~s~~) attached and on (*date*) 28 May 45 endorsed by me, (~~[illegible]~~) " To be tried by Field General Court-Martial ".

2. And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary General Court-Martial ; ~~[illegible]~~

(Delete part in brackets when not required for compliance with RP 105(C).)

3. I hereby convene a Field General Court-Martial to try the said person(~~s~~), and to consist of the Offrs appointed or detailed hereunder.

4. ~~[illegible]~~

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

5. ~~[illegible]~~

(RP 106(E). Delete, if none appointed.)

PRESIDENT.

LT COL	D L REDMAN, VD	HQ CRU
(Rank.)	(Must be named. RP 106.)	(Unit.)

MEMBERS.

Captain	to be detailed by Comd	4 CITR
Lieutenant (Rank.)	to be detailed by Comd (Named or detailed. RP 106.)	3 CITR (Unit.)

WAITING MEMBER.

Captain (Rank.)	to be detailed by Comd (Named or detailed, if any. RP 106.)	1 CITR (Unit.)

~~[illegible]~~

(Rank.)	(Must be named, if any. RP 106.)	(Unit.)

On Active Service in the Fd

in England (Country.)

Date 28 May 45

K G Blackader (Signed personally. RP 105 fn 2.)

Brigadier (Rank.)

(K G Blackader)
Commanding 13 Cdn Inf Trg Bde
Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CFAMS (In lieu of AFAS) 40/P & S/1897 (4631)

(See overleaf for oaths and notes for use on trial.)

MEDICAL OFFICER'S CERTIFICATE

I certify that No. L. 36644, Private Albert HADFIELD, CIC, 5 Canadian Infantry Training Regiment is in good state of health and is fit to undergo trial by Court Martial.

In the Field
29th May, 1945.

.....Capt.
RCAMC att'd 5 C.I.T.R.

CASE OF

L.36664 Pte HADFIELD A 5 CITR

CHARACTER WITNESS

E.19203 Pte TOMKINS, VG, 5 CITR, having been duly sworn, states:

I know the accused who came to my coy in my section and he done a good job of work in the line and I had no trouble with him with regard to drunkenness. This was in Italy. I had him with me at the front for 15 days, and during that time he was my bren gunner, and I relied on him to do a good job.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B).

CHARACTER WITNESS

E.55338 Pte CASHEY, NR, 5 CITR, having been duly sworn, states:

I recognize the accused whom I had in my pln for about a month and at the start of the Gothic Line. He was a bren gunner in my section and the best men are chosen for bren gunners. We had no trouble with him and were in the line almost continuously.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B).

~~CHARACTER WITNESS~~

CHARACTER WITNESS

W.35586 Cpl McKINLEY, F, 5 CITR, having been duly sworn, states:

I know the accused who was in the HQ for sometime while I was QM. This was in Jun 44. Any work I gave him to do during his time in the front line he has always done a good job on and at no time was he unavailable for duty.

NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83(B)

E-1
MM

SUMMARY OF EVIDENCE

In the case of No. L 36644, Private Albert HADFIELD, Canadian Infantry Corps, No. 5 Canadian Infantry Training Regiment, a soldier of the Canadian Army Overseas.

The Commanding Officer directs that the evidence be taken on Oath.

FIRST WITNESS: Lieutenant R.G. TAIT, CIC, 5 Canadian Infantry Training Regiment, having been duly sworn states:

I am the assistant Regimental Adjutant, 5 C.I.T.R. I produce the following documents pursuant to Overseas R.O. 5352.

(a) Original Statement of Witness of P.C. 3212, A. Cane.
(Original Statement of Witness of P.C. 3212, A. Cane, read over and shown to accused, marked Exhibit "A" and attached hereto).

(b) Certificate of Surrender to Civil Police of a Deserter or Absentee Without Leave, dated 16 May 45.
(Certificate of Surrender, dated 16 May 45, read over and shown to accused, marked Exhibit "B" and attached hereto).

I recognize and identify the accused, No. L 36644, Private Albert HADFIELD as the person to whom these documents relate.

R. G. Tait Lt.

The accused declined to cross-examine this witness.

SECOND WITNESS: No. D. 136933, Sergeant LODGE, J., CIC, 5 C.I.T.R. having been duly sworn states:

I was Coy. Orderly Sergeant, 9 C.I.T.Bn. of 5 C.I.T.R. from Friday, 11 May 45 until Friday, 18 May 45, in which Coy. the accused, No. L 36644, Private Albert HADFIELD, whom I recognize and identify as the accused was then a member. The accused was on pass from 1300 hrs, Saturday 12 May 45 until 2359 hrs. Sunday, 13 May 45. On having roll call at 0730 hrs. 14 May 45, the accused was then found absent. I then checked with the Guard Room and found that he had not returned from pass.

John Lodge Sgt.

The accused declined to cross-examine this witness.

my

Question to the accused:--

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

Answer by accused:--

I have nothing to say.

The accused declined to call any witnesses for the defence.

I certify that Rules of Procedure 4 (C) (D) (E) and (F) have been complied with, and that the foregoing summary of evidence consisting of 2 pages was taken down by me in the presence of the accused on the 21st May 45.

W.R. Bailey. Lt.

W.R. Bailey, Lt. 5 C.I.T.R.
Officer detailed to take
the summary of evidence

In the Field
21 May 45.

EXA

President and Members of the Court:

The accused, L-36644 Pte Hadfield, A., joined the army 16 August 1940 at the age of fifteen. Early in 1943 he came overseas and left for Italy in April 1944, where he served with Cape Breton Highlanders at the front for a period of six months. Two witnesses which you have just heard have testified that he was a Bren gunner in their section, that he did a good job, and that they had no trouble with him as far as drinking was concerned. Also, CQMS McKinley, a man of long experience has also testified that during the time he was at the holding unit, No. 1 C.B.R.D., Hadfield carried out his duties efficiently. The accused has already spent fourteen days in custody awaiting trial.

May the above facts be taken into consideration, Also the fact that he has volunteered for the Far East.

We ask the court to be as lenient as possible in considering its finding.

Schreiber Lt.
5 Cdn Inf Trg Regt.

METROPOLITAN POLICE. **STATEMENT OF WITNESS** No. 995A. (Unruled)

Station. ZD Division. "Z" , 1945.

Name: Albert Lane Age: 47.

Address: 6 Aldersmead Ave Croydon

Occupation: Police Constable

At 9.45 pm 15/5/45 I was called to East Croydon Railway where Pte A. Hadfield Regt No 4436644 was walking across the Electric Railway Track. I saw that he was unwell and unable to look after himself so I took him into custody for his own safety and took him to Croydon Police Station where he was detained.

A

Signature A. Lane P.C 321Z

Signature witnessed by

M.P.-25092/15,000 Oct./1942 c157 (2) (Continue overleaf if necessary.

I CERTIFY that the man whose personal description is given below surrendered himself to* M.P. 321² Cpl. at Georgs Lt Croydon at (hour) 9.45 pm on the 15 day of May 1945 as being No. L.366.44 (Rank and Name) Pte Albert HADFIELD a ~~deserter~~ (or absentee without leave) from Aldershot and it appears to me from his confession that he is a deserter or absentee without leave.

* After the word "to" to be inserted the name and rank of the police officer concerned.

Age 25 Height 6 Feet — Inches

Complexion dark Hair brown

Eyes brown

Marks no visible marks

In uniform or plain clothes in Uniform

Probable Date and Place of Attestation	not known
Probable Date of Desertion or beginning of absence, and from what place	13. 5. 45

Signature of Officer of Police in charge of } Croydon Station

16 May 1945 Date of Signature.

ARMY FORM B.296 (WAR).

Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

Number.	*Rank.*	*Name.*	*Regiment (or as the case may be).*
L 36644	Private	Albert HADFIELD	CIC, 5 C.I.T.R.

NOTE.—The Field Conduct Sheet is to be produced in Court with this statement but is not to be annexed to the proceedings. The numbers herein stated should correspond with the number of Entries in the Field Conduct Sheet, prominence being given to the most serious offence in each entry. If the charge is for drunkenness or absence without leave, the entries for drunkenness or absence, as the case may be, should be stated separately. Any recognized special acts of gallantry or distinguished conduct recorded on the Field Conduct Sheet should also be inserted here.

1. The following is a fair and true summary of the entries in the Field Conduct Sheet of the accused, exclusive of convictions by a court martial or a civil court :—

For Absence Without Leave 6 times.

For Drunkenness 9 times.

For Assault & Wilful Damage 1 times.

For _____ _____ times.

Date of first entry in Field Conduct Sheet 3 Jul 43

Date of last entry in Field Conduct Sheet 16 Jul 44

2. Previous convictions of the accused by a court martial or a civil court are set out in the Schedule overleaf.

*Strike out if not applicable.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

4. The accused has been awaiting trial on the present charges for Nil days in civil custody; and for 14 days in military custody, *i.e.*, Nil days in open arrest, 14 days in close arrest; of which Nil days were spent in hospital.

5. The present age of the accused is 24 yrs, 1 month.

6. The date of his attestation ~~XXXXXXXXXXXXXXXXXX~~ is 16 Aug 40

7. The service which the accused is allowed to reckon is _____

8. The accused is in possession of‡ Can Vol Serv Medal and Clasp

‡State the military decorations (if any) held by accused.

9. (*If the accused is a warrant officer or N.C.O.*). The accused has served continuously, without reduction, to the present date—

	Date of Promotion.
In the substantive rank of _____	_____
In the war substantive rank of _____	_____
In the acting rank of _____	_____

INSTRUCTION.—*If any matter in any of the above paragraphs cannot be stated from the regimental books the paragraph must be struck through*

(*28072) Wt.30721/3701 82,000 9/41 A.&E.W.Ltd. Gp.698

CTB

M

SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Description of Court by which tried.	Date and Place of Trial.	Charges upon which convicted.	Sentence of the Court.	Punishment remitted or sentence suspended.
FGCM	In the Field	Absence Without Leave Absent - 10 days, 9 hrs, 45 mins.	6 Months Detention	

I HEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best of my knowledge and belief.

Signed this 29th day of May 1945.

Major
Regt'l Adjutant 5 C.I.T.R.
Offr having custody of original rec.

CERTIFIED TRUE COPY FROM LTM 4

M.F.M. 6
(A.F.B.122)
750M—12-42 (7337)
H.Q. 1772-39-1942

No. 1 36644 Name HADFIELD Albert

Sqn., Battery, or Company

No. and date of last drunk

Corps 6 I G

Period not reckoning towards freedom from extra fine

Date of enlistment 16 Aug 1940

Sheet No. 1

G.C. Badges

Signature O.C. Company, etc.

Tradesmen's Rates of Pay

Character

Remarks

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	3 July 43	Pte		AA15(1) AWL (1)2 Hrs (2)4 days 23 hrs.		28 days Field Punishment	8 July 1943		Total Forf.: 33 days Pay
Field	20 July 43	Pte		AA15(1) AWL 4 hrs 30 Mins (2)AA19		27 Days Detn £10.00 Fine	21 July 1943		Total Forf: 12 days Pay concurrent with sent. on 8 July 43. Forfeits 1 days Pay
Field	23 Dec 43	A/L/Cpl		AA15(1) AWL		Reverts to Pte	24 Dec 1943		
Field	17 Jan 44	Pte		AA15(1) AWL 4 days 16 hrs.		10 days Detn Forf 10 days Pay	22 Jan 1944		Total Forf: 15 days Pay. Stopp: £0/4/1.
Field	15 Dec	Pte		GUILTY TO ASSAULT & WILFUL DAMAGE	& COSTS	FINED £2/4/6 £0/5/6	15 Dec 43	SUTTON POLICE STATION (Fines Paid)	

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or if order dispensing with trial	By whom awarded	Remarks
Field	6 May 1944	Pte		AA11;AA15(1)AWL 3 days 19 hrs 30 mins		3 days Pay & 28 days Pay	10 May 1944		Total Forf.: 32 days Pay
Field	5 June 1944	Pte	8	AA40; AA19 Drunkenness(8th Off)		14 days C.B. Fined $10.00	6 June 1944		
Field	20 June 1944	Pte		AA15(1)AWL 22 hrs 30 mins.		149(1)(a): 1 days Forf. 28 days Pay	Pay 21 June 1944		Total Forf.: 29 days Pay
Field	16 July 1944	Pte	9	(1)AA40 (2)AA19 DRUNKENNESS (9th Offence)		28 days F.P. & 28 days Pay(1)&(2)		17 June 1944	
Field	22 Sep 1944	Pte		FGCM - AWL 10 days 9 hrs 45 mins.		6 Months Detention	21 Oct 1944		149(1)(b): 182 days Pay 149(1)(a): 11 days Pay 149 (1c1): 18 days Pay TOTAL FORFEITURE: 211 days Pay

Cert True Copy from NFM 4

Officer [illegible] of Regtl Accounts 22 May 45

I, No. L. 36644, Private Albert HADFIELD, No. 5 Canadian Infantry Training Regiment, acknowledge that I have this day at 1050 hours been served with the following documents free of charge; (a) Copy of Summary of Evidence, and (b) Copy of Charge Sheet both in connection with my forthcoming trial by Field-General Court Martial.

In the Field,
21 May 1945

A. Hadfield Pte.

I, No. L. 36644, Private Albert HADFIELD, No. 5 Canadian Infantry Training Regiment, acknowledge that I have been informed that the convening officer may appoint or apply for the services of an officer holding legal qualifications to act as prosecutor at my trial by Field-General Court Martial and I have been advised of my rights to retain counsel. I do not intend to retain the services of counsel but desire to have a Defending Officer assigned to represent me at my said trial. I desire the services of Lt. E.G. Schreiber, 5 C.I.T.R. if he is available for this purpose. I waive the 7 days notice mentioned in Rule of Procedure 89 (B).

In the Field
21 May 1945

A. Hadfield Pte.

LIST OF EXHIBITS

Exhibit "A" - Original Statement of Witness of P.C. 3212, A. Cane.

Exhibit "B" - Certificate of Surrender to Civil Police of a Deserter or Absentee Without Leave, dated 16 May 45.

LIST OF WITNESSES

For the Prosecution

Lt. R.G. TAIT, CIC, 5 C.I.T.R.
No. D. 136933, Sergeant LODGE, J., CIC, 5 C.I.T.R.

For the Defence

NIL

STATE OF TRAINING OF ACCUSED

No. L. 36644, Private Albert HADFIELD, No. 5 C.I.T.R. is a fully trained soldier who has been in action.

MEDICAL CATEGORY OF ACCUSED

No. L. 36644, Private Albert HADFIELD, No. 5 C.I.T.R. is Category "A", and was born in 1921.

5 CANADIAN INFANTRY TRAINING REGIMENT

HEADQUARTERS
5 JUN 1945
13 C.I.T. BDE

5 CITR 6-O-Hadfield/A
1 June 45

Headquarters,
13 Cdn Inf Trg Bde,
Cdn Rft Units.

L-36644 Pte. A. Hadfield - CIC - 5 CITR

1. Returned herewith completed F.G.C.M. proceedings, duly promulgated together with Delay Report.

2. May it be considered by the appropriate authority whether a/m soldier should not, on account of the repeated charges of drunkenness against him, be returned to Canada with a view to his discharge.

3. He stated to Comd 5 CITR when the charges on which he subsequently was tried by FGCM were being investigated, that so long as he had any money in his possession he could not pass by a public house without entering it, and having taken a drink there, could not bring himself to stop until he was intoxicated.

4. Such being the case it would appear uneconomical to the Cdn Armed Forces to retain his services further.

JDF/fes
U/2/DRLS/A[illegible]T
Encl:

(J.D. Forin) Colonel
Comd., 5 Cdn. Inf. Trg. Regt.

SCHEDULE.

PART I. PLEA(S), FINDING(S) AND SENTENCE.

Accused: L36644 Pte Hadfield, Albert.

Charge. (Insert "alternative" where applicable.)	Plea. (See Instrs p 2.)	Finding. (See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st Absent (1)	Guilty	Guilty	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in loss of kit see RP 44 fn 6.)

~~As present under sentence for ..... beginning on (date) .....~~ (1)

(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of 14 days, of which no days were spent in hospital.(1)

(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court:

To undergo detention for nine (9) months

(Sgd) Maj Dia Rosiers capt — Judge-Advocate, if any. 21 Oct 44 — Date awarded. (Sgd) [illegible] — President. (RP 45, 50.)

(See back of Convening Order as to assembly and disposal of record after trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 760.)

Date ..... (Sgd) ..... Commanding .....

PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.

(For duties and powers see AA 54, 57, RP 37(D) fn 6, 46(A), 51-56, 120, MML pp 759-761, KR Can 567-577. Acquittals require no confirmation and cannot be revised: AA 54(3). Sending back finding or sentence for revision by Court: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: KR Can 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

My decision on the finding(s) and sentence set forth in Part I is:

Confirm the finding and sentence of the Court and I remit three (3) months detention.

~~I direct that the accused be not committed to prison or detention barracks until further orders.~~(1)

(1. AA 57A. Delete if not used.)

(Sgd) Scott Johnston Brig

Date 27 Oct 44 — Commanding 11 Cdn Inf Bde — Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 53, KR Can 576, 577.)

Accused.	Date.	Signature of Offr.
L 36644 Pte Hadfield A.	6 Nov. 44	M. F. MacLachlan

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

Recorded at CMHQ in AB 168

FIELD GENERAL COURT-MARTIAL

CFA98 (In lieu of AFA3) 40. F.G.R. 1606 (2864)

RECEIVED 30 NOV 1944 CMHQ

Convened by Order of Brig I S Johnston DSO, Comd 11 Cdn Inf Bde dated 19 Oct 44

ACCUSED.

(As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
L 36644	Pte		Albert	HADFIELD	[illegible]

PROCEEDINGS REVIEWED 30 NOV 44 H. C. Deech Capt. REVIEWING OFFICER, JAG BRANCH C.M.H.Q.

RECORD FORMS REVIEWED 2. Nov 44 Capt Judge Adv Gen Rec GHQ, Tech AAI

PROCEEDINGS OF TRIAL.

Held in the Fd in (country) Italy on (date(s)) 21 Oct 44

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT. 2D 107

A1. The President, Members, waiting Member, JA, if any, and Offrs under instr, if any, assemble, and the Court is closed.

(PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES OR JA. The Schedule referred to throughout is on p 4. Citations do NOT include all relevant fmn ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instrs on how to record addresses, evidence, etc. which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(1) The Court is satisfied that it is properly convened and constituted(2), accused is (are) amenable to military law, and each charge discloses an offence.(3)

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 1430 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial.(1) ~~The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the OO.(2)~~

(1. KR Can 557. 2. AA 46(B), RP 60 fn 1. For effect see KR Can 563(c). Delete, if not applicable.)

A5. President to accused: Do you object to ..... as interpreter? Ans .....

The Interpreter is sworn.(1) Do you object to ..... as shorthand writer? Ans .....
The shorthand writer is sworn.(1)

(1. RP 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused.(1) President to accused: Do you object to be tried by me as President or by any of the Members of the Court? Ans No (2)

(1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, JA, if any, and Offrs under instr, if any, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	Maj	J B Tupler	Tank R.
Member	Capt	J A Lockman	HQ 11 Cdn Inf Bde
Member	Capt	H S Bauld	1 Hdqrs Coy
Judge-Advocate	Capt	A R Desrosiers	HQ 1 Cdn Corps
Prosecutor	Lieut	D R Nesh	GSR
Defending Offr	Lieut	E A Blackey	GSR

Questions by President: Is the Prosecutor a lawyer? Ans No Is the Defending Offr a lawyer? Ans No (2)

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.)
(2. If Pros a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (B) and fn 2 were not followed. See DI p 2.)

A8. The accused ..... before arraignment make(s) (no) ~~(a)~~ plea.(1)

(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 34, 35(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fns to RsP cited. Insert in AB rank and name of the accused making the plea.)

A9. The accused is (are) arraigned (~~separately~~) on all charges in the charge sheet.(1) The accused does (~~do~~) not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(3) The President records the pleas in Part I of the Schedule.

(1. RP 31, 112. See para 1 of Instrs p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court (~~is closed and~~) considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form D3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

1. *The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.* (*RP* 37(*A*).) *As to withdrawal of alternative charges by Prosecutor see RP* 35(*C*). *No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc, offence.* (*RP* 44(*H*).) *Accused may change a plea of Not Guilty to Guilty during trial.* (*RP* 38.) *As to refusing to plead or not pleading intelligibly see RP* 35(*A*). *As to plea when sentence may be death see RP* 35(*D*).

2. *The proceedings on each charge sheet* (*RP* 62) *after arraignment will be conducted as follows in the respective circumstances stated :*

I. If pleas to all charges are GUILTY, use Record Form B below.

II. If pleas to all charges are NOT GUILTY, use Record Form D on p [redacted] *3.*

III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,

(a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below. (*RP* 37(*A*).)

(b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (*A*) *and fn* 2 *as to discretion of Court,* (*i*) *to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or,* (*ii*) *to record the pleas as the findings of Court. After deciding between* (*i*) *and* (*ii*)*, Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p* 744 *Instrs* (2).

3. *As to responsibility of President to accused see RP* 59, 60(*C*) *; powers and duties of JA see RP* 103 *; duty of Prosecutor see RP* 60(*A*) (*B*) *; duty and privileges of accused and Defending Offr see RP* 60(*C*), 87(*C*), 91, 92 *; swearing and withdrawal of witnesses from Court see RP* 81, 82 *; questioning of accused see RP* 80, 87(*C*), 92(*B*)*, and of witnesses see RP* 83-85 *; calling or re-calling of witnesses by Court etc see RP* 75-79, 86, 116 *; use of Summary of Evidence at Trial see RP* 17(*E*) *fn* 6 *; and responsibility of JA or Pres to record proceedings see RP* 94, 96.

RECORD FORM B—PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(~~s~~)(1), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(s), call witnesses as to character and make an address in mitigation of punishment.(2)
(1. *RP 35 fn 3.* 2. *MML p 54 para 47.*)

B2. President to accused : The Court will now receive any statement you desire to make in reference to the charge(~~s~~).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(3), we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination ; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(4)

President to accused : Do you wish to make a statement ? Ans. Yes sir (5)
(1. *RP 37(B).* 2. *RP 37(D) fn 6.* 3. *RP 35(B) fn 5 para 3, MML p 54 para 47.* 4. *See para E3 of Record Form E.* 5. *Statement, if any, recorded per Notes.*)

B3. The Court considers the accused's statement.(1) The Court decides (not) to advise accused to change his (~~their~~) plea(~~s~~) of Guilty to Not Guilty on ..... charge(s). The accused is (~~not~~) so informed, ~~and he (they)~~ ~~change(s) his (their) plea(s) on ..... charge(s). Part I of the Schedule is amended accordingly.~~
(1. *Court may be closed to consider the statement. Delete whole or part not used.*)

B4. On the charge(~~s~~) to which the plea(~~s~~) of Guilty is (~~are~~) not changed the President records findings of Guilty in Part I of the Schedule.(1)
(1. *RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.*)

B5. The Summary of Evidence is marked Ex. A., initialled and read aloud by the President.(1)
(1. *If there is no Summary, or if it is inadequate, comply with RP 37(B). If there is any evidence inconsistent with any plea standing as Guilty, Court will advise accused to change such plea and, if changed to Not Guilty, try such charge(s) by use of paras D1 to D8 inclusive of Record Form D on p 3. RP 37(D).*)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

RECORD FORM C—PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1)
(1. *RP 37(A) (E).*)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above.(1)
(1. *Under B5 such parts only of the Summary of Evidence are read as relate to the charges dealt with under C2. If any plea is changed to Not Guilty, trial thereon proceeds by complying with paras D1 to D8 inclusive in Record Form D on p 3 and making an appropriate record thereof on a separate sheet.*)

C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

RECORD FORM D—PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

D1. President to accused : Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ? Ans.....(1)
(1. *If "yes", see RP 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.*)

D2. The Prosecutor makes (an) (no) opening address.(1)
(1. *RP 39(B), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).*)

D3. The evidence for the Prosecution is taken.(1)
(1. *RP 39(C), 114, KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).*)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not establish a prima facie case against the accused on the .....charge(s).(2) The Court is closed, and considers the submission.(3) The Court is re-opened, and the President announces that the submission is disallowed on the .....charge(s), and allowed on the ..... charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on the latter charge(s).(4)
(1. *Delete remainder of this para. if submission not made.* 2. *Arguments on submission, answer and reply are recorded per Notes.* 3. *RP 40 fn 1. See MML p 72 paras 12-14 and p 81 para 42.* 4. *Delete part not used. If accused acquitted on all charges, use second alternative in para D8.*)
NB : If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on ground of irrelevance. (*RP 60(C), (14), 115.*)

D5. President to accused : You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination.(2) You may, however, make a statement without being sworn, and you will not be subject to cross-examination.(3) But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony.(4) You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do neither.

President to accused : Do you wish to give evidence yourself as a witness, make a statement, or do neither ? Ans..... Do you intend to call witnesses on your behalf ? Ans..... Are they witnesses as to character only ? Ans.....
(1. *RP 155.* 2. *RP 40(A), see 80(D).* 3. *RP 40 fn 10.* 4. *RP 40 fns 2, 9.*)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)
(1. *RP 114, 115, 116. For procedure see Notes on back of Convening Order, CF A95. Evidence for accused as to his character should, if in his interest, be given before the finding. See RP 46(A) fn 1, 86(C). Noise the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RP 42, 103(e).*)

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule.(2) The Court is re-opened.
(1. *RP 43, 117(A). See Notes in Part I of Schedule.* 2. *RP 44(A).*)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the .....charge(s), being subject to confirmation, will be promulgated later.(1)
Or, The President announces that the accused is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed.(2)
(1. *AA 54(3) (6), RP 45, 120(A).* 2. *AA 54(3), RP 45, 117. This alternative announcement is not applicable when there are pleas of Guilty outstanding and dealt with under Record Form B or C.*)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

RECORD FORM E—PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused : Do you wish to give evidence yourself or to call any witnesses as to your character ?(1)
Ans. No sir
(1. *If evidence has already been given by accused or his witnesses as to his character, delete this para. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are sworn. Evidence recorded per Notes.*)

E2. The Prosecutor produces Statement(~~s~~) as to Character and Particulars of Service(1), and certified true copy (~~copies~~) of Conduct Sheet(~~s~~)(2), purporting to refer to the accused, which he submits to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 163(l) (g) (h), and (ii) they purport to refer to (a) soldier(~~s~~) having the same number, rank, name and corps as the accused. Admitted in evidence and marked Ex. B and Ex. C respectively.(3)
(1. *MFB 355 or AFB 296.* 2. *MFM 6.* 3. *RP 46, KR Can 558. If above documents not produced, see RP 46 fn 1 para 1.*)

E3. President to accused : Do you wish to address the Court on the Statement(~~s~~) and Conduct Sheet(~~s~~) and in mitigation of punishment ?(1) Ans. Yes def Offr.....(2)
(1. *RP 37(C), 46(D).* 2. *Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on oath anything here or previously stated which would affect the amount of punishment. RP 37(F) fn 7.*)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the proceedings in open court are accordingly terminated.(1)
(1. *AA 54(6), RP 120(A).*)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is dated and signed by him and the JA, if any.(2)
(1. *When several accused tried separately see RP 7(D). One sentence only, comprised of the punishment or punishments laid down in AA 41, 44 and its provisn, is to be awarded to cover all charges in all charge sheets on which accused found guilty. RP 48. As to sentences see AA 44, 138, 182, RP 46-50, 69, 118, 119(A), KR Can 308, 330, 563-566, Overseas RD 309, 2323, MML p 60, 757-759. As to sentences assigned for civil offences by the law of England see AA 41(5), MML p 130. When accused already under sentence of imprisonment or detention see AA 44(18), 68(1), KR Can 564.* 2. *RP 50. As to release from arrest by Confirming Offr see KR Can 567. As to assembly and disposal of record after trial see instrs on back of Convening Order.*)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

M.F.M. 6
(A.F. B.122)
20/P.E./S136 (2966)

No. 136144 Name Hadfield A. | Sqn., Battery, or Company | Corps C.I.C. | Date of enlistment 16-8-40 | G.C. Badges | Service or Proficiency Pay | Character

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc.

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	21 June 44	Pte		AA Sec 15(1) W.O.A.S. was AWL in that he, in the Field did absent himself without leave from 0800 hrs 20-6-44 until 0640 hrs 21-6-44 (Absent 20 hrs 40 mins)	Sgt Green H.C.S.M. Murphy, J.	28 days Pay 28 days F.P.	21 June 44	Major R.D. Idery Commanding officer	Pay F.P. & I. 1 & 7(1)(a)
Field	14 July 44	Pte		AA Sec 40 W.O.A.S. Conduct to the prej. etc in that he, on 14 July 44 was improperly in possession of a pair of boots property of B 420 69 Pte Torch.	Pte Torch Sgt Charron R.	14 days F.P. 28 days Pay.	17 July 44	Capt W. Hamm.	

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	12-8-44	Pte		A.F. Sec 40 Wass Conduct to the prej. gte. in that he made a false statement	Stevens	14 days C.B. 25% Pay 14A(2)	15-8-44	Capt V. McKenna	
				Corporal Corporal					

CHARGE SHEET

The Accused L36644 Pte Hadfield, Albert, "A" Coy Cape Breton Highlanders, C.M.F. is charged with:

First charge
A.A.Sec 15 (1) WHEN ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE

in that he,

in the Field, absented himself without leave from 0900 hrs 22 Sept.44 and remained absent until surrendering to C42061 Cpl White, A.S. of No 1 Cdn Provost Coy, at approx. 1845 hrs 2 Oct. 44

(Absent 10 days 9hours 45 mins.)

Field,
18 Oct 44

J. Aird Nesbitt Major for Maj
(J. Aird Nesbitt) Major
A/ Officer Commanding,
Cape Breton Highlanders.

To be tried by Fd Gen Court Martial.

19 Oct 44
Field.

Dan S. Johnston
(D S Johnston) Brig
Comd 11 Cdn Inf Bde

FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may on application to him be convened by any offr of Cdn Army Overseas, or of any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authy. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap V paras 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets see RP 62, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

ACCUSED.

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
L 36644	Pte		Albert	HADFIELD	CBH

CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(~~s~~) named above as the accused, being subject to military law, has (~~have~~) committed the offence(~~s~~) set forth in the Charge Sheet(~~s~~) attached and on (*date*) 19 Oct 44 endorsed by me, (~~or by an offr of my staff for me~~), " To be tried by Field General Court-Martial ".

2. And whereas I am of opinion that it is not practicable that such offence(~~s~~) should be tried by an ordinary General Court-Martial ; (and that it is not practicable to delay the trial for reference to a superior qualified offr.)
(Delete part in brackets when not required for compliance with RP 105(C).)

3. I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed or detailed hereunder.

4. ~~I am unable to appoint (a) three Offrs to form the Court, (b) a Fd Offr as President, for the reasons I have attached hereto.~~

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

5. I also appoint as Judge-Advocate thereat the Offr mentioned hereunder.
(RP 106(E). Delete, if none appointed.)

PRESIDENT.

Rank.	Must be named. RP 106.	Unit.
Major	J E Tipler	Perth

MEMBERS.

Rank.	Named or detailed. RP 106.	Unit.
Capt	J F Lockman	HQ 11 Cdn Inf Bde
Capt	G S Bauld	11 Indep MMG Coy

WAITING MEMBER.

Rank.	Named or detailed, if any. RP 106.	Unit.
Capt	G J Wood	I R C

JUDGE-ADVOCATE.

Rank.	Must be named, if any. RP 106.	Unit.
ADJA	Capt A P L Desrosiers	HQ 1 Cdn Corps

On Active Service in the Fd

in Italy (Country.)

(I S Johnston) (Signed personally. RP 105 fn 2.) Brig (Rank.)

Date 19 Oct 44

Commanding 11 Cdn Inf Bde
Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CFAES (In Dev of AFAS) 40/P & S/1607 (400)

(See overleaf for oaths and notes for use on trial.)

Was sent from A Coy to ~~another~~ HQ Coy Sig Pl & was supposed to go on course Sgt Buckley said would not be going to front - AWL but not because going to front.

Plea in Mitigation - on night 21 Sep acc went to 3 Giovana - came to & found unit had moved - warned of course - told would last 30 or 40 days - don't think AWL could be termed trying to avoid front line service.

Acc - when went to front last time was not under escort until came out of line.

36644 Pte Hadfield, A.

This is to certify that I have medically examined the a/n and find him in a fit state of health to undergo trial by FGCM

Date 7.4.44

H N Edwards
Medical Officer
Capt

Exhibit "A"

SUMMARY OF EVIDENCE

Summary of Evidence in the case of L36644 Pte Hadfield, Albert "A" Coy Cape Breton Highlanders C.M.F. charged with one charge under Sec.15 (1)

The Commanding Officer directs that the evidence be taken on oath.

First Witness: F55375 A/Sgt. Buckley, J.S. having been duly sworn states:

I am F55375 A/Sgt. Buckley, J.S. now serving with the Signal Platoon, of the Cape Breton Highlanders, Canadian Army Overseas On the 21 Sept 44, I was acting Platoon Sergeant of the Signal Platoon. We were starting a Signal Course and L36644 Pte Hadfield, A. was a representative from "A" Coy. Cape Breton Highlanders for said course. He reported to me early in the afternoon. At approx. 0900 hrs 22Sept.44 the Signal Course commenced. I call the roll at that time and found L36644 Pte Hadfield, A. absent. I did not see him at anytime afterwards until he arrived at MAIN Bn.H.Q. on or about 4 Oct. 44

J. S. Buckley

The Accused declines to cross examine the witness.

Second Witness F54608 CSM Bellefontaine, D.L. having been duly sworn states:

I am F54608 CSM Bellefontaine, D.L. of "A" Coy Cape Breton Highlanders. At approx. 1200 hrs on 21 Sept 44 I told L36644 Pte Hadfield, A. to report to the Signal Platoon of the Cape Breton Highlanders where he was to attend a Signal Course. I instructed him to report to Sgt. Buckley, J.S. the signal Sergeant. On the 22 Sept 44 Sgt Buckley informed me that L36644 Pte Hadfield, A. had reported to him but now was absent. I did not see Pte Hadfield again until on or about 4 Oct.44

D. L. Bellefontaine

The Accused declines to cross examine the witness.

Third Witness Capt. D.U.Smith having been duly sworn states:

I am Capt D.U.Smith Adjutant of the Cape Breton Highlanders I hereby produce in evidence, Certificate of Surrendering under Army Act Section 163 (1) (j) purporting to have been signed by Capt.G.W.Mudge, Officer Commanding No 1 Cdn Provost Coy, 1 Cdn Inf Div. which certifies that L36644 Pte Hadfield, A. Cape Breton Highlanders surrendered himself to C42061 Cpl. White, A.S. of No 1 Cdn Provost Coy, in the Field, at 1845 hrs, on the 2 Oct.44 as an absentee without leave.
Certificate attached to Summary and marked EXHIBIT "A"

D.U. Smith

The accused declines to cross examine the witness.

The Accused was cautioned as follows:
Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so., but anything you say or any evidence you give will be taken down in writing and may be given in evidence.

The Accused: I have nothing to say.

A. Hadfield

I Certify that RP 4 has been complied with.

Taken in the Field, by me, in the presence of the accused this 12 day of October 1944.

D.H.M. Neish

D.H.M.Neish (Lieut)
Officer Taking Summary

EXHIBIT "A"

Officer Commanding
Cape Breton Highlanders of Canada

L 36644, Pte HADFIELD, A. (HQ Coy)
Absent without Leave.

1. With ref to the a/m attached hereto Certificate of Surrender under Army Act Sect 163 (1) (j).

2. HADFIELD was escorted this date to No 3 Cdn Provost Coy and turned over to them for escort to your unit. No AFB 252 will be forwarded.

3. For your information and necessary disciplinary action

G W Mudge Capt.
G W Mudge
Officer Commanding
No 1 Cdn Provost Coy
1 Cdn Inf Div.

3 Oct 44

Copy to : APM 1 Cdn Inf Div
APM 5 Cdn Armd Div

"EXHIBIT -A"

CERTIFICATE UNDER ARMY ACT SEC 163 (1) (j)

I, Capt G W Mudge, Officer Commanding, No 1 Cdn Provost Coy
certify that L 36644 Pte HADFIELD A, HQ Coy, Cape Breton Highlanders
of Canada, surrendered himself to C 42061 Cpl WHITE A S No 1 Cdn
Provost Coy at the Field at 1845 hours on the 2nd day of October
1944, as an absentee without leave.

3 Oct 44

G W Mudge Capt.
G W Mudge
Officer Commanding
No 1 Cdn Provost Coy
1 Cdn Inf Div.

Substitute for AFB 296
or MFB 3

STATEMENT OF CHARACTER & PARTICULARS OF SERVICE OF ACCUSED

No L36644.....Rank..Pte.... Name..Heofield..A.....Unit.C.B.Hlghrs

Age..21½. Married or Single.Single..No of Dependents...Nil.....

Date of Attestation....16.Aug.1940..... 14

Number of days ic Close Arrest awaiting trial ...14 days...14....

Civil.Nil.....Military...14.....Hospital..Nil....Total..14.....

Dates of appointments, promotions etc(if any).....Nil.....

.....

.....

.....

Decorations.....CVSM & Clasp.....

In the Field

Date...18 Oct. 44.....
21

.....Capt.....
Officer i/c Regt'l Books

...C.B. Bretpn. Highlanders.....
Unit

Note: Certified true copy of MFM 6 must accompany this form.

H.Q.C.55-H-294
(JAC)

OTTAWA, November 2nd, 2.

General Officer Commanding,
7th Canadian Division,
DEBERT, N. S.

District Court-Martial
L-35644, Fus. Albert Hadfield,
P. L. Fus. (Motor) C.A.

1. Receipt is acknowledged of your 7D/1-1-5-12 dated 29th October, 194 2, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

~~2. It appears that the Finding is supported by the~~ evidence and the Sentence legal.

~~3. The proceedings are returned herewith in order that all the irregularities may be brought to the attention of the proper officers for their future guidance. When returning the same to this Headquarters, will you indicate the irregularities that have been so noted and brought to the attention of the officers concerned.~~

EBB/S.

Brigadier,
Judge Advocate-General.

85497

CANADA

IN REPLY PLEASE QUOTE
No. 7D/5-4-5-I2.
Your file HQC 55-H-294 (JAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

HEADQUARTERS, 7th Cdn. Div., C.A.
Debert, N.S. Oct. 29th 1942

The Secretary,
Department of National Defence,
Ottawa, Ont.

CENTRAL REGISTRY Army
CONF. SEC.
NOV 1 1942
File C 55-H-294
Chgd. to
Referred to JAG

District Court-Martial.
L-36644 Fus. Albert Hadfield,
P. L. Fus. (Motor) C.A.

I. Your letter of Oct. 26 concerning the marginally noted matter is acknowledged by this Headquarters. The irregularities noted by you have been brought to the attention of all officers concerned who are still in this Camp.

2. With reference to your paragraph 2a, investigation reveals that the Prosecutor was approved by the Convening authority. With regard to paragraph 2f, the shorthand writer was duly sworn and the fact that there was no notation to this effect is a clerical error.

3. The proceedings are returned to you for registration and safe custody.

(P. C. Le Gallais) Major-General,
for G. C. C., 7th Cdn. Div., C.A.
AJD

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-19-267

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Debert Military Camp, Nova Scotia on the 13th day of October, 1942 by order of Major-General P.E. Leclerc, MM, ED, G.O. Commanding, 7th Canadian Division, C.A. dated the 11th day of October, 1942.

President.

Major R.D. Glendenning,
The Irish Regt of Can C.A.

and Members.

Captain G.A. HAMBLY,
Toronto Scottish Regt C.A.

Lieutenant R.H. Henry,
2/10 Dragoons, C.A.

~~Judge Advocate~~

Trial of* L.36644 Fus. Albert HADFIELD, P.L. Fus (Motor) C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to~~

~~waiting member takes his place as a member of the Court~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Lieut. J.A. MacDonald, P.L. Fus (Motor) C.A.

~~Counsel or~~ defending officer† Lieut. W.M. Chisholm, P.L. Fus (Motor) C.A.

At 0900 o'clock the Trial commences. (see minute of adjournment attached)

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No Sir
(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court Martial.

District Court Martial.

B

The President, members and ~~judge-advocate~~ are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q.2 Do you object to No. L.22010 Cpl. (A/S/Sgt) N.C. Bulmer, CMSC, Att'd H.Q. 7th Canadian Division, C.A., acting as shorthand writer?

A.2 No Sir

Charge-Sheet

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Guilty Sir *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Guilty Sir *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to first and second charges the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B.2"

CHARGE SHEET

The accused, No. L36644, Fusilier Albert Hadfield, a soldier of the Canadian Army, placed on active service, is charged with :-

FIRST CHARGE
Sec.15 (4)
Army Act.

BEING A SOLDIER WITHOUT LEAVE FROM HIS COMMANDING OFFICER OR WITHOUT DUE CAUSE, ABSENTED HIMSELF FROM A SCHOOL WHEN DULY ORDERED TO ATTEND THERE

in that he

at Debert Camp, in the County of Colchester, Province of Nova Scotia, being a soldier of the Canadian Army without leave from his Commanding Officer, and without due cause, at 1400 hours on the third day of October A.D. 1942 absented himself from the Regimental Transport School of the P.L.Fus. (Motor) C.A. having been duly ordered to attend there, until being apprehended at Debert Camp, aforesaid, at 1800 hours on the third day of October, A.D. 1942.

SECOND CHARGE
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

at Debert Camp, in the County of Colchester, Province of Nova Scotia, at or about 1730 hours, on the third day of October, A.D. 1942, was improperly using a Government vehicle.

Signed at Debert Camp, N.S. this seventh day of October, A.D. 1942.

.....Lt.-Col
C.O. P.L.Fus. (Motor) C.A.

TO BE TRIED BY DISTRICT COURT MARTIAL

DEBERT, N.S.,
11th Oct 42

(F.E. LEULLEN), Major-General,
General Officer Commanding,
7th Canadian Division, C.A.

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" is read to him again.]~~

The accused L. 36644 Fus Albert Hadfield, R.N. Fus (Motor) Gun. is found guilty of the first and second charges.

*The summary ~~(or abstract)~~ of evidence is read, marked "J" , signed by the President, and attached to the proceedings.

Q.5 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.5 *Answer.* The accused in mitigation of punishment ~~says~~—

[*or* hands in a written statement, which is read, marked "K" , signed by the President, and attached to the proceedings.]

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

Q.6 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A.6 No Sir

Answer.

Evidence as to character.

The Defending Officer makes a closing address which is attached to the Proceedings as appendix "L"

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~The Court is closed for the consideration of the finding.~~

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~*The Court being re-opened, the accused is again brought before it.~~

Lieut. J.A. MacDonald, P.L. Fus (Motor) C.A. is duly sworn.

Evidence of character, &c.

Q.7 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* I produce M.F.B. 355 and M.F.M. 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y & Z, signed by the President, and annexed to the proceedings.

Q.8 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* Yes Sir

Q.9 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* Yes Sir

Q.10 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.10 *Answer.* Yes Sir

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

Q.11 How long has this soldier been with the P.L.Fus (Motor) C.A.?

A.11 About five or six weeks Sir

The accused declines to cross examine

In the opinion of the Court it is unnecessary to comply with R.P. 83 (b)

The Witness withdraws.

Question to the accused. Q.12 Do you wish to address the Court? *Answer.* A.12 No Sir

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused L. 36644 Fus. Albert HADFIELD, P.L. Fus (Motor) C.A., to undergo Detention for one hundred and twenty days. (120 days).

Sentence.

Detention
120 days

(R.D. GLEDHENNING), Major,
The Irish Regt of Canada, C.A.
President.

Confirmed

DEBERT, N.S.
15-10-42

Maj-General
G. O. C. 7th. Cdn. Div.

PROMULGATION

Promulgated and extracts taken at Debert Military Camp

this 16th Day of October 1942.

(A.G. MACDONALD)
CAPTAIN-ADJUTANT
P.L.FUS.(MOTOR)C.A.

Extracts entered as No. 6945 in the Record of Courts-Martial kept in the office of the Judge Advocate General this 24th day of October 1947

"X"

ORDERS BY MAJOR GENERAL P.E. LECLERC, MC, ED,
GENERAL OFFICER COMMANDING, 7TH CANADIAN DIVISION, C.A.

Debert Military Camp, N.S.,
11th October, 1942.

DISTRICT COURT MARTIAL

B.80260 Pte. Arthur THIBAULT,
7 Div Amn Coy (No. 21 Coy),
R.C.A.S.C.

1. The detail of Officers, as mentioned below, will assemble at Debert Military Camp, N.S., at 0900 hours, Tuesday, 13th October, 1942, for the purpose of trying, by District Court Martial the accused person named in the margin, (and such other persons as may be brought before them).

PRESIDENT

Major R.D. Glendenning,
The Irish Regt of Can C.A.

MEMBERS

Captain G.A. Hambly,
Toronto Scottish Regt C.A.

Lieutenant R.H. Henry,
2/10 Dragoons, C.A.

WAITING MEMBERS

Lieutenant T. Morgan,
3 R.W.R's., C.A.

PROSECUTOR

Lieutenant J.F. Beaudet,
7 Div Amn Coy (21 Coy) RCASC

DEFENDING OFFICER

Lieutenant C. D'Ornano,
7 Div Amn Coy (21 Coy) RCASC

2. The accused person will be warned and all witnesses duly required to attend.

3. The Officer Commanding, 7th Div Amn Coy will arrange for the necessary accommodation, stationery and Court Orderly, and will ensure that the necessary escort has been provided.

4. The proceedings will be forwarded to H.Q. 7 Cdn Div C.A.

Signed at DEBERT, N.S. this 11th day of OCTOBER, 1942.

(P.E. LECLERC), Major-General,
General Officer Commanding,
7th Canadian Division, C.A.

Appendix "J"

SUMMARY OF EVIDENCE

In the case of L36644, Fus. Albert Hadfield, the Princess Louise Fusiliers, (Motor) C.A. All evidence being taken on oath by order of the Commanding Officer.

FIRST CHARGE	Sec. 15 (4)	Army Act.
SECOND CHARGE	Sec. 40	Army Act.

6th Oct. 1942.

FIRST WITNESS

F35485 L/Cpl. Surrette J.W., "D" Coy. P.L.Fus. (Motor) C.A. having been duly sworn states:

I am F35485 L/Cpl. Surrette J.W. "D" Coy. P.L.Fus.(Motor) C.A. On the third of October 1942 at 1730 hours I went to relieve the Truck Guard, Fus. Jardine. He informed me about a soldier having taken a Universal Carrier from the Unit Transport Lines. I met Lieut. Rogers and he told me to jump in the back of the Peep and we would go and look for the soldier. I went out with Lieut. Rogers to the Training Area and found the accused in the carrier with the engine running and the tracks in gear. The accused was at the controls. There was no one else with him. Lieut. Rogers ordered him out of the carrier which the accused did. Lieut. Rogers ordered him into the Peep with me and we brought him to the Guard House, and placed him under close arrest at approximately 1800 hours, the third of October, 1942. He appeared to be under the influence of alcoholic stimulants.

Accused declined to question the witness.

L/Cpl Surrette J.W.

L/Cpl. Surrette J.W.

SECOND WITNESS

F34858 Sgt. McNamara H.W. "B" Coy. P.L.Fus. (Motor) C.A. having been duly sworn states:

I am F34858 Sgt. McNamara H.W. "B" Coy. P.L.Fus. (Motor) C.A. At about 1345 hours the third of October 1942 I gave the accused an order to take a carrier to the wash stand and wash it. At 1400 hours I checked to see if the work had been done and found that the carrier had not been washed. The accused was not to be found. At approximately 1700 hours the third of October, 1942, I reported to "A" Coy. orderly room that the accused had failed to comply with an order and that he was absent from 1400 hours the third of October, 1942.

Accused questions witness.

Q. 1. Was it at 1345 hours you told me to wash the carrier?

A. 1. It was approximately 1345 hours.

Sgt. McNamara H.W.

H.W. McNamara

SUMMARY OF EVIDENCE

THIRD WITNESS

Lieut. P.G.Rogers, "C" Coy. P.L.Fus.(Motor) C.A. having been duly sworn states;

I am Lieut. PG.Rogers, "C" Coy. P.L.Fus. (Motor) C.A. At 1730 hours, the third of October, 1942, I was returning a vehicle to the garage of the P.L.Fus. (Motor) C.A. At the garage I met L/Cpl. Surrette who informed me he was Guard Commander of the Truck Guard and he reported to me that an unknown soldier had removed a Universal Carrier from the Unit Vehicle Lines without written permission from the Transport Officer which is required before any vehicle may be removed. The man did not stop when warned by the sentry. The sentry reported that he thought the man was under the influence of liquor. I took L/Cpl. Surrette and a driver from the Transport Section and we drove into the Training Area where it was believed thatthe Carrier had been taken. We discovered fresh carrier tracks and followed them until we found the carrier caught up on a stump. I went over to the carrier and found the accused behind the wheel. I ordered him to turn off the motor and get out of the machine. The accused appeared to have been drinking but was still in possession of his faculties. I asked him his name and number and he gave them to me as being L36644, Fus. Hadfield A. I took the accused to the unit lines and placed him under close arrest. The

The accused declined to question the witness.

P.G. Rogers Lieut.

Lieut. P.G.Rogers.

FOURTH WITNESS

F 5597 Fus. Jardine W.R. "D" Coy. P.L.Fus. (Motor) C.A. having been duly sworn states:

I am F 5597 Fus. Jardine W.R. "D" Coy. P.L.Fus.(Motor) C.A. I was on truck guard duty at the transport lines of the P.L.Fus.(Motor) C.A. on the third of October 1942. At about 1730 hours of that day an unknown soldier drove a carrier out of the lines passed me. I tried to stop him by yelling at him. I was within five feet distance of him. He just kept on going. I reported the incident to the Corporal of the Guard, L/Cpl. Surrette.

The accused declines to question the witness.

Jardine W.R.

Fus. Jardine W.R.

FIFTH WITNESS

Lieut. F.A. Neal, H.Q. Coy. P.L.Fus. (Motor) C.A. having been duly sworn states;

I am Lieut. F.A. Neal, Transport Officer of the P.L.Fus. (Motor) C.A. Fus. Hadfield had no permission from me as O.C. of the Transport School to be absent during the afternoon parade on the third of October 1942. He was absent from the Transport lines from 1400 hours at which place he should have been. On that date there were no vehicles of the Transport School being used outside the vehicle lines without my permission. Fus. Hadfield did not have my permission. The vehicle which Fus. Hadfield was found in possession of was a D.N.D. vehicle belonging to the P.L.Fus.(Motor) C.A.

Accused declines to question witness.

F.A. Neal

Lieut. F.A.Neal.

SIXTH WITNESS

SUMMARY OF EVIDENCE

Capt. W.F.Bayne, O.C. "A" Coy. P.L.Fus. (Motor) C.A. having been duly sworn states:

I am Capt. W.F.Bayne O.C. "A" Coy. P.L.Fus. (Motor) C.A. On the 1st Oct. 1942, Fus. Hadfield A. was ordered to attend the Unit Transport School starting on that date.

Accused declines to question the witness.

W.F. Bayne Capt
Capt. W.F.Bayne.

The question is put to the accused: "Do you wish to make any statement or give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say, or any evidence you give will be taken down in writing and may be given in evidence."

Having been duly cautioned the accused replied; "Yes Sir." and having been duly sworn states:

I am L36644 Fus. Albert Hadfield, "A" Coy. P.L.Fus.(Motor) C.A. In Sgt. McNamara's statement he stated that it was about 1345 hours that he ordered me to wash the carrier. I make the statement that it was about 1130 hours. Sgt. McNamara was not talking to me after roll call on the afternoon of the 3rd of October 1942.

Albert Hadfield
Fus. Albert Hadfield.

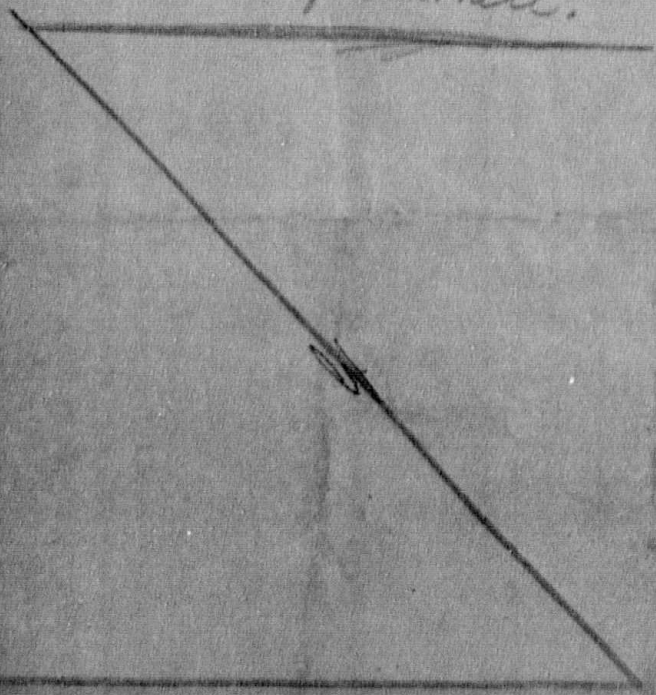
Section 4 Rules of Procedure (1926) has been complied with in all respects.

This Summary of Evidence was taken down by me in the presence of the accused at Debert Military Camp, in the County of Colchester, Province of Nova Scotia, on the 6th day of October, A.D.1942, having been deputed by the Commanding Officer to do so.

6th Oct. A.D. 1942

G.E. Darrach Lieut
G.E.Darrach Lieut.
P.L.Fus. (Motor) C.A.

I hung around the trench lines till around 5.30 then I decided to take a carrier out to the Testing Ground and drive around for awhile.



CANADIAN YMCA

"K"

ON ACTIVE SERVICE

At 11.30 I was fixing a carrier Sgt. Mercomere told me to take another carrier out and wash it

I took it out to the wash stand and washed it till 12.00. Then I took the carrier back to the line. Sgt Mercomere said it wasn't clean enough and told me to finish washing it after dinner.

I went over and had dinner
after I came back to the
school at about 1.15. Then
I took the carrier back
to the washing stand.
Then I went and lined up
for roll call at 1.30
About 1.35 I went back to
the carrier intending to
wash. I saw a guy who
I thought was on the school
driving a carrier around
so I drove around in the
carrier I was detailed
to wash till between
3 and 3.30. Then I went
into the canteen ~~to~~
to get some cigarettes
I met two ~~guys~~ from the
Fresh Regt. They invited
me to have a drink
with them I had six
glasses of beer. I was in
the canteen till around
4.45 then I went out and
washed the carrier and
I had it ~~here~~ back in
line by about 5 o'clock

"B" R.W. Lindsay Major

Closing address by Defending Officer

I would like to explain to the Court the meaning of the Charge, Sir: There was a transport School in operation, and it was from this school that Fus. Hadfield was absent. He was not absent from his Unit lines.

The fact that he had had something to drink was the cause for his being away from his duty.

That is all Sir

Not Submitted Aug 7th

M.F.R. 555
20M—11-41 (2274)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
L 36644	Fusilier	Albert Hadfield	P.L.Fus. (Motor) C.A.

1. The following is a fair and true summary of the entries in the Field ~~Service and General~~ ~~Regimental and Squadron, Battery~~ ~~Conduct sheets~~ ~~or Company~~ Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For Drunkenness	2	times	5	times
For Conduct to the prejudice	2	times	4	times
For A.W.L.	3	times	3	times
For		times		times

Number of instances of gallantry or distinguished conduct Nil

or,

~~There are no entries in the conduct sheets of the accused.~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~ ~~Air Force Act~~ ~~A.F.A.73~~

3. The accused is not under sentence at the present time.

or,

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and ~~4~~ ~~10~~ days in ~~Air Force~~ military custody, making a total of ~~4~~ ~~10~~ days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 21 years 6 months

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 16 Jul. 40

7. The service which the accused is allowed to reckon towards discharge is Nil

8. The accused is entitled to reckon nil service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward (or is in possession of or entitled to). ~~State any air force decoration or reward.~~ ~~military~~

10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of Not applicable.

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 13th day of October 1942

A Macaulay Capt Adj'g PL Reg (RCOTC)

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

MEDICAL OFFICER'S REPORT

I certify that No. 36647 Hadfield A
of P. h. Evs is in a bad state of health,
and is able to undergo Trial by Court martial.

W Barbington Capt
Medical Officer

Station Camp Dubstrul

Date 13 Oct 42

M. F. B. 246
25M—9-41 (1742)
H.Q. 1772-80 400

No. 3346 [illegible] Name Sheffield [illegible] Sqn., Batty., or Company D Corps [illegible] Date of enlistment 16-8-40 C.O. [illegible] Rank [illegible] Signature of [illegible]

Date of last entry in Company Conduct Sheet 1116 No. and date of last drunk 30-11-40 Period not exceeding [illegible] freedom from extra duty Sheet No. Signature O.C. Company, etc. W/C [illegible] Rank [illegible] Character

Place	Date of offence	Rank	Cases of Drunkenness	Offence	Names of Witnesses	Punishment awarded	Date of award or of order commencing with trial	By whom awarded	Remarks
[illegible]	15-9-40	Pte	1	Drunkenness R.A. Sec 19		Admonished	16-9-40	W/C [illegible]	[illegible]
[illegible]	1-10-40	Pte	2	Drunkenness R.A. Sec 19	Cpl Thompson	Fined 5/-	3-10-40	W/C [illegible]	[illegible]
[illegible]	30-11-40	Pte	3	Drunkenness R.A. Sec 19	[illegible]	Fined 10/- [illegible]	30-11-40	[illegible]	
[illegible]	12-3-41	Pte		Conduct to the prejudice of the order of military discipline R.A. 40	Cpl Gilby Cpl Wilson	7 days C.B. [illegible]	13-3-41	W/C [illegible]	[illegible]
[illegible]	5-5-41	Pte		Conduct to the prejudice of the order of military discipline R.A. 40	Cpl Carrill	Admonished	6-5-41	W/C [illegible]	[illegible]
[illegible]	2-10-41	Pte		Failing to appear at parade R.A. 40	Cpl [illegible]	Admonished	2-10-41	W/C [illegible]	[illegible]
[illegible]	17-10-41	Pte	4	Drunkenness R.A. Sec 19	Cpl [illegible] Cpl [illegible]	7 days C.B. 40/- fine	18-10-41	W/C [illegible]	

Place	Date of Offence	Rank	Corps of Regiment etc	Offence	Witness of Witnesses	Punishment awarded	[illegible]	[illegible]	Remarks
[illegible]	[illegible]	[illegible]	5 (Militia)	Absenteeism A.A. Act 19 R.C.A.F. 10/012 13-1-41	[illegible] Sutton RC	Fined [illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	R.M.C. 18 [illegible] A.A. Act 15-1	[illegible] [illegible]	7 days C.B. 7 days [illegible]	[illegible]	[illegible]	[illegible] 7 days [illegible]
[illegible]	[illegible]	[illegible]	[illegible]	Conduct prejudicial to good order [illegible] A.A. Act 40	[illegible] [illegible]	7 days C.B. 7 days [illegible]	16-6-42	[illegible] Capt	
[illegible]	2 Jul 42	[illegible]	[illegible]	R.M.C. - 5 days on charge sheet [illegible] 10.00 - 2 Jul 42 - [illegible] 10.00 - 2 Jul 42	[illegible] [illegible]	7 days C.B. 7 days [illegible]	2 Jul 42	[illegible] Capt	[illegible] 3 days [illegible]
[illegible]	[illegible]	[illegible]	[illegible]	Conduct to the prejudice of good order and discipline [illegible] on the [illegible] day of the month of [illegible] 42 [illegible] and discipline (A.A. Act 40)	[illegible] [illegible]	7 days [illegible] [illegible]	[illegible]	[illegible] [illegible]	[illegible]

Minute of Adjournment

At 0900 hours the trial by D.C.M. of L.36644 Fus. Albert Hadfield, P.L. Fus (Motor) C.A., commenced and was adjourned until 1050 hours, when the Court was re-opened with the same President and members present.

H.Q.C.55-H-294 (JAG)

October 26, 1942.

General Officer Commanding,
7th Canadian Division,
DIEPPE, N. S.

Re: DISTRICT COURT-MARTIAL
L.36644 Fus. Albert HADFIELD,
P.L. Fus.(Motor) C.A.

Receipt is acknowledged of your 7D/5-4-5-12, dated 19th October, 1942, under cover of which you forwarded, for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. The following irregularities have been observed:

(a) The Order appointing the Prosecutor and Defending Officer was not produced to the Court. It is observed that the Convening Order detailed other officers to fill these capacities. May I be advised if, in fact, the Prosecutor was approved by the Convening authority.

(b) The Minute of adjournment was not marked as it should have been or signed by the President, and was not in the approved form set out in M.M.L.

(c) The pages of the Proceedings were not numbered consecutively, with page A being numbered 1.

(d) The word "and" should have been inserted between "President" and "Members" on page B.

(e) The permanent or substantive rank of the shorthand writer should have been set out in his description before his acting rank. (See Routine Order 2194).

(f) No notation appears on page B that the shorthand writer was sworn. May I be advised if, in fact, he was sworn.

(g) It might have been preferable, in the second last line on page B, to use the words "both charges" instead of "First and second charges". The same remarks apply to the Finding on page CC.

(h) The Unit of the accused was not set out after his name in his description on the Charge Sheet.

(i) The statement of the offence of the first charge, under Army Act, Sec. 15(4) was improper and did not follow the required form set out in Part II of Appendix I of M.M.L. However, the form used discloses an offence under the Section.

(j) There is no provision whereby a Defending Officer can make a closing address before the Proceedings on Conviction before Sentence on a plea of guilty.

(k) The words "The accused declines to cross-examine" should have been "The Defending Officer declines to cross-examine". The accused being represented had no right to cross-examine.

.....2.

Copy on 405-H-9610

H.Q. C. 55-H-294
M.D. 7D/5-465-12

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. L. 36644 Name Hadfield, A.

Rank Fus. Unit P.L. Fus. - Motor- CA.

Charge (1) Sec. 15(4) A.A. Absented himself from a school when duly ordered to attend.

(2) Sec. 40 A.A. Conduct to the prejudice of good order and Military discipline.

Date of Crime (1) & (2) 3/10/42.

Date of Arrest (1) 3/10/42. Charge. Signed 7/10/42.

Orders for D.C.M. G.O.C. 7th Cdn. Division. CA.

Place and Date of Trial Debert, N.S. 13/10/42.

Sentence (120) days detention.

Date of Confirmation 15/10/42

Date of Promulgation 16/10/42

Entered in Records of J.A.G. as No. 6945

Date 24/10/42

MEMO

E R Rice Capt
for Judge Advocate General.

2M-7-42(M1291)

no file 5

6945

CANADA

IN REPLY PLEASE QUOTE
No. 7D/5-4-5-12

DEPARTMENT OF NATIONAL DEFENCE

ARMY

H.Q. 7 Cdn Div C.A.,
DEBERT, N.S., 19 Oct 42 194

CENTRAL REGISTRY Army
PERS. SEC.
OCT 22 1942
File C65-H-244
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT MARTIAL

L.36644 Fus. Albert HADFIELD,
P.L. Fus (Motor) C.A.

Forwarded herewith the Proceedings of the trial by District Court Martial of the marginally named soldier, duly confirmed.

2. The finding and sentence of the Court was promulgated to the accused on 16 Oct 42, and the Proceedings are now forwarded for safe custody, please.

(P.E. LEFEBVRE), Major-General,
General Officer Commanding,
7th Canadian Division, C.A.

Encl's

NAT. DEF. S. 440
2,000 M—4-42 (6322)
H.Q. 1772-39-267

H.Q.C. 55-H-295 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

H.Q.C. 55-H-244

SUBJECT

DISTRICT COURT-MARTIAL-

PTE. G. HOFF, C-30770

DEAD

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				J.A.G.	New File	C.R.	23/10/42
OCT 2 1942	19/10/42	H.Q. papers		A.D. Loriot	& P.A.	Ells	26/10/42
NOV 1 1 1942	11/11/42	P.A.	Ells	J.A.G.	With Papers C.R. NOV 10 1942		

CONFIDENTIAL
H.Q.C. 55-H-295

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

87194

IN REPLY PLEASE QUOTE
No. D.G.C.-H-296

CANADA

JSC/VMB

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Petawawa Camp, Ontario, November 6th, 1942.

CENTRAL REGISTRY
CONF. SEC.
NOV 10 1942
File C 55-H-295
Chgd. to
Referred to JAG

The Secretary,
National Defence Headquarters,
Ottawa, Ontario.

DISTRICT COURT-MARTIAL
C.30770 Pte. HOFF, G.,

1. Reference your H.Q.C.55-H-295 (JAG) dated October 26th, 1942.

2. The irregularities noted in your above mentioned letter have been brought to the attention of the Officers concerned.

for James A. Cross Lieut.
(E.V.Tremaine) Brigadier
Commander
Petawawa Military Camp.

N.D. 88
1500M-2-42 (2466)
H.Q. 1778-101-88

H.Q.C.55-H-295 (JAG)

October 26th, 1942.

Commander,
Petawawa Military Camp,
Petawawa, Ont.

Re: DISTRICT COURT-MARTIAL
C.30770, Pte. HOFF, G.,

Receipt is acknowledged of your P.6-O-M-296, dated 21st October, 1942, under cover of which you forwarded for registration and custody the Proceedings of the marginally-noted District Court-Martial.

2. The following irregularities have been observed:

(a) A Minute of adjournment and reassembly should have been attached to the Proceedings in addition to the notations as to the times set out on page A and Page B of the Proceedings.

(b) The proper section of the Army Act under which the first charge was laid is Sec. 12(1)(A) and not Sec. 12(1).

(c) The description of the accused should have been set out in the 5th and 7th lines of M.F.B.375.

(d) The inapplicable words of the sentence on page D of the Proceedings beginning " The evidence of the accused, etc." should have been struck out and initialled.

(e) Inasmuch as the Court, at this stage, had not been closed, the first printed sentence of the Proceedings, On conviction before sentence, should have been struck out and initialled.

3. It is not considered necessary to return the Proceedings, which are accordingly retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

KBB/S.

Copy on 405-H-8444

H.Q. C. 55-H-295
M.D. P. 6-0-M-296

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. C. 30770 Name Hoff, G.

Rank Pte. Unit R. C. A. M. C. CA.

Charge (1) Sec. 12(1)(a) A.A. Deserting H.M.S.

(2) Sec. 24(2) A.A. Losing by neglect.

Date of Crime (1) 14/7/42. (2) 17/9/42.

Date of Arrest (1) 13/9/42 Charge. Signed 17/9/42

Orders for D.C.M. Comm. Petawawa Military Camp.

Place and Date of Trial Petawawa, Ont. 6/10/42.

Sentence Ninety (90) days detention. Stoppages $27.89

Date of Confirmation 9/10/42

Date of Promulgation 13/10/42

Entered in Records of J.A.G. as No. 6944

Date 24/10/42

MEMO Found not guilty of desertion but guilty of absence without leave on the first charge.

Capt
for Judge Advocate-General

2M-7-42(M1291)

CANADA

SC/PHJ

No file @ 6944

IN REPLY PLEASE QUOTE
No. P.6-0-M-296
P.6-0-Mc-141
P.6-0-C-369

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Petawawa Military Camp, Ont., 21st October, 1942

The Secretary,
Department of National Defence,
Ottawa, Ont.

CENTRAL REGISTRY Army
PERS. SEC.
OCT 22 1942
File C 55-H-245
Chgd. to
Referred to

DISTRICT COURTS-MARTIAL

C.30770, Pte. Hoff, G.
C.2927, Sgt. McIntyre, W.G.
E.30645, Gnr. Charette, M.

Enclosed herewith are the proceedings of the trials by District Courts-Martial of the marginally noted soldiers.

2. In respect of Pte. Hoff and Gnr. Charette the findings and sentences having been confirmed by the Commander, Petawawa Military Camp, they have been duly promulgated and extracts thereof have been taken in accordance with the regulations and minutes thereof have been endorsed upon the backs of the proceedings.

3. In respect of Sgt. McIntyre remission of part of the costs of apprehension has been granted in accordance with your H.Q.C. 55-H-614(JAG) dated 7th October, 1942 and the same has been duly promulgated and extracts thereof have been taken in accordance with regulations and a minute thereof has been endorsed upon the back of the proceedings. The irregularities noted in yourabove mentioned letter have been duly noted and brought to the attention of the Officer concerned.

James D. Craig Lieut
for (A. V. Tremaine) Brigadier,
Commander,
Petawawa Military Camp.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-30-767

MEDICAL OFFICER'S REPORT

I certify that No. C.30770 Pte. George HOFF of ~~Hospital RCAMC~~ Petawawa Military is in a good state of health, and fit to undergo Trial by Court martial.

Medical Officer

Station Petawawa Ontario

Date 6 October 1942

M. F. B. 246
2M—8-39 (1758)
H.Q. 1775-39 480

Pres D.C.A.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Pet. Mil. Camp Petawawa, Ontario.

on the 6th day of October 19 42 by order of Brigadier A.V. Tremaine, Camp Commanding en, Petawawa Military Camp

dated the 2nd day of October 19 42

President.

Major T.W. Wilson, R.C.E., A-5 C.E.T.C., C.A.

Members.

Captain Y.L.G. Desloges, R.C.A., 22nd Field Regiment, C.A.

Lieutenant R.C.Eddy, R.C.E., A-5 C.E.T.C., C.A.

Captain J.J. McKenna, R.C.A., A-1 C.A.T.C., C.A. Judge Advocate.

Trial of* C-30770, Private George HOFF, Petawawa Military Hospital, R.C.A.M.C., C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

The Court satisfy themselves that Capt J.A. DeWatteville is not available to serve owing to Special Duties, Lieut. R.C. Eddy, A5 CETC CA

, waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Capt. B.C. Archibald R.C.A.M.C., C.A.

~~Counsel‡ or~~ defending officer† Capt. J.J. Kelly, R.C.A.M.C., C.A.

At 9 AM o'clock the Trial commences. See Page "B"

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

1. No Sir.

Answer by accused. 1.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

I have satisfied myself that (1) none of the officers detailed as Members of this Court have previously served upon any Court of Inquiry respecting the matter forming the subjects of the charges before this Court-Martial.

PRESIDENT, D.C.M.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

2

B

The President, members and judge-advocate are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q. 2. Do you object to D-105763, Sergeant Paul Joseph KINGWELL Corps of Military Staff Clerks CA acting as shorthand writer during these Proceedings.

A. 2. No Sir.

D-105763, Sgt. P.J. Kingwell is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

AT 10 AM, 6th OCTOBER, 1942

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.* 3.

Not Guilty *Answer.* 3.

Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.* 4.

Guilty. *Answer.* 4.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the second charge, the provisions of Rule of Procedure 35 (B) are here complied with.

Instruction. If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge

CHARGE SHEET

The accused, C.30770 Private George Hoff, Petawawa Military Hospital R.C.A.M.C. C.A.(A), a soldier of the Canadian Army placed on Active Service, is charged with:-

First Charge WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE,

in that he

Army Act Section 12(1) at Petawawa Ontario, on 14 July 1942, absented himself from Petawawa Military Hospital R.C.A.M.C. C.A., from 2215 hours on said 14th day of July 1942, until apprehended by the civil power at Ottawa Ontario, at 0415 hours on the 13th day of September 1942, dressed in plain clothes, cost of apprehension and return to his corps - $ 5.85.

Second Charge LOSING BY NEGLECT HIS CLOTHING AND REGIMENTAL NECESSARIES,

in that he

Army Act Section 24(2) at Petawawa Military Camp on 17 September 1942 was deficient in the following articles of his clothing and regimental necessaries:-

			$
Euipment and Clothing	Battle Dress, blouses serge	1	5.58
	Battle Dress, Trousers serge	1	5.60
	Boots, ankle, prs.	1	5.20
	Caps Field Service	1	.78
	Drawers Cotton short	1	.33
	Shoes canvas, prs.	1	1.89
	Trousers Khaki drill	2	2.34
	Jackets Khaki drill C/C	2	6.24
			27.96
	Less 25% vide R.O.1877		6.99
			20.97
Regimental Necessaries	Belts L. Br. Waist	1	.37
	Braces, prs.	1	.27
	Brasses Button	1	.04
	Brushes Button	1	.14
	Combs Hair	1	.04
	Towels Hand	1	.21
			22.04

Petawawa Military Camp Ontario
17 September 1942

(F.F.P. Malcolm) Lieut.-Col.
O/C Petawawa Military Hospital
R.C.A.M.C. C.A.(A)

TO BE TRIED BY A DISTRICT COURT-MARTIAL.

(G.R. Sinclair) Major,
D.A.A. & Q.M.G.
for Commander,
Petawawa Military Camp.

3rd October, 1942
Petawawa Military Camp.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question. 5.

*Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. 5. No Sir.

THE PROSECUTOR DECLINES TO MAKE AN OPENING ADDRESS.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked _____, signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution } Captain B.C. Archibald, R.C.A.M.C. C.A. PROSECUTOR;

being duly sworn, ~~xxxx

SECOND WITNESS FOR THE PROSECUTION; C-30750, Sergeant Thomas STOREY R.C.A.M.C., C.A., having been duly sworn, is examined by the Prosecutor;

Q. 6. Sergeant Storey, what are your duties at Petawawa Military Hospital?

A. 6. N.C.O. i/c Operating Room.

Q. 7. What duties were you performing on the night of 14th July, 1942?

A. 7. I was Orderly Sergeant of the Day, Sir.

Q. 8. Can you tell just what happened that night in regard to the accused?

A. 8. At 2215 hours, I went in to call the roll and found everyone present except Private Hoff, who was absent from his bed. I put in my report the following morning that Private Hoff was absent without leave.

Q. 9. Is that all you have to tell the Court?

A. 9. Yes Sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER;

Q. 10. Did you look any place else for him?

A. 10. We always check the lavatory and the other side of the hut, and outside the door. We always do that when we call the roll.

The Prosecutor declines to re-examine the witness.

QUESTIONED BY THE COURT;

Q. 11. Did you make a check for him next morning?

A. 11. No Sir, my duties finished that night at 12 oclock.

In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 83 (b).

The witness withdraws.

D

The prosecution is closed.

Defence

THE DEFENDING OFFICER DECLINES TO MAKE AN OPENING ADDRESS.

Question to the accused. 12. Do you apply to give evidence yourself as a witness?

Answer. 12. Yes Sir.

Question. 13. Do you intend to call any other witness in your defence?

Answer. 13. No Sir.

Question. ~~Is he a witness as to character only?~~ *Answer.*

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

~~*(Where the accused does not give evidence upon oath.)*~~

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

FIRST WITNESS FOR THE DEFENCE; The Accused, C-30770, Private George HOFF, Petawawa Military Hospital, R.C.A.M.C., C.A., having been duly sworn, is examined by the Defending Officer;

Q. 14. Will you tell the Court your story about your leaving, your intentions and why you returned?

A. 14. A couple of days before the 14th July, I got a letter saying that Dad and Mother were sick. The 14th July was pay day and I went to the canteen and had a few drinks, I had the thought that my dad and mother were sick, and I always had them in my mind. I got a little liquor in me and got kind of drunk, and then I went home. While I was home, I did work like cutting wood for mother and dad. One day I brought my uniform to the cleaners. I went and got the uniform after it was cleaned. I met a few fellows I knew and we went and had a couple of drinks. The first thing I knew, my uniform was stolen, so then I was afraid to come back. I was scared and my dad and mother were sick at the time, and I didn't want to come back in civilian clothes because I was afraid. I kept putting it off each day, saying that I was going to come back every day. One day I told my mother I was going to come back, and I kept putting it off. I surrendered to the Constable down at the corner. I don't remember the constable's name. I asked him if he knew the number of the Provost and he said "Yes". I gave myself up to the civilian police and the Provost, and I had no intention to desert.

CROSS-EXAMINED BY THE PROSECUTOR;

Q. 15. When did you enlist Hoff? How long have you been in the Army?

A. 15. I joined up in March, 1941. I was sixteen then.

Q. 16. You knew you could obtain compassionate leave from the Officer Commanding if you asked for it.

A. 16. It was late that evening, Sir, it was around 7 o'clock, and I was intoxicated. I never thought of asking for a pass so I went home to see my mother and dad

Q. 17. But you realized you could obtain compassionate leave, didn't you? Any Officer Commanding would have given compassionate leave, why did you not apply for it?

A. 17. I didn't think of it, Sir.

Q. 18. You stated that your uniform was sent to the cleaners'. What happened after that?

A. 18. I got it at the cleaners'. I got it myself. I went to a tavern and left the uniform lying around. I went to the lavatory a few times, and when I got back one time the uniform was stolen.

Q. 19. Just the uniform was stolen?

A. 19. My tie and hat, also, Sir.

Q. 20. You gave yourself up presumably at 0415 hours 13th September That seems to be a very early hour of the morning to give yourself up.

A. 20. I was home, Sir, and I was not sleeping. I live in the top apartment and I went down stairs and gave myself up to the constable. I knew that if I gave myself up, it would help me a little bit.

Q. 21. Were you drunk the night you surrendered yourself?

A. 21. It was Sunday morning. I had a few drinks on the Saturday like.

Q. 22. You don't drink on Sunday?

A. 22. I was at home.

Q. 23. And you went down stairs and surrendered yourself?

A. 23. The apartment is right on the top floor, and I was home and thinking about coming back. I went down and phoned the Provost.

Q. 24. I thought you gave yourself up to the civilian police?

A. 24. I did, Sir, because I asked the civilian police to phone the Provost, and he did. There was a phone in the Restaurant down-stairs.

Q. 25. So all this took place in a restaurant?

A. 25. Yes Sir.

Q. 26. Is the restaurant underneath your flat?

A. 26. Yes Sir.

The Defending Officer declines to re-examine the witness.

QUESTIONED BY THE COURT;

Q. 27. When you went down in the morning and surrendered yourself, did you get out of bed, or were you just getting in or what?

A. 27. I was just sitting on the bed.

Q. 28. Were you fully dressed?

A. 28. I had my pants and shirt on.

Q. 29. Did you bring back any evidence from a doctor as to the sickness of your mother and father?

A. 29. No Sir.

Q. 30. You have no evidence at all?

A. 30. I guess I could get it, Sir, if I wrote home.

Q. 31. What was the trouble?

A. 31. My mother has nervous trouble. My dad has all kinds of heart trouble and stomach trouble and asthma.

Q. 32. When you were home what were they doing?

A. 32. They couldn't do much. I had to work in cutting the wood and all the work that a man would do around the house. Dad tried to work but they sent him home. He couldn't work.

Q. 33. Was your mother confined to bed?

A. 33. My mother has never been to a doctor, Sir.

Q. 34. How are they now?

A. 34. Dad has not been alright for years now.

Q. 35. When you gave yourself up, did they seem alright?

A. 35. My mother was about the same, and dad was not too bad then. He gets alright for a while then he falls down again.

Q. 36. Have you any brothers or sisters?

A. 36. I got 4 little sisters and a brother who turned 16 on the 17th September.

Q. 37. Are your sisters younger or older?

A. 37. Younger.

Q. 38. How old are you now?

A. 38. I was 18 on the 12th August.

In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 83 (b).

The witness withdraws.

THE PROSECUTOR ADDRESSES THE COURT

See Appendix "J"

THE DEFENDING OFFICER ADDRESSES THE COURT

See Appendix "K"

THE COURT AND THE JUDGE ADVOCATE ARE OF THE OPINION THAT A SUMMING UP IS UNNECESSARY.

NOW

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused C-30770, Private George HOFF, Petawawa Military Hospital, R.C.A.M.C., C.A. is not guilty of desertion on the first charge but is guilty of absence without leave.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

Cross-examined by the accused.

Question to the accused.

Do you wish to address the Court? *Answer.*

The Court is closed for the consideration of the sentence.

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" is read to him again.]

The accused C-30770, Private George HOPP, Petawawa Military Hospital, R.C.A.M.C., C.A.
is found guilty of the second charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "L" , signed by the President, and attached to the proceedings.

Question to the accused. 39 Do you wish to make any statement in mitigation of punishment?

Answer. 39 The accused in mitigation of punishment says:— No Sir.

~~[or hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.]~~

Instruction.

* If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.* 40.

No Sir. *Answer.* 40.

Evidence as to character.

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Captain B.C. Archibald, R.C.A.M.C., C.A.
PROSECUTOR having been already ~~duly~~ sworn.

Question by the President. Have you any evidence to produce as to the character and particulars 41 of service of the accused? *Answer by the Witness.* 41. I produce MFB 355 and MFM 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

MFM6 received, read, marked "Z" signed and attached Proceedings

Question by the President. Is the accused the person named in the statement which you have 42 heard read? *Answer by the Witness.* 42. He is, Sir.

Question. 43. Have you compared the contents of the above statement with the regimental books? *Answer.* 43. I have, Sir.

Question. 44. Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 44. They are, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine the witness.

In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 83 (b).

The witness resumes his seat as the Prosecutor.

Question to the accused. 45. Do you wish to address the Court? *Answer.* 45. No Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused C-30770, Private George HOFF, Petawawa Military Hospital, R.C.A.M.C., C.A. to undergo detention for Ninety (90) Days and to be put under stoppages of pay until he has made good the sum of Five Dollars and Eight-Five Cents ($5.85) in respect of costs of apprehension and return to his Unit, and until he has made good the value of the following articles;

Sentence.

DETENTION
90 DAYS

STOPPAGES
$ 5.85
22.04
27.89

Battle Dress, blouses, Serge	1	5.58
Battle Dress, Trousers, Serge	1	5.60
Boots, Ankle, prs.	1	5.20
Caps Field Service	1	.78
Drawers, Cotton, Short	1	.33
Shoes, Canvas, prs.	1	1.89
Trousers, Khaki, drill	2	2.34
Jackets, Khaki drill O/C	2	6.24
Belts, Leather Brown waist	1	.37
Braces, Prs.	1	.27
Brushes, button	1	.14
Brasses, button	1	.04
Combs, hair	1	.04
Towels, hand	1	.21
		$ 29.03
LESS 25% VIDE ROUTINE ORDER 1877		6.99
TOTAL		$ 22.04

Signed at Petawawa Military Camp, Ont., this 6th day of October, 1942.

J. McKenna Capt
(Judge Advocate)

J. M. Wilson Maj RCE
(President)

Confirmed
Signed at Petawawa Military Camp
this 9th day of October 1942.

A. G. Truman Brig
Commanding
Petawawa Military Camp.

Promulgated and extracts taken at Petawawa Military Camp (Ontario) this 16th day of October, 1942.

(F.F.I. Malcolm) Lt.-Col.,
O.C. Petawawa Military Hospital,
R.C.A.M.C. - C.A.(A).

Extracts entered as No. 6944 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 24th day of October 1942

JJM/PJK

X

P. 6-0-D-34
P. 6-0-A-154
P. 6-0-H-296

ORDERS BY
BRIGADIER A. V. TREMAINE
CAMP COMMANDER, PETAWAWA MILITARY CAMP
PETAWAWA, ONTARIO.

Petawawa Military Camp, Ont., 2nd October, 1942

DISTRICT COURT-MARTIAL

B.22533, Gnr. Frank DePASQUALE, R.C.A., A-2, C.A.T.C., C.A.
C.1235, Gnr. Kenneth Russell ALLOTT, R.C.A., A-2, C.A.T.C., C.A.
C.30770, Pte. George Hoff, R.C.A.M.C., C.A.

1. The Detail of Officers as mentioned below will assemble at Petawawa Military Camp, Petawawa, Ontario, at 0900 hours, Tuesday, 6th October, 1942 for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT.

Major T.W. Wilson, R.C.E., A-5, C.E.T.C., C.A.

MEMBERS.

Captain Y.L.G. Desloges, R.C.A., 22nd Field Regiment, C.A.
Captain J.A. DeWatteville, R.C.A., 22nd Field Regiment, C.A.

WAITING MEMBER

Lieut R.C. Eddy, R.C.E., A-5, C.E.T.C., C.A.

JUDGE ADVOCATE

Captain J.J. McKenna, R.C.A., A-1, C.A.T.C., C.A.

PROSECUTOR

2/Lieut J.R. McMullen, R.C.A., A-2, C.A.T.C., C.A. (DePasquale) & (Allott)
Captain B.C. Archibald, R.C.A.M.C., C.A. (Hoff)

DEFENDING OFFICER.

Lieut P.R. Brown, R.C.A., A-2, C.A.T.C., C.A. (DePaquale)
Lieut J.M. Dewie, R.C.A., A-2, C.A.T.C., C.A. (Allott)
Captain J.J. Kelly, R.C.A.M.C., C.A. (Hoff)

2. Officers attending for instruction will be detailed by the Commander, Petawawa Military Camp, Petawawa, Ontario.

3. The accused person will be warned and all witnesses duly required to attend.

4. The A.A. & Q.M.G., Petawawa Military Camp, Petawawa, Ontario, will arrange for necessary accommodation and stationery.

5. The Proceedings of the Court will be forwarded to the Commander, Petawawa Military Camp, Petawawa, Ontario.

Signed this 2nd day of October, 1942.

G.R. Sinclair

(G.R. Sinclair) Major,
D.A.A. & Q.M.G.
for Commander,
Petawawa Military Camp.

T.W. Wilson Maj R.C.E.
Pro 2 CM

9 6

RECORD of the Declaration of a Court of Inquiry assembled at Petawawa Mil. Hosp. on the 7th day of August 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. 330770 Pte. Neff, C.

DECLARATION

The Court declare that No. 330770 Pte. Neff, C.

illegally absented himself without leave from Petawawa Military Hospital at Ottawa on the 24th day of July 1942, that he is still so absent, and that on the 7th Aug 42 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES		VALUE	
Equipment & Clothing.				Belts W'st Leather Brown	1		37
Battle Dress:-				Brogue pair	1		27
Blouses Serge	1	5	50	Blouses Button	1		24
Trousers Serge	1	5	60	Braces Button	1		14
Boots Ankle	1	5	20	Brushes tooth	1		09
Caps F.S. Service	1		78	Combs hair	1		01
Drawers Cotton Shorts pre	2		66	Housewife	1		31
Drawers Woollen pre	1	1	17	Knives table	1		10
Jackets Khaki Drill	2	6	24	Razors Safety	1		39
Shirts Khaki Cotton	2	1	00	Towels Hand	2		12
Shirts Service	2	2	68			2	15
Socks Cotton	2	1	22				
Socks Woollen	1						
Trousers Khaki Drill	3	5	67	Certified value of the unauthorized wear of the aforementioned Equipment and clothing at 75% of monthly rate		20	24
		30	79	Total		22	39

President
R.C.A.M.C.

Member
R.C.A.M.C

Member
R.C.A.M.C.

Signed at Ottawa

this 24th day of Aug 1942

Signature of Commanding Officer F.F.P. Malcolm Lt.-Col. O/C Pet. Mil. Hosp.

Certified true copy

(F.F.P. Malcolm) Lt. Signature of Officer having custody of original record
O/C Petawawa Military Hospital
R.C.A.M.C C.A.(A)

M.F.B. 325 F
A.F.R. 115
12M-12-40 (9086-6)
H.Q. 1772-39-247

J. M. Wilson Capt. R.C.A.M.C.
Pro. D.C.M.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

~~[illegible]~~ surrender to civil authorities)

I certify that the person whose description is given below ~~[illegible]~~ (surrendered to) Constable Frank Patterson at corner of York & Dalhousie Sts. Ottawa, Ont at 0415 hours (Name of Peace Officer or Constable) (Place) (Hour)

on the 13th day of September 1942

and at the time of ~~[illegible]~~ (surrender) he was ~~[illegible]~~ (~~[illegible]~~ (dressed in civilian clothes).

Strike out words not applicable

Regimental particulars of officer or Soldier referred to above.

(No. C-30770
(Rank Pte.
(Name HOFF, George
(Unit R.C.M.C. Petawawa

Description

(Age
(Height
(Complexion
(Hair Blonde
(Eyes
(Marks

Signature of peace officer or constable by whom arrest or to whom surrender was made, or officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

Frank Patterson.
(~~Peace Officer~~)(constable) (~~or officer in charge~~ of ~~Police Station~~).

(Strike out words not applicable.

Ottawa City Police

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

J. McMillan Major RCE
O.C. D.C.M.

I I 27

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Captain A.T.Hughes (Rank) (Name) R.C.A.S&C. (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~(authorized)~~ A.T.H. the hereinafter itemized transportation for escort

Complete — to proceed from Petawawa Ontario (Place) to Ottawa Ontario (Place)

and return to Petawawa Ontario for the

Full description of soldier being escorted — purpose of escorting Undermentioned Absentee

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Escort. C-29541 S/Sgt. Hamiliton K. Petawawa Military Hosp. Transport Warrant No. B-21989	3.90
Absentee . C-30770 Pte. Hoff.G. Petawawa Military Hosp. Transport Warrant NO. B-21990	1.95
Total	$ 5.85

Dated at Petawawa Ont. this 15th. day of September A.D. 19 42

A. T. Hughes. Capt.

Acting ~~(Port)~~ C.S.&T.O.

Signature, rank, unit of officer (issuing transport warrants) ~~or authorizing transportation~~

Strike out ~~phrase~~ not applicable.

Petawawa Military Camp Ontario.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. Transportation only.

J. H. Allison Maj. R.C.
Pres. D.C.M.

M.F.R. 1881
0036—13-42 (2714)
H.Q. 1777-39-1881

APPENDIX "J"

THE PROSECUTOR ADDRESSES THE COURT

Mr. President and Members of the Court:

In this case of Desertion, the accused was absent without leave from 14th July, 1942 until 13th September, 1942. Although he gave himself up in civilian clothes in a very early hour of the morning, his story sounds very fishy and does not quite hand together in my opinion.

Another thing; it is only his statement thathis father and mother were sick. We have no medical evidence to this effect to support his statement in any way.

He says his mother is nervous but not confined to her bed. Lots of women are nervous around a certain period of life, and I would suppose she was around that age, judging from the age of the accused.

He says his father was sick, and I submit that we should have medical evidence to that effect, too.

He was absent without leave for approximately two months. This story about him losing his uniform; he admits himself that he had been drinking that night. The uniform was stolen through neglect, and I submit it is possible that it was lack of funds that forced him to think of surrendering.

The story about his mother and father being sick is certainly no proof of intention.

I don't think there is anything further I can add to that.

J.H. Wilson Maj RCE
Pro D.C.M.

APPENDIX "K"

THE DEFENDING OFFICER ADDRESSES THE COURT

Mr. President and Members of the Court;

In a charge of desertion, the onus of proof must rest with the Prosecution that the intent was there to desert.

This young boy, thoughtlessly and probably carelessly, dwelling on the fact that his mother and father were ill, decided to go and see them.

Probably after he was there a while, he started to think it over and decided that he should return. He did give himself up.

There has been no proof of intent to desert, and therefore the charge of desertion is not borne out by the Prosecution.

J. W. Weekes Maj R.C.E.
Def Off.

SUMMARY OF EVIDENCE

IN the case of

C30770 Pte. Hoff, G. Petawawa Military Hospital, R.C.A.M.C., C.A. (A), a soldier of the C anadian Army placed on active service.

Charges:- 1. When on active service, deserting His Majesty's Service.

2. Losing by neglect his clothing and regimental necessaries.

The Commanding Officer directs that the evidence be taken onoath.

First Witness:- C30750 Sgt. Storey, T.W. Petawawa Military Hospital RCAMC., C.A. (A)., having been duly sworn states:-

"On the night of July 14, 1942 I was Orderly Sgt. for the unit of Petawawa Military Hospital and C30770 Pte. Hoff, G. was absent at roll call at 2215 hrs".

T W Storey

(C30750 Sgt. Storey, T.)

The accused declines to cross-examine the witness.

Second witness:- C29541 S/Sgt. Hamilton, K.M. Petawawa Military Ho pital, R.C.A.M.C., C.A.(A)., having been duly sworn states:-

"On 15 Sep 42 I was instructed by Officer Commanding, Petawawa Military Hospital to proceed to District Depot No 3, Ottawa, to act as escort for C30770 Pte. Hoff, G. and to return with him to Petawawa Military Hospital, this I did returning at 1300 hrs 16 Sep 42 to Petawawa Military Hospital."

Kenneth M. Hamilton

(C29541 S/Sgt. Hamilton, K.)

The accused declines to cross-examine the witness.

Third Witness: ~~B9242~~ B9242 Cpl. Cooper, J., Petawawa Military Hospital, RCAMC., C.A. (A)., having been duly sworn states:-

" I am employed in the Quartermaster Stores of Petawawa Military Hospital. On 17 Sep 42 I ins cted the clothing and equipment of C30770 Pte. Hoff, G. and found the following articles deficient.

Blouses Serge	1	@	5.58	5.58
Trousers Serge	1	@	5.60	5.60
Boots Ankle Pairs	1	@	5.20	5.20
Caps field service	1	@	.78	.78
Drawers C. Shorts	1	@	.33	.33
Shoes Canvas prs	1	@	1.89	1.89
Trousers K. Drill	2	@	1.67	~~1.67~~ 2.34
Jackets K. Drill	2	@	3.12	6.24
Belts L.W. Brown	1	@	.37	.37
Braces Pr	1	@	.27	.27
Brasses Button	1	@	.04	.04
Brushes Button	1	@	.14	.14
Combs Hair	1	@	.04	.04
Towels Hand	1	@	.21	.21
		Tot l		29.03

These articles were issued to C30770 Pte. Hoff, G. and signed for on M.F.C. 800"

J Cooper

(B9242 Cpl. Cooper, J).

J W Wilson Maj RCA
Mbr DCM

The accused declines to cross-examine the witness.

QUESTION TO THE ACCUSED

Do your wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY ACCUSED

"Sir, about civilian clothes, I had my uniform stolen and I was afraid to come back in civilian clothes, my mother and dad are not well, but sick, and were afraid and I was afraid to come back. In finally figured that coming back would help a lot.

Pte G. Hoff

(C30770 Pte. Hoff, G.)

I certify that Rules of Procedure 4 (C), (D), (E), and (F), have been complied with.

Taken down by me in the presence of the accused at Petawawa Military Hospital, RCAMC, C.A. (A)., Petawawa Military Camp, Ontario, this 18th day of September, 1942.

A E Broome

(A.E. Broome) Major, RCAMC.,
Petawawa Military Hospital,

J M Wilson Maj RCE
Ors D C A

M.F.B. 355
12M—8-10 (6455-6)
H.Q. 1772-39-630

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
C.30770	Pte.	George HOFF	Petawawa Military Hospital R.C.A.M.C. C.A.(A)

1. The following is a fair and true summary of the entries in the Service and General ~~Regimental and Squadron, Battery~~ Conduct Sheets ~~or Company Conduct~~ sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

Within last 12 months			Since enlistment		
For A.W.L.	three	times	A.W.L.	seven	times
For Conduct to the prejudice of good order and military discipline	two	times	Conduct to the prejudice of good order and military discipline	two	times
For		times			times

~~Number of instances of gallantry or distinguished conduct~~

~~or:~~

~~There are no entries in the conduct sheets of the accused.~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

~~or:~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Air Force Act A.F.A. 75 Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~

3. The accused is not under sentence at the present time

~~or:~~

~~The accused at the present time is under sentence for ---------- beginning on the ---- day of ----------~~

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 24 days in military custody, making a total of 24 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 20 years 2 months

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper 4 March 1941

7. The service which the accused is allowed to reckon towards discharge is 253 days

8. ~~The accused is entitled to reckon ---------- service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~an force~~ military reward ~~(or is in possession of or entitled to). State any air force decoration or reward military~~

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of ----------~~

J.

J. W. Wilson Maj RCE
Pres DCM

11. ~~(In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....
Permanent Force
unit
..... dated ....., and in his regiment (or corps), the rank of

..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank .....

Name ..... of ..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 6th day of October 194[illegible]

(P.C. Archibald) Capt
R Cam[illegible]
officer i/c records, [illegible] Hospital

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) read, marked ..... signed by the president, and annexed to the proceedings.

No. C30770 Name Hoff, G.J. Sqn., Battery, or Company } Corps Date of enlistment } 4.3.41 G.C. Badges } Service or Proficiency Pay } M.F.M. 6 (A.F.B. 122) 300M—4-39 (17687) H.Q. 1777-46-18

Date of last entry in Company Conduct Sheet } No. and date of last drunk } Period not reckoning towards freedom from extra fine } Sheet No. 1 Signature O.C. Company, etc. } Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
						20 days pay 13-5-41			
Pwa. Mil. Camp	22-4-41	Pte.		Absent without leave from 2300 hours 22-4-41 until 1630 hrs.12-5-41.Absent 19 days 17 hrs. 30 mins.	Sgt.Williamson Cpl.Walker	21 days detention		(C. Vanluven)Maj.	
Pwa. Mil. Camp	17-6-41	Pte.		Absent without leave from 0200 hrs 17-6-41 until 1200 hrs 27-6-41 Absent 10days 10 hrs.	S/Sgt O'Grady	11 days F.R.&I. 21 days pay 14 days S.S. Extra duties		(C. Wellton)Major	
Pwa. Mil. Camp	28-6-41	Pte.		Absent without leave 13 days 6 hrs. In custody 2 days 4 hrs 45 mins.	Sgt. Bailey Cpl. Snodgrass	19 Days automatic forfeiture 27 days detention Expenses incurred		(C. Neilson)Maj.	

(P.T.O.)

Pwa. Dest

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Pwa. Camp	13-8-41			A.W.L. 1 day 21 hrs in custody 2 days 19 hrs. Absent 4days 16 hrs.	Cpl Delorme Cpl Walker149 (1)	5 days pay F.R.& I 27 Days Detention	a.18-8-41	(O. Vanluyen) Lt. Col.	
Pwa. Camp	23-10-41			A.W.L. from 0200 hrs.23-10-41 to 1000 hours23-10-41 A.W.L.12-111	S/Sgt.Morriss	1 days pay F.R.& I149(1)		(O.Vanluyen) Lt. Col.	
				Granted furlough transportation	10-11-41				
Pwa. Camp	4-2-42 Pte			A.W.O.L. 14 hours	S/Sgt. Morriss	1 days pay	a.4-2-42	(O.Vanluyen)Lt. Col.	
Pwa. Camp	8-2-42 Pte			Cond. to the pred. of good order and military discipline	S-Sgt.Macfarlane	14 dys C.B.			
Pwa. Camp	15-5-42 Pte			Cond.to the pred.of Good Order and Military Discipline	Sgt. Delorme	7 days C.B.	16-5-42	(O.Vanluyen)Lt.Col.	
Pwa.Camp	30-5-42 Pte			A.W.O.L. 2 days 22 hrs. 30 mins.	S/Sgt Curry Cpl Killarn	3 days pay 14 Days C.B.	2-6-42	(O.Vanluyen)Lt.-Col.	

Certified True Copy

A. E. Roome Major

(O.C. Pembroke Military Hospital)

a/ O.C. Pembroke Military Hospital

H.Q.C. 55-H-296

CONFIDENTIAL

M.F.R. 1073
AM—1-48 (5000)
H.Q. 100-1-48

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT MARTIAL

C.89417 PTE. HENRY JOSEPH HARVEY

H.Q. STAFF -

INTERNMENT CAMP 31 - V.G. OF C.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-296

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
NOV 14 1942	14/11/42	P.A.	Sells	JAS	New file	CR	12/11/42

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is temporarily needed at short intervals, it is better on H.Q. 15 for two or three days than keep it out of Central Registry indefinitely. This remarks 1. being complied with keep file open, add new sheets, follow as appropriate in the usual way.

2. Original minutes should be written on a file if space dictates by slender threads.

[illegible]

H.Q.C.55-H-296 (JAG)

November 14, 1942.

District Officer Commanding,
Military District No. 3,
KINGSTON, ONT.

Re: APPLICATION for DISTRICT COURT-MARTIAL
C.89417, Pte. Henry Joseph HARVEY,
Headquarters Staff, Internment Camp 31,
V.G. of C.

Receipt is acknowledged of your K.55-H-1093 (JAG), dated 11th of November, 1942, under cover of which you forwarded the original Charge Sheet and Summary of Evidence in respect to the marginally-noted Application for District Court-Martial.

2. In my opinion, the Summary of Evidence does not disclose sufficient evidence to establish that the property in possession of the accused was public property, and accordingly, I do not consider that an order for trial should be made on the Charge Sheet on the evidence as it presently stands.

3. The documents enclosed with your letter are returned.

Brigadier,
Judge Advocate-General.

EBR/S.

no file
GTW/EWC

IN REPLY PLEASE QUOTE
No. K.55-H-1093(JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, 11th November 1942

CENTRAL REGISTRY Army
PERS. SEC.
NOV 12 1942
File C 55-21-216
Chgd. to
Referred to

The Secretary
Department of National Defence
OTTAWA, Ontario

Application for District Court-Martial
C.89417, Pte. Henry Joseph HARVEY
Headquarters Staff, Internment Camp 31
V.G. of C.

Herewith enclosed original Charge Sheet and Summary of Evidence in respect of a charge under Section 40 of the Army Act of being improperly in possession of public property, for the attention of the Judge Advocate-General, under the provisions of Para 540 K.R. (Can).

2. In the opinion of the Assistant J.A.G. at this Headquarters, there is not sufficient evidence of ownership to justify proceeding to trial on this charge. It is true that Peter Pan butter is made use of as an Army ration, but the evidence that this particular pound of butter was Army ration is not at all conclusive, and in fact, the soldier concerned might quite easily have purchased the butter anywhere in Kingston.

3. While the circumstances indicate that this may have been a theft of public property, nevertheless, it is felt that the charge would not succeed.

(P.L.Armstrong) Brigadier
District Officer Commanding
Military District Number 3

Encl.

NAT. DEF. B. 440
2,000,000—10-41 (2034)
H.Q. 1772-39-787

H.Q.C. 55-H-297

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT MARTIAL

B-32540. SIGMN. T.W. HUFFMAN.

DEAD

COS-H-7799

CONFIDENTIAL
H.Q.C. 55-H-297

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
				JAG	With Papers C.R. NOV 14 1942		
[redacted]	18/11/42	[illegible]	[illegible]	AD	Tonnter PA	[illegible]	16/11/42
DEC 16 1942	15/12/42	P.A.	[illegible]	JAG	For Requisition DEC 14 1942		
				JAG	With Papers C.R. JAN 26 1943		
JAN 30 1943							
FEB 17 1943	16/2/43	P.A.	[illegible]	AD	Tonnter PA	RDS	28/1/43
APR 28 1943	27/4/43	P.A.	[illegible]	AD	For Requisition APR 27 1943		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q. 55-H-297(JAG)

January 28th, 1943.

District Officer Commanding,
Military District No. 3,
KINGSTON, Ontario.

Re: District Court-Martial
B.32540, Sigmn. Thomas James Huffman
A.7, C.S.T.C.

1. Receipt is acknowledged of your K.55-H-1894 (JAG) dated January 25th, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. It appears that the finding is supported by the evidence and that the sentence is legal. The proceedings are therefore retained for custody.

Brigadier,
Judge Advocate-General.

ROS/HB.

H.Q. C. 55-H-297
M.D. K.55-H-1894

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B.32540 Name HULTMAN, Thomas James

Rank Sigmn. Unit A.Z. C.S.T.C.

Charge (1) Sec. 12 (1) (a) AA DESERTING H.M.S.

(2) Sec. 22 AA ESCAPING

(3) Sec. 24 (2) LOSING BY NEGLECT

Date of Crime (1) 6/11/42 (2) 6/11/42 (3) 17/12/42

Date of Arrest 12/12/42 Charge. Signed 21/12/42

Orders for D.C.M. D.O.C. M.D. 13

Place and Date of Trial Barriefield, Ontario 4/1/43

Sentence DETENTION 120 DAYS STOPPAGE $50.93

Date of Confirmation 15/1/43

Date of Promulgation 22/1/43

Entered in Records of J.A.G. as No. 7649

Date 27/1/43

MEMO Found not guilty of desertion but guilty of absence without leave on the 1st. charge.

R.O. Stanfield, Capt.,
for Judge Advocate-General.

3M-12-42(M1754)

5

7849
EWC

102246

IN REPLY PLEASE QUOTE
No. K.55-E-1894(JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, 25th January 1943

The Secretary
Department of National Defence
OTTAWA, Ontario

ADDITION ENTERED

CANADIAN ARMY
L.F. SEC.
-H-297
JAN 26 1943
Chgd. to
Referred to

District Court-Martial
B.32540, Sigmn. Thomas James HUFFMAN
A.7, C.S.T.C.

Herewith enclosed Proceedings on the trial by District Court-Martial of the marginally named soldier, the finding and sentence having been confirmed by the District Officer Commanding, and duly promulgated.

2. The same are forwarded to your office for registration, custody, and your remarks please.

(P.L.Armstrong) Brigadier
District OfficerCommanding
Military District Number 3

Encl.

N.D. 22
1500M-5-42 (Ad56)
H.Q. 1772-161-22

MEDICAL OFFICER'S REPORT

J. E. Dowsley. Major
President, D.C.M.

I certify that No. B32540 Sgt. Huffman T.J.

of R.C.Sig(A.D) is in a fit state of health,

and is able to undergo Trial by Court-martial.

H. Dulewsky, Capt.,
Medical Officer.

Station Camp Barracks Kingston, Ont.

Date Jan. 4/43.

M.F.B.246.
25m-3-18.(M)
H.Q.1772-39-480.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A
**Form of Proceedings for ~~General and~~ District Court-Martial

Proceedings of a District Court-Martial held at Vimy Barracks, Barrieffield, Ontario, on the 4th day of January, 1943, by order of Brigadier F.L. Armstrong, O.B.E., District Officer Commanding Military District No.3, dated the 23rd day of December, 1942.

President.

Major J.E. Dowsley, No. 3A District Depot, C.A.

Members.

Capt. C.W.L. Spencer, A-7, C.S.T.C., C.A.

Capt. R.P.W. Vale, A-7, C.S.T.C., C.A.

Trial of* B.32540 Sigm Thomas James HUFFMAN, R.C.C.S. on strength A-7, C.S.T.C., C.A.

~~, Judge Advocate.~~

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to proceeding to~~

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Capt. J.H.P. Hadfield, A-7, C.S.T.C., C.A.

~~Counsel or~~ defending officer† Capt. W.J. Stevenson, A-7, C.S.T.C., C.A.

at 10 AM o'clock the Trial commences.

The order convening the Court is read, and is marked X; X1, signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. C.1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A.1 No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

I have satisfied myself that (1) none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

J.E. Dowsley Major
President, C.A.

Mil. Form B. 271
50M—7-42 (5387)
H.Q. 1772-30-224

B

The President, and members ~~and judge-advocate~~ are duly sworn.

The following officers under instruction are duly sworn.
2/Lt. S.J. Ashbridge, A7 C.S.T.C., C.A. 2/Lt. J.S. King, A7 C.S.T.C., C.A.
2/Lt. H.B. Henderson, A7 C.S.T.C., C.A. 2/Lt. J.P. Mitchell, A7 C.S.T.C., C.A.

Q.2 Do you object to C.28866 C.S.M.(W.O.II) Lloyd Stringer, C.M.S.C., C.A., acting as Shorthand Writer?

A.2 No, Sir.

C.28866 C.S.M.(W.O.II) Lloyd Stringer, C.M.S.C., C.A., is duly sworn as Shorthand Writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 48 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Not Guilty. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Guilty. *Answer.*

Q.5 Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

A.5 Guilty. *Answer.*

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the second and third charges the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

"B-2"

CHARGE SHEET

P. Bowsley, Major
President D.C.

The Accused, No. B32540, Sigmn. Thomas James Huffman, Royal Canadian Corps of Signals, C.A., on strength A-7 Canadian Signal Training Centre, C.A., a soldier of the Canadian Army, placed on active service, is charged with:-

First Charge
Sec. 12 (1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

at Vimy Barracks, Kingston, Ontario, on the 6th day of November, 1942, whilst undergoing detention, absented himself from the Canadian Signal Training Centre, C.A., Vimy Barracks, Kingston, Ontario, from 0645 hours on said 6th day of November, 1942, until surrendering himself to the Civil Authorities at Burks Falls, Ontario, at 0915 hours on the 12th day of December, 1942, wearing military uniform, the cost of his apprehension and return to his unit being $28.72.

Second Charge
Sec. 22
Army Act.

WHEN IN CONFINEMENT, ESCAPING

in that he

at Vimy Barracks, Kingston, Ontario, on the 6th day of November, 1942, at about 0645 hours, when in confinement at the Guardroom, Canadian Signal Training Centre, C.A., Vimy Barracks, Kingston, Ontario, escaped.

Third Charge
Sec. 24 (2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

in that he

at Vimy Barracks, Kingston, Ontario, on the 17th day of December, 1942, was deficient of the following articles:

		C.A.R.O.1862	Less 25% C.A.R.O.1877	
Clothing Division "A"				
Anklets, web, prs.	1	.77	.58	
Gloves, woollen khaki prs	1,	.59	.44	
Overalls, Blouse Denim	1	2.59	1.94	
Trousers Denim	1	2.53	1.90	
Clothing Division "B"				
Jackets, khaki drill	1	3.83	2.87	
Jackets, serge drab W/OC	1	10.03	7.52	
Shoes canvas prs.	1	1.89	1.42	
Shoes leather black prs.	1	4.41	3.31	
Trousers, serge drab prs.	1	4.36	3.87	
				$23.85
Clothing Division "C"				
Brushes, shaving	1	.30		.30
Combs, hair	1	.04		.04
Dressings first field	1	.24	.18	.18
Forks, table	1	.08		.08
		Carried Over		$24.45

B4.

5.

(Cont'd) Clothing Division "C"		C.A.R.O.1862	Less 25% C.A.R.O.1877
	Brought Forward		$24.45
Knives, table,	1	.18	.18
Neckties, black	1	.21	.21
Spoons, table	1	.09	.09
Equipment Section "K"			
Blankets, G.S.	2	3.44	6.88
		Total	$31.81

(A.A. Anderson) Lt.-Col.,
A/Officer Commanding,
A-7 Canadian Signal Training Centre,
Vimy Barracks, Kingston, Ontario.

21st December, 1942.

TO BE TRIED BY A DISTRICT COURT-MARTIAL

(F.L. Armstrong) Brigadier,
District Officer Commanding,
Military District No.3.

Kingston, Ontario
Dec. 22, 1942.

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.6 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.6 No, Sir.

The Prosecutor declines to make an Opening Address.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked , signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution.

Lieut. D.V. Roland, R.C.Sigs., C.A., C.S.T.C. (A7), C.A., being duly sworn, is examined by the prosecutor.

Q.7 Carry on, Lieut. Roland.

A.7 As Officer in charge of records, C.S.T.C., I present documentary evidence in the form of M.F.B.375, Record of the Declaration of a Court of Inquiry in the case of B.32540 Signm Huffman, T.J.

(Read, marked EXHIBIT "G", signed by the President and attached to the Proceedings)

I present further documentary evidence in the form of M.P.M.215 regarding the surrender to civil authorities of B.32540 Signm Huffman, T.J.

(Read, marked EXHIBIT "H", signed by the President and attached to the Proceedings)

I present further documentary evidence in the form of M.F.B.1481 to cover the cost of apprehension of B.32540 Signm Huffman, T.J.

(Read, marked EXHIBIT "I", signed by the President and attached to the Proceedings)

The Accused is the Signm.Huffman mentioned in these documents which I have just presented.

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness withdraws.

SECOND WITNESS FOR THE PROSECUTION) C.29771 Corporal Edward James PITT, R.C.Sigs., C.A., C.S.M.C. (A7), C.A., being duly sworn, is examined by the Prosecutor:

Q.8 Cpl Pitt, will you tell the Court, in your own words, what you know of the escape from custody of B.32540 Sigman Thomas James Huffman?

A.8 Yes, Sir. On November 8th at approximately 0645 hours I was in charge of sixteen prisoners. I marched the prisoners to No. 4 Mess. On arriving at No. 4 Mess I counted the prisoners again and only had fourteen. I immediately reported the matter to Sgt Hill and told the rest of the guards to march the prisoners back to the Guard Room. Sigman Huffman was one of the sixteen prisoners and on arriving at No. 4 Mess I called the roll and I found that Sigman Huffman did not answer his name. The Sigman Huffman mentioned is the accused.

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness withdraws.

The Prosecution has no further witnesses.

D

The prosecution is closed.

Defence

Question to the accused. Q.9 Do you apply to give evidence yourself as a witness?

Answer. A.9 Yes, Sir.

Question. Q.10 Do you intend to call any other witness in your defence?

Answer. A.10 No, Sir.

Question. ~~Is he a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused ~~(and of the witnesses for the defence including witnesses as to character)~~ is recorded on a separate page, ~~(see Overleaf).~~

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

FIRST WITNESS FOR THE DEFENCE) The Accused, B.32540 Sigmn Thomas James HUFFMAN, A-7, C.S.T.C., C.A., being duly sworn, is examined by the Defending Officer:

Q.11 Will you tell the Court exactly, from the time you arrived here, what work you were placed on? Give the Court a general idea what work you were put on and why you acted as you did?

A.11 I arrived here last April 6th, Sir, and I was put on operating course. I was on the operating course for two months and was called up to the medical room and taken down to Kingston and given a medical reboard which lowered my category to C.1 and I therefore lost my chance to go overseas as planned. I lost interest in the work and it was for that reason I went absent without leave. When I came back I did detention and then I was put in the kitchen. I went up to Company office frequently to see if I could get out of the kitchen. I could not get out of the kitchen so I went absent without leave again. I saw my chance while serving my sentence and I took it. I stayed away for 36 days then I surrendered. I think if I had the chance of doing something I could really soldier if I had the chance in a different unit where I could be of some good. That is all, Sir.

Q.12 Were you given any opportunity of going into another trade when you failed in the operating course?

A.12 No, Sir.

Q.13 Were you given any opportunity of going into other type of work after you were placed in the kitchen?

A.13 No, Sir.

Q.14 You actually got discouraged after you were placed in the kitchen?

A.14 Yes, Sir.

Q.15 What training did you have in civilian life which could qualify you for a trade in Signals?

A.15 None that I could see, Sir. I had two years in technical school in Ottawa.

Q.16 What did you take at technical school?

A.16 An industrial course which is general on all subjects.

The Prosecutor declines to cross-examine.

In the opinionof the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat.

The Prosecutor makes a Closing Address.

(See document marked "J")

The Defending Officer makes a Closing Address.

(See document marked "K")

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused B.32540 Sigm Thomas James HUPPMAN, A-7, C.S.T.C., C.A., is NOT GUILTY of desertion, but is GUILTY of absence without leave on the first charge with the exception that the cost of apprehension and return to his unit should be $19.12.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, etc.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

Cross-examined by the accused.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been re-opened, the accused is again brought before it, and the charges to which he has pleaded "Guilty" are read to him again.]

The accused B.32540 Sigmn Thomas James HUFFMAN, A-7, C.S.T.C., C.A., is found guilty of the second and third charges.

*The summary ~~(or abstract)~~ of evidence is read, marked "L", signed by the President, and attached to the proceedings.

Question to the accused. Q.17 Do you wish to make any statement in mitigation of punishment?

A.17 No, Sir.

Answer. ~~The accused in mitigation of punishment says:—~~

[*or* hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.]

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

Q.18 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A.18 No, Sir.

Answer.

Evidence as to character.

E.2

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~*The Court being re-opened, the accused is again brought before it.~~

Capt. J.H.P. Hadfield, A-7, C.S.T.C., C.A., is duly sworn.

Evidence of character, etc.

Question by the President. Q.19 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.19 Yes, I produce M.F.B.355 and M.F.M.6

The above statements [with the schedule of convictions and of cases in which trial has been dispensed with] are read, marked Y & Z, signed by the President, and annexed to the proceedings.

Question by the President. Q.20 Is the accused the person named in the statements which you have heard read? *Answer by the Witness.* A.20 Yes, Sir.

Question. Q.21 Have you compared the contents of the above statements with the regimental books? *Answer.* A.21 Yes, Sir.

Question. Q.22 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheet a fair and true summary of those entries? *Answer.* A.22 Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat.

Question to the accused. Q.23 Do you wish to address the Court? *Answer.* A.23 No, Sir.

The Court is closed for the consideration of the sentence.

12.

F

Sentence

The Court sentence the accused B.32540 Signm Thomas James HUFFMAN, A-7, C.S.T.C., C.A., to undergo detention for one hundred and twenty days and to be put under stoppages of pay until he has made good the sum of $19.12 in respect of the cost of apprehension and return to his unit and until he has made good the value of the following articles, viz:-

Sentence.

DETENTION

120 days

STOPPAGES

$19.12
31.81
$50.93

Clothing Division "A"		
Anklets, web, prs	1	$ .58
Gloves, woollen, khaki, prs	1	.44
Overalls, blouse, denim	1	1.94
Trousers, denim	1	1.90
Clothing Division "B"		
Jackets, khaki, drill	1	2.87
Jackets, serge, drab, W/OC	1	7.52
Shoes, canvas, prs	1	1.42
Shoes, leather, black, prs	1	3.31
Trousers, serge, drab, prs	1	3.87
Clothing Division "C"		
Brushes, shaving	1	.30
Combs, hair	1	.04
Dressings, first field	1	.18
Forks, table	1	.08
Knives, table	1	.18
Neckties, black	1	.21
Spoons, table	1	.09
Equipment Section "K"		
Blankets, G.S.	2	6.88
		$31.81

Signed at Barriefield, Ontario, this 4th day of January, 1943.

Extracts entered as No. 7649 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 27 day of Jany 1943 R.O.S.

J. E. Dowsley

(J.E. Dowsley) Major,
No. 3A District Depot, C.A.
PRESIDENT, D.C.M.

CONFIRMED

Signed at Kingston, Ontario, this 5th day of January, 1943.

H. Q. Crerar

.....Brigadier
District Officer Commanding
Military District Number 3

Promulgated and extracts taken at Vimy Barracks, Kingston, Ontario, this 22nd day of January 1943.

for H. W. Thomson, Capt.
(D.V. Roland) Lieut.,
Officer i/c Records, C.S.T.C.
for Officer Commanding.

"X" 23.

J.L. Dowsley, Major, President, D.C.M.

ORDERS BY
BRIGADIER F.L. ARMSTRONG, O.B.E.,
DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO.3.

KINGSTON, Ontario, Dec. 23, 1942.

DISTRICT COURT-MARTIAL
E.32540 Sigmn. Thomas James HUFFMAN,
A-7, C.S.T.C., C.A.

1. The detail of Officers as mentioned below will assemble at Vimy Barracks, Barriefield, Ontario, at 1000 hours, Monday, January 4, 1943, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major J.L.Dowsley, No. 3A District Depot, C.A.

MEMBERS

Capt. C.W.L.Spencer, A-7, C.S.T.C., C.A.
Capt. R.P.W. Vale, A-7, C.S.T.C., C.A.

WAITING MEMBERS

Capt. W.J.A. Easterbrook, A-7, C.S.T.C., C.A.
Capt. R.F. Ardron, A-7, C.S.T.C., C.A.

PROSECUTOR

Capt. J.H.P. Hadfield, A-7, C.S.T.C., C.A.

DEFENDING OFFICER

Capt. W.J. Stevenson, A-7, C.S.T.C., C.A.

2. Officers attending for instruction will be detailed by the Commandant, A-7, C.S.T.C., Vimy Barracks, Barriefield, Ontario.

3. The accused person will be duly warned and all witnesses required to attend.

4. The Commandant, A-7, C.S.T.C., Vimy Barracks, Barriefield, Ontario, will arrange for necessary accommodation and stationery.

5. The proceedings of the Court will be forwarded to the District Officer Commanding, Military District No.3.

Signed this 23rd day of December, 1942.

J.L. Willis

(J.L. Willis) Major,
D.A.A.M.G., M.D.#3,
for District Officer Commanding,
Military District No.3.

"X-1"

S. Rowley. Major, D.
President, DCM.

THE CANADIAN SIGNAL TRAINING CENTRE, C.A.

ORDERS BY

COLONEL F.G. MALLOCH, M.C., V.D.

OFFICER COMMANDING

KINGSTON, ONTARIO,
29 DEC 42

PART I ORDER NO. 308

1. ORDERLY OFFICER

29 Dec 42	---	2/Lieut. Cobb T.D.
30 Dec 42	---	2/Lieut. Cote P.T.
Next for Duty	---	2/Lieut. H.D. Campbell

ASSISTANT ORDERLY OFFICER

29 Dec 42	---	2/Lieut. I.R. Green
30 Dec 42	---	2/Lieut. G.R. Castles
Next for Duty	---	2/Lieut. G. Hodge

DUTY PICQUET OFFICER

29 Dec 42	---	2/Lieut. H.B. Henderson
30 Dec 42	---	2/Lieut. R.L.B. Scott
Next for Duty	---	2/Lieut. R.M. Brown

HOSPITAL VISITING OFFICER

29 Dec 42	---	2/Lieut. D. D'Aoust
30 Dec 42	---	2/Lieut. F. Fordham
Next for Duty	---	2/Lieut. D.C. Coughtry

2. ROUTINE

WEDNESDAY	---	30 DEC 42
0615 hours	---	Reveille
0630/50 hours	---	P.T.Parade
0715 hours	---	Breakfast
0800 "	---	Sick Parade
0830 "	---	Training Commences
1300 "	---	Dinner
1400 "	---	Training Commences
1415 "	---	Commandant's Orders
1415 "	---	Wing Commander's Orders
1710 "	---	Retreat
1715 "	---	Company Commanders' Orders
1930 "	---	Tea
1615 "	---	Defaulters' Parade
1830 "	---	Staff Parade
2200 "	---	Tattoo Roll Call
2215 "	---	Staff & Defaulters' Parade
2230 "	---	Lights Out

3. DETAIL

GUARD COMMANDER

29 Dec 42	---	D21455 S/Sgt. Wattie F.G.
30 Dec 42	---	L41032 S/Sgt. Catterall J.
Next for Duty	---	B88475 S/Sgt. Paul L.J.

REGIMENTAL ORDERLY SERGEANT

29 Dec 42	---	D56022 Sgt. Demers M.
30 Dec 42	---	P16132 Sgt. Clark R.W.
Next for Duty	---	L22184 Sgt. Berry J.L.

OVER

3. DETAIL CONT'D

CANTEEN SERGEANT

29 Dec 42	---	C64652	Sgt. Laporte W.L.
30 Dec 42	---	C64654	Sgt. Wehman A.J.
Next for Duty	---	C16136	Sgt. Anderson H.B.

REGIMENTAL ORDERLY CORPORAL

29 Dec 42	---	C50084	Cpl. Coulter J.M.
30 Dec 42	---	A68126	Cpl. Overton C.
Next for Duty	---	C1268	Cpl. Livingston D.

CORPORAL OF THE GUARD

29 Dec 42	---	H100703	Cpl. Crowston G.
30 Dec 42	---	B58810	Cpl. Frankham B.C.
Next for Duty	---	D116335	Cpl. Keon J.W.

CANTEEN CORPORAL

29 Dec 42	---	B32743	Cpl. Shipley E.S.
30 Dec 42	---	B89434	Cpl. Meredith W.L.
Next for Duty	---	L22928	Cpl. Funder F.I.

N.C.O. I/C LIBRARY

29 Dec 42	---	A103289	L/Cpl. Agnew D.M.
30 Dec 42	---	H69933	L/Cpl. Jackson W.C.
Next for Duty	---	B114965	L/Cpl. Mansfield E.

GUARD 29 DEC 42

B39117	Signn.	Spicer W.J.	A102341	Signn.	Stewart D.W.
A102579	"	Stockman D.H.	K65993	"	Story J.W.
B39039	"	Topham F.S.	D136209	"	Turner T.
B39147	"	White C.A.	A104052	"	Wojtanowicz E.
C100943	"	Warren D.M.	B39126	"	Willie A.
A104123	"	Yanke W.J.	A102237	"	Bruton G.J.
B114654	"	Cooney J.F.	B58858	"	Dickie W.J
B112723	"	Franklin R.E.	K65279	"	Jackson R.E.
B110894	"	Kling A.E.	B114837	"	Lane T.J.
F31134	"	Larter G.E.	H195079	"	Loftus F.B.
B110657	"	Nicholson K.G.			

DUTY PICQUET 29 DEC 42

B38653	Signn.	Williams J.T.	F30730	Signn.	Zinn H.A.
B113294	"	Chumbley A.G.	M57067	"	Cram D.L.G.
B113742	"	Esson C.	M101199	"	Lewis T.E.
F79708	"	Mitchel A.	B114162	"	Reid F.J.
B32648	"	Richardson D.H.	M65895	"	Seeley T.J.
B112956	"	Watson W.J.	C100733	"	Aubin L.

DUTY CLERK

29 Dec 42	---	Signn. Belair M.
30 Dec 42	---	Signn. Brown H.K.
Next for Duty	---	Signn. Christie A.M.

DUTY STOREMAN

29 Dec 42	---	Cpl. Driscoll D.L.
30 Dec 42	---	Cpl. Bowser J.W.
Next for Duty	---	S/Sgt. Wood A.M.

/OVER

3. DETAIL CONT'D

NIGHT FIRE PATROL 29 DEC 42

"A" AREA

C64663	Sgt.	Welch D.R.	A103354	Pte.	Botton W.A.
M55974	Pte.	Genereux P.G.	A60128	Pte.	Martin U.B.
A59861	"	Knapp G.E.	B39273	Sigmn.	Parker E.S.
D116527	Sigmn.	Rosenstein P.	B84696	"	Bolderson J.P.
H100509	"	Bulachowski M.			

"B" - "C" AREAS

C64614	Sgt.	Pearce G.N.	H38741	L/Cpl.	Palmer F.G.
M100571	Sigmn.	Ferguson C.C.	L606980	Sigmn.	West D.H.
C101386	"	Wilkins M.E.	B39496	"	Bassett W.G.
B39414	"	Beck W.R.	B39200	"	Brennan J.J.
B39267	"	Drury E.G.	A102133	"	Butler A.

"D" AREA

B31060	Sgt.	Grden J.R.	B38858	Sigmn.	Muir J.W.
B38870	Sigmn.	Weise J.M.	C100602	"	Rothwell E.A.
B112723	"	Franklin R.E.	H613694	"	Stucky V.N.
K604156	"	Freisen W.B.	H102117	"	Kostyniuk N.
L102244	"	Wilson G.A.	B112936	"	Watson W.J.
E824818	"	Lemay J.	B39039	"	Topham F.G.
B39117	"	Spicer N.I.	B132925	"	Rozyki J.
D116655	"	Clemtants J.A.	B39402	"	Phillips H.
F32143	"	Andrews L.G.	B112225	"	Beattie A.G.
M56042	"	Brackenburg G.			

QUARANTINE GUARD 29 DEC 42

B32531	Cpl.	Dobson D.N.	B111299	L/Cpl.	Hughes S.F.
B38811	Sigmn.	Gendron L.P.	B38850	Sigmn.	Greentree R.
B38750	"	Harper J.M.	B38815	"	Honsberger J.G
B38770	"	Harrison E.R.	B38700	"	Haslam A.
B38710	"	Hoyle J.E.	B38708	"	Hurst W.
B38712	"	Jamieson C.A.	B38790	"	Lipton V.G.
B38691	"	McQuarrie W.L.			
B38772	"	McDonald G.A.	B38714	"	McKinnon J.

DEPUTY FIRE CHIEF

Detailed as Deputy Fire Chief for the period 0615 hours 4 Jan 43 to 0615 hours 11 Jan 43.

B24001 Sgt. Stewart H.K.

4. INTER COMPANY POSTINGS

(a) Posted from Operating Company to "A" Wing effective 18 Dec 42.

B39040	Sigmn.	Hutchinson E.L.	(Reinf.)	
L110361	Sigmn.	Langford R.D.	"	(Cook)
D116657	Sigmn.	Stephan W.C.	"	(Bdsm)

(b) Posted from Operating Company to M.T. Company effective 18 Dec 42.

B39210	Sigmn.	Duncan G.H.	(Reinf.)	(Auto.)
M102647	Sigmn.	McIlroy R.S.P.	"	(Dvr. IC)
C101391	Sigmn.	Levertue Y.	"	(Auto.)

(c) Posted from R.C.Sigs. Wing to Operating Company effective 28 Dec 42.

H38982 Sigmn. Pridham E.B. (Reinf.)

4. INTER COMPANY POSTINGS CONT'D

(d) Posted from M.T. Company to Operating Company effective 24 Dec 42.

B39442	Signm.	Morton E.G.	(Reinf.)(Oper.)
B39185	Signm.	Eatherley H.J.	" "
H102081	Signm.	Wright W.A.	" "

(e) Posted from M.T. Company to Trained Soldier Company No. 1 effective 24 Dec 42.

M101982	Signm.	Bowman G.	(Reinf.) (Fitter)
M101941	Signm.	Clayton W.G.	" "
B113902	Signm.	Dix A.	" "
B114553	Signm.	Duhamel J.	" "
H101233	Signm.	Anderson A.M.	" (Dvr.Mech.)
H58541	Signm.	Broten L.N.	" "
B110302	Signm.	Brown F.	" "
B112463	Signm.	Bing A.B.	" "
M101928	Signm.	Burkatt R.	" "
B113840	Signm.	Crosford W.V.	" "
H100946	Signm.	Campbell K.S.	" "
H101261	Signm.	Cooney A.H.	" "
M100485	Signm.	Dalquist D.D.	" "
H50679	Signm.	Danielson W.V.	" "
B111508	Signm.	Eadie A.R.	" "
L101070	Signm.	Genege R.S.	" "
M102298	Signm.	Hurlburt L.J.H.	" "
K46285	Signm.	MacDonald J.A.	" "
A103701	L/Cpl.	Oldershaw G.W.	" "
L100354	Signm.	Porteous W.F.	" "
M101433	Signm.	Patterson A.H.	" "
L100655	Signm.	Pilsner J.P.	" "
K46273	Signm.	Reeve J.H.	" "
H100377	Signm.	Ruth D.	" "
L92931	Signm.	Ross C.H.	" "
M103119	Signm.	Sheehan L.T.	" "
K35750	Signm.	Vandrishe J.E.H.	" "
H100760	Signm.	Wasney J.E.	" "
A102207	Signm.	Zimmer M.V.	" "
G24079	Signm.	Dunville A.	" (D.R.)
M102706	Signm.	Isaac J.	" "
A102741	Signm.	Montbleau R.R.	" "
B38689	Signm.	Mallin J.	" "
L101870	Signm.	Pederson H.N.	" "
F79964	Signm.	Bona P.S.	" (Dvr.)
B32871	Signm.	Bogle D.W.	" "
C101001	Signm.	Blackburn C.J.	" "
A104098	Signm.	Cuthbertson D.R.	" "
B3249 2	Signm.	Coates J.T.	" "
H100152	Signm.	Cook J.W.	" "
M101590	Signm.	Dierker D.T.	" "
L102151	Signm.	Eskelson C.	" "
L101146	Signm.	Kederiuk N.G.	" "
B40116	Signm.	Fraser H.	" "
F79785	Signm.	Garron C.R.	" "
D116538	Signm.	Hinton W.A.	" "
K45188	Signm.	Heneon S.L.	" "
C36111	Signm.	Healey R.	" "
B38777	Signm.	Johnson W.O.R.	" "
M103028	Signm.	Johanneson E.V.	" "
A104145	Signm.	Kerr F.A.	" "
F64793	Signm.	LeBlanc J.B.	" "
M102532	Signm.	Lillebuen A.J.	" "
D116273	Signm.	Lepage S.W.	" "
B38852	Signm.	Mitan N.G.V.	" "
K65910	Signm.	Morgan J.C.	" "
K66770	Signm.	Mezger R.H.	" "

/OVER

INTER COMPANY POSTINGS CONT'D

(e) Posted from M.T. Company to Trained Soldier Company No. 1 effective 24 Dec 42.

F2899	Sigmn. McSween J.A.	(Reinf.)	(Dvr.)
H101548	Sigmn. Nykon E.	"	"
G53873	Sigmn. Nickson H.T.	"	"
H101835	Sigmn. Ouellet P.D.	"	"
B39029	Sigmn. Powell W.E.	"	"
K65530	Sigmn. Patterson S.M.	"	"
L65083	Sigmn. Pilgrim H.W.	"	"
B110169	Sigmn. Porter B.F.	"	"
H195250	Sigmn. Redford W.H.	"	"
G24061	Sigmn. Shannon C.W.	"	"
H101949	Sigmn. Sherwood S.H.	"	"
C38253	Sigmn. Simpson T.W.	"	"
M103618	Sigmn. Tetz O.	"	"
K100151	Sigmn. Wishart P.O.	"	"
L65285	Sigmn. Barta G.	"	"
L65426	Sigmn. Hanson G.H.	"	"

5. CANCELLATION

S.T.C. Part I Order No. 306 para 6 dated 26 Dec 42 Inter Company Postings insofar as it concerns B38872 Sigmn. Sherif M. is cancelled.

6. DISTRICT COURT-MARTIAL
B32540 Sigmn. Thomas James HUFFMAN

Reference Part I Order No. 306 para 8. dated 26 Dec 42, the detail of Officers mentioned below will attend for instruction, the District Court-Martial of B32540 Sigmn. Thomas James Huffman, to be held on 4 Jan 43 at 1000 hours.

2/Lieut. S.J. Ashbridge
2/Lieut. C.C. Baker
2/Lieut. H.B. Henderson
2/Lieut. J.S. King
2/Lieut. J.P. Mitchell

7. DISTRICT COURT-MARTIAL
A55210 Gnr. Lewis Deweese Mahaffey

Reference Part I Order No. 305 para 7 (d) dated 24 Dec 42, the detail of Officers mentioned below will attend for instruction, the District Court-Martial of A55210 Gnr. Lewis Deweese Mahaffey, to be held on 31 Dec 42 at 1000 hours.

2/Lieut. D.G. Armstrong
2/Lieut. R.V. Hamlin
2/Lieut. G.A. Kerr
2/Lieut. R.T. Hood
2/Lieut. W.J. Dulmage

8. COMMITTEE OF ADJUSTMENT

A Committee of Adjustment will assemble at the call of the President to adjust the effects of the late C64481 Sigmn. Gunn R.W.

PRESIDENT - Capt. W.W. Dickson, R.C.Signals, C.A.

MEMBERS - Lieut. G.E. Wallace, R.C.Signals, C.A.

Lieut. W.R.S. Loggie, R.C.Signals, C.A.

Proceedings of the Court in quintuplicate will be handed to the Adjutant when completed.

/OVER

9. COURT OF INQUIRY

A Court of Inquiry composed as under will assemble at the call of the President to inquire into the circumstances surrounding the death of C64481 Sigmn. Gunn R.W.

PRESIDENT - Capt. S.J. Cornish, R.C.Signals, C.A.

MEMBERS - Lieut. D.N. Omand, R.C.Signals, C.A.

Lieut. N.R. DePoe, R.C.Signals, C.A.

Proceedings of the Court in quintuplicate will be handed to the Adjutant when completed.

10. AUDIT BOARDS

Audit Boards composed as under will audit the accounts as shown for the month of December.

OFFICERS' MESS

PRESIDENT - Major E.D. Baldock

MEMBERS - Lieut. D.L. Mumford

One Officer to be detailed by O.C. School of Instruction

SERGEANTS MESS

PRESIDENT - Capt. W.J.A. Easterbrook

MEMBERS - Lieut. W.L. Wardrop

Lieut. J. Kastner

CANTEEN

PRESIDENT - Capt. R.J. Letourneau

MEMBERS - Lieut. W.A. Willson

Lieut. R. Crossley

Lieut. F.G. Walker

REGIMENTAL FUNDS

PRESIDENT - Capt. A.R. Garrett

MEMBERS - Lieut. J.E. Skinner

Lieut. N.C. Phenister

11. POSTINGS

Posted from R.C. Signals Wing to Companies as shown effective 31 Dec 42.

B39046	Sigmn.	Bullis A.S.	(Reinf.)	(Trades)	(I.M.)
K76870	"	Kingston G.A.	"	"	"
B111370	"	Magahey W.V.	"	"	"
B132954	"	Lawrie J.A.	"	"	"
B39101	"	McMaster W.J.	"	"	"
B39172	"	McBratney J.A.	"	"	"
B39271	"	Richmond H.	"	"	"
B39146	"	Bishop G.V	"	"	"
B132398	"	Goodman O.S.	"	"	"

/OVER

11. POSTINGS (CONT'D)

S.T.C.PART I ORDER NO.308
29 DEC 42

Posted from R.C.Sigs. Wing to Companies as shown effective 31 Dec 42.

B132965	Signm.	Foster K.C.	(Reinf.)	(Trades)	(I.M.)
C101413	"	Sturgeon R.C.	"	"	(Elec.)
B39053	"	Mezwick F.	"	"	"
B39050	"	Graves B.C.	"	"	"
B39106	"	Blumenstock G.W.	"	"	"
B132388	"	McNally R.D.	"	"	"
F31094	"	Foster G.V.	"	"	"
D116611	L/Cpl.	Leclair W.H.	"	"	"
B39193	Signm.	Young H.E.	"	"	"
B132959	"	Taylor C.E.	"	"	"
B132988	"	Ross C.W.	"	"	"
B39153	"	Capell W.B.	"	"	"
B39035	"	Boyd J.R.	"	"	"
B39080	"	Anderson T.H.	"	"	"
C36163	"	Foster L.T.	"	"	"
B39245	"	Forsyth W.	"	"	"
B132938	"	Floyd J.S.	"	"	"
B38686	"	Archibald H.G.	"	"	"
H101539	"	Anderson C.W.	"	"	"
B39160	"	Banks J.C.	"	"	(Carp.)
H195322	"	Doyle F.E.	"	"	(Clerk)
B39013	"	Berg A.A.	"	"	"
B39191	"	Buck M.J.H.	"	"	"
B39232	"	Bradley C.I.	"	"	"
B13296	"	Sherwin S.J.	"	"	"
C36155	"	Oxtobee R.T.	"	"	(Storeman)
B39159	"	Brown C.L.	"	"	"
B39069	"	Campbell V.F.	"	"	(Lineman)
A103887	"	Jones G.A.	"	"	"
B39149	"	Campbell M	"	"	"
F51191	"	Coombs G.F.	"	"	"
B132957	"	Brousseau A.J.	"	"	"
B39234	"	Dack R.H.	"	"	"
B38955	"	Scott W.I.	"	"	"
B38860	"	Owen W.T.	"	"	"
B39034	"	Pilcher A.G.	"	"	"
B38952	"	Easton W.E.	"	"	"
B133676	"	Lyford A.J.	"	"	"
B30150	"	Allan R.W.	"	"	"
K68828	"	Nelson J.R.	"	(Oper.)	(Oper.)
K68772	"	Pollock J.R.	"	"	"
L102250	"	Fishman B.	"	"	"
M11886	"	Schleihauf O.A.	"	"	"
B38873	"	Bjorgan K.L.	"	"	"
F32416	"	Gillis B.A.	"	"	"
H195421	"	Coppen S.P.	"	"	"
B39047	"	McDonald K.A.	"	"	"
B39466	"	Hopkins J.F.	"	"	"
D137222	"	Heaney C.R.	"	"	"
A70128	"	Rook W.I.	"	"	"
B132947	"	Lennox A.C.	"	"	"
B132985	"	Middaugh J.A.	"	"	"
C42997	"	ORser H.A.	"	"	"
B132940	"	Perry G.W.	"	"	"
D116608	"	Drummond W.	"	"	"
D137176	"	Furlong C.R.	"	"	"
B39246	"	Levy C.M.	"	"	"
B38705	"	Carroll R.J.	"	"	"
B132941	"	Fortier J.R.	"	"	"
B39305	"	Heys G.B.	"	"	"
B39162	"	Hamilton F.W.C.	"	"	"
C101507	"	Bennett J.A.	"	"	"
C101505	"	Hopkins W.B.	"	"	"
C101504	"	Hopkins R.J.	"	"	"

/OVER

11. POSTINGS CONT'D

Posted from R.C.Sigs. Wing to Companies as shown effective 31 Dec 42.

B132966	Signm.	Reading A.G.	(Reinf.)	(Oper.)	(Oper.)
D116609	"	Smith D.L.	"	"	"
K76489	Cpl.	Brock L.C.	"	"	"
F3458	Signm.	M cLeod W.	"	"	"
L102000	"	Morton W.Z.	"	"	"
M103020	"	Osborne D.H.	"	"	"
M104046	"	Wilcox M.E.	"	"	"
L101789	"	Brown L.D.	"	"	"
H195424	"	Fikis J.	"	"	"
L102263	"	Wolansky A.	"	"	"
H102492	"	Brierley J.	"	"	"
F75872	"	Zink J.K.	"	"	"
F66114	"	Brannen E.V.	"	"	"
C36146	"	McBride H.R.	"	"	"
B39032	"	Arthur J.I.	"	"	"
C101496	"	Cummings B.R.	"	"	"
B38519	"	Howe D.J.	"	"	"
C77111	"	Sheets R.R.	"	"	"
A116306	"	Whittaker T.A.	"	"	"
B114659	L/Cpl.	Murphy J.J.	"	"	"
B44396	Signm.	Yates E.H.	"	"	"
D137217	"	Stalport C.A.	"	"	"
B131140	"	Bell C.J.	"	"	"
B39168	"	Crowe C.L.	"	"	"
B132090	"	Cox W.A.	"	"	"
B132948	"	Dale A.	"	"	"
B132946	"	Heffernan T.P.J.	"	"	"
B39060	"	Denovan C.P.	"	"	"
B39229	"	Drysdale C.P.	"	"	"
B39067	"	Cannon W.E.	"	"	"
B39072	"	Edney R.C.	"	"	"
B39077	"	Evans S.C.	"	"	"
B39030	"	Fielding H.A.	"	"	"
B39179	"	Gamble B.W.	"	"	"
B39111	"	Bennie R.B.	"	"	"
B39043	"	Robinson J.E.	"	"	"
A116280	"	Shore G.	"	"	"
C101572	"	Stringer E.	"	"	"
B132950	"	Willmore H.R.	"	"	"
B39463	"	Wright F.S.	"	"	"
B132082	"	Webber J.G.	"	"	"
D116607	"	Wood J.G.	"	"	"
C101495	"	Menard M.A.	"	"	"
B39095	"	McIntyre D.B.	"	"	"
B39054	"	McKernan C.P.	"	"	"
B39272	"	Moir H.G.	"	"	"
B39259	"	Murphy W.	"	"	"
B132967	"	Morgan C.R.	"	"	"
B132951	"	Manson B.A.	"	"	"
B132942	"	Mayo A.J.G.	"	"	"
B132055	"	Pycraft H.R.	"	"	"
C31731	"	Brown S.L.	"	"	"
B38719	"	Gardner W.M.	"	"	"
B39062	"	Gorrell E.G.	"	"	"
C120167	"	Jessen O.J.	"	"	"
B39136	"	Jordan H.W.	"	"	"
B39222	"	Koffman H.	"	"	"
K76531	Cpl.	Corner R.E.	"	"	"
F65909	Signm.	Cameron J A.	"	"	"
B39254	"	Bonthron D.K.	"	"	"
B112590	"	Larin C.R.	"	"	"
F75845	"	Mahon P.T.	"	"	"
B131076	"	Thwaites J.R.	"	"	"
B39206	"	Boughman J.W.	"	"	"

/OVER

10. POSTINGS CONT'D

Posted from R.C.Sigs. Wing to Companies as shown effective 31 Dec 42.

B39093	Sigmn.	Kuhl E.W.	(Reinf.)	(Oper.)	(Oper.)
D116605	"	Thomas N.C.	"	"	"
B39155	"	Latham W.A.	"	"	"
B39198	"	Howell K.	"	"	"
K68992	"	Mitchell E.F.	"	"	"
C36147	"	King J.C.	"	(M.T.)	(Auto.)
B39251	"	Sanderson W.C.	"	"	"
B39269	"	Collins C.H.	"	"	"
B39120	"	Houston R.P.	"	"	"
B39181	"	Elston G.A.	"	"	"
B39125	"	Browning W.D.	"	"	"
C48623	"	Ash D.B.	"	"	"
B39130	"	Corbin J.	"	"	"
	"				
B39105	"	Pearson A.P.	"	"	"
B39192	"	Leonard P P.	"	"	"
B39255	"	Cousins H.J.	"	"	"
C101156	"	Huddleston D.	"	"	"
B39139	"	Griffiths H.F.	"	"	"
M104340	"	Grant J.H.	"	"	"
B39142	"	Lawrence R.T.	"	"	"
B39138	"	Calder I.M.	"	"	"
D116610	"	Paquette F.C.	"	"	"
B39097	"	McDonough W.J.	"	"	"
B39236	"	Harper T.	"	"	"
L101663	"	Anderson J.W.	"	"	"
B132952	"	Bonnetta J.W.	"	"	"
L100110	"	Gruther A.E.	"	"	"
B39166	"	Brown A.J.	"	"	"
B39187	"	Clifford A.S.	"	"	"
A116299	"	Drouillard E.J.	"	"	"
B39061	"	Hudson H.J.	"	"	"
B39118	"	Buchanan N.K.	"	"	"
B38935	"	Stinson L.E.	"	"	"
B39036	"	Cogdale W.J.	"	"	"
A104513	"	Facey W.B.	"	"	"
B39301	"	Hampson S.	"	"	"
B39184	"	Donovan H.J.	"	"	"
B39277	"	Delton E.E	"	"	"
C101214	"	Daugherty L.E.	"	"	"
C38275	"	Best P.G.	"	"	"
A103763	"	Luther E.R.	"	"	"
B39164	"	Lidster M.J	"	"	"
F51111	"	Mason A.R.	"	"	(D.R.)
B39057	"	Fuller F.R.	"	"	"
C36160	"	Gardiner J.H.	"	"	"
M104113	"	Robinson W.	"	"	"
C36158	"	Ainsworth A.A.	"	"	"
C36153	"	Rei M.K.	"	"	"
B39010		Fairbafn A.M.	"	"	"
B39056	"	Hackenbrook B.P.A.	"	"	"
B39086	"	Gusta J.J.	"	"	"
B133832	"	Jacobi R.F.	"	"	"
A104589	"	Herbert N.G.	"	"	"
B39137	"	Nugent W.H.	"	"	"
B132964	"	Forsyth A.	"	"	"
B39088	"	Pettipas A.S.	"	(A Wing)	(Cook)
C35130	"	Buker C.E.	"	"	"
C36149	"	Stewart N.S.	"	"	"
B38839	"	Cahute J.J.	"	"	"
B112312	"	Cathcart G.	"	"	"
B11196	"	Lunen W.E.	"	"	(Butcher)
C100982	"	Williams J.H.	"	"	"

/OVER

11. POSTINGS CONT'D

Posted from R.C.Sigs. Wing to Companies as shown effective 31 Dec 42.

L606237	Signmn.	Reid R.A.	(Reserve)	(M.T.)	(Auto.)
D638813	"	St. Onge L.A.	"	"	"
K604252	"	Jordan A.H.E.	"	(Oper.)	(Oper.)
M607231	"	Malinsky A.	"	"	"
M6k0464	"	Lopatynski S.J.	"	"	"
D637539	"	Boucher J.E.	"	"	"
A602800	"	Fletch C.L.	"	"	"
D639197	"	Hamel F.	"	(Trades)	(Elec.)
D638715	"	Timmons H.L.	"	"	(Lineman)
D639396	"	Lafreniere A.	"	"	"
D639161	"	Fregault A.	"	"	"

12. CANCELLATION

S.T.C. Part I Order No. 297, para 5 Postings dated 15 Dec 42 insofar as it concerns B133423 Signm. Taylor H. is cancelled.

D V Roland

(D.V. Roland) Lieut.
A/Adjutant

Exhibit "G" G. Donzley, Major, 35. President, D.O.

RECORD of the Declaration of a Court of Inquiry assembled at Vimy Barracks, Kingston, Ont., on the 30th day of November 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B32540 Sigmn. Huffman, T.J., R.C. Signals, C.A. on strength the Canadian Signal Training Centre.

DECLARATION

The Court declare that No. B32540 Sigmn. Huffman, T.J. R.C. Signals, C.A., on strength the Canadian Signal Training Centre, illegally absented himself without leave from the Canadian Signal Training Centre, Vimy Barracks, Kingston, Ontario, at 0645 Hours on the 6th day of November, 1942, that he is still so absent, and that on the 30th November, 1942, he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES		VALUE	
Anklets, Web, prs.	1		58	Brought forward	-	15	54
Badges Arm Worsted Canada	1		09	Gloves Woollen Khaki prs	1	2	44
Battle Dress-Blouses prs.	1	4	18	Jackets Khaki Drill	1	7	87
Trousers Serge, prs.	1	4	20	Jackets Serge Drab w/oc.	1	1	52
Badges Cap,	1		08	Jackets Sweater	1		04
Belts Waist Leather Brown	1		37	Knives Table	1	1	18
Blacking Tins	1		05	Overalls-Blouses Denim	1	1	94
Boots Ankle, prs.	1	3	90	Trousers Denim prs.	1		90
Boot Laces, prs.	1		02	Neckties Black	1		21
Brushes Shaving	1		30	Shirts Flannel Khaki	2	1	88
Caps Field Service	1		58	Shirts Woollen	1	1	70
Combs Hair	1		04	Shoes Canvas prs.	1	1	42
Drawers Woollen prs.	1		88	Spoons Table			08
Dressing First Field	1		18	Trousers Serge Drab N.P. prs.	1	3	87
Forks Table	1		09	Shoes Leather Black prs.	1	3	31
Carried forward		$15	54	Blankets G.S.	2	6	88
				Total	-	$49	78

(Signed) A.C. Hartwick, Lieut., R.C. Signals, C.A., CSTC. President

(Signed) R. Fleury, Lieut., R.C. Signals, C.A., CSTC. Member

(Signed) W.K. Thomson, Lieut., R.C. Signals, C.A., CSTC. Member

Signed at Vimy Barracks, Kingston, Ontario.

this 30th day of November 1942

Signature of Commanding Officer (Signed) D.A. Anderson Lt.-Col., R.C. Signals, C.A., CSTC. Commandant.

Signature of Officer having custody of original record

Certified true copy (D.V. Roland) Lieut., R.C. Signals, C.A., Officer i/c Records, CSTC.

N.F.R. 111
A.F.R. 115
M.M.—5-41 (1000)
H.Q. 1773-39-527

12-12-42

Exhibit "H" J. Bowsley, Major, President, D.C.M.

37.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

Strike out words not applicable)

I certify that the person whose description is given below ~~was arrested by~~ BKB (surrendered to) L. R. Bass (Name of Peace Officer or Constable) Prov. Constable at (Place) Burks Falls at (Hour) 9.15 A.M. on the 12th day of December 1942

Strike out words not applicable)

and at the time of ~~arrest~~ BKB (surrender) he was wearing military ~~(air force)~~ BKB uniform ~~(dressed in civilian clothes)~~ BKB.

Regimental particulars of officer or Soldier referred to above.

(No. B-32540
(Rank
(Name Huffman F.J.
(Unit

Description

(Age
(Height
(Complexion
(Hair
(Eyes
(Marks

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

L. R. Bass

(Peace Officer)(constable) (or ~~officer in charge of Police Station~~). (Strike out words not applicable.

BAHL

M.F.M 215
25M-4-42(M1125)
H.Q. 1772-39-1935

Exhibit "I" L. Bowsley, Major, 39. President D.C.M.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Captain James Soutter, No. 3 Dist. Coy. R.C.A.S.C. (Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~authorized~~ the hereinafter itemized transportation for escort

Complete — to proceed from Kingston, Ontario. (Place) to Burks Falls, Ontario, (Place)

and return to Kingston, Ontario. for the

Full description of soldier being escorted — purpose of escorting B.32540 Sigmn. Huffman, T.J.. R.C.C.S.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) ~~authorized transportation~~ and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
To Transport Warrant No. 65644 covering one return fare from Kingston, Ontario, to Burks Falls, Ontario. 1 Escort	12.73
To Transport Warrant No. 65645 covering one single fare from Burks Falls, Ontario, to Kingston, Ontario. 1 Absentee	6.39
Total	$ 19.12

Dated at Kingston, Ont. this 14th day of December, A.D. 19 42

Jas. Soutter
Signature, rank, unit of officer (issuing transport warrants) ~~authorizing transportation~~
Strike out description not applicable.

(Jas. Soutter) Captain.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1681
5656—12-41 (2754)
H.Q. 1775-50-1891

"J"

J. E. Dowsley, Major, 41.
President, D.C.M.

CLOSING ADDRESS BY THE PROSECUTOR

We have brought forth the time the accused went absent without leave, or absented himself, and also the time that he did surrender himself to Provincial Constable at Burks Falls and have brought forth for the Court's consideration the facts of the cost of apprehension and cost of his deficiencies of kit. I have nothing further to say. The case rests with the Court.

"K"

J. E. Dowsley, Major, 43.
President, D.C.M.

CLOSING ADDRESS BY THE DEFENDING OFFICER

I think the actual statement made by the accused and brought out in evidence, he gave himself up voluntarily is definite proof he had no intention of staying away any particular time or doing anything apart from showing the fact that he was discouraged by the job he was doing here.

His age has not been brought out, but he still is a comparatively young man, a category man at the moment. It has been brought out he has technical training and should be of considerable use to the Army. One point brought out, this accused was given no other opportunity for another trade here. I think he admitted himself he failed as an operator and he was given no other chance at a trade. I think if he had of been it would have changed the entire course of this.

I would like to ask the leniency of the Court, Sir, due to the fact he is a young man in good shape and as already stated he is willing to go overseas.

PD

"L"

T. Bowsley, Major R.C.
President, D.C.

SUMMARY OF EVIDENCE

in the case of

No. B32540, Sigmn. Thomas James Huffman, Royal Canadian Corps of Signals, C.A., on strength of the Canadian Signal Training Centre, C.A., Vimy Barracks, Kingston, Ontario, a soldier of the Canadian Army, placed on active service.

Charged with: 1st, Desertion
2nd, When in Confinement, Escaping
3rd, Losing by Neglect.

The Commanding Officer directs that the evidence be taken on oath.

1st Witness

Lieut. D.V. Roland, R.C. Signals, C.A., having been duly sworn, states:

"I am Officer in charge of Records, C.S.T.C. I herewith present documentary evidence in the form of C.S.T.C. Part II Order No. 263, dated 5th November, 1942, Para. 6 of which refers to B32540 Sigmn. Huffman, T.J. I present further documentary evidence in the form of M.F.B. 375, a record of the Declaration of the Court of Inquiry in the case of B32540 Sigmn. Huffman, T.J. I present further documentary evidence in the form of M.F.M. 215, regarding the surrender to Civil Authorities of B32540 Sigmn. Huffman, T.J. I present further documentary evidence in the form of M.F.B. 1481, to cover the cost of apprehension of B32540 Sigmn. Huffman, T.J. Further documentary evidence in the form of a statement by the Green Star Restaurant at Burks Falls, Ontario, certified by B.R. Ball, Provincial Constable. I present further documentary evidence in the form of M.F.D. 811, expense claim for D24020 S/Sgt. Phillips, R.A., escort for B32540 Sigmn. Huffman, T.J. I certify that, to the best of my knowledge, the B32540 Sigmn. Huffman, T.J. mentioned in the above documents is B32540 Sigmn. Huffman, the Accused."

D.V. Roland

The Accused declines to cross-examine the Witness.

2nd Witness

C29771 Cpl. Pitt, E.J., R.C. Signals, C.A., having been duly sworn, states:

"Sir, I am employed on the Provost Staff of the Canadian Signal Training Centre, Vimy Barracks, Kingston, Ontario. At approximately 0645 hours, 6th November, 1942, I was in charge of eight men in close arrest and eight men in detention at Vimy Barracks Guardroom. I proceeded to No. 4 Mess with the combined sixteen prisoners. On arriving at No. 4 Mess, I made a count of the men and found that I had only fourteen. I told the six guards to march the rest of the prisoners back to the Guardroom. I immediately reported the matter to Sgt. Hill, H.D."

(absent?)

C.29771 Cpl. Pitt. E.J.

The Accused declines to cross-examine the Witness.

3rd Witness

C64542 Cpl. Dean, W.C., R.C. Signals, C.A., having been duly sworn, states:

"On the morning of the 6th November, 1942 I was Orderly N.C.O. in charge of the Guardroom at Vimy Barracks, Kingston, Ontario. At approximately 0645 hours, I detailed Cpl. Pitt, E.J., C29771, along with 6 escorts, to take 16 men who were confined in the Guardroom to No. 4 Mess. This had been the usual practice for some months. Approximately five minutes later, Cpl. Pitt returned to the Guardroom and informed Sgt. Hill and myself that he had only 14 men in No. 4 Mess, Sir. The men were immediately marched back to the cells and a search for the two absentees was immediately started, Sir."

C64542 Cpl. Dean W.C.

.....

The Accused declines to cross-examine the Witness.

4th Witness

B31277, Sgt. Hill, H.G., R.C. Signals, C.A., having been duly sworn, states:

"Sir, I am Provost Sgt. and N.C.O. in charge of the Guardroom at Vimy Barracks, Kingston, Ontario. On the 6th November, 1942, at approximately 0650 hours, C29771 Cpl. Pitt, E.J. reported to me that two men had escaped. I immediately had the roll called, and found Sigmn. Huffman and Sigmn. Roberts to have escaped. I immediately notified the Adjutant and a search was organized, but without success."

B31277 Sgt. Hill H.G.

The Accused declines to cross-examine the Witness.

5th Witness

F2702 Cpl. Driscoll, D.L., R.C. Signals, C.A., having been duly sworn, states:

"I am employed in the Quartermaster Stores at C.S.T.C., Vimy Barracks, Kingston, Ontario, as N.C.O. in charge of checking kits. On the 17th December, 1942, I checked the articles of clothing and equipment which B32540 Sigmn. Huffman, T.J. had on his return, against his M.F.B. 375, and found him to be deficient of the following articles:-

Anklets, web, prs.	1	.58
Gloves, woollen khaki prs	1	..44
Overalls, Blouses Denim	1	1.94
Overalls, Trousers Denim	1	1.90
Jackets, khaki drill	1	2.87
Jackets, serge drab w/oc	1	7.52
Shoes canvas, prs.	1	1.42
Shoes, leather black prs.	1	3.31
Trousers serge drab prs.	1	3.87
Brushes shaving	1	.30
Combs Hair	1	.04
Dressings First Field	1	.18
Carried Forward		$24.37

	Brought Forward	$24.37
Forks Table	1	.08
Knives Table	1	.18
Neckties, black	1	.21
Spoons, table	1	.09
Blankets G.S.	2	6.88
	Total	$31.81

Canadian Army Routine Order No. 1877 complied with."

22702 Cpl. Driscoll H.R.

The Accused declines to cross-examine the Witness.

QUESTION TO THE ACCUSED:

"Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say, or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED:

"I have nothing to say, Sir."

B-32540 T.J. Hoffman

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

Taken down by me in the presence of the Accused at Vimy Barracks, Kingston, Ontario, this 21st day of December, 1942.

Signature of Officer detailed to take Summary of Evidence J.H.P. Stadfeld, Capt., R.C. Signals C.A.

GREEN STAR RESTAURANT,
BURKS FALLS, ONTARIO.

To Whom it may concern;

The following is meals served to prisoner held at the jail at Burks Falls as asked by Provincial Constable B.R.Ball. This prisoner being a soldier.

		Total
December 12th, 1942.	3 meals @ 35¢ each	$1.05
December 13th, 1942.	3 meals @ 35¢ each	1.05
December 14th, 1942.	3 meals @ 35¢ each	1.05
December 15th, 1942.	3 meals @ 35¢ each	1.05
	TOTAL ---------	$ 4.20

Signed A. E. Bolton
Proprietor

I, B.R.Ball certify that the above meals were served to Sigmn Huffman, T.J. while held in custody at Burks Falls awaiting escort.

B R Ball
Provincial Constable # 650

"Y" Bowsley, Tonja 53.
President, D.

M.F.B. 355
5M-10-39 (2492)
H.Q. 1772-39-620

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B32540	Sigmn.	Thomas James Huffman,	R.C.Signals, C.A., Canadian Signal Training Centre.

1. The following is a fair and true summary of the entries in the ~~Service Record~~ Regimental and ~~Equivalent~~ Battery Field Conduct sheets ~~or Company Defaulter Sheet~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~or Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For	A.W.L.	6 times	A.W.L.	6 times
For	Breaking Barracks	1 times	Breaking Barracks	1 times
For		times		times
For		times		times

~~Number of instances of gaoling or imprisonment under XXX~~

~~There are no entries in the conduct sheet of the accused XX~~

~~Note: If the charge is of drunkenness, the entries for drunkenness must be stated separately. XX~~

2. ~~The accused has not been previously convicted. XXX~~

Previous convictions of the accused by a court-martial ~~or by a court of summary awards under XX Air Force Act XX Section 47 of the Army Act XX and dispensations with trial under Rule 21~~ are set out in the Schedule annexed to this statement.

3. ~~The accused is not under sentence at the present time.~~

The accused at the present time is under sentence for 45 days beginning on the 26th day of October, 1942.

4. The accused has been in confinement awaiting trial on the present charges, for 4 days in civil custody, and 20 days in military custody, making a total of 24 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 23 years, 0 days.

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 5th January, 1942.

7. The service which the accused is allowed to reckon towards discharge is 341 days.

8. ~~The accused is entitled to reckon XXXX

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of
Permanent Force
army
xxxx

55.

Zonalex Prosp
Transfer to, D.C.

M.F.M. 5
(A.F.B. 122)
500M—11-42 (3025)
H.Q. 1773-45-15

B 32540. SGT HUFFMAN. Thomas James
No. Name

Sqn., Battery, or Company: #2.D.D.(AF) R C C S Corps AES Wing

Date of enlistment: 5 1 42

G.C. Badges:

Service or Proficiency Pay:

Character

Sheet No. 1

Signature O.C. Company, etc.: (Signed) E.A. Dunn, Capt.

Date of last entry in Company Conduct Sheet:

No. and date of last drunk:

Period not reckoning towards freedom from extra fine:

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Toronto	22-1-42	SGM	AWL	From 0700 hrs. 22-1-42 to 1200 hrs. 27-1-42 (5 days 6-2-42	Cpl. Dresdner	7 days C.B. (Signed) E.A. Dunn, Capt.	27-1-42	Capt. E.A. Dunn Forfeits 6 days pay E.A.D. Capt.	
North Bay	28-2-42	SGM	AWL	From 2359 hrs 28-2-42 to 0700 hrs 1-3-42 (7 hrs 1 min.)	L/Cpl. Cheesebrough, V. Cpl. McNeely, F	7 days. C.B.	1-3-42	Major Lount, S.E.	Forfeits 1 day pay F.A.A. under R.A.F. 49
Kingston	2/7/42	Sigman		AWL from 0600 hrs 2 Jul 42 till 2200 hrs 17 Jul 42 Absent 15 days 16 hrs.	Cpl. Brunton S/Sgt. Morton	14 days C.B Forfeits 14 days pay	18/7/42	Major A.A. Anderson	Forfeits (16) days pay W.A.A.

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
North Bay	31-3-42	Sgn		AWL from 2230 hrs. 31-3-42, to 2359 hrs. 31-3-42. (1 hour, 29 minutes. Breaking Barracks. Close arrest. R.V.R. No. 22 S.L.O. 8-4-42	Cpl. McNeely Cpl. Watkins (Signed) ???????	120 hours Detention	1-4-42	Forfeits 1 days P. & A. under FR & I (Signed) ??????????????Major	
Kingston, Ont.	20-7-42	Sign		AWL from 0600 hr s. 29-7-42 to 2200 hr s. 29-7-42 (9 days 16 hrs) (In close arrest from 2200 hrs. 29-7-42) Placed under stoppages of pay $35.70(Cost of apprehension)		28 days detention.	1/8/42	Major A.A. Anderson	Forfeits 10 days pay. S.I. 142(1)A F.R.& I.
Kingston	6-10-42	Signm.		AWL from 0001 Hrs. 6 Oct 42 till 2225 Hrs. 13 Oct. 42 (Absent 7 days 22 Hrs. 24 Min) In Close arrest from 2225 Hrs. 13 Oct. 42	Sgt. Newton	45 days Det.	26 Oct 42	D.O.M.	Forfeits 8 days Pay.

Certified true COPY

31 Dec 42. (J.M. MacCallum) Capt.
Adjutant C.S.T.C.

H.Q.C.55-H-297 (JAG)

RECEIVED
NOV 17 1942
DEC.
A. D.

Ottawa, Canada.

November 16th, 2.

District Officer Commanding,
Military District No. 3,
Kingston, Ont.

Re: District Court-Martial
B.32540, Signm. Thomas James Huffman

1. Receipt is acknowledged of your K.55-H-1894 (JAG) dated November 13th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District-Court-Martial.

2. It appears that the finding is supported by the evidence and that the sentence is legal. The proceedings are therefore retained for custody. (The comments in Paragraph 2 of your letter are concurred in by this office.) Dist

What original sentence was 18½ yrs

Brigadier,
Judge Advocate-General.

HFGB/DC

Copy on 405-H-7709

H.Q.C.55-H-297
M.D.K.55-H-1894 (JAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-32540 Name HUFFMAN, T.J.

Rank Sigmn. Unit R.C.C.S., C.S.T.C., C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Date of Crime 6/10/42.

Date of Arrest 13/10/42. Charge. Signed 16/10/42.

Orders for D.C.M. D.O.C., M.D.#3.

Place and Date of Trial Barriefield, Ontario, 26/10/42.

Sentence Detention 45 days.

Date of Confirmation 3/11/42.

Date of Promulgation 5/11/42.

Entered in Records of J.A.G. as No. 7089

Date 16/11/42.

MEMO

Guilty of the charge.

R. T. T. Briggs, Lieut.
for Judge Advocate-General

2M-7-42(M1291)

7089.

GTW/EWC

IN REPLY PLEASE QUOTE
No. K.55-H-1894(JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, 13th November 1942

The Secretary
Department of National Defence
OTTAWA, Ontario

K.55-H-297
NOV 14 1942

District Court-Martial
B.32540, Sigmn. Thomas James HUFFMAN

Herewith enclosed Proceedings on the trial by District Court-Martial of the marginally named soldier, the finding and sentence having been confirmed by the District Officer Commanding, and duly promulgated.

2. As the form of the Proceedings was in very good shape, no comments were made to the Court in connection therewith.

for (F.L. Armstrong) Brigadier
District Officer Commanding
Military District Number 3

Encl.

N.D. 25
1500M-8-42 (3464)
H.Q. 1572-101-25

All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Vimy Barracks, Barriefield, Ontario, on the 26th day of October, 1942, by order of Brigadier F.L. Armstrong, O.B.E., District Officer Commanding Military District No. 3, dated the 20th day of October, 19 42.

President.

Major J.E. Dowsley, No. 3A District Depot, C.A.

Members.

Major E.T. Nayler, E.D., No. 3 Voc. Training School, C.A.

Major J.C. Irvine, C.O.C.T.C. (A21), C.A.

~~Judge Advocate.~~

Trial of* B.32540 Sigmn. Thomas James HUFFMAN, R.C.C.S., C.S.T.C., C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available owing to~~

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Capt. W.J.A. Easterbrook, R.C.C.S., C.S.T.C., C.A.

~~Counsel‡ as~~ defending officer† Capt. W.W. Dickson, R.C.C.S., C.S.T.C., C.A.

At 2PM o'clock the Trial commences.

The order convening the Court is read, and is marked X, X1, X2, X3, signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. 1. Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. 1. No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
10M—9-39 (2132)
H.Q. 1772—39-224

B

The President and members ~~and judge advocate~~ are duly sworn.

The following officers under instruction are duly sworn.
Lieut. M.G. Malcovich, R.C.Signals, C.A.
Lieut. N.E. Hancock, R.C.Signals, C.A.
Lieut. A.T. White, R.C.Signals, C.A.

Q.2 Do you object to C.28866 C.S.M.(W.O.II) Lloyd Stringer, C.M.S.C., C.A., acting as Shorthand Writer? A.2 No, Sir.

C.28866 C.S.M. (W.O.II) Lloyd Stringer, C.M.S.C., C.A., is duly sworn as Shorthand Writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the ~~each~~ charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A.3 Guilty. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

"B-2"

J. E. Dowsley. Major
President, D.C.M.

CHARGE SHEET

The Accused, No. B32540 Sigmn. Thomas James Huffman, Royal Canadian Corps of Signals, C.A., attached to the Canadian Signal Training Centre, C.A., a soldier of the Canadian Army placed on active service, is charged with:

First Charge
Sec. 15 (1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Vimy Barracks, Kingston, Ontario, on 6th October, 1942, absented himself without leave from the Canadian Signal Training Centre, C.A., Vimy Barracks, Kingston, Ontario, from 0001 hours on said 6th day of October, 1942, until surrendering himself at the guardroom, Vimy Barracks, Kingston, Ontario, at 2225 hours on the 13th day of October, 1942, dressed in Army uniform.

(A.A. Anderson) Lt.-Col.,
A/Commandant,
Canadian Signal Training Centre.

16th October, 1942,
Kingston, Ontario.

TO BE TRIED BY A DISTRICT COURT-MARTIAL.

(F. F. Armstrong) Brigadier,
District Officer Commanding,
Military District No.3.

Kingston, Ontario.
Oct. 17, 1942.

5

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" read to him again.]~~

The accused B.32540 Sigmn. Thomas James HUFFMAN, R.C.C.S., C.S.T.C., C.A., is found guilty of the charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "G", signed by the President, and attached to the proceedings.

Question to the accused. 4. Do you wish to make any statement in mitigation of punishment?

Answer. 4. The accused in mitigation of punishment ~~says:~~

~~[or~~ hands in a written statement, which is read, marked "H", signed by the President, and attached to the proceedings.]

Instruction.

* If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

5. Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

Answer.

5. No, Sir.

~~*Evidence as to character.*~~

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~*The Court being re-opened, the accused is again brought before it.~~

Evidence of character, &c.

Capt. W.J.A. Easterbrook,
R.C.C.S., C.S.T.C., C.A., is duly sworn.

Question by the President.

6. Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* 6. Yes, I produce M.F.B.355.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

Question by the President.

7. Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* 7. He is, Sir.

Question.

8. Have you compared the contents of the above statement with the regimental books? *Answer.* 8. I have, Sir.

Question.

9. Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 9. They are, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat in the Court Room.

Question to the accused.

10. Do you wish to address the Court? *Answer.* 10. No, Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused B.32540 Sigmn. Thomas James HUFFMAN, R.C.C.S., C.S.T.C., C.A., to undergo detention for forty five days.

Sentence.

DETENTION
45 days

Signed at Barriefield, Ontario, this 26th day of October, 1942.

J. E. Dowsley
(J.E. Dowsley) Major,
No. 3A District Depot, C.A.
PRESIDENT, D.C.M.

Confirmed.
Signed at Kingston, Ontario, this 3rd day of November, 1942.

(F.L. Armstrong) Brigadier,
District Officer Commanding,
Military District No.3.

Extracts entered as No. 7089 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 16th day of Nov. 1942

Promulgated and extracts taken at Vimy Barracks, Kingston, Ontario, this 5th day of November, 1942.

D. V. Roland
(D.V. Roland) Lieut.,
Officer i/c Records, C.S.T.C.

"X" J.E. Dowsley, Major.

K.55-H-1896

President DCM.

ORDERS BY
BRIGADIER F.L. ARMSTRONG, O.B.E.
DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO.3.

KINGSTON, Ontario, Oct. 20, 1942.

DISTRICT COURT-MARTIAL
E.32540 Sigmn. Thomas James HUFFMAN,
R.C.C.S., C.S.T.C., C.A.

1. The detail of Officers as mentioned below will assemble at Vimy Barracks, Barriefield, Ontario, at 1400 hours, Monday, October 26, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major J.E. Dowsley, No. 3A District Depot, C.A.

MEMBERS

Major E.T. Nayler, E.D., H. & F.E.Regt., #3A District Depot, C.A.
Major J.C.Irvine, C.O.C.T.C. (A21) C.A.

WAITING MEMBER

Lieut. J. Hargreaves, 7th Div. Ord. W/S, C.A.

PROSECUTOR

Capt. W.J.A. Easterbrook, R.C.C.S., C.S.T.C., C.A.

DEFENDING OFFICER

Capt. E.W. J. Plunkett, R.C.C.S., C.S.T.C., C.A.

2. Officers attending for instruction will be detailed by the Commandant, C.S.T.C., Vimy Barracks, Barriefield, Ontario.

3. The accused person will be duly warned and all witnesses required to attend.

4. The Commandant, C.S.T.C., Vimy Barracks, Barriefield, Ontario, will arrange for necessary accommodation and stationery.

5. The proceedings of the Court will be forwarded to the District Officer Commanding, Military District No.3.

Signed this 20th day of October, 1942.

W.H. MacGregor
(W.H. MacGregor) Major,
D.A.A.G., M.D.#3
for District Officer Commanding,
Military District No.3.

"X-1"

G. Bowsley, Major
President DCM.

11.

55-H-1894

ORDERS BY
BRIGADIER F.L. ARMSTRONG, O.B.E.
DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO.3.

KINGSTON, Ontario, Oct. 21, 1942.

DISTRICT COURT-MARTIAL
E.32540 Sigmn. Thomas James HUFFMAN,
R.C.C.S., C.S.T.C., C.A.

With reference the Order convening the marginally noted District Court-Martial dated the 20th day of October, 1942, the same is hereby amended insofar as it pertains to the Defending Officer as follows:

DEFENDING OFFICER

Delete: Capt. E.W.J. Plunkett, R.C.C.S., C.S.T.C., C.A.

Insert: Capt. W.W. Dickson, R.C.C.S., C.S.T.C., C.A.

Signed this 21st day of October, 1942.

D.K. MacGregor, Major,
D.A.A.G., M.D.#3.
for District Officer Commanding,
Military District No.3.

"X-2"

Bowser
President

K.55-Bowser
K.55-1253
K.55-M-1638
K.55-M-1567
K.55-F-240

12.

ORDERS BY
BRIGADIER F.L.ARMSTRONG, O.B.E.
DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO. 3

KINGSTON, Ontario, 26th October, 1942

DISTRICT COURTS-MARTIAL

B.32540, Sigmn. Thomas James BUFFMAN
R.C.C.S., C.S.T.C., C.A.
C.37232, Gnr. Nelson Francis GIBSON
No. 3A District Depot, C.A.
C.34715, Pte. Joseph Alphonse COTE
No. 3A District Depot, C.A.
C. 94041, T/S.Q.M.S. (W.O.II) Desmond Michael MURPHY
No. 3 Crd. Depot Coy., R.C.O.C., C.A.
C.54309, Pte. Lloyd George PLARO
No. 3A District Depot, C.A.

1. With reference the Orders convening the marginally noted trials by District Court-Martial, the same are hereby amended insofar as the Unit of Major E.T. Nayler is concerned, as follows:

After Major E.T.Nayler, R.D.:

Delete: R.A.P.E. Regt., #3A District Depot, C.A.

Insert: No. 3 Voc. Training School, C.A.

Signed this 24th day of October, 1942.

W.R.MacGregor
(W.R.MacGregor) Major
D.A.A.G., M.D. 3
for District Officer Commanding
Military District 3

"X-3"

J. Bowsley, Major
President DCM.

THE CANADIAN SIGNAL TRAINING CENTRE, C.A.

ORDERS BY

COLONEL F.G. MALLOCH, M.C., V.D.

PART I ORDER NO. 252 — KINGSTON, ONTARIO, 23 OCT 42.

1. ORDERLY OFFICER

23 Oct 42	---	2/Lieut. G.R. Duncan
24/25 Oct 42	---	2/Lieut. G. Luchak
Next for Duty	---	2/Lieut. J.A. Fowlie

ASSISTANT ORDERLY OFFICER

23 Oct 42	---	2/Lieut. C.F. Ritz
24/25 Oct 42	---	2/Lieut. D.M. Sheldrick
Next for Duty	---	2/Lieut. A.B. MacKenzie

DUTY PICQUET OFFICER

23 Oct 42	---	2/Lieut. R.M. Gale
24/25 Oct 42	---	2/Lieut. W.G. Riddell
Next for Duty	---	2/Lieut. T.L. Gerhart

HOSPITAL VISITING OFFICER

23 Oct 42	---	2/Lieut. E.S. Graham
24/25 Oct 42	---	2/Lieut. J.A. Simpson
Next for Duty	---	2/Lieut. M.E. Johnson

C.S.T.C. WEEK END DUTY OFFICER

24/25 Oct 42	---	Capt. H.F. Skaptason
Next for Duty	---	Capt. R.J. Letourneau

R.S.W. WEEK END DUTY OFFICER

24/25 Oct 42	---	Lieut. M.C. Malcovich
Next for Duty	---	Lieut. J.A. Barclay

2. ROUTINE

SATURDAY — 24 OCT 42

0615 hours	---	Reveille
0700 "	---	Breakfast
0745 "	---	Sick Parade
0745 "	---	Training Commences
1205 "	---	Dinner
1205 "	---	Company Commander's Orders
1215 "	---	Commandant's Orders
1330 "	---	Defaulters' Parade
1400 "	---	Staff Parade
1400 "	---	Wing Commander's Orders
1630 "	---	Tea
1805 "	---	Retreat
2145 "	---	Tattoo Roll Call
2200 "	---	Staff & Defaulters' Parade
2215 "	---	Lights Out

3. DETAIL

GUARD COMMANDER

23 Oct 42	---	B32037 Sgt. Miller G.E.
24/25 Oct 42	---	M36332 Sgt. Andrews W.D.
Next for Duty	---	H63528 Sgt. Kidd.

/OVER

REGIMENTAL ORDERLY SERGEANT

23 Oct 42	---	B31047 Sgt. Rowland, H.H.
24/25 Oct 42	---	D116053 Sgt. Eddie D.S.
Next for Duty	---	G16044 Sgt. Smith T.M.

CANTEEN SERGEANT

23 Oct 42	---	H38772 Sgt. Haigh A
24 Oct 42	---	C95 Sgt. Reading S.A.
Next for Duty	---	B31317 Sgt. Lewis M.C.

REGIMENTAL ORDERLY CORPORAL

23 Oct 42	---	H38940 Cpl. Burn T.S.
24/25 Oct 42	---	C64603 Cpl. Smith F.S.
Next for Duty	---	C16136 Cpl. Anderson H.B.

CORPORAL OF THE GUARD

23 Oct 42	---	H59127 Cpl. Jones N.P.
24/25 Oct 42	---	F78561 Cpl. Redmond F.G.
Next for Duty	---	C29698 Cpl. Wilson H.A.

CANTEEN CORPORAL

23 Oct 42	---	L51029 Cpl. Chow W.
24/25 Oct 42	---	M100516 Cpl. Moffatt W.J.
Next for Duty	---	B32644 Cpl. Rickard D.R.

N.C.O. I/C LIBRARY

23 Oct 42	---	M60721 L/Cpl. Wald
24/25 Oct 42	---	C29678 L/Cpl. Billings M.
Next for Duty	---	B33117 L/Cpl. Hill A.L.

GUARD 23 OCT 42

M100571	Sigmn.	Ferguson G.C.	H39015	Sigmn.	King R.W.
K45155	"	Gardner W.G.	K46410	"	Kinney W.G.
B114748	"	Hymus A.J.	K46428	"	Kirkness R.B.
B58827	"	Hill E.L.	B28692	"	Koskie T.M.
B38697	"	Keeler C.H.	B38693	"	LaRoque J.G.
B111447	"	Kelly J.H.	A103496	"	Lawless J.R.

DUTY PICQUET 23 OCT 42

G27559	Sigmn.	Cormier J.E.	B38617	Sigmn.	Hill T.J.
B113227	"	Day J.G.	A102095	"	Hillier W.C.
B32608	"	Fraser W.K.	H101276	"	Hogan H.
B38620	"	Heikkila A.W.	L51366	"	Horning G.B.
L66594	"	Hennesey G.A.	L100296	"	Hudson N.E.
B116521	"	Heron R.T.	B114647	"	Hughson G.E.

DUTY CLERK

23 Oct 42	---	Sigmn. Creed F.W.
24/25 Oct 42	---	Sigmn. Wylie N
Next for Duty	---	Sigmn. Stevens E.H.

DUTY STOREMAN

23 Oct 42		C.Q.M.S. Jones H .A.
24 Oct 42		S/Sgt. Taber B.T.
Next for Duty	---	Cpl. Driscoll D.

/OVER

3. DETAIL (CONT'D)

DEPUTY FIRE CHIEFS

23 Oct 42	---	S/Sgt. Benvie N.S.
24/25 Oct 42	---	Sgt. Sigouin A.C.
Next for Duty	---	S/Sgt. Gibbs F.

4. INTER COMPANY POSTINGS

(a) Posted from M.T. Company to Trained Soldier Company No. 1 effective 23 Oct 42

K45824	Sigmn.	Carlett A.G.	(Reinf.)	(Dvr.)
D136038	"	Delaney J.E.	"	"
K45048	"	Deans J.B.	"	"
F64908	"	Higgins T.R.	"	"
K71961	"	Johnston R.S.	"	"
H39025	"	O'Brien F.C.	"	"
H100250	"	Shephard G.W.	"	"
B27860	"	Gage G.P.	"	"

(b) Posted from Trades Company to Trained Soldier Company No. 1 effective 22 Oct 42.

B52451	Sigmn.	Frow W.E.	(Reinf)	(Lineman)
B112193	"	Chessell N.A.	"	"
L74891	"	Young J.G.	"	"
B112658	"	Revoir J.C.	"	"
M101436	"	Giroux E.	"	"
B112178	"	King W	"	"
F97842	"	Lane W.T.	"	"
M100734	"	Oviatt P.O.	"	"
H100449	"	Pearson W.H.	"	"
M100459	"	Lungul T.	"	"
M101410	"	Kupty G	"	"
L65528	"	Loire J.A.	"	"
K65902	"	Gray H.L.	"	"
L65284	"	Dilworth A.J.	"	"
K65954	"	Oakman E.R.	"	"
A70077	"	Workman C.L.	"	"
B112664	"	Bowser H.	"	"
K45614	"	Craig G.A.	"	"
A60016	"	Cutler C.B.	"	"
M602905	"	Romanko N	(Reserve)	"
B572454	"	Anderson M.W.	"	"
B113219	"	Haight B.J.	(Reinf.)	"
A102131	"	Mayo B	"	"
H17918	"	Bowes N.A.	"	"
H38999	"	Gilbert E.H.	"	"

5. POSTING

Posted to Trades Company effective 18 Oct 42.

A102038 Sigmn. Baker R. (Reinf)

6. CANCELLATIONS

S.T.C. Part I Order No. 250, para. 4 (a) "Inter Company Postings" dated 21 Oct 42, insofar as it concerns the following is cancelled.

B113433	Sigmn.	Greig G.H.
M101831	"	Keim W.A.
D136051	"	Kazulak L.A.
L65469	"	Kissell S.F.
L100799	"	McNiven J.F.
L110130	"	Evans D.W.

/OVER

6. CANCELLATIONS (CONT'D)

(b) S.T.C. Part I Order No. 251, para. 4 (g) "Inter Company Postings", dated 20 Oct 42 insofar as it concerns the following is cancelled.

M102034 Sigmn. Dancey A.W.
L92931 Sigmn. Ross C.H.

(c) S.T.C. Part I Order No. 251, para. 4 (g) "Inter Company Postings" dated 20 Oct 42 insofar as it concerns the following is cancelled.

B113155 Sigmn. May G.W.
B110210 Sigmn. Sebastiano P.
B110544 Sigmn. Luke A.E.

7. AMENDMENT

(a) S.T.C. Part I Order No. 250, para. 3 "Postings" dated 21 Oct 42, is amended to read as follows:

for: para. 3 Postings read: para. 4 Postings.

(b) S.T.C. Part I Order No. 250, para. 4 "Postings", dated 21 Oct 42 is amended to read as follows:

for: C36126 Sigmn. Grady J.F. (M.T. Coy.) (Auto.) (Reinf.)
read: C36126 Sigmn. Grady J.F. (Oper.Coy) (Oper.) (Reinf.)

(c) S.T.C. Part I Order No. 251, para. 6 "Court of Inquiry", dated 22 Oct 42 is amended to read as follows:

for: 2/Lieut. F.A. Adams
read: 2/Lieut. F.A. Hames

8. VICTORY LOAN PARADE

The C.S.T.C. is participating in a Parade in aid of the Victory Loan Campaign on Sunday 25 Oct 42.

The C.S.T.C. will be formed up in four companies (250 per company) of four sections each. In close column of companies.

The undermentioned Officers are detailed as Company Commanders and Company 2 i/c's.

No. 1 Coy. Major J.H. Sanderson	Coy 2 i/c Capt. R.J. Letourneau
No. 2 Coy. Major E.D. Baldock	Coy 2 i/c Capt. W.W. Dickson
No. 3 Coy. Major A.J. Genik	Coy 2 i/c Capt. R.E. March
No. 4 Coy. Major J.D. Duncan	Coy 2 i/c Capt. H.L. Hall

The O.C. School of Instruction shall detail 16 Officers to act as Section Commanders.

The dress for this parade shall be:

Battle Dress
Battle Order
Steel Helmets shall be worn
Rifles, as detailed to No. 1 Coy.

Parade at C.S.T.C.

(i) Company Parade (under supervision of R.S.M.)
R.S.M. will form the four Companies at 1245 hours.
Company Commanders' Inspection.
(ii) R.S.M's. Parade 1305 hours.
(iii) Commandant's Parade 1315 hours.

/OVER

8. VICTORY LOAN PARADE (CONT'D)

The saluting Base will be at the Market Square on King Street. The salute will be taken by the District Officer Commanding, Military District No. 3.

All units shall march at attention in the City Limits. Rifles will be carried at the "slung position" until Units approach the Saluting Base, when the command, "Slope Arms" will be given.

The O.C. M.T. Company shall detail 6 motorcycle orderlies to report to the D.A.P.M. at the Provost Barracks, Place d' Armes, at 1400 hours, 25 Oct 42.

9. COURT OF INQUIRY

(a) A Court of Inquiry composed as under will assemble at the call of the President to investigate the circumstances surrounding the accident and injuries sustained by H602353 Signm. MacDonald, T.J.

PRESIDENT - Capt. W.J. Easterbrook, R.C.Signals, C.A.

MEMBERS - Lieut. F.E. Saltman, R.C.Signals, C.A.

Lieut. G.W. Swale, S.D. & G. Highlanders, C.A.

Proceedings of the Court in quadruplicate will be handed to the Adjutant when completed.

(b) A Court of Inquiry composed as under will assemble at the call of the President to investigate the circumstances surrounding an accident and injuries sustained by H100451 L/Cpl. Stewart A.D.

PRESIDENT - Capt. N.J. Norris, R.C.Signals, C.A.

MEMBERS - Lieut. J.L.E. Couillard, R.C.Signals, C.A.

Lieut. F.G. Walker, R.C.Signals, C.A.

Proceedings of the Court in quadruplicate will be handed to the Adjutant when completed.

(c) A Court of Inquiry composed as under will assemble at the call of the President to investigate the circumstances surrounding an accident and injuries sustained by C6-631 Signm. Coleman, E.A.

PRESIDENT - Lieut. E.G. Coombe, R.C.Signals, C.A.

MEMBERS - Lieut. S.H. Thomas, R.C.Signals, C.A.

Lieut. J.E. Skinner, R.C.Signals, C.A.

10. STANDING RATION BOARD

The undermentioned officers are detailed as President and Members of the Standing Ration Board, Kingston, Garrison, and will assemble when necessary at the Supply Depot, Barriefield Camp, at the call of the President, effective 19 Oct 42.

PRESIDENT

Major G.H. Free, E.D., C.O.C. T.C. Barriefield.

MEMBERS

Lieut. D.W. Jones, R.C.A.S.C.

An Officer to be detailed by the Camp Medical Officer, Barriefield Camp.

/OVER

11. DISTRICT COURT-MARTIAL

B32540 Sigmn. Thomas James HUFFMAN,
R.C.C.S., C.S.T.C., C.A.

The detail of Officers as mentioned below will assemble at Vimy Barracks, Barriefield, Ontario, at 1400 hours, Monday, 26 Oct 42, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them.)

PRESIDENT

Major J.E. Dowsley, No. 3A District Depot, C.A.

MEMBERS

Major E.T. Naylor, E.D., H. & P.E. Regt., #3A District Depot, C.A.
Major J.C. Irvine, C.O.C.T.C. (A21) C.A.

WAITING MEMBER

Lieut. J. Hargreaves, 7th Div. Ord. W/S, C.A.

PROSECUTOR

Capt. W.J.A. Easterbrook, R.C.C.S., C.S.T.C., C.A.

DEFENDING OFFICER

Capt. E.W.J. Plunkett, R.C.C.S., C.S.T.C., C.A.

Officers attending for instruction are as follows:
Lieut. M.G. Malcovich, R.C.Signals, C.A.

Lieut. N.E. Hancock, R.C.Signals, C.A.

Lieut. A.T. White, R.C.Signals, C.A.

The accused person will be duly warned and all witnesses required to attend.

The Commandant, C.S.T.C., Vimy Barracks, Barriefield, Ontario, will arrange for necessary accommodation and stationery.

The proceedings of the Court will be forwarded to the District Officer Commanding, Military District No. 3.

12. CHURCH SERVICE

For all personnel in camp not on pass or duty.

DRESS

OFFICERS

Battle Dress, anklets and field service cap.

OTHER RANKS

Battle Dress, anklets and field service cap.

ROMAN CATHOLIC

Duty Warrant Officer's Parade	0810 hours
Senior R.C. Officer's Parade	0820 hours
Service Commences	0830 hours

/OVER

12. CHURCH SERVICES (CONT'D)

The Senior R.C. Officer will present the parade state to the Adjutant, C.S.T.C.

Personnel receiving Holy Communion will be paraded to No. 1 Mess for breakfast, under supervision of an N.C.O. detailed by the Senior R.C. Officer. Breakfast will be available at 0905 hours.

Confessions are heard on Saturday in the Chaplain's Office at 1900 - 2100 hours.

Mass is said daily at 0630 hours in the Forde Building room 112.

PROTESTANT

Duty Warrant Officer's Parade	0905 hours
Orderly Officer's Parade	0915 hours
Church Service	0930 hours

Company Officers will insure that their Companies are paraded for inspection in sufficient time to permit the Duty Warrant Officer to form the C.S.T.C. Parade at 0905 hours.

Company Commanders will present the parade state to the Orderly Officer.

Holy Communion, according to the rites of the Church of England, will be held in room 112 of the Forde Building at 0830 hours.

13. JEWISH CHURCH SERVICE

There will be a church service for all Jewish personnel not on pass or duty, in room 113, Forde Building, at 0930 hours on Sunday, 25 Oct 42.

Personnel attending this service shall parade with the Protestant Church Parade and shall fall in on the left flank of the Protestant parade.

14. ENGAGEMENT IN CIVIL OCCUPATIONS

The following personnel, while serving, are forbidden to engage directly or indirectly in any civil occupation, either full or part time:-

(a) Officers and soldiers of the Canadian Army (Active)
(b) Officers and soldiers called out on Active Service
(c) Officers and soldiers employed under G.O. 139 of 1939
(d) Personnel called up under the N.R.M.A.

(R.O. 2479)

(J.M. MacCallum) Capt.,
Adjutant.

NOTICES

There will be a Corporals Mess Dance in the Drill Hall on Fri. 23 Oct 42 at 2030 hours.

There will be a Fencing Class, beginning Monday, in the Drill Hall on Monday, 26 Oct 42 at 1815 hours. Report to Sigmn. Connell, J.G., in Drill Hall

"G"

J. E. Dowsley, Major, President DCM

SUMMARY OF EVIDENCE

in the case of

No. B32540 Sigmn. Thomas James Huffman, Royal Canadian Corps of Signals, C.A., a soldier of the Canadian Army placed on Active Service.

Charged with: Absenting himself Without Leave.

The Commanding Officer directs that the evidence be taken on oath.

1st Witness K38645 L/Cpl. Flood, F., R.C. Signals, C.A., having been duly sworn, states:

"I am corporal in charge of tent line No. 5, Operating Company, in Area 6. I called the roll at Reveille, 0615 hours, October 6th, 1942. Sigmn. Huffman, T.J. failed to answer his name. I reported this immediately to the Orderly Sergeant of Operating Company and also to the Orderly Sergeant of "A" Wing, on being informed that Huffman was being transferred to "A" Wing. I have called the roll continuously every morning since October 6th, and the Accused was not present at any roll call since that date."

K38645 F. Flood L/Cpl.

The Accused declines to cross-examine the Witness.

2nd Witness P40244 Sgt. Newton, J.W., R.C. Signals, C.A., having been duly sworn, states:

"As Company Orderly Sergeant for "A" Wing, C.S.T.C., it was reported to me by the Corporal in charge of Tented Area No. 6 that the Accused, B32540 Sigmn. Huffman, T.J. was absent at the Reveille Roll Call on 6th October, 1942. Knowing him to be in possession of a Midnight Pass only, I placed his name on the Absentee Report as being absent from 0001 hours, 6th October, 1942. To the best of my knowledge, he remained absent until reporting in to the guardroom on the 13th October, 1942. On Friday, October 9th, I detailed L/Cpl. Johnston, W.S. to turn in Huffman's kit to the Quartermaster Stores, which was done."

J. Newton Sgt. P40244

The Accused declines to cross-examine the Witness.

3rd Witness B393 Cpl. Jeffries, P., R.C. Signals, C.A., having been duly sworn, states:

"I was Assistant Guard Commander on 13th October, 1942. The Accused, B32540, Sigmn. Huffman, T.J., reported to me at 2245 hours. Knowing him to be an absentee, I placed him in close arrest. He was sober and in uniform."

Jeffries P. Cpl. B-393

The Accused declines to cross-examine the Witness.

Question Asked of the Accused:

"Do you wish to make any statement, or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say, or any evidence you give will be taken down in writing and may be given as evidence."

Answer by the Accused:

"Sir, I do not wish to make any statement."

.....T.J. Huffman.....

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

Taken down by me in the presence of the Accused at the Canadian Signal Training Centre, Vimy Barracks, Kingston, Ontario, this 15th day of October, 1942.

Signature of Officer detailed to take Summary of Evidence .....J.P. Lambert.....,Capt., R.C. Signals, C.A.

EXHIBIT - "H"

27.

F. Rowsley, Major,
President, D.M.

When I signed up as a active service man I signed up as a man, and I expected to be treated as such; instead of that, I was taken off overseas service and put on general duties. If I wanted to work in the kitchen I would have sign up as a cook, when I sign up.

When I was released from detention last August, the Commanding Officer told me he would give me a discharge, if I was ever up on orders again. That's enough to give anyone a good reason for going A.W.L.

I was also up to Company office 4 or 5 times in about two weeks to see if I could get out of the kitchen; but they are always too busy or haven't got time to listen to you, and send you back to your work.

I also have a debt in civilian life to pay. At the rate I am paying it off, it will take me 16 years, whereas if I could get back in civilian life and get a decent job and wage, I could pay twice as much as I am now and be free that much sooner, to live my life freely and peacefully.

T. J. Huffman
B32540 Sigmn. Huffman T.J.

Y

Sundry Page 29.
President

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
E32540	Sigmn.	Thomas James Huffman, R.C.	Signals, C.A.

1. The following is a fair and true summary of the entries in the ~~regimental or squadron, battery or~~ Service and General ~~Company~~ Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	Absence without leave	5 times	Absence without leave	5 times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

~~or,~~

~~There are no entries in the conduct sheets of the accused~~

~~Note—If the charge is for drunkenness the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted

~~or,~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Air Force Act or Army Act or of dispensations with trial under Art. 77 are set out in the Schedule annexed to this statement.~~

3. The accused is not under sentence at the present time.

~~or,~~

~~The accused at the present time is undergoing sentence of ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in civil custody, and 13 days in military custody, making a total of 13 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 22 years, ~~277~~ 309 days.

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 5th January, 1942.

7. The service which the accused is allowed to reckon towards discharge is ~~270~~ 295 days.

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward ~~or is in possession of or entitled to~~. State any ~~air force~~ military decoration or reward.

10. ~~If the accused is a warrant officer, the accused before he was made a warrant officer held the rank of .....~~

30.

11. ~~(by the name of the officer) the number holding the Royal Canadian Air Force the rank of, the name of the unit, and the number (or name) the rank of~~

~~xxxxx~~

~~xxxxx~~

12. ~~The number the rank and the name of the commissioned officer mentioned in this certificate, with the date of his promotion~~

~~Date of promotion~~

~~xxxxx~~

~~xxxxx~~

~~xxxxx~~

~~xxxxx~~

~~xxxxx~~

~~xxxxx~~

~~Where the name of the officer or the rank of the non-commissioned officer is not found in the Regimental Books the paragraph must be struck through~~

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the ~~Air Force~~ Army Act, and of cases in which trial has been dispensed with of accused, Number B32540 Rank Sigmn. Name Thomas James HUFFMAN of R.C. Signals, C.A. ~~Regiment~~ Unit

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
		NIL.		

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~26th~~ 26th day of October, 1942.

(J.M. MacCallum) Capt.
Adjutant, CSTC.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

MEDICAL OFFICER'S REPORT

J. Bowsley. Major
President DCM.

I certify that No. B 32546 SIGMN. HUFFMAN T.J.
of R.C.C.S. is in a fit state of health,
and able to undergo Trial by Court martial.

C. A. Carlile Capt
Medical Officer
RCAMC, CA

Station VIMY BARRACKS, R.C.C.S. attd CSTC Vimy

Date Oct 26. 1942.

M. F. B. 246
MM—9-41 (1741)
H.Q. 1772-39 460

FLASH NUMBER THREE

FLASH NUMBER THREE

FLASH NUMBER THREE

FLASH NUMBER THREE

FLASH NUMBER THREE

H.Q.C. 55-H-298

DEAD

DEPARTMENT OF NATIONAL DEFENCE OTTAWA CANADA

CONFIDENTIAL

CROSS REFERENCE

DEAD

SUBJECT

COURT - MARTIAL

HAMEL, L.P. E. 25913

R.C.A.M.C., C.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-298

CENTRAL REGISTRY	DATE	P.C. OR S.F.	INITIALS	REFERRED TO	FOR	INITIALS	DATE

(If comments for which reserved space is insufficient are necessary on one line, add them below "With Minute")

DEAD

DEAD

1. Files should be routed no more than directory necessary or three days than keep it out of Central Registry unnecessarily. This ensures to better completed and keeps an opportunity to use same.
2. Central Registry should be notified whenever file is passed direct to another branch.
3. All outgoing letters should be addressed to number.

NOTICE

If a file is frequently needed at short intervals, [illegible] to D.F. is for two [illegible] other offices are

PASS THIS [illegible] ENVELOPE

DRAFT ROUTINE ORDER

ADJUTANT GENERAL'S BRANCH

SENTENCE OF A GENERAL COURT-MARTIAL

ROUTINE ORDER
No. 2955
Date 6 Mar 43
for January 1943
Off/ORDERS

1. E/25913, Pte. Louis-Philippe HAMEL, No. 5 Coy., Royal Canadian Army Medical Corps, C.A., was tried by General Court-Martial on the 25th day of November, 1942, on two charges -

The first under Section 40 of the Army Act in that he, when employed in connection with army medical examinations in Military District No. 5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties.

The second under Section 40 of the Army Act in that he, when employed in connection with army medical examinations in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge.

That a plea in bar of trial was offered by the accused to both charges.

He was found guilty of both charges and the Court found that the said plea in bar was not proved. He was sentenced to undergo detention for ninety days.

2. The finding of guilty on both charges and the finding of the Court with respect to the plea in bar of trial, and the sentence having been confirmed by Governor-in-Council, the charges, finding and sentence were duly promulgated.

(H.Q.C.55-H-298)

RECOMMENDED:

Colonel,
D. of Admin.

APPROVED:

Major-General,
Adjutant-General.

MEMORANDUM.

DEPT. of NATIONAL DEFENCE.

TO: A. D.

H.Q.C. 55-H-298 (JAG)

OTTAWA, March 1st, 1943.

Re: GENERAL COURT-MARTIAL
E-25913, Pte. Louis-Philippe HAMEL,
No. 5 Coy., R.C.A.M.C., C.A.

The Proceedings hereunder of the marginally-noted General Court-Martial are passed to you to note, and for the result to be published in the usual manner in Routine Order, pursuant to C.A.R.O. 2578.

2. The Findings on the charges and the Finding in respect to the plea in bar of trial and the Sentence were duly confirmed by Order in Council P.C. 1249, dated the 16th February, 1943, and promulgation was effected to the accused on the 20th February, 1943.

E.R. Bruce Capt

Brigadier,
Judge Advocate-General.

EBB/S.

H.Q. C.55-H-298
M.D. Q.39-H-343

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H-25913 Name HAMEL, L.P.

Rank Pte. Unit No. 5 Coy. R.C.A.M.C., C.A.

Charge (1) Sec. 40 AA CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

(2) Sec. 40 AA CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

Date of Crime (1) & (2) between 1/6/42 and 17/10/42

Date of Arrest Charge. Signed 14/10/42

Orders for ~~D.C.M.~~ G.C.M. Adjutant-General, by virtue of his Warrant, dated March 1st, 1940

Place and Date of Trial Quebec, Que., 25/11/42

Sentence DETENTION 90 DAYS

Date of Confirmation 16/2/43

Date of Promulgation 20/2/43

Entered in Records of J.A.G. as No. 7931

Date 26/2/43

MEMO

E.R. Ruegg Capt
for Judge Advocate-General.

3M-12-42(M1754)

CANADA

IN REPLY PLEASE QUOTE
No. Q.39-H-343 (JA).

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, P.Q., 23rd February, 1943.

The Secretary,
Department of National Defence,
Ottawa, Canada.

C55-H-298
Jan 15/42

GENERAL COURT-MARTIAL :
E-25913, Pte. Louis-Philippe HAMEL,
No. 5 Coy. R.C.A.M.C., C.A.

1. Reference your H.Q.C.55-H-298 (JAG), dated 17th February, 1943, relative to the marginally noted General Court-Martial.

2. The proceedings of the General Court-Martial in the case of E-25913, Private Louis-Philippe Hamel, No. 5 Coy. R.C.A.M.C., C.A., are returned herewith for registration and custody.

3. The Finding and Sentence were duly promulgated and the Minute of Promulgation was duly drafted on page F of the proceedings.

(Edmond Blais) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/gv

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1771-39-767

M/6

P.C. 1249

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 16th day of FEBRUARY, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Associate Minister of National Defence reports that M. 25913, Private Louis-Philippe HAMEL, of No. 5 Company, Royal Canadian Army Medical Corps, C.A., a soldier of the Canadian Army placed on Active Service, was by a General Court-Martial held at the Drill Hall, Quebec, P.Q., on the 25th November 1942, tried on the following charges:-

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June 1942, and the seventeenth day of October 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October 1942, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge.

That a plea in bar of trial was offered by the accused to both charges and the Court found that the said plea in bar was not proved;

That the accused pleaded Not Guilty to both charges, was found Guilty of both charges and was sentenced to undergo detention for ninety days;

That/

The Judge Advocate General
Dept. of National Defence.
Central Chambers.

That the Judge Advocate General has reported that the proceedings are regular, the Findings on the said charges including that in respect of the plea in bar of trial, as aforesaid, properly made and the Sentence according to law.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Associate Minister of National Defence, is pleased to confirm and doth hereby confirm the Finding of Guilty of both charges, the Finding in respect of the plea in bar of trial, and the said Sentence.

A. D. P. Heeney,

Clerk of the Privy Council.

GENERAL COURT-MARTIAL

No.C-25913, Pte. Louis-Philippe HAMEL, No. 5 Company, Royal Canadian Army Medical Corps, CA.

Held at the Drill Hall, Quebec, P.Q. November 25th, 1942, and concluded on January 8th, 1943

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for General ~~and District~~ Courts-Martial

Proceedings of a General Court-Martial held at the Drill Hall, Quebec, P.Q. on the 25th day of November 1942 by order of Major-General H.F.G. LETSON, M.C., E.D. ~~Commanding~~ Adjutant-General, by virtue of his Warrant, dated March 1st, 1940, which order is dated the 18th day of November 1942

President.

Brigadier J. A. Leclaire,
15th Infantry Brigade, C.A.

Members.

Lieut-Colonel (A/Col.) J. R. Roche,
Le Régiment de Maisonneuve, C.A.,
Lieut-Colonel G. R. Bouchard,
Le Régiment de la Chaudière (Mit.) C.A.,
Attached No. 5 District Depot, C.A.,
Lieut-Colonel C. L. Laurin, E.D.,
Le Régiment de Chateauguay (Mit.) C.A.,
Major (A/Lieut-Colonel) G. L. Taschereau,
Le Régiment de la Chaudière (Mit.) C.A.,
Major (A/Lieut-Colonel) P. Trudeau,
Les Fusiliers Mont-Royal, C.A.,
Major R. G. Marion, M.C.,
Les Fusiliers Mont-Royal, C.A.

Major Maurice Lalonde, Asst. Judge-Advocate General, M.D. No. 4, Judge Advocate.

Trial of* No. C-25913, Pte. Louis-Philippe HAMEL,
No. 5 Coy, R.C.A.M.C., C.A.

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

~~The Court satisfy themselves that [illegible] is not available [illegible] [illegible] [illegible] member of the Court~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. "X"

The accused is brought before the Court.

Lieut-Colonel Laval Fortier, Asst. Judge-Advocate General, National Defence Headquarters.
Prosecutor: Maurice Boisvert, Esq., K.C., of the Bar of the Province of Quebec.
~~Counsel~~ Defending officer: Lieut. Louis de Gonzague Champoux, 1st (Reserve) Bn., Les Voltigeurs de Quebec, C.A.

Counsel for the Prosecutor:
Counsel for the Defending Officer: Antoine Rivard, Esq., K.C., member of the Bar of the Province of Quebec.

At 10:15 A.M. o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

"X" Je me suis assuré qu'aucun (1) des officiers détachés pour siéger à la Cour n'a précédemment fait partie d'un conseil d'enquête constitué en vue d'instruire l'affaire dont est saisie la présente cour martiale.

Le président de la C.M.G.

(J.A. [illegible] Brigadier.)

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-30-224

B

~~The President, members and judge-advocate are duly sworn.~~

The following officers under instruction are duly sworn.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Question to the accused. Are you guilty or not guilty of the [first] charge against you, which you have heard read?

Answer.

Question. Are you guilty or not guilty of the second charge against you, which you have heard read?

Answer.

Question. Are you guilty or not guilty of the third charge against you, which you have heard read?

Answer.

Question. Are you guilty or not guilty of the fourth charge against you, which you have heard read?

Answer.

The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.

Instruction. If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge.

Le Président, les membres et le juge-avocat sont dûment assermentés.

Q.2 Récusez-vous J. Edwin Tanguay comme sténographe?

A.2 Non, monsieur.

J. Edwin Tanguay prête dument serment en qualité de sténographe.

Q.2a Récusez-vous Raymond Labonté comme sténographe?

A.2a Non, monsieur.

Raymond Labonté prête dûment serment en qualité de sténographe.

A 10 h. 45 de l'avant-midi, le 25 novembre 1942, la cour a ajourné jusqu'à 2 h. de l'après-midi le 25 novembre 1942, le cas du présent accusé, afin de procéder au procès du No. E-75008, soldat Paul-Henri Cloutier, Dépot du District No. 5, A.C.

Le 25 novembre 1942, à 2 h. de l'après-midi, conformément à l'avis d'ajournement, la cour continue le procès du présent accusé; sont présents les mêmes membres que lors de la suspension des débats.

ACTE D'ACCUSATION

L'acte d'accusation est signé par le président, marqué B2 et annexé au procès-verbal.

L'inculpé est mis en accusation sous chaque chef dont il est fait mention dans l'acte d'accusation.

L'avocat de l'accusé s'objecte à l'accusation:

" Avant que l'accusé ne plaide, j'aurais une objection à faire en vertu de la règle de procédure 32, si la Cour me permet d'exposer mon objection."

Le Procureur, avec la permission de la Cour, pose la question suivante à l'avocat de l'accusé:

Q.3 Est-ce que votre objection va s'appliquer aux deux chefs d'accusation ou seulement au premier?

A.3 Aux deux.

L'avocat de l'accusé continue:

" Monsieur le Président, l'accusé est appelé à répondre devant vous à une plainte qui est portée en vertu de l'article 40 de l'"Army Act". Hors, cet article 40 se lit comme suit:

"Every person subject to military law who commits any of the following offences; that is to say --is guilty of any act, conduct, disorder, or neglect to the prejudice of good order and military discipline-- shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned. Provided that no person shall be charged under this section in respect of any offence for

J. Leclaire Brig. Pres. G.C.M.

CHARGE SHEET

The accused: E-25913, Private Louis-Philippe HAMEL, No. 5 Coy, Royal Canadian Army Medical Corps, C.A., a soldier of the Canadian Army placed on Active Service, is charged with:-

FIRST CHARGE
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he, at the City of Quebec, PQ., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No.5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties.

SECOND CHARGE
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No.5, distributed to other military medical personnel moneys mentioned in the first charge.

Signed at QUEBEC, P.Q., this fourteenth day of November, 1942.

J.L. Lacasse -Major,
(J.L. LACASSE) - Major,
Officer Commanding,
No.5 Coy, R.C.A.M.C., C.A.

To be tried by GENERAL COURT-MARTIAL,

Signed at OTTAWA, Ont., this 18th day of November, 1942.

H.P.G. Letson
(H.P.G. Letson)
Major-General,
Adjutant-General.

which special provision is made in any other section of this Act, and which is not a civil offence; nevertheless the conviction of a person so charged shall not be invalid by reason only of the charge being in contravention of this proviso, unless it appears that injustice has been done to the person charged by reason of such contravention; but the responsibility of any officer for that contravention shall not be removed by the validity of the conviction."

Ma prétention est celle-ci: évidemment si la Cour me le permet je vais d'abord exposer ma prétention, quitte à l'appuyer avec preuve.

En vertu du droit anglais qui nous régit en la matière, et plus spécialement en vertu de "Bribery of Public Officials" que je trouve dans Archbold's "Criminal Pleading Evidence and Practice", page 1232, 30ème édition, qui se lit comme suit:

"It has been held to be a misdemeanor at common law to bribe a privy councillor or to bribe a juryman. The offer of a bribe is an attempt to bribe, and is also a misdemeanor. So is the taking of a bribe by an officer judicial or ministerial."

Et un peu plus loin:

"It is a common law misdemeanor for an officer who has a duty to do something in which the public are interested to receive a bribe either to act in a manner contrary to his duty or to show favour in the discharge of his functions. To bribe the colonel of a regiment to show favour in the matter of a canteen contract for the regiment is a misdemeanor at common law; similarly, for the colonel to receive such a bribe is a misdemeanor."

Pour que mon objection soit bien comprise, je la résume: puisque en vertu du droit anglais, l'offense de recevoir de l'argent dans l'exécution de fonctions publiques, comme celles que remplissait d'après l'acte d'accusation, l'accusé, est un acte prévu par la loi civile anglaise, l'article 40 ne peut pas s'appliquer parce qu'il tombe sous le proviso "provided it is not a civil offence".

Afin que mon objection soit même considérée par la cour, il faut que je fasse la preuve du droit anglais, et si la cour me le permet, je désire faire cette preuve.

La permission est accordée par la Cour.

L'avocat de l'accusé continue.

Pour faire ma preuve, je comprends que d'après la règle générale, on peut faire la preuve d'une loi étrangère en produisant un expert de cette loi, un homme qui la connait, qui peut établir que véritablement les textes qu'on lui montre ou encore qui peut dire véritablement que la loi est de telle ou telle façon.

Comme nous n'avons pas beaucoup de gens versés en la matière à Québec, je demanderais la permission de faire entendre un

des membres de cette Cour, lequel est, je crois, le seul homme ici présent qui soit versé dans la loi anglaise. Il est 'barrister' et a droit de pratiquer comme tel en Angleterre. Je désire nommer le Colonel Roche. Je demande la permission de faire entendre le Colonel Roche comme témoin."

Le juge-avocat réfère la Cour à l'article 92 du chapitre VI (M.M.L. p.95); à la note 5 à l'article 50 de l'"Army Act" (M.M.L. p.478); et à la note 1 à la règle de procédure 77 (M.M.L. p.666).

La Cour accorde la permission demandée par l'avocat de l'accusé.

PREMIER TEMOIN POUR LA DEFENSE SUR L'OBJECTION A L'ACCUSATION

Lieut.-Colonel (A/Col.) J. R. Roche, Le Régiment de Maisonneuve, A.C., ayant dûment prêté serment, est interrogé par l'avocat de l'accusé:

Q.4 Colonel, êtes-vous avocat au Barreau de Québec?

A.4 Oui, monsieur.

Q.5 Et je comprends que vous êtes également 'barrister' au Barreau d'Angleterre?

A.5 Oui, monsieur.

Q.6 Avez-vous le droit de pratiquer comme 'barrister' en Angleterre?

A.6 Oui, monsieur.

Q.7 Voulez-vous prendre connaissance d'un volume, soit "Archbold's Criminal Pleading, Evidence and Practice", 30th edition ?

A.7 Oui, monsieur.

Q.8 Avez-vous le droit de pratiquer la loi anglaise?

A.8 J'ai le droit de pratiquer en Angleterre et je suis admis comme avocat.

Q.9 Si vous pratiquez en Angleterre, pratiquez-vous en vertu de la loi anglaise, du droit anglais?

A.9 Oui, monsieur.

Q.10 Et en vertu du droit commun anglais?

A.10 Oui, monsieur.

Contre-interrogé par le procureur:

Q.11 A quelle occasion avez-vous été admis au Barreau anglais, Colonel?

A.11 Aux sessions de juin 1941, aux sessions régulières du Leicestershire; j'ai été appelé au Barreau et j'ai été prononcé avocat d'Angleterre et du pays de Galles, et à la suite de l'appel au Barreau, j'ai signé le "roll" des avocats, à l'entrée, comme le veut la loi.

Q.12 Avez-vous passé des examens spéciaux pour être admis au barreau anglais?

A.12 J'ai passé des examens.

Q.13 Etaient-ce des examens spéciaux?

A.13 Les examens se font comme ceci: on examine le dossier du candidat et s'il est déjà avocat dans un barreau reconnu de l'Empire, et s'il a des diplômes d'Université --d'une Université reconnue--, et s'il a un certain nombre d'années de pratique et qu'il est recommandé par le Ministre de la Justice ou un procureur-général intéressé, son dossier est pris en considération et il peut être appelé au barreau.

Q.14 Somme toute, c'est la même procédure suivie dans le cas d'un avocat de la Province de Québec qui serait admis au barreau de la Province d'Ontario parce qu'il serait déjà avocat de la Province de Québec, une admission qui ne demande aucun examen spécial, l'avocat-candidat ayant déjà passé des examens pour être admis au barreau de la Province de Québec?

A.14 Je ne suis pas en mesure de répondre à cette question parce que j'ignore comment les choses se passent en Ontario.

Q.15 Maintenant, avez-vous fait des études spéciales du droit anglais avant d'être admis au barreau anglais?

A.15 Non, je n'ai pas fait d'études spéciales.

Q.16 Et les seules études légales que vous eussiez faites sont celles que vous avez faites avant d'être admis au barreau de Québec?

A.16 Oui, monsieur.

Interrogé de nouveau par l'avocat de l'accusé:

Q.17 Est-ce que ces études, Colonel, vous ont permis d'avoir des notions du droit commun anglais?

A.17 Oui, monsieur.

Q.18 Vos études vous ont-elles appris le droit commun anglais?

A.18 Oui, monsieur.

Q.19 Dans quel domaine?

A.19 J'ai subi les examens du barreau de la Province de Québec.

Q.20 Pendant que vous étiez en Angleterre, avez-vous eu occasion de suivre des causes ou des procès?

A.20 J'ai eu occasion de suivre quelques causes.

Q.21 Qui procédaient...?

A.21 C'étaient des causes qui procédaient en vertu du droit anglais.

Interrogé par le Juge-Avocat:

Q.22 Permettez-moi une question, Colonel; avez-vous pratiqué le droit anglais?

A.22 Je n'ai pas conduit de causes de l'enquête jusqu'à la fin du procès. Je ne tenais pas bureau en Angleterre. J'étais membre du barreau; j'avais l'avantage d'y demeurer, d'assister, et je l'ai fait. J'étais employé comme militaire.

Q.23 Vous étiez en service militaire?

A.23 Oui, monsieur.

Le Procureur s'adresse à la Cour:

" Je désire m'objecter à la preuve qu'on veut faire par le Colonel Roche, parce que la loi veut que lorsque nous voulons prouver du droit étranger, il faut le faire par un expert. Le Colonel Roche est un membre du barreau anglais, il est vrai, mais il n'est pas un expert en droit commun anglais.

" Malgré que mon confrère, Me Rivard, ait une très bonne connaissance du 'common law' anglais, je ne crois pas qu'il pourrait être admis devant cette Cour comme expert pour nous dire quelles sont les lois d'Angleterre, de quelle façon elles s'appliquent, les éléments de ces lois, etc.

" Le Colonel Roche est dans la situation de l'avocat du barreau de la Province de Québec qui a appris le 'common law' anglais en relation avec notre droit au Canada; il n'a aucune expérience au barreau anglais; il n'a fait aucune étude spéciale pour être admis au barreau anglais. Et je soumets que le Colonel Roche, comme tel, ne peut être reconnu comme expert devant cette Cour pour prouver le 'common law' ou interpréter le 'common law' anglais."

L'Avocat de l'accusé s'adresse à la Cour:

" En réponse à mon savant ami, il est très évident que je ne suis pas expert en droit commun anglais; je ne suis même pas expert en droit commun québécois ou canadien --comme vous voudrez l'appeler--. Je crois que c'est l'usage ordinaire des tribunaux de produire pour prouver une loi étrangère, non pas des professeurs, non pas des gens qui sont versés dans une partie spéciale du droit plutôt qu'une autre, mais des gens de droit, des gens de loi, et ceci s'applique surtout lorsqu'il s'agit de droit comme le droit commun anglais, lequel droit s'applique ici, dans ce pays, dans presque tout ce qui regarde notre droit public et notre droit commun, droit qui n'est presque pas codifié et sur lequel notre code criminel est basé. Pour notre propre droit public et constitutionnel, on doit nécessairement apprendre à connaître les fondements du 'common law' anglais.

" Quand le Colonel Roche a passé des examens pour être reçu au barreau de Québec, il a nécessairement fait des études où il a appris et connu le droit commun anglais, et c'est pour cette raison qu'une fois rendu en Angleterre, il n'a pas eu à passer d'examen pour être admis au barreau anglais; ces examens, il les avait déjà passés pour être admis au barreau de la Province de Québec.

" On ne fait pas passer des examens à des gens quand on sait d'avance qu'ils vont les passer et qu'ils sont capables de les subir avec succès. On ne soumet pas à une épreuve des gens quand on est certain qu'ils connaissent bien la matière qui est le sujet de l'épreuve.

" Je soumets que nous avons fait dans cette cause ce que, dans mon humble opinion j'ai vu faire devant la plupart des tribunaux, non pas amené un expert versé d'une façon spéciale dans les lois d'un pays étranger, mais un homme qui a le droit de pratiquer en vertu de cette loi, un homme qui, par ses études connait nécessairement la loi et est en mesure de nous dire si un texte qu'on lui montrera est un texte qui a force de loi en Angleterre."

Le Juge-Avocat donne ses directives à la Cour;

" La question soulevée est excessivement délicate. Certains principes très bien connus sont parfois, dans leur application, très difficiles. Le cas mentionné en est un, monsieur le Président et messieurs le membres de la Cour, où l'application du principe a donné lieu à des divergences d'opinion et à bien des débats.

" Le principe général est que la loi étrangère, (et dans ce cas-ci, la loi anglaise est une loi étrangère, sauf pour ce qui regarde la preuve) doit être prouvée comme un fait par un témoin ou par des témoins; la question est de savoir par qui la loi étrangère peut être prouvée comme il se doit.

" Je ne peux faire mieux que de référer au volume le plus récent sur la loi de la preuve en Angleterre, "Phipson on Evidence", 8ème édition, aux pages 11, 13, 17, 382 à 384, et 539. Voici comment s'exprime Phipson, l'autorité la plus récente sur une question de cette nature-là;

"Foreign Law, which includes Scotch and Colonial Law, except on appeals to the House of Lords and Privy Council respectively, must, unless ascertained under the statutory procedure, be proved as a fact by skilled witnesses.

"In foreign law, the expert may be either a professional lawyer, or a person "peritus virtute officii", i.e., the holder of an official situation which requires and therefore implies legal knowledge; or perhaps some other person who from his profession or business has had peculiar means of becoming acquainted with the law in question.

"The following have been held "competent": A foreign judge, barrister, or solicitor practising in the Courts of his own country; an English barrister, who, though not practising in Malta, was familiar with, and had been employed by the Colonial Office in reference to such

questions, as to Maltese Law; one who, though he had not practised in Rhodesia, was the reader in Roman-Dutch law at the Inns of Court, as to Rhodesian law; one who had studied Italian law in Italy and was counsel to the Italian consulate, as to Italian law; one, who, though not technically entitled to practise in Uruguay, was qualified to do so and familiar with the law there, as to such law."

" Ces exemples et plusieurs autres sont donnés aux pages 382 et 383 de "Phipson on Evidence", 8ème édition.

"Experts on the subject may refer to Codes and precedents in support of their views; and the passages cited will then be treated as part of their testimony. Moreover, where the evidence of the witnesses is conflicting or obscure, the Court may go a step further and examine and construe the passages cited for itself in order to arrive at a satisfactory conclusion.

"Foreign law must, in general, be proved ON OATH, either orally, or, in some cases, by affidavit, and not by the mere certificates of experts, though this strictness has occasionally been relaxed. Moreover, previous decisions upon the same point, and even between the same parties, are not admissible, for being a question of fact it must be decided on evidence and not on authority; in addition to which the law is continually liable to change. An interrogatory involving a question of foreign law will not be allowed unless the party interrogated is shown to be an expert in such law."

" On emploie 'skilled witness' d'abord et, plus loin, le terme 'expert'. Sur la qualification d'un témoin, je ne peux pas donner à la Cour autre chose que les textes que je viens de lire; ce sont les plus récents et le principe y est clairement exposé. La question qui se pose est donc celle-ci: "Is Colonel Roche a 'skilled witness', an 'expert witness' in English law?" On trouvera quelque chose dans le même sens dans "Archbold's Criminal Pleading, Evidence and Practice".

La Cour siège en audience privée afin de délibérer.

Le Colonel J.R. Roche ne délibère pas .

L'audience publique étant reprise, le Juge-Avocat annonce que la Cour, après mûre délibération, a décidé que la Défense n'avait pas établi à la satisfaction de la Cour que le Colonel Roche est un témoin compétent pour prouver le droit anglais.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B)

Le témoin reprend son siège comme Membre de la Cour.

L'avocat de l'accusé s'adresse à la Cour:

" Je comprends, monsieur le Président, que mon objection a été enregistrée, et que évidemment puisque je ne peux pas faire la preuve du droit anglais, étant donné la décision de la Cour..."

Le Président s'adresse à l'avocat de l'accusé;

" La Cour a seulement décidé que vous ne pouviez pas le faire par ce témoin-ci."

L'avocat de l'accusé s'adresse à la Cour;

" Je dois déclarer que je n'ai pas d'autres témoins pour prouver la loi anglaise, et je comprends que mon application est renvoyée."

Le Président s'adresse à l'avocat de l'accusé;

" C'est votre privilège et votre droit. Si vous voulez faire entendre quelqu'un d'autre, vous êtes libre de le faire. Par les questions posées et la preuve qui nous a été donnée, nous avons jugé que les réponses données et la preuve apportée n'étaient pas assez fortes pour nous faire décider que le Colonel Roche est un témoin compétent et expert en droit anglais."

L'avocat de l'accusé s'adresse à la Cour;

" Monsieur le Président, sur cette question --et c'est un dernier effort que je tente-- puis-je demander à la Cour si, pour interpréter l'objection et la décider, elle s'est servie, à la suggestion du Juge-Avocat, de Phipson qui est un auteur anglais de droit anglais et lequel s'est lui-même servi d'autres auteurs de droit anglais?

" Pour interpréter la façon dont on devait juger la compétence du Colonel Roche, est-ce que la Cour ne peut pas se servir de "Archbold", lui aussi auteur anglais bien connu, pour connaître le droit commun anglais?"

Le Président s'adresse à l'avocat de l'accusé;

" La Cour a décidé et c'est la Cour qui conduit."

Le Juge-Avocat cite la sous-section 128 de l'Army Act (M.M.L.p.541) et la règle de procédure 73(B) (M.M.L.p.665).

L'avocat de l'accusé n'a pas d'autres témoins à faire entendre sur l'objection à l'accusation.

L'avocat de l'accusé demande la permission de la Cour pour faire une autre motion.

La permission est accordée par la Cour.

L'avocat de l'accusé s'adresse à la Cour;

" Nous présentons un "plea in bar of trial" pour la raison que l'accusé a été jugé sommairement par son Officier-commandant.

" Cette motion est basée sur la règle de procédure 36 (A) (i), M.M.L., p. 639. Je veux établir devant la Cour que l'accusé était caporal; qu'après avoir fait certaines déclarations établissant devant son Officier-commandant les actes qu'on lui reproche aujourd'hui, on l'a sévèrement réprimandé et on lui a demandé, voir même forcé, d'abandonner son grade de caporal.

" Je soumets respectueusement, par conséquent, que son Officier-commandant "dealt summarily with the offence". J'attire également l'attention de la Cour sur l'article 471 du King's Rules and Regulations (Can.)."

Le Procureur s'adresse à la Cour;

" Je comprends que c'est une question de fait, et je vais attendre la preuve qui va être faite."

PREMIER TEMOIN POUR LA DEFENSE SUR LE "PLEA IN BAR OF TRIAL".

Lieut.-Colonel Jules MERCIER, R.C.A.M.C., C.A., Officier Médical en Chef du District Militaire No. 5, ayant dûment prêté serment, est interrogé par l'avocat de l'accusé;

Q.24 Colonel, quelle position occupez-vous dans l'Armée ici, à Québec?

A.24 Je suis médecin en chef de la cinquième région militaire, soit le District Militaire No. 5.

Q.25 Comme tel, est-ce que vous vous trouvez à avoir autorité sur la 5ème Compagnie de ce corps à Québec?

A.25 Oui, monsieur.

Q.26 Connaissez-vous l'accusé en cette cause, le soldat Hamel?

A.26 Oui, monsieur.

Q.27 Avez-vous eu occasion, le 17 octobre dernier, de voir le soldat Hamel à votre bureau?

A.27 Le 19, je crois, monsieur.

Q.28 Pouvez-vous dire à la Cour dans quelles circonstances?

A.28 J'ai fait venir Hamel à mon bureau le 19 au soir pour l'interroger en rapport avec certains incidents et certains faits que j'avais découverts le 17, le samedi précédent.

Q.29 Qu'est-ce que vous avez dit au soldat Hamel dans cette circonstance-là?

A.29 J'ai dit à Hamel... D'abord, je l'ai mis en garde.

Q.30 Quelle espèce de mise en garde?

A.30 Lui disant que s'il se considérait coupable, il n'était pas obligé de parler et qu'il pouvait avoir les services d'un avocat.

Q.31 Qu'est-ce qui s'est passé ensuite? Je ne veux pas être "leading"; voulez-vous dire à la Cour qui était à votre bureau à ce moment-là?

A.31 Le Major Kirouac.

Q.32 Le Major Lacasse était-il là?

A.32 Le Major Lacasse est arrivé à la fin, après que le soldat Hamel a écrit et signé une déclaration.

Q.33 Je suis peut-être un peu "leading" dans le moment, et ce n'est que pour aller plus vite; je comprends qu'en cette circonstance-là le soldat Hamel a signé une déclaration?

A.33 Oui, monsieur.

Q.34 De certains faits?

A.34 Oui, monsieur.

Q.35 Après qu'il a signé une déclaration de certains faits, qu'est-ce que vous lui avez dit?

A.35 Exactement ce que je lui ai dit, je ne peux pas me rappeler; si vous voulez...

Q.36 Colonel, à ce moment-là, le soldat Hamel avait-il un grade?

A.36 Oui, monsieur.

Q.37 Qu'est-ce qu'il était?

A.37 Caporal.

Q.38 A-t-il été question de son grade?

A.38 Oui, monsieur.

Q.39 De quelle façon?

A.39 Je lui ai dit, "Sous les circonstances, je me demande s'il ne conviendrait pas mieux que tu demandes d'être réduit au rang de'private'".

Q.40 Qu'est-ce qu'il a dit?

A.40 Il a dit: "Non".

Q.41 Et c'est tout ce qui s'est passé chez-vous à ce sujet-là?

A.41 Je ne crois pas avoir insisté ce soir-là davantage.

Q.42 Quand vous lui avez dit ça, est-ce que le Major Lacasse était présent?

A.42 Franchement, je ne me rappelle pas.

Q.43 Quelle était la relation entre le Major Lacasse et le soldat Hamel?

A.43 Le Major Lacasse était directement son Officier-commandant.

Interrogé par le Juge-Avocat.

Q.44 Si la Cour vous comprend bien, vous n'étiez pas l'Officier-commandant de l'accusé?

A.44 Non, monsieur.

Q.45 Vous ne commandiez pas la compagnie No. 5?

A.45 Non, monsieur; je suis médecin en chef, et la compagnie 5 a un Officier-commandant qui est le Major Lacasse.

L'avocat de l'accusé continue son interrogatoire.

Q.46 L'accusé dans ce temps-là était-il caporal?

A.46 Oui, monsieur.

Interrogé par la Cour.

Q.46 Qui était le Commandant de l'accusé, l'Officier qui, d'après les termes de la loi, disposait du pouvoir de commandant de bataillon?

A.46 C'était le Major Lacasse.

L'avocat de l'accusé continue son interrogatoire.

Q.47 Est-ce qu'il y avait un Sergent-major Drolet à votre bureau ce soir-là?

A.47 Oui, il y avait un Sergent-major Drolet; toutefois, je ne me rappelle pas s'il est resté tout le temps avec nous autres. Il était certainement au bureau; j'ai eu affaire à lui ce soir-là et je pense que l'accusé a eu affaire à lui ce soir-là.

Le Procureur refuse d'interroger contradictoirement.

De l'avis de la Cour et du juge-avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

DEUXIEME TEMOIN POUR LA DEFENSE SUR LE "PLEA IN BAR OF TRIAL".

Major L.J. LACASSE, R.C.A.M.C., C.A., Officier-commandant de la 5ème Compagnie, Corps Médical de l'Armée Canadienne, A.C., ayant dûment prêté serment, est interrogé par l'avocat de l'accusé:

Q.48 Major, au mois d'octobre dernier, étiez-vous Commandant de la 5ème Compagnie médicale à Québec?

A.48 Oui, monsieur.

Q.49 Aviez-vous l'accusé sous vos ordres?

A.49 Oui, monsieur.

Q.50 Vous rappelez-vous d'avoir vu l'accusé? Est-ce que l'accusé a été paradé à votre bureau quelque temps après le 18 ou 19 octobre, ou vers ce temps-là?

A.50 A peu près vers ce temps-là.

Q.51 Précédemment à ce qu'il soit paradé à votre bureau, avez-vous eu connaissance d'une entrevue de l'accusé avec le Colonel Mercier?

A.51 Je n'étais pas présent à l'entrevue.

Q.52 Par qui le caporal a-t-il été paradé à votre bureau?

A.52 C'est-à-dire qu'il a été paradé à mon bureau même. Quand il est venu me voir, je crois que c'est le sergent-major ou le "staff serjeant" qui l'a paradé.

Q.53 Le sergent-major...?

A.53 Drolet, ou le 'staff serjeant' Plamondon.

Q.54 Qu'est-ce qui s'est passé quand il a été paradé devant vous?

A.54 Il a demandé l'autorisation de retourner au rang de simple soldat.

Q.55 Lui-même vous l'a demandé?

A.55 Oui, monsieur.

Q.56 Est-ce qu'il vous a dit pourquoi?

A.56 Etant donné qu'il avait une accusation contre lui.

Q.57 Avant qu'il le demande, avant qu'il fasse cette demande, lui en avez-vous parlé?

A.57 Personnellement, je ne lui en ai pas parlé.

Q.58 Etiez-vous consentant?

A.58 Je lui ai dit que j'étais consentant, et il a enlevé son chevron de caporal dans mon bureau même.

Q.59 Qui était présent?

A.59 Le même qui l'avait paradé; même je ne sais pas si les deux étaient là, si le sergent-major Drolet ou si le sergent Plamondon était là, ou si les deux ensemble y étaient.

Contre-interrogé par le procureur:

Q.60 C'est l'accusé lui-même qui a demandé d'abandonner son grade de caporal?

A.60 Oui, monsieur.

Q.61 Cela ne lui a pas été donné comme punition?

A.61 Non, non.

L'avocat de l'accusé ne désire pas interroger le témoin de nouveau.

Interrogé par la Cour:

Q.62 Depuis combien de temps, Major, êtes-vous dans l'Armée?

A.62 En service actif depuis le 26 août 1939, et dans la force non-permanente depuis le premier septembre 1935.

Q.63 Lorsque l'accusé vous a été paradé, comme vous disiez tout à l'heure, est-ce qu'il vous a été paradé avec une accusation régulière?

A.63 Non; il m'a été paradé pour me faire cette demande; j'avais eu connaissance indirectement de sa confession; j'ai signé comme témoin de sa déclaration.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

TROISIEME TEMOIN POUR LA DEFENSE SUR LE "PLEA IN BAR OF TRIAL".

No. E-20613, Sergent-major Joseph Drolet, 5ème Cie, R.C.A.M.C., C.A., ayant dûment prêté serment, est interrogé par l'avocat de l'accusé:

Q.64 Occupiez-vous les mêmes fonctions au mois d'octobre dernier que vous occupez en ce moment?

A.64 Oui, monsieur.

Q.65 Connaissiez-vous l'accusé?

A.65 Oui, monsieur.

Q.66 Au cours du mois d'octobre, avez-vous eu occasion de le parader devant le Major Lacasse?

A.67 Non, je ne le crois pas, monsieur.

Q.68 Ou de le parader devant le Colonel Mercier?

A.68 Dans le mois d'octobre?

Q.69 L'avez-vous paradé devant le Colonel Mercier?

A.69 Oui, monsieur.

Q.70 L'avez-vous paradé ensuite devant le Major Lacasse?

A.70 Oui, monsieur.

Q.71 Qu'est-ce qui s'est passé devant le Major Lacasse?

A.71 Il a demandé au Major Lacasse de le réduire au rang de soldat.

Q.72 Après la visite chez le Colonel Mercier?

A.72 Oui, monsieur.

Q.73 A-t-il donné des raisons?

A.73 Pas que je me rappelle.

Le Procureur ne désire pas contre-interroger le témoin.

Interrogé par la Cour:

Q.74 Lorsque vous avez paradé l'accusé devant le Major Lacasse, était-ce pour un "Orderly Room", ou au point de vue discipline avec un "charge-sheet" disant qu'il avait commis une certaine erreur?

A.74 Il n'y avait pas de "charge-sheet", monsieur.

Q.75 Il n'a pas eu de punition alors que vous l'avez paradé devant le Major Lacasse?

A.75 Non, monsieur.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

QUATRIEME TEMOIN POUR LA DEFENSE SUR LE "PLEA IN BAR OF TRIAL".

L'accusé, No. C-25913, soldat Louis-Philippe Hamel, 5ème Cie, R.C.A.M.C., C.A., ayant dûment prêté serment, est interrogé par son avocat:

Q.76 Avez-vous eu occasion d'avoir été paradé au mois d'octobre 1942?

Le Procureur demande à la Cour de mettre l'avocat de l'accusé en garde contre les questions suggestives.

Le Juge-Avocat se rend à cette demande.

L'avocat de l'accusé continue son interrogatoire.

Q.76a Soldat Hamel, voulez-vous raconter à la Cour ce qui est arrivé vers le 17 octobre 1942?

A.76a Oui, monsieur. Lundi soir, j'ai été demandé par le Major Kirouac; j'étais hospitalisé à l'Hôpital Saint-Sacrement. J'ai passé un examen devant le docteur, qui me trouvait correct pour aller subir l'enquête. On me disait que j'étais obligé d'aller travailler au bureau; je ne me sentais pas bien et j'ai eu la permission de me lever. "Tout est correct, tu peux venir avec moi." Je suis allé au bureau et au bureau ils m'ont questionné.

Q.77 Qui?

A.77 Le Colonel Mercier.

Q.78 Qu'est-ce qu'il vous a dit le Colonel Mercier?

A.78 Le Colonel Mercier m'a demandé combien d'argent je donnais à chez nous. A ça je lui ai répondu que j'avais assigné $20.00 à ma mère et que, en plus de ça, de temps en temps je donnais de $5.00 à $10.00 pour les aider. Et sur ça, il m'a répondu: "Hamel, ça serait pas mieux pour toi de ne pas donner d'argent à un officier et de le donner chez vous?" J'ai répondu, "Oui, monsieur." Il a dit, "Tu sais à quoi je veux en venir?" J'ai dit: "Oui, monsieur." Il a dit, "Tu sais au juste le but?" J'ai dit: "Au juste, non; mais je pense saisir un peu.". Il a dit: "Je vais y aller plus précisément" et il m'a demandé, "A la place de donner $10.00 au Capitaine Grondin, ça serait pas mieux d'en donner $10.00 chez vous?" Et c'est là que j'ai fait ma déclaration, monsieur.

Q.79 Quelle déclaration?

A.79 Qu'un type avait été classé "E"; qu'il était venu quinze jours après, chez nous, sans que je lui demande; je ne le reconnaissais pas; il était habillé en civil.

Q.80 Lorsque vous avez été traduit devant le Colonel Mercier, a-t-il été question à ce moment-là de vous dégrader?

A.80 Oui, monsieur.

Q.81 Racontez ce qui est arrivé; la conversation entre vous et le Colonel Mercier.

A.81 "Au point où tu en es", il a dit, "ça serait pas mieux de demander de dégrader, la façon que tu es agi"? Je lui ai dit, "C'est vous-même qui m'avez donné mes barres, si vous voulez me les ôter, ôtez-moi les." Il a dit: "Je n'ai pas le droit; il faut que ça soit le Major Lacasse." J'ai dit: "Si le Major veut, il les ôtera." Il a dit: "Il faut que tu le demandes.". J'ai dit: "Si vous voulez, ôtez-moi les, je ne le demande pas."

Q.82 Subséquemment, avez-vous été paradé devant votre Commandant, le Major Lacasse?

A.82 Pas la même journée.

Q.83 Quand?

A.83 Environ le mardi ou le mercredi suivant.

Q.84 A l'occasion de cette parade-là, racontez au tribunal ce qui s'est passé devant votre commandant, le Major Lacasse.

A.84 Le Sergent Drolet et le Staff Plamondon m'ont paradé devant le Major Lacasse, et le Major Lacasse m'a demandé: "Hamel, savez-vous pourquoi vous venez ici?" J'ai répondu: "Au juste, non.".

J'ai demandé au'Staff Sgt.' et il a dit: "Je pense à propos de déclarations." J'ai dit: "Qu'est-ce que vous me demander de déclarer? Si c'est rendu à un point de même, j'aime aussi bien me faire dégrader; d'une manière ou d'une autre, je suis dans le trou."

Q.84a Qu'est-ce que votre Officier-commandant, le Major Lacasse, vous a dit?

Le procureur s'objecte à la question.

L'objection est maintenue par la Cour.

Q.85 Qui a dit ça?

A.85 C'est moi-même qui ai dit ça. Me voyant pris de même, j'ai dit: "J'aime autant me faire dégrader."

Q.86 Qui vous a dit que vous étiez pris?

A.86 Le Colonel m'a dit: "Hamel..."

Q.87 Nous sommes devant le Major Lacasse. Lorsque vous êtes entré dans le bureau du Major Lacasse, il a dû vous dire pourquoi?

A.87 Il m'a demandé si je savais au juste pourquoi on me paradait.

Q.88 Et vous lui avez fait quelle réponse?

A.88 J'ai dit: "Monsieur, je ne le sais pas."

Q.89 Alors, est-ce qu'il vous a donné une explication?

A.89 Il a demandé au 'Staff Sgt.',je pense bien, le 'Staff Sgt.' Plamondon au lieu du Sergent-Major Drolet; je me rappelle pas, j'étais malade; il a demandé au sergent pourquoi je venais ici. Il a dit: "C'est à cause de la déclaration." Le Major Lacasse a dit: "Demandez-vous d'être dégradé?" J'ai répondu: "Monsieur, au point où

A.89 (suite)

j'en suis à l'heure actuelle, j'aime autant être dégradé." Le Colonel Mercier me prenait pour un criminel; pourtant j'ai toujours agi honnêtement.

Q.90 Est-ce que vous désiriez être dégradé?

A.90 Non, monsieur, je ne le désirais pas; au contraire.

Q.91 Comme question de fait, Hamel, avez-vous été dégradé à ce moment-là?

A.91 Oui, monsieur.

Contre-interrogé par le procureur:

Q.92 Vous n'avez pas été dégradé à la suite d'une punition. Vous avez demandé qu'on vous "revert to rank" ou de retourner au rang de soldat?

A.92 Je n'ai pas saisi sur ce point-là...

La Cour demande au procureur de faire produire le "Part II Order" pour constater l'entrée qui y fut faite et pour voir pourquoi l'accusé est passé de caporal au rang de soldat.

Le procureur s'adresse à la Cour:

" J'étais pour faire ça sur la preuve de la poursuite; je suis en contre-interrogatoire, et c'est pour ça que je questionne le témoin. Il n'y a aucun doute que la preuve orale peut être détruite par la preuve écrite."

Le procureur poursuit son contre-interrogatoire:

Q.93 Est-ce que c'était comme punition que vous avez été dégradé?

A.93 A mon point de vue, oui, monsieur.

Q.94 Est-ce qu'on a lu un acte d'accusation contre vous?

A.94 Non, monsieur.

Q.95 Aucun acte d'accusation n'avait été lu contre vous?

A.95 Non, monsieur.

La Cour demande au procureur de faire produire le "Part II Order" indiquant que l'accusé a été puni ou "reverted to rank of private".

L'avocat de l'accusé ne désire pas ré-interroger le témoin.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

L'accusé, No. C-25913, soldat Louis Philippe Hamel, 5ème Cie, R.C.A.M.C., C.A., reprend son siège.

PREMIER TEMOIN POUR LA POURSUITE SUR LE "PLEA IN BAR OF TRIAL"

Major L.J. LACASSE, Officier-commandant, 5ème Compagnie, R.C.A.M.C., C.A., sous le serment prêté antérieurement, est interrogé par le procureur:

Q.96 Major Lacasse, sous le serment que vous avez prêté tout à l'heure, voulez-vous dire à la Cour si vous avez un 'Routine Order' dans lequel l'accusé a été réduit au rang de 'private'?

A.96 Oui, je l'ai ici en ma possession.

Q.97 Voulez-vous le produire à la Cour?

A.97 Je produis une copie exacte de "Part II Order" No. 113, de la 5ème Cie, R.C.A.M.C., C.A., en date du 20 octobre 1942.

Copie conforme et certifiée de "Part II Order" No. 113 de la 5ème Cie, R.C.A.M.C., C.A., en date du 20 octobre 1942, est marquée "G", signée par le président et jointe au procès-verbal.

L'avocat de l'accusé ne désire pas contre-interroger le témoin.

De l'avis de la cour et du juge-avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

L'avocat de l'accusé s'adresse à la Cour:

" L'accusé, par son procureur, demande respectueusement à la Cour que son plaidoyer "in bar of trial" soit maintenu. Nous soumettons que la preuve faite établit que l'accusé a d'abord été amené chez le Colonel Mercier où il a fait des déclarations concernant les faits de cette cause, que là et alors, le Colonel Mercier lui a suggéré d'abandonner son rang et qu'il a refusé, et que, subséquemment, il a été paradé devant son Officier-commandant, et si la prépondérance de la preuve, contradictoirement à ce que dit l'accusé, est à l'effet qu'il aurait demandé d'abandonner son rang, la preuve établit également que cette demande a été faite alors que l'accusé était sous l'impression qu'il était sous le coup d'une offense grave, et qu'à la suggestion de son officier supérieur, le Colonel Mercier, il devait faire le sacrifice de son grade et s'infliger lui-même cette punition."

La Cour siège en audience privée pour délibérer sur le "plea in bar of trial".

La Cour siège en audience publique.

Le Juge-Avocat annonce que la Cour rejette le plaidoyer, les témoignages entendus n'ayant pas établi que l'accusé avait été puni en perdant son rang pour l'accusation qui lui est reprochée devant la Cour aujourd'hui.

La Cour reprend le procès.

Le Juge-Avocat s'adresse à l'accusé:

Q.98 Etes-vous coupable ou non coupable du premier chef d'accusation qu'on vous a lu?

A.98 Non coupable.

Q.99 Etes-vous coupable ou non coupable du deuxième chef d'accusation qu'on vous a lu?

A.99 Non coupable.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question. Q.100

*Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.100 No, Sir.

The prosecutor ~~makes an opening address~~ [hands in a written address, which is read, marked "H" , signed by the President, and attached to the proceedings.]

The prosecutor proceeds to call witnesses.

First witness for prosecution. Major Louis G. Lacasse, R.C.A.M.C., C.A., Officier-commandant de la 5ème Compagnie, Corps Médical de l'Armée Canadienne, A.C., ayant dûment prêté serment, est interrogé par le Procureur.

~~being duly sworn, is examined by the prosecutor~~

Q.101 Connaissez-vous l'accusé en cette cause?

A.101 Oui, monsieur.

Q.102 Où l'avez-vous rencontré?

A.102 Je l'ai rencontré au bureau du médecin-chef de la 5ème région militaire, et je l'ai toujours vu travailler là depuis qu'il est dans l'Armée.

Q.103 Quelles étaient ses fonctions chez le médecin-chef de la région militaire No. 5?

A.103 Les fonctions de l'accusé consistaient à voir à ce que les résultats des radiographies -qu'il s'agisse de licenciement ou encore même de tenir les enrôlements à date et en ordre- de plus, lorsqu'il s'agit de radiographies spéciales demandées par les spécialistes soit en maladies pulmonaires ou maladies du coeur ou des os, de voir à ce que ces résultats soient proprement copiés sur une formule spéciale (45); en un mot, il agissait comme commis ayant comme charge spéciale le département de la radiographie.

Q.104 Dans l'exercice de ses fonctions, quelles étaient les obligations ou quels étaient les devoirs de l'accusé vis-à-vis des civils?

A.104 Il n'avait aucun devoir à faire envers les civils, sauf les devoirs de politesse quand un civil lui parlait. Il n'y avait affaire uniquement lorsqu'il s'agissait de rédiger les listes de recrues envoyées dans les hôpitaux.

Q.105 Avait-il à interviewer les candidats qui se présentaient pour l'examen médical?

A.105 Cela n'était pas dans ses fonctions.

Contre-interrogé par l'avocat de l'accusé:

Q.106 Je comprends, Major, qu'à un certain moment, il y a au bureau médical un surcroît de travail?

A.106 Oui, monsieur.

Q.107 Est-ce qu'il pouvait arriver à un certain moment qu'un employé attaché à un bureau spécial reçoive peut-être un ordre, ou qu'on lui demande d'aller aider dans un autre département surchargé?

A.107 Le département surchargé se trouvait sur le même étage, dans le même bureau; c'est un tout connexe qui se complète l'un l'autre. Il a pu fort bien arriver que n'ayant pas un travail qui lui était spécialement alloué, qu'il ait eu à copier à la machine des rapports pour d'autres de ses confrères.

Q.108 Est-ce que c'était considéré comme une irrégularité de sortir de son domaine pour en aider d'autres?

A.108 Non; nous nous aidons les uns les autres le plus possible.

Q.109 Maintenant, il avait certains rapports avec les civils aussi?

A.109 Le seul rapport, c'était d'appeler les civils lorsqu'ils partaient pour la radiographie.

Q.110 Et à certains moments, il avait des questions à poser aux civils pour marquer sur le 'stencil'?

A.110 Il n'était pas en charge du département de réception des recrues; lorsqu'il faisait la formule No. 45, ou la formule No. 30, il allait demander le nom de l'homme, son âge, etc.

Le Procureur demande à ce que le témoin reste à la disposition de la Cour, en vue de la production ultérieure de documents.

Interrogé par le Juge-Avocat:

Q.111 Les formules dont vous venez de mentionner les numéros, viendront-elles dans le témoignage des autres témoins? Qu'est-ce que la formule 30?

A.111 La formule 30 est la formule employée pour enrégistrer le résultat des radiographies pulmonaires lors de l'enrôlement des soldats.

Q.112 Et la formule 45?

A.112 La formule 45 est employée dans tous les cas où l'on demande une radiographie spéciale chez un homme déjà enrôlé, faisant déjà partie de l'Armée

Q.113 Les deux formules se rapportent aux radiographies?

A.113 Oui, monsieur.

Le Procureur demande de faire établir la définition du mot "civil" ou de faire donner par le témoin la signification spécifique de ce mot.

L'avocat de l'accusé s'objecte à ce que les témoins soient appelés à définir les mots de la langue française.

Le Juge-Avocat annonce que la Cour se chargera d'établir la signification.

L'avocat de l'accusé ne désire pas interroger contradictoirement.

De l'avis de la Cour et du Juge-avocat, il n'est pas nécessaire de se conformer au C.P.M. 93(B).

Le témoin se retire.

DEUXIEME TEMOIN
A CHARGE.

Roger Larose, fils de cultivateur, domicilié à Saint-Isidore, Comté de Dorchester, âgé de 18 ans, ayant dûment prêté serment, est interrogé par le Procureur.

Q.114 Quel est votre nom et où demeurez-vous?

A.114 Roger Larose; je demeure à Saint-Isidore, Comté de Dorchester.

L'avocat de l'accusé s'objecte au témoin et s'adresse à la Cour:

Ce témoin n'a pas été entendu au sommaire d'évidence et nous avons reçu un avis seulement hier soir. Nous n'avons pas eu les 24 heures auxquelles nous avons droit.

La Cour demande à l'Avocat de l'accusé s'il désire un ajournement de ce fait ou s'il désire entendre d'abord le témoin, quitte à demander un ajournement pour son contre-interrogatoire.

L'avocat de l'accusé s'adresse à la Cour:

Je ne m'objecte pas à ce qu'on entende le témoin, mais si après qu'il aura été entendu, j'ai besoin d'un ajournement pour le transquestionner, je le demanderai.

La Cour décide d'entendre le témoin, sous réserve, en vertu de la règle de procédure 76. (M.M.L. p.666)

Le procureur continue son examen.

Q.115 Quel est votre emploi?

A.115 Je suis fils de cultivateur, et dans le moment, je travaille chez-nous.

Q.116 Avez-vous eu occasion de vous enrôler dans l'Armée?

A.116 Oui, monsieur.

Q.117 A quelle date?

A.117 Au commencement d'octobre.

Q.118 De quelle année?

A.118 Cet automne.

Q.119 1942?

A.119 Oui, monsieur.

Q.120 Voulez-vous raconter à la Cour ce qui s'est passé à cette occasion?

A.120 Voici. Premièrement, je me suis présenté pour m'enrôler dans l'aviation. J'ai passé mon 'test' psychologique et quand est venu le temps de passer mon examen médical, je l'ai passé et j'ai été passer mon rayon-X à l'Hôpital de l'Enfant-Jésus. Ils ont eu un rapport au bureau d'enrôlement de l'aviation que mon rayon-X était douteux.

L'avocat de l'accusé fait remarquer que le témoin parle d'un document (le rayon-X) qui n'a pas été produit devant la Cour comme évidence documentaire.

Le Procureur poursuit son interrogatoire:

Q.121 Voulez-vous nous dire, monsieur Larose, ce qui est arrivé ensuite?

A.121 Je me suis présenté pour enrôlement dans l'Armée.

Q.122 Voulez-vous raconter ce qui s'est passé lors de votre enrôlement dans l'Armée?

A.122 Je vais encore répéter les affaires de l'aviation; ça fait un peu partie de ça.

La Cour demande au témoin de dire ce qu'il sait et non pas ce qu'on lui a dit.

Le Procureur poursuit son interrogatoire:

Q.123 Qu'est-ce qui est arrivé?

A.123 Je suis allé au bureau d'enrôlement de l'Armée, sur la rue St-Jean. Le docteur m'a ausculté, le docteur Desmeules, et il a trouvé que j'avais certainement quelque chose sur les poumons, mais il ne m'a pas dit quoi. Là, je suis sorti de là et c'est là que monsieur Hamel -c'était le soir- est venu me demander, me dire: "Aimes-tu mieux signer dans l'Armée pour obtenir une 'décharge' ou si tu aimes mieux t'en retourner de même?" Là, il m'a dit: "Reviens demain matin." Moi, je lui ai dit que j'allais poursuivre pour ma 'décharge'. Là, quand je suis

A.123 (suite)

revenu le lendemain matin, c'était en son bureau fermé là, j'ai signé au bureau en bas et je suis monté encore en haut pour passer mon examen médical, sauf le rayon-X dont ils savaient déjà le résultat.

Q.123a Est-ce que Hamel vous a demandé quelque chose?

L'avocat de l'accusé s'objecte à la question, à moins qu'elle ne soit une question préliminaire, pour la raison que l'accusé n'est pas mis en accusation pour avoir sollicité ou demandé de l'argent, mais pour en avoir reçu.

L'objection est maintenue par la Cour.

Q.124 Voulez-vous nous raconter, témoin, la conversation que vous avez eue avec Hamel?

A.124 En sortant de mon examen médical, j'ai vu le résultat que j'étais classé "E"; alors, je suis descendu en bas pour avoir ma 'décharge', et en descendant, monsieur Hamel m'a suivi dans l'escalier et m'a dit: "Vu que tu es envoyé par l'aviation, les docteurs de l'Armée ne sont pas supposé savoir déjà que tu es 'déchargé' d'avance. Ils ne sont pas supposé passer un autre examen. Ordinairement on fait donner $5.00". Moi, je lui ai dit: "Je ne suis pas capable de donner plus que $3.00." Alors, il m'a dit: "Ca va faire." Je suis descendu en bas; là, j'ai eu ma 'discharge'. Mon témoignage est rendu.

Q.125 Est-ce que le montant de $3.00, vous l'avez donné?

A.125 Oui, je l'ai donné à monsieur Hamel.

Q.126 Maintenant, monsieur Hamel -- le voyez-vous dans cette Cour? Le reconnaissez-vous?

A.126 Oui, monsieur.

Q.127 Où est-il?

A.127 Là. (il désigne l'accusé)

Q.128 Qu'est-ce qu'il a dit, Hamel, alors que vous lui avez donné $3.00? Vous avez donné $3.00 à Hamel et vous vous êtes en allé?

A.128 Oui, monsieur.

Contre-interrogé par l'avocat de l'accusé:

Q.129 Monsieur Larose, vous êtes venu à Québec, ici, à un moment donné pour vous enrôler dans l'Armée?

A.129 Oui, monsieur.

Q.130 Et, à ce moment-là, vous aviez déjà été refusé dans l'aviation?

A.130 Oui, monsieur.

Q.131 Avez-vous été appelé par la voie du service militaire?

A.131 Non, je n'ai pas encore l'âge.

Q.144 C'était une maladie spéciale? C'était le spécialiste Desmeules?

A.144 Oui, monsieur.

Q.145 Spécialiste pour les poumons?

A.145 Oui, monsieur.

Q.146 Le lendemain, vous êtes retourné et vous avez signé les papiers régulièrement?

A.146 Oui, monsieur.

Q.147 Vous êtes monté en haut et vous avez passé votre examen?

A.147 Oui, monsieur.

Q.148 Régulièrement?

A.148 Oui, monsieur.

Q.149 Savez-vous les noms des médecins devant qui vous avez passé?

A.149 Non, monsieur.

Q.150 Hamel était-il avec vous lorsque vous avez passé votre examen?

A.150 Non, monsieur.

Q.151 Vous avez rencontré Hamel après?

A.151 Oui, monsieur.

Q.152 Et Hamel savait à ce moment-là que vous aviez vos papiers de décharge? Les aviez-vous entre les mains?

A.152 Non, je ne les avais pas encore.

Q.153 Est-ce que vous le saviez?

A.153 Je savais mon rapport; j'ai vu mon rapport de classement "B".

Q.154 Vous aviez vu votre rapport de classement "B"?

A.154 Oui, monsieur.

Q.155 Et vous avez rencontré Hamel dans l'escalier?

A.155 Oui, monsieur.

Q.156 Et il vous a demandé $5.00 pourquoi?

A.156 Il m'a dit pour "récompenser les docteurs".

Q.132 Vous vous êtes présenté au bureau de recrutement pour vous enrôler?

A.132 Oui, monsieur.

Q.133 Et vous avez d'abord subi un examen chez le docteur Desmeules?

A.133 Oui, monsieur.

Q.134 Au bureau de recrutement?

A.134 Oui, monsieur.

Q.135 Qui vous a informé que vous aviez quelque chose aux poumons?

A.135 Oui, monsieur.

Q.136 Quand vous avez passé votre examen chez le docteur Desmeules, vous n'aviez pas vu Hamel?

A.136 Non, monsieur.

Q.137 Vous ne connaissiez pas Hamel?

A.137 Non, monsieur.

Q.138 Vous vous étiez enrôlé régulièrement à ce moment-là; aviez-vous signé vos papiers quand le docteur Desmeules vous a examiné?

A.138 Non, monsieur. C'est comme je vous dis; j'ai été envoyé par l'aviation.

Q.139 C'est l'aviation qui vous a envoyé au docteur Desmeules, pour savoir, pour avoir un rapport spécial sur vos poumons?

A.139 Oui, monsieur.

Q.140 Et en sortant du bureau du spécialiste, du docteur Desmeules, vous aviez quelque chose aux poumons?

A.140 Oui, monsieur.

Q.141 Mais vous n'aviez pas un résultat définitif de votre demande d'enrôlement dans l'aviation?

A.141 Non, monsieur.

Q.142 Et c'est là qu'Hamel, d'après votre témoignage, vous aurait dit: "Veux-tu laisser ça comme ça ou si tu veux t'enrôler dans l'armée" ?

A.142 Oui, monsieur.

Q.143 Et: "Tu auras probablement, avec le rapport qu'il y a là, une 'décharge'" ?

A.143 Oui, monsieur.

Q.157 Il vous a dit que c'était pour récompenser les docteurs?

A.157 Oui, monsieur.

Q.158 Vous ne connaissiez pas les médecins?

A.158 Non, monsieur.

Q.159 Et il vous a demandé $5.00?

A.159 Oui, monsieur.

Q.160 Vous lui avez donné $3.00?

A.160 Oui, monsieur.

Q.161 Et vous êtes parti?

A.161 Oui, monsieur.

Interrogé de nouveau par le Procureur.

Q.162 Hamel vous a-t-il demandé de l'argent avant de passer l'examen ou après?

A.162 Il me l'a demandé après.

Q.163 Il n'en a pas été question avant votre examen?

A.163 Il en avait été question un peu la veille.

Q.164 De quelle façon en avait-il été question la veille?

A.164 Il m'a dit: "On donne quelquechose au docteur, et c'est moi qui arrange ça."

Q.165 Il n'a pas pensé de monter la veille?

A.165 Non, monsieur.

De l'avis de la Cour et du juge-avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

TROISIEME TEMOIN
A CHARGE.

René BOURQUE, 22 ans, sans emploi, demeurant au numéro 16, 11ème rue, à St-François d'Assise, P. Q., ayant dûment prêté serment, est interrogé par le Procureur.

Q.166 Monsieur Bourque, quelles sont vos occupations actuellement?

A.166 Dans le moment, je ne travaille pas.

Q.167 Connaissez-vous l'accusé?

A.167 Monsieur Hamel - je l'ai connu au recrutement.

Q.168 Voulez-vous raconter à la Cour dans quelle circonstance vous l'avez rencontré?

A.168 J'étais sur les Cove Fields et je suis tombé malade; j'ai été transféré à Montmagny et rendu à Montmagny, un de ses amis est venu me voir; c'est-à-dire que je suis venu en passe à Québec et ma mère m'a dit, "Va donc voir monsieur Hamel." Je suis monté au recrutement; j'ai demandé monsieur Hamel; j'avais en ma possession un certificat du Dr. Poulin comme de quoi j'étais malade et j'ai demandé à monsieur Hamel, "Pensez-vous qu'avec ce certificat j'aurais ma décharge?", et monsieur Hamel m'a dit, "Vous courez un grand risque de l'avoir." J'ai demandé à monsieur Hamel, "Qu'est-ce que je dois faire pour avoir ma décharge?" Monsieur Hamel m'a dit, "Descendez en bas et enrôlez-vous". Je suis descendu en bas pour m'enrôler, mes papiers m'ont été refusés, vu que je n'avais pas mes papiers de Montmagny.

Je suis remonté en haut et j'ai dit à monsieur Hamel, "J'ai pas pu avoir mes papiers". C'est alors que monsieur Hamel est descendu avec moi en bas et là, je me suis procuré mes papiers par monsieur Hamel.

Là, je suis remonté en haut et là j'ai donné mon certificat à monsieur Hamel qui l'a accroché à mon document. Ensuite, j'ai été appelé pour aller me deshabiller pour passer mon examen. J'ai passé mon examen et là je suis sorti; je suis allé me rhabiller. J'ai demandé à monsieur Hamel, "Est-ce que vous avez eu mon rapport de l'examen?" Et monsieur Hamel m'a dit, "Pas encore", et il a dit, "Mais il va falloir que vous reveniez cet après-midi pour passer un examen devant le Dr. Miller." Alors, je suis revenu dans l'après-midi et j'ai passé devant le Dr. Miller. Vu que j'étais en passe, je suis reparti pour Montmagny le lundi soir.

Quatre jours après, j'ai été appelé à l'hôpital à Montmagny et ils m'ont dit que Québec me faisait demander pour passer un "board".

Je suis descendu à Québec avec un infirmier et un autre soldat. J'ai passé une autre fois devant le Dr. Miller, et j'ai passé ensuite devant trois médecins. Et je suis reparti avec l'autre infirmier. J'ai passé la soirée chez nous et je suis reparti pour Montmagny.

Une trentaine de jours après, on me faisait demander au bureau à Montmagny et on me disait que j'étais déchargé.

Quand je suis revenu à Québec, quelques jours après, j'ai demandé à mon ami où restait monsieur Hamel, et il m'a dit que monsieur Hamel restait à 77, rue St-Luc. Je suis allé chez monsieur Hamel et je lui ai dit à monsieur Hamel, "J'ai reçu ma décharge". Je lui ai montrée et c'est alors que j'ai pris quatre billets de dix dollars que j'ai déposés sur une petite table qui se trouvait dans

A.168 (suite)

le centre de la chambre, en lui disant: "Cela c'est pour payer votre trouble et les dérangements que je vous ai donnés, monsieur". Monsieur Hamel m'a dit: "C'est pas à moi que vous devez; avec ça, je récompenserai les médecins."

C'est tout, monsieur.

Et aussi chez le docteur Miller, quand je suis passé la deuxième fois, je lui ai demandé si je pouvais le récompenser. Le docteur Miller m'a dit: "Certainement." J'ai pris dix dollars que j'avais dans mes poches et je lui ai offert. Il m'a dit: "Si tu..."

L'avocat de l'accusé s'objecte à ce que le témoin raconte les paroles du docteur Miller.

L'objection est maintenue par la Cour.

Q.169 Maintenant, je comprends qu'un de vos amis vous a dirigé vers Hamel?

A.169 Oui, monsieur.

Q.169a Est-ce qu'il vous a dit quelle était...?

L'avocat de l'accusé s'objecte à la question comme à toute conversation entre le témoin et son ami hors la présence de l'accusé.

L'objection est maintenue par la Cour.

Q.170 Avez-vous vu votre ami en présence du soldat Hamel?

A.170 Oui, monsieur.

Q.171 De quoi a-t-il été question dans cette entrevue? D'abord, comment appelez-vous votre ami?

A.171 Monsieur Lemay.

Q.172 Où demeure-t-il?

A.172 35, 9ème rue.

Q.173 Que s'est-il passé au cours de cette conversation entre Lemay, Hamel et vous?

A.173 J'ai vu monsieur Hamel avec monsieur Lemay quand je suis allé passer mon examen.

Q.174 Où a eu lieu cette entrevue?

A.174 Chez monsieur Hamel.

Q.175 C'est-à-dire que lorsque vous êtes allé voir Hamel, après avoir reçu votre 'décharge', Lemay était avec vous?

A.175 Lemay n'était pas avec moi chez l'accusé.

Q.176 Quand, alors?

A.176 Quand j'étais en passe; quand je suis allé pour m'enrôler, monsieur Lemay est venu le soir. Je voulais récompenser monsieur Hamel tout de suite.

Q.177 Vous dites que vous étiez en passe quand vous êtes allé voir monsieur Lemay?

A.177 C'est-à-dire, monsieur Lemay est venu me voir à Montmagny et quand je suis venu en passe, sa mère s'est occupée de moi.

Q.178 Est-ce que Hamel était présent?

A.178 Non, monsieur.

Q.179 Où avez-vous vu Hamel la première fois?

A.179 Je l'ai vu au recrutement.

Q.180 Est-ce que au bureau de recrutement il a été question de décharge entre Hamel et vous?

A.180 Non; j'ai dit à monsieur Hamel simplement; "Si j'ai ma "discharge", je vous récompenserai".

Q.181 Vous lui avez dit cela avant l'examen?

A.181 Oui, monsieur.

Q.182 A quelle date ces faits-là se sont-ils passés?

A.182 Je me suis enrôlé le 18.

Q.183 De quel mois?

A.183 Septembre.

Q.184 De quelle année?

A.184 1942. J'ai passé le 'board' le 22 septembre 1942.

Q.185 Et à quelle date avez-vous été voir Hamel chez lui?

A.185 Je suis passé le matin; je crois que c'est le 18 au soir.

Q.186 Est-ce à cette date-là, le 18 au soir, que vous avez donné de l'argent à Hamel?

A.186 Non, monsieur.

Q.187 A quelle date avez-vous donné de l'argent à Hamel?

A.187 J'ai donné de l'argent à monsieur Hamel le 9 octobre.

Q.188 Le 9 octobre dernier?

A.188 Oui, monsieur.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.189 Monsieur Bourque, vous étiez déjà dans l'Armée alors?

A.189 Oui, monsieur.

Q.190 Et vous êtes tombé malade ici, sur les Cove Fields?

A.190 Oui, monsieur.

Q.191 De dépression nerveuse?

A.191 Oui, monsieur.

Q.192 Et vous avez été ensuite transféré à Montmagny?

A.192 Oui, monsieur.

Q.193 Et vous étiez encore malade?

A.193 Oui, monsieur.

Q.194 Vous ne connaissiez pas Hamel à ce moment-là?

A.194 Non, monsieur.

Q.195 Et à un moment donné, vous étiez en passe ici à Québec?

A.195 Oui, monsieur.

Q.196 Vous avez rencontré cet ami, monsieur Lemay, qui lui connaissait Hamel?

A.196 Oui, monsieur.

Q.197 Et vous vous plaigniez de ce que l'on ne vous soignait pas dans l'armée?

A.197 Justement.

Q.198 Et votre cas nerveux ne s'améliorait pas?

A.198 Non, monsieur.

Q.199 Et vous vouliez trouver un moyen d'en sortir?

A.199 Oui, monsieur.

Q.200 Avant d'aller voir au bureau de recrutement, vous êtes allé voir un médecin?

A.200 J'ai fait venir le médecin chez nous.

Q.201 Quel est le nom de ce médecin-là?

A.201 Le Dr. Poulin.

Q.202 Et son premier nom?

A.202 Je ne le sais pas.

Q.203 Où est-ce qu'il pratique à Québec?

A.203 Sur la 1ère avenue.

Q.205 Et vous avez obtenu ce certificat-là?

A.205 Oui, monsieur.

Q.206 Avec ce certificat, vous êtes allé au bureau et vous avez demandé Hamel?

A.206 Le premier certificat que j'ai eu, j'étais malade; j'étais sur les Cove Fields - je l'ai donné au sergent Atlas.

Q.207 Je parle quand vous êtes allé au bureau de recrutement, vous avez demandé à voir Hamel? Vous ne le connaissiez pas avant?

A.207 Non, monsieur.

Q.208 On vous a dirigé vers lui?

A.208 C'est monsieur Hamel qui a répondu lui-même. Je lui ai demandé pour parler à monsieur Hamel, et il a dit, "C'est moi-même."

Q.209 Lui avez-vous expliqué votre cas?

A.209 Je lui ai dit que j'étais malade et je lui ai demandé si je pouvais avoir ma décharge avec ce certificat-là.

Q.210 Vous lui avez dit, "Pensez-vous qu'avec ce certificat je puis obtenir ma décharge?"

A.210 Oui, monsieur.

Q.211 Et celui-ci vous a dit; "Vous courez un grand risque de l'avoir." ?

A.211 Oui, monsieur.

Q.212 Il vous a dit qu'il fallait que vous vous enrôliez?

A.212 Oui, monsieur.

Q.213 Qu'il fallait que vous signiez vos papiers?

A.213 Oui, monsieur.

Q.214 Les avez-vous signés?

A.214 Oui, monsieur.

Q.215 Avez-vous rempli vos formules?

A.215 Oui, monsieur.

Q.216 Et vous êtes... et à vos formules il a ajouté le certificat du Dr. Poulin?

A.216 Oui, monsieur.

Q.217 Est-il allé avec vous pour subir l'examen?

A.217 Non, monsieur.

Q.219 En sortant de là, est-ce qu'on vous a dit immédiatement au bureau des examinateurs que vous deviez subir un examen chez le Dr. Miller?

A.219 C'est monsieur Hamel.

Q.220 En sortant de là, Hamel vous a dit qu'il fallait que vous subissiez un autre examen chez le Dr. Miller?

A.220 Oui, monsieur, à 3 h. ou 3 h. 15.

Q.221 Vous êtes allé chez le Dr. Miller?

A.221 Oui, monsieur.

Q.222 Et ensuite vous êtes allé à Montmagny?

A.222 Oui, monsieur, le lundi.

Q.223 Et là, après un certain délai, vous avez reçu une nouvelle?

A.223 Je suis venu passer un 'board'.

Q.224 Un nouvel examen chez le Dr. Miller?

A.224 Devant trois médecins, et je suis retourné à Montmagny.

Q.225 Et ensuite de cela, vous avez été déchargé?

A.225 Oui, monsieur.

Q.226 Et après que toute cette procédure a été faite, vous êtes revenu à Québec et vous vouliez voir monsieur Hamel?

A.226 Oui, monsieur.

Q.227 Pourquoi vouliez-vous le voir?

A.227 Pour le remercier de ses services et pour le récompenser.

Q.228 Et vous avez demandé son adresse?

A.228 Oui, monsieur.

Q.229 Vous vous êtes rendu chez lui et comme question de fait, je crois qu'il n'y était pas quand vous êtes arrivé?

A.229 Justement; je l'ai attendu.

Q.230 Et quand il est arrivé, vous avez pris quatre billet de dix dollars?

A.230 Oui, monsieur.

Q.231 Et vous les avez déposés sur une tablette ou un petit meuble qu'il y avait là?

A.231 Oui, monsieur.

Q.232 N'est-il pas vrai qu'il a d'abord refusé de les prendre?

A.232 Oui; il m'a dit: "Vous ne me devez rien."

Q.233 Il vous a dit: "Vous ne me devez rien"?

A.233 Oui, monsieur.

Q.234 Et "Donnez ça à d'autres, pas à moi"?

A.234 Justement, oui.

Q.235 Et vous avez insisté pour les laisser là?

A.235 Oui, monsieur.

Q.236 Et quand vous êtes parti, les quarante piastres étaient encore sur le petit meuble?

A.236 Oui, monsieur.

Interrogé de nouveau par le procureur.

Q.237 Est-ce que Hamel vous a retourné ces quarante dollars?

A.237 Non, monsieur.

De l'avis de la Cour et du juge-avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

QUATRIEME TEMOIN
A CHARGE.

André SAVARD, comptable, 26 ans, demeurant au numéro 509, 3ème avenue, Québec, ayant dûment prêté serment, est interrogé par le Procureur.

Q.238 Monsieur Savard, je comprends que vous êtes comptable à Québec?

A.238 Oui, monsieur.

Q.239 Avez-vous eu occasion de vous présenter au bureau de recrutement, au bureau des médecins?

A.239 Oui, monsieur.

Q.240 Et voulez-vous raconter ce qui s'est passé en cette occasion?

A.240 On m'a fait remplir les formules.

Q.241 A quelle date vous êtes-vous présenté?

A.241 Le 30 septembre de cette année; on m'a fait signer la formule d'usage.

Q.242 Ensuite?

A.242 On m'a référé à un monsieur Cloutier -j'ai entendu ce nom- on m'a fait donner certaines déclarations, nom, prénoms, adresse,occupation, et j'ai signé la formule qu'on m'a présentée, ou les formules. Et ces formules ont été prises par un nommé Hamel, qui m'a conduit au Corps Médical. On m'a remis à une place...

Q.243 Ce Hamel dont vous venez de parler, le voyez-vous dans la Cour?

A.243 Oui. (Le témoin indique l'accusé Hamel)

Q.244 Ensuite?

A.244 On m'a remis à une place et j'ai attendu dans la salle du vestiaire et on a appelé mon nom et alors je me suis présenté devant les médecins et on m'a passé un examen médical.

Q.245 Où avez-vous rencontré Hamel? En haut ou en bas?

A.245 En bas.

Q.246 Avec qui, en bas?

A.246 Il était avec le personnel sur le plancher.

Q.247 A-t-il eu connaissance que vous signiez vos formules?

A.247 Je ne crois pas qu'il y était lorsque j'ai signé; j'étais en présence de Cloutier qui était le type préposé au clavigraphe qui a rempli les formules au clavigraphe, lesquelles j'ai signées en trois ou quatre copies, en quatre copies je crois.

Q.248 Et de quelle façon êtes-vous parti du bureau de recrutement en bas, pour monter en haut?

A.248 Simplement, monsieur Hamel a pris les formules, et je suis monté en haut. Il m'a remis à des gens préposés au vestiaire où je me suis déshabillé.

Q.249 Maintenant, au cours de votre voyage du bureau de recrutement au bureau des médecins, avez-vous eu une conversation avec Hamel?

A.249 Aucune.

Q.250 Vous n'avez pas parlé?

A.250 Aucunement.

Q.251 Et par la suite, qu'est-ce qui est arrivé?

A.251 J'ai passé devant le Corps Médical que je ne connaissais pas alors; j'ai passé un examen; on m'a retourné au vestiaire et on m'a rappelé une seconde fois devant une couple de médecins. Après ça, on m'a dit de m'habiller et j'ai attendu, et l'heure se passait. J'ai demandé au militaire Hamel le résultat de mon affaire. Je lui ai dit, "Le temps presse; mon patron devait partir et j'avais été rappelé à mon bureau". Alors, il est allé chercher les documents au Corps Médical et il a rempli une décharge, suivant la formule que

A.251 (suite)

j'avais remplie. Nous avons descendu en bas.

Q.252 Qui a rempli la formule de décharge?

A.252 Le militaire Hamel, au clavigraphe, au troisième plancher. On est descendu en bas et il l'a transmise à d'autres que je ne connais pas.

Q.253 Et par la suite, est-ce qu'il est arrivé quelque chose?

A.253 Par la suite, lorsque je suis sorti?

Q.254 Je comprends que vous avez fini au bureau médical?

A.254 La décharge m'a été remise en me disant que dans quelques semaines je recevrais un bouton.

Q.255 Par la suite, avez-vous eu encore affaire avec Hamel?

A.255 Pas directement.

Q.256 Si ce n'est pas directement, de quelle façon avez-vous eu affaire à lui?

A.256 J'ai envoyé par malle, à monsieur Hamel, un bon de poste de $5.00 qu'il a refusé puisque j'ai été avisé qu'il l'avait détruit. Alors, j'ai fait une déclaration au bureau de poste pour être remboursé de cette somme, laquelle m'a été remboursée par un duplicata.

Q.257 Quand avez-vous été remboursé de ce montant-là?

A.257 La semaine dernière.

Q.258 Quand aviez-vous adressé ce mandat de poste?

A.258 Le 15 octobre.

Q.259 Alors, la semaine dernière, vous avez été avisé que Hamel avait détruit le bon de poste?

A.259 Oui, monsieur.

Q.260 Mais jusqu'à la semaine dernière, vous n'aviez pas eu de nouvelles?

A.260 C'est ce qu'on m'a dit. On m'a dit de faire une demande pour être remboursé.

Q.261 Avez-vous été remboursé?

A.261 Oui, par les autorités fédérales; directement d'Ottawa on m'a envoyé un duplicata.

Q.262 A votre ordre?

A.262 Oui, évidemment.

Q.263 Ca, c'est la semaine dernière?

A.263 Oui, j'ai reçu ça, voulez-vous voir le document à cet effet?

Q.264 Jusqu'à la semaine dernière, le soldat Hamel n'a jamais communiqué avec vous au sujet de ce $5.00?

A.264 Aucunement.

Q.265 Pourquoi lui avez-vous donné le $5.00?

A.265 A titre de reconnaissance personnelle - j'ai jamais été sollicité par lui de ça. Je l'ai fait de mon propre chef; j'ai jamais été sollicité directement ni indirectement, d'aucune manière que ce soit. Je l'ai fait de mon propre chef.

Q.266 Hamel lui-même vous en a-t-il demandé de l'argent?

A.266 Jamais.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.267 Je comprends que monsieur Hamel ne vous a jamais demandé d'argent?

A.267 Non, monsieur.

Q.268 Vous ne lui en avez jamais offert avant votre examen?

A.268 Non, monsieur, jamais.

Q.269 Avant que vous passiez votre examen il n'a jamais été question d'argent entre vous et Hamel?

A.269 Jamais.

Q.270 Il n'a jamais été question d'acheter quelqu'un ou de donner de l'argent à quelqu'un?

A.270 Jamais.

Q.271 Après avoir subi ces procédures, comme Hamel vous avait piloté dans le dédale des procédures, vous lui avez envoyé $5.00 par mandat-poste?

A.271 Tout juste.

Q.272 Ce que vous savez personnellement, c'est que le $5.00 n'a jamais été entre les mains de Hamel parce que vous avez été remboursé?

A.272 Oui, monsieur.

Q.273 Avez-vous un reçu?

A.273 Oui, j'ai un document des autorités fédérales me disant qu'ils me transmettaient un duplicata

A.273 (suite)

du bon de poste brûlé, détruit; j'ai rempli la formule que j'ai déposée à la Banque Royale et on m'a remboursé du $5.00.

Le Procureur ne désire pas interroger de nouveau.

Interrogé par la Cour.

Q.274 Vous avez dit tantôt que monsieur Hamel a préparé le certificat bleu; est-ce bien monsieur Hamel qui l'a fait à la machine à écrire?

A.274 Oui, monsieur.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

L'Avocat de l'accusé fait une motion d'ajournement afin de lui permettre d'étudier un document qui doit être produit par le témoin à charge suivant.

La motion est admise par la Cour.

A 5 h. de l'après-midi, le 25 novembre 1942, la Cour s'est ajournée jusqu'à 10 h. de l'avant-midi le 26 novembre 1942.

Le 26 novembre 1942, à 10 h. de l'avant-midi, la Cour se rassemble conformément à l'avis d'ajournement; sont présents les mêmes membres que lors de la suspension des débats.

PREMIER TEMOIN POUR LA POURSUITE SUR LE VOIR DIRE.

Gérard Paul Emile LECAVALIER, constable de la Gendarmerie Royale à Cheval du Canada, demeurant à 596, rue St-Jean, Québec, ayant dûment prêté serment, est interrogé par le Procureur.

Q.275 Constable LeCavalier, voulez-vous dire à la Cour quelles sont vos occupations, quel est votre emploi?

A.275 Je suis membre de la Gendarmerie Royale à Cheval du Canada.

Q.276 Avez-vous rencontré l'accusé et en quelle circonstance?

A.276 J'ai rencontré l'accusé le 23 octobre 1942, au bureau de la Gendarmerie Royale.

Q.277 A votre bureau à Québec?

A.277 Oui, monsieur.

Q.278 Quel est le nom de l'accusé; voulez-vous regarder l'accusé et dire si c'est lui?

A.278 Oui, monsieur; Louis Philippe Hamel.

Q.279 A cette occasion, constable, voulez-vous raconter à la Cour ce qui s'est passé?

A.279 Louis Philippe Hamel est arrivé sous escorte au bureau. Je lui ai demandé s'il était prêt à nous donner une déclaration, de venir voir le Staff Sergeant Desrosiers avec moi en bas. Après plusieurs questions que le Sergent Desrosiers lui a posées, quelques minutes après, le Staff Sergeant a été obligé de s'absenter et il a dit "Donc, LeCavalier, tu vas prendre la déclaration, si Louis Philippe Hamel consent à la donner".-

J'ai commencé à prendre la déclaration. Vers 11 heures et demie à peu près, j'ai demandé à Louis Philippe Hamel de venir diner avec moi. Nécessairement, je lui ai donné la mise-en-garde au début.

Q.280 Quelle est la nature de la mise-en-garde que vous lui avez donnée au début?

A.280 "Vous êtes obligé de rien dire; vous n'avez rien à espérer d'aucune promesse ou faveur; rien à craindre d'aucune menace, que vous disiez quelque chose ou non, mais tout ce que vous direz peut servir de preuve."

Q.281 Est-ce la mise-en-garde que vous avez donnée à cette occasion?

A.281 Oui, monsieur.

Q.282 Quelles sont les promesses que vous lui avez faites à cette occasion?

A.282 Aucune.

Q.283 Quelles sont les menaces que vous lui avez faites?

A.283 Aucune.

Q.284 Et après cette mise-en-garde qu'est-ce qui s'est passé?

A.284 Là, il m'a conté toute son histoire; là, je lui ai dit; "Maintenant, si tu n'as pas d'objection, je vais prendre ça en écrit."Quand certaines choses n'étaient pas claires, à mon point de vue, je le questionnais pour faire suivre l'histoire. Quand tout était terminé, Louis Philippe Hamel a lu la déclaration et l'a signée.

Q.285 Je comprends bien que c'est vous qui l'avez écrite et que c'est Hamel lui-même qui l'a relue?

A.285 Oui, monsieur.

Q.286 Et après l'avoir lue, il l'a signée?

A.286 Oui, monsieur, et initialéles pages, les premières pages.

Q.287 Lorsque vous avez donné la mise-en-garde à l'accusé, est-ce qu'il y avait d'autres personnes présentes?

A.287 Non, j'étais seul.

Q.288 Avez-vous été seul avec l'accusé pendant toute la déclaration?

A.288 Oui, monsieur.

Q.289 Voulez-vous prendre connaissance de cette déclaration et dire si c'est celle dont il a été mention au cours de votre témoignage?

L'avocat de l'accusé s'adresse à la Cour;

Si mon confrère le permet, je crois que sur le voir-dire, il serait important que la déclaration soit produite afin qu'on sache en quelles termes elle est faite. La Cour pourrait en prendre connaissance. Je comprends qu'elle n'est pas en preuve, mais je crois qu'il a été décidé assez souvent, dans les questions d'aveux, que la façon que l'aveu est fait est un élément dont la Cour doit prendre connaissance, pour savoir si l'aveu est fait volontairement et librement; il peut y avoir dans la déclaration des expressions qui seraient à l'effet qu'ils l'ont forcé de faire la déclaration; à tout évènement, de quelle façon la déclaration est faite.

Le Juge-Avocat;

Jusqu'à maintenant, la poursuite s'est bornée à faire identifier le document; vous êtes en contre-interrogatoire, et si vous, comme avocat de la défense, vous jugez à propos de prendre la responsabilité de faire produire la déclaration sur voir-dire, cela sera la responsabilité de la défense.

Interrogé par l'avocat de l'accusé.

Q.290 Monsieur LeCavalier, vous êtes membre de la Gendarmerie Royale du Canada?

A.290 Oui, monsieur.

Q.291 Le 24 octobre 1942, Hamel a été conduit sous escorte à votre bureau?

A.291 Pardon, le 23 octobre.

Q.292 Au bureau de la Gendarmerie?

A.292 Oui, monsieur.

Q.293 Savez-vous d'où il venait?

A.293 Je ne le sais pas d'où il venait.

Q.294 Mais vous saviez qu'il n'était pas libre?

A.294 Je savais qu'il n'était pas libre.

Q.295 Il était sous escorte?

A.295 Oui, monsieur.

Q.296 Est-ce que vous l'aviez fait demander?

A.296 C'était mon supérieur qui m'a dit le matin que Louis Philippe Hamel viendrait au bureau.

Q.297 Vous aviez été informé par votre supérieur que Louis Philippe Hamel irait au bureau?

A.297 Oui, monsieur.

Q.298 Quel était votre supérieur?

A.298 Dans le cas actuel, dans cette enquête, c'était le Staff Sergeant DesRosiers.

Q.299 Le Staff Sergeant DesRosiers vous a informé que Hamel viendrait au bureau?

A.299 Oui, monsieur.

Q.300 Aviez-vous vu Hamel auparavant?

A.300 Non, monsieur; je n'avais pas vu Hamel auparavant.

Q.301 Etait-il à votre connaissance qu'auparavant Hamel avait déjà fait une déclaration?

A.301 J'avais vu une déclaration de Louis Philippe Hamel.

Q.302 Vous aviez vu auparavant une déclaration de Louis Philippe Hamel?

A.302 Oui, monsieur.

Q.303 Faite devant qui?

A.303 Je ne puis pas dire au juste; je crois que c'est devant le Colonel Jules Mercier.

Q.304 Savez-vous depuis combien de temps datait cette déclaration antérieure?

A.304 Non, je ne puis pas vous dire.

Q.305 Lorsque Hamel est arrivé à votre bureau, vous aviez pris connaissance de la déclaration antérieure faite, au meilleur de votre souvenir, devant le Colonel Mercier?

A.305 Oui, monsieur.

Q.306 Et vous saviez ce dont il s'agissait dans cette déclaration?

A.306 A peu près.

Q.307 La déclaration de Hamel, dont vous aviez pris connaissance, faite selon votre souvenir devant le Colonel Mercier, était-elle signée par Hamel?

A.307 Je ne puis pas vous dire.

Q.308 L'aviez-vous entre les mains?

A.308 La déclaration?

Q.309 Celle faite devant le Colonel Mercier, l'aviez-vous entre les mains lorsque Hamel est arrivé pour vous voir?

A.309 Non, je ne l'avais pas.

Q.310 Quand en aviez-vous pris connaissance?

A.310 La veille ou l'avant-veille, je ne sais pas exactement.

Q.311 Qui vous l'avait communiquée?

A.311 C'est le 'Staff Serjeant' Desrosiers.

Q.312 Et le 'Staff Serjeant' Desrosiers l'avait gardée?

A,312 Oui, monsieur.

Q.313 Lorsque Hamel est arrivé sous escorte, c'est vous le premier officier de la Gendarmerie qu'il a vu?

A.313 C'est le type du "Orderly Room". Il a dit: "Je crois que c'est un type pour vous autres". Je lui ai demandé si c'était Louis-Philippe Hamel et il m'a répondu que oui.

Q.314 Il est entré dans votre bureau, et à ce moment-là, il y avait Desrosiers et vous, ou est-ce que vous étiez seul?

A.314 Peut-être dans le passage; quand il est arrivé, j'étais dans le passage.

Q.315 Vous étiez seul avec lui et l'escorte?

A.315 Oui, monsieur.

Q.316 Après avoir identifié Hamel comme étant Louis-Philippe Hamel, il est entré dans le bureau?

A.316 Je suis allé dire au 'Staff Serjeant' que Louis-Philippe Hamel était arrivé et je lui ai demandé: "Est-ce que c'est le temps de le descendre?" Et il a dit: "Oui".

Q.317 Saviez-vous pourquoi Louis Philippe Hamel se rendait à votre bureau?

A.317 Parce que M. DesRosiers m'avait dit qu'il voulait faire une déclaration, que Louis Philippe Hamel voulait faire une déclaration.

Q.318 Vous étiez informé qu'il voulait faire une déclaration?

A.318 Quelquechose semblable à ça, je ne puis dire les mots précis.

Q.319 Voulez-vous tâcher de rappeler vos souvenirs; pourriez-vous dire ce dont vous avez été informé; était-ce qu'il voulait faire une déclaration ou si vous alliez prendre une déclaration?

A.319 "Voulait faire une déclaration" ou "avait une déclaration à faire". Il y a un mois que ces choses-là se sont passées.

Q.320 Je comprends, et je ne vous fais aucun reproche, constable. Il est alors entré dans votre bureau?

A.320 Oui, monsieur.

Q.321 Et à ce moment-là, il y avait vous et DesRosiers?

A.321 Oui, monsieur.

Q.322 Après être entré dans le bureau, qu'est-ce qui s'est dit?

A.322 Le Staff Sergeant DesRosiers a dit: "C'est toi, Louis Philippe Hamel?" Et il a dit: "Oui". Là, il s'est assis et s'est mis à conter son histoire d'un bout à l'autre.

Q.323 Là, il s'est assis et a conté son histoire d'un bout à l'autre. Est-ce que l'histoire qu'il a contée à ce moment-là était à peu près en susbstance la même que celle que vous avez reproduite dans la déclaration?

A.323 Oui, j'ai pris des notes.

Q.324 A ce moment-là, le Staff Sergeant DesRosiers se trouvait dans la salle avec vous?

A.324 Oui, monsieur.

Q.325 Après qu'il eût conté toute son histoire, qu'est-ce qui s'est passé?

A.325 Après qu'il eût conté toute son histoire, j'ai dit: "tu n'es pas obligé de le dire".

Q.326 Après qu'il eût conté toute son histoire, vous lui avez dit qu'il n'était pas obligé de la dire?

A.326 Je lui ai dit: "Je dois te donner une mise-en-garde avant de la prendre en écrit."

Q.327 A ce moment-là, il l'avait donnée, son histoire, verbalement devant deux constables?

A.327 Oui, monsieur.

Q.328 Il l'avait donnée verbalement avant d'avoir eu une mise en garde?

A.328 La mise en garde, il l'a eue au début, "tu n'es pas obligé de rien dire".

Q.329 Si je comprends bien votre témoignage, et je ne veux pas vous prendre par surprise, ce que j'ai compris tout à l'heure dans votre témoignage, c'est que Hamel est entré, DesRosiers lui a demandé son nom, Hamel s'est assis et Hamel a commencé à raconter son histoire; c'est ce que vous m'avez dit?

A.329 Oui, monsieur.

Q.330 Alors, il n'a pas été question de mise en garde à ce moment?

A.330 Pas de mise en garde directe.

Q.331 Il a raconté toute son histoire, et après avoir raconté toute son histoire, là, la mise en garde est arrivée. Là, la mise en garde est arrivée pour l'écrit?

A.331 Oui, monsieur.

Q.332 Et à ce moment-là, DesRosiers était sorti depuis combien de temps à peu près?

A.332 Une demi-heure à peu près, peut-être.

Q.333 Alors, avez-vous commencé à prendre la déposition par écrit alors que DesRosiers se trouvait là?

A.333 Non, monsieur.

Q.334 Alors, qu'est-ce qui s'est passé entre le moment où la mise en garde lui a été donnée après sa déclaration et le moment que vous avez commencé à écrire; qu'est-ce qui s'est passé pendant la demi-heure?

A.334 Voulez-vous répéter?

Q.335 Qu'est-ce qui s'est passé entre le moment où DesRosiers l'a mis en garde après sa déclaration verbale et le moment où vous-même vous avez commencé à prendre sa déposition par écrit?

A.335 Après que le Staff a été parti ou avant? Durant que le Staff était là...

Q.336 Vous me dites que quand vous avez commencé à écrire, DesRosiers n'y était pas?

A.336 Non.

Q.337 Vous me dites qu'après la déclaration verbale, le sergent DesRosiers l'a mis en garde au sujet de la déclaration écrite?

A.337 Ce n'est pas le sergent DesRosiers, c'est moi.

Q.338 En présence du Sergent DesRosiers?

A.338 Non, seul.

Q.339 Alors, après sa déclaration verbale, qu'est-ce que le Sergent DesRosiers a fait?

A.339 Il s'est absenté.

Q.340 Il s'est absenté alors?

A.340 Oui, monsieur.

Q.341 Ce que vous voulez me dire probablement, c'est que la déclaration verbale de Hamel a duré environ une demi-heure?

A.341 A peu près.

Q.342 Dans le courant de la déclaration verbale, est-ce que vous avez eu occasion de poser des questions?

A.342 Moi-même, oui.

Q.343 Le Sergent DesRosiers?

A.343 Le Sergent DesRosiers a posé des questions.

Q.344 Pendant la première déclaration verbale?

A.344 Oui, monsieur.

Q.345 Et il a répondu à ces questions-là?

A.345 Oui, monsieur.

Q.346 Est-ce que dans la déclaration verbale, à un certain moment, dans le cours de sa déclaration, soit au début, soit au milieu, soit à la fin, Hamel a dit qu'il faisait sa déclaration dans le but d'être libéré le plus tôt possible?

A.346 Il a dit qu'il voulait tout dévoiler pour se clairer le plus tôt possible, pour que tout soit fini le plus tôt possible.

Q.347 Cela, c'est dans la déclaration verbale?

A.347 Oui, monsieur.

Q.348 Après avoir fait la déclaration verbale, le Sergent DesRosiers est parti, et là, vous lui avez demandé s'il avait objection à ce que ça soit pris par écrit?

A.348 Oui, monsieur.

Q.349 Et là, vous lui avez lu la mise en garde?

A.349 Oui, monsieur.

Q.350 Ca faisait combien de temps à peu près qu'il était chez vous, en votre présence, quand vous lui avez lu la mise en garde?

A.350 Environ une heure, je pourrais dire.

Q.351 Ca faisait environ une heure que vous parliez, que vous conversiez avec lui quand vous lui avez lu la mise en garde?

A.351 A peu près.

Q.352 Et la mise en garde que vous lui avez lue, c'est celle dont vous nous avez donné connaissance tout à l'heure?

A.352 Oui, monsieur.

Q.353 Vous avez commencé à prendre sa déposition?

A.353 Oui, monsieur.

Q.354 Vous l'écriviez à la longue main?

A.354 Oui, monsieur.

Q.355 Et de temps en temps vous lui posiez des questions pour éclaircir certains points?

A.355 Oui, monsieur.

Q.356 Et à un certain moment l'heure du midi est arrivée?

A.356 Oui, monsieur.

Q.357 Est-ce que pendant que vous le questionniez et que vous preniez sa déposition, les escortes étaient dans la salle?

A.357 Non, monsieur.

Q.358 Alors, l'heure du diner étant arrivée, vous avez décidé de l'amener diner avec vous?

A.358 Oui, monsieur.

Q.359 Les escortes aussi?

A.359 Non, monsieur; seul avec moi.

Q.360 Pourquoi?

A.360 Parce que nous faisons diner tous nos prisonniers.

Q.361 Est-ce que vous allez dîner avec tous les prisonniers que vous avez?

A.361 Généralement on n'a jamais assez de prisonniers, un ou deux.

Q.362 Est-ce que cela arrive souvent, constable, que vous alliez prendre des repas comme ça avec les prisonniers?

A.362 Oui, souvent.

Q.363 Où allez-vous? Où êtes-vous allé dîner?

A.363 Au Restaurant Jos. Coté, coin des rues Cartier et St-Jean.

Q.364 Qui a payé le dîner?

A.364 C'est moi-même; c'est-à-dire que j'ai mis ça sur mon compte de dépenses après.

Q.365 Vous avez payé le dîner?

A.365 Oui, monsieur.

Q.366 Pendant le dîner, avez-vous parlé de la cause?

A.366 Pas à ma connaissance; peut-être quelques mots, mais très peu.

Q.367 Avez-vous averti les escortes que vous le preniez sous vos charges?

A.367 Oui, monsieur.

Q.368 Les escortes sont retournées manger à la Citadelle?

A.368 Je ne sais pas où elles sont allées.

Q.369 Vous n'avez pas payé le dîner des escortes?

A.369 Non, monsieur.

Q.370 Vous étiez en bons termes pendant le repas avec Hamel?

A.370 En très bons termes.

Q.371 La conversation a été cordiale?

A.371 Très, oui.

Q.372 Et de temps en temps, vous glissiez un mot sur le sujet de la cause, - peu, mais de temps en temps?

A.372 Très peu.

Q.373 Alors, de temps en temps c'est très peu?

A.373 Oui, monsieur.

Q.374 Et après le repas, vous êtes retourné continuer la déclaration?

A.374 Immédiatement après.

Q.375 Quelle partie de la déclaration y avait-il de faite à peu près avant le dîner?

A.375 Un paragraphe ou deux paragraphes.

Q.376 Et vous avez continué après?

A.376 Oui, monsieur.

Q.377 Est-ce que ça été plus vite après dîner?

A.377 Pas plus, parce que souvent il disait des choses qui n'étaient pas au point - ça allait trop vite pour l'histoire. Et je lui disais de ne pas aller trop vite, de revenir sur ces points-là.

Q.378 A la fin de sa déclaration écrite, il a répété encore devant vous, et vous l'avez pris par écrit, qu'il faisait sa déclaration dans le but --celle qu'il vous avait faite dans sa déclaration orale et qu'il consentait à signer-- dans le but que tout soit éclairci le plus tôt possible "afin que je sois libre le plus tôt possible" ?

A.378 Oui, monsieur.

Ré-interrogé par le procureur:

Q.378a Lorsque le 'Staff Sgt.' Desrosiers était présent, et avant que Hamel commence à raconter son histoire, est-ce que le 'Staff' Desrosiers lui a dit qu'il était obligé de parler ou s'il lui a fait des..."

L'avocat de l'accusé s'objecte à la question.

L'objection est maintenue par la Cour.

Q.379 Qu'est-ce que le 'Staff' Desrosiers a dit à Hamel avant qu'Hamel commence à raconter son histoire, à votre connaissance personnelle?

A.379 C'est assez difficile de dire les mots exacts. Je sais qu'il a été question de ça: "Hamel", a dit le sergent, "tu es au courant de tout ce qui s'est passé à 322, rue St-Jean, dans le Corps Médical," quelque chose qui avait trait à Hamel, et Hamel a dit: "Oui", et c'est là qu'il a raconté toute son histoire.

Q.379a Quel avertissement le Staff Desrosiers a-t-il donné à ce moment-là?

L'avocat de l'accusé s'objecte à la forme de la question.

L'objection est maintenue par la Cour.

Q.380 Est-ce qu'un avertissement a été donné par le 'Staff' Desrosiers?

Le Juge-Avocat s'adresse au témoin:

" ...à votre connaissance personnelle."

A.380 Je ne peux pas l'affirmer.

L'avocat de l'accusé demande à la Cour, en vertu de la règle de procédure 85 (B) de faire préciser le point suivant par le témoin:

"Le témoin, en réponse à mon confrère, a dit que lorsque Hamel était entré, Desrosiers lui a demandé son nom, qu'il s'est assis et qu'il a commencé à raconter son histoire. En réponse à mon savant ami, il a ajouté qu'après avoir fait asseoir Hamel probablement, Desrosiers lui a dit: "Tu connais ce qui se passe au bureau, rue St-Jean". Alors, je veux savoir à quel moment il lui a dit ça: "Tu connais ce qui se passe sur la rue St-Jean?".

Le procureur s'adresse à la Cour, en réponse à la demande de l'avocat de l'accusé:

" Le témoin a dit à un moment donné dans son témoignage que Desrosiers lui avait dit qu'il n'était pas obligé de parler. Si on veut discuter cela, je demanderais que le témoin sorte."

L'avocat de l'accusé demande à la Cour la permission de retirer la question afin de ne pas prolonger les débats.

La Cour permet à l'avocat de l'accusé de retirer la question.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

DEUXIEME TEMOIN
POUR LA POURSUITE
SUR LE VOIR DIRE

'Staff Serjeant' Joseph-Ernest DESROSIERS, de la Gendarmerie Royale du Canada, 596, rue St-Jean, Québec, ayant dûment prêté serment, est interrogé par le procureur:

Q.381 'Staff' Desrosiers, je comprends que vous êtes au bureau de la Gendarmerie Royale du Canada à Québec?

A.381 Oui, monsieur.

Q.382 Avez-vous eu occasion de rencontrer l'accusé Hamel?

A.382 Oui, monsieur.

Q.383 Avez-vous eu occasion de rencontrer l'accusé Hamel et vous souvenez-vous de la date?

A.383 Je pense le 23 octobre 1942.

Q.384 Voulez-vous raconter à la Cour ce qui s'est passé à cette occasion?

A.384 Hamel est arrivé, si je comprends bien, sous escorte. Il est descendu en bas où j'étais, avec le constable Lecavalier, et je lui ai demandé ce qu'il connaissait dans le cas du 'racket' qui existait au bureau de recrutement. Il m'a répondu: "Je suis venu ici pour vous dire tout ce que je connais dans ce cas", ou des mots semblables. Je lui ai posé des questions et il m'a répondu; et à un moment donné, j'ai reçu un téléphone et je fus obligé de le laisser avec le constable LeCavalier parce que j'étais appelé.

Q.385 Avez-vous à cette occasion fait une mise en garde à l'accusé?

A.385 Je ne me rappelle pas; je ne voudrais pas assermenter que j'en ai faite une, mais il me semble que j'en ai faite une avant de partir.

Q.386 Avant qu'il commence à parler de son histoire?

A.386 Non, monsieur.

Q.387 L'avez-vous pressé de répondre aux questions?

A.387 Non, monsieur.

Q.388 Lui avez-vous fait quelques menaces?

A.388 Je n'ai fait aucune promesse ni menace.

Q.388a Alors, si je comprends bien, avant que vous puissiez faire aucune mise en garde...

L'avocat de l'accusé s'objecte à la forme de la question.

L'objection est maintenue par la Cour.

Q.388b Alors, en arrivant, Hamel est le premier qui a parlé?

L'avocat de l'accusé s'objecte à la question pour la raison qu'elle est suggestive.

L'objection est maintenue par la Cour.

Q.389 Qui est le premier qui a parlé lorsque vous avez vu Hamel?

A.389 C'est moi.

Q.390 Qu'est-ce que vous avez dit?

A.390 Je lui ai demandé ce qui était arrivé au bureau de recrutement.

Q.391 Et immédiatement c'est là qu'il a raconté cela?

A.391 Oui, monsieur.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.392 Monsieur DesRosiers, vous saviez que Hamel devait venir ce matin-là au bureau de la Police Montée?

A.392 Oui, monsieur.

Q.393 Comment le saviez-vous, l'aviez-vous fait demander?

A.393 Je crois que oui.

Q.394 Vous étiez à ce moment-là, en charge de l'enquête que la Gendarmerie Royale conduisait dans cette affaire-ci?

A.394 Oui, monsieur.

Q.395 Aviez-vous déjà vu Hamel?

A.395 Non, monsieur.

Q.396 Etait-il à votre connaissance que Hamel avait déjà fait une déclaration, pour être plus précis, devant le Colonel Mercier?

A.396 Je ne m'en rappelle pas.

Q.397 Est-ce que vous n'aviez pas en mains une déclaration de Hamel faite devant le Colonel Mercier?

A.397 Non.

Q.398 Et n'aviez-vous pas communiqué la veille au constable LeCavalier une déclaration de Hamel faite devant le Colonel Mercier et dont le constable LeCavalier a pris connaissance, et qu'il vous a laissée entre les mains?

A.398 Pas que je me rappelle.

Q.399 A tout évènement, vous saviez que Hamel était sous arrêts?

A.399 Oui, monsieur.

Q.400 A qui vous étiez-vous adressé pour le faire descendre?

A.400 Il est tout probable que c'est le Colonel Mercier.

Q.401 Quand Hamel est entré dans votre bureau, vous ne l'aviez jamais vu, vous lui avez demandé son nom probablement ou quelqu'un vous a dit que c'était Hamel?

A.401 Si je me rappelle, je savais qu'il devait descendre au bureau et il se peut que je lui aie demandé son nom.

Q.402 Immédiatement après lui avoir demandé son nom, vous lui avez demandé ce qu'il connaissait; voulez-vous me répondre?

A.402 Je ne me rappelle pas au juste des mots. Ce qu'il connaissait de l'histoire, de raconter ce qui existait au bureau de recrutement.

Q.403 C'était l'affaire sur laquelle vous enquêtiez?

A.403 Oui, monsieur.

Q.404 Et là, il a commencé à parler?

A.404 Oui, monsieur.

Q.405 Vous lui avez posé des questions?

A.405 Oui, monsieur.

Q.406 Pourquoi lui posiez-vous des questions?

A.406 Sur certains faits qu'il connaissait.

Q.407 Est-ce que vous ne lui posiez pas aussi des questions pour faire confirmer certaines informations que vous aviez, vous?

A.407 Il est tout probable.

Q.408 C'est-à-dire que vous lui posiez des questions pour compléter votre enquête?

A.408 Oui, absolument.

Q.409 Et cela a duré combien de temps?

A.409 Ah, peut-être une demi-heure.

Q.410 Après cela, vous vous êtes...

A.410 Je me suis retiré.

Q.411 Et vous n'avez pas pris connaissance, vous, de la façon dont la déclaration écrite a été faite devant LeCavalier?

A.411 Non, monsieur.
Le Procureur ne désire pas interroger de nouveau.
Interrogé par le Juge-Avocat.

Q.412 Afin d'éclairer ma religion et pour plus de certitude; j'ai cru comprendre que ce que Hamel vous aurait dit au début de tout, c'est: "Je suis venu ici pour dire ce que je connais dans ce cas-là."?

A.412 Oui, monsieur.

Q.413 Est-ce que cela a été le commencement de la conversation entre vous et Hamel?

A.413 Oui, monsieur.

Q.414 Est-ce que d'autre chose a été dite auparavant?

A.414 Non, rien du tout.

L'avocat de l'accusé demande à la Cour, en vertu de la règle de procédure 85(B) de poser la question suivante au témoin (Q.415).

Q.415 Lorsque l'accusé Hamel est entré dans votre bureau, vous nous dites en réponse à une question du Juge-Avocat, qu'il "est venu ici pour dire ce qu'il connaissait de l'histoire". Maintenant, la défense voudrait savoir quand vous avez posé la question: "Qu'est-ce que tu connais de l'histoire?" Est-ce après ça, ou avant?

A.415 Justement avant.

Le Procureur demande à la Cour de prendre note qu'il s'agit toujours de l'enquête au bureau de recrutement.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

PREMIER TEMOIN
DE L'ACCUSE
SUR LE VOIR DIRE.

Major Louis G. Lacasse, Officier-commandant de la Compagnie No.5, Corps Médical de l'Armée Canadienne, A.C., ayant dûment prêté serment, est interrogé par l'avocat de l'accusé.

Q.416 Major, vous étiez le commandant de l'accusé au mois d'octobre dernier?

A.416 Oui, monsieur.

Q.417 Voulez-vous me dire, si vous pouvez nous le dire, à quelle date l'accusé a été arrêté et mis en détention?

A.417 Exactement le 20 octobre 1942.

Q.418 Il était encore en détention le 23 octobre?

A.418 Oui, monsieur. Il y a une distinction entre détention et "sous arrêt de rigueur".

Q.419 Il était sous arrêt de rigueur?

A.419 Oui, monsieur.

Le Procureur ne désire pas interroger le témoin contradictoirement.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

Le Procureur s'adresse à la Cour pour faire une motion à l'effet que les aveux de l'accusé devraient être admis en preuve.

La poursuite soumet que les aveux faits par l'accusé, lors de sa visite le 23 octobre 1942, sont admissibles, en preuve, parce que faits librement et volontairement. Si la Cour réfère au Manuel de Droit Militaire, page 91, paragraphe 78, elle y trouvera comme guide le résumé des autorités sur la façon dont les admissions doivent être faites pour être admises en preuve.

La poursuite soumet qu'elle a prouvé devant cette Cour que l'accusé a parlé librement, volontairement, sans aucune crainte de menaces et sans aucune promesse de faveur.

L'accusé aurait été 12 heures, 14 heures, 16 heures avant de faire une première déclaration, un premier aveu, si on fait une mise en garde avant qu'il fasse cet aveu, l'admission faite par l'accusé est admissible en preuve.

Dans le cas du présent accusé, il se rend chez la Police Montée, il est prisonnier, c'est vrai, la Police Montée nous explique qu'ils lui ont encore posé quelques questions, c'est encore vrai, questions qui lui ont été posées pour élucider certaines ambiguités dans son témoignage, tel que mentionné au paragraphe 7, à la page 92 du Manuel de Droit Militaire.

L'accusé, lorsqu'on lui demande ce qu'il connait de l'histoire au bureau de recrutement, de l'enquête au bureau de recrutement, répond; je suis venu ici pour tout dire. Ce n'est pas la situation d'un homme qu'on force à parler; si lui, l'accusé, lors de son arrivée chez la police montée, avait pris l'attitude de ne pas répondre aux questions, il n'aurait certainement pas donné au Staff Sgt. DesRosiers la réponse: "je suis venu ici pour tout dire et j'ai l'intention de tout dire". Les deux témoins entendus disent qu'il a parlé, qu'il a compté toute son histoire, que quelques questions lui ont été posées et qu'il a répondu mais que ces questions lui ont été posées pour éclairer certains points que l'accusé n'avait pas donnés et qui laissaient ambiguité.

Je réfère la Cour à Archbold's "Criminal Pleading Evidence and Practice", 30ème édition, page 393, au bas de la page et au haut de la page 394, dont je ferai lecture à la Cour:

"Rex -vs- Brown"

"In Rex v. Brown, 68 J.P.15, on a trial for murder, the prosecutor proposed to put in evidence answers given by one of the prisoners, a soldier, to a commanding officer of military police. Their officer had come to the barracks of the prisoner's regiment, and a parade of the regiment was ordered. The prisoner was arrested and taken to the guard-room, where the officer asked him certain questions at the suggestion of the superintendent of the police. After the prisoner had answered a few questions, the superintendent of the police stopped the officer from asking more, and arrested the prisoner. Wills, J. held the answers were admissible, as the officer had held out

no threat or inducement, and there was no compulsion, and nothing to force the prisoner into a position in which he would be likely to make an untruthful answer.

J'ajouterai comme référence le dernier paragraphe de l'article 78, du Chapitre VI, du Manuel de Droit Militaire (pp. 92, 93), où, après avoir parlé des précautions qu'on doit prendre, avant de produire les aveux d'un accusé, ajoute:

"...but the better view appears to be that a statement is in law admissible notwithstanding non-observance of the rules, if the prosecution satisfy the court that it was not in fact induced by any fear of prejudice or hope of advantage as explained in the preceding paragraphs."

Il est clairement démontré devant cette Cour que l'accusé n'a pas fait de déclaration sous le coup de menaces ou de promesses, que l'accusé a lui-même dit: "je veux faire mes déclarations pour en finir". C'était son affaire, mais ce n'est pas la Police qui lui a dit: "Si tu parles on va te finir plus vite; tu vas être libre plus vite." Il n'y a aucune preuve de cela et il n'y a eu aucune promesse à cet effet-là.

Mon confrère, Me Boisvert, me fait remarquer que la plupart des admissions faites par des accusés sont faites par les accusés dans l'intention d'aider la justice et d'éluder le point.

Plaidoierie de l'avocat de l'accusé sur la motion de la poursuite sur l'admissibilité des aveux.

Sur cette question de l'admisibilité des aveux, il y a des principes sur lesquels tout le monde devrait s'entendre. C'est à la poursuite à prouver que les aveux sont libres et volontaires et c'est elle qui doit décharger ce fardeau; cela veut dire que si il y a dans l'esprit de la Cour un doute sur la liberté de la confession, ce doute doit être interprété en faveur de l'accusé et pour le rejet de la confession.

Mon savant ami a lu des articles de la loi militaire qui concernent les confessions. J'attire l'attention également de la Cour sur cette même page 92, du M.M.L., aux paragraphes 2,3 et 4 de l'article 78, lesquels disent:

(2) Whenever a police officer has made up his mind to charge a person with a crime, he should first caution such person before asking any questions or any further questions, as the case may be.

(3) Persons in custody should not be questioned without the usual caution being first administered.

(4) If the prisoner wishes to volunteer any statement, the usual caution should be administered.
It is desirable that the last two words of the usual caution should be omitted, and that the caution should end with the words "be given in evidence".

Ceci est la règle. Maintenant, quelle est la preuve qui a été faite?

Vous avez devant vous un accusé qui est à ce moment-là accusé et qui est détenu. On le fait demander devant des personnes "in authority"; de cela il n'y a pas de doute. On le fait demander -ça ce n'est pas en preuve, et c'est peut-être pas nécessaire que ça soit en preuve, mais évidemment pour quelque chose. Evidemment pour lui demander et lui faire faire une déclaration, puisque dès qu'il arrive devant le Staff Sgt. DesRosiers, la première chose qu'on lui demande est: "Qu'est-ce que tu connais?" Je dis que c'est là la première irrégularité.

Je crois qu'il faut dire premièrement, lorsqu'une personne est détenue et accusée, il y a là un premier 'inducement' pour elle à parler ou en accuser d'autres -cela n'est pas libre; deuxièmement, lorsque cette personne-là parle devant une personne en autorité, qui a le pouvoir de la détenir, ou qui a le pouvoir de lui donner sa liberté, c'est un second "inducement" à parler. Troisièmement, lorsque cette personne en autorité lui pose des questions, c'est un troisième "inducement" à parler. Et c'est pour cela que la règle dit qu'aucune question ne doit

être posée à un accusé sans le mettre en garde et qu'on ne doit pas non plus accepter une déclaration d'un accusé avant qu'on le mette en garde et qu'on lui dise qu'il n'est pas obligé de parler.

Je soumets donc que la déclaration faite au Staff Sgt. DesRosiers n'est pas admissible, et mon savant ami répondra que ce n'est pas exactement de celle-là dont il s'agit mais de la seconde.

Je soumets respectueusement que quand l'accusé a fait une première confession ou une première déclaration, et d'après la preuve qu'on vient de faire elle est identique à celle qu'on veut produire, je soumets que cette première déclaration est entachée d'illégalité et étant entachée d'illégalité, les autres le sont également, et je me permets de citer à la Cour les autorités suivantes: Rex -vs- Doherty, 13, Cox Criminal Cases, page 23; Roscoe Criminal Edition, 15ème édition, pp 46 et 47; Russel on Crime, 7ème édition, pp 20 et 21; Regina -vs- Thompson, 1893, C.Q.B., page 12.

La Cour n'acceptera peut-être pas la jurisprudence canadienne?

Le Juge-Avocat;

"La Cour l'acceptera si elle est basée sur des textes identiques."

L'avocat de l'accusé continue.

Toute notre jurisprudence ne peut être basée que sur le droit commun anglais; nous n'avons rien dans notre code sur l'admissibilité des aveux, aucun article. Ce qui regarde la liberté d'un aveu, c'est essentiellement du droit commun anglais. Si la Cour me permet de citer des décisions canadiennes qui ratifient les décisions anglaises, je citerai Rex -vs- Kong, 24 CCC, p.142; Rex -vs- Miles, 40 C.C.C., p.84; Rex -vs- Young, 10 C.C.C., p.466.

Je ne sais pas si la Cour pourra en prendre connaissance, mais si mon savant ami y consentirait, j'ai ici la décision de la Cour d'Appel de Québec dans la cause du Roi -vs- Phillips. J'ai ici des notes du juge. Dans cette cause, il y a deux confessions.

Le Juge-Avocat demande à l'avocat de l'accusé si cette cause n'est pas rapportée, et ce dernier répond qu'elle n'est pas rapportée.

L'avocat de l'accusé continue.

Je crois qu'il y a deux causes, une est rapportée et l'autre ne l'est pas. Dans cette cause, il y a deux confessions, la première est

nettement illégale. La Couronne n'a pas voulu la produire, mais elle a voulu produire la seconde; mais on a décidé dans cette cause qu'une fois qu'un accusé s'était mis à parler devant toute personne en autorité -procédure qu'elle avait trouvée illégale- il faut qu'il continue; il ne peut plus s'arrêter. Je soumets que dans cette cause-ci, une fois que Hamel avait fait sa déclaration, sans mise en garde, en répondant aux questions du Staff DesRosiers, évidemment, il n'était pas question pour lui d'arrêter de parler, de répondre et de mettre ses déclarations par écrit.

Il y a une admission au dossier que tant devant DesRosiers que devant LeCavalier, Hamel a déclaré qu'il faisait cette déclaration: "afin que je sois libre le plus tôt possible". Alors, quel est le but? C'est de se libérer. C'est l'espoir qu'il a de se libérer en faisant une déclaration devant deux personnes en autorité alors qu'il est sous détention.

Je soumets respectueusement que je ne crois pas que la Couronne ne soit libérée du fardeau qu'elle avait de prouver hors de tout doute, que cette déclaration est libre et volontaire. Et l'examen sur voir dire devrait convaincre la Cour que cette déclaration ne peut pas être produite.

A 11 h. 15 de l'avant-midi, le 26 novembre 1942, la cour s'est ajournée jusqu'à 1 h. 30 de l'après-midi, le 26 novembre 1942.

Le 26 novembre 1942, à 1 h. 30 de l'après-midi, la cour se rassemble conformément à l'avis d'ajournement; sont présents les mêmes membres que lors de la suspension des débats.

La Cour demande au Juge-Avocat d'éclairer le tribunal sur l'admissibilité de la déclaration offerte en preuve par la poursuite.

Directives du Juge-Avocat;

" Au moment de l'ajournement, la Cour en était rendue au point où la poursuite et la défense avaient respectivement terminé la preuve de voir-dire sur la question de l'admissibilité ou non d'une déclaration écrite faite par l'accusé, laquelle a été offerte en preuve par la poursuite, déclaration signée par l'accusé et attestée par le constable Lacavalier.

" La défense et la poursuite ont cité à l'appui de leurs prétentions respectives divers textes et divers jugements dont j'ai eu l'occasion de prendre connaissance depuis l'ajournement.

" Sur le principe général, tout le monde est d'accord: que pour être admissible, la déclaration d'une personne incriminée doit être libre et volontaire. Le fardeau incombe à la poursuite d'établir que la déclaration était bien libre et volontaire.

" Lorsque l'accusé, au moment d'une déclaration, est privé de sa liberté, en état d'arrestation, il y a des règles à observer. Dans cette cause-ci, est-ce qu'il y a l'impression que les déclarations qu'il a faites ne sont pas libres et volontaires; pour interroger cette personne, il est de toute nécessité que la mise en garde régulière lui soit donnée. Sur ce principe il n'y a pas désaccord.

" Il s'agit de savoir jusqu'à quel point l'application de ce principe fera pencher la balance dans le cas qui nous occupe, dans l'espèce actuelle, le cas du prévenu Hamel.

" La Cour a pris connaissance, entre autres, des textes des causes de Rex -vs- Kong, rapportée à 24 C.C.C., page 142; Rex -vs- Miles, rapportée à 40 C.C.C., page 84, ainsi que d'autres textes. Mais ceux-ci sont particulièrement soulignés comme donnant des exemples se rapprochant beaucoup de l'espèce actuelle.

" Pour éviter une perte de temps et pour rendre les procédures aussi courtes que possible, je ne donnerai lecture que du jugé dans la cause de Rex -vs- Kong, 24 C.C.C., page 142, qui se lit comme suit:

> "When a person is in custody as a material witness and is interrogated by the Police without being cautioned and thereupon makes admissions implicating himself in the crime, his repetition of the same statement before the same officers on another occasion and after being cautioned that he is not obliged to answer but that if he does so, his statement may be used against him, will not be admitted if he was not further cautioned that his previous statements could not be used and that he need not repeat them or say anything further unless he so desired."

" La doctrine est affirmée dans ce texte et les autres textes ne sont que la répétition du même principe avec d'autres paroles, une autre phraséologie."

La Cour siège en audience privée pour étudier la question.

La Cour siège en audience publique et annonce sa décision:

" Le Tribunal admet la motion de la défense et rejette la déclaration de l'accusé."

Le Procureur demande la permission à la Cour de faire entendre un témoin, notamment, le Lieut-Colonel Jules Mercier, D.M.O., M.D. No. 5, sur voir dire pour prouver un autre aveu que l'accusé a fait dans une autre circonstance.

Le Procureur ajoute:

"Jusqu'à ce matin, lors de la transquestion de Me Rivard, je n'étais pas au courant de cette confession. De cette façon, je demande à faire entendre des témoins pour prouver cette confession et je demande comme témoin le Lieut-Colonel Jules Mercier, D.M.O., M.D. No. 5."

L'avocat de l'accusé s'adresse à la Cour:

" Sur ce point-là, j'attire l'attention de la Cour sur la règle de procédure 76 (MML p.666). Nous étions informés par le sommaire d'évidence qu'il y aurait déclarations faites devant le constable LeCavalier, évidemment par erreur, on ne m'avait pas communiqué cette information et on m'a accordé un ajournement.

La déclaration faite devant le Colonel Mercier - nous n'en n'avons jamais été informés, ni par le sommaire d'évidence ni par aucun avis que des témoins devaient être entendus pour en faire la preuve.

Pour ma part, à moins de connaître le contenu de cette déclaration, je ne suis pas prêt à accepter la preuve ni à contre-interroger des témoins au point de vue du voir dire. "

Le Procureur fait lecture de la règle de procédure 76, M.M.L. p. 666:

"If the prosecutor intends to call a witness whose evidence is not contained in any summary or abstract of evidence given to the accused, notice of such intention shall be given to the accused a reasonable time before the witness is called, together with an abstract of his proposed evidence; and if the witness is called without such notice or abstract being given, the court shall, if the accused so desire it, either adjourn after taking the evidence of the witness, or allow the cross-examination of the witness to be postponed, and the court shall inform the accused of his right to demand such an adjournment or postponement."

Le seul droit de la défense actuellement c'est de demander, après avoir entendu les témoins, un ajournement pour transquestionner. "

L'avocat de l'accusé s'adresse à la Cour.

" La demande que je fais est un peu différente de celle que mon savant ami suggère; peut-être pour raccourcir la procédure l'on pourrait m'accorder un court ajournement pour prendre connaissance de cette déclaration.

Si la déclaration en elle-même n'est pas une déclaration à laquelle je crois devoir m'objecter ou qu'il n'y ait pas lieu à ce que je transquestionne le témoin..."

La Cour demande à l'avocat de l'accusé s'il peut prendre connaissance de la déclaration sans que la cour ajourne.

L'avocat de l'accusé prend connaissance de la déclaration faite par l'accusé au Lieut-Colonel Jules Mercier, D.M.O., M.D. No. 5, et annonce qu'il est prêt à entendre le témoin.

PREMIER TEMOIN POUR LA POURSUITE SUR LE VOIR DIRE

Lieut-Colonel Jules Mercier, D.M.O., District Militaire No. 5, ayant dûment prêté serment, est interrogé par le Procureur.

Q. 420 Connaissez-vous l'accusé?

A. 420 Oui, monsieur.

Q. 421 Voulez-vous dire à la Cour où vous l'avez rencontré?

A. 421 Je l'ai rencontré à mon bureau, monsieur.

Q. 422 Avez-vous eu affaire à l'accusé au cours du mois d'octobre?

A. 422 Oui, monsieur.

Q. 423 En quelle occasion?

A. 423 Le 19 octobre au soir, je l'ai fait venir à mon bureau.

Q. 424 Ensuite?

A. 424 Je lui ai dit que j'avais découvert des irrégularités; je ne me rappelle pas si je lui ai mentionné le samedi; à tout évènement, je lui ai fait part que j'avais découvert des irrégularités, et que je présumais qu'il pouvait être impliqué; je lui ai fait une mise en demeure, à savoir: qu'il n'était pas obligé de parler et qu'il pouvait réquérir les services d'un avocat. Il a manifesté, je ne pourrais pas dire de la joie, mais une certaine satisfaction à me déclarer certaines choses dans le sens, je crois, qu'il voulait se décharger, et je lui ai posé certaines questions, et il m'a répondu très volontiers à toutes mes questions. Après ça, je lui ai demandé s'il voulait écrire sa déclaration de sa propre main. Il a accepté, et nous l'avons envoyé dans un autre bureau, afin qu'il prépare, qu'il écrive sa déclaration

A.424 (suite)

lui-même. La mise en garde a été faite, pardon, que je lui ai faite, a été faite en présence du Major Kirouac, et pour la signature de sa déclaration, les témoins ont été moi-même, le Major Kirouac et le Major Lacasse.

Q.425 L'avez-vous accompagné dans le bureau où il est allé pour écrire sa déclaration?

A.425 Je ne l'ai pas accompagné; je crois que j'y suis allé une fois le voir, et j'ai juste passé dans la chambre. Je ne suis pas resté avec lui le temps qu'il a écrit sa déclaration.

Q.426 Qui était avec lui le temps qu'il a écrit sa déclaration?

A.426 Je ne pourrais vous le dire.

Q.427 Au moment où vous questionniez Hamel, pourriez-vous nous dire si Hamel était libre ou sous arrêts?

A.427 Hamel était libre.

Q.428 Est-ce qu'il y avait une accusation de portée contre lui?

A.428 Non; parce que je poursuivais l'enquête que j'avais commencée le samedi, et je ne savais pas où j'en étais encore.

Q.429 C'est-à-dire, est-ce que vous aviez décidé de porter une accusation contre lui ou non?

A.429 Je n'avais pas encore décidé de porter une accusation contre lui.

Q.430 Pour obtenir cette déclaration, quelles sont les promesses que vous avez faites à Hamel?

A.430 Je n'ai fait aucune promesse.

Q.431 Est-ce que vous lui avez fait des menaces?

A.431 Aucune menace.

Q.432 Est-ce que, le soir que vous avez pris cette déclaration, vous avez mis Hamel sous arrêts immédiatement?

A.432 Non; je lui ai dit que je pouvais peut-être le mettre sous arrêts, seulement après qu'il était sorti de l'hôpital, je préférais l'envoyer à l'hôpital militaire de Québec, et de fait, je l'ai envoyé à l'hôpital militaire de Québec avec deux de mes hommes, mais je ne l'ai pas mis sous arrêts.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.433 Si je comprends bien, Colonel, vous étiez l'autorité supérieure du Corps Médical ici à Québec?

A.433 Oui, monsieur.

Q.434 Et l'accusé était un soldat appartenant à ce corps?

A.434 Exactement, monsieur.

Q.435 L'entrevue que vous nous avez rapportée est une entrevue qui a eu lieu le 19 octobre?

A.435 Le 19 octobre, lundi le 19.

Q.436 A ce moment-là, l'accusé était à l'hôpital?

A.436 Oui, monsieur, l'hôpital St-Sacrement.

Q.437 Vous étiez à poursuivre une enquête sur des irrégularités, que vous aviez découvertes, dites-vous, quelques jours auparavant, et votre enquête marchait depuis le samedi?

A.437 Oui, monsieur.

Q.438 L'enquête que vous aviez faite, vous avait amené le nom de l'accusé?

A.438 Oui, monsieur.

Q.439 Et vous aviez à ce moment-là des informations à l'effet que l'accusé était impliqué dans cette affaire-là?

A.439 Etait ou pouvait être impliqué, parce que, évidemment je ne m'étais pas encore formé une opinion bien nette.

Q.440 Vous n'aviez pas de certitude, mais vous vouliez contrôler les informations que vous pouviez avoir pouvant impliquer l'accusé?

A.440 Oui, pouvant impliquer l'accusé ou n'importe quel autre. Mon intérêt n'était que de chercher les coupables; mon intérêt était de faire une enquête afin de trouver certaines irrégularités, s'il y en avait; je n'essayais pas d'accumuler des irrégularités contre un tel monsieur ou un autre. Je faisais une enquête pour trouver des irrégularités, s'il y en avait.

Q.441 Et c'est dans ce but que vous avez fait venir l'accusé?

A.441 Oui, monsieur.

Q.442 A quelle heure avez-vous envoyé chercher l'accusé à l'hôpital?

A.442 Exactement, l'heure, je ne me rappelle pas, parce que j'ai téléphoné d'abord pour avoir certaines informations auprès de l'hôpital, à savoir si Hamel était suffisamment rétabli pour venir à mon bureau. Je présume que Hamel a dû venir à mon bureau; je ne puis pas vous dire exactement, entre huit heures et neuf heures, je présume.

Interrogé par la Cour:

Q.443 Du soir?

A.443 Oui, monsieur.

L'avocat de l'accusé continue son examen contradictoire.

Q.444 Cela pourrait être aussi plus tard que ça?

A.444 Oui, monsieur.

Q.445 Est-il arrivé à votre bureau seul, ou s'il a été conduit à votre bureau sous escorte?

A.445 Je l'ai envoyé chercher par un de mes médecins, pas un de mes hommes; je voulais être certain que Hamel était en condition physique et de santé suffisante pour venir à mon bureau.

Q.446 Qui était le médecin?

A.446 Je pense que c'est le Major Kirouac.

Q.447 Quand Hamel est entré dans votre bureau, qui était présent?

A.447 Le Major Kirouac était présent; j'ignore s'il y en avait d'autres.

Q.448 Voulez-vous nous dire ce que vous avez dit à Hamel quand il est entré dans votre bureau?

A.448 Je l'ai fait asseoir; je me suis informé de sa santé et il y a eu certaines questions de posées en rapport avec son état de santé; et puis, j'ai amené le sujet, directement ou indirectement, sur le fait de certaines irrégularités que j'avais découvertes et dans lesquelles je présumais qu'il était impliqué. J'ai ajouté qu'il n'était pas obligé de parler, qu'il pouvait avoir les services d'un avocat.

Q.449 Et pouvez-vous nous dire de quelle façon vous lui avez dit qu'il pouvait être impliqué dans certaines irrégularités?

A.449 Oui, monsieur.

Q.450 Qu'est-ce que vous lui avez dit?

A.450 Je pense que je lui ai demandé s'il aidait sa mère et, je crois, que je lui ai demandé le montant d'argent qu'il donnait mensuellement à sa mère, à sa famille, et il m'a dit qu'il aidait sa mère; sur ça, je lui ai dit: "Tu ne penses pas ou vous ne pensez pas qu'il serait plus convenable de donner plus d'argent à votre mère et de ne pas en donner aux médecins?"

Q.451 Qu'est-ce qu'il vous a répondu?

A.451 Je ne me rappelle pas exactement ce qu'il m'a répondu; je ne sais pas s'il m'a dit oui ou non; je pense qu'il m'a dit oui que cela serait plus raisonnable de ne pas donner d'argent aux médecins.

Q.452 Après cette réponse-là, qu'est-ce que vous lui avez dit?

A.452 Exactement, après cette réponse, je ne puis pas vous dire exactement ce que je lui ai dit.

Q.453 Lui avez-vous dit à un moment donné, pendant le cours de la conversation: "Il faut que tu parles;si tu ne parles pas, on va te mettre dans le 'klink'"ou des mots dans le même sens?

A.453 Je pense que je puis jurer, monsieur Rivard, que je ne l'ai jamais menacé. Je lui ai dit au cours de la conversation que je pouvais le mettre dans le 'klink', comme je l'ai rapporté, je pense que je lui ai dit; mes propres paroles sont les suivantes ou le texte: "Je pourrais t'envoyer" --je crois, après sa déclaration, pas avant-- "je pourrais t'envoyer dans le 'klink', mais franchement, cela me fait de la peine, tu sors de l'hôpital, je vais attendre".

Q.454 C'est avant qu'il aille faire sa déclaration écrite? Il vous a fait une déclaration orale?

A.454 C'est entre la déclaration orale et sa déclaration écrite, c'est-à-dire, quand je lui ai dit ça, j'avais fait la mise en garde.

Q.455 Et, je comprends, vous lui avez fait la mise en garde, il vous a fait une déclaration verbale, et entre la déclaration verbale et la déclaration écrite, vous lui avez dit ce que vous venez de rapporter, entre les deux déclarations?

A.455 Je ne veux pas que cela soit interprété comme des menaces.

La Cour demande au témoin de donner son témoignage seulement, qu'elle se chargera d'interpréter.

Q.456 La Cour interprétera, Colonel...

A.456 Maintenant, est-ce que vous me permettez d'ajouter ceci...

Q.457 Je vais vous questionner.

Le Procureur demande à la Cour qu'on laisse le témoin compléter sa réponse.

La Cour permet.

A.457 Je dois ajouter quelque chose à ce qui a été écrit; ce n'est pas parce j'ai dit ou que j'ai demandé au soldat Hamel de faire une déclaration

A.457 (suite)

que je l'enverrais dans le 'klink'; je n'ai jamais dit ça.

Q.458 Vous avez dit ce que vous nous avez rapporté tout à l'heure; vous rappelez-vous de ce que vous avez dit?

(Lecture est faite des questions et réponses 453 à 455 inclusivement)

A.458 Oui, monsieur.

Q.459 Colonel, après ça, vous lui avez dit: "Tu vas faire une déposition devant le Capitaine Kirouac"?

A.459 Pardon, je ne lui ai pas dit: "Vous allez faire".

Q.460 "Veux-tu faire?" ?

A.460 "Voulez-vous mettre par écrit ce que vous m'avez dit, l'écrire et le signer?"

Q.461 Devant le capitaine Kirouac?

A.461 Je lui ai demandé ça devant le Major Kirouac.

Q.462 Est-ce que le Major Lacasse était là au cours de l'entrevue?

A.462 Je ne puis pas vous dire si le Major Lacasse a été là tout le temps; je ne me rappelle pas.

Q.463 Vous ne vous rappelez pas s'il a été dans votre bureau en même temps que l'accusé pendant que vous le questionniez?

A.463 Non, je ne me rappelle pas. Je sais que le Major Lacasse était à mon bureau; je ne me rappelle pas si le Major Lacasse est venu pendant que j'interrogeais le soldat.

Q.464 Et au cours de l'entrevue, de la déclaration qu'il vous a faite verbalement, vous l'avez questionné?

A.464 Oui, monsieur.

Q.465 Et vous l'avez questionné pour vérifier les informations que vous aviez recueillies à date, le concernant?

A.465 Oui, c'était des informations très "floues" (vagues)

Q.466 Pour faire préciser les informations vagues que vous aviez recueillies à date à son sujet?

A.466 A son sujet et au sujet d'autres.

Q.467 Et dans lesquelles il pouvait être impliqué?

A.467 Ou en impliquer d'autres; je dois ajouter que je ne cherchais pas à trouver Hamel plus qu'un autre; je cherchais à faire une enquête pour trouver ce qu'il y avait d'irrégulier, et y mettre ordre immédiatement.

Q.468 Il est sorti et il est allé dans une chambre à côté, et il a fait une déclaration écrite de sa main?

A.468 Oui, monsieur.

Q.469 Est-ce que quelqu'un est resté avec lui pendant qu'il faisait sa déclaration?

A.469 Je serais porté à dire oui, mais je ne pourrais pas le jurer.

Q.470 Si quelqu'un est resté avec lui, qui est-ce que cela serait?

A.470 Peut-être le sergent-major.

Q.471 Qui?

A.471 Drolet, ou un autre; il y en avait d'autres au bureau ce soir-là; il y avait le sergent Plamondon.

Q.472 Est-il à votre connaissance que le sergent-major Drolet soit entré pendant qu'il écrivait?

A.472 Ce n'est pas à ma connaissance personnelle; il est certainement possible que le Major Kirouac y soit allé, étant donné que le soldat Hamel écrivait dans le bureau du Major Kirouac.

Q.473 Au cours des questions que vous lui posiez pendant qu'il était dans votre bureau, lui avez-vous, à un moment donné, reproché de ne pas vous avoir averti de ces irrégularités?

A.473 Je ne le sais pas si je lui ai reproché; je ne pourrais pas dire.

Q.474 Colonel, pour rafraîchir votre mémoire, vous ne lui avez pas dit: "Pourquoi que tu n'as pas averti, as-tu l'intention de nous mêler?" ?

A.474 Ce sens...c'est unexpression...c'est une phrase que j'ai prononcée, je suis certain, au cours de mon enquête, mais je ne puis pas jurer que j'ai dit ces paroles au soldat Hamel, au cours de mon enquête, mais je ne me rappelle pas si oui ou non c'est au soldat Hamel. Je ne le nie pas.

Q.475 C'est possible que vous l'ayiez dit à Hamel?

A.475 Oui, c'est possible.

Q.476 Maintenant, vers quelle heure de cette soirée avez-vous envoyé reconduire le soldat Hanel à l'hôpital, au meilleur de votre souvenir?

A.476 Il devait être tard, peut-être dix heures et demie, onze heures -- assez tard.

Q.477 Est-ce qu'il n'était pas vers une heure du matin quand tout a été fini?

A.477 Il est possible, je ne puis pas vous dire l'heure; je n'ai pas regardé ma montre beaucoup cette soirée-là.

Q.478 Il a retourné à l'hôpital sous escorte?

A.478 Non, monsieur.

Q.479 Avec qui?

A.479 Avec deux de mes hommes, un pour conduire le char et un autre pour l'accompagner; il n'était pas arrêté.

Q.480 Pourquoi un autre homme pour accompagner le chauffeur?

La Cour s'adresse à l'avocat de l'accusé;

" Il faut un assistant-chauffeur; le chauffeur doit avoir un assistant; c'est une loi militaire, Me Rivard."

Q.481 J'aurais voulu que le Colonel me le dise.

A.481 Probablement parce qu'habituellement nous faisons ça; je n'avais pas de raison spéciale, c'est un réflexe.

Q.482 Combien de temps en tout, Hanel, ce soir-là, a-t-il passé dans votre bureau, soit dans votre bureau à vous, soit dans la chambre adjacente où vous lui avez demandé d'aller faire sa déclaration, entre le moment où il est arrivé et le moment où il est parti?

A.482 Si vous étiez capable de me dire l'heure qu'il est arrivé.

Q.483 Je n'y étais pas.

A.483 Je ne le sais pas exactement.

Q.484 Trois heures?

A.484 Je ne le sais pas; d'autres témoins pourront vous le dire; au meilleur de ma connaissance, moi-même, au meilleur de ma connaissance, je ne suis pas capable de vous le dire.

Ré-interrogé par le Procureur:

Q.485 Au sujet de la question du "klink", est-ce que dans le temps, Hamel vous avait raconté les faits?

A.485 Exactement.

Q.486 Est-ce que les faits qu'il vous avait racontés étaient ceux qu'il a par la suite mis par écrit?

A.486 Exactement.

Q.486a Au moment où il faisait cette confession verbale, il n'avait pas été question du 'klink'?

L'avocat de l'accusé s'objecte à la question.

L'objection est maintenue par la Cour.

Q.487 A quel moment a-t-il été question du "klink"?

A.487 Après sa déclaration verbale.

Q.488 Est-ce le seul temps où il a été question du 'klink'?

A.488 Exactement.

Q.489 Au moment où il a fait cette déclaration verbale dont il est question dans votre témoignage, est-ce qu'il y avait d'autres personnes que vous présentes?

A.489 Le Major Kirouac.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

DEUXIEME TEMOIN POUR LA POURSUITE SUR LE VOIR DIRE.

Major Charles A. KIROUAC, 5ème Cie, R.C.A.M.C., C.A., ayant dûment prêté serment, est interrogé par le Procureur:

Q.490 Major Kirouac, connaissez-vous l'accusé?

A.490 Oui, monsieur.

Q.491 Vous souvenez-vous de l'avoir rencontré au cours du mois d'octobre?

A.491 Oui, monsieur.

Q.492 Pourriez-vous nous dire en quelle circonstance?

A.492 J'ai été le chercher à l'hôpital St-Sacrement pour l'amener au bureau du Médecin-chef du District, qui voulait lui parler.

Q.493 Vers quelle heure était-ce?

A.493 A peu près vers 9 h. ou 9 h. 15 du soir.

Q.494 Vous souvenez-vous de la date?

A.494 La date, je ne suis pas certain, c'est autour du 17 octobre; à peu près dans ces jours-là; je ne suis pas certain de la date.

Q.495 Etiez-vous avec quelqu'un quand vous êtes allé chercher le soldat Hamel à l'hôpital?

A.495 Non, monsieur.

Q.496 Vous étiez seul?

A.496 Oui, monsieur.

Q.497 Sur les instructions de qui?

A.497 Du Médecin-chef du District.

Q.498 Alors, vous étiez seul quand vous êtes allé le chercher à l'hôpital?

A.498 Oui, monsieur.

Q.499 En cours de route, avez-vous eu une conversation avec Hamel?

A.499 Une petite conversation comme ça. Je lui ai demandé comment était son état de santé et je lui ai dit que le Colonel Mercier avait affaire à lui, probablement au sujet de son ouvrage.

Q.500 Est-ce qu'il a été question d'enquête?

A.500 Non, monsieur.

Q.501 Alors, vous l'avez conduit où?

A.501 Je l'ai conduit au bureau du Médecin-chef, 322, rue St-Jean.

Q.502 Et vous l'avez monté au bureau du Médecin-chef?

A.502 Oui, monsieur.

Q.503 Qui était au bureau du Médecin-chef?

A.503 Il y avait le Médecin-chef, le sergent-major Drolet dans un autre bureau; dans le bureau même du Colonel Mercier, seulement tous les deux.

Q.504 Et l'accusé, je comprends?

A.504 Oui; tous les trois. En arrivant, l'accusé n'est pas entré en même temps que moi dans le bureau. Il a été appelé après.

Q.505 Alors, au moment où l'accusé est entré dans le bureau. Je comprends que l'accusé a été amené ensuite devant le Médecin-chef?

A.505 Oui, monsieur.

Q.506 Le Colonel Mercier?

A.506 Oui, monsieur.

Q.507 Qu'est-ce qui s'est passé lorsque l'accusé est arrivé en présence du Colonel Mercier?

A.507 Le Colonel Mercier lui a demandé comment il se trouvait au point de vue de sa santé, vu qu'il sortait de l'hôpital, et il lui a posé quelques questions d'ordre personnel, comment ça allait chez lui, quelles étaient ses responsabilités vis-à-vis de sa famille, s'il leur aidait au point de vue finance, s'il avait quelques dépendants.

Q.508 Qu'est-ce que l'accusé a dit?

A.508 Après ça, l'accusé lui donnait les réponses.

Q.509 Donnez les réponses comme les questions.

A.509 Alors, le Médecin-chef lui a demandé s'il aidait sa famille; l'accusé a répondu "Oui", qu'il donnait un certain montant d'argent pour aider sa mère. Je ne me rappelle pas, dans le moment, le montant qu'il a spécifié; le montant, je ne m'en rappelle pas dans le moment.

Après ça, il a expliqué qu'il faisait très peu de dépenses personnelles; c'est alors que le Médecin-chef lui a dit: "Ecoute", en parlant à Hamel, "j'ai d'autres questions plus importantes à te poser, et je te mets en garde. Je tiens à t'avertir que tout ce que tu pourras dire pourra servir contre toi plus tard. Tu n'es pas obligé de parler; si tu préfères, tu peux demander les services d'un avocat et attendre à plus tard pour répondre à mes questions."

Q.510 Quelle a été la réponse de l'accusé?

A.510 La réponse de l'accusé a été: "Je n'ai pas besoin d'avocat, j'aime mieux me décharger le coeur, tout de suite."

De nouveau, le Colonel Mercier lui a répété que c'était son droit de refuser de parler, parce que tout ce qu'il pourrait dire pourra être contre lui plus tard.

Q.511 Je comprends que le Colonel Mercier lui a répété deux fois?

A.511 Oui, monsieur.

Q.512 Est-ce que le Colonel Mercier lui a fait des promesses à cette occasion?

A.512 Non, monsieur.

Q.513 Lui a-t-il fait des menaces?

A.513 Non, monsieur.

Q.514 Vous-même, lui avez-vous fait des promesses?

A.514 Non, monsieur.

Q.515 Vous-même, lui avez-vous fait des menaces?

A.515 Non, monsieur.

Q.516 Alors, je comprends que l'accusé, comme vous venez de le dire, a consenti à parler?

A.516 Oui, monsieur.

Q.517 Ensuite, qu'est-ce qui s'est passé?

A.517 Bien, après avoir parlé avec le médecin-chef, le médecin-chef lui a demandé s'il consentait à aller dans un autre appartement de nos bureaux et d'écrire lui-même ce qu'il nous avait dit et sur la réponse affirmative de l'accusé, il est allé dans le bureau voisin où on lui a donné plume et papier et moi je suis resté avec le médecin-chef.

Q.518 Pendant que l'accusé...?

A.518 Pendant une partie du temps que l'accusé a rédigé sa confession.

Q.519 Où a-t-il rédigé cette déclaration, dans quel bureau?

A.519 Dans mon bureau.

Q.520 Est-ce qu'il y avait quelqu'un avec lui pendant qu'il rédigeait sa déclaration?

A.520 Il peut avoir entré quelqu'un ou sortir.

Q.521 Mais personne ne l'accompagnait?

A.521 Non, monsieur.

Q.522 Au moment où l'accusé a été amené devant le médecin-chef, est-ce à votre connaissance qu'il avait une accusation contre lui?

A.522 Non, monsieur.

Q.523 Au moment où l'accusé a été amené devant le médecin-chef, est-ce à votre connaissance qu'il était sous arrêts ou non?

A.523 Je ne suis pas certain, mais je ne crois pas qu'il était sous arrêts, parce qu'il n'était pas sous arrêts quand je suis allé le chercher à l'hôpital.

Q.524 Vous avez, par la suite, pris connaissance de la déclaration écrite de l'accusé?

A.524 Oui, monsieur.

Q.525 Etait-elle différente et en quoi, de la déclaration verbale faite par l'accusé au Colonel Mercier, en votre présence?

A.525 Je ne crois pas qu'elle était différente.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.526 Major, vous avez dit le 17, mais on s'entend autour du 19 octobre? Le 19 octobre, est-ce que vous étiez avec le Colonel Mercier occupés à cette enquête qui se faisait sur les irrégularités dont vous étiez informés?

A.526 Quand il me le demandait seulement.

Q.527 Il vous a demandé vers 9 h. ou 9 h. 30 d'aller chercher Hamel qui était à l'hôpital St-Sacrement?

A.527 Oui, monsieur.

Q.528 Quand vous êtes allé là, est-ce que Hamel était couché?

A.528 Je ne le sais pas, monsieur.

Q.529 Vous avez attendu quelques minutes?

A.529 J'ai demandé à la soeur hospitalière; ils m'ont fait monter au troisième étage et j'ai attendu le médecin de l'hôpital.

Q.530 Et Hamel est descendu avec vous en automobile jusqu'au bureau du Colonel Mercier?

A.530 Oui, monsieur.

Q.531 Vous êtes entré le premier dans le bureau du Colonel?

A.531 Oui, monsieur.

Q.532 Et Hamel est entré après vous?

A.532 Il a attendu dans l'anti-chambre et il est entré à la demande du Colonel Mercier.

Q.533 Vous nous dites qu'il y a eu d'abord des questions de posées sur des sujets personnels?

A.533 Oui, monsieur.

Q.534 N'est-il pas vrai, Major, qu'après la réponse de Hamel, le Colonel Mercier lui a dit: "Tu ferais mieux de donner plus d'argent à chez vous plutôt que d'en donner aux officiers"?

A.534 Je ne suis pas certain, je ne me souviens pas.

Q.535 Et que c'est après avoir dit ça, qu'il aurait été question de la mise en garde?

A.535 Comme je vous dis, il l'a mis en garde après avoir causé; je sais qu'il lui a demandé son état de santé, s'il aidait ses parents, mais les paroles que vous venez de prononcer, je ne m'en rappelle pas.

Q.536 Vous vous souvenez qu'au cours de la conversation le Colonel Mercier a fait reproche à Hamel de ne pas lui avoir rapporté ces faits-là?

A.536 Il a mentionné quelque chose de ce genre-là, mais je ne crois pas que c'était un reproche; je crois plutôt que c'était une constatation, dans ce sens que normalement, si une chose telle se produisait, le médecin-chef devait en être averti.

Q.537 Est-ce qu'il n'a pas dit "Tu aurais dû nous avertir?"

A.537 Je ne me rappelle pas les paroles exactes.

Q.538 N'a-t-il pas dit; "Veux-tu nous caler?" ?

A.538 Pas à ma connaissance.

Q.539 Jurez-vous qu'il ne l'a pas dit?

A.539 Non, je ne jure pas qu'il ne l'a pas dit, mais je ne jure pas qu'il l'a dit non plus.

Q.540 Est-ce que, à un moment donné, après la déclaration, ou après que le questionnaire du Colonel Mercier a été terminé, le Colonel Mercier lui a dit; "Je pourrais te mettre dans le 'klink', mais j'ai pitié de toi parce que tu es à l'hôpital et je vais t'envoyer à l'hôpital"?

A.540 Je ne me rappelle pas non plus.

Q.541 Vous vous souvenez pas mal de ce qui s'est dit, les premières paroles. Bien, voulez-vous essayer de vous rappeler ce qui s'est dit entre la déclaration verbale et la déclaration écrite et les paroles que le Colonel Mercier a dites à Hamel à ce moment-là; n'est-il pas vrai qu'il a été question de "klink"?

A.541 Je ne suis pas certain; je ne me rappelle pas; il peut en avoir été question.

Q.542 N'est-il pas vrai qu'il lui a dit: "Si tu ne parles pas, je vais te mettre dans le 'klink'" ?

A.542 Je ne le crois pas.

Q.543 Jurez-vous qu'il ne l'a pas dit?

A.543 Non, monsieur.

Q.545 Jurez-vous qu'il n'a pas dit:"Tu es mieux de parler" ?

A.545 Non, monsieur.

Q.546 Vous ne jurez pas qu'il ne l'a pas dit?

A.546 Non, et je ne jure pas qu'il l'a dit non plus.

Q.547 Vous, vous étiez présent? Vous rappelez-vous de la substance de ce qui s'est dit?

A.547 En partie.

Q.548 Vous rappelez-vous de la déclaration faite par Hamel?

A.548 Je me rappelle quelques parties.

Q.549 Pas de tout?

A.549 Probablement pas de tout.

Q.550 Il a pu se dire bien des choses que vous ne vous rappelez pas?

A.550 C'est possible.

Q.551 Entre'autres choses les paroles que j'ai rapportées?

A.551 Oui, monsieur.

Q.552 Il est parti à un moment donné sur la demande du Colonel Mercier et il s'est rendu dans une salle, et là il a fait sa déclaration?

A.552 Oui, monsieur.

Q.553 Vous avez été là presque tout le temps?

A.553 Avec l'accusé, non monsieur.

Q.554 Qui était avec lui?

A.554 Il n'était pas supposé avoir personne avec lui.

Q.555 Jurez-vous qu'il n'était pas supposé y avoir personne avec lui?

A.555 Oui, monsieur.

Q.556 Vous jurez qu'en fait, personne n'était avec lui?

A.556 En fait, je ne le sais pas, je n'étais pas là.

Q.557 La déclaration a été signée devant vous?

A.557 Oui, monsieur.

Q.558 Vous étiez toujours à la vue?

A.558 Oui, monsieur.

Q.559 L'avez-vous lu la déclaration, avant qu'il la signe et avant que vous la signiez?

A.559 Je l'ai lue après qu'il la signa, et avant de la signer moi-même.

Q.560 Vous rappelez-vous de ce qu'il aurait dit dans la déclaration?

A.560 En partie.

Q.561 Vous rappelez-vous suffisamment de la déclaration et suffisamment du questionnaire pour pouvoir jurer que la déclaration est conforme à celle qu'il avait faite verbalement?

A.561 En autant que je me souvienne.

Q.562 Vous souvenez-vous assez pour jurer?

A.562 C'est bien difficile à dire.

Q.563 Major, il est arrivé chez le Colonel Mercier vers quelle heure?

A.563 Vers neuf heures et demie.

Q.564 A quelle heure aurait-il parti?

A.564 Probablement autour de onze heures.

Q.565 N'est-il pas vrai qu'il était autour de une heure?

A.565 Peut-être; je ne me rappelle pas exactement. A la question de l'avocat de l'accusé, je désire ajouter qu'au moment où j'ai lu la déclaration faite par l'accusé, ça faisait à peine quelques minutes qu'il avait fait sa déclaration verbale, et à ce moment-là, j'étais à même de comparer que la déclaration écrite était la même que la déclaration verbale; alors, aujourd'hui, je peux répondre.

Le Procureur ne désire pas interroger le témoin de nouveau.

Interrogé par le Juge-Avocat.

Q.566 Après avoir lu la déclaration écrite de la main de l'accusé, vous avez constaté que ce qu'il avait écrit était en substance la même chose qu'il avait déclaré verbalement auparavant?

A.566 Oui, monsieur.

Q.567 Voulez-vous donner à la Cour une explication, une idée sommaire de la disposition des pièces; est-ce que le bureau du Colonel Mercier et le vôtre sont des pièces connexes?

A.567 Non, monsieur.

Q.568 Des pièces qui communiquent par autre chose qu'un couloir?

A.568 Non, monsieur.

Q.569 Au même étage?

A.569 Oui, monsieur.

Q.570 Major, voulez-vous produire un croquis sommaire indiquant les positions respectives des bureaux du médecin-chef, le Colonel Mercier, et de votre bureau à vous-même.

A.570 Oui, monsieur.

Croquis indiquant les positions respectives des bureaux du médecin-chef, le Colonel Mercier, et du Major Kirouac, situés sur le même plancher à 322, rue St-Jean, Québec, est signé par le Président, marqué " I", et joint au procès-verbal.

Q.571 Maintenant, durant le temps que l'accusé Hamel était dans votre bureau précisément à écrire la déclaration, où vous trouviez-vous vous-même, étiez-vous avec le Colonel Mercier?

A.571 Oui, excepté une couple de fois que je suis allé dans mon bureau voir s'il avait tout ce qu'il lui fallait.

Q.572 En autant que vous le sachiez, durant ce temps-là, l'accusé Hamel aurait pu aller et revenir librement?

A.572 Oui, monsieur.

Q.573 Vous le jurez?

A.573 Oui, monsieur.

Q.574 Il n'y avait personne qui le gardait?

A.574 Non, monsieur.

Q.575 Est-ce que l'accusé aurait pu retourner à l'hôpital de lui-même?

A.575 Qu'entendez-vous par "de lui-même"?

Q.576 Sans en être empêché.

A.576 Comme militaire, il était obligé de suivre les ordres donnés par ses supérieurs.

Interrogé par la Cour.

Q.577 A l'heure qu'il est retourné, est-ce qu'il y aurait eu danger s'il était retourné par lui-même de se faire arrêter parce que sans permission?

A.577 Oui, à moins que nous lui aurions donné une formule avant son départ.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

TROISIEME TEMOIN POUR LA POURSUITE SUR LE VOIR DIRE.

Major Louis.-J. LACASSE, Officier-commandant de la 5ème Compagnie, R.C.A.M.C., C.A., District Militaire No. 5, C.A., Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.578 Major Lacasse, connaissez-vous l'accusé?

A.578 Oui, monsieur.

Q.579 Voulez-vous nous dire si vous avez assisté à une entrevue que l'accusé aurait eue avec le Médecin-chef au cours du mois d'octobre 1942?

A.579 A l'entrevue qu'il a eue avec le Médecin-chef? Non.

Q.579a Avez-vous été appelé au bureau du Médecin-chef en rapport avec une déclaration qu'aurait faite l'accusé?

L'avocat de l'accusé s'objecte à la question.

La Cour suggère au Procureur de préciser une date.

La question est retirée.

Q.580 Avez-vous eu connaissance que l'accusé ait eu une entrevue avec le Médecin-chef au cours du mois d'octobre?

A.580 Je n'ai pas eu connaissance qu'il ait eu une entrevue avec le Médecin-chef.

Q.581 De quoi avez-vous eu connaissance?

A.581 J'ai eu connaissance que le soir du 19 octobre, alors que j'ai été appelé par le Médecin-chef, de me rapporter au bureau, je suis arrivé et j'ai vu l'accusé en train d'écrire une déclaration.

Q.582 Où était l'accusé?

A.582 L'accusé était dans le bureau du Major Kirouac.

Q.583 Qui était avec l'accusé?

A.583 Le Major Kirouac.

Q.584 Etes-vous resté longtemps à regarder l'accusé écrire?

A.584 Je suis resté quatre ou cinq minutes et je suis allé après ça au bureau du Colonel.

Q.585 Ensuite de cela, qu'est-ce qui est arrivé après ça, à votre connaissance?

A.585 L'accusé est venu au bureau du Colonel avec sa déclaration, que le Colonel a lue, et la déclaration a été copiée au clavigraphe et devant moi l'accusé a signé sa déclaration. J'ai d'ailleurs apposé ma signature à titre de témoin sur le document.

Q.586 Voulez-vous nous dire si le document auquel vous référez, voulez-vous nous dire si la signature sur le document que vous mentionnez est celle que je vous exhibe?

A.586 Oui, monsieur.

Q.587 Je comprends que cela a été lu par l'accusé?

A.587 (pas de réponse).

Interrogé contradictoirement par l'avocat de l'accusé.

Q.588 Si je comprends bien, le 19 au soir, vous étiez à votre bureau?

A.588 J'étais chez moi.

Q.589 Vous avez été appelé au bureau du Colonel Mercier?

A.589 Oui, monsieur.

Q.590 Et à un moment donné, vous avez vu l'accusé qui écrivait dans une chambre?

A.590 Non, en passant, je suis allé là.

Q.591 Et vous êtes entré dans la chambre?

A.591 Oui, monsieur.

Q.592 Il y avait déjà le Major Kirouac, là?

A.592 Oui, monsieur.

Q.593 Il était là assis?

A.593 Oui, assis à son bureau.

Q.594 Et à ce moment-là, où se trouvait l'accusé?

A.594 L'accusé était assis au bureau voisin.

Q.595 Les bureaux ne sont pas loin l'un de l'autre?

A.595 On peut passer entre.

Q.596 Le Major Kirouac peut passer entre?

A.596 Oui, monsieur.

Q.597 Vous, étiez-vous assis?

A.597 Non, j'ai dit quelques mots au Major Kirouac, et je suis retourné.

Q.598 Le Major Kirouac est resté assis?

A.598 Oui, monsieur.

Q.599 Vous êtes retourné dans le bureau du Colonel Mercier?

A.599 Oui, monsieur.

Q.600 Et vous avez attendu, je suppose bien, jusqu'à ce que le document soit terminé?

A.600 Oui, monsieur.

Q.601 Combien de temps avez-vous attendu? A peu près dix minutes, un quart d'heure?

A.601 Probablement plus longtemps que cela.

Q.602 Peut-être une demi-heure?

A.602 Probablement.

Q.603 Et à un moment donné, le Major Kirouac est arrivé avec l'accusé et la déclaration?

A.603 Franchement, je ne saurais dire si le major Kirouac accompagnait l'accusé.

Q.604 Le Major Kirouac n'est pas revenu avant la fin de la déclaration?

A.604 Pas à ma connaissance.

Q.605 Maintenant, quand il est arrivé, la déclaration n'était pas signée encore?

A.605 Non, monsieur.

Q.606 Il l'a signée par devant le Colonel Mercier qui le lui a demandé?

A.606 Il l'a lu pour voir si ça se tenait debout et pour voir si c'est bien ce qu'il a voulu dire. Il l'a demandé à l'accusé et l'accusé a répondu oui, et il a signé.

Q.607 Le Major Kirouac a contresigné et vous-même?

A.607 Oui.

Interrogé de nouveau par le Procureur.

Q.608 Pendant que vous étiez dans le bureau du Major Kirouac, est-ce qu'il s'est dit quelquechose?

A.608 Au sujet de la déclaration?

Q.609 Entre vous et le Major Kirouac?

A.609 Quand l'accusé composait, non.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

QUATRIEME TEMOIN POUR LA POURSUITE SUR LE VOIR DIRE

No. E-20613, C.S.M. Joseph Drolet, R.C.A.M.C., C.A., ayant dûment prêté serment, est interrogé par le Procureur.

Q.610 Connaissez-vous l'accusé?

A.610 Oui, monsieur.

Q.611 Vous souvenez-vous à quelle date vous avez vu l'accusé pour la dernière fois au bureau de l'officier, le D.M.O. ?

A.611 La date, je ne me rappelle pas.

Q.612 Quand est-ce?

A.612 Cette semaine, au commencement de la semaine?

Q.613 Avez-vous eu connaissance que l'accusé soit allé chez le D.M.O. dans le cours du mois d'octobre?

A.613 Oui, je l'ai vu dans les premiers temps du mois d'octobre.

Q.614 Et ensuite, est-ce que c'est à votre connaissance si l'accusé est allé à l'hôpital ou non?

A.614 Oui, il est entré à l'hôpital.

Q.615 A quelle date?

A.615 Je crois, le 16 octobre.

Q.616 A quelle date en est-il sorti?

A.616 Je ne me rappelle pas.

Q.617 Si la date est essentielle, c'est pour essayer de ne pas venir sur la question trop directement; avez-vous au cours du mois d'octobre assisté à une entrevue entre le Colonel Mercier et l'accusé?

A.617 Oui, monsieur.

Q.618 Vous avez assisté à une entrevue?

A.618 Oui, monsieur.

Q.619 Qu'est-ce qui s'est passé à cette occasion-là?

A.619 Je ne me rappelle pas mot à mot ce qui s'est passé.

Q.620 Contez à la Cour ce qui s'est passé; est-ce que l'accusé était là?

A.620 Oui, monsieur, le soir je travaillais au bureau; je suis descendu en bas et j'ai vu Hamel dans un des bureaux.

Q.621 Dans quel bureau?

A.621 La première fois que je l'ai vu, il était dans le bureau en avant, en avant de la salle d'entrée; je l'ai revu dans le bureau du Colonel.

Q.622 Quand?

A.622 Je crois que le Colonel l'avait fait demander.

Q.623 Qu'est-ce qui s'est passé dans le bureau du Colonel Mercier?

A.623 (pas de réponse)

Interrogé par le Juge-Avocat:

Q.624 Est-ce que vous vous rappelez ou non?

A.624 Je ne me rappelle pas.

Q.625 Pas du tout?

A.625 Quelques faits.

Le Procureur continue son examen.

Q.626 Dites-les.

A.626 Il a demandé s'il était mieux.

Q.627 Est-ce qu'il a été question d'une déclaration?

A.627 (pas de réponse).

Le Juge-Avocat s'adresse à l'accusé:

> "Sergent-major Drolet, ne vous laissez pas énerver; pensez lorsque vous étiez dans le bureau médical; on vous demande ce qui s'est passé; on vous demande seulement ce dont vous vous souvenez; pensez à ce qui s'est passé."

Le Procureur continue son examen.

Q.628 Avez-vous assisté, Sergent-major, à toute l'entrevue entre le Colonel Mercier et l'accusé?

A.628 Je ne me rappelle pas.

Q.629 Vous rappelez-vous de ce qui s'est dit à cette occasion?

A.629 (pas de réponse)

Interrogé par la Cour.

Q.630 Pourriez-vous vous rappeler de quelquechose?

A.630 Je me rappelle que le Colonel lui a demandé s'il était mieux.

Le Procureur continue son examen.

Q.631 C'est tout ce dont vous vous rappelez de cette entrevue-là?

A.631 Je crois qu'il lui a demandé s'il donnait de l'argent à ses parents.

Q.632 Est-ce au début ou à la fin del'entrevue?

A.632 C'est au début je crois.

Q.633 Ensuite de cela, vous souvenez-vous d'autres choses?

A.633 Non, monsieur.

Q.634 Est-ce que l'accusé, ce soir-là, est sorti de l'appartement; comme question préliminaire, est-ce qu'il est allé dans le bureau du Major Kirouac?

A.634 Oui, il est allé avec le Major Kirouac.

Q.635 Etes-vous allé vous-même dans le bureau avec le Major Kirouac et l'accusé?

A.635 Non.

Q.636 Etes-vous au courant de ce qui s'est passé dans le bureau du Major Kirouac?

A.636 Non, monsieur.

L'avocat de l'accusé ne désire pas interroger le témoin contradictoirement.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

Le Procureur s'adresse à la Cour et présente sa plaidoierie sur l'examen au sujet du voir dire.

Qu'il plaise à la Cour,

Si l'on me le permet, au sujet de l'examen sur le voir dire qui vient d'être fait devant la Cour pour la confession qui aurait été faite par l'accusé au Colonel Mercier, en présence du Major Kirouac, la poursuite prétend que cette confession est admissible, et ce pour les raisons suivantes:

Premièrement, Hamel, au moment où il a été amené devant le Lieutenant-Colonel Mercier, Hamel n'était pas sous arrêts. Le Lieutenant-Colonel Mercier conduisait une enquête, et comme il l'a déclaré lui-même, qu'il ne s'était pas fait l'idée de le mettre sous arrêts.

A ce sujet, je réfère la Cour au Chapitre VI du Manuel de Droit Militaire, article 78, sous-paragraphe (1), p. 91,

> "When a police officer is endeavouring to discover the author of a crime, there is no objection to his putting questions in respect thereof to any person or persons, whether suspected or not, from whom he thinks that useful information can be obtained."

Or, au moment où Hamel était devant le Colonel Mercier, le Colonel Mercier était exactement dans la position décrite au sous-paragraphe (1) de l'article 78 du M.M.L. Plus que cela, le Colonel Mercier, par précaution, sans qu'il y soit obligé, fait une mise en garde à l'accusé à l'effet qu'il n'était pas obligé de parler et que tout ce qu'il pourra dire pourra servir contre lui. Il ajoute: "Vous avez le droit d'être représenté par un avocat, si vous le désirez."

Quelle est la réponse de l'accusé? L'accusé répond, "Je n'ai pas besoin d'avocat. Je vais tout dire ce que j'ai à dire". Par conséquent, c'est une déclaration libre.

Y a-t-il eu menaces? Aucune menace. Les témoins qui ont assisté à ces déclarations, le Lieutenant-Colonel Mercier, et le Major Kirouac, viennent déclarer devant la Cour qu'il n'a été question ni de menaces ni de promesses pour obtenir la confession d'Hamel.

Je dis donc, m'appuyant sur le paragraphe 78, sous-paragraphes (1) et (2), ainsi que le dernier sous-paragraphe de 78, que la poursuite a démontré que la confession faite à cette occasion par le soldat Hamel était libre et volontaire, et conséquemment devrait être admise devant cette Cour.

L'avocat de l'accusé s'adresse à la Cour;

J'ai fait motion lors de la défense pour que cette déclaration soit rejetée du dossier.

Le Juge-Avocat s'adresse au Procureur:

Dois-je comprendre que l'argument que vous venez de faire s'applique à la fois aux déclarations verbales et aux déclarations écrites?

Le Procureur, en réponse, déclare;

"Cela s'applique tant aux déclarations verbales qu'aux déclarations écrites."

L'avocat de l'accusé s'adresse à la Cour;

J'ai été, jusqu'à ce moment-ci, sous une fausse impression. J'avais compris jusqu'à la question du juge-avocat, que la déclaration que l'on voulait produire était une déclaration écrite. C'était l'impression que j'avais.

Si ce n'est pas cela, je dois déclarer que sur le voir dire, j'ai une preuve à faire, si la Cour me le permet.

La Cour déclare qu'elle permettra à l'avocat de l'accusé à faire cette preuve si c'est dans l'intérêt de la justice.

Le Procureur s'adresse à la Cour;

Mon intention est de mettre devant la Cour tant les déclarations verbales faites au Colonel Mercier et au Major Kirouac , par l'accusé, que les notes rédigées par l'accusé.

Le Juge-Avocat s'adresse au Procureur;

Etant donné la déclaration que vous venez de faire, est-ce que la Cour doit comprendre que vous n'avez pas d'autres témoins à faire entendre, en tant qu'il s'agit des déclarations verbales et des déclarations manuscrites de l'accusé Hamel?

Le Procureur déclare qu'il n'a pas d'autres témoins à faire entendre sur le voir dire.

Le Juge-Avocat s'adresse à l'avocat de l'accusé;

Me Rivard, avez-vous d'autres témoins à faire entendre sur le voir dire, en autant qu'il s'agit des déclarations verbales que des déclarations manuscrites de l'accusé Hamel?

L'avocat de l'accusé déclare vouloir faire entendre l'accusé, le soldat Louis Philippe Hamel, comme témoin sur le voir dire.

PREMIER TEMOIN DE LA DEFENSE SUR LE VOIR DIRE

L'accusé,
No. E-25913, Soldat Louis Philippe Hamel, 5ème Compagnie, R.C.A.M.C., C.A., ayant dûment prêté serment, est interrogé par l'avocat de l'accusé.

Q.637 Hamel, le 19 octobre dernier, où étiez-vous?

A.637 A l'hôpital, monsieur.

Q.638 A quel hôpital?

A.638 A l'hôpital St-Sacrement, monsieur.

Q.639 Etes-vous sorti ce jour-là de l'Hôpital St-Sacrement?

A.639 Oui, monsieur, j'ai sorti vers neuf heures, neuf heures et demie du soir.

Q.640 Qui est venu vous chercher?

A.640 Le Major Kirouac. Il m'a dit qu'il y avait un certain officier d'Ottawa qui devait venir le lendemain visiter, qu'ils étaient en retard dans le travail, et il m'a demandé si je pouvais aller travailler au bureau.

Q.641 Qu'est-ce que vous avez fait?

A.641 Sur ça, j'ai dit: "Si je suis capable, certainement j'irai vous aider."

Q.642 Comme question de fait, êtes-vous sorti?

A.642 Oui, monsieur.

Q.643 Avec qui?

A.643 Avec le Major Kirouac.

Q.644 Où vous êtes-vous rendu?

A.644 Au D. M. O.

Q.645 En arrivant au D.M.O., qu'est-ce que vous avez fait?

A.645 Là, le Major Kirouac a dit: "Attends, le Colonel Mercier veut te parler."

Q.646 Et alors?

A.646 J'ai attendu dans l'anti-chambre du bureau d'hospitalisation, environ dix ou quinze minutes; plus tard, le Colonel Mercier m'a fait demander.

Q.647 Voulez-vous dire qu'est-ce qui s'est passé quand vous êtes entré chez le Colonel Mercier?

A.647 Quand je suis entré dans le bureau, le Colonel Mercier s'est informé de ma santé et je lui ai dit que ça allait assez bien, mais que ça pourrait aller mieux. Ensuite, il m'a demandé combien je donnais d'argent

A.647 (suite)

chez nous. J'ai répondu. Il a dit sur ça: "Penses-tu, Hamel, que ça ne serait pas mieux d'en donner à chez vous au lieu d'en donner à un certain officier?"

Q.648 Qu'est-ce que vous avez répondu?

A.648 Sur ça, j'ai répondu, "Oui, monsieur".

Q.649 Ensuite, est-ce qu'il s'est dit autre chose?

A.649 Il a dit;"Tu sais au sujet de quoi je veux en venir?" J'ai dit: "Au juste, je ne peux pas dire; je ne peux pas dire oui ou non," mais j'ai dit: "je me doute de quelquechose mais je ne peux pas l'assurer". Pour être plus précis, il a dit: "Ca ne serait pas mieux, à la place de donner $10.00 à un certain officier, de le donner à ta mère?" Il m'a donné le nom de l'officier. J'ai dit: "Oui, monsieur." Là, il m'a demandé de raconter ce qui s'était passé. Je lui ai raconté ce qui s'était passé à propos du $10.00.

Q.650 Avant de vous demander ce qui s'était passé, est-ce qu'il a dit autre chose?

A.650 Après qu'il eut posé la première question, que ça serait mieux d'en donner à chez vous, il a dit: "Hamel, tu savais qu'il y avait quelque chose qui ne marchait pas en haut; pourquoi n'es-tu pas venu m'en parler avant?" - J'ai dit, "Jusqu'à maintenant, je pensais que tout était correct."

Q.651 Vous a-t-il dit autre chose avant qu'il vous demande de raconter ce qui s'était passé?

A.651 Il a dit: "Hamel, tu veux ma tête"; il a dit: "Ton devoir était de venir m'avertir." J'ai dit: "Quand on n'est pas au courant de certaines choses, c'est difficile de venir avertir."

Q.652 A-t-il été question d'avocat?

A.652 Non, monsieur; aucunement.

Q.653 A-t-il été question de procès?

A.653 Non, monsieur; aucunement.

Q.654 De quelle façon, vous a-t-il demandé de raconter ce qui s'était passé?

A.654 Il m'a demandé de lui raconter ce qui était arrivé le soir à propos du $10.00 que j'avais donné à un certain officier. Sur ça, je lui ai raconté toute l'histoire

A.654 (suite)

au juste. Il m'a demandé si je n'avais pas reçu d'argent d'autres types. Je lui ai dit; "Non, monsieur.". Ensuite, il m'a demandé... ça, c'est après qu'il m'eut fait une certaine menace, en voulant dire qu'il était pour m'envoyer dans le "clink".

Q.655 Voulez-vous, au meilleur de votre souvenir, dire à la Cour dans quels termes cela s'est dit?

A.655 Voici. Je m'en rappelle assez bien; le Colonel Mercier m'a dit: "Hamel, je te pensais plus droit que ça." Il m'a dit; "A part de ça, au point de vue conduite, je n'ai rien à te reprocher, tout est très bien en haut, mais là je vois que t'as agi crochement". J'ai dit, "Colonel Mercier, à mon point de vue, j'ai agi très droitement." Il a dit; "Le fait que tu viens de citer..." Sur ça, j'ai rien répondu.

Ensuite, il a dit que s'il voulait, il pourrait m'envoyer dans le "clink". Ca se résume à ça, à peu près, je ne peux pas dire juste mot pour mot, mais ça se résume à ça.

Q.656 A part de ça, a-t-il été question d'autre chose?

A.656 Ensuite de ça, il m'a demandé pour donner une déposition par écrit; si je voulais bien faire une déposition par écrit; j'ai dit; "Certainement, monsieur".

Q.657 Où êtes-vous allé pour faire cette déposition?

A.657 Dans le bureau du Major Kirouac.

Q.658 Seul?

A.658 Le Major Kirouac est venu en premier lieu; il m'a donné du papier et une plume; non, il m'a donné du papier seulement parce que j'avais ma plume. J'ai commencé à écrire et j'ai posé certaines questions au Major Kirouac au sujet du commencement de l'entrevue du Colonel Mercier. Le Colonel Mercier m'avait dit que j'étais responsable, même si j'avais reçu une cigarette ou 5 cents, 10 cents ou 25 cents, et sur ça, j'ai demandé au Major Kirouac si j'étais pour raconter les faits à propos des types que j'avais eus, en voulant dire les 25 cents de cigarettes, même les 5 cents; il m'a dit, "Marque ce que tu veux."

Q.659 Est-ce qu'il est resté avec vous?

A.659 Presque tout le temps, monsieur.

Q.660 Après cela, vous êtes retourné?

A.660 Il faut dire que le Major Lacasse est venu au bureau aussi.

Q.661 Est-ce qu'il vous a parlé?

A.661 Pas à ma connaissance.

Q.662 Est-ce qu'il est resté quelque temps là?

A.662 Environ trois, quatre, cinq minutes.

Q.663 Est-ce que c'était votre Officier-commandant, le Major Lacasse?

A.663 Oui, monsieur.

Q.664 Après cela, qu'est-ce qui s'est passé, quand vous avez terminé d'écrire votre déposition?

A.664 Bien, j'ai demandé à qui il fallait que je remette les papiers. Le Major Lacasse m'a dit là-dessus: "Au Colonel Mercier". Même, je suis retourné voir le Colonel Mercier et il m'a demandé si j'étais prêt à signer mon papier; j'ai dit: "Oui".

Q.665 Vous êtes arrivé avec votre papier. Alors, qu'est-ce que le Colonel Mercier vous a demandé?

A.665 Il m'a demandé si j'avais ma déclaration, -je m'en rappelle assez bien - si c'était ma déclaration que j'avais entre les mains; j'ai dit: "Oui, monsieur."

Q.666 Alors, qu'est-ce qui s'est passé après?

A.666 Il m'a demandé si j'étais prêt à la signer; j'ai répondu, "oui, monsieur".

Q.667 Avant de vous demander si vous étiez prêt à la signer, est-ce qu'il vous a dit quelque chose?

A.667 Je sais qu'il m'a parlé mais je ne me rappelle plus au juste ce qu'il m'a dit.

Q.668 Est-ce qu'il vous l'a lue?

A.668 Non, monsieur; pas à ma connaissance.

Q.669 Est-ce qu'il l'a lue, lui?

A.669 Je ne m'en rappelle pas, monsieur.

Q.670 Vous l'avez signée?

A.670 Oui, monsieur.

Q.671 Vous êtes retourné où, après cela?

A.671 Je suis retourné dans le bureau du sergent-major Drolet.

Q.672 Qu'est-ce que vous avez fait, là?

A.672 Là, franchement, je me suis reposé, j'étais rendu à bout; je sortais de l'hôpital.

Q.673 A quelle heure êtes-vous retourné à l'hôpital?

A.673 Je ne peux pas dire au juste, mais quand j'étais au lit, j'ai regardé ma montre et il était une heure.

Q.674 Vous étiez avec qui?

A.674 Il y avait le sergent Plamondon et le Caporal Guérin.

Interrogé contradictoirement par le Procureur.

Q.675 Hamel, lorsque vous êtes arrivé dans le bureau du Colonel Mercier, le Major Kirouac était là?

A.675 Je m'en rappelle assez bien. Je suis entré avec le Major Kirouac.

Q.676 Alors, pendant tout le temps de l'entrevue que vous avez eue avec le Colonel Mercier, le Major Kirouac était là?

A.676 Je ne peux pas vous l'assurer, monsieur, parce que, à ma connaissance, je pense que le Major Kirouac est sorti une couple de fois; mais il revenait presque immédiatement.

Q.677 Au début, le Major Kirouac était là?

A.677 Oui, monsieur.

Q.678 Est-ce qu'il est resté quelque temps?

A.678 Du moins, je le pense. Il était là au commencement, il est entré avec moi.

Q.679 Est-ce qu'il est resté quelque temps avec vous et le Colonel Mercier?

A.679 Oui, monsieur.

Q.680 Et là, comme vous nous l'avez dit, il a été question de votre papier?

A.680 Oui, monsieur.

Q.681 Et après qu'il a été question de votre papier, il a été question aussi des montants d'argent que vous auriez remis à un certain officier médical?

A.681 Oui, monsieur.

Q.682 N'est-il pas vrai, là, que le Colonel Mercier vous a dit: "Tu n'est pas obligé de parler" ?

A.682 Je ne m'en souviens pas, monsieur.

Q.683 Il est possible que le Colonel Mercier l'ait dit, mais que vous ne vous en souveniez pas?

A.683 Depuis que je suis arrêté, j'ai tout pensé à mon affaire, et le Colonel Mercier ne m'a jamais proposé d'avocat et il ne m'a pas dit que je n'étais pas obligé de parler.

Q.684 N'est-il pas vrai que le Colonel Mercier, en cette occasion, vous a dit: "Tu n'es pas obligé de parler"?

A.684 Je ne me souviens pas de ça.

Q.685 Ou quelque chose dans le même sens?

A.685 Je ne m'en rappelle pas, monsieur.

Q.686 N'est-il pas vrai que le Colonel Mercier vous a dit que si vous parliez, que cela pourrait servir contre vous?

A.686 La première fois que j'ai entendu ces paroles-là, moi, je pense, c'était devant la Police Montée. Je trouvais ça drôle, et je me demandais comment ça se faisait que le Colonel Mercier m'avait demandé de faire une déclaration. La Police Montée m'a lu un texte, que je n'étais pas obligé de parler.

Q.687 Et le Colonel Mercier, vous ne vous souvenez pas qu'il vous a dit que vous n'étiez pas obligé de parler?

A.687 Au meilleur de ma connaissance, je pense que le Colonel Mercier ne m'en a pas fait.

Q.688 Vous avez entendu le témoignage du Colonel Mercier?

A.688 Oui, monsieur.

Q.689 Quand le Colonel Mercier dit qu'il vous a mis en garde, alors vous prétendez que le Colonel Mercier mentait?

L'avocat de l'accusé s'objecte à la question et soumet que le témoin n'est pas obligé de répondre.

L'objection est renvoyée par la Cour.

A.689 Non, monsieur.

Q.690 Vous avez entendu témoigner le Colonel Mercier?

A.690 Oui, monsieur.

Q.691 Vous l'avez entendu dire qu'il vous avait mis en garde?

A.691 Oui, monsieur.

Q.693 Vous l'avez entendu dire également qu'il vous a dit que vous n'étiez pas obligé de parler?

A.693 Oui, monsieur.

Q.694 Et que si vous vouliez avoir un avocat, vous pouviez l'avoir?

A.694 Non, monsieur.

Q.695 Quand il a témoigné ici, vous l'avez entendu dire cela?

A.695 Oui, monsieur.

Q.696 Et vous avez entendu le Major Kirouac répéter la même chose?

L'avocat de l'accusé fait remarquer à la Cour que le Major Kirouac n'a pas répété exactement la même chose que le Colonel Mercier.

La Cour demande au Procureur de préciser davantage.

Q.696a Vous avez entendu témoigner le Major Kirouac?

A.696 Oui, monsieur.

Q.697 Et vous lui avez entendu dire, ici à la Cour, des paroles dans le même sens que le Colonel Mercier avait dites?

A.697 Oui, monsieur; du moins, à peu près.

Q.698 Et n'est-il pas vrai que c'est cela que le Colonel Mercier vous a dit ce soir-là?

A.698 Non, monsieur.

Q.699 Est-ce que le Colonel Mercier vous a fait des promesses?

A.699 Non, monsieur.

Q.700 Est-ce qu'il vous a fait des menaces?

A.700 Oui, d'un certain côté; parce qu'il m'a dit... Je ne peux pas dire en quelle circonstance qu'il m'a menacé, mais du moins il m'a menacé du "clink"; il m'a dit: "je pourrais vous envoyer au "clink".

Q.701 Quand vous a-t-il dit cela?

A.701 Je pense que c'est après ma déclaration verbale, monsieur.

Q.702 Quelles sont les paroles que le Colonel Mercier a employées à cette occasion-là?

A.702 Le Colonel Mercier a pris des papiers dans le panier à gauche de son bureau; je pense, au meilleur de ma connaissance, que ce sont des "stencils" de recrues; il a dit: "Hamel, si tu ne veux pas parler, je vais être obligé d'agir.".

Q.703 Là, vous n'aviez pas encore fait votre déclaration?

A.703 Oui, verbalement.

Q.703a Dans cette déclaration-là, vous aviez fait des aveux que vous avez ensuite réduit en écrit?

L'avocat de l'accusé s'objecte à la question.

L'objection est maintenue par la Cour.

Q.704 Lors de cette entrevue avec le Colonel Mercier, vous avez fait certaines déclarations?

A.704 Oui, monsieur.

Q.705 Ces déclarations-là, vous les avez ensuite mises par écrit?

A.705 Oui, monsieur.

Q.706 Etaient-elles dans le même sens que celles que vous aviez faites au Colonel Mercier verbalement?

A.706 Environ, monsieur; à peu près dans le même sens.

Interrogé par le Juge-Avocat.

Q.707 La déclaration que vous avez écrite de votre main, est-ce que quelqu'un vous a forcé de la donner?

A.707 Bien, si vous voulez, comme forcé, parce que le Colonel Mercier m'avait dit, avant, par ces mots: "Hamel, tu veux te jouer de notre tête; tu veux nous couler". Il m'a montré des piles de 'stencils' et il m'a dit: "Si tu ne parles pas, Hamel, je peux te mettre dans le 'clink'." C'est là que j'ai fait toutes mes déclarations; mes déclarations ont été écrites dans le bureau du Major Kircuac.

Le Procureur poursuit son contre-interrogatoire:

Q.708 Après être arrivé au bureau du Colonel Mercier, est-ce que vous avez été forcé de la faire d'une façon quelconque, par qui que ce soit?

A.708 Non, monsieur, mais de la manière que j'étais pris, entre les officiers et avec la preuve qu'il y avait à l'effet que j'avais donné de l'argent à un certain officier, je lui ai dit ce qui s'était passé.

L'avocat de l'accusé ne désire pas ré-interroger le témoin.

Interrogé par le Juge-Avocat:

Q.709 Etiez-vous sous arrêt à ce moment-là?

A.709 Non, monsieur, pas à ce moment-là, monsieur.

Q.710 Quand avez-vous été mis sous arrêts?

A.710 Immédiatement à mon entrée à l'hôpital militaire de Québec; il y avait deux gardes à la porte.

Q.711 A votre entrée, la première fois?

A.711 Non, en premier lieu, j'étais à l'hôpital St-Sacrement; la deuxième fois, c'était à l'hôpital Militaire, vers deux heures dans la nuit, si je me rappelle bien.

Q.712 Après avoir donné les déclarations dont vous venez de parler?

A.712 Oui, monsieur.

Q.713 Combien de temps après?

A.713 Environ une heure après, je pense.

Q.714 Dans la même nuit?

A.714 Oui, monsieur.

Q.715 Vous êtes arrivé à une heure à l'Hôpital Militaire, et à peu près une heure plus tard on vous a mis sous arrêts?

A.715 Oui.

Q.716 Avec qui étiez-vous, là? Qu'est-ce qu'on vous a dit lorsqu'on vous a mis sous arrêts?

A.716 Bien, je me suis vu sous arrêts; j'ai demandé de me lever de mon lit pour sortir de ma chambre et des gardes m'ont suivi.

Q.717 Ces gardes-là n'étaient pas des infirmiers?

A.717 Non, monsieur.

Q.718 Etaient-ils là en service d'infirmier ou en service de garde?

A.718 Je ne peux pas dire, mais ils avaient ordre de rester là et de me garder.

Q.719 Savez-vous leur nom?

A.719 Non, monsieur, mais je pense que le sergent-major Landry pourra vous le dire.

Q.720 Alors, vous êtes parti de l'Hôpital St-Sacrement et vous êtes allé au bureau du Colonel Mercier?

A.720 Oui, monsieur.

Q.721 Là, on vous a envoyé à l'Hôpital Militaire de Québec?

A.721 Oui.

Q.722 Vous n'êtes pas retourné à l'Hôpital St-Sacrement?

A.722 Non, monsieur.

Q.723 Et vos effets?

A.723 Le Major Kirouac a dit de les apporter avec moi, et si j'avais besoin d'être hospitalisé après, que je retournerais soit à l'Hôpital St-Sacrement soit à l'Hôpital Militaire de Québec, et que je pourrais emporter mon linge avec moi.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin, l'accusé, reprend son siège.

PLAIDOIERIE DU PROCUREUR SUR LE VOIR DIRE

Qu'il plaise à la Cour:

Voici, il y a une preuve additionnelle au dossier; c'est la déclaration de l'accusé lui-même qui vient de se faire entendre.

L'accusé vient de déclarer à la Cour qu'au moment où il s'est présenté devant le Colonel Mercier, il n'était pas sous arrêts. Le Colonel Mercier l'affirme lui-même et le Major Kirouac l'affirme lui aussi.

L'accusé n'avait aucune accusation contre lui. Le Colonel Mercier conduisait une enquête sur certaines irrégularités qui avaient été découvertes quelques jours avant ou quelques heures avant chez le D.M.O. à Québec. Au cours de son enquête, le Colonel Mercier fait demander l'accusé. Dans le temps, il n'était pas l'accusé; il était une personne qui pouvait donner des informations.

L'accusé se rend devant le Colonel Mercier. Le Colonel Mercier nous dit: "Je lui ai fait une mise en garde". La mise en garde que le Colonel Mercier lui fait est celle-ci: "Tu n'es pas obligé de parler; tu peux avoir un avocat; si tu parles, cela va servir contre toi."

Le Major Kirouac, qui était présent à cette entrevue, confirme cela; ses paroles ne sont pas tout-à-fait identiques, mais, je dirais, elles tendent vers un même but. Il est vrai que les évènements se sont passés il y a plus d'un mois, et comme la Cour s'en rend compte, l'enquête a été assez fructueuse, bien que les témoins ne se rappellent pas de tous les petits détails. Mais l'accusé lui-même nous a raconté qu'il avait parlé à cette occasion-là librement, sans y être forcé en aucune façon, ni par des promesses, ni par des menaces.

Il est allé devant son Officier-commandant et il lui a raconté ce qu'il savait.

La question du "clink" que la défense a soulevée au cours du contre-interrogatoiredes témoins de la poursuite, est éclaircie. L'accusé a admis que c'est avant qu'il fasse ses déclarations écrites, mais après avoir fait ses déclarations orales. Si un doute reste parce que les déclarations écrites auraient été faites sous le coup d'une menace, ce que je n'admets que comme hypothèse seulement, la déclaration verbale n'a pas cette partie qui pourrait laisser croire qu'il y a eu menaces, et je soumets que le Colonel Mercier a prouvé son écrit. Donc ceci cadre exactement avec le paragraphe 78, sous-paragraphes (1) et (2), Chapitre VI du Manuel de Droit Militaire, pages 91 et 92.

Le Colonel Mercier, à ce moment-là, n'avait pas de mise en garde à faire à l'accusé, car au moment où l'accusé se présentait devant lui, le Colonel Mercier conduisait une enquête. Le Colonel Mercier l'a affirmé: "je n'avais pas pris de décision quant à le faire arrêter." En fait, l'accusé n'est pas mis sous arrêts le 19 octobre au soir. L'accusé a été mis sous arrêts, d'après le Colonel Mercier, le lendemain.

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Le document écrit par l'accusé ce soir-là, l'accusé l'admet. C'est une confirmation ou un résumé de ce qu'il avait donné verbalement au Colonel Mercier, et dans l'opinion de la poursuite, cette confession tant orale que écrite, a été faite librement et volontairement par l'accusé dans les conditions autorisées par la loi, et la poursuite soumet que tant les déclarations orales de l'accusé que le document écrit devraient être admis par la Cour.

PLAIDOIERIE DE L'AVOCAT DE L'ACCUSE SUR LE VOIR DIRE

Je soumets que ni l'une ni l'autre de ces preuves ne devraient être soumises devant la Cour. D'abord, je crois qu'il faut diviser l'argument en deux parties, la déclaration écrite et la déclaration verbale.

Je soumets que d'après la preuve faite devant vous, pour ce qui concerne la déclaration écrite, qu'il ne fait pas de doute actuellement qu'elle ne puisse être admise. De l'aveu même des témoins de la poursuite, cette déclaration a été obtenue à la suite d'une menace. On pourrait peut-être dire que, étant la copie ou le résumé d'une déclaration précédente, faite verbalement, que cette déclaration écrite pourrait être admise et maintenue. Je soumets que non, et que si l'on veut produire d'abord une déclaration spécifique, portant la signature de l'accusé, et où par conséquent, là, il n'y aurait plus de différence sur les termes des déclarations écrites par l'accusé, déclarations qui l'incrimineraient, et si l'on veut placer cela devant la Cour, prenant en considération le fait qu'on l'a menacé avant de faire sa déclaration écrite, dans les circonstances qui ont été rapportées à la Cour, menaces qui ont été admises par celui qui les a faites et corroborées par l'accusé lui-même, je dis donc que la Cour ne peut pas en prendre connaissance parce que ces déclarations ont été faites sous menaces.

Mon savant ami dit: "L'accusé a éclairé la situation au point de vue du 'clink' ". La situation était claire avant que l'accusé parle. L'accusé a corroboré, purement et simplement, pas autre chose, le témoignage du Colonel Mercier qui avait affirmé lui-même que cette question de "clink" était venue entre la déclaration verbale et la déclaration écrite. Il reste la déclaration verbale.

Sur ce point, la Cour me permettra peut-être, non pas que je veuille rappeler des principes que la Cour connaît, mais pour pouvoir mettre au dossier les autorités sur lesquelles nous nous reposons.

Dans une question d'admissibilité d'aveux, il ne suffit pas qu'une personne vienne dire: je n'ai pas fait de menaces. C'est à la Cour à le décider. Il ne suffit pas qu'une personne dise: je n'ai pas fait de promesses. C'est à la Cour à le décider. Il faut prendre l'ensemble des circonstances, et c'est de l'ensemble des circonstances que la Cour doit décider si oui ou non il y a eu, ou il n'y a pas eu un "inducement", soit exprès, soit implicite.

Là-dessus, la Cour me permettra de citer d'abord la cause qui est la première du type, du Conseil Privé, la cause d'Ibrahim -vs- le Roi, qui est la cause-type, et qui est précisément une cause où il s'agissait d'un aveu fait à un Officier-commandant. Ibrahim -vs- le Roi, 1914, p. 710.

Je me permettrai également de citer la cause de Sankey -vs- le Roi, Cour Suprême. Dans cette cause, les mêmes principes du droit commun ont été appliqués que dans celle d'Ibrahim. La Cour trouvera cette cause à 48 C.C.C., p. 97.

Le résumé de Sankey se trouve dans Crankshaw au No. 68, p. 772, de la section 685 du Code Criminel:

"The onus is on the Crown to establish the voluntariness of a confession, and this can rarely if ever be established by the evidence of the policeofficer who took the statement that it was voluntarily and freely given. All the surrounding circumstances and details must be given."

Et c'est par l'étude de l'ensemble des circonstances que l'on décide si oui ou non la personne qui a fait la déclaration était dans un état d'esprit tel qu'elle la faisait librement. Il peut y avoir une question posée par une personne en autorité; une personne ordinaire qui ne provoquera aucune crainte pourra ne pas être un "inducement", et d'aucunes questions posées à une autre personne, dans des circonstances différentes, pourra devenir un "inducement".

Ici, dans la cause de Sankey, si la Cour réfère au rapport, elle verra qu'il s'agissait d'une petite Indienne, je crois, qui était plus ou moins instruite, à qui on avait donné une mise en garde plus ou moins sûre, et la Cour a décidé que, étant donné les circonstances, l' "inducement" qu'il y avait de la personne en autorité était suffisant et que la mise en garde n'avait pas écarté l' "inducement".

Il est vrai, comme le dit mon savant ami, que l'accusé n'était pas sous arrêts. Mais cette déclaration est faite à une personne en autorité; pas seulement à une personne, mais cette déclaration est faite à deux et peut-être à trois personnes: le Colonel Mercier, le Major Kirouac, et pour un certain temps, il y a le Major Lacasse.

En second lieu, il y a un autre élément qui doit être pris en considération: c'est dans quel état d'esprit et dans quel état de santé se trouve à ce moment-là le "private" que l'on va chercher à l'hôpital, que l'on amène sous une curieuse de raison au bureau du Colonel Mercier.

Une fois rendu au bureau, on le parade devant le Commandant. Qu'est-ce que le Commandant lui dit d'abord? Il y a d'abord là, un état d'esprit qui se crée chez ce "private", qui est sorti de l'hôpital et qui est paradé devant le Commandant. Là, le Commandant lui demande des renseignements sur sa famille et avant toute mise en garde, il dit: "Hamel, vous seriez mieux, au lieu de donner de l'argent à un certain officer, d'en donner à chez vous".

Qu'est-ce que cela veut dire dans l'esprit d'Hamel? Cela veut dire que Hamel, à ce moment-là, se dit: le Colonel sait quelquechose contre moi; le Colonel a une preuve contre moi. Et, par conséquent, s'il a une preuve contre moi, peut-être bien que je vais m'en tirer mieux si je parle. Puis le Colonel le questionne. Le Colonel Mercier dit qu'il l'a mis en garde. La Cour a dû remarquer que la mise en garde rapportée par le Colonel Mercier est infiniment moins compliquée que celle du Major Kirouac; celle du Major

Kirouac est presque parfaite: on dirait qu'il l'a lue avant d'entrer en Cour; c'est la loi elle-même. Tandis que celle du Colonel Mercier est plus brève. Et je soumets que l'accusé a rendu un témoignage honnête sur ce point-là.

L'accusé ajoute ceci: "Il me semble que la première fois que j'ai entendu ces mots-là, de la mise en garde, c'est lorsque la Police Montée m'a lu la mise en garde." Ce ne sont pas là des choses qui s'inventent; ce ne sont pas des choses qui se trouvent, qui se suggèrent. Vous avez là la preuve que, comme question de fait, il n'y a pas eu de mise en garde.

Il n'y a pas eu de mise en garde pour une excellente raison, et c'est le Colonel Mercier qui nous la donne; c'est que le Colonel Mercier n'avait pas l'intention de l'arrêter. Il faisait une enquête non seulement sur Hamel, mais sur tout le monde; alors, il n'avait pas besoin de faire une mise en garde à Hamel. En droit, le Colonel Mercier avait évidemment le droit de questionner tout le monde -cela ne fait pas de doute- seulement entre le droit d'un policier ou d'une personne en autorité de poser des questions pour amener la découverte d'un crime, et le droit de mettre cela subséquemment comme preuve, il y a de la marge.

Les détectives ont le droit de faire une enquête, mais cela ne veut pas dire que toutes les enquêtes et toutes les questions qu'ils posent, suivies des réponses, que c'est de la preuve légale ou des admissions qui peuvent être mises au dossier.

Pour que ces déclarations soient admissibles, il faut que la Cour soit convaincue que quand Hamel a parlé au Colonel Mercier, quand il a fait ses déclarations, qu'il n'avait pas l'idée, ni la pensée qu'il était obligé de parler, et non plus qu'il améliorerait son sort vis-à-vis de son Commandant et vis-à-vis des autres Officiers-commandants, s'il parlait.

La Cour ne peut être convaincue qu'un examen qui commence à neuf heures et demie et qui finit vers une heure et demie dans la nuit, examen d'un "private" que l'on va chercher à l'hôpital, que l'on fait écrire avec un officier à côté de lui, est un examen, une déclaration admissible comme libre et volontaire. Je soumets qu'on ne peut pas dire, hors de tout doute, que toutes les questions posées et toutes les réponses données ont été libres et volontaires.

Dans les circonstances, je soumets que les déclarations de l'accusé, tant verbales qu'écrites, ne devraient pas être admises.

La Cour siège en audience privée pour étudier la question.

La Cour siège en audience publique et annonce que la transcription de certains témoignages est nécessaire afin d'éclairer la Cour dans ses délibérations, et en ordonne la transcription.

A 5 h. 20 de l'après-midi, le 26 novembre 1942, la cour s'est ajournée jusqu'à dix h. de l'avant-midi, le 27 novembre 1942.

A 10 h. de l'avant-midi, le 27 novembre 1942, la cour se rassemble conformément à l'avis d'ajournement; sont présents les mêmes membres que lors de la suspension des débats.

Le Juge-Avocat annonce que la Cour a décidé de ne pas accepter la déclaration manuscrite de l'accusé offerte par la poursuite et d'accepter la déclaration verbale.

CINQUIEME TEMOIN
A CHARGE.

Lieut.-Colonel Jules MERCIER, Médecin-chef du District Militaire No. 5, R.C.A.M.C., C.A., ayant dûment prêté serment, est interrogé par le Procureur:

Q.724 Colonel Mercier, vous rappelez-vous que l'accusé est allé chez vous à la date du 19 octobre 1942?

A.724 Oui, monsieur.

Q.725 Voulez-vous raconter à la Cour ce que l'accusé vous a dit en cette occasion?

A.725 Après lui avoir fait la mise en garde, l'accusé m'a raconté, et je crois, sans que je lui pose beaucoup de questions, volontairement, il m'a raconté qu'il avait reçu d'un nommé René Bourque, la somme de $40.00. Cet argent, je crois, lui a été remis chez lui et a été laissé sur une table, qu'il m'a dit, et sur le montant de $40.00, il a déclaré en avoir donné au Capitaine Grondin.

Q.726 A qui?

A.726 Un officier de la 5ème Compagnie, lequel est accusé.

Q.727 Quelles sont ses fonctions?

A.727 Le Capitaine Grondin travaillait sur le bureau des examinateurs.

Q.728 A quel titre?

A.728 Il travaillait soit comme membre ou président d'un 'board', d'une commission militaire.

Q.729 Est-ce que le soldat Hamel vous a déclaré autre chose à cette occasion?

A.729 Le soldat Hamel m'a parlé aussi du sergent Fortin.

Q.730 Est-ce que Hamel à l'occasion de sa déclaration, a déclaré avoir donné de l'argent à d'autres médecins ou à d'autres membres du personnel du D.M.O.?

A.730 Non, monsieur.

Q.731 Hamel a-t-il, à cette occasion, déclaré avoir reçu de l'argent de d'autres que de Bourque?

A.731 Non, monsieur.

Contre-interrogé par l'avocat de l'accusé:

Q.732 Je comprends que Hamel vous a dit qu'un nommé Bourque était allé chez lui?

A.732 Oui, monsieur.

Q.733 Et qu'il avait placé sur une table une somme de $40.00?

A.733 Oui, monsieur.

Q.734 Et il vous a dit également qu'il n'y avait jamais eu d'entente entre Bourque et lui au sujet d'un montant qu'il devait recevoir?

A.734 Je ne me rappelle pas s'il m'a dit qu'il n'y avait aucune entente; à tout évènement, il n'a pas mentionné aucune entente.

Q.735 Et il vous a dit qu'à même ce montant il avait remis $10.00 au Capitaine Grondin?

A.735 Oui, monsieur.

Q.736 C'est la seule occasion qu'il vous a rapportée comme étant une occasion où il aurait reçu de l'argent et la seule occasion qu'il vous a rapportée comme étant une occasion où il en aurait remis à des officiers ou à d'autres?

A.736 Oui, monsieur.

Q.737 Et vous lui avez demandé de vous rapporter tous les cas où il avait pu recevoir de l'argent ou en remettre?

A.737 Je lui ai demandé de dire la vérité.

Le Procureur ne désire pas ré-interroger le témoin.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

SIXIEME TEMOIN
A CHARGE.

Major Charles KIROUAC, Officier-commandant, 5ème Compagnie, R.C.A.M.C., C.A., Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.738 Vous souvenez-vous, Major, d'avoir assisté à une entrevue entre le Colonel Mercier et le soldat Hamel, le 19 octobre 1942?

A.738 Oui, monsieur.

Q.739 Voulez-vous raconter à la Cour quelles sont les déclarations que Hamel a faites en cette occasion?

A.739 Le soldat Hamel a déclaré qu'il avait eu la visite, d'abord au bureau, qu'il avait rencontré un civil du nom de Bourque qui voulait passer son examen médical devant le conseil de révision; il lui a dit où aller, soit pour aller chercher ses documents, dans quelle salle se présenter et que dans la soirée, le civil Bourque s'est présenté chez lui, l'a remercié de lui avoir facilité les choses pour passer son examen sans être obligé d'attendre. C'est le civil Bourque qui est allé remercier le soldat Hamel chez lui, toujours d'après la déclaration de l'accusé, et il lui aurait offert de l'argent; je crois que c'est un montant de $40.00 qu'il a dit dans le temps. Le soldat Hamel a déclaré qu'il avait refusé ce montant malgré les instances du civil Bourque parce que à son dire, il avait absolument fait rien que son devoir, en guidant le soldat au bureau des officiers médicaux.

Après le départ du Civil Bourque, le soldat Hamel s'aperçut que la somme d'argent qu'il lui avait offerte était demeurée chez lui. Le civil Bourque l'avait laissée chez Hamel.

Le soldat Hamel déclara alors que comme il n'était pour rien dans le résultat de l'examen, il a pensé que le médecin qui avait fait passer l'examen avait droit plus que lui à une rémunération et il déclara alors avoir donné une somme de $10.00 au Capitaine J.A. Grondin.

Q.740 Quelles sont les fonctions du Capitaine Grondin?

A.740 Au moment de ces évènements, le capitaine Grondin était membre du conseil de révision médical, composé de trois membres, un des membres de ce conseil pour les examens des recrues, soit des recrues appelées ou des recrues volontaires.

Q.741 Est-ce que le Capitaine Grondin fait partie de l'Armée Canadienne?

A.741 Oui, monsieur.

Q.742 Il travaillait chez le D.M.O. à titre d'officier médical?

A.742 Oui, monsieur.

Q.743 Est-ce que l'accusé a déclaré devant le Colonel Mercier avoir reçu de d'autres personnes des montants d'argent?

A.743 Il a déclaré avoir reçu - je crois que c'est un montant de 50 cents du soldat Cloutier à titre de pourboire, pour avoir préparé au clavigraphe je ne me souviens pas si c'est une formule de

A.743 (suite)

libération ou une autre formule. Il a déclaré dans ce temps-là aussi que le soldat Cloutier lui avait demandé de préparer cette formule immédiatement parce que la personne concernée devait s'en retourner et attendait après.

Q.744 Est-ce que Hamel, à cette occasion, a déclaré avoir payé à d'autres officiers que le Capitaine Grondin ou à d'autres personnes des montants d'argent?

A.744 Je ne crois pas, je ne m'en souviens pas.

L'avocat de l'accusé ne désire pas contre-interroger le témoin.

Interrogé par le Juge-Avocat:

Q.745 Quand vous dites que le Capitaine Grondin travaillait au bureau médical, la Cour comprend qu'il y travaillait dans le temps, entre la période de juin à octobre, n'est-ce-pas?

A.745 Dans le temps, oui, monsieur.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

SEPTIEME TEMOIN
A CHARGE.

No. B-20613, C.S.M. Joseph DROLET, R.C.A.M.C., C.A., ayant dûment prêté serment, est interrogé par le Procureur:

Q.746 Je comprends que vous êtes le sergent-major régimentaire de la 5ème Compagnie du Corps Médical?

A.746 Je n'en fais pas partie.

Q.747 Vous êtes du D.M.O.?

A.747 Oui, monsieur.

Q.748 Est-il à votre connaissance personnelle, la date à laquelle l'accusé a été mis sous arrêts?

A.748 En voyant le "Part II", je pourrais vous dire ça?

Q.749 Voulez-vous prendre connaissance du "Part II Order" de la 5ème Cie Médicale, en date du 20 octobre 1942, pièce déjà soumise comme Exhibit "G"?

A.749 D'après le "Part II", c'est depuis le 20 octobre.

Q.750 De quelle année?

A.750 1942.

Q.751 D'après l'Exhibit "G" ?

A.751 Oui, monsieur.

L'avocat de l'accusé ne désire pas contre-interroger le témoin.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

Le Procureur annonce qu'il n'a pas l'intention de faire entendre le dernier témoin dont le nom apparait au sommaire de la preuve, à savoir, le Capitaine J.A. Grondin.

L'avocat de l'accusé déclare ne pas désirer interroger le Capitaine J.A. Grondin.

Le procureur n'a plus de témoins à appeler.

La preuve de la poursuite est close.

DEFENSE

Questions à l'accusé.

Q.752 Désirez-vous comparaître, vous-même, comme témoin?

A.752 Non, monsieur.

Q.753 Désirez-vous faire comparaître d'autres témoins en votre faveur?

A.753 Oui, monsieur, un témoin.

Q.754 Doit-il témoigner en faveur de votre réputation seulement?

A.754 Non, monsieur.

Q.755 Désirez-vous faire une déclaration non assermentée sur laquelle vous ne pourriez pas être interrogée?

A.755 Non, monsieur.

(voir pages D-3 et seq.)

PREMIER TEMOIN
A DECHARGE.

Docteur Jean-Charles MILLER, domicilié à Giffard, P.Q., ayant dûment prêté serment, est interrogé par l'avocat de l'accusé:

Q.756 Docteur, vous êtes médecin pratiquant à Québec?

A.756 Oui, monsieur.

Q.757 Depuis plusieurs années?

A.757 Oui, monsieur.

Q.758 Depuis combien de temps?

A.758 Depuis une vingtaine d'années.

Q.759 Est-ce que vous êtes spécialiste dans une des branches de la médecine?

A.759 Oui, monsieur.

Q.760 Dans quelle branche?

A.760 Les maladies mentales et nerveuses.

Q.761 Avez-vous fait des études spéciales pour cela?

A.761 Oui, monsieur.

Q.762 Où?

A.762 Aux Etats-Unis et à Paris.

Q.763 Détenez-vous certains diplômes?

A.763 Oui, monsieur.

Q.764 Où avez-vous pratiqué cette spécialité?

A.764 Aux Etats-Unis et puis ici, à Québec.

Q.765 Etes-vous attaché à une institution spéciale à Québec?

A.765 A St-Michel Archange.

Q.766 Faites-vous partie du Corps Médical de l'Armée Canadienne?

A.766 Oui, monsieur.

Q.767 A quelle unité appartenez-vous?

A.767 A la 19ème Ambulance.

Q.768 Avez-vous été demandé depuis le mois de juin au mois d'octobre à faire des examens à la demande du Corps Médical de l'Armée?

A.768 Oui, monsieur.

Q.769 Ces examens portaient sur quoi?

A.769 Sur l'état nerveux et mental des hommes.

Q.770 Et vous faisiez ces examens lorsque ces hommes vous étaient envoyés par qui?

A.770 Par les commandants, par les médecins régimentaires.

Q.771 Avez-vous eu occasion, dans le cours de l'automne de 1942, d'examiner un nommé René Bourque?

A.771 Oui, monsieur.

Q.772 Pouvez-vous dire à la Cour à quelle date cet examen a été fait?

A.772 Est-ce que je puis consulter le dossier?

Q.773 Pour être plus clair, je crois qu'il y a eu deux examens; c'est du premier dont je vous parle actuellement.

A.773 Je l'ai vu le 18 septembre et le 22 septembre.

Q.774 1942?

A.774 Oui, monsieur.

Q.775 Le 18 septembre, vous avez fait cet examen à la demande de qui?

A.775 Je ne puis vous dire exactement, monsieur.

Q.776 Ce que je veux savoir, est-ce que c'est à sa demande à lui ou à la demande de d'autres personnes?

A.776 Il est venu à moi régulièrement, par la filière ordinaire. Les demandes d'examens de spécialistes sont toujours ordonnées et reçues au bureau par les officiers en charge des bureaux. Et ensuite elles sont référées à chaque spécialiste.

Interrogé par le Juge-Avocat:

Q.777 Ce que la défense voudrait savoir est ceci: Est-ce que Bourque vous a été envoyé par les autorités militaires, par les autorités civiles ou s'il y est allé de lui-même?

A.777 Ca a été par la filière des autorités militaires.

L'avocat de l'accusé poursuit son interrogatoire:

Q.778 L'avez-vous examiné?

A.778 Oui, monsieur.

Q.779 Voulez-vous dire à la Cour, docteur, quel a été le résultat de ce premier examen?

A.779 J'ai conclu à un état psycho-constitutionnel.

Interrogé par la Cour:

Q.780 Ce qui veut dire, docteur, en termes ordinaires?

A.780 Débilité nerveuse constitutionnelle qui comporte une prédisposition, une résistance nerveuse ou une prédisposition aux maladies mentales.

L'avocat de l'accusé poursuit son interrogatoire:

Q.781 Est-ce qu'il vous appartenait, après avoir fait ce diagnostic, d'établir le classement de l'individu?

A.781 Non, monsieur.

Q.782 Vous donnez seulement le diagnostic?

A.782 Oui, monsieur.

Q.783 Cet examen, dans quelles conditions s'est-il fait, docteur?

A.783 Je ne me rappelle pas exactement.

Q.784 Est-ce que ça s'est fait régulièrement ou irrégulièrement?

Le Juge-Avocat déclare que la question en est une d'opinion, que la Cour décidera elle-même.

La question est retirée.

Q.785 Avez-vous procédé dans ce cas comme dans les autres cas ou d'une façon différente?

A.785 Comme dans les autres.

Q.786 Subséquemment, avez-vous eu à examiner de nouveau le civil Bourque?

A.786 Oui, monsieur.

Q.787 Vous ne vous rappelez pas à quelle occasion et pourquoi?

A.787 Je ne sais pas pourquoi.

Q.788 De quelle façon vous est-il arrivé, la deuxième fois?

A.788 Il était très énervé.

Q.789 De quelle façon; pouvez-vous nous dire s'il vous est arrivé régulièrement? Qui vous l'a envoyé, la deuxième fois?

A.789 Je ne le sais pas.

Q.790 Est-ce par les autorités civiles, par lui-même ou par les autorités militaires?

A.790 Tout ce que je fais au bureau, je le fais comme venant des autorités militaires.

Q.791 A qui faisiez-vous rapport de cet examen, docteur?

A.791 Je remettais les dossiers à un de mes commis.

Q.792 Des commis de quoi?

A.792 Des commis de bureau.

Q.793 Quel bureau? La Cour ne le sait pas.

A.793 Du grand bureau général.

Q.794 Où cet examen se tenait-il, se faisait-il?

A.794 Dans une des salles d'examen du bureau.

Q.795 De quel bureau, de qui? Votre bureau personnel?

A.795 Dans le bureau de la milice de la rue St-Jean.

Q.796 Et vous remettiez le rapport à un des commis au bureau de la milice?

A.796 Oui, monsieur.

Q.797 Voulez-vous nous donner le résultat du deuxième examen?

A.797 C'est une explication plus détaillée du premier.

Q.798 Pourriez-vous donner à la Cour, en référant à vos notes, cette explication que vous avez donnée?

Le Procureur s'objecte à la question, et s'adresse à la Cour:

" Je ne veux pas m'objecter inutilement. Si on veut trouver que Bourque n'est pas en état de témoigner, c'est un autre cas. Si c'est question de prouver si l'examen est régulier ou irrégulier, c'est inutile de mettre publiquement ici le dossier médical d'un 'board'. Somme toute, ce n'est pas un mal de genoux que cet homme-là a. Qu'il me soit permis d'ajouter que les rapports médicaux sont considérés comme confidentiels.

" Si le témoin se sert du dossier, il faut qu'on le produise. Je ne veux pas créer de difficultés pour la défense; mais, mon devoir est de mettre les faits devant le Tribunal, tous les faits que je connais en laissant à la défense la latitude voulue. Je ne suis pas ici comme persécuteur mais comme procureur, et je voudrais que les débats restent justes pour les gens qui ne sont pas présents ici."

L'objection est maintenue par la Cour.

Q.799 Docteur, est-ce que le deuxième examen que vous avez fait a confirmé le premier?

A.799 Oui, monsieur.

Contre-interrogé par le Procureur:

Q.800 Docteur, est-ce que la maladie dont souffre Bourque l'empêche de témoigner sensément; est-ce qu'il est 'compos mentis'; est-ce qu'il a ses facultés mentales pour témoigner?

A.800 Je crois que c'est relatif. Il y a déjà deux mois que je l'ai vu. La condition de ses prédispositions est très variable d'une période à l'autre. Quand je l'ai vu, dans l'état où je l'ai vu, je puis dire qu'il n'était certainement pas en possession de tous ses moyens.

Q.801 Moyens mentaux?

A.801 Oui, monsieur.

Q.802 Depuis deux mois, vous ne pouvez pas dire ce qui en est?

A.802 Non, monsieur.

Q.803 Est-ce que la maladie de Bourque ne dépendait pas du fait qu'il était dans l'Armée comme recrue?

A.803 C'est ce que j'ai pensé, oui, monsieur.

Q.804 Et que le seul fait d'être licencié de l'Armée pouvait parfaitement le guérir?

A.804 C'est la première condition de son amélioration.

L'avocat de l'accusé ne désire pas ré-interroger le témoin.

Interrogé par la Cour:

Q.805 Vous avez dit que vous faisiez partie de la 19ème Ambulance?

A.805 La Réserve, oui, monsieur.

Q.806 Quel est votre grade?

A.806 Major.

Q.807 Dans toutes ces transactions, vous agissiez pour l'autorité militaire et vous étiez payé par elle?

A.807 Oui, monsieur.

Q.808 Vous faisiez vos rapports à l'autorité militaire?

A.808 Oui, monsieur.

Q.809 Bourque vous était envoyé à titre militaire?

A.809 Oui, monsieur.

Q.810 Comme soldat et appelé en service militaire?

A.810 Je ne savais pas réellement à quelle catégorie était cet homme.

Q.811 Il s'est présenté à vous comme recrue pour examen médical?

A.811 Oui, monsieur.

Q.812 Etait-il en uniforme?

A.812 C'est un "R" recruit.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

L'avocat de l'accusé prononce une plaidoirie de clôture.

(voir le document marqué "J" ci-joint)

Le Procureur prononce un réquisitoire.

(voir le document marqué "K" ci-joint)

Le Juge-Avocat s'adresse à la Cour:

(voir le document marqué "L" ci-joint)

A 12 h. 15 de l'après-midi, le 27 novembre 1942, la cour s'est ajournée jusqu'à 2 h. de l'après-midi, le 27 novembre 1942.

Le 27 novembre 1942, à 2 h. de l'après-midi, la cour se rassemble conformément à l'avis d'ajournement; sont présents les mêmes membres que lors de la suspension des débats.

M

CONCLUSION

La Cour siège en audience privée.

La Cour déclare l'accusé, No. E-25913, soldat Louis-Philippe HAMEL, 5ème Compagnie, R.C.A.M.C., C.A., coupable des deux chefs d'accusation.

PROCES-VERBAL DE DECLARATION DE CULPABILITE AVANT LA SENTENCE

Témoignage quant à la réputation etc.

L'audience publique étant reprise, l'accusé comparaît de nouveau par devant la Cour.

Major L. J. LACASSE, Officier-commandant, 5ème Compagnie, R.C.A.M.C., C.A., prête dûment serment.

Interrogé par le Président:

Q.813 Avez-vous quelque déposition à faire touchant la réputation et les états de service de l'accusé?

A.813 Oui, je soumets la formule M.F.B. 355 de l'accusé.

La formule M.F.B. 355 ci-dessus est lue, marquée "Y", signée par le Président et jointe au procès-verbal.

Q.814 L'accusé, est-il la personne nommée dans la formule M.F.B.355 que je viens de lire?

A.814 Oui, monsieur.

Q.815 Avez-vous comparé le contenu de ce document avec les livres régimentaires?

A.815 Oui, monsieur.

Q.816 Est-ce que ce document est un résumé authentique des livres régimentaires?

A.816 Oui, monsieur.

Contre-interrogé par l'avocat de l'accusé:

Q.817 Major, vous avez le soldat Hamel sous vos ordres depuis combien de temps?

A.817 Depuis le commencement de septembre.

Q.818 De quelle année?

A.818 1942; je l'avais indirectement sous mes ordres depuis le mois de janvier 1941.

Q.819 Voulez-vous nous dire, à votre connaissance, de quelle façon le soldat Hamel remplissait ses devoirs?

A.819 Je dois dire que le soldat Hamel s'est toujours acquitté de ses devoirs avec conscience et, de plus, qu'il a toujours fait preuve d'une bonne volonté, toute égale à celle des autres membres de notre Corps; le soldat Hamel, que ce fût pendant les heures régulières de travail ou pour des circonstances qui sortaient de l'ordinaire, ou encore pour tenir son travail à date, venait même travailler le soir.

Le Procureur ne désire pas interroger le témoin.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

L'accusé est interrogé par le président:

Q.820 Désirez-vous adresser la parole à la Cour?

A.820 ...

L'avocat de la défense fait la déclaration suivante au nom de l'accusé:

" Je désire souligner à la Cour que, en plus de la preuve devant elle, le soldat Hamel n'a jamais eu une conduite répréhensible dans l'Armée, et que son 'conduct sheet' est blanc.

" De ce fait, il est évident que sa conduite sort de l'ordinaire puisque son Officer-commandant vient de lui donner un certificat de travail, de fidélité au travail et de conscience dans l'exécution de ses devoirs, lequel, il me semble, devrait être pris en considération par la Cour.

" Je sais que la Cour prendra également en considération le fait que le soldat Hamel est déjà en détention depuis trente-huit jours, et que, dans les circonstances qui ont été révélées au Tribunal, le soldat Hamel a été caporal et qu'il a déjà été réduit au grade de simple soldat, et qu'en plus de cela, il a également perdu son 'tradespay'."

La Cour siège en audience privée en vue de l'examen de la sentence à imposer.

(voir le document marqué "M" ci-joint)

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~The Court is closed for the consideration of the finding.~~

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

is duly sworn.

Evidence of character, etc.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court, the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Cross-examined by the accused.

Question to the accused.

Do you wish to address the Court? *Answer.*

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. E-25913, Private Louis-Philippe HAMEL, No. 5 Coy, Royal Canadian Army Medical Corps, C.A., to undergo detention for ninety (90) days

Sentence.
Detention
90 days
7

Signed at Quebec, P.Q., this eighth day of January, 1943.

(J.A. LE CLAIRE), Brigadier,
15th Infantry Brigade, C.A.,
President, G.C.M.

(MAURICE LALONDE), Major,
Asst. Judge-Advocate General, M.D. No. 4,
Judge-Advocate, G.C.M.

Promulgated and extracts taken at QUEBEC, P.Q., this 20th day of February, 1943.

(J.L. LACASSE) - Major,
Officer Commanding,
No. 5 Coy, R.C.A.M.C., C.A.,
Officer in charge of Records.

Extracts entered as No. 7931 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 26th day of February 1943

"X" -25

GENERAL COURT-MARTIAL.

J.A. Leclaire Brig
Pres. G.C.M.

ORDERS BY Major-General H.F.G.Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Antoine Grondin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.75008, Pte. Paul-Henri Cloutier,
#5 District Depot, C.A.

E.25811, Pte. Georges Fortin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25913, Pte. Louis-Philippe Hamel,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25868, Pte. Leopold Houde,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

A detail of officers, as mentioned below, will assemble at the Drill Hall, Quebec, P.Q., in such accommodation as is arranged by the District Officer Commanding, Military District No. 5 on Wednesday the twenty-fifth day of November, 1942, at 1000 hours, or as soon thereafter as may be expedient, for the purpose of trying by General Court-Martial the accused persons named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Brigadier J.A. Leclaire,
15th Infantry Brigade, C.A.

MEMBERS.

Lieut-Colonel (A/Col.) J.R. Roche,
Le Regiment de Maisonneuve, C.A.

Lieut-Colonel G.R. Bouchard,
Le Regiment de la Chaudiere
(Mitrailleuses) C.A. Attached No. 5
District Depot, C.A.

Lieut-Colonel C. L. Laurin, E.D.,
Le Regiment de Chateauguay,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) G. L. Taschereau,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) P. Trudeau,
Les Fusiliers Mont-Royal, C.A.

Major R. G. Marion, M.C.,
Les Fusiliers Mont-Royal, C.A.

WAITING MEMBERS.

Lieut-Colonel J.J. Chouinard, E.D.,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A., Attached No. 5
District Depot, C.A.

Lieut-Colonel M. M. L. Garon,
Royal 22e Regiment, C.A.

Major J. H. Labrie,
Fusiliers du St. Laurent, C.A.

JUDGE ADVOCATE.

Major Maurice Lalonde,
Assistant Judge Advocate-General,
Military District No. 4.

PROSECUTOR.

Lieut-Colonel Laval Fortier,
Assistant Judge Advocate-General,
National Defense Headquarters.

COUNSEL FOR THE PROSECUTOR.

Maurice Boivert, Esq., K.C.,
of the Bar of the Province of Quebec.

The accused will be warned and all witnesses duly required to attend.

The District Officer Commanding, Military District No. 5 will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED, at Ottawa, Ontario, this 18th day of November, 1942.

H.F.G. Letson
(H.F.G. Letson),
Major-General,
Adjutant-General.

Each issue of orders will be numbered consecutively, commencing on the 1st January each year, and each item will be given a sub-number.

UNIT No. 5 Company R.C.A.M.C.(A)C.A.

PART II ORDERS

N.B.—(1) All casualties affecting an officer's pay and allowances to be shown in Part II Orders.

(2) Every circumstance which affects a soldier's pay, service or documents must be published immediately after its occurrence.

No. 113

STATION Quebec P.Q.

DATE October 20th 1942.

SUB. No.	SUBJECT	REGTL. No.	RANK AND NAME	SQDN., COY., ETC.	CASUALTY AND REMARKS	DATE
			LAST PART II ORDERS ISSUED NO. 112 d/19-10-42			
1.-	ATTACHMENT		Capt. A. TREMBLAY (No. 5 Sect)	RCAMC (A) C.A.	Is taken on strenght this unit on ceasing to be attached for all purposes as Medical Officer to A.I.T.C. A-13 Valcartier Camp, P.Q. effective.....	9-10-42
			Capt. A. TREMBLAY (No. 5 Sect)	"	Attached to Camp Staff Officer's mess for rations and accomodations with effect from.....	9-10-42
2.-	LEAVE OF ABSENCE		Capt. A. TREMBLAY (No. 5 Sect)	"	Granted a leave of absence from..... to..... AUTH:-Gar.Ord. 3157/1942	1-11-42 14-11-42
3.-	STRENGTH DECREASE		A/Capt. G.LANGIS (No. 1 Sect)	"	Ceased to be posted to this unit, on being attached for all purposes as medical officer to CA(B)TC No. 55, Rimouski P.Q. with effect from:.. AUTH: H.Q.332-89-99 (Pers.3b) Dated 15-10-42	1-10-42
4.-	STRENGTH DECREASE		A/Capt. ROY J.F.	"	Is taken on strength this unit on ceasing to be attached for all purposes to No. 5 District Depot, as medical with effect from..... AUTH:-HQ372-5-419 (Pers.3b)d/15-10-42	1-10-42

CERTIFIED TRUE COPY

Maxine Major

O.C. Mis & Pay Records.

Each issue of orders will be numbered consecutively, commencing on the 1st January each year, and each item will be given a sub-number.

UNIT No. 5 Company R.C.A.M.C.(A)C.A.

II

PART II ORDERS

N.B.—(1) All casualties affecting an officer's pay and allowances to be shown in Part II Orders.

(2) Every circumstance which affects a soldier's pay, service or documents must be published immediately after its occurrence.

No. 113(page 2)

STATION QUEBEC P.Q.

DATE October 20th 1942.

SUB. No.	SUBJECT	REGTL. No.	RANK AND NAME	SQDN., COY., ETC.	CASUALTY AND REMARKS	DATE
5.-	ATTACHMENT		Major E.J.K.RUDD	V.M.H.	Attached to this Unit for all purposes with effect from.....	20-10-42
			Capt. Y.GADBOIS (No. 1 Sect)	RCAMC C.A. (A)	ATTACHED to Valcartier Military Hospital for duty rations and accomodations effective.....	20-10-42
			Capt. G.A. GRONDIN (H.Q. Sect.)	RCAMC C.A. (A)	Attached to Quebec Military Hospital for all purposes with effect from ...	19-10-42
6.-	EMPLOYED		Capt. GAUTHIER P.	RCAMC G.L. R.F.	Ceased to be employed on Medical Examining Boards, effective..... AUTH: G.O. 139/1939	19-10-42
7.-	SUBSISTENCE ALLOWANCE		Capt. GADBOIS Y.	RCAMC C.A. (A)	Being compelled to pay for his quarters at Quebec P.Q., is authorized to continue to draw Subsistence Allowance under the provisions of Article 199 (4)(a) F.R. & I., Canada for a period not exceeding 30 days from.....	20-10-42
			Capt. GAUTHIER P.	RCAMC G.L. R.F.	Ceased to draw Subsistence Allowance effective.....	19-10-42
8.-	ON COMMAND		Major MILLER J.C.	"	Proceeded on Command to Chicoutimi and Arvida at 2200 hrs on returning therefrom at 0800 hrs. on	11-10-42

Certified true copy.
Maxine Hay
D.C. 25 by R.C.A.M.C.

Each issue of orders will be numbered consecutively, commencing on the 1st January each year, and each item will be given a sub-number.

UNIT No. 5 Company R.C.A.M.C. (A) C.A.

PART II ORDERS

N.B.—(1) All casualties affecting an officer's pay and allowances to be shown in Part II Orders.

(2) Every circumstance which affects a soldier's pay, service or documents must be published immediately after its occurrence.

No. 113(page 3)

STATION Quebec P.Q.

DATE October 20th 1942.

SUB. No.	SUBJECT	REGTL. No.	RANK AND NAME	SQDN., COY., ETC.	CASUALTY AND REMARKS	DATE
1.-	HOSPITAL	E-20654	Cpl. GONDEAU J. (No.2 Sect)	RCAMC C.A. (A)	Sick, admitted to Quebec Military Hospital with effect from.....	15-10-42
		E-25913	Cpl. HAMEL Ls.P. (No. 1 Sect)	"	Transferred from St-Sacrement Hospital to Quebec Military Hospital with effect from.....	19-10-42
2.-	REVERSIONS	E-25913	Cpl. HAMEL Ls.P. (No. 1 Sect)	"	Reverts to the rank of Private at his own request effective.....	20-10-42
3.-	TRADESMEN RATES OF PAY	E-25913	Cpl. HAMEL Ls.P. (No. 1 Sect)	"	Ceases to draw tradesmen rates of pay Group "C" effective.....	20-10-42
4.-	GUARD ROOM	E-25913	Pte. HAMEL Ls.P. (No. 1 Sect)	"	Having been apprehended at Quebec, P.Q. is detained in Guard Room, Quebec Military Hospital, since	20-10-42
			/C- (H.D.F.)			

Certified true copy

N.B.—Copies of Part II Orders when required to be issued will be sent to the District Paymaster concerned and to the Officer in charge of Records (Para. 1494, K. R. & O., 1939), who will retain them for reference.

M. F. D. 873A
100M—6-41 (892)
H.Q. 1272-39-254

(L.J. Lacasse) Major RCAMC(A) C.A.
Officer Commanding or Adjutant
No 5 Company R.C.A.M.C. (A) C.A.

"H"

J. A. Leclaire
Brig
Pros. G.C.M.

OPENING ADDRESS BY THE PROSECUTOR
in the case of
E/25913, Pte. Louis-Philippe HAMEL,
No. 5 Coy, R.C.A.M.C., C.A.

Monsieur le Président, messieurs les membres de la Cour:—

Le Soldat Hamel est ici devant cette Cour avec deux accusations portées contre lui sous la Section 40 de l'Acte de l'Armée.

Pour prouver ces accusations, la Poursuite fera d'abord entendre un témoin qui viendra décrire les fonctions de l'accusé chez le D.M.O. à Québec.

Ensuite, pour prouver la première accusation, savoir: "lorsqu'il était employé chez le D.M.O. à Québec, auprès des Bureaux des Examinateurs Médicaux de l'Armée, a reçu différents montants d'argent, de différentes personnes, dans l'exécution de ses devoirs militaires."

Pour prouver cette accusation, la Poursuite fera entendre trois témoins civils qui viendront dire à la Cour qu'à l'occasion de leurs examens militaires à la suite de leur enrôlement dans l'Armée, ils ont rencontré l'accusé et ont versé à l'accusé pour les services qu'il leur avait rendus, certaines sommes d'argent.

Enfin pour prouver la deuxième accusation, à savoir: d'avoir distribué à du personnel militaire, des montants d'argent qu'il avait ainsi reçues des candidats, la Poursuite fera entendre les personnes mêmes qui ont reçu cet argent et qui l'ont accepté.

Enfin, l'accusé a fait des aveux, et la Poursuite entend mettre en preuve que ces aveux ont été faits librement et volontairement, et que, conséquemment, ils sont admissibles

...../2.

...../2.

contre l'accusé à son procès.

C'est là la preuve de la Poursuite dans le cas de l'accusé Hamel.

&&&&&&&&&&&&&&&&&&&&&&&&

"J" -253-

Relative au Pv. 4. C.M.

Rue St. Jean.

J

PLAIDOIRIE DE CLOTURE DE L'AVOCAT
DE L'ACCUSE

Jacqueline Bizé
Pvs. G.C.M.

Qu'il plaise à la Cour.

Je vais tenter de résumer aussi brièvement que possible la position que la défense prend dans cette cause.

Au début de mes remarques, il y a certaines règles et certains principes que je crois devoir rappeler, bien que je suis convaincu à l'avance que la Cour les connait bien et désire les appliquer.

J'attire l'attention de la Cour sur l'article 67, Chapitre V du Manuel de Droit Militaire, p. 58:

"67. At the outset of their deliberations the Court must remember that it is a principle of English law that the accused is presumed to be innocent until he is proved to be guilty, and that the burden of proof rests upon the prosecution. Unless, therefore, the guilt of the accused has been established beyond reasonable doubt, the accused must be acquitted, as the prosecution has failed to sustain adequately the burden of proving his guilt.

Generally speaking, it is legally open to a court to convict an accused person upon the evidence of one credible witness. But in some cases corroboration of such witness is required by law; in others it is required by practice almost amounting to a rule of law. In some instances it is desirable that corroboration should be looked for though not actually required by law or practice."

J'attire également l'attention de la Cour sur l'article 68, qui se lit comme suit:

"68. The Court, in considering their decision, must not be influenced by the consideration of any supposed intention of the convening officer in sending the accused for trial by a particular kind of court-martial. In many cases, the convening officer will have decided no more than that a prima facie case against the accused is shown upon the summary of evidence, and that he will have formed no opinion as to the guilt of the accused. An acquittal, therefore, is not in itself a reflection upon the convening officer. Even if it were, it would afford no reason whatever for a court to convict, unless the evidence established the charge."

Si je me permets de citer cette clause-ci, c'est parce que évidemment l'accusé est amené devant vous dans des circonstances peut-être particulières, et qui peuvent peut-être, à première vue, apporter à l'étude de sa cause une gravité qu'en somme la preuve ne révèle pas. Ce n'est pas parce que l'accusé est amené devant vous avec d'autres accusés; ce n'est pas parce que l'accusé est ici devant une Court Martiale Générale que la présomption d'innocence qui est en sa faveur doit être mise de côté et qu'une gravité plus spéciale doit être attachée à des actes qui, en eux-mêmes, je le soumets respectueusement, n'ont pas cette gravité.

L'accusé est devant vous sous deux chefs d'accusation, les deux sous l'article 40, c'est-à-dire d'avoir eu une conduite préjudiciable au bon ordre et à la discipline de l'Armée, premièrement, en recevant de l'argent dans l'exécution de ses fonctions, et deuxièmement, en en remettant à d'autres, en étant également dans l'exécution de leurs fonctions.

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE (suite)

Pour le premier, on pourra peut-être invoquer l'article 421 (B) du K.R. (Can.), qui se lit comme suit:

"421(B) Officers and soldiers are forbidden to accept presents in money from public bodies or private individuals in recognition of services rendered in the performance of their duty."

" Je soumets respectueusement que je ne crois pas que vous puissiez prendre en considération cet article, car si vous le prenez en considération, vous ne pourrez pas juger l'accusé suivant l'article 40 de l'"Army Act". Cela serait une offense déjà prévue aux articles 9 et 11 de l'"Army Act". On aurait dû le poursuivre en relation avec ces articles, car je ne crois pas qu'on puisse le trouver coupable d'une offense précise déjà prévue par un autre texte de la Loi Militaire. En vertu de la Section 40 de l'"Army Act", par conséquent, il faut que vous trouviez que les actes en eux-mêmes, actes qu'on reproche à l'accusé, sont des actes préjudiciables au bon ordre et à la discipline de l'Armée.

" On n'accuse pas l'inculpé d'avoir désobéi à un article spécial; on l'accuse d'avoir eu une conduite préjudiciable, d'avoir posé des actes qui sont préjudiciables au bon ordre et à la discipline de l'Armée, alors que ces actes-là ne sont pas spécifiquement défendus par aucun texte de la loi.

" Alors, il nous reste donc à examiner premièrement, sur le premier chef, quels sont les faits qui ont été révélés et qui vous permettraient de décider si l'accusé a posé des actes qui sont préjudiciables au bon ordre et à la discipline de l'Armée.

" Le premier témoin entendu sur cet item, c'est le témoin Larose. Le témoin Larose est un monsieur qui s'est présenté d'abord à l'Aviation, qui avait été refusé, mais dont le sort n'était pas complètement décidé. Il s'est présenté au début d'octobre au bureau d'enrôlement; il s'est présenté pour enrôlement dans l'Armée.

" Il s'est présenté chez le docteur Desmeules, après avoir signé ses formules régulièrement. Il n'y a rien d'irrégulier dans la façon dont il s'est conduit, dans la façon qu'il a été amené devant le docteur Desmeules. Le docteur Desmeules l'ausculte et déclare lui trouver quelque chose aux poumons.

" Je note immédiatement que ce témoin n'est pas dans le sommaire d'évidence; c'est un témoin nouveau qui nous a été amené au procès. Hamel lui dit, lorsqu'il sort de chez le docteur Desmeules: "Aimes-tu mieux signer dans l'Armée pour une 'décharge' ou t'en aller de même?" Il déclare qu'il aime mieux s'enrôler dans l'Active et il a signé. Il a passé son examen, et en sortant de l'examen médical, il est classé "E". Il nous dit que Hamel l'a suivi et qu'il lui a dit: "Ordinairement, on charge $5.00." Alors, Larose aurait donné $3.00 à Hamel.

" Ceci, je le déclare immédiatement, c'est la preuve la plus formelle qu'il y a contre Hamel. Seulement, je crois devoir vous dire en premier lieu que vous êtes en présence du témoignage d'un complice.

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE (suite)

Il est évident que si c'est une offense pour un militaire de recevoir de l'argent dans l'exécution de ses fonctions, c'est également une offense d'être complice et d'être partie à cette offense en lui remettant de l'argent.

Et j'attire immédiatement l'attention de la Cour sur le Chapitre VI du Manuel de Droit Militaire, p. 94;

"86. The evidence of an accomplice is admissible against his principal, and vice versa, subject, if they are tried together, to what has been stated in the preceding paragraph. As has been stated in paragraph 46, the evidence of an accomplice should always be received with great caution."

En référant maintenant au paragraphe 46, Chapitre VI, Manuel de Droit Militaire, p. 83, je crois pouvoir dire que c'est un principe de droit bien reconnu en droit anglais que le témoignage d'un complice doit être toujours reçu avec beaucoup de précautions.

(Le Juge-Avocat déclare qu'il donnera à la Cour les directives à l'effet que les témoignages des complices sont admissibles mais qu'il est dangereux pour la Cour de trouver un accusé coupable sur le témoignage non corroboré d'un complice.)

J'attire l'attention de la Cour sur ceci dans le cas de Larose. Le témoignage de Larose n'est corroboré par personne; plus que cela, il est contredit; il est contredit par la preuve de la Couronne elle-même, par la preuve qu'elle a faite de la confession de l'accusé qui, appelé devant le Colonel Mercier, a dit les personnes qui lui avaient remis de l'argent, a nommé la personne qui lui avait remis de l'argent, n'a nommé qu'une personne et a déclaré ne pas en avoir reçu de d'autres, alors qu'on lui avait demandé de dire toute la vérité.

Par conséquent, vous avez ici non seulement le témoignage d'un complice qui n'est pas corroboré, et par conséquent dangereux pour la Cour d'accepter, mais vous avez en plus de cela, un témoignage qui dans la preuve faite par la Couronne est contredit.

Je soumets que le moins que l'on puisse dire, c'est que dans une matière comme celle-ci, il y a certainement au moins un doute sur ce qui s'est passé, et que le fait que l'accusé aurait reçu $3.00 de Larose, n'est pas un fait prouvé hors de tout doute. Si après étude de la cause, vous avez un doute quant à ce fait-là, je répète ce que le Juge-Avocat vient de vous dire, qu'il est dangereux de condamner un accusé sur le témoignage de Larose non corroboré et surtout lorsque ce témoignage n'est pas corroboré, mais est même contredit.

Je crois qu'il n'y a aucune admission quelconque de la part de Hamel relativement à Larose, et je soumets que dans l'examen des aveux qui a été produit par le Colonel Mercier, non seulement il n'y a pas d'admission mais des négations; parce que, quand on lui a demandé s'il en avait reçu de d'autres personnes -et c'est le procureur qui a lui-même posé cette question- il a déclaré qu'il n'en avait reçu que de Bourque, dont nous étudierons le cas par la suite.

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE (suite)

Après le témoignage de Larose, vous avez le témoignage de Simard. André Simard, le 30 septembre, s'est présenté au bureau; il a rempli certaines formules, et je crois qu'il nous a dit qu'il les a remplies devant Cloutier. A tout évènement, Cloutier n'était pas là quand il a rempli ses formules. Quand il s'agit de le conduire au bureau des médecins examinateurs, il monte avec Hamel, et en cours de route rien ne se dit; il n'est pas question de conversation ou d'arrangement ou d'entente au point de vue paiement puisque rien ne se dit; il dit: "je monte avec Hamel".

Après l'examen, Hamel a rempli son certificat de licenciement. On pourra peut-être dire: ce n'était pas exactement dans ses devoirs, mais je crois que la preuve faite par le Major Lacasse qu'à certains moments, quand il y avait beaucoup d'ouvrage dans un département, les autres pouvaient aller aider le département qui était surchargé; et il reste à tout évènement ceci: c'est que rien d'irrégulier a été prouvé devant vous concernant l'examen de Simard et concernant son licenciement; par conséquent, pas d'arrangements, pas d'irrégularités, tout s'est passé comme ça doit se passer.

Subséquemment, alors qu'aucune demande d'argent n'a été faite, qu'aucune entente n'a été faite, Simard lui envoie par mandat-poste, à Hamel, $5.00.

Evidemment, qu'il plaise à la Cour, on ne peut toujours pas faire un reproche à Hamel de ce que Simard lui ait envoyé $5.00. Ce n'est pas de sa faute; en fait, la preuve a été faite qu'aucune demande n'a été formulée, qu'aucune entente n'existait.

Est-ce que Hamel a encaissé ce mandat-poste? Est-ce que Hamel a reçu ce mandat-poste? Vous avez la preuve qu'il ne l'a jamais encaissé ce mandat-poste, puisque Simard a reçu l'argent de son mandat-poste du Département des Postes d'Ottawa. Pourquoi? Parce qu'il a informé le Départment des Postes qu'il avait été averti --et ceci, ça été dit à la demande de la poursuite-- le lendemain ou le surlendemain que Hamel refusait le mandat-poste et l'avait déchiré. Et Simard, aujourd'hui, nous dit: "J'ai dans ma poche le $5.00 que j'avais voulu donner à Hamel."

Est-ce que vous avez ici la preuve que Hamel a reçu de l'argent et est-ce que ce témoin-là prouve quelquechose? Je soumets que le témoin Simard ne prouve absolument rien.

Nous restons donc maintenant avec le témoin Bourque. Le témoin Bourque a une histoire qui est peut-être plus compliquée, mais cela ce n'est pas la faute d'Hamel. Bourque était dans l'armée; il se disait malade et prétendait qu'on ne le soignait pas. Il était nerveux et il était déprimé, malade, ici à Québec. Il est envoyé au camp de Montmagny. Un jour qu'il est en "passe", il va trouver un de ses médecins, le Dr. Poulin, et reçoit un certificat établissant que son état physique et mental n'est pas normal.

Il se présente au bureau et il demande à Hamel, qui se trouve là, à qui il montre son certificat du Dr. Poulin: "Pensez-vous qu'avec ce papier je peux avoir ma décharge?" Hamel lui répond: "Vous courez un grand risque de l'avoir." Alors, Bourque décide de s'enrôler pour avoir son licenciement, parce qu'il prétend qu'on en a pas soin.

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE (suite)

Jusque là, qu'il plaise à la Cour, il n'y a rien de bien bien irrégulier, et à tout évènement, rien au soutien de la charge.

Il signe ses papiers; il s'enrôle dans l'Active, il va subir un examen médical.

Que la Cour remarque ici qu'on ne sait pas quels sont les médecins devant qui il subit son examen médical. Est-ce que c'est en preuve? Non. Et je crois que ceci peut être intéressant; je crois que la preuve ne démontre pas que le Dr. Grondin dont on parle dans cette histoire-ci, est celui qui a présidé à l'examen médical de Bourque.

On peut toujours, lorsqu'il appartient à la Couronne de faire une preuve, supposer des faits qui n'existent pas. Cette preuve n'a pas été faite; la Couronne pouvait la faire, mais on ne l'a pas faite. Quels sont les médecins? On ne le sait pas.

Après avoir subi son examen, les médecins n'ont pas pris sur eux de décider du sort de Bourque, et ils l'ont référé au Dr. Miller. Il subit un premier examen devant le Dr. Miller. Qu'est-ce que le Dr. Miller trouve? Le docteur Miller trouve que c'est un malade, un déficient mental. Il n'y a rien qui puisse faire supposer devant le docteur Miller un examen irrégulier, un examen truqué.

Il sort de chez le docteur Miller et il demande à Hamel s'il peut avoir un rapport de son examen; Hamel lui dit que non et il repart pour Montmagny.

Au bout de quinze jours, il est rappelé à Québec. Pas quinze jours d'après les rapports; deux, trois jours, le 18, 19 ou 22, il subit un examen devant le docteur Miller et celui-ci trouve encore la confirmation de son premier examen, que c'est un déficient mental, qu'il doit nécessairement, suivant ses conclusions, sortir de l'Armée.

Hamel n'a rien à faire là-dedans; Hamel ne le conduit pas chez le docteur Miller. Qui le suggère au docteur Miller de le trouver malade? Ce n'est pas Hamel; on le rappelle de Montmagny pour un second examen. Il retourne au camp de Montmagny et au bout de quinze jours, suivant la procédure régulière, il obtient son licenciement.

Cet homme est évidemment content. Qu'on le remarque; jusqu'à la question d'argent entre le témoin Bourque et l'accusé, il n'a jamais été question de conditions. Tout ce que l'accusé a fait, il lui a donné des renseignements, il l'a piloté, il l'a aidé. Quand l'homme sort, il est évidemment content; il est peut-être plus content qu'il ne devrait l'être, et il veut peut-être exprimer sa reconnaissance d'une façon normale, mais n'oublions pas que c'est un déficient mental. Déficient nerveux d'après les docteurs, avec effets désastreux sur son intelligence.

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE (suite)

Il se rend de lui-même chez Hamel; Hamel n'y est pas. Il l'attend et il dit à Hamel -et ceci vient dans le témoignage de Bourque; vous avez les aveux ou la confession par Hamel- "Je veux vous récompenser", et il met de l'argent sur une table. Hamel refuse l'argent. C'est en preuve. Il dit: "J'ai rien fait pour que vous m'apportiez ça". et "Ce n'est pas moi qui vous ai exempté; ceux qui le méritent, c'en est d'autres; peut-être les médecins, pas moi.". Il dit: "Je vais vous le donner quand même". Hamel ne le prend pas et Bourque sort en laissant l'argent sur la table. C'est la preuve. Bourque est sorti.

Qu'est-ce qu'on veut que Hamel fasse? Qu'il court après dans la route? Qu'il le poursuive pour lui remettre de l'argent? Qu'il prenne l'argent et qu'il le brûle? Ecoutez, l'héroïsme a des limites! En fin de compte, voici un monsieur qui s'en vient et qui veut faire un cadeau pour des choses parfaitement régulières, parce qu'il croit qu'il a eu des renseignements qui lui ont été utiles. Il a obtenu son licenciement d'une façon irréprochable et satisfait d'avoir eu ces renseignements, lesquels étaient de s'enrôler dans l'Active, et surtout content d'être sorti de l'Armée, étant donné son état de déficience mental, il laisse de l'argent, et quand il veut la donner, on la refuse et alors il part et le laisse là. Qu'est-ce que vous voulez que Hamel fasse? En quoi, Messieurs, la conduite de Hamel est-elle préjudiciable au bon ordre et à la discipline de l'Armée?

Parce que Hamel n'a pas couru après, en quoi cela est-il préjudiciable au bon ordre et à la discipline de l'Armée? Qui subit un préjudice parce que Hamel n'a pas fait de recherches pour retrouver Bourque et lui remettre l'argent? En quoi, je vous demande, y a-t-il préjudice au bon ordre et à la discipline de l'Armée? Et ceci, c'est le premier chef.

Le deuxième chef se lit comme suit: "Is charged with conduct to the prejudice of good order and military discipline, in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No.5, distributed to other military medical personnel moneys mentioned in the first charge."

Vous avez la preuve qu'après avoir reçu $40.00, il a pris $10.00 et l'a remis au Dr. Grondin. Avez-vous la preuve que ce $10.00 a été remis au Dr. Grondi parce qu'il avait rempli une charge d'examinateur? Vous avez la preuve que le docteur Grondin est examinateur, mais vous n'avez pas la preuve que Grondin a examiné Bourque; vous n'avez pas la preuve que le docteur Grondin avait quelque chose à faire dans l'examen de Bourque.

La preuve que vous avez c'est qu'il a reçu $10.00 de Hamel. Est-ce qu'il l'a reçu pour avoir fait quelque chose d'irrégulier? Evidemment que non, puisque la preuve est claire et que tout s'est fait régulièrement dans l'examen de Bourque.

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE (suite)

Est-ce que vous avez la preuve qu'il a reçu $10.00 pour manquer à son devoir comme examinateur? Nous avons fait la preuve que tout le monde a fait son devoir dans l'examen de Bourque. Est-ce que vous avez la preuve qu'il a reçu ce $10.00 pour avoir rendu un service spécial? Nous n'avons pas de preuve qu'il y a eu de service spécial.

Est-ce que le docteur Grondin avait prêté de l'argent à Hamel? On l'ignore. Est-ce que Hamel voulait rembourser le docteur Grondin? On l'ignore. Est-ce que Hamel voulait prêter de l'argent au docteur Grondin? Je l'ignore. La seule preuve que vous avez est qu'il a remis $10.00, mais vous n'avez pas de preuve pour attacher ce $10.00 à l'examen de Bourque. La preuve que vous avez c'est que l'argent dont Hamel s'est servi pour donner $10.00 venait de Bourque. C'est tout. Il a eu $40.00, et sur le $40.00, il a donné $10.00 au Dr. Grondin - pourquoi? Si on avait fait la preuve que le docteur Grondin avait examiné Bourque, que le docteur Grondin avait été vu par Hamel avant l'examen de Bourque, qu'il avait assigné le Dr. Grondin pour examiner Bourque...mais on n'a pas cru devoir l'interroger pour savoir s'il y avait eu convention avant.

Evidemment, là on relierait le don de $10.00 à l'exécution des fonctions officielles du docteur Grondin, mais vous n'avez pas ça en preuve, et je soumets respectueusement que vous êtes liés par la preuve qui est devant vous, et en l'étudiant à la lumière des principes que j'ai essayé de rappeler, et qui sont reconnus par la loi militaire, l'étudiant avec cette largeur de vue qui caractérise les conseils de guerre, et je crois que s'il manque un élément quelconque, vous ne pouvez pas trouver l'accusé coupable.

Le fait, et je soumets que c'est le seul fait prouvé, --dans le fait qu'un sous-officier remet à un officier $5.00, $10.00 ou $15.00-- le seul fait prouvé, qu'est-ce qu'il y a de préjudiciable au bon ordre et à la discipline de l'Armée? Est-ce que Hamel avait fait une commission pour le docteur Grondin? Est-ce que le docteur Grondin lui avait demandé d'acheter quelquechose? Je l'ignore; ce n'est pas à moi de l'expliquer.

Tant que la poursuite n'a pas prouvé que suivant l'acte d'accusation, l'accusé a remis de l'argent au docteur Grondin, dans l'exécution de ses devoirs, je soumets qu'il n'y a pas de preuve, et que, par conséquent, j'ai le droit de demander que l'accusé soit libéré.

Maintenant, qu'il plaise à la Cour, ce sont des considérations qui peut-être ne devraient pas venir immédiatement, mais que je crois tout de même de mon devoir de soumettre.

L'accusé est en détention depuis le 20 octobre.

(Le Juge-Avocat fait remarquer que cette déclaration est prématurée.)

L'Officier de la défense me demande, avec beaucoup de justesse, de vous rappeler ceci qui se rattache à l'argument que je faisais au début; on a parler d'une offense prévue à l'article 421 du K.R. (Can)., mais les offenses prévues à cet article ne peuvent être poursuivables en Cour-Martiale, et que les punitions qui devraient être reçues en conséquence de ces offenses devraient venir du Commandant.

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE (fin)

De toute manière, ce n'est pas d'une de ces offenses dont il est accusé.

Dans les circonstances, je crois que la preuve n'a pas établi, hors de tout doute, la culpabilité de l'accusé, et je demande par conséquent sa libération.

REQUISITOIRE DU PROCUREUR

La poursuite sera brève dans son adresse à la Cour. La Cour a suivi avec attention les témoignages qui ont été donnés, et je ne ferai que résumer la preuve et la question de droit qui se sont présentées dans cette cause.

Premièrement, je tiens à répondre et à réfuter le dernier argument de la défense, en disant que l'article 421 du K.R. (Can), ne s'appliquerait pas parce que si cet article s'appliquait, la poursuite aurait dû être prise sous la section 11 de l'"Army Act", le dernier paragraphe de cette section, à la page 436 du Manuel de Droit Militaire, se lisant comme suit;

"Provided that the expression "general orders" in this section shall not include the King's Regulations for the Army or any order in the nature of a regulation published for the general information and guidance of the Army."

Je n'insisterai pas davantage sur ce point-là, vu que les notes à la suite de la section 11 établissent clairement que la section 11 ne peut pas s'appliquer dans le présent cas.

Maintenant, si nous venons à la section 40 de l'"Army Act", à la page 458 du Manuel de Droit Militaire, mon confrère --je me permets de l'appeler 'confrère' dans une cause de justice, la Cour me le permettra--, quel crime a commis l'accusé qui permet à la poursuite de l'amener devant la Cour-martiale sous la section 40?

D'abord, en plus de la citation de la défense de l'article 421 du K.R. (Can), je désire citer l'article 426 des mêmes règlements, à savoir;

"426. (a) Officers, soldiers, and others in military employment, must at all times guard against being placed in such a position as may lay them open to the suspicion of being influenced in the discharge of their duty by other than purely public considerations. They are to be scrupulously careful in their relations and are to have no private dealings with Militia contractors, their agents, or employees."

Qu'est-ce qui constitue un acte au préjudice du bon ordre et de la discipline militaire? C'est l'accusation la plus générale de l'Armée. Elle comporte tout ce qui n'est pas régulier, tout ce qui n'est pas essentiellement correct, tout ce qui peut laisser prévoir des soupçons. J'y reviendrai peut-être avec plus de détails lorsque je toucherai la déclaration de l'accusé.

On a la déclaration de l'accusé au sujet d'une somme de $10.00. On a également parlé d'un prêt. Est-ce un prêt que le Capitaine Grondin avait fait au soldat Hamel? Les prêts sont des choses défendues dans l'Armée. Un officier ne peut pas prêter à un soldat et un soldat ne peut pas prêter à un officer; non plus, un officier ne peut pas emprunter d'un soldat. C'est élémentaire dans l'Armée.

REQUISITOIRE DU PROCUREUR (suite)

Je n'ai pas l'intention de réciter les principes élémentaires de la Loi de l'Armée. La Cour a un "judicial notice", et je ne crois pas qu'il soit nécessaire de réciter ces devoirs militaires. La Cour connait les coutumes et les exigences du service et je n'ai aucunement l'intention d'en réciter les éléments mens rea.

Je mets devant la Cour, tel que mon devoir de procureur me le demande, les faits relevés par notre enquête, et je laisse à la Cour le soin de décider si oui ou non les faits apportés en preuve devant cette Cour révèlent une conduite préjudiciable au bon ordre et à la discipline militaire.

Ce sont là les devoirs du procureur de la Couronne; il n'est pas du devoir de la Couronne de faire du zèle pour obtenir la condamnation d'un accusé. Le procureur est ici pour mettre les faits devant la Cour et la Cour jugera elle-même si oui ou non les faits apportés en preuve par la poursuite justifient une condamnation ou un acquittement.

Je n'ai pas l'intention de m'étendre sur tous les détails de chaque témoignage, mais je désire corriger certaines impressions que la Cour pourrait avoir acquises après avoir entendu la plaidoirie de la défense.

On a parlé de Larose. On a dit que Larose descendait l'escalier pour aller chercher sa 'discharge' quand on lui a mentionné la question d'argent. Je désire corriger l'impression qui aurait pu rester à la Cour sur ce point. Le témoin Larose déclare, sans mentionner le montant d'argent, que la première journée qu'il s'est présenté au bureau, Hamel lui a laissé entendre qu'il fallait quelque chose, que ça coûtait quelque chose pour les médecins. J'attire l'attention de la Cour sur ce point et elle pourra en référer au témoignage du témoin Larose.

J'attire également l'attention de la Cour sur le fait qu'avant l'examen, avant que Larose ait son licenciement, il a été question, non pas d'un montant fixe d'argent, mais que l'accusé Hamel a laissé voir ou entendre à Larose qu'il aurait quelquechose à payer.

J'admets immédiatement que le montant de $5.00 a été fixé après l'examen; je veux être juste envers l'accusé et dire que Larose n'a payé que $3.00 après l'examen. Tout de même, un fait à retenir, c'est qu'avant l'examen, Hamel a dit à Larose que ça coûtait quelquechose sans spécifier un montant.

Il y a aussi question d'un complice. Permettez-moi de toucher à ce point immédiatement. J'admets en entier les principes énumérés; ce sont des principes reconnus, sur lesquels il n'est pas nécessaire de discuter. Maintenant, Larose était-il un sujet militaire? Larose peut-il être accusé sous la section 40? Non! Larose est un civil. C'est en preuve; lui-même le déclare; il est licencié de l'armée. Est-il complice de Hamel? Lorsqu'il vient devant

REQUISITOIRE DU PROCUREUR (suite)

cette Cour témoigner, alors que Hamel est accusé de conduite préjudiciable au bon ordre et à la discipline de l'armée, je ne peux pas porter d'accusation contre Larose sur ce point. Et conséquemment, s'il n'est pas complice, son témoignage est admissible devant la Cour.

J'irai plus loin. La défense a admis que tout avait été régulier. Il ne serait pas complice. Il n'y a pas même d'actes criminels. Où Larose aurait-il commis un acte criminel? Et même si Larose est complice, la Cour peut condamner quand même sur le témoignage d'un complice corroboré. Est-ce que les faits subséquents, est-ce que la série de faits apportés postérieurement --les aveux de l'accusé-- lesquels ont été rapportés devant cette Cour, ne donnent pas une corroboration indirecte de la déclaration faite par Larose?

Sur la question d'André Simard. André Simard vous a dit qu'il avait été examiné en fin de septembre. C'est un point important à retenir, parce que André Simard n'a reçu avis que la semaine dernière (et nous en sommes aujourd'hui au 27 novembre 1942) (et lors de son témoignage nous en étions au 26), que l'accusé refusait le montant. Or, l'accusé savait qu'il viendrait devant une Cour Martiale, qu'il était sous arrêts depuis le 20 octobre 1942. Si l'accusé n'avait pas eu l'intention d'accepter ce montant, il l'aurait retourné bien avant la semaine dernière alors qu'il a avisé Simard qu'il n'accepterait pas le montant.

Mais il reste un autre fait; le fait de Bourque. Bourque nous a conté qu'il était allé au bureau de recrutement. Pourquoi est-il allé au bureau de recrutement? Parce qu'on lui avait conseillé de voir Hamel? Pourquoi lui a-t-on conseillé de voir Hamel? L'homme voulait un licenciement de l'Armée. Pourquoi Bourque paierait-il de l'argent à Hamel? Parce qu'il considérait qu'il lui avait rendu service. "Parce que je considérais" dit-il "qu'il m'avait rendu service". C'est Bourque qui paie l'argent après avoir eu des entrevues avec Hamel et après que Hamel ait déclaré à Bourque sur vue du certificat du docteur Poulin, "Avec ça, mon vieux, tu ne passeras pas dans l'Armée". Est-ce dans les fonctions de Hamel d'aviser les candidats sur leurs capacités médicales? Non. Hamel est aux Rayons-X. Il peut aider au commis, mais il n'est certainement pas chez le médecin-chef pour aviser de la capacité physique d'un candidat.

Et, par le témoignage de Bourque, il est entré en preuve qu'il appert que Hamel avait des agents pour lui envoyer les candidats. On a le nom d'un nommé "Lemay": Ce Lemay qui est allé avec Bourque voir Hamel. Il n'y a aucun doute que l'accusé, lorsqu'il admet le fait d'avoir reçu de l'argent de Bourque -fait admis au Colonel Mercier. Le geste de Hamel raconté par Bourque n'a rien de surprenant. Pour se couvrir, Hamel, au moment où Bourque lui offre de l'argent, fait le geste, "Non, non, je n'ai pas le droit; ce n'est pas à moi, c'est pour les médecins." Soit, une "couverture". Pourquoi ce geste? Tout accusé, toute personne qui fait quelque chose d'irrégulier, fait un geste dans le but plus tard d'avoir une défense.

REQUISITOIRE DU PROCUREUR (suite)

Hamel, s'il était sincère lorsqu'il a reçu le montant d'argent de $40.00 de Bourque, aurait avisé son supérieur. Hamel était caporal, c'est donc qu'on lui avait reconnu certains mérites puisqu'on lui a donné son grade de caporal. Hamel savait, plus qu'un soldat ordinaire, plus qu'une simple recrue qui entre dans l'Armée, que si quelque chose d'irrégulier se passait, son premier devoir était d'en avertir son Officier-commandant. En a-t-il parlé? Non. Hamel en a parlé à son Officier-commandant seulement lorsque celui-ci l'a fait venir pour lui faire part de certaines irrégularités qui se commettaient.

Si Hamel avait été honnête, sérieux, la première chose qu'il aurait faite après l'entrevue avec Bourque, chez lui, ce n'est pas au docteur Grondin qu'il serait allé porter $10.00; non, il aurait dit au Colonel Mercier ou au Major Lacasse: "Messieurs, voici ce qui est arrivé hier." Et il aurait raconté les faits tels qu'ils s'étaient passés. "Voici le $40.00", il aurait ajouté, "dites-moi quoi faire." C'était le devoir de Hamel, c'était le devoir d'un militaire.

Hamel n'a pas suivi son devoir et sa conduite est préjudiciable au bon ordre et à la discipline de l'Armée.

Au sujet du second chef d'accusation, la défense dit: "Quelle relation y a-t-il entre l'accusé et le capitaine Grondin?" "Pourquoi Hamel a-t-il donné cet argent au capitaine Grondin?". Je ne crois pas que j'aie à établir sur l'acte d'accusation tel que produit, les raisons pour lesquelles Hamel a remis de l'argent à un officier supérieur, en l'occurence, le capitaine Grondin.

Mais, tout de même, malgré que la poursuite n'ait pas cette obligation, voyons ce que le Colonel Mercier a dit lorsqu'il a rapporté la déclaration de Hamel. Voyons ce que le Major Kirouac a rapporté lorsqu'il a parlé de la déclaration de Hamel. Je ne veux pas mettre la Cour sous une fausse impression car, croyez bien, je ne suis pas ici pour faire du zèle, mais seulement pour établir les faits. Je demanderais à la Cour, lors de ses délibérations, de relire les témoignages, et je crois que la Cour verra dans l'un des témoignages qu'il est rapporté qu'un témoin a dit à peu près ces mots: "Quand j'ai vu ça, je pense que le mieux que je peux faire, c'est de donner un présent au capitaine Grondin qui l'avait examiné." La Cour pourra vérifier en relisant le témoignage cité, témoignage fait par un témoin en parlant de l'accusé. Je reste également sous l'impression que les déclarations du Colonel Mercier et du Major Kirouac relient le capitaine Grondin aux membres d'un "board" qui a examiné Bourque.

En sus, le seul fait qu'un subalterne remette de l'argent à un officier supérieur, que cet officier supérieur soit un W.O.I, un W.O. II, un lieutenant, un capitaine ou un Lieutenant-Colonel, le seul fait qu'un subalterne fasse un cadeau à un supérieur, révèle qu'il y a conduite au préjudice du bon ordre et de la discipline de l'Armée.

Et pourquoi? L'économie de l'Armée, du droit militaire, veut que nous ayons tous, hommes ou officiers, des supérieurs. Nous avons tous des supérieurs, qui, à

REQUISITOIRE DU PROCUREUR (fin)

un moment donné, auront des ordres à nous donner, des ordres qui peuvent bien souvent ne pas nous être agréables à accomplir, mais auxquels nous devons nous soumettre; et si par des cadeaux ou par des récompenses, nous réussissons à attirer les bonnes grâces d'un officier supérieur, si nous pouvons par des cadeaux ou des récompenses, obtenir l'influence d'un supérieur auprès de notre officier-commandant, il y a là autant de dangers qui sont préjudiciables à la bonne conduite, au bon ordre et à la discipline militaire.

Non, dans l'Armée, il n'est pas question qu'un tel ou tel autre puisse être refusé du service pour une question d'argent. Les règlements de l'Armée décrètent que tout homme inapte au service, qu'il soit pauvre ou qu'il soit riche, sera exempté du service, que tout homme, qu'il soit pauvre ou qu'il soit riche, passera par les mêmes articles s'il entre dans l'armée ou qu'il est appelé en service. Et on ne doit pas, on ne peut pas, par des moyens détournés, essayer de corrompre directement ou indirectement ses officiers supérieurs.

Messieurs, je termine. Je sais qu'il est inutile de le rappeler, mais je crois de mon devoir de le faire; j'avais devant cette Cour le fardeau de la preuve, c'était à moi de prouver la culpabilité de l'accusé, comme procureur de la Couronne, et je l'ai fait au meilleur de ma connaissance, avec les faits que je connaissais.

Je remets le sort de l'accusé entre les mains de la Cour pour son verdict, en ajoutant, avec la permission de la Cour cette dernière citation:

Ch.VI, s.14, Manuel de Droit Militaire, p. 78.

"14. Intention is not capable of positive proof; it can only be inferred from overt acts.

As a general rule, a person is presumed in law to have intended the natural and probable consequences of his act."

DIRECTIVES DU JUGE-AVOCAT

" La tâche est grandement facilitée par la plaidoirie de l'avocat de l'accusé et le réquisitoire du procureur de la Couronne. Ils ont résumé la preuve de façon telle que je puis me dispenser moi-même de le faire.

" Il n'y a dans la preuve aucune contradiction apparente quant aux faits. Les deux parties en présence sont apparemment d'accord sur les faits essentiels; il ne s'agit que de les interpréter. Je m'abstiendrai donc de résumer la preuve elle-même.

" Si nous lisons la feuille d'accusation, nous constatons qu'il y a deux chefs d'accusation, tous les deux sous l'Article 40 de l'"Army Act".

" Le premier chef d'accusation est particularisé de la façon suivante: "En ce que, dans la Cité de Québec, entre le premier juin 1942 et le 17 octobre 1942", soit les deux premiers éléments: l'endroit et la période de temps, "alors qu'il était employé relativement à des examens médicaux militaires de l'armée", soit le troisième élément: fonctions de l'accusé, "dans le district militaire No. 5", le quatrième élément: l'endroit, aurait fait quoi? cinquième élément: "aurait reçu des sommes d'argent, de montants variables, de différentes personnes", sixième élément: "relativement à leurs examens militaires médicaux", et septième élément: "dans l'exécution de ses devoirs militaires".

" La Cour, en considérant le premier chef d'accusation, aura à se poser la question: "Est-ce que tous les éléments de l'offense incriminée ont été établis à la satisfaction de la Cour?" Si les membres du Tribunal en viennent à la conclusion qu'un de ces éléments n'est pas prouvé, c'est un doute dont l'accusé a le bénéfice, en droit. La Cour devrait alors acquitter l'accusé.

" Si, par contre, les membres de la Cour en viennent à la conclusion que tous ces éléments sont prouvés à sa satisfaction, le devoir de la Cour ne sera pas terminé; elle devra se demander une autre question: "Est-ce que ces faits-là, l'ensemble de ces faits-là, constituent ce qui, dans le texte écrit, est appelé "Conduct to the prejudice of good order and military discipline"? Ce qui est traduit par un texte officiel, "conduite préjudiciable au bon ordre et à la discipline de l'Armée". Je répète. La Cour, si elle vient à la conclusion que tous les éléments de l'offense sont prouvés, devra de plus se demander: "Est-ce que ces faits-là constituent quelque chose, une conduite, qui soit au préjudice du bon ordre et de la discipline de l'Armée?

" Ce que j'ai dit pour la première accusation s'applique au second chef, sauf que les éléments sont variables et distincts. Pour le second chef d'accusation, les éléments sont: 1o l'endroit, la Cité de Québec; 2o le temps, entre le premier juin et le 17 octobre 1942, 3o alors qu'il était employé relativement à des examens médicaux de l'Armée; 4o qu'il aurait distribué des sommes mentionnées dans le premier chef d'accusation et 5o à des personnes faisant partie du personnel médical militaire.

" Encore une fois, si la Cour en vient à la conclusion que tous ces divers éléments ne sont pas prouvés, le devoir de la Cour sera d'acquitter l'accusé; mais si la conclusion de la Cour est que tous ces éléments sont prouvés à sa satisfaction, la Cour devra se poser la question additionnelle: "Est-ce que ces faits sont au préjudice du bon ordre et de la discipline militaires?" C'est tout ce que j'ai à dire sur ces points.

" Sur les questions de droit soulevées de part et d'autre, les textes auxquels on a référé ont été cités et lus à la Cour; je ne crois pas à propos de les relire.

" Je dirai tout simplement que j'abonde dans le sens de la défense, et c'est d'ailleurs l'attitude la poursuite qu'il ne peut y avoir de contestation du texte des paragraphes 67 et 68 du Chapitre V du Manuel (p.58). Ce sont là des principes généraux appliqués par les tribunaux militaires comme par les tribunaux civils. L'accusé a toujours droit au bénéfice d'un doute raisonnable.

" Sur la question soulevée par la défense à l'effet que le paragraphe 421(B) du K.R. (Can.), qu'on appelle les "Ordonnances et Règlements Royaux de la Milice Canadienne", sur la prétention de la défense relativement à cet article, je signalerai à la Cour le fait que les Ordonnances, les dispositions du K.R. (Can.) n'ont aucune sanction. Les dispositions de ces règlements, pour employer un terme anglais, (notre droit public est d'origine anglaise), sont "directory", plutôt que "mandatory". Ces règlements disent que telle chose devrait être faite. Ils sont des directives, et aucune punition n'est imposée pour la violation de ces règlements, sauf que sous l'article 11 (onze) de l'"Army Act", à la page 436 du Manuel de Droit Militaire, on lit:

"11. Every person subject to military law who commits the following offences, that is to say, neglects to obey any general or garrison or other orders, shall, on conviction by court-martial, be liable, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned."

" Le proviso à cet article se lit comme suit:

"Provided that the expression "general orders" in this section shall not include the King's Regulations for the Army or any order in the nature of a regulation published for the general information and guidance of the Army."

" Les dispositions du K.R. (Can.), étant donné ce proviso, sont exclues de la signification des mots 'general orders' tel qu'employés dans l'Article 11 de l'"Army Act". Ceci est qualifié sous le même article dans le deuxième paragraphe des notes par les mots suivants: "Disobedience of a King's Regulation may be punished under Section 40."

" Les membres de cette Cour sont des officiers d'expérience, qui ont eu l'occasion d'examiner ces décisions à maintes reprises. Je ne les élaborerai pas; je ne fais que les citer pour éclairer la religion des membres de la Cour.

" Il se soulève une autre question sur laquelle je dois signaler le pour et le contre, c'est la question du témoignage d'un complice.

" La Cour aura d'abord à se poser la question: "Est-ce que les témoins qui ont été appelés par la poursuite et qui ont déclaré avoir donné ou offert diverses sommes d'argent à l'accusé, sont des complices ou non?"

" Le mot "complice", comme beaucoup d'autres termes, peut avoir plusieurs significations; sens général, sens dans le langage courant, ceci selon le dictionnaire. Il peut avoir également un sens restreint, un sens limité d'après le texte du droit criminel. Je ne connais pas de texte de droit militaire donnant la définition du mot "complice", sauf les commentaires du Manuel.

" La Cour aura donc à décider si elle doit considérer ces témoins comme des complices au sens général du terme ou à son sens restreint. Autrement dit, pour donner une définition qui est purement la mienne, et sans référer à quoi que ce soit: "une personne qui aurait participé à une transaction, soit criminelle, soit irrégulière."

" Si la Cour venait à la conclusion que ces personnes sont des "complices", c'est un principe reconnu universellement par les tribunaux criminels en Canada, la Cour devra se rappeler qu'un complice ne peut pas corroborer un autre complice.

" Les principes sur cette question du témoignage d'un complice sont, premièrement, que le témoignage d'un complice est admissible; deuxièmement: qu'un tribunal peut légalement déclarer un accusé coupable sur le témoignage non corroboré d'un complice; troisièmement, qu'il est dangereux de déclarer un prévenu coupable sur le témoignage d'un seul complice non corroboré; et quatrièmement, qu'un juge -et dans le cas présent, le juge-avocat d'un tribunal militaire- a le devoir d'avertir les membres de la Cour ou le jury de ce danger.

" C'est ce que je fais en ce moment. A partir de ce moment, le tribunal a une discrétion à exercer et ses membres l'exerceront selon leur conscience et leur intelligence.

La Cour décide, après délibérations, de se prévaloir du pouvoir discrétionnaire qui lui est donné sous le paragraphe "D" de la règle de procédure 71, et annonce que la sentence du présent accusé sera prise en considération en même temps que celles des autres accusés, et non immédiatement.

"Y" -28

M.F.B. 255
27M—4-41 (372-2)
H.Q. (372-39-620)
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
E-25913	Private	HAMEL L.P.	

1. The following is a fair and true summary of the entries in the ~~Service and General~~ ~~Regimental and Squadron, Battery~~ Field - Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For	nil times	nil times
For	times	times
For	times	times
For	times	times

~~Number of instances of gallantry or distinguished conduct~~

or,

There are no entries in the conduct sheets of the accused.

~~NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Air Force Act, and dispensations with trial under A.F.A. 73 are set out in the Schedule annexed to this statement.~~ A.A. 73

3. The accused is not under sentence at the present time.

or,

~~The accused at the present time is under sentence for ..... beginning on the day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for No days in civil custody, and 38 days in military Air Force custody, making a total of 38 days in custody, of which No days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 25 years born 25-8-17

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 22nd July 1941

7. ~~The service which the accused is allowed to reckon towards discharge is from 2nd Sept. 1939~~

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward ~~(or is in possession of or entitled to)~~. ~~State any air force decoration or reward.~~ military

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of~~ Air Force

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of ..... Permanent Force dated ..... unit, and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 29th day of November 1942.

Pleasant Major
O.C. 2nd Ca. R.C.A.M.C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

N/6

P.C. 1349

A.G.C. 55 H-2

1881

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PRIVY COUNCIL
CANADA

107385

CENTRAL REGISTRY Army
CONF. SEC.
File C55-H-248
Date 9 4 5

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 16th day of FEBRUARY, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Associate Minister of National Defence reports that K. 25913, Private Louis-Philippe HAMEL, of No. 5 Company, Royal Canadian Army Medical Corps, C.A., a soldier of the Canadian Army placed on Active Service, was by a General Court-Martial held at the Drill Hall, Quebec, P.Q., on the 25th November 1942, tried on the following charges:-

> CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June 1942, and the seventeenth day of October 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties.
>
> CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October 1942, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge.

That a plea in bar of trial was offered by the accused to both charges and the Court found that the said plea in bar was not proved;

That the accused pleaded Not Guilty to both charges, was found Guilty of both charges and was sentenced to undergo detention for ninety days;

The Honourable
The Minister of National Defence.

That/

That the Judge Advocate General has reported that the proceedings are regular, the Findings on the said charges including that in respect of the plea in bar of trial, as aforesaid, properly made and the Sentence according to law.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Associate Minister of National Defence, is pleased to confirm and doth hereby confirm the Finding of Guilty of both charges, the Finding in respect of the plea in bar of trial, and the said Sentence.

A. D. P. Heeney,

Clerk of the Privy Council.

REGISTERED.

H.Q.C.55-H-298(JAG)

February 17, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC, P. Q.

Re: GENERAL COURT-MARTIAL.
K.25913, Pte. Louis-Philippe HAMEL,
No. 5 Coy., RCAMC, C.A.

Enclosed, please find Proceedings of the marginally-noted General Court-Martial, together with P.C. 1249, dated the 16th day of February, 1943, in which the Findings and Sentence of the Court have been duly confirmed by the Governor General in Council.

Proper Promulgation must be effected to the accused. The time, place and manner of the Promulgation in this case, as well as in those of the four accused officers, the Proceedings of which you already have, and in those of the three other ranks, the Proceedings of which are today being despatched to you, will be the subject of further communication with you from the Adjutant-General.

After Promulgation has been effected, pursuant to the instructions of the Adjutant-General, a proper Minute thereof will be endorsed on the Proceedings and same, together with the Privy Council Order, should be returned to this Headquarters.

Brigadier,
Judge Advocate-General.

OFFICE OF THE MINISTER OF NATIONAL DEFENCE

MEMORANDUM

February 11th, 1943.

MIN. FILE

H. Q. FILE C.55-H-298

MINISTERS OFFICE
FEB 11 1943
DEPT. N. D. OTTAWA

The Minister

H.Q.C. 55-H-298

E.25913, Pte. L. P. Hamel, R.C.A.M.C.

1. To obtain P.C. approval of sentence of General Court Martial.

2. Charges:- under A.A. 40 conduct to the prejudice, etc. in that while a medical orderly:-

(a) Received money in relation to military duty and
(b) Distributed money received in (a) to other military medical personnel.

3. Defence offered plea in bar of trial that offence, if any, was civil and A.A. 40 required civil trial. Endeavoured to prove English law by Col. J. R. Roche one of the Canadian Officer Lawyers admitted to English Bar in 1941 while attached to C.M.H.Q. Court held "not proven by competent witness" as Col. Roche admitted,

(a) Never practised in England.
(b) Never passed any English Bar Exams and
(c) Never studied English Law.

4. Evidence:- Statements of accused taken before Lt. Col. Jules Mercier, D.M.O., M.D. 5, and the R.C.M.P. were held inadmissible.

Pertinent evidence:-

(a) Larose. "Hamel asked for $5.00 to pay Doctors. Could only afford $3.00 which I gave to him." Knew beforehand that he was category "E".

(b) Bourque. An "R" recruit stationed at Montmagny Camp. Came to Quebec and Hamel arranged medical examination. Subsequently re-boarded category E and discharged. After discharge went to Hamel's house and left $40.00 on table. No conversation re money up to that time. Hamel said "you owe me nothing; give it to the others not to me." Nevertheless Bourque left the money and it was not returned to him.

(c) Captain G.A. Grondin, R.C.A.M.C. In the summary of evidence:- at first refused to give evidence but on being told by officer detailed to take the summary that he would have the protection of the Court, stated that Hamel had given him $10.00 in an envelope; that he did not know what it was for and assumed it was a gift. Spent the money.

5. Sentence:- Found guilty on both charges and sentenced to 90 days detention.

6. A.G. convened Court on the application of D.O.C., M.D. 5. President of Court, Brigadier J. A. Leclaire. Judge Advocate, Major Maurice Lalonde, A.J.A.G. of M.D. 4.

7. A.G. concurs in finding and sentence. J.A.G. recommends confirmation and states that there does not appear to be any reasons to warrant mitigation or commutation of sentence.

11-2-43.

Col.M.S.

MEMORANDUM.

TO: THE MINISTER OF NATIONAL DEFENCE.

DEPT. of NATIONAL DEFENCE.
H.Q.C. 55-H-343 (JAG).
OTTAWA, ONT., February 4th, 1943.

GENERAL COURT-MARTIAL
E.25913, Pte. Louis-Philippe HAMEL,
No. 5 Coy., R.C.A.M.C., C.A.

The marginally-noted soldier was tried by General Court-Martial on 25th November, 1942, at the Drill Hall, Quebec, P. Q., on the following charges:

"CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P. Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties".

"CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P. Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel, moneys mentioned in the first charge".

2. A plea in bar of trial was offered by the accused to both charges. The Court found that the said plea in bar was not proved.

3. The accused soldier pleaded Not Guilty to both charges, was found Guilty of both charges, and was sentenced to undergo detention for ninety days.

4. I have reviewed the Proceedings and hereby certify that the same are regular, the Findings on the said charges, including that in respect of the plea in bar of trial as aforesaid, properly made, and the Sentence according to law.

5. The Adjutant-General has, pursuant to K.R.(Can) 575, as amended by G.O. 225/1941, reviewed the Proceedings and concurs in the Sentence awarded. There do not appear to be any reasons which, in my opinion, would warrant any mitigation or commutation of the Sentence in question, and accordingly I attach a draft Submission to the Governor in Council recommending that the Finding of Guilty on both charges, the Finding in respect of the plea in bar of trial and the Sentence be confirmed.

H. Holden Col
Brigadier,
Judge Advocate-General.

LHC/S.

H.Q.C.55-H-343 (JAG)

February 2nd, 1943.

TO:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

The undersigned has the honour to report:-

That E. 25913, Private Louis-Philippe HAMEL, of No. 5 Company, Royal Canadian Army Medical Corps, C.A., a soldier of the Canadian Army placed on Active Service, was by a General Court-Martial held at the Drill Hall, Quebec, P.Q., on the 25th November 1942, tried on the following charges:-

> CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June 1942, and the seventeenth day of October 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties.
>
> CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October 1942, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge.

That a plea in bar of trial was offered by the accused to both charges and the Court found that the said plea in bar was not proved.

That the accused pleaded Not Guilty to both charges, was found Guilty of both charges and was sentenced to undergo detention for ninety days.

That the Judge Advocate-General has reported that the proceedings are regular, the Findings on the said charges including that in respect of the plea in bar of trial, as aforesaid, properly made and the Sentence according to law.

The undersigned has, therefore, the honour to recommend that the Finding of Guilty of both charges, the Finding in respect of the plea in bar of trial and the Sentence be confirmed.

TOR 18 Feb 43

Approved as to form and as to substance after consultation with or advice from the [illegible] which expressed the conclusions [illegible] purpose of the same.

4 Feb. 1943
Date

H. G. Nolan Col
Brigadier,
Judge Advocate-General.

Respectfully submitted,

(Sgd.) C. G. Power

MINISTER OF NATIONAL DEFENCE.

FEB 13 1943

MEMORANDUM

Department of National Defence

H.Q.

OTTAWA, 3rd February, 1943

TO: J.A.G.

General Court-Martial
E.25913, Pte. Louis-Philippe HAMEL
No. 5 Coy., R.C.A.M.C., C.A.

I have reviewed the General Court-Martial proceedings in the case of the marginally named soldier and concur in the finding and sentence.

2. The proceedings are hereby passed to you in accordance with para. 575(a) of K.R.(Can.) and preparation of the necessary submission to Council from the Minister of National Defence.

H.F.G. Letson
(H.F.G. Letson)
Major-General
Adjutant-General

RH/EMK

ad (thru Dalf(B))

Lot your attention

pls.

FEB - 2 1943

W. W. W. WAY
BRIGADIER

FEB 2 1943

M E M O R A N D U M

TO:

THE ADJUTANT-GENERAL

Department of National Defence,

H.Q. C. 55-H-298 (JAG)

OTTAWA, February 2nd, 1943.

General Court-Martial
E.25913, Pte. Louis-Philippe HAMEL,
No. 5 Coy, R.C.A.M.C., C.A.

1. Pursuant to K.R.(Can) 575 (G.O. 225 of 1941), the proceedings of the marginally noted General Court-Martial should have been transmitted directly to you for you to forward them, together with your recommendations and remarks, to the Judge Advocate-General, who will, after review, forward the proceedings to the Minister of National Defence for submission to Council.

2. The proceedings are passed herewith in order that the necessary action as indicated above may be taken by you. May this matter, please, be treated as urgent and same be returned to me by hand.

K. J. Orde

Brigadier,
Judge Advocate-General.

LHC/MM

CANADA

IN REPLY PLEASE QUOTE
No. HQ C 8733-3 (F.D.1)
JAG
C-55-H-343

DEPARTMENT OF NATIONAL DEFENCE
ARMY

REGISTERED
CONFIDENTIAL

Quebec, P. Q., 26th January, 1943

Major-General H.F.G. Letson, M.C., E.D.,
Adjutant-General,
National Defence Headquarters,
OTTAWA, Ont.

GENERAL COURT-MARTIAL
Accused: No. E-25913, Pte. Louis-Philippe HAMEL,
No. 5 Coy, Royal Canadian Army Medical Corps, CA.

Further to my letter dated 22nd January, 1943, referenced HQ C 8733-3 (F.D.1) and C-55-C-2769.

2. Herewith, the proceedings of the trial of the marginally named other rank, which began November 25th, 1942, and was concluded January 8th, 1943. Delay in forwarding same is due to the time required to transcribe and correct the proceedings of the trials of this and other accused.

3. Also enclosed please find the following documents:

a) medical certificates
b) summary of evidence.

4. Might receipt be acknowledged, please.

(MAURICE LALONDE), Major,
Asst.Judge-Advocate General, M.D.No. 4,
Judge-Advocate, G.C.M.

Countersigned,

(J.A. LECLAIRE), Brigadier,
Commanding 15th Inf. Brigade, C.A.,
President, G.C.M.

Encl.

NAT. DEF. B. 449
2,000 M—4-43 (4322)
H.Q. 1772-39-767

MEDICAL OFFICER'S REPORT

I certify that No. E/25913 Pte. HAMEL, L.P.

of No 5 Co'y, RCAMC is in a good state of health,

and fit to undergo Trial by Court martial.

C.E. MINGUY, Major, RCAMC, C.A.(A)
Medical Officer

Station Quebec, P.Q.

Date 25 Nov 1941

M. F. B. 246
5534—9-41 (1740)
H.Q. 1773-39 600

MEDICAL OFFICER'S REPORT

I certify that No. E/25913 Pte. HAMEL, L.P.

of No 5 Co'y, RCAMC is in a good state of health,

and fit to undergo Trial by Court martial.

C.E. MIDWAY, Major, RCAMC, C.A.(A)
Medical Officer

Station Quebec, P.Q.

Date 26 Nov. 1942.

M. F. B. 246
MM—9-41 (1743)
H.Q. 1773-30 400

MEDICAL OFFICER'S REPORT

I certify that No. E/25913 Pte. HAMEL, L.P;

of No 5 Coy RCAMC is in a good state of health,

and fit. to undergo Trial by Court martial.

C.E. MINGUY, Major, RCAMC, C.A.(A).

Medical Officer

Station Quebec, P.Q.

Date 27- June. 1944.

M. F. B. 246

20M—9-41 (1742)

H.Q. 1772-39 450

SUMMARY OF EVIDENCE
in the case of:

No. E-25913, Pte. Louis Philippe HAMEL.
5th Coy., RCAMC., C.A. -

ORIGINAL

1st Charge: Conduct to the Prejudice of Good Order and Military Discipline, in that he received sums of money in varying amounts from divers parties in relation ~~in relation~~ to their military medical examinations, and in relation to the performance of his military duties.

2nd Charge: Conduct to the Prejudice of Good Order and Military Discipline, in that he distributed to other medical personnel moneys mentioned in the first charge.

The C.O. directs that the evidence be taken on oath.

1st Witness: Capitaine G.A.GRONDIN, R.C.A.M.C., C.A.

Being duly sworn, states;-

" Le témoin déclare avoir objection à répondre et invoque à son appui le paragraphe 95 du chapitre VI du Manuel de Droit Militaire, vu que ses déclarations pourraient l'incriminer.

Dans ces circonstances, le Lt.-Colonel LAVAL FORTIER, officier désigné pour prendre le Sommaire de la Preuve, accorde au témoin la protection de la Cour et l'assure que le témoignage qu'il rendra au cours de ce Sommaire de Preuve, dans le cas de E-25913- Pte. L.P.Hamel, ne pourra pas servir de preuve contre lui à son procès, si procès il y a, mais ajoute que cette protection de la Cour ne le protège pas contre le parjure. Etant assuré de cette protection, le témoin rend le témoignage suivant;-

Je connais E-25913- Pte. L.P.Hamel pour l'avoir connu chez le D.M.O., à Québec où il a travaillé jusque vers le milieu d'octobre.

A une date dont je ne puis me souvenir j'ai reçu de l'accusé, le soldat Hamel, un montant de $10.oo qu'Hamel m'a remis dans une enveloppe cachetée. J'ai pris l'argent sans mot dire sans savoir pourquoi, ni en quel nom, ni pour quelle raison il me le donnait. Je l'ai pris comme un cadeau qu'il me donnait. En autant que je me rappelle, il avait mis sa carte ou c'était sur l'enveloppe "avec mes compliments". J'ai pris l'enveloppe, je l'ai mise dans ma poche et j'ai dépensé l'argent. Au meilleur de mon souvenir, je n'ai pas fait d'autre transaction avec le soldat Hamel et dans les circonstances relatives au cas où j'ai accepté une somme de $10.oo, il n'y avait aucune entente avec le Cpl. Hamel et moi. J'ignore le nom de celui qui avait remis l'argent à Hamel.

QUESTIONEBY THE ACCUSED

Vous rappelez-vous, Capitaine Grondin, quand je vous ai remis le $10.oo dans l'enveloppe, s'il y avait une carte?

ANSWER BY THE WITNESS

Comme je viens de le dire, je ne m'en rappelle pas exactement. J'ai émis une hypothèse, je ne m'en rappelle pas. Le fait important c'est que Hamel m'a remis l'enveloppe dans laquelle il y avait $10.oo. Il ne m'a pas dit pourquoi, ni pour quelle raison; je ne l'ai pas questionné.

G.A. Grondin, Capt Pl Rec'd 1/600

2nd Witness: Mr. René BOURQUE, No. 16, 11th street, LIMOILOU, P.Q.

I certify that in my opinion the evidence of Mr. René BOURQUE of No. 16, 11th Street LIMOILOU, P.Q., owing to the lost of time involved, is not readily procurable, and a written statement of his evidence signed by him has been read to the accused, and is attached hereto as Exhibit "A".

Lieut.-Col.,
(Laval FORTIER) - Lieut.-Colonel,
Officer detailed to take the present Summary of Evidence.

3rd Witness: Mr. André SAVARD, No. 509, 3rd Avenue LIMOILOU, P.Q.:

I certify that in my opinion the evidence of Mr. André SAVARD, No. 509 - 3rd Avenue LIMOILOU, P.Q., owing to the lost of time involved, is not readily procurable, and a written statement of his evidence signed by him has been read to the accused, and is attached hereto as Exhibit "B".

(Laval FORTIER) - Lieut.-Col.,
Officer detailed to take the present Summary of Evidence.

QUESTION POSEE A L'ACCUSE:- "Désirez-vous faire une déclaration ou rendre témoignage sous serment? Vous n'êtes pas obligé de dire quoi que ce soit ni de rendre témoignage à moins que vous ne le désiriez, mais tout ce que vous direz ou toute déclaration que vous ferez sera pris par écrit et pourra servir de preuve."

REPONSE DE L'ACCUSE:- "J'attends que je sois avec mon avocat."

Hamel 5/25.9.43

I certify that the foregoing Summary of Evidence, consisting of 2 pages was taken down by me in the presence of the accused at Quebec, P.Q., between the 9th of November 1942 and the 13th of November 1942, and that Rules of Procedures 4 (c), (d), (e), (f), and (g), were complied with.

(LAVAL FORTIER) - Lt.-Colonel,
1st Reserve Bn., (Voltigeurs de Quebec), C.A.- Officer detailed to take this Summary of Evidence.

EXHIBIT " A ".

ORIGINAL

DECLARATION DE René BOURQUE,
16, 11ème Rue, Limoilou, P.Q.

QUEBEC, P. Q., le 2 novembre, 1942.

Je, soussigné, René BOURQUE, demeurant à 16, 11ème Rue, Limoilou, déclare les choses suivantes après avoir eu la mise en garde :

J'étais dans l'armée depuis le 5 août 1942. J'ai été posté au Cove Fields pour trois semaines environ, et ensuite j'ai été posté au T.C. No 54, Montmagny, P.Q. Vers la fin de septembre 1942, je suis allé subir un examen médical à 322 St-Jean. (Bureau de Recrutement) pour m'enroler dans l'active. Lorsque je suis arrivé au bureau de recrutement, j'ai rencontré HAMEL. Je lui ai dit: "Je m'en viens subir un examen médical pour m'enroler dans l'active. J'ai un certificat du médecin POULIN, 1ère Ave., Limoilou, et crois-tu que je vais avoir ma discharge avec ça. HAMEL L.P. m'a répondu: "Les médecins décideront ça". J'ai subi l'examen médical dans l'avant-midi, et j'y suis retourné dans l'après-midi pour passer devant le Dr. MILLER. Je suis retourné au Camp à Montmagny.

Une semaine plus tard, l'hopital de Montmagny m'a renvoyé à Québec pour subir un autre examen médical, accompagné d'un infirmier. J'ai vu HAMEL et il m'a demandé : " Qu'est-ce que vous venez faire ici? Je lui ai répondu: "Je viens passer un autre examen". J'ai passé un examen devant trois médecins. Les médecins m'ont fait signer des papiers d'invalidité, et je suis retourné à Montmagny dans la soirée. Quinze jours plus tard environ, j'ai reçu mes papiers de "Discharge". Je me suis en venu chez mes parents à Québec.

Quelques jours plus tard, j'ai vu HAMEL chez lui à 77 St-Luc, et je lui ai donné $40.00 pour le récompenser pour son treuble. Ca n'était pas dans le but d'acheter ma discharge. HAMEL ne semblait pas être bien consentent à accepter l'argent. Je lui ai donné l'argent, c'est-à-dire, je l'ai laissé sur une table, et je suis sorti en lui disant: "Prends ça, ça me vaut ça." Je suis parti et je ne l'ai pas revu depuis.

J'ai fait cette déclaration volontairement, et elle contient toute la vérité.

ET J'AI SIGNE :-

(signé) (René Bourque)

TEMOIN :
(signé)
Cat. G.P.E. Lecavalier, R.C.M.P.

Vraie COPIE
[illegible]

EXHIBIT " B ".

ORIGINAL

DECLARATION DE André SAVARD,
509, - 3ème Ave., Limoilou, P.Q.

QUEBEC, P.Q., le 29 octobre 1942.

Je, soussigné, André SAVARD, demeurant à 509, - 3ème Ave. Limoilou, P.Q., dis les choses suivantes après avoir eu la mise en garde :-

J'ai été appelé le ou vers le 27 mars 1942 pour subir un examen médical, lequel j'ai subit devant le Dr. Paul BROCHU, interne à l'Hôpital St-Frs. d'Assise. J'avais été classé dans la catégorie "C1".

De nouveau, j'ai subit un examen médical de révision au No. 111 côte de la Montagne, Québec, le 28 septembre, 1942.

Ce n'est que le lendemain, le 29 sept. 1942, qu'on m'a informé que j'avais été classé dans une catégorie apte au service militaire.

Je me suis alors rendu au Bureau de Recrutement, rue St-Jean, Québec, dans le but de m'enrôler. Je fus reçu par le soldat Ph. HAMEL, et le soldat CLOUTIER. Ce dernier m'a fait signer les formules d'usage puis sous la direction du soldat HAMEL, je fus conduit au 3ème plancher pour y subir un examen médical.

Je déclare donc que sur présentation d'un rapport médical émis par l'interne de l'Hopital de St-Frs. d'Assise de Québec, ou je fus interné en 1940 pour y subir un examen, et après avoir été examiné par le corps médical le 30 septembre 1942, vers 10.00 A.M., l'on m'a déclaré inapte au service dans l'armée active. On m'a ensuite remis une discharge au premier plancher.

Je déclare donc n'avoir jamais donné, soit directement, soit indirectement, un montant d'argent à qui que ce soit dans le but de me faire décharger par un corps médical quelconque.

J'ajoute que j'ai fait parvenir par la poste un montant de $5.00 à Ph. HAMEL, 77 rue St-Luc, de Québec, en reconnaissance du service qu'il m'avait rendu, mais non dans l'intention de payer la "Discharge" que j'avais obtenue. Et pour expliquer ceci, j'ajoute que jamais le soldat Ph. HAMEL m'a invité à le rencontrer au Bureau de recrutement ou ailleurs dans le but de me faire "décharger de l'armée."

ET J'AI SIGNE :-

(signé) André Savard,
509, 3ème Avenue,
Québec.

Témoins :

D/A/S/Sgt. J.E.E. DesRosiers, R.C.M.P.

Cat. G.P.E. Lecavalier, R.C.M.P.

Vrai COPIE

C.55-H-298

GENERAL COURT-MARTIAL.

ORDERS BY Major-General H.F.G.Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Antoine Grondin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.75008, Pte. Paul-Henri Cloutier,
#5 District Depot, C.A.

E.25811, Pte. Georges Fortin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25913, Pte. Louis-Philippe Hamel,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25868, Pte. Leopold Houde,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

A detail of officers, as mentioned below, will assemble at the Drill Hall, Quebec, P.Q., in such accommodation as is arranged by the District Officer Commanding, Military District No. 5 on Wednesday the twenty-fifth day of November, 1942, at 1000 hours, or as soon thereafter as may be expedient, for the purpose of trying by General Court-Martial the accused persons named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Brigadier J.A. Leclaire,
15th Infantry Brigade, C.A.

MEMBERS.

Lieut-Colonel (A/Col.) J.R. Roche,
Le Regiment de Maisonneuve, C.A.

Lieut-Colonel G.R. Bouchard,
Le Regiment de la Chaudiere
(Mitrailleuses) C.A. Attached No. 5
District Depot, C.A.

Lieut-Colonel C. L. Laurin, E.D.,
Le Regiment de Chateauguay,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) G. L. Taschereau,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) P. Trudeau,
Les Fusiliers Mont-Royal, C.A.

Major R. G. Marion, M.C.,
Les Fusiliers Mont-Royal, C.A.

WAITING MEMBERS.

Lieut-Colonel J.J. Chouinard, E.D.,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A., Attached No. 5
District Depot, C.A.

Lieut-Colonel M. M. L. Garon,
Royal 22e Regiment, C.A.

Major J. H. Labrie,
Fusiliers du St. Laurent, C.A.

JUDGE ADVOCATE.

Major Maurice Lalonde,
Assistant Judge Advocate-General,
Military District No. 4.

PROSECUTOR.

Lieut-Colonel Laval Fortier,
Assistant Judge Advocate-General,
National Defense Headquarters.

COUNSEL FOR THE PROSECUTOR.

Maurice Boivert, Esq., K.C.,
of the Bar of the Province of Quebec.

The accused will be warned and all witnesses duly required to attend.

The District Officer Commanding, Military District No. 5 will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED, at Ottawa, Ontario, this 18th day of November, 1942.

(H.F.G. Letson),
Major-General,
Adjutant-General.

D. A. G. O.

C. 55-0-223 (A.D.2)

18th November, 1942.

RE: GENERAL COURTS-MARTIAL
Major C.E. GUIMONT

May the necessary arrangements be made, please, to have Colonel Roche report to District Officer Commanding at Quebec in time for General Courts-Martial to be held at the Drill Hall, Quebec, P.Q. on Wednesday, the 25th of November, 1942, at 1000 hours.

Colonel,
D. of Admin.

AGH/MM

RADIOGRAM

H.Q.C. 55-G-285 (A.D.
55-L-381
55-G-288
55-G-287
55-G-286
55-C-470
55-F-170
55-H-298
55-H-299
8733-3 F.D.1

OTTAWA, Ontario,
18th November, 1942.

District Officer Commanding,
Military District No. 4,
MONTREAL, P.Q.

RANKS 6054 MAKE NECESSARY ARRANGEMENTS TO HAVE MAJOR M C LALONDE REPORT TO DISTRICT OFFICER COMMANDING MILITARY DISTRICT FIVE AT QUEBEC ON MONDAY TWENTYTHIRD NOVEMBER 1942 FOR GENERAL COURT MARTIAL PROCEEDINGS

ADJUTANT-GENERAL

(ARMY)

for Major-General,
Adjutant-General.

(Signed 1.5.0.3.....hours)
309B

AGM/BM

RADIOGRAM

H.Q.C. 55-G-285 (A.D.2)
55-L-381
55-G-288
55-G-257
55-G-286
55-C-470
55-F-170
55-H-298
55-H-299
8733-3 F.D.1

General Officer Commanding,
7th Canadian Division,
Debert Military Post Office,
DEBERT, N.S.

OTTAWA, Ontario,
18th November, 1942.

RANKS 6053 MAKE NECESSARY ARRANGEMENTS TO HAVE BRIGADIER J A LECLAIRE REPORT TO DISTRICT OFFICER COMMANDING MILITARY DISTRICT FIVE AT QUEBEC ON MONDAY TWENTYTHIRD NOVEMBER 1942 FOR GENERAL COURT MARTIAL PROCEEDINGS

ADJUTANT-GENERAL

(ARMY)

Major-General,
Adjutant-General.

(Signed 1802 hours)
309B

AGM/BM

ADJUTANT-GENERAL. (AIC)

November 18, 1942.

Re: GENERAL COURTS-MARTIAL
Major C. E. GUILLET, et al.

1. In connection with the Applications for General Courts-Martial of the above mentioned Officer, together with four other Officers and four O. R's., same have been granted, and the Convening Orders and other necessary documents have today been despatched to the D.O.C., M.D. 5. You will notice from the copy of the Convening Order hereunder that the trial will be held at the Drill Hall, Quebec, P. Q. on Wednesday, the 25th of November, 1942, at 1000 hours.

2. It would appear that all Officers composing the Court are present in M. D. 5, with the following exceptions:

(a) Brigadier J. A. Leclaire, 15th Infantry Brigade, C.A., who is presently with the 7th Canadian Division at Debert, N. S.

(b) Lieut.-Colonel (A/Col.) J.R. Roche, who is at National Defence Headquarters, Ottawa, Ont.

(c) Judge Advocate, Major M.G. Lalonde, A. J. A. G., M. D. 4, Montreal, P. Q.

3. Will you please forthwith by telegraph issue the necessary instructions to the G.O.C., 7th Division, at Debert, N. S., and the D.O.C., M. D. 4, at Montreal, P. Q., to have Brigadier Leclaire and Major Lalonde, respectively, report to the D.O.C., M.D. 5 at Quebec, on Monday, the 23rd of November, 1942.

4. Will you please also make the necessary arrangements to have Colonel Roche at N.D.H.Q. warned for the duty and instruct him to report at Quebec in ample time for the trial, at the time and place aforesaid.

R. J. Orde

Brigadier,
Judge Advocate-General.

RRB/S.

H.Q.C.55-C-285 55-C-479
55-L-381 55-F-176
55-C-286 55-H-298
55-C-286 55-H-299 (JAG)
55-C-287

ADJUTANT-GENERAL.

November 17, 1942.

Re: GENERAL COURTS-MARTIAL.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Captain Georges Antoine Gromdin,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

E.75006, Pte. Paul-Henri Cloutier,
#5 District Depot, C.A.

E.25868, Pte. Leopold Houde,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

E.25611, Pte. Georges Fortin,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

E.25913, Pte. Louis-Philippe Hamel,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

1. Attached hereto are the following:

(a) Letter to the D.O.C., M.D.5, enclosing twelve copies of Convening Order with instructions as therein stated, and returning certain necessary documents forwarded with the Applications.

(b) Letter to Brigadier J.A. Leclaire, the President of the Court, enclosing the original Convening Order, with eight duplicate originals thereof, Charge Sheets and Summaries of Evidence in connection with all the accused persons. This letter and the said documents will be forwarded by me in a sealed envelope to the D.O.C., M.D.5. The letter under (a) above instructs the said D.O.C., M.D. 5, to deliver the said sealed envelope to the President of the Court, on his arrival in Quebec City.

2. The Convening Orders, letters and the Orders for Trial on the Charge Sheets above mentioned should be signed by you, if you concur. The date of signing same should also be inserted.

3. Attached herewith are also several additional copies of the Convening Order, which will be required for the personal files of the marginally-noted persons.

4. If, after signature, you will return all the said documents with files to me, I will see that they are properly despatched.

R. J. Orde
Brigadier,
Judge Advocate-General.

RHB/S.

(b) You will ensure that all the necessary witnesses be available and present when the trial takes place.

(c) You will arrange for the due attendance of all those officers composing the Court who are under your jurisdiction or in your District; also the Prosecutor, Counsel for the Prosecutor and the accused.

(d) It is preferable that two or more shorthand writers be made available, who may relieve each other at periodic intervals.

4. The original Convening Order with the necessary number of duplicate originals, Charge Sheets and Summaries of Evidence in respect of each accused person, are enclosed herewith in a sealed envelope and will be delivered by you to the President of the Court, Brigadier J.A. Leclaire, who will report to you on Monday, the 23rd of November, 1942.

5. If you have not already done so, a copy of the Charge Sheet and the Summary of Evidence in respect of each accused person should forthwith, pursuant to R.P. 14 and 15, be delivered to each said accused person.

6. As Counsel will appear on behalf of the Prosecutor, and as the Prosecutor himself has legal qualifications, notice thereof must be given to each accused person pursuant to R.P.39, unless, of course, such notice have already been given.

7. It will be observed that the Convening Order does not detail Defending Officers for any of the accused persons. It is observed that several of the accused have requested a particular officer to act as such and you will detail for such duty the officers so requested, subject always to Military exigencies. However, every effort should be made that each accused person has the benefit of the Defending Officer requested by him.

8. The original M.F.R.555, copy of Charge Sheet and Summary of Evidence and other necessary documents forwarded with each application are returned herewith.

9. Please acknowledge receipt forthwith and indicate what members of the Court and other officers detailed in the Convening Order have been duly warned by you.

(H.F.G. Letson)
Major-General.
Adjutant-General.

H.Q.S.55-3-[illegible] S.55-[illegible]
S.55-1-[illegible] S.55-[illegible]
S.55-3-[illegible] S.55-[illegible]
S.55-3-[illegible] S.55-[illegible]
S.55-3-297. (JAG)

November 17th, 1945.

The District Officer Commanding,
Military District No. 5,
Quebec, Que.

Re: Applications for General Courts-Martial.

Major Joseph Eugene Celestin Emilien Guimont,
#3 Coy. Royal Canadian Army Medical Corps.C.A.

Major Ludovic Levallee,
#3 Coy. Royal Canadian Army Medical Corps. C.A.

Captain Georges Etienne Yves Gadbois,
#3 Coy. Royal Canadian Army Medical Corps.C.A.

Captain Georges Antoine Grondin,
#3 Coy.Royal Canadian Army Medical Corps. C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#3 Coy. Royal Canadian Army Medical Corps.C.A.

H.[illegible], Pte. Paul-Henri Glowbier,
#3 District Depot. C.A.

H.[illegible], Pte. Georges Martin,
#3 Coy. Royal Canadian Army Medical Corps.C.A.

H.[illegible], Pte. Louis-Philippe Hamel,
#3 Coy. Royal Canadian Army Medical Corps.C.A.

H.[illegible], Pte. Leopold Hende,
#3 Coy. Royal Canadian Army Medical Corps. C.A.

1. With reference to the applications for General Courts-Martial of the marginally-noted persons, same have now been granted and there are enclosed herewith twelve (12) copies of the Convening Order.

2. You will immediately on receipt deliver one copy of the Convening Order to each of the accused persons, in pursuance of R.P. 18(c).

3. You will note from the Convening Order that you are responsible for arranging the various matters as therein set out in which connection the following should be noted:

(a) You will designate a place at Quebec City, P.Q. where the trial will be held.

.....2

H.Q.C.55-G-[illegible] ([illegible]
55-L-[illegible]
55-C-[illegible]
55-G-[illegible]
55-G-[illegible]
55-G-470
55-F-170
55-H-[illegible]
55-H-[illegible]

November 17, 1942.

CONFIDENTIAL.

Brigadier J. A. Leclaire,
Officer Commanding 15th Brigade,
7th Canadian Division, C.A.,
C/o District Officer Commanding,
Military District No. 5,
Quebec City, P.Q.

RE: GENERAL COURTS-MARTIAL.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Antoine Grondin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.75003, Pte. Paul-Henri Cloutier,
#5 District Depot, C.A.

E.55811, Pte. Georges Fortin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.55913, Pte. Louis-Philippe Hamel,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.55040, Pte. Leopold Houde,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Herewith enclosed original Convening Order of the marginally-noted General Courts-Martial, together with eight duplicate originals. You have been appointed President. There is also enclosed herewith the original charge sheets and summaries of evidence in respect of each accused person named in the margin.

2. The enclosed documents should be placed before the Court by you at the assembly thereof in pursuance of the directions contained in the Order.

3. Please acknowledge receipt.

Major General.
Adjutant General.

EBB/BB

GENERAL COURT-MARTIAL.

ORDERS BY Major-General H.F.G.Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Antoine Grondin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.75008, Pte. Paul-Henri Cloutier,
#5 District Depot, C.A.

E.25811, Pte. Georges Fortin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25913, Pte. Louis-Philippe Hamel,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25868, Pte. Leopold Houde,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

A detail of officers, as mentioned below, will assemble at the Drill Hall, Quebec, P.Q., in such accommodation as is arranged by the District Officer Commanding, Military District No. 5 on Wednesday the twenty-fifth day of November, 1942, at 1000 hours, or as soon thereafter as may be expedient, for the purpose of trying by General Court-Martial the accused persons named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Brigadier J.A. Leclaire,
15th Infantry Brigade, C.A.

MEMBERS.

Lieut-Colonel (A/Col.) J.R. Roche,
Le Regiment de Maisonneuve, C.A.

Lieut-Colonel G.R. Bouchard,
Le Regiment de la Chaudiere
(Mitrailleuses) C.A. Attached No. 5
District Depot, C.A.

Lieut-Colonel C. L. Laurin, E.D.,
Le Regiment de Chateauguay,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) G. L. Taschereau,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) P. Trudeau,
Les Fusiliers Mont-Royal, C.A.

Major R. G. Marion, M.C.,
Les Fusiliers Mont-Royal, C.A.

WAITING MEMBERS.

Lieut-Colonel J.J. Chouinard, E.D.,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A., Attached No. 5
District Depot, C.A.

Lieut-Colonel M. M. L. Garon,
Royal 22e Regiment, C.A.

Major J. H. Labrie,
Fusiliers du St. Laurent, C.A.

JUDGE ADVOCATE.

Major Maurice Lalonde,
Assistant Judge Advocate-General,
Military District No. 4.

PROSECUTOR.

Lieut-Colonel Laval Fortier,
Assistant Judge Advocate-General,
National Defense Headquarters.

COUNSEL FOR THE PROSECUTOR.

Maurice Boivert, Esq., K.C.,
of the Bar of the Province of Quebec.

The accused will be warned and all witnesses duly required to attend.

The District Officer Commanding, Military District No. 5 will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED, at Ottawa, Ontario, this 18th day of November, 1942.

(H.F.G. Letson),
Major-General,
Adjutant-General.

FORM OF APPLICATION FOR A COURT-MARTIAL

No. 5th Coy R.C.A.M.C., C.A. Regiment

Station QUEBEC, P.Q. Date November 14th, 1942.

Application for a General Court-Martial

Sir,

I have the honour to submit the charge against NE/25913, Pte. Louis-Philippe HAMEL, R.C.A.M.C., C.A. of the Company under my command, and request you will obtain the sanction of the Adjutant-General that a General Court-Martial may be assembled for his trial at QUEBEC, P.Q.

The case was investigated by (a) Lieut.-Col. Jules Mercier, Lieut.-Colonel Laval Fortier, Major J.L. Lacasse and Major Edouard Belleau.

~~A Court of Inquiry was held on (b)~~ ~~(date)~~

~~at~~ ~~(Station):~~

~~President~~ ~~Ranks,~~

~~Members~~ ~~names~~

~~and~~

~~corps.~~

The accused is now at QUEBEC, P.Q. His general character is (c) Good

I enclose the following documents (d):—

1. One Charge Sheet (in duplicate) (e).

2. Summary of Evidence, original (f) and one copy.

4. List of witnesses for the prosecution and defence (with their present stations or addresses) (g).

5. List of Exhibits (h).

7. Statement as to character (M.F.B. 355) Field Conduct sheets) of accused (g).

8. Statement by accused as to whether or not he desires to have an officer assigned by the Convening Officer to represent him at the trial (R.P. 14 (B)) (h).

Your obedient servant,

Signature of Commanding Officer Maurice Hamel
D.O.-R.C.A.M.C. C.A.

To: The District Officer Commanding,
Military District No. 5,
Quebec, P.Q.

MEDICAL OFFICER'S CERTIFICATE

I certify that No. E25913 Pte Hamel Louis Philippe 5 Coy R.C.A.M.C. Regiment is* fit to undergo trial by Court-Martial.

Capt. Major R.C.A.M.C. C.A.(a)
Signature of the Medical Officer.

* Insert "fit" or "unfit."

(a) Here insert name of:—
(i) Officer who investigated the charges.
(ii) Company, etc., Commander who made preliminary enquiry into the case.
(iii) Officer who took down the Summary of Evidence (R.P. 19 (B) (iii)).
(b) To be filled in if there has been a Court of Enquiry respecting any matters connected with the charges; otherwise to be struck out (R.P. 19 (B) (iii)).
(c) To be filled in by the Commanding Officer.
(d) Any items not applicable to be struck out.
(e) One copy to be sent to the President; one copy to be filed with the application for trial.
(f) Original summary of evidence to be sent to the President.
(g) 3, 4, 6 and 7 to be returned to the Officer Commanding the unit of the accused with the notice of trial.
(h) 5 and 8 to be sent to the President.
(If the accused has elected to be tried under A.A. (8), the fact should be recorded at the top of this form.)

M.F.B. 331
(A.F.B. 119)
25M—3-41 (365)
H.Q. 1772-39-635

ORIGINAL

LIST OF WITNESSES IN THE CASE OF

E-25913; Private Louis-Philippe HANEL, RCAMC,CA.

FOR THE PROSECUTION:

Mr. René BOURQUE, No.16, 11th Street Limoilou, P.Q.

Mr. André SAVARD, No. 509, 3rd Avenue Limoilou, P.Q.

Captain G.A. GRONDIN, R.C.A.M.C., C.A.

S/Sgt. J.E.E. DESROSIERS, R.C.M.P.

Constable G.P.E. LECAVALIER, R.C.M.P.

FOR THE DEFENCE:

N I L .

(J.E. LACASSE) - Major,
Officer Commanding,
No. 5th Coy, R.C.A.M.C., C.A.

ORIGINAL

LIST OF EXHIBITS

IN THE CASE OF

E-25913, Private Louis-Philippe HAMEL, RCAMC, CA.

EXHIBIT "A": Statement by René BOURQUE,
No. 16, 11th St., Limoilou, P.Q.

EXHIBIT "B": Statement by André SAVARD,
No. 509, 3rd Ave., Limoilou, P.Q.

EXHIBIT "C": Confession by the accused, dated October 23rd, 1942.

(J.B. LACASSE) - Major,
Commanding,
No. 5th Coy, R.C.A.M.C., C.A.

LIST OF WITNESSES IN THE CASE OF

E-25913, Private Louis-Philippe HANNEL, RCAMC,CA.

FOR THE PROSECUTION:

Mr. René BOURQUE, No.16, 11th Street Limoilou, P.Q.

Mr. André SAVARD, No. 509, 3rd Avenue Limoilou, P.Q.

Captain G.A. GRONDIN, R.C.A.M.C., C.A.

S/Sgt. J.E.E. DESROSIERS, R.C.M.P.

Constable G.P.E. LECAVALIER, R.C.M.P.

FOR THE DEFENCE:

N I L .

(J.E. LACASSE) - Major,
Officer Commanding,
No. 5th Coy, R.C.A.M.C., C.A.

LIST OF EXHIBITS

IN THE CASE OF

E-25913, Private Louis-Philippe HAMEL, RCAMC, CA.

EXHIBIT "A": Statement by René BOURQUE,
No. 16, 11th St., Limoilou, P.Q.

EXHIBIT "B": Statement by André SAVARD,
No. 509, 3rd Ave., Limoilou, P.Q.

EXHIBIT "C": Confession by the accused, dated October 23rd, 1942.

(J.L. LACASSE) - Major,
Commanding,
No. 5th Coy, R.C.A.M.C., C.A.

STATEMENT BY THE ACCUSED AS TO HIS REPRESENTATIO

BY AN OFFICER AT HIS TRIAL.

I, E-25913, Private Louis-Philippe HAMEL, RCAMC., C.A., desire to have an officer assigned to represent me at my trial by Court-Martial.

I desire the services of Lt. Camil NOEL, C.O.T.C., Laval, (CA), (R), if he is available.

(signed) L Hamel E/25913

Signed at QUEBEC, P.Q., this day of November 1942.

H.Q.C. 55-H-299 DEAD CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

DEAD

SUBJECT

DISTIRCT COURT MARTIAL

HOUDE, L. E-25868 PTE.

5TH. COY. R.C.A.M.C., C.A.

CONFIDENTIAL
H.Q.C. 55-H-299

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
				(If purpose for which referred cannot be expressed in few words, add initials to file and enter here with Minute [redacted] Concerned		CR	6/5/43
				D.S.		Da	15/5/43
JUN 8 - 1943				A.D.	With 403-H-9841	EPA	7 June 43
				M.S.	Request	CR	14-6-43
				A.G.	Memo	Hag	18 June 43
				Admin		JEP	19.6.43
JUN 23 1943				J.C.M.	Memo		22.6.43
				J.A.G.	Memorandum	[illegible]	22/6/43
				AG	With H.Q.C. 55-G-2	[illegible]	[illegible]
JUN 25 1943	[illegible]	[illegible]	[illegible]	J.A.G.		[illegible]	[illegible]
JUN 26 1943	[illegible]	[illegible]	[illegible]	P.S.	Requests	C.R.	[illegible]
JUL 2 1943	[illegible]	[illegible]	[illegible]	J.C.M.	With Papers C.R. JUN 30 1943	OK	
JUL 6	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
JUL 8 1943	[illegible]	P.A.	[illegible]	J.C.M.	PER B.F. JUL 28 1943		
JUL 2 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible] NOV 17 [illegible]		
NOV 19 1943	[illegible]	[illegible]	[illegible]	J.C.M.	With Papers C.R. NOV 26 1943	OK	
[illegible]	[illegible]	[illegible]	[illegible]	J.C.M.	For information C.A. FEB 24 1944		
FEB 21 1944	[illegible]	[illegible]	[illegible]	J.C.M.			
				J.C.M.			
APR 16 1944				[illegible]	[illegible]	[illegible]	16/5/44
MAR 21 1944	21/3/44	P.A.	[illegible]	J.A.G.	To note J.C.	[illegible]	30-3-44
APR 24 1944	[illegible]	P.A.	[illegible]	[illegible]	For Requisition C.R. APR 4 1944		
MAR 18 [illegible]	[illegible]	[illegible]	[illegible]	[illegible]			
MAR 1 1947	8/3/47	[illegible]	[illegible]	W.J.R.	[illegible] MAR 11 1947		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to use the same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All enquiries from abroad bear the official file number.

PASS THIS FILE IN ENVELOPE

IN REPLY PLEASE QUOTE No. Q:-39-H-369 (JA)

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Quebec, March 13th 1944.

CENTRAL REGISTRY Army
CONF. SEC.
MAR 14 1944
File P-1-2-H-299
Chgd. to
Referred to JC 21

The Secretary,
Department of National Defence,
Ottawa, Ont.

E-25868 - Pte Leopold HOUDE
No. 5 Coy. R.C.A.M.C., C.A.

1. Reference your HQC.55-H-299 (ICM) dated Ist March 1944.

2. Information received from the Officer Commanding, No. 5 District Depot, indicates that the necessary entries, in respect of Pte. Houde's remission of sentence, were made in Part II Orders and in his documents.

3. Please find attached hereto a certified true copy of the entry made in Unit Part II Orders in this connection.

(EDMOND BLAIS) - Brigadier
District Officer Commanding
Military District No. 5.

noted
L. H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial
MAR 16 1944

JAC/tl
Encl.

NAT. DEF. B. 440

21. DETENTION RELEASE.

RAT. ACC.
Rat.Inc.Rat.Dec.
S.R. S.R.

a) E/626100 Pte. RACINE. A.

The a/m having been released from detention 4-3-44 from Punishment awarded on 16-2-44 18 days Det. is hereby remitted 1 day forfeitures of pay for period from 4-3-44 to 4-3-44.

b) E/627369 Pte. AUGER. R.

The a/m having been released from Detention on 5-3-44 from punishment awarded on 22-2-44 14 days Det. is hereby remitted 2 days forfeitures of pay for period from 5-3-44 to 6-3-44, both date inclusive.

22. REMISSION of SENTENCE.

E/25668 Pte. HOUDE. Leopold.

The a/m is remitted 42 days detention by Adjudant-General, eff. 27-8-43, from sentence of 9 months detention awarded on 8-1-43 by General Court-Martial.
Autho. Q:-39-H-369 (JA) dated 3-3-44.

23. BIRTH.

E/100755 Pte. SAVOIE. Georges.

A son born on 28-2-44, baptized on 1-3-44 under the names of Joseph, Roger, Jean Paul SAVOIE in Notre-Dame de Quebec church, Québec.P.Q. by Rev. Jean Rondeau priest.

24. HONOURS & AWARDS.

D/56770 CSM. FRENIERE. P.E. 25-3-41.

The a/m having qualified for the Award of the Cdn. Volonteers' Service Medal under provisions of C.A.R.O. 3929, eff. 25-3-41, is entitled to wear the ribbon.

25. INCREASE of PAY.

E/41593 Pte. St-GELAIS. M.

The a/m having fulfilled conditions requested by C.A.R.O. 2772, is authorized to draw regimental rate of pay of $ 1.50 per diem eff. 22-11-43, according to C.A.R.O. 2557.

Certified True Copy.
R. Collette
R. COLLETTE, Captain,
Adjutant No. 5 District Depot.

CANADA

IN REPLY PLEASE QUOTE
HQC.55-H-299(IC
Your file: Q:39-H-369(J

DEPARTMENT OF NATIONAL DEFENCE
ARMY

OTTAWA, Ont., 1 March, 1944

District Officer Commanding,
Military District # 5,
QUEBEC, P.Q.

E-25868, Pte. Leopold HOUDE.
No.5 Company, R.C.A.M.C., C.A.

1. Reference your Q.39-H-369(JA) dated 23 November, 1943, as the marginally-noted soldier was discharged from the Canadian Army while serving under a suspended sentence, (namely a sentence of nine months detention awarded by a General Court-Martial on 8 January, 1943, which was suspended on 22 June 1943), the Adjutant-General as Superior Military Authority under Section 57A of the Army Act has remitted the balance of said sentence effective 27 August 1943, the date of said discharge.

2. Please have the necessary entries in respect of said remission made in Part II Orders and in the documents of said ex-soldier. Might a copy of the Part II Orders containing the necessary entry please be forwarded to this Headquarters.

H.F.G. Letson
Major-General
Adjutant-General.

LHC/JM

NAT. DEF. B. 440
1 Million—10-42 (9656)
H.Q. 1772-30-797

MEMORANDUM

D.A.G. (B).

Department of National Defence,
H.Q.C. 55-H-299 (ICM)
OTTAWA, Ont., 28 February, 1944.

E-25868, Pte. HOUDE, Leopold.
No. 5 Company, R.C.A.M.C., C.A.

1. The sentence of nine months' detention awarded the marginally-noted soldier on 8 January, 1943, was suspended by the Minister of National Defence on 17 June, 1943. (See folios flagged A).

2. Pte. Houde was transferred to No. 5 District Depot and a few days later he was sent to hospital. While in hospital he was placed in medical category "E" and discharged from the Canadian Army on 27 August, 1943.

3. The Officer Commanding No. 5 District Depot advises that the conduct of Pte. Houde, while in hospital, was good.

4. In order to bring this case to a finality and having regard to the foregoing, I recommend that the above-noted sentence be remitted by the Adjutant-General as Superior Military Authority under Section 57A, as of the date of discharge, namely, 27 August, 1943.

Concur

(L.H.Clayton) Lieut-Col.,
Inspector of Courts-Martial.

J. NOEL
BRIGADIER
DEPUTY ADJUTANT-GENERAL

LHC/JM FEB 29 1944

CANADA

IN REPLY PLEASE QUOTE
N.Q.-39-H-369 (J

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, November 23rd, 1943

CONF. SEC.
NOV 24 1943
File C55-H-299
Dispd. to
Referred to ICM

The Secretary,
Department of National Defence,
Ottawa, Ont.

E-25868 - Pte Leopold HOUDE
No. 5 Company H.C.A.M.C., C.A.

1. Reference your H.Q.C. 55-H-299 (ICM) dated 18th November 1943.

2. Immediately after the suspension of his sentence, Private Houde was transferred to No. 5 District Depot and a few days later he was sent to hospital. While in hospital, he was placed in medical category "E" and discharged from the Canadian Army on 27th August 1943.

3. It is impossible to complete M.F.M. 288 as requested, because all the documents of Private Houde were forwarded to N.D.H.Q. on 22nd September 1943. This documents is, therefore, returned herewith. The Officer Commanding, No. 5 District Depot, advises that the conduct of Private Houde, while in hospital, was good.

(EDMOND BLAIS) - Brigadier
District Officer Commanding
Military District No. 5.

JAC/tl
Encl.

MAT. DEF. B. 440
1 Million—10-42 (6684)
H.Q. 1772-20-767

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of E.25868, Private Leopold HOUDE,
(Number, Rank, Name in full)

No. 5 Company, R.C.A.M.C., C.A.
(Unit, Attachment (if any))

Sentenced to Nine Months Detention,

on 8 January 1943, at Quebec, P.Q.

being served at Valcartier Military Detention Barracks,
(Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment 1 December 1940.

Medical grade or category

FIRST TRIAL—PART II

To
(Superior Military Authority)

For details of offences see Part VII.

I have directed that the above-named be (not) committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) (reviewed on) for reasons given in paragraph X.
(date)

Place

(Confirming Authority)

Date

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to) of which I remit) (be suspended) (be put into execution) (and) be reviewed on

Place

(Superior Military Authority)

Date

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To
(Superior Military Authority)

For details of offence, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on and sentenced to , and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place

(Confirming Authority)

Date

M.F.M. 285
(Army Form A-3108)
10M—5-43 (530)
H.Q. 1772-99-3015

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

Part VII—First Trial

	Charge or Charges giving Particulars	Date of Offence	Date of Trial
Section 40,	Conduct to the Prejudice of Good Order and Military Discipline.	1/6/42 to 17/10/42	25-11-42
Section 40,	Conduct to the Prejudice of Good Order and Military Discipline.	1/6/42 to 17/10/42	25/11/42

.....
Signature of officer making entry

I.C.M. - G

Department of National Defence,
H.Q.C.55- H-299,(ICM)
OTTAWA, November 18, 1943

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

E.25868, Pte. Leopold HOUDE,
No. 5 Company, R.C.A.M.C.,C.A.

1. Herewith enclosed M.F.M. 288 in respect of the marginally-noted soldier who while under suspended sentence is serving with the marginally-noted unit in your Command.

2. Please have the Officer Commanding the said unit append to page two of the said Form a report as to the conduct of said soldier since the suspension of said sentence and have same returned, together with a copy of the M.F.M.6 (Field Conduct Sheet) to this Headquarters.

3. Before so returning M.F.M. 288 please append to page two thereof your comments and recommendations.

(H.F.G. Letson)
Major-General
Adjutant-General

IN REPLY PLEASE QUOTE
No. Q: 39-H-369 (2)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., June 28th, 1943.

CENTRAL REGISTRY Army
CONF. SEC.
194
File C55-H-299
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: GENERAL COURT-MARTIAL
E/25868, Pte. Léopold HOUDE,
No. 5 Coy. R.C.A.M.C., C.A.

138977

Reference your 55-H-299 (IGM) dated 22nd June, 1943, relative to the marginally-noted subject.

2. Under authority of your ranks 0801, dated 22nd June, 1943, Pte. Houde was released on 22nd June at about 1700 hours and was duly advised that his sentence had been suspended.

3. Entries in this regard were made in Pte. Houde's unit Part II Orders, No. 84, copy of which is attached hereto for your information.

4. Advice received from the O.C. Military Detention Barracks, Valcartier Camp, indicates that, from date of admission to detention barracks until date of release, Pte. Houde earned 950 marks.

5. For your information, please.

(RAYMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

-6-
Noted
Brig. (Ret)
a.j.a.-Br
2-7-43

-7-
Noted
I.C.M. absolution duly
O.T.
for L.H. CLAYTON
Lieut.-Colonel,
Director of Courts-Martial
6 1943

Noted
Judge Advocate General
per D.M.
Jul 7 1943

JAC/rb.

NAT. DEF. B. 440
2,000 M—4-42 (4822)
H.Q. 1772 39-767

No. 5 COMPANY, RCAMC(CA)A

PART II ORDERS

No. 84

Quebec, P.Q.

June 25th, 1943.

LAST PART II ORDERS ISSUED No. 83, d/ 24-6-43.

- A - (Officers)

1.- ON COMMAND

Major MINGUY C.E. Proceeded on command to Rimouski and Matane P.Q. at 18.00 hrs. on..... 19-6-43 returning therefrom at 1530 hrs. on..... 22-6-43

2.- STRENGTH INCREASE

Capt. GAGNE, D. Is taken on strength this Unit, H.Q.Section on ceasing to be attached for all purposes as Medical Officer to AITC. A-13 with effect from.. 16-6-43
AUTH: H.Q. 372-6-388
(Pers. 1 B 1
d/21-6-43.

- B - (Other Ranks)

1- CANCELLATION (Remission)

E-25868 Pte. HOUDE L. (No. 5 Section) D.O. Part II No. 82 d/23-6-43 Sub-Para. No. 2 in section "B" is hereby cancelled in so far as it relates to the marginally named

2- SUSPENSION

E-25868 Pte. HOUDE L. (No. 5 Section) Is released from detention on suspension of sentence of 9 months awarded on ..... 8-1-1943 with effect from..... 22-6-43
AUTH: Q.39-4-369 (Pers)

- C -

N I L

- D - (C.W.A.C.)

1- CONFIRMATION W-5024 A/Cpl. HEGIN C. Is confirmed in the rank of Corporal with effect from..1-2-43
AUTH: R.O. 2987

(L.-J. Lacasse) Major, RCAMC.
Officer Commanding.

MEMORANDUM.

TO:

THE ADJUTANT-GENERAL.

Department of National Defence.

H.Q.C. 55-G-283.
H.Q.C. 55-L-281.
H.Q.C. 55-G-285.
H.Q.C. 55-H-299.(JAG).

OTTAWA, 23rd June, 1943.

Re:General Court-Martial.
Capt.GEORGES ETIENNE PAUL GAUDOIN,
Major Ludovic Lavallee,
Major Joseph Eugene Celestin Emilien Guimont,
H.[illegible].Private Leopold Houde.

1. With reference to the petitions on behalf of the m/n officers and soldier attached to the fly-leaf of this file, you will find a letter which I have drafted for your signature.

2. If you concur in this letter will you kindly sign the same and cause it to be sent to the District Officer Commanding of Military District No. 5.

(R.J.Orde)Brigadier,
Judge Advocate-General.

HFGB/vbf.

H.Q.C. 55-L-381
H.Q.C. 55-G-286
H.Q.C. 66-H-299 (JAG).

23rd June, 1943.

District Officer Commanding,
Military District No. 5, Quebec, P.Q.

Re: General Court-Martial
Capt. Georges Etienne Yves Gadbois,
Major Ludovic Lavallee,
Major Joseph Eugene Celestin Emilien Guimont,
E.25868, Private Leopold Houde.

The petitions put forward by their counsel, Mr. Antoine Rivard, K.C. on behalf of the marginally noted officers and soldier in which, for the reasons therein mentioned, revocation was sought of the Findings and Sentences of the respective General Courts-Martial, were pursuant to K.R.(Can.) 574, referred to the confirming authority, in this case the Governor General in Council, for his consideration. Inasmuch as the said petitions raised certain questions of law they were pursuant to the said Paragraph 574 referred to the Judge Advocate-General prior to being submitted to the Governor General in Council.

2. The Governor General in Council duly considered the petitions, which were submitted as stated, and there are enclosed copies of Orders in Council, dated 15th June, 1943, and numbered P.C.4121, 4122, 4123 and 4124 respectively.

3. You will note therefrom that the Governor General in Council was unable to grant the prayers of the said petitions and further directed that the petitioners be so informed.

4. Pursuant to such directions conveyance of this information to each of these petitioners would properly be effected by transmitting to each of the said petitioners a copy of the Order in Council in question. Such copies duly certified as being true copies of the original are enclosed for this purpose.

5. Will you therefore be good enough to transmit the certified copy of such Order in Council to each of the petitioners to whom the same relates and advise when this has been done.

(H.F.G. Letson)
Major-General,
Adjutant-General.

HFGB/vbf.

P.C. 4121.

PRIVY COUNCIL

CANADA.

AT THE GOVERNMENT HOUSE AT OTTAWA.

TUESDAY, the 15th day of June, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, as confirming authority, having given careful consideration to a petition on behalf of E.25866, Private Leopold Houde, asking that the finding and sentence of the General Court-Martial by which he was tried, which was confirmed by the Governor General in Council on February 9th, 1943 (P.C. 1040), be quashed and revoked, is unable to grant the prayer of the petition and directs that the petitioner be so informed.

(A. D. P. Heeney)
Clerk of the Privy Council.

The Judge Advocate-General,
Department of National Defence,
Central Chambers,
Ottawa.

G.E.B.
N.P.

PROVINCE OF ONTARIO,
COUNTY OF CARLETON.

TO WIT:

I, George E. Berry, of the City of Ottawa, in the County of Carleton, in the Province of Ontario, a Notary Public for the said Province of Ontario, by Royal Authority duly appointed, residing in the said City of Ottawa, in the said Province, DO CERTIFY that the paper writing hereto annexed is a true copy of a document produced and shown to me from the custody of the Judge Advocate-General of the Department of National Defence, for the Dominion of Canada, and purporting to be an original order in Council passed by His Excellency the Governor General in Council, on the 15th day of June, 1943, the said copy having been compared by me with the said original document, an act whereof being requested I have granted, under my Notarial Form and Seal of Office to serve and avail as occasion shall or may require.

IN TESTIMONY WHEREOF I, the said Notary Public have hereto subscribed my name and affixed my Notarial Seal of Office at the City of Ottawa aforesaid, this 22nd day of June. A.D. 1943.

Geo. E. Berry

A Notary Public in and for the Province of Ontario.

D26 P.C. 4121

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 15th day of JUNE, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, as confirming authority, having given careful consideration to a petition on behalf of E.25868, Private Leopold Houde, asking that the finding and sentence of the General Court-Martial by which he was tried, which was confirmed by the Governor General in Council on February 9th, 1943 (P.C. 1040), be quashed and revoked, is unable to grant the prayer of the petition and directs that the petitioner be so informed.

A. P. Heney

Clerk of the Privy Council.

The Judge Advocate General,
Department of National Defence,
Central Chambers,
Ottawa.

C. R.
To Minister and
pass to
19 July 43

PRIVY COUNCIL
CANADA

136396 C55-H-299

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 15th day of JUNE, 1943.

CENTRAL REGISTRY Army
CONF. SEC.
JUN 20 1943
File C55-H-299
Chgd. to
Referred to

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, as confirming authority, having given careful consideration to a petition on behalf of E.25868, Private Leopold Houde, asking that the finding and sentence of the General Court-Martial by which he was tried, which was confirmed by the Governor General in Council on February 9th, 1943 (P.C. 1040), be quashed and revoked, is unable to grant the prayer of the petition and directs that the petitioner be so informed.

A. P. Henry.

Clerk of the Privy Council.

The Honourable
the Minister of National Defence

MEMORANDUM.

J. A. G.

Department of National Defence,
H. Q. C. 55-H-299,(ICM)
Ottawa, June 22nd, 1943.

General Court-Martial
E-25868, Pte. Leopold HOUDE,
No. 5 Coy. R.C.A.M.C., C.A.
Suspension of Sentence.

1. With reference to para 2 of the Memorandum from D of Admin. dated 22nd, June 1943, two folios down, it is my understanding that the proper procedure is that the direction of the Superior Military Authority is entered on Part VI of M.F.M. 288, (British Army Form A 3104 at pages 804-808, M.M.L.) and not on the proceedings of the Court-Martial. Said Form is then sent to the O.C. of the unit concerned in order that the necessary entries may be made in Part II Orders and in the documents of the accused.

2. Might I have your comments, please.

3. It is to be noted that in the case on this file no M.F.M.288 was prepared and the direction of the Superior Military Authority (in this case the Minister) was endorsed on page F of the proceedings (See folio flagged B).

4. Your attention is also called to C. A. R. O. 3241.

L.H. Clayton

(L.H. Clayton) Lt. Col.
Inspector of Courts-Martial.

LHC:WS.

H. Q. C. 55-H-299,(ICM)

Ottawa, June 22nd, 3

District Officer Commanding,
Military District No. 5,
Quebec, P.Q.

General Court-Martial
E-25868, Pte. Leopold HOUDE,
No. 5 Coy. R.C.A.M.C., C.A.

1. With reference to your Q.39-H-369 and Adjutant-General telegram Ranks 0801 dated 22nd, June 1943, advising that the Minister has directed immediate suspension of sentence of the m/n soldier and directing his immediate release, please have the Officer Commanding the unit of said soldier make the necessary entries in Part II Orders and in the documents of the said soldier in respect of said suspension of sentence.

2. Please advise date of release and number of marks earned towards remission.

for (H.F.G. Letson),
Major General,
Adjutant-General.

LHC:WS.

MEMORANDUM

TO: I.C.M.

Department of National Defence
- Army -
H.Q. 405-H-9841
H.Q.C.55-H-299 (A.D.)
OTTAWA, 22nd June, 1943

E.25668 Pte. Leopold HOUDE
No. 5 Coy., R.C.A.M.C.

Reference telephone conversation Lieut-Colonel MacDermid to Lieut-Colonel Clayton today.

2. I can find no provision for promulgation of suspension of sentence. As this is the first case of this kind that has arisen it might be well to refer this point to the J.A.G. for his opinion as to whether there should be any promulgation or any formal note on the proceedings.

3. You will further note that no directions have been made as to the disposal of the soldier. In view of the nature of the offence which he committed his retention in his present unit may be considered undesirable and it is requested that when your action is complete you return the file in order that further consideration may be given to this.

Colonel,
D. of Admin.

JEM/SP

GOVERNMENT OF CANADA

CANADA

RADIOTELEGRAPH SERVICE

ADMINISTERED BY

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CLASSES OF SERVICE

DAY MESSAGES
DAY LETTERS
NIGHT MESSAGES
NIGHT LETTERS

TELEGRAPH, CABLE AND RADIO CONNECTIONS TO ALL PARTS OF THE WORLD

NUMBER	SENT TO	SENT BY	REC'D BY	TIME SENT	TIME FILED	CHECK

SEND THE FOLLOWING MESSAGE SUBJECT TO THE TERMS ON THE BACK HEREOF :—

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

H.Q.405-H-9841
H.Q.C.55-H-299 (A.D.)
OTTAWA, Ontario,
22nd June, 1943

RANKS 0801 REFERENCE YOUR FILE Q.39-H-569 . MINISTER HAS DIRECTED IMMEDIATE SUSPENSION OF SENTENCE UNDER SECTION FIFTYSEVEN A ARMY ACT OF X TWO FIVE EIGHT SIX EIGHT PRIVATE L HOUDE SERIAL THREE NOUGHT NOUGHT SIX . RELEASE IMMEDIATELY . ACKNOWLEDGE

ADJUTANT-GENERAL

(ARMY)

Adjutant-General
(30GB)

(signed 1136 hours)

JEM/SP

H.Q.405-H-9841
H.Q.C.55-H-299 (A.D.)

22nd June, 1943.

Dear Madam:

K.25668 Pte. Leopold HOUDE

Your letter of 21st May, has been referred to me for reply.

I am pleased to be able to inform you that directions have been given to suspend the sentence imposed upon this soldier and for his release from confinement. No doubt his release will very shortly be effected.

Yours very truly,

Deputy Minister (Army)

Mrs. Leopold Houde,
165½ Latourelle Street,
QUEBEC, P.Q.

JEM/SP

French Translator
For translation, please.

(J.E. MacDermid) Lieut-Colone
A.D.

A. G.

Note ministers

Signature as May A.

Hansard

18 Jun 43 Mrs.

The Minister.

H.Q. [redacted]25-H-299.

Private L. Houde

MINISTERS OFFICE
16 1943
DEPT. N.D. OTTAWA

1. The report to the Governor-in-Council forwarding the petition of Private Houde for the quashing of the finding and sentence went forward to Council on 17th May and has not, I think, been dealt with yet.

2. At Flag "B" the Adjutant-General recommended suspension of sentence under the powers given by Section 57A Army Act.

3. Houde was sentenced to nine months on 8th January 43.

4. Grounds for recommendation for suspension of sentence;
   (a) wife is expecting child and has suffered accident.
   (b) Houde has been doing good work in detention barracks.
   (c) Of those who were tried with him he is the only one still in detention.
   (d) Another soldier against whom the evidence was at least as damaging as in Houde's case received a sentence of ninety days.
   (e) When matters were under investigation Houde was of great assistance to the authorities.

5. Inspector of Courts Martial recommends.

6. If you approve of suspension of sentence your signature is required to the minute of suspension on the back of the folio at Flag "A".

Signed

Col. M.S.

16 June 43

GOVERNMENT OF CANADA

CANADA

RADIOTELEGRAPH SERVICE

ADMINISTERED BY

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CLASSES OF SERVICE

DAY MESSAGES
DAY LETTERS
NIGHT MESSAGES
NIGHT LETTERS

TELEGRAPH, CABLE AND RADIO CONNECTIONS TO ALL PARTS OF THE WORLD

NUMBER	SENT TO	SENT BY	REC'D BY	TIME SENT	TIME FILED	CHECK

SEND THE FOLLOWING MESSAGE SUBJECT TO THE TERMS ON THE BACK HEREOF :—

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

H.Q.C.55-H-299
H.Q.405-H-9641 (A.D.1)
OTTAWA, Ontario
7th June, 1943

RANKS 0498 RETEL DATED THIRD INSTANT RE E.25368 PRIVATE HOUDE LEOPOLD

NO DECISION YET REACHED

ADJUTANT-GENERAL

(ARMY)

Major-General
Adjutant-General
(209B)

(signed hours)

GEFS/SP

N.D.—G. F. 4—5M PADS OF 100—9-42 (3745)

The Minister.

Re. draft by G.A.G.
after consultation with Mr.
Reid and officers named
in para 3 of memo 6.8.43

[illegible]

6.8.43.

MEMORANDUM

To -

M. S.

H.Q.C. 55-G-285
H.Q.C. 55-H-299 (JAG)
H.Q.C. 55-L-381

OTTAWA, 5 May 43

Petitions
Major J.E.C.E. GUIMONT, R.C.A.M.C.
E.25868, Pte. HOUDE, L., R.C.A.M.C.
Major L. LAVALLEE, R.C.A.M.C.

Pursuant to the Minister's telephone conversation and the subsequent one which I had with you, I have made a further draft of a submission to the Governor in Council in respect of the Petition forwarded by each of the marginally noted persons. The file of Captain Gadbois has not yet been received though I am still making strenuous inquiries therefor.

2. With regard to the submissions as now redrafted, you will note that there is attached to each the original petition forwarded by the accused together with one copy of an English translation; these are attached to the original copy of the submission.

3. The terms of this submission have been the subject of much consideration by myself, together with Colonels Nolan and Moss and we also consulted Mr. J.E. Read, K.C., Legal Adviser, Department of External Affairs.

4. It is our opinion that the form of the submission as now drafted is the most proper. It follows explicitly the provisions of K.R. (Can.) 574. The purpose of this is that if the Minister should be questioned in the House or otherwise, he would be in a position to state that the King's Regulations make provision for such cases as the one under discussion and that said provisions were explicitly followed.

K. J. Orde

Brigadier,
Judge Advocate-General

RECOMMENDING that there not be granted the redress sought by Private Houde in his Petition, namely, that the finding and sentence of the General Court-Martial for which he was tried be revoked.

H.Q.C.55-H-299

May 5th, 1943

To -

HIS EXCELLENCY

THE GOVERNOR-GENERAL IN COUNCIL

The undersigned has the honour to report: -

That E.25868, Private Leopold Houde was, by a General Court-Martial assembled at Quebec, P.Q., on 25th November, 1942, found guilty of two charges of conduct to the prejudice of good order and military discipline in that he at the City of Quebec between 1st June, 1942, and 17th October, 1942, when employed in connection with Army medical examinations in Military District No. 5, -

(a) received sums of money of varying amounts from divers parties in relation to their Military medical examinations and in relation to the performance of his Military duties;

(b) distributed to other Military Medical personnel monies as aforementioned;

and was sentenced to undergo detention for nine months (which finding and sentence was duly confirmed by Your Excellency in Council by an Order-in-Council dated 9th February, 1943, P.C. 1040).

That Private Houde, through his counsel, has forwarded a Petition asking that the finding and sentence of the said General Court-Martial be quashed and revoked, and that the petitioner be released. This Petition was forwarded pursuant to the provisions of paragraph 574 of the King's Regulations and Orders for the Canadian Militia, 1939, which provides that any officer or soldier who considers himself aggrieved by the finding or sentence of a Court-Martial may forward a Petition to the Confirming or Reviewing Authority, through the usual channels. The said paragraph also provides that if such Petition raises any question of law it should be referred to the Judge Advocate-General.

That the Judge Advocate-General, to whom the Petition was referred, has expressed the opinion that the questions raised in the said Petition do not afford any legal basis for any interference with the finding of the said General Court-Martial.

The undersigned has, therefore, the honour to transmit the said Petition for the consideration of Your Excellency in Council as Confirming Authority pursuant to the said paragraph 574 of the King's Regulations and orders for the Canadian Militia, 1939.

Respectfully submitted,

(Sgd) J. L. Ralston

MAY 14 1943

Minister of National Defence

PRECIS

The Minister.

H.Q. 55-H-299

HOUDE, L. Private.

1. Herewith submission to Council recommending that petitions be not granted.

2. I have shown it to A.G. and J.A.G. who have approved. (They are both on record in the file as recommending against granting the petitions.)

3. In this case there is now before you a recommendation from A.G. to suspend sentence. I think the submission to Council should be made now regardless of what action is taken on the recommendation to suspend.

1-5-43.

Col. M.S.

MEMORANDUM

MINISTER'S OFFICE
MAY 3 1943
DEPT. N.D. OTTAWA

Department of National Defence
- Army -
H.Q. 405-H-9841 (A.D. 1 SC)
C. 55-H-299.
OTTAWA,
1st May, 1943.

TO:

The Minister

E/25868, Pte. Leopold HOUDE
No. 5 Coy., R.C.A.M.C.

The purpose of this submission is to invoke the provisions of Section 57A, sub-section 2(b) of the Army Act in the case of the marginally named soldier, and to obtain from you as a Superior Military Authority under the above-mentioned Section and pursuant to General Order 93 of 1925, an order suspending the sentence which the marginally named soldier is now undergoing.

2. The facts herein are as follows:

(a) Pte. Houde was one of Other Ranks tried by General Court-Martial in connection with the acceptance of money with regard to medical examinations in Quebec City in November and December last. The first charge against him was that he received money in connection with medical examinations and in relation to his military duty. The second charge was that he distributed to other military medical personnel the money mentioned in the first charge.

(b) He was found guilty on both charges and sentenced to undergo detention for nine months. The sentence was dated the 8th January, 1943, and consequently he will have served four months of his sentence on the 8th May.

(c) Various representations were made for remission in view of the fact that his wife was expecting a child and that she recently had an accident dislocating one of her shoulders. It was also represented that Pte. Houde has been doing good work in the Detention Barracks and that of all those who were tried with him and sentenced he was the only one still in detention.

(d) It has been advised by the Prosecutor at the trials of personnel involved in these irregularities that Pte. Houde, against whom the evidence was not any more damaging than against Pte. Fortin, one of the other accused, and maybe less so, received a sentence of nine months detention, whereas Pte. Fortin only received a sentence of ninety days' detention.

(e) The Prosecutor also advises that when the whole matter was under investigation, Pte. Houde was of great assistance to the Authorities in bringing all the facts to light.

3. In view of the above the Inspector of Courts-Martial recommends that further consideration be given to the question of clemency in this case. He does not recommend that remission be made but suggests that the sentence be suspended under the provisions of

.....2

Section 57A, sub-section 2(b) of the Army Act, and I concur.

4. Therefore it is recommended that an order be given by you suspending the sentence in this case under the provisions of Section 57A, sub-section 2(b). If you approve, may the Minute of Suspension at flag "A" be completed, please.

(H. Ed. Letson),
Major-General,
Adjutant-General.

LCA/AMcC

Approved as to form

Judge Advocate General

CANADA

QUOTE NO. H.Q.C.55-H-299

Department of National Defence

Ottawa, Canada.

May 1st, 1943.

To: HIS EXCELLENCY

THE GOVERNOR-GENERAL IN COUNCIL

The undersigned has the honour to report:-

That E.25868, Private Leopold Houde was, by a General Court-Martial assembled at Quebec, P.Q., on 25th November, 1942, found guilty of two charges of conduct to the prejudice of good order and military discipline in that at the City of Quebec between 1st June, 1942, and 17th October, 1942, when employed in connection with Army medical examinations in Military District No. 5, -

(a) received sums of money of varying amounts from divers parties in relation to their Military medical examinations and in relation to the performance of his Military duties;

(b) distributed to other Military Medical personnel monies as aforementioned;

and sentenced to undergo detention for nine months (which finding and sentence was duly confirmed by your Excellency in Council by an Order-in-Council dated 9th February, 1943, P.C. 1046).

That Major Guimont has through his counsel forwarded a Petition asking that the finding and sentence of the General Court-Martial be quashed and revoked, and that the petitioner be released.

That the said Petition has been forwarded pursuant to the provisions of Paragraph 574 of the King's Regulations and Orders for the Canadian Militia 1939, which provides that an officer or soldier who considers himself aggrieved by the finding or sentence of the Court-Martial, may forward a Petition to the Confirming or any Reviewing Authority through the usual channels, and that if such Petition raises any question of law it should be referred to the Judge Advocate-General.

That the Judge Advocate-General, to whom the Petition was referred pursuant to the said Paragraph 574, has expressed the opinion that the questions raised in the said Petition do not afford any legal basis for any interference with the finding of the General Court-Martial and that the evidence is sufficient to establish that the soldier concerned, who at the time was serving on active service and in full time military employment, did receive sums of money as alleged, and that the money so received had to do with a subject matter which related to the military duty on which such soldier was employed and distributed monies as alleged.

***

Nat. Def. A-160
H.Q. 1773-28-376
500M-7-40 (2820-9-40)

That the Adjutant-General has reviewed the proceedings in the light of the opinion expressed by the Judge Advocate-General and has advised that the case on its merits does not warrant any mitigation or revocation of the finding and sentence of the General Court-Martial as confirmed by Your Excellency in Council.

The undersigned, having regard to the opinion of the Judge Advocate-General with respect to the questions of law involved, and on the advice of the Adjutant-General, has the honour to recommend that the redress sought by the Petitioner in his Petition as aforesaid be not granted.

Respectfully submitted,

Minister of National Defence.

MEMORANDUM

TO [redacted]

J. A. G.

Department of National Defence
- Army -
H.Q. 405-H-9841
C.55-H-299 (A.D.1 SC)
OTTAWA,
30th April, 1943.

E/25868, Pte. Leopold HOUDE
No. 5 Coy., R.C.A.M.C.

Reference submission to the Minister one folio down,-

2. May I have your remarks and suggestions, please, concerning the above-mentioned submission.

Colonel,
D. of Admin.

LCA/AMcC

H.Q.C.55-M-299 (JA

le 22 avril, 1943.

Monsieur l'abbé J.A. Bureau,
Faculté du Droit Canonique,
Université Laval,
Québec.

Monsieur l'abbé, Re: E.25868, Soldat L. Houde.

J'accuse réception de votre lettre du 16 avril 1943, laquelle j'ai faite parvenir aux autorités.

Je regrette de vous dire que je n'ai aucune autorité personnellement pour les remises de sentences. Les rémissions sont faites directement par le Ministre.

Votre tout respectueux,

(Laval Fortier) Lt. Col.
A. J. A. G.

LF/MAV

MEMORANDUM

To: MILITARY SECRETARY

MILITARY SECRETARY
APR 23 1943
RECEIVED

Department of National Defence

H.Q.C. 55-L-381
H.Q.C. 55-H-299 (JAG)
H.Q.C. 55-G-285

OTTAWA, April 22nd, 1943.

Major L. Lavallee
E.25868 Pte. L. Houde
Major C.E. Guimont

Pursuant to your Minute of April 21st, herewith draft Submissions respecting the Petitions put forward on behalf of the marginally noted persons.

The only outstanding Petition is that made on behalf of Captain Gadbois whose file, so you stated, would be forwarded as soon as it was available.

According to my office records this is the first occasion in which it has been necessary to seek the pleasure of His Excellency in Council in respect of a Petition seeking redress of a finding and sentence of a Court-Martial. Consequently there were no forms or precedents to follow and it was, therefore, necessary to evolve ab initio what we conceived to be a submission that would deal with the matter.

R.J. Orde

Brigadier,
Judge Advocate-General.

RJO:vt

RECOMMENDING that there not be granted the redress sought by Private Houde in his Petition, namely that the finding and sentence of the General Court-Martial for which he was tried be revoked.

H.Q.C.55-H-299(JAG)

April 22nd, 1943.

To: HIS EXCELLENCY

THE GOVERNOR-GENERAL IN COUNCIL

The undersigned has the honour to report: -

That E.25868 Private Leopold Houde, ~~who~~ was, by a General Court-Martial convened at Quebec, P.Q., on 25th November, 1942, found guilty of two charges of conduct to the prejudice of good order and military discipline, and sentenced to undergo detention for nine months (which finding and sentence was duly confirmed by Your Excellency in Council by an Order-in-Council dated 9th February, 1943, P.C. 1040) has, through his counsel, forwarded a Petition seeking that the finding and sentence be quashed and revoked and that the petitioner be released.

That the said Petition has been forwarded pursuant to the provisions of Paragraph 574 of the King's Regulations and Orders for the Canadian Militia, 1939, which provides that an soldier who considers himself aggrieved by the finding or sentence of the Court Martial, may forward a Petition to the Confirming or any Reviewing Authority through the usual channels, and that if such Petition raises any question of law, it should be referred to the Judge Advocate-General.

That the particulars of the charges whereof the accused was found guilty were that at the City of Quebec between 1st June, 1942, and 17th October, 1942, when employed in connection with Army medical examinations in Military District No. 5, -

(a) received sums of money of varying amounts from divers parties in relation to their Military medical examinations and in relation to the performance of his Military duties;

(b) distributed to other Military Medical personnel monies as aforementioned.

The evidence is sufficient to establish that the soldier concerned, who at the time was serving on Active Service and in full time military employment, did receive and distribute monies as alleged and that such receiving and distribution had to do with the subject matter which related to the military duty upon which the accused was employed.

That the Judge Advocate-General, to whom the Petition was referred pursuant to the said Paragraph 574, has expressed the opinion that the questions raised in the said Petition do not afford any legal basis for any interference with the finding of the General Court-Martial.

. . .

The undersigned, having regard to the opinion expressed by the Judge Advocate-General with respect to the questions of law involved and being of the opinion that the case on its merits does not warrant any mitigation or revocation of the sentence as confirmed by Your Excellency in Council, has the honour to recommend that the redress sought by the petitioner in his Petition as aforesaid be not granted.

Respectfully submitted,

RJC:vt

MINISTER OF NATIONAL DEFENCE

MEMORANDUM

April 21st, 1943.

To the:

Judge Advocate General

Re: H.Q.C. 55-L-381 Major L. Lavallee

" H.Q.C. 55-H-299 E.25868 Pte. L. Houde

" H.Q.C. 55-G-285 Major G. E. Guimont

" H.Q.C. 55-G-288 Capt. Yves Gadbois

1. Re conversation, Brigadier Crée and myself;

2. The Minister proposes to recommend to the Governor in Council disallowance of the petitions filed in each of the above cases.

3. Will you please prepare the necessary Submissions to the Governor in Council.

4. The Headquarters fyle re Captain Gadbois is not included in those being forwarded to you today. I will send it as soon as it is available.

D/AC

Col. M.S.

- Army -
405-H -9841 (A.D.)
H.Q.C.55-H-299

D.A.G.(B)

19th April, 1943

E.25868 Pte. Leopold HOUDE
No. 5 Coy., R.C.A.M.C.

Attached are letters asking for remission of sentence for which this man is now serving.

2. He was one of the other ranks tried by General Court-Martial in connection with the acceptance of money in connection with medical examinations in Quebec in November and December last. The charges against him were that he received money in connection with medical examinations and in relation to his military duty and that he distributed to other military medical personnel money mentioned in the first charge.

3. He was found guilty on both charges and sentenced to undergo detention for nine months. The sentence was dated 8th January. Consequently the time runs from that date.

4. A petition against the finding and sentence is now under consideration by the Minister and it has been possible to secure the Court-Martial file, H.C.Q.55-H-299 for only a few moments, as it is now in use by the Minister.

5. The facts set out in this correspondence as to entitling the soldier to remission of sentence are :

(1) His wife is expecting a child.
(2) She dislocated one of her shoulders recently. This added to her trouble.
(3) He is alleged to have done good work in the detention barracks.
(4) They want to get him out for Easter so that he can attend the Christening of his child.
(5) He is the only one of those tried still serving his sentence.

6. This man has served less than 4½ months of the nine months' sentence awarded him for a very serious offence. It is not recommended that any remission be given at this time.

7. May directions be given, please.

Colonel,
D.of Admin.

JEM/SP

MEMORANDUM

TO The Minister

RECEIVED IN THE OFFICE OF THE MILITARY SECRETARY MAR 23 1943

Department of National Defence
- Army -
H.Q. C.55-H-299 (A.D.)
OTTAWA, 20th March, 1943

General Court- Martial
E.25868 Pte. Leopold HOUDE
No. 5 Coy., R.C.A.M.C. CA

Submitted herewith is a Petition of the marginally named soldier through his Counsel against the finding and sentence of a General Court-Martial held on 25th November, 1942, at Quebec. This Petition is submitted under the provisions of para. 574 K.R. (Can.).

2. Said finding and sentence were confirmed by His Excellency the Governor-in-Council on 9th February, 1943.

3. The Petition was submitted to the Judge Advocate-General and he states that the questions raised in the Petition were considered by him when he reviewed the proceedings prior to the same being submitted to the Governor-in-Council and that after giving the matter further and full consideration in the light of the Petition he is of the opinion that the questions raised in the Petition do not afford any sufficient legal basis for any interference with the finding of the court.

4. Insofar as the Petition relates to the quantum of sentence this matter was fully considered prior to submission being made to the Governor-in-Council for confirmation of the finding. The finding and sentence, having been confirmed by His Excellency the Governor-in-Council, it is recommended that there be no remission.

5. If you concur the Judge Advocate-General will be requested to prepare the necessary Submission to Council.

H.F.G. Letson
(H.F.G. Letson)
Major-General,
Adjutant-General

APPROVED

M. N. D.

JEM/SP

Memorandum

Department of National Defence

To D.A.G. (B)

H.Q.C.55-H-299 f.d.1 (JAG)

Ottawa, 17th March, 1943

General Court-Martial
E.25868 Pte. Leopold HOUDE
No.5 Coy., R.C.A.M.C., C.A.

As requested in your memorandum of 13th March, 1943, I have reviewed the Petition dated 1st March, 1943, made to the D.O.C., M.D. No. 5, on behalf of the marginally noted soldier which, pursuant to K.R.(Can.)574, has been referred to me. The questions raised in the Petition were considered by me when I reviewed the proceedings prior to the same being submitted to the Governor in Council.

2. After giving the matter further and full consideration in the light of the Petition I am of the opinion that the questions raised in said Petition do not afford sufficient legal basis for any interference with the finding of the Court."

3. Insofar as the Petition relates to the quantum of sentence, no question of law is involved and action which may be taken by way of remission now or at some future date would be for your consideration and final approval by the Governor in Council.

4. I assume that you will, pursuant to A.A.Sec.43, refer the matter to the Minister for his consideration.

D. Admin
Please prepare submission to minister

Brigadier DMGS
18 Mar 43

N.D.A. 168C
1000M—2-41 (9344)
H.Q. 1773-39-370

MEMORANDUM

TO:

J.A.G.

Department of National Defence
- Army -
H.Q.C.55-H-299 F.D.1 (A.D.2)

OTTAWA, 13th March, 1943

General Court-Martial
E.25868 Pte. Leopold HOUDE
No. 5 Coy., R.C.A.M.C., C.A.

A petition with respect to this matter has been translated and is passed to you herewith.

2. This petition will no doubt have to be passed upon by the Minister.

3. Will you please consider the same and give your opinion as to the legal aspects of the matter submitted in order that the Minister may be properly advised.

Brigadier
D.A.G.(B)

AGM/SP

MB/PYL
10-3-43
TRANSLATION

A.P.

PETITION

QUEBEC, March 1st, 1943.

To the Officer Commanding,
M.D. No 5.

Sir:

Re: General Court Martial
E.25860, Pte Léopold Houde,
Coy No 5 - N.C.A.M.C., (C.A.)

Please find herewith the petition which Private Léopold Houde wishes to forward, through the usual channel, to the appropriate authorities with a view to having the proceedings of the Court Martial which was called upon to try his case in November and December 1942 reviewed.

It seems to us that the finding and sentence [illegible] of the Court on January 8, 1943, published and promulgated on February 20, 1943, are ill-founded, in fact and in law, and we respectfully submit that they should be quashed and revoked by the appropriate authorities. We should be grateful to you if you would kindly forward this petition as early as possible to the appropriate authorities so that they may consider and grant it.

GENERAL GRIEVANCES.

The first grievance submitted by the accused deals with the jurisdiction of the Court Martial to dispose of his case. When the accused was called to answer the charge, he objected to the jurisdiction, basing his objection on Rule of Procedure 32 and submitting that the charge, as laid, was irregular, illegal and could not give the Court Martial jurisdiction to

bring him on trial and judge him. That objection was dismissed and we wish to submit it again. Two charges were laid against Houde; he was tried jointly on both these charges.

He was charged with: 1o in contravention of Section 40 of the Army Act, conduct to the prejudice of good order and military discipline, in that he, in the City of Quebec between June 1, 1942 and October 17, 1942, when employed in connection with army medical examinations in M.D. No 5, received sums of money in varying amounts from divers parties in relation to their military examinations, and in relation to the performance of his military duties. 2o in contravention of the provisions of the same section of the Army Act, /conduct to the prejudice of good order and military discipline, in that he, in the City of Quebec between June 1, 1942 and October 17, 1942, when employed in connection with army medical examinations in M.D. No 5, distributed to other military medical personnel moneys mentioned in the first charge.

Section 40 of the Army Act provides that "no person shall be charged under this Section in respect of any offence for which special provision is made in any other part of the Army Act and which is not a civil offence", that is, an offence provided for by the Ordinary law of England.

It is unquestionable that the two charges laid against the accused constitute an offence known in English law under the name of "bribery". There is an English statute referred to by all authors and known underthe name of "Bribery Act of Public Officials". It is to be found especially on pages 393 and 394 of "Archbold's Criminal Pleadings." We contended that the Court was automatically bound to refer to the acts of the English Parliament, English Public Laws, and especially those dealing with crimes which under the Army Act are civil offences which become military offences. Actually section 41 lays down that any offence punishable under an English law becomes a military offence for which punishment cannot be however greater than that provided for in section 40. The principle on which the exception provided for in section 40 is based is that an accused cannot be punished twice for the same offence.

If under section 40 a soldier could be punished for offences already provided for by the Criminal Law, a punishment could constitute a plea of "autrefois convict" or of "autrefois acquit", in proceedings taken before Criminal Courts for the same offences. That is not the case. We must also add that we offered to submit expert evidence in support of English Law. The decision of the Court is wrong and causes the whole proceedings in that case to be irregular.

ILLEGAL EVIDENCE ALLOWED

We submit that the Court allowed as illegal evidence admissions allegedly made by the accused to the district Medical Officer, M.D. No. 5, Lt.-Col. Mercier. An inquiry on "voir-dire" was conducted; we submit that such inquiry established that the statements made by Houde and signed by the latter were neither free nor voluntary.

The evidence brought forward on that point and the arguments submitted before the Court may be referred to. We do not intend to repeat what we have already said as the principles of law are well known and it will be sufficient to point out that it was only at the third interview, when he stated he did not want to reply, that Houde beset by questions and impressed by the staging surrounding these interviews, on his being paraded for the third time before his Commanding Officer and Superior Officers and believing that he would be helping his cause, made the statements which were proved. The allowance of that illegal evidence is sufficient to make the whole trial illegal, this causing irreparable prejudice to the accused.

SENTENCE TOO SEVERE

On January 8th, 1943, the Court-Martial which had reserved the sentences in all the cases it had heard, sentenced the accused to nine months' detention. We submit that the facts adduced did not warrant such sentence. It should be noted that the accused had already been punished when, at the suggestion of Lt.-Col. Mercier and his C.O., Major Lacasse, he had agreed to give up the rank of A/Sgt. which he was then holding and that of corporal which was then his, to be reverted to private. It should also be pointed out that it has not been established in any case that Houde bribed officers charged with the medical examinations of recruits. He accepted rewards, the amounts of which vary according to the degree of friendship and intimacy that existed between him, the accused, and those who wanted to give the said amounts to him, but in no case has he obtained for a recruit, in consideration of money a categorization to which the latter was not entitled. It might be irregular for a non-commissioned officer to accept tips and rewards in the discharge of duties, but we submit that such irregularity involves no dishonesty and does not warrant as severe a sentence as the one imposed upon him.

Obviously what strikes the imagination in this case is the fact that a Mr. Aubé handed to Houde the sum of $600.00 with a view to having him attend to the case of his son. It must be borne in mind in considering that case that the evidence shows it was Aubé himself who applied to Houde, that Aubé was quite a close friend of the Houde family, that in the past he had generously helped and through considerable amounts the father of Houde the accused and the accused himself. Aubé is well off and it was on account of his previous relations with Houde the accused that he offered and wanted to give that rather large sum. At any rate, the evidence shows that Aubé, the recruit, was rightly exempted and that there has been no irregularity in the proceedings which brought his discharge.

For all these reasons we respectfully ask that the finding and sentence of the General Court Martial be quashed and revoked for all legal purposes and that Pte Léopold Houde, the claimant, be released.

I remain

Yours truly,

(Sgd) Antoine Rivard,
Counsel for the accused.

MEMORANDUM

Department of National Defence
- Army -
H.Q. C.55-H-299 F.D.1 (A.D.2)
OTTAWA, 9th March, 1943.

TO: French Translator.

General Court-Martial
E/25868, Pte. Leopold HOUDE
No. 5 Coy., R.C.A.M.C., C.A.

May a translation be made, please, of the within documents and may this be treated as urgent.

for (J. E. MacDermid),
Lieut-Colonel,
A.D.

ACM/AMcG

(2) A.D.
Please find translation in duplicate herewith.
11/3/43 [illegible]
Ch. Trans Serv.

112513

IN REPLY PLEASE QUOTE
No. 9139-H-369 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

QUEBEC, March 6, 1943. 194

CENTRAL REGISTRY Army
CONF. SEC.
MAR 8 1943
File C 55-M-299
Ulgs. Wadmenyff 1/10
Referred to A C

The Adjutant-General,
National Defence Headquarters,
OTTAWA, Ontario.

GENERAL COURT MARTIAL
E/25868, Pte. Léopold HOUDE,
No. 5 Coy., R.C.A.M.C., C.A.

1. Please find enclosed herewith a petition which was forwarded to this Headquarters by Mr. Antoine Rivard K.C., in favour of his client Pte. Houde who was recently tried by the marginally noted General Court-Martial.

2. This petition is forwarded to you in accordance with paragraph 574 K.R. Can.

Edmond Blais

(Edmond BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

AC/fv

Encl./

D. Admin.
For your attention. This will have to be translated.
Brigadier
DAGMS
4 Mar 43

NAT. DEF. B. 446
2,000 M—4-42 (4322)
H.Q. 1772-39-767

H.Q.C.55-H-299(JAG)
Your Q:39-H-369(JA)

.A.J.A.G.,
H.Q., M.D. No. 5,
QUEBEC, P.Q.

Ottawa, Ont., 6th March, 3

General Court-Martial
E/25868, Pte. Leopold HOUDE
No. 5 Coy., R.C.A.M.C., C.A.

Receipt is acknowledged of your communication dated 4 Mar 43 forwarding the Petition advanced on behalf of the marginally named.

2. This Petition should have been forwarded by the D.O.C. to the A.G., who would, in turn, refer the same to a reviewing authority and, if the occasion demanded, it would have been referred to the Confirming Authority. It is not correct for the Petition to be referred to me by an authority who in law is not competent to deal with the same. The Petition is accordingly returned in order that it may be transmitted in the manner indicated.

Brigadier
Judge Advocate-General

IN REPLY PLEASE QUOTE
No. Q:39-H-369 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, P.Q., 4th March 1943.

Judge-Advocate General,
Department of National Defence,
Ottawa, Ont.

GENERAL COURT-MARTIAL C55-24-299
E/25868, Pte. Leopold HOUDE,
No.5 Coy., R.C.A.M.C., C.A.

1. Please find enclosed herewith a Petition which was addressed to this Headquarters, through the usual channels, by Mr.Antoine Rivard, K.C., in favour of his client: Pte. Leopold Houde, No.5 Coy, R.C.A.M.C., C.A., who was recently tried by the marginally noted General Court-Martial.

2. This Petition is forwarded to you in accordance with paragraph 574 K.R. (Can.).

(J.ALFRED CROWE) - Captain,
for A.J.A.G., M.D.No.5.

JAC/fc

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

H.Q.C.55-H-299 (JAG)

le 1er mars, 1943.

CENTRAL REGISTRY Army
CONF. S.C.
MAR 1 13
File C 5-5-H-299
Chgd. to
Referred to

Madame Léopold Houde,
165½ rue Latourelle,
Québec.

Chère madame,

Re: Léopold Houde R.C.M.C.

J'accuse réception de votre lettre du 24 février dernier.

Comme il est à votre connaissance, je suis maintenant en devoir au Ministère de la Défense Nationale à Ottawa et une demande de pardon telle que contenue dans votre lettre, doit être soumise par l'officier commandant du district militaire auquel appartient le soldat.

Quoique que je crois que votre demande soit prématurée, si vous croyez quand même devoir faire valoir immédiatement les raisons qui militent en faveur de la libération de votre époux, je vous suggérerais de communiquer avec les autorités militaires du district No. 5 à Québec.

Veuillez me croire,

Votre tout dévoué,

(Lt. Colonel Laval Fortier)

LF/MAV

Québec 24 fev 13.

L. Col. Laval Bertin
juge avocate générale
Dépt Def. Nat.

Monsieur,

Les dernières nouvelles reçues me forcent à me rendre à vous. Vous ayant déjà parlé au téléphone, je ne doute pas une minute, que vous refuserez de me lire et de me répondre par le retour du courier. Vous ne pouvez croire combien la sentence de mon mari

a à Proppie. Etant en
ceinte de huit mois et
mère de quatre jeunes
enfants - et l'inquiétude
que nous avons, les
forces diminuent et la
morale baisse. Ne pou-
vant avoir aucune
bonne pour le moment,
la chose est encore plus
grave. Je vous prie de
croire, Monsieur, que j'ai
encore une bonne espé-
rance - que vous parle-
rez pour nous et que
vous obtiendrez le pardon
afin qu'il soit avec moi
dans quelques jours. Je
vous dis, d'abord, qu'il

a toujours fait une
pression très basse de 100°
ou 105° degré. Dans l'armée
trois médecins l'ont
examiné – on lui di-
sait si tu veux rester
parmi nous ne dis pas
un mot, car c'est aussi
dangereux une pression
basse que trop haute.
Mais en l'avenir, on au-
rait bien parlé pour
qu'il soit sorti des rangs
de l'armée. Les nouvelles
du jour peuvent nuire
à sa santé et je crains
même qu'il devienne
incapable – et alors, voyez
au triste avenir qui
nous attend. De plus,
depuis près de trois ans

qu'il est militaire. Jamais il a manqué une minute de son temps n'arrivé en retard ou en boisson, ni paradé une fois devant les officiers comme tant d'autres. Vous connaissez aussi les notes que son commandant lui a données. Je vous demande d'intervenir fortement pour avoir son pardon.

En terminant, je vous redis que j'ai pleine confiance et vous certifie que la chose ne se répétera jamais. Mon mari n'est pas un rebelle, il avait à coeur de travailler et même se sacrifier

pour le bien être de sa
famille. Considérez ma
demande et faites l'im-
possible pour sa libéra-
tion - je vous en prie.
Et je compte sur une
prompte réponse.

Je demeure,

Votre humble servante,

Mme Léopold Vaude
165 1/2 Letourelle
Québec,
P. Qué.

H.Q.C.55-H-299 (JAG)

le 1er mars, 1943.

Madame Léopold Houde,
165½ rue Latourelle,
Québec.

Chère madame,

Re: Léopold Houde R.C.M.C.

J'accuse réception de votre lettre du 24 février dernier.

Comme il est à votre connaissance, je suis maintenant en devoir au Ministère de la Défense Nationale à Ottawa et une demande de pardon telle que contenue dans votre lettre, doit être soumise par l'officier commandant du district militaire auquel appartient le soldat.

Quoique que je crois que votre demande soit prématurée, si vous croyez quand même devoir faire valoir immédiatement les raisons qui mélitent en faveur de la libération de votre époux, je vous suggérerais de communiquer avec les autorités militaires du district No. 5 à Québec.

Veuillez me croire,

Votre tout dévoué,

(Lt. Colonel Laval Fortier)

LF/MAV

DRAFT ROUTINE ORDER

ADJUTANT GENERAL'S BRANCH

SENTENCE OF A GENERAL COURT-MARTIAL

ROUTINE ORDER
No. 2954
Date 6 Jan 43
O/C ORDER

1. E/25868, Pte. Leopold HOUDE, No. 5 Coy., Royal Canadian Army Medical Corps, C.A., was tried by General Court-Martial on the 25th day of November, 1942, on two charges -

The first under Section 40 of the Army Act in that he, when employed in connection with army medical examinations, in Military District No. 5 , received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties;

The second under Section 40 of the Army Act in that he, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge.

That a plea in bar of trial was offered by the accused to both charges but was withdrawn by counsel for the accused.

He was found guilty of both charges and was sentenced to undergo detention for nine months.

2. The finding and sentence having been confirmed by Governor-in-Council, the charges, finding and sentence were duly promulgated.

(H.Q.C.55-H-299)

RECOMMENDED:

Colonel,
D. of Admin.

APPROVED:

Major-General,
Adjutant-General.

MEMORANDUM.

DEPT. of NATIONAL DEFENCE.

TO - A. D.

H.Q.C. 55-H-299 (JAG)

OTTAWA, March 1st, 1943.

Re: GENERAL COURT-MARTIAL.
Z.25868, Pte. Leopold HOUDE,
No. 5 Coy. R.C.A.M.C., C.A.

The Proceedings hereunder of the marginally-noted General Court-Martial are passed to you to note, and for the result to be published in the usual manner in Routine Order, pursuant to C.A.R.O. 2578.

2. The Findings and Sentence were duly confirmed by Order in Council P.C. 1040, dated the 9th February, 1943, and Promulgation was effected to the accused on the 20th February, 1943.

Brigadier,
Judge Advocate-General.

EBB/S.

H.Q. C. 55-H-299
M.D. Q.39-H-369

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. E-25868 Name HOUDE, L.

Rank Pte. Unit No. 5 Coy. R.C.A.M.C., C.A.

Charge (1) Sec. 40 AA CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

(2) Sec. 40 AA Do Do Do

Date of Crimes between 1st June 1942, and 17th October, 1942

Date of Arrest Charge. Signed 14/11/42

Orders for ~~D.O.M.~~ G.C.M. Adjutant-General, by virtue of his Warrant dated March 1st, 1940.

Place and Date of Trial Quebec, Que. 25/11/42

Sentence (9) NINE MONTHS DETENTION

Date of Confirmation 9/2/43

Date of Promulgation 20/2/43

Entered in Records of J.A.G. as No. 7935

Date 27/2/43

MEMO Balance of sentence remitted by A.G. as Superior Mil Auth. 27-8-43.

E W Bury Capt.
for Judge Advocate-General.

3M-12-42(M1754)

7755

CANADA

IN REPLY PLEASE QUOTE
No. Q.39-H-369 (JA)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, P.Q., 23rd February, 1943.

109055

The Secretary,
Department of National Defence,
Ottawa, Canada.

CENTRAL REGISTRY ARMY
COMF. - W.C.
FEB 24 1943
File C55-H-299
Original to
Referred to JAG

GENERAL COURT-MARTIAL :
E-25868, Pte. Léopold HOUDE,-
No. 5 Coy. R.C.A.M.C., C.A.

1. Reference your H.Q.C.55-H-299 (JAG), dated 17th February, 1943, relative to the marginally noted General Court-Martial.

2. The proceedings of the General Court-Martial, in the case of No. E-25868, Private Léopold Houde, No. 5 Coy. R.C.A.M.C., C.A., are returned herewith for registration and custody.

3. The Finding and Sentence were duly promulgated and the Minute of Promulgation was duly drafted on page F of the proceedings.

Avy Jean Blais

(Edmond Blais) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/gv.

NAT. DEF. B. 440
2,000 M—4-42 (43222)
H.Q. 1771-39-767

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 9th day of FEBRUARY, 1943

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Associate Minister of National Defence reports that E-25868, Private Leopold Houde, No. 5 Company, Royal Canadian Army Medical Corps, C.A., a member of the Canadian Army placed on Active Service, was by a General Court-Martial held at the Drill Hall, Quebec, P.Q., on the 25th of November, 1942, tried on the following charges:

> CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from drivers parties in relation to their military medical examinations, and in relation to the performance of his military duties.
>
> CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge.

That the accused pleaded Not Guilty to both charges, was found Guilty of both charges, and was sentenced to undergo detention for nine (9) months;

That a plea-in-bar of trial was offered by the accused to both charges, but was withdrawn by Counsel for the accused; and

That/

The Judge Advocate General,
Department of National Defence,
Central Chambers.

That the Judge Advocate-General has reported that the proceedings are regular, the Findings on the said charges properly made and the Sentence according to law.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Associate Minister of National Defence, is pleased to confirm and doth hereby confirm the Finding of Guilty on the said two charges and the Sentence.

A. D. P. Heeney.

Clerk of the Privy Council.

GENERAL COURT-MARTIAL

No. E-25868, Pte. Léopold HOUDE, No. 5 Company, Royal Canadian Army Medical Corps, C. A.

Held at the Drill Hall, Quebec, P.Q. from 25th November, 1942, to 8th January, 1943.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for General ~~and District~~ Court-Martial

Proceedings of a General Court-Martial held at the Drill Hall, Quebec, P.Q. on the 25th day of November 1942 by order of Major-General H.F.G. LETSON, M.C., E.D., ~~[illegible]~~ Adjutant-General, by virtue of his Warrant, dated March 1st, 1940, which order is dated the 18th day of November 1942

President.

Brigadier J. A. Leclaire,
15th Infantry Brigade, C.A.

Members.

Lieut-Colonel (A/Col.) J. R. Roche,
Le Régiment de Maisonneuve, C.A.,
Lieut-Colonel G. R. Bouchard,
Le Régiment de la Chaudière (Mit.) C.A.,
Attached No. 5 District Depot, C.A.,
Lieut-Colonel C. L. Laurin, E.D.,
Le Régiment de Chateauguay (Mit.) C.A.,
Major (A/Lieut-Colonel) G. L. Taschereau,
Le Régiment de la Chaudière (Mit.) C.A.,
Major (A/Lieut-Colonel) P. Trudeau,
Les Fusiliers Mont-Royal, C.A.,
Major R. G. Marion, M.C.,
Les Fusiliers Mont-Royal, C.A.

Major Maurice Lalonde, Asst. Judge-Advocate General, M.D. No. 4, Judge Advocate.

Trial of* No. E-25868, Pte. Léopold HOUDE, No. 5 Company, Royal Canadian Army Medical Corps, C.A.

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

~~The Court satisfy themselves that [illegible]~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. "X"

The accused is brought before the Court.

Prosecutor,† Lieut-Colonel Laval Fortier, Asst. Judge-Advocate General, National Defence Headquarters.

Counsel for the Prosecutor: Maurice Boisvert, Esq., K.C., of the Bar of the Province of Quebec.

Defending officer† Major A. Sylvestre, Les Fusiliers du St-Laurent (Reserve), C.A.

Counsel for the Defending Officer: Antoine Rivard, Esq., K.C., of the Bar of the Province of Quebec.

At 10:15 o'clock A.M. the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

"X" Je me suis assuré qu'aucun (1) des officiers détachés pour siéger la Cour n'a précédemment fait partie d'un conseil d'enquête constitué vue d'instruire l'affaire dont est saisie la présente cour martiale.

Le président de la C.M.

(J. A. LECLAIRE),

Mil. Form B. 271
10M—6-40 (5715)
H.Q. 1772-39-234

B

~~The President, members and judge advocate are duly sworn.~~

The following officers under instruction are duly sworn.

Charge-Sheet

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

Answer.

Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

Le Président, les membres et le Juge-Avocat sont dûment assermentés.

Q.2 Récusez-vous Raymond Labonté comme sténographe?
A.2 Non, monsieur.

Raymond Labonté prête dûment serment en qualité de sténographe.

Q.2a Récusez-vous J. Edwin Tanguay comme sténographe?
A.2a Non, monsieur.

J. Edwin Tanguay prête dûment serment en qualité de sténographe.

A 10 h. 45 de l'avant-midi, le 25 novembre 1942, la cour a ajourné la cause du présent accusé jusqu'à 3 h. 15 de l'après-midi, le 27 novembre 1942, afin de procéder aux procès d'autres accusés.

Le 27 novembre 1942, à 3 h. 15 de l'après-midi, conformément à l'avis d'ajournement, la cour continue le procès du présent accusé; sont présents les mêmes membres que lors de l'ajournement.

ACTE D'ACCUSATION

L'acte d'accusation est signé par le Président, marqué B2 et annexé au procès-verbal.

L'inculpé est mis en accusation sous chaque chef mentionné dans l'acte d'accusation.

"B2"

J'ai bien reçu Pres G.C.M.

CHARGE SHEET

The accused: E-25868, Private Léopold HOUDE, No. 5 Coy, Royal Canadian Medical Corps, C.A., a soldier of the Canadian Army placed on Active Service, is charged with:-

FIRST CHARGE
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties.

SECOND CHARGE
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he, at the city of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge.

Signed at QUEBEC, P.Q., this fourteenth day of November, 1942.

J.L. Lacasse - Major,
(J.L. LACASSE) - Major,
Officer Commanding
No. 5 Coy, R.C.A.M.C., C.A.

To be tried by GENERAL COURT-MARTIAL.

Signed at OTTAWA, Ont., this 18th day of November, 1942.

H.F.G. Letson
(H.F.G. Letson),
Major-General,
Adjutant-General.

L'avocat de l'accusé s'objecte à l'acte d'accusation et s'adresse à la Cour:

" Avant que l'accusé ne plaide, j'ai une objection à enrégistrer sur les deux chefs d'accusation. Cette objection est basée sur la règle de procédure 32.

" Les deux chefs d'accusation que l'on vient de lire établissent que l'accusé est devant la Cour en vertu de la section 40 de l'"Army Act" de la loi militaire. Cette section fait une offense qui peut être soumise devant un conseil de guerre à tout soldat qui pose un acte ou qui a une conduite qui crée du désordre, ou qui se rend coupable de négligence, au préjudice du bon ordre et de la discipline de l'Armée.

" Dans la section 40, on dit également: "Provided that no person shall be charged under this section in respect of any offence for which special provision is made in any other section of this Act, and which is not a civil offence."

" Je soumets respectueusement que, en vertu du droit commun anglais, et plus spécialement en vertu du "Bribery Act", tel qu'on le trouve rapporté dans le statut anglais et dans les auteurs anglais, tout particulièrement dans "Archbold's Criminal Pleading, Evidence and Practice", 30ème édition, à la page 1232 -"It has been held to be a misdemeanor at common law to bribe a privy councillor", et aussi à la page 1233 -It is a common law misdemeanor for an officer who has a duty to do something in which the public are interested to receive a bribe either to act in a manner contrary to his duty or to show favour in the discharge of his functions. To bribe the colonel of a regiment to show favour in the matter of a canteen contract for the regiment is a misdemeanor at common law, similarly, for the Colonel to receive such a bribe is a misdemeanor."

Le Juge-Avocat s'adresse à l'avocat de l'accusé;

" Est-ce que vous n'êtes pas à citer du droit étranger sans en faire la preuve?"

L'avocat de l'accusé s'adresse à la Cour;

" L'objection que je viens de faire est basée sur le droit commun anglais dont, je crois, la Cour m'obligera à faire la preuve. Je désire maintenant faire entendre le Capitaine Simon Parent, pour tenter de prouver la loi anglaise."

PREMIER TEMOIN POUR LA DEFENSE SUR L'OBJECTION A L'ACCUSATION.

Capitaine Simon PARENT, Royal 22ème Régiment, A.C., attaché au Dépot de District No. 5, Québec, ayant dûment prêté serment, est interrogé par l'avocat de l'accusé:

Q.3 Capitaine, vous faites partie de quelle force, de quelle unité?

A.3 Du Royal 22ème Régiment, monsieur.

Q.4 Vous êtes également avocat?

A.4 Depuis le mois de janvier 1938.

Q.5 Avant d'être avocat, vous avez fait des études universitaires?

A.5 Oui, monsieur.

Q.6 Avez-vous des degrés universitaires?

A.6 Je suis licencié en droit.

Q.7 De quelle université?

A.7 De l'Université Laval.

Q.8 Au cours de vos études à l'Université Laval, avez-vous étudié le droit commun anglais?

A.8 Oui, monsieur, surtout en matière criminelle.

Q.9 Vous avez étudié le droit commun anglais au criminel?

A.9 Oui, monsieur.

Q.10 Après avoir étudié le droit commun en matière criminelle à l'Université Laval, avez-vous eu occasion de le voir fonctionner?

A.10 Oui, monsieur.

Q.11 En Angleterre?

A.11 Oui, monsieur.

Q.12 Et quel a été votre travail, ou votre service, plus spécialement en Angleterre?

A.12 Voici: Je suis arrivé en Angleterre au début du mois d'août 1940. Immédiatement, j'ai été attaché à ce qui est devenu subséquemment la "First Canadian Divisional Unit", comme officier juridique, où j'ai eu l'occasion d'agir plusieurs fois comme "prosecutor"; plus tard, c'est-à-dire le ou vers le 20 août, j'ai été transféré au Royal 22ème Régiment proprement dit, régiment en campagne, où j'ai continué à exercer les mêmes fonctions jusqu'au 20 mai 1941, alors que j'ai été transféré aux Quartiers-généraux militaires à Londres et assigné, c'est-à-dire attaché, à la branche du Juge-Avocat Général; au début, à la section des réclamations où mes devoirs consistaient à reviser les enquêtes faites par les officiers en charge des réclamations qui sont attachés aux différentes formations.

Interrogé par le Juge-Avocat:

Q.13 Les officiers-enquêteurs?

A.13 Oui, les officiers-enquêteurs. Je revisais leurs opinions au point de vue légal parce que, eux, n'avaient pas de livres sous la main et n'étaient pas censés avoir le matériel voulu pour étudier la loi anglaise.

Le Procureur demande à la Cour si ce n'est pas une opinion que le témoin vient d'exprimer.

Le Juge-Avocat demande au témoin de restreindre ses réponses.

Le témoin continue sa réponse:

A.13 (suite)

Alors, pour étudier la loi anglaise, j'avais accès à la bibliothèque de la "Law Society Library League". Naturellement, à ce moment-là, c'étaient surtout des questions qui correspondraient à notre droit civil plutôt que criminel, mais j'avais aussi à étudier l'aspect criminel de ces enquêtes pour savoir quelle action disciplinaire devait être prise devant les tribunaux civils, s'il y avait lieu.

L'avocat de l'accusé poursuit son interrogatoire:

Q.14 Quand vous dites que vous avez étudié le droit civil, de quel droit civil parlez-vous?

A.14 Du "Common Law", mais en matière civile, en comparaison avec le droit criminel.

Q.15 Aviez-vous accès à la bibliothèque?

A.15 Oui, monsieur.

Q.16 Avez-vous profité de cet accès?

A.16 Oui, maintes fois.

Q.17 Connaissez-vous certains auteurs en droit public et criminel anglais?

A.17 Oui, principalement Archbold.

Le Procureur s'objecte à la question (No.17) pour la raison qu'il s'agit d'une question d'opinion et qu'il n'est pas encore établi que le témoin est qualifié.

L'avocat de l'accusé soumet que cela a été établi.

Le Juge-Avocat déclare que l'avocat de l'accusé en est rendu au point qu'il désire obtenir l'opinion du témoin, et que, par conséquent, le procureur pourrait contre-interroger le témoin.

Contre-interrogé par le Procureur:

Q.18 Capitaine, vous avez été reçu avocat en 1938?

A.18 Oui, monsieur.

Q.19 Combien de fois avez-vous pratiqué dans la Province de Québec?

A.19 D'avril 1938 jusqu'à ce que je prenne l'uniforme, le ou vers le 15 janvier 1940.

Q.20 Et vous n'êtes parti pour l'Angleterre qu'en août 1940?

A.20 Je suis parti en juillet et je suis arrivé le 1er août en Ecosse.

Q.21 En arrivant en Angleterre, évidemment, vous n'avez pas été versé immédiatement dans la branche légale?

A.21 Si vous voulez dire la branche des Quartiers-Généraux, non, monsieur.

Q.22 Vous êtes revenu d'Angleterre à quelle date?

A.22 Je suis parti d'Angleterre le 5 juin 1942.

Q.23 Et vous avez été tout le temps de votre séjour en Angleterre attaché à l'Armée Canadienne?

A.23 Oui, monsieur.

Q.24 Et vous avez travaillé au C.M.H.Q. dans l'Armée Canadienne?

A.24 Oui, monsieur.

Q.25 Les questions de droit que vous avez eues à étudier étaient en rapport avec l'Armée Canadienne?

A.25 Elles s'appliquaient à l'Armée Canadienne, oui, monsieur.

Q.26 Les études que vous aviez l'avantage de faire pendant que vous étiez en Angleterre, dans la bibliothèque de la firme que vous avez nommée, à savoir, "Law Society", est l'organisation professionnelle des "solicitors"? Ils ont une bibliothèque?

A.26 Oui, monsieur.

Q.27 Et vous avez fait ces études en surplus de votre travail?

A.27 Oui, monsieur, au cours de mon travail.

Q.28 Est-ce que cela a pris la plus grande partie de votre temps, le temps que vous avez été en Angleterre?

A.28 Cela a pris la plus grande partie de mon temps du 20 mai, lorsque je suis arrivé à Londres, jusque ou vers le 13 octobre 1940, alors que je suis passé aux Cours Martiales, dans la même branche juridique des Quartiers-Généraux militaires.

Q.29 Et les études ou les occasions que vous avez eues d'étudier le droit anglais étaient en rapport avec les conseils de guerre de l'Armée?

A.29 Oui, mais pas uniquement pour cela.

Q.30 Quelles étaient les autres raisons?

A.30 Comme je l'ai expliqué; il s'agissait d'actions disciplinaires. Maintenant, dans les cas d'accidents, par exemple, il y avait parfois la question de 'manslaughter', où il fallait étudier la loi du pays; ou encore, d'avoir conduit en état d'ébriété, etc.; cela n'était pas prévu par les règlements militaires.

Q.31 Avez-vous étudié le 'Bribery Act' au cours de ces enquêtes-là?

A.31 Non, monsieur.

Q.32 Avez-vous eu à étudier ce droit anglais sur certaines questions seulement?

A.32 Oui, monsieur.

Q.33 Et vous n'avez pas, au cours de votre séjour en Angleterre et vos visites au "Law Society", fait une étude complète du "Common Law" anglais?

A.33 Non, monsieur.

Q.34 Et si on vous citait une décision rapportée dans un manuel anglais, seriez-vous, actuellement, en mesure de dire si ce jugement-là a été cassé ou non?

A.34 S'il a été cassé depuis que je suis parti d'Angleterre, non, monsieur.

Q.35 Prétendez-vous avoir étudié suffisamment le droit commun anglais pour être en mesure aujourd'hui de donner des opinions sans erreur sur ce droit?

L'avocat de l'accusé s'objecte à la question.

L'objection est maintenue par la Cour.

Q.35a Croyez-vous connaître votre droit anglais, le droit commun anglais, de la même façon qu'un avocat anglais?

L'avocat de l'accusé s'objecte à la question.

Le Juge-Avocat avise la Cour que la question conduit à un témoignage d'opinion.

L'objection est maintenue par la Cour.

Q.36 Avez-vous été admis au Barreau anglais?

A.36 Non, monsieur.

Q.37 Avez-vous plaidé des causes en Angleterre pendant que vous étiez là?

A.37 Je n'ai pas plaidé devant les tribunaux civils, mais j'ai suivi des causes comme "Friend of the accused" devant des cours criminelles.

Q.38 Quelles étaient les accusations portées?

A.38 Ah, il y a eu plusieurs causes; des causes de vols, une cause de meurtre, ensuite, des causes de voies de fait.

Q.39 Vous n'avez pas eu de causes de 'bribery'?

A.39 Non, monsieur.

Avec la permission de la Cour, le témoin ajoute la déclaration suivante:

" Sans avoir été admis au Barreau, j'ai eu à interpréter le droit anglais, car j'ai fait fonction de Juge-Avocat très fréquemment à partir du mois d'octobre 1941, jusqu'à mon retour, dans les Cours Martiales. Seulement, les accusations étaient assez fréquemment sous la section 41 de la loi de l'Armée, parce que nous étions dans le pays et nous n'avions pas à faire la preuve de la loi, et je voulais à ce moment-là m'efforcer d'éclairer les tribunaux militaires sur les points de droit anglais."

L'avocat de l'accusé ne désire pas contre-interroger le témoin.

Interrogé par le Juge-Avocat:

Q.40 Dans le cours de l'exercice des fonctions de Juge-Avocat, devant les tribunaux militaires canadiens en Angleterre, lorsqu'il s'agissait de l'article 41, est-ce que vous avez eu occasion d'avoir des cas où l'accusation en était une de "bribery" ou une accusation similaire?

A.40 Non, monsieur.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

Plaidoirie de l'Avocat de l'accusé sur la preuve du droit anglais

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" C'est évidemment la même question qui revient. Je n'ai pas voulu troubler les membres de cette Cour tel que j'avais été obligé de la troubler dans la dernière cause. (Soldat Louis-Philippe Hamel)

" Evidemment, suivant le droit qui a été expliqué par le Juge-Avocat dans l'autre cause, il faut que la loi soit prouvée par quelqu'un qui connait la loi - un "skilled witness". Il ne fait pas de doute que c'est par un mécanisme assez étrange qu'on prouve la loi étrangère, surtout quand elle est reconnue par un texte. Au lieu de prendre le texte de loi dont on pourrait prouver l'authenticité, et le mettre devant la Cour, on est obligé d'avoir quelqu'un qui connaît cette loi-là sur tous les points et l'expliquer.

" Je soumets qu'il n'est pas nécessaire qu'une personne soit qualifiée à prouver la loi, si c'est une personne qui s'occupe de droit et qui a une connaissance générale du droit - peu importe si elle a des connaissances spécialement sur l'article et sur le point qui est soulevé. Autrement, je soumets qu'il y aurait rarement des gens qui seraient qualifiés pour prouver le droit anglais. Il faudrait supposer un homme qui a étudié toutes les causes de droit commun anglais. C'est impossible.

" Il nous suffit d'avoir quelqu'un qui a accès au droit, qui a eu l'occasion d'apprendre les principes généraux, qui, en conséquence, en connaît la structure. Il nous suffit d'avoir quelqu'un qui a eu l'occasion de le voir fonctionner, qui a eu l'occasion de le voir en opération, et qui a eu l'occasion de l'étudier, peut-être pas sur cette question-ci, mais sur d'autres questions et qui est, par conséquent, en état de nous dire sur un point s'il y a une loi, un texte qui regarde le "bribery". S'il a l'habitude d'étudier les questions, s'il a eu l'habitude et l'occasion d'aller dans des bibliothèques et l'examiner, je suis certain que cette personne est une personne "skilled", dans le sens du droit anglais, et qu'elle est en état de nous dire de quelle façon elle l'entend et l'interprète.

" Voici au point de vue du "bribery" jusqu'où la loi anglaise va, en s'appuyant évidemment sur des autorités, sur des textes, des auteurs, que la Cour elle-même sera à même de vérifier et de contrôler.

" Par conséquent, je soumets respectueusement qu'il nous faut interpréter toute loi avec l'intention de la rendre opérante. Et il y a une question qui se pose et qui se poserait même avant que j'interroge le témoin, et j'avoue que je suis bien prêt à la poser à la Cour et me soumettre immédiatement à la direction qui a déjà peut-être été prise. Mais, en lisant le droit militaire et la loi militaire,-évidemment mes notions sont peut-être

légères là-dessus-- mais la loi militaire qui existe chez nous, qui est en force par son statut, réfère à la loi anglaise. Est-ce que vous ne devez pas prendre "judicial notice" du "Common Law" anglais et incorporer le statut? Est-ce que vous ne devez pas prendre "judicial notice" du statut que la loi anglaise incorpore? Et, alors, est-ce que j'ai besoin de prouver la loi anglaise, si elle est incorporée dans le statut?

" Qu'il plaise à la Cour, je suppose que la Cour actuelle siège à Londres. Ca serait la même loi; nous serions sous le même statut; nous serions gouvernés par les mêmes règles, et je n'aurais certainement pas besoin, (je pense que le Juge-Avocat Général va me donner raison là-dessus) de faire la preuve du droit anglais."

Le Juge-Avocat s'adresse à l'avocat de l'accusé;

" A Londres, devant un tribunal militaire de l'armée canadienne, je suis d'avis que vous seriez obligé de faire la preuve de la loi anglaise."

L'avocat de l'accusé continue sa plaidoirie;

" J'avoue sincèrement qu'à l'intelligence d'un profane, cela me semble bien contradictoire, qu'une loi réfère et incorpore le droit commun anglais et qu'en même temps il faille considérer cette loi comme une loi étrangère. L'"Army Act" est incorporé dans le droit canadien; l'"Army Act" réfère au droit commun anglais. Elle dit d'une façon spéciale, il y a un article là-dessus..."

Le Juge-Avocat fait remarquer à l'avocat de l'accusé que l'"Army Act" ne réfère pas à tout le droit commun anglais, mais qu'il réfère presqu'exclusivement à la loi de la preuve.

L'avocat de l'accusé continue sa plaidoirie;

" Il faut bien dire que la loi militaire réfère au droit commun anglais en plusieurs occasions, et plus spécialement dans l'article 40 qui nous occupe. Alors, est-ce qu'on doit supposer que cette loi militaire, qui est une loi d'origine anglaise, qui réfère au droit commun anglais et qui, par conséquent, si vous ne la preniez pas à l'origine, ne référerait pas à une loi anglaise? Lorsque nous l'avons incorporée, nous l'avons, par conséquent, incorporée rien qu'à moitié. Nous avons incorporé la loi militaire qui nous réfère au droit commun anglais, et je soumets avec toute la déférence possible, m'inclinant devant les autorités connaissant bien mieux la loi militaire que moi, et qui ont eu plusieurs occasions de l'appliquer, que la loi militaire, référant au droit commun anglais, à certains articles --je ne dis pas qu'elle incorpore le droit commun anglais-- donne l'obligation à la Cour de prendre 'judicial notice' des articles ou des points de droit commun anglais auxquels il est référé

dans le 'Manual of Military Law', non comme une loi étrangère, mais comme une loi du pays. Et le témoin a appris la loi militaire. Si ceci était admis, je n'aurais pas besoin de prouver si le Capitaine Parent est habile à prouver la loi anglaise.

"En terminant, je dis que la loi anglaise n'est pas une loi étrangère au pays; que le droit anglais est la source même du droit canadien, en autant que le droit public est concerné, et que tout notre droit public est basé sur le droit anglais; et quiconque a voulu faire des études de droit canadien a voulu apprendre le droit criminel, le droit public, a dû commencer par approfondir les notions élémentaires du droit commun anglais.

"Je soumets respectueusement qu'un avocat canadien de la Province de Québec, qui a passé ses examens, qui les a passé sérieusement --parce qu'il faut admettre que tous les avocats font toujours les choses sérieusement-- qu'un avocat qui a passé les degrés universitaires, est compétent pour interpréter le droit anglais, en autant qu'il s'agit du droit public ou criminel. S'il s'agit du droit privé, nous avons nos lois françaises. Mais, en autant qu'il s'agit du 'Bribery', je soumets que n'importe quel avocat canadien est une personne 'skilled', une personne qui est capable de prouver ce droit et de l'établir devant une Cour."

Plaidoirie du Procureur sur la preuve du droit anglais

" Je ne pense pas devoir insister sur le dernier argument de mon confrère, parce que la pratique tant devant nos cours civiles canadiennes que les cours civiles anglaises ne permet pas qu'on prouve par n'importe qui la loi étrangère à un pays.

" Comme la Cour et le Juge-Avocat l'ont fait remarquer, pour prouver le droit étranger, il faut que le témoin qui est appelé à le prouver soit ce qu'on appelle en anglais "skilled and expert". Le témoin offert par la défense, comme le capitaine Simon Parent, est un avocat pour lequel j'ai beaucoup de respect, un avocat qui a travaillé dans le même bureau que moi; je reconnais ses capacités, mais je regrette de dire qu'au sens de la loi, le Capitaine Parent n'est pas un "skilled and expert witness of the Common Law".

" Quant à savoir si on doit faire la preuve du droit anglais pour prouver la section 41 de l'Acte de l'Armée, je dois dire que si l'Acte de l'Armée s'applique ici, il s'applique en vertu d'un statut qui est la loi de la milice canadienne; et s'il s'applique ici, c'est parce que nous avons l'article 69 de la loi de la milice canadienne qui dit que l'Acte de l'Armée s'appliquera en Canada et seulement L'Acte de l'Armée.

" On admet la loi de la preuve anglaise devant un Conseil de guerre parce que les articles 126 et 128 de l'Acte de l'Armée disent que devant un Conseil de guerre, la loi de la preuve anglaise s'appliquera; parce que la règle 73 dit que c'est la seule façon de faire la preuve devant un Conseil de guerre. La section 41 ne mentionne pas les crimes; elle n'en fait pas une énumération. Vous lirez la note en bas de la section 41 qui dit que les crimes punissables en Angleterre seront punis dans l'Armée Anglaise sous la section 41, sauf certains crimes énumérés dont on en verra à l'autorité civile. Dans cette loi, le droit commun anglais vient s'appliquer à l'Armée Canadienne; le droit anglais est étranger et comme toute autre loi, elle doit être prouvée devant cette Cour par quelqu'un dûment qualifié pour le faire, et je soumets que la défense n'a pas produit devant cette Cour ce quelqu'un qualifié pour le faire."

DIRECTIVES DU JUGE-AVOCAT
SUR LA PREUVE DU DROIT ANGLAIS

" La Cour n'a qu'une question à se poser:"La défense a-t-elle établi à la satisfaction du Tribunal que le Capitaine Simon Parent est un témoin habile à faire la preuve du "Common Law" anglais, et de la partie du "Common Law" anglais qui constitue spécifiquement le droit criminel, le droit criminel anglais?"

" C'est entièrement une question de preuve, et la question de preuve est laissée entièrement à la discrétion du Tribunal. Il n'y a absolument aucune directive à donner en droit sur la question - c'est une question de preuve. La défense a entendu le témoin sur ses qualifications en ce domaine-là, et la Cour a un pouvoir discrétionnaire à appliquer dans cette cause, étant donné que c'est une question de conscience et de jugement.

" Si je n'élabore pas plus longuement les principes qui régissent cette question de preuve de droit étranger, c'est que la question a déjà été soulevée dans la cause antérieure, celle du soldat Louis-Philippe Hamel. J'ai déjà eu l'occasion d'exposer les principes à ce moment-là, et je ne crois pas qu'il soit nécessaire de les répéter, étant donné que ces explications furent données devant les mêmes membres de la Cour qui siègent aujourd'hui; les principes sont les mêmes et c'est le même cas d'espèce. "

L'avocat de l'accusé, avec la permission de la Cour, réfère la Cour au paragraphe 11 (onze) du Chapitre VI du Manuel de Droit Militaire (p.72), qui se lit comme suit:

"11. By Rule of Procedure 74 the court are expressly authorized to take judicial notice of all matters of notoriety, including all matters within their general military knowledge. Thus, evidence need not be given as to the relative rank of officers, as to the general duties, authorities and obligations of different members of the service, or generally as to any matters which an officer, as such, may reasonably be expected to know. Again, it would not be necessary to prove that an important battle was fought on the 18th June, 1815. Among the matters of which it is the duty of all judges to take judicial notice may be mentioned:- Acts of Parliament; the general course of proceedings and privileges of Parliament, the date and place of the sittings of each House, but not transactions in their journals; the course of proceedings and rules of practice in the Supreme Court of Judicature; the accession of the King, the existence and title of every State and Sovereign recognized by the King, the Great Seal, the Privy Seal, the Seals of the Superior Courts of Justice, the seal of any notary-public in the British Dominions, and various other seals; the extent of the territories under the dominion of the Crown, and the territorial and political divisions of the different parts of the United Kingdom; the ordinary course of nature, natural and artificial divisions of time, and the meaning of English words; and all other matters which they are directed by any statute to notice. Judicial notice will also be taken of the fact that the country is at war."

La Cour fait remarquer que les textes cités sont des expressions d'opinion et non la loi même.

L'avocat de l'accusé demande à la Cour si, en vertu du paragraphe 11 cité et de la règle de procédure 74, à la page 665 du M.M.L., la Cour ne devrait pas prendre "judicial notice" du droit commun anglais et des Actes du Parlement.

Le Juge-Avocat donne lecture de la règle de procédure 74 (M.M.L. p. 665) :

"74. The Court may take judicial notice of all matters of notoriety, including all matters within their general military knowledge.",

et du paragraphe 10 du Chapitre VI (M.M.L. p.72):

"10. The Court are said to take judicial notice, in other words not to require evidence, of any facts which are so generally known as not to require special proof."

La Cour siège en audience privée pour étudier la question.

La Cour siège en audience publique et le Juge-Avocat annonce la décision de la Cour:

" La Cour a décidé que la preuve faite par la défense n'a pas établi à la satisfaction de la Cour que le Capitaine Simon PARENT est qualifié pour prouver 'The Common Law of England'. "

La Cour reprend le procès.

En vertu de la règle de procédure 36(A) (i), l'avocat de l'accusé fait un plaidoyer "in bar of trial" au premier chef d'accusation.

" Je veux établir par une preuve, que je demande la permission de faire, que l'accusé était "Acting-Sergeant" avant le 17 octobre 1942; qu'après avoir déclaré certains faits en relation avec la cause qui l'amène devant cette Cour, il a été dégradé, et que son officier supérieur et son officier-commandant ont disposé ainsi sommairement de son offense, si offense il y a."

L'accusé est interrogé par la Cour:

Q.41 Voulez-vous rendre témoignage vous-même ou appeler des témoins en votre faveur, à l'appui du plaidoyer spécial?

A.41 Je veux rendre témoignage, monsieur, et faire entendre des témoins aussi.

PREMIER TEMOIN POUR
LA DEFENSE SUR LE
"PLEA IN BAR OF TRIAL".

L'accusé, No. E-25858, soldat Léopold HOUDE, 5ème Cie, R.C.A.M.C., C.A., ayant dûment prêté serment, est interrogé par l'avocat de l'accusé:

Q.42 Houde, à quelle unité appartenez-vous au mois d'octobre 1942?

A.42 A la 5ème Compagnie du Corps Médical.

Q.43 Qui était votre officier-commandant?

A.43 Le Major Lacasse.

Q.44 Et quel était l'officier supérieur du Corps Médical à Québec?

A.44 Le Lieutenant-Colonel Jules Mercier.

Q.45 Au mois d'octobre, le dix-sept octobre 1942, quel grade aviez-vous?

A.45 "Acting-Sergeant".

Q.46 Depuis combien de temps?

A.46 Depuis le mois de juin.

Q.47 Le dix-sept octobre 1942, avez-vous eu l'occasion de voir le Colonel Mercier?

A.47 Oui, monsieur.

Q.48 En une fois, deux fois ou trois fois?

A.48 En trois fois, monsieur.

Q.49 La première fois, voulez-vous nous dire en quelle occasion et en quelle circonstance?

A.49 La première fois, il m'a questionné à propos...

Q.50 Un instant; n'allez pas trop vite. Etes-vous allé voir le Colonel Mercier de vous-même ou si on vous a demandé d'y aller? Pourquoi êtes-vous allé voir le Colonel Mercier?

A.50 Il m'a demandé.

Q.51 Qui vous a averti que le Colonel Mercier voulait vous voir? Qui vous a dit cela?

A.51 C'est le soldat Blouin qui m'a dit que le Colonel Mercier voulait me voir.

Q.52 Est-ce que vous travailliez dans le même édifice où le Colonel Mercier travaillait?

A.52 Dans le même édifice, mais pas le même plancher.

Q.53 Vous êtes-vous rendu chez le Colonel Mercier?

A.53 Oui, monsieur.

Q.54 Y avait-il quelqu'un de présent à ce moment-là, la première fois?

A.54 Oui, monsieur.

Q.55 Qui était là avec le Colonel Mercier?

A.55 Le Staff DesRosiers de la Police Montée.

Q.56 Vers quelle heure c'était?

A.56 Il était vers quatre heures, quatre heures et demie de l'après-midi.

Q.57 Vers quatre heures, quatre heures et demie de l'après-midi?

A.57 Oui, monsieur.

Q.58 Qu'est-ce qui s'est passé? Qu'est-ce que le Colonel Mercier vous a dit à ce moment-là?

A.58 Il m'a demandé des questions au sujet du Sergent Fortin.

Q.59 Qui était le Sergent Fortin?

A.59 Le Sergent Fortin, c'est le sergent en charge de nous autres sur le même plancher, mais pas dans le même "appartement".

Q.60 Sans donner les questions qui vous ont été posées et les réponses que vous avez données, sur quoi portaient ces questions?

A.60 Il voulait savoir si j'avais eu du trafiquage avec le Sergent Fortin.

Q.61 Au sujet de quoi?

A.61 Il n'a pas été question d'argent quand il m'a questionné la première fois.

Q.62 Avez-vous répondu?

A.62 J'ai répondu que je ne le savais pas.

Q.63 L'entrevue a-t-elle duré longtemps?

A.63 Non, monsieur.

Q.64 Vous êtes sorti? Où êtes-vous retourné?

A.64 Je suis sorti et j'ai monté au troisième étage.

Q.65 Avez-vous été re-demandé chez le Colonel Mercier.

A.65 Oui, monsieur.

Q.66 Vers quelle heure?

A.66 Vers six heures ou six heures et quart.

Q.67 Quand vous êtes entré chez le Colonel Mercier la deuxième fois, qui y avait-il là?

A.67 Il y avait le Staff Sgt. DesRosiers de la Police Montée, le Staff Plamondon; je crois que le Colonel Fortier était là, mais je n'en suis pas sûr.

Q.68 Voulez-vous nous dire qu'est-ce qui s'est passé quand vous êtes entré?

A.68 En entrant au bureau du Colonel Mercier, il a pris les ciseaux dans son tiroir et il a dit: "Va ôter tes barres".

Q.69 Qu'est-ce qui a été fait après?

A.69 Le Staff Sgt. Plamondon est venu me les découdre.

Q.70 Les a-t-il ôtées là ou en dehors?

A.70 En dehors du bureau du Colonel.

Q.71 Le Staff Sgt. Plamondon a sorti et a décousu vos barres?

A.71 Oui, monsieur.

Q.72 Après, où êtes-vous allé? Etes-vous monté travailler?

A.72 Il m'a redemandé après et si je me rappelle bien, à son bureau et il m'a questionné encore.

Q.73 Subséquemment à cela, ce soir-là, êtes-vous retourné chez vous?

A.73 Non, monsieur.
Q.74 Qu'est-ce qui est arrivé?
A.74 Il m'a envoyé dans le grand bureau et il m'a fait coucher...

Q.75 Le 17?

A.75 Oui, monsieur.

Q.76 Où avez-vous couché ce soir-là?

A.76 J'ai couché au "clink".

Interrogé contradictoirement par le Procureur.

Q.77 Houde, vous dites que la première entrevue que vous avez eue avec le Colonel Mercier a eu lieu à quatre heures de l'après-midi?

A.77 Quatre heures ou quatre heures et quart.

Q.78 Voulez-vous répéter qui était présent à cette entrevue?

A.78 Je sais que le Staff Sgt. DesRosiers était là.

Q.79 Vous jurez que le Staff Sgt. DesRosiers était là?

A.79 Si je me rappelle bien, il était là.

Q.81 Etes-vous sûr qu'il était là?

A.81 Je suis à peu près sûr.

Q.82 Etes-vous prêt à le jurer?

A.82 Oui, je suis prêt à le jurer puisqu'il était là.

Q.83 Et la deuxième entrevue a eu lieu vers six heures?

A.83 Vers six heures ou six heures et quart.

Q.84 Donc là, il y avait le Staff Sgt. DesRosiers?

A.84 Oui, il y avait le Staff Sgt. DesRosiers et vous-même.

Q.85 Et moi-même?

A.85 Oui.

Q.86 Au cours de ces deux entrevues que vous avez eues avec le Colonel Mercier, est-ce qu'on vous a lu un acte d'accusation?

A.86 Il m'a dit de parler rien que si je voulais, que j'étais pas obligé, et que je pourrais prendre un avocat plus tard.

Q.87 Il vous a dit que vous pourriez avoir un avocat un peu plus tard?

A.87 Il m'a dit que je pouvais avoir un avocat.

Q.88 Est-ce qu'on vous a lu un acte d'accusation en cette occasion?

A.88 Il ne m'a rien lu. Il m'a dit que j'étais pas obligé de parler, oui ou non; j'étais pas obligé.

Q.89 Est-ce qu'on vous a lu un acte d'accusation, un "charge-sheet" comme on l'appelle dans l'Armée?

A.89 Il ne m'a rien lu de ça.

Q.90 Est-ce qu'on vous a dit qu'on vous enlevait vos barres comme punition?

A.90 Non, monsieur.

Q.91 Maintenant, vous étiez Acting-Sergeant, vous?

A.91 Oui, monsieur.

Q.92 Quel était votre rang d'"acting"? Pourquoi étiez-vous acting-sergeant? Etiez-vous "Acting-Sergeant while so employed"?

A.92 C'est parce que j'avais quelqu'un en charge en haut; il m'a dit qu'il fallait des grades, des barres.

Q.93 Retiriez-vous la paie de Sergent?

A.93 Je l'ai déjà eue; ils me l'ont ôtée quand j'ai été transféré dans le Corps Médical.

Q.94 C'est-à-dire, le 17 octobre 1942, vous n'aviez pas la paie de sergent?

A.94 Non, monsieur.

Q.95 Et vous portiez vos barres d'"Acting-Sergeant"?

A.95 Oui, monsieur.

Q.96 Parce que vous aviez charge d'un certain personnel en haut?

A.96 Oui, monsieur.

Q.97 Maintenant, vous étiez "Acting-Sergeant while so employed"?

A.97 Oui, monsieur, j'étais "Acting-Sergeant".

Interrogé par la Cour:

Q.98 Quel était votre grade permanent? Etiez-vous soldat, lance-caporal ou caporal?

A.98 J'avais le rang d'"Acting-Sergeant".

Q.99 A quel temps? Quand?

A.99 J'étais "Acting-Sergeant" le 17 octobre.

Q.100 Quelle paie receviez-vous?

A.100 J'avais pas de paie le 17 octobre.

Q.101 Vous avez déjà eu une paie?

A.101 Oui, mais je ne l'étais pas dans ce temps-là.

Q.102 Est-ce que c'était $1.50, $1.70?

A.102 J'avais $1.30; seulement les allouances - $1.00. J'avais $1.30.

Q.103 Alors, votre emploi permanent était soldat?

A.103 Oui, monsieur.

Le Procureur s'adresse à la Cour:

"En vertu de l'Ordre de Routine 471, un "Acting-Sergeant" doit être accusé comme un "private"; peut-être que la défense n'est pas au courant de cela. Je comprends que Me Rivard est dans le civil aujourd'hui, mais je peux lui soumettre l'Ordre de Routine qui veut qu'un "Acting-Sergeant" -surtout dans les conditions de l'accusé Houde- soit accusé comme un "private".

Avec la permission de la Cour, l'avocat de l'accusé prend connaissance de Routine Order No. 471.

RO 471 is a Supplement (Blue) and is Appl'ble. pronounce and sentence - Nothing will be serve to do with point in question.

Le Procureur poursuit son contre-interrogatoire:

Q.104 A cette occasion-là, que s'est il passé chez le Colonel Mercier.

A.104 La première fois que j'y suis allé ou la deuxième fois?

Q.105 La première fois que vous y êtes allé et la deuxième fois aussi.

A.105 La première fois, il m'a parlé au sujet du sergent Fortin.

Q.106 Et la deuxième fois?

A.106 Il a voulu me faire dire des affaires; il m'a questionné

Q.107 Il vous a questionné sur quoi?

A.107 Pour l'affaire qui s'est passée en haut.

Q.107a Qu'est-ce qui s'est passé en haut?

L'avocat de l'accusé s'objecte à la question et s'adresse à la Cour:

" Je comprends que l'accusé a offert son témoignage sur un "plea in bar of trial", mais je ne crois pas qu'on puisse l'interroger au mérite, ou tenter d'obtenir de lui des admissions qui pourraient être prises en considération par cette Cour au mérite."

Le Juge-Avocat s'adresse à la Cour:

" Le "plea in bar of trial", de la manière que je le comprends, est comme suit: La défense dit: "nous prétendons que nous avons été punis pour l'offense qu'on nous reproche aujourd'hui." Par conséquent, pour réussir sur un tel plaidoyer, il faut que la défense établisse que l'accusé a déjà été puni pour l'offense qui lui est reprochée maintenant. Je ne vois pas très bien comment cette preuve pourrait être faite sans entrer dans le mérite de la cause.

" Toutefois, le témoin pourrait peut-être répondre aux questions sans préjudice."

L'avocat de l'accusé s'adresse à la Cour:

" Nous n'avons pas d'objection à ce que l'accusé réponde aux questions qui lui seront posées sur ce qui s'est passé chez le Colonel Mercier, sans préjudice --suivant les termes employés par le Juge-Avocat-- et avec l'entente que les réponses qu'il donnera sur son plaidoyer spécial ne pourront servir de preuve sur l'issue finale."

Le Juge-Avocat n'est pas d'opinion que la Cour puisse aller jusque là.

L'avocat de l'accusé s'adresse à la Cour:

" Qu'il plaise à la Cour. Je me permets de prendre un exemple, une analogie, sur le voir dire, sur l'admissibilité d'une confession. Si je suis devant une Cour criminelle, je vais mettre l'accusé dans la boîte et l'accusé va parler. Comme question de fait, sur le voir dire, on va faire sortir les jurés pour que les jurés ne soient pas empoisonnés... Ici, je n'ai pas peur du poison, mais je voudrais qu'il soit bien entendu que les réponses de l'accusé ne seront pas prises en considération lors du mérite de l'affaire. Sur un examen qui se fait sur un plaidoyer spécial, ou sur un examen de voir dire, je ne crois pas qu'on puisse se servir des réponses données par un accusé comme de la preuve, comme des admissions ou comme des aveux, au mérite."

Le Juge-Avocat s'adresse à la Cour:

" Nous ne pouvons pas procéder par analogie dans ce cas-ci avec la procédure en cours devant les tribunaux criminels. Nous entrons là dans un domaine excessivement délicat et difficile, parce que devant les tribunaux criminels, les tribunaux canadiens peuvent donner une protection; mais dans ce cas-ci, nous ne pouvons pas le faire.

" Il y a une grande différence entre la procédure des tribunaux anglais et la procédure des tribunaux canadiens. Alors, l'analogie ne s'appliquerait pas dans ce cas-ci.

" Nous sommes dans une situation excessivement difficile. Je suis d'avis que la Cour permette à l'accusé, au témoin, de faire sa déclaration, réservant ses droits, et je suis assuré que les membres du Tribunal...les membres de la Cour feront tout ce qui est humainement possible pour éliminer ces faits lorsqu'on sera au procès; ils le feront consciencieusement et en autant que cela peut se faire humainement."

Le Procureur poursuit son contre-interrogatoire:

Q.108 Alors, Houde, que s'est-il passé entre le Colonel Mercier et vous, cette journée du 17 octobre 1942?

A.108 La deuxième fois qu'il m'a parlé, à six heures et quart?

Q.109 La première fois, il vous a parlé, dites-vous, du sergent Fortin. Alors, de quoi a-t-il été question au sujet du sergent Fortin?

A.109 Il m'a demandé si j'étais au courant du trafiquage qui se faisait, en haut; j'ai répondu que non. Ensuite, après qu'il m'eut fait ôter mes 'barres', je ne me rappelle pas au juste ce qu'il m'a dit.

Q.110 Cela, c'est lors de la première entrevue qu'il vous a parlé du sergent Fortin?

A.110 Oui, monsieur.

Q.111 Vous avez répondu au Colonel Mercier que vous ne connaissiez rien de ce qui s'était passé en haut?

A.111 Oui, monsieur.

Q.112 Là, ensuite de cela, vous avez eu une autre entrevue?

A.112 Oui, monsieur.

Q.113 Au cours de cette deuxième entrevue, de quoi a-t-il été question?

A.113 Il m'a demandé si j'avais eu un flacon de 'scotch' de quelqu'un.

Q.114 Qu'est-ce que vous avez répondu?

A.114 J'ai répondu, "oui", "oui, monsieur".

Q.115 Racontez à la Cour ce que vous avez dit.

A.115 Je ne m'en rappelle pas assez pour vous le raconter.

Q.116 Vous ne vous en rappelez pas assez pour nous le raconter?

A.116 Non, monsieur.

Q.117 De quelle façon? Dites-nous ce que vous savez.

A.117 Je sais que c'est au sujet de cette affaire-là, mais...

Q.118 Est-ce que c'était vrai qu'il avait été question d'un flacon de 'scotch'?

A.118 Oui, monsieur.

Q.118a A quelle occasion?

L'avocat de l'accusé s'objecte à la question et s'adresse à la Cour:

" Je m'objecte à ce que l'on demande au témoin ce qui s'était passé au sujet du flacon de 'scotch'. On peut le questionner sur ce qu'il a déclaré au Colonel Mercier, mais je soumets qu'on ne peut pas lui demander si ce qu'il a dit au Colonel Mercier était vrai. C'est une question à être décidée au mérite."

Le Juge-Avocat s'adresse au Procureur:

" Le débat actuel, qui est un genre de 'trial within a trial', a pour objet d'établir si oui ou non l'accusé a été puni pour les offenses qui lui sont reprochées aujourd'hui, à savoir, le d'avoir reçu

des sommes d'argent; 2o d'en avoir distribué. Voudriez-vous essayer, monsieur le Procureur, de restreindre le débat à ce domaine-là?"

Le Procureur demande à la Cour de prendre note du fait qu'il est en contre-interrogatoire.

L'objection est maintenue par la Cour.

Le Procureur poursuit son contre-interrogatoire:

Q.119 Voulez-vous dire à la Cour si, à cette occasion, vous avez déclaré au Colonel Mercier avoir reçu des sommes d'argent?

A.119 Je ne me rappelle pas s'il me l'a demandé. La deuxième fois que j'ai été là, je sais qu'il m'a demandé des questions et je ne me souviens pas ce que j'ai répondu.

Le Juge-Avocat s'adresse au Procureur et lui demande si cela était avant que les chevrons du témoin lui soient enlevées.

Le Procureur répond que c'était avant la deuxième entrevue chez le Colonel Mercier.

Le Juge-Avocat dit avoir compris que les chevrons du témoin lui avaient été enlevés à la première entrevue.

Vu l'heure avancée, la Cour décide de ne pas faire relire le témoignage de l'inculpé avant l'ajournement, mais en ordonne la transcription avant la reprise de l'audience, à 10 h. de l'avant-midi, le 28 novembre 1942.

A 5 h. 15 de l'après-midi, le 27 novembre 1942, la cour s'est ajournée jusqu'à dix heures de l'avant-midi, le 28 novembre 1942.

Le 28 novembre 1942, à 10 h. de l'avant-midi, la cour se rassemble, conformément à l'avis d'ajournement; sont présents les mêmes membres que lors de la suspension des débats.

A la reprise de l'audience, la transcription du témoignage est lue par le Juge-Avocat.

Avant que le contre-interrogatoire se poursuive, l'avocat de l'accusé demande à la Cour la permission de retirer son "plea in bar of trial" et s'adresse à la Cour:

" Monsieur le Président, afin de hâter les procédures, nous désirons retirer notre plaidoyer spécial. Hier, lors de la discussion sur ce plaidoyer,

le Procureur m'a renseigné sur un point que j'aurais peut-être dû savoir mais que j'ignorais, à savoir, l'existence d'un 'Routine Order' concernant la façon dont on pouvait enlever les grades d'un sous-officier intérimaire, d'un 'Acting N.C.O.'. J'en ai pris connaissance ce matin. Après en avoir pris connaissance, je crois de mon devoir de déclarer que l'accusé retire son plaidoyer "in bar of trial", avec la permission de la Cour."

Le Procureur s'adresse à la Cour:

" Avant que la défense puisse retirer son "plea in bar of trial", je crois devoir dire qu'il y a peut-être une raison autre que celle donnée par mon confrère, quoique je ne doute pas de celle-ci. Je ferais remarquer, toutefois, que l'on veut retirer le plaidoyer spécial "in bar of trial" au moment où l'accusé est dans la boîte, au moment où il est pressé de questions. La défense a fait son lit. On a placé l'accusé dans la boîte et on a permis à la poursuite de commencer un contre-interrogatoire.

" Hier, pour une raison technique, afin que le sténographe n'ait pas à relire tout le témoignage de Houde, mais puisse plutôt le transcrire, on a ajourné à ce matin. Il est évident que l'accusé a droit à une pleine et entière défense, mais, lorsqu'elle a offert à la poursuite de faire entendre l'accusé, le témoin, la défense ne peut, à un moment donné, sauf pour enrégistrer un plaidoyer de coupable, retirer l'accusé de la boîte.

" Etant donné les avantages que la défense a donnés à la poursuite hier, la poursuite soumet qu'il est juste que le procès suive son cours normal."

Avec la permission de la Cour, l'avocat de la défense fait la réplique suivante:

" Evidemment, un accusé a le droit de changer son plaidoyer au cours du procès. Il a également le droit de retirer les objections qu'il a faites. Ceci se fait tout le long de la preuve; une objection est faite et l'accusé la retire. L'accusé était dans la boîte simplement sur cette question, savoir; si oui ou non on avait disposé sommairement de son cas; la poursuite ne pouvait tirer d'autres avantages de la transquestion de l'accusé que de faire décider par la Cour qu'on n'avait pas déjà disposé de son cas sommairement. On ne pouvait pas obtenir un avantage pour le procès, puisque l'accusé n'avait pas encore plaidé. L'accusé demande donc de retirer son objection, et je pense qu'avec le retrait de l'objection, et même, je crois, toute la procédure qui l'accompagnait, et tout ce qui était nécessaire pour qu'il en fasse la preuve, pour la considérer, doit nécessairement cesser.

" Je soumets respectueusement qu'il n'y a plus de raisons de contre-interroger l'accusé parce qu'il n'y a plus rien à faire décider par la Cour."

Le Juge-Avocat s'adresse au Procureur et à l'Avocat de l'accusé;

" Voulez-vous argumenter à fond ce prétendu droit absolu de la défense de retirer un "plea in bar of trial"? Je crois que c'est une situation très spéciale; cela ne s'est jamais présenté à ma connaissance.

" Je ne suis pas en mesure, dans le moment, de vous donner une opinion, à moins d'avoir des textes ou que vous puissiez éclairer ma religion. Même, je serais porté à croire que je serai obligé de communiquer avec le Juge-Avocat Général, à Ottawa."

La Cour siège en audience privée pour étudier la question.

La Cour siège en audience publique.

Le Procureur et l'avocat de l'accusé déclarent ne pas avoir à soumettre à la Cour d'autres arguments que ceux déjà soumis.

Le Président déclare que le Juge-Avocat s'est mis en communication avec le Juge-Avocat Général relativement à la question en litige et demande au Juge-Avocat de donner la décision de la Cour.

Le Juge-Avocat annonce la décision de la Cour;

" La Cour décide que, en quelque temps que ce soit, un accusé a le droit, à sa discrétion, de retirer un plaidoyer quelconque, à n'importe quel stage de la procédure, y compris le moment où il serait témoin en sa propre cause, et à être contre-interrogé."

" Cette opinion a été soumise au Juge-Avocat Général, lequel l'a confirmée."

La Cour décide donc de permettre à l'accusé de retirer son plaidoyer spécial de "in bar of trial".

Le témoin reprend son siège comme accusé.

Le Juge-Avocat s'adresse à l'accusé;

Q.120 Etes-vous coupable ou non coupable du premier chef d'accusation qu'on vous a lu?

A.120 Non coupable.

Q.121 Etes-vous coupable ou non coupable du deuxième chef d'accusation qu'on vous a lu?

A.121 Non coupable.

L'avocat de l'accusé déclare qu'il n'a aucune objection à ce que la Cour procède sur les deux chefs d'accusation et prie la Cour d'ajourner l'audition au lundi, 30 novembre, 1942.

A 11 h. 57 de l'avant-midi, le 28 novembre 1942, la Cour s'est ajournée jusqu'à 10 h. 30 de l'avant-midi, le 30 novembre 1942.

Le 30 novembre 1942, à 10 h. 30 de l'avant-midi, la Cour se rassemble conformément à l'avis d'ajournement; sont présents les mêmes membres que lors de la suspension des débats.

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.122 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.122 No, Sir.

The prosecutor [hands in a written address, which is read, marked "G" , signed by the President, and attached to the proceedings].

The prosecutor proceeds to call witnesses.

First witness for prosecution.

J. Adélard AUBE, négociant, 111, rue St-Cyrille, Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.123 Monsieur Aubé, connaissez-vous l'accusé?

A.123 Oui, monsieur.

Q.124 Où l'avez-vous rencontré?

A.124 Je l'ai rencontré chez son frère, chez lui, chez ses parents.

Q.125 Vous le connaissez de vieille date?

A.125 Depuis douze ans.

Q.126 Avez-vous eu affaire à l'accusé dans le cours du mois de juin dernier?

A.126 Dans la crainte de m'incriminer, je fais objection de parler.

Q.127 La question est: "Avez-vous rencontré l'accusé dans le courant du mois de juin dernier?"

A.127 Je l'ai rencontré, mais pas pour lui parler.

Q.128 Quand l'avez-vous rencontré pour lui parler?

L'avocat de l'accusé s'objecte à la question pour la raison que la réponse pourrait incriminer le témoin et s'adresse à la Cour:

" Je crois qu'il y a une objection de faite, une objection qui est faite par le témoin. La Cour me permettra d'attirer son attention sur le paragraphe 95 du Chapître VI, (M.M.L. p.96) qui dit que lorsqu'il y a danger pour un témoin de s'incriminer, la Cour doit l'avertir que les réponses qu'il donne aux questions qu'on lui pose, suscitent pour lui un danger de s'incriminer. Il n'est pas obligé de parler. C'est en vertu de la loi militaire et de toute autre loi."

Le Juge-Avocat donne sa directive à la Cour;

" Il ne peut pas être forcé à répondre à une question qui pourrait l'incriminer; naturellement c'est à la Cour de juger si la réponse à une question posée peut être incriminante. Je crois que la réponse à la dernière question posée ne peut pas être incriminante pour le témoin et qu'il doit répondre."

L'objection est rejetée par la Cour.

A.128 Dans le mois d'août, à la fin d'août; je ne sais pas la date exacte.

Q.129 A quelle occasion, monsieur Aubé?

L'avocat de l'accusé s'objecte à la question.

Le Procureur fait remarquer que c'est au témoin à s'objecter et non pas à l'avocat de l'accusé.

Directives du Juge-Avocat;

" La Cour a pris note de l'attitude du témoin. Je demanderais au témoin de ne pas répondre tant que la Cour n'aura pas déclaré si la réponse peut être incriminante ou non.

" C'est de lui-même que le témoin doit demander ou invoquer ce privilège, parce que c'est lui qui sait en quoi cela peut l'incriminer.

" Nous en sommes rendus à un point très important. Cette question se présentera de nouveau avec une foule de témoins qui peuvent être appelés. J'ai examiné les résumés de la preuve, et j'ai pensé qu'il y avait lieu d'examiner cette question-là à fond. Je l'ai fait pendant trois jours, à la bibliothèque du barreau de Montréal. Mon opinion est formée et je donnerai à la Cour les directives nécessaires à ce sujet. Est-ce que, Messieurs de la poursuite et de la défense, vous voulez plaider maintenant à fond cette question de "privilege of silence" du témoin? Et si vous voulez la plaider à fond, voulez-vous un ajournement pour le faire ou êtes-vous prêts à la plaider maintenant?"

Le Procureur s'adresse à la Cour;

" Il est impossible de plaider maintenant parce que c'est la question ou les questions et les réponses du témoin données à ces question qui peuvent soulever l'objection et qui peuvent amener une discussion."

La Cour déclare comme suit:

" Nous en sommes rendus à une question délicate. Jusqu'à présent, les réponses ne pouvaient pas être incriminantes. Quant à la question qui vient d'être posée, nous sommes rendus à un moment où il est possible que la réponse à cette question soit incriminante. Il serait à propos de plaider la question à fond maintenant."

Le Procureur demande à la Cour de considérer la question, qui est la suivante:

"Quand l'avez-vous rencontré?"

Le Juge-Avocat déclare que la réponse peut être incriminante, comme étant "the first link in a chain".

Le Procureur fait remarquer qu'il faudrait que le témoin explique à la Cour en quoi cela l'incriminerait.

L'avocat de l'accusé répond que si le témoin explique pourquoi la réponse l'incriminerait, le témoin s'incriminerait par le fait même.

Directives du Juge-Avocat:

" Le témoin a témoigné au résumé de la preuve; il a donné une déclaration écrite de sa main.

" Je crois que la question peut être vidée. Il est peut-être possible que la réponse ne soit pas incriminante; il est également possible qu'elle le soit. A chaque question à laquelle le témoin refuse de répondre il faut qu'une directive soit donnée à la Cour, et il faut que la Cour soit mise au courant de la loi. C'est pour cela que je vous suggérerais d'en finir avec les principes régissant ce point-là, de vider cette question à fond."

L'avocat-conseil du procureur s'adresse à la Cour:

" Qu'il plaise à la Cour, nous avons peut-être atteint le point le plus important de la procédure dans cette cause, et peut-être de toutes les causes qui viendront après. Cette cause est entendue en vertu de l'"Army Act", et, en vertu de l'"Army Act", c'est la loi de la preuve en usage devant les cours civiles en Angleterre qui doit s'appliquer. Et, en vertu de cette loi de la preuve, il y a une différence --la plus importante des différences entre la loi de la preuve en usage au Canada et celle en usage devant les cours civiles anglaises, et quand je dis "civiles anglaises", je veux dire les cours de juridiction criminelle d'après l'interprétation donnée dans l'"Army Act".

" En vertu de la loi de la preuve, un témoin a le droit de refuser de répondre si les réponses qu'il donnerait pourraient l'incriminer soit dans une procédure civile soit dans une procédure criminelle, soit dans une autre procédure devant une autre cour martiale. C'est un privilège qui n'est pas donné, je le soumets respectueusement, à la défense. C'est un privilège donné uniquement au témoin. C'est au témoin de juger si la

réponse qu'il donnera l'incriminerait et chaque fois qu'une question lui est posée, il doit donner devant la Cour les circonstances qui permettront au Tribunal de juger si sa réponse l'incriminerait. Alors, ce n'est pas le témoin, qui, en définitive, est le seul à juger si la question qui lui est posée entraînerait une réponse qui l'incriminerait; c'est le Tribunal, c'est la Cour qui peut juger d'après l'exposé des circonstances si la réponse pourra l'incriminer.

" Et je soumets respectueusement que la question pourra revenir à chaque interrogatoire, parce qu'il serait facile pour le témoin de dire que ça l'incriminerait et refuser de répondre à toutes les questions, ce qui équivaudrait à refuser de témoigner dans une cause.

" Alors, la doctrine et l'esprit de la loi anglaise de la preuve n'est pas de prévenir le témoignage d'un témoin, d'empêcher un témoin de témoigner devant la Cour, mais bien de lui permettre de témoigner; mais si à une question, la réponse peut l'incriminer, c'est un privilège qui lui est personnel d'invoquer le droit de refuser de répondre. Or, je soumets donc que les avocats ne pourraient pas invoquer ce privilège pour lui. C'est lui seul qui doit l'invoquer, et quand il l'invoque, il doit donner les circonstances qui permettent au tribunal de dire si sa réponse l'incriminerait ou non.

" Cela pourrait faire durer le procès, mais je crois qu'il serait du devoir de la poursuite d'obtenir une décision sur chaque réponse que le témoin pourra être appelé à donner ou pas donner."

L'avocat de l'accusé s'adresse à la Cour;

" Comme le dit mon savant ami, il y a des principes sur lequel il est facile de s'entendre. Ce n'est pas le privilège de la défense, c'est clair, évidemment; ce n'est pas la défense qui doit l'invoquer, c'est le témoin, qui dans le cas actuellement devant vous, doit l'invoquer et c'est le témoin lui-même qui l'a invoqué.

" Une fois que le témoin l'a invoqué, la défense, qui doit être pleine et entière, a intérêt aussi à ce que la preuve légale soit admise devant la Cour et c'est sur cela que je veux parler, quand je fais mon objection.

" Pour éclairer notre religion en la matière, j'admets le principe admis par mon savant ami, qu'il y a une différence radicale entre le droit canadien et le droit anglais. Cette différence est celle-ci: en vertu de l'article 5 de la loi de la preuve du Canada, un témoin qui déclare que la réponse qu'il peut donner peut l'incriminer, va être quand même obligé de répondre parce que le juge peut lui donner un certificat que toutes les réponses qu'il donnera ne pourront servir contre lui plus tard à un procès. Ceci est une disposition

canadienne qu'on ne trouve pas dans le droit anglais, et par conséquent, nous restons avec l'article 95, Chapitre VI du M.M.L., page 96, purement et simplement, pour le privilège du témoin.

"Il est peut-être bon de le lire, et je demande la permission de la Cour de le lire:

"95. A witness (other than the accused himself when giving evidence on his own application, and as to the offence wherewith he is charged), cannot be compelled to answer a question if the answer would, in the opinion of the Court, have a tendency to expose him to any criminal charge, penalty, or forfeiture, or to any military punishment."

"L'article va plus loin. Par conséquent, je m'accorde avec mon savant ami; ce n'est pas au témoin de décider si la réponse à la question peut l'incriminer ou non, c'est à la Cour. Seulement, je diffère un peu avec mon savant ami, car si un témoin est obligé d'expliquer à la Cour en quoi sa réponse va l'incriminer, il est aussi bien de parler, parce que, évidemment, en disant à la Cour en quoi sa réponse va l'incriminer, il va donner la réponse qui l'incrimine.

"Ici, comme le Juge-Avocat le disait, on a eu occasion d'avoir vu le sommaire d'évidence; mon savant ami, le Colonel Fortier, le procureur, y a fait allusion. Il est facile de voir qu'à la question qui est posée, la réponse que peut donner le témoin peut -pour prendre le texte de la loi - "has a tendency to expose him to a criminal charge, penalty or forfeiture".

"Je crois que dans les circonstances, quand on demande à un témoin dans une cause où il s'agit de savoir si l'accusé a reçu de l'argent de certaines personnes dans l'exécution de ses fonctions, au bureau médical, et ce, sans revenir sur ce qui a été dit, si la Cour se rappelle l'exposé de faits qui a été prononcé devant elle par l'avocat de la poursuite, il est facile de voir à mon sens qu'une question générale comme cell-là, expose certainement le témoin à donner une réponse qui pourrait l'incriminer.

"C'est évidemment à la Cour de le juger.

"J'admets bien avec mon savant ami qu'en pratique, si on veut aller jusque là, le point peut se soulever sur chaque question. Et je soumets que maintenant que le témoin a invoqué ce privilège, je crois qu'il est du devoir de la Cour -je le soumets respectueusement- de considérer chaque question, s'il plait à la poursuite de procéder ainsi, pour savoir si chaque question a une tendance à exposer le témoin à une poursuite.

"Si dans l'opinion de la Cour, une réponse peut exposer le témoin à une poursuite, le privilège doit être donné au témoin, et la Cour doit lui dire, qu'il n'est pas obligé de répondre.

"Evidemment, je m'étais préparé un peu sur la différence entre le droit anglais et le droit canadien. Si nous

considérons Phipson, il n'y a rien dans le droit anglais qui voit à une protection devant la Cour. La question qui se soulève est: "Est-ce que véritablement la question que l'on pose peut offrir pour le témoin un danger qu'il s'incrimine?" Et si en vertu de la loi, dans l'opinion de la Cour, il y a doute, s'il y a une possibilité qu'il s'incriminerait, ce doute-là doit être interprété en faveur du témoin.

" Je remercie la Cour du privilège qu'elle m'a donné d'exposer mes vues sur cette question."

Directives du Juge-Avocat:

" 'Il est de mon devoir de donner à la Cour une directive sur la question de droit qui vient d'être soulevée par le témoin lui-même.

" La poursuite et la défense, comme moi-même d'ailleurs, sommes d'accord sur la question que la loi à appliquer, les règles de la preuve à appliquer dans l'espèce, sont celles qui régissent les tribunaux civils de juridiction criminelle en Angleterre, et non pas la loi de la preuve canadienne.

" Si je souligne ce fait avec un peu d'emphase, c'est qu'il s'agit d'une des rares différences essentielles qu'il y a entre les règles de la preuve en Angleterre et les règles de la preuve au Canada, d'après le droit canadien.

" Un tribunal canadien peut dire à un témoin: "Vous avez la protection de la Cour; ce que vous direz ne pourra pas servir plus tard contre vous dans des procédures quelconque."

" En droit anglais, la Cour ne peut pas donner de protection à un témoin. Au contraire, on doit aviser le témoin que, si les réponses qu'il est sur le point de donner sont de nature à l'incriminer, c'est son privilège de demander à la Cour de ne pas être forcé de répondre aux questions posées. C'est ce qui est connu en droit anglais comme "the privilege of silence". Ceci est bien résumé au paragraphe 95 du Chapitre VI (M.M.L. p.96). Les principes essentiels sont là condensés d'une façon très pratique.

" Cependant, comme la question soulève des questions ancillaires, telle que celle de savoir à qui le bénéfice du doute doit être donné, il me va falloir entrer de façon détaillée dans toute la matière, et je ne crois pouvoir faire mieux que de donner lecture à la Cour du texte d'un auteur reconnu sur la loi de la preuve en Angleterre, "Best on Evidence".

" J'ai consulté également "Phipson on Evidence" (8ème édition, 1942), ce qui est plus récent, à la page 187, à la page 198 et les pages suivantes, et aux pages 443 à 451; de même que "Archbold's Criminal Pleading, Evidence and Practice" (30ème édition, 1938) particulièrement à la page 480, et "Roscoe Criminal Evidence" (15ème édition, 1938), pages 172 à 175.

La doctrine est la même; elle est parfois exposée en phraséologie différente, mais l'exposé le plus clair, et que je crois le plus de nature à éclairer le tribunal, est celui que je trouve dans "Best on Evidence". Il faut retourner aux éléments de la loi de la preuve:

"BEST ON EVIDENCE", 11ème édition (1911).

P.650 (5) : A witness may refuse to answer questions which in the opinion of the Court may tend to incriminate him for the future; but he may be questioned as to a conviction for past crime, and the convictions may be proved against him if he denies it or refuses to answer.

P.115: What persons are compellable to give evidence. Para.125. The law allows no excuse for withholding evidence which is relevant to the matters in question before its tribunals, and is not protected from disclosure by some principle of legal policy, a person, therefore, who, without just cause, absents himself from a trial at which he has been dully summoned to attend as a witness; or a witness who refuses to give evidence, or to answer questions which the Court rules proper to be answered, is liable to punishment for contempt.

P.116. Para. 126. No action lies against a witness in respect of his evidence.

P.117. "...the law extends a personal privilege to witnesses of declining to answer particular questions, a privilege based on the principle of encouraging all persons to come forward with evidence in courts of justice, by protecting them as far as possible from injury or needless annoyance in consequence of so doing. It is therefore a settled rule that a witness is not to be compelled to answer any questions, the answering of which has a tendency to expose him to a criminal prosecution, or to proceedings for a penalty, or for a forfeiture of an estate or interest. "Nemo tenetur seipsum accusare" - "Nemo tenetur seipsum prodere". This is laid down in all our books, is the established practice of the Courts, and is recognized by the Witness Act, 1806, 46, Geo. 3 C. 37 (1) and Other Acts.

P.118. Para. 127. In order to entitle a witness to refuse to answer a question on the ground that it might tend to incriminate him, the question need not be such that the answer thereto would itself be evidence against him on a criminal charge; it is sufficient if the answer might furnish a link in a chain of evidence which might implicate him in such a charge...

P.119. Para.128. When the grounds of privilege are before the Court, it is for the Court, and not for the witness or party interrogated, to decide as to their sufficiency. But much difference of opinion has been expressed, as to whether, if a witness or party interrogated objects to answering a particular question, alleging on oath that the answer would tend to expose him to criminal proceedings, penalty, or forfeiture, the Court is bound to disallow the question, even though it does not see in what possible way the answer to it could have that effect...

In Fisher vs Ronalds, Jervis, C.J., and Maule J. laid down in the most unequivocal terms that the Court is bound by the statement on oath of the witness; and their language was cited with approbation in Adams vs Lloyd, by Pollock, C.B., but with this qualification, that the judge must be perfectly certain that the witness is not trifling with the authority of the Court, and availing himself of the rule of law, in order to keep back the truth, having, in reality no ground whatever for claiming the privilege. The whole doctrine was, however, distinctly denied by Parks, B. in Osborne vs The London Dock Company, and by Stuart, V.C. in Sidebottom vs Adkins, the latter of which is an express decision on the subject, the others being only dicta unnecessary for the determination of the cases in which they are found. In support of the exclusive right of the party or party interrogated, it was urged that, as he alone can know in what way the answer to any particular question could affect him, the requiring him to explain this to the Court would be a virtual denial of the privilege; seeing that it is impossible to affirm a priori, that any imaginable fact can under no possible circumstances whatever become evidentiary, either immeidately or mediately of any other... On the other hand, however, it is to be remembred that the judge is the proper authority to determine all questions relative to the reception of testimony; and consequently to decide whether, taking into consideration all the circumstances, including the demeanor of the person who claims the privilege, an answer to any particular question ought to be exacted; and that, to allow the witness or party interrogated the exclusive right contended for, would not only introduce an anomaly into the law of evidence, but enable every witness, who might be swayed by improper motives, and be indifferent to his reputation, easily and with perfect impunity, to evade giving any evidence whatever...

P.120. Para 126(A). The whole question came at last before the Queen's Bench in Rex vs Boyes, where the dicta in Fisher vs Ronalds were distinctly overruled by an unanimous decision of that Court. The considered judgment of the Court was as follows:

"It was contended that a bare possibility of legal peril was sufficient to entitle a witness to protection; nay, further, that the witness was the sole judge as to whether his evidence would bring him into danger of the law; and that the statement of his belief to that effect, if not manifestly made mala fide, should be received as conclusive. With the latter of these propositions, we are altogether unable to concur. Upon a review of the authorities, we are clearly of opinion...that to entitle a party called as a witness to the privilege of silence, the court must see from the circumstances of the case and the nature of the evidence which the witness is called to give, that there is reasonable ground to apprehend danger to the witness from his being compelled to answer. We indeed quite agree that, if the fact of the witness being in danger be once made to appear, great latitude should be allowed to him in judging for himself of the effect of any particular question, there being no doubt...that a question that might appear at first sight a very innocent one might, by affording a link in a chain of evidence, become the means of bringing home an offence to the party answering.

Subject to this reservation, a judge is, in our opinion, bound to insist on a witness answering, unless he is satisfied that the answer will tend to place the witness in peril. Further than this, we are of opinion that the danger to be apprehended must be real and appreciable, with reference to the ordinary operation of law in the ordinary course of things. We think that a merely remote and naked possibility, out of the ordinary course of the law, and such as no reasonable men would be affected by, should not be suffered to obstruct the administration of justice. The object of the law is to afford to a party, called upon to give evidence in a proceeding "inter alios", protection against being brought by means of his own evidence without the penalties of the law. But it would be to convert a salutary protection into a means of abuse, if it were to be held that a mere imaginary possibility of danger, however remote and improbable, was sufficient to justify the withholding of evidence essential to the ends of justice.

P.123. Para. 129. It used to be considered that the witness who intended to claim the privilege of not answering questions of this nature was bound to claim this privilege at once; and that if he began a criminative statement when he might have refused to make it, he was compelled to go on with it...But in Rex vs Garbett, a majority of the judges overruled the old notion, and held that the witness might claim his protection at any stage of the inquiry.

P.125 Para. 131. It was formerly a disputed point whether witnesses were compellable to answer questions the answers to which would subject them to civil proceedings. To set this matter at rest, the "Witness Act", 1806, 46 Geo.3, C.37 was passed, which, after reciting the existing doubts on the subject, declared and enacted that,-

"Witness cannot by law refuse to answer a question relevant to the matter in issue, the answering of which has no tendency to accuse himself or to expose him to penalty or forfeiture of any nature whatsoever, by reason only, or on the sole ground, that the answering of such question may establish or tend to establish that he owes a debt, or is otherwise subject to a civil suit."

" Je demande pardon à la Cour d'avoir pris de son temps à lire des textes plutôt arides. Je suis porté à croire que c'était de nature à donner le principe général en vertu duquel un témoin, dans certains cas, peut demander à la Cour de ne pas être obligé de répondre aux questions.

" Les principes qui se dégagent de ce texte me semblent être les suivants:

D'abord, un témoin doit répondre aux questions, ceci sous peine de différentes sanctions. Un témoin a le privilège de ne pas répondre si les réponses aux questions posées sont de nature à l'incriminer. Le mot "incriminer", tel qu'exposé dans ce texte comprend à la fois la possibilité de procédures criminelles, la possibilité de procédures pouvant donner lieu à des impositions de pénalités,

ce que nous appelons généralement des sanctions pénales, comme sous la "Loi des Liqueurs", ou ce qui est connu en droit anglais comme des "forfeitures", et en matière militaire, d'une accusation militaire.

" Maintenant, en autant qu'il s'agit d'accusations militaires, un témoin qui n'est pas lui-même sujet au droit militaire, un civil, ne pourra pas être jugé par un tribunal militaire.

" Alors, la Cour aura à se poser une question: "Est-ce qu'un témoin civil, en répondant aux questions posées, plus spécifiquement la dernière réponse posée, donnerait un témoignage qui pourrait servir contre lui lors d'une accusation contre lui devant les tribunaux criminels. S'il y a un doute dans l'esprit de la Cour, ce doute doit être résolu en faveur de l'attitude du témoin.

" Il n'appartient pas au témoin de décider lui-même s'il doit répondre ou non, ou si la question est incriminante ou non. La Cour doit donner beaucoup d'importance à l'attitude que prend le témoin car il n'y a que lui qui sache la réponse qu'il va donner et jusqu'à quel point elle l'incriminerait, mais la Cour n'est pas liée par les opinions du témoin. "

L'avocat de l'accusé demande au Juge-Avocat de bien vouloir attirer l'attention de la Cour sur l'article 158 du Code Criminel.

Le Juge-Avocat déclare comme suit:

" Je ne le peux pas, et vous savez peut-être pourquoi. J'ai omis de dire dans mon résumé que le témoin ne peut pas refuser de répondre simplement parce que ses réponses pourraient le rendre susceptible de procédures devant des tribunaux civils; cela est couvert dans le paragraphe 17 du Chapitre VI (M.M.L.p.74). C'est d'ailleurs un principe général.

La Cour ordonne au témoin de répondre à la dernière question posée, savoir:

Q.129 A quel occasion avez-vous rencontré monsieur Aubé?

A.129 Je dois répondre?

Q.130 Oui.

A.130 Mon fils, ayant été classé "E" par son médecin, la soeur de l'accusé me dit...

L'avocat de l'accusé s'objecte à toute conversation entre le témoin et une autre personne hors la présence de l'accusé.

Le Juge-Avocat instruit le témoin à l'effet que toute conversation entre lui-même et une autre personne hors la présence de l'accusé ne doit pas être répétée.

Le témoin répond de nouveau à la question No. 130:

A.130a Alors, je suis allé, sur sa demande, le rencontrer à sa maison privée.

Q.131 Sur la demande de qui?

A.131 La demande de l'accusé, par l'intermédiaire d'un autre. Alors, je lui ai demandé s'il était possible d'obtenir le refus final de l'Armée à mon fils, ajoutant qu'il en connaissait le rouage. Enfin, il dit: "C'est un peu difficile" et "Je vais essayer. Dites à Jos qu'il vienne me voir demain soir."

Q.132 C'est le nom de votre fils, Jos?

A.132 Oui. Alors, avant même que Jos aille le voir, il est venu lui-même un matin chez moi, s'entendre avec mon fils. Quelques jours après, le lendemain ou le surlendemain, je reçois un téléphone de l'accusé me disant d'aller le voir au bureau de la milice, sur la rue St-Jean.

J'y suis allé. Il m'a dit: "On passe Jos ce matin et vous allez être bien surpris; ça va vous coûter bien cher."

Avant ça, je lui avais dit: "Je ne veux pas acheter la justice. Je ne veux pas faire quelque chose comme ça." Il a dit: "Ca va vous coûter bien cher." Je lui ai dit: "Dis le montant que ça va coûter; enfin, tu peux toujours le dire." Il a dit: "A moins de sept à huit cents piastres, on n'est pas capable de le passer". J'ai dit: "Ca coûte bien cher, cette affaire-là". Il a dit: "Ils savent que vous êtes un 'big boy'." Je me sers de son expression. Je m'en rappelle; et il a dit:"Ca en fait plusieurs à graisser".

Alors, comme j'en avais pas d'argent sur moi, il m'a dit: "Vous reviendrez dans une heure; ici-même, m'apporter ça; il faut que ça soit ici, à moi-même et non pas en chèque."

Alors, dans la crainte qu'ils renversent le classement de mon fils, de son médecin de famille, j'ai fait le sacrifice que vous connaissez.

La Cour fait remarquer au témoin qu'elle ne sait rien du "sacrifice" dont il parle.

Le témoin dit qu'il a un "post-scriptum" à ajouter, si ça peut intéresser la Cour.

De nouveau, la Cour déclare qu'elle ne connait rien, absolument rien de ce à quoi le témoin réfère en parlant du "sacrifice que vous connaissez".

Le Juge-Avocat demande à la Cour de considérer si la déposition du témoin ne devient pas incriminante pour

lui-même et s'il n'est pas du devoir de la Cour de l'aviser de ses droits.

La Cour siège en audience privée pour étudier la question.

La cour siège en audience publique.

A 12 h. 30 de l'après-midi, le 30 novembre 1942, la cour s'est ajournée jusqu'à 2 h. de l'après-midi, le 30 novembre 1942.

Le 30 novembre 1942, à 2 h. de l'après-midi, la cour se rassemble conformément à l'avis d'ajournement; sont présents les mêmes membres que lors de la suspension des débats.

La Cour siège en audience privée pour compléter ses délibérations.

La Cour siège en audience publique à 2 h. 30 de l'après-midi, le 30 novembre 1942.

Le Président demande au Juge-Avocat de donner lecture de la décision de la Cour.

Le Juge-Avocat;

" La décision de la Cour est la suivante; - La Cour, ayant délibéré, décide qu'au stage actuel des procédures, le témoin ne saurait réclamer le privilège du silence."

Le Procureur poursuit son interrogatoire;

Q.133 Qu'est-ce que vous voulez dire par le "sacrifice que vous connaissez" ?

A.133 Bien, le sacrifice, c'est que j'ai pris $800.00 et je le lui ai donné.

Q.134 A qui?

A.134 A monsieur l'accusé.

Q.135 Comment s'appelle-t-il?

A.135 Léopold Houde.

Q.136 Et je comprends qu'antérieurement, avant de verser cet argent à monsieur Houde, vous l'aviez rencontré?

A.136 Oui, monsieur.

Q.136a Qui avait sollicité le montant d'argent?

L'avocat de l'accusé s'objecte à la question pour la raison que l'inculpé n'est pas accusé d'avoir sollicité de l'argent.

L'Objection est maintenue par la Cour.

Q.137 A la demande de qui avez-vous donné ce $800.00?

A.137 A la demande de l'accusé, monsieur Léopold Houde.

Contre-interrogé par l'avocat de l'accusé.

Q.138 Monsieur Aubé, vous connaissez la famille de monsieur Houde depuis assez longtemps?

A.138 Oui, monsieur.

Q.139 Et je comprends que vous avez même aidé la famille de monsieur Houde auparavant?

A.139 Beaucoup.

Q.140 Son frère avait été en affaires et vous l'avez aidé?

A.140 Son père d'abord et son frère ensuite.

Q.141 Et l'accusé lui-même?

A.141 Et l'accusé lui-même.

Q.142 Vous l'aviez déjà aidé?

A.142 Oui, monsieur.

Le Procureur ne désire pas ré-interroger le témoin.

Interrogé par le Juge-Avocat:

Q.142a A quelle date était-ce, monsieur Aubé?

A.142a Je ne suis pas capable de dire la date précise, mais je crois que c'est à la fin d'août.

Q.143 De cette année?

A.143 Oui, quelque temps avant ça. Quand l'examen militaire est arrivé; c'est en même temps que l'examen militaire de mon fils. La date précise, je crois que c'est à la fin d'août.

Q.144 Si j'ai bien compris votre témoignage, vous avez mentionné dans le temps que ce n'était pas un chèque qu'on voulait.

A.144 Oui, monsieur.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

DEUXIEME TEMOIN
A CHARGE

Jean Ferrier, horloger, domicilié à Deschaillons, P.Q., ayant dûment prêté serment, est interrogé par le Procureur.

Q. 145 Monsieur Ferrier, je comprends que vous êtes de Deschaillons, Comté de Lotbinière?

A.145 Oui, monsieur.

Q.146 Voulez-vous dire à la Cour si vous vous êtes présenté au bureau de l'Armée pour examen médical?

A.146 J'ai été aux "Cove Fields"; je me suis présenté là le vendredi et le samedi, et je suis allé avec les autres passer mon examen sur la rue Saint-Jean.

Q.147 A quelle date était-ce?

A.147 Vers le 20 septembre.

Q.148 De quelle année?

A.148 1942.

Q.149 Continuez, monsieur Ferrier, parlez fort.

A.149 J'étais assis dans le passage, et je suis parti pour aller m'acheter un "coke" dans l'appartement de l'autre côté. Il y avait un monsieur qui était là; il a commencé à parler avec moi. Il m'a demandé si je venais du comté de Lotbinière et j'ai dit que oui. On a parlé ensemble. Ensuite, il m'a demandé si j'aimerais à avoir ma "discharge". Je suis resté un peu surpris et j'ai dit "oui". Avant ça, il m'a dit que j'étais pas un physique pour faire un militaire, un soldat; que je ne serais pas capable de résister. Après ça, il m'a dit que pour l'avoir, je serais obligé de débourser quelque chose. Je suis resté surpris un peu et j'ai dit :- "Oui, je vous donnerai quelque chose".

Q.150 Qui est le monsieur?

A.150 D'après le portrait, c'est monsieur Léopold Houde.

Q.151 Est-ce que vous le voyez, monsieur Houde, ici?

A.151 Oui. (le témoin indique l'accusé Houde)

Q.152 Et est-ce qu'il vous a dit que ça vous coûterait quelque chose?

A.152 Oui, monsieur.

Q.153 Qu'est-ce qui est arrivé après ça?

A.153 Je suis allé dans le passage et un autre m'a fait passer dans un autre appartement. Et il m'a fait passer un petit examen. Il m'a dit qu'il n'était pas docteur. Ensuite, je suis passé dans l'autre appartement; je me suis

A.153 (suite)

déshabillé comme les autres, et monsieur Houde m'a dit; "Si tu passes pas, si tu es bloqué, tu iras t'enrôler volontaire; tu viendras en haut et on te donnera ta décharge".

Q.154 Au moment où vous vous êtes présenté en haut, vous n'aviez pas signé encore votre enrôlement?

A.154 Non, monsieur.

Q.155 Et ensuite, qu'est-ce qui est arrivé? Vous avez été passer votre examen, si je comprends?

A.155 Oui, monsieur; je suis allé passer mon examen avant de descendre en bas.

Q.156 Avant d'aller vous enrôler?

A.156 Oui, monsieur.

Q.157 Qu'est-ce qui est arrivé après ça?

A.157 En bas?

Q.158 Non, non, avec Houde, en ce qui regarde Houde?

A.158 Je suis allé en bas et j'ai donné le papier à un autre dans le bureau, qui m'a fait ma formule d'enrôlement. Il m'a donné ma décharge et je suis allé dans la chambre de toilette; monsieur Houde est venu me trouver et j'ai payé.

Q.159 Combien?

A.159 C'est trente-cinq ou quarante-cinq piastres.

Q.160 Est-ce que Houde était en uniforme ou en civil?

A.160 Il était en uniforme.

Q.161 Pourquoi avez-vous payé $35. ou $45. à Houde?

A.161 C'est pas mal difficile à dire parce que je suis resté un peu surpris quand il m'a demandé ça, et j'ai accepté.

Q.162 Lors du petit examen dont vous avez parlé est-ce que Houde était présent?

A.162 L'examen?

Q.163 Le petit examen que vous avez passé.

A.163 Non.

Q.164 Vous étiez seul avec un autre?

A.164 Oui.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.165 Lors de l'examen que vous avez passé d'abord par un homme qui a dit qu'il n'était pas médecin, Houde n'y était pas?

A.165 Non, monsieur.

Q.166 Quand vous avez passé devant les médecins, Houde n'y était pas non plus?

A.166 Non, monsieur.

Q.167 Et ce n'est pas Houde non plus qui vous a remis votre certificat de licenciement, de décharge?

A.167 Ce n'est pas lui.

Interrogé de nouveau par le Procureur.

Q.168 Est-ce lui qui a pris l'argent, Houde?

A.168 Oui, c'est lui qui a pris l'argent.

Interrogé par le Juge-Avocat:

Q.169 Est-ce que la Cour doit comprendre que lorsque vous étiez aux "Cove Fields", vous étiez en service?

A.169 J'avais reçu une deuxième lettre de me présenter aux "Cove Fields".

Interrogé par la Cour:

Q.170 Vous n'avez jamais porté l'uniforme?

A.170 Non, monsieur.

Interrogé par le Juge-Avocat:

Q.171 Lorsque vous êtes allé dans la chambre de toilette avec Houde, est-ce qu'il y avait quelqu'un d'autre là?

A.171 Non, nous étions seuls tous les deux.

Q.172 Avant d'avoir vos papiers pour votre licenciement, ou après?

A.172 Après.

Q.173 Pourquoi avez-vous donné ce montant d'argent, ce $35.00 ou $45.00 ?

A.173 Il m'a demandé si je pouvais donner quelquechose pour avoir ma décharge. J'étais obligé de donner quelquechose.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 85(B).

Le témoin se retire.

TROISIEME TEMOIN
A CHARGE

Jos. Aubé, voyageur, 37 ans, domicilié à 66, rue d'Artigny, Québec, ayant dûment prêté serment, est interrogé par le Procureur.

Q.174 Quelle est votre occupation?

A.174 Voyageur.

Q.175 Connaissez-vous Adélard Aubé?

A.175 Oui, c'est mon père.

Q.176 Monsieur Aubé, connaissez-vous un monsieur Houde?

A.176 Oui, monsieur.

Q.177 Le voyez-vous ici en cour?

A.177 Oui, monsieur.

Q.178 Où est-il?

A.178 Ici en avant.(indiquant l'accusé)

Q.179 Avez-vous rencontré monsieur Houde dans le cours du mois de septembre ou à la fin d'août?

A.179 A la fin d'août.

Q.180 A quelle occasion?

A.180 Monsieur Houde est venu chez mon père comme nous étions à quitter les lieux pour notre ouvrage. Mon père m'a dit:"...

L'avocat de l'accusé s'objecte à ce que le témoin rapporte une conversation entre lui et son père hors de la présence de l'accusé.

L'objection est maintenue par la Cour.

Le témoin continue sa réponse:

A.180a Alors, le soldat Houde m'a demandé -il savait que je souffrais d'une maladie- il dit: "Dans un cas semblable, la milice donne un refus". J'ai dit: "Je le crois moi-même". Il a dit: "Peut-être que j'rais voir un médecin de ma connaissance pour savoir ce qui en est." Sur l'invitation de Houde, sur sa suggestion, je suis allé avec lui

A.180a (suite)

le lendemain ou le surlendemain. Je suis allé le chercher; nous sommes allés chez un médecin et j'ai subi un examen personnel. Et de là, nous sommes remontés et je suis allé le reconduire chez lui.

Il n'a aucunement été question de cette chose-là, et deux jours après ou le lendemain, j'ai eu un téléphone et je me suis rendu au bureau sur la rue St-Jean. Je suis monté au troisième étage et j'ai vu le soldat Houde. Je lui ai demandé ce que j'avais à faire. Alors, il a dit: "Nécessairement, il te faut tes papiers; il faut que tu signes des formules lesquelles te donneront le droit de subir un examen militaire." Je suis allé en bas signer les papiers et je suis remonté passer mon examen. Je suis resorti et je suis allé en bas chercher un reçu, mais il était trop tard. Je suis retourné dans l'après-midi; mes papiers étaient signés et je me suis en allé.

Q.181 Avez-vous rencontré monsieur Houde avec votre père?

A.181 Je l'ai vu chez moi.

Q.182 Votre père était là aussi?

A.182 Oui, monsieur.

Q.183 De quoi a-t-il été question entre Houde, votre père et vous?

A.183 Mon père m'a dit: "Le soldat Houde..."

Q.184 Vous vous êtes rencontrés, Houde, votre père et vous ensemble?

A.184 Oui, monsieur.

Q.185 Qu'est-ce qui s'est dit à cette occasion-là?

A.185 "Prends le conseil du soldat Houde; va voir un médecin pour te faire examiner pour savoir ce qu'il en est".

Q.186 Est-ce qu'il a été question d'argent à cette entrevue-là?

A.186 Jamais.

Q.186a Etes-vous au courant si votre père a eu quelque chose à régler avec Houde?

L'avocat de l'accusé s'objecte à la question comme étant trop vague.

L'objection est maintenue par la Cour.

Q.187 Avez-vous eu votre licenciement?

A.187 Oui, monsieur.

Q.187a Après ça, êtes-vous au courant de ce qui s'est fait entre votre père et Houde?

L'avocat de l'accusé s'objecte à la question pour la raison que le témoin est peut-être au courant par oui-dire ou par des informations données ou par des conversations hors de la présence de l'inculpé.

Le Juge-Avocat demande au Procureur de préciser la question.

Question retirée.

Q.188 Etes-vous personnellement au courant de choses qui se seraient passées entre Houde et votre père?

A.188 Absolument pas.

Q.188a Est-ce que votre père vous a rapporté quelque chose?

L'avocat de l'accusé s'objecte à la question.

L'objection est maintenue par la Cour.

L'avocat de l'accusé ne désire pas contre-interroger le témoin.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

QUATRIEME TEMOIN A CHARGE:

Léopold Bédard, chauffeur-mécanicien, 32 ans, domicilié à Loretteville, ayant dûment prêté serment, est interrogé par le Procureur:

L'Avocat de l'accusé fait remarquer que ce témoin n'est pas mentionné dans le Sommaire d'évidence et qu'il n'a reçu aucun avis à l'effet qu'il serait appelé comme témoin.

Le Juge-Avocat déclare que la règle de procédure 76, (M.M.L. p.666), sera appliquée dans le cas du présent témoin, et que s'il y a lieu, la défense pourra avoir un ajournement pour son contre-interrogatoire.

Le Président donne lecture de la règle de procédure 76 (M.M.L. p.666):

"76. If the prosecutor intends to call a witness whose evidence is not contained in any summary or abstract of evidence given to the accused, notice of such intention shall be given to the accused a reasonable time before the witness is called, together with an

abstract of his proposed evidence; and if the witness is called without such notice or abstract having been given, the court shall, if the accused so desire, either adjourn after taking the evidence of the witness, or allow the cross-examination of the witness to be postponed, and the court shall inform the accused of his right to demand such an adjournment or postponement."

Le Procureur interroge le témoin.

Q.189 Monsieur Bédard, avez-vous au cours de septembre eu affaire au bureau de recrutement à Québec?

A.189 Oui, monsieur.

Q.190 Voulez-vous dire à quelle date?

A.190 Le 17 septembre.

Q.191 De quelle année?

A.191 De 1942.

Q.192 Voulez-vous dire à la Cour ce qui s'est passé en cette occasion?

A.192 Je suis allé m'engager comme volontaire et j'ai passé mes examens et on m'a déchargé. J'ai rencontré un militaire avant de passer mon examen et on a jasé.

Q.193 Qu'est-ce qu'il vous a dit ce militaire-là?

A.193 C'est moi qui lui ai posé des questions.

Q.194 Quelles sortes de questions?

A.194 De quelle manière se présenter pour passer notre examen. Il a dit: "C'est bien facile; tu as seulement à te présenter devant le docteur; présente-toi en brave". Il m'a demandé si j'avais des maladies et j'ai dit "oui". Il a dit: "Aies pas peur". Je suis allé passer mon examen et j'ai eu ma décharge.

Q.195 Le connaissez-vous ce militaire-là?

A.195 Si je le reconnais? (Le témoin regarde dans la salle). Je crois que c'est ce monsieur-là. (Indiquant l'inculpé). Je l'ai vu seulement une fois là.

Q.195 Vous ne le connaissiez pas avant?

A.195 Non.

Q.196 Après ça, vous ne l'avez pas revu?

A.196 Je ne l'ai pas revu après que je suis parti du bureau.

Q.197 Avant de partir du bureau, vous, l'avez-vous revu?

A.197 Oui.

Q.198 Qu'est-ce qui s'est passé?

A.198 Je l'ai remercié; je l'ai récompensé; je lui ai fait un présent.

Q.199 De quelle nature?

A.199 En argent.

Q.200 Quel montant?

A.200 $10.00

La défense renonce à son droit à un ajournement et le témoin est contre-interrogé par l'avocat de l'accusé;

Q.201 Vous croyez que c'est l'accusé?

A.201 Oui, monsieur.

Q.202 Vous ne pouvez pas jurer que c'est lui?

A.202 Non, monsieur.

Ré-interrogé par le procureur;

Q.202 A quel endroit avez-vous rencontré le soldat Houde?

L'avocat de l'accusé demande à la Cour si la question est juste.

Le Procureur dit que les rayons du soleil empêchent le témoin de voir l'accusé et demande au témoin d'avancer sa chaise. Le témoin se lève, avance sa chaise et se rasseoit sans se prononcer.

L'avocat de l'accusé s'objecte au procédé soumettant qu'il est illégal sur une preuve d'identification.

L'objection est maintenue par la Cour.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

CINQUIEME TEMOIN
A CHARGE.

André LAPOINTE, chauffeur de taxi, 21 ans, domicilié à Laurier Station, ayant dûment prêté serment, est interrogé par le Procureur;

Q.203 Monsieur Lapointe, avez-vous eu affaire au bureau des médecins de l'Armée?

A.203 Oui, monsieur.

Q.204 En quel temps?

A.204 J'ai passé mon examen pour avoir une décharge.

Q.205 Quand avez-vous passé cet examen militaire-là?

A.205 Je ne me rappelle pas au juste la date, mais c'est dans le mois d'octobre.

Q.206 Quelle année?

A.206 1942.

Q.207 Voulez-vous raconter ce qui s'est passé en cette occasion?

A.207 Le matin, je suis arrivé; j'ai passé par la porte centrale et je me suis engagé volontaire. Je suis monté passer mon examen et ils m'ont dit de revenir.

Q.208 Avez-vous rencontré quelqu'un? Avez-vous parlé à quelqu'un?

A.208 J'ai parlé à un monsieur Houde qui était assis à son bureau?

Q.209 Qui est-ce, ça?

A.209 Monsieur Léopold Houde.

Q.210 Le voyez-vous ici?

A.210 Oui, c'est l'accusé.(l'indiquant).

Q.211 Qu'est-ce que vous avez dit avec monsieur Houde?

A.211 En rentrant, j'ai donné mes formules et il a dit; "Tu viens passer ton examen ce matin" et j'ai dit "oui". Il m'a dit de me déshabiller pour aller passer mon examen.

Q.212 Qu'est-ce que vous avez fait?

A.212 Je me suis déshabillé et j'ai attendu qu'on me demande pour passer mon examen.

Q.213 Avez-vous passé votre examen?

A.213 J'ai passé mon examen.

Q.214 Après ça, qu'est-ce qui est arrivé?

A.214 Après ça, je me suis rhabillé, j'ai parlé quelques mots avec monsieur Houde; je ne me rappelle pas exactement et je lui ai dit; "Il faut que je revienne passer un autre examen", et là, je suis parti et je suis monté chez nous.

Q.215 Etes-vous retourné?

A.215 Oui, monsieur; je suis retourné.

Q.216 Qu'est-ce qui est arrivé?

A.216 Je suis monté au troisième; j'ai passé mon examen après que je me suis déshabillé, et là ils m'ont dit de revenir encore une troisième fois.

Q.217 L'avez-vous vu à la deuxième occasion?

A.217 Oui, à son bureau.

Q.218 Il ne s'est rien passé de spécial?

A.218 Non, monsieur.

Q.219 Et vous êtes revenu une troisième fois?

A.219 Oui, et j'ai fait la même chose; je suis monté au troisième plancher; je me suis déshabillé; ils m'ont fait mon examen encore et là, ils m'ont classé "E".

Q.220 Qu'est-ce qui est arrivé?

A.220 Après ça, je suis descendu sur le premier plancher, et ils m'ont donné ma décharge et je suis monté en haut.

Q.221 Qu'est-ce que vous êtes allé faire en haut?

A.221 J'ai donné un 'tip' à monsieur Houde.

Q.222 Quelle sorte de 'tip' ?

A.222 $100.00

Q.223 Connaissiez-vous Houde avant?

A.223 Oui, monsieur.

Q.224 L'aviez-vous vu avant de vous présenter au bureau de recrutement?

A.224 Je l'avais vu chez nous, c'est-à-dire, chez son beau-père.

Q.225 Qu'est-ce qui s'est passé à cette occasion-là?

A.225 On a parlé de différentes choses. Il m'a dit ça; "Quel classement as-tu chez ton médecin?" Je lui ai dit que j'avais été classé "E". Il a dit: "T'as pas envie d'avoir ta décharge?" J'ai dit: "Peut-être que oui; j'ai idée d'aller travailler en dehors". Il a dit: "T'as beau de te présenter". J'ai dit: "Je le sais pas." Il a dit: "J'ai pas d'affaire là-dedans". Monsieur Houde m'a dit;"T'as beau à te présenter, moi j'ai aucune affaire dans les décharges, mais tu es classé E par ton médecin". Je suis descendu à Québec au bout de trois semaines et je suis venu passer mes examens. C'est de même que je l'ai connu.

Q.226 Qui a suggéré d'aller s'enrôler - est-ce vous ou Houde?

A.226 C'est moi-même.

Q.227 Et qu'est-ce qu'il a été question ensuite chez votre beau-père?

A.227 C'est le beau-père de Houde.

Q.228 Est-ce qu'à cette occasion-là, il a été question de ce qui se passerait par la suite?

A.228 Non.

Q.229 Pourquoi avez-vous donné à Houde un 'tip' de $100.00 comme vous dites?

A.229 Aucun intérêt.

Q.230 Est-ce qu'il en avait été question au préalable avec Houde?

A.230 Non.

Q.231 Est-ce que vous vous fréquentiez, Houde et vous?

A.231 Il vient chez nous; il vient chez son beau-père, et moi je sors avec une de ses belles-soeurs.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.232 Si je comprends bien, monsieur Lapointe, vous aviez l'occasion de rencontrer de temps à autre, Houde?

A.232 Oui, monsieur.

Q.233 Et ça, bien avant qu'il soit question de l'Armée?

A.233 Oui, monsieur.

Q.234 Vous sortez avec une de ses belles-soeurs?

A.234 Oui, monsieur.

Q.235 Et vous aviez occasion de le voir quand il allait chez son beau-père?

A.235 Oui, monsieur.

Q.236 Comment s'appelle-t-il, son beau-père?

A.236 Gérasime Garneau.

Q.237 Où demeure-t-il?

A.237 A Laurier Station.

Q.238 Et vous?

A.238 A Laurier Station.

Q.239 Il a été question de votre enrôlement à une visite que Houde faisait chez son beau-père, à Laurier Station?

A.239 Oui, ce n'est pas lui qui m'en a parlé.

Q.240 C'est vous?

A.240 Oui.

Q.241 Vous lui avez dit que vous vouliez vous enrôler?

A.241 Pas directement; je lui ai dit que j'aimerais à avoir ma décharge pour travailler en dehors.

Q.242 Vous lui avez parlé de votre décharge? Et vous vous êtesdécidé de vous enrôler?

A.242 Oui, monsieur.

Q.243 Vous lui avez dit que vous aviez un certificat du médecin, n'est-ce-pas?

A.243 Oui, monsieur.

Q.244 Que vous aviez obtenu avant?

A.244 Oui, monsieur.

Q.245 Et, il vous a dit à ce moment-là qu'il n'avait rien à faire dans la décharge?

A.245 Oui, monsieur.

Q.246 Que cela ne le regardait pas?

A.246 Oui, monsieur.

Q.247 Vous vous êtes présenté au bureau, et connaissiez-vous, quand vous êtes arrivé au bureau, d'autres personnes que Houde?

A.247 Non, monsieur.

Q.248 Alors, vous lui avez demandé comment faire quand vous vous présenteriez chez le médecin? C'était la première fois que vous subissiez une procédure comme celle-là?

A.248 Oui, monsieur.

Q.249 Il vous a dit comment faire?

A.249 Il m'a pas dit comment faire; je suis allé moi-même; je suis monté en haut et j'ai rempli mes formules.

Q.250 Vous êtes monté en haut; vous avez rempli vos formules et vous avez passé votre premier examen?

A.250 Oui, monsieur.

Q.251 Et après cet examen-là, on vous a dit de revenir?

A.251 Oui, monsieur.

Q.252 Vous avez passé un second examen?

A.252 Oui, monsieur.

Q.253 Et alors, là, vous avez vu Houde?

A.253 Oui, monsieur.

Q.254 Et cet examen ne s'est pas terminé d'une façon définitive, il a fallu que vous passiez un troisième examen?

A.254 Oui, monsieur.

Q.255 Après avoir passé ce troisième examen, vous avez cru devoir faire un cadeau à Houde?

A.255 Oui, monsieur.

Q.256 Avait-il jamais été question avant de cela de prix entre Houde et vous?

A.256 Non, monsieur.

Q.257 C'est vous-même qui avez décidé de lui faire un cadeau?

A.257 Oui, monsieur.

Ré-interrogé par le Procureur:

Q.257a Faites-vous souvent des cadeaux de ce genre-là?

L'avocat de l'accusé s'objecte à la question.

L'objection est maintenue par la Cour.

Interrogé par le Juge-Avocat:

Q.258 Qui vous a amené à ce bureau-là?

A.258 Je savais qu'il se trouvait à travailler au bureau d'enrôlement militaire.

Le Procureur continue son ré-interrogatoire:

Q.259 Vous vous êtes rendu là de vous-même ou si quelqu'un vous a amené?

A.259 Je me suis rendu là de moi-même.

Q.260 Est-ce Houde qui vous a dit de vous présenter là?

A.260 Non, monsieur.

Q.261 Houde vous avait-il dit qu'il travaillait là?

L'avocat de l'accusé s'objecte à la forme de la question.

L'objection est renvoyée par la Cour.

A.261 Oui, monsieur.

Interrogé par le Juge-Avocat;

Q.262 Vous dites que vous avez fait un cadeau de $100.00 à l'accusé. Pourquoi? Est-ce qu'il vous avait rendu quelque service?

A.262 Oui, monsieur.

Q.263 Quel service?

A.263 Des services qu'il me rend pour différentes choses quand j'achète ici, en ville; il se trouve à avoir de la protection aux magasins; ça se trouve à passer par lui.

Q.264 Alors, pourquoi lui faisiez-vous un cadeau?

A.264 Pour services rendus.

Q.265 Rendus où, quand, comment?

A.265 Quand je l'amenais avec moi, vu qu'il était "protégé" par les premiers.

Q.266 Quels magasins est-ce?

A.266 Quand j'allais chez Smith avec lui.

Q.267 Qu'est-ce que vous achetiez chez Smith?

A.267 Du linge, de la lingerie pour hommes.

Q.268 Et vous lui avez donné un cadeau de $100.00 parce qu'il avait certaine "protection", comme vous dites, lorsque vous achetiez du linge chez Smith?

A.268 Oui, monsieur.

Q.269 Vous êtes sous serment; c'est seulement pour ça que vous donniez $100.00 à Houde?

A.269 Pour ça et d'autres choses.

Q.270 Quelles sont ces autres choses-là?

A.270 Voyez-vous, je croyais qu'il m'avait peut-être donné une chance pour avoir ma 'discharge' aussi.

Q.271 Pour combien de linge "de secondemain" avez-vous acheté chez Smith?

A.271 Pour plusieurs piastres de linge.

Q.272 Combien, à peu près?

A.272 (pas de réponse)

Q.273 $25.00, $50.00, $100.00, $500.00 ou $1,000.00?

A.273 Pas pour $1,000.00

Q.274 Pour à peu près combien d'argent avez-vous acheté de linge "de seconde main", chez Smith?

A.274 Une affaire de $30.00; mais j'ai acheté d'autres morceaux à part de cela.

Q.275 En tout et partout, une cinquantaine de piastres aux magasins, au plus?

A.275 On peut mettre ça, à peu près, une cinquantaine de piastres, et encore...

Q.276 Quand vous parlez de la "protection" que Houde aurait pu avoir chez Smith, qu'est-ce que vous voulez dire? Est-ce que vous achetiez à meilleur marché à cause de son influence?

A.276 Oui, monsieur.

Q.277 Combien calculez-vous qu'il vous a sauvé comme ça, par sa protection en achetant chez Smith?

A.277 Plusieurs piastres.

Q.278 Pas plus que $50.00.

A.278 Non, parce que je n'ai pas acheté plus.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

SIXIEME TEMOIN A CHARGE.

Gérard SIMARD, agent vendeur, 38 ans, domicilié à 83, rue Dorchester, Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.279 Monsieur Simard, avez-vous eu affaire au bureau médical sur la rue St-Jean?

A.279 Oui, monsieur.

Q.280 Voulez-vous raconter à la Cour qu'est-ce qui s'est passé en cette occasion-là?

A.280 Sur mon cas?

Q.281 Ce qui s'est passé; qui avez-vous rencontré?

A.281 Pour commencer; je suis allé voir un monsieur Gosselin qui m'a dit...

L'avocat de l'accusé s'objecte à toute déclaration faite au témoin hors la présence de l'accusé.

L'objection est maintenue par la Cour.

Q.282 Qui avez-vous rencontré au bureau médical?

A.282 Je suis allé voir monsieur Portin.

Q.283 En avez-vous vu d'autres que monsieur Fortin?

A.283 Pas la première fois.

Q.284 La deuxième fois?

A.284 Monsieur Houde.

Q.285 Connaissez-vous monsieur Houde?

A.285 Oui, monsieur.

Q.286 Où l'avez-vous vu?

A.286 Au bureau de recrutement.

Q.287 Le voyez-vous ici, monsieur Houde?

A.287 Oui, monsieur. (Le témoin indique l'accusé).

Q.288 Qu'est-ce qui s'est passé entre vous et monsieur Houde?

A.288 Je lui ai dit que je voulais voir monsieur Fortin. Houde m'a dit qu'il était en passe. J'ai dit; "Ca va faire peut-être pareil", et je lui ai demandé; "Est-ce que je peux avoir une 'décharge' pour monsieur Raymond?"

Q.289 Alors, qu'est-ce qui est arrivé?

A.289 Monsieur Houde lui a demandé; "As-tu ton certificat de médecin?" Et monsieur Raymond lui a dit; "Non." Monsieur Houde lui a dit; "Retourne-t-en et reviens avec un certificat de médecin." Nous sommes retournés le lendemain matin et j'ai vu monsieur Fortin.

Q.290 Avez-vous eu d'autres affaires avec monsieur Houde?

A.290 Je lui ai donné $5.00.

Q.291 Pourquoi lui avez-vous donné $5.00 à monsieur Houde?

A.291 Je l'avais dérangé la veille et le matin; parce qu'il s'était donné du trouble pour moi.

Q.292 Et est-ce que monsieur Raymond a eu sa 'décharge'?

A.292 Oui, monsieur.

Q.293 Monsieur Raymond a eu sa 'décharge'?

A.293 Oui, monsieur.

Contre-interrogé par l'avocat de l'accusé;

Q.294 Ce n'était pas pour vous?

A.294 Non, monsieur.

Q.295 C'était pour un nommé Raymond; comment s'appelle-t-il?

A.295 Charles Raymond.

Q.296 Vous, si je comprends bien, c'est à la deuxième visite que vous avez vu Houde?

A.296 A la première visite.

Q.297 Vous vouliez un nommé Fortin qui n'y était pas?

A.297 Oui, monsieur.

Q.298 Alors, vous avez dit que vous vouliez avoir une décharge pour Raymond?

A.298 Oui, monsieur.

Q.299 Il vous a demandé si vous aviez un certificat de médecin?

A.299 Oui, monsieur.

Q.300 Vous n'en n'aviez pas?

A.300 Non, monsieur.

Q.301 Il vous a dit d'aller en chercher un?

A.301 Oui, monsieur.

Q.302 Vous êtes reparti?

A.302 Oui, monsieur.

Q.303 Pour son trouble, vous lui avez donné $5.00?

A.303 Pas de suite; le lendemain, je suis retourné, j'ai fait affaire avec monsieur Fortin, et en passant je lui ai donné $5.00.

Q.304 Est-ce qu'il vous avait demandé de l'argent?

A.304 Non, aucunement.

Le Procureur ne désire pas interroger le témoin de nouveau.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

SEPTIEME TEMOIN
A CHARGE.

Roland Trudel, employé du C.N.R., 22 ans, domicilié à 76, avenue des Erables, Québec, ayant dûment prêté serment, est interrogé par le Procureur.

Q.305 Monsieur Trudel, au cours du mois de septembre 1942, avez-vous eu affaire au bureau médical?

A.305 Non, monsieur.

Q.306 Dans quel temps?

A.306 Le 8 octobre 1942.

Q.307 Qu'est-ce qui s'est passé à cette occasion-là?

A.307 Je me suis présenté au bureau, j'ai rempli les formules, au premier étage; ils m'ont donné des formules, et je suis monté au troisième subir mon examen. Après mon examen, j'ai attendu une demi-heure, trois-quarts d'heure, et ils m'ont donné ma 'décharge'.

Q.308 Qui avez-vous rencontré au bureau médical?

A.308 Monsieur Houde.

Q.309 Le voyez-vous?

A.309 Oui, monsieur.

Q.310 Où est-il?

A.310 Là. (indiquant l'accusé)

Q.311 Vous avez rencontré monsieur Houde?

A.311 Oui, monsieur.

Q.312 Qu'est-ce qui s'est passé entre Houde et vous?

A.312 Je l'avais rencontré quelques jours avant.

Q.313 Qu'est-ce qui s'était passé quelques jours auparavant entre Houde et vous?

A.313 Il m'a conseillé, vu que j'avais passé deux examens médicaux auparavant et que j'avais passé inapte, il m'a conseillé d'aller subir l'examen médical par mon docteur de famille et de me faire donner un certificat par lui. Après ça, je lui ai dit que j'étais pour le récompenser.

Q.314 En fait, l'avez-vous récompensé?

A.314 Oui, monsieur.

Q.315 Quand, ça?

A.315 Après.

Q.316 Après?

A.316 Quand j'ai eu obtenu ma 'décharge'.

Q.317 Quelle récompense lui avez-vous donnée?

A.317 $25.00.

Q.318 Où lui avez-vous donné ça?

A.318 Dans la chambre de toilette, au troisième.

Q.319 Est-ce qu'il y en avait d'autres que vous et Houde dans la chambre de toilette?

A.319 Non, monsieur.

Q.320 Vous étiez seuls?

A.320 Oui, monsieur.

L'avocat de l'accusé ne désire pas interroger le témoin contradictoirement.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

HUITIEME TEMOIN
A CHARGE.

Antoine Beaudet, machiniste, 26 ans, domicilié à 47 rue des Remparts, Québec, ayant dûment prêté serment, est interrogé par le Procureur.

Q.321 Monsieur Beaudet, avez-vous eu affaire au bureau de recrutement, au cours de l'automne dernier?

A.321 Oui, monsieur.

Q.322 Dans quel mois?

A.322 Au commencement d'octobre.

Q.323 De quelle année?

A.323 Cette année.

Q.324 1942?

A.324 Oui, monsieur.

Q.325 Qu'est-ce qui est arrivé à cette occasion-là?

A.325 A cette occasion, je me suis présenté au bureau de recrutement pour passer mon examen médical et j'ai rencontré monsieur Houde qui était officier en charge, je pense bien.

Q.326 Le voyez-vous ici, monsieur Houde?

A.326 Oui. (Le témoin indique l'accusé).

Q.327 Vous avez rencontré monsieur Houde qui était l'officier en charge là?

A.327 Je le crois, oui.

Q.328 Qu'est-ce qui s'est passé quand vous avez vu monsieur Houde?

A.328 On a parlé de différentes choses; monsieur Houde venait du même comté que moi; on a parlé de tout ça.

Interrogé par l'avocat-conseil du Procureur:

Q.329 Quel comté?

A.329 Lotbinière.

Le Procureur poursuit son interrogatoire:

Q.330 Continuez.

A.330 Il m'a demandé si mon cas était correct, si j'étais arrangé avec quelqu'un. J'ai dit: "Non".

Q.331 Il vous a demandé si vous étiez arrangé avec quelqu'un?

A.331 Oui, monsieur.

Q.332 Quels arrangements?

A.332 Pour mon examen médical, je pense. J'ai dit: "Non". Il a dit que peut-être il pourrait m'aider.

Q.333 Et ensuite, qu'est-ce qui s'est passé, monsieur Beaudet?

A.333 Je me suis déshabillé et j'ai passé l'examen médical. Je suis retourné à trois reprises différentes. A la troisième fois, j'ai été classé "E", et là, monsieur Houde m'a dirigé pour signer "actif" pour obtenir ma 'décharge'.

Q.334 Vous n'aviez pas signé encore quand vous avez passé votre examen médical?

A.334 Non, monsieur.

Q.335 Et vous avez de nouveau rencontré Houde, après quoi il vous a dirigé en bas pour vous faire signer vos papiers?

A.335 Oui, monsieur.

Q.336 Qu'est-ce qui s'est passé?

A.336 Ensuite de cela, je lui ai donné $20.00 comme récompense pour m'avoir aidé un peu.

Q.337 Quelle aide vous avait-il donnée?

A.337 Pour m'avoir dirigé pour obtenir ma 'décharge' plus vite.

Q.338 Est-ce le dernier examen médical que vous avez passé? Avez-vous passé d'autres examens depuis l'enrôlement?

A.338 Oui, lundi dernier.

Q.338a Et dans quelle catégorie avez-vous été placé?

L'avocat de l'accusé s'objecte à la question comme n'ayant pas rapport à la cause.

L'objection est maintenue par la Cour.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.339 Monsieur Beaudet, vous avez passé, avant d'avoir votre licenciement, trois examens médicaux?

A.339 Oui, monsieur.

Q.340 Est-ce que monsieur Houde a assisté aux examens médicaux?

A.340 Non, monsieur.

Q.341 Monsieur Houde vous avait conseillé d'avoir un certificat de votre médecin?

A.341 Non, monsieur.

Q.342 Aviez-vous un certificat de votre médecin?

A.342 Non, monsieur.

Q.343 Avez-vous vu monsieur Houde les trois fois que vous êtes allé au bureau?

A.343 Oui, monsieur; je l'ai vu les trois fois.

Q.344 Et est-ce lui qui vous a fait remplir les formules d'application pour l'enrôlement?

A.344 Non, monsieur.

Q.345 Est-ce lui qui a rempli la formule pour votre licenciement, pour votre 'décharge'?

A.345 Non, monsieur.

Le Procureur ne désire pas interroger le témoin de nouveau.

Interrogé par la Cour:

Q.346 C'est peut-être en dehors de la cause, mais je voudrais me faire éclairer. Les témoins disent qu'ils ont passé trois ou quatre examens médicaux; si c'est vrai, le Gouvernement du Canada le saura. Est-ce trois fois que vous avez passé par les mêmes préliminaires, ou est-ce un examen médical divisé en trois parties?

A.346 La première a été complète; la deuxième, on m'a sondé le coeur et on a pris ma pression artérielle.

Q.347 Alors, c'est simplement un examen médical en différentes parties?

A.347 Oui.

Q.348 C'est un examen médical; on vous a envoyé pour radiographie, pour vous faire sonder le coeur et les poumons; et ils ne vous ont pas fait faire la même chose trois fois?

A.348 Non.

Interrogé par le Juge-Avocat:

Q.349 Connaissiez-vous Houde, l'accusé, avant d'aller au bureau?

A.349 Non, monsieur.

Q.350 Est-ce que vous aviez fait du service l'an dernier ou l'année précédente?

A.350 Non, monsieur.

Q.351 Vous n'avez pas fait un mois dans le service?

A.351 Non.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

NEUVIEME TEMOIN A CHARGE.

Roland Blouin, menuisier, 31 ans, originaire de Matane, P.Q., ayant dûment prêté serment, est interrogé par le Procureur.

Q.352 Monsieur Blouin, je comprends que vous avez eu votre appel pour service militaire au cours de l'été dernier?

A.352 Oui, monsieur.

Q.353 Vous vous êtes rapporté à Québec par la suite?

A.353 Oui, monsieur.

Q.354 Voulez-vous raconter à la Cour ce qui s'est passé à ce sujet?

A.354 J'ai été appelé comme recrue; je suis monté sur les "Cove Fields; j'ai été là deux jours et au bout de deux jours on m'a amené sur la rue St-Jean, au bureau; les médecins n'étaient pas arrivés et on a attendu. On était une vingtaine, tous assis. Monsieur Houde est arrivé et m'a demandé si je n'étais pas parent avec un gars qui travaillait en bas. J'ai dit "non", que je ne le connaissais pas et on a parlé un peu. Il m'a demandé d'où je venais et ce que je faisais. Il m'a demandé si j'étais malade; j'ai dit "oui" et ce que j'avais. Je lui ai demandé si les médecins étaient bien sévères et il m'a dit "pas mal". C'est tout ce qui est arrivé.

Q.355 Il n'a pas été question d'autre chose entre vous et Houde?

A.355 Il a dit: "Il y a peut-être moyen d'arranger cela; si tu es malade, pour avoir ta décharge." C'est tout, et je ne l'ai pas revu. J'ai passé mon examen comme les autres et après que ça a été fini, je suis descendu à l'hôpital passer un rayon-X.

Q.356 Il a dit: "Si tu es malade, on peut arranger ça" ? Qu'est-ce qui s'est dit à ce sujet-là à part de ça?

A.356 C'est tout ce qui s'est passé; il m'a dit ça: "Ca peut peut-être s'arranger" ou: "On peut arranger cela".

Q.356a A-t-il été question de votre salaire dans le civil?

L'avocat de l'accusé s'objecte à la question pour la raison qu'elle est suggestive.

L'objection est maintenue par la Cour.

Q.357 A-t-il été question d'autre chose avec Houde?

A.357 Non, monsieur.

Q.358 C'est tout ce dont vous vous rappelez?

A.358 Oui, monsieur.

Q.359 L'avez-vous vu par la suite, Houde?

A.359 Non, monsieur.

L'avocat de l'accusé ne désire pas contre-interroger le témoin.

Interrogé par la Cour:

Q.360 Vous avez dit à la Cour, tout à l'heure, que vous aviez rencontré Houde?

A.360 Ce monsieur-là, (indiquant l'accusé). C'est ce monsieur-là que j'ai vu.

Q.361 Une autre question, une autre déclaration qui n'est pas claire. Vous avez dit: "On peut arranger cela" - arranger quoi?

A.361 Il m'a demandé ce que j'avais, si j'étais malade; je lui ai dit ce que j'avais. Il a dit: "Si tu es malade, ils ne te garderont pas ici". C'est tout.

Q.362 Qu'est-ce que "on pouvait arranger" ?

A.362 Pour une "discharge".

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

PREMIER TEMOIN
POUR LA POURSUITE
SUR LE VOIR-DIRE.

Lieut.-Colonel Jules Mercier, R.C.A.M.C., C.A., Médecin-chef, 5ème Région Militaire, Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.362 Colonel Mercier, connaissez-vous l'accusé?

A.362 Oui, monsieur.

Q.363 Je comprends que l'accusé travaillait chez le D.M.O.?

A.363 Oui, monsieur.

Q.364 Avez-vous eu occasion d'interviewer l'accusé le 17 octobre 1942?

A.364 Oui, monsieur.

Q.365 Voulez-vous raconter à la Cour dans quelle circonstance vous avez interviewé l'accusé?

A.365 Brièvement ou en détail?

Q.366 Brièvement.

A.366 Voici. Le 17 octobre 1942, entre 4 h. et 4 h.30 de l'après-midi, j'ai fait venir devant moi le sergent intérimaire Houde pour l'interroger sur les allées et venues d'un sergent; pour lui demander s'il avait vu quelque chose d'anormal se passer en haut, au troisième étage, où se faisait l'examen des recrues.

Je ne l'ai pas interrogé sur sa conduite personnelle; je n'avais aucun doute sur lui; j'avais un doute sur un autre sergent. Il m'a répondu dans la négative; je l'ai laissé partir et j'en ai fait venir un autre.

Q.367 Revenons à Houde, Colonel.

A.367 J'ai fait revenir Houde une deuxième fois. Houde, la deuxième fois, m'a répondu dans la négative; je l'ai envoyé. Une troisième fois, je l'ai fait venir de nouveau. Je l'avais appelé quelques minutes auparavant, il était sorti. Je l'ai fait parader. Je lui ai fait une mise en garde parce que là j'avais des doutes, parce qu'il m'avait répondu par la négative, et par son attitude, j'avais cru comprendre qu'il en savait plus long qu'il n'en voulait dire sur l'autre sergent.

Q.368 Quelle mise en garde lui avez-vous faite?

A.368 Qu'il n'était pas obligé de parler; ce qu'il me dirait ou ce qu'il m'apprendrait pourrait servir contre lui et qu'il pouvait avoir les services d'un avocat.

Q.369 Est-ce qu'il y avait d'autres personnes présentes lors de la déclaration de Houde?

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A.369 Les deux premières fois il y avait le Major Lacasse et le sergent-major Drolet; alors que je l'ai interrogé sur les allées et venues d'un autre sergent.

Q.370 Et la troisième fois?

A.370 La troisième fois, lorsque je lui ai fait la mise en garde, je l'ai interrogé sur ses actes à lui, sur sa conduite. Il y avait là le Major Lacasse, l'accusé et moi-même.

Q.371 Au moment où vous avez fait la mise en garde, est-ce qu'il y avait une accusation de portée contre Houde?

A.371 Il n'y avait aucune accusation de portée.

Q.372 Est-ce qu'il était sous escorte?

A.372 Non, monsieur.

Q.373 Quelles étaient les personnes présentes lors de la déclaration lorsque vous l'avez mis en garde? Lorsque Houde vous a fait des déclarations, est-ce que le Major Lacasse, vous-même et l'accusé étaient là?

A.373 Voulez-vous répéter, s'il vous plait?

Q.374 Qui était présent à cette entrevue?

L'avocat de l'accusé s'adresse à la Cour:

" Je comprends qu'on entre sur un examen de voir-dire, pour production de déclaration. Evidemment, nous sommes sur un terrain non couvert par le sommaire de la preuve ni par les avis.

" Je comprends que, pour le moment, mon savant ami désire procéder. Je n'ai pas d'objection, mais quand il aura terminé son enquête, je serai peut-être obligé de demander un ajournement pour savoir si j'ai moi-même une preuve à faire sur la preuve de voir-dire."

La Cour déclare que ce sera le droit de la défense de demander un ajournement après que les témoins de la poursuite auront été entendus, afin de les contre-interroger et d'assigner ses propres témoins sur "voir-dire", et que la Cour accordera l'ajournement si la défense le demande.

A.374 Aux deux premières entrevues pendant lesquelles j'ai interrogé Houde sur la conduite d'un autre sergent, il y avait le Major Lacasse et le sergent-major Drolet. L'entrevue où j'ai fait la mise en garde et à laquelle j'ai interrogé Houde sur sa conduite à lui, il y avait le Major Lacasse, l'accusé et moi-même.

Q.375 Quelles sont les menaces que vous avez faites à l'accusé?

A.375 Je n'ai fait aucune menace.

Q.376 Quelles sont les promesses que vous avez faites à l'accusé?

A.376 Je n'ai fait aucune promesse.

Q.376a Lui avez-vous laissé entendre que s'il parlait, il aurait une chance d'avoir de la clémence?

L'avocat de l'accusé s'objecte à la question.

L'objection est maintenue par la Cour.

Contre-interrogé par l'avocat de l'accusé;

Q.377 Si je comprends bien, Colonel, vous aviez, ce jour-là, des informations au sujet de certaines irrégularités concernant un sergent qui n'était pas là?

A.377 Exactement.

Q.378 Et, en premier lieu, vers quatre heures, quatre heures et demie, de l'après-midi, vous avez fait descendre Houde pour l'interroger?

A.378 Oui, monsieur.

Le Procureur s'adresse à la Cour;

" Comme je ne voudrais pas revenir en ré-examen sur un point, je demanderais que mon savant confrère suspende son contre-interrogatoire."

Le Procureur poursuit son examen en chef.

Q.379 Alors, après la mise en garde, je comprends que Houde vous a fait une déclaration?

A.379 Oui, monsieur.

Q.380 Est-ce qu'il y a eu d'autres déclarations; est-ce que cela a été mis par écrit?

A.380 Vous voulez me demander si, après la déclaration que je viens de mentionner, Houde m'en a fait une autre?

Q.381 Oui.

A.381 Le lendemain soir.

Q.382 Est-ce que Houde a fait seulement une déclaration verbale ou s'il l'a mise dans des termes qu'on peut trouver aujourd'hui?

A.382 C'est-à-dire, il m'a fait une déclaration verbale et je prenais des notes. Après ça, quand on a eu fini, j'interrogeais Houde et je faisais écrire par le sergent-major la déclaration que vous voyez.

Q.383 Déclaration qu'il a signée?

A.383 Oui; et même je lui ai dit qu'il n'était pas obligé de la signer. Et à ce moment-là, il y avait plus de témoins. A part du Major Lacasse, de l'accusé et de moi-même, il y avait le sergent-major, ce dernier écrivait cela à la machine à écrire; et je pense qu'il y en avait d'autres aussi.

Q.384 Au moment de la prise par écrit ou de la signature?

A.384 Au moment de la signature par Houde.

Q.385 Qui y avait-il?

A.385 Je pense que le Colonel Fortier assistait lorsque le sergent Houde a signé sa déclaration.

Q.386 Est-ce qu'il y en avait d'autres à part cela?

A.386 Je pense qu'à ce moment-là le sergent Desrosiers de la police fédérale était arrivé.

Q.387 Il a pu y avoir un intervalle, je ne m'en rappelle pas, pas un intervalle très long s'il y en a eu, mais je ne m'en rappelle pas.

Q.388 Est-ce qu'avant la déclaration écrite de l'accusé il a été question de quelque chose entre Houde, vous et les personnes qui étaient là?

A.388 A ma connaissance, je ne me rappelle pas qu'il se soit passé quelque chose d'extraordinaire.

Q.389 Quelles sont les promesses faites à Houde pour lui faire faire sa déclaration écrite?

A.389 Aucune promesse n'a été faite.

Q.390 Quelles sont les menaces qui lui ont été faites?

A.390 Aucune menace ne lui a été faite.

Q.391 L'avez-vous forcé de signer?

A.391 Non, je lui ai dit qu'il n'était pas obligé de signer.

Contre-interrogé par l'avocat de l'accusé:

Q.392 Pour revenir à ce que vous disiez, Colonel, vous avez, le 17 octobre, dans le courant de la journée, été informé de certaines irrégularités qui concernaient un sergent qui n'était pas Houde?

A.392 Oui, monsieur.

Q.393 Houde ne se trouvait pas immédiatement sous vos ordres?

A.393 Il était attaché à la 5ème Compagnie.

Q.394 Il était sous les ordres du Major Lacasse, mais également sous votre juridiction comme faisant partie du Corps Médical?

A.394 Oui, monsieur. Est-ce que vous me permettez d'ouvrir une parenthèse? Lorsque j'eus été informé de certaines irrégularités, je suis allé voir le commandant de la 5ème Compagnie et je lui ai dit: "On vient de m'informer de quelque chose;je vais commencer à faire une enquête et je t'appellerai un peu plus tard."

Q.395 Vous avez fait demander Houde; et quand Houde est entré, vous avez commencé à le questionner?

A.395 Oui, monsieur.

Q.396 Vous lui avez demandé s'il avait eu connaissance de certaines irrégularités qui s'étaient passées à l'étage où il travaillait?

A.396 Oui; je ne me rappelle pas de la forme, mais c'est le sens.

Q.397 Et Houde vous a répondu: "Non" ?

A.397 Oui, exactement.

Q.398 Lui avez-vous posé d'autres questions? Vous l'avez questionné pendant combien de temps à peu près?

A.398 Je pense que je lui ai posé seulement une ou deux questions; je l'ai renvoyé immédiatement.

Q.399 Parce qu'il a répondu "non", dans la négative, aux demandes d'informations que vous vouliez avoir?

A.399 Oui, monsieur.

Q.400 Si je comprends bien, à cette première entrevue, Houde n'a pas voulu vous donner d'informations?

A.400 Non, monsieur.

Q.401 Il est sorti. Vous l'avez redemandé combien de temps après, à peu près?

A.401 A peu près, pas absolument longtemps, peut-être vingt minutes, un quart d'heure après.

Q.402 Et là encore vous avez recommencé à lui poser à peu près les mêmes questions touchant le même sergent?

A.402 Oui, je pense que je lui ai posé surtout la question à savoir s'il avait remarqué un sergent concerné qui parlait assez souvent aux recrues à l'écart, soit dans une chambre ou dans une autre, s'il a parlé avec des recrues surtout concernant ce sergent.

Dans le temps, je n'avais absolument rien qui pouvait me faire croire que le sergent Houde était coupable ou incriminé. Son attitude...

Q.403 C'était la deuxième entrevue?

A.403 Oui, monsieur.

Q.404 Son attitude à la deuxième entrevue, peut-être aussi à la première, malgré ses dénégations, a commencé à vous laisser soupçonner quelque chose?

A.404 Oui, monsieur.

Q.405 Alors même qu'il refusait de vous donner des informations, vous avez commencé à croire qu'il pouvait avoir fait quelque chose qui n'était pas correct le concernant?

A.405 C'est une impression que j'avais, mais je n'ai pas voulu aller plus loin.

Q.406 Quand?

A.406 Je l'ai eu la première fois et la deuxième fois que Houde ne me disait pas la vérité. Seulement, je n'ai pas voulu le questionner sur lui-même parce que je voulais mener mon enquête rapidement et je voulais en interroger d'autres, alors, je l'ai laissé partir.

Q.407 Entre la deuxième et la troisième entrevues, vous avez continué votre enquête avec d'autres, sans nous dire qui ils étaient?

A.407 Oui, monsieur.

Q.408 Et vous avez alors obtenu, -ce n'était pas une conviction - c'était plus qu'une impression, que Houde était mêlé à des choses irrégulières?

A.408 Oui, monsieur.

Q.409 Et quand vous l'avez fait revenir pour la troisième fois, c'était pour vous convaincre ou pour lui faire admettre que véritablement il y avait des irrégularités?

A.409 C'était pour l'interroger, non sur les autres, mais sur lui-même.

Interrogé par la Cour:

Q.410 A ce moment-là, vous l'aviez sous soupçon?

A.410 Oui, parce que j'en avais interrogé un autre.

Q.410 Le soupçon avait germé dans votre esprit?

A.410 Oui, monsieur.

L'avocat de l'accusé poursuit son interrogatoire contradictoire.

Q.411 Alors, à ce moment-là, quand il est entré, c'était la troisième fois que vous le faisiez parader dans une période de combien de temps?

A.411 De une heure et demie à peu près.

Q.412 Et la troisième fois, quand il est entré, quelles sont les personnes qui étaient présentes?

A.412 Le Major Lacasse et moi-même.

Q.413 Son commandant et vous?

A.413 Oui, monsieur.

Q.414 Il n'y en avait pas d'autres à ce moment-là?

A.414 Non, il pouvait y avoir les allées et venues de mon sergent-major, comme assistant, le Major Lacasse et moi.

Q.415 Vous avez demandé à ce qu'il soit paradé?

A.415 Oui, je l'ai appelé; j'ai sonné et il est venu.

Q.416 Qu'est-ce que vous lui avez dit quand il est entré pour la troisième fois?

A.416 Je lui ai dit que je voulais l'interroger, qu'il n'était pas obligé de répondre, que j'allais lui poser des questions, qu'il n'était pas obligé de répondre, que s'il se sentait coupable qu'il pouvait même avoir les services d'un avocat et que ce qu'il me dirait pourrait servir de preuve contre lui.

Q.417 C'est la première chose que vous lui avez dite?

A.417 Oui, monsieur. Là je ne voulais pas l'interroger sur les autres mais sur lui-même; je savais ce que j'avais à faire dans le moment, j'avais déjà suivi la même procédure avec les autres.

Q.418 Voulez-vous répéter la mise en garde que vous lui avez faite?

A.418 Je ne peux pas répéter textuellement, seulement, je peux donner le sens. Je lui ai dit que je voulais l'interroger, qu'il n'était pas obligé de me répondre, qu'il pouvait avoir les services d'un avocat et que ce qu'il me dirait servirait contre lui, que je m'en servirais.

Q.419 N'est-il pas vrai qu'à ce moment-là, il vous a dit: "Je ne veux pas répondre" ?

A.419 A ce moment-là, l'accusé m'a dit: "je ne veux pas répondre" et sans que je lui pose aucune autre question, il a ajouté...

Q.420 Ce que je veux mettre en preuve, immédiatement après que vous lui avez dit que vous alliez le questionner, et immédiatement après l'avoir mis en garde, la première chose qu'il vous a dite a été "Je ne veux pas répondre" ?

A.420 "Je refuse de répondre".

Q.421 Et après ça, il a commencé à faire des déclarations?

A.421 C'est-à-dire, pour être franc, je me rappelle très bien que ça m'a surpris; il a continué sa phrase - il a fait seulement une phrase - "je refuse". Seulement, il a fait un aveu en même temps qu'il refusait.

Q.422 Une déclaration; après avoir dit: "je refuse de répondre", il a fait une déclaration?

A.422 Oui, monsieur.

Q.423 L'avez-vous questionné au cours de la déclaration?

A.423 Oui, monsieur.

Q.424 Est-ce qu'à un certain moment vous ne lui avez pas dit: "Tu ne m'as pas dit la vérité?", soit à la première ou à la deuxième entrevue?

A.424 Si je lui ai dit cela, c'est plutôt à la troisième; il est possible que je lui aie dit, je ne peux pas me rappeler; je ne nie pas, mais pas à la première ni à la deuxième entrevue.

Q.425 Mais quand il s'agissait de lui, vous lui avez dit à un certain moment, "Houde, je ne te crois pas; tu ne dis pas la vérité" ou "Tu mens, tu ne me dis pas la vérité." ?

A.425 Je pense que je lui ai dit: "Tu ne me dis pas la vérité".

Q.426 C'était au cours de sa déclaration?

A.426 Au cours de sa déclaration.

Q.427 Lui avez-vous fait d'autres remarques pour la déclaration

A.427 Je crois plutôt que je lui ai posé des questions.

Q.428 Et vous lui avez posé des questions pour faire confirmer les soupçons que vous aviez à cause de l'enquête que vous aviez faite dans l'après-midi?

A.428 Oui, monsieur.

Q.429 Et vous interrogiez pour que ces soupçons soient confirmés et surtout, si possible admis par lui?

A.429 Voici exactement ce que je cherchais; je cherchais à connaître toute la vérité dans cette histoire.

Q.430 En autant que lui était concerné?

A.430 Pas seulement lui, tout le monde.

Q.431 La troisième fois?

A.431 Honnêtement, la troisième fois, comme chaque fois que je l'ai interrogé, je ne cherchais pas des preuves pour inculper un tel ou un autre, je cherchais toute la vérité pour arrêter les irrégularités que j'avais découvertes.

Q.432 N'est-il pas vrai que quand vous avez fait revenir Houde la troisième fois, vous vouliez faire préciser et faire confirmer des soupçons que vous aviez sur lui?

A.432 Sur lui et sur les autres.

Q.433 Les autres, vous venez de le dire.

A.433 Oui, c'était mon point de vue; j'ai insisté - parce que j'ai une position responsable, n'est-ce-pas? Je ne cherchais pas à faire condamner un tel ou un tel; je cherchais à connaître la vérité. C'est pour ça que je veux être absolument juste; je cherchais à faire préciser certains faits non seulement avec lui-même mais en rapport avec tout le monde.

Q.434 Et parmi tout le monde il y avait lui?

A.434 Oui, monsieur.

Interrogé par la Cour:

Q.435 Votre enquête n'était pas dirigée spécialement contre l'accusé?

A.435 Non, elle était générale.

Q.436 Elle était générale?

A.436 Oui, n'importe quoi.

L'avocat de l'accusé poursuit son contre-interrogatoire:

Q.437 N'est-il pas vrai qu'après les deux premières entrevues, si vous n'aviez pas eu des informations concernant Houde particulièrement, vous ne l'auriez pas fait venir?

A.437 Monsieur; je suis obligé de dire le contraire. Je l'aurais fait revenir quand même, parce que même si le sergent Houde était parfaitement en dehors de la question, même si j'avais cru que Houde n'était pas intéressé personnellement, je savais par les témoignages au préalable qu'il était au courant. Et je l'aurais interrogé.

Après ça, vous m'avez demandé si je lui avais posé des questions. J'ai dit "oui"; cela aurait été n'importe qui, cela aurait été pareil, n'importe qui, sans distinction. Je n'étais pas intéressé

A.437 (suite)

seulement dans son cas. Ce que je voulais, c'était la vérité, que ça intéresse un officier ou un homme.

Q.438 Quand?

A.438 Au cours de sa déclaration.

Q.439 Au cours de sa déclaration verbale, vous avez pris des notes?

A.439 Oui, monsieur.

Q.440 Est-ce que vous les avez, ces notes-là?

A.440 Non.

Q.441 Vous ne les avez pas gardées?

A.441 Supposons qu'il me disait un nom. Je mettais le nom et je mettais le montant.

Q.442 Vous ne les avez pas gardées, ces notes-là?

A.442 Non, monsieur.

Q.443 Vers quelle heure est-il entré, la troisième fois?

A.443 La troisième fois, je crois que c'est autour de sept heures.

Q.444 Cette entrevue a duré combien de temps, la déclaration verbale?

A.444 Cela n'a pas été absolument long - je pense, une dizaine de minutes.

Q.445 Est-il sorti entre la déclaration verbale et la déclaration écrite?

A.445 Non, je crois qu'il est sorti après que la déclaration écrite a été faites à la machine; je crois qu'il est sorti entre la terminaison et le temps qu'il l'a signée.

Q.446 Maintenant, la déclaration écrite qui a été signée devant vous, a-t-elle été dictée par lui?

A.446 Non, monsieur.

Q.447 Elle a été dictée par vous?

A.447 Oui, et je lui demandais si c'était bien ça qu'il avait voulu dire.

Q.448 Et elle a été reproduite sur le dactylographe par le sergent-major?

A.448 Oui, monsieur.

Q.449 Maintenant, vous posiez des questions à l'accusé et les questions que vous posiez à l'accusé ne sont pas reproduites dans la déclaration?

A.449 Je ne le crois pas.

Q.450 Vous n'avez rapporté dans la déclaration que les réponses?

A.450 Oui, monsieur.

Q.451 Réponses que vous résumiez et que vous dictiez vous-même au sergent-major?

A.451 Exactement; en me servant des notes que j'avais.

Q.452 Quand cela a été terminé, avez-vous remis le document à Houde?

A.452 Oui, avant qu'il signe.

Q.453 Vous l'avez remis à Houde?

A.453 Oui, monsieur.

Q.454 L'avez-vous lu à Houde?

A.454 Je crois qu'il l'a lu lui-même.

Q.455 Jurez-vous qu'il l'a lu?

A.455 Je le pense, du moins; je ne peux pas jurer qu'il l'a lu. Mais là, je me rappelle, je jure que je le lui ai lu.

Q.456 Lui avez-vous dit quelque chose après l'avoir lu?

A.456 Je lui ai dit qu'il n'était pas obligé de la signer.

Q.457 A ce moment-là, est-ce qu'il était entré quelqu'un dans votre bureau pendant que cela se faisait?

A.457 Après que cette déclaration eut été écrite, je crois que le Colonel Fortier est entré et le sergent-major Desrosiers est entré; je ne le sais pas exactement.

Q.458 Le Colonel Fortier y était ainsi que le sergent-major Desrosiers quand cela a été signé?

A.458 Le Colonel Fortier y était.

Q.459 Et le sergent-major Desrosiers?

A.459 Il est arrivé quelque temps après ou avant. Je ne peux pas déterminer exactement quand il est arrivé. Peut-être quelque temps avant.

Q.460 Qui a suggéré de faire mettre par écrit sa déclaration?

A.460 Moi-même.

Q.461 De quelle façon, comment avez-vous dit cela?

A.461 Je pense que j'ai fait venir mon sergent-major et je lui ai dit: "Tu vas prendre par écrit les déclarations du sergent Houde."

Q.462 C'est tout ce qui a été dit au sujet de la déclaration?

A.462 Oui, monsieur.

Q.463 A la fin de tout, vous dites que vous avez relu à haute voix la déclaration?

A.463 Oui, je l'ai lue.

Q.464 A haute voix?

A.464 Oui.

Q.465 En présence du Colonel Fortier, du staff DesRosiers et du Major Lacasse?

A.465 Je ne peux pas jurer en présence du Staff DesRosiers, mais en présence du Major Lacasse, certain.

Q.466 Et du Colonel Fortier?

A.466 Je le croirais, A coup sûr, en présence du Major Lacasse.

Q.467 Et vous avez dit à Houde qu'il n'était pas obligé de signer, en présence de ces messieurs?

A.467 Oui, monsieur.

Q.468 A quel moment avez-vous demandé à Houde d'enlever ses chevrons?

A.468 J'ai demandé à Houde d'enlever ses chevrons? C'est après cela, longtemps après ça, parce que là j'ai fait sortir l'accusé et j'ai eu une conversation avec le Colonel Fortier et le Staff DesRosiers. C'est après cela que j'ai fait venir Houde et c'est là que l'histoire des chevrons est commencée.

Q.469 Vous me dites que, quand vous avez dit à Houde d'enlever ses chevrons, la déclaration verbale était faite et la déclaration écrite, signée?

A.469 Oui; il n'était pas arrêté.

Le Procureur ne désire pas interroger le témoin de nouveau.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M 83(B).

Le témoin se retire.

Le Procureur s'adresse à la Cour:

" On a mentionné mon nom au cours du témoignage, et je comprends que le Procureur doit témoigner le premier dans une cause lorsqu'il est intéressé. Je ne savais pas que le Colonel Mercier allait mentionner mon nom sur un tel point."

L'avocat de l'accusé s'adresse à la Cour:

" Avant que le Colonel Portier soit entendu, je désire faire objection à ce témoignage parce que je crois que quand l'avocat de la poursuite veut se faire entendre, la procédure dans ce cas est qu'il doit se faire entendre en premier lieu."

Directives du Juge-Avocat:

" C'est plutôt une directive. Je suggère que le témoignage du Colonel Portier, le Procureur, soit entendu sous réserve de l'objection de la défense."

DEUXIEME TEMOIN
POUR LA POURSUITE
SUR LE "VOIR-DIRE".

Le Procureur, Lieutenant-Colonel Laval PORTIER, Assistant Juge-Avocat Général, ayant dûment prêté serment, est interrogé par l'avocat-conseil de la poursuite:

Q.470 Lieutenant-Colonel, le témoin précédent a mentionné votre nom comme ayant été présent à la signature d'un certain document?

A.470 Oui, monsieur.

Q.471 Etiez-vous présent lors de la signature de ce document?

A.471 En autant que je me rappelle, j'étais présent lorsque le soldat Houde a signé sa confession ou sa déclaration écrite. Je suis arrivé chez le médecin-chef au moment où cette déclaration se signait. Quant à ce qui s'est dit avant la signature de Houde; j'ai essayé, lorsque mon nom a été mentionné tout à l'heure, de me souvenir des faits, et je ne me rappelle absolument rien de ce qui aurait pu se dire lors de cette signature. J'ai vu monsieur Houde signer la déclaration; c'est la seule chose que j'ai vue.

Q.472 Avez-vous entendu la lecture de la déclaration?

A.472 Je ne me rappelle rien de cela.

Q.473 Avez-vous assisté à la prise de la déposition de Houde?

A.473 Au meilleur de mon souvenir, non.

Q.474 Avez-vous quelque chose à ajouter à la déclaration que vous venez de faire devant le Tribunal?

A.474 Non, c'est tout.

L'avocat de l'accusé ne désire pas contre-interroger le témoin.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin reprend ses fonctions comme Procureur.

TROISIEME TEMOIN POUR LA POURSUITE SUR LE "VOIR-DIRE".

Major J.L. LACASSE, Officier-commandant de la 5ème Compagnie Médicale, R.C.A.M.C., C.A., Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.475 Major, avez-vous assisté à des entrevues entre l'accusé et le Colonel Mercier, le 17 octobre 1942?

A.475 Oui, monsieur.

Q.476 Voulez-vous raconter à la Cour ce qui s'est passé à l'occasion de ces entrevues?

A.476 Le 17 octobre 1942, dans le courant de l'après-midi, le Colonel Mercier m'a avisé qu'il commençait une petite enquête, étant donné que des choses un peu irrégulières s'étaient passées. Et vers les quatre heures, entre quatre heures et quatre heures et demie de l'après-midi, il m'a fait demander à son bureau. Je me suis rendu à son bureau; à ce moment-là, nous avons commencé l'enquête proprement dite en essayant d'avoir un peu de détails de tout le personnel qui travaillait sur l'étage où l'accusé se trouvait lui-même. Ce n'est qu'au cours de la troisième entrevue que le soldat Houde a été à même de faire une confession.

Interrogé par le Juge-Avocat:

Q.477 Voulez-vous employer le terme 'déclaration'. La Cour appréciera si c'est une confession ou non.

A.477 Oui, monsieur. Au cours de la déclaration...

Le Procureur poursuit son interrogatoire:

Q.478 Au cours de la première entrevue, de quoi a-t-il été question?

A.478 De la manière d'agir généralement du personnel sur cet étage.

Q.479 Est-ce qu'il était question de Houde?

A.479 Non.

Q.480 Au cours de la deuxième entrevue avec Houde?

A.480 Non plus, il n'a pas été question de lui-même.

Q.481 C'est à la troisième entrevue, si je comprends bien, qu'il a été question de Houde?

A.481 Oui, monsieur.

Q.482 Qu'est-ce qui s'est passé?

A.482 Il s'est passé ceci; c'est petit à petit, les autres hommes nous avaient laissé entendre que contrairement à ce que l'accusé nous avait dit précédemment, il avait eu un rapport avec un autre des accusés, et quand il a appris que nous étions au courant de cela, et après avoir été mis en garde...

Q.483 Qu'est-ce que vous entendez par mis en garde?

A.483 La mise en garde a consisté en ceci: Le Colonel Mercier a dit au sergent Houde que s'il se croyait coupable, s'il y avait quelque chose d'anormal dans sa conduite, qu'il n'était pas obligé de parler, qu'il pouvait demander les services d'un avocat, et que de plus, s'il voulait parler, tout ce qu'il pourrait dire pourrait servir contre lui; et la réponse de Houde là-dessus a été : "Je ne veux pas répondre aux questions"; et il a commencé sa déclaration quand même.

Q.484 Maintenant, qui était présent à cette entrevue?

A.484 Le Colonel Mercier et moi-même.

Q.485 Il n'y en avait pas d'autres?

A.485 Pas dans le moment.

Q.486 A-t-il été question de menaces?

A.486 Aucune.

Q.487 A-t-il été question de promesses?

A.487 Aucune, non plus.

Q.488 Vous dites qu'à ce moment vous étiez seul avec le Colonel Mercier; est-ce qu'il y a eu, au cours de l'entrevue, d'autres personnes qui ont été présentes?

A.488 A la fin de l'entrevue, si je me rappelle bien, vous-même (Le Colonel Laval Fortier), après avoir été appelé par téléphone, êtes arrivé au bureau, et aussi après que la déclaration a été faite, le sergent d'état major DesRosiers est venu au bureau.

Q.489 Vous voulez dire de la Police Montée?

A.489 Oui, monsieur.

Q.490 La déclaration était faite dans ce temps-là?

A.490 Oui, monsieur.

Q.491 Maintenant, vous voulez dire au cours de la déclaration verbale?

A.491 Oui, monsieur.

Q.492 Est-ce qu'il y a une autre déclaration de Houde?

A.492 C'est-à-dire, sa déclaration verbale a été mise sur le papier par notre sergent-major Drolet.

Q.493 Est-ce que, pendant que vous étiez avec Houde et le Colonel Mercier, ou lorsqu'il y a eu d'autres personnes présentes, quelles sont les menaces que vous avez faites, vous-même, à l'accusé?

A.493 Je n'en ai fait aucune, et je n'ai posé aucune question.

Q.493a Quelles sont les promesses qui ont été faites à l'accusé?

A.493a Aucune.

Q.494 Est-ce qu'en votre présence il y en a d'autres qui ont fait des menaces ou des promesses?

A.494 Non, monsieur, non plus.

Contre-interrogé par l'avocat de l'accusé;

Q.495 Major, vous étiez, n'est-ce-pas, le commandant de Houde?

A.495 Commandant de la 5ème Compagnie.

Q.496 Dont Houde faisait partie?

A.496 Houde est attaché à la 5ème Compagnie.

Q.497 Cette après-midi-là, le 17 octobre, vous avez eu connaissance de trois visites de Houde au Colonel Mercier?

A.497 Oui, monsieur.

Q.498 Les trois fois, il a été paradé à la demande du Colonel Mercier?

A.498 Oui, monsieur.

Q.499 La première fois et la deuxième fois c'était pour vous informer auprès de Houde de certaines irrégularités concernant d'autres employés, d'autres soldats, ou d'autres sous-officiers qui étaient sur le même étage?

A.499 Oui, monsieur.

Q.500 Et, les deux premières fois qu'il a été questionné, Houde n'a pas voulu vous donner d'informations; il a dit qu'il ne connaissait rien?

A.500 C'est exact.

Q.501 Entre la deuxième et la troisième visite, au cours de votre enquête, vous vous êtes convaincus, le Colonel Mercier et vous-même, que Houde ne vous avait pas dit la vérité?

A.501 Oui, monsieur.

Q.502 Et vous vous êtes également convaincus, que Houde pouvait être lui-même impliqué dans cette affaire?

A.502 Oui, monsieur.

Q.503 Et c'est entre ces deux entrevues que vous, ou si pas vous, le Colonel Mercier, avez décidé de faire revenir Houde une troisième fois?

A.503 Oui, monsieur.

Q.504 Quand Houde est entré, vous nous dites que le Colonel Mercier l'a mis sur ses gardes?

A.504 Oui, monsieur.

Q.505 Et si j'ai compris ce que vous avez dit il y a un instant, le Colonel Mercier lui a dit que s'il se croyait coupable, s'il avait quelque chose à se reprocher, il n'était pas obligé de parler?

A.505 C'est ça.

Q.506 Qu'il pouvait avoir les services d'un avocat?

A.506 Oui, monsieur.

Q.507 Est-ce qu'il ne lui a pas parlé de procès?

A.507 Non, monsieur.

Q.508 Il lui a dit qu'il pourrait se servir de ce qu'il dirait, contre lui?

A.508 Si jamais il y avait un procès.

Q.509 Alors, il en a parlé?

A.509 Non; il n'était pas accusé dans le temps.

Q.510 Il n'en a pas parlé?

A.510 Non.

Q.511 Il lui a dit qu'il pourrait se servir de ce qu'il lui dirait, contre lui?

A.511 Oui, monsieur.

Q.512 Et sur cette mise en garde, Houde a dit qu'il ne voulait pas répondre?

A.512 Qu'il ne voulait pas répondre aux questions.

Q.513 Et subséquemment?

A.513 Et subséquemment, sans autre question, il a commencé à dire ce qu'il avait reçu.

Q.514 Seulement, il avait eu d'autres questions dans le cours de l'entrevue?

A.514 D'autres questions, simplement pour éclaircir les affirmations de Houde.

Q.515 Est-ce que les questions, à votre connaissance, Major, n'ont pas surtout été faites pour faire préciser et confirmer les soupçons que vous aviez sur Houde? Est-ce que les questions qui ont été posées par le Colonel Mercier n'avaient pas pour objet de faire confirmer par Houde les soupçons que vous aviez sur lui?

A.515 Nous n'avions pas de soupçons à ce moment-là sur lui.

Q.516 La troisième fois?

A.516 Non, rien de définitif; nous savions par les témoignages précédents que, contrairement à ce qu'il nous avait dit, Houde avait été en contact avec des personnes, alors qu'il avait nié être en contact avec elles.

Q.517 Est-ce que à ce moment-là, vous étiez convaincu qu'il était impliqué dans l'affaire?

A.517 Nous ne savions pas qu'il était question d'argent; nous étions convaincus d'une chose, c'est que l'accusé avait été en relation avec le soldat Fortin alors qu'il nous avait dit que Fortin n'avait eu aucune entrevue avec lui; qu'il n'avait jamais eu rien à faire avec lui.

Q.517a Vous nous dites que vous n'aviez pas, à ce moment-là, ni le Colonel Mercier, de soupçons?

Le Procureur s'objecte à la question pour la raison que le témoin ne peut répondre pour un tiers.

L'objection est maintenue par la Cour.

Q.518 Vous n'aviez pas, à ce moment-là, de soupçons sur Houde?

A.518 Pas sur le fait qu'il n'avait jamais pris d'argent.

Q.519 Vous aviez des soupçons sur Houde?

A.519 Oui, monsieur.

Q.520 Ca, c'est pour vous?

A.520 Oui, monsieur.

Q.521 Et alors, le Colonel Mercier lui a dit; "si tu te crois coupable, tu n'es pas obligé de parler"?

A.521 Oui, monsieur.

Q.522 Et si vous n'aviez pas de soupçons sur lui, pourquoi le mettre en garde?

A.522 Ce n'est pas moi, je le regrette beaucoup, qui faisais l'enquête.

Q.523 Au cours de l'enquête, avez-vous eu connaissance que le Colonel Mercier lui aie dit, à une ou deux reprises; "Je ne te crois pas, tu mens, tu ne dis pas la vérité" ?

A.523 C'est possible.

Q.524 Après qu'il eut ainsi parlé, qui a décidé de faire mettre cela par écrit?

A.524 Le Colonel Mercier prenait des notes au fur et à mesure qu'il relatait les sommes d'argent qu'il avait données et reçues.

Q.525 Qui a fait la rédaction finale qui a été subséquemment signée par Houde?

A.525 C'est le Colonel Mercier, lui-même, sous forme de notes prises à la main.

Q.526 Mais je parle de la transcription faite au dactylographe?

A.526 D'après ces notes-là.

Q.527 Qui a dicté au sténographe, au sergent-major?

A.527 Franchement, je ne saurais vous dire si ça été dicté ou si cela a été fait sur les notes elles-mêmes.

Q.528 Vous ne pouvez pas me dire si c'est le Colonel Mercier qui a dicté les notes au sergent-major Drolet ou si c'est le sergent-major Drolet qui a écrit à même les notes qui lui auraient été remises?

A.528 Je crois que les deux cas se sont présentés alternativement et évidemment ça remonte à au-delà de un mois, mais en autant que je me rappelle, la première partie a été faite d'après les notes et la fin de la déclaration aurait été dictée.

Q.529 Alors, cela a été fait dans le bureau du Colonel Mercier?

A.529 Oui, monsieur.

Q.530 Le dactylographe était dans le bureau du Colonel Mercier?

A.530 Oui, monsieur.

Q.531 Qui a écrit les notes?

A.531 C'est le sergent-major quand il l'a appelé; je sais moi-même qu'il s'est servi des notes.

Q.532 Le sergent-major Drolet s'est servi des notes pour rédiger la première partie de la déclaration?

A.532 Oui, monsieur.

Q.533 Et la dernière partie a été dictée par le Colonel?

A.533 Oui, monsieur.

Q.534 Pendant le temps que cela se faisait, il y avait dans le bureau du Colonel, vous, le sergent-major et Houde?

A.534 Oui, monsieur.

Q.535 A un moment donné, le Colonel Fortier est-il arrivé? A quel moment?

A.535 Le Colonel Fortier est arrivé soit immédiatement avant que le soldat Houde ne relise sa déclaration, soit immédiatement avant qu'il la signe.

Q.536 Vous me dites que le soldat Houde a relu sa déclaration?

A.536 Oui, monsieur.

Q.537 Elle ne lui a pas été relue?

A.537 Elle a été relue avant.

Q.538 Qui l'a relue?

A.538 Le Colonel Mercier.

Q.539 Pas vous?

A.539 Non, pas moi.

Q.540 Il l'a relue à haute voix?

A.540 Oui, il lui a passé le papier; je ne sais pas si Houde a lu jusqu'au bout; seulement il l'a regardé et après cela il a signé

Q.541 Quelqu'un lui a-t-il demandé de signer?

A.541 Evidemment.

Q.542 Qui?

A.542 Le Colonel Mercier.

Q.543 Comment?

A.543 "Voici, c'est bien conforme à ce que tu as déclaré?" Il a répondu; "oui, monsieur"; et le Colonel a dit: "Si tu veux signer?" Et il a signé.

Q.544 A ce moment-là, le Colonel Fortier était là?

A.544 Oui, monsieur.

Q.545 Le sergent-major Drolet?

A.545 Oui, monsieur.

Q.546 Le sergent-major DesRosiers?

A.546 Oui, monsieur.

Q.547 Le Colonel Mercier?

A.547 Oui, monsieur.

Q.548 Quelle heure était-il?

A.548 Il devait être pas loin de 8 heures.

Q.549 Il était entré à quelle heure?

A.549 Il était entré après 6 h.30 .

Q.550 Ca a duré tout ce temps-là?

A.550 Pendant ce temps-là, le Colonel a fait des téléphones; il a rejoint le Colonel Fortier.

Q.551 A quel moment?

A.551 Après que le soldat Houde a été entré.

Q.552 Pendant que le soldat Houde était là?

A.552 Oui, monsieur.

Q.553 Qu'est-ce qu'il a dit au Colonel?

A.553 Qu'il avait des cas spéciaux, qu'il voulait avoir des renseignements et qu'il lui demandait de passer au bureau immédiatement.

Q.554 Ca n'a pas été long?

A.554 Il n'a pas pu l'attraper immédiatement.

Q.555 Vous avez eu de la misère à le rejoindre?

A.555 Il n'était pas au bureau à cette heure-là.

Q.556 Il a été rejoint à la fin?

A.556 Oui, monsieur.

Q.557 La conversation avec le Colonel Fortier n'a pas été longue?

A.557 Non, ça n'a pas été long après le téléphone; Ca été plus long pour l'avoir au téléphone.

Q.558 Combien cela a-t-il pris de temps?

A.558 Je n'ai pas regardé ma montre.

Q.559 Après ça, est-ce qu'il y a eu d'autres téléphones?

A.559 Là, je ne pourrais pas l'affirmer sous serment, mais je suis sous l'impression qu'il a téléphoné chez lui une ou deux fois.

Q.560 Pour dire qu'il ne pourrait pas aller dîner?

A.560 Je ne sais pas au juste.

Q.561 C'est pas long; on ne tient pas à ce que ça soit long?

A.561 (pas de réponse)

Q.562 Tout le reste du temps, qu'est-ce qu'il a fait avec Houde dans le bureau s'il parlait de même, librement?

A.562 Un homme peut parler librement et prendre beaucoup de temps à dire quelque chose.

Q.563 Jurez-vous qu'il a pris longtemps?

A.563 Il y a eu des intermissions entre.

Q.564 Dans sa déclaration verbale, combien de temps a-t-il parlé?

A.564 Il a commencé par mentionner un premier montant.

Q.565 Je vous demande combien de temps cela a pris? Pour faire la déclaration verbale?

A.565 Il a pris au moins 20 minutes.

Q.566 Ilest entré à quelle heure?

A.566 Je vous ai dit après 6 h.30.

Q.567 On est rendu vers 7 heures?

A.567 Oui, monsieur.

Q.568 L'heure après, qu'est-ce qui s'est fait?

A.568 Le temps de taper cette chose-là à la machine, ça prend du temps.

Q.569 Combien est-ce que ça a pris de temps, une page et deux lignes?

A.569 Celui qui l'a fait le dira mieux que moi.

Q.570 A quelle heure a-t-il fini?

A.570 Je n'ai pas regardé l'heure.

Q.571 Avant huit heures?

A.571 Un peu avant 8 heures. Quand le Colonel Fortier est arrivé, c'est encore une période detemps qui a été prise alors que Houde était chez nous; il ne parlait pas; il n'écrivait pas.

Q.572 C'était tout écrit?

A.572 Pas complètement.

Q.573 Vous avez dit que le Colonel Fortier est arrivé soit avant que Houde le lise ou soit après?

A.573 Il pouvait y avoir quelques phrases à la fin à écrire.

Q.574 Jurez-vous que le Colonel Fortier a vu écrire quelques phrases?

A.574 Je ne le jure pas; je le dis au meilleur de ma connaissance.

Q.575 Est-ce qu'il s'est passé bien du temps après que cela a été écrit et avant que Houde signe?

A.575 Pas très longtemps.

Q.576 Est-ce qu'il a hésité?

A.576 Peut-être cinq ou dix minutes.

Q.577 La mise en garde dont vous avez parlé, c'est la seule qui a été faite et au début de tout?

A.577 Oui, monsieur.

Q.578 Dans la forme que vous avez donnée?

A.578 Oui, monsieur.

Q.579 Il n'y en a pas eu d'autres?

A.579 Non, monsieur.

Q.580 Ni avant la déclaration écrite ni avant la signature?

A.580 Non.

Interrogé de nouveau par le Procureur.

Q.581 Est-ce que l'accusé était sous arrêts au moment de la déclaration?

A.581 Non, monsieur.

Q.582 Quand vous employez le terme "paradé", l'employez-vous dans le sens comme "parader sous escorte"?

A.582 Non, monsieur.

Q.583 Dans quel sens?

A.583 Dans le sens employé dans l'armée; c'est quand un sous-officier ou qu'un homme doit être amené; quand il est présenté à son commandant. Il doit être accompagné d'un autre.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

QUATRIEME TEMOIN
POUR LA POURSUITE
SUR LE "VOIR-DIRE"

Staff Sergeant Ernest DesRosiers, de la Gendarmerie à Cheval du Canada, ayant dûment prêté serment, est interrogé par le Procureur.

Q.584 Monsieur DesRosiers, avez-vous été appelé au bureau du médecin-chef de la région No. 5, le 17 octobre 1942?

A.584 Oui, monsieur.

Q.585 Quand vous êtes arrivé sur les lieux, pourriez-vous raconter ce dont vous avez eu connaissance?

A.585 Il y avait présents, le Colonel Fortier, le Colonel Mercier et le Major Lacasse.

Q.586 C'était les trois présents?

A.586 Oui, monsieur.

Q.587 L'accusé était-il là?

A.587 Non, monsieur.

Q.588 Est-ce que vous avez vu l'accusé au cours de cette soirée-là?

A.588 Oui, monsieur.

Q.589 Quand?

A.589 Vers les 8 h. 30.

Q.590 L'accusé, lorsqu'il est venu devant vous, c'était pour quoi faire?

A.590 C'est le Colonel Mercier qui l'avait fait venir. Il lui a dit à l'accusé Houde: "Tu te rappelles de l'avis que je t'ai donné voilà un moment; je

A.590 (suite)

vais te le répéter: tu n'es pas obligé de rien dire et tu peux avoir les services d'un avocat si tu veux."

Q.591 A quelle occasion lui a-t-il dit cela?

A.591 En arrivant.

Q.592 Lorsque vous êtes arrivé, est-ce qu'il y avait une déclaration écrite de faite?

A.592 Oui, monsieur.

Q.593 Est-ce qu'elle était signée par Houde?

A.593 Oui, monsieur.

Q.594 Est-ce que vous étiez là quand elle a été signée?

A.594 Non, monsieur.

Contre-interrogé par l'avocat de l'accusé:

Q.595 Vous n'avez pas vu signer la déclaration?

A.595 Non.

Q.596 Vous n'avez pas eu connaissance de rien qui aurait précédé la déclaration quand vous êtes arrivé là?

A.596 Non, monsieur.

Le Procureur ne désire pas ré-interroger le témoin.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

CINQUIEME TEMOIN POUR LA POURSUITE SUR LE "VOIR-DIRE".

No. E-20613, C.S.M. Joseph DROLET, attaché au bureau du Médecin-chef, District Militaire No. 5, A.C., Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.597 Je comprends que vous travaillez au bureau du Médecin-chef, à Québec?

A.597 Oui, monsieur.

Q.598 Le 17 octobre 1942, au soir ou dans l'après-midi, avez-vous eu connaissance d'entrevues entre le Médecin-chef, le Colonel Mercier et l'accusé?

A.598 Oui, monsieur.

Q.599 Voulez-vous raconter à la Cour ce dont vous avez eu connaissance?

A.599 Dans le bureau du Colonel Mercier, Houde est venu. Il a fait demander Houde.

Q.600 A quelle heure, ça?

A.600 Aux environs de 4 h. ou 4 h.30 la première fois.

Q.601 Qu'est-ce qui s'est passé?

A.601 Le Colonel lui a demandé s'il s'était aperçu qu'il y avait quelque chose qui ne marchait pas en haut; c'était pour parler de l'organisation en haut. La deuxième fois, je ne sais pas l'heure au juste; ça été à peu près dans le même genre encore.

Q.602 Qu'est-ce que Houde a répondu à ça?

A.602 Il a répondu "Non, monsieur."

Q.603 La troisième fois?

A.603 Moi, je suis entré dans le bureau du Colonel et Houde était déjà là; le Colonel m'avait fait demander pour 'typer'.

Q.604 Qu'est-ce qui s'est fait à votre connaissance?

A.604 Le Colonel m'a remis des notes que j'ai "typées"; Houde lui disait quelque chose que le Colonel me répétait et que je 'typais'.

Q.605 Je comprends que vous étiez éloigné un peu du Colonel?

A.605 Non, monsieur.

Q.606 Vous "typiez" des choses que le Colonel vous répétait?

A.606 Oui, monsieur.

Q.607 Est-ce que... Qu'est-ce que vous avez fait tout le temps que vous avez été avec le Colonel et l'accusé Houde?

A.607 Vous voulez parler de la troisième fois, - je 'typais'.

Q.608 C'est tout ce que vous avez fait?

A.608 Oui, monsieur.

Q.609 Vous avez 'typé' quoi?

A.609 Les notes que le Colonel Mercier m'avait données et les phrases qu'il donnait au Colonel et que le Colonel me répétait.

Q.610 Etiez-vous présent lorsque Houde a signé? Est-ce que ça a été signé ces notes-là?

A.610 Je ne me rappelle pas que cela a été signé devant moi.

Q.611 Vous n'avez pas eu connaissance de la signature par Houde?

A.611 Non, monsieur.

Q.612 Est-ce que cette déclaration a été lue devant vous?

A.612 Pas devant moi.

Q.613 Ni par le Colonel?

A.613 Pas que je me rappelle.

Q.614 Ni par Houde?

A.614 Pas que je me rappelle.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.615 Sergent-major, la troisième fois que vous êtes entré là, Houde y était déjà?

A.615 Oui, monsieur.

Q.616 L'avez-vous vu entrer?

A.616 Non, monsieur.

Q.617 A quelle heure est-il entré la troisième fois?

A.617 Je ne le sais pas.

Q.618 A peu près?

A.618 Je ne peux pas dire à peu près; je n'ai pas regardé ma montre.

Q.618 Avez-vous soupé ce soir-là?

A.618 Non, j'ai soupé à onze heures.

Q.619 Pourquoi?

A.619 Je ne reste pas à Québec, monsieur.

Q.620 Le Colonel vous a demandé de 'typer' une déclaration; qu'est-ce que le Colonel vous a demandé?

A.620 Il m'a donné les notes, et il m'a dit; "Type-moi ça."

Q.621 Alors, vous avez commencé à 'typer' sur des notes que le Colonel Mercier vous a passées?

A.621 Oui, monsieur.

Q.622 Est-ce qu'il y avait pas mal de notes?

A.622 Je ne me rappelle pas. Depuis ce temps-là, ça fait assez longtemps et j'en ai 'typé' plusieurs depuis ce temps-là.

Q.623 Voulez-vous regarder sur la déclaration et me dire où les notes finissent?

A.623 Je ne suis pas capable de vous dire où les notes finissent.

Q.624 A un moment donné, avez-vous abandonné les notes ou si le Colonel Mercier a dit: "Lâche les notes et je vais te parler"?

A.624 Je ne me rappelle pas.

Q.625 Comment ça se fait qu'à un moment donné vous ne vous êtes plus servi de notes?

A.625 Probablement qu'il n'y avait plus de notes.

Q.626 Est-ce ça?

A.626 Je ne me rappelle pas.

Q.627 Vous ne vous rappelez pas si vous aviez épuisé les notes ou si le Colonel vous a dit de les laisser aller?

A.627 Je ne me rappelle pas; j'ai 'typé' beaucoup de déclarations depuis celle-là.

Q.628 Avez-vous copié les notes textuellement, telles qu'écrites par le Colonel Mercier ou si vous avez arrangé cela pour que ça paraisse mieux?

A.628 Je n'ai rien arrangé.

Q.629 Ou si vous avez rédigé cela pour que ça paraisse mieux?

A.629 Je ne puis pas dire, monsieur.

Q.630 Ça commence "je soussigné" - est-ce que c'était écrit dans les notes ces premiers mots-là?

A.630 Je ne peux pas dire, monsieur; ça fait trop longtemps.

Q.631 Si ce n'était pas écrit dans les notes, où avez-vous pris ça, les premiers mots de la déclaration?

A.631 Je n'ai pas dit que ce n'était pas écrit; j'ai dit: "je ne me rappelle pas; ça fait assez longtemps de cela."

Q.632 Sergent-major, vous avez commencé par copier les notes?

A.632 Oui, monsieur.

Q.633 Alors, il fallait que ça soit écrit dans les notes?

A.633 Cela a pu être écrit dans les notes.

Q.634 Et ça pouvait ne pas être écrit?

A.634 Non, j'ai copié seulement d'après les notes.

Q.635 Si cela n'avait pas été écrit, vous ne l'auriez pas copié?

A.635 Non, monsieur.

Q.636 A un moment donné, soit parce qu'il n'y avait plus de notes, vous aviez tout copié, soit parce que le Colonel a dit: "Je vais poser des questions, tu prendras les réponses"; à un moment donné, vous n'avez plus suivi les notes?

A.636 Oui, monsieur.

Q.637 A quel moment, vous ne le savez pas?

A.637 Non, monsieur.

Q.638 Vous dites que le Colonel lui posait des questions?

A.638 Je ne me rappelle pas si le Colonel posait des questions.

Q.639 Vous dites que Houde lui faisait des réponses?

A.639 Le bureau où je 'typais' est assez loin du bureau du Colonel Mercier; les bureaux sont rapprochés l'un de l'autre...

Q.640 Vous deviez toujours entendre parler quelqu'un pour que vous puissiez mettre cela sur le papier? Vous entendiez Houde et vous entendiez le Colonel Mercier?

A.640 Pas plus l'un que l'autre.

Q.641 Vous entendiez les deux?

A.641 Houde disait quelque chose au Colonel et le Colonel me le répétait.

Q.642 Est-ce que le Colonel posait les questions?

A.642 Je ne m'en rappelle pas.

Q.643 Avez-vous rapporté les questions qui étaient posées par le Colonel?

A.643 Là-dessus, je ne vois pas de questions.

Q.644 Ce que vous avez écrit, c'est ce que le Colonel vous disait d'écrire?

A.644 Oui, monsieur.

Q.645 Vous n'êtes pas en état de dire que le Colonel vous a dicté textuellement ce que Houde disait?

A.645 Non, monsieur.

Q.646 Mais vous êtes en état de me dire que vous avez reproduit textuellement ce que le Colonel dictait?

A.646 Oui, monsieur.

Q.647 Combien cela a-t-il pris de temps, à peu près, vous rappelez-vous?

A.647 Non, monsieur.

Q.648 A peu près?

A.648 Je ne le sais pas, monsieur.

Q.649 Est-ce que ça a pris une heure?

A.649 Non, monsieur.

Q.650 Est-ce que ça a pris une demi-heure?

A.650 Peut-être une demi-heure, monsieur.

Q.651 Cela a pris une demi-heure, ça?

A.651 Je ne le sais pas.

Q.652 Est-ce qu'il y avait des moments avec des silences où vous avez arrêté d'écrire pendant longtemps et que le Colonel et Houde se parlaient?

A.652 Quand Houde parlait au Colonel...

Q.653 Vous n'écriviez pas?

A.653 Non, monsieur.

Q.654 Est-ce qu'il y a des moments où le Colonel disait: "Arrête un peu", questionnait Houde, Houde répondait, et quand ils s'étaient entendus sur la réponse, il vous dictait?

A.654 Non, monsieur.

Q.655 Comment cela marchait-il?

A.655 Le Colonel, je ne sais pas si le Colonel interrogeait Houde ou si Houde parlait; mais quand le Colonel répétait, je 'typais'; je ne sais pas si le Colonel questionnait Houde.

Q.656 L'entendiez-vous parler, le Colonel, à Houde?

A.656 Oui, monsieur.

Q.657 Vous devez savoir si c'était des questions qu'il posait ou s'il parlait de la déclaration? Certainement, vous savez s'il lui posait des questions, voyons?

A.657 Je ne me rappelle pas si c'était des questions.

Q.658 Est-ce que, comme question de fait, le Colonel ne posait pas des questions précisément sur les sujets qui sont dans la déclaration?

A.658 Je ne me rappelle pas; ça fait déjà assez longtemps - un peu plus d'un mois. Et depuis ce temps-là, j'en ai copié des déclarations.

Q.659 Souvent?

A.659 Assez souvent.

Q.660 Dans les mêmes circonstances?

A.660 Je ne me rappelle pas si ce sont les mêmes.

Le Procureur ne désire pas interroger le témoin de nouveau.

Interrogé par la Cour:

Q.661 En référant à la déclaration qui vous a été montrée et qui commence par: "Je soussigné", est-ce que cette déclaration écrite est bien la première copie que vous avez faite ou est bien la copie que vous avez faite lorsque le Colonel Mercier vous a donné la déclaration que le soldat Houde faisait, ou si après avoir été clavigraphiée une première fois, cette copie n'a pas été mise au propre?

A.661 Si ça été mis au propre, ça ne l'a pas été fait par moi.

Q.662 Est-ce qu'il y a quelqu'un d'autre qui pouvait clavigraphier une telle déclaration?

A.662 Ce soir-là?

Q.663 Ce soir-là, ça doit être ce soir-là?

A.663 Il y avait d'autres commis au bureau, monsieur.

Q.664 Vous rappelez-vous que c'est la déclaration que vous avez écrite; pouvez-vous l'identifier comme celle que vous avez écrite?

A.664 En autant que je me rappelle, c'est exactement celle que j'ai écrite.

Q.665 Avez-vous signé comme témoin là-dessus?

A.665 Non, monsieur.

Q.666 Qui a signé comme témoin?

A.666 Le Lieut-Colonel Jules Mercier et le Major Lacasse.

Q.667 Vous reconnaissez ce document comme étant celui que vous avez écrit?

A.667 Oui, monsieur, du moins, je crois me souvenir que c'est bien celui que j'ai écrit.

En vertu de la règle de de procédure 85(B), l'avocat de l'accusé demande à la Cour de poser la question suivante (No. 668)
La question est posée par le Juge-Avocat.

Q.668 En examinant le document que vous avez actuellement dans les mains, avez-vous un moyen quelconque de déterminer que c'est bien le document que vous avez copié à la machine, vous-même? Connaissez-vous un signe qui vous permettrait de l'identifier comme étant le document que vous avez écrit à la machine, une marque de base, une lettre barrée à votre manière, quelque chose qui pourrait vous indiquer que c'est le document que vous avez écrit?

A.668 Il n'y a aucune initiale.

Interrogé par le Juge-Avocat.

Q.669 Initiales ou autres marques qui permettraient de dire que c'est vous qui avez tapé ce papier-là

A.669 Je ne vois aucune marque, monsieur.

Q.670 Alors, êtes-vous aussi certain que vous l'étiez que c'est le document que vous avez tapé?

A.670 Maintenant, comme je le dis, autant que je peux me souvenir, c'est celui-là que j'ai tapé.

Q.671 Est-ce qu'il y a quelque chose sur ce document qui peut vous faire dire que c'est vous qui l'avez fait? Vous rappelez-vous l'avoir fait sur une couleur de papier comme vous avez en mains?

A.671 Oui, monsieur.

Q.672 C'était un papier comme ça?

A.672 Oui, monsieur.

Q.673 Vous rappelez-vous du nombre de pages?

A.673 Je me rappelle de deux pages.

Q.674 Combien de pages y a-t-il là?

A.674 Deux pages.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

A 5 h. 35 de l'après-midi, le 30 novembre 1942, la cour s'est ajournée jusqu'à 10 h. de l'avant-midi, le 1er décembre 1942.

Le 1er décembre 1942, à 10 h. 15 de l'avant-midi, la cour se rassemble conformément à l'avis d'ajournement; sont présents les mêmes membres que lors de la suspension des débats.

Le Procureur annonce qu'il a fini de présenter sa preuve sur le voir-dire.

L'avocat de l'accusé déclare qu'il n'a pas de témoins à faire entendre sur le voir-dire.

L'avocat de l'accusé s'adresse à la Cour:

"J'ai déclaré ne pas avoir de témoins à faire entendre sur le voir-dire, et je désirerais faire quelques remarques à la Cour sur les motions que je désire faire pour demander le rejet d'une confession que l'on veut mettre en preuve."

Le Procureur s'adresse à la Cour:

"Alors, vu que la défense n'a pas de témoins à faire entendre sur le voir-dire, la poursuite soumet que la déclaration écrite et la déclaration verbale sont admissibles, et cela en se basant sur le paragraphe 78, à la page 91 du Manuel de Droit Militaire, sous-paragraphes 1 et 2 dudit article.

"La Cour se rappelera qu'au moment où Houde est allé devant son officier-commandant, Houde n'était pas sous arrêts. Le Lieutenant-Colonel Mercier conduisait une enquête pour savoir quelles étaient les irrégularités qui lui avaient été rapportées, jusqu'à quel point Houde était au courant des agissements d'un sergent à l'étage supérieur. Ce n'est qu'à la troisième entrevue, après avoir interviewé plusieurs membres du personnel qu'il a eu des soupçons sur l'accusé Houde. Immédiatement il a mis Houde en garde, lui disant qu'il n'était pas obligé de parler, qu'il avait le droit de voir un avocat, et que s'il paralti, cela pourrait servir contre lui.

"Je soumets qu'à cette occasion Houde a parlé librement devant le Lieutenant-Colonel Mercier, et devant le Major Lacasse, et que même si le Lieutenant-Colonel Mercier n'avait pas fait la mise en garde à Houde, mise en garde que l'on connaît, la déclaration de Houde serait admissible parce que faite sans menaces et sans promesses, le tout tel que mentionné au haut de la page 93 du Manuel de Droit Militaire.

"Si vous vous rappelez du ou des témoignages du Lieutenant-Colonel Mercier et du Major Lacasse, vous vous souviendrez qu'après la mise en garde, la première réponse de Houde, c'est; "je refuse de parler". Et sans autres questions, il a immé-

diatement commencé sa déclaration.

"Je soumets que la déclaration écrite est la suite de sa déclaration verbale, et que Houde, tel que l'a dit le Lieutenant-Colonel Mercier, l'a lue ou cela lui a été lu, et on lui a dit qu'il était libre de signer et que s'il ne voulait pas la signer,il était encore libre de refuser.

"Je soumets, pour ces raisons, que la déclaration verbale aussi bien que la déclaration écrite devraient être mises en preuve."

PLAIDOIRIE DE L'AVOCAT DE L'ACCUSE
SUR LE VOIR-DIRE

Qu'il plaise à la Cour.

Je ne veux pas retenir la Cour inutilement en répétant des choses que j'ai déjà dites dans une cause précédente, seulement comme chaque cause doit avoir son dossier complet, je désire simplement donner certaines références afin que ce dossier-ci soit complet, en autant que la position de la défense est concernée.

Il y a évidemment des principes qu'on ne discute pas et sur lesquels tout le monde s'entend.

La déclaration ou confession doit être libre et volontaire, et il appartient à la poursuite de prouver que cette confession a été faite librement et volontairement. Et je crois qu'il faut ajouter dans cette cause-ci, qu'une personne en autorité qui questionne quelqu'un sous soupçons, doit la mettre en garde légalement, et que le fait qu'elle soupçonne cette personne-là indique qu'elle la questionne dans le but de vérifier si ces soupçons de culpabilité sont fondés ou non. Sur ce point j'attirerai l'attention de la Cour sur une décision anglaise, Rex vs Mathews, Tome XIV, Criminal Appeal Reports, p. 23;

"A Police Officer has no right to try to elicit admission from persons whom he suspects".

J'attire également l'attention de la Cour sur le paragraphe 75 et le paragraphe 77 du chapitre VI du "Manual of Military Law", à la page 91. Je n'aurai pas besoin, évidemment, de lire tous ces paragraphes.

Il y a également dans cette cause-ci deux genres de déclarations que l'on veut mettre devant la Cour; une déclaration verbale et une déclaration écrite.

La première objection que je veux faire s'attaque et à la déclaration verbale et à la déclaration écrite. Et je soumets que si la déclaration verbale a été obtenue illégalement, évidemment, elle entache la déclaration écrite parce que la déclaration écrite n'a pas été précédée d'aucune autre mise en garde et qu'il n'y a eu en somme qu'une mise en garde, celle du début.

Je ferai remarquer à la Cour qu'il est vrai que d'après les témoignages du Lieutenant-Colonel Mercier et du Major Lacasse, on a d'abord interrogé Houde à deux reprises sur des irrégularités qui se seraient commises dans le département où il était, mais alors qu'on ne faisait pas enquête sur lui. Seulement, la Cour doit se demander quel a été l'effet sur l'esprit de Houde d'être amené deux fois devant le D.M.O. et l'officier-commandant pour être interrogé sur ces irrégularités.

La première fois, il refuse de répondre. Evidemment, cela n'indique pas qu'il est prêt à faire une déclaration volontairement et librement. La deuxième fois, il refuse encore de donner des informations. Cela n'indique pas qu'il est prêt à faire une déclaration librement et

volontairement.

(Le Président fait remarquer à l'avocat de l'accusé qu'il n'a pas été dit qu'il avait refusé de répondre la première fois).

Je me corrige. Il refuse de donner des informations et il dit qu'il ne connaît rien. Je ne pense pas que je dépasse les bornes en disant qu'on peut assimiler cela à un refus de répondre quand il dit: "Je ne connais rien". A tout évènement, il ne veut pas faire de déclarations affirmative l'incriminant. Evidemment, on n'est pas satisfait de cette explication à propos de certaines irrégularités et on le ramène une deuxième fois. Evidemment, Houde doit se demander si on ne veut pas avoir de lui quelque chose. Entre la deuxième et la troisième fois, le Lieutenant-Colonel Mercier et le Major Lacasse poursuivent leur enquête et sont convaincus à ce moment-là que Houde les a trompés et que Houde est personnellement impliqué dans ces irrégularités. Et la troisième fois, c'est le témoignage du Colonel Mercier, Houde est soupçonné. C'est à une question du Juge-Avocat que le Colonel Mercier a répondu qu'il tenait à ce moment-là Houde sous soupçons.

Houde rentre et alors le Colonel Mercier lui fait une mise en garde. Le Colonel Mercier nous rapporte brièvement la mise en garde. J'attire l'attention de la Cour d'une façon spéciale -car c'est là l'argument de la défense et c'est sur cela qu'il se repose- sur la mise en garde telle que rapportée par le Major Lacasse. Je l'ai prise en note. Je la rapporte de mémoire telle que prise à la longue main, et si cela est nécessaire, je demanderais respectueusement à la Cour -parce que c'est l'argument fondamental- de consulter les notes sténographiques. Le Major Lacasse dit: quand Houde est entré, le Lieutenant-Colonel Mercier lui a dit, "Si tu es coupable ou si tu as quelque chose à te reprocher". C'est ce que le Major Lacasse a dit. Ce sont les notes que j'ai prises: "Si tu es coupable, si tu te sens coupable"; "si tu te sens coupable" "Si tu as quelque chose à te reprocher, tu n'es pas obligé de parler.".

Ceci n'est pas une mise en garde. C'est pire que s'il n'y avait pas de mise en garde. Qu'est-ce que cela veut dire? Cela veut dire à Houde: "Si tu ne parles pas, c'est parce que tu te sens coupable. Si tu ne parles pas, c'est parce que tu as quelquechose à te reprocher." Il n'y a pas d'autre moyen d'envisager la question. "Si tu te sens coupable, si tu as quelque chose à te reprocher, tu n'es pas obligé de parler". Or, Houde est là qui écoute; cela fait deux fois qu'on le fait venir. Cela fait deux fois qu'on le descend. Cela fait deux fois qu'il entend dire: "Si tu es coupable, si tu te sens coupable, si tu as quelque chose à te reprocher, tu n'es pas obligé de parler". Alors Houde se dit: pour prouver que je ne suis pas coupable, pour prouver que je n'ai rien à me reprocher, je suis mieux de parler. Même au commencement de cela, il commence par dire: J'aime mieux pas parler. Est-ce là l'indication qu'il parle librement et volontairement?

S'il consent à parler la troisième fois, c'est parce que l'invitation qu'on lui a faite travaille dans son esprit et qu'il se dit:"si je continue à ne pas parler, avec ce que le Colonel vient de me dire, c'est signe que j'ai quelque chose à me reprocher. Alors, pour prouver que j'ai rien à me reprocher, je vais parler. Pour prouver que je ne suis pas coupable, je vais parler. Pour prouver que je ne me sens pas coupable, je vais parler.". Il parle.

Vous trouverez sur la mise en garde une jurisprudence constante qui a établi que cette mise en garde devait être faite dans des termes tels qu'elle ne laissait supposer en aucune façon qu'elle était une invitation à parler ou à ne pas parler.

J'attire l'attention de la Cour sur une décision de Rex vs Baldwin, rapporté au Tome XXIII, Criminal Appeal Reports, p. 62:

> "If the Judge at the trial is satisfied that the defendant was properly cautioned before he made a statement, that statement is admissible in evidence; the defendant is not entitled at that stage to give evidence that the statement was improperly obtained".

Evidemment, ce n'est peut-être pas le même point, mais cela indique par exemple l'importance qu'il y a à ne mettre dans la mise en garde rien qui pourrait empêcher une personne innocente de parler, ou laisser supposer à la personne, par leurs questions, que c'est en répondant qu'elle établira qu'elle n'a rien à se reprocher et qu'elle ne se sent pas coupable.

Je vous avoue bien sincèrement que je ne vois pas comment vous pouvez admettre qu'une mise en garde faite dans la forme qui a été rapportée par le Major Lacasse, est une mise en garde qui n'est pas une invitation à parler.

Mon savant ami dit: sans une mise en garde, nous pourrions peut-être admettre la déclaration. Je n'ai pas besoin de faire d'admission sur ce point-là, mais il y a une chose certaine que je dois déclarer, c'est qu'avec la mise en garde actuelle, ces déclarations ne peuvent pas être admises, évidemment ni la déclaration verbale ni la déclaration écrite. Et les déclarations verbales telles que rapportées, qui commencent pas, l'affirmation de la volonté du prévenu, disant: jene veux pas parler; y -a-til moyen que vous ayiez la preuve plus claire qu'elles sont faites par une personne qui ne veut pas parler?

Il parle ensuite, et au cours de sa déclaration, on le questionne. On ne le questionne pas, qu'il plaise à la Cour, pour faire préciser certains termes; on ne le questionne pas pour faire préciser une date; on le questionne pour lui faire préciser les soupçons que le Colonel Mercier a sur son sujet à ce moment-là. Et alors? J'attire l'attention de la Cour sur la page 92 du Manuel de Droit Militaire, au paragraphe 7, qui rapporte les règles qui ont été admises par la Cour d'Appel criminelle en Angleterre, et la façon dont devaient se conduire les hommes en autorité qui faisaient une enquête ou qui obtenaient des déclarations:

A.78. Chapitre VI, M.M.L. , p. 92.

"A.78, paragraphe (7)

A prisoner making a voluntary statement must not be cross-examined, and no questions should be put to him about it except for the purpose of removing ambiguity in what he has actually said. For instance, if he has mentioned an hour without saying whether it was morning or evening, or has given a day of the week and day of the month which do not agree, or has not made it clear to what individual or what place he intended to refer in some part of his statement, he may be questioned sufficiently to clear up the point."

Maintenant, le Colonel Mercier nous dit que ce n'est pas là-dessus qu'il l'a questionné. Il l'a questionné pour faire préciser les soupçons qu'il avait, par conséquent, pour obtenir de lui des admissions de culpabilité Il n'y a pas moyen d'interpréter autrement le témoignage du Colonel Mercier. Or même que vous supposeriez que la mise en garde aurait été légale et qu'il est légal de mettre un homme en garde en lui disant: si tu te crois coupable tu n'est pas obligé de parler, si tu te sens coupable, tu n'est pas obligé de parler. Et si tu n'es pas coupable, parle.

Si vous êtes convaincus que cette mise en garde est légale, évidemment, mon argument ne vaut plus rien.

Mais même si mon argument ne vaut plus rien sur le premier point, il n'en reste pas moins vrai que cette déclaration volontaire qui commence par dire: je ne veux pas parler, cette déclaration volontaire a été accompagnée d'un questionnaire, contrairement aux règles posées par les autorités judiciaires anglaises en cette matière.

Dans ces circonstances, je crois qu'il ne peut pas être question d'admettre la déclaration verbale. Et mon argument, évidemment, s'applique à la déclaration écrite, puisque la déclaration écrite n'a pas été précédée d'une nouvelle mise en garde et a été la conséquence de ce qui s'est fait lors de la déclaration verbale. Je dois souligner le temps que l'on prend à obtenir ces déclarations spontanées et volontaires de l'accusé:Il rentre là vers six heures et demie et il en sort à huit heures pour faire des déclarations qui contiennent une page et deux lignes de papier de correspondance. Evidemment, cela n'a pas marché tout seul.

En plus de ces arguments, et en autant que la déclaration écrite est concernée, je soumets qu'il ne peut pas être question d'admettre la déclaration écrite parce que d'abord, la règle 9 que l'on trouve à la page 92 du M.M.L. (Chapitre VI), n'a pas été suivie:

"A.78 (9) Any statement made in accordance with the above rules should, whenever possible, be taken down in writing and signed by the person making it after it has been read to him and he has been invited to make any corrections he may wish".

Vous n'avez pas de preuve là-dessus, qu'on l'a invité à faire des corrections qu'il désirait.

* Mais en plus de cela, la déclaration écrite qui est là n'est pas la déclaration de l'accusé C'est une déclaration qui, pour partie a été prise sur des notes rédigées par le Colonel Mercier, et pour partie sur un rapport des réponses faites par l'accusé aux questions du Colonel Mercier; rapport des réponses dictées par le Colonel Mercier.

Alors, je soumets que lorsque dans une procédure ou dans une entrevue où l'on a des aveux ou des déclarations que l'on obtient, si ces déclarations sont faites en réponse à des questions, il faut avoir dans la déclaration non seulement les réponses, mais aussi les questions.

Ici, vous avez la preuve qu'il y a eu des questions de posées et vous n'avez pas une question qui est rapportée. Sur ce point, j'attire l'attention de la Cour sur la cause --une cause canadienne, mais qui, encore une fois, est basée sur le droit anglais, une cause récente - la cause de Thiffault, 60 C.C.C., p.97, où l'on a rejeté la déclaration. La Cour Suprême a rejeté la déclaration et l'écrit verbal, premièrement parce que toutes les personnes n'avaient pas été présentes, et deuxièmement, parce que la déclaration écrite n'était pas un rapport "verbatim" de ce qui s'était dit. Et ici, il n'y a certainement pas un rapport "verbatim" de ce qui s'est dit.

(Le Juge-Avocat demande à l'avocat de l'accusé de faire la lecture du jugement, tel que rapporté dans Crankshaw)

"Held, that a statement in writing made to police officers by the accused while in custody was not admissible in evidence against him on a trial for murder since the document though written in the first person and read over to and signed by him was not a verbatim report of what occurred but merely a clerk's summary of the course of interrogatories and answers, and indeed, contained a substantial mis-statement together with a record of an admission which was both admissible and prejudicial".

(Le Juge-Avocat fait remarquer que l'accusé, dans la cause citée, était 'in custody')

Evidemment, il n'y a pas d'erreur, mais ceci se rattache au premier argument que j'ai fait, dans la cause de Baldwin: lorsque la personne est sous soupçons, elle doit être considérée comme 'in custody'. Le Colonel Mercier, évidemment, croyait qu'il était obligé de faire une mise en garde à la troisième entrevue.

(Le Juge-Avocat fait remarquer que dans la cause de Thiffaut, il s'agissait tout simplement de clarifier la situation de l'accusé.)

(L'avocat de l'accusé dit: "Oui; il était sous arrêts")

Je soumets donc que cette déclaration écrite ne rencontre pas les prescriptions données par le droit anglais et la précaution que l'on doit prendre avant de faire signer l'accusé, et en second lieu, elle n'est pas faite dans une forme telle qu'elle puisse être acceptable.

Dans une déclaration, lorsqu'un accusé fait une déclaration concernant sa culpabilité, un mot de changé, qui, dans l'esprit de celui qui l'écrit peut avoir le même sens, rendu au procès, peut changer complètement l'aspect de la déclaration. Un 'et' que l'on met pour un 'ou'. Si cela n'est pas la déclaraction exacte, complète, "verbatim" de l'accusé, je soumets que cela ne peut pas entrer en cause, et ceci évidemment ne concerne que la déclaration écrite.

Et pour terminer, je soumets donc que ces deux déclarations ne peuvent entrer en cause, et j'attire l'attention de la Cour encore une fois en terminant, parce que je crois que c'est un point excessivement important dans cette cause-ci, sur l'effet de la mise en garde rapportée par le Major Lacasse et prononcée par le Colonel Mercier lorsqu'il dit à l'accusé: "Si tu te sens coupable, si tu as quelque chose à te reprocher, tu n'es pas obligé de parler."Je crois que ceci annule la mise en garde, et, au contraire, est une invitation dans les circonstances à parler."

REPLIQUE DU PROCUREUR SUR LE VOIR-DIRE

J'ai quelques point à corriger, si la Cour me le permet. D'abord, dans les affirmations de mon confrère, je veux rappeler à la Cour que lors de la première et la deuxième entrevue que Houde a eues avec le Colonel Mercier, et le Major Lacasse, il n'était pas question d'irrégularités en argent. Il était question, comme le Colonel Mercier l'a dit, d'un sergent qui travaillait au même étage que Houde et qui parlait à l'écart avec des civils. Houde n'a pas refusé de parler. Houde a nié avoir eu connaissance que Fortin ou le sergent en question, pour ne pas le nommer, avait des entrevues avec les civils.

Maintenant, cela change l'aspect de la cause. Ce sont d'autres qui ont relié Houde à Fortin, et dès que le Colonel Mercier a eu des soupçons, il l'a mis en garde. Mon confrère fait grant état des mots employés et rapportés par le Major Lacasse: "Si tu te sens coupable". Loin de penser comme mon confrère, ces mots disent à l'accusé plus clairement que la mise en garde banale qui est ordinairement lue à un accusé, et qui ne sait pas ce dont il est question, mise en garde vague, indéfinie. Tandis que là, il lui dit carrément: "Si tu te sens coupable, tu n'es pas obligé de parler". Ce n'est pas un 'inducement' à parler, au contraire.

Si l'argument de mon confrère était bon; l'accusé pour prouver sa non-culpabilité, vient et s'accuse - ce serait ridicule. Il fait une déclaration. Cela serait ridicule. Le Major Lacasse, au sujet des questions du Colonel Mercier, a bien dit dans son témoignage que le Colonel Mercier demandait certaines précisions. Mon confrère réfère la Cour au sous-paragraphe (7) de l'Article 78. Cela se rapporte à un prisonnier, et la preuve devant cette Cour est claire que Houde au moment où il a comparu devant le Colonel Mercier n'était pas un prisonnier.

Au sujet de la déclaration écrite, mon confrère cite le paragraphe 9. Je m'accorde avec lui en ce qui regarde le sous-paragraphe (9) de l'Article 78. La déclaration a été lue par Houde ou elle a été lue par le Colonel Mercier, et le Colonel Mercier lui a dit: "Tu n'es pas obligé de la signer; regarde si c'est correct". Le Colonel Mercier rapporte que encore là, il lui a dit: "Tu n'es pas obligé de la signer". Et malgré cela, l'accusé l'a signée.

Maintenant, au sujet du 'verbatim'. Dans l'Armée, la forme du 'verbatim', on l'emploie moins souvent. On emploie la forme narrative plutôt qu'une autre.

Dans Phipson, 7ème édition, p. 258, il est dit:

"...and the better opinion is that confessions made in answer to questions by the police to the accused, even when in custody, are in strict law admissible, provided there was no promise or threat used.

Plus bas, sur la même page:

"The Court remarked that these rules have not the force of law, but are administrative directions which should be observed by the police for the fair administration of justice, and that statements obtained from prisoners contrary to their spirit may be rejected at the trial."

Et à la page 259:

"The form of confession is, in general, immaterial. Thus, it may be made either orally or in writing; and a letter written by the prisoner to the prosecutor, even when in custody and although no caution was given him, is receiveable."

A la page 262, même édition, Phipson, la Cour pourra prendre connaissance de la forme des confessions qui ont été admises, formes des questions posées à l'accusé, qui ont été acceptées par le Tribunal Anglais.

En voici des exemples: "Be a good girl and tell the truth"; "Be sure to tell the truth"; "I should advise you to answer truthfully" etc.

Je soumets que les déclarations, avec la preuve de voir-dire, devant cette Cour, devraient être admises.

DIRECTIVES DU JUGE-AVOCAT

" Je vais être aussi bref que possible. La Cour est maintenant appelée à décider s'il y a lieu ou non d'accepter les déclarations verbales et les déclarations écrites qui ont été faites par l'accusé.

" Pour en venir à une conclusion, la Cour devra être guidée par certains principes, lesquels sont bien connus et qui ont été exposés au long dans la cause du soldat Hamel, et encore dans cette cause de Houde par le Procureur de la poursuite et l'avocat de la défense. Ces principes généraux trouvent leur application dans la présente cause comme dans toute autre, et il s'agit de savoir quels sont les principes qui reçoivent leur application en l'espèce, et lesquels de ces principes-là il faut choisir comme guides pour la Cour.

" Un point qui se soulève dans le présent cas est celui de savoir si les déclarations ont été faites devant des "personnes 'in authority'" telles que mentionnées dans les divers rapports judiciaires et dans la doctrine sur ce point.

" J'aviserai la Cour que dans mon opinion, le Colonel Mercier et le Major Lacasse sont toutes deux des personnes "in authority". L'un était l'Officier-commandant de l'accusé; l'autre était l'Officier Senior, en autant qu'il s'agit du corps médical de district.

" Je dois évidemment dire qu'il y a de la doctrine et de la jurisprudence à l'effet que, dans de tels cas, une mise en garde est essentielle, tout comme si l'accusé était aux arrêts, en détention ou arrêté. Comme question de fait, une mise en garde a été donnée.

" La question que la Cour a à se poser est celle-ci: "Cette mise en garde est-elle viciée et doit-elle être considérée comme nulle, comme n'ayant pas été donnée?" "Est-ce que les termes employés, au lieu de prévenir l'accusé que ce qu'il pourrait dire pourrait être mis en preuve à un procès qu'il subirait subséquemment; est-ce que cette mise en garde aurait pu être interprétée par l'accusé comme une invitation à parler?" C'est là une question sur laquelle la Cour aura à se prononcer en se basant sur la preuve qui a été faite.

" La défense a insisté sur ce qu'elle considère comme une incitation à parler, laquelle serait constituée par l'emploi des mots, au début de la mise en garde; "Si tu te sens coupable..." La Cour appréciera si l'emploi de ces mots-là a privé l'accusé de sa liberté intellectuelle, mentale, au point de constituer pour lui une incitation à faire certaines révélations, lesquelles il n'aurait pas faites si le Colonel Mercier n'avait pas employé ces mots-là. C'est une question de fait que la Cour aura à déterminer.

" On a référé à diverses reprises aux "Rules issued by the Judges of the King's Bench Division", reproduites aux pages 91, 92 et 93 du Manuel de Droit Militaire. Je

l'ai dit dans la cause de Hamel, et je le répète afin que cela soit enregistré dans les procédures de la présente cause: ces règles ont été rédigées pour la gouverne des officiers de police ou de toutes autres personnes chargées de faire une investigation, mais elles n'ont pas force de loi. Elles sont le produit de la sagesse et de l'expérience, mais elles n'ont pas un caractère absolument "binding", qui lie d'une façon absolue.

" Je ne saurais mieux rendre ma pensée qu'en citant au texte la fin de la page 92;

"Provided that such rules are observed there can be no question as to the admissibility of the statement. Whether non-observance of them renders a statement inadmissible is perhaps doubtful; but the better view appears to be that a statement is in law admissible notwithstanding that it was obtained by a person in authority, and notwithstanding non-observance of the rules, if the prosecution can satisfy the court that it was not in fact induced by any fear of prejudice or hope of advantage, as explained in the preceding paragraphs."

" Le fait de ne pas se conformer à ces règles ne signifie pas que la déclaration devient 'ipso facto' non admissible. Il faut toujours que la Cour en revienne aux principes essentiels, aux principes de base et se pose la question: "Est-ce que la déclaration a été faite librement et volontairement?"

La Cour siège en audience privée pour étudier la question.

La Cour siège en audience publique et annonce sa décision. La Cour déclare qu'elle accepte la preuve des déclarations verbales et des déclarations écrites de l'accusé.

La Cour reprend le procès.

DIXIEME TEMOIN
A CHARGE.

Lieutenant-Colonel Jules MERCIER, R.C.A.M.C., C.A., Médecin-chef, District Militaire No. 5, Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.675 Lieutenant-Colonel Mercier, au sujet de l'entrevue du 17 octobre 1942 avec Houde, pourriez-vous examiner le document que je vous exhibe et nous dire si vous connaissez ce document?

A.675 (Le témoin prend connaissance du document en question).
Oui, monsieur.

Q.676 Qu'est-ce que c'est?

A.676 C'est la confession que...

Le Juge-Avocat demande au témoin de se servir du mot "déclaration" et ajoute que la Cour appréciera si c'est une "confession" ou non.

A.676a C'est la déclaration qu'a faite le soldat Léopold Houde.

Q.677 Voulez-vous dire quelles sont les signatures, si vous les connaissez, qui apparaissent à la page 2 de ce document?

A.677 Il y a la signature du soldat Léopold Houde, la signature du Major Lacasse, Commandant de la 5ème Compagnie, et la mienne.

Q.677a Voulez-vous lire le document, Colonel...?

L'avocat de l'accusé s'objecte à la question parce que le document contient des déclarations qui ne concernent pas la cause de l'accusé, ni les accusations qui sont portées contre lui.

Le Procureur soumet que le document contient des déclarations de l'accusé relativement aux accusations portées contre lui, et que s'il y a d'autres choses qui ne regardent pas Houde, on est tout de même obligé de prendre le document dans son tout.

Le Juge-Avocat déclare qu'on doit prendre le document comme un tout.

La Cour renvoie l'objection de la défense.

Q.677b Voulez-vous lire ce document, Colonel, et dire à la Cour s'il contient les déclarations verbales qui vous ont été faites par Houde à l'occasion de cette entrevue?

L'avocat de l'accusé s'objecte à la forme de la question.

L'objection est maintenue par la Cour.

Q.677c Voulez-vous lire ce document, Colonel, et dire s'il contient quelque chose que Houde vous aurait pas déclarée?

L'avocat de l'accusé s'objecte à la forme de la question.

Le Juge-Avocat demande au Procureur de procéder par ordre chronologique afin de ne pas prolonger les débats.

Question retirée.

Q.678 Colonel, voulez-vous relater à la Cour l'entrevue que vous avez eue avec le soldat Houde le 17 octobre 1942, et ce qui s'est dit dans cette occasion?

A.678 Voulez-vous dire la deuxième ou la troisième entrevue?

Q.679 A la troisième entrevue.

A.679 A la troisième entrevue, après avoir fait une mise en garde comme je l'ai expliqué hier dans mon témoignage, le soldat Houde a dit qu'il refusait de répondre; mais cependant il a ajouté...(Le témoin s'adresse au Procureur: "Est-ce que je dois tout dire?").

Q.680 Pour votre information, la Cour a décidé d'accepter les déclarations verbales et écrites faites en votre présence.

A.680 Il a dit: "Je refuse de répondre". Cependant, il a avoué, sans autres questions, qu'il avait donné... je suis obligé de nommer d'autres noms...qu'il avait donné vingt piastres au Capitaine Grondin.

Q.681 Ensuite?

A.681 Ensuite, je lui ai demandé combien d'argent qu'il avait eu ou qu'il avait reçu; il m'a répondu: "Deux cent à deux cent cinquante piastres". Il a ajouté qu'il recevait des gens qui s'informaient auprès de la catégorie médicale qui leur serait attribuée, et qu'il les dirigeait au sergent Fortin. Il a avoué aussi avoir donné une somme de quarante à quarante-cinq piastres au sergent Fortin, provenant d'une somme totale d'environ soixante ou soixante-cinq piastres, somme qu'il aurait reçue lui-même. Ensuite, il a avoué avoir reçu trente piastres d'un individu de la Baie Comeau; cinq piastres d'un individu nommé Raymond, par l'entremise ou l'intermédiaire d'un nommé Simard, et une bouteille de "scotch" d'un nommé Trudel. Il a aussi mentionné qu'il avait offert de l'argent au Major Girard et qu'il avait refusé --selon son expression - "de se laisser acheter". Il a mentionné aussi qu'il avait demandé en différentes occasions aux médecins --il n'a pas mentionné de noms -- à différents médecins, la

A.681 (suite)

catégorie médicale dans laquelle serait placé tel ou tel individu, et que les médecins lui auraient répondu que selon les ordres du D.M.O., ils ne pourraient lui rendre ce service. Je pense que c'est à peu près ce qu'il m'a dit lors de ma troisième entrevue du 17 octobre. Le lendemain...

Q.682 Non, laissez faire pour le lendemain. Le document que vous avez identifié tout à l'heure comme ayant été signé par Houde, devant vous, ayant comme témoins le Colonel Mercier et le Major Lacasse, voulez-vous dire à la Cour qu'est-ce que c'est ce document-là?

A.682 C'est la déclaration écrite, c'est identique avec ses déclarations verbales; même il y a des expressions qui sont celles que le soldat Houde a employées.

Q.683 Voulez-vous produire comme évidence documentaire la déclaration écrite en date du 17 octobre 1942 et portant la signature "No. E-25868, soldat Léopold Houde, No. 5 Coy, R.C.A.M.C., C.A." ?

Déclaration écrite, dactylographiée, en date du 17 octobre 1942, portant la signature du No. E-25868, Pte. HOUDE, Léopold, No. 5 Coy, R.C.A.M.C., C.A., et les signatures des témoins Jules MERCIER, Lieut.-Col., D.M.O. 5, J.Louis LACASSE, Major, O.C. No. 5 Coy, R.C.A.M.C., C.A., est signée par le Président, marquée "H" et jointe au procès-verbal.

L'avocat de l'accusé contre-interroge le témoin.

Q.684 Vous avez questionné l'accusé pendant cette entrevue?

A.684 Oui, monsieur.

Q.685 Quelle est la première chose qu'il vous a dite après avoir dit qu'il ne voulait pas parler.

A.685 Il a ajouté, sans que je lui pose aucune question, qu'il avait donné $20.00 au Capitaine Grondin.

Q.686 Avez-vous posé des questions à ce sujet-là?

A.686 Je lui ai posé une question. Je pense que je lui ai demandé d'où venait cet argent.

Q.687 Qu'est-ce qu'il a dit?

A.687 Je pense qu'il ne m'a pas répondu sur cela.

Q.688 Quelle est la deuxième chose qu'il vous a dite?

A.688 Vous savez, exactement, les questions posées à Houde, comme ça...mais je pense que le témoignage

A.688 (suite)

que je viens de rendre... La deuxième chose, voici; il a ajouté quelque chose sur son témoignage à l'effet qu'il avait donné vingt piastres au Capitaine Grondin; je sais qu'il m'a dit être sous l'impression que le Capitaine Grondin en avait remis un peu ou une certaine partie au Major Guimont. Ca, il a ajouté ça.

Q.689 Ensuite?

A.689 Ensuite, je lui ai évidemment demandé la somme totale des montants reçus; il m'a dit, cette journée-là, qu'elle devait s'élever entre deux cent à deux cent cinquante piastres.

Q.690 Lui avez-vous demandé pourquoi il avait eu cet argent-là, en quelle circonstance?

A.690 Il recevait ça de gens...arrêtez, je vais tâcher de m'en rappeler exactement.

Le Juge-Avocat demande à la Cour de faire lecture de la déclaration écrite, jointe au procès-verbal comme pièce à conviction "H".

Le Président donne lecture de la déclaration.

Q.691 Lui avez-vous demandé pourquoi il avait eu cet argent-là, en quelle circonstance?

A.691 De gens qui, d'après lui, auraient été classés "E" quand même. Je pense, même, qu'il y a beaucoup d'expressions qui sont exactement celles qu'a employées le soldat Houde.

Contre-interrogé par l'avocat de l'accusé(suite):

Q.692 Bien, j'espère que c'est sa déclaration?

A.692 Seulement, on peut changer la forme; c'est ça que j'entends. Le sens, c'est exactement le sens. Je pourrais dire que c'est pratiquement les mêmes mots qu'a employés le soldat, je crois. Evidemment, je l'ai corrigé pour avoir plus de clarté. Vous savez ce que je veux dire.

Q.693 Cette déclaration produite comme Exhibit "H", c'est vous qui l'avez dictée, n'est-ce-pas?

A.693 Oui, c'est moi qui l'ai dictée. Voici; quand j'ai interrogé le soldat Houde, j'ai pris des notes sur ses réponses; ensuite de cela nous avons mis ça pour que ça se tienne ensemble. Je disais au soldat Houde; "Est-ce que c'est cela que tu veux dire ou que tu as dit?" Quand il disait; "Oui", on le copiait.

Q.694 Est-ce que, pendant un certain temps, il y en a une partie qui a été copiée sans que cela soit sur vos notes?

A.694 J'étais à côté du sergent-major, et je demandais au sergent-major si c'était ça qu'il avait dit. J'étais en arrière de lui.

Q.695 Au début, est-ce que le sergent-major a copié directement les notes sans que vous ayiez à intervenir?

A.695 J'étais à côté du sergent-major. J'étais en arrière afin de voir que cela soit exactement la déclaration du soldat Houde.

Q.696 Par exemple, ici, dans la déclaration, "Je soussigné, E-25868, Private Léopold Houde, acting-sergeant", ça c'est vous qui avez dit cela?

A.696 Oui.

Q.697 "..refuse de répondre aux questions du Lieutenant-Colonel Jules Mercier, D.M.O., M.D. No. 5" - c'est vous qui avez dit cela?

A.697 Seulement je lui ai demandé si c'était bien ça.

Q.698 Mais, il refuse de répondre? "après la mise en garde"...c'est vous qui avez mis cela?

A.698 Je lui ai demandé si c'était ça, il a dit "Oui" que c'était ça.

Q.699 Vous n'avez pas cru rapporter votre mise en garde, hein? Vous ne l'avez pas rapportée dans la déclaration?

A.699 Non; ça, c'est textuellement quand il m'avait dit; "Je refuse de parler".

Q.700 Cependant, "après cela, j'avoue avoir donné" - jurez-vous qu'il a dit; "j'avoue avoir donné"? ou s'il a dit; "j'ai donné"?

A.700 Monsieur, je ne m'en rappelle pas.

Q.701 N'est-il pas vrai que le mot "j'avoue" - que c'est vous qui l'avez ajouté?

A.701 Je ne peux pas jurer l'avoir dit ou ne pas l'avoir dit. Je comprenais que je donnais le sens, je ne donnais pas le texte exact. Seulement - quel temps il employait, je ne pensais pas que cela avait une importance capitale.

Q.702 N'est-il pas vrai qu'il n'a pas dit; "J'avoue avoir donné"?

A.702 Je serais sur mon lit de mort et je ne pourrais pas vous répondre à la question exactement, vu que je n'ai pas plus attaché d'importance à ce mot-là. Quand je lui disais; "Est-ce bien cela que tu as dit, ou que tu veux dire?" et qu'il me disait;"Oui, c'est correct", je le mettais.

Q.703 N'est-il pas vrai que vous avez suggéré l'expression; "J'avoue avoir donné" ?

A.703 Je ne peux pas m'en rappeler. Je ne peux pas me rappeler si c'est moi qui ai suggéré cela. J'ai fait cela au meilleur de ma connaissance, dans aucun autre but que je vous l'ai expliqué hier.

Q.704 Maintenant, voulez-vous nous dire qu'est-ce que vous avez voulu dicter lorsque vous dites: "Je pense qu'il a donné sur ce montant.." là, c'est fait à la première personne...?

A.704 Le "je pense" qu'il y a dans la déclaration, c'est l'accusé qui parle: "Je pense qu'il a donné au Major Guimont".

Q.705 "Je pense qu'il a donné sur ce montant au Major C.E. Guimont, No. 5 Company, R.C.A.M.C., C.A."...Qui a dit: "Il a donné seulement trente piastres" ? Qu'est-ce que cela veut dire?

A.705 J'ai rapporté textuellement la réponse du soldat Houde. D'après lui, c'était le Major Guimont qui a dit ça; je l'ai marqué exactement comme il l'a dit.

Q.706 Je voudrais essayer de comprendre cela: "J'avoue avoir donné au Capitaine G.A. Grondin, No. 5 Company, R.C.A.M.C., C.A., la somme de vingt piastres.Je pense qu'il a donné sur ce montant au Major C.E. Guimont, No. 5 Company, R.C.A.M.C., C.A., qui a dit:-il a donné seulement trente piastres." ?

A.706 Vous ne pouvez pas me blâmer parce que ce n'est pas bien clair. J'ai compris ce que le soldat Houde voulait dire: il voulait dire ceci...

Q.707 Un instant - ce que Houde voulait dire, la Cour va l'apprécier par les réponses qu'il a données. Je ne crois pas que c'est vous qui allez l'interpréter?

A.707 Voici; je pense que je ne peux pas l'interpréter; d'ailleurs, ce n'est pas mon droit. "Je pense qu'il a donné sur ce montant au Major C.E.Guimont.." ça, c'est le soldat Houde qui parle.

Interrogé par le Juge-Avocat:

Q.708 Cela correspond aux mots qu'il a dits?

A.708 Qu'il a dits.

L'avocat de l'accusé poursuit son contre-interrogatoire:

Q.709 "Je pense qu'il a donné sur ce montant au Major C.E. Guimont, No. 5 Company, R.C.A.M.C., C.A. qui a dit: "

A.709 C'est le Major Guimont qui a dit.

Q.710 Dit quoi?

A.710 "Seulement trente piastres". C'est entre parenthèses.

Q.711 Ce n'est pas entre parenthèses, c'est entre guillemets. Ce n'est pas la même chose.

Q.711 (suite)

La phrase suivante maintenant: "J'admets avoir reçu". Il n'a jamais dit: "J'admets avoir reçu" ? Il n'a jamais dit ça, Houde? C'est vous qui avez suggéré cela: "J'admets avoir reçu" ?

A.711 Je ne me rappelle pas quel verbe il a employé.

Q.712 Mais êtes-vous certain qu'il a employé le mot "j'admets" ?

A.712 En tout cas, je suis certain que c'est ce qu'il a dit.

Q.713 Vous jurez qu'il a dit: "J'admets avoir reçu" ?

A.713 Peut-être pas le verbe, mais le sens qu'il avait reçu $200.00 à $250.00.

Q.714 Mais vous ne pouvez pas jurer qu'il a dit: "J'admets avoir reçu" ?

A.714 Non, mais je ne peux pas jurer qu'il ne l'a pas dit non plus.

Q.715 "L'argent provient d'individus qui étaient réellement et physiquement inaptes au service d'après moi". Il n'a jamais dit cela?

A.715 Il a peut-être dit qu'ils étaient "unfit".

Q.716 Il n'a jamais dit ce que vous avez écrit là, ces mots-là?

A.716 Monsieur Rivard, vous ne pouvez pas prétendre qu'il s'est dit ça pas plus que moi.

Q.717 Je ne le prétends pas; je n'y étais pas; c'est vous qui étiez là. Colonel, je vous questionne pour savoir si vous ne pouvez pas jurer qu'il a dit cela?

A.717 Moi, je vais jurer que le soldat Houde m'a fait une déclaration que j'ai tâché de traduire afin qu'elle soit compréhensible.

Q.718 Vous ne pouvez pas jurer qu'il a dit: "L'argent provient d'individus qui étaient réellement et physiquement inaptes au service d'après moi". Vous ne pouvez pas jurer qu'il a dit cette phrase-là?

A.718 Non, mais je peux jurer ceci: que chaque phrase lui a été lue, et j'ai demandé au soldat Houde: "Est-ce que c'est cela que tu veux dire, ou que tu as dit?" Et il a dit: "Oui, monsieur."

Q.719 A chaque fois?

A.719 Oui, monsieur.

Q.720 Après cette phrase-là aussi?

A.720 Après cette phrase-là comme après les autres.

Q.721 Après chaque phrase?

A.721 Oui, monsieur; après chaque phrase, parce que je ne voulais absolument pas lui faire dire des choses qu'il n'avait pas dites ou qu'il ne voulait pas dire.

Q.722 "Ils auraient eu quand même leur 'discharge'" - Est-ce cela?

A.722 Oui, ça, c'est le terme; cela s'emploie souvent.

Q.723 "Les types venaient me voir et je les dirigeais au sergent Georges Portin". Est-ce qu'il a dit cela?

A.723 Oui, monsieur.

Q.724 "J'ai reçu les trente piastres d'un type de Baie Comeau". Quand vous parlez de trente piastres - il a été question d'autre chose avant, parce que vous parlez des trente piastres dans la déclaration?

A.724 Ca, c'est la phrase exacte.

Q.725 "J'ai reçu les trente piastres" ?

A.725 Oui, monsieur.

Q.726 Lui aviez-vous parlé de ces trente piastres-là avant?

A.726 C'est sa phrase; moi, je n'ai pas été capable de tirer ça au clair.

Q.727 Avez-vous essayé de tirer cela au clair?

A.727 J'ai essayé à tirer bien des choses au clair; je n'ai pas été capable.

Le Président de la Cour:

" La Cour a confiance dans le témoin. Le paragraphe 54 du Chapître V, du Manuel de Droit Militaire, p. 54, se lit comme suit:

"As a witness gives his evidence it must be taken down in narrative form, as nearly as possible in the words used; occasionally it may be material or desirable to take down question and answer verbatim..."

" Je ne veux pas prétendre que lorsque la déclaration fût faite au bureau du Colonel Mercier...il ne faut pas prétendre que l'accusé se servait d'un français impeccable. Mais je sais que le Colonel Mercier a essayé de reconstituer la scène, qu'il a essayé de clarifier ou de corriger certaines déclarations qui étaient faites par l'accusé. Je crois que la Cour est de mon avis que le témoin a essayé de tout son être, de mettre ces déclarations sur du papier. Il y a des choses que je ne comprends pas et que même les immortels ne comprendraient pas. Mais je crois que la Cour est satisfaite."

L'avocat de l'accusé poursuit son contre-interrogatoire:

Q.728 Alors, pour les trente piastres du type de la Baie Comeau, il ne vous avait pas donné de détails là-dessus?

A.728 Non, monsieur. Si vous me permettez, monsieur Rivard, je vais vous dire quelque chose qui pourra peut-être éclaircir la situation. Je ne peux pas dire que le soldat Houde était hostile, mais que seulement le soldat Houde m'avait dit qu'il refusait de parler. Par conséquent, quand il ne voulait pas me donner d'autres explications, j'étais obligé d'accepter ce qu'il disait. Quand je le questionnais et qu'il ne voulait pas parler, je le laissais faire. Je prenais seulement ce qu'il voulait dire.

Q.729 Il parlait "à reculons" ?

A.729 Non, je ne peux pas dire qu'il parlait "à reculons", mais quand il me semblait qu'il ne voulait pas éclaircir une situation, je le laissais faire; je le laissais parler. Il y a certains détails qui n'étaient pas très clairs dans mon esprit, alors je n'étais pas capable de les rendre plus clairs sans changer le sens de ce qu'il disait. Alors, je ne le changeais pas. Si c'était clair dans mon esprit, je me suis peut-être permis de mettre une phrase plus compréhensible.

Q.730 "Quand j'ai donné au sergent Fortin la somme de quarante à quarante-cinq piastres"...est-ce qu'il vous a dit de qui il avait eu cela?

A.730 Non, monsieur.

Q.731 Lui avez-vous demandé?

A.731 Je pense qu'il a dit qu'il ne s'en rappelait pas exactement.

Q.732 "J'avais reçu la somme de soixante ou soixante et cinq piastres". Est-ce qu'il vous avait dit de qui?

A.732 Non, monsieur.

Q.733 "J'ai reçu aujourd'hui 17 octobre 1942 la somme de $5.00 d'un nommé Raymond par l'entremise d'un nommé Simard qui l'accompagnait" ?

A.733 C'est lui-même qui a dit cela sans que je l'interroge. La bouteille de 'scotch'...il parle d'une bouteille de 'scotch' dans sa déclaration....c'est lui-même qui me l'a dit; je ne l'ai pas interrogé sur ça.

Ré-interrogé par le Procureur:

Q.734 Est-ce que cette déclaration a été lue par vous ou lue par le témoin avant la signature?

A.734 Je l'ai lue au témoin et le témoin l'a lue lui-même, je crois, parce qu'on lui a donné le papier.

Q.735 Avant sa signature?

A.735 Oui.

Interrogé par le Juge-Avocat:

Q.736 Est-ce que la Cour doit comprendre que dans la déclaration écrite qui a été produite comme Exhibit "H", se trouvent à la fois des choses qui vous avaient été révélées par Houde lui-même au moment des déclarations verbales qu'il a faites alors que vous preniez des notes, et d'autres choses qui vous ont été révélées par Houde lors de la transcription de ces notes-là antérieurement par l'interrogatoire d'autres témoins. La question est claire?

A.736 Oui, votre question est claire, monsieur. Je vais vous dire jusqu'où ces déclarations... Voulez-vous me permettre de regarder cela, monsieur.

Avec la permission de la Cour, le témoin prend connaissance de la déclaration écrite, produite au dossier comme pièce à conviction "H".

A.736a (suite)

Sa déclaration, jusqu'à la phrase: "J'ai reçu aujourd'hui, 17 octobre 1942, la somme de $5.00 d'un nommé Raymond"...la première partie jusqu'à cet endroit-là comprend exactement la déclaration verbale qu'il m'avait faite. A partir de la phrase: "J'ai reçu aujourd'hui le 17 octobre 1942, la somme de $5.00..." à aller jusqu'à la fin de la déclaration, ce sont des choses qu'il a ajoutées.

Interrogé par la Cour:

Q.737 C'est la rédaction de ses remarques?

A.737 Oui, monsieur.

Interrogé par le Juge-Avocat:

Q.738 Lui avez-vous aidé à faire les remarques qu'il faisait?

A.738 Oui, monsieur.

Interrogé par la Cour:

Q.739 Alors, c'est bien clair, Colonel Mercier, que ce qui est contenu dans cette déclaration est seulement ce qui s'est transigé entre l'accusé et vous-même, à votre bureau, et qu'il n'y a rien d'autre chose qui a été incorporé dans cela?

A.739 Non; il n'y a rien autre chose. Ce qui reste d'indécis ou flou, c'est parce que je n'ai pas été capable de tirer cela au clair; je n'ai pas été capable de lui faire dire autre chose que ce qu'il y a d'écrit. Alors, je n'ai pas voulu changer le sens.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

ONZIEME TEMOIN
A CHARGE.

Major J.Louis Lacasse, Officier-Commandant, 5ème Compagnie Médicale, R.C.A.M.C., C.A., Québec, ayant dûment prêté serment, est interrogé par le Procureur.

Q.740 Major Lacasse, voulez-vous raconter à la Cour ce qui s'est passé au cours de la troisième entrevue de Houde avec le Colonel Mercier, le 17 octobre 1942?

A.740 Au cours de la troisième entrevue, l'accusé a fait des déclarations. Est-ce la teneure de ses déclarations?

Q.741 Oui.

A.741 L'accusé a admis avoir reçun une somme d'environ $200.00 à $250.00 de différentes personnes, dont $30.00 d'un homme de Baie Comeau, $60.00 d'un autre dont je ne me souviens pas. Une bouteille de scotch d'un monsieur Trudel, je crois, et la journée même, le 17, $5.00 d'un monsieur Raymond. De plus, il a dit avoir donné $20.00 au capitaine Grondin et une somme de $40.00 à $45.00 au sergent Fortin.

Q.742 Voulez-vous dire à la Cour ce que le capitaine Grondin...qui est le Capitaine Grondin?

A.742 Le Capitaine Grondin était employé sur le conseil d'examinateurs médicaux pour les recrues.

Q.743 Et le sergent Fortin?

A.743 Le sergent Fortin travaillait sur le même étage en charge des radiographies.

Q.744 Alors, je comprends que les deux, le capitaine Grondin et le sergent Fortin travaillaient chez le D.M.O. à Québec?

A.744 Oui, monsieur.

Q.745 A la suite de ces déclarations verbales,... Est-ce qu'il y a d'autre chose que vous voulez ajouter dans la déclaration verbale?

A.745 Il y aurait le fait que le soldat Houde dirigeait parfois des recrues ou des gens qui venaient pour avoir une idée de leur catégorie médicale, vers les médecins privés qui travaillent à notre bureau, pour s'assurer si ces gens-là seraient bien "E" ou "A", et je crois qu'il a même rendu un témoignage d'honnêteté envers l'un de nos officiers.

Q.746 Qui est-il?

A.746 A qui, apparemment, il aurait offert de l'argent et qu'il n'a pas voulu se laisser acheter; le major Girard.

Q.747 A la suite de ces déclarations verbales de l'accusé, qu'est-il arrivé?

A.747 C'est à ce moment-là que la transcription s'est commencée.

Q.748 Voulez-vous raconter à la Cour dans quelles conditions?

A.748 Comme je l'ai dit hier, le Colonel, au fur et à mesure que le soldat Houde faisait sa déclaration, il prenait des notes; puis, une fois que ces notes-là ont été prises, il a appelé le sergent-major Drolet qui est venu taper à la machine cette déclaration.

Q.749 Ensuite?

A.749 Il y a les différents incidents que j'ai mentionnés à la Cour hier.

Q.750 Quels sont ces incidents?

A.750 Le téléphone fait à vous-même, au sergent DesRosiers et les téléphones faits à la maison du Colonel.

Q.751 Et à la suite de cette transcription, qu'est-il arrivé?

A.751 Une fois que ces formules ont été écrites à la machine, elles ont été lues au soldat Houde et elles lui ont été remises entre ses mains.

Q.752 Qu'est-ce qu'il en a fait, lui?

A.752 Après, je ne sais pas s'il les a lues au complet, mais après avoir regardé ces choses, cette feuille de papier...

(Le Juge-Avocat fait remarquer que le témoin parle des déclarations; et qu'il n'y en a seulement qu'une.)

Q.753 Ensuite?

A.753 Il a signé cette déclaration.

Q.754 Voulez-vous prendre connaissance de l'exhibit "H" et dire à la Cour si c'est le document auquel vous référez dans votre témoignage?

A.754 Oui, monsieur.

Q.755 Par quoi pouvez-vous l'identifier?

A.755 D'abord par ma signature propre; par celle du Colonel que je connais très bien, et même je reconnais l'écriture du soldat Houde.

Q.756 Est-ce que cela a été signé en votre présence?

A.756 Oui, cela a été signé en ma présence.

Interrogé contradictoirement par l'avocat de l'accusé.

Q.757 Il a commencé par dire qu'il ne voulait pas parler?

A.757 Oui, monsieur.

Q.758 Quelle est la première déclaration qu'il a faite après cela? Qu'est-ce qu'il a dit en premier?

A.758 Si je me rappelle bien, il a déclaré avoir donné $20.00 au capitaine Grondin.

Q.759 Ensuite?

A.759 Vous les donner toutes par ordre, je ne suis pas capable.

Q.760 Cela serait plutôt difficile, je comprends, mais répétez-moi les donc?

A.760 Je crois que la première ou la première chose mentionnée fut celle de $20.00 données au Capitaine Grondin.

Q.761 Ensuite?

A.761 Parce que lors de ce cadeau qu'il avait fait, il était censé avoir reçu trente piastres de l'homme de la Baie Comeau.

Q.762 Ensuite?

A.762 Puis il nous a dit avoir donné une somme de $40.00 à $45.00 au sergent Fortin, alors que lui-même il avait reçu une soixantaine de piastres.

Q.763 Vous avez dit tout à l'heure qu'il dirigeait les recrues vers les médecins pour s'assurer de leur catégorie?

A.763 Oui.

Q.764 N'est-il pas vrai, Major, qu'il avait également ajouté qu'il avait décidé de demander au médecin quelles étaient leurs catégories, que le médecin avait refusé parce que les ordres du D.M.O. le défendaient?

A.764 Oui, monsieur.

Q.765 Est-ce exact?

A.765 Oui, monsieur.

Q.766 Qu'est-ce qu'il était, lui?

A.766 Le soldat Houde était en charge de la salle de réception des hommes qui viennent pour subir un examen médical. C'est une salle de déshabillage et aussi une salle de douches. Les recrues entrent dans cette salle, enlèvent leurs vêtements, prennent une douche, reçoivent une serviette et attendent leur tour d'être appelés soit devant le bureau d'examinateurs, soit devant le bureau de révision médicale.

Q.767 Qui siègent dans le même édifice?

A.767 Oui, dans le même édifice, sur le même étage.

Q.768 Alors, les recrues qui venaient pour passer un examen devaient nécessairement s'adresser au soldat Houde?

A.768 Oui, ils devaient s'adresser au soldat Houde pour se déshabiller et prendre leur douche.

Ré-interrogé par le Procureur:

Q.768a Etait-ce dans ses fonctions de donner des avis sur les catégories médicales aux recrues?

L'avocat de l'accusé s'objecte à la question parce que le témoin n'est pas en état d'établir les faits.

L'objection est maintenue par la Cour.

Q.769 En plus de voir à faire déshabiller les hommes, quelles étaient les autres fonctions du soldat Houde?

A.769 Il devait, en plus, s'occuper de la garde des serviettes, voir à ce qu'elles soient lavées; même, si je ne me trompe, il était chargé lui-même de les compter et de s'assurer qu'elles soient lavées à la buanderie.

Q.769a Quelles étaient les personnes que le D.M.O. avait autorisées à donner des opinions médicales?

L'avocat de l'accusé s'objecte à la question pour la raison que la Cour doit avoir un 'judicial knowledge' des devoirs du D.M.O. et des officiers.

Le Procureur soumet à la Cour que, parfois, des infirmiers pourraient donner des opinions.

Le Juge-Avocat s'adresse au Procureur:

" Si vous entrez dans ce domaine-là, cela prendra probablement bien du temps pour en sortir."

La Cour prendra pour acquis que ce sont les médecins qui donnent les opinions médicales."

Le Procureur poursuit son ré-examen.

Q.770 Vous avez employé deux expressions. Vous avez parlé du "conseil de révision médical" et du "bureau des examinateurs médicaux" ?

A.770 Oui.

Q.771 Voulez-vous, sommairement, expliquer à la Cour le fonctionnement de ces deux bureaux-là, en vue d'en faire la différence, la distinction?

A.771 Nous avons deux organisations médicales, l'une qui sert à l'admission des hommes dans l'armée - c'est le groupe de médecins exactement que j'ai voulu dénommer tout à l'heure par "le bureau des examinateurs". C'est-à-dire, il s'agit d'établir la catégorie des hommes au moment de l'enrôlement.

Interrogé par le Juge-Avocat:

Q.772 Cela s'applique à la fois aux recrues?

A.772 Oui, cela s'applique aux recrues et à la force active. Et après avoir eu un examen médical, quand sa catégorie est établie, cet homme passe devant un "conseil de révision médical", lorsqu'il s'agit d'un changement de classe.

Interrogé par la Cour:

Q.773 S'il est dans l'armée, il peut se faire examiner de nouveau, et c'est le conseil de révision qui le fait?

A.773 Oui, lorsqu'il s'agit d'un changement de classe; lorsqu'il n'est pas dans l'armée, c'est le bureau des examinateurs.

Interrogé par le Juge-Avocat:

Q.774 Est-ce que chaque médecin ne travaille que sur un bureau?

A.774 Il y a des circonstances où il nous faut prendre des médecins dans le bureau des examinateurs pour donner une chance au conseil de révision.

Q.775 Et inversement?

A.775 Oui, et inversement.

Q.776 Maintenant, l'un et l'autre de ces bureaux, le "conseil de révision" comme le "bureau des examinateurs" s'occupent à la fois des enrôlements et des licenciements, tant pour les recrues "A" que pour les recrues "R"?

A.776 Oui, monsieur.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

DOUZIEME TEMOIN
A CHARGE.

No. E-20613, C.S.M. Joseph DROLET, R.C.A.M.C., C.A., Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.777 Sergent-major Drolet, je comprends que vous étiez présent au bureau du médecin-chef le 17 octobre 1942?

A.777 Oui, monsieur.

Q.778 Et que comme tel vous avez été appelé à transcrire certaines notes?

A.778 Oui, monsieur.

Q.779 Pourriez-vous prendre connaissance de l'exhibit "H" et dire à la Cour si les notes...si vous connaissez ce document?

A.779 (Le témoin prend connaissance de l'exhibit "H") Je le connais comme l'ayant 'typé'; j'ai 'typé' ce document-là?

Q.780 Qu'est-ce qui vous le fait reconnaître, sergent-major?

A.780 Le caractère de la machine.

Q.781 Est-ce que ce document-là a été signé en votre présence, sergent-major?

A.781 Non, monsieur.

Contre-interrogé par l'avocat de l'accusé:

Q.782 Quand vous avez fini le document, il n'était pas signé?

A.782 Non, monsieur.

Q.783 Quelle espèce de machine avez-vous?

A.783 Une Remington, monsieur.

Q.784 A-t-elle un caractère spécial ou si elle a le caractère de toutes les 'Remington' ?

A.784 Je crois, monsieur; je ne le sais pas, si elle a un caractère spécial; je ne peux pas vous dire.

Q.785 Qu'est-ce qu'il a de spécial dans le caractère pour que vous puissiez jurer que c'est votre machine?

A.785 C'est la seule 'Remington' qu'on a au bureau.

Q.786 Jurez-vous que ceci est le caractère d'une 'Remington' ?

A.786 Ah, je ne peux pas le jurer.

Q.787 Si vous ne pouvez pas le jurer, comment pouvez-vous jurer que c'est bien le document que vous avez écrit, et que ce document a été écrit sur la machine 'Remington' que vous avez? Comment pouvez-vous reconnaître cela par le caractère comme étant l'écrit que vous avez 'typé'?

A.787 C'est semblable à l'écrit que j'ai 'typé'.

Q.788 Jurez-vous que c'est celui-là?

A.788 Je peux le jurer par le caractère de la machine que c'est celui-là.

Q.789 Jurez-vous, par le caractère de la machine, que c'est celui-là?

A.789 C'est difficile de jurer que c'est celui-là.

Q.790 Pouvez-vous le jurer par d'autre chose?

A.790 Comme j'ai dit hier, il n'y a aucun signe pour le faire reconnaître.

Q.791 Alors, vous n'êtes pas en état de jurer si c'est là le document que vous avez 'typé'?

A.791 Non, monsieur.

Ré-examiné par le Procureur:

Q.791a Au meilleur de votre connaissance?

L'avocat de l'accusé s'objecte à la question.

L'objection est maintenue par la Cour.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

A 12 h. 05 de l'après-midi, le 1er décembre 1942, la Cour s'est ajournée jusqu'à 2 h. de l'après-midi le 1er décembre 1942.

Le 1er décembre 1929, à 2 h. 10 de l'après-midi, la Cour se rassemble conformément à l'avis d'ajournement; sont présents les mêmes membres que lors de la suspension des débats.

TREIZIEME TEMOIN
A CHARGE.

Borromée Germain, 32 ans, domicilié à Pont-Rouge, employé dans un moulin comme 'millwright', ayant dûment prêté serment, est interrogé par le Procureur.

Q.792 Monsieur Germain, avez-vous eu affaire au bureau de recrutement?

A.792 Oui, j'ai été m'enrôler.

Q.793 A quelle date, monsieur Germain?

A.793 Ah, je crois que c'est le 14, je ne suis pas certain.

Q.794 Le 14 de quel mois?

A.794 Du mois d'octobre.

Q.795 Le 14 octobre?

A.795 Oui.

Q.796 De quelle année?

A.796 1942.

Q.797 Voulez-vous raconter à la Cour ce qui s'est passé à cette occasion?

A.797 J'ai été m'enrôler; j'ai arrivé en bas; ils m'ont donné des formules que j'ai remplies. Ensuite de ça, j'ai remonté en haut, il me semble. Après ça, ils m'ont fait déshabiller. J'ai passé mon examen; après ça, j'ai redescendu en bas et c'est là qu'ils m'ont donné ma 'discharge'.

Q.798 Voulez-vous dire à qui vous avez eu affaire à cette occasion-là?

A.798 A personne.

Q.799 Tout est arrivé tout seul?

A.799 Oui.

Q.800 Aviez-vous un certificat de votre médecin lorsque vous vous êtes présenté au bureau de recrutement?

A.800 Non.

Q.801 Alors, avant de vous enrôler, vous n'avez vu personne?

A.801 Non, personne.

Q.802 Vous n'avez parlé à personne non plus?

A.802 Non.

Q.803 Il n'a pas étéquestion de récompense avec qui que ce soit?

A.803 Non.

L'avocat de l'accusé ne désire pas interroger le témoin contradictoirement.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

QUATORZIEME TEMOIN
A CHARGE.

Emmanuel Germain, 31 ans, domicilié à Pont-Rouge, P.Q., menuisier, ayant dûment prêté serment, est interrogé par le Procureur.

Q.804 Monsieur Germain, avez-vous eu affaire au bureau médical au sujet de votre enrôlement?

A.804 J'ai été au bureau de recrutement, 322, rue St-Jean; là je me suis enrôlé.

Q.805 A quelle date, monsieur Germain?

A.805 Le 15 d'octobre.

Q.806 De quelle année?

A.806 1942.

Q.807 Qu'est-ce qui est arrivé à cette occasion-là?

A.807 Là j'ai été chercher mes formules pour en bas.

Q.808 Qui vous a dit d'aller chercher vos formules en bas?

A.808 Bien, je me suis enrôlé; je me suis présenté là.

Q.809 Qui vous a dit de vous présenter là?

A.809 Personne.

Q.810 Et qu'est-ce qui est arrivé?

A.810 Ca fait qu'ils m'ont envoyé en haut passer mon examen.

Q.811 Qui? Qu'est-ce qui est arrivé, là?

A.811 Ils m'ont fait déshabiller.

Q.812 Qui cela?

A.812 Ah, je ne le sais pas.

Q.813 Qu'est-ce qui est arrivé en haut? Avez-vous eu affaire à parler à quelqu'un en haut?

A.813 Non.

Q.814 A personne?

A.814 A personne.

Q.815 Vous n'avez pas vu personne pendant que vous étiez là, que vous vous êtes présenté pour votre enrôlement?

A.815 Non.

Q.816 Connaissez-vous un nommé Bertrand de Ste-Catherine?

A.816 Bertrand de Ste-Catherine? Non.

Q.817 Vous ne le connaissez pas?

A.817 Non.

L'avocat de l'accusé ne désire pas contre-interroger le témoin.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

QUINZIEME TEMOIN
A CHARGE.

Major J. A. GIRARD, 5ème Cie, R.C.A.M.C., C.A., Québec, ayant dûment prêté serment, est interrogé par le Procureur:

Q.818 Docteur Girard, connaissez-vous l'accusé?

A.818 Oui, monsieur.

Q.819 Où l'avez-vous rencontré?

A.819 A 322, rue St-Jean.

Q.820 Qu'est-ce qu'il y a à 322, rue St-Jean?

A.820 Le bureau médical des examinateurs.

Q.821 Qu'est-ce qu'il faisait là, l'accusé?

A.821 Je crois qu'il avait la surveillance des recrues.

Q.822 Avez-vous eu affaire avec le soldat Houde en dehors du bureau médical?

A.822 Il m'a demandé en trois ou quatre circonstances si je voulais bien donner mon opinion sur de ses connaissances ou de ses amis, mon opinion médicale; alors, je lui ai dit "oui". Alors, ils sont venus à mon bureau privé à Limoilou.

Q.823 Pourriez-vous nous donner les noms?

A.823 Je me rappelle d'un cas; les autres je ne me rappelle pas de leurs noms.

Q.824 Celui dont vous vous rappelez?

A.824 Monsieur Aubé.

Q.825 Qu'est-ce qui est arrivé dans le cas de monsieur Aubé?

A.825 Le sergent Houde m'a demandé si je pouvais bien l'examiner et donner mon opinion; je lui ai dit que oui. Il m'a dit qu'il y aurait de l'argent à faire. Je ne l'ai pas pris au sérieux et ce n'est pas mon genre. Cele ne me regarde pas. Alors, je l'ai examiné, monsieur Aubé. Il ne m'a pas parlé d'argent du tout. Il m'a donné deux piastres pour mes honoraires professionnels, et je l'avais classé "A".

Q.826 Qu'est-ce que vous avez dit à Houde à la suite de votre examen?

A.826 J'ai fait revenir Houde à mon bureau et je lui ai dit: "Il n'y a rien à faire; on n'agit pas comme ça; ça serait injuste, malhonnête et cela ne serait pas soldat".

Q.827 Est-ce qu'il a été question de la catégorie de Aubé entre Houde et vous?

A.827 Non, monsieur.

Q.828 A-t-il été question de la catégorie de Aubé entre Aubé et vous?

A.828 Je lui ai dit qu'il était classé "A".

Q.829 A Aubé?

A.829 Oui.

Q.830 Où avait lieu cet examen?

A.830 A 203, 3ème avenue, Limoilou.

Q.831 Chez qui est-ce cela?

A.831 Chez moi.

Q.833 Vous souvenez-vous des noms d'autres candidats?

A.833 Je n'ai pas tenu de records. Tout ce que je sais, c'est qu'il n'a pas été question du tout pour les autres; celui-là...

Contre-interrogé par l'avocat de l'accusé:

Q.834 Major, vous étiez membre dans le bureau des examinateurs?

A.834 Oui, monsieur.

Q.835 Et vous examiniez à votre bureau privé des recrues?

A.835 Quelques fois.

Q.836 Et vous vous faisiez remettre des honoraires professionels pour ces examens?

A.836 Oui.

Q.837 Vous en avez fait des examens, pour d'autres que pour Houde?

A.837 Quelques-uns.

Le Procureur fait remarquer à la Cour qu'il ne s'agit pas de faire le procès du témoin.

La Cour demande à l'avocat de l'accusé de ne pas contre-interroger dans ce sens-là.

Q.838 Vous avez, en deux ou trois fois, comme vous l'avez dit, en d'autres occasions, examiné des personnes qui vous étaient amenées par Houde?

A.838 Oui, monsieur.

Q.839 Et ce sont ces personnes-là elles-mêmes qui vous payaient?

A.839 Oui, monsieur.

Q.840 Dans le cas de Aubé, c'est Aubé lui-même qui vous a payé et non pas le soldat Houde?

A.840 Oui, c'est monsieur Aubé qui m'a payé.

Q.841 Il n'a pas été question de classement entre Houde et vous?

A.841 Non, monsieur; il ne connaît pasça.

Interrogé par le Juge-Avocat:

Q.842 Avez-vous dit: "Je ne connais pas ça" ou "Il ne connait pas ça" ?

A.842 Monsieur Houde ne connaît pas ça; il n'y a pas eu d'entente du tout.

L'avocat de l'accusé poursuit son contre-interrogatoire:

Q.843 Il n'y a pas eu d'ententes entre vous et monsieur Houde?

(La Cour demande à l'avocat de l'accusé de se servir du mot "soldat" Houde et non de "monsieur", lequel s'applique aux officiers.)

Q.843a Vous dites qu'il n'a pas été question entre vous et le soldat Houde d'argent?

A.843 Non, monsieur, directement.

Q.844 A-t-il été question de montants?

A.844 Non, monsieur.

Q.845 N'est-il pas vrai que vous avez dit à Houde que $200.00 serait assez?

A.845 Jamais; il n'a jamais été question de quelque montant que ce soit entre Houde et moi. La seule circonstance qu'il m'a parlé d'argent, c'est lorsqu'il s'est agi d'examiner monsieur Aubé et qu'il m'a dit qu'il y aurait de l'argent à faire. C'est tout.

Q.846 Qu'est-ce que vous avez répondu là-dessus?

A.846 Je ne l'ai pas pris au sérieux, monsieur. Il ne m'a jamais offert d'argent.

Q.847 Il ne vous a jamais offert d'argent?

A.847 Directement, jamais.

Q.848 Et vous n'en avez jamais reçu de Houde?

A.848 Je n'en aurais jamais pris.

Q.849 Qu'est-ce que c'est que vous avez voulu dire alors quand vous avez répondu tout à l'heure: "Il n'y a rien à faire, on n'agit pas comme ça" ?

A.849 J'ai cru sincèrement de lui donner cet avis-là au cas où il aurait été tenté d'accepter. Je pense que je pouvais lui dire cela, ce n'était pas un mauvais conseil.

Q.850 Quand lui avez-vous dit cela?

A.850 Tout de suite après l'examen de monsieur Aubé, dans mon bureau. J'ai dit: "Il n'y a rien à faire; l'argent ne change rien à la catégorie; les catégories ça ne se changent pas comme ça."

Q.851 Mais s'il ne vous demandait pas de rien changer, pourquoi lui disiez-vous cela?

A.851 Au cas où il aurait été tenté de mal faire, monsieur.

Q.852 Mais il ne vous donnait pas l'impression qu'il avait tenté de mal faire?

A.852 Bien, la question était un peu douteuse.

Q.853 Il ne vous avait rien dit?

A.853 Comment, il ne m'avait rien dit?

Q.854 Il ne vous avait rien dit laissant supposer qu'il était tenté de mal faire?

A.854 Il m'avait dit qu'il y avait de l'argent à faire.

Q.855 Mais vous ne l'aviez pas pris au sérieux?

A.855 Non, monsieur.

Q.856 Vous n'aviez pas cru cela?

A.856 Non, monsieur.

Q.857 Alors, pourquoi lui disiez-vous qu'il n'y avait rien à faire?

A.857 Au cas où il aurait été tenté de mal faire. Ensuite, je lui donnais ce conseil-là.

Q.858 "Il n'y a rien à faire" - qu'est-ce que vous vouliez dire? Qu'est-ce que vous vouliez dire par là? Dans quel sens disiez-vous cela?

A.858 Il m'avait dit qu'il y aurait de l'argent à faire. J'ai compris qu'il voulait dire qu'il y aurait de l'argent à faire en changeant les classements.

Q.859 Mais Houde n'avait pas tenté de rien faire?

A.859 Parce que je vous ai dit avant, qu'il y aurait de l'argent à faire en le classant "E".

Q.860 Vous dites que Houde a dit qu'il y aurait de l'argent à faire si vous le classiez "E"?

A.860 Oui, il a dit qu'il y aurait de l'argent à faire s'il y avait moyen de le classer "E".

Q.861 Vous avez dit cela au début?

A.861 Oui, quelque chose comme cela.

Q.863 Vous êtes certain qu'il vous a dit qu'il y avait de l'argent à faire s'il y avait moyen de le classer "B"?

A.863 Oui, quelque chose comme ça. C'est cela que ça veut dire.

Q.864 Et vous n'avez pas accepté d'argent?

A.864 Jamais, monsieur. Je n'en ai jamais accepté et je n'en accepterai jamais.

Q.865 Et d'après vous, il a été classé "A"?

A.865 D'après moi, je le mettrais dans la classe "A".

Q.866 Vous ne l'avez pas examiné après comme membre du bureau des examinateurs?

A.866 Non, monsieur.

Q.867 Et en cette occasion-là, à part de ce que vous venez de dire, Houde ne vous a rien offert, Houde ne vous a rien donné?

A.867 Non, monsieur.

Q.868 A-t-il été question du docteur Gélinas à cette entrevue-là?

A.868 Ah, j'ai pu lui dire, monsieur, d'après moi, qu'il était classé "A"; seulement, comme je n'étais pas spécialiste des yeux, des oreilles, j'ai dit: "Il peut vous trouver quelque chose; il vous classera comme bon lui semblera."

Q.869 Qui vouliez-vous dire en disant "il vous classera"?

A.869 C'est le docteur Gélinas, parce que moi, je ne suis pas spécialiste des yeux, des oreilles. Un spécialiste peut trouver mieux que moi.

Q.870 Avez-vous suggéré qu'il soit examiné par le docteur Gélinas?

A.870 Non, monsieur; je ne suis pas spécialiste des yeux, des oreilles. L'armée a des spécialistes pour les yeux, les oreilles, et l'armée fait cela avec toute justice.

Q.871 Qui a amené le nom du docteur Gélinas dans la conversation?

A.871 C'est peut-être moi parce que je lui ai dit ceci: "Vous allez être examiné par un spécialiste, je crois que c'est le docteur Gélinas, il vous examinera."

Q.872 Le docteur Gélinas est-il un docteur de l'Armée?

A.872 Il est un médecin civil.

Le Procureur ne désire pas interroger le témoin de nouveau.

Interrogé par la Cour:

Q.873 Est-ce que ces choses-là sont arrivées en présence de l'accusé - les déclarations que vous venez de faire? Ces déclarations-là sont-elles arrivées en présence de l'accusé?

A.873 Bien, pas toutes.

L'avocat de l'accusé explique à la Cour qu'il a tenté de faire établir par le témoin des conversations entre l'accusé et lui-même.

Interrogé par le Juge-Avocat:

Q.874 Durant cette période-là, étiez-vous employé au bureau des examinateurs médicaux?

A.874 Oui, monsieur.

Q.875 Dans le bureau des examinateurs ou dans le bureau de revision?

A.875 Au bureau des examinateurs seulement.

Q.876 Etiez-vous employé 24 heures par jour, sept jours par semaine?

A.876 Oui, monsieur.

Q.877 "Full time"?

A.877 Oui. On m'avait dit qu'un officier de réserve avait le droit d'examiner et depuis la dernière circulaire j'en ai fait plusieurs. On m'avait dit qu'un officier de réserve avait droit de donner son opinion; c'est pour cela que je l'ai fait, mais je n'ai jamais accepté aucune cent et je n'en accepterai jamais.

Q.878 Quel était le montant de vos honoraires dans ces trois ou quatre cas?

A.878 $2.00.

Q.879 Et quel est le montant d'honoraires que le médecin charge généralement?

A.879 C'est cela. Je charge habituellement $2.00.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

SEIZIEME TEMOIN
A CHARGE

Yvan FRENETTE, domicilié à 37½, rue Crémazie, Québec, machiniste à l'emploi de la Dominion Machine Shop, ayant dûment prêté serment, est interrogé par le Procureur:

Q.880 Monsieur Frenette, avez-vous été vous présenter pour enrôlement au cours de l'automne dernier?

A.880 Oui, monsieur.

Q.881 Voulez-vous dire à la Cour à quelle date?

A.881 Je crois que c'est la deuxième semaine du mois d'octobre, je ne peux pas dire au juste.

Q.882 De quelle année?

A.882 C'était un lundi, 1942.

Q.883 Voulez-vous raconter à la Cour ce qui s'est passé à cette occasion-là?

A.883 Bien, voici: je suis allé au bureau de recrutement sur la rue St-Jean pour m'enrôler, je suis monté au troisième étage, et là il y a un militaire qui m'a reçu.

Q.884 Quel militaire?

A.884 Je crois que c'est monsieur Houde.

Q.885 Le voyez-vous ici, ce militaire-là?

A.885 Oui, il est là, il est assis à ma droite.

Interrogé par la Cour:

Q.886 Lequel? Il y en a trois d'assis à votre droite?

A.886 Celui qui est là, le blond.

Le Procureur poursuit son interrogatoire.

Q.887 Voulez-vous l'indiquer à la Cour?

A.887 Celui-là (indiquant l'accusé Houde).

Q.888 Puis?

A.888 En arrivant, il m'a dit: "Monsieur Frenette?" J'ai dit: "Oui." Alors, il m'a dit "Assis-toi là; attends quelques instants". Alors, le militaire Houde est parti; il est allé trouver un militaire; il a discuté quelques instants avec, et après ça il m'a dit: "déshabille-toi, va passer ton examen". Alors, j'ai été passer un examen. Puis, il y a un autre militaire qui est arrivé; puis il m'a dit...

Q.889 Laissez faire pour l'autre militaire, ce qu'il vous a dit.

A.889 (pas de réponse)

Interrogé par le Juge-Avocat:

Q.890 Est-ce que c'est en présence du soldat Houde?

A.890 Je sais, quand j'étais assis, qu'il m'a dit...

Q.891 Qui "il"?

A.891 Monsieur Houde a été trouver un autre militaire; là ils ont discuté.

Interrogé par la Cour:

Q.892 Ensemble, tous les deux?

A.892 Oui.

Q.893 Alors, vous et les deux autres étiez ensemble?

A.893 Non, j'attendais sur le banc, moi.

Q.894 Quand ils vous ont dit cela, vous étiez sur le banc? Alors est-ce que le soldat Houde et l'autre militaire étaient avec vous quand ils vous ont dit cela?

A.894 Non, c'est monsieur Houde qui me l'a dit.

Le Procureur poursuit son interrogatoire.

Q.895 Alors, qu'est-ce qu'il vous a dit, le soldat Houde?

A.895 Il m'a dit de me déshabiller; il a dit: "Déshabille-toi et va passer ton examen".

Q.896 Ensuite, qu'est-ce qui est arrivé?

A.896 J'ai passé mon examen. L'autre militaire, à qui monsieur Houde avait parlé, il m'a dit...

L'avocat de l'accusé s'objecte à la suite de la réponse comme étant du oui-dire.

L'objection est maintenue par la Cour.

Q.897 Est-ce que l'autre militaire avec qui monsieur Houde avait parlé était avec Houde dans ce temps-là?

A.897 Oui, monsieur.

Q.898 Alors, qu'est-ce qui s'est dit, là?

A.898 Alors, ils m'ont dit d'aller m'enrôler en bas, d'aller chercher les papiers pour m'enrôler.

Q.899 Aviez-vous passé votre examen médical dans ce temps-là?

A.899 Oui, monsieur.

Q.890 Vous n'étiez pas enrôlé encore?

A.890 Non, monsieur.

Q.891 Qu'est-ce qui est arrivé après ça?

A.891 Ensuite, j'ai descendu en bas; j'ai été m'enrôler; je suis monté en haut; j'ai donné le papier à l'autre militaire qui était avec monsieur Houde.

Q.892 En présence du soldat Houde?

A.892 Oui, monsieur.

Q.893 Ensuite?

A.893 Ensuite, ils m'ont dit de revenir le lendemain pour passer un autre examen. J'ai repassé à cette date et ensuite tous les jours durant une semaine, pour subir un autre examen, vu que je travaillais pour la guerre, à la Dominion Machine Shop. Le contremaître m'a demandé, me disant si je voulais aller travailler encore; j'ai dit "oui", "je vais y retourner lundi". Ils m'avaient dit d'aller me rapporter lundi pour passer un autre examen et c'est depuis ce temps-là que je n'y ai pas retourné.

Q.894 Lors de la première entrevue que vous avez eue avec Houde, de quoi a-t-il été question?

L'avocat de l'accusé s'objecte à la question, soumettant que la preuve que la poursuite veut faire d'après les réponses données par le témoin sur ce qui s'est passé, est une preuve qui n'est pas couverte par l'accusation.

Le Juge-Avocat demande au Procureur de poser la question sous une autre forme.

Le Procureur s'adresse à la Cour;

" Je demande; "Qu'est-ce qui s'est dit à la première entrevue avec Houde". "

L'avocat de l'accusé s'adresse à la Cour;

" Cela peut être, s'il a reçu de l'argent, une circonstance aggravante; seulement, s'il n'en a pas reçu, c'est une preuve que la Cour ne peut pas considérer."

La Cour demande au Procureur de poser la question sous une autre forme.

Le Procureur poursuit son interrogatoire;

Q.895 Que s'est-il passé lors de la première entrevue avec le soldat Houde?

A.895 Lors de la première entrevue avec monsieur Houde, il m'a reçu en haut, au troisième étage; c'est le commencement de tout. Il m'a dit, "Monsieur Frenette, asseyez-vous là." J'ai attendu. Il ne s'est rien passé, rien du tout.

Q.896 A-t-il été question de votre enrôlement?

A.896 Non, monsieur.

Q.897 Qui vous envoyait là, vous, vous enrôler?

L'avocat de l'accusé s'objecte à la question.

L'objection est renvoyée par la Cour.

A.897 C'est un type qui travaillait avec moi.

Q.898 Avez-vous eu affaire à Houde au sujet de votre enrôlement?

A.898 Du tout.

Q.899 Du tout?

A.899 Non, monsieur.

Q.900 Alors, vous ne le connaissez pas, Houde?

A.900 Non, monsieur; je l'ai connu simplement là-bas, de vue, mais pas de nom.

Q.901 Il n'a pas été question de rien entre vous et Houde?

A.901 Non, monsieur, du tout.

Q.902 Vous jurez cela?

A.902 Oui, monsieur.

L'avocat de l'accusé ne désire pas contre-interroger le témoin.

Interrogé par la Cour:

Q.903 Avez-vous eu plus d'une entrevue avec le soldat Houde?

A.903 Non, monsieur.

Q.904 Seulement une?

A.904 Seulement une.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).

Le témoin se retire.

Le Procureur n'a plus de témoins à appeler.

D

The prosecution is closed.

Defence

Q.905 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.905 *Answer.* No, Sir.

Q.906 *Question.* Do you intend to call any other witness in your defence?

A.906 *Answer.* Yes, Sir.

Q.907 *Question.* Are they witnesses as to character only? *Answer.* A.907 Yes, Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the witnesses for the defence including witnesses as to character) is recorded on separate page s (voir Page D-3 et seq.)

~~*(Where the accused does not give evidence upon oath.)*~~

~~*Question to the accused.* Have you any other witnesses in your defence?~~

~~*Answer.* The accused in his address stated [Address in writing which is read, marked signed by the President and attached to the proceedings]~~

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

PREMIER TEMOIN
DE MORALITE
POUR LA DEFENSE

Major J. Louis Lacasse, Officier-commandant de la 5ème Compagnie Médicale, R.C.A.M.C., C.A., Québec, ayant dûment prêté serment, est interrogé par l'avocat de l'accusé;

Q.908 Major Lacasse, vous êtes commandant de la 5ème Compagnie du Corps Médical à Québec?

A.908 Oui, monsieur.

Q.909 L'accusé Houde a été sous vos ordres?

A.909 Oui, monsieur.

Q.910 Voulez-vous dire à la Cour quel est son caractère jusqu'à ce que cette cause commence?

A.910 Jusqu'à ce que cette cause commence, je dois dire que le soldat Houde nous avait donné pleine et entière satisfaction. Il s'était toujours montré dévoué, prêt à faire tout ce que nous pouvions lui demander, en n'importe quelle circonstance, et de plus, le fait de l'avoir placé en charge de cette salle, est une preuve que nous avions pleine et entière confiance en lui.

Le Procureur ne désire pas interroger le témoin contradictoirement.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

DEUXIEME TEMOIN
DE MORALITE
POUR LA DEFENSE

Lieutenant-Colonel Jules Mercier, D.M.O., M.D. No. 5, Québec, ayant dûment prêté serment, est interrogé par l'avocat de l'accusé;

Q.911 Colonel, comme D.M.O. à Québec, vous avez connu le soldat Houde?

A.911 Oui, monsieur.

Q.912 Il a fait du service sous votre juridiction?

A.912 Oui, monsieur.

Q.913 Voulez-vous dire à la Cour de quelle façon le soldat Houde jusqu'à ce que cette cause commence, remplissait ses devoirs?

A.913 Jusqu'à cette cause, le soldat Houde a rempli ses devoirs à notre entière satisfaction.

Q.914 Qu'avez-vous à dire au sujet de son caractère jusqu'à cette cause-ci?

A.914 Il avait un bon caractère. Nous n'avons jamais porté aucune accusation contre lui. Il a fait très bien ce qu'on lui demandait de faire.

Le Procureur ne désire pas interroger le témoin contradictoirement.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

TROISIEME TEMOIN DE MORALITE POUR LA DEFENSE.

Sergent d'état-major J.E.E. DesRosiers, de la Gendarmerie Royale du Canada, ayant dûment prêté serment, est interrogé par l'avocat de l'accusé.

Q.915 Sergent-major, vous faites partie de la Gendarmerie Royale du Canada, n'est-ce-pas?

A.915 Oui, monsieur.

Q.916 Je comprends que comme tel, vous avez été appelé à faire des enquêtes au sujet de certaines irrégularités qui se seraient commises au bureau du recrutement et dans les bureaux médicaux à Québec?

A.916 Oui, monsieur.

Q.917 Avez-vous eu, au cours de votre enquête, l'occasion de voir le soldat Houde?

A.917 Oui, monsieur.

Q.918 Voulez-vous dire de quelle façon le soldat Houde a aidé ou a empêché la justice ou les renseignements de parvenir à vous?

A.918 Le soldat Houde a fait tout son possible pour m'aider à l'investigation.

Le Procureur ne désire pas interroger le témoin contradictoirement.

De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer au C.P.M. 83(B).

Le témoin se retire.

Le Procureur prononce un réquisitoire.
(Voir le document marqué "I" ci-joint)

L'avocat de l'accusé prononce une plaidoirie de clôture. (Voir le document marqué "J" ci-joint)

Le Juge-Avocat s'adresse à la Cour.
(Voir le document marqué "K" ci-joint)

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. E-25868, Pte. Léopold HOUDE, No. 5 Coy, Royal Canadian Army Medical Corps, C.A., is guilty of both charges.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Major J. L. LACASSE, O.C., No. 5 Company, Royal Canadian Army Medical Corps, C.A. is duly sworn.

Evidence of character, &c.

Q.919 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.919. I produce M.F.B.355.

The above statement [~~with the exhibits, convictions and of service~~ ~~[illegible]~~] is read, marked "Y" , signed by the President, and annexed to the proceedings.

Q.920 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness* A.920 Yes, Sir.

Q.921 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer* A.921 Yes, Sir.

Q.922 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.922 Yes, Sir.

~~Cross-examined by the accused~~

L'avocat de l'accusé ne désire pas contre-interroger le témoin.
De l'avis de la Cour et du Juge-Avocat, il n'est pas nécessaire de se conformer à la R. de P. 83(B).
Le témoin se retire.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Q.923 *Question to the accused.* Do you wish to address the Court? *Answer* A.923 No, Sir.

The Court is closed for the consideration of the sentence.

(5) (voir le document marqué "L" ci-joint)

F

Sentence

The Court sentence the accused No. E-25868, Pte. Léopold HOUDE, No. 5 Coy, Royal Canadian ~~Army~~ Medical Corps, C.A., to undergo detention for nine (9) months

Sentence, Detention 9 months

7

Signed at Quebec, P.Q., this eighth day of January, 1943.

(MAURICE LALONDE), Major,
Asst.Judge-Advocate General, M.D. No.4,
Judge-Advocate, G.C.M.

(J.A. LECLAIRE), Brigadier,
15th Infantry Brigade, C.A.,
President, G.C.M.

Promulgated and extracts taken at QUEBEC, P.Q., this 20th day of February, 1943.

Extracts entered as No. 7935 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 27th day of February 1943

(J. L. LACASSE) - Major,
Officer Commanding,
No. 5 Coy, R.C.A.M.C., C.A.,
Officer in charge of Records.

MINUTE OF SUSPENSION

Under the powers conferred upon me as a Superior Military Authority under General Order 93 of 1925 and pursuant to the provisions of Section 57A, sub-section 2(b) of the Army Act, I hereby direct that the sentence of detention imposed upon Pte. Houde be suspended immediately.

Signed at Ottawa this 19th day of June 1943.

MINISTER OF NATIONAL DEFENCE.

"X"

GENERAL COURT-MARTIAL.

Pres. G.C.M.

ORDERS BY Major-General H.F.G.Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Geórges Antoine Grondin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.75008, Pte. Paul-Henri Cloutier,
#5 District Depot, C.A.

E.25811, Pte. Georges Fortin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25913, Pte. Louis-Philippe Hamel,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25868, Pte. Leopold Houde,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

A detail of officers, as mentioned below, will assemble at the Drill Hall, Quebec, P.Q., in such accommodation as is arranged by the District Officer Commanding, Military District No. 5 on Wednesday the twenty-fifth day of November, 1942, at 1000 hours, or as soon thereafter as may be expedient, for the purpose of trying by General Court-Martial the accused persons named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Brigadier J.A. Leclaire,
15th Infantry Brigade, C.A.

MEMBERS.

Lieut-Colonel (A/Col.) J.R. Roche,
Le Regiment de Maisonneuve, C.A.

Lieut-Colonel G.R. Bouchard,
Le Regiment de la Chaudiere
(Mitrailleuses) C.A. Attached No. 5
District Depot, C.A.

Lieut-Colonel C. L. Laurin, E.D.,
Le Regiment de Chateauguay,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) G. L. Taschereau,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) P. Trudeau,
Les Fusiliers Mont-Royal, C.A.

Major R. G. Marion, M.C.,
Les Fusiliers Mont-Royal, C.A.

WAITING MEMBERS.

Lieut-Colonel J.J. Chouinard, E.D.,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A., Attached No. 5
District Depot, C.A.

Lieut-Colonel M. M. L. Garon,
Royal 22e Regiment, C.A.

Major J. H. Labrie,
Fusiliers du St. Laurent, C.A.

JUDGE ADVOCATE.

Major Maurice Lalonde,
Assistant Judge Advocate-General,
Military District No. 4.

PROSECUTOR.

Lieut-Colonel Laval Fortier,
Assistant Judge Advocate-General,
National Defense Headquarters.

COUNSEL FOR THE PROSECUTOR.

Maurice Boivert, Esq., K.C.,
of the Bar of the Province of Quebec.

The accused will be warned and all witnesses duly required to attend.

The District Officer Commanding, Military District No. 5 will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED, at Ottawa, Ontario, this 18th day of November, 1942.

H.F.G. Letson
(H.F.G. Letson),
Major-General,
Adjutant-General.

G

Delaney
Pres Crim.

OPENING ADDRESS BY THE PROSECUTOR
in the case of
E/25868, Pte. Léopold HOUDE,
No. 5 Coy., R.C.A.M.C., C.A.

Monsieur le Président, Messieurs les Membres du Tribunal,-

Dans le cas de l'accusé Houde, la Poursuite se propose de mettre devant cette Cour les faits suivants,- En premier lieu, les devoirs et les fonctions de l'accusé alors qu'il travaillait pour le D.M.O. à Québec. Ensuite, pour prouver la première accusation, savoir que l'accusé a reçu différents montants d'argent de différentes personnes au sujet des examens médicaux en rapport avec ses devoirs militaires.

La Poursuite entend prouver que Houde, en différentes circonstances, a reçu de candidats à l'examen médical, des montants d'argent variant de $5.00 à $800.00. Pour faire cette preuve, la Poursuite entendra les candidats qui ont payé ces différents montants.

Pour ce qui regarde la deuxième accusation, savoir qu'il a donné à des membres du personnel du D.M.O. à Québec, différents montants d'argent venant de candidats desquels il avait déjà reçu une récompense, la Poursuite fera entendre les personnes mêmes qui ont reçu ces différentes sommes d'argent.

La Poursuite ne croit pas qu'il soit nécessaire d'établir devant cette Cour que les examens médicaux dans l'Armée se font gratuitement et que pour être classé dans la catégorie "E", il n'est nullement nécessaire de verser des pots de vin à qui que ce soit. La Cour est au courant de ces choses et sait que le plus fortuné comme le plus pauvre a le droit à

...../2

In the case of Pte. Houde, E-25868.

son licenciement de l'Armée s'il est inapte au service et cela sans qu'il soit nécessaire de payer quoi que ce soit à qui que ce soit. Ce sont là les faits que la Poursuite entend mettre en preuve devant ce Tribunal.

-o-o-o-o-o-o-o-

Deposition "H"
No 9 C.M.

QUEBEC, P.Q., le 17 octobre. 1942.

Je soussigné E-25868 Private Léopold HOUDE (A-Sgt.) refuse de répondre aux questions du Lieutenant-Colonel Jules MERCIER, D.M.O.- M.D., No.5 après la mise en garde. Cependant j'avoue avoir donné au capitaine G.A. GRONDIN, No.5 Company R.C.A.M.C.(4) C.A., la somme de vingt piastres ($20.00) au capitaine GRONDIN. Je pense qu'il a donné sur ce montant au Major C.E. GUIMONT, No.5 Company R.C.A.M.C.(4) C.A., qui a dit:- "Il a donné seulement trente piastres($30.00). J'admets avoir reçu deux cents à deux cents cinquante piastres($200.00 à $250.00) depuis, et pendant le courant de l'été. L'argent provient d'individus qui étaient réellement et physiquement inaptes au service d'après moi. Ils auraient eu quand même leur "discharge". Les types venaient me voir et je les dirigeais au Sergent Georges FORTIN. J'ai reçu les trentes piastres($30.00) d'un type de Baie Comeau. Quand j'ai donné au Sergent FORTIN la somme de quarante à quarante cinq piastres($40.00 à $45.00). J'avais reçu la somme de soixante pu soixante cinq piastres($60.00 ou $65.00). Quand j'ai donné au Capitaine G.A. GRONDIN R.C.A.M.C.(4)C.A., la somme de vingt piastres($20.00) sur le trente piastres($30.00) reçu, il m'a dit de lui remettre à l'après-midi. J'ai reçu aujourd'hui le 17 octobre, 1942 la somme de cinq piastres($5.00) d'un nommé RAYMOND par l'entremise d'un nommé SIMARD qui l'accompagnait. J'ai demandé deux(2) ou trois(3) fois à des officiers médicaux si un tel individu allait être classé "A" ou "E". Ils m'ont toujours dit qu'ils ne pouvaient pas car le D.M.O., avait donné des ordres sévères a cet effet. En plus il y avait le caporal HAMEL qui avait recu vingt-cinq piastres($25.00) il y a trois(3) ou quatre(4) semaines. J'ai reçu il y a deux(2) ou trois(3) jours une bouteille de "Scotch" d'un nommé TRUDEL de la rue Crémazie je crois.

-2-(suite)

J'ai offert de l'argent au Major GIRARD, mais ce dernier m'a déclaré que le "gars" serait classé "A". Le major GIRARDn 'a pas voulu se faire acheter.

Léopold Houde

E-25808 Private HOUDE, Léopold)
No.5 Company R.C.A.M.C.(A) C.A.

Témoins

Jullien ais Capt
Dno J.

Macaan Major
O.C. No. 1 Coy
R.C.A.M.C. C.A.A

J. Lecoquin
Brig
Pres G.C.M.

REQUISITOIRE DU PROCUREUR

Qu'il plaise à la Cour.

L'accusé devant cette Cour avait deux accusations contre lui. La première, d'avoir, entre le 1er juin 1942 et le 17 octobre 1942, reçu de diverses personnes différents montants d'argent alors qu'il était employé chez le D.M.O; et la deuxième, d'avoir distribué à des membres du personnel du D.M.O. des montants d'argent qu'il avait reçus de diverses personnes mentionnées dans la première accusation.

Les deux accusations sont sous la section 40 de l'Acte de l'Armée, conduites au préjudice du bon ordre et de la discipline militaire.

La poursuite a fait entendre plusieurs témoins. Le premier témoin est monsieur Adélard Aubé qui est venu raconter à la Cour dans quelles circonstances il avait rencontré l'accusé et le fait qu'il avait discuté avec l'accusé qu'il voulait, pour employer ses termes, une "discharge" pour son fils "Joe"; le fait que l'accusé lui ait demandé d'envoyer son fils "Joe" le rencontrer et enfin, après l'examen médical de monsieur Aubé fils, que l'accusé lui avait demandé la somme de $800.00, montant que monsieur Aubé a payé à l'accusé.

Fait à noter, c'est que l'accusé, lorsqu'il a fait la demande de ce montant a rappelé à monsieur Aubé qu'il ne voulait pas de chèque, qu'il voulait que ce soit en billets de banque, en comptant.

Pour obtenir l'argent, et la somme assez considérable qu'il a demandée, Houde a prétendu que cela coûtait cher parce qu'il y en avait plusieurs à graisser.

Le fils de monsieur Aubé a témoigné lui aussi. Il a fait part à la Cour qu'il a rencontré Houde, que Houde l'a suivi dans son examen. Et par le témoignage du major Girard, nous voyons que Houde l'a même attiré, l'a même amené plus tard chez le Major Girard subir un examen au préalable, avant qu'il soit présenté devant le "board".

Peu importe les moyens que Houde a employés, le fait brutal c'est que Houde aurait dit qu'il était à l'emploi du D.M.O., et qu'il a reçu à cette occasion-là la somme de $800.00.

Un autre témoin, André Lapointe, est venu témoigner à la Cour pour nous dire qu'il avait rencontré Houde chez le beau-père de Houde. Il avait été question que Lapointe voulait de l'ouvrage aux Trois-Rivières et qu'il a été question d'un licenciement de l'Armée. Houde l'a dirigé; Lapointe s'est présenté au bureau médical, a vu Houde, et après avoir vu Houde, il a passé son examen médical, et là il a laissé ce qu'il a appelé un pourboire de $100.00.

La Cour se rappelera d'avoir longuement examiné le témoin sur le pourquoi d'un pourboire aussi considérable. Et le témoin, tout en admettant qu'une partie avait pu servir pour les services rendus par Houde en d'autres occasions, entr'autres, achat de marchandises chez un nommé Smith; l'autre partie, peu importe la valeur, le montant - c'était pour les services rendus à l'occasion de son enrôlement.

REQUISITOIRE DU PROCUREUR (suite)

Un autre témoin, un nommé Jean Ferrier, de Deschaillons, se rappelle qu'il était du dépôt du district militaire No.5, qu'il est allé au bureau médical, et là, sans connaître Houde, Houde l'interpelle et lui dit qu'il ne peut pas, avec sa stature faire un militaire; il lui dit qu'il n'est pas de la grandeur physique pour faire un soldat; il a ajouté, c'est-à-dire le témoin ajoute: "Il m'a demandé si j'aimerais à avoir ma 'discharge' en me disant que cela coûterait quelque chose". Houde suit Ferrier. Ferrier passe des examens sans s'enrôler, alors qu'il est classé...alors plutôt, parce que ce n'est pas en preuve, après son examen médical régulier fait au bureau de recrutement, il signe ses formules, monte de nouveau chez le D.M.O., rencontre Houde qui est là. L'entrevue dans la chambre de toilette avec Houde a lieu et il remet à Houde $35.00 ou $45.00.

Le même procédé a été suivi dans le cas d'un nommé Léopold Bédard qui lui a versé à Houde, une somme de $10.00.

Un témoin, Gérard Simard, est venu nous dire qu'à l'occasion de l'examen d'un nommé Raymond, il a donné à Houde $5.00, en lui disant, "Ca, c'est pour te récompenser pour ton trouble".

Les autres témoins, Trudel, Beaudet, sont venus eux aussi, témoigner devant cette Cour qu'à l'occasion de leur examen médical, ils ont rencontré Houde, et que à la suite de leur examen médical,le premier, Trudel, lui a versé la somme de $25.00, et le deuxième, Beaudet, lui a versé la somme de $20.00.

Enfin, Roland Blouin, qui est venu dire qu'il s'est présenté au bureau médical et que là Houde l'a interviewé pour voir s'il consentirait à donner quelque chose s'il avait sa "discharge".

Je soumets que tous ces actes sont des actes au préjudice du bon ordre et de la discipline militaire et sont contraires au K. R. (Can.), sections 421 et 426, et que si telles choses étaient tolérées dans l'Armée, il n'y aurait pas moyen de maintenir le bon ordre et la discipline.

Sur la deuxième accusation, la poursuite a déposé devant cette Cour les aveux écrits de l'accusé, et en plus a fait entendre deux témoins qui sont venus raconter à la Cour les déclarations faites le 17 octobre 1942 au Colonel Mercier et au Major Lacasse.

Dans ces déclarations, l'accusé confirme avoir donné au Capitaine Grondin un montant de $20.00, au sergent Fortin, un montant de $40.00 à $45.00, et après avoir reçu lui-même en diverses occasions, de candidats qui se présentaient à l'enrôlement, la somme de $200.00 à $250.00.

REQUISITOIRE DU PROCUREUR (fin)

La poursuite a mis devant cette Cour les faits tels qu'elle les connaissait. Malheureusement nous avons pris quelque temps de la Cour pour trois témoins sur l'information que ces gens avaient des faits à raconter. Je le regrette, mais je croyais de mon devoir de mettre devant la Cour toute la preuve que je connaissais, tant favorable à l'accusé que défavorable.

Je crois qu'avec la preuve faite par la poursuite, les actes d'accusation portés contre Houde ont été prouvés, et je laisse à la Cour le soin d'étudier ces différents faits et de rendre le verdict qu'elle se croit justifiée de rendre dans cette cause.

"J"

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE

Qu'il plaise à la Cour.

Il est de mon devoir, pour exécuter le mandat que j'ai accepté, de retenir encore quelques instants l'attention de la Cour et de réclamer l'indulgence du Tribunal.

Je n'ai d'ailleurs pas l'intention d'en abuser. Ce que je veux faire, c'est de tenter de ramener la preuve faite dans cette cause aux bornes réels qu'elle doit avoir, laissant entièrement à la Cour le soin de décider s'il y a là une irrégularité qui rencontre ou plutôt qui va à l'encontre des prescriptions de la loi militaire.

Je n'ai évidemment pas besoin de rappeler au Tribunal les articles 67, 68 et 69 du Chapitre VI, que l'on trouve à la page 58 du Manuel de Droit Militaire.

Une première considération s'impose. L'accusé est devant vous sous l'accusation d'avoir accepté de l'argent dans l'exécution de ses devoirs. Mais je crois devoir attirer l'attention de la Cour sur ce fait que dans cette cause, il n'y a pas eu de corruption d'officiers-médicaux, contrairement peut-être à ce à quoi on pouvait s'attendre. Il n'y a pas de preuve devant vous que des officiers médicaux ont donné des classements par faveur. Les classements ont été faits régulièrement, et je crois que ceci doit être dit au nom de la défense.

Il y a des cadeaux qui ont été donnés dans quelques circonstances, et pourquoi? Je soumets que ces circonstances-là sont des circonstances que la Cour doit prendre en considération. Il y a un premier fait qui, évidemment, frappe par le montant, c'est le cas de Aubé.

Mon savant ami dit; Aubé rapporte que Houde lui a dit; "Ca va coûter cher parce qu'il y a bien du monde à graisser". Je suis convaincu que la Cour ne peut pas prendre cela en considération, parce quesi la Cour prenait cela en considération et avait cru véritablement que Aubé avait payé Houde pour graisser quelqu'un, la Cour aurait accordé à Aubé le privilège du silence. Il n'y a pas de doute là-dessus.

Si la Cour n'a pas accordé à Aubé le privilège du silence, c'est parce que la Cour était convaincue que Aubé donnait de l'argent sans savoir et sans avoir l'intention d'acheter qui que ce soit. Le montant frappe. Il faut prendre également les circonstances.

Aubé nous le dit lui-même. C'est un ami de la famille de Houde. Il a aidé son père; il a aidé son frère et il l'a aidé lui-même. Et lorsque le fils de Aubé a été appelé, il a communiqué avec Houde lui-même. Ce n'est pas Houde qui est allé le chercher, c'est lui qui est allé le rencontrer parce qu'il l'avait déjà aidé.

Aubé, qu'il plaise à la Cour, est un homme qui a été... il n'y a pas de preuve que Aubé a été régulièrement refusé de l'Armée. Aubé a été régulièrement classé. Vous n'avez pas de preuve contraire. Et alors, pour le piloter, pour l'aider, eh bien, évidemment, il a donné un fort montant. Il ne l'aurait pas donné à n'importe qui; il l'a donné pourquoi? Parce qu'il connaissait Houde, parce qu'il l'avait déjà aidé, à cause des relations de famille et d'amitié qu'il y avait avec Houde et non pas tant à cause des relations que Houde avait au point de vue de l'examen militaire.

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE (suite)

Et les autres montants qui ont été donnés? Vous n'avez pas de preuve qu'il y avait une entente de faite entre les candidats et Houde. Ce que Houde a fait, c'est qu'il a reçu des pourboires, des 'tips', des cadeaux, et ceci est un acte que je laisse, évidemment, entièrement à votre discrétion. Mais je tiens, par exemple, à les ramener à leur signification exacte. Houde n'a pas promis à un tel: vous serez exempté si vous me donnez tant. Houde n'a pas dit: si vous êtes classé "E", vous me donnerez tant; et si vous êtes classé "A", vous ne me donnerez rien. Et la preuve révèle qu'en aucune occasion, Houde serait intervenu dans aucun examen médical, et ceci doit être aussi considéré.

Il n'y a pas de preuve que les examens médicaux aient été influencés en quoi que ce soit par les cadeaux que Houde recevait, et jusqu'à présent, il est en preuve devant cette Cour que les examens médicaux ont été faits régulièrement. Il n'y a pas de preuve qu'il y a eu des pourparlers entre les médecins et Houde. Par conséquent, il reste que, peut-être contrairement aux ordres, il a reçu des cadeaux, des cadeaux d'amis, des cadeaux, la plupart du temps, des gens qu'il connaissait, avec qui il était lié, de liens qui ne venaient pas de ses fonctions militaires, et je soumets que ceci doit être pris en considération par la Cour en examinant les faits sur le premier chef.

Sur le deuxième chef. Vous n'avez sur le deuxième chef que la confession. Vous n'avez pas d'autre chose que cela, que la confession ou la déclaration faite par Houde. Par conséquent, vous devez la prendre et non pas aller au-delà.

En autant que le docteur Grondin est concerné, vous avez la preuve que Houde a donné $20.00 au docteur Grondin. Eh bien, je soumets respectueusement que, en vertu de tous les articles que mon confrère pourra citer, si un soldat dit: "J'ai donné $20.00 à un officier", je soumets respectueusement que ce n'est pas une offense. Il peut peut-être dire oui, mais si j'ai accepté $20.00... mais le fait de remettre $20.00 de main à main, d'un soldat à un officier, ce n'est pas une offense. Cela peut être une commission qu'il fait. Vous n'avez pas, étudiant les faits avec les prescriptions que la loi militaire vous donne, à supposer autre chose que ce qu'il y a là dans la confession, quand il n'y a pas d'autre chose que la confession.

Il dit: "j'ai donné $20.00 au docteur Grondin et j'ai donné $35.00 à $45.00 au sergent Fortin". Mais il n'y a pas de preuve que le docteur Grondin ait examiné aucune des recrues qui sont venues ici. Il n'y a pas de preuve que le docteur Grondin ait été en aucune façon influencé par le fait qu'il a reçu $20.00. Et par conséquent, s'il a donné $20.00, il ne l'a pas donné, suivant l'accusation "dans l'exécution de ses devoirs". Et s'il ne l'a pas donné dans l'exécution de ses devoirs, je dis que l'accusation n'est pas prouvée, et que pour la prouver, pour le trouver coupable en vertu de la confession, il faut sortir des cadres de laconfession; il faut ajouter de l'intention et des faits qui n'y sont pas. Je soumets, sur le deuxième chef, qu'il n'y a aucune preuve quelconque.

PLAIDOIRIE DE CLOTURE DE L'AVOCAT DE L'ACCUSE (fin)

Je laisse la cause de l'accusé entre vos mains, sachant que vous saurez l'apprécier et l'apprécier suivant les règles et les principes qui doivent être la base même de la loi militaire.

Et en terminant, j'attire l'attention de la Cour sur le fait que la preuve faite par la plupart des témoins en cette cause est une preuve faite par des complices, des complices qui ne peuvent pas se corroborer les uns les autres.

Si Houde a commis une offense, il est complice, non pas seulement, comme on l'a dit dans une cause précédente - s'il y a eu offense de commise, toutes les personnes qui ont reçu de l'argent sont des complices. Je soumets qu'il est parfaitement légal de faire condamner sur des témoignages de complices non corroborés, mais qu'il est dangereux de le faire, et je suis certain que la Cour s'éloignera de ce danger.

DIRECTIVES DU JUGE-AVOCAT

" La grande similitude qui existe entre la cause actuelle et la cause antérieure, celle du soldat Louis-Phillipe Hamel, me dispense de faire à la Cour un résumé de la preuve dans cette cause-ci, laquelle est claire, et sur laquelle il y a peu de contestation de part et d'autre, en autant qu'il s'agit de la poursuite et de la défense.

" Cela me dispense également d'élaborer longuement les principes de droit qui doivent diriger la Cour dans ses délibérations.

" Il est de mon devoir, et je le fais immédiatement, d'aviser la Cour que c'est son droit de trouver un accusé coupable sur le témoignage d'un complice seulement, et sans corroboration, mais qu'il est dangereux de le faire, et que la Cour doit, en toute cause, s'assurer que ces témoignages de complices sont bien l'expression de la vérité.

" Je dois également aviser la Cour et l'avertir qu'elle doit donner le bénéfice du doute à l'accusé, bénéfice d'un doute raisonnable.

" Comme dans la cause du soldat Hamel, nous sommes en présence de deux chefs d'accusation, les particularités desquelles sont similaires à la cause antérieure.

" La Cour devra se demander, en chaque cas, si les différents éléments mentionnés dans les "particulars of the charge" - dans les particularités de l'offense, ont été prouvés sans l'ombre d'un doute raisonnable. Circonstances d'endroit; circonstances de temps; le fait qu'un accusé aurait ou n'aurait pas reçu diverses sommes d'argent; le fait que l'accusé aurait ou n'aurait pas été employé relativement à des examens médicaux militaires; le fait que ces argents, s'il y en a eu de reçus par l'accusé, l'auraient été relativement à des examens militaires médicaux des personnes qui les ont payés; et que ces argents auraient été payés ou non à l'accusé relativement alors qu'il était dans l'exécution de ses devoirs militaires.

" Quant au second chef d'accusation, en plus des détails de lieu et de temps, la Cour aura à se poser la question suivante, à savoir: si elle est satisfaite que la preuve établit que l'accusé a distribué des sommes d'argent mentionnées dans le premier chef d'accusation. Et, si tel est le cas, si tel argent a été distribué à des personnes faisant partie du personnel médical du District Militaire No. 5.

" Elle devra également se poser la question suivante; "Est-ce que l'accusé a ou aurait distribué ces montants d'argent alors qu'il était employé relativement à des examens médicaux militaires?"

" Si la Cour en venait à la conclusion que tous ces éléments ne sont pas établis à la satisfaction de la Cour, si l'un quelconque de ces éléments n'a pas été établi à la satisfaction de la Cour, le devoir du Tribunal sera d'acquitter l'accusé sur l'un ou l'autre des chefs d'accusation.

DIRECTIVES DU JUGE-AVOCAT (fin)

" Si le Tribunal en vient à la conclusion que tous ces éléments sont établis, il devra, dans chaque cas, se poser la question suivante: "Est-ce que ces faits constituent l'offense reprochée à l'accusé, laquelle offense est récitée comme étant d'avoir fait preuve d'une conduite préjudiciable au bon ordre et à la discipline de l'Armée?"

" En d'autres termes, la Cour devra se poser la question suivante: "Est-ce que c'est contraire au bon ordre et à la discipline militaire pour un sergent, un sous-officier en charge d'un bureau d'examens militaires médicaux de recevoir diverses sommes d'argent dans les circonstances établies par la preuve, et d'en distribuer dans les circonstances qui ont été également prouvées?"

" Sur la question de réception de certains montants, j'attire l'attention des membres de la Cour, sur l'élément de clandestinité qui pourrait avoir une certaine portée quant à l'intention de l'accusé. Je réfère particulièrement au cas où, d'après la preuve faite, l'accusé se serait retiré dans une des salles de toilette, avec un des témoins, pour y recevoir certains montants. Cette preuve de clandestinité peut être prise en considération pour établir une intention, si la Cour croit qu'il y a lieu d'entrer dans le domaine de l'intention de l'accusé."

"L"

Je déclare
Paris
Preskam

La Cour décide, après délibérations, de se prévaloir du pouvoir discrétionnaire qui lui est donné sous la règle de procédure No. 71, paragraphe "D", et annonce que la sentence du présent accusé sera prise en considération en même temps que celle des autres accusés, s'il y en a d'autres, et non immédiatement.

Jahoeane Brig Pus Ist in

M.F.B. 355
22M—5-43 (572-6)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
E-25868	Private	HOUDE L.F.	2nd Co. R.C.A.M.C.C.R.

1. The following is a fair and true summary of the entries in the ~~Service and General~~ ~~Regimental and Squadron, Battery~~ Field Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	nil	times	nil	times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

~~or,~~

There are no entries in the conduct sheets of the accused.

~~NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Air Force Act Army Act and dispensations with trial under A.F.A. 73 A.A. 73 are set out in the Schedule annexed to this statement.~~

3. The accused is not under sentence at the present time.

or,

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for 00 days in civil custody, and 46 days in ~~military~~ Air Force custody, making a total of 46 days in custody, of which 00 days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 33 yrs. 4 mth. 6 days.

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 15 Dec. 1940

~~7. The service which the accused is alleged to reckon towards discharge is from 10 July 1940~~

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward ~~(or is in possession of or entitled to)~~. ~~State any air force decoration or reward.~~ ~~military~~

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of~~ ~~Air Force~~

11. (In the case of an officer.) The accused holds in the Royal Canadian ~~Air Force the rank~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Regiment Unit

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 1st day of December 1942

Maxwell Major
O.C. No. 5 Co. C.P.R. No. 2 C.R.

The above statement (~~with the schedule of convictions and of cases in which trial has been dispensed with~~) is read, marked Z signed by the president, and annexed to the proceedings.

REGISTERED.

H.Q.C.55-H-299(JAG)

February 17, 1943.

District Officer Commanding,
Military District No. 5,
Quebec, P. Q.

RE: GENERAL COURT-MARTIAL.
E.25858 - Pte. Leopold HOUDE,
No. 5 Company, RCASC, C.A.

Enclosed please find Proceedings of the marginally-noted General Court-Martial, together with P.C. 1040, dated the 9th February, 1943, in which the Findings and Sentence of the Court have been duly confirmed by the Governor General in Council.

Proper Promulgation must be effected to the accused. The time, place and manner of the Promulgation in this case, as well as in those of the four accused officers, the Proceedings of which you already have and in those of the three other ranks, the Proceedings of which are today being despatched to you, will be the subject of further communication with you from the Adjutant/General.

After Promulgation has been effected, pursuant to the instructions of the Adjutant-General, a proper Minute thereof will be endorsed on the Proceedings, and same, together with the Privy Council Order, should be returned to this Headquarters.

Brigadier,
Judge Advocate-General.

A8 P.C. 1040 HQC 55-H-299

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C. R.
To register and
pass to
J a S.
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CENTRAL REGISTRY Army
CONF. SEC.
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File C 55-H-299
Chgd to J.S.
Referred to

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 9th day of FEBRUARY, 1943

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Associate Minister of National Defence reports that E-25868, Private Leopold Houde, No. 5 Company, Royal Canadian Army Medical Corps, C.A., a member of the Canadian Army placed on Active Service, was by a General Court-Martial held at the Drill Hall, Quebec, P.Q., on the 25th of November, 1942, tried on the following charges:

> CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from drivers parties in relation to their military medical examinations, and in relation to the performance of his military duties.
>
> CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge.

That the accused pleaded Not Guilty to both charges, was found Guilty of both charges, and was sentenced to undergo detention for nine (9) months;

That a plea-in-bar of trial was offered by the accused to both charges, but was withdrawn by Counsel for the accused; and

That/

The Honourable
the Minister of National Defence

That the Judge Advocate-General has reported that the proceedings are regular, the Findings on the said charges properly made and the Sentence according to law.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Associate Minister of National Defence, is pleased to confirm and doth hereby confirm the Finding of Guilty on the said two charges and the Sentence.

A. D. P. Heeney.

Clerk of the Privy Council.

104507

Memorandum

To:

THE MINISTER OF NATIONAL DEFENCE.

Department of National Defence

H.Q. C. ~~8788-3~~ (F.D.1) (JAG)

OTTAWA, February 5th, 1943.

GENERAL COURT-MARTIAL
E-25868, Pte. Leopold HOUDE,
No. 5 Coy, R.C.A.M.C., C.A.

The marginally noted soldier was tried by a General Court-Martial on 25th November, 1942, at the Drill Hall, Quebec, P.Q., on the following charges:

"CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties."

"CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the city of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge."

2. The accused soldier pleaded Not Guilty to both charges, was found Guilty of both charges, and was sentenced to undergo detention for nine (9) months.

3. A plea-in-bar of trial was offered by the accused to both charges, but was withdrawn by Counsel for the accused.

4. I have reviewed the proceedings and hereby certify that the same are regular, the Findings on the said charges properly made, and the Sentence according to law.

5. The Adjutant-General has, pursuant to K.R.(Can) 575, as amended by C.O. 225/1941, reviewed the proceedings and concurs in the sentence awarded. There do not appear to be any reasons which, in my opinion, would warrant any mitigation or commutation of the sentence in question, and accordingly I attach a draft Submission to the Governor in Council recommending that the Finding of Guilty on the two charges, and the Sentence be confirmed.

H. S. Nolan Col
Brigadier,
Judge Advocate-General.

TM/JE

N.D. 25a
50M—9-40 (7162)
H.Q. 1772-101-25

Copy for H.Q.C. 55-H-369

C. 8733-3 (F.D.1) (JAG)

THE MINISTER OF NATIONAL DEFENCE.

February 5th, 1943.

GENERAL COURT-MARTIAL
E-25868, Pte. Leopold HOUDE,
No. 5 Coy, R.C.A.M.C., C.A.

The marginally noted soldier was tried by a General Court-Martial on 25th November, 1942, at the Drill Hall, Quebec, P.Q., on the following charges:

"CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties."

"CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the city of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, distributed to other military medical personnel moneys mentioned in the first charge."

2. The accused soldier pleaded Not Guilty to both charges, was found Guilty of both charges, and was sentenced to undergo detention for nine (9) months.

3. A plea-in-bar of trial was offered by the accused to both charges, but was withdrawn by Counsel for the accused.

4. I have reviewed the proceedings and hereby certify that the same are regular, the Findings on the said charges properly made, and the Sentence according to law.

5. The Adjutant-General has, pursuant to K.R.(Can) 575, as amended by C.O. 225/1941, reviewed the proceedings and concurs in the sentence awarded. There do not appear to be any reasons which, in my opinion, would warrant any mitigation or commutation of the sentence in question, and accordingly I attach a draft Submission to the Governor in Council recommending that the Finding of Guilty on the two charges, and the Sentence be confirmed.

Brigadier,
Judge Advocate-General.

TM/ig

H.Q.C. 8733-3 (F.D.2)
(JAG)

February 5th, 1943.

TO:-

HIS EXCELLENCY

THE GOVERNOR-GENERAL-IN-COUNCIL.

The undersigned has the honour to report,-

That E-25868, Private Leopold Houle, No. 5 Company, Royal Canadian Army Medical Corps, C.A., a member of the Canadian Army placed on Active Service, was by a General Court-Martial held at the Drill Hall, Quebec, P.Q., on the 25th of November, 1942, tried on the following charges:

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the City of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No. 5, received sums of money in varying amounts from divers parties in relation to their military medical examinations, and in relation to the performance of his military duties.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, at the city of Quebec, P.Q., between the first day of June, 1942, and the seventeenth day of October, 1942, when employed in connection with army medical examinations, in Military District No.5, distributed to other military medical personnel moneys mentioned in the first charge.

TO PRIVY COUNCIL
DATE 6 2/43
SERIAL No. 347
signature

That the accused pleaded Not Guilty to both charges, was found Guilty of both charges, and was sentenced to undergo detention for nine (9) months.

A plea-in-bar of trial was offered by the accused to both charges, but was withdrawn by Counsel for the accused.

That the Judge Advocate-General has reported that the proceedings are regular, the Findings on the said charges properly made and the Sentence according to law.

The undersigned has, therefore, the honour to recommend that the Finding of Guilty on the said two charges and the Sentence be confirmed.

Approved as to form and as to substance.

Respectfully submitted,

5 July 1943
Date

Judge Advocate-General

Charles G Power
MINISTER OF NATIONAL DEFENCE.

TM/JS

Memorandum

To:— THE ADJUTANT-GENERAL

Department of National Defence

H.Q. ~~C. 8738-3 F.D. 1 (JAG)~~

OTTAWA, February 5th, 1943.

General Court-Martial
E.25868 - Pte. Leopold HOUDE
No. 5 Coy. R.C.A.M.C., C.A.

1. As requested in your Memorandum of February 4th I append to the cover of this File a precis in English of the evidence given in French by several witnesses at the General Court-Martial held for the trial of the marginally noted soldier in order that, as you state, the Adjutant-General may be in a position to express an opinion as to the sufficiency or otherwise of the sentence.

2. The purpose of K.R.(Can) 575 is that, with respect to the proceedings of the General Court-Martial, the remarks and recommendations of the Adjutant-General as Convening Officer should be before me in order to assist in my preparation of the requisite submission to the Minister. In the particular circumstances of this case, however, I have reviewed the proceedings and have, in my submission to the Minister with accompanying report to the Governor in Council, advised that they have been reviewed and have certified the same as being regular, the Finding properly made and the Sentence according to law.

3. So far as concerns the quantum of sentence, it is my opinion that the circumstances of the case justify the same because the evidence indicates that the accused, Houde, was an active intermediary in respect of the obtaining of pecuniary tribute or reward from persons who were presenting themselves for medical examinations and acted as a distributor of the moneys thus obtained. If the Adjutant-General is of the opinion that the sentence of nine months' detention as awarded should be confirmed, then the submission to the Minister and accompanying report to Council should be forwarded to the Minister accordingly. On the other hand if the Adjutant-General considers that some remission is warranted, I assume that I will be advised in this respect and the necessary amendment can then be made to the submission and report.

4. With respect to the proceedings of this particular Court-Martial, there occurred in the course of the same a species of "trial within a trial" regarding the admissibility of an admission made by Houde on or about 16th or 17th October, 1942, to the D.M.O. and Major Lacasse, the accused's Commanding Officer. I might observe in this connection that objection was raised on behalf of the accused to said admission being admitted in evidence but after hearing the testimony on this point the Court over-ruled the objection and decided that said admission was admissible. I have given much consideration to the legal aspects involved in connection with this point and am of the opinion that no legal exception can properly be taken to the Court's decision,

5. With regard to the proceedings of the General Court-Martial held for the trial of Pte. Hamel, said

. . .

N.D. Zie
25M—5-40 (4988)
H.Q. 1772-101-25

PRECIS OF EVIDENCE - IN THE CASE OF - E-25668- PTE. LEOPOLD HOUDE, No. 5 Coy, R.C.A.M.C., C.A. in support of plea-in-bar of Trial.

Page 31

Witness had been Acting Sergeant from June, 1942, until October 16th, 1942. Was sent for by Lt.-Col.J.Mercier on October 17th, about 1600 hours and was asked certain questions about Sergeant Fortin, under whom he worked. Two hours later, he was again sent for by Lt.-Col Mercier, and in the presence of Staff Sergeant Deskosiers, R.C.M.P., and Staff Sergeant Plamondon, was told to take down his stripes. This was done. About an hour later, by order of Lt.-Col. Mercier, he was arrested.

In cross-examination, the witness affirms the above and agrees that there was no charge laid against him by Lt.-Col. Mercier, and further agrees that he was not told to take down his stripes as a punishment. He was Acting Sergeant, without pay.

Questioned by the Court, he agrees that his permanent rank was that of an ordinary soldier.

On page 47, after an adjournment of the Court, Counsel for the accused announces that he wishes to withdraw his plea-in-bar of trial. The Prosecutor objects, but the Court, after consultation with the Judge Advocate-General in Ottawa, rules that such a plea may be withdrawn on behalf of the accused, at any time and the objection by the Prosecutor is overruled.

On page 53, the accused pleads "Not Guilty" to both charges.

Page 55

1st Witness for the Prosecution - J. Adelard Aube, a merchant, resident in the city of Quebec, states that he has known the accused for 12 years. In or about the month of August, he visited the accused at his house, because his son was about to be examined by the Army Medical Board, and he had been placed by his private physician in category "E". He knew that the accused was experienced in these matters, and asked him how he could obtain a final rejection of his son by the Army. The accused had replied that it would be difficult, but he would see what could be done. Later, after the receipt of a telephone message, he went and saw the accused at Headquarters, M.D. 4, Rue St. Jean, Quebec, and the accused said what he wished could be arranged, but it would be expensive, as he the witness, was known to be a "Big Boy", and because there were several, whose hands would have to be greased. As a result, he gave the accused $600.00. In cross-examination, the witness' evidence is not shaken and he affirms the statement that the accused had demanded that the payment should be in cash and not by cheque.

Page 81

2nd Witness for the Prosecution - Jean Ferrier, watch-maker, living at Deschaillons, P.Q., says that he presented himself at Military Headquarters in the Rue St. Jean, Quebec, about the 20th of September, 1942, having gone there with several others to be examined by the Army Medical Board. He was seated in a corridor, when the accused, who was in uniform, spoke to him, and after some conversation, asked if he wished to obtain his discharge. The accused made the remark that the witness

was not of a physique likely to make a soldier. The accused told him that it would cost him something, but a discharge could be obtained. After that the witness was taken by an unidentified individual into another room and given what he calls a "Petit examen". This other individual told him he was not a doctor. The accused then told the witness that if he were not passed as "fit" upon his examination, he should then go down stairs and enroll as a volunteer. Up to that time he had not enrolled, and therefore on the advice of the accused, he signed the enrollment papers, which he handed to the accused, who then gave him his discharge as "Medically Unfit" and received from him $35.00 or $45.00. In cross-examination, he says that the accused was not there when he was examined by the man who said he was not a doctor, and that he was not there when the witness was examined by the Army Board. Apparently he contradicts his former evidence, that it was the accused who actually handed him the certificate of discharge. Questioned by the Judge Advocate, and by the Court, he reaffirmed that it was the accused who demanded the money for having obtained for him his discharge, and the accused who received it.

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3rd Witness for the Prosecution - Joseph Aube, Traveller, living at 66 Rue d'Artigny, city of Quebec, son of the first witness. He first met the accused at his house in September, 1942, when the accused had asked him if he suffered from any illness. Learning that he did, the accused told him that he could get exempted from Military Service and suggested that he accompany him to see a private physician. The witness did so. Two days afterwards, he was notified by telephone to attend at Military Headquarters, Rue St. Jean, and on the third floor he saw the accused. The accused told him to go down below, and sign the papers which were necessary for him to obtain an examination by his Army Medical Board. Having been examined, he left the Rue St. Jean, and returning in the afternoon, obtained his certificate of discharge. He knew of no arrangement betweem his father and the accused, in regard to a money payment to the latter.

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4th Witness- Leopold Bedard - Automobile mechanic, living at Loretteville, P.Q. Witness says that he went about the 17th of September 1942, to the Recruiting Office in the city of Quebec, with the object of enrolling as a volunteer in the Army. There he had met a soldier before he went up for his medical examination who asked him a certain question. This soldier gave him some information and asked him if he had any sickness, to which he replied "yes", and to which the accused replied "Don't be afraid". He was then examined by the Board and discharged. Before leaving the RecruitingOffice, he saw the accused and handed him $10.00 in thanking him for his assistance. In cross-examination witness says that he believes that the soldier to whom he handed the money was the accused, but cannot swear to it.

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5th Witness for the Prosecution - Andre Lapointe- Taxi Driver living at Laurier Station, P.Q. This witness says that he met the accused at the house of the father-in-law of the accused sometime in the early autumn of 1942. They had some conversation in regard to the chances of the witness being discharged by the Army by reason of the fact that he had a category "E" classification from his own physician. The accused told him he would do well to present himself to the Army Medical Board, but told him he, the accused, had nothing to do with

5th Witness - Prosecution (Con)

those matters. As a result, about the month of October, 1942, he went to Quebec and voluntarily engaged for service. He had to submit himself three times for examination by the Army Board and on each time the accused was present but apparently no conversation pertaining to the charge passed between them. However, when he received his certificate from the Medical Board as category "E" and was leaving the Military Headquarters, he gave the accused $10.00 as a gift. In cross-examination, he attempted to explain the gift by saying that the accused had done him several services altogether apart from anything in connection with his Medical Examination and explains that the accused had some influence in Laurierville and could obtain goods for him from merchants there at a discount. Questioned by the Judge Advocate, he admits (Question and Answer 270) that the services perhaps had something to do with obtaining his discharge by the Army Medical Board. He further says that the amount saved him in his dealings with Laurierville merchants by the influence of the accused would not amount to more than $50.00.

Page 109 6th Witness for the Prosecution - Girard Simard, Manufacturers' Agent, living at 83 Dorchester St. Quebec, stated that he went to the office of the Army Medical Board in the Rue St. Jean in company with one, Raymond, with the object of seeing a soldier named Fortin. They met there the accused, who told them that Fortin was on leave, but that he might serve in his place. The witness asked the accused whether he could obtain a discharge from the Army for Raymond. The accused advised that Raymond should go and see a private doctor and get a certificate from him. The advice of Fortin was taken and after that Raymond obtained his discharge from the Army Medical Board. The witness gave the accused $5.00 as a gift for his trouble.

Page 113 7th Witness for the Prosecution - Roland Trudel, C.N.R. employee living at 76 Avenue de Erables, Quebec. The witness says that on the 8th of October he went to the Recruiting Bureau in Quebec and filled in papers, on the first floor. He then went to the third floor. A few days previous to this he had met the accused, who had advised him to obtain a certificate of Medical Examination from a private doctor, which advice he had followed. After he had been examined by the Board and obtained his discharge, he saw Hood, and in the lavatory on the third floor of the Recruiting office, he had given the accused $25.00. No cross-examination.

Page 117 8th Witness for the Prosecution - Antoine Beaudet, mechanic living at 47 Rue de Remparts - Quebec. The witness states that early in October 1942, he had gone to the Recruiting Office in Quebec, passed the Medical Examination and had there met the accused who seemed to be in charge. The accused asked him if he had made arrangements with any one, and on being told that he had not, the accused suggested that he might be able to help him. He was then undressed and passed his medical examination, being classed "E". The accused then advised him to volunteer for Active Service in order to obtain his discharge and told him to go downstairs and sign his papers, which he did. He then gave the accused $20.00 for having assisted him and obtained his discharge more quickly. Under cross-examination, he says that the accused was not present at the Medical Examination, and did not fill in the enlistment papers for him.

Page 123 9th Witness - Roland Blouin - Carpenter of Matane, P.Q. Witness says that he attended the office of the Bureau of Recruiting Rue St. Jean, Quebec in response to a call up for Military Service. The accused came out and spoke to him and asked him whether he was ill. The witness replied "yes" and inquired if the doctors were severe, and the accused replied "that they were not bad". The accused had suggested that he might be able to arrange something if the witness was ill, but the witness passed his examination and nothing further happened.

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10th Witness for the Prosecution - Lt.Col. Jules Mercier, D.M.O., M.D.5. Witness is asked to examine a document said to contain a declaration made by the accused on the 17th of October and which, it is said, constitutes an admission of guilt on the second charge. The document is identified by the witness and becomes Exhibit "H" to the proceedings. Witness states that on the evening of October 16th, on the third interview which he had in the presence of Major Lacasse with the accused, the accused made the statements contained in the document after he had been warned he did not have to make any statements, and that if he did they could be used in subsequent proceedings, and that the accused could have a lawyer if he wished to. Witness states that the accused replied that he refused to answer any questions, but immediately went on and made the statements contained in exhibit "H". In cross-examination, the witness explains that during the time the accused made verbal statements to him he took notes and that he then called in a stenographer and in the presence of the accused dictated to the stenographer the statements made by the accused, verbally. As he dictated each sentence, he would ask the accused whether that was a correct interpretation of what he had said, and in every case the accused agreed. Possibly, he put the written statement into somewhat better french than that used by the accused, but the sense was exactly the same and was agreed to by the accused. The witness did not press the accused by questions wherever he appeared the least reluctant to answer as he was conscious that he should only include what the accused really wanted to say. After the declaration was finished, it was handed to the accused, who, he believes, read it over before he signed it.

See Page 8A. "H"

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11th Witness- Major J.L. Lacasse, O.C. 5th Company, R.C.A.M.C Quebec. Witness states that he was present at the interview with the accused referred to by Col. Mercier, and which took place in the evening of October 17th. The accused made verbally, certain statements, the effects of which are set out in the document now before the Court marked exhibit "H". In addition the accused stated that sometimes he would send recruits to private doctors who worked at the office of M.D. 5, to find our whether these recruits would be category "A" or "E". Also he stated that he had offered some money to one, Major Girard who had refused to "let himself be bought". After he had made these verbal statements, Col. Mercier sent for a typist, Sgt/Major Drolet, and from notes taken by him, dictated exhibit "H" to Sgt/Major Drolet. The document was then read out to the accused and then handed to him to read. The accused then signed it and it was witnessed by Major Lacasse, In cross-examination, he affirms the above and explains that the duty of the accused was to be in charge of the room, where the recruits undressed prior to their medical examination. He agrees that this would result in the accused seeing all recruits.

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12th Witness- E-20613, C.S.M. Company Sgt/Major Drolet, R.C.A.M.C., Quebec, identifies exhibit "H" as the document he typed on the 17th of October, but under cross-examination, says that he cannot identify it by reason of any particular type or sign upon it.

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13th Witness for the Prosecution - Baromee Jermain, living at Pont-Rouge, P.Q., millwright. Witness states that he went to the recruiting office on October 14th and enrolled in the ordinary way. He had no conversation with anyone who suggested any payment in money from him. No Cross-examination.

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14th Witness for the prosecution - Emmanuel Jermain living at Pont-Rouge, P.Q., Carpenter. This witness went to the recruiting office in the City of Quebec on the 15th of October, 1942, and enrolled in the ordinary way. Nothing out of the ordinary appears to have occurred. No Cross-examination.

N.B. Prosecutor later apologizes to the Court for having in error called the last two witnesses.

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15th Witness - Major J.A. Girard, 5th Company, R.C.A.M.C., Quebec. Witness states that he knows the accused through his attendance at the office of the Medical Board. On three or four occasions accused asked him whether he could bring some friends to be examined by the witness, and he had consented to see them in his private office. He recalls particularly the case of one, Aube. He was asked to examine Aube, and he classed him as category "A", and was paid $2.00 by Aube for this examination. Witness says that the accused suggested to him that if Aube could be classed category "C" there would be money to be made, and says that he, the witness, refused to have anything to do with it, saying that would be unjust, dishonest and not acting like a soldier. He did not take the offer seriously, but nevertheless thought the suggestion suspicious. In cross-examination, he affirms the above statements even more emphatically and reaffirms that he classed Aube as "A". He agrees that Aube could possibly have been classed differently by an eye specialist, or an ear specialist, which he, the witness, was not. He says that he understood that he, being an officer of the Reserve, might accept the ordinary professional fee for a private examination of $2.00.

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16th Witness- Yvan Frenette, mechanic, living at 37½ Rue Cremazzi, Quebec. This witness on a Monday during the second week of October, 1942, visited the Recruiting Office for the purpose of having a Medical Examination. It was the accused who told him to undress, but he neither asked him for money, nor did he pay any money. No cross-examination.

The accused did not give evidence himself, nor did he call any other witnesses in his defence. He called the following three witnesses as evidence of his character only.

1st Witness- Major J.L. Lacasse, already sworn. This witness states that until the occurrences of which he has already given evidence, Houde had served in a satisfactory way and had always shown himself ready to do all that he was asked.

2nd Witness- Lt./Col. J. Mercier, already sworn. This witness states that until the circumstances occurred of which he has given evidence, that the accused had given satisfaction, had carried out his duties and seemed to have a good character.

Page 277 3rd Witness- Sgt./Major J.E.E. DesRosiers, R.C.M.P. already sworn. This witness states that he was called in to make an investigation into the irregularities alleged to have occurred in the Recruiting Office in Quebec, and says that the accused did all he could to aid him in his investigation.

8a.

QUEBEC, P.Q. le 17 octobre, 1942.

Je soussigné E-25868 Private Léopold HOUDE (A-Sgt.) refuse de répondre aux questions du Lieutenant-Colonel Jules MERCIER, D.M.O.-M.D., No. 5 après la mise en garde. Cependant j'avoue avoir donné au Capitaine G.A. GRONDIN, No. 5 Company R.C.A.M.C.(A) C.A., la somme de vingt piastres ($20.00) au capitaine GRONDIN. Je pense qu'il a donné sur ce montant au Major C.R. GUIMONT, No. 5 Company R.C.A.M.C.(A) C.A., qui a dit:-

"Il a donné seulement trente piastres ($30.00). J'admets avoir reçu deux cents à deux cents cinquante piastres ($200.00 à $250.00) depuis, et pendant le courant de l'été. L'argent provient d'individus qui étaient réellement et physiquement inaptes au service d'après moi. Ils auraient eu quand même leur "décharge". Les types venaient me voir et je les dirigeais au Sergent Georges FORTIN. J'ai reçu les trentes piastres ($30.00) d'un type de Baie Comeau. Quand j'ai donné au Sergent FORTIN la somme de quarante à quarante cinq piastres ($40.00 à $45.00). J'avais reçu la somme de soixante ou soixante cinq piastres ($60.00 ou $65.00). Quand j'ai donné au Capitaine G.A. GRONDIN R.C.A.M.C. (A) C.A., la somme de vingt piastres ($20.00 sur le trente piastres ($30.00) reçu, il m'a dit de lui remettre çà l'après-midi. J'ai reçu aujourd'hui le 17 octobre, 1942 la somme de cinq piastres ($5.00) d'un nommé RAYMOND par l'entremise d'un nommé SIMARD qui l'accompagnait. J'ai demandé deux (2) ou trois (3) fois à des officiers médicaux si un tel individu allait être classé "A" ou "E". Ils m'ont toujours dit qu'ils ne pouvaient pas car le D.M.O., avait donné des ordres sévères à cet effet. En plus il y avait le caporal HAMEL qui avait reçu vingt-cinq piastres ($25.00) il y a trois (3) ou quatre (4) semaines. J'ai reçu il y a deux (2) ou trois (3) jours une bouteille de "Scotch" d'un nommé TRUDEL de la rue Crémazie je crois.

J'ai offert de l'argent au Major GIRARD, mais ce dernier m'a déclaré que le "gars" serait classé "A". Le major GIRARD n'a pas voulu de faire acheter.

E-25868 Private HOUDE, Léopold)
No. 5 Company R.C.A.M.C.(A) C.A.

PTE. HAMEL

1st Charge. (1) Quebec

(2) 1/6/42 to 17/10/42

(3) When employed in connection with Army Medical examinations in M.D. No.5.

(4) Received sums of money, in varying amounts.

(5) From divers parties.

(6) In relation to their Military medical examinations.

(7) And in relation to the performance of his military duties.

2nd Charge. (1) Quebec

(2) 1/6/42 to 17/10/42.

(3) When employed in connection with Army Medical examinations in M.D. No. 5.

(4) Distributed to other Military Medical personnel moneys mentioned in 1st charge.

Objection before pleading under R.P. 32 to both charges.

That Bribery is a civil offence, etc.

Defence calls member of Court as witness of English Law, Col. Roche.

Prosecutor objects that not an expert.

Court decides that Defence has not established to satisfaction of the Court that Col. Roche is a competent witness to prove English Law.

Defence says no other witness.

Defence refers to Phipson and Archibald.

Plea in bar of trial under R.P. 36(A)(i).

Accused judged summarily by his C.O.

Was a Corporal. After making certain admissions before his C.O., with regard to the charges against him today, he was severely reprimanded and was asked, even forced, to abandon his rank of Corporal.

1st Witness - Lt.-Col. Mercier-D.M.O.

19th October had Hamel brought to my office.

Hamel was warned and signed declaration.

I said to Hamel. "Under the circumstances, I ask myself if it would not be better if you ask to be reduced to the rank of Private".

Hamel said "No".

Major Lacasse was O.C. of Hamel.

2nd Witness - Major Lacasse.

Hamel asked authority to return to the rank of Private because there was a charge against him.

2nd Witness-Major Lacasse - continued:

I said I consented and he removed his Chevron in my office himself.

It was not given as a punishment.

He was not charged.

3rd Witness-S/M Drolet.

Hamel asked Major Lacasse to reduce him to Private.

There was no charge sheet.

Not as a punishment.

4th Witness-Pte. Hamel.

I refused to ask to remove stripes.

Major Lacasse said "Do you ask to be degraded".

I didn't wish to be.

A.89 Sir, at the point where I am now, I like as much to be reduced.

A.91 I was reduced at that moment.

A.93 From my point of view, I was reduced as a punishment.

A.94-5 No charge against me or read to me.

1st Witness (recalled) - Major Lacasse.

Produces Part II Order #113 of 20/10/42.

"Reverts to rank of Private at his own request."

Court rejects plea.

Witnesses not having established that the accused had been punished in losing his rank for the charge which is laid against him before the Court today.

Pleads Not Guilty to both charges.

1st Witness-Major Lacasse.

Accused working in D.M.O's office, M.D. 5, as clerk, having as special charge the Dept. of Radiography, since in Army.

No duty towards civilians.

Was not his duty to interview candidates presenting selves for medical examination.

Cross-Examination.

Only relation with civilians was to call them when they went for X-Rays.

For form 45 or 30, he asked name of men, age, etc.

By J.A. Form 30 - Used to register results of X-Rays of lungs on enrollment of soldiers.

Form 45 - Used in all cases where special X-Ray of already enrolled man.

No Re-examination.

.....(3)

2nd Witness-Roger LaRose, farmer's son, St. Isidore, 18 yrs.

Objection. Not at Summary of Evidence and received notice only last evening. Not had twenty-four hours.

Does not want adjournment now, but reserves right to ask for it for cross-examination.

Court proceeds to hear witness under R.P. 76.

Enrolled in October, 1942.

Tried to enlist in Air Force - X-Ray doubtful.

Then tried to enlist in the Army.

A.123 Went to St. Jean Street. Dr. DesMeules found I had something on the lungs - didn't say what - I went out.

In the evening, Hamel came to ask me - "Would you prefer to sign in the Army - to get your discharge, or if you prefer, return in the evening?

He said, "Come back to-morrow morning".

I said, "I would go for my discharge".

Next morning I was in his closed office. I signed in the lower office, and went upstairs for my medical examination, except X-Ray, of which they already knew result.

A.124 Going out from my medical examination, I saw the result that I was classed E. I went downstairs to get my discharge.

Hamel followed me down the stairs.

Hamel said, "As you are sent by the Air Force, the Army Doctors are not supposed to know already that you have been discharged before. They are not supposed to give another examination."

Ordinarily one gives $5.00.

I said,"I can't give more than $3.00."

He said,"That will do."

I went down and got my discharge.

A.125. I gave Hamel $3.00 and went away.

Cross-examination.

A.156 Hamel said - "to pay the Doctors".

A.136 Didn't see Hamel at Dr. DesMeules examination.

Didn't know Hamel.

A.138-9 Air Force sent me to Dr. DesMeules for special report on my lungs

Had no definite result of my request to enroll in Air Force.

Hamel said, "Do you wish to leave that like that or enroll in the Army.

You probably, with that report, will have a discharge.

Next day I returned and signed regular papers.

.....(4)

Re-examination

Hamel asked me for money after my examination.

A.164 The evening before Hamel said "One gives something to the Doctor. I will arrange that".

3rd Witness - Rene Bourque - 22 yrs. - Unemployed - 16 11th St., St. St. Francois d'Assise, P.Q.

A-168 I was at Cove Fields and fell sick. Transferred to Montmagny.

I came to Quebec and my Mother said "Go and see Mr. Hamel".

I went to the Recruiting Office and asked for Hamel.

I had a certificate from Dr. Poulin as to my illness.

I asked Hamel "Do you think with this certificate, I could have my discharge".

Hamel said "You run a great risk of having it".

I said "What must I do".

Hamel said "Come downstairs and enroll.

I went down to enroll and was refused as I had not my papers from Montmagny.

I went up and told Hamel and he came down with me and I got my papers through him.

I went up and gave my certificate to Hamel and he attached it to my documents.

I had my examination.

Hamel said "Come back this afternoon for examination by Dr. Miller. I did so.

Returned to Montmagny Sunday evening.

Four days later went back before Dr. Miller and then three Doctors and returned to Montmagny.

Thirty days later I was called to Office at Montmagny and told I was discharged.

Several days later, returned to Quebec. Told Hamel.

I showed it to him.

I put four ten dollar bills on small table in centre of room at Hamel's house, saying "That is to pay for your trouble, and the trouble I have given you Sir.

Hamel said "It is not to me you owe. With that, I will recompense the Doctors.

A-180-1. Before my examination, I told Hamel "If I have my discharge, I will reward you". 18/9/42.

Gave money to Hamel on 9/10/42.

Cross-examination.

A.232 Hamel said "You owe me nothing" - "Give that to the others, not to me".

I insisted on leaving them there (4 x $10.00).

When I left, four bills were still on the table.

.....(5)

Re-examination.

Hamel did not return the $40.00.

4th Witness-Andre Savard, 26 yrs., 509 Third Ave., Quebec.

30/9/42 - I filled out forms at Recruiting Office.

Taken by Hamel to Medical Corps - Went through Medical Examination.

No conversation with Hamel then.

Hamel got documents from Medical Corps and filled out a discharge.

A.256 I sent by mail to Hamel a postal note for $5.00 on 15/10/42 which he refused. Since I have been advised he destroyed it.

I got reimbursed last week.

A.260 Up to last week I have had no news. Hamel had never communicated with me.

A.265 Hamel never solicited it directly or indirectly. I did it on my own accord.

Hamel never asked for money.

Cross-examination.

A.272 I know that Hamel never had $5.00 because I have been repaid.

Trial within Trial.

23/10/42 R.C.M.P. Office in Quebec warned accused.

He make statement. I took it down. He signed it.

We were alone.

A.326. He told his story.

Then I said "You are not obliged to speak".

I said "I must give you a warning before putting it in writing.

A.399 Hamel was under cllse arrest since 20/10/42.

Court rejects declaration.

Trial within Trial.

1st Witness - Lt.-Col. Mercier.

P.127-19/10/42. I had Hamel brought to my office.

I told him I had discovered irregularities, and that I presumed he could be implicated.

I warned him that he was not obliged to speak and that he could have the services of a lawyer.

I spoke as though he wished to discharge himself. I put certain questions and he replied very willingly to all my questions. Afterward I asked him if he wished to write it out himself.

He agreed and did so. .....(6)

1st Witness - Lt.-Col. Mercier continued.

Warning given in presence of Maj. Kirouac.

Declaration signed by Kirouac and Lacasse.

Hamel not under arrest. No charge against him.

I had not yet decided to lay charges against anyone. Merely investigating irregularities. Not against anyone in particular.

No promises or threats.

A.453-4 Between oral and written declaration. I told him "I could put you in the Klink. Only time mentioned.

2nd Witness-Major Kirouac.

A.509 Lt.-Col. Mercier asked him if he helped his family. He replied "yes" that he gave a certain amount of money to help his Mother. After that he explained that he had very few personal expenses. Then Col. Mercier said, "Listen, I have other more important questions to put to you, and I am going to warn you. I warn you that all you say may be used against you later. You are not obliged to speak. You can have a lawyer and wait a little later to answer my questions.

Hamel said "I don't need a lawyer". "I prefer to discharge my heart now.

Again Mercier repeated that he could refuse to speak because all he said could be used against him later.

Mercier made no promises or threats. Nor I.

Hamel spoke.

Mercier then asked him to write it out and Hamel agreed, and went to the next office where he was given pen and paper. In my office. I stayed with Mercier.

Hamel was not under arrest when I went to Hospital to get him.

Cross-Examination.

Third Witness-Major Lacasse.

The accused signed declaration. I signed also.

4th Witness-C.M.S. Drolet.

1st Defence(Accused)

A.647-651

A.708 Because of proof that I had given money to a certain Officer, I spoke.

Court rejects written statement and admits verbal one.

5th Witness to Charge - Lt.-Col. Mercier.

A.725-8 Hamel admitted he had received $40.00 from R. Bourque. Left on a table.

He gave it to Capt. Grondin who works in Examiners office as member of Board.

A.730 Hamel did not say he had given money to any other Doctors or member of D.M.O. personnel.

.....(7)

A.731. Nor from any others than Bourque.

Cross-examination.

A.735 Hamel admitted he had given $10.00 to Grondin. Only occasion he told me of.

6th Witness-Major Kirouac.

A.743 Hamel said he had received .50¢ from Pte. Cloutier for having prepared a clavigraphe. (Typewritten form).

7th Witness-C.S.M. Drolet.

Accused arrested 20/10/42.

1st Witness for Defence. Dr. J. C. Miller.

Examined R. Bourque at request of Military authorities. Psycho-Constitutional. Nervous debility. I only give diagnosis, not classified.

A.800 When I saw Bourque he was certainly not in possession of all his mental means due to being in army. First condition of improvement would be to free him from Army.

By Court-Acted for Military Authorities.

Bourque was an R Recruit and sent to me by Military authorities.

Closing Address of Defence.

LaRose is an accomplice and not corroborated.

Contradicted by confession in evidence of Lt.-Col. Mercier, that he did not receive from anyone but Bourque.

Simard. Sent $5.00 by mail to Hamel.
He never cashed it.
Simard got it back from the Post Office.
No proof Hamel received money.

Bourque. Put money on table.
Hamel refused it.
Bourque went out.
Is it prejudicial that Hamel didn't run after Bourque into the Street.

2nd Charge. Proof Hamel gave $10.00 to Grondin.
No proof Grondin examined Bourque.
No proof as to why Hamel gave money to Grondin.
No proof given to Grondin in execution of his duties.

Prosecutor. LaRose said Hamel told him before examination it would cost something.

Simard

Sent Money to Hamel on 20th October. Only got it back week before 27th November. Hamel did not return it to Simard.

Bourque. If Hamel honest he wouldn't have paid $10.00 to Grondin and $40.00 to Mercier.

2nd Charge. Prosecutor states - Mercier and Kirouac said "When I saw that, I thought the best thing I could do was to give a present to Capt. Grondin who examined him.

MEMORANDUM

TO: J.A.G.

H.Q.C. 8733-3 F.D.1 (DAG)

OTTAWA, 4th February, 1943.

General Court-Martial
E.25868 - Pte. Leopold HOUDE
No. 5 Coy. Royal Canadian Army Medical Corps, C.A.

Enclosed herewith you will find the proceedings of the trial of the marginally named Other Rank which commenced on the 25th November, 1942, and concluded on the 8th January, 1943, together with the summary of evidence and the medical certificates.

2. It will be noted that the proceedings are all in French.

3. Under Para. 575 of K.R. (Can) 1939, the A.G., as the convening officer, is required to forward the proceedings to the J.A.G. together with his recommendations and remarks. As, however, the proceedings are in French the A.G. feels that, without a precis on which to base his judgment as to the sufficiency or otherwise of the sentence, he is not in a position to make any recommendation or remarks.

4. Ordinarily the procedure would be, of course, to have the whole proceedings translated into English. This however would take considerable length of time and time is a vital factor in disposing of Courts-Martial. As your Department, however, is required to pass on the sufficiency of the evidence, legality of the proceedings, etc., the whole summary will have to be read by a French-speaking officer in your Department. It is suggested that considerable time could be saved if the officer in your Department who reviews the summary were to make a short precis in English setting out very briefly the relevant factors, together with any mitigating factors contained in the depositions on which the A.G. could base his recommendation and remarks.

5. Although it is conceded that your Department is not interested in the sufficiency or otherwise of the sentence, it would materially assist the A.G. if the reviewing officer would state his own personal opinion based of course on the depositions as to whether or not the sentence is excessive, adequate or inadequate.

6. On the 3rd February this office forwarded you the General Court-Martial proceedings in the case of #E.25913, Pte. Louis-Pbilippe Hamel. At that time the A.G. concurred in the finding and the sentence. Those proceedings were also wholly in French and the A.G. now asks that your officer reviewing the proceedings as required under para. 575 of K.R. (Can) prepare a short precis in English which would enable the A.G. to answer any question which the Minister might ask relative to the facts disclosed in the Court-Martial proceedings and the sufficiency of the sentence.

for (H.F.G. Letson),
Major-General,
Adjutant-General.

OMMK/HH

CANADA

IN REPLY PLEASE QUOTE
No. HQ C 8733-3 (F.D.1)
JAG
C-55-H-369

DEPARTMENT OF NATIONAL DEFENCE
ARMY

REGISTERED
CONFIDENTIAL

Quebec, P.Q., 28th January, 1943

Major-General H.F.G. Letson, M.C., E.D.,
Adjutant-General,
National Defence Headquarters,
OTTAWA, Ont.

GENERAL COURT-MARTIAL
Accused: No. E-25868, Pte. Léopold HOUDE,
No. 5 Coy, Royal Canadian Army Medical Corps, C.A.

Further to my letter dated 26th January, 1943, referenced HQ C 8733-3 (F.D.1) and C-55-H-343.

2. Herewith, the proceedings of the trial of the marginally named other rank, which began November 25th, 1942, and was concluded January 8th, 1943. Delay in forwarding same is due to the time required to transcribe and correct the proceedings of the trials of this and other accused.

3. Also enclosed please find the following documents:

a) medical certificates
b) summary of evidence.

4. Might receipt be acknowledged, please.

(MAURICE LALONDE), Major,
Asst. Judge-Advocate General, M.D.No.4,
Judge-Advocate, G.C.M.

Countersigned,

(J.A. LECLAIRE), Brigadier,
Commanding 15th Inf. Brigade, C.A.,
President, G.C.M.

Encl.

NAT. DEF. B. 468
2,000 M—4-42 (4122)
H.Q. 1772-39-767

MEDICAL OFFICER'S REPORT

I certify that No. E/25868 Pte. HOUDE, L.
of No 5 Co'y, RCAMCs in a good state of health,
and fit to undergo Trial by Court martial.

C.E. Minguy
C.E. MINGUY, Major, RCAMC, C.A.(A).
Medical Officer

Station Quebec, P.Q.

Date 25 Nov 1942

M. F. B. 246
2034—6-41 (1743)
H.Q. 1773-30 440

MEDICAL OFFICER'S REPORT

I certify that No. R/25868 Pte. HOUDE, L.

of No 5 Co'y, RCAMC is in a good state of health,

and fit to undergo Trial by Court martial.

C.E. MINOUY, Major, RCAMC, C.A.(A).
Medical Officer

Station Quebec, P.Q.

Date 26 - Nov. 1942.

M. F. B. 246
25M—9-41 (1743)
H.Q. 1775-39 440

MEDICAL OFFICER'S REPORT

I certify that No. E/25868 Pte. HOUDE, L.
of No 5 Co'y RCAMC is in a good state of health,
and fit. to undergo Trial by Court martial.

C.E. MINGUY, Major, RCAMC, C.A.(A).
Medical Officer

Station Quebec, P.Q.

Date 27 - 2nd - 1942

M. F. B. 246
25M—4-41 (1743)
H.Q. 1773-39 450

MEDICAL OFFICER'S REPORT

I certify that No. E/25860, Pte. HOUDE, L.
of No 5 Co'y, RCAMC is in a good state of health,
and fit to undergo Trial by Court martial.

C. N. MINCHUK, Major, RCAMC, C.A.(A)
Medical Officer

Station Quebec, P.Q.

Date 30 - Nov. 1942.

M. F. B. 246
24M—9-41 (1768)
H.Q. 1773-25 450

MEDICAL OFFICER'S REPORT

I certify that No. E/25868, Pte. HOUDE, L.

of No 5 Co'y, R.C.A.M.C. a good state of health,

and fit to undergo Trial by Court martial.

C.E. MINOUX, Major, RCAMC, C.A.(A)
Medical Officer

Station Quebec, P.Q.

Date 1. 12. 42

M. F. B. 246
25M—9-41 (1743)
H.Q. 1773-39 469

R.

C.55-H-299

GENERAL COURT-MARTIAL.

ORDERS BY Major-General H.F.G.Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Antoine Grondin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.75006, Pte. Paul-Henri Cloutier,
#5 District Depot, C.A.

E.25811, Pte. Georges Fortin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25913, Pte. Louis-Philippe Hamel,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25868, Pte. Leopold Houde,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

A detail of officers, as mentioned below, will assemble at the Drill Hall, Quebec, P.Q., in such accommodation as is arranged by the District Officer Commanding, Military District No. 5 on Wednesday the twenty-fifth day of November, 1942, at 1000 hours, or as soon thereafter as may be expedient, for the purpose of trying by General Court-Martial the accused persons named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Brigadier J.A. Leclaire,
15th Infantry Brigade, C.A.

MEMBERS.

Lieut-Colonel (A/Col.) J.R. Roche,
Le Regiment de Maisonneuve, C.A.

Lieut-Colonel G.R. Bouchard,
Le Regiment de la Chaudiere
(Mitrailleuses) C.A. Attached No. 5
District Depot, C.A.

Lieut-Colonel C. L. Laurin, E.D.,
Le Regiment de Chateauguay,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) G. L. Taschereau,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) P. Trudeau,
Les Fusiliers Mont-Royal, C.A.

Major R. G. Marion, M.C.,
Les Fusiliers Mont-Royal, C.A.

WAITING MEMBERS.

Lieut-Colonel J.J. Chouinard, E.D.,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A., Attached No. 5
District Depot, C.A.

Lieut-Colonel M. M. L. Garon,
Royal 22e Regiment, C.A.

Major J. H. Labrie,
Fusiliers du St. Laurent, C.A.

JUDGE ADVOCATE.

Major Maurice Lalonde,
Assistant Judge Advocate-General,
Military District No. 4.

PROSECUTOR.

Lieut-Colonel Laval Fortier,
Assistant Judge Advocate-General,
National Defense Headquarters.

COUNSEL FOR THE PROSECUTOR.

Maurice Boivert, Esq., K.C.,
of the Bar of the Province of Quebec.

The accused will be warned and all witnesses duly required to attend.

The District Officer Commanding, Military District No. 5 will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED, at Ottawa, Ontario, this 15th day of November, 1942.

(H.F.G. Letson),
Major-General,
Adjutant-General.

D. A. G. O.

G. 55-0-455 (A.D.H)

16th November, 1942.

~~RE: GENERAL COURTS-MARTIAL~~
~~Major C.M. GUIMONT~~

May the necessary arrangements be made, please, to have Colonel Roche report to District Officer Commanding at Quebec in time for General Courts-Martial to be held at the Drill Hall, Quebec, P.Q. on Wednesday, the 25th of November, 1942, at 1000 hours.

Colonel,
D. of Admin.

ADM/BH

RADIOGRAM

H.Q.C. 55-G-285 (A.D.2)
55-L-381
55-G-288
55-G-287
55-G-286
55-C-470
55-F-170
55-H-298
55-H-299
8733-3 F.D.1

General Officer Commanding,
7th Canadian Division,
Debert Military Post Office,
DEBERT, N.S.

OTTAWA, Ontario,
18th November, 1942.

RANKS 6053 MAKE NECESSARY ARRANGEMENTS TO HAVE BRIGADIER J A LECLAIRE REPORT TO DISTRICT OFFICER COMMANDING MILITARY DISTRICT FIVE AT QUEBEC ON MONDAY TWENTYTHIRD NOVEMBER 1942 FOR GENERAL COURT MARTIAL PROCEEDINGS

ADJUTANT-GENERAL

(ARMY)

Major-General,
Adjutant-General.

(Signed 1.8.0.2 hours)
309B

AGM/BM

RADIOGRAM

H.Q.C. 55-G-285 (A.D.
55-L-381
55-G-288
55-G-287
55-G-286
55-C-470
55-F-170
55-H-298
55-H-299
8733-3 F.D.1

OTTAWA, Ontario,
18th November, 1942.

District Officer Commanding,
Military District No. 4,
MONTREAL, P.Q.

RANKS 6054 MAKE NECESSARY ARRANGEMENTS TO HAVE MAJOR M C LALONDE REPORT TO DISTRICT OFFICER COMMANDING MILITARY DISTRICT FIVE AT QUEBEC ON MONDAY TWENTYTHIRD NOVEMBER 1942 FOR GENERAL COURT MARTIAL PROCEEDINGS

ADJUTANT-GENERAL

(ARMY).

Major-General,
Adjutant-General.

(Signed 1.5.0.3 hours)
309B

AGM/BM

ADJUTANT-GENERAL. (AD)

November 18, 1942.

Re: ~~GENERAL COURT-MARTIAL~~
Major C. E. ~~[illegible]~~, et al.

1. In connection with the Applications for General Courts-Martial of the above mentioned Officer, together with four other Officers and four O. R's., same have been granted, and the Convening Orders and other necessary documents have today been despatched to the D.O.C., M.D. 5. You will notice from the copy of the Convening Order hereunder that the trial will be held at the Drill Hall, Quebec, P. Q. on Wednesday, the 25th of November, 1942, at 1000 hours.

2. It would appear that all Officers composing the Court are present in M. D. 5, with the following exceptions:

(a) Brigadier J. A. Leclaire, 18th Infantry Brigade, C.A., who is presently with the 7th Canadian Division at Debert, N. S.

(b) Lieut.-Colonel (A/Col.) J.R. Roche, who is at National Defence Headquarters, Ottawa, Ont.

(c) Judge Advocate, Major M.G. Lalonde, R. J. A. G., M. D. 4, Montreal, P. Q.

3. Will you please forthwith by telegraph issue the necessary instructions to the G.O.C., 7th Division, at Debert, N. S., and the D.O.C., M. D. 4, at Montreal, P. Q., to have Brigadier Leclaire and Major Lalonde, respectively, report to the D.O.C., M.D. 5 at Quebec, on Monday, the 23rd of November, 1942.

4. Will you please also make the necessary arrangements to have Colonel Roche at N.D.H.Q. warned for the duty and instruct him to report at Quebec in ample time for the trial, at the time and place aforesaid.

R. J. Orde
Brigadier,
Judge Advocate-General.

MRB/B.

H.Q.C.55-G-285 55-C-470
55-L-381 55-F-170
55-G-288 55-H-298
55-G-286 55-H-299 (JAG)
55-G-287

Memorandum

To:— ADJUTANT-GENERAL.

Department of National Defence

H.Q.

OTTAWA, November 17, 1942.

RE: GENERAL COURTS-MARTIAL.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Captain Georges Antoine Grondin,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

E.75008, Pte. Paul-Henri Cloutier,
#5 District Depot, C.A.

E.25868, Pte. Leopold Houde,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

E.25811, Pte. Georges Fortin,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

E.25913, Pte. Louis-Philippe Hamel,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

1. Attached hereto are the following:

(a) Letter to the D.O.C., M.D. 5, enclosing twelve copies of Convening Order with instructions as therein stated, and returning certain necessary documents forwarded with the Applications.

(b) Letter to Brigadier J.A. Leclaire, the President of the Court, enclosing the original Convening Order, with eight duplicate originals thereof, Charge Sheets and Summaries of Evidence in connection with all the accused persons. This letter and the said documents will be forwarded by me in a sealed envelope to the D.O.C., M.D. 5. The letter under (a) above instructs the said D.O.C., M.D. 5, to deliver the said sealed envelope to the President of the Court, on his arrival in Quebec City.

2. The Convening Orders, letters and the Orders for Trial on the Charge Sheets above mentioned should be signed by you, if you concur. The date of signing same should also be inserted.

3. Attached herewith are also several additional copies of the Convening Order, which will be required for the personal files of the marginally-noted persons.

4. If, after signature, you will return all the said documents with files to me, I will see that they are properly despatched.

Brigadier,
Judge Advocate-General.

N.D. 25a
25M—5-40 (4985)
H.Q. 1772-101-25 EBB/S.

November 17th, 1942.

The District Officer Commanding,
Military District No. 5,
Quebec, Que.

Re: Applications for General Courts-Martial.

Major Joseph Eugene Celestin Emilien Guimont,
#8 Gen. Hosp. Canadian Army Medical Corps, C.A.M.C.

Major Ludovic Leveille,
#8 Gen. Hosp. Canadian Army Medical Corps, C.A.M.C.

Captain Georges Etienne Yves Gadbois,
#8 Gen. Hosp. Canadian Army Medical Corps, C.A.M.C.

Captain Georges Antoine Grondin,
#8 Gen. Hosp. Canadian Army Medical Corps, C.A.M.C.

Lieutenant (A/Captain) Pierre Gauthier,
#8 Gen. Hosp. Canadian Army Medical Corps, C.A.M.C.

R.[illegible], Pte. Paul-Henri Gauthier,
#5 District Depot, C.A.M.C.

R.[illegible], Pte. Georges Martin,
#8 Gen. Hosp. Canadian Army Medical Corps, C.A.M.C.

R.[illegible], Pte. Louis-Philippe Massé,
#8 Gen. Hosp. Canadian Army Medical Corps, C.A.M.C.

R.[illegible], Pte. Leopold Houle,
#8 Gen. Hosp. Canadian Army Medical Corps, C.A.M.C.

1. With reference to the applications for General Courts-Martial of the marginally-noted persons, same have now been granted and there are enclosed herewith twelve (12) copies of the Convening Order.

2. You will immediately on receipt deliver one copy of the Convening Order to each of the persons, in pursuance of K.R. 15(e).

3. You will note from the [illegible] that you are responsible for arranging the [illegible] therein set out in which connection the following [illegible] noted:

(a) You will designate a place at Quebec City where the trial will be held.

.....

(b) You will ensure that all the necessary witnesses be available and present when the trial takes place.

(c) You will arrange for the due attendance of all those officers composing the Court who are under your Jurisdiction or in your District; also the Prosecutor, Counsel for the Prosecutor and the accused.

(d) It is preferable that two or more shorthand writers be made available, who may relieve each other at periodic intervals.

4. The original Convening Order with the necessary number of duplicate originals, Charge Sheets and Summaries of Evidence in respect of each accused person, are enclosed herewith in a sealed envelope and will be delivered by you to the President of the Court, Brigadier J.A. Leclaire, who will report to you on Monday, the 22nd of November,1948.

5. If you have not already done so, a copy of the Charge Sheet and the Summary of Evidence in respect of each accused person should forthwith, pursuant to R.P. 14 and 15, be delivered to each said accused person.

6. As Counsel will appear on behalf of the Prosecutor, and as the Prosecutor himself has legal qualifications, notice thereof must be given to each accused person pursuant to R.P.20, unless, of course, such notices have already been given.

7. It will be observed that the Convening Order does not detail Defending Officers for any of the accused persons. It is observed that several of the accused have requested a particular officer to act as such and you will detail for such duty the officers so requested, subject always to Military exigencies. However, every effort should be made that each accused person has the benefit of the Defending Officer requested by him.

8. The original M.F.N.555, copy of Charge Sheet and Summary of Evidence and other necessary documents forwarded with each application are returned herewith.

9. Please acknowledge receipt forthwith and indicate what members of the Court and other officers detailed in the Convening Order have been duly warned by you.

(H.F.G. Letson)
Major-General.
Adjutant -General.

Copy.

H.Q.C.55-G-285 (JAG)
55-L-381
55-G-288
55-G-286
55-G-287
55-C-470
55-F-170
55-H-298
55-H-299

November 17, 1942.

CONFIDENTIAL.

Brigadier J. A. Leclaire,
Officer Commanding 15th Brigade,
7th Canadian Division, C.A.,
C/o District Officer Commanding,
Military District No. 5,
Quebec City, P.Q.

RE: GENERAL COURTS-MARTIAL.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Captain Georges Antoine Grondin,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

E.75008, Pte. Paul-Henri Cloutier,
#5 District Depot, C.A.

E.25811, Pte. Georges Fortin,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

E.25913, Pte. Louis-Philippe Hamel,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

E.25868, Pte. Leopold Houde,
#5 Coy, Royal Canadian Army Medical Corps, C.A.

Herewith enclosed original Convening Order of the marginally-noted General Courts-Martial, together with eight duplicate originals. You have been appointed President. There is also enclosed herewith the original charge sheets and summaries of evidence in respect of each accused person named in the margin.

2. The enclosed documents should be placed before the Court by you at the assembly thereof in pursuance of the directions contained in the Order.

3. Please acknowledge receipt.

Major General.
Adjutant General.

EBB/BB

GENERAL COURT-MARTIAL.

ORDERS BY Major-General H.F.G.Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Major Joseph Eugene Celestin Emilien Guimont,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Major Ludovic Lavallee,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Etienne Yves Gadbois,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Captain Georges Antoine Grondin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

Lieutenant (A/Captain) Pierre Gauthier,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.75008, Pte. Paul-Henri Cloutier.
#5 District Depot, C.A.

E.25811, Pte. Georges Fortin,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25913, Pte. Louis-Philippe Hamel,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

E.25868, Pte. Leopold Houde,
#5 Coy. Royal Canadian Army Medical Corps, C.A.

A detail of officers, as mentioned below, will assemble at the Drill Hall, Quebec, P.Q., in such accommodation as is arranged by the District Officer Commanding, Military District No. 5 on Wednesday the twenty-fifth day of November, 1942, at 1000 hours, or as soon thereafter as may be expedient, for the purpose of trying by General Court-Martial the accused persons named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Brigadier J.A. Leclaire,
15th Infantry Brigade, C.A.

MEMBERS.

Lieut-Colonel (A/Col.) J.R. Roche,
Le Regiment de Maisonneuve, C.A.

Lieut-Colonel G.R. Bouchard,
Le Regiment de la Chaudiere
(Mitrailleuses) C.A. Attached No. 5
District Depot, C.A.

Lieut-Colonel C. L. Laurin, E.D.,
Le Regiment de Chateauguay,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) G. L. Taschereau,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A.

Major (A/Lieut-Col.) P. Trudeau,
Les Fusiliers Mont-Royal, C.A.

Major R. G. Marion, M.C.,
Les Fusiliers Mont-Royal, C.A.

WAITING MEMBERS.

Lieut-Colonel J.J. Chouinard, E.D.,
Le Regiment de la Chaudiere,
(Mitrailleuses) C.A., Attached No. 5
District Depot, C.A.

Lieut-Colonel M. M. L. Garon,
Royal 22e Regiment, C.A.

Major J. H. Labrie,
Fusiliers du St. Laurent, C.A.

JUDGE ADVOCATE.

Major Maurice Lalonde,
Assistant Judge Advocate-General,
Military District No. 4.

PROSECUTOR.

Lieut-Colonel Laval Fortier,
Assistant Judge Advocate-General,
National Defense Headquarters.

COUNSEL FOR THE PROSECUTOR.

Maurice Boivert, Esq., K.C.,
of the Bar of the Province of Quebec.

The accused will be warned and all witnesses duly required to attend.

The District Officer Commanding, Military District No. 5 will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED, at Ottawa, Ontario, this 18th day of November, 1942.

(H.F.G. Letson),
Major-General,
Adjutant-General.

FORM OF APPLICATION FOR A COURT-MARTIAL

5th Coy. RCAMC, CA. Regiment

Station Quebec, P.Q. Date 14th November 1942.

Application for a General Court-Martial

Sir,

I have the honour to submit three charges against

No. E/25868, Pte. Léopold HOUDE

of the 5th Coy RCAMC.CA. under my command, and request you will obtain the sanction of the Adjutant-General that a General Court-Martial may be assembled for his trial

at Quebec.

The case was investigated by (a) Lt.- Colonel Jules Mersier (b) Lt.- Col. Laval Fortier (c) Major J.L. Lacasse (d) Major Edouard Belleau.

~~A Court of Inquiry was held on (b)~~ (date)

~~at~~ (Station).

President } Ranks, names and corps.

Members

The accused is now at Quebec His general character is (c) good

I enclose the following documents (d):—

1. One Charge Sheet (in duplicate) (e).
2. Summary of Evidence, original (f) and one copies copy.
3. Original Exhibits (g).
4. List of witnesses for the prosecution and defence (with their present stations or addresses) (g).
5. List of Exhibits (h).
6. ~~Correspondence (g).~~
7. Statement as to character (M.F.B. 355) ~~and regimental and company, etc. conduct sheets or Field Conduct sheets if accused (g).~~
8. Statement by accused as to whether or not he desires to have an officer assigned by the Convening Officer to represent him at the trial (R.P. 14 (B)) (h).

Your obedient servant,

Signature of Commanding Officer Wilcox Major
O.C. 5th Coy RCAMC

To: D.O.C., M.D. 5.

MEDICAL OFFICER'S CERTIFICATE

I certify that No. E25868 Pte Houde Leopold 5th Coy RCAMC. Regiment is* fit to undergo trial by Court-Martial.

Capt. R.C.A.M.C.
Signature of the Medical Officer.

* Insert "fit" or "unfit."

(a) Here insert name of:—
(i) Officer who investigated the charges.
(ii) Company, etc., Commander who made preliminary enquiry into the case.
(iii) Officer who took down the Summary of Evidence (R.P. 19 (B) (iii)).
(b) To be filled in if there has been a Court of Enquiry respecting any matters connected with the charges; otherwise to be struck out (R.P. 19 (B) (iii)).
(c) To be filled in by the Commanding Officer.
(d) Any items not applicable to be struck out.
(e) One copy to be sent to the President; one copy to be filed with the application for trial.
(f) Original summary of evidence to be sent to the President.
(g) 3, 4, 6 and 7 to be returned to the Officer Commanding the unit of the accused with the notice of trial.
(h) 5 and 8 to be sent to the President.
(If the accused has elected to be tried under A.A. (8), the fact should be recorded at the top of this form.)

M.F.B. 351
(A.F.B. 116)
25M—5-42 (949)
H.Q. 1172-26-483

ORIGINAL

LIST OF WITNESSES

in the case of

No. E/25868, Pte. Léopold HOUDE, 5th Coy, R.C.A.M.C., C.A.

FOR PROSECUTION:

1) Monsieur Jos. Aubé, 66 rue d'Artigny, Québec, P.Q.
2) Monsieur J.A. Aubé, 111 St-Cyrille, Québec, P.Q.
3) Monsieur Antoine Beaudet, 47 des Remparts, Québec, P.Q.
4) Monsieur Roland Blouin, Matane, P.Q.
5) E/25811, Pte. Georges FORTIN, 5th Coy, R.C.A.M.C., C.A.
6) Capitaine G.A. Grondin, R.C.A.M.C., C.A.
7) Capitaine C. Guimont, R.C.A.M.C., C.A.
8) Major L. Lavallée, R.C.A.M.C., C.A.
9) Monsieur Roland Trudel, 76 Avenue des Erables, Québec, P.Q.
10) Monsieur André Lapointe, Laurier Station, Lotbinière, P.Q.

FOR DEFENCE:

NIL.

.....Major,
O.C. No. 5th Coy. RCAMC. CA.

ORIGINAL

LIST OF EXHIBITS
in the case of

No. E/25868, Private Léopold HOUDE,
R.C.A.M.C., C.A.

1) Statement by M. Roland Blouin, 10 rue St-Georges, MÉTANE, P.Q., marked exhibit "A".

2) Statement by M. Roland Trudel, 76 Avenue des Érables, Québec, P.Q., marked Exhibit "B".

3) Statement by M. Antoine Beaudet, 47 des Remparts, Québec, P.Q., marked Exhibit "C".

4) Statement by M. Jos. Aubé, 66 d'Artigny, Québec, P.Q., marked Exhibit "D".

.....Major,
O.C. No. 5th Coy. RCAMC, CA.

LIST OF WITNESSES

in the case of

No. E/25868, Pte. Léopold HOUDE, 5th Coy, R.C.A.M.C., C.A.

FOR PROSECUTION:

1) Monsieur Jos. Aubé, 66 rue d'Artigny, Québec, P.Q.
2) Monsieur J.A. Aubé, 111 St-Cyrille, Québec, P.Q.
3) Monsieur Antoine Beaudet, 47 des Remparts, Québec, P.Q.
4) Monsieur Roland Blouin, Matane, P.Q.
5) E/25811, Pte. Georges FORTIN, 5th Coy, R.C.A.M.C., C.A.
6) Capitaine G.A. Grondin, R.C.A.M.C., C.A.
7) Capitaine C. Guimont, R.C.A.M.C., C.A.
8) Major L. Lavallée, R.C.A.M.C., C.A.
9) Monsieur Roland Trudel, 76 Avenue des Erables, Québec, P.Q.
10) Monsieur André Lapointe, Laurier Station, Co. Lotbinière, P.Q.

FOR DEFENCE:

NIL.

.....Major,
O.C. No. 5th Coy, RCAMC. C.A.

LIST OF EXHIBITS
in the case of

No. E/25868, Private Léopold HOUDE,
R.C.A.M.C., C.A.

1) Statement by M. Roland Blouin, 10 rue St-Georges, MATANE, P.Q., marked exhibit "A".

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3) Statement by M. Antoine Beaudet, 47 des Remparts, Québec, P.Q., marked Exhibit "C".

4) Statement by M. Jos. Aubé, 66 d'Artigny, Québec, P.Q., marked Exhibit "D".

.....Major,
O.C. No. 5th Coy. RCAMC. CA.

I, No. E/25868, Pte. Léopold HOUDE, R.C.A.M.C., C.A., desire to have an officer assigned to represent me at my trial by Court Martial.

I desire the services of Major J.G. COOTE, R.C.A., C.A., if he is available.

I, No. E/25868, Pte. Léopold HOUDE, propose to instruct counsel to appear on my behalf at my trial by Court-Martial.

Leopold Houde E25868
E/25868, Pte. Léopold HOUDE.

Québec, P.Q.
12th of November, 1942.

H.Q.C. 65-H-500 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

SUBJECT DISTRICT COURT-MARTIAL-

HRYCYK, B. L.534020 PTE.

NO. 12 N.R.M.A. CLEARING DEPOT.

READ

CONFIDENTIAL
H.Q.C. 65-H-500

CENTRAL REGISTRY	DATE	P.A. OR D.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be contained on one line, add initials to the said under heading "With Remarks")		
				J.A.G.	New file	CR	18/11/42
NOV 23 [illegible]	23/11/42	[illegible]	[illegible]	A.D.	Write to P.A.	[illegible]	20/11/42
DEC 16 [illegible]	15/12/42	P.A.	[illegible]	[illegible]	Per Registrar C.R. DEC 16 1942		
					With Papers C.R. APR 25 [illegible]		
APR 2 1943	3/4/43	P.A.	[illegible]	[illegible]	Go onto TPA	[illegible]	23/4/43
[illegible]	4/8/43	[illegible]	[illegible]	J.C.M.			
AUG 4 1943	3/8/43	P.A.	[illegible]	J.C.M.	With Papers C.R. AUG 3 1943		
				J.A.G.	With Papers C.R. MAY 2 [illegible]		
				[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]		[illegible]		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to see it.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All enquiries relating thereto should bear the number of the file.

PASS THIS FILE IN ENVELOPE

CENTRAL REGISTRY Army
COURT SEC.
File C.55-H-300
Chgd. to
Referred to

FORM FOR REMISSION, COMMUTATION OR MITIGATION OF SENTENCE BY COURT-MARTIAL.

N.D.H.Q. File No.H.Q.C.55-H-399 Adm. 3(c)1.

District File No. R.C.1-H-179.

PART I

No. L.534020 Rank: Private Name: Bill HRYCYK 218598
Unit: No. 12 District Depot, C.A.

PART II

Date of Trial: 14th April, 1943.
Charge: Disobeying a lawful command given by his superior officer.

Sentence: 23 months imprisonment with hard labour.
Date of Sentence: 14th April, 1943.
Confirmation -(a)Authority: District Officer Commanding, M.D. No. 12.
(b)Date: 19th April, 1943.

PART III

REMISSION

I, the undersigned, being the competent military authority under Section 57(2) of the Army Act, do hereby remit the balance of the sentence of imprisonment effective 15th April, 1944.

Signed at Regina, Saskatchewan, this 10th day of April, 1944.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

PART IV

PROMULGATION

Remission promulgated and extracts taken at Regina, Sask. this 15th. day of April, 1944.
(1)

C.R.KING, A/Capt. & Adjt.,
No.12 District Depot,C.A.

Officer i/c Documents.

(1) Unit, attachment and appointment to be stated.

PART V
CERTIFIED TRUE EXTRACT OF DAILY ORDERS PART II

No. L.534020 Rank: Private Name: Bill HRYCYK

The balance of sentence of imprisonment awarded by District Court-Martial on the 14th April, 1943 has been remitted on the 15th April, 1944 by order of the District Officer Commanding, M.D. No. 12.

Certified true Extract of Daily Orders Part II of No. #105 Place 12 DD, Regina Date 14 Apr 44

C.R.King, A/Capt. & Adjutant

notes
L.H. CLAYTON
Lieut.-Colonel
Director of Court-Martials
Nat'l Def.
noted
O.L.
for Col. D.J.A.
5.8.44

148096

SASKATCHEWAN

PROVINCIAL GAOL

REGINA July 28. 1943.

ADDRESS YOUR REPLY TO
THE WARDEN

CENTRAL REGISTRY Army
~~D. RS. SEC.~~
File 855-H-300
Chgd. to
Referred to gcm

ADDITION
ENTERED

The Secretary,
Dept. of National Defence,
Ottawa, Canada.

Dear Sir: Re Bill Hrycyk, our File #35019.
Your No. L534020, Pte. B. Hrycyk.

In compliance with your request of the 20th instant, I am returning herewith your "Report on Conduct" Form duly completed in connection with the above-named inmate.

Yours very truly,

THOS. P. HAYES,
Warden.

TPH/DRB.
Enc. 1.

869-H-1607

I.C.M. - D

REPORT ON CONDUCT

H. Q. C. 55- H-300, (ICM), 194 .

To:- Secretary,
Department of National Defence,
Ottawa, Ontario.

1. Soldier under sentence	L.534020, Pte. B. Hrycyk,
2. **PLEASE STATE:-**	
(i) Date of sentence	(1) April 14, 1943.
(ii) Sentence	(2) 23 months hard labour.
(iii) Date you received soldier	(3) April 20, 1943.
(iv) (a) Can soldier read and write?	(4) Yes.
(b) Religion	(b) None.
(c) Married, widower, single	(c) Single.
(d) What Army trade has soldier?	(d) None. (Labourer).
(v) (a) Conduct of soldier	5a. Good.
(b) Industry of soldier	5b. Good.
(c) Remission earned:-	5c.
(i) Number of days actually earned.	11 days.
(ii) Number of days obtainable to date.	11 days.
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	Bill Hrycyk is in good physical and mental condition.
(a) Whether imprisonment or detention will seriously aggravate soldier's condition.	(a) Certainly not.
(b) Whether further confinement is likely to prove fatal.	(b) No. [signature] GAOL SURGEON.
(vii) (a) Whether in your opinion conduct of soldier warrants remission of balance of sentence?	7 (a and b). Conduct does not warrant remission of sentence, as he does not intend changing his attitude towards service in the Military Forces.
(b) Moral effect confinement has had?	
(viii) Date term will expire if all remission earned from now on.	8. November 19, 1944.

Signature [signature]
THOS. P. HAYES ~~Gaoler~~ Warden.

Date of Report.

10-6-43-(MC-2479)

I.C.M. - C

DEPARTMENT OF NATIONAL DEFENCE
- ARMY -

H. Q. C. 55- H-300, (ICM),
OTTAWA, July 20th, 1943

Governor,
Regina Gaol,
Regina, Sask.

L-534020, Pte. B. Hrycyk,

1. Herewith "Report on Conduct" form in respect of the marginally-noted soldier who is serving, in your institution, a sentence of 23 months, imprisonment with hard labour awarded by a District Court-Martial on the 14th day of April 1943.

2. Please complete said form and forward same BY RETURN MAIL addressed to the Secretary, Department of National Defence, Ottawa, Ontario.

F. Dexter

Deputy Minister (Army).

100-6-43 (M-2477)

1 Nov.

H-37

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of: L.534020 (Number) Pte. (Rank) Bill HRYCYK (Name in full)

No. 12 District Depot (Unit) (Attachment (if any))

Sentenced to 23 months hard labour

on 14th April, 1943 at Regina, Sask.

being served at Regina Jail. (Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment 23 yrs. 14 July, 1942.

Medical grade or category A 1

FIRST TRIAL—PART II

To Adjutant-General, Department of National Defence, Ottawa, Ont. (Superior Military Authority)

For details of offences see Part VII.

I have directed that the above-named be (~~not~~) committed to undergo his sentence, which I recommend should (~~not~~) be ~~suspended~~ (~~XX be XXXXXXXXXXXXXXXXXXXX~~) (reviewed on 1st Nov. 1943. (Date)) for reasons given in paragraph X.

Place Regina, Sask.,

Date 5th Jul. 1943.

G.H. Trudeau (Confirming Authority)

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....)

of which I remit .....) (be suspended) (be put into execution)

(and) be reviewed on .....

Place .....

Date ..... (Superior Military Authority)

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To ..... (Superior Military Authority)

For details of offence, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced to ....., and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .....

Date ..... (Confirming Authority)

M.F.M. 283
(Army Form A-3104)
1034—5-43 (530)
H.Q. 1772-20-2015

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
3/8/43	No suspension or Remission No further review	J. A. Clayton Lt-Col for Adjutant General Suspension with Authority	

All recommendations, etc., considered upon review, should be pasted here.

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Disobeying a lawful command given by his Superior Officer in that he at the Quartermaster stores, No. 12 District Depot, CA., Regina, Saskatchewan, at 0830 hours on the 3rd day of April, 1943, did not put on a Canadian Army Uniform when ordered to do so by L22001 A/RQMS Sneddon, D.L. No. 12 District Depot CA. Regina, Sask. B. A. Cooke Lt Col Signature of officer making entry	3-Apr-1943.	

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Signature of officer making entry		

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
25 Jun 43	Recommend completion sentence	B. A. Cooke Lt Col O.C. No 12 Dist Depot

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date		Signature
5th Jul. 1943.	Considered that if and when soldier indicates a change of attitude towards service in the army, consideration should be given to suspension of sentence.	(G.A.H. Trudeau), Brigadier, D.O.C., M.D. No. 12.

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

H.Q.C.55-H-300(JAG)

April 28th, 1943.

District Officer Commanding,
Military District No. 12,
REGINA, SASK.

Re: DISTRICT COURT-MARTIAL.
L-534020, Pte. Bill HRYCYK,
General List No. 12 N.R.M.A. Clearing Depot,
Att. No. 12 District Depot, C.A.

Receipt is acknowledged of your R.C. 1-H-179, dated the 21st April, 1943, under cover of which you forwarded for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. With the exception of the irregularities mentioned in your letter, it would seem that the Proceedings are in order. As the Finding is supported by the evidence and the Sentence legal, the Proceedings are retained for custody.

Brigadier,
Judge Advocate-General.

HFGB/S.

Original on H.Q.C. 55-H-300
M.D.R.C. 1-H-179

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. L.534020 Name HRYCYK, BILL

Rank Private Unit General List No. 12 N.R.M.A.Clearing Depot
Att. No. 12 District Depot, C.A.

Charge (1) Sec. 9 (2) A.A. DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER

Date of Crime 3-4-43

Date of Arrest Charge. Signed 7-4-43

Orders for D.C.M. DOC M.D. No. 12

Place and Date of Trial Regina, Sask. 14-4-43

Sentence Imprisonment with hard labour 23 months

Date of Confirmation 19-4-43

Date of Promulgation 20-4-43

Entered in Records of J.A.G. as No. 8456

Date 26-4-43

MEMO Balance of sentence remitted by Conf. Auth. 15-4-44

H. F. Bridges Capt
for Judge Advocate-General.

3M-12-42(M1754)

122405

IN REPLY PLEASE QUOTE
No. R.C. 1-H-179

CANADA

8456

DEPARTMENT OF NATIONAL DEFENCE
ARMY

TPD
JPB

Regina, Sask., 21st Apr. 1943.

CENTRAL REGISTRY ARMY
CONF. ETC.
File C55-H-300
Chgd. to
Referred to Jab.

CONFIDENTIAL

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
L-534020 - Pte. Bill HRYCYK 300
General List No. 12 N.R.M.A. Clearing Depot,
Att. No. 12 District Depot, C.A.

Herewith for registration and custody proceedings of District Court-Martial relative to this soldier. The Finding and Sentence have been confirmed and duly promulgated.

2. The following irregularities in the proceedings have been noted and brought to the attention of those concerned for their future guidance:-

(a) Substantive as well as acting rank of shorthand writer should have been shown. The same applies with reference to A/R.Q.M.S. Sneddon referred to in the particulars of the charge and also in his description as the first witness for the Prosecution.

(b) The marginal note on the Charge Sheet should have been in red. As there is only one charge the word "first" should have been omitted.

3. The accused was asked if he wished to have an officer represent him at his trial. He replied that he did not and signed a written statement to that effect.

(G.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Encl:

printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Exhibition Camp, Regina, Sask. on the 14th day of April 1943, by order of Brigadier G.A.M.Trudeau, District Officer Commanding Military District No.12 dated the 10th day of April 1943.

President.

Lt.-Col. J.R.Hopkins, D.F.C., E.D., No.12 District Depot, C.A.

Members.

Capt. J.Davies, No.12 District Depot, C.A.

Lieut. E.E.Jenner, M.M., No.120 C.A.(B) T.C., C.A.

Trial of L-534020 Pte. Bill HRYCYK, General List No.12 N.R.M.A.Clearing Depot, ~~Judge Advocate~~ Att. No.12 District Depot, C.A.

~~Trial of*~~

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that~~ ~~is not available~~ ~~to serve owing to~~

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Major G.L.Waterman,E.D., A-27 C.R.T.C., C.A.

~~Counsel‡ or defending officer†~~ No counsel or Defending Officer.

At 1415 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* (N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
5M—9-41 (1907)
H.Q. 1772-39-224

B

The President and Members are duly sworn.

~~The President, members and judge-advocate are duly sworn.~~

The Court adjourns. For Minute of Adjournment and Re-assembly see document marked "C" attached.

~~The following officers under instruction are duly sworn.~~

Q.2 Do you object to W.12048 Pte.A/Cpl. Laura Holmes, No.22 Coy., C.W.A.C., C.A. acting as shorthand writer?

A.2 No, Sir.

W.12048 Pte. A/Cpl. Laura Holmes, No.22 Coy.,C.W.A.C., C.A. is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the ~~[first]~~ charge against you, which you have heard read? *Question to the accused.*

A.3 Not guilty. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B2
Josephine Lovak
President Dam

CHARGE SHEET

The accused, L534020 Pte. Bill HRYCYK, General List, No. 12 N.R.M.A. Clearing Depot, attached to No. 12 District Depot, CA, Regina, Saskatchewan, a soldier of the Canadian Army called out for training pursuant to National Resources Mobilization Act 1940 and regulations made thereunder as amended is charged with

First Charge
Sec. 9(2)
Army Act.

DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER

in that he

at the Quartermaster Stores, No. 12 District Depot, CA, Regina, Saskatchewan, at 0830 hours on the 3rd day of April, 1943, did not put on a Canadian Army uniform when ordered to do so by L22001 A/RQMS Sneddon, No. 12 District Depot CA, Regina, Saskatchewan.

(B. A. Cooke) Lieut-Col.,
Officer Commanding,
No. 12 Dist. Depot CA

April 7, 1943,
Regina, Saskatchewan.

To be tried by District Court-Martial.

(Fairfax Webber),
Lieut.Col.,
A.A. & Q.M.G., M.D. No. 12.
for (G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Signed at Regina, Sask.,
this 10th day of April, 1943.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.

A.4 No, Sir.

DECLINES TO

The prosecutor makes an opening address ~~[hands in a written address, which is read, marked , signed by the President, and attached to the proceedings]~~.

The prosecutor proceeds to call witnesses.

First witness for prosecution. L.22001 - R.Q.M.S. - D. L. Sneddon, No. 12 District Depot C.A., Regina, Sask.

being duly sworn, is examined by the prosecutor.

Q.5 You are L.22001 Acting Regimental Quartermaster Sergeant D. L. Sneddon, No. 12 District Depot C.A., stationed at Regina, Sask.?

A.5 I am sir.

Q.6 Do you recognize the accused?

A.6 I do sir.

Q.7 Did you have occasion to have deslings with the accused the early part of this month?

A.7 On April 3rd at approximately 0830 hours I was on duty at the Quartermaster Stores, No. 12 District Depot, Regina, Sask., when the accused was paraded under escort for the purpose of being outfitted with the Canadian Army uniform. I asked the accused if he would put the uniform on. He said, "No." I told the escort to take him to the dressing room. I then went to the clothing rack taking from it a Canadian Army uniform consisting of battle dress blouse and battle dress trousers. Going to the dressing room I explained to the accused that I was the senior N.C.O. and any order I gave him, he had to obey. I asked him if he understood, he did not answer until I said "or refused." He said he understood. Offering him the uniform I said, "Put this uniform on." The accused answered, "No." Again offering him the uniform I said, "This is a direct order, put this uniform on." Again the accused answered, "No."

Q.8 At that time did you hand the uniform to him or what did you do?

A.8 I did.

Q.9 How?

A.9 I handed him the uniform in my hand.

Q.10 He did not take or put the uniform on?

A.10 He did not.

Q.11 If he had wanted to it was there to take?

A.11 He had every opportunity sir. I told the escort to put him in the Guard Room as he was under close arrest.

Q.12 How were you dressed at the time of this interview?

A.12 I was dressed in the Canadian Army battle dress blouse and trousers. On the sleeve was my badge of rank, W.O. II or R.Q.M.S.

Q.13 That is the badge you wear?

A.13 Yes sir.

The accused declines to cross examine.

In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

The Witness withdraws.

SECOND WITNESS FOR PROSECUTION.

Lieutenant E. W. Childerhose, No. 12 District Depot C.A., Regina, Sask., being duly sworn, is examined by the prosecutor.

Q.14 You are Lieut. E. W. Childerhose, Assistant Adjutant No. 12 District Depot C.A., stationed at Regina, Sask.?

A.14 I am sir.

Q.15 And as such you have custody of the records?

A.15 Yes sir.

Q16 I hand you a document; what is that?

A.16 This is a certified true extract of our Part II Order No. 93, relative to the accused, Pte. B. Hrycyk, who is present in Court and whom I recognize.

Certified extract of Part II Order No. 93 is marked exhibit "H", signed by the President and attached to the proceedings.

The accused declines to cross examine.

In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

The Witness withdraws.

The Prosecutor has no further witnesses.

D

The prosecution is closed.

Defence

Q.17 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.17 *Answer.* No, Sir.

Q.18 *Question.* Do you intend to call any other witness in your defence?

A.18 *Answer.* No, Sir.

Question. ~~Is he a witness as to character only?~~ *Answer.*

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Q.19 *Question to the accused.* Have you anything to say in your defence?

A.19 *Answer.* The accused in his defence says†

[Hands in a written address which is read, marked "I" signed by the President and attached to the proceedings.]

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

F

Sentence

The Court sentence the accused L-534020 Pte. Bill HRYCYK, General List, No.12 N.R.M.A. Clearing Depot, Att. No.12 District Depot, C.A. to be imprisoned with hard labour for twenty-three months.

Sentence.
Imprisonment with hard labour
23 months

Signed at Regina, Saskatchewan, this 14th day of April 1943.

J.R. Hopkins

J.R.HOPKINS.,Lt.-Col.
No.12 District Depot,CA.
President.

Confirmed.

Signed at Regina, Sask.,
this 19th day of April, 1943.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Extracts entered as No. 8456 in the Record of Courts-Martial kept in the Office of the Judge Advocate General this 26th day of April 1943.

Promulgated and extracts taken at Regina, Saskatchewan, this 20th day of April, 1943.

(G. Robinson) Capt. & Adjt.,
Officer i/c of Records
No. 12 District Depot, C.A.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused L- 534020 Pte.Bill HRYCYK, General List, No.12 H.R.M.A.Clearing Depot, Att. No. 12 District Depot, C.A. is guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Major S.L.Waterman, E.D. A-27 C.R.T.C., C.A. is duly sworn.

Evidence of character, &c.

Q. 20 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

A.20 Yes, I produce M.F.B.355 and M.F.B.6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] ~~is~~ are read, marked "Y" and "Z" respectively, signed by the President, and annexed to the proceedings.

Q.21 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

A.21 Yes, Sir.

Q.22 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.*

A.22 Yes, Sir.

Q.23 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

A.23 Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross examined by the accused.~~

The accused declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(b).

The witness resumes his seat.

Q.24 *Question to the accused.* Do you wish to address the Court? *Answer.*

A.24 No, Sir.

The Court is closed for the consideration of the sentence.

"X" Hopkins Lt-Col
President Com

ORDERS BY Brigadier G.A.H. Trudeau,
District Officer Commanding M.D. 12,
REGINA, Sask., 10th April, 1943.

The detail of Officers as mentioned below will assemble at the Exhibition Camp, Regina, Sask., on the 14th day of April, 1943, at 1400 hours, for the purpose of trying by a District Court-Martial the accused person named in the margin, (and such other person or persons as may be brought before them.)

L-607057 - Pte. Harris George CHARLAND,
General List, No. 12 N.R.M.A. Clearing Depot,
Att. No. 12 District Depot, C.A.

PRESIDENT

Lt.-Col. J.R. Hopkins, D.F.C., E.D., No. 12 District Depot, C.A., is appointed President.

MEMBERS

Capt. J. Davies, No. 12 District Depot, C.A.
Lieut. E.E. Jenner, M.M., No. 120 C.A. (B) T.C., C.A.

WAITING MEMBER

Lieut. G.F. Porter, No. 120 C.A. (B) T.C., C.A.

PROSECUTOR

Major S.L. Waterman, E.D., A-27 C.R.T.C., C.A.

The accused will be warned and all witnesses required to attend.

The Officer Commanding No. 12 District Depot, C.A., will arrange for accommodation for the Court and detail clerks and orderlies for duty thereat.

The Proceedings will be forwarded to Headquarters, M.D. No. 12, under CONFIDENTIAL cover, addressed to D.A.A.G., M.D. No. 12.

Signed at Regina, Sask.,
this 10th day of April, 1943.

(R.C. 1-C-611)

(Fairfax Weber),
Lieut.Col.,
A.A. & Q.M.G., M.D. No. 12.
for (G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

"G"

Paragraphs 1 to 6
President's Com

MINUTE OF ADJOURNMENT AND RE-ASSEMBLY

At 1420 hours on 14th April, 1943, the court adjourns until 1500 hours on 14th April 1943.

On 14th April 1943, at 1500 hours the court re-assembles pursuant to adjournment, present the same members as when adjourned.

"H" Hutterite Local President Dam

No. 12 District Depot CA
Part II Orders by:
Lt. Col. B.A. Cooke, Commanding Officer.

Order No. 93,
Page eleven

REGINA, Sask.,
April 3, 1943.

"D2 R.C.M.P. PERSONNEL

11. RELEASED FROM GAOL

The undermentioned personnel are released from Regina Gaol at 1000 hrs. 2 Apr. 43
T.O.R.S. 2 Apr. 43

L-607057 Pte. H. G. CHARLAND
L-607067 Pte. W. SAGEN
L-534020 Pte. B. HRYCYK

(30 days remission of sentence granted)

(George ROBINSON, MC) Capt. & Adjt.
for O. C. No. 12 Dist. Depot CA,
REGINA, Sask.

CERTIFIED TRUE EXTRACT

(G. ROBINSON, M.C.) Capt. & Adjt.
Officer i/c Records,
No. 12 Dist. Depot CA, Regina, Sask.

Marked "H" and attached to summary

(E. W. Childerhose) Lieut.

CANADIAN SPIRIT Y.M.C.A. ON ACTIVE SERVICE

Statement of Pte Hinger

"I" [illegible]

My reasons for refusing to take the uniform and serving in the army are. I have pledged my allegiance to "Jehovah the God of Israel and his kingdom. therefore it is impossible for me to become a soldier in any army. In "Matthew ch 6 verse 24 it is written that no man can serve two masters for either he will hate one and love the other or else hold to the one and despise the other. you cannot serve god and mammon.

I am a christian and the scripture command us to remain neutral in the wars between the nations. It clearly points out in the bible that a christian has no permission to use carnal weapons. In ephesians ch 6 verse it states take the shalemt of salvation and the sword of the spirit which is the word of god. and in 2 corinthians ch 10 verse 3 & 4 it states that a christians defence is not with flesh and blood for though we walk in the flesh we do not wage after the flesh

for the weapons of our warfare are carnal. The scrptures prove that Jehovah at the battle of armageddon without man's help will destroy the wicked nations that all men that go contrary to his laws. In Zephaniah ch 3 verse 8. the lord speaks.

Therefore wait ye unto me said the lord until the day that I rise up to the prey: for my determination is to gather the nations that I may assemble the kingdoms, to pour upon them mine indignation, even all my fierce anger: for all the earth shall be devored with the fire of my jealousy I have placed my trust and faith in the lord for protection and deliverence and must at all times obey his laws. For if I violate his supreme laws I will be punished with everlasting destruction as covenant breakers are worthy of death Romans ch 1 — 28-32 therefore I will never be a soldier.

M.F.R. 355
TM—3-43 (6400-1)
H.Q. 1772-39-620
A.F.B. 266

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	~~Regiment~~ (or unit)
L.534020	Pte.	HRYCHYK, B.	No. 12 Dist. Depot CA

1. The following is a fair and true summary of the entries in the Field Service ~~and General, Regimental and Squadron, Battery~~ ~~Conduct sheets or Company~~ Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For A.W.L.	1 times	times
For Neglect to the Predjudice	1 times	times
For	times	times
For	times	times

~~Number of instances of gallantry or distinguished conduct~~ ~~or~~

~~There are no entries in the conduct sheets of the accused.~~

~~Note.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

~~The accused has not been previously convicted~~ ~~or~~

Previous convictions of the accused by a court-martial or a civil court, of summary awards under ~~A.F.A. 70~~ Section 47 of the ~~Air Force Act~~ Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

~~or,~~

~~The accused at the present time is under sentence for ---------- beginning on the ----------~~ ~~day of---~~

4. The accused has been in confinement awaiting trial on the present charges, for 0 days in civil custody, and ~~5/12~~ 4. days in military ~~Air Force~~ custody, making a total of ~~5/12~~ 4. days in custody, of which 0 days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ enrolment ~~or attestation~~ paper is 24/~~23~~ yrs. ~~11½ mos.~~ 10 mos. 5 days.

6. The date of his ~~commission~~ enrolment specified in his ~~record of service~~ enrolment ~~attestation~~ paper is Oct. 5, 1942.

7. The service which the accused is allowed to reckon towards discharge is Nil

8. The accused is entitled to reckon No service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward ~~(or is in possession of or entitled to). State any air force decoration or reward.~~ ~~military~~

~~10. (If the accused is a warrant officer.)—The accused before he was made a warrant officer last held the regimental rank of~~ ~~Air Force~~

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~

Permanent Force
unit

dated ....., and in his regiment (or corps), the rank of

dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

~~In the rank of ..... years.~~

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Air Force
Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number L.534020 Rank Pte.
Unit
Name HRYCYK, Bill of No. 12 District Depot ~~Regiment~~

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
District Court Martial	3 Nov. 1942 REGINA, Sask.	Disobeying a lawful command given by his superior officer	6 months imprisonment with hard labour	30 days

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~24th day of~~ 14th day of April 1943 [illegible]

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

[illegible]
President

L.334029 No. | Name HRYCYK, B. | Sqn., Battery, or Company # 12 NRMA CLEARING DEPOT Corps Regina, Sask. | Date of enlistment 14-7-42 | G.C. Badges | Service or Proficiency Pay | M.F.M. 6 (A.F.B. 122) 500M—11-40 (8025) H.Q. 1775-45-19

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. D. Dowden, Lieut. | Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Regina, Sask.	14.7.42	Pte.		AWL from 2359 Hrs. 14.7.42 to 1230 hrs. 1.10.42 TOTAL TIME ABSENT 78 days 12 hrs. 31 mins. A.A. 15 (1)	DOCUMENTARY EVIDENCE	ADMONISHED Aut. forfeitures of pay & expenses	5.10.42	B.A. Cooke Lt.Col.	Forfeiture of pay $17.30
Regina, Sask.	6.10.42	Pte.		CHARGED WITH NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE A.A. Sec. 40	L.22001 a/RQMS Sneddon, D.L.	168 hrs. Detention	7.10.42	Lt.Col. B.A. Cooke	Forfeiture of Pay $9.10
Regina, Sask.		Pte.		Disobeying a lawful command given by his superior officer Sec. 9 (2)		6 months imprisonment with hard labour	3rd Nov 1942	District Court-Martial	

CERTIFIED TRUE COPY

(G. Robinson, M.C.) Capt. & Adjt.
No. 12 District Depot. CA

(P.T.O.)

MEDICAL OFFICER'S REPORT

I certify that No. L-534 Cadet Hrycyk, B.
of No 12 S.S. is in a Good state of health,
and fit to undergo Trial by Court martial.

J.K. Morrison Lieut.
Medical Officer M.O. No 12 D.D.

Station Regina, Sask.

Date April 14-1943.

M. F. B. 246
20M—9-40 (4398)
H.Q. 1772-39 480

SUMMARY OF EVIDENCE

in the case of

L534020 Pte. Bill HRYCYK, General List, No. 12 R.R.M.A. Clearing Depot, attached to No. 12 District Depot, C.A., Regina, Sask., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act 1940, and the regulations made thereunder, as amended, is charged with:

CHARGE: Sec. 9(2) Army Act — FAILING TO OBEY AN ORDER WHEN GIVEN BY A SUPERIOR OFFICER

The Commanding Officer directs that the evidence by taken under oath.

Helen Walker duly sworn as stenographer.

First Witness — L22001 A/RQMS Sneddon, D. L., No. 12 District Depot CA, Regina, Saskatchewan, having been duly sworn states:

"I am L22001 A/RQMS Sneddon, D. L., Quartermaster of the 12th District Depot, Regina, Saskatchewan.

"On April 3rd, 1943, at approximately 0830 hours I was on duty at the Quartermaster Stores when the accused L534020 Pte. Hrycyk, B. was paraded under escort for the purpose of being equipped with a Canadian Army uniform.

"I asked the accused if he would put the uniform on. I then told the escort to take him to the dressing room. From the clothing rack I took battle dress blouse and trousers. Going to the dressing room I explained to the accused my rank as a senior N.C.O., stating any order which I gave had to be obeyed. I asked him if he understood. He did not answer. I then said "or refuse". He said he understood.

"Offering him the uniform I said: "Put this uniform on". His answer was "No." Again I said "This is a direct order. Put this uniform on." His answer was "No".

"He was then taken to the guard room on the morning of the 3rd of April.

Q. How were you dressed?

A. I was dressed in the uniform of the Canadian Army with the badge of rank on the sleeve of the battle dress blouse plainly visible.

Q. Did Pte. Hrycyk take the uniform and put it on?

A. He did not take the uniform nor put it on, Sir.

Accused declines to cross-examine the witness.

D.L. Sneddon A/RQMS

L22001 A/RQMS Sneddon, D. L.

(SUMMARY OF EVIDENCE cont'd 2)

Second Witness Captain George Robinson, M.C., Adjutant and officer in charge of Records, No. 12 District Depot, Regina, Sask., having been duly sworn states:

"I am Capt. George Robinson, Adjutant and Officer in charge of Records, No. 12 District Depot, Regina.

"I produce a certified true extract of No. 12 District Depot Part II Order # 93 dated 3rd April 1943 relative to the accused.

Marked "A" and attached to summary.

Accused declines to cross-examine the witness.

(G. Robinson, M.C.) Capt. & Adjt.
No. 12 Dist. Depot CA.

QUESTION TO THE ACCUSED: Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER OF THE ACCUSED: I wish to make a statement. The reason why I refused the uniform and serving the army is I have to do the will of God and serve him only. I take the bible as my guide and I must do as the scripture commands us. I always obey the laws of man if they are not in conflict with God's laws, but when there is a conflict between the laws of man and God I must obey the laws of God, as they are the most high in the world.

I am a Christian and my duty as a Christian is to follow in the steps of our Lord Jesus Christ. As I have made a covenant to do the will of God and for a Christian to break his covenant means his everlasting destruction. That is all.

L534020 Pte. HRYCYK, Bill

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

This summary of Evidence consisting of two pages taken down by me in the presence of the accused at No. 12 District Depot CA, Regina, Saskatchewan this 7th day of April, 1943.

(E. W. Childerhose) Lieut.,
No. 12 Dist. Depot C.A.

H.Q.C.55-H-300 (JAG

November 20, 1942.

District Officer Commanding,
Military District No. 12,
REGINA, SASK.

Re: DISTRICT COURT-MARTIAL
L-534020 - Pte. Bill HRYCYK
General List No. 12 N.R.M.A. Clearing Depot,
Att: No. 12 District Depot, C.A.

Receipt is acknowledged of your R.C.1-H-179, dated the 16th of November, 1942, under cover of which you forwarded, for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. The following minor irregularities have been observed:

(a) The Minute of adjournment and reassembly was not quite in the proper form, and it should have been marked with the reference letter "G" being the first document produced to the Court and attached to the Proceedings immediately after the Convening Order.

(b) The permanent or substantive rank of the shorthand writer as well as other witnesses for the prosecution should have been set out before the Acting Rank. (See Routine Order 2194).

(c) No notation appears at the end of the evidence in the Proceedings on Conviction before Sentence, in compliance with R.P. 83(b).

(d) The Minute of Promulgation was not in the proper form, inasmuch as the place thereof was not set out.

3. It is not considered necessary to return the Proceedings, which are retained for custody. May the above noted irregularities be brought to the attention of all officers concerned, for their future guidance.

Brigadier,
Judge Advocate-General.

KSB/S.

Noted & Issued
23/11/42

H.Q. C.55-H-300
M.D. R.C. 1-H-179

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. L-534020 Name HRYCYK, B.

Rank Pte. Unit #12 N.R.M.A. Clearing Depot, #12 District Depot, C.A.

Charge Sec. 9 (2) A.A. Disobeying a lawful command given by his superior officer.

Date of Crime 14/10/42.

Date of Arrest Charge. Signed 22/10/42.

Orders for D.C.M. D.O.C., M.D.#12.

Place and Date of Trial Regina Sask., 3/11/42.

Sentence Imprisonment with hard labour 6 months.

Date of Confirmation 5/11/42.

Date of Promulgation 6/11/42.

Entered in Records of J.A.G. as No. 7128

Date 20/11/42.

MEMO Guilty of the charge.

E W Kerr Capt.
for Judge Advocate-General.

2M-7-42(M1291)

7128

CANADA

IN REPLY PLEASE QUOTE
No. R.C. 1-H-179

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Regina, Sask., 16th Nov. 1942.

CENTRAL REGISTRY Army
PERS. SEC.
NOV 19 1942
File 255-A-300
Chgd. to
Referred to

CONFIDENTIAL

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
L-534020 - Pte. Bill HRYCYK
General List No. 12 N.R.M.A. Clearing Depot,
Att: No. 12 District Depot, C.A.

Herewith Proceedings District Court-Martial in respect of this soldier, for registration and custody.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Encl:

MAT. DEF. B. 448
2,000 M—4-42 (4322)
H.Q. 1772-39-767

printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Exhibition Camp Regina Sask. on the 3rd day of November 19 42 by order of Brigadier G.A.H. Trudeau, District Officer Commanding Military District No. 12. dated the 27th day of October 19 42

President.

Lt.-Col. J.R. Hopkins, D.F.C., E.D.,
No. 12 District Depot, C.A.,

Members.

Capt. A.M. Yates, M.C.,
No. 120 C.A.(B)T.C., C.A.,

Lieut. A.G.E. Carter,
No. 12 District Depot, C.A.,

Trial of L.534020 Pte. Bill HRYCYK,
General List No. 12 N.R.M.A. Clearing Depot,
Att. No. 12 District Depot, C.A.,

~~Trial of~~ , ~~Judge Advocate~~

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that~~ ~~to serve owing to~~ ~~is not available~~

, ~~waiting member takes his place as a member of the Court~~.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Major F.C. Little, M.C., No. 12 District Depot C.A.

~~Counsel‡ or defending officer†~~ No Counsel or defending officer.

At 1020o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

I have satisfied myself (1) that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the charge before this Court-Martial.

J.R. HOPKINS, Lt.-Col.
President, D.C.M.

Mil. Form B. 271
10M—6-40 (8715)
H.Q. 1773-39-224

B

The President and members ~~and judge advocate~~ are duly sworn.

See page "G" for minute of Adjournment and Re-assembly.

~~The following officers under instruction are duly sworn.~~

Q.2 Do you object to L.65049 A/Cpl. Charles J.L. Jacobs, #120 C.A.(B)T.C., C.A., acting as shorthand writer?

A.2 No, sir.

L.65049 A/Cpl. Charles J.L. Jacobs, #120 C.A.(B)T.C., C.A., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The Prosecutor informs the Court that the accused has elected to be tried by this Court instead of being dealt with summarily by his Commanding Officer.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A.3 Not guilty. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

B.2.
Sutherland Lt Col
President Dom.

The accused has elected to be tried by District Court-Martial pursuant to Army Act, section 46 (8).

CHARGE SHEET

The accused, L.534020 Pte. Bill HRYCYK, General List No. 12 N.R.M.A. Clearing Depot, attached to No. 12 District Depot C.A., Regina, Sask., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act 1940, and the regulations made thereunder, as amended, is charged with:

First Charge
Section 9 (2)
Army Act.

DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER,

in that he,

at the Quartermaster Stores, No. 12 District Depot C.A., Regina, Sask., on October 14th, 1942, did not put on a uniform when ordered to do so by L.22001 R.Q.M.S. Sneddon, D. L., No. 12 District Depot C.A., Regina, Sask.

B.A. Cooke

(B. A. Cooke) Lieut.-Col.,
Officer Commanding
No.12 District Depot C.A., Regina.

Regina, Sask.,
October 22nd, 1942.

To be tried by District Court-Martial.

G.A. Trudeau
R.A. Deng

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Regina, Sask., 27th Oct., 1942.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Q.4 *Question.* *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.4 *Answer.* No, sir.

The prosecutor makes an opening address ~~[hands in a written address, which is read, marked , signed by the President, and attached to the proceedings.]~~ See document marked "H"

The prosecutor proceeds to call witnesses.

First witness for prosecution. L.22001 A/Q.M.S., D.L. Sneddon, No. 12 District Depot, C.A.,

being duly sworn, is examined by the prosecutor.

Q.5 What is your official position in the No. 12 District Depot, at Regina Sask?

A.5 A/Quartermaster Sergeant.

Q.6 Do you know the accused?

A.6 I recognize the accused, sir.

Q.7 On the 14th OCT 1942, did you have anything to do with the accused?

A.7 Yes, sir.

Q.8 What?

A.8 On the 14th OCT. 1942, the accused was paraded to the Quarter-Master Stores under the escort of Cpl. MacNaughton. I told Cpl. MacNaughton what he should do. I took the accused down to the clothes rack. I asked him to take his sweater off, which he refused to do. I took a Blouse out of the clothes shelf and held it toward him saying "Put this Blouse on." He refused. I asked him the second time, he refused. The third time I said "I give you an order, put this Blouse on," and he refused, sir.

Q.9 What do you mean when you talk about a "Blouse"?

A.9 A Battle Dress Blouse of a uniform.

FIRST WITNESS FOR THE PROSECUTION (Cont.)

Q.10 What uniform was that?

A.10 A uniform of the Canadian Army, sir.

Q.11 Did he put that Blouse on?

A.11 No, sir.

Q.12 Did he put it on at any time?

A.12 No, sir.

Q.13 How were you dressed?

A.13 As I stand now, at the present time, sir.

Q.14 What is your rank?

A.14 A/Quartermaster Sergeant.

Q.15 Did you have your rank badge on?

A.15 Yes, sir.

Q.16 How far was the accused when you gave him the order?

A.16 A few feet, sir.

Q.17 What do you mean "A few feet"?

A.17 Three feet, sir.

Q.18 In what tone of voice did you address the accused?

A.18 About the same as I am talking now, sir.

Q.19 Did he say anything to you?

A.19 He indicated that he would not put the Blouse on. He gave some reference to the Bible.

Q.20 Did he mention the Blouse?

A.20 He did not mention the Blouse at all, sir.

Q.21 As I understand it, you had the Blouse in your hand?

A.21 Yes, sir.

Q.22 You held it out?

A.22 Yes, sir.

Q.23 You told him to put it on?

A.23 Yes, sir.

Q.24 What did he say then?

A.24 He said something about a Bible, he had one in his sweater pocket.

C 5

FIRST WITNESS FOR THE PROSECUTION (Cont.)

Q.25 How do you know he refused to put it on?

A.25 He did not accept it.

Q.26 What did he say then?

A.26 He said something about the Bible, but I do not recall exactly what it was.

The Court, addressing the accused:-
You have the right to cross-examine the witness.
You may ask him any questions you wish.

The accused declines to cross-examine the witness.

In the opinion of the Court it is not necessary to comply with Rule of Procedure 83 (b)

The witness withdraws.

SECOND WITNESS FOR THE PROSECUTION

L.22672 A/Cpl. Peter MacNaughton, No. 12 District Depot, C.A. having been duly sworn, is examined by the Prosecutor.

Q.27 Do you know the accused?

A.27 Yes, sir.

Q.28 On the 14th OCT. 1942, did you have anything to do with the accused?

A.28 On the 14th OCT. 1942, I paraded him to the Quarter-Master Stores.

Q.29 You paraded him to the Quarter-Master Stores of your unit?

A.29 Yes, sir.

Q.30 What happened in the Quarter-Master Stores.

A.30 When I paraded him to the Quartermaster Stores, Quarter-Master Sergeant Sneddon first told him to take off his sweater.

Q.31 Sneddon told him to take off his sweater?

A.31 Yes, sir. Sneddon asked him to put on the Battle Dress Blouse, Sneddon asked him a second time, to put on the Battle Dress Blouse and he refused again. Then Quarter-Master Sergeant Sneddon said, "I am giving you an order, put on this Battle Blouse." and he refused. Quarter-Master Sergeant then ordered me to take him to the detention sir.

C 7

SECOND WITNESS FOR THE PROSECUTION (Cont.)

Q.32 Where were you standing at the time the order was given?

A.32 About seven or eight feet from the accused.

Q.33 How far from the accused was the Quarter-Master Sergeant?

A.33 About 3 feet, sir.

Q.34 Did you hear Sneddon give him the order?

A.34 Yes, sir.

Q.35 Did the accused say anything when the order was given?

A.35 He said something about it being against his religion to put the King's uniform on.

Q.36 Did he put on the uniform?

A.36 No, sir.

Q.37 What kind of a uniform was it that Quarter-Master Sergeant Sneddon ordered him to put on?

A.37 A Battle Blouse of the Canadian Army.

Q.38 How was Quarter-Master Sergeant Sneddon dressed.

A.38 In Battle Dress with the rank badges of a Quarter-Master Sergeant on his sleeves.

Q.39 Where are the Quarter-Master Stores?

A.39 In the Ladies' Exhibit Building in the Exhibition Grounds, Regina Sask.

Q.40 In what Unit?

A.40 No. 12 District Depot, C.A., Regina Sask.

The accused declines to cross examin the witness.

In the opinion of the Court it is not necessary to comply with Rule of Procedure 83(b)

The witness withdraws.

fa H

D

The prosecution is closed.

Defence

Q.41 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.41 *Answer.* No, sir.

Q.42 *Question.* Do you intend to call any other witness in your defence?

A.42. *Answer.* No, sir.

Question. Is he a witness as to character only? *Answer.*

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

Prosecutor declines to make a final address.

(Where the accused does not give evidence upon oath.)

Q.43 *Question to the accused.* Have you anything to say in your defence?

A.43 *Answer.* The accused in his defence says†

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

I respect the King and the Authorities, and I have nothing against this country. I have a written statement which I wish to read and hand in.

Accused reads a written statement and hands same to the Court. It is signed by the President, marked "I", and attached to the proceedings.

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused L.534020 Pte. Bill HRYCYK, General List No. 12 N.H.M.A. Clearing Depot, Att. No. 12 District Depot, C.A., is guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Major F.C. Little, M.C., No. 12 District Depot, C.A., is duly sworn.

Q.44 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused?

A.44 *Answer by the Witness.* Yes, I produce M.F.B.355 and M.F.M. 6.

The above statements [with the schedule of convictions and of cases in which trial has been dispensed with] ~~is~~ are read, marked "Y" and "Z" respectively, signed by the President, and annexed to the proceedings.

Q.45 *Question by the President.*

Is the accused the person named in the statements which you have heard read?

A.45 *Answer by the Witness.* Yes, sir.

Q.46 *Question.*

Have you compared the contents of the above statements with the regimental books?

A.46 *Answer.* Yes, sir.

Q.47 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.47 *Answer.* Yes, sir.

~~Cross-examined by the accused.~~

The Accused declines to cross-examine the witness.

[Instructions.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Q.48 A.48 *Question to the accused.*

Do you wish to address the Court? *Answer.* No, sir.

The Court is closed for the consideration of the sentence.

16

F

Sentence

The Court sentence the accused L.534020 Pte. Bill HRYCYK, General List, No. 12 N.R.M.S. Clearing Depot, Att. No. 12 District Depot, C.A., to be imprisoned with hard labor for six months.

Sentence.

Imprisonment with hard labor

6 months.

Signed at Regina Saskatchewan, this 3rd day of November 1942.

J.R. HOPKINS, Lt.-Col.
No. 12 District Depot, C.A.
President.

Confirmed.

Signed at Regina, Sask., this 5th day of November, 1942.

(G.A.H. Trudeau),
Brigadier,
Confirming Authority, D.O.C., M.D. No. 12.

Duly promulgated and extracts taken this sixth day of November, 1942.

(G. Robinson) Capt. & Adjt.
Officer i/c of Records
No. 12 District Depot, C.A.

Extracts entered as No. 7128 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 20th day of November 1942

"G"

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J. A. Hopkins Lt Col
President D.C.M.

In the case of L.534020 Pte. Bill HRYCYK.

Minute of Adjournment and Re-assembly.

On 3rd November 1942 at 1400 hours the Court re-assembles pursuant to adjournment, present the same members as when adjourned.

The Court adjourns the trial of L.607067 Pte. William SAGEN, until 1530 hours on 3rd November 1942 and proceeds with the trial of L.534020 Pte. Bill HRYCYK.

"H"

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J.A. Hopkins Lt-Col
President, Dem.

OPENING ADDRESS OF THE PROSECUTOR

Mr. President and Members of the Court, the Prosecution intends to prove that the accused L.534020 Pte. Bill HRYCYK, General List, No. 12 N.R.M.A. Clearing Depot, attached to No. 12 District Depot, C.A., Regina Saskatchewan, a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act, 1940 and the regulations made thereunder as amended; was given a lawful command by his superior officer, at the Quarter-Master Stores, No. 12 District Depot, Regina Sask. on the 14th OCT 1942, and that he refused, and did not in fact obey the order.

ORDERED BY Brigadier G.A.H. Trudeau,
District Officer Commanding, M.D. No. 12,
Regina, Sask., October 27th, 1942.

The detail of Officers as mentioned below will assemble at the Exhibition Camp, Regina, Sask., on the 3rd day of November, 1942, at 1000 hours for the purpose of trying by a District Court-Martial the accused person named in the margin (and such other person or persons as may be brought before them.)

1-657097 - Pte. Harris George CHARLES
Regiment Nos. 12 M.A.A.A. (Training Battery)
Atk. No. 12 District Depot, C.A.

PRESIDENT

Lt.-Col. J.H. Hopkins, D.F.C., E.D., No. 12 District Depot, C.A., is appointed President.

MEMBERS

Capt. A.M. Yates, M.C., No. 126 C.A. (H) T.C., C.A.

Lieut. A.C.E. Carter, No. 12 District Depot, C.A.

FAILING MEMBER

Lieut. R.E. Turner, R.A.O., No. 126 C.A. (H) T.C., C.A.

PROSECUTOR

Major F.C. Little, R.C., No. 12 District Depot, C.A.

The accused will be warned, and all witnesses required to attend.

The Officer Commanding, No. 12 District Depot, C.A., will arrange for accommodation for the Court and detail clerks and orderlies for duty thereon.

The Proceedings will be forwarded to Headquarters, M.D. No. 12, under CONFIDENTIAL cover, addressed to D.A.A.G., M.D. No. 12.

Signed this 27th day of October, 1942. (R.S. 1-2-411)

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

A typed copy of this original is attached for convenience of reading.

I have put my trust and faith for deliverence in Jehovah the almighty God and I consciously believe that there is no other way as the scriptures also prove us to enter into eternal life and enter into Gods kingdom which will be established and sealed by his anointed king as it states in Daniel 2-44 Jonah 9-6,7.

Well I think that I have given a clear explanation why I refuse to take the uniform and serve in the army. I wish this matter would be brought into consideration. In closing this statement I would like to know what you want us to fight for, if it is for democracy, then why are Jehovah's servants arrested for preaching the Gospel of God's kingdom and put in jails when such work is commanded by the lord. Matthew 24-14 and this gospel of kingdom shall be preached in all the world for a witness unto all nations and then shall the end come. I feel that we are not wanted therefore I ask to be released from all military services that I may carry on the work of Jehovah God.

"I proclaim it"
President Dem.

CANADA
ON ACTIVE SERVICE

I wish to explain my reason why I refuse to put on the uniform and serve in the army. I have made a covenant to do the will and serve "Jehovah the Almighty God" and his "anointed king". I am a "christian" and I respect and obey the laws of "Jehovah the almighty God" which are the most high of all laws, and I cannot take part in serving the worldly government I always obey the laws of the country if they are in harmony with Gods laws but if there is a conflict between the laws of the country and the laws of "almighty God" as a "christian I must obey Gods laws" In exodus chapter 20-13 in Gods Commandments it states thou shalt not kill this is the law which I must obey at all times. also in matthew 6-24 it states no man can serve two masters for either he will hate and love the other or else he will hold to one and despise the other ye cannot serve "God" and Mammon. I must serve God and obey his laws as it states in Acts 5-29 we ought to obey God rather than men.

v. 4 Therefore in James 4.4 it states ye adulterers and adulteresses know ye not that friendship of the world is enmity with God. whosoever therefore will be a friend of the world is the enemy of God. well does this scripture prove that if a person has made a covenant to do the will and serve "God". he must not remain neutral and take no part in the worldly affairs. for if he takes part in serving the world he is a friend of the world but he is an enemy of God. as it states in St John 17-16 they are not of the world even as I am not of the world this scripture explains that as followers of christ Jesus we are not of the world for also in St John 15-19 it says "if ye were of the world the world would love his own but because ye are not of the world, but I have chosen you out of the world therefore the world hateth you. Jehovah God instructs his covenant people through the knowledge of scriptures to remain separate from the world and proclaim the kingdom by preaching Mt 24. 14 2 Tim 2. Timothy 2. 3.4 the people of the kingdom shall therefore endure hardness as a good soldier of Jesus christ no man that warreth entangleth himself with the affairs of this life that he may please him who had chosen him to be a soldier. and in 2 Corinthians 2-10-3,4,5 for though we walk in the flesh we do not war after the flesh for the weapons of our warfare are not carnal but mighty through God to pulling down of strong holds. casting down imaginations and every high thing that exalteth itself against the knowledge of God and bringing into captivity every thought to the obedience of Christ. As a christian my conscious does not permit me to violate the supreme laws of "God" for if I break my covenant I will be exposed to receive everlasting destruction for as it states in Romans 1.31-32 covenant breakers are worthy of death. therefore why ask me to take part in these worldly wars in destroying the totaliterian elements but this is impossible for me to do for Jehovah God commands us to take no part but to wait upon him as it says in Zephaniah 3-8. therefore wait ye upon me, saith the lord until the day that I rise up to the prey: for my determination is to gather the nations, that I may assemble the kingdoms. to pour upon them mine indignation even all my fierce anger: for all the earth shall be devoured with the fire of my jealousy.

Copy (for convenience of reading only)

STATEMENT - Bill Hrycyk

I wish to explain my reasons why I refuse to put on the uniform and serve in the army. I have made a covennant to do the will and serve "Jehovah the Almighty God" and his "annointed king." I am a "Christian" and I respect and obey the laws of "Jehovah the Almighty God" which are the most high of all laws, I cannot take part in serving the worldly Governments. I always obey the laws of the country if the laws are in harmony with God's laws but if there is a conflict between the laws of the country and the laws of "Almighty God" as a "Christian" I must obey God's laws. In exodus, Chapter 20-13 in Lord's Commandments, it states thou shalt not kill, this is the law which I must obey at all times. Also in Matthew 6-24 it states no man can serve two masters for either he will hate and love the other or else he will hold to the one and despise the other ye cannot serve "God" and Mammon. I must serve God and obey his laws as it states in Acts 5-29 we ought to obey God rather than man. Therefore in James 4-4 it states ye adulteres and adulteresses know ye not that the friendship of the world is inmity with God whosoever therefore will be a friend of the world is the enemy of God. Well does this scripture prove that if a person has made a covennant to do the will and serve "God", he must remain neutral and take no part in the worldly affairs, for if the takes part in serving the world he is a friend of the world but he is an enemy of God. As it states in St. John 17-16 they are not of the world even as I am not of the world this scripture explains that as followers of Christ Jesus we are not of this world for also in St. John 15-19 it says "if ye were but because ye are not of the world, but I have choosen you out of the world therefore the world hateth you. Jehovah God instructs his covennant people through the knowledge of scriptures to remain seperate from the world and proclaim the kingdom of heaven by preaching. In 2 Timothy 2.3.4. gosple of God's Kingdom Thou therefore endure hardness as a good soldier of Jesus Christ no man that warreth entangleth himself with the affairs of this life that he may please him who had choosen him to be a soldier. And in 2 Coriniathans 2-10-3,4,5, for though we walk in the flesh we do not war after the flesh for the weapons of our warfare are not carnal but mighty through God to pulling down of strong holds, casting down imigination and every high thing that exalted itself against the knowledge of God and bringing into capturity every thought to the obedience of Christ. As a christian my conscions does not perimt me to violate the supreme laws of "God" for it I break my covennant I will be exposed to receive everlasting destruction for as it states in Romans 1.31-32 covennant breakers are worthy of death. Therefore why ask me to take part in these worldly wars in destroying the totalitarian element for this is impossible for me to do for "Jehovah God" commands us to take no part to wait upon him as it says Zehanish 3-8. Therefore wait ye upon me, saith the lord until the day that I rise up to the prey; for my determination is to gther the nations, that I may assemble the Kingdoms to pour upon them mine indignation even all my fierce anger: for all the earth shall be devoured with the fire of my jealousy. I have put my trust and faith for deliverence in Jehovah the almighty God and I consciously believe that there is no other way as the scriptures also prove us to enherit internal life and enter into Gods Kingdom which will be established and ruled by his annointed king as it states in Daniel 2-44 Isiah 9-6,7,

Well I think that I have given a clear explanation why I refuse to take the uniform and serve in the army. I wish this matter would be brought into consideration. In closing this statement I would like to know what you want us to fight for, if it is for democracy, then why are Jehovah's servants arressted for preaching the Gospel of God's kingdom and put in jails when such work is commanded by the lord. Matthews 24-14 and this gospel of Kingdom shall be preached in all the world for a witness unto all nations and then shall the end come. I feel that we are not wanted therefore I ask to be released from all military services, that I may carry on in serving "Jehoviah God."

"Y" proceeding Lt-Col
President Dcm

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M.F.B. 355
7M—8-40 (6400-1)
H.Q. 1773-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Establishment (or unit)
L.534020	Pte.	Bill HRYCYK	No.12 District Depot CA(A)

1. The following is a fair and true summary of the entries in the Field ~~Service and General Regimental and Squadron, Battery~~ Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	Neglect to the prejudice of	times	Neglect to the prejudice of	times
For	good order and military	times	good order and military	times
For	discipline 1	times	Discipline 1	times
For	a.w.l. 1	times	a.w.l. 1	times

~~Number of instances of gallantry or distinguished conduct~~

~~There are no entries in the conduct sheets of the accused.~~
~~There are no entries in the conduct sheets of the accused.~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Air Force Act A.F.A. 73 Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~

3. The accused is not under sentence at the present time.

~~The accused at the present time is under sentence for beginning on the day of~~

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 21 days in military Air Force custody, making a total of 21 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ enrolment ~~attestation~~ paper is 23yrs 6 months

6. The date of his ~~commission~~ specified in his ~~record of service is~~ enrolment ~~attestation~~ enrolment ~~attestation~~ paper October 5th, 1942

~~7. The service which the accused is alleged to have, since his discharge is~~

~~8. The accused is entitled to reckon service for the purpose of determining his pensionable rank.~~
The accused is in possession of or entitled to no military decoration or Military reward.
~~8. The accused is in possession of or entitled to no air force decoration, or air force reward (or is military military in possession of or entitled to) State any air force decoration or reward. military~~

~~10. (If the accused is a warrant officer) The accused before he was made a warrant officer last held Air Force the regimental rank of~~

W

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

..... dated ....., and in his regiment (or corps), the rank of

..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused Number ..... Rank .....

Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~22nd~~ 3rd day of ~~October~~ NOVEMBER, 194[illegible] Capt.
Adjt. No.12 Dist.Depot
C.A., Regina, Sask.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" signed by the president, and annexed to the proceedings.

J.A. Coplin Lt Col
President D.C.M.

No.	Name	Sqn., Battery, or Company	Corps	Date of enlistment	G.C. Badges	Tradesmen's Rates of Pay
L.534020	HRYCYK, B.	# 12 NRMA CLEARING DEPOT	Regina, Sask.,	14-7-42		

No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. E. Ingle Capt. | Character

M.F.M. 6 (A.F.R. 122) 500M—11-41 (38) H.Q. 1772-38

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Regina, Sask.	14-7-42	Pte		A.W.L. from 2359 hrs. 14-7-42 to 1230 hrs 1-10-42 TOTALTIME Absent 78 days, 12 hours. 12 hrs. 31 min. A A. 15(1)	Documentary Evidence.	ADMONISHED			
Regina, Sask.	6-10-42	Pte.		CHARGED WITH NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE A A. Sec 40	L.22008 A/RQMS SNEDDON D.L.	Aut. forfeiture of pay and expenses. 168 hours Detention	5-10-42	B.A.Cooke Lt. Col.	Forfeiture of pay $1730
							7-10-42	B.A.Cooke Lt. Col.	Forfeiture of pay $9.10

"E" Jackphin Lt Col
President Dem

CERTIFIED TRUE COPY

(G. Robinson) Capt. & Adjt.
Officer i/c of Records
No. 12 District Depot, C.A.A.

(P.T.O.)

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MEDICAL OFFICER'S REPORT

I certify that No. 1534020 Pte Hryczyk S.
of 12 Dist Depot is in a good state of health,
and fit to undergo Trial by Court martial.

A. A. Benson Capt
Medical Officer

Station Regina

Date 3rd Nov 1942

M. F. B. 246
2556—3-40 (43262)
H.Q. 1773-99 400

IN REPLY PLEASE QUOTE

No.

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Regina, Sask., October 22nd 1942

I, L.534020 Pte. Bill HRYCYK do not desire to have an officer assigned to represent me at my trial by Court-Martial

Bill Hrycyk.
L.534020 Pte. Bill Hrycyk.

October 22nd, 1942.

N.D. 88
1500M-2-42 (5166)
M.Q. 1770-101-23

SUMMARY OF EVIDENCE

in the case of

L.534020 Pte. Bill HRYCYK, General List No. 12, N.R.M.A. Clearing Depot, attached to No. 12 District Depot C.A., Regina, Sask., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act, 1940, and the regulations made thereunder, as amended.

CHARGE: Charged with FAILING TO OBEY AN ORDER WHEN GIVEN BY A SUPERIOR OFFICER
Section 9 (2) Army Act.

The Commanding Officer directs that the evidence be taken on oath.

SHORTHAND WRITER: W.22048 A/Cpl. L. F. Holmes, C.W.A.C., Attached to No. 12 District Depot C.A., Regina, Sask., duly sworn as shorthand writer.

FIRST WITNESS: L.22672 A/Cpl. Peter McNAUGHTON, Attached to No. 12 District Depot C.A., having been duly sworn, states:

I am L.22672 A/Cpl. Peter McNaughton, attached to No. 12 District Depot Canadian Army Active.

I know the accused, I first saw him October 14th, 1942, in the detention room at No. 12 District Depot C.A. I escorted him on that date, October 14th, 1942, to the Quartermaster Stores, No. 12 District Depot C.A., I took him in front of Quartermaster Sergeant Sneddon. I told him in the presence of the accused that I was sent down there with him to get a uniform for the accused. Sgt.Major Sneddon, in the presence of the accused, told me to take the accused to the wicket, then Sgt. Major Sneddon told the accused to take off his sweater. Sgt. Major Sneddon then went to the rack and picked up a battle blouse, which he asked the accused to put on. He asked him the second time to put on the blouse. The third time he said to the accused, "I am giving you an order, put on this blouse!" The accused said, "I have given my promise to the Lord," and refused to put on the blouse. Sgt. Major Sneddon then ordered me to put the accused under close arrest.

Q.1 What time was it?
A.1 The time was 1645 hours, October 14th, 1942, Sir.

Q.2 You speak of Sgt. Major Sneddon, he is acting as Regimental Quartermaster Sergeant is he not?
A.2 Yes, Sir.

Q.3 Was he dressed in His Majesty's uniform?
A.3 Yes, Sir.

Q.4 What rank was he wearing?
A.4 He was wearing the rank of Company Sergeant Major, Warrant Officer Class II, Sir.

Q.5 Was Sgt. Major Sneddon, to your knowledge, acting in the course of his duty when he gave this order?
A.5 Yes, Sir.

Q.6 And do you say the accused failed to obey the order?
A.6 Yes, Sir

First Witness Con't.

The accused declined to cross-examine.

A/Cpl. Peter McNaughton.
L.276/2 A/Cpl. Peter McNaughton.
No.12 District Depot CA, Regina.

SECOND WITNESS: Captain George ROBINSON, M. C., No. 12 District Depot C.A., Regina, Sask., having been duly sworn, states:

I am Captain George Robinson, Adjutant and Officer in charge of records at No. 12 District Depot C.A., Regina, Sask.

I produce certified true copy of M.F.M. 103 relating to the accus ed.
(Marked "A" and attached to Summary.)

I also produce certified true extract of No. 12 District Depot C.A., Part II Orders No. 42 dated July 22nd, 1942.
(Marked "B" and attached to Summary.)

The accused declined to cross-examine.

(G. Robinson, M.C.) Capt. & Adjt.,
No.12 District Depot CA(A), Regina.

QUESTION TO THE ACCUSED:

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

STATEMENT BY THE ACCUSED:

I have made a covenant to do the will of God and if I break this covenant that I have made to serve God and remain neutral in this world and take no part in the world that is against the covenant of God, that is to say I can take no part whatsoever in any way that would break my covenant and make me unfaithful to God and if I break this covenant I will be exposed to receive everlasting punishment from the Lord. I would rather serve the Almighty God and have a chance to enter eternal life than to take part in breaking that covenant and be exposed to receive destruction,

Bill Hrycyk
L.534020 Pte. Bill Hrycyk.
No.12 District Depot C.A., Regina.

I certify that the foregoing summary of evidence consisting of two pages was taken down by me in the presence of the accused at No. 12 District Depot C.A., Regina, Sask., this 20th day of October, 1942, and that rules of procedure 4 (C), (D), (E) and (F) were complied with.

(H. J. Pratt) Lieut.,
No.12 District Depot CA(A), Regina.

H.Q.C. 55-H-301 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT MARTIAL

HIEN A.J. H.59663 GNR.

NO. 10 DISTRICT DEPOT, C.A.

H5-H-5864

DEAD

CONFIDENTIAL
H.Q.C. 55-H-301

CENTRAL REGISTRY	DATE	T.A. OR D.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and write here "With Minute")					
				JAG.	With Papers C.R. NOV 21 1942		
NOV 24 1942				AD	To note & PA		23/11/42
NOV 26 1942	25/11						
DEC 15 1942	14/12/42	P.A.J.		Jals.	For Reg. DEC 14 1942		
JUN 8 1943	7/6/43	PA	LB	JAJ	For Registration C.R. JUN 7 1943		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to D.F. it for two or three days than keep it out of General Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to see it.
2. General Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file reference.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-301 (

Ottawa, Canada, November 23rd 2.

District Officer Commanding,
Military District No. 10,
Winnipeg, Manitoba.

Re: District Court-Martial
H.59665, Gnr. Adam James Hien
No. 10 District Depot, C.A.

1. Receipt is acknowledged of your W.44-H-3522 (J) dated November 18th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularity has been observed in the proceedings:-

Form M.F.R. 375 was not properly completed in that there was not a full description of the accused, his corps and unit having been omitted after his number, rank and name.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularity please be brought to the attention of the officer concerned for his future guidance.

Brigadier,
Judge Advocate-General.

HFGB/DC

Copy on 405-H-5864

H.Q. C.55-H-301
M.D. W.44-H-3522 (J)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H-59663 Name HIEN, A.J.

Rank Gnr. Unit #10 District Depot, C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 26/5/42. 2. 3/11/42.

Date of Arrest 17/10/42. Charge. Signed 7/11/42.

Orders for D.C.M. D.O.C., M.D.#10.

Place and Date of Trial Winnipeg, Man., 13/11/42.

Sentence Detention 1 year and stoppages of $43.14.

Date of Confirmation 16/11/42.

Date of Promulgation 17/11/42.

Entered in Records of J.A.G. as No. 7146

Date 23/11/42.

MEMO
Guilty of both charges.

H.F.G. Bridges, Capt.
for Judge Advocate General.

2M-7-42(M1291)

no file

1146

N.44-H-3522(J)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Winnipeg, Manitoba,
18th November, 1942.

Secretary,
Department of National Defence,
Ottawa, Ontario.

Officer i/c Record
A. G. Branch
NOV 20 1942
Nat. Defence Hqrs.
Ottawa, Ont.

District Court-Martial
H.59663, Gnr. Adam James Hien
No. 10 District Depot, C.A.

Forwarded herewith, for registration and custody, are the proceedings of the marginally noted District Court-Martial.

CENTRAL REGISTRY Army
PERS. SEC.
NOV 21 1942
File H-301
Chgd. to
Referred to

(M.A. Macfarlane) Brigadier,
District Officer Commanding,
M.D. No. 10.

VB
Enc.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Minto Armou[illegible] Winnipeg, M[illegible]

on the 13th day of November 1942 by order of Brigadier R. A. Macfarlane, D.S.O., District Officer Commanding Military District No. 10.

dated the 9th day of November 1942

President.

Lt.-Col. S.J. Cox, V.D.
No. 10 District Depot, C.A.

Members.

Lt.-Col. P.H.R. Coupeland,
No. 10 District Depot, C.A.

Major E.A. Fletcher,
103rd C.A. (B) Training Centre, C.A.

~~Judge Advocate.~~

Trial of* No. H-59663, Gunner Adam James Allen, No. 10 District Depot, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that~~ ~~is not available~~ ~~to serve owing to~~

~~waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. *

The accused is brought before the Court.

Prosecutor,† Captain W.H. August, No. 10 District Depot, C.A.

~~Counsel or~~ defending officer† Captain A.J. Harrison, No. 10 District Depot, C.A.

At 10 o'clock the Trial commences.

The order convening the Court is read, and is marked " X " signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q. 1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A. 1 No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

I have satisfied myself that none of the officers detailed as members of this court have previously served upon any court of inquiry respecting the matters arising on subject of the charges before this court-martial.

Allen Lt.-Col. [illegible]

Mil. Form B. 271 S.
15M—9-41 (1762)
H.Q. 1772-29-224

B

The President, members and judge-advocate are duly sworn.

~~The following officers under instruction are duly sworn:~~

Q 2 Do you object to No. H-2846 C.S.M., Mark H. Pearce, C.M.S.C., C.A. as shorthand writer?

A 2 No, Sir.

No. H-2846 C.S.M., Mark H. Pearce, C.M.S.C., C.A., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q 3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A 3 Not Guilty, Sir. *Answer.*

Q 4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A 4 Guilty, Sir. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

~~Answer.~~

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

~~Answer.~~

The accused having pleaded Guilty to the second charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B-2 Also file Procedure 004. 3

CHARGE SHEET

The accused No.H-59663 Gunner Adam James HIEN, No. 10 District Depot, C.A., a soldier of the Canadian Army, placed on Active Service, is charged with:-

First Charge
Sec. 12(1)(a)
Army Act

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

- in that he -

at Halifax, Nova Scotia, at 1230 hours on the 26th day of May, 1942 absented himself from the No. 6 District Depot, C.A., until apprehended by the Military Police in Winnipeg, Manitoba, at 2240 hours, on the 17th day of October, 1942, dressed in Military uniform.

Second Charge
Sec. 24(2)
Army Act

LOSING BY NEGLECT HIS CLOTHING, EQUIPMENT AND REGIMENTAL NECESSARIES

- in that he -

at Winnipeg, Manitoba, on the 3rd day of November, 1942, was deficient of the following articles, viz:-

Clothing 75% Vocabulary Rate.			Necessaries 100% Vocabulary rate.		
Bags, kit	1	.66	Blackening, tins	1	.04
Bootdressing, tins	1	.04	Bootlaces, prs	1	.02
Boots, ankle, prs	2	7.80	Braces, prs	1	.27
Brasses, button	1	.04	Brushes, boot polish	1	.14
Brushes, boot black	1	.15	Brushes, button	1	.15
Brushes, cloth	1	.24	Brushes, hair	1	.24
Combs, hair	1	.04	Drawers, cotton short pr	2	.50
Drawers, woollen, prs	2	1.74	Dressings, F.F.	1	.18
Forks, table	1	.09	Holdalls	1	.17
Housewives	1	.51	Knife clasp & Lan.	1	1.16
Overalls, blouse, denim	1	1.95	Overalls, trousers denim		1.68
Shirts, flannel, khaki	2	1.80	Shirts, undercotton	2	.50
Shirts, woollen	2	1.74	Shoes, canvas, prs	1	1.31
Towels, hand	2	.42	Attachments, brace	2	.38
Bags, ration	1	.02	Belts, waist	1	.59
Bottles, water MkVI	1	.48	Braces, L.& R.	2	.52
Carriers, waterbottle	1	.30	Frogs, bayonet	1	.13
Haversacks	1	1.31	Helmets, steel	1	1.69
Packs	1	1.27	Straps, shldr. Haver	2	.52
Straps, web supporting	2	.22	Tins, Mess	1	.50
Eyeshields A/G	6	.78	Respirator A/G		
			Container type "E" MKVI	1	1.46
			Facepiece, normal	1	2.96
			Haversack	1	1.25
			Outfit, anti-dim	1	.14
			Wallet, A/G	1	.47
			Capes A/G.	1	4.45
			Ointment A/G	1	.22
					$43.14

Lieut Colonel
Officer Commanding
No. 10 District Depot, C.A.

7th November, 1942
Winnipeg, Manitoba.

TO BE TRIED BY A DISTRICT COURT-MARTIAL

Lieut. Colonel
A. A. & Q. M. G. M. D. No. 10
for (R.A. Macfarlane) Brigadier
District Officer Commanding
Military District No. 10

Winnipeg, Manitoba.
9th November, 1942.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q 5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A5 No, Sir.

The prosecutor/~~maker~~ declines to ~~an opening address [hands in a written address, which is read, marked~~ ~~signed by the President, and attached to the proceedings]~~.

The prosecutor proceeds to call witnesses.

First witness for prosecution } Lieutenant W. Throp, No. 10 District Depot, C.A.,

being duly sworn, is examined by the prosecutor.

Q 6 What is your position with the Number 10 District Depot?

A 6 Acting Assistant Adjutant.

Q 7 Do you know the accused No. H-59663, Gunner Adam James Hien, of the No. 10 District Depot, C.A.?

A 7 Yes, Sir.

Q 8 Will you point him out?

A 8 Yes (Points out accused).

Q 9 What is this document?

A 9 M.F.P. 375, a record of the Declaration of a Court of Inquiry respecting the accused whom I have just recognized.

M.F.P. 375, is read, marked " G ", signed by the President and attached to the proceedings.

Q 10 And I show you another document, what is that?

A 10 I further produce M.F.M. 216, which refers to the accused whom I recognize.

M.F.M. 216, is read, marked " H ", signed by the President and attached to the proceedings.

Q 11 Who is the person named in those documents which youhave heard read?

First Witness for the Prosecution continued:-

A 11 No. H-59663, Gunner Adam James Hien, No. 10 District Depot, C.A.O., whom I recognize, Sir.

The defending officer declines to cross-examine this Witness.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The Witness withdraws.

The Prosecution have no further witnesses.

D

The prosecution is closed.

Defence

Question to the accused. Q 12 Do you apply to give evidence yourself as a witness?

Answer. A 12 Yes, Sir.

Question. Q 13 Do you intend to call any other witness in your defence?

Answer. A 13 Yes, Sir.

Question. Q 14 Is he a witness as to character only? *Answer.* A 14 No, Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence ~~including witnesses as to character~~) is recorded on a separate page (*see overleaf*).

~~*(Where the accused does not give evidence upon oath.)*~~

~~*Question to the accused.* Have you anything to say in your defence?~~

~~*Answer.* The accused in his defence says:~~

~~[Hands in a written address which is ready marked signed by the President and attached to the proceedings.]~~

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First witness) for the DEFENCE) No. H-59663, Gunner Adam James Hien, No. 10 District Depot, C.A., being first duly sworn is examined by the Defending Officer:-

Q 15 When did you enlist?

A 15 January 3rd, 1941, Sir.

Q 16 When did you go Overseas?

A 16 In May, Sir, 1941.

Q 17 How old were you when you enlisted?

A 17 Sixteen years old and nine months, Sir.

Q 18 When did your father die?

A 18 Twelve years ago, Sir.

Q 19 Have you any other brothers?

A 19 Yes, Sir, one brother, younger.

Q 20 Any sisters?

A 20 No, Sir.

Q 21 Were you the sort of father of the family when your father died?

A 21 Yes, Sir.

Q 22 That is, after your fathers death you tried to take his place?

A 22 Yes, Sir.

Q 23 Your mother leaned on you?

A 23 Yes, Sir.

Q 24 About two years ago in the family life what happened?

A 24 My mother got married.

Q 25 Your mother got married again?

A 25 Yes, Sir.

Q 26 Will you tell the Court, in a few simple phrases what your life was like from the time you had this new father?

A 26 There was no living at home, Sir. He kept nagging me, Sir, when I went home he always wanted to pick and fight.

Q 27 In other words you were always in the way?

A 27 Yes, Sir.

Q 28 Did that apply to your younger brother also?

A 28 Yes, Sir.

Q 29 Was there any quarrel between your mother and step-father in regard to you two boys'?

A 29 Yes, Sir, quick and frequent quarrels, Sir.

First Witness for the Defence continued:-

Q 30 Have you ever been in trouble before?

A 30 Yes, sir.

Q 31 When was the first time you got into trouble?

A 31 When I was twelve years old.

Q 32 You were in trouble how often?

A 32 Three times, Sir.

Q 33 Did you ever go to prison?

A 33 No, Sir.

Q 34 What happened?

A 34 I got suspended sentence, Sir.

Q 35 Were there others or were you engaged in this trouble that you got into alone?

A 35 No, Sir, there was usually three or four of us boys'.

Q 36 Where did you live at that time?

A 36 On Alexander Street, Sir.

Q 37 Around by the tracks?

A 37 Yes, Sir.

Q 38 You joined the Army on the 3rd of January, 1941 and you went overseas a few months later?

A 38 Yes, Sir.

Q 39 And then came back to Halifax, is that right?

A 39 Yes, Sir, in December, 1941.

Q 40 What was your Military life like in England?

A 40 My Sergeantmajor had a grudge against me

Q 41 Which Sergeant Major?

A 41 The Sergeant Major of my troop

Q 42 Is that the only Sergeant Major you had?

A 42 No, Sir, the first one was strict.

Q 43 Did you like him?

A 43 Yes, Sir.

Q 44 Now the other one you were telling us about?

A 44 He had a personal grudge against me, Sir.

Q 45 What makes you think that?

A 45 When we were on movements I was driving a motorcycle

First Witness for the Defence continued:-

and I happened to have a smash-up, it wasn't very serious, but it put him to some trouble fixing it up.

Q 46 Tell us generally how you felt?

A 46 Well, Sir, he had a grudge against me of some sort. Every time I went on Guard he would give me an extra fatigue or guard or something. That went on for two or three months, Sir.

Q 47 That, of course, that extra guard or fatigue work would have been awarded you by the troop officer?

A 47 No, Sir, by the Sergeant Major.

Q 48 So, you were fed up, is that right?

A 48 Yes, Sir.

Q 49 And you left England, did you?

A 49 Yes, Sir.

Q 50 How?

A 50 I went A.W.L., Sir.

Q 51 You, of course, went alone?

A 51 No, Sir, there was six of us started out.

Q 52 The same gang?

A 52 Yes, Sir.

Q 53 And you arrived where?

A 53 In Halifax, Sir.

Q 54 When?

A 54 Just after New Years, Sir.

Q 55 What happened then?

A 55 Well, Sir, I was locked-up.

Q 56 And what?

A 56 Had my trial.

Q 57 And took your punishment?

A 57 Yes, Sir.

Q 58 Then what happened?

A 58 I was an M.P. for a while and then I asked the Colonel for leave to go home.

Q 59 Why did you want to go home?

A 59 I was homesick, Sir.

First Witness for the Defence continued:-

Q60 Did your C.O. grant you leave?

A60 No, Sir.

Q61 Finally, along about May, what did you do?

A61 I went A.W.L., Sir.

Q62 To do what?

A62 Go home and see my mother.

Q63 And did you?

A63 Yes, Sir.

Q64 When you arrived home what happened?

A64 The same trouble started again. It was all right for the first couple of days' and then my step-father started nagging.

Q65 So what did you do?

A65 I never had any money and I was scared to go back to Halifax so I went up north to work in the gold mines.

Q66 What happened then?

A66 I stayed up there for about three months and then I figured it was best to come back.

Q67 When did you come back home?

A67 On a Saturday and I told my mother I was going to give myself up.

Q68 You came back on a Saturday and you told your mother your intention was what?

A68 That I was going back the following Wednesday, Sir.

CROSS EXAMINED BY THE PROSECUTING OFFICER:-

Q69 You say your father died when you were how old?

A69 When I was six or seven years old Sir.

Q70 Then there was some period of time and your mother re-married; how old were you when your mother re-married?

A70 About sixteen, Sir.

Q71 And during that time you say that your mother had been leaning on you as the man of the family?

A71 In a way, Sir, I did all the work around the house.

Q72 You got into trouble with the Police during that time?

A72 Yes, Sir.

Q73 And you were in trouble with the Police three times during that period?

First Witness for the Defence continued:-

A 73 Yes, Sir.

Q 74 You stated that you went A.W.L. from England and came back to Halifax, that is not quite correct is it?

A 74 I came back to St. John, Newfoundland.

Q 75 How did you get to Halifax from Newfoundland?

A 75 I was shipped down by train.

Q 76 Were you arrested?

A 76 No, Sir, I gave myself up.

Q 77 Then your documents, if they say you were arrested, are wrong?

A 77 In Halifax it was questioned and it was proven that I gave myself up.

Q 78 You came back to Halifax under escort?

A 78 Yes, sir.

Q 79 When did you say that was?

A 79 Just after New Years, Sir. I gave myself up on the 19th of December.

Q 80 You gave yourself up in Newfoundland on the 19th of December?

A 80 Yes, Sir.

Q 81 You got some punishment for that?

A 81 Yes, Sir.

Q 82 When were you finished your punishment?

A 82 I don't remember, Sir.

Q 83 You know approximately, was it Winter or Spring?

A 83 In the Spring, Sir.

Q 84 I am going to suggest to you that it was around the end of April, is that not correct?

A 84 I suppose it was. I was released without prejudice, subject to rearrest.

Q 85 Very shortly after that you got homesick and came home?

A 85 Yes, Sir.

Q 86 When did you go to the mines?

A 86 On the 17th of July, Sir, 1942.

Q 87 And you had been home sometime prior to that?

A 87 Yes, Sir.

First Witness for the Defence continued:-

Q 88 How long did it take you to come home from Halifax?

A 88 One week, Sir.

Q 89 You were home a month or little more?

A 89 Yes, Sir.

Q 90 When did you come back from the mines, do you know the date?

A 90 On a Saturday, I forget the date, Sir. I was picked up that day.

Q 91 That would be the 17th day of October, this year?

A 91 Yes, Sir.

Q 92 Did you have a job getting away from the Gold Mines?

A 92 What do you mean, Sir?

Q 93 Aren't they anxious to keep young men up there?

A 93 Yes, Sir.

Q 94 Did they let you get away?

A 94 Yes, Sir.

Q 95 Did you leave with their knowledge or did you just walk out?

A 95 I left with their knowledge, Sir.

Q 96 Were you paid off before you came?

A 96 Yes, Sir.

The Defending Officer declines to re-examine this witness.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The witness resumes his seat.

Second Witness for the Defence) Mrs. Mary Reinhard, 216 James Street, Suite 5, Winnipeg, Manitoba, being first duly sworn, is examined by the Defending Officer:-

Q 97 Mrs. Reinhard, do you remember a particular Saturday around the middle of October, 1942?

A 97 Yes, Sir.

Q 98 What happened?

A 98 On the Friday night my son came home, and he said 'Mother, I am going down on Wednesday to give myself up.' That is what he said.

Q 99 Did you believe him?

Second Witness for the Defence continued:-

A 99 I did, he never lied to me, he was always good to me and to his younger brother.

Q 100 Mrs. Reinhard, you won't mind if I ask some personal questions?

A 101 No, Sir.

Q 101 When did your first husband die?

A 101 A little after three years when we came to this Country he died.

Q 102 How long ago was that?

A 102 About eleven years ago.

Q 103 What happened about two years ago?

A 103 I got married again.

Q 104 Can you tell the Court something about your home life from that time on, after you remarried?

A 104 When I got married my son and his step-father, my husband didn't get along. My husband was kind of mean to him and that is the reason he left home. Another thing, the kid was only sixteen when he joined the Army. My son was always good to me and to his brother and when I was sick he couldn't do enough for me. I have the birth certificate showing that he was under age.

Q 105 This is his birth certificate?

A 105 Yes.

Q 106 It is in the Polish language?

A 106 Yes, Sir.

Q 107 Will you tell the Court what that says there?

A 107 Adam, March 3rd, 1924

Q 108 What does that refer to?

A 108 That was his birthday

Q 109 When was this boy born now?

A 109 March 3rd, 1924.

Q 110 And where was he born?

A 110 In Poland.

Cross examined by the Prosecuting Officer:-

Q 111 Mrs. Reinhard, you stated that your son came home on a Friday night in the middle of October, 1942?

A 111 Yes, Sir.

Q 112 And at that time he said ' Mother, I am going down on Wednesday to give myself up'?

A 112 Yes, Sir.

Second Witness for the Defence continued:-

Q 113 Give himself up to whom, did he tell you?

A 113 To the Fort Osborne Barracks.

Q 114 To the Military authorities?

A 114 Yes, Sir.

Q 115 Did he say why he picked on Wednesday?

A 115 He said he is going to take a rest.

Q 116 You have stated that your husband died eleven years ago?

A 116 Yes, Sir.

Q 117 And then that you were remarried two years ago?

A 117 Yes, Sir.

Q 118 You were married two years ago?

A 118 Yes, Sir.

Q 119 Were you married between these two times; the second marriage is the one that you refer to two years ago?

A 119 Yes, Sir. I was divorced before I married Reinhard.

Q 120 When did you marry Reinhard?

A 120 July 7th, 1940.

Q 121 Were you married previous to that?

A 121 Yes, this is my third time.

Q 122 The third time was in July, 1940?

A 122 Yes, Sir.

Q 123 Now you were married a second time when?

A 123 I was married ten years ago but I only lived with the man seven days'.

Q 124 You married him about ten years ago but only lived with him seven days; that was after your first husband died?

A 124 Yes, Sir.

Q 125 Then you were married in July, 1940?

A 125 Yes, Sir.

Q 126 And the man you married then is the man you have been referring to in your evidence?

A 126 Yes, Sir.

The Defending Officer declines to re-examine.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The Witness withdraws.

The Defending Officer makes a closing address

(See page " I " attached)

The Prosecuting Officer makes a closing address

(See page " J " attached)

46

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. H-59663 Gunner Adam James Hien, No. 10 District Depot, C.A., is guilty of the first charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

is duly sworn.

Evidence of character, &c.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

Cross-examined by the accused.

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

Question to the accused.

Do you wish to address the Court? *Answer.*

The Court is closed for the consideration of the sentence.

31

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" is read to him again.]

The accused No. H-59663, Gunner Adam James Hien, No. 10 District Depot, C.A. is found guilty of the Second charge.

*The summary (or abstract) of evidence is read, marked K, signed by the President, and attached to the proceedings.

Question to the accused. A 127 Do you wish to make any statement in mitigation of punishment?

Answer. A 127 The accused in mitigation of punishment says:— No, Sir.

~~[or hands in a written statement, which is read, marked signed by the President, and attached to the proceedings.]~~

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q 128 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A 128 No, sir. *Answer.*

Evidence as to character.

E- 2

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~*The Court being re-opened, the accused is again brought before it.~~

Captain W.H. August, No. 10
District Depot, C.A. is duly sworn.

Evidence of character, &c.

Question by the President. Q 129 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A 129 Yes, I produce M.F.B. 355

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y, signed by the President, and annexed to the proceedings.

Question by the President. Q 130 Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A 130 Yes, Sir.

Question. Q 131 Have you compared the contents of the above statement with the regimental books? *Answer.* A 131 Yes, Sir.

Question. Q 132 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A 132 Yes, Sir.

[Instruction.—*If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine this witness.
In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The Witness resumes his seat.

Question to the accused. Q 133 Do you wish to address the Court? *Answer.* A 133 No, Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. H-59663, Gunner Adam James Hien, No. 10 District Depot, C.A., to undergo detention for one (1) year, and to be put under stoppages of pay until he has made good the value of the following articles:-

Sentence.
Detention:
1 Year.
Stoppages:
$43.14

Clothing 75% of vocabulary rate. Necessaries 100% of vocabulary rate.

Bags, kit	1	.56	Brushes, button	1	.15
Bootdressing, tins	1	.04	Brushes, hair	1	.24
Boots, ankle, prs	2	7.80	Drawers, cotton short, prs	2	.50
Brasses, button	1	.04	Dressings, F.P.	1	.18
Brushes, boot black	1	.15	Holdalls	1	.17
Brushes, cloth	1	.24	Knife clasp & Lan.	1	1.16
Combs, hair	1	.04	Overalls, trousers denim	1	1.68
Drawers, woollen, prs	2	1.74	Shirts, undercotton	2	.50
Forks, table	1	.09	Shoes, canvas, prs	1	1.31
Housewifes	1	.51	Attachments, brace	2	.38
Overalls, blouse, denim	1	1.95	Belts, waist	1	.59
Shirts, flannel, khaki	2	1.80	Braces, L & R	2	.52
Shirts, woollen	2	1.74	Frogs, bayonet	1	.13
Towels, hand	2	.42	Helmets, steel	1	1.69
Bags, ration	1	.02	Straps, shldr Haver.	2	.52
Bottles, water MkVl	1	.48	Tins, mess	1	.50
Carriers, waterbottle	1	.30	Respirator A/G		
Haversacks	1	1.31	Container type 'E' MkVl	1	1.46
Packs	1	1.27	Facepiece, normal	1	2.96
Straps, web supporting	2	.22	Haversack	1	1.25
Eyeshields A/G	6	.78	Outfit, anti-dim	1	.14
Blackening tins	1	.04	Wallet, A/G	1	.47
Bootlaces, prs	1	.02	Capes A/G	1	4.45
Braces, prs	1	.27	Ointment A/G	1	.22
Brushes, bootpolish	1	.14			$43.14

Signed at Winnipeg, Manitoba, this 13th day of November, 1942

Extracts entered as No. 7146 in the Record of Courts-Martial kept in the Office of the Judge Advocate-General this 23rd day of Nov. 1942.
H.T.T.B.
Confirmed

Lt.-Col. President
No. 10 District Depot, C.A.

CONFIRMATION

Signed at Winnipeg Manitoba, this 16th day of November, 1942.

(R.A. MacFarlane) Brigadier
District Officer Commanding
Military District No. 10

PROMULGATION

Promulgated and Extracts taken at Winnipeg, Manitoba, this 17th day of November, 1942.

Winnipeg, Manitoba.

17th November, 1942.

Officer i/c Detachment
No. 10 District Depot, C.A.
Winnipeg, Manitoba.
M.D. No. 10

X Also to be / Pendant ocm 35

Orders by Brigadier R.A. Macfarlane, D.S.O. Commanding

the Military District No. 10.

District Court-Martial

9th November 1942

The detail of Officers as mentioned below will assemble

at Minto Armouries, Winnipeg, Man. on Friday.

the 13th day of November 1942 at 1000 hours.
for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

No. H-59663, Gunner Adam James Hian, No. 10 District Depot, C.A.

PRESIDENT

Lt.-Col. S.J. Cox, V.D. No. 10 District Depot, C.A. is appointed President.

MEMBERS

Lt.-Col. P.H.K. Coupeland, No. 10 District Depot, C.A.

Major E.A. Fletcher, 103rd C.A. (B) Training Centre, C.A.

WAITING MEMBERS

Captain G.H. Nettleton, 2nd Armoured Regiment, Lord Strathcona's Horse (R.C.) C.A.

~~JUDGE ADVOCATE~~ LAWS

~~Judge Advocate~~ LAWS ~~has been (is hereby) appointed~~ LAWS

PROSECUTOR

Captain Z.H. August, No. 10 District Depot, C.A. has been ~~(is hereby)~~ LAWS appointed Prosecutor

DEFENDING OFFICER

Captain A.J. Harrison, No. 10 District Depot, C.A. has been ~~(is hereby)~~ LAWS appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding No. 10 District Depot, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters, and will detail, as may be convenient, two officers to attend for instruction.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 10

Signed this 9th day of November 1942

M.F.B. 220
A.F.A. 67
15M-9-41 (1781)
H.Q. 1772-99-564

H.A. Macfarlane Lt.-Col.
A. A. & Q. M. G., M. D. No. 10.

G

37

No. 6 District Depot

RECORD of the Declaration of a Court of Inquiry assembled at Halifax, N. S.

on the 25th day of June 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. H59663 Pte. Hien,, A. J., No. 6 District Depot, C. A.

DECLARATION

The Court declare that No. H59663

Pte. Hien,, A. J.

illegally absented himself without leave from No. 6 District Depot, C. A.

at 1230 hours on the 26th day of May 1942,

that he is still so absent, and that on the 25-6-42 he was deficient, and

that he is still deficient of the following articles:—

ARTICLES	VALUE		ARTICLES	VALUE
Packs	1	27		
Straps shoulder hvsk L & R		52		
Straps web supporting 2 @.11		22		
Tins mess		50		
Eyeshields anti-gas - 6		78		
Respirator anti-gas				
Container type "E" Mk VI	1	46		
Facepiece, normal	2	96		
Haversack	1	25		
Outfit anti-dim		14		
Wallet anti-gas		47		
Capes anti-gas	4	45		
Ointment anti-gas		22		
TOTAL	52	84		

S. McK. FRASER Lt.-Col. President
No. 6 District Depot, C. A.

R. J. GRAY, Capt. Member
No. 6 District Depot, C. A.

C. W. SMITH, Lieut. Member
No. 6 District Depot C.A.

Signed at Halifax, N. S.

this 26th day of June 19 42

Signature of Commanding Officer D. A. GUILDFORD Lt.-Col.
No. 6 District Depot, C. A.

Certified true copy Adjt.
No. 6 District Depot, C.A. Signature of Officer having custody of original record

M.F.B. 275
A.F.B. 155
2551—6-41 (750)
H.Q. 1772-38-257

ARTICLES	VALUE	
Anklets web prs		58
Bags kit		56
Blouse serge	4	18
Trousers serge	4	20
Blacking tins		04
Bootdressing tins		04
Bootlaces prs.		02
Boots ankle prs 2 @ 3.90	7	80
Braces prs.		27
Brasses button		04
Brushes boot polishing		14
" boot blacking		15
" button		15
" cloth		24
" hair		24
Caps comforter		30
Combs hair		04
Drawers cotton sht.prs. 28.25		50
Drawers woollen prs. 28.87	1	74
Dressing first field		18
Forks table		09

ARTICLES	VALUE	
Gloves wool		38
Necessaries 100% war rate.		17
Holdalls		51
Housewives		16
Knife,clasp,lanyard	1	95
Overalls blouse denim	1	68
" trousers denim-	1	80
Shirts flannel khaki 28.90		50
Shirts undercotton 28.25		74
Shirts woollen 28.87	1	31
Shoes canvas prs.		42
Towels hand 28.21		38
Attachments braces 2 @.19		02
Bags ration		59
Belts waist		48
Bottles water Mk VI		52
Braces L.& R. 2 @.26		30
Carriers waterbottle		13
Frogs bayonet	1	31
Haversacks	1	69
Helmet steel		

Exhibit B summary of WOS and W.P.

H

Item to be Posted on C.4.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

I, Captain E. K. Carter, O. C. #40 Provost Company.
(Number) (Rank) (Name) (Unit)

hereby certify that H-59663 Spr. HIEN, A. J.
(Number) (Rank) (Name in full)

of the No. 6 District Depot, Halifax, N. S.
(Unit and attachment (if any)

Strike out words not applicable

was apprehended by (~~[illegible]~~) H-59004 Sgt.
(Number) (Rank)

McCLARTY, R. L. No. 40 Provost Company
(Name) (Unit or appointment)

at Aragon Dance Hall at 2240
(Place) (Hour)

on the 17th day of October 1942

as a deserter (~~[illegible]~~), and that at the time of his arrest he was wearing military (~~[illegible]~~) uniform (~~[illegible]~~).

Strike out words not applicable

DATED AT Winnipeg, Man. this 18th day of October 19.42

(E.K. Carter) Captain,
O. C. No. 40 Provost Company.
(Signature, Number, Rank, Unit or appointment)

(A) (A)

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42 (M1126)
H.Q. 1772-39-1936

1

Also filed
1 Pleadings etc.

DEFENDING OFFICERS CLOSING
ADDRESS

Mr. President and Members of the Court; here we have a young lad whose background has produced a very irresponsible lad due entirely to the lack of parential guidance. The father died when this young lad was only eight years old. The mother, you saw her here this morning, was leaning on this young lad. Bad company, on his own confession he had been in trouble three times before. He went Overseas at a very tender age and he was homesick. I myself, speaking from my own experience, having gone abroad when I was a very young lad, I too was homesick. But this boy had no background to help him, none whatsoever. If this boy had had a father worthy of that name no doubt when he returned from Halifax to his home he would have been sent directly back to the barracks to report himself as soon as he had seen his mother instead of which he arrives here, has no money and he goes north and returns as he says and as his mother says to give himself up. In that particular regard I would ask that the charge be altered from one of desertion to that of illegal absence without leave. Perhaps many of our soldiers are like this boy. The Army make many men and in some cases it will make such as you see here a smart looking soldier as good as we should find, perhaps, in the Canadian Army. Because of this boy's life in the past I ask you gentlemen to give him a chance to show his worthy sort. The Army in this case might make a real soldier and a real citizen and I throw him on the mercy of the Court.

46

J

After fo lee
Spondent occ

PROSECUTING OFFICER'S CLOSING ADDRESS

Sir, whether the accused is guilty of the crime as charged or whether he is guilty of being illegally absent is the question of intention. My submission is, if the accused intended to leave the Army when he went A.W.L. at Halifax he is guilty of Desertion. He may have changed his mind at a later date, I am not admitting that, I am putting that forward as an argument, if he did change his mind at a later date he still intended to leave the Army at the time he left Halifax and, because of that intention, I submit he is guilty of desertion. We have the accused's statement that he intended to give himself up and we have his mothers statement that that is what he told her. That statement should be very carefully examined and weighed before it is given any credence. He came home from Halifax, according to his own evidence and he went to work in a Civilian occupation, gold mining, and I would submit, Sir, that at that time he had no intention of returning to the Army. He took a civilian job. If he intended coming back to the Army he could have gone back at any time. He said that he was afraid of coming back and that he couldn't get along with his step-father. My submission is, Sir, that when this man left the Army at Halifax he was fed-up. By his own statement he left England illegally. He came back to Newfoundland. He gave himself up and was brought to Halifax. He was given punishment for that offence, I think he said somewhere around the end of April, 1942, and was then charged with desertion on the 26th day of May, 1942. That is not very long after he did his punishment for that prior offence. I would ask the Court to consider that very carefully. Now, there is another statement made, which, to be quite frank, I am at a loss to follow. This young man states that he was the man of the house for a number of years and yet, at the same time he admits that he was in trouble with the Police on three different occasions and was out on suspended sentence. I am at a loss to understand that statement of the accused. I think it should be taken very carefully. Counsel for the Defence has said if he had a father worthyof the name the father would have sent the accused back to his Regiment. He could have done that when he came home in May or June but he didn't. We have the accused's own evidence that he couldn't get along with his step-father and it may have been that the father did endeavour to send this lad back and, as a result, the lad went to the Gold Mines. These things should be considered by the Court. The Court will have to decide whether it was this young man's intention of staying away when he left Halifax and I submit, on his own statement that that was his intention.

16

K

Hon Lt Col
President

SUMMARY OF EVIDENCE

H-59663 Gunner Adam James HIEN, No. 10 District Depot, C.A., a soldier of the Canadian Army placed on Active Service.

CHARGES:

1. DESERTION:

2. LOSING BY NEGLECT HIS CLOTHING, EQUIPMENT AND REGIMENTAL NECESSARIES

The Commanding Officer Directs that the Evidence be taken on oath.

First Witness: No.H-40277 Cpl. Giddings, F.A., No. 10 District Depot, C.A., Winnipeg, Manitoba, having been duly sworn states:-

" I am the NCO in charge of Records at the No.10 District Depot, C.A., Winnipeg, Manitoba.

I produce M.F.B. 375, being a record of a Declaration of a Court of Inquiry assembled at No. 6 District Depot, C.A., Halifax, N.S., on the 25th day of June, 1942 and held for the purpose of investigating and recording the absence without leave of No.H-59663 Gunner HIEN, A.J., (M.F.B. 375 produced and marked Exhibit "A".)

I further produce M.F.M. 216, Certificate in accordance with Order-in- Council P.C. 2797, dated April 10th, 1942, as published in R.O. 1877, and G.O. No. 127, 1942, issued and signed by Captain E.K. Carter, O.C., No. 40 Provost Company, Winnipeg, Manitoba, on the 18th day of October, 1942, referring to the apprehension of No.H-59663 Gunner HIEN, A.J., No. 6 District Depot, C.A.(Certificate produced and marked exhibit "B".)

The accused declines to cross examine the witness.

Capt.

Second Witness: No.H-20670 C.Q.M.S., Ardington, G.W., No.10 District Depot, C.A. Winnipeg, Manitoba, having been duly sworn states:-

" I am in charge of accounting in the Quartermaster Stores, at the No.10 District Depot, C.A., Winnipeg, Manitoba.

On the 3rd day of November, 1942, I checked the kit of the accused No.H-59663 Gunner HIEN, A.J., against the M.F.B. 375, Exhibit "A", hereto.

At that time I found in the possession of the accused the following articles:

Anklets, web, prs	1	.58	Gloves, woollen, prs	1	.44
Battle Dress, blouse	1	4.18	Battle Dress, trousers	1	4.20
Caps, comforter	1	.30			$9.70

On the same day namely 3rd November, 1942, the accused was deficient in the following articles: Clothing 75% Vocabulary rate and Necessaries 100% Vocabulary rate.

Bags, kit	1	.56	Blackening, tins	1	.04
Bootdressing, tins	1	.04	Bootlaces, prs	1	.02
Boots, ankle, prs	2	7.80	Braces, prs	1	.27
Brasses, button	1	.04	Brushes, boot polish	1	.14
Brushes, boot black	1	.15	Brushes, button	1	.15
Brushes, cloth	1	.24	Brushes, hair	1	.24
Combs, hair	1	.04	Drawers, cotton, short	2	.50
Drawers, woollen, prs	2	1.74	Dressings, First Field	1	.18
Housewives	1	.51	Knife clasp & Lanyard	1	1.16
Overalls, blouse, denim	1	1.95	Overalls, trousers, den.	1	1.68

.....Cont.

Shirts, flannel, khaki	2	1.80	Shirts, undercotton	2	.50
Shirts, woollen	2	1.74	Shoes, canvas, prs	1	1.31
Towels, hand	2	.42	Attachments, brace	2	.38
Bags, ration	1	.02	Belts, waist	1	.59
Bottles, water MKVI	1	.48	Braces, L. & B.,	2	.52
Carriers, waterbottle	1	.30	Frogs, bayonet	1	.13
Haversacks	1	1.31	Helmets, steel	1	1.69
Packs	1	1.27	Straps, shldr, haver	2	.52
Straps, web, supporting	2	.22	Tins, mess	1	.50
Eyeshields A/G	6	.78	Respirator A/G		
			Container type "E"MKVI	1	1.46
			Face piece, normal	1	2.96
			Haversack	1	1.26
			Outfit, anti-dim	1	.14
			Wallet, A/G	1	.47
			Capes, A/G	1	4.45
			Ointment	1	.22
					$43.14

The accused declines to cross examine the witness.

G.W. Wadington C.Q.M.S.

Question to the accused:

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

The accused declines to make a statement.

I certify that Rules of Procedure 4(C), (D), (E), and (F) have been complied with.

Taken down by me in the presence of the accused at the Fort Osborne Military Barracks, Winnipeg, Manitoba, this 5th day of November, 1942.

A.A. Aungord Captain
No.10 District Depot, C.A.

Y

M.F.B. 255
22M—5-41 (572-3)
H.Q. 1772-30-630
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H-59663	Gunner	Adam James HIEN	No. 10 District Depot, C.A.

1. The following is a fair and true summary of the entries in the Field Service ~~and General~~ ~~Regimental and Squadron, Battery,~~ Conduct sheets ~~or Company Conduct sheet~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act ~~Air Force Act~~ and of cases in which trial has been dispensed with.

Within last 12 months		Since enlistment or appointment	
For Sec. 15(1) A.A.	1 times	Sec. 9(2) A.A.	2 times
For	times	Sec. 15(3) A.A.	1 times
For	times	Sec. 40 A.A.	1 times
For	times	Sec. 15(1)	3 times
For	times	Sec. 35(1)DBR	1 time
		Sec. 35(2)DBR	1 time

~~Number of instances of gallantry or distinguished conduct~~

~~or, —~~

There are ~~no~~ entries in the conduct sheets of the accused.

~~NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted

~~or,~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act~~ Air Force Act ~~and dispensations with trial under A.A. 73~~ A.F.A. 73 ~~are set out in the Schedule annexed to this statement.~~

3. The accused is not under sentence at the present time.

~~or,~~

~~The accused at the present time is under sentence for — — — — — beginning on the — day of —~~

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 37 days in military custody, making a total of 37 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service in~~ attestation paper is 21 years 8 Months

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 3rd day of January, 1941

~~7. The service which the accused is allowed to reckon towards discharge is~~

8. The accused ~~is entitled to reckon — — — — service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward ~~(or is in possession of or entitled to). State any air force decoration or reward~~ military

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer last held~~ Air Force ~~the regimental rank of~~

~~11. (In the case of an officer.)—The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank..... Unit Name.....of..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 13th day of November, 1942 Capt. & Adjt. No.10 District Depot, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

MEDICAL OFFICER'S REPORT

I certify that No. H-59963 Gnr. Hien, Adam James

of No.10 District Depot in a [illegible] state of health,

and is fit to undergo Trial by Court martial.

J. H. Mair Capt.

Medical Officer R.C.A.M.C., C.A.
Attached to The No. 10 District
Depot, C.A.

Station Winnipeg, Manitoba.

Date 13 November, 1942

M. F. B. 246
25M—6-42 (6744)
H.Q. 1772-29 480

H.Q.C. 55-H-303 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT MARTIAL

H-46272, PTE. P. HARASYMIW.

NO.6 D.D.,C.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-303

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Papers") With Papers C.R. NOV 30 1942		
DEC 1 1942	20/12/42	P.A	[illegible]	JRS AD	To note & PA	[illegible]	3/12/42.
				DOS(A)	[illegible] DEC 28 -42		
JAN 27 1943	20 1/3	[illegible]	JLF	Admin	with 7-98-7 V.S	[illegible]	24/12/42
FEB 4 1943	18 2/2	[illegible]	JLF	Admin	PER B. F. FEB 20 1943		
				AD	With Papers C.R. MAR - 9 1943		
				JAG	with 7-98-7 V.S	JAG	17 3/2
APR 1 1943	20 4/4	[illegible]	JLF	AD	[illegible] 7-98-7 V.S	[illegible]	19 3/43
APR 20 1943	[illegible]	[illegible]	[illegible]	AD	PER B. F. APR 20 1943		
MAY 4 1943	9 5/5	PA. 3	[illegible]	AD	With Papers C.R. MAY 1 1943		
MAY 27 1943	24/5/43	PA	[illegible]	DOS(A)	[illegible] C.R. MAY 25 1943		
				AD	[illegible] C.R. MAY 31 1943		
				DOS(A)	Per request, photocopy	[illegible]	8/6/43
JUN 12 1943	12 6/43	PA	[illegible]	AD	Returned charts	[illegible]	[illegible]

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to R.F. it for one or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to use it.
2. Central Registry should be notified immediately a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

131168

H.H.1420

Halifax, May 2[illegible] 1943

Dept. of Defence.

Court of Inquiry - Loss of Revolver
[illegible]
H.46272 Pte. Harasymiew, P.
Lake Superior Regt.

Ref. HQ.C.95-303, 405-H-4143 and 7-98-7 v.5 A.D. 2b
d-30 Mar. and 20 Apr. and my letter d-28 May.

The copy of proceedings of Court of Inquiry is returned in order that the endorsement on the proceedings may be changed as the revolver has been recovered and is being handed to D.O.C.

[illegible] White, Brig.
Adv. H.D.C.

CENTRAL REGISTRY Army
CONF. SEC.
MAY 31 1943
File C5-3-4-303
Chgd. to AD 31-5
Referred to

RECEIVED
JUN 1 1943
RANKS
AD3B

M. Fiske
DD

HQ.7-98-7Vol.5003.A.
H.Q.C.55-H-303
H.Q. 465-H-4443
60/HARASYMIW P.
(A.G. 5b)

OTTAWA, 11th June, 3.

Senior Officer,
Canadian Military Headquarters,
LONDON, England.

Court of Inquiry - Loss of Pistol L.932027
H-46272 Pte. Harasymiw, P.
Lake Sup R (M)

1. With reference to your letter dated 2nd November, 1942 and the copy of the proceedings of the Court of Inquiry received therewith, also your letter dated 4th May, 1943, I am directed to inform you that the .38" Smith and Wesson pistol in question has been recovered.

2. The copy of the proceedings is returned.

Sgd.
J.V. Shepherd Maj.

for Master-General of the Ordnance.

123760

IN REPLY PLEASE QUOTE
No. H.1420

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, M.D. No. 6,
Halifax, N.S., 28 APRIL 1943.

CENTRAL MINISTRY AUG 1943
CONF. SEC.
MAY 4 1943
File CSS H-302
Chgd. to
Referred to AD

The Secretary,
Department of National Defence,
Ottawa, Ontario.

Court of Inquiry - Loss of Pistol No.932027
H.46272 Pte. HARASYMIW, P.

Reference your H.Q.C.55-H.303 (A.D.3b) dated 20 April 43.

1. It is not now intended to take disciplinary action against the marginally noted soldier as upon his release from detention, he had turned in his pistol to an officer in the Embarkation Unit.

2. This pistol is, at present, in possession of No. 6 District Depot and is being returned to Ordnance.

(D.A. WHITE) Brigadier
DISTRICT OFFICER COMMANDING
Military District No.6

/DPH

N.D. 23
1,500M—7-42 (5219)
H.Q. 1772-101-23

CONFIDENTIAL

AIR MAIL

H.Q.C.55-H-303 (A.D.36)

OTTAWA, Ontario, 20th April, 3.

District Officer Commanding,
Military District No. 6,
HALIFAX, N.S.

Court of Inquiry - Loss of Pistol No.932027
H.46272 Pte. HARASYMIW, P.

Reference this Headquarters' letter numbered as above dated 30th March, 1943.

2. May the report requested therein as to the outcome of the disciplinary action be now forwarded.

for (H.F.G. Letson),
Major-General,
Adjutant-General.

JLF.EF

37

H.Q.C. 55-H-303.
H.Q. 405-H-4443
H.Q. 7-98-7 Vol.3
(A.D. 2b)

AIR MAIL

30th March 1943.

District Officer Commanding,
Military District No. 6,
Halifax, N.S.

Court of Inquiry - Loss of Pistol No.922027
H. 45272 Pte. Horozyniv.

With reference to your H.H-1420, dated 4th March, 1943, -

2. It is considered that there is no necessity of withholding the taking of disciplinary action pending the completion of the sentence being presently undergone by this soldier. In this connection your attention is directed to paragraph 591 of K.R.(Canada).

3. May a report be forwarded as to the outcome of this action.

(H.F.G. Letson),
Major-General,
Adjutant-General.

JLF/MEL.

3

MEMORANDUM.

To: D. of Admin. (A.D.2b).

DEPT. of NATIONAL DEFENCE.

H.Q.7-98-7 Vol. 5
H.Q.405-H-4443 & H.Q.C.55-H-30

OTTAWA, March 19th, 1943.

Re: COURT OF INQUIRY - Loss of Pistol L.932027
H.46272, Pte. P. Harasymiw,
Lake Superior Regt. (M)

Reference your memorandum March 17th, 1943, hereunder.

2. Under the circumstances, I see no objection to the charge under Section 24(2) being laid against this soldier. Paragraph 536, K.R.(Can.), very strictly interpreted, would appear to be against the view I have expressed, but it is thought that the meaning of the said paragraph should not be so extended that in every case where a soldier has been tried by a Court-Martial on a charge of desertion, he cannot be charged ever afterwards for deficiencies, under Army Act, Section 24(2). I consider that the said paragraph should be more liberally interpreted to mean that where it is proposed to charge a soldier with desertion and also with loss of kit, under Section 24(2) aforesaid, that the said charges should be disposed of at the same time by the Court-Martial, rather than separately. I do not think that it was ever intended that in all cases where a soldier has been charged with desertion before a Court-Martial, and not with a charge under Section 24(2), that such latter charge can never be again laid covering the loss of articles of which the accused may have been deficient either before, during or after the desertion.

3. I see no necessity to withhold the taking of disciplinary action pending the completion of the sentence being presently undergone by the accused. K.R.(Can.), para. 591 provides that a soldier undergoing a sentence by Court-Martial may be removed from the place where he is undergoing detention in order to be brought before a Military Court for trial.

Brigadier,
Judge Advocate-General.

KBB/S.

34

Judge Advocate-General

7-98-7 Vol. 5 (A.D.Sb)

March 17th, 1943.

Court of Inquiry - Loss of Pistol L.932027
H.46272, Pte. P. HARASYMIW
Lake Superior Regt. (M)

1. The marginally noted soldier was tried by District Court-Martial at Halifax on the 13th November 1942 on a charge of desertion. He was found not guilty of desertion but guilty of absence without leave and was sentenced to six months detention.

2. On the 2nd November 1942, Camdlitary forwarded a Court of Inquiry in respect to loss of a pistol, the value of which, it was decided, should be recovered from this soldier.

3. The proceedings of the Court of Inquiry have been forwarded to the D.O.C., M.D. 6.

4. These proceedings disclose that Pte. Harasymiw was issued with this pistol and on his return from his absence was unable to produce the same.

5. On the 20th January 1943 this Directorate directed that disciplinary action be taken against this soldier by way of a charge under Section 24 (2) of the Army Act for loss of pistol, which charge was to embody the making good of the value of the pistol (see folio 56).

6. On the 4th March 1943 the D.O.C., M.D. 6 advised that disciplinary action was being withheld until the soldier's release from his term of detention.

7. Your opinion is requested in respect to the following:-

(a) Under the circumstances, is there any objection to the charge under Section 24 (2) being laid against this soldier.

(b) If there is no objection, is there any necessity to withhold the taking of disciplinary action pending the completion of his sentence and conviction of absence without leave.

8. H.Q.C.56-H-303 and H.Q.405-H-4443 are passed herewith.

Colonel,
D. of Admin.

33

JLF/BM

12CC2

IN REPLY PLEASE QUOTE
No. H.H-1420

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N.S. 4 March 1943

CENTRAL REGISTRY Army
CONF. SEC.
MAR 8 1943
File C55-H-303
Chgd. to
Referred to A D

The Secretary,
Dept. of National Defence,
Ottawa, Ontario.

Court of Inquiry
Loss of Pistol L.932027
H/46272 - Pte. Harasymiv.

Reference H.Q.C.55-H-303 H.Q.7-98-7 Vol.5
H.Q.405-H-4443 (A.D.2b) dated 23 Feb. '43.

1. The Officer Commanding, No. 6 District Depot advises that action in connection with the loss of the m/n pistol is being withheld until such time as the m/n soldier is released from the term of detention he is now serving, when a charge in connection with this loss will be laid.

P. S. Fielding
for

(D.A.WHITE)Brigadier,
D.O.C., M.D.No.6

/MH

2 copies
405-H-4443
C55-H-303

32

NAT. DEF. B. 440
1 Million—10-42 (6626)
H.Q. 1772-39-787

CONFIDENTIAL

AIR MAIL

H.Q.C.55-H-303
H.Q.7-98-7 Vol.5
H.Q.405-H-4443
(A.D.2b)

OTTAWA, Ont. 23rd February, 3.

District Officer Commanding,
Military District No. 6,
HALIFAX, N.S.

Court of Inquiry - Loss of Pistol L.932027
N/46272, Pte. P. Harasymiw,
Lake Superior Regt. (M)

With reference to your H.1420 dated the 2nd February, 1943, and this Headquarters' letter numbered as above and dated the 20th January, 1943.-

2. May a report be forwarded as to the outcome of the action taken in connection with the loss of the pistol.

(H.F.G. Letson),
Major-General,
Adjutant-General.

31

FLF/AMcC

AIR MAIL

H.Q. 7-98-7 Vol. 5
(A.D.2b)

H.Q.C.55-H-303
H.Q.405-H-4443.

20th January, 1943.

District Officer Commanding,
Military District No.6,
Halifax, N.S.

Court of Inquiry - Loss of Pistol L.932027
H-46272 Pte. HARASYMIW, P.
Lake Superior Regt.(M)

With reference to the marginally noted matter I am enclosing herewith the proceedings of the Court of Inquiry which have been received from Canmilitry.

2. This soldier was tried by District Court-Martial at Halifax on the 13th November, 1942 and found guilty of being absent without leave and sentenced to six months' detention and placed under stoppages of pay in the sum of $36.72, being the cost of apprehension.

3. It is considered that disciplinary action should be taken against this soldier by way of a charge under Section 24(2) of the Army Act for the loss of the marginally noted pistol, which charge should embody the making good of the value of the pistol. In the event that there is not sufficient evidence available in your District to warrant proceeding with this charge, please advise.

H

Enc.
JLF/EML

(H.F.G. Letson),
Major-General,
Adjutant-General.

30

H.Q.C. 55-H-303 (JAG)

December 3, 1942.

DEC 27 1942 A.D.

RECEIVED DEC 5 1942 A. D.

District Officer Commanding,
Military District No. 6.,
Halifax, Nova Scotia.

Re: DISTRICT COURT MARTIAL - H.46272
Pte. P. Harasymiw - No. 6
District Depot. C.A.

1. Receipt is acknowledged of your H-H-1420 dated November 25, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court Martial.

2. In addition to the irregularities mentioned in your letter the following have been observed in the proceedings.

(a) Form M.F.B. 1481 was not properly completed in that the officer who signed the same neglected to date the particulars and also neglected to strike out the inapplicable parts of the same as well as the inapplicable description after his signature. It is also preferable that this form should be completed in ink.

(b) The civilian constable who signed the certificate of apprehension should have set out what place he was Chief Constable of, so that it might appear on the same that he was in charge of the Police Station at Hornpayne, Ontario, or of what ever place the accused was taken into custody.

(c) The medical officer who signed form M.F.B. 246 neglected to set out his Corps and Unit after his signature and rank.

10/12/42
[illegible]

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

HFGB/je

29

Copy on 405-H-4443

H.Q. C.55-H-303
M.D. H-H-1420

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H-46272 Name HARASYMIW, P.

Rank Pte. Unit #6 District Depot, C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Date of Crime 19/8/42.

Date of Arrest 17/10/42. Charge. Signed 3/11/42.

Orders for D.C.M. D.O.C., M.D.#6.

Place and Date of Trial Halifax, N.S., 13/11/42.

Sentence Detention 6 months and stoppages $36.72.

Date of Confirmation 19/11/42.

Date of Promulgation 23/11/42.

Entered in Records of J.A.G. as No. 7223

Date 4/12/42.

MEMO Not guilty of desertion but is guilty of A.W.L.

W.J.J. Bridges, Lieut.
for Judge Advocate-General.

28

3M-12-42(M1754)

7223.

IN REPLY PLEASE QUOTE
No. H-H-1420

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N.S., 25th Nov. 194

Secretary,
Department of National Defence,
Ottawa, Ontario

CE FORSTRY Army
NOV 28 1942
File
Chgd. to
Referred to

District Court-Martial
H.46272 Pte. P. Harasymiw
No. 6 District Depot, C.A.

Reference District Court-Martial convened for the trial of Pte. P. Harasymiw, No. 6 District Depot.

1. Attached are the proceedings of the Court for approval and safe custody.

2. The following irregularities have been called to the attention of the Officers concerned:

(a) The substantive rank of the 1st Witness should be stated followed by the acting rank in brackets.

P. S. Fielding
for
(W.W. FOSTER) Brigadier,
D. O. C., M.D. No. 6

NAT. DEF. B. 440
2,000 M—4-42 (4522)
H.Q. 1772-39-767

A

*Form of Proceedings for District Courts-Martial

Proceedings of a District Court-Martial held at No. 6 District Depot, Halifax, N.S. on the 13th. day of November 19 42 by order of Brigadier W.W.Foster, D.S.O., V.D., Commanding Military District No. 6 dated the 5th. day of November 19 42

President.

Lieut.-Col. S. McK. Fraser, V.D.,
No. 6 District Depot, (CA).

Members.

Capt. J. Briggs,
The Lan. & Ren. Scot. Regt. (CA).

Lieut. E.F.A. Merchant,
1st. Halifax Coast Regt., R.C.A., (CA).

Trial of* No. H-46272 Private Peter Harasymiw, No. 6 District Depot, (CA).

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. X

The accused is brought before the Court.

Prosecutor,† Lieut. D.A.MacDonald, No. 6 District Depot, (CA).

defending officer† Lieut. R.E.Myers, No. 6 District Depot, (CA).(See

At 10AMo'clock the Trial commences. (document marked "X-1"

The order convening the Court is read, and is marked "X" (attached.) signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

X I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

S. McK. Fraser
S. McK. FRASER, Lieut.-Col.
President, D.C.M.

THE NUMBERED PAGES WHICH ARE OTHERWISE BLANK IN THE FILES ON THIS FILM HAVE NOT BEEN PHOTOGRAPHED.

CENTRAL REGISTRY MICROFILMING UNIT.

7

END

FIRST

SIDE

44.H.2A

COUNTER NUMBER 53364

HOUR 1200.

OPERATOR'S INITIALS aw

RELIEVING OPERATOR ____

44.H.2B

START

SECOND

SIDE

THE NUMBERED PAGES WHICH ARE OTHERWISE BLANK IN THE FILES ON THIS FILM HAVE NOT BEEN PHOTOGRAPHED.

CENTRAL REGISTRY MICROFILMING UNIT.

CONFIDENTIAL

H.Q.C. 55-H-303

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT MARTIAL

H-46272, PTE. P. HARASYMIW.

NO.6 D.D.,C.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-303

CENTRAL REGISTRY	DATE	P.A. OR P.P.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Papers") With Papers C.R. NOV 30 1942		
DEC 1 1942	20/12/42	P.A		JAS AD DOS(A)	To note & PA		3/12/42.
JAN 27 1943	20 1/43	BF	JLF	Admin	with 7-98		24/2/42
FEB 4 1943	15 2/43		JLF	Admin AD	PER B. F. FEB 20 1943 With Papers C.R. MAR 9 1943		
APR 17 1943	20 4/43	BF	JLF	JAS AD	with 7-98-7 Vols	JAF	17 3/43
APR 20 1943	CANCELLED		JLF		PER B. F. APR 20 1943 With Papers C.R. MAY 1 1943		
MAY 4 1943	4 5/43	PA 3	JLF	AD			
MAY 27 1943	24/5/43	PA		DOS(A) AD	Per Regulation C.R. MAY 25 1943 Per Regulation C.R. MAY 31 1943		
				DOS(A)	Per request, pl. return		8/6/43
JUN 12 1943	12 6/43	PAN			Returned thanks		16/6/43

NOTES

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to see it.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. [illegible] should be [illegible] when the file is [illegible]

PASS THIS FILE IN ENVELOPE

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~[illegible]~~ District Courts-Martial

Proceedings of a District Court-Martial held at No. 6 District Depot, Halifax, N.S. on the 13th. day of November 19 42 by order of Brigadier W.W.Foster, D.S.O., V.D., Commanding Military District No. 6 dated the 5th. day of November 19 42

President.

Lieut.-Col. S. McK. Fraser, V.D., No. 6 District Depot, (CA).

Members.

Capt. J. Briggs, The Lan. & Ren. Scot. Regt. (CA).

Lieut. E.F.A. Merchant, 1st. Halifax Coast Regt., R.C.A., (CA).

~~Judge Advocate~~

Trial of* No. H-46272 Private Peter Harasymiw, No. 6 District Depot, (CA).

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

~~[illegible]~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. X

The accused is brought before the Court.

Prosecutor,† Lieut. D.A.MacDonald, No. 6 District Depot, (CA).

~~[illegible]~~ defending officer† Lieut. R.E.Myers, No. 6 District Depot, (CA).(See

At 10AMo'clock the Trial commences. (document marked "X-1"

The order convening the Court is read, and is marked "X" (attached.) signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q. 1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A. 1 *Answer by accused.* No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

X I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

S. McK. Fraser
S. McK. FRASER, Lieut.-Col.
President, D.C.M.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-234

2

B

Fourth The President, and members are duly sworn.

Fourth

Q. 2 Do you object to No. L-2610 S/Sgt. D.J.Patenaude, C.M.S.C., (CA), acting as shorthand writer?

A. 2 No Sir.
No. L-2610 S/Sgt. D.J.Patenaude, C.M.S.C., (CA), is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Fourth The accused is arraigned upon the charge in the above-mentioned charge-sheet.

Q. 3 Fourth Are you guilty or not guilty of the charge against you, which you have heard read? *Question to the accused.*

A. 3 Not Guilty. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

Fourth

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

MEDICAL OFFICER'S REPORT

I certify that No. H-46272 Pte. Harasymiw P.

of No.6 D.D. is in a good state of health,

and is fit to undergo Trial by Court martial.

D. B. Robertson
Medical Officer

Station Halifax, N.S.

Date 13-11-42

M. F. B. 246
DSM—6-42 (6764)
H.Q. 1773-30 600

1

S U M M A R Y O F E V I D E N C E

in the case of

No.H.46272, Private Peter HARASYMIW, No.6 District Depot,CA.
a soldier of the Canadian Army placed on active service.

CHARGE DESERTION

The Commanding Officer directs that the evidence be taken on oath.

WITNESS No.F.34952, A/S/Sgt. A.G. Gladwin, No.6 District Depot,CA., having been duly sworn states as follows:-

I am on Headquarters staff of No.6 District Depot,CA. and I present the following documents concerning the accused:-

1. Certified true copy of Daily Orders Part II No.195 dated 20 Aug 42.

2. M.F.M.215 dated 17 Oct 42.

3. M.F.B.1482 dated 26 Oct 42.

4. M.F.B.1481 dated 26 Oct.42

5. Certified true copy of Daily Orders Part II No.207 dated 25 Aug 42.

The accused declines to cross examine.

.....A/S/Sgt.

QUESTION TO THE ACCUSED -

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY ACCUSED -

I have nothing to say.

I certify that Rules of Procedures 4 (C) (D) (E) and (F) have been complied with.

Taken down by me in the presence of the accused at No.6 District Depot,CA., Halifax, Nova Scotia, this 3rd day of November,1942.

.....Major,
No.6 District Depot,CA.
Officer detailed to take
Summary of Evidence.

M.F.M. 4
(A.F.B. 122)
(1941—11-41 (3498)
FALLOWS 773-30-1500

3

No. H46272 Name HARASYMIW Peter

~~Regt. Regiment~~ / Company A Coy Corps THE LAKE SUPERIOR REGIMENT (MOTOR)

Date of enlistment 12 July 1940 G.C. Badges

Tradesmen's Rates of Pay

Sheet No. 3

Signature O.C. Company, etc. I.C. MACGILLIVRAY LIEUT.

Character

Period not reckoning towards freedom from extra fine 2 Apr 42

No. and date of last drunk

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order disposing with trial	By whom awarded	Remarks
Camp Borden	1 Mar 41	Pte		(1) Travelling on CPR TRAIN #3 without fare or pass: (2) Absent without Leave	Pte. Miller	Cost of Rly Fare $6.35	4Mar 41	Lt.Col. H. Cook	Forf. 4 days pay
					Sgt.Woods	Cost of Appreh $12.12			
Camp Borden	23Mar 41	Pte		Travelling on CPR Train without fare or pass	Cpl Greene	Total cost $12.12	26 Mar 41	Lt. Col H Cook	
Camp Borden	23 Mar 41	Pte.		Act to the prejudice, in that he left barracks with a pass he knew not to be genuine	Documentary	72 Hrs Det 28 days Det	1Apr 41	Lt. Col H Cook	
Ottawa, Ont.	4 May 41	Pte		Absent without leave	L/cpl McArthur	~~2 days C.B.~~	6 May 41	~~Maj. Wm.~~ McLeod	Forfeits 1 days pay

"Z" J. M. L. Trans Lt to President

(P.T.O.)

Third sheet - 23 April 42

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order disposing with trial	By whom awarded	Remarks
Camp Debert	7 Oct 41	Pte		Absent without leave	Sgt Cuff Sgt Bennett	Reprimanded	24 Oct 41	Lt. Col H Cook	For 17 days pay
Debert N.S.				Granted special Transportation	Concession	9 Jan 42			
Saint John	12 Feb 42	Pte		Disobeying a lawful command given by his superior officer	Cpl Butcher Capt Green CSM Foggitt	7 days C.B.	13 Feb 42	Lt. Col H. Cook	Fined 1 days pay
Saint John	28Feb 42	Pte		Disobeying a lawful command given by his superior officer	Sgt Chenier CSM Foggitt	168 hrs Det	7 Mar 42	Maj J.E.V. Murrell	
Saint John	31Mar 42	Pte.		Absent without leave	Cpl Butcher Cpl.Traer	7 days C.B.	1 Apr.42	Capt.R.C. Walgate	Forf. 1 days Pay
Debert NS	30 jun 42	Pte.		Conduct to the prejudice etc.	Sgt.Morice	7 days C.B.	1 Jul 42	Lieut.I.C. Macgillivray	I.C.M.

CERTIFIED TRUE COPY
[illegible] Capt.Adjt.
No.6 District Depot, C.A.

"Y" Sent Kraut to the President.

M.F.B. 355
22M—5-41 (572-S)
H.Q. 1772-39-620
A.F.B. 296

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STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H 46272	Private	Peter HARASYMIW	No.6 Dist. Depot, CA

1. The following is a fair and true summary of the entries in the FIELD Service ~~and General~~ D.A. Mac D Conduct sheets Regimental and Squadron, Battery ~~or Company Conduct sheets~~ D.A. Mac D of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the ~~Air Force Act~~ D.A. Mac D Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	Absent without Leave	2 times	Absent without leave	4 times
For	Conduct to the prejudice	3 times	Conduct to the prejudice	6 times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~ D.A. Mac D

~~or~~ D.A. Mac D

~~There are no entries in the conduct sheets of the accused.~~ D.A. Mac D

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

~~or~~ D.A. Mac D

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under~~ D.A. Mac D ~~Section 47 of the~~ ~~Air Force Act~~ D.A. Mac D ~~Army Act and dispensations with trial under~~ ~~A.F.A. 73~~ D.A. Mac D ~~A.A. 73 are set out in the Schedule~~ D.A. Mac D ~~annexed to this statement.~~ D.A. Mac D

3. The accused is not under sentence at the present time.

~~or~~ D.A. Mac D

~~The accused at the present time is under sentence for ..... beginning on the~~ D.A. Mac D ~~day of .....~~ D.A. Mac D

4. The accused has been in confinement awaiting trial on the present charges, for 1 days in civil custody, and 26 days in military ~~Air Force~~ D.A. Mac D custody, making a total of 27 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ D.A. Mac D attestation paper is 19 Years 10 Months.

6. The date of his ~~enlistment~~ D.A. Mac D attestation specified in his ~~record of service is~~ D.A. Mac D attestation paper 12th July 1940

~~7. The service which the accused is allowed to reckon towards discharge is~~ D.A. Mac D

~~8. The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~ D.A. Mac D

9. The accused is in possession of or entitled to no ~~air force~~ D.A. Mac D military decoration, or ~~air force~~ D.A. Mac D military reward (~~or is in possession of or entitled to~~) D.A. Mac D. ~~State any air force decoration or reward.~~ D.A. Mac D ~~military~~ D.A. Mac D

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held~~ D.A. Mac D ~~Air Force~~ D.A. Mac D ~~the regimental rank of~~ D.A. Mac D

4

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~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....

Permanent Force
unit

.....dated....., and in his regiment (or corps), the rank of .....

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Air Force
Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number..... Rank.....

Unit
Name..... of..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 13th day of November 1942

D.A. MacDonald Lieut. No 6 District Depot Co.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

"K" Sweetzer to President

Closing address by the Defending Officer.

The accused has spent 10½ months in the hospital, and for such a serious injury I would like the Court to be lenient towards him when passing sentence.

Sweetzer

"J"

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ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut. W. Stacey, (Rank) No. 10. District Coy, R. C. A. S. C. (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort

Complete — to proceed from HornePayne, Ont, (Place) to Halifax, ~~Ont.~~ N.S (Place) for the

Full description of soldier being escorted — purpose of escorting H-46272 Pte, Harasymiw, Peter, (LSR) No 6 D. Depot

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
To cover cost of Transport Warrant No. 87980	36.72
Total	$ 36.72

Dated at Winnipeg, Man this 26th, day of October A.D. 19 42

W. Stacey Lieut.

Signature, rank, unit of officer (issuing transport warrants) (authorizing transportation) ~~Strike out description not applicable~~

No 10. District Coy, R.C.A.S.C.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

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M.F.B. 1481
(65M—12-41 (2214)
H.Q. 1172-38-1481

"I" [illegible] to be Resident.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

I certify that the person whose description is given below was arrested by ~~[illegible]~~ ~~[illegible]~~) G. Barnes Justice of Peace (Name of Peace Officer or Constable) at Hornpayne Ont. (Place) at 2200 Hours (Hour) on the 17th day of October 1942 and at the time of arrest (~~[illegible]~~) he was wearing military (~~[illegible]~~) uniform (~~[illegible]~~).

Strike out) words not) applicable)

Strike out) words not) applicable)

Regimental particulars of officer or Soldier referred to above.

(No. H46272
(Rank Pte. Harasymiw Peter
(Name Harasymiw Peter
(Unit Lake Superior Regiment
(Age 19 Yrs. 10 Mths.

Description

(Height 5Ft. 6Ins.
(Complexion Fair
(Hair Dark Brown
(Eyes Blue
(Marks Large scar back of knee on left leg.

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

R. W. Morrison Chief Const.
(Peace Officer)(constable) (or officer in charge of Police Station).

(Strike out (words not (applicable.

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

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PAGE TWO

DAILY ORDERS

NO. 6 DISTRICT DEPOT, C.A. DAILY ORDERS PART II NO. 207 DATED 25th AUGUST 42

3. REPOSTING (Continued).

(b) The undermentioned O.R. is reposted from A.E. Holding Coy. to H.Q. Coy. effective 24th August, 1942.

F600895 Pte. ALLEN, B.W.

(c) The undermentioned O.Rs. are reposted from Casualty Coy. to Discharge Coy. effective 25th August, 1942.

F610293 Gnr. CAMPBELL, A.C.
F606543 Pte. MAC NEIL, N.E.

4. FURLOUGH

(a) The undermentioned O.R. returned from furlough 24th August, 1942.

F610244 Pte. DIXON, W.A.

5. PUNISHMENT

(a) F445927 Pte. GRAVES, J.A.---(A.E. Holding Coy.) was on the 24th August, 1942 awarded:-- A forfeiture of 4 days' pay under Section 46 of the A.A. and to be placed under a stoppage of pay in the amount of $2.50. For:--1. Conduct to the prejudice of good order and military discipline, in that he did cause a disturbance in his quarters on the 22-8-42. 2. Damaging government property, in that he on the 22-8-42 did damage government property in the amount of $2.50. Total forfeiture of 4 days' ordinary pay.

SECTION "A"
Officers. (Continued from Page One).

2. STRENGTH INCREASE

(a) The undermentioned Officer is taken on strength No. 6 District Depot, C.A. on transfer from 15th A.A. Bty., R.C.A., C.A. effective 7th August, 1942. (presently attached to No. 6 District Depot, C.A. for all purposes). Posted to Casualty Coy.

Capt. Samuel George Burke FULLERTON (S)(U.C.C.)

3. STRENGTH DECREASE

(a) The undermentioned Officer is struck off strength No. 6 District Depot, C.A. on retirement (His services being no longer required) effective 26th August, 1942 and is retired from the Canadian Army Reserve effective 26th August, 1942. Entitled to receive Rehabilitation Grant under the provisions of R.O. No. 1079, d/41. Appointed 1st September, 1939, 2 years, 360 days unencumbered service.

Capt. S.G.B. FULLERTON (S)(U.C.C.) Casualty Coy.

ADDRESS 51 Dahlia St., Dartmouth, N.S.

D.H. Borden Capt

(D.H. Borden), Captain,
Adjutant,
No. 6 District Depot, C.A.

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PAGE TWELVE. DAILY ORDERS.

NO. 6 DISTRICT DEPOT CA DAILY ORDERS PART II NO.207 DATED 25th AUGUST 42

A.E. HOLDING COMPANY. (Continued.)

39. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.R. is absent without leave from 1300 hrs., 3rd August, 1942. (3rd time published.)

F.96617 Pte. DOUCETTE, J.E.

40. CORRECTIONS.

(a) Part II Order No. 205, dated 22nd August, 1942. Sub. Para. 26(m). For "under the provisions of R.O. 1029(10), being unable to meet the required military physical standards" read "under the provisions of R.O. 1029(3) being under the age of 17 years at date of application for discharge."

(b) Part II Order No. 205, dated 22nd August, 1942. Sub. Para. 13(c). In line six. Insofar as it concerns F.66038 Pte. BURKE, D.L. delete all reference. (Duplication.)

(c) Part II Order No. 203, dated 20th August, 1942. Sub. Para. 24(b). For "F.5018 Pte. REMSEY, Arthur St. Clair" read "F.5018 Pte. (A/L/Cpl.) REMSEY, Arthur St. Clair".

(d) Part II Order No. 203, dated 20th August, 1942. Sub. Para. 24(b). Insofar as it concerns F.89742 Pte. ILLSLEY, Walter Louis, for "24-7-42" read "25-7-42."

(e) Part II Order No. 206, dated 24th August, 1942. Sub. Para. 7(b). Delete all reference. (Duplication.)

(f) Part II Order No. 132, dated 30th May, 1942. Sub. Para. 11(a). Delete entire paragraph.

(g) Part II Order No. 124, dated 21st May, 1942. Sub. Para. 17(h). For "Total forfeiture of 7 days' pay" read "Total forfeiture of 8 days' pay."

SECTION "C"
H.D. Personnel

1. STRENGTH DECREASE.

(a) The undermentioned O.R. presently attached to No. 6 District Coy. R.C.A.S.C. C.A. for all purposes except pay, is struck off strength No. 6 District Depot, C.A. on transfer to No. 6 District Coy. R.C.A.S.C. C.A., effective 1st August, 1942.

F.600890 Pte. MAYNOT, H.E.
(Authority District Order No. 1546, d/18-8-42.)

2. MEDICAL CATEGORY.

(a) The undermentioned O.Rs. having been medically boarded on the 11th August, 1942 are placed in Category "E".

F.45927 Pte. GRAVES, John Albert
F.610429 Pte. SQUIRES, Edward Wellington
(Authority Medical Board approved by D.G.M.S.)

3. REPOSTING.

(a) The undermentioned O.Rs. are reposted from A.E. Hold. Coy., to Discharge Coy., effective 25th August, 1942.

F.45927 Pte. GRAVES, J.A. F.610429 Pte. SQUIRES, E.W.

(TO BE CONTINUED.)

NO. 6 DISTRICT DEPOT CA DAILY ORDERS PART II NO.207 DATED 25th AUGUST 42

A.E. HOLDING COMPANY. (Continued.)

39. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.R. is absent without leave from 1300 hrs., 3rd August, 1942. (3rd time published.)

F.96617 Pte. DOUCETTE, J.E.

40. CORRECTIONS.

(a) Part II Order No. 205, dated 22nd August, 1942. Sub. Para. 26(m). For "under the provisions of R.O. 1029(10), being unable to meet the required military physical standards" read "under the provisions of R.O. 1029(3) being under the age of 17 years at date of application for discharge."

(b) Part II Order No. 205, dated 22nd August, 1942. Sub. Para. 13(c). In line six. Insofar as it concerns F.66038 Pte. BURKE, D.L. delete all reference. (Duplication.)

(c) Part II Order No. 203, dated 20th August, 1942. Sub. Para. 24(c). For "F.5018 Pte. REMSEY, Arthur St. Clair" read "F.5018 Pte. (A/L/Cpl.) REMSEY, Arthur St. Clair".

(d) Part II Order No. 203, dated 20th August, 1942. Sub. Para. 24(b). Insofar as it concerns F.89742 Pte. ILLSLEY, Walter Louis, for "24-7-42" read "25-7-42."

(e) Part II Order No. 206, dated 24th August, 1942. Sub. Para. 7(b). Delete all reference. (Duplication.)

(f) Part II Order No. 132, dated 30th May, 1942. Sub. Para. 11(a). Delete entire paragraph.

(g) Part II Order No. 124, dated 21st May, 1942. Sub. Para. 17(h). For "Total forfeiture of 7 days' pay" read "Total forfeiture of 8 days' pay."

SECTION "C"
H.D. Personnel

1. STRENGTH DECREASE.

(a) The undermentioned O.R. presently attached to No. 6 District Coy. R.C.A.S.C. C.A. for all purposes except pay, is struck off strength No. 6 District Depot, C.A. on transfer to No. 6 District Coy. R.C.A.S.C. C.A., effective 1st August, 1942.

F.600890 Pte. MAYNOT, H.E.
(Authority District Order No. 1546, d/18-8-42.)

2. MEDICAL CATEGORY.

(a) The undermentioned O.Rs. having been medically boarded on the 11th August, 1942 are placed in Category "E".

F.45927 Pte. GRAVES, John Albert
F.610429 Pte. SQUIRES, Edward Wellington
(Authority Medical Board approved by D.G.M.S.)

3. REPOSTING.

(a) The undermentioned O.Rs. are reposted from A.E. Hold. Coy., to Discharge Coy., effective 25th August, 1942.

F.45927 Pte. GRAVES, J.A. F.610429 Pte. SQUIRES, E.W.

(TO PAGE THIRTEEN.)

DAILY ORDERS.

34. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.R. is absent without leave from 2300 hrs., 23rd August, 1942. (1st time published.)

F.39590 Pte. DOLLIVER, L.A.

(b) The undermentioned O.R. reported absent at 2300 hrs., 22nd August, 1942 returned at 0800 hrs., 24th August, 1942.

F.85565 Pte. CAMPBELL, H.D.

35. PUNISHMENTS.

(a) F.85565 Pte. CAMPBELL, H.D. was on the 24th August, 1942 awarded Admonished. For:--Absent without leave from 2300 hrs., 22nd August, 1942 to 0800 hrs., 24th August, 1942. (Absent 1 day, 9 hrs.) Forfeits 2 days' pay under F.R. & I., for the C.A. 149(a).

A.E. HOLDING COMPANY.

36. STRENGTH DECREASE.

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to No. 60 C.A.(B) T.C., effective 22nd August, 1942.

M.28658 Pte. BAKER, T.W.

(b) The undermentioned O.R. having been declared by a Court of Inquiry held the 13th August, 1942 to have been illegally absent from 0800 hrs., 21st July, 1942 to be still so absent and to have deficiencies of kit and equipment in the amount of $22.22 is struck off strength No. 6 District Depot, C.A. as a deserter, effective 13th August, 1942. Forfeits 4 days' pay under F.R. & I., for the C.A. 149(a).

F.93901 Pte. ELLIS, G.L.

(a) The undermentioned O.R. having been declared by a Court of Inquiry held the 13th August, 1942 to have been illegally absent from 0800 hrs., 18th July, 1942 to be still so absent and to have deficiencies of kit and equipment in the amount of $13.54 is struck off strength No. 6 District Depot, C.A. as a deserter, effective 13th August, 1942. Forfeits 27 days' pay under F.R. & I., for the C.A. 149(a).

F.97883 Pte. PORTER, L.

37. FURLOUGH.

(a) The undermentioned O.R., returned from furlough, effective 24th August, 1942.

F.95183 Pte. HIGGINS, F.L.

38. HOSPITAL.

(a) The undermentioned O.R. admitted to Halifax Military Hospital, effective 21st August, 1942.

F.95966 Pte. CROFT, M.J.

(TO PAGE TWELVE.)

NO.6 DISTRICT DEPOT C.A. DAILY ORDERS PART II NO.207 DATED 25th AUGUST 42

DISCHARGE COMPANY. (Continued.)

34. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.R. is absent without leave from 2300 hrs., 23rd August, 1942. (1st time published.)

F.39590 Pte. DOLLIVER, L.A.

(b) The undermentioned O.R. reported absent at 2300 hrs., 22nd August, 1942 returned at 0800 hrs., 24th August, 1942.

F.85565 Pte. CAMPBELL, H.D.

35. PUNISHMENTS.

(a) F.85565 Pte. CAMPBELL, H.D. was on the 24th August, 1942 awarded Admonished. For:--Absent without leave from 2300 hrs., 22nd August, 1942 to 0800 hrs., 24th August, 1942. (Absent 1 day, 9 hrs.) Forfeits 2 days' pay under F.R. & I., for the C.A. 149(a).

A.E. HOLDING COMPANY.

36. STRENGTH DECREASE.

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to No. 60 C.A.(B) T.C., effective 22nd August, 1942.

M.28658 Pte. BAKER, T.W.

(b) The undermentioned O.R. having been declared by a Court of Inquiry held the 13th August, 1942 to have been illegally absent from 0800 hrs., 21st July, 1942 to be still so absent and to have deficiencies of kit and equipment in the amount of $22.22 is struck off strength No. 6 District Depot, C.A. as a deserter, effective 13th August, 1942. Forfeits 24 days' pay under F.R. & I., for the C.A. 149(a).

F.95901 Pte. ELLIS, G.L.

(c) The undermentioned O.R. having been declared by a Court of Inquiry held the 13th August, 1942 to have been illegally absent from 0800 hrs., 18th July, 1942 to be still so absent and to have deficiencies of kit and equipment in the amount of $13.54 is struck off strength No. 6 District Depot, C.A. as a deserter, effective 13th August, 1942. Forfeits 27 days' pay under F.R. & I., for the C.A. 149(a).

F.97883 Pte. PORTER, L.

37. FURLOUGH.

(a) The undermentioned O.R., returned from furlough, effective 24th August, 1942.

F.95183 Pte. HIGGINS, F.L.

38. HOSPITAL.

(a) The undermentioned O.R. admitted to Halifax Military Hospital, effective 21st August, 1942.

F.95966 Pte. CROFT, M.J.

(TO PAGE TWELVE.)

NO.6 DISTRICT DEPOT C.A. DAILY ORDERS PART II NO.207 DATED 25th AUGUST 42

CASUALTY COMPANY. (Continued.)

28. PUNISHMENTS.

(a) G.6077 Gnr. BRADELY, J.D. was on the 24th August, 1942 awarded:--A forfeiture of 4 days' pay under Section 46 of the A.A. For:--An act to the prejudice of good order and military discipline, in that he at No. 6 District Depot, C.A. on the 21st August, 1942 was insubordinate to a superior officer. Total forfeiture of 4 days' pay.

(b) G.56691 Pte. MC LEAN, K.M. was on the 24th August, 1942 awarded:--28 days' detention. For:--Absent without leave from Aldershot Military Camp, at 2200 hrs., 10th July, 1942 until apprehended at Florenceville, N. B. at 0200 hrs., 13th August, 1942. (Absent 33 days, 4 hrs., 1 min.) Forfeits 34 days' pay under F.R. & I., for the C.A. 149(a). Held in close arrest from 0200 hrs., 13th August, 1942 to 2359 hrs., 23rd August, 1942. Total forfeiture of 73 days' pay.

"O" COMPANY.

29. REPOSTING.

(a) The undermentioned O.Rs. are reposted from "O" Coy., to Casualty Coy., effective 25th August, 1942.

L.19[illegible]7 Pte. GODLEY, R.E.
F.01104 Gnr. GALLEY, C.G.

30 MEDICAL CATEGORY.

(a) The undermentioned O.R. having been medically boarded on the 22nd August, 1942 is placed in Category "C-1".

F.81104 Gnr. GALLEY, C.G.
(Authority Medical Board approved by D.G.M.S.)

31. PUNISHMENTS.

(a) F.30366 Rfn. MC CORMICK, A.B. was on the 24th August, 1942 awarded:--5 days' C.B. For:--Absent without leave from 1330 hrs., 21st August, 1942 to 0800 hrs., 24th August, 1942. (Absent 2 days, 18 hrs., 30 mins.) Forfeits 3 days' pay under F.R. & I., for the C.A. 149(a).

DISCHARGE COMPANY.

32. STRENGTH DECREASE.

(a) The undermentioned O.R. discharged 22nd August, 1942 under the provisions of R.O. No. 1029(10), being unable to meet the required military physical standards. Enlisted 1st July, 1942. Will draw $17.00 clothing allowance under F.R. & I., for the C.A. 187-1-(b).

F.65749 Pte. TULLY, E.J. (S) (Bapt)

ADDRESS: Liecester, N. S.,

33. MEDICAL CATEGORY.

(a) The undermentioned O.Rs. having been medically boarded dates as shown, are placed in Category "E".

F.78162 Pte. VEINO, A.C. 11-8-42
P.4604 Gnr. MALSWORTH, A.W. 5-8-42
F.39731 Pte. GUY, R.W.G. 11-8-42
(Authority Medical Board approved by D.G.M.S.)

(TO PAGE ELEVEN.)

CASUALTY COMPANY. (Continued.)

25. REPOSTING.

(a) The undermentioned O.Rs. are reposted from Casualty Coy. to Discharge Coy., effective 25th August, 1942.

F.96101 Pte. HUDSON, G.M.
K.37759 Tpr. JANSON, R.

26. RATIONS AND QUARTERS.

(a) The undermentioned O.Rs., Units as shown, cease to be attached to No. 6 District Depot, C.A. for rations and quarters, effective 22nd August, 1942.

G.32898 Sgt. BONNELL, E.W.	St.John Fusiliers, C.A.
G.32829 Cpl. TEED, G.	St.John Fusiliers, C.A.
B.78797 Sgt. FODEN, S.	Irish Regt. of Canada, C.A.
B.79415 Pte. HELLESLEY, L.	Irish Regt. of Canada, C.A.
F.76997 Pte. BEAVER, J.M.	Irish Regt. of Canada, C.A.
F.40978 L/Cpl. JOHNSTONE, J.F.	No. 38 Coy. Cdn. Provost Corps, C.A.
F.77245 L/Cpl. MAC LEOD, N.A.	No. 38 Coy. Cdn. Provost Corps, C.A.

27. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.Rs. are absent without leave from time and dates as shown. (1st time published.)

G.56691 Pte. MC LEAN, K.M.	2200 hrs., 10-7-42
G.33089 Sgn. MARTIN, Y.	0800 hrs., 24-8-42

(b) The undermentioned O.R. is absent without leave from 0800 hrs., 16th August, 1942. (2nd time published.)

F.78007 Pte. MC KENZIE, J.J.

(c) The undermentioned O.Rs. are absent without leave from time and dates as shown. (3rd time published.)

F.30259 Rfn. MC DONALD, A.E.	1630 hrs., 3-8-42
F.34644 Fus. PARSONS, G.L.	0800 hrs., 3-8-42
F.5537 Pte. COOPER, C.E.	0800 hrs., 3-8-42

(d) The undermentioned O.Rs. reported absent at time and dates as shown, returned at time and dates as shown.

D.27108 Gnr. DAVID, N.	from 0800 hrs., 12-8-42 to 2330 hrs., 23-8-42
G.56691 Pte. MC LEAN, K.M.	from 2200 hrs., 10-7-42 to 0200 hrs., 13-8-42
F.30366 Rfn. MC CORMICK, A.B.	from 1330 hrs., 21-8-42 to 0800 hrs., 24-8-42
E.5911 Pte. COTE, P.	from 0800 hrs., 12-8-42 to 1330 hrs., 22-8-42
B.29478 Spr. MC ALLISTER, D.	from 0800 hrs., 14-8-42 to 0030 hrs., 24-8-42

(TO PAGE TEN.)

NO.6 DISTRICT DEPOT CA DAILY ORDERS PART II NO.207 DATED 25th AUGUST 42

CASUALTY COMPANY. (Continued.)

18. CHANGE OF ADDRESS -- NEXT OF KIN.

(a) F.59616 Sgt. CLOW, F.E.

OLD ADDRESS: Mrs. Mana Harried CLOW, (Wife.)
1 Tulip St., Dartmouth, N. S.,

NEW ADDRESS: Mrs. Mana Harried CLOW, (Wife.)
169 Water St. Charlottetown, P.E.I.

19. REVERSION.

(a) The undermentioned O.R. reverts to the rank of Private on being transferred, effective 31st July, 1942.

F.85523 Sgt. LEVERMAN, F.G.H.
(Authority District Order No. 1578, d/21-8-42.)

20. BIRTH.

(a) F.30420 Rfn. RICHARD, E.J.

DAUGHTER: Maria Ernestine Richard (1st Child.)
BORN: 1st August, 1942.
BORN AT: Moncton, New Brunswick.

21. FURLOUGH.

(a) The undermentioned O.Rs. returned from furlough, effective dates as shown.

F.20388 Pte. BATHERSON, J.R.	23-8-42
B.58030 Pte. MAC KINNON, N.	20-8-42
F-49852 C.S.M. (WO II) GROVES, A.G.	24-8-42
F.86069 Pte. HUMPHREY, E.S.	24-8-42

22. TRANSPORTATION WARRANTS.

(a) The undermentioned O.R. granted "Special Leave and Furlough Transport Warrant" as shown.

F.59862 L/Sgt. (A/Sgt.) VICTOR, L.J. A156944

23. HOSPITAL.

(a) The undermentioned O.Rs. discharged from Debert Military Hospital, effective 22nd August, 1942.

H.58501 Pte. MC DOUGALL, M.
H.45586 Pte. MAGUS, M.

24. MEDICAL CATEGORY.

(a) The undermentioned O.Rs. having been medically boarded dates as shown, are placed in Category as shown.

F.35444 Pte. LANGILLE, I.R.	12-8-42 "C-1"
H.77783 Pte. KNOTT, G.A.W.	30-7-42 "C-2"
A.44086 Tpr. NEVILLE, G.E.	31-7-42 "C-2"

(Authority Medical Board approved by D.G.M.S.)

(TO PAGE NINE.)

NO.6 DISTRICT DEPOT C.A. DAILY ORDERS PART II NO.207 DATED 25th AUGUST 42

CASUALTY COMPANY. (Continued.)

15. STRENGTH DECREASE.

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to H.Q. Atlantic Command, C.A., effective 1st August, 1942.

D.26164 Pte. PALMER, A.B.

(b) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to No. 11 District Depot, C.A., effective 19th July, 1942.

F.87021 Pte. GOUTHRO, B.J.

(c) The undermentioned O.R. presently attached to District Headquart Military District No. 6, for all purposes except pay, is struck off strength No. 6 District Depot, C.A. on transfer to No. 6 Det. C.M.S.C. C.A., effective 31st July, 1942.

F.85523 Pte. LEVERMAN, F.G.H.

(d) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to 1st A.A. Bty. R.C.A. C.A., effective 15th August, 1942.

F.20271 L/Sgt.(A/Sgt.) WOODS, J.P.

(e) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to No. 60 C.A. (B) T.C., effective 22nd August, 1942.

F.76150 Pte. BAILY, J.S.

(f) The undermentioned O.Rs. are struck off strength No. 6 District Depot, C.A. on transfer to 1st A.A. Bty. R.C.A. C.A., effective 15th August, 1942.

F.20341 Pte. (A/Sgt.) MC KENZIE, W.E.
F.20280 Pte. (A/Bdr.) CAMPBELL, V.N.

(g) The undermentioned O.Rs. presently attached to H.Q. Halifax Fortress, for all purposes, are struck off strength No. 6 District Depot, C.A. on transfer to H.Q. Halifax Fortress, C.A., effective 11th August, 1942.

P.4513 Sgt. BIGNALL, B.R.
P.4508 Sgt. BRADY, R.F.
(Authority H.Q.S.-8536 Vol.12 (AP 3) d/22-7-42.)

16. ATTACHED.

(a) The undermentioned O.R. ceases to be attached to H.Q. Atlantic Command, C.A. for all purposes except pay, effective 24th August, 1942.

L.56608 Spr. CARGO, T.G.

17. SUBSISTENCE ALLOWANCE.

(a) The undermentioned O.R. ceases to draw subsistence allowance @ $1.00 per diem, effective 24th August, 1942.

L.56608 Spr. CARGO, T.G.

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NO.6 DISTRICT DEPOT C.A. DAILY ORDERS PART II NO.207 DATED 25th AUGUST 42

CASUALTY COMPANY. (Continued.)

14. STRENGTH INCREASE. (Continued.)

(k) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A. on transfer from 18th (Man.) Armd. Car Regt. C.A., effective 20st August, 1942. Posted to Casualty Coy. (Absent without leave.)

H.77117 Tpr. LOWER, Albert Horace (S) (CofE)
H.77656 Tpr. RALL, Jefferson Grouard (M) (CofE)
H.77514 Tpr. WILSON, Donald Howard (S) (U.C.C.)
H.77396 Tpr. WILSON, Alfred Peter (S) (R.C.)
H.77131 Tpr. WILSON, Louis Joseph (S) (R.C.)

(l) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from No. 4 Special Employment Coy. H.Q. Petawawa Military Camp, C.A., effective 16th August, 1942. Posted to Casualty Coy.

F.96315 Gnr. BERNARD , Alphonse Joseph (S) (R.C.)

(m) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A. on transfer from 18th (Man.) Armd. Car Regt. C.A., effective 20th August, 1942. Posted to Casualty Coy.

B.68002 Tpr. BARCLAY, Bruce William (S) (CofE)
H.77920 Tpr. BAXTER, Ray Robert (S) (CofE)
A.59776 Tpr. CARTER, William Robert (S) (CofE)
H.77618 Tpr. ELLISTON, John Samuel (M) (R.C.)
H.6321 Tpr. GELLEY, Albert Jerry (S) (R.C.)
H.63747 Tpr. MONTFORD, James Thomas (M) (CofE)
A.20724 Tpr. OLMSTEAD, Douglas Stewart (S) (CofE)
B.62574 Tpr. RATKOWSKY, Anton (M) (U.C.C.)
F.30406 Tpr. SAM, Joseph Henry (S) (R.C.)
B.4579 Tpr. SEMINOFF, Walter (S) (U.C.C.)

(n) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from 22nd Cdn. Armd. Regt. C.A., effective 1st August, 1942, and attached to H.Q. Atlantic Command, C.A. for all purposes, effective 1st August, 1942. Posted to Casualty Coy.

D.26164 Pte. PALMER, Allan Benjamin (M) (Pres)

(o) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from 18th (Man.) Armd. Car Regt. C.A., effective 20th August, 1942. Posted to Casualty Coy. (Doing detention at Debert, N. S.) (Presently in Debert Military Hospital.)

H.77771 Tpr. CHAMBERLIN, Howard Fraser (M) (U.C.C.)

(p) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from 18th (Man.) Armd. Car Regt. C.A., effective 20th August, 1942. Posted to Casualty Coy. (In Debert Military Hospital.)

H.77036 Tpr. CARSWELL, William (S) (U.C.C.)
H.77671 Tpr. BORTNIAK, William (S) (G.C.)
K100053 Tpr. MARTIN, Reo Claude (S) (CofE)
H.77934 Tpr. MC ARTHUR, Alfred Thomas (M) (Pres)
H.77147 Tpr. SEMINIUK, Peter (S) (U.C.C.)
H.77955 Tpr. ZIULKOWSKI, Bert Joseph (S) (R.C.)

(q) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A. on transfer from 18th (Man.) Armd. Car Regt. C.A., effective 20th August, 1942. Posted to Casualty Coy. (Absent without leave.)

G.429 Tpr. HENDERSON, Thomas Malcolm (M) (CofE)
M.67496 Tpr. [illegible]IOUX, Joseph Antoine Yvon (S) (CofE)
H.77054 Tpr. [illegible]ILL, Frederick James (S) (CofE)

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NO.6 DISTRICT DEPOT C.A. DAILY ORDERS PART II NO.207 DATED 25th AUGUST 42

CASUALTY COMPANY. (Continued.)

14. STRENGTH INCREASE. (Continued.)

(c) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A. on transfer from 25th Cdn. Armd. Regt. C.A., effective 20th August, 1942. Posted to Casualty Coy. (Absent without leave.)

A.44117 Tpr. DONVILLE, Hilary Bernard Walter (S) (R.C.)
A.58226 Tpr. PROKATOR, Frank (M) (R.C.)
A.60020 Tpr. ROZELL, Maxwell Gordon (M) (Bapt)
B102557 Tpr. WANAMAKER, William Ernest (M) (R.C.)

(d) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from 25th Cdn. Armd. Regt. C.A., effective 20th August, 1942. Posted to Casualty Coy. (In Debert Military Hospital.)

A.42013 Cpl. BIRCH, Hubert (M) (R.C.)

(e) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from H.Q. R.C.A.S.C. 4th Cdn. Armd. Div., effective 17th August, 1942. Posted to Casualty Coy. (In Shaughnessey Hospital, New Westminster B.C.)

K.37837 Pte. UNGER, David (M) (Luth)

(f) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A. on transfer from No. 14 A.I.(R) T.C., effective 23rd August 1942. Posted to Casualty Coy.

F.86266 Pte. BROWN, John Moses (S) (R.C.)
F.70991 Pte. PARRIS, Ernest (S) (Bapt)
F.96462 Pte. ARBENAULT, Frank (M) (R.C.)

(g) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A. on transfer from the New Brunswick Rangers, C.A., effective 16th August, 1942. Posted to Casualty Coy.

G.27659 Cpl. DAIGLE, Joseph Theodore (M) (R.C.)
G.18981 Pte. DOIRON, Theodore (M) (R.C.)

(h) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from C.A.T.C. (A-3), effective 7th April, 1942. Posted to Casualty Coy.

H.67162 Gnr. PORTER, John William (S) (U.C.C.)

(i) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from 18th (Man) Armd. Car Regt. C.A., effective 21st August, 1942. Posted to Casualty Coy. (In Debert Military Hospital.)

B.54714 Tpr. STOUGHTON, David Alexander (S) (Bapt)

(j) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A. on transfer from 18th (Man.) Armd. Car. Regt. C.A., effective 21st August, 1942.

H.77189 Sgt. INGALDSON, Gordon Paulson (M) (Luth)
H.77002 Tpr. FROST, James Donovan (M) (CofE)
H.77385 Tpr. STOUFFER, Kenneth Mc Auley (M) (U.C.C.)
B.18430 Tpr. MC KENZIE, Robert James (S) (CofE)
H.77641 Tpr. TAYLOR, James Hedley (S) (U.C.C.)

(TO PAGE SIX.)

RECRUIT COMPANY. (Continued.)

10. MEDICAL CATEGORY.

(a) The undermentioned O.Rs. having been medically boarded on the 11th August, 1942 are placed in Category "E".

F.64976 Pte. SULLIVAN, P.E.
F.88800 Pte. STEWART, J.L.
(Authority Medical Board approved by D.G.M.S.)

11. REPOSTING.

(a) The undermentioned O.Rs. are reposted from Recruit Coy. to A.E. Holding Coy., effective 25th August, 1942.

F.66503 Pte. YOUNG, R.C.
F.95985 Pte. BENT, A.E.
F.32125 Pte. DOUCETTE, A.
F.32117 Pte. BENNETT, L.
F.32089 Pte. BLANCHARD, T.
F.32118 Pte. GRACIE, H.J.

(b) The undermentioned O.Rs. are reposted from Recruit Coy., to Discharge Coy., effective 25th August, 1942.

F.64976 Pte. SULLIVAN, P.E.
F.88800 Pte. STEWART, J.L.

12. ABSENT WITHOUT LEAVE.

(a) The undermentioned O.R. is absent without leave from 1700 hrs., 22nd August, 1942. (1st time published.)

F.95515 Pte. SABEANS, E.L.

13. PUNISHMENTS.

(a) F.66483 Pte. MAC NEIL, F.V. was on the 24th August, 1942 awarded 3 days' C.B. For:--Absent without leave from 2300 hrs., 22nd August, 1942 to 0800 hrs., 23rd August, 1942. (Absent 9 hrs., 1 min.) Forfeits 1 day's pay under F.R. & I., for the C.A. 149(a).

CASUALTY COMPANY.

14. STRENGTH INCREASE.

(a) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A. on transfer from the Lake Superior Regt. C.A., effective 20th August, 1942. Posted to Casualty Coy. (In Debert Military Hospital)

A.46004 Pte. DAVIS, George Clifford (S) (U.C.C.)
L.36659 Pte. KUSCH, Charles (M) (Luth)

(b) The undermentioned O.Rs. are taken on strength No. 6 District Depot, C.A. on transfer from the Lake Superior Regt. (Motor), C.A., effective 20th August, 1942. Posted to Casualty Coy. (Absent without Leave.)

H.45611 Pte. DODD, Walter (M) (R.C.)
H.46547 Pte. HOLMES, David Reid (S) (Pres)
H.45863 Pte. WILSON, Patrick Henry (S) (CofE)
H.46272 Pte. HARASYMIV, Peter (S) (O.D.)
H.46007 Pte. ROSS, John Wallace (S) (CofE)
H.45914 Pte. LECLAIRE, Napoleon (S) (R.C.)
H.45634 Pte. SOLOMON, Ross (S) (CofE)
H.46603 Pte. WYNNE, Peter Norman (S) (R.C.)
H.46207 Pte. DELORME, Mike (S) (R.C.)
H.46580 Pte. CONNELLY, George Joseph Frances (S) (R.C.)
H.46528 Pte. MC COLLUM, Lloyd Gordon (S) (CofE)

RECRUIT COMPANY. (Continued.)

7. STRENGTH INCREASE. (Continued.)

(f) The undermentioned having been attested by B.R.O. Sydney, N. S., are taken on strength No. 6 District Depot, C.A., effective dates as shown. Posted to Recruit Coy. (Quota.) Category as shown.

F.32125 Pte. DOUCETTE, Arthur Joseph (M) (R.C.) "A-1" 18-8-42
F.32126 Pte. FRASER, Jerry Zeph (M) (R.C.) "B-2" 18-8-42
F.32134 Pte. MAC DOUGALL, Adrian (S) (Pres) "A-1" 21-8-42
F.32135 Pte. MORRISON, William Donald (M) (Pres) "A-1" 21-8-42

(g) The undermentioned having been attested by D.R.O. Halifax, N. S., is taken on strength No. 6 District Depot, C.A., effective 24th August, 1942. Posted to Recruit Coy. (For Battalion Orderly Room No. 6 District Depot, C.A.) Category "A-1".

F.31087 Pte. JAMES, Kenneth Mat. (S) (U.C.C.)

(h) The undermentioned having been attested by D.R.O. Halifax, N. S., is taken on strength No. 6 District Depot, C.A., effective 22nd August, 1942. Posted to Recruit Coy. (Quota.) Category "A-1".

F.31082 Pte. GLENNIE, George (S) (U.C.C.)

(i) The undermentioned having been attested by B.R.O. Yarmouth, N. S., is taken on strength No. 6 District Depot, C.A., effective 21st August, 1942. Posted to Recruit Coy. (For Veterans' Guard of Canada, C.A.) Category "A-2".

F.66047 Pte. ROSE, Clarence George (M) (CofE)

(j) The undermentioned having been attested by B.R.O. Yarmouth, N. S., is taken on strength No. 6 District Depot, C.A., effective 21st August, 1942. Posted to Recruit Coy. (Quota.) Category "A-2".

F.66046 Pte. THEBEAU, Joseph Marc (M) (R.C.)

(k) The undermentioned having been attested by B.R.O. New Glasgow, N. S., is taken on strength No. 6 District Depot, C.A., effective 21st August, 1942. Posted to Recruit Coy. (Quota.) Category "A-1".

F.65019 Pte. FARNELL, Frank Parker (S) (U.C.C.)

8. STRENGTH DECREASE.

(a) The undermentioned O.R. having been declared by a Court of Inquiry held the 18th August, 1942 to have been illegally absent from 1200 hrs., 21st July, 1942 to be still so absent and to have deficiencies of kit and equipment in the amount of $45.73 is struck off strength No. 6 District Depot, C.A. as a deserter, effective 18th August, 1942. Forfeits 29 days' pay under F.R. & I., for the C.A. 149(a).

F.29966 Pte. GALLIE, W.

9. CHANGE OF ADDRESS -- NEXT OF KIN.

(a) F.65631 A/L/Cpl. MILLS, G.N.

OLD ADDRESS: Mrs. Caroline Louise MILLS, (Mother.)
10 Copp Ave., Amherst, N. S.,

NEW ADDRESS: Mrs. Caroline Louise MILLS, (Mother.)
42 Chappell St., Dartmouth, N. S.,

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(TO PAGE FOUR.)

HEADQUARTERS COMPANY. (Continued.)

6. PUNISHMENTS. (Continued.)

(b) F.89776 Pte. MAC INTYRE, P. was on the 22nd August, 1942 awarded:--5 days' C.B. For:--Absent without leave from 1200 hrs., 20th August, 1942 until apprehended at 1540 hrs., 20th August, 1942 (Absent 3 hrs., 40 mins.) Missed a military duty which was placed on another soldier. Forfeits 1 day's pay under F.R. & I., for the C.A. 149-(1)-(b).

(c) F.45581 Pte. MAC NEIL, R.D. was on the 24th August, 1942 awarded:--21 days' detention. For:--Absent without leave from 2359 hrs 10th August, 1942 to 0700 hrs., 24th August, 1942. (Absent 13 days, 7 hrs., 1 min.) Forfeits 14 days' pay under F.R. & I., for the C.A. 149(a). Held in close arrest from 0700 hrs., 24th August, 1942 to 1100 hrs., 24th August, 1942. Total forfeiture of 35 days' pay.

RECRUIT COMPANY.

7. STRENGTH INCREASE.

(a) The undermentioned having been attested to the Active Force by No. 6 District Depot, C.A. are taken on strength No. 6 District Depot, C.A. from the N.R.M.A., effective 24th August, 1942. Posted to Recruit Coy. (Quota.) Category as shown.

F.66592 Pte. QUIGLEY, Charles Alvan Nelson	(M)	(U.C.C.)	"A-2"
F.66597 Pte. GERRIOR, Eugene Hubert	(S)	(R.C.)	"A-2"
F.75603 Pte. MAC LEAN, Angus Ronald	(S)	(U.C.C.)	"A-1"
F.75600 Pte. MAC CORMACK, Angus Leo	(S)	(R.C.)	"A-1"
F.66598 Pte. PARKER, Walter Ainsley	(S)	(Bapt)	"A-1"
F.66593 Pte. SAUNDERS, Clarence Sylvester	(M)	(Bapt)	"A-2"
F.75601 Pte. SIMMONS, George Wesley	(S)	(U.C.C.)	"A-2"
F.66599 Pte. TYNES, John Jacob	(S)	(Bapt)	"A-1"
F.66596 Pte. TIMMONS, William Edward	(S)	(R.C.)	"A-2"
F.75602 Pte. WAMBURTON, William Joseph	(S)	(R.C.)	"B-1"
F.66594 Pte. WILSON, Philip Gordon	(S)	(R.C.)	"B-1"

(b) The undermentioned having been attested to the Active Force by No. 6 District Depot, C.A. are taken on strength No. 6 District Depot, C.A. from the N.R.M.A., effective 24th August, 1942. Posted to Recruit Coy. (For No. 6 District Depot, C.A. Pay Office.) Category "B-1".

F.75604 Pte. WATT, John Westwood (S) (U.C.C.)

(c) The undermentioned having been attested by B.R.O. Truro, N. S., are taken on strength No. 6 District Depot, C.A., effective 21st August, 1942. Posted to Recruit Coy. (For No. 6 Det. R.C.A.S.C. C.A. Truro, N. S.) Category "C-1".

F.65830 Pte. BAIRD, Max Stanfield	(M)	(Bapt)
F.65828 Pte. MC LEAN, John Andrew	(S)	(Pres)

(d) The undermentioned having been attested by B.R.O. Truro, N. S., is taken on strength No. 6 District Depot, C.A., effective 21st August, 1942. Posted to Recruit Coy. (Quota.) Category "A-1".

F.65829 Pte. MOSHER, Kendall Arnold (S) (U.C.C.)

(e) The undermentioned having been attested by B.R.O. Sydney, N. S., is taken on strength No. 6 District Depot, C.A., effective 21st August, 1942. Posted to Recruit Coy. (For R.C.E. C.A.) Category "A-1".

F.32133 Pte. LEBLANC, Arsene Clement (S) (R.C.)

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25

"H" Sqn Headquarters

DAILY ORDERS

CERTIFIED TRUE COPY

Capt., Adjt.

No. 207,
Halifax, N. S.,
25th August, 1942.

PART ONE

PART II DAILY ORDERS BEARING DATE 24TH AUGUST 1942.

SECTION "A"
STRICKEN

For T.O.S entry
H 6272 re Hardy, J.P.
see Page 4, Para IX (b)

1. QUARTERS.

(a) The undermentioned Officer is attached to No. 6 Vocational Training School, Military District No. 6 for quarters, effective 24th August, 1942.

Major J.F. MAC MILLAN,

SECTION "B"
OTHER RANKS

HEAD QUARTERS COMPANY.

1. STRENGTH DECREASE.

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to 16th Coast Regt. R.C.A.C.A., for all purposes except pay, effective 24th August, 1942 and for pay purposes, effective 18th August, 1942.

F.97461 Pte. MUGEE, G.E.

2. REVERSION.

(a) The undermentioned O.R. reverts to the rank of Private, effective 18th August, 1942.

F.97461 Pte. (A/Cpl.) MUGEE, G.E.

3. BIRTH.

(a) F.30446 Cpl. WALSH, W.M.

DAUGHTER: Mary Evelyn Walsh (2nd Child.)
BORN: 12th July, 1942.
BORN AT: Springhill, Cumb. Co., N. S.

4. FURLOUGH.

(a) The undermentioned O.R. granted furlough from 24th August, 1942 to 6th September, 1942, under the provisions of R.O. No. 699(b).

F.79540 Pte. JOHNES, H.

5. MEDICAL CATEGORY.

(a) The undermentioned O.R. having been medically boarded on the 12th August, 1942 is placed in Category "A-1".

F.80585 Pte. MC LEAN, J.
(Authority Medical Board approved by D.G.M.S.)

PUNISHMENTS.

(a) F.55053 Pte. LAYES, L.C. was on the 24th August, 1942 awarded:--5 days' C.B. For:--Absent without leave from 1200 hrs., 20th August, 1942 to 2110 hrs., 20th August, 1942. (Absent 9 hrs., 10 mins.) Forfeits 1 day's pay under F.R. & I., for the C.A. 149(a).

(TO PAGE TWO.)

14

PART II ORDERS #195 d/20th Aug 42 THE LAKE SUPERIOR REGT.(MOTOR) SHEET2

STRENGTH DECREASE(CONT'D)

(b) (cont'd)

H46547	Pte. HOLMES,	D.R.	H.Q.	Coy.
H45063	Pte. WILSON	P.H.	"A"	Coy.
H46272	Pte. HARASYMIW	P.	"A"	Coy.
H46007	Pte. ROSS	J.W.	"A"	Coy.
H45914	Pte. LECLAIRE	N.	"D"	Coy.
H45634	Pte. SOLOMON	R.	"D"	Coy.
H46603	Pte. WYNNE	P.N.	"D"	Coy.
H46207	Pte. DELORME	M.	"B"	Coy.
H46580	Pte. CONNELLY	G.J.F.	"A"	Coy.
H46528	Pte. McCOLLUM	L.G.	"D"	Coy.

(W.R. ROGERS) CAPT. & ADJUTANT
THE LAKE SUPERIOR REGT.(MOTOR)

Sec 3

21

"G"

PART II ORDERS

by

Major J.E.V. Murrell

Debert Military Camp, N.S.
20th Aug 42

CERTIFIED TRUE COPY
..Capt.,Adjt.,
No.6 District Depot,C.A.

No. 195 Last Order #194 d/19th August 42

SECTION "A" OFFICERS

1. PROMOTIONS AND APPOINTMENTS

Lieut. W.R. ROGERS, "Bn. H.Q." to be Adjutant and Acting Capt. Whilst employed as adjutant. Effective 6 May 42. Vice Acting Captain H.G. Dawson transferred to "D" Coy.

Lieut. W.R. SKINNER, "H.Q." Coy to be Captain, Effective 23 Feb 42 vice Major R.H. Neeland, D.S.O. transferred to O.T.C. Brockville.

Lieut. E.G. STYFFE, "B" Coy. to be Captain, Effective 23 Feb 42 vice Captain J.D. Morrison transferred to D.D. M.D. 10

Lieut. J.L. McCORMACK "H.Q." Coy. to be Lieutenant and Quartermaster Effective 6 May 42 vice Captain R.A. Bartley, M.M. E.D. transferred to D.D. M.D. 10.

(Authority for the above promotions: H.Q. 54-27-142-5 Pers 1B dated 17 Aug 42).

SECTION "B" OTHER RANKS

1. HOSPITAL ADMITTANCE

Admitted to Debert Military Hospital:

L36659 Pte. Kusch, C. "D" Coy. 1800 hrs 19 Aug 42.
H46004 Pte. Davis, G.C. "D" Coy. 1800 hrs 19 Aug 42.

2. ABSENT WITHOUT LEAVE

(a) Return from absent without leave:

H46447 Pte. KIMBALL, D.C. "B" Coy. 1645 Hrs 19 Aug 42.
H46557 Pte. CANTIN, R. "D" Coy. 1645 hrs 19 Aug 42.

3. STRENGTH INCREASE

The undermentioned Other Rank is Taken On Strength The Lake Superior Regt. (Motor) on transfer from D.D. M.D. 10 Effective 14 Aug 42. (Auth. D.D. M.D. 10 Part II Order No. 192 d/13 Aug 42 & W.44-B-4411 dated 3 Jul 42.) and posted to Coy as shown:

H45832 Pte. BAKER, F.G. H.Q. Coy.

4. STRENGTH DECREASE

(a) The undermentioned Other Ranks of the Lake Superior Regt. (Motor) Being in Debert Military Hospital from 1800 hrs 19 Aug 42, are Struck Off Strength for all purposes including pay on transfer to D.D. M.D. 6 Effective 19 Aug 42 (Authority 4AD/6-9-0 dated 15 Aug 42).

L36659 Pte. KUSCH, C. "D"Coy
H46004 Pte. DAVIS, G.C. "D" Coy.

(b) The undermentioned Other Ranks of the Lake Superior Regt. (Motor) being Absent Without Leqve at 1800 hrs 19 Aug 42 are S.O.S. for all purposes including pay on transfer to D.D. M.D. 6 Eff 19 Aug 42 (Authority 4AD/6-9-0 dated 15 Aug 42).

H45619 Pte. DODD W. "A" Coy.

16

X/ S. McK. Fraser
President

IN REPLY PLEASE QUOTE
No. H.H-1420

19

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, M.D. No.6,
Halifax, N.S., 9 November, 1942

CONFIDENTIAL

Lieut-Colonel S. McK. Fraser,
c/o O.C., No. 6 District Depot (CA)

District Court-Martial
H.46272, Pte. Peter Harasymiw,
No. 6 District Depot (CA)

Reference District Court-Martial convened for the trial of Pte. Peter Harasymiw, No. 6 District Depot (CA), to be held at No. 6 District Depot on Friday, 13th November, 1942 at 1000 hours.

2. The following substitution is made:-

After "Defending Officer" for "Lieut. L.R. Cox" read, "Lieut. R.E. Myers, No. 6 District Depot (CA)"

(F.J.NORTH) Lieut-Colonel,
A.A. & Q.M.G., M.D. No.6.
for (W.W.FOSTER) Brigadier,
D. O. C., M. D. No.6.

N.D. 98
15000M-3-42 (2466)
H.Q. 1772-101-23

/HRD

17

X S. McK. Fraser to be President

17

Orders by Brigadier W.W. Foster, D.S.O., V.D., Commanding

the Military District No. 6,

District Court-Martial
H 46272, Private Peter Harasymiw,
No. 6 District Depto (CA)

Halifax, N. S.,
November 5, 1942.

The detail of Officers as mentioned below will assemble

at No. 6 District Depot, Halifax, N.S. on Friday,

the 13th day of November, 1942 at 1000 hours.
for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Lieut.-Col. S. McK. Fraser, V.D., No. 6 District Depot (CA) is appointed President.

MEMBERS

The

Capt. J. Briggs, Lan. & Ren. Scot. Regt. (CA)

Lieut. E.F.A. Merchant, 1st Halifax Coast Regt., R.C.A. (CA)

WAITING MEMBERS

Lieut. E.L. McElmon, 1st Halifax Coast Regt., R.C.A. (CA)

~~JUDGE ADVOCATE~~

~~is hereby appointed~~

~~Judge Advocate~~

PROSECUTOR

Lieut. D.A. MacDonald, No. 6 District Depot (CA) ~~has been~~ (is hereby) appointed
Prosecutor

DEFENDING OFFICER

Lieut. L. R. Cox, No. 6 District Depot (CA) ~~has been~~ (is hereby) appointed
Defending Officer

The accused will be warned and all witnesses duly required to attend.

The O.C., No. 6 District Depot, will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D. No. 6,

Signed this 5th day of November, 1942.

F J North

(F.J. NORTH) LIEUT.-COL.,
A.A. & Q.M.G., M.D. NO. 6.
for (W.W. FOSTER) BRIGADIER,
D.O.C., M.D. NO. 6.

M.F.H. 220
A.F.A. 47
15M—8-41 (1781)
H.Q. 1772-39-564

18

16

F

Sentence

The Court sentence the accused No. H-46272 Private Peter Harasymiw, No. 6 District Depot, (CA) to undergo detention for six months and to be put under stoppages of pay until he has made good the sum of $36.72 in respect of the cost of apprehension and return to his unit.

Sentence.

Detention.

6 months.

Stoppages.

$36.72

Signed at Halifax, N.S., this 13th. day of November, 1942.

S. McK. Fraser

S. McK. FRASER,
Lieut.-Col.
No. 6 District Depot (CA).
President.

CONFIRMED

Signed at Halifax, N. S. this 19th day of November, 1942.

W. W. Foster

(W. W. FOSTER) Brigadier,
District Officer Commanding,
Military District No. 6

PROMULGATED AND EXTRACTS TAKEN at No. 6 District Depot, C.A., at Halifax, Nova Scotia, this 23rd. day of November, 1942.

L. H. Forden

.....Capt., Adjt.
No. 6 District Depot, C.A.

Extracts entered as No. 7223 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 4th day of Dec. 1942.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. H-46272 Private Peter Harasymiw, No. 6 District Depot, (CA) is not guilty of desertion, but is guilty of absence without leave, and the costs of apprehension are $36.72 instead of $45.97.

Sgd W

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

Sgd W

Lieut. D.A.MacDonald, No. 6 District Depot(CA)s duly sworn.

Evidence of character, &c.

Q. 37 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-37 Yes, I produce MFB-355 and MFM-6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y" and "Z", signed by the President, and annexed to the proceedings.

Q. 38 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-38 Yes.

Q. 39 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* 39. Yes.

Q. 40 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 40. Yes.

Sgd W

THE DEFENDING OFFICER DECLINED TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS RESUMES HIS SEAT.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Q. 41 *Question to the accused.* Do you wish to address the Court? *Answer.* 41. No Sir.

The Court is closed for the consideration of the sentence.

D--7.

THE WITNESS RESUMES HIS SEAT.

THE DEFENDING OFFICER HAS NO FURTHER WITNESSES.

The Defending Officer makes a closing address.
(See document marked "K" attached.)

The Prosecutor declines to make a closing address.

Q. 25 Did you ask to be paraded before your own Colonel?

A. 25 Yes Sir.

Q. 26 Was that refused?

A. 26 Yes Sir. It was refused by the Doctor. He said it could not be done.

CROSS-EXAMINED BY THE PROSECUTOR.

Q. 27 Where did you have these operations after you came out of the hospital?

A. 27 One in Debert and one in St.John, N.B.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q. 28 What is your category now?

A. 28 I never was reboarded since I came out of hospital.

Q. 29 You decided to take this leave because you were not paraded before the Commanding Officer?

A. 29 Yes Sir.

Q. 30 Why did you stay away 59 days?

A. 30 I was going to stay away three months but when I heard the unit was going Overseas I reported myself in.

Q. 31 Did you wear your uniform all the time you were away?

A. 31 Yes Sir.

Q. 32 Did you intend to come back to the unit of your own accord?

A. 32 Yes Sir. I surrendered myself.

Q. 33 Where?

A. 33 At Hornepayne, Ont.

Q. 34 How long have you been in the army?

A. 34 Two years and three months.

Q. 35 Did you at any time decide or get the idea in your head that you were going to evade service?

A. 35 No Sir.

Q. 36 It was your intention, after three months, to return to the unit?

A. 36 Yes Sir.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

First Witness for the Defence.

The Accused, No. H-46272 Private Peter Harasymiw, No. 6 District Depot, (CA), being duly sworn, is examined by the Defending Officer.

Q. 11 Why did you leave your unit?

A. 11 I was in the hospital for 10½ months and I was granted sick leave and the Doctor of the Lake Superior Regiment would not parade me before the Commanding Officer so I said the first chance I get I would take that leave myself.

Q. 12 Why were you in the hospital?

A. 12 I was in a truck accident at Sydney.

Q. 13 How many were killed in the accident?

A. 13 Two.

Q. 14 How many have died since?

A. 14 One.

Q. 15 How many besides you went to the hospital?

A. 15 Eighteen.

Q. 16 How long were you in the hospital?

A. 16 10½ months.

Q. 17 Would you mind showing the Court your leg?

A. 17 (The witness showed the Court his left leg).

Q. 18 How many operations did you have on that leg?

A. 18 Three.

Q. 19 When you were in the hospital who was the Medical Officer that recommended you for sick leave?

A. 19 Captain Selznick.

Q. 20 When you returned to your unit, did your own Medical Officer know of this recommendation?

A. 20 Yes Sir.

Q. 21 What did he do?

A. 21 I gave him that paper and he put it on the table and told me to report the next day.

Q. 22 Did you go back the next day?

A. 22 Yes Sir.

Q. 23 What happened then?

A. 23 He looked at my leg and put on excused duty.

Q. 24 Have you had any operations since you came out of the hospital?

A. 24 Two.

D

The prosecution is closed.

Defence

Q. 9 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 9 *Answer.* Yes Sir.

Q. 10 *Question.* Do you intend to call any other witness in your defence?

A. 10 *Answer.* No Sir.

~~[illegible]~~ ~~[illegible]~~. Brett

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(*Where any evidence is given for the defence.*)

Brett The evidence of the accused ~~[illegible]~~ Brett is recorded on a separate page (*see overleaf*).

(*Where the accused does not give evidence upon oath.*)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

Brett

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q. 4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A. 4 *Answer.* No Sir.

The prosecutor declines to make an opening address. ~~[illegible]~~ Brew ~~[illegible]~~ Brew ~~[illegible]~~. Brew

The prosecutor proceeds to call witnesses.

First witness for prosecution. } F-34952 A/S/Sgt. A.G.Gladwin, No. 6 District Depot, (CA)

being duly sworn, is examined by the prosecutor.

Q. 5 Will you identify yourself to the Court?

A. 5 I am A/S/Sgt. A.G.Gladwin. I am employed on the clerical staff in the legal office at No. 6 District Depot.

Q. 6 Do you recognize the accused?

A. 6 Yes Sir.

Q. 7 What evidence have you to present to the Court.

A. 7 I present the following documents.- The Lake Superior Regt. (Motor) Part 11 Orders No. 195. No. 6 District Depot, (CA), Daily Orders Part 11 No. 207. Form M.F.M. 215. Form M.F.B. 1481 for $36.72.

The Lake Superior Regt. (Motor) Part 11 Orders No. 195 is marked "G". No. 6 District Depot, (CA), Daily Orders Part 11 No. 207 is marked "H". Form M.F.M. 215 is marked "I". Form M.F.B. 1481 for $36.72 is marked "J". They are read, signed by the President, and attached to the proceedings.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

QUESTIONED BY THE COURT.

Q. 8 You say you know the accused, who is he?

A. 8 Pte. Harasymiw.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B)
THE WITNESS WITHDRAWS.
THE PROSECUTOR HAS NO FURTHER WITNESSES.

22 A-Dist-Transfer to Pundent

CHARGE SHEET

-o-

The accused, H.46272, Private Peter HARASYMIW, No.6 District Depot,CA., a soldier of the Canadian Army placed on active service is charged with:-

CHARGE
Section 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he

at Debert, Nova Scotia, on the 19th day of August, 1942 absented himself without leave from The Lake Superior Regiment (Motor) at 1800 hours on the said 19th day of August,1942 till apprehended by the Civil Power at Hornpayne, Ontario, at 2300 hours on the 17th day of October,1942 dressed in uniform. Costs of apprehension and return to his unit, $45.97.

D A Guildford

Halifax, Nova Scotia.
3rd November,1942.

(D.A. Guildford) Lieut.-Col.,
COMMANDING, No.6 District Depot,CA.

To be tried by District Court-Martial.

F J North

(F.J. NORTH) LIEUT.-COL.,
A.A. & Q.M.G., M.D. NO. 6.,
for (W.W. FOSTER) BRIGADIER,
D.O.C., M.D. NO. 6.

Halifax, N.S.,
November 5, 1942.

25

MEDICAL OFFICER'S REPORT

I certify that No. M-59963 Gnr. Hlen, Adam James of No.10 District Depot in a [illegible] state of health, and [illegible] fit to undergo Trial by Court martial.

J. H. [illegible] Capt.
Medical Officer R.C.A.M.C., C.A.
Attached to The No. 10 District
Depot, C.A.

Station Winnipeg, Manitoba.

Date 13 November, 1942

M. F. B. 246
ESM—6-42 (4744)
H.Q. 1772-99-480

7223

IN REPLY PLEASE QUOTE
No. H-H-1420

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N.S., 25th Nov. 1942

Secretary,
Department of National Defence,
Ottawa, Ontario

CENTRAL REGISTRY Army
PERS. SEC.
NOV 28 1942
File
Chgd. to
Referred to

District Court-Martial
H.46272 Pte. P. Harasymiw
No. 6 District Depot, C.A.

Reference District Court-Martial convened for the trial of Pte. P. Harasymiw, No. 6 District Depot.

1. Attached are the proceedings of the Court for approval and safe custody.

2. The following irregularities have been called to the attention of the Officers concerned:

(a) The substantive rank of the 1st Witness should be stated followed by the acting rank in brackets.

P. S. Fielding
for
(W.W. FOSTER) Brigadier,
D. O. C., M.D. No. 6

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-267

27

Copy on 405-H-4443

H.Q. C.55-H-303
M.D. H-H-1420

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H-46272 Name HARASYMIW, P.

Rank Pte. Unit #6 District Depot, C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Date of Crime 19/8/42.

Date of Arrest 17/10/42. Charge. Signed 3/11/42.

Orders for D.C.M. D.O.C., M.D.#6.

Place and Date of Trial Halifax, N.S., 13/11/42.

Sentence Detention 6 months and stoppages $36.72.

Date of Confirmation 19/11/42.

Date of Promulgation 23/11/42.

Entered in Records of J.A.G. as No. 7223

Date 4/12/42.

MEMO Not guilty of desertion but is guilty of A.W.L.

W. G. Briggs, Lieut.
for Judge Advocate-General.

28

3M-12-42(M1754)

H.Q.C. 55-H-303 (JAG)

December 3, 1942.

DEC 27 1942
A. D.

District Officer Commanding,
Military District No. 6.,
Halifax, Nova Scotia.

RECEIVED
DEC 5 1942
A. D.

Re: DISTRICT COURT MARTIAL - H.46272
Pte. P. Harasymiw - No. 6
District Depot, C.A.

1. Receipt is acknowledged of your H-H-1420 dated November 25, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court Martial.

2. In addition to the irregularities mentioned in your letter the following have been observed in the proceedings.

(a) Form M.F.B. 1481 was not properly completed in that the officer who signed the same neglected to date the particulars and also neglected to strike out the inapplicable parts of the same as well as the inapplicable description after his signature. It is also preferable that this form should be completed in ink.

(b) The civilian constable who signed the certificate of apprehension should have set out what place he was Chief Constable of, so that it might appear on the same that he was in charge of the Police Station at Hornpayne, Ontario, or of what ever place the accused was taken into custody.

(c) The medical officer who signed form M.F.B. 246 neglected to set out his Corps and Unit after his signature and rank.

10/12/42
[illegible]

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

HFGB/jg

29

AIR MAIL

H.Q. 7-98-7 Vol. 5
(A.D.2b)

H.Q.C.55-H-303
H.Q.405-H-4443.

20th January, 1943.

District Officer Commanding,
Military District No.6,
Halifax, N.S.

Court of Inquiry - Loss of Pistol L.932027
H-46272 Pte. HARASYMIW, P.
Lake Superior Regt.(M)

With reference to the marginally noted matter I am enclosing herewith the proceedings of the Court of Inquiry which have been received from Canmilitry.

2. This soldier was tried by District Court-Martial at Halifax on the 13th November, 1942 and found guilty of being absent without leave and sentenced to six months' detention and placed under stoppages of pay in the sum of $36.72, being the cost of apprehension.

3. It is considered that disciplinary action should be taken against this soldier by way of a charge under Section 24(2) of the Army Act for the loss of the marginally noted pistol, which charge should embody the making good of the value of the pistol. In the event that there is not sufficient evidence available in your District to warrant proceeding with this charge, please advise.

H

(H.F.G. Letson),
Major-General,
Adjutant-General.

Enc.
JLF/EML

30

CONFIDENTIAL

AIR MAIL

H.Q.C.55-H-303
H.Q.7-98-7 Vol.5
H.Q.405-H-4443
(A.D.2b)

OTTAWA, Ont. 23rd February, 3.

District Officer Commanding,
Military District No. 6,
HALIFAX, N.S.

Court of Inquiry - Loss of Pistol L.932027
H/46272, Pte. P. Maresymiw,
Lake Superior Regt. (M)

1. With reference to your H.1420 dated the 2nd February, 1943, and this Headquarters' letter numbered as above and dated the 20th January, 1943,-

2. May a report be forwarded as to the outcome of the action taken in connection with the loss of the pistol.

(H.F.G. Letson),
Major-General,
Adjutant-General.

31

JLF/AMcC

112002

IN REPLY PLEASE QUOTE
No. H.H-1420

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N.S. 4 March 1943

CENTRAL REGISTRY Army
CONF. SEC.
MAR 8 1943
File C 55-H-303
Chgd. to
Referred to A D

The Secretary,
Dept. of National Defence,
Ottawa, Ontario.

Court of Inquiry
Loss of Pistol L.932027
H/46272 - Pte. Harasymiv.

Reference H.Q.C.55-H-303 H.Q.7-98-7 Vol.5 H.Q.405-H-4443 (A.D.2b) dated 23 Feb. '43.

1. The Officer Commanding, No. 6 District Depot advises that action in connection with the loss of the m/n pistol is being withheld until such time as the m/n soldier is released from the term of detention he is now serving, when a charge in connection with this loss will be laid.

P. S. Fielding
for

(D.A.WHITE)Brigadier,
D.O.C., M.D.No.6

/MH

2 copies
405 H 4443
C 55-H 303

32

MAT. DEF. B. 440
1 Million—10-42 (8656)
H.Q. 1772-94-767

Judge Advocate-General

7-98-7 Vol. 5 (A.D.2b)

March 17th, 1943.

Court of Inquiry - Loss of Pistol L.032027
H.46272, Pte. P. MARASYMIW
Lake Superior Regt. (M)

The marginally noted soldier was tried by District Court-Martial at Halifax on the 13th November 1942 on a charge of desertion. He was found not guilty of desertion but guilty of absence without leave and was sentenced to six months detention.

2. On the 2nd November 1942, Cammilitary forwarded a Court of Inquiry in respect to loss of a pistol, the value of which, it was decided, should be recovered from this soldier.

3. The proceedings of the Court of Inquiry have been forwarded to the D.O.C., M.D. 6.

4. These proceedings disclose that Pte. Marasymiw was issued with this pistol and on his return from his absence was unable to produce the same.

5. On the 20th January 1943 this Directorate directed that disciplinary action be taken against this soldier by way of a charge under Section 24 (2) of the Army Act for loss of pistol, which charge was to embody the making good of the value of the pistol (see folio 55).

6. On the 4th March 1943 the D.O.C., M.D. 6 advised that disciplinary action was being withheld until the soldier's release from his term of detention.

7. Your opinion is requested in respect to the following:-

(a) Under the circumstances, is there any objection to the charge under Section 24 (2) being laid against this soldier.

(b) If there is no objection, is there any necessity to withhold the taking of disciplinary action pending the completion of his sentence and conviction of absence without leave.

8. H.Q.C.55-H-303 and H.Q.405-H-4443 are passed herewith.

Colonel,
D. of Admin.

33

JLF/DM

MEMORANDUM.

To: D. of Admin. (A.D.Zb).

DEPT. of NATIONAL DEFENCE.

H.Q.7-98-7 Vol. 5
H.Q.405-H-4443 & H.Q.C.55-H-30

OTTAWA, March 19th, 1943.

Re: COURT OF INQUIRY - Loss of Pistol L.932027
H.46272, Pte. P. Harasymiw,
Lake Superior Regt. (M)

Reference your memorandum March 17th, 1943, hereunder.

2. Under the circumstances, I see no objection to the charge under Section 24(2) being laid against this soldier. Paragraph 538, K.R.(Can.), very strictly interpreted, would appear to be against the view I have expressed, but it is thought that the meaning of the said paragraph should not be so extended that in every case where a soldier has been tried by a Court-Martial on a charge of desertion, he cannot be charged ever afterwards for deficiencies, under Army Act, Section 24(2). I consider that the said paragraph should be more liberally interpreted to mean that where it is proposed to charge a soldier with desertion and also with loss of kit, under Section 24(2) aforesaid, that the said charges should be disposed of at the same time by the Court-Martial, rather than separately. I do not think that it was ever intended that in all cases where a soldier has been charged with desertion before a Court-Martial, and not with a charge under Section 24(2), that such latter charge can never be again laid covering the loss of articles of which the accused may have been deficient either before, during or after the desertion.

3. I see no necessity to withhold the taking of disciplinary action pending the completion of the sentence being presently undergone by the accused. K.R.(Can.), para. 591 provides that a soldier undergoing a sentence by Court-Martial may be removed from the place where he is undergoing detention in order to be brought before a Military Court for trial.

Brigadier,
Judge Advocate-General.

KBB/S.

34

H.Q.C. 55-H-303.
H.Q. 405-H-4443
H.Q. 7-98-7 Vol.5
(A.D. 2b)

AIR MAIL

30th March 1943.

District Officer Commanding,
Military District No. 6,
Halifax, N.S.

Court of Inquiry - Loss of Pistol No.[illegible]
H. 46272 Pte. Harasymiv.

With reference to your H.B-1430, dated 4th March, 1943, -

2. It is considered that there is no necessity of withholding the taking of disciplinary action pending the completion of the sentence being presently undergone by this soldier. In this connection your attention is directed to paragraph 591 of K.R.(Canada).

3. May a report be furnished on to the outcome of this action.

(H.F.G. Letson),
Major-General,
Adjutant-General.

JLF/[illegible]

CONFIDENTIAL

AIR MAIL.

H.Q.C.55-N-303 (A.D.3b)

OTTAWA, Ontario, 20th April, 3.

District Officer Commanding,
Military District No. 6,
HALIFAX, N.S.

Court of Inquiry - Loss of Pistol No.232027
H.46272 Pte. HARASYMIW, P.

Reference this Headquarters' letter numbered as above dated 30th March, 1943.

2. May the report requested therein as to the outcome of the disciplinary action be now forwarded.

(H.F.G. Letson),
Major-General,
Adjutant-General.

JLF.EF

37

123760

IN REPLY PLEASE QUOTE
No. H.1420

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, M.D. No. 6,
Halifax, N.S., 28 APRIL 1943.

UNCLASSIFIED
CONF. SEC.
1949
File CSS-H-262
Chgd. to
Referred to AF

The Secretary,
Department of National Defence,
Ottawa, Ontario.

Court of Inquiry - Loss of Pistol No.938027
H.46272 Pte. HARASYMIW, P.

Reference your H.Q.C.55-H.303 (A.D.3b) dated 20 April 43.

1. It is not now intended to take disciplinary action against the marginally noted soldier as upon his release from detention, he had turned in his pistol to an officer in the Embarkation Unit.

2. This pistol is, at present, in possession of No. 6 District Depot and is being returned to Ordnance.

(D.A. WHITE) Brigadier
DISTRICT OFFICER COMMANDING
Military District No.6

/DPH

N.D. 25
1 500M—7-42 (5219)
H.Q. 5772-101-23

HQ.7-98-7Vol.3003.A.
H.Q.C.55-H-303
H.Q. 405-H-4443
60/HARASYMIW P.
(A.G. 5b)

OTTAWA, 11th June, 3.

Senior Officer,
Canadian Military Headquarters,
LONDON, England.

Court of Inquiry - Loss of Pistol L.932027
H-46272 Pte. Harasymiw, P.
Lake Sup R (M)

1. With reference to your letter dated 2nd November, 1942 and the copy of the proceedings of the Court of Inquiry received therewith, also your letter dated 4th May, 1943, I am directed to inform you that the .38" Smith and Wesson pistol in question has been recovered.

2. The copy of the proceedings is returned.

Sgd.
J.V. Shepherd
Brig.

for Master-General of the Ordnance.

131168

H.R.1420

Halifax, May 31, 1943

CENTRAL REGISTRY Army
CONF. SEC.
MAY 31 1943
File C3-3-4-303
Chgd. to AD 31-5-43
Referred to AD

P.A.

Dept. of Defence.

Court of Inquiry Loss of Pistol
932027
H.46272 Pte. Narasymiew, P.
Lake Superior Regt.

Ref. HQ.C.55-303, 405-H-4443 and 7-98-7 v.5 A.D. 2b 4-30 Mar. and 20 Apr. and my letter 4-28 May.

The copy of proceedings of Court of Inquiry is returned in order that the endorsement on the proceedings may be changed as the revolver has been recovered and is being handed to D.O.O.

E.A. White, Brig.
J.G. M.D.6.

RECEIVED
JUN 1 1943
RANKS
AD2B

MF please
AD2b

copy on 7-9-8-7

Adopt.

H.Q.C. 55-H-304 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL -

H-530627 PTE. JOHN HOLUB

ATTD. A-15 C.I.T.C., C.A.

DEAD

CONFIDENTIAL
H.Q.C.55-H-304

CENTRAL REGISTRY	DATE	P.A. OR S.P.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				J.A.G.	With Papers	CR	6/12/42
DEC 1 1 1942	5/12/42	Pa	Papers	A.D.	Note PPA	Sl's	8/12/42
DEC 1 8 1942	8/12/42	P.A.	S.Ore	J.A.G.	Re Reference DEC 16 1942		
				J.A.G.	With Papers C.R. MAY 11 1943		
MAY 1 5 1943				J.C.M.	To note	H.V.B.	14/5/43
MAY 1 7 1943	14/5/43	P.A.	Ax SB	A.D.	To Note & pa.	S.Ore	17/5/43

NOTICE

1. Files should be examined no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to keep it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see it.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the number of the number.

PASS THIS FILE IN ENVELOPE

Original on

H.Q.C.55-[illegible]
M.D.W.44-[illegible]

MEMORANDUM - DISTRICT COURT-MARTIAL

No H.530627 Name HOLUB, J.

Rank Pte. Unit A.15 C.I.T.C. CA

Charge SEC. 15(1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 25/3/43

Date of Arrest 3/4/43 Charge. Signed 21/4/43

Orders for D.C.M. D.O.C. M.D. #10

Place and Date of Trial Shilo Camp, Man. 29/4/43

Sentence DETENTION 90 DAYS STOPPAGES $5.35

Date of Confirmation 4/5/43

Date of Promulgation 5/4/43

Entered in Records of J.A.G. as No. 8581

Date 12/5/43

MEMO

K.F.J. Bridges, Capt.
for Judge Advocate-General

SM-3-43-(MO-2114)

H.Q.C.55-H-304(JAG)

May 14, 1943.

Assistant Judge Advocate-General,
Military District No. 10,
Winnipeg, Manitoba.

District Court-Martial
H.550827, Pte. John Holub

Receipt is acknowledged of your W.44-H-3136 (J), dated 7th May, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. It is observed that in the proceedings there is no evidence of continued absence. Only one witness was called for the prosecution and he stated that at approximately 0600 hours on the 25th March, 1943, he called the roll and found accused to be absent from his quarters. There was no documentary evidence, such as a Part II Order, to show that the accused was absent any other time than the time mentioned by the witness. Fortunately, the accused went on the stand and in giving his own evidence admitted his continued absence. It should be borne in mind that in cases of absence without leave, it is necessary to prove the beginning of the absence, the termination of the absence, and also that there was continued absence for some time in between.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

Noted generally
17 May 43. I.C.M.

ZFGB.F

H.Q.C.55-H-304
M.D.W.44-H-3136

MEMORANDUM - DISTRICT COURT-MARTIAL

No H.530627 Name HOLUB, J.

Rank Pte. Unit A.15 C.I.T.C. CA

Charge SEC. 15(1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 25/3/43

Date of Arrest 3/4/43 Charge Signed 21/4/43

Orders for D.C.M. D.O.C. M.D. #10

Place and Date of Trial Shilo Camp, Man. 29/4/43

Sentence DETENTION 90 DAYS STOPPAGES $5.35

Date of Confirmation 4/5/43

Date of Promulgation 5/4/43

Entered in Records of J.A.G. as No. 8581

Date 12/5/43

MEMO

H. F. G. Bridges, Capt.
for Judge Advocate General

3M-3-43-(WO-2114)

IN REPLY PLEASE QUOTE
No. N.44-M-3136 (J)

126126

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Winnipeg, Manitoba. May 7th 1943.

MAY 10 1943
File 3-21-204
Chgd. to
Referred to

Judge Advocate-General,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
H.530627, Pte. John Holub.

Forwarded herewith, for registration and custody, are the proceedings of the marginally-noted District Court-Martial.

(R.L. McQuarrie) Major,
Assistant Judge Advocate-General,
M. D. No.10.

WHA/VEA
Enc.

N.D. 28
2 Mil.—11-42 (7239)
H.Q. 1772-101-23

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Headquarters, Shilo Camp, Manitoba on the 29th day of April, 1943 by order of Brigadier R.A. Macfarlane, D.S.O., District Officer Commanding Military District No. 10. dated the 27th day of April, 1943.

President.
Major R. Harrison,
No. 10 District Depot, C.A.

Members.
Captain V.C. Anderson, M.C.,
A15 Canadian Infantry Training Centre, C.A.

Lieutenant G.C. Leckie,
A3 Canadian Artillery Training Centre, C.A.

~~Judge Advocate~~

Trial of* No. H.530627, Private John Holub, A15 Canadian Infantry Training Centre, C.A.

The order convening the Court, the charge-sheet and the summary ~~or abstract~~ of evidence are laid before the Court.

~~The Court satisfy themselves that xxxxxxxxxxxxxxxx is not available xxxxxxxxxxx~~

~~, waiting member takes his place as a member of the Court.~~

~~The Court satisfy themselves as provided by Rules of Procedure 22 and 23~~

The accused is brought before the Court.

Prosecutor,† Captain C.H. Tait, No. 10 District Depot, C.A.
~~Counsel or~~ defending officer† Lieutenant J.C. Kirby, "B" Coy., A15 Cdn. Inf. Training Centre, C.A.

at 10 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q. 1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A 1 No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
50M—7-42 (5387)
H.Q. 1772-30-224

2

B

The President, members and judge-advocate are duly sworn.

For Minute of Adjournment and Re-assembly see document marked 'C' detailed by A3 C.A.T.C. Part I Order No. 102 dated 28 April 1943 and A15 C.I.T.C. Part I Order No. 100 dated 28 April 1943, marked X-1 & X-2 att'd.

The following officers under instruction are duly sworn.

Lieut. F.A. Goodman, A3 C.A.T.C., C.A.
P/2/Lt. R.J. Perazzo, A3 C.A.T.C., C.A.
Lt. E.A. Fowle, A15 C.I.T.C., C.A.
Lt. N.J. Burnside, A15 C.I.T.C., C.A.

Q. 2 Do you object to Victoria Blackner, Fairfield Avenue, Old Kildonan, Man., acting as shorthand writer.

A. 2 No, sir.

Victoria Blackner, Fairfield Avenue, Old Kildonan, Man., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the charge in the above-mentioned charge-sheet.

Q. 3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A. 3 Not guilty, sir. *Answer.*

Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

CHARGE SHEET

The accused, No. H.530627 Private John HOLUB, A.15 Canadian Infantry Training Centre, C.A., a soldier of the Canadian Army, is charged with:

CHARGE
Section 15 (1)
Army Act

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Shilo Camp, Manitoba, at 0600 hours, 25 March, 1943, absented himself from A.15 Canadian Infantry Training Centre, C.A., until he was apprehended by military authorities at Winnipeg, Manitoba, at 1000 hours, 3 April, 1943, dressed in military uniform.

Cost of apprehension and return to his Unit - $5.35.

R.L. Mitchell

(R.L. Mitchell) Colonel,
Commandant,
A.15 Canadian Infantry Training Centre, C.A.

Shilo Camp, Manitoba,
21 April, 1943.

TO BE TRIED BY A DISTRICT COURT-MARTIAL

H.R. Rocke Lt Col.
A A & Q.M.G. MD 10

(R.A. Macfarlane) Brigadier,
District Officer Commanding,
Military District No. 10.

Winnipeg, Manitoba,
27 April, 1943.

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q. 4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A 4 No, sir.

The prosecutor declines to make an opening address ~~[hands in a written address which is read, marked xxxxxxx, signed by the President, and attached to the proceedings]~~.

The prosecutor proceeds to call witnesses.

First witness for prosecution. } No. H.21097, Corporal Lloyd Orville Lundquist, A15 Canadian Infantry Training Centre, C.A.

being duly sworn, is examined by the prosecutor.

Q. 5 What is your number, rank, and name.

A. 5 H.21097, Corporal Lundquist, L.O., "D" Company, A15 Canadian Infantry Training Centre, C.A.

Q. 6 What are your duties with A15 Training Centre.

A. 6 I am Instructional Corporal, sir.

Q. 7 Do you know the accused, No. H.530627, Private John Holub.

A. 7 Yes, sir.

Q. 8 Do you see him in this room.

A. 8 Yes, sir. He is standing between the escorts.

Q. 9 On the 25th day of March, 1943, certain occurrences took place. Will you tell the Court what they were.

A. 9 At Shilo Camp, at approximately 0600 hours, on the 25th March, 1943, I called the Roll Call and found the accused to be absent from his quarters. I was acting in the capacity of Company Orderly Corporal.

Q. 10 What Roll did you call.

A. 10 Reveille Roll, sir, at approximately 0600 hours.

Q. 11 Of what Unit.

A. 11 "D" Coy., A15 C.I.T.C.

Q. 12 Was the accused a member of that Company.

A. 12 Yes, sir.

Q. 13 I produce to you a document. What is it.

A. 13 M.F.M. 216 in relation to the accused.

M.F.M. 216 is read, marked " H ", signed by the President and attached to the proceedings.

Q. 14 I produce to you another document. What is it.

A. 14 It is an M.F.B. 1481 in relation to the accused.

M.F.B. 1481 is read, marked " I ", signed by the President, and attached to the proceedings.

Q. 15 I produce another document. What is that.

A. 15 It is an M.F.B. 1482 also relating to the accused.

M.F.B. 1482 is read, marked " J ", signed by the President and attached to the proceedings.

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The witness withdraws.

The Prosecution have no further witnesses.

The Prosecution is closed.

D

~~The prosecution is closed.~~

Defence

Question to the accused. Q. 16 Do you apply to give evidence yourself as a witness?

Answer. A. 16 Yes, sir.

Question. Q. 17 Do you intend to call any other witness in your defence?

Answer. A. 17 Yes, sir.

Question. Q. 18 Is he a witness as to character only? *Answer.* A. 18 No, sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence ~~including witnesses as to character~~) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

D 3

FIRST WITNESS for the DEFENCE — No. H.530627, Private John Holub, A15 Canadian Infantry Training Centre, C.A., being duly sworn, is examined by the Defending Officer:

Q. 19 — What is your number, rank and name.

A. 19 — H.530627, Private John Holub.

Q. 20 — When did you go absent.

A. 20 — I went absent.....I don't remember the day, sir.

Q. 21 — I suggest March 25th, Thursday.

A. 21 — Yes, sir.

Q. 22 — What time of the day was it.

A. 22 — In the morning, sir.

Q. 23 — About what time.

A. 23 — I took the morning train. It was about 4:28.

Q. 24 — Where did you go.

A. 24 — Straight home.

Q. 25 — Where is your home.

A. 25 — In Winnipeg, sir.

Q. 26 — Did you have a pass which permitted you to go to Winnipeg.

A. 26 — No, sir.

Q. 27 — You were absent for how long.

A. 27 — When I went home I stayed home until the military police came and got me.

Q. 28 — How long was that.

A. 28 — I think it was nine days.

Q. 29 — You say the Provost apprehended you.

A. 29 — Yes, sir.

Q. 30 — Where were you at the time you were apprehended.

A. 30 — I was home in bed.

Q. 31 — Why were you in bed.

A. 31 — Because I was sick, sir.

Q. 32 — What was ailing you.

A. 32 — My high blood pressure, sir.

Q. 33 — You have high blood pressure.

A. 33 — Yes, sir.

Q. 34 How does it effect you.

A. 34 When I do heavy work my heart pains me. I have dizziness and fast pulse.

Q. 35 How long have you been afflicted with this trouble.

A. 35 Since acout 1937 or 38, sir.

Q. 36 How long have you been in the Army.

A. 36 Thirteen months....around that.

Q. 37 During all this time you have been afflicted with some illness.

A. 37 Yes, sir, I had it right along.

Q. 38 In you civil life when you were afflicted with this ailment did you ever go to a doctor.

A. 38 Yes, sir, I went to two doctors.

Q. 39 Did they do any good. Did they give you any treatment.

A. 39 The only thing was they always checked on blood pressure. The only thing they told me was to quit smoking, do no drinking and to take everything easy.

Q. 40 Did that do any good.

A. 40 Well if I didn't do any hard work, it wasn't so bad.

Q. 41 What were the doctors names.

A. 41 Doctor McTavish and Doctor Duncan of Winnipeg.

Q. 42 During your time in the Army, did you ever attend the M.O. for your trouble.

A. 42 Yes, sir.

Q. 43 How long have you been in Shilo.

A. 43 It's going to be a year next month, the 11th of May.

Q. 44 How many times on the average did you see the M.O. at Shilo regarding your illness.

A. 44 I went right along. Major Lewis and the Medical Officers kept changing.

Q. 45 Can you give me a rough estimate of how many times a month you did go to the M.O.

A. 45 Two or maybe three times a month, sir.

Q. 46 Two or three times a month. Did you get any treatment.

A. 46 I used to get pills.

Q. 47 Were you at any other Training Centre before you came to Shilo.

A. 47 Yes, sir. I was at Portage la Prairie and at Winnipeg.

Q. 48 Was Portage la Prairie the first place.

A. 48 Yes, sir.

Q. 49 While at Portage la Prairie, did you attend the M.O. there.

A. 49 Yes, sir, I did.

Q. 50 How often did you attend the M.O. there.

A. 50 I was going to the M.O. more steady there. Maybe two or three times a week.

Q. 51 What treatment were you given.

A. 51 No treatment. Now and then they would give me something to drink.

Q. 52 What Training Centre did you attend after Portage.

A. 52 Fort Osborne Barracks, sir.

Q. 53 Did you see the M.O. there.

A. 53 Yes, sir.

Q. 54 What happened there.

A. 54 It was Major Lewis there. We were drafted to Fort Osborne so I was seeing the same M.O.

Q. 55 On the average how many times did you attend the M.O. there.

A. 55 I think I went three times. I wasn't there very long. I was there two or three weeks in Winnipeg, that's all.

Q. 56 When was the last time you attend the M.O. here at Shilo before you went absent.

A. 56 About a week or a week and a half before I went.

Q. 57 Did you get any treatments.

A. 57 No, sir. The last time I got pills.

Q. 58 I am talking about the time before you left.

A. 58 Yes, sir. I got some pills and I signed my name for them.

Q. 59 Why did you go home.

A. 59 Because I was sick, sir. Everytime I went to the M.O. it was either pills or back to light duty or something like that.

Q. 60 What purpose did you think going home would serve.

A. 60 I wanted to go home to rest up. I wanted to go and see a civilian doctor. That was my real idea to get home.

Q. 61 Did you see a civilian doctor.

A. 61 No, I didn't.

Q. 62 Why did you not see him.

A. 62 Because my dad said there would be nothing but trouble, and that a civilian doctor would not even take up my case because I was in the Army.

Q. 63 What did you do when you were absent.

A. 63 I stayed in bed most of the time.

Q. 64 What was your trade or occupation in civilian life before you joined the Army.

A. 64 I work for Ogilvie Flour Mills.

Q. 65 What was your job there.

A. 65 I was in a truck all over the mill, just wherever they wanted me.

Q. 66 How long did you work.

A. 66 I was with the mill for seven months but I didn't work steady. I only worked about three and a half months only because of my illness.

Q. 67 Did you ever have any trouble while on route marches.

A. 67 Yes, sir. I was brought back from route marches by truck.

Q. 68 Did you ever go absent before for the same reason.

A. 68 Yes, sir.

Q. 69 From where did you go absent.

A. 69 It was from Fort Osborne Barracks, sir.

Q. 70 Approximately, how long ago was that.

A. 70 About a year ago. Anywhere from eleven months to a year.

Q. 71 You went A.W.L. for the same reason.

A. 71 Yes, sir.

Q. 72 What happened then.

A. 72 I went A.W.L. and I went to see a civilian doctor.

Q. 73 What was the doctor's name.

A. 73 Doctor Novak.

Q. 74 What did he do.

A. 74 He told me he couldn't handle me because the best thing I should do was see my doctor in the Army.

Q. 75 You say you went absent a second time while in the Army. What happened there.

A. 75 I came back and told them my reason for going A.W.L. and they didn't believe me.

D 9

Cross-examined by the Prosecutor.

Q. 76 How long have you had this high blood pressure.

A. 76 Since about 1937 or 38, sir.

Q. 77 When did you first find out it was high blood pressure.

A. 77 When I went to Dr. McTavish.

Q. 78 When did you last go on sick parade before you went absent without leave this time.

A. 78 A week and a half, sir, before I went.

Q. 79 What were you told at that time.

A. 79 When I went sick, I was told to sign my name for some pills, which I did and I got some pills and I was told the pills would help me sleep.

Q. 80 You didn' go sick again after that.

A. 80 No, sir.

Q. 81 Instead of that you went home.

A. 81 Yes, sir.

Q. 82 You didn't see a doctor while at home.

A. 82 No, sir.

Q. 83 When did you last see a civilian doctor.

A. 83 The last time was when I went to see Dr. Novak.

Q. 84 And he wouldn't treat you. Is that right.

A. 84 Yes, sir.

Q. 85 Because you were absent without leave at that time.

A. 85 Yes, sir.

Q. 86 Have you seen a doctor since you came back here.

A. 86 Yes, sir. When I came back I was put in the Guard Room Saturday and Sunday and went up before the Commanding Officer of A15 C.I.T.C., and he said "I will remand you for twenty-four hours just to see how sick you are". I was taken to the M.I.R., A15 C.I.T.C., and from there to the hospital. The Captain there looked at me and put me in the hospital for fifteen days in bed.

Q. 87 You were placed in hospital for further investigation.

A. 87 For fifteen days in bed.

Q. 88 For further investigation.

A. 88 I don't know whether it was for further investigation.

Q. 89 You were placed in the hospital for fifteen days.

A. 89 Yes, sir.

The Defending Officer declines to re-examine.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B)

The witness resumes his seat.

SECOND WITNESS for the DEFENCE Lieutenant O.A. Schmidt, A15 Canadian Infantry Training Centre, C.A., attached to the Royal Canadian Army Medical Corps, C.A.

Q. 90 What is your rank, name, and unit, please.

A. 90 Lieutenant O.A. Schmidt, Assistant Medical Officer, A15 Canadian Infantry Training Centre, attached to the R.C.A.M.C.

Q. 91 What are your qualifications.

A. 91 I graduated in medicine from the University of Manitoba, in 1941. I am an M.D.

Q. 92 You have a Specialist Report of A15 C.I.T.C., concerning H.530627, Private John Holub.

A. 92 I have a report here, M.F.B. 313a.

BY THE PROSECUTOR: I would like to cross-examine before you submit that.

BY THE PRESIDENT: If you want to produce some report from the hospital that someone else has made, you will have to show it is evidence.

BY THE DEFENDING OFFICER: I maintain it is a regimental document referring to the accused.

BY THE PRESIDENT: Does that come under Section 163 of the Army Act.

BY THE DEFENDING OFFICER: I refer you to Section 163, sub-section (g) of the Army Act.

BY THE PRESIDENT: What is the number of the form.

BY THE DEFENDING OFFICER: M.F.B. 313a, a Case History Sheet.

BY THE PROSECUTOR: I submit that he has got to go further than to show it is a regimental document. I submit he has got to show it a true extract from a regimental book, with reference to K.R. (Can.) 1488 and R.O. 1877.

BY THE PRESIDENT: You see, the witness cannot read this document except to refresh his memory, provided he prepared it himself at the time.

BY THE DEFENDING OFFICER: I was taking it for granted that it was a regimental document.

BY THE PRESIDENT: In any case, I don't think this witness could produce it unless it is certified by the Officer i/c Records.

BY THE DEFENDING OFFICER: This document is certified a true copy by the Adjutant, sir.

BY THE PRESIDENT: Could you not call a witness from the hospital who could say what the accused was in the hospital for, and the length of time he was in, which would be first-hand evidence.

BY THE DEFENDING OFFICER: The doctor who could give evidence on that is presently at Brandon, sir, and is not available.

BY THE PRESIDENT: If you wish, the Court will adjourn to determine whether or not this document is admissible.

BY THE DEFENDING OFFICER: Then I wish for an adjournment, sir.

At 12:30 o'clock, p.m., on the 27th day of April, 1943, the Court adjourns until 2:00 o'clock, p.m., on the 27th day of April, 1943.

On the 27th day of April, 1943, at 2:00 o'clock, p.m., the Court re-assemble pursuant to adjournment; present the same members as on adjournment.

The Court is closed to consider their decision.

The Court disallow the document.

The Court is re-opened and the above decision is made known.

The Court proceeds with the trial.

BY THE DEFENDING OFFICER: Sir, because this document is not admissible, I would like to withdraw the witness, as I think his evidence would have no bearing on the case.

The Prosecutor declines to cross-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The witness withdraws.

The Defending Officer makes a Closing Address.
(See document marked " K ", attached.)

The Prosecutor declines to make a Closing Address.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused, No. H.530627, Private John Holub, A15 Canadian Infantry Training Centre, C.A., is guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, etc.

Captain C.H. Tait, No. 10 District Depot, C.A. is duly sworn.

Question by the President. Q. Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A. Yes, sir, I produce M.F.B. 355.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y, signed by the President, and annexed to the proceedings.

Question by the President. Q. Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A. Yes, sir.

Question. Q. Have you compared the contents of the above statement with the regimental books? *Answer.* A. Yes, sir.

Question. Q. Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A. Yes, sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The defending officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The witness resumes his seat.

Question to the accused. Q. Do you wish to address the Court? *Answer.* A. No, sir.

The defending officer speaks on behalf of the accused. (See document marked "L")

The Court is closed for the consideration of the sentence.

26

F

Sentence

The Court sentence the accused, No. H.530627, Private John Holub, A15 Canadian Infantry Training Centre, C.A., to undergo detention for ninety (90) days, and to be put under stoppages of pay until he has made good the sum of $5.35 in respect of the cost of his apprehension and return to his Unit.

Sentence.
Detention: 90 days
Stoppages: $5.35

Signed at Shilo Camp, Manitoba, this 29th day of April, 1943.

(H. Harrison) Major, President D.C.M.
No. 10 District Depot, C.A.

CONFIRMATION

Confirmed.

Signed at Winnipeg, Manitoba, this 4 day of May, 1943.

(R.A. Macfarlane) Brigadier,
District Officer Commanding,
Military District No. 10.

Extracts entered as No. 8581 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 12th day of May 1943.

PROMULGATION

Promulgated and Extracts taken at Shilo Camp, Manitoba, this 5th day of May, 1943.

for Officer i/c Documents,
A15 Canadian Infantry Training Centre, C.A.
Military District No. 10.

SHILO CAMP, Manitoba,
5 May, 1943.

X.

27

Orders by Brigadier R.A. Macfarlane, D.S.O., Commanding

the Military District No. 10.

District Court-Martial 27th April, 1943

The detail of Officers as mentioned below will assemble at Headquarters, Shilo Camp, Manitoba on Thursday, the 29th day of April, 1943 at 1000 hours, for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

No. H.15209, Private Charles James Fry, A20 Royal Canadian Army Service Corps (Advanced) Training Centre, C.A., attached to the A3 Canadian Artillery Training Centre, C.A.

PRESIDENT

Major R. Harrison, No. 10 District Depot, C.A., is appointed President.

MEMBERS

Captain V.C. Anderson, M.C., A15 Canadian Infantry Training Centre, C.A.

Lieutenant C.C. Leckie, A3 Canadian Artillery Training Centre, C.A.

WAITING MEMBERS

Major C.C. Boxer A15 Canadian Infantry Training Centre, C.A.

JUDGE-ADVOCATE HAK

[redacted] HAK

[redacted] HAK

PROSECUTOR

Captain C.H. Tait, No. 10 District Depot, C.A., has been (~~[illegible]~~) HAK appointed Prosecutor

DEFENDING OFFICER

Lieutenant J.C. Kirby, "B" Coy., A15 Cdn. Inf. Training Centre, C.A. has been (~~[illegible]~~) HAK appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, A3 Cdn. Art. Training Centre will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters, and the Officers Commanding, A3 Cdn. Art. Training Centre, C.A., and A15 Cdn. Inf. Training Centre, C.A., will detail, as may be convenient, two officers each to attend for instruction.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 10.

Signed this 27th day of April, 1943

H.H. Leckie Lt.Col.,
A.A. & Q.M.G., M.D. No. 10.

M.F.B. 220
A.F.A. 67
HM—1-43 ([illegible])
H.Q. 1772-D-104

XI

A3 CANADIAN ARTILLERY TRAINING CENTRE
PART I ORDER NO. 1 2
by
Lieut. Col. W.J. Finney, OBE, Temp. Commandant.
SHILO CAMP, Man. 28 Apr 43.

1. DETAIL OF DUTIES:

Camp Orderly Trumpeter.....29 Apr 43 Tptr Dyer, B.R.
Camp Orderly Officer.....29 Apr 43 2/Lt N.T. Haddow.
Camp Orderly Sergeant.....29 Apr 43 Sgt. Williamson
Regimental Orderly Officer.....29 Apr 43 Lt. E.T. Plosz.
Next for Duty.....30 Apr 43 Lt F.A. Goodman,
Regimental Orderly Sergeant.....29 Apr 43 Sgt Gaye, P.J.
Next for Duty.....30 Apr 43 Sgt MacFarlane, G.
Duty Battery.....29 Apr 43 "D" Battery.
Next Duty Battery.....30 Apr 43 "F" Battery.
Magazine Guard 1 Sgt 1 L/Bdr. 6 men.....29 Apr 43 "D" Battery.
Main Gate Picquet 1 Bdr 3 men.....29 Apr 43 "D" Battery.
Regimental Guard 1 Sgt 1 L/Bdr 12 men.....29 Apr 43 "D" Battery.
Y.M.C.A. Hut Fatigue 4 men.....29 Apr 43 "D" Battery.
Sal. Army Hut Fatigue 4 men.....29 Apr 43 "D" Battery.
K. of C. Hut Fatigue 2 men.....29 Apr 43 "D" Battery.
YMCA Police 1 L/Bdr 1 Gnr 1800-2200 hrs.....29 Apr 43 "D" Battery.

NOTE: The N.C.O. i/c YMCA Police will report to the Regt. Police Office prior to commencing his tour of duty.

2. PARADES:

See Part I Order No. 99 d/24 Apr 43 para.2.

3. TRANSFERS:

The undermentioned personnel are transferred from Batteries as indicated (Reinforcements) to "X" Battery:

From "A" Battery to "X" Battery: (Eff. 26 Apr 43.)

B44796 Gnr. Easlick, W.A.
L103486 Gnr. Soucy, L.P.M.
K66755 Gnr. Clements, R.C.
M104838 Gnr. Currie, A.R.
B17927 Gnr. Cybuchowski, J.
M105083 Gnr. Hill, C.R.
K46764 Gnr. King, E.A.
L100963 Gnr. Koliniak, N.
K48253 Gnr. Kopchiak, J.
L103295 Gnr. May, J.H.
L102970 Gnr. Pentland, M.A.
L103383 Gnr. Rapley, D.E.
K69316 Gnr. Reiffer, J.N.
L154517 Gnr. Tuschiensky, A.
M56832 Gnr. Skahl, N.A.
M105128 Gnr. Spencer, J.
L102695 Gnr. Stasiuk, W.
L103388 Gnr. Sweeney, W.J.
M105381 Gnr. Weiler, F.
L102700 Gnr. Wilson, J.W.

M610419 Gnr. Folke, F.

From "D" Battery to "X" Battery: (Eff. 24 Apr 43.)

L102351 Gnr. Harris, P.
K68824 Gnr. Johnson, D.
L103195 Gnr. Odegaard, W.T.
M105367 Gnr. Paish, A.N.
L102720 Gnr. Penfield, E.R.
L102312 Gnr. Ross, R.L.
L67461 Gnr. Salisbury, A.D.F.
K69791 Gnr. Uhrynowich, W.
L103432 Gnr. Voth, H.J.
B44790 Gnr. Wilson, J.E.
L102697 Gnr. Glasspoole, W.R.

H63922 Gnr. Chamberlain, C.J.....is transferred from the S. of I. (Signal Wing) to Training Wing "D" Battery, effective 28 Apr 43.

To Sheet "2"

Fine

A3 C.A.T.C Pt I #102 d/28 Apr 43.

Sheet "2"

4. DISTRICT COURT MARTIAL:

No. H15209 Pte. Charles James FRY, A20 Royal Canadian Army Service Corps (Advanced) Training Centre, C.A., attached to the A3 Canadian Artillery Training Centre, C.A.

1. The detail of Officers as mentioned below, will assemble at 1000 hours, on Thursday, the 29th day of April, 1943, at Headquarters, Shilo Camp, Manitoba, for the purpose of trying by District Court-Martial, the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major R. Harrison,
No. 10 District Depot, C.A.

MEMBER

Captain V.C. Anderson, M.C.
A15 Canadian Infantry Training Centre, C.A.

Lieut. G.C. Leckie,
A3 Canadian Artillery Training Centre, C.A.

WAITING MEMBER

Major C.C. Boxer,
A15 Canadian Infantry Training Centre, C.A.

2. The accused will be warned and all witnesses duly required to attend.

3. The proceedings will be forwarded to the A.A.G. & Q.M.G., M.D. 10.

4. Officers Commanding the undermentioned units will detail, as may be convenient, Officers to attend for instruction as follows:

A3 Canadian Artillery Training Centre, C.A.2
A15 Canadian Infantry Training Centre, C.A.2

The names of Officers selected, will be published in Unit Part I Orders, and three copies of such Part I Orders, duly certified by the Officer in charge of Records of such Units, shall be handed to the President one-half hour before the opening of the Court.

5. OFFICERS ATTENDING D.C.M.

The undermentioned Officers are detailed to attend, for instruction, the above mentioned Court Martial at 1000 hours 29 Apr 43.

Lieut. F.A. Goodman

P/2/Lt. R.J. Ferazzo

Certified True Copy
Lieut. CAC RCA
ADJUTANT
A3 CANADIAN ARTILLERY TRAINING CENTRE

To Sheet "3"

Lone

A3 C.A.C. Pt I A102 d/28 Apr 43.

Sheet "3"

6. POSTINGS:

The undermentioned personnel (Overseas Instructors) are posted to Wings & Batteries as indicated.

K7004 Sgt. Taylor, V.B. (S. of I.)
K92295 Sgt. Cant, A. (S. of I.) but attached to "D" Bty. T. Wing for duty.
12097 Sgt. Fraser, E.R. ("F" Battery, T. Wing)
M2100 Bdr. Handley, C.A. (T. Wing, "B" Battery.)
K6004 Bdr. Young, R. (T. Wing "D" Battery.)
G6141 (A/Bdr.) McKay, J.H. (T. Wing, "E" Battery.)

7. MEETING CANTEEN COMMITTEE:

A Special Meeting of the A3 Gunners Canteen Committee will be held Thursday 29 Apr 43 at 1000 hours in L15 (Band Room). All Batteries and Wings will be represented.

8. SPORTS:
VOLLEYBALL:

The following players will represent A3 C.A.C.T.C. in the District Volleyball Tournament at A4 C.A.C.T.C. tonight, Wednesday 28 Apr 43.

Sgt. Rapp, J.F.	Sgt. Abramovich, M.
Bdr. King, J.A.	Sgt. Davis, G.A.
Cadet Hagan, A.B.	Cadet Hollenberg, M.
Cadet Armour, J.V.	Sgt. [illegible], [illegible] (i/c Team)

The team leaves for Brandon at 1745 hours from the Sports Room Hut L15. First round to start at 1900 hours.

9. PAY PARADES:

Pay Parades for Thursday 29 Apr 43 will be held as follows:

Officers	Drill Hall	1200 hours,
Administrative Wing	Drill Hall	1500 hours,
"A" Battery	Drill Hall	1545 hours,
School of Instruction	Drill Hall	1600 hours,
"A" Battery	Drill Hall	1620 hours,
"B" Battery	Drill Hall	1635 hours,
"C" Battery	Drill Hall	1650 hours,
"D" Battery	Drill Hall	1710 hours,
"E" Battery	Drill Hall	1725 hours,
M.T. Wing	Drill Hall	1745 hours.

10. POSTINGS:

The Officers Taken On Strength in A3 Part II Order No. 103 d/24 Apr 43 para. 1 are posted to the School of Instruction eff 23 Apr 43.

11. ATTACHMENTS:

Lieut. J.R.R. Bergeron.....is attached to the School of Instruction, effective 22 Apr 43.

The Cadets Attached to A3 in Part II Order No. 103 d/24 Apr 43 para. 1 Sec. "B" are attached to the School of Instruction, effective 22 Apr 43.

To Sheet "4"

Fine

A3 CATC Pt I #102 d/28 Apr 43.

Sheet "4"

11. FOURTH VICTORY LOAN:

The attention of all ranks is drawn to a letter from the Minister of National Defence, which is published as appendix "A" to this order.

12. POSTING:

Lieut. G.G.H. McIsaac.....is posted to the School of Instruction, effective 19 Mar 43.

(W.H. DUDLEY) Capt. & Adjt.
A3 Can. Army Training Centre,
Shilo Camp, Manitoba.

JR

NOTICES

MOTION PICTURES A3 DRILL HALL:

WED & THURS. Apr 28th - 29th.

FEATURE: "WHITE CARGO" Walter Pidgeon, Hedy Lamarr, Richard Carlson "Early Bird Dood it", "Incredible Stranger" "Aqua Antics".

BASEBALL:

Representatives will meet from each Battery and Wing to form at least a four team leage. If interested and a good team is formed from these teams they will be entered in a Baseball Tournament on 5 May 43. Time 1900 hours - Place-Sports Room.

FOOTBALL (SOCCER)

A meeting of all players will be held Thursday in the Sports Room 29th April 1943 at 1830 hours to form an "A" and "B" team. First game will be next week against A15 CITC. Ground A15. Outside games will be played as soon as they "A" team has been picked.

APPENDIX "A" TO PART I Order #102 d/28 Apr 43:

OFFICE OF THE MINISTER OF NATIONAL DEFENCE

OTTAWA, 26th April, 1943.

TO ALL RANKS OF THE CANADIAN ARMY

The only worthwhile job today is helping to win the war. Every man and woman in the Canadian Army is concentrating on that task. We have no doubt as to eventual Victory, but that certainly can only be maintained by full-out determination and relentless effort.

You can be justifiable proud of serving your country in the uniform of the Army. The soldier who "saves while serving" is doing double duty. He or she is fighting Canada's battles to finish the war, and at the same time is preparing for a happy and useful return to civil life.

Most of you will be soldiers only for long enough to get this job done. Then you expect to take up life again as civilians. The Fourth Victory Loan opens on April 26th. Here you have another opportunity to speed the war and at the same time make an investment that will provide ready cash when the war is over. Victory Bonds pay double the bank rate of interest; they are readily turned into cash, if the need should arise and they are backed by the entire resources of Canada.

I urge upon all ranks of the Canadian Army the value of Victory Bonds. You may purchase for cash or in instalments or by assignments of pay.

As loyal citizens of Canada the Victory Loan is the Army's business.

(Sgd.) J.L. RALSTON

Minister of National Defence.

X 2

A15 CANADIAN INFANTRY TRAINING CENTRE

No. 100.

PART I ORDERS

By Lt.-Col. K. E. McCULLOCH
T/COMMANDANT

SHILO CAMP, Man.,
28 Apr 43.

V:V:V:V:V:V:V:V:V:V:V:V:V:V:V FOR VICTORY V:V:V:V:V:V:V:V:V:V:V:V:V:V:V

Last Order Issued: #99, 27 Apr 43.

1. DUTIES:

ORDERLY OFFRS.: Rgtl.: CAMP & Rgtl.:
Thu, 29 Apr 43: Lt. T.A.S. KING — "E" Coy.
Fri, 30 Apr 43: Lt. W.J. FENNY — "E" Coy.

ORDERLY SGTS.: Rgtl.: CAMP & Rgtl.:
Thu, 29 Apr 43: Sgt. BEAUDRY, V.O. — "D" Coy.
Fri, 30 Apr 43: To be supplied by — Admn Wing

ORDERLY CPLS.:
Thu, 29 Apr 43: Cpl. GEORGESON, W.K. — "E" Coy.
Fri, 30 Apr 43: To be supplied by — "A" Coy.

CANTEEN CPLS.:
Thu, 29 Apr 43: L/Cpl. ROBINSON, N.W. — att. S. of I.
Fri, 30 Apr 43: To be supplied by — Spec Coy

BUGLERS: Camp:
Fri, 30 Apr 43: To be supplied by — Admn Wing

DUTIES: Camp:
The Orderly Officer, Camp Orderly Sergeant, Camp Duty Bugler, Camp Magazine Guard and Gate Picquet, and Auxiliary Services Fatigues will be supplied by A15 C.I.T.C. from 0900 hrs., 30 Apr 43, until 0900 hrs., 7 May 43.

C.O.'s Orders will be held at 1000 hrs., 29 Apr 43.

2. ORDERS: As per Coy. Syllabi, Thu, 29 Apr 43.

3. TRNG.: It is again brought to the attention of all ranks that all ranges of all descriptions are Out of Bounds to all ranks unless on duty.

4. RANGES-UNEXPLODED PROJECTILES: Camp Ord.# 405, d/19 Apr 43.
Further all ranks are forbidden to pick up or in any way handle any projectile. Any so discovered will be indicated by some form of sign left adjacent and the matter reported to Camp Headquarters giving the approximate map reference and any other information possible.

5. UNIT N.C.O. COURSE: Unit N.C.O. Course is to commence on Mon, 3 May 43. Coys. to submit nominal roll to S. of I. by 1600 hrs., Fri, 30 Apr 43.

6. GAS CHAMBER: Gas Chamber will be available for Coy. use from 1830 hrs. to 2100 hrs. Mondays and Thursdays.
Companies wishing to put casual personnel through chamber will submit nominal roll to Training Wing stating day.

7. COURT OF INQUIRY: Dissolved
The Court of Inquiry called for in Part I D.O. # 96, d/22 Apr 43, para. 7 (4), is hereby dissolved; 28 Apr 43.

(Cont'd. Sheet 2.)

A15 CANADIAN INFANTRY TRAINING CENTRE

SHEET 2: PART I ORDERS No. 100.

By Lt.-Col. K. E. McCULLOCH
T/COMMANDANT

SHILO CAMP, Man.,
28 Apr 43.

V:V:V:V:V:V:V:V:V:V:V:V:V:V:V FOR VICTORY V:V:V:V:V:V:V:V:V:V:V:V:V:V:V

8. CANCELLATION: All reference to Part I D.O. #98, d/26 Apr 43, para. 8, is cancelled.

9. DEPENDENTS' BOARD OF TRUSTEES: Dependents' Hospital Accounts. It has been brought to attention that hospitals have complained that many dependents refuse to accept responsibility for their hospital debts and claim that the Dependents' Board of Trustees is responsible for payment. That statement is of course incorrect.

Attention is drawn to R.O. 2344 with particular reference to para. 2 which clearly indicates that financial assistance under the regulations governing the Dependents' Board of Trustees is provided "following individual investigation of each application, in cases where the allowances provided by F.R. & I., and Pay and Allowance Regulations are inadequate to meet special or unforseen conditions."

Full information may be obtained from Coy. Cmdrs.

10. DISTRICT COURT-MARTIAL: (1) The detail of Officers as mentioned below will assemble at 1000 hrs., 29 Apr 43, at Headquarters, Shilo Camp, Man., for the purpose of trying by District Court-Martial H103119 Rfn. BAILEY, C., & H530627 Pte. HOLUB, J.:-

PRESIDENT:	Major R. HARRISON	#10 D.D.
MEMBERS:	Capt. V.C. ANDERSON	A15 C.I.T.C.
	Lt. G.C. LECKIE	A3 C.A.T.C.
WAITING:	Major C.C. BOXER	A15 C.I.T.C.

(2) Prosecutor will be detailed by A.J.A.G. Defending Officer will be Lt. J.C. KIRBY: "B" Coy.

(3) Lt. E.A. FOWLE & Lt. N.J. BURNSIDE, will attend for instruction and Lt. E.A. FOWLE will obtain 3 copies of this Part I D.O. #100, certified correct by the Adjutant and will hand same to the President one half hour before the opening of the court.

(4) Rgtl. Police will parade the accused to M.I.R. at 0830 hrs., date of trial, for certified M.F.B. 246. Same will be handed to the Prosecutor before trial.

(5) O.C. Duty Coy. will detail a Court Orderly.

(6) Court Orderly, accused, escorts, and witnesses will parade to R.S.M. at I.T.C. Hqtrs., at 0900 hrs. date of trial. All above mentioned personnel will be at place of trial at 0930 hrs.

(7) Defending Officer will advise the R.S.M. of witnesse prior to time of Parade in para. 6 above. Attention of Defending Officer is further directed to R.P. 14 & 15.

11. DUTY COY.: "D" Coy. will be Duty Coy. commencing Rev. 30 Apr 43, until Rev. 7 May 43.

(Cont'd. Sheet 3.)

A15 CANADIAN INFANTRY TRAINING CENTRE

SHEET 3: PART I ORDERS No. 100.

By Lt.-Col. K. E. McCULLOCH
T/COMMANDANT

SHILO CAMP, Man.,
28 Apr 43.

V:V:V:V:V:V:V:V:V:V:V:V:V:V:V FOR VICTORY V:V:V:V:V:V:V:V:V:V:V:V:V:V:V

for Ken Barr capt
(C. H. JARDINE) Capt. & Adj.,
A15 Canadian Infantry Training Centre.

N O T I C E S

BASEBALL TEAM: Unit — All personnel of A15 intending to try-out for unit baseball team please report to baseball diamond at rear of Victory Sign at 1830 hrs., Wed, 28 Apr 43. If you have your own equipment, bring it. If not, gloves etc., will be provided. This applies to all ranks.

REFEREES: — All personnel who have had experience refereeing soccer games or borden ball games, or umpiring softball, baseball or volleyball please report to Mr. G.A. McLEOD, Y.M.C.A. sup. in A15 Drill Hall. Officials are urgently needed.

COY. SPORTS OFFICERS: Meeting — A meeting of Coy. Sports Officers will be held in Board Room, Admn. Bldg. at 2000 hrs., Wed, 28 Apr 43. Everyone please attend.

G

45

MINUTE OF ADJOURNMENT AND REASSEMBLY

At 10:00 o'clock, a.m., the Court adjourns until 11:30 o'clock, a.m., on the 27th day of April, 1943.

On the 27th day of April, 1943, at 11:30 o'clock, a.m., the Court re-assemble pursuant to adjournment; present the same members as on adjournment.

Exh. 1A

H.

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Lieut. K.G. STRACHAN i/c Winnipeg Detach. No. 40 Provost Coy, CA.
(Number) (Rank) (Name) (Unit)

hereby certify that H-530627 Pte. HOLUB, John
(Number) (Rank) (Name in full)

of the A-15 C.I.T.C. CA. Camp Shilo, Manitoba.
(Unit and attachment, if any)

Strike out words not applicable } was apprehended by (~~surrender~~) H-59004 Sergeant
(Number) (Rank)

McCLARTY, R.L. Winnipeg Detachment, No. 40 Provost Company, C.A.,
(Name) (Unit or appointment)

at 791 McPhillips Ave., Winnipeg, Man. 1000
(Place) (Hour)

on the 3rd day of April 1943

Strike out words not applicable } as a ~~deserter~~ (or absentee without leave) and that at the time of his arrest he was wearing military ~~[illegible]~~ uniform (~~[illegible]~~).

Dated at Winnipeg, Man. this 3rd day of April 1943

(B) (K. G. Strachan) Lieut.
(Signature) Officer in Charge,
Winnipeg Detachment,
No. 40 Provost Company, C.A.,

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
50M—5-42 (4731)
H.Q. 1772-39-1936

Exhibit B

I

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieutenant (Rank) C.E. Scott (Name) No. 10 Dist. Coy. RCASC (Unit) CA.

Strike out word not applicable — hereby certify that I (issued) ~~(authorized)~~ the hereinafter itemized transportation for escort

Complete — to proceed from Winnipeg, Man. (Place) to Shilo Camp, Man. (Place)

and return to Winnipeg, Man. for the

Full description of soldier being escorted — purpose of escorting H-530627 Pte. Holub, J. A-15 C.I.T.C., C.A.,

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transportation required~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Transport Warrant No. C-125328 issued to cover the cost of One Second Class Return Ticket Winnipeg, Man. to Shilo Camp, Man. for Escort	
Cost Being - 240 miles @ 1 2/3¢ per mile plus 15% tax	$4.60
Total	$ 4.60

Dated at Winnipeg, Man. this 3rd day of April A.D. 19 43.

C.E. Scott Lieut.
(C.E. Scott) Signature, rank, unit of officer issuing transport warrants
Strike out description not applicable
No. 10 Dist. Coy. RCASC CA.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1485
3051—22-41 (2714)
H.Q. 1772-20-1941

J

Exh. 5 TC

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, H-59158 Pte. Wilde, A. No. 40 Provost Company, C.A.,
(No.) (Rank) (Name) (Unit)

Strike out words not applicable

as (escort) (~~commander of escort~~) consisting of

Members of escort

A.W.

detailed to proceed from Winnipeg, Man. (Place) to Shilo Camp, Man.

Name and description of soldier escorted

to return H-530627 Pte. Holub, J. A-15 C.I.T.C., C.A.

alleged to be a deserter or absentee without leave, to Shilo Camp, Man. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Meal Order No. 83468 issued to cover the cost of the undernoted meal for Escort	
One Breakfast $ .75	$ .75
Total	$ .75

Dated at Winnipeg, Man. this 3rd day of April A.D. 19 43

A Wilde Private
(H-59158 A. Wilde)
No. 40 Provost Company, C.A.,

Signature and rank (of commander of escort) (escort) (Strike out words not applicable)

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1453
75M.—2-43 (3688)
H.Q. 1772-10-1099

K

DEFENDING OFFICER'S CLOSING ADDRESS

This man has been charged with Absence without Leave. The prosecution has shown that he was absent without leave. As there was nothing in Winnipeg to hold him involuntarily to account for his absence, I cannot put up much of a defence on that charge.

My address will go on mitigation of punishment.

Y

N.D.B. 355
M.G. 1772-39-620
10M-8-40 (M19)

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H-530627	Private	John HOLUB	A.15 Canadian Infantry Training Centre, C.A.

1. The following is a fair and true summary of the entries in the FIELD ~~Regimental and Squadron Battery~~ Conduct sheets ~~Company and the~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court. ~~ACTIONS~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment
For A.W.L.	3 times	3 times
For Brking out of Barracks	1 times	1 times
For Disobeying a lawf. cond.	1 times	1 times
For	times	times

~~Number of the Accused's Military Conduct~~ ~~X~~

~~The Evidence of the Commanding Officer~~

NOTE:—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. ~~The accused has no previous convicts~~ ~~X~~

Previous convictions of the accused by a court-martial or a civil court, of summary awards under ~~ACTIONS~~ Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement. ~~XXXX~~

3. The accused is not under sentence at the present time. ~~X~~

~~The sentence of the accused under sentence for XXXX

56

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the ~~paragraph must be struck through.~~

SCHEDULE

~~AIR FORCE~~ Army

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number 6530627 Rank Private

Name John HOLUB of A.15 C.I.T.C., C.A. Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
District Court-Martial	18th and 19th November, 1942	Absent without leave	90 days detention	15 days

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 29th day of April 1943

J. A. Hyslop Capt. ADJUTANT
A 15. CANADIAN INFANTRY TRAINING CENTRE

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

L

DEFENDING OFFICER'S ADDRESS IN
MITIGATION OF PUNISHMENT

Sir, for the past six years, this man has been afflicted with an ailment, from which he consequently suffers from pains in his heart, high blood pressure, and dizzy spells.

When he came into the Army thirteen months ago, he was bothered with this ailment also, and continually went to see the M.O. regarding it. In some cases he went three times a months and in other cases three times a week. Perhaps he was given a bawling out because a big healthy chap like him came to bother them. I suggest to the Court that this man, after thirteen months of this treatment from the Medical Officers, became fed up and decided to go absent without leave, in order to go and see a specialist regarding his ailment, to go home and rest. I don't think he was swinging the lead He says he previously went absent without leave to go home for a rest. He couldn't take their daily treatment.

He couldn't go on a route march and make it both ways. He had to be taken back by truck, when smaller and slighter fellows than he could make it both ways. It is pretty hard to take. He couldn't stand Army routine because of his health. There must have been something wrong with him. I don't think he was swinging the lead because he spent fifteen days in hospital. In consideration of all this, I ask the Court to have mercy on this man in passing sentence.

Summary of Evidence in the case of No. H-530627 Private John HOLUB, A.15 Canadian Infantry Training Centre, C.A., a soldier of the Canadian Army.

21 April, 1943,
Shilo Camp, Manitoba.

Summary of evidence in the case of No. H-530627 Private John HOLUB, A.15 Canadian Infantry Training Centre, C.A., a soldier of the Canadian Army charged with absence without leave.

THE COMMANDANT DIRECTS THAT THE EVIDENCE BE TAKEN ON OATH

FIRST WITNESS

No. H-21097 Corporal Lloyd Orville LUNDQUIST, A.15 Canadian Infantry Training Centre, C.A., having been duly sworn, states:

" I am, No. H-21097 Corporal Lloyd Orville LUNDQUIST, A.15 Canadian Infantry Training Centre, C.A., instructional Corporal of "D" Company."

WITNESS QUESTIONED BY THE PRESIDING OFFICER

Question: " Do you recognize the accused?"

Answer: " Yes, sir." (Points to accused)

Question: " Tell me what you know about this case?"

Answer: " At Shilo Camp, Manitoba, on the 25th March, 1943, while acting as Company Orderly Corporal, I called the roll at 0600 hours, I found the accused to be absent without leave from his quarters. His name was immediately placed on the absentee report."

Question: " I show you a document, what is it?"

Answer: " It is M.F.M. 216, certificate of apprehension of No. H-530627 Private John HOLUB, A.15 Canadian Infantry Training Centre, C.A., at Winnipeg, Manitoba, at 1000 hours, 3 April, 1943, by Military authorities."

Document produced and marked exhibit "A"

Question: " I show you a document, what is it?"

Answer: " It is M.F.B. 1481, itemized cost of transportation in connection with the returning of the accused, No. H-530627 Private John HOLUB, to his unit. Cost of return transportation from Winnipeg to Shilo Camp, Manitoba, for escort, $4.60."

Document produced and marked exhibit "B"

Question: " I show you a document, what is it?"

Answer: " It is M.F.B. 1482 incidental expenses incurred by escort in returning the accused, No. H-530627 Private John HOLUB, to his unit. Total .75¢."

Document produced and marked exhibit "C"

THE ACCUSED DECLINES TO QUESTION THE WITNESS

L.O. Lundquist....Cpl.
L.O. Lundquist.

QUESTION TO THE ACCUSED:

Do you wish to make any statement or give evidence under oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED:

I would like to make a statement under oath.

The accused having been duly sworn states:

"The reason for my going absent without leave was that I was sick and I went home. That is all sir."

QUESTION TO THE ACCUSED:

Do you wish to call any witnesses on your behalf?

ANSWER BY THE ACCUSED:

No, sir.

.....J. Holub.....Pte.
J. Holub

I certify that Rules of Procedure 4 (c),(d), (e) and (f) have been complied with.

This summary of evidence consisting of 2 pages and 3 exhibits was taken down before me in the presence of the accused at Shilo Camp, Manitoba, this 21st day of April, 1943.

.....J. M. Dyer.....Lieut.
J.M. Dyer,
A.15 Canadian Infantry
Training Centre,C.A.

MEDICAL OFFICER'S REPORT

I certify that No. H.530627 Pte. Holub J.

of AI5 C.I.T.C. is in a good state of health,

and able to undergo Trial by Court martial.

O.S. Schmidt Capt. RCAMC
Medical Officer

Station Shilo Camp Manitoba.

Date 29th. April. 1943

M. F. B. 246
MM—6-41 (792)
H.Q. 1772-95 480

H.Q.C.55-H-304 (JAG)

December 8, 1942.

RECEIVED DEC 10 1942 A.D.

District Officer Commanding,
Military District No. 10,
WINNIPEG, MANITOBA.

Re: DISTRICT COURT-MARTIAL.
No. H-530627, Pte. John HOLUB,
General List No. 10 National Resources Mobilization Act, 1940,
Clearing Depot, Attached to A-15 Canadian Infantry
Training Centre, C.A.

Receipt is acknowledged of your W.44-H-3136(J), dated 2nd of December, 1942, under cover of which you forwarded, for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. In connection with the warning for special duty, it is observed that the provisions of Routine Order 1877 were not followed. A perusal of the Proceedings makes it obvious why the said Routine Order was issued, and it is trusted that in future, compliance will be had with the terms thereof.

3. It appears that the Finding is supported by the Evidence and the Sentence legal, and accordingly, the Proceedings are retained for custody.

Brigadier,
Judge Advocate-General.

EBB/S.

H.Q. C.55-H-304
M.D. W.44-H-3136 (J)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H-530627 Name HOLUB, J.

Rank Pte. Unit A-15 C.I.T.C., C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Date of Crime 12/10/42.

Date of Arrest 1/11/42. Charge. Signed 10/11/42.

Orders for D.C.M. D.O.C., M.D.#10.

Place and Date of Trial Shilo Camp, 18/11/42.

Sentence Detention 90 days.

Date of Confirmation 28/11/42.

Date of Promulgation 30/11/42.

Entered in Records of J.A.G. as No. 7266

Date 7/12/42.

MEMO
Not guilty of desertion but is guilty of A.W.L.

E. R. Guy Capt.
for Judge Advocate-General.

3M-12-42(M1754)

7.0 file 5

7266

W.44-H-3136 (J)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Winnipeg, Manitoba,
2nd December, 1942.

C55-H.304.

Secretary,
Department of National Defence,
Ottawa, Ontario.

District Court-Martial
No. H-530627, Private John Holub, General List, No. 10 National Resources Mobilization Act, 1940, Clearing Depot, attached to A-15 Canadian Infantry Training Centre, C.A.

Forwarded herewith, for registration and custody, are the proceedings of the marginally noted District Court-Martial.

(R.A. Macfarlane) Brigadier,
District Officer Commanding,
M.D. No. 10.

VB
Enc.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Headquarters Bldg., Shilo Camp, Man. on the 18th day of November 1942 by order of Brigadier R.A. Macfarlane, D.S.O., District Officer Commanding Military District No. 10. dated the 12th day of November 1942

President.

Lt.-Col. R. Harrison,
1st (Reserve) 12th Manitoba Dragoons, C.A.

Members.

Major S.E. Masson,
A15 Cdn. Inf. Training Centre, C.A.

Major M. Syrotuck,
A-3 Cdn. Art. Training Centre, C.A.

~~Judge Advocate.~~

Trial of* No. H-530627, Private John Holub, General List, No. 10 National Resources Mobilization Act, 1940, Clearing Depot, attached to the A-15 Canadian Infantry Training Centre, C.A.

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

~~The Court satisfy themselves that~~ ~~is not available~~ ~~to sustain to~~

~~A judge advocate takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Lieutenant J.R. Koensgen, A15 Canadian Infantry Training Centre, C.A.

~~Counsel or~~ defending officer† Lieutenant R.O. Porter, A15 Canadian Infantry Training Centre, C.A.

At 10 o'clock the Trial commences.

The order convening the Court is read, and is marked " X " signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q 1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A 1 No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

B

The President, and members are duly sworn.

See Page 'G' for minute of Adjournment and reassembly

The following officers under instruction are duly sworn.

Q 2 Do you object to No. H-2846, C.S.M. Mark H. Pearce, C.M.S.C., C.A., as shorthand writer?

A 2 No, Sir.

No. H-2846, C.S.M., Mark H. Pearce C.M.S.C., C.A., is duly sworn as shorthand writer.

Detailed by A-3 C.A.T.C., Part 1 Orders No.271, dated 13th November, 1942, and A15 C.I.T.C. Part 1 Orders No.275 dated 16th November, 1942, attached and marked X-1 and X-2

Lieutenant E.L. Ingo, A-3 C.A.T.C., C.A.

Lieutenant A.M. Livingston, A-3C.A.T.C., C.A.

Lieutenant C.S. Shawcross, A15 C.I.T.C., C.A.

2/Lieutenant D.G. Blair, A15 C.I.T.C., C.A.

Charge-Sheet

Instruction.

If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the charge in the above-mentioned charge-sheet.

Q 3 Are you guilty or not guilty of the charge against you, which you have heard read?

Question to the accused.

A 3 Not guilty, Sir.

Answer.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge

Instruction.

B-2

CHARGE SHEET

The accused, No. H-530627, Private John HOLUB, General List, No. 10 National Resources Mobilization Act, 1940, Clearing Depot, attached to the A-15 Canadian Infantry Training Centre, C.A., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act, 1940, and the regulations made thereunder, as amended, is charged with:-

CHARGE
Sec.12(1)(a)
ARMY ACT

DESERTING HIS MAJESTY'S SERVICE

- in that he -

at Shilo Camp, Manitoba, at 1330 hours on the 12th October, 1942, after having been duly warned to proceed on Special Duty, absented himself from A-15 Canadian Infantry Training Centre, C.A., with intent to avoid such Special Duty, until apprehended by Military Authorities at Winnipeg, Manitoba, at 1600 hours on the 1st November, 1942.

R.L. Mitchell

Shilo Camp, Manitoba.
10th November, 1942.

(R.L.Mitchell) Lt.-Col.,
P.P.C.L.I., C.A.,
A15 Canadian Infantry
Training Centre, C.A.

TO BE TRIED BY A DISTRICT COURT-MARTIAL

Winnipeg, Manitoba.
12 November, 1942.

(R.A.Macfarlane) Brigadier
District Officer Commanding
Military District No. 10.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q 1 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A 1 No, Sir.

The prosecutor declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution. No. L-13529, Sergeant A.G. Hadden, A15 Canadian Infantry Training Centre, C.A.,

being duly sworn, is examined by the prosecutor.

Q 5 You are No. L-13529, Sergeant Hadden, A.G., A15 Canadian Infantry Training Centre, C.A.?

A 5 Yes, Sir.

Q 6 Tell the Court in your own words just exactly what you know about this case?

A 6 Sir, on October 12th, 1942 at approximately 0815 hours I was given a Movement Order from my Company Sergeantmajor with instructions that the men whose names appeared on the Movement Order be warned for Special Duty. The Company being out in the Training Area I sent Acting Corporal Burke out to bring the Company in as I wanted the men on the movement order for draft. The Company was brought in and I called out the names of the men on the Movement Order, telling them to move to the right of the Company after their names were called, if they were present. All the men whose names appeared on the movement order answered their names and fell out on the right. After I had these men out on the right of the Company, the rest of the Company carried on with their duties and the men called out stayed there as I instructed them. I then read out the movement order after I had called each name over to check and see if they were in place. They all answered to their names and I read the movement order to them and asked them if there were any questions or anything they were in doubt about. Several of them asked if they were on draft and I told them they were on special duty. After no more questions being asked I told them I was going to hand them over to Corporal Burke who would instruct them from time to time as to what would take place and not to scatter around but stay in a group as there was quite a bit of work to be done and we had to get it done in a hurry.

First Witness for the Prosecution continued:-

Q 7 I show you this document Sergeant, what is that?

A 7 That is the Movement Order, the same with which I was given with instructions to warn the names mentioned thereon.

Q 8 What paragraph of that order did you read and explain to the group that you called up?

A 8 Number one, number two and the dress which would be worn.

Q 9 Do you recognize the accused in the Court-room today?

A 9 Yes, that is the accused (Pointing out the accused) No. H-530627, Private Holub, J.

Q 10 Does the accused's name appear on the Movement Order?

A 10 Yes, Sir, fourth one down, No. H-530627, Pte. Holub, J.

Q 11 Did you call the accused's name out on the morning of the 12th of October, 1942?

A 11 Yes, Sir, I did.

Q 12 Did he answer to his name?

A 12 Yes, Sir, he answered to his name, he answered by saying (Sergeant).

Q 13 How many times did you call his name out altogether?

A 13 Twice, Sir. Once when he fell out from the Company and the second time when he was in the group of these men whose names appeared on the Movement Order.
Certified copy is compared by the President with the original Movement Order, is read, marked " H ", signed by the President and attached to the proceedings.

Q 14 You said that you told the men they were on Special Duty?

A 14 Yes, Sir.

Q 15 Was the accused present when you told them they were on Special Duty?

A 15 Yes, Sir.

Q 16 And you warned him?

A 16 Yes, Sir.

Q 17 Was he one of the men who asked if they were on draft?

A 17 No, Sir. He didn't ask me any questions Sir. But several others of the draft did ask me if they were on draft.

Q 18 I show you this document, what is it?

A 18 M.F.M. 216, a certificate of apprehension with respect to the accused whom I have just identified.

M.F.M. 216 is read, marked " I ", signed by the President and

First Witness for the Prosecution continued:-

attached to the proceedings.

Q 19 You say you handed the group of people whose names you called from the movement order to Corporal Burke approximately at what time on the morning of the 12th of October, 1942?

A 19 Between 8.30 and 9 o'clock, Sir.

Q 20 Do you know what was on on the movement order?

A 20 Yes, Sir, I do.

Q 21 What was it?

A 21 The names of personnel to proceed on draft, also the time they were to be paraded, dental parade, pay parade and so on, what time they were to leave Shilo, what time they would arrive at North Brandon, and so on.

Q 22 Did the draft leave?

A 22 Yes, Sir, the draft did leave.

Q 23 Did the accused go with the draft?

A 23 No, Sir, the accused did not go with the draft.

Q 24 Why?

A 24 He was A.W.L., Sir.

Q 25 Did you call the roll of the draft when it left?

A 25 Yes, Sir, I did call the roll of the draft when it left and the accused was not present.

Cross-examined by the Defending Officer:-

Q 26 Sergeant Hadden, you made a statement on the Summary of Evidence and that statement was to the effect that the Company was fallen in on the morning parade', I take it from that statement that the whole Company was on parade?

A 26 No, Sir, not the whole Company, there were some sick and some on fatigue duties.

Q 27 Was half the Company on parade?

A 27 Over half the Company, Sir.

Q 28 There was quite a large amount of men then?

A 28 Yes, Sir.

Q 29 You also stated that at that time the mens' names who were called were to acknowledge their name and then stand to the right of the of the Company in a group?

A 29 To the right of the Company in three ranks, Sir.

Q 30 The accused was on that parade?

First Witness for the Prosecution continued:-

A 30 Yes, Sir.

Q 31 Are you sure every man understood what you were talking about?

A 31 I am positive, Sir.

Q 32 You were standing at the back of the ranks?

A 32 I was in front of the ranks, Sir.

Q 33 Suppose you were in front of the accused or rather in the place of the accused and somebody in front made that statement that any men whose names were called was to acknowledge same and stand on the right - you know yourself Sergeant Hadden that recruits misunderstand?

A 33 I spoke loud and clear and told them to pay close attention that I had some names on the paper. I asked them if they could all here me away to the far end and they said they could.

Q 34 You also made the statement that after this group had fallen out you told the group that there was a lot of work to be done, what is your definition of the word 'work' sergeant?

A 34 Well, there was a lot of things for them to do.

Q 35 Do you call a fatigue party work?

A 35 It is a working party, Sir.

Q 36 These men had fallen in the parade in three ranks?

A 36 Yes, Sir.

Q 37 Some of the men in that group thought they were on draft?

A 37 Yes, Sir.

Q 38 You told them no?

A 38 I told them they were on Special duty.

Q 39 This Movement Order which has been brought forward as an Exhibit, How much of this did you say you read, you say you gave the numbers?

A 39 I read the whole thing, Sir.

Q 40 Enclusing the embussing and leaving Shilo Camp and so on?

A 40 Yes, Sir.

Q 41 How come you didn't tell them they were on draft?

A 41 I said Special Duty on a Movement Order, Sir.

Q 42 Well, a draft is a draft, picked of men leaving camp, isn't it?

A 42 Yes, Sir.

Q 43 Now coming back to your statement at the time the Company was fallen in for the morning parade - I take it you mean the first parade in the morning?

First Witness for the Prosecution continued:-

A 43 Yes, Sir.

Q 44 You also made the statement - the Prosecution will check me if I am wrong - that you sent for the Company and asked them to come back to the area, doesn't that infer they had marched off some place?

A 44 I sent for them to come back to the area where we usually fell in in the morning.

Q 45 Then it wasn't the first parade that this all happened?

A 45 They were out on parade when I sent for them, Sir. They were on parade at 0800 hours that morning.

Q 46 And you sent somebody to go and get them to bring them back?

A 46 I did, Sir.

Q 47 What were they doing at the time?

A 47 I believe they were doing platoon and arms drill at the time.

Q 48 You sent for them and the Company came back to you?

A 48 Yes, Sir.

Q 49 This group of men that you speak of, what were they doing the remainder of the morning?

A 49 I left them for Corporal Burke to look after, there was another draft I was looking after at the time.

Q 50 So you don't know what these men were doing the rest of the morning?

A 50 No, Sir.

Q 51 You seem quite confident that these men understood what you were doing - you can readily see what I am getting at - you have had men in a fatigue party and you have had to explain three or four times an order to them - what makes you so sure these men understood?

A 51 Anything they didn't understand I told them to speak up right away.

Q 52 You were speaking to the whole group?

A 52 Yes, Sir.

Questioned by the Court:

Q 53 How many men were in this group?

A 53 Ten, Sir.

Q 54 The only words you used in reference to this movement was that they were going on Special Duty?

A 54 Special duty, Sir.

Q 55 You made no reference to a draft or anything else?

First Witness for the Prosecution continued:-

A 55 No, Sir.

Q 56 Did you tell them the next time of the day they were to parade at?

A 56 I read all what was on the movement order and then turned them over to Corporal Burke who was to instruct them from time to time.

Re-Examined by the Prosecuting Officer:-

Q 57 You made the statement that there were at least two thirds of the Company on parade?

A 57 Yes, Sir.

Q 58 Regardless of how many were on parade how many answered their names and came to the group on the right?

A 58 Just the ten men whose names I called out, Sir.

Q 59 After you got them into a group what did the rest of the Company do?

A 59 They moved back to their training area and carried on as usual.

Q 60 When you had that group alone by itself, you had the ten men in three ranks?

A 60 Yes, Sir.

Q 61 What did you do then?

A 61 I checked their names.

Q 62 You called their names out?

A 62 Yes, Sir and each one answered to their names.

Q 63 And what did you tell them?

A 63 That they were for Special Duty.

Q 64 Besides telling them that did you tell them what they would be required to do before going on that Special Duty?

A 64 I told them they would be required to carry out everything that was written down in the Movement Order and I read it out to them.

Q 65 Were there any questions regarding the actual administrative details from any member of the group?

A 65 Some of them asked if they were going to get paid, others asked what they would turn in or whether they would take everything with them.

Q 66 After you had read these administrative details regarding dress and pay and so on, you answered them until everybody was clear

First Witness for the Prosecution continued:-

A 66 Yes, Sir.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The Witness withdraws.

Second Witness for the Prosecution) No. H-67221, Private (Acting Corporal) W.M. Burke, A15 Canadian Infantry Training Centre, C.A., being first duly sworn, is examined by the Prosecuting Officer:-

Q 67 You are No. H-67221, Corporal Burke, W.M., A15 Canadian Infantry Training Centre, C.A.?

A 67 Yes, Sir.

Q 68 Will you tell the Court in your own words just exactly what you know about this case?

A 68 On the morning of the 12th of October, 1942, approximately 0830 hours in the morning, I was detailed by Sergeant Hadden to take charge of the men who were warned for Special Duty by him, which I did. I brought the men in from the parade square, where the Company were, to the area back of 'F' Company Orderly rooms. The Movement Order was read out to them by Sergeant Hadden and also by myself and then marched off to the barrack rooms, the south side of the barrack rooms. I also told them what they had to do and then broke them off. They went to their barrack rooms and started to fix up their kits and so forth, ready for kit inspection. I also warned them to be ready to fall in again at 1330 hours. At 1330 hours I fell the men in on the south side of the barrack room and called their names according to the movement order and I found that the accused, Private Holub, John, was absent. I then placed his name on the absentee report accordingly, Sir.

Q 69 You made the statement that you called the men out at 1330 hours, what men were these?

A 69 The men that were warned for Specail Duty, Sir.

Q 70 The men that had been warned by Sergeant Hadden?

A 70 Yes, Sir.

Q 71 Were you present when Sergeant Hadden called their names?

A 71 Yes, Sir.

Q 72 How many men were there?

A 72 Ten, Sir.

Q 73 How many times that morning did you hear Sergeant Hadden call these names out?

A 73 Well, I can safely say I heard him call them out twice, Sir.

Second Witness for the Prosecution continued:-

Q 74 When Sergeant Hadden handed this group over to you did he also give you the Movement Order?

A 74 He did, Sir.

Q 75 I show you this document, what is it?

A 75 That is the Movement Order No. 102.

Q 76 What does it contain?

A 76 The name of the men who were for Special Duty.

Q 77 Did you call the names of the men from that Movement Order when it was handed to you?

A 77 I did, Sir.

Q 78 After Sergeant Hadden had called the names out twice you called them out again?

A 78 Yes, Sir, after I got them to the Barrack room.

Q 79 Did they all answer to their names?

A 79 They all did in the morning, Sir.

Q 80 That was the morning of the 12th of October approximately 0900 hours?

A 80 Yes, Sir.

Q 81 Was the name of the accused on the Movement Order?

A 81 The name of the accused was on the Movement Order, Sir.

Q 82 Do you know the accused?

A 82 I do Sir, that is the accused sitting there, Sir, Private Holub, J. (Pointing out the accused).

Q 83 What else did you tell the men or explain to the men?

A 83 I explained to the men not to be wandering around from the barrack-room because they would likely be wanted all day for medical inspection, kit inspection and so forth.

Q 84 What else did this group do in the morning after you broke them off?

A 84 They spent their time laying out their kits for kit inspection and I am pretty sure they went through the Stores.

Q 85 You say that they had a kit inspection?

A 85 Yes, I know they had a kit inspection.

Q 86 Was the accused one of those whose kit was laid out and inspected?

A 86 It was laid out, Sir, I couldn't say whether it was inspected or not because the Quartermaster Sergeant does that.

Second Witness for the Prosecution continued:-

Q 87 When you called the roll at 1330 hours on the 12th of October, 1942, what did you call the roll from?

A 87 From the Movement Order, Sir.

Q 88 Was every man present?

A 88 With the exception of the accused, Sir.

Cross-examined by the Defending Officer:-

Q 89 When this Company came back to the area and Sergeant Hadden called the roll, he warned the men that they were to acknowledge their names; do you mean he called the names while the whole Company was there?

A 89 He called them from the Company, they were all in platoons on the parade square doing squad drill and so forth.

Q 90 Did he form up the Company?

A 90 The Company was halted and stood at ease and the names of the men were called out and they broke off to the side of the Company, and he read out the Movement Order

Q 91 What were you doing the rest of the morning?

A 91 I was in charge of the draft, I was seeing that they did what was intended to do.

Q 92 How was it you didn't see whether the men's kit was inspected if you were in charge of the draft?

A 92 I probably was doing something else, Sir.

Q 93 If you are in charge of a draft it is up to you to see if the mens kit is inspected?

A 93 It was up to the Quartermaster Sergeant. I was in charge of the draft but not of the kit inspection more than seeing it was laid out, Sir.

Q 94 Did the draft do anything else that morning besides look after kits or anything else in connection with them?

A 94 No, Sir.

Q 95 Were you in charge of any other duty that morning?

A 95 I just can't say whether I was, Sir.

Q 96 Did you move any beds that morning?

A 96 No, Sir.

Q 97 You were not in charge of any fatigue party?

A 97 No, Sir.

Second Witness for the Prosecution continued:-

Q 98 Did the draft do any fatigue that morning?

A 98 No, Sir.

Q 99 You seem quite sure that everybody in that squad understood what it was about?

A 99 Yes, Sir.

Q 100 How long have you been a Corporal?

A 100 Since April, Sir.

Q 101 Have you ever met men in the Army who didn't understand an order?

A 101 I have seen orders misunderstood, Sir.

Q 102 It doesn't take much for men to misunderstand orders sometimes, does it?

A 102 No, Sir.

Q 103 If two months after you had joined the army I told you you were on Special Duty what would you think it was?

A 103 I would naturally think I would be doing almost anything.

Q 104 Now think what you say?

A 104 I would naturally think I would be moving, Sir.

Q 105 What makes you think you would be moving - you are a recruit now, remember - it could be misunderstood?

A 105 It could be misunderstood, Sir.

Q 106 But you are sure he understood the warning order?

A 106 I am sure he did.

Questioned by the Court:-

Q 107 Do I understand you to say, after these ten men were broken off from the Company, you heard Sergeant Hadden read the whole Movement Order to them?

A 107 Yes, I did, Sir.

Q 108 They were told where they were going?

A 108 They were, Sir.

Q 109 And then you had them prepared for kit inspection?

A 109 Yes, Sir.

Q 110 And the accused was there?

A 110 Yes, Sir.

Second Witness for the Prosecution continued:-

Q 111 And his kit was laid out?

A 111 Yes, Sir.

Q 112 Was he there when they were warned for medical inspection in the afternoon?

A 112 He was there when I warned them to be on parade at 1330 hours, he was there at that time, Sir.

Q 113 Where was he when you warned the group of ten men to be on parade at 1330 hours?

A 113 He was beside the barrack-room with the rest of the men.

Q 114 You are sure he was there?

A 114 Yes, Sir.

Q 115 Apparently you then left the group and let the Quarter-master Sergeant inspect them, their kit?

A 115 Yes, Sir.

Q 116 They were not under your control then, you were not with them when the kit inspection was carried out?

A 116 No, Sir.

Q 117 You prepared them for kit inspection and left them?

A 117 Yes, Sir, I went back to the Orderly-room for other purposes.

Q 118 But you did warn them for the afternoon parade?

A 118 Yes, Sir.

The Prosecuting Officer declines to re-examine this witness.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The Witness withdraws.

D

The prosecution is closed.

Defence

Question to the accused. Q 119 Do you apply to give evidence yourself as a witness?

Answer. A 119 Yes, Sir.

Question. Q 120 Do you intend to call any other witness in your defence?

Answer. A 120 No, Sir.

[redacted]

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused [redacted] is recorded on a separate page (*see overleaf*).

[redacted]

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness) for the DEFENCE)

No. H-530627, Private John Holub, General Li 10 National Resources Mobilization Act, 1940, Depot, attached to the A-15 Canadian Infantry Centre, C.A., being first duly sworn, is exami the Defending Officer:-

Q 121 You have heard the witnesses for the Prosecution, I want to remember that you have just kissed the Bible and that are under oath to say the truth, if you don't, you are su to a charge of perjury; where did you first hear this ter Special Duty?

A 121 Right on the parade square, Sir.

Q 122 In what disposition was the Company?

A 122 We were all broken off and scattered around the parade squar

Q 123 How long had you been in the Army up to that time?

A 123 12th of March, Sir, 1942.

Q 124 Did you know at the time what Special Duty meant?

A 124 No, Sir.

Q 125 Do you know now?

A 125 Yes, Sir.

Q 126 How far were you from Sergeant Hadden when he first mentioned this Special Duty?

A 126 I didn't see Sergeant Hadden, the only one I saw was Corporal Burke when he came up to our squad. Sergeant Swinn was in our Company.

Q 127 Repeat that statement?

A 127 I didn't see Sergeant Hadden atall or giving any orders. There was a Corporal Burke, he walked up to our squad and he called out my name and I followed with the rest of the boys'.

Q 128 How many boys were there?

A 128 I would not say for sure how many, about ten.

Q 129 And you didn't hear Sergeant Hadden say anything?

A 129 No, Sir.

Q 130 What were your activities the remainder of this morning?

A 130 Right after the first parade in the morning the rest of the morning we came down to 'F' Company hut and we moved all the beds to where they are sitting now, that is what we did all that morning.

Q 131 You heard reference to a kit inspection?

A 131 No, Sir, there was no such thing.

Q 132 Were you on that kit inspection?

A 132 No, Sir, there was no kit inspection at all because we just

First Witness for the Defence continued:-

came in and then we had to clear out of there and we moved out all morning and the rest of the Company came in just after we were called and they gave us a hand moving the beds equipment and everything.

Q133 You are speaking of the morning of the 12th of October, 1942?

A 133 Yes, Sir.

Q 134 Were you warned by Corporal Burke to report to him at any other time of the day?

A 134 No, Sir, I wasn't warned at all.

Q 135 Did you hear anybody that had spoken of a draft?

A 135 No, Sir.

Q 136 Would you have known what a draft meant?

A 136 If somebody had said a draft or anything like that I would have known.

Q 137 Where is your home?

A 137 Winnipeg, Sir.

Q 138 Are you married?

A 138 Yes, Sir.

Q 139 Where is your wife?

A 139 She is at home in Winnipeg, Sir.

Q 140 Any family?

A 140 No, Sir.

Q 141 Who lives there with your wife?

A 141 My mother and my dad.

Q 142 Will you tell the Court any circumstances concerning your home life that might be of interest to this Court?

A 142 Sir, I have got a mother who is sick. We have had her in the psycopathic ward in the General Hospital and we got her out of there because it didn't do much good. She came home and she would go out in the streets and the cruiser cars would bring her back home and they warned my Dad to keep her home or they would put her away to Selkirk and my Dad didn't want her to go to Selkirk and he has done his best not to have her sent there, she just walks outside without shoes or anything and that was my reason, Sir, for going home that Monday.

Q 143 When you left the camp on Monday did you buy a ticket?

A 143 Yes, Sir.

Q 144 What kind of a ticket?

First Witness for the Defence continued:-

A 124 I bought a return ticket, Sir.

Q 125 Did you use that ticket?

A 125 Yes, Sir, I used that ticket.

Q 126 I understand you came back with the Regimental Police?

A 126 With the Military Police, Sir.

Q 127 Will you tell the Court anything you have with reference to your journey back to Shilo?

A 127 Yes, well, the Military Police came down to the house - of course I had my ticket and I was coming back anyway - they told me they would drive me down to the station because there was some boys' going back to Shilo and they could find an R.P. to take me back. I went to the station and found one of the R.P's I knew and I told him who I was and he said to the other fellows 'You have nothing to be afraid of because this man is going back to Shilo on his own, he has his own ticket.'

Q 128 Those were the words of the Provost Police to the Regimental Police?

A 128 Yes, Sir, he said 'You have nothing to worry about, he has his own ticket.'

Q 129 On the morning of the 12th of October, 1942, did you have any conversation with anybody in this camp that might have any bearing on this case?

A 129 On Monday morning?

Q 130 Yes, on Monday, October 12th, 1942, tell the Court what the conversation was briefly?

A 130 I wasn't at the camp on Sunday but Bill Kitchen told me there was some kind of draft read out on Sunday afternoon, this was when I got up in the morning. We were going to wash and he said there was some kind of names read out for a draft that was on Sunday afternoon.

Q 131 Did you turn in your arms and equipment at the armourer's shop?

A 131 Yes, I turned in my rifle on Monday the 12th of October, 1942.

Q 132 About what time?

A 132 Just before dinner, I just turned it in and went to eat right after.

At 5.00 on the 18th of November, 1942, the Court adjourned until 10.30 o'clock on the 19th of November, 1942.

On the 19th of November, 1942, at 10.30 o'clock, the Court reassemble pursuant to adjournment, present the same members as when adjourned

Cross examined by the Prosecuting Officer:-

Q 133 Private Holub, you have been in the Army since the 12th of March, 1942?

First Witness for the Defence continued:-

A 153 Yes, Sir.

Q 154 How do you like the Army?

A 154 The Army is alright, Sir.

Q 155 When you went absent, the reason you gave was because you wanted to look after your mother?

A 155 Yes, Sir, that Sunday I went to Brandon and my wife came there and told me all about it.

Q 156 And you went absent because you didn't want to go too far away from home?

A 156 No, Sir. I went because my wife told me that my mother was getting worse and all that, and I told her I would be in on Monday.

Q 157 You made the statement that the only one that warned you that morning was Corporal Burke?

A 157 Yes, Sir.

Q 158 What did Corporal Burke tell you?

A 158 He didn't tell me anything. He just came up and called my name out and told me to go in with the rest of the boys'.

Q 159 And you never saw Sergeant Hadden that morning at all?

A 159 I have seen Sergeant Hadden but not like he says I seen him.

Q 160 You also made the statement that on the morning of the 12th Of October, 1942 you were called out from the Company as a whole into a small group?

A 160 Corporal Burke came and took me away with the rest of the boys'.

Q 161 How was the Company formed up at that time?

A 161 There was no Company, it was a squad.

Q 162 Where did Corporal Burke get you?

A 162 Right out of the squad

Q 163 Where was the squad?

A 163 On the parade square, Sir.

Q 164 How many of you were called out on the parade square?

A 164 I can't say exactly how many, eight or ten.

Q 165 And the group was marched back to the Company Orderly-room?

A 165 Yes, Sir.

Q 166 What did Corporal Burke say to you then?

A 166 He just told us to go in.

First Witness for the Defence continued:-

Q 167 Corporal Burke told you to go into your Barrack rooms, and do what, sleep?

A 167 No, right after that we got the order to start moving out.

Q 168 What do you mean by moving out?

A 168 Taking the beds and equipment and moving to another hut.

Q 169 Then you said something about turning in your rifles?

A 169 That was after we moved the beds.

Q 170 Who paraded you over?

A 170 I think it was the Quarter I would not say for sure, it wasn't Corporal Burke anyway.

Q 171 Who were in that group that were moving the beds?

A 171 The group that was called out and then the rest of the Company came in and gave us a hand

Q 172 Did you hear the term Special Duty used that morning?

A 172 I don't remember that.

Q 173 How many were working as a group?

A 173 Before the Company came there was just the ones that were called and then about half an hour after that they all came in there and helped to move, we had to clear out of that hut.

Q 174 But you didn't hear anything of a Special Duty or draft?

A 174 No, I didn't hear anything about a draft.

Q 175 You made the statement that a Private Kitchen told you about a draft?

A 175 He said some kind of a draft on Sunday but I wasn't there.

Q 176 He didn't say that your name was on that?

A 176 No, Sir.

Q 177 And during all that time you are quite sure you didn't hear anything about a Special Draft or Duty?

A 177 No, Sir.

Q 178 Then you thought the Special Duty draft was being called up for moving beds?

A 178 That is all we did move beds.

Q 179 And you say you know what the term Special Duty is?

A 179 I know what it is.

Q 180 What does it mean?

First Witness for the Defence continued:-

A 180 That you are on Special Duty, you are supposed to stay around your Barrack-room, you are not supposed to leave the Barracks.

Q 181 When you are on special duty?

A 181 Yes, Sir.

Q 182 And you went absent the same day?

A 182 Yes, Sir.

Q 183 You say that the Provost or Regimental Police that brought you down here said they had nothing to worry about in your case because you were coming back anyway?

A 183 Yes.

Q 184 You decided to come back when you were apprehended?

A 184 I had my return ticket anyway.

Q 185 You wanted to use your ticket after thirty days' is that it?

A 185 It was cheaper to buy a return ticket than a single ticket each way.

Q 186 You say you handed in your rifle, did that mean nothing to you?

A 186 No, Sir, it didn't.

Q 187 During your regular training did you ever have to hand in your rifle?

A 187 I had trouble with the rifle before.

Q 188 The whole group had trouble with their rifles so they turned them in?

A 188 I don't know about the group.

Q 189 You are quite sure that you didn't have a kit inspection?

A 189 I told the Quartermaster as soon as I got in the Army that I only had one battle dress issued to me and that battle dress just tore out in the rear. I told him about getting another battle dress that I only had one and I was supposed to have two, and another thing I didn't have was gaters. There was a lot of stuff I was supposed to have but didn't. When I came back for this Court-Martial he gave me these pants I have now. I was going on parade with pants all ripped up.

Q 190 Did anybody tell you there had been a parade to the Quartermaster Stores on the afternoon of the 12th of October, 1942?

A 190 No.

Q 191 If they had of told you would you have stayed?

A 191 I was going home anyway. I asked the Sergeant Major for my furlough which was up and he told me he couldn't give it to me because I hadn't finished my advanced training.

Q 192 You were going to go absent anyway, what do you mean by that?

A 142 I was going to see my mother.

Q 143 Whether you were on Special Duty or not?

A 143 At that time I didn't know what Special Duty was.

Q 144 You would have stayed had you known?

A 144 Yes, Sir.

Q 145 Nobody explained it to you?

A 145 No, Sir.

Q 146 Do you think it is likely they would call a group of ten people, warn them for Special Duty, and everyone of them understand it except you?

A 146 I don't know about that, Sir, wasn't it proper for the Corporal to warn me and tell me about being on a draft?

Q 147 Sergeant Hadden says he told you that and so does Corporal Burke?

A 147 No Corporal told me about any Special Duty or anything about a draft.

Q 148 He didn't tell you anything about a parade in the afternoon, dental, pay and clothing parade?

A 148 Certainly not.

Q 149 It was a military secret?

A 149 Maybe it was to him, Sir, he didn't tell me.

Re-examined by the Defending Officer:

Q 200 Have you ever been on a draft before this occasion of which we have been speaking of or moved from one training centre to another?

A 200 When I was called up I was at Portage la Prairie and I stayed at Portage maybe two or three weeks and then I went to Winnipeg, that was the only draft I was on.

Q 201 What was the proceedure when you were warned for that move?

A 201 When we were warned for draft the officer of our platoon came up and said 'Boys' you are drafted to Winnipeg', and right away the Sergeant came and took us down for a Medical.

Q 202 Was there any reference to special duty at that time?

A 202 No, Sir.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The Witness resumes his seat.

The Prosecuting Officer makes a closing address

(See page " J "attached)

The Defending Officer makes a closing address

(See page " K " attached)

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. H-530627, Private John Holub General List, No. 10 National Resources Mobilization Act, 1940, Clearing Depot, attached to the A-15 Canadian Infantry Training Centre, C.A., is not guilty of Desertion but is guilty of Absence Without Leave on the Charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Lieutenant J.R. Koensgen, A15 Canadian Infantry Training Centre, C.A. is duly sworn.

Evidence of character, &c.

Question by the President. Q203 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A203 Yes, I produce M.F.B. 355.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y, signed by the President, and annexed to the proceedings.

Question by the President. Q204 Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A204 Yes, Sir.

Question. Q205 Have you compared the contents of the above statement with the regimental books? *Answer.* A205 Yes, Sir.

Question. Q206 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A206 Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a depot, mental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the Prosecutor~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The Witness Resumes his Seat.

Question to the accused. Q207 Do you wish to address the Court? *Answer.* A207 Yes, Sir.

Defending Officer speaks on behalf of the accused (See page "L" attached)

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. H-530627, Private John Holub, General List, No. 10 National Resources Mobilization Act, 1940, Clearing Depot, attached to the A15 Canadian Infantry Training Centre, C.A., to undergo detention for ninety (90) days'.

Sentence.
Detention:
90 days'.

Signed at Shilo Camp, Manitoba, this 19th day of November, 1942.

Lt.-Col, President
D.C.M.

CONFIRMATION

Confirmed

Signed at Winnipeg, Manitoba, this 20th day of November, 1942.

(R.A. Macfarlane) Brigadier
District Officer Commanding
Military District No. 10.

Extracts entered as No. 7266 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 9th day of March 1943

PROMULGATION

Promulgated and Extracts taken at Shilo Camp, Manitoba, this 30 day of November, 1942.

Shilo Camp, Manitoba.

30 November, 1942.

Officer i/c of Documents
A15 Canadian Infantry Training
Centre, C.A.
M.D. No. 10

Orders by Brigadier R.A. Macfarlane, D.S.O., Commanding

the Military District No. 10.

District Court-Martial

12th November, 1942

The detail of Officers as mentioned below will assemble

at Headquarters Bldg., Shilo Camp, Man. on Wednesday,

the 18th day of November, 1942 at 1000 hours,

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

No. H.21124, Gunner
William Yackow, A-3
Canadian Artillery
Training Centre, C.A.

PRESIDENT

Lt.-Col. R. Harrison, 1st (Reserve) 12th Manitoba Dragoons, C.A. is appointed President.

MEMBERS

Major B.E. Masson,
A15 Cdn. Inf. Training Centre, C.A.

Major M. Syrotuck,
A-3 Cdn. Art. Training Centre, C.A.

WAITING MEMBERS

Captain G.F. Browne,
A-3 Cdn. Art. Training Centre, C.A.

~~JUDGE ADVOCATE~~

~~Judge Advocate~~ ~~has been (hereby) appointed~~

PROSECUTOR

Lieutenant J.R. Koensgen, A15 Canadian Infantry Training Centre, C.A. has been ~~(hereby)~~ appointed Prosecutor

DEFENDING OFFICER

Lieutenant R.O. Porter, A15 Canadian Infantry Training Centre, C.A. has been ~~(hereby)~~ appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, A-3 Cdn. Art. T.C., C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters, and the Officers Commanding, A-3 C.A.T.C., C.A., and A15 C.I.T.C., C.A., will detail, as may be convenient, two officers each to attend for instruction.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 10.

Signed this 12th day of November, 1942

Major,
D.A.A.G., M.D. No. 10.

M.F.R. 220
A.F.A. 47
15M—9-41 (3761)
H.Q. 1772-29-564

X-1

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CANADIAN ARTILLERY TRAINING CENTRE
PART I ORDER NO. 271.
by
Colonel R.E.Bliss, E.D.,Commandant

SHILO CAMP, Man. 13 Nov 42.

1. DETAIL OF DUTIES:

See Pt. I Order No. 270, d/12-11-42, para. 1.

2. PARADES:

See Pt. I Order No. 266, d/7-11-42, para. 2.

3. USE OF CAMP ROADS BY PEDESTRIANS:

Attention of all ranks is again drawn to regulation requiring Pedestrians to walk on the left sideof roads in the Camp area - or facing oncoming traffic. It has been the practice of some personnel returning to camp from Shilo station to completely block the road. In order to avoid accidents extreme care must be taken by pedestrians to give ample room for vehicles to pass on the roadways, and to keep to the extreme left hand side.

4. CAMP FIRE PICQUET:

In future the new Camp Fire Picquet will mount at retreat daily.

5. CHURCH PARADES:

Protestant

1. The Training Centre will parade for Divine Service in the Y.M.C.A. Hut at 0900 hours, 15-11-42.

2. The Band and all Batteries and Wings will fall in at 0825 hours on their own parade grounds. Parade will be ready to move off at 0835 hours.

3. Parade States will be handed to the R.S.M. by 0750 hours.

4. A Celebration of the Holy Communion will be held in the Reading Room of the Y.M.C.A. Hut at 1120 hours, Sunday, 15th November, 1942. All members in good standing of any denomination are invited.

Roman Catholic

1. All Batteries and Wings will parade for Divine Service in the K. of C. Hut at 0845 hours, 15-11-42.

2. A3, C.A.T.C. parade will be under Capt. L.C. VanTighem.

3. All Batteries and Wings will parade on the Regimental Parade ground at 0815 hours.

4. The R.S.M. will detail one marker to report to the Camp Sergeant-Major on the Camp Parade ground, just South of Camp Post Office, at 0825 hours.

5. Confessions will be heard on Saturday evening, 14 Nov 42, between 1900 and 2100 hours in the K. of C. Hut.

6. COURT OF INQUIRY:

A Court of Inquiry, composed as hereunder, will assemble at the call of the President to inquire into the circumstances under which K.98146 Gnr. Vilchovski, J. was absent from 1600 hours, 13-11-41:

President: Capt. C.F. Cautley
Members: Lieut. A.W. Bennett
Lieut. W.H.Q. Cameron

COURT OF INQUIRY: (cont'd)

The proceedings will be completed pursuant to Appendix to Part I Order No. 228, d/24-9-42, and will be handed in to the Adjutant's Office by 17-11-42.

7. POSTING:

B.493419 Gnr. Harris, J.E.....is posted to Training Wing "B" Battery.

8. ATTACHMENT:

Capt. V.L. Rosenfield, (RCAMC)...is attached to the Administrative Wing.

9. POSTING:

K.15423 Gnr. Anderson, J.O.....ceases to cover off vacancy as General Duty Gunner in "A" Battery on transfer to Headquarters Training Wing, covering vacancy as Gunner Clerk.

10. TRANSFERS:

L.101465 Gnr. Kushner, P.....is transferred from the School of Instruction to Training Wing "B" Battery, effective.....13-11-42.

Lieut. T.A. Leader.....is transferred to M.T. Sec. Admin. Wing, effective on return from D & M School.

Lieut. H.A. Scott.....is transferred to "R" Troop "E" Battery (will remain attached to M.T. Sec. for duty until return of Lt. T.A. Leader from D & M School)

Lieut. E.L. Ingo.....is transferred to Admin. Wing as Asst. Adjt. from "C" Battery, effective.....23-11-42. (will be attached for duty effective 13-11-42)

Lieut. J.M. Church.....is transferred from Admin. Wing (Asst Adjt) to "C" Bty. "I" Troop, effective.....23-11-42.

Lieut. K.W. McKerns.....is transferred from Admin. Wing to "A" Battery, (supernumerary to establishment) effective..13-11-42.

Lieut. R.W. Smith.....is transferred from S. of I. to "B" Battery (supernumerary to establishment) effective...23-11-42.

Lieut. W.L. Hough.....is transferred from Headquarters, Admin. Wing, to Q.M. Section, as Asst. Quarter Master, in a temporary capacity, and to continue duties as supervisor of all Buildings and quarters.

The undermentioned Officers are transferred from "C" Battery, (supernumerary to Establishment) to "X" Trained Soldier Battery, effective.....13-11-42:

Lieut. J.D. Ralph Lieut. O.E. Wyler

To Sheet "3"

A3, CATC Pt. I, Order No. 271, d/~~12-11-42~~.

Sheet "3"

11. DISTRICT COURT-MARTIAL:

No. H-21124, Gunner William Yackow, A3 Canadian Artillery Training Centre, C.A.

1. The detail of Officers as mentioned below will assemble at 1000 hours, on Wednesday, the 18th day of November, 1942, at Headquarters Building, Shilo Camp, Manitoba, for the purpose of trying, by District Court-Martial, the accused person named in the margin (and such other persons as may be brought before them.)

PRESIDENT:

Lt.-Col. R. Harrison,
1st (Reserve) 12th Manitoba Dragoons, C.A.

MEMBERS:

Major S.E. Masson,
A.15 Cdn. Inf. Training Centre, C.A.

Major M. Syrotuck,
A.3 Cdn. Art. Training Centre, C.A.

WAITING MEMBER

Captain G.F. Browne,
A.3 Cdn. Art. Training Centre, C.A.

2. The accused will be warned and all witnesses duly required to attend.

3. The proceedings will be forwarded to the A.A. & Q.M.G., M.D. No. 10.

4. The Officers Commanding the undermentioned units will detail, as may be convenient, Officers to attend for instruction as follows:

A.3 C.A.T.C., C.A.	2
A.15, C.I.T.C., C.A.	2

The names of Officers selected will be published in Unit Part I Orders, and three copies of such Part I Orders duly certified by the Officer in charge of Records of such Units shall be handed to the President one-half hour before the opening of the Court.
(Extract District Order No. 1202, d/12-11-

12. PROSECUTING - DEFENDING OFFICERS FOR D.C.M.

The undermentioned Officers are detailed as shown for the District Court Martial of H.21124 Gunner William Yackow:

Prosecuting Officer - Capt. J.A. Bourne
Defending Officer - Capt. H.S.Andrews

13. OFFICERS ATTENDING D.C.M. FOR INSTRUCTIONAL PURPOSES:

The Officers detailed to attend the District Court-Martial for H.21124 Gunner William Yackow (for instructional purposes) are as follows:

Lieut. E.L. Ingo Lieut. A.M. Livingston

To Sheet "4"

A3, C.A.T.C., Pt. I, Order No. 241, d/13-11-42.

Sheet "4"

AMENDMENT:

Pt. I Order No. 244, d/13-10-42, para. 3, re Court of Inquiry on injury to N.101871 Gnr. Helfrich, R.J. is amended by deleting Capt. E.V. Eveleigh as President and substituting Capt. L.C. VanTighem; and by deleting Lieut. S.J. Walker as member and substituting Lieut. J.E. Dack.

John A. Bourne Capt.
(J. A. BOURNE) Capt. & A/Adjt.,
A3, Can. Art'y Training Centre,
SHILO CAMP, Manitoba.

21.

SPORTS:

The results of Boxing Tournament at No. 2 Manning Depot, Brandon, are as follows:

1. A.C. 2 Jayjour, R. (R.C.A.F.) won from Gnr. Irwin (A3) Decision
2. Gnr. Kryviak (A3) won from A.C.2 Komin-Hogen (R.C.A.F.)
3. L/Bdr. Ulveland (A3) won from A.C. 2 Rechinuc (R.C.A.F.)
4. Pte. Smart, F. (A15) won from A.C. 2 Brideway, R. (R.C.A.F.)
5. A.C. 2 Katz, M. (R.C.A.F.) won from Sgt. McKenna (A3)
6. Pte. Sebock (A15) won from A.C. 2 Owen, K. (R.C.A.F.)
7. Gnr. Phillips, T. (A3) won by T.K. from A.C. 2 Ellis, C. (R.C.A.F.)
8. Pte. Nessolowski, A. (A15) won from A.C. 2 Sehestyen, D. (R.C.A.F.)

Certified a true copy
John A. Bourne Capt.
A/Adjutant. A3 C. A. T. C.

X-4

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CERTIFIED TRUE COPY
Charles Lint
CAPTAIN
ASSISTANT FOR COMMANDANT
15 CANADIAN INFANTRY TRAINING CENTRE

15 CANADIAN INFANTRY TRAINING CENTRE

PART I ORDERS No. 275.

By Lieut.-Col. R. L. MITCHELL P.F.C.L.I.
COMMANDANT

SHILO CAMP, Manitoba.
16 Nov 42.

V:V:V:V:V:V:V:V:V:V:V:V:V:V:V:V:V:V FOR VIGILANCE V:V:V:V:V:V:V:V:V:V:V:V:V:V

Last Order Issued, #274, 14 Nov 42.

1. DUTIES:

ORDERLY OFF.: Camp & Retl.:	Tue, 17 Nov 42: Lt. J.W. McNINCH,	"D" Coy.
	Wed, 18 Nov 42: Lt. C.N. SHEA,	"E" Coy.
ORDERLY SGTS.: Camp & Retl.:	Tue, 17 Nov 42: A/Sgt. MacDONALD, E.R.,	Spec Coy.
	Wed, 18 Nov 42: Sgt. McCHEYNE, W.F.,	Spec Coy.
ORDERLY CPLS.:	Tue, 17 Nov 42: A/Cpl. MAFUN, A.,	"A" Coy.
	Wed, 18 Nov 42: A/Cpl. KOLENICH, H.E.,	"F" Coy.
CANTEEN CPLS.:	Tue, 17 Nov 42: L/Cpl. BROOK, S.B.,	Spec Coy.
	Wed, 18 Nov 42: L/Cpl. GEORGESON, W.K.,	"E" Coy.
BUGLERS:	Tue, 17 Nov 42: to be detailed by,	H.Q Coy.
	Wed, 18 Nov 42: to be detailed by,	H.Q Coy.

2. ORDERS: C.O.'s Orders will be held at 1000 hrs. 17 Nov 42.

3. TRNG.: As per Coy. Syllabi, Tue, 17 Nov 42.

4. RANGE ALLOTMENT: Camp Order # 785 d/14 Nov 42. Rifle Range: Thu, 19 Nov 42. A15 C.I.T.C. 0750-1800 hrs. 25-48

5. GAS CHAMBER: Thu, 19 Nov 42. A15 C.I.T.C. 1500-1700 hrs. (Auth. Camp Order #786 d/ 14 Nov 42.)

6. RETREAT: Commencing Monday, 16 Nov 42, and until further notice, Retreat will be at 1800 hrs. (Auth. Camp Order #789, d/ 14 Nov 42.)

7. COURT OF ENQUIRY: A Court of Enquiry will assemble at the call of the President for the purpose of enquiring into and reporting upon accident to Vehicle D.N.D. No. 40-1-3554, Ford, C.3., 15 Cwt:

PRESIDENT: Capt. H.C. MAXWELL,
MEMBERS: Capt. D.C. HOWAT,
Lt. A. LeFEVRE,

8. DISTRICT COURT-MARTIAL: The attention of Major S.E. MASSON, is directed to District Order No. 1205, d/ 12 Nov 42, concerning the marginally noted subject.

(Cont. Sheet 2.)

A15 CANADIAN INFANTRY TRAINING CENTRE

No. 275.

PART I ORDERS

SHEET 2.

By Lieut.-Col. R. L. MITCHELL P.P.C.L.I.
COMMANDANT

SHILO CAMP, Manitoba.
16 Nov 42.

V:V:V:

A15 CANADIAN INFANTRY TRAINING CENTRE

SECRET 3. PART I ORDERS No. 275.

By Lieut.-Col. R. L. MITCHELL P.P.C.L.I.
COMMANDANT

SHILO CAMP, Manitoba.
16 Nov 42.

V:V:V:V:V:V:V:V:V:V:V:V:V:V:V:V FOR VICTORY V:V:V:V:V:V:V:V:V:V:V:V:V:V:V:V:

9. SUMMARY OF EVIDENCE: (Cont'd) 2/Lt. McINTYRE, is detailed to take a Summary of Evidence on Oath, in the case of charge against L22170 Pte. BROWN, C.A., H.Q. Coy.

4 Completed copies os Summary to be handed in to the Adjutant by 0945 hrs. 17 Nov 42.

10. COURT OF ENQUIRY: A Court of Enquiry will assemble at the Call of the President for the purpose of inquiring into and reporting upon damage to D.N.D. Vehicle No. 40-1-3538:

PRESIDENT: Capt. E.M. KINGATE,
MEMBERS: Lt. T.S. SUTET,
2/Lt. J.K. JOHNSTON,

C. H. Sandiland Lieut
for (A.C. F. HART) Capt. & Adj.,
A15 Canadian Infantry Training Centre.

JRR

G

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MINUTE OF ADJOURNMENT AND REASSEMBLY

At 10.00 o'clock on the 18th of November, 1942, the Court adjourned until 3.30 o'clock on the 18th of November, 1942.

On the 18th of November, 1942, at 3.30 o'clock the Court reassemble pursuant to adjournment, present the same members as when adjourned.

Pte Burke H. i/c Party

MOVEMENT ORDER NO. 102.

I.T.C. 6-2-2-1.

by

Lieut.-Col. R.L. Mitchell, P.P.C.L.I.,
COMMANDANT
A15. Canadian Infantry Training Centre.

Oct. 10th, 1942

0-0-0-

65

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

I, H-32020 Sgt. Kearns, W. J. # 40 Provost Company. w/k ~~Captain S. K. Carter Officer Commanding # 40 Prov. Coy.~~
(Number) (Rank) (Name) (Unit)

hereby certify that H-530627 Pte. HOLUB, John
(Number) (Rank) (Name in full)

of the # 10 NRMA A-15 Camp Shilo, Man.
(Unit and attachment (if any)

Strike out words not applicable } was apprehended by (w/k ~~XXXXXXXXXXXXXXXX~~ H-32020 Sgt.
(Number) (Rank)

Kearns, W. J. #40 Provost Company, Cdn. Pro. C.
(Name) (Unit or appointment)

at Winnipeg, Manitoba. at 1600 hours
(Place) (Hour)

on the 1st day of November 1942.

as a (w/k ~~XXXXXXXX~~ absentee without leave), and that at the

Strike out words not applicable } time of his arrest he was wearing military (w/k ~~XXXXXXXX~~)

uniform (w/k ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~).

DATED AT Winnipeg, Man. this 1st day of November 1942.

W J Kearns Sgt
(W. J. Kearns) Sgt.
i/c Winnipeg Detachment,
~~# 40 Provost Coy.~~
(Signature, Number, Rank, Unit or appointment)

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42 (M1126)
H.Q. 1772-39-1936

PROSECUTING OFFICER'S CLOSING ADDRESS

Sir, the accused Private Holub, is charged with desertion under Section 12 (1) (a) of the Army Act. The Defence put up by the accused is a complete contradiction of everything put forward by the Prosecution. We have proved that he was warned at least three times for Special Duty. The length of time he was away would also indicate his intention of deserting.

Under Section 12 (1) of the Army Act and the note thereto, it states 'Upon a charge of desertion the particulars should state, and the prosecution should prove, both the date when the absence began, and the date when it ended."

Well, that has been easy enough, we have proved those dates. The Part we are trying to show is that he intended to miss this Special Duty and the evidence of Sergeant Hadden and Corporal Burke is, I believe, sufficient to prove that he had been warned for that Special Duty.

DEFENDING OFFICER'S CLOSING ADDRESS

Mr. President and Members of the Court; it is not my intention to waste the Courts time talking about things they know full well enough about. One of the things I think is important is the proper warning of persons called for Special Duty. Some of these things are small things and they are being continually misunderstood. I claim that this man misunderstood or was not properly warned for this Special Duty. There is a definite doubt in my mind that this man was there on this parade. The evidence of the Prosecution seemed to me to be too definite. We must asume that the accused was right in saying they were moving from one barrack-room to another. We all know that during administrative duties there is usually quite a turmoil. The Movement Order is dated October the 10th, 1942, and Sergeant Hadden stated that certain personnel were warned on the 12th of October, 1942. The evidence of the Prosecution claims they read the whole Movement Order and yet several men in that personnel asked if they were on draft or what they were doing, so some of the men must have been in doubt. I am merely infering that there must have been some misunderstanding at that time. If the accused was on that parade it could be possible for him to misunderstand. In spite of the fact that the men who did ask questions were answered, there is still the possibility that the accused, if he was on that parade as they claim, did not understand. As to his understanding of what Special Duty meant I suggest the draft warning was conducted somewhat differently than is usually the case. I am not familiar with the proceedure of warning drafts in this Training Centre yet, but I claim that this parade was on the Sunday or at sometime when the accused was not present. The Order was dated the 10th, that was a Saturday. As far as the absence is concerned, Sir, the Defence admits absence. The accused has admitted it, and there is no thought to try and claim that the man was entirely innocent. I believe the element of doubt should be in favour of the accused. As far as his reasons for going absent, I intended to bring that out in mitigation of sentence, but it has come out in the evidence and I contend it should be considered.

Y

71

M.F.B. 188
20M—11-41 (2372)
H.Q. 1772-30-626
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H.530627	Pte.	John HOLUB,	A.15, C.I.T.C.

1. The following is a fair and true summary of the entries in the FIELD ~~Summary Court~~ ~~Company~~ Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~or~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	A.W.L.	3 times	A.W.L.	3 times
For	Breaking out of Camp	1 times	Breaking out of Camp	1 times
For		times		times
For		times		times

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for 0 days in civil custody, and 17 days in ~~Air Force~~ military custody, making a total of 17 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 24 yrs. 3 months 1 Day

6. The date of his attestation specified in his attestation paper is March 12, 1942.

9. The accused is in possession of or entitled to no military decoration, or military reward (or

Rem B. ~~In the case of an officer, the rank in the Regular Canadian Army (Permanent Force) or the rank of~~

Permanent Force
unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army / Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit / Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
		Nil		
				Rem B.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 19th day of Nov. 1942

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

Rem Baer Capt
ADJUTANT
A/No. CANADIAN INFANTRY TRAINING CENTRE

B

DEFENDING OFFICER'S ADDRESS IN MITIGATION OF PUNISHMENT

Sir, I notice in the statement as read by the Prosecution it states that since enlistment the accused has been absent three times. I might add that that was in the last three months. Previous to that he had not been in trouble. It is possible that the trouble at home, which he has mentioned in his evidence, is responsible. I would ask the Court to refer to K.R. (Can) 563-M - 1 in considering the sentence.

Summary of Evidence in the case of No.H-530627, Private John HOLUB, General List, No.10 National Resources Mobilization Act, 1940, Clearing Depot, attached to the A-15 Canadian Infantry Training Centre, C.A., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization Act, 1940, and the regulations made thereunder, as amended.

Shilo Camp, Manitoba.
10th November, 1942.

Summary of Evidence in the case of No. H.530627, Private John HOLUB, General List, No. 10 National Resources Mobilization Act, 1940, Clearing Depot, attached to the A-15 Canadian Infantry Training Centre, C.A., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilization act, 1940, and the regulations made thereunder, as amended, charged with desertion.

THE COMMANDANT DIRECTS THAT THE EVIDENCE BE TAKEN ON OATH.

FIRST WITNESS.

No. L.13529, Sergeant Andrew Gammie HADDEN, A.15 Canadian Infantry Training Centre, C.A., having been duly sworn, states:-

"I am No. L.13529, Sergeant Andrew Gammie HADDEN, A.15 Canadian Infantry Training Centre, C.A., Assistant Instructor on the Instructional Staff of "F" Company A.15 Canadian Infantry Training Centre, C.A."

WITNESS QUESTIONED BY THE PRESIDING OFFICER

Question: "Tell me in your own words what you know about this case?"

Answer: "On October 12th, 1942, I was handed a Movement Order by Acting C.S.M. Russel of our Company, with the instructions to warn the men whose names were on the Movement Order that they were thereby warned for Special duty. At the time the Company had fallen in for morning parade. I warned the Company that any man whose name was called was to acknowledge same and to stand in a group on the right of the Company. I then read out the names on the Movement Order, each man answering to his name. I then called the names out a second time, each man answering his name again. I told them that they were now being warned for special duty, and also instructed them to remain in a group as there was quite a bit of work to be done, and I read to them from the Movement Order what had to be done. I asked if there were any questions. One or two asked if they were on draft, and I told them they were warned for special duty. I then advised them that I was going to hand them over to A/Corporal Burke, W.M. who would look after them. Just as a final warning I instructed them not to get scattered around. I then told the Corporal to carry on."

Question: "At what time of the morning of the 12th of October, 1942, did you warn these men?"

Answer: "As far as I can remember it was between 8.30 and 9 o'clock on the 12th of Oct.1942."

Question: "I show you this document. Do you know what it is?"

Answer: "It is an M.F.M. 216, Certificate of Apprehension, showing the accused having been apprehended by the ~~Rayin~~ Military Police at Winnipeg, Manitoba, on the 1st day of November, 1942."

DOCUMENT PRODUCED AND MARKED EXHIBIT "A"

Question: "Was the warning order delivered verbally or written?"

Answer: "I read it out to them, Sir."

Question: "What was on the Movement Order?"

Answer: "It stated the names of the men to go on Special Duty and stated the time that they had to be paraded for pay, Dental inspection and medical inspection, etc."

Question: Was the name of the accused on the Movement Order?"

Answer: "Yes, Sir."

Question: "Did the accused answer to his name when it was called out?"

Answer: Yes, Sir".

Question: "Did this draft proceed on this Special Duty?"

Answer: "Yes, Sir. It left on the 15th October, 1942."

Question: "Do you know the accused?"

Answer: "Yes, Sir, there he is." (Pointing to him).

THE ACCUSED DECLINES TO QUESTION THE WITNESS

.....A. G. Hadden.....Sgt.
(A.G.Hadden)

SECOND WITNESS

No. H.67221, Private (Acting Corporal) William Morley BURKE, A.15 Canadian Infantry Training Centre, C.A., having been duly sworn, states:-

"I am No.H-67221, Private (Acting Corporal) William Morley BURKE, A.15 Canadian Infantry Training Centre, C.A., an assistant instructor on the instructional staff of "F" Company, A.15 Canadian Infantry Training Centre, C.A."

WITNESS QUESTIONED BY THE PRESIDING OFFICER

Question: "Will you tell in your own words just exactly what you know about this case?"

Answer: "Sir. On the morning of the 12th of October, 1942, I was detailed by Sgt. Hadden to go out and inform the Company to come on back to the area back of the Orderly Room. Then Sgt. Hadden came out and called the names of ten men, warning them for Special Duty. They fell out to the right of the Company. The remainder of the Company moved off to the training area and the men that were warned for Special Duty remained there and then Sgt. Hadden read the Movement Order to them. They asked him where they were going and he said "I cannot tell you just now." He then handed the Movement Order to me and I then marched them over to the south side of the barrack room and I also read the Movement Order to them and told them not to leave the barrack room as I would be needing them very soon. They also asked me where they were going, but I would not tell them. On the 12th of October, 1942, about 1330 hours, I fell them in outside of the barrack room and called the names according to the Movement Order. I found that Private Holub, J. was absent and placed his name on the Absentee Report accordingly. That is all, Sir."

Question: "Did the accused answer his name when you called the roll in the morning of the 12th of October, 1942?"

Answer: "Yes, Sir."

Question: "Do you know what was on the Movement Order?"

Answer: "I do, Sir. It was a draft of 10 men from "F" Company who were to move to Terrace, B.C."

Question: "Did the draft leave?"

Answer: "Yes, Sir."

Question: "On what date?"

Answer: "On either the 14th or 15th."

Question: "Did the accused go with the draft?"

Answer: "No, Sir. He did not."

Question: "Why?"

Answer: "Because he was absent without leave from the Camp".

Question: "Was Private Holub one of the ten men whose name was called by you when you called the roll from the Movement Order?"

Answer: "Yes, Sir. It was."

Question: "I show you this document. Do you recognize it?

Answer: "I do, Sir, it is an M.F.M. 216 in the case of H.530627, Private HOLUB, J. showing that he was apprehended by the Military Police in Winnipeg at 1600 hrs. on the 1st of November, 1942".

Question: "Do you know the accused?"

Answer: "Yes, Sir. There he is." (Pointing to him).

THE ACCUSED DECLINES TO QUESTION THE WITNESS.

W.M. Burke Cpl
.....A/Corporal.
(W.M.Burke)

I hereby certify that after the above evidence was given, the accused was asked:

"Do you wish to make any statement or give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give, will be taken down in writing and may be given in evidence."

J.R. Koensgen .....Lieut.
(J.R.Koensgen)

THE ACCUSED IS QUESTIONED BY THE PRESIDING OFFICER

Question: "Is that clear?"

Answer: "Yes, Sir."

Question: "Do you wish to make any statement?"

Answer: "No, Sir. I do not wish to say anything until the trial."

J. Holub .....Pte.
(John Holub)

I hereby certify that all conditions of Rules of Procedure 4 (c), (d), (e) and (f) have been complied with.

J.R. Koensgen .....Lieut.
(J.R.Koensgen)

Taken down by me in the presence of the accused at Shilo Camp, Manitoba, this 10th day of November, 1942.

J.R. Koensgen .....Lieut.
(J.R.Koensgen)

Shilo Camp, Manitoba.

10th November, 1942.

MEDICAL OFFICER'S REPORT

I certify that No. H.520627 Pte. Holub J.
of A.15 C.I.T.C. is in a Good state of health,
and fit to undergo Trial by Court martial.

Harry W. Lewis Major R.C.A.M.C.
Medical Officer
A15 Canadian Infantry Training
Centre, C.A.

Station Shilo Camp. Manitoba.

Date 18th. November. 1942

M. F. B. 246
30M—6-41 (792)
H.Q. 1772-30 48b

MEDICAL OFFICER'S REPORT

I certify that No H530627 Pte Holub J.

of A15. C.I.T.C. is in a good state of health,

and fit to undergo Trial by Court martial.

Harry W Lewis Major RCAMC
Medical Officer
A15 Canadian Infantry Training
Centre, C.A.

Station Shilo Camp Man;

Date November 19th 1942.

M. F. B. 246
25M—6-41 (792)
H.Q. 1772-39 480

55-H-305 CONFIDENTIA

DEPARTMENT OF NATIONAL DEFENCE—OTTAW

SUBJECT DISTRICT COURT-MARTIA

G-32035 PTE. R.F. HUMPHREY

NO. 7 DISTRICT DEPOT.

CONFIDENTIAL
H.Q.C. 55-H-305

CENTRAL REGISTRY	DATE	P.A. OR D.F.	INITIALS	REFERRED TO	FOR
		(If purpose for which referred cannot be expressed on one line, file and enter here "With Minute")			
				Reg	
				Adm	
				Adm	
				DAG(B)	"
DEC 17 1942				Adm	"
DEC 24				AD	For Reconsideration C.R. DE
DEC 31				Adm	PER B. F. DEC
				AD	C.R. JAN
	15			AD	JAN
JAN 25 1943				AD	
				AD	With Papers C.R. FEB
				JAG	
FEB 16	10			AD	Minute
				AD	C.R. FEB 2
FEB 24 1943				JAG	
MAR 10 1943	10			AD	PER B. F. MAR 10

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to retain it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE

R4619

3108

IN REPLY PLEASE QUOTE
No. J/36-H-786
H.Q.C.55-H-305 (A.D.1c)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

SAINT JOHN, N.B., 17 Feb 1943.

107809

GENERAL REGISTRY Army
HQ.M.D.No.7
File C55-H-305
Origl. to
Referred to a D

Secretary,
Department of National Defence,
OTTAWA, Ontario.

RE: FIELD GENERAL COURT-MARTIAL
G32505 Ex Pte. HUMPHREY, R.F.,
No. 7 District Depot, C.A.

1. Receipt is acknowledged of your letter numbered as above and dated 15 Feb 43.

2. An order remitting three months and twenty days of the sentence awarded the marginally named ex soldier has been attached to A.F.A.3.

M.A. Goodday Maj
(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

J.A.G.:- Refer your minute 3 file 440 not attached the file for reversal

22 2/43.

Enc.

NAT. DEF. B. 448
2,000 M—4-42 (4327)
H.Q. 1772-39-767

G-32035 Pte. Humphrey, R.F.
(C. & Y.R.) No. 1 C.D.I.R.U. 94 J

Correspondence to be PINNED here.

Army Form A.3.

Form for Assembly and Proceedings of Field General Court Martial on Active Service.

PROCEEDINGS.

A.

On Active Service, this 25th day of June, 1942. Order convening the Court.

Whereas it appears to me, the undersigned, an officer in Command of "A" GROUP REINFORCEMENT UNITS, C.R.U., on active service, that the persons named in the annexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned.

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court Martial ~~[and that it is not practicable to delay the trial for reference to a superior qualified officer.]~~

*Omit where Convening Officer is a Commanding Officer or is of Field Rank.

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers appointed or detailed hereunder.

~~*[I am unable to appoint—~~

~~*(1. Three officers to form the Court)~~

~~*(2. A Field Officer as President)~~

~~for the following reasons, namely—]~~

* Omit if not applicable.

PROCEEDINGS REVIEWED

Note.—The President must be named. The members and waiting members (if any) may be mentioned by name, or the number and ranks and the unit to which they belong may alone be named. In the latter event, the ranks, names, &c., of the members of the court, as constituted, will be recorded on the proceedings.

President.

Rank.	Name.	Regiment.
Major	C.C. TARBUCK (Seaforth of C.)	1 C.D.I.R.U.

Members.

Rank.	Name.	Regiment.
Major	J.G. Bell (Perth R.)	5 C.I.R.U.(A.D.)
Lieut.	R.H. Gault (R.H.C.)	2 C.D.I.R.U.
Waiting Member Lieut.	K.C. Singleton (R. Regt.C.)	2 C.D.I.R.U.

* Must be signed personally by the Officer actually in command at the time, and all alterations in the composition of the Court to be initialled by him.

*Sig. [illegible] Colonel
Commanding "A" Group Cdn. Reinf. Units, C.A.(O)
Convening Officer.

SCHEDULE.

Number, Rank (a), Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (d)
G-32035 PTE. HUMPHREY, R.F. (C. & Y.R.) 1 C.D.I.R.U.	First Charge A.A.Sec. 15(1)	Guilty	Guilty	I confirm the finding and sentence of the Court [illegible] Colonel 27.6.42
	Second Charge A.A.Sec. 15(1)	Guilty	Guilty	
	Third Charge A.A.Sec. 15(1)	Guilty	Guilty	
	Fourth Charge A.A.Sec. 10(3)	Guilty	Guilty	
	(SEE CHARGE SHEET ATTACHED)		To undergo detention for a period of nine (9) months. and to be placed under stoppages of pay to make good the sum of £3/12/11 cost of apprehension	
	Extracts entered as No. 3105 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 8th day of February 1943 [illegible]		27/6/42 [illegible]	

* Question to be asked of accused, if he pleads not guilty (R. of P. 89 (A)):—

"Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?"

Answer (to be recorded on separate sheet if necessary):—

(Signed) [illegible] Colonel (Signed) [illegible]

Commanding "A" Group Reinf. Units. [illegible]

Convening Officer (e) — President.

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

(b) Unless unavoidable, not more than three names are to be entered on one form, and in serious cases one only.

(c) Recommendation to mercy, if any, to be inserted in this column.

(d) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.

(e) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

WHEREAS on 27 June 42 No. G-32035 Private Ronald Francis Humphrey, No. 7 District Depot, C.A., was sentenced by a Field General Court-Martial to undergo detention for a period of nine (9) months and to be put under stoppages of pay until he has made good the sum of £3:10:11;

AND WHEREAS a Medical Board has found this soldier to be category "E" and it is advisable to discharge him from the Canadian Army;

I THEREFORE do now remit three (3) months and twenty (20) days of the said period of detention.

Dated at Saint John, N.B. this 23rd day of January, 1943.

N.O. Goodday, Maj. Bde.

(G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

CHARGE SHEET

The accused, G-32035, Private Humphrey, R.F., Carleton and York Regiment, on the strength of No. 1 Canadian Division Infantry Reinforcement Unit, as a reinforcement, a soldier of the Canadian Army (Overseas), is charged with:

When on active service, absenting himself without leave,

1st Charge
Sec.15(1)
Army Act

in that he,

at Brixham, Devon. on the 14th day of April, 1942, absented himself without leave until apprehended at Liverpool, on the 1st day of May, 1942. Total absence: 16 days.

When on active service, absenting himself without leave,

2nd Charge
Sec.15(1)
Army Act

in that he,

while in lawful custody, in the Orderly Room of the Carleton and York Company, No. 1 C.D.I.R.U., absented himself without leave at 1010 hours on the 11th day of May, 1942, until being apprehended by the Civil Power at Oxford at 1950 hours on the 29th day of May, 1942, thereby incurring expenses to the Public for the costs of his apprehension in the amount of:

£0:6:6

Total absence: 18 days, 1 hr., 40 mins.

When on active service, absenting himself without leave,

3rd Charge
Sec.15(1)
Army Act

in that he,

while in lawful custody, at the Carleton and York Field Regiment, absented himself without leave from about 1800 hours on the 7th day of June, 1942 until being apprehended by the Canadian Provost Corps at Cardiff, at 1820 hours on the 10th day of June, 1942, thereby incurring expenses to the Public for the costs of his apprehension in the amount of:

£3:6:5

Total absence: 3 days, 20 mins.

When on active service resisting an escort whose duty it was to apprehend him,

4th Charge
Sec.10(3)

in that he,

at Cardiff, on the 10th day of June, 1942, when questioned by B-93541, Pte. Graham, F.R. of No. 6 Provost Company, resisted arrest by striking at, running away from, and wrestling with, B-93541, Pte. Graham, F.R.

.....Lt.-Col.
(C.C. Ferrie) A/Commander,
No. 1 Cdn. Div. Inf. Reinf. Unit.

Algonquin Camp,
Witley, Surrey.

25th June, 1942.

To be tried by F.G.C.M.

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.....
(A. Hamilton Gault) Colonel,
Commanding,
"A" Group Cdn. Reinf. Units,
C. A. (O).
Convening Officer.

Witley, Surrey.
25 June 1942.

MEDICAL OFFICER'S CERTIFICATE

- K.R. (Can) Para. 557 -

Withdrawn
Conduct

I certify that I have this morning examined No. G-32035

Private R.F.Humphrey, Carleton & York Regiment

No. 1 Cdn. Div. Inf. Reinf. Unit, and in my opinion,

he is fit to undergo trial by Court-Martial.

Algonquin Camp,
Witley, Surrey,
27 June 1942.

.....Capt.
(Medical Officer) R.C.A.M.C.

PROCEEDINGS OF A FIELD GENERAL COURT MARTIAL HELD
AT Jasper Camp ON THE 27th DAY OF June 42

TRIAL OF:- No. G-32035 Pte Humphrey, R.F. Unit C.L.I.R. Wpl. C.D.I.R.U.

The order convening the Court, charge sheet, summary of evidence and medical certificate are laid before the Court.

The Court satisfy themselves as provided by R.P. 22 & 23.

The accused is brought before the Court.

Prosecutor:- (Name) Lieut. J.R. Turner (Unit) Edm. Regt. 1 C.D.I.R.U.

Defending Officer:- (Name) Lieut H.T. Wevill (Unit) Edm. Regt. 1 C.D.I.R.U.

At 0930 hrs the trial commences.

The order convening the court is read, signed by the President and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q1 Do you object to be tried by me as President or by any of the officers whose names you have heard read over? A1 - NO SIR.

The President, members and judge-advocate (if any) are duly sworn.

The following constitute the Court:

President Major C.C. TARBUCK ...(Unit) S.H. of C. 1 C.D.I.R.U.

Members ~~Capt~~ major J.G. Bell .....(Unit) Perth R. 5 C.I.R.U.

Capt. R.H. Gault .....(Unit) R.H.C. 2 C.D.I.R.U.

The officers under instruction are duly sworn.

Q2 Do you object to L-Sgt. Pte. Barr, G. ..acting as ~~shorthand writer~~ stenographer? A2.- NO SIR.

The shorthand writer is duly sworn.

The accused pleading Guilty to the charges in the above mentioned charge sheet, R.P.35(B) is duly complied with.

The summary of evidence is read, signed by the President, and attached to the proceedings.

Court is closed to consider its finding. Court is re-opened.

Name Lieut. J.R. Turner .....(Unit) Edm. Regt. ..... sworn, produces AFB 296 and MFM 6 and upon being questioned by Court states that the accused is the person named in these documents which have been compared by him with Regt'l records and are true extracts of the same. No cross-examination. Above documents read, signed by President and attached to the proceedings.

Q3. (To accused) - Do you wish to make any statement in mitigation of punishment? A3 - NO

Q4. Do you wish to give evidence yourself or to call any witnesses as to character? A4 - YES Attached as App. "A"

BRIEF SUMMARY OF STATEMENT IN MITIGATION OF PUNISHMENT AND EVIDENCE AS TO CHARACTER GIVEN BEFORE THE COURT IS CLOSED FOR THE CONSIDERATION OF THE SENTENCE

see attached letter.

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27/6/42.

C.C. Tarbuck Major
President

Appendix "A"

PROCEEDINGS OF A
FIELD GENERAL COURT MARTIAL

Evidence taken down at the trial of G-32035 Pte. Humphrey, R.F. C. & Y. R. No. 1 C.D.I.R.U. Canadian Army, on active service Overseas held at Jasper Camp, Witley, 27 Jun. 1942.

Witness for the Prosecution having been duly sworn produces A.F.B. 296 and M.F.M.6, and further makes the following closing address.

> I would just like to ask Sir, if it would be possible for the Court to bring to the attention of the Convening Officer the way in which accused was handled while at hospital and his discharge from Hospital. It does not seem to me to be fair to the man himself who was serving sentence that he should have been allowed, as it appears to be the case; to move around without escort, which led to his first absence from Brixton, leading to the other charges.

The following closing address was made by the defending counsel.

> Well Sir, I talked for a considerable time with accused while in detention and although I asked him a number of questions, he did not seem to be able to give any vivid account of any evidence relative to his case. Definitely, I think he is a mental case,and to go back to his first Crimes the Regiment to which he belongs seems to me to be very much to blame for the state of affairs in his M.F.M. 6,. You will find that there is quite a number of small Absent Without Leave charges. On return from one he got the large amount of punishment for ten days abscence 5 days C.B. That would make him feel, "I got away with that, why the hell should I not go away again". This appears more than once on his M.F.M.6, I think If he would have been punished severly enough at the beginning these charges might not have been charged against him. He has been to Doctor since, and I believe that he will be sent to Hospital and I think Sir, that if he was given a stiff sentence it will only tend to his being more bitter more resentful and if he is given a chance after observation, he may turn out to be a good soldier. I think he would do so. If you think he should have a little break, I ask that you give him as small a punishment as you can and I recommend that if it could be possible sentence be deferred until such time as a real medical examination has been give to him.

I certify that the above is a true extract of the evidence and proceedings taken in the above mentioned case on 27th Jun. 1942.

C-32252 Pt.e Barr, G.

20 40

Major
(Major C.C. Tarbuck) President

d/27-6-42.

SUMMARY OF EVIDENCE

In the case of G-32035, Private Humphrey, R.F., Carleton & York Regiment, No. 1 Canadian Division Infantry Reinforcement Unit

By direction of the Commanding Officer, this Summary of Evidence is taken down on Oath.

First Witness for the Prosecution

Captain G. Cruickshank, Officer i/c Records, No. 1 Canadian Division Infantry Reinforcement Unit, having been duly sworn, states:

I am Capt. G. Cruickshank, Officer i/c Records, No. 1 C.D.I.R.U. I produce A.F.B. 115, certified copy of the records of Declaration of Court of Inquiry which relates to the accused whom I now recognize. This document is marked Exhibit "A".

I produce a descriptive return, A.F.O. 1618 relating to the accused purporting to be signed by Alfred M. Eaford, committing magistrate. This document is marked as Exhibit "B".

I produce a certificate purporting to be signed by the officer i/c Detention Room No. 6 Provost Company, relating to the accused. This certificate is marked as Exhibit "C".

I produce a certificate purporting to be signed by the officer who authorized the transportation for the return of the accused and his escort, showing the costs of apprehension of the accused. This certificate is marked Exhibit "D".

I produce a certificate purporting to be signed by the officer who authorized the transportation for the return of the accused and his escort showing the costs of apprehension of the accused. This certificate is marked Exhibit "E".

I produce a certificate purporting to be signed by the officer who authorized the transportation for the return of the accused and his escort, showing the costs of apprehension of the accused. This certificate is marked Exhibit "F".

The accused declines to cross-examine this witness.

George Cruickshank
.....
RECORDS OFFICER I.C.D.R.U.

Second Witness for the Prosecution

G-23017, Corporal Huard, C., Carleton & York Regiment, No. 1 Canadian Division Infantry Reinforcement Unit, having been duly sworn, states:

I am G-23017, Cpl. Huard, C., Carleton & York Regiment, No. 1 C.D.I.R.U. On the 11th of May, 1942 I was night N.C.O. for the Carleton and York Company Orderly Room, when two soldiers were escorted into the office as prisoners by the Military Police.

Capt. Rousseau ordered me to go to Records Office to get posting notice for the two men. These men were Pte. Thompson and Pte. Humphrey, the accused whom I now recognize.

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SUMMARY OF EVIDENCE

Second Witness (Cont'd) whom I now recognize/
for the Prosecution

I went to Records Office with the two prisoners and the Military Policeman. I got the posting slips, and I gave the L/Cpl. of the Military Police the chit saying that I had received the two prisoners. Then I went back to the Coy. Orderly Room with the two prisoners and they asked me if I could get them something to eat. Pte. Caines, who was working in the orderly room went into the next office and phoned the Orderly Officer at Brigade, while he was doing this I was in the same room with Pte. Caines waiting for results. The prisoners remained in the clerk's Office. Then Pte. Caines said it was all right to go down to the kitchen and get something to eat for the men.

Just at that time the accused made a dash for the door and escaped from the Coy. Orderly Room. I warned the Regimental Police.

Questioned by Officer taking Summary:

Ques: At what time did the accused run out of the Orderly Room?

Ans : About 1810 hrs., sir.

The accused declines to cross-examine this witness.

.....Capt. Hucard C.....

Third Witness for the Prosecution

B-93541, Private Graham, F.B., No. 6 Company, Canadian Provost Corps, London, states:

re: G-32035, Pte. Humphrey, R., C&YR, No. 1 CDIRU

Sir,

1. At about 0830 hours 10 Jun 42 I was detailed to proceed to Cardiff, Wales to escort K-82004, Pte. O'Donnell, J.J., 1st Battalion, Canadian Scottish Regt.

2. I proceeded to Paddington Station via underground, and entrained there at about 1155 hours, arriving in Cardiff at about 1530 hours 10 Jun 42, where I proceeded to the C.M.P. Headquarters, and reported to the N.C.O. i/c detachment. The C.M.P. gave me transport to the barracks where Pte. O'Donnell was being held, and I accepted custody of Pte. O'Donnell at about 1730 hours 10 Jun 42.

3. I proceeded to the Central Station, Cardiff, and found that the next train for London did not leave until 2303 hours, so I therefore proceeded to a nearby cafe to obtain supper for myself and Pte. O'Donnell.

4. Before proceeding to the cafe I entered the washroom of the nearest Y.M.C.A. hostel to get washed and cleaned up, and in the washroom found Pte. Humphrey, of the Carleton & York Regt., who had been through the detention office in London during a tour of duty by myself. Recognizing him, I proceeded to question him, and went out onto the street in company with Pte. Humphrey and Pte. O'Donnell. Further questioning of Pte. Humphrey made me sure that his story was false, so I therefore accused him of being an absentee, at which he struck me and broke away, after swearing at me, and trying to involve Pte. O'Donnell, who was then in custody, in an attempt to escape. Pte. O'Donnell refused to have any hand in the attempt, at which Pte. Humphrey tried to get away from me. I dropped my respirator, leaving it in the hands of Pte. O'Donnell, who had given his word not to attempt to escape, and ran after Pte. Humphrey, overtaking him after a chase of about half a block.

Third Witness (Cont'd) chase of about half a block/
for the
Prosecution

Pte. Humphrey resisted arrest, attempting to snatch my revolver, and saying "I'll kill you, you son-of-a-bitch", and we wrestled about in the street for approximately twenty minutes, during which time a crowd gathered, and showed signs of attempting to assist Pte. Humphrey in his attempt to escape from me. Pte. Humphrey had grasped my revolver from the holster, and Pte. O'Donnell assisted me in regaining possession of it, handing the revolver to an air-raid warden who was standing nearby. At this two of the civilians standing nearby attempted to assist Pte. Humphrey in his escape, and Pte. O'Donnell prevented them in their actions, so that I was able to subdue Pte. Humphrey and place him under arrest. At this Pte. O'Donnell went down the street and returned with a civilian policeman, who assisted me in arresting and handcuffing Pte. Humphrey.

5. At this time a C.M.P. vehicle drove along the street, and I called to them, requesting transportation to their detention rooms, which they agreed to provide. As there was room for only two persons in the vehicle with the C.M.P. patrol, I had to again accept the word of Pte. O'Donnell that he would not attempt to escape, and gave him two (2) shillings for food, arranging to meet him at the nearest hostel for the forces after disposing of Pte. Humphrey. I then proceeded to the C.M.P. detention room with Pte. Humphrey, who had been cut in the struggle, and was bleeding some.

6. On arrival there I again questioned Pte. Humphrey regarding his particulars, and he refused to give me any information, saying, "Take the cuffs off me and find out". I took the cuffs off Pte. Humphrey, who at once attacked me again, so I was forced to strike him in self-defence, until he gave me his name, and giving his rank as a gunner in the 1st L.A/A Regt. R.C.A., the shoulder titles of which unit he was wearing.

7. I then requested that the N.C.O. i/c C.M.P. detention office phone through to London for me, which he did, and I spoke to one of the members of the S.I.S., giving him all the particulars of the arrest. I was instructed to wait until a return call came through, and I did, waiting about half an hour, when I was instructed to attempt to bring the two men in to London, if possible.

8. As I was instructed to wait until morning before returning to London I then proceeded to the forces hostel where I had arranged to meet Pte. O'Donnell, and found him sitting drinking a cup of coffee. Together we proceeded to walk around for a short while, then proceeded to the lodging house where we obtained bed and breakfast, and turned in for the night.

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9. At about 0930 hours 11 Jun 42 I proceeded to the C.M.P. headquarters, where I found L/Cpl. Rudolph, of this company, who had been sent to Cardiff to assist me in the return journey. I therefore turned Pte. O'Donnell over to L/Cpl. Rudolph to be escorted, and then proceeded to the barracks where Pte. Humphrey had been detained overnight. Upon arrival there I was informed that Pte. Humphrey had been in the hospital overnight, and that I was to report to the Medical Officer, which I did. The Medical Officer informed me that Pte. Humphrey was in no condition to travel, but could be ready about 1100 hours. Pte. Humphrey had given the Medical Office a false story of his hurts, and I was questioned by the M.O. regarding the arrest, also by the Adjutant of the Barracks, as Pte. Humphrey was also wearing U.S.A. shoulder titles. I was able to give the true story to the officers, and was told to await the bandaging of Pte. Humphrey so that he could travel.

SUMMARY OF EVIDENCE

Third Witness (Cont'd) so that he could travel/
for the
Prosecution

10. At about 1100 hours 11 Jun 42 I proceeded to the C.M.P. headquarters by van, and turned Pte. Humphrey over to the C.M.P. to be held while I obtained my dinner. I then returned to the C.M.P. headquarters at about 1200 hours, took custody of Pte. Humphrey, and proceeded to the Central Station, Cardiff, entraining at about 1230 hours 11 Jun 42, and arriving at Paddington Station at about 1600 hours, and at these headquarters at about 1630 hours by police van, which was sent from the detention office to pick me up.

11. During the scuffle with Pte. Humphrey Pte. O'Donnell was of the greatest assistance to me, and also afterwards, when I had to escort Pte. Humphrey to the C.M.P. headquarters, and Pte. O'Donnell was trustworthy enough to proceed alone, and to await my return to the hostel.

London
11 Jun 42

(Signed) R. Graham, Pte.
.....
(B-93541, Pte. Graham, R.

A statement of this witness's Evidence, purporting to be signed by him, has been read to the accused, and is included in this Summary of Evidence.

Due to the loss of time involved, the attendance of this witness cannot, in my opinion, be readily procured.

The accused does not demand the attendance of this witness for cross-examination.

J. R. Turner .....Lieut.
Officer Taking Summary

Algonquin Camp,
Witley, Surrey.

25th June, 1942.

16
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The accused, G-32035, Private Humphrey, R.F., Carleton & York Regt., was cautioned as follows:

Do you wish to make any statement or to give evidence on oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

The accused, G-32035, Private Humphrey, R.F., Carleton & York Regiment, on the strength of No. 1 Canadian Division Infantry Reinforcement Unit, a soldier of the Canadian Army (Overseas), states:

SUMMARY OF EVIDENCE

Statement by the Accused

G-32035, Private Humphrey, R.F., Carleton & York Regiment, states:

I was a prisoner at Canadian Detention Barracks. I was doing a year. I did over half my time and I was shaking and nervous and didn't know what I was doing half the time. I seen the M.O. down there twice about my nerves. I told him I couldn't sleep. I was up for office plenty of times for swearing at the staff and disobeying orders. It got on my nerves and I couldn't help it.

I was sent to 14th General Hospital as I had the mumps. I never went out while I was there as I knew I would have gone absent and I only had 90 days left to serve. Then I went to the Convalescence Depot in Brixam and I was there for pretty near three weeks and I went out once to the show, and I came back and never went out since because I knew I would have gone A.W.L. I spent the days on the beach where there would be nobody to bother me as I would have been up for orders if anybody had yelled at me.

On the 14th of April, 1942 there were a bunch of us going to No. 1 C.M.C. I was going back to detention barracks. I just got down by the train and I buggered off again from there. I hitch-hiked a ride to Liverpool and I got picked up there May 1, 1942.

They sent me to London and from London to the Regiment in the Field and then from the Field they sent me down here to the Holding Unit.

I knew they would send me back to Detention Barracks, so I got nervous and excited and I broke. I was picked up in Oxford next. I met a merchant navy fellow there and he said he knew where he could get some money, that is steal some money. So I said"yes" - I would come, but we got caught and I went to Court about a week later. I was acquitted and the other fellow got four months. Then they handed me over to the C.M.P. and they held me till the Provost Corps came down and they took me to London, and then from London to the Field.

I was put in detention at the Carleton & York Field Regiment, and my nerves were bothering me more and at about 1800 hrs. on June 7th, 1942 I broke and went down the road about two miles and I was going to turn back and give myself up, but my nerves were so bad that if I had I would have broke again.

I got picked up in Cardiff and brought back here.

When I was picked up in Cardiff by the Provost, he tried to bring me back but my nerves were so bad and I was so mad I got in a fight with him and I tried to get away

Since being here I went to the M.O. when he came to No. 2 Detention and I explained to him that I had dizzy spells all the time and that my nerves were bad. He said he would see about it. Then I asked to see the minister, Captain Daniels, and I told him about it and he said he'd see the M.O. That is all I've ever heard about it and I have had no treatment.

Humphrey, R.F.

I certify that the following Summary of Evidence, consisting of five pages was taken down by me in the presence and hearing of the accused, and that Rules of Procedure 4(C)(D)(E)(F) and (G) have been complied with.

Algonquin Camp, Witley, Surrey - 25-6-42 ..... Lieut.
Officer Taking Summary.

Army Form B 116.

Record of the Declaration of a Court of Inquiry on the Illegal Absence of a Soldier.

RECORD of the Declaration of a Court of Inquiry assembled at Algonquin Camp on the 3rd day of June 19 42, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. G.32035 Pte. Humphrey, R.F. (C. & Y.R)

DECLARATION.

The Court declare that G.32035 Pte Humphrey, R.F., C.& Y R, has been illegally absent from 1810 hrs. 11 May 1942 and continues to remain so absent.

2. That G.32035 Pte. Humphrey, has kit deficiencies to the amount of £ 5 - 10 - 2.

EXHIBIT A -

Deficiencies in kit as shown in inventory of kit G.32035 Pte. Humphrey. 5 June 1942

	£	s	d
Bootlaces prs.(1)			1½
Boots ankle,Prs(1)	1	2	6
Brasses button (1)			2
Brushes boot blacking(1)			8½
" polishing (1)		2	1
" shaving (1)		1	2
" tooth (1)			5
Cap Field service(1)		2	5
Comb, hair (1)			2
Drawers woolen Prs.(2)		15	0
Dressing first field(1)		1	1
Holdall (1)			9
Housewife (1)			7
Shirts,flannel,khaki(2)		18	10
Socks (1)		1	11
Towels hand (1)		1	6

	£	s.	d.
Drawers cellular (2)		4	4
Straps shoulder (1)		1	11
Straps supporting(1)			8
Ground sheet		10	9
Respirator			
Haversack(1)		6	9
Facepiece(1)		7	6
Container(1)		4	3
Anti-dim (1)			2½
Ointment A/G(1)			5½
Eyeshields A/G(1)		2	3
	£	5 -	10 - 2.

"A. Bayles" S/Sgt.
i/c kit stores,
Canadian Detention Barracks

Names of President and Members

President: Lieut. C.L. Putman, W.N.S.R Coy.
Members: Lieut. C.F. Swan, Edmonton Regt. Coy.
Lieut. W.S. Olito, Edmonton Regt. Coy.

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Signature of Commanding Officer C.C. Ferrie
Lt/Col.

CERTIFIED TRUE COPY.

George [illegible]
Signature of Officer having custody of the Original Record.
Capt.

(12281) Wt.34318/1622 75,000 10/39 A.& E.W.Ltd. Gp.498
(13442) Wt.45725/760 225,000 1/40 " " Forms/B116/56

Waterbury

Ex 8/96

DESCRIPTIVE RETURN OF § G.32035 Pte. Roy HUMPHREY who was apprehended at Oxford (hour) 7.50 P.M. on the 29th day of May, 1942 and was committed to confinement at Oxford City Police Stati on the 29th day of May, 1942 as a Deserter (or Absentee without leave) from the Bn. of the Carleton & York Regt. C.M.H.Q. Regiment of London

Age 21 Height 5 feet 11 inches

Complexion Fresh Hair Brown Eyes Blue

Marks In uniform or plain clothes Uniform

Probable date and place of attestation	Sept 1939. Canada.
Probable date of desertion or beginning of absence and from what place	11/5/42.
Name occupation and address of the person by whom or through whose means the Deserter (or Absentee without leave) was apprehended and secured	D.C.51 R. Cook. Oxford City Police
Particulars in the evidence on which the prisoner is committed, and showing in what manner and upon what grounds he was apprehended. The fullest possible details to be given.	* At the above time, day and date I saw the prisoner detained at the Oxford City Police Station. I informed him that a sum of money had been stolen from the Toc H.Club, St.Clement's, Oxford, and later charged him with the theft. It subsequently transpired that he was a deserter from the above Regt.

I DO HEREBY CERTIFY that the Prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he† as an absentee the before-mentioned Corps.

Alfred M. Sanderson — Signature
69 Old Rd. Oxford — Residence
Oxford — Post Town
(of Committing Magistrate)
June 5. 1942 — Date of Signature

R Humphrey — Signature of Prisoner
R. Cook — Signature of Informant

Or where the Prisoner confessed, and evidence of the truth or falsehood of such confession is not then forthcoming.

I HEREBY CERTIFY that the above-named Prisoner confessed to the circumstances above stated, but that evidence of the truth or falsehood of such confession is not forthcoming, and that the case was adjourned until the ____ day of ____ for the purpose of obtaining such evidence.

A.M. Sanderson — Signature
69 Old Rd — Residence
Oxford — Post Town
(of Magistrate)
June 5. 1942 — Date of Signature

§ Care should be taken to insert Army No. and Rank.
‡ Insert "was apprehended" or "surrendered," as the case may be.
* It is important for the public Service, and for the interest of the Deserter or Absentee without leave, that this part of the return should be accurately filled up, and the details should be inserted by the Justice in his own handwriting, or under his direction, by his Clerk.
† Insert "is" or "is not a Deserter" or "Absentee without leave from," or "belongs," or "does not belong to," as the case may be.

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Certificate in accordance with the Army Act Section 163 (1) (ii).

I certify that Reg't. No. G-32035.....Rank. Pte....Name..Humphrey.R...

Unit. A.Coy.Carleton & York Regt..... was arrested at(Place. Cardiff.....

.....Hour 1820hrs.Date. 10-June-42 and that the time of his arrest

he was wearing military uniform.

Signature of Provost Marshal A.P.M. or other officer into whose custody the above named person was taken on arrest .....

O. i/c Detention Room
Lieut.
No. 6. Provost Company...

32

Expense Voucher Re-:

Ref: K.R. & O. (Can) 539

Reg. No. G-32035 Rank Pte. Name Humphrey, R Unit Can & Yrk

The following expenses were incurred in apprehending and returning the M/N Soldier to his Unit From London

Date	Particulars	Amount		
12 June 42	Escorts return fare from LONDON To Worthing (½ portion)		4	8
	Prisoners single fare to LONDON From			
	Prisoners fare from London To Worthing		4	8
	Escorts & Prisoners expenses for Bed, Meals, Bus fares			
	Total £		9	4

I certify that the above statement of Expenses is Correct, and that the amounts are fair and just.

H. W. Leonard Lieut.

Officer Issuing Railway Warrant and Expense monies
No. 6 Provost Company, Canadian Provost Corps, London.

C.M.H.Q. 1000:55
40/P & S/483

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Expense Voucher Re—: Ref: K.R. & O. (Can) 53

E/96

Reg. No. G 32035 Rank Pte. Name Humphrey, R. Unit Can 6 Prov

The following expenses were incurred in apprehending and returning the M/N Soldier to ~~the Unit From~~ London from Cardiff

Date	Particulars	Amount		
12 June 42	Escorts return fare from LONDON To Cardiff	1	3	6
	Prisoners single fare to LONDON From Cardiff		11	9
	Prisoners fare from To			
	Escorts & Prisoners expenses for Bed, Meals, Bus fares	1	4	8
	Total £	2	19	11

I certify that the above statement of Expenses is Correct, and that the amounts are fair and just.

H. W. Bowling Lieut.

Officer Issuing Railway Warrant and Expense monies
No. 6 Provost Company, Canadian Provost Corps, London.

C.M.H.Q. 1000:55
40/P & S/483

X 30

Ref: K.R. & O. (Can) 539

Expense Voucher Re—:

Reg. No. C-32035 Rank Pte. Name Humphrey R. Unit Carlton & Yorks.

The following expenses were incurred in apprehending and returning the M/N Soldier to his Unit From London

Date	Particulars	Amount		
7-6-42	Escorts return fare from LONDON To Worthing (½ portion)		1	10
	Prisoners single fare to LONDON From			
	Prisoners fare from London To Worthing		4	8
	Escorts & Prisoners expenses for Bed, Meals, Bus fares			
	Total £		6	6

I certify that the above statement of Expenses is Correct, and that the amounts are fair and just.

W. W. Cowling Lieut.

Officer Issuing Railway Warrant and Expense monies
No. 6 Provost Company, Canadian Provost Corps, London.

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C.M.H.Q. 1000:55
40/P & S/483

NO. 6 CANADIAN PROVOST COMPANY

Officer Commanding,
No. 6 Company,
Canadian Provost Corps,
LONDON.

re: G-32035, Pte. HUMPHREY. R. Carleton & York Regt.

Sir,

1. At about 0830 hours 10 Jun 42 I was detailed to proceed to CARDIFF WALES to escort K-82004, PTE. O'DONNELL. J.J., 1st. Battalion, CANADIAN SCOTTISH REGT.

2. I proceeded to PADDINGTON STATION via underground, and entrained there at about 1155 hours, arriving in CARDIFF at about 1530 hours 10 Jun42, where I proceeded to the C.M.P. Headquarters, and reported to the N.C.O. i/c detachment. The C.M.P. gave me transport to the barracks where Pte. O'Donnell was being held, and I accepted custody of Pte. O'Donnell at about 1730 hours 10 Jun 42.

3. I proceeded to the CENTRAL STATION, CARDIFF, and found that the next train for LONDON did not leave until 2303 hours, so I therefore proceeded to a nearby cafe to obtain supper for myself and Pte. O'Donnell.

4. Before proceeding to the cafe I entered the washroom of the nearest Y.M.C.A. hostel to get washed and cleaned up, and in the washroom found PTE. HUMPHREY, of the Carleton & York Regt., who had been through the detention office in LONDON during a tour of duty by myself. Recognising him, I proceeded to question him, and went out onto the street in company with Pte. Humphrey and Pte. O'Donnell. Further questioning of Pte. Humphrey made me sure that his story was false, so I therefore accused him of being an absentee, at which he struck me and broke away, after swearing at me, and trying to involve Pte. O'Donnell, who was then in custody, in an attempt to escape. Pte. O'Donnell refused to have any hand in the attempt, at which Pte. Humphrey tried to get away from me. I dropped my respirator, leaving it in the hands of Pte. O'Donnell, who had given his word not to attempt to escape, and ran after Pte. Humphrey, overtaking him after a chase of about half a block. Pte. Humphrey resisted arrest, attempting to snatch my revolver and saying "I'll kill you, you son-of-a-bitch", and we wrestled about in the street for approximately twenty minutes, during which time a crowd gathered, and showed signs of attempting to assist Pte. Humphrey in his attempt to escape from me. Pte. Humphrey had grasped my revolver from the holster, and Pte. O'Donnell assisted me in regaining possession of it, handing the revolver to an air-raid warden who was standing nearby. At this two of the civilians standing nearby attempted to assist Pte. Humphrey in his escape, and Pte. O'Donnell prevented them in their actions, so that I was able to subdue Pte. Humphrey and place him under arrest. At this Pte. O'Donnell went down the street and returned with a civilian policeman, who assisted me in arresting and handcuffing Pte. Humphrey.

5. At this time a C.M.P. vehicle drove along the street, and I called to them, requesting transportation to their detention rooms, which they agreed to provide. As there was room for only two persons in the vehicle with the C.M.P. patrol, I had to again accept the word o Pte. O'Donnell that he would not attempt tp escape, and gave him two (2) shillings for food, arranging to meet him at the nearest hostel for the forces after disposing of Pte. Humphrey. I then proceeded to the C.M.P. detention room with Pte. Humphrey, who had been cut in the struggle, and was bleeding some.

6. On arrival there I again questioned Pte. Humphrey regarding his particulars, and he refused to give me any information, saying, "Take the cuffs off me and find out." I took the cuffs off Pte. Humphrey, who at once attacked me again, so I was forced to strike him in self defence, until he gave me his name, and giving his rank as a gunner in the 1st. L.A/A Regt. R.C.A., the shoulder titles of which unit he was wearing.

7. I then requested that the N.C.O. i/c C.M.P. detention office phone through to LONDON for me, which he did, and I spoke to one of the members of the S.I.S., giving him all the particulars of the arrest. I was instructed to wait until a return call came through, and I did, waiting about half an hour, when I was instructed to attempt to bring the two men in to LONDON if possible.

NO. 6 CANADIAN PROVOST COMPANY

8. As I was instructed to wait until morning before returning to LONDON I then proceeded to the forces hostel where I had ar arranged to meet Pte. O'Donnell, and found him sitting drinking a cup of coffee. Together we proceeded to walk around for a short while, then proceeded to the lodging house where we obtained bed and breakfast, and turned in for the night.

9. At about 0930 hours 11 Jun 42 I proceeded to the C.M.P. headquarters, where I found L/CPL. RUDOLPH, of this company, who had been sent to CARDIFF to assist me in the return journey. I therefore turned Pte. O'Donnell over to L/CPL RUDOLPH to be escorted, and then proceeded to the barracks where Pte. Humphrey had been detained overnight. Upon arrival there I was informed that Pte Humphrey had been in the hospital overnight, and that I was to report to the Medical Officer, which I did. The Medical Officer informed me that Pte. Humphrey was in no condition to travel, but could be ready about 1100 hours. Pte. Humphrey had given the Medical Officer a false story of his hurts, and I was questioned by the M.O. regarding the arrest, also by the Adjutant of the barracks, as Pte. Humphrey was also wearing U.S.A. shoulder titles. I was able to give the true story to the officers, and was told to await the bandaging of Pte. Humphrey so that he could travel.

10. At about 1100 hours 11 Jun 42 I proceeded to the C.M.P. headquarters by van, and turned Pte. Humphrey over to the C.M.P. to be held while I obtained my dinner. I then returned to the C.M.P. headquarters at about 1200 hours, took custody of Pte. Humphrey, and proceeded to the Central Station, Cardiff, entraining at about 1230 hours 11 Jun 42, and arriving at PADDINGTON Station at about 1600 hours, and at these headquarters at about 1630 hours by police van, which was sent from the detention office to pick me up.

11. During the scuffle with Pte. Humphrey Pte O'Donnell was of the greatest assistance to me, and also afterwards, when I had to escort Pte. Humphrey to the C.M.P. headquarters, and Pte. O'Donnell was trustworthy enough to proceed alone, and to await my return to the hostel.

London
11 Jun 42

F.R. Graham Pte.
(B-93541, Graham, F.R.)

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LIST OF EXHIBITS

In the case of G-32035, Private Humphrey, R.F., Carleton & York Regiment, No. 1 Canadian Division Infantry Reinforcement Unit.

1. Exhibit "A": AFB 115, Record of Declaration of Court of Inquiry relating to the a/m dated June 3,42

2. Exhibit "B": AFO 1618, Descriptive return of G-32035, Pte. Roy Humphrey, dated June 5, 1942.

3. Exhibit "C": Certificate in accordance with A.A. Sec. 163 (1) (jj), relating to the a/m, bearing date 10 June, 1942.

4. Exhibit "D": Expense voucher, relating to a/m, bearing date 12 June, 1942.

5. Exhibit "E": Expense voucher relating to a/m, bearing date 12 June, 1942.

6. Exhibit "F": Expense voucher relating to a/m, bearing date 7 June, 1942.

7. Exhibit "G": Original of statement of B-93541, Pte. F.R. Graham, No. 6 Provost Corps.

J.R. Turner .....Lieut.
(J.R. Turner) No. 1 C.D.I.R.U.

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(1) I hereby acknowledge that I have been served with a true copy of the summary of evidence taken at Algonquin Camp, Witley, Surrey, preliminary to my court-martial. I further acknowledge that I have been served with a true copy of the charge under which I am being brought to court-martial.

Dated at Witley, Surrey,
this 25 day of
June, 1942

Humphrey R.E.

(2) I hereby acknowledge that I have been served with a true copy of an additional summary of evidence taken at Algonquin Camp, Witley, Surrey, preliminary to my court-martial.

(3) I hereby request that the Convening Officer appoint an officer to represent me at my trial.

I desire the services of Lt. Wevill
if he is available.

Dated at Witley, Surrey,
this 25 day of
June, 1942

Humphrey R.E.

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No. G-32035 Name: Humphrey, Ronald Francis

Sqn., Battery or Company:

Corps: Saint John Fusiliers

Date of enlistment: 26-8-39

G.C. Badges:

Service or Proficiency Pay:

Date of last entry in Company Conduct Sheet:

No. and date of last drunk:

Period not reckoning towards freedom from extra fine:

Sheet No. 1

Signature O.C. Company, etc.: (Sgd.) A.H. Watson, Major

Character:

M.F.M. 6 (R.F.B. 122) 500M—6-39 (1704) H.Q. 7-65-88

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Shoeville (Cbs)	18-1-40	Pte	0	disobeying a lawful order	S/C J.R. Watson	Jw-3 dys. CB	19-1-40	A.H. Watson, Capt	
" "	14-2-40	Pte	0	F.O.A.S. in charged with			14-2-40	A.H. Watson, Major	
"	30-4-40	Pte	1	missing a company parade	O.S.M. Upton, A.B.	3 dys. CB			
Arnold	20-7-40	Pte	1	AWL 2200 hrs, 30-4-40 till 0600 hrs, 2-5-40	S/C. Catman, A	2 dys. CB	2-5-40	A.H. Watson, Major	
				AWL 2200 hrs, 20-7-40 till 0900 hrs, 23-7-40	C.O.S. Chew, B.E.	10 dys. and pay 3 " pay forfeit	23-7-40	H.B. Jameson, Major	
Arnold	25-8-40	Pte	1			7 " C.B.			
Arnold	20-8-40	Pte	0	AWL 2200 hrs, 25-8-40 till 0815 hrs, 26-8-40	C.O.S. Watson	2 dys. pay 5 dys. CB	27-8-40	H.P. Stein, Capt.	
Arnold	9-9-40	Pte	0	Refusing to obey a lawful command	Sgt. Sullivan, C.H.	7 " CB	3-9-40	H.P. Gurney, Lt.-Col.	
				Absent from Cbs lines while serving CB.	C.O.S. Arnold	5 dys. CB	12-9-40	A.H. Watson, Major	

Certified True Copy
George Ashell

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
D[illegible]d	5-10-40	Pte.	1	AWOL from 2230 hrs, till 0900 hrs, 6-10-40	Cpl. Katona, A	Forfeits 1 day pay 5 days FP & 5 days CB	8-10-40	Lt. Col. H.A. Savory Asst Katona, Major	
Field	9-10-40	Pte.	2	Neglect to prejudice, etc.	Cpl. Katona, A	7 days CB			
Caterson	25-11-40	Pte.	1	AWOL from 2230 hrs, 25 till 1545 hrs, 26-11-40	Cpl. Caterson, AW.	1 days pay 5 " CB	28-11-40	H.P. Stairs, Capt.	

Certified True Copy
George Anderson
Capt.

RECORDS OFFICER I C.D.I.R.D.

No. 0-32035 Name: Humphrey, Ronald Francis

Sqn., Battery, or Company:

Corps: Saint John Fusiliers

Date of enlistment: 26-8-39

G.C. Badges:

Service or Proficiency Pay:

Date of last entry in Company Conduct Sheet:

No. and date of last drunk:

Period not reckoning towards freedom from extra fine:

Sheet No. 2

Signature O.C. Company, etc.: (Signed) J.A. Beyer, Capt

Character:

M.F.M. 6 (A.F.B. 128)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	29 11 40	Pte		(1) A.A. 15(1) Absent from 29/11/40 until apprehended by OC in London at 0915/22-12-40	Lieut. D. M. MacIntosh	17 days F.C.C.M	F.C.C.M		Forfeits 16½ days pay. (Signed) J.D.M. Bonnell Lieut
				(2) A.A. 15(1) The accused absented himself without leave from 2200/30-12-40 until apprehended by Glasgow 28-2-41	R.S.M. Barnett				
				(3) A.A. 50(1) Insubordinate behaviour in that he did refuse to wear the prescribed uniform when ordered to do so by Sergeant Major Glasgow		one years imprisonment with hard labour remitted to one year detention, based on the approved proposal of the officer of the battalion of £9.8.2½ plus £2.6.5½ remitted plus £19.0.11½ total remitted			
				(4) A.A. 24(1) Ignoring a proper command given by Sergeant Major Glasgow					
				(5) A.A. 15(1) The accused absented himself without leave from 1750/25-3-41 until apprehended in Liverpool 1030/31-3-41					
				(6) A.A. 15(1) The accused absented himself without leave from 2100/7-4-41 until apprehended at Crosby 11-4-41					

Certified true copy: George Cruickshank Capt.

RECORDS OFFICER / C.D.H.Q.

Cont.

(P.T.O.)

Place	Date of offence	Rank	Corps of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks

Certified true copy (12 sheets)
Officer stating charge against prisoner (original document) (Lt. Cruickshank) Capt. Capt. Cdg. 1st Div. Inf. Brigade

To be attached to Charge Sheet

STATEMENT as to CHARACTER & PARTICULARS of SERVICE of ACCUSED

G-32035, Pte. Humphrey, R.F., Carleton & York Regiment, No. 1 Canadian Division Infantry Reinforcement Unit.

1. The following is a fair and true summary of the entries in the regimental conduct sheet of the accused, exclusive of convictions by a court-martial or a civil court, and of cases in which trial has been dispensed with:

	Within last 12 months	Since Enlistment
A.W.L. A.A. Sec. 15 (1)	0	5

Number of instances of gallantry or distinguished conduct: Nil

2. ~~The accused is not under sentence at the present time.~~

3. ~~The accused has not been previously convicted by a Court-Martial or a civil court.~~

4. The accused has been in confinement, awaiting trial on the present charges, for 5 days in civil custody, and 3 days in military custody, making a total of 8 days in custody, of which 0 days were spent in hospital.

5. The present age of the accused according to his attestation paper is 21 years.

6. The date of his attestation specified in his attestation paper is 6th October, 1939

7. The service which the accused is allowed to reckon towards discharge or transfer to the reserve is 1 year 223 days.

8. The accused is entitled to deferred pay or gratuity in respect of 1 yr. 223 dys service.

9. The accused is entitled to reckon 1 yr. 223 dys service for the purpose of determining his pension, etc.

10. The accused is in possession of or entitled to no military decoration or military reward.

SCHEDULE

of convictions by a court-martial or a civil court and of cases in which trial has been dispensed with of the accused.

On 17th May, 1941 - tried by F.G.C.M. for 4 offences under 15(1) A.A. & 1 offence under Sec. 40 A.A. and one offence under Sec. 24(2) A.A. and sentenced to 1 year hard labour remitted to 1 year detention. The accused is still under sentence.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

George Kirkpatrick Capt.
(G. Kirkpatrick) Officer having Custody of Original Documents.

Algonquin Camp,
Witley Surrey.

..27..day of June, 1942.

77

Evidence and Charge Sheets (if necessary) to be PINNED here.

B. Certificate of President as to proceedings.

I certify that the above Court assembled on the 27th day of June 1942, and duly tried the persons named in the Schedule, and that the plea, finding, and sentence in the case of each such person were as stated in the third and fourth columns of that Schedule.

I also certify that :—

1. The members of the Court
2. The witnesses + stenographer
~~*(3. The interpreter)~~
*(4. The officers under instruction)

were duly sworn.

* Omit if not applicable.

Signed this 27th day of June 1942.

President of the Court Martial.

C. Certificate in case of death sentences.

I certify that the terms of *A.C.I. 570 of 1918 have been complied with.

* See footnote (b) on page 762 M.M.L. 1929.

Signed this ~~day of~~ 19 .

President of the Court Martial.

D. Confirmation.

I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what I have there stated, I hereby confirm the above findings and sentences.

✓ ~~*(I direct that the soldier named in the margin be not committed to prison or detention barrack until further orders.)~~ ✓ NG.

* To be omitted unless penal servitude, imprisonment or detention having been awarded, the Confirming Officer either has no authority to commit to prison or detention barrack, or, having such authority, recommends suspension.

Signed this 27th day of June 1942

-COLONEL
COMMANDING
"A" ... EIN UNITS.
C.A.(O).

Confirming Officer.

Promulgated and extracts taken in the case of G-32035 Pte. Humphrey, R.F. C.Y.R. No. 1 C.D.I.R.U.
Promulgated in D.O. 154 1-7-42

(a) (Dated) 29 Jun 42 (Signed) Lt.-Col.
(C.C. Ferrie) A/Commander, 1 CDIRU

Promulgated and extracts taken in the case of

(Dated) (Signed)

Promulgated and extracts taken in the case of

(Dated) (Signed)

(a) When several cases are promulgated in one unit on the same day the Officer need only sign once.

47797/1937 35 M. 5/41 K.J.L./1165(2) Gp. 698/3

AIR MAIL

CONFIDENTIAL

H.Q.C.55-H-305
(A.D.1c)

OTTAWA, Ontario, 15th February, 3.

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

G.32505, Rg-Pte. HUNTINGEY, R.F.
No.7 District Depot, C.A.

Reference J/38-H-786 dated the 2nd February, 1943.

2. Attached hereto are the proceedings of the Field General Court-Martial and Army Form A.3. It is noted that there is no minute of Remission on the proceedings or certificate of same. May either a minute of Remission be made on the proceedings or a certificate of same attached thereto.

(H.F.G. Letson),
Major-General,
Adjutant-General.

Enc.
AMS.KF

IN REPLY PLEASE QUOTE
No. J/38-H-786.

3105

104309

H.Q.C. 55-H-305 (A.D. 1c)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Saint John, N.B., 2 Feb 43. 194

GENERAL REGISTRY
COMP. GEN.
FEB 5
File C55-H-305
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, ONT.

Re G 32505 Ex-Private Ronald Francis Humphrey
No. 7 District Depot, C.A.

(1) 1. Please refer to your letter numbered as above and dated 20 Jan 43 re the marginally named ex soldier.

2. The proceedings of the Field General Court-Martial are returned herewith.

H H Goodday Lt Col

(G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

Encls.

Officer /c Records
A. G. Branch
FEB 5 1943
Nat. Defence Hqrs.
Ottawa, - Canada.

(2) J.A.G.: Should there be a minute on proceedings as to Remission of sentence for wounded
7/2/43.

(3) A.F. Re your minute (2). Very definitely there should be some minute of remission if such has been made, or at least a certificate of same to be attached to the proceedings.
9/2/43

E.W. Chew Capt for J.A.G.

NAT. DEF. B. 440
2,000 M—4-42 (43322)
H.Q. 1772-39-767

H.Q. C. 55-H-305
M.D. J/38-H-786

FIELD GENERAL

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. G-32035 Name HUMPHREY, R.E.

Rank Pte. Unit (C. & Y.R.) 1 C.D.I.R.U.

Charge (1) Sec. 15 (1) AA WHEN ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE

(2) Sec. 15 (1) AA Do Do Do

(3) Sec. 15 (1) AA Do Do Do

(4) Sec. 10 (3) AA WHEN ON ACTIVE SERVICE RESISTING AN ESCORT WHOSE DUTY IT WAS TO APPREHEND HIM

Date of Crime (1) 14/4/42 (2) 11/5/42 (3) 7/6/42 (4) 10/6/42

Date of Arrest (1) 1/5/42 (2) 29/5/42 (3) 10/6/42 (4) Charge. Signed 25/6/42

Orders for D.C.M. OFFICER IN COMMAND OF "A" GROUP REINFORCEMENT UNITS, C.R.U.

Place and Date of Trial Witley, Surrey

Sentence 9 MONTHS DETENTION STOPPAGES £3/12/11

Date of Confirmation 27/6/42

Date of Promulgation 1/7/42

Entered in Records of J.A.G. as No. 3105

Date 8/2/43

MEMO 5 Months & 20 days Detention Remitted By D.O.C. M.D #7

20

E. A. Berry Capt.
for Judge Advocate-General.

3M-12-42(M1754)

AIR MAIL

CONFIDENTIAL

H.Q.C.55-H-305
(A.D.1c)

January 20th, 1943.

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

G.32035, Pte. R.F. HUMPHREY
No. 7 District Depot, C.A.

Reference J/38-H-786 dated 31st December 1942 and letter numbered as above dated 24th December 1942.

2. The question of remission of the balance of his sentence effective date of discharge has been referred to Canadian Military Headquarters, London, England. Their concurrence has been received.

3. May his sentence be remitted, effective date of his discharge and the proceedings returned as soon as possible.

(H.F.G. Letson)
Major-General,
Adjutant-General.

AWS/BM

19

SECRET

TELEGRAM

C.G.S.
M.G.O.
A.G.(ACTION)
Q.M.G.
M.S.
D.M.

14 JANUARY, 1943.

FOR ACTION

RECEIVED
JAN 15 1943
A. D.

DEFENSOR
OTTAWA
A. 138

LONDON ENGLAND
1728/13/1/43.

405-H-8757
655-H-305

YOUR AG 2014.
CONCUR.

CANMILITRY.

34523/RB/1415/14

M.F.M. 22A
200,000-1-42-(3638)
H.Q. 1772-39-1718

Cipher Office:

T E L E G R A M

CONFIDENTIAL

Please despatch the following message in cipher:

N.Q.-405-H-8757 (A.D. 1c)
N.C.O.-55-E-305
OTTAWA, Ontario
9th January, 1943

FROM: DEFENSOR
TO: CANMILITRY

A.G. 2014

REFERENCE A-3608 DATED TWENTY-THIRD NOVEMBER FORTY-TWO G 32035 PTE R F HUMPHREY DISCHARGED IN ERROR PRIOR TO COMPLETION OF SENTENCE (.) IN VIEW OF THIS SUGGEST REMISSION OF BALANCE OF SENTENCE EFFECTIVE DATE OF DISCHARGE TO KEEP RECORDS IN ORDER (.) FORWARD RECOMMENDATION BY WIRE REF K.R. (CAN) 597

ARMY)

Major-General
Adjutant-General

(signed .1.2.35. hours)

DEFENSOR

Copies to:
Cipher Office (3)
A. G.
Q.M.G.
M.G.O.
M.S. (2)
D.S.D.
Files (2)

AWS/JS

17

CANADA

IN REPLY PLEASE QUOTE
No. J/38-H-786
H.Q.C.55-H-305

DEPARTMENT OF NATIONAL DEFENCE

ARMY H.Q.405-H-8757 (A.D.)

SAINT JOHN, N.B., 31 Dec 1942.

Secretary,
Department of National Defence,
OTTAWA, ONTARIO.

RE: G-32035 PTE. HUMPHREY, R.F.
No. 7 District Depot, C.A.

1. Please refer to your letter numbered as above and dated 24 Dec 42.

2. While on 2 Dec 42 the Officer Commanding No. 7 District Depot was advised that as Private Humphrey had been categorized as "E", the unexpired portion of his sentence was to be remitted and discharge carried out, no formal order remitting the sentence has been signed or published.

3. On receipt of the above advice the Officer Commanding No. 7 District Depot completed the discharge procedure and struck Humphrey off strength.

Officer i/c Records
A. G. Branch
JAN 4 1943
National Defence Hqrs.
Ottawa, Canada.

R.L.H. Goodday Lt.-Colonel,
(R.L.H. Goodday) D.A.A.G., M.D., 7.
(G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

NAT. DEF. B. 446
2,000 M—4-42 (4332)
H.Q. 1772-39-767

16

AIR MAIL

CONFIDENTIAL

H.Q.C.55-H-305
H.Q.403-H-8757 (A.D.)

24th December, 1942.

RECEIVED
DEC 30 1942
A. D.

District Officer Commanding,
Military District No. 7,
ST. JOHN, N.B.

G.32035 Pte. HUMPHREY, R.F.
No. 7 District Depot

Reference your letter of the 15th December, file J/38-H-786.

2. The J.A.G. has ruled that K.R.(Can.) 597 (b) applies.

3. It is pointed out that a soldier may serve a term of detention or imprisonment after his discharge.

4. Have you remitted the balance of the sentence in this case?

5. If not, and if, as is understood from your letter, the soldier has been permitted to go free, it is intended to notify Canmilitry of ~~the~~ ~~which~~ ~~that~~ ~~which~~ transpired under K.R.(Can.) 597 (b), and then you can legally remit the balance of the sentence, irrespective of the recommendation received from Canmilitry.

(H.F.G. Letson),
Major-General,
Adjutant-General.

JEM.EF

RECEIVED
JAN 5 1943
A. D.

15

405-H-8757
24MS 10-12-42

CANADA

IN REPLY PLEASE QUOTE
No. J/38-H-786

DEPARTMENT OF NATIONAL DEFENCE
ARMY

SAINT JOHN, N. B., 15 Dec 1942.

RECEIVED DEC 19 1942

Off... Records
A. G. Branch
DEC 16
Nat. Defence H...
Ottawa, Can...

RECEIVED DEC 18 1942 RANKS

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

G 32035 Pte. HUMPHREY, R. F.

1. Reference Ranks 6410, the m/n soldier recently returned to Canada from overseas and was shown in H.Q.S. 8536 Vol. 15 (A.P. 2b) dated 9 Nov 42 as in custody. According to his documents his sentence would not have expired until 25 Mar 43.

2. Pte. Humphrey did not return in custody, and on returning stated that the unexpired portion of his sentence was remitted as of date of embarkation. The fact that he was not in custody substantiated his statement. As there was no information to support his statement, he was placed in custody when he reported to No. 7 District Depot pending a reply to our A 457.

3. In the meantime Pte. Humphrey was boarded, and his medical board was approved showing him category "E". In view of H.Q. 54-27-8-24 (Org. 2b) dated 2 Jan 40, para. 2 (a) which instructs that a man who has been placed in medical category "E" is to be discharged forthwith, and also in view of the provisions of R. O. 753 and R.O. 1020, there appeared to be no alternative but to discharge him forthwith. It was not considered that the provisions of K.R. (Can.) 597 (b) would apply in contravention of such direct orders from N.D.H.Q. that a man should be immediately discharged who is in the lowest category. He was accordingly discharged on 7 Nov 42, it being considered that such was conforming to orders issued.

(G. G. Anglin) Brigadier,
District Officer Commanding M. D. No. 7.

NAT. DEF. B. 440
2,000 M—4-42 (4332)
H.Q. 1772-39-767

14 22

CONFIDENTIAL
AIR MAIL

H.Q.405-H-8757
H.Q.C.55-H-305 (A.D.)

15th December, 1942.

RECEIVED DEC 17 1942 A.D.

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

G.32035 Pte. HUMPHREY, R.F.
No. 7 District Depot

Reference your letter of 2nd December, file J/38-H-786 and reference Telegram to you Ranks 6410, of December 10th.

2. The D.G.M.S. states that there is nothing on the file to indicate that this soldier is unfit to complete his sentence. It is observed that the Senior Officer at Canadian Military Headquarters directed that there should be no remission in this case.

3. In view of this finding it is considered that there should be no remission and that the man should serve his sentence as directed.

4. May the necessary action be taken.

5. Proceedings of Field General Court-Martial held Overseas are enclosed so that action may be taken. May they be returned when they have served their purpose.

R. M. KAY
BRIGADIER
D.A.A.G. for Adjutant-General

(H.F.G.Letson)
Major-General,
Adjutant-General

Encl
JEM/SP

RECEIVED DEC 22 1942 A.D.

13

D. of Admin.

G.55-H-305
405-H-8757 (Meds DG)

10th December 2

G.32305 Pte. Humphrey, R.F.

From the information on this file, there is nothing to indicate that the m/n soldier is unfit to complete his sentence. There is however every indication that the completion of the sentence will not make him a useful soldier. Whether or not he should complete the sentence is not a matter for advice by this Directorate, as it is purely a matter of discipline.

(G. B. Chisholm)
Brigadier
D. G. M. S.

AD
No remission
Adm

13/12/42

34
122

D.G.M.S.

- Army -
405-H-8757
H.Q.C.55-H-305 (A.D.)

10th December, 1943.

G.32305 Pte. Humphrey, E.F.

File herein is passed to you together with H.Q.C.55-H-305.

2. It is noted that this soldier has been medically boarded Category "M".

3. He still has several months of his sentence to serve and I am directed to inquire whether in your opinion the soldier is fit to serve the rest of his sentence or whether it is your opinion that the balance of his sentence should be remitted and that he should be discharged forthwith.

4. May this matter be treated as urgent.

Colonel,
D.D. of Admin.

JEM/SP

55
11

H.Q.C.35-2-305
H.Q.400-2-2757 (A.D.)
OTTAWA, Ontario,
10th December, 1942.

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

RANKS 6410 RELEY SECOND DECEMBER J/35-2-764 RE

G.22505 PRIVATE HUMPHREY R F stop

UNDER N.R.(CANADA) 607(b) REFERENCE MUST

BE MADE TO CABMILITRY BEFORE SENTENCE CAN

BE RESUITED stop OPINION OF D.G.M.O. BEING

OBTAINED AND WILL THEN BE SUBMITTED TO

CABMILITRY AND YOU WILL BE ADVISED RESULT stop

MEANTIME DEFER ACTION

ADJUTANT-GENERAL

(ARMY)

Major-General
Adjutant-General
(ZOSB)

(signed_____pears)

JSE/EF

3
10

DEPARTMENT OF NATIONAL DEFENCE

DATE 7-12-42 194

TO CENTRAL REGISTRY

Required, Document File No. ..... respecting (If No. quoted this part may be left blank)

Court Martial file for this please —

Attest file

CENTRAL REGISTRY

PERS. 38-5

DEC 7 1942

Signature

Major

Branch or Division AD2

NOTE.—It is absolutely necessary that the name of the Branch or Division be stated.

N.B.—Where several files are mentioned, the reverse side may be utilized.

9-32

Nat. Def. Forward to

12M Pads

H.Q. 1772-99-549

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

IN REPLY PLEASE QUOTE
No. J/38-H-786

AIR MAIL

Saint John, N. B. December 2 1942

Officer i/c Records,
National Defence Headquarters,
Ottawa, Ontario.

G-32035 Pte. HUMPHREY, R. F.
No. 7 District Depot

Officer i/c Records
A. G. Branch
DEC 3 1942
Nat. Defence Headquarters
Ottawa, Canada

DEC 7 1942
A.D.

Reference to your Headquarters 405-H-3757 D.R., dated November 26/42 herewith as under mentioned documents for the marginally named man.

2.

Army Form A-3104	1 Copy
Army Form B- 115	1 Copy and four sundry papers attached.
Army Form A-3	1 Copy and 22 sundry papers attached.

(R. B. Starr) Major,
District Record Officer
Military District # 7

Officer i/c Records

N.D. 22
1,500M—7-42
H.Q. 1772-149-23

Army Form A3104.

REVIEW OF SENTENCES AWARDED BY COURT MARTIAL.

I.—Case of No. G-32035 HUMPHREY, R.F. Unit No. 1 C.D.I.R.U.

Sentenced to 9 months detention - Confi'd by C.O. "A" Group C.R.U. 27 Jun 42 on 27 Jun 42

Age on, and date of enlistment 19 - 6 Oct 39 Term of service Duration

FIRST TRIAL.

For details of offences, see paragraph VII. For C.O.'s remarks, see paragraph IX.

II.—To ..... Superior Military Authority.

I have directed that the above-named be not committed to undergo his sentence, which I recommend should be (suspended) (put into execution) (1) for reasons given in paragraph X.

Place .....

Date ..... Confirming Authority.

III.—I direct that the sentence (which I hereby commute to .....) (of which I remit .....) (1) (2) (be suspended) (be put into execution) (1) and be reviewed on .....(3).

Place ..... Superior Military Authority (4).

Date .....

~~(For action on review, see paragraph VI.)~~

SECOND TRIAL.

For details of offence, see paragraph VIII. For C.O.'s remarks, see paragraph XII.

IV.—(5) To ..... Superior Military Authority.

This man was again convicted on ..... and sentenced to ..... and I have directed that he shall not be committed to undergo his sentence, which I recommend should be (suspended) (put into execution) (1) and run (concurrently) (consecutively) (1) with the previous (6) sentence for the reasons given in paragraph XIII.

Place .....

Date ..... Confirming Authority.

V.—(5) I direct that the sentence (which I hereby commute to .....) (of which I remit .....) (1) (2) (be suspended) (be put into execution) and that it run (concurrently) (consecutively) (1) with the previous (6) sentence of ..... and be reviewed on .....(3).

Place .....

Date ..... Superior Military Authority (4).

(1) Erase words not required, and initial erasures.

(2) A sentence of penal servitude or imprisonment, combined with Discharge with Ignominy, cannot be suspended unless the Discharge with Ignominy is remitted.

(3) A suspended sentence *must* be reviewed *at least* once every three months, and a sentence put into execution should be reviewed in not more than six months.

(4) An order directing a sentence to be put into execution must be signed by the Superior Military Authority personally.

(5) This paragraph to be left unused until required. If the man is convicted a third time, a fresh form, using only paragraphs IV. and V., will be made out and attached to this form, and all further reviews will be on the attached form.

(6) A previous sentence of imprisonment or detention in a state of suspension is avoided by the award of a subsequent sentence of penal servitude.

G.S.T.I.D. Wt.24000/135 7,000 8/40 A.& E.W.Ltd. Cp.498 Forms/A.3104/12.

All recommendations, etc., considered upon review, should be pasted here.

VI.—Action on Review.

(Whether the sentence or sentences are suspended or in execution.)

Any Reviewing Authority *under Section 57 of the Army Act* may under that Section mitigate, remit or commute a sentence which is in execution, and if the sentence as commuted or mitigated is penal servitude, imprisonment or detention, it will remain subject to the powers granted by Section 57A. of the Army Act. A partial remission of a sentence in suspension is not legal.

Date	Directions	Signature and Appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of O.C. Prison or Detention Barracks
	No remission Return to Canada in custody	P. L. Montague (P. L. Montague) Major-General Senior Officer Canadian Military Headquarters 2 OCT 1942	

(Continued on page 4.)

If further space required, an additional slip should be pasted here.

Charge or Charges giving particulars	Date of Offence	Date of Trial
VII.—First Trial. CHARGES: (1) A.A. Sec. 15(1) AWL 16 days. (2) A.A. Sec. 15(1) AWL 18 days, 1 hour, 40 minutes (while in lawful custody) (3) A.A. Sec. 15(1) AWL 3 days, 20 mins. (while in lawful custody) (4) A.A. Sec. 10(3) Resisting and escort. R.D. Jennings (R.D. Jennings) Lieut. Signature of Officer making entry. for Officer i/c Records, CMHQ.		
VIII.—Second Trial. Signature of Officer making entry.		

IX.—C.O.'s remarks and recommendations on First Trial.

Date		Signature
		24

X.—Confirming Officer's remarks and recommendations on First Trial.

Date		Signature
		6

Army Form B 115.

Record of the Declaration of a Court of Inquiry on the Illegal Absence of a Soldier.

RECORD of the Declaration of a Court of Inquiry assembled at Algonquin Camp on the 3rd day of June 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. G. 32035 Pte HUMPHREY, R.F. (C. & Y.R)

DECLARATION.

The Court declare G-32035 Pte. HUMPHREY, R.F., C. & Y.R., has been illegally absent from 1810 hrs. 10 May 1942 and continues to remain so absent.

2. That G.32035 Pte. HUMPHREY, R.F. has kit deficiencies to the amount of $ 5 - 10 - 2.

EXHIBIT A

Deficiencies in kit as shown in inventory of Kit of G.32035, Pte. HUMPHREY, R.F.

	£	s.	d.
Bootlaces prs. 1			1½
Boots ankle 1	1	2	6
Brasses Button 1			2
Brushes boot blacking(1)			8½
" polishing 1		2	1
" shaving 1		1	2
" tooth 1			5
Cap Field Service 1		2	5
Comb Hair 1			2
Drawers woolen prs.(1)	15		0
Dressing First Field(1)		1	1
Holdall 1			9
Housewife (1)			7
Shirts flannel khaki(2)	18		10
Socks 1		1	11

	£	s	d
Towels Hand 1		1	6
Drawers cellular(2)		4	4
Straps shoulder (1)		1	11
Straps supporting(1)			8
Ground sheet (1)		10	9
Respirator			
Haversack (1)		6	9
Facepiece (1)		7	6
Container (1)		4	3
Anti-dim (1)			2½
Ointment A/G (1)			5½
Eyeshields A/G(1)		2	3
	£ 5	- 10	- 2

"A. Bayles S/Sgt. i/c kit stores
Canadian Detention Barracks

Names of President and Members

President - Lieut. C.L. Putnam, W.N.S.R. Coy.
Members - Lieut. C.F. Swan, Edmonton Regt. Coy.
Lieut. W.S. Olito, Edmonton Regt. Coy.

28

Signature of Commanding Officer C.C. Ferrie
Lt/Col.

5

CERTIFIED TRUE COPY.

[illegible] Lt/Col.
Signature of Officer having custody of the Original Record.

(12281) Wt.34318/1622 75,000 10/39 A.& E.W.Ltd. Gp.498
(13443) Wt.45725/760 225,000 1/40 " " Forms/B115/56

To Confirming Officer,
H.Q. "A" Group.

Re:G-32035 Pte. Humphrey, R.F. C.& Y.R. No. 1 C.D.I.R.U.

1. The Court respectfully calls attention to the address of the defending Officer regarding sentences imposed by his Field Unit on previous charges.

2. The Court also requests that medical examination be awarded Pte. Humphrey, R.F. and that sentence imposed by the Court be dealt with in accordance with their findings.

27-6-42

Major
(Major C.C. Tarbuck) President

47

4

REC/G/32035(R3)

CANADIAN MILITARY HEADQUARTERS

GHL/B

RECORDS OFFICE,
Government Building,
Bromyard Avenue,
ACTON, LONDON, W3.

16.JUN.42.

Officer Commanding,-
#1 Cdn. Div. Inf. R inf. Unit,
Canadian Army (Overseas).

G/32035 PTE. HUMPHREY, R.F.

Enclosed herewith are the under-listed documents for the marginally named man, apprehended from desertion, and returned to the unit under your command, for disciplinary action.

M.F.M. 2(Triplicate).
M.F.M. 3.
M.F.M. 4.

2. Please acknowledge receipt on the enclosed copy of this letter.

(G.M. LALPARD) Capt.,
for Officer i/c Records,
Canadian Military Headquarters.

D.R.L.S.

96

3

R C/G/32035(R3)

CANADIAN MILITARY HEADQUARTERS
- - - - - - - - - - - - - -

GNL/B

RECORDS OFFICE,
Government Building,
Bromyard Avenue,
ACTON, LONDON, W3.

16.JUN.42.

Officer Commanding,
#1 Cdn. Div. Inf. R inf. Unit,
Canadian Army (Overseas).

G/32035 PTE. H MPHREY, R.F.

Enclosed herewith are the under-listed documents for the marginally named man, apprehended from desertion, and returned to the unit under your command, for disciplinary action.

M.F.M. 2(Triplicate).
M.F.M. 3.
M.F.M. 4.

2. Please acknowledge receipt on the enclosed copy of this letter.

(G.M. LAMPARD) Capt.,
for Officer i/c Records,
Canadian Military Headquarters.

D.R.L.S.

2

No. & Rank G.3.2.9.4.5 Pte.
Name Humphrey R.E.
Age (On desertion) 20
Height 5'6"
Complection
Color of Hair Light
Eyes Blue
Distinctive marks or any peculiarity by which his indentity may be ascertained } Sullen Appearance, Baby Face. Thick Lips. Slow Moving
Date of Enlistment 26/8/39
Place Of Enlistment St. John N.B.
Date of Desertion 20 November 1940
From whence Deserted Bakerham
Where born
(Last town to be given)
County
Former trade or occupation Labourer
Place of residence last 12 months before enlistment } St. John N.B.
Dress at time of desertion DITTERDRESS
Remarks. Circumstances particular attending his desertion

H.Q.C.C. 55-H-306

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

OVERSEAS COMBINED FILE

SUBJECT DISTRICT COURT-MARTIAL

PTE. J.E. HALL, A-49562

NO. 1 DISTRICT DEPOT CA.

405-H-6454

DEAD

CONFIDENTIAL
H.Q.C.C. 55-H-306

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
				JAG.	With Papers C.R. DEC 14 1942		
DEC 2 1942	22/1/43	P.A.		AD	Go note & PA		17/12/42
FEB 21 1945	20.2.45			Admin	For Information C.R. FEB 20 1945		
	22.3.45			Admin	With paper		21/3/45
MAR 1 2 1945	1/4/45	P.A.		I.C.M.	is not 1 PA PER B.F. MAR 22 1945		19.3.45
				I.C.M.			
MAR 21 1945				Admin	Jacob		MAR 21 1945
MAR 22 1945	3.4.45	PA		Admin	For Information C.R. MAY 2 1945		
	22.8.45			Admin	For Information C.R. JUL 3 - 1945		
AUG 22 1945	22.8.45			Admin	PER B.F. AUG 22 1945		
AUG 30 1946	31/8/46			W.A.S.	DORB		
				Admin	For Information C.R. FEB 13 1947		
				AG.	with 405-H-6454		14/2/47
				Adm			
FEB 20 1947	26/2/47	P.A.		J.T.	W/Docs & 405-H-6454		15/2/47
APR 19 1947	19-4-47	P.A.		W.A.S.	PER REQUEST C.R. APR 11 1947		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days rather than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use it.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All enquiries before should bear the number of the number.

PASS THIS FILE IN ENVELOPE

File No; CB 40-H-3221 (SCA)
CB 40-K-1693 (SCA)
CB 40-O-599 (SCA)
CB 1-4-8-2 (SCA)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, Camp Borden,
Camp Bordern, Ontario.
26 JUN 45

Officer Commanding, (Ref; 62 MDB 6-0-H-148 (SUS) 6-0-K-224,
No 62 Military Detention Barracks, 6-0-0-119, dated 21 Jun 45)

Officer Commanding,
No. 2 District Depot,
TORONTO, Ontario.

A-49562	Pte HALL, J.E.	-15 Jul 45
D-21102	Pte KIRKHAM, H	-14 Jul 45
C 70590	Pte O'NEIL, J.W.	-12 Jul 45

O/S SUS no. 62 Mil Detn Bks.

The marginally named soldiers returned from overseas and undergoing detention at No. 62 M.D.B. are being despatched to No. 2 District Depot Gaard Room on THURSDAY, 28 JUN 45, for the purpose of discharge under the provisions of C.A.R.O. 1029(8).

2. It is requested, please that the effective date of discharge be as shown after the names in the margin, when, with remissions for good conduct, their sentences will have been completed.

3. Attached are the army Forms A3104 for the marginally named soldiers. May these documents be forwarded to NDHQ when they have served their purpose.

'J.M. Robinson) Captain,
Staff Captain A & Q., Camp Borden.

Copies To:

District officer Commanding, (For Information)
Military District No. 2,
TORONTO, Ontario

The Secretary (Ref HQS 8536-6 Adm 3(b)2 dated 1 MAR 45,
Department of National Defence, and HQS 8536-6 (Adm 3(b)3,
OTTAWA, Ontario.

Noted on card

HQ 405-H-6454
Adm 3(b)2

3d May, 1945

Dear Madam:

This will acknowledge your letter of the 19th April, 1945 and is further to my letter to you of the 18th November, 1944, with reference to your husband A.49562 Pte J.E. Hall.

This soldier is at present serving a sentence of 18 months detention awarded by Field General Court-Martial on the 14th July, 1944.

It is with regret that I have to inform you that the sentence has been reviewed by the military authorities and they have directed that there be no remission of this soldier's sentence and that he be returned to Canada in custody under sentence to complete the balance of the sentence awarded and thereafter be discharged from the Canadian Army for misconduct.

While he remains in military custody he is, however, eligible to earn remission for good conduct, not to exceed one third of the sentence awarded. At the present time it is indicated that if he earns all such remission and remains in military custody, he will be released from custody on the 13 July, 1945. Prior to his release he will be discharged from the Canadian Army.

Yours truly,

Deputy Minister
Army

Mrs. Verlyn A. Hall,
168 Queen St.,
CHATHAM, Ontario

RJJ.

H. .S. 8536-6 Adm. 3(b)2
HQC 55-H-306

DEPARTMENT OF NATIONAL DEFENCE
- Army -

CONFIDENTIAL

OTTAWA, Ontario
1 Mar 45

Commander,
CAMP BORDEN, Ontario.

District Officer Commanding, (For information)
Military District No. 2,
TORONTO, Ontario.

A-49562 Pte Hall, J.E.
SUS No. 62 M.D.B.

This soldier is being returned from overseas in custody to complete sentence, and is to be committed to No. 62 M.D.B.

2. Herewith is copy of letter from CMHQ together with original A.F. A3104.

3. Subject to the recommendations contained in copy of CMHQ letter enclosed, the procedure for the disposition of this soldier is outlined in Circular Letter R.731, HQS 8536-6 Adm. 3 d/9 Sep 44 and HQS 8536-6 Adm. 3(b)2 d/26 Dec 44.

4. This soldier is to be discharged under C...R.O. 1029(8) prior to his release on completion of sentence.

5. The original A.F. A3104 is to be returned to this Headquarters when it has served its purpose.

Note & Excelent
L.H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial
MAR 12 1945

Encl.

(...C. Spencer)
Brigadier
Acting Adjutant-General

C.H.A.

BOMBER
CONFIDENTIAL

AIR MAIL

Quote No. 10/Hall, J.E./2

CANADIAN MILITARY HEADQUARTERS

294906

LONDON

16 Jan 45.

CO
File C.55-H-306
Reference
admin

The Secretary,
Department of National Defence,
OTTAWA,
Canada.

A.49562 Pte Hall, J.E.

1. Reference this Headquarters letters 10/Hall, J.E./2 dated 17 Jun 44 and 1 Nov 44 with respect to the return of this soldier for disposal by the Adjutant General.

2. Original A.F. A3104 in respect of the FGCM held 14 Jul 44 is enclosed herewith, endorsed with the direction that there be no remission of sentence and that this soldier be returned to Canada in custody under sentence. The earliest date of release under this sentence is 13 Jul 45.

3. The recommendation, set out in the letter dated 17 Jun 44, that this soldier should not be discharged on medical grounds but should be discharged for misconduct in accordance with paragraph 8 of Appendix to C.A.R.O. 1029 still applies. He will be despatched on the first available draft.

for (E.G. Weeks) Major-General
i/c Administration
Canadian Military Headquarters.

Encl.

C
O
P
Y

10/Hall J.E./2
(A.G.5)

CANADIAN MILITARY HEADQUARTERS

LONDON

1 Nov 44

The Secretary
Department of National Defence
Ottawa,
Canada

A-49562 Pte Hall, J.E.

1. Reference your HQ 405-H-6454 Adm 3(b)2 dated 27 Oct 44.

2. This soldier's present category is M4 S5. It has been certified that this soldier is fit to undergo detention. It was the intention to return this soldier to Canada for A.G. disposal, and the Major-General in Charge of Administration at this Headquarters recommended that he be discharged for misconduct - this Headquarters' letter numbered as above and dated 17 Jun 44 refers.

3. Before this soldier could be returned to Canada he again went absent without leave for a period of 41 days. He was tried by F.G.C.M. on 14 Jul 44 for this offence, and was sentenced to detention for eighteen months. This sentence was reviewed on 24 Aug 44 and it was directed that there be no remission of sentence, and that the soldier be returned to Canada in custody under sentence. This soldier will be returned to Canada in custody under sentence in due course, but no action in this respect can be taken until your instructions are received that the ban on the return of such personnel to Canada has been lifted.

(P.J. Montague) Major-General
i/c Administration
Canadian Military Headquarters

C
O
P
Y

CANADIAN MILITARY HEADQUARTERS

LONDON

17 Jun 44

The Secretary
Department of National Defence
Ottawa, Canada

A. 49562 Pte Hall, J.E.

1. This soldier enlisted 28 July 1940 at Chatham, Ontario. He is 22 years of age. He has been found guilty of seven offences under AA sec 15 and one offence under AA Sec 40. He was convicted once by D.C.M. on 3 December 1942 and awarded 9 months detention for absence without leave. This sentence was remitted shortly after the trial and the soldier was despatched overseas from Canada. He was convicted by F.C.C.M. 16 Oct 43 and awarded 9 months detention. for absence without leave. Altogether the soldier has served about 8 months in detention since enlistment and his absences without leave have been for periods which aggregate about 6 months.

2. This soldier was reboarded 8 Feb 44 and was placed in Pulhems Grades M4 S5 on a diagnosis of mental retardation and psychopathic personality inadequate and anti-social. The Neuropsychiatrist who has interviewed this soldier states that he gives a history of an unstable family and unhappy home life; that at school he was frequently truant and in fights and left Grade VIII at the age of 16; that he worked at odd jobs, labouring and in pool halls and bowling alleys; that he had 3 charges of car theft against him and served for 10 months of a 15 months sentence; that he broke parole but was not apprehended; that he joined the Army for the purpose of improving his family's finances and that he has never been amenable to taking orders or discipline and has a grudge against the Army.

3. The Selection of Personnel Officer, who was interviewing this soldier states that he is a strong, healthy man of good appearance who lacks interest in anything; that he is stubborn, arrogant and insolent in manner; that he has done everything possible to get himself returned to Canada; that he is badly in need of discipline and appears almost untamable; that he will not reason and is defiant and persistent in his attitude that he has finished with the Army; that he has no desire to fight or serve overseas and is unlikely to become an efficient soldier.

4. Taking into consideration this soldier's record and the above mentioned reports, especially his very bad attitude towards the Army, it is my opinion that he should not be discharged on medical grounds, but that he should be classified as an incorrigible and that he should be discharged for misconduct in accordance with paragraph 8 of Appendix to C.A.R.O. 1029, authorized by C.O. 169/39 and I so recommend. In my opinion this soldier has misconducted himself for the purpose of obtaining his discharge.

5. I have accordingly directed that this soldier be returned to Canada for disposal by the Adjutant-General. He will be despatched on the first convenient draft.

(P.J. Montague) Major-General
i/c Administration
Canadian Military Headquarters

RECORDED AT CMHQ IN AB 160 555-26

RECEIVED 27 JUL 1944 C.M.H.Q.

FIELD GENERAL COURT-MARTIAL

CFA96 (In lieu of AFA3) 40/P & S/1698 (40/10) 4/38B

Convened by Order of Brig GSN Gostling, ED Comd "A" GP CRU dated 12 JUL 44

ACCUSED.

(As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns. KR Can 308, 328, 330.)

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
A49562	Pte		Joseph Edward	HALL	2 CIRU CIC

PROCEEDINGS REVIEWED 30 Jul 44

J C A Campbell Maj

REVIEWING OFFICER, JAG BRANCH C.M.H.Q.

PROCEEDINGS OF TRIAL.

Held in the Fd in (*country*) England on (*date(s)*) 14 July

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

A1. The President, Members, waiting Member, JA, if any, and Offrs under instr, if any, assemble, and the Court is closed.

(PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES OR JA. The Schedule referred to throughout is on p 4. Citations do NOT include all relevant fmn ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instrs on how to record addresses, evidence, etc, which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(1) attached thereto. The Court is satisfied that it is properly convened and constituted(2), accused is (are) amenable to military law, and each charge discloses an offence.(3)

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (are) brought before the Court. At 1545 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial.(1) ~~The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with summarily by the CO.(2)~~

(1. KR Can 567. 2. AA 46(B), RP 60 fn 1. For effect see KR Can 563(c). Delete, if not applicable.)

A5. ~~President to accused: Do you object to ..... as interpreter? Ans ..... The Interpreter is sworn.(1) Do you object to ..... as shorthand writer? Ans ..... The shorthand writer is sworn.(1)~~

(1. RP 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused.(1) President to accused: Do you object to be tried by me as President or by any of the Members of the Court? Ans No Sir.(2)

(1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, JA, if any, and Offrs under instr, if any, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	MAJOR	C H JARDINE	2 CIRU
Member	Capt	JT Robb	2 CIRU
Member	Lt	S Fidler	2 CIRU
~~Waiting Member~~	~~Capt~~	~~VJ Westfall~~	~~2 CIRU~~
Prosecutor	Lieut	WL Liscombe	2 CIRU
Defending Offr	Lieut	KA Smith	2 CIRU

Questions by President: Is the Prosecutor a lawyer? Ans Yes Is the Defending Offr a lawyer? Ans No.(2)

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.)
(2. If Pros a lawyer and Def Offr not, accused is entitled to an adjournment when RP 89 (B) and fn 2 were not followed. See DI p 3.)

A8. The accused A49562 Pte HALL, J E before arraignment make(s) (no) (a) plea .....(1)

(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 34, 35(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fns to RsP cited. Insert in A8 rank and name of the accused making the plea.)

A9. The accused is (are) arraigned (~~separately~~) on all charges in the charge sheet.(1) The accused does (do) not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(3) The President records the pleas in Part I of the Schedule.

(1. RP 31, 112. See para 1 of Instrs p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court (is closed and) considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form "B"

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

1. *The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.* (*RP* 37(*A*).) *As to withdrawal of alternative charges by Prosecutor see RP* 35(*C*). *No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc, offence.* (*RP* 44(*B*).) *Accused may change a plea of Not Guilty to Guilty during trial.* (*RP* 38.) *As to refusing to plead or not pleading intelligibly see RP* 35(*A*). *As to plea when sentence may be death see RP* 35(*D*).

2. *The proceedings on each charge sheet* (*RP* 62) *after arraignment will be conducted as follows in the respective circumstances stated :*

I. If pleas to all charges are GUILTY, use Record Form B below.

II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.

III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,

(*a*) *Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below.* (*RP* 37(*A*).)

(*b*) *Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP* 37 (*A*) *and fn* 2 *as to discretion of Court,* (*i*) *to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or,* (*ii*) *to record the pleas as the findings of Court. After deciding between* (*i*) *and* (*ii*), *Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p* 744 *Instrs* (2).

3. *As to responsibility of President to accused see RP* 59, 60(*C*) ; *powers and duties of JA see RP* 103 ; *duty of Prosecutor see RP* 60(*A*) (*B*) ; *duty and privileges of accused and Defending Offr see RP* 60(*C*), 87(*C*), 91, 92 ; *swearing and withdrawal of witnesses from Court see RP* 81, 82 ; *questioning of accused see RP* 80, 87(*C*), 92(*B*), *and of witnesses see RP* 83-85 ; *calling or re-calling of witnesses by Court, etc, see RP* 75-79, 86, 116 ; *use of Summary of Evidence at Trial see RP* 17(*E*) *fn* 6 ; *and responsibility of JA or Pres to record proceedings see RP* 94, 96.

Subject RP 898 Complied with

RECORD FORM B—PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(s)[1], and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(~~s~~) and call witnesses as to character and make an address in mitigation of punishment.[2]

(1. *RP* 35 *fn* 3. 2. *MML p* 54 *para* 47.)

B2. President to accused : The Court will now receive any statement you desire to make in reference to the charge(~~s~~).[1] If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty[2], or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined[3], we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination ; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.[4]

President to accused : Do you wish to make a statement ? Ans. No Sir [5]

(1. *RP* 37(B). 2. *RP* 37(D) *fn* 6. 3. *RP* 35(B) *fn* 5 *para* 3, *MML p* 54 *para* 47. 4. *See para* E3 *of Record Form* E.
5. *Statement, if any, recorded per Notes.*)

B3. ~~The Court considers the accused's statement.(1) The Court decides (not) to advise accused to change his (their) plea(s) of Guilty to Not Guilty on ..... charge(s). The accused is (are) so informed, and he (they) changes his (their) plea(s) on ..... charge(s). Part I of the Schedule is amended accordingly.~~

(1. *Court may be closed to consider the statement. Delete whole or part not used.*)

B4. On the charge(~~s~~) to which the plea(~~s~~) of Guilty is (~~are~~) not changed the President records finding(~~s~~) of Guilty in Part I of the Schedule.[1]

(1. *RP* 35(B). *If any plea(s) is (are) changed, use Record Form C or D as appropriate.*)

B5. The Summary of Evidence is marked Ex D, initialled and read aloud by the President.[1]

(1. *If there is no Summary, or if it is inadequate, comply with RP* 37(B). *If there is any evidence inconsistent with any plea standing as Guilty, Court will advise accused to change such plea and, if changed to Not Guilty, try such charge(s) by use of paras* D1 *to* D8 *inclusive of Record Form D on p* 3. *RP* 37(D).)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

RECORD FORM C—PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.[1]

(1. *RP* 37(A) (E).)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above.[1]

(1. *Under B5 such parts only of the Summary of Evidence are read as relate to the charges dealt with under C2. If any plea is changed to Not Guilty, trial thereon proceeds by complying with paras* D1 *to* D8 *inclusive in Record Form D on p* 3 *and making an appropriate record thereof on a separate sheet.*)

C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

CHARGE SHEET

The accused A-49562 Pte Joseph Edward HALL, C.I.C., on strength of 2 Canadian Infantry Reinforcement Unit, a soldier of the Canadian Army Overseas is charged with

Sect 15 (1) Army Act

WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

in that he

in the Field, at 0630 hrs on the 21 May 1944, absented himself without leave until he was apprehended by the Canadian Provost Corps at London at 2230 hrs on 1 July 1944, thereby incurring costs to the amount of £1-6-6 for his apprehension and return.
(Total absence 41 days 16 hours)

In the Field
11 July 1944

Col.
(M.K. GREENE) Colonel
Commanding, 2 C.I.R.U.

To be tried by Field General Court Martial.

Field
12 Jul 44

(G S N Gostling) Brig
Comd
"A" Gp Cdn Rft Units
C A (O)

President

FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may on application to him be convened by any offr of Cdn Army Overseas, or of any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authy. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap V paras 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets see RP 62, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

ACCUSED.

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
A49562	Pte		Joseph Edward	HALL	2 CIRU CIC

CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(s) named above as the accused, being subject to military law, has ~~(have)~~ committed the offence(s) set forth in the Charge Sheet(s) attached and on (*date*) 12 Jul 44 endorsed by me, ~~(or by an offr of my staff for me)~~, "To be tried by Field General Court-Martial".

2. And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary General Court-Martial; ~~(and that it is not practicable to delay the trial for reference to a superior qualified offr.)~~

(Delete part in brackets when not required for compliance with RP 105(C).)

3. I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offrs appointed or detailed hereunder.

4. ~~I do hereby appoint (a) the Offr before the Court (for Rk Offr President) that the rank I have attained here.~~

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

5. ~~I do appoint a Judge Advocate (name the Offr mentioned hereunder.~~

(RP 106(E). Delete, if none appointed.)

PRESIDENT.

(Rank.)	(Must be named. RP 106.)	(Unit.)
MAJOR	C H JARDINE	2 CIRU

MEMBERS.

(Rank.)	(Named or detailed. RP 106.)	(Unit.)
Capt	to be detailed by OC 2 CIRU	
Lt	to be detailed by OC 2 CIRU	

WAITING MEMBER.

(Rank.)	(Named or detailed, if any. RP 106.)	(Unit.)
Capt	to be detailed by OC 2 CIRU	

~~JUDGE ADVOCATE~~

(Rank.)	(Must be named, if any. RP 106.)	(Unit.)

On Active Service in the Fd

in England (Country.)

(Signed personally. RP 105 fn 2.) Brigadier (Rank.)

(G S N Gostling)

Date 12 Jul 44

Commanding "A" Gp Cdn Rft Units C A (O)

Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CFA93 (In lieu of AFA3) 40/P & S/186T (4931)

(See overleaf for oaths and notes for use on trial.)

M.I.R. 2 C.I.R.U.

This is to certify that I have examined A49562, Pte HALL, J.E.

on 19 July 1944 and I find him medically fit to stand

Trial by Court Martial.

Medical Officer
2 C.I.R.U.

13 July 44.

PLEA OF MITIGATION in the case of A49562 Pte. Hall J.E.

The accused has been a soldier in the Canadian Army since 28 Jul 1940 and has served in the United Kingdom since 7 Jan 1943.

His PULHEMS show that he is an M4, S5, and he says he was told he would be sent back to Canada as unfit for service.

He has had domestic troubles of a nature to cause undue mental strain in that his wife wrote and told him it wouldn't be of any use for him to return to Canada as she was through with him due to his last period of detention.

Although he has no character witnesses and pleads guilty to this charge he says he will endeavour to soldier if given another chance.

I hereby submit a plea for leniency in his case if it may please the court.

K. A. Smith Lt.
(Defending Officer)

Ex "D"

SUMMARY OF EVIDENCE

In the case of A-49562 Pte Joseph Edward HALL, C.I.C., on strength of 2 Canadian Infantry Reinforcement Unit, a soldier of the Canadian Army Overseas.

By direction of the Commanding Officer the Summary of Evidence is taken on oath.

- -

FIRST WITNESS FOR THE PROSECUTION

Lieut. L.P. Byrne, 'A' Coy, 2 C.I.R.U. having been duly sworn states as follows:

I am Lieut. L.P. Byrne of 'A' Coy, 2 C.I.R.U. and I produce for the prosecution

Exhibit 'A' record of the declaration of a Court of Inquiry dated the 12 June 44, which declares that A-49562 Pte Hall, J.E. illegally absented himself from 0630 hrs 21 May 44 and that he was still so absent at the date of the court.

Exhibit 'B' certificate of apprehension dated 4 July 44 certifying that A-49562 Cpl Hall, J.E. was arrested at London at 2230 hrs on 1 July 44.

Exhibit 'C' certificate of expenses incurred in apprehending and returning A-49562 Cpl Hall, J.E. to his unit, dated 6 July 44, showing expenses in the amount of £1-6-6.

which exhibits refer to the accused herein and which I have duly initialled for the purpose of identification.

The accused declines to cross-examine the witness.

L. P. Byrne
(L.P. Byrne) Lieut.

The accused was cautioned as follows: "Do you wish to make any statement or to give evidence upon oath? Youare not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

The accused declines to make a statement and reserves his defence.

I certify that the foregoing Summary of Evidence consisting of one page was taken down by me in the presence and hearing of the accused and that Rule of Procedure 4(c)(d)(e)(f) have been complied with.

In the Field
11 July 44

W.L. Liscombe
(W.L. Liscombe) Lieut.
Officer detailed to take the Summary of Evidence.

EXHIBIT 'A'

RECORD of the Declaration of a Court of Inquiry assembled at

Field on the 12th day of June 19 44

for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental necessaries or Clothing of No. A-49562 Pte. Hall, J.E.

DECLARATION

The Court declare that A-49562 Pt e. Hall, J.E. illegally absented himself from 0630hours 21May44, in the Field, and that he is still so absent and that on the 21May44 he was deficient and that he is still so deficient of the following articles:-

	Cost	less 25%		Cost	less 25%
Anklets. Web prs.	£0-4-5	£0-3-4	Coombs Hair.	£0-0-2	£0-0-1½
Blouses. B.D. 1	£2-7-0	£1-15-3	Dressings Field	£0-1-1	£0-0-9½
Boots Ankle. Prs	£1-4-5	£0-18-4	Forks. NS.	£0-0-4	£0-0-3
Caps F.S.	£0-2-6	£0-1-11	Holdhall.	£0-0-10	£0-0-8
Drawers Cellular 1	£0-3-10	£0-2-11	Housewife.	£0-0-9	£0-0-7
Drawers Woolen. 1	£0-10-9	£0-8-1	Knife Clasp.	£0-3-10	£0-2-11
Great Coat.	£2-11-8	£1-18-9	Knife Table	£0-0-7	£0-0-5
Shirts. Ang Drab. 1	£0-18-2	£0-13-8	Razor. Safety.	£0-0-3	£0-0-2½
Socks Prs. 4	£0-6-8	£0-5-0	Shorts. Gym. 1	£0-3-10	£0-2-11
Trousers BD. 1	£2-8-3	£1-16-2	Spoons. NS Des	£0-0-4	£0-0-3
Vests Woolen. 1	£0-10-9	£0-8-1	Vests Cotton. 1	£0-3-0	£0-2-3
Towels. Hand. 1	£0-2-10	£0-2-1½	Badges. Cap.	£0-0-4½	£0-0-3
Bags. Kit.	£0-4-7	£0-3-5	Bottles. Water.	£0-3-8	£0-2-9
Bracers.	£0-1-4	£0-1-0	Carriers. W.B.	£0-1-8	£0-1-3
Brushes button Brs 1	£0-1-2	£0-0-11	Haversack. WE.	£0-8-0	£0-6-0
Brushes. Hair.	£0-1-6	£0-1-2	Straps. Web. Sp	£0-0-7	£0-0-5
Brushes Shaving.	£0-1-8	£0-1-3	Tins. Mess. TP.	£0-1-7	£0-1-2½
Brushes. Tooth.	£0-0-6	£0-0-5	Capes. Anti Gas	£0-12-4	£0-9-3
Caps Comfort.	£0-1-6	£0-1-2	Sheets Ground.	£0-13-2	£0-9-10½
				£14-19-10½	£11-5-4

Cost of articles verified by Q.M.

.....Lieut.
Quartermaster, 2. C.I.R.U.

Names of President and Members: H. Lyons Lieut. Maj Capt. 2C I Rd
[illegible] Lt. Intell Off 2C I Rd

Signature of Commanding Officer M. McKeone Col

Certified true copy Kenneth A. Gray Lt.
Signature of Officer having custody of original record.
Adjutant 2 C.I.R.U.

PART II ORDERS No. 149

EXHIBIT 'B' LRB.

CERTIFICATE IN ACCORDANCE WITH P.C. 2797 of 10 APR. 42

I certify that No. A-49562. Rank. Cpl. Name. Hall, J.E.

Unit. No.2, C.I.R.U. (C.R.U) was arrested at. London (place)

at. 2230 (hour) on. 1 July-44 (date) and that at the time of his arrest he was wearing (military uniform) ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.

Signature of Provost-Marshal, Assistand Provost-Marshal, or other officer or the Commanding Officer of the portion of Him Majesty's Forces or the officer, warrent-officer, or non-commissioned officer in charge of the detachment of the Canadian Provost Corps, Canadian Army into whose custody the above named person was taken on arrest. (Strike out part inapplicable).

R.J. Stinson

(R.J. Stinson) Capt.
D.A.P.M. C.M.H.Q.

London
4 July-44.

EXHIBIT 'C' DPB

Expense Voucher Re—: Ref: KR & O (Can) 539

Reg No A49862 Rank Cpl. Name Hall, J.E. Unit 2 C I R U

The following expenses were incurred in apprehending and returning the M/N Soldier to his Unit From London

Date	Particulars (½ portion)	Amount		
6 July 44	Escorts return fare from LONDON To Barnsley		13	3
	Prisoners single fare to LONDON From			
	Prisoners fare from London To Barnsley		13	3
	Escorts & Prisoners expenses for Bed, Meals, Bus fares			
	Total £	1	6	6

I certify that the above statement of Expenses is Correct, and that the amounts are fair and just.

W E Birch LIEUT.

Officer Issuing Railway Warrant and Expense monies R. E. BIRCH,
No. 6 Area Provost Company, Canadian Provost Corps ADMIN OFFICER—D.P.M's BR.
C. M. H. Q.

CMHQ 100052
40/F&S/483/3639

No A-49562 Name Hall, J.B. | Sqn, Battery, or Company | Corps CIC | Date of enlistment 28 Jul 41 | Service or Proficiency Pay | 3/17 MFM 6 (AFB 122) 40/PAM/130 (5413)

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No 1 | Badges | Signature OC Company, etc | Character

E+F

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
London Ont	28/5/41	Pte		AA Sec 15 (1) AWL from 0600 hrs 28 May 41 to 1800 hrs 10 Jun 41 (Absent 13 days 12 Hrs)	C.S.M.Manley	14 Days C.B.	13 Jun 41	Major W.L.Poile	Forf 12 Days pay FR&I 149 (1) (a)
London, Ont	24 Jun 41	Pte		AA Sec 15 (1) AWL From 1600 hrs 24 Jun 41 to 1450 hrs 9 Jul 41 (Absent 14 days 22 hrs 30 min)	Capt Burgess L/Cpl Turner	Reprimanded	11 Jul 41	Major G.O.Toward	Forf 15 days pay FR&I 149 (1) (a)
Halifax N.S.	2 Oct 41	Pte		AA Sec 15 (1) AWL From 2200 hrs 2 Oct 41 to 0600 hrs 3 Oct 41 (8 hrs)	L/Cpl Hustwick CSM Hawley	Forf 3 days pay AA 46 (2) (d)	4 Oct 41	Maj G.O. Toward	Forf 1 days pay FR&I 149 (1) (a)
Niagra Camp	18 Dec 41	Pte		AA Sec 15 (1) AWL From 18 Dec 41 to 9 Jan 42 (Absent 13 days) Close	L/Cpl Howe	28 days Detn	1 Apr 42	Lt Col T.A. Codlin	Forf 8 days pay

(PTO)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Close arrest from 1315 hrs 24 Feb 42 to 1100 hrs 1 Apr 42 (35 Days 21 hrs 45 Mins)		Stoppages for Cost of Apprehn $10.35			FR&I 149 (1)(c)
New Westminster	16 Aug 42	Pte		AA Sec 15 (1) AWL From 0700 hrs to 2400 hrs 23 Aug (7 days 7 hrs)	16 Aug 42 Sgt Black	14 days C.B. Forf 14 Days Pay AA 66 (2)(d)	24 Aug 42	Lt Col Godlin	Forf 8 days pay FR&I 149 (1) (a)
London Cnt	22 Sep 42	Pte		AA Sec 15 (1) AWL From 1830 hrs 22 Sep 42 to 1550 hrs 17 Nov 42.	Documentary	9 Mos Detn 254 days Rem Doc MD#1	3 Dec 42	D.C.M.	Forf Cost of Apprehn $6.10
Field	7 Mar 43	Pte		(1) AA Sec 40 Conduct to the Prej Etc. in that he did Assult one F-87583 Pte Bartlette,E.J. a Person Subject to Military law	Pte Bartlette E.J.	28 days F.P. 28 Days Pay AA 66	9 Mar 43	Lt Col D. Fletcher	
				(2) AA Sec 40 Conduct to the Prej Etc. In that he whilst a Sentry on Duty did enter a Premises	PteBartlette E.J.	Granted 7 Days Remission of Sentence			

Certified True Copy

(A.H.McTaggart) Capt.

No. A-49562 Name Hall, J.E. | Sqn, Battery, or Company | Corps CIC | Date of enlistment 28 Jul 40 | Badges | Service or Proficiency Pay | 3/17 MFM 6 (AFB 122) 10/Pers/138 (5413)

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No 2 | Signature OC Company, etc | Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with (1)(a)	By whom awarded	Remarks
				Out of Bounds to Troops i.e. AOASCS Kitchen					
Field	29 Jun 43	Pte		AA Sec 15 (1) AWL From 2359 hrs 29 Jun 43 to 1330 hrs 3 Sep 43 (Absent 65 Days 13 hrs 31 Mins) In Close Arrest From 1330 hrs 3 Sep 43 to 1210 hrs 16 Oct 43 (42 Days 22 hrs 39 Mins)	Documentary	9 Mos Detent	16 Oct 43	F.G.C.M. Conf'md By Brig G.C.M. 29 Oct 43	Forf 66 days Pay FR&IL49 (1)(a)Forf 42 days pay 149 (1)(a) Forf 279 days Pay 149 (1)(a)(b)

Certified true copy consisting of 2 pages.

Released from the Detention Barracks (4Dauns) on 15 Apr 44. Sentence Having Expired. Remission earned under "Rules for Detention" Barracks and Prisons "90 Days.

Date 14/8/44

(A.K.McTaggart) Capt
Officer having custody of Regimental Books.

(PTO)

No A-49562 Name Hall, J.B. | Sqn, Battery, or Company | Corps CIC | Date of enlistment 28 Jul 40 | Badges | Service or Proficiency Pay | 3/17 MFM 6 (AFB 122) 40/P&S/126 (5418)

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No 1 | Signature OC Company, etc | Character

E+F

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
London Ont	28/5/41	Pte		AA Sec 15 (1) AWL from 0600 hrs May 41 to 1800 hrs 10 Jun 41 (Absent 13 days 12 Hrs)	28 C.S.M.Manley	14 Days C.B.	13 Jun 41	Major W.L.Poile	Forf 12 Days pay FR&I 149 (1) (a)
London, Ont	24 Jun 41	Pte		AA Sec 15 (1) AWL From 1600 hrs 41 to 1450 hrs 9 Jul 41 (Absent 14 days 22 hrs 30 min)	24 Jun Capt Burgess L/Cpl Turner	Reprimanded	11 Jul 41	Major G.O.Toward	Forf 15 days pay FR&I 149 (1) (a)
Halifax N.S.	2 Oct 41	Pte		AA Sec 15 (1) AWL From 2200 hrs 2 Oct 41 to 0600 hrs 3 Oct 41 (8 hrs)	L/Cpl Hustwick CSM Hawley	Forf 3 days pay AA 46 (2) (d)	4 Oct 41	Maj G.O. Toward	Forf 1 days pay FR&I 149 (1) (a)
Niagra Camp	18 Dec 41	Pte		AA Sec 15 (1) AWL From 18 Dec 41 to 9 Jan 42 (Absent 13 days) Chose	L/Cpl Howe	28 days Detn	1 Apr 42	Lt Col T.L. Codlin	Forf 8 days pay

(PTO)

Ex "E"

M.F.B. 355
22M—5-41 (373-8)
H.Q. 1773-39-629
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
A-49562	Pte	Hall, J.E.	2 C.I.R.U.

1. The following is a fair and true summary of the entries in the ~~Regimental or~~ ~~Regimental and Squadron Battery~~ ~~Company~~ Company Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For Sect 15(1)		times	7	times
For Sect 40		times	1	times
For		times		times
For		times		times

~~Number of interceded entries of distinguished conduct~~

or,

~~Number of entries in the conduct sheet of the accused~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

~~The accused has no previous convictions~~

or,

Previous convictions of the accused by a court-martial or a civil court, of summary awards under ~~Air Force Act~~ Section 47 of the Army Act and dispensations with trial under ~~A.A.~~ A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

or,

~~The accused is at present under sentence for X X X

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of ..... Permanent Force unit ..... dated ....., and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number A-49562 Rank Pte Name Hall, J.E. of 2 C.I.R.U. Unit ~~Regiment~~

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
D.C.M.	Canada 3 Dec 1942	Sect 15(1) Army Act	9 months Detn.	254 days
F.G.C.M.	Field 16 Oct 1943	Sect 15(1) Army Act	9 Months Detn	90 days

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 14th day of July 1944 [illegible] Capt

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "E" signed by the president, and annexed to the proceedings.

LIST OF WITNESSES

In the case of A-49562 Pte Joseph Edward HALL, C.I.C.

(For the Prosecution)

1. Lieut L.P. Byrne 2 C.I.R.U.

(For the Defence)

None

LIST OF EXHIBITS

In the case of A-49562 Pte Joseph Edward HALL, C.I.C.

(For the Prosecution)

A. A certified true copy of the Record of the Declaration of a Court of Inquiry concerning the absence of the accused dated 12 June 1944

B. A certificate of the apprehension of the accused dated 1 July 1944

C. A certificate of expenses incurred in the apprehension and return of the accused dated 6 July 1944

(For the Defence)

None

[illegible]

I, A-49562 Pte Hall, J.E. hereby request that the Commanding Officer [illegible] Lieut ~~Harper~~ Bond J.A.

2 C.I.R.U. [illegible] temporary [illegible] Court Martial should be [illegible] available.

In the Field,
11 July 44

J. E. Hall
(J.E. Hall) Pte.

[illegible]

I, A-49562 Pte Hall, J.E. hereby acknowledge that I have received a true copy of the summary of evidence taken in Wayland preliminary to my Court Martial and I further acknowledge receipt of a true copy of the Charge Sheet under which I am being brought to Court Martial.

In the Field,
11 July 44

J. E. Hall
(J.E. Hall) Pte.

C.J.

CERTIFICATE RE WAITING MEMBER

In the case of A-49562 Pte Joseph Edward HALL, C.I.C.

I hereby certify that there were no objections to the members who constituted the Court which tried the a/m soldier by Field General Court Martial. The Waiting Member Captain V.J. Westfall was therefore permitted to withdraw.

In the Field
14 July 1944

(C.R. JARDINE) Major
President.

RECORD FORM D—PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence? Ans.....(1)

(1. If "yes", see RP 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address.(1)

(1. RP 39(B), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).)

D3. The evidence for the Prosecution is taken.(1)

(1. RP 39(C), 114, KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not establish a prima facie case against the accused on the.....charge(s).(2) The Court is closed, and considers the submission.(3) The Court is re-opened, and the President announces that the submission is disallowed on the.....charge(s), and allowed on the..... charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on the latter charge(s).(4)

(1. Delete remainder of this para. if submission not made. 2. Arguments on submission, answer and reply are recorded per Notes. 3. RP 40 fn 1. See MML p 72 paras 12-14 and p 81 para 42. 4. Delete part not used. If accused acquitted on all charges, use second alternative in para D8.)

NB: If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on ground of irrelevance. (RP 60(C), 114, KLS.)

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination.(2) You may, however, make a statement without being sworn, and you will not be subject to cross-examination.(3) But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony.(4) You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do neither.

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither?

Ans....., Do you intend to call witnesses on your behalf?

Ans..... Are they witnesses as to character only? Ans.....

(1. RP 115. 2. RP 40(A), see 80(D). 3. RP 40 fn 10. 4. RP 40 fns 2, 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)

(1. RP 114, 115, 116. For procedure see Notes on back of Convening Order, CF A95. Evidence for accused as to his character should, if in his interest, be given before the finding. See RP 46(A) fn 1, 86(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RP 42, 103(e).)

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule.(2) The Court is re-opened.

(1. RP 43, 117(A). See Notes in Part I of Schedule. 2. RP 44(A).)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the.....charge(s), being subject to confirmation, will be promulgated later.(1)

Or, The President announces that the accused is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed.(2)

(1. AA 54(3) (6), RP 45, 120(A). 2. AA 54(3), RP 45, 117. This alternative announcement is not applicable when there are pleas of Guilty outstanding and dealt with under Record Form B or C.)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

RECORD FORM E—PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character?(1)

Ans No Sir

(1. If evidence has already been given by accused or his witnesses as to his character, delete this para. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are sworn. Evidence recorded per Notes.)

E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (~~copies~~) of Conduct Sheet(s)(2), purporting to refer to the accused, which he submits to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 163(l) (g) (h), and (ii) they purport to refer to (a) soldier(s) having the same number, rank, name and corps as the accused. Admitted in evidence and marked Ex. E and Ex. F respectively.(3)

(1. MFB 355 or AFB 296. 2. MFM 6. 3. RP 46, KR Can 558. If above documents not produced, see RP 46 fn 1 para 1.)

E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in mitigation of punishment?(1) Ans In mitigation of Punishment Sir.....(2)

(1. RP 37(C), 46(D). 2. Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on oath anything here or previously stated which would affect the amount of punishment. RP 37(F) fn 7.)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the proceedings in open court are accordingly terminated.(1)

(1. AA 54(6), RP 120(A).)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is dated and signed by him and the JA, if any.(2)

(1. When several accused tried separately see RP 71 (D). One sentence only, comprised of the punishment or punishments laid down in AA 41, 44 and its proviso, is to be awarded to cover all charges in all charge sheets on which accused found guilty. RP 48. As to sentences see AA 44, 138, 182, RP 46-50, 69, 118, 119(A), KR Can 308, 330, 563-566, Overseas RO 309, 2323, MML p 65, 757-759. As to sentences assigned for civil offences by the law of England see AA 41(5), MML p 130. When accused already under sentence of imprisonment or detention see AA 44(1B), 68(1), KR Can 564. 2. RP 50. As to release from arrest by Confirming Offr see KR Can 567. As to assembly and disposal of record after trial see instrs on back of Convening Order.)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

SCHEDULE.

PART I. PLEA(S), FINDING(S) AND SENTENCE.

Accused: A49562 Pte Joseph Edward HALL - 2 CIRU - CIC

Charge. (Insert "alternative" where applicable.)	Plea. (See instrs p 2.)	Finding. (See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st ~~AA~~ Sec 15(1)	Guilty	Guilty	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in loss of kit see RP 44 fn 6.)

~~At present under sentence for ..... beginning on (date) .....~~

(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of 13 days, of which 0 days were spent in hospital.(1)

(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court:

To be imprisoned without hard labour for (18) eighteen months and to be put under stoppages of pay untill he has made good the sum of £1-6-6 in respect costs of apprehension

(Sgd) ..... Judge-Advocate, if any. 14 July 44 Date awarded. (Sgd) [illegible] President. (RP 45, 50.)

(See back of Convening Order as to assembly and disposal of record after trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 760.)

~~Date ..... (Sgd) ..... Commanding .....~~

PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.

(For duties and powers see AA 54, 57, RP 37(D) fn 6, 46(A), 51-56, 120, MML pp 759-761, KR Can 567-577. Acquittals require no confirmation and cannot be revised: AA 54(3). Sending back finding or sentence for revision by Court: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: KR Can 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

My decision on the finding(s) and sentence set forth in Part I is:

I confirm the finding of the Court but commute the sentence to read "To undergo detention for eighteen (18) months and to be put under stoppages of pay until he has made good the sum of £1-6-6 being cost of apprehension" and I confirm the sentence as so commuted.

~~I direct that the accused be not committed to prison or detention barracks until further orders.(1)~~

(1. AA 57A. Delete if not used.)

Date 17 Jul 44

(Sgd) [illegible]
(G S N Gostling) Brig
Commanding "A" Gp Cdn Rft Units C A (O)
Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 53, KR Can 576, 577.)

Accused.	Date.	Signature of Offr.
A49562 Pte Joseph Edward Hall	19 Jul 44	[illegible] Capt

PART II ORDER No 172

Adjutant 2 C.I.R.U.

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

SCHEDULE.

PART I. PLEA(S), FINDING(S) AND SENTENCE.

Accused: A 49562 Pte Joseph Edward HALL - 2 CIRU - CIC

Charge. (Insert "alternative" where applicable.)	Plea. (See Instrs p 2.)	Finding. (See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st AA Sec 15(1)	Guilty	Guilty	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on alternative charges see MML p 483 fn 4 para 2, RP 44; special findings see RP 44 and MML p 753, and in loss of kit see RP 44 fn 6.)

~~[illegible]~~ ~~[illegible]~~ "CHJ" (1)

(1. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF B355 or AF B296.)

Time in confinement awaiting present trial—a total of 13 days, of which 0 days were spent in hospital.(1)

(1. See RP 46(A) fn 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.)

Sentence Awarded by the Court:

To be imprisoned without hard labour
for (18) eighteen months and to be put
under stoppages of pay untill he has made good
the sum of £1-6-6 in respect costs of apprehension

(Sgd) ..... Judge-Advocate, if any. 14 July 44 Date awarded. (Sgd) "C H Jardine" Major President. (RP 45, 50.)

(See back of Convening Order as to assembly and disposal of record after trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RP 120(F), MML p 760.)

Date ..... (Sgd) ..... Commanding .....

PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE.

(For duties and powers see AA 54, 57, RP 37(D) fn 6, 46(A), 51-56, 120, MML pp 759-761, KR Con 567-577. Acquittals require no confirmation and cannot be revised: AA 54(3). Sending back finding or sentence for revision by Court: AA 54(2), RP 120(G). If not confirmed, accused may be tried again: AA 157, MML p 64. Minute of confirmation or non-confirmation may be altered before promulgation: RP 53, MML p 65. Quashing after promulgation: KR Con 573. Duties and powers of reviewing offrs: AA 57, 57A, RP 53A, 54. The Confirming Offr must sign here personally. AA 172 fn 1.)

My decision on the finding(s) and sentence set forth in Part I is:

I confirm the finding of the Court but commute the sentence to read "To undergo detention for eighteen (18) months and to be put under stoppages of pay until he has made good the sum of £1-6-6 being cost of apprehension" and I confirm the sentence as so commuted

~~[illegible]~~ "GSNG"

(1. AA 57A. Delete if not used.)

(Sgd) "G S N Gostling" (G S N Gostling) Brig

Date 17 Jul 44 Commanding "A" Gp Cdn Rft Units C A (O) Confirming Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP 53, KR Con 576, 577.)

Accused.	Date.	Signature of Offr.
A 49562 Pte Joseph Edward Hall Part II Order No 172	19 Jul 44	"J W Phillips" Capt Adjutant 2 C.I.R.U.

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECEIVED 28 Jul 1944 JAG Branch C.M.H.Q.

RECORDED AT CMHQ IN AB 160 3SS-26

CFA86 (In lieu of AFA31) 40/P & S/1098 (40/01) 4/38B

FIELD GENERAL COURT-MARTIAL

Convened by Order of Brig GSN Gostling, ED Comd "A" GP CRU dated 12 JUL 44

ACCUSED.

(As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns. KR Con 308, 328, 330.)

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
A49562	Pte		Jospeh Edward	HALL	2 CIRU CIC

PROCEEDINGS REVIEWED
30 Jul 44
"JGA CAMPBELL" Major
REVIEWING OFFICER,
JAG BRANCH C.M.H.Q.

Certified true copy of original proceedings herein.
8 Sep 44
J.A.G. Rev. 4

PROCEEDINGS OF ~~TRIAL~~

Held in the Fd in (country) England on (date(s)) 14 July

RECORD FORM A—OPENING PROCEEDINGS AND ARRAIGNMENT.

A1. The President, Members, waiting Member, JA, if any, and Offrs under instr, if any, assemble, and the Court is closed.

(PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES OR JA. The Schedule referred to throughout is on p 4. Citations do NOT include all relevant fmn ROs. For guidance on procedure when a variation in this form arises, see form for GCM in MML pp 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding para number herein. See back of Convening Order, CF A95, for oaths and instrs on how to record addresses, evidence, etc, which instrs are hereafter called "Notes". As to general provisions for conducting the trial see AA 53, RP 56, 63-70, 73, 74, 94, 103, 119, 132.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto.(1) The Court is satisfied that it is properly convened and constituted(2), accused is (~~are~~) amenable to military law, and "CHJ" each charge discloses an offence.(3)

(1. As to use of Summary of Evidence see RP 17 fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-13, 23, 24.)

A3. The Court is opened. The accused is (~~are~~) brought before the Court. At 1545 hours trial commences. "CHJ"

A4. The Prosecutor produces a Medical Certificate that accused is (~~are~~) fit to undergo trial by court-martial. "CHJ"
~~[illegible]~~ "CHJ"

(1. KR Con 557. 2. AA 46(B), RP 60 fn 1. For effect see KR Con 563(c). Delete, if not applicable.

A5. ~~[illegible]~~ ~~[illegible]~~ "CHJ"
~~[illegible]~~ ~~[illegible]~~ "CHJ"
~~[illegible]~~ "CHJ"

(1. RP 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused.(1) President to accused: Do you object to be tried by me as President or by any of the Members of the Court?

Ans No Sir (2)

(1. RP 110. 2. If no objection, waiting member retires. RP 68(B). If objection, see procedure AA 51, RP 25, 71, 18, MML p 742.)

A7. The President, Members, JA, if any, and Offrs under instr, if any, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc:

President	MAJOR	C H JARDINE	2 CIRU
Member	Capt	J T Robb	2 CIRU
Member	Lt	S Fidler	2 CIRU
~~[illegible]~~ "CHJ"	~~[illegible]~~ "CHJ"	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	"CHJ"
Prosecutor	Lieut	W L Liscombe	2 CIRU
Defending Offr	Lieut	K A Smith	2 CIRU

Questions by President: Is the Prosecutor a lawyer? Ans Yes Is the Defending Offr a lawyer? Ans No (2)

(1. RP 26, 27, 109, 111. List of offrs under instr will be returned separately with proceedings for information of Conv Offr.)
(2. If Pros a lawyer and Def Offr not, accused is entitled to an adjournment when RP 69 (B) and fn 2 were not followed. See DI p 3.)

A8. The accused A 49562 Pte HALL, J E before arraignment make(s) (~~are~~) no plea "CHJ"
..... (1)

(1. If a special plea is made for separate trial on one or more charges (RP 62(E), 108), or as to the jurisdiction of the Court (RP 34, 35(A), 113), or in bar of trial (RP 36), or as to accused's mental fitness to stand trial (AA 130, RP 57), or by one of several accused charged jointly to be tried separately (RP 16, 71), such plea, the addresses made in support or against, the evidence, if any, and finding are recorded per Notes. For forms of record see references in fns to RsP cited. Insert in A8 rank and name of the accused making the plea.)

A9. The accused is (~~are~~) arraigned ~~[illegible]~~ on all charges in the charge sheet.(1) The accused does (~~do~~) not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(2) The President records the pleas in Part I of the Schedule. "CHJ"

(1. RP 31, 112. See para 1 of Instrs p 2. When more than one Charge Sheet see RP 62; when several accused to be tried separately see RP 71(C), and use separate copies of CF A96 to record proceedings. 2. RP 32, RP 33. If otherwise, delete and make appropriate record per Notes.)

A10. The Court (is closed and) considers the Instrs on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form "B"

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

1. *The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative. (RP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc, offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).*

2. *The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective circumstances stated:*

I. If pleas to all charges are GUILTY, use Record Form B below.

II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.

III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,

(a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below. (RP 37(A).)

(b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p 744 Instrs (2).

3. *As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 91, 92; swearing and withdrawal of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83-85; calling or re-calling of witnesses by Court, etc, see RP 75-79, 86, 116; use of Summary of Evidence at Trial see RP 17(E) fn 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.*

Certified R P 89 B complied with "CHJ"

RECORD FORM B—PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(s)(1), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(s), call witnesses as to character and make an address in mitigation of punishment.(2) "CHJ"

(1. RP 35 fn 3. 2. MML p 54 para 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(3), we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(4) "CHJ"

President to accused: Do you wish to make a statement? Ans. No Sir (5)

(1. RP 37(B). 2. RP 37(D) fn 6. 3. RP 35(B) fn 5 para 3, MML p 54 para 47. 4. See para E3 of Record Form E. 5. Statement, if any, recorded per Notes.)

B3. ~~The Court considers the accused's statement.(1) The Court decides (not) to advise accused to change his (their) plea(s) of Guilty to Not Guilty on ..... charge(s). The accused is (are) so informed, and he (they) change(s) his (their) plea(s) on ..... charge(s). Part I of the Schedule is amended accordingly.~~ "CHJ"

(1. Court may be closed to consider the statement. Delete whole or part not used.)

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Schedule.(1) "CHJ"

(1. RP 35(B). If any plea(s) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex "D" initialled and read aloud by the President.(1)

(1. If there is no Summary, or if it is inadequate, comply with RP 37(B). If there is any evidence inconsistent with any plea standing as Guilty, Court will advise accused to change such plea and, if changed to Not Guilty, try such charge(s) by use of paras D1 to D8 inclusive of Record Form D on p 3. RP 37(D).)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

RECORD FORM C—PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

"CHJ"

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1)

(1. RP 37(A) (E).)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above.(1)

(1. Under B5 such parts only of the Summary of Evidence are read as relate to the charges dealt with under C2. If any plea is changed to Not Guilty, trial thereon proceeds by complying with paras D1 to D8 inclusive in Record Form D on p 3 and making an appropriate record thereof on a separate sheet.)

"CHJ"

C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS. "CHJ"

RECORD FORM D—PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES. "CHJ"

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence? Ans. ..... (1)

(1. If "yes", see RP 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address.(1)

(1. RP 39(B), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).)

D3. The evidence for the Prosecution is taken.(1)

(1. RP 39(C), 114, KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not establish a prima facie case against the accused on the ..... charge(s).(2) The Court is closed, and considers the submission.(3) The Court is re-opened, and the President announces that the submission is disallowed on the ..... charge(s), and allowed on the ..... charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on the latter charge(s).(4)

(1. Delete remainder of this para, if submission not made. 2. Arguments on submission, answer and reply are recorded per Notes. 3. RP 40 fn 1. See MML p 72 paras 12-14 and p 81 para 42. 4. Delete part not used. If accused acquitted on all charges, use second alternative in para D8.)

NB: If trial proceeds, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solely on ground of irrelevance. (RP 60(C), 114, 115.)

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination.(2) You may, however, make a statement without being sworn, and you will not be subject to cross-examination.(3) But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony.(4) You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do neither. "CHJ"

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither? Ans. ..... Do you intend to call witnesses on your behalf? Ans. ..... Are they witnesses as to character only? Ans. .....

(1. RP 115. 2. RP 40(A), see 80(D). 3. RP 40 fn 10. 4. RP 40 fns 2, 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)

(1. RP 114, 115, 116. For procedure see Notes on back of Convening Order, CF A96. Evidence for accused as to his character should, if in his interest, be given before the finding. See RP 46(A) fn 1, 86(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RP 42, 103(e).)

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule.(2) The Court is re-opened.

(1. RP 43, 117(A). See Notes in Part I of Schedule. 2. RP 44(A).)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the ..... charge(s), being subject to confirmation, will be promulgated later.(1)

Or, The President announces that the accused is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed.(2)

(1. AA 54(3) (6), RP 45, 120(A). 2. AA 54(3), RP 45, 117. This alternative announcement is not applicable when there are pleas of Guilty outstanding and dealt with under Record Form B or C.)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below. "CHJ"

RECORD FORM E—PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character?(1)

Ans. No Sir

(1. If evidence has already been given by accused or his witnesses as to his character, delete this para. RP 37(C) fn 4, 46 fn 1. Accused and witnesses are sworn. Evidence recorded per Notes.)

E2. The Prosecutor produces Statement as to Character and Particulars of Service(1), and certified true copy of Conduct Sheet(2), purporting to refer to the accused, which he submits to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 163(l) (g) (h), and (ii) they purport to refer to (a) soldier having the same number, rank, name and corps as the accused. Admitted in evidence and marked Ex E and Ex F respectively.(3) "CHJ" "CHJ" "CHJ"

(1. MFB 355 or AFB 296. 2. MFM 6. 3. RP 46, KR Can 558. If above documents not produced, see RP 46 fn 1 para 1.)

E3. President to accused: Do you wish to address the Court on the Statement and Conduct Sheet, and in mitigation of punishment?(1) Ans. In mitigation of Punishment Sir (2)

(1. RP 37(C), 46(D). 2. Address, if any, recorded per Notes. Court should permit accused or his witnesses to prove on oath anything here or previously stated which would affect the amount of punishment. RP 37(F) fn 7.)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the proceedings in open court are accordingly terminated.(1)

(1. AA 54(6), RP 120(A).)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is dated and signed by him and the JA, if any.(2)

(1. When several accused tried separately see RP 71 (D). One sentence only, comprised of the punishment or punishments laid down in AA 41, 44 and its proviso, is to be awarded to cover all charges in all charge sheets on which accused found guilty. RP 48. As to sentences see AA 44, 138, 182, RP 46-50, 69, 118, 119(A), KR Can 308, 330, 563-566, Overseas RO 309, 2323, MML p 60, 757-759. As to sentences assigned for civil offences by the law of England see AA 41(5), MML p 130. When accused already under sentence of imprisonment or detention see AA 44(1B), 68(1), KR Can 564. 2. RP 50. As to release from arrest by Confirming Offr see KR Can 567. As to assembly and disposal of record after trial see instrs on back of Convening Order.)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

CHARGE SHEET

The accused A-49562 Pte Joseph Edward HALL, C.I.C. on strength of 2 Canadian Infantry Reinforcement Unit a soldier of the Canadian Army Overseas is charged with

Sect 15(1) Army Act

WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

in that he

in the Field, at 0630 hrs on the 21 May 1944, absented himself without leave until he was apprehended by the Canadian Provost Corps at London at 2230 hrs on 1 July 1944, thereby incurring costs to the amount of £1-6-6 for his apprehension and return.
(Total absence 41 days 16 hours)

In the Field
11 July 1944

"M K Greene" Col.
(M.K.GREENE) Colonel
Commanding, 2 C.I.R.U.

To be tried by Field General Court Martial.

Field
12 Jul 44

"G S N Gostling"
(G S N Gostling) Brig
Comd
"A" Gp Cdn Rft Units
C A (O)

"C H Jardine" Major
President

FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may on application to him be convened by any offr of Cdn Army Overseas, or of any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authy. AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap V paras 20 and 23, RP 87(6).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets see RP 62, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

ACCUSED.

Number.	(a) Prmnt R.	(b) Appmt, A/R or A/Appmt.	Full Christian Names.	Surname.	Unit.
A 49562	Pte		Joseph Edward	HALL	2 CIRU CIC

CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(~~s~~) named above as the accused, being subject to military law, has (~~have~~) committed the offence(~~s~~) set forth in the Charge Sheet(~~s~~) attached and on (*date*) 12 Jul 44 endorsed by me, (~~as follows:~~), "To be tried by Field General Court-Martial".

2. And whereas I am of opinion that it is not practicable that such offence(~~s~~) should be tried by an ordinary General Court-Martial; (~~as the exigencies of the service do not permit of such a trial for reasons specified below.~~)

(Delete part in brackets when not required for compliance with RP 105(C).)

3. I hereby convene a Field General Court-Martial to try the said person(~~s~~), and to consist of the Offrs appointed or detailed hereunder.

4. ~~Pursuant to a power vested in me by Convening Order No. 1 of Fd Offr as President for the purpose of this statement~~

(AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

5. ~~The person specified in the statement hereunder.~~

(RP 106(E). Delete, if none appointed.)

PRESIDENT.

(Rank.)	(Must be named. RP 106.)	(Unit.)
MAJOR	C H JARDINE	2 CIRU

MEMBERS.

(Rank.)	(Named or detailed. RP 106.)	(Unit.)
Capt	to be detailed by OC 2 CIRU	
Lt	to be detailed by OC 2 CIRU	

WAITING MEMBER.

(Rank.)	(Named or detailed, if any. RP 106.)	(Unit.)
Capt	to be detailed by OC 2 CIRU	

JUDGE-ADVOCATE.

(Rank.)	(Must be named, if any. RP 106.)	(Unit.)

On Active Service in the Fd

in England (Country.) "G S N Gostling" (Signed personally. RP 105 fn 2.) Brigadier (Rank.)

(G S N Gostling)

Date 12 Jul 44 Commanding "A" Gp Cdn Rft Units C A (O)

Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CPA93 (In lieu of APA3) 40/F & S/1697 (4931)

(See overleaf for oaths and notes for use on trial.)

"CHJ"

M.I.R. 2 C.I.R.U.

This is to certify that I have examined A 49562 Pte Hall J.E.

on 14, July 1944 and I find him medically fit to stand Trial by Court Martial.

"J A Woodland" Capt "CHJ"
Medical Officer
2 C.I.R.U.

13 July 44.

PLEA OF MITIGATION in the case of A 49562 Pte. Hall J.E.

The accused has been a soldier in the Canadian Army since 28 Jul 1940 and has served in the United Kingdom since 7 Jan 1943.

His PULHEMS show that he is an M4, S5, and he says he was told he would be sent back to Canada as unfit for service.

He has had domestic troubles of a nature to cause undue mental strain in that his wife wrote and told him it wouldn't be of any use for him to return to Canada as she was through with him due to his last period of detention.

Although he has no character witnesses and pleads guilty to this charge he says he will endeavour to soldier if given another chance.

I hereby submit a plea for leniency in his case if it may please the court.

"K.A. Smith" Lt.
(Defending Officer)

"CHJ"

Ex "D" "CHJ"

SUMMARY OF EVIDENCE

In the case of A-49562 Pte Joseph Edward HALL, C.I.C., on strength of 2 Canadian Infantry Reinforcement Unit, a soldier of the Canadian Army Overseas.

By direction of the Commanding Officer the Summary of Evidence is taken on oath.

- -

FIRST WITNESS FOR THE PROSECUTION

Lieut. L. P. Byrne, 'A' Coy, 2 C.I.R.U. having been duly sworn states as follows:

I am Lieut. L.P. Byrne of 'A' Coy, 2 C.I.R.U. and I produce for the prosecution

Exhibit 'A' record of the declaration of a Court of Inquiry dated the 12 June 44, which declares that A-49562 Pte Hall, J.E. illegally absented himself from 0630 hrs 21 May 44 and that he was still so absent at the date of the court.

Exhibit 'B' certificate of apprehension dated 4 July 44 certifying that A-49562 Cpl Hall, J.E. was arrested at London at 2230 hrs on 1 July 44.

Exhibit 'C' certificate of expenses incurred in apprehending and returning A-49562 Cpl Hall, J.E. to his unit, dated 6 July 44, showing expenses in the amount of £1-6-6,

which exhibits refer to the accused herein and which I have duly initialled for the purpose of identification.

The accused declines to cross-examine the witness.

"L P Byrne"
(Byrne) Lieut.

The accused was cautioned as follows: "Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

The accused declines to make a statement and reserves his defence.

I certify that the foregoing Summary of Evidence consisting of one page was taken down by me in the presence and hearing of the accused and that Rule of Procedure 4(c)(d)(e)(f) have been complied with.

In the Field
11 July 44

"W L Liscombe"
(W.L.Liscombe) Lieut.
Officer detailed to take the Summary of Evidence.

Exhibit "A"

"CHJ" "LPB"

RECORD of the Declaration of a Court of Inquiry assembled at Field on the 12th day of June 1944 for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental necessaries or Clothing of No. A-49562 Pte. Hall, J.E.

DECLARATION

The Court declare, that A-49562 Pte. Hall, J.E. illegally absented himself from 0630 hours 21 May 44, in the Field, and that he is still so absent and that on the 21 May 44 he was deficient and that he is still so deficient of the following articles:-

	Cost	Less 25% "C"
Anklets.Web prs.	£0-4-5	£0-3-4
Blouses.B.D. 2"C"	£2-7-0	£1-15-3
Boots Ankle.Prs	£1-4-5	£0-18-4
Caps F.S.	£0-2-6	£0-1-11
DrawersCellular2"C"	£0-3-10	£0-2-11
Drawers Woolen.2"C"	£0-10-9	£0-8-1
Great Coat.	£2-11-8	£1-18-9
Shirts.AngDrab.2"C"	£0-18-2	£0-13-8
Socks Prs. 4"C"	£0-6-8	£0-5-0
Trousers BD. 2 "C"	£2-8-3	£1-16-2
Vests Woolen.2"C"	£0-10-9	£0-8-1
Towels.Hand. 2 "C"	£0-2-10	£0-2-1½
Bags.Kit.	£0-4-7	£0-3-5
Bracers. "C"	£0-1-4	£0-1-0
Brushes buttonBrs	£1-0-2	£0-0-11
Brushes.Hair.	£0-1-6	£0-1-2
Brushes Shaving.	£0-1-8	£0-1-3
Brushes.Tooth.	£0-0-6	£0-0-5
Caps Comfort.	£0-1-6	£0-1-2

	Cost	"C" Less 25%
Coombs Hair.	£0-0- 2	£0-0-1½
Dressings Field	£0-1-1	£0-0-9½
Forks.NS.	£0-0-4	£0-0-3
Holdhall.	£0-0-10	£0-0-8
Housewife.	£0-0-9	£0-0-7
Knife Clasp.	£0-3-10	£0-2-11
Knife Table	£0-0-7	£0-0-5
"C"Razor.Safety.	£0-0-3	£0-0-2½
Shorts.Gym. 2"C"	£0-3-10	£0-2-11
Spoons.NS Des	£0-0-4	£0-0-3
Vests Cotton.2"C"	£0-3-0	£0-2-3
Badges. Cap.	£0-0-4½	£0-0-3
Bottles.Water.	£0-3-8	£0-2-9
Carriers.W.B.	£0-1-8	£0-1-3
Haversack.WE.	£0-8-0	£0-6-0
Straps.Web.Sp	£0-0-7	£0-0-5
Tins.Mess.TP.	£0-1-7	£0-1-2½
Caprs.Anti Gas	£0-12-4	£0-9-3
Sheets Ground.	£0-13-2	£0-9-10½
	£14-19-10½	£11-5-4

Cost of articles verified by Q.M.

"Coombs" Lieut.
Quartermaster. 2. C.I.R.U.

Names of President and Members: "H L Reynolds" Lieut. Alq Regt 2 CIRU

"S L Barber" Lt Toc H of C 2 CIRU

Signature of Commanding Officer "W K Greene" Col

"JG"
26 Jun 44
Part II Order No.
149

Certified true copy "Kenneth A Gray" Lt.
Signature of Officer having custody of original record.
A/Adjutant 2 C.I.R.U.

M.F.B. 375

Exhibit 'B'
"CHJ" "LPB'

CERTIFICATE IN ACCORDANCE WITH P.C. 2797 of 10 APR. 42

I certify that No. A-49562 Rank Cpl Name Hall, J.E.

Unit No. 2, C.I.R.U. (C.R.U.) was arrested at London (place)

at 2230 (hour) on 1 July-44 (date) and that at the time of his arrest he was wearing (military uniform)xxxxxxxxxxxxxxxxxxxxx.

Signature of Provost-Marshal, Assistand Provost-Marshal, or other officer or the Commanding Officer of the portion of Him Majesty's Forces or the officer, warrant-officer, or non-commissioned officer in charge of the detachment of the Canadian Provost Corps, Canadian Army into whose custody the above named person was taken on arrest. (Strike out part inapplicable).

London
4 July-44.

"R. J. Stinson"
(R. J. Stinson) Capt.
D.A.P.M. C.M.H.Q.

Exhibit 'C'

Expense Voucher Re—: "CHJ" "LPB"

Ref: K.R. & O. (Can) 539

Reg. No. A49562 Rank Cpl Name Hall, J.E. Unit 2 CIRU

The following expenses were incurred in apprehending and returning the M/N Soldier to his Unit From London

Date	Particulars (½ portion)	Amount		
6 July 44	Escorts return fare from LONDON To Barnsley		13	3
	Prisoners single fare to LONDON From			
	Prisoners fare from London To Barnsley		13	3
	Escorts & Prisoners expenses for Bed, Meals, Bus fares			
	Total £	1	6	6

I certify that the above statement of Expenses is Correct, and that the amounts are fair and just.

"R E Birch Lieut.

Officer Issuing Railway Warrant and Expense monies R.E.Birch

No. 6 Provost Company, Canadian Provost Corps, London. Admin. Officer -D.P.M.

C.M.H.Q. (Br.

C.M.H.Q. 1000:55
40/P & S/483

MFM 6
(AFB 122)
40/P&R/125 (5428)

Ex "P"

NoA-49562 Name Hall, J.E. | Sqn, Battery, or Company | Corps CIC | "CHJ" | Date of enlistment 28 Jul 40 | GC Badges | Service or Proficiency Pay | Character

Date of last entry in Company Conduct Sheet | No and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No 1 | Signature OC Company, etc

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
London Ont	28/5/41	Pte		AA Sec 15(1) AWL from 0600 hrs 28 May 41 to 1800 hrs 10 Jun 41 (Absent 13 days 12 Hrs)	C.S.M.Manley	14 Days C.B.	13 Jun 41	Major W.L.Poile	Forf 12 Days Pay FR&I 149 (1)(a)
London, Ont	24 June 41	Pte		AA Sec 15(1) AWL from 1600 hrs 24 Jun 41 to 1450 hrs 9 Jul 41 (Absent 14 days 22 hrs 30 min)	Capt Burgess L/Cpl Turner	Reprimanded	11 Jul 41	Major G.O.Toward	Forf 15 days pay FR&I 149 (1)(a)
Halifax N.S.	2 Oct 41	Pte		AA Sec 15(1) AWL From 2200 hrs 2 Oct 41 to 0600 hrs 3 Oct 41 (8 hrs)	L/Cpl Hustwick CSM Hawley	Forf 3 days pay AA 46 (2) (d)	4 Oct 41	Maj G.O. Toward	Forf 1 days pay FR&I 149 (1)(a)
Niagra Camp	18 Dec 41	Pte		AA Sec 15(1) AWL From 18 Dec 41 to 9 Jan 42 (Absent 13 days) Chose	L/Cpl Howe	28 days Detn	1 Apr 42	Lt Col T.E. Codlin	Forf 8 days pay

(PTO)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
									FR&I 149 (1)(c)
				Close arrest from 1315 hrs 24 Feb 42 to 1100 hrs 1 Apr 42 (35 Days 21 hrs 45 Mins)		Stoppages for Cost of Apprehn $10.35			
New Westminster	16 Aug 42	Pte		AA Sec 15(1) AWL From 0700 hrs to 2400 hrs 23 Aug (7 days 7 hrs)	16 Aug 42 Sgt Black	14 days C.B. Forf 14 Days Pay AA 66 (2)(d)	24 Aug 42	Lt Col Codlin	Forf 8 days pay FR&I 149 (1)(a)
London Ont	22 Sep 42	Pte		AA Sec 15(1) AWL From 1830 hrs 22 Sep 42 to 1550 hrs 17 Nov 42.	Documentary	9 Mos Detn 254 days Rem Doc MD#1	3 Dec 42	D.C.M.	Forf Cost of Apprehn $6.10
Field	7 Mar 43	Pte		(1) AA Sec 40 Conduct to the Prej Etc. in that he did Assult one F-87383 Pte Bartlette,E.J. a Person Subject to Military Law	Pte Bartlette E.J.	28 days F.P. 28 Days Pay AA 66	9 Mar 43	Lt Col D. Fletcher	
				(2) AA Sec 40 Conduct to the Prej Etc. In that he whilst a Sentry on Duty did enter a Premises	Pte Bartlette E.J.	Granted 7 Days Remission of Sentence			

Certified True Copy
"A K McTaggart"
(A. K. McTaggart) Capt.

No A-49562 Name Hall, J.E. | Sqn, Battery, or Company | Corps CIC | Date of enlistment 28 Jul 40 | GC Badges | Service or Proficiency Pay | MFM 6 (AFB 122) 40/P&S/136 (3438)

Date of last entry in Company Conduct Sheet | No and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No 2 | Signature OC Company, etc | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Out of Bounds to Troops i.e. AOASOS Kitchen					
Field	29 Jun 43	Pte		AA Sec 15(1) AWL From 2359 hrs 29 Jun 43 to 1330 hrs 3 Sep 43 (Absent 65 Days 13 hrs 31 Mins) In Close Arrest From 1330 hrs 3 Sep 43 to 1210 hrs 16 Oct 43(42 Days 22 hrs 39 Mins)	Documentary	9 Mos Detent	16 Oct 43	F.G.C.M. Conf'md By Brig.G.C.I. 29 Oct 43	Forf 66 days Pay FR&I 149 B.(1)(a)Forf 42 days pay 149(1)(c) Forf 279 days Pay 149(1)((b)
					Released from the Detention Barracks (4Dauns) on 15 Apr 44. Sentence Having Expired. Remission earned under "Rules for Detention" Barracks and Prisons "90 Days.				

Certified true copy consisting of 2 pages.

"A.K.McTaggart"
(A.K.McTaggart) Capt
Officer having custody of Regimental Books.

Date 14 Jul 44

"CHJ"

(PTO)

Ex "E"

"CHJ"

M.F.B. 355

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment(or unit)
A-49562	Pte	Hall, J.E.	2 C.I.R.U.

1. The following is a fair and true summary of the entries in the "JWP"xxxxxxxxxx/"JWP"xxxxxxxxxxxxx "JWP"xxxxxxxxxx/"JWP"xxxxxxxxx Company Conduct sheets of the accused exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the "JWP"xxxxxxxxx/Army Act and of cases in which trial has been dispensed with.

Within last 12 months	Times	Since enlistment or appointment	
For Sect 15(1)		7	times
For Sect 40	times	1	times
For	times		times
For	times		times

"JWP" xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

or

"JWP" xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Note.--If the charge is for drunkenness, the entries for drunkenness must be stated separately.

"JWP" xxxxxxxxxxxxxxxxxxxxxxxxxxxxx

or

Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the "JWP"xxxxxxxx/Army Act and dispensations with trial under "JWP" xxxxxx/A.A.73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

or

"JWP" xxxxxxxxxxxxxxxxxxxx

"JWP" xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

SCHEDULE

Of convictions by a court-martial or civil-court, of summary awards under Section 47 of the Air Force/Army Act, and of cases in which trial has been dispensed with of accused, Number A-49562 Rank Pte Name Hall, J.E. of 2 C.I.R.U. Unit/xxxxxxx

Note.--A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
D.C.M.	Canada 3 Dec 1942	Sect 15(1) Army Act	9 months Detn.	254 days
F.G.C.M.	Field 16 Oct 1943	Sect 15(1) Army Act	9 Months Detn	90 days

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 14th day of July 1944

"J W Phillips" .Capt

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "E" signed by the president, and annexed to the proceedings.

"CHJ"

LIST OF WITNESSES

In the case of A-49562 Pte Joseph Edward HALL, C.I.C.

(For the Prosecution)

1. Lieut L.P.Byrne 2 C.I.R.U.

(For the Defence)

None

LIST OF EXHIBITS

In the case of A-49562 Pte Joseph Edward HALL, C.I.C.

(For the Prosecution)

A. A certified true copy of the Record of the Declaration of a Court of Inquiry concerning the absence of the accused dated 12 June 1944

B. A certificate of the apprehension of the accused dated 1 July 1944

C. A certificate of expenses incurred in the apprehension and return of the accused dated 6 July 1944

(For the Defence)

None

"CHJ"

REQUEST FOR DEFENDING OFFICER

I, A-49562 Pte Hall, J.E. hereby request that the Convening Officer appoint Lieut Bond "JE" XXXXXXXXXXX 2 C.I.R.U. to represent me at my forthcoming Court Martial should he be available.

In the Field,
11 July 44

"J E Hall"
(J.E. Hall) Pte.

RECEIPT FOR DOCUMENTS

I, A-49562 Pte Hall, J.E. hereby acknowledge that I have received a true copy of the Summary of Evidence taken in England preliminary to my Court Martial and I further acknowledge receipt of a true copy of the Charge Sheet under which I am being brought to Court Martial.

In the Field,
11 July 44

"J E Hall"
(J.E.Hall) Pte.

"CHJ"

CERTIFICATE RE WAITING MEMBER

In the case of A-49562 Pte Joseph Edward HALL, C.I.C.

I hereby certify that there were no objections to the members who constituted the Court which tried the a/m soldier by Field General Court Martial. The Waiting Member Captain V.J. Westfall was therefore permitted to withdraw.

In the Field
14 July 1944

"C H Jardine"
(C H JARDINE) Major
President.

MEDICAL OFFICER'S CERTIFICATE

K.R. (CAN) PARA. 587

I certify that I have this morning examined ..... and in my opinion he is fit to undergo trial by Court Martial.

A49562 (Number) Pte (Rank) Hale (Name)

16 Oct 45 (Date)

Medical Officer
R.L.I. of Canada

President

MEDICAL OFFICER'S CERTIFICATE

K.R. (CAN) PARA. 557

I certify that I have this morning examined

A49562 Pte Hall J. E.

(Number) (Rank) (Name) and in my opin-

ion he is fit to undergo trial by Court Martial.

16 Oct 43

(Date)

Medical Officer

R.C.A.M.C. of Canada

President

UU-125

Correspondence to be PINNED here

Army Form A.3. Edition of 1 January

Form for Assembly and Proceedings of Field General Court Martial on Active Service.

PROCEEDINGS.

A.

Order convening the Court.

On Active Service, this Fifteenth day of October, 1943.

Whereas it appears to me, the undersigned, an officer in Command of 9 Canadian Infantry Brigade, on active service, that the persons named in the annexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned.

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court Martial; *[~~and that it is not practicable to keep the trial for reference to superior military authority~~]

*Omit where Convening Officer is a Commanding Officer or is of Field Rank.

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers appointed or detailed thereunder.

~~[It is my wish to appoint:—~~

~~(1) Three Officers to form the Court~~

~~(2) A Field Officer as President)~~

~~[Following reserve members]~~

* Omit if not applicable.

Proceedings Reviewed

Reviewing Officer (J.A.G.) M.H.Q.

NOTE.—The President must be named. The members and waiting members (if any) may be mentioned by name, or the number and ranks and the unit to which they belong may alone be named. In the latter event, the ranks, names, &c., of the members of the court, as constituted, will be recorded on the proceedings.

President.

Rank.	Name.	Regiment.
Major	D.N. DURWARD	HLI of C

Members.

Rank.	Name.	Regiment.
Capt	D.L. CLARKE	NNS Highrs
Lt	R.G. GLOVER	SD & G Highrs

* Must be signed personally by the Officer actually in command at the time, and all alterations in the composition of the Court to be initialled by him.

*Signed (C. Petch) Lt-col

A/Commanding 9 Cdn Inf Bde

Convening Officer.

SCHEDULE.

Number, Rank (a), Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (d)
A49562, Pte HALL, J.E. HLI of C.	A.A. Sec 15(1) Absent without Leave.	Guilty	Guilty To undergo detention for a period of nine months. 16 Oct 43 [illegible]	I confirm the sentence [illegible]

~~AWD~~

* Question to be asked of accused, if he pleads not guilty (R. of P. 39 (A)) :—
"Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence ?"
Answer (*to be recorded on separate sheet if necessary*) :—

(Signed) [illegible] (Signed) [illegible] Major
(C. Petch) Lt-col
A/Commanding 9 Cdn Inf Bde
Convening Officer (c) — *President.*

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

(b) Unless unavoidable, not more than three names are to be entered on one form, and in serious cases one only.

(c) Recommendation to mercy, if any, to be inserted in this column.

(d) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.

(e) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

Evidence and Charge Sheets (if necessary) to be PINNED here.

B. Certificate of President as to proceedings.

I certify that the above Court assembled on the 16 day of Oct 43, and duly tried the persons named in the Schedule, and that the plea, finding, and sentence in the case of each such person were as stated in the third and fourth columns of that Schedule.

I also certify that :—

1. The members of the Court
2. The witnesses
*(3. ~~The interpreter~~) ~~AWD~~
*(4. ~~The officers under instruction~~) ~~AWD~~.

* Omit if not applicable.

were duly sworn.

Signed this 16 day of Oct 1943.

[illegible] Major
President of the Court Martial.

C. Certificate in case of death sentence.

~~I certify that the terms of *A.C.I. 570 of 1918 have been complied with.~~

* See footnote (b) on page 762 M.M.L. 1929.

~~Signed this day of 19 AWD~~

President of the Court Martial.

D. Confirmation.

I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what I have there stated, I hereby confirm the above findings and sentences.

*~~(I direct that the soldier named in the margin be not committed to prison or detention barrack until further orders.)~~ [illegible]

* To be omitted unless penal servitude, imprisonment or detention having been awarded, the Confirming Officer either has no authority to commit to prison or detention barrack, or, having such authority, recommends suspension.

Signed this 20th day of October 1943.

[illegible]
Confirming Officer. A/Comd, 9 Cdn Inf Bde

Promulgated and extracts taken in the case of A49562 Pte. HALL, J.E.

(a) (Dated) 22 Oct. 42 (Signed) [illegible], a/Capt & Adjt HLI of C.

Promulgated and extracts taken in the case of

(Dated) (Signed)

Promulgated and extracts taken in the case of

(Dated) (Signed)

(a) When several cases are promulgated in one unit on the same day the Officer need only sign once.

Entered Bn Defaulters Book Pendle

CHARGE SHEET

The accused No. A.49562 Private Joseph Edward HALL, The Highland Light Infantry of Canada, a Canadian soldier on active service is charged with:-

FIRST CHARGE
SEC 15 (1)
ARMY ACT.

ABSENCE WITHOUT LEAVE

in that he

in the Field, at 2359 hrs 29 June 1943, absented himself without leave until surrendering himself at 1330 hrs 3 September 1943. (Absent 65 days, 13 hours, 31 minutes).

In the Field
4 Sept 43

Capt.
O.C. Rear Party The Highland Light Infantry of Canada

To be tried by Field General Court Martial.

for (T.G. Gibson) Brig
Comd 9 Can Inf Bde

In the Field
30 Sep 43

A

Army Form A 9.

**All printed matter not applicable to the particular Court being held should be struck out and initialed by the President.

**Form of Proceedings for General and District Courts-Martial.

Proceedings of a ~~District~~ General Court-Martial held at Paris

on the 16 day of October 1943 by order of

Lt. Col. J. Pike

of Commanding 9 Can. Infantry Bde

dated the 16 day of October 1943

President.

Major D. L. Dawnay
H.L.I. of C.

Members.

Capt. D. J. Clarke
N.W.S. Highrs

Lieut. R. L. Spencer
S.D. & G. Highrs.

~~Judge Advocate.~~ D.A.J.

Trial of* H 49562 Pte. Hall J. C.
Highland Light Infantry of Canada

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that~~ ~~is not available to serve owing to~~ D.A.J.

~~, waiting member takes his place as a member of the Court.~~ D.A.J.

The Court satisfy themselves as provided by Rules of Procedure 22 & 23.

The accused is brought before the Court.

Prosecutor,† Capt. R. H. Hilborn, H.L.I. of C.

~~Counsel‡ or~~ defending officer† Lieut. C. H. Sparks, H.L.I. of C.

At 1210 o'clock the Trial commences.

The order convening the Court is read, and is marked Exhibit A., signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused.

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over? *Answer.*

No sir

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

*Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

[illegible] W.L.W.[illegible] 40,000 pads 2/45 K. & H., Ltd. G.O.C./41. Forms A 9/35.

B

The President, members and ~~judge-advocate~~ are duly sworn.

~~The following officers under instruction are duly sworn.~~

Charge-Sheet.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

Guilty *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

CC

Proceedings on Plea of Guilty.

* To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" read to him again.~~ SMS.

The accused A49562 Pte. Hall J.E., H.L.I. of C. is found guilty of the charge

†The summary (or abstract) of evidence is read, marked CC1 signed by the President, and attached to the proceedings.

Question to the accused. Do you wish to make any statement in mitigation of punishment ?

Answer. The ~~accused~~ defence in mitigation of punishment ~~says~~ :—

[~~or~~ hands in a written statement, which is read, marked CC2, signed by the President, and attached to the proceedings.]

Instruction. † If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

Answer.

No, Sir

Evidence as to character

Exhibit the [illegible]

1st Witness

Lieut C.W. Sparks defending officer of the accused having been duly sworn states that:-

1. That Pte Hall gave himself up voluntarily.

2. Long army service since fall of 1939, active service since July 1940.

3. Since arriving overseas has not been able to settle down as there has been no vacancy for him in his line of work - carriers - & has been in a rifle coy where he felt that his time was not used to the best of advantage. This together with family trouble at home in Canada combined to make him discouraged, and wonder if it was all worth the while.

4. I would ask that in passing sentence you give consideration to the fact that the accused has already served 44 days in close arrest.

C.W. Sparks Lieut

A1956 v. Pte. HALL. J.E. makes this statement. Exhibit 6 Witnessing officer

As you will see by my M.F.M.6 my main trouble in the army has been A.W.L's, no one seemed to help me to try to get back on my the right path. Anything that the court can do to help me regarding trying to stop going A.W.L. would be greatly appreciated.

Q would you like to divulge to the court anything regarding your family troubles that might have some bearing on the sentence. This was brought forward by your defending officer.

A No sir.

Pte. J. E. Hall

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~Finding.~~

The Court is closed for the consideration of the finding.

The Court find that the accused ~~[illegible] Pte Hall J.E. [illegible] [illegible] [illegible]~~ is guilty of the charge against him.

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence.*

~~*The Court being re-opened, the accused is again brought before it.~~

Capt R.H. Hilborne H.L.I. of C. is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* Yes. H.F.B. 355 & H.F.B.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked E 1 & 2 signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* Yes.

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.* Yes these are certified by OC H.L.I. rear party.

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

Answer. Certified by OC. H.L.I. rear party.

Cross-examined by the accused. Declined to cross-examine

[Instruction.—If by reason of the nature of the service of the accused or a regimental court-martial otherwise, the finding of the Court renders him liable to any additional punishment or disqualification, he should be informed by the Court his prospects must such the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Question to the accused.

Do you wish to address the Court? *Answer.* Yes Statement Exhibit E 3.

The Court is closed for the consideration of the sentence.

F

Sentence.

The Court sentence the accused A 29562 Pte Stott J E. to undergo detention for a period of nine months.

Sentence.

DAB.

RECORD of the Declaration of a Court of Inquiry assembled at In the Field on the 21st day of July 1943, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. A.49562 Pte. Hall, J.E., The Highland Light Infantry of Canada

DECLARATION

The Court declare that No. A.49562 Pte. Hall, J.E., The Highland Light Infantry of Canada

illegally absented himself without leave

at Spear Hill Camp on the 30th day of June 1943;

and that on the 20 July 1943 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE	ARTICLES		VALUE
Blouse, Battle Dress	1	1-7-8	Patches, Distinguishing pr	1	-
Boots, Ankle, prs.	1	1-1-6	Shorts, Gym, pr.	1	1-11
Drawers, Cellular	1	2-½	Spoon, Desert	1	4½
Shoes, Canvas, prs.	1	8-10	Towels, Hand	1	11½
Trousers, Battle Dress	1	1-7-11	Unit titles, pr.	1	-
Badges, Cap	1	9½	Haversack	1	9-7
Braces, Prs.	1	1-3½			
Brushes, Cloth	1	1-1	Total		£5-6-7½
Brushes, Hair	1	1-1			
Brushes, Shaving	1	1-4			
Brushes, Boot Blacking	1	8			
Brushes, Boot Polishing	1	9			
Brushes, Tooth	1	4½			
Discs, Identity	2	-			
Dressing, First Field	1	1-1			
Holdall	1	9			
Belt, Waist Web	1	4-4			
Razor, Set	1	1-10½			

(J.H. Anderson) Capt. The H.L.I. of Canada — President

(G.E. Lowe) Lieut. The H.L.I. of Canada — Member

(D.S. Barrie) Lieut. The H.L.I. of Canada — Member

Signed at The Field

this 22nd day of July 1943

Signature of Commanding Officer (E.F. Sherman) Lt.-Col., C.O. The H.L.I. of Canada

Certified true copy

Signature of officer having custody of original record

M.F.B. 278
9M—10-40 (7635-6)
H.Q. 1772-39-257

THE HIGHLAND LIGHT INFANTRY OF CANADA

Headquarters
9th Cdn Inf Bde

1 Oct 43

5-4-1

Field General Court Martial
A-49562 Pte. Hall, J.E.

1. The m/n was medically examined on 1 Oct 43 and was found unfit to undergo F.G.C.M.

(A. Stewart) Capt.
O.C. Rear Party
The H.L.I. of Canada

Exhibit C
Summary
Evidence

SUMMARY OF EVIDENCE in the case of

No. A.49562 Pte. Hall, J.E., The Highland Light Infantry of Canada.

The Commanding Officer directs that the evidence be taken on oath.

First Witness for Prosecution

Capt. A. Stewart, O.C. Rear Party, The Highland Light Infantry of Canada having been duly sworn states:-

" I present M.F.B. 375 Record of the Declaration of a Court of Inquiry, attached hereto as Exhibit "A", which relates to the accused whom I recognize."

The accused declines to cross-examine this witness.

A. Stewart Capt.
The Highland Light Infantry of Canada

Second Witness for Prosecution

A.38211 L/Sgt. Niezney, A., The Highland Light Infantry of Canada having been duly sworn states:-

" I was guard comdr from 1630 hrs 2 Sept. 43 until 1630 hrs 3 Sept. 43. At 1330 hrs 3 Sept 43 Pte. Hall reported in to me. I placed him under close arrest."

The accused declines to cross-examine this witness.

Sgt A. Niezney
The Highland Light Infantry of Canada

The accused having been duly cautioned in accordance with Rule of Procedure 4 (e) reserves his defence.

I certify that the foregoing Summary of Evidence consisting of six pages was taken down by me in the presence of the accused and that Rules of Procedure 4 (c), (d), (e) and (f) have been complied with.

In the Field

.....
The Highland Light Infantry of Canada

No. 142562 Name HALL, J.E. Sqn., Battery, or Company C Corps H.L.I. of Can. Date of enlistment 28 Jul 40 G.C. Badges Service or Proficiency Pay Nil

Date of last entry in Company Conduct Sheet No. and date of last drunk N.A. Period not reckoning towards freedom from extra fine N.A. Sheet No. Signature O.C. Company, etc. Character

Place	Date of offence 1941	Rank	Class of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
London, Ont.	28 May	Pte		AWL from 0600 hrs 28 May 41 to 1800 hrs 10 Jun 41 (abs 13 days 12 hrs) A.A. Sec. 15 (1)	CSM Hawley	14 days C.B.	13 Jun 41	Major WH Rolls	Forf 12 days pay by ERRI 149 (1) (a)
London, Ont.	24 Jun	Pte		AWL from 1600 hrs 24 Jun 41 to 1430 hrs 9 Jul 41 (abs 14 days 22 hrs 30 mins) A.A. Sec. 15 (1)	Capt. Burgess L/C. Turner	Reprimanded	11 Jul 41	Major G.O. Toward	Forf 15 days pay by ERRI 149 (1) (a)
Halifax, N.S.	1 Oct	Pte		AWL from 2200 hrs 2 Oct 41 to 0600 hrs 3 Oct 41 (abs. 8 hrs) A. A. Sec. 15 (1)	L/C. Rustwick CSM Hawley	Forf 3 days pay under AA Sec 46 (2)(d)	4 Oct 41	Major G.O. Toward	Forf 1 days pay by ERRI 149 (1) (a)
Niagara Camp	18 Dec	Pte		AWL from 18 Dec 41 to 8 Jan 42 (abs 23 days) Close arrest from 1315 hrs 24 Feb 42 to 1100 hrs 1 Apr 42 (35 days, 21 hrs 45 min A.A. Sec. 15 (1)	L/C. Howe	28 dys detn placed under stoppages of pay to make good cost of appr. A. Return $1035	1 Apr 42	Lieut-col. T. Codlin	

(P.T.O.)

Place	Date of offence 1942	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
New Westminster	16 Aug	Pte		AWL from 0700 hrs 16 Aug 42 to 2400 hrs 23 Aug 42 (abs 7 days 17 hrs) A.A. Sec. 15 (1)	Sgt. Black	14 days C.B. Forf 14 days pay A.A.46(2)(d)	24 Aug 42	Lt.-Col. Codlin	Forfeits 8 days pay by ER&I 149 (1) (a)
London, Ont	22 Sep	Pte		Having been declared illegally absent since 1830 hrs 22 Sep 42 by a Court of Inquiry held at London, Ont. (Wolseley Barracks) 14 Oct 42 is struck off Strength #1 Dist. Depot (AF) as a deserter eff. 14 Oct 42. Deficiencies of kit $23.82 (Total forf. of pay 23 days)			1 Oct 42		
						9 Mos Detn	3 Dec 42	D.C.M.	
London, Ont	22 Sep			DESERTION: AWL from #1 DD (CA) London, Ont. from 1830 hrs 22 Sep 42 until app. by M.P's at Detroit Mich, at 1550 hrs 17 Nov 42 Cost of appr. $6.10		254 days remittance of sentence authority D.O.C. MD #1			off 22 Dec 42

No. A49562 Name HALL, J.E. Sqn., Battery, or Company | Corps | Date of enlistment | G.C. Badges | Service or Proficiency Pay | M.F.M. 5 (APR 1940) 1228M—7-41 (1219-2) H.Q. 1172-39-16

Date of last entry in Company Conduct Sheet 22 S-P | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. | Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Field	7 Mar 43			(1) A.A. Sec. 40 Conduct to the prejudice of good order etc in that he did assault one F-87383 Pte. Bartlette, E.J. a person subject to military law	Pte. Bartlette	28 days F.P. and 28 days forf of pay A.A.46	9 Mar 43	Lt.-col. Fletcher	
				(2) A.A. Sec. 40 Conduct to the prejudice of good order etc in that he whilst a sentry on duty did enter a premises out of bounds to troops i.e. Badajos Kitchen	Pte. Bartlette				
Field	5 Apr 43			AWL from 0001 hrs 5 Apr 43 to 1100 hrs 5 Apr 43		Admonished	C. Yorke	H.C.S. Fletcher	
				Granted 7 days remission of sentence of 28 days F.P. awarded on 9 Mar 43. Authority O.C. M. Wing 3 C.I.R.E.					

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks

CERTIFIED TRUE COPY

Capt

Exhibit F
Defence

M.F.B. 255
12M—8-40 (6435-6)
H.Q. 1772-39-626

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
A.49562	Pte.	HALL, Joseph Edward	The R.L.I. of Canada

1. The following is a fair and true summary of the entries in the Regimental ~~Service and General~~ and ~~Squadron, Battery~~ Conduct Sheets or Company Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For A.A. Sec. 15 (1)	One	times	A.A. Sec. 15 (1)	34x times
For A.A. Sec. 40	One	times	A.A. Sec. 40	One times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

~~or,~~

~~There are no entries in the conduct sheets of the accused.~~

~~NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

~~2. The accused has not been previously convicted~~

~~or,~~

Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and dispensations with trial under ~~A.F.A. 75~~ A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time

~~or,~~

~~The accused at the present time is under sentence for~~ xxxxxxxxxx ~~beginning on the~~ xxxxxxxxxx ~~day of~~ xxxxxxxxxx

4. The accused has been in confinement awaiting trial on the present charges, for Nil. days in civil custody, and ~~Nil~~ days in military custody, making a total of ~~Nil~~ days in custody, of which Nil. days were spent in hospital.

5. The present age of the accused according to his record of service ~~attestation paper~~ is 2 years

~~6. The date of his commission specified in his record of service is~~ ~~attestation~~ ~~attestation paper~~

7. The service which the accused is allowed to reckon towards discharge is 3 years 56 days

8. The accused is entitled to reckon 3 yrs. 56 days service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no air force decoration or air force reward (or is in possession of or entitled to). ~~State any air force decoration or reward.~~ ~~military~~ ~~military~~ ~~military~~

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of~~ xxxxxxxxxxxxxxx

L

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks

CERTIFIED TRUE COPY

Capt

H.Q.C. C.55-H-306
(JAG)

December 17, 1942.

RECEIVED DEC 21 1942 A.D.

District Officer Commanding,
Military District No. 1,
London, Ontario.

Re: DISTRICT COURT-MARTIAL
A.49562, Pte. Joseph Edward Hall,
No. 1 D.D. (CA).

1. Receipt is acknowledged of your L.28-H-131, dated December 12th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court Martial.

2. The following irregularities have been observed in the proceedings:-

(a) The initials of Captain Steven are not the same on page "A" of the proceedings, as in the convening order.

(b) It is observed that the letters "(A.F.)" appear in several places on the daily orders of No. 2, District Depot. It is no longer correct to use the same and the proper letters to be used are "C.A.". They are also sufficient to denote active service.

(c) Form M.F.B. 1481 was not properly completed in that the signing officer neglected to strike out the inapplicable description after his name and rank. He should also have signed the same in ink, instead of in lead pencil.

(d) It is observed that the draft warning order was first received and made an exhibit to the proceedings before the officer presenting the same identified it as being the document signed by the accused and witnessed by himself. It should not have been admitted in evidence until after Lieut. Dawdy had given this evidence.

(e) Exhibit "L" being a true copy of the movement order, was not admissible, and should not have been admitted by the court.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

22/12/42
Wms

Brigadier,
Judge Advocate-General.

HFGB/jg

AR

Copy on 405-H-6454

H.Q. C.55-H-306
M.D. L. 28-H-131

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. A-49562 Name HALL, J.E.

Rank Pte. Unit #1 District Depot, C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Date of Crime 22/9/42.

Date of Arrest 17/11/42. Charge. Signed 25/11/42.

Orders for D.C.M. D.O.C., M.D.#1.

Place and Date of Trial London, Ontario, 3/12/42.

Sentence Detention 9 months and stoppages $6.10.

Date of Confirmation 10/12/42.

Date of Promulgation 11/12/42.

Entered in Records of J.A.G. as No. 7324

Date 15/12/42.

MEMO

Guilty of the charge.

[illegible], Lieut.
for Judge Advocate-General.

3M-12-42(M1754)

7324. no fee

IN REPLY PLEASE QUOTE
No. L.28-H-131

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

gh

London, Ontario, 12 Dec. 1942

Judge Advocate General,
National Defence Headquarters,
OTTAWA, Canada.

COURT MARTIAL BRANCH
DEC 13 1942
H-306

DISTRICT COURT MARTIAL
A.49562, Pte. Joseph Edward Hall,
No. 1 D.D. (CA).

The Proceedings of District Court Martial held in respect of the marginally-named is enclosed. The following irregularity has been noted:

On page 31 the deletions are not initialed, and on page 33 the deletion is not initialed.

2. In other respects it is trusted the Proceedings will be found in order.

for (D. J. MacDonald) Brigadier
D. O. C., M. D. No. 1.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at The Royal School Bldg. Wolseley Bks. London, Ontario on the 3rd day of December 19 42 by order of Brigadier D.J. MacDonald, DSO, MC. Commanding Military District No. 1. dated the 1st day of December 1942.

President.
Lieut-Colonel H.C. Cameron, M.C., O.C. 2 (Res) Bn. Elgin R., (CA).

Members.
Major W.E.R. Reiner, Representative D.O.C., H.Q., M.D. No. 1.

Captain E.A. Steven No. 1 District Depot, (CA).

Lieut-Colonel W.G. Kerr, V.D., A.J.A.G., M.D. 1 ,Judge Advocate.

Trial of* A.49562, Pte. Joseph Edward Hall, No. 1 District Depot (CA).

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

The Court satisfy themselves that Capt. W.B. White No. 1 D.D.(CA) is not available to serve owing to illness.

Capt. E.A. Steven No. 1 D.D. (CA) waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.†

The accused is brought before the Court.

Prosecutor,† Captain D.H. Thomas, No. 1 District Depot (CA).

~~Counsel, or~~ defending officer† H/Capt. D.A. Cowan, Chaplain (P) No. 1 District Depot, (CA).

At 10 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q. 1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A. 1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

† I HAVE SATISFIED MYSELF THAT NONE OF THE OFFICERS DETAILED AS MEMBERS OF THIS COURT HAVE PREVIOUSLY SERVED UPON ANY COURT OF INQUIRY RESPECTING THE MATTERS FORMING THE SUBJECT OF THE CHARGE ~~(CHARGES)~~ BEFORE THIS COURT MARTIAL.

H.C. Cameron Lt/Col
O.C. 2 (Res) Bn. E.R.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

B

The President, members and judge-advocate are duly sworn.

~~The following officers under instruction are duly sworn.~~ A.99636

Q. 2 Do you object to A.99632, S/Sgt. G.H. Hagen, and/Cpl.,(A/Sgt.) B.H. Payne, No. 1 Det., CMSC (CA) acting as shorthand writers?

A. 2 No, Sir.

A.99632, S/Sgt. G.H. Hagen, and A.99636, Cpl.,(A/Sgt.) B.H. Payne, No. 1 Det. CMSC (CA) are duly sworn as shorthand writers.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q. 3 Are you guilty or not guilty of the [~~each~~] charge against you, which you have heard read? *Question to the accused.*

A. 3 Not guilty, Sir. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to ---------- charge, the provisions of Rule of Procedure 25 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B2 [illegible] Col
Ores. D.R.M.

CHARGE SHEET

The Accused No. A-49562, Pte Joseph Edward Hall, No. 1 District Depot, C.A. London, Ontario, a soldier of the Canadian Army placed on Active Service is charged with:

CHARGE
Sec. 12 (1) (a)
Army Act.

WHEN ON ACTIVE SERVICE

DESERTING HIS MAJESTY'S SERVICE

in that he

At London, Ontario, on the 22nd September 1942 after having been warned to proceed on special duty, with intent to avoid so proceeding, absented himself from No. 1 District Depot, C.A., London, Ontario, from 1830 hours on the said 22nd September, 1942 until apprehended by Military Police at Detroit, Michigan at 1550 hrs. 17 November, 1942. The cost of his apprehension and return to his Unit being $6.10.

(Wm. Neilson) Col.,
C.O. No. 1 District Depot, C.A.

London, Ontario,
November 25, 1942.

To be tried by a district court martial
London Ont
1st Dec 1942

[illegible]
Brigadier
DOC & D1

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q. 4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A. 4 *Answer.* No, Sir.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked ------, signed by the President, and attached to the proceedings].~~ THE PROSECUTOR DECLINES TO MAKE AN OPENING ADDRESS.

The prosecutor ~~proceeds to call witnesses.~~

First witness for prosecution. Capt. D.H. Thomas, O.C. Legal Section, No. 1 District Depot (CA) is duly sworn and states :

~~being duly sworn, is examined by the prosecutor.~~

I am Captain D.H. Thomas, O.C. Legal Section of No. 1 District Depot (CA), the officer detailed to have custody of these records and I produce the following documents relating to the accused.

First, I produce No. 1 District Depot (CA) Part II Order No. 327 showing A.45962, Pte. Hall, J.E., as taken on strength.

PART II ORDER NO. 327, NO. 1 DISTRICT DEPOT (CA) MARKED EXHIBIT "G"SIGNED BY THE PRESIDENT ATTACHED TO THE PROCEEDINGS.

I produce M.F.M. 216, Certificate of Apprehension signed at Windsor, Ontario, 17th November, 1942.

CERTIFICATE OF APPREHENSION DATED 17TH NOVEMBER 1942, MARKED EXHIBIT "H"SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

I also produce M.F.B. 1481 Certificate showing the cost of transportation recoverable from A.49562, Pte. Hall, J.E.

STATEMENT OF COST OF APPREHENSION DATED 18TH NOVEMBER 1942, MARKED EXHIBIT "I" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

I PRODUCE M.F.B. 375 Record of Declaration of Court of Inquiry held at London, Ontario, 20th October 1942.

M.F.B. 375 DECLARATION OF COURT OF INQUIRY MARKED EXHIBIT "J" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.
THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.
IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS RESUMES HIS SEAT.

2nd Witness for the Prosecution ..) A.59239, Pte. Charles C. LaMarsh, No. 1 District Depot, (CA) having been duly sworn is examined by the Prosecutor.

Q. 5 Would you give the Court your number, rank, name and unit?

A. 5 A.59239, Pte. C.C. LaMarsh.

Q. 6 What is your Christian name?

A. 6 Charles.

Q. 7 What is your present unit - what do you belong to?

A. 7 No. 1 District Depot, (CA).

Q. 8 Do you recognize the accused?

A. 8 Yes, I do.

Q. 9 What is his name?

A. 9 Hall, J.E.

Q. 10 How long have you known him?

A. 10 For the last fifteen years.

Q. 11 You knew him before he came in the Army?

A. 11 Yes, Sir.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS WITHDRAWS.

3rd Witness for the Prosecution ..) Lieut. C.B. Dawdy, No. 1 District Depot (CA), having been duly sworn is examined by the Prosecutor.

Q. 12 Would you give the Court your rank and name?

A. 12 Lieut. C.B. Dawdy, No. 1 District Depot, (CA).

Q. 13 What is your duty at the Depot?

A. 13 I am in charge of the records section, No. 1 District Depot (CA).

Q. 14 Any other duties?

A. 14 Also in charge of special reinforcement drafts leaving this Depot.

Q. 15 Do you know anything about the draft that left for special duty about 22nd of September?

A. 15 Yes, Sir.

Q. 16 Were you in charge of that draft?

A. 16 Yes, Sir.

Q. 17 Can you tell the Court any way in which the accused was connected with that draft?

A. 17 May I produce a form drawn up in accordance with R.O. 1877 which is a warning for personnel proceeding on special duty.

WITNESS PRODUCES FORM PREPARED FORM PREPARED IN ACCORDANCE WITH ROUTINE ORDER 1877, MARKED EXHIBIT "K" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

Q. 18 Would you tell us what is on this form?

A. 18 The form is headed up "Undermentioned personnel are hereby warned they will proceed on special duty any date after to-day, September 17th, 1942. Any soldier who by being absent without leave or by over-staying his pass or furlough, is absent when the draft proceeds on such special duty, will be liable to be charged with desertion."

Q. 19 What is the connection of the accused with this form?

A. 19 His name is on the form, A. 49562, the initials J.E. and his signature, "J.E. Hall."

Q. 20 What is your connection with this form?

A. 20 I had the forms made up and witnessed the signatures- it is marked at the bottom 17-9-42, signed C.B. Dawdy Lieut. No. 1 District Depot (CA).

Q. 21 Is that your signature?

A. 21 Yes, Sir.

Q. 22 What procedure was used in the preparation of these forms and the completion of this warning?

A. 22 When these personnel were paraded into this building the nominal roll was called. The personnel then paraded through this particular office and they were asked to give their regimental number, rank, name and initials which were written down on this form by a clerk and each man was told to sign his signature opposite his name.

Q. 23 And were the forms checked against the nominal roll?

A. 23 I checked these forms against the nominal roll from which I called the roll.

Q. 24 How did they compare?

A. 24 They compared, Sir. Had there been any absentees, the word "absentee" would have been written in where the signatures appear.

Q. 25 There were no absentees?

A. 25 No, Sir.

Q. 26 Can you tell the Court when the draft left?

A. 26 Yes, Sir, may I produce a copy of the movement order issued in this Depot for the movement of this draft from the Depot. The train left at 1930 hours.

WITNESS PRODUCES CERTIFIED TRUE COPY OF MOVEMENT ORDER MARKED EXHIBIT "L" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q. 27 Lieut. Dawdy for the information of the Court would you just tell us a little more fully what happened in the matter of warning this draft-- where was it warned-- how was it warned and when -- would you give us a little more detail on the matter-- heading of this says what he is warned for -- was it ready verbally to these men as a group or individually?

A. 27 No, Sir, in accordance with Routine Order 1877 there are two ways in which it can be given, one on parade in which case no signatures are required or forms may be prepared as this one (Exhibit "K") and signed by each man.

Q. 28 This warning order was not read to the men on parade?

A. 28 No, Sir.

Q. 29 You say the men came in through this room paraded to you or to other men and their numbers, rank and names were on this warning order and the place for their signatures-- how was this warning order presented to these men?

A. 29 As they came up to the desk he was asked his regimental number, name, rank and unit. The form was turned around and he was told to read it, the heading at the top and to affix his signature.

Q. 30 In other words the form was turned around facing the man so that he could read it?

A. 30 Yes, Sir.

Q. 31 Would you say that every man was given time to read that warning order before he signed it?

A. 31 Yes, Sir, I had two clerks on that job.

Q. 32 This signature, opposite A.49362, Pte. J.E. Hall, this signature according to your knowledge is the signature of Pte. Hall?

A. 32 Yes, Sir.

RE-EXAMINED BY THE PROSECUTOR

Q. 33 The signature is the signature then of the man who gave that name and number to your clerk?

A. 33 That's right, Sir.

QUESTIONED BY THE COURT

Q. 34 Were those names and numbers on this form before the men came into this room?

A. 34 No, Sir, the information that each man gave, Sir.

Q. 35 This Exhibit "L" that you produce -- does this Exhibit "L" refer to the men that are named in Exhibit "K" -- the Warning order?

A. 35 Yes, Sir.

Q. 36 Can you tell whether this draft had left at the time mentioned in the warning order?

A. 36 Yes, Sir.

Q. 37 That order does refer to this draft?

A. 37 Yes, Sir, the units are the men in that letter, three different units represented.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS WITHDRAWS.

THE PROSECUTION HAS NO FURTHER WITNESSES.

D

The prosecution is closed.

Defence

Q. 38 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 38 *Answer.* No, Sir.

Q. 39 *Question.* Do you intend to call any other witness in your defence?

A. 39 *Answer.* Yes, Sir.

Q. 40 *Question.* Is he a witness as to character only? *Answer.* **A. 40** No, Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence ~~of the accused (and~~ of the witnesses for the defence ~~including witnesses as to character)~~ is recorded on a separate page (*see overleaf*). D - 3

(Where the accused does not give evidence upon oath.)

Q. 41 *Question to the accused.* Have you anything to say in your defence?

A. 41 *Answer.* ~~The accused in his defence says†~~ No, Sir.

[Hands in a written address which is read, marked EXHIBIT "M" signed by the President and attached to the proceedings.]

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

1st Witness for the Defence) A.56075, L/Cpl. C.E. Sisson, No. 30 Provost Coy. (CA) being duly sworn is examined by the Defending Officer.

Q. 42 L/Cpl. Sisson will you give the Court your rank, number and name?

A. 42 A.56075, L/Cpl. Cecil Edwin Sisson, No. 30 Provost Coy. (CA).

Q. 43 L/Cpl. Sisson where are you stationed with the Provost?

A. 43 No. 5 Section, Windsor, Ontario.

Q. 44 On the 17th of November in answer to a phone call or message you went to Detroit, will you tell the Court for what purpose?

A. 44 To apprehend a man by the name of Robert Mooney.

Q. 45 Robert Mooney?

A. 45 Yes, Sir.

Q. 46 Did anything else happen?

A. 46 I was informed they had made a mistake, the man's name was Hall.

Q. 47 When you discussed the matter with the Detroit police was Pte. Hall present?

A. 47 Not at first, Sir, but later.

Q. 48 Not at first?

A. 48 No, Sir.

Q. 49 Later on?

A. 49 Yes, Sir.

Q. 50 What was the substance of the information that the Detroit police gave you?

A. 50 They told me that Pte. Hall had surrendered himself to them that morning for the purpose of being returned to his unit in Canada.

Q. 51 He had surrendered to them?

A. 51 Voluntarily, Sir.

Q. 52 On the morning of the 17th?

A. 52 Yes, Sir.

Q. 53 For the purpose of being returned?

A. 53 Those are the words they used, Sir.

Q. 54 How was he dressed?

A. 54 Dressed, Sir?

Q. 55 How was he dressed?

A. 55 Improperly dressed, Sir. He was in an army uniform but improperly dressed.

Q. 56 He was in uniform?

A. 56 Yes, Sir.

Q. 57 He had surrendered himself to the Detroit police in uniform with intentions of being returned to his unit in Canada?

A. 57 That was the substance of the information given me.

Q. 58 What did you talk about?

A. 58 I questioned him later and he told me the same and later on I got the police lieutenant to sign a statement to that effect.

Q. 59 To the effect that he surrendered himself for the purpose of being returned to Canada?

A. 59 Yes, Sir.

Q. 60 Then what happened?

A. 60 I placed him under close arrest and escorted him back to St. Luke's Barracks in Windsor.

Q. 61 Was there any conversation between you and Hall?

A. 61 Yes, Sir.

Q. 62 Can you give us briefly the substance of that conversation?

A. 62 He told he he was tired of being away from the Army and wanted to get back. He said that two or three times on the way back to St. Luke's Barracks in Windsor.

Q. 63 He was tired of being away and wanted to get back?

A. 63 of being A.W.L.

THE PROSECUTOR DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NEC ESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS WITHDRAWS.

FOR CLOSING ADDRESS BY THE DEFENDING OFFICER SEE DOCUMENT MARKED "N" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

FOR CLOSING ADDRESS BY THE PROSECUTOR SEE DOCUMENT MARKED "O" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

FOR SUMMING UP BY THE JUDGE ADVOCATE SEE DOCUMENT MARKED "P" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused A. 49562, Pte. Joseph Edward Hall, No. 1 District Depot, (CA) is guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Capt. D.H. Thomas, No. 1 District Depot (CA) on his former oath states. ~~is duly sworn.~~

Evidence of character, &c.

Q. 64 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused?

A. 64 *Answer by the Witness.* Yes, Sir I Produce M.F.B. 355 and M.F.M. 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y" & "Z", signed by the President, and annexed to the proceedings.

Q. 65 *Question by the President.* Is the accused the person named in the statement which you have heard read?

A. 65 *Answer by the Witness.* Yes, Sir.

A. 66 *Question.* Have you compared the contents of the above statement with the regimental books?

Answer. A. 66 Yes, Sir.

Q. 67 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A. 67 *Answer.* Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83(b).

THE WITNESS RESUMES HIS SEAT.

Q. 68 *Question to the accused.* Do you wish to address the Court?

Answer. A. 68 My Defending Officer will speak for me.

The Court is closed for the consideration of the sentence.

FOR ADDRESS BY DEFENDING OFFICER IN MITIGATION OF SENTENCE SEE DOCUMENT (5) MARKED "Q" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

F

Sentence

The Court sentence the accused A.49562, Pte. Joseph Edward Hall, No. 1 District Depot (CA), to undergo detention for nine (9) months and to be placed under stoppages of pay until he has made good the sum of $6.10 in respect of the cost of apprehension and return to his corps.

Sentence.
Detention
9 Months
Stoppages
$6.10

Signed at London, Ontario, this 3rd day of December, 1942.

G. Gordon Lyle
JUDGE ADVOCATE

PRESIDENT

Confirmed
Signed at London Ontario
this 10th day of December 1942
B. J. Mendonca
Brigadier
Doc and 1

Extracts entered as No. 7324 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 15th day of Dec. 1942.

Promulgation

Promulgated and extracts taken at Wolseley Barracks, London Ontario this 11th day of December 1942

D. Thomas Capt
OC Regt Section
No 1 District Depot CA
Officer in charge of documents

21

X Debunkers SLC
Pres. D.R.M.

Orders by Brigadier D.J. MacDonald, DSO, MC Commanding

the Military District No. 1

District Court-Martial
A.49562 Pte Joseph Edward Hall
No. 1 District Depot (CA)

1 December 194 2

The detail of Officers as mentioned below will assemble at The Royal School Building, Wolseley Barracks, London, Ontario on Thursday the 3rd day of December 194 2 at 1000 hrs for the purpose of trying by a District Court-Martial the accused person ~~(persons)~~ named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Lieut-Colonel H.C. Cameron, M.C., O.C. 2 (Res) Bn Elgin R. (CA) be appointed President.

MEMBERS

Major W.E.R. Reiner, Representative D.C.C., H.Q., M.D.No.1.
Captain W.B. White, No. 1 District Depot (CA).

WAITING MEMBERS

Captain S.A. Steven, No. 1 District Depot (CA).

JUDGE ADVOCATE

Lieut-Colonel W.G.Kerr, V.D., A.J.A.G., M.D.No. 1 has been (~~is hereby~~) appointed Judge Advocate

PROSECUTOR

Captain D. H. Thomas, No. 1 District Depot (CA) has been (~~is hereby~~) appointed Prosecutor

DEFENDING OFFICER

H/Captain D.A. Cowan, Chaplain (P) No. 1 District Depot (CA) has been (~~is hereby~~) appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding No. 1 District Depot (CA) will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to A.A. & Q.M.G., M. D. No. 1

Signed this 1st day of December 194 2

(W.H. Kippen), Colonel
A. A. & Q.M.G., M. D. No. 1
for D. O. C., M. D. No.1.

M.F.B. 120
A.F.A. 47
MM—9-41 (1761)
H.Q. 1772-99-564

EXHIBIT "A"

Capt.
(D.H. Thomas) O.C. Legal Section,
No. 1 District Depot (AF)

"G" Pers. W.C.M.

DAILY ORDERS PART II No. 327 Wolseley Barracks, London, Ontario. 23 Nov. 42.

BY

Col. W.A. Neilson, D.S.O., Commanding Officer

Last Part II Order No. 326, d/22 Nov 42.

"A"

OFFICERS & NURSING SISTERS

1. COMMAND.

Capt. J.A. CLARE. — On command to Ipperwash, Ont. from 1330 hrs 6 Nov 42 until 1200 hrs 9 Nov 42. (Range Officer)

2. SUBSISTENCE ALLOWANCE.

Lieut. W.L. CRAIG. — Ceases to draw subsistence allowance of $1.70 per diem. Eff. 17 Nov 42.

"B"

OTHER RANKS

1. STRENGTH INCREASE.

A.49562, Pte. HALL, J.E. — Taken on strength No. 1 District Depot (AF) from AWL from No. 1 District Depot (AF) from 1830 hrs 22 Sep 42 until apprehended by Military Police at Detroit, Mich at 1550 hrs 17 Nov 42. and posted to 'C' Sec. (Cat. 'A1') Effective 17 Nov 42.

2. STRENGTH DECREASE.

A.3739, Pte. WILSON, C.L. — Para. 2 D.O. 324, d/20 Nov 42 insofar as it concerns the m/n is hereby cancelled.

3. ATTACHED.

A.116026, Pte. McKINNON, C.S. — Para. 3 D.O. 326, d/22 Nov 42 insofar as it concerns the m/n is hereby cancelled.

4. COMMAND.

A.23330, Pte. SERRIN, W.G. No. 1 DD (WD) — Off command and ceases to be attached for all purposes, except pay to Military Detention Barracks, London, Ont. on completion of Liason Training Course with N.D.D. Regimental Police, Eff. 21 Nov 42.

.....2

CERTIFIED TRUE COPY:

Capt.
(D.H. Thomas) O.C. Legal Section.
No. 1 District Depot, C.A.

No. 1 District Depot (AF)

DAILY ORDERS PART II — No. 327 (SHEET II) — 23 Nov 42.

"B"

OTHER RANKS

5. HOSPITAL.

A.21454, A/L/Cpl. NEWTON, C.O. No. 1 DD (WD)	Discharged from Grace Hospital, Windsor, Ont. 20 Nov 42.

6. ABSENT WITHOUT LEAVE.

A.55548, Pte. DYKES, J.M. "F" Section ✓	Returned from AWL 2130 hrs 22 Nov 42.
A.11960, Pte. PARR, J.H. "F" Section ✓	AWL from 2359 hrs 21 Nov 42 until 0730 hrs 23 Nov 42.
A.102699, Pte. ROBITAILLE, R. "C" Section ✓	Returned from AWL 2359 hrs 22 Nov 42.
A.116040, Pte. LEE, T.W. "C" Section ✓	Returned from AWL 2359 hrs 22 Nov 42.
A.116042, Pte. JACQUES, L.J. "C" Section ✓	AWL from 0700 hrs 22 Nov 42 until 1700 hrs 22 Nov 42.
A.5042, Pte. WILSON, G.T. "F" Section ✓	Para. 5 D.O. 325, d/21 Nov 42 insofar as it concerns the m/n is hereby cancelled.

7. PUNISHMENTS & FORFEITURES.

A.64765, Pte. YOUNG, A.G. "C" Section	Awarded 28 days detention 21 Nov 42. Forfeits 2 days pay under ART 149 (a) F.R. & I. (Can.) CAEF for: AWL from 1800 hrs 17 Nov 42 until apprehended by No. 30 Provost Coy., at Barnie, Ont. at 1430 hrs 19 Nov 42 dressed in civilian clothes. Forfeits 2 days pay under ART 149 (C2) F.R. & I. (Can.) CAEF for: Held in close arrest from 1430 hrs 19 Nov 42 until 1200 hrs 21 Nov 42. Awarded cost of apprehension $2.20 (Total forfeiture of pay 32 days.)

.....3

No. 1 District Depot (AF)

DAILY ORDERS PART II — No. 327 (SHEET III) — 23 Nov 42.

"B"

OTHER RANKS

7. PUNISHMENTS & FORFEITURES. (Cont'd.)

A.55540, Pte.
SEEMER, A.W.J.
"C" Section

Awarded 28 days detention 21 Nov 42.
Forfeits 3 days pay under ART 149 (a) F.R. & I. (Can.) CASF for:
AWL from 0800 hrs 17 Nov 42 until apprehended by No. 30 Provost Coy., at Windsor, Ont. at 1300 hrs 19 Nov 42.
Forfeits 1 days pay under ART 149 (a) F.R. & I. (Can.) CASF for:
Held in close arrest from 1300 hrs 19 Nov 42 until 1200 hrs 21 Nov 42.
Awarded cost of apprehension $6.10
(Total forfeiture of pay 32 days.)

A.102990, Pte.
MONTGOMERY, D.E.
"C" Section

Awarded 14 days forfeiture of pay under Sec. 46 A.A. 21 Nov 42.
Forfeits 13 days pay under ART 149 (a) F.R. & I. (Can.) CASF for:
AWL from 2359 hrs 5 Nov 42 until apprehended by No. 30 Provost Coy., at Woodslee, Ont. at 1900 hrs 18 Nov 42, dressed in civilian clothes.

Held in close arrest from 1900 hrs 18 Nov 42 until 1200 hrs 21 Nov 42.
Awarded cost of apprehension $6.10
(Total forfeiture of pay 27 days.)

8. POSTINGS.

A.38330, Pte.
GIGNAC, A.J.
"F" Section

Posted from "F" Section to "C" Section (H.L.I.) Cat. "A1".
Effective 23 Nov 42.

9. APPOINTMENTS & PROMOTIONS.

A.54595, Pte.
HILTON, H.C.

To be A/Cpl. (Duty) with pay whilst employed as Bugler.
Effective 15 Nov 42.

10. SUBSISTENCE ALLOWANCE.

A.105216, Pte.
MEDLYN, J.

Granted subsistence allowance of $1.25 per diem. Eff. 21 Nov 42.
(Vice: Pte. Melk S.O.S.)

A.59943, Pte.
RUSHBRIDGE, J.H.

Granted subsistence allowance of $1.25 per diem. Eff. 9 Nov 42.
(Vice: Pte. Murray S.O.S.)

.....4

No. 1 District Depot (AF)

DAILY ORDERS PART II — No. 327 (SHEET IV) — 23 Nov 42.

"B"

OTHER RANKS

11. REGIMENTAL NUMBERS.

A.89470, Pte. TEMPLE, W.	Having had previous service in the Elgin Regiment 23 Jun 40 is allotted his former Regimental Number A.44225. All documents to be amended accordingly.

12. RECATEGORIZATION.

A.65715, Sgt. DODDS, L.A.	Recategorized "C1" by an approved Medical Board at London, Ont. 12 Nov 42.

"D"

HOME DEFENCE PERSONNEL

1. STRENGTH INCREASE.

A.601910, Gnr. SHAW, W.L.	Taken on strength No. 1 District Depot (AF) from AWL from 9th Lt. A.A. Regt. R.C.A., Petawawa Military Camp from 0600 hrs 22 Sep 42 until apprehended by Military Police at London, Ont. at 1650 hrs 5 Nov 42 and posted to "C" Section. (Cat. "A1".) Effective 5 Nov 42.

2. ABSENT WITHOUT LEAVE.

A.610323, Pte. LITTIN, A.B. "C" Section	Returned from AWL 2359 hrs 22 Nov 42.

3. PUNISHMENTS & FORFEITURES.

A.531176, Pte. KRZEWSKI, J.J. "C" Section	Awarded 28 days detention 21 Nov 42. Forfeits 2 days pay under ART 149 (a) F.R.& I. (Can.) CAEF for: AWL from 1800 hrs 17 Nov 42 until apprehended by No. 30 Provost Coy., at Kitchener, Ont. at 1030 hrs 19 Nov 42. Forfeits 2 days pay under ART 149 (c2) F.R. & I. (Can.) CAEF for: Held in close arrest from 1030 hrs 19 Nov 42 until 1200 hrs 21 Nov 42. Awarded cost of apprehension $3.42. (Total forfeiture of pay 32 days.)

H.C. Lowther

(H.C. Lowther) Captain,
Adj. No. 1 District Depot (AF)

AL.

Exhibit "H"

(D.H. Thomas) Capt.
O.C. Legal Section,
No. 1 District Depot, C.A.

Certificate in accordance with Order-in-Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 12, 1942,

(Apprehension by ~~XXXXXXXXXX~~ Military to Service authorities)

I, A 99717 (Number) Cpl. (Rank) Schultz, H.A. - 30 - Provost Coy. (Name)

hereby certify that A 49562 (Number) Pte. (Rank) Hall, J.A. (Name of Pvt.)

of the #1 D.D. London Ont. (Unit and Detachment (if any))

Strike out words not applicable } was apprehended by (~~XXXXXXXXXXXXXX~~ A 56075 (Number) L/Cpl. (Rank)

Sisson, C.E. (Name) No. 30 Provost Coy. CA. (Unit or appointment)

at Detroit Police Station (Place) at 1550hrs. (Hour)

on the 17th. day of November 1942

as a ~~XXXXXXX~~ deserter (or absentee without leave), and that at the

Strike out words not applicable } time of his arrest he was wearing military (~~XXXXXXXX~~ dress) uniform (~~XXXXXXXXXXXXXXXXXXXXXXXX~~ clothes).

DATED AT Windsor Ont. this 17th. day of November 1942

NCO i/c Windsor Detail

Cpl Schultz

Schultz, H.A. A99717 Cpl. 30 Provost Coy.
(Signature, number, rank, unit or appointment)

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42(M1126)
H.Q.1772-39-1936

Exhibit "C"

I [illegible] Lt.Col. Pres. D.C.M.) 10
[illegible] Capt.
(D.[illegible]) O.C. Legal Section, No. 1 District Depot, C.A.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut. C.R. Clarke, Issuing Officer D.S. & T.O.M.D.No.1 (Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~authorized~~ the hereinafter itemized transportation for escort

Complete — to proceed from Windsor, Ont. (Place) to London, Ontario (Place)

and return to Windsor, Ont. for the

Full description of soldier being escorted — purpose of escorting A 49562 Pte.Hall, J.E. No.1 District Depot

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transportation required~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
To cost of Transport Warrant No. B 118266 dated 18-11-42 covering the following transportation:-	
One second class return Windsor, Ont. to London, Ont. (Escort)	4.05
One second class single Windsor, Ont. to London, Ont. (Absentee)	2.05
	6.10
The cost of the above transportation is recoverable from:- A 49562 Pte.Hall, J.E. No.1 District Depot, London, Ontario.	
Total	$ 6.10

Dated at Windsor, Ont. this 18th. day of Nov. A.D. 1942

C.R. Clarke — Lieut.
Signature, rank, unit of officer (issuing transport warrants) (authorizing transportation) Strike out phrase not applicable

(C.R.Clarke)
Issuing Officer D.S. & T.O.M.D.No.1

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 149
mill—7-41 (1128)
H.Q. 1772-58-189

Exhibit D.

J. G. E. Emerson Capt.
Pres. D.C.M.

37

RECORD of the Declaration of a Court of Inquiry assembled at London, Ontario on the 14th day of October 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. A-49562, Pte. Joseph Edward Hall, No. 1 District Depot, (CA) London, Ontario,

DECLARATION

The Court declare that No. A-49562, Pte. Joseph Edward Hall, No. 1 District Depot, (CA) London, Ontario, illegally absented himself without leave Wolseley Barracks, at 1830 hours on the 22nd day of September, 1942 that he is still so absent, and that on the 14th October, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
Clo. Div. "A"		Clo. Div. "C"	
Anklets, Web.	.39	Belts, Waist leather, Br.	.37
Overalls, Combination	.68	Braces	.27
Dressings, First Field	.24	Brushes, Button	.14
		Brushes, Boot Polishing	.15
Clo. Div. "B"		Brushes, Cloth	.24
Battle Dress, Serge, Blouses	2.79	Brushes, Hair	.24
Battle Dress, Serge, Trousers	2.80	Brushes, Shaving	.30
Boots, ankle	2.60	Brushes, Tooth	.09
Drawers, Cotton, Shorts	.17	Blacking, Tins	.05
Caps, Field Service	.20	Boot Dressing, tins	.05
Drawers, Woollen	.59	Boot Laces	.02
Shirts, Undercotton	.20	Combs, Hair	.04
Shirts, Flannel, Khaki	.59	Protectors, Ears	.06
Shirts, Woollen	.57	Towels, Hand	.42
Socks	.27	Bags, Kit, Mk. II	1.56
Trousers, Khaki Drill Shorts	.32	Holdalls	.17
Shirts, Khaki Cotton w.		Housewives	.51
~~short sleeves~~	~~.50~~	~~Knives, Clasp, Lanyards~~	~~1.16~~

31

RECORD of the Declaration of a Court of Inquiry assembled at London, Ontario on the 14th day of October 19 42 for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. A-49562, Pte. Joseph Edward Hall, No. 1 District Depot, (CA) London, Ontario,

DECLARATION

The Court declare that No. A-49562, Pte. Joseph Edward Hall, No. 1 District Depot, (CA) London, Ontario, illegally absented himself without leave Wolseley Barracks, at 1830 hours on the 22nd day of September, 1942, that he is still so absent, and that on the 14th October, 1942, he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
Sponges, Pipeclay	.02		
Clo. Div. "D"			
Badges, Arm, "Canada"	.06		
Badges, Shld. Worst. Emb.	.16		
Badges, Cap	.09		
Section "A-2"			
Capes, Anti-Gas	3.33		
Curtains, Helmet, Mk.II	.63		
Wallets, Anti Gas	.21		
Detectors, Gas Grd.,	.57		
	$23.82		

C A Smith
(C.A. Smith) Capt. President
No. 1 District Depot (CA)

C B Dawdy
(C.B. Dawdy) Lieut. RCR Member

A R Wantassel
(A.R. Wantassel) RSM, No.1 Dist. Depot Member

Signed at London, Ontario,

this 20th day of October 19 42

Signature of Commanding Officer
(Wm. Neilson) Lt. Col. No. 1 D.D. (CA)

Certified true copy
(D.H. Thomas) Capt.
O.C. Legal Section, No. 1 D.D. (CA)

Signature of Officer having custody of original record

O.C. records

M.F.B. 375
A.F.B. 135
2334—4-41 (750)
H.Q. 1172-34-267

Exhibit "H"

"K" Thomas RCR
Insp. D.C.M.

Capt.
(D.H. Thomas) O.C. Legal Section,
No. 1 District Depot, C.A.

No. 1 District Depot,
Wolseley Barracks,
London, Ontario,
September 17th, 1942.

Undermentioned personnel are hereby warned they will proceed on special duty any date after today, September 17th, 1942. Any soldier, who by being absent without leave or by over-staying his pass or furlough, is absent when the draft proceeds on such special duty, will be liable to be charged with desertion:-

A-49985	Pte.	DADSWELL	C.W.	C W Dadswell
A-49930	Sgt.	NADJIWON	L.P.	L P Nadjiwon
A-49543	Cpl.	LAURIE	W.A.	W.A. Laurie
A-49744	L/Cpl.	FLAHERTY	J.G.	J G Flaherty
A-50596	Pte.	ALTIMAN	L.S.	L S Altiman
A-50059	Pte.	BANKS	J.K.	J K Banks
A-49798	Pte.	FOX	S.A.	S A Fox
A-49562	Pte.	HALL	J.E	J E Hall
A-49692	Pte.	HARPER	W.H.	W H Harper
A-49607	Pte.	HILL	W.R.	W R Hill
A-49504	Pte.	HIGGINS	H.W.	H W Higgins
A-50378	Pte.	HULETT	R.W.	R W Hulett
A50073	Pte.	ISOM	J.J.	J J Isom
A-50334	Pte	KILLBY	W.G.	W G Killby
A-50513	Pte.	LABADIE	B.R.	B R Labadie
A-49707	Pte.	LEDITT.	E.H.	E H Ledit
A-50326	Pte.	MURDOCH	F.	F Murdoch
A-49991	Pte.	McGINNIS	A	A McGinnis

Witnessed:- 17-9-42

C A Smith

(C.A. Smith) Capt.
No. 1 District Depot, (AF)

Witnessed:- 17-9-42

C B Dawdy

(C.B. Dawdy) Lieut.
No. 1 District Depot, (AF)

Capt. J.H. Thomas. Lon. Sec. L. [illegible] Pres. D.C.M.

For your information

London, Ontario,
21 Sep 42.

SPECIAL MOVE EXD-From No. 1 District Depot (AF)

1. Certain personnel from Kent Regt. Oxford Rifles and Canadian Fusiliers, will move from this Depot on Tuesday, 22 Sep 42.

2. Nominal rolls, documents and all necessary parade states, medical inspection reports, etc., will be completed by Lieut. Dawdy (Special Section). In this connection special attention will be paid to L.S. 35, HQ MD 1, dated 11 Sep 42 and H.Q.S. 8329 F.D. 16 (org) dated 18 Jul 42. (Copy attached for Lieut. Steele). A receipt should be obtained from Lieut. T.E. Steele, Office i/c movement, for documents, etc.,

3. Duties
Lieut. T.E. Steele, Kent Regt. will be in charge of the movement from London to Toronto. He will be responsible for discipline, documents, meal order forms, etc. He will obtain from Lieut. Dawdy (Special Section) the necessary nominal rolls, documents, etc. in connection with the move. He will also obtain copy of L.S. 30 HQ MD 1, dated 18 Sep 42, for his information of train requirements, etc.,

4. Baggage
Lieut. T.E. Steele, Officer i/c movement, and platoon officers, will make arrangements direct with the Depot Quartermaster for transfer of both officers' and other baggage from Depot to the train. Baggage car to be spotted at Fox's Siding, south of C.N.R. Freight Sheds, at 0700 hours, 22 Sep 42. Loading must be completed not later than 1800 hours same date. Baggage car precautions in accordance with R.O. 2016.

5. Band
The R.C.A. Band will parade with the troops.

6. Inspection
The D.O.C. M.D. 1, will inspect the draft before leaving barrack square.

7. Time Table
Parade Barrack Square 1840 hours
Leave " " 1900 hours

H.C. Lawther
(H.C. Lawther) Capt. Adjt.
No. 1 District Depot, (AF)

Distribution:-
Lt. T.E. Steele - Kents
Lt. W.H. Pope "
Lt. H.G. Keene - Can. Fus.
Lt. R.B. Watson " "
Lt. G.A. POnsford - Oxfords
Lt. W.C. Wilson "
C.O.
Q.M.
Lt. Dawdy
R.S.M.
30 Provost Coy.
Mlo

M' [illegible] Lieut
Pres. D.C.M.

47

STATEMENT OF:

A-49562, Pte. Joseph Edward HALL
No. 1 District Depot (CA)

I was on the draft from the Kent Regiment in B.C. for special duty. At London we were given a pass from Sept. 17th to Sept. 21st. I returned from this pass on time. I was in Barracks during Monday and Tuesday, Sept. 21st and 22nd. I was present at roll calls on Tuesday. During Tuesday I was drinking. About 4 p.m. (1600 hours) my wife, who was expecting a baby, phoned me from Chatham and asked me to come home. I did a very foolish thing and went away. I afterwards went to the United States, and on the 17th of November I surrendered myself to the Detroit police. I was in uniform all the time I was away. The Detroit police handed me over to the Provost from Windsor the same day, Nov.17th. I did not intend to desert his Majesty's Forces, and I am willing and ready to soldier where and when detailed.

Signed: Pte. J. E. Hall

Extraneous Ref
Pass D.C.M.

CLOSING ADDRESS BY THE DEFENDING OFFICER

Mr. President and gentlemen we have here a case of a man, who because of drinking and because of a phone call, did a very foolish thing-- perhaps an inexcusable thing. Far be it from me to ask the Court that he should be excused but when the phone call was received that his wife was sick, passing through a certain period, he did that foolish thing. We are not questioning the idea of his signing the warning order. I do not think there is a doubt but that he knew what he was signing, in fact, he returned here on the pass given him after that warning order on time and remained in barracks for two days and he answered the roll call and then in answer to that phone call and because he was not himself he went away. When he was away for sometime he went to the United States. As we have heard from L/Cpl. Sisson he surrendered himself-- he woke up to the fact that he had done a foolish thing -- a wrong thing. He was in uniform at all times and he surrendered himself in uniform and told the Provosts, whose care he was given by the Detroit police that he was tired of being A.W.L. and wanted to get back to his unit.

Gentlemen, those are the facts as we have them -- whether it was a case of desertion or not, he is willing he says to soldier where and when detailed-- he says he did not desert or did not intend to desert His Majesty's forces. He surrendered himself in uniform and was glad to be back. May I ask the Court to find him guilty of the lesser charge of absence without leave as intention - intention to desert, I do not think, has been proven before this Court. Men may do a wrong thing, a thoughtless thing, a foolish thing without intending to do it. Therefore, I ask that this Court find Pte. Hall guilty of the lesser charge of absence without leave and not guilty of the charge according to the charge sheet.

DOCUMENT "O" Volunteer Pres. D.C.M.

CLOSING ADDRESS BY THE PROSECUTOR

The Court is very familiar with page 19 of the Manual and the description of desertion given there, particularly in Para. 20, "A man who absents himself in a deliberate or clandestine manner, with a view of shirking some important service, though he may intend to return when the evasion of the service is accomplished, is liable to be convicted of desertion just as if an intention never to return had been proved against him."

This man was on parade on the 22nd of September. He was prepared in all respects to go on that draft. Then just before the draft left, between the last roll call and the last parade on that day before the final parade on which the draft marched off, Pte. Hall deliberately went away.

The fact that he became tired of being A.W.L. and came back voluntarily and surrendered himself and asked to be returned to his unit, does not, in accordance with Para. 20, excuse him for what he did and I submit to the Court that the evidence shows a clear case of desertion in accordance with Para. 20 which I have just quoted.

DOCUMENT "P"

Cameron SOS
Ass. D.C.M.

SUMMING UP BY THE JUDGE ADVOCATE

In respect to the case there does not seem to be much conflict in the evidence whatsoever. The whole definition, and the only definition, of desertion, charged in this case is this man is accused of evading, that is he went absent without leave with the intention of avoiding this special duty, which he has admitted, or which is admitted on his behalf, that he knew he was to perform. In respect of his intention to so avoid that duty, as I pointed out on numerous cases on trials of desertion - intention is not a matter of positive proof, it is is not capale of positive proof, in most instances; and it must be inferred only from the overt acts surrounding it.

Now the Prosecutor has pointed out that he was on parade on the Tuesday, the day upon which the draft left, and upon his own statement he said that he, by reason of a telephone call from his wife at 1600 hours, and by reason of doing some drinking he just went away.

Now, if a man is bound by law to perform any duty, and he does an act which necessarily cause a failure in the performance of that duty, he is, in law, and will be held in law, to have intended to fail to perform that duty. I quote from page 109 of the Manual of Military Law. Then I must tell you what my view of the law is, and I will give you my authority: if you look at page 20, paragraph 23 you will see "The fact that a soldier surrenders is not proof by itself that he intended to return, even though he is in uniform at the time of surrender. It may not be possible to prove where the man has been during hisabsence, but evidence that the military patrols hadsearched carefully in the neighbourhood of the barracks without finding him, would show that he must have gone to a distance...." However, the very fact I am trying to bring out, and the law is, that if a man surrenders himself it does not disprove that he

he had intented to evade the duty.

What happened in this case, shortly? He says himself he went absent. It is proved the draft went on the evening of the 22nd. He says his wife was going to have a baby. What did he do? He went home. There is no evidence how long he stayed home, but he went to the States. There is no evidence that he took his wife with him. There is no evidence before the Court as to whether she had the baby, or whether he was home when she had the baby. While these things may be extenuating circumstances to a degree, they may be evidence in mitigation of any punishment the Court might see fit to give in case they do convict. That is the evidence, and the Court must decide on the evidence.. If the evidence of the prosecution convinces this Court beyond reasonable doubt that his actions were such that he must in law be taken to have intended the consequences of his act, by reason of the law as laid down on page 109, then they may convict. But if the Court has any doubt, any reasonable doubt, then I must tell you that you must give him the benefit of that doubt.

I think I need not speak further. The facts are quite clear. It is merely a matter of the Court being able to make up their minds solely upon the evidence whether or not the Prosecution has proved its case beyond reasonable doubt.

"J." Stevenson SSgt
Pres. D.C.M.

M.F.B 355
H.Q. 1772-39-620
10M-8-40 (M19)

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
A-49562	Pte.	Joseph Edward HALL	No. 1 Dist. Depot, C.A.

1. The following is a fair and true summary of the entries in the Field ~~Service and General Regimental and Squadron, Battery~~ Conduct sheets and MFM 2 ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For AWL	2	times	8	times
For Conduct to the Prej.	0	times	1	times
For		times		times
For		times		times

Number of instances of gallantry or distinguished conduct Nil

~~or,~~

~~There are no entries in the conduct sheets of the accused.~~

NOTE:—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. ~~The accused has not been previously convicted.~~

~~or,~~

Previous convictions of the accused by a court-martial or a civil court, ~~or~~ summary awards under ~~Air Force Act~~ Section 47 of the Army Act ~~or F.A. 73~~ and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

~~or,~~

~~The accused at the present time is under sentence for~~ ..... ~~beginning on the~~ ..... ~~day of~~ .....

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 17 days in military custody, making a total of 17 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 21 years 109 Days

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper 28 July 1940.

7. ~~The service which the accused is allowed to reckon towards discharge is~~

8. The accused is entitled to reckon 2 Years 128 Days service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward (~~or is in possession of or entitled to:~~) ~~State any air force decoration or reward~~ military.

10. ~~(If the accused is a warrant officer:) The accused before he was made a warrant officer last held the regimental rank of~~ .....

2

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~[illegible]~~ 3rd day of ~~[illegible]~~ Dec, 42.

(D.H. Thomas) Capt. Officer i/c
Reg'l Dis. Depot, CA

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked '4' signed by the president, and annexed to the proceedings.

Sheet #2 destroyed 28 Jol 40

No. A-49562 Name HALL J.E. Sqn., Battery, or Company "HQ" Corps Kent Regiment, C.A. Date of enlistment 28Jul40 G.C. Badges Tradesmen's Rates of Pay

No. and date of last drunk Period not reckoning towards freedom from extra fine Sheet No. 3 Signature O.C. Company, etc. Character

M.F.M. 6 (A.F.B. 122) 5093M—11-41 (3498) H.Q. 1772-39-1952

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
	1941								
London, Ont.	28May	Pte.		AWL from 0600hrs. 28My 41 to 1800 hrs. 10Jun41 (13dys 12hrs.)	CSM Mawley	14 dys C.B.	13Jun41	Maj. W.H. Poile	Forf 12dys pay FR&I 149
London, Ont.	24Jun	Pte.		AWL from 1600hrs 24Jun41 to 1430 hrs. 9Jul41 (14dys 22hrs 30min)	Capt.Burgess L/C Turner	Reprimanded	11Jun41	Maj. G.O. Toward	Forf 15dys pay FR&I 149(1(A
Halifax, N.S.	10ct	Pte.		AWL from 2200hrs 20ct41 to 0600 hrs. 30ct41 (8Hrs)	L/C Hustwick CSM Mawley	Forf 3dys pay under AA 46(2)D	40ct41	Maj.G.O. Toward	Forf 1 dys pay FR&I 149(1)A
Niagara, Camp, Ont.	18Dec	Pte.		AWL from 18Dec41 to 9Jan42(23dys 1100hrs 1Apr42(35dys 21hrs 45min)	L/C Howe	28dys detn. Stop 1Apr42 page of pay to make good cost of app. & return $10.35		Lt.Col. T. E. Codlin	Forf 36dys pay FR&I 149 (1) (C)
	1942								
NewWestminster,	B.C.	Furlough		from 8-22 Jul42 T.W. No. A-174630					
NewWestminster	16Aug	Pte.		AWL from 0700hrs 16Aug42 to 2400 hrs. 23Aug42(7dys 17hrs)	Sgt. Black	14dys C.B. Forf 14dys pay A.A. 46(2)(D)	24Aug42	LtCol T.E. Codlin	Forf 8dys pay FR&I 149(1)A

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
London, Ont.	22Sep	Pte.		Having been declared illegally absent since 1830hrs. 22nd Sep42 by a Court of Inquiry held at London, Ont.,(Wolseley Barracks) 140ct42, is struck off strength No. 1 Dist. Depot (AF) as a deserter. Eff. 140ct.42 Deficiencies of Kit:$23.82 (Total Forfeiture of Pay 23 d/s.)			1 Oct 42		

Certified True and Correct Copy

(H. Thomas)
O.C. Legal Section,
No. 1 District Depot (CA)

DOCUMENT "2" [illegible] Pres. D.C.M.

ADDRESS BY THE DEFENDING OFFICER IN MITIGATION OF SENTENCE

Briefly Sir and gentlemen, the case before the Court, the accused has to pay the penalty for the deed he has done. I have pleaded before many of these Courts for an adequate sentence but not a severe sentence because I find in my contact with the boys a severe sentence hurts them.

In this case I ask for an adequate sentence, not too severe-- not severe, with the recommendation that this man along with the others on this draft who have not gone forward, to return to active service as soon as possible and with any sentence you may deal out you make the recommendation that way. This man, with two years of training, should be at his very peak and should be sent forward with the others of this draft or others going forward on active service.

I think after part of his sentence has been served if that is done, then the punishment will fit the crime and he will be put back into active service of value in the Canadian Army at this time.

Examiner Lt Col
Pres. D.C.M.

MEDICAL OFFICER'S REPORT

I certify that No. A 49562 Pte Hall J. E.
of No 1. D.D. is in a normal state of health,
and fit. to undergo Trial by Court martial.

S. J. T. Bean Capt. RCAMC
Medical Officer
No 1 D.D. C.A.

Station No. 1. D.D. London Ont.

Date 3-12-42.

M. F. B. 246
SSM—6-42 (6744)
H.Q. 1773-30 600

COUNTER NUMBER 53655

HOUR 1230

OPERATOR'S INITIALS Ale

RELIEVING OPERATOR CLL.

H.Q.C.55-11-307 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HAIST, E.A. A.67948 PTE.

NO.6 DISTRICT DEPOT. DEAD

CONFIDENTIAL H.Q.C. 55-11-307

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				J.A.G.	New file	CR	22/12/42
JAN 1 1943	31/12/42	PA	bazz	AD	To Hosp & PA	RBL	28/12/42
JUN 4 - 1943	6/7/43			J.A.G.	With Papers C.R. JUN 2 1943		
JUN 29 1943	28-6-43	PA		J.A.G.	With Papers C.R. JUN 28 1943		
JUL 8 1943	7-7-43	PA		J.A.G.	PER B.F. JUL 6 1943		
JUN 30 1945	30.6.45	PA			[redacted] C.R. JUN 29 1945		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see it.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All concerned letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C. 55-H-307(JAG)

June 28th, 1943.

District Officer Commanding,
Military District No. 6,
Halifax, N.S.

District Court-Martial
A. 67543 Pte. E. A. Halst,
No. 6 District Depot (CA)

Receipt is acknowledged of your H-H-1463 (JAG), dated June 22nd, 1943, returning the proceedings of the marginally named District Court-Martial. It is noted that no remission of sentence was made in this case.

(R. J. Orde) Brigadier,
Judge Advocate-General.

LF/LM

IN REPLY PLEASE QUOTE
No. H-H-1463 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

127970 Halifax, N.S., 22nd June 1943

Secretary,
Department of National Defence,
Ottawa, Ontario

CENTRAL REGISTRY Army
CONF. SEC.
C55-H-307
JUN 24 1943
File
Chgd. to
Referred to

DISTRICT COURT/MARTIAL
A.67848 Pte. E. A. HAIST
No. 6 District Depot (CA)

Reference H.Q.C. 55-H307 (JAG) dated 3rd June, 1943.

1. The proceedings of the Court are returned as it is not considered that a Remission of the sentence should be made at this time.

P. S. Fielding
for (D. A. WHITE) BRIGADIER,
D. O. C., M. D. No. 6

DDM/CMcD

N.D. 23
9 Mil.—11-42 (7239)
H.Q. 1772-101-31

N-1463

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for [redacted] District Courts-Martial

Proceedings of a District Court-Martial held at No. 6 District Depot, Halifax, N.S. on the 4th. day of December 1942 by order of Brigadier, W.W.Foster, D.S.O.,V.D., Commanding Military District No. 6. dated the 29th day of November 19 42.

President.

Lieut.-Colonel S. McK. Fraser, V.D., No. 6 District Depot, (CA).

Members.

Captain A.E.Dobbie, The Lan. & Ren. Scot. Regt., (CA).

Captain E.S.Chandler, 51st. A.A.Bty., R.C.A., (CA).

Trial of* A-67848 Private Edward Arthur Haist, No. 6 District Depot, (CA).

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. X

The accused is brought before the Court.

Prosecutor,† Major N. D.Murray, No. 6 District Depot, (CA).

defending officer† Lieut.R.E.Myers, No. 6 District Depot, (CA).

At 10AM o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q. 1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A. 1 *Answer by accused.* No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

X I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

S.McK.FRASER, Lieut.-Col.
President, D.C.M.

Mil. Form B. 271
5M—9-41 (1907)
H.Q. 1772-39-224

2

(B)

B

The President and members are duly sworn.

Q. 2 Do you object to No.L-2610 CSM., D.J.Patenaude, C.M.S.C., (CA), acting as shorthand writer?

A. 2 No Sir.
No. L-2610 CSM., D.J.Patenaude, C.M.S.C., (CA), is duly sworn as shorthand writer.

Charge-Sheet

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The accused is arraigned upon the charge in the above-mentioned charge-sheet.

Q. 3 Are you guilty or not guilty of the charge against you, which you have heard read? *Question to the accused.*

A. 3 Not Guilty. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which~~ you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to charge, the ~~provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

By S.M.K. Travers to President

CHARGE SHEET

The accused, No.A.67848, Private Edward Arthur HAIST, No.6 District Depot, (CA)., a soldier of the Canadian Army placed on active service, is charged with:-

CHARGE
Section 12 (1)(a)
Army Act.

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he

at Debert Camp, Nova Scotia, on 13th September, 1942, absented himself from the Royal Canadian Corps of Signals; 4th Canadian Armoured Division, (CA)., from 2200 hours on said 13th day of September, 1942, until surrendering to the Military Authorities at London, Ontario at 1915 hours on the 15th day of November, 1942 dressed in uniform. Costs of apprehension and return to his Unit $30.52.

D. A. Guildford

Halifax, Nova Scotia,
26th November, 1942.

(D.A. Guildford) Lieut.Col.,
COMMANDING, No.6 District Depot,
(C.A)

To be tried by a District Court-Martial.

(F.E.NORTH) Lieut-Colonel,
A.A. & Q.M.G., M.D. No.6.
for (W.W.FOSTER) Brigadier,
D. C. C., M. D. No.6.

Halifax, N.S.,
29 November, 1942.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q. 4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A. 4 *Answer.* No Sir.

The prosecutor declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution. F-82108 Sgt. J.W.Conrod, No. 6 District Depot, (CA).

being duly sworn, is examined by the prosecutor.

Q. 5 I ask you to produce certified true copy of No. 6 District Depot (CA) Daily Orders Part 11, No. 234?

A. 5 I produce it.

Certified true copy of No. 6 District Depot, (CA), Daily Orders Part 11, No. 234 is handed to the Court. Para. 12 (b) referring to Sgmn Haist is read. The Daily Order is marked "G", signed by the President and attached to the proceedings.

Q. 6 I ask you to produce certified true copy of Form M.F.B. 375?

A. 6 I produce it.

Certified true copy of Form M.F.B. 375 is handed to the Court. It is read, marked "H", signed by the President and attached to the proceedings.

Q. 7 I ask you to produce Form M.F.M. 216.

A. 7 I produce it.

Form M.F.M. 216 is handed to the Court. It is read, marked "I", signed by the President and attached to the proceedings.

Q. 8 I ask you to produce certified true copy of No. 6 District Depot, (CA), Daily Orders Part 11, No. 285.

A. 8 I produce it.

Certified true copy of No. 6 District Depot, (CA), Daily Orders Part 11, No. 285 is handed to the Court. Para. 20 (c) referring to Pte. Haist is read. The Daily Order is marked "J", signed by the President and attached to the proceedings.

Q. 9 I ask you to produce Form M.F.B. 1481.

A. 9 I produce it.

Form M.F.B. 1481 is handed to the Court. It is read, (with the exception of the item referring to $5.00 for cost of meals as the President stated that item should have been shown on Form M.F.B. 1482). It is marked "K", signed by the President, and attached to the proceedings.

Q. 10 To whom do those documents relate?

A. 10 Pte. Haist.

Q. 11 Is the man present to whom those documents relate?

A. 11 Yes Sir.

Q. 12 Would you point him out.

A. 12 The witness pointed to the accused.

Q. 13 What are your duties at No. 6 District Depot, among others?

A. 13 I am Sergeant of absentees in the Casualty Company.

Q. 14 According to the Order which you produced the accused was taken on strength of this Depot with effect from the 24th. of September, 1942?

A. 14 Yes Sir.

Q. 15 What do you know of his presence or absence on or after that date?

A. 15 He was taken on our strength as an absentee from his Unit. He was posted to the Casualty Company and I placed his name on the absentee report. I called his name twice daily on "C" Company parade but the accused failed to answer his name.

Q. 16 When was the first time you saw him?

A. 16 When he was brought back to the guard room under escort.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

QUESTIONED BY THE COURT.

Q. 17 You said you were a member of the Casualty Company and then you referred to "C" Company, why did you do that?

A. 17 What was formerly known as Casualty Company is now known as "C" Company.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).
THE WITNESS WITHDRAWS.
THE PROSECUTOR HAS NO FURTHER WITNESSES.

D

The prosecution is closed.

Defence

Q. 18 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 18 *Answer.* Yes Sir.

Q. 19 *Question.* Do you intend to call any other witness in your defence?

A. 19 *Answer.* No Sir.

[redacted] [redacted] Brett

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

Brett Brett

The evidence of the accused [redacted] is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

~~*Question to the accused.* Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

Brett

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for the Defence.

The Accused, No. A-67848 Private Edward Athur Haist, No. 6 District Depot, (CA), being duly sworn, is examined by the Defending officer.

Q. 20 Will you tell the Court why you went absent?

A. 20 I have no other reason except that I dont believe in fighting. I would do my best in Canada. I am quite willing to take my part in any capacity that I may be fit for in Canada, but I dont believe it is right that I should go over there and fight.

Q. 21 Is there anything else that you wish to tell the Court?

A. 21 When I joined up in April they promised me a trade. I took a test at Barriefield and I passed as a second class mechanic. They promised me I would finish my course and get trades pay. About ten days after that they transferred me to the signals. I tried to get back but they would not listed to it. They said that possibly they would give me a chance to finish my course. They never did that. When it came to the time of the draft I thought the only way to get out of it was to jump the draft, so I did.

CROSS-EXAMINED BY THE PROSECUTOR.

Q. 22 Are your reasons for not wishing to fight over there religious ones?

A. 22 Yes Sir.

Q. 23 What religion are you?

A. 23 United Church.

Q. 24 Is there part of the doctrine of that church that says you should not fight?

A. 24 Not that I know of, Sir.

Q. 25 Are you a Bible student?

A. 25 No Sir.

Q. 26 Where do you get your authority?

A. 26 Just because it says in the Bible. It says in the Bible, "Thou shalt not kill".

Q. 27 Are you prepared to kill in Canada?

A. 27 Yes Sir. Not outside of Canada.

Q. 28 Where do you come from?

A. 28 Saskatchewan.

Q. 29 Where did you enlist?

A. 29 Kitchener.

Q. 30 Where is your home?

A. 30 Hespler, Ont.

Q. 31 You are willing to fight in Hespler and Kitchener and Saskatchewan and Nova Scotia?

A. 31 Yes Sir.

Q. 32 Why fight for Nova Scotia?

A. 32 Because it is all part of my country.

Q. 33 Is not Canada part of the British Empire?

A. 33 Yes Sir.

Q. 34 Is not Australia part of the British Empire?

A. 34 Yes Sir.

Q. 35 You are not willing to fight in Australia?

A. 35 I would if I had to.

Q. 36 Would you fight in England?

A. 36 I would if I had to.

Q. 37 Where would you not fight?

A. 37 I would fight where it was needed for self protection.

Q. 38 You would fight for Canada, including Nova Scotia, if there was any need to protect Canada or Nova Scotia?

A. 38 Yes Sir.

Q. 39 Do you consider there has been any need to protect Canada or Nova Scotia?

A. 39 No Sir.

Q. 40 What about the ships that have been torpedoed by enemy action out of the Port of Halifax, is that not an attack on Canada?

A. 40 Yes Sir.

Q. 41 Therefore, does not Canada need protection?

A. 41 Yes Sir. We are fighting a machine that is taught to kill.

Q. 42 You enjoy roast beef?

A. 42 Yes Sir.

Q. 43 When they issue pork you enjoy it?

A. 43 Yes Sir.

Q. 44 The big reason you joined up was you were promised a trade?

A. 44 That was part of the reason. I also thought I would do my part for Canada.

Q. 45 A limited part?

A. 45 Yes Sir.

Q. 46 You base your reason for leaving the Army on the fact that you believe in the Bible and it says "Thou shalt not kill"?

A. 46 Yes Sir.

Q. 47 Do you believe every word of it?

A. 47 I do my best.

Q. 48 You would not go against the dictates of the Bible?

A. 48 Not willingly.

Q. 49 Is there anything in the Bible that says you should not eat pork?

A. 49 I never saw it.

Q. 50 Therefore, I suggest you have looked only at part of the Bible. Have you read the Bible?

A. 50 Not on the pork question.

Q. 51 How much have you read?

A. 51 I could not say.

Q. 52 Just what suited you?

A. 52 Since I have been in the cell I have read more than I ever did before.

Q. 53 With the assistance of Pte. Croucher?

A. 53 No Sir. I made up my mind long before that.

Q. 54 Did you go to church regularly?

A. 54 No Sir.

Q. 55 Did you own a Bible before you enlisted?

A. 55 Yes Sir.

Q. 56 How often did you read it?

A. 56 Once a week, at least.

Q. 57 For how long?

A. 57 I could not say.

Q. 58 Do you know you used to read it at a time?

A. 58 Not very long.

Q. 59 Not very often?

A. 59 No Sir.

Q. 60 Therefore, you could not consider yourself much of a Bible student?

A. 60 No Sir. I am not a Bible student.

Q. 61 You made the statement, when I joined up the big reason was I was promised a trade?

A. 61 That is one of the reasons.

Q. 62 What were the other reasons?

A. 62 No other reason in particular, but they promised this trade. I am a mechanic in civil life. They told me if I joined up they would put me through to finish the course.

Q. 63 Who told you that?

A. 63 The Intelligence Officer at Kitchener.

Q. 64 How long have you been in the Army?

A. 64 I joined up April 1st.

Q. 65 You always got your three meals a day and your full kit?

A. 65 Yes Sir.

Q. 66 You made some remarks that you had not got along so well in civil life, is that right?

A. 66 Yes Sir.

Q. 67 You have done without things you desired?

A. 67 Yes Sir.

Q. 68 Including your meals and clothes?

A. 68 Yes Sir.

Q. 69 And money?

A. 69 Yes Sir.

Q. 70 In the Army you were supplied with plenty of clothes and food and some money?

A. 70 Yes Sir.

Q. 71 Are you married?

A. 71 No Sir.

Q. 72 You got your full pay?

A. 72 Yes Sir.

Q. 73 You are content to keep on drawing that money, and eat army food?

A. 73 Yes Sir.

Q. 74 You signed an attestation paper saying that you would serve in the Canadian Army at home or abroad?

A. 74 Yes Sir.

Q. 75 That was a fake?

A. 75 No Sir. At that time I did.

Q. 76 In April, this year, you intended to serve abroad?

A. 76 Yes Sir.

Q. 77 How do you reconcile that with the statement you made a few minutes ago that you should not kill and have made up your mind that you would not serve beyond Canada?

A. 77 At no time I never believed that a person should kill except in self defence. We are all taught to kill, we are both in the wrong. They hate us and we hate them. I dont think it is right that we should do them any harm until they do it to us first. Let them do the dirty work first.

Q. 78 You mean let them kill you before you retalliate?

A. 78 That would be hardly possible.

Q. 79 When should we start killing Germans?

A. 79 When they start bothering us.

Q. 80 What about the case a few weeks ago when a submarine sank a fishing vessel that was getting food off the Nova Scotia coast for the people of Nova Scotia, was not that an attack on us?

A. 80 Yes Sir. We also do the same thing to them. We never hear anything about that. I know we would if we had a chance.

Q. 81 You would not?

A. 81 No Sir.

Q. 82 What other things did you read besides the Bible, any other literature on religion?

A. 82 No Sir.

Q. 83 Did you ever read any of Judge Rutherford's books?

A. 83 No Sir.

Q. 84 Did you ever have any calls from people who are interested in promoting belief in God?

A. 84 Yes Sir.

Q. 85 Who were they, Bible students?

A. 85 Yes Sir.

Q. 86 Known commonly as Jehovah Witnesses?

A. 86 Yes Sir.

Q. 87 Did you have conversations with them?

A. 87 Yes Sir. That is not a religion, it is just a study. They form a group of people who wish to study the Word of God.

Q. 88 Did you consider yourself a part of the group?

A. 88 No Sir.

D--13

Q. 89 Did they often come to your house?

A. 89 They came a few times.

Q. 90 Did you attend gatherings at other peoples houses?

A. 90 No Sir.

Q. 91 Did you have any of their books?

A. 91 Yes Sir.

Q. 92 You read them?

A. 92 Yes Sir.

Q. 93 And liked them?

A. 93 Some parts of them.

Q. 94 You agreed with the part about not killing?

A. 94 Yes Sir.

Q. 95 Is not that where you got the idea?

A. 95 Yes Sir.

Q. 96 You thought it over and conscientiously agreed to it?

A. 96 Yes Sir.

Q. 97 When you were in Debert you knew you were headed for Overseas?

A. 97 Yes Sir.

Q. 98 You went away to dodge the draft?

A. 98 Yes Sir. I have already said that.

Q. 99 Why did you surrender yourself in Ontario?

A. 99 Because you cannot beat it. You might as well get it over with in the first place as last.

Q. 100 The authorities were on your trail?

A. 100 No Sir.

Q. 101 You decided you would come back and take your rap?

A. 101 Yes Sir.

Q. 102 And you did?

A. 102 Yes Sir.

Q. 103 Still you have no intention of going Overseas?

A. 103 I dont want to Sir, no.

Q. 104 I want to go back to this territorial delineation of yours, correct me if I mis-quote you or suggest thoughts of yours which are not your thoughts. It would seem from your answers that you have drawn boundaries of the places you are prepared to fight and that they are the Coast Lines of Canada?

A. 104. Yes Sir. That's right.

Q. 105 You do not include the territorial waters of Canada?

A. 105 Yes Sir.

Q. 106 Would you fight in Newfoundland?

A. 106 Yes Sir.

Q. 107 Labrador?

A. 107 Yes Sir.

Q. 108 What about the United States?

A. 108 Yes Sir.

Q. 109 Mexico?

A. 109 Yes Sir.

Q. 110 South America?

A. 110 Yes Sir.

Q. 111 Would you fight in the Aleutian Islands?

A. 111 Yes Sir.

Q. 112 Where would you stop? Where did you intend to refuse to fight?

A. 112 I would not refuse to fight anywhere, but this is where I want to stop, right here in Canada.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE.

R. P. 83 (B) HAS BEEN COMPLIED WITH.

THE WITNESS RESUMES HIS SEAT.

THE DEFENDING OFFICER HAS NO FURTHER WITNESSES.

The Defending Officer declines to make a closing address.

The Prosecutor makes a closing address.
(See document marked "L" attached).

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused A-67848 Private Edward Arthur Haist, No. 6 District Depot, (CA), is guilty of the charge except that the costs of apprehension are $25.52 instead of $30.52.

Sentence

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c. Major N.D.Murray, No. 6 District Depot, (CA) is duly sworn.

Q. 113 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-113 Yes, I produce MFB-355 and MFM-6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y" and "Z", signed by the President, and annexed to the proceedings.

Q. 114 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-114 Yes.

Q. 115 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* 115. Yes.

Q. 116 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 116. Yes.

[Instruction.—*If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused~~ Sentence

THE DEFENDING OFFICER DECLINED TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS RESUMES HIS SEAT.

Q. 117 *Question to the accused.* Do you wish to address the Court? *Answer.* 117. No Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. A-67848 Private Edward Arthur, Haist, No. 6 District Depot, (CA), to undergo detention for nine months and to be put under stoppages of pay until he has made good the sum of $25.52 in respect of the cost of apprehension and return to his Unit.

Sentence.

Detention.

9 months.

Stoppages.

$25.52.

Signed at Halifax, N.S., this 4th. day of December, 1942.

S. McK. Fraser Lt Col

S. McK. FRASER,
Lieut.-Colonel,
No. 6 District Depot, (CA).
President.

CONFIRMED.

SIGNED at Halifax, N. S., this 9th day of December, 1942.

W. W. Foster

(W.W. FOSTER) BRIGADIER,
D.O.C., M.D. NO. 6.

PROMULGATED AND EXTRACTS TAKEN at No.6 District Depot, (C.A) Halifax, Nova Scotia this 11th day of December, 1942.

J. D. Borden Capt

.....Capt.Adjt.
No.6 District Depot, (C.A).

Extracts entered as No. 7586 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 24 day of Dec 1942.

X S. McK. Fraser to act President.

Orders by Brigadier W.W. Foster, D.S.O., V.D., Commanding

the Military District No. 6

District Court-Martial

A67848, Private Edward Arthur Haist, No. 6 District Depot (CA)

Halifax, N.S., 29 November, 1942

The detail of Officers as mentioned below will assemble

at No. 6 District Depot, Halifax, N.S. on Friday,

the fourth day of December, 1942 at 1000 hours

for the purpose of trying by a District Court-Martial the accused person ~~persons~~ named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Lieut-Colonel S. McK. Fraser, V.D., No. 6 District Depot (CA) is appointed President.

MEMBERS

Captain A.E. Dobbie, The Lan. & Ren. Scot. Regt. (CA)

Captain E.S. Chandler, 51st A.A. Bty., R.C.A. (CA)

WAITING MEMBERS

Lieut. E.F.A. Merchant, 1st Halifax Coast Regt., R.C.A. (CA)

JUDGE ADVOCATE

~~has been (is hereby) appointed~~

~~Judge Advocate~~

PROSECUTOR

Major N.D. Murray, No. 6 District Depot (CA) ~~has been~~ (is hereby) appointed

Prosecutor

DEFENDING OFFICER

Lieut. R.E. Myers, No. 6 District Depot (CA) ~~has been~~ (is hereby) appointed

Defending Officer

The accused will be warned and all witnesses duly required to attend.

The O.C., No. 6 District Depot (CA) will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D. No. 6.

Signed this 29th day of November, 1942

(F.J. NORTH) Lieut-Colonel,
A.A. & Q.M.G., M.D. No. 6.
for (W.W. FOSTER) Brigadier,
D. O. C., M. D. No. 6.

M.F.R. 720
A.F.A. 47
HM—9-41 (3781)
H.Q. 1772-39-564

CERTIFIED TRUE COPY
..... Capt-Adj.
No. 6 District Depot CA.

"O" Bde Brigade to be handed

NO. 6 DISTRICT DEPOT, C.A.

DAILY ORDERS PART II

PAGE ONE

No. 234,
Halifax, N.S.
September 25th, 1942.

LAST PART II DAILY ORDERS ISSUED NO.233 DATED 23RD SEPTEMBER1942

SECTION "A"
Officers

For T.O.S. entry HAIST, E.A. see page 5 para 12 sub para (b.)

1. STRENGTH DECREASE

(a) The undermentioned Officer, having been placed in Category "E" is struck off strength No. 6 District Depot,C.A., on retirement, and reverts to his reserve status, effective 25th September, 1942. Appointed 28th July, 1941, 1 year and 59 days unencumbered service. Entitled to receive Rehabilitation Grant under R.O. 1079 d/42.

Lieut. F.R. ZIMMERMAN (M) (Pres)

2. ATTACHED

(a) The undermentioned Officers are attached to A.11, C.I.T.C., Camp Borden, Ontario, for all purposes except pay effective 25th September, 1942.

P/2/Lieut. S. A. FILLIPONE (H. Q. Coy.)
P/2/Lieut. J.F. LOVETT (Rec. Coy)
P/2/Lieut. A.A. DAY (H.Q. Coy.)

(b) The undermentioned Officer, No. 9 Detachment. C.M.S.C., ceases to be attached to No. 6 District Depot,C.A., for all purposes except pay on proceeding to A.11 C.I.T.C., Camp Borden, Ont.,

2/Lieut. R.W. UMPHREY

3. ON COMMAND

(a) The undermentioned Officer proceeded "On Command" to New Glasgow N.S. at 0650 hrs., 18th September, 1942, and returned from "On Command" at 1600 hrs., 23rd September, 1942.

Lieut. A.D. CAMERON (H.Q. Coy.)

(b) The undermentioned Officer proceeded "On Command" to Yarmouth, N.S., and Barriefield, Ont., at 0800 hrs., 14th September, 1942, and returned fr on "On Command" at 2145 hrs., 19th September, 1942.

Lieut. F.R. ZIMMERMAN (Dis. Coy.)

(b) The undermentioned Officer proceeded "On Command" to Yarmouth, N.S., and Petawawa, Ont., at 0800 hrs., 14th September, 1942, and returned from "On Command" at 2330 hrs., 18th September, 1942

2/Lieut. G.J. GILLESPIE (Cas. Coy.)

4. BIRTH

(a) Lieut. A. KING ("O" Coy.)

SON: William Donald King, (1st child)
BORN: 16th September, 1942.
BORN AT: Montreal, Quebec,

(TO PAGE TWO)

DAILY ORDERS

NO. 6 DISTRICT DEPOT, C.A. DAILY ORDERS PART II NO.234 DATED 25-9-42

SECTION "B"
Other Ranks

DEPOT HEADQUARTERS

1. FURLOUGH

(a) The undermention O.R. granted furlough from 25th September, 1942, to 8th October, 1942 under R.O. 699 (b).

F79658 Pte. (A/Cpl.) COLEMAN, D.L.

HEADQUARTERS COMPANY

2. ATTACHED

(a) The undermentioned O.R.'s of No. 6 District Depot, C.A., cease to be attached to No. 6 District Depot, C.A., for all purposes effective 24th September, 1942, and are attached to No. 14A.I.(R) T.C., for all purposes, effective 25th September, 1942. (Attending Cookery Course)

F95831, Pte. HENSHAW, J.G.
F96432, Pte. KING, J.T.

(b) The undermentioned O.R. is attached to A.A. Art. Formation Camp, Bedford, N.S., for all purposes except pay, effective 25th September, 1942.

F95651, Pte. (A/Cpl.) POWER, J.S.

3. REPOSTINGS

(a) The undermentioned O.R.'s, are reposted from Headquarters Coy. to Depot Headquarters Coy. effective 25th September, 1942.

F79869 Pte. VAUGHN, C.A.
F60213 Pte. GALLANT, W.J.

(b) The undermentioned O.R. is reposted from Headquarters Coy. to Discharge Coy. effective 25th September, 1942.

L36865, Pte. STEAD, S.

4. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R.'s are absent without leave from time and dates as shown. (1st time published)

F30723,	Pte. JUBIS, D.E.	2200 hrs.,	20-9-42
F77326,	Gnr. MURRAY, T.G.	2359 hrs.,	21-9-42
F88740,	Pte. LOGAN, R.F.	0800 hrs.,	22-9-42
F88585,	Pte. MC LEAN, J.	1600 hrs.,	22-9-42
F89567,	Pte. COFFIN, R.H.	1600 hrs.,	22-9-42

(b) The undermentioned O.R.'s, reported A.W.L. as shown, returned from absent without leave time and dates as shown.

F29922, L/Cpl. MC ROBERTS, C.W. from 0900 hrs., 18-9-42 to 0830 hrs., 23-9-42

F89295, Pte. LOVELL, G.W. from 1600 hrs., 19-9-42 to 0130 hrs., 23-9-42

(TO PAGE THREE)

HEADQUARTERS COMPANY (Cont'd)

5. PUNISHMENTS

(a) C75764, Pte. LALLY, F.W. was on the 24th September, 1942, awarded:-- 7 days' C.B. for: (1) Using obscene language in a public place. (2) Drinking intoxicating liquor in a public place.

RECRUIT COMPANY

6. STRENGTH INCREASE

(a) The undermentioned having been attested by D.R.O. Halifax, N.S., are taken on strength No. 6 District Depot, C.A., effective dates as shown. Posted to Recruit Coy. (QUOTA) Category as shown.

F51143	Pte. DE GROUCHY, Reginald Munro	(M)	(CofE)	"AI"	23-9-42
F51141	Pte. MAC NEIL, Stephen Joseph	(S)	(R.C.)	"AI"	23-9-42
F51134	Pte. MELANSON, Daniel Joseph	(S)	(R.C.)	"DI"	22-9-42
F51136	Pte. RICHARDSON, Robert William	(M)	(CofE)	"AI"	22-9-42
F51135	Pte. WHITZMAN, Earl Malcolm	(S)	(O.D.)	"AI"	22-9-42
F51132	Pte. ZWICKER, Kenneth Walter	(S)	(UCC)	"AI"	22-9-42

(b) The undermentioned having been attested by D.R.O. Halifax, N.S., is taken on strength No. 6 District Depot, C.A., effective 22nd September, 1942. Posted to Recruit Coy. (For No. 6 District Coy., R.C.A.S.C., C.A.) Category "AI".

F51133 Pte. BROWN, Earl James (S) (CofE)

(c) The undermentioned having been attested to the Active Force by No. 6 District Depot, C.A., are taken on strength No. 6 District Depot, C.A. from N.R.M.A., effective dates as shown. Posted to Recruit Coy. (Quota) Category as shown.

F75784	Pte. AMERIAULT, Joseph Nelson	(S)	(R.C.)	"AI"	23-9-42
F75779	Pte. ARNOLD, William Charles	(M)	(R.C.)	"B2"	23-9-42
F75778	Pte. COLBORNE, Russell Frederick	(S)	(UCC)	"AI"	23-9-42
F75793	Pte. CAMPBELL, Patrick	(S)	(R.C.)	"AI"	24-9-42
F75781	Pte. FULTON, Harlan Page	(S)	(Bapt)	"B2"	23-9-42
F75786	Pte. GORMAN, Enslie Oswald	(M)	(CofE)	"DI"	23-9-42
F75775	Pte. MAC PHERSON, John James	(M)	(R.C.)	"AI"	23-9-42
F75782	Pte. NOILES, Neil Raymond	(S)	(R.C.)	"AI"	23-9-42
F75790	Pte. O'BRIEN, Allen Letson	(S)	(UCC)	"AI"	24-9-42
F75785	Pte. PARKER, Warren Albert	(S)	(Bapt)	"A2"	23-9-42
F75776	Pte. RICHARDS, Lloyd George	(S)	(UCC)	"AI"	23-9-42
F75783	Pte. ROONEY, Joseph Oswald	(S)	(R.C.)	"AI"	23-9-42
F75792	Pte. RHINDRESS, Raymond Edward	(S)	(Bapt)	"A2"	24-9-42
F75777	Pte. SAMPSON, John Daniel	(S	(R.C.)	"DI"	23-9-42
F75788	Pte. SMITH, Thomas	(S)	(CofE)	"DI"	24-9-42
F75787	Pte. STEECH, Daniel Calder	(S)	(R.C.)	"AI"	24-9-42
F75791	Pte. SURETTE, Andre Louis	(S)	(R.C.)	"AI"	23-9-42
F75780	Pte. THOMPSON, Julian Elliott	(S)	(Bapt)	"AI"	23-9-42
F75789	Pte. WHITE, Robert Frank	(S)	(R.C.)	"AI"	24-9-42

(d) The undermentioned having been attested by B.R.O. Sydney, N.S., are taken on strength No. 6 District Depot, C.A., effective dates as shown. Posted to Recruit Coy. (For the R.C.O.C., on completion of Basic Training) Category "AI".

F32354	Pte. MENDLESON, Jacob Lawrence	(M)	(O.D.)	22-9-42
F32291	Pte. SMITH, Gerald Nelson	(S)	(Bapt)	21-9-42

(e) The undermentioned having been attested to the Active Force by No. 6 District Depot, C.A., are taken on strength No. 6 District Depot, C.A., effective 24th September, 1942. Posted to Recruit Coy. (Quota) Category as shown.

B126009	Pte. FERRY, Howard Neil	(S)	(CofE)	"DI"
B126010	Pte. STUCKEY, Bert Westerberry	(M)	(CofE)	"AI"

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RECRUIT COMPANY (Cont'd)

6. STRENGTH INCREASE (Cont'd)

(f) The undermentioned having been attested by D.R.O Kentville, N.S, is taken on strength No. 6 District Depot, C.A., effective 18th September, 1942. Posted to Recruit Coy. (For the Cdn Forestry Corps on completion of basic training.) Category "D2".

F43711 Pte. PHELAN, Joseph Howe (M) (U.C.C.)

7. STRENGTH DECREASE

(a) The undermentioned O.R's, are struck off strength No. 6 District Depot, C.A., on transfer to No. 9 Company, Veterans Guard of Canada, C.A. effective 23rd September, 1942.

F51069 Pte. BEATON, D. F51101 Pte. CARROL, T.
F66084 Pte. CHALLONER, N.E. F51079 Pte. COOKE, W.H.
F51077 Pte. HARRIS, C.H. F51090 Pte. SEYMOUR, J.R.

(b) The undermentioned O.R.'s are struck off strength No. 6 District Depot, C.A., on transfer to No. 6 Coy., R.C.E., effective 22nd September, 1942.

F51126 Pte. ALLEN, L.D.
F51127 Pte. FRIZZE, G.D.

(c) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to 35 Coy. C.D.C. effective 24th September, 1942.

F32301 Pte. CAMPBELL, J.A.

8. ATTACHED

(a) The undermentioned O.R. ceases to be attached to No. 6 District Depot, C.A., for all purposes effective 23rd September, 1942, and is attached to No. 38 Coy. Cdn Provost Corps, Halifax, N.S., for all purposes effective 24th September, 1942.

F31906 Pte. CURRIE, J.A.M.

9. REPOSTINGS

(a) The undermentioned O.R. is reposted from Recruit Company to Headquarters Coy. effective 24th September, 1942.

M51137 Pte. PRICE, D.G.P.

(b) The undermentioned O.R. is reposted from Recruit Coy. to Dischar Coy. effective 25th September, 1942.

F65615 Pte. HEATHERDEE, R.F.

(c) The undermentioned O.R. is reposted from Recruit Coy. to Depot Headquarters, effective 25th September, 1942.

F66357 Pte. YOUNG, L.S.

10. HOSPITAL

(a) The undermentioned O.R. discharged from Hospital, effective 23rd September, 1942.

F30066 Pte. SEARS, K.M.

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RECRUIT COMPANY (Cont'd)

11. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. reported absent without leave from 2200 hrs., 17th September, 1942, returned at 1730 hrs., 24th September, 1942.

F32259 Pte. CARRIGAN, L.

CASUALTY COMPANY

12. STRENGTH INCREASE

(a) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A., on transfer from 23rd Army Tank Bn., C.A. effective 27th May, 1942. Posted to Casualty Coy.

F29927 Rfn. POTTIE, Charles James (S) (R.C.)

(b) The undermentioned O.R.'s are taken on strength No. 6 District Depot, C.A., on transfer from 4th Cdn Armd. Div., C.A., Signals, effective 24th September, 1942. Posted to Casualty Coy. (A.W.L. from time and dates as shown.)

B75227 Sgmn. BOOCO, Carlton Morrise (S) (UCC) 2200 hrs. 8-9-
A67848 Sgmn. HAIST, Edward Arthur (S) (UCC) 2200 hrs. 13-9-

(c) The undermentioned O.R.'s are taken on strength No. 6 District Depot, C.A., on transfer from Signals 4th Cdn Armd. Div., C.A., effective 24th September, 1942. Posted to Casualty Coy. (Category not confirmed)

D216292 Cpl. MIKKELSEN, Wilfred Rygaard (M) (CofE)
D116292, Sgmn. CAMMICHAEL, Stanley (M) (U.C.C.)
B32297, Sgmn. YOUNG, James Reginald (M) (CofE)

(d) The undermentioned O.R. is taken on strength No. 6 District Depot C.A., on transfer from 37 Coy. Cdn Provost Corps, effective 30th July, 1942. Posted to Casualty Coy.

F95757 Pte. SMITH, Bernard William (S) (Bapt)

(e) The undermentioned O.R.'s are taken on strength No. 6 District Depot, C.A., on transfer from 4th Cdn Armd. Div., Signals, C.A., effective 24th September, 1942. (In Debert Military Hospital) Posted to Casualty Coy

K35479, Sgt. CUMMING David Walter (M) (Bapt)
C36044, Sgmn. SCHULTZ, Thomas Edward (S) (U.C.C.)
F78875, Sgmn. MAHANEY, Warren Arthur (S) (CofE)
B87187, Sgmn. RADLEY, Gordon Harold (S) (U.C.C.)

(f) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A., on transfer from 4th Cdn Armd. Bde. Coy., R.C.O.C., C.A. effective 22nd September, 1942. (Pending Confirmation of Category) Posted to Casualty Coy.

K70592, Pte. NAIR, William Thomas (M) (U.C.C.)

(g) The undermentioned O.R. is taken on strength No. 6 District Depot C.A., on transfer from Algonquin Reg't., effective 5th September, 1942. Posted to Casualty Coy.

B55467, Pte. GARDINER, Thomas (S) (CofE)

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NO. 6 DISTRICT DEPOT, C.A. DAILY ORDERS PART II NO. 234 DATED 25-9-42

CASUALTY COMPANY (Cont'd)

12. STRENGTH INCREASE (Cont'd)

(h) The undermentioned O.R.'s taken on strength No. 6 District Depot, C.A., on transfer from Signals 4th Cdn Armd. Div., C.A. effective 20th September, 1942. Posted to Casualty Coy. (In Debert Military Hosp.).

B52419,	Sgmn. ARMSTRONG, Robert Miller	(S)	(R.C.)
B32263,	Sgmn. MEROIS, Gilbert Joseph	(S)	(R.C.)
D59592,	Sgmn. MC DONALD, Vernon Kenneth	(S)	(Pres)
B32271,	Sgmn. SPILLANE, John Joseph	(M)	(U.C.C.)
B32293,	Sgmn. ZUBRECKI, Edward	(S)	(O.D.)

(i) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A., on transfer from Signals 4th Cdn Armd. Div., C.A. effective 20th September, 1942. Posted to Casualty Coy. (In No. 2 Convalescent Depot.)

D116291	Sgmn. LARTER, Norman Ellward	(S)	(U.C.C.)

(j) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A., on transfer from 21st Cdn Armd. Regt., C.A. effective 22nd September, 1942. Posted to Casualty Coy. (Absent without leave from 2200 hrs., 12th September, 1942, was apprehended at Smith Fall Ont., at 1230 hrs., 14th September, 1942. Escaped from escort at Montreal, P.Q. at 1950 hrs., 19th September, 1942, and is still absent without leave.)

C20688,	Gdsn. WHITE, Allan Ashley	(M)	(U.C.C.)

(k) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A., ontransfer from 29th Cdn Armd. Reg't., C.A. effective 16th August, 1942. Posted to Casualty Coy. (In Debert Mil. Hosp.)

D122977	Pte. MARTIN, Frederick Roy.	(S)	(Pres)

(l) The undermentioned O.R's, are taken on strength No. 6 District Depot, C.A., ontransfer from Signals 4th Cdn Div., C.A. effective 20th September, 1942. Posted to Casualty Coy.

G3555,	L/Cpl. ARSENAULT, Louis Robert	(S)	(R.C.)
B31925,	Sgmn. BROOMER, Harold Prentice	(M)	(U.C.C.)
G53143,	Sgmn. COULTS, Charles Burton	(S)	(Pres)
M55282,	Sgmn. KANAK, Michael Frederick	(S)	(O.D.)
A34992,	Sgmn. SALIVE, Francis Daniel	(S)	(R.C.)
F78382,	Sgmn. MORRISON, John Hugh	(M)	(R.C.)
A58721,	Sgmn. MC GREGOR, James Kenneth	(M)	(Bapt)
B64952,	Sgmn. MC KELLAR, Andrew	(M)	(Pres)
A59663,	Sgmn. O'BRIEN, Joseph Edward	(S)	(R.C.)
B91139,	Sgmn. SARGES, William Gordon	(M)	(CofE)
G51099,	Sgmn. SILK, Cardiff Walter	(S)	(CofE)
B32195,	Sgmn. STEVENS, Ralph	(S)	(U.CC.)
B31940,	Sgmn. STONEBURGH, Leornard Douglas	(S)	(CofE)
B32270,	Sgmn. SUTHERLAND, John James	(S)	(U.C.C.)
F97553,	Sgmn. WADDEN, Carl Raymond	(M)	(CofE)

(m) The undermentioned O.R.'s are taken on strength No. 6 District Depot, C.A., on transfer from 22nd Cdn Armd. Reg't., C.A. effective 22nd September, 1942. Posted to Casualty Coy. (On special leave of absence until 1200 hrs. 29th September, 1942.)

D26014,	Sqd. Q.M.S. [illegible]RD, James Francis	(S)	(CofE)
D26037,	Cpl. (A/L/Sgt.) WALKER, Thomas Culbert	(M)	(CofE)

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CASUALTY COMPANY (Cont'd)

12. STRENGTH INCREASE (Cont'd)

(n) The undermentioned O.R.'s are taken on strength No. 6 District Depot, C.A., on transfer from 22nd Cdn Armd. Reg't., C.A. effective 22nd September, 1942. Posted to Casualty Coy. (Undergoing detention at Debert Military Detention Barracks.)

D26529 Gdsn. ALIX, Sylvio, (S) (R.C.)
D26200 Gdsn. CURRIE, Irvin Nickerson (S) (CofE)
A57949 Gdsn. HONSINGER, Urlin Waite (S) (CofE)
D26730 Gdsn. RODRIGO, Lewis (S)(Luth)

(o) The undermentioned O.R.'s are taken on strength No. 6 District Depot, C.A., on transfer from 22nd Cdn Armd Reg't., C.A. effective 22nd September, 1942. Posted to Casualty Coy. (Pending Medical Reboard)

D26752, Gdsn. DERRIGAN, Edward James (S) (R.C.)
D26552, Gdsn. BUDD, Albert Gordon (M) (Bapt)
D45620, Gdsn. GUITAR, John Corneillius (M) (R.C.)
D26885, Gdsn. LALONDE, Roger Leopold (S) (R.C.)
A59215, Gdsn. PEHLKE, Edgar George (S) (Pres)
B111046 Gdsn. STAFFORD, LaVoine Joseph (S) (CofE)
D27113, Gdsn. ZENCHIK, Peter (M) (R.C.)

(p) The undermentioned O.R.'s are taken on strength No. 6 District Depot, C.A., on transfer from 22nd Cdn Armd Reg't., C.A. effective 22nd September, 1942. Posted to Casualty. Coy. (Absent without leave from time and dates as shown.

D62423, Gdsn. BURNETT, John Roxborough (S) (CofE)
(2359 hrs., 10-9-42)
D27025, Gdsn. QUESNEL, Yve (S) (R.C.)
(2359 hrs., 11-9-42)

(q) The undermentioned O.R.'s are taken on strength No. 6 District Depot, C.A., on transfer from 22nd Cdn Armd Reg't., C.A., effective 22nd September, 1942. Posted to Casualty Coy. (In Hospital as shown.)

IN DEBERT MILITARY HOSPITAL

B111811, Gdsn. COFFEY, David Wilfred (S) (R.C.)
D27162, Gdsn. COLLINS, Clifford (S) (CofE)
D26433, Gdsn. FRANKED Hyman Harold (S) (Hebrew)
A6155, Gdsn. HAITE, Edward Thomas (S) (R.C.)
M28781, Gdsn. WOOD, Edward John (M) (CofE)

IN CAMP BORDEN HOSPITAL

D62564, Gdsn. ANTONELLI, Armand (S) (R.C.)

(r) The undermentioned O.R.'s are taken on strength No. 6 District Depot, C.A., on transfer from 22nd Cdn Armd. Reg't., C.A., Posted to Casualty Coy. (Pending Confirmation of Category.)

D26655, Gdsn. ALCOCK, James Walter Norton (S) (CofE)
D62453, Gdsn. PAYNE, Gordon Noah (S) (U.C.C.)
D62611, Gdsn. PYTRE, Alcide Joseph (S) (R.C.)
D77437, Gdsn. ROBSON, Norman Edwards (S) (CofE)
D123004, Gdsn. ROSSIGNOL, Damien Lionel Elmer (S) (R.C.)

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12. STRENGTH INCREASE (Cont'd)

(s) The undermentioned O.R. is taken on strength No. 6 District Depot,C.A., on transfer fr on 4th Cdn Bde. Ord., Coy. R.C.O.C.,C.A., effective 23rd September, 1942. Posted to Casualty Coy. (In Debert Military Hospital.)

M66039, Pte. OSCAR, James Morris (S) (U.C.C.)

(t) The undermentioned O.R., on ceasing to be attached to 21st Cdn. Armd. Reg't. C.A., for all purposes, effective 19th September, 1942 is taken on strength No. 6 District Depot,C.A., on transfer from H.Q., 3rd Cdn Armd. Bde., effective 20th September, 1942. Posted to Casualty Coy. (Underage)

A100227, Pte. FALK, Gordon (S) (U.C.C.)

(u) The undermentioned O.R.'s are taken on strength No. 6 District Depot,C.A., on transfer from No. 4 District Depot,C.A., effective 23rd September, 1942. Posted to Casualty. Coy.

D116589, Sgnn. DASSETT Spiers Ronald Frank (M) (CofE)
D116593, Sgnn. DERTRAND, Iver Randolph (M) (R.C.)
D116587, Sgnn. DOQUE, George Henry (M) (R.C.)
D116568, Sgnn. CONNELL,Herbert Marshall (S) (CofE)
D116586, Sgnn. DONALD, Robert Haig (M) (R.C.)
D116570, Sgnn. GERVAIS, Joseph Wilfred Julien (S) (R.C.)
D116592, Sgnn. KERSHAW, Douglas Andrew (S) (Pres)
D116583, Sgnn. LOGAN, Robert George Frederick (S) (CofE)
D116590, Sgnn. MC CANN, James Alexander (S) (R.C.)
D116590, Sgnn. RADY, George Russel (S) (R.C.)
D116571, Sgnn. TANGUAY, Joseph Marcel Jacques (S) (R.C.)
D116566, Sgnn. WILSON, Edward Richard Erie (M) (U.C.C.)
D116584, Sgnn. YORGAN, George John (S) (R.C.)

13. STRENGTH DECREASE

(a) The under mentioned O.R.'s are struck off strength No. 6 District Depot,C.A., on transfer to H.Q. Atlantic Command Signals, effective 23rd September, 1942.

D116589, Sgnn. DASSETT, S.R.F.
D116587, Sgnn. BOGUE, H.M.
D116586, Sgnn. DONALD, R.H.
D116592, Sgnn. KERSHAW, D.A.
D116585, Sgnn. MC CANN, J.A.
D116571, Sgnn. TANGUAY, J.M.J.
D116593, Sgnn. DERTRAND, I.R.
D116568, Sgnn. CONNELL,H.N.
D116570, Sgnn. GERVAIS,J.W.J.
D116583, Sgnn. LOGAN, R.G.
D116590, Sgnn. RADY, G.R.
D116566, Sgnn. WILSON, E.R.E.
D116584, Sgnn. YORGAN, G.J.

(b) The undermentioned O.R. is struck off strength No. 6 District Depot,C.A., on transfer to 3A District Depot, C.A., effective 23rd September, 1942.

C.418, Gnr. (A/Sgt.) SMITH, J.E.

(c) The undermentioned O.R. is struck off strength No. 6 District Depot,C.A., on transfer to No. 10District Depot,C.A., effective 25th September, 1942.

H.77952, Tpr. KELSO, A.D.

(d) The undermentioned O.R. is struck off strength No. 6 District Depot,C.A., on transfer to 71st Transport Coy., R.C.A.S.C., effective 24th September, 1942.

D.26050, Pte. LARKIN, A.E.

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DAILY ORDERS

NO. 6 DISTRICT DEPOT, C.A. DAILY ORDERS PART II NO. 234 DATED 25-9-42.

CASUALTY COMPANY (Cont'd)

13. STRENGTH DECREASE (Cont'd)

(e) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to No.2 District Depot, C.A., effective 25th September, 1942.

D.79432, Pte. BOURKE, P.A.

(f) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to No.2 District Depot, C.A., effective 24th September, 1942.

D.32022, PTE. KAZAKOFF, G.A.

(g) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to 3rd Fortress Coy. R.C.E., C.A., effective 24th September, 1942.

F.97807, Pte. DUBOIS, P.L.

(h) The undermentioned O.R., presently attached to H.Q. Atlantic Command for all purposes except pay, is struck off strength No. 6 District Depot, C.A., on transfer to No. 8 Detachment C.M.S.C., (Section "B") effective 4th September, 1942.

F29927, Rfn. POTTIE, C.J.
(Auth.: D.O.# 1777, d/16-9-42.)

(i) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to A.A. Art. Formation Camp Bedford, N.S., effective 25th September, 1942.

F.81104, Pte. GALLEY, C.G.
F.34908, C.Q.M.S. ALLEN, S.S.

14. ATTACHED

(a) The undermentioned O.R's, units as shown, are attached to No. 6 District Depot, C.A., for all purposes except pay effective 23rd September, 1942, whilst attending Quartermaster Course.

F410016,	Pte.(A/Sgt.)	PEAKE, J.D.	204 Fd. Dty. (R) R.C.A.
F499779,	Pte.(A/Sgt.)	PALMER, F.C.	1 R.A.A. Bde. Coy. R.C.A.S.C.
F445040,	C.Q.M.S.	PATTERSON, M.A.	2 R. Dn. W.N.S.R.
F465023,	Pte.(A/CQMS.	DETTS, S.C.	2 R. Dn. Nth. N.S.H.
F465167,	Pte.(A/CQMS.	RICHARDSON, F.E.	2 R. Dn. Nth.N.SH.
F423678,	Sgt.	SUTHERLAND, G.E.	No.6 Dist. Sigs. RC.C.S(R)
F425557,	Pte. (A/CQMS)	GIBBONS, R.L.W.	6 R Fort Sig Coy. RCCS
F34823,	Sgt.(A/C.S.M.)	SAMPSON, J.W.	22 R. Fd. Amb. R.C.A.M.C.
F546405,	Pte.(/QMS.)	DWINELL, R.L.	22 R Fd. Amb. R.C.A.M.C.
F556364,	Pte. (A/Cpl.)	KEAY, W.L.	22 R. Fd. Coy, R.C.E.
F400351,	RQMS.	MAC NUTT, R.G.	17 R Armd. Regt. P.E.I.L.H.
F401610,	Tpr.(A/SQMS)	MACLEOD, A.A.	17 R Armd. Regt. P.E.I.L.H.
F401674,	Tpr.(A/SQMS)	JOHNSTONE, H.	17 R Armd. Regt. P.E.I.L.H.
F400254,	Tpr.(A/S.Q.M.S.	CARVER, W.R.	17 R Armd. Regt. P.E.I.L.H.
F401586,	Tpr.(A/SGT.)	CORNING, R.A.	17 R Armd. Regt. P.E.I.L.H.
F446899,	Pte.(A/CQMS)	PARKER, G.J.	2 R. Dn. W.N.S.R.
F407516,	Cpl.	BEGIN, C.F.	2 R. Dn. W.N.S.R.
F454711,	Sgt.	WARD, J.A.	2 R. Dn. Pictou Highrs.
F424731,	Pte.(A/SGT)	MC PHEE, G.	5 R. Fort Sigs. R.C.C.S.

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14. ATTACHED (Cont'd)

(b) The undermentioned O.R. of No. 6 District Depot, C.A. ceases to be attached to No. 6 District Depot, C.A., for all purposes effective 23rd September, 1942, on being attached to No 37 Coy. Cdn. Provost Corps, C.A., for all purposes effective 24th September, 1942.

F.35045, Pte. JACKSON, D.

(c) The undermentioned O.R.'S are attached to No. 6 Vocational Training School, M.D. 6, for all purposes except pay, effective 20th September, 1942.

F.96091, Pte. JARVIS, P.
F.77392, Pte. JACKSON, L.D.

(d) The undermentioned O.R.'s of No. 6 District Depot, C.A. ceases to be attached to No. 6 District Depot, C.A., for all purposes, effective 23rd September, 1942, on being attached to 37 Coy., Cdn. Provost Corps, for all purposes, effective 24th September, 1942.

F.78623, Pte. JACKSON, R.L.
F.87848, Pte. MATTIE, A.M.
F.89090, Pte. MC LEOD, L.G.
F.35221, Pte. LEIGHTON, W.H.

(e) The undermentioned O.R's of No.6 District Depot, C.A., cease to be attached to No. 6 District Depot, C.A., for all purposes, effective 11th July, 1942, on being attached to Embarkation Staging Camp, Aldershot, N.S., for all purposes, effective 12th July, 1942.

F96001, Pte. DEVEAU, A.G.
F96392, Pte. DOCHERTY, J.A.
F5379, Pte. VACHERESSE, J.W.

(f) The undermentioned O.R., presently attached to Mc Nabs Detention Barracks for all purposes except pay, is attached to Mc Nabs Detention Barracks for all purposes, effective 21st September, 1942.

F.78960, Tpr. MC GRATH, R.E.

15. FURLOUGH

(a) The undermentioned O.R. is granted furlough from 22nd September 1942, to 5th October, 1942. under provisions of C.A.R.O. No. 699)b).

F.55707, Sgt. MC INNIS, W.M.

(b) The undermentioned O.Rs, granted furlough from 28th September, 1942, to 11th October, 1942. under R.O. 699 (b).

F.54908, C.Q.M.S. CHRISTIE, F.L.F.
A.60007, Pte. CAMERON, M.A.

(c) The undermentioned O.R. returned from Sick Furlough 23rd September, 1942.

F.55482, Pte. STUBBARD, R.

16. AGRICULTURAL LEAVE

(a) The undermentioned O.R. returned from agricultural leave without pay and allowances effective 22nd September, 1942.

F.30361, Pte. SMITH, C.E.

(TO PAGE ELEVEN)

CASUALTY COMPANY (Cont'd)

17. REPOSTINGS

(a) The undermentioned O.R. is reposted from Casualty Coy. to Discharge Coy. effective 25th September, 1942.

L.36659, Pte. KUSCH, C.

(b) The undermentioned O.R. is reposted from Casualty Coy. to "O" Coy. effective 23rd September, 1942.

C.10119, Gnr. LOYST, C.M.

(c) The undermentioned O.R. is reposted from Casualty Coy. to H.Q. Coy. effective 25th September, 1942.

F.29790, Rfmn. GILES, H.T.

18. HOSPITAL

(a) The undermentioned O.R. admitted to Debert Military Hospital 23rd September, 1942.

F.78007, Pte. MC KENZIE, J.J.

19. HOSPITAL STOPPAGE OF PAY

(a) The undermentioned O.R. is placed under a hospital stoppage of pay @ 75 ¢ per diem whilst in hospital from 21st August, 1942, to 16th September, 1942. (27 days----- $20.25.)

F.86834, Pte. BLINN, D.J.
(Auth. Art. 222 (1) (b)(ii) of F.R.&I.)

20. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. is absent without leave from 0800 hrs., 8th September, 1942. (1st time published)

H.46537, Pte. HAUGEN, C.

(b) The undermentioned O.R. is absent without leave from 0800 hrs., 8th September, 1942. (2nd time published)

H.46537, Pte. HAUGEN , C.

(c) The undermentioned O.R. is absent without leave from 0800 hrs., 8th September, 1942. (3rd time published)

H.46537, Pte. HAUGEN, C.

(d) The undermentioned O.R. reported absent without leave at 0600 hrs., 22nd September, 1942, returned from absent without leave at 0800 hrs., 24th September, 1942.

F.95631, Pte. LOOMER, H.C.

(e) The undermentioned O.R., reported absent without leave from 0800 hrs., 16th August, 1942, was apprehended at 2015 hrs., 21st September, 1942 at Glace Bay, N.S.

F.78007, Pte. MC KENZIE, J.J.

(TO PAGE TWELVE)

CASUALTY COMPANY (Cont'd)

17. REPOSTINGS

(a) The undermentioned O.R. is reposted from Casualty Coy. to Discharge Coy. effective 25th September, 1942.

L.36659, Pte. KUSCH, C.

(b) The undermentioned O.R. is reposted from Casualty Coy. to "O" Coy. effective 23rd September, 1942.

C.10119, Gnr. LOYST, C.M.

(c) The undermentioned O.R. is reposted from Casualty Coy. to H.Q. Coy. effective 25th September, 1942.

F.29790, Rfmn. GILES, H.T.

18. HOSPITAL

(a) The undermentioned O.R. admitted to Debert Military Hospital 23rd September, 1942.

F.78007, Pte. MC KENZIE, J.J.

19. HOSPITAL STOPPAGE OF PAY

(a) The undermentioned O.R. is placed under a hospital stoppage of pay @ 75 ¢ per diem whilst in hospital from 21st August, 1942, to 16th September, 1942. (27 days----- $20.25.)

F.86834, Pte. BLINN, D.J.
(Auth. Art. 222 (1) (b)(11) of F.R.&I.)

20. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. is absent without leave from 0800 hrs., 8th September, 1942. (1st time published)

H.46537, Pte. HAUGEN, C.

(b) The undermentioned O.R. is absent without leave from 0800 hrs., 8th September, 1942. (2nd time published)

H.46537, Pte. HAUGEN , C.

(c) The undermentioned O.R. is absent without leave from 0800 hrs., 8th September, 1942. (3rd time published)

H.46537, Pte. HAUGEN, C.

(d) The undermentioned O.R. reported absent without leave at 0600 hrs. 22nd September, 1942, returned from absent without leave at 0800 hrs., 24th September, 1942.

F.95631, Pte. LOOMER, H.C.

(e) The undermentioned O.R., reported absent without leave from 0800 hrs., 16th August, 1942, was apprehended at 2015 hrs., 21st September, 1942 at Glace Bay, N.S.

F.78007, Pte. MC KENZIE, J.J.

(TO PAGE TWELVE)

CASUALTY COMPANY (Cont'd)

21. PUNISHMENTS

(a) D.77933, Sgmn. TAYLOR, G.H., (Attached to Halifax Military Hospital) was on the 22nd September, 1942, awarded, by the Officer Commanding, Halifax Military Hospital, admonished for:— Absent without leave from 0630 hrs., 21-9-42 until 2150 hrs., 21-9-42. (Absent 15 hrs., 20 mins.) Forfeits 1 days' pay under F.R. & I. for the C.A.

"O" COMPANY

22. STRENGTH INCREASE

(a) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from the Irish Regiment of Canada, C.A., effective 16th July, 1942. Posted to "O" Company.

B.79374, Pte. CRUISE, Roy Douglas (M) (Pres.)

23. STRENGTH DECREASE

(a) The undermentioned O.Rs. are struck off strength No. 6 District Depot, C.A., on proceeding Overseas, effective 24th September, 1942.

C.10105, Pte. CAISSIE, V.A.	M.67662, Pte. DIXON, W.D.
B.17765, Gnr. HAMILTON, T.	C.10009, Gnr. LAING, H. R.
L.66255, Gnr. LUCHINSKI, A.C.	H.67373, Gnr. MOTZ, A. J.
F.96403, Gnr. MC PHERSON, D.L.	F.65712, L/Cpl. STEPHENSON, G. M.
A.59423, Gnr. STEWARDSON, C.R.	C.3692, Gnr. VIDERT, C. S.
F.95384, Gnr. SWAN, F. C.	A.44117, Gnr. BONVILLE, H.D.W.
H.15035, Gnr. CARPENTER, F.W.	H.45914, Gnr. LECLAIRE, N.
F.29993, Gnr. MOSHER, H. C.	F.54275, Gnr. GEORGE, D. R.
K.76903, Pte. ALGER, F. J.	F.78073, Pte. CAMPBELL, H. C.
D.83564, Pte. FRASER, W.E.G.	G.49380, Pte. STUMIEST, D.G.
F.34856, Pte. CORMIER, J.E.	F.34837, Pte. (A/Sgt.) SPENCER, C.J.
F.31860, Pte. HEWER, W.J.	F95088, Pte. ARSENAULT, L.J.
F97433, Pte. TOWNSEND, J.W.	F.95496, Pte. O'BRIEN, M.A.
F.64724, Pte. SPROULE, F.H.	F.97663, Pte. STEEVES, R.L.
D.111059, Pte. PECKHAM, H.A.R.	M.101090, Pte. BEATTY, J.E.
B.78146, Pte. COWPER, C.	L.39104, Pte. IDSTER, R.S.
B.58030, Pte. MC KINNON, N.	F.87732, Pte. MC LAUGHLIN, J.B.
L.36324, Pte. OMFT, M.J.	F.30496, Pte. ELD, R.E.
F.77937, Pte. ATKINSON, D.C.	F.23334, Pte. HIRTLE, W.J.
L.12306, Pte. JONES, T.L.	H.41848, Pte. OSACHUK, N.
F.30160, Pte. O'BRIEN, J.D.	F.30406, Pte. SAM, J.H.
F.77921, Pte. CHISHOLM, D.S.	L.26430, Pte. BRIDE, W.D
L.26430 Pte. CARSWELL, W.	H.77388, Pte. DUDRAY, L.R.
H.77131, Pte. WILSON, L.J.	H.77396, Pte. WILSON, A.P.
H.77514, Lance Corpl. WATSON, D.H.	H.77117, Pte. LOWER, A.H.
G.6429, Pte. HENDERSON, T.M.	H.77656, Pte. RALL, J.D.
L.36415, Pte. COOK, C.R.	B.79374, Pte. CRUISE, R. D.
F.34598, Pte. ROBINSON, H.N.	H.46007, Pte. ROSS, J.W.
F.30366, Pte. MC CORMICK, A.B.	M.65831, Pte. MC LEOD, C.M.
F.55421, Pte. REARDON, W.	F.55355, Pte. WALSH, J.J.
F.55364, Pte. STEELE, C.F.	D.46154, Pte. ASINPALL, J.E.

24. ATTACHED

(a) The undermentioned O.Rs., the U.S. Army, are attached to No. 6 District Depot C.A. for rations and quarters effective 24th September, 42.

680572 , Sgt. PALMER, J.W.	7024749 Cpl. SALKINSKI, D.J.
13011594, Cpl. KENEHAN, R. J.	6935458 Sgt. MC NEIL, H. C.
13011423, Sgt. SCOTT, W.M.	6706691 Sgt. BEERT, S.
6978344, Sgt. BLACKMAN, J.	0252688 Sgt. MENZEL, E.

(TO PAGE THIRTEEN)

24. ATTACHED (Cont'd)

(a) (Cont'd)

6980316, S/Sgt. HOSY, P. J.
12004346, Cpl. KURIE, S.P.
1300T680, T/Sgt. DEARDSLEY, L.L.
7025540, Cpl. JORETSKI, W.
6838915, Sgt. CONNELLY, E.T.
6935338, Pte. SCHROEDER, H. E.
7000591, Pte. ROASCHKOLV, W.J.
06800587, Cpl. MITCHELL, J.

25. APPOINTMENTS AND PROMOTIONS

(a) The undermentioned O.R. to be Acting Sergeant with pay of rank, whilst employed on conducting duty, for the period from 24th September, 1942, until day following completion of this conducting duty.

F.34837, Pte. SPENCER, C. J.
(Auth: HQS 8251 FD 39 Org. RS 1 d/5-10-41 & NDHQ Tel.Mob.153 d/16-7-42)

(b) The undermentioned O.R. to be Lance Corporals with pay of rank, whilst employed on conducting duty, for the period from 24th September, 1942, until day following completion of this conducting duty.

F.65712, Pte. STEPHENSON, G. M.
H.77514, Pte. WATSON, D. H.
(Auth: HQS 8251 FD 39 Org.RS1, d/5-10-41, as amended by NDHQ tel. 153, d/16-7-42)

26. REMISSION OF SENTENCE

(a) The undermentioned O.R.having been awarded 96 hours detention on the 21st September, 1942, is granted a remission of 24 hours of this said sentence, by the Officer Commanding, No. 6 District Depot, C.A., effective 24th September, 1942.

F.54758, Pte. GEORGE, D. R.

(b) The undermentioned O.Rs., having been awarded 14 days detention on the 23rd September, 1942, are granted a remission of 12 days of this said sentence, by the Officer Commanding, No.6 District Depot, C.A., effective 24th September, 1942.

F.55364, Pte. STEELE, C. B.
F.55355, Pte. WALSH, J. J.
F.55421, Pte. REARDON, W.

(c) The undermentioned O.R., having been awarded 72 days detention on the 28th August, 1942, is granted a remission of 44 days of this said sentence, by the Officer Commanding, No.6 District Depot, C.A., effective 24th September, 1942.

H.41848, Rfn. OSACHUK, N. A.

(d) The undermentioned O.R., having been awarded 28 days detention on the 3rd September, 1942, is granted a remission of 6 days of this said sentence, by the Officer Commanding, No.6 District Depot, C.A., effective 24th September, 1942.

F.30160, Rfn. O'BRIEN, J. B.

(e) The undermentioned O.R., having been awarded 90 days' detention on the 1st September, 1942, is granted a remission of 66 days of this said sentence by the Officer Commanding, No. 6 District Depot, C.A., effective 24th September, 1942.

F.77921, Pte. CHISHOLM, D. S.

(TO PAGE FOURTEEN)

NO. 6 DISTRICT DEPOT, C.A. DAILY ORDERS PART II NO.234 D/25-9-42

26. REMISSION OF SENTENCE (Cont'd)

(f) The undermentioned O.R., having been awarded 28 days detention on the 16th September, 1942, is granted a remission of 19 days of this said sentence, by the Officer Commanding, No. 6 District Depot, C.A., effective 24th September, 1942.

G.429, Tpr. HENDERSON, T. M.

(g) The undermentioned O.R., having been awarded 28 days' detention on the 5th September, 1942, is granted a remission of 8 days' of this said sentence, by the Officer Commanding, No. 6 District Depot, C.A., effective 24th September, 1942.

F.34598, Pte. ROBINSON, H. K.

(h) The undermentioned O.R., having been awarded 28 days' detention on the 19th September, 1942, is granted a remission of 22days of this said sentence, by the Officer Commanding, No. 6 District Depot, C.A., effective 24th September, 1942.

B.111039, Sgmn. PECKHAM, H.A.R.

(i) The undermentioned O.R., having been awarded 28 days' detention on the 19th September, 1942, is granted a remission of 22 days of this said sentence by the Officer Commanding, No. 6 District Depot, C.A., effective 24th September, 1942.

F.95088, Pte. LESENAULT, L. J.

27. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. is absent without leave from 0800 hours, 24th September, 1942. (1st Time Published)

C.28526, L/Cpl. MORROW, L.

(b) The undermentioned O.R. is absent without leave from 1330 hours, 16th September, 1942. (2nd time published)

F.30221, Pte. CHAPPELL, R. E.

(c) The undermentioned O.Rs., reported absent without leave at time and dates as shown, were apprehended at time and dates as shown.

F.55421, Pte. REARDON, W.	from 1330 hrs., 17-9-42 to 2200 hrs., 18-9-42.	
F.55355, Pte. WALSH, J. J.	from 1330 hrs., 17-9-42 to 2300 hrs., 18-9-42.	
F.55364, Pte. STEELE, C.F.	from 1330 hrs., 17-9-42 to 2300 hrs., 18-9-42.	

28. PUNISHMENTS

(a) F.55421, Pte. REARDON, W., was on the 23rd September, 1942, awarded: 14 days' detention for: A.W.L. from 1330 hrs., 17-9-42 until apprehended at Florence, N. S., at 2200 hrs., 18-9-42. (Absent 1 day, 9 hrs., 30 mins.) Forfeits 2 days' pay under F.R. & I. for the C.A. offence. In close arrest from 2200 hrs., 18-9-42 until 2400 hrs., 22-9-42. Total forfeiture of 20 days' pay. To pay costs of apprehension in the amount of $20.65 (Transportation for escort, $11.20. Transportation for prisoner, $7.70. Meals for escort, $1.00. Meals for prisoner, $0.7[illegible]

(TO PAGE FIFTEEN)

28. PUNISHMENTS (Cont'd)

(b) F.55355, Pte. WALSH, J.J. was on the 23rd September,1942, awarded: 14 days' detention for: A.W.L. from 1330 hrs., 17-9-42, until apprehended at Sydney Mines, N.S. at 2300 hrs., 18-9-42. (Absent 1 day, 8 hours, 30 mins.) Forfeits 2 days' pay under FR&I for the C.A. 149(a). In close arrest from 2300 hrs., 18-9-42 until 2400 hrs., 22-9-42. Total forfeiture of 20 days' pay. To pay costs of apprehension in the amount of $20.65 (Transportation for escort, $11.20. Transporation for prisoner $7.70. Meals for escort, $1.00. Meals for prisoner, $0.75)

(c) F.55364, Pte. STEELE, C.F. was on the 23rd September, 1942, awarded: 14 days' detention for: A.W.L. from 1330 hrs., 17-9-42, until apprehended at Sydney Mines, N.S. at 2300 hrs., 18-9-42. (Absent 1 day, 8 hrs., 30 mins) Forfeits 2 days' pay under FR & I for the C.A. 149(a). In close arrest from 2300 hrs., 18-9-42 until 2400 hrs., 22-9-42. Total forfeiture of 20 days' pay. To pay costs of apprehension in the amount of $20.65 (Transportation for escort, $11.20. Transportation for prisoner, $7.70. Meals for escort, $1.00, Meals for prisoner, $0.75)

DISCHARGE COMPANY

29. STRENGTH INCREASE

(a) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A. on transfer from Signals, 4th Cdn. Armd. Div., C.A., effective 13th September, 1942. Category "E". Posted to Discharge Company.

K.34003, Sgt. NUNNS, Robert William (M) (C of E)

30. STRENGTH DECREASE

(a) The undermentioned O.R., discharged 23rd September, 1942 under the provisions of R.O.No. 1029 (10), being unable to meet the required Military physical standards. Enlisted 2nd July, 1941, 1year 84 days unencumbered serveice. Entitled to receive Rehabilitation Grant under the provisions of R.O.1079 d/41. Will draw $35.00 clothing allowance under F.R.& I.for the C.A. 187-1-(a).

F87445, Ptr. LEGERE, H.J. (S) (R.C.)

ADDRESS: River Hebert,N.S.

(b) The undermentioned O.R., discharged 23rd September , 1942 under the provisions of R.O.No. 1029 (12) District Order 68, his service being no longer required. Enlisted 6th May, 1941. 1 year 141 days unencumbered service. Entitled to receive Rehabilitation Grant under the provisions of R.O. 1079 d/41. Will draw $35.00 clothing allowance under F.R.& I. for the C.A. 187-1-(a)

F78320 Pte. LE BLANC, J.G. (M) (R.C.)

ADDRESS: Joggins, Cumberland Co., N.S.

(c) The undermentioned O.R., discharged 23rd September, 1942 under the provisions of R.O.No. 1029(10) being unable to meet the required military physical standards. Enlisted 7th May, 1941. 1 year 79 days unencumbered service. Entitled to receive Rehabilitation Grant under the provisions of R.O.1079d/41. Will draw $35.00 clothing allowance under F.R.& I. for the C.A. 187-1-(a).

B.27662, Spr. MC CALLISTER, D. (S) (R.C.)
ADDRESS: Hearst,Ontario

(TO PAGE SIXTEEN)

DISCHARGE COMPANY (Cont'd)

30. STRENGTH DECREASE (Cont'd)

(d) The undermentioned O.R. discharged 23rd September, 1942. under the provisions of R.O. No. 1029(10) being unable to meet therequired military physical standards. Enlisted 28th July, 1941. 1 year 55 days unencumbered service. Entitled to receive Rehabilitation Grant under the provisions of R.O. 1079 d/41. Will draw $35.00 clothing allowance under F.R.& I. for the C.A. 187-1-(a).

C.31987, Gdsm. SCARF, D. (S) (Met. Tab.)

ADDRESS. 20 Strathcona St., Westboro, Ontario.

(e) The undermentioned O.R. discharged 23rd September, 1942 under the provisions of R.O.No. 1029 (10) being unable to meet the required military physical standards. Enlisted 17th January, 1942. 250 days unencumbered service. Entitled to receive Rehabilitation Grant under the provisions of R.O. 1079 d/41. Will draw $35.00 clothing allowance under F.R.& I. 187-1-(a).

A.28736, Gnr. FREEMAN, E.J. (M) (R.C.)

ADDRESS: 253 Sanders St., London, Ontario

(f) The undermentioned O.R. is struck off strength No. 6 District Depot,C.A., on transfer to No. 3 District Depot,C.A., effective 25th September, 1942.

C.58579, Cpl. LABELLE, T.

31. MEDICAL BOARD

(a) The undermentioned O.R. having been medically boarded dates as shown, are placed to categories as shown.

K.37605, Pte. HERRINGTON, G.H.	7-9-42	"E"
F.30509, L/Cpl. MC KAY, H.A.	10-9-42	"E"

(Auth. Medical Boards Approved by D.G.M.S.)

32. DISEMBARKATION LEAVE

(a) The undermentioned O.R. returned from disembarkation leave dates as shown.

F.54482, Pte. MUNROE, A.D.	22-9-42
F.55513, Pte. MAC DONALD, N.A.	21-9-42
F.87172, Pte. HARRIS, G.R.	23-9-42

34. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. is absent without leave from 2300 hrs., 23rd September, 1942.(1st time published)

F.88812, Pte. MC DONALD, J.W.

(b) The undermentioned O.R. reported absent without leave from 2300 hrs. 23rd September, 1942, returned at 1845 hrs., 23rd September, 1942.

F.40571, Pte. MAUSS, T.C.

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NO. 6 DISTRICT DEPOT, C.A. DAILY ORDERS PART II NO. 234 DATED 25-9-42

"R" RECRUIT COMPANY

35. APPOINTMENTS AND PROMOTIONS

(a) The undermentioned O.Rs. are promoted to the Acting Ranks as shown, with pay of rank, effective 1st September, 1942, whilst employed in the "R" Recruit Coy. Orderly Room, to complete establishment.

F.79957, Pte. MAC DONALD, M.E. to be A/Corporal
F.66399, Pte. NICOLLE, J.W. to be L/Corporal
F.66327, Pte. COLL, I. M. to be L/Corporal

36. STRENGTH DECREASE

A.E. HOLDING COMPANY

(a) The undermentioned O.Rs. are struck off strength No. 6 District Depot, C.A. on transfer to No. 22 C.A.E. (D) T.C., with effect from 23rd September, 1942.

F.64884, Pte. DELOREY, J. R.
F.97870, Pte. DRACE, F. W.
F.66325, Pte. MURPHY, S. E.
F.97672, Pte. DOUCETTE, T. W.

(b) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A. on transfer to No. 42 C.A. (D) T.C., Joliette, P. Q., effective 23rd September, 1942.

F.79805, Pte. CHIASSON, W.

37. REPOSTING

(a) The undermentioned O.R. is reposted from A.E. Holding Coy. to Casualty Company, effective 25th September, 1942.

F.31176, Pte. GAUTHIER, J. E.

38. CORRECTIONS

(a) Daily Order No. 232, dated 23-9-42, subpara 27(a), add, between lines three and four, "D.54356, Pte. SIMPSON, D.B."

(b) Daily Order No. 233, dated 24-9-42, subpara. 46(b), for "Subpara. 1(g)" read "Subpara. 11(g)".

(c) Daily Order No. 233, dated 24-9-42, subpara.46(c), for "subpara. 18(b), read "Subpara. 18(a)."

(d) Daily Order No. 233, dated 24-9-42, subpara.46(f), for subpara. 49(b), read "Subpara.49(b)".

(e) Daily Order No. 233, dated 24-9-42, subpara. 46(h), for "Subpara. 39(a)", read "Subpara. 30(a)".

(f) Daily Order No. 232, dated 23-9-42, subpara. 16(c), for "F.88649, Pte. HICKEY, T.", read "F.88649, Pte. HICKEY, L.L.", and For "F.55310, Pte. FRANCIS, T.", read "F.55310, Pte.FRANCIS, G."

(g) Daily Order No. 231, dated 22nd September, 1942, on page "NINE", delete the heading "O" COMPANY

(h) Daily Order No. 130, dated 28-5-42, subpara.16(k), insofar as it concerns "F.29927, Rfm. POTTIE, C.J.", delete all reference.

(i) Daily Order No. 227, dated 17-9-42, sunpara. 12(b), in line "two", for "on transfer to No. 6 District Coy., R.C.A.S.C., C.A.", read "On transfer to No. 6 Coy., R.C.A.M.C., C.A.".

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38. CORRECTIONS (Cont'd)

(j) Daily Order No. 232, dated 23-9-42, subpara. 16(a), add: "effective 21st September, 1942".

(k) Daily Order No. 232, dated 23-9-42, subpara. 26(a), insofar as it concerns the undermentioned, delete all reference:--

L.56645, Pte. DEMCHUK, N. A.2387, Pte. MALLOY, N.J.
F.20800, Pte. CAMPBELL, V.N. M.56127, Pte. CAMPBELL, K.G.
D.135816 Pte. GREENWOOD, G. F.40707, Pte. HALLEY, E.J.
G.53725, Pte. KAYE, R.A.

(l) Daily Order No. 232, dated 23-9-42, subpara. 26(a), for "C.58175, Pte. PELION, V." read "C.58175, Pte. PILION, V."

(m) Daily Order No. 161, dated 2-7-42, subpara. 26(a), for "F.10503, Pte. DEVAUX, R.E." read "F.55825, Pte.DEVEAUX, R.F."

(n) Daily Order No. 170, dated 13-7-42, subpara. 14(e), delete entire paragraph.

(o) Daily Order No. 232, dated 23-9-42, subpara. 37(a), insofar as it concerns "F.79871, Pte. SAUNDERS, G.E.", delete all reference.

(p) Daily Order No. 214, dated 2-9-42, subpara. 23(a), insofar as it concerns "F.89025, Pte. STEWART, G.N.", delete all reference.

(q) Daily Order No. 207, dated 25-8-42, subpara. 27(a), insofar as it concerns "F.33089, Pte. MARTIN, Y.", delete all reference.

SECTION "C"
H. D. PERSONNEL

1. STRENGTH DECREASE

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to No. 42 C.A. (D) T.C., C.A., Joliette, P. Q., effective 23rd September, 1942.

F.600770, Pte. THERIAULT, W.J. (A.E. Holding Coy.)

2. ATTACHED

(a) The undermentioned O.R., of No. 6 District Depot, C.A., ceases to be attached to No. 6 District Depot, C.A. for all purposes effective 23rd September, 1942, and is attached to No. 37 Coy., Cdn. Prov. C., C.A., for all purposes, effective 24th September, 1942.

F.601122, Pte. MILLER, M. R. (Casualty Coy.)

3. REPOSTING

(a) The undermentioned O.R. is reposted from Casualty Coy. to Discharge Coy., effective 25th September, 1942.

F.600718, Pte. HUDLEY, W. D. (Casualty Coy.)

(D. H. BORDEN) Captain,
Adjutant
NO. 6 DISTRICT DEPOT, C.A.

"H" Book Transf to the President. 47

RECORD of the Declaration of a Court of Inquiry assembled at No. 6 District Depot C.A. Halifax, N. S. on the 12th day of October 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. A67848 Pte. HAIST, E. A., No. 6 District Depot C.A.

DECLARATION

The Court declare that No. A67848 Pte. HAIST, E. A., No. 6 District Depot C.A. illegally absented himself without leave from R.C.C.S. 4th Cdn. Armd. Division at 2200 hrs. on the 13th day of September 1942., that he is still so absent, and that on the 12-10-42 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE
Battle dress serge trousers	4 20
" " " blouses	4 18
Boots ankle prs.	3 90
Caps field service 2 @ .60	1 20
Drawers ctn. sht. 2 @ .24	48
Dressing first field	18
Greatcoat	12 92
Overalls comb.	1 99
Shirts underctn. 2 @ .30	60
" flannel khaki 2 @ .87	1 74
Socks 3 @ .27	81
Caps mechanic	17
Sheets ground	1 35
Caps winter melton cloth	90
Rubbers	51
Belts waist leather brown	37
Shirts khaki cotton w/ss	74
Trousers khaki drill sht.	96
Bags kit	78
Blacking tins	05
Bootdressing tins	05
Bootlaces	02
Braces	27
Brasses button	04

ARTICLES	VALUE
Brushes boot polishing	15
" button	14
" hair	24
" shaving	30
" tooth	09
Combs hair	04
Forks table	09
Holdalls	17
Knives clasp & lanyard	1 16
Knives table	18
Razors	39
Spoons table	08
Towels hand 2 @ .21	42
Bags ration	02
Pouches basic	78
Capes A.G.	4 45
Curtains helmet	1 31
Detectors sleeve 2 @ .70	1 40
TOTAL	$49 82

A. H. SMITH Capt. President
No. 6 District Depot C.A.

Signed at Halifax, N. S. THOMAS D. MURRAY Lieut. Member
No. 6 District Depot C.A.

this 15th day of October 1942. R. B. MacCORMACK 2/Lieut. Member
No. 6 District Depot C.A.

Signature of Commanding Officer D. A. GUILDFORD Lt. Col.
No. 6 District Depot C.A.

Certified true copy D. A. Guildford Adjt.
No. 6 District Depot C.A. Signature of Officer having custody of original record

M.F.B. 175
A.F.B. 115
50M—9-41 (1908)
H.Q. 1772-28-257

"I"

Sgt. Travers
President

Certificate in accordance with Order-in-Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(~~[illegible]~~ or surrender ~~[illegible]~~ Military authorities)

I, Capt. A.L.Mennie (Number) (Rank) O.C. No.30 Provost Coy.(CA) (Name) (Unit)

hereby certify that A37848 (Number) Pte. (Rank) Haist,E.A. (Name in Full)

of the 4th Div. R.C.C.S. Debert N.S. (Unit and attachment (if any)

Strike out words not applicable } was a ~~[illegible]~~ (surrendered to) A42186 (Number) L/Cpl. (Rank)

Bonney,G.A. (Name) Regt. Police,Wolsely Barracks,London Ont. (Unit or appointment)

at London Ont (Place) at 1915 hrs. (Hour)

on the 15th day of November 19 42

as a deserter (~~[illegible]~~), and that at the

Strike out words not applicable } time of his arrest he was wearing military (~~[illegible]~~)

uniform (~~[illegible]~~.

62

DATED AT London Ont this 15th day of Nov. 1942

A.L. Mennie Capt.
(Signature, number, rank, Unit or appointment)
(A.L.Mennie)Capt.
O.C. No.30 Provost Coy,(CA) London Ont.

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the Officer Commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42(M1126)
H.Q.1772-39-1936

"I"
Sgt. Fraser to be Resident

CERTIFIED TRUE COPY
.....Capt., Adjt.
No.6 District Depot, CA

NO. 6 DISTRICT DEPOT, C.A.

DAILY ORDERS PART II

No. 285,
Halifax, N.S.
24th November, 1942.

PAGE ONE

LAST PART II ORDER ISSUED NO: 284 DATED 23RD NOVEMBER, 1942.

SECTION "A"
Officers.

Start T.O.S. on approximation page 10 para 30(b)

1. STRENGTH INCREASE

(a) The undernentioned Officer presently attached to No. 6 District Depot, C.A., for all purposes, is taken on strength No. 6 District Depot, C.A., on transfer from No. 61 C.A. (B) T.C., effective 1st November, 1942. Posted to H.Q. Coy.

Capt. Lawrence Edward Archibald FRASER (M)(U.C.C.)

2. STRENGTH DECREASE

(a) The undernentioned Officer is struck off strength No. 6 District Depot, C.A., on transfer to No. 1 Works Coy., R.C.E., effective 16th November, 1942.

Major C.A. ANDERSON ("C" Coy.)
(Pers 2037, dated 9th September, 1942.)

3. ATTACHED

(a) T he undernentioned Officer, Cdn. Chaplain Services, M.D. No.6, is attached to No. 6 District Depot, C.A., for all purposes except duty, effective 18th November, 1942. Posted to "C" Coy.

H/Capt. H.W. HILL

(TO PAGE TWO)

DAILY ORDERS

NO. 6 DISTRICT DEPOT, C.A., DAILY ORDERS PART II NO.285 DATED 24TH NOV.42

3. ATTACHED (Continued)

(b) The undermentioned Officer No. 1 Works Coy., R.C.E., is attached to No. 6 District Depot, C.A., for all purposes, effective 17th November, 1942. Posted to "C" Coy.

Major C.A. ANDERSON

4. LEAVE OF ABSENCE

(a) The undermentioned Officer granted leave of absence from 14th October, 1942 to 28th October, 1942 under the provisions of R.O. No. 699 as amended by R.O. 2347.

Lieut. J.M. KENNEDY ("C" Coy.)

5. SUBSISTENCE ALLOWANCE

(a) The undermentioned Officer is authorized to draw subsistence allowance @ $1.70 per diem, effective 17th November, 1942, whilst employed at the H.M.H.

Major T.M. CRICHTON ("C" Coy.)

6. CORRECTIONS

(a) Daily Part II Order No. 243, dated 6th October, 1942, subpara. 1 (a), concerning Lieut. Charles WISE, delete entire paragraph.

SECTION "B"
Other Ranks.

DEPOT HEADQUARTERS

1. FURLOUGH

(a) The undermentioned Warrant Officer returned from furlough 20th November, 1942.

F.77051 S.Q.M.S.(WO II) (A/S.M. "WO I") MURRAY, G. McD.

(TO PAGE THREE)

DAILY ORDERS

NO. 6 DISTRICT DEPOT C.A. DAILY ORDERS PART II NO. 265 DATED 24TH NOV. 42

DEPOT HEADQUARTERS (Continued)

2. HOSPITAL

(a) The undermentioned O.R. admitted to Halifax Military Hospital 18th November, 1942.

B.4579 Tpr. SEMINOFF, W.

HEADQUARTERS COMPANY

3. STRENGTH INCREASE

(a) The undermentioned O.R. presently attached to No. 6 District Depot, C.A., for all purposes, is taken on strength No. 6 District Depot, C.A., on transfer from No. 61 C.A.(B) T.C. effective 1st November, 1942. Posted to H.Q. Coy.

F.26309 Sgt. WELLNER, Arthur Woodford (M)(Pres)

4. STRENGTH DECREASE

(a) The undermentioned O.Rs. are struck off strength No. 6 District Depot, C.A., on transfer to No. 6 Ord. Depot Coy., R.C.O.C., C.A., effective dates as shown.

F.40250 Pte. (A/Cpl.)	NELSON, J.H.	16-11-42
F.15348 Pte. (A/Sgt.)	TARBOX, W.T.	17-11-42
F.55640 Pte. (A/Cpl.)	VOKEY, S.	17-11-42
F.85681 Pte. (A/Sgt.)	CLIFFE, J.	17-11-42

(District Order No. 2091, dated 16-11-42.)

5. ATTACHED

(a) The undermentioned O.Rs. No. 6 Ord. Depot Coy., R.C.O.C., C.A., are attached to No. 6 District Depot, C.A., for all purposes, effective dates as shown.

F.40250 Pte. (A/Cpl.) NELSON, J.H. 17-11-42

(TO PAGE FOUR)

HEADQUARTERS COMPANY (Continued)

5. ATTACHED

(a) (Continued)

F.15348 Pte. (A/Sgt.) TARBOX, J.H.		18-11-42
F.55640 Pte. (A/Cpl.) VOKEY, S.		18-11-42
F.85681 Pte. (A/Sgt.) CLIFFE, J.		18-11-42

6. TRADE QUALIFICATIONS

(a) The undermentioned O.Rs., having been trade tested on the 17th November, 1942 are qualified and classified as Clerks, Group "C" effective 17th.November, 1942.

F.86429 Pte. (A/L/Cpl.) FERGUSON, F.D.
F.51023 Pte. DAVIS, H.R.
(H.-56-1-6, dated 20th November, 1942.)

7. FURLOUGH

(a) The undermentioned O.R. granted furlough from 23rd November, 1942 to 6th December, 1942 under the provisions of R.O. No. 699 as amended by R.O. 2347.

F.34899 Fus. (A/Sgt.) RYAN, B.

(b) The undermentioned O.R. granted "Sick Furlough" from 8th November, 1942 to 22nd November, 1942. Will draw subsistence allowance @ $1.25 per diem for that period.

F.40824 Pte. REEVES, T.D.
(Authority Medical Board approved by D.M.O.)

8. HOSPITAL

(a) The undermentioned O.R. admitted to Halifax Military Hospital 17th November, 1942.

F.55229 Pte. MC PHEE, W.L.
(TO PAGE FIVE)

NO.6 DISTRICT DEPOT.C.A.DAILY ORDERS PART II NO.285 DATED 24TH NOV.42

HEADQUARTERS COMPANY (Continued)

9. PERMISSION TO MARRY

(a) The undermentioned O.R. was on the 22nd November, 1942 by the Officer Commanding No. 6 District Depot, C.A., granted permission to marry Mrs. Thorse Bridget Arsenault, of Charlottetown, P.E.I., on or after 28th November, 1942.

F.87884 Pte. OGILVIE, B.J.

10. REPOSTING

(a) The undermentioned O.R. is reposted from H.Q. Coy. to Depot H.Q. effective 23rd November, 1942.

F.75632 Pte. MC GIBBON, W.F.

(b) The undermentioned O.R. is reposted from H.Q. Coy. to "D" Coy. effective 23rd November, 1942.

F.86347 Pte. DAURIE, M.L.

11. TRANSPORT WARRANTS

(a) The undermentioned O.Rs. granted "Special Leave and Furlough Transport Warrants" as shown.

F.79986	Bdsmn. WATTS, A.E.	A20 3051
F.65913	Bdsmn. GILFOY, H.A.	A203052
F.65498	Bdsmn. DAUPHINEE, H.S.	A203053
F.30819	Bdsmn. CUNNINGHAM, G.B.	A203054
F.79802	Bdsmn. MURRANT, V.M.	A203055
F.99583	Bdsmn. PURCELL, E.J.	A203056
F.97815	Bdsmn. PHILLIPS, L.C.	A203057
F.75690	Bdsmn. MUSHKEGN, C.A.	A203058
F.79803	Bdsmn. ANTONELLE, L.	A203059
F.78959	Bdsmn. BAILEY, H.S.	A203060

(TO PAGE SIX)

DAILY ORDERS

NOVA SCOTIA DISTRICT DEPOT, C.A. DAILY ORDERS PART II NO. 285 DATED 24TH NOV. 42

HEADQUARTERS COMPANY (Continued)

11. TRANSPORT WARRANTS (Continued)

(a) (Continued)

F.30691 Bdsmn. BULMER, J.W.		A203061
F.97646 Bdsmn. MORT N, W.E.		A203062
F.65441 Bdsmn. GODDARD, E.		A203063
F.65295 Bdsmn. MC CONNELL, K.B.		A203064
F.97633 Bdsmn. LEDGER, C.E.		A203065
F.95665 Bdsmn. DILL, B.S.		A203066
F.97636 Bdsmn. MAC LEAN, S.A.		A203067
F.97619 Bdsmn. BRAITHWAITE, P.		A203068
F.97632 Bdsmn. REID, C.A.		A203069
F.97669 Bdsmn. PYE, H.E.		A203070

12. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. is absent without leave from 0800 hrs., 21st November, 1942. (1st time published.)

F.35619 Pte. GALLANT, J.A.

"A" COMPANY

13. STRENGTH INCREASE

(a) The undermentioned, having been attested by B.R.O., Truro, N.S., are taken on strength No. 6 District Depot, C.A., effective 20th November, 1942. Posted to "A" Coy. (For No.6 Ord. Depot Coy., R.C.O.C.) Category "AI".

F.65930 Pte. CROELMAN, William Aubrey	(S)(U.C.C.)
F.65928 Pte. DONALDSON, Clyde Robert	(S)(CofE)
F.65931 Pte. TURPLE, Grover Archibald	(S)(CofE)

(TO PAGE SEVEN)

"A" COMPANY (Continued)

13. STRENGTH INCREASE (Continued)

(b) The undermentioned, having been attested by B.R.O., Truro, N.S., are taken on strength No. 6 District Depot, C.A., effective 20th November, 1942. Posted to "A" Coy. (Quota.) Category "AI".

F.65934 Pte. HUNISH, John William (S)(CofE)
F.65936 Pte. HARVEY, Howard Lawrence (S)(U.C.C.)
F.65932 Pte. KELLY, Walter Vernon (S)(U.C.C.)
F.65935 Pte. WEEKS, Harold Elroy (M)(CofE)

(c) The undermentioned, having been attested by B.R.O., Truro, N.S., is taken on strength No. 6 District Depot, C.A., effective 20th November, 1942. Posted to "A" Coy. (For No. 10 Workshop Coy., [illegible] R.C.O.C.) Category "AI".

F.65929 Pte. HORNE, Robert Bernard (S)(R.C.)

(d) The undermentioned, having been attested by B.R.O., Truro, N.S., is taken on strength No. 6 District Depot, C.A., effective 20th November, 1942. Posted to "A" Coy. (For No. 14 Workshop Section, R.C.O.C.) Category "AI".

F.65933 Pte. MATHESON, Clark Wendell (S)(Pres)

(e) The undermentioned, having been attested by B.R.O., Kentville N.S., is taken on strength No. 6 District Depot, C.A., effective 20th November, 1942. Posted to "A" Coy. (Quota.) Category "A". Re-inlistment, having formerly served in the C.A. from 12-6-41 to 20-8-41. Discharged at No. 6 District Depot, C.A. under R.O. 1029(10).

F.87073, Pte. VINER, Roy Stanton (M) (Bapt)

(TO PAGE EIGHT)

NO. 6 DISTRICT DEPOT, C.A. DAILY ORDERS PART II NO. 285 DATED 24TH NOV. 42

"A" COMPANY (Continued)

14. STRENGTH DECREASE

(a) The undermentioned O.R. is struck off strength No. 6 District Depot, C.A., on transfer to H.Q., A.C. Signals, C.A., effective 20th November, 1942.

F.51512 Pte. ELLIOTT, F.H.

15. ALLOTMENT OF REGIMENTAL NUMBERS

(a) The undermentioned O.R., having been attested to the Active Force by 2nd Bn. The B.W. (R.H.R.) of Canada, C.A., is allotted regimental number. F.9191, effective 12th August, 1942.

F.9191 Pte. SCOTT, A.B.

16. CHANGE OF REGIMENTAL NUMBER

(a) F.32345 Pte. O'CONNELL, T.F., having had previous service in the C.A. under regimental number F.55257, the allottment of regimental number F.32345 is hereby cancelled. All documents to be amended accordingly. (Discharged 24th August, 1940 under R.O. No. 37 (10).

17. REPOSTING

(a) The undermentioned O.R. is reposted from "A" Coy. to "D" Coy. effective 23rd November, 1942.

F.31053 Pte. SMITH, E.H.

18. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. is absent without leave from 2359 hrs., 18th November, 1942. (1st time published.)

F.45815 Pte. MORRISON, R.H.

(TO PAGE NINE)

NO.6 DISTRICT DEPOT,C.A.DAILY ORDERS PART II NO.285 DATED 24TH NOV.42

"A" COMPANY (Continued)

18. ABSENT WITHOUT LEAVE (Continued)

(b) The undermentioned O.R. is absent without leave from 2300 hrs., 15th November, 1942. (2nd time published.)

F.45825 Pte. MAC NEIL, R.J.

19. PUNISHMENTS

"C" COMPANY

20. STRENGTH INCREASE

(a) The undermentioned O.R. is taken on strength No. 6 District Depot, C.A., on transfer from No. 2 District Depot, C.A., effective 8th April, 1942. (Embarkation Casualty.) Posted to "C" Coy.

B.64030 Pte. BUCKNER, James Alexander (M)(U.C.C.)

(TO PAGE TEN)

"C" COMPANY (Continued)

20. STRENGTH INCREASE (Continued)

(b) The undermentioned O.R., having been apprehended at 2025 hrs., 20th November, 1942, at Penbrooke, Shore, Yarmouth, N.S., is taken on strength No. 6 District Depot, C.A. on apprehension, effective 20th November, 1942. Posted to "C" Coy.

F.95781 Pte. BURNELL, George Herbert (M)(R.C.)

(c) The undermentioned O.R., having surrendered at London, Ontario at 1915 hrs., 15th November, 1942, is taken on strength No. 6 District Depot, C.A., from desertion. Posted to "C" Coy., effective 15th November, 1942.

A.67848 Pte. HAIST, Edward Arthur (S)(U.C.C.)

(d) The undermentioned O.R., having surrendered at London, Ont., at 2000 hrs., 25th October, 1942, is taken on strength No. 6, District Depot, C.A., from desertion effective 25th October, 1942. Posted to "C" Coy.

A.44689 Pte. MONK, Carl Elmo (S)(CofE)

(e) The undermentioned O.R., having surrendered at London, Ont., at 2225 hrs., 30th October, 1942, is taken on strength No. 6 District Depot, C.A., from desertion, effective 30th October,1942. Posted to "C" Coy.

A.44542 Tpr. ROBINSON, John (M)(U.C.C.)

21. ATTACHED

(a) The undermentioned O.R., Lincoln & Welland Regt., C.A., is attached to No. 6 District Depot, C.A., for all purposes except pay effective 21st November, 1942.

B.40610 Pte. PINE, G.L.

(TO PAGE ELEVEN)

07

"C" COMPANY (Continued)

21. ATTACHED (Continued)

(b) The undermentioned O.R. 27th Coy. Cdn. For. Corps, C.A., is attached to No. 6 District Depot, C.A., for all purposes except pay effective 21st November, 1942.

C.34360 Pte. STAMET, J.

(c) The undermentioned O.Rs. 21 Coy. V. G. of C. are attached to No. 6 District Depot, C.A. for all purposes except pay effective 20th November, 1942.

G.46545 Pte. RAMSAY, G.G.
G.46670 Pte. DE LONG, H.

(d) The undermentioned O.Rs. P.E.I., Highlanders, C.A., are attached to No. 6 District Depot, C.A., for all purposes except pay effective 23rd November, 1942.

F.30063 Pte. PACE, C.W.
F.26372 Pte. HUGHES, R.C.

(e) The undermentioned O.R., R.C.A.S.C., Coy., Force "W" is attached to No. 6 District Depot, C.A., for all purposes except pay effective 23rd November, 1942.

F.92708 Pte. WELLS, C.W.

22. FURLOUGH

(a) The undermentioned O.R. granted furlough from 24th November, 1942 to 7th December, 1942 under the provisions of R.O. No. 699 as amended by R.O. 2347.

F.34845 Fus. (A/Sgt.) SHUPE, L.W.

(TO PAGE TWELVE)

"C" COMPANY (Continued)

22. FURLOUGH (Continued)

(b) The undermentioned O.R. granted "Sick Furlough" from 24th October, 1942 to 21st November, 1942. Will draw subsistence allowance @ $1.25 per diem for that period.

F.35424 Pte. (A/Cpl.) PARKS, E.
(Authority Medical Board approved by D.M.O.)

23. HOSPITAL

(a) The undermentioned O.Rs. admitted to Halifax Military Hospital 18th November, 1942.

B.32297 Sgm. YOUNG, J.R.
F.35358 Pte. BARRY, J.J.

(b) The undermentioned O.Rs. are discharged from hospital 23rd November, 1942.

A.58695 Pte. PENDLETON, W.
D.46480 Tpr. LADD, J.

24. REMISSION OF HOSPITAL STOPPAGES OF PAY

(a) The undermentioned personnel, having been previously shown as liable for hospital stoppages of pay at the rate of 75¢ per diem for the periods shown opposite their names, pay accounts of the individuals concerned are to be credited at the rate of 75¢ per diem, for the periods shown opposite their names under the provisions of G.O. No. 377 dated 5th October, 1942.

M.12090 Pte. MISENACK, W.C.	15-5-42 to 22-5-42	(8 days)
M.63860 Pte. EGGLER, A.	15-5-42 to 30-5-42	(16 days)
F.97771 Pte. STEFFENS, H.J.	26-5-42 to 11-6-42	(17 days)

(TO PAGE THIRTEEN)

ROYAL DISTRICT DEPOT, C.A. DAILY ORDERS PART II NO.285 DATED 24TH NOV.42

"C" COMPANY (Continued)

24. REMISSION OF HOSPITAL STOPPAGES OF PAY (Continued)

(a) (Continued)

F.95388	Pte.	ATKINSON, H.B.	15-5-42 to 15-5-42	(1 day)
D116300	Sgm.	MURPHY, J.C.	16-5-42 to 21-6-42	(37 days)
F.88666	Pte.	MAC PHEE, M.	15-5-42 to 25-6-42	(42 days)
A.29631	Pte.	DIETRICH, L.G.	15-6-42 to 29-6-42	(13 days)
B.92704	Pte.	HOLMES, D.C.	6-6-42 to 29-6-42	(24 days)
F.30242	Pte.	LEIGHTON, C.M.	24-6-42 to 29-6-42	(6 days)
F.30242	Pte.	LEIGHTON, C.M.	24-6-42 to 28-7-42	(35 days)
M.56658	Pte.	INGLEHART, A.B.	16-6-42 to 29-6-42	(14 days)
B.87415	Pte.	STEPHENS, A.	4-6-42 to 30-6-42	(27 days)
B.82723	Pte.	CLOUTER, C.	19-7-42 to 28-7-42	(10 days)
F.64962	Pte.	MC LENNAN, R.A.	18-7-42 to 29-7-42	(12 days)
F.30741	Pte.	(A/L/Cpl.) BERGMAN, D.L.	14-7-42 to 24-7-42	(11 days)
F.96529	Pte.	ARSENAULT, J.E.	6-8-42 to 15-8-42	(10 days)
L.36416	Pte.	BROOKS, L.L.	17-8-42 to 5-9-42	(20 days)
B.25813	Spr.	LAHAIE, F.J.	7-9-42 to 24-9-42	(18 days)
F.31094	Pte.	FOSTER, G.V.	18-9-42 to 29-9-42	(12 days)
D.46815	Tpr.	MORENCY, J.	20-9-42 to 28-9-42	(9 days)
A.63147	Pte.	CHISHOLM, B.J.	23-9-42 to 3-10-42	(11 days)
F.31228	Pte.	BLANCHARD, J.	4-9-42 to 18-9-42	(15 days)
F.50226	Pte.	BURKE, L.J.	2-10-42 to 13-10-42	(12 days)
F.66317	Pte.	IYOUPE, A.	3-8-42 to 21-8-42	(19 days)
H.45586	Pte.	MAGUS, M.	14-8-42 to 23-8-42	(10 days)
F.65106	Pte.	DASH, G.M.	16-8-42 to 28-8-42	(13 days)
H.46230	Pte.	PEJSTRUP, G.	19-8-42 to 1-9-42	(14 days)
F.89614	Pte.	WARD, M.B.	23-8-42 to 2-9-42	(11 days)
K.70003	Tpr.	ALGER, F.J.	15-8-42 to 5-9-42	(22 days)
G.28205	Pte.	PELLETIER, G.	9-8-42 to 20-8-42	(12 days)
D.71967	Tpr.	PILATZKE, J.	20-9-42 to 1-10-42	(12 days)
F.30939	Pte.	WALLACE, K.R.	24-8-42 to 3-9-42	(11 days)

(TO PAGE FOURTEEN)

"C" COMPANY (Continued)

25. REPOSTINGS

(a) The undermentioned O.Rs. arereposted from "C" Coy. to "O" Coy. effective 21st November, 1942.

L.84576 Pte. CRUSH, G.A.
N.87849 Pte. ADDIS, E.

(b) The undermentioned O.R. is reposted from "C" Coy. to "D" Coy. effective 23rd November, 1942.

G.58812 Pte. ROBINSON, K.E.

26. DETENTION

(a) The undermentioned O.Rs. were released from Debert Military Detention Barracks M.D. 6, effective dates as shown.

F.64683 Pte. WAGNER, E.W.	16-11-42
F.96016 Pte. TIBBETTS, L.	16-11-42

27. CIVIL CONVICTION

(a) The undermentioned O.R., having been convicted by Civil Power, was, on the 8th May, 1942, sentenced to one years' imprisonment for theft. Arrested 1st May , 1942. Forfeits pay for the period from 1st May, 1942 until 8th May, 1943. Total forfeiture of 372 days' pay.

B.64030 Pte. BUCKNER, R.A.

(TO PAGE FIFTEEN)

"C" COMPANY (Continued)

28. TRANSPORT WARRANTS

(a) The undermentioned O.Rs. granted "Special Leave and Furlough Transport Warrants" as shown.

F.60045 Pte. PERRY, L.C.	A203029
B.79190 Pte. BLACK, G.R.	A 203030
C.58415 Pte. CLAIRMONT, J.P.	A203031
B.75134 Pte. BELL, S.T.	A203032
B.55479 Pte. JOHNSON, A.H.	A203033

29. RATIONS AND QUARTERS

(a) The undermentioned O.R. No. 62 C.A. (B) T.C. is attached to No. 6 District Depot, C.A., for rations and quarters for two days only effective 22nd November, 1942 and 23rd November, 1942.

F.31253 Pte. HARDING, J.A.

30. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. is absent without leave from 2200 hrs., 29th April, 1942. (1st time published.)

B.64030 Pte. BUCKNER, R.A.

(b) The undermentioned O.R. is absent without leave from 0730 hrs., 14th November, 1942. (2nd time published.)

F.7060 Pte. STUART, B.N.

(c) The undermentioned O.R. reported absent without leave at 2200 hrs., 29th April, 1942, was apprehended by civil authority at 0800 hrs., 1st May, 1942, at Halifax, N.S.

B.64030 Pte. BUCKNER, R.A.

(TO PAGE SIXTEEN)

"C" COMPANY (Continued)

30. ABSENT WITHOUT LEAVE (Continued)

(d) The undermentioned O.Rs. reported absent without leave at time and dates as shown, returned at time and dates as shown.

F.31162 Pte. LANDRY, W.C. reported 2200 hrs. 16-11-42
returned 2200 hrs. 21-11-42

F.95512 Pte. SADEANS, W.L. reported 2359 hrs. 16-11-42
returned 0300 hrs. 21-11-42

31. PUNISHMENTS

(a) D.64030 Pte. BUCKNER, R.A. was on the 18th April, 1942 awarded:-- 28 days detention for:--Neglect to the prejudice of good order and military discipline, in that he on the 10th April, 1942, did neglect to remain on board Tr coopship, after having been marched aboard. Forfeits 28 days' pay

(b) F.95515 Pte. SADEANS, E.L. was on the 23rd November, 1942 awarded:--7 days C.B. For:--Absent without leave from 2359 hrs., 16th November, 1942 until 0300 hrs., 22nd November, 1942. (Absent 5 days 3 hrs. 1 min.) Forfeits 6 days' pay under F.R.& I. for the C.A. 149 (a).

(c) F.23326 Fus. BRAYE, C.J. was on the 23rd November, 1942 awarded:--7 days C.B. For:--Absent without leave from 0600 hrs., 19th November, 1942 until 0800 hrs., 23rd November, 1942. (Absent 4 days 2 hrs.,) Forfeits 5 days' pay under F.R.& I. forthe C.A. 149 (a).

(TO PAGE SEVENTEEN)

"C" COMPANY (Continued)

31. PUNISHMENTS (Continued)

(d) C.1/228, Pte. DIONNE, J.G., was on the 23rd November, 1942, awarded: 168 hours detention for: Absent without leave from 0900 hrs., 7-11-42 until apprehended at Levis, P.Q., at 1945 hrs., 10-11-42. (absent 3 days, 10 hrs., 45 mins) Forfeits 4 days' pay under F.R. & I. for the C.A. 149(a). In close arrest from 1945 hrs., 10-11-42 until 1100 hrs., 23rd November, 1942. Total forfeiture of 23 days' pay. To pay costs of apprehension in the amount of $34.03 (Transportation for prisoner, $13.59. Transportation for escort, $20.44).

"D" COMPANY

32. STRENGTH DECREASE

(a) The undermentioned O.R. discharged 23rd November, 1942 under the provisions of R.O. No. 1029 (10), being unable to meet the required military physical standards. Enlisted 19th January, 1942. 309 days unencumbered service. Entitled to receive Rehabilitation Grant under the provisions of R.O. 1029 d/41. Willdraw $35.00 clothing allowance under F.R.& I. for the C.A. 187-1-(a).

F.55313 Pte. SEWARD, C.A. (S)(R.C.)

ADDRESS: Huron Ave, Sydney Mines, N.S.

(b) The undermentioned O.R. discharged 23rd November, 1942 under the provisions of R.O. No. 1029 (10), beingunable to meet the required military physical standards. Enlisted 25th June, 1942. 152 days unencumbered service. Will draw $27.00 clothing allowance under F.R.& I. for the C.A. 187-1-(b).

F.31727 Pte. MC KELLOP, J. (S)(R.C.)

ADDRESS: 467-2nd St, New Aberdeen, N.S.

(TO PAGE EIGHTEEN)

"D" COMPANY (Continued)

32. STRENGTH DECREASE (Continued)

(c) The undermentioned O.R. d isecharged 23rd November, 1942 under the provisions of R.O. No. 1029 (10), being unable to meet the required military physical standards. Enlisted 25th June, 1940. 2 years 106 days unencumbered service. Entitled to receive Rehabilitation Grant under the provisions of R.O. 1079 d/41. Will draw $35.00 clothing allowance under F.R.& I. for the C.A. 187-1-(a).

F.45160 Pte. PELLY, R. (M)(Tres)

ADDRESS: Main Street, Antigonish, N.S.

(d) The undermentioned O.R. discharged 23rd November, 1942 under the provisions of R.O. NO.1029 (10), being unable to meet the required military physical standards. Enlisted 13th May, 1942. 195 days unencumbered service. Entitled to receive Rehabilitation Grant under the provisions of R.O. 1079 d/41. Will draw $35.00 clothing allowance under F.R.& I. for the C.A. 187-1-(a).

F.65617 Pte. LEES, R.F. (S)(U.C.C.)

ADDRESS: Herritt Road, Springhill, Cumb., Co., N.S.

(e) The undermentioned O.R. discharged 23rd November, 1942 under the provisions of R.O. No. 1029 (10), being unable to meet the requied military physical standards. Enlisted 6th September, 1940. 2 years 79 days unencumbered service. Entitled to receive Rehabilitation Grant under the provisions of R.O. 1079 d/41. Will draw $35.00 clothing allowance under F.R.& I. for the C.A. 187-1-(a).

G.28168 Pte. AVERY, G.A. (M)(U.C.C.)

ADDRESS: 118 St. James St., St. John, N.B.

(TO PAGE NINETEEN)

NO.6 DISTRICT DEPOT,C.A.DAILY ORDERS PART II NO.285 DATED 24TH NOV.42

"D" COMPANY (Continued)

32. STRENGTH DECREASE (Continued)

(f) The undermentioned O.R. discharged 23rd November, 1942 under the provisions of R.O. No. 1029 (10), being unable to meet the required military physical standards. Enlisted 4th July, 1941. 1 year 44 days unencumbered service. Entitled to receive Rehabilitation Grant under theprovisions of R.O. 1079 d/41. Will draw $35.00 clothing allowance under F.R.& I. for the C.A. 187-1-(a).

F.89232 Pte. MC INTYRE, R. (M)(R.C.)

ADDRESS: 189-9th Street, New Aberdeen, N.S.

(g) The undermentioned O.R. discharged 23rd November, 1942 under the provisions of R.O. No. 1029 (10), being unable to meet the required military physical standards. Enlisted 4th July, 1941. 1 year 252days unencumbered service. Entitled to receive Rehabilitation Grant under the provisions of R.O. 1079 d/41. Will draw $35.00 clothing allowance under F.R.& I. for the C.A. 187-1-(a).

F.7302 Gnr. TODHUNTER, J. (S)(C.E.E)

ADDRESS: 11 Cameron St. C/O Mrs, Mac Laughlin, Liverpool, England.

33. ATTACHED

(a) The undermentioned O.Rs., P.E.I., Highlanders,C.A., are attached to No. 6 District Depot, C.A., for all purposes except pay effective 23rd November, 1942.

F.59749 Pte. (A/Cpl.) KAY, J.
F.59652 Pte. (A/Cpl.) MAC MILLAN, M.A.
F.29976 Pte. FIELDING, E.R.
F.60450 Pte. MAC EACHERN, W.

(TO PAGE TWENTY)

"D" COMPANY (Continued)

33. ATTACHED (Continued)

(b) The undermentioned O.R., 7th A.A. Bty., R.C.A., is attached to No. 6 District Depot, C.A., for all purposes except pay effective 23rd November, 1942. Posted to "D" Coy.

F.12708 L/Sgt. CAMERON, W.V.

34. HOSPITAL

(a) The undermentioned O.Rs. admitted to Halifax Military Hospital dates as shown.

F.31775 Pte. REID, J.A.	18-11-42
F.91521 Pte. WILLIAMS, H.	19-11-42

35. REMISSION OF SENTENCE

(a) The undermentioned O.R., having been awarded 28 days detention on the 10th November, 1942, is remitted 20 days of said sentence by the Officer Commanding No. 6 District Depot, C.A., effective 18th November, 1942.

F.31775 Pte. REID, J.A.

36. ABSENT WITHOUT LEAVE

(a) The undermentioned O.Rs. are absent without leave [illegible] time and dates as shown. (1st time published.)

F.23362 Pte. BRAYE, R.J.	0830 hrs. 19-11-42
F.66238 Pte. MC CAUL, R.J.	0830 hrs. 22-11-42

(TO PAGE TWENTY-ONE)

NO.6 DISTRICT DEPOT,C.A.DAILY ORDERS PART II NO.285 DATED 24TH NOV.42

"E" COMPANY

37. HOSPITAL

(a) The undermentioned O.R. admitted to Halifax Military Hospital 18th November, 1942.

F.64743 Pte. MUISE, G.E.

38. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. is absent without leave from 0730 hrs., 15th November, 1942. (2nd time published.)

F.32597 Pte. MC NEIL, C.F.

(b) The undermentioned O.R. is absent without leave from 0700 hrs., 18th October, 1942. (3rd time published.)

F.96561 Pte. PETERS, P.D.

"O" COMPANY

39. TRANSPORT WARRANT

(a) The undermentioned O.R. granted "Special Leave and Furlough Transport Warrant" No. A203034.

K.71824 Dvr. MC INTYRE, A.

40. ABSENT WITHOUT LEAVE

(a) The undermentioned O.R. is absent without leave from 2359 hrs., 14th November, 1942. (2nd time published.)

D.26307 Pte. WALSH, N.

(TO PAGE TWENTY-TWO)

"O" COMPANY (Continued)

40. ABSENT WITHOUT LEAVE (Continued)

(b) The undermentioned O.Rs. reported absent without leave at time and dates as shown, returned at time and dates as shown.

D.17354 Pte. SEVERIED, S.M.	reported 2200 hrs. 18-11-42 returned 2045 hrs. 21-11-42
D.123724 Pte. BUREAU, A.	reported 2359 hrs. 16-11-42 returned 0055 hrs. 22-11-42

41. PUNISHMENTS

(a) A.42425 Tpr. KRISTOFF, K. was on the 23rd November, 1942 awarded:--3 days C.B. For:--Absent without leave from 2200 hrs., 18th November, 1942 until 2000 hrs., 19th November, 1942. (Absent 22 hrs.,) Forfeits 1 days' pay under F.R.& I. for the C.A. 149 (a).

(b) C.32999 Tpr. BROWN, V.K. was on the 23rd November, 1942 awarded:--3 days C.B. For:-- Absent without leave from 2359 hrs., 17-11-42 until 2000 hrs., 18-11-42. (Absent 20 hrs, 1 min.) Forfeits 1 days' pay under F.R.& I. for the C.A. 149 (a).

(c) F.13321 Pte. MC LEAN, D.W. was on the 23rd November, 1942 awarded:--3 days C.B. For:--Absent without leave from 2200 hrs., 17-11-42 until 2100 hrs., 18-11-42. (Absent 23 hrs.) Forfeits 1 days' pay under F.R.& I. for the C.A. 149 (a).

(d) F.4992 Pte. FORGERON, H.S. was on the 23rd November, 1942 awarded:-- 3 days C.B. For:--Absent without leave from 2200 hrs., 17-11-42 until 2100 hrs., 18-11-42. (Absent 23 hrs.) Forfeits 1 days' pay under F.R.& I. for the C.A. 149 (a).

(TO PAGE TWENTY-THREE)

1L

"O" COMPANY (Continued)

41. PUNISHMENTS (Continued)

(e) F.35016 Fus. OAKLEY, D. was on the 23rd November, 1942 awarded:--3 days C.D. For:--Absent without leave from 2200 hrs., 17-11-42 until 1830 hrs., 18-11-42. (Absent 20 hrs., 30 mins.) Forfeits 1 days' pay under F.R.& I. for the C.A. 149 (a).

(f) A.22808 Tpr. HARPER, G.A. was on the 23rd November, 1942 awarded:-- 3 days C.D. For:--Absent without leave from 2200 hrs., 16-11-42 until 2020 hrs., 18-11-42. (Absent 1 day 22 hrs., and 20 mins.) Forfeits 2 days' pay under F.R.& I. for the C.A. 149 (a).

(g) D.135600 Sgmn. ANSELL, W.G. was on the 23rd November, 1942 awarded:--7 days C.D. For:--Conduct to the prejudice of good order and military discipline, in that he at Halifax Airport Camp did neglected to obey an order given by a Superior Officer.

42. CORRECTIONS

(a) Daily Order No.232 dated 23rd November, 1942, subpara 37 (a), concerning F.95337 Pte. FAVELL, G.A. delete all reference.

(b) Daily Order No. 281, dated 19-11-42. Subpara. 4 (b). For "F.79243 Pte. GUSHUE, J.D." Read "F.97243 Pte. GUSHUE, J.D."

(c) Daily Order No. 275, dated 12-11-42. Subpara. 18 (c), concerning "F.55310 Pte. FRANCIS, G." for "For all purposes" read "for all purposes except pay".

(d) Daily Order No. 278, dated 16-11-42. Subpara. 12 (a), insofar as it concerns "F.34564 Cpl. (A/Sgt.) GLAWSON, E.C." for "17-19-42" to 30-19-42" read "17-9-42 to 30-9-42".

(e) Daily Order No. 282, dated 20-11-42. Subpara. 19 (b), after "F.96382 Pte. SHIELDS, J.J." read "18-11-42" and after "F.81121 Pte. WHITEHEAD, W." read "18-11-42".

(TO PAGE TWENTY-FOUR)

NO.6 DISTRICT DEPOT,C.A.DAILY ORDERS PART 1 NO.285 DATED 24TH NOV.42

42. CORRECTIONS (Continued)

(f) Daily Order No. 280, dated 18-11-42. Subpara. 16 (a), concerning "F.5745 Pte. BEER, J.K." for "17th November, 1942" read "16th November, 1942.".

(g) Daily Order No. 279, dated 17-11-42. Subpara. 18 (c), after F.34938 Fus. COMEAU, R.J. add 15-11-42
" C.75738 Pte. MULLIGAN, L.W. add 13-11-42
" F.34913 Pte. BURKE, T.E. add 15-11-42
" H.59075 Pte. MEDILICOTT, H.V. add 16-11-42

(h) Daily Order No. 281, dated 19-11-42. Subpara. 5 (a), 5 (b), 5 (c) and 33 (a), concerning F.97439 Pte. MAC LEAN, D.K., F.79890 Pte. REID, H.S., F.96322 Pte. MAC RAE, F. and F.65622 Pte. SHEPPARD, F.J. respectively, for" to be placed under stoppages of pay" read "Ordered to pay costs of damage".

(i) Daily Order No. 281, dated, 19-11-42. Subpara. 6 (c), for "F.32632 Pte. FRASER, J.A." read "F.32633 Pte. FRASER, J.A."

(j) Daily Order No. 274, dated 11-11-42. Subpara. 20 (b), insofar as it concerns "F.77346 Pte. SABINE, T.C." delete all reference.

SECTION "C"
H.D. PERSONNEL

1. CORRECTIONS

(a) Daily Order No. 281, dated 19-11-42. Subpara. 1 (a), for "effective 17-11-42" read "effective 18-11-42".

(D.H. BORDEN), Captain,
Adjutant,
NO.6 DISTRICT DEPOT, C.A.

"K" S.M.K. Transport to Residents. 75

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, Major T.A. Cooper (Rank) Issuing Officer (Name) D.S. & T.O., M.D. 1. (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~[illegible]~~) the hereinafter itemized transportation for escort

Complete — to proceed from London, Ont. (Place) to Halifax, N.S. (Place) for the

~~[illegible]~~

Full description of soldier being escorted — ~~[illegible]~~ A67848 Pte. Haist, E., No. 6 District Depot,

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Halifax, N.S.

Particulars		Cost
To part cost of Transport Warrant No. B-118365 d/18-11-42 and issued to cover the following transportation:		
One 2nd class single London to Halifax	21.47	
One upper Tourist Berth Toronto to Halifax	4.05	
To part cost of Meal Order No. 118949 d/18-11-42 and issued to cover meals en route	5.00	
	30.52	30.52
Above costs are recoverable from:		
A67848 Pte. Haist, E., No. 6 District Depot, Halifax, N.S.		
Total		$ 30.52

Dated at London, Ont. this 18 day of Nov. A.D. 19 42

(T.A. Cooper) Major,

Signature, rank, unit of officer (issuing transport warrants) (authorizing transportation)

Strike out description not applicable

Issuing Officer D.S. & T.O., M.D.1.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1461
3024—12-41 (2714)
H.Q. 1772-39-1301

"L"

Closing address by the Prosecutor.

Mr. President and Members.

Usually where there is no closing address by the Defending Officer, the Prosecutor does not make one either, but I feel it my duty, in this case, to make a few remarks.

The accused, I submit, is either a Jehovah Witness, therefore of a prescribed organization, or one who has adopted that part of their teachings which applies to his make-up, or fear, or cowardice, or whatever you want to call it. It will be noted that early in his cross-examinagion he said he read the Bible somewhat, but that he had not read any religious literature. Sometime later, when I came back to the same subject he altered that by saying he had read literature left by Jehovah "itnesses and had agreed with some it, particularly that part about "Thou shalt not kill". Another glaring contradiction is that he made up his mind a long time ago that "Thou shalt not kill" was more or less his doctrine. Later on he said he got that out of Jehovah Witnesses literature. I wish to remind the Court of the accused's demeanor when I asked him a question about Pte. Croucher. His startled appearance and his prompt avowal that he had been contaminated long before he met Pte. Croucher. I suggest to you an old quotation in that regard---"Methinks he doth protest too much and too quickly". Another series of answers, I submit, are well worthy of note, are his original geographic delineations of his fighting territory. That is to sayCanada, but not the territorial waters, and which he extended most graciously and benignly from time to time until he answered the very last question I asked him as follows:- "I would not refuse to fight anywhere, but this is where I want to stop, right here in Canada". His one frank statement which he does not contradict is the one which he made twice that he left the Army to jump a draft. The whole crux of this case, I submit is that he jumped the Army to escape a draft. The rest of his remarks and sworn evidence consists merely of feeble attempts to escape consequences, in which he has grasped at a very poorly studied Bible, Judge Rutherford, and everything else in sight. From his last answer, it is quite probably, I submit, that he is not doing this from cowardice, but he has done what he has done because he did not get his complete trade course or trades pay and it is quite probably for this reason he decided not to play around in His Majesty's Service. He explanation of why he surrendered is very interesting. He knew he was going to be caught. I submit that a surrender under those circumstances cannot absolve him from a charge of desertion. Under those conditions it is the same as an apprehension. He jumped the draft, he did not come back until he realized he might as well get it over with. He decided to get it over with and take the rap. I submit that this is a case, of few, where desertion has been proven. We have everything right out of the accused's mouth.

Sauer

"Y" Lieutenant

M.F.B. 355
22M—3-41 (572-3)
H.Q. 1773-30-520
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
A67848	Private	Edward Arthur HAIST,	No.6 District Depot, CA

1. The following is a fair and true summary of the entries in the FIELD Service ~~and General~~ ~~Regimental and Squadron, Battery~~ Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For		times		times
For		times		times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~ ~~or~~

There are no entries in the conduct sheets of the accused.

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted ~~or~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under~~ ~~Air Force Act~~ ~~A.F.A. 72~~ ~~Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement~~

3. The accused is not under sentence at the present time ~~or~~

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for no days in civil custody, and 19 days in ~~Air Force~~ military custody, making a total of 19 days in custody, of which no days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 25 yrs., 11 Mos.

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper 3rd. April, 1942

~~7. The service which the accused is allowed to reckon towards discharge is~~

~~8. The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward ~~(or is in possession of or entitled to). State any air force decoration or reward.~~ ~~military~~

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held ~~Air Force~~ the regimental rank of .....~~

80

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....

Permanent Force
unit

..... dated ....., and in his regiment (or corps), the rank of

..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank .....

Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 4th day of December 1941

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

No. A67848 Name Edward Arthur HAIST | Sqn., Battery, or Company | No. and date of last drunk | Corps R.C.C.C. | Period not reckoning towards freedom from extra fine | Date of enlistment 3 Apr 42 | O.C. Badges | Sheet No. One. | Signature O.C. Company, etc. | Tradesmen's Rates of Pay | Character D.N.Ross, Major.

M.F.M. 6 (A.F.R. 122) 300M—11-41 (3698) H.Q. 1772-30-1050

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Debert, N.S.				ISSUED SPECIAL LEAVE AND TRANSPORT WARRANT No. A157725			15-7-42		
						NZ		J.M.K. Fraser Lt.Col President.	
				CERTIFIED TRUE COPY D.M. Jordan .....Capt., Adjt. No.6 District Depot, C.A.					

(P.T.O.)

S U M M A R Y O F E V I D E N C E

in the case of

No.A-67848, Private Edward Arthur HAIST, No.6 District Depot, (CA)., a soldier of the Canadian Army placed on active service.

CHARGE Desertion

The Commanding Officer directs that the evidence be taken on oath.

WITNESS F.82108, Sgt. Conrod, J.W., No.6 District Depot,C.A., having been duly sworn states:-

I am Sgt. in charge Absentee Platoon "C" Coy, No. 6 District Depot, CA., and I present the following documents regarding the accused:-

1. Certified True Copy D.O. Part 11 No.234 dated 25th September, 1942.

2. M.F.B. 375 dated 15th October, 1942.

3. M.F.M. 216 dated 15th November, 1942.

4. M.F.B. 1481 dated 18th November, 1942.

5. Certified True Copy of Daily Orders Part 11 No. 285 dated 24th November, 1942.

The accused was taken on strength No.6 District Depot, CA with effect from 24th September, 1942 in No. 6 District Depot, CA. Part 11 Orders No.234 dated 25th September, 1942. I placed his name on my roll call. From that time on I called his name twice daily on parade and the accused failed to answer his name. The accused was taken on strength as being absent from R.C.C.S., 4th Cnd Armd Div from 2200 hours on 13 Sep 42. I never saw the accused at No.6 District Depot, CA. until I saw him in the Guard Room on 25th November, 1942.

The accused declines to cross-examine.

J.W. Conrod Sgt

QUESTION TO THE ACCUSED

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY ACCUSED

I have nothing to say.

I certify that Rules of Procedure 4 (C), (D), (E), and (F) have been complied with.

Taken down by me in the presence of the accused at No.6 District Depot, Halifax, N.S., this 26th day of November, 1942.

.....Major
No.6 District Depot, CA
Officer detailed to take
Summary of Evidence.

MEDICAL OFFICER'S REPORT

I certify that No. A 67848 Signm Hakst, E.R.

of No.6 D.D. is in a good state of health,

and fit to undergo Trial by Court martial.

J. B. Rockman Capt.

J.B.Rockman, Capt., RCAMC
Medical Officer
No.6 District Depot, C.A.

Station Halifax, N.S.

Date 4 December 1942.

M. F. B. 246
MM—6-43 (6744)
H.Q. 1773-39 600

H.Q.C.55-H-307 (JAG)

June 3rd, 1943.

The District Officer Commanding,
Military District No. 6, Halifax, N.S.

Re: District Court-Martial,
A.67848, Pte. E.A. Haist,
No. 6 District Depot, C.A.

In compliance with the request contained in your H.H-1463 dated the 1st June 1943, the proceedings of the marginally noted District Court-Martial are returned herewith for consideration of a remission.

When these proceedings have served your purpose, may they please be returned to this office.

EBB/MM

Brigadier,
Judge Advocate-General.

131626

IN REPLY PLEASE QUOTE
No. H H-1463

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

Halifax, N. S., June 1, 1943.

CENTRAL REGISTRY Army
CONF. SEC.
JUN 2 1943
File C55-H-307
Chgd. to
Referred to JAG

The Secretary,
Dept. of Nat. Defence,
Ottawa, Canada.

DISTRICT COURT-MARTIAL
A67848, Pte. E. A. Haist,
No. 6 District Depot (CA)

Reference your H.Q.C.55-H-307 (JAG), dated the 28th of December, 1942.

1. May the proceedings of this Court-Martial be returned to this Headquarters in order that consideration may be given to remitting the balance, or part of the balance, of the sentence awarded to Pte. Haist.

P. S. Fielding
Lt Col

(D.A. WHITE) BRIGADIER,
D.O.C., M.D. No. 6.

N.D. 23 DDM/FC
1,500M—7-42 (5216)
H.Q. 1772-101-23

H.Q.C.55-H-307 (JAG)

A. D.

December 28th, 1942.

The District Officer Commanding,
Military District No. 6, Halifax, N.S.

Re: District Court-Martial,
A. 67848 Pte. M. A. Haist,
No. 6 District Depot.

1. Receipt is acknowledged of your H-M-1463, dated the 19th December, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularity noted in your letter, the following might be pointed out:

(a) The deletions in the Convening Order should have been initialled by the officer whose signature appears thereon.

(b) M.F.B.375 should indicate the place at which the accused absented himself as well as the unit.

3. As noted in your letter, M.F.M.216 was not signed by the proper officer, with the result that the document is invalid and not admissible as evidence. Fortunately for the validity of the proceedings however, the resulting deficiency in proof was covered by the entry in the copy of Part II Orders setting forth the circumstances of the accused's apprehension.

4. It is not considered necessary to return the proceedings which are accordingly retained for custody. May the above noted irregularities be brought to the attention of all officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

RBL/MM

H.Q.C.55-H-307
M.D.H-H-1463

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. A-67848 Name HAIST, E.A.

Rank Pte. Unit #6 District Depot, C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Date of Crime 13/9/42.

Date of Arrest 15/11/42. Charge. Signed 26/11/42.

Orders for D.C.M. D.O.C., M.D.#6.

Place and Date of Trial Halifax, N.S., 4/12/42.

Sentence Detention 9 months and stoppages $25.52.

Date of Confirmation 9/12/42.

Date of Promulgation 11/12/42.

Entered in Records of J.A.G. as No. 7286

Date 24/12/42.

MEMO Guilty of the charge.

R.B. Laud Colonel
for Judge Advocate-General.

H.Q.C.55-H-307
M.D.H-H-1463

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. A-67848 Name HAIST, E.A.

Rank Pte. Unit #6 District Depot, C.A.

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Date of Crime 13/9/42.

Date of Arrest 15/11/42. Charge. Signed 26/11/42.

Orders for D.C.M. D.O.C., M.D.#6.

Place and Date of Trial Halifax, N.S., 4/12/42.

Sentence Detention 9 months and stoppages $25.52.

Date of Confirmation 9/12/42.

Date of Promulgation 11/12/42.

Entered in Records of J.A.G. as No. 7386

Date 24/12/42.

MEMO Guilty of the charge.

R.B. Laurel Colonel
for Judge Advocate-General.

3M-12-42(M1754)

7386. no file

CANADA

IN REPLY PLEASE QUOTE
H-H-1463

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N.S., 19th Dec. 1942

Secretary,
Department of National Defence,
Ottawa, Ontario

CENTRAL REGISTRY Army
P.-R.S. SEC.
DEC 22 1942
File A 55-11-307
Origd. to
Referred to

DISTRICT COURT/MARTIAL
A.67848 Pte. E. A. HAIST
No. 6 District Depot

Reference District Court-Martial convened for the trial of Pte. E. A. HAIST.

1. Attached are the proceedings of the Court for approval and safe custody.

2. The following irregularity has been called to the attention of the Officers concerned:

(a) M. F. M. 216 does not appear to be in accordance with R. O. 1877. The certificate should have been made out by the Police Officer in charge of Wolsely Barracks.

P. S. Fielding
for (W.W. FOSTER) Brigadier,
D. O. C., M. D. No. 6

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

H.Q.C. 55-H-308

CONFIDENTIAL

N.F.B. 1418
HM—3-43 (9626)
H.Q. 55-1-19

DEPARTMENT OF NATIONAL DEFENCE OTTAWA, CANADA

CROSS REFERENCE

DEAD

SUBJECT DISTRICT COURT -MARTIAL

HOWE M. E5999 PTE.

R. 22ND R. ATT. TO A.I.T.C.

A-13 C.A.

CONFIDENTIAL
H.Q.C. 55-H-308

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
SEP 14 1944	13.9.44	PA		Adjutant	Recovery Issued	CR	11/9/44
					Per Requisition C.R. SEP 21 1944		
OCT 6 1944	[illegible]	[illegible]	[illegible]	LCM	Per request	E.L.M.	5/10/44
OCT 13 1944	31/10/44	P.A.	JH	LCM	With Papers C.R. OCT 12 1944		
JUL 17 1945	17/7/45	P.A.	MP	D. Adm.	Per Requisition C.R. JUL 12 1945		

(If purpose for which referred cannot be expressed on one line, add minute to file and refer here "With Minute")

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

IN REPLY PLEASE QUOTE No. Q-39-H-451(DAPM)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Quebec, October 10th, 1944

CENTRAL REGISTRY Army
CONF. SEC.
OCT 12 1944
File C.N.S.-H-308
Circul. to
Referred to ICM.

The Secretary,
Dept of National Defence,
OTTAWA, Ont.-

E-5999, Pte. HOWE, M.

Reference H.Q.C. 55-H-308, (ICM) dated October 6th, 1944.

2. While undergoing sentence of detention, Pte. Howe was sent to Quebec Military Hospital and escaped therefrom on September 2nd, 1944.

3. Report on conduct returned hereafter uncompleted.

GOB/jm

Major.
Edmond Blais, Brigadier,
For: District Officer Commanding,
Military District No. 5

NAT. DEF. S. 440

IN REPLY PLEASE QUOTE No. Q-39-H-451(DAPM)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Quebec, October 10th, 1944

260068

GENERAL REGISTRY Army
CONF. SEC.
OCT 12
File 55-H-308
Chgd. to
Referred to ICM.

The Secretary,
Dept of National Defence,
OTTAWA, Ont.-

E-5999, Pte. HOWE, M.

Reference H.Q.C. 55-H-308, (ICM) dated October 6th, 1944.

2. While undergoing sentence of detention, Pte. Howe was sent to Quebec Military Hospital and escaped therefrom on September 2nd, 1944.

3. Report on conduct returned hereafter uncompleted.

GOB/jm

Major.
Edmond Blais, Brigadier,
For: District Officer Commanding,
Military District No. 5

E.E.B

NAT. DEF. B. 449
(6000M - 7-41 (931))
H.Q. 172-20-167

I.C.M. - B

REPORT ON CONDUCT

Department of National Defence,
H. Q. C. 55- H-308,(ICM)
OTTAWA, 6 October, 1944.

To:- Commandant VALCARTIER, Military Detention Barracks.

E-5999, Pte. Martin HOWE,

1. Soldier under sentence

2. PLEASE STATE:-

(i) Date of sentence

(ii) Sentence

(iii) Date you received soldier

(iv) (a) Can soldier read and write?

(b) Religion

(c) Married, Widower, Single

(d) What Army trade has soldier?

(v) (a) Conduct of soldier

(b) Industry of soldier

(c) Remission earned:-

(i) Number of days actually earned

(ii) Number of days obtainable to date

(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-

(a) Whether detention will seriously aggravate soldier's condition.

(b) Whether further confinement is likely to prove fatal.

(vii) (a) Whether in your opinion conduct of soldier warrants suspension of sentence?

(b) Moral effect confinement has had?

(c) If returned to Army, is soldier likely to become a good soldier?

(viii) Date term will expire if all remission earned from now on.

A.C.Spencer
Brigadier
Acting Adjutant-General.

LHC:WS.

~~CHIEF CLERK~~
~~Major General~~
~~Adjutant General.~~

Signature _____ Commandant.

Date of Report:

I.C.M. - A.

Department of National Defence,
H. Q. C. 55 - H-308,(ICM)
OTTAWA, 6 October, 1944.

Your File - Q.39-H-451,

District Officer Commanding,

Military District No. 5,

QUEBEC, P.Q.

E-5999, Pte. Martin HOWE,

1. Herewith enclosed "Report on Conduct" Form in respect of the marginally-noted soldier who is serving in VALCARTIER, Military Detention Barrack, under your command, a sentence of 7 months detention awarded by a Standing, Court-Matial on the 10 day of August, 1944.

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

A.C.Spencer
Brigadier
Acting Adjutant-General.

LHC:WS.

~~(H.F.G. Letson)~~
~~Major-General~~
~~Adjutant-General~~

SM-3-44 (M-3632)

H.Q.C. 55-E- 308 (JAG/D)

8th September, 1944.

District Officer Commanding,
Military District, No. 5.,
Quebec, P.Q.

~~Standing~~ Court-Martial

E- 5999 HOWE, Martin. Pte.
Royal 22e Regiment, C.A.
(Att. A-13 C.I.T.C., C.A.)

Receipt is acknowledged of your Q:-39-H-451-(JA) dated 5th September 1944 under cover of which you returned to this office for custody the proceedings of the marginally noted Standing Court-Martial.

(R. J. Orde.) Brigadier,
Judge Advocate-General.

LF:MTH

L.H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial
SEP 11 1944

Note for Cpl Dog Comm
12.9.44
WOP

2M-9-44 (M-4177)

I.C.M. - L 2690

REVIEW OF SENTENCE

DATE SEP 11 1944

H.Q.C. File: 55- H-308

1. No. RANK AND NAME

2. UNIT AT DATE OF OFFENCE

3. AT PRESENT ON STRENGTH OF M.D.

4. SENTENCE OF COURT DATE

5. CONFIRMED SENTENCE DATE

6. BEING SERVED AT

7. OFFENCES A.W.L. from 22-11-42 (while under arrest) till arrested 30-4-44 — 1 yr + 5 mos

8. PREVIOUS CONDUCT

~~ENROLLED~~ ENLISTED 23-12-40 AGE 24
Category A-1

25-1-41 A.W.L. 2 days — Admonished 31-1-41
9-2-41 A.W.L. 15 hrs. — 2 days CB on 12-2-41
23-2-41 A.W.L. 2 days — 7 days CB on 26-2-41
10-3-41 A.W.L. 14½ hr. — 7 days CB on 11-3-41
19-5-41 A.W.L. 1 day — ? ? ? on ? ? ?
22-7-41 A.W.L. 6 mos — 28 days Pay on 12-3-42
14-3-42 A.W.L. 2 mos — 5 days Pay on 14-5-42
18-5-42 A.W.L. 5 mos — 6 mos Letter by DCM on 12-11-42
Civil Court. (Theft.) — 27 days Imprisonment on 1-10-44

9. STATEMENT OF ACCUSED

In hospital, told that wife was sick, had called 3 times to tell me. Had not been told. Cpl gave me bus ticket. Got home, wife had had miscarriage. While looking for someone who knew Commandant of V Scottish told he would get me discharge good pieces of his. Making false discharges signed Col. Yokum and registration cards & false dogtags. When tried him was quitting would tell me was going to be charged with him and I was on 30/4.

10. RECOMMENDATION

IN REPLY PLEASE QUOTE
No. Q:-39-H-451 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, September 5th 1944.

252166

CENTRAL REGISTRY Army
CONF. SEC.
SEP 6 1944
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
Ottawa, Ont.

STANDING COURT MARTIAL
E-5999 - Pte Martin HOWE
Royal 22e Regiment, C.A.
(Att. A-13 C.I.T.C., C.A.)

1. Reference your H.Q.C. 55-H-308 (JAG/D-4) dated 23rd August 1944.

2. Paragraph 2 of your above mentioned letter has been noted and brought to the attention of the officers concerned.

3. The unusual delay in this case is due to the fact that Pte. Howe was kept at the disposal of the civil authorities who charged him with theft and forgery.

4. Pte. Howe was apprehended on 30th April 1944 but washanded over to the Provincial Police on 6th May. On 10th June 1944, the charges laid by the civil authorities had not yet been dealt with and Pte. Howe was handed over to the military authorities for custody pending further action to be taken by the civil courts. It was impossible to take disciplinary action at that time, as the action to be taken by the Quebec Provincial Police was unknown.

5. On 5th July 1944 Pte. Howe was again handed over to the Provincial Police. On 1st August he was sentenced by the civil courts and was handed over to the military authorities for disposal. He was then remanded for Summary of Evidence and the application for Standing Court Martial was forwarded to this Headquarters on 8th August.

6. In view of the above, it is this Headquarters' opinion that no undue delay occurred in this case.

7. The proceedings of the marginally noted Standing Court Martial together with M.F.M. 288 duly completed are returned herewith.

(EDMOND BLAIS) - Brigadier
District Officer Commanding
Military District No. 5.

JAC/tl
Encls.

M.F.S. 239
10000M—8-43 (3592)
H.Q. 1773-28-194

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of E-5999 (Number) Private (Rank) Martin HOWE (Name in full)

Royal 22e Regiment, C.A., (Unit) attached to A-13 C.I.T.C., C.A. (Attachment (if any))

Sentenced to 7 months detention

on 10 August 1944 at Valcartier Camp, P.Q.

being served at Military Detention Barracks, Valcartier Camp, P.Q. (Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment Enlisted on 23 Dec 40 aged 20 years 9 months

Medical grade or category "A/1"

FIRST TRIAL—PART II

To THE ADJUTANT (Superior Military Authority)

For details of offences see Part VII.

I have directed that the above-named be ~~XXXX~~ committed to undergo his sentence, which I recommend should ~~XXXX~~ be ~~XXXXXXXXXXXXXXXXXX~~ (reviewed on 25 November 1944 (Date)) for reasons given in paragraph X.

Place Quebec, Que.

Date September 5th 1944.

(EDMOND BLAIS) - Brigadier
District Officer Commanding
Military District No. 5,
A.O.D. (Confirming Authority)

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....)

(of which I remit .....) (be suspended) (be put into execution)

(and) be reviewed on .....

Place .....

Date ..... (Superior Military Authority)

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To ..... (Superior Military Authority)

For details of offence, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced

to ....., and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .....

Date ..... (Confirming Authority)

M.F.M. 268
(Army Form A-3194)
15M—6-43 (MI)
H.Q. 1772-20-2015

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
OCT 13 1944	No Suspension or Remission No further Review	J. H. Carter Adjutant General Superior Military Authority	

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
1) DESERTION: Having been absent without leave from 2200hrs, 22 Nov.42, while under close arrest, until apprehended by Mil. Auth. at Ste-Thérèse de Laval, P.Q., at 0150hrs, 30 Apr 44, dressed in civilian clothes. Tot. Abs: 524 days, 3 hrs, 50 mins. 2) LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND NECESSARIES, in the amount of $33.11. Pierre Johnel Lt Signature of Officer making entry	22 Nov 42	10 Aug 44

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Signature of Officer making entry		

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
	Character: Bad. Ability and usefulness as a soldier: Fair. I do not wish to recommend a remission of sentence in this case.	J. Dufour Lt-Colonel O.C. R.D.J.C. 5-13

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
September 5, 1944.	REVISION OF SENTENCE RECOMMENDED ON 25TH NOVEMBER 1944.	(EDMOND BLAIS) - Brigadier District Officer Commanding Military District No. 5. A.O.D.

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

A

Formule de procès verbal de cour martiale permanente

Procès verbal d'une cour martiale permanente tenue au "A-13, C.I.T.C., C.A." Camp Valcartier P.Q.

le ------10ème---jour de--------d'août----------1944, à 1100 heures,

pour le procès de E/5999 Private Martin HOWE, Royal 22e Regiment, C.A.,
Matricule Grade Nom et prénoms

attached to A-13, C.I.T.C., C.A.
Unité Détachement, le cas échéant

PRÉSIDENT: Major Armand SYLVESTRE,
Président de la Cour Martiale Permanente, 5ième Région Militaire,

PROCUREUR: Lieut. Pierre GOREIL, Liste Générale, A.C., att. au "A-13, C.I.I., A.C."
Grade Nom et prénoms Unité Détachement, le cas échéant

~~AVOCAT~~-
OU OFFICIER DÉFENSEUR: Lieut. M. MARQUIS, Liste Générale, AC., att. au A-13, CII., A.C.
Grade Nom et prénoms Unité Détachement, le cas échéant

VERDICT:

" LA COUR DECLARE L'ACCUSE INNOCENT DU CRIME DE DESERTION MAIS COUPABLE D'ABSENCE SANS PERMISSION SOUS LE PREMIER CHEF D'ACCUSATION ET NON COUPABLE SOUS LE DEUXIEME CHEF D'ACCUSATION. "

SENTENCE:

" LA COUR CONDAMNE L'ACCUSE A SUBIR UNE PEINE DE SEPT (7) MOIS DE DETENTION. "

Signé à "A-13, C.I.T.C., C.A." Camp Valcartier, P.Q., ce ---10ème---- jour de------d'août------1944.

Major.
Président de la cour martiale permanente

M.F.B. 1486A
5M-6-44 (4826)
H.Q. 1772-39-2296

Extracts entered as No. 33162 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 21st day of Aug 1944

Question à l'accusé. Vous opposez-vous à être jugé par moi, en qualité de président de la cour ?

Réponse: NON MONSIEUR.

(N.B. L'objection, le cas échéant, doit être consignée, avec la décision de la cour, sur une feuille séparée, marquée "B B" et attachée immédiatement sous la page B.)

Question à l'accusé. ~~Vous opposez-vous à ... comme interprète ?~~

Réponse:

Question à l'accusé. Vous opposez-vous à Mlle Rita Bégin, comme sténographe ?

Réponse: NON MONSIEUR.

La sténographe ~~et l'interprète (le cas échéant) sont~~ est dûment assermentée.

POUR AVIS D'AJOURNEMENT ET DE REPRISE D'AUDIENCE, VOIR LE DOCUMENT MARQUÉ "A" CI-JOINT.

Question au procureur. L'accusé a-t-il opté pour un procès devant une cour martiale permanente ou une autre cour martiale ?

Réponse: NON MONSIEUR.

L'accusé est mis en accusation sur chacun des chefs mentionnés dans l'acte d'accusation marqué B-2 et versé au dossier après avoir été signé par le président.

Question à l'accusé. Sont-ce là votre matricule, votre grade, votre nom et votre unité ?

Réponse: OUI MONSIEUR.

Question à l'accusé. Etes-vous coupable ou non du (premier) chef d'accusation porté contre vous et dont vous venez d'entendre lecture ?

Réponse: NON COUPABLE.

Question à l'accusé. Etes-vous coupable ou non du deuxième chef d'accusation porté contre vous et dont vous venez d'entendre lecture ?

Réponse: NON COUPABLE.

Question à l'accusé. Etes-vous coupable ou non du troisième chef d'accusation porté contre vous et dont vous venez d'entendre lecture ?

Réponse:

Question à l'accusé. Etes-vous coupable ou non du quatrième chef d'accusation porté contre vous et dont vous venez d'entendre lecture ?

Réponse:

(L'accusé s'étant avoué coupable sur le ..... chef d'accusation, les prescriptions de la Règle de procédure 35 (B) sont observées.

CHARGE SHEET

in the case of

The accused, No. E-5999, Private Martin HOWE, Royal 22e Regiment, C.A., attached to A-13 C.I.T.C., C.A., a G.S. soldier of the Canadian Army placed on Active Service, is charged with:

FIRST CHARGE: Sec.12(1)(a) Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE,

in that he

at Valcartier Camp, P.Q., at 2200 hours, on the 22nd of November 1942, while under close arrest, absented himself without leave from A-13 C.I.T.C., C.A., until apprehended by Military Authorities at Ste-Thérèse de Laval, P.Q., on the 30th day of April 1944, at 0150 hours, dressed in civilian clothes

SECOND CHARGE: Sec.24(2) Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND NECESSARIES,

in that he

at Valcartier Camp, P.Q., on the 3rd of August 1944, was deficient of the following articles, viz:

(Equipment and clothing)

CLO. DIV. "A"	CARO 1862	Less 25% CARO 3464	
1 Anklets web pr	0.79	0.59	
1 Greatcoat drab	17.22	12.91	
1 Gloves woollen pr	0.59	0.44	13.94
CLO. DIV. "B"			
1 Battle dress trousers	5.39	4.04	
1 Battle dress blouse	5.25	3.94	
1 Boots ankle pr	5.46	4.10	
1 Cap field service	0.70	0.53	
1 Jacket sweater	1.38	1.03	
2 Shirts under cotton	0.78	0.58	
1 Drawers woollen	1.20	0.90	
2 Socks woollen prs	0.74	0.54	15.86
CLO. DIV. "C"			
1 Boot blacking	0.05	0.04	
1 Braces pr	0.32	0.24	
1 Brush shaving	0.42	0.31	
1 Brush tooth	0.09	0.07	
1 Comb hair	0.04	0.03	
1 Fork table	0.08	0.06	
1 Holdall	0.19	0.14	
1 Knife table	0.18	0.13	
1 Razor safety set	0.39	0.29	
1 Spoon table	0.07	0.05	
1 Towel hand	0.23	0.17	1.53

SECTION "A/1"	CARO 1862	Less 25% CARO 3464	
1 Braces web	0.35	0.26	
1 Haversack web	2.29	1.72	1.98

TOTAL NET.....$33.11

Valcartier Camp, P.Q., this
7th day of August 1944.

P.E. Poirier

(P.E. POIRIER) - Colonel,
O.C. A-13 C.I.T.C., C.A.

C

Procédure sur une dénégation de culpabilité

Question à l'accusé.

Désirez-vous demander un ajournement, sous prétexte que l'une quelconque des règles de la procédure antérieure au procès n'aurait pas été observée, vous causant ainsi préjudice, ou que vous n'auriez pas eu assez de temps pour la préparation de votre défense ?

Réponse: NON MONSIEUR.

(Si l'accusé demande un ajournement, voir les instructions à la page 747 du M.D.M.)

Le procureur procède à l'appel des témoins.

Premier témoin à charge. Lieutenant R. LAPOINTE, Le Régiment de la Chaudière, A.C., att. au A-13, C.I.I., A.C.

étant dûment assermenté, est interrogé par le procureur.

Question

Q.- Quelles sont vos fonctions?
R.- Officier en charge des archives A-13 monsieur.

Q.- Pouvez-vous identifier l'accusé devant cette Cour?
R.- L'accusé est le soldat Howe, M. entre les deux escortes, à ma droite. (Le témoin désigne l'accusé.)

Q.- Est-ce que vous avez des documents à produire relativement aux accusations qui sont portées contre le soldat Howe?
R.- Oui monsieur;-

1.- M.F.B. 375 concernant l'accusé.

Ce document est lu par la Cour, marqué exhibit "G", signé par le Président et versé au dossier.

2.- M.F.M. 216 concernant l'accusé.

Ce document est lu par la Cour, marqué exhibit "H", signé par le Président et versé au dossier.

3.- Un extrait des Ordres Partie II, No. 282 du 26 novembre 1942, concernant l'accusé.

Ce document est lu par la Cour, marqué exhibit "I", signé par le Président et versé au dossier.

4.- Un extrait des Ordres Partie II, No. 292 en date du 7 décembre 1942 concernant l'accusé.

Ce document est lu par la Cour, marqué exhibit "J", signé par le Président et versé au dossier.

5.- Un extrait des Ordres Partie II No. 299 du 15 décembre 1942 concernant l'accusé.

Ce document est lu par la Cour, marqué exhibit "K", signé par le Président et versé au dossier.

6.- Et finalement un extrait des Ordres Partie II No. 185 du 4 août 1944, concernant l'accusé.

Ce document est lu par la Cour, marqué exhibit "L", signé par le Président et versé au dossier.

L'OFFICIER DEFENSEUR NE DESIRE PAS INTERROGER CONTRADICTOIREMENT.

DE L'AVIS DE LA COUR, IL N'EST PAS NECESSAIRE DE SE CONFORMER A LA R.P. 83 (B).

LE TEMOIN SE RETIRE.

DEUXIEME TEMOIN POUR LA POURSUITE:- Mat. D/705031, Sgt. H. CARTWRIGHT, R.R.M.A., C.A., att. au A-13, C.I.I., A.C., étant dûment assermenté, est interrogé par le Procureur:-

Q.- Sergent Cartwright, quelles sont tes fonctions?
R.- Je suis C.O.S. à la 3ième infanterie.

Q.- Est-ce que vous avez exercé d'autres fonctions?
R.- Oui monsieur, ce matin-là le 3 août au matin, j'ai remplacé le C.Q.M.S. Caulin.

Q.- De quelle compagnie?
R.- 3ième infaterie.

Q.- Est-ce que vous connaissez l'accusé en cette cause?
R.- Oui monsieur.

Q.- Voulez-vous le nommer s'il vous plaît?
R.- Le Private Martin HOWE, E/5999. (Le témoin désigne l'accusé.)

Q.- Est-ce que vous avez eu à exercer vos fonctions de quartier-maître ces temps derniers. Pourriez-vous nous dire de quelle manière?
R.- A Valcartier, le 3 août 1944, j'ai été chercher le Pte.

Howe, M. E/5999 au "clink". Il était habillé en civil, il n'avait aucun objet militaire, pas d'habit, rien. Son "summary of Evidence",

CLOTHING DIVISION "A".

1 Anklets web

Q.- Qu'est-ce que c'est que l'équipement que vous lisez dans le moment?

R.- C'est l'équipement qui lui manquait:-

1 Anklets web pr.	0.59
1 Greatcoat drab	12.91
1 Gloves woolen pr.	0.44

CLOTHING DIVISION "B".

1 Battle dress trousers	4.04
1 Battle dress blouse	3.94
1 Boots ankle pr.	4.10
1 Cap field service	0.53
1 Jacket sweater	1.03
2 Shirts undercotton	0.58
2 Drawers woolen	0.90
2 Socks woolen prs.	0.54

CLOTHING DIVISION "C".

1 Boot blacking	0.04
1 Braces pr.	0.24
1 Brush shaving	0.31
1 Brush tooth	0.07
1 Comb hair	0.03
1 Fork table	0.06
1 Holdall	0.14
1 Knife table	0.13
1 Razor safety set	0.29
1 Spoon table	0.05
1 Towel hand	0.17

SECTION "A-1".

1 Braces web	0.27
1 Haversack web	1.72
MONTANT TOTAL:-	$33.11

Q.- Dans la liste que vous venez de donner, est-ce que le 25% est déduit?

R.- Oui monsieur.

Q.- Sur quoi vous êtes-vous basé pour faire cette inspection?

R.- 375 monsieur.

L'OFFICIER DEFENSEUR NE DESIRE PAS INTERROGER CONTRADICTOIREMENT.

DE L'AVIS DE LA COUR, IL N'EST PAS NECESSAIRE DE SE CONFORMER A LA R.P.63 (2).

LE TEMOIN SE RETIRE.

L'ACCUSE, E/5999 Soldat Martin HOWE, Royal 22e Regiment, A.C., att. au A-13, C.I.I., A.C., déclare:-

" La raison de mon départ, le 22 novembre 1942, j'étais à l'Hôpital Militaire du Camp de Valcartier. Le Cpl. Gagné Ivan, du Royal 22e Régiment est venu me trouver à huit heures le soir, me disant que ma femme était bien malade, çà faisait trois fois qu'elle téléphonait pour me le dire, je n'en avais pas eu de nouvelles encore. Le Cpl. m'a apporté un "battle dress", il m'a donné un billet d'autobus pour aller chez-nous.

J'ai arrivé chez-nous, ma femme était malade, une fausse couche. C'est le docteur Maheux de St-Louis de Courville qui l'a soigné.

Au mois de janvier, je voulais venir me rapporter, j'ai écrit au Brigadier Blais lui demandant quelle punition que j'aurais si je venais me rapporter. Je n'ai pas eu de réponse. Quinze jours après, un type, un morceau Roméo Parent est venu chez-nous me chercher pour travailler. J'ai pas voulu y aller. Il est venu par trois fois, me disant qu'il me ferait "discharger" de l'armée normalement.

Le Commandant du Camp de Valcartier dans le temps, c'était un de ses grands amis, le Colonel Godreau. J'ai travaillé pour lui, Roméo Parent. Quand je travaillais pour lui, je faisais des fausses "discharges" signées au nom du Colonel Godreau, des cartes d'enregistrement ainsi que des faux chèques.

L'été dernier, j'ai voulu abandonner de travailler pour lui, il me disait que si j'abandonnais de travailler pour lui, je serais accusé complice dans son accusation, comme j'ai été accusé quand j'ai été arrêté le 30 avril.

Je vous demanderais de prendre mon cas en considération, depuis le 30 avril que je suis aux arrêts.

****

Pour mon équipement, tout mon linge est au quartier-maître de l'Hôpital Militaire ici. Quand je me suis fait arrêter, j'ai voulu amener mon reçu, les Provosts n'ont pas voulu parce qu'on s'en venait à Québec. J'ai écrit à ma femme, j'ai fait demander mon reçu signé par le Cpl. Migneault, quartier-maître de l'Hôpital Militaire. Tout mon linge est là."

D

Le procureur n'a plus de témoins à appeler.
La poursuite est close.

Motion de non-lieu

Il est loisible à l'accusé, à son avocat ou à l'officier défenseur, après l'audition de la preuve de la poursuite, d'alléguer que celle-ci n'a pas réussi à établir une présomption légale contre l'accusé et que ce dernier ne devrait pas, par conséquent, être contraint de présenter sa défense. Dans le cas d'une telle motion, le procès verbal sera consigné sur des feuilles séparées qui seront insérées immédiatement avant la présente page D. Si la cour estime que cette allégation est bien fondée, elle doit acquitter l'accusé et consigner son verdict à la page A.

Défense

Le président s'adresse à l'accusé en ces termes:

"Il est de mon devoir en cette circonstance de vous aviser de vos droits touchant la conduite générale de votre défense. La procédure à suivre dépend entièrement des réponses que vous ferez aux questions de forme que nous allons vous poser. Il importe donc que vous compreniez et saisissiez l'effet de vos réponses. Vous n'aurez pas à témoigner sous serment à moins que vous ne le vouliez. Mais, si vous faites des dépositions assermentées, vous serez sujet à l'interrogatoire contradictoire par les soins du procureur et à l'interrogatoire par les soins de la cour."

"Si vous ne faites pas de déposition sous serment, vous avez le droit de faire une déclaration où vous donnerez votre version de l'affaire. Vous ne serez pas assermenté et vous ne serez pas interrogé sur ce que vous dites, par la cour ou par quelque autre personne. Je dois cependant vous prévenir qu'une déposition faite sous serment aura plus de poids aux yeux de la cour qu'une simple déclaration non assermentée."

S'il n'y a pas d'officier défenseur, le président explique alors à l'accusé l'effet que ses réponses aux questions de forme de la page D du procès verbal auront sur l'ordre des dernières plaidoiries, prévu dans les Règles de procédure 40 et 41.

Question à l'accusé. Désirez-vous comparaître, vous-même, comme témoin, ou bien désirez-vous faire une déclaration non assermentée.

Réponse: DECLARATION NON ASSERMENTEE. (VOIR PAGES "D-3" et "D-5".)

Question à l'accusé. Avez-vous l'intention de citer des témoins pour votre défense ?

Réponse: NON MONSIEUR.

Question à l'accusé. ~~Est-ce uniquement un témoin à l'appui de votre réputation ?~~

Réponse:

E

Procédure sur déclaration de culpabilité précédant la sentence

Quand la cour en est arrivée à une décision relativement à tous les chefs d'accusation contre l'accusé et que ladite décision a été annoncée à ce dernier, le procureur remet au président le modèle M.F.B. 355 et, si possible, un modèle M.F.M. 6.

Ces documents sont lus à la cour par le président, marqués "Y" et "Z", signés par le président et versés au dossier.

Question à l'accusé. Avez-vous quelque déclaration à faire relativement aux documents dont on vient de vous donner lecture ?

Réponse: NON MONSIEUR.

Question à l'accusé. Désirez-vous adresser la parole à la cour ?

Réponse: NON MONSIEUR.

La sentence est alors consignée à la page "A" du procès verbal et elle est annoncée à l'accusé en plein tribunal.

Le président établit alors et signe le mandat d'incarcération, le cas échéant, et celui-ci est immédiatement transmis au commandant de l'accusé. Dans chaque cas, il établit aussi et signe le certificat de procès devant une cour martiale permanente et le transmet en conformité des règlements. Le procès verbal ainsi que tous les documents seront transmis au juge-avocat général.

AVIS D'AJOURNEMENT ET DE REPRISE D'AUDIENCE

" A 11.05 heures le dixième jour d'août 1944, la Cour s'est ajournée.

A 1400 heures le dixième jour d'août 1944, la Cour se rassemble."

RECORD of the Declaration of a Court of Inquiry assembled at Valcartier Camp, on the 14th day of December 1942, for the purpose of investigating and recording the absence without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No R-5999 Pte Howe, M., R.22e R., (CA) attached to A.(I).T.C. A-13.

DECLARATION.

The Court declare that No R-5999 Private Howe, M., R.22e R., (CA) illegally absented himself without leave, from A(I)T.C. A-13, Valcartier Camp, P.Q., at 2200 hrs. on the 22nd day of November 1942, that he is still so absent, and that on the 22-11-42 he was deficient, and that he is still deficient of the following articles:

Anklets web	0	77			
Greatcoat drab	17	22			
Gloves woollen khaki	0	59			
Battle dress trousers	5	60			
Battle dress blouse	5	58			
Boot ankle	5	20			
Cap field service	0	78			
Jacket sweater	1	38			
2 Shirts undercotton	0	80			
Drawer woollen	1	14			
2 Socks woollen	0	72			
Brace web left	0	35			
Haversack	1	75			
Boot blacking	0	05			
Braces	0	27			
Brush shaving	0	30			
Brush tooth	0	09			
Comb hair	0	04			
Fork table	0	09			
Holdall	0	17			
Knife table	0	18			
Razor safety set	0	39			
Spoon table	0	08			
Towel hand	0	21			
Grand total	$33.	28			

Signed at Valcartier Camp, PQ.

This 14th day of December 1942

Georges Raiotte (NAME) Capt. (RANK) RdeMais (CA) (UNIT) President

Paul Boulanger (NAME) Capt. (RANK) FMR (CA) (UNIT) Member

(NAME) (RANK) (UNIT) Member

Signature of Commanding Officer J.J. Chouinard Lt-Colonel, A.I.T.C. A-13

Certified true copy (NAME) (RANK) (UNIT) Lieut. RdeC, CA

Officer i/c Records, A-13 C.I.T.C., C.A.

M.F.R.375.

"E"

1774

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Major J.E. Purcell, (Number) (Rank) O.C. No. 36 Co'y C. Pro. C., (Name) (Unit)

hereby certify that E-5999 (Number) Pte. (Rank) HOWE Martin (Name in full)

of the R. 22 R. (Unit and attachment, if any)

Strike out words not applicable } was apprehended by (~~[illegible]~~) E-39261 D-106144 (Number) L/Cpl. Cpl. (Rank)

T. Ballard.
E. Vézina, (Name) 36th Coy, Can. Pro. Corps. (Unit or appointment)

at Ste.Thérèse de Laval, P.Q. (Place) at 0150 (Time)

on the 30th day of April 1944.

Strike out words not applicable } a~~[illegible]~~ or absentee without leave), and that at the time of his arrest he was ~~[illegible]~~ (dressed in civilian clothes).

Dated at Quebec this 1st day of May 1944.

(J.E. Purcell)-Major.
O.C. No. 36 Co'y C. Pro. C.
(Number, Rank, Name and Unit)

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
MPM—11-42 (8000)
H.Q. 1772-39-1936

282/1942

282/1942
26 Nov.42

CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE No.A-13,
ORDRES DU JOUR PARTIE II No.282, d/26 Nov.42, Par:
Lt-Colonel J.J. Chouinard, V.D., C.C.

Derniers Ordres émis: No.281, d/25 Nov.42

SECTION "B"

15. ABSENCES SANS PERMISSION.

Le sous-mentionné est absent sans permission à 2200 hrs, le 22 nov.42.
(Evadé de l'hôpital du Camp.)

E-5999 Sdt. Howe, M. (R22R) AC)

(SIGNED) C.K. Blais, Lieut.,
For: (P. LESSARD) Capt. Adj.,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE A-13,
CAMP VALCARTIER, P.Q.

Extrait certifié des Ordres du
Jour Partie II No.282 en date
du 26 novembre 1942.

Lieut.& Off.i/c Records,
R.deChaud., CA, att. A-13 C.I.T.C., C.A.

"J"

292/1942

292/1942
7 Dec 42

CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE No. A-13
ORDRES DU JOUR PARTIE II No.292, d/7 déc.42, Par:
Lt-Col. J.J. Chouinard, V.D., O.C.

Derniers Ordres émis: No.291, d/5 déc.42.

SECTION "B"

9. ABSENCE SANS PERMISSION (8 jours et plus)

Les sous-mentionnés sont absents sans permission aux heures et dates indiquées à la suite de leurs noms, et sont encore absents après 8 jours.

E-5999 Sdt. Howe, M. (R22R AC) 2200hrs, 22 Nov.42

(SIGNE) C.K. Blais, Lieut.,
For: (P. LESSARD) Capt. Adj.,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE A-13,
CAMP VALCARTIER, P.Q.

Extrait certifié des Ordres du
Jour Partie II No.292 en date
du 7 décembre 1942.

Lieut.& Off.i/c Records,
R.deChaud., CA, att. A-13 C.I.T.C., C.A.

299/1942

299/1942
15 déc.42

CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE No.A-13,
ORDRES DU JOUR PARTIE II No.299, d/15 déc.42, Pat:
Lt-Colonel J.J. Chouinard, V.D., O.C.

Derniers Ordres émis: No.298, d/14 déc.42

SECTION "B"

11. ABSENCE SANS PERMISSION (21 jours et plus)

Le sous-mentionné est absent sans permission à 2200hrs, le 22 nov.42, et est encore absent après 21 jours.

E-5999 Sdt. Howe, M. (R22R AC)

(SIGNE) P. Lessard, Capt. Adj.,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE A-13,
CAMP VALCARTIER, P.Q.

Extrait certifié des Ordres du
Jour Partie II No.299 en date
du 15 décembre 1942.

Lieut.& Off.i/c Records,
R.deChaud., C.A., att. A-13 C.I.T.C., C.A.

"L"

DAILY ORDERS PART II
by

COLONEL P.E. POIRIER, M.M.,
commanding

A-13 CANADIAN INFANTRY TRAINING CENTRE

Order No. 185
4 Aug 44
Valcartier, Que.

(Last Orders Issued No 184 d/3 Aug 44)

"B" OTHER RANKS

11. STRENGTH INCREASE.

b) Having been S.O.S. by a Ct. of Inq. 14 Dec 42
Absent without leave from 2200hrs., 22 Nov 42
T.O.S. (at regimental rates of pay) on apprehend.
from des. at Ste-Therese de Laval, P.Q. at
0150hrs. 30 Apr 44

E-5999 Pte. HOWE, M.

(SIGNED) J.L. Tremblay, Lieut.,
For: (M. DUCLOS) Capt. Adjutant,
A-13 CANADIAN INFANTRY TRAINING CENTRE,
VALCARTIER CAMP, P.Q.

Certified true extract of Daily
Orders Part II No.185 dated
4 August 1944.

Lieut.& Off.i/c Records,
B.deChaud., CA., att. A-13 C.I.T.C., CA.

M.F.B. 385
55M—9-43 (5962)
H.Q. 1772-99-420
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Offences against Military Discipline

Number	Rank	Name	Regiment (or unit)
E-5999	Private	Martin HOWE	Royal 22e Regiment, C.A., attached to A-13 C.I.T.C., C.A.

1. The following is a fair and true summary of the entries in the Field ~~Service Conduct~~ Conduct sheets ~~Conduct Sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For		times	AWL 7	times
For		times	LOSING BY NEGLECT, etc. 1	times
For		times		times
For		times		times

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

Previous convictions of the accused by a court-martial are set out in the Schedule annexed to this statement.

The accused at the present time is under sentence for 6 months beginning on the 12th day of Nov.42

4. The accused has been in confinement awaiting trial on the present charges, for 61 days in civil custody, and 40 days in military custody, making a total of 101 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 24 years, 4 months

6. The date of his attestation specified in his attestation paper is 23 December 1940

9. The accused is in possession of or entitled to no military decoration, or military reward

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....

Permanent Force
unit

.....dated....., and in his regiment (or corps), the rank of .....

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number E-5999 Rank Private Unit Name Martin HOWE, Royal 22e Régiment, CA, att. A-13 CITC, CA. Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
District Court-Martial.	Valcartier Camp, P.Q. 12 Nov.42	1) DESERTION. 2) LOSING BY NEGLECT, etc.	6 months detention	
Sessions of the Peace. Judge A. Pettigrew	Quebec, P.Q., 1 August 1944.	1) THEFT	27 days, i.e. the time spent in custody awaiting trial.	
		2) FORGERY AND UTTERING	27 days concurently.	

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 10th day of Aug 44 R. Lapointe Capt
i/c Records A13

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

No. E-5999 Name HOWE, M. Sqn., Battery, or Company } Corps R.22[illegible] (R.C.A.F) Date of enlistment } 23-12-40 G.C. Badges } Tradesmen's Rates of Pay } M.F.M. 6 (A.F.B. 122) 500M—11-41 (2400) H.Q. 1775-39-1552

No. and date of last drunk } Period not reckoning towards freedom from extra fine Sheet No. 1 Signature O.C. Company, etc. } F.A. Ducasse Major Character Bad

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Valc. Camp	25-1-41	Pte		AWL from 2200hrs 25-1-41 until 1620hrs 27-1-41 Tot. Abs: 1 dy 18hrs 20 mins.	Sgt.Gravel,J.	Admonished	31-1-41	Lieut.F.A. Ducasse	Forf.2 days pay under F.R.&I.
Valc. Camp	9-2-41	"		AWL from 2359hrs 9-2-41 until 1500hrs 10-2-41. Tot. Abs:15hrs 1 min.	Sgt.Decroix,R. Sgt.Meyers,H. Sgt.Tremblay,J. Sgt.Lizotte,A.	2 days C.B.	12-2-41	Lieut.F.A. Ducasse	Forf.1 day's pay under F.R.&I.
Valc. Camp	23-2-41	"		AWL from 2359hrs 23-2-41 until 1725hrs 25-2-41 Tot. Abs: 1 dy 17hrs 26 mins.	L/Cpl J.R. Beaudoin	7 days C.B.	26-2-41	Lieut. Benoit C.	Forf.2 days pay under F.R.&I.
Valcartier Camp	10-3-41	"		AWL from 0800hrs 10-3-41 until 2230hrs 10-3-41. Tot. Abs: 14hrs 30 mins.	Sgt.Meyers,H.	7 days C.B.	11-3-41	Lieut.C. Benoit	Forfeits 1 days pay under F.R.& I.

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Valcartier	19-5-41	Pte		AWL from 0900hrs 19-5-41 until 1925hrs 18-7-41.	D.O.Pt II No.178		20-7-41		Forf.60 days pay F.R.&I.
Valcartier	22-7-41	Pte		AWL from 1800hrs 22-7-41 until 1750hrs 23-1-42.	D.O. Pt II No.188	28 days Ord. Pay	12-3-42		Forf.184 days pay F.R.& I.
			2)	Def. of Kit. $65.15				Stopp.$65.15 Def.of Kit.	
Valcartier	14-3-42	Pte		AWL from 1500hrs 14-3-42 until 5-5-42.	D.O. Pt II No.64	5 days Ord. Pay	14-5-42		Forf.52 days pay F.R.& I.
Valcartier	18-5-42	Pte		AWL from 2200hrs 18-5-42 until apprehn. on 17-10-42.(0300hrs)	D.O. Pt II No.118	6 months Detention	12-11-42	D.C.M.	Forf. 152 days pay F.R.& I.
			2)	Deficiency of kit: $35.27.					Stopp.of $35.27 Def.of Kit.
Valcartier									

CERTIFIED TRUE COPY

Lieut.& Off.i/c Records.

R.deChaud., CA. att. A-13 CITC, CA.

MEDICAL OFFICER'S REPORT

I certify that No. E-5999 Pte Howe M.

of A.I.T.C. A/13 is in a good state of health,

and fit to undergo Trial by Court martial.

Geo. Hogg
Medical Officer A.F.
M.O. A.I.T.C. A-13 VALCARTIER

Station Valcartier P.Q.

Date 10 Aug 44

M. F. B. 246
50M—8-43 (254)
H.Q. 1773-10-400

PRECIS OF EVIDENCE

in the case of

No. E-5999, Private Martin HOWE, Royal 22e Régiment, C.A., attached to A-13 C.I.T.C., C.A.

CHARGES: - (1) WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE.

(2) LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND NECESSARIES.

To prove the first charge, the following evidence is available:

Documentary: - M.F.B. 375,
M.F.M. 216,
Extract from Part II Order of A-13 C.I.T.C.,
No. 282 dated 26 Nov.42,
No. 292 dated 7 Dec.42,
No. 299 dated 15 Dec.42,
No. 185 dated 4 Aug.44,
respecting the absence and the return of the accused.

To prove the second charge, the following evidence is available:

Documentary: - M.F.B. 375.

Verbal: - D-705031, Sgt. H. Cartwright, N.R.M.A., C.A., who will give evidence as to recoveries and deficiencies at kit inspection.

H.Q.C.55-H-308(JAG/D-4)
Your Q.39-H-451

August 23rd, 1944.

The District Officer Commanding,
Military District No. 5, Quebec, Que.

Standing Court-Martial
H.5999 - Pte. Martin Howe,
Royal 22e Regt.,C.A.
att. A-13 C.I.T.C.,C.A.

Receipt is acknowledged of the proceedings of the marginally-noted Standing Court-Martial which were forwarded by the President named therein.

2. The Particulars of the first charge state that the accused absented himself while in close arrest. No evidence was adduced before the Court to show that the accused was in close arrest when he absented himself and the Court should therefore have made a Special Finding to the effect that the accused absented himself as mentioned in the Particulars of the charge except that he was not in close arrest. It is, however, noted that the charge of Desertion was reduced by the Court to Absence without Leave and it is assumed that in effecting such reduction the Court took into consideration the absence of evidence on that part of the particulars stating that the accused was then in close arrest. I am therefore of the opinion that the accused was not prejudiced by the Finding as made by the Court and that such Finding, although irregular, does not need at this time to be corrected or disturbed by a Special Finding.

3. It is noted that the accused was 101 days in custody awaiting trial. May a detailed explanation of this delay be furnished, please.

4. The proceedings are legally regular, the Finding is properly made and the Sentence is according to law. Pursuant to C.A.R.O. 4565 paragraph 12, the said proceedings are herewith forwarded to you. After they have served your purpose, will you please return the proceedings to this office for custody.

(R.J.Orde), Brigadier,
Judge Advocate-General.

JdeB/MM

Original is on: H.Q.C.55-H-205
M.D.9.39-H-451

STANDING
MEMORANDUM - ~~DISTRICT~~ COURT-MARTIAL

No. E.5999 Name HOWE, Martin

Rank Pte Unit Royal 22e Regt C.A. att A 13 CITC CA

Charge (1st) A.A. 12 (1) (a) - Desertion

(2nd) A.A. 24 (2) - Losing by neglect ...

Date of Crime (1) 22-11-42, 3-8-44 ex pl reqmt

Date of Arrest (2) 30-4-44 Charge Signed 7-8-44

Orders for D.C.M.

Place and Date of Trial A 13 CITC CA Camp Valcartier Que 10-8-44

Sentence Det 7 mos

Date of Confirmation

Date of Promulgation

Entered in Records of J.A.G. as No. 33162

Date 21-8-44

MEMO Guilty A.W.L. on 1st Charge; Not guilty on 2nd Charge

M D 5 - A 13 CITC CA

Absent Sentence

1 yr 5 mos Det 7 mos

Joseph de Billy Capt
for Judge Advocate-General

SM-7-44 (M-4112)

This copy for H.Q.C.55-H-308
M.D.Q.39-H-451

MEMORANDUM - ~~DISTRICT~~ STANDING COURT-MARTIAL

No. Z.5999 Name POWE, Martin

Rank Pte Unit Royal 22e Regt C.A. att A 13 CITC CA

Charge (1st) A.A. 12 (1) (a) - Desertion

(2nd) A.A. 24 (2) - Losing by neglect ...

Date of Crime (1) 22-11-42 , 3-8-44

Date of Arrest (2) 30-4-44 Charge Signed 7-8-44

Orders for D.C.M.

Place and Date of Trial A 13 CITC CA Camp Valcartier Que 10-8-44

Sentence Det 7 mos

Date of Confirmation

Date of Promulgation

Entered in Records of J.A.G. as No. 33162

Date 21-8-44

MEMO Guilty A.W.L. on 1st Charge; Not guilty on 2nd Charge

M D 5 - A 13 CITC CA

Absent Sentence

1 yr 5 mos Det 7 mos

pro Capt de Billy Capt
for Judge Advocate-General

SM-7-44 (H-4112)

IN REPLY PLEASE QUOTE

No. Q. 39 H 451

DEPARTMENT OF NATIONAL DEFENCE
ARMY

247582 QUEBEC, P.Q., August 16, 1944.

CENTRAL REGISTRY Army
CONF. SEC.
AUG 18 1944
File C 55-H-248
Chgd. to
Referred to

THE JUDGE ADVOCATE GENERAL,
Department of National Defence,
OTTAWA, Ont.

STANDING COURT-MARTIAL,
E/5999 - Pte. Martin HOWE,
Royal 22e Regt., C.A., (Att. C.I.T.C., A-13, Valcartier.)

1. Please find enclosed herewith the proceedings of the marginally noted Standing Court-Martial.

2. These proceedings are being forwarded for registration and custody.

(A. SYLVESTRE) - Major,
President, S.C.M. -

33162

N.D. 28
3 MB.—11-43 (2979)
H.Q. 1772-101-23

H.Q.C. 55-H-306 (JAG)

January 5th, 1943.

District Officer Commanding,
Military District No. 5, Quebec, P.Q.

JAN 7 1943

Re: DISTRICT COURT-MARTIAL
E/5999, Pte. Martin Howe
R. 22nd Regt, C.A., Att. to
A.I.T.C. A-12, C.A.

1. Reference your Q:39-H-451 (JA) dated December 31st, 1942, under cover of which you forwarded to this office the proceedings of the marginally noted District Court-Martial.

2. The facts as to precisely what articles had been returned by the accused were obscure in the proceedings, but under the circumstances, as clarified in your letter, it is apparent that the sentence of stoppages was quite in order, and no necessity for a remission exists.

3. It is not considered necessary to return the proceedings, which are accordingly retained for custody.

Brigadier,
Judge Advocate-General.

RBL/jg

8/1/43

IN REPLY PLEASE QUOTE
No. 9139-H-453 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., December 31st, 1942.

37228

CENTRAL REGISTRY ARMY
OTTAWA, ONT.
C-55-H-308
JAN 2 1943
Referred to JA

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: DISTRICT COURT-MARTIAL
M/5999, Pte. Martin HOWE,
R. 22nd Regiment, C.A., Att. to A.I.T.C. A-13, C.A.

Reference your H.Q.C. 55-H-308 (JAG) dated 28th December, 1942 and enclosure, relative to the marginally-noted District Court-Martial.

2. In connection with para. 2 (b) of your above mentioned letter, the following facts are pointed out for your consideration, please.

(a) The first witness for the Prosecution established that on 18th May, 1942, the accused was found deficient of certain articles of a total value of $40.78, (Vide M.F.B. 375 produced as exhibit "K") namely: One battle dress complete, two boots ankle, two drawers woolen, three socks.

(b) The second witness for the Prosecution established that the accused brought back the following articles of which he had previously been found deficient, according to M.F.B. 375: one battle dress trousers, 1 boot ankle, one drawer woolen, one sock.
This witness also mentioned one sweater, but the accused has not been charged with being deficient of this article.

(c) With the exception of the battle dress trousers, the charge sheet does not mention any of the articles which the accused brought back with him. He has been charged with only one boot ankle, $4.20, notwithstanding the fact that on M.F.B. 375 he was found deficient of two boots ankle, $10.40. A similar remark applies to the drawers woolen and the socks.

3. In view of the above, it seems that the accused has not been put under stoppages of pay in respect of the articles he brought back because he is charged with only one boot ankle, 1 drawer woolen and two socks, when M.F.B. 375 states that on 18th May, 1942, he was deficient of two boots ankle, two drawers woolen and three socks. The sweater brought back by the accused has not been included in the Charge Sheet and the Court, on the second charge, made a special finding to the effect that the accused was not deficient of the battle dress trousers $4.20.

4. May this case be reconsidered please, and this Headquarters advised if it is still desired that a remission of the sentence of stoppages be made as requested.

5. The proceedings in this case are returned herewith for your attention, please.

Percy Flynn

(PERCY FLYNN) - Lt.-Col.,
T/Commanding
Military District No. 5.

AC/RB.

M.F.B. 220

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Court-Martial

Proceedings of a District Court-Martial held at A.I.T.C. A-13, Valcartier Camp. on the 11th day of November 1942 by order of Brigadier George P.VANIER,D.S.O. MC Commanding Military District No.5. dated the 5th day of November, 19 42

President.

Lieut.Col. G.R. Bouchard,
Régiment de la Chaudière, C.A.

Members.

Capt. E. Lavoie,
Régiment de la Chaudière, C.A.
Att. to A.I.T.C. A-13, C.A.
Capt. G. Belleau,
24th Recce Bn. (Voltigeurs) C.A.

~~Judge Advocate.~~

Trial of* E/5899, Pte. Martin HOWE, Royal 22e Regiment, C.A. Att. to A.I.T.C. A-13,C.A.

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

The Court satisfy themselves that Major R.G.Marion,E.D. M.C. F.M.R. C.A. is not available to serve owing to illness. Capt. E. Lavoie, Régiment de la Chaudière,C.A. (See doc.X-1), waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Capt. Pierre Gelly, Corps Reserve 6th(Q.& L.)Coast Bde.RCA.

Counsel‡ or defending officer† Capt.Charles-Auguste Dufresne, R.22e Regt. CA. Att. to A.I.T.C. A-13 (See doc.X-1)

At 10.25o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q.1- Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A.1- No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

G.R. Bouchard Col.
Pres. Court.

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn.
Lieut. F.E. Smith, C.F.C., Att. to A.I.T.C. A-13, C.A.
Lieut.Paul Léger, C.F.C., Att. to A.I.T.C. A-13, C.A. (See doc. X-2.)

Q.2- Do you object to Miss Lucile Lesage, civilian shorthand writer, to act as shorthand writer?

A.2- No, Sir.

Miss Lucile Lesage is duly sworn as shorthand writer.

(See document marked "G" for minute of adjournment)

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3- Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3- Not guilty. *Answer.*

Q.4- Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4- Not guilty. *Answer.*

~~Q.5. Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Q.6. Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~A.6. The accused having pleaded Guilty to xxxx

"B-2"

CHARGE SHEET

in the case of

The accused, No. E-5999, Private Martin HOWE, Royal 22ieme Regiment (CA), attached to A.I.T.C. A-13 (CA), a soldier of the Canadian Army placed on Active Service, is charged with:

FIRST CHARGE:
Sec. 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE,

in that he

at Valcartier Camp, P.Q., at 2200 hours, on the 18th May, 1942, absented himself without leave from A.I.T.C. A-13 (CA), until apprehended by Military Authorities, at Jules Brind'Amour's Laval, Co. Montmorency, P.Q., on the 17th October, 1942, at 0300 hours, dressed in civilian clothes.

SECOND CHARGE:
Sec.24(2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES,

in that he

at Valcartier Camp, P.Q., on the 18th May, 1942, was deficient of the following articles, viz:

Equipment and Clothing

	CARO 1862	Less 25% CARO 1877	
Clo. Div. "A"			
1 Anklets web pr,	0.77	0.58	
1 Dressing first field,	0.24	0.18	
1 Mitts leather pr,	0.64	0.48	
1 Overall combination,	2.81	2.10	3.34
Clo. Div. "B"			
1 Battle dress trousers,	5.60	4.20	
1 Boots ankle,	5.20	3.90	
1 Cap field service,	0.78	0.59	
2 Drawers cotton short,	0.66	0.50	
1 Drawers woollen	1.17	0.88	
1 Shirt woollen,	1.14	0.86	
2 Shirts flannel khaki,	2.34	1.76	
2 Shirts under cotton,	0.80	0.60	
1 Shoe canvas,	1.89	1.42	
2 Socks woollen, prs,	0.72	0.54	15.25
Section "A-1"			
1 Belt waist web,	0.85	0.64	
1 Pack,	1.69	1.27	
2 Straps web supporting,	0.28	0.21	2.12
Total,			20.71
Clo. Div. "C"			
1 kit bag,	0.78		
1 Boot blacking, tin,	0.05		
1 Boot dressing tin,	0.05		
1 Braces, pr,	0.27		

Clo. Div. "C" (Cont'd)	CARO 1862	Less 25% C.A.RO 1877
1 Brush shaving,	0.30	
1 Brush tooth,	0.09	
1 Comb hair,	0.04	
1 Holdall,	0.17	
1 Housewife,	0.51	
1 Razor safety set,	0.39	
2 Towels hand,	0.42	3.07
Section "K"		
4 Blankets, G.S.	13.76	15.69
1 Mattress T.P.	1.93	
Grand total,		$ 39.47

Valcartier Camp, PQ.
October 30, 1942.

Lt. Col.
(J.J. CHOUINARD)
O.C., A.I.T.C. A-13 (CA)

To be tried by District Court-Martial.

Signed at Quebec, P.Q., this 5th day of November, 1942.

(E.J. GIGNAC) - Major,
D.A.A.G., M.D. No. 5.
for D. O. C., M.D. No. 5.

C

Proceedings on Plea of Not Guilty

*Instruction.
(See R. P. 39 (A))
Question.

Q.5- *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A-5. No, Sir.

The Prosecutor declines to make an opening address.
~~The prosecutor makes an opening address (read in a written address, which is read, marked xxxxxxxxx, signed by the President, and attached to the proceedings.)~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. } Lieut. L.G.COUGHLIN, R.22e Regiment, Attached to A.I.T.C. A-13, C.A.

being duly sworn, is examined by the prosecutor.

Q.6- Voulez-vous dire à la Cour quelles sont les fonctions que vous exercez au Centre d'Entraînement?
A.6- Assistant adjudant et officier en charge des records.

Q.7- Connaissez-vous l'accusé?
A.7- Oui, Monsieur.

Q.8- Pouvez-vous l'identifier dans cette Cour?
A.8- C'est celui qui est assis en avant, non coiffé.

Q.9- En votre qualité d'assistant adjudant, avez-vous des documents à produire concernant l'accusé?
A.9- Oui, Monsieur, je produis les documents suivants:-

Extrait certifié des Ordres Partie II No.118 du A.I.T.C. A-13, en date du 19 mai,1942, établissant que E-5999, Pte. Martin Howe est absent sans permission depuis 2200 heures le 18 mai 1942. (Document marked "H" is read by the Court signed by the President and annexed to the proceedings.)

Extrait certifié des Ordres Partie II No.125 du A.I.T.C. A-13, en date du 27 mai 1942, établissant que E-5999, Pte. Martin Howe est absent sans permission depuis 2200 heures le 18 mai 1942, et encore absent après 8 jours. (Document marked "I" is read by the Court, signed by the President and annexed to the proceedings.)

C-3.

Extrait certifié des Ordres Partie II No.137 du A.I.T.C. A-13, en date du 10 juin 1942, établissant que E-5999, Pte. Martin Howe est absent sans permission depuis 2200 heures le 18 mai 1942, et encore absent après 21 jours. (Document marked "J" is read by the Court, signed by the President and annexed to the proceedings).

M.F.B.375, Record of the Declaration of a Court of Inquiry assembled at Valcartier Camp on the 12th of June 1942, signed by Lieut.Lessard, Officer i/c Records. (Document marked "K" is read by the Court, signed by the President and annexed to the proceedings).

M.F.M.216, Certificat d'appréhension de E-5999, Pte.Martin Howe, dated at Quebec the 17th day of October 1942 and signed by Major J.F.Hamel, E.D., O.C.36th Coy. C.P.C. (Document marked "L" is read by the Court, signed by the President and annexed to the proceedings).

The Defending Officer declines to cross-examine the witness

In the opinion of the Court it is not necessary to comply with R.P.83 (b)

The witness withdraws.

Second Witness for the Prosecution

E-6054, Pte.Conrad LEBEL, R.22e Regiment, C.A., Attached to A.I.T.C. A-13, C.A.

Being duly sworn, is examined by the Prosecutor:-

Q.10- Voulez-vous dire à la Cour quelles sont les fonctions que vous occupez au "Training Centre"?
A.10- "Store-man" Monsieur.

Q.11- A Quel endroit?
A.11- Au quartier-maître de la 1ère Infanterie, Monsieur.

Q.12- En cette qualité, est-ce que vous avez eu l'occasion de faire l'inspection du "kit" de l'accusé?
A.12- Non, Monsieur.

Q.13- Qu'est-ce que vous avez constaté au sujet de l'équipement de l'accusé?
A.13- L'accusé a rapporté et doit recevoir crédit pour un battle dress trouser de $4.20, une paire de botines de $3.90, un caleçon de laine de $0.88¢ et un gilet de $0.86¢, et une paire de bas de $0.36¢. Il a rapporté ça sur les articles qui lui sont chargés sur sa M.F.B.375.

Cross-Examined by the Defending Officer

Q.14- Qui a fait l'inspection du "kit" de l'accusé quand son absence a été constatée?
A.14- Le Cpl.Crête, M. Le Sgt.Bassylva C. et Monfette Jules.

Q.15- Quand a eu lieu cette inspection?
A.15- Le 18-5-42.

C-5.

Q.16- Alors, est-ce que je pourrais avoir l'heure précise où l'inspection du "kit" a été faite?
A.16- Je ne peux pas vous dire, Monsieur.

Q.17- D'après vous, est-ce qu'ils ont fait ça dans l'après-midi?
A.17- Je ne sais pas, je n'étais pas là, Monsieur.

Q.18- Dans votre déclaration, n'est-ce pas vous qui avez fait l'inspection du "kit"?
A.18- Non, Monsieur, c'est Monsieur Monfette.

Q.19- Alors, comment pouvez-vous rendre témoignage qui lui manquent si ce n'est pas vous qui avez fait l'inspection?

Objection by the Prosecutor

Le témoin ne rend pas témoignage de l'inspection qui a été faite lors de son absence, il dit que lors de son absence, il a été constaté par la 375 qu'il était en déficit de tels articles. Son témoignage consiste à dire que quand il est revenu, il était en possession de tels articles qu'on lui crédite.

L'objection est maintenue par la Cour.

The Prosecutor declines to re-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (b).

The witness withdraws.
The Prosecution has no further witnesses.

D

The prosecution is closed.

Defence

Question to the accused. Q.19-Do you apply to give evidence yourself as a witness?

Answer. A.19- No, Sir.

Question. Q.20-Do you intend to call any other witness in your defence?

Answer. A.20- No, Sir.

Question. ~~Is he a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

~~(Where any evidence is given for the defence)~~

~~The evidence of the accused and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Question to the accused. Q.21-Have you anything to say in your defence? A-21. Yes, Sir.

Answer. The accused in his defence says† "La date de mon absence est le ~~[Here is a written address which is read, marked signed by the President and attached to the proceedings.]~~ 18 maf 1942, à 2200 heures. Mon "kit" est censé avoir été inspecté le 18 mai par Monfette & Dassylva; et le staff Sgt. régimentaire a reçu mon "kit" le 19 mai 1942. C'est-à-dire que mon "kit" n'a pas été gardé chez le Quartier-Maître de la compagnie pendant 21 jours. C'est tout, Monsieur. "

The Prosecutor makes a closing address (See document Marked "K")
The Defending Officer makes a closing address (See document marked "N").

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

Finding*

To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused E-5999, Pte.Martin HOWE, Royal 22e Regiment , C.A. Attached to A.I.T.C. A-13, C.A. is not guilty of desertion but guilty of absence without leave on the first charge; and guilty of the second charge with the exception of the words "one battle dress trousers $4.20."

Proceedings on Conviction *before Sentence*

When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Lieut. L.G.COUGHLIN, Royal 22e Regiment, C.A., Att. to A.I.T.C. A-13, C.A., is recalled on his former oath.

Evidence of character, &c.

Question by the President. Q.22 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-22. Yes, Sir. I produce M.F.B.355 & M.F.M.6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y" , signed by the President, and annexed to the proceedings. M.F.M.6 is read marked "Z", signed by the President, and annexed to the proceedings.

Question by the President. Q.23 Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-23. Yes, Sir.

Question. Q.24 Have you compared the contents of the above statement with the regimental books? *Answer.* A-24. Yes, Sir.

Question. Q.25 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-25. Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused~~.

The Defending Officer declines to cross-examine the witness.

The witness withdraws.

Question to the accused. Q.26 Do you wish to address the Court? *Answer.* A-26. No, Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused E/5999, Pte. Martin Howe, Royal 22e Regiment, C.A., Att. to A.I.T.C. A-13, C.A., to undergo detention for six months and to be put under stoppages of pay until he has made good the value of the following articles, viz:-

Sentence.

Detention 6 months

Stoppages: $35.27

1 Anklets web pr.	.58
1 Dressing first field	.18
1 Mitts leather pr.	.48
1 Overall combination,	2.10
1 Boots ankle	3.90
1 Cap field service	.59
2 Drawers cotton short,	.50
1 Drawers woollen,	.86
1 Shirt woollen,	.86
2 Shirts flannel khaki	1.76
2 shirts under cotton,	.60
1 Show canvas	1.42
2 Socks woollen, prs.	.54
1 Belt waist web,	.64
1 Pack	1.27
2 Straps web supporting	.21
1 Kit bag	.78
1 Boot blacking tin,	.05
1 Boot dressing tin,	.05
1 Braces, pr.	.27
1 Brush shaving	.30
1 Brush tooth	.09
1 Comb hair,	.04
1 Holdall,	.17
1 Housewife,	.51
1 Razor safety set,	.39
2 Towels hand,	.42
4 Blankets, G.S.	13.76
1 Mattress T.P.	1.93
	$ 35.27

Extracts entered as No. In the Record of Courts-Martial kept in the office of the Judge Advocate-General this day of 19....

[redacted]ed at Valcartier Camp, P.Q., this 12th day of November 1942.

Lieut.Col.
Le Régiment de ~~la Chaudière~~, C.A.
PRESIDENT.

CONFIRMED.

Signed at Quebec, P.Q., this 18th day of November, 1942.

(GEORGE P. VANIER) - Brigadier,
District Officer Commanding,
Military District No. 5.

Promulgated by entry in Part II Orders #303, dated December 19, 1942, of A.I.T.C. A-13 (CA), pursuant to K.R. (Can.) para 577 (c), and extracts taken at Valcartier Camp, P.Q., this 19th December, 1942.

(P. DESSARD) Capt., R. de Chaud (CA)
Officer i/c Records,
A.I.T.C. A-13 (CA)

" X "

Orders by Brigadier George P. Vanier, Commanding

the Military District No. 5.

District Court-Martial

Quebec, P.Q., 5th November 1942.

The detail of Officers as mentioned below will assemble

at A.I.T.C. A-13, C.A. Valcartier Camp, P.Q. on Wednesday

the 11th day of November 1942 at 1000 hours

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

E/5999, Pte. Martin HOWE,
Royal 22e Regiment, C.A.
(Att. to A.I.T.C. A-13, C.A.)

PRESIDENT

Lt-Colonel G.R. Bouchard
Regt. de la Chaudiere, C.A. is appointed President.

MEMBERS

Major R.G. Marion, E.D., M.C.
Fusiliers Mont-Royal, C.A.
Capt. G. Belleau,
24th Recce Bn. (Voltigeurs) C.A.

WAITING MEMBERS

One Officer to be detailed by
O.C., A.I.T.C. A-13, C.A.

~~JUDGE ADVOCATE~~

~~Judge Advocate~~ ~~has been (is hereby) appointed~~

PROSECUTOR

Capt. P.E. Gelin,
~~Corps Reserve 6th (Q. & L.) Coast Bde. RCA.~~ has been (is hereby) appointed
Prosecutor

DEFENDING OFFICER

One Officer to be detailed by
O.C., A.I.T.C. A-13, C.A. ~~has been (is hereby)~~ to be appointed
Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, A.I.T.C. A-13, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D. No. 5.

Signed this 5th day of November 1942.

M.F.B. 220
A.F.A. 47
15M—8-41 (1781)
H.Q. 1772-22-244

(E.J. GIGNAC) - Major,
D.A.A.G., M.D. No. 5.
for D. O. C., M.D. No. 5.

X-1

267/1942
7 Nov.'42

ORDRES DU JOUR PARTIE,1, No. 267
Par le Lt. Colonel J.J. Chouinard, V.D.
Commandant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE, No.A/13

267/1942
7 Nov.'42

1. DEVOIRS

OFFICIER DU JOUR

Demain 8 Nov.'42	: Lieut.	Hardy B.	R22eR.	A/AC	(Ecole)
Remplaçant	: 2/Lt.	Lavoie A.J.	Liste Gén.	"	"
	: 2/Lt.	Lavoie R.	" "	"	"
Suivant de devoir	Lieut.	Morency R.	" "	"	"
Remplaçant	: Lieut.	Boutin P.A.	" "	"	(3e.I)
Mardi 10 Nov.'42	: Lieut.	Boutin P.A.	" "	"	(3e.I)
Remplaçant	: Lieut.	Lachance R.	" "	"	(Q.G.)

SERGENT DU JOUR

Demain 8 Nov.'42	: Sgt.	Ross G.	"H.D."	(6e.I)
Suivant de devoir:	"	Perrin R.	"	(5e.I)
Mardi 10 Nov.'42	: "	Guay E.H.	R22eR.	(9e.I)

CAPORAL DU JOUR

Demain 8 Nov.'42	: Cpl.	Mondor A.	"H.D."	(7e.I)
Suivant de devoir:	"	Monette A.	"	(7e.I)
Mardi 11 Nov.'42	: "	Nolet L.	"	(7e.I)

b) PIQUET DE FEU: 9 nov.'42 au 16 nov.'42
La 9e Cie. d'inf. détaillera au peloton de feu pour la semaine du 9 nov.'42 au 16 nov.'42.

2. PARADES D'EGLISE - OFFICES RELIGIEUX - 8 nov.'42
La Sainte Communion sera distribuée dans la chapelle du Camp (CR) de 0615 heures à 0730 heures, Semaine et dimanche.

0630 Hrs. Chapelle du Camp pour ceux qui ne peuvent assister à leur parade d'Eglise, messe de Communion.
0800 Hrs. Chapelle du Camp (CR) pour ceux qui ne peuvent assister à leur parade d'Eglise, Messe du Communion.
0900 Hrs. Salle D'Exercices du C.I.S.I. A-13 No. 103 pour le C.I.S.I. A-13
1000 Hrs. Chapelle du Camp pour toute personne de langue anglaise.

SERVICES PROTESTANTS 8 Nov.'42
0845 Hrs. Un Service Divin aura lieu à la Salle d'Exercices No 379 pour tout Protestant dans le Camp.

b) Les parades du 9 Nov.'42 seront telles que détaillées au Syllabus.

3. RETRAITE
Durant la semaine commencant le 9 novembre 1942, la retraite sera sonnée à 1739 heures.

(GnOs. No. 3377)

4. CONSEIL DU GUERRE REGIONAL
Les Officiers sous-mentionnés s'assembleront au A.I.T.C. A-13, camp Valcartier, à 1000 heures, le 11 novembre 1942, dans le but de juger par un Conseil de Guerre régional l'accusé E-5999 Sdt. Martin Howe, R22eR. (Att. au A.I.T.C. A-13) (et toute autre personne ou personnes qui pourrait être appellée à comparaitre devant cette Cour)

PRESIDENT: Lt-Colonel, G.R. Bouchard, Regt. de la Chaudière, A.C.
MEMBRES: Le Major R.G. Marion, E.D., M.C., F.M.R., A.C.
Le Capt. G. Belleau, 24e Bn. (Recce) (Voltigeurs) A.C.
MEMBRE SUPPLEANT: Capt. Lavoie E. RdeChaud. (Att. au A.I.T.C. A-13)
PROCUREUR: Le Capt. Pierre Gelly, 6e (Q&L) bde cotière, A.R.C.
OFF DEFENDEUR: Capt. C.A. Dufresne R22eR. (Att. au A.I.T.C. A-13)

L'accusé sera dûment avisé et tous les témoins seront requis d'être présents.

Les Officiers commandants voudront bien s'assu[illegible] Officiers disponibles assistent aux procédures pour fins d'instruction.

..... 2

8677/1942
Nov. '42

ORDRES DU JOUR PARTIE 1, No. 267
Par le Lt. Colonel J.J. Chouinard, V.D.
Commandant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE, No.A-13

4. CONSEIL DE GUERRE REGIONAL (suite)

L'Officier commandant du A.I.T.C. A-13, devra faire les arrangements nécessaires pour l'installation de la Cour, et devra pourvoir au personnel de bureau requis.

Les procédures devront être transmises aux Quartiers-Généraux, No.5.
(GnOs. No. 3380)

b) Les Officiers sous-mentionnés s'assembleront au A.I.T.C. A-13, camp Valcartier, à 1000 heures, le 11 novembre 1942, dans le but de juger par un Conseil de Guerre régional, l'accusé C-43552 Sdt. Lucien Langlier, C.F.C., A.C., (Att. au A.I.T.C. A-13) (et toute autre personne ou personnes qui pourrait être appellée à comparaitre devant cette Cour)

PRESIDENT: Le Lt-Colonel G.R. Bouchard, Regt. de la Chaudière, A.C.
MEMBRES: Le Major R.G. Marion, E.D., M.C., F.M.R., A.C.
Le Capt. G. Belleau, 24e Bn. Recce (Voltigeurs) A.C.
MEMBRE SUPPLEANT: Capt. Lavoie E. RdeChaud, (Att. au A.I.T.C. A-13)
PROCUREUR: Le Capt. Pierre Gelly, 6e (Q&L) bde cotière, A.R.C.
OFF DEFENDEUR: Capt. Marc Langelier R22eR. (Att au A.I.T.C. A-13)

L'accusé sera dûment avisé et tous les témoins seront requis d'être présents.

Les Officiers commandants voudront bien s'assurer que tous les Officiers disponibles assistent aux procédures pour fins d'instruction.

L'Officier commandant du A.I.T.C. A-13, devra faire les arrangements nécessaires pour l'installation de la Cour, et devra pourvoir au personnel du bureau requis.

Les procédures devront être transmises aux Quartiers-Généraux, 5e R.M.
(GnOs. No. 3381)

c) Les Officiers sous-mentionnés s'assembleront au A.I.T.C. A-13 camp Valcartier, à 1000 heures, le 11 novembre 1942, dans le but de juger par un Conseil de Guerre régional , l'Accusé A-49841 Sdt. Lawrence Bovin, C.F.C., A.C. (Att. au A.I.T.C. A-13) (et toute autre personne ou personnes qui pourrait être appellée à comparaitre devant cette Cour)

PRESIDENT: Le Lieut-Col. G.R. Bouchard, Regt. de la Chaudière, A.C.
MEMBRES: Le major R.G. Marion, E.D.,M.C.,F.M.R., A.C.
le Capt. G. Belleau, 24e Bn. Recce (Voltigeurs) A.C.
MEMBRE SUPPLEANT: Capt. Lavoie E. RdeChaud, (Att. au A.I.T.C. A-13)
OFF DEFENDEUR: Capt. J. Larsen C.F.C. (Att. au A.I.T.C.A-13)

L'accusé sera dûment avisé et tous les témoins seront requis d'être présents.

Les Officiers commandants voudront bien s'assurer que tous les Officiers disponibles assistent aux procédures pour fins d'instruction.

L'Officier commandant du A.I.T.C. A-13 devra faire les arrangements nécessaires pour l'installation de la Cour, et devra pourvoir au personnel de bureau requis.

Les procédures devront être transmises aux Q.G., 5e R.M.
(GnOs. No. 3382)

.....3

267/1942
7 Nov. '42

ORDRES DU JOUR PARTIE 1, No. 267
Par le Lt. Colonel J.J. Chouinard, V.D.
Commandant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE, No.A/13

4. CONSEIL DE GUERRE REGIONAL (suite)

d) Les Officiers sous-mentionnés s'assembleront au A.I.T.C A-13 camp VALCARTIER, P.Q., à 1000 heures, le 11 novembre 1942, dans le but de juger par un Conseil de Guerre régional, l'accusé D-56743 Sdt. Gérard St-Pierre, Regt. de Maisonneuve, (Att. au A.I.T.C. A-13) (et toute autre personne ou personnes qui pourrait être appellée à comparaitre devant cette Cour)

PRESIDENT: Lieut-Colonel, G.R. Bouchard, Regt. de la Chaudière, A.C.
MEMBRES: Le Major R.G. Marion, M.C.V.D., F.M.R., A.C.
Le Capt. G. Belleau, 24e Bn. Recce, (Voltigeurs) A.C.
MEMBRE SUPPLEANT: Capt. Savoie E. RdeChaud. (Att. au A.I.T.C. A-13)
PROCUREUR: Le Capt. Pierre Golly, 6e (Q&L) bde cotière, A.R.C.
OFF DEFENDEUR: Capt. C.A. Dufresne R22eR. (Att. au A.I.T.C. A-13)

L'accusé sera dûment avisé et tous les témoins seront requis d'être présents.

Les Officiers commandants voudront Bien s'assurer que tous les Officiers disponibles assistent aux procédures pour fins d'instruction.

L'Officier commandant du A.I.T.C. A-13 devra faire les arrangements nécessaires pour l'installation de la Cour, et devra pourvoir au personnel de bureau requis.

Les procédures devront être transmises aux Quartiers-Généraux, 5e D.M. (GnOs. No. 3385)

5. MESSAGERS (RUNNERS)
A compter d'aujourd'hui les messagers (runners) qui auront affaire au Bureau Régimentaire (hutte 120) devront passer par la porte qui est située en arrière de la bâtisse et non plus par la porte de Coté comme ils le faisaient jusqu'ici.

6. PERMUTATIONS
Le sous-mentionné permute de l'Aile d'Administ. à la 9e Cie. d'inf.

D-605801 Sdt. Hinton R. DTAC

7. PERMUTATION (amendement)
Para 9 (e) D.O. 264 Partie 1, d/4-10-42 en ce qui concerne l'Officier sous-mentionné est annulé.

Lieut. Schreiber L.E. Liste Gén. A/AC

H. Laughlin, Capt

(P. Lessard) Lieut. a/Adjudant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE, No. A/13,
Camp Valcartier, P.Q.

X-2

268/1942
9 Nov.'42

DAILY ORDERS PART 1, No. 268
By Lt. Colonel J.J. Chouinard, V.D.
Commandant,
ADVANCED INFANTRY TRAINING CENTER, No. A/13

1. DUTIES

ORDERLY OFFICER				
Tomorrow 10 Nov.'42:	Lieut. Boutin P.A.	Gen. List	A/AC	(3rd.I)
Substitute	: Lieut. Lachance R.	" "	"	(H.Q.)
Next on duty	: Lieut. Lachance R.	" "	"	(H.Q.)
Substitute	: Lieut. Lessard L.	R22eR.	"	(2nd.I)
ORDERLY SERGEANT				
Tomorrow 10 Nov.'42:	Sgt. Guay E.H.	R22eR.	"	(9th.I)
ORDERLY CORPORAL				
Tomorrow 10 Nov.'42:	Cpl. Nolet J.	M.D. "		(7th.I)

2. PARADES
Parades of the 10 Nov.'42 will take place as per Syllabus.

3. COURT MARTIAL - OFFICERS
The under-mentioned officers will attend the court martials that take place on the 11th November 1942 for instructional purposes.

Lieut. P.E. Leger	C.F.C.	A/AC
Lieut. F.E. Smith	C.F.C.	A/AC

4. DENTAL TREATMENT
1. When personnel of the Army is to be discharged the following procedure should be adhered to:

a) When possible dental treatment should be completed.

b) When not possible M.F.B. 465 should be created which then serves as a guide for the D.P. & N.H. to authorize treatment.

2. It has frequently happened that men are not sent to the C.D.O. for this dental examination before discharge, thus complicating matters to a great extend.

3. The Procedure as outlined above should be strictly adhered to forthwith.

(V.C.O. No. 2378)

C.K. Blais Lieut
for (P. Lessard) Lieut. a/Adjutant,
ADVANCED INFANTRY TRAINING CENTER, No. A/13,
Valcartier Camp, P.Q.

NOTICE

GERMAN COURSE

Officers: Further to previous notices lectures will be given every Tuesday at 2000 hours in hut 104.

N.C.O's: Every Wednesday at 2000 hours in hut 104 (same hut)

" G "

R. Wardell Stokes
Chc. DCM.

MINUTE OF ADJOURNMENT & REASSEMBLY

At 10.45 a.m. o'clock on the 11th day of November 1942, the Court adjourned until 10.10 a.m. o'clock on the 12th day of November 1942.

On the 12th day of November 1942, at 10.10 a.m. o'clock, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

"H"

R.J. Michaud Lieut.
Pres. d'CM.

118/1942

118/1942.

CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE A-13, ~~19 mai 42.~~
ORDRES DU JOUR PARTIE II #118, d/19 mai 42.

- -

Derniers Ordres emis: 18 mai 42.

13. ABSENCES SANS PERMISSION.

Les sous-mentionnes sont absents sans permission aux heures et dates indiquees a la suite de leurs noms.

E-5999, Sdt. Howe, M. (R22R AC) 2200hrs, 18 mai 42.

(Signe) (J.A. TESSIER) Capt.

ADJUTANT ADVANCED (INFANTRY) TRAINING CENTRE No. A-13,
VALCARTIER CAMP, P. QUE.

Certified true extract
Daily Orders, Part II #180,
dated 19 mai 1942.

T. Caughlin Lieut. Ass/Adj.
R22eR. (CA) att. to A.I.T.C. A-13 (CA).

"I"

125/1942

CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE A-13, ~~27 mai 42.~~ 125/1942
ORDRES DU JOUR PARTIE II #125, d/27 mai 42.

- -

Derniers Ordres emis: #124, d/26 mai 42.

14. ABSENCE SANS PERMISSION.

Les sous-mentionnes sont absents sans permission aux heures et dates indiquees a la suite de leurs noms et sont encore absents apres 8 jours.

E-5999, Sdt. Howe, M. (R22R AC) 2200hrs, 18 mai 42.

(Signe) (M.R. RICHARD), Lieut.
For (J.A. TESSIER) Capt. & Adjudant,

CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE A.13
CAMP VALCARTIER, P.Q.

Certified true extract
Daily Orders, Part II #180,
dated 27 May 1942.

D. Loughlin Lieut. Ass/Adj.
R22eR. (CA), att. to A.I.T.C. A-13 (CA).

"J"

137/1942

137/1942

CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE A-13, 10 juin 42.
ORDRES DU JOUR PARTIE II #137, d/10 juin 42.

- -

Derniers Ordres emis: #136, d/9 juin 42.

16. ABSENCE SANS PERMISSION.

Les sous-mentionnes sont absents sans permission aux heures et dates indiquees a la suite de leurs noms et sont encore absents apres 21 jours.

E-5999, Sdt. Howe, M. (R22eR AC) 2200hrs, 18 mai 42.

(Signe) (J.A. TESSIER) Capt. & Adjudant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE A-13,
CAMP VALCARTIER , P.Q.

Certified true extract
Daily Orders, Part II #180,
dated 10 June 1942.

Lieut. Ass/Adj
R22eR. (CA), att. to A.I.T.C. A-13 (CA).

"K"

RECORD of the Declaration of a Court of Inquiry assembled at Valcartier Camp. on the ...12th...day of ...June....1942, for the purpose of investigating and recording the absence without leave from his duty and the deficiencies, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries or Clothing of No. E-5999, Pte. Howe, M. R22eR. (CA), att. to A.I.T.C. A-13 (CA).

DECLARATION

The Court declares that No. E-5999, Pte. Howe, M. R22eR. (CA) illegally absented himself without leave from Valcartier Camp, P.Q. at ....2200 hours..on the ...18th..... days of ..May..1942..... and he is still so absent, and that on ...18-5-42.....he was deficient, and he is still deficient of the following articles:-

Anklet web	0.77	4 Blankets G.S.	13.76
Dressing first field	0.24	Mattress T.P.	1.93
Mitts leather	0.64		
Overall combinaison	2.81		
Battle dress (complete)	11.18	Net Total	$48.78
2 Boots ankle	10.40		
Cap field service	0.78		
2 Drawers cotton short	0.66		
2 Drawers woollen	2.34		
2 Shirts flannel khaki	2.34		
2 Shirts under cotton	0.80		
2 Shirts woollen	2.28		
Shoes canvas	1.89		
3 Socks	1.08		
Bag kit	0.78		
Boot blacking tin	0.05		
Boot dressing tin	0.05		
Boot laces	0.02		
Braces	0.27		
Brush shaving	0.30		
Brush tooth	0.09		
Comb hair	0.04		
Holdall	0.17		
Housewife	0.51		
Razor set	0.39		
2 Towels hand	0.42		
Belt waist web	0.85		
Pack	1.69		
2 Straps web supp.	0.28		
C.A.R.O. 1862 Total	44.12		
C.A.R.O. 1877 Less 25%	11.03		
Total	33.09		

Lieut. J.P. Perusse, R. de Chaud. att. to AITC A-13 President

Signed at Valcartier Camp. P.Q. Lieut. M. Lepage, R.22eR. att. to AITC A-13 Member

This ....12th.day of ..June...1942 Lieut. M. Richard, R.22eR. att. to AITC A-13 Member

Signature of Commanding Officer .Lt.-Col. J.J. Chouinard, O.C. A.I.T.C. A-13 (CA)

M.F.B. 375 Certified true copy

Officer i/c Records, C. I. (R) T. C. Quebec

"L"

DEPARTMENT OF NATIONAL DEFENCE

-ARMY-

CANADIAN PROVOST CORPS, (C.A.)

No. 36 Company, Military District No. 5

Certificate in accordance with order in council P.C. 2797 dated 10th April, 1942, as published in General order 127, 1942.

I, Major J.F.Hamel,E.D., O.C, 36 Co'y. CDN. PROV. CORPS (CA)
hereby certify that E 5999 Pte. Howe Martin (Valcartier)
of the Roy. 22 Reg't. (Valcartier)
was apprehended by L/Cpl L. Theoret L/Cpl C.E. Ouellet
of No. 36 Company, Canadian Provost Corps, M.D. No. 5
at Jules Brind'Amour's, Laval, Montmorency Co. at 0300 hours
on the 17th day of October 1942, as a deserter
and that at the time of his
arrest, he was dressed in
civilian clothes).

Dated at Quebec this 17th day of October 1942.

(J.F.Hamel,E.D.) - Major.
Officer Commanding
No. 36 Coy Cdn. Provost Corps (C.A)
Military District No. 5, Quebec, P.Q.

SOLDIER OF THE ACTIVE ARMY

" M "

F. Michaud Colonel
Pres. DCM.

CLOSING ADDRESS BY THE PROSECUTOR

Dans cette cause, Monsieur le Président, l'accusé est accusé de désertion et je crois qu'il a été prouvé qu'il s'est absenté; et quant à l'intention de déserter, je crois qu'on peut la déduire du fait qu'il était vêtu en habit civil.

Evidemment, il est assez difficile de prouver d'une façon claire et nette l'intention de déserter par des témoins à moins que ce soit par l'accusé lui-même. On peut déduire l'intention de la conduite, et des faits qui entourent et son absence et son arrestation. Or, dans le cas actuel, ce n'est pas un absent qui s'est rendu lui-même. Il a été arrêté. Il est parti le 18 mai et il a été arrêté le 17 octobre. Et deuxièmement quand on l'a arrêté, il était en habit civil. Ceci, je crois, est un élément qui aide la Cour à juger si réellement le soldat qui quitte son uniforme doit être considéré comme un absent ordinaire et ça indique bien chez-lui l'intention de ne plus retourner à l'armée.

Quant à la deuxième charge, comme il a été remarqué au cours du témoignage du quartier-maître, on devrait faire crédit à l'accusé de son pantalon (battle dress) qui lui est chargé, et qui a été rapporté. Alors, ça ferait, je crois une différence sur l'accusation de $4.20. Alors, son accusation devrait être de $35.27.

Je m'en rapporte à la décision de la Cour.

" N "

CLOSING ADDRESS BY THE DEFENDING OFFICER

Messieurs les Membres de la Cour,

Je me demande où le prosécuteur va-t-il chercher sa preuve pour accuser le Pte.Howe de désertion.

Le Pte. Howe au moment de son arrestation a été appréhendé par les autorités militaires dans son lit à 3.00 heures du matin. Croyez-vous qu'un homme peut coucher dans son lit avec son uniforme militaire? - Les autorités militaires, lorsqu'ils l'ont appréhendé, auraient dû marquer dans leur rapport "appréhendé en habit de nuit"et non en habit civil. D'autant plus que le Pte.Howe est revenu au Camp de Valcartier avec son uniforme militaire, puisque son uniforme était au pied de son lit.

Je demande donc à la Cour de prendre en considération les faits de son arrestation et les circonstances dans lesquelles il a été appréhendé.

Je demande donc à la Cour la clémence pour l'accusé.

M.F.B. 355
5M-10-39 (2492)
H.Q. 1772-39-620

"y"

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

G.T. Michaud Lt Col
Cmd. D.C.M.

Number	Rank	Name	Regiment (or unit)
E-5999	Private	Martin HOWE	A.(I)T.C. A-13 (CA)

1. The following is a fair and true summary of the entries in the Service and General Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For	N I L	times	A.W.L.	4 times
For		times		times
For		times		times
For		times		times

NOTE:—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 25 days in military custody, making a total of 25 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 22 years 7 months.

6. The date of his attestation specified in his attestation paper is 23rd December, 1940.

9. The accused is in possession of or entitled to no military decoration, or military reward

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number..... Rank.....

Name.....of.....Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 11TH day of November 1942

L. Coughlin Capt R22R
Asst Adjutant AHTC 413

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

No. E5999 Name Howe, M. | Sqn., Battery, or Company | Corps R. 22e R. (CASF) | Date of enlistment 23-12-40 | G.C. Badges | Service or Proficiency Pay | M.F.M. 6 (A.F.B. 122) 30654—11-40 (9225) H.Q. 1772-45-15

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Valc. Camp	1941 25 Jan.	Pte		A.W.L. from 2200hrs 25-1-41 until 1620 hrs 27-1-41 total abs. :1 day 18 hrs 20 min.	Sgt. Gravelle J. Sgt Decroix R. Sgt. Meyers H.	admonished	31-1-41	Lt. P.A. Ducasse	forfeits 2 days pay FR&I
Valc. Camp	6-2-41	Pte		AWL from 2359 hrs 9-2-41 until 1500 hrs 10-2-41. total abs. :15hours 1 min.	" Tremblay J. " Lizotte A.	2 days C.B.	12-2-41	Lt. A.A. Ducasse	forfeits 1 day pay R.R.& I.
Valc. Camp	10-3-41	Pte		A.W.L. from 2359 hrs 23-2-41 until 1725 hrs. 25-2-41 Tot. abs. :1 day 17 hrs 26 min.	L/Cpl. J.R. Beaudoin	7 days C.B.	26-2-41	Lt. C. Benoit	forfeits 2 days pay under F.R.&I.
Valc. Camp	10-3-41	Pte		A.W.L. from 0800 hrs 10-3-41					

O.C. 7th Coy. A.I.T.C. A-15

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
	10-3-41	Pte		until 2230, 10-3-41 total abs.: 14 hours 30 min.	Sgt. H. Meyers	7 days C.B.	11-3-41	Lieut. C. Benoit	forfeits 1 day pay under F.R.& I.
									F. J. Mackie & Lt. Col. Pres. D.C.M.
CERTIFIED TRUE COPY				A. L. MacDonald Major O.C., 7th Infantry Coy.					

SUMMARY OF EVIDENCE

in the case of

No. E-5999, Private Martin HOWE, Royal 22ieme Regiment (CA), attached to A.I.T.C. A-13 (CA), is charged with:

1. WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE.

2. LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES.

The O.C. directs that the evidence be taken on oath.

FIRST WITNESS: LIEUTENANT L.G. COUGHLIN, ROYAL 22ieme REGIMENT (CA), attached to A.I.T.C. A-13 (CA), having been duly sworn, states:

In my quality of assistant-adjutant of the A.I.T.C. A-13 (CA), I am producing the following documents:

a) Certified Extract of Daily Orders, Part 11, dated May 19, 1942, stating that No. E-5999, Pte. M. Howe was absent without leave from 2200 hours, the 18th May, 1942.

b) Certified Extract of Daily Orders, Part 11, dated May 27, 1942, stating that No. E-5999, Pte. M. Howe, was absent without leave since more than 8 days, from 2200 hours, the 18th May, 1942.

c) Certified Extract of Daily Orders, Part 11, dated June 10, 1942, stating that No. E-5999, Pte. M. Howe was absent without leave since more than 21 days, from 2200 hours, the 18th May, 1942.

d) M.F.B. 375.

e) M.F.M. 216 (Certificate of Apprehension) signed by Major J.F. Hamel, E.D., No. 36 Coy Cdm. Provost Corps, stating that No. E-5999, Pte. M. Howe was apprehended by Military Authorities, at Jules Brind'Amour's Laval, P.Q., at 0300 hours, the 17th October, 1942.

The accused declined to cross-examine.

L.G. Coughlin Lieut.
R. 22e R. (CA).

SECOND WITNESS: No. E-6054, PRIVATE C. LEBEL, ROYAL 22ieme REGIMENT (CA), attached to A.I.T.C. A-13 (CA), having been duly sworn, states:

In my capacity of storeman at Quartermaster's Store of 1st Infantry Company, attached to A.I.T.C. A-13(CA),

I declare that on the 19 October, 1942, I made an inventory of equipment, clothing and regimental necessaries of No. E-5999, Pte. M. Howe, and he was in possession of the following articles, shown missing on the 18th May, 1942, by M.F.B. 375.

Equipment and Clothing

Clo. Div. "B"

1 Battle dress trousers,
1 Boot ankle,
1 Drawer woollen,
1 Shirt woollen,
1 Sock woollen, pr.

The accused declined to cross-examine.

Lebel C. C.L.
E-6054, Pte. C. Lebel, R. 22e R.

QUESTION TO THE ACCUSED: Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED:

Je prefere attendre lors de mon proces.

Howe Martin

I certify that Rules or Procedure 4 (C), (D), (E) and (F) have been complied with.

Taken down by me in the presence of the accused, at Valcartier Camp, P.Q., this 30th October, 1942.

Pierre de Guise Lieut.
(Pierre de Guise) R. deChaud. (CA)
Att. A.I.T.C. A-13 (CA).

LIST OF EXHIBITS

in the case of

No. E-5999, Private Martin Howe, Royal 22ieme Regiment (CA), attached to A.(I)T.C. A-13 (CA).

1. Certified Extract of Daily Orders, Part II dated May 19, 1942.

2. Certified Extract of Daily Orders, Part II dated May 27, 1942.

3. Certified Extract of Daily Orders, Part II dated June 10, 1942.

4. M.F.B. 375.

5. M.F.M. 216 (Certificate of Apprehension).

Signed at Valcartier Camp, P.Q., this 30th day of October, 1942.

C.C., A.I.T.C. A-13 Lt.-Col. (CA).

STATEMENT OF ACCUSED AS TO HIS REPRESENTATION
BY AN OFFICER AT HIS TRIAL.

I, No. 5999, Private Howe Martin, of Royal 22e Regiment (CA), attached to A.(I).T.C. A-13 (CA), desire to have an officer assigned to represent me at my trial by Court-Martial.

(I desire the services of Capt. C.A. Dufresne, Royal 22ième Regiment (CA) if he is available).

Signed at Valcartier Camp, P.Q., this 21st day of October, 1942.

Howe Martin

MEDICAL OFFICER'S REPORT

I certify that No. E5999 Pte Howe W.
of R.A.A.F. is in a good state of health,
and Fit to undergo Trial by Court martial.

Medical Officer
R.A.A.M.C., A.I.F.
M.O. A.I.T.C. A-13 VALCARTIER

Station Valcartier Camp

Date 12 Nov 1942

M. F. B. 246
25M—6-42 (6744)
H.Q. 1772-20 680

MEDICAL OFFICER'S REPORT

I certify that No. E-5999 Pte. Howe M.

of R.22e.R. is in a good state of health,

and Fit to undergo Trial by Court martial.

C. Gagné Capt.
Medical Officer
(R.C.A.M.C.) AF.

M.O. A.I.T.C. A-13 VALCARTIER

Station VALCARTIER CAMP, P.Q.

Date 11th November, 1942

M. F. B. 246
BBM—9-42 (4744)
H.Q. 1773-30 600

H.Q.C.55-H-308 (JAG)

December 28th, 1942.

The District Officer Commanding,
Military District No. 5, Quebec, Que.

Re: District Court-Martial,
R.5999 Pte. Martin Howe,
R.22nd R., Att. A.I.T.C.A-13,C.A.

1. Receipt is acknowledged of your Q.39-H-451 JA, dated the 22nd December, 1942, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities noted in your letter, the following might be pointed out:

(a) It would have been preferable had the Special Finding, rather than finding the accused Guilty of the 2nd charge "with the exception of the words etc.", set forth the fact that the accused was found Guilty of the charge "except that he is not deficient of the following articles, viz: etc." (See Handbook, page 48 paragraph 6).

(b) It is observed that the second witness for the Prosecution produced evidence that the accused returned certain articles of which he had previously been found deficient by the Court of Inquiry, with the exception of "one Battle Dress Trousers, $4.20". The accused nevertheless appears to have been put under stoppages of pay in respect of the remaining articles, having a total value of $6.00, which had already been recovered. It is therefore, considered advisable that remission of the sentence of stoppages be made to the extent of the value of the articles returned by the accused.

3. The proceedings are accordingly returned herewith in order that such remission be made by the District Officer Commanding. When this has been done may the proceedings please be returned to this Headquarters.

for Brigadier,
Judge Advocate-General.

RBL/MM

H.Q. C.55-H-368
M.D. Q: 39-H-451 JA

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. E-5999 Name HOWE, M.

Rank Pte. Unit Royal 22e Regiment, A.I.T.C., A-13, CA

Charge Sec. 12 (1)(a) A.A. Deserting H.M.S.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 18/5/42. 2. 18/5/42.

Date of Arrest 17/10/42. Charge. Signed 30/10/42.

Orders for D.C.M. D.O.C., M.D.#5.

Place and Date of Trial Valcartier Camp, P.Q., 11/11/42.

Sentence Detention 6 months and stoppages $35.27.

Date of Confirmation 18/11/42.

Date of Promulgation 19/12/42.

Entered in Records of J.A.G. as No. 7399

Date 26/12/42.

MEMO Not guilty of desertion but is guilty of A.W.L. and is guilty of the second charge.

R.B. Caldwell
for Judge Advocate-General.

3M-12-42(M1754)

7399. no file

IN REPLY PLEASE QUOTE
No. Q: 39-H-451 JA

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, P.Q. December 22nd 1942

CENTRAL REGISTRY Army
PERS. SEC.
DEC 23 1942
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
Ottawa, Ont.

District Court Martial
E-5999 Pte. Martin Howe
R. 22nd R. Att. to A.I.T.C., A-13 C.A.

Enclosed herewith please find the proceedings of the marginally noted District Court Martial which are forwarded to you for registration and custody.

2.- The following irregularities have been noted and brought to the attention of the Officers concerned.

(a) Page A. The words "Counsel or" should have been struck off.

(b) Page B. The words "and Judge Advocate" should have been struck off and initialled. The order detailing the Officers under instruction should have been marked " "G". The address of the civilian shorthand writer should have been given.

(c) Page 43 The words "Service and General" should have been struck off and the word "Field" should have been inserted.

(G.P. VANIER) Brigadier,
District Officer Commanding,
Military District No. 5.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

G.Q.C. C.55-H-309
(JAG)

December 29, 1942.

Commander, Camp Headquarters,
Camp Borden, Ontario.

Re: DISTRICT COURT-MARTIAL
C.5005 Pte. R.E. Hyderman,
HAPER, C.A. att'd A-10 1(A)TC, CA.

1. Receipt is acknowledged of your C.B. 40-H-253 (AJAG) dated December 21st, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court Martial.

2. The following irregularities have been observed in the proceedings:-

(a) It was unnecessary to itemize all the particulars of the costs of apprehension in connection with the first charge. (See specimen form in Handbook.)

(b) The accused was not fully described in the two forms M.F.B. 1461, his corps and unit having been omitted after his number, rank and name. It is also preferable that each item of the particulars in these forms should be dated.

(c) The accused was not fully described in Form M.F.B. 1462 for the same reason.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

4/1/43

HFGB/jg

Brigadier,
Judge Advocate-General.

H.Q.C.C.55-H-309 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

PTE. R.E. HYDERMAN, C.5005

H. & PER. C.A.

DEAD

CONFIDENTIAL
H.Q.C. C.55-H-309

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				JAG	New file	GR	25/12/42
JAN 4 1943	4/1/43	P.A.	bays	AD	To note & PA	[illegible]	29/12/42

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

G.Q.C. C.55-H-303
(JAG)

December 29, 1942.

Commander, Camp Headquarters,
Camp Borden, Ontario.

Re: DISTRICT COURT-MARTIAL
C.5005 Pte. R.E. Hyderman,
HARPER, C.A. att'd A-10 1(A)TC, CA.

1. Receipt is acknowledged of your C.B. 40-H-253 (AJAG) dated December 21st, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court Martial.

2. The following irregularities have been observed in the proceedings:-

(a) It was unnecessary to itemize all the particulars of the costs of apprehension in connection with the first charge. (See specimen form in Handbook.)

(b) The accused was not fully described in the two forms M.F.B. 1481, his corps and unit having been omitted after his number, rank and name. It is also preferable that each item of the particulars in these forms should be dated.

(c) The accused was not fully described in Form M.F.B. 1482 for the same reason.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

4/1/43

HFGB/jg

Brigadier,
Judge Advocate-General.

H.Q. C.55-H-309
M.D. C.B. 40-H-253 (AJAC)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. C-5005 Name HYDEEMAN, R.E.

Rank Pte. Unit H.& P.E.Regiment, A-10 I.(A) T.C., C.A.

Charge Sec. 15 (1)A.A. Absenting himself without leave.

Sec. 15 (1)A.A. Absenting himself without leave.

Date of Crime 1. 17/6/42. 2. 18/7/42.

Date of Arrest 1. 14/7/42. 2. 12/11/42. Charge. Signed 30/11/42.

Orders for D.C.M. O.C. Camp Borden, Ontario.

Place and Date of Trial Camp Borden, 2/12/42.

Sentence Detention 90 days and stoppages $11.18.

Date of Confirmation 9/12/42.

Date of Promulgation 14/12/42.

Entered in Records of J.A.G. as No. 7404

Date 28/12/42.

MEMO Guilty of both charges.

W.J.L. Bridges, Lieut.
for Judge Advocate-General.

3M-12-42(M1754)

1404.

(10) no file

IN REPLY PLEASE QUOTE
No. C.B. 40-H-253(AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Camp Headquarters,
Camp Borden, Ont., 21 DEC 42. 194

CENTRAL REGISTRY Army
PERS. SEC.
DEC 24 1942
File C.B.2-H-309
Chgd. to
Referred to

The Secretary,
Dept. of National Defence,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL
C.5005, Pte. R.E. Hyderman,
H&PER, C.A., att'd. A-10 I(A)TC, CA.

Herewith Proceedings of the m/n District Court-Martial for registration and custody, confirmation and promulgation having been effected.

(A.C. Spencer) Brigadier,
Commander, Camp Borden.

N.D. 23
1,500M—7-42 (1219)
H.Q. 1713-107-23

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General~~ District Courts-Martial

Proceedings of a DISTRICT Court-Martial held at the Court Room Camp Borden, Ontario, on the 2nd day of December, 19 42, by order of Brigadier, A.C. Spencer, E.D., ~~Commanding~~ Commander, Camp Borden, dated the 28th day of November, 19 42.

President.

Major J. Smith,
A-10 Infantry (Advanced) Training Centre, C.A.

Members.

Capt. A.G. Phelan,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Lieut. G.O. Cahoon,
23rd Army Tank Reg't. (Hal Rif) C.A.

Lieutenant L.J. Brody,
A-10 Infantry (Advanced) Training Centre, C.A, Judge Advocate.

Trial of* No. C5005 Private Robert Earl Hyderman, Hastings and Prince Edward Regiment, C.A, Attached to A-10 Infantry (Advanced) Training Centre C.A.

The order convening the Court, the charge-sheet and the summary (~~extract~~) of evidence are laid before the Court.

~~The Court satisfy themselves as provided by Rules of Procedure 22 and 23.~~

~~, making enquiry as to the number of the Court~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.#

The accused is brought before the Court.

Prosecutor,† Lieut. F. Cote, A.10 I(A) TC CA.

~~Counsel~~ defending officer† Lieut. W.A. Martin, A.10 I(A) TC CA

at 10:45 ~~o'clock~~ a.m. the Trial commences.

The order convening the Court is read, and is marked "X", A.10 I(A) TC CA signed by the President, and attached to the proceedings. Unit Order No. 286, 1 DEC 42, detailing Pros. & Def. Officer is marked "X"1" attached.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-39-224

I have satisfied myself that none of the Officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

J. Smith Major, Pres. D.C.M.

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn.(See attached list marked "G)

Q-2 Do you object to No.B-83564, Sgt.F.J.McGuigan,Camp Borden Det.C.M.S.C., C.A.,att'd.H.Q.,Camp Borden,Ont. acting as short-hand writer?

A-2 No, sir.
(No.B-83564, Sgt.F.J.McGuigan,Camp Borden Det.C.M.S.C., Camp Borden, Ont. is duly sworn as short-hand writer.)

Instruction.
If the accused has elected to be tried under Army Act, sec. 18 (8) the fact should be here recorded.

---See Page H for Minute of Adjournment & Reassembly.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Charge-Sheet

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Question to the accused.

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read?

Answer.

A-3 Guilty, sir.

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read?

Question.

Answer.

A-4 Guilty, sir.

Q-5 [redacted]

Answer.

A-5 [redacted]

Answer.

The accused having pleaded Guilty to both the charges the provisions of Rule of Procedure 85 (B) are here complied with.

Instruction.

The accused may plead to any charge to which there is a plea of "Not Guilty" the [illegible] proceed upon the record of a plea of "Guilty" until after the finding on

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn.(See attached list marked "G)

Q-2 Do you object to No.B-83584,Sgt.F.J.McGuigan,Camp Borden Det.C.M.S.C., C.A.,att'd.H.Q.,Camp Borden,Ont. acting as short-hand writer?

A-2 No, sir.
(No.B-83584,Sgt.F.J.McGuigan,Camp Borden Det.C.M.S.C.,C.A.,att'd.H.Q., Camp Borden, Ont. is duly sworn as short-hand writer.)

---See Page H for Minute of Adjournment & Reassembly.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4 Guilty, sir. *Answer.*

~~Q-5 Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Q-6 Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to both the charges, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

B2 3

CHARGE SHEET

The accused, C5005 Private Robert Earl Hyderman, Hastings and Prince Edward Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., a soldier of the Canadian Army placed on Active Service is charged with:

J. Smith Major Res D.C.M.

FIRST CHARGE
Section 15(1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE,

in that he,

at Camp Borden, Ont., on 17 JUN 42, absented himself without leave, from A-10 I.(A) T.C., C.A., from 0600 hrs, 17 JUN 42, until he was apprehended by civil authorities at Picton, Ontario, at 1700 hrs, 14 JUL 42, dressed in civilian clothes. Total absence 27 days 11 hrs.

Together with cost of apprehension:

Gasoline to transport escort and accused from Picton, Ont. to Kingston, Ont.	$ .93
Railway fare, Camp Borden, Ontario to Kingston, Ont. and return to Camp Borden, Ont. (Escort)	8.50
Meals, (Escort)	1.75
	$11.18

SECOND CHARGE
Section 15(1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE,

in that he,

at Kingston, Ont., on 18 JUL 42, absented himself without leave, whilst in close arrest, at Fort Frontenac Guard Room, from 1700 hrs, 18 JUL 42, until he voluntarily surrendered himself at Camp Borden, Ont., at 0030 hrs, 12 NOV 42. Total Absence 116 days, 7 hrs, 30 mins.

M. P. A. Hare
(M.P.A. Hare) Lt.-Col.,
Comd. A-10 Infantry (A) Training Centre, C.A.

Camp Borden, Ontario,

To be tried by District Court Martial
J. A. Conover Lt Col
A.A.G. Brig
for Commander Camp Borden
at Camp Borden Ontario this 30th day of November 1942

5

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

LJB *[~~The Court having been re-opened, the accused is again brought before it and the charge to which he has pleaded Guilty is read as follows:~~] LJB

The accused No.C5005 Private Robert Earl Hyderman, Hastings and Prince Edward Regiment,C.A. Attached to A-10 Infantry (Advanced) Training Centre,C.A., is found guilty of both the charges.

*The summary (~~or abstract~~ LJB) of evidence is read, marked "I", signed by the President, and attached to the proceedings.

Q-5 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-5 *Answer.* The accused ~~in mitigation of punishment~~ LJB says:— No, sir.

LJB ~~[or hands in a written statement, which is read, marked , signed by~~
LJB ~~the President, and attached to the proceedings.]~~

LJB.

LJB.

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

498.

498

498

Q-6 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A-6 I wish to give evidence myself, sir.

Answer.

Evidence as to character.

The Accused, No.C5005 Private Robert Earl Hyderman, Hastings and Prince Edward Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., being duly sworn, is examined by the Defending Officer :-

Q-7 How old are you?

A-7 20, sir.

Q-8 Where is your home?

A-8 Picton.

Q-9 How much schooling have you had?

A-9 Senior 3rd.

Q-10 That is in public school?

A-10 Yes, sir.

Q-11 Is that the last year of public school?

A-11 That was my last year.

Q-12 When did you first enlist in the Army?

A-12 About the 26th March, sir.

Q-13 Was that your first enlistment?

A-13 In '39, sir, the 28th of November.

Q-14 With whom did you enlist?

A-14 The Hastings and Prince Edward.

Q-15 How long did you serve with them?

A-15 About two months and a half, sir.

Q-16 Why did you leave the regiment?

A-16 Because I was too young.

Q-17 You were discharged because you were underage?

A-17 Yes, sir.

Q-18 Have youhad any service subsequent to that?

A-18 I don't quite get you, sir.

Q-19 Did you enlist again?

A-19 Yes, sir.

Q-20 When?

A-20 The 26th of March, at Kingston, sir.

Q-21 That is this time - in 1942 you mean?

A-21 Yes, sir.

Q-22 You enlisted at the District Depot at Kinston. Where were you sent after enlistment?

A-22 Cornwall.

Q-23 For your basic training?

A-23 Yes, sir.

Q-24 How long were you there?

A-24 Two months, sir.

Q-25 What happened while you were at Cornwall?

A-25 I seen this here girl down there and I started going with her a couple of days after I was down there. About 3 weeks after that I asked her mother if I could get married. She said: "no". She said "because I was in the Army". I said: "What difference does that make?" She said: "a lot of difference". I said: "it doesn't make any difference at all", but she still said"no". Then the girl asked me I really wanted to get married. I said: "yes". She said there was only one way out. That is how come I got in this trouble. Then I came up to Camp Borden here and I got a letter about 7 days after-

wards telling me that she was pregnant. I lost my mind, and I went down there to Cornwall. I got as far as Picton. I knew I wanted some money so I went to work for a month.. From there I went and got caught in Picton. I was in there in jail and I went down to Kingston. I broke out there and I went down to Cornwall to see what I could do. I stayed there for a while and then I came back to Camp.

Q-26 When you got this letter here at Camp Borden, did you apply for a pass?

A-26 No, sir. Because I asked for a daily pass before that and they would NOT give it to me, so I thought they wouldn't give me any pass for this.

Q-27 In other words, you didn't go to your company commander or anyone about this. You just set out for Cornwall?

A-27 Yes, sir.

Q-28 What was your state of mind at the time you left?

A-28 Well, it was on all on my state of mind the.

Q-29 What was that?

A-29 The letter I got from this girl.

Q-30 That was the only thing you were thinking about, you mean?

A-30 Yes, sir.

Q-31 Now, you stated that you went as far as Picton and stayed there to work in order to get money?

A-31 Yes, sir.

Q-32 Why did you choose to stop at Picton?

A-32 I wanted to get the fare down for the train and some extra money so I stopped there and went to work. That was the only place I knew I could get work.

Q-33 That was your home?

A-33 Yes, sir.

Q-34 What were you doing when you were apprehended in Picton?

A-34 It was pea time. I went up to the factory on a truck with a load of peas. Mr. Biddle caught me. He seen me in the truck and

and come up to the factory after me.

Q-35 When did you intend to go on to Cornwall?

A-35 About a couple of weeks later - I thought of going on through to Cornwall. Then they caught me and I got in the jail in Picton. Then I went to Kingston.

Q-36 Why did you break out at Kingston?

A-36 Because my mind was still on the girl, sir.

Q-37 After you broke out, where did you go?

A-37 I went to Cornwall.

Q-38 That was approximately the 18th of July. From that time until you returned to Camp Borden on the 12th of November, where were you?

A-38 I was right down at the house of my girl friend.

Q-39 At Cornwall?

A-39 Yes, sir.

Q-40 You stayed there during that entire period?

A-40 Yes, sir.

Q-41 Did you work?

A-41 No, sir.

Q-42 Why not?

A-42 Because they might find out I was in civilian clothes again. That would make it harder for me.

Q-43 Why did you not come back to Camp earlier than you did?

A-43 I started out a few times and she told me not to go yet so I said: "Alright, I'll stay a while longer".

Q-44 The girl persuaded you to stay?

A-44 Yes, sir.

Q-45 What did you feel you could accomplish by staying there, especially when you weren't working?

A-45 I couldn't accomplish anything then, sir.

Q-46 Why did you continue to stay?

A-46 She wanted me to so I said to myself: "I might just as well stay a while longer".

CROSS-EXAMINED BY THE PROSECUTOR:

Q-47 Are you married now?

A-47 No, sir.

---The Defending Officer declines to re-examine.

QUESTIONED BY THE COURT:

Q-48 Did you consider getting married when you were staying down at Cornwall?

A-48 I was, sir, until I was told I had to get permission from the Army, so I came back.

Q-49 Who told you that - the minister?

A-49 No, sir, some of the people down there.

Q-50 You met this girl while you were at Cornwall in Camp?

A-50 Yes, sir.

Q-51 Did you have it in mind to get married while you were still at the basic training centre there?

A-51 No, sir.

Q-52 After, when you came up here, you didn't ask permission to get married?

A-52 No, sir, not just then, sir.

BY THE JUDGE ADVOCATE:

Q-53 Have you at any time applied for permission to marry this girl?

A-53 Well, sir, I didn't know I needed permission from the Army to get married until I went down there and found it out and came back.

Q-54 You then surrendered yourself here?

A-54 Yes, sir.

Q-55 Since your surrender, have you made any effort to get permission - have you applied for permission?

A-55 Yes, sir.

Q-56 To whom did you apply?

A-56 To the padre, sir.

Q-57 You have spoken to the padre.

A-57 Yes, sir.

Q-58 When?

A-58 Two days after I came back - the 14th.

Q-59 Is that the Protestant padre at A-10?

A-59 Yes, sir.

Q-60 What is the girl's present condition?

A-60 I couldn't tell you that right now.

Q-61 Is she still pregnant?

A-61 Yes, sir.

Q-62 Is the mother of the girl willing for you to be married now?

A-62 Yes, sir.

Q-63 How do you know?

A-63 I have her consent right in my pocket, sir.

Q-64 Is the girl's father living?

A-64 Yes, sir.

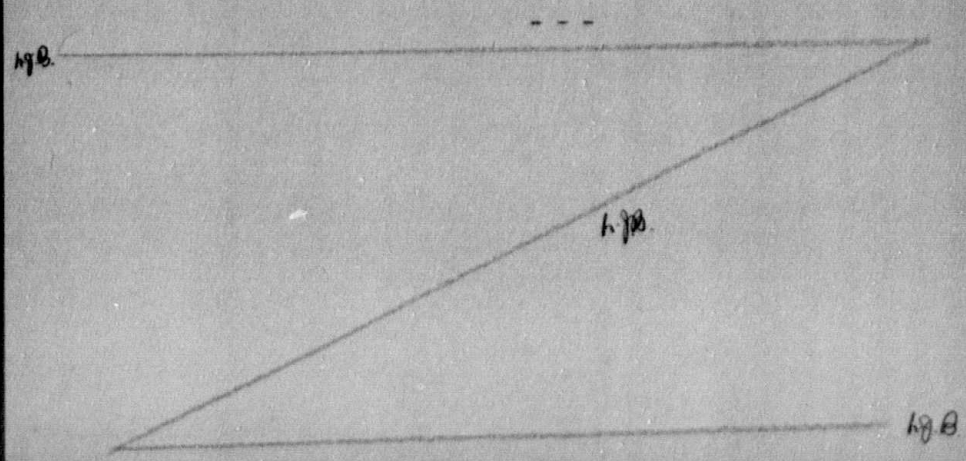
Q-65 Has he consented to the marriage?

A-65 Well, sir, her mother and father weren't married. They lived together and then they parted.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The accused resumes his seat.

- - -



E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~The Court is closed for the consideration of the finding.~~

~~The Court find that the accused~~

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~*The Court being re-opened, the accused is again brought before it~~

Evidence of character, etc.

Lieut. P. Cote, A.10 I(A) TC,CA, is duly sworn.

Q-66 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-66; Yes, I produce M.F.B.355 and certified true copy of M.F.M. 6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-Z", signed by the President, and annexed to the proceedings.

Q-67 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-67; Yes, sir.

Q-68 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-68; Yes, sir.

Q-69 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-69; Yes, sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The Prosecutor resumes his seat.

Q-70 *Question to the accused.* Do you wish to address the Court? *Answer.* A-70; Yes, (through my Defending Officer) (See document marked "J", attached.)

The Court is closed for the consideration of the sentence.

18

F

Sentence

The Court sentence the accused No. C5005 Private Robert Earl Hyderman, Hastings and Prince Edward Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., to undergo detention for 90 days, and to be put under stoppages of pay until he has made good the sum of $11.18 in respect to the costs of apprehension and return to his corps.

Sentence. DETENTION: 90 days.

STOPPAGES: $11.18

Signed at Camp Borden, Ontario, this 2nd day of December, 1942.

(Major)
(A-10 Infantry (Advanced) Training Centre, C.A.
PRESIDENT

(Lieut.)
A-10 Infantry (Advanced) Training Centre, C.A.
JUDGE ADVOCATE

Confirmed
Brigadier
Commander Camp Borden
Signed at Camp Borden, Ont. this 9th day of Dec. 1942.

PROMULGATED AND EXTRACTS TAKEN, at Camp Borden, Ontario, this fourteenth day if December, 1942.

(J.H. Peters) Lieut. & Asst. Adjt.
A-10 Infantry (A) Training Centre, C.A.

Extracts entered as No. 7404 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 28th day of Dec. 1942

"X" 11

ORDERS BY

Brigadier A.C. Spencer, E.D.
Commander, Camp Borden

Camp Borden, Ontario,
November 28th, 1942.

DISTRICT COURT-MARTIAL
H.64029, Tpr. Stanley Allen Gunter,
Canadian Armoured Corps, attached to
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Wednesday, 2nd December, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major J. Smith,
A-10 Infantry (Advanced) Training Centre, C.A.

MEMBERS

Capt. A.G. Phelan,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Lieut. G.O. Cahoon,
23rd Army Tank Regt. (Hal Rif) C.A.

WAITING MEMBER

Lieut. A.E. Watson,
A-9 Canadian Armoured Corps (Advanced)
Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Lieutenant L.J. Brody,
A-10 Infantry (Advanced) Training Centre, C.A.

The Officers Commanding the following Training Centres will detail not less than two and not more than five Officers to attend the Courts-Martial for instruction :-

A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-10 Infantry (Advanced) Training Centre, C.A.
A-11 Infantry (Advanced) Training Centre, C.A.

A-19 Royal Canadian Army Service Corps (Advanced) Training Centre, C.A.
A-22 Canadian Army Medical Corps Training Centre, C.A.

The Officers Commanding any other unit or detachment in Camp Borden may detail two Officers to attend the Courts-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to the A.A. & Q.M.G., Camp Borden, Ontario.

SIGNED at Camp Borden, Ontario, this 28th day of November, 1942.

(J.D. Conover)
Lieut.-Colonel
A.A. & Q.M.G., Camp Borden

A.J.B.

A.J.B.

A.J.B.

Hyderman

CERTIFIED TRUE COPY

J. H. Peters Lieut. & Asst. Adjt.
(J. H. Peters) A-10 I.(A) T.C., C.A.

"X-123"

J. Smith Major
Pres D.C.M.

A.10 INFANTRY (ADVANCED) TRAINING CENTRE (CA)

CAMP BORDEN ONTARIO

PART I ORDERS

BY

LT.-COL. M. P. A. HARE

Last Part I Order No 286 dated 30 NOV 42 — No 286, 1 DEC 42

1. ORDERLY DUTIES

(a) Orderly Officer	1 DEC 42	Lieut F M Payne
For duty	2 DEC 42	Lieut J E Forrester
Next for duty	3 DEC 42	Lieut R Girard
	4 DEC 42	Lieut T E Forrester
(b) Orderly Sergeant	1 DEC 42	Sgt Alexander J
For duty	2 DEC 42	L/Sgt Monk D
Next for duty	3 DEC 42	Sgt Walker K R

2. TRAINING PARADES

(a) For 2 DEC 42 all companies as per syllabus

3. DISTRICT COURT MARTIAL

(a) M102761 Pte Bohm J
Gen List att'd A.10 I(A)TC CA

C5005 Pte Hyderman R E
HPE Regt att'd A.10 I(A)TC CA

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Wednesday, 2nd December, 1942, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court Martial the accused persons named in the margin (and such other persons as may be brought before them).

PRESIDENT	Major J Smith	A.10 I(A)TC
MEMBERS	Capt A G Phelan	A.8 CAC(A) TC
	Lieut G O Cahoon	23rd Army Tank Regt (Hal Rif)
WAITING MEMBER	Lieut A E Watson	A.9 CAC(A)TC
PROSECUTOR	Lieut P Cote ✓	A.10 I(A)TC CA
DEFENDING OFFICER	Lieut W A Martin ✓	A.10 I(A)TC CA
JUDGE ADVOCATE	Lieut L J Brody	A.10 I(A)TC CA
OFFICERS FOR INSTRUCTION	Lieut T C O'Dette	A.10 I(A)TC CA
	Lieut T E Martin	A.10 I(A)TC CA

3. DISTRICT COURT MATIAL (cont'd)

(b) B64675 Sgt McNab J No 1 Coy and C601114 Pte Williamson R E No 2 Coy are hereby duly warned that they will be required as witnesses on the above Court Martial and under no circumstances are to leave the Unit lines from Reveille the 2nd DEC 42 until the Court Martial is completed.

W. T. Shrives
.....Capt & Adjt
(W. T. Shrives)
A.10 Infantry (Advanced) Training Centre, C.A.

LgB

LgB.

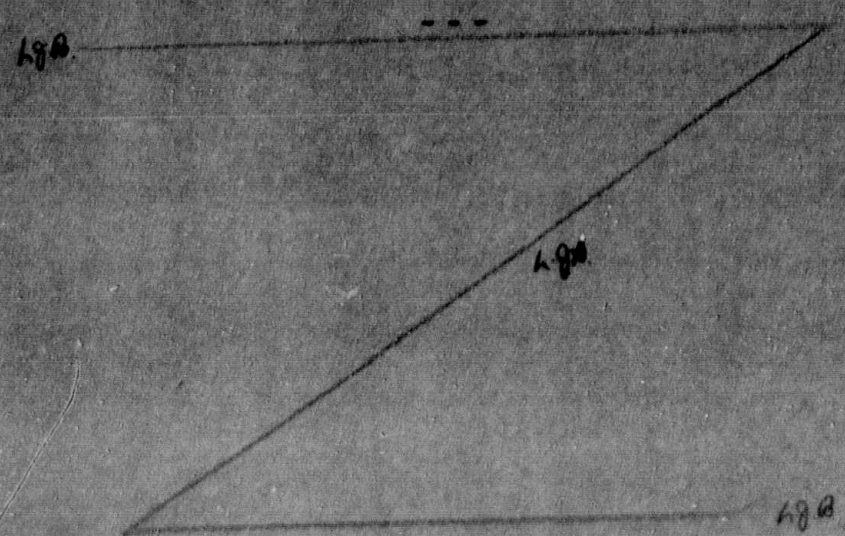
LgB.

J. Hamilton Magee
Bres D.C.R.S.

- OFFICERS UNDER INSTRUCTION -

Capt. N.H. Gray,	RCAMC, C.A., att'd. A-22 C.A.M.C. T.C., C.A.
Capt. C.G. Smith	RCAMC, C.A., att'd. A-22 C.A.M.C. T.C., C.A.
Lieut. J.M. McKay,	Gen. List, C.A., att'd. A-11 I. (A) T.C., C.A.
Lieut. W.C. Moody	H.R. of Can., C.A., att'd. A-11 I. (A) T.C., C.A.
Lieut. T.C. Odette	H.L.I. of Can., att'd. A-10 I. (A) T.C., C.A.
Lieut. N. Campbell	RCASC, CA., att'd. A-19 C.A.S.C. T.C., C.A.
Lieut. J.R. Moodie	RCASC, C.A., att'd. A-19 C.A.S.C. T.C., C.A.
Lieut. J.A.R. Gregoire	24th Recce. Regt. (Voltigeurs) C.A.
Lieut. R. Cloutier	24th Recce. Regt. (Voltigeurs) C.A.
2/Lt. I.A. MacLean	Gen. List, C.A., att'd. A-9 C.A.C. (A) T.C., C.A.
2/Lt. J.P. Best	C.A.C., C.A., att'd. A-8 C.A.C. (A) T.C., C.A.
2/Lt. L.E. Andrews	C.A.C., C.A., att'd. A-8 C.A.C. (A) T.C., C.A.
2/Lt. S.E. Armstrong	C.A.C., C.A., att'd. A-8 C.A.C. (A) T.C., C.A.
Lieut. D.R. Leasock	RCASC, CA., att'd. A-19 C.A.S.C. T.C., C.A. ~~[illegible]~~
Lieut. J.R. Watson	RCASC, CA., att'd. A-19 C.A.S.C. T.C., C.A.
Capt. W.T. Shrives	A-10 I. (A) T.C., C.A.

- - -



J. Lincoln Traynor
Pres D.C.M.

At 10:40 o'clock, a.m., on the 2nd day of December, 1942, the Court adjourned until 3:30 o'clock, p.m., on the 2nd day of December, 1942.

At 3:30 o'clock, p.m. on the 2nd day of December, 1942, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

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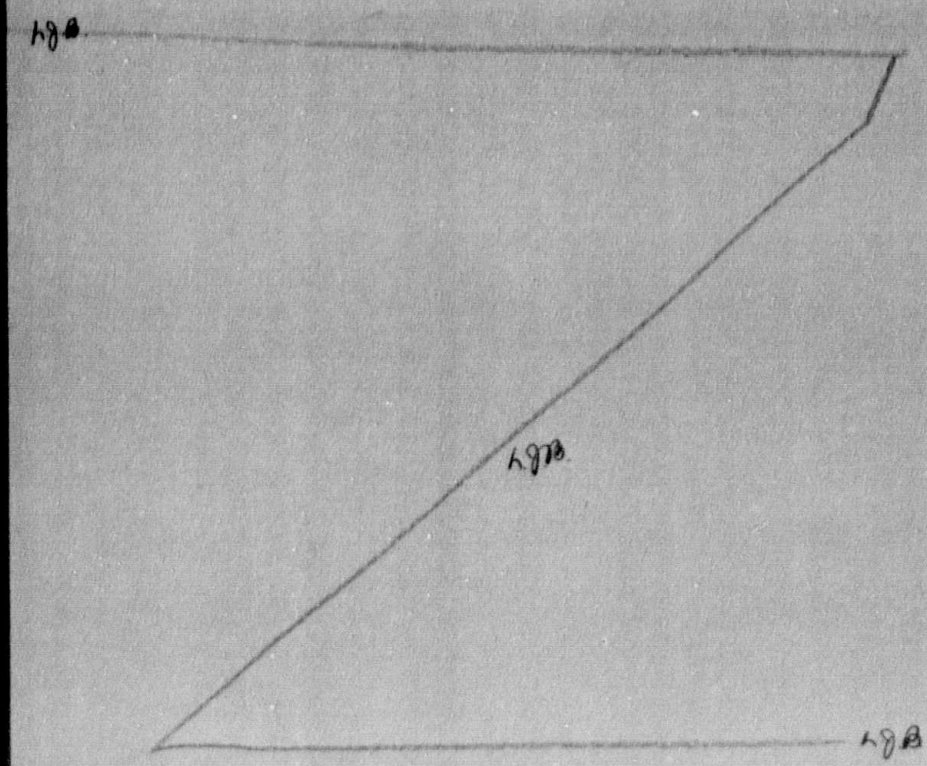

SUMMARY OF EVIDENCE in the case of C5005 Private Robert Earl Hyderman, Hastings and Prince Edward Regiment, C.A. Attached to A-10 Infantry (Advanced) Training Centre, C.A., charged with absence without leave, (2 Charges).

J. Smith Major
Pres R.C.M.P.

The accused's rights in respect to a Summary of Evidence are explained to him.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS: B48961 Cpl. Bradley, G.R., G.& S.F., att. A-10 I.(A) T.C., C.A., having been duly sworn states:

"I am the Administrative Corporal for No. 3 Coy, A-10 I.(A) T.C., C.A., Camp Borden, Ont., to which Coy the accused is attached. The accused went absent without leave from No. 3 Coy, A-10 I.(A) T.C., C.A., Camp Borden, Ont, at 0600 hrs, 17 JUN 42, and continued to be so absent without leave until he was apprehended at Picton, Ont, at 1700 hrs, 14 JUL 42. As evidence of these facts I hereby produce the following documents:-

(a) M.F.B. 375 dated 10 JUL 42
(b) M.F.M. 215 dated 14 JUL 42
(c) M.F.B. 1481 dated 15 JUL 42

I identify the accused to be man referred to in these three documents. To the best of my knowledge he went absent without leave from No. 3-A District Depot, Kingston, Ont., while in close arrest from 1700 hrs, 18 JUL 42, and remained so absent until he voluntarily surrendered himself at A-10 I.(A) T.C., C.A., Camp Borden, Ont., at 0030 hrs, 12 NOV 42. As evidence of this fact I hereby produce the following documents:-

(d) Certified true copy of Pt. II D.O. No. 172, dated 20 JUL 42, para 7, of No. 3-A District Depot, Kingston, Ont.

(e) M.F.M. 216 dated 25 NOV 42.

I identify the accused to be the man referred to in these two documents. I have been the Administrative Corporal for No. 3 Coy, continuously during the stated periods of the accused's absence without leave, and if he had been present with his Coy. at any time during such periods I would have knowledge thereof."

The above mentioned documents are read over to the accused and marked Exhibits "A", "B", "C", "D", and "E" respectively.

The accused declines to cross-examine this witness.

G.R. Bradley.....Cpl.
B48961 (G.R. Bradley)A-10 I.(A) T.C.,C.A.

SECOND WITNESS: B21091 Sgt. Bougard, J., R.C.R., att. A-10 I.(A) T.C.,C.A., having been duly sworn states:

"On the 16 JUL 42, I was detailed to proceed to Kingston, Ont., No. 3-A District Depot, to pick up and return to Camp Borden, Ont., C5005 Pte. R.E. Hyderman, who had been apprehended and confined there, and was awaiting disposal.

This I was unable to do, due to the fact that Pte. Hyderman escaped custody, at 1700 hrs, 18 JUL 42, from No. 3-A District Depot, I hereby produce the following documents as evidence of the cost of my transportation from Camp Borden, Ont, to Kingston, Ont, and return to Camp Borden, Ont.:

(f) M.F.B. 1481 dated 10 AUG 42.

(g) M.F.B. 1482 dated 25 NOV 42.

I identify the accused as the person referred to in these two documents."

The above mentioned documents are read over to the accused and marked Exhibits "F" and "G" respectively.

The accused declines to cross-examine this witness.

J. Bougard .....Sgt.
B21091 (J. Bougard) A-10 I.(A) T.C., C.A.

QUESTION TO THE ACCUSED: "Do you wish to make any statement or to give any evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED: (Having been duly sworn) "I admit going absent without leave from No. 3 Coy, A-10 I.(A) T.C., C.A., Camp Borden, Ont, from 0600 hrs, 17 JUN 42, until I was apprehended in Picton, Ont., by civil authorities, at 1700 hrs, 14 JUL 42, dressed in civilian clothes. I also admit breaking out of close arrest from No. 3-A District Depot, Fort Frontenac, in Kingston, Ont., at about 1700 hrs, 18 JUL 42, and remaining absent without leave until I voluntarily surrendered myself at A-10 I.(A) T.C., C.A., Camp Borden, Ont., at 0030 hrs, 12 NOV 42. I went absent without leave because I discovered that I had my girl friend in trouble, and I wanted to help her as much as I could. I asked for a pass, but was refused it. I returned and voluntarily surrendered myself, in order to get permission to marry the girl. I have nothing further to say at this time."

R.E. Hyderman ..... Pte.
C5005 (R.E. Hyderman) A-10 I.(A) T.C., C.A.

The accused declines to call any witnesses in his own behalf.

Rules of procedure 4 (c) (d) (e) and (f) and (g) have been complied with.

Taken down by me in the presence of
the accused at Camp Borden, Ontario,
this twenty-fifth day of November, 1942.

J.H. Peters .....Lieut.& Asst.Adjt.
(J.H. Peters) C.O.R. of C., att.
A-10 I.(A) T.C., C.A.

EXHIBIT "A" I-1

Pres D.C.M.

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ontario, on the 9th day of July 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. C5005 Pte. Hyderman, R.E. - H.& P.E.R.

DECLARATION

The Court declare that No. C5005 Pte. Hyderman, R.E. No. 3 Coy. A-10 I.(A) T.C., C.A. illegally absented himself without leave from Camp Borden, Ont. at 0600 hrs on the 17 day of JUN 42, that he is still so absent, and that on the 9 JUL 42. he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
Anklets, web, prs.	.58		
Caps, winter, melton	.90		
Mitts, P/O, leather, prs.	.48		
B.D. Blouses, serge	4.19		
B.D. Trousers, serge	4.20		
Boots, ankle, prs.	3.90		
Caps, F.S.	.59		
Drawers, undercotton, prs.	.25		
Puttees, prs.	.67		
Shirts, undercotton	.30		
Shirts, K.C. w/s/s	.74		
Socks, prs.	.81		
Trousers, K.D. shorts, prs.	.96		
Braces, prs.	.27		
Brasses, button	.04		
Brushes, tooth	.09		
Combs, hair	.04		
TOTAL	$ 19.01		

Capt. H.J.P.Stephenson (RCASC) President
Att. A-10 I.(A) T.C., C.A.

Lieut. D. Cameron. (R.C.R.) Member
Att. A-10 I.(A) T.C., C.A.

Lieut. W.A. Screaton. (R.C.R.) Member
Att. A-10 I.(A) T.C., C.A.

Signed at Camp Borden, Ontario.

this 10th day of JULY 19 42

Signature of Commanding Officer Lt.-Col. (M.P.A. Hare) Can.Fus.)
Att. A-10 I.(A) T.C., C.A.

Certified true copy Lieut.& Asst. Adjt.
(J.H. Peters) O.C.R. of C. Signature of Officer having custody of original record
Att. A-10 I.(A) T.C., C.A.

This is Exhibit "A" referred to in the Summary of Evidence in the case of C5005 Pte. R.E. Hyderman, taken before me at Camp Borden, Ont, this 25th day of November, 1942.

(J.H. Peters) Lieut.& Asst. Adjt.
A-10 I.(A) T.C., C.A.

M.F.B. 272
A.F.B. 115
100M—5-42 (4227)
M.Q. 1272-30-257

EXHIBIT "B"

I-2

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or [redacted] to [redacted] authorities)

I certify that the person whose description is given below was arrested by [redacted] Const. B. Biddle. (Name of Peace Officer or Constable) at Picton, Ontario (Place) at 1700 hrs. (Hour) on the 14th day of July, 1942 and at the time of arrest ([redacted]) he was [redacted] (dressed in civilian clothes).

Strike out words not applicable

Regimental particulars of officer or Soldier referred to above.

(No. C-5005
(Rank Pte.
(Name [redacted]
(Unit A10 1(A).T.C.

Description

(Age 19 yrs. 10 mths.
(Height 5' 3"
(Complexion Medium
(Hair [redacted]
(Eyes Brown
(Marks Scars back of neck

Signature of peace officer or constable by whom arrest or to whom [redacted] was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest [redacted].)

(Peace Officer or Constable) (or officer in charge of Police Station).

(Strike out words not applicable.

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

This is Exhibit "B" referred to in the Summary of Evidence in the case of C5005 Pte. R.E. Hyderman, taken before me at Camp Borden, Ont, this 25th day of November, 1942.

(J.H. Peters) Lieut.& Asst.Adjt.
A-10 1.(A) T.C., C.A.,

EXHIBIT "C"

I-3 39

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER 1099, 1941

(Transportation only)

Fill in complete description — I, Major E. Watts (Rank) (Name) D.A.P.M., M.D. No.3. (Unit)

Strike out word not applicable — hereby certify that I (~~XXXX~~) (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from Kingston, Ont. (Place) to Picton, Ont. (Place) for the and return to Kingston, Ont.

Full description of soldier being escorted — purpose of escorting C.5005 Pte. HYDERMAN, R.E.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (~~the transport warrants issued~~) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
5 Gals. gas required to bring Pte. Hyderman from Picton, Ont. to Kingston, Ont.	.93
Total	$ .93

Dated at Kingston, Ont. this 15th day of July A.D. 1942

E. Watts Major
Signature, rank, unit of officer
(issuing transport warrants)
(authorizing transportation)
Strike out description not applicable

DEPUTY ASST. PROVOST MARSHAL
H.Q.
M.D. No. 3
KINGSTON, ONT.
Canadian Provost Corps, C.A.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the receipt for said soldier. *Transportation only*

This is Exhibit "C" referred to in the Summary of Evidence in the case of C5005 Pte. R.E. Hyderman, taken before me at Camp Borden, Ont. this 25th day of November, 1942.

(J.H. Peters) Lieut. & Asst.Adjt.
A-10 I.(A) T.C., C.A.

M.F.B. 1461
5631—2.41 (112)
H.Q. 1775-79-185

EXHIBIT "D"

41

Kenneth Trayor - 4
Pres D.C.R.

No. 3-A DISTRICT DEPOT, A.F.

DAILY ORDERS PART II

(see page 3)

No. 172(one-seven-two)

Fort Frontenac
Kingston, Ontario.

20-July-42.

-0-0-0

"B" OTHER RANKS

5. STRENGTH INCREASE

(a) On enlistment

(i) The undermentioned, having been attested at Kingston, Ontario, for H.W.E., #3-A District Depot, is allotted Regt. No. as shown, taken on strength and posted to "HQ" Wing, w.e.f. 17-Jul-42:-

C 120078 Pte. GARRETT, John Clement (S) (C1) CofE

Auth: K.55-G-1669, dated 14-July-42.

(ii) The undermentioned, having been attested at Kingston, Ont., for P.W.O.R.(M.G.), is allotted Regt. No. as shown, taken on strength and posted to "A" Wing, w.e.f. 16-July-42:-

C 120079 Pte. McKEOWN, Edward Donald (S) (A1) CofE

(iii) The undermentioned, having been attested at Kingston, Ont., as reinforcements for units as listed, are allotted Regt. No. as shown, taken on strength and posted to "A" Wing, w.e.f. dates stated:-

C 48541	Gbr. EDGELEY, Frederick Herbert	(S)	(A1) 17-7-42	Meth RCA(Fd)
C 35131	Pte. SEFTER, Allen Frederick	(S)	(A1) 16-7-42	R.C. RCASC
C 120077	Pte. GERMAINE, John Bernard	(M)	(A1) 13-7-42	CofE Inf(R)
C 36818	Pte. BERRY, John Milton	(L)	(A1) 17-7-42	UCC RCOC
C 35602	Spr. MURRAY, Harold Francis	(S)	(A1) 18-7-42	R.C. R.C.E.
C 35603	Spr. GRIFFIN, Charles Francis	(S)	(A1) 18-7-42	CofE R.C.E.

(b) Transfer

C 5028	Pte. HOSKINS, G.R.	No. 1 N.E.T. Depot, Overseas -
C 280	Gnr. JENKINS, T.	are T.O.S. on transfer from a/M Depot
C 1090	Gnr. RUDDELL, E.G.	for record purposes 8-July-42, for
C 5339	Pte. WILSON, J.	all other purposes except pay w.e.f.
C 72210	Gnr. AUSTEY, E.G.	20-Jul-42 and for pay (to be publishe
C 4795	Pte. DAFOE, C.G.	on receipt of L.P.Cs.) and are
C 156	Gnr. GRANT, J.	posted to "A" Wing.
C 4671	Pte. HARTWICK, H.E.L.	
C 5662	Pte. INGLIS, A.M.	Auth:N.E.T.D. - D.O. 93B, d/8-7-42.

(c) Attached

(i)

C 81033 Pte. BRADSHAW, I.J.	P.W.O.R. attached for all purposes to No. 3 District Depot, Ottawa - Is attached for all purposes except quarters and rations from D.D. #3 and posted to "BD" Wing, w.e.f. 16-Jul-42.

Auth:D.D. 3 - D.O. 197,of 1942.

(ii)

C 43507 Pte. SERVAIT, R.	R.C.A.M.C.- Kingston Is attached for rations (in custody) and posted to "HQ" Wing, w.e.f. 19-July-42.

(d) Pay

C 452229 Pte. FREEMAN, K.N.	No. 3-A District Depot, Is T.O.S. for pay from No. 2 D.D. and posted to "E" Wing, w.e.f. 15-June-42.

(See D.O. [illegible]8, d/3-7-42)

To sheet 3,

7h

47

D.O. It. II, No. 172,
20th July, 1942.

6. STRENGTH DECREASE - transfer

(a)

(b)
C 32742 Pte. WATTS, D.E.
C 37241 Pte. CHATTERTON, H.S.
C 37240 Pte. BIGLOW, H.J.

No. 3-A District Depot, "A" Wing - are S.O.S. on transfer to No. 33 Coy., Cdn. Provost Corps, Ottawa, w.e.f. 21-July-42.

Auth: K.55-M-1576, K.55-C-2564 and K.55-B-3102(A), d/16-7-42

(c)
C 120079 Pte. McKEOWN, E.D.

No. 3-A District Depot, "A" Wing - is S.O.S. on transfer to 1st Bn., P.W.O.R. (M.G.)(A.F.), Connaught Camp, Ottawa, w.e.f. 23-Jul-42.

CERTIFIED TRUE COPY

J.H. Ackerman Lieut. & Adjt.
(J.H. Ackerman) 3-A District Depot, A.F.

7. ESCAPE

C 5005 Pte. HYDERMAN, R.E.

A 10 I.(A) T.C., Camp Borden, att'd for rations to "HQ" Wing - did escape lawful custody at Fort Frontenac Guard Room at 1700 hours 18-July-42.

8. CHANGE OF NEXT OF KIN

B 32482 Sig. FORSYTH, R.M.

No. 3-A District Depot, "B" Wing - From: Mrs. Mary Forsyth (mother)
To: Mrs. Mary (Forsyth) IRELAND (Mother)
131 Bedford Park Ave.,
TORONTO, Ontario.

9. DOCUMENTATION - Medical

C 5044 Pte. GUERNSEY, G.L.

No. 3-A District Depot, "B" Wing - having been medically re-examined is classified in Category "C2", w.e.f. 13-Jul-42. (to be reboarded in 2 months)
Auth: M.F.B. 227 approved 13-7-42.

10. POSTING

C 5044 Pte. GUERNSEY, G.L.

No. 3-A District Depot, "B" Wing - is posted to "C" Wing, w.e.f. 20-July, 1942.

11. FURLOUGHS

(a)
P 8384 Pte. SNOWDEN, G.E.

No. 3-A District Depot, "HQ" Wing is granted a furlough from 24-7-42 until 6-August-42.

(b)
C 6319 Pte. NOBLE, J.

No. 3-A District Depot, "HQ" Wing - Is granted a furlough from 21-Jul-42 until 3-Aug-42.

12. PUNISHMENT

C 52252 Pte. BORRIS, R.

No. 3-A District Depot, "C" Wing - was, on 20-7-42, fined $5.00 for Drunkenness (2nd Offence). (K.R. Can. 492.)

to sheet 4 (over)

D.O. Pt. II, No. 172,
dated 20th July, 1942.

13. HOSPITAL

(a) Admission

F 2445 Pte NEWELL, G. "A" Wing to K.M.H. 17-Jul-42.

(b) Discharge

C 417587 Pte. LAVERDURE, G. "D" Wing from K.M.H. 18-Jul-42
C 52252 Pte. BORRIS, R. "C" Wing from K.M.H. 18-Jul-42

14. ABSENTEES

(a) 1st Notice

B 75301 Pte. LOSCOMBE, D.F.	"B"	Wing	from 0600	hours,	20-Jul-42
B 75403 Pte. WARNER, A.	"	"	"	"	"
C 5659 Gnr. SMITH, V.E.	"C"	"	" 0830	"	18-Jul-42
C 1311 Gnr. LOUCKS, W.J.	"	"	" 0615	"	19-Jul-42
C 12228 Pte. BOISCLAIR, R.	"	"	" 0615	"	20-Jul-42
C 9509 Gnr. GUERIN, F.	"	"	" "	"	"
C 9794 Gnr. POITRAS, J.O.	"	"	" "	"	"
C 32377 Pte. SLACK, S.	"	"	" "	"	"
C 43583 Pte. LAFONTAINE, A.	"D"	"	" 1200	"	18-Jul-42
C 77996 Pte. KEALEY, G.A.	"	"	" "	"	"
C 77978 Pte. McDIARMID, D.H.	"	"	" "	"	"
C 100059 Pte. McCOOL, T.J.	"	"	" "	"	"
C 34896 Pte. MATHER, I.L.	"	"	" "	"	"
C 32603 Pte. DESARMOUX, J.	"	"	" "	"	"

(b) 2nd Notice

C 6444 Pte. BRISTOL, M.E. "B" Wing from 1800 hours, 12-Jul-42

(c)

C 72420 Spr. LAIRD, D.	"B"	Wing	at 0630	hours,	20-Jul-42
C 64615 Pte. HARTLEY, G.F.	"	"	" 0815	"	"
C 34896 Pte. MATHER, I.L.	"D"	"	" 1400	"	19-Jul-42

15. AMENDMENTS

(a)
Tradesmen's Rates of Pay (bandsmen) — DO 171 para 8 d/18-Jul-42. Authority is amended to read "Gen. Order No. 253 d/2-7-42."

(b)
C 36816 Pte. CONNELL, B.R.
C 36111 Pte. HEALEY, R.
— DO 171 para 5(a)(ii) d/18-Jul-42 insofar as it concerns the m/n is amended as under. eff. date to read "16-Jul-42" in both cases.

(c)
C 715 Gnr. HOCHEUTH, J.F.
C 89823 Pte. RICHARDSON, C.P.
C 37238 Pte. GORDON, C.J.
— DO 171 para 7 d/18-7-42. insofar as it concerns the m/n is amended to read:-
(1) C 715 A/Cpl. HOCHEUTH, J.F.
C 89823 A/Sgt. RICHARDSON, C.P.
C 37238 A/Sgt. GORDON, C.J.

(2) After as above add: "and are posted to A21 RCOC RC for pay.

16. DELETION

K 42117 Pte. GLAVIN, J.W.
B 117204 Pte. LEMIC, E.J.J.
— DO 167 para 5(b)(ii) d/14-7-42 insofar as it concerns the m/n delete their names.

To sheet 5(over)

D.O. Part II No. 172
d/20-7-42.

17. CANCELLATION

(i)
C 35130 Sig. BUKER, Charles Earl — DO 1713(a)(ii) d/18-7-42. insofar as it concerns the m/n is cancelled.

(ii)
C 81033 Pte. BRADSHAW, L.J. — DO 163 para 5 d/9-7-42 is cancelled.

N.R.M.A. & "R" RECRUITS

18. STRENGTH INCREASE

The u/m having been attested as ordered, and having been placed in categories as shown, are allotted Regt. No. as shown opposite their names, enrolled in N.R.M.A. Clearing Depot No. 3, and attached to No. 3-A District Depot "E" Wing, for all purposes w.e.f. dates stated:

D 513966 IVALL, Norman Harold (S)(A1) UCC 15-Jul-42 RCASC
C 612022 DILLON, Miles James Bernard (M)(A1) RC 16-Jul-42 RCASC
D 513901 KALIBABA, Mickey (S)(A1) RC 15-Jul-42 Infantry
C 612021 LEVECK, Dorian Thomas (M)(A1) RC 16-Jul-42 RCASC

[illegible]

(C.F. Swayne) Captain,
A/Adjutant, No. 3-A District Depot.
Kingston, Ontario.

DISTRIBUTION

Officer i/c Records NDHQ.....4
War Diary.....3
District Paymaster.....2
District Headquarters.....1
District Recruiting Officer.....1
District Medical Officer.....1
District Dental Officer.....1
Representative D.O.C.....1
2nd. Bn. HLPE Regt. Picton.....1
O.C. "E" Coy. C.W.A.C.....1
Dean, Faculty of Meds. Queen's....1
Representative DOC, MD XIIc.....1
Vancouver Barracks, Vancouver, B.C.
No. 1 NET Depot, Overseas.....1 para 1(a)(b) 5(b)
Kingston Military Hospital.....1 para 4
1st. Bn. PWOR, Connaught Ranges....1 para 5(a)(ii) 6(c)
No. 3 District Depot Ottawa.....1 para 5(c)(i) 17(a)
No. 2 District Depot Toronto.....1 para 5(c)(ii)
No. 33 Coy., C.P.C. Ottawa .....1 para 6(a)(b)
A 10 I (A) T.C. Camp Borden .....1 para 7
A 21 R.C.C.C. T.C. .....1 para 15(d)
32 C.A.(B) T.C. Peterborough .....1.para 16.

This is Exhibit "D" referred to in the Summary of Evidence in the case of H35005 Pte. R.E. Hyderman taken before me at Camp Borden, Ont. this 25th day of November, 1942,

(J.H. Petens) Lieut.& Asst. Adjt.
A-10 I.(A) T.C., C A.

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EXHIBIT "E" J. Hyderman Pte. R.C.M.P. I-5 47

Certificate in accordance with Order in Council P.C. 2797 dated 10th April, 1942, as published in General Order 127, 1942.

(APPREHENSION BY OR SURRENDER TO CIVIL AUTHORITIES)

I certify that the person whose description is given below was arrested by (surrendered to).....
(Name of Peace Officer or Constable)
at.....at.....on the.....
(Place) (Hour)
day of.....19.... and that at the time of arrest (surrender) he was wearing military (air force) uniform(dressed in civilian clothes)

Regimental particulars of officer or soldier referred to above.....
(No.....
(Rank.....
(Name.....
(Unit.....

DESCRIPTION.....
(Age.....
(Height.....
(Complexion.....
(Hair.....
(Eyes.....
(Marks.....

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of Police Stn. at which officer or soldier was taken into custody upon such arrest or surrender.
M.F.M.215

.....
(Peace officer), (constable) or (officer in charge of Police Stn.)

Certificate in accordance with Order in Council P.C.2797 dated 10th April, 1942, as published in General order 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I.....Lt.-Col. M.P.A. Hare, Can. Fus., O.C. A-10 I.(A)T.C.,C.A.
(rank) (name) (unit)
hereby certify that...C5005.....Private.....Hyderman, R.E.
(number) (rank) (name in full)
of the.....H.Q. P.E.Regt. att. A-10 I.(A).T.C., C.A.
Unit and attachment (if any)
~~apprehended~~ Surrendered to B24329..L/Cpl. Moren, J.
(number) (rank) (name)
.....R.M.P., A-10 I.(A).T.C., C.A.
(Unit or appointment)
at....A-10.I.(A).T.C., C.A.....at..0030 hrs.
(place) (hour)
on the.....12.....day of.....NOV.....19.42
as a ~~deserter~~ (or absentee without leave), and that at the time of his arrest he was wearing military (~~civilian~~) uniform (~~civilian clothes~~)
DATED at..Camp Borden, Ont.....this..25th....day of..NOV.....19.42

M.P.A. Hare Lt-Col. Comd. A-10 I.(A) T.C.,C.A.
(Signature, No., Rank, Unit or Appointment

Note:- Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the Officer Commanding such unit or formation and not by an officer "Jr." him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

This is Exhibit "E" referred to in the Summary of Evidence in the case of C5005 Pte. R.E. Hyderman, taken before me at Camp Borden, Ont, this 25th day of November, 1942.

M.F.M.216

J.H. Peters

(J.H. Peters) Lieut. & Asst. Adjt.
A-10 I.(A) T.C., C.A.,

I-649

EXHIBIT "F"

ABSENTEES AND DESERTERS

A.10 I. (A) TC.C

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

J. Smith Mayor
Pres. D.C.M.

Fill in complete description

I, Major L.B. Duckworth, A/C.S. & T.O., Camp Borden, Ont.,
(Rank) (Name) (Unit)

Strike out word not applicable

hereby certify that I (issued) (~~xxxxxxxx~~) the hereinafter itemized transportation for escort

Complete

to proceed from Camp Borden, Ont., (Place) to Kingston, Ont., (Place)

and return to Camp Borden, Ont., for the

Full description of soldier being escorted

purpose of escorting C/5005 Pte. Hyderman, R.

Strike out phrase not applicable

alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~xxxxxxxxxxxxxxxx~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Cost of T. .No.A/120973 issued to cover transportation of escort.....	7.40
Tax.....	1.10
~~Cost of T. No.A/120973 issued to cover transportation of absentee~~	~~xxxxxx~~
~~Tax xxxxx~~	~~xxxx~~
~~Cost of meals enroute for escort & absentee~~	~~2.50~~
- COSTS -	
Total	$ ~~8.50~~ ~~15.05~~

Dated at Camp Borden, Ont. this 10th day of August, A.D. 1942

Major,

A/C.S. & T.O.,
Camp Borden, Ont.

Signature, rank, unit of officer (issuing transport warrants)
Strike out if not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1484
8234—12-40 (375m)
J.A.G. 1775-29-1491

This Exhibit "F" referred to in the Summary of Evidence in the case of C5005 Pte. R.E. Hyderman, taken before me at Camp Borden, Ont, this 25th day of November, 1942.

(J.H. Peters) Lieut. & Asst. Adjt., A-10 I. (A) TC.C.

EXHIBIT "G" I-7 51

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES) J. Smith Major Pres. D.C.M.

Complete description: I, B21091 (No.) Sgt. (Rank) Bougard, J., (Name) R.C.R. (Unit),

Strike out words not applicable: as (escort) (~~[illegible]~~) consisting of myself

Members of escort: .....

detailed to proceed from Camp Borden, Ont. (Place) to Kingston, Ont. (Place)

Name and description of soldier escorted: to return C5005 Pte. Hyderman, R.E.

alleged to be a deserter or absentee without leave, to Camp Borden, Ont. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Cost of meals enroute for escort (Covered by Transport Warrant No.A/120973 dated 17 JUL 42)	$ 1.75
Total	$ 1.75

Dated at Camp Borden, Ont. this 25th day of November A.D. 1942

J. Bougard Sgt.

B21091 (Bougard, J.) ~~[illegible]~~ (escort)

Att.A-10 I.(A)T.C.,C.A. Strike out prescription not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.D. 1423
56M—7-41 (1150)
H.Q. 1772-39-1590

This is Exhibit "G" referred to in the Summary of Evidence in the case of C5005 Pte. R.E. Hyderman, taken before me at Camp Borden, this 25th day of November, 1942.

J.H. Peters (J.H. Peters) Lieut. & Asst. Adjt. A-10 I.(A)T.C.-C.A.

Y

M.F.B. 355
TM—S 40 (6400-1)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

J. Smith Major
Pres. D.C.M.

Number	Rank	Name	Regiment (or unit)
C5005	Private	R.E. Hyderman,	Hastings & Prince Edward Regiment

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	Nil	times	Nil	times
For		times		times
For		times		times
For		times		times

There are no entries in the conduct sheets of the accused.

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and ~~13~~ 20 days in military custody, making a total of ~~13~~ 20 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 20yrs, 3 mons, ~~20~~ 27 dys.

6. The date of his attestation specified in his attestation paper is 19 MAR 42

7.

8.

9. The accused is in possession of or entitled to no military decoration, or military reward (or is in possession of or entitled to). State any military decoration or reward. Nil

10.

54

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit .....dated ....., and in his regiment (or corps), the rank of .....dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of .....years.

In the rank of .....years.

In the rank of .....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Unit Regiment Name ..... of .....

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~25th~~ 2 day of ~~NOV 42~~ Dec 42

(J.H. Peters) Lieut.& Asst. Adjt.
A-10 Infantry (A) Training Centre,C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

No. C-5005 Name HYDERMAN, R.E. Sqn., Battery, or Company NO. 3 "A" DISTRICT DEPOT Corps Date of enlistment 19-Mar-42 G.C. Badges Nil Service or Proficiency Pay Character

M.F.M. 6 (A.F.B. 122) 500M—11-40 (8629) H.Q. 1772-48-18

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. One. | Signature O.C. Company, etc.

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Entries Nil. 8-6-42					
Camp Borden,	Ont.			T.O.S. A-10 I.(A) T.C., 10-6-42	D.O. 144,	d/18-6-42.		S. Ervine. C.S.M.	
				CERTIFIED TRUE COPY J.H. Peters Lieut. & Asst. Adjt. 25 NOV 42 (J.H. Peters) A-10 I.(A) T.C., C.A.					

(P.T.O.)

J. Smith Major
Bde. D.C.M.

BY THE DEFENDING OFFICER: Sirs: I don't wish to take up the time of the Court unduly with this case. We have here a young and, I am afraid, a very badly confused man. It seems that the offences with which he is charged arose from circumstances which he found himself in and which was a little beyond his comprehension. He is young, as I say, and he is not well educated. He was, on his own statement, ignorant of the fact that he could have applied for and probably received leave in the proper channels - to make some effort to straighten this thing out. Consequently, he took the law into his own hands. He admits quite frankly that he did commit these offences. Yet, the picture is the picture of one who did it in this confused condition, not because he was sick of the Army and because he could make more money out of the Army. He went straight home. He worked there in an effort to get some money together so that when he got to Cornwall he would be of some use. However, he was apprehended before he got his trip completed and he broke out of barracks because he was still trying to get to Cornwall to see what he could do about this mess that he found himself in. Now, I feel, sir, that the man is young, that he is confused, and that he is in a mess now. He didn't make the thing any better by going absent but at the same time the circumstance is such that I fail to see that a severe sentence on the part of this Court would do anything to help the man, or as far as that goes, to help the Army. He has done wrong admittedly and yet I feel that he is in a position now where he needs mercy rather than punishment for what he has done.

- - -

KJB

KJB

KJB

MEDICAL OFFICER'S REPORT

I certify that No. C.5.0.6.6. S.G. Hyderman R.

of A.I.C. P.A.T.C. is in a fit state of health

and able to undergo Trial by Court Martial ~~Detention~~

Capt. RCAMC

Medical Officer.

and A.I.C. P.A.T.C., C.A.

Camp Borden, Ontario.

Date 2 Dec. 42

H.Q.C. 55-H-310 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

HARVEY L. D.637704 PTE.

GENERAL LIST, NO.4 NRMA. CL. DEPT.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-310

CENTRAL REGISTRY	DATE	P.A. OR D.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")							
[redacted]	[redacted]	[redacted]	[redacted]	JAY	With Papers C.R. DEC 28 1942		
				JAY	With Papers C.R. JAN 15 1943		
JAN 26 1943	11/1/43	P.A.	[illegible]	AD	[illegible] & P.A.	[illegible]	10-1-43
MAR 11 1943	10/3/43	P.A.	S/Ldr	JAY	For Ret. MAR 10 1943		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to D.F. it for two or three days than keep it out of Central Registry indefinitely. This assures it being completed and kept in order, and also gives other offices an opportunity to use DEPA.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

M.Q.C.55-H-310 (JAG)

A
RECEIVED
JAN 19 1943
A.D.

January 16th, 1943.

The District Officer Commanding,
Military District No. 4, Montreal, Que.

District Court-Martial

D.647704, Pte. Lucien Harvey,
General List No. 4 N.R.M.A.Clearing Depot,
attached to C.A.(B) T.C. No. 47, C.A.

Receipt is acknowledged of your M. 1-H-3193 (J) dated January 13th, 1943, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

EBB

Brigadier,
Judge Advocate-General.

EBB/MM

(R3811 R 8

99507 IN REPLY PLEASE QUOTE
No. M. 1-H-3193(J)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

REGISTERED

MONTREAL, P.Q., January 13th, 1943.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
CONF. SEC.
JAN 15 1943
File C SS-H-310
Chgd. to
Referred to JAG.

DISTRICT COURT MARTIAL

D-637704, Pte. Lucien HARVEY,
General List, No. 4 NRMA Clearing Depot,
attached to C.A.(B) T.C. No. 47, C.A.

Reference your H.Q.C. 55-H-310 (JAG), dated January 5th, 1943.

2. The proceedings of the marginally-noted District Court-Martial are returned, herewith, for custody.

3. The irregularities noted in the proceedings have been called to the attention of the President and members of the Court, this for their future guidance.

4. As to paragraph 3 of your abovementioned letter. The application for District Court-Martial was received at this Headquarters on 29th October, 1942. Same was returned for correction and completion of the Charge Sheet and Summary of Evidence on 5th November, 1942, but was not resubmitted until 25th November, 1942. The reason for the delay in resubmission was that the testimony of the first witness in the Summary had to be corrected and this officer had proceeded on his annual leave. As soon as he returned the necessary action was taken. The Court was convened on 1st December, 1942.

5. For your information, please.

M. E. Panet

(M. de B. Panet), Brig.-General,
District Officer Commanding,
Military District No. 4.

ENC:

'AT. DEF. B. 440
100 M—4-42 (4312)
Q. 1772-19-767

MEDICAL OFFICER'S REPORT

I certify that No. D-637704 Harvey L.

of NRMA-RR is in a good state of health,

and fit to undergo Trial by Court martial.

N M Peacocke Capt RAMC CA

Medical Officer

att. to No 47 C ABTC CA

CA(B) TC- No 47

Station Valleyfield Que

Date 8-12-42

J. C. G. Rousseau major

President, DCM.

M. F. B. 246

MM—6-41 (752)

H.Q. 1773-35-460

SUMMARY OF EVIDENCE.

in the case of

No.D-637704 , Private Lucien HARVEY, General List, No.4 National Resources Mobilization Act Clearing Depot, attached to No. 47 Canadian Army (Basic) Training Centre C.A., a soldier of the Canadian Army, called out for training pursuant to the National Resources Mobilization Act 1940 and the Regulations made thereunder as amended.

CHARGE :-

CHARGE
SECTION 9(2)
Army Act.

DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER.

The Commanding Officer directs that the evidence be taken on oath.

First Witness

Lieut. P/E. Beauvais, Les Fusiliers Mont-Royal, C.A., attached to No. 47 C. A. (B) T. C., C.A., having been duly sworn, states:

"Je connais l'accuse. J'agis comme commandant en second de la Compagnie "A" du No.47 C.A.(B)T.C., C.A., a Valleyfield, et le 23 octobre 1942, j'agissais comme tel. Mon travail consistait ce jour-la a surveiller l"entrainement des troupes de la Compagnie "A" suivant le syllabus . Le 23 octobre 1942, durant l'exercice de mes fonctions de commandant en second de la Compagnie "A", je suis alle faire un tour d'inspection; en arrivant dans la hutte A-1. j'ai trouve l'accuse, soldat L.Harvey en train de se promener dans la chambre d'ablution. L'accuse fait partie du Peloton No.1 de la compagnie "A" et le syllabus d'entrainement mentionne pour ce jour-la une periode de culture physique de 1030 hrs a 1115 hrs. Il etait 1045hrs. Comme la periode de culture physique eâait en cours depuis 15 minutes, j'ai demande a l'accuse la raison pour laquelle il ne s'y rendait pas, Il me repondit qu'il avait mal aux pieds et qu'il ne pouvait pas faire de P.T. Je lui ai alors donne l'ordre de se rendre immediatement a son peloton pour y faire sa culture physique. Il m'a repondu qu'il n'irait pas et que je pouvais faire ce qu'il me plairait. Le sergent Gariepy J.P., sergent du peloton No.1 de la Cie "A" etait present a cet entretien. De 1045 hrs a 1115 hrs j'ai surveille personnellement l'entrainement du peloton No.1 auquel l'accuse appartient et je jure que l'accuse ne s'est pas presente a son peloton pour y faire sa culture physique. A 1115 hrs., je l'ai place sous arret de rigueur et conduit a la salle de garde."

The accused declined to cross-examine.

P.E. Beauvais Lieut.
P.E.BEAUVAIS,Lieut.
F.M.R., C.A.
Att.to No.47 C. A. (B)T.C.,C.A.

Second Witness

Lieut. (A/Capt) R. Morin, General List C.A., attached to No. 47 C.A. (B) T.C., C.A., having been duly sworn, states: -

"Je connais l'accusé. Il fait partie du peloton No.1 de la compagnie "A" dont je suis le commandant. Le 23 octobre 1942, le Lieut. P.E.Beauvais agissait comme commandant en second de la Compagnie et devait particulièrement surveiller l'entrainement."

The accused declined to cross-examine.

(R.MORIN) Act/ Capt.
General List, C.A.,
Att. to No. 47 C.A.(B) T.C.,C.A.

Third Witness

No.B-121534, Private (A/Sgt) Jean Paul Gariepy, R.C.A.S.C.,C.A. attached to No. 47 C.A.(B) T.C., C.A., habing been duly sworn, states : -

"Je connais l'accusé. Je suis sergent du peloton No.1 de la Compagnie "A" auquel il appartient. Le 23 octobre 1942, à 1045 hrs. j'étais avec le Lieut. Beauvais dans la chambre d'ablution de la hutt No.1. M. Beauvais a donné ordre à l'accusé de s'en aller immédiatement sur la parade pour y faire sa culture physique avec son peloton. L'accusé a refusé disant qu'il était malade, ajoutant: "Vous pouvez faire ce que vous voudrez". A 1115 hrs, Il était encore dans la hutte et ne s'était pas rendu sur la parade de culture physique qui venait de finir, M. Beauvais l'a alors placé sous arrêt de rigueur et je suis allé moi-même le conduire à la salle de garde".

The accused declined to cross-examine.

(J.P.Gariepy) A/Sgt., R.C.A.S.C.,C.A.
Att. to No.47 C.A.(B) T.C., C.A.

Pourth Witness

Lieut. R.L. St-Onge, General List C.A., attached to No. 47 C.A. (B) T.C., C.A., having been duly sworn, states : -

"Je connais l'accusé. Je suis commandant du peloton No.1 de la Compagnie "A" auquel appartient l'accusé. Le 23 octobre 1942, suivant le syllabus d'entrainement, il y avait, pour le Pl. No.1 une parade de culture physique de 1030 hrs à 1115 hrs. Je surveillais l'exécution de ces manoeuvres de culture physique et j'ai constaté que le soldat Harvey, l'accusé, n'était pas présent. A la fin de cette parade, soit à 1115 hrs, je suis allé à la hutte du Pl. No.1 et j'ai constaté que l'accusé était là. Je suis positif que l'accusé ne s'est pas présenté sur la parade pour y faire sa culture physique cet avant-midi-là.

The accused declined to cross-examine.

(R.L.St-ONGE) Lieut. Gen.List.C.A.
Att. to No. 47 C.A (B) T.C., C.A.

Fifth Witness

Capt. J.B.R.Therrien, R.C.A.M.C., C.A., attached to No.47 C.A. (B) T.C. C.A., havingbeen duly sworn, states : -

"Je connais l'accusé; je suis l'officier médical du No. 47 C.A.(B) T.C., C.A., à Valleyfield. L'accusé ne s'est pas présenté sur la parade des malades le 23 octobre 1942. Il a été gardé à l'hopital du 16 au 21 octobre 1942. Il a été libéré de l'hopital le 21 octobre 1942 alors que son état s'était amélioré. Il était en état de suivre son entrainement."

Cross examined by the accused: -

Q- Est-ce que je me suis présenté a la parade des malades le 22 octobre 1942?

A- Oui et je vous ai retourné sur la parade vu que vous étiez en état de suivre votre entraînement.

(J.B.R. Therrien)Capt. R.C.A.M.C. C.A.
Att. to No.47 C.A.(B)T.C., C.A.

QUESTION TO THE ACCUSED : -

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

(This question has been translated in French and clearly explained to the accused).

ANSWER BY ACCUSED: -

The accused states that he desires to give evidence upon oath.

The accused having been duly sworn, states:-

"Je désire rendre le témoignage suivant sous serment. J'étais pas capable de suivre la drill, parce qu'ils marchaient trop vite pour moi et que j'avais mal aux jambes. Le 22 octobre, l'officier médical a dit a son sergent qu'il ne voulait plus me voir sur la sick parade.

(L.Harvey)Pte. No.4 N.R.M.A. Cl. D.
Att. to No. 47 C.A.(B)T.C., C.A.

The accused declines to call any witness.

I certify that Rules of Procedure 4 (C) (D) (E) and (F) have been complied with.

Taken down by me in the presence of the accused at No. 47 C.A.(B)T.C., C.A., Valleyfield, Quebec, this 27th day of October 1942.

(JACQUES BOUSQUET) Capt.
Le Regt. de St-Hyacinthe, C.A.
Att. to No. 47 C.A.(B)T.C., C.A.
Officer detailed to take down the summary of evidence.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Court-Martial

Proceedings of a District Court-Martial held at C.A.(B)T.C.No.47, Valleyfield, Que. on the 8th day of December 19 42 by order of Brig.-General E.deB. Panet, CMG., DSO., ED., Commanding Military District No. 4 dated the 1st day of December 19 42.

President.

Major J.A.G. Dubeau
Le Regiment de Joliette (Reserve)C.A.
attached to C.A.E.(B)T.C.No. 42, C.A.

Members.

Major A. Spickler
2nd(Reserve)Bn. Le Regiment de Chateauguay(Mit)C.A.

Major G. Beaudry
Le Regiment de Chateauguay, C.A.
attached to No. 4 District Depot,C.A.

Trial of* D-637704, Pte. Lucien HARVEY, General List,No.4 N.R.M.A.Clearing Depot, attached to C.A.(B)T.C. No.47, C.A.

The order convening the Court, the charge-sheet and the summary ~~of abstract~~ of evidence are laid before the Court.

~~The Court satisfy themselves that the convening is~~ ~~is not available~~

~~writing member takes his place as a member of the Court~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,‡ Capt. P.J.F.Bousquet,Le Regiment de St-Hyacinthe,C.A. attached to No. 4 District Depot, C.A.

~~Counsel~~ or defending officer† Lieut. L.P.Levac, Le Regiment de Chateauguay, attached to C.A.(B)T.C. No. 47,C.A.

At 1010 o'clock the Trial commences.
A.M.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.I *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.I *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
10M—6-38 (7132)
H.Q. 1172—39-524

B

The President, and members are duly sworn.

The following officers under instruction are duly sworn. -Capt.L.M.Gosselin,2nd(Reserve Bn.Le Regiment de St-Hyacinthe,C.A.
(See attached list marked "G")

Q.2....Do you object to No. D/625377 Pte.(A/Cpl.)H. Turcot, C.A.H.D., attached to C.A.(B)T.C. No. 47, C.A., acting as shorthand writer?

A.2....No,Sir.

No. D-625377 Pte.(A/Cpl.)H. Turcot, C.A.H.D., attached to C.A.(B)T.C. No. 47, C.A., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused has elected to be tried under Army Act sec. 46(8).

The accused is arraigned upon the charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the charge against you, which you have heard read?

Question to the accused.

A.3 Not guilty.

Answer.

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~

Question.

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~

Question.

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~

Question.

Answer.

~~The accused having pleaded Guilty to charge the provisions of Rule of Procedure 35(B) are hereby complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge.

Instruction.

The accused refused C.O's punishment and requested to be tried by D.C.M.

B2

CHARGE SHEET

The accused No. D-637704, Private Lucien Harvey, General List, No. 4 N.R.M.A. Clearing Depot, attached to No. 47 Canadian Army (BASIC) Training Centre, C.A., a soldier of the Canadian Army, called out for training pursuant to the National Resources Mobilization Act 1940 and the Regulations made Thereunder, as amended, is charged with: -

CHARGE
Sec. 9 (2)
ARMY ACT

DISOBEYING A LAWFUL COMMAND FIVEN BY HIS SUPERIOR OFFICER,

in that he,

At Valleyfield, Province of Quebec, on the 23rd day of October 1942, when personally ordered by Lieutenant P.E. Beauvais, Les Fusiliers Mont-Royal C.A., attached to No. 47 C.A.(B)T.C. C.A., second in command of his company to rejoin physical training parade of his company, declared to said Lieut. Beauvais who was in charge of training: "I will not go on physical training parade and you can do what you please" and had not yet joined said physical training parade on completion of same.

Valleyfield, P.Q.
27th of October 1942.

J.E. Levesque
(J.E.LEVESQUE) Lieut-Colonel
Commandant,
No. 47 Canadian Army (Basic)
Training Centre, C.A.

Montreal, Que.,
December 1st, 1942.

TO BE TRIED BY DISTRICT COURT MARTIAL.

H.E. Panet
(E. de B. Panet), Brig.-General,
District Officer Commanding,
Military District No. 4.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

A.4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.4 *Answer.* No, Sir.

The prosecutor declines to make an opening address. C.R.D.

C.R.D. C.R.D. C.R.D.

The prosecutor proceeds to call witnesses.

First witness for prosecution. Lieut.(A/Capt.)P.E.Beauvais, Le Regiment de Chateauguay,C.A., attached to No. 47 C.A.B.T.C., C.A.,

being duly sworn, is examined by the prosecutor.

Q.5 M. Beauvais, quel est votre rang actuel?

A.5 Acting Captain.

Q.6 En date du 23 octobre 1942, quel etait votre rang?

A.6 Lieutenant, monsieur.

Q.7 Connaissez-vous l'accuse en cette cause, M. Beauvais?

A.7 Oui monsieur.

Q.8 Voulez-vous expliquer a la Cour ce qui s'est passe entre vous et l'accuse au sujet de la plainte qui est portee devant la Cour?

A.8 Si je me souviens bien, le 23 octobre, alors qu'agissant comme second i/c de la compagnie A, j'allai faire l'inspection des huttes et trouvai l'accuse couche dans son lit. Il etait environ onze heures moins quart. Je lui ai demande ce qu'il faisait, pourquoi il n'etait pas sur la parade comme tous les autres, il me repondit qu'il etait malade et qu'il ne pouvait pas s'y rendre. Connaissant deja le resultat du medecin, je lui ai ordonne de se rendre a la parade, et il m'a repondu qu'il ne pouvait pas y aller, qu'il n'irait pas, et que nous pouvions faire ce qu'il nous plairait. Je lui ai donne un dernier avertissement et je me suis retire. J'ai surveille pour le reste de la periode d'entrainement, je voulais savoir au juste si l'accuse finirait par retourner a son peloton,

et une fois la periode terminee, a 11 heures et quart, l'accuse n'etait pas encore retourne a son peloton. Je l'ai place sous arret. La premiere fois que j'ai constate qu'il etait couche, mon sergent, sergent Gariepy, etait present, et lorsque j'ai constate encore apres la periode qu'il avait ete absent, le Lieutenant St-Onge, commandant du peloton 1 et le sergent Gariepy etaient presents.

Q.9 Voulez-vous dire quels etaient vos devoirs ce jour-la a la compagnie A?

A.9 Ce jour-la, je voyais a l'entrainement de la compagnie A.

Q.10 A quelle heure etait fixee la parade sur laquelle l'accuse ne s'est pas rendu?

A.10 A 1030 heures.

Q.11 En quoi consistait cette parade-la?

A.11 C'etait une periode de culture physique.

Q.12 Vous dites que l'accuse a ete place sous arret par vous-meme, a ce moment-la, est-ce que la periode de culture physique etait terminee completement?

A.12 Elle venait de se completer, 1115 heures.

Q.13 Combien s'est-il passe de temps entre le moment ou vous avez donne l'ordre a l'accuse d'aller sur la parade et le moment ou vous l'avez place sous arret parce qu'il n'y etait pas alle?

A.13 Environ 25 ou 30 minutes.

Cross-examined by the Defending Officer.

Q.14 De quelle facon avez-vous pris connaissance de la decision du medecin ce matin-la?

A.14 Il me semble que j'en ai pris connaissance par le 292.

Q.15 M. Beauvais, est-ce que lorsque vous avez donne l'ordre a l'accuse de se rendre sur la parade, est-ce qu'il vous a repondu d'une maniere voulant defier l'autorite?

A.15 Peut-etre monsieur.
The Prosecutor declines to re-examine the witness.
R.P. 83(B) has been complied with.

The witness withdraws.

Second Witness for the Prosecution:) Lieut.(A/Capt.)R.R. Morin, General List, C.A., attached to No. 47 C.A.(B)T.C., C.A., being duly sworn, is examined by the Prosecutor:

Q.16 Capt. Morin, quelles sont vos fonctions dans le camp ou vous etes attache?

A.16 Je suis commandant de la compagnie A.

Q.17 Connaissez-vous l'accuse en cette cause, le soldat Harvey?

A.17 Oui monsieur.

Q.18 Pouvez-vous dire a quelle compagnie il appartient?

A.18 A la compagnie A.

Q.19 Dans quel peloton de la compagnie A, vous souvenez-vous de ca de memoire?

A.19 Au meilleur de ma connaissance, c'est le peloton 1.

Q.20 Quels sont les devoirs du lieutenant Beauvais?

A.20 Acting Capt. Beauvais, qui etait lieutenant le 23 octobre 1942, agissait comme second i/c de la compagnie A.

Q. 21 En quoi consistaient ses devoirs?

A.21 Je l'avais detaille pour voir a l'entrainement de la compagnie.

Q.22 Est-ce qu'il y a longtemps qu'il exercait ces fonctions-la?

A.22 A peu pres trois semaines dans le temps.

Q.23 Quels etaient les devoirs du Lieut. Beauvais en ce qui concerne la presence des soldats sur la parade?

A.23 Le lieutenant Beauvais etait en charge de l'entrainement, il devait voir a ce que tous ceux qui n'etaient pas officiellement exemptes de la parade soient presents.

Cross-examined by the Defending Officer:

Q.24 A votre connaissance, est-ce que l'accuse a deja demande a vous etre parade?

A.24 L'accuse m'a ete parade plusieurs fois, je ne me souviens pas s'il l'avait demande personnellement, mais s'il me l'avait demande, je lui aurais demande ce qu'il voulait savoir de moi.

Q.25 L'accuse vous a ete parade plusieurs fois?

A.25 Oui plus qu'une fois a ma connaissance.

Q.26 Toujours au meme sujet?

A.26 A peu pres la meme chose, c'etait toujours sur la meme question.

The prosecutor declines to re-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The witness withdraws.

Third Witness for the Prosecution) D/121534 Pte.(A/Sgt.) Jean-Paul Gariepy,R.C.A.S.C.,C.A., attached to No. 47 C.A.(B)T.C., C.A., being duly sworn, is examined by the prosecutor:

Q.27 Sergent Gariepy, connaissez-vous l'accuse ici present?

A.27 Oui monsieur.

Q.28 Quel est son nom?

A.28 Soldat Harvey L.

Q.29 Quelles sont vos fonctions au camp de Valleyfield?

A.29 Sergent instructeur sur un peloton.

Q.30 Quel peloton?

A.30 Le peloton 1 de la compagnie A.

Q.31 Le 23 octobre 1942, est-ce que vous etiez sur ce peloton-la?

A.31 Oui monsieur.

Q.32 Est-ce que l'accuse etait un soldat affecte au peloton dont vous faites partie?

A.32 Oui monsieur.

Q.33 Voulez-vous dire a la Cour ce qui s'est passe entre le lieutenant Beauvais et l'accuse le 23 octobre 1942, a votre connaissance?

A.33 Nous etions a former le peloton pour la parade de culture physique, et le peloton etait sorti dehors. M. Beauvais m'a fait demander devant la hutte. Nous sommes entres faire l'inspection, le soldat Harvey etait dans la hutte. M. Beauvais l'a appele dans la chambre d'ablution entre les huttes 1 et 2, et lui a enjoint de rejoindre la parade pour le P.T. Le soldat Harvey a refuse de rejoindre la parade disant qu'il etait malade. M. Beauvais lui a donne un autre avertissement. Nous sommes sortis de la hutte, nous avons continue la parade de P.T. Quand nous sommes entres apres la parade terminee, avant que le peloton rentre, nous sommes entres et nous avons constate que le soldat Harvey etait couche dans son lit et n'avait pas apparu sur la parade de P.T. M. Beauvais a mis le soldat Harvey "close arrest".

Q.34 A quel moment l'accuse a-t-il ete mis sous arret?

A.34 Apres que la parade de P.T. fut terminee.

Q.35 Est-ce que vous avez ete sur la parade de P.T. durant cette periode-la?

A.35 Oui monsieur.

Q.36 Est-ce que l'accuse s'etait presente?

A.36 Non monsieur.

Q.37 Est-ce que vous avez ete la tout le temps?

A.37 Oui monsieur.

Q.38 Pendant le temps que vous n'y etiez pas, ou etiez-vous?

A.38 Avec l'accuse.

Q.39 Et l'accuse ne s'est pas rapporte sur la parade?

A.39 Non monsieur.

The Defending Officer declines to cross-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The witness withdraws.

Fourth witness for the Prosecution) Lieut. R.L. St-Onge, General List, C.A., attached to No. 47 C.A.(B)T.C., C.A., being duly sworn, is examined by the Prosecutor:

Q.40 M. St-Onge, connaissez-vous l'accuse?

A.40 Oui monsieur.

Q.41 Quel est son nom?

A.41 Harvey.

Q.42 Dans quel peloton de quelle compagnie appartient-il?

A.42 Il appartient au peloton 1 de la compagnie A.

Q.43 Quelles sont vos fonctions au camp de Valleyfield, a quelle compagnie appartenez-vous?

A.43 Compagnie A.

Q.44 A quel peloton de la compagnie A?

A.44 Actuellement, j'appartiens au peloton 3.

Q.45 Le 23 octobre 1942, a quel peloton appartenez-vous?

A.45 Au peloton I.

Q.46 Vous etiez en charge du peloton?

A.46 Oui monsieur, commandant du peloton.

Q.47 Ce jour-la, avez-vous eu connaissance d'un incident qui se serait passe entre le lieutenant Beauvais et l'accuse; voulez-vous raconter a la cour ce qui s'est passe?

A.47 Il etait question de la parade de P.T. a 1030 heures. Je me suis absente pour quelques minutes. Vers 11 heures et vingt je suis revenu sur la parade et j'ai constate l'absence du soldat Harvey. Alors j'ai attendu jusqu'a la fin de la periode, 11 heures et quart, je suis alle faire un tour dans la hutte de la compagnie A, du peloton 1, et j'ai constate que le soldat Harvey etait couche dans son lit, etant absent toute la parade du P.T.

Q.48 Avez-vous laisse le lieutenant Beauvais avec l'accuse?

A.48 Oui monsieur il etait la.

Q.49 Voulez-vous dire ce qui s'est passe, a votre connaissance, entre ces personnes-la?

A.49 Le lieutenant Beauvais et le sergent Gariepy ont conduit l'accuse, soldat Harvey.

Q.50 A ce moment-la est-ce que la periode de P.T. etait terminee?

A.50 Completement terminee.

Cross-examined by the Defending Officer:

Q.51 Lieut. St-Onge, connaissez-vous le soldat Harvey?

A.51 Oui monsieur.

Q.52 Auparavant, avant le 23 octobre 1942, est-ce qu'il allait sur la parade de P.T.

A.52 Generalement, oui monsieur. Pas tout le temps. Il n'etait pas toujours present sur les parades.

Q.53 Donnait-il une excuse pour ca?

A.53 Il pretendait qu'il etait malade.

Q.54 Est-ce qu'il avait des signes?

A.54 Il semblait avoir de la difficulte a marcher.

The Prosecutor declines to re-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The witness withdraws.

Fifth Witness for the Prosecution) Capt. J.B.R. Therrien, R.C.A.M.C., C.A., attached to No. 47 C.A.(B)T.C., C.A., being duly sworn, is examined by the Prosecutor:

Q. 55 Capt. Therrien, voulez-vous nous dire quels sont vos devoirs dans le camp?

A.55 Je m'occupe de la sante des hommes, je m'occupe des hommes qui se rapportent sur la parade des malades, je m'occupe de l'hygiene du camp.

Q.56 Qui occupe la fonction d'officier medical du camp?

A.56 C'est moi monsieur.

Q.57 Qui occupe la fonction de commandant de l'hopital militaire de Valleyfield?

A.57 C'est moi.

Q.58 Connaissez-vous l'accuse?

A.58 Oui monsieur.

Q.59 Comment s'appelle-t-il?

A.59 Soldat Harvey.

Q.60 Voulez-vous nous dire si l'accuse s'est presente sur la parade des malades le 23 octobre 1942?

A.60 Il n'y a pas son nom sur les 292. En fait, il se serait presente le 22.

Q.61 Pour quelles raisons s'etait-il presente le 22 octobre 1942?

A.61 Si je me rappelle bien, c'etait pour des douleurs dans les jambes.

Q.62 Quelle a ete votre decision ce matin-la a son sujet?

A.62 Il a ete retourne sur la parade.

Q.63 D'apres vous, est-ce qu'il etait malade ce matin-la?

A.63 Non monsieur.

Q.64 D'apres vous, est-ce qu'il etait capable de remplir l'entrainement militaire?

A.64 Oui monsieur.

Q.65 Le lendemain, est-ce qu'il s'est presente sur la parade des malades?

A.65 Je ne me reppelle pas.

Q.66 D'apres les rapports de la "sick parade" de ce jour-la?

A.66 Le 23, on ne l'a pas sur les rapports, sur les 292.

Q.67 D'apres vous est-ce qu'il se serait presente?

A.67 Ca se peut.

Q.68 Qu'est-ce qu'il serait advenu de son cas?

A.68 S'il s'etait presente, je l'aurais retourne sur la parade, la meme chose que j'ai fait le 22.

Q.69 Avez-vous deja examine l'accuse?

A.69 Oui monsieur.

Q.70 Voulez-vous nous dire, d'apres vous, quel etait son etat dans ces jours-la?

A.70 Il etait le meme que les derniers jours que je l'ai vu, il se plaignait des douleurs aux jambes et de la difficulte a marcher.

Q.71 Quelle etait votre decision a son sujet, le consideriez-vous apte ou inapte a faire son entrainement?

A.71 Les premiers jours, j'etais douteux, je lui ai donne des "Excused Duty". Par la suite, j'ai constate que le diagnostic ne s'imposait pas et quelques jours apres, je l'ai envoye a l'hopital pour observation.

Q.72 Apres qu'il a ete revenu, quelle a ete votre decision?

A.72 D'apres les rapports des specialistes j'ai constate qu'il ne souffrait d'aucune maladie organique.

Q.73 Votre diagnostique a ete lequel?

A.73 Il n'y a pas eu de diagnostic precis.

Q.74 Vous ne saviez pas si l'accuse etait apte a faire son entrainement?

A.74 Il etait apte en apparence, meme s'il avait des rhumatismes, il etait capable en apparence de faire son entrainement.

Q.75 Pour completer votre diagnostic, vous l'avez envoye sous observation?

A.75 Exactement.

Cross-examined by the Defending Officer:

Q.76 Le 22 octobre, le soldat Harvey s'est presente a l'hopital?

A.76 Oui monsieur.

Q.77 Vous avez un 292 qui certifie que le soldat Harvey s'est presente sur la parade des malades?

A.77 Oui monsieur.

Q.78 Le 23 octobre, vous n'avez pas de 292 pour l'accuse?

A.78 Non monsieur.

Q.79 Un 292, c'est votre preuve a l'hopital comme quoi un type s'est presente?

A.79 Oui, il arrive toujours les 292 faits a l'hopital.

Q.80 L'accuse ne s'est pas rapporte le 23?

A.80 Il est peut-etre venu sans avoir donne son nom au N.C.O. qui prend les noms pour la parade des malades.

Q.81 Vous dites que l'accuse n'etait pas assez malade?

A.81 Oui monsieur.

Q.82 D'apres vous, est-ce que le soldat Harvey pouvait avoir des lesions?

A.82 En apparence, physiquement, non.

Q.83 Qu'entendiez-vous par diagnostic interne?

A.83 On se base sur un symptome subjectif, il n'y a aucun symptome objectif apparemment.

Q.84 Est-ce que Harvey pouvait avoir des douleurs?

A.84 Oui, c'est un symptome objectif, lui seul pouvait le savoir.

Q.85 Docteur, vous avez envoye vous-meme Harvey au D.P. & N.H.?

A.85 Oui monsieur.

Q.86 Pour l'envoyer vous-meme au D.P. & N.H., vous etiez douteux?

A.86 Oui monsieur. Il pouvait avoir des douleurs sans qu'il n'y ait aucune apparence au point de vue physique.

Q.87 Le type pouvait-il etre malade?

A.87 Il pouvait avoir des douleurs.

Q.88 Quand il y a douleurs, est-ce qu'il est suppose y avoir une cause?

A.88 Il est suppose y avoir une cause.

Q.89 Vous venez de dire que l'accuse pouvait avoir des douleurs meme s'il n'avait pas de signes exterieurs, est-ce que ce fait-la pouvait le rendre inapte a faire son entrainement?

A.89 Non, a mon opinion, il pouvait faire son entrainement.

The Prosecutor declines to re-examine the witness.

Questioned by the Court:

Q.90 Si un homme souffre des douleurs que vous avez mentionnees, est-ce qu'il aurait raison de demander d'etre exempt de la culture physique?

A.90 Si ses douleurs avaient ete tres intenses, il y aurait eu des symptomes physiques dans ses articulations. On peut bien invoquer une douleur, il y a differents degres de douleurs.

Q.91 Le 23 octobre 1942, l'accuse etait-il physiquement en mesure de faire toutes les periodes d'entrainement publiees au syllabus?

A.91 Oui monsieur.

Q.92 Etait-il en mesure de faire de la culture physique?

A.92 Oui monsieur.

Q.93 Le 22 octobre, vous avez eu l'occasion d'examiner l'accuse?

A.93 Le 22 octobre, je ne me rappelle pas si je l'ai examine, mais parce que je l'avais examine tellement souvent, et d'apres les rapports des specialistes, "no disease found".

Q.94 Vous souvenez-vous a quelle date oxacte vous avez examine l'accuse avant le 23 octobre?

A.94 Je crois quand il est revenu de l'hopital Ste-Anne, je l'ai garde 2 ou 3 jours a l'hopital en attendant d'avoir ses rapports de Ste-Anne. Je ne suis pas certain, mais je me rappelle l'avoir garde et probablement lui avoir donne des medicaments.

Q.95 Jusqu'a quelle date a-t-il ete a l'hopital?

A.95 Il n'a jamais ete admis a l'hopital, simplement sur la "sick parade" le matin. Quand il est revenu de Ste-Anne on l'a garde a l'hopital pour travaux legers en attendant d'avoir les rapports de Ste-Anne.

Q.96 A quelle date?

A.96 A son retour de Ste-Anne.

Q.97 L'accuse s'est-il presente a l'hopital le 22 octobre 1942?

A.97 Oui monsieur.

Q.98 L'avez-vous examine le 22 octobre 1942?

A.98 Je ne me rappelle pas.

Q.99 Savez-vous ce qu'il est advenu de son cas pour le 22 octobre?

A.99 Le 22 octobre, a mon opinion, il n'avait rien.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The witness withdraws.

The Prosecutor produces to the Court the original of notice and abstract of evidence dated 1st December 1942, addressed to the accused, in compliance with R.P. 76.
Notice is marked exhibit "H", signed by the President, and attached to the proceedings.
The Court allows the Prosecutor to call as witness Dr. R.B. Breault, whose name is mentioned in exhibit "H".

Sixth Witness for the Prosecution) Dr. R.B. Breault, medecin, Ste-Anne de Bellevue, attache au Departement des Pensions et de la Sante Nationale a l'hopital Ste-Anne de Bellevue, being duly sworn, is examined by the Prosecutor:

Q.100 Docteur, voulez-vous designer a la cour vos occupations et qualites?

A.100 Je suis attache a l'hopital des Pensions et de la Sante Nationale comme medecin.

Q.101 En vos qualites, avez-vous eu a traiter l'accuse ou a l'examiner?

A.101 Je le crois, d'apres les filieres que j'ai.

Q.102 Pourriez-vous reconnaitre l'accuse?

A.102 Il nous en passe tellement, c'est assez difficile pour dire jurer que c'est bien lui, mais je le crois.

Q.103 Voulez-vous nous dire sous quel nom et quel numero il serait connu d'apres vos filieres?

A.103 Lucien Harvey, D-637704.

Q.104 Voulez-vous nous dire d'apres l'examen que vous avez fait et les observations que vous avez faites sur lui, quel etait son etat de sante a la sortie de l'hopital?

A.104 D'apres le compte rendu, la filiere, le soldat Harvey serait entre a l'hopital le 28 septembre et serait sorti le 9 octobre 1942. Il a ete pendant cette periode sous observation, et a la sortie il a ete "discharged" comme n'ayant aucune maladie organique.

Cross-examined by the Defending Officer.

Q.105 Docteur, pouvez-vous dire si le 23 octobre 1942, le soldat Lucien Harvey etait apte a faire son entrainement de culture physique?

A.105 Non, monsieur. Il est sorti d'hopital le 9 octobre, apres cette date-la je ne puis rien dire.

The Prosecutor declines to re-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The witness withdraws.

The Prosecutor has no further witnesses.

At 12.15 o'clock P.M. the Court adjourns until 1.45 o'clock P.M. on the 8th December 1942.

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On the 8th December 1942, at 1.45 o'clock P.M., the court reassembles pursuant to adjournment; present the same members as when adjourned. The prosecution is closed.

Defence

Q.106 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.106 *Answer.* Yes Sir.

Q.107 *Question.* Do you intend to call any other witness in your defence?

A.107 *Answer.* Yes Sir.

Q.108 *Question.* Is he a witness as to character only? *Answer.* A.108 No Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

J.C.H.W ~~(Where the accused does not give evidence upon oath)~~

Question to the accused. J.C.H.W ~~Have you anything to say in your defence?~~

Answer. J.C.H.W ~~The accused in his defence says:~~

J.C.H.W ~~[Hands in a written address which is read, marked~~

J.C.H.W ~~signed by the President and attached to the proceedings.]~~

J.C.H.W

Instruction. † In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

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First Witness for the Defence 1

The accused, D-637704, Private Lucien Harvey, General List, No. 4 N.R.M.A. Clearing Depot, attached to No.47 C.A.(B)T.C., C.A., being duly sworn, is examined by the Defending Officer.

Q.109 Soldat Harvey, voulez-vous dire a la Cour ce qui est arrive le matin du 23 octobre 1942?

A.109 Le matin du 23 octobre, je ne me suis pas presente sur la "sick parade". J'ai embarque sur la parade et apres la parade terminee mon officier superieur a donne ordre de la culture physique et j'ai suivi jusqu'au champ, et j'ai arrive. J'etais 2 arpents en arriere des autres. Les douleurs me mangeaient les jambes. Je me suis rendu jusque la-bas, j'ai fait mon possible, je me suis rendu a bout a suivre les autres. Le lieutenant Beauvais qui etait en charge de la surveillance de la "drill" me disait de suivre les autres. J'avais beau lui dire que je n'etais pas capable, que j'avais trop de douleurs, il m'a donne l'ordre quand meme de suivre les autres. Ils sont revenus apres les exercices finis et moi je revenais derriere eux autres toujours a la meme distance. Quand j'ai arrive a ma hutte, tout le peloton etait sorti dehors et partait pour faire la culture physique, et moi j'ai entre dans la hutte et j'etais alle a la chambre d'ablution. Quand je suis venu pour sortir, le lieutenant Beauvais etait avec le sergent Gariepy. Il m'a donne l'ordre d'embarquer sur le P.T. J'ai refuse l'ordre en disant que j'etais dans l'impossibilite de suivre les exercices, que j'avais tres mal aux jambes et que j'etais rendu a bout. Il m'a averti qu'il me donnait 15 minutes pour embarquer sur le P.T., que si je n'y allais pas qu'il y verrait. Je suis parti, je me suis rendu a mon lit, et je me suis couche. Apres les exercices finis, le lieutenant Beauvais est entre de nouveau en disant:Tu ne t'en sauveras pas comme ca". Je lui ai dit de faire ce qu'il voudrait que je n'etais plus capable de marcher. Ils m'ont conduit a la"Guard Room".

Q.110 Vous ne vous etes pas presente le matin du23 sur la parade des malades?

A.110 Non monsieur.

Q.111 Le matin du 22, y etes-vous alle?

A.111 Oui monsieur.

Q.112 Le matin du 22, avez-vous vu le medecin?

A.112 Non monsieur.

Q.113 Vous etes alle a l'hopital?

A.113 Oui monsieur.

Q.114 Qui vous a soigne?

A.114 J'ai entre a l'hopital avant les autres. Je ne voulais pas rester dehors il faisait trop humide. Le docteur Therrien m'a demande qui m'avait donne l'ordre de rentrer. Il m'a fait sortir. Quand il a vu mon nom sur la carte de la "sick parade", il a dit au sergent, je ne sais pas son nom: "C'est Harvey, dis-lui qu'il retourne sur la parade, que je ne veux plus le revoir ici".

Q.115 C'est le sergent qui vous a dit que le medecin ne voulait pas?

A.115 Oui monsieur.

Q.116 Etiez-vous alle a l'hopital quelques jours auparavant?

A.116 Oui monsieur.

Q.117 Aviez-vous vu le medecin?

A.117 Oui monsieur.

Q.118 Vous donnait-il des medicaments?

A.118 Oui monsieur. Dans les premiers temps, apres mon retour de l'hopital Ste-Anne et apres que j'ai ete entre dans le "clink", j'ai demande du "stock" il m'a envoye du liniment Menard et une sorte de graisse.

Q.119 Etes-vous capable de dire pourquoi vous ne vous etes pas presente le 23 octobre 1942?

A.119 Parce que j'avais encore du mal, et le medecin me fermait la porte au nez. Je n'ai pas voulu retourner voir un medecin semblable.

Cross-examined by the Prosecutor:

Q.120 Vous avez dit que le docteur quand il a vu votre nom sur la liste des malades, a dit au sergent de vous faire sortir, etiez-vous present quand il a dit ca au sergent?

A.120 J'etais entre dans la premiere partie de l'ameublement, il etait assis a son bureau au fond.

Q.121 Vous l'avez vu?

A.121 Oui monsieur.

Q.122 A-t-il dit ca assez fort pour que vous l'entendiez?

A.122 Oui monsieur.

Q.123 Vous dites que vous etes revenu du champ avec le peloton a votre hutte, est-ce que vous auriez pu vous rendre a pied sur le terrain de parade de votre hutte, quand le lieutenant vous a donne cet ordre-la?

A.123 Non monsieur.

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Q.124 Vous ne pouviez plus marcher?

A.124 Non monsieur.

Q.125 Vous jurez ca?

A.125 Oui monsieur.

Q.126 Vous etes sous serment, vous le savez?

A.126 Oui monsieur, je sais ce qu'etait le mal quand j'etais rendu a la hutte.

Q.127 Combien de distance y a-t-il de votre hutte au terrain de parade?

A.127 Je ne sais pas au juste.

Q.128 Vous ne pouviez pas vous rendre la?

A.128 J'etais rendu a bout.

Q.129 Jurez-vous que vous n'etiez pas capable de vous rendre-la?

A.129 Je ne puis pas le jurer.

Q.130 Vous auriez pu marcher pour vous rendre jusqu'au terrain de parade?

A.130 Oui monsieur.

Q.131 Quand il se fait des exercices de P.T. et qu'un homme est fatigue a 4, 5 ou 6 mouvements, a un moment donne il arrete et se repose pendant que les autres font cet exercice-la, qu'est-ce qu'il arrive? N'est-il pas vrai que dans les exercices de P.T. en particulier, quand un homme est fatigue, il arrete et on lui donne beaucoup de latitude dans l'exercice de ces mouvements?

A.131 Non monsieur, quand un homme n'est plus capable, ils ne sont pas supposes le pousser a bout.

Q.132 Si vous vous etiez rendu sur la parade de P.T. et que vous auriez ete fatigue, est-ce qu'ils ne vous auraient pas donne une chance, qu'ils ne vous auraient pas force a vous casser en quatre pour faire les mouvements?

A.132 C'est suppose.

Q.133 Si vous vous etiez rendu de votre hutte au champ de parade ou se faisait le P.T., vous auriez obei a l'ordre qui vous etait donne en vous disant j'embarque sur la parade de P.T. N'est-il pas vrai que par ce simple fait-la, vous auriez obei a l'ordre?

A,133 M'avoir rendu et pas avoir ete capable, ils n'auraient pas ete capables de me forcer plus. J'etais rendu a bout et je me suis couche.

Q.134 L'ordre qui vous a ete donne etait simplement l'ordre de vous rendre sur la parade?

A.134 Je comprends que c'etait seulement ca, mais rendu la, ils m'auraient fait faire d'autre chose.

Q.135 Une fois rendu la, qu'ils vous auraient donne un commandement de faire un geste, vous n'auriez pas ete capable de le faire, qu'est-ce qu'ils faisaient dans ces cas-la, surtout dans la parade de P.T. Vous nous avez dit que vous aviez des douleurs dans les jambes, pouvez-vous nous dire de quelle nature etaient ces douleurs-la?

A.135 Elles me poignaient dans les jointures et dans les os en montant, quand je me suis couche j'etais rendu a bout. Quand je suis debout c'est comme si les os voulaient m'ouvrir, et quand je marche dessus c'est encore pire.

Q.136 Dans l'avant-midi quand vous etes alle faire votre parade, vous ne pouviez pas marcher aussi vite mais vous suiviez la parade?

A.136 Oui monsieur.

Q.137 Est-ce que ces douleurs-la vous avaient prises ce jour-la ou les aviez-vous les jours d'avant?

A.137 Je les avais avant.

Q.138 Etaient-elles plus intenses ce jour-la que les autres?

A.138 Oui monsieur.

Q.139 Qu'est-ce qu'il y avait ce jour-la?

A.139 C'etait plus humide.

Q.140 C'etait la premiere fois depuis que vous etiez au camp que vous aviez des douleurs aussi intenses que ca?

A.140 Non monsieur. J'avais eu des douleurs et ils ont voulu me faire continuer davantage. J'avais vu le medecin, il m'a dit d'essayer, et quand je suis retourne il m'a donne un "excused duty".

Q.141 Vous dites que vous n'êtes pas alle sur la parade des malades le 23 octobre 1942 parce que la veille on vous avait dit de ne plus revenir?

A.141 Oui monsieur.

Q.142 Vous etes certainement au courant de ce que vous auriez du faire, n'auriez-vous pas du vous faire parader au commandant de votre compagnie pour expliquer votre situation ou meme vous faire parader au commandant du camp?

A.142 Quand vous entrez dans l'armee, vous n'etes pas au courant de rien de ca.

Q.143 Vous pensiez que vous pouviez vous faire justice a vous-meme et que vous pouviez decider si vous etiez malade?

A.143 Non monsieur.

Q.144 Si vous aviez ete voir votre commandant, est-ce que vous n'auriez pas pu avoir justice?

A.144 Je me suis fait parader par mon capitaine de compagnie et je lui ai demande de me parader devant le commandant du camp, de me placer sur le "Staff" que je n'etais pas capable de faire de "drill", ils m'ont repondu: on ne peut pas te parader devant le commandant.

Q.145 A qui l'avez-vous demande?

A.145 Au capitaine Morin.

Q.146 Quelle a ete sa reponse?

A.146 Ca fait trois fois qu'il m'envoiedans le "clink". J'ai ete parade au capitaine Spenard.

Q.147 Le 22 octobre, vous vous etes fait dire de ne plus retourner a l'hopital parce qu'ils ne voulaient plus vous revoir?

A.147 Oui monsieur.

Q.148 Aviez-vous a vous plaindre du medecin parce qu'il ne voulait plus vousrevoir?

A.148 Oui monsieur.

Q.149 Avez-vous ete voir votre commandant de compagnie ou le commandant du camp apres ca pour faire redresser le tort qui vous etait fait?

A.149 Non monsieur.

Q.150 Vous etes-vous plaint au capitaine Morin ou au colonel Levesque?

A.150 Non, monsieur, je n'ai pas ete parade au colonel Levesque.

Q.151 Avez-vous demande a votre commandant de compagnie d'etre parade au commandant du camp apres ce moment-la?

A.151 J'ai fait ma declaration devant mon capitaine; j'ai dit que je voulais etre parade devant le commandant.

Q.152 Vous jurez ca que vous avez demande a etre parade au commandant du camp?

A.152 Oui monsieur.

Q.153 A qui l'avez-vous demande?

A.153 Au capitaine Morin.

Q.154 Entre le moment ou vous avez desobei a l'ordre et le moment ou l'officier medical vous a dit qu'il ne voulait plus vous voir sur la parade?

A.154 Non monsieur.

The Defending Officer declines to re-examine the witness.

Questioned by the Court:

Q.155 Que faisiez-vous dans la vie civile?

A.155 Les trois quarts du temps je ne travaillais pas. J'etais chauffeur sur un truck. L'Hiver, je n'etais presque pas capable de travailler.

Q.156 Depuis quand etes-vous dans l'armee?

A.156 Le 26 aout 1942, je me suis rapporte a Longueuil, la journee que je devais me rapporter.

Q.157 Le 23 octobre, avant d'entrer dans la hutte, avez-vous demande a votre commandant de peloton ou a un officier ou sous-officier, de vous retirer sous la raison que vous n'etiez plus capable de marcher?

A.157 Non monsieur.

In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The accused resumes his seat.

Second witness for the Defence) D-51194 Pte.(A/CSM) Guenet, Wilfrid, Le Regiment de Chateauguay, C.A., attached to No. 47 C.A.(B)T.C.,C.A. being duly sworn, is examined by the Defending Officer:

Q.158 CSM Guenet, vous connaissez le soldat Harvey?

A.158 Oui monsieur.

Q.159 Il fait partie de votre compagnie?

A.159 Oui monsieur.

Q.160 Le matin du 23 octobre, avez-vous vu le Pte. Harvey?

A.160 Oui monsieur.

Q.161 Dans quelles circonstances?

A.161 Je l'ai vu sur la parade comme tous les matins, je l'ai vu sur le champ d'entrainement, il suivait le peloton a peu pres 2 arpents en arriere.

Q.162 Pourquoi suivait-il deux arpents en arriere?

A.162 Parce qu'il ne pouvait pas suivre avec les autres.

Q.163 D'apres vous, pouvez-vous nous dire ce qui s'est passe ce matin-la a votre connaissance?

A.163 Le soldat Harvey suivait le peloton a peu pres 2 arpents du peloton sur entrainement dans le champ. J'ai remarque qu'il pleurait a cause de sa maladie, des grosses larmes coulaient sur son visage.

Q.164 Avez-vous remarque autre chose?

A.164 J'ai remarque qu'il marchait tres lentement.

Q.165 Avez-vous eu connaissance d'autre chose apres cet entrainement-la?

A.165 A tous les jours, c'etait la meme chose.

Q.166 C'est arrive vers quelle heure ca?

A.166 Il etait a peu pres 1000heures le matin.

Q.167 Entre 1000heures et midi, avez-vous eu connaissance d'autre chose?

A.167 Je ne me rappelle pas, ca fait deux mois de ca. Je l'ai vu sur le P.T. plusieurs journees, il etait sur la place mais ne faisait pas de P.T.

Q.168 Avez-vous eu connaissance de son entrainement, autre que le P.T. et le fieldcraft?

A.168 Oui monsieur.

Q.169 Assistait-il aux lectures et aux conferences?

A.169 Oui monsieur.

Q.170 Vous surveillez l'entrainement de votre compagnie?

A.170 Oui monsieur.

Q.171 Aux lectures, le soldat Harvey semblait-il attentif?

A.171 Oui monsieur.

Q.172 Il tirait en arriere seulement sur le Fieldcraft et sur le P.T.?

A.172 Oui monsieur.

Q.173 A-t-il deja refuse de faire autre chose?

A.173 Non monsieur.

The prosecutor declines to cross-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The witness withdraws.

Third Witness for the Defence

D-51268 Pte.(A/Sgt.)Meunier L., Le Regiment de Chateauguay, C.A., attached to No. 47 C.A.(B)T.C.,C.A., being duly sworn, is examined by the Defending Officer:

Q.174 Sergent Meunier, vous faites partie de quelle compagnie?

A.174 De la compagnie A, monsieur.

Q.175 Vous connaissez le soldat Harvey?

A.175 Oui monsieur.

Q.176 Avez-vous deja ete sur un peloton dans lequel faisait partie le soldat Harvey?

A.176 Oui monsieur.

Q.177 Voulez-vous dire ce que vous savez du soldat Harvey?

A.177 Un soir, j'etais couche vers 1015 heures, un mercredi, un soldat est venu me reveiller et m'a dit que le soldat Harvey pleurait sur son lit, il souffrait et voulait aller a l'hopital. Alors, je me suis leve, j'ai ete le trouver, il avait l'air a souffrir, il se lamentait, il m'a dit qu'il souffrait de rhumatisme. Je ne savais pas au juste a quoi m'en tenir. Comme il ne faisait pas chaud dans la hutte, j'ai pris une couverture de lit et je l'ai "abrille" avec. C'etait dans le mois d'octobre. Les hommes sont arrives, je me suis tenu debout jusqu'a minuit. Les hommes arrivaient, je leur ai demande de garder le silence. A minuit, l'autre caporal est arrive et nous avons jase jusqu'a 0130 heure. Quand j'ai passe pres des toilettes, le soldat Harvey se lamentait encore dans son lit quand je me suis endormi a 0200 heures dans la nuit. C'est tout ce dont je suis positivement certain.

The Prosecutor declines to cross-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The witness withdraws.

Fourth Witness for the Defence.

D-63806 Pte.(A/Cpl.) G. Leduc, 3rd Bn. Les Fusiliers Mont-Royal,C.A., attached to No. 47 C.A.(B)T.C.,C.A., being duly sworn, is examined by the Defending Officer:

Q.178 Caporal Leduc, de quelle compagnie faites-vous partie?

A.178 De la compagnie A, monsieur.

Q.179 Vous connaissez le soldat Harvey?

A.179 Oui monsieur.

Q.180 Voulez-vous dire ce que vous savez du soldat Harvey?

A.180 Il etait dans mon peloton, A-1, du commencement de septembre au 4 octobre quand je suis parti pour Megantic. Il semblait etre tres malade, avait de la misere a marcher, surtout durant les parades de baionnette et de P.T., il avait beaucoup de difficulte a remplir son devoir. Je l'ai vu revenir apres une periode de baionnette et de P.T., s'asseoir sur son lit et pleurer. Je l'ai vu quand je suis revenu il etait au"clink". Il a toujours eu de la difficulte dans les exercices, on pouvait voir que reellement il etait malade, sa figure se contractait quand il faisait des exercices.

The Prosecutor declines to cross-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The witness withdraws.

The Defending Officer makes a Closing Address. (See document marked "I" attached).

The Prosecutor makes a Closing Address. (See document marked "J" attached).

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused D-637704, Pte. Lucien HARVEY, General List, No. 4 N.R.M.A. Clearing Depot, C.A., attached to C.A.(B)T.C. No. 47,C.A., is guilty of the charge.

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

*The Court being re-opened, the accused is again brought before it. Capt.P.J.F. Bousquet, Le Regiment de St-Hyacinthe,C.A. attached to No.4 District Depot,C.A., the Prosecutor. is duly sworn.

Evidence of character, &c.

Q.181 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.181 Yes Sir. I produce M.F.B. 355 and M.F.M. 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y & Z signed by the President, and annexed to the proceedings.

Q.182 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A.182 Yes Sir.

Q.183 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A.183 Yes Sir.

Q.184 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.184 Yes Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~ Q.0.0

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B)

The witness resumes his seat.

Q.185 *Question to the accused.* Do you wish to address the Court? *Answer.* A.185 No, Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. D-637704 Pte. Lucien HARVEY, General List, No. 4 N.R.M.A. Clearing Depot, attached to C.A.(B)T.C. No.47,C.A., to undergo detention for twenty-one days.

Sentence.

Detention 21 days.

Signed at Valleyfield, P.Q.
this 8th day of December 1942.

(J.A.G.Dubeau)Major
Le Regiment de Joliette (Reserve)C.A.
Attached to C.A.E.(B)T.C.No.42, C.A.
President.

Montreal, Quebec
December 16th, 1942.

CONFIRMED.

(E. de B. Panet), Brig.-General,
District Officer Commanding,
Military District No. 4.

Extracts entered as No. 7470 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 29 day of Dec 1942

PROMULGATION

Promulgated and extracts taken at TC.47 Valleyfield.Que.
this 22 nd day of December 1942.

(L.P. Levac)Lieut.Adjt.Pro-Temp.
for(J.E. Lévesque)Lieut.Colonel.
O.C. C.A.(B)T.C. No. 47.,
Valleyfield. Que.

J. A. G. Dubeau, major
President DCM.

X

Orders by Brig.-General E. de B. Panet, CMG DSO ED Commanding

~~the~~ Military District No. 4.

District Court-Martial

D-637704, Pte. Lucien HARVEY

General List, No. 4 N.R.M.A., Clearing Depot, MONTREAL, P.Q., December 1st, 194 2, attached to C.A.(B) T.C. No. 47, C.A.

The detail of Officers as mentioned below will assemble

at Valleyfield, Quebec, on Tuesday

the 8th day of December, 1942 at 1000 hours

for the purpose of trying by a District Court-Martial the accused person ~~[illegible]~~ named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Major J.A.G. Dubeau,
Le Regiment de Joliette (Reserve, C.A.,
attached to C.A.E. (B) T.C. No. 42, C.A. is appointed President.

MEMBERS

Major A. Spickler,
2nd (Reserve) Bn. Le Regiment de Chateauguay (Mit) C.A.

Major G. Beaudry,
Le Regiment de Chateauguay, C.A., att'd to No. 4 District Depot, C.A.

WAITING MEMBERS

Captain L.M. Gosselin,
2nd (Reserve) Bn. Le Regiment de St.Hyacinthe, C.A.

~~JUDGE ADVOCATE~~

~~[illegible] (is hereby) appointed~~
~~Judge Advocate~~

PROSECUTOR

Capt. P.J.P. Bousquet,; Le Regiment de St.Hyacinthe, C.A.,
~~att'd to No. 4 District Depot, C.A.,~~ ~~[illegible]~~ (is hereby) appointed Prosecutor

DEFENDING OFFICER

Lieut. L.P. Levac; Le Regiment de Chateauguay, C.A.,
att'd to C.A.(B) T.C. No. 47, C.A. ~~[illegible]~~ (is hereby) appointed Defending Officer

UNDER INSTRUCTION: All officers available at C.A.(B) T.C. No. 47, C.A.
The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, C.A.(B) T.C. No. 47, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, ~~[illegible]~~ and interpreters.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 4.

Signed this 1st day of December 194 2.

M.F.R. 220
A.F.A. 47
15M—9-41 (1781)
H.Q. 1772-39-564

E. de B. Panet

(E. de B. Panet), Brig.-General,
District Officer Commanding,
Military District No. 4.

DAAG
MD 4

J.A.G. Dubeau major
President, D.C.M.

TC. 47-5-4-5 "G"

CAN. ARMY (B) TRAINING CENTRE No. 47
VALLEYFIELD. QUE.

December 8th, 1942.

Major J.A.G. Dubeau
President District Court Martial
Valleyfield, Que.

The undermentioned officer is under instruction for the Court Martial being held at 10 o'clock, Tuesday 8th December 1942, at C.A.(B)T.C. 47 Valleyfield, Que.

Capt. A. Laurence, C.D.C. 24th Coy.

Philippe Lessard Capt. A/Adjt.
for (J.E.Lévesque)Lt.colonel
O.C. C.A.(B)T.C. No. 47

L. C. G. Rheault, major
President, DCM

-55- "H"

AVIS A L'ACCUSE DANS LA CAUSE DE D-637704, Sdt. Lucien Harvey, Gen. List. No. 4 N.R.M.A. Clearing Depot, attached to No. 47 C.A. (B) T.C. C.A.,

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Au Sdt. Lucien Harvey

Prenez avis que, à la Cour Martiale devant laquelle vous êtes appelé comme accusé d'une offence de désobéissance à un ordre, laquelle Cour Martiale doit être tenue à Valleyfield P.Q., le 8 décembre 1942, le Docteur R.B. Breault, médecin attaché à l'Hopital de Ste-Anne de Bellevue, P.Q., du Département des Pensions et de la Santé Nationale sera entendu comme témoin pour établir les faits suivants : -

a)- Que vous avez été hospitalisé audit hopital de Ste Anne de Bellevue pour une période de 12 jours dnas les semaines qui ont précédé la commission de l'offence alléguée contre vous.

b)- Que, au moment de votre libération dudit hopital, vous étiez apte à faire votre entrainement militaire.

c)- Que votre condition physique vous permettait au moment de la commission de l'offence et quelque temps auparavant d'exécuter les manoeuvres de culture physiques prescites au syllabus d'entrainement élémentaire de l'armée Canadienne.

Signé à Valleyfield P.Q., ce 1er jour de décembre 1942.

Jacques Bousquet
(J.Bousquet) Prosecutor
Capt. Le Regt. de St-Hyacinthe C.A.

Reçu copie du présent avis ce 1er jour de décembre 1942.

Lucien Harvey
(L.Harvey) Accusé.

"I"

J. C. G. Gauvreau major
Juriste, D.C.M.

CLOSING ADDRESS

by the

DEFENDING OFFICER.

Messieurs,

Le soldat Harvey a plaide non coupable a l'accusation portee contre lui d'avoir desobei a un ordre de son officier superieur. Le soldat Harvey en disant qu'il n'irait pas sur la parade de culture physique avait-il l'intention de desobeir a cet ordre? Je ne le crois pas. Au contraire, il voulait signifier par la a l'officier qui lui intimait l'ordre, qu'etant donne les malaises qu'il ressentait ce matin-la, qu'il ne pouvait pas faire ses exercices de culture physique, et par le fait meme qu'il ne pouvait pas aller sur cette parade. Est-ce qu'il y a refus d'obeir a un ordre lorsqu'il est physiquement impossible d'y obeir.

Permettez-moi de vous referer a l'Army Act, section 9, au renvoi qui est donne au paragraphe I, la note I, derniere ligne: "Nor is failure to obey a command where obedience would be physically impossible".

Maintenant, le medecin n'a pas vu le soldat Harvey ce matin-la. Alors, s'il n'a pas vu le soldat Harvey ce matin-la, rien ne nous dit que le matin du 23 octobre 1942, le soldat Harvey n'avait pas des douleurs, et n'avait pas par le fait meme une cause a ces douleurs-la le matin meme. A-t-il eu des douleurs? Le meme medecin nous disait ce matin qu'il se pouvait fort bien que le soldat Harvey ait eu des douleurs. Je ne vois pas pourquoi un medecin donnerait des remedes a un patient s'il n'avait pas de douleurs comme tel est le cas quand le medecin dit qu'on a envoye des remedes au soldat durant son stage dans la prison du camp.

Le soldat Harvey, depuis son arrivee au camp, se plaint de malaises. Ses temoins que vous avez entendus ont constate ses plaintes. Un de ces temoins affirme que le soldat Harvey sur les exercices physiques seulement tirait en arriere. Seulement, lorsqu'il s'agissait de lectures ou de toute autre chose ne demandant aucun effort physique, Harvey etait sur la parade et Harvey n'a jamais refuse d'y aller.

Le 23 octobre dernier, souffrant, comme il l'a dit, des memes malaises, son intention n'etait certes pas un refus d'obeir, mais bien plutot un refus d'agir, d'agir en ce sens que ses membres, malades comme il le dit, l'empechaient d'aller sur la parade.

Maintenant, si je puis amener une legere contradiction qui s'est passee ce matin, le lieutenant Beauvais, dans son temoignage, nous disait qu'il a pris Harvey couche dans son lit, qu'il lui avait donne l'ordre d'aller faire son P.T.; un deuxieme temoin, le sergent Gariepy, nous dit que le soldat Harvey n'etait pas dans son lit, mais bien plutot dans "l'ablution room". Si le soldat Harvey etait dans "l'ablution room" ce matin-la, fatigue, rendu a bout comme il l'a dit, des sueurs sur la figure, il devait etre la pour se laver la figure, pour se rafraichir.

Le soldat Harvey est un novice dans l'armee, pas tres au courant de tout ce qui s'y passe. A son entree il se plaint et tout de suite implique dans une serie de peripeties; je demanderais a la cour une consideration etant donne que l'Armee a besoin de soldats et de ne pas faire en sorte que ce soldat prenne l'Armee en degout.

LEGAL

"J"

J. C. G. Kelleher, major
C. President, DCM.

CLOSING ADDRESS BY THE PROSECUTOR.

Monsieur le President,
Messieurs,

Il serait peut-etre utile avant de passer aux faits eux-memes, de resumer quels sont les elements essentiels d'une offense sous la section 9, paragraphe 2. Il s'agit d'abord dans une offense de telle nature, pour la poursuite, il s'agit d'abord de prouver qu'un ordre a ete donne a l'accuse par un officier, son officier superieur en l'espece; deuxiemement que cet ordre devait etre fait et qu'en realite il n'a pas ete fait par l'accuse; et en troisieme lieu que cet ordre etait parfaitement legal. Il s'agit non pas d'une question en dehors des affaires militaires, mais bien une question a propos de l'Armee.

La preuve a revele, et ceci a ete confirme meme par le temoignage de l'accuse, que le 23 octobre 1942, vers 1015heures, alors qu'il est sorti de son peloton pour ne pas suivre les exercices, la preuve a revele que l'accuse a recu l'ordre du lieutenant Beauvais, malgre que cet ordre-la etait affiche comme etant partie du syllabus d'entrainement pour ce jour-la, a cette heure-la, d'avoir a rejoindre, tels sont les termes de la charge, la parade de son peloton qui etait a faire de la culture physique.

Il est egalement en preuve que possibilite materielle a ete donnee a l'accuse de remplir l'ordre, en ce sens qu'on ne l'a pas mis sous arret tout de suite apres qu'il a refuse, mais on lui a laisse le temps d'obeir a l'ordre. On ne l'a pas mis sous arret avant que la periode de culture physique soit completement passee, mais seulement apres que la dite periode fut entierement ecoulee.

Mon savent ami fait grand etat d'une note contenue au premier paragraphe de la section 9 qui se lit comme suit:"Nor is failure to obey a command where obedience would be physically impossible."

Je crois que, par exemple, si l'accuse immediatement apres que l'ordre lui aurait ete donne et qu'il aurait repondu "non", si le lieutenant Beauvais l'avait mis dans le "clink" a ce moment-la, il y avait pour l'accuse impossibilite d'obeir a l'ordre. Je crois que tel est l'ordre de la loi et que c'est de cette facon qu'elle doit etre interpretee.

Mais dans le cas actuel, on lui a laisse tout le temps de se rendre sur la parade. En defense, l'accuse dit qu'il n'etait pas capable de faire de culture physique ce jour-la. Je vais referer la Cour aux termes memes de la plainte qui est constituee de cette facon: "A Valleyfield, province de Quebec, le vingt-troisieme jour d'octobre 1942, quand un ordre lui fut donne personnellement par le lieutenant Beauvais P.E., les Fusiliers Mont-Royal, C.A., attache au No. 47 C.A.(B)T.C.,C.A., deuxieme-en-commandement de sa compagnie, de rejoindre la parade de culture physique de sa compagnie, declara au lieutenant Beauvais qui etait en charge de l'entrainement: "Je n'irai pas sur la parade de culture physique, et vous pouvez faire ce qu'il vous plaira", et il n'avait pas rejoint la dite periode de culture physique quand cette periode fut terminee".

L'ordre etait de s'en aller immediatement sur la parade de P.T. L'accuse tente de faire la preuve qu'il lui etait physiquement impossible de faire du P.T. Mais tout de meme il admet, lorsqu'on le lui demande, qu'il etait assez fort pour se rendre de sa hutte a la parade de P.T. Tel etait l'ordre qui lui avait ete donne: de se rendre a la parade de P.T. de son peloton. Pour plus amples informations, l'accuse admet de plus que si une fois rendu sur la parade de P.T., telles que le veulent les conditions de l'entrainement dans les "Basic Centres", s'il n'avait pu faire tous les mouvements, on aurait eu une certaine tolerance pour lui. Nous savons qu'au contraire l'accuse ne s'est pas presente sur la dite parade.

Ce n'est pas les droits du soldat de se faire justice lui-meme, de juger s'il est apte ou non a suivre son entrainement. C'est que s'il se sent lese dans ses droits, il peut se faire parader a son commandant de compagnie ou au commandant du camp pour demander a ce que ses droits soient respectes. A deux reprises il dit: "Je n'ai pas demande a personne, j'ai laisse la parade et je me suis couche". Il n'a pas fait de demarches entre le 22 et le 23 octobre pour se faire admettre a l'hopital. Il decide lui-meme que sa condition physique ne lui permet pas de faire du P.T.

C'est avec cette argumentation que la Defense dit qu'il y avait impossibilite physique d'obeir a l'ordre. Je ne crois pas que la loi a ete faite de facon a permettre aux soldats de se faire justice eux-memes. Si dans l'Arme canadienne, on est rendu a se baser sur le bon esprit et le bon vouloir des soldats pour faire de l'entrainement, on est aussi bien de ne plus avoir d'armee. Un soldat serait le seul juge de son propre cas. C'est la situation dans laquelle la Defense nous met en disant: "Nous n'etions pas capables de faire du P.T."

Le medecin du camp dit:"J'admets qu'il a pu avoir des douleurs, mais a mon opinion il etait capable de suivre son entrainement. Je l'ai envoye au D.P.&N.H. et les rapports de l'hopital Ste-Anne confirment mon diagnostic". Un medecin du Departement des Pensions et de la Sante Nationale nous jure que cet-homme-la n'a aucune maladie organique.

Devant la preuve accumulee, je ne crois pas qu'il soit possible d'avoir un moindre doute si tous les elements essentiels de la charge ont ete prouves dans la presente cause. Ordre donne par un officier superieur, lequel n'a pas ete obei; capacite physique d'obeir parce qu'il etait parfaitement capable de partir de sa hutte et de se rendre au terrain d'entrainement: lui-meme a admis que ce n'etait pas assez loin, qu'il pouvait s'y rendre, et une fois rendu sur la parade ne pas faire tous les exercices, et il avoue lui-meme qu'il y a une tolerance qui permet au soldat de ne pas faire tous les exercices quand il se sent trop fatigue.

Le doute sur cette preuve ne saurait exister parce qu'elle est meme basee sur des admissions de l'accuse. Il nous fournit lui-meme tous les elements essentiels a cette charge. Je demanderais donc que l'accuse soit declare coupable.

Que l'armee a besoin de soldats, j'en conviens, mais elle a besoin de soldats qui veulent faire leur entrainement.

-13-

Y

J. C. G. Rulison major
President, D.S.M.

M.F.D. 185
2334—5-41 (572-8)
H.Q. 1772-30-430
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number D/637704 Rank PRIVATE. Name HARVEY Lucien. Regiment (or unit) NRMA. NO. 4 Clearing Depot. att'd to C.A. (B) T.C. 47

1. The following is a fair and true summary of the entries in the ~~XXXX

~~[illegible] The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 8th day of DECEMBER 1942 Pil Force Lieut

(L.P.Levac) Lieut.ADJ
C.A (B) T.C. No.47 Pro.T.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked -4- signed by the president, and annexed to the proceedings.

J. A. F. Hankin, major
President O.C.M.

No. D/637704 Name Harvey Lucien

Date of last entry in Company Conduct Sheet

Sqn., Battery, or Company } N.R.M.A. Clearing Depot 4 Corps

No. and date of last drunk

Period not reckoning towards freedom from extra fine

Date of enlistment } 26-8-42 G.C. Badges

Sheet No. 1

Signature O.C. Company, etc. } O.C. 4 DD

Service or Proficiency Pay } Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Name of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				-------- Nil --------					
4 DD Mtl.		South		A.A. Sec. 40 "CONDUCT TO THE PREJUDICE OF GOOD WILL AND MILITARY DISCIPLINE".	L/Cpl Noel	3 days C.B.	17-9-42	Capt. J. Cullogh	
Valleyfield	18-9-42	Pte.		A.A. Sec. 15 (2) Failed to report at Company Orderly Room when he was notified by CSM Guenet	CSM Guenet Sgt. Robert	5 days C.B.	20-10-42	Capt. R. Morin	
Valleyfield.	16-10-42	Pte							

CERTIFIED TRUE COPY 27th Oct. 1942.

[illegible] ADJT. FRO TEMP.

C.A.(B) T.C. No. 47
Valleyfield. Que.

M.F.M. 6
(A.F.B. 122)
5014—11-41 (8155)
H.Q. 1771-13-18

No. D/637704 Name Harvey Lucien

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Sqn., Battery, or Company N.R.M.A. Clearing Depot 4 Corps

Period not reckoning towards freedom from extra fine

Date of enlistment 26-8-42 G.C. Badges

Sheet No. 1

Signature O.C. Company, etc. O.C. 4 DD

Service or Proficiency Pay

Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				--------- Nil ---------					
4 DD Mtl. South Valleyfield	18-9-42	Pte.		A.A. Sec. 40 "CONDUCT TO THE PREJUDICE OF GOOD WILL AND MILITARY DISCIPLINE".	L/Cpl Noel	3 days C.B.	17-9-42	Capt. J. Cullogh	
Valleyfield.	16-10-42	Pte		A.A. Sec. 15 (2) Failed to report at Company Orderly Room when he was inotified by CSM Guenet	CSM Guenet Sgt. Robert	5 days C.B.	20-10-42	Capt. R. Morin	

CERTIFIED TRUE COPY 27th Oct. 1942.

[illegible] LEVAC, LIEUT. ADJT.PRO TEMP.
C.A.(B) T.C. No. 47
Valleyfield. Que.

H.Q.C. 55-H-310
(JAG)

January 5, 1943.

District Officer Commanding,
Military District No, 4, Montreal, P.Q.

Re: DISTRICT COURT-MARTIAL
D-637704, Pte. Lucien Harvey
General List. No. 4, NRMA Clearing
Depot, attached to C.A.(B) T.C.
No. 47, C.A.

1. Receipt is acknowledged of your M. 1-H-3193 dated December 24th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court Martial.

2. There appears to be some discrepancy in the description of the unit to which Lieutenant P.E. Beauvais belongs, since in the summary of evidence and also on the charge sheet he is described as being an officer of Les Fusiliers Mont-Royal, C.A., where as on page "C" of the proceedings, as first witness for the prosecution, his unit is set out as Le Regiment de Chateauguay, C.A.,

3. The proceedings disclose that the offence was committed on the 22rd of October, and the charge sheet was signed on the 27th of October, but the order for trial was not made until the 1st of December. Altogether, the accused appears to have spent a total of forty-five days in custody awaiting trial. The Adjutant-General requires that an explanation of this delay be forwarded forthwith, such explanation to be over the signature of the District Officer Commanding, or of a Senior Staff Officer, for him.

4. In accordance with your request, the proceedings are returned, in order that the irregularities noted therein may be drawn to the attention of the officers concerned.

Brigadier,
Judge Advocate-General.

RBL/jg
Encl.

H.Q.C. 55-H-310
M.D.M. 1-H-3193

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. D-637704 Name HARVEY, L.

Rank PTE. Unit G.L. No. 4 NRMA Clearing Depot ~~Attched to C.A.(B) T.C. No. 47~~ CA

Charge SEC. 9(2) A.A. DISOBEYING COMMAND OF SUPERIOR OFFICER

Date of Crime 23/10/42

Date of Arrest Charge. Signed 27/10/42

Orders for D.C.M. D.O.C. M.D. 4

Place and Date of Trial Valleyfield, Que. 8/12/42

Sentence Detention 21 days.

Date of Confirmation 16/12/42

Date of Promulgation 22/12/42

Entered in Records of J.A.G. as No. 7420

Date 29/12/42

MEMO

for Judge Advocate-General.

3M-12-42(M1754)

IN REPLY PLEASE QUOTE
No. M. 1-H-3193

no file 1420.

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

REGISTERED

Montreal, P.Q., December 24th, 1942.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

Rec'd
Rec'd-H-210
DEC 1
Chgd.
Referred to

DISTRICT COURT MARTIAL
D-637704, Pte. Lucien HARVEY,
General List, No. 4 NRMA Clearing Depot,
attached to C.A. (B) T.C. No. 47, C.A.

Herewith, proceedings of the marginally-noted District Court-Martial which have been confirmed and promulgated and which are forwarded for registration, please.

2. Pte. Harvey elected to be tried by District Court-Martial and was so tried at Valleyfield, P.Q., on December 8th, 1942, on a charge of refusal to obey an order, Army Act Section 9 (2). He pleaded not guilty to the charge but was found guilty thereof. He was sentenced to undergo detention for 21 days.

3. The following irregularities have been noted in the proceedings:-

4. Page 7.
Question 15 appears to be irrelevant in view of the nature of the charge laid against the accused.

5. Page 11.
Question 32 appears to be slightly leading.

6. Page 17.
In view of the nature of his testimony, it is thought that the fifth witness should be considered to be an expert witness. It would therefore have been preferable if he had shown that he is a properly qualified medical practitioner. This comment applies equally to the sixth witness at page 25.

7. Page 19.
Answer 72 appears to be in the nature of hearsay and as such would not be admissible in evidence.

8. Page 25.
The testimony of the sixth witness is not entirely satisfactory in that he has not shown clearly that he had personal knowledge of the records referred to by him therein.

9. May the proceedings be returned to this Headquarters so that the above-mentioned irregularities may be drawn to the attention of the officers concerned. When this will have been done, the proceedings will be returned to you for custody.

10. Also enclosed, herewith, M.F.B. 246 (Medical Officer's Report) and Summary of Evidence.

(E. de B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

Encls.

M.F.B. 239
MMM—4-41 (120)
H.Q. 1771-29-194

H.Q.C. 55-4-311 [redacted] CONFIDENTIAL

DEPARTMENT OF NATIONAL [redacted] OTTAWA, CANADA

CROSS REFERENCE

DEA

SUBJECT GENERAL COURT MARTIAL

LT. C. HUART, R.C.A.

CONFIDENTIAL
H.Q.C. 55-4-311

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
APR 2[illegible] 1943					(If space for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
	11/4/43						21/4/43
					With Papers C.R. MAY 4 1943		
MAY 1 1 1943				A.D.	minute pl.		10/5/43.
				JAG	memo pl.		15 5 43
MAY 1943				A.D.	minute pl.		18/5/43.
				DAG(B)	memo pl.		18 5 43
						RCOJ	22/5/43
				AG(R)	memo pl.		24 5 43
[redacted]	25 5 43	PA		ACD	Action taken, pl.		28-5-43
JUN 1 0 1943	9/6/43	PA			For Requisition C.R. JUN 3 1943		
[illegible]		PA			For Requisition C.R. JUL 21 1943		
DEC 1 8 1945	5/12/45	PA			For Requisition C.R. DEC 5 1945		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to S.F. it for a few days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers ready access to the same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN END

MEMORANDUM

D. A. G. (B)

Department of National Defence
-Army-
H.Q.C.55-H-311 (A.D.3b)
OTTAWA, 19-5-43

The attached Draft Routine Order which has been approved by the Judge Advocate-General is passed for your approval, please.

H. Cook
Colonel,
D. of Admin.

JLF.EF

ASP

ROUTINE ORDER
No. 3230
Date 26 May 43
Entered by
O/C ORDERS

DRAFT ROUTINE ORDER

ADJUTANT-GENERAL'S BRANCH

SENTENCE OF A GENERAL COURT-MARTIAL

Lieutenant Claude HUART, 105th Coast Battery, R.C.A., C.A., was tried by a General Court-Martial on the 20th day of January, 1943, on six charges, the

First charge under Section 11 of the Army Act for neglecting to obey Fortress Orders, and the

Second alternative charge under Section 40 of the Army Act for conduct to the prejudice of good order and military discipline, and the

Third charge under Section 11 of the Army Act for neglecting to obey Fortress Orders, and the

Fourth alternative charge under Section 40 of the Army Act for conduct to the prejudice of good order and military discipline, and the

Fifth charge under Section 11 of the Army Act for neglecting to obey Fortress Orders, and the

Sixth alternative charge under Section 40 of the Army Act for conduct to the prejudice of good order and military discipline,

and was found Guilty on the second, fourth and sixth charges and Not Guilty of the first, third and fifth charges. He was sentenced to take rank and precedence in his corps and in the Canadian Army as if his appointment as Lieutenant bore date the 21st day of January, 1943, and to be severely reprimanded.

2. The findings and sentence having been confirmed by the Governor-in-Council, the charges, findings and sentence were duly promulgated.

(Effective) (H.Q.C.55-H-311)

RECOMMENDED:

Colonel,
D. of Admin.

APPROVED:

Major-General,
Adjutant-General.

May 24

MEMORANDUM

Department of National Defence

J.A.G.

H.Q.C. 55-H-311 (A.D. 3b)

OTTAWA, 15th May, 1943.

Sentence of Field General Court-Martial.

(I) The attached Routine Order is passed for your approval as to form.

(II) A.D.
Draft Routine Order attached
seems appropriate to be in order as
amended.
[illegible]
JLF/SRH

18/5/43.

Colonel,
D. of Admin.

2

DRAFT ROUTINE ORDER

ADJUTANT-GENERAL'S BRANCH

SENTENCE OF A FIELD GENERAL COURT-MARTIAL

Lieutenant Claude HUANT, 105th Coast Battery, R.C.A., C.A., was tried by a Field General Court-Martial on the 20th January, 1943, on a

First charge under Section 11 of the Army Act for neglecting to obey Fortress Orders, and on a

Second charge under Section 40 of the Army Act for conduct to the prejudice of good order and military discipline, and on a

Third charge under Section 11 of the Army Act for neglecting to obey Fortress Orders, and on a

Fourth charge under Section 40 of the Army Act for conduct to the prejudice of good order and military discipline, and on a

Fifth charge under Section 11 of the Army Act for neglecting to obey Fortress Orders, and on a

Sixth charge under Section 40 of the Army Act for conduct to the prejudice of good order and military discipline,

and was found Guilty on the second, fourth and sixth charges and Not Guilty on the first, third and fifth charges. He was sentenced to take rank and precedence in his corps and in the Canadian Army as if his appointment as Lieutenant bore date on 21st day of January, 1943, and to be severely reprimanded.

2. The finding and sentence having been confirmed by the Governor-in-Council, the charges, finding and sentence were duly promulgated.

(Effective) (H.Q.C.55-H-911)

RECOMMENDED:

Colonel,
D. of Admin.

APPROVED:

Major-General,
Adjutant-General.

A.D.

It does not appear that publication has been made under R.O. 3135.

Please see T.A.C. Memo dated April 3/43.

(7 policies down)

[illegible] Capt
for T.A.C.

H.Q. C. 55-H-311
M.D. J/4-H-109C

GENERAL

MEMORANDUM · ~~DISTRICT~~ COURT-MARTIAL.

No. ..... Name HUART, C.

Rank Lieut. Unit 105 COAST BATTERY, R.C.A., CA

Charge 1- SEC. 11 AA NEGLECTING TO OBEY FORTRESS ORDERS
(Altern) 2- SEC. 40 AA CONDUCT TO PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE
3- SEC. 11 AA NEGLECTING TO OBEY FORTRESS ORDERS
(Altern) 4- SEC. 40 AA CONDUCT TO PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE
5- SEC. 11 AA NEGLECTING TO OBEY FORTRESS ORDERS
(Altern) 6- SEC. 40 AA CONDUCT TO THE PREJUDICE OF GOOD ORDER AND ~~MILITARY DISCIPLINE~~

Date of Crime s 10/11/42

Date of Arrest ..... Charge. Signed 6/1/43

Orders for G.C.M. ADJUTANT-GENERAL, by virtue of his Warrant dated 1/3/43

Place and Date of Trial Gaspe, Quebec 20/1/43

Sentence TO TAKE RANK & PRECEDENCE IN HIS CORPS AND IN THE THE CAN. ARMY AS IF HIS APPOINTMENT AS LIEUT. BORE DATE 21/1/43 AND TO BE SEVERELY REPRIMANDED

Date of Confirmation 26/2/43

Date of Promulgation 16/3/43

Entered in Records of J.A.G. as No. 8433

Date 22/4/43

MEMO

NOT GUILTY OF FIRST, THIRD AND FIFTH CHARGES

E. R. Ross Capt
for Judge Advocate-General.

3M-12-42(M1754)

R 633a

IN REPLY PLEASE QUOTE
No. J/4-H-109C

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

SAINT JOHN, N.B., 30 Apr 1943.

124418

DEPT. OF NAT. DEFENCE
SECRET. SEC.
MAY 3 1943
Page to
Referred to JAG

R 55-H-311

Secretary,
Department of National Defence,
OTTAWA, Ontario.

RE: GENERAL COURT-MARTIAL
Lieut. Claude HUART,
105th Coast Battery, R.C.A., C.A.

1. Reference your H.Q.C.55-H-311 (JAG) dated 28 Apr 43.

2. Proceedings of the marginally noted General Court-Martial together with P.C. Order 1518 were forwarded to the above address on 24 Mar 43.

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

NAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-28-761

H.Q.C. 55-H-311 (JAG)

AIR MAIL

April 28th, 1943.

District Officer Commanding,
Military District No. 7,
Saint John, N.B.

Re: GENERAL COURT-MARTIAL
Lieutenant Claude Huart,
105th Coast Battery, R.C.A., C.A.

Will you please refer to this Headquarters' letter numbered above and dated 10th March 1943.

2. May the proceedings of the marginally-named General Court-Martial together with P.C. Order 1518 be now returned to this Office.

Brigadier
Judge Advocate-General.

LF/MAV

HQ.C.55-H-311
(Pay 10)

8433

OTTAWA, Canada, 21st April, 3

District Officer Commanding,
Military District No.7,
Saint John, N.B.

Lieutenant Claude Huart

With reference to your J.4-H-109c dated 7th April, 1943, re the marginally named officer, you are advised that a decision has been obtained pursuant to the provisions of Article 87, F.R.& I. (Canada) that Lieutenant Huart forfeit pay and allowances for the period he was suspended from duty, i.e., from the 3rd December,1942 to the 17th March, 1943.

(B.J.W.Spink) Colonel,
for Paymaster-General (A.O.D.)
for ADJUTANT-GENERAL.

DH

Memorandum

DEPUTY MINISTER (Army)

Department of National Defence

H.Q. C. 55-H-311(Pay 10)

OTTAWA, 15th April, 1943.

Lieut. Claude Huart

1. This submission recommends the forfeiture of pay and allowances by the marginally named officer under the provisions of Article 87 F.R.& I. (Canada).

2. Lieut. Huart was tried by General Court Martial at Gaspe, P.Q., on the 20th and 21st of January, 1943, on the following charges:

(a) NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. Huart in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

(b) CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th December, 1942 wrote a letter addressed to Monsieur and Madame L.N. Huart in which mention was made of confidential and secret information of a Military nature.

(c) NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille Huart in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

(d) CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille Huart in which mention was made of confidential and secret information of a military nature.

(e) NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

(f) CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed a letter to Mademoiselle Gilberte Samson in which mention was made of confidential and secret information of a military nature.

3. He was found not guilty of the first, third and fifth charges and was found guilty of the second, fourth and sixth charges and was sentenced to take rank and precedence in his Corps and in the Army as if his appointment as Lieutenant bore date the 21st January 1943, and to be severely reprimanded.

P.T.O.

N.D. 25a
50M—9-40 (7162)
H.Q. 1772-101-25

4. The Finding and Sentence were confirmed by Governor General in Council by PC.1518 dated 26th February, 1943.

5. The District Officer Commanding, Military District No.7 reports that Lieutenant Huart was suspended from duty from the 3rd December, 1942, to the 17th March, 1943.

6. During the period of suspension from duty, no Dependents' Allowance nor Assigned Pay was in issue.

7. It is recommended that pay and allowances be forfeited by Lieut. Huart for the period he was suspended from duty, i.e. 3rd December, 1942 to the 17th March, 1943, pursuant to the provisions of Article 67 F.R.& I. (Canada).

APPROVED
20/4/43.
D. M. (ARMY)

(B.J.W. Spink) Colonel,
for PAYMASTER-GENERAL. (A.O.D.)
for ADJUTANT-GENERAL.

DH/

MEMORANDUM

Department of National Defence

To: Paymaster General

H.Q. C.55-H-311 (A.D.1a)

OTTAWA, April 12th, 1943.

General Court-Martial
Lieut. Claude HUART
105th Coast Battery, R.C.A., C.A.

Reference J/4-H-109C dated the 30th of March 1943 from the District Officer Commanding, Military District No.7, at folio 90.

2. The submission of the Commander, Gaspe Defences referred to in the above mentioned letter is concurred in and it is therefore recommended that the marginally noted be not entitled to draw Pay & Allowances for the period from the 3rd of December 1942 until the 17th of March 1943, the period during which he was suspended from duties.

3. The file is passed for your necessary action, please. (return file)

Colonel,
D. of Admin.

LCA/BM

R 5180

119298

IN REPLY PLEASE QUOTE
No. J/4-H-109C
Your File H.Q.C. 55-H-311 (A.D.)

CANADA
RECEIVED
APR 12 1943
BANKS
AD.

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Saint John, N. B., 7 Apr 1943.

CENTRAL REGISTRY Army
CONF. SEC.
APR 10 1943
File 55-H-311
Chgd. to ar 6/41/43
Referred to AD

Secretary,
Department of National Defence,
OTTAWA, Ontario.

RE: GENERAL COURT-MARTIAL
Lieutenant Claude Huart,
105th Coast Battery, R.C.A., C.A.

1. Referring to telephone conversation of today's date between Lieut.-Colonel Goodday of this District Headquarters and Capt. Archambault of the Adjutant-General's Branch, I am informed by the Officer Commanding Gaspe Defences that his report dated 22 Mar 43 is intended to indicate that Lieutenant Huart was suspended from duty from 3 Dec 43, when he was placed under close arrest, and did not perform any duties until 17 Mar 43, the day following promulgation of the charge, finding, sentence and confirmation.

2. Radiogram ranks 7464 dated 10 Feb 43 specifically instructed that this officer was to be released from arrest but should not be placed on any duty whatsoever until promulgation of the proceedings.

(G.G.Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

MAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-39-787

MEMORANDUM.

TO: A. D. 1.

DEPT OF NATIONAL DEFENCE.
H.Q.C. 55-H-311 FD 2. (JAG)
OTTAWA, ONT., April 3, 1943.

Re: GENERAL COURT-MARTIAL
Lieut. Claude HUART,
105th Coast Battery, RCA, C.A.

The Proceedings hereunder of the marginally-noted General Court-Martial are passed to you to note and thereafter for you to pass same to Personal Services to be published in the usual manner. (See C.A.R.O., 2578).

2. The Finding and Sentence have been duly confirmed by Order in Council P.C.1518, and promulgation has been effected to the accused officer.

RECEIVED IN THE OFFICE APR 17 1943 OF THE DEPUTY MINISTER

Brigadier,
Judge Advocate-General.

HFGB/S.

CANADA

P5554 -16801 IN REPLY PLEASE QUOTE No. J/4-H-109C

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Saint John, N.B. 24 Mar 1943.

CONFIDENTIAL

-17306

CENTRAL REGISTRY AND CONF SEC.
MAR 27 1943
File C55-21-34
Circul. to Jan. 34
Referred to JAG

Secretary,
Department of National Defence,
OTTAWA, Ontario.

RE: GENERAL COURT-MARTIAL
Lieut. Claude HUART,
105th Coast Battery, R.C.A., C.A.

1. I enclose herewith for registration, please, the proceedings of the General Court-Martial held for the trial of the marginally named officer.

2. Promulgation has been completed and a minute of same duly endorsed on page F.

(G.G.Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

Enclosure.

NAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-99-707

P/6

P.C. 1518

PRIVY COUNCIL CANADA

-16790

110382

C. R.
To register and pass to
J.A.B.
23/3. Cm

CENTRAL REGISTRY Arm
CONF. SEC.
MAR 4 1943
File C22-4-86
Chgd. to Int 17/1
Referred to July

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 26th day of FEBRUARY, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of National Defence reports that Lieutenant Claude Huart, 105th Coast Battery, R.C.A., (CA), an Officer of the Canadian Army, placed on Active Service, was by a General Court-Martial held at Gaspe, Province of Quebec, on the 20th and 21st days of January, 1943, tried on the following charges, the second, fourth and sixth charges being in the alternative to the first, third and fifth charges respectively:

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. Huart in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th December, 1942 wrote a letter addressed to Monsieur and Madame L.N. Huart in which mention was made of confidential and secret information of a Military nature.

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille Huart in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille Huart in which mention was made of confidential and secret information of a military nature.

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made

of/

The Honourable
The Minister of National Defence

of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defence Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made of confidential and secret information of a military nature.

That the accused Officer pleaded Not Guilty to the charges in question, and was found Not Guilty of the first, third and fifth charges, but Guilty of the second, fourth and sixth charges, and was sentenced to take rank and precedence in his Corps and in the Canadian Army as if his appointment as Lieutenant bore date the 21st day of January, 1943, and to be severely reprimanded; and

That the Judge Advocate-General has reported that the Findings are properly made and the Sentence according to law.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence; is pleased to confirm and doth hereby confirm the said Findings and Sentence.

A. P. Heney

Clerk of the Privy Council.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for General ~~and District~~ Courts-Martial

Proceedings of a General Court-Martial held at Gaspe, Province of Quebec.

on the 20th day of January 1943 by order of Major-General H.F.G. Letson, M.C., E.D. ~~Commanding~~ Adjutant-General

dated the 8th day of January 1943

President.

Colonel P. E. McLaughlin, ED,
37th (Reserve) Brigade Group, C.A.

Members.

Lieutenant-Colonel J.A. Leger, VD,
2nd (Reserve) Bn. North Shore (N.B.) Regiment, C.A.
Lieutenant-Colonel H.O. Schryer
No. 71 Canadian Army (Basic) Training Centre, C.A.
Major W. C. McQuade, VD,
No. 7 District Depot, C.A.
Major J. E. Doucet, ED,
A-30 Canadian Infantry Training Centre,
Major H. B. Hachey,
A-30 Canadian Infantry Training Centre,
Captain (A/Major) A.L. Bourque,
No. 70 Canadian Army (Basic) Training Centre

Major L. McC. Ritchie, Assistant Judge Advocate General, M.D. No. 7, Judge Advocate.

Trial of* Lieutenant Claude Huart, 105th Coast Battery, RCA, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to , waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Major A.J. Bouchard, Le Regiment de St. Hyacinthe, C.A.

~~Counsel‡ or~~ defending officer† Lieutenant E.D. Angers, 105th Coast Battery, The Royal Canadian Artillery, C.A.

At 10:00 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-734

B

The President, members and judge-advocate are duly sworn.

~~The following officers under instruction are duly sworn.~~

See document marked "G" for record of swearing in interpreter and shorthand writers.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

See document marked "H" for record of plea to general jurisdiction of the Court by the defending officer.

Q.5 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.5 Not Guilty *Answer.*

Q.6 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.6 Not Guilty *Answer.*

Q.7 Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

A.7 Not Guilty *Answer.*

Q.8 Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

A.8 Not Guilty *Answer.*

See document marked "H-2" for record of plea on 5 & 6 charges.

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B-2 (Entry Book Ref. Part 4.a.m.)

CHARGE SHEET

The accused Lieutenant Claude HUART, 105th Coast Battery, R.C.A., (CA), an Officer of the Canadian Army, placed on Active Service, is charged with:

First Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

In the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order # 153 dated 15th July, 1942.

Second Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about the 10th of November, 1942 wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of confidential and secret information of a Military nature.

Third Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order # 153 dated 15th July, 1942.

Fourth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of confidential and secret information of a Military nature.

Fifth Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order # 153 dated 15th July, 1942.

....2

B-2 Photo of the part 4 c.m.

Sixth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER
MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of confidential and secret information of a military nature.

A.R. Milburn Major
(A.R.MILBURN) Major
Officer Commanding.
105th Coast Battery R.C.A., (CA)

19th December, 1942.
Gaspe, P.Q.

To be tried by General Court-Martial.

SIGNED at OTTAWA, ONTARIO, this
8th day of January, 1943.

H.F.G. Letson
(H.F.G.Letson)
Major-General,
Adjutant-General.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Q.10 *Question.* *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.10 *Answer.* No, Sir.

The prosecutor makes an opening address ~~[hands in a written address,~~ which is ~~read,~~ marked "I" , signed by the President, and attached to the proceedings].

The prosecutor proceeds to call witnesses.

First witness for prosecution. Mr. Roy HALPIN, Representative of the Chief Postal Censor, Quebec.

being duly sworn, is examined by the prosecutor.

Q.11 Will you give the Court your full name and occupation?
A.11 Mr. Roy Halpin, Representative of the Chief Postal Censor of Canada.

Q.12 You see this document? You may open it yourself. Will you tell me what is this document?
A.12 (No answer).

Defence: Just a minute please. If it please the Court I object to the evidence of this witness as irrevelant and illegal and does not tend to prove the charges.

President: He has not given any evidence yet.

Defence: Well, Sir, he gave his occupation as a censor, you must anticipate his questions.

President: You cannot anticipate his evidence we don't know what evidence he is going to give.

Defence: I thought maybe when he said his occupation was censor....

Witness: I am not a censor. I represent the Chief Postal Censor.

Q.13 Will you tell the Court what is this document?

A.13 This letter was inspected at Quebec by the Postal Censor Officer.

Defence: I object to this answer of the witness as irrevelant, illegal and not tending to prove the charge. If the Court pleases to read the charges we see that the accused is charged with writing a letter addressed to Monsienr and Madame L.N. Huart, Mademoiselle Mireille Huart and Mademoiselle Gilberte Samson in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942. In this there is no mention of the mailing of the letters, so I submit respectfully that the evidence, that the answer of the witness is irrevelant and illegal. The prosecution does not have the right to prove that the letters were inspected in Quebec. The prosecution must prove to this Court that they must be written, they may have been addressed to anybody but what the prosecution must prove to the satisfaction of the Court is that the letters were written. It does not matter where they were inspected, Montreal, Quebec, Ottawa or New York but it is a principle of evidence that the evidence before the Court must tend immediately to prove the charge brought before the Court.

Prosecution: The charge mentioned that three letters were received, so I think the prosecution has a proper right to prove that those letters were written and that they were mailed because Lieutenant Huart may write anything in his room and keep it there and there will be no charge.

President: You didn't answer the ~~charge~~ plea of ~~irrevelancy~~ irrelevancy.

Prosecution: I think, Sir, that the production of the letters and the point I ask is quite ~~revelant~~ relevant, it concerns the letters that the charge is based.

Defence: I object to the answer not the question.

President: I think you are anticipating the answers.

Defence: I might be wrong.....

Witness: I gave what might be an answer.

(Stenographer reads answer).

President: Objection overruled.

Q.14 Was this letter mailed?

A.14 It was obviously mailed and has a date stamp of the Prevel Post Office is on it and ~~cancel~~ transit sticker, these are only at the Quebec office. Each censor has a special number and no other post office could possibly have it. So at least this letter has been mailed.

Q.15 When was this stamped by the censors?

A.15 On the night of the 12th.

Q.16 When was it mailed?

A.16 This stamp here is not clear.

President: I think you better have that marked for identification.

Prosecution: May I have it marked ~~since~~ later I have not finished with this letter in question?

President: Continue.

Q.17 To whom is this letter addressed?

A.17 Monsieur & Madame L. N. Huart, 8 Blanchet, Levis, P.Q.

Q.18 By whom is it signed?

A.18 Claude.

Prosecution: May I produce this letter as an exhibit for the prowecution.

Defence: May it please the Court, I hate to be making these objections like that, I do not wish to lose time, it is my opinion that this procedure it highly irregular. These letters have not in any way been connected with the accused. The accused is charged with writing some and those letters are brought up before the Court but no one yet has come up to the Court and tried to say that the accused wrote the letters. I object on the grounds that they have not been connected with the accused.

Prosecution: In this letter there are many things.

President: We will accept it only ~~as~~ for identification at this stage.

J.A. Do you wish to have this marked for identification?

Prosecution: Yes, Sir.

J.A. Do you wish the envelope and letter mar ked separately?

Prosecution: I want them to stay together.

J.A. It is not being put in evidence, as yet.

Letter addressed to Monsieur & Madame L. N. Huart, 8 Blanchet, Levis, P.Q. is marked No. 1, by the President for identification.

Q.19 Will you tell the Court what is this document?

A.19 It is a letter mailed at Prevel on the 11th of November to Mademoiselle Gilbert Samson, ~~XD.~~ Gestitner Limited, 20 Palace Hill, Quebec, P.Q.

Q.20 Did you see this letter before?

A.20 I did.

Q.21 By whom is it signed or how is it signed?

A.21 Claude.

Q.22 What do you find else in the envelope?

A.22 National Defence Form B306, which form is a blank.

Defence: I think that this ~~exhibit is improperly~~ letter is not properly identified and it should be now properly identified to the Court.

President: There is no need.

Prosecution: May the envelope and letter inside and blank message be marked for identification?

President: It will be marked as No. 2.

Envelope, letter and blank message form addressed to Mademoiselle Gilberte Samson, ~~X~~D. Gestitner Limited, 20 Palace Hill, Quebec, P.Q. are marked No. 2 for identification by the President.

Q.23 You see this document? Will you tell the Court what it is?

A.23 It is an envelope addressed to Mademoiselle Mireille Huart, 8 Blanchet, Levis, P.Q.

Q.24 Will you tell the Court if you have seen this document before?

A.24 I did.

Q.25 What do you see in the envelope?

A.25 Pardon?

Q.26 You said that the document was an envelope but I ask you now what you find in the envelope?

A.26 The same letter that was apparently enclosed in it the last time I saw it.

Q.27 By whom is it signed?

A.27 Claude.

Prosecution: May this envelope and letter inside be marked for Indentification.

J.A. You ~~never~~ have not established how it came to his notice.

Q.28 How did this letter happen to come to your notice?

A.28 It was brought to my office the same as the other.

J.A. I had in mind; Was it mailed, was this mailed or not?

Witness: It was undoubtedly mailed.

J.A. When was it mailed?

Witness: The date is not legible on the date stamp.

J.A. Ask if it was mailed in one of His Majesty's Post Offices?

Q.29 Was it mailed in one of His Majesty's Post Offices?

A.29 It was.

Letter and envelope addressed to Mademoiselle Mireille Huart, 8 Blanchet, Levis, is marked No. 3 for identification by the President.

J.A. Will you establish the mailing of the letter marked No. 2 for identification?

President: Yes, will you clear that up?

Q.30 Will you tell the Court if this letter was mailed?

President: Would you mind making it clear we must understand these things. Ask if the letter marked No. 2 for identification had ever been mailed?

Q.31 Had the letter marked No. 2 been posted in one of His Majesty's Post Offices?

A.31 It was.

Q.32 When was it mailed?

A.32 The date stamp Prevel, P.M., November 11, 42, P.Q.

Q.33 You say the three letters have been all passed through your hands?

A.33 Yes, Sir.

Q.34 Is every letter?

A.34 I beg your pardon.

Q.35 ~~Is~~ Has every letter passing through your office been mailed before?

A.35 Necessarily it has to come to the Post Office before it can be examined.

Defence: Before proceeding with the cross-examination may it please the Court, I would like again to take objection to all the evidence that has been given by the witness as illegal, irrevelant and not tending to prove the charge. As I told you, as I said a few minutes ago the charge is, "to have written a letter". The prosecution has tried to proved the posting of the letter, the mailing of the letter and that the letter was in Quebec and was mailed through one of His Majesty's Post Offices. Well, if the prosecution wanted to prove the charge the main part of the job would be to prove not the mailing of the letter and I do think that the evidence must only come in connection with the charge. The accused is charged with having written a letter addressed to someone, he is not charged with having mailed the letter, he is not charged with having completed the act, it is the act of writing.....

President: May I interrupt you. The evidence of the prosecution, as I understand, has not been completed. We have had only the direct examination of one witness which may prove and may not prove and may not prove anything. Up to the present it has not proved anything. What is the ground of your objection?

Defence: The mailing of the letters would be his incriminating act and would be the incriminating act in this case.

President: If he doesn't prove this he will only be taking up our time.

Prosecutor: A letter to be a letter must be properly ~~formed~~ mailed.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q.36 Mr. Halpin, how do you know the letters were mailed? How can you say there were mailed?

A.36 Because they were....only by the Quebec Censor Office and ~~that~~ unless they have been posted in His Majesty's Post Office a letter cannot possibly get there.

Q.37 It cannot happen?

A.37 No.

Q.38 Did you see those letters being mailed?

A.38 I did not.

Q.39 What is exactly the jobs of the censors?

A.39 Well, the censorship is a world wide organization now in its scope and used by all the belligerent nations. The purpose of the censorship is to stop any information coming through the mail that might directly or indirectly be of aid to the enemy and to stop ordinary gossip by well meaning people that might jeopardize the allied cause.

Among those things are information regarding troop movements and shipments either enemy or allied and of course I cannot mention all the things that come under censorship.

Q.40 Can you tell us if sometimes when you receive a letter which has some secret information, does it happen sometimes you just strike it out with a black pencil?

A.40 There are certain ones. They don't strike out now, it is cut out.

Q.41 Can you tell the Court why this was not done?

A.41 I am not sure whether I can or not - yes, I can - it is in the evidence. Pardon me, any information is within the Court - is within these walls?

President: We do not know who handles the proceedings. The Court is public. You won't have to answer it.

Prosecution: I do not see that those questions bear on the issue.

President: This is a cross-examination.

J.A. You have in mind the tone of the letter?

Witness: In one letter, yes, sir.

J.A. This case was handled as an exception?

Witness: No, I beg your pardon, Sir, it was not. At that time there were several dozen letters handled in the same way. Due to an incident that happened here these three letters and a document were not cut out. They were submitted to the Chief Postal Censor in Ottawa. Hundreds of other letters like them also were intercepted and sent to Ottawa.

THE PROSECUTOR DECLINED TO RE-EXAMINE.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RULE OF PROCEDURE 83 (B).

WITNESS WITHDRAWS.

Second Witness for the prosecution — Lieutenant G. G. BREEN, 105th Coast Battery, R.C.A., C.A. having been duly sworn, is examined by the prosecutor.

Q.42 Will you tell the Court your full name?

A.42 Lieutenant George G. Green, 105th Coast Battery.

Q.43 Do you know the accused before the Court?

A.43 Pardon?

Q.43 Do you know the accused before the Court?

A.43 I do.

Q.44 Who is he?

A.44 Lieutenant Claude Huart.

Q.45 You see this letter, Exhibit 1 for the prosecution, do you recognize the handwriting?

A.45 I do.

Q.46 Whose writing is it?

A.46 Lieutenant Claude Huart.

Q.47 Did you ever ~~saw~~ see the notepaper on which the letter is written?

A.47 Yes.

Q.48 Where?

A.48 At Fort Prevel in the Officers Mess.

Q.49 In the possession of who?

A.49 Pardon?

Q.50 Will you examine the notepaper on which this letter is written, did you ever ~~saw~~ see this notepaper?

A.50 No, I did not.

Q.51 Examine this letter ~~Exhibit~~ marked 2. Did you ever ~~saw~~ see - do you recognize the handwriting?

A.51 I do.

Q.52 Who is it...whose handwriting is it?

A.52 Lieutenant Huart.

Defence: May I make a motion so that only matters pertaining to the charge be made that that part of the letters who tend to immediately prove the charge, which is disclosing military information, I suggest that....

J.A. Pardon?

Defence: I make the motion that the parts directly referring to the charge be given to the court-martial, relevant facts only, because the other parts of the letter do not tend to prove the charge.

J.A. What is the objection?

Defence: They do not tend.....

J.A. In that case they do not injure the accused at all if they have no bearing.

Defence: It is a personal letter that is why I make this motion to the Court.

President: I think that would meet the wishes of the prosecution, however, you are defending the accused, there are some other sentences in there that would later alter the plain meaning of the damaging portion, but if you prefer~~red~~ to put in those portions I do not think the Court will interfere.

Prosecution: The question is that the point in issue, is that ~~to~~ those letters, contain military information. If the defending officer wants to admit some parts, otherwise the Court may decide ~~now~~ that this part is of military nature or the other part is not.

President: You have no other objection to those letters going into evidence, if there is any evidence contained in them. All you are objecting to is some personal references forming a part of this record.

Defence: I would like beforehand the prosecution and myself will decide which in these letters would be put in.

President: I will suggest that during the adjournment you can arrange this.

Prosecution: I will accept that.

President: If you don't you can come back here and argue.

Envelope and contents marked for identification as No. 1, is read, marked Exhibit "J", signed by the President and attached to the proceedings.

Defence: If the prosecution does want to include more than the actual facts tending to prove the charge I will certainly make an objection.

J.A. On what grounds?

Defence: Because in those letters there are many personal things, there are personal facts and there is what might be...some what can be called....there might be what the prosecution has called military information.

J.A. That is the contention. ~~that~~ It would not be a ground for objection. ~~It~~ could hardly be urged by you successfully ~~for grounds of~~ objection.

Prosecution: I cannot understand the objection of the defence. If it is a question of personal matters I have no objection that it be read in open Court.

President: The Court is only interested in military matters and no personal matters.

Defence: The Court I believe has the same point of view as I have.

Envelope and contents marked No. 2 for identification is read, marked Exhibit "K", signed by the President and attached to the proceedings.

Q.53 Will you examine this letter marked No. 3 for identification, do you recognize the handwriting?

A.53 I do.

Q.54 Whose handwriting is it?

A.54 The handwriting of Lieutenant Huart.

Prosecution: May this letter already marked No. 3 for identification be accepted in evidence?

Envelope and contents marked No. 3 for identification, is read, marked Exhibit "L", signed by the President and attached to the proceedings.

Defence: Same request, Sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q.55 Lieutenant Green from past experience would you say that you are skilled in comparison of handwritings?

A.55 No.

Q.56 You said no?

A.56 Yes, I said no.

J.A. Mr. Angers we have already received these exhibits without objection after identification.

Defence: I know rules are rules. I would like to, I would not like to see the accused get something wrong for my fault, but I am sure the Court won't want to either. I accepted the prosecutor's proposition for lunch hour, I try to make it clear we would probably get an understanding of those letters would stay as they are but should we not come to an understanding I would like to submit to the Court and I would like to object.

President: The Court understands what you thought as to what would go in evidence but the point now being raised by the question or objection you are ~~asking~~ stating is to ~~impeach~~ disprove the fact that these are in his handwriting and not having done it in sufficient time there is no objection to the putting them in evidence as being in the handwriting of the accused.

Defence: I want to tend to disprove the capacity of the witness here to identify the writing.

President: He has already done so. You can attack his veracity if you wish to but that should be done before we accepted these in evidence because we have it that he can identify them. We already have received them in evidence, it is not proper procedure. Do you want to attack the veracity of the witness?

Defence: Yes, Sir, and if the.....

President: You may ask questions.

Q.57 Have you seen the accused in the act of writing when his mode of writing was not in question?

A.57 May you repeat the question again?

Q.58 Have you ever seen the accused in the act of writing when his mode of writing was not in question?

A.58 Yes.

Q.59 Where did you see it?

A.59 At the Officers Mess, Fort Prevel.

Q.60 What was he writing?

A.60 Signing passes.

Q.61 Around what day was that?

A.61 I cannot say what day.

Q.62 You saw him that one time?

A.62 Yes.

Q.63 How far were you from the accused?

A.63 Very near.

Q.64 How far, how near would that be from you?

A.64 So near that I could see what he was signing and his handwriting.

Q.65 Were you looking at his handwriting or just noticing he was signing passes?

A.65 Just noticing that he was signing passes.

Q.66 Have you ever carried out a regular correspondence with the accused?

A.66 No.

Defence: If it please the Court, having in view the evidence which has just been given by the witness I object to his statement that the writing of these letters is that of the accused.

THE PROSECUTOR DECLINED TO RE-EXAMINE.
QUESTIONED BY THE COURT.

Q.67 How long have you known the accused?

A.67 Approximately three months.

Q.68 You were asked by both the defence and the prosecutor as to the recognition of the writing. As far as I understand from your answers you had seen the accused signing passes. What other occasions have you had the opportunity to observe his handwriting?

A.68 At the F.C. Post.

Q.69 Fire Command Post?

A.69 Yes, Sir.

Q.70 Through what period, how long?

A.70 They keep a log book there for Acting Fire Commanders to make a report of the days happenings and I had occasion there to see the handwriting of Lieutenant Huart.

Questioned by the defence through the Court.

Q.71 You were asked by the Court how long have you known the accused, you answered, "three months". How long was he at Fort Prevel with you?

A.71 Approximately one month.

Q.72 And do you swear that you have seen the accused.....

President: Do not prefix your question by, "Do you swear" he is on oath so he must be swearing.

Q.73 Did you see the accused in the act of writing at the F.C. Post?

A.73 I did not say that.

Q.74 You mean that you had seen his writing, what you thought to be his writing, at the F.C. Post?

A.74 That is correct.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RULE OF PROCEDURE 83 (B).

WITNESS WITHDRAWS.

AT 12:45 ON THE 20TH JANUARY, 1943, THE COURT ADJOURNED UNTIL 2:00 O'CLOCK ON THE SAME DAY.

ON THE 20TH JANUARY, 1943, AT 2:00 O'CLOCK THE COURT REASSEMBLE PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS WHEN ADJOURNED.

Defence: Before proceeding more with this Court-Martial I would like to make to the Court a statement to the effect that when these letters were produced to the Court I accepted them to be produced but I never intended, the defence never intended, to admit that they were actually written by the accused.

President: That is a matter of evidence only.

Defence: I might not have made an objection at the proper time but I would like to have the Court know my state of mind to that effect that we do not accept these letters as written by the accused. I was talking to the A.J.A.G. and he suggested that I go through the letters and have them translated by the interpreter here and say what I think is relevant to this case and should be admitted in evidence before the Court and the Court should consider only as evidence.

President: I do not know as we can do that Mr. Angers. If there are certain statements you can agree on we will admit them immediately, but if there are other statements you cannot agree on we will hear argument and the Court will decide.

The interpreter reads Exhibit "J" to the Court, which reads as follows:

I have just terminated, I have just finished reading a book which Louie F. loaned me yesterday, "The Man Who is Approaching" by Pierre S. Ermite. Which is really very good. To tell you the story would be too long. I hope that your health is good and you, father, how is your business affairs, talking in the sense of business affairs. Here things are going well enough. It is always lonesome here, my health is rather good, however. Last week I spent three days at the F.C. Post. I was replaced Saturday night. The same night I went to the moving pictures in the camp. Sunday afternoon I went down to Gaspe where I had supper at the hotel with Albert Loquex and his wife. I met Louie F. at the theatre in the evening. I slept down at General Quarters and yesterday afternoon I went up to the Camp. A half hour afterwards I was returning to the F.C. Post. Where I am still this evening, for the last day. We had a lot of work to do last night. At a quarter to one I was beginning to go asleep when I received a telephone call from the Fortress Commander. The R.C.M.P. had reported having seen Germans at New Carlisle I had to awaken the Fort and all there to be ready. We had a snow storm this afternoon we did not see anything on the water "Thick weather procedure will be carried out". Tonight it is no longer snowing but the night is very dark. The Major called me, "Stay up on your toes Huart. We should have some business to do, tonight", "O.K. Sir". I received my album and my diary. I thank you very much

This afternoon Louie F. called me to tell me that he had a package for me at his office. This package came from J. L. Demers. I thank you very much. I received a letter from Mireille and a card while she passing from Mont Joli. I shall write to her a letter. I shall try to get a weekend the 21st of this month. I never go out. They cannot refuse it.

As ever

Claude"

Defence: In this letter, may it please the Court, I would like the Court to consider only as evidence the portion starting, "At a quarter to one I was starting to sleep when I received a phone call from the Fortress Commander that the R.C.M.P. had reported having seen Germans at New Carlisle, I had to wake up the Fort and everything ended there,keep ready and that is all. We had a storm, a snow storm this afternoon we did not see anything on the water. Thick weather procedure would be carried out,tonight it is not snowing any more but the night is very dark and the Major called me and "stay up on your toes Huart we should have some business to do tonight"

So in this letter I would like only this portion of the letter to be considered as evidence.

Prosecution: I should like that something else be added to that. The heading of the letter and what is marked on the envelope. On the envelope too of the heading of the other, the date and everything to and including.

Defence: I had no objection to the production of the envelope,of course, without prejudice to my statement that the defence does not recognize this is the handwriting of the accused.

Prosecution: As long as you put the envelope and heading of the letter down to and including "Dear Parents" and the signature, "Claude".

J.A. Major Bouchard what about the expression "I met Louie F. at the theatre,in the evening I slept at General Headquarters and yesterday afternoon I returned to camp a half hour afterwards I was returning to the F.C. Post."

Prosecution: Possibly this, it is part.

J.A.: It seems to me that is has some relevancy to the charge. I would say to start at, "At Headquarters and yesterday afternoon I returned to the camp". I would say you should start there.

Prosecution: I think we should start there.

Defence: If the charge mentioned that the letters had been written at the F.C. Post or at the Headquarters or anywheres else I would say that this matter was relevant

but as the charge does not make mention of that, it mentions only that the letters were written.

Prosecution: In the Gaspe Defence Area.

J.A.: The charge cannot include all the evidence.

President: We do not have to include that.

J.A.: I think we should ask the interpreter what is the date and what the address is.

Prosecution: I did not stop the interpreter when he read the envelope.

President: We are not interested in the envelope.

Prosecution: Later I want to establish a link between the envelope and Lieutenant Huart.

President: Let's get to the point and prove something.

Prosecution: My intention was to produce this entire letter in this evidence unless there is a special reason.....

President: Try and get this in evidence if there is an objection we will deal with it.

President to the interpreter: Will you please tell us ~~that~~ what is the date of the letter Exhibit "J".

Interpreter: 10-11-42, "A" Troop, Fort Prevel, Gaspe, Quebec, 10-11-42.

President: Will you give the place it is marked on the heading of the letter?

Interpreter: "A" Troop, Fort Prevel, Gaspe, Quebec.

President: And will you translate to whom it is addressed?

Interpreter: "Dear Parents" in the heading of the letter and the signature is "Claude" and the letter is addressed to Monsieur and Madame L. N. Huart, 8 Blanchet, Levis, P.Q., I cannot read the writing, sir, on that, the writing is not very legible.

Prosecution: May this letter already marked as an exhibit be admitted in evidence.

President: You are offering the entire letter, envelope and the enclosures?

Defence: I object to the production of this letter on the grounds that the greatest part of it is absolusely irrevelant to the charge. The accused is charged with

having written a letter addressed to Mr. & Mrs. L.N. Huart in which items respecting army matters were contained. I object to the production of the whole letter and I submit that the Court may take only the part starting at, "quarter to one I was starting to sleep" I submit respectfully that these parts of the letters can be produced as evidence because they apply to the charge but the other parts of the letter do not apply to the charge and should not be considered by the Court.

President: You do not think that this Court is going to convict on the evidence that does not apply to the charge, the Court will judge the accused solely upon relevant evidence. Your objection has been noted Mr. Angers.

The interpreter proceeds to read Exhibit "K".

This letter is dated 10-11-42, Fort Prevel, Gaspe, Quebec.

"Dear Gilberte:

Prosecution: I think you are reading in the heading of the letter?

Interpreter: Yes, all except what is printed.

Prosecution: I want that.

Interpreter: In the left hand corner there is R.C.A. Then there is a monogram of artillery men in action and underneath there is "Lieutenant Claude Huart", written in full. On the upper right hand corner, "C.A." and underneath that "Defense Cotiere" and "Fort Prevel Gaspe, Quebec".

J.A. "A" Troop is not on that letter?

Interpreter: No.

"Dear Gilberte:

I received a letter from you this afternoon. The one which spoke of your different goings and comings. It gives me pleasure to know that you are enjoying yourself. Let me know when you go out that I may know that you are not finding it too dull in Levis. I see that you are well and quite happy once again. I am once more at F.C. Post tonight. I shall be replaced tomorrow afternoon. I finish tonight. The book that Louie F. had left me it was really good. I am expecting to receive two from a friend at Halifax. A fine fellow I was on a course with him. It is going very well here. However, it is always rather very lonesome. I received a package from Louie this afternoon. It is in the

office of Louie F. I think that my photos are in this package. I will forward one to you as soon as possible. I will forward you one as soon as possible, or rather I will forward two to you and you can choose the one you prefer. O.K.? I had discontinued my letter for an hour. I received a message in secret code that I had to submit to the Watch Officers of the other batteries. I decoded this message. You cannot imagine what it said. The telephone operators and the signallers don't know what it is all about but to you I will tell you. But you must not say a word about it because it is a military secret, "Enemy submarine in Chaleur Bay stop Gun watch officers are to be on the alert and be ready to go into action at a moments notice if necessary." I assure you it is a puzzle to decode this message. There will be a good deal of action tonight. Pray for me that I may not make any errors for I am responsible for the three forts and the fortress. I am leaving you now because I am very busy. I give you my affectionate regards and I wish you pleasant dreams.

As ever

Claude"

P.S. My kindest regards to your family. Give not a word of this it would get me into a good deal of trouble.

Interpreter: There is a message form included and there is nothing on one side, on the other side "to hide the interior"

Prosecution: Will you translate the outside of the envelope, please?

Interpreter: There is "C.H." on one end of the envelope and the envelope is addressed to Mademoiselle Gilberte Samson, A/S D. Gestitner Limited, 20 Palace Hill, Quebec, P.Q.

Defence: I understand the prosecution is presenting this document, envelope and all?

Prosecution: Yes.

Defence: I object to the producing of this letter, except parts, once again, which are relevant to the charge as having no bearing on the charge of having written a letter giving military information. The only military information I can find in this letter is the message, "Enemy submarine....watch officers are to be on the alert and be ready to go into action on a moments notice if necessary". I object to the producing of the whole letter except this part I have read and once again the defence does not recognize the writing as that of being Lieutenant Huarts.

President: You are pressing for the admission of it?

Prosecution: Yes, Sir.

President: The charge is, having written letters containing military information which may be of aid to the enemy. It is not that he never wrote the letters. So if you are objecting on the ground that they do not support the charge I have to say that in the opinion of the Court that your objection is not well founded.

The interpreter reads Exhibit "L".

On the left hand corner the Royal Canadian Artillery the same as the last letter, in the centre the monogram of men in action and under that Lieutenant Claude Huart. In the upper right hand corner C.A. and underneath the "defense Cotiere". The date is 10-11-42, Fort Prevel, Gaspe, P.Q.

"Dear Little Sister:

I received your letter several days ago. Excuse me for not writing to you sooner.

I note that you had a fine trip to Mont Joli. I am very happy for you. I received your little card. I thank you very much. I received a letter from Lucille at the same time I received yours. Last week I spent three days at F.C. Post. I assure you that it was time for them to replace me. Sunday I went down to Gaspe. I had supper at the hotel with Albert Loquex and his wife and several other friends from the camp. We went to the theatre and we met Louis Forten we saw a very good show, "Fleets In". It is very fine I return vrom Gaspe yesterday afternoon and half an hour later I was at the F.C. Post again where I am tonight. We had snow today. Tonight it is freezing and the wind is blowing hard I think that our little hut will go off with the wind. Tonight after having written to father and mother I received a message in secret code. I had to decode it and I found that a submarine had stopped in the Bay of Chaleur and that we had to stand ready in case of an attack. Last night I received one which said that the R.C.M.P. had seen Germans in the village of New Carlisle. Don't say a word about this. It is secret and it could harm a good deal if the thing were known. I really think we will have an attack before long. It makes one think we are not as safe as we might think the job is rather serious and rather hard for me a French Canadian. And so I leave you it is already midnight. Goodnight to all the family and friends,

As ever

Claude".

Prosecution: Envelope please?

Interpreter: The letter is addressed to Mademoiselle Mireille Huart, 8 Blanchet, Levis, P.Q. There is no other mark.

J.A. That is all you find on that envelope?

Prosecution: That is all that is on the envelope?

Interpreter: Except the examining censor DB/C.150

Prosecution: May this letter already submitted be accepted?

Defence: I object to the production of this letter, may it please the Court, so far as it relates to facts having no relation to the charges. The accused is charged with having written a letter in which mention was made of items concerning army matters, to only army matters. I find here is the part of the letter starting at "Tonight after having written to father and mother I received a message in secret code. I had to decode it and found that a submarine was in the Bay of Chaleur and that we had to be ready in case of an attack. Last night I received another one saying that the R.C.M.P. had seen Germans in the village of New Carlisle." I respectfully submit that only this part of the letter be accepted as evidence by the Court as it is only this part it seems to me, is relevant to the charge of giving military information.

President: I will say that the third charge is to the effect that on or about the 10th November, 1942, a letter was addressed to Mademoiselle Mireille Huart in which mention was made of items respecting army matters which might be of value th the enemy. The production of this letter in which was mentioned these facts I do not think is a ground for objection. We will receive this as an exhibit.

Defence: Before going on with this I would like to make very clear to the Court that I intended to make an objection to these letters following the examination of the evidence of Lieutenant Green embracing all the letters...

President: These have already been produced and objected to and the court has overruled your objection.

THIRD WITNESS for the prosecution

Captain W. W. ARCHIBALD, Headquarters Gaspe Defences, having been duly sworn, is examined by the prosecutor.

Q.75 Will you give your rank, full names and unit and function?

A.75 Captain William White Archibald, Headquarters Gaspe Defences.

Q.76 Headquarters, is that correct?

A.76 That is correct, Sir.

Q.77 You are not simply attached to the R.C.A. or another artillery unit?

A.77 Headquarters.

Defence: Captain Archibald was not a witness on the summary of evidence and I think we are, the defence should have had some knowledge of the coming of Captain

Archibald here as a witness, in fact I never heard about it until I seen him there. This is according to R.P. 76.

President: Is ~~that~~ it a fact that Captain Archibald did not give evidence at the ~~pleminary~~ preliminary hearing?

Prosecution: Captain Archibald at the time of the summary was not here.

President: I just asked you if his name is in the summary?

Prosecution: No, Sir.

President: Do you wish to have the ~~normal~~ formal notice?

Defence: No, only to protect the accused's interests.

Q.78 What is your function at Headquarters?

A.78 I am Adjutant, Sir.

Q.79 Do you know the accused before the Court?

A.79 Yes, Sir.

Q.80 Who is he?

A.80 Lieutenant Claude Huart, Sir.

Q.81 You see this document? Will you tell the Court what it is?

A.81 I have here a copy of Part II Orders by Major A.R. Milburn, D.C.M. T/Commander, Gaspe Defences No. 112 dated 24th September, 1942, signed by myself for Major Milburn and certified by him.

J.A.: The certificate is certified to be what?

Witness: Certified that it is a true copy of Part II Orders No. 112 published at Headquarters Gaspe Defences on the 24th of September, 1942.

Q.82 Under Section "A" will you tell us to whom this paragraph one under Section "A" refers to?

A.82 Paragraph 1, refers to the accused.

Prosecution: May this document be accepted as evidence by the Court?

President: to the Defence You have seen that?

Defence: No objection.

Part II Orders No. 112 are read, marked Exhibit "M", signed by the President and attached to the proceedings.

Q.83 You see this document?

A.83 Yes, Sir.

Q.84 Will you tell the Court what it is?

A.84 It is a copy of Fortress Orders by Major Charles LaFlamme, R.C.A., T/Commander Gaspe Defences dated 15th of July 1942. It is signed by Major LaFlamme and is certified by me as a true copy of Fortress Orders published at Headquarters Gaspe Defences on the 15th July, 1942.

Q.85 Does this Fortress Order contain No. 153?

A.85 Yes, Sir, it does.

Q.86 It does?

A.86 Yes.

Prosecution: May this document be accepted in evidence against the accused?

Defence: I have no objection to this document insofar as it relates to Part II Order 153 only.

J.A. What is the signature to this Captain Archibald?

Witness: That is Major LaFlammes.

J.A.: This is a duplicate original?

Witness: Yes, Sir.

President: That is the signature of Charles LaFlamme who was Acting Commander of Gaspe Defences and it purports to be signed in July, 1942?

Witness: That is correct, Sir.

J.A.: This is a duplicate original of the order?

Witness: Yes, Sir, that is correct.

Defence: Does the Court accept it as it relates to para 153 only?

President: We do not know what it contains at all. It may not have anyting in it in regard to the charge. If 153 does effect the accused you have no objection?

Defence: I object to that because it is not relevant to the charge.

President: We are not going outside the field.

Defence: I know that, Sir.

Fortress Order No. 153 dated 15th July, 1942, is read, marked Exhibit "N", signed by the President and attached to the proceedings.

Defence: This is accepted in full?

J.A.: Yes, in full.

President: I do not think the other sections affect you in any way shape or form.

Prosecution: May this document Fortress Order of the 15th July, 1942 be admitted in evidence?

J.A. It is admitted in evidence.

Q.87 Will you tell the Court if those Fortress Orders bearing, signed, I mean bearing letter "N", being Exhibit "N" of this prosecution has been sent to the 105th Coast Battery?

A.87 Yes, Sir, those are sent to the 105th Coast Battery.

Q.88 How many copies, approximately?

A.88 Approximately 13 copies, Sir.

J.A.: Do you mean they are sent or were sent?

Witness: They are sent.

J.A.: Can you say when they were sent?

Witness: I cannot say that.

President: In the ordinary course of events in the administration of your Headquarters, they are dated 15th July?

Witness: On the day following publication, Sir.

J.A. Can you say as to the orders being posted, referring to Exhibit "N".?

Witness: As far as I know, Sir, all orders are posted.

J.A.: Can you say to Exhibit "N" being posted?

Witness: I would say they were posted, I cannot say definitely, I wasn't there.

President: Did you ever see them posted on your board?

Witness: Yes, Sir.

President: Did you see them posted there before the 10th day of November, 1942?

Witness: Yes, Sir.

President: You are referring now to Exhibit "N"?

Witness: Yes, Sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q.89 Captain Archibald in your evidence you stated that usually Fortress Orders are sent down to the 105th Coast Battery, under your oath can you tell the Court whether you are sure that this Fortress Order No. 153 dated 15th July, 1942 was sent to the 105th Coast Battery? Are you sure?

A.89 No, I am not sure that Order 153 was sent to the 105th Coast Battery but I feel certain that it must have been sent because all orders of that kind are sent from this office.

Q.90 Have you seen that Order 153 posted up here in Headquarters? Have you seen it pinned up on the wall to read it?

A.90 At Headquarters, yes.

Q.91 You have seen it?

A.91 (No answer)

Q.92 How long do these orders stay up on the wall usually?

A.92 That depends on the custom at the various units at Headquarters there were as many as 10 copies remained on the wall at one time.

Q.93 And then what happens Captain Archibald?

A.93 They are removed from the board and filed.

Q.94 And do you know how long this copy of No. 153, this Fortress Order 153, dated 15th July, 1942 stayed up on the wall here at Fortress Headquarters?

A.94 No, I cannot say I do.

THE PROSECUTOR DECLINED TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q.95 Do you make inspections of the various Batteries in the Defence Area?

A.95 No, Sir, not regularly.

Q.96 What is the custom of posting orders in your own Defence Area, where you have your Headquarters?

A.96 They are posted throughout the buildings as soon as possible after publication, Sir.

Q.97 Are Standing Orders taken down from time to time?

A.97 No, Sir, not to my knowledge.

Q.98 What do you understand by a Standing Order?

A.98 A Standing Order is an order that is permanent, which does not change from day to day, Sir.

Q.99 That being the case you have no occasion to take those orders down would you?

A.99 No, Sir.

Q.100 What is your system of distribution of Standing Orders?

A.100 At Headquarters Standing Orders are placed in all buildings wherever there is a notice file.

Q.101 Do you issue copies to special units in your command?

A.101 Yes, Sir.

Q.102 Are they numbered, are the number of issues noted on your orders?

A.102 No, Sir, not as a rule.

Q.103 Do you require an acknowledgement, a receipt?

A.103 No, Sir, not for orders.

Q.104 To the best of your recollection will you say that Exhibit "N", which contains Standing Order 153 was posted in the Orderly Room or other buildings of the 105th Coast Battery between the 12th day of September and the 10th day of November, 1942?

Defence: Pardon me, Sir, can I object to questions by the Court.

President: No you cannot.

A.104 I am unable to reply, Sir, in as much as I do not recall seeing the order at the Battery.

Q.105 I recollect that you said you saw this order posted subsequent to the 15th day of July 1942 and November 1942?

A.105 At Headquarters.

Q.106 Yes, and that is the Headquarters for the units comprising the Gaspe Defences?

A.106 Yes, Sir.

Q.107 Do you know whether these Orders, I am referring only to Exhibit "N", were ever read on parade by the 105th Battery?

A.107 I cannot say, Sir.

Q.108 Who is Commander of the 105th Battery on and after the 9th day of September, 1942?

A.108 Captain Pothier.

Q.109 Who?

A.109 Captain Pothier.

Questioned by the defence through the Court.

Q.110 Captain Archibald can you say that Fortress Order No. 153 dated 15th July, 1942, was still upon the board on the 10th of November, 1942, here at Headquarters?

A.110 No, I cannot say that it was.

Q.111 You cannot say that it was?

A.111 I cannot say that it was, no.

Q.112 You are sure?

A.112 Yes.

J.A. Captain Archibald what do you say as to the duty of Lieutenant Huart to make himself familiar with Fortress Order No. 153?

Witness: As a Duty Officer on one of the different Forts I would suggest that it was Lieutenant Huart's duty to read all Orders from Headquarters and to note particularly the Orders which would pertain to his job as Section Commander.

J.A. What opportunity did he have to familiarize himself with this particular Fortress Order No. 153, which is Exhibit "N"?

Witness: I would say that Order No. 153 would undoubtedly be in the files of the 105th Battery where Lieutenant Huart was stationed.

Defence: I object to this answer, it is a question of information.

President: It ~~was~~ goes to the weight of the evidence rather than its admissibility.

J.A. Would Lieutenant ~~Huart~~ Huart have access to these files?

Witness: Yes, Sir.

J.A. What is the practise in the Gaspe Defences as to censoring?

Witness: The censoring of letters, Sir, is carried out at the various Forts by the Orderly Officer or the Troop Commander. Letters are mailed with the flaps open and they are read and initialled by the Troop Commander before being mailed, at Headquarters the Orderly Officer has authority to censor mail and all mail in the box is removed after certain hours and censored usually during the afternoon.

J.A. Would the duties of the accused officer include the censoring of letters?

Witness: Yes, Sir, I think as Orderly Officer I think he might have that duty to perform.

J.A. Can you say what instructions the officers in this Area have had to what practise to follow in censoring letters?

Witness: The instructions as to censoring came from Security Orders and instructions issued by the Intelligence Officer stationed here last summer, Sir.

J.A. Referring particularly to Lieutenant Huart what instructions would be given to him?

Witness: Well, Sir, I do not know exactly what instructions....

Defence: I object to this answer of the witness, the charge refers to Fortress Order No. 153 and now we are talking about Security Orders.

J.A. ~~They~~ There are alternative charges.

J.A. Can you answer that?

Witness: The instructions would depend entirely upon the Troop Commander and the Officer in Charge.

President: Your answer is you don't know what instructions were given him?

Witness: That is right, Sir.

J.A. Fortress Order No. 153 contains the instructions that these orders are to be repeated in all Orders and should be read once a month on parade. Can you say whether that practise was carried out?

Witness: I have no assurance that it was. I cannot say.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RULE OF PROCEDURE 83 (B).

WITNESS WITHDRAWS.

4th Witness for the Prosecution — Major Charles LaFLAMME, R.C.A. C.A., having been duly sworn is examined by the Prosecutor:

Q. 113 Will you tell the Court your rank, name and function?

A. 113 Major Charles LaFlamme, rank Major.

Q. 114 Your Unit?

A. 114 1st Halifax Coast Regiment R.C.A. C.A.

Q. 115 Since when are you in this unit?

A. 115 It is pretty hard to say because -

Q. 116 Which unit were you [redacted] in [redacted] two weeks ago?

A. 116 I was belonging to the 59th Hvy Bty. R.C.A. and appointed Temporary Commander Gaspe Defences July 1st, 1942.

Q. 117 Do you know the accused before the Court?

A. 117 Yes, I know him.

Q. 118 Who is he?

A. 118 Lieutenant Claude Huart, R.C.A.

Q. 119 On what strength was he on, before, and after the 10th of November, 1942?

A. 119 He belonged to the 105th Coast Bty. R.C.A.

Q. 120 Where was this unit located, this Battery?

A. 120 It was under the Command of Gaspe Defences.

Q. 121 Under Command Gaspe Defences?

A. 121 Under Command Gaspe Defences.

Q. 122 Where is Fort Prevel, in what area?

A. 122 It is in Gaspe Defences area.

Q. 123 And where is the F.C. Post in Gaspe?

A. 123 They have F.C. Posts all over the Fort.

Q. 124 Is there an F.C. Post near Fort Prevel?

A. 124 It is an F.C. Post in Gaspe Defences.

Q. 125 And this is at Fort Prevel?

A. 125 Near Fort Prevel.

Q. 126 About how far from the Headquarters?

A. 126 About one mile.

Q. 127 Do you know Mr. and Mrs. L.N. Huart of Levis, Quebec?

A. 127 Yes, I know them.

Q. 128 What is ~~there~~ their relation with the accused?

A. 128 Well they are the father and mother of the accused.

Q. 129 Who is Miss Mireille Huart?

A. 129 As far as I know she is the accused' sister.

Q. 130 And who is Miss Gilberte Samson?

A. 130 Well I don't know her; I heard that -

Q. 131 Don't say what you hear, just what you know.

A. 131 I don't know.

Q. 132 Do you know ~~here~~ her?

A. 132 I have seen her; certainly I know her; I have seen her.

Q. 133 Do you know if she if a friend of Lieutenant Huart?

A. 133 Well I heard of it.

Q. 134 Are Mr. and Mrs. L.N. Huart and Miss Mireille Huart civilians?

A. 134 Civilians, yes.

Q. 135 Do you know if Miss Gilberte Samson is civilian?

A. 135 Yes, as far as I know.

Q. 136 Will you tell the Court if orders published by Fortress or Gaspe Fortress are informations for all troops stationed in Gaspe Defences Area?

A. 136 Yes, they are. They were when I was here.

Q. 137 They were when you were here?

A. 137 When I was here.

Q. 138 Did you ever hear that they changed?

A. 138 Well nobody told me.

Q. 139 By what you know of the constitution and organization of the Coast do you think it is possible that they were not?

A. 139 Well, each Officer Commanding is responsible for discipline and issuing of orders.

Objected to by the Defending Officer.

President. I don't think it hurts you in any way.

Q. 140 Will you tell me who is generally, who is ~~entitled~~ subject to the orders of Gaspe Fortress?

A. 140 All the troops under the command of the Officer Commanding, Gaspe Defences.

Q.141 Which troops are under command of Officer Commanding Gaspe Defences?

A.141 The 105th was; some troop were under command for discipline, but 105th was under command.

President. Refer to Exhibits "M" and "N".

Q.142 Were you still in temporary command Gaspe Defences 10th November, 1942?

A.142 No, Sir.

Q.143 You were not?

A.143 No. ~~He~~ I came back on 18th November.

Q.144 During the time you were here do you know if this order Exhibit "N" has been posted in the different places in Gaspe Defences Area?

A.144 Well it was signed by me and I know personally ~~he~~ it has been posted; it was ordered to be posted everywhere but I could check you see.

Q.145 Have you made a check - do you know if they were?

A.145 No, I never knew that they were. They were posted in the ~~H Tube~~ HQ, Gaspe Defences.

Q.146 Do you know if they were read on Parade once a month by the different units?

A.146 They were read while I was here in Gaspe Defences.

Q.147 You are sure they were read by each unit?

A.147 They were read at the time I was here.

Cross-examined by the Defending Officer.

Q.148 Major LaFlamme, can you say if Fortress Order No. 153 was still up on the wall on or around 10th November, 1942?

A.148 I couldn't say; I was not here.

Q.149 You were not here?

A.149 I was not here.

Q.150 Major LaFlamme, will you please tell this Court if you had the opportunity to use your discretion in trying Lieutenant Claude Huart?

A.150 Well I ~~he~~ didn't understand exactly what you mean.

Q.151 Did you receive direct orders to try Lieutenant Huart and remand him for summary of evidence?

A.151 Yes. That is what I had; I received an order from the D.A.A.G., M.D. 7, to put this officer under close arrest until further instruction, and I received instruction to have him prepared to have the summary of evidence taken later on the charge according to having neglected to obey Routine Order No. 2095 as far as I know.

Q.152 So Major LaFlamme, when you received that order did you have any more discretion or did you have to follow that order?

A.152 Well I felt that the only thing I had to do was to obey this order. I hadn't anything else to do but to put the man under close arrest and have everything ready for the summary of evidence.

Q.153 And even if you had thought that the case should have been tried summarily or the case dismissed would you have done it?

A.153 Well my duty is to obey orders and I had an order to put this man under close arrest and prepare him for summary of evidence.

Re-examined by the Prosecutor.

Q.154 Did you apply yourself for the Court-Martial?

A.155 No.

Q.156 Who did, do you know?

A.156 I don't know, that is all I received. I received a telephone call from D.A.A.G., M.D. No. 7.

Q.157 You say you had nothing to do with the taking of summary of evidence. Were you gone before this was over?

A.158 No.

Q.159 And was application made for a Court-Martial or not?

A.159 Yes, application was made.

Q.160 Who signed this application?

A.160 It was signed by Major Milburn as Officer Commanding of accused.

Q.161 Yourself, you were not at the time the O.C. of the man?

A.161 Major Milburn was the O.C.

Q.162 You had yourself no discretion as to try him?

A.162 It was Major Milburn's worries, as far as I know.

Q.163 As Officer Commanding.

A.163 I imagine it is.

J.A.

Q. 164 Can you say whether the accused is acquainted with Miss Sansom?

A. 164 Well, Sir, I heard. Personally I have never seen her.

Q. 165 What I want to know is can you say from your own knowledge?

A. 165 For my own knowledge, I heard so many times -

Q. 166 Never mind. You mention that you assumed temporary command of Gaspe Defences 1st July, 1942?

A. 166 Yes, Sir.

Q. 167 But you were not in command 10th November?

A. 167 No, Sir, I was relieved 29th August by Major Milburn up until 18th November.

Q. 168 Why was that; what were the circumstances?

A. 168 I was sent back to Quebec; I went to my former unit. I was away and ~~assumed~~ resumed my command 18th November.

Q. 169 Officially, were you in command Gaspe?

A. 169 As far as I remember, I don't have the date.

Q. 170 Are you still in command Gaspe Defences?

A. 170 It is pretty hard to say. Last Monday we sent a wire to Atlantic Command stating that on account of Major LaFlamme being sick on leave, Colonel White was taking temporary command. This has not been changed and he is still in command.

President.

Q. 171 I show you Exhibit "N" which purports to have been issued by you as Temporary Commander Gaspe Defences as of 15th July, 1942. That is correct?

A. 171 Yes, Sir, I was Temporary Commander from 1st July until 29th August and from 18th November up to the present time or ten days ago?

Q. 172 Were those orders copied from any previous standing orders or originals?

Objection by Defending Officer .
Objection overruled.

A. 172 Sir, may I ask you again to repeat the question.

Q. 173 Were those orders copies from any previous standing orders or originals?

A. 173 I can't remember; it is six months ago. I could go back to the records and see.

Q. 174 Had you at any time subsequent to your appointment as Temporary Commander been confirmed as Commander, Gaspe Defences?

A. 174 No, Sir. I am still Temporary Commander; since 18th November as Temporary Commander.

Q. 175 Were those ordem ever confirmed by the Commander or any higher officer?

A. 175 No, Sir.

President. Does the Defending Officer wish to ask any questions?

Q. 176 With reference to this Fortress Order No. 153, I understand, Major LaFlamme that they are your Fortress Orders?

A. 176 Yes, they are my Fortress Orders.

Q. 177 If I refer to paragraph 2 of these Fortress Orders, what do you mean exactly?

A. 177 Paragraph 2 which number ?

Q. 178 Of 153.

Objected to by the Prosecutor.

President. You mean sub-paragraph 2 of 153. What do you want to know about it?

Defending Officer. I want him to say what he means by this paragraph 2.

President. The language will speak for itself. It is not necessary to have it interpreted. Is there any ambiguity there.

Defending Officer. There might be, Sir. They are Major LaFlammes orders and as such I would like to know what he meant by the orders in paragraph 2.

President. They will carry their own meaning.

Defending Officer. It is Major LaFlammes orders and he is the one who is supposed to know.

In the opinion of the Court it is not necessary to comply with Rule of Procedure 83(b).

Witness withdraws.

5th Witness for the Prosecution — Major A.R. MILBURN, D.C.M., O.C., 105th Coast Battery R.C.A. C.A., having been duly sworn is examined by the Prosecutor:

Q. 179 Will you please give the Court your rank, names, unit and occupation?

A. 179 Major A.R. Milburn, Officer Commanding, 105th Coast Bty. R.C.A., Gaspe Defences.

Q. 180 For further identification, you are D.C.M.?

A. 180 Yes, Sir, D.C.M.

Q. 181 What was your function on the 10th November, 1942?

A. 181 I was the temporary Commander, Gaspe Defences.

Q. 182 Do you know the accused before the Court?

A. 182 Yes, I know the accused.

Q. 183 Who is he?

A. 183 Lieutenant Huart.

Q. 184 What was his duty on the night of the 9th - 10th November, 1942?

A. 184 He was relief Fire Commander.

Q. 185 Relief Fire Commander?

A. 185 Relief Fire Commander.

Q. 186 Where does the relief Fire Commander stay when he is such?

A. 186 He stays at the F.C. Post.

Q. 187 Where was this F.C. Post where he was?

A. 187 The F.C. Post is roughly about one mile to the left flank of Prevel.

Q. 188 Is it what they call Fort Prevel?

A. 188 Fort Prevel, yes.

Q. 189 Do you remember if you did receive some communication from the Atlantic Command on the night between 9th and 10th November, 1942?

A. 189 Yes, I did.

Q. 190 Did you transmit back this message to somebody else?

A. 190 I sent a cipher message out to the F.C. Post.

Q. 191 On this occasion who answered; to whom did you give the message?

A. 191 I gave the message to Lieutenant Huart.

Q. 192 To himself personally or through signals or - ?

A. 192 I gave the message personally to Lieutenant Huart.

Q. 193 Did he acknowledge this message?

A. 193 The message was acknowledged.

Q. 194 By whom?

A. 194 By Lieutenant Huart in person.

Q. 195 Can you recall what was the terms of this message?

A. 195 You mean -

Q. 196 What did the message say?

A. 196 It was concerning a submarine.

President. Have you an English translation?

Prosecutor. Yes.

President. Why not show it to him.

Q. 197 Will you take this paper and check if it is really what you sent; just refresh your memory?

A. 197 That is the message I sent.

Q. 198 Can you give it to the Court?

Court. Just a moment; you are going to put the words of this in.

Defending Officer. I object to the production of this message because we do not know if it is the original message or if it is a copy.

Prosecutor. I do not want to produce it.

Defending Officer. If it is the copy it is not good proof for the Court.

Prosecutor. I want the witness to say verbally what he sent, to swear what he sent; that is all; just want you to say I sent this -.

Q.199 J.A. What was the form of communication?

A.199 This message was sent in cipher.

Q.200 By what means of communication?

A.200 By telephone as a multiple message.

Q.201 You made the communication?

A.201 I put the message out in code to the F.C. to the O.C. Haldimand and to the O.C. the Peninsula as a multiple call. Each one of them got the call and when they had decoded the message called back and informed me they had received and understood the message.

Q.202 Did you talk yourself to Lieutenant Huart?

A.202 I talked personally to Lieutenant Huart, gave him the message and had his verbal admission that he had received and understood the message.

Q.203 President. I understand you took a ~~decoded~~ deciphered message and put it in cipher, put it again in cipher addressed to the points you mention; that you communicated it to them and got Lieutenant Huart's acknowledgment of the receipt of this message?

A.203 Yes, Sir.

Q. 204 And that he later acknowledged that it had been understood?

A. 204 Yes, Sir.

Q. 205 Decoded and understood?

A. 205 Yes, Sir.
Court.
Have you the English decoded form of the message?

Prosecutor. I have, Sir, but it is not to be produced, we cannot have the original of this message.

President. He can refresh his memory if he can't recall the words if you have any means whereby hecan refresh his memory as to the contents or meaning of that message.

Q. 206 Will you tell the Court to the best of your memory in refreshing it if necessary only what you really remember what you are sure you sent to Lieutenant Huart?

Defending Officer. If the Court would realize that all this procedure is highly irregular. The Prosecutor shows Major Milburn a piece of paper on which there is a message just to refresh the memory of Major Milburn. Then Major Milburn puts back the paper on the desk and the Prosecutor asks the witness to tell what was the message.

Prosecutor. I don't want him to put back the paper there. He may keep it in his hands. I think he might read the paper and swear that it was really that.

President. The message hasn't been read to the Court. He asked the witness now if he remembers the contents of the message.

Q. 207 Can you remember the contents of the message?

A. 207 Yes, I remember the contents of the message.

Q. 208 Will you tell the Court what it was?

A. 208 It was concerning a submarine.

Defending Officer. Objection - this is the second time the witness answered this question if the Court will notice.

President. The letter is in evidence.

A. 208 It was concerning a submarine that was to be in Chaleur Bay and I asked the watch officers to be on the job and to be ready and able to go into action on a moment's notice.

Q. 209 Can you swear independently of this paper that it was what you sent?

A. 209 The thing is quite in my mind. Yes, because it was quite an important message.

Q. 210 There is no error, it was what you sent?

A. 210 Yes.

Defending Officer. I object to that as a leading question.

J.A. Refer to Exhibits "J", "K", and "L".

Q. 211 You see this letter Exhibit "K". Will you read the English part contained therein?

President. I would suggest, Major, you read it to the witness and ask the witness any questions.

Q. 212 In this Exhibit "K" produced by the Prosecution I read - "Enemy submarine in Chaleur Bay stop Gun watch officers to be on the alert and to be ready to go into action in a moment's notice if necessary". Does this bear any resemblance to the message you sent?

A. 212 Yes.

Q. 213 How close will it bear resemblance?

A. 213 That is the actual message I sent.

Q. 214 When you say that Lieutenant Huart acknowledged himself this message where was he at this moment?

A. 214 He was, as far as I know, at the Fire Control Post.

Q. 215 You see this Exhibit "N", Fortress Order issued 15th July. Did you ever saw those orders before?

A. 215 Yes, I have seen these orders before.

Q. 216 Where do they come from?

A. 216 They are from Fortress Headquarters.

Q. 217 Did you receive copies of those at the 105th Coast Bty.?

A. 217 Yes, I received a copy, the 105th received a copy.

Q. 218 What did you do with the copy you received; what did you do with them?

A. 218 The Headquarters of 105th is at Prevel. I understand Prevel gets roughly about five copies and they would be placed up around the Fort.

Q. 219 You mean posted?

A. 219 Yes, in the officers' mess, canteen, and various places.

Q. 220 Do you know if they were read on Parade once a month?

A. 220 They were supposed to be but I couldn't swear they were.

Q. 221 What was the duty of Lieutenant Huart concerning these orders?

A. 221 I don't quite understand your question.

Q. 222 I mean what was his duty in connection with himself getting acquainted or familiar with those orders?

A. 222 Well any junior officer on a fort has access to all correspondence to look things over and to find out things for himself.

Q. 223 You think those orders were on file?

A. 223 I doubt if there is any question about them being on file.

Q. 224 Had Lieutenant Huart access to those files?

A. 224 I couldn't say definitely but I am sure as his troop commander, undoubtedly he would.

Q. 225 As a general knowledge are Fortress Orders posted or not?

A. 225 To the best of my knowledge they are posted.

Q. 226 How long do you think they stay on the board, posting board?

A. 226 I couldn't answer that; they are sometimes quite bulky on the board.

Q. 227 Can you give an approximate time?

A. 227 No, I am sorry I couldn't.

Cross-examined by the Defending Officer.

Q. 228 Major Milburn, with reference to the order No. 153 dated 15th July, 1942, do you actually know yourself when this Fortress order was posted up?

A. 228 No, I don't.

Q. 229 Did you actually tell Huart to go and see this particular order No. 153 dated 15th July, 1942, to go and see them in the files?

A. 229 No, I would consider that to be the duty of the troop commander.

Q. 230 Did you ever see the accused read that particular order No. 153?

A. 230 No, I didn't.

Q. 231 Would you please tell the Court if you had the opportunity to use your discretion in trying and dismissing or remanding for summary of evidence the accused?

A. 231 No, I did not have any opportunity.

Q. 232 So you did not use your discretion or you could not use your opinion, why not, Sir?

A. 232 Major LaFlamme is the Fortress Commander advised me that this officer was to be placed under arrest, orders of National Defence Headquarters, for Court-Martial.

Q.233 Then what happened, Sir?

A.233 As he was a French officer and did not understand very much English, Major LaFlamme went down himself to put him under close arrest.

Q.234 That is correct, but you sent the application for Court-Martial didn't you?

A.234 I sent the application, yes.

Q.235 Do you consider that you used your discretion in either dismissing or trying the case or dealing with it summarily or do you consider you had had orders?

President. Don't answer that for a moment please.

J.A. On what ground to you ask that question?

Defending Officer. I can explain very well to the Court. This morning I made a complaint of the general jurisdiction of this Court and I asked to have Major Milburn and Major LaFlamme come up as witnesses to this objection. I could not bring them up, and this is why. Just to inform the Court and to inform those who later on will look over this thing about the procedure before the Court-Martial.

President. I want to point out that Major Milburn signed the charge-sheet. ~~You must use~~ some discretion unless it is shown he was under duress and had no opportunity to do otherwise.

J.A. Unless you can show some authority or reason for asking those questions I am afraid that the Court will have to disallow them.

President. Can you cite any authority for such a question?

Defending Officer. As I explained to the Court my only reason for asking the question is to try to put some light on what happened before the accused was remanded for Court-Martial. I think this officer who is here - -

President. We must assume that all things are rightly done unless you can show to the contrary.

Defending Officer. I am trying to prove it by Major Milburn. If Major Milburn was not under duress or under orders to remand him for Court-Martial, Major Milburn will say it, if not he will say it also.

President. Can you cite any authority which warrants your going behind the convening order signed by the Adjutant-General?

J.A. We can do no more than note your objection. There is a convening order signed by the Adjutant-General. Has the Court the authority to investigate the procedure of the preliminary inquiry. That is more for you to submit to the convening ~~order~~ by way of a review as in civil court would be an appeal.

Defending Officer. I believe the Court would be interested in knowing that the accused may have been brought ~~before~~ here without having proper opportunity to be judged by his Commanding Officer.

President. But he couldn't be judged by his Commanding Officer. The Commanding Officer has no authority to try an officer summarily. Summarily is only something which relates to a fine or forfeiture of pay. All those sections you quoted this morning apply to a soldier, by which a Commanding Officer has authority to deal with. No Commanding Officer has authority to deal with an officer.

Defending Officer. The Court may disallow my question.

J.A. Unless you can show that the convening order was obtained ~~convened~~ on false recommendation or obtained by duress I don't think we can allow such a question.

The Court is closed from 1715 hours until 1730 hours to consider the question.

The Court decides to allow the question.

J.A. The Court has decided to allow the question asked by the Defending Officer in order that the Defending Officer may have every opportunity of placing on the record everything in support of his plea of lack of jurisdiction.

Q. 235 Do you consider that you used your discretion in either dismissing or trying the case or dealing with it summarily or do you consider you had had orders?

A. 235 No, I don't think I had a chance to do anything. I was advised that this man was up for Court-Martial and that an officer from Ottawa would come down to take the summary of evidence.

Q. 236 Was an opportunity given you of investigating the case of the accused?

A. 236 No opportunity was given me.

Q. 237 Was an opportunity given you to make a decision regarding the seriousness of the charge?

A. 237 No.

Q. 238 Major Milburn, if we come back to the examination in chief, Can you tell the Court if it happened sometimes that you sent some messages in code which were not of a secret nature last summer?

A. 238 Yes, I sent messages which were not of a secret nature which might be things very minor for the officers to get some training in deciphering these messages.

Re-examined by the Prosecutor.

Q. 239 When you said you sent messages that are for training. Did you distinguish them from operational messages in any way.

A. 239 No.

Q.240 Have the officer receiving the messages any means of knowing if they are real things or just for training.

Defending Officer. I object to that as being a leading question.

President. Objection overruled.

A.240 The messages sent were not test messages. They were regular messages that were pertaining to duties or operations which might be very minor, but not test messages.

Q.241 Had the officer receiving such a message any means of knowing if they were the true thing or just a joke to give them practice.

A.241 The message sent out, may I point out, was something that was as I said before, was not a test message; a regular message which could be sent in clear but for the officers to get experience in deciphering it was sent out to give them experience.

Q.242 Were they always true things?

A.242 Yes.

President. That doesn't matter. He has already stated that they were military messages which could have been sent in clear but in order to give the officers experience in deciphering they were put into cipher or code.

Questioned by the Court.

Q.243 You say that, in answer to questions as I understood them, that you didn't have any opportunity of investigating the case. Did you realize when you made that statement that you must have signed at some time or other an application for Court-Martial and therefore must have had the summary of evidence before you.

A.243 As I understood it the thing had already been settled by National Defence Headquarters that this man was up for Court-Martial and that an officer would come down from National Defence Headquarters to take the summary of evidence.

Q.244 In other words you did not mean that you didn't see the evidence before you sent the application.

A.244 No, I saw the evidence, yes.

Q.245 There is in evidence here Exhibit "N" purports to be Fortress Orders issued by Major LaFlamme on 15th July, 1942. I think you have seen that Exhibit?

A.245 Yes, Sir.

Q.246 As Commander of a Battery do you issue your own standing orders?

A.246 Yes, Sir, yes, Issue standing orders.

Q.247 And your standing orders are they based upon the Defences' standing orders or Fortress Orders?

A.247 Yes, Sir.

Q.248 Had you issued any independent orders as Officer Commanding your Battery which would contain the injunction set out in Fortress Order 153? You may look at it.

A.248 That is the paragraph 3, Sir?

Q.249 153, isn't it?

A.249 I can't say definitely, Sir, as my Part I Orders are in Shelburne but I think that was compiled in my Part I Orders.

Q.250 As near as you can recall?

A.250 Yes, Sir.

Q.251 As I understand the evidence, it was Major LaFlamme who either did put the accused under close arrest or ordered him to be put under close arrest. Do you recall which the correct version?

A.251 What is that, Sir.

Q.252 As I understand the evidence, Major LaFlamme ordered the accused to be placed under arrest?

A.252 He called me up and told me that this officer had to be placed under close arrest and due to the fact that he was a French officer with not very much English perhaps he could make it clearer than I could and he would put him under arrest.

Q.253 Did you put him under arrest?

A.253 No, Sir.

Q.254 It was the other officer?

A.254 Yes, Sir.

Q.255 How long had this officer been under close arrest before General Court-Martial was ordered?

A.255 I couldn't swear, Sir.

Q.256 Were you in command of the Battery the date of his arrest?

A.256 Yes, Sir.

Q.257 Had you no opportunity whatever to interview this officer?

A.257 Yes, Sir, I had a chance to interview him.

Q.258 Did you interview him?

A.258 After the application for Court-Martial, after eight days, I asked the Fortress Commander to see if we couldn't make application to have this officer released from close arrest, as I understand that a gunner under close arrest eight days I must release him from close arrest.

Q.259 Why didn't you release him?

A. 259 I didn't think I had the powers to release him as National Defence Headquarters put him under arrest. I thought that the powers that put an officer under close arrest were the only powers that can release him.

Q. 260 You are quite right about that. I understand from your evidence it was Major LaFlamme put him under close arrest?

A. 261 Major LaFlamme put him under arrest on advice of National Defence Headquarters.

Q. 262 Do you know that for a fact?

A. 262 No, Sir, it is what I understood from Major LaFlamme.

Q. 263 You signed the charge sheet as the Officer Commanding, 105th Battery?

A. 263 Yes, Sir.

J.A.

Q. 264 On the heading of the summary of evidence there is a statement 'The Commanding Officer has directed that the summary of evidence be taken on oath' which would infer that the summary of evidence was taken under your direction?

A. 264 Yes, Sir.

Q. 265 You say that an officer was sent from National Defence Headquarters. My understanding is that an officer from National Defence Headquarters experienced in the taking of summaries of evidence was made available to you?

A. 265 Yes, Sir.

Q. 266 So that in reality this officer was detailed by you to take the summary, taken under your direction in other words?

A. 266 Not detailed by me.

Q. 267 He was made available to take the summary and the summary was taken by him under your direction?

A. 267 Yes.

Q. 268 Did Lieutenant Huart's duties include the censoring of correspondence from the men of the 105th Battery?

Objected to by the Defending Officer and objection overruled.

A. 268 As far as I know Lieutenant Huart censored some of the French mail.

Q. 269 Can you tell the Court what instructions he had as to his duties in censoring mail?

A. 269 No, I couldn't, Sir, his Troop Commander would know more about that than I do.

Q. 270 Who was his Troop Commander?

A. 270 Captain Stanbury.

President. Does the Defending Officer wish to ask any questions.

Questioned by Defending Officer.

Q. 271 I understand, Major Milburn, that you have not seen the accused actually censoring mail?

A. 271 No, I have not seen him censoring mail.

Q. 272 You just heard about it?

A. 272 What I said was hearsay in other words. I understood he was censoring some French mail but I couldn't say that for definite.

Rule of Procedure 83(b) has been complied with.

Witness Withdraws.

At 1830 hours on the 20th day of January, 1943, the Court adjourned until 1000 hours on the 21st day of January, 1943.

On the 21st day of January, 1943, at 1610 hours the Court reassemble pursuant to adjournment, present the same members as when adjourned, the Court having been unable to reassemble at 1000 hours on the 21st day of January, 1943, owing to weather and transportation difficulties

The Prosecutor has no further witnesses.

The prosecution is closed.

The Defending Officer submits that a prima facie case has not been established by the Prosecution. (See document marked "O")

The Prosecution answers. (See document marked "P")

The Court is closed to consider their decision.

The Court allows the submission of the Defending Officer on charges 1, 3, and 5, and disallows the submission of the Defending Officer on charges 2, 4, and 6, and the Court reopens and the decision is announced.

The Court proceeds with the trial.

D

R.P. 40 is complied with.
The prosecution is closed.

Defence

Q.273 *Question to the accused.* Do you apply to give evidence yourself as a witness?

Answer. 273 No, Sir.

Question. 274 Do you intend to call any other witness in your defence?

Answer. 274 Yes, Sir.

Question. 275 Is he a witness as to character only? *Answer.* 275 No, Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Q.276 *Question to the accused.* Have you anything to say in your defence? A.276 Yes, Sir.

Answer. The accused in his defence says† See Document Marked "Q"

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for the defence — Captain Louis FORTIN, 52nd Anti-Aircraft Battery, R.C.A., C.A., having been duly sworn, is examined by the defending officer.

Q.277 — Will you give your name, rank and unit to the Court?

A.277 — Louis Fortin, Captain, 52nd Anti-Aircraft Battery.

Q.278 — Captain Fortin do you know the accused?

A.278 — Yes, Sir, I do.

Q.279 — Who is he?

A.279 — Huart, Lieutenant.

Q.280 — For how long have you known him?

A.280 — Well, he has been my college mate from 1935 to 1939. From 1937 up to date he was one of my best friends. We have been together for almost all the time.

Q.281 — Have you ever seen his writing?

A.281 — Yes, Sir.

Q.282 — Can you identify this as the writing of Lieutenant Huart, this is Exhibit "J"?

A.282 — No, Sir, I cannot swear that is his writing.

Q.283 — Did you look at the envelope?

A.283 — Yes, Sir, I cannot swear this is his writing.

Q.284 — Will you look at this time Exhibit "K" and tell us if you can identify the writing as that of Lieutenant Huart?

A.284 — No.

Q.285 — Will you look at this document Exhibit "L" and tell us if you identify the writing on it as Lieutenant Huart's?

A.285 — No, Sir, I cannot.

Q.286 — Captain Fortin would you tell the Court whether you heard any gossip about the arrest of a German spy sometime in November?

A.286 — Yes, I did, one night.

Q.287 — You did?

A.287 — Yes,.....

President: You were not asked to tell anything simply asked if you heard.

Q.288 — Will you please tell the Court on what occasion or occasions you did hear these gossips?

A.288 — I heard the whole story about.....

J.A. You were asked on what occasions.

Witness: I was with two civilians and they told me the story

Q.289 And what was the story?

Prosecution: I do not see, Sir, that this point has any reference to the issue in front of the Court so I object to this question being asked.

Defence: The question certainly has some importance for the defence, because the witness is coming here and is telling the Court about the gossips that were, that he heard, the stories that some people told hkm on or about the 10th of November, 1942 about this German spy. I certainly think it has a certain effect and might prove that what was thought to be a military secret was in fact something known by the public.

President: I do not think that is any ground. What occasion are you referring the witness to. Specify the period you have reference to, the 9th, 10th, 15th, etc., please do something definite but we are not here to take gossip.

Defence: I will try, Sir, to have facts.

Q.290 You were just mentioning two civilians on or about what date did you meet them?

A.290 I do not remember the date but sometime in November.

Q.291 Was it before the 20th?

President: Now he says he doesn't remember. I presume he doesn't.

Defence: I am trying to find out more the place, the date.

A.291 Sometime in November.

Q.292 Please tell the Court what story was told you by two civilians?

A.292 ~~What~~ The whole story you want to know?

Q.293 No I don't ~~like~~ want to know the whole story just a general idea?

A.293 They told me that one spy was left in New Carlisle by a sub and ~~it~~ he was arrested a few hours after on the train by the R.C.M.P. or Provincial Police. It ~~has~~ had been discovered, as they told me, by an agent, station agent, and the owner of a hotel in New Carlisle and a taxi driver.

Q.294 Did ~~any~~ body else talk to you about this matter?

A.294 President: How will that ~~effect~~ affect this case, Mr. Angers?

Defence: Well, Sir, if the defence prove that this matter of the German was known by everybody, was common....

President: I do not understand that. I am going to give you every latitude but it seems to me that the damaging statements, if any, alleged against the accused are contained in these letters and one of them, as I recollect, says a secret message passed to Mr. Huart and was was conveyed to people or intended to be conveyed to people, which was against regulations. Now, what the gossip was around the vicinity of Gaspe would not affect that in any way. I do not want to curtail your rights but I cannot see where this has any bearing on the case.

Defence: I will not press the matter as long as the Court gets the idea that this question of a German Spy had been told all around Gaspe. It was in Montreal, Quebec and everywhere, it will not be a military secret at all.

Prosecution: Mr. Huart is accused of having written a letter containing information of a military nature. Well if later on somebody revealed this information it does not affect the charge at all. It may right now, but later on the information may become more known by the public but at the time it was still military information. This to me, even though it is revealed later on, so that 100% knew later on, it will not affect the case later on, it will be no use to prove that.

President: You may proceed.

Q.295 Will you examine this Exhibit "K" and read this paragraph to the Court, Captain Fortin?

A.295 "Enemy submarine in Chaleur Bay Stop Gun Watch Officers are to be on the alert and be ready to go into action in a moments notice if necessary.

Q.296 Will you please tell the Court if this was common fact submarines around Gaspe?

A.296 Yes, it was.

Q.297 What kind of a secret would that be?

Prosecution: I object. I think this is a question for the Court to decide.

Defence: I would like to know what kind of a secret it is considered to be. It is not fair to the accused that I tell the Court what I want from my witness.

President: But we must be enlightened on the evidence.

J.A. You addressed the question that has been objected to. What do you mean by that? What kind of a secret would what be?

Defence: This fact of knowing submarines were around Gaspe. I am just keeping on with his last answer. If it please the Court.

President: Was it in reference to what was read or an abstract of an exhibit here you are referring to?

Defence: I am referring to the question of submarines generally.

President: Well, if his statement was everybody was talking about it you may not designate it as a secret.

Defence: That is what I wanted him to tell the Court.

President: Well, it could not have been a secret if that is the fact.

Q.298 Captain Forten, is the accused one of your friends?

A.298 Yes.

Q.299 What would you say to the Court as to his character?

A.299 Well, I have known him for nearly ten years and he has been always one of the best guys I have ever known. He is very young and he has been considered to be, by his friends, like one of the best chaps.

Q.300 What do you think of him as an officer?

A.300 When he applied for his commission the officer who gave it to him asked me for my opinion, as I was in the army, and I recommended him.

Q.301 And since he joined the army what do you think of him as an officer?

A.301 I have not been with him long but all the reports I have from his officers was good. I was with him in Halifax last summer. I think he was my room mate and he was working hard to qualify there.

Q.302 To your knowledge does he have subversive ideas?

A.302 Oh! no.

CROSS-EXAMINED BY THE PROSECUTOR.

Q.303 You see this envelope, Exhibit "K"?

A.303 Yes.

Q.304 Will you read his address?

A.304 Mademoiselle Gilberte Samson.

Q.305 Will you tell me what is the relation between this Mademoiselle Gilberte Samson and the accused?

A.305 His girl friend.

Q.306 You said before that you cannot swear you recognize the handwriting of Lieutenant Huart in this letter. You swear that?

A.306 Yes, I do.

Q.307 You swore you knew his handwriting?

A.307 Will you repeat the question, please?

Q.308 Will you swear you knew his handwriting?

A.308 Well I had some letters from him.

Q.309 Do you know it?

A.309 Yes, I know his handwriting.

Q.310 You know his handwriting?

A.310 Yes, I know it.

Q.311 How many letters did you receive from him?

A.311 That is pretty hard to answer.

Q.312 Well, approximately?

A.312 When he was in Brockville I guess I had one letter from him.

THE DEFENDING OFFICER DECLINED TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q.313 Are you prepared to state whether this handwriting is the handwriting of the accused in Exhibits "J", "K", and "L"?

A.313 I am under oath when I state I cannot identify this writing as his.

Q.314 Are you prepared to say it is not the handwriting of the accused? I want an answer yes or no?

A.314 As far as I am concerned it is not, as far as I can say it is not the handwriting of Claude Huart.

Q.315 Will you examine these letters in toto?

(Witness examines letters)

Q.316 Having looked at Exhibit "J", is there anything in that to indicate to you whose writing that is?

A.316 By the writing I cannot identify it but by the tone of the letter I can identify it as belonging to Lieutenant Huart.

Q.317 Is there any signature to that Exhibit "J"?

A.317 It is signed in the right corner.

Q. 318 And what is it?

A. 318 Claude.

Q. 319 You will note in that letter marked Exhibit "J" there is a reference to one Louie F., "I met Louie F. at the theatre in the evening". Have you any idea who that Louie F. is?

A. 319 It might be...

Q. 320 Have you any idea?

A. 320 It might be me.

Q. 321 You know it was you don't you?

A. 321 It might be me, Sir.

J.A.: Was it you?

Witness: I met him in town quite often. I could not say this night.

Q. 322 Do you correspond or do you have correspondence with anyone by the name of "Claude."?

A. 322 I had one letter last summer from him.

Q. 323 From whom?

A. 323 From the accused, Sir.

Q. 324 That is the only person by the name of Claude who wrote ~~the letter~~ ~~you refer~~?

A. 324 If I remember correctly it was not signed "Claude".

Defence: He may have received letters from dozens of people by the name of Claude.

J.A.: I think you had better leave it to the Court.

Defence: It seems highly irregular.

J.A. This present questioning is very interesting.

Q. 325 Will you look at this letter marked Exhibit "L"? Read it carefully.

A. 325 (Witness reads letter)

Q. 326 You have read that. Is there anything in that to indicate to you who wrote that letter?

A. 326 The contents of the letter.

Q. 327 Who wrote it?

A. 327 The accused because of the contents of the letter I think that it is Huart.

Q.328 Were you, with Claude Huart, attending a show entitled "Fleets In"?

A.328 Yes, I was.

Q.329 Do you know Mademoiselle Mireille Huart?

A.329 Yes, I do.

Q.330 Of 8 Blanchet, Levis, Quebec?

A.330 I do, Sir.

Q.331 What relation is she to Claude Huart?

A.331 His sister.

Q.332 Looking at the envelope marked Exhibit "L" and the letter marked Exhibit "L" is there anything to indicate to you who was the author of that letter. In other words who wrote the letter?

A.332 Yes, Sir.

Q.333 And who is it?

A.333 Huart, Sir, because it is addressed to his sister.

Q.334 Now, are you prepared to swear that that letter Exhibit "L" is not in the handwriting of Claude Huart?

A.334 Well now I say the envelope not by the handwriting.

J.A. Will you just answer the question the president has asked you?

Witness: To the best of my knowledge it is not his handwriting.

J.A. Your answer is, "yes"?

Witness: Yes, the handwriting.

President: Your answer is that the handwriting is not that of Claude Huart?

Witness: The handwriting I said "no", not by the handwriting.

Q.335 You cannot tell by the handwriting?

A.335 No, Sir.

Q.336 Did you ever loan a book to anyone else by the name of "Claude"?

A.336 No, Sir, not that I remember.

Q.337 Looking again at Exhibit "J", the letter and envelope Exhibit "J", is there anything in this to indicate to you who wrote this letter?

A.337 Yes, Sir, the contents.

Q.338 Who do you say wrote those letters?

A.338 I should say it was Huart, the accused.

Q.339 It was addressed to his father?

A.339 Yes, Sir.

President: Does that answer your question Major Hachey?

Major Hachey: It answers my question but it does not satisfy me as to the character of the witness.

Q.340 You say that Lieutenant Huart has been in the Gaspe Defence since September?

A.340 I do not recall.

Q.341 Have you any idea how long he has been here?

A.341 Two or three months.

Q.342 Have you ever received any instructions on security and the care which must be taken in military matters?

A.342 Yes, Sir. I have read the Standing Orders.

Q.343 Was Lieutenant Huart in the same Battery with you?

A.344 At the outbreak of war. After that I did not see him, he was in another Battery.

Q.345 You were not stationed at Fort Prevel on the night of November 10th or 11th last?

A.345 No, Sir.

Q.346 Have you ever been a Fire Commander?

A.346 No, Sir.

Q.347 Never performed the duties of Fire Commander?

A.347 No, Sir.

Q.348 How long have you been stationed here?

A.348 I came here on the 23rd of Sepbember, Sir.

Q.349 The 23rd of September?

A.349 Yes, Sir.

Questioned by the defence through the Court.

Q.350 Captain Fortin, these Exhibits "J", "K", and "L" which you have examined. Do you still swear to the best of your knowledge that they were not written by Claude Huart? To the best of your knowledge.

A.350 By the writing I say there were not written by him - by the contents of the letters they may have been written by him.

President: Could they be written by anybody else. Answer this "yes or no". You are leading the Court to think that you are avoiding the issue. Please answer that question, "yes or no"?

Witness: Perhaps.

Defence: It is very hard for the witness to answer that Huart did not write it.

J.A.: That is what was asked. He has got to answer "yes or no".

Witness: No, not according to the contents.

RULE OF PROCEDURE 83 (B) IS COMPLIED WITH.

WITNESS WITHDRAWS.

The Court think it expedient to continue to sit after six o'clock in the afternoon. In view of transportation and weather difficulties it is desirable to finish the trial without the Court again leaving the Fortress Area.

AT 6:30 O'CLOCK THE COURT ADJOURN UNTIL 8:00 O'CLOCK ON THE SAME DAY.

ON THE SAME DAY AT 8:00 O'CLOCK THE COURT REASSEMBLE, PURSUANT TO ADJOURNMENT; PRESENT THE SAME MEMBERS AS WHEN ADJOURNED.

Defending Officer. May I have the permission of the Court to bring in Major LaFlamme as a witness for the Defence.

President. As a Character Witness?

Defending Officer. It was rather difficult for, the Court will understand, to produce Major LaFlamme and ask him certain questions yesterday on the cross-examination. Very often the Defence wishes to ask certain questions which cannot be asked until the Prosecution's case is over and this is the only reason why I recall Major LaFlamme today as a witness for the Defence.

President. Do you wish to ask any question that was refused you yesterday?

Defending Officer. I didn't get that question.

President. Were you refused the right to put any question yesterday that you intend to put today?

J.A. Do you intend to put any question today which was disallowed yesterday?

Defending Officer. No, Sir.

J.A. Is Major LaFlamme a witness to Character only?

Defending Officer. As to character and fact.

J.A. As to facts - I think you should have asked ~~them~~ the questions yesterday.

Defending Officer. The Court will understand that the Defence during the course of Prosecution's case is under a handicap if it brings out before the Prosecution's case is closed certain facts which I intend to prove today by Major LaFlamme.

J.A. What you mean to say is that the evidence you hope to elicit from Major LaFlamme if you had elicited it yesterday would have disclosed your defence.

Defending Officer. Would have disclosed my defence.

J.A. Would you infer that a witness can be both for the Prosecution and the Defence?

Defending Officer. Yes, Sir.

J.A. It is most unusual, is it not.

President. I will permit Major LaFlamme to be recalled solely for the purpose of giving evidence as to character and questions must be put through the Court. That is the procedure. You had the opportunity here yesterday to question Major LaFlamme on any subject that you wished that was relevant to the issue. In cross-examination you could have

further continued your examination under the rules pertaining to the cross-examination of witnesses and if you failed to do so you took your own responsibility. The Court will permit you to recall Major LaFlamme to give evidence solely as to character.

Defending Officer. I submit that the accused will be very much handicapped in his Defence if Major LaFlamme is not allowed to come here as a witness. As I said before the reason I give the Court is that Major LaFlamme was not asked certain questions yesterday only because the Defence did not want to disclose its defence; and this, I think, something which is admitted in many Courts in the World, and I think that the accused should have every right to bring up who have even come up for the Prosecution. The Prosecution can call Major LaFlamme if they want to. It is very hard for the Defence, the Court will understand, for the Defence to disclose itself during the Prosecution's case.

At the request of the Defending Officer/Major CHARLES LAFLAMME, R.C.A. C.A. is recalled and examined on his former oath through the President and states as follows:

Q. 351 Have you known Lieutenant Huart for a long time?

A. 351 Yes, for several years.

Q. 352 Do you know his parents?

A. 352 Yes, I know his parents.

Q. 353 Do you know the family of Miss Gilberte Samson?

A. 353 I don't know the family, but I know her.

Q. 354 What would be, according to your knowledge of the accused, your opinion as to his character.

A. 354 Lieutenant Huart has been known to me for several years. I have known him before he was in the Army. He joined the Army when I was Commanding Officer of the 59th Hvy Bty. That was at the time I was pleased to recommend him for a commission because I knew his past and I knew his character. He was an intelligent boy; a good worker; a sober man; and although he was young he has a sense of responsibility. As long as he has been under my command in the 59th Hvy Bty. he has shown very good qualities. Since he has been in Gaspe he has performed his duties very well. And it is my opinion that the night 9th/10th he has been given a job which should not have been given to him on account of his lack of experience.

President. Would you like to speak in French?

Witness continues in English.

He had a job which should have been carried on by a more experienced officer. His behaviour as an officer is very good.

Q. 355 Do you know anything about his patriotism?

A. 355 Yes. He has been a real Canadian and joined the Army first of all as a Gunner in 1939 with me. And he was very anxious at the time to stay in the Army as a Gunner and it was upon my recommendation that he went back to school to get more instruction in order to be an officer later on. This man is a French-Canadian, one of those who has been very glad to serve their Country, and I am sure that in the facts which have been brought up to the Court Lieutenant Huart never though that he could do any damage to his Country. He is young without experience. Perhaps he did not know exactly the meaning of what he was doing but there is something - I am sure - is that he never try to work against his Country and against the Army.

President. I think you have covered the subject about as fully as you can. Any other questions.

Defending Officer. Only as to character - not facts?

President. No.

Defending Officer. No questions.

In the opinion of the Court it is not necessary to comply with Rule of Procedure 83(b).

Witness withdraws.

Defending Officer. Major Milburn was a witness also and I ask the permission of the Court to bring him in as a witness as to Character and as to fact. My reasons are the same as I have expressed when Major LaFlamme first came in. If it please the Court, I would like him heard.

President. You had an opportunity yesterday to cross-examine this witness. Can you think of any good cause by which I should give permission for the Defence to recall him as to facts. I will permit him to be recalled as a character witness only

At the request of the Defending Officer Major A.R. MILBURN, D.C.M., O.C., 105th Coast Battery R.C.A. C.A. is recalled and examined on his former oath through the President and states as follows:

President. You are being recalled to give evidence as to character only; you may take the chair.

Defending Officer. May it please the Court, Major Milburn gave me to understand that he wished to make a correction on one of his statements yesterday. Would this be the proper time to do so.

President. No, his evidence was read over to him. You must stick to the Rules of Evidence.

Q. 356 Major Milburn, how long have you known the accused?

A. 356 Since September 15th, this year, or last year, 1942.

Q. 357 How was the conduct of this officer during the time when he was under your command?

A. 357 His conduct was good.

Q. 358 While under your command what his character like, the character of the accused?

A. 358 That was almost the same as the last question.

Q. 359 The word was "conduct"; this is "character".

A. 359 His character as an officer - he was good in his character. He was a good officer. I never had any trouble with him or anything.

In the opinion of the Court, it is not necessary to comply with Rule of Procedure 83(b).

Witness withdraws.

The Defence has no further witnesses.

The Defence is closed.

The Defending Officer makes a Closing Address.
See Document marked "R"

The Prosecutor makes a Closing Address.
See Document marked "S"

Summing Up by J.A.
See Document marked "T"

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused Lieutenant Claude Stuart, 105th Coast Battery R.C.A. (C.A.) is not guilty of the first, third and fifth charges but is guilty of the second, fourth and sixth charges.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Major A. R. Milburn, O.C. 105th Coast Battery, R.C.A., C.A. is examined on his former oath.

Evidence of character, &c.

Q.360 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? A.360 *Answer by the Witness.* Yes, Sir, I produce M.F.B. 355

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

Q.361 *Question by the President.* Is the accused the person named in the statement which you have heard read? A.361 *Answer by the Witness.* Yes, Sir.

Q.362 *Question.* Have you compared the contents of the above statement with the regimental books? A.362 *Answer.* Yes, Sir.

Q.363 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.363 *Answer.* Yes, Sir.

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

Cross-examined by the accused.

The Defending Officer declined to cross-examine.
In the opinion of the Court it is not necessary to comply with Rule of Procedure 83 (B).
Witness withdraws.

Question to the accused. Do you wish to address the Court? A.364 *Answer.* Yes, Sir, through my defending officer. See document marked "U".

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused Lieutenant Claude Stuart, 105th. Coast Battery, RCA (CA) to take rank and precedence in his Corps and in the Canadian Army as if his appointment as Lieutenant bore date the 21st day of January 1943 and to be Severely Reprimanded

Sentence.

Forfeiture of seniority of rank

Severe Reprimand

Signed at Gaspe, Quebec this 21st day of January 1943.

F. E. Langfeldt
Colonel.
37th. (Reserve) Brigade Group (CA.)
President General Court Martial

J. H. Pettes Major
A.A.J. M.D. No 7
Judge Advocate.

Promulgated and Extracts taken at Headquarters Gaspé Defences, Gaspé, P.Q. this sixteenth day of March 1943.

Edward Lingley Lieut.
A/Adjutant Headquarters Gaspé Defences
Officer i/c of documents
Headquarters, Gaspé Defences.

Extract entered as No. 8433 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 22 day of April 1943
Elb.

GENERAL COURT-MARTIAL. "A"

ORDERS BY Major-General H.F.G. Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Lieutenant Claude HUART,
105th Coast Battery, R.C.A., (CA).

A detail of officers, as mentioned below, will assemble at Gaspe, Province of Quebec, on Wednesday the 20th day of January, 1943, at 1000 hours, for the purpose of trying by General Court-Martial the accused person named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Colonel P.E. McLaughlin, ED,
37th (Reserve) Brigade Group, C.A.

MEMBERS.

Lieutenant-Colonel J.A. Leger, VD,
2nd (Reserve) Bn. North Shore (N.B.) Regiment, C.A.

Lieutenant-Colonel H.O. Schryer,
No. 71 Canadian Army (Basic) Training Centre, C.A.

Major W.C. McQuade, VD,
No. 7 District Depot, C.A.

Major J.E. Doucet, ED,
A-30 Canadian Infantry Training Centre, C.A.

Major H.B. Hachey,
A-30 Canadian Infantry Training Centre, C.A.

Captain(A/Major) A.L. Bourque, MC,
No. 70 Canadian Army (Basic) Training Centre, C.A.

WAITING MEMBERS.

Captain(A/Major) C.P. Hachey,
No. 71 Canadian Army (Basic) Training Centre, C.A.

Captain J.B. Stanbury,
105 Coast Battery, The Royal Canadian Artillery, C.A.

JUDGE-ADVOCATE.

Major L. McC. Ritchie, Assistant Judge Advocate-General.
M. D. No. 7.

PROSECUTOR.

Major A. J. Bouchard,
Le Regiment de St. Hyacinthe, C.A.

DEFENDING OFFICER.

Lieutenant E. D. Angers,
105th Coast Battery, The Royal Canadian Artillery, C.A.

"X" Bonhomme Foot H.C.M.

The accused will be warned and all witnesses duly required to attend.

The District Officer Commanding, Military District No. 7, will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The Proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED at OTTAWA, ONTARIO, this 8th day of January, 1943.

H.F.G. Letson
(H.F.G. Letson)
Major-General,
Adjutant-General.

"G" Entered Pay 1.c.m.

Q.2 Do you object to Captain P. J. BART, Headquarters Gaspe Defences, acting as interpreter?

A.2 No, Sir.

Captain P. J. BART, Headquarters Gaspe Defences, is duly sworn as interpreter.

Q.3 Do you object to G-45159 Corporal (A/C.S.M.) R. A. BREWER, No. 7 Detachment, C.M.S.C., C.A. acting as shorthand writer?

A.3 No, Sir.

G-45159 Corporal (A/C.S.M.) R. A. BREWER, No. 7 Detachment, C.M.S.C., C.A. is duly sworn as shorthand writer.

Q.4 Do you object to G-45160 Corporal (A/C.S.M.) H. J. HENNEBERRY, No. 7 Detachment C.M.S.C., C.A. acting as shorthand writer?

A.4 No, Sir.

G-45160 Corporal (A/C.S.M.) H. J. HENNEBERRY, No. 7 Detachment, C.M.S.C., C.A. is duly sworn as shorthand writer.

"H"

PLEA TO THE GENERAL JURISDICTION OF THE COURT
BY THE DEFENDING OFFICER

Filed
Pet. H.C.M

oooooOoooooo

Before the accused pleads, may it please the Court, I wish to make a plea to the general jurisdiction of this Court. It must be understood that this objection is made, not made, personally against any of you. We have accepted all the members here and we are very pleased, and I am sure the accused looks favourably upon everyone of you and is sure he will have a very fair trial, but it is our contention that the Court was improperly constituted.

In this case the accused was not brought before his Commanding Officer and the powers of the Commanding Officer were disregarded with regards to R.P. 4a & 5a and of Army Act 46.

Para 4 reads as follows: "The commanding officer will dismiss a charge brought before him if in his opinion the evidence does not show that some offence under the Army Act has been committed, or if, in his discretion, he thinks that the charge ought not to be proceeded with". It is my contention that the Commanding Officer of the accused in this case was not given this discretion and was not allowed to make use of his own opinion.

If we go now to R.P. 5 we find: "The evidence and statement (if any) taken down in writing in pursuance of Rule (4)(in these rules referred to as the summary of evidence) shall be considered by the commanding officer." It is our contention that the Officer Commanding of the accused was not given the opportunity of doing one of these three things.

If we look now at Army Act, Section 46: "The commanding officer shall, upon an investigation being had of a charge made against a person subject to military law under his command of having committed an offence under this Act, dismiss the charge, if he in his discretion thinks that it ought not to be proceeded with, but where....." "...in the case of an officer below the rank of field officer or of a warrant officer, may refer the case to be dealt with summarily by a general officer or brigadier under the provisions of this Act, or in the case of a soldier may deal with the case summarily."

We also have Army Act p.37, para 26, which gives more information about that...

J.A. - You mean the Manual of Military Law?

Defence: Yes, Sir.

(Defence reads para 26, p.37.)

What I want the Court to take notice of is, if the Commanding Officer proposes to deal with the case summarily. So if it pleases the Court, every article that we have just seen tells us that the Commanding Officer has full discretion to either judge a case or to dismiss it or remand the officer or the accused for trial by Court Martial or try the accused summarily if he wants to.

"H" Evidence Publicity c.m.

These powers of the Commanding Officer, as you all know, are at the base of the whole Army Act, at the base of the Rules of Procedure, only in cases of offences under the Militia Act can the Court itself be convened under the authority or under the orders of the Governor-in-Council.

Before I finish I would like to refer you to M.M.L. p.35, para 20 (defending officer reads). It is my contention that the officer commanding of the accused has had in this case no discretion whatever to dismiss the charge or try it summarily so I suggest to the Court that the Court call the O.C.'s of the accused, Major Milburn or Major LaFlaame if they need to hear more evidence on this case.

REPLY BY THE PROSECUTION

I think that as we have a Convening Order asking that the Court may be held that it is normal that this Court was asked for by the Officer Commanding of the accused, so I think the burden of proof that this was done without their consent or without them having any chance to examine the accused summarily should be borne on the defence which means they should bring a witness to say that they never have been given this chance and they never asked for a Court martial and secondly I contend it is not absolutely necessary that the C.O. examine the accused summarily. This law is rather to give him the privilege of dismissing the case and I think it will be irregular to proceed this way but I do not think it is irregular - I do not think these irregularities are strong enough to take this out of the jurisdiction of the present court. If the witnesses are outside today they should be brought in by the defence and if so I ask for an adjournment to see same and be able to take care of the case.

President to Defence: Do you wish this to apply to all of the charges, you have heard only one read but I presume you have seen a copy of the charge sheet?

Defence: I have seen them.

President to Defence: Can any of them be dealt with by the Officer Commanding?

Defence: I guess it would be my contention that at least the Commanding Officer should have had the discretion to know whether the accused should be charged under these charges or not. In this case if the Court want to call witnesses they may call them, if the burden of proof must be borne by the defence, we are ready to bear it but it is again my contention in this case the officer commanding and the commanding officer have had no opportunity to use this discretion mentioned in the Manual of Military Law.

President: Have you a copy of the charges before you?

Defence: Yes, Sir.

President: And do they not purport to be signed by Major Milburn, Officer Commanding 105th Coast Battery?

Defence: Certainly, Sir. Major Milburn might have received direct orders to do this thing.

President: That is beside the point.

R. C. A.
ARTILLERIE ROYALE CANADIENNE

C. A.
DÉFENSE CÔTIÈRE

LIEUTENANT CLAUDE HUART

10-11-42.

Fort Prevel — Gaspé Que.

Chère Jeannette.

J'ai reçu ta lettre depuis quelques jours. Comme moi si je me T'ai pas écrit plus tôt.

Je vois que tu as fait un beau voyage à Mont Joli. Très heureux pour toi. J'ai reçu ta petite carte. Je T'en remercie également. J'ai reçu une lettre de Lucille en même temps que la tienne. La semaine dernière j'ai passé trois jours au P.C. Post. Je trouve que il était temps que on me remplace. Dimanche je suis descendu à Gaspé. J'ai soupé à l'hotel avec Albert Laguerre et sa femme et quelques amis du camp. Nous sommes allé au théâtre où j'ai rencontré Louis Fortier. Nous avons eu un bon show. "Fleto in." C'était formidable.

J'ai reçu un paquet de Paris cet après-midi. Il est au nom de Louis F. Je crois que ma photo est dans ce paquet. Je t'en ferai parvenir une le photo-feuille ou plutôt je t'en ferai parvenir deux et tu choisiras celle que tu préfères. O.K.

Je te remercie. Je crois discontinué ma lettre pour une heure. J'ai reçu un message en code secret que j'ai dû transmettre aux Watch officers des autres batteries. J'ai déchiffré ce message. Tu ne peux témoigner ce qu'il dit. Les téléphonistes et les signaleurs ne le savent pas, mais à toi je puis te le dire. Pas un mot par exemple c'est un secret militaire [Enemy submarine in channel very strong. Gun Watch officers are to be on the alert and to be ready to go into action in a moments notice if necessary.]

Je t'assure que c'est un puzzle de déchiffrer ce message. Je pense bien que la nuit va être mouvementée pour moi pour que je ne ferme pas d'yeux. Car je suis responsable de trois forts et de bon forties. Je te laisse maintenant car je suis très occupé. Je t'écrirai bien fort et embrasse de beaux yeux ma chère chère

I certify that attached hereto is a true photostatic copy of Exhibit "J" received in evidence at the General Court-Martial held for the trial of Lieutenant Claude Huart, 105th Coast Battery, R.C.A., C.A. on the 20th day of January, 1943.

P.E. McLaughlin

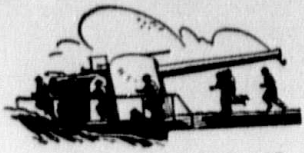
(P.E. McLaughlin) Colonel,
President General Court-Martial.

Mrs. Mary Wood
Care of Mr. Wm. Hunt
8 Blanchet
Paris
France

EXAMINED BY
CENSOR

UBA G. 150

R.C.A.
ARTILLERIE ROYALE CANADIENNE



C.A.
DEFENSE CÔTIERE

LIEUTENANT CLAUDE HUART

10-11-42.

F) "Troop. Fort Lend. Gaspé Que.

Cher Parents.

Je viens de terminer un livre que Louis F. m'a prêté hier. "L'Homme qui approche" par Pierre L'Ermite. C'était vraiment très bon. Votre conte l'histoire serait chose trop longue. J'espère que votre santé est bonne, et aussi Papa comment vont les affaires?

Ici ça va assez bien. C'est toujours aussi ennuyant. Ma santé est assez bonne cependant la semaine dernière j'ai passé trois jours au F.C. Post. J'ai été employé samedi soir. Le même soir je suis allé avec mes dans le camp. Dimanche après-midi je suis descendu à Gaspé où j'ai soupé à l'hotel avec Albert Lequerq et sa femme. J'ai rencontré Louis F. au théâtre dans le soirée. J'ai couché au Quartier General et très après midi. Je suis remonté au camp. Une demi heure après je revenais au F.C. Post.

Je suis revenu de Yoofi hier après midi.
Tu dois bien après j'étais au R.C.P. Post
de nous ici. Ou je suis mort si vous
vous avez eu de la neige aujourd'hui.
Ici il gèle et il vente très fort.
Je pense que notre petite colonne va
sortir avec le vent.

[Ce soir après avoir écrit à Papa et vous
j'ai reçu un message en code secret.
J'ai dû le déchiffrer et j'ai trouvé que un
sous-marin était arrêté dans la baie des
Chaleurs que il fallait se tenir prêts en
cas d'attaque. Hier soir j'ai reçu un
qui disait que les R.C.M.P. avait vu des
allemands dans le village de Percy Carlisle]
Pas un mot de ça. C'est écrit et ça pour-
rait me nuire beaucoup si la chose
était vraie. Je pense bien que nous
aurons une attaque avant longtemps.
Ça fait réfléchir un peu. Vous ne connais-
pas si on arrête que on le pense. La poste est
avec sérieuse et rien dans nos lettres.
Je te laisse ainsi. Il est dix minuit. Bonsoir
toute la famille et vous aussi ma chère

I certify that attached hereto is a true photostatic copy of Exhibit "K", received in evidence at the General Court-Martial held for the trial of Lieutenant Claude Huart, 105th Coast Battery, R.C.A., C.A. on the 20th day of January, 1943.

P.E. McLaughlin

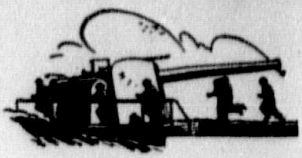
(P.E. McLaughlin) Colonel
President General Court-Martial.

DPV

Mademoiselle Gilbert Lemon
c/o D. Gestetner Limited
20 Polan Hill
Quebec
P.Q.

EXAMINED BY
CENSOR
P.C. 150

R. C. A.
ARTILLERIE ROYALE CANADIENNE



C. A.
DÉFENSE CÔTIÈRE

LIEUTENANT CLAUDE HUART

10-11-42.

Fort Pearl — Yoosfi Ont

Chère Gilberte.

J'ai reçu une lettre de toi cet après-midi. Elle qui me parlait de ton voyage. Franchement Gilbert ça me fait plaisir de savoir que tu t'amuses. Laisse-moi savoir quand tu seras pour que je puisse me dire "que tu me t'invites pas à tire.

Je vois que tu va assez bien. Très heureux encore une fois.

Je suis encore au F.C. Pour le soir. Je serai remplacé demain après-midi.

J'ai fini de voir le livre que Louis F. m'avait prêté. Il était réellement bon. Je dois en recevoir deux d'un ami d'Halifax. Un chic gars qui était avec le convoyeur spécial.

J'ai ça va assez bien. Cependant c'est toujours aussi ennuyant.

on je mis encore ce soir pour la dernière
fois. Nous avons eu beaucoup d'ouvrage
hier soir. [Ce soir tout moins fort. Je com-
mençais à dormir lorsque je reçus un
téléphone du Fortress Commander. Les R.C.M.P.
avaient rapporté avoir vu des allemands à
Sproat Lake. Il m'a fallu réveiller le fort.
et tout à fait ~~le temps vous prête et cest tout.~~]
[Nous avons eu une tempête de neige cet après-
midi. Nous ne voyons rien sur l'eau.
"Thick weather procedure will be carried out."
Le soir il ne neige plus mais le vent est
fort noir. Le major m'a appelé. "Stay up on your
toes sport. We should have some business to do.
to night" O.K. sir]
J'ai reçu mon album et mon Diary. Je vous
remercie beaucoup. Cet après midi Jean F.
m'a appelé pour me dire qu'il avait un
pigeon et pour m'a son tuteur le fagnet
venant de J. L. Demers. Je vous en remercie
également. J'ai reçu une lettre de Mireille
et une carte lors de son passage à Mont Joli.
Je lui écrirai plus tard. Je serai dans
un week end le 21 de ce mois. Je vous jouerai
Je ne pouvait ne le refuser. Je vous embrasse
le baiser et je vous embrasse ces ensemble.

Nat. Def. R. 906
A.P.C. 2180
180M. Pads of 100-1-41 (9002-T)
H.Q. 1773—39-438

MESSAGE FORM

Serial No.

CALL AND INSTRUCTIONS	IN	No. of Groups	OFFICE DATE STAMP
	OUT	GR.	

TO

(ABOVE THIS LINE IS FOR SIGNALS USE ONLY)

FROM

Originator's Number	Date	In Reply to Number

THIS MESSAGE MAY BE SENT **AS WRITTEN** BY ANY MEANS

IF LIABLE TO BE INTERCEPTED OR FALL INTO ENEMY HANDS, THIS MESSAGE MUST BE SENT **IN CIPHER**

ORIGINATOR'S INSTRUCTIONS
DEGREE OF PRIORITY

TIME OF ORIGIN

SIGNED

SIGNED

(BELOW THIS LINE IS FOR SIGNALS USE ONLY)

SYSTEM IN	TIME IN	READER	SENDER	SYSTEM OUT	TIME OUT	READER	SENDER	SYSTEM OUT	TIME OUT	READER	SENDER

T.H.I

T.O.R.

Anne Cecelia Hutchinson

"H" [illegible] Ed. [illegible]

Prosecution: May I ask something from the defending officer that may clear up that point.

President: I do not think it is necessary to labor on that point. The Court must refuse your objections as they are not well founded.

"H-2"

Entered Next p.c.m.

Q.8 Are you guilty or not guilty of the fifth charge against you, which you have heard read?

A.8 Not Guilty.

Q.8a Are you guilty or not guilty of the sixth charge against you, which you have heard read?

A.8a Not Guilty.

Finally filed Prod. Gen.

OPENING ADDRESS OF THE PROSECUTOR

ooooooooooo

Mr. President and Members of the Court in the first, third and fifth charges laid before the Court the accused is charged with neglecting to obey Fortress Orders, in that he, in the Gaspe Defence Area on or about the 10th of November, 1942, wrote three different letters addressed respectively to Monsieur and Madame L. N. Huart, to Miss Mireille Huart and to Mademoiselle Gilberte Samson, in which letters mention was made ot items of information respecting army matters which might be of value to the enemy, which is contrary to Gaspe Fortress Order No. 153 dated 15th July 1942.

The second, fourth and sixth charges are alternative of respectively the first, third and fifth charges and concern the same letters but the accusation is put in a general way and says that those letters and in those letters mention was made of confidential and secret information of a military nature. The prosecution will endeavour to support those charges with the evidence of the following facts: In Gaspe Defence Area on or about the 10th of November, 1942, Lieutenant Huart wrote a letter to Mr. and Mrs. L.N. Huart a letter to Miss Mireille Huart and that those letters contain information respecting army matters which might be of value to the enemy and was contrary to the Gaspe Orders which were duly posted and which it was the duty of Claude Huart to read and were of a military nature, secret and confidential.

We wish also to show some other facts that will establish links between those main facts,as the relationship to the addressee in those letters and his vocation and things like that. That is all, Sir.

Exhibit "C".
G.E.B.

Exhibit "K"
Affidavit of Mademoiselle Gilbert Lemoyne

LEVEL
20-1-43
No 1
P.Q.

No 3
for deposit
Bd Prov.
20-1-43.

DPV

Mademoiselle Gilbert Lemoyne
c/o D. Gestetner limited
20 Polan Hill
Quebec
P.Q.

No 2
for Identification
[illegible]
20-1-43

Four cocoa [illegible]

Exhibit "K"
[illegible]
20-1-43

I certify that attached hereto is a true photostatic copy of Exhibit "L" received in evidence at the General Court-Martial held for the trial of Lieutenant Claude Huart, 105th Coast Battery, R.C.A., C.A. on the 20th day of January, 1943.

P.E. McLaughlin

(P.E. McLaughlin) Colonel,
President General Court-Martial.

Mrs Roosevelt Hyde Park
P. O. Dutchess Co
New York U.S.A.

EXAMINED BY
CENSOR

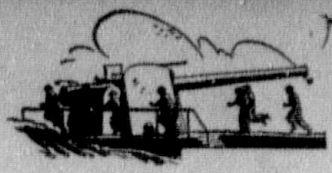
C. 150

N.B.

For other correspondence and documents see file H.Q.C. 22-H-86, Subject "Postal interception Lieut C. Hurst, R.C.A."

33

R. C. A.
ARTILLERIE ROYALE CANADIENNE



LIEUTENANT CLAUDE HUART

C. A.
DÉFENSE CÔTIÈRE

Exhibit C
Pendant les Preuves
20-1-43

No 2 sur Téléphone
Pendant les Preuves
20-1-43

10-11-42.

Fort Pearl Gaspé Que

Chère Gilberte.

J'ai reçu une lettre de toi cet après-midi. Elle qui me parlait de tes soeurs. Franchement Gilbert ça me fait plaisir de savoir que tu t'ennuies. Laisse-le moi savoir quand tu seras pour que je puisse me dire que tu ne t'inquiètes pas à Lévis.

Je vis que tu es assez bien. Tiens toujours encore une fois.

Je suis encore au F.C. Pearl ce soir. Je serai remplacé demain après-midi.

J'ai fini ce soir le livre que Louis F. m'avait prêté. Il était réellement bon. Je dois en recevoir deux d'un ami d'Halifax. Un chéquer qui était sur le convoi avec moi.

Je vis ce soir assez bien. Cependant c'est toujours aussi ennuyant.

J'ai reçu un paquet de toi et après midi. Il est au bureau de Louis F. Je crois que mes photos sont dans ce paquet. Je t'en ferai parvenir une le plus tôt possible ou plutôt je t'en ferai parvenir deux et tu choisiras celle que tu préfères. O.K.

Je te remercie. Je vais discontinué ma lettre pour une heure. J'ai reçu un message en code secret que j'ai du transmettre aux Watch officers des autres batteries. J'ai déchiffré ce message. Tu ne peux témoigner ce qu'il dit. Les téléphonistes et les signaleurs ne le savent pas, mais je vais te le dire. Pas un mot pas exemple c'est un secret militaire "Enemy submarine in channel bay stop. Gun Watch officers are to be on the alert and to be ready to go into action in a moments notice if necessary." ——

Je t'assure que c'est un puzzle de déchiffrer ce message. Je pense bien que la nuit va être mouvementée pour moi pour que je ne sois pas dérangé. Car je suis responsable de trois forts et de la forteresse. Je te laisse maintenant car je suis bien occupé. Je t'écrirai bien fort et embrasse de beaux yeux et les chaudes

Pas mal, ça me fait tout bizarre

Exhibit "D"
L.J.H.B.

No 3.
for Statement
E.M. Fresh
20-1-43

P.Q.

Exhibit "E"
E.M. Langlois
L. Fort Geo.
20-1-43

Mademoiselle Mirielle Hovert.

8 Planchet.

Lévis.

P.Q.

R. C. A.
ARTILLERIE ROYALE CANADIENNE

LIEUTENANT CLAUDE HUART

C. A.
DEFENSE CÔTIERE

Expédié à Bonne Année Post. R.C.A. 20-1-43

Reçu à destination Bonne Année Post. 20-1-43

10-11-42.

Fort Rouge — Gaspé Que.

Chère Jeannette.

J'ai reçu ta lettre depuis quelques jours. Excuse moi si je ne t'ai pas écrit plus tôt.

Je vois que tu as fait un beau voyage à Mont Joli. Très heureux pour toi. J'ai reçu ta petite carte. Je t'en remercie également. J'ai reçu une lettre de Lucille en même temps que la tienne. La semaine dernière j'ai passé trois jours au F.C. Post. Je t'avoue que il était temps que on me remplace. Dimanche je suis descendu à Gaspé. J'ai soupé à l'hotel avec Albert Lagueux et sa femme et quelques amis du coup. Nous sommes allé au théâtre où j'ai rencontré Louis Foster. Nous avons vu un bon show. "Flesh in." C'était funeux.

Je suis revenu de Gaspé hier après-midi.
Une demi heure après j'étais au F.C. Post
de renseig. Ou je suis encore ce soir
nous avons eu de la neige cependant hier.
Le soir il grêle et il vente très fort.
Je pense que notre petite colonne va
partir avec le vent.

Ce soir après avoir écrit à Papa et Maman
j'ai reçu un message en code secret.
J'ai dû le déchiffrer et j'ai trouvé que un
sous-marin était arrêté dans la baie des
chaleurs que il fallait se tenir prêts en
cas d'attaque. Hier soir j'en ai reçu un
qui disait que les R.C.M.P. avait vu des
allemands dans le village de New Carlisle.
Pas un mot de ça. C'est écrit et ça pour-
rait me venir beaucoup si la chose
était vrai. Je pense bien que nous
aurons une attaque avant longtemps.
Ça fait réfléchir un peu. Nous ne sommes
pas si en arrêté que on le pense. La pêche est
assez sérieuse, il nous faut des gens mais Canadien Français
Je te laisse aussi, il est déjà minuit. Bonsoir à
toute la famille et aux amis as mes chères.

"Exhibit "B."
I.G.E.B.

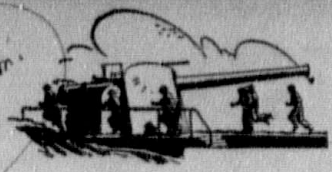
Exhibit J.
Bondsman
Post Sec
20-1-43

REVEL
M
20
P.O.

No 1
for Wordgrieve
Bond Proof
20-1-42

Monica Wodome L. H. Stewart
8 Blanchet
Lewis
P.O.

R.C.A.
ARTILLERIE ROYALE CANADIENNE



LIEUTENANT CLAUDE HUART

C.A.
DÉFENSE CÔTIÈRE

10-11-42.

A "Troop. Fort Rond. Gaspé Que

Chers Parents.

Je viens de terminer un livre que Louis F. m'a prêté hier. "L'homme qui approche" par Pierre L'Ermite. C'était vraiment très bon. Vous contez l'histoire serait chose trop longue. J'espère que votre santé est bonne, et vous Papa comment vont les affaires?

Ici ça va assez bien. C'est toujours aussi ennuyant. Ma santé est assez bonne, cependant la semaine dernière j'ai passé trois jours au F.C. Post. J'ai été remplacé samedi soir. Le même soir je suis allé avec eux dans le camp. Dimanche après-midi je suis descendu à Gaspé où j'ai soupé à l'hotel avec Albert Toquenay et sa femme. J'ai rencontré Louis F. au théâtre dans la soirée. J'ai couché au Quartier général et très après midi je suis remonté au camp. Une demi heure après je revenais au F.C. Post.

ion je venais encore ce soir pour la dernière fois. Nous avons eu beaucoup d'ouvrage hier soir. [Il était beaucoup moins fort. Je commençais à dormir lorsque je reçus un téléphone du Fortress Commander. Les R.C.M.P. avaient rapporté avoir vu des allemands à Spiritwood. Il m'a fallu réveiller le fort et tout a fini à 3 heures vous prêts et cet tout.]

[Nous avons eu une tempête de neige cet après-midi. Nous ne voyions rien sur l'eau. "Thick weather procedure will be carried out" Le soir il ne neige plus mais la nuit est très noire. Le major m'a appelé. "Stay up on your toes sport. We should have some business to do to night" O.K. sir.]

J'ai reçu mon album et son Diary. Je vous remercie beaucoup. Cet après-midi Joe F. m'a appelé pour me dire qu'il avait un paquet pour moi à son bureau. Le paquet venait de J. L. Demers. Je vous en remercie également. J'ai reçu une lettre de Mireille et une carte bas de son pourpé à Mont Joli. Je lui écrirai plus tard. Je serai dans un weekend le 21 de ce mois. Je vous jouerai. Ils ne peuvent me le refuser. Je vous rentrait à l'heure et je vous embrasse tous as usual.

Exhibit "M" Bowlby Part 4 20-1-43

PART II ORDERS

Last D.O.111
Dated 22nd Sept 42
Gaspe Que.

By

No. 112
Dated 24th Sept. 42
Gaspe, Que.

MAJOR A.R. MILBURN D.C.M.
T/Commander Gaspe Defences.

o-o-o-

Fines & forfeitures
20-1-43

SHEET II

5. PUNISHMENTS
L- 2468, Gnr. CLARK, J.H. "A" Tr. 105th Coast Bty. RCA
Was on 21-9-42 awarded by O.C. 105th Coast Bty. RCA. forfeiture of 2 days' pay in lieu of detention under F.R. & I 149 (2) for A.W.L. from 1330 Hrs. 20-9-42 until 1330 Hrs. 21-9-42. Automatically forfeits 1 day's pay and allowances under F.R. & I 149 (1)(a).
Total forfeiture of 3 days' pay and 1 day allowances.

6. AMENDMENTS
D.O. 10% B-0 F-16452, Bdr. McDOW, G.J. instead of:-"F-13147 Bdr. McDOW, G.J.

(A.R. MILBURN).-Major.
T/Commander Gaspe Defences.

I certify that this is a true copy of Part II Order # 112 published at Headquarters Gaspe Defences on 24th September 1942.

Commanding Officer
Gaspe Defences

ORDERS

By

MAJOR CHARLES LAFLAMME R.C.A.
T/Commander Gaspe Defences

Exhibit 8

Nos. 150 to Headquarters, Gaspe, P.Q. 15th July, 4

150. DISORDERLY CONDUCT OF MILITARY PERSONNEL

1. It has been brought to the attention of M.D.No.4. that members of the Armed Forces are attempting to obtain free transportation on railways train by riding without tickets.

2. A very serious view is taken at M.D.No.4. of this conduct. Not only are such offenders liable to prosecution at the instance of the Railway authorities, but the practice results in unwarranted and undesirable criticism of the Canadian Army.

3. Attention is drawn to R. O. 1123.

4. This Order is to repeated in all Unit Orders.

151. CARE OF WINTER GARMENTS. R.O. 2137 is hereby published for the information of all ranks.

1. In view of the necessity for conserving wool, it is essential that steps be taken to ensure that winter garments are not allowed to deteriorate during the period they are not in use, in particular through damage by moth.

2. Canadian Army Routine Order No. 982 as amended by Canadian Army Routine Order No. 1833, indicates the action to be taken in respect to the items withdrawn from soldiers into Quartermasters Stores, but in regard to the items which remains in possession of the soldier, Officer Commanding Units and Establishments will take steps to ensure that at the periodical kit inspections as required by Canadian Army Routine Order No. 1768, all woollen garments are inspected for cleanliness and signs of damage by moth. Any garments found to be dirty or in need of mending will be cleaned or repaired before being returned to storage in soldier's boxes and kit bags.

3. The principal safeguard against moth is frequent brushing and exposure to the open air.

4. Soldiers will be instructed that all garments are to be carefully brushed before being placed in storage and examined frequently for signs of damage by moth.

5. In regard to soldiers living out of barracks, instructions will be issued in Units' Orders to the effect that winter garments in their possession are to be examined, brushed, repaired and protected against moth as may be necessary.

152. RESPIRATORS ANTI-GAS TIGHTNESS WITH ANTI-GAS SPECTACLES.

1. To ensure gas-tightness of respirator facepieces of personnel issued with anti-gas spectacles, the following procedure will be carried out---

(a) Personnel ordered to proceed for the fitting of anti-gas spectacles will bring their respirators. The optician will carry out a final inspection to check for proper size of frame and any distortion of vision after requestin the

personnel being fitted to adjust the facepiece.

(b) On personnel receiving the anti-gas spectacles, commanders will arrange for their reporting to the Unit or equivalent anti-gas instructor, who will inspect the facepiece for the proper fit, after which he will arrange a gas chamber test in chlorine.

(c) If the inspection or gas chamber test reveals that the facepiece is not gas-tight and that normal adjustment of the head harness will not result in gas-tightness without visual distortion, the personnel so affected will be referred back to the Optician by the Unit or equivalent Medical Officer for suitable adjustment of the anti-gas spectacles.

2. Chlorine gas chamber tests will also be given these personnel before proceeding over-seas to experimental stations or to anti-gas courses.

155. COMMUNICATION OF MILITARY INFORMATION

1. All ranks are warned against communications either verbally or in writing, any item of information respecting Naval Army, or Air Force matters which may be of value to the enemy.

2. In particular, private conversation and correspondence should make no mention directly or indirectly of the following:-

(a) The disposition, movement, or projected movements of warships, merchant ships, troops or aircraft.

(b) Details as to numbers, armament, equipment or condition of ships of all kinds, troops or aircraft.

(c) Any measures which have been taken or which are projected for the defence of any place.

3. Officers commanding will make sure that all ranks are aware that they must not disclose to unauthorized persons, in telephone conversations or in telegrams, information which might be useful to the enemy.

4 Any matter which may be of direct or indirect assistance to the enemy are not to be discussed by officers or other ranks other than in the line of duty.

5. Unless specially authorized to do so, officers and soldiers are forbidden to communicate directly with naval, military, or air force officials of another country except on purely personal and private affairs. Requests from officers or soldiers requiring reference to military officials of another country must be submitted to the immediate superior of the officer or soldier concerned and thence, through the proper channel of communication, to National Defence Headquarters.

6. (a) Attention is drawn to paragraph 433 (a) of K.R. (Can.) which provides in part:

"An officer or soldier is forbidden to publish or communicate, either directly or indirectly to the press, any military information, or his views on any military subject, without special authority from National Defence Headquarters."

(b) Officers and other ranks are forbidden to pass

FORTRESS ORDERS 18th July, 1942

183 COMMUNICATION BY MILITARY PERSONNEL Cont'd.

communicate to the press their personal views on any matter appertaining to, or connected with, their military duties.

(c) The attention of all ranks and all civilians employed in military offices, including teleprinters and switchboard operators, who in the course of their employment have access to military information, will also be drawn to the Official Secret Act. Chapter 49, Statutes of Canada, 1939.
A digest of this Act. appears as Appendix IV to K.R. (Can.)

7. It has been brought to attention that offers or requests to correspond with soldiers are frequently made through the press and otherwise. While many of these offers and requests may be bona-fide, it is pointed out that such correspondence might provide a means for obtaining military information of value to the enemy, or of instituting enemy propaganda. Accordingly, Officers, and Other Ranks are forbidden:—

(a) To insert advertisements or letters in any publication inviting strangers to correspond with them.
(b) To enter into correspondence with strangers in response to advertisements or other invitations;
(c) In any other way to communicate with strangers by letter or otherwise concerning anything of a military nature.

8. This order is to be repeated in the orders of all units and establishments, and will be read once each calendar month on company or equivalent unit parades. The terms of this order will be specifically brought to the attention of units and individuals when warned for despatch overseas.

184. DIVINE SERVICES. For Sunday 19th July, 1942

	Protestant	R.C.
Headquarters	1000 hrs.	0830 hrs.
Fort Frevel.	1130 hrs.	0800 hrs.
Fort Peninsula	0830 hrs.	0800 hrs.
	Holy Communion 0900 hrs.	
Fort Heldimand.		0830 hrs.

(C.LAPLANTE) Major
D/COMMANDER GASPE DEF AREA.

I certify that this is a true copy of Fortress orders published at Headquarters Gaspe Defences on 15th July 1942
Lieut-Colonel Cpt & Adj
Gaspe Defences

"O"

SUBMISSION OF "NO CASE" BY DEFENDING OFFICER

If it please the Court, at this stage of the proceedings I would like to present very respectfully a plea of "No Case". It is the contention of the Defence that a prima facie case has not been proven by the Prosecution.

The Prosecution had to prove that the letters were written by the accused first. That the accused read and took notice of Fortress Order No. 153 and also that the accused disclosed military matters.

If we review the witnesses produced by the Prosecution, first Mr. Roy Halpin. Mr. Roy Halpin came up here talking about something which was not mentioned in the charge at all. He said these letters were positively mailed and picked up and sent to the Censor Office probably Quebec City.

Then we had the star witness of the Prosecution, Lieutenant Green. Lieutenant Green came up here and said under his oath that he had just seen Lieutenant Huart write once. I asked him, "Were you very far from him?"; he says, he was quite near. I asked him the question, "Did you actually see him, watch him write the passes?", and the answer to that was, "I was just noticing that he was signing passes."

An then on cross-examination Lieutenant Green denied that he was even skilled in the comparisons or in the reading of handwritings. The Prosecution never presented him as an expert and Lieutenant Green did not pose as an expert either.

If it please the Court to refer to M.M.L. Page 89, paragraph 67, it is stated (he reads) and if you go back to paragraph 64 (he reads). So it is the contention of the Defence that the Prosecution should either have brought up an Expert here before this Court to identify this handwriting as being that of the accused or if they wanted a person who was not skilled to identify the handwriting this identification should have been carried out by comparison. I base that on paragraph 67 page 89 of M.M.L. The Prosecution did not do that. It was so apparent to me that Lieutenant Green was not a competent witness that I just asked him a few questions to prove that he was not a competent witness.

I have here the questions that were asked him. I asked, "From past experience would you say that you were skilled in the comparison of handwriting?" - answer, "No." "Have you seen the accused in the act of writing when his mode of writing was not in question?"; he said, "Once".

"Have you ever carried out a regular correspondence with the accused?" Answer - "No".

So if it please the Court it is our contention that these letters which were produced were not produced by a competent witness, and this witness who identified the writing as that of the accused should not be recognized.

There is also the matter of the headings of these letters. The headings of these letters may carry the name of the accused, but this is not even circumstantial evidence. Writing paper is not always under lock. The

Prosecution has not proved it to have been under lock either. Anyone can take the accused' paper and write anything on it even if his name is on it, so the heading of these letters is not even circumstantial evidence.

I ask you, every member of the Court, would you be ready to give the death sentence to a man on the evidence which has been brought up here by Lieutenant Green about the handwriting. This man is not liable to be condemned to death, but he is liable to a very serious charge - to very serious punishment.

The Prosecution also brought Captain Archibald; his evidence was about the most nebulous evidence that I have ever heard in a Court of Justice. He did not know anything. As far as he knows Fortress Order No. 153 was not read on Parade. He does not even know how long they stayed up on the wall and he does not know whether these standing orders were put up on the wall at Fort Prevel. It was most important, one of the most important facts in this Court-Martial which the Prosecution was to prove, that the accused took knowledge of this Fortress Order 153 dated 15 July, 1942.

I am sure this has not been proved to the satisfaction of the Court, and furthermore the accused could not be presumed to have known this Fortress Order; it was not a standing order. If I refer to K.R. Can. paragraph 42 (he reads). Major LaFlamme questioned by the Court stated that his Fortress Orders had been signed by himself and also that they had not been signed or approved by the District Officer Commanding or superior authority, and furthermore it is my contention even if these Fortress Orders had been approved by a superior authority it is my contention that Fortress Orders are not standing orders. I will refer you to K.R.Can. paragraph 1491 (he reads). Unit Orders must be put up and must be brought to the attention of the accused man before he can be charged with disobedience to them.

Major LaFlamme came up for the Prosecution and I don't think Major LaFlamme said very much to prove anything. Major LaFlamme was away at the time the offence is alleged to have been committed and that is about all he said.

Now so far as Major Milburn is concerned the Prosecution tried to make him talk about Fortress Order 153. Major Milburn stated that as far as he knew they were not read on Parade and he does not know whether they were up or not. He presumes they were; he gave orders to the effect, but he never saw them up himself.

If it please the Court, it is my contention that so far as the charges relating to Fortress Order 153 dated 15th July, 1942, the three charges 1, 3, and 5 should be thrown out immediately by the Court.

And now as regards the other charges. The Prosecution failed absolutely to prove that really military information had been divulged in these letters. I don't recall having heard a witness state or give reasons why those statements contained in these letters which were produced before the Court - I do not recall anybody stating that they contained military information and give the reasons why, and that was a failure of the Prosecution and the Prosecution had to prove that. The Prosecution also had to prove that the information

which is in the letters produced before the Court might help the enemy. If I recall correctly nobody came up here to point out how this information might have helped the enemy and this is one of the most important elements in the charge. As far as this Court is concerned, the Court does not know how this information can be of help to the enemy and the case must be judged on the evidence which has been placed before it.

And also, to finish, I contend that this Court-Martial should not have been held in the first place. The evidence has been produced before the Court that the Officers Commanding of the Accused had not the discretion or the opportunity to try this man. Major Milburn swore to it here before this Court.

So in concluding it is my contention and I submit respectfully to the Court that the prima facie case has not been established because the Prosecution did not prove that the letters were written by Lieutenant Huart. The evidence of Lieutenant Green, I feel, would not be accepted in any Court in the world. It has not been proven that Lieutenant Huart took notice of Fortress Order 153. It was not proven that he disclosed military information and it was not proven that information was disclosed which might be of help to the enemy.

So I ask you, if it please the Court, to dismiss the case immediately and dismiss all charges against the accused, Lieutenant Huart.

REPLY BY THE PROSECUTOR TO THE SUBMISSION OF "NO CASE" BY DEFENDING OFFICER

Mr. President, Members of the Court. The Prosecution feels that the plea of the Defending Officer should be rejected on the following grounds.

If we go through what has been said by the Defending Officer we see that first he says that it was not proved that the letter was written by the accused, that he saw the orders and that this revealed military information. And then to show the reason why he said so he goes through the evidence of the different witnesses saying that Mr. Roy Halpim just proved that the letters were mailed.

We feel that Mr. Halpin was brought before the Court especially to give evidence that those letters were mailed and it is quite important in that case because the mailing of those letters was the accomplishment of the act of which the accused is charged.

With the evidence of Lieutenant Green the Defending Officer says that he gave no good evidence because he saw the accused in the act of writing only once and from a certain distance. I don't think that to know the handwriting of somebody it is absolutely necessary to see him in the act of writing. There are some very good ways that are perfectly sound to explain the fact that somebody may know the handwriting of somebodyelse by seeing pieces of work that have been done by the person in question, and I feel that the Court will recognize that. As to the skill needed in the case of somebody that never saw the handwriting in question then it might take an expert but when somebody has seen many times and swears with no hesitation that he knows the handwriting of somebody, it is not necessary that he be an expert to swear that some other handwriting is his handwriting.

In that case it is what Lieutenant Green did swear, that he knew pretty well the handwriting of Lieutenant Green and that the letters produced as Exhibits "J", "K", and "L" were his handwriting, with no hesitation at all. As for the comparison that the Defending Officer says should be necessary before the Court. Well I may say that it is not necessary to compare the handwriting of the accused with some other paper; it is not necessary and the witness may recall very well the handwriting of somebody and be sure in seeing the exhibit that they are really of his handwriting and I contend that Military Law demands that this be done with two letters, one being the exhibit, one being some other handwriting. It is simply a way that may be done, you see, but it is not necessary under Article 67 of page 89 of M.M.L., and I certainly ask that it be done this way.

The Defending Officer speaking about circumstantial evidence says that the fact that it was note paper bearing the name of Lieutenant Claude Huart is not even circumstantial evidence and he asked the Court if they would hang somebody on that. Circumstantial evidence is a link between many facts which taken together are not enough to have a man hanged or even find him guilty of a very minor charge, but those facts must be linked together in such a way that it indicates what he means to show. In this case we have many facts like this.

We have the fact that of the addresses on those letters at least two were the relatives of Lieutenant Huart. We have the fact that the letters seem to be written on his writing paper. We have the fact that they are signed "Claude". We have the fact that the handwriting is his handwriting; if it cannot be taken by the Court as being really his handwriting we have something else. We have proved later on in this case about submarines being in Bay Chaleur. It has been proven that Lieutenant Huart received such a message - and in those letters you found that.

I feel that it is quite impossible that all those facts be there without really indicating what in the face of the letters it seems to indicate. I admit that it is circumstantial evidence but it is good circumstantial evidence, and circumstantial evidence as the Court knows is not evidence of an inferior degree; it is another kind of evidence which is as good as direct evidence and in some cases even better.

I do not mean by that that we have only circumstantial evidence; we also have direct evidence. As to Captain Archibald's evidence. Well we may admit that his evidence was not always perfectly clear but he gave a very clear statement as to the production of documents and as saying that the Fortress Order 153 was really sent to the Battery of which the accused is a member.

Of course the Defending Officer says that Major LaFlamme said about nothing. He said something quite important as he is the witness that stated the relation between the addressees of the letters and the accused.

As to Major Milburn. He is quite an important witness too, and he has given very good evidence that the message in question was sent which was contained in the letter forming the charge. He also give the proof that the orders were generally posted and that in the normal course of circumstances they were posted. It is quite difficult in a case like that to have a better proof and since we cannot get a better proof we may take another one, that admitted by Military Law.

And those Part I Orders, those orders being not unlike Part I Orders are generally posted, but it is very hard to find somebody to swear that on such a day they saw those orders there. It is not like standing orders; they stay there so long that it is different. You just see Part I Orders once and some other orders come over them. It is your duty to lift the other ones and see them. It is hard to find somebody to prove that on such a date they were there; standing orders would be alone and on the wall for months. At any time somebody coming into a room will see those standing orders and it would be easy to swear they were tere on such and such a day. We may feel that this is secondary proof and as better proof is not available the secondary proof must be admitted as evidence.

It was also proved that those orders were normally kept on file and may the Court take judicial notice that in the article cited even by the Defending Officer K.R.Can.1491 that it is the duty of the officers to get acquainted, familiar, with the orders that are kept on file.

There are some other questions of which the Court, we feel, has to take judicial notice and we felt that it was not necessary to have those things said by a witness, just to take the time of the Court. The Court is composed of seven members who are all senior officers of the Army and they can very well use their judgement to see if what was contained in the letters were military matters and if they were such that might be useful to the enemy.

The presence of enemy submarines in a place like Chaleur Bay when anybody knows that things are going not so well there are very important military matters and anybody knows that we want to keep secret those things; we don't want to give a chance to the enemy to spot and know where his submarines are. They are left this way without any informationabout their disposition, and it is quite important that they don't know it.

It is the same if an enemy, some Germans, are in a village - well it is quite important that they don't know it.

As to the last question treated by the Defending Officer. We feel, first, that this statement the application for the Court-Martial has been signed by the Officer Commanding the accused. He admitted that himself as everybody may see - the charge as signed by the Officer Commanding who directs that evidence should be taken under oath.

Those facts express very clearly that he was able not to sign them. Nobody forced him to put his signature on the paper. At the time he could have written a letter doing something about it. He didn't; that is all. He had just to do it, and even if we have to admit that he was forced to make that Court-Martial and that he was not left free to use his discretion we feel that the Court is properly and very regularly convened because of the following.

Nobody can say that the accused had no fair chance to prove that he is not guilty in front of that Court; he had every opportunity. We do not see that even if this is an irregularity that it must be taken as so important to affect the Court because of that. The Lieutenant accused may always before this Court prove that he is not guilty if he is not. It does not affect this opportunity that he has now.

So the Prosecution feels that the plea of the Defending Officer should be rejected on every charge.

"Q"

Exhibit G. Prot. G.C.M.

STATEMENT BY THE ACCUSED

I make this declaration on my honor as an officer.

I declare that I did not see the Fortress Order 153 as of the 15th July, 1942.

I declare that I have never consciously broken my Oath of Allegiance to my Country and to his Majesty the King.

I declare that I have never done anything knowingly that might have harmed the Canadian Army.

For a month and seventeen days I was under arrest. I was not able to carry on my duties. I do not hold any rancor or ill-feeling against ~~anything~~ anyone. During that time I have been under a mental strain and I have grown very much older.

In the bottom of my heart I know that I am not guilty.

I earnestly beg this Court to allow me to return to my brother officers and my duties.

"R"

DEFENDING OFFICER'S CLOSING ADDRESS

Exhibit followed Proc GCM

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If it please the Court, after this long drawn out session which we have had together I am about to discharge my shoulders of a great responsibility and terminate a duty which was given me. It is the first time in my life that I had to defend a fellow officer and the responsibility was very great and I must tell you that I have worked as hard as I could to give to the Court the evidence in favour of the accused. I hope I shall not have failed him. I wish to thank you for the assistance, Mr. President, you have given me, when I have asked you for information and I wish to thank the Judge-Advocate also, who many instances has answered very satisfactorily to some of my questions.

When this Court-Martial started a plea was made by the defence, a plea to the general jurisdiction of this Court and I want it recorded again that the defence asked for the calling of two witnesses, Major LaFlamme and Major Milburn..

President: Just a minute. When did you make that request?

Defence: If the stenographer will read from my plea to the jurisdiction....

Stenographer reads request.

This request was refused to me, but Major Milburn and Major LaFlamme were allowed to come on the stand and said very decisively that they had no discretion and no opportunity to try the accused and it seems to dismiss him or remand him for summary of evidence or remand him for a court-martial. The O.C. of the accused had no opportunity, they received direct orders and if the application for court-martial was signed by the O.C. of the Battery, Major Milburn - Major Milburn tells us that it was because he had received direct orders to sign the application in order that a court-martial could be held. So I think in the first place that this Court should never have been held.

It is also my contention that the charges two, four and six do not disclose an offence under the Army Act. The accused is charged with having written letters written to some persons in which mention was made to confidential and secret matters. It is the contention of the defence that this charge was not correct and should have been written down different because it is not an offence just to write the letter. If we look at the charge - the man wrote the letter it is supposed he wrote the letter and disclosed in the letter military information - but it is not a crime, the crime is not of writing the letter, the crime is to try and communicate it to someone who might transmit it to the enemy. This is not in the charge - this should have been in the charge - and the prosecution had brought only relevant matters to prove this act the accused could not have been charged with them and could not have been found builty of writing a letter in which information was shown.....mention was made of confidential and secret nature. The accused should have been charged with mailing also of the letters and that is why during the procedure I objected very strongly to the evidence of Mr. Halpin. The prosecution brought up Mr. Halpin to prove that the letters had been mailed but the prosecution never proved that the letters had been mailed by Haart either.

Now, we come to the letters themselves. The letters at first were produced before being connected with the accused and then we have the evidence of the star witness of the prosecution, Mr. Green". I wish the Court to note that Lieutenant Green was not brought up here as an expert but just as an ordinary witness with no special skill in the comparison of handwritings. The only time that Lieutenant Green actually saw the accused writing was when he was signing passes. That is not enough to see a man sign passes and come up to the stand and say - and looking at the letters and say - "Well he wrote them". It is the contention of the defence that Lieutenant Green was not a competent witness.. The proper procedure I submit again, would have been by comparison of handwritings. This to my knowledge has not been done. If the prosecution had brought up an expert here, the expert might have compared the handwritings and pointed out to the Court, not only by the contents but by certain similar differences between two handwritings, between two letters or another document known to have been written by Huart, or even more when it is an ordinary witness. I would refer the Court to page 88 & 89, para 67 on this matter. It was so apparent that Lieutenant Green was not a competent witness that the defence had not to make anything more than to make the usual objection and might I suggest and might I say when I finish this subject of Mr. Green that his powers of suggestion overcame his powers of good judgement.

The prosecution had also to prove more; that it was really military information which was given and now, gentlemen of the Court, I want to ask you one question, I want to ask you if the disclosing of the presence of an emeny submarine around Gaspe - of a German submarine around Gaspe - was really disclosing military information. The defence has tried to prove as well as it could that around the Coast of Gaspe, was going around everywhere the gossip, not only around this Coast up in Upper Canada everybody knew that there were German submarines. And who knows even more where are German submarines than the Germans? The Germans know where their submarines are, so disclosing, so telling somebody, trying to tell the enemy or let us think that through some channel after two or three months the Germans would know all of a sudden that one of their submarines would have been in the Bay of Chaleur on the 10th of November, 1942. What great help this would have been to the enemy? Gentlemen, what great help? And this man is charged with disclosing this information and brought up for Court-Martial.

And then we have the case of the German spy. The The German spy, that is another thing which everybody on this Coast, everybody in Quebec or Montreal or Toronto, knew. It was a think of the public. So it was not anymore a military secret it was a thing of the public and cannot be treated and could not be treated as a military secret.

There is one other thing I notice in these letters. There is the mention of thick weather procedure will be carried out. What information can the enemy get out of a thing like that? Thick weather procedure will be carried out. What will they say in two or three months when they read that letter and are probably reading papers which are telling of the storm we have today. They read "thick weather procedure". There was a bad storm in the Gaspe on the 10th of November. What great

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information this given the enemy. Gentlemen, this man is brought up for disclosing this information, telling the night was dark, stating that it was snowing but if this man had wired this information, if he had wired it immediately so as to give it as fast as possible to some persons, there you have a point. But what happens? These letters were mailed, they went through the ordinary channel, they were put in the mails and what happen? They arrive at their destination one or two days after. What help can it be to the enemy to know that on the 10th November there was a submarine in the Bay of Chaleur two or three days after. Is a submarine a log? A submarine is not a log, it can dive down in the water and get out of the Bay of Chaleur very fast as soon as it sees a Canadian corvette or a plane going over them to try and bring it down with depth charges. So it is the defence's contention that the letters disclose; in these letters were not military secrets which could be of help to the enemy and that is why we still ask you to throw out these charges against the accused. This is one thing, gentlemen, that the prosecution did not prove, that the information might be of help to the enemy.

J.A.: I do not like to interrupt, Mr. Angers, but those charges have already been thrown out and the Court has accepted your submission to the 1st, 3rd and 5th charges which contain the allegation of information. We are only dealing with confidential and secret information of a military nature.

The general proof of the accused's guilt must be full and convincing. We have had on one hand one witness who was not a competent witness to say that this was the handwriting of Huart and the only way he could have made this valuable evidence would have been by comparison and the law presumes innocence until the contrary is proved.

And now there is another thing. You have heard Huart. He gave you a statement on his honour as an officer. He said that from the bottom of his heart he knew that he conscientiously never made anything to hurt his country or to hurt the Canadian Army and apart from that there is one thing you must have noticed, gentlemen, is that the accused on the night he was presumed to have written this letters was at the F.C. Post as Fire Commander. You are a Court of senior officers, you have been young subalterns, you have been brought up in a higher rank, you know what a responsible charge that is put on a Fire Commander and I know that in many Fortresses the Fire Commanders are Lieutenant-Colonels and here in Gaspe just last summer, the most important point in Canada where vessels were sunk at three miles from here, where we could see the wounded come in, on the night of the 10th of November, 1942 the man in charge of that was young Huart. Sometimes it might happen and I know you must feel it that a young man like that who is placed in a responsible position doesn't know what to make of it - of the position - it certainly was too big for Huart to take up that night. Huart was not qualified to take up the job as Fire Commander and I ask you, gentlemen, to treat the accused like you would like yourselves to be treated if you were in his place as young lieutenants.

I ask you to consider that definite proof of the handwriting of the accused has not been proved and this is the main point in question. Then gentlemen before finishing I pray God that you look over the whole evidence and I am sure that you will treat Huart with justice and also as his father would treat him. So I leave you this man, who is an officer like me, who is an officer like you and I am satisfied of the verdict and

ask you while considering the evidence, while considering every fact as to character that has been brought up, I ask you to dismiss the charges, two, four and six and permit the accused to be liberated and go back among his brothers in arms in this big battle to save civilization.

Brigadier Wood Prest G.C.M.

PROSECUTOR'S CLOSING ADDRESS

Mr. President, Members of the Court. I want to congratulate the Defending Officer for the nice speech he gave to the Court, but as to the content of it I have to say that I cannot agree with him completely - far from it.

I wont answer to arguments that were already presented in his address on his plea of "No Case" this afternoon so as not to take the precious time of the Court. I want to go through the elements of the different charges left before the Court, that is to say, charges 2, 4 and 6 to see if as already advanced by the Prosecution at the beginning of the trial we have proven those elements that are essential to the charge.

There is in the three charges some similar points. Each one is concerning different letters that were addressed to civilians. Let us take each one of those letters beginning with the first addressed to Mr. and Mrs. L.N. Huart, 8 Blanchette, Levis, P.Q. That is Exhibit "J". We see by the evidence given by Mr. Halpin that this letter was mailed. We see by the face of the letter itself and by the evidence of Mr. Halpin that it was mailed in the Gaspe Defences Area, that is in Fort Prevel which has been proven and taken by judicial notice as being in the Gaspe Defences Area.

We see clearly on the letter that it was written on or about the 10th November, 1942. The letter reads exactly the 10th. We emphasize the mailing of the letter because we consider that a letter means something written and written to be sent to somebody. If one just wrote to keep something for oneself it would not be a letter but merely a note. But when we say write a letter addressed to somebody anyone may see that we mean that a piece of paper addressed is mailed. That is, I think, quite evident.

In this first letter we see the address on the letter itself. As to the contents of the letter I wont go into details as to what was in it to be considered as confidential and secret information of a military nature because I feel that the Court can take judicial notice of this.

For the sake of brevity I wont repeat everything. With respect to the second and third letters the questions of Gaspe Defences Area, date, addressees and information respecting Army matters have been proven the same way through direct evidence.

We also brought before the Court some very strong circumstantial evidence. The letters are addressed to different persons; it has been proved that those persons are the relatives and friend of the accused.

It has been proven that some sentences contained in the letters were the same as those contained in a message which was received by the accused. The letters are also signed "Claude".

In the same letters it is remarked that he went to see a moving picture with a Louis Forten. In the evidence presented to the Court it appears that this Louis Forten really went to the movies with him. And speaking of the said Louis Forten, it happens that he is one the witnesses brought before the Court by the Defence. This witness seems to be an interrogation mark in the evidence, but everything considered

and his admission as to the possibility of the author of the different letters I make an interrogation against his statement that the letters were not written by the accused. As to his capacity in this matter this witness admits himself that he received just one letter from the accused.

I think with the address I made on the plea of "No Case" presented by the Defending Officer I have brought before the Court some other details that I don't want to repeat here.

There are two points on which I wish to add my remarks to those of the Defending Officer. The first is that I wish due to the evidence as to character and the statement of the accused, that the Court be lenient to the accused.

The second point is that I also wish to thank the President and Members of the Court for their kind attention and the learned direction which they gave us.

Thank you.

"T"

SUMMATION BY JUDGE-ADVOCATE

Followed. Prest. G.C.M.

~~Members of the Court~~ May it please the Court. I will endeavour to make my summing up just as brief as I possibly can. As you know it is not my duty nor is it my intention to express any opinion on the facts of the case and I will endeavour to follow that principle just as well as I can.

It is my duty as Judge-Advocate to assist the Court on matters of law and to explain the law so far as my ability permits. It is the duty of the Court to apply the law to the facts as presented to the Court by the witness you have hear. And I would say now that you must confine yourselves to the evidence and it follows then that you erase from your minds any information that may have come to your attention outside the four walls of this Court.

The onus is on the Prosecution to prove the offences alleged and to prove that the offences ~~perpetrated~~ committed by the accused and he must prove that beyond any reasonable doubt.

It is a fundamental principle of British justice that an accused person is presumed innocent until proven guilty. The ~~Prosecution~~ Prosecution must prove that the accused is guilty; that guilt must be proven to the satisfaction of the Court.

The Court is now confined to charges 2, 4, and 6 all of which are laid under Section 40 of the Army Act. Section 40 reads as follows (he reads). Now to that section there is a notation (he reads).

The second charge reads, "Conduct to the prejudice of good order and military discipline in that he in the Gaspe Defences Area, on or about the 10th of November, 1942 wrote a letter addressed to Monsieur and Madame L.N. Huart in which mention was made of confidential and secret information of a military nature."

To support that charge the Prosecution presents Exhibit "J" in which reference is made to a telephone message which the accused received while acting as Fire Commander, that the R.C.M.P. had reported having seen Germans at New Carlisle, and he goes on to say what it was necessary for him to do. When I say 'he goes on to say' I should say the Prosecution alleges that the accused wrote that and that he made those statements.

The fourth charge reads, "Conduct to the Prejudice of good order and military discipline in that he in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille Huart in which mention was made of confidential and secret information of a military nature.

The letter referred to under that charge is Exhibit "L", in which the accused is alleged to have said that it was his duty to decode a message referring to a submarine stopped in the Bay Chaleur and it was necessary for the ~~people~~ people in the Gaspe Area to hold themselves in readiness in case of attack. Then the letter goes on to say, "Last night I received one which said that the R.C.M.P. had seen Germans in the village of New Carlisle. Don't say a word about this. It is secret and it could harm me a good deal if the thing were known."

The sixth charge is, "Conduct to the prejudice of good order military discipline in that he in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made of confidential and secret information of a military nature."

That charge refers to Exhibit "K", a letter addressed to Mademoiselle Gilberte Samson which contains a message which read somewhat as follows, "I received a message in secret code that I had to submit to the Watch Officers of the other batteries. I decoded this message. You cannot imagine what it said. The telephone operators and the signallers don't know what it is all about but to you I will tell you. But you must not say a word about it because it is a military secret. 'Enemy submarine in Chaleur Bay stop Gun watch officers are to be on the alert and be ready to go into action at a moment's notice if necessary.'"

We have the evidence of Major Milburn ~~and~~ that he sent a message similar in content to the accused officer. To establish that the accused wrote the letters the Prosecution has brought forth Lieutenant Green who says that in his opinion Exhibits "J", "K", and "L" were written by the accused.

The competence of Lieutenant Green to make that statement has been questioned by the Defending Officer and on that point I would quote from "A Digest of the Law of Evidence in Courts-Martial" Adapted from Sir James Stephen's "Digest of the Law of Evidence" By Sir Harry Lushington Stephen and Captain R. Townshend-Stephens, which is a well known manual on evidence in military circles. "When there is a question as to the person by whom any document was written or signed, evidence of the opinion of any person acquainted with the handwriting of the supposed writer that it was or was not written or signed by him, is admissible."

There is also the evidence of Captain Forten who said that in his opinion based upon the contents of Exhibits "J", "K", and "L" no person other than the accused officer could have written the letters.

In closing I would advise the Court that in my opinion it is open to them to draw upon their military knowledge to decide whether the contents of these Exhibits "J", "K", "L" contain matters of a confidential and secret nature. That is all, Gentlemen. I think the case is quite complete for your consideration.

M.F.R. 355
12M—8-46 (9415-6)
H.Q. 1772-39-620

Exhibit Y.
Lt Col Staughton Cole
President G.C.M.

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
	Lieutenant	Stuart Belaude	105th Coast Battery, C.A.

1. The following is a fair and true summary of the entries in the ~~Service and General~~ ~~Regimental and Squadron, Battery~~ Field Conduct Sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For	Nil	times	Nil	times
For	"	times	"	times
For	"	times	"	times
For	"	times	"	times

~~Number of instances of gallantry or distinguished conduct~~ ~~or,~~

There are no entries in the conduct sheets of the accused.

~~Note.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted ~~or,~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under A.F.A. 73 Air Force Act A.A. 73 are set out in the Schedule annexed to this statement.~~

3. ~~The accused is not under sentence at the present time~~

~~or,~~

~~The accused at the present time is under sentence for~~ ..... ~~beginning on the~~ ..... ~~day of~~ .....

4. The accused has been in ~~confinement~~ close arrest awaiting trial on the present charges, for Nil days in civil custody, and 49 days in military custody, making a total of 49 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to ~~his record of service~~ attestation paper is 24 5/12 years

6. The date of his commission specified in his ~~record of service~~ attestation paper is January 15th 1942

7. ~~The service which the accused is allowed to reckon towards discharge is~~

8. The accused is entitled to reckon Nil service for the purpose of determining his pension, etc.

9. ~~The accused is in possession of or entitled to no air force decoration or air force reward (or is in possession of or entitled to). State any air force decoration or reward.~~ military military

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of~~

11. (In the case of an officer.) The accused holds in the ~~Royal Canadian Air Force~~ a Rell ~~Permanent Force~~ a Rell the rank of Lieutenant dated January 15 1942, and in his regiment (or corps), the rank of 105th Coast Battery RCA BC unit Lieutenant dated January 15 1942.

12. The ~~accused has served as a non-commissioned officer continuously, without reduction, to the present date:—~~ a Rell a Rell

~~Date of promotion.~~ a Rell

~~In the rank of ..... years.~~ a Rell

~~In the rank of ..... years.~~ a Rell

~~In the rank of ..... years.~~ a Rell

~~NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.~~ a Rell

SCHEDULE

~~Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army~~ Air Force a Rell a Rell ~~Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank~~ a Rell

~~Name ..... of ..... Regiment~~ a Rell

~~NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.~~ a Rell

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
a Rell				

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody. a Rell a Rell

Signed this ~~17th~~ 21st day of ~~September 1944~~ January 1943

a Rell William Ellis
Lt 105th Coast Battery RCA BC
Officer i/c Records

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" signed by the president, and annexed to the proceedings.

DEFENDING OFFICER IN MITIGATION OF PUNISHMENT

Paraphrased Prof G.C.M.

ooooooooooo

If the Court pleases, I would like to bring special notice to the Court before it is closed for consideration of the sentence that the accused has been in close arrest for 49 days. It is a very long time to be placed under close arrest and I do not know the reason why this man has been kept under close arrest so long, this officer. I would like also to bring to the notice of the Court that on this statement as to the evidence of the character of the accused, the accused has no previous charge against him.

I also want to bring again to the attention of the Court that the accused had a very heavy responsibility on his shoulders on the night in which he is presumed to have divulged military information. A young man who is delivered with a very heavy responsibility very often is kind of blinded and staggered by them. Any young man when the job is too big for him, well, he has to say it to somebody.

These few remarks I hope you will take them into consideration when you pass the sentence.

SOMMAIRE DE PREUVE

Dans le cas du

Lieut. Claude HUART, R.C.A.,CA., 105ième Batterie de Côte, R.C.A.,CA. Officier de l'armée Canadienne placé en Service Actif.

ACCUSATION: Négligence d'obéir à des ordres généraux de garnison et autres ordres.

Le Commandant a ordonné que la preuve soit faite sous serment.

PREMIER TEMOIN

Mr. Roy HALPIN, Bureau de Poste Général, Quebec, Après avoir été assermenté déclare:

Je suis ici à titre de représentant officiel du Chef de la Censure Postale a Ottawa. Je produis une lettre signée par F.E. JOLLIFFE datée du 9 Décembre 42 signée à Ottawa, laquelle m'authorise à représenter le Chef de la Censure Postale du Canada. Je produis cette letre comme exhibit "A". Je produis comme Exhibit "B" une lettre et son enveloppe adressée à Mr. et Mde. L.N.HUART, 8 Rue Blanchet, Lévis Québec, dont l'enveloppe porte l'estampe de Prével. En examinant cette lettre, je constate qu'elle est écrite sur la papeterie personnelle du Lieut. Claude HUART parce que cette lettre porte son nom en caractères gravés ou imprimés. Toute la malle venant de Gaspé est censurée à Québec et cette lettre exhibit "B" a été examinée à Quebec et la cause de la supression de la lettre est le paragraphe suivant.

"A une heure moins quart je commençais à dormir, lorsque je recois un téléphone du Fortress Commander; les R.C.M.P. avaient raporté avoir vu des Allemands à New Carlisle, il me fallait réveiller le Fort et tout a fini là; tenez vous près en tout temps. Nous avons une tempête de neige après-midi nous ne voyons rien sur l'eau"
"Thick weather procedure will be carried out"
Ce soir il ne neige plus et la nuit est très noireLe Major m'a appelé "Stay on your toes Huart we should have some business to-night".

Cette lettre est datée du 10 Nov 42 et elle est signée "Claude".

La lettre exhibit "C" adressée Melle Gilberte SAMSON a/s Gestetner Co. 20 Palace Hill, Quebec, P.Q. et elle porte l'estampe Prével. Cette lettre a été examinée par la censure comme la précendente at nous l'avons suprimée pour le censureur en chef à cause de paragraphe suivant.

(To page 2)

"J'ai recu un message en code secret que j'ai dû transmettre au Watch Officer des autres Batteries j' ai défriché ce message, tu ne peux t'imaginer ce qu'il dit; les téléphonistes et les signaleurs ne le savent pas, mais à toi je vais te le dire, pas un mot par exemple c'est un secret Militaire. (Enemy submarine in Chaleur Bay stop gun Watch Officers are to be on the alert and to be ready to go into action in a moments' notice if necessary) Je t'assure que c'est un puzzle de déchifrer ce message. Je pense bien que la nuit va être mouvementée, prie pour moi que je ne fasse pasd'erreur car je suis responsable des trois Forts et de la Fortress"

Cette lettre était datée du 10 Nov. 42 et signée Claude, il y avait dans l'enveloppe un Blanc de formule de Message sur lequelle il y avait écrit "pour cacher l'interieur"

Je produis une 3ième lettre comme exhibit "D" adressée à Melle. Mireille HUART, 8 Rue Blanchet, Lévis Québec sur laquelle l'estampe du Bureau de Poste n'est pas visible, comme les deux précédentes ; cette lettre exhibit "D" a été réferrée à Ottawa, après l'examen de notre bureau de Quebec parce qu'elle contenait ce qui suit;

" "Ce soir après avoir écris à Papa et Maman j'ai eu un message en code secret, j'ai dû le déchiffrer et j'ai trouvé qu'un sous-marin était arrêté dans la Baiedes Chaleurs, qu'il fallait se tenirprès en cas d'attaque. Hier soir j'en ai recu un autre qui disait que les R.C.M.P. avait vu des Allemands dans le village de New Carlisle; pas un mot de ca, c'est secret, et ca pourrait me nuire beacoup si la chose était sue. Je pense que nous aurons une attaque avant longtemps"

L'Accusé déclare ne pas avoir de question à poser au temoin.

.....

DEUXIEME TEMOIN

Major Charles LAFLAMME R.C.A.,CA. Commandeur Temporaire de la Fortresse de Gaspé apres avoiréte assermenté déclare:

Je ne suis pas en état de dire que l'accusé etait en devoir car il était sous le commandement de l'officier en charge la 105ième Batterie Costal R.C.A.,CA. lequel pourra fournir des détails à ce sujet.

Comme exhibit "E" je produis une copie certifiée d'un messagepassé dans la nuit du 10-11-42 lequel était dans la filière GDS 3-10-1 c'était en message code et j'attache également une copie du même message décodé.

Je présente comme exhibit "G" un extrait certifié des Ordres de la Fortresses No. 153 publié le 15 Juillet 1942 publié par le Major C. Laflamme T/Commander Gaspe Défences.

Je présente aussi comme Exhibit "F" une copie de partie d'Ordre I montrant le Lieutenant Claude HUART transferré à la 105ième Batterie Côtière R.C.A.,CA. à Gaspé en date 12-9-42.

Apres avoir examiné L'exhibit "B" adressé a Mr. et Mde. L. N. HUART, 8 Rue Blanchet, Lévis Québec je déclare que je connais les personnes mentionées comme étant le père et la mére du Lieut. Claude HUART.

Apres avoirexaminé l'Exhibit "D" adressé à Melle Mireille HUART 8 Rue Blanchet, Levis Québec je déclare que je connais Melle Mireille HUART comme étant la soeur du Lieut. C. HUART.

Apres avoir examiné l'Exhibit "D" addressé à Melle Gilberte SAMSON, adresse a/s Gestetner, 20 Palace Hill, Quebec. je déclare que la personne ci-haut mentionée est une amietrès intime du Lieut. Claude HUART.

Je ne suis pas en état de certifier que ces lettres sont adressées de la main du Lieut. Claude HUART

L'accusé déclare ne pas avoir de questions à poser au temoin.

.....

TROISIEME TEMOIN

Major A. R. MILBURN, D.C.M., Officer Commanding 105th Coast Battery R.C.A.,CA., Fire Commander Gaspe Defences, R.C.A.,CA. Having been duly sworn, states:-

On the 9 Nov. 42 Lieut. HUART, C. reported for duty as relief Fire Commander and reported to me that he had taken on over the duties of Fire Commander at the Fire Command Post located in the vicinity of the town of Prevel.

Exhibit "E" submitted to me is a copy of a message sent by me on 10 Nov. 42 in the usual way and verbally acknowledged by Lieut. C. HUART, (Copyof the message and acknowledgment are on file at F.C.Post)and the Forts concerned

I certify that the decodded copy attached to exhibit "E" is a true copy of exhibit.

When the exhibit "E" was sent I was Temporary Commander Gaspe Defences and Capt. I.J.POTHIER was Officer Commanding 105th Coast Battery R.C.A.,CA.

The accused declines to cross-examine this witness

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.....

QUATRIEME TEMOIN

Lieut. G. G. GREEN, R.C.A.,CA., 105th Coast Battery R.C.A.,CA. having been duly sworn states:-

After examining exhibit "E" I declare that to the best of my acknowledge that the handwritting is of Lieut. C. HUART.

After examining exhibit "D" I declare that this was written by Lieut. C. HUART.

After examining exhibit "D" I declare to the best of my acknowledge that this is also the handwritting of Lieut. C. HUART.

The accused declines to cross-examine this witness.

G. G. Green .....

QUESTION A L'ACCUSE

Désirez-vous faire quelque déclaration ou rendre témoignage sous serment? Vous n'êtes pas obligé de dire quoique ce soit ou de de rendre témoignage à moins que vous ne le vouliez, mais quoique vous disiez ou quelque témoignage que vous donnerez seront pris en ecrit et pourront servir en preuve.

REPONSE DE L'ACCUSE

Je n'ai pas de déclaration à faire.

QUESTION A L'ACCUSE

Désirez-vous faire entendre quelque témoins en votre faveur?

REPONSE DE L'ACCUSE

Non, Monsieur.

Je certifie m'être conformé à la règle de procédure 4 (A), (D), (E), et (F).

Ces témoignages on été recueillis par moi en personne en présence de l'accusé aux quartiers Généraux de la Fortresse des Défences de Gaspé ce douzieme jour du douzieme mois de l'année mil neuf cent quarante deux.

L. J. E. Belleau, C.R.

(L.J.E. BELLEAU) C.R. Major
Officier charge spécialement de recevoir ce sommaire de preuve.

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MEDICAL OFFICER'S REPORT

I certify that No. Lieutenant Claude HUART

of 105th C. Bty.R.C.A. in a fit state of health,

and fit to undergo Trial by Court martial.

J. B. Conroy Capt.

(J.B. CONROY) Capt. R.C.A.M.C

Medical Officer

Station Gaspe P.Q.

Date 20th January, 1 43

M. F. B. 246

MM—9-41 (7M)

H.Q. 1772-39 660

MEDICAL OFFICER'S REPORT

I certify that No. Lieutenant Claude Huart of 105th Bty. R.C.A.is in a fit state of health, and fit to undergo Trial by Court martial.

J. B. Conroy Capt.
(J.B. CONROY) Capt.
Medical Officer

21-1-43.

Station Gaspe, P.Q.

Date 21 January, 1943.

M. F. B. 246
BAM—6-43 (792)
H.Q. 1772-99 600

R5612

CANADA

IN REPLY PLEASE QUOTE

No. J/4-H-1090
H.Q.C.55-H-311 (AD2)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

SAINT JOHN, N.B., 30 Mar 1943.

CENTRAL REGISTRY Army
CONF. SEC.
APR 2 1943
File C 55-H-311
Chgd. to
Referred to AD

Secretary,
Department of National Defence,
OTTAWA, Ontario.

Re: General Court-Martial
Lieut. Claude HUART,
105th Coast Battery, R.C.A., C.A.

1. As requested in your letter numbered as above and dated 16 Mar 43 I enclose herewith report of the Officer Commanding, Gaspe Defences submitted in accordance with Article 87 (8) (a) of F.R. & I. (Can).

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

Enc.

90

NAT. DEF. B. 440
1 Million—10-42 (9656)
H.Q. 1775-39-767

IN REPLY PLEASE QUOTE
No. G.D.S. 6-10-0

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

CONFIDENTIAL

Headquarters, Gaspe Defences,
Gaspe, P.Que. 22nd. March 1943

Headquarters,
M.D. 7,
St. John, N.B.

RE: GENERAL COURT MARTIAL
LIEUT. CLAUDE HUART
105th. COAST BTY. RCA. (CA)

In accordance with Article 87(8) (a) of F.R.&I, a report is hereunder submitted of the particulars of the charge, finding, sentence, date of promulgation and exact dates during which the m/n officer was suspended from duty:

a) PARTICULARS OF THE CHARGE
(As per certified true copy of charge sheet attached).

b) FINDING:
NOT GUILTY of the first, third and fifth charges, Guilty of Alternative second, fourth and sixth charges.

c) SENTENCE:
To take rank and precedence in his corps and in the Canadian Army as if his appointment as Lieutenant bore date 21st. day of January 1943 and to be severely reprimanded.

d) DATE OF PROMULGATION:
16th. March, 1943.

e) SUSPENSION FROM DUTY: Placed under close arrest on 3rd. December, 1942, released from close arrest on 11 Feb. 43, resumed normal duties on 17 March, 43.

E.J. White

(E.J.WHITE) Lieut. Col.
Commander, Gaspe Defences.

NAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-99-787

CHARGE SHEET

The accused Lieutenant Claude HUART, 105th Coast Battery, R.C.A., (CA), an Officer of the Canadian Army, placed on Active Service, is charged with:

First Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

In the Gaspe Defences Area, on or about 10 November, 1942, wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Orders #153 dated 15 July, 1942.

Second Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about 10 November, 1942 wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of confidential and secret information of a Military nature.

Third Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area, on or about 10 November, 1942, wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Orders #153 dated 15 July, 1942.

Fourth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about 10 November, 1942 wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of confidential and secret information of a Military nature.

Fifth Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area, on or about 10 November, 1942 wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Orders #153 dated 15 July, 1942.

....2

Sixth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER
MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about 10 November, 1942 wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of confidential and secret information of a military nature.

(A. R. Milburn) Major
Officer Commanding,
105th Coast Battery, R.C.A., (CA)

19th December, 1942.
Gaspe, P. Q.

Certified true Copy

(E.J.WHITE) Lieut. Col.
Commander, Gaspe Defences.

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CONFIDENTIAL

AIR MAIL

H.Q.C.55-H-311 (A.D.)

OTTAWA, Ont., 1st April 3

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

General Court-Martial
Lieut. Claude HUART
105th Coast Battery, R.C.A.

Reference your J/4-H-109C and this Headquarters letter numbered as above and dated 16th March,-

2. May the statement requested therein be now received.

(H.F.G.Letson)
Major-General,
Adjutant-General

JEM/SP

AIR MAIL

CONFIDENTIAL

H.Q.C.55-H-311 (A.D.2)

OTTAWA, Ontario, 16th March, 3.

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

General Court-Martial
Lieut. Claude HEART
105th Coast Battery, R.C.A.

Reference your J/4-H-109C re the General Court-Martial of the marginally named officer.

2. When promulgation has been completed, will you immediately forward to this Headquarters a statement as required by F.U. & I. (Canada), Article 87, advising as to the exact dates during which this officer was suspended from duty.

(H.F.G. Letson),
Major-General,
Adjutant-General.

AGM.KF

AIR MAIL:

H.Q.C.55-H-311(JAG)

March 10th, 1943

The District Officer Commanding,
Military District No.7,
Saint John, N.B.

Re: GENERAL COURT-MARTIAL
Lieut. Claude Huart,
105th Coast Battery, R.C.A.

Herewith enclosed the proceedings of the marginally noted General Court-Martial, together with P.C. 1518 dated 26th February, 1943, confirming the findings and sentence. Promulgation should now be effected to the accused, and after a minute thereof has been endorsed on the proceedings, same together with P.C. Order 1518 should be returned to this office for publication, registration and custody.

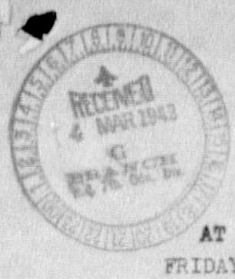
2. It is regretted that there has been some few days' delay in forwarding these proceedings inasmuch as due to the error of a mail clerk, the proceedings were inadvertently enclosed in an envelope forwarded to another district.

Brigadier,
Judge Advocate-General.

ENCLOSURE:

EBB/WHM.

84



AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 26th day of FEBRUARY, 1943.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of National Defence reports that Lieutenant Claude Huart, 105th Coast Battery, R.C.A., (CA), an Officer of the Canadian Army, placed on Active Service, was by a General Court-Martial held at Gaspe, Province of Quebec, on the 20th and 21st days of January, 1943, tried on the following charges, the second, fourth and sixth charges being in the alternative to the first, third and fifth charges respectively:

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. Huart in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th December, 1942 wrote a letter addressed to Monsieur and Madame L.N. Huart in which mention was made of confidential and secret information of a Military nature.

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille Huart in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille Huart in which mention was made of confidential and secret information of a military nature.

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made

The Judge Advocate-General
Dept. National Defence
Central Chambers

of/

of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defence Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made of confidential and secret information of a military nature.

That the accused Officer pleaded Not Guilty to the charges in question, and was found Not Guilty of the first, third and fifth charges, but Guilty of the second, fourth and sixth charges, and was sentenced to take rank and precedence in his Corps and in the Canadian Army as if his appointment as Lieutenant bore date the 21st day of January, 1943, and to be severely reprimanded; and

That the Judge Advocate-General has reported that the Findings are properly made and the Sentence according to law.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence; is pleased to confirm and doth hereby confirm the said Findings and Sentence.

A. P. Heney,

Clerk of the Privy Council.

IN REPLY PLEASE QUOTE
No. 7D/5-4-5-120

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters, 7th Canadian Division,
Debert, N.S., 4 Mar 43

Judge Advocate-General,
Department of National Defence,
Ottawa, Ont.

194
7 Army
C.
MAR 7 1943
File
Chgd. to
Referred to

GENERAL COURT MARTIAL
Lieut. Claude Huart,
105th Coast Battery, R.C.A.

Please find returned herewith the Proceedings of the marginally noted General Court Martial. It is apparent that these Proceedings have been forwarded to this Headquarters in error, and consequently they are returned herewith.

for (E. K. McDougall), Capt.,
A.D.J.A.
7 Cdn.Div.

N.D. 23
1,50034—7-42 (5219)
H.Q. 1773-101-23

H.Q.C.55-H-311(JAG)

March 1st, 1943.

General Officer Commanding,
7th Canadian Division,
DEBERT, N. S.

Re: GENERAL COURT-MARTIAL.
Lieutenant Claude HUART,
105th Coast Battery, R.C.A., C.A.

Herewith enclosed the Proceedings of the marginally-noted General Court-Martial, together with Order in Council P.C.1518, dated the 26th February, 1943, confirming the Findings and Sentence. Promulgation should now be effected to the accused, and after a minute thereof has been endorsed on the Proceedings, same together with the P.C. Order 1518 should be returned to this office for publication, registration and custody.

Brigadier,
Judge Advocate-General.

50

H.Q.C.55-H-311 (A.D.2)
10th February, 1943.

PRECIS OF EVIDENCE

GENERAL COURT-MARTIAL - LIEUT. C. HUART

There are six charges against the accused relating to three letters written by him on the 10th November, 1942, addressed respectively to his mother and father, to his sister and to a young lady friend Mlle. Gilberte Samson.

These letters are alleged to contain matters of a secret nature. They are written in French and the one to his father and mother contain statements - "At a quarter to one I was beginning to go asleep when I received a telephone call from the Fortress Commander. The R.C.M.P. had reported having seen Germans at New Carlisle I had to awaken the Fort and all there to be ready. We had a snow-storm this afternoon we did not see anything on the water. "Thick weather procedure will be carried out". Tonight it is no longer snowing but the night is very dark. The Major called me "Stay up on your toes Huart. We should have some business to do, tonight", "O.K. Sir"."

The letter to his sister contains the expressions- "Enemy submarine in Chaleur Bay". "To go into action at a moment's notice if necessary".

The letter to Miss Samson contains the statements - "Tonight after having written to father and mother I received a message in secret code. I had to decode it and I found that a submarine had stopped in the Bay of Chaleur and we had to stand ready in case of an attack. Last night I received one which said that the R.C.M.P. had seen Germans in the village of New Carlisle",

There are six charges, two with respect to each letter, the first charge in each case under Section 11 A.A. for neglecting to obey Fortress Orders and the second alternative charge under Section 40 A.A. The accused was found not guilty of the three charges under Section 11 A.A. but was found guilty of the three charges under Section 40 A.A. and was sentenced on the 21st January, 1943, to take rank and precedence in his Corps and in the Canadian Army as if his appointment as Lieutenant bore date the 21st day of January, 1943, and to be severely reprimanded.

The proceedings have been forwarded for confirmation.

The evidence is as follows:

1st witness; Mr. Roy Halpin, representative of the Chief Postal Censor, gave evidence that these letters were intercepted in the mail by the Postal Censor. They are written on notepaper bearing an Artillery letter-head and have the name Lieut. Claude Huart printed thereon.

In the letter addressed to Miss Samson was an extra sheet of paper (blank) and on it was written in French" to hide the contents."

The letters bear the postmark Prescott P.M. November 11th, 1942, P.Q. which is the name of the Post Office at the Fort where the accused was stationed.

2nd witness: Lieut. G.G. Green, an officer of the same unit, identified the handwriting as that of the accused and testified that the accused was on duty at the Fire Command Post at Fort Prevel on the date in question.

3rd witness: Capt. W.W. Archibald, Headquarters, Gaspe Defences, produced Part II Orders, one relating to the appointment of the accused to the Battery and the other containing Order No. 153 with relation to the communication of military information.

4th witness: Major C. LaFlamme, R.C.A. identified the accused and gave evidence that he was personally acquainted with the father and mother and with Miss Mireille Huart, the sister, and that he knew of theyoung lady Miss G. Samson. This officer was subjected to a long cross-examination by the defending officer with respect to the question of procedure in this Court-Martial which does not seem to have brought out anything of any importance. He also testified as to having sent a cipher message to the Fire Command Post which was given personally by him to Lieut. Huart with respect to a submarine.

WITNESSES FOR THE DEFENCE

1st witness: Capt. Louis Fortin, 22nd Anti-Aircraft Bty., R.C.A. was called by the defence and declined to identify the writing as that of the accused. He endeavoured to give evidence that knowledge of enemy submarines, etc., was common knowledge amongst the civilians at Gaspe. On cross-examination he admitted that Miss Samson was the girl-friend of the accused and he admitted that references to himself in the letters and the contents thereof indicated that they must have been written by Lieut. Huart although he would not admit recognising the handwriting. This evidence is not satisfactory - he did commend the accused + dodging.

Major LaFlamme was recalled as a witness as to the character of the accused and gave evidence as to the good character of the accused.

Major Milburn also testified as to his good conduct.

The accused did not give evidence.

77

URGENT R 4344 104544

IN REPLY PLEASE QUOTE
No. J/4-H-109C

Your file H.Q.C.55-H-311
H.Q.C.22-H-26 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

AIR MAIL WHERE ADVANTAGE

SAINT JOHN, N.B., 4 Feb 1943.

GENERAL REGISTRY Army
OTTAWA, ONT.
FEB 8 1943
File C55-H-311
Chgd. to
Returned to

Adjutant General,
National Defence Headquarters,
OTTAWA, ONTARIO.

RE: GENERAL COURT-MARTIAL
Lieutenant Claude HUART,
105th Coast Battery, R.C.A., C.A.

1. I enclose herewith the proceedings of the General Court-Martial held for the trial of the marginally named officer.

2. The delay in forwarding these proceedings is regretted. Weather conditions made it impossible to leave Gaspe before Monday, 25 Jan 43 and the transcription was difficult as the prosecutor, defending officer and several of the witnesses speak English imperfectly.

3. I also enclose three photostatic copies of Exhibits J, K, and L, the letters forming the basis of the charges. The representative of the Chief Postal Censor has requested that the original letters be returned to the Post Office Department.

4. In view of the shortage of officers in the Gaspe area, I suggest that consideration be given to the release of the accused officer under tthe provisions of K.R. (Can), para. 567.

(L. McC. Ritchie)
Major,
Judge Advocate.

Enclosures.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

MEMORANDUM.

DEPT. of NATIONAL DEFENCE.

TO: ADJUTANT-GENERAL.

H.Q.C. 55-H-311 (JAG)

OTTAWA, ONT., Feb. 8th, 1943.

Re: GENERAL COURT-MARTIAL
Lieutenant Claude HUART,
105th Coast Battery, R.C.A., C.A.

Pursuant to K.R.(Can.) 575, amended by General Order 225/1941, the Proceedings of the marginally-noted General Court-Martial should have been transmitted direct to you for you to forward them, together with your recommendation and remarks, to the Judge Advocate-General, who will after review forward the Proceedings to the Minister of National Defence for submission to Council.

2. The Proceedings are passed herewith in order that the necessary action as indicated above may be taken by you.

Brigadier,
Judge Advocate-General.

75

EBB/S.

CR = 103714. R 217

IN REPLY PLEASE QUOTE
No. J/4-H-109C.

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Your file H.Q.C. 55-H-311 & H.Q.C. 22-H-26 (JAG)

Saint John, N.B., 29 Jan 43.194

CENTRAL REGISTRY Army
CONF. SEC.
FEB 1 1943
File 55-H-311
Chgd. to FP
Referred to

Confidential

The Secretary,
Department of National Defence,
OTTAWA, ONT.

RE: GENERAL COURT-MARTIAL
Lieutenant Claude Huart
105th Coast Battery, R.C.A., C.A.

1. The trial of the marginally named officer was concluded on Thursday 21 January 43, but weather conditions rendered immediate departure from Gaspe impossible, and it was not until Tuesday 26 January 43 that the court reporters returned to this District Headquarters.

2. The proceedings will be forwarded to you just as soon as the transcription is completed.

(G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

NAT. DEF. B. 446
2,000 M—4-43 (4322)
H.Q. 1772-39-767

'nister

..[redacted]55-H-311. Lieut. C. Huart.

1. To confirm finding and sentence of General Court-Martial on Lieut. C. Huart, R.C.A.

2. Charges:- 6 charges, 3 neglecting to obey Fortress orders and 3 conduct to the prejudice, etc., in that he wrote letters containing items of information respecting Army matters which might be of value to the enemy. Plea of Not Guilty.

3. Evidence:- He wrote letters to his mother and father, to his sister and to a Miss Gilberte Samson, containing confidential and secret information as to his duties on Coast Defence. Found Not Guilty of charges neglecting to obey Fortress orders but Guilty of 3 charges of conduct to the prejudice, etc.

4. Sentence:- To take rank and precedence in his Corps and in the Army as if his appointment as Lieut. bore date of 21 Jan 43, and to be severely reprimanded; i.e. loss of seniority of 4 months, 16 days

5. A.G. convened Court on application of D.O.C., M.D. 7. President of Court- Col. P.E. McLaughlin, E.D. (Reserve); Judge Advocate- Major L. McC. Ritchie.

6. A.G. concurs in sentence. J.A.G. certifies findings properly made and sentence according to law.

Col.M.S.

13

22/2/43

MEMORANDUM.

DEPT. of NATIONAL DEFENCE.

...E MINISTER OF NATIONAL DEFENCE.

H.Q.C. 55-H-311 (JAG).

OTTAWA, ONT., February 15, 1943.

FEB 15 1943 THE MILITARY SECRETARY

Re: GENERAL COURT-MARTIAL.
Lieutenant Claude HUART,
105th Coast Battery, R.C.A., C.A.

The marginally-noted Officer was tried by a General Court-Martial on the 20th and 21st days of January, 1943, at Gaspe, Province of Quebec, on the following charges, the second, fourth and sixth charges being in the alternative to the first, third and fifth charges respectively:

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. Huart in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153 dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. Huart in which mention was made of confidential and secret information of a Military nature.

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille Huart in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille Huart in which mention was made of confidential and secret information of a Military nature.

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made of confidential and secret information of a Military nature.

..... (over)

2. The accused Officer pleaded Not Guilty to the charges in question, and was found Not Guilty of the first, third and fifth charges, but Guilty of the second, fourth and sixth charges, and was sentenced to take rank and precedence in his Corps and in the Canadian Army as if his appointment as Lieutenant bore date the 21st day of January, 1943, and to be severely reprimanded.

3. I have reviewed the Proceedings and although same contain numerous irregularities of a procedural nature and are by no means satisfactory, I do not consider that they are of such a nature as would effect the legality of the Findings of the Court to the extent that I would be compelled to advise non-confirmation thereof, and accordingly I hereby certify that the said Findings are properly made and the Sentence according to law.

4. The Adjutant-General has, pursuant to K.R.(Can.) 575, as amended by G.O. 225/1941, reviewed the Proceedings and concurs in the Sentence awarded. There do not appear to be any reasons which, in my opinion, would warrant any mitigation or commutation of the Sentence in question, and accordingly I attach a draft Submission to the Governor in Council recommending that the Findings and Sentence be confirmed.

E. J. Dra

Brigadier,
Judge Advocate-General.

EBB/S.

H.Q.C.55-M-311(S

February 15, 1943.

TO: HIS EXCELLENCY
THE GOVERNOR GENERAL IN COUNCIL.

The undersigned has the honour to report;-

That Lieutenant Claude HUART, 105th Coast Battery, R.C.A., (CA), an Officer of the Canadian Army, placed on Active Service. was by a General Court-Martial held at Gaspe, Province of Quebec, on the 20th and 21st days of January, 1943, tried on the following charges, the second, fourth and sixth charges being in the alternative to the first, third and fifth charges respectively:

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of confidential and secret information of a Military nature.

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of confidential and secret information of a Military nature.

NEGLECTING TO OBEY FORTRESS ORDERS in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order #153, dated 15th July, 1942.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE in that he, in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of confidential and secret information of a Military nature.

****

That the accused Officer pleaded Not Guilty to the charges in question, and was found Not Guilty of the first, third and fifth charges, but Guilty of the second, fourth and sixth charges, and was sentenced to take rank and precedence in his Corps and in the Canadian Army as if his appointment as Lieutenant bore date the 21st day of January, 1943, and to be severely reprimanded.

That the Judge Advocate-General has reported that the Findings are properly made and the Sentence according to law.

The undersigned has, therefore, the honour to recommend that the Findings and Sentence be confirmed.

Respectfully submitted,

(sgd) [illegible]

MINISTER OF NATIONAL DEFENCE.

22/2/43.

to P.C. 23 Feb 43

[illegible]

CONFIDENTIAL

MEMORANDUM

Department of National Defence
- Army -
H.Q. C.55-H-311 (A.D.2)

TO: J.A.G.

OTTAWA, 8th February, 1943.

Re: General Court-Martial
Lieutenant Claude HUART
105th Coast Battery, R.C.A., C.A.

Reference your memorandum of February 8th.

2. The proceedings are returned to you in order that the necessary submission may be made to the Minister for confirmation by Order-in-Council.

3. The finding and sentence are concurred in.

H.F.G. Letson
(H.F.G.Letson)
Major-General,
Adjutant-General

AGM/SP

70

ADM/AMoC

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

H.Q.C.55-H-311 F.D.1(A.D.C)
OTTAWA, Ont.
10th February, 1943.

RANKS 7464 REFERENCE YOUR ADAG'S LETTER 3/4-H-1878 OF FOURTH FEBRUARY RE RELEASE ACCUSED OFFICER FROM ARREST PURSUANT KR CAP FIVE SIX SEVEN O HE SHALL NOT BE PLACED ON ANY DUTY WHATSOEVER UNTIL PROMULGATION OF THE PROCEEDINGS

ADJUTANT GENERAL

(Army)

Major-General,
Adjutant-General.

(Signed 1920 hours)
(SMH)

A4382

J/4-H-109-C
Your File H.Q.C. 55-H-3-11
H.Q.C. 22-H-26 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Saint John, N. B. 5 Feb 1943.

CONFIDENTIAL

104893

CENTRAL [illegible] Army
CO [illegible] C.
File C55-H-311
Chgd JAG
Refer

Secretary,
Department of National Defence,
OTTAWA, Ontario.

RE: GENERAL COURT MARTIAL
Lieutenant Claude HUART,
105th Coast Battery, R.C.A., C.A.

I enclose herewith negatives of the photostatic copies of the exhibits accepted in evidence at the trial of the marginally named officer.

H W Logan
for

(G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

NAT. DEF. B. 443
2,000 M—4-42 (4322)
H.Q. 1772-39-767

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NIGHT LETTER	

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RECEIVER'S NO.	TIME FILED	CHECK

Send the following message, subject to the terms on back hereof, which are hereby agreed to

OTTAWA JANUARY 23RD 1945.

C55-H-311

ASST JUDGE ADVOCATE GENERAL
MILITARY DISTRICT NUMBER SEVEN
C/O O C GASPE DEFENCES GASPE QUEBEC

JAG THIRTEEN

REFERENCE YOUR TEL TWENTY SECOND JANUARY RE HUART IT IS NOT REPEAT NOT IN ORDER TO RETURN LETTERS POSTAL CENSOR AT THIS TIME STOP HAVE PHOTOSTATIC COPIES PREPARED CERTIFIED AND SIGNED BY PRESIDENT AND FORWARD SAME WITH PROCEEDINGS STOP AFTER CONFIRMATION IF ANY AND PROMULGATION I WILL EXTRACT ORIGINAL LETTERS FROM PROCEEDINGS AND INSERT COPIES AND RETURN ORIGINALS TO PROPER AUTHORITIES

H L Nolan

JUDGE ADVOCATE GENERAL - 109.

Charge-Dept, of National Defence.

CLASS OF SERVICE	SYMBOL
Full-Rate Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

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D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

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ROYAL CANADIAN SIGNALS 615 Wellington St. OTTAWA JAN 23 1943 Phone L Army Signal Office

MOA10 36=GASPE QUE 22 1150P

GUDGE ADVOCATE GENERAL= 1408

NATL DEFENCE HQ OTTAWA ONT=

WILL IT BE IN ORDER RETURN HUART LETTERS POSTAL CENSOR AND ATTACH PHOTOSTATIC COPIES TO PROCEEDINGS STOP REPLY IN CARE OF OC DEFENCES STOP PROBABLY HERE UNTIL MONDAY STOP LATEST PROVOCATIONS FORCED OUT HOTEL BY FIRE=

A JAGG.

10804

CANADA

IN REPLY PLEASE QUOTE
No. BG/C 5-4-1-22

DEPARTMENT OF NATIONAL DEFENCE
ARMY

90 Germain Street,
Saint John, N. B., 14th Jan. 1943

CONFIDENTIAL

CROWN MAGISTRY ARMY
CONF. S.N.C.
JAN 17 1943
File C55-H-311
Chgd. to
Referred to

Secretary,
National Defence Headquarters,
Ottawa, Ontario.

Re: Lieutenant Claude HUART
105th Coast Battery RCA (CA)

Receipt acknowledged H.Q.C. 55-H-311 and H.Q.C. 22-H-86 (JAG) dated 7 Jan. 1943.

(P.E. McLaughlin) Colonel.
President.

N.D. 88
1500M-2-42 (9466)
H.Q. 1772-101-88

64

Bk. K.

Place on Court

Martial file of

P. G. A. G.

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SAINT JOHN N B
6 JAN 43

JUDGE ADVOCATE GENERAL

DEPARTMENT OF NATIONAL DEFENCE

OTTAWA ONTARIO

C55-H-311

A NINETY TWO FOLLOWING TELEPHONE CONVERSATION WITH MAJOR McDOUGALL OF AG BRANCH ON TUESDAY EVENING I ASCERTAINED NO COPY HUART CHARGE SHEET BEARING SIGNATURE COMMANDING OFFICER ON OUR FILES STOP THEN TELEPHONED GASPE ASKING THAT ADDITIONAL CHARGE SHEETS BE PREPARED AND FORWARDED DIRECT TO YOUR OFFICE TO SAVE TIME STOP OUR RECORDS SHOW AMENDED CHARGE SHEET WENT FORWARD REGISTERED AIR MAIL THIRTY

63

N.B.—G. F. 4 (a)
8M pads of 100-2-42 (3545)
H.Q. 92-29-5.

DECEMBER FORTY TWO STOP PLEASE ADVISE MAJOR McDOUGALL

A J A G SEVEN

CONFIRMATION

(L. McC. Ritchie)
Major
A.J.A.G., M.D. No. 7.

62

AGM/BM

H.Q.C.55-H-311
H.Q.C.22-H-88 (A.D.2)
OTTAWA, Ontario,
January 16th, 1943.

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

RANKS 7162 REFERENCE A THREE SEVEN THREE TELEGRAM JANUARY FIFTEENTH

ARRANGEMENTS MADE FOR ATTENDANCE OF HALPIN AT TRIAL

ADJUTANT-GENERAL

(ARMY)

For Major-General,
Adjutant-General.

(Signed 13.03 hours)
309B

DEPARTMENT OF NATIONAL DEFENCE

RADIOTELEGRAPH SERVICE

OTTAWA - CANADA

CANADA

AC82A 37

STJOHN NB JAN 15 1815Z

JUDGE ADVOCATE GENERA
N D HQ
OTTAWA ONT

A THREE SEVZN THREE REFERENCE HQ CTWENTY TWO DASH H DASH EIGHTY SIX (J A G) AND OUR LETTER DATED ELEVEN JANUARY FORTY THREE PLEASE CONFIRM THAT ARRANGEMENTS MADE FOR ATTENDANCE HALPIN AT HUART TRIAL

A J A G SEVEN.

2309

0306Z/16

RECEIVED JAN 16 1943 A.G.
ROYAL CANADIAN SIGNALS JAN 16 1943 Army Signal Office
RECEIVED JAN 16 1943 RANK A.D.

8806

99877

IN REPLY PLEASE QUOTE
No. J/4-H-1090
H.Q.C.55-H-311
H.Q.C.22-H-86 (JAG)

CAN A

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

AIR MAIL

SAINT JOHN, N.B., 11 Jan 1943.

CENTRAL REGISTRY Army
CONF. SEC.
JAN 13 1943
File 6 J.J.-H. 311
Chgd to J.G.G. 13-1-43
Referred to JAG

Secretary,
Department of National Defence,
OTTAWA, Ontario.

RE: GENERAL COURT- MARTIAL
Lieutenant Claude HUART,
105th Coast Battery, R.C.A., C.A.

1. Receipt is acknowledged of your letter numbered as above and dated 7 Jan 43 re the marginally noted subject.

2. I presume that you will arrange for the attendance at the trial of Mr. Roy Halpin, the Postal Censor at Quebec.

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

Should Sergeant Bruce be asked for to accompany Mr Halpin
L-Col Sgt to
officer
6122
16/1/43

59

NAT. DEF. B. 446
2,000 M—4-42 (4322)
H.Q. 1772-39-767

IN REPLY PLEASE QUOTE
No. G.D.O H.4.

98678

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, Gaspe Defences.
Gaspe, P.Q. 6 Jan 1943

JAN 16 1943
A. D.
CENTRAL REGISTRY
JAN 9 1943

CONFIDENTIAL

653-H-311

Office of
Judge Advocate General
N.D.H.Q.,
Ottawa.

Lieutenant Claude Huard
105th Coast Battery R.C.A.(CA)

With reference to the marginally noted officer and on advice from the A.J.A.G. M.D. 7 the attached charge sheet in triplicate. is hereby forwarded direct to your office.

(C.LAFLAMME) - Major.
Commander, Gaspe Defences.

58

NAT. DEF. B. 440
1,500M-3-41 (9660)
H.Q. 1772-29-787

CHARGE SHEET

The accused Lieutenant Claude HUART, 105th Coast Battery R.C.A.,(CA), an Officer of the Canadian Army, placed on Active Service, is charged with:

First Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L. N. HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942.

Second Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences area on or about the 10th November, 1942 wrote a letter addressed to Monsieur and Madame L. N. HUART in which mention was made of confidential and secret information of military nature.

Third Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences area on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942.

Fourth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of confidential and secret information of military nature.

57

Fifth Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made of items of information respecting Army matters which might be of value to the enemy contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942.

Sixth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of confidential and secret information of military nature.

A. R. Wilburn Major
(A.R. WILBURN) Major
Officer Commanding.
105th Coast Battery R.C.A., (CA)

Gaspe, Quebec, P.Q.
6th January, 1943.

56

CHARGE SHEET

The accused Lieutenant Claude HUART, 105th Coast Battery R.C.A.,(CA), an Officer of the Canadian Army, placed on Active Service, is charged with:

First Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L. N. HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942.

Second Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences area on or about the 10th November, 1942 wrote a letter addressed to Monsieur and Madame L. N. HUART in which mention was made of confidential and secret information of military nature.

Third Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences area on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942.

Fourth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of confidential and secret information of military nature.

55

Fifth Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made of items of information respecting Army matters which might be of value to the enemy contrary to Gaspe Fortress Order No. 183 dated 15th July, 1942.

Sixth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MYLITARY DISCIPLINE

In that he

in the Gaspe Defences Area on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of confidential and secret information of military nature.

A. R. Wilburn Major.
(A.R.WILBURN) Major
Officer Commanding.
105th Coast Battery R.C.A., (CA)

Gaspe, Quebec, P.Q.
6th January, 1943.

54

CHARGE SHEET

The accused Lieutenant Claude HUART, 105th Coast Battery R.C.A.,(CA), an Officer of the Canadian Army, placed on Active Service, is charged with:

First Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L. N. HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942.

Second Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences area on or about the 10th November, 1942 wrote a letter addressed to Monsieur and Madame L. N. HUART in which mention was made of confidential and secret information of military nature.

Third Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences area on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942.

Fourth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of confidential and secret information of military nature.

53

Fifth Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte Samson in which mention was made of items of information respecting Army matters which might be of value to the enemy contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942.

Sixth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of confidential and secret information of military nature.

R. Tillebrook Hilburn Major
(R.R. HILBURN) Major
Officer Commanding.
105th Coast Battery R.C.A., (CA)

Gaspe, Quebec, P.Q.
6th January, 1943.

52

MEMORANDUM.

DEPT. of NATIONAL DEFENCE.

TO: THE ADJUTANT-GENERAL.

H.Q.C.55-H-311 & 22-H-86 (JAG).

OTTAWA, ONT., January 7th, 1943.

RE: GENERAL COURT-MARTIAL.
Lieut. Claude HUART,
105th Coast Battery, R.C.A., C.A.

1. Attached hereto are the following:

(a) Letter to the D. O. C., M. D. 7, enclosing two copies of Convening Order with instructions as therein set out, and returning the original M.F.B. 355 and exhibits.

(b) Letter to Colonel P. E. McLaughlin, ED, the President of the Court, enclosing the original Convening Order, Charge Sheet and Summary of Evidence. This latter and said documents in a sealed envelope should be forwarded to the D. O. C., M. D. 7. The letter under (a) above instructs the said D. O. C., M. D. 7, to deliver the said sealed envelope to the President of the Court.

2. The Convening Orders, letters and the Order for trial on the Charge Sheet above mentioned should be signed by you if you concur. The date of signing same should also be inserted in the Convening Orders and the Order for Trial.

3. Attached herewith is also an additional copy of the Convening Order which will be required for the marginally-noted Officer's file. May this please be returned to me after signature.

A G Lolan Col

Brigadier,
Judge Advocate-General.

EBB/S.

57

H.Q.C.55-H-311 &
H.Q.C.22-H-86 (JAG).

January 7, 1943.

CONFIDENTIAL.

The District Officer Commanding,
Military District No. 7,
HALIFAX, N. S.

Re: GENERAL COURT-MARTIAL.
Lieutenant Claude HUART,
105th Coast Battery, R.C.A., C.A.

The marginally-noted Application for General Court-Martial has been granted, and there are enclosed herewith two copies of the Convening Order.

2. You will, immediately on receipt, deliver one copy of this Order to the accused Officer, Lieutenant Huart, in pursuance of R.P. 15(c).

3. You will note from the Convening Order that you are responsible for arranging the various matters as therein set out, in which connection the following should be noted:-

(a) You should ensure that all the necessary witnesses will be available at Gaspe, P. Q. when the trial takes place.

(b) You will arrange for the due attendance of those Officers composing the Court who are under your jurisdiction; also the Prosecutor, the accused and the Judge-Advocate.

(c) It is preferable that there be at least two shorthand writers who may relieve each other at periodic intervals.

4. The original Convening Order, Charge Sheet and Summary of Evidence are enclosed herewith in a sealed envelope and should be delivered by you to the President of the Court.

5. If you have not already done so, a copy of the Charge Sheet and the Summary of Evidence should forthwith, pursuant to R.P. 14 and 15 be delivered to the accused Officer.

6. As the Prosecutor has legal qualifications, seven days' notice thereof must be given to the accused Officer, pursuant to Note 2 to R.P. 89.

7. The original M.F.B.355, a copy of the Summary of Evidence and a copy of the Charge Sheet and original exhibits are returned herewith, so as to be available for the trial.

8. With reference to your J/4-H-109C, dated the 30th of December, 1942, I consider that at the trial evidence should be adduced to establish that the Fortress Orders in question were brought to the attention of the accused, or that it was his duty to make himself familiar therewith, and that the said orders were posted and available to him.

9. Please acknowledge receipt.

(H.F.G. Letson)
Major-General - Adjutant-General.

EBB/S.

H.Q.C.55-H-311 &
H.Q.C.22-H-86 (JAG)

January 7th, 1943.

Colonel P. E. McLaughlin, ED,
37th (Reserve) Brigade Group, C.A.,
Military District No. 7,
SAINT JOHN, N. B.

Re: Lieutenant Claude HUART,
105th Coast Battery, R.C.A., C.A.

Herewith enclosed Original Convening Order of the marginally-noted General Court-Martial of which you have been appointed President. There is also enclosed herewith Charge Sheet and Summary of Evidence. These documents should be placed before the Court by you at the assembly of the Court.

Please acknowledge receipt.

(H.F.G. Letson)
Major-General.
Adjutant-General.

EBB/S.

49

GENERAL COURT-MARTIAL.

ORDERED BY Major-General H.F.G. Letson, M.C., E.D., Adjutant-General, by virtue of his Warrant, dated 1st March, 1940.

Lieutenant Claude STUART,
105th Coast Battery, R.C.A., (GA).

A detail of officers, as mentioned below, will assemble at Gaspe, Province of Quebec, on Wednesday the 20th day of January, 1943, at 1000 hours, for the purpose of trying by General Court-Martial the accused person named in the margin, and such other persons as may be brought before it.

PRESIDENT.

Colonel F.E. McLaughlin, ED,
37th (Reserve) Brigade Group, C.A.

MEMBERS.

Lieutenant-Colonel J.A. Leger, VD,
2nd (Reserve) Bn. North Shore (N.B.) Regiment, C.A.

Lieutenant-Colonel H.O. Schryver,
No. 71 Canadian Army (Basic) Training Centre, C.A.

Major W.C. Mequade, VD,
No. 7 District Depot, C.A.

Major J.E. Douset, ED,
A-30 Canadian Infantry Training Centre, C.A.

Major H.B. Hachey,
A-30 Canadian Infantry Training Centre, C.A.

Captain(A/Major) A.L. Bourque, MC,
No. 70 Canadian Army (Basic) Training Centre, C.A.

WAITING MEMBERS.

Captain(A/Major) C.F. Hachey,
No. 71 Canadian Army (Basic) Training Centre, C.A.

Captain J.B. Stanbury,
105 Coast Battery, The Royal Canadian Artillery, C.A.

JUDGE-ADVOCATE.

Major L. McC. Ritchie, Assistant Judge Advocate-General.
M. D. No. 7.

PROSECUTOR.

Major A. J. Bouchard,
Le Regiment de St. Hyacinthe, C.A.

DEFENDING OFFICER.

Lieutenant E. D. Angers,
105th Coast Battery, The Royal Canadian Artillery, C.A.

48

The accused will be warned and all witnesses duly required to attend.

The District Officer Commanding, Military District No. 7, will arrange for the accommodation of the Court and witnesses; for the necessary stenographic assistance (there should be at least two stenographers); for the necessary supply of stationery; for an Orderly Officer and a Court Orderly; and for the due attendance of such witnesses as may be within his jurisdiction.

The Proceedings will be forwarded to the Adjutant-General, National Defence Headquarters, Ottawa, Ontario.

SIGNED at OTTAWA, ONTARIO, this 8th day of January, 1943.

H.F.G. Letson

(H.F.G. Letson)
Major-General,
Adjutant-General.

MEMORANDUM

TO:

J. A. G.

Department of National Defence
- Army -
H.Q. C55-H-311
C22-H-86 (A.D.2)
OTTAWA,
7th January, 1943.

Lieutenant C. HUART,
R.C.A.

Herewith application from the D.O.C., M.D. 7 for a General Court-Martial in the case of the marginally named officer.

2. Attached to folio 37 of file C.55-H-311 you will find a list of suggested officers to act as President, Members and Waiting Members of the Court shown in order of seniority.

3. It is suggested that Major A.J. Bouchard act as Prosecutor and that Major L. McC. Ritchie, Military District No. 7 act as Judge Advocate.

4. The accused has requested that Lieut. E.D. Angers, 105th Coast Battery, R.C.A. act as Defending Officer.

5. The trial is to take place at Gaspe and will you fix the date for the same. The trial should be held as soon as possible as there is some urgency with respect to the disposition of certain officers at Gaspe. In this connection para. 8 on the pack of folio 29 on the Court-Martial file should be kept in mind.

6. The corrected charge sheets appear on the Postal Interception file.

7. Will you please work convening order ready for signature of A.G.

H. Rock
Colonel,
D. of Admin.

AGM/AMcC

46

R 35 14

97355

IN REPLY PLEASE QUOTE
No. J/4-H-109C

Your file H.Q.22-H-86(A.D.2)c.

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

SAINT JOHN, N.B., 30 Dec 1942.

C23-H-86
DAG. 31/12/42

Secretary,
Department of National Defence,
OTTAWA, ONTARIO.

Re: Lieutenant C. HUART
105th Coast Bty., R.C.A., C.A.

1. Please refer to your letter numbered as above and dated 24 Dec 42.

2. An amended charge sheet containing six charges is enclosed herewith, in triplicate.

(G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

To A.D.
Trans pls and pass to J.A.G.
643

RECEIVED
JAN 4 1943
M. I. 9

Encls. 3.

45

N.D. 23
1,200M—7-42 (5219)
H.Q. 1772-101-23

CHARGE SHEET

The accused Lieutenant Claude HUART, 105th Coast Battery, R.C.A., (CA), an Officer of the Canadian Army, placed on Active Service, is charged with:

First Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

In the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order # 153 dated 15th July, 1942.

Second Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about the 10th of November, 1942 wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of confidential and secret information of a Military nature.

Third Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order # 153 dated 15th July, 1942.

Fourth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of confidential and secret information of a Military nature.

Fifth Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order # 153 dated 15th July, 1942.

....2

Sixth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER
MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of confidential and secret information of a military nature.

(A.R. Wilburn) Major
Officer Commanding.
108th Coast Battery R.C.A., (CA)

19th December, 1942.
Gaspe, P.Q.

To be tried by General Court-Martial.

SIGNED at OTTAWA, ONTARIO, this

day of January, 1943.

(H.F.G. Letson)
Major-General,
Adjutant-General.

43

CHARGE SHEET

The accused Lieutenant Claude HUART, 105th Coast Battery, R.C.A., (CA), an Officer of the Canadian Army, placed on Active Service, is charged with:

First Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

In the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order # 153 dated 15th July, 1942.

Second Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about the 10th of November, 1942 wrote a letter addressed to Monsieur and Madame L.N. HUART in which mention was made of confidential and secret information of a Military nature.

Third Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942, wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order # 153 dated 15th July, 1942.

Fourth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Mireille HUART in which mention was made of confidential and secret information of a Military nature.

Fifth Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order # 153 dated 15th July, 1942.

4/2

....2

Sixth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER
MILITARY DISCIPLINE

In that he

in the Gaspe Defences Area, on or about the 10th November, 1942 wrote a letter addressed to Mademoiselle Gilberte SAMSON in which mention was made of confidential and secret information of a military nature.

(A.R.WILBURN) Major
Officer Commanding.
105th Coast Battery R.C.A., (CA)

19th December, 1942.
Gaspe, P.Q.

To be tried by General Court-Martial.

SIGNED at OTTAWA, ONTARIO, this
day of January, 1943.

(H.F.G.Letson)
Major-General,
Adjutant-General.

41

DEPARTMENT OF NATIONAL DEFENCE
RADIOTELEGRAPH SERVICE

OTTAWA - CANADA

CANADA

JAG

AC35A 70

SAINTJOHN NB JAN 6 1535Z

ROYAL CANADIAN AIR FORCE OTTAWA JAN 6 1943 Army Branch

JUDGE ADVOCATE GENERAL
D N D
OTTAWA ONT

A NINETY TWO FOLLOWING TELEPHONE CONVERSATION WITH MAJOR MCDOUGALL OF AG BRANCH ON TUESDAY EVENING I ASCERTAINED NO COPY HUART CHARGE SHEET BEARING SIGNATURE COMMANDING OFFICER ON OUR FILES STOP THEN TELEPHONED X GASPE ASKING THAT ADDITIONAL CHARGE SHEETS BE PREPARED AND FORWARDX DIRECT TO YOUR OFFICE TO SAVE TIME STOP OUR RECORDS SHOW AMENDED CHARGE SHEET WENT FORWARD REGISTERED AIR MAIL THIRTY DECEMBER FORTY TWO STOP PLEASE ADVISE MAJOR MCDOUGALL

A J J G SEVEN.

1435
1845Z/6

6005

40

for file

CLASS OF SERVICE

DAY MESSAGES
DAY LETTERS
NIGHT MESSAGES
NIGHT LETTERS

GOVERNMENT OF CANADA

CANADA

RADIOTELEGRAPH SERVICE

ADMINISTERED BY
DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

TELEGRAPH, CABLE AND RADIO CONNECTIONS TO ALL PARTS OF THE WORLD

NUMBER	SENT TO	SENT BY	REC'D BY	TIME SENT	TIME FILED	CHECK

SEND THE FOLLOWING MESSAGE SUBJECT TO THE TERMS ON THE BACK HEREOF :—

JUDGE ADVOCATE GENERAL

DEPARTMENT OF NATIONAL DEFENCE

OTTAWA ONTARIO

J/4-H-109C
SAINT JOHN NB
2 JANUARY 43

A13 RETEL NINETY SIX HUART AMENDED CHARGE SHEET MAILED THIRTY DECEMBER FORTY TWO.

AJAG SEVEN

Capt.
(L. E. Ritchie)
Major
A.J.A.G., M.D., No. 7.

N.C.—G. P. 6—5M PADS OF 100—3-42 (17143)

37

CLASSES OF SERVICE

DAY MESSAGES
DAY LETTERS
NIGHT MESSAGES
NIGHT LETTERS

GOVERNMENT OF CANADA

CANADA

RADIOTELEGRAPH SERVICE

ADMINISTERED BY
DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

TELEGRAPH, CABLE AND RADIO CONNECTIONS TO ALL PARTS OF THE WORLD

NUMBER	SENT TO	SENT BY	REC'D BY	TIME SENT	TIME FILED	CHECK

SEND THE FOLLOWING MESSAGE SUBJECT TO THE TERMS ON THE BACK HEREOF —

G.O.C. in C. Atlantic Command,
Wellington Barracks,
HALIFAX, N.S.

AGM/AMeC
H.Q.C.55-H-311(A.D.2)
OTTAWA, Ont.
6th January, 1943.

RANKS 6784 REFERENCE CONVERSATION COLONEL EVERETT AND COLONEL COCK REGARDING GCM LIEUT HUART TRIAL HELD UP AWAITING AMENDED CHARGE SHEET stop EVERYTHING BEING DONE TO EXPEDITE CASE

(Army)

Major-General,
Adjutant-General.

ADJUTANT GENERAL.

(signed 1420 hours)
(309B)

N.D.—G. P. 8—6M PADS OF 100—2-42 (2742)

38

MEMORANDUM

TO: Personal Services

Department of National Defence
H.Q. C.55-H-311 (A.D. 2)
OTTAWA, 4th January, 1942

Lieut. C. HUART - R. C. A.

Attached hereto is list of Officers for purposed General Court Martial. Will you please check this list for correct rank, name, unit or appointment.

2. Will you please arrange them in respective order of seniority.

Colonel
for D. of Admin.

AGM/JS

"2"

D. of Admin.

List in order of Seniority herewith.

Colonel
Dir. of Pers. Serv.

4-1-43

37

Colonel P.E. McLaughlin, ED
37th (Reserve) Brigade Group

Lieutenant-Colonel J.A. Leger, VD
2nd (Reserve) Bn. North Shore (N.B.) Regiment

Lieutenant-Colonel H.O. Schryer,
No. 71 Canadian Army (Basic) Training Centre

Major J.E. Doucet, ED
A.30 Canadian Infantry Training Centre

Major H.B. Hachey
A.30 Canadian Infantry Training Centre

Captain (A/Major) A.L. Bourque, MC
No. 70 Canadian Army (Basic) Training Centre

Captain (A/Major) C.P. Hachey,
No. 71 Canadian Army (Basic) Training Centre

Captain J.I. Pothier
105 Coast Battery, The Royal Canadian Artillery

Captain J.B. Stanbury,
105 Coast Battery, The Royal Canadian Artillery

President	Colonel P. E. McLaughlin, E.D. 37th (Reserve) Brigade Group, C.A.
Members	Lieutenant-Colonel J. A. Leger, 2nd (Reserve) Bn. North Shore (NB) Regiment, C.A.
	Lieutenant-Colonel H. O. Schryer, No. 71 C. A. (B) T.C., C.A.
	Major A. L. Bourque, M.C. Le Regiment de St. Hyacinthe, C.A.
	Major J. E. Doucet, A-30 Canadian Infantry Training Centre, C.A.
	Major C. P. Hachey No. 71 C. A. (B) T. C., C.A.
	Major H. B. Hachey, A-30 Canadian Infantry Training Centre, C.A.
Waiting Members	Captain John Stanbury, 105th Coast Battery, R.C.A., C.A.
	Captain J. I. Pothier 105th Coast Battery, R.C.A., C.A.
Prosecutor	Major A. J. Bouchard Le Regiment de St. Hyacinthe, C.A.
J.A.	Major L. McC. Ritchie M. D. No. 7.

36

CLASS OF SERVICE	SYMBOL
Fast Day Letter	D L
Night Letter	N M
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

8A.G carelton Chambers 0335

CANADIAN NATIONAL TELEGRAM

D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

Exclusive Connections with WESTERN UNION TELEGRAPH CO. Cable Service to all the World Money Transferred by Telegraph

MOC111 DH=STJOHN NB JAN 2 NDARD TIME 1943 JAN 3 AM 3 14

JUDGE ADVOCATE GENERAL N D H Q=

OTTAWA ONT= 1006

:A 13 RETEL NINETY SIX HUART AMENDED CHARGE SHEET MAILED THIRTY DECEMBER FORTY TWO=

A J A G SEVEN.

JAN 3 1943 Signal Office

IF DOCTOR'S CERTIFICATE NOT COMPLETE BELOW, RETURN TO A.F.C. 45 WOODS

DATE		SIGNATURE

5268

35

Exclusive Connection with WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

Money Transferred by Telegraph

CANADIAN NATIONAL TELEGRAPHS

D. E. GALLOWAY, Assistant Vice-President, Toronto, Ont.

CLASS OF SERVICE

- FULL RATE MESSAGE
- DAY LETTER
- NIGHT MESSAGE
- NIGHT LETTER

PATRONS SHOULD MARK AN X OPPOSITE THE CLASS OF SERVICE DESIRED; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

RECEIVER'S NO.	TIME FILED	CHECK	
		H.Q.C. 55-H-311	H.Q.C. 22-H-86 (JAG)

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expedier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

OTTAWA, DECEMBER 31, 1942.

Assistant Judge Advocate-General
Military District No. 7
Saint John, N.B.

JAG NINETYSIX RE HUART COURTMARTIAL REFERENCE YOUR J FOUR H ONE NAUGHT FOUR C DATED DECEMBER TWENTYFOURTH PLEASE HAVE NEW CHARGE SHEET DRAWN WITH SIX CHARGES IN ACCORDANCE WITH INSTRUCTIONS CONTAINED IN AG LETTER HQ TWENTYTWO H EIGHTYSIX DATED DECEMBER TWENTYFOURTH NINETEEN FORTYTWO.

CHARGE - Dept. National Defence

JUDGE ADVOCATE-GENERAL - 100

L.A.9 - staff

24/12/42

To get clear of this - I stuck here till 6.30 despite all distracting invitations. Nice way to spend Christmas Eve!

Merry Christmas.

L. REGISTRY Army
DEC 28 1942
Chg
Referred to

32

R 3421

IN REPLY PLEASE QUOTE
No. J/4-H-104C
H.Q.C. 22-H-86 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

SAINT JOHN, N.B, 24 Dec 42. 194

CONFIDENTIAL

CENTRAL REGISTRY ARMY
CONF. SEC.
DEC 27 1942
File
Dispd. to
Referred to

Judge Advocate-General,
Department of National Defence,
OTTAWA, Ontario.

Re: Lieutenant C. HUART, R.C.A.

1. Following my telephone conversation with Colonel Nolan and prior to receipt of your letter of 17 Dec 42 and your radiogram of 19 Dec 42 I drafted a charge against the marginally named officer under Section 11 of the Army Act with an alternative charge under Section 40 and, in order to save time, dictated my draft by telephone to the Adjutant of Gaspe Defences.

2. The charge sheet above referred to has now been received and has been forwarded today. I trust my action meets with your approval.

3. I considered that at the trial evidence could be adduced to establish that the Fortress Orders were brought to the attention of the accused or that it was his duty to make himself familiar therewith.

4. I enclose for your information copy of letter addressed by the D.O.C. to the Secretary under even date. If it is in order to make a suggestion, I would say the best Court would be comprised of:-

Colonel P. E. McLaughlin, Lieutenant-Colonel Hamel, Major Bouchard ~~and~~ Major McQuade and Major Bourque

5. Colonel McLaughlin is a lawyer and did a very good job on the Lambert trial.

(L. McC. Ritchie)
Major
A.J.A.G., M. D. No. 7.

Encls.

31

M.F.B. 239

COPY FOR: JAG

J/4-H-109C
H.Q.C. 22-H-86 (A.D.1)

CONFIDENTIAL
REGISTERED MAIL

SAINT JOHN, N.B., 24 Dec 42.

Secretary,
Department of National Defence,
OTTAWA, Ontario.

Re: Lieutenant C. HUART, R.C.A.

1. I enclose herewith the following documents re the marginally named officer:-

(a) Application for assembly of a General Court-Martial.
(b) Charge Sheet (in triplicate).
(c) Summary of evidence (in duplicate).
(d) List of exhibits.
(e) Exhibits "A" to "G" inclusive.
(f) Statement as to character.
(g) List of witnesses for the Prosecution.
(h) Request that Lieutenant E. D. Angers, 105th Coast Battery, R.C.A. be assigned as Defending Officer.

2. The following officers are available and qualified to serve on a General Court-Martial:-

Colonel P. E. McLaughlin, E.D.,
37th (Reserve) Brigade Group, C.A.

Lieutenant-Colonel A. J. Brooks,
No. 70 C. A. (B) T. C., C.A.

Lieutenant-Colonel W. A. McDougall, M.C.,
No. 7 District Depot, C.A.

Lieutenant-Colonel R. Hamel, (bilingual)
Le Regiment de St. Hyacinthe, C.A.

Lieutenant-Colonel J. A. Leger, (bilingual)
2nd (Reserve) Bn. North Shore (NB) Regiment, C.A.

Lieutenant-Colonel H. O. Schryer, (bilingual)
No. 71 C. A. (B) T.C., C.A.

Major W. C. McQuade, V.D.,
No. 7 District Depot, C.A.

Major A. J. Bouchard, (bilingual)
Le Regiment de St. Hyacinthe, C.A.

Major A. L. Bourque, M.C., (bilingual)
No. 70 C. A. (B) T. C., C.A.

Major J. E. Doucet, (bilingual)
A-30 Canadian Infantry Training Centre, C.A.

Major C. P. Hachey, (bilingual)
No. 71 C. A. (B) T. C., C.A.

79

Major H. B. Hachey, (bilingual)
A-30 Canadian Infantry Training Centre, C.A.

Captain John Stanbury,
105th Coast Battery, R.C.A., C.A.

Captain J. I. Pothier,
105th Coast Battery, R.C.A., C.A.

3. Major L. McC. Ritchie, A.J.A.G., M. D. No. 7 appears to be the only officer in this District available to act as Judge-Advocate.

4. If an officer from this District is to act as Prosecutor I suggest Major A. J. Bouchard (provided he is not selected as a member of the Court) or Captain H. A. Hanson. The later officer is not bilingual.

5. I have designated the officers who are bilingual as I am informed Lieutenant Huart has not a fluent command of the English Language.

6. Lieutenant-Colonel Hamel and Major Bouchard are with operational units in the Saint John Fortress Area and it is the desire of the G.O.C. i/c Atlantic Command that such officers be not assigned duties away from their stations except in urgent need.

7. Colonel McLaughlin and Lieutenant-Colonel Brooks are lawyers by profession and have had experience as Presidents of General Courts-Martial.

8. Under normal train connections you leave Saint John one morning and arrive at Gaspe the following night but during winter allowance should be made for delays in train schedules.

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

LMR/MRD
Encls.

R.3422

IN REPLY PLEASE QUOTE
No. J/4-H-109C
H.Q.C. 22-H-86 (A.D.1)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL
REGISTERED MAIL

SAINT JOHN, N.B., 24 Dec 42.

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Department of National Defence,
OTTAWA, Ontario.

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Major J. E. Doucet, (bilingual)
A-30 Canadian Infantry Training Centre, C.A.

Major C. P. Hachey, (bilingual)
No. 71 C. A. (B) T. C., C.A.

M.F.D. 230
H.Q. 1773-29-194

Major H. B. Hachey, (bilingual)
A-30 Canadian Infantry Training Centre, C.A.

Captain John Stanbury,
105th Coast Battery, R.C.A., C.A.

Captain J. I. Pothier,
105th Coast Battery, R.C.A., C.A.

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8. Under normal train connections you leave Saint John one morning and arrive at Gaspe the following night but during winter allowance should be made for delays in train schedules.

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

Encls.

FORM OF APPLICATION FOR A COURT-MARTIAL

105th Coast Battery R.C.A., ~~Regiment~~

Station Gaspe, P.Q. Date 12th December, 1942

Application for a General Court-Martial

SIR,

I have the honour to submit One charge against No. Lieut. Claude HUART, R.C.A.,CA. of the Battery under my command, and request you will obtain the sanction of D.O.C. M.D. 7 that a GENERAL Court-Martial may be assembled for his trial at Gaspe, P.Q.

The case was investigated by (a) Major L.J.E.BELLEAU N.D.H.Q.

A Court of Inquiry was held on (b) NIL (date) at (Station).

President
Members
} Ranks, names and corps.

The accused is now at Gaspe, P.Q. His general character is (c) Very good.

I enclose the following documents (d):—

1. One Charge Sheet (in duplicate) (e).
2. Summary of Evidence, original (f) and one copy.
3. Original Exhibits (g).
4. List of witnesses for the prosecution and defence (with their present stations or addresses) (g).
5. List of Exhibits (h).
6. ~~Correspondence~~ (g) Attach
7. Statement as to character (M.F.B. 355) and regimental and company, etc., conduct sheets (or Field Conduct sheets) of accused (g).
8. Statement by accused as to whether or not he desires to have an officer assigned by the Convening Officer to represent him at the trial (R.P. 14 (B)) (h).

Your obedient servant,

Signature of Commanding Officer A. Milburn Major
(E.R.MILBURN) Major
O.C. 105th Coast Battery R.C.A.,CA.

To:

MEDICAL OFFICER'S CERTIFICATE

I certify that No. Lieut. Claude HUART, 105th Coast Battery Regiment is* fit to undergo trial by Court-Martial.

J.B. Conroy Capt RCAMC
Signature of the Medical Officer.
(J.B.CONROY)RCAMC.
Att. H.Q. Gaspe Defences.

* Insert "fit" or "unfit."

(a) Here insert name of:—
(i) Officer who investigated the charges.
(ii) Company, etc., Commander who made preliminary enquiry into the case.
(iii) Officer who took down the Summary of Evidence (R.P. 19 (B) (iii)).

(b) To be filled in if there has been a Court of Enquiry respecting any matters connected with the charges; otherwise to be struck out (R.P. 19 (B) (iii)).

(c) To be filled in by the Commanding Officer.

(d) Any items not applicable to be struck out.

(e) One copy to be sent to the President; one copy to be filed with the application for trial.

(f) Original summary of evidence to be sent to the President.

(g) 3, 4, 6 and 7 to be returned to the Officer Commanding the unit of the accused with the notice of trial.

(h) 5 and 8 to be sent to the President.

(If the accused has elected to be tried under A.A. (8), the fact should be recorded at the top of this form.)

8

M.F.B. 351
(A.F.B. 118)
900M—1-42 (2252)
H.Q. 1773-25-651

CHARGE SHEET

The accused Lieutenant Claude HUART, 105th Coast Battery R.C.A.,CA. an Officer of the Canadian Army, placed on Active Service, is charged with:

First Charge
Sec. 11
Army Act.

NEGLECTING TO OBEY FORTRESS ORDERS

In that he

in the Gaspe Defence Area, on or about 10th November 1942, addressed to Monsieur and Madame L.N. HUART, Mademoiselle Mireille HUART and Mademoiselle Gilberte Samson certain letters and thereby attempted to communicate to them items of information respecting Army matters which might be of value to the enemy, contrary to Gaspe Fortress Order No. 153 dated 15th July, 1942, warning all ranks against communicating any item of information which might be of value to the enemy.

Second Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

In that he

in the Gaspe Defence Area on or about 10th November, 1942, addressed letters to Monsieur and Madame L.N. HUART, Mademoiselle Mireille HUART and Mademoiselle Gilberte SAMSON containing confidential and secret information of a Military nature.

A.R. Milburn Major
(A.R.MILBURN) Major
Officer Commanding.
105th Coast Battery R.C.A.,CA.

19th December, 1942
Gaspe P.Q.

27

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(A.R.MILBURN) Major
Officer Commanding.
105th Coast Battery R.C.A.,CA.

19th December, 1942
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(A.R.MILBURN) Major
Officer Commanding.
105th Coast Battery R.C.A.,CA.

19th December, 1942
Gaspe P.Q.

25

Trial of Lieut. Claude HUART
105th Coast Battery R.C.A.,CA.

LIST OF WITNESSES FOR THE PROSECUTION

Mr. ROY HALPIN.
Representative of the Chief of Postal Censorship

Major C. LAFLAMME,
T/Commander Gaspe Defences.

Major A.R.WILBURN.
Officer Commanding,
105th Coast Battery R.C.A.,CA.

Lieut. G. G. GREEN Acting Adj. Gaspe Defences
105th Coast Battery R.C.A.,CA.

Dated at Gaspe P.Q.
this 12th Day of December, 1942

A. Wilburn Major
O.C. 105th Coast Battery R.C.A.C.A.

I Lieut. Claude HUART desire to have an officer assigned to represent me at my trial by General Court-Martial

(I desire the services of Lieut. E. D. ANGERS if he is available)

December 12th, 1942

C. Huart Lieut.
105th R.C.A. Hvy Bty.

FLASH NUMBER TWO

FLASH NUMBER ONE

FLASH NUMBER ONE

FLASH NUMBER ONE

FLASH NUMBER ONE

H.Q.C. 55-H-312 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL -

B-54062 - DVR. GORDON E. HERBERT

R.C.A.S.C. C.A. ATTD.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-312

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
					With Papers C.R. DEC 30 1942		
JAN 6 1943 JAN 23 1943	22/1/43	PA			A.D.		5-1-43
OCT 24 1946	22/10/46				With Papers C.R. OCT 21 1946		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to S.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-312(JAG)

January 5, 1943.

JAN 7 1943
A. U.

District Officer Commanding,
Military District No. 2,
TORONTO, ONT.

Re: DISTRICT COURT-MARTIAL
B.54062 - Dvr. Gordon Edward Herbert,
R.C.A.S.C., C.A., Attached to
CANADIAN ARMY TRADES SCHOOL, C.A.

Receipt is acknowledged of your T-20-H-3461(AJAG), dated 28th of December, 1942, under cover of which you forwarded for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. In addition to the irregularities set out in your letter, it is observed that the Unit or Regiment of the Prosecutor and Defending Officer should have preceded their Attachments on page A of the Proceedings, and also in the Unit Order detailing the said Officers.

3. It is not considered necessary to return the Proceedings which are, accordingly, retained for custody. May the above noted irregularity be brought to the attention of those concerned, for their future guidance.

Brigadier,
Judge Advocate-General.

EBE/S.

H.Q.C. 55-H-312
M.D. T-2--H-3461

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B. 54062 Name HERBERT, G.E.

Rank DVR. Unit R.C.A.S.C. C.A att'd C.A.T.S., C.A.

Charge SEC. 15(1) ABSENT WITHOUT LEAVE

SEC. 24(2) LOSING BY NEGLECT

Date of Crime 1. 21/8/42 2. 20/11/42

Date of Arrest 11/11/42 Charge. Signed 23/11/42

Orders for D.C.M. D.O.C. M.D. 2

Place and Date of Trial Hamilton, Ontario. 14/12/42

Sentence Detention 90 Days Stoppages $37.42

Date of Confirmation 19/12/42

Date of Promulgation 22/12/42

Entered in Records of J.A.G. as No. 7424

Date 31/12/42

MEMO

E. R. Ruel Capt.
for Judge Advocate-General.

3M-12-42(M1754)

C. 1424

IN REPLY PLEASE QUOTE
No. T-20-H-3461
(AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

no file (4)

26 December, 1942,
Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

CENTRAL REGISTRY Army
PERS. SEC.
DEC 29 1942
File C 55-H-312
Chgd. to
Referred to

The Secretary,
Department of National Defence,
Ottawa, Ontario.

District Court-Martial
B 54062 - Dvr. Gordon Edward Herbert
R.C.A.S.C. C.A. attached
CANADIAN ARMY TRADES SCHOOL, C.A.

Herewith proceedings of the marginally-noted trial by District Court-Martial for custody of and registration by the Judge Advocate-General.

2. It has been noted that all erasures have not been initialled on M.F.B. 375, M.F.B. 1481 and M.F.B. 1482. It is further noted that M.F.B. 1482 does not set out in sufficient detail the expenses incurred by the accused's escort.

(C. F. Constantine)
Major-General
D.O.C. M.D. 2.

NAT. DEF. B. 440
2,050 M—4-42 (4322)
H.Q. 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Hut No. 43 Canadian Army Trades School, C.A. Hamilton, Ontario, on the 14th day of December 19 42. by order of Major-General C.F. Constantine, D.S.O. District Officer Commanding Military District No. 2

dated the 8th day of December 19 42.

President.

Major F. M. Reid
45th(Reserve)(Norfolk)Field Regiment
Royal Canadian Artillery, C.A.
Headquarters, Military District No. 2

Members.

Captain A.H. Dixon
Home War Establishment,
No. 25 Canadian Army (Basic)
Training Centre, C.A.

Lieutenant J.L. Downey,
No. 2 District Depot, C.A.,
Attached Headquarters, M.D. 2.

~~Judge Advocate.~~

Trial of* B-54062, Driver Gordon Edward HERBERT, Royal Canadian Army Service Corps CA attached to the Canadian Army Trades School CA Hamilton, Ontario

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that _____ is not available to serve owing to~~

~~waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Captain T.C.W.Carlyon, attached Canadian Army Trades School,C.A.

~~Counsel‡ or~~ defending officer† Captain H.G.Cunningham, attached Canadian Army Trades School C.A.

At 11 AM o'clock the Trial commences.

The order convening the Court is read, and is marked "X"; Pt. 1 Order No. 345, Canadian Army Trades School, Hamilton dated 11 DEC 42 detailing Pros.& Def. is marked "X1" sgd by Pres. (att'd)

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q- 1. *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A- 1. *Answer by accused.* No sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

President.

B

The President and members ~~and judge advocate~~ are duly sworn.

The following officers under instruction are duly sworn. (See Document marked "G"

Q- 2. Do you object to No. B.55937, Sgt. W. O.Stuart, No. 2 Det., C.M.S.C., C.A., Headquarters, M.D. 2, acting as shorthand writer?

A- 2. No sir.

(No. B.55937, Sgt W.O. Stuart, No. 2 Det., C.M.S.C., C.A. Headquarters M.D. 2, is duly sworn as shorthand writer.

------- See Document marked "H" for Minute of Adjournment.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The COURT, being satisfied that the description of the accused is "driver" and not as stated in the charge-sheet amend the charge sheet accordingly.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q- 3. Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A- 3. Not guilty, sir. *Answer.*

Q- 4. Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A- 4. Not guilty, sir. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to ---------- charge, the provisions of Rule of Procedure 85 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

3

CHARGE SHEET

The accused No. B-54062 ~~Trooper~~ Gordon Edward Herbert, Royal Canadian Army Service Corps CA attached to the Canadian Army Trades School CA Hamilton, Ontario. A soldier of the Canadian Army placed on Active Service is charged with

ABSENTING HIMSELF WITHOUT LEAVE

in that he

First Charge
Sec 15 (1)
Army Act

at Hamilton, Ontario absented himself without leave from the Canadian Army Trades School CA Hamilton from 0600 hours August 21, 1942 until apprehended by the Military Police at St. Catherines, Ontario at 2130 hours November 11, 1942 dressed in plain clothes.
The cost of his apprehension and return to the Canadian Army Trades School CA Hamilton being $3.83.

LOSING BY NEGLECT HIS EQUIPMENTS, CLOTHING AND REGIMENTAL NECESSARIES

in that he

Second Charge
Sec. 24 (2)
Army Act

at the Canadian Army Trades School CA Hamilton Ontario on November 20, 1942 was deficient of

Article		75% Dep. Value
Badges cap R.C.A.C.	1	.06
Bags kit M.K. 2	1	.78
Battle dress blouse serge	1	4.19
Trousers battle dress serge	1	4.20
Boots ankle pairs	1	3.90
Braces pairs	1	.27
Brasses button	1	.04
Brushes boot polishing	1	.15
Brushes button	1	.15
Brushes cloth	1	.24
Brushes hair	1	.24
Brushes shaving	1	.30
Brushes tooth	1	.09
Caps comforter	1	.30
Drawers cotton shorts prs.	2	.50
Drawers woollen prs.	2	1.76
Dressings first field	1	.25
Gloves woollen prs.	1	.44
Housewife	1	.51
Jacket K.D. O.C.	1	2.88
Jacket Sweater	1	1.04
Knives table	1	.18
Mitts leather pullover	1	.48
Rubbers pairs	1	.51
Puttees prs.	1	.67
Shirts flannel khaki	2	1.69
Shirts under cotton	2	.60
Shirts woollen under	1	.86
Socks prs.	4	.96

Article		75% Dep. Value
Trousers khaki drill prs.	1	1.26
Trousers khaki drill shorts	1	.96
Pins collar	1	.07
Neckties balck	1	.16
Caps mechanic	1	.17
Pillow slips	1	.27
Bags ration	1	.03
Belts waist	1	.81
Carriers cartridge	2	1.54
Slings rifle	1	.23
Straps shoulder	2	.70
Tins mess	1	.66
Sheets ground	1	1.36
		$36.46

Signed at HAMILTON
this 23rd day of NOVEMBER 1942

D.A. White Col.
(D.A.White) Colonel
COMMANDANT
CANADIAN ARMY TRADES SCHOOL CA

To be tried by District Court Martial

W. Denny
Lt. Col. A.A. & Q.M.G. M.D. 2.
for D.O.C. M.D. 2.

Signed at Toronto, Ont., this 8th day of December, 1942.

C

Proceedings on Plea of Not Guilty

*Instruction.
(See R. P. 39 (A))
Question.

Q- 5. *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.

A- 5. No sir.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked _____, signed by the President and attached to the proceedings].~~

---- The Prosecutor declines to make an opening address.
The prosecutor proceeds to call witnesses.

First witness for prosecution. } Lt.J. F. Candow, Canadian Army Trades School, C.A., Hamilton, Ontario

being duly sworn, is examined by the prosecutor.

Q- 6. What is your official position?

A- 6. I am Assistant Adjutant.

Q- 7. What document have you there?

A- 7. I have certified true copy of M.F.B. 375, Record of the Declaration of a Court of Inquiry held at Hamilton, Ontario on the 15th of September, 1942, for the purpose of investigating and recording the absence without leave of the accused, No. B.54062, Trooper Herbert, G.E.

BY THE PRESIDENT.

Q- 8. To whom does that document purport to refer?

A- 8. To the accused, Trooper Herbert.

BY THE PRESIDENT TO DEFENDING OFFICER.

Have you seen this document?

BY THE DEFENDING OFFICER: Yes sir.

BY THE PRESIDENT:

Have you any objection as to the admissibility of the document?

BY THE DEFENDING OFFICER:

No sir.

--- Certified true copy of Declaration of Court of Inquiry held at Hamilton, Ontario, on the 15th day of September, 1942, is read and marked Exhibit "I", signed by the President and attached to the proceedings.

EXAMINED BY THE PROSECUTOR(Cont'd)

Q- 9. Have you any further document to produce?

A- 9. I submit M.F.M. 216, which is a certificate of apprehension signed at Niagara Camp, on the 12th day of November, 1942, signed by S.V. Lang, N.C.O. in charge, No. 1 Detachment, No. 31 Company, Canadian Provost Corps, Niagara Military Camp, pertaining to the accused, Trooper Herbert.

------ [redacted] M.F.M. 216, signed by S.V. Lang, N.C.O. in charge of No. 1 Detachment, No. 31 Company, Canadian Provost Corps, Niagara Military Camp is marked Exhibit "J" signed by the President and attached to the proceedings.

EXAMINED BY THE PROSECUTOR(Cont'd)

Q- 10. Have you any other document to submit to the Court?

A- 10. I submit M.F.B. 1481 which covers the cost of transportation only, signed by E.C. Anderson, Captain and Adjutant, Canadian Army Trades School, amounting to $1.75.

BY THE PRESIDENT:

Q- 11. To whom does that document purport to refer?

A- 11. To the accused, Trooper Herbert, sir.

------ [redacted] M.F.B. 1481, signed by Capt E.C. Anderson Adjt. covering cost of transportation from Hamilton to St. Catherines, amounting to $1.75 is read and marked Exhibit "K" signed by the President and attached to the proceedings.)

EXAMINED BY THE PROSECUTOR(Cont'd)

Q- 12. Have you any further document to submit?

A- 12. I submit M.F.B. 1482 covering incidental expenses in connection with the apprehension of the accused, Trooper Herbert, in the amount of $2.08, signed at Hamilton, Ontario, by McGregor, D.G., escort.

------ [redacted] M.F.B. 1482 covering incidental expenses in connection with apprehension of the accused, signed by D.G. McGregor, escort, amounting to $2.08 is read and marked Exhibit "L" signed by the President and attached to the proceedings.

------The Defending Officer declines to cross-examine.

------ In the opinion of the Court it is not necessary to comply with R.P. 83(b).

------ The witness withdraws.

SECOND WITNESS FOR THE PROSECUTION. No. B.11083, Gunner D.G. McGregor, Royal Canadian Artillery, attached to the Canadian Army Trades School, Hamilton, having been duly sworn is examined by the Prosecuting Officer.

Q- 13. Gunner McGregor, what are your duties here?

A- 13. Regimental Police, sir.

Q- 14. Do you recognize the accused?

A- 14. Yes sir.

Q- 15. Will you tell the Court what orders you had on November 12th, 1942?

A- 15. I was at the Orderly Room in the afternoon of November 12th, 1942, and I got an order to go to Niagara-on-the-Lake and pick up the accused, Trooper Herbert.

Q- 16. Driver Herbert, he claims?

A- 16. Yes sir.

Q- 17. What did you do with him when you picked him up?

A- 17. I brought him back here to the guard room and turned him over to the N.C.O..

Q- 18. Was that the same day?

A- 18. Yes sir, at about 1930 hours.

------- The Defending Officer declines to Cross-examine

------- In the opinion of the Court it is not necessary to comply with R.P. 83(b).

------- The witness withdraws.

THIRD WITNESS FOR THE PROSECUTION. No. P.20991, C.S.M. POTTER, J.L., R.P.C.L.I., attached to Canadian Army Trades School, Hamilton, having been duly sworn is examined by the Prosecuter.

Q- 19. What are your duties at the School?

A- 19. I am C.S.M., No. 1 Company, C.A.T.S.

Q- 20. Is the accused in your Company ?

A- 20. He is, sir,

Q- 21. Will you tell the Court what you know about the accused?

A- 21. He was not present in Camp from the 21st of August, 1942, and he was struck off strength, if I remember correctly, on the 17th of September, 1942. The accused was never in Camp, to the best of my knowledge, and never answered roll call on any parades fro 21st August to the September 17th, 1942.

Q- 22. Do you remember until what day he did answer the roll call?

A- 22. No sir - he answered no roll call whatever.

Q- 23. Do you remeber anything about him being brought to custody?

A- 23. He was apprehended by the Military Police, sir, in St. Catherines and returned under close arrest to the C.A.T.S. guard room and if I remeber the date correctly I think it was November 11th, 1942.

Q- 24. You had an escort sent for him?

A- 24. Yes sir.

-------- The Defending Officer declines to cross-examine.

-------- In the opinion of the Court it is not necessary to comply with R.P. 83(b).

-------- The witness withdraws.

FOURTH WITNESS FOR THE PROSECUTION. No. B. 102.89. C.S.M. DAVES, A., Canadian Army Trades School, Hamilton, Ontario, having been duly sworn is examined by the Prosecutor.

Q- 25. What are your duties at the School?

A- 25. I look after the men, sir, equip them and feed them.

Q- 26. What Company?

A- 26. No 1 Company.

Q- 27. Is the accused in your Company?

A- 27. Yes sir.

Q- 28. Did you check the equipment of the accused?

A- 28. Yes sir.

Q- 29. Against what?

A- 29. Against his M.F.C. 800.

Q- 30. Have you the M.F.C. 800 with you?

A- 30. Yes sir.

Q- 31. Will you produce it, please?

---- Certified true copy of M.F.C. 800 substituted for original, is marked Exhibit "M", signed by the President and attached to the proceedings.

Q- 32. Will you tell the Court exactly what deficiencies there were?

A- 32. Each item?

Q- 33. Yes, each item.

A- 33. When I examined this man's kit I found that he was deficient, badges, Cap R.C.A.C., 6 cents.

BY THE PRESIDENT.

Q- 34. The document you are looking at - when did you prepare that?

A- 34. November 20th, 1942.

Q- 35. When was that in relation to the check?

A- 35. That was the day before the Court-Martial.

Q- 36. The day before the Summary of Evidence?

A- 36. Yes sir.

Q- 37. You may use the statement to refresh your memory.

A- 37. I found he was deficient of the following articles:

1 Badges Cap R.C.A.C.	1	.06
1 bags Kit M.K.2	1	.78
Battle Dress blouse serge	1	4.19
Trousers battle dress serge	1	4.20
Boots ankle pairs.	1	3.90
Braces pairs.	1	.27
Bruses button	1	.04
Brushes boot polishing.	1	.15
Brushes Button.	1	.15

Brushes cloth	1	.24
Brushes hair	1	.24
Brushes shaving	1	.30
Brushes tooth	1	.09
Caps comforter	1	.30
Drawers cotton shorts, pairs	2	.50
Drawers woollen pairs	2	1.76
Dressings first field	1	.25
Gloves Woollen pairs	1	.44
Housewife	1	.51
Jacket K.D.O.C.	1	2.80
Jacket Sweater	1	1.04
Knives table.	1	.10
Mitts leather pullover	1	.45
Rubber pairs	1	.81
Puttees pairs	1	.67
Shirts flannel khaki	2	1.69
Shirts under cotton	2	.60
Shirts Woollen under	1	.88
Socks pairs	4	.96
Trousers khaki drill pairs	1	1.26
Trousers khaki drill shorts	1	.96
Pins collar	1	.07
Neckties black	1	.16
Caps mechanic	1	.17
Pillow slips	1	.27
bags ration	1	.03
Belts Waist	1	.81
Carriers cartridge	2	1.54
Slings rifle	1	.23
Straps shoulder	2	.70
Tins mess	1	.86
Sheets ground.	1	1.36
Total		$38.46

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q- 38. What date did you say you made the check on the kit?

A- 38. 20th November, 1942.

Q- 39. Where was the kit from August 21st?

A- 39. It was in the Quartermaster Stores where we put the kits.

Q- 40. Was it a customary practice in your Company to allow kits of absentees to stand for two or three months without checking them?

A- 40. It was checked previous to that and when he returned we had a re-check and the first deficiences, I believe, was $54.00 and something.

Q- 41. You checked with the accused when he was brought back to camp?

A- 41. No, I didn't check with the accused when he returned.

Q- 42. How did the reduction take place; there was a difference. You say there is a difference.

A- 42. That is right, I did, and the dress he brought back on his person was taken off the charges.

Q- 43. Was the accused with you when you made the final check?

A- 43. Yes sir, he was.

Q- 44. Did the accused make any statement to you that he had other articles at home?

A- 44. No sir, he didn't.

Q- 45. He did not?

A- 45. No sir.

Q- 46. Did he make any statement at all as to where the kit was?

A- 46. None to my knowledge, sir.

Q- 47. Did you ask him if it was at home or any place it would be available?

A- 47. No sir, I just asked him to show me his kit as I called out and when I examine it what they don't have there I consider it short. I asked him if he had anything at the guard-room and he said not and that is the only place he could have it.

Q- 48. He didn't tell you he had any other kit at home?

A- 4[illegible]. No sir.

------- The Prosecutor declines to re-examine.

------- In the opinion of the Court it is not necessary to comply with R.P. 83(b).

------- The witness withdraws.

------- The Prosecution has no further witnesses.

------- The case for the prosecution is closed.

D

The prosecution is closed.

Defence

Q-49 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A-49 *Answer.* Yes sir.

Q-50 *Question.* Do you intend to call any other witness in your defence?

A-50 *Answer.* Yes sir.

Q-51 *Question.* Is he a witness as to character only? *Answer.* A-51. No sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

D- 3.

FIRST WITNESS FOR THE DEFENCE.

No. B-54062, , Driver Gordon Edward Herbert, Royal Canadian Army Service Corps CA attached to the Canadian Army Trades School, Hamilton, having been duly sworn is examined by the Defending Officer.

Q-52. How long have you been in the Army?

A- 52. Pretty near two years, sir.

Q- 53. Did you enlist voluntarily?

A- 53. Yes sir.

Q- 54. At the time you enlisted were you married ?

A- 54. Yes sir.

Q- 55. Were you living with your wife at that time?

A- 55. No sir.

Q- 56. Were you legally separated ?

A- 56. Yes sir.

Q- 57. You were legally separated at that time?

A- 57. Yes sir.

Q- 58. Any children?

A- 58. Yes sir, one child.

Q- 59 Before you joined the army were you supporting your wife and child?

A- 59. I was supporting my child, sir.

Q- 60. How were you supporting your child?

A- 60. I was paying so much a week to the Children's Aid Society.

Q- 61. You were paying the money for the support of the child to the Children's Aid Society?

A- 61. Yes sir.

Q- 62. When you joined the army did you assign pay to your wife?

A- 62. No sir, I was supposed to assign pay to my baby, as far as I know. When I joined the army I was all excited about it and I went to work and signed the papers after

I got them and then I heard about three months afterwards that my wife was getting my cheque and I went and spoke to my Officer to see what I could do about it.

Q- 63. You didn 't realize at the time you enlisted that your wife was getting the allowance for the child?

A- 63. No sir.

Q- 64.. Did you think at that time that the money for the care of the child was still being paid to the Children's Aid Society?

A- 64. That is where I thought it was going.

Q- 65. When you found out that your wife was getting the allowance did you take any steps to have that allowance cut off?

A- 65. Yes sir.

Q- 66. To whom did you apply?

A- 66. I applied to Major Glass.

Q- 67. Whereabouts was that?

A- 67.. I applied in Hamilton first, and Newmarket.

Q- 68. You were stationed at Newmarket?

A- 68. Yes sir.

Q- 69. Was this Officer your Commanding Officer?

A- 69. Yes sir.

Q- 70. You applied to him to have the allowance cut off?

A- 70. Yes sir.

Q- 71. Was any action taken at that time?

A- 71. I didn't hear any more about it. I asked him about it but didn't hear any more about it.

Q- 72. When you left Newmarket where did you go?

A- 72. From Newmarket I went to Borden.

Q- 73. When you went to Borden did you make any application to your Company Commander to have your case invest-

igated at that time?

A- 73. Yes sir.

Q- 74. Did you tell your Company Commander your reason for wanting it discontinued?

A- 74. I did, sir.

Q- 75. What did you tell him?

A- 75. I told him, sir, the reason I wanted the money cut off was because I wasn 't living with my wife and the reason I didn't want her to get any money was because of her running around and the things she was doing, sir.

Q- 76. Did he do anything about it?

A- 76. I told him about it and heard no more about it.

Q- 77. When you left Borden where did you go?

A- 77. To Valcartier.

Q- 78. Did you make any attempt in Valcartier to get your personal troubles settled?

A- 78. I did, sir, but I wasn't able to get any satisfaction.

Q- 79. Did you apply to your Company Commander in Valcartier?

A- 79. I did, sir.

Q- 80. Did you tell him your personal troubles?

A- 80. I told him everything, sir

Q- 81. You told him everything?

A- 81. I did, sir.

Q- 82. Did you tell him your wife was running around?

A- 82. I did, sir.

Q- 83. And you asked him to have the matter investigated?

A- 83. I did, sir.

Q- 84. With a view to having her allowance cut off?

A- 84. Yes sir.

Q- 85. If the allowance had been cut off to whom did you wish to have it go for the support of your child?

A- 85. I would like to have it go to my mother, sir.

Q- 86. Did you explain that point to each one of the Officers you had spoken to concerning your troubles?

A- 86. I told them everything, sir.

Q- 87. After you left Valcartier where did you go?

A- 87. I came up to Hamilton Trades School, sir,

Q- 88. You came to Hamilton?

A- 88. Yes sir.

Q- 89. When you arrived in Hamilton did you go any place to have your case investigated?

A- 89. I did, sir.

Q- 90. To whom?

A- 90. Captain LeMaire, sir.

Q- 91. Is Captain LeMaire your Company Commander?

A- 91. Yes sir.

Q- 92. Did you get any results?

A- 92. I didn't get any results, sir.

Q- 93. Did you tell Captain LeMaire the whole case?

A- 93. I explained all to him - I told him everything I should have told him.

Q- 94. Did you tell him you wanted the allowance cut off your wife and applied to your mother?

A- 94. Yes sir.

Q- 95. How long after you made application to your Company Commander in Hamilton did you go away?

A- 95. I waited two weeks and went

Q- 96. You didn't hear anything for two weeks and then went away?

A- 96. Yes sir.

Q- 97. Did you discuss with your mother the idea of taking care of your child?

A- 97. Yes sir, and mother said she would take the child any time it was given over to her.

Q- 98. Did your mother know what your worries were?

A- 98. Yes sir.

Q- 99. Has this trouble you have had had any effect on your work in the army?

A- 99. It has, sir.

Q- 100. In what way?

A- 100. Well, I am thinking about it all the time, sir and it is on my mind all the time and you can't do anything, sir.

Q- 101. To what extent was your wife running around?

A- 101. She was running around with this one and that one. Everytime I go home on leave she is walking down the street arm in arm with a fellow.

Q- 102. Did you at any time get any special information from anyone concerning your wife 's actions?

A- 102. I did, sir.

Q- 103. What did you hear?

A- 103. I heard from people, sir, that my wife was living at her place for three months and was a prostitute, sir.

BY THE PRESIDENT:

That is hearsay evidence; it is not of his own knowledge; it is only evidence people had told him certain information.

BY THE DEFENDING OFFICER:

I think that is all I have to ask, sir.

BY THE PRESIDENT:

I don't want to interfere, except that this Court is not interested in hearsay evidence.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q- 104. Private Herbert, did you at any time ask to be paraded

to your Commanding Officer?

A- 104. Yes sir.

Q- 105. Who did you ask?

A- 105. Our Sergeant, sir.

Q- 106. Did you see your Company Commander about it? Did you ever ask your Company Commander that you would like to be paraded before the Commanding Officer?

A- 106. The only person I asked was the Sergeant.

Q- 107. You didn't ask the Company Commander that you wanted to be paraded to the Commanding Officer?

A- 107. I asked the Sergeant and he went to the Company Commander.

Q- 108. The question I asked was, did you ask the Company Commander to be paraded before your Commanding Officer? You did ask the Company Commander?

A- 108. Yes sir.

Q- 109. Did the Company Commander not parade you?

A- 109. I was paraded to the Captain.

Q- 110. That is your Company Commander? Did you ask your Company Commander to have you paraded before your Commanding Officer?

A- 110. No sir, I told himmy story.

Q- 111. You didn't ask to be paraded before the Commandant; that is the higher up?

A- 111. No, I just told the story to my Captain, sir.

BY THE PRESIDENT.

Q- 112. Did you understand that you could be paraded before the Commandant of the Training Centre you were stationed in at the various times you spoke to your Company Commander?

A- 112. No sir.

Q- 113. You told us that you spoke to your Company Commander?

A- 113. I did, in both Newmarket and Camp Borden and Valcartier.

Q- 114. And at the Trade School?

A- 114. Yes sir.

Q- 115. Did you understand that you had the right to be paraded before your Commanding Officer, that is, the Commandant, at each one of those places?

A- 115. Sir, I understood I had the right to.

Q- 116. But you didn't ask on any occasion to take your troubles that far?

A- 116. No sir, I thought if I spoke to the Officer he would help me.

Q- 117. Whereabouts were you living when you enlisted?

A- 117. St. Catherines, sir.

Q- 118. You said you had a legal separation from your wife?

A- 118. Yes sir.

Q- 119. Who had custody of your child?

A- 119. She had it, sir.

Q- 120. That is, according to the separation papers that were drawn up?

A- 120. Yes sir

Q- 121. Did you tell us you were paying a certain amount for her support?

A- 121. I was paying $7.00 a week for the baby.

Q- 122. Did you pay that to her?

A- 122. I paid that to the Children's Aid Society.

Q- 123. Were the Children's Aid Society made guardians of your child or was your wife.

A- 123. Well, she looked after the child, sir.

Q- 124. And the Children's Aid Society paid her for looking after the child; is that right?

A- 124. Yes sir.

Q- 125. What were you doing during the period you were absent?

A- 125. I was working, sir.

Q- 126. Is it correct that you left this Trades School on August 21st?

A- 126. I did, sir.

Q- 127. And you were apprehended on November 11th?

A- 127. Yes sir.

Q- 128. There is no dispute as to the length of time you were away? You don't dispute the length of time you are charged with being away ?

A- 128, No sir, I left with a pass.

Q- 129. When did your pass run out?

A- 129. It was a four-day pass

Q- 130. What day did your pass run out?

A- 130. I left on the 21st, I believe that was the date,sir but I am not quite sure what day I went away or the day I was picked up, sir.

Q-131. Well, you are charged with being absent from 0600 hours on August 21st. Would that have been the day that your pass ran out?

A- 131. No it wouldn't have been, sir.

Q- 132. What do you say is the date you actually left here?

A- 132. Well, I cannot remember, sir.

EXAMINED BY THE DEFENDING OFFICER Re SECOND CHARGE flag 1

Q- 133. When you returned, were you present when the Quartermaster Sergeant checked your kit?

A- 133. When I came back they took me to the Quartermaster Stores and checked it over, sir but it wasn't all there because the rest of my stuff is at home.

Q- 134. Did you tell the Quartermaster Sergeant at the time the check was made that you had your kit at home?

A- 134. I told him it was at home, sir.

Q- 135. Had you been given any time to go home or make arrangements to collect your kit?

A- 135. No sir, I have been locked up since I came back.

Q- 136. You did tell the Quartermaster Sergeant that your deficiencies in kit were to be found at your home?

A- 136. I did, sir.

BY THE PRESIDENT:

Q- 137. Did you make any attempt to have your kit sent to you?

A- 137. Well sir, the only way I could get it was to write a letter home and then my mother would have to go to work and send it by mail and she couldn't afford to do that; the only way I could get it was by calling there and getting it myself.

Q- 138. You didn't make any attempt to have her send it up?

A- 138. No sir.

BY THE COURT.

Q- 139. When was the kit taken down to your home in St. Catherines?

A- 139. Sir, the day I went home on pass.

Q- 140. You took it with you?

A- 140. Yes sir.

Q- 141. Including the item such as a sling rifle?

A- 141. No sir.

Q- 142. Why wasn't that turned into the stores when you had your check?

A- 142. It is here, he handed me that stuff himself and when he gave it to me it was inside the bag, all mixed up and some of my stuff was even in my gas respirator. When I got it it was all mixed up and thrown around.

Q- 143. That is the equipment you say you had in the Regimental guard-room?

A- 143. Yes sir.

Q- 144. Why didn't you make sure that it was checked with your M.F.C. 800 when the check was made?

A- 144. Sir, I located it afterwards, when I got back to the hut.

Q- 145. Where did you locate it?

A- 145. It was in the bottom of the bag and everything mixed up.

Q- 146. Why didn't you make some effort to have it turned back into the Stores and cut down these big deficiencies? Did you make any effort to do that?

A- 146. I didn't go telling him what stuff I had; I figured he would know.

Q- 147. You had the stuff but didn't tell him about it?

A- 147. That is right.

BY THE DEFENDING OFFICER:

I don't think he was ever told what his deficiencies were.

BY THE PRESIDENT:

Do you propose to call witnesses and bring the stuff that is there.

BY THE DEFENDING OFFICER:

Could the accused be returned to the guard-room and bring over the stuff that is there which he claims he has. I would ask for an adjournment to get these thing, an adjournment for ten minutes.

The Court was cleared for ten minutes to allow Accused to be escorted to the Guard room to get the articles in question, & adjournment. — on Court re-opening

BY THE PRESIDENT:

Q- 148. These articles you have there, were these articles issued to you since you came back?

A- 148. Sir, that is what he gave me when I came back.

Q- 149. You say he gave them to you when you came back?

A- 149. Sir, as he was giving me the stuff he was checking it on the slip of paper they have down there.

Q- 150. For instance, were you given new issue?

A- 150. No sir, I have not been given new issue.

Q- 151. Have you got with you now any articles to produce to the Court, articles you are charged with being deficient?

A- 151. I have, sir, a few things. This is what they call a sling, a sling/ rifle and I have one brushes boot polishing, a table knife and this is the fork and spoon.

Q- 152. You are not charged with the fork or spoon.

A- 152. Here is the belt and there are these two shoulder straps, sir.

Q- 153. Have you any of the rest of the articles? Have you the badges cap?

A- 153. No sir.

Q- 154. The battle dress blouse?

A- 154. No sir.

Q- 155. Trousers battle dress serge?

A- 155. No sir.

Q- 156. Boots ankle, prs?

A- 156. No, they are at home, sir.

Q- 157. Braces?

A- 157. They're at home.

Q- 158. Brasses button?

A- 158. They are here, sir.

Q- 159 Brushes boots?

A- 159. No

Q- 160. Brushes cloth?

A- 160. No sir.

Q- 161. Brushes hair?

A- 161. No sir.

Q- 162. Brushes shaving?

A- 162. That is at home.

Q- 163. Brushes tooth?

A- 163 That is home.

Q- 164. Caps comforter?

A- 164. That is at home.

Q- 165. Drawers cotton shorts?

A- 165. They are at home.

Q- 166. Drawers woollen pairs,

A- 166. At home.

Q- 167. Dressings, first field?

A- 167. Some of it is here and the rest is at home, sir.

Q- 168. Gloves?

A- 168. Home, sir.

Q- 169. Housewife?

A- 169. That is home, sir.

Q- 170. Jacket khaki drill with open collar?

A- 170. That is at home.

Q- 171 Jackets sweater?

A- 171. That is home.

Q- 172 Mitts, leather pullover?

A- 172. That is home.

Q- 173. Rubbers pairs,

A- 173. I forwd them before I left Valcartier.

Q- 174. Puttees?

A- 174. I have them home.

Q- 175. Shirts flannel khaki?

A- 175. That is at home, sir.

Q- 176. Shirts, under cotton?

A- 176. At home, sir.

Q- 177. Shirts woollen under?

A- 177. At home, sir.

Q- 178. Socks pairs,

A- 178. I have some here, I got two pairs when I come back and the rest are at home.

Q- 179 None of the pairs you have here are the pairs you are charged with ?

A- 179. No sir.

Q- 180 Trousers, khaki drill pairs?

A- 180. At home, sir.

Q- 181. Trousers khaki drill shorts?

A- 181. At home, sir.

Q- 182. Pins collar?

A- 182. At home, sir.

Q- 183. Neckties black?

A- 183. At home, sir.

Q- 184. Caps mechanic?

A- 184 At home, sir.

Q- 185. Pillow slips?

A- 185. I have that.

Q- 186. Bags ration?

A- 186. That is at home.

Q- 187. Carriers cartridge?

A- 187. That is something I had stolen when I was up here; I don't know where that is.

Q- 188. Mess tins?

A- 188. I have those home. [illegible]

Q- 189, And the ground sheets?

A- 189. I have them home. [illegible]

Q- 190. You have the brasses button, brushes boot polishing, dressings first field, knives table, belts waist, slings rifle, straps shoulder.

------ The above listed articles are marked Exhibit "N" for purposes of identification.

Q- 191. Have you anything else you want to tell the Court about?

A- 191. No sir, I have said all I can say.

Q- 192. The other articles you say are at home?

A- 192. Yes sir.

Q- 193. Whereabouts are they?

A- 193. 18 Erie Street in St. Catherines.

BY THE PRESIDENT:

Do you wish to ask any questions in regard to the articles he has just produced?

BY THE DEFENDING OFFICER:

Yes sir.

RE-EXAMINED BY THE DEFENDING OFFICER

Q- 194. Have you purchased anything or has anything been issued to you since you have been in the guard-room?

A- 194. Yes sir, I got two pairs of stockings from the Quarter-master Stores since I have been back, sir.

- 195. What about the knife or fork or spoon?

A- 195. No sir.

Q- 196. Did you have those?

A- 196. Yes sir.

Q- 197. Where did you have those?

A- 197. In my bag

------- In the opinion of the Court it is not necessary to comply with R.P. 83(b).

------- The accused resumes his seat.

SECOND WITNESS FOR THE DEFENCE.

No. B.85129, Sgt J. Lees, Canadian Army Trades School, having been duly sworn is examined by the Defending Officer.

Q- 198. Sergeant Lees, what is your particular duty at this Trades School?

A- 198. Pay Sergeant sir, in charge of the Dependents Allowance assigned pay.

Q- 199. As Pay Sergeant is it your duty to look after Dependents Allowance payments?

A- 199. It is, sir.

Q- 200. Investigations?

A- 200. Yes sir.

Q- 201. Have you any record in your Pay Office, any correspondence concerning an investigation on the part of this man to have the allowance cut off?

A- 201. I have a letter, sir, we wrote to the District Paymaster prior to his going absent.

Q- 202. Nothing prior to that? That is the first time you remember seeing the accused?

A- 202. When the man came back we had renewed the allowance for his wife and that is the first inkling I had.

Q- 203. What happened at that time?

A- 203. He refused to sign the renewal form. I asked him why he refused to sign it and he said that he didn't want his wife to get the allowance. I said I have signed the form and you can send it that way without your signature. He said that he would like an investigation and I suggested that he get documentary evidence.

Q- 204. Did he say anything about regarding why he had gone away from camp?

A- 204. Yes he did, sir.

Q- 205. What did he say?

A- 205. He said the reason he went A.W.L. was because he could get her allowance cut off that way; he didn't want her to get it.

Q- 206. He didn't know the procedure and just went A.W.L.

Q- 207. Did he say he had asked for help from other units prior to going absent?

A- 207. He said that he brought it up in other units but not much attention had been paid to him.

BY THE PRESIDENT TO THE PROSECUTOR.

Do you wish to recall the Quartermaster?

BY THE PROSECUTOR:

Yes I do.

----- The Court in accordance with Rule of Procedure 86d recalls No. B-102028, Company Quartermaster Sergeant A. Dennes, Canadian Army Trades School, Hamilton, who on his former oath states in reply to the President as follows:

Q- 208. I produce to you articles marked Exhibit "N" which have been produced by the accused. Will you look at those articles -. those articles were produced to the Court as part of the articles with which he is charged with being deficient. Can you tell the Court whether or not those are issue?

A- 208. They are all issue stuff, sir, but at the time I examined his kit he didn't have them.

Q- 209. Would it have been possible for the accused to have had those articles and not be marked off at the time the kit inspection was made?

A- 209. No sir, not in his possession.

Q- 210. Why do you say that, 'not in his possession'?

A- 210 Possibly at home but not in his possession.

Q- 211. The witness says they were in the kit that was handed to him when he came back to camp. Do you recall any kit?

A- 211. Yes sir, he went to the Quartermaster Stores, or was brought there and we examined it together.

Q- 212. Would it have been possible for these small items to be among the articles in the bag at that time?

A- 212. No sir, it would not have.

Q- 213. It would not have?

A- 213. No sir.

Q- 214. Would it be possible for the accused to come into possession of the articles, such as Exhibit "N" since he has been back at the Centre?

A- 214. Yes, there are two ways; one is, it could be sent in to him, as I have had them do, and another way is, he sleeps with another man in the cell and he could have borrowed them.

Q- 215. Were any of the articles issued to him on a 512 since?

A- 215. Not these articles, sir.

Q- 216. Could these articles be identified as not belonging to the accused as shown on his M.F.C. 800?

A- 216. I would not be able to identify them as belonging to him, sir.

-------- The Defending Officer does not request that any further question be put to the accused.

-------- In the opinion of the Court it is not necessary to comply with R.P. 83(b).

-------- The witness withdraws.

-------- The Defence has no further witnesses.

-------- The Defence is closed.

-------- The Defending Officer makes a closing address. (See Document marked "C" signed by the President and attached to the proceedings.

-------- The Prosecuting Officer makes a closing address. (See Document marked "P" signed by the President and attached to the proceedings.

E

Finding*

To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. B.54062, Driver Gordon Edward Herbert, Royal Canadian Army Service Corps CA attached to the Canadian Army Trades School, Hamilton, is guilty of the first charge and is guilty of the second charge with the exception that he was not deficient of the following articles, viz:

Brasses Button	1	.04
Brushes boot polishing	1	.15
Dressings first field	1	.25
Knives table	1	.18
Rubbers pairs	1	.51
Belts waist.	1	.81
Slings rifle	1	.23
Straps shoulder	2	.70

Proceedings on Conviction *before Sentence*

When the Court is already open this sentence will be struck out.

Evidence of character, &c.

*The Court being re-opened, the accused is again brought before it.

Captain T.C.W.Carlyon, Attached Canadian Army Trades School, C.A. (The Prosecutor) is duly sworn.

Q- 217. *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A- 217. I produce M.F.R. 355 and Certified true copy of M.F.R. 8

The above statement [~~with the schedule of convictions and of cases in which trial has been dispensed with~~] is read, marked "Y-Z", signed by the President, and annexed to the proceedings.

Q- 218. *Question by the President* ~~heard~~ read? *Answer by the Witness.* A-218. Yes sir,

Q- 219. *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A- 219. I have, sir.

Q- 220. *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A- 220. It is not, sir. (See Document marked "Q", signed by the President and attached to the proceedings.

[Instruction.—*If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

--- The Defending Officer declines to cross-examine.

--- In the opinion of the Court it is not necessary to comply with R.P. 83(b).

The witness resumes his seat

Q-225. *Question to the accused.* Do you wish to address the Court? *Answer.* A-225. Yes sir, through my Defending Officer. (See Document marked "S" signed by the President and attached to the proceedings.

The Court is closed for the consideration of the sentence.

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F.

Sentence

The Court sentence the accused No. B.54062, Driver Gordon Edward Herbert, Royal Canadian Army Service Corps CA attached to the Canadian Army Trades School, Hamilton to undergo detention for ninety days and to be put under stoppages of pay until he has made good the sum of $3.83 in respect to the cost of apprehension and return to his corps and until he has made good the value of the following articles; viz;

Sentence.

DETENTION
90 days.

STOPPAGES
3.83
3.59
7.42

Badges Cap, R.C.A.C	1	.06
Bags kit M.K. 2	1	.78
Battle dress blouse serge	1	4.19
Trousers battle dress serge	1	4.20
Boots ankle prs	1	3.90
Braces prs	1	.27
Brushes button	1	.15
Brushes cloth	1	.24
Brushes hair	1	.24
Brushes shaving	1	.30
Brushes tooth	1	.09
Caps comforter	1	.30
Drawers cotton short prs	2	.50
Drawers woollen prs	2	1.76
Gloves Woollen prs	1	.44
Housewife	1	.51
Jacket K.D. O.C	1	2.86
Jacket sweater	1	1.04
Mitts leather pullover	1	.48
Puttees prs	1	.67
Shirts flannel khaki	2	1.69
Shirts under cotton	2	.60
Shirts woollen under	1	.86
Socks prs	4	.96
trousers khaki drill	1	1.86
Trousers khaki drill sh.	1	.96
Pins collar	1	.07
Neckties black	1	.16
Caps mechanic	1	.17
Pillow slips	1	.27
Bags ration	1	.03
Carriers cartridge	2	1.54
Tins Mess	1	.66
Sheets ground		1.36
		3.59

Signed at Hamilton this 14th day of December, 1942.

MAJOR.
25th (Reserve) (Norfolk) Field Regiment.
Royal Ontario Artillery C.A.
Headquarters, Military District No. 2
President D.C.M.

Extracts entered as No. 74224 in the Record of Courts Martial kept in the office of the Judge Advocate General this 31st day of December 19 42
E.L.L.

Confirmed
[illegible] MG
D.O.C.

Signed at Toronto Ont. this 19th day of December 1942

Promulgated and extracts taken at Hamilton, Ont, this twenty second day of December, 1942

J.B. Cardod Lt. Maj
Canadian Army Trades School

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Forward
magn
President D.C.M.

X

ORDERS BY

Major-General C.F. Constantine, D.S.O.,
District Officer Commanding,
Military District No. 2.

Toronto, Ontario, 8th December, 1942.

District Court-Martial
No. H-95027, Pte. Dalton Francis McCARTHY,
Royal Canadian Ordnance Corps, C.A.
Attached Canadian Army Trades School, C.A.

The detail of Officers mentioned below will assemble at Hut No. 43, Canadian Army Trades School, C.A. Hamilton, Ontario on Monday, the 14th day of December, 1942, at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major F.M. Reid,
45th (Reserve) (Norfolk) Field Regiment,
Royal Canadian Artillery, C.A.,
Headquarters, Military District No. 2.

MEMBERS

Captain A.M. Dixon,
Home War Establishment,
No. 25 Canadian Army (Basic)
Training Centre, C.A.

Lieutenant J.L. Downey,
No. 2 District Depot, C.A.,
Attached Headquarters, M.D. 2.

WAITING MEMBER

Captain G.M. Griffin,
Home War Establishment,
No. 25 Canadian Army (Basic)
Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

OFFICERS ATTENDING FOR INSTRUCTION

The Commandant, Canadian Army Trades School, C.A. may detail 6 Officers to attend the Courts-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No. 2.

SIGNED at TORONTO, Ontario, this 8th day of December, 1942.

(M.M.A. Drury)
Lieutenant-Colonel
A.A. & Q.M.G. M.D. 2.

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XI

Commandant D.C.A.

CANADIAN
ARMY TRADES SCHOOL

Last Part I Order
No. 344
issued 10-12-42.

PART I ORDERS

ORDER NO. 345
11th December, 1942
HAMILTON, Ont.

By

Colonel D.A. White, D.S.O.,
Commandant.

= = = =

2. **POSTINGS.**

(i) The undermentioned reported to the Canadian Army Trades School from Units as shown to attend Equipment Repr: Course, and are posted to No. 5 Company. Effective date of reporting 11-12-42. (ATS. FD. as indicated)

B602362	Rfn. Ogilvie,	T.H	Brock: Rif: Nanaimo, B.C.	(FD. 949)
B612293	" Bricker,	J	" " "	"
M 66653	Gnr. LaCasse,	T.C	21st Fld. Regt. RCA., Nanaimo, BC.	(FD. 948)

(ii) The undermentioned reported to the Canadian Army Trades School from Units as shown to attend Radio Mech: Course, and are posted to No. 5 Company. Effective date of reporting 11-12-42. (ATS. FD. as indicated)

D610418	Pte. Rocheleau,	J	Regt. de Hull, Colwood Camp, BC.	(FD. 947)
B 40127	" Bonenfant,	G	" "	"
D616876	" Charette,	R	" "	"
D610712	" Asselin,	D	" "	"
D605174	" Miron,	G	" "	"
D605292	" Gelinas,	G	"	

(iii) The undermentioned reported to the Canadian Army Trades School from Units as shown to attend Course (School of Cookery) and are posted to No. 5 Company. Effective date of reporting 10-12-42. (ATS. FD. as indicated)

G 3798	Gnr. Chenard,	L.A	45th L.A/A Troop, RCA. Yarmouth, NS.	(FD. 950)
D111285	" Donald,	R.E	1st. Hlfx: Coast Regt. RCA. Halifax.	(FD. 956)
F610464	Spr. Murphy,	M.M	2nd Fort: Coy. RCE. Halifax.	(FD. 955)
F 97187	" Burke,	J.T	3rd Fort: Coy. " Sydney, NS.	(FD. 954)
A102262	Pte. Philbey,	R.O	A. 10 I. (A) T.C Camp Borden.	(FD. 952)
D605762	Gnr. Campeau,	J.A	6th A/A Bty: Westmount, NS.	(FD. 951)
G601500	Pte. Billings,	P.C	A. 22 RCAMC., TC. Camp Borden.	(FD. 953)

(iv) The undermentioned reported to the Canadian Army Trades School from Units as shown to attend D. & M Course, and are posted to No. 1 Company. Effective date of reporting 10-12-42. (ATS. FD. as indicated)

H 37886	Sgmn. Hugar,	N	2nd. A.T. Bde. Sigs. Camp Borden.	(FD. 960)
B 32603	" Packer,	J.E	" " "	"
B 48537	Tpr. Rawn,	W.J	26 Cdn. A.T. Regt. (G&SF) Camp Borden.	(FD. 961)
B 49477	Cpl. Frith,	C.F	" " " "	
B 50088	Tpr. Cloutier,	R	" " " "	
B 48880	" Irwin,	L	" " " "	
B 50126	" Rogers,	A	" " " "	
L 36042	Sgt. Lowndes,	H	20th A.T. Regt. Camp Borden.	(FD. 962)
L 36048	Tpr. Mitchell,	R.B	" " "	
L 36517	" Erickson,	E	" " "	
M101859	" Girard,	L.P	" " "	
L36130	" Harvey,	W.M	" " "	
L 36460	Cpl. Zaseruk	A.H.	" " "	
L100206	TPr. Mustard	J.G.	" " "	
L36825	Tpr. Messer	A.R.	" " "	
L100051	" Sutherland	C.A.	" " "	
L36978	" Wellington	V.	" " "	
L36360	" Birtwhistle	G.E.		

2. POSTINGS. (Cont'd)

(v) The undermentioned reported to the Canadian Army Trades School from Units as shown to attend Course (M.M.) and are posted to No. 2 Company. Effective date of reporting, 10-12-42. (ATS.FD, as indicated.

L10005	Pte.	Adamson	G.M.	A-19. R.C.A.S.C.	Camp Borden.(FD.963)
L65737	"	Armstrong	H.L.	-do-	
B 11861	"	Beauchamp	R.H.	-do-	
A 55989	"	Brookes	J.H.	-do-	
B11849	"	Cavan	R.E.	-do-	
B110252	"	Collins	K.J.	-do-	
L36343	Tpr.	Stankowski	W.	20th. A.T.Regt.	Camp Borden. (FD. 962)
L37010	"	Newstead	L.G.	-do-	
L37011	"	Newstead	L.J.	-do-	
L36335	"	Gunter	D.W.	-do-	
L363838	"	Spillett	J.C.	-do-	
L36261	"	Lumsden	A.	-do-	
L36001	"	Reid	G.H.	-do-	
L36730	"	Johnstone	A.D.	-do-	
H95439	Cpl.	Harrylock	S.A.	A-9. C.A.C.,T.C.	Camp Borden. (FD.965)
B61885	Tpr.	McLeod	J.D.	-do-	
C34448	"	Blair	A.M.	-do-	
L64010	"	Rumpel	L.	-do-	

(vi) The undermentioned reported to the Canadian Army Trades School from Units as shown to attend Course (Electricians) and are posted to No. 5 Company. Effective date of reporting, 10-12-42.(ATS.FD, as indicated.)

L36485	Tpr.	Taylor	D.W.	20th. A.T.Regt.	Camp Borden. (FD.962)
L36196	"	Kemp	S.L.	-do-	
L36425	Cpl.	Taylor	W.J.	-do-	
L36137	Tpr.	Tuplin	J.H.	-do-	
B48720	"	Teschke	A.J.	26th. A.T.Regt.	Camp Borden.(FD.961)
B50835	"	Miller	C.E.	-do-	

(vii) The undermentioned reported to the Canadian Army Trades School from Units as shown to attend Course (Equipment Repairers) and are posted to No. 5 Company. Effective date of reporting 10-12-42. (Ats. FD, as indicated)

K15565	Gnr.	Jenkins	J.	31st. A.A.Btty.	Vancouver.	(FD 966)
K603241	"	Mansell	R.P.	43rd. A.A.Btty.	"	
L606918	"	Bedard	A.E.	31st. A.A.Btty.	"	
A103752	"	Dagg	H.V.	C & A.A.Artlly.	Halifax.	(FD.967)
K66354	"	Ross	J.M.	-do-	"	
L93708	Rfn.	Kullman	W.			(FD.968)

(viii) The undermentioned reported to the Canadian Army Trades School from A.19.RCASC.,TC.,Camp Borden, to attend Course,(M.M) and are posted to No.2 Company. Effective date of reporting 10-12-42. (ATS.FD.963)

B111730	Pte.	Cole,	T.L	B112109	Pte.	Cooper,	C.P
B111793	"	Cunningham,	J.D	B113168	"	Desson,	O.D
G 52566	"	Donovan,	B.S	B110210	"	Egan,	R.J
A 60163	"	Jordan,	W.H	G 52984	"	Lirette,	A
B110298	"	Page,	H.M	G 53718	"	Prince,	L.C
B112390	"	Rae,	R.W	G 52973	"	Rogers,	G.H
G 52947	"	Stevenson,	J.A	B112165	"	Wilson,	L.G

(ix) The undermentioned reported to the Canadian Army Trades School from 6th Pet: Coy.RCASC.,Vancouver,B.C., to attend Course,TT607 (Turner) and is posted to No.4 Company. Effective date of reporting 10-12-42. (ATS.FD.969)

M58535 L/Cpl.Henry, R.T

2. POSTINGS. (CONT'D)

(x) The undermentioned reported to the Canadian Army Trades School from Units as shown to attend Course (Artificers.RCA) and are posted to No.3 Company. Effective date of reporting 10-12-42. (ATS.FD. as indicated)

B 16700	Gnr. Parker,	J.A		FD.968
K 74295	" Singer,	C		"
K 15221	" Hansen,	M.C	15th Coast Regt.RCA., Vancouver.	(FD970)
K 15195	" Vallillee,	B.D	- do -	
D611336	" Latimer,	J.P	- do -	
L74597	Spr. Raburn,	H.J	A.6 REC.,TC.,Chilliwhack.Man:	(FD.971)
L100536	" Smith,	J.C	- do -	

(xi) The undermentioned reported to the Canadian Army Trades School from A.6 R.C.E.,T.C.,Chilliwhack, Man: to attend Course, (Fitters) and are posted to No.3 Company. Effective date of reporting 10-12-42. (ATS.FD.971)

L100996	Spr. McFall,	J	M103116	Spr. Moe,	A
M102679	" Nixon,	B.L			

(xii) The undermentioned reported to the Canadian Army Trades School from A.19 RCASC.,TC.,Camp Borden to attend Course, (Blacksmith) and are posted to No.4 Company. Effective date of reporting 10-12-42. (ATS.FD.972)

B81146	Pte. Richards,	W.W	B81151	Pte. Saylor,	P.R

(xiii) The undermentioned reported to the Canadian Army Trades School from 31 Coy.Vet: G of C., Vancouver, to attend Course, (Armourer) and is posted to No.3 Company. Effective date of reporting 10-12-42. (ATS.FD.973)

K66398 L/Cpl. Jones, A.E

(xiv) The undermentioned reported to the Canadian Army Trades School from V.T.S.,Saskatoon, to attend Course (one month) at School of Cookery, and is posted to No.5 Company. Effective date of reporting 10-12-42. (ATS.FD.974)

L26202 Sgt. Short, M.G.

3. QUARTERMASTER STORES.
Mid-Month Check-Up.

The Quartermaster Stores will be closed for issuing purposes from 0800 hours Monday 14th, December 1942 to 0800 hours Wednesday 16th December 1942. For any emergency issue due to arrival of new students, authority of the Commandant will be necessary.

4. PAY PARADE.

There will be no Pay Parade on the 15th December, 1942.

2. All personnel will be paid on the 19th December, 1942, up to, and including 31st December, 1942.

3. No exceptions will be made for personnel going on week-end leave 18th December, 1942.

Sheet 5 = = = = = = = = = = = = = Part I Order No. 345 = = = = = = = 11th Dec. 1942.

District Court-Martial
No. B-95027, Pte. Dalton Francis McCARTHY,
Royal Canadian Ordnance Corps, C.A.
Attached Canadian Army Trades School, C.A.

The detail of Officers mentioned below will assemble at Hut No. 43, Canadian Army Trades School, C.A. Hamilton, Ontario, on Monday, the 14th day of December, 1942, at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major F.M. Reid,
45th (Reserve) (Norfolk) Field Regiment,
Royal Canadian Artillery, C.A.,
Headquarters, Military District No. 2.

MEMBERS

Captain A.H. Dixon,
Home War Establishment,
No. 25 Canadian Army (Basic)
Training Centre, C.A.

Lieutenant J.L. Downey,
No. 2 District Depot, C.A.,
Attached Headquarters, M.D. 2.

WAITING MEMBER

Captain G.M. Griffin,
Home War Establishment,
No. 25 Canadian Army (Basic)
Training Centre, C.A.

PROSECUTOR

Lieut. G.W. Nelson, Canadian Army Trades School

DEFENDING OFFICER

Lieut. W.H. McKelvey, Canadian Army Trades School

OFFICERS ATTENDING FOR INSTRUCTION

Capt. J.C.G. Lahaie
H/Capt. R.J. Dufour
H/Capt. A.B. Ransom
Lieut. W.H. Broom

Lieut. S.N. Manore } Att'd to
Lieut. G.L. Gibson } Cdn. Army Trades School.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial, will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The proceedings will be forwarded to Headquarters, Military District No. 2.

Authority A.A. & Q.M.G. M.D. 2.
dated 8 Dec. 1942.

Sheet 6

Part I Order No.345

11th Dec. 1942

DISTRICT COURT-MARTIAL.

No. [redacted]4062 Tpr. Gordon Edward HERBERT
6th [redacted]iv: Amn:Coy. R.C.A.S.C.
Attached Canadian Army Trades School, C.A.

The detail of Officers mentioned below will assemble at Hut No.43, Canadian Army Trades School, C.A. Hamilton, Ontario, on Monday, the 14th day of December, 1942, at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin, (and such other persons as may be brought before them).

PRESIDENT

Major F.M. Reid, 45th (Reserve)(Norfolk) Field Regiment, Royal Canadian Artillery, C.A., Headquarters, Military District No.2.

MEMBERS

Captain A.H. Dixon, Home War Establishment, No.25 Canadian Army (Basic) Training Centre, C.A.

Lieutenant J.L. Downey, No.2 District Depot, C.A., Attached Headquarters, M.D. 2.

WAITING MEMBERS

Captain G.M. Griffin, Home War Establishment, No.25 Canadian Army (Basic) Training Centre, C.A.

PROSECUTOR

Captain T.C.W. Carlyon, Attached Canadian Army Trades School, C.A.

DEFENDING OFFICER

Captain H.G. Cunningham, Attached Canadian Army Trades School, C.A.

OFFICERS ATTENDING FOR INSTRUCTION

Captain	J.C.G. Lahaie	Attached Canadian Army Trades School, C.A.
H/Captain	A.B. Ransom	" " " " "
H/Captain	R.J. Dufour	" " " " "
Lieut:	W.H. Broom	" " " " "
Lieut:	S.N. Manore	" " " " "
Lieut:	G.L. Gibson	" " " " "

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No.2.

(Auth: A.A.& Q.M.G.M.D.2 d/8th December, 1942.

Certified true copy
J B Carlow Lt
Td/Adjt.

E.C. Anderson Capt
(E.C. Anderson) Captain & Adjt:,
for Commandant,
CANADIAN ARMY TRADES SCHOOL.

75

"G"

OFFICERS UNDER INSTRUCTION.

Captain Funston, 2nd Battalion A. & S.H. of C., ~~attached~~ for ~~[illegible]~~, Hamilton, Ont.

H/Captain Ransom, Chaplain Service, C.A.T.S., Hamilton, Ontario.

Lieutenant G. L. Gibson, The Oxford Rifles CA , attached to C.A.T.S., Hamilton, Ontario.

Lieutenant S.N. Manore, The Oxford Rifles CA , attached to C.A.T.S., Hamilton, Ontario.

H/Captain R.J. Dufour, Chaplain(R.C.) Service, C.A.T.S. Hamilton, Ontario.

Lieutenant W.H. Broom, 2nd Battalion, Cameron Highlanders of Ottawa, attached to C.A.T.S., Hamilton, Ontario.

L Ordeid 77
Maj.
Pursuant Dec 14.

"H"

At 11 A.M. on the 14th day of December, 1942, The Court adjourned until 2 P.M. on the same day.

On the 14th day of December, 1942, at 2.15 P.M. the Court reassemble pursuant to adjournment, present the same members as when adjourned.

Articles		Value	Articles	Value
		46.88		
Forward	2	1.54		
Carriers Cartridge	1	.08		
Covers Mess tin	1	1.75		
Haversacks	1	.23		
Slings Rifle	1	.70		
Straps shoulder	1	.66		
Tins Mess	1	.27		
Pillow slip	1	.17		
Caps Mechanic	1	1.36		
Sheets Ground				
		53.64		

Accted
Imp
Quartd D.C.M. Exhibit "A" Attached

79 I

RECORD of the Declaration of a Court of Inquiry assembled at Hamilton, Ontario on the 15th day of September 19 42, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B-54062 Tpr. Herbert, G.E. 6 Div. Amun. Coy. R.C.A.S.C. (C.A.)

DECLARATION

The Court declare that No. B-54062 Tpr. Herbert G.E. 6 Div. Amn. Coy. R.C.A.S.C. (C.A.) illegally absented himself without leave ~~(or other sufficient cause)~~ at 0600 hrs. C.A.T.S. Hamilton on the 21st day of August 1942, that he is still so absent, and that on the 15 September 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE	ARTICLES		VALUE
Anklets Web. prs.	2	1.16	~~Gloves woollen pr.~~	1	.44
Badges Cap RCASC	1	.06	Holdall	1	.17
Bags Kit	1	.78	Jackets Khaki dr. open collar	1	2.88
Battle Trousers prs.	2	8.40	Jackets sweater	1	1.04
Battle Serge prs.	2	8.38	Mitts pullover	1	.48
Boots Ankle prs.	2	7.80	Rubbers pair		.51
Boots dressing tin	1	.05	Puttees prs.		.67
Braces prs.	1	.27	Razors safety	1	.39
Brushes boot blacking	1	.15	Shirts flannel khaki	2	1.76
Brushes boot polishing	1	.15	Shirts khaki Cotton WSS	2	1.50
Brushes button	1	.14	Shirts cotton under	1	.30
Brushes cloth	1	.24	Shirts Woollen	1	.86
Brushes hair	1	.24	Socks prs.	3	.81
Brushes shaving	1	.30	Towels hand	2	.42
Brushes tooth	1	.09	Trousers khaki drill L	1	1.26
Caps comforter	1	.30	Trousers khaki drill E	1	.96
Caps field service	1	.59	Pins collar	1	.07
Drawers cotton short pr.	1	.50	Neckties Black	1	.16
~~Drawers woollen pr.~~	2	1.76	Bags Ration	1	.03
			Belts Waist	1	.81
					46.88

J.S. Czowski, Major V.G. of C. President

G.W. Nelson, Lt. R.C.A.S.C. Member

J.A. Rigby, Lt. G.G.F.G. Member

Signed at Hamilton, Ontario

this 15th day of Sept. 19 42

Signature of Commanding Officer D.A. White, Colonel
Commandant
CANADIAN ARMY TRADES SCHOOL

Signature of Officer having custody of original record

Certified true copy
V Anderson Capt
ADJUTANT
Can. Army Trades School

M.F.B. 373
A.F.H. 113
11M-12-40 (8695-4)
H.Q. 1771-39-257

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to service authorities)

I, B-97639 Sgt. Lang No. 31 Coy. Cdn. Provost Corps C.A.
(Number) (Rank) (Name) (Unit)

hereby certify that B-54062 Pte. Herbert, Gordon Edwin
(Number) (Rank) (Name in full)

of the R.C.A.S.C. (Att). Cdn. Army Trade School's Hamilton, Ont
(Unit and attachment (if any))

was apprehended by (~~surrendered to~~) B-97632 L/Cpl.
(Number) (Rank)

Butler, E. No. 31 Coy. Cdn. Provost Corps C.A.
(Name) (Unit or appointment)

at The General Hospital St. Catherines, Ont.
(Place)

at 2130 on the 11th day of November 1942
(Hour)

as a ~~deserter~~ (or absentee without leave), and that at the time of his arrest he was wearing ~~military (navy, army)~~ ~~uniform~~ (dressed in civilian clothes).

DATED AT Camp Niagara

this 12th day of November 1942

(Strike out words not applicable)

S.V. Lang B-97639 Sgt. No. 31 Coy. Cdn. Provost Corps, C.A.
(Signature, Number, Rank, Unit or appointment)
(S.V. Lang) N.C.O. i/c No. 1 Detachment, No. 31 Coy. Cdn. Pro. C. Niagara Military Camp.

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216

Exhibit C 83 K

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Capt. W. C. Anderson (Rank) CANADIAN ARMY TRADES SCHOOL (Name) (Unit)

Strike out word not applicable — hereby certify that I (~~issued~~) (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from HAMILTON, Ont. (Place) to ST. CATHARINES, Ont. (Place)

and return to HAMILTON, Ont. for the

Full description of soldier being escorted — purpose of escorting R 54062 Dvr. Herbert, G.E.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
12 Nov./42 Station Wagon - Hamilton to St. Catharines 70 miles @ .02½ per mile	1.75
Total	$ 1.75

Dated at HAMILTON, Ont. this 16th day of November A.D. 1942

W C Anderson Capt

(W.C. Anderson) Capt. A Adjt.

Signature, rank, unit of officer (issuing transport warrants) (authorizing transportation)

CANADIAN ARMY TRADES SCHOOL

Strike out description not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
500M—15-41 (2754)
H.Q. 1772-20-1881

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description: I, B 11083 (No.) Gnr. (Rank) McGregor, D.G. (Name) R.C.A. (Unit),

Strike out words not applicable: ~~XX~~ (escort) ~~[illegible]~~ ~~[illegible]~~ consisting of self

Members of escort: .....

detailed to proceed from Hamilton, Ont. (Place) to Niagara-on-the-Lake (Place)

Name and description of soldier escorted: to return Dvr. Herbert

alleged to be a deserter or absentee without leave, to C. A. T. S. Hamilton, Ont. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement		Amount
Nov.12/42	Expenses of escort in connection with B 54062 Dvr. Herbert, G.E. Meal Charge	.75
Nov.12/42	Expenses of driver in connection with B 54062 Dvr. Herbert, G.E. Meal Charge	.75
	Re/ B-54062 Pte. Herbert, G.E. (R.C.A.S.C./C.A.T.S. Charged with phone call from Camp Niagara to M-N Unit Hamilton	.58
	Total	$ 2.08

Dated at HAMILTON, Ont. this 14th day of November A.D. 19 42

McGregor D.G.
Signature and rank
~~(of commander of escort)~~
(escort)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1493
50M—7-41 (1130)
H.Q. 1772-39-1420

INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

Free Issues only to be accounted for on this form.
Blank spaces left after an issue has been entered will be ruled through before the individual signs for articles issued to him.

Regtl. No. B54062 Rank Dvr Name Herbert G.E. Date of Attestation 10/9/41

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Anklets, web, prs.	2							
Badges, arm Canada	3							
Badges, cap R.C.A.S.C.	1							
Badges, collar, prs.	/							
" shoulder or worsted, prs.	1							
Bags, kit, Mk. II	1							
Battle dress, serge—								
Blouses	2							
Trousers, prs.	2							
Belts, waist, leather, brown and web	1	1						
Blacking, tins	1							
Boots, ankle, prs.	2							
" felt, prs.	/							
" Lumbermans, rubber, prs.	/							
Boot dressing, tins	1							
Boot laces, prs.	1							
Braces, prs.	1							
Brasses, button	1							
Breeches, D.C., prs.	/							
Brushes, boot, blacking	1							
" " polishing	1							
" button	1							
" cloth	1							
" hair	1							
" shaving	1							
" tooth	1							
Buttons, G.S., large	4							
" " small	4							
Caps, comforter	1							
" field service	2							
" forage, drab	—							
" rank battalion	—							
" winter, melton cloth	—							
Cloak or greatcoat, drab	1							
Combs	1							
Discs, identity, with cord	/							
Drawers, cotton, short, prs.	2							
" woollen, prs.	1							
Signature of Soldier	SIGNED GORDEN.ED.HERBERT							

DESCRIPTION OF ARTICLES	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Dressings, first, field	1							
Forks	1							
Gloves, woollen, khaki, prs.	1							
Helmets, sun	—							
Holdalls	1							
Housewives	1							
Jackets or doublets, S.D.	—							
" khaki drill O.C.	1							
" sweater	1							
Knives, clasp and lanyard	—							
" table	1							
Mitts, pullover, leather, prs.	1							
Overalls Comk.	1							
Trousers, denim, prs.	—							
Overshoes or rubbers, prs.	—							
Puttees, service, prs.	—							
Puttees, pr.	1							
Razors, safety	1							
" blades PKG	1							
Shirts, flannel, khaki	2							
" khaki, cotton, with short sleeves	2							
" service	/							
" under, cotton	2							
" woollen	2							
Shoes, canvas, prs.	1							
Socks, prs.	4							
Sponges, pipeclay	1							
Spoons, table	1							
Towels, hand	2							
Trousers, khaki, drill, prs.	1							
" " short, prs.	2							
" serge, drab, prs.	—							
" service, prs.	—							
Pins Collar	1							
Medals Black	1							
Signature of Soldier	SIGNED GORDEN.ED.HERBERT							

Quartermaster
CAN. ARMY TRADES SCHOOL
Certified True Copy

H.F.C. 800
200m—3-41 (9003)
H.Q. 1772-39-1643

68

CERTIFICATE TO BE SIGNED BY ACCOUNTING OFFICER ON TRANSFER OR ATTACHMENT OF SOLDIER

Certified that the record detailed on this form is correct			Certified that the record detailed on this form has been verified with the articles in possession of the soldier			Transferred	Attached
On transfer or attachment to the undermentioned Unit	Date	Signature of Accounting Officer	On transfer or attachment from the undermentioned Unit	Date	Signature of Accounting Officer		

EQUIPMENT (a)	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Attachments, brace	/							
Bags, ration	1							
Bandoliers	/							
Belts, waist	1							
Bottles, water	1							
Braces	2							
Carriers, cartridge	2							
" waterbottle	1							
Cases, pistol	/							
Covers, messtin	1							
Frogs, bayonet	/							
Haversacks	1							
Helmets, steel	1							
Lanyards, pistol	/							
Packs	1							
Pouches, ammunition	—							
Pouches, basic								
Slings, rifle	1							
Spurs, jack, prs.	—							
Straps, shoulder	2							
" web, supporting	2							
Ties, mess	1							

ARMS AND MISCELLANEOUS (a)	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue	Number	Date of Issue
Eyeshields, Anti-gas Mk. II	6							
Respirator Anti-gas:— Container, Type "E", Mk. VI	1							
Disc, Identity, Red, No. 2	—							
Facepiece, Mk. IV	1							
Haversack, Mk. VI	1							
Line, natural, whipcord, 7-in.	—							
Outfit anti-dimming Mk. I	1							
Seal, disc, identity (lead)	—							
Bayonet and scabbard*	—							
Bottle, oil	—							
Pistol*	—							
Pullthrough	—							
Rifle*	—							
Sword and scabbard	—							
Blankets	—							
Sheets ground	1							
	—							

(a) Arms and equipment will not be transferred with the soldier unless authorized by the D.O.C.

On return of any article the Q.M. will initial in the date column opposite the article returned and line through in red ink.

~~Signature of Soldier~~ SIGNED

GORDEN. ED. HERBERT.
Signature of Soldier

Signature of Soldier

Signature of Soldier

Signature of Soldier

~~J. Douglas~~ Quartermaster
CAN. ARMY TRADES SCHOOL
Certified true copy.

~~Signature of Soldier~~ SIGNED

GORDEN. ED. HERBERT.
Signature of Soldier

Signature of Soldier

Signature of Soldier

Signature of Soldier

Signature of Soldier

*QUOTE UNIT CONSECUTIVE NUMBER OF BAYONET AND SERIAL NUMBER OF PISTOL OR RIFLE.

Lt Col Maj President. DCM

"O"

CLOSING ADDRESS OF THE DEFENDING OFFICER.

Sir, I would like to take this opportunity of reviewing some of the evidence. This seems to be a deplorable case. The accused enlisted voluntarily for active service and before enlisting he had domestic troubles with his wife and had been informed by the proprietor of a restaurant or hotel that his wife was a prostitute and for that reason he had paid subsistence for the child in civilian life to the Children's Aid Society, the money possibly paid to his wife through the Children's Aid Society. At the time the accused enlisted he was not aware that his wife would get the Dependent's Allowance from the Board. For some reason or other he was under the impression that the assigned pay and allowance would go to the Children's Aid Society. Sometime after when he found out that his wife was getting the allowance he just felt that she wasn't a fit person to have the custody of the child and he took steps, first at Newmarket, to have the case investigated with a view to having the Dependent's Allowance and assigned pay turned over to his mother. If the investigation had been made and the case proven it is altogether likely that the Children's Aid Society might have arrenged with the mother for the custody of the child. To his request at Newmarket nothing was done and this must have been a great strain on him. Eventually he was moved to Camp Borden and again he applied to his Company Commander to have his case investigated and again nothing was done. From Camp Borden he moved to Valcartier and went through the same procedure again and still nothing was done

and then he arrived at the Trades School in Hamilton and again made application to have the case investigated and nothing again was done. The evidence was that no investigation had been started through the pay office here which is the proper place for the investigation to start. I think it is quite understandable that a man who has been kicked around in that way for four times would naturally take some steps to rectify the matter himself and according to the evidence of the pay sergeant the accused felt that be going away he would be struck off strength which was the only method he knew of getting redress and getting his troubles settled and that is exactly what he did. That again is backed up by the fact that when he was apprehended he was brought back and refused to sign the paper for his wife with the Dependents Allowance Board for Dependent 's Allowance and assigned pay.

On the second charge, deficiencies, there are some articles which may very easily have been stolen or misplaced since August 31st and when the kit was finally checked at the Quartermaster Stores. The other items which the accused states are at home, he has had no chance to produce those articles and the reason he has not written a letter to get them is because I don't think he understands the proper procedure that he should have taken..

Recd with mag. Quinn D.C.M. 93

"P."

CLOSING ADDRESS BY THE PROSECUTOR.

The Prosecution is endeavouring to prove that the accused was absent without leave, which is the first charge on the charge sheet. The accused has been away, roughly, according to the Charge Sheet about three months, and he is apprehended wearing civilian clothes. I think a prima facie case has been established on the fact that he actually was absent from the date specified in the Charge Sheet.

Now on the second charge, this individual admits that since he has been back he has never taken any steps to have this kit, these articles returned to him, to have it sent to him - not even a letter. That is all I have to say.

Header
Maj.
President D.C.M.

95

"Q"

QUESTION BY THE PRESIDENT TO THE PROSECUTOR.

Q- 221. Would you care to say why it is not?

A- 221. I have M.F.M. 2 here which I would like to submit and the certified true copy shows a number of convictions which are not entered on his M.F.M. 6.

------- Certified true copy of M.F.M. 2 is marked Exhibit "R", signed by the President and attached to the proceedings.

Q- 222. Would you advise the Court why the M.F.M. 6 is not correct?

A- 222. Because on the M.F.M. 2 there are two awards of 21 days' detention.

Q- 223. Why would the M.F.M.6 not show those entries you have mentioned that are on the M.F.M. 2?

A- 223. They should have been on the M.F.M. 6 but whoever made the record up failed to enter them on the M.F.M. 6. That is a certified true copy of his M.F.M. 6.

Q- 224. In other words, the two items you have just informed the Court about do not appear on the M.F.M. 6?

A- 224. No.

for

Regtl. No. B-54062 Rank Driver Surname HERBERT Christian names

STATION	Date of Arrival at the Station	Date of Admission into Hospital (Day)	(Month)	(Year)	Date of Discharge from Hospital (Day)	(Month)	(Year)	DISEASE	Number of days in Hospital	Remarks on nature of the disease; how induced; if mild or severe; if completely recovered (very whether any particular treatment was adopted. In venereal cases state nature of primary disease, and whether currently has been given. If an accident, state whether it occurred on duty, and whether a Court of Inquiry was held. Date of cases and particulars of artificial teeth or surgical appliances supplied.	Medical Officer
V C M H		6	5	42	19	5	42	V.D. G.	14	Cured	

For additional entries use M.F.M. 1 and 2 (b)

Certified true copy. "R"

A Campbell Lt
a/adjt.

ORIGINAL
DUPLICATE
TRIPLICATE

(To be completed in triplicate. Copy designation to be [illegible] as applicable.)

M.F.M. 2
A.F.R. 271
2005M—8-41 (9720)
H.Q. 1772-36-1040

Unit 6th Div. Amm. Coy. RCASC (AF) DD2 Regimental Number B54062

ACTIVE FORMATIONS AND UNITS OF THE CANADIAN ARMY

ATTESTATION PAPER

1. Surname HERBERT
2. Christian Names Gordon Edward
3. Present address 249 Welland Avenue, St. Catharines, Ontario, Canada
4. Date of birth 6th January 1917
5. Place of birth Canada (Country) Ontario (County or Province) Hamilton (Town or Township)
6. Religion (state denomination) Church of England
7. Trade or Calling Truck Driver, Mechanic
8. Married, Widower or Single Married
9. Name of next of kin Mrs. Olga HERBERT
10. Relationship Wife
11. Address of next of kin ~~249 Welland Avenue, St. Catharines, Ont. Canada.~~ See Change
12. Do you belong to, or have you served in a Reserve Formation or Unit of The Canadian Army? Yes
    2/10th Dragoons (R) 2 Months (If Yes, Give Unit and Dates of Service)
13. Have you served in (a) an Active Formation or Unit of The Canadian Army? No (Yes or No) (If Yes, Give Regimental No. and Unit) (b) Any other Naval, Military, or Air Force? No (Yes or No) (If Yes, specify Unit and Period of Service)
14. Did you serve during the Great War 1914-1918? No (If Yes, specify Regimental No., Unit and Dates of Service)

DECLARATION TO BE MADE BY MAN ON ATTESTATION

I, Gordon Edward HERBERT, do solemnly declare that the above particulars are true, and I hereby engage to serve in any Active Formation or Unit of The Canadian Army so long as an emergency, i.e., war, invasion, riot or insurrection, real or apprehended, exists, and for the period of demobilization after said emergency ceases to exist, and in any event for a period of not less than one year, provided His Majesty should so require my services.

Witness: Signed C Pilliton
Date 10th September 1941 Signed Gordon Edward Herbert (Signature of recruit)

OATH TO BE TAKEN BY MAN ON ATTESTATION

I, Gordon Edward HERBERT do sincerely promise and swear (or solemnly declare) that I will be faithful and bear true allegiance to His Majesty.

Signed Gordon Edward Herbert (Signature of Recruit)

CERTIFICATE OF MAGISTRATE, JUSTICE OF THE PEACE OR ATTESTING OFFICER

The Recruit above-named was cautioned by me that if he made any false answers to any of the above questions he would be liable to be punished as provided by law.

The above questions and answers were then read to the recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered as replied to, and the said recruit has made and signed the declaration and taken the oath before me,

at Hamilton Ontario Canada this 10th day of September 1941

Signed Emerson B Gass Major
O.C. 6th Div. Amm. Coy. R.C.A.S.C. (A.F.)

{Signature of Magistrate, Justice or Attesting Officer. Office or Rank and Unit or appointment.}

N.B.—ATTENTION IS DRAWN TO THE FACT THAT ANY PERSON MAKING A FALSE ANSWER TO ANY OF THE ABOVE QUESTIONS IS LIABLE TO A PENALTY OF SIX MONTHS' IMPRISONMENT

98

Record of Service of HERBERT (Surname) Gordon Edward (Christian Names) Regimental Number B-54062

Qualifications

Educational Qualifications

High School or Collegiate	Nil (years completed)	Graduation or Matriculation	Nil (specify)
*College	Nil		
*University	Nil		
	Grade VIII		

*(Name of institution, courses or years completed, and degrees obtained to be shown)

Military Nil

Business or Professional Nil

Trade or Civil Truck Driver, Mechanic

Technical Nil

Languages English

All enlisted personnel will be taken on as Private soldiers, appointments and promotions to higher rank to be shown as provided in the space below.

Report Date	Report From whom received	Record of Promotions, Reductions, Transfers, Casualties, Reports, etc., from date taken on Strength of Canadian Army (Active)	Rank Shown	Effective Date	Unit	Place	Authority Part II D.O. No. Can List, etc.	Authority Dated
		Joined on appointment						
		T.O.S. 6th Div.Amm.Coy. RCASC (AF)	Driver	10-9-41	6th Div. Amm.Coy.	Hamilton	No. 13	11-9-41
		AWL from 0815 hrs. 16-9-41 to 0815 hrs. 19-9-41. Forfeits 3 dys. P&A(FR&I 149)	"	16-9-41	"	"	No. 19	22-9-41
		Attached to No. 23 (B) T.C. for A/P	"	2-10-41	"	Newmarket	No. 27	2-10-41
		including pay						
		Attached for all purposes including pay	"	3-10-41	#23(B)TC	"	DO 152	4-10-41
		from 6th Div.Amm.Coy. RCASC						
		Change of address to	"		"	"	DO 159	13-10-41
		30 Berryman Avenue, St. Catharines, Ont.						
		Awarded 7 days CB and forfeits 14 days pay (F.R.&I) from 2230 hrs 31-10-41 till 0315 hrs 14-11-41 (13 days 4 hrs 45 min.)	"		"		DO 190	18-11-41
		Placed under stoppage of pay in amount of $12.85 apprehension costs.						
		7 days CB and forfeits 1 days pay AWL 1400 hrs 15-12-41 to 2330 hrs 15-12-41	"		"	"	DO 219	20-12-41
		stoppage of pay $36.70, cost of apprehension						
		Awarded 21 days det'n on 7-1-42 AWL 0700 hrs 26-12-41 to 2000 hrs 6-1-42 Under close arrest to 7-1-42. Total forfeiture 33 days P & A	"		"	"	DO 7	8-1-42
			"	4-2-42	"	"	DO 30	4-2-42
		Ceases to be attached for all purposes including pay, transferred to 6thDiv.Amm.Coy.						

No. M.F.M. 1 and 2 (a)

101

CERTIFICATE OF MEDICAL EXAMINATION

Name in full Gordon Edward HERBERT Place Hamilton, Ont.

Place Date 3 September 1941

Part 1. Information obtained from the recruit.

1. Age 24 2. Have you ever suffered from any of the following diseases?

a. Rheumatism	NO	k. Ear disease	NO
b. Tuberculosis or pleurisy	NO	l. Eye disease	NO
c. Bronchitis or asthma	NO	m. Fits	NO
d. Heart disease	NO	n. Nervous or mental disease	NO
e. Kidney or bladder disease	NO	o. Syphilis	NO
f. Stomach or bowel trouble	NO	p. Gonorrhoea	NO
g. Rupture	NO	q. Have you ever worn glasses?	NO
h. Varicose veins	NO	r. Are you now or have you in the past received disability pension or compensation? If so, give details	NO
i. Foot trouble	NO		
j. Nasal trouble	NO		

Signature of Applicant

Part 2. Information obtained by medical examination. **THE RECRUIT MUST BE STRIPPED**

1. Identification marks or scars. (If operative obtain history).
Tattoo of ship on right upper arm Scar on chin

2. Height 5 feet 8 inches. 3. Weight 168 pounds.

4. Complexion Dark Eyes Hazel 5. Development Good ~~Fair~~ ~~Poor~~
Hair Brown

6. Chest measurement—Girth on full expansion 38 inches.
Range of expansion 2 inches.

7. Vision, right 20/20 left 20/20 8. Hearing, right X 20 left 20
With Glasses— right left

9. Condition of mouth and teeth good

10. The abnormalities (congenital and pathological) found on examination are as follows
Reflexes, uhrine and ears normal

Part 3. We, the examiners, find no evidence of the diseases mentioned in Question 2, Part 1, except as reported in the remarks. We have examined the Recruit in accordance with the pamphlet "Physical Standards and Instructions for the medical examination of recruits" and he is found fit for Category A

Special remarks when category lower than A

President J.F. Houston, Major Member D.A. Macleod Member F.E.Coster, Capt;

INOCULATIONS. BOARDS RECLASSIFICATION OF MEDICAL CATEGORY

Date	Brief details and signature	Date	Brief details and signature
3-9-41	X-Ray H6050 (OK) J.F.H.		
16-10-41	Vacc. (J.H.)		
10-10-141	TABT 1 (J.H.)		
22-11-41	TABT 2 (J.H.)		
30-1-42	TABT 3 (J.L.)		
18-3-42	Reboard Cat. Confirmed (J.H.H.)		

Regimental No. B 54062 Rank Driver

Sheet No. 2

Name HERBERT, Gordon Edward

M.F.M. 1 & 2 (a)
250M—5-42 (4732)
H.Q. 1772-36-1040

Record of Promotions, Reductions, Transfers, Casualties, Reports, etc.—	Rank Shown	Effective Date	Unit	Place	Authority D.O. Number	Authority Dated
Awarded 21 days det'n on 10-2-42. AWL from 2230 hrs 31-1-42 to 2215 hrs 7-2-42. Under close arrest to 10-2-42 Total forfeiture 31 days pay. Placed under stoppage of $12.47.						
SOS on transfer to A-19 ATC	Driver		#23 (B)TC	Newmarket	DO 35	10-2-42
11-3-42 #23 BTC TOS (Reinfs) on transfer from No. 23 C.A.(B)T.C., New-	"	11-3-42	"	"	DO 60	11-3-42
Newmarket market, Ont. and posted to No. 1 Coy.	"	12-3-42	RCASC/TC	C. Borden	DO 63	12-3-42
SOS on posting to 6th Div.Amm. RCASC	"	23-4-42	"	"	DO 100	23-4-42
Returned to Unit at Valcartier	"	24-4-42	6 Div.Amm.	Valcartier	Do 53	28-4-42
Awarded 8 days detention for: Conduct to the Predjudice of Good Order and Military Discipline (A.A.40)	"	4-5-42	"	"	DO 56	5-5-42
Placed under Hospital Stoppages of .75¢ per diem in accordance with Art. 222(1)(b)(ii) FR&I concurrent with 8 days detention awarded 4-5-42 D.O. No. 56 d/5-5-42	"	6-5-42	"	"	DO 58	8-5-42
Ceases to be placed under Hospital Stoppages at 75¢ per diem ~~[illegible]~~ concurrent with 8 days detention	"	19-5-42	"	"	DO 64	21-5-42
Granted furlough from 22-5-42 until 4-6-42 inclusive, and issued Special Furlough Warrant No. A-58552.	"	22-5-42	"	"	DO 64	21-5-42
8 days detention and 8 days Hospital Stoppages at 75¢ per diem Total $14.90	"	19-5-42	"	"	DO 64	21-5-42
Ceases to be shown on Furlough	"	4-6-42	"	"	DO 71	5-6-42
On Command and attached for APIP to Can. Army Trades School, Hamilton.	"	6-7-42	"	"	DO 85	6-7-42
Att. "On Command" f.a.p. from the 6th Div. Amm. Coy.RCASC	"	7-7-42	CATS	Hamilton	DO 162	10-7-42
Having been declared by a Court of Inquiry held 15 Sep 42 to have been illegally absent since 0600 hrs 21-8-42 and to have defi ciencies of kit and equipment in the amount of $53.64 ceases to be attached for all purposes including pay and is struck off strength of 6th Div. Amm. Coy., R.C.A.S.C. as a deserter. Forfeits 26 days' pay and allowances under F.R.& I. 149.	"	15-9-42	"	"	DO 221	17-9-42

F. A. Reid Maj. President D.C.M. 103

"S"

CLOSING ADDRESS BY THE DEFENDING OFFICER.

There is not a great deal more, sir, that I can add, other than I think very serious consideration should be given to the fact that the accused has been more or less kicked around in trying to get his difficulties straightened out.

Pl. Cpl. Sgt. Major Crawford DCM

103

M.F.B. 188
BM—11-41 (2373)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number B-54062 Rank Trooper Name HERBERT G.E. Regiment (or unit) Royal Canadian Army Service Corps CA

1. The following is a fair and true summary of the entries in the Field Service and ~~Regimental and Squadron, Battery~~ Conduct sheets or ~~Company Conduct~~ sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with. Sea Sea

	Within last 12 months	Since enlistment or appointment
For A.W.L	1 times	1 times
For Conduct to the Prejudice of	times	times
For good order and Military	times	times
For Discipline	1 times	1 times

~~Number of instances of gallantry or distinguished conduct~~ Sea

~~There are no entries in the conduct sheets of the accused.~~

~~Note.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Air Force Act Section 47 of the Army Act, and dispositions with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~ Sea

3. The accused is not under sentence at the present time.

or,

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~ Sea

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in civil custody, and 33 days in military custody, making a total of 33 days in custody, of which NIL days were spent in hospital. Sea

5. The present age of the accused according to his ~~record of service~~ attestation paper is 25 years Sea

6. The date of his ~~enlistment~~ attestation specified in his ~~attestation paper~~ attestation paper Sept. 10, 1941 Sea

7. ~~The service which the accused is allowed to reckon towards discharge is~~ Sea

8. The accused is entitled to reckon 460 dys service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~military~~ military reward (or is in possession of or entitled to). State any air force decoration or reward. military Sea

10. ~~(If the accused is a warrant officer) The accused before he was made a warrant officer had been in the regimental rank of~~ Sea

10b

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force
.....dated....., and in his regiment (or corps), the rank of unit
.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....
Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 14th day of DECEMBER 1942
H. Anderson Capt Adjutant C.A.F.P.S.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked V signed by the president, and annexed to the proceedings.

L. Cos 2nd
Major
President D.C.M.

No. B-54062 Name HERBERT

Date of last entry in Company Conduct Sheet

C.E. No. and date of last drunk

Sqn., Battery, or Company

Period not reckoning towards freedom from extra fine

Corps A/19RCASC (A) T.C. Date of enlistment 10-9-41

Sheet No.

G.C. Badges

Service or Proficiency Pay

Signature O.C. Company, etc. H.H.Siggins Capt.

Character

M.F.M. 6 (A.F.B. 121) 559M—11-40 (8221) H.Q. 1773-45-18

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Rewritten 21-3-42					H.T.Grant Lt.
S.O.S. on posting to 6th Div. Amm. Co. R.C.A.S.C. from A19 RCASC (A) TC., eff. 23-4-42. DO HT 11 # 100 d/23-4-42									
Valcartier	2-5-42	Dvr.		1. AWL from 1000 hrs 1-5-42 until 0200 hrs 2-5-42 (4hrs) (A.A.15 (1))	Sgt Patterson Cpl Cowman	Admonished	4-5-42	Major Grass	
				2. Conduct to the Prejudice of Good Order and Military Discipline (A.A.40)	"	8 days detention	4-5-42	Major Grass	
				CERTIFIED TRUE COPY	S. Anderson Capt. ADJUTANT Gen. Army Trades School				

(P.T.O.)

Assd's magi
President D.C.M.

MEDICAL OFFICER'S REPORT

I certify that No. B54062 Trooper J. E. Herbert
of CATS Hamilton is in a good state of health,
and fit to undergo Trial by Court martial.

H. G. McKaig Capt.
Medical Officer R.C.A.M.C
attd CATS.

Station Hamilton

Date December 14. 1942

M. F. B. 246
MM—6-41 (792)
H.Q. 1772-39 480

: 2 :

Lt Col Reid
Major
Overseas Det

SUMMARY OF EVIDENCE

Taken on oath by order of the Commandant.

In the charges against No. B-54062 Trooper Gordon Edward Herbert, Royal Canadian Army Service Corps. A soldier attached to the Canadian Army Trades School, CA, Hamilton, Ontario, Canada.

1st Witness: Lieut. J.F. Candow, Nova Scotia Technical College C.O.T.C. CA Assistant Adjutant Canadian Army Trades School CA having been duly sworn states:

"I herewith submit under Army Act Sec 163 (1) h. M.F.B. 375 which is a certified true copy of the Declaration of a Court of Inquiry assembled at the Canadian Army Trades School CA Hamilton on September 15, 1942 regarding the accused No. B-54062 Tpr. Herbert G.E.

I submit M.F.M. 216 from Sergeant Lang, No. B-97639, of No. 31 Company Canadian Provost Corps CA duly signed and completed referring to the accused No. B-54062 Tpr. Herbert G.E. having been apprehended by the Regimental Police at 2130 hours on November 11, 1942 at St. Catherines, Ont. dressed in civilian clothes.

I submit M.F.B. 1481 and 1482 being the cost of transportation and apprehension of the accused No. B-54062 Tpr. Herbert, G.E. and escort from St. Catherines, Ontario to Hamilton amounting to $3.83."

Exhibit "A"	M.F.B. 375
Exhibit "B"	M.F.M. 216
Exhibit "C"	M.F.B. 1481
Exhibit "D"	M.F.B. 1482
~~Exhibit "D1"~~	~~M.F.B. 1482~~

J F Candow Lt.

The accused declines to cross-examine this Witness.

2nd Witness: No. B-11083 Private McGregor, D.G. Royal Canadian Artillery attached to the Canadian Army Trades School, Hamilton having been duly sworn states:

"On November 12, 1942 I was on duty with the Regimental Police at the Canadian Army Trades School, Hamilton. I received an order to proceed to Niagara-on-the-Lake to bring back in custody No. B-54062 Trooper Herbert, G.E. I arrived there at about 1630 hours and Trooper Herbert, G.E. was handed over to me at about 1730 hours. I arrived at the Canadian Army Trades School, Hamilton at 1930 hours, November 12, 1942 I then handed the accused over to the N.C.O. in charge of the Guard."

McGregor D.G.

The accused declines to cross-examine this Witness.

3rd Witness: No. P-20991 Company Sergeant Major J.L. Potter, Princess Patricia Canadian Light Infantry attached to the Canadian Army Trades School CA Hamilton having been duly sworn states:

"On August 21, 1942 I was Company Sergeant Major of No. 1 Company, Canadian Army Trades School, Hamilton and have been since that date.

As such I am well acquainted with the accused and to my personal knowledge No. B-54062 Tpr. Herbert, G.E. was not held in the Guard Room or in the custody of the Canadian Army Trades School Hamilton and was not present at the Canadian Army Trades School, Hamilton at any time after having been struck off strength as a deserter in Part 11 Orders No. 221 dated September 17, 1942 para 20 effective September 15, 1942 until being apprehended by the Military Police at St. Catherines, Ontario at 2130 hours November 11, 1942 from where he was brought back under escort and placed in the Guard Room of the Canadian Army Trades School, Hamilton under close arrest at about 1930 hours November 12, 1942.

As Company Sergeant Major of No. 1 Company Canadian Army Trades School it is my duty to know where the men of this company are and had Trooper Herbert been in the Camp I should have been aware of it."

J.L. Potter C.S.M.

The accused declines to cross-examine this Witness.

4th Witness: No. B-102028 Company QuarterMaster Sergeant Daines, A, Canadian Army Trades School, Hamilton having been duly sworn states:

"I am the Company QuarterMaster Sergeant of No. 1 Company, Canadian Army Trades School, Hamilton. On November 20, 1942 I checked the clothing and equipments of the accused No. B-54062 Trooper Herbert, G.E. of the Canadian Army Trades School, Hamilton against his M.F.C. 800 and found deficiencies amounting to $36.46, 75% depreciated value.

Article		Dep. Value
X Badges Cap R.C.A.C.	1	.06
X Bags kit M.K.2	1	.78
Battle dress blouse serge	1	4.19
Trousers battle dress serge	1	4.20
Boots ankle pairs	1	3.90
X Braces pairs	1	.27
X Brasses button	1	.04
X Brushes boot polishing	1	.15
X Brushes button	1	.15
X Brushes cloth	1	.24
X Brushes hair	1	.24
X Brushes shaving	1	.30
X Brushes tooth	1	.09
Caps comforter	1	.30
Drawers cotton shorts prs.	2	.50
Drawers woollen prs.	2	1.76
Dressings first field	1	.25
Gloves woollen prs.	1	.44
X Housewife	1	.51
Jacket K.D. O.C.	1	2.88
Jacket sweater	1	1.04
Knives table	1	.18
Mitts leather pullover	1	.48
Rubber pairs	1	.51
Puttees prs.	1	.67
Shirts flannel khaki	2	1.69
Shirts under cotton	2	.60
Shirts woollen under	1	.86
Socks pairs	4	.96
Trousers khaki drill prs.	1	1.26
Trousers khaki drill shorts	1	.96
X Pins collar	1	.07
Neckties black	1	.16
X Caps mechanic	1	.17
Pillow slips	1	.27
X Bags ration	1	.03
X Belts waist	1	.81
X Carriers cartridge	2	1.54
X Slings rifle	1	.23
X Straps shoulder	2	.70
X Tins mess	1	.66
Sheets ground	1	1.36
		$36.46

"X" The articles marked thus are charged at full vocabulary rate in accordance with R.O. 1617

M.F.C. 800 refers to No. B-54062 Trooper Herbert, G.E.

N.P.C. 800 is exhibit "P".

Counsel

The accused declines to cross-examine this witness.

The accused No. B-54062 Trooper Gordon Edward Herbert was duly cautioned in accordance with R P 4 Sec E in the following words:

"Do you wish to make any statement or to give evidence upon oath. You are not obliged to say anything or give evidence unless you wish to to so but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

Reply by Accused: "I do not wish to make a statement."

B54062 G. Cpl Herbert Dvr.

The accused declines to call Witnesses on his behalf.

All documentary evidence has been read over to the accused.

R.P. 4 Section C D E F has been complied with.

Taken down by me in the presence of the accused this 20th day of November 1942 at the Canadian Army Trades School CA Hamilton, Ontario, Canada.

Cpl LE RCAVC CA

H.Q.C. 55-H-313 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

HARRIS ALEC MARSHALL F-10082 GNR

DEAD

CONFIDENTIAL
H.Q.C. 55-H-313

CENTRAL REGISTRY	DATE	FOR CENTRAL REGISTRY	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				JAG	With Papers C.R. DEC 30 1942		
JAN 19 1943	8/1/43	P.A.	[illegible]	AD	To note & PA	[illegible]	8/1/43
				JAG	With Papers C.R. FEB 7 - 1943		
FEB 10 1943	9/2/43	P.A.	L.A.	A.D.	Noted & PA	[illegible]	8/2/43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see it.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the reference and subject.

PASS THIS FILE IN ENVELOPE

104672.

IN REPLY PLEASE QUOTE
No. W.F./H-25
J.A.C 55-H-313 (J.A.G)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY HEADQUARTERS, Cdn. Tps.
C.A.P.O. No. 1,
25 Jan 43. 194

RW/

CONFIDENTIAL

CENTRAL REGISTRY ARMY
CONF.
FEB 7 1943
Orig'd. to
Referred to JAG

Secretary,
Department of National Defence,
OTTAWA, Ontario.

Attention J.A.G. C55-H-313

F.10082 Gnr. A.M. Harris,
103rd Coast Bty., R.C.A., C.A.

In accordance with Routine Order 1922, please be advised that I have remitted the balance of 150 days detention awarded to the marginally named gunner because he has been boarded Category "E" as a psychoneurotic.

2. Gnr. Harris was sentenced to 150 days detention by a District Court Martial on the 16th December, 1942. The remission is effective as of 26th January, 1943.

L. F. Page

(L.F. PAGE), Major-General,
General Officer Commanding,
Canadian Troops Newfoundland.

NAT. DEF. B. 440
3,000 M—4-42 (4322)
H.Q. 1772-29-767

H.Q.C. 55-H-313
(JAG)

January 8th, 1943.

RECEIVED JAN 12 1943 A.D.

CONFIDENTIAL

General Officer Commanding,
Canadian Troops Newfoundland,
St. John's, Newfoundland.

Re: District Court-Martial
F.10052 - Gnr. Aleck Marshall Harris,
103rd Coast Bty., R.C.A., C.A.

Receipt is acknowledged of your W.F./H-25 dated December 24th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities mentioned in your letter the following have been observed in the proceedings:

(a) Several of the witnesses for the prosecution were allowed to give considerable hearsay evidence which should not have been admitted. However, even if this inadmissible evidence is deleted from the proceedings there is still a sufficiency of evidence to maintain a conviction on the first charge.

(b) The several pages of the proceedings were not put together in the proper order inasmuch as exhibit "Y" M.F.B. 355 and the M.F.M. 6 were inserted in the proceedings before the several addresses by the defending officer, prosecutor and Judge Advocate.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

HFOB/HB.

H.Q. C. 55-H-313
M.D. W.F./H.-25

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. F. 10082 Name HARRIS, A.M.

Rank GNR. Unit 103rd. Coast Bty., R.C.A. CA

Charge SEC. 12(1)(a) A.A. DESERTING HIS MAJESTY'S SERVICE

SEC. 24(2) A.A. LOSING BY NEGLECT

Date of Crime 1. 23/9/42 2. 21/11/42

Date of Arrest 21/11/42 RAL Charge. Signed 9/12/42

Orders for D.C.M. ~~D.S.O.~~ C.O.C. COMM. Forces in Newfoundland

Place and Date of Trial St. John's, NFLD. 16/12/42

Sentence Detention 150 Days Stoppages $69.30

Date of Confirmation 19/12/42

Date of Promulgation 22/12/42

Entered in Records of J.A.G. as No. 7430

Date 31/12/42

MEMO Balance of Sentence (150 days) Remitted By O.C, Can. Troops in Newfoundland.

R. B. Lamb Major
for Judge Advocate-General.

3M-12-42(M1754)

CANADA

RW/

CONFIDENTIAL

IN REPLY PLEASE QUOTE
No. W.F./H-25

DEPARTMENT OF NATIONAL DEFENCE
ARMY

HEADQUARTERS, Cdn. Tps. Nfld.
St. John's, Newfoundland,
24 Dec 42. 194

CENTRAL REGISTRY Army
PERS. SEC.
DEC 30 1942
File C 66-H.3/2
Chgd. to
Referred to

Secretary,
Department of National Defence,
OTTAWA, Ontario.

Attention Judge Advocate General

District Court Martial
F.10082 Gnr. Aleck Marshall Harris
103rd Coast Bty., R.C.A., C.A.

Herewith proceedings of the marginally noted District Court Martial together with Medical Officer's Report which are forwarded for registration and custody, please.

2. The following observations are drawn to your attention, please:

1. In the particulars of the second charge, certain items in clothing division "A" e.g. badges, should have been listed under clothing division "D" and certain other items should have been listed under equipment, e.g. Covers, mess tin, frogs bayonet, haversack, steel helmet, shoulder badges, and respirator. The Items shown under clothing division "B", e.g. bayonet and scabbard, should have been listed under equipment. This observation likewise applies to the same articles referred to in the evidence of the 7th witness in the Summary of Evidence.

2. In the Summary of Evidence, the words "In the case of" should have been inserted under the words "Summary of Evidence".

3. The first witness in the Summary of Evidence did not sign his testimony owing to the fact that he had proceeded to Canada before same was typed.

4. In the evidence of the second and third witnesses in the Summary of Evidence, there is a certain amount of hearsay evidence. However, this was not considered prejudicial to the accused as admissible evidence on the same point was given by other witnesses.

5. M.F.B. 375 was not produced at the taking of the Summary of Evidence by reason of the fact that it was inadmissible since the Court of Inquiry on the illegal absence of the accused was held within 21 clear days of his absence.

6. It will be noted that the accused was in custody 24 days awaiting trial. The delay in bringing this case to trial was due to the fact that some difficulty was experienced in obtaining the evidence of Mr. Tucker, one of the civilian witnesses. The application had to be returned to the unit for correction and the inclusion of additional evidence.

(L.F. PAGE), Major-General,
General Officer Commanding,
Canadian Troops Newfoundland.

M.F.B. 229
100000M—6-41 (135)
H.Q. 1772-29-194

MEDICAL OFFICER'S REPORT

I certify that No. F 10082 - Gnr Harris A.

of 102 Bty RCA is in a good state of health,

and fit to undergo Trial by Court martial.

T McConnachie Capt
Medical Officer R.C.A.M.C.C.A.
attd Lesli's Field Ambulance Hospital C.A.

Station M.I.R. Lesli's Field

Date 16/12/42

President, G.C.M.

H-25
JA 4

M. F. B. 246
MM—9-40 (7120-1)
H.Q. 1772-39 460

printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Lester's Field, St. John's, Newfoundland on the 16th day of December 1942 by order of Major-General L.F. Page, D.S.O., Commanding the Combined Newfoundland and Canadian Military Forces in Newfoundland dated the 11th day of December 1942

President.

Major H.B. Bruce
14th A.A. Battery, R.C.A., C.A.

Members.

Capt. J.H. Fordham,
Lincoln and Welland Regiment C.A.

Lieut. J.S. Grant,
25th A.A. Regiment, R.C.A., C.A.

Capt. G.W. Hall, Headquarters, Force "W" CA Judge Advocate.

Trial of* F.10082 Gnr. Aleck Marshall Harris,
103rd Coast Battery, R.C.A., C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to~~

~~, a waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.*

The accused is brought before the Court.

Prosecutor,† Lieut. W.R. Tomlinson,
103rd Coast Battery, R.C.A., C.A.

~~Counsel† or~~ defending officer† Lieut. K.E. Jones,
103rd Coast Battery, R.C.A., C.A.

At 10 a.m. o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

* I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge(s) before this Court-Martial

H.B. Bruce
(H.B. Bruce), Major,
President, C.C.M.

Mil. Form B. 271
10M—6-40 (5715)
H.Q. 1772-39-224

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn. See attached list marked "G"

Q.2 Do you object to L.51046 Cpl. R.G.L. Wilkinson, C.M.S.C.,C.A. acting as Shorthand Writer?

A.2 No.

L.51046 Cpl. R.G.L. Wilkinson, C.M.S.C., C.A. is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Not Guilty. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Guilty *Answer.*

~~Are you guilty or not guilty of the third charge against you, which~~ you have heard read? *Question.*

Answer.

HBA

Are you guilty or not guilty ~~of~~ the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to the second charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

B2

H B Browne Maj
Pursuant D.C.M.

CHARGE SHEET

The Accused No. F-10082 Gunner Aleck Marshall Harris, 103rd, Coast Battery, R.C.A.,C.A., a soldier of the Canadian Army placed on Active Service is charged with:-

First Charge
Sec. 12 (1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE.

in that he

at Fort Amherst, Newfoundland, on September 23rd, 1942, absented himself from the 103rd. Coast Battery,R.C.A.,C.A. from 0730 hours on said September, 23rd, 1942, until apprehended by the Canadian Provost Corps at St.John's, Newfoundland at 1000 hours on November 21st, 1942 dressed in plain clothes.

Second Charge
Sec.24 (2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENT AND CLOTHING.

in that he

at Fort Amherst, Newfoundland, on November 21st, 1942 was deficient of the following articles viz:-

Equipment		C.A.R.O.1862.	C.A.R.O.1877 less 25%
Blankets G.S.	4	$13.76	$10.32
Clothing Division "A"			
Boots Rubber prs.	1	1.63	1.22
Boots Lumberman's Rbr	1	.99	.74
Caps Winter Melton	1	1.20	.90
Coats Waterproof	1	4.57	3.42
Gloves Wln.Khaki prs	1	.59	.44
Mitts Lthr.Pullover"	1	.44	.33
Overalls Bl.Denim "	1	2.59	1.94
Overalls Trsrs." "	1	2.23	1.67
Badges Cap,R.C.A.	1	.07	.05
Badges Shoulder,RCA	2	.08	.06
Badges Canada	2	.03	.02
Covers Mess Tin	1	.08	.06
Frogs Bayonet	1	.17	.13
Haversack	1	1.75	1.31
Helmet Steel	1	2.25	1.69
Straps Shoulder L&R	2	.70	.53
Respirator Complete	1	6.18	4.63

Page 2.

CHARGE SHEET

Clothing Division "B"		C.A.R.O.1862	C.A.R.O.1877 less 25%	
brought forward :-		$39.31	$29.46	
Bayonet	1	5.42	4.07	
Scabbard	1	1.26	.96	
Battle Dress Blouses	2	11.26	8.37	
Battle Dress Trousers	1	5.60	4.20	
Boots ankle prs.	2	10.40	7.80	
Caps Field Service	1	.78	.59	
Drawers Cotton Shorts	2	.66	.50	
Drawers Woollen prs.	2	2.34	1.76	
Jackets Khaki Drill	1	3.12	2.34	
Jackets Sweater	1	1.38	1.00	
Shirts Flannel khaki	2	2.34	1.76	
Shirts Under Cotton S/S	2	.80	.60	
Shirts Service L/S	1	1.28	.96	
Shirts Woollen	2	2.28	1.71	
Shoes Canvas prs	1	1.89	1.42	
Socks prs	2	.72	.54	
Trousers Khaki Drill	1	1.67	1.26	
			$69.30	$69.30
		TOTAL - - - - - -	69.30	

D.V. Rainnie.

(D.V. Rainnie) Major,
Officer Commanding,
103rd. Coast Battery, R.C.A., C.A

St.John's, Nfld.,
9th December, 1942.

To be tried by District Court Martial.

J.B. Dunbar

(J.B. DUNBAR) Lt.-Col.,
A.A. & Q.M.G.,
for L.F. Page, Major-General,
G.O.C. Cdn. Troops, Nfld.

St.John's, Nfld.,
10th December, 1942

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.5 *Answer.* No, sir.

The prosecutor ~~makes an opening address (hands in a written address, which is read & marked xxxxxxx signed by the President, and attached to the proceedings)~~ declines to make an opening address

The prosecutor proceeds to call witnesses.

First witness for prosecution. P.4471 B.S.M. R.W. Morton, 103rd Coast Battery., R.C.A., C.A.

being duly sworn, is examined by the prosecutor.

Q.6 What is your official position at the battery?

A.6 I am fort Sergeant-Major

Q.7 Will you tell the Court what you know about the charge against the accused?

A.7 On the 22nd day of September I was doing my duties as Sergeant-Major of the Fort and Gnr. Harris came into the fort and I gave orders to place him in the Guard Room. The next morning about 7.30 I heard that Gnr. Harris had escaped from the Guard Room. I immediately made a complete check of the fort and ordered L/Bdr. Burton to do so too. He was not in the Guard Room. I had not seen Gnr. Harris until he was brought back under escort on 21st November.

Q.8 Of this year?

A.8 This year, 1942.

Defending Officer declines to Cross-Examine
R.P. 83(B) is complied with.
The Witness withdrews.

Second witness for Prosecution Lieut. M.J. Jones, 103rd Coast Battery, R.C.A., C.A. being duly sworn, is examined by the Prosecutor:

Q.9 On September 22nd and 23rd what was your official capacity at this Fort?

A.9 I Was A/O.C. of "C" Troop.

Q.10 Will you tell the Court in your own words what you know about the charge against the accused.

A.10 At midnight on September 22nd I went on watch in the B.O.P. for an eight hour watch. I was to be relieved at 8 o'clock on the morning of the 23rd and shortly before I was relieved, around 7.45, the telephone rang and somebody from the Orderly Room reported that Gnr. Harris, who had been confined in the Guard Room, had escaped. I was relieved and went to the Guard Room and searched both cells in the Guard Room. There was no one in the Guard Room and I found out if the Fort had been searched and discovered that it had been. I checked some of the buildings myself and reported to the Provost Corps in St. John's and later to the Naval Shore Patrol that the accused was absent

Q.11 When was the next you heard of Gnr. Harris?

A.11 The next I heard from him was on the morning of November the 21st. I was notified by Sgt. Brickwood of the Provost Corps, St. John's that Gnr. Harris had been apprehended by some member of the Provost Corps so I instructed the Sergeant-Major to send an escort, an N.C.O. and one man into the Provost Corps to pick up Gnr. Harris and bring him back to Fort Amherst.

Q.12 How long have you been at that Fort?

A.12 I came in June, 1941, nearly 18 months at the same Fort.

Defending Officer declines to Cross-Examine
R.P. 83(B) has been complied with.
The witness withdraws.

Third Witness for Prosecution

Mr. P.M. O'Donnell, manager of the Bennett Brewing Company Limited , St. John's, Newfoundland being duly sworn is examined by the Prosecutor

Q.13 Will you give to the Court what information you can in connection with the charge of desertion now against the accused?

A.13 I inserted an ad. in the local papers for a chauffeur for one of our trucks. On the morning that the ad. appeared we had several applicants for the position, one of which was apparently giving the name of Mr. Aleck Harris from Melbourne, Trinity Bay. He seemed to be a pretty good man, a competent man, so we took him on. We asked him for references and he stated he had none at that time but he could obtain a reference from a party, I forget the name, for whom he drove a truck in Trinity Bay -- Melbourne. When asked for a license he said he didn't have one but that he drove trucks at Gander where a license was not required. We hired him without any further references or credentials. At the time he gave his address as residing at 111 or I think 117 Signal Hill.

Q.14 How was he dressed when he came in?

A.14 I think he had blue overalls and a jacket on. I couldn't be quite sure. He was dressed in civilian clothes.

Q.15 How long was he engaged by your firm?

A.15 We employed him on Thursday morning November 19th and on Saturday morning, November 21st, about 10 o'clock he was put under Military arrest.

Q.16 Where and by whom?

A.16 At the offices of the Bennett Brewing Company by the Provost Corps.

Cross-Examined by the Defending Officer

Q.17 Mr. O'Donnell, do you know Gnr. Harris?

A.17 Yes, that's him there. (pointed to accused)

Q.18 What name did he give when he asked for employment?

A.18 Aleck Harris

Q.19 You wouldn't be sure that he didn't have his khaki uniform under his overalls?

A.19 I couldn't say.

Q.20 Did he have overalls on?

A.20 I think it was blue overall trousers, I am not sure about the jacket.

Q.21 Could he have had his army uniform under the overalls?

A.21 I don't think so, it would have been bulky.

Q.22 During the time he was working for you, how was he dressed?

A.22 I had no occasion to see him except on Saturday morning.

Q.23 How was he dressed on Saturday morning?

A.23 Same.

Prosecutor declines to Re-examine
Question by the Court

Q.24 As far as you were concerned, he was dressed in civilian clothes?

A.24 Yes.

R.P. 83(B) has been complied with
The witness withdraws.

Fourth Witness for Prosecution

Mr. William Harold Tucker, Employment agent for the Dominion Steel and Coal Corporation Limited, Bell Island being duly sworn, is examined by the Prosecutor.

Q.25 Mr. Tucker, will you give what information you have to the Court concerning the accused?

A.25 As far as I was concerned, he was just another man looking for a job.

Q.26 Do you know what date?

A.26 I have it in my pocket. According to the records, he started to work on October 13th.

Q.27 Will you produce this record to the Court?

A.27 Yes
Dominion Steel and Coal Corporation Limited Employment Department record dated October 13th, 1942 signed by Melvie A. Harris is marked Exhibit "H", signed by the President and attached to the proceedings.

Q.28 What happens when a man asks for a job?

A.28 I ask him the questions on the card.

Q.29 Mr. Tucker, is the man who signed the card here?

A.29 To the best of my knowledge, that is the man (pointing to the accused)

Q.30 What name did he sign on that card.

A.30 I took it to be Melvin A. Harris, but it looks like Melvie.

Q.31 You took Melvie to be Melvin?

A.31 Yes. When I looked at the signature it looked like Melvin but I can now see it was Melvie.

Q.32 Mr. Tucker, How was he dressed?

A.32 I didn't take notice of anything special as there was a counter up there and I couldn't see the bottom part. He may have had uniform pants on, I couldn't see.

Q.33 What is the policy of the company as regards hiring soldiers?

A.33 In the case of a stranger I don't hire him before going to the manager unless I know him to be discharged.

Q.34 Was there anything unusual in this case?

A.34 No, there was only one thing that made me take note. He said he was a presbyterian and that made me look at him a second time. Everything else was o.k. and I asked him were Melbourne was and he said Trinity Bay.

Q.35 What was unusual about that?

A.35 There are no presbyterians, there as far as I know.

Q.36 What happened after the card was filled in?

A.36 I gave it to him and he took it to the captain of the mine and the captain of the mine put him to work. I did not hear anything more about him.

Q.37 Do you know how long he worked there?

A.37 His last day was November 2nd.

Cross-Examined by the Defending Officer

Q.38 In the matter of dress, was it possible that he had his khaki uniform under his clothes

A.38 I could have been, but I certainly would have noticed it if he had been in a khaki uniform.

Q.39 Did you refer this man, who was a stranger to the manager?

A.39 I didn't say anything to the manager about him as I thought he was just a common man looking for labour so I didn't bother about him.

Prosecutor declines to re-examine
R.P. 83(B) is complied with
Witness withdraws.

Fifth Witness for Prosecution M.17470 Cpl. W. Harrison, Newfoundland Detachment, Canadian Provost Corps, C.A., being duly sworn is examined by the Prosecutor:

Q.40 Will you give to the Court what information you can concerning the accused?

A.40 You mean the day I picked him up?

Q.41 All you have.

A.41 We Were searching for Gnr. Harris for quite a while and on the morning of November 21st I was ordered to go out on the Portugal Cove highway as we were advised that Gnr. Harris was on the way in from there. When I arrived out on the highway, we started stopping trucks and Gnr. Harris did come along. He slowed up, but didn't stop. We waited for a minute or two and then Constable Andrews from Bell Island came along and after speaking to him we went to Bennett's Brewery. I went into the office and recognized Gnr. Harris there so I immediately placed him under close arrest. He was in civilian clothes. He was checking money into the cashier.

Q.42 What time did you make the arrest?

A.42 1000 hours on 21st November, 1942.

Q.43 Did you have any conversation with him?

A.43 No sir, We asked him who he was and he said his name was Harris from Bella Vista Bay. I said I am sure you are Harris from the 103rd Battery.

Defending Officer declines to Cross-examine
R.P. 83(B) is complied with.
Witness withdraws.

Sixth Witness for Prosecution B.77053 Gnr. G.H. Simkins, 103rd Coast Battery, R.C.A., C.A. being duly sworn, is examined by the Prosecutor.

Q.44 Gnr. Simkins, what is your official capacity at the Fort?

A.44 Storeman, sir.

Q.45 Were you storeman continuously from 23rd September until 21st November, 1942.

A.45 Yes, sir.

Q.46 What document is this?

A.46 Original M.F.C. 800 for Gnr. Harris.

By the J.A. As the accused has pleaded guilty to the second charge, you do not have to prove that charge.

by the Prosecutor I realize that but I want to establish that the accused is deficient practically all his clothing and thus bring this point out to show that he did not intend to return.

by the J.A. In that case you can go ahead.

Q.47 Will you produce this document to the Court?

A.47 Yes, together with certified true copy.

The Court examines original M.F.C. 800 signed by accused compares it with certified true copy and returns the original to the Prosecutor.
Certified true copy M.F.C. 800, is signed by the President marked exhibit "I" and attached to the proceedings.

Q.48 Will you tell the Court what information you can as to what took place in connection with Gnr. Harris in this matter?

A.48 On September 23rd I was asked by Lieut. Jones to check Gnr. Harris' Kit and deficiencies which I reported to Lieut. Jones.

Q.49 On November 21st, what took place?

A.49 On November 21st Lieut. Jones asked me to re-check his Kit and I also went to the Guard House to see if Gnr. Harris had brought anything belonging to the Army back with him.

Q.50 What did you find?

A.50 Nothing. I asked Gnr. Harris if he brought back anything and he said no, nothing.

Q.51 Did you find anything belonging to him?

A.51 On the re-check on November 21st I found a great coat in stores and I reported that to Mr. Jones and had it taken off the deficiencies.

Q.52 Do you know who checked in that coat?

A.52 Gnr. Harris as far as I know. I had a tag with his name on it.

Q.53 Do you know when it was checked in.

A.53 No, sir.

Q.54 How long have you been in charge of stores?

A.54 Since somewhere around September 1st.

Q.55 Was it checked in before that?

A.55 It was checked in before September 1st, 1942.

Cross-examined by the Defending Officer.

Q.56 When Gnr. Harris went Absent without Leave he only took part of his Kit?

A.56 He didn't have much to take.

Re-examined by the Prosecutor

Q.57 He would have his clothes?

A.57 I presume he would have the Battle Dress and Army Boots, etc. on.

Questioned by the Court.

Q.58 What do you mean, he didn't have much to take with him?

A.58 He was not up to full kit. He had some deficiencies.

Q.59 Where you present when the accused went absent?

A.59 I was not, sir. I don't know what he took.

Q.60 What items did he leave behind?

A.60 About 6 or 7 articles, a pair of battle dress trousers. I have not got them right off now but I have them listed in stores.

Q.61 Did you know before Gnr. Harris went away that his kit was deficient?

A.61 No sir, I didn't.

Q.62 How long had it been since you had a kit inspection?

A.62 There was one on November 1st last month.

Q.63 Before he went away?

A.63 I could not say. There was none between September 1st and November 1st.

R.P. 83(B) has been complied with
Witness withdraws.

Seventh Witness for Prosecution. Lieut. W.R. Tomlinson, 103rd Coast Battery, R.C.A., C.A. having been duly sworn, states:

I was detailed to take down the summary of evidence in this case and did so on the 2nd December, 1942. I cautioned the accused after all the witnesses had been heard with the following words "Do you wish to make any statement, or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence." After having been given this warning, the accused made a statement.

Witness reads the statement, which is marked Exhibit "J", signed by the President and attached to the Proceedings.

Defending Officer declines to cross-examine
In the opinion of the Court and the Judge Advocate it is not necessary to Comply with R.P. 83 (B)
The witness resumes his seat.

The Prosecution is closed.

At 1215 o'Clock on 16th December, 1942 the Court adjourned until 1.30 p.m. on the same day.

On the 16th December at 1.30 p.m. the Court reassemble pursuant to adjournment, present, the same members as when adjourned

D

~~The prosecution is closed.~~ N/A

Defence

Q.64 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.64 *Answer.* Yes

Q.65 *Question.* Do you intend to call any other witness in your defence?

A.65 *Answer.* Yes

Q.66 *Question.* Is he a witness as to character only? *Answer.* A.66 No.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

~~*(Where the accused does not give evidence upon oath.)*~~

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

N/A

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for Defence

The accused, F.10082 Gnr. Aleck Marshall Harris, 103rd Coast Battery, R.C.A., C.A. being duly sworn, is examined by the Defending Officer.

Q.67 Gnr. Harris, will you tell your complete story?

A.67 I joined the Army in 1939 with a wife and 5 small children. I went to Adjutant Slaven, he said they needed cooks. If I joined the Army as a cook, I would get promotion to make up for this in allowances. I went to Petrie Battery and passed cooks tests. From there I went to Point Edward and then to Sidney Garrison headquarters. From Sidney to Low Point to the F.C. Post. I was the second cook in the 16th Coast Brigade. I had no military training. Col. MacKenzie was the O.C. I didn't get a break from the first. The Bombardier cook in charge was convicted for stealing rations and sentenced to 28 days detention. That left me first cook in the brigade. He came out and he was fireman for 2 weeks. Then they made him sergeant-cook and put him in the garrison mess. I asked for a transfer to the Ordnance Corps to go overseas with my younger brother. Col. MacKenzie said he was not giving any good cooks away to the Ordnance and he would transfer me where I would be quiet. I came down here to Fort Amherst. I done my job to the best of my ability. I received word from my mother that my wife and baby were sick, come home if possible. I couldn't get paraded. I had to talk to Major Armstrong over the telephone and he refused me.

Q.68 When was this?

A.68 Around August, 1941. I got a note from the family doctor.

Q.69 Will you go on?

A.69 I lost my wife and children. I know where 2 of them are right now. The other 4, I don't know where they are. She gave all the furniture away to the woman who was backing her. There was a document went in with my name signed to it to Ottawa and they wouldn't stop the allowance. I had the proof and nobody would listen to me. I put in for a divorce in the provincial courts but I couldn't get my furlough a month or two ahead of time.

Q.70 You wanted it ahead?

A.70 Yes, and that fell through. I had no money, was drawing three dollars every 2 weeks and I wanted to earn some money to pay for this divorce. I had no intention of deserting his Majesty's Forces. I knew there was good money in the merchant navy and I was going to make one trip and I would have had enough money to pay for it and the only reason I went to work was to get some money for that purpose and not fact what I faced when I was home last Christmas as there was no money to buy anything for my children and the place my wife was living in, water was leaking on the bed and there was one blanket on the bed. I was 19 days in Sidney Military Hospital with pneumonia due to the fact that the roof was leaking.

Q.71 Will you produce this telegram in support of your statement that you were admitted to Hospital and had family trouble?

A.71 Yes.

Telegram dated 21st December, 1941 addressed to O.C. 103rd Coast Battery is signed by the President, marked Exhibit "K". and attached to the proceedings

Q.72 Do you remember sending a wire yourself?

A.72 Yes sir.

Q.73 When was that?

A.73 It was after Christmas.

Q.74 Will you look at this telegram?

A.74 Yes, sir. That is the one.

Q.75 Will you produce it.

A.75 Yes.

Telegram dated January 1st, 1942 addressed to Major Armstrong, O.C. 103rd Battery is signed by the President marked Exhibit "M" and attached to the proceedings.

Q.76 Was this leave ever granted?

A.76 I never heard from Major Armstrong, or the money or the leave. I was up there with my youngsters I didn't know where my wife was.

Q.77 You had been reported to the police?

A.77 Yes sir.

Q.78 At that time were you apprehended?

A.78 They put me in the Guard house at Sidney and didn't give me a chance to fix anything up.

Q.79 Will you tell the Court something about your family troubles?

A.79 I think I could best explain it by producing copy of a letter addressed to the Commander, St. John's Defences from the O.C. 103rd Battery dated 25th February, 1942.

Letter dated 25th February, 1942 is marked Exhibit "N", signed by the President and attached to the proceedings

Q.80 In connection with this last time you went A.W.L., you intended to get a civil job or join the Merchant Navy?

A.80 Yes sir.

Q.81 How long did you intend to stay?

A.81 I was going back on the Saturday night I was caught.

Q.82 Why did you try to get a civil job or to join the Merchant Navy?

A.82 To get some money.

Q.83 If you had gone into the Merchant Navy, how long did you intend to stay there?

A.83 I was just going to make one trip.

Q.84 While you were in the 103rd Battery were you employed as a cook?

A.84 Yes, sir.

Q.85 For how long?

A.85 From May 1941. I went in the cookhouse the morning after arrival at 6.30. I ran the Gunners cookhouse and Lieut. Myers put me in the Officers Mess. Then I had to look

after the Gunners and the Officers. That is the only job I knew, sir.

Q.86 Were you cooking all the time you were at Fort Amherst?

A.86 No sir.

Q.87 Did you know how to do anything else?

A.87 Fix Automobile engines and motorcycle engines.

Q.88 You had no basic training?

A.88 No, sir.

Q.89 When you found you were not doing the work you were best at, did you consider transfer?

A.89 Yes sir.

Q.90 Did you make application for transfer?

A.90 Yes sir.

Q.91 Will you look at this Voluntary transfer form? Will you produce it?

A.91 Yes, sir.

Voluntary transfer form is signed by the President marked exhibit "O" and attached to the proceedings.

Q.92 Did you ever hear about this transfer?

A.92 Yes sir.

Q.93 Will you tell the Court what took place?

A.93 I was sent to the Ordnance Garage for a trade test. I took that and went back to Fort Amherst and they sent for me in a week, that is the Ordnance. I was in the Garage when I went home on my furlough. My furlough was granted by the Senior Ordnance Officer. When I came back they kept me in the 103rd.

Q.94 Have you anything else to say?

A.94 No sir. I just maintain the fact that I did not intend to desert his Majesty'sForces. The reason I did this was to get something done that no one else would help me. I had to have $75.00 deposited with the Provincial Court in Halifax before the procedure for divorce could be started.

Q.95 Was your pay in debit at that time?

A.95 Yes sir.

Q.96 Would it have been long before you would have been receiving your regular pay.

A.96 Yes sir.

Q.97 Do you know where your wife is at present?

A.97 No sir.

Q.98 What about the children?

A.98 I know where there is 2 of them, I don't know about the other four.

Cross examined by the Prosecution.

Q.99 Gnr. Harris, you said you joined as a cook in 1939. Were you promised promotion at that time?

A.99 Yes, sir.

Q.100 Did you receive promotion since 1939 until 21st September, 1942?

A.100 Yes sir. I was made Bombardier without pay.

Q.101 Where did your promotion take place?

A.101 Fort Amherst.

Q.102 Did you receive any pay besides your regular salary?

A.102 Yes sir, twenty-five cents a day tradespay.

Q.103 Why didn't you get any further promotion?

A.103 There wasn't any there for me.

Q.104 What happened to the two stripes?

Judge Advocate disallows the question.

Q.105 You say your wife and baby took sick?

A.105 That is what the telegram from my mother said.

Q.106 Did you have any further word?

A.106 I had a note from the doctor.

Q.107 You did get a special furlough; your furlough before time?

What dates did you get furlough on?

A.107 23rd Day of November until 11th day of December.

Q.108 What happened while you were on furlough?

A.108 I took sick and went to the hospital.

Q.109 When you came out of the hospital you asked for an extension of time?

A.109 Yes, sir.

Q.110 You received that up to when, the 1st of January?

A.110 29th December.

Q.111 Then on the 1st of January, you asked for 7 days?

A.111 Yes, sir.

Q.112 Will you tell me the date that you were actually apprehended in Canada or as near as you can?

A.112 No, I can't.

Q.113 You can tell pretty closely. Did you return in January?

A.113 I returned in January.

Q.114 You are sure of that?

A.114 Yes, sir.

Q.115 You returned, according to the records, on the 8th January?

A.115 Yes, sir.

Q.116 You received no punishment?

A.116 I had to pay my way back.

Q.117 Then where did you go?

A.117 I went to the garage.

Q.118 You were attached to the Ordnance on 12th January, 1942, is that correct?

A.118 Yes, sir.

Q.119 Will you tell the Court what happened while at Ordnance?

A.119 I left the garage at Ordnance on 15th January and went back to Sidney. That is all.

Q.120 Without permission?

A.120 Yes sir. No furlough, no ticket.

Q.121 Then you ceased to be attached to the Ordnance Garage is that correct?

A.121 Yes, sir.

Q.122 On 23rd September of this year you left Fort Amherst?

A.122 Yes sir.

Q.123 In the morning?

A.123 Yes, sir.

Q.124 What time in the morning?

A.124 About 5.30 or a quarter to six.

Q.125 Where did you go when you left Fort Amherst that morning?

A.125 Trinity Bay, near Melbourne.

Q.126 Dressed in battle dress when you left Fort Amherst?

A.126 Yes sir

Q.127 How long were you at Trinity Bay?

A.127 2 weeks.

Q.128 What did you do there?

A.128 I went in the woods shooting and down on the shore for the same purpose.

Q.129 What were you shooting?

A.129 Birds.

Q.130 You were there 2 weeks. Did you earn much money?

A.130 No, sir.

Q.131 Were you thinking about the money you required while you were out shooting?

A.131 Yes, sir.

Q.132

Q.132 Then you left Trinity Bay, Where did you go from there?

A.132 Bell Island.

Q.133 You say you got a job at Bell Island on 13th October, 1942, is that correct?

A.133 Yes, sir.

Q.134 Who did you see there?

A.134 Mr. Tucker.

Q.135 Did he ask you your name?

A.135 I didn't tell him my name.

Q.136 You were asked to fill out this card?

A.136 I didn't fill it out.

Q.137 This is your signature, isn't it?

A.137 Yes sir.

Q.138 Will you tell me your correct name?

A.138 Aleck Marshall Harris.

Q.139 Why did you give Melvie A. Harris?

A.139 I didn't give that. I gave A. Marshall Harris.

Q.140 Did you speak to any of the military authorities over there while you were working at the mines?

A.140 No sir.

Q.141 How were you dressed?

A.141 I had on overalls and an overall jacket, flannel shirt and my battle dress pants underneath it.

Q.142 You mean to tell me you wore your pants underneath all the time?

A.142 Yes sir.

Q.143 All the time you were working in the mine?

A.143 Yes sir.

Q.144 Did you tell Mr. Tucker you were a soldier?

A.144 No sir.

Q.145 When did you leave this company at Bell Island - the Dominion Steel and Coal Company?

A.145 1st or 2nd of November.

Q.146 Why did you leave it?

A.146 I didn't want to stay any longer.

Q.147 Why did you return to St. John's?

A.147 I had the intention of going back to Fort Amherst.

Q.148 What was the reason for the intention to go back to Fort Amherst?

A.148 I had some feeling for the Army. I couldn't stay out any longer.

Q.149 With that intention in your mind, you proceeded to get another position?

A.149 Yes sir.

Q.150 With the Bennett Brewing Company as a truck driver?

A.150 Yes sir.

Q.151 Dressed in Civilian clothes?

A.151 Yes, sir.

Q.152 Did you see any of the officers and soldiers of the 103rd Battery?

A.152 Yes sir.

Q.153 Did you tell them you were working for the Bennett Brewery?

A.153 I didn't tell them where I was working.

Q.154 Did you see any of the Canadian Provost Corps around town?

A.154 Yes sir.

Q.155 You were then apprehended in the Bennett Brewery?

A.155 Yes sir. I was going to return to my unit that night.

Q.156 Why didn't you immediately go back to Fort Amherst?

A.156 I wanted a little more time.

Re-examined by Defending Officer.

Q.157 In connection with the wearing of civilian clothes, if you had gone to Bell Island and the Bennett Brewery and applied for a job do you think you would have gotten it wearing Army clothes?

A.157 No sir.

Q.158 Did you earn enough money while you were away - the $75.00 you required?

A.158 Yes sir.

Questioned by the Court.

Q.159 Is there still money owing from the Dominion Steel and Coal Company?

A.159 Yes, sir.

Q.160 Why isn't it paid?

A.160 I don't know.

Q.161 How much money do they owe you?

A.161 Three days pay at $5.00 per day.

Q.162 How long did you work at Bell Island?

A.162 13th October until 2nd November.

Q.163 Did you receive any pay from the Bennett Brewing Company for your work there?

A.163 No, sir. I was supposed to be paid at the rate of $25.00 a week but I was only there three days.

Q.164 How much did it cost you to live at Bell Island?

A.164 $1.71 a week. Five of us were living in a shack.

Q.165 How much did you actually receive from the Dominion Steel and Coal Company?

A.165 I don't remember exactly, I was paid twice. I got about $35.00 while I was there.

Q.166 You didn't make $75.00

A.166 I was working as a Plumber for four or five days in St. John's at 50 cents an hour.

Q.167 How much ~~cents~~ did you make as a Plumber?

A.167 About $18.00

Q.168 Did you do anything else while you were away?

A.168 No, sir.

Q.169 Then you didn't actually obtain $75.00?

A.169 No, sir, but I made some more shooting dice, etc.

R.P. 83(B) has been complied with.
The witness resumes his seat.

Second witness for Defence — F.10349 Gnr. H.F. Coady, 103rd Coast Battery, R.C.A., C.A. being duly sworn, is examined by Defending Officer.

Q.170 Do you know Gnr. Harris' Wife?

A.170 Yes, sir.

Q.171 Will you tell the Court what you know about Gnr. Harris' wife?

Prosecutor objects to this question as irrelevant. The Court overrules the objection on the advice of the Judge Advocate.

A.171 When I was home she was having an affair with another fellow. She wasn't looking after her own family. Her children were not taken care of. They were not properly clothed or fed.

Q.172 When were you last at home?

A.172 About 2 months ago.

Q.173 Is that the state of affairs at that time?

A.173 No, that was a year ago when I was at home.

Q.174 What about this last time?

A.174 I didn't see her at all, she wasn't in my home town.

Cross-examined by Prosecutor

Q.175 How do you know she was having an affair with someone else, did you see them.

A.175 Yes sir.

Q.176 Do you know the party?

A.176 Yes sir.

Defending Officer declines to re-examine.
R.P. 83(B) has been complied with.
The witness withdraws.

Third Witness for Defence — F.10388 Gnr. M.E. Roach, 103rd Coast Battery, R.C.A. being duly sworn, is examined by the Defending Officer.

Q.177 — Do you know Gnr. Harris' wife and of his children?

Prosecutor objects to this question as being irrelevant.
The Court overrules the objection.

A.177 — His wife is going around with another fellow and his children go around with no clothes and nothing to eat.

Q.178 — Do you know the chap?

A.178 — Yes, sir.

Q.179 — You know the children aren't being looked after?

A.179 — Yes, sir.

Q.180 — How long ago is this?

A.180 — About a year ago.

Q.181 — Have you been home since that?

A.181 — Yes, but never saw his wife.

Q.182 — Did you see the children when you were at home the last time?

A.182 — No sir.

Q.183 — Where do you come from?

A.183 — Stellarton.

Prosecutor declines to cross-examine.
R.P. 83(B) has been complied with.
The witness withdraws.

Fourth Witness for Defence. — C.6108 Gnr. J.R. Villneff, 103rd Coast Battery, R.C.A., C.A. being duly sworn, is examined by the Defending Officer.

Q.184 — You knew that Gnr. Harris was absent without leave just prior to being picked up by the Provost Corps.

A.184 — Yes sir.

Q.185 — Did you see him while he was away?

A.185 — Yes, once at the Caribou Hut two days before he was brought back to the Fort.

Q.186 — Did you have any conversation with him?

A.186 — Yes, sir, he said he was going back on Saturday night on the 5.30 boat.

Q.187 — Did he at that time have any of his army clothes?

A.187 — Yes sir, Battle Dress trousers. He rolled up his Dungarees and showed them to me.

Cross-examined by Prosecutor

Q.188 — He had his Khaki trousers underneath his overalls.

A188 — Yes sir.

Q.189 How did you come to get in conversation with him?

A.189 We were eating Breakfast and he bought a "coke" and came over and spoke to me. We didn't talk about anything in particular.

Q.190 Do you remember all the conversation?

A.190 No

Q191 How is it you remember part of it?

A.191 I was speaking to Gnr. Viekx about it.

Q.192 Did he tell you of this?

A.192 No sir.

Q.193 Are you sure he said Saturday night?

A.193 Yes sir.

Q.194 Have you been speaking to Gnr. Harris since?

A.194 No, sir.

Defending Officer declines to re-examine
R.P. 83(B) has been complied with.
The witness withdraws.

Fifth Witness for Defence

A.22995 Gnr. V. Viekx, 103rd Coast Battery, R.C.A., C.A. being duly sworn is examined by the Defending Officer

Q.195 You knew that Gnr. Harris was absent without leave?

A.195 Yes, sir.

Q.196 During the time he was absent without leave did you ever see him?

A.196 About 2 days before he was picked up I was talking to him in the Caribou Hut. Gnr. Harris told me that he was coming back on the Saturday night boat at 5.30 We were talking about him being A.W.L. and I happened to notice the battle dress pants under his Dungarees. I saw him again the next morning. At that time Gnr. Vilneff was with me.

Q.197 The first time you saw him you were along and the second time with Gnr. Vilneff?

A.197 Yes, sir.

Q.198 The second time you saw him, did he make any statement as to whether he was coming back?

A.198 He said he was coming back on the 5.30 boat.

Prosecutor cross-examines the witness.

Q.199 What was the date of your first meeting with Harris at the Caribou Hut?

A.199 I don't exactly remember, on Thursday night or Friday morning.

Q.200 Give me the exact conversation you had with him that night?

A.200 I walked into the Caribou Hut and booked a bed. I saw Gnr. Harris and I asked him what he was doing, to come out to see some of the boys and he said he was going back on Saturday on the 5.30 boat. I was tired and said I would see him the next morning.

Q.201 What took place the next morning?

A.201 Gnr. Vilneff and myself got up. We were eating breakfast and Gnr. Harris came in and sat down and started to tell Gnr. Vilneff he was coming back on the 5.30 boat on Saturday.

Q.202 Are you sure of that?

A.202 Yes, sir

Q.203 Did anyone have to refresh your memory about that conversation?

A.203 No, sir.

Q.204 Sure of that?

A.204 Yes, sir.

Defending Officer declines to re-examine.
R.P. 83(B) has been complied with.
The witness withdraws.

The Defending Officer makes a Closing Address
(See document marked "P" attached)

The Prosecutor makes a Closing Address.
(See document marked "Q" attached)

The Judge Advocate addresses the Court.
(See document marked "R" attached)

E.

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. F.10082 Gnr. Aleck Marshall Harris, 103rd Coast Battery, R.C.A., C.A. is guilty of the first charge

~~Proceedings on Conviction before Sentence~~

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

Cross-examined by the accused.

[*Instruction.*—*If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

Question to the accused.

Do you wish to address the Court? *Answer.*

The Court is closed for the consideration of the sentence.

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" is read to him again.]

The accused F.10082 Gnr. Aleck Marshall Harris, 103rd Coast Battery, R.C.A., C.A. is found guilty of the second charge

*The summary ~~(or abstract)~~ HHB of evidence is read, marked "S", signed by the President, and attached to the proceedings.

Q.205 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.205 *Answer.* HHB ~~The accused in mitigation of punishment says:~~ No.

HHB ~~[or hands in a written statement, which is read, marked xxxx, signed by~~
HHB ~~the President, and attached to the proceedings.]~~

HHB

Instruction. *If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q.206 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A.206 No. *Answer.*

Evidence as to character.

E.

~~Finding~~*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~*The Court is closed for the consideration of the finding.~~

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~*The Court being reopened the accused is again brought before it.~~

Evidence of character, &c.

Lieut. W.R. Tomlinson, 103rd Coast Battery ~~duly sworn~~ R.C.A., C.A. on his former oath

Q.207 *Question by the President.* Have you any evidence to produce as to the character and particulars

A.207 of service of the accused? *Answer by the Witness.* Yes, I produce M.F.B.355 and M.F.M. 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y & Z signed by the President, and annexed to the proceedings.

Q.208 *Question by the President.* Is the accused the person named in the statement which you have

A.208 heard read? *Answer by the Witness.* Yes, sir

Q.208 *Question.* Have you compared the contents of the above statement with the

A.208 regimental books? *Answer.* Yes, sir

Q.209 *Question.* Are they true extracts from the regimental books, and is the statement

A.209 of entries in the conduct sheets a fair and true summary of those entries? *Answer.* Yes, sir

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

Defending Officer declines to Cross-examine
In the opinion of the Court and Judge Advocate it is not necessary to comply with R.P. 83 (B)
The witness resumes his seat.

Q.210 *Question to the accused.* Do you wish to address the Court? *Answer.* 210 No, sir

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused F.10082 Gnr. Aleck Marshall Harris, 103rd Coast Battery, R.C.A. C.A. to undergo detention for ~~one hundred and fifty~~ 150 days and to be put under stoppages of pay until he has made good the value of the following articles, viz.

Sentence.
Detention 150 days

Stoppages $69.30

Equipment	
Covers, mess tin 1	.06
Blankets G.S. 4	$10.32
Frogs, Bayonet 1	.13
Haversack 1	1.31
Helmets, Steel 1	1.69
Straps, Shoulder L. & R. 2	.53
Respirator, Complete 1	4.63
Bayonet 1	4.07
Scabbard 1	.96
Clothing, Division "A"	
Boots, rubber pairs 1	1.22
Boots, lumberman, rubber pairs 1	.74
Caps, winter, melton cloth 1	.90
Coats, waterproof 1	3.42
Gloves, wln. khaki prs. 1	.44
Mits, leather, pullover 1	.33
Overalls, blue denim prs. 1	1.54
Overall trousers prs. 1	1.67
Clothing Division "B"	
Battle Dress blouses 2	8.37
Battle Dress trousers 1	4.20
Boots, ankle pairs 2	7.80
Caps, field service 1	.59
Drawers, cotton short prs. 2	.50
Drawers, wollen prs. 2	1.76
Jacket, Khaki Drill 1	2.34
Jacket, sweater 1	1.00
Shirts, flannel khaki 2	1.76
Shirts, under, cotton S/S 2	.60
Shirts, service L.S. 1	.96
Shirts, woollen 2	1.71
Shoes, canvas prs. 1	1.42
socks, prs. 2	.54
Trousers, Khaki drill prs. 1	1.26
Clothing Division "D"	
Badges, Cap. R.C.A. 1	.05
Badges, Shoulder, R.C.A. 2	.06
Badges, Canada 2	.02
	$69.30

Signed at St. John's, Newfoundland this 16th day of December, 1942.

G.W. Hall
(G.W. HALL), Captain,
Headquarters, Force "W" C.A.
Judge Advocate

H.B. Bruce
(H.B. BRUCE), Major
14th A.A. Bty., R.C.A., C.A.
President

Confirmed
Signed at St. John's, Newfoundland this 19th day of December, 1942

L.F. Page
(L.F. PAGE), Major-General,
General Officer Commanding,
Canadian Troops Newfoundland.

Extracts entered as No. 1430 in the Record of Courts Martial kept in the office of the Judge Advocate General this 31st day of Dec. 1942

Promulgated and Extract taken at Cliff Camp, Nfld. this twenty second day of December 1942
Officer Commanding 14th Coast Battery, R.C.A.

ORDERS BY Major-General L.F. Page, D.S.O., Commanding the combined Newfoundland and Canadian Military Forces in Newfoundland.

District Court Martial:
F.10082 Gnr. Aleck Marshall Harris,
103rd Coast Battery, R.C.A., C.A.

"X"

St. John's, Newfoundland
11th December, 1942.

1. The detail of Officers as mentioned below will assemble at Lester's Field, St. John's, Newfoundland at 1000 hours on Wednesday, the 16th day of December, 1942, for the purpose of trying by a District Court Martial the accused person named in the margin (and such other persons as may be brought before them).

2. PRESIDENT:

H.B. Bruce Major
President D.C.M.

Major H.B. Bruce, 14th A.A. Battery, R.C.A., C.A. is appointed President.

MEMBERS:

Capt. J.H. Fordham, Lincoln and Welland Regiment, C.A.

Lieut. J.S. Grant, 25th A.A. Regiment, R.C.A., C.A.

WAITING MEMBER:

Lieut. S.G. Dyke, Lincoln and Welland Regiment, C.A.

JUDGE ADVOCATE:

Capt. G.W. Hall, Headquarters, Force "W" C.A.

PROSECUTOR:

Lieut. W.R. Tomlinson, 103rd Coast Battery, R.C.A., C.A.

DEFENDING OFFICER:

Lieut. J.G. MacInnis, 103rd Coast Battery, R.C.A., C.A.

OFFICERS UNDER INSTRUCTION:

Major N.H. Grant, No. 3 Company A.C. Signals, R.C.C.S.
Lieut. D.B. Fay., 103rd Coast Battery, R.C.A., C.A.
2/Lieut. J.E. Delaney, 25th A.A. Regiment, R.C.A., C.A.
2/Lieut. F.H. Rous, 25th A.A. Regiment, R.C.A., C.A.
2/Lieut. W. Staskow, 25th A.A. Regiment, R.C.A., C.A.
2/Lieut. H. Warwick, 25th A.A. Regiment, R.C.A., C.A.
2/Lieut. J.E. MacNeill, 25th A.A. Regiment, R.C.A., C.A.
2/Lieut. R.F.W. Wightman, 25th A.A. Regiment, R.C.A., C.A.

The accused person will be warned, and all witnesses duly required to attend.

3. The Commander, St. John's Defences will arrange for the necessary accommodation and stationery. The Officer Commanding 103rd Coast Battery, R.C.A., C.A. will arrange for the Court Orderly and Shorthand Writer, and will also ensure that the necessary escort has been provided.

4. The proceedings will be forwarded to the General Officer Commanding Canadian Troops Newfoundland.

Signed at St. John's, Newfoundland, this 11th day of December, 1942.

J.B. Dunbar
(J.B. DUNBAR), Lieut.-Col.
A.A. & Q.M.G.,
for L.F. PAGE, Major-General,
General Officer Commanding,
Canadian Troops Newfoundland.

"G"

H.B. Brune Major
President G.C.M.

OFFICERS UNDER INSTRUCTION:

Lieut. D.B. Fay, 103rd Coast Battery, R.C.A., C.A.
2/Lieut. J.E. Delaney, 25th A.A. Regiment, R.C.A., C.A.
2/Lieut. F.H. Rous, 25th A.A. Regiment, R.C.A., C.A.
2/Lieut. H. Warwick, 25th A.A. Regiment, R.C.A., C.A.
2/Lieut. R.F.W. Wightman, 25th A.A. Regiment, R.C.A., C.A.

T.B

Dominion Steel & Coal Corporation, Limited

EMPLOYMENT DEPARTMENT RECORD

20-500 6
$3

District ..... Dept. 46 ..... Date Oct 15 1944

Name	Check No.	Nationality	Nfld. Citizen	English Read, Write, Speak	Height / Weight
Harris Melvin A.	1694			✓	5' 8" in. / 165 lbs.

Occupation	Date of Birth	Place of Birth	M. S. W.	Local Address
Loader	Dec 15-1915	Glen Melbourne		

Board / Pay Rent / Own Home — Home address nearest living relative: Elda Harris Mother Glen Melbourne

Accidents

Religion: C of E

Names and age of children under 21 years. "H"

H

H. B. Muir Major
President DCM.

I, the undersigned, being received into the employ of the Dominion Steel & Coal Corporation, Limited, do hereby bind and oblige myself so long as I remain in the service of the said company, to strictly comply with the Special Rules of the Dominion Steel & Coal Corporation, Limited, as approved by the Government of Newfoundland, under pain of immediate dismissal from the service of the said Company and infliction of the penalties prescribed against the infraction of the said Special Rules. I further acknowledge that I have received a copy of the said Special Rules.

1694

Witness Wm H. Tucker Signed Melvin A Harris

"I"

INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

Regtl. No. F10082 Rank Gnr Name HARRIS, A.M. Date of Attestation [illegible]

President O.C. [illegible]

CLOTHING

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials
Anklets, Web, prs.	1	5/6 4/41	[illegible]	1	23 3/42	[illegible]									
Battle Dress—															
Blouses, serge	1	5/6 4/41	[illegible]	1	22 3/42	[illegible]									
Trousers, serge, prs.	1	5/6 4/41	[illegible]												
Belts, waist, leather, brown	1	29 3/41	[illegible]												
Boots, ankle, prs.	2	5/6 4/41	[illegible]												
Boots Rubber Knee ~~ankle, felt, prs.~~	1	19 9/42	[illegible]												
" Lumberman's, rubber, prs.	1	15 5/42	[illegible]												
Breeches, D.C., or trousers, S.D., prs.															
Caps Field	1	5/6 4/41	[illegible]												
MELTON	1	5/6 4/41	[illegible]												
Cloak or greatcoat, drab	1	5/6 4/41	[illegible]												
Drawers, cotton, short, prs.	2	29 3/42	[illegible]												
" woollen, prs.	2	5/6 4/41	[illegible]												
Gloves, woollen, khaki, prs.	1	5/6 4/41	[illegible]												
Helmets, sun			IR												
Jackets or doublets, S.D.															
Jackets, khaki, drill	1	18 4/41	[illegible]												
" sweater	1	5/6 4/41	[illegible]												
Mitts, pullover, leather, prs.	1	5/6 4/41	[illegible]												
Overalls—Blouses, denim	1	5/6 4/41	[illegible]												
" Trousers, denim, prs.	1	5/6 4/41	[illegible]												
Overshoes or rubbers, prs.	1	21 3/42	[illegible]												
COVERALLS ~~Coveralls or trousers, service, prs.~~	2	21 3/42	[illegible]												
Puttees, prs.															
Shirts, flannel, khaki	2	5/6 4/41	[illegible]												
" khaki, cotton, with short sleeves.															
" service															
" under, cotton	2	29 3/42	[illegible]												
" woollen	2	5/6 4/41	[illegible]												
Shoes, canvas, prs.	1	5/6 4/41	[illegible]												
Socks, prs.	3	5/6 4/41	[illegible]												
Trousers, khaki, drill, prs.															
" khaki, drill, short, prs.	1	24 3/41	[illegible]												
BLANKETS	4	28 3/42	[illegible]												

NECESSARIES

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials
Bags, kit	1	5/6 4/41	[illegible]
Blacking, tins			
Bootdressing, tins			
Bootlaces, prs.	2	5/6 4/41	[illegible]
Braces, prs.	1	5/6 4/41	[illegible]
Brasses, button	1	5/6 4/41	[illegible]
Brushes, boot, blacking	1	5/6 4/41	[illegible]
" boot, polishing	1	5/6 4/41	[illegible]
" button	1	5/6 4/41	[illegible]
" cloth	1	5/6 4/41	[illegible]
" hair			
" shaving	1	5/6 4/41	[illegible]
" tooth			
Caps, comforter	1	5/6 4/41	[illegible]
Combs			
Discs, identity, with cord			
Dressings, first, field			
Forks	1	5/6 4/41	[illegible]
Holdalls	1	5/6 4/41	[illegible]
Housewives	1	5/6 4/41	[illegible]
Knives, clasp, and lanyard	1	5/6 4/41	[illegible]
Knives, table	1	5/6 4/41	[illegible]
Razors, safety	1	5/6 4/41	[illegible]
" blades			
Sponges, pipeclay			
Spoons, table	1	5/6 4/41	[illegible]
Towels, hand	2	5/6 4/41	[illegible]
Coats Water-Proof IR	1	23 4/42	[illegible]
Badges, arm			
Badges, cap	1	5/6 4/41	[illegible]
RCA Badges, shoulder or worsted, prs.	1	23 5/42	[illegible]
Buttons, G.S., large			
" " small			
CANADA'S	1	5/6 4/41	[illegible]

Free Issues only will be accounted for on this form.

Signature of Soldier A M Harris

Signature of Quartermaster [illegible]

M.F.C. 800
4C&M—10-40 (7366)
H.Q. 1772—39-1643

54

CERTIFICATE TO BE SIGNED BY ACCOUNTING OFFICER ON TRANSFER OR ATTACHMENT OF SOLDIER

Certified that the record detailed on this form is correct			Certified that the record detailed on this form has been verified with the articles in possession of the soldier				
On transfer or attachment to the undermentioned Unit	Date	Signature of Accounting Officer	On transfer or attachment from the undermentioned Unit	Date	Signature of Accounting Officer	Transferred	Attached

EQUIPMENT (a)		Date of Issue	Date of Issue	Date of Issue	Date of Issue	ARMS AND MISCELLANEOUS (a)	Date of Issue	Date of Issue	Date of Issue	Date of Issue
Attachments, brace						Bayonets and Scabbards				
Bags, ration						Bottles, oil				
Bandoliers						Pistol				
Belts, waist	1	5/6/41				Pullthroughs				
Bottles, water	1	5/6/41				Rifles I-81618				
Braces	2	5/6/41				Swords and Scabbards				
Carriers, cartridge	2	5/6/41								
" waterbottle	1	5/6/41								
Cases, pistol										
Covers, messtin	1	5/6/41				Blankets				
Frogs, bayonet		14/5/41				Sheets, ground				
Haversacks	1	5/6/41				Respirator Complete	5/6/41			
Helmets, steel	1	5/6/41								
Lanyards, pistol										
Packs	1	5/6/41								
Pouches, ammunition										
Pouches, basic										
Slings, rifle	1	14/5/41								
Spurs, jack, prs										
Straps, shoulder	2	5/6/41								
" web, supporting	2	5/6/41								
Tins, mess	1	5/6/41								

CERTIFIED TRUE COPY
[illegible] Heavy Regt, R.C.A.

(a) Arms and equipment will not be transferred with the soldier unless authorized by the D.O.C.

On return of any article the Q.M. will initial in the date column opposite the article returned and line through in red ink.

Signature of Soldier [illegible]

Signature of Soldier

Signature of Soldier

Signature of Soldier

Signature of Soldier [illegible]

Signature of Soldier

Signature of Soldier

Signature of Soldier

"J"

H. Bruce Mayo
President D.C.M.

Question to accused :- Do you wish to make any statement, or to give evidence upon oath? you are notobligded to say anything ot give evidence unless you wish to do so but what ever you say or any evidence you give will be taken down in writing and maybe given in evidence.

Answer by accused :- I wish to make a statement under oath :-

The accused having been duly sworn states :- I joined the Army in October 1939 as a cook. I understood thats what my job was to be in the army. I was promised a higher rank than the rank that I was holding by telling a falsehood of how many children I had. I did my job to the best of my ability. I never received any elementry training as far as arms were concerned I had no crimes against me until I came to Newfoundland which can be shown on my Field Conduct Sheet. I dont now how to slope arms. I cannot go on a parade without going out of step. The reason I wantl had no intention of Deserting his Majestey's Forces. I thought i could get into the Merchant Navy or join another unit under a different name I could make another start and not be called every morning a favorite name "Spooky" and Squarehead and a German. I got paraded day after day to see if they could send me to another place so I could start all over again. Evidently it did'nt do much good. I tried to soldier but I could'nt do it. Every time I went on gun drill I tried to learn and all they done was laugh at me. I asked to be sent to Debert Camp for four months military training among the recruits and was refused. From the time I came to Fort Amherst it was just a hell, sixteen months of it. I got paraded to get transferred to any unit in England, Labrador any place close of Fort Amherst. I was refused. so I thought if I could get a ship I would be better off. I wasn't doing anything to help the war effort and I thought I would be doing my country a better service if I got were I could work. Thats all I have to say.

Gnr A M Hann

The accused declined to call any witness in his defence.

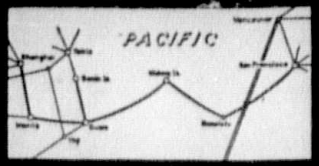
I certify that Rules of Procedure 4 (c), (d) , (e) and (f) have been complied with, and that this summary of evidence was taken in the presence of the accused.
Taken down by me in the presence of the accused at Fort Amherst, Newfoundland this 2nd day of December, 1942.

Lt. W.H. Tomlinson Lieut.
(W.H. Tomlinson) Lieut.
103rd. Coast Battery, R.C.A.

30/

Commercial Cables

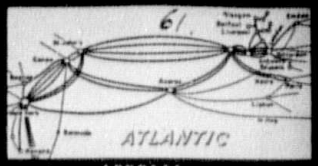
CLARENCE H. MACKAY, PRESIDENT



TELEPHONE
COMMERCIAL

ALL AMERICA
CABLES

POSTAL
TELEGRAPH



ADDRESS
111 WATER STREET

CABLES TO ALL THE WORLD

"K" H. Osborne Mayo
President, C.C.M.

14

DEC 21 1941

AXNF282 49 NL

NEWWATERFORD NS 21

OFFICER COMMANDING

103 RD BATTERY CAPE SPEAR STJOHNS

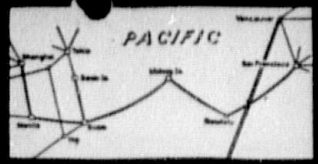
GUNNER HARRIS A M ADMITTED MILITARY HOSPITAL SYDNEY ON DECEMBER NINTH DISCHARGED DECEMBER TWENTIETH PNEUMONIA STOP RECOMMENDED SIX DAYS EXCUSED DUTY STOP SERIOUS TROUBLE IN FAMILY AT HOME STOP MAY PASS FOR SIX DAYS ALSO FIVE DAYS CHRISTMAS LEAVE BE GRANTED STOP THIS CASE IS GENUINE WIRE REPLY TO

N L KEEFE CAPT RCA O/C FORT LINGAN

J.

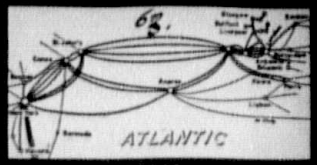
Commercial Cables

CLARENCE H. MACKAY, PRESIDENT



ALL AMERICA CABLES

POSTAL TELEGRAPH



TELEPHONE COMMERCIAL

CABLES TO ALL THE WORLD

ADDRESS 111 WATER STREET

"M" H. Osborne Mayo President PCM 62

JAN 1 1942

AXNF176 55 NL

SYDNEY NS 1

MAJOR ARMSTRONG

OC 103 BATTERY STJOHNS NF

PLEASE GRANT EXTENSION OF MY LEAVE AS I AM STRANDED WITH FIVE CHILDREN IF POSSIBLE PLEASE SEND ME SOME MONEY IF YOU WISH CONFIRM THIS WIRE CHIEF OF POLICE AT NEWWATERFORD NS HAVE BEEN IN TOUCH WITH MILITARY AUTHORITIES SYDNEY SINCE TWENTY NINTH AND REPORTED TO THEM EXPECT TO HAVE EVERYTHING SETTLED WITHIN SEVEN DAYS

GUNNER A M HARRIS F10082

P.A.

HBA/H

"N"

H. Bruce Rogers
Pursuant Gen.
HBA/H-2

65

- A R M Y -

Cape Spear, Nfld., 25th Feb., 2 .

Commander,
St. John's Defences,
St. John's, Nfld.

CIVIL CHARGES
P 10034 Gnr. Harris, A.W.

This man went A.W.L. and was away 19 days. He was apprehended by the civil authorities of his home town, turned over to the Military Police and sent back to his Unit for which the costs were $78.50. The Commander Sydney & Canso Defences forwarded three (3) "Information and Complaints" sworn to before Deputy Stipendiary Magistrate Hinchey of New Waterford, N.S. as follows:

(1) Assaulting Mrs. Cecil Murrant
(2) Assaulting Mrs. Fred Marsh
(3) Doing unlawful wilful damage to the property of Mrs. Fred Marsh to the extent of $15.00. It is not clear whether he was tried on these charges or not but if so the records of conviction have certainly not been received.

2. The man's story is that he has been having trouble at home for months. He was granted furlough ahead of time last December in order to try and straighten out his affairs. His wife, he says, has been threatening to desert him and he feared that she was misapplying her D.A. & A.P. moneys.

3. When he arrived home on the occasion of this A.W.L. he discovered his wife had left his home and had distributed his two children to the neighbors. The charges arose when he attempted to regain possession of his children. He maintained that he was hustled back to his Unit without trial when he was able to acquire the services of an officer to represent him.

4. It is impossible to know how much of the above is fact and how much is fiction but the man has certainly been hopeless as a soldier for sometime past and the alleged trouble may quite easily be the cause. It is requested that a wire be despatched to the Dependents Allowance Board so that they may start an investigation as soon as possible, and perhaps settle the children in an Orphanage if necessary. In the meantime he has been released from the charge of A.W.L., the costs of apprehension and the civil charges without prejudice to rearrest.

Civil Charges (cont. from page No. 1 25-2-42

Please pass this information along to the Field Cashier, Force "W".

(H.B.Armstrong), Major,
O.C. 103rd Heavy Battery, R.C.A.

"O" H. Bruce Reid
President O.C.M.

ROUTINE ORDER
No. 485

1. VOLUNTARY TRANSFER:
To:

O.C. 103rd Heavy Battery R.C.A. UNIT

I hereby make application for transfer from 103rd Hvy Bty RCA

TO R.C.O.C. My reasons for desiring to transfer are:-- to Better myself

Place Fort Amherst, Nfld

Date Nov 12th, 1941

A M Norris Signature

F10002 Regtl. No. & Rank

103rd Heavy Battery, RCA

2. PARTICULARS-

Age 28 Medical Category "A" Trade Mechanic

Date of Enlistment Oct. 16th, 1939 Married or Single

Other Remarks

3. EFFECTIVE DATE OF TRANSFER Estimated Cost

(A) Concur

P.A. Armstrong Maj.

O.C. O.C. 103rd HEAVY BATTERY, R.C.A.
(Present Unit)

(B) Concur

O.C.
(New Unit)

5. (A) Concur / Approved

D.O.C., M.D.

(B) Concur

D.O.C., M.D.

6. (A) DEPARTMENTAL CORPS

Concur

O.A.
(signature)

Corps

(B) Concur

O.A.
(signature)

Corps

7. APPROVED AT N.D.H.

Date

No. R-10082 Name Harris

Sqn., Battery, or Company: 16 Coast Bde Corps

Date of enlistment: 24-9-39

G.C. Badges

Service or Proficiency Pay

M.F.M. 6 (A.F.D. 1[illegible]) 10636—11-40 (H.Q. 1772-[illegible])

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Period not reckoning towards freedom from extra fine

Sheet No.

Signature O.C. Company, etc.

Character

Cont.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
N. Sydney	20-8-40	Gnr		Being improperly dressed	Gnr. Keigan Sgt. Finlayson	Reprimanded	21-8-40	J.J.MacKenzie	
Fort. Amherst	4-8-41	A/Bdr		Neglect to the prejudice etc. in that neglected to take reasonable steps to quell a disturbance in a barrack room of which he was senior N.C.O. at the time.		Reverts to rank of Gunner	4-8-41	H.B. Armstrong Major	
Fort. Amherst	23-8-41	Gnr.		A.W.L. from 2200hrs 23-8-42 to 1700 hrs 24-8-41	Sgt. LeMoine	8 days pay	25-8-41	H.B. Armstrong Major	
Fort. Amherst	19-9-41			A.A. Sect. 40. Neglect to the prejudice etc. in that he at Fort Amherst on the 6th day of September 1941 neglected					

CERTIFIED TRUE COPY

[signature]

103rd Heavy Battery, R.C.A.

P. Hobbs [illegible] by "Z" [illegible]

58

CERTIFICATE TO BE SIGNED BY ACCOUNTING OFFICER ON TRANSFER OR ATTACHMENT OF SOLDIER

Certified that the record detailed on this form is correct			Certified that the record detailed on this form has been verified with the articles in possession of the soldier				
On transfer or attachment to the undermentioned Unit	Date	Signature of Accounting Officer	On transfer or attachment from the undermentioned Unit	Date	Signature of Accounting Officer	Transferred	Attached

EQUIPMENT (a)		Date of Issue	Date of Issue	Date of Issue	Date of Issue	ARMS AND MISCELLANEOUS (a)	Date of Issue	Date of Issue	Date of Issue	Date of Issue
Attachments, brace						Bayonets and Scabbards				
Bags, ration						Bottles, oil				
Bandoliers						Pistol				
Belts, waist	1	5/6/41				Pullthroughs				
Bottles, water	1	5/6/41				Rifles I-81616				
Braces	2	5/6/41				Swords and Scabbards				
Carriers, cartridge	2	5/6/41								
" waterbottle	1	5/6/41								
Cases, pistol										
Covers, messtin	1	5/6/41				Blankets				
Frogs, bayonet		14/5/41				Sheets, ground				
Haversacks	1	5/6/41				Respirator Complete	5/6/41			
Helmets, steel	1	5/6/41								
Lanyards, pistol										
Packs	1	5/6/41								
Pouches, ammunition										
Pouches, basic										
Slings, rifle	1	14/5/41								
Spurs, jack, prs										
Straps, shoulder	2	5/6/41								
" web, supporting	2	5/6/41								
Tins, mess	1	5/6/41								

CERTIFIED TRUE COPY
[illegible] Heavy Battery, R.C.A.

(a) Arms and equipment will not be transferred with the soldier unless authorized by the D.O.C.

On return of any article the Q.M. will initial in the date column opposite the article returned and line through in red ink.

Signature of Soldier [illegible]

Signature of Soldier

Signature of Soldier

Signature of Soldier

Signature of Soldier [illegible]

Signature of Soldier

Signature of Soldier

Signature of Soldier

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Lethbridge	19-9-41			No clean the Recreation Hall when ordered to do so by Bdr. Hatson. Sect. 9 Army Act.	Bdr. Hatson Gnr. Dixon	14 days detention	16-9-41	H.B. Armstrong Major	Auto. forfeit of 14 days pay
Ft. Amherst	13-3-42	Gnr.	2	A.A. Sect. 19 Drunkeness 2nd offence	H.S.M. Lord	Fined $ 5.00	12-3-42	A.H. Parker Capt.	
Ft. Amherst	14-1-42	Gnr.		Sect. 15 A.A. Absent without leave from 1330 hrs 15-1-42 to 1135 hrs 2-2-42. Total 17 days 22hrs., 5 mins	Doc. Evid.	18 days detention	29-9-42		
"	4-3-42		1	Drunkeness 1st offence	B.S.M. Lord	Admonished	8-3-42		
Ft. Amherst	26-6-42	Gnr.		A.A. Sect. 15. Absenting himself without leave, in that he at Fort Amherst on the 26-6-42 absented himself without leave from 0730 hrs 26-6-42 until 1745 hrs 26-6-42 10 hrs 15 mins	Bdr. Learns L/A/B.S.M. Morton	3 days pay 7 days C.B.		F.T. MacNaughton	Auto forfeit of 1 days pay

No. 1-10082 Name Harris A.N. Sqn., Battery, or Company } 103rd. Coast Battery R.C.A. Corps Date of enlistment } 24-9-39 G.C. Badges } Service or Proficiency Pay }

Date of last entry in Company Conduct Sheet } No. and date of last drunk } Period not reckoning towards freedom from extra fine } Sheet No. Signature O.C. Company, etc. } Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Ft.Amherst	7-9-42	Gnr.		A.A. Sgt. 15 hrs.L. from 0730, 7-9-42 until 2230 hrs 7-9-42. Absent 15 hours.	Sgt. Orton Bdr. LeBlanc	"Admonished"	9-9-42		Auto. forfeit of 1 days pay

CERTIFIED TRUE COPY

103rd Heavy Battery, R.C.A.

(P.T.O.)

H. Bruce Major
Contact (Com.)

96.

M.F.B. 358
5034—11-41 (2273)
H.Q. 1772-30-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
F-10082	Gnr.	Aleck Marshall Harris,	103rd. Coast Battery, R.C.A. C.A.

1. The following is a fair and true summary of the entries in the ~~Regimental or Divisional Defaulters~~ Field Conduct sheets ~~Secondary Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Military Law~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For Absent without leave	3	times	Being improperly dressed	1 times
For Drunkeness	2	times	Neglect to the prejudice	2 times
For		times	Absent without leave	4 times
For		times		times

~~Number of instances of military or distinguished conduct~~

~~Statement of entries in the conduct sheets of the accused~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under S.A. 73 are set out in the Schedule annexed to this statement.~~

3. The accused is not under sentence at the present time.

or,

~~The accused at the present time is under sentence for~~ ..... ~~beginning on the~~ .....

4. The accused has been in confinement awaiting trial on the present charges, for ~~XXXXXXXX~~ days in ~~civil custody, and~~ ~~air force~~ 24 days in military custody, making a total of 24 days in custody, of which NIL. days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 29 years 2 months

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper 16th October, 1939.

~~The service which the accused is allowed to reckon towards discharge is~~

~~8. The accused is entitled to reckon~~ ~~XXXXXXXX~~ ~~service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward (~~or is in possession of or entitled to~~). ~~State any air force~~ military ~~decoration or reward~~

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held air force the~~ ~~rank of~~ .....

94.

~~11. (In the case of an officer.) The regimental books in the Royal Canadian Air Force the rank of~~
~~Permanent Force~~
~~unit~~
.....dated ....., and in his regiment (or corps), the rank of
.....dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

In the rank of ..... Date of promotion.

In the rank of .....years.

In the rank of .....years.

In the rank of .....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 7th day of December, 1942 [illegible] Capt.
O.C. 101st Coast Bty. R.C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

Defending Officer's Closing Address.

"P" H. Bruce Reid
President DCM

The accused, Gnr. Harris, admits being absent without leave but he does not admit intending to desert and nothing the prosecution has brought forward tends to substantiate that evidence. The fact that Gnr. Harris was found in civilian was quite understandable. He went absent without leave in order to make some money and he couldn't have got a civilian job had he applied in his Army dress. Gnr. Harris had had other A.W.L.'s all for the same reason, namely to try and straighten out his tangled affairs at home. During the time he was in Newfoundland, he received no promotion except two stripes without pay. His pay was in debit and would remain that way for a considerable length of time. At various times Gnr. Harris applied for leave on compassionate grounds but it was always turned down. His only furlough was granted, not by the 103rd Battery but by the Ordnance. Had Gnr. Harris been able to secure the $75.00 he needed, it is quite sure that he would have returned. During the time he was away, he made no effort to leave the country, remained on the Avalon Peninsula, and spend almost all that time either at Bell Island or St. John's.

Prosecutor's Closing Address Q H.K. Bruce 2nd Lieut. 73 Grenadier Gds.

I wish to point out certain sections under Offences and Punishments of the Manual of Military Law:

Sec.19

" Nor can desertion invariably be judged by distance, for a soldier may absent himself without leave and depart to a very considerable distance, and yet the evidence of an intention to return may be clear; whereas he may scarcely quite the camp or barrack yard, and the evidence of intention not to return (by the assumption of a disguise, for example, and other circumstances) may be complete.

Sec. 21

A men may be a deserter though his absence was in the first instance legal (e.g. authorised by leave or furlough), the criterion being the same in all cases, namely, the intention of not returning. It is clearly shown by the King's Regulations, and by the explanation on the furlough form itself, that a soldier on furlough is still under orders, and that, if without leave he quits the place to which he has permission to go, or if he disguises or conceals himself so that orders cannot reach him, or goes on board a ship about to said for a distant port, he is liable to be tried and convicted of desertion though on furlough at the time. A soldier stationed, for example, at Ipswich, who obtains a pass to Bristol, and during his leave is found at Liverpool in civilian costume on board a ship about to sail for New York, may be tried for desertion."

Section 23 on page 20. This section goes much further than desertion:

" The fact that a soldier surrenders is not proof by itself that he intended to return even though he is in uniform at the time of surrender. It may not be possible to prove where the man has been during his absence, but evidence that the military patrols had searched carefully in the neighborhood of the barracks without finding him, would show that he must have gone to a distance or concealed himself. From this and other circumstances the court may infer that he surrendered because he could not effect his contemplated escape."

Desertion has a very wide meaning. We must prove illegal absence. That has been admitted. We must also prove circumstances which would prove that he intended to desert or that he concealed himself, that he disguised himself so that he could not be apprehended.

The accused has, through the defence officer, placed before the Court his history from the early part of his enlistment his family difficulties, and we all have to sympathize with a man with such difficulties, but a man who is placed on active service with a unit which is an operational unit, must then for the first time after he has left Canada realize that family difficulties cannot be sufficient to warrant desertion or absence without leave. I will go a little further, He wasn't charged with absence without leave when he obtained his furlough and overstayed, which could have been. He asked for 7 days from the 1st of January to the 7th January which he received according to the evidence because he was charged with such. Now then, after all these periods during which he claims to have had difficulty, according to his own evidence, he approached his superior officer with having a notice sent through to the Dependant's Allowance Board for them to investigate it and according to his own evidence they refused to cut off her allowance or the children's. They continued her allowance. He, of course, brought in several witnesses and I submit nd too much strength should be placed on evidence of that kind;

He claims when going absent under the charge that he is now, that he wanted to earn sufficient money for a divorce. Well, I submit, for your consideration the fact that if he had desired that money, he would have said he wished to go out and work and get some extra money for the 2 children which he does know where they are instead of a divorce which would not have assisted him in his family difficulties. I submit that any argument placed before this Court as to $75.00 for a divorce action should not be given consideration because on a separation agreement they can carry on just the same as if he had a divorce. I submit that divorce would not help him one iota.

My next contention is that during this period of time that he was absent, from the 23rd September until 21st November, 1942, when he was apprehended, he went to Trinity Bay to hide. I must say that is the inference we must draw from that. He says he went out shooting birds. We must infer for that two weeks he wasn't worried much about that money for the divorce.

He admits he was in civilian clothes. He came to Bell Island and applied for a job as Melvie A. Harris. He signs his name as Melvie A. Harris. He admits his name is Aleck Marshall Harris. There is a difference there I want to point out. If he had signed his name as A. Melvie Harris he might have contended that Melvie was a nickmane for Marshall but in his own signature he turns his name around and signs it as Melvie A. Harris. I think it is the most significant point in this case. The one point, in my mind, that would lead me to believe he didn't want anybody to know his correct name becuase even if he didn't change Harris, if anyone called up from the Provost and asked if an Aleck Marshall Harris was working there, naturally they would say no.

He worked there for a period of time. He didn't give himself up at that time; no, he was absent without leave. He came over here and I must submit that the inference you might draw from that is that he felt that at that time probably they had forgotten about him and returned to St.John's to obtain a new position. He applied for this new position under, of course his correct name. He wasn't afraid any longer; nobody had, up until this period of time, bothered him and he continued working until apprehended.

I am just going to ask you, sir, to consider the two sets of evidence we have. We have the accused's sworn statement on the Summary of Evidence and then we have the huge story today. He doesn't mention all this family trouble he hadin this but he goes on and tells just exactly why he did leave. From his own free version, where no one could ask him a question, he tells in his own free words, the practical situation. "Every time I went on gun drill I tried to learn and all they done was laugh at me. I asked to be sent to Debert Camp for four months military training amoung the recruits and was refused. From the time I came to Fort Amherst it was just a hell, sixteen months of it. I got paraded to get transferred to any unit in England, Labrador, any place clear of Fort Amherst. I was refused so I thought if I could get a ship I would be better off. I wasn't doing anything to help the war effort and I thought I would be doing my country a better service if I got were I could work. That is all I have to say." I don't think that you could find any stronger intention or proof of the intention to desert than those last few lines. I think that sets out the whole thing.

He asked for a transfer to the Ordnance. They sent him and attached him. While there, he goes A.W.L. Naturally he was sent back to Fort Amherst. So that then what we have to prove is the illegal absence. The intention is the way he concealed himself at Trinity Bay, Bell Island and then, of course, he came over to St. John's. If he had of intended to return to his unit, he would have come back from Bell Island and walked back to his unit and reported there.

Another thing that was brought up by the Defence Counsel is that he didn't leave the Island. I submit that the accused, himself, is clever enough not to attempt to get on a boat to leave the Island. No question about it, he would have been apprehended.

I must say that since we have produced the evidence, that we go a little further and we give his own statement as to what he was going to do and not what he did do. Because of the family troubles which was a year ago, he went Absent without leave to clear up the family difficulties he had. If he had of done it a year ago, he might have been able to say, "Well, I am being charged with desertion and I really don't deserve to as my wife is running around with someone else", but he waits until September.

He says at various times he applied for compassionate leave. The Officer Commanding was not called to ask him to produce his evidence as to the number of times he was paraded--there was no question of that at all. So therefore there is no evidence that he was paraded time after time and refused. He was given every opportunity when he wanted to go to Ordnance and he got that opportunity.

He couldn't straighten matters up at home. After the evidence I have heard, he couldn't do anything about it as there was nothing there to straighten up.

In my opinion, this is one case where desertion was deliberate. He came back with no clothes--disposed of everything. I must submit that this is a clear case of desertion.

X 606

"R" H. Bruce Hogg
President, D.C.M.

JUDGE ADVOCATE'S SUMMING UP

You, the Court, have heard the evidence adduced before you - you have heard the facts. I am now going to tell you what the Law is and it is for you to apply the Law to those facts:

This charge is under Sec 12(1) (a) of the Army Act. I refer you to the Foot Note at M.M.L.p 437, the relevant parts which read as follows:

"Upon a charge of desertion the prosecutor should prove, ~~with~~ the date when the absence began and the date when it ended by apprehension.." "To establish desertion it is necessary to prove some circumstances justifying the inference that the accused intended not to return to military duty in any corps....."

Let me point out that intention is not capable of positive proof, it can only be inferred from overt acts. As a general rule a person is presumed in law to have intended the natural and probable consequences of his act.

I would also refer you to Pages 19 & 20, sections 17 - 24.

Sec.17 points out that the criterion between desertion and absence without leave is intention. The offence of desertion...implies an intention on the part of the offender, in this case, not to return to His Majesty's Services at all. The Court should not find the accused guilty of desertion unless fully satisfied on the evidence that he has been guilty of desertion as above defined.

On the other hand absence without leave may be described as such short absence, unaccompanied by disguise, con cealment, or other suspicious circumstances, as occurs when a soldier does not return to his corps or duty at the proper time, but the circumstances are such as to show that he did not intend to quit the service.

Sec.18 & 19 of Chap.3, M.M.L. p.19 give examples showing how intention can be inferred from overt acts.e.g. Distance by itself is not an criterion - a soldier may absent himself without leave and depart to a very considerable distance and yet the evidence of an intention to return may be clear whereas he may scarcely quit the camp or barrack yard and the evidence of intention nor to return (by the assumption of a disguise for example and other circumstance) may be complete. A man may be a deserter on furlough. Sec 21 on M.M.L. page 20 gives an exapmle of this. The fact that a soldier surrenders is not proof by itself that he intended to return - even though in uniform at the time of surrender, he may have surrendered because he could not effect his contemplated escape. An example of this appears in Sec 23 of Chap 3 M.M.L. p.20.

If there is reasonable doubt in your minds as to the guilt of the accused he is entitled to the benefit of that doubt and to be acquitted of the charge of desertion, because there is a duty on the prosecution to prove beyond a reasonable doubt the guilt of the accused. Every man is presumed innocent until he is proved guilty and it is incumbent on the prosecution to give evidence showing the commission of the offence charged and connecting the accused therewith.

However I would refer you to para. 24 of chap 3 M.M.L. p.20 which states - A soldier charged with desertion may be found guilty of being absent without leave. In case of doubt as to whether one or the other offence has been committed the Court should find the accused guilty of the less offence.

Sec. 56(3) of the Army Act M.M.L. p. 484 provides that "An accused charged before a Court Martial with desertion may be found guilty of attempting to desert or of being absent without leave.

"S" H. Bruce Major President D.C.M.

SUMMARY OF EVIDENCE

F-10082 Gunner Aleck Marshall Harris, "C" Troop 103rd. Coast Battery. R.C.A., C.A., a soldier of the Canadian Army placed on Active Service.

CHARGES

ONE DESERTION

TWO LOSING BY NEGLECT HIS EQUIPMENT AND CLOTHING.

The Officer Commanding directs that the evidence be taken on Oath.

FIRST WITNESS

D-77462 L/Bdr. Frances Henry Burton, "C" Troop 103rd. Coast Battery, R.C.A.,C.A., having been duly sworn states :-

At 200 hours on September 22nd, 1942, I took guard duty at Guard Room at Fort Amherst. Gunner Harris A.M. was under close arrest in the guard room. At 0600 hours on September, 23rd, 1942 I went out to awaken the gun crew going on duty and put some coal on the jacket heater. When I came back at approximately 0730 hours I noticed that the little peg between the bar and the door was shoved up to the end of the bar. I knew then that someone had tampered with the door, when I looked in Gunner Harris A.M. was gone. He was in the guard room prior to 0600 hours. I then notified the Sergeant of the gun crew and started to make a search for him in the Fort area and in the barrack rooms but could not find him. To my knowledge he has not been in the Fort area since, until returned under escort on November 21st, 1942.

The accused declined to cross examine.

.....

SECOND WITNESS

P-4471 B.S.M., Russell William Morton,"C" Troop 103rd. Coast Battery, R.C.A., C.A., having been duly sworn states :-

I am Sergeant Major of "C" Troop stationed at Fort Amherst. On September 22nd, 1942, I ordered Gunner Harris A.M. to be placed in the guard room under close arrest. On September 23rd, 1942 at about 0730 hours it was reported to me Gunner Harris A.M. had escaped . I went immediately to the guard room where Gnr. Harris A.M. was being kept and found that he was not there. I contected the guard commander, Bdr. Burton F.H. who was then making a search throughout the fort area. We then made a further search and could not find Gunner Harris A.M. in the fort. I then reported to Lieut. M.J. Jones that Gunner Harris A.M. had escaped and was out of the fort. He has not been in the fort since September 23rd, 1942 until he was brought back under escort on November 21st, 1942,when I again had him placed in the guard house under close arrest.

R. Morton

Accused declined to cross examine witness.

THIRD WITNESS.

Lieut. M.J. Jones, "C" Troop 103rd. Coast Battery, R.C.A., C.A., having been duly sworn states :-

I was Acting Officer Commanding, "C" Troop 103rd. Coast Battery located at Fort Amherst on September 23rd, 1942, I went on as duty officer at midnight September 22nd,1942, to 0800 hours September 23rd, 1942. At approximately 0745 hours September 23rd, 1942 I received a call from the Orderly Room to the effect that Gnr. Harris A.M. escaped from the guard room where he had been placed under close arrest the day previous. I was relieved from duty at 0800 hours and I immediately made a personal check of the guard room. I found that Gnr. Harris was not there and upon enquiry around the fort found that he was not in the fort area. I immediately notified the Provost Corps in St. John's, Newfoundland and later in the day notified the Naval Shore Patrol that Gnr. Harris A.M. was absent without leave from Fort Amherst. I also gave them a description of Gnr. Harris A.M. and them his Regimental Number. Gnr. Harris A.M. was absent from Fort Amherst from September 23rd, 1942 until I was notified of his apprehension by Sgt. Brickwood of the Canadian Provost Corps on November 21st, 1942. I had an escort go to the Canadian Provost Corps Headquarters with instructions to bring Gnr. Harris A.M. back to Fort Amherst and place him in the guard room under close arrest.

The accused declined to cross examine.

M.J. Jones Lieut.

FOURTH WITNESS

P.M. O'Donnell, Manager of the Bennett Brewing Co., Ltd. locatted at St. John's, Newfoundland, having been duly sworn states :-

I am P.M. O'Donnell of the Bennett Brewing Co. Ltd., of which I am Manager, and locatted St. John's, Newfoundland. On November 19th, 1942, in response to an advertisement for a truck driver, Alexander Harris applied for the position as driver. At that time he stated he was a resident of Trinity Bay and could produce reference from people of that place. He was taken into our employ on his own merits and he started work on the same day. He was in our employ until 1030 a.m., Saturday, November 21st, 1942. Mr. Harris was dressed in civilian clothes at the time of his engagement and when he was apprehended by the Canadian Provost Corps. Mr. Harris had no driver's license at the time and we made arrangements for him to get a license from the Department of Public Works. At the time he asked for employment he gave his name as Aleck Harris, Address 117 Signal Hill.

The accused declined to cross examine.

P.M. O'Donnell

FIFTH WITNESS

William Harold Tucker, Employment Agent for the Dominion Steel and Coal Corporation Limited located at Bell Island, having been duly sworn states :-

I am William Harold Tucker, Employment Agent for the Dominion Steel and Coal Corporation located at Bell Island. A man bt the name of Melvin Harris came into mu office on Oct. 31, 1942 and asked for employment with the Dominion Steel and Coal Corporation. He was not dressed in Military clothes. I asked him to fill out the employment Department Record which all employees have to complete before obtaining employment. The attached is a true copy of such record. He signed his name as Melvin A. Harris. He was employed ~~by~~ with this company from Oct 31, 1942 until he left on Nov. 2nd, 1942. He did not mention to me he was a soldier. This is the man now here who applied for employment as Melvin Harris

Accused declined to cross examine.

William H. Tucker

SIXTH WITNESS

M-17470 Cpl. Harrison, William, of the Canadian Provost Corps, St. John's, Newfoundland, having bben duly sworn states :-

On November 21st 1942 I received instructions from Sgt. Brickwood to go out on the highway with himto locate Gnr. Harris A.M. I was informed that Gnr. Harris A.M. had left Portagul Cove in a truck. So we went out on the highway and slowed the truck down but we missed him. Then Constable Andsews from Bell Island came along and after speaking to him we proceeded to Bennett's Brewing Company. When I went inside the office I saw Gnr. Harris A.M. checking his money into the Cashier, I recognized him as Gnr. Harris A.M. and immediately placed him under Close Arrest at 1000 hours November 21st, 1942. I brought him down to Canadian Provost Headquarters, notified his Unit, 103rd. Coast Battery of his apprehension. When I first apprehended him he was dressed in Civilian Clothes. I hten turned him over to his Unit escort.

Q. Have you any question to ask the witness.?

A. I have.

Q. How did you recognize me Cpl Harrison.?

A. I have been in Gnr. Harris's company several times before he went absent without leave.

Q. Was it just arounf like soldiers mingle or was it in line of duty ?

A. Yes it was once while on duty in the Cariboo Hut .

Any further questions.?

A. No Sir.

Wm Harrison Cpl.

Seventh Witness. B-77053 Gunner George Harold Simkins, 103rd. Coast Battery, R.C.A.,C.A., having been duly sworn states :-

I am storeman in charge of "C" Troop quarterstores at Fort Amherst. I produce a true copy of M.F.C. 800 of Gunner Aleck Marshall Harris. I identify this soldier now present to be the soldier whose document I have produce. On September 23rd, 1942, Lieut. M.J. Jones asked me to make an inventory of equipment, clothing and regimental necessaries of Gunner Aleck Marshall Harris as he was absent without leave. I did so. November 21st, 1942 I was again instructed by Lieut. M.J. Jones to make a further check on Gunner Harris's equipment, clothing and regimental necessaries, and according to his M.F.C. 800 he was deficient the following equipment viz :-

Equipment		C.A.R.O. 1862	C.A.R.O. less 25%
Blankets G.S.	2	$ 13.76	$ 10.32
Clothing Division "A"			
Boots Rubber	1	1.63	1.22
Boots lumbermen's rubber prs	1	.99	.74
Caps Winter melton	1	1.20	.90
Coats Waterproof	1	4.57	3.42
Gloves Woollen khaki prs	1	.59	.44
Mitts leather pull-over prs	1	.44	.33
Overalls Bouses denim	1	2.59	1.94
Overalls trousers denim	1	2.53	1.67
Badges Cap, R.C.A.	2	.07	.05
Badges shoulder, R.C.A.		.08	.06
Badges Canada	2	.03	.02
Covers Mess tin	1	.08	.06
Frogs Bayonet	1	.17	.13
Haversack	1	1.75	1.31
Helmet Steel	1	2.25	1.69
Straps shoulder Lee	2	.70	.53
Respirator complete	1	6.18	4.63
Clothing division "B"			
Bayonet	1	5.42	4.07
Scabbard	1	1.26	.96
Battle Dress blouses	2	11.26	8.37
Battle Dress trousers	1	5.60	4.20
Boots ankle prs	2	10.40	7.80
Caps Field Service	1	.78	.59
Drawers Cotton short	2	;66	.50
Drawers Woollen prs	2	2.34	1.76
Jackets Khaki Drill	1	3.12	2.34
Jackets Sweater	1	1.38	1.00
Shirts flannel khaki	2	2.34	1.76
Shirts service L/S	1	1.28	.96
Shirts under cotton S/S	2	.80	.60
Shirts Woollen	2	2.28	1.71
Shoes Canvas	1	1.89	1.42
Socks prs	2	.72	.54
Trousers Khaki Drill	1	1.67	1.26

Clothing Division "B"	C.A.M.O. 1863	C.A.M.O. 1877 less 25%
brought forward :-		$ 69.30 $ 69.30
	TOTAl	$ 69.30

The onlt article found since valuing the inventory on September 23rd, 1942, was one Greatcoat which had been placed in quarterstores prior to September, 1942.

The accused declined to cross examine.

Sgt. G. H. Simkins

Question to accused :- Do you wish to make any statement, or to give evidence upon oath? you are notoblidged to say anything or give evidence unless you wish to do so but what ever you say or any evidence you give will be taken down in writing and maybe given in evidence.

Answer by accused :- I wish to make a statement under oath :-

The accused having been duly sworn states :- I joined the Army in October 1939 as a cook. I understood thats what my job was to be in the army. I was promised a higher rank than the rank that I was holding by telling a falsehood of how many children I had. I did my job to the best of my ability. I never received any elementry training as far as arms were concerned I had no crimes against me until I came to Newfoundland which can be shown on my Field Conduct Sheet. I dont now how to slope arms. I cannot go on a parade without going out of step. The reason I wantI had no intention of Deserting his Majestey's Forces. I thought I could get into the Merchant Navy or join another unit under a different name I could make another start and not be called every morning a favorite name "Spooky" and Squarehead and a German. I got paraded day after day to see if they could send me to another place so I could start all over again. Evidently it did'nt do much good. I tried to soldier but I could'nt do it. Every time I went on gun drill I tried to learn and all they done was laugh at me. I asked to be sent to Debert Camp for four months military training among the rescruits and was refused. From the time I came to Fort Amherst it was just a hell, sixteen months of it. I got paraded to get transferred to any unit in England, Labrador any place clear of Fort Amherst. I was refused. so I thought if I could get a ship I would be better off. I wasn't doing anything to help the war effort and I thought I would be doing my country a better service if I got were I could work. Thats all I have to say.

A. M. Hawes L.

The accused declined to call any witness in his defence.

I certify that Rules of Procedure 4 (c), (d) , (e) and (f) have been complied with, and that this summary of evidence was taken in the presence of the accused.
Taken down by me in the presence of the accused at Fort Amherst, Newfoundland this 2nd day of December, 1942.

W.H. Tomlinson Lieut.
(W.H. Tomlinson) Lieut.
103rd. Coast Battery, R.C.A.

H.Q.C. 55-H-314 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

DISTRICT COURT-MARTIAL

D-15542 SPR. JEAN-PAUL HOULE

NO. 3 D.D., C.A.

DEAD

CONFIDENTIAL H.Q.C. 55-H-314

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
					Need file	CR	2/1/43
JAN 7 1943	[illegible]	[illegible]	[illegible]	AD	To trans & PA	[illegible]	6/1/43
				JHS	With Papers C.R. JAN 27 1943		
JAN 28 1943 JAN 29 1943	28/1/43	P.A.	[illegible]	AD	trans. P.A.	RDS	28/1/43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

CENTRAL REGISTRY Army
CONF. SEC.
JAN 1943
File C 55 GTW/EWC
Chgd. to
Referred to

102358

IN REPLY PLEASE QUOTE
No. K.55-H-2148(JAG)
H.Q.C.55-H-314 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, 25th January 1943

The Secretary
Department of National Defence
OTTAWA, Ontario

District Court-Martial
D.15542, Spr. Jean-Paul HOULE
No. 3 D.D.

With reference your letter dated 6th January, 1943. The remarks contained therein have been brought to the attention of the Officers concerned.

2. With reference Para 2(b), the Officer responsible for the delay in this case, Capt. W.A. Stewart, M.C., has explained as follows:

"By the time this case came to the top of the pile, my office was being moved, new and inexperienced staff was supplied, I was laid out with influenza for a week, and Houle's M.P's.M.2 were mislaid and could not be found. The application for Court Martial was made notwithstanding the lack of documents."

3. It is quite true that during the month of November there was considerable delay in applications for trial at No. 3 District Depot. Capt. W.A. Stewart is an experienced and capable Officer, having seen service overseas in the last war, was decorated and was again overseas in this war. However, due to his age, an attack of influenza struck him more severely than the average person and he was not in very good shape during this month.

4. Capt. R.O.Standish can advise you as to the efforts that are being made in this District to keep the applications fro trial coming in without delay. It might be added that at the present time we have every reason to be satisfied with the cases that are outstanding, as our last return dated 16th January shows only 7 persons who have been in custody over 14 days and the trials in each case have either been proceeded with or have been arranged for.

(F.L.Armstrong) Brigadier
for District Officer Commanding
Military District Number 3

E

NAT. DEF. R. 440
2,000 M.-4-42 (4522)
H.Q. 1772-39-767

H.Q.C. 55-H-314 (JAG)

January 6th, 1943.

District Officer Commanding,
Military District No. 3,
KINGSTON, Ontario.

RECEIVED
JAN 8 1943
A. D.

Re: District Court-Martial
D. 15542, Spr. Jean-Paul Houle
No. 3 District Depot, C.A.

Receipt is acknowledged of your K. 55-H-2143 (JAG) dated December 30th, 1942, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities mentioned in the memorandum accompanying the proceedings, the following have been observed.

(a) In the certificate of apprehension, Form M.F.M. 216, the letters "(AF)" appear after the name of the District Depot. These are incorrect, the letters "CA" are sufficient to denote Active Service.

(b) It is observed that the accused surrendered himself on October 19th, 1942, that the Charge Sheet is dated November 20th, 1942, the Order for Trial November 23rd, 1942, and the trial was held on November 27th, 1942. The accused was therefore 39 days in custody awaiting trial of which three days were spent in hospital. May I have an explanation please of this apparent delay.

(c) In Paragraph (B) (i) of your memorandum you state that the particulars of the first charge should have stated whether the accused was drunk or sober at the time of surrender. This is not necessary as it is not relevant.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

HFGB/HB.

H.Q. C.55-H-314
M.D. K.55-H-2146 (JAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. D-15542 Name HOULE, J.P.

Rank Spr. Unit #3 District Depot, C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave.

Sec. 24 (2) A.A. Losing by neglect.

Date of Crime 1. 14/9/42. 2. 19/11/42.

Date of Arrest 19/10/42. Charge. Signed 20/11/42.

Orders for D.C.M. D.O.C., M.D.#3.

Place and Date of Trial Ottawa, Ontario, 27/11/42.

Sentence Detention 90 days and stoppages $15.12.

Date of Confirmation 18/12/42.

Date of Promulgation 21/12/42;

Entered in Records of J.A.G. as No. 7443

Date 4/1/43.

MEMO

Guilty of both charges.

H. F. G. Bridges, Lieut.
for Judge Advocate General.

3M-12-42(M1754)

To file

EWC

1443

CANADA

IN REPLY PLEASE QUOTE
No. K.55-H-2148(JAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, 30th December 1942

The Secretary
Department of National Defence
OTTAWA, Ontario

CENTRAL REGISTRY Army
DEC 31 1942
SEC.
File -H-314
Charge to
Referred to

District Court-Martial
D.15542, Spr. Jean-Paul HOULE
No. 3 District Depot, C.A.

Herewith enclosed Proceedings on the trial by District Court-Martial of the marginally named soldier, the finding and sentence having been confirmed by the District Officer Commanding, duly promulgated.

2. The same are forwarded to your office for registration and custody, the remarks contained in the attached list having been brought to the attention of all Officers concerned.

for (F.L.Armstrong) Brigadier
District Officer Commanding
Military District Number 3

Encl.

N.D. 35
1500M-9-42 (2466)
H.Q. 1172-161-23

District Court-Martial
D.15542, Spr. Jean-Paul HOULE
No. 3 District Depot, C.A.

(a) The Medical Officer has not set out his unit and attachment on M.F.B. 246.

(b) In the Charge Sheet:

(i) In the first charge the time at which the accused went absent should have been stated, and also how he was dressed and whether drunk or sober at the time of surrender. It would also be better to state the name and place of the Unit to which he surrender instead of saying "to his unit". See specimen Charge 37 page 721, M.M.L.

(ii) The second Charge varies somewhat from the usual form which is set out at page 28 of the Handbook.

(c) In M.F.B. 375 the Unit from which the accused went absent as well as the place should be stated, in line 9. Active Force personnel are now designated by the expression C.A. See R.O. 2252.

(d) No. 3 District Depot, C.A. is not properly designated as District Depot M.D. No. 3, as there are two District Depots in Military District No. 3.

(e) In M.F.B. 375 and also in the Charge Sheet, the deficiencies are not properly designated. The description set out in R.O. 1862 should be used for example "badges, cap" should be "badges, Cap, R.C.E." as the cap badges of different units have different values; again "badges, Canada" should be "badges, Arm, worsted, Canada, pairs 3", etc., the point being that the Reviewing authorities cannot tell what price to put on the deficient articles and where the word "pairs" is omitted, the soldier is only charged with the value of one of each item.

(f) Exhibit "1", telegram, is not properly admissible but the Court explains that it was accepted as so much paper so that the accused would not think he was being unfairly treated. Attention is directed to the brief notes on evidence at page 61 of the Handbook. In most cases, the documents presented by the accused are not admissible as there is no proof as to signature and they are not documents set out in Section 163 of the Army Act.

(g) In the Summary of Evidence it is preferable to indicate whether or not the accused was permitted to call witnesses. This is usually done by asking the accused "Do you wish to call any witnesses?" and then recording his answer. Or in the alternative by stating "the accused declines to call any witnesses".

J. E. Dowsley, Major
President, DCM.

MEDICAL OFFICER'S REPORT

I certify that No. D 15542 Pte. Houle J

of D.D.M.D. 3 (AF) is in a good state of health,

and fit to undergo Trial by Court martial.

J. P. McNamara Capt.
Medical Officer

Station Lansdowne Park Ottawa Ont.

Date November 27th. 1942

M. F. B. 246
25M—9-41 (1743)
H.Q. 1772-39 680

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Court-Martial

Proceedings of a District Court-Martial held at Lansdowne Park, Ottawa, Ontario, on the 27th day of November, 19 42, by order of Brigadier F.L. Armstrong, C.B.E., District Officer Commanding Military District No.3, dated the 23rd day of November, 1942.

President.

Major J.E. Dowsley, No. 3A District Depot, C.A.

Members.

Capt. W.V.B. Riddell, No. 3 District Depot, C.A.

Capt. E.G. Hudgin, C.A.(B) T.C. No. 33, C.A.

~~, Judge Advocate~~

Trial of* D.15542 Sapper Jean-Paul HOULE, No. 3 District Depot, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to , waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Capt. W.A. Stewart, No. 3 District Depot, C.A.

~~Counsel‡ or~~ defending officer† Major J.F.C. Maunder, No. 3 District Depot, C.A.

at 10 AM o'clock the Trial commences.

The order convening the Court is read, and is marked X, X1, X2, signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q.1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A.1 No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-39-224

(1) I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

J.E. Dowsley Major,
President, D.C.M.

B

The President and members ~~and judge-advocate~~ are duly sworn.

The following officers under instruction are duly sworn.
Lieut. J.F. Vincent, No. 3 District Depot, C.A.
2/Lt. M. Delage, No. 12 Coy., C.W.A.C., C.A.
2/Lt. M. Cooper, No. 12 Coy., C.W.A.C., C.A.

Q.2 Do you object to C.28866 C.S.M.(W.O.II) Lloyd Stringer, C.M.S.C., C.A., acting as Shorthand Writer?

A.2 No, Sir. C.28866 C.S.M.(W.O.II) Lloyd Stringer, C.M.S.C., C.A., is duly sworn as Shorthand Writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Not Guilty. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Guilty. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the second charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

"B2"

G. Rowley, Major 3.
President, D.C.M.!

CHARGE SHEET

The accused D-15542 Sapper Jean-Paul HOULE, No. 3 District Depot, C.A., a soldier in the Canadian Army, placed on Active Service is charged with:-

First Charge
Sec: ~~XXXXXXXX~~ 15 (1)
ARMY ACT

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
ABSENTING HIMSELF WITHOUT LEAVE
in that he

without leave

at Ottawa, Ont., on 14 Sep 42 absented himself from No. 3 District Depot C.A., until surrendering at 2330 hrs 19 Oct 42, to his unit,

Second Charge
Sec: 24 (2)
ARMY ACT.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES.

in that he

at Ottawa, Ont., on 19 November 1942 was deficient of:-

Badges cap	1	.09
Badges shoulder	1	.08
Battle dress blouses	1	4.19
" " trousers	1	4.20
Belt waist leather	1	.37
Housewife,	1	.51
Shirts flannel	1	.88
Capes A.G.	1	4.45
Wallet A.G.	1	.35
Total		$15.12

(G.D. Gillie) Lieut. Col.
OFFICER COMMANDING
NO. 3 DISTRICT DEPOT, C.A.

OTTAWA, ONTARIO.
20 NOVEMBER 1942.

To be tried by a District Court Martial.

Kingston, Ont.,
23rd November, 1942.

W. MacKeigan Major,
D.A.A.G., M.D.#3,
for (F.L. Armstrong) Brigadier,
District Officer Commanding,
Military District No.3.

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.5 No, Sir.

The Prosecutor declines to make an Opening Address.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked , signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution.

Capt. W.A. Stewart,
District Depot No. 3, C.A.,
being duly sworn, ~~as examined by the prosecutor~~ states:

I produce M.F.B.375, Record of the Declaration of a Court of Inquiry, which declares that the accused absented himself without leave at Lansdowne Park at 0800 hours on the 14th of September, 1942, that he was still absent on the 7th day of October, 1942. Deficiencies at that time $83.74.

(Read, marked EXHIBIT "G", signed by the President and attached to the Proceedings)

I produce M.F.M.216, certificate of surrender to service authorities, showing that the accused surrendered to District Depot No. 3 at 2330 hours on the 19th of October 1942, as an absentee and at the time of surrender wearing military uniform.

(Read, marked EXHIBIT "H", signed by the President and attached to the Proceedings)

The Defending Officer declines to cross-examine.

QUESTIONED BY THE COURT

Q.6 Is the Spr Houle, J.P., mentioned in the documents which you have produced the accused?

A.6 Yes, Sir.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat. (2)

D

The prosecution is closed.

Defence

Question to the accused. Q.7 Do you apply to give evidence yourself as a witness?

Answer. A.7 Yes, Sir.

Question. Q.8 Do you intend to call any other witness in your defence?

Answer. A.8 No, Sir.

Question. ~~Is he a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused ~~(and of the witnesses for the defence, including witnesses as to character)~~ is recorded on a separate page, ~~(see overleaf)~~.

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

FIRST WITNESS FOR THE DEFENCE) The Accused, D.15542 Sapper Jean-Paul HOULE, No. 3 District Depot, C.A., being duly sworn, is examined by the Defending Officer:

Q.9 Pte Houle, are you a member of District Depot 3?

A.9 Yes, Sir.

Q.10 Where were you employed on the 12th of September last?

A.10 I was employed as fire piquet, Sir.

Q.11 Where were you employed on the 13th of September? You are alleged, on the charge you have heard read, as having absented yourself on the 14th of September, 1942; where were you employed on the 13th of September?

A.11 Working in the kitchen.

Q.12 What were you doing in the kitchen?

A.12 Helping the cook

Q.13 What did you do on the 12th of September? You tell me you were working helping the cook, what did you do on that day?

A.13 Worked in the kitchen.

Q.14 Did anything special happen?

A.14 No, Sir, nothing happened.

Q.15 Were you on duty all day long?

A.15 Yes, Sir.

Q.16 Did you expect to be off duty at the usual hour in the afternoon?

A.16 Yes, Sir.

Q.17 What did you do?

A.17 Just cleaned the barracks, Sir.

Q.18 Did you talk to the Sergeant Cook that day?

A.18 I asked the cook about three o'clock for my pass.

Q.19 What did you do after that?

A.19 I went down and shaved myself and changed my suit.

Q.20 Did you go for your pass?

A.20 I asked the Sergeant at 5:30 and went to the Orderly Room of "C" Wing and waited. The pass wasn't signed.

Q.21 It was not signed?

A.21 No, Sir.

Q.22 After you waited for awhile what happened? Did you get your pass?

A.22 Yes, Sir.

Q.23 It was signed?

A.23 Yes, Sir.

Q.24 For what period was the pass made out? When did the pass expire?

A.24 For 72 hours. One was 48 hours and one 24 hours.

Q.25 You got two passes?

A.25 Yes, Sir.

Q.26 When did the second pass expire?

A.26 I am not sure, but I know it finished on Monday in the morning.

Q.27 Now are you sure it was Monday morning or was it Sunday morning?

A.27 The second one finished on Monday. Yes, Sir.

Q.28 In the morning?

A.28 Yes, Sir.

Q.29 At what time?

A.29 I am not sure whether eight o'clock or twelve o'clock.

Q.30 Was it a normal weekend pass?

A.30 Yes, Sir.

Q.31 It would normally expire Monday morning at eight o'clock approximately?

A.31 Yes, Sir.

Q.32 Where were you going with this pass?

A.32 Going to Victoriaville.

Q.33 Is that your home?

A.33 Yes, Sir.

Q.34 Are you married?

A.34 Yes, Sir.

Q.35 Does yourwife live in Victoriaville?

A.35 Yes, Sir.

Q.36 At the time you were going on this pass your wife was living at Victoriaville?

A.36 Yes, Sir.

Q.37 Now tell me something else, Pte Houle. What did you do in civilian life before coming into the Army?

A.37 I was a painter.

Q.38 How long did you go to school?

A.38 Iwent fourteen years.

Q.39 Until you were fourteen?

A.39 No, for fourteen years.

Q.40 Did you go to high school?

A.40 No, Sir.

Q.41 Did you complete public school?

A.41 No, Sir.

Q.42 How far did you go?

A.42 Nine years.

Q.43 How far did you get in public school? You didn't finish public school?

A.43 No, Sir.

Q.44 But it took you nine years to get some education without completing your public school education?

A.44 Yes, Sir.

Q.45 Is your father living?

A.45 Yes, Sir.

Q.46 What does he do?

A.46 Works in the mattress factory.

Q.47 A common labourer? What does he do in the mattress factory?

A.47 Puts the rolls around. Finishes the mattress.

Q.48 What does that mean?

A.48 He puts the rolls around the mattress.

Q.49 How much money does he make a week?

A.49 $19.35 a week.

Q.50 How much did you earn as a painter?

A.50 30¢ an hour.

Q.51 How many hours a day?

A.51 Eight hours a day.

Q.52 For how many days a week?

A.52 Forty-eight hours a week.

Q.53 Then you made about $14.00 a week?

A.53 Around that, Sir.

Q.54 Were you in good health when you went on this leave?

A.54 When I started I wasn't very well.

Q.55 Were you all right after the date your leave expired on that Monday?

A.55 I cant say I was well, I wasn't well.

Q.56 What was the matter with you?

A.56 My legs.

Q.57 How long have your legs bothered you?

A.57 What do you mean?

Q.58 You have had trouble with your legs one year, two years or three years?

A.58 Since I am born.

Q.59 What is the trouble?

A.59 Rheumatism.

Q.60 Did you have a civilian doctor examine you?

A.60 Yes, Sir.

Q.61 How long ago?

A.61 When I was young.

Q.62 How many times?

A.62 Five or six.

Q.63 How old were you when you saw him?

A.63 I wasn't very old.

Q.64 How old were you when you last saw a doctor concerning the condition of your legs?

A.64 I didn't see him myself; my mother saw him.

Q.65 How many times in your lifetime has a doctor been in your father's and mother's home for your mother, father, sisters or brothers? How many times?

A.65 I don't know, Sir.

Q.66 Has a doctor been in your house so frequently that you don't notice it?

A.66 He comes every year.

Q.67 What does he come for?

A.67 For my mother.

Q.68 Now you have told the Court while you were away you weren't well and you weren't well because you had some trouble with your legs that presumably had been diagnosed when you were a child as rheumatism?

A.68 Yes, Sir.

Q.69 What did you do when you found you weren't well?

A.69 I rubbed my legs.

Q.70 But did you do anything else?

A.70 No, Sir.

Q.71 Now you must have done something, didn't you? You did not come back on the day your pass expired?

A.71 No, Sir.

Q.72 What did you do?

A.72 I wrote to the Officer Commanding here.

Q.73 Of your unit?

A.73 No, the Officer Commanding in charge of District Depot M.D. 3.

Q.74 What did you say?

A.74 Saying I was sick and could not report myself until the first week in October.

Q.75 And what happened then?

A.75 The first week of October I was ---

Q.76 Prior to that something happened. You wrote the Officer Commanding District Depot 3. Did the Officer Commanding District Depot 3 reply to your letter?

A.76 Yes, Sir, he sent me an answer by telegram.

Q.77 I hand you, Pte Houle, a piece of yellow paper with some printing on it and some typewriting. Do you recognize that piece of paper?

A.77 Yes, Sir.

Q.78 What is it?

A.78 The answer the Officer Commanding sent me.

Q.79 The answer to your letter?

A.79 Yes, Sir.

Q.80 What did it say?

A.80 Report as soon as possible and bring doctor's certificate.

Q.81 Will you submit the telegram to the Court?

A.81 Yes, Sir.

(Telegram produced, read, marked EXHIBIT "I", signed by the President and attached to the Proceedings)

Q.82 It says "report as soon as possible and bring doctors certificate." Having received that telegram, Pte Houle, what did you do?

A.82 Exactly nothing.

Q.83 Subsequent to your having received this telegram did you receive any further communication from the Officer Commanding District Depot 3?

A.83 No, Sir.

Q.84 You received none?

A.84 No, Sir.

CROSS-EXAMINED BY THE PROSECUTOR

Q.85 On the telegram which you received from the Officer Commanding District Depot 3 you were instructed to report as soon as possible and to bring a doctor's certificate. Did you report as soon as possible?

A.85 No, I did not report as soon as possible because I was unable to report.

Q.86 From the 14th of September until the 19th of October, that is 35 days, you were so sick you could not travel from Victoriaville to Ottawa?

A.86 Some day I was to travel but I waited.

Q.87 Did you consult a doctor?

A.87 No, Sir.

Q.88 Did you bring a doctor's certificate when you returned?

A.88 No, Sir.

The Defending Officer declines to re-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat.

The Prosecutor declines to make a Closing Address.

The Defending Officer makes a Closing Address.

(See document marked "J")

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused D.15542 Sapper Jean-Paul HOULE, No. 3 District Depot, C.A., is GUILTY of the first charge; and that the absence commenced at 0800 hours, 14th. September, 1942.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

is duly sworn.

Evidence of character, etc.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

Cross-examined by the accused.

Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.)

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" is read to him again.]

The accused D.15542 Sapper Jean-Paul HOULE,
No. 3 District Depot, C.A.,
is found guilty of the second charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "K", signed by the President, and attached to the proceedings.

Question to the accused. Q.89 Do you wish to make any statement in mitigation of punishment?

Answer. A.89 The accused in mitigation of punishment says:—

~~[or hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.]~~

I have my cap badge and I got the Canada badge too and I got my gas cape. I don't got it here, but I got it at home. My belt leather I got it too. I have those things and when I return them I expect to get credit for them.

Instruction.

* If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

Q.90 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A.90 No, Sir.

Answer.

Evidence as to character.

E.2

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~Finding*~~

The Court is closed for the consideration of the finding.

The Court find that the accused

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

~~*The Court being re-opened, the accused is again brought before it.~~

Capt. W.A. Stewart,
No. 3 District Depot, C.A.,
already is duly sworn

Evidence of character, etc.

Question by the President. Q.91 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.91 Yes, I produce M.F.B.355 and M.F.M.6.

The above statements [with the schedule of convictions and of cases in which trial has been dispensed with] ~~is~~ are read, marked Y & Z, signed by the President, and annexed to the proceedings.

Question by the President. Q.92 Is the accused the person named in the statements which you have heard read? *Answer by the Witness.* A.92 Yes, Sir.

Question. Q.93 Have you compared the contents of the above statements with the regimental books? *Answer.* A.93 Yes, Sir.

Question. Q.94 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheet a fair and true summary of those entries? *Answer.* A.94 Yes, Sir.

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Question to the accused. Q.95 Do you wish to address the Court? *Answer.* A.95 No, Sir.

The Court is closed for the consideration of the sentence.

26.

F

Sentence

The Court sentence the accused D.15542 Sapper Jean-Paul HOULE, No. 3 District Depot, C.A., to undergo detention for ninety days and to be put under stoppages of pay until he has made good the value of the following articles, viz:-

Badges, cap	1	$ .09
Badges, shoulder	1	.08
Battle dress, blouses	1	4.19
Battle dress, trousers	1	4.20
Belts, waist, leather	1	.37
Housewives	1	.51
Shirts, flannel	1	.88
Capes, A.G.	1	4.45
Wallets, A.G.	1	.35
Total		$15.12

Sentence.

DETENTION

90 days

STOPPAGES

$15.12

Signed at Ottawa, Ontario, this 27th day of November, 1942.

J. E. Dowsley

(J.E. Dowsley) Major,
No. 3A District Depot, C.A.
PRESIDENT, D.C.M.

Confirmed.

Signed at Kingston, Ontario, this 18th day of December, 1942.

.....Brigadier
District Officer Commanding
Military District Number 3

PROMULGATION OF SENTENCE OF DISTRICT COURT-MARTIAL

Promulgated and extracts taken at Ottawa, Ont. this 21st day of December 1942.

(J.A. Fewtress) Capt. & Adjt.
for Lt.Col. G.D. Gillie,
Officer Commanding, DMD #3 CA.

Extracts entered as No. 7443 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 4th day of Jan. 1943.

"X" J.E. Dowsley, Major, President, D.C.M. 27.

K.35-H-2148

ORDERS BY
BRIGADIER F.L. ARMSTRONG, O.B.E.
DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO.3.

KINGSTON, Ontario, Nov. 23, 1942.

DISTRICT COURT-MARTIAL
D.15542 spr. Jean-Paul HOULE,
No. 3 District Depot, C.A.

1. The detail of Officers as mentioned below will assemble at Lansdowne Park, Ottawa, Ontario, at 1000 hours, Friday, November 27th, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major J.E. Dowsley, No. 3A District Depot, C.A.

MEMBERS

Capt. W.V. B. Riddell, No. 3 District Depot, C.A.
Capt. E.G. Hudgin, C.A.(B)T.C. #33, C.A.

WAITING MEMBER

Capt. W.W. Exley, H. & P.E.R., C.A. attached C.A.(B)T.C.#33, C.A.

PROSECUTOR

Capt. W. A. Stewart, No. 3 District Depot, C.A.

DEFENDING OFFICER

An Officer to be detailed by the Officer Commanding, No. 3 District Depot, C.A.

2. Officers attending for instruction will be detailed by the Commandant, Ottawa Area, Ottawa, Ontario.

3. The accused person will be duly warned and all witnesses required to attend.

4. The Commandant, Ottawa Area, Ottawa, Ontario, will arrange for necessary accommodation and stationery.

5. The proceedings of the Court will be forwarded to the District Officer Commanding, Military District No.3.

Signed this 23rd day of November, 1942.

W.R. MacGregor
(W.R. MacGregor) Major,
D.A.A.G., M.D.#3
for District Officer Commanding,
Military District No.3.

"X-1"

Bonsley Major
President Dem.

D A I L Y P A R T I O R D E R S

ORDER NO. 330-42 (LAST ORDER NO. 329-42 DATED 25 NOV 42) [illegible] 26 NOV 42

BY: Lieut.-Col. G. D. Gillie, M.C., S.D. OFFICER COMMANDING D.D.M.O. 13 C. A. (A)

1. D U T I E S TO BE PERFORMED ON 26th NOVEMBER 42.

		(NEXT FOR DUTY - 27 NOV 42)
ORDERLY OFFICER-	Lieut. C. Roper	Lieut. J. Y. Horsfourth
ORDERLY SERGEANT-	Sgt. Snell, G.	Sgt. Asree, C.
ORDERLY CORPORAL-	Cpl. Spohr, R.	Cpl. Fouliotte, L.
DUTY BUGLER-	Pte. Ayotte, J.	

NORTH GATE PICQUET:- Cpl. Goyer, R. i/c.
B--5421 Pte. Meadin, G. B-512582 Pte. Hommth, S. B-55287 Pte. Potter, W.
C-30128 Pte. Hunter, W.

FIRE PICQUET:- Cpl. Gouthier, R. i/c.
D-117373 Pte. Morley, L. B-448732 Pte. Muzi, M. C-100462 Pte. St. Denis, J.
C-35556 Pte. Scott, J. C-447637 Pte. Dunn, F. C-70707 Pte. Pilon, R.
C-614509 Pte. Beauchamp, H. C-422494 Pte. Clement, A. C-457228 Pte. Aubin, A.
C-437334 Pte. Matthews, H. C-101506 Pte. Davidson, R. C-417569 Pte. Johnston, W.
C-614271 Pte. Poirier, H. C-100871 Pte. Schlivert, G.

2. D E T A I L S FOR 26 NOV MBER 42

KITCHEN DETAIL Sgt. Thomas, E. H. i/c.
C-76121 Pte. Conway, T.L. C-101310 Pte. Finnerty, D.F. B-11138 Pte. Gale, [illegible] H.
C-101197 Pte. H ley, H.W. C-101195 Pte. White, H.V. C-76108 Pte. McFarlane, W.E.
B-131103 Pte. Belisle, W.J. B-131132 Pte. Lilley, W.D. B-131069 Pte. Garlick, M.
B-13057 Pte. Joy, R. L. C-614217 Pte. Gatafordi, L. C-614603 Pte. Desjardin, L.
C-100907 Pte. Dupuis, J.T. C-101991 Pte. Devine, [illegible] C-614609 Pte. Kubschke, T.
C-101963 Pte. Lepage, C. C-101976 Pte. Lecavalier, J C-614608 Pte. Murell, G.
C-101640 Pte. Michaud, A. C-101984 Pte. Merleau, L.

GAOL DETAIL:- Cpl. Stevens, i/c
C-30168 Cpl. Hamelin, J.P. C-1797 L/Cpl. Mason, H. C-58605 Gdm. Greville, G.
C-39518 Pte. Carisse, V. C-32302 Pte. Stafford, G. C-33075 Dvr. Lacombe, S.
C-614179 Pte. Belanger, R. C-33031 Dvr. Plouffe, L. C-32933 Pte. Brosult, L.
C-10058 Dvr. Denille, V. C-33603 Pte. Reil, J. C-432521 Pte. Davis, A.
C-605970 Pte. Jeguin, R. C-33913 Pte. Racine, H. C-31671 Spr. Beaulne, L.
C-614239 Pte. Trillefer, T. C-100042 Pte. Busby, A. C-31307 Pte. Demoierre, P.
C-33052 Pte. Filiatreault, C-605070 Pte. Armstrong, W C-614229 Pte. Bernard, R.
C-21688 Pte. McMillan, G. C--2094 Spr. Concordia, C C--2178 Spr. Martin, [illegible]
D-107961 Spr. Labossiere, R D-616560 Spr. Laporte, R.

SANITATION DETAIL:- Sgt. Cheney, i/c
C-15121 Pte. Gault, B. D-26344 Pte. Cormel, L. C-41818 Pte. Rouleau, H.
C-65004 Pte. Hartwick, W. C-30379 Pte. Paquette, H. C-100131 Pte. Woolridge, H.
C--7484 Pte. Beaulieu, W. E-39063 Pte. Poulin, A. C-100416 Pte. Lamrie, L.
C--2928 Spr. Hartle, J. C-21698 Pte. Daoust, O. C-433591 Pte. Davidson, A.
C-33578 Pte. Beaubien, E. C-100116 Pte. Craig, C-126754 Pte. Hatsot,

3. T R A I N I N G (26th NOVEMBER 42) (Recruits--First Two Weeks)

0645 hrs: Roll Call & P. T. Physical Training Table 6.
0900 hrs: O. C.'s Parade.
0930 hrs: S. A. T. Care & Cleaning. Use of Pull-Through.
1000 hrs: Lecture. M.M.L. Secs. 155-6, 152, 156. Kit Responsibility.
1100 hrs: Physical Training.
1330 hrs: Roll Call.
1400 hrs: Bathing Parade. Route March.

(Recruits--Over Two Weeks)
0645 hrs: Roll Call & P. T. Physical Training Table 6.
0900 hrs: O. C.'s Parade.
0930 hrs: Elementary Drill. M. D. D. Secs. 12-13.
1000 hrs: Lecture, "Soldiers Rations."
1100 hrs: Physical Training.
1330 hrs: Roll Call.
1400 hrs: Bathing Parade. Route March.

(PAGE TWO OVERLEAF)

BOARD OF OFFICERS
Taking over Ottawa Ladies College.

A Board of Officers composed as hereunder and upon authority of K. 36-3-226 (Q) of Nov. 20th, 1942, and amended by same file number of November 29th, will assemble at the Ottawa Ladies College, now known as Glebe Barracks, at 1000 hours on Monday, November 23rd, for the purpose of taking over the Ottawa Ladies College now presently occupied by the C.W.A.C.:-

PRESIDENT: Major R. Taylor, Ottawa Area Command.

MEMBERS: Lieut. B. May, Headquarters, M. D. No. 3
Capt. J.P. McManus, R.C.A.M.C. att'd D.D.M.D. #3.
Lieut. Mary M. McQuillan, 40 Coy., C.W.A.C.
Lieut. J.H. McKenna, R.C.E. Lansdowne Park.

COURT OF INQUIRY

A Court of Inquiry, composed as hereunder, will assemble at the call of the President to inquire into and report upon the circumstances surrounding an accident on 8 November, 1942, involving D.N.D. Motorcycle 40-1-2586, on charge to No. 33 Coy., Can. Provost Corps, operated at the time by C.21502, L/Cpl. Harris, W.A.P.:-

PRESIDENT: Major C.E. Steeves, No. 3 District Depot

MEMBERS: 2/Lieut. W. Stewart, No. 3 District Depot
2/Lieut. R. Barr, No. 3 District Depot.

COURT OF INQUIRY

A Court of Inquiry composed as hereunder, will convene at the call of the president to enquire into and report upon the circumstances surrounding an injury to D-22347, Pte. Durocher, C.A. at Shawville, Que. on or about 7 November, 1942:

PRESIDENT: Major J.F.G. Maunder, No. 3 District Depot.

MEMBERS Major C.E. Steeves, No. 3 District Depot.
2/Lieut. W. Stewart, No. 3 District Depot.

SPECIAL LEAVE AND FURLOUGH TRANSPORTATION

C.A.R.O. No. 2348 is repeated hereunder:

1. Attention is directed to Canadian Army Routine Order No. 1118 as amended by Routine Orders Nos. 1503, 2318 and 2357.

2. It has been brought to notice that many irregularities in connection with the use of Special Leave and Furlough Warrants, M.F.M-137, are occurring. These warrants are obtainable for transportation to a "bona fide home", as defined in Routine Order No. 1118. Transportation Warrants are NOT transferable.

3. No alteration of a transportation warrant is to be made except by an officer having power to issue a warrant. When an improper alteration has been made on M.F.M. 137, disciplinary action will be taken by way of a charge, under Section 18 (5) of the Army Act, or under Section 40, as appropriate. The particulars of each such charge will contain the amount of any cost incurred by the Crown, as a result of such alteration.

4. This order is to be repeated on the Orders of all units and establishments.

ORDER NO. 330-42 (LAST ORDER #329-42 d/24 NOV 42) OTTAWA, ONTARIO [illegible]

DISTRICT COURT-MARTIAL
M.56871 Pte. Garfie GUNS,
C.A.(B)T.C. #33, C.A.

The detail of Officers as mentioned below will assemble at Lansdowne Park, Ottawa, Ontario, at 1400 hours, Thursday, November 26th, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and such persons as may be brought before them).

PRESIDENT

Major J.E. Dowsley, No. 3A District Depot, C.A.

MEMBERS

Capt. J.V.B. Riddell, No. 3 District Depot, C.A.
Capt. F.M. Sutcliffe, No. 3 District Depot, C.A.

WAITING MEMBER

Capt. T.T. Ahearn, No. 3 District Depot, C.A.

PROSECUTOR

An officer to be detailed by the Commandant, C.A.(B)T.C.#33, C.A.

DEFENDING OFFICER

An Officer to be detailed by the Commandant, C.A.(B)T.C.#33, C.A.

DISTRICT COURT-MARTIAL
C.100940 Pte. Joseph Alfred Fernand GAGNE
C.A.(B)T.C. #33, C.A.

The detail of Officers as mentioned below will assemble at Lansdowne Park, Ottawa, Ontario, at 1500 hours, Thursday, 26th November, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and, such other persons as may be brought before them).

PRESIDENT

Major J.E.Dowsley, No. 3A District Depot, C.A.

MEMBERS

Capt. J.V.B. Riddell, No. 3 District Depot, C.A.
Capt. F.M. Sutcliffe, No. 3 District Depot, C.A.

WAITING MEMBER

Capt. T.T. Ahearn, No. 3 District Depot, C.A.

PROSECUTOR

Lieut. H. Gould, C.A.(B)T.C. #33, C.A.

DEFENDING OFFICER

An Officer to be detailed by the Commandant, C.A.(B)T.C.#33, C.A.

ORDER NO. 330-42 (LAST ORDER #329 d/24 NOV 42) OTTAWA, ONTARIO 25 NOV 42

4. POINT SYSTEM (25 NOVEMBER 42)

"C" - Coy. 197 Points -- "B" and "D" Coy. 196 Points.

5. DISTRICT COURT MARTIAL

Reference D. C. M. (Part I Order #329-42 d/24 Nov 42) re

D-15542 Spr. Jean-Paul HOULE
No. 3 District Depot, C.A.(A)

Defending Officer detailed by the Officer Commanding No. 3 District Depot, C.A. :--

MAJOR J.F.C. MAUNDER

6. DISTRICT COURT MARTIAL

Reference D. C. M. (Part I Order # 329-42 d/24 Nov 42) re

G-427330 Rfmn. Allen Victor MOORE
Brockville Rifles, D.D.M.D.#3 C.A.(A)

Defending Officer detailed by the Officer Commanding No. 3 District Depot, C.A.:--

MAJOR J.F.C. MAUNDER

7. COURT OF INQUIRY

A Court of Inquiry, composed as under, will assemble at the call of the president to investigate and report on the loss of a date stamp allegedly stolen from "C" Coy Orderly Room on or about the 6th of November 1942.

President: Capt. W. A. Stewart
Members: Capt. F. H. Sutcliffe
Lieut. J. Y. Harcourt.

8. COMPLIMENTS

(a) It would be appreciated if Officers and others would recognize the ceremony of Guard Mounting by not crossing the parade grounds or using the north gate while changing of the guard is taking place.

(b) Attention of all ranks is drawn to the common practice in the Army of standing to attention while the last post is being sounded.

DAILY PART I ORDERS (Page 5)

ORDER NO. 330-42 (LAST ORDER 329 d/24 NOV 42) CTR.A. OTTAWA 25 NOV 42

2. N O T I C E

Leakage of Information-
Troops returning from Overseas.

Returned personnel from overseas are warned against loose talk, such as divulging details of their voyage, giving names of ships, time consumed by the journey, port of debarkation, escorts, etc. The imparting of such information might prove of great value to the enemy, if given wide circulation.

It is imperative, therefore, that every precaution be taken to ensure that such information is not discussed at any time on the return of overseas personnel.

(J. A. Powtress) Capt. & Adjutant
for Lieut.-Col. G. D. Gillie
Officer Commanding D.D.M.D.#3 C.A.(A)

"X-2"

J.E. Dowsley. Major,
President D.C.M.

QUOTE No. O.A. 6-9-M-96
6-9-H-82
6-9-G-74
6-9-G-77

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

OTTAWA, CANADA.
60 Queen Street,
25th Nov., 1942.

Major J.E. Dowsley,
President of Court-Martial,
Lansdowne Park,
Ottawa, Ontario.

DISTRICT COURTS-MARTIAL
D.13542 - Spr. Jean Paul HOULE, No. 3 Dist. Depot, C.A.

1. The under-mentioned officers have been detailed to attend for instruction, the Court-Martial m/n:-

Lieut. J.F. Vincent, No. 3 Dist. Depot, C.A.
2/Lt. M. Delage, No. 12 Coy., CWAC., C.A.
2/Lt. M. Cooper, No. 12 Coy., CWAC., C.A.

R. Normandin Capt.
(R. Normandin) Capt. &
Adjutant,
For Col. F.J.G. Garneau,
Comdt., Ottawa Area.

RN/LC

Nat. Def. A-168-A
1,000M—4-42 (2786)
H.Q. 1773-39-376

EXHIBIT "G"

T. Donaley, Major,
President, D.C.M.

RECORD of the Declaration of a Court of Inquiry assembled at Lansdowne Park, Ottawa on the 7th day of October 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. D-15542 Spr. HOULE, J.P. (RCE)(DDMD#3)

DECLARATION

The Court declare that No. D15542 Spr. Houle, J.P.
District Depot M.D. No. 3 (AF)
illegally absented himself without leave at Lansdowne Park, Ottawa, Ontario.
at 0800 hrs. on the 14th day of September, 1942,
that he is still so absent; and that on the 7th October, 1942 he was deficient, and
that he is still deficient of the following articles:—

ARTICLES		VALUE
Anklets web prs.	2	1.16
Badges cap	1	.09
Badges Canada	3	.15
Badges shoulder	1	.08
Bags kit,	1	.78
Battle dress blouses	2	8.38
trousers	2	8.40
Belt waist leather brown	1	.37
Blacking tins,	1	.05
Boots ankle prs.	2	7.80
Bootdressing tins,	1	.05
Bootlaces prs.	2	.04
Braces prs.	1	.27
Brasses button	1	.04
Brushes blacking	1	.15
polishing	1	.15
button	1	.14
cloth	1	.24
hair	1	.24
		$28.58

Brought Forward ARTICLES		VALUE 28.58
Shaving	1	.30
Tooth	1	.09
Cap field service	2	1.18
Greatcoat 1939	1	12.92
Comb hair,	1	.04
Drawers cotton prs.	2	.50
Drawers woollen	2	1.76
Fork table,	1	.09
Spoon table,	1	.08
Knife table,	1	.18
Gloves woollen	1	.44
Holdalls,	1	.17
Housewife,	1	.51
Mitts pullover	1	.48
Razors sets,	1	.39
Shirts flannel	2	1.76
Shirts khaki cotton	2	1.48
Shirts undercotton	2	.60
Shirts woollen	2	1.72
		$53.27

Brought Forward ARTICLES		VALUE 53.27
Shoes canvas prs.	1	1.42
Socks prs.	3	.81
Towels hand,	2	.42
Helmet sun	1	.65
Puttees S.D. prs.	1	.67
Jacket K.Drill	1	2.87
Trousers K.D.	1	1.25
Trousers K.D. shorts	2	1.92
Bags ration	1	.01
Belt waist,	1	.64
Bottles water	1	.49
Braces shoulder	2	.53
Carrier waterbottle	1	.30
Cover mess tin RECT.	1	.06
Frog bayonet,	1	.13
Haversack,	1	1.31
Helmet steel	1	1.69
Pack,	1	1.27
		$69.27

Brought Forward ARTICLES		VALUE 69.27
Pouches basic small	2	1.56
Sling rifle web	1	.17
Straps shoulder	2	.53
Straps web supporting	2	.21
Tins mess RECT.	1	.50
Respirator A.G.	1	4.90
Capes A.G.	1	4.45
Wallet A.G.	1	.35
Sheet ground drab	1	1.36
		$83.75

Charged for at the un-expired wear value of clothing and equipment and full value of deficient necessaries:

(Sgd) C.V. Gill, Capt. President
District Depot M.D. #3 (AF)

(Sgd) F.M. Sutcliffe, Lieut. Member
District Depot M.D. #3 (AF)

(Sgd) T.T. Ahearn, Lieut. Member
District Depot M.D. #3 (AF)

Signed at Ottawa, Ontario, Can.
this 7th day of Oct. 1942.

Signature of Commanding Officer (Sgd) G.D. Gillie, Lt-Col.
O.C. District Depot M.D. #3 (AF)

Certified true copy

Signature of Officer having custody of original record
A/ Adjutant, District Depot
M.D. #3, (AF)

M.F.B. 323
A.F.B. 115
20M—9-41 (1989)
H.Q. 1772-30-287

EXHIBIT "H" G. Donaley, Major, President, DCM

39

APPENDIX "B"

Certificate in accordance with Order in Council P. C. 2797, dated 10th April, 1942, as published in G. O. 127, 1942.

Strike-out words not applicable

(~~APPREHENSION OR~~ SURRENDER TO SERVICE AUTHORITIES)

I, G.D.Gillie Lt. Col. Officer Commanding D.D.M.D. 3 (AF)
(Number, Rank, Name & Unit)

hereby certify that D 15542 Spr. Houle J.P.
(Number, Rank & Name in full)

of the District Depot M.D.3, (AF)
(Unit and attachment, if any)

~~was apprehended by~~ (surrender to) Cpl. Gover C 31053. North Gate Guard Room
(Number, Rank & Name)

District Depot, M.D. #3, (C.A.)
(Unit or Appointment)

at Lansdowne Park Ottawa Ont. at 2330
(Place) (Hour)

on the 19th. day of October 1942

~~was absent~~ (or absentee without leave), and that at the time of his surrender ~~was~~ he was wearing military ~~clothing~~ uniform ~~and civilian clothes.~~

Dated at Ottawa Ont. , this 20th. day of October 1942

G.D.Gillie Lt. Col.
Officer Commanding D.D.M.D. 3 (AF)
(Signature, Number, Rank, Unit or Appointment)

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the Officer Commanding such unit or formation and not by an officer "Jr" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C. A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216

EXHIBIT "I"

CLASS OF SERVICE	SYMBOL
Full-Rate Message	
Day Letter	D L
Night Message	N M
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a full-rate message. Otherwise its character is indicated by the symbol appearing after the check.

CANADIAN NATIONAL TELEGRAM

D. E. GALLOWAY, ASSISTANT VICE-PRESIDENT, TORONTO, ONT.

Authority Approved with WESTERN UNION TELEGRAPH CO.
Cable Service to all the World
Money Transferred by Telegraph

STANDARD TIME

32 CK 11 CK/10 GB FD OTTAWA ONT 451PM SEPT 22-42

D15542 SAPPER JEAN PAUL HOULE
BOX 327 VICTORIAVILLE QUE.

CN748 REPORT AS SOON AS POSSIBLE AND BRING DOCTORS CERTIFICATE

DISTRICT DEPOT THREE
520PM

"J"

J.E. Dowsley, Major, 43.
President, D.C.M.

CLOSING ADDRESS BY THE DEFENDING OFFICER

The accused is charged with absenting himself from Ottawa, Ontario, on 14th September, 1942, until surrendering himself at 2230 hours on the 19th October, 1942, a period of some 35 days. The accused told us he proceeded to his home in Victoriaville on leave, what he has described as a normal weekend leave and that while on leave he was taken ill with an ailment that he suffered from since he was a child. He describes it as rheumatism.

Now whereas the accused is charged with absence without leave he did, nevertheless, follow the correct procedure and routine in that he wrote his Commanding Officer, pointed out to him the fact that it would be impossible for him to return when his leave expired, because of illness. The Prosecution, my learned friend, has cross-examined the accused in respect of having seen a doctor and in respect of having, pursuant to instructions, secured a doctor's certificate certifying to the nature of his illness. I would point out to the Court that people of this class are not in the habit or accustomed to calling a medical practitioner or medical doctor for any ailments except in the majority of cases in the last extremity. These people are poor people, as in this case the father earned $19.00 a week, $76.00 a month. The accused earned some $14.00 a week. These people are prohibited first by reason of their financial circumstances from resorting to the medical practitioner for attention and by reason also, looking from another angle, by reason of their financial circumstances must continue on with their job in order that they may make subsistence. I submit to the Court that it was not a normal thing for the accused to go to a doctor with an ailment from which he had suffered for any number of years.

But that as it may, he did write his Officer Commanding and what did his Officer Commanding reply? He said "report as soon as possible" and I submit, Gentlemen, that the accused did so far as the evidence before this Court discloses report as soon as it was possible within the limits of the accused's intelligence. I submit that had some senior officer been instructed to report as soon as possible that he would have been quite justified in reading into the instructions he had received the dates to extend his leave to the point where the individual concerned, as in this case the accused, felt that he was able to come back and I submit, Sir, again that the accused carried out the instructions he received and that he did report back as soon as possible. There is no evidence to indicate that he could possibly have reported prior to the 19th of October when he did return to duty.

That is all, Sir.

"K." J.E. Dowsley. Major 45.
President, DCM.

SUMMARY OF EVIDENCE

in the case of

D-15542 Spr Jean Paul HOULE, No. 3 District Depot, C.A., a soldier in the Canadian Army placed on Active Service.

CHARGES:

1. Desertion

2. Losing by neglect.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS.

Captain J.A. Pewtress, Adjutant No. 3 District Depot, C.A., being duly sworn states:-

With regard to the Charge of desertion preferred against the accused D-15542 Spr Jean Paul Houle, I produce the following documents which pertain to this case:-

(1) M.F.B. 375 "Record of the Declaration of a Court of Inquiry" which assembled at Lansdowne Park, Ottawa, on 7 Oct. 42 showing the accused as being absent from 0800 hrs 14 Sept 42 and still absent on 7 Oct 42; and having deficiencies in his kit to the amount of $83.74.

(2) M.F.M. 216 "Certificate of Surrender" showing the accused as having surrendered at 2330 hrs on the 19 Oct 42.

The above mentioned documents were received, read, and marked Exhibits "A" and "B".

THE ACCUSED DECLINED TO CROSS EXAMINE THIS WITNESS.

J.A. Pewtress Capt.

SECOND WITNESS

C-30155 QMS O.H. Henderson No. 3 District Depot, C.A., being duly sworn states:-

On the 19 Nov. 42 I checked the clothing and equipment the accused had in his possession against the M.F.C. 800 and find he is still short $15.12 , this amount being 75% of the Vocabulary value of clothing and equipment and full value of Regimental necessaries, particulars of which are as follows:-

Badges cap	1	.09
Badges shoulder	1	.08
Battle dress blouses	1	4.19
trousers	1	4.20
Belt waist leather	1	.37
Housewife,	1	.51
Shirts flannel	1	.88
Capes A.G.	1	4.45
Wallet A.G.	1	.35
Total -		$15.12

I produce certificate of shortages.

"Certificate of shortages" is received, read, and Marked Exhibit "C".

THE ACCUSED DECLINED TO CROSS EXAMINE THIS WITNESS.

O.H. Henderson

QUESTION TO THE ACCUSED.

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED.

I have nothing to say.

I certify that Rules of Procedure 4 (C) (D) (E) & (F) have been complied with.

Taken down by me in the presence of the accused at Lansdowne Park Ottawa, Ontario, this 20th day of November 1942.

(W.A. Stewart) Capt. D.D.M.D. 3, C.A.
Officer detailed to take this
Summary of Evidence.

"Y" Dowsley Major President D.C.M. 51.

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
D-15542	Sapper	Jean Paul HOULE	D.D.M.D. 3, C.A.

1. The following is a fair and true summary of the entries in the Service and General ~~Regimental and Squadron, Battery~~ Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~or A.F.A.C.L.~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For		times	A.W.L. 1	times
For	A.W.L. 2	times	A.W.L. 2	times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

~~There are no entries in the conduct sheets of the accused.~~

~~N.B. If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted

~~2. The accused has not been previously convicted.~~

~~Previous convictions of the accused~~ by a court-martial or a civil court, of summary awards under ~~A.F.A.C.L.~~ Section 47 of the Army Act ~~and dispensations with trial under A.A. 73~~ are set out in the Schedule ~~annexed to this statement.~~

~~3. The accused is not under sentence at the present time.~~

~~The accused at the present time is under sentence for~~ beginning on the ~~day of~~

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 39 days in military ~~A.F.A.C.L.~~ custody, making a total of 39 days in custody, of which 3 days were spent in hospital.

5. The present age of the accused according to his record of service is ~~attestation paper is~~ 24 years 3 mos.

6. The date of his ~~commission~~ attestation specified in his record of service is ~~attestation paper~~ 19 June 41

~~7. The service which the accused is allowed to reckon towards discharge is~~

~~8. The accused is entitled to reckon~~ service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward (or is in possession of or entitled to). ~~Name any air force decoration or reward.~~

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held the rank of~~ ~~Air Force~~

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of ..... Permanent Force unit ..... dated ....., and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number D-15542 Rank Spr Unit

Name Jean Paul Houle of D.D.M.D. 3, C.A.

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
NIL	NIL	NIL	NIL	NIL

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~twentieth~~ 27 day of Nov. 1942 (J.A. Fewtress) Capt
Adjt. D.D.M.D. 3, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" signed by the president, and annexed to the proceedings.

COUNTER NUMBER 54267

HOUR 14:25

OPERATOR'S INITIALS C.P.

RELIEVING OPERATOR CW

H.Q.C. 55-H-316. **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

DISTRICT COURT-MARTIAL.

HUET. JEAN, BAPTISTE. PTE. E.100612.

ATT. C.A.B.T.C. NO. 54. C.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-316.

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
[redacted] 1943	5-1-43	P.A.	Elle	J.A.G.	With Papers C.R. JAN 4 1943		
FEB 20 1943	23.2.43	B.F.		J.A.G.	[illegible] FEB 14 1943		
MAR 3 1943	26/3/43	B.F.	Elle	J.A.G.	PBR B. F. MAR 2 1943		
				Jab	Per Reply on C.R. MAR 8 1943		
MAR 1 1943				A.D.	Returned P.A.	Elle	9/3/43
				J.A.G.	Per Regmt + Pb Rel	J.B.	2.4.43
APR 3 1943				A.D.	Returned	[illegible]	4/4/43
APR 7 1943	26/4/43	[redacted]		J.A.G.	Per request	[illegible]	6/4/43
				Jab	With Papers C.R. APR 15 1943		
APR [illegible] 1943	20/4/43	P.A.	L.A.	A.D.	To [illegible] P.A.	[illegible]	14-4-43
AUG 4 1943	3/7/43	P.A.	JMB	J.A.G.	[illegible]		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to see it.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All enquiries [illegible] should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55H-316 (JAG)

April 16th, 1943.

The District Officer Commanding,
Military District No. 5, Quebec, Que.

District Court-Martial

Z. 100612, Pte. Jean-Baptiste Huet,
General List, C.A.
Att. to C.A.B.T.C. No. 54, C.A.

Receipt is acknowledged of your Q.39-H-1227 (JA) dated April 14th, 194 3, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

2. It is noted that the sentence in this case has been remitted from the 10th April 1943.

Brigadier,
Judge Advocate-General.

LF/MM

500-6-42(M1255)

120431

IN REPLY PLEASE QUOTE
No. Q139-H-1227 (JA).

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., April 14th, 1943.

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: DISTRICT COURT-MARTIAL
E/100612, Pte. Jean-Baptiste HUET,
General List, C.A.,
(Att. to Z.A.B.T.C. No. 54, C.A.).

Central Army Command
Received
55-H-316
Referred to JAG

Reference your H.Q.C. 55-H-316 (JAG) dated April 6th, 1943, relative to the marginally noted subject.

2. Please find enclosed herewith the proceedings of the District Court-Martial in the case of Pte. Huet, which are returned to you for custody.

3. Please note that a remission of Pte. Huet's sentence has been granted from the 10th day of April, 1943.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

NAT. DEF. B. 448
2,000 M—4-43 (4322)
H.Q. 1772-39-767

All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Court-Martial

Proceedings of a D i s t r i c t Court-Martial held at CABTC.No.54, C.A., Montmagny, P.Q., on Tuesday, the 19th day of January, - - - - 19 43, by order of Brigadier Edmond Blais, M.C., Commanding the Military District No. 5. dated the 14th day of January, - - - - - 19 43.

Lt.-Col. E.J.J.Légaré, E.D., President.
C.O.T.C. Laval (R), C.A.,

Members.

Lt.-Col. J. A. Dansereau,
No. 5 District Depot, C.A.,

Major A. de L. MacDonald,
F.M.R.,(Att. to C.A.B.T.C. 54, C.A.)

Capt. J. Alfred Crowe, R.C.C.S., C.A., , Judge Advocate.

Trial of* No. E/100612, Pte. Jean-Baptiste HUET, General List, C.A. (Att. to C.A.B.T.C. 54, C.A.)

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that~~ ~~to serve owing to~~ , ~~waiting member takes his place as a member of the Court.~~ ~~is not available~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. " X ".

The accused is brought before the Court.

Prosecutor,† Capt. P.E.Gelly, 6th (Q&L) Coast Bde, RCA, CA.

~~Counsel‡ or~~ defending officer† Lieut. P.Gobeil, General List, CA., (Att. to C.I.E. 54, Montmagny C.A.)

at 1100 o'clock the Trial commences.

The order convening the Court is read, and is marked "X"

signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q.1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A.1 No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.
"X"

(1)

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

President, D.C.M.

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction detailed by Camp Orders, CABTC 54, C.A., are duly sworn. Dated: Montmagny, 19 January 1943. (See document marked "G" annexed to the proceedings.)
(See LIST marked "X-2" annexed to the proceedings.)

Q.2 Do you object to No. E/21035, Sgt. G. Vidal, C.M.S.C., C.A., acting as shorthand writer ?

A.2 No, Sir.

No. E/21035, Sgt. G. Vidal, C.M.S.C., C.A., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ the first charge in the above-mentioned charge-sheet.

(MOTION OF THE DEFENCE) See page B-4 annexed to the proceedings, for details.

Q.43 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.43 NOT GUILTY. *Answer.*

Q.44 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.44 NOT GUILTY. *Answer.*

Q.45 Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

A.45 NOT GUILTY. *Answer.*

Q.46 Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

A.46 NOT GUILTY. *Answer.*

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

CHARGE SHEET

Lieutenant-Colonel
President F.C.M.

The accused E-100612, Private Jean-Baptiste Huet, General List, A.A., Attached to C.A. (B) T.C. 54 C.A. a soldier of the Canadian Army placed on Active Service, is charged with:-

First Charge
Sec.18 (4)
Army Act.

STEALING PROPERTY BELONGING A PERSON SUBJECT TO MILITARY LAW;

In that he,
at Montmagny Camp, during the night from 5th to 6th of December, 1942, stole a wallet containing a railway ticket, a registration card and $4.37 in money, the property of No.E-615903, Pte. René Bergeron, NRMA Cl. Depot No.5, attached to C.A. (B) T.C. 54 C.A. Montmagny, P.Q. a person subject to military law.

Second Charge
Sec. 18 (4)
Army Act.

STEALING PROPERTY BELONGING A PERSON SUBJECT TO MILITARY LAW,

In that he,
at Montmagny Camp, between the 2nd and 7th of December 1942, stole a great-coat, the property of No.E-100615 Pte. Léopold Leblanc, General List, C.A., attached to C.A. (B) T.C. 54 C.A., Montmagny, P.Q. a person subject to military law.

Third Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE,

In that he,
At Montmagny Camp, P.Q. on the sixth day of December 1942, was improperly in possession of a wallet containing a railway ticket, a registration card and $4.37 in money, the property of No.E-615903 Pte. René Bergeron, NRMA., Clearing Depot No.5, Attached to C.A. (B) T.C. No.54, C.A., Montmagny, P.Q.

Fourth Charge
(Alternative)
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE,

In that he,
At Montmagny, Camp, P.Q., on the seventh day of December 1942, was improperly in possession of a greatcoat, the property of No.E-100615, Pte. Léopold Leblanc, General List, C.A., Attached to C.A. (B) T.C. No.54 C.A., Montmagny, P.Q.

Cortlandt R. Fages
(Cortlandt R. Fages) Lt-Col., V.D.
O/C. C.A. (B) T.C. No.54 C.A.,
MONTMAGNY, P.Q.-

16th. December, 1942,
Montmagny, P.Q.-

To be tried by District Court-Martial.
Signed at Quebec, PQ. this 14 Jan.1943.

(E.J.GIGNAC) - Major,
D.A.A.G., M.D.No.5.
for D. O. C., M.D.No.5.

Constitutionnel et Général President D.C.M.

MOTION OF THE DEFENDING OFFICER
contesting the jurisdiction of the Court on the ground that the accused is under the age of 17.

(See document marked "H", annexed to the proceedings).

FIRST WITNESS FOR THE DEFENCE.

(See document marked "I", annexed to the proceedings).

FIRST WITNESS FOR THE PROSECUTION.

(See document marked "II", annexed to the proceedings).

PROSECUTOR'S ANSWER.

(See document marked "J", annexed to the proceedings).

REPLY OF THE DEFENDING OFFICER.

(See document marked "K", annexed to the proceedings).

RULING OF THE JUDGE-ADVOCATE.

(See document marked "L", annexed to the proceedings).

The Court is closed to consider their decision.

The Court disallows the submission of the Defending Officer, the Court reopens and the decision is announced.

The Court proceeds with the arraignment of the accused on the other charges.

FOR MINUTES OF ADJOURNMENT - (See document marked "R", signed by the President and annexed to the proceedings.)

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Question. Q-47 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A-47 No, Sir.

The prosecutor makes an opening address [~~hands in a written address which is read, marked~~ , ~~signed by the President, and attached to the proceedings~~]. (See document marked "O", signed by the President and annexed to the proceedings).

The prosecutor proceeds to call witnesses.

First witness for prosecution. } E/615903, Pte. René BERGERON, NRMA Cl. Depot No. 5, Attached to C.A.B.T.C. 54, C.A., Montmagny, P.Q.,

being duly sworn, is examined by the prosecutor.

Q.48 Est-ce que vous connaissez l'accusé ?

A.48 Oui, monsieur.

Q.49 Pouvez-vous l'identifier dans la Cour, où est-il ?

A.49 Il est là. (indiquant l'accusé).

Q.50 Voulez-vous raconter à la Cour ce que vous connaissez au sujet de cette affaire qui amène l'accusé devant la Cour ? Dites ce qui est arrivé ?

A.50 C'est mon porte-monnaie qui a été volé dans la nuit du 6 décembre.

Q.51 Quel jour était-ce le 6 décembre ?

A.51 C'était un dimanche.

Q.52 Voulez-vous raconter à la Cour comment c'est arrivé?

A.52 J'ai été volé dans la nuit. J'avais mis mon porte-monnaie dans la poche de mes culottes accrochées à la tête de mon "bed". Quand je me suis levé, j'ai remarqué que mon pantalon était parti, déplacé, et j'ai remarqué que mon porte-monnaie était parti.

Q.53 Qu'est-ce que vous avez fait après ça ?

A.53 J'ai averti le Caporal en charge de la chambrée; le Cpl. Grandbois.

Q.54 Qu'est-ce qui est arrivé, là ?

A.54 Il a tout averti le monde dans la salle, pour demander qui avait le portefeuille, d'avoir à le remettre sinon que la Compagnie serait en C.B. toute la semaine.

Q.55 Quel jour c'était, le 6 ?

A.55 Un dimanche.

Q.56 Vers quelle heure avez-vous constaté ça ?

A.56 Le matin, vers 6½ hres.

Q.56-a Qu'est-ce qui est arrivé après ça ?

A.56-a On est arrivés, après la messe. Ils ont fait "falligner" les gars debouts, au pied de leur lit; ils ont fouillé dans les poches et ils l'ont trouvé dans les poches de Huet.

Q.56-b L'avez-vous ce porte-monnaie ?

A.56-b Il doit être à la "Guard-Room"; c'est les R.P. qui l'ont; ils l'ont gardé.

(Le portefeuille est apporté et remis au Procureur de la Poursuite.)

Q.57 Voulez-vous examiner ce portefeuille et, s'il vous appartient, voulez-vous le produire à la Cour ?

A.57 Oui, monsieur; c'est le mien.

(Le portefeuille est remis à la Cour et produit comme exhibit " Q ", attaché à la dite page annexée aux procédures.)

Q.58 Qu'est-ce qu'il y avait dans le porte-monnaie ?

A.58 Un billet de chemin de fer et ma carte d'enrégistrement.

Q.59 Est-ce tout ?

A.59 Une lame de rasoir aussi, il y avait de l'argent, $4.37.

Q.60 Pouvez-vous dire à la Cour quelle sorte de monnaie c'était ?

A.60 Il y avait un $2.00, $1.00, et le reste était en monnaie.

Q.61 Qui c'est qui a fait ces fouilles-là, qui a fouillé les gens, le dimanche ?

A.61 C'est les R. P.

Q.62 Les connaissez-vous ? Comment ils s'appellent ?

A.62 Ce doit être Poulin.

Q.63 Est-ce qu'il était seul ?

A.63 Non, il y avait un Sergent-Major; je le connais mais je ne sais pas son nom.

Q.64 Un Sgt-Major du camp ?

A.64 Oui, du camp.

Q.65 Maintenant, quand vous dites qu'il a été trouvé, sur la personne de qui a-t-il été trouvé, dites-vous ?

A.65 Huet.

Q.66 Qui c'est, ça, Huet ?

A.66 (Le témoin montre l'accusé).

QUESTIONED BY THE DEFENDING-OFFICER :-

CROSS-EXAMINED:-

Q.67 Le Sergent-Major dont vous avez parlé tout-à-l'heure, à quelle place qu'il était ?

A.67 Avec nous autres.

Q.68 A quelle place aviez-vous votre lit dans la hutte?

A.68 Dans celle à côté du Bureau de Poste.

Q.69 Est-ce que vous êtes à ce bout-ci, ou à l'autre bout ?

A.69 J'étais au centre, près de la porte.

Q.70 Près de la fournaise ?

A.70 Oui.

Q.71 Où était le Sergent-Major quand ils ont trouvé le porte-monnaie ?

A.71 Avec nous autres, dans la hutte.

Q.72 Est-ce qu'il était à un bout, au millieu, à quelle place qu'il était quand le porte-monnaie a été trouvé ?

A.72 Il était avec le R.P. et moi.

Q.73 Vous suiviez pendant qu'ils faisaient les perquisitions ?

A.73 Oui.

Q.74 Combien il y avait d'argent dans le porte-monnaie?

A.74 $4.37.

Q.75 Quand vous êtes allé voir le Caporal, le matin, combien avez-vous dit qu'il y avait d'argent ?

A.75 J'ai dit $4.37 .

Q.76 Vous êtes sur, sur le serment que vous avez prêté, que vous avez dit $4.37, pas un sou de plus, pas un sou de moins ?

A.76 Oui, monsieur.

Q.77 Vous êtes sur de votre affaire, vous aviez compté ça, $4.37 ?

A.77 Oui.

The Prosecutor declines to re-examine the witness.

Q.78 QUESTIONS BY THE JUDGE-ADVOCATE :-

L'accusé a-t-il son lit dans la même hutte que vous ?

A.78 Oui, monsieur.

Q.79 Et c'est dans cette hutte que le porte-monnaie a été trouvé ?

A.79 Oui, monsieur.

Q.80 A quelle heure êtes-vous entré dans la hutte, ou la baraque ? A quelle heure êtes-vous entré pour vous coucher ?

A.80 Vers 9½ heures.

Q.81 Entre 9½ hres et le moment où vous vous êtes aperçu de la disparition de votre argent, êtes-vous sorti ou avez-vous changé de place dans la baraque ?

A.81 Non, monsieur.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83(B).

The witness withdraws.

Second witness for the Prosecution: C-600604, Caporal Michel POULIN, R.P., Home Defence, attached to C.A.B.T.C. 54, C.A., Montmagny, P. Q.,

BEING DULY SWORN, IS EXAMINED BY THE PROSECUTOR :-

Q.82 Voulez-vous dire à la Cour qu'est-ce que vous faites ici au Centre d'Entrainement ?

A.82 Ici, je suis dans la Police Régimentaire.

Q.83 Est-ce que vous connaissez l'accusé ?

A.83 Oui, monsieur.

Q.84 Pouvez-vous l'identifier dans la Cour, ici ?

A.84 Oui, monsieur. (le témoin indique l'accusé).

Q.85 Voulez-vous raconter à la Cour ce que vous connaissez au sujet de l'accusé et de l'affaire qui vous amène ici ?

A.85 Le 6 décembre 1942, le Cpl. Laroche était en devoir. Il est venu me chercher à la "Guard-Room" pour aller fouiller la chambrée.

Q.86 Quelle chambrée ?

A.86 Je ne me rappelle pas le Numéro.

Q.87 A quelle occasion êtes-vous allé fouiller la chambrée ?

A.87 Parce qu'il y avait eu un vol.

Q.88 Voulez-vous raconter ce qui s'est passé ?

A.88 On a fait venir tout le monde à l'attention et on a fouillé la chambrée avec un autre R.P., et le deuxième était J. B. Huet, l'accusé. On a constaté qu'il avait le porte-monnaie dans sa poche.

Q.89 Voulez-vous examiner le porte-monnaie produit ici et nous dire si vous pouvez l'identifier ?

A.89 (Le témoin examine le porte-monnaie qu'on lui exhibe). Oui, c'est bien ça.

Q.90 Vous dites que vous avez trouvé ça sur sa personne? A quel endroit ?

A.90 Dans sa poche de chemise en dedans de sa tunique.

Q.91 Y avait-il quelque chose dans le porte-monnaie ?

A.91 $ 4.37 .

Q.92 Avez-vous constaté comment était constituée cette somme ?

A.92 Oui, nous l'avons comptée.

Q.93 Vous rappelez-vous quelle sorte de monnaie ?

A.93 Je ne peux pas dire au juste.

Q.94 Y avait-il quelque chose à part de ça ?

A.94 Il y avait un billet de char et une lame de "safety".

Q.95 En trouvant le porte-monnaie, qu'est-ce que vous avez fait ?

A.95 J'ai averti le C.S.M. Gauvreau et on l'a mis "close arrest", puis on l'a descendu à la "Guard-Room".

Q.96 Le propriétaire du porte-monnaie, est-ce qu'il était dans la chambrée ?

A.96 Oui, monsieur.

Q.97 En trouvant le porte-monnaie, qu'est-ce que vous avez fait ?

A.97 J'ai demandé si c'était le sien et il a dit: Oui.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

In the Opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83 (B).

THE WITNESS WITHDRAWS.

Third witness for the Prosecution:	C.S.M. Camille GAUVREAU.- No. E/19101, C.S.M. Camille Gauvreau, "Le Régiment de Montmagny", C.A., attached to C.A. (B). T. C. 54, C.A., Montmagny, P.Q.

BEING DULY SWORN, IS EXAMINED BY THE PROSECUTOR :-

Q.98 Voulez-vous dire à la Cour quelles sont vos fonc-

tions que vous exercez ici ?

A.98 Sergent-Major de Compagnie.

Q.99 Connaissez-vous l'accusé ?

A.99 Oui, monsieur.

Q.100 Pouvez-vous l'identifier dans cette Cour ?

A.100 Cet homme-ci, monsieur. (indiquant l'accusé).

Q.101 Voulez-vous raconter à la Cour ce que vous savez au sujet de cette cause ?

A.101 Voici. Le 6 décembre, après la messe, entre 8½ et 9 hres, le Cpl. Laroche est venu me rapporter qu'un vol avait eu lieu dans la chambrée 33-A. Je lui ai dit: "Venez avec moi". Nous avons vu l'Officier Sénior, le Capt. Déry et j'ai demandé sa permission pour fouiller, et il a dit: "Allez et fouillez". J'ai descendu à la "Guard- Room" et j'ai demandé la police, puis j'ai demandé le Sergent de Peloton. J'avais dit au Caporal de m'attendre à la porte de la chambrée. Je suis entré dans la hutte 33-B et je suis entré dans la 33-A. Là, je ne sais pas si c'est le Cpl. Laroche ou moi, je ne sais pas au juste, mais nous avons donné l'ordre à tout le monde: "Tout le monde debout", et j'ai dit au Cpl. Poulin de faire les perquisitions. Il est arrivé au soldat Huet et il a dit :" Sergent-Major, nous avons trouvé le porte-monnaie." Alors, j'ai dit: "Mettez ce gars sous arrêt."

Q.102 Voulez-vous examiner cet exhibit et nous dire si vous reconnaissez ça ?

A.102 (Le témoin examine le porte-monnaie). Oui, monsieur; le billet aussi.

Q.103 Vous reconnaissez ce porte-feuille comme étant celui qui a été trouvé sur la personne de l'accusé ?

A.103 Oui, monsieur.

<u>CROSS-EXAMINED BY THE DEFENDING OFFICER</u> :-

Q.104 A quelle place étiez-vous dans la hutte quand les perquisitions se sont faites ?

A.104 Dans la hutte, environ 4 ou 5 lits à droite du lit de l'accusé.

Q.105 Quand ils ont trouvé le porte-monnaie ?

A.105 Oui, monsieur.

Q.106 Vous avez dit que le Cpl. Laroche était venu vous dire qu'il y avait eu un vol dans la chambrée?

A.106 Oui, monsieur.

Q.107 Comment vous a-t-il dit ça ?

A.107 Il m'a dit: " Sergent-Major, il y a eu encore un vol dans la chambrée cette nuit."

Q.108 Est-ce qu'il vous a dit qu'est-ce qui avait été volé ?

A.108 Il a dit qu'un type s'était fait voler son porte-monnaie.

Q.109 Est-ce qu'il a dit combien d'argent il y avait?

A.109 Il ne l'a pas dit au juste.

The Prosecutor declines to re-examine the witness.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83(B).

THE WITNESS WITHDRAWS.

Fourth witness for the Prosecution: No. 108537, Cpl. Laurent GRANDBOIS, General List, C.A., attached to C.A.(B).T.C. no. 54, Montmagny, P. Q.,

BEING DULY SWORN, IS EXAMINED BY THE PROSECUTOR :-

Q.110 Voulez-vous dire à la Cour quelles sont vos fonctions ici ?

A.110 Caporal instructeur.

Q.111 Connaissez-vous l'accusé ?

A.111 Oui, monsieur.

Q.112 Pouvez-vous l'identifier ici dans la Cour ?

A.112 Il est ici, à ma droite. (indiquant l'accusé).

Q.113 Voulez-vous raconter ce qui s'est passé ?

A.113 Le matin, je ne me souviens pas de la date, le matin, Bergeron a averti le gars en charge de la chambrée. Il est venu m'avertir qu'il y avait eu un vol; un porte-monnaie avait été volé dans une poche de pantalon. J'ai crié par trois fois dans la chambrée que si quelqu'un avait le porte-monnaie de le rapporter aussitôt.

Q.114 Quelle heure était-il ?

A.114 6½ heures du matin.

Q.115 Quel jour ?

A.115 un dimanche matin.

Q.116 Pouvez-vous dire dans quel mois à peu près ?

A.116 Dans le mois de décembre, au commencement, je crois. Ca fait au-dessus de un mois.

Q.117 Qu'est-ce que vous avez demandé ?

A.117 Si quelqu'un avait trouvé un porte-monnaie, de me le rapporter à moi, que sinon la compagnie A serait en C.B..

Q.118 A qui appartenait le porte-monnaie ?

A.118 A Bergeron, René.

Q.119 Qu'est-ce qu'il s'est passé, ensuite ?

A.119 On a laissé faire, puis j'ai averti le Caporal en charge.

Q.120 Etiez-vous là lorsque les perquisitions ont été faites ?

A.120 Oui, monsieur.

Q.121 Qui est-ce qui fouillait les gars ?

A.121 Le Cpl Poulin et le Pte. Pépin.

Q.122 Est-ce qu'il y en avait d'autres ?

A.122 Le Cpl Laroche et un autre, ont fouillé l'autre bord et ensuite l'accusé. Ils l'ont trouvé en dedans de sa tunique. Je ne peux pas dire si c'est dans sa poche de chemise ou dans la tunique de l'accusé Huet.

Q.123 Voulez-vous examiner cet exhibit et nous dire si vous connaissez cet exhibit-là ?

A.123 (Le témoin examine le porte-monnaie qu'on lui exhibe). Je ne l'ai pas regardé. Aussitôt que le Cpl Poulin l'a eu, j'ai demandé le nom du gars qui s'était fait voler ce porte-monnaie, et il a dit: Le voilà. Moi, je ne l'ai pas vu le porte-monnaie.

CROSS-EXAMINED BY THE DEFENDING OFFICER :-

Q.124 Avez qui étiez-vous lorsque la découverte a été faite ?

A.124 Quand le Cpl. Poulin a trouvé le porte-monnaie, il était avec le Pte. Pépin et avec moi. Ils étaient à fouiller et c'est là qu'il a dit: "Je l'ai trouvé".

Q.125 Vous ne reconnaissez pas le portefeuille ?

A.125 Non, je ne l'ai pas identifié immédiatement. Ils ont descendu en bas avec.

Q.126 Le C.S.M. Gauvreau, à quelle place était-il ?

A.126 Il était en arrière de la police qui fouillait.

Q.127 Quand vous avez demandé aux hommes, dans la hutte, de remettre le portefeuille, comment avez-vous demandé ça ?

A.127 J'ai dit, j'ai demandé pendant trois fois: "Un homme a perdu un portefeuille. S'il y en a un qui l'a, qu'il le rapporte immédiatement sinon ils vont vous mettre en C.B. certain. Ils vont faire

une enquête." J'ai dit ça trois fois.

Q.128 Vous n'avez pas dit ce qu'il y avait dans le portefeuille ?

A.128 Non, monsieur.

Q.129 Est-ce que Bergeron vous l'avait dit ?

A.129 Non.

Q.130 Que c'était un portefeuille ?

A.130 Il m'a dit qu'il y avait de l'argent mais il ne m'a pas dit le montant qu'il y avait.

The Prosecutor declines to re-examine the witness.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83 (B).

THE WITNESS WITHDRAWS.

Fifth witness for the Prosecution: No. E/100615, Pte. Léopold Leblanc, General List, C.A., attached to C.A.B.T.C. no. 54, C.A., Montmagny, P. Q.,

BEING DULY SWORN, IS EXAMINED BY THE PROSECUTOR :-

Q.131 Est-ce que vous connaissez l'accusé ?

A.131 Oui, monsieur.

Q.132 Pouvez-vous l'identifier dans la Cour ?

A.132 Oui, monsieur.

Q.133 Où est-il ?

A.133 Il est là. (indiquant l'accusé).

Q.134 Voulez-vous raconter à la Cour ce que vous savez au sujet de l'accusé ?

A.134 J'étais à l'hôpital, puis, une journée, j'ai demandé mon "great-coat".

Q.135 Quel jour, ça ?

A.135 C'est arrivé le 7, ou le 5.

Q.136 De quel mois ?

A.136 Décembre.

Q.137 Ensuite ?

A.137 Ils ont été chercher mon "great-coat" et il était tout brisé, un bouton manquait en haut. J'ai dit: "Ce n'est pas le mien". Le soir, j'ai sorti pour aller aux vues et je suis entré dans la hutte; il n'était pas là, dans la hutte 33-B; puis, le len-

demain, le dimanche, j'ai sorti. J'ai été voir dans la Hutte pour voir les "beds" un peu. J'ai été de l'autre côté et, en traversant, j'ai vu le "coat" sur le crochet et je me suis douté. J'ai dit au Caporal de venir voir. Mon "great-coat" avait deux coutures: une en dessous de la ceinture, une autre au bas. Les deux Caporaux ont pris le "coat", l'ont mis sur leur crochet et ont demandé la permission d'avertir le Sgt. des M. P.

Q.138 Sur quel crochet c'était ?

A.138 Sur celui de J. B. Huet, en arrière de son lit.

Q.139 L'avez-vous le "great-coat" ?

A.139 Il est sur moi, monsieur.

Q.140 Voulez-vous montrer à la Cour les marques d'identification sur le "great-coat" ?

A.140 Oui, monsieur. (Le témoin enlève son paletot, le montre à la Cour et, après constatation des marques d'identification, permet à ce témoin de garder son paletôt.)
Mon numéro était marqué, il a été effacé par exemple parce que je l'ai porté depuis ce temps-là. Il était marqué ici, au bas (indiquant la marque de fabrique), et avant de prendre le "coat", je l'ai montré aux caporaux.

Q.141 Où était le "coat" à ce moment-là ?

A.141 Il était en arrière du lit de Jean-Baptiste Huet.

Q.142 Est-ce qu'il était là ?

A.142 Non, monsieur.

Q.143 Où était-il ?

A.143 En détention.

Q.144 Quand est-ce que vous êtes sorti de l'hôpital? Combien de temps avant ce que vous racontez-là ?

A.144 Quinze jours, ou dix-huit jours.

Q.145 A ce moment, où aviez-vous laissé votre "great-coat"?

A.145 En arrière de mon lit, sur mon crochet. C'est l'avant-dernière hutte, au bout, là-bas.

Q.146 Quand vous avez demandé votre "great-coat", à qui l'avez-vous demandé ?

A.146 Au Caporal, pour qu'il aille le chercher.

Q.147 Quel Caporal, savez-vous son nom ?

A.147 C'est le caporal du "First Aid", je ne sais pas son nom.

Q.148 Est-ce que votre "great-coat" et vos effets étaient dans la chambrée à ce moment ?

A.148 Ils étaient chez le Quartier-Maître.

Q.149 Alors, le vieux paletot dont vous parlez, dont

vous avez parlé tantôt, venait de chez le Quartier-Maître ?

A.149 Oui, monsieur.

Q.150 Quand vous l'avez retrouvé, vous avez dit qu'il était sur le crochet, votre palotot; quel jour c'était ça ?

A.150 Le 6, un dimanche.

Q.151 Vers quelle heure ?

A.151 Dans l'après-midi; vers 2½ hres, je pense.

Q.152 Le soldat Huet, est-ce que vous avez eu l'occasion de le rencontrer à ce sujet-là ?

A.152 Non, monsieur.

Q.153 Vous n'avez pas eu une conversation avec lui à ce sujet ?

A.153 Pendant les dix jours de détention, il était là. Je suis sorti le 15, vendredi passé.

Q.154 Avant ça, vous ne l'avez pas vu, vous n'avez pas causé de votre "great-coat" avec l'accusé ?

A.154 Non, je n'ai pas pu lui parler.

Q.155 Vous n'avez eu aucune explication de l'accusé concernant le fait que ce "great-coat" était en sa possession ?

A.155 J'ai su ça quand j'ai été à l'hôpital, par d'autres.

CROSS-EXAMINED BY THE DEFENDING OFFICER :-

Q.156 Combien ça fait de temps que vous êtes dans l'armée?

A.156 Ca va faire six mois au commencement de mars.

Q.157 Vous êtes entré dans quel mois ?

A.157 Je suis entré dans le mois de .....

Q.158 Comment savez-vous que ça fait six mois si vous ne vous rappelez pas du mois où vous êtes entré?

A.158 Je suis entré à la fin de l'été; il n'y avait pas de neige encore.

Q.159 A quelle place êtes-vous entré ?

A.159 A Chicoutimi.

Q.160 Vous vous êtes enrolé là ?

A.160 Oui, monsieur.

Q.161 Avez-vous été au Dépôt, à Québec ?

A.161 Oui, monsieur.

Q.162 Est-ce que c'est la première place ?

A.162 Je me suis enrôlé à Chicoutimi et je suis allé

au Dépôt, à Québec.

Q.163 Longtemps après, vous souvenez-vous ?

A.163 Vers le 12, je ne sais pas le mois, je ne puis me rappeler.

Q.164 Quand est-ce que c'est que vous avez rencontré Huet pour la première fois ?

A.164 A la Citadelle, aux Cove Fields, avant de partir pour la "draft".

Q.165 Pour venir ici ?

A.165 Oui.

Q.166 Combien de temps avez-vous été au Dépôt, ensemble ?

A.166 Je l'ai vu deux fois; une fois, il avait eu des coups.

Q.167 Est-ce que vous le voyiez souvent à Québec ?

A.167 De temps en temps.

Q.168 Vous n'aviez rien avec lui ?

A.168 Non.

Q.169 Vous étiez amis ?

A.169 Oui, monsieur.

Q.170 Vous vous êtes envenus ensemble, après ?

A.170 Oui, monsieur.

Q.171 Dans quelle compagnie ?

A.171 Compagnie A.

Q.172 Quel peloton ?

A.172 (3).

Q.173 Huet, dans quelle compagnie ?

A.173 Compagnie A.

Q.174 Quel peloton ?

A.174 (3).

Q.175 Sortiez-vous ensemble ?

A.175 Oui, monsieur.

Q.176 Vous étiez amis ?

A.176 Oui, monsieur.

Q.177 Quel âge avez-vous ?

A.177 17 ans 4 mois.

Q.178 Quand vous êtes venu, étiez-vous venu pour chercher votre "great-coat", à la hutte ?

A.178 Oui, monsieur.

Q.179 A qui c'est que vous avez demandé ça, votre "great-coat" ?

A.179 J'ai rentré dans la hutte; j'ai passé pour voir où était mon "great-coat". Il y avait deux petits jeunes; ils m'ont dit de demander au Caporal pour avoir mon "great-coat".

Q.180 Qu'est-ce qu'il vous a dit, la Caporal ?

A.180 Il a dit: "Va dire ça au Sergent des M. P."

Q.181 Est-ce qu'il a rajouté quelque chose, à part de ça ?

A.181 Le Caporal Grandbois? Non.

Q.182 Vous êtes sur qu'il ne vous a rien dit, sur le serment que vous avez prêté ?

A.182 Il a dit: Tu peux parler.

Q.183 Il ne vous a pas dit que vous seriez questionné à l'enquête ?

A.183 Non.

Q.184 Est-ce qu'il ne vous a pas dit: "Le Great-coat, on le garde; il va y avoir une enquête. Manque-le pas, calle-le"?

A.184 Non, il n'a pas dit ça.

Q.185 Vous avez été dans le "clink" en même temps que Huet?

A.185 Oui, monsieur.

Q.186 Combien de temps ?

A.186 Neuf jours.

Q.187 Avec qui ?

A.187 Huet.

Q.188 En avez-vous parlé à d'autres ?

A.189 Dumont, je crois; je ne sais pas son premier nom.

Q.190 Qu'est-ce que vous avez dit au sujet de cette affaire de vol de "great-coat"?

A.190 J'ai dit à Huet que son "coat", de ne pas s'en occuper; qu'il aurait une chance de se faire décoller son "coat" de sur le dos, parce que le Cpl. Grandbois et l'autre avaient dit de le caller, en faisant des farces. C'est moi qui ai dit ça pour le faire taire.

Q.191 Pourquoi n'avez-vous pas dit ça tantôt ?

A.191 C'est moi qui l'ai dit, et pas eux.

The Prosecutor declines to re-examine the witness.

QUESTIONS BY THE COURT :-

QUESTIONS BY THE COURT :-

Q.192 Lorsque vous avez retrouvé votre paletôt, était-ce le 6 ou le 7 décembre ?

A.192 C'est, soit le 6, ou soit le 7, je ne suis pas certain.

Q.193 Soit le 6, soit le 7 ?

A.193 Oui, monsieur.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. (83)(B).

THE WITNESS WITHDRAWS.

THE PROSECUTION HAS NO FURTHER WITNESSES.

D

The prosecution is closed.

Defence

Question to the accused. Q.194 Do you apply to give evidence yourself as a witness?

Answer. A.194 No, Sir.

Question. Q.195 Do you intend to call any other witness in your defence?

Answer. A.195 No, Sir.

Question. ~~Is he a witness as to character only? - Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

~~(Where no evidence is given for the defence.)~~

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Question to the accused. Q.196 Have you anything to say in your defence?

Answer. A.196 No, Sir.

~~The accused in his defence says:†~~

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

THE PROSECUTOR MAKES A "CLOSING ADDRESS" :-
(See document marked "S", signed by the President and annexed to the proceedings).

THE DEFENDING OFFICER MAKES A "CLOSING ADDRESS":-
(See document marked "T", signed by the President and annexed to the proceedings).

Summing up ~~RULING~~ OF THE JUDGE-ADVOCATE :-
(See document marked "U", signed by the President and annexed to the proceedings).

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused No. E/100612, Pte. Jean-Baptiste HUET, General List, C.A., attached to C.A.(B).T.C. No. 54, C.A., is GUILTY of the first charge but NOT GUILTY of the second, third and fourth charges.
The findings of Not Guilty are read in open Court.

When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

*The Court being re-opened, the accused is again brought before it.

Lieut. Antoine GOBEIL, Adjudant, C.A.B.T.C. 54, C.A., being already ~~is duly~~ sworn.

Evidence of character, etc.

Q.197 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused?

A.197 *Answer by the Witness.* I produce M.F.B. 355 and M.F.M. 6.

The above statement [~~with the schedule of convictions and of cases in which trial has been dispensed with~~] is read, marked "Y", signed by the President, and annexed to the proceedings. and M.F.M. 6, is read, marked "Z", signed by the President and attached to the proceedings.

Q.198 *Question by the President.* Is the accused the person named in the statement which you have heard read?

A.198 *Answer by the Witness.* YES, SIR.

Q.199 *Question.* Have you compared the contents of the above statement with the regimental books?

A.199 *Answer.* YES, SIR.

Q.200 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.200 *Answer.* YES, SIR.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~
The Defending Officer declines to cross-examine.

Q.201 *Question to the accused.* Do you wish to address the Court?

A.201 *Answer.* (See document marked "Y" attached).

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. E/100612, Pte. Jean-Baptiste HUET, General List, C.A., attached to C.A.B.T.C. 54, C.A., to undergo detention for six months.

Sentence.
DETENTION:
6 months.

Signed at C.A.B.T.C. 54,C.A., Montmagny, P.Q., this 19th day of January, 1943.

(J. ALF. CROWE) - Capt.
R.C.C.S., C.A. - Judge-Advocate.

(E.J.J. DEGARE) Lt.-Col.
C.O.T.C. Laval (R), C.A.,
PRESIDENT D.C.M.

CONFIRMED.

Signed at Quebec, P. Q., this 26th day of January, 1943.

(Edmond BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

"Promulgated and Extracts taken at MONTMAGNY, P.Q. this third day of February 1943.

(A. GOBEIL) Capt.
Adjutant
C. A. (B) T.C. 5[redacted]

Extracts entered as No. 7810 in the Record of Courts-Martial kept in the office of the Judge Advocate General this 16th day of Feb. 1943

I, the undersigned, being the competent authority, do hereby remit the unexpired portion of the sentence of detention of No. E/100612, Pte. Jean-Baptiste HUET, General List, C.A., (Att. to C.A.B.T.C. No. 54, C.A.), from the 10th day of April, 1943.

Signed at QUEBEC, P.Q., this 9th day of April, 1943.

Edmond Blais

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

"Promulgated and Extracts taken at MONTMAGNY, P.Q.
this 12th day of April, 1943.

P.E. Rolland capt

(P.E. ROLLAND) Capt.
Adjutant
C.A.(B)T.C.# 54 (CA)

" X " Ernest Legare Lt-Colonel President R.C.M.P. 38-A

Orders by Brigadier Edmond Blais, M.C. Commanding

the Military District No.5.

District Court-Martial

Quebec, P.Q., 14th January 1943.

The detail of Officers as mentioned below will assemble

at CABTC No.54, (CA) Montmagny, P.Q. on Tuesday

the 19th day of January 1943 at 1100 hours

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

E/100612, Pte.Jean-Baptiste HUET,
General List, C.A.
(Att. to C.A.B.T.C.No.54, C.A.)

PRESIDENT

Lt-Col. E.J.J.Legare, E.D., is appointed President.
C.O.T.C. Laval (R) C.A.

MEMBERS

Lt-Col. J.A.Dansereau,
No.5 District Depot, C.A.
Major A.de L.MacDonald,
F.M.R., (Att. to C.A.B.T.C.No.54,C.A.)

WAITING MEMBERS

Capt. A. Dery,
C.A.B.T.C. No.54 C.A.

JUDGE ADVOCATE

Capt. J.Alfred Crowe, R.C.C.S., CA. ~~xxxxxxx~~ (is hereby) appointed
Judge Advocate

PROSECUTOR

Capt. P.E.Gelly,
6th (Q&L) Coast Bde. R.C.A., C.A. ~~xxxxxxx~~ (is hereby) appointed
Prosecutor

DEFENDING OFFICER

One Officer to be detailed by O.C., C.A.B.T.C.No.54, C.A. ~~xxxxxxx~~ to be ~~(is hereby)~~ appointed
Defending Officer

The accused will be warned and all witnesses duly required to attend.

[redacted] Commanding, C.A.B.T.C. No.54, C.A. will [redacted] the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D.No.5.

Signed this 14th day of January 1943.

M.F.B. 220
A.F.A. 47
HM—8-41 (1761)
H.Q. 1772-29-464

(E.J.GIGNAC) - Major,
D.A.A.G., M.D.No.5.
for D. C. C., M.D.No.5.

"X-2"

Cont. Depuis et Belanger
Transcript 12 C.A.

- LIST OF OFFICERS UNDER INSTRUCTIONS -

Major G. Paquet,

Capt. A. Laderoute,
Capt. B. Milot,

Lieut. P. E. Rolland,
Lieut. L. Gosselin,
Lieut. D. Beaulieu,
Lieut. R. Gilbert,
Lieut. R. Morency,
Lieut. L. P. Dion,
Lieut. L. P. Borne,
Lieut. M. Plante,
Lieut. R. Hudon,
Lieut. A. Dugro,
Lieut. P. O'Neil,
Lieut. C. L. Leblanc,
Lieut. D. Paré,
Lieut. V. Mercier,
Lieut. R. Lavoie,
Lieut. P. Bazin,
Lieut. G. Hallé.

Attached to C.A.B.T.C. 54, C.A.

"G"

ORDRES DU CAMP.

C. A. (B) T. C. # 54.

par le
Lt.-Col. C.A. Fages, V. D.,
Commandant.

Montmagny,
19-1-43

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58 - DEVOIRS:

Officier du jour du camp:

le 19 janvier, 1943, le Lieut. Mercier, V.
le 20 janvier, 1943, le Lieut. Gosselin, L.

Sous-officier du jour du camp:

le 19 janvier, 1943, le Sgt. Michaud, A.
le 20 janvier, 1943, le Sgt. St.Cyr, Noel.

59 - PELOTON DE FEU EN DEVOIR:

le 19 janvier, 1943, le peloton 8.
le 20 janvier, 1943, le peloton 9.

60 - ENTRAINEMENT:

Suivant le syllabus.

61 - RETRAITE:

Pendant la semaine commencant le 18 janvier, 1943, la retraite sera sonnée à 1748 hrs.

62 - CONSEIL DE GUERRE REGIONAL:

"A" Les officiers sous-mentionnés s'assembleront au C.I.E. 54 Montmagny, à 1100 hrs, le 19 janvier 1943, dans le but de juger par un Conseil de guerre régional l'accusé E-100612 Sdt. Jean Baptiste Huot, Liste générale (Att. au C.I.E. 54 Montmagny C.A.) et toute autre personne ou personnes qui pourrait être appelée à comparaître devant cette cour:

PRESIDENT: - Lt.-Col. E.J. Legare C.E.O.C. Laval (R) C.A.

MEMBRES: - Lt.-Col. J.A. Dansereau 5e Depot Regional.
Major A. de L. MacDonald F.M.R. (Att. au C.I.E. 54 Montmagny.

MEMBRE SUPPLEANT:- Le Capt. A. Déry, C.I.E. 54 Mont'y. C.A.

JUGE AVOCAT: - Le Capt. L.A. Crowe, R.C.C.S., A.C.

PROCUREUR:- Le Capt. P. Gelly 6e (Q.L) Bgde Côtière A.R.C.

OFFICIER DEFENDEUR:- Lieut. P. Goboil, Liste Générale (Att. au C.I.E. 54 Montmagny) C.A.

"B" Les témoins suivants devront être présents:

Capt. A. Goboil, Adjudant "Le Regt de Mont" (att. au C.I.E. 54 Montmagny.C.A.

E-19101 CSM. C. Gauvreau "Le Regt de Mont" (attaché au C.I.E. 54 Montmagny.) C.A.

G-600604 Cpl Poulin, Michel "R.P. Home Defence, attaché au C.I.E. 54 Montmagny.C.A.

E-615903 Pte Bergeron, René N.R.M.... Clearing Depot # 5 att. au C.I.E. 54 Mont'y.C.A.

...../2

M-100615 Pte Leblanc, Léopold, Gen. List C..., attaché au C.I.T. 54 Montmagny (C..)

M-108537 Cpl Grandbois, L. Gen. List , attaché au C.I.T. 54 Montmagny, (C..)

"C" assisteront aux procédures pour fins d'instruction.

Major G. Paquet.
Capt. A. Ladermute.
Capt. B. Milot.
Lieut. P.E. Rolland.
Lieut. L. Gosselin.
Lieut. E. Beaulieu.
Lieut. R. Gilbert.
Lieut. R. Morency.
Lieut. L.P. Dion.
Lieut. L.P. Dorne.
Lieut. M. Plante.
Lieut. R. Hudon.
Lieut. A. Dugre
Lieut. F. O'Neill
Lieut. C.L. Leblanc.
Lieut. D. Paré
Lieut. V. Mercier
Lieut. R. Lavoie.
Lieut. P. Bazin.
Lieut. G. Hallo.

"D" Le Sergent Major Régimentaire fera les arrangements nécessaires pour l'installation de la cour et verra à fournir les escortes et le personnel nécessaire.

"E" L'accusé, M-100612, Sdt. Jean Baptiste Huot devra être examiné par le médecin et certificat préparé sur la formule requise.

(A. GOREIL) Capt,
Adjutant.
C. A. (B) T. C. # 54.

AMUSEMENTS:

Les C. de C. présentent ce soir au manège à 1930 hrs. "TOAST OF NEW YORK"

VRAIE COPIE

(A. GOREIL) Capt.
Adjudant
C. A. (B) T.C.# 54 (CA)

" H "

" SUBMISSION OF THE DEFENCE on Non-jurisdiction of the Court. "

BY THE DEFENDING OFFICER :-

J'ai une objection péremptoire à faire. La défense a l'intention de contester la juridiction de la Cour. Je soumets respectueusement que Huet n'est pas sujet à la loi militaire parce qu'il n'a pas l'âge requis pour être un soldat. Les quatre offenses dont Huet est accusé demandent, nécessitent que celui qui est accusé soit sujet à la Loi Militaire. On dit: "Commise par une personne sujette à la Loi Militaire." Celui qui est sujet à la Loi Militaire, d'après l'interprétation au début de la Loi du Service Militaire, (Statuts Révisés) et d'après les Règles d'interprétation, d'après la Loi Militaire, c'est celui qui peut être appelé en service actif. Même chose à 304 K.R. (Can.).

Je veux dire à la Cour que la Loi du Service Militaire permet l'enrolement de sujets militaires qui n'ont pas moins de 18 ans et pas plus de 45 ans, sauf le cas de levée en masse à partir de 14 ans, et en certains cas, 13 ans, pour les tambours, trompettes, qui ont une demi-solde, je crois.

Alors, Huet n'a que 16 ans et 10 mois, d'après l'extrait de baptême que j'ai ici et que j'ai l'intention de produire.

Il y a une autre référence plus récente, Il me semble, que celle que j'ai donnée serait suffisante, mais je donne: S.R.C. 1927, Chap. 132, et je dis que Huet n'était pas sujet à la Loi Militaire parce qu'il n'avait pas l'âge et son certificat de baptême, ici, dit qu'il est né le 23 février 1926. Il s'est enrolé en septembre, le 10 septembre et il avait 16 ans et 2 ou 3 mois, alors qu'il s'est enrôlé.

Je cite aussi un Arrêté en Conseil No. 74/1160, en date du 9 décembre 1942, P.C. 74/1160, "Arrêté en Conseil autorisant l'enrolement des garçons de dix-sept ans dans les formations et unités de l'Armée Canadienne".

" Le Conseil a été saisi d'un memorandum émanant de l'Honorable Ministre de la Défense Nationale, et exposant ce qui suit :-

a) Lorsqu'une personne parvenue à l'âge de 18 ans s'enrole dans une unité ou formation active de l'Armée canadienne, elle doit passer plusieurs mois d'un temps précieux à l'instruction élémentaire puis à sa formation professionnelle et technique. C'est donc dire qu'il s'écoule une période de temps considérable

avant que la nouvelle recrue acquiert un degré suffisant de compétence militaire.

b) Comme il est très opportun d'éviter cette perte de temps, il est proposé de permettre l'enrolement, dans une unité ou formation active de l'armée canadienne, des garçons qui ont atteint l'âge de 17 ans afin de leur permettre de suivre une instruction professionnelle et l'instruction militaire élémentaire au cours de la période qui précède immédiatement l'âge régulièrement exigé pour l'acceptation comme soldat d'unité ou de formation active de l'armée canadienne.

2o. L'Adjudant-Général recommande donc qu'il plaise à Votre Excellence en conseil d'autoriser l'enrolement des garçons de 17 ans dans les unités ou formations actives de l'armée canadienne;

3o. Cette recommandation n'implique aucune dépense additionnelle aux crédits de 1942-1943;

4o. Le Sous-Ministre (Armée) a étudié la recommandation précitée et l'approuve.

Le soussigné approuve les recommandations de l'Adjudant-Général et a l'honneur de recommander qu'il plaise à Votre Excellence en conseil, en vertu des dispositions de la Loi de la Milice, Chap. 132 des Statuts Révisés du Canada, 1927, et en vertu des dispositions de tous autres statuts, lois ou réglements, d'ordonner ce qui suit :-

(i) Que les garçons qui ont atteint l'âge de 17 ans puissent être enrolés dans une unité ou formation active de l'armée canadienne afin d'y recevoir l'instruction;

(ii) Qu'aucun garçon ne puisse être enrolé sans avoir obtenu au préalable le consentement de ses parents ou de ses tuteurs;

(iii) Que les garçons ainsi enrolés aient droit au taux de solde des enfants de troupes soldats jusqu'à ce qu'ils aient atteint l'âge de 17½ ans; après quoi, ils auront droit à la solde régulière des soldats.

(iv) Qu'aucun garçon ainsi enrolé ne puisse être envoyé sur un théâtre d'opérations militaires, en dehors du Canada, avant d'avoir atteint l'âge réglementaire établi à cette fin pour les soldats de l'armée canadienne.

Le conseil approuve le rapport et la recommandation précités et en sollicite l'approbation.

(Signé) A. D. P. HEENEY,

Greffier du Conseil Privé. "

QUESTION PAR LE PRESIDENT :-

Q.3- Ce P.C. indique bien que le soldat peut être enrolé. Il ne fait aucune restriction?

DEFENDING OFFICER :-

A.3- Il y a un point sur lequel j'ai appuyé : "des garçons qui ont atteint l'âge de 17 ans, " afin de leur permettre de suivre une ins- " truction professionnelle et l'instruction " militaire élémentaire au cours de la période " qui précède immédiatement l'âge régulière- " ment exigé pour l'acceptation comme soldat." 18 ans. On ne peut enroler un garçon de moins de 18 ans, et ici on permet à un garçon de moins de 17 ans de s'enroler pour que son instruction se termine vers 18 ans; et, même dans ce cas, il faut la permission de ses parents ou de son tuteur.

QUESTION PAR LE PRESIDENT :-

Q.4- Y a-t-il quelque chose qui dise qu'il est défendu de les enroler ?

DEFENDING-OFFICER :-

A.4- Il est né le 23 février 1926; il s'est enrolé le 10 septembre; par conséquent il n'a pas 17 ans. Extraits des Décrets et Ordonnances des Réglements de Guerre de 1942.

Les documents que j'ai à produire, je n'ai pas le dossier du soldat parce qu'il est entre les mains de la poursuite.

PROSECUTOR :-

Il faut que ce soit produit par l'accusé dans son Plea in Bar.

DEFENDING-OFFICER :-

On peut demander au bureau de produire les documents qui sont au bureau.

PRESIDENT :-

Vous ailéguez que l'homme a tel âge. Il faut la preuve. Il faut ses documents; il y a un tas de documents qu'il faut produire à la Cour pour qu'elle voit ce qui en est.

DEFENDING-OFFICER :-

J'ai dit que l'Arrêté en conseil nous dit qu'il faut une permission des parents pour les enfants de 18 ans, et je suis même ici en dedans de 17 ans. De toute manière, il ne peut être soldat. Il n'a pas besoin de la permission de ses parents; il ne peut être enrolé parce qu'il n'a pas même 17 ans. S'il avait 17 ans il faudrait la preuve que les parents n'ont pas donné leur consentement.

PROSECUTOR :-

Je crois que le certificat ou l'extrait de baptême devrait être produit par l'accusé. La défense a droit de faire une preuve sur son objection; il faut que la défense fasse entendre l'accusé qui produira son certificat de baptême.

PRESIDENT :-

Il faut faire une preuve documen-

taire à l'appui de votre plaidoyer.

DEFENDING-OFFICER :-

Alors, la poursuite dit que J. B. Huet ne peut produire son certificat de baptême par son procureur; il faut qu'il le produise lui-même.

PAR LE JUGE-AVOCAT :-

Absolument. Je suggère de faire entendre l'accusé comme témoin pour produire ce document.

DEFENDING-OFFICER :-

C'est une enquête qui ouvre la transquestion.

LE JUGE-AVOCAT :-

Sur ces faits-là seulement.

DEFENDING-OFFICER :-

Alors, je demande que J. B. Huet comparaisse pour produire ce document. Je n'ai pas l'intention de produire le dossier; je n'en ai pas besoin pour faire ma preuve. Si la Cour veut le produire, elle peut le faire, ou si la Poursuite le demande, mais je n'en ai pas besoin. Si je suis obligé de le produire, très bien.

Enrôlé à 16 ans
Premier V.C.M.

"I"

ON MOTION:

First Witness for the Defence.

No. E/100612, Pte. Jean-Baptiste HUET, General List, C.A., (Att. to CABTC. 54, C.A.)

being duly sworn, is examined by the Defending Officer :-

Q.5- Voulez-vous dire à la Cour quel est votre nom ?

A.5- Huet, Jean-Baptiste.

Q.6- Voulez-vous, s'il vous plaît, produire le certificat de baptême, comme étant le vôtre ?

A.6- Oui, monsieur. (Le témoin remet à la Cour le certificat de baptême, lequel est marqué comme Exhibit "M", et annexé aux procédures).

CROSS-EXAMINED BY THE PROSECUTOR :-

Q.7- Quand vous êtes-vous enrolé ?

A.7- Le 10 septembre.

Q.8- Quelle année ?

A.8- 1942.

Q.9- Quel âge avez-vous donné lors de votre enrolement?

A.9- Seize ans.

Q.10 Vous jurez ça ?

A.10 Oui, monsieur.

Q.11 Vous avez signé des formules, lors de votre enrolement ?

A.11 Oui, monsieur.

Q.12 Voulez-vous examiner la formule suivante: M.F.M. 2, en date du 10 septembre 1942, et me dire si c'est votre signature qui apparaît ici ?

A.-12 (Le témoin regarde le document) Oui, monsieur.

Q.13 Voulez-vous regarder la date de naissance, et dire quelle date de naissance vous avez déclarée ?

A.13 (Le témoin regarde le document) 23 février 1924.

Q.14 Vous avez déclaré ça lors de votre enrolement ?

A.14 Je ne l'ai pas déclaré. Je me suis enrolé au Major Raymond et j'ai dit que j'avais seize ans. J'ai été "drafté" à Rimouski, puis à Montmagny.

Q.15 Vous avez signé ça ?

A.15 Oui, monsieur.

Q.16 A Québec ?

A.16 Oui, monsieur.

Q.17 Vous dites que vous n'avez pas déclaré que c'était votre date de naissance, si vous ne l'avez pas donnée ?

A.17 J'avais 16 ans lorsque je me suis enrolé à Ste-Anne des Monts.

Q.18 Je parle de la formule signée à Québec, qui mentionne que vous êtes né le 23 février 1924 ?

A.18 Je l'ai signée pour pouvoir entrer dans l'armée.

Q.19 Alors, vous avez mentionné 23 février 1924 ?

A.19 C'est le Major Raymond qui m'a dit ça lui-même. Il était membre du recrutement à Gaspé.

RE-EXAMINED BY THE DEFENDING-OFFICER :-

Q.20 Jean-Baptiste Huet, voulez-vous me dire à quelle date vous avez laissé la maison chez vous pour aller vous enroler ?

A.20 J'ai travaillé un mois en dehors de chez nous et je me suis enrolé.

Q.21 A quelle date avez-vous quitté la maison ?

A.21 Je ne sais pas au juste.

Q.22 Je parle de la première fois ?

A.22 C'est un mois après que mon frère est venu me chercher.

Q.23 Quand est-ce que c'est ça, que votre frère est allé vous chercher ?

A.23 Dans le mois d'août.

Q.24 Vous êtes parti de chez vous, de Grande-Vallée, et vous êtes allé où ?

A.24 Je suis allé à Ste-Anne des Monts et nous avons rencontré le Major Paquet et nous avons fait le voyage avec le Major Raymond, de Mont-Joli à Québec, et c'est lui qui nous a fait mettre la main sur l'Evangile.

Q.25 Aviez-vous rencontré le Major Raymond, avant cela?

A.25 Oui, je lui ai demandé pour m'enroler et il m'a dit: "Quand même tu reviendrais, on va t'enroler pareil". Nous avons fait le voyage de Mont-Joli à Québec avec lui.

Q.26 Et ensuite ?

A.26 On est allés s'enroler.

Q.27 Qu'est-ce qu'il a dit ?

A.27 "Monte à Québec, on va t'enroler". Il m'a dit de dire que j'avais 18 ans. Il nous a fait mettre la main sur l'Evangile. On était quatre.

Q.-28 Alors, quand vous l'avez rencontré, à Ste-Anne des Monts, avant de faire le voyage pour venir à Québec, qu'est-ce qu'il vous a dit ?

A.28 "Tu as vieilli depuis une"escousse".

Q.29 Combien ça faisait de temps que vous l'aviez vu ?

A.29 Ca faisait un mois.

Q.30 Il vous reconnaissait ?

A.30 Oui, monsieur.

Q.31 Il vous a dit : "T'as vieilli depuis une escousse"?

A.31 Oui, il m'a dit ça.

Q.32 Après avoir fait le voyage à Québec et vous vous êtes enrolé ?

A.32 Oui, monsieur.

Q.33 Dans quel mois ?

A.33 Septembre. Je ne me suis pas enrolé le 10; ma paye comptait du 10; je me suis enrolé le 15. Il m'a dit: "On va faire compter ta paye du 10"

PAR LA COUR :-

Q.34 C'est vous qui avez demandé à vous enroler ?

A.34 Oui, monsieur.

Q.35 Comme question de fait, lorsque à Québec vous avez signé votre formule d'enrolement, à l'endroit où il est question de la date de naissance, avez-vous constaté qu'il était mentionné: 1924 ?

A.35 Oui, monsieur.

Q.36 Et vous l'avez signée ?

A.36 Oui, monsieur.

"The defence has no further witnesses".

IN THE OPINION OF THE COURT, AND JUDGE-ADVOCATE, IT IS NOT NECESSARY TO COMPLY WITH R.P. 83(B).

THE WITNESS WITHDRAWS.

Ernest Lagacé Lt-Colonel President G.C.M.

First Witness for the Prosecution (On Motion) :-

Capt. ANTOINE GOBEIL, Adjudant, C.A.B.T.C., 54, C.A.

being duly sworn, is examined by the Prosecutor :-

Q.37 Voulez-vous dire à la Cour quelles sont les fonctions que vous exercez ici ?

A.37 Adjudant.

Q.38 Est-ce que vous connaissez l'accusé ?

A.38 Oui, monsieur.

Q.39 En votre qualité d'Adjudant, pouvez-vous produire les documents concernant l'enrolement de l'accusé ?

A.39 Je produis Copie certifiée de M.F.M. 2.
(The Court compares the Original of the document with the Copy and finds it to be correct). The document is read by the Court, marked "N", signed by the President and attached to the proceedings.

CROSS-EXAMINED BY THE DEFENDING-OFFICER :-

Q.40 Capt. Gobeil, vous connaissez Huet ?

A.40 Oui, monsieur.

Q.41 Savez-vous son âge ?

A.41 Non. Le seul que je connaisse c'est d'après sa formule M.F.M. 2: Février 1924.

Q.42 Etes-vous au courant que Huet, Jean-Baptiste, n'a pas l'âge mentionné au papier ?

OBJECTION BY THE PROSECUTOR, TO THIS QUESTION, BECAUSE THE WITNESS WAS NOT PRESENT AT THE ENLISTMENT AND THAT THE SUBSEQUENT FACTS HAVE NO RELATION WITH THE ENLISTMENT. MOREOVER, THE WITNESS DECLARES THAT HE DOES NOT KNOW ANYTHING ELSE THAN WHAT IS MENTIONED ON THE PAPER.

DECISION OF THE COURT:- The Court allows the submission of the Prosecution.

The Prosecutor declines to re-examine the witness.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83(B).

THE WITNESS WITHDRAWS.

" The Prosecution has no further witnesses."

" J " Ernest Meyer Lt.-Colonel President R.C.M.

THE PROSECUTOR'S ANSWER ON THE MOTION OF THE DEFENCE

QU'IL PLAISE A LA COUR :-

La Loi Militaire permet à la Cour Martiale de juger toute personne sujette à la Loi Militaire. La défense invoque le fait que l'accusé a moins de 16 ans. Je dirai d'abord que l'Arrêté Ministériel invoqué par la Défense ne s'applique pas dans ce cas-ci et concerne surtout la mobilisation des jeunes gens de 17 ans. Il est passé le 6 décembre 1942 et est subséquent à l'enrolement.

Il est un principe qui veut qu'une personne ne peut pas, pour éviter la conséquence de ses actes et éviter l'exécution de la loi, invoquer sa propre turpitude. Dans le cas actuel, il est clair que l'accusé s'est enrolé volontairement et que, pour s'enroler volontairement, il a fait une déclaration qu'il prétend être fausse. Il a déclaré qu'il avait 18 ans. Si l'accusé avait déclaré, lors de son enrolement, qu'il avait 16 ans et que les formules produites devant la Cour indiqueraient qu'il avait 16 ans, je soumets qu'alors le plaidoyer in bar devrait être maintenu vu que le consentement des parents n'aurait pas été accordé. K.R. (Can.) 304.

Il n'y a rien dans la Loi qui oblige les autorités militaires, pour savoir si les déclarations assermentées qu'on fait lors de l'enrolement, sont fausses, à faire des enquêtes. Au point de vue de la loi, l'accusé a établi sa position lui-même. Il a déclaré qu'il avait 18 ans; c'est un enrolement volontaire et il est soumis à tous les articles et toute discipline militaire jusqu'au jour où il aura été prouvé que sa déclaration étant fausse il aura été renvoyé de l'armée. Jusqu'à ce temps-là, je soumets qu'il est une personne sujette à la loi militaire et est une personne sujette à la Cour Martiale.

Emmanuel Lt-Colonel
President R.C.M.

-X-

" REPLY OF THE DEFENDING OFFICER
TO THE ANSWER OF THE PROSECUTOR, ON MOTION. "

J'ai réservé une réplique au Procureur de la Poursuite. Il y a un passage dans cet Arrêté en conseil que je veux relire. L'avocat de la poursuite a dit qu'il était de décembre et que la loi fut passée avant. Si c'est vrai, il contredit celui qui a été passé en 17 et réadopté en 39.

Il y a un passage qui dit, dans l'Arrêté en Conseil: "En vertu des dispositions de tous autres statuts, lois ou réglements." Cet Arrêté en conseil changerait tous les autres sur cet argument et fait loi au 19 décembre. L'enrolement est de septembre mais il n'avait ni 17 ans, ni 18 ans. Cet arrêté rallonge la période, mais cela n'intéresse pas la défense. L'accusé n'avait pas 17 ans et n'avait pas l'autorisation de ses parents. Il est à noter que l'accusé a déclaré très bien qu'il a dit, et il l'a répété dans son témoignage, qu'il a donné son âge comme 16 ans et c'est une négligence du recrutement si on l'a pris quand même, Jusqu'à preuve du contraire, il l'a déclaré qu'il était trop jeune et on lui a dit: "Tu as vieilli depuis". Il a fait le voyage avec l'officier qui l'a enrolé et il ne pouvait se tromper. Je crois que le cas est clair.

Eustache Lagarde Lt-Colonel
Président C.C.M.

" RULING OF THE JUDGE-ADVOCATE "

La Cour a à décider si l'accusé est sujet à la Loi Militaire. Une question de droit se pose ici, à savoir: si une personne de moins de 18 ans, qui a été enrolée régulièrement, sous quelque prétexte que ce soit, est assujettie à la loi militaire.

J'avise la Cour qu'il s'agit d'une question de droit qui a déjà été soumise aux tribunaux militaires et il a été décidé que la formule d'enrolement signée par un mineur ayant déclaré avoir 18 ans ou plus constitue un contrat valide pourvu que cet enrolement ait été fait suivant les prescriptions de la loi.

Je réfère la Cour à la Section 176, A.A., qui dit quelles sont les personnes sujettes à la loi militaire. Je réfère aussi au Chapitre 10, para. 27, du Manuel de Droit Militaire, qui traite de la jurisprudence à laquelle je viens de faire allusion.

Je soumets que la Cour devrait siéger en Cour fermée pour décider de cette objection.

"M"

Curé Kempeneer St-Calixte
Imprimé 7-5-79

EXTRAIT du régistre des baptêmes, mariages et sépultures de la paroisse de Grande-Vallée

pour l'année mil neuf cent vingt-six.

Le vingt-trois de février mil neuf cent vingt-six, nous prêtre soussigné, avons baptisé Joseph Jean Bte. né la veille, fils légitime de Thomas Huet, pêcheur, et de Leda Clavette, de cette paroisse. Parrain, Romuald Minville; marraine, Délia Gaumond, lesquels ainsi que le père ont signé avec nous. Lecture faite.

(ont signé) Délia Gaumond

Romuald Minville

Thomas Huet

J. Alexis Bujold, ptre. curé

Garpi

Lequel extrait, nous soussigné, curé de cette paroisse, certifions être conforme au registre original déposé dans les archives de la dite paroisse.

Donné à Grande-Vallée

le 21 novembre 1942

J. Alexis Buj. ptre curé

Nom HUET Prénoms Jean-Baptiste

N° matricule E-100612 Grade PTE

Garnison	Date d'arrivée à la garnison	Date de Admission à l'hôpital			Date de Sortie de l'hôpital			Maladie	Nombre de jours à l'hôpital	Détails sur la nature et l'origine de la maladie dire si elle était bénigne ou grave, si elle est améliorée guérie, si on traitement. Dans le cas d'une maladie vénérienne, mentionner le siège de la maladie et le nom du médecin qui a prescrit le traitement. Si la maladie est accidentelle, spécifier si elle est imputable ou non au service et si un conseil d'enquête a été tenu. Détails et dates au sujet des traitements donnés et des sommes chirurgicales fournies.	Signature du soldat
		Jour	Mois	Année	Jour	Mois	Année				

Pour les inscriptions supplémentaires, se servir de M.F.M. 1 et 2 (b) (Fr.)

VRAIE COPIE CERTIFIEE
(A. GUERIN) Capt.
Adjudant
C.A.(B)T.C.# 54 (CA)

"H"

Entrepôt de St-Colomb
Prêté à N.E. 1

M.F.M. 2 Fr.
A.F.B. 371
1-1-43 (2076)
1772-59-1445

ORIGINAL
DUPLICATA
TRIPLICATA

Doit être rempli en triplicata, désignant chaque exemplaire en biffant les deux termes inutiles

Unité No. 5 DIST. DEPOT GENERAL LIST. C.A. (ACTIVE) Matricule. E-100612

ARMÉE CANADIENNE

FORMATIONS ET UNITÉS ACTIVES
FORMULE D'ENRÔLEMENT

1. Nom: HUET
2. Prénoms: JEAN-BAPTISTE
3. Adresse actuelle: GRANDE-VALLEE, Cté GASPE, P.Q.
4. Date de naissance: 23 FEVRIER, 1924
5. Lieu de naissance: CANADA (Pays) PROV. QUEBEC GRANDE-VALLEE (Ville ou canton)
6. Religion (indiquez la confession): CATHOLIQUE ROMAINE
7. Métier ou profession: CULTIVATEUR
8. Marié, veuf ou célibataire: CELIBATAIRE
9. Nom du plus proche parent: THOMAS HUET
10. Degré de parenté: PERE
11. Adresse du plus proche parent: GRANDE VALLEE, Cté GASPE, P.Q.
12. Faites-vous partie d'une unité ou formation de réserve de l'armée canadienne ou y avez vous déjà servi? NON (Si oui, spécifiez l'unité et les dates de service)
13. Avez-vous servi dans (a) une formation ou unité active de l'armée canadienne? (Oui ou non) NON (Si oui, spécifiez le numéro matricule et l'unité)
    (b) Quelque autre armée de mer, de terre ou de l'air? (Oui ou non) NON (Si oui, spécifiez l'unité et la durée du service)
14. Avez-vous servi pendant la Grande Guerre de 1914-1918? NON (Si oui, spécifiez le numéro matricule, l'unité et les dates de service)

DÉCLARATION FAITE PAR LA RECRUE LORS DE L'ENRÔLEMENT

Je, soussigné, JEAN-BAPTISTE HUET, déclare solennellement que les renseignements ci-dessus mentionnés sont vrais et je m'engage, par les présentes, à servir dans toute formation ou unité active de l'armée canadienne, tant qu'il existera ou que l'on aura à craindre une guerre, une invasion, une émeute ou une insurrection, aussi bien que pour la période de démobilisation après que ladite crise aura cessé, et, en tout cas, pour une période d'au moins un an, si Sa Majesté requiert mes services.

Date 10-9-42 (signé) Jean-Baptiste Huet (Signature de la recrue)

TEMOIN: L. Desjardins

SERMENT PRÊTÉ PAR LA RECRUE LORS DE L'ENRÔLEMENT

Je, soussigné, JEAN-BAPTISTE HUET, promets sincèrement et jure (ou déclare solennellement) que je serai fidèle et porterai sincère allégeance à Sa Majesté.

(signé) Jean-Baptiste Huet (Signature de la recrue)

CERTIFICAT DU MAGISTRAT, DU JUGE DE PAIX OU DE L'OFFICIER CERTIFICATEUR

J'ai averti l'homme susnommé que s'il répondait faussement à l'une quelconque des questions précédentes, il s'exposerait aux rigueurs de la loi.

Les questions et les réponses ci-dessus lui furent ensuite lues en ma présence.

Je me suis assuré qu'il comprenait chaque question et que sa réponse à chacune d'elles a été dûment inscrite telle qu'il l'a donnée, et il a fait et signé la déclaration ci-dessus et a prêté le serment devant moi,

à QUEBEC ce 10ième jour de septembre 1942

(J.P.V. GODREAU) Lt-Col. (Signature du juge de paix ou officier certificateur)
District Recruiting Officer
M. D. # 5, Quebec (Titre officiel du juge de paix ou officier certificateur ou emploi)

N.B.—On désire signaler que quiconque répond faussement à l'une quelconque des questions précitées est passible d'un emprisonnement de six mois.

État de service de HUET (Nom) Jean-Baptiste (Prénoms) N° matricule E-100612

APTITUDES

Militaires NON

Professionnelles ou commerciales NON

Civiles ou de métier CULTIVATEUR

Techniques NON

Langues FRANCAISE

DEGRÉ D'INSTRUCTION

École supérieure ou Académie — Graduation ou Immatriculation: NON (Spécifier)

*Collège ECOLE DE GRANDE-VALLEE Co. GASPE, P.Q. (ou nbre scolaire) 6 ANNEE

*Université NON

(*Mentionner le nom de l'institution, les années ou cours achevés et les diplômes obtenus)

Toutes les recrues enrôlées le seront comme simples soldats, les nominations et les promotions à un grade supérieur devant être indiquées dans l'espace réservé ci-dessous à cette fin.

Rétrog. Date	Rétrog. Revu de	État des promotions, abaissements de grade, mutations, maladies ou blessures, rapports, etc. — À compter de la date du son enrôlement dans l'armée active	Grade indiqué	Prenant date le	Unité	Endroit	Autorisation: N° Partie II. Ordre du jour. Liste des mutés et blessés, etc.	Daté le
		Affecté lors de son enrôlement No. 5 Dist. Depot Gen. list Act.						
		& attached to this depot for all purposes	Pte	10-9-42	5 D.D.	Que.	D.O. 222	17-9-52
		S.O.S. from this depot on proceeding to	"	2-10-42	"	"	D.O. 235	2-10-42
		C.A.(B)T.C. # 54 C.A. Montmagny.						
3-10-42		Attached to C.A.(B)T.C. No 54 C.A.	"	3-10-42	T.C. 54	Mont'y	Part II # 117	7-10-42
		for all purposes						
5-11-42		Forfeits 1 day's pay under F.R. & I and						
		awarded 7 days C.B. for A.W.L. from						
		0600 hrs 4-11-42 until 1930 hrs 4-11-42						
		(absence: 13 hrs, 30 min.)		5-11-42	T.C.# 54	Mont'y	Part II # 129	6-11-42

Pour les inscriptions supplémentaires, se servir de M.F.M. 1 et 2 (a) (Fr.)

CERTIFICAT DE L'EXAMEN MÉDICAL

Nom en entier HUET, Jean-Baptiste Lieu Quebec, P. Que.

Lieu Quebec, P. Q. Date 14-9-42

PARTIE 1. Renseignements obtenus de la recrue.

1. Âge 18 ans

2. Avez-vous déjà souffert de l'une quelconque des maladies suivantes?

a. Rhumatisme non
b. Tuberculose ou pleurésie non
c. Bronchite ou asthme non
d. Affection cardiaque non
e. Maladie du rein ou de la vessie non
f. Affection stomacale ou intestinale non
g. Hernie non
h. Varices non
i. Mal aux pieds non
j. Affection nasale non
k. Maladie des oreilles non
l. Maladie des yeux non
m. Convulsions non
n. Maladie nerveuse ou mentale non
o. Syphilis non
p. Gonorrhée non
q. Avez-vous déjà porté des lunettes? non
r. Touchez-vous actuellement ou avez-vous touché antérieurement une pension ou autre indemnité d'invalidité?—Si oui, donnez des détails

Jean-Baptiste Huet (Signature de la recrue)

PARTIE 2. Renseignements obtenus par l'examen médical. LA RECRUE DOIT ÊTRE DÉSHABILLÉE.

1. Marques particulières ou cicatrices (si celles-ci sont opératoires, obtenir les détails)
Cicatrice thorax cote droit & petites cicatrices index gauche

2. Taille 5 pieds 6 pouces. 3. Poids 129 livres

4. Teint clair Yeux bleus Cheveux Chatains

5. Développement bon {Bon ~~Passable~~ ~~Médiocre~~

6. Tour de poitrine—Circonférence, pleine expansion 39 pouces Degré d'expansion 4 pouces

7. Vue, droite 20/25 gauche 20/70

8. Ouie, droite C.V. 20 gauche C.V. 20

Avec lunettes, droite gauche Traitement.

9. État de la bouche et des dents

10. Les anomalies (congénitales et pathologiques) constatées lors de l'examen sont les suivantes:
Varices du cordon cote gauche. Varicocele

Oreilles, Urines Reflexes: Normaux

PARTIE 3. Nous les examinateurs, ne trouvons aucune trace des maladies énumérées dans la question 2 de la partie I, sauf ce qui est mentionné dans les observations. Nous avons examiné la recrue conformément aux instructions de la brochure "Aptitudes physiques et instructions visant l'examen médical des recrues", et elle est jugée apte pour la catégorie B-2

Observations spéciales lorsque la catégorie est inférieure à A Varicocele

J.A. Girard, Major RCAMC (Président) Dr. P.V. Marceau (Membre) Yves Gadbois Capt. RCAMC (Membre)

VACCINATIONS, INOCULATIONS, COMMISSIONS, RECLASSIFICATION DE LA CATÉGORIE MÉDICALE

Date	Détails succincts et signature	Date	Détails succincts et signature
H.D. 984	X-Ray chest-Negative		
Sept 14-42	L. Lavelée Major		
17-9-42	Vacc. } Capt. RCAMC		
17-9-42	T.A.B.T. } V.Roy Capt. RCAMC		
16-10-42	-------GHNolin Capt. RCAMC		
6-11-42	3 GHNolin Capt. RCAMC		

" O "

Lieutenant-Colonel Président R.C.M.

" OPENING ADDRESS " of the Prosecutor:-

QU'IL PLAISE A LA COUR :-

Il y a quatre accusations de portées contre l'accusé, dont deux alternatives, ce qui veut dire que, en fait, l'accusé ne peut être trouvé coupable que de l'une ou l'autre.

La première accusation est portée en vertu de la Section 18(4) de l'Army Act et c'est l'intention de la poursuite de prouver que, sur cette accusation, le matin du 6 décembre 1942, en se levant, le soldat Bergeron s'est aperçu que son pantalon était changé d'endroit et il a constaté que son portefeuille était disparu; qu'il s'est informé par trois fois à la personne en charge et que rien n'a été fait sur cette demande.

Le 6 décembre également, le Sergent-Major, accompagné de la Police Régimentaire, a fait une fouille, et c'est l'intention de la Poursuite de prouver que le portefeuille a été trouvé en la possession de l'accusé.

La deuxième, c'est que le 7 décembre, l'accusé a pris le paletot d'un soldat qui était à l'hôpital, dans le cas du soldat Leblanc. C'est l'intention de la poursuite de prouver que le soldat Leblanc a demandé son "great-coat", pendant qu'il était à l'hôpital, et qu'on lui a apporté un "great-coat" usé, et, sur avis que ce n'était pas le sien, on l'a recherché et on l'a trouvé en la possession de l'accusé.

Avant d'aller plus loin, Monsieur le Président, il y a un témoin dont le nom n'est pas mentionné au Sommaire de Preuve et que j'ai l'intention de faire entendre. C'est le Caporal Laurent Grandbois. Avis a été donné à l'accusé le 15 janvier, par lettre l'avisant que c'était l'intention de faire entendre le Cpl. Grandbois et donnant à l'accusé un résumé de la preuve que nous voulons faire établir par ce témoin. Copie de la lettre est produite à la Cour, signée par le président, marquée "P", et jointe aux procédures.

"P"

73

Pour Major Le Colonel
Président D.E.M.

MONTMAGNY, le 15 janvier, 3

E-100612, Pte Jean-Baptiste Huet,
General List,
Attaché au C.A.(B)T.C.# 54 (CA),
MONTMAGNY, P.Q.

Cour Martiale de District

Prenez avis que lors de votre procès qui aura lieu le 20 janvier 1943, à Montmagny, la poursuite a l'intention de faire entendre le témoin suivant, dont le nom n'apparait pas sur le sommaire de preuve: E-108537 Cpl. Laurent Grandbois, "General List" attaché au C.A.(B)T.C.# 54 (CA), lequel rendra le témoignage suivant:

"Le 6 décembre, 1942, on m'a fait rapport que E-615903, Sdt. René Laroche, N.R.M.A. Dépot No 5, attaché qu C.A.(B)T.C.# 54 (CA), s'était fait voler son porte-feuille; il était environ 0630 hrs à ce moment-là. J'ai demandé à trois reprises au personnel de la chambrée que celui qui avait trouvé ce porte-feuille de bien vouloir le remettre à son propriétaire. Rien n'a été fait. Après la messe, le sergent-major et la police régimentaire sont venus faire une perquisition et nous avons été fouillés. Le porte-feuille en question a été trouvé sur la personne de E-100612, Sdt Jean-Baptiste Huet. Le porte-feuille a été identifié comme appartenant au soldat René Bergeron.

304-15-R-

(PIERRE GELLY) Capt.
Procureur de la Poursuite

9/12/42

- 2 -

Lieutenant Colonel
President H.C.M.

Lieutenant Co-Colonel
President R.C.M.

" MINUTES OF ADJOURNMENT "

At 12.21 o'clock on the 19th day of January 1943, the Court adjourned until 2.00 o'clock on the 19th day of January, 1943.

On the 19th of January, 1943, at 2.00 o'clock the Court reassemble pursuant to adjournment, present the same members as when adjourned.

Evidence Lt-Colonel President R.C.M.

THE PROSECUTOR MAKES A CLOSING ADDRESS

QU'IL PLAISE A LA COUR :-

L'accusation portée contre l'accusé, la première accusation, c'était le devoir de la poursuite de prouver: 1o. que l'accusé avait volé un porte-monnaie contenant un billet de chemin de fer, carte d'enrégistrement, une lame de rasoir et un montant d'argent de $4.37, propriété de René Bergeron, personne sujette à la Loi Militaire.

Je soumets que sur cette accusation la preuve est absolument complète. Le soldat Bergeron, dans son témoignage, dit à la Cour que le soir du 5 décembre, lorsqu'il s'est couché, il avait placé son pantalon à la tête de son lit et que, dans son pantalon se trouvait un porte-monnaie.

Le lendemain matin, il constate que le pantalon a été déplacé. Il fait rapport au Caporal de chambrée et celui-ci demande par trois fois aux personnes qui sont dans cette chambrée, dont l'accusé, qu'un porte-monnaie a été perdu et de bien vouloir, si quelqu'un avait trouvé ce porte-monnaie, le remettre, soit à lui-même, soit à son propriétaire. A ce moment, l'accusé était dans la chambrée; il avait le porte-monnaie sur lui; il ne dit rien. Il attend. On va à la messe; quand on revient on procède à une perquisition et on trouve sur la personne de l'accusé le porte-monnaie en question, très bien identifié par le propriétaire lui-même et par les personnes qui l'ont trouvé et le témoin Poulin qui a fait les perquisitions.

Je crois qu'il est inutile d'insister beaucoup sur cette accusation qui est clairement, entièrement et parfaitement prouvée et je ne crois pas que l'accusé puisse invoquer aucune excuse parce qu'il a eu l'occasion de le remettre le matin, avant la messe quand le Caporal de Chambrée l'a demandé. S'il l'a trouvé, il savait bien que ce porte-monnaie ne lui appartenait pas, et d'ailleurs, si vous examinez le porte-monnaie, le certificat d'enrégistrement national est sur le porte-feuille et il est clair et net que l'accusé, dans ce cas-ci, avait pris le porte-monnaie et n'avait pas l'intention de le remettre, et, pour me conformer à l'Article, il l'a pris sans l'ombre d'un droit et avait l'intention d'en priver le propriétaire.

Quant à la deuxième accusation, il n'y a qu'un témoin entendu qui dit qu'il a fait un séjour à l'hôpital et que, pendant ce séjour, ses effets avaient été apportés chez le Quartier-Maître et, lorsqu'il a demandé son paletôt, on lui en a rapporté un autre qui n'était pas le sien. Il a fait des recherches et il a trouvé son paletôt accroché sur le crochet près du lit de l'accusé. Il identifie parfaitement son paletôt. A ce moment, l'accusé est en détention; il n'est pas là.

Le devoir de la Poursuite c'est non seulement de faire la preuve mais de mettre tous les faits et toute la preuve; alors, je tiens à mettre toutes les circonstances de cette preuve devant la Cour.

Maintenant, il y a deux charges alternatives, c'est-à-dire, une charge dans chacun des cas. Il est évident que si la Cour en vient à la conclusion que dans la première charge il y a eu vol, la charge alternati-

ve doit tomber. Dans le second cas, si la Cour déclare que l'accusation n'est pas prouvée, la Cour devra déclarer que l'accusé était en possession illégale du "great-coat" du soldat Leblanc.

Je soumets la cause telle qu'elle est devant la Cour et je m'en rapporte à la décision du Tribunal.

Enrithegrie Lt-Colonel
Président T.E.M.

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS :-

Sur la deuxième charge, l'accusation d'avoir volé un "great-coat", il a été dit par le témoin Leblanc que lui-même, Leblanc, avait trouvé son "great-coat" accroché à la place de celui de Huet.

La poursuite, en questionnant sur ce témoignage-là et dans sa preuve n'a pas mentionné l'intention de vol, l'intention de déposséder et de garder la chose qui a été prise ou dérobée. C'est un élément essentiel au crime de vol. Si cet élément manque, le vol n'existe pas, et il n'a pas été prouvé que Huet, même s'il était en possession du "great-coat", avait l'intention de le garder.

Leblanc a fort bien dit qu'il avait rencontré Huet au Dépot la première fois en septembre. Il a été dit que Huet s'est enrolé et il a été dit ensuite qu'il était dans la même compagnie et qu'ils sortaient ensemble, qu'ils étaient des amis. Il a déclaré dans son témoignage à l'enquête que son "great-coat" que Huet avait pris était en bonne condition quoique réparé et qu'il avait mis un vieux "great-coat" à la place. On peut comprendre facilement que pour une sortie Huet, pendant que Leblanc était à l'hôpital, a pris le paletôt dans l'intention de le remettre et seulement pour sortir.

Il manque un élément; il est clair que cet élément manque. Il n'avait pas l'intention de le garder mais de le remettre. Leblanc l'a dit lui-même dans son témoignage.

Je demande donc, sur cette question, que la charge soit renvoyée sur cette question de vol.

Lieutenant Lt-Colonel
President v. C.M.

" U "

Summing up
~~RULING~~ OF THE JUDGE-ADVOCATE

Mon devoir consiste à résumer les faits établis tant par la Poursuite que par la Défense et à expliquer aux Membres de cette Cour les questions de droit reliées aux accusations portées contre l'accusé, sans toutefois donner d'opinion sur les faits. Si, au cours de mes remarques, je donnais par mégarde mon opinion sur un ou des faits établis au cours de ce procès, je prie les membres de cette Cour de n'en pas tenir compte.

Les faits établis dans cette cause par la poursuite sont en sérumé les suivants :

Le soldat René Bergeron constate à son lever, le 6 décembre 1942, que son porte-monnaie contenant $4.37, un certificat d'enrégistrement et un billet de chemin de fer, a disparu au cours de la nuit. Il déclare que la veille, il avait placé le tout dans ses poches de pantalon et que ses pantalons étaient à la tête de son lit. Le lendemain, ses pantalons étaient par terre et le porte-monnaie était disparu.

Le Sgt.-Major Gauvreau fait immédiatement faire des perquisitions dans la chambrée 33-A, qui est la chambrée occupée par Bergeron et l'accusé, et il constate que le Cpl. Poulin trouve les articles de Bergeron en la possession de l'accusé. Le Cpl. Poulin se fait entendre et corrobore le tout.

A sa sortie de l'hôpital, le soldat R. Leblanc constate la disparition de son paletot et le Quartier-Maître apporte un paletôt brisé qui n'est pas le sien. Il reconnait ensuite, par certaines marques d'identifications, son paletot sur le lit de l'accusé. L'accusé n'a apporté aucune défense sur ces faits, mais la preuve démontre que Leblanc et Huet étaient amis.

En face de ces faits, la Cour est appelée à décider si l'accusé est coupable de vol des effets des soldats Bergeron et Leblanc.

Pour ce faire, il faut d'abord se demander ce qu'est un vol, et quand une personne se rend coupable de vol. Les éléments qui, en droit militaire, sont requis pour constituer un vol aux termes de la Sec. 18 (4) A.A., sont les mêmes que ceux requis en droit criminel civil.

Le vol, comme tout autre crime, est un acte procédant d'une volonté libre, défendu par la loi criminelle, et il doit être composé de deux éléments constitutifs essentiels:

UN ELEMENT PHYSIQUE : L'Actus Reus, c'est-à-dire un acte prohibé par la loi;

UN ELEMENT MENTAL : La Mens Rea, c'est-à-dire, la volonté de poser cet acte, que l'auteur sache ou non qu'il est prohibé.

Pour qu'il y ait crime au sens de la loi, il faut que ces deux éléments soient réunis à un même objet, en d'autres termes, l'intention doit être la cause déterminante de l'acte posé.

Pour les fins de cette cause, on peut définir le vol comme étant le fait de prendre et de s'approprier, ou de convertir à son usage, frauduleusement et sans apparence de droit, quelque chose qui peut faire l'objet d'un vol dans l'intention de priver le propriétaire de cette chose, temporairement ou absolument.

On trouve également une bonne définition du vol à la Section 33, Chapitre III, M.M.L., (page 22), ainsi qu'à la Section 50, Chapitre VII, (page 118).

Il n'y a aucun doute sur le fait qu'un porte-monnaie ou un paletot puissent faire l'objet d'un vol.

Je crois qu'il est de mon devoir d'exposer brièvement à la Cour ce que les Tribunaux entendent par " La doctrine de la possession récente". Cette doctrine peut se résumer comme suit :-

> Lorsqu'une personne est trouvée en possession de biens volés peu de temps auparavant, il existe une forte présomption que c'est cette personne qui les a volés.

Evidemment, le fardeau de la preuve repose toujours sur la poursuite, mais dès que la poursuite a établi qu'un accusé a été trouvé en possession d'effets récemment volés, une Cour Martiale a le droit de conclure à culpabilité en l'absence d'une explication plausible de l'accusé sur la façon suivant laquelle il a obtenu la possession de ces effets. Cependant, si l'accusé donne une explication plausible que la Cour croit être vraie et qui peut permettre de faire croire à la non-culpabilité de l'accusé, la Cour, même si elle n'est pas convaincue de la véracité de cette explication, doit acquitter l'accusé parce que dans un tel cas la poursuite n'aura pas établi hors de tout doute raisonnable la culpabilité de l'accusé.

A l'aide des faits établis devant ce Tribunal et des notions de droit auxquelles je viens de faire allusion, la Cour est appelée à se prononcer sur les quatre accusations portées contre l'accusé. Deux de ces accusations sont pour vol et à chacune de ces accusations de vol se relie une accusation alternative de possession illégale.

A ce sujet, je dois aviser les membres de cette Cour que, s'ils en viennent à la conclusion que l'accusé est coupable d'une des deux accusations qui vont de pair, ils doivent déclarer l'accusé non-coupable sur l'autre. Je réfère la Cour à la Section 54 A.A., (page 483, note 4); à R.P. 35 (B), ainsi que la note 6, et à R.P. 37, Note 2, (page 641).

Chacune des accusations portées contre l'accusé peut se diviser en un certain nombre d'éléments essentiels, et la Cour, avant de le condamner, doit se convaincre que tous ces éléments essentiels ont été prouvés.

En ce qui concerne la première accusation, les éléments essentiels dont la Cour doit exiger la preuve sont les suivants :-

1) A Montmagny,
2) entre le 5 et 6 décembre 1942,
3) l'accusé s'empara d'un porte-monnaie,
4) appartenant au soldat R. Bergeron.

Les éléments essentiels de l'accusation alternative se rattachant à cette première accusation, sont :-

1) A Montmagny,
2) Le 6 décembre 1942,
3) l'accusé fut trouvé en possession illégale d'un porte-monnaie,
4) appartenant au soldat R. Bergeron.

J'attire de nouveau l'attention de la Cour sur les Règles de Procédure que j'ai citées il y a un instant au sujet des accusations alternatives.

Les éléments essentiels de la seconde accusation sont :-

1) A Montmagny,
2) Entre le 2 et le 7 décembre 1942,
3) l'accusé s'empara d'un paletôt,
4) appartenant au soldat Léopold Leblanc.

Les éléments essentiels de l'accusation alternative se rattachant à cette seconde accusation sont :-

1) A Montmagny,
2) Le 7 décembre 1942,
3) l'accusé fut trouvé en possession illégale d'un paletot,
4) appartenant au soldat Léopold Leblanc.

Si la Cour est d'avis que tous les éléments essentiels ont été établis, alors, elle doit se demander si les faits établis pour prouver l'accusation constituent une offense militaire, et si en agissant comme il l'a fait l'accusé a ou non commis un vol, ou s'il s'est ou non rendu coupable de possession illégale.

Je dois rappeler que d'après le droit anglais qui s'applique ici, le bénéfice du doute doit toujours être donné en faveur de l'accusé.

En terminant, je me permets de dire à l'accusé qu'il peut être convaincu que la décision de la Cour sera tout-à-fait impartiale et ne sera basée que sur les faits qui ont été établis hors de tout doute.

Lieutenant-Colonel
President D.L.M.

ADDRESS OF THE DEFENDING OFFICER

Je demanderai à la Cour de considérer que d'après le M.F.B. 355, l'accusé n'a pas eu de condamnation auparavant et n'a jamais comparu devant une Cour Martiale, puis que l'accusé a déjà passé un temps assez long en détention et que, même si sa formule d'enrolement dit qu'il a dix-huit ans et quelques mois, son extrait de baptême est là pour prouver qu'il n'a que seize ans et trois ou quatre mois.

Je demande donc à la Cour de considérer son jeune âge et le manque de réflexion qui est propre à cet âge-là pour mitiger la sentence autant que possible.

Catherine M. Schal
President R.C.M.

M.F.R. 355
22M—5-41 (373-3)
H.Q. 1772-20-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number E-100612 Rank Pte Name Jean-Baptiste Huet, Regiment (or unit) General List, C.A., attached to C.A.(B)T.C.-54, C.A., Montmagny, P.Q.

1. The following is a fair and true summary of the entries in the Regimental Conduct sheet of the accused (exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	Undiscipline	1 times	N.A.	times
For	A.W.L.	1 times		times
For	Drunkenness	1 times		times
For		times		times

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 43 days in military custody, making a total of 43 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 18 years, 9 months, 24 days.

6. The date of his attestation specified in his attestation paper 10th of September, 1942

7.

8.

9.

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

..... dated ....., and in his regiment (or corps), the rank

..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this Nineteenth day of ~~January~~ 43 "A.GOBEIL", Capt. Adj. C.A.(B)T.C.-54, C.A., Mont'yP.Q.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

M.F.M. 6
(A.F.B. 122)
500M—11-42 (5622)
H.Q. 7773-48-1

No. H-100613 Name Huet J.-B.

Corps No.5 Dist.Depot Gen. List C.A.

Date of enlistment 10-9-42

Sheet No. 1

Service or Proficiency Pay

G.C. Badges

Character

Signature O.C. Company, etc. A.K. Ware, Capt.,

Sqn., Battery, or Company

Period not reckoning towards freedom from extra fine

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Montmagny	14-10-42	Pte		Conduct to the prejudice etc. (undisciplined)	Sgt. Gregoire Gosselin C.S.M.	Admonished	14-10-42	For Major Paquet A.Laderoute, Lieut.	
"	4-11-42	Pte		A.W.L. from 0600hrs., 4-11-42 until 1930hrs., 4-11-42. (13h., 30m.)	C. Gauvreau	7 dys'C.A.	5-11-42	Forfeits 1 dy'Pay G.Paquet, Major under	
"	15-11-42	Pte	1	Drunkenness.	LCPL. Savard J.	Admonished	15-11-42	G.Paquet, Major.	

CERTIFIED TRUE COPY
16-12-42
"K. GOSELIN", Capt.-Adjutant,
C.A.(R.) T.C.-54, C.A.,
Montmagny, P.Q.

(P.T.O.)

MONTMAGNY MILITARY HOSPITAL
MONTMAGNY, P.Q.
19 JAN 1943

Medical Officer's Report.

I certify that No. F. 100612 Hunt Jean Baptiste

of C.A.B.R.C.54 is in a Good state of health,

and Fit to undergo trial by Court Martial,

Geo Nicolis Capt MC
Medical Officer.

Station Montmagny

Date 19 January 1943

MONTMAGNY MILITARY HOSPITAL
MONTMAGNY, P.Q.
19 JAN 1943

Medical Officer's Report.

I certify that No. F. 100612 Huet Jean Baptiste

of C.A.B.T.C 54 is in a Good state of health,

and Fit to undergo trial by Court Martial,

G. H. Holden Capt MC
Medical Officer.

Station Montmagny

Date 19 January 1943

SUMMARY OF EVIDENCE

in the case of

E-100612, Private Jean-Baptiste Huet,
General List, C.A.
Attached to C.A. (B) T.C.-54, C.A.,
Montmagny, P.Q.

A soldier of the Canadian Army placed on Active Service.

CHARGES:

1.-THEFT: 3.(Alt.) CONDUCT TO THE PREJUDICE.

2.-THEFT. 4.(Alt.) CONDUCT TO THE PREJUDICE.

The Commanding Officer direct that the evidence be taken on oath.

First Witness: E-19101, C.S.M. Camille Gauvreau, "Le Régt. de Mont'y", C.A., attached to C.A. (B) T.C.-54, C.A., Montmagny, P.Q., having been duly sworn, states:-

"Le 6 décembre 1942, à 0835 hres, après la messe, le Cpl. Laroche me fait rapport d'un vol dans la chambrée No. 33 (a), durant la nuit du 5 au 6 décembre 1942, d'un porte-monnaie, contenant de l'argent, une carte d'enregistrement au nom du soldat René Bergeron et un billet de chemin de fer. Immédiatement, je vais avec le caporal Laroche m'enquérir auprès de l'officier en charge du camp, le capitaine Déry, de la permission de faire faire des perquisitions dans les chambrées et sur les hommes. Avec cette permission, j'envoie chercher les "R.P's" Poulin, Ouellet, Soucy et Pépin. Moi-Même, je vais chercher les sergents de peloton et "R.O.S." Nous nous rejoignons environ 10 minutes après, à la porte de la chambrée 33 (a). Je détaillai deux "R.P's" avec deux sergents à la chambrée 33 (b). J'entre avec les "R.P's" Poulin et Pépin et les autres sous-officiers qui étaient désignés pour faire la garde des portes. Après avoir donné ordre au personnel des chambrées de se tenir debout, au pied de leurs lits, sans bouger, je donne ordre aux "R.P's" de commencer les perquisitions. J'ai alors constaté que le Cpl. Poulin trouva les articles du soldat Bergeron en possession du soldat E-100612 Jean-Baptiste Huet. Immédiatement, je fis mettre le soldat Jean-Baptiste Huet sous arrêt.

"Le 7 décembre 1942, dans le cours de la journée, le soldat Léopold Leblanc, No.E-100615, me fit rapport que Jean-Baptiste Huet avait son "great-coat", car il le reconnaissait même après les tentatives de Huet d'effacer le numéro de Leblanc, qui apparaissait sur le dit "great-coat".

L'accusé décline de transquestionner le témoin.

Camille Gauvreau

Second Witness: E-615903, Pte René Bergeron, NRMA Cl. Depot No. 5, attached to C.A. (B) T.C.-54, C.A., Montmagny, P.Q., having been duly sworn, states:-

"Le 6 décembre 1942 au matin, en me levant, je constatai que je m'étais fait voler dans mes poches de pantalon, à la tête de mon lit, mon porte-monnaie qui contenait $4.37, en augent, une carte d'enregistrement et un billet de chemin de fer. J'en fis immédiatement rapport au caporal en.....

SUMMARY OF EVIDENCE (Cont. 2).

K-100613, Pte Jean-Baptiste Huet.

Second Witness: (Cont.)
charge de la chambrée 33 (a). On fit des perquisitions dans la chambrée et on trouva mon porte-monnaie sur la personne du soldat Huet Jean-Baptiste."

L'accusé décline de transquestionner le témoin.

René Bergeron

Third Witness: G-600604, Caporal Michel Poulin, "H.P". "Home Defence", attached to C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., having been duly sworn, states:-

"Le 6 décembre 1942, après la messe, le caporal Laroche me fit part d'un vol qu'il y avait eu dans la chambrée 33 (a), dans la nuit du 5 au 6 décembre. Il me demanda d'aller faire une perquisition. A l'aide du "H.P. Hervé Pépin, je fis cette perquisition et je trouvai sur la personne du soldat Jean-Baptiste Huet le porte-monnaie du soldat René Bergeron, lequel porte-monnaie contenait $4.37, en argent une carte d'enregistrement et un billet de chemin-de-fer."

L'accusé décline de transquestionner le témoin.

Pte Poulin Michel

Fourth Witness: K-100615, Pte Léopold Leblanc, General List, C.A., attached to C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., having been duly sworn, states:-

"Quelques jours après mon entrée à l'hôpital, vers le 2 décembre 1942, un soldat de mon peloton vint me dire que mon "great-coat" était disparu. Mon linge ayant été transporté au quartier-maître, le 7 décembre, je fis demander mon "great-coat". C'est alors qu'on m'apporta un "great-coat" tout brisé. Je fis rapport à la "Guard-Room" que ce n'était pas le mien, et que le mien, je le reconnaissais au lit du soldat Huet J.-Baptiste, parce qu'il était cousu dans le dos et qu'il portait mon numéro, à l'intérieur, dans le bas. Le soldat Huet dit qu'il avait bien pris mon "great-coat", mais que c'était dans l'intention de me le remettre à ma sortie de l'hôpital."

L'accusé décline de transquestionner le témoin.

Léopold Leblanc

QUESTION TO THE ACCUSED:

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY ACCUSED:

"Je n'ai rien à dire en ce qui concerne la première charge. Pour ce qui est de la deuxième, le soldat Leblanc était à l'hôpital, et comme mon "Great-Coat" était brisé, j'ai pris le sien dans l'intention de le lui remettre à sa sortie de l'hôpital. Je n'ai jamais essayé de faire disparaître le numéro à l'intérieur, car je n'avais même pas remarqué qu'il y avait un numéro."

SUMMARY OF EVIDENCE (Cont.3).

E-100612, Pte Jean-Baptiste Huet.

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

Taken down by me in the presence of the accused at Montmagny, Camp, P.Q., this 16th day of December, 1942.

(Bernard Hilot) - Capt.,
28th Recce Bn. C.A.,
attached to
C.A.(E.) T.C.-5h, C.A.,
Montmagny, P.Q.

H.Q.C.55-H-316(JAG)

April 6th, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC, P. Q.

Re: DISTRICT COURT-MARTIAL.
E-100612, Pte. J. B. HUET,
General List, C.A., (Att. CABTC No. 54).

Receipt is acknowledged of your Q:39-H-1227(JA), dated the 30th March, 1943, in which you request that the Proceedings of the marginally-noted District Court-Martial be forwarded to your Headquarters in order that a remission of the Sentence may be considered.

2. In compliance with your request, same are returned herewith. When they have served your purpose, may they please be returned to this Headquarters.

Brigadier,
Judge Advocate-General.

HFGB/S.

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

IN REPLY PLEASE QUOTE
No. Q. 39-H-12 27 (JA)

QUEBEC, P.Q., March 30th, 1943.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
CONF. SEC.
File C 55-H-316
Chgd. to A.R. 11-3-43
Referred to

DISTRICT COURT-MARTIAL
E-100612, Pte. J.B. HUET,
General List, C.A., (Att. CABTC No.54).

1. Reference your HQC.55-H-316 (JAG), dated 9th March, 1943, relative to the marginally noted subject.

2. May the proceedings in the case of Private Huet be forwarded to this Headquarters, please, in order that a remission of his sentence be taken in consideration.

3. It is pointed out that this soldier is under age, and that it has been recommended that he be discharged from the Army on this ground.

JAG/mc

3518

(Edmond BLAIS) - Brigadier,
District Officer Commanding,
Military District No.5.

N.D. 22
1500M-2-42 (5486)
H.Q. 1772-101-23

H.Q.C.55-H-516.
(JAG)

Ottawa, March 9th, 5.

District Officer Commanding,
Military District No. 5,
Quebec, P.Q.

DISTRICT COURT-MARTIAL
E-100612 Pte. Jean-Baptiste HUET,
General List, C.A. (Att. to GABTG 54, CA)

This will acknowledge receipt of your Q.59-H-1227 dated 3rd March, 1943, with which you forwarded the proceedings of the marginally noted District Court-Martial for registration and custody.

Brigadier,
Judge Advocate-General.

EBB:ALG

Your file: HQC.55-H-316(JAG).

Notre dossier n° Q.39-H-1227(JA)

MINISTÈRE DE LA DÉFENSE NATIONALE

ARMÉE

10449

QUEBEC, PQ. 3rd March, 1943.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL:
E-100612, Pte. Jean-Baptiste HUET,
General List, C.A. (Att. to CABTC 54, CA.)

1. Reference your H.Q.C. 55-H-316 (JAG), dated 20th February, 1943, and enclosure, relative to the marginally-noted Court-Martial.

2. The irregularities pointed out in paragraph 2 of your above mentioned letter have been noted and brought to the attention of the officers responsible.

3. With reference to paragraph 3 of your above mentioned letter, the O.C., C.A.B.T.C. 54, C.A., advises that Private Huet was placed under close arrest on December 6th, 1942, and the Application for District Court-Martial was forwarded to this Headquarters on December 19th, 1942. The proceedings were returned for correction on December 22nd, and were returned to this Headquarters on December 29th, 1942. On January 3rd, 1943, these proceedings were submitted to N.D.H.Q., and received on January 8th. On January 9th, they were forwarded to the O.C., C.A.B.T.C. 54, C.A., for inclusion of alternative charges, and the Application was received on January 14th, 1943.

4. The proceedings in the case of E-100612, Private J.B. Huet, are returned herewith for custody.

JAC/nc

(Edmond BLAIS) - Brigadier,
District Officer Commanding,
Military District No.5.

NAT. DEF. B. 440A
75M—9-42 (6106)
H.Q. 1773-39-767

H.Q.C.55-H-516 (JAG)

February 26th, 1943.

The District Officer Commanding,
Military District No. 5, Quebec, Que.

Re: District Court-Martial,
E. 100612, Pte. J. B. Huet,
General List, C.A., Att. C.A.B.T.C., No. 54.

1. Receipt is acknowledged of your Q.39-H-1227 (JA) dated the 6th February 1943, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities set out in your letter, the following have been noted:

(a) The words "or abstract" being struck out should have been initialled by the President of the Court.

(b) With reference to the Charge Sheet, it is noted that the alternative charges are placed at the end of the Charge Sheet. An alternative charge should be placed immediately after the charge to which it is alternative. In this case the third charge should have been the second charge and the second charge the third.

(c) On page 11 after Answer 66, the proper notation is "cross-examined by the Defending Officer" and not as stated.

(d) On page E, the fact that R.P.83(b) has or has not been complied with and the witness withdrawn should have been stated.

(e) With reference to Exhibit "P", although the accused did not suffer any prejudice from the production of this exhibit, it would have been preferable not to produce same. Such a notice should be produced only when the Defence is contesting the fact. Besides, this document should have been marked "Certified True Copy", and signed by the proper officer.

(f) With reference to the Medical Certificates, the officer signing these documents should have shown his appointment.

(g) It would have been preferable to mention the names of the units to which the Members under Instruction belonged.

3. It is noted that the accused spent 43 days in custody awaiting trial and none of these in hospital. It is felt that this is a long delay and some explanation should be forwarded to account for same.

4. With reference to paragraph 8(c) of your letter under reply, while the variations on pages 744 - 745 M.M.L. do not give any suggestion as to the type of

(over)

H.Q. C. 55-H-316
M.D. 2.39-H-1227

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. E-100612 Name HUET, J.B.

Rank Pte. Unit General List, C.A. (att. to C.A.(B) T.C. 54, C.A.)

Charge (1) Sec. 18(4) AA STEALING PROPERTY BELONGING A PERSON SUBJECT TO MILITARY LAW.

(2) Sec. 18(4) AA Do Do Do

(Alternative)
(3) Sec. 40 AA CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

(Alternative)
(4) Sec. 40 AA Do Do Do

Date of Crime Between (1) 5th to 6th/12/42 (2) 2nd to 7th/12/42 (3) 6/12/42 (3) 7/12/42

Date of Arrest Charge. Signed 16/12/42

Orders for D.C.M. D.O.C. M.D. #5

Place and Date of Trial Montmagny, P.Q., 19/1/43

Sentence DETENTION 6 MONTHS

Date of Confirmation 26/1/43

Date of Promulgation 3/2/43

Entered in Records of J.A.G. as No. 7810

Date 16/2/43

MEMO
NOT GUILTY OF THE SECOND, THIRD AND FOURTH CHARGES

Balance (unexpired) of Detention Remitted by D.O.C., M.D. 5
To date from 10-4-43.

R. B. Laud Lt
for Judge Advocate-General.

3M-12-42(M1754)

(12)

7810

108225

IN REPLY PLEASE QUOTE
No. 39-H-1227 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, P. Q., 6th February, ~~one~~ 194 3.

CENTRAL REGISTRY Army
PERS. SEC.
FEB 13 1943
File C 56-7-316
Chgd. to
Referred to

ADDITION ENTERED

To the Secretary,
Department of National Defence,
Ottawa, Canada.

DISTRICT COURT-MARTIAL :
E-100612, Pte. J. B. HUET,
General List, C.A.,
Att. to C.A.B.T.C. No. 54, C.A.

1. Enclosed herewith, please find the proceedings of the m/n District Court-Martial, which are addressed to you for registration and custody.

2. The following irregularities have been noted :

a) PAGE "A" : It was not necessary to insert the certificate at the foot of page A, as no Court of Inquiry was held in this case.

The order detailing the Defending Officer should have been marked X-1 and a reference to that effect should have been made underneath the designation of the Defending Officer.

b) PAGE B : The list of officers who actually attended as officers under instruction should have been marked "G", as required by Handbook on District Court-Martial, instead of X-2.

It would have been preferable to insert a notation before Question 43, to the effect that the accused was arraigned upon the other charges instead of inserting this note on Page B-4.

c) PAGE B-4 : The Minute of adjournment should have been marked "O" instead of "R".

The evidence on the Motion of the Defending Officer was marked "I" and "II" in order that all the facts be shown in the sequence in which they happened.

May this Headquarters be advised whether this procedure is correct, please.

d) PAGE 27 : Questions 153, 154 and 155 are leading questions and should not have been allowed.

e) PAGE 75 : The wallet of Pte. Bergeron was properly produced to the Court and attached to the proceedings as exhibit "Q". On 27th January, 1943, the proceedings and

M.F.B. 239
100M—4-41 (135)
H.Q. 1773-10-194

H.Q.C. 55-H-316 (JAG)

January 5th, 1943.

District Officer Commanding,
Military District No. 5, Quebec, P.Q.

Re: Application for District Court-Martial
E/100612, Pte. Jean-Baptiste Huet
General List, C.A., Att. to CABTC. No. 54, C.A.

1. Receipt is acknowledged of your Q:39-H-1227 (JA) dated December 30th, 1942, under cover of which you forwarded to this department, charge sheet, summary of evidence and attached documents, in respect of the marginally noted application for District Court-Martial.

2. The charge sheet appears to be in order, and the charges properly framed, subject to the inclusion of his rank in the description of the accused, as well as rectification of certain grammatical errors in the wording of the charges. The summary disclosed a sufficiency of evidence on which an order for trial may be properly made.

3. However, it is recommended that the charge sheet be redrawn to include alternative charges of improper possession under Section 40, Army Act, in respect of each of the charges as presently set out. The Documents enclosed with your letter, are accordingly returned.

RBL/jg
Encl.

Brigadier,
Judge Advocate-General.

m file 5

IN REPLY PLEASE QUOTE
No. 9:39-H-1227 (JA).

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., December 30th, 1942.

C 55 - H 2314
JAN 3 1943
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ont.

APPLICATION FOR DISTRICT COURT-MARTIAL,
E/100612, Pte. Jean-Baptiste HUET,
General List, C.A., Att. to CABTC. No. 54, C.A.

1. Please find enclosed herewith an application for district court-martial in the case of the marginally-named other rank together with one copy of the charge sheet, one copy of the summary of evidence, List of Witnesses for the prosecution, Statement as to Character and Particulars of Service of the Accused and a copy of the statement by the accused as to his representation at the trial.

2. The second witness should have been requested to state whether or not the sum of $4.37, his registration card and his railway ticket were also given back to him, but as the first witness for the Prosecution states that all the articles of pte. Bergeron were found in the possession of the accused, it was not considered necessary to return the Summary of Evidence again for correction.

3. This application is forwarded to you in accordance with para 540 K.R. (CAN.).

(PERCY FLYNN) - Lieut.-Col.,
Temporary commanding
Military District No. 5.

AC/rb.

NAT. DEF. B. 449
2,000 M—4-42 (4322)
H.Q. 1772-29-767

H.Q.C. C.55-H-317 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

HARRIS E.D. PTE. F.55113

DEAD

NO. 6 D.D. C.A.

CONFIDENTIAL H.Q.C. 55-H-317

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
				JAG.	With Papers C.R. JAN 4 1943		
JAN 1943	5/1/43	P.A	[illegible]	A.D	to note & P.A.	[illegible]	6-1-43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

1

H.Q.C.55-H-317(JAG)

January 6, 1943.

District Officer Commanding,
Military District No. 6,
HALIFAX, N. S.

RECEIVED JAN 8 1943 A.D.

Re: DISTRICT COURT-MARTIAL.
F.55113, Pte. Elmer Donald HARRIS,
No. 6 District Depot (CA).

Receipt is acknowledged of your H H-1482, dated 31st of December, 1942, under cover of which you forwarded for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. In addition to the irregularity set out in your letter, the following have been observed:

(a) The Junior member of the Court is described as Lieut. B.B. Taylor in the Convening Order and as J.B. Taylor on page A of the Proceedings. There are no such officers as so described in the Canadian Army, and it is presumed that the officer detailed and who sat on the Court is Lieut. G. B. Taylor, R.H.C., C.A. It is hardly necessary to point out the high degree of care required in detailing officers to compose a Court-Martial, and in properly describing same, but it is not thought that in this case any misunderstanding could have arisen and, accordingly, the Finding and Sentence can stand.

(b) All corrections throughout the Proceedings were not initialled by the President.

(c) The initials or christian names of the shorthand writer and of all witnesses should precede their surnames.

(d) The permanent rank of the first witness for the Prosecution should have preceded his acting rank.

(e) The Corps of the President and members of the Court of Inquiry and of the Convening Officer and of the officer certifying the documents should have been set out after their names in M.F.B.375.

(f) The dates of the Transport Warrants and the journeys covered thereby should have been set out in M.F.B. 1481.

8/1/43
Barry

(g) When extracts of Part II Orders are produced to a Court, the said extract properly certified should contain the heading of the original Order, the appropriate entry and a copy of the signature thereof. In other words, a Part II Order should be a copy of the original Order with all inapplicable entries therein omitted.

(h) The closing addresses of the Prosecutor and Defending Officer were given in the wrong order. (See R.P.40). R.P.40 and 41 give the proper order for all addresses under all circumstances and should be referred to in every case.

3. It is not considered necessary to return the Proceedings which are, accordingly, retained

....(over)

8

H.Q. 55-H-317
M.D. H H-1482

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. F.55113 Name HARRIS, E.D.

Rank Pte. Unit No. 6 District Depot (CA)

Charge Sec. 12 (1) (a) A.A. DESERTING HIS MAJESTY'S SERVICE

Date of Crime 27/9/41

Date of Arrest 1/12/42 Charge. Signed 10/12/42

Orders for D.C.M. D.O.C., M.D. 6

Place and Date of Trial Halifax, N.S. 18/12/42

Sentence Detention 128 days. Stoppages $16.85

Date of Confirmation 24/12/42

Date of Promulgation 29/12/42

Entered in Records of J.A.G. as No. 7470

Date 5/1/43

MEMO Not guilty of desertion but guilty of A.W.O.L.

E. R. Ruggles Capt.
for Judge Advocate-General.

3M-12-42(M1754)

IN REPLY PLEASE QUOTE
No. H H-1482

no file 5
7470

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N. S., Dec. 31, 1942.

CONFIDENTIAL

C 55-4-317
JAN 3 1943
File
Check to
Referred to

The Secretary,
Dept. of Nat. Defence,
Ottawa, Canada.

DISTRICT COURT-MARTIAL
T55113, Pte. Elmer Donald Harris,
No. 6 District Depot (CA)

Reference the District Court-Martial convened to try Pte. Harris, of No. 6 District Depot.

1. Attached are the proceedings of this District Court-Martial which are forwarded for approval and safe custody.

2. The following minor irregularity has been brought to the attention of the officers concerned:

(a) In M.F.B. 375, in the 5th line, the Unit to which Pte. Harris belonged should have been inserted after his name.

(W.W. FOSTER) BRIGADIER,
D.O.C., M.D. NO. 6.

DDM/FC

MAT. DEF. B. 448
2,000 M—4-42 (4322)
H.Q. 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ A District Courts-Martial

Proceedings of a District Court-Martial held at No 6 District Depot Halifax, N. S., on the 18th day of December, 1942, by order of Brigadier W. W. Foster, D.S.O., V.D. Commanding Military District No. 6, dated the 12th day of December, 1942.

President.

Major J. D. MacIntyre, M.C., No. 6 District Depot (CA), Permanent President, District Courts-Martial, M.D. 6.

Members.

Captain J. Briggs, The Lan. & Ren. Scot. Reg't (CA)

Lieut. J.B.Taylor, 2nd Btn., R.H.C. (CA)

~~Judge Advocate.~~

Trial of* F55113, Private Elmer Donald Harris, No. 6 District Depot (CA)

The order convening the Court, the charge-sheet and the summary (or abstract) of evidence are laid before the Court. #

~~The Court satisfy themselves that XXXXXXXXXXXXXXXX is not available to serve owing to~~

~~XXXXXXXXXXXXXXX

B

The President, members ~~and judge-advocate~~ and are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q.2 Do you object to No. F77032, Staff Sergeant Moore, C. W., No. 6 District Depot, C.A., acting as shorthand writer?

A.2 No, Sir.

F77032, Staff Sergeant Moore, C. W., No.6 District Depot, C.A., is duly sworn as shorthand writer.

Charge-Sheet

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction.
If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read?

Question to the accused.

A.3 Not Guilty, Sir.

Answer.

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~

~~Answer.~~

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~

~~Answer.~~

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~

~~Answer.~~

~~The accused having pleaded Guilty to XXXXXXXXXXXXXXXX charge, the provisions of Rule of Procedure 30 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge

Instruction.

"B"
Joshua Wa only in surgery
Prance DCM

CHARGE SHEET

The accused, F.55113 Private Elmer Donald HARRIS, No.6 District Depot, C.A., a soldier of the Canadian Army placed on Active Service, is charged with:-

CHARGE
Section 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

at Debert Camp, Nova Scotia, on 27th September, 1941 absented himself from the Cape Breton Highlanders, C.A., from 2200 hours on said 27th day of September, 1941, until apprehended by the Military Authorities at Sydney, Nova Scotia, at 0220 hours on the 1st day of December, 1942, dressed in civilian clothes. Cost of apprehension and return to his Unit $16.85.

D. A. Guildford

Halifax, Nova Scotia
10th day of December, 1942.

(D.A. Guildford) Lieut.-Col.,
COMMANDING, No.6 District Depot, C.A.

To be tried by District Court-Martial.

F.J. North

(F.J. NORTH) LIEUT.-COL.,
A.A. & Q.M.G., M.D. NO. 6.,
for (W.W. FOSTER) BRIGADIER,
D.O.C., M.D. NO. 6.

Halifax, N. S.,
December 12, 1942.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q. 4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A. 4 *Answer.* No, Sir.

The prosecutor makes an opening address ~~[hands in a written address~~, ~~which is read~~, marked "G", signed by the President, and attached to the proceedings].

The prosecutor proceeds to call witnesses.

First witness for prosecution. F34592, Acting Staff Sergeant Arthur Gerard Gladwin, No. 6 District Depot, (CA),

being duly sworn, is examined by the prosecutor.

Q.5 What position do you hold at the Depot?

A.5 I am employed on the clerical staff of No. 6 District Depot, C.A., at the Legal Office.

Q.6 What is that document?

A.6 Certified true copy M.F.B. 375, signed at Debert, N. S., on the 24th October, 1941, relating to the accused.

Q.7 Produce the document.

A.7 (The document is produced).

M.F.B. 375, "Record of the Declaration of a Court of Inquiry", is handed to the Court, read, marked "H", signed by the President, and attached to the Proceedings.

Q.8 To whom does this document refer?

A.8 F55113, Pte. Harris, E.

Q.9 What is it?

A.9 M.F.M. 216, dated at Sydney, N. S., the 1st day of December, 1942, relating to the accused.

Q.10 Is Pte. Harris in Court?

A.10 Yes, Sir.

Q.11 Point him out.

A.11 (Witness points to accused).

Q.12 Produce the document.

A.12 (The document is produced).

Certificate in accordance with Order in Council P.C. 2797 dated 10th April, 1942, is handed to the Court, read, marked "I", signed by the President, and attached tothe Proceedings.

Q.13 What is this document?

A.13 M.F.B. 1481, dated at Halifax, N. S., the 2nd day of December, 1942, relating to the accused.

Q.14 To whom does that document refer?

A.14 F55113, Pte. Harris, E., No. 6 District Depot, C.A.

Q.15 Is he in Court?

A.15 Yes, Sir.

Q.16 Point him out.

A.16 (Witness points to accused).

Q.17 Produce the document?

A.17 (The document is produced).

M.F.B. 1481, Certificate in Accordance with Order-in-Council P.C. 58/4015, dated 5th June, 1941, is handed to the Court, read, marked "J", signed by the President, and attached to the Proceedings.

Q.18 What is that document?

A.18 Certified true extract Daily Orders, Part II, No.295, dated 5th December, 1942, of No. 6 District Depot, C.A., relating to the accused.

Q.19 To whom does this document refer?

A.19 F55113, Pte. Harris, Elmer Donald, married, C.D.

Q.20 Is he in Court?

A.20 Yes, Sir.

Q.21 Point him out?

A.21 (Witness points to accused.)

Q.22 Produce the document.

A.22 (The document is produced.)

Certified true extract, No. 6 District Depot, C.A., Daily Orders, Part II No. 295, dated 5th December, 1942, is handed to the Court, read, marked "K", signed by the President, and attached to the Proceedings.

C 5

The Defending Officer objects to the exhibit on the grounds that Part II Orders are not admissable as evidence.

The Court disallows the objection of the Defending Officer.

The Court proceeds with the trial.

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with Rule of Procedure 83 (B).

The witness withdraws.

JDM

D

The prosecution is closed.

Defence

Q. 23 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 23 *Answer.* Yes, Sir.

Q. 24 *Question.* Do you intend to call any other witness in your defence?

A. 24 *Answer.* No, Sir.

~~*Question.*~~ ~~[illegible]~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (~~and of the witnesses for the defence including witnesses as to character)~~ is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

D 3

First witness) F55113, Private Elmer Donald Harris, No. 6 District
for) Depot, C.A., being duly sworn, is examined by the
Defence) Defending Officer.

Q.25 How did you come to be in Sydney in September, 1941?

A.25 I was on furlough, Sir.

Q.26 Will you tell the Court in your own words your actions from the time you were on furlough in September, 1941, until the time you were arrested on the 1st December, 1942.

A.26 I was home for about five days and I joined a ship.

Q.27 What ship did you join?

A.27 The"S.S. Mallard."

Q.28 Go on?

A.28 We got as far as the Straight of Belle Isle, and we were in a collision with another ship, and were sunk. About four or five hours afterwards, we were picked up by a Naval Corvette, and were taken back to Sydney. I was ashore at Sydney for about two days when I joined a ship named the "Empire Dunlan." We went across to England and landed in Hull.

Q.29 You landed in Hull, did you stay with the ship there?

A.29 No, Sir, I was paid off, and joined the Merchant Navy Reserve Pool.

Q.30 Why did you not go back to the ship you crossed to Hull on; namely, the "S.S. Empire Dunlan."

A.30 I was signed on articles to make a round trip from Canada to England, and back, but the Captain got paid off. I asked the new skipper if they would take me back to Canada, and if the articles that I had already signed were still good, but the new skipper said, "No." I was in England about three weeks, being paid by the Merchant Navy Seamen's pool, ashore, and then I joined another ship called the "Lorneston."

Q.31 In what capacity did you serve on the "Lorneston?"

A.31 Stoker, Sir. I was there for about a week, and when she was leaving the docks, I got badly burnt.

Q.32 What docks were you leaving?

A.32 "King George" docks at Hull. I was then taken to Hospital. I was in the hospital for about a month. When I came out I joined a ship named the "S.S. Beechwood." I made a trip across to New York, and loaded at New York for three weeks, , and from there to Brazil for bunkers, and then to Capetown, South Africa. From there we went to Durban, South Africa, and from there we went to Aiden, from Aiden, we went to Port Sedan, from Port Sedan, we went to Port Suez, discharged the remainder of the cargo, and loaded for Palestine. We discharged at Palestine, and partly loaded, and went to Port Said, where we finished loading for England.

D 5

Q.33 En route to England, did anything happen?

A.33 Yes, Sir.

Q.34 What happened?

A.34 We were torpedoed about 300 miles off of Cape Freetown.

Q.35 How did you escape from the torpedoed ship?

A.35 On a raft, Sir.

Q.36 How long were you on that raft before being picked up?

A.36 About ten hours.

Q.37 Who picked you up?

A.37 One of the Royal Navy Auxiliary ships.

Q.38 Where did they bring you?

A.38 To Freetown.

Q.39 Continue. Will you describe this document to the Court?

A.39 That is a letter from the Company which owned the ship.

Letter addressed to Mr. E. D. Harris, 27th Linnaeus Street, Hull, from the John T. Jacobs Co., Ltd., dated 24th September, 1942, is handed to the Court, read, marked "L", signed by the President, and attached to the Proceedings.

Q.40 You have told us that you were picked up by the Royal Navy, and lodged at Freetown?

A.40 I was at Freetown about seven days, and they put me aboard another ship going to Belfast. From there, we shipped back to Hull. I got fifteen days leave from the ship I was on, and a month's survivors leave. I was ashore for pretty near a month, and I joined the "Empire Stour" at Halifax. We went to Middleboro, reloaded, and from there to Halifax. After we arrived in Halifax, we changed orders for Sydney. I got a pass there, went ashore, met some friends, and went back on board ship. About two hours afterwards, the M.P.'s came aboard and took me off. I intended to surrender to the military authorities anyway.

Cross examined by Prosecutor.

Q.41 Where did you bunker in Brazil?

A.41 Pernambuco.

Q.42 Did you bunker at the Cape?

A.42 No, Sir, we did not bunker. We were there for a short while, and then changed orders and went to Durban.

Q.43 Did you bunker at Durban?

A.43 Yes, Sir.

Q.44 Did you absent yourself from Debert Camp?

A.44 No, Sir, I was on furlough.

Q.45 When did your furlough expire?

A.45 27th September, 1941.

Q.46 You were absent from the Cape Breton Highlanders from the 27th September, 1941, until the 1st December, 1942?

A.46 Yes, Sir.
The Defending Officer declines to re-examine.
Questions by the Court.

Q.47 When you joined the "S.S. Beechwood", whattype of articles did you sign?

A.47 Two years, Sir.

Q.48 When you joined the "Empire Stourt" which came to Halifax, what type of articles did you sign?

A.48 Two years.

Q.49 That is, to go with the ship wherever she went?

A.49 Yes, Sir.

Q.50 Where is your home in Cape Breton?

A.50 Whitney Pier, Sir.

Q.51 Were you born there?

A.51 Born at Sydney, Sir.

Q.52 Are your people seafaring?

A.52 Yes, Sir.

Q.53 Had you been to sea before?

A.53 Yes, Sir.

Q.54 What ship?

A.54 I worked on the Black Diamond boats out of Sydney

Q.55 Is the type of articles now out for a period of two years?

A.55 Yes, Sir.

Q.56 Harris, how long had you been in the Army before you received your furlough?

A.56 Sixteen or seventeen months, Sir.

D 9

Q.57 During your training, did you receive lectures on Military law?

A.57 Once or twice, Sir.

Q.58 Did you have lectures on military law, or did they read sections 4 to 44 of the Army Act to you?

A.58 I don't know, Sir.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The witness resumes his seat.

The Defending Officer makes a closing address, which is marked "M", signed by the President, and attached to the Proceedings.

The Prosecutor makes a closing address, which is marked "N", signed by the President, and attached to the Proceedings.

JTM

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused, No. F55113, Private Elmer Donald Harris, No. 6 District Depot (CA) is not guilty of desertion, but is guilty of absence without leave.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Captain V. F. Whelan, Records Officer, No. 6 District Depot, (CA), is duly sworn.

Q.59 Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.59 I produce M.F.B. 355, and certified copy "X" and "Z" respectively.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "X" and "Z" respectively, signed by the President, and annexed to the proceedings.

Q. 60 Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A.60. Yes, Sir.

Q.61 Question.

Have you compared the contents of the above statement with the regimental books? *Answer.* A.61. Yes, Sir.

Q.62 Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.62. Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declined to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

The witness withdraws.

Question to the accused.

Q.63

Do you wish to address the Court? *Answer.* A.63. No, Sir.

The Court is closed for the consideration of the sentence.

31

F

Sentence

The Court sentence the accused, No. F55113, Private Elmer Donald Harris, No. 6 District Depot, (CA), to undergo detention for one hundred and twenty-eight days, and to be put under stoppages of pay until he has made good the sum of $16.85, in respect of the cost of apprehension and return to his unit.

Sentence.

Detention 128 days

Stoppages $16.85

Signed at Halifax, Nova Scotia, this 18th day of December, 1942.

Major,
No. 6 District Depot, C.A.,
Pres., D.C.M.

C O N F I R M E D

SIGNED at Halifax, N. S., this 24th day of December, 1942.

(W.W. FOSTER) BRIGADIER,
D.O.C., M.D. NO. 6.

PROMULGATED AND EXTRACTS TAKEN at No.6, District Depot, C.A., Halifax, Nova Scotia, this 29th. day of December, 1942.

.....Capt. Adjt.
No.6 District Depot, C.A.

Extracts entered as No. 7470 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 5th day of January 1942

"X" 13

Judge only 2 appointed

Orders by Brigadier W.W. Foster, D.S.O., V.D. Commanding

the Military District No. 6,

District Court-Martial

F55113, Private Elmer Donald Harris, No. 6 District Depot (CA)

Halifax, N. S., December 12, 1942.

The detail of Officers as mentioned below will assemble

at No. 6 District Depot, Halifax, N.S. on Friday,

the 18th day of December, 1942, at 1400 hours,

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Major J.D. Macintyre, M.C., No. 6 District Depot (CA), Permanent President District Courts-Martial, M.D. NO. 6. is appointed President.

MEMBERS

Captain J. Briggs, The Lan. & Ren. Scot. Regt. (CA)

Lieut. B. B. Taylor, 2nd Btn. R.H.C. (CA)

WAITING MEMBERS

Lieut. J. W. Powers, The Lan. & Ren. Scot. Regt. (CA)

~~JUDGE ADVOCATE~~

~~Is hereby appointed~~

~~JUDGE ADVOCATE~~

PROSECUTOR

Capt. D.C.Sinclair, No.6 District Depot (CA) ~~[illegible]~~ (is hereby) appointed Permanent Prosecutor, District Courts-Martial, M.D. NO. 6.

DEFENDING OFFICER

The Defending Officer will be de- ~~[illegible]~~ ~~Defending Officer~~ tailed by the O.C., No. 6 District Depot.

The accused will be warned and all witnesses duly required to attend.

The O.C., No. 6 District Depot, will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D. No. 6,

Signed this 12th day of December, 1942.

(F.J. NORTH) LIEUT.-COL.,
A.A. & Q.M.G., M.D. NO. 6.,
for (W.W. FOSTER) BRIGADIER,
D.O.C., M.D. NO. 6.

M.F.B. 220
A.F.A. 47
15M-9-41 (1281)
H.Q. 1773-39-564

DEPARTMENT OF NATIONAL DEFENCE

---- ARMY ----

2

John Martin Meyer
Pte. Inf. - DM

No.6 District Depot, CA.,
Halifax, N.S., 18 Dec42.

Major J.D.McIntyre,
President,
District Court-Martial,
No.6 District Depot, CA.

DISTRICT COURT-MARTIAL
F55113 Pte. Harris, Elmer Donald
No.6 District Depot, C.A.

Lieut. R.T. Smith, No.6 District Depot, CA., has been detailed to act as Defending Officer at Court-Martial of the marginally named soldier.

for M.R. Cummings Lieut
(D.A.Guildford) Lieut.,-Col.,
COMMANDING, No.6 District Depot, CA.

RTM

"G"

John T. Mackey in mgr
Prendergast

OPENING ADDRESS BY PROSECUTOR

Mr. President, and Gentlemen:

This is a charge of desertion under section 12 1 (a) of the Army Act.

The evidence will be all documentary.

May I ask permission to call my first witness.

JTM

"H" Johnston [illegible] Please [illegible]

RECORD of the Declaration of a Court of Inquiry assembled at Camp Debert, N.S., on the 24th day of October, 1941, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. F.55113, Pte. E.D. HARRIS

DECLARATION

The Court declare that No. F.55113, Pte. E.D. HARRIS

The Cape Breton Highlanders, C.A.,

illegally absented himself without leave at end of furlough

at 2200 hours on the 27th day of September, 1941;

and that on the 24th Oct., 1941, he was deficient, and that he is still deficient of the following articles:—

ARTICLES	No.	VALUE		ARTICLES	No.	VALUE	
Anklets, prs---------	1		.77	Knives, table----------	1		.18
Badges, Shoulder, worsted	1		.08	Spoon----------	1		.08
Battle Dress, trousers	1	6	.24	Holdall----------	1		.19
" " Blouse	1	6	.18	Housewife----------	1		.50
Boots, ankle, prs@$4.81 pr	2	9	.62	Mitts, leather, prs-----	1		.40
Bonnets, tam-o-shanter	1		.93	Trousers, denim, prs----	1	2	.45
Bootlaces, prs--------	1		.02	Razors, safety---------	1		.42
Braces, prs----------	1		.29	Shoes, canvas, prs------	1	1	.97
Brushes, boot-blacking	1		.15	Socks, prs--@$.37------	3	1	.11
" " polishin	1		.17	Towels, hand--@$.21----	2		.42
" Button-------	1		.15	Blacking, tins---------	1		.04
" Shaving------	1		.30	Boot-dressing, tins----	1		.04
" Tooth--------	1		.08	Shirts, under, cotton@$.34	1		.68
Cap, comforter,,,-----	1		.25	Drawers, cotton--------	1		.46
Combs, hair----------	1		.04	Shorts, K.D., prs--------	1	1	.32
Drawers, woolen, prs---	1	1	.17	Helmets, Sun----------	1		.62
Fork, table----------	1		.09	Haversack, W.E. pattern 37	1	2	.34
				~~Belts, waist, leather, brown~~	1	2	.34
Bags, ration----------	1		.03	Straps, web-supporting@$.24	(2)		.48
				Tins, mess, retangular--	1		.69
				TOTAL			$41.31

President

Major J.I. Maclean President

Captain R.D. Buckley Member

Lieut. J.H. MacKenzie Member

Signed at Debert, N.S.,

this 26th day of October, 1941.

Signature of Commanding Officer LT.-Col. E.H. Small

Certified true copy (J.C. Leefe) Lieut. A/Adjt.

Signature of Officer having custody of original record

M.F.S. 175
MM—10-40 (1430-5)
H.Q. 1772-10-207

Certificate in accordance with Order in Council P.C. 2797 dated 10th April 1942, as published in General Orders 127, 1942.

(Apprehension by or surrender to service authorities).

I, Captain W.O.Grimm, ... I John Wesley Grimm major

Hereby certify that the undermentioned soldier Pte. Harris, E.

F55113 (Number) Pte. (Rank) Harris, E. (Name)

of the Cape Breton Highlanders (Unit and attachment, if any)

was apprehended by (XXXXXXXXXXXXXXX).....

F40978 (Number) Cpl. (Rank) Johnston, J.F. (Name)

No.45 Provost Company - Cdn.Pro. C. (Unit or appointment)

at Sydney, N.S. (Place) at 0220 (Hour)

on the 1st. day of December 1942 as a deserter(XXXXXXXXXXXXXXXXXXXXXXXX), and that at the time of his arrest he was XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX (dressed in civilian clothes).

DATED at Sydney, N.S. this 1st. day of Dec. 1942

Capt.

O.C. No. 45 Provost Company
Canadian Provost Corps (C/)

31

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, A.D.Cameron, Lieut. (Rank) No.6.District Depot, C.A. (Name) (Unit)

Strike out word not applicable — hereby certify that I ~~(authorized)~~ (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from Halifax, N.S. (Place) to Sydney, N.S. (Place)

and return to Halifax, N.S. for the

Full description of soldier being escorted — purpose of escorting F-55113 Pte. Harris, E. No.6.District Depot, C.A.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (~~the transport warrants issued~~) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
ESCORT	
F-66533 Pte.Fraser,H.W.	
Leaving Halifax,N.S.....2-12-42..at...1730 hrs.	
Warrant No.B47698	11.20
Warrant No.B47699	5.65
Total	16.85
Total	$

Dated at Halifax,N.S. this 2nd day of Dec A.D. 1942.

A.D.Cameron Lt

Signature, rank, unit of officer ~~issuing transport warrants~~ (authorizing transportation)
Strike out description not applicable.

A.D.Cameron,Lieut.
No.6.Distr ct Depot,C.A

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

N.F.B. 1483
2036—12-41 (ST54)
H.Q. 1772-29-188

DAILY ORDERS

PAGE ELEVEN

"K" Job Duty - to go forward DEM

No.6 DISTRICT DEPOT,C.A. DAILY ORDERS PART II NO.295 DATED 5th DEC. 42

"C" COMPANY

18. STRENGTH INCREASE

(a) The undermentioned O.R. of The Cape Breton Highlanders,C.A. having been apprehended at Sydney, N.S. by the Military Authorities at 0220 hrs., 1st December 1942, is taken on strength No.6 District Depot, C.A. from desertion effective 1st December, 1942. Posted to "C" Coy.

F55113 Pte. HARRIS, Elmer Donald (M) (O.D.)

CERTIFIED TRUE EXTRACT D.O. Part II No.295 d/5 Dec 42.

D H Borden Capt

.....Capt., Adjt.,
No.6 District Depot, C.A.

DMS

35

TELEPHONES
ROYAL 5441
AVENUE 5437

TELEGRAMS
COSMOS, STOCK, LONDON

JOHN I. JACOBS & COMPANY LIMITED

15, ST. HELEN'S PLACE,
LONDON, E.C.3.

ALL USUAL CODES

REFERENCE REAP/DMF.

24th September, 1942.

Mr. E. D. Harris,
27 Linneaus Street,
HULL.

Dear Sir,

We enclose herewith your E. 1. form relating to your loss after the sinking of the "BROCKLEYWOOD" duly signed and would like to congratulate you on your escape.

Your Account of wages, together with the balance due, was deposited yesterday with the Mercantile Marine Office, Dock Street, London.

Yours faithfully,
For JOHN I. JACOBS & CO. LIMITED.

MANAGING DIRECTOR.

"X"

CLOSING ADDRESS BY DEFENDING OFFICER

May it please the Court:

The Prosecution has not brought forward one particle of evidence to show that the charge of desertion against the accused has been justified or proven. There has been no evidence to show that the accused intended to desert, or evade serving His Majesty the King (foot note section 12 Army Act). On the contrary, while not condoning the action of the accused in being absent from his regiment, I admit absence without leave, but that absence was not spent in the pursuit of pleasure or self indulgence, it was spent in a very hazardous manner, and the accused, on two occasions, barely escaped with his life.

His first ship, the "Empire Mallard" was sunk by collision in the Strait of Belle Isle. He was rescued by an Naval corvette, and brought to Sydney, Nova Scotia. One would think that this experience would have been sufficient, but no, he joined another ship, the "Empire Durlan," from Sydney, Nova Scotia, to Hull, England, where he joined the Merchant Navy Reserve Pool. After a period of three weeks, he was shipped as a stoker on another ship; namely, the "Lorneston," and in the course of his duties as a stoker was badly burnt. He was sent to hospital at Hull. On discharge from hospital, he shipped on the "Beechwood" and was torpeoded off the West Coast of Africa. He was afloat on a raft for over ten hours, and was rescued by a ship of the Royal Navy, and landed at Freetown. He was given passage to Belfast, Ireland, and from thence to Hull, England. He again shipped as a stoker, this time on board a ship called the "Empire Stourt," and eventually arrived at Sydney, Nova Scotia, by way of New York.

It was on this ship that he was arrested on December 1st, 1942, at Sydney, N. S. The accused has told the Court in his sworn evidence that it was his intention to surrender himself to the military authorities, but he was arrested before he was able to do so.

I maintain that this soldier has made a very much larger contribution to his country's war effort during the period he was absent from his unit, than he could have made had he not gone absent.

In coming to this decision, gentlemen, I ask you to take any contribution which was made at the cost of his own life under consideration.

"M"

CLOSING ADDRESS BY PROSECUTOR

I submit that it has been proven that the accused was absent from his unit from 2200 hours on the 27th of September, 1941, until 0220 hours on the 1st December, 1942, and that the question that you gentlemen will have to decide was the intention which the accused had on the 27th day of September, 1941, when he joined the ship at Sydney.

I do not think that I can be of any further assistance to you in coming to your conclusion on that.

41

M.F.B. 355
22M—5-41 (572-2)
H.Q. 1772-39-630
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

"Y" Jackson Army Form 1 Pre-trial

Number	Rank	Name	Regiment (or unit)
F55113	Private	Elmer Donald HARRIS	- No.6 District Depot,CA

1. The following is a fair and true summary of the entries in the FIELD Service ~~and General~~ b.f.w ~~Regimental and Squadron, Battery~~ b.f.w Conduct sheets b.f.w ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ b.f.w of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For Absent without leave	Nil.	times	Absent without leave	7 times
For Conduct to the prejudice	Nil	times	Conduct to the prejudice	3 times
For		times		times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~ b.f.w

~~or~~ b.f.w

~~There are no entries in the conduct sheets of the accused~~ b.f.w

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

~~or~~ b.f.w

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under~~ b.f.w ~~Air Force Act~~ b.f.w ~~A.F.A. 73~~ b.f.w ~~Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule~~ b.f.w ~~annexed to this statement~~ b.f.w

3. The accused is not under sentence at the present time.

~~or~~ b.f.w

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~ b.f.w

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 17 days in ~~Air Force~~ b.f.w military custody, making a total of 17 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ b.f.w attestation paper is 22 Years, 6 Mos.

6. The date of his ~~commission~~ b.f.w specified in his ~~record of service is~~ b.f.w attestation paper 2nd. May 1940

7. ~~The service which the accused is allowed to reckon towards discharge is~~ b.f.w

~~8. The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~ b.f.w

9. The accused is in possession of or entitled to no ~~air force~~ b.f.w military decoration, or ~~air force~~ b.f.w military reward ~~(or is in possession of or entitled to). State any air force decoration or reward.~~ b.f.w ~~military.~~ b.f.w

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held~~ b.f.w ~~Air Force~~ b.f.w ~~the regimental rank of~~ b.f.w

47

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 18th day of December

Douglas L. Wilson Capt. Officer i/c Records.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked 1(N) signed by the president, and annexed to the proceedings.

No. F55113 Name Harris E.D. Sqn., Battery, or Company A Corps C.B.H. Date of enlistment 2-5-40 G.C. Badges Tradesmen's Rates of Pay

No. and date of last drunk Period not reckoning towards freedom from extra fine Sheet No. Signature O.C. Company, etc. Sgd. J.G.Leefe Lt. Character

M.F.M. 6 (A.F.B. 122) 5036—11-41 (3600) H.Q. 1772-39-1052

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
~~Sydney NS~~	~~25-5-40~~	~~Pte~~		~~Absent without leave~~	~~2 days pay and 4 days C.B.~~		~~26-5-40~~	Lt.Col.E.H.Small	J.G.L
Sydney NS	30-5-40	Pte		Absent from piquet	2 days pay	14 days Det.	7-6-40	Lt.Col.E.H.Small	J.G.L
" "	1-8-40	"		Absent without leave	1 days pay	14 days Det.	1-8-40	" " "	"
" "	5-10-40	"		A.W.L. and breaking Barracks	3 days pay	28 days Det.	17-10-40	" " "	"
St. John NB	19-2-41	"		A.W.L.	21 days pay	28 days det.	12-5-41	" " "	"
Ottawa	15-6-41	"		A.W.L.	8 days pay.		15-6-41	" " "	"
Camp Borden	12-7-41	"		Refusing to work in mess hall when ordered .	10 days pay		14-7-41	" " "	"

"Z"
Johnston says
proved alone

(P.T.O.)

No. F.5511 Name Elmer HARRIS Sqn., Battery, or Company "A" Corps C.B.H. Date of enlistment 2-5-40 G.C. Badges Tradesmen's Rates of Pay

No. and date of last drunk Period not reckoning towards freedom from extra fine Sheet No. 2 Signature O.C. Company, etc. J.P.Leefe Capt. Character Fair

M.F.M. 6 (A.F.B. 123) 5005L—11-41 (2668) H.Q. 1775-39-1202

45

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Sydney,N.S.	1-1-41	Pte		Asleep at 0740 hrs 1-1-41 after being warned by S.C. to get up.	Pte.Ferney-houch H.	7 days C.B.	3-1-41	Capt.McLean	G.P.
Sydney,N.S	23-1-41	Pte		AWL from 0845 hrs 23-1-41 until 1220 hrs 23-1-41 (Absent 3 hrs & 36 mins)	Sgt.McNeil H.A.	28 days Detention	27-1-41	Col.Small	S.P.
St.John	19-2-41	Pte		AWL from 2200 hrs 19-2-41 until 2155 hrs 11-3-41	Sgt.McNeil H.A.	28 days Detention	12-3-41	Col.Small	Auto.Forfeits 20 days pay S.P.
Ottawa	14-6-41	Pte		AWL from 0900 hrs 15-6-41 until 0830 hrs 16-6-41 (Absent 23 hrs & 31 mins)	Sgt.Gillis N.J.	14 days C.B. 7 days Pay	18-6-41	Col.Small	Auto.Forfeits 1 days pay. S.P.

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Borden	30-6-41	Pte.		On parade unshaven and with dirty rifle at 0800 hrs.	Sgt.McNeill M.A.	3 days C.B.	1-7-41	Mjr.McLean	G.R.
Borden	12-7-41	Pte.		Failing to work in Mess Hall when ordered to do so by a senior officer at 1835 hrs	L/Cpl Whitbread,G.	10 days pay 14 days C.B.	14-7-41	Col.Small	G.R.

CERTIFIED TRUE COPY

D. H. Cox

D. H. Cox
CAPTAIN

MEDICAL OFFICER'S REPORT

I certify that No. F 55013 Pte. Harris E.D.

of No. 6 Dist. Depot is in a good ~~fair~~ state of health,

and fit to undergo Trial by Court martial.

L. J. Poirier Capt RCAMC
Medical Officer

Station No. 6 Dist. Depot

Date 18/12/42

M. F. B. 246
25M—6-42 (4744)
H.Q. 1772-39 460

S U M M A R Y O F E V I D E N C E

in the case of

No.F.55113 Private Elmer Donald HARRIS, No.6 District Depot, C.A., a soldier of the Canadian Army placed on Active Service.

CHARGE

DESERTION

The Commanding Officer directs that the evidence be taken on oath.

WITNESS

No.F.34952 Sgt.(A/S/Sgt.) A.G. Gladwin, No.6 District Depot, having been duly sworn states as follows:-

I am on Headquarters Staff of No.6 District Depot, C.A. and I present the following documents regarding the accused:

1. M.F.B.375 dated 26th day of October, 1942.
2. M.F.M.216 dated 1st December, 1942.
3. M.F.B.1481 dated 2nd December, 1942.
4. Certified True Extract Daily Order Part 11 No. 295 dated 5th December, 1942.

The accused declines to cross-examine.

A.G. Gladwin .....Sgt(A/S/Sgt)

QUESTION TO THE ACCUSED-

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY ACCUSED-

I have nothing to say.

I certify that Rules of Procedure 4 (C), (D), (E), and (F) have been complied with.

Taken down by me in the presence of the accused at No.6 District Depot,C.A., Halifax, Nova Scotia, this 10th day of December, 1942.

M.Cummings .....Lieut.
Officer Detailed to take Summary of Evidence.

TRIAL OF F.55113 PRIVATE ELMER DONALD HARRIS,

NO.6 DISTRICT DEPOT, C.A.

LIST OF EXHIBITS

1. M.F.B. 375 dated 26th day of October, 1942.
2. M.F.M. 216 dated 1st December, 1942.
3. Certified True Extract Daily Order Part 11 No.295 dated 5th December, 1942.
4. M.F.B.1481 dated 2nd December, 1942.

H.Q.C. 55-H-318

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HOWAT, W.C. H.64514 PTE.

DEAD

C.O.C.T.C. -A.21-

CONFIDENTIAL
H.Q.C. 55-H-318

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
				AG	Wal. Papers C.R. JAN 6 1943		
JAN 23 1943	22/1/43	P.A.		A.D.	to note & P.A		8-1-43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All incoming letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-318 (JAG)

Received JAN 12 1943 A.D.

January 8th, 1943.

The District Officer Commanding,
Military District No. 3, Kingston, Ont.

Re: District Court-Martial,
H.64514, Pte. William Campbell Howat,
C.O.C.T.C.(A-21).

1. Receipt is acknowledged of your letter of the 4th January, 1943, your K.55-H-966 (JAG), under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities set out by you, the following have been observed:

(a) The place of trial on page A of the proceedings is not identical with that set out in the Convening Order.

(b) M.F.B. 1481 was not fully completed in that certain of the blanks were not filled in as required. Also the dates of the Transport Warrants issued should have been set out.

(c) The dates of the incidental expenses incurred should have been set out in M.F.B. 1482.

3. It is not considered necessary to return the proceedings which are accordingly retained for custody. May the above noted irregularities be drawn to the attention of all officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

EBB/MM

H.Q. C. 55-H-318
M.D. K.55-H-966 (JAG)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H.64514 Name HOWAT, W.C.

Rank Pte. Unit A-21 C.O.C.T.C., C.A.

Charge Sec. 15 (1) ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 22/9/42

Date of Arrest 22/11/42 Charge. Signed 15/12/42

Orders for D.C.M. D.O.C., M.D. 3

Place and Date of Trial Barriefield, Ont. 21/12/42

Sentence Detention 30 days. Stoppages $20.97

Date of Confirmation 23/12/42

Date of Promulgation 28/12/42

Entered in Records of J.A.G. as No. 7486

Date 8/1/43

MEMO Guilty of the charge

E R Bree Capt
for Judge Advocate-General.

3M-12-42(M1754)

no file ⊗

7496

IN REPLY PLEASE QUOTE
No. K.55-H-966(JAG)

EWC

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, 4th January 1943

The Secretary
Department of National Defence
OTTAWA, Ontario

District Court-Martial
H.64514, Pte. William Campbell HOWAT
C.O.C.T.C.(A21)

Herewith enclosed proceedings on the trial by District Court-Martial of the marginally named soldier, the finding and sentence having been confirmed by the District Officer Commanding, and duly promulgated.

2. The same are forwarded to your office for registration and custody, the remarks contained in the attached list having been brought to the attention of all Officers concerned.

R.O. Stanbil Capt.
for (F.L.Armstrong) Brigadier
District Officer Commanding
Military District Number 3

N.D. 22
1500M-3-42 (3466)
H.Q. 1772-101-23

District Court-Martial
H.64514, Pte. William Campbell HOWAT
C.O.C.T.C.(A21)

(a) The Medical Officer should use the suffix C.A. to indicate that his Unit and appointment are part of the Active Army. See Routine Order 2252.

(b) In the Charge Sheet, it is not necessary to say first charge when there is only one nor is it necessary to state to whom the soldier surrendered. If specimen charges set out on page 715 M.M.L. et seq. are followed, time and errors will be avoided.

(c) In the Summary of Evidence:

(i) The first witness is obviously giving hearsay evidence when he states that the accused surrendered at Port Arthur. It is realized that some improper evidence will be admitted in Summaries but Officers taking these are asked to endeavour to watch the evidence closely and try to have only that which would be admitted on a trial given in the same.

(ii) The evidence of Capt. Reilly, the Adjutant was particularly well given.

(iii) It is suggested that it should be made clear that the accused had an opportunity to call witnesses at the investigation which could be shown by inserting after his evidence some phrase such as "The accused declines to call any witnesses" Attention is directed to R.P. 3(A) which provides that the accused will have every liberty to call witnesses in his defence. Officers preparing Summaries and checking cases for Courts-Martial are directed to R.P. 3, 4, 76 and 80 and to a careful study of the Handbook, particularly the recent amendments which are very helpful.

(d) A skeleton Summary for your assistance is included.

(e) In M.F.B. 375:

(i) The suffix C.A. should be used to denote that the accused is on Active Service as set out in R.O. 2252.

(ii) The Unit and attachment of the accused should be set out in full in the fifth line.

(iii) The Unit from which the accused went absent as well as the place should be set out in the 9th line.

(f) In M.F.B. 1481 deletions have not been initialled and it is better to date the items of the particulars. The suffix C.A. should also be used as above mentioned.

(g) The President of the D.C.M. should have initialled the rulings out on the backs of the various pages in the proceedings.

EWC

SPECIMEN SKELETON FORM OF A SUMMARY OF EVIDENCE

Please keep this form where it may readily be referred to by personnel responsible for the preparation of Summaries of Evidence. This form has been prepared at Headquarters, M.D. No. 3, and embodies the most common types of problems encountered in the preparation of these documents. The numerals (i) (ii) etc., refer to notes to be found at the end of this specimen Form.

THE HEADING:-

SUMMARY OF EVIDENCE

in the case of

No. C.0000, Pte. John Richard Roe, Royal Ontario Regiment, C.A.

(i) a soldier of the Canadian Army placed on active service (ii).

Charges:-

1. Desertion
2. Losing by neglect
3. Offering violence to a superior officer.

The Commanding Officer directs that the evidence be taken on oath.

- or alternatively -

The accused demands that the evidence be taken on oath.

THE EVIDENCE:-

First Witness — Lieut. A. Brick, Royal Ontario Regiment, C.A., having been duly sworn, states:

The accused declines to cross-examine the witness.

(Signed) A. Brick, Lieut.

Second Witness — Z.5678, C.S.M. (W.O.II) (A/R.S.M., W.O.I), G.J. Jonathan (iii), Royal Ontario Regiment, C.A., having been duly sworn, states:

Cross-examined by the accused.

(Signed) G.J. Jonathan, C.S.M.

Third Witness — Capt. T.C. Wilson, Royal Ontario Regiment, C.A., having been duly sworn, states:

I am the Adjutant of the Royal Ontario Regiment, C.A., stationed at Nanaimo, B.C., and have custody of all soldiers' documents and I produce herewith the following documents and the Pte. John Richard Roe mentioned therein is the same person as the accused:

EXHIBIT A - M.F.B. 375--Declaration of a Court of Inquiry.

EXHIBIT B - M.F.B.1481--Certificate of Costs of Apprehension.

EXHIBIT C - Certified True copy of Part II Daily Order No. 146.

The accused declines to cross-examine the witness.

(Signed) T.C. Wilson, Capt.

Fourth Witness

C.50060, Sgt. R. Parks, Eastern Rifles, C.A. is unable to attend at the investigation owing to the exigencies of the service (iv) as certified by the officer taking the Summary. A written statement of the evidence of Sgt. R. Parks purporting to be signed by him has been read to the accused in compliance with R.P. 4(E) and (G) and is annexed hereto and marked Exhibit "D".

Note to personnel preparing Summary of Evidence

The written statement of an absent witness must be signed by such absent witness and either on its face or back must bear a certificate signed by the Officer taking the Summary in the following or similar words, VIZ:

I certify that in my opinion owing to the exigencies of the service (iv) the attendance of C.50060, Sgt. R. Parks, Eastern Rifles, C.A., cannot readily be procured.

(Signed)
S. Fox, Major
Royal Ontario Regiment, C.A.
Officer Taking the Summary.

Fifth Witness

C.5141, C.Q.M.S. Harold Martin (iii), (or if he is, say, a Sergeant, acting as C.Q.M.S., C.5141 Sgt. (A/C.Q.M.S.) Harold Martin), Royal Ontario Regiment, C.A., having been duly sworn, states:-

I am C.Q.M.S. of "C" Company of the Royal Ontario Regiment, C.A., and am in charge of clothing and equipment, and on the 24th November, 1942, I checked the kit of Pte. Roe against his M.F.B. 375 (v) (vi) and found him deficient of the following articles, valued at $9.41 (vii):-

Clothing Division "A"		
Anklets web. pr.	1	$ .58
Clothing Division "B"		
Battle dress, trousers, serge	1	4.20
Socks, prs.	1	.27
Boots, ankle, prs.	1	3.90
Clothing Division "C"		
Towels, hand	2	.42
Combs	1	.04
TOTAL		$ 9.41

Routine Order 1877 has been complied with.

The accused declines to cross-examine the witness.

(Signed)
Harold Martin, C.Q.M.S.
(or A/C.Q.M.S.)

THE QUESTION TO THE ACCUSED AND HIS ANSWER

Question to the Accused (viii)

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give willbe taken down in writing and may be given in evidence.

Answer by the Accused

I have nothing to say. (ix)

or

No, Sir.

or

No. C.0000, Pte. John Richard Roe, Royal Ontario Regiment, C.A., states (x)

or

No. C.0000, Pte. John Richard Roe, Royal Ontario Regiment, C.A., having been duly sworn, states: (x)

The accused declines to call any witnesses.

THE ENDING:

I certify that the foregoing Summary of Evidence consisting of --- pages and 4 Exhibits was taken down by me in the presence of the accused at Nanaimo, B.C. this 25th day of November, 1942, and that Rules Of Procedure 4(C) (D) (E) & (F) (xi) have been complied with.

(Signed)
S. Fox, Major
Royal Ontario Regiment, C.A. (xii)
Officer detailed to take the Summary of Evidence.

It will be noticed that the second and succeeding pages are merely headed (2) (3) etc and no wording is needed at the top.

NOTES

(i) R.O. 2252 para (a) states:- Where it is necessary to indicate that Formation, Units or Personnel belong to the Canadian Army, the expression "C.A." may be used. Para (b) indicates proper method of describing Reserve Formation, Units or Personnel.

(ii) See new para 22 on page 27 of the Handbook as to method of describing "R" recruits and members "H.D."

(iii) R.O. 2194 as to Acting, Warrant and Non-Commissioned Officers, description of rank and appointment, states:

"Whenever Acting, Warrant or Non-Commissioned Officers are referred to in official correspondence and documents, the confirmed (substantive) rank must be shown followed by the acting rank held, in brackets, e.g.:

Z.1234, Pte.(A/Sgt) A.J. Blank
A.5078, C.S.M.(W.O.II) (A/R.S.M., W.O.I),
G.J. Jonathan.

(iv) R.P. 4(C) provides for use of statements "purporting to be signed" by witnesses "if a person cannot be compelled to attend as a witness or if owing to the exigencies of the service or on other grounds (Including the expense and loss of time involved) the attendance of the witness cannot in the opinion of the Officer Taking the Summary, be readily procured."

(v) Note at top of page 449, M.M.L. says in part "in all cases where A.F.B. 115 (our M.F.B. 375) is not produced at the trial, evidence must be produced to show that at some previous specified date the accused had been in possession of the articles alleged to be deficient." THIS ONLY APPLIES IF M.F.B.375 NOT AVAILABLE.

(vi) By Order-in-Council, P.C.9966, form M.F.C. 800 was made a regimental book as of 3rd November, 1942, which means that it may be produced as set out in Section 163 (1) (g)&(h) of the Army Act or that a certified true copy thereof may be produced at a Military trial. Thus the kit can be checked against this form prior to the investigation, and if the accused pleads not guilty at trial, form M.F.C.800 can be produced as evidence that the deficiencies were once in the possession of the accused. NOT USED IF MFB 375 AVAILABLE.

(vii) See para 4 of Appendix to R.O. 1877 as to method of valuing deficiencies, i.e. equipment, and clothing 75% of vocabulary rate - regimental necessaries, full vocabulary rate. Vocabulary Rates are set out in R.O. 1862.

(viii) R.P. 4(E) sets out the form of questions, and it will be noted that the accused must NOT be cross-examined on his reply, even if he makes a statement on oath. See footnote 8 to R.P. 4(E) at page 619 M.M.L.

(ix) If the accused states that he has nothing to say, or answers in the negative, his signature is not required.

(x) If the accused makes a statement, it must be signed by him, but whether made on oath or not he must not be cross-examined. See note 8 to R.P. 4(E) at page 619, M.M.L.

(xi) If a written, signed statement is included in the Summary under the provisions of R.P. 4(G) then alter the last sentence to include R.P. 4(G) so that it reads as follows: "Rules of Procedure 4(C) (D) (E) (F) & (G) have been complied with."

(xii) As the Officer Taking the Summary is not a witness, his unit and attachment have not been set out and so must be given under his signature.

MEDICAL OFFICER'S REPORT

E.T. Naylor surgeon
Pres.

I certify that No. H-64514 Howat, W.C.
of C.O.C.T.C. is in a Good state of health,
and Fit to undergo Trial by Court martial.

H.A. Himel capt.
Medical Officer
(H.A. Himel) Capt. RCAMC
M.O. C.O.C.T.C. Barriefield.

Station Barriefield Camp.

Date Dec. 21, 1942.

M. F. B. 246
35M—6-41 (792)
H.Q. 1772-39 480

MEDICAL OFFICER'S REPORT

E.T. Marler Brigadier Pres.

I certify that No. H-64514 Howat, W.C.

of C.O.C.T.C. is in a Good state of health,

and Fit to undergo Trial by Court martial.

H. A. Himel Capt.

Medical Officer

(H.A. Himel) Capt. RCAMC

M.O. C.O.C.T.C. Barriefield.

Station Barriefield Camp.

Date Dec. 21, 1942.

M. F. B. 246

SEM—6-41 (792)
H.Q. 1772-39 680

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General~~ and District Courts-Martial

Proceedings of a District Court-Martial held at Barriefield, on the 21st day of December 1942 by order of Brigadier F.L.Armstrong, O.B.E. Commanding Military District No.3 dated the 19th day of December 1942

President.

Major E.T.Nayler, E.D., No.3 Voc.Trng.School, C.A.

Members.

Major G.T.Gayford, V.D., C.O.C.T.C.(A21) C.A.

Capt.R.R.Insole, C.O.C.T.C. (A21) C.A.

, ~~Judge Advocate.~~

Trial of* H.64514 Pte.William Campbell HOWAT, A-21 COCTC, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

The Court satisfy themselves that Lt.W.J.Smith is not available to serve owing to exigencies of the service. Capt.R.R.Insole COCTC(A21) waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 28. #

The accused is brought before the Court.

Prosecutor,† Lieut.G.W.Shenstone, C.O.C.T.C. (A21) C.A.

~~Counsel or~~ defending officer† Lieut.R.H.Vaughan, C.O.C.T.C.(A21)CA

at 1410 o'clock the Trial commences.

The order convening the Court is read, and is marked X signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1. *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A. 1. *Answer by accused.* No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

ENTERED ON PT. II D.O. No 309 DATE 24-12-42

Mil. Form B. 271
20M—7-42 (5387)
H.Q. 1772-39-224

I have satisfied myself that none of the Officers detailed as members of this court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

2

B

The President, members ~~and judge advocate~~ are duly sworn. E.T.M

~~The following officers under instruction are duly sworn.~~ E.T.M

Charge-Sheet

Instruction.
If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q. 2. Are you guilty or not guilty of the [~~first~~] charge against you, which you have heard read? *Question to the accused.* E.T.M

A. 2. Guilty, Sir. *Answer.*

E.T.M ~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

E.T.M ~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

E.T.M ~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

CHARGE SHEET

"B2"

3

The accussed H-64514 Private William Campbell Howat, A-21, C.O.C.T.C.,C.A., Barriefield Camp, Ontario, a soldier of the Canadian Army placed on Active Service is charged with;

1st Charge
Sec. 15 (1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at A-21, Canadian Ordnance Corps Training Centre, (C.A.) Barriefield Camp, Ontario, at 0600 hrs. on the 22nd of September, 1941, absented himself without leave, until surrendering himself to P-35621 Cpl. Pollock, R.A., N.C.O. in charge of No. 40 Provost Coy., in the Armouries at Port Arthur, Ontario at 1245 hrs. on the 22nd day of November, 1942, sober and properly dressed in uniform and returned to his Unit at a cost of apprehension of $20.97.

15th December, 1942,
C.O.C.T.C., A-21, C.A.,
Barriefield Camp, Ontario.

E.A. Steer, M.C., A/Commandant, Lieut.-Col.
C.O.C.T.C., A-21, C.A.,
Barriefield Camp, Ontario.

TO BE TRIED BY A DISTRICT COURT-MARTIAL.

Kingston, Ontario
19 December 1942

(W.K. MacGregor) Major
D.A.A.G., M.D. No. 3
for District Officer Commanding
Military District Number 3

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" read to him again.]~~ E.T.M.

The accused H.64514 Pte.William Campbell HOWAT,A-21 COCTC,CA. is found guilty of the charge.

*The summary ~~(or abstract)~~ of evidence is read, marked (G) signed by the President, and attached to the proceedings. E.T.M.

Q. 3. *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A. 3. *Answer.* The accused in mitigation of punishment says:— Yes, Sir.

E.T.M. [~~or~~ hands in a written statement, which is read, marked(H), signed by the President, and attached to the proceedings.]

E.T.M.

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

6

DD

Q. 4. Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A. 4. Yes, Sir, one man. *Answer.*

Evidence as to character.

FIRST WITNESS FOR THE DEFENCE

H.64562 Sgt.PILKEY, L. C.O.C.T.C.(A-21) having been duly sworn is examined by the defending officer:

Q. 5. Do you recognize the accused?

A. 5. I do as Pte.Howat.

Q. 6. Where did you first meet him?

A. 6. At Basic Training Centre, Fort William.

Q. 7. What type of soldier do you consider the accused?

A. 7. He entered into basic training with enthusiasm. Toward the end of the second month he told me about the trouble he was having with the Dependents' Allowance Board. He was paraded to the Adjutant but received very little satisfaction as they could do nothing. He was then transferred to Barriefield and again started his advanced training with enthusiasm. He was paraded to the Commandant and was unable to obtain any satisfaction as to any allowance for his wife and child. After a short period he left the camp.

Q. 8. Did you believe Pte.Howat to be married or single?

A. 8. I knew the circumstances.

THE PROSECUTION DECLINES TO CROSS-EXAMINE THE WITNESS.

RULES OF PROCEDURE 83B ~~ARE~~ -IS- COMPLIED WITH.

THE WITNESS WITHDRAWS.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~The Court is closed for the consideration of the finding.~~

The Court find that the accused

E.T.M.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~*The Court being re-opened, the accused is again brought before it.~~ E.T.M

Lieut.G.W.Shenstone, C.O.C.T.C.(A-21) C.A. is duly sworn.

Evidence of character, etc.

Q.9. *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* **I have, MFB 355.**

A.9.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked (Y), signed by the President, and annexed to the proceedings. E.T.M

Q. 10. *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* **He is, Sir.**

A. 10

Q. 11 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* **I have, Sir.**

A. 11

Q. 12 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* **They are, Sir.**

A. 12

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

THE ACCUSED DECLINED TO CROSS-EXAMINE THE WITNESS.

"R.P. 53(B) is complied with"
"The Witness resumes his seat" E.T.M

Q. 13 *Question to the accused.* Do you wish to address the Court? *Answer.* **No, Sir.**

A. 13

The Court is closed for the consideration of the sentence.

10

F

Sentence

The Court sentence the accused No. H64514 Pte William Campbell Howat, A-21, C.O.C.T.C., C.A. to undergo detention for THIRTY DAYS and be placed under stoppages pf pay until he has made good the sum of $20.97, costs of apprehension and return to his unit.

Sentence.
DETENTION
THIRTY DAYS
STOPPAGES
$20.97

Dated at Barriefield, Ont.
this 21st day of December 1942.

E T Mayhew
Major,
No. 3 Voc. Trng. School
President Court Martial.

CONFIRMED

Signed at Kingston, Ontario, this 23rd day of December, 1942.

P L Armstrong
(P.L.Armstrong) Brigadier,
District Officer Commanding,
Military District No.3.

PROMULGATION

Promulgated and extracts taken at C.O.C. T.C., A-21, C.A. Barriefield Camp, Ontario, this 28th day of December, 1942.

J A B Reilly Capt.
J.A.B.Reilly, Adjutant
A-21, C.O.C. T.C. C.A.
Barriefield Camp, Ontario.

Extracts entered as no. 7466 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 8th day of January 1943

11.

K.55-H-966 "X"

ORDERS BY
BRIGADIER F.L.ARMSTRONG, O.B.E.
DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO.3.

KINGSTON, Ontario, Dec. 19, 1942.

DISTRICT COURT-MARTIAL
H.64514 Pte. William Campbell HOWAT,
A-21, C.O.C.T.C., C.A.

1. The detail of Officers as mentioned below will assemble at Barriefield Camp, Barriefield, Ontario, at 1400 hours, Monday, December 21, 1942, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major E.T.Nayler, E.D., No. 3 Voc. Trng. School, C.A.

MEMBERS

Major G.T. Gayford, V.D., C.O.C.T.C.(A21) C.A.
Lieut. W.J. Smith, M.M., C.O.C.T.C. (A21) C.A.

WAITING MEMBER

Capt. R.R. Insole, C.O.C.T.C. (A21) C.A.

PROSECUTOR

Lieut. G.W. Shenstone, C.O.C.T.C. (A21) C.A.

DEFENDING OFFICER

Lieut. R.H. Vaughan, C.O.C.T.C. (A21) C.A.

2. Officers attending for instruction will be detailed by the Commandant, C.O.C.T.C.(A21), Barriefield Camp, Barriefield, Ontario.

3. The accused person will be duly warned and all witnesses required to attend.

4. The Commandant, C.O.C.T.C.(A21), Barriefield Camp, Barriefield, Ontario, will arrange for necessary accommodation and stationery.

5. The proceedings of the Court will be forwarded to the District Officer Commanding, Military District No.3.

Signed this 19th day of December, 1942.

(A.M. McGregor) Major,
D.A.A.G. M.D.#3,
for District Officer Commanding,
Military District No.3.

exhibit "G"
E. Mayle
Exam in Res DCM

SUMMARY OF EVIDENCE.

Page One.

H-64514 Private William Campbell Howat, Canadian Ordnance Corps Training Centre, A-21, C.A., a soldier of the Canadian Army on Active Service is charged with:

ABSENCE WITHOUT LEAVE.

THE COMMANDING OFFICER DIRECTED THAT THE EVIDENCE BE TAKEN UNDER OATH.

1st Witness B-88459 S/Sgt. Tomkins, L.J., A-21, C.O.C. T.C.,C.A., Barriefield Camp, Ontario, having been duly sworn States:-

I am employed on the staff of the Regimental Police at A-21, C.O.C.T.C., C.A., Barriefield Camp, Ontario, and at 1420 hours on the 4th of December, 1942, H-64514, Pte. Howat, W.G. was turned over to me at the Outer Station, Kingston, Ontario, after having surrendered himself to the No. 40 Provost Coy., Port Arthur, Ontario, at 1245 hours on the 22nd of November, 1942. I immediately placed him under close arrest pending disposal of his case.

S/Sgt Tomkins L.J.

The Accused declines to cross-examine the witness.

2nd Witness. Captain J.A.B. Reilly, Adjutant, C.O.C.T.C.,A-21, C.A., having been duly sworn States:-

As Adjutant of the Canadian Ordnance Corps Training Centre, A-21, C.A., Barriefield Camp, Ontario, I have custody of all soldiers documents and H-64515 Pte. Howat, W.C. as mentioned in the said productions is the same person as the Accused. I present herewith the following documents.

A. M.F.B. 375 (Declaration of a Court of Inquiry)

B. Part II Daily Orders No 177, D/14-10-41.

C. Certificate of Apprehension.

D. Cost of Apprehension.

J.A.B. Reilly Capt

The Accused declinas to cross-examine the witness.

SUMMARY OF EVIDENCE.

Page Two

Question to the Accused

"Do you wish to make any statement or to give evidence upon Oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

Answer by the Accused

"No. Sir."

I certify that the foregoing Summary of Evidence consisting of 2 pages and 4 exhibits was taken down by me in the presence of the accused at Canadian Ordnance Corps Training Centre, A-21, C.A. of Barriefield Camp, Ontario, this 15th day of December, 1942 and that rules of Procedure 4 (C) (D) (E) and (F) have been complied with.

Capt.
J.G. Smits, French Instructor.
C.O.C.T.C., A-21, Barriefield.
Officer detailed to take Summary.

17

LIST OF WITNESSES

1. B-88459 S/Sgt. Tomkins, L.J., A-21, C.O.C.T.C.,C.A., Barriefield Camp, Ontario.

2. Captain J.A.B. Reilly, Adjutant, A-21, C.O.C.T.C.,C.A., Barriefield Camp, Ontario.

E T Mayhew
Major
Pres
DCM

LIST OF EXHIBITS

A. M.F.B. 375 (Declaration of a Court of Inquiry)

B. Part II Daily Orders No. 177, D/14-10-41.

C. Certificate of Apprehension.

D. Cost of Apprehension.

APPENDIX "E"

"I, H-64514 Private William Campbell Howat, Desire to have an officer assigned to represent me at my trial by Court-Martial.

(I desire the services of Lieut. R.H. Vaughan if he is available.)

W C Howat

December 15th, 1942.

EXHIBIT "A"

I Maybe 19:
Image
Pres DCM

RECORD of the Declaration of a Court of Inquiry assembled at Barriefield Camp on the 15th day of October 1941, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. H-64514 Pte. Howat, W.C.

DECLARATION

The Court declare that No. H-64514 Pte. Howat, W.C. R.C.O.C. T.C.,

illegally absented himself without leave from Barriefield Camp at 0600 hrs. on the 22nd day of September, 1941, that he is still so absent, and that on the 15th day of October, 1941 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
CLOTHING DIVISION "A"		SECTION "A-1"	
Anklets Webb prs.....1...	0.77	Helmets Sun.....1.	.62
CLOTHING DIVISION "B"		TOTAL----------	21.91
Battle Dress Blouses S..1..	6.18		
" " Trousers"..1..	6.24		
Boots Ankle prs.....1..	4.81		
Caps Field Service.....1..	.82		
Shirts Khaki Cotton w/ss 1.	.99		
Shirts Service .....1.	.84		
Socks prs.....1.	.37		
CLOTHING DIVISION "C"			
Braces prs.....1..	.29		

Captain W.E. Scott, A-24, C.O.C.T.C., C.A. — President

Lieutenant R.B. Walker, A-24, C.O.C.T.C., C.A. — Member

Lieutenant D.H. Smith, A-21, C.O.C.T.C., C.A. — Member

Signed at Barriefield Camp, Ontario this 15th day of October 1941

Signature of Commanding Officer E.A. Steer, M.C., A/Commandant, A-21, C.O.C.T.C.C.A., Barriefield, Ont.

Certified true copy [illegible] — Signature of Officer having custody of original record

(sg) COCTCA

M.F.B. 275
A.F.B. 115
100M—4-42 (4237)
H.Q. 1772-39-467

EXHIBIT "B"

21

D.O. Part II, No. 177, d/14-10-41.

B-52509 Pte. Brickman, O.B.	Admitted to K.M. Hospital. Effective 12-10-41.
11. AMENDMENT	**ALL PURPOSES (REINF.)**
F-8828 Pte. Floyd, L.	Part 11, No. 171, para 1, the effective date to read; 3-10-41 and not as shown.
L-2236 Pte, Hotzon, M.	Part 11, No. 175, para 12, correction of Reg. No. to read; L-22326
12. CANCELLATION	**ALL PURPOSES (REINF.)**
M-60148 Pte. Davidson, J.W.	Part 11, No. 176, para 12, insofar as it concerns this man is cancelled
B-81565 Pte. Watson, C.H. A-29527 Pte. Jackson, G.F.	Part 11, No. 174, para 18, insofar as it concerns these men, is cancelled.
D-57950 Pte. Lacasse, A.	Part 11, No. 176, para 6, insofar as it concerns this man is cancelled.
13. ABSENT WITHOUT LEAVE	**ALL PURPOSES (REINF.)**
K-67910 Pte. Paulin, H.	Absent without leave from 0745 hrs. 11-9-41 (3rd entry) 21 days at 0745 hrs. 2-10-41.
A-29567 Pte. Barr, A.	Absent without leave from 0745 hrs. 13-9-41. (3rd entry) 21 days at 0745 hrs. 4-10-41.
D-122828 Pte. Beland, G.	Absent without leave from 0600 hrs. 22-9-41. (3rd entry) 21 days at 0600 hrs. 13-10-41.
H-64514 Pte. Howat, W.C.	Absent without leave from 0600 hrs. 22-9-41. (3rd entry) 21 days at 0600 hrs. 13-10-41.
G-6207 Pte. Leblanc, N.	Absent without leave from 2215 hrs. 10-10-41. (1st entry)
B-52593 Pte. Mellman, W.J.	Absent without leave from 2215 hrs. 10-10-41. (1st entry)
G-53243 Pte. Phillips, A.H.	Absent without leave from 1100 hrs. 3-10-41. (2nd entry)
B-92032 Pte. Scott, S.T.	Absent without leave from 2215 hrs. 5-10-41. (2nd entry)
C-49648 Pte. Kelly, C.T.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)
D-36096 Pte. Gilbert, A.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)
B-52835 Pte. Aman, J.A.S.	Absent without leave from 0600 hrs. 6-10-41. (2nd enntry)
C-36632 Pte. Hammond, L.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)

to page 4....

23

O'Mayhew Major Pres DCM

C-36635 Pte. Purdie, D.P.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)
B-53138 Pte. Carr, A.A.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)
G-3479 Pte. Breau, T.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)
B-53061 Pte. McQuaid, R.E.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)
C-32329 Pte. Arbuthnot, A.A.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)
G-3471 Pte. Milne, J.T.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)
G-3493 Pte. Bent, T.A.	Absent without leave from 0600 hrs. 6-10-41. (2nd entry)
D-109619 Pte. Bunclark, G.A.	Absent without leave from 0600 hrs. 6-10-41. (1st entry)
C-30809 Pte. Brouillard, V.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
B-53060 Pte. McPhee, G.J.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
C-36629 Pte. Fox, H.A.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
C-34611, Pte. Schweigert, L.F.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
A-29587 Pte. Ramsden, R.A.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
B-42750 Pte. Fyles, W.B.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
M-60148 Pte. Davidson, G.W.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
C-32355 Pte. Lanoue, C.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
C-31764 Pte. Richer, D.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
B-52627 Pte. Jones, D.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
C-21484 Pte. Taylor, C.J.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
B-6265 Pte. Hambley, H.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
G-3347 Pte. Cooling, R.B.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
C-30742 Pte. Miron, C.A.	Absent without leave from 0600 hrs. 13-10-41. (1st entry)
C-31506 Pte. LeClaire, R.	Absent without leave from 2215 hrs. 13-10-41. (1st entry)

to page 5.....

25.

14. PUNISHMENT

ALL PURPOSES (REINF.)

B-52509	Pte. Brickman, O.B.	Fined $5.00 for drunkenness under Sec. 19 A.A. Art. 161 (2)(b) F.R. & I. Canada.
E-39106	Pte. Tardif, E.	Forfeits 7 days pay for absence without leave from 2200 hrs. 2-10-41 to 2200 hrs. 9-10-41. Art. 149 F.R. & I. Canada.
B-52528	Pte. Welling, E.F.	Awarded 14 days detention under Sec. 15 (2) and Sec 9 (2) Effective 13-10-41.
B-61565	Pte. Watson, C.H.	Awarded 14 days detention under Sec. 15 (2) and Sec. 9 (2). Effective 13-10-41.
M-7212	Pte. Dixon, M.	Forfeits 4 days pay for absence without leave from 0745 hrs. 8-10-41 to 1730 hrs. 11-10-41. Art. 149 F.R. & I. Canada. Fined $15.00 for drunkenness. Awarded 168 hrs. detention. Sec. 19 A.A., Art. 161 (2) (d) Effective 13-10-41.

CERTIFIED TRUE COPY.
Adjt. C.O.C.T.C. (A2D)

CERTIFIED TRUE COPY.
Adjt. C.O.C.T.C. (A2D)

Capt. & Adjt.,
for Commandant,
R.C.O.C. T.C.

27

R.C.O.C. TRAINING CENTRE (AF)
BARRIEFIELD CAMP, ONT.

DAILY ORDERS by LT.-COLONEL E. STUART JOHNSTONE, M.C.

PART II — No. 177 — Oct 14, 1941.

-0-0-0

29

E T Mayhew
Major
Pres Dem

ALL PURPOSES (H.W.E.)

A-58175 Sgt. Halbfleisch, E.C. — Granted furlough from 17-10-41 to 31-10-41.

(H.W.E.)

6. CHANGE OF ADDRESS

C-42265 Sgt. Hellyer, J.F. — Change of address of next of kin (Mrs. J. Hellyer) to read; 37 Cedar St., Brockville, Ont. Amend all records accordingly.

7. TRANSPORT WARRANT

ALL PURPOSES (REINF.)

F-88571 Pte. McKinnon, J.B. — Having been granted furlough, is issued with Transport Warrant No. 42911

8. TRADESPAY

ALL PURPOSES (H.W.E.)

B-88494 Sgt. McQueen, G.M. — Having been re-employed at his trade, is granted tradesman rate of pay, Group "C". Effective 16-4-41. Art. 146 (1) F.R.& I.Canada.

9. PERMISSION TO MARRY

A-57860 Bandsman, Murray, G. — Granted permission to marry Miss. Evelyn Elaine Henderson of Sarnia. Ont.

10. HOSPITAL

ALL PURPOSES (REINF.)

M-50298 L/Cpl. Ash, E. — Discharged from K.M. Hospital. Effective 11-10-41.

L-6097 Sgt. Harkness, T. — Discharged from K.M. Hospital. Effective 11-10-41.

G-53182 Pte. Hachey, A. — Discharged from K.M. Hospital. Effective 11-10-41.

M-65415 Pte. Langlois, W.R. — Admitted to K.M. Hospital. Effective 8-9-41. Discharged from K.M. Hospital. Effective 24-9-41.

C-53171 Pte. McLeod, F.W. — Admitted to K.M. Hospital. Effective 10-10-41.

M-60241 Pte. Bennett, E.L. — Admitted to K.M. Hospital. Effective 9-10-41.

P-86000 Pte. Burnette, T. — Admitted to K.M. Hospital. Effective 10-10-41.

K-37686 Pte. Bolton, P. — Admitted to K.M. Hospital. Effective 10-10-41.

K-76051 Pte. Greene, J.R. — Admitted to B.C. Hospital. Effective 12-10-41.

L-9478 Pte. Kimmie, P. — Admitted to K.M. Hospital. Effective 13-10-41.

B-95808 Pte. Lemay, E.T. — Admitted to K.M. Hospital. Effective 12-10-41.

to page 3....

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EXHIBIT "C"

Mayor Langevin Pres DCM

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to ~~xxxxx~~ RAP Military authorities)

I, P-35621. (Number) Cpl. (Rank) Pollock, R.A. (Name) No. 40. Provost Company. (Unit)

hereby certify that H-64514. (Number) Pte. (Rank) HOWAT, William C. (Name in full)

of the A.21.R.C.O.C.T.C., Barriefield, Ontario. (Unit and attachment (if any)

Strike out words not applicable } ~~xxxxxxxxxxxxxxxxxx~~ RAP (surrendered to) P-35621. (Number) Cpl. (Rank)

Pollock, R.A. (Name) Port Arthur Detachment, No. 40. Provost Company. (Unit or appointment)

at The Armouries, Port Arthur, Ont. (Place) at 1245 Hours. (Hour)

on the 22nd. day of November, 19 42.

as a deserter ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ RAP, and that at the

Strike out words not applicable } time of his ~~xxxxx~~ surrender ~~xxx~~ RAP he was wearing military ~~xxxxxxxxx~~ RAP

uniform. ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ RAP

DATED AT Port Arthur, Ont. this 23rd. day of November, 19 42.

R.A. Pollock P-35621. Cpl. 1/c No. 40. Provost Company.

(Signature, Number, Rank, Unit or appointment)

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42 (M1126)
H.Q. 1772-39-1936

127

33

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

C.D. Mayhew Major Res DOM

Fill in complete description — I, Lieut enant C.F.Prevey) (Rank) (Name) R.C.A.S.C. (Unit),

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort

Complete — to proceed from Fort William, Ontario (Place) to Kingston, Ontario (Place)

and return to ..... for the

Full description of soldier being escorted — purpose of escorting H/64514 Pte. Howat, W.C.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transportation required~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
To cost of Transportation Warrant No. B87465 Particulars as follows: 1 single 2nd class ticket, Fort William, Ont to Kingston, Ontario. 858 Miles @ 1 2/3 ¢ per mile Plus 15 % Tax	 14.30 2.15
Total	$ 16.45

Dated at Fort William, this 2nd day of Dec. A.D. 19

(C.F.Prevey) Lieutenant,

Signature, rank, unit of officer (issuing transport warrants) ~~or station of soldier (issuing transport warrants)~~ Strike out description not applicable.

Office r i/c Supplies & Transport

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1881
3651—(2-4) (2734)
H.Q. 1572-28-1881

35

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

E. Tomkins
Sergeant
Pro
ICAM

v HOWATT

Complete description S/T

I, B - 88459 (No.) S/Sgt (Rank) Tomkins, L. J. (Name) A-21 COSTC C.A. Bernefield Camp, Ont.

Strike out words not applicable

as (escort) ~~(commander of escort)~~ consisting of myself, S/Sgt Tomkins, L. J.

Members of escort

and no other else

detailed to proceed from Bernefield Camp Ont (Place) to Outer Station Kingston, Ont (Place)

Name and description of soldier escorted

to return H - 64514 Pte HOWATT, William C. A-21 COSTC, C.A.

alleged to be a deserter or absentee without leave, to A-21 COSTC CA, Bernefield Camp, Ont (Place)

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Cost of Telegram To the Officer Commanding, No. 40 Provost Coy Bennish Bldg, Winnipeg, Manitoba	.52
(see Voucher attached being MFB 1482 dated 23 Nov '42 signed by Cpl R.A. Pollock)	
Cost of meals 4 meals at .75 - 3.00 1 meal at 1.00 - 1.00 4.00	
(See Voucher attached being MFB 1482 dated 2nd Dec '42 signed by Sgt R.L. Lovejoy)	
Total	$

Dated at Kingston Ont this 19th day of December A.D. 1942

L. J. Tomkins S/Sgt

Signature and rank (~~of commander of escort~~) (escort)

Strike out description not applicable

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1482
5936—7-41 (1150)
H.Q. 1772-99-1150

EXHIBIT "D"

37

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1699, 1941~~ 1877, 1942

(INCIDENTAL EXPENSES)

E.T. Naylor Major Pres DCM

Complete description — I, P-35621. (No.) Cpl. (Rank) Pollock, R.A. (Name) No. 40. Provost Company. (Unit),

Strike out words not applicable — as (escort) (commander of escort) consisting of

Members of escort

detailed to proceed from to

Name and description of soldier escorted — to return Z-64614. Pte. HOWAT, William, C. - A.21.R.C.O.C.T.C. (Place)

alleged to be a deserter or absentee without leave, to Barriefield, Ontario. (Place)

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
COST OF TELEGRAM :	
To The Officer Commanding, No. 40. Provost Company, Barrish Building, Winnipeg, Manitoba.	.52 ¢
This is the voucher for cost of telegram — 4/19 attached to MFB1482 dated Dec, 19, 42 and signed by me L J Gourlay S/Sgt	
Total	$ .52 ¢

Dated at Port Arthur, Ont. this 23rd. day of November, A.D. 19 42.

R A Pollock Corporal.
P-35621. (R.A.Pollock.) Provost Corporal. Port Arthur, Ontario.
(Signature and rank of commander of escort)
Strike out description not applicable

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1482
8036—2-41 (3120)
H.Q. 1772-59-1036

ABSENTEES AND DESERTERS

39

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(INCIDENTAL EXPENSES)

C. Maylor Major Pur. XCM

Complete description

Strike out words not applicable

Members of escort

Name and description of soldier escorted

I, H-54089. (No.) Sgt. (Rank) Lovejoy, C.L. (Name) No. 40. Provost Company. (Unit),

as (escort) (commander of escort) consisting of .....

detailed to proceed from ..... to .....

to return H-64514. Pte. HOWAT, William C.-A21.C.O.C.T.C., (Name) (Unit)

alleged to be a deserter or absentee without leave, to Barriefield, Ontario. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
To Cost of Receipt For Meals No. 15048. Particulars as follows;	
Cost of Meals involved are :$-	
4 Meals @ .75¢	$ 3.00 ¢
1 Meal @ $1.00	1.00
This is the voucher for cost of meals attached to MP B 1482 dated Decr, 19 '42 and signed by me L. J. Tomkins Capt	
Total	$ 4.00 ¢

Dated at Port Arthur, Ontario. 2nd. day of December, A.D. 19 42.

C. L. Lovejoy Sergeant.

H-54089. (C.L.Lovejoy.) (signature and rank of commander of escort)
Provost Sergeant, (escort)
Port Arthur, Ontario. (if not description not applicable.)

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of all incidental expenses properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1482
60M—2-41 (1130)
H.Q. 1772-39-1650

exhibit "H" E. Traylen major Sup. DCM

41

Pte. Howat, W.C. H64514

President and Members of the Court I appreciate having the opportunity of telling you why I went A.W.L.

I left a good job in Winnipeg as a fitter machinist to join the army and do my bit, as I was told they needed machinists badly. I enlisted on May 30, 1941.

I was assured the government would pay my wife $35.00 and $12.00 for the boy, which with my assigned pay would let her carry on. I had also purchased a rooming-house about two months before my enlistment hoping to add to her support and also give her a home.

Unfortunately, Winnipeg was visited by a flood in July, 1941, which flooded my home to a depth of seven feet (7'). This caused the roomers to move out and the water destroyed much of the household effects.

After two and a half (2 1/2) months and no money from Ottawa my wife received a letter from Ottawa stating that she would not receive any allowance for either her or the boy. She immediately wrote to me at Fort William, and told me her trouble.

By this time the rent was overdue and the National Trust wrote saying they were going to take action and seize the furniture.

I went to the Adjutant at Ft. William and told him of my difficulty and he said he would get in touch with Ottawa. I applied to the Adjutant and my Coy. C.O. for leave of absence to go home and clear it up but was refused.

The Paymaster advised me to write to my wife and have her come to Fort William and see the representative of Board of Pensions, who investigates such cases.

The Board of Pensions representative informed us that he couldn't do anything unless authorized to do so by Ottawa. He in turn advised me to go back and see the Paymaster, which I did. The Fort William Paymaster advised me that I was being sent to Barriefield and to take it up with the Paymaster at Barriefield.

I didn't know what to do as I was just being pushed around and lost, so I told the wife to go back to Winnipeg, sell the furniture and pay up the rent. I was hoping she would have a little money left over, which I knew she wouldn't have if the National Trust seized the furniture and sold it.

She sold the furniture for $110.00 and paid $80.00 owing rent leaving her $30.00, which she used to clear other small debts.

While she was selling the furniture I was moved to Barriefield. She then moved to Port Arthur (her previous home town).

Shortly after arriving at Barriefield I saw the Adjutant, who said he would write Ottawa and if he couldn't get any satisfaction would parade me in to see the Commandant. I asked to be paraded right then and he made arrangements and paraded me in.

The Commandant listened to my story and said he would write Ottawa and have my case investigated. He informed me that the board was administered by a civilian board and that the army couldn't interfere and would have to wait for a ruling from Ottawa.

I waited several days and worked at fatigue work laying sod around the shops, but on receiving word from home that the conditions there were

43

E. Mayle
Enquiry
Pers.
DCM

desperate I decided to do something about it myself.

I knew by this time that I had made a mistake in having my wife sell the furniture and that she was liable, because the Household Finance Co. was holding a chattel mortgage on it.

On arriving home I found a debt of over $100.00 which was the balance of debts contracted just previous to my enlistment. My wife had been trying to pay them off through my $20.00 assigned pay. (This was all she received)

Having previous business experience I realized the necessity of having a good credit name if I wished to re-establish myself after the war.

Therefore I immediately went to work and cleared these debts and again established my wife and boy in a home as I have receipts to prove.

Having accomplished this I surrendered to the Provost at Port Arthur after finding out I could not go to Barriefield due to new regulations regarding travelling. (Selective Service Regulations)

Sir, I feel I have stood by my family and am now ready to do my duty as a soldier.

I have also written to the Adjutant at Fort William, Lieut. Henrys, to prove my statements, but I haven't had sufficient time to receive a reply.

Mr. Vaughan tells me that in my regimental documents there is some conflicting statements which may be part of the cause for my wife not receiving her allowance.

M.F.M. 2

Question 8. Married (common law)

9. Mrs. Margaret Buchana Howat
176 Kitson Street,
Norwood, Man.

10. Mother

M.F.M. 5

6. Yes Common Law

8. Yes 1 boy

9. Yes

Wife's name and address

10. Yes

Wife's name and address

14. Yes

Mother's name and address

W. E. Howat

Attached herewith final receipt from Household Finance Co showing chattel mortgage paid off. W. E. Howat

145

E. J. Mayne
Mgr
Rec. 2CM

HOUSEHOLD FINANCE
Corporation of Canada

400 HURON & ERIE BLDG. • 232 PORTAGE AVE., AT FORT ST.
PHONE 98 244 • WINNIPEG, MANITOBA

February 26th, 1942

Mr. and Mrs. Wm. C. Howat,
29 Knight Street,
Port Arthur, Ontario.

Dear Mr. and Mrs. Howat:

We wish to thank you very much for the final payment on your loan. The $.04 in stamps that we are enclosing, represents over payment.

Unfortunately since you are now living out of Winnipeg, we do not have the facilities to make you a loan. Under the circumstances, we suggest that you communicate with the Canadian Bank of Commerce in Port Arthur or Fort William and discuss your requirements with them. Should you return to Winnipeg and wish to use our service, we will be only to glad to offer.

Yours very truly,

K. M. Lyons, Manager.

KML/BB

12513

OFFICE HOURS: 9 A.M. TO 5 P.M.—SATURDAYS TO 1 P.M.

M.F.B. 383
3651—11-41 (2275)
H.Q. 1772-39-620
A.F.B. 298

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED "Z"

C. T. Mayhew Major Pres. DOB

Number	Rank	Name	Regiment (or unit)
H-64514	Private	William Campbell Howat	A-21, C.O.C.T.C., D.A.

1. The following is a fair and true summary of the entries in the ~~Service and General~~ Regimental ~~and Squadron, Battery~~ Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For	times	Conduct to the prejudice 2 times
For	times	2 times
For	times	times
For	times	times

~~Number of instances of gallantry or distinguished conduct~~

~~or~~

~~There are no entries in the conduct sheets of the accused.~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

~~or~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Air Force Act A.F.A. 73 Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~

3. The accused is not under sentence at the present time.

~~or~~

~~The accused at the present time is under sentence for ..... beginning on the ..... day of ....~~

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in ~~Air Force~~ civil custody, and 30 days in military custody, making a total of 30 days in custody, of which NIL days were spent in hospital.

5. The present age of the accused according to his ~~record of service in~~ attestation paper is 35 years

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper 30th May 1941

7. ~~The service which the accused is allowed to reckon towards discharge is~~

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward ~~(or is in possession of or entitled to). State any air force decoration or reward military~~

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer last held Air Force the regimental rank of .....~~

11. ~~(In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....dated ....., and in his Permanent Force unit (or corps), the rank of .....dated .....,

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of .....years.

In the rank of .....years.

In the rank of .....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 21st day of December, 1942. [signature] Capt.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Z Y signed by the president, and annexed to the proceedings.

[signature] Major Pres.

H.Q.C. 55-H-319

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HOWARD, M.A. C.31563 PTE.

DEAD

A.20 C.A.S.C., T.C.

CONFIDENTIAL
H.Q.C. 55-H-319

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")					
					JAG With Papers C.R. JAN 13 1943		
JAN 19 1943	19/1/43	P.A	WJM	AD	To note & PA		14/1/43
JAN 27 1943	25/1/43	PA	ROS	A.D	With Papers C.R. JAN 28 1943		
FEB 11 1943	11/2/43	P.A	WJM	A.D.	To Note & file		27/1/43.

NOTICE

1. File should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This removes it being completed and kept in order, and also gives other offices an opportunity to put papers.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All officers having papers must keep the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C. 55-H-319(JAG)

January 25th, 1943.

District Officer Commanding,
Military District No. 13,
CALGARY, Alberta.

Re: District Court-Martial
C.21563 - Pte. Howard, M.A.
A20 C.A.S.C.T.C.

1. Reference your C.36-H-2539, dated 18th January, 1943.

2. In my letter dated 14th January, 1943, the observation in para. 2(a) refers to the minute of adjournment of which the 4th and 5th lines read as follows:-

"On the 17th day of December, 1942, at Red Deer, Alberta, the Court reassemble pursuant to adjournment."

3. No reference was made to the time of reassembly which is most important. See specimen from on page 749, M.M.L.

4. The said two lines should have read -

"On the 17th day of December, 1942, at -----o'clock, the Court reassemble pursuant to adjournment."

Brigadier,
Judge Advocate-General.

ROS/HB.

7622

CANADA

IN REPLY PLEASE QUOTE
No. C.36-H-2539

01518

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, M. D. 13
Calgary, Alberta. 19 Jan 1943

CENTRAL REGISTRY ARMY
CONF. S&C.
JAN 23 1943
File C JJ-H-319
Chgd. to
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ontario

DISTRICT COURT MARTIAL
C.31563 Pte. HOWARD, M. A.
A20 C.A.S.C.T.C.

Reference H.Q.C. 55-H-319 (JAG) dated 14 Jan 43.

1. In the absence of the Proceedings of the above District Court-Martial, the observation in your para. 2 (a) of the letter above quoted, is not understood. For future guidance, may this paragraph please be amplified.

(F.W. Harvey) Brigadier,
D.O.C. M.D. 13

N.D. 23
1,000M—7-42 (1219)
H.Q. 1772-101-23

H.Q.C. 55-H-319(JAG)

January 14th, 1943.

District Officer,Commanding,
Military District No. 13,
CALGARY, Alberta.

RECEIVED
JAN 15 1943
A. D.

Re: District Court-Martial
No. C.31563, Pte. M.A. Howard,
A.20 C.A.S.C.,T.C.

Receipt is acknowledged of your C.36-H-2539 dated January 8th, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities mentioned in your letter the following has been observed in the proceedings:

(a) On exhibit G, the minute of adjournment, the hour that the Court re-assembled at is not set out as well as the date.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularity please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

HFGB/HB.

H.Q.C. 55-H-319
M.D.C.36-H-2539

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. C.31563 Name HOWARD, M.A.

Rank Pte. Unit A.20 C.A.S.C. T.C., C.A.

Charge 1. Sec. 15(1) A.A. ABSENTING HIMSELF WITHOUT LEAVE

2. Sec. 24(2) A.A. LOSING BY NEGLECT

Date of Crime 1. 23/9/42 2. 23/11/42

Date of Arrest 18/11/42 Charge. Signed 2/12/42

Orders for D.C.M. D.O.C., M.D. 18

Place and Date of Trial Red Deer, Alta. 16/12/42

Sentence Detention 30 dyas Stoppages $21.77

Date of Confirmation 26/12/42

Date of Promulgation 28/12/42

Entered in Records of J.A.G. as No 7537

Date 14/1/43

MEMO Guilty of both charges

for Judge Advocate-General.

3M-12-42(M1754)

JAN 11 1943 R 3718 ces file

R-10

7537

IN REPLY PLEASE QUOTE

NO. C.36-H-2539

Department of National Defence
Army
Headquarters, M. D. No. 13
Calgary, Alberta.

CANADA

January 8th. 1943

CONFIDENTIAL
REGISTERED.

The Secretary,
Dept. of National Defence,
OTTAWA, Canada.

CENTRAL REGISTRY Army
D.R.S. SEC.
JAN 12 1943
255-H-319

DISTRICT COURT MARTIAL
No. C.31663, Pte. M. A. Howard
A.20 C.A.S.C., T. C,

1. Attached are the proceedings of the above District Court Martial, which has been reviewed at this Headquarters and it is noted that the following irregularities occur therein: -

(a) On the Medical Officer's certificate dated 16th. December, 1942, the letters "C.A." should have been inserted after the unit of the soldier; after the unit of the Medical Officer and after the unit to which he is attached.

(b) Form M. F. B. 375 should have shown the unit as well as the place from which the accused absented himself.

(c) The date on which the accused was found deficient as given on M. F. B. 375 should have included the year.

(d) Form M. F. B. 1482, marked Page 59, was put in the summary though defective, pending receipt of a fresh form, marked page 61, completed correctly except as to the unit of the soldier.

2. The above irregularities have been drawn to the attention of the officers concerned.

3. The elapsed time between the return of this soldier to his unit, 22 November, 1942, and the date of the Convening Order, 15 December, 1942, was 23 days.

4. It is not considered that the proceedings are in any way invalid and the finding and sentence have been confirmed and promulgated.

5. The proceedings are now forwarded for registration, custody and safe-keeping.

Sydney Wood Mgr

(F. M. W. Harvey)
Brigadier,
District Officer Commanding M. D. 13.

C.

M.F.B. 239

MEDICAL OFFICER'S REPORT

I certify that No. C. 31663 PTE. MILTON ARCHIBALD HOWARD.
A. 20. CANADIAN ARMY SERVICE CORPS
of TRAINING CENTRE. is in a normal state of health,
and is fit to undergo Trial by Court martial.

H. MacKenzie
CAPT. R.C.A.M.C.
Medical Officer
ATTACHED A.20. CANADIAN ARMY SERVICE CORPS.
TRAINING CENTRE.

Station RED DEER. ALTA

Date DECEMBER 16. 1942.

M. F. B. 246
25M—9-40 (7130-1)
H.Q. 1772-99 480

MEDICAL OFFICER'S REPORT

I certify that No. C.31563 Pte. Milton Archibald Howard, A20 Canadian Army Service Corps Training Centre, C.A. is in a fit state of health, and fit to undergo Trial by Court martial.

Captain R.C.A.M.C., C.A.
Medical Officer
Attached A20 C.A.S.C.T.C., CA.

Station Red Deer, Alberta.

Date 17th December, 1942.

M. F. B. 246
20M—6-42 (4744)
H.Q. 1772-20 660

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Red Deer, Alberta. on the 16th day of December 19 42 by order of Colonel H. C. Greer Commanding Military District No. 13 dated the 15th day of December 19 42

President.

Lieut.Col. N. D. Dingle, E.D., 2nd. (Reserve) Battalion Calgary Highlanders, C. A.

Members.

Major H. C. Seagrim, A.20 Canadian Army Service Corps Training Centre, C. A.

Capt. Taylor, E. B., No. 13 District Depot, C.A., attached A. 20 Canadian Army Service Corps Training Centre, C. A.

~~Judge Advocate~~

Trial of* No. C.31563, Pte. Milton Archibald Howard, A.20 Canadian Army Service Corps Training Centre, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to , waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.x

The accused is brought before the Court.

Prosecutor,† Lieut. D. D. Darling, A.20 Canadian Army Service Corps Training Centre, C. A.

~~Counsel‡ or~~ defending officer† Lieut. W. Yorston Archibald, A.20 Canadian Army Service Corps Training Centre, C. A.

at 14.04 o'clock the Trial commences.

The order convening the Court is read, and is marked "Exhibit X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over? (See Page G. for Minute of Adjournment and Reassembly)

A.1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

x I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

Lieut. Col.
President, D.C.M.

MH. Form B. 271
30M.—7-42 (5387)
H.Q. 1772-30-224

2

B

The President, and members ~~and judge-advocate~~ are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q.2 Do you object to No. M. 41155 Pte. (A.S.Sgt.) John McMann, No. 13 Detachment Corps of Military Staff Clerks, C.A., acting as shorthand writer?

A.2 No, Sir.

No. M. 41155 Pte. (A/S/Sgt.) John McMann, No.13 Detachment Corps of Military Staff Clerks, C.A., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.4 Guilty. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Guilty. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to both charges the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

Exhibit "B2"
Nominal Roll
Pte

3

CHARGE SHEET

The accused, No. C.31563, Pte. Milton Archibald Howard, A20 Canadian Army Service Corps Training Centre, C.A., Military District No. 13, C.A., a soldier of the Canadian Army, placed on active service, is charged with:-

First Charge
Sec.15(1)
Army Act

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Red Deer, Alberta, at 0600 hours on 23rd September, 1942, absented himself from A20 Canadian Army Service Corps Training Centre, C.A., until surrendering himself at Vermilion, Alberta, to the Civil police at 1815 hours on the 18th November, 1942, the cost of his apprehension and return to his corps being $20.82.

Second
Charge
Sec.(24)(2)
Army Act

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

in that he

at Red Deer, Alberta, on 23rd November, 1942, was deficient of the following articles, viz:-

Quantity	Articles	Amount
1	Gloves, Woollen, Khaki, Prs.	.44
1	Housewives.	.51
		.95

W. Cooper
(W. Cooper),
Major,
Officer Commanding,
A20 Canadian Army Service
Corps Training Centre,
Military District No. 13, C.A.

RED DEER, ALBERTA
2nd December, 1942.

To be tried by District Court Martial
Calgary Alberta
14th December 1942

H H Grue
Colonel
D.O.C. M.D. XIII

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[~~The Court having been re-opened, the accused is again brought before it, and the charge - to which he has pleaded "Guilty" - read to him again.~~]

The accused No. C. 31563, Pte. Milton Archibald Howard A.20 Canadian Army Service Corps Training Centre, C. A. is found guilty of both charges

*The summary ~~(or abstract)~~ of evidence is read, marked "Exhibit ,H" signed by the President, and attached to the proceedings.

Q.5 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

Answer. The accused in mitigation of punishment says:—

*[~~or hands in a written statement, which is read, marked - - - -, signed by the President, and attached to the proceedings.~~]

A.5 I am No. C.31563, Pte. Milton Archibald Howard, A.20 Canadian Army Service Corps Training Centre, C. A., Red Deer, Alberta. I went to Ottawa and I enlisted on the 17th. of July, 1941 at the Depot. Iwas eighteen but I wanted to get overseas so I put my age at twenty to get overseas. I hung around Ottawa for three months and I seen I wasn't getting overseas and I went on draft to Cornwall, Ontario, for my basic training, and then I applied for furlough and it was refused. They sent me on a draft to Red Deer and I done my advance training in No. 2 Company. I was put into Holding Company and granted my embarkation leave, but I hadn't enough money to get home on embarkation leave and as I hadn't completed my training then they took me out and put me into No. 2 Company and then I completed my training in No. 2 Company, and I wanted to get back into the Holding Company, so they put us into the M. T. Company for driver instructors, so

Instruction.

* If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

Lieut. Wright asked us if we wanted to stay and the rest of the guys all went into the M. T. Company as instructors but I didn't want to. I hung around and asked one of the sergeants if there was any chance of getting into the Holding Company and he just says 'No', so I have friends up at Mannville, Alberta, so I went there to help them with their harvest. If there is any possible chance I would like to ge to the Holding Company as soon as possible for overseas. That is about all, Sir.

Q.6 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A. 6 Yes, Sir, I wish to call Lieut. Braun. *Answer.*

First Witness for the Defence. Lieut. J. E. Braun, A.20 Canadian Army Service Corps Training Centre, C.A., being duly sworn, is examined by the Defending Officer. *Evidence as to character.*

Q.7 Will you please identify yourself to the Court.

A.7 I am Lieut. J. E. Braun, A.20 Canadian Army Service Corps Training Centre, C.A., Red Deer, Alberta.

Q. 8 Would you just repeat to the Court the information you gave me ysterday about this man while in No. 2 Company.

A. 8 Pte. Howard, the accused, was in my platoon in No. 2 Company for a period of six or seven weeks. During this six or seven weeks I made it a definite point of putting Howard in charge of a few men, say six or eight men, on a scheme. At all times during this six or seven weeks I found Howard to be a good, efficient soldier, He was well turned out, and I found no fault with his character or his behaviour. I was not in the platoon, being on annual leave, when Howard left so I have no knowledge of the reasons or circumstances under which he did leave. I might say again that during that time he showed considerable interest at all times, and at no time was it necessary to check him up for any dereliction of duty. That is all I have to say.

The Prosecutor declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R. P. 83(8).

The witness withdraws.

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~Finding*~~

The Court is closed for the consideration of the finding.

The Court find that the accused

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

~~*The Court being re-opened, the accused is again brought before it.~~

Lieut. D. D. Darling, A.20 Canadian Army Service Corps Training Centre, C. A., is duly sworn, ~~is duly sworn.~~

Evidence of character, etc.

Q.9 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.9 Yes, I produce M. F. B. 355

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Exhibit Y", signed by the President, and annexed to the proceedings.

Q.10 *Question by the President.*

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A.10 Yes

Q.11 *Question.*

Have you compared the contents of the above statement with the regimental books? *Answer.* A.11 Yes.

Q.12 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.12 Yes.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R. P. 83(2).

The Prosecutor resumes his seat.

Q.13 *Question to the accused.*

Do you wish to address the Court? *Answer.* A.13 The accused addresses the Court. The address is recorded in the proceedings.

The Court is closed for the consideration of the sentence.

8

F

Sentence

The Court sentence the accused No. C. 31563, Pte. Milton Archibald Howard, A.20 Canadian Army Service Corps Training Centre, C. A., to undergo detention for thirty days, and to be put under stoppages of pay until he has made good the sum of $20.82 in respect of the cost of apprehension and return to his corps, and until he has made good the value of the following articles, viz.

1 pair Gloves, woolen, khaki	.44
1 Housewives	.51
	.95

Sentence.

Detention

30 days

Stoppages

20.82
.95
$ 21.77

Signed at Red Deer, Alberta, this 17th. day of December, 1942.

Lieut. Col.
2nd. (Reserve) Battalion,
Calgary Highlanders, C.A.
President.

Dispatched at Calgary Alta
this 20th day of Dec 1942

Confirmation

I confirm the finding & sentence
J.H. cont.

Promulgation

Promulgated and extracts taken at
Red Deer, Alta. this 28th day of December, 1942

Extracts entered as No. 7537 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 14th day of Jan. 1943.

ORDERS BY COLONEL H.C. GREER Exhibit X 9

Commanding, Military District No. 13

Calgary, Alberta
15th December 1942

DISTRICT COURT-MARTIAL
No.C.31561, Pte. Milton Archibald Howard
A 20 Canadian Army Service Corps Training Centre, C.A.

1. The detail of officers as mentioned below will assemble at Red Deer, Alberta, at 1400 hours, Wednesday the 16th day of December 1942, for the purpose of trying by District Court-Martial, the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Lieut.-Col. N.D. Dingle, E.D.
2nd (Reserve) Battalion Calgary Highlanders, C.A.
is appointed President.

MEMBERS

Major H.C. Seagrim
A 20 Canadian Army Service Corps Training Centre, C.A.

Capt. Taylor, E.B.
No. 13 District Depot, C.A., attached
A 20 Canadian Army Service Corps Training Centre, C.A.

WAITING MEMBER

Capt. J.C. Cooper
A 20 Canadian Army Service Corps Training Centre, C.A.

PROSECUTOR

Lieut. D.D. Darling
A 20 Canadian Army Service Corps Training Centre, C.A.

DEFENDING OFFICER

Lieut. W. Yorston Archibald
A 20 Canadian Army Service Corps Training Centre, C.A.

2. The Officer Commanding, A 20 Canadian Army Service Corps Training Centre, C.A., is directed to detail such officers of the unit under his command as he, in his discretion, considers available to attend for purposes of instruction.

3. The accused person will be warned and all witnesses duly required to attend.

4. The Officer Commanding, A 20 Canadian Army Service Corps Training Centre, C.A., will arrange for the necessary accommodation, stationery, and Court Orderly and will also ensure that the necessary escort has been provided.

5. No. M.41155 Pte. (A/S/Sgt.) John McMann, No. 13 Detachment Corps of Military Staff Clerks, C.A., is detailed as stenographer to the Court and will report to the President of the Court at 0945 hours on the day set out.

6. The Proceedings, marked "Confidential", will be forwarded to the A.J.A.G., Military District No. 13.

Signed at Calgary, Alberta, this 15th day of December 1942.

Sydney Wood

(Sydney Wood) Major
A.J.A.G., M.D. No. 13
for (H.C. Greer) Colonel.
Commanding, Military District No. 13.

"G"

At 14.08 hours on the 16th. day of December, 1942, the Court adjourned until 10,00 hours on the 17th. day of December, 1942.

On the 17th. day of December, 1942, at Red Deer, Alberta, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

"Exhibit "H" 2 13
Annex 8 Dyl. 1162
Ja

SUMMARY OF EVIDENCE

in the case of

No. C.31563, Pte. Milton Archibald Howard, A20 Canadian Army Service Corps Training Centre, C.A., a soldier of the Canadian Army, placed on active service.

Charges --

1. Absenting Himself Without Leave;
2. Losing by Neglect his Equipment, Clothing and Regimental Necessaries.

The Commanding Officer directs that the evidence be taken on oath.

First Witness

Captain A.F. Phelan, Adjutant, A20 Canadian Army Service Corps Training Centre, C.A., having been duly sworn states:-

I am Captain A.F. Phelan, Adjutant, A20 Canadian Army Service Corps Training Centre, C.A. I produce the following documents:

(a) M.F.B. 375 Certified true copy of the Declaration of the Court of Inquiry.

(b) Part II Order No. 250, dated the 18th October, 1942, in which the accused was struck off strength, having been declared by a Court of Inquiry to have been illegally absent from A20 Canadian Army Service Corps Training Centre, C.A.

(c) Part II Order No. 298, dated 11th December, 1942, which shows the accused surrendering himself to the Royal Canadian Mounted Police at Vermilion, Alberta, at 1815 hours on the 28th November, 1942.

(d) Part II Order No. 283, dated 24th November, 1942 which shows the accused taken on strength of A20 Canadian Army Service Corps Training Centre, C.A. on the date of apprehension.

(e) M.F.B. 1481 Transportation, Absentees and Deserters in the amount of $7.51.

(f) M.F.B. 1481 Transportation, Absentees and Deserters in the amount of $5.76.

(g) M.F.B. 1482 Incidental Expenses, Absentees and Deserters in the amount of $6.55.

I identify the accused as being the man to whom these documents relate.

I also certify that the amount of $1.00 was expended in telegrams relative to the apprehension and return of No. C.31563, Private Milton Archibald Howard.

The accused declined to cross-examine.

(Sgd.) Arthur Phelan .....Captain
(A.F. Phelan)

Second Witness

No. M.9615 Corporal R.P. Fisher, A20 Canadian Army Service Corps Training Centre, C.A. having been duly sworn states:-

I am No. M.9615 Corporal R.P. Fisher, employed by Quartermaster stores at A20 Canadian Army Service Corps Training Centre, C.A.

I certify that on the 23rd November, 1942, I personally inspected the kit of No. C.31563, Pte. Milton Archibald Howard, whom I recognize as the accused, against the M.F.B. 375, produced by the First Witness, and found him deficient the following articles, the recoverable value of each article shown being in accordance with Canadian Army Routine Order Number 1877:-

Quantity	Articles	Amount
1	Gloves, Woollen, Khaki. Prs.	.44
1	Housewives.	.51
		.95¢

The accused declined to cross-examine.

(Sgd.) R.P. Fisher Cpl.
(M.9615 R.P. Fisher) Corporal

Question to the accused --

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

Answer by the accused --

I have nothing to say Sir.

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

Taken down by me at Red Deer, Alberta, this 3rd day of December, 1942, in the presence of the accused.

J.J. Morey Lieutenant
J.J. Morey, Lieutenant,
A20 Canadian Army Service
Corps Training Centre, C.A.

RECORD of the Declaration of a Court of Inquiry assembled at Red Deer, Alberta on the 15th day of October 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. C.31563 Private MILTON ARCHIBALD HOWARD, A20 Canadian Army Service Corps Training Centre, C.A.

DECLARATION

The Court declare that No. C.31563 Private Milton Archibald Howard A20 Canadian Army Service Corps Training Centre, C.A. illegally absented himself without leave Red Deer, Alberta at 0500 hours on the 23rd day of September, 1942, that he is still so absent, and that on the 15th day of October he was deficient, and that he is still deficient of the following articles:—

No.	ARTICLES	VALUE		ARTICLES	VALUE	
1	Battle Dress Blouses, Serge	$ 4	18	Carried Forward	$20	80
1	Battle Dress Trousers, Serge	4	20	1 Housewife		51
2	Boots Ankle Prs	7	80	1 Knives, Table		18
1	Caps, Field Service		58	1 Razors, Safety		39
1	Drawers, Cotton Short Prs		25	1 Spoons, Table		08
1	Gloves Woollen Prs		44	1 Towel, Hand		21
1	Jackets Sweater	1	03	1 Badges Arm, Canada Prs		03
1	Shirts Flannel Khaki		88	1 Badges Cap R.C.A.S.C.		06
1	Shirts Under, Cotton		30	1 Haversack	2	14
1	Socks Woollen Prs		27	Total Value	$24	40
1	Braces Prs		27			
1	Brushes Shaving		30			
1	Combs		04			
1	Forks		09			
1	Holdall		17			

Lieut. L.A. Willson, A20 C.A.S.C.T.C., C.A. — President

Signed at Red Deer, Alberta — Lieut. R.C. Carter, A20 C.A.S.C.T.C., C.A. — Member

this 15th day of Oct. 1942 — Lieut. W.W. Glover, A20 C.A.S.C.T.C., C.A. — Member

Signature of Commanding Officer (J.J. Burton-Willison), Lieut.Col., A20 C.A.S.C.T.C., C.A.

Signature of Officer having custody of the original record

Certified true copy (A.F. Phelan) Captain, Adjutant, A20 Canadian Army Service Corps Training Centre, C.A.

M.F.B. 375
A.F.B. 115
MM—9-41 (1999)
H.Q. 1772-39-257

I certify that this is a true copy of Part II Order # 250 dated 16/11/42 of which it purports to be a copy.
(A.F. Fraser), Capt. Adjutant
A20C.A.S.C.T.C., C.A.

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.250.
Red Deer, Alberta.
16th October, 1942.

Last Part II Order Issued,
No.249 - d/15th Oct., 1942. (Sheet No...4.)

SECTION "B" (CONT'D.)

2. STRENGTH DECREASE: (Cont'd.)

(b) M/101184 Pte. Kobsar, P.G., No. 2. Coy., (Reinft.) Struck Off Strength A20 C.A.S.C. T.C., C.A. on return to No. 13 District Depot, Calgary, Alberta, effective:-15-10-42. (Authority:-H.Q.- M.D.13 - C.13-5-5 - dated:-14-10-42.)

(c) C/31563 Pte. Howard, M.A., No. 2. Coy., (Reinft.) having been declared by a Court of Inquiry held on the 15th day of October, 1942 to have been illegally Absent since 0500 hrs. 23-9-42 and still absent and to have deficiencies in his Clothing and Regimental Necessaries to the value of $24.40 is Struck Off Strength A20 C.A.S.C. T.C., C.A. effective:-1200 hrs. 15-10-42. Forfeits 23 days pay and allowances under Art. 149 F.R. & I.

3. QUALIFICATIONS:

K/70973 Pte. Heal, L.V., No. 4. Coy., (Reinft.) having completed an examination is qualified as "Driver Mechanic" Group "C" Grade "I", effective:-14-10-42.
(Authority:-Trade Testing Board No.16, Red Deer, Alberta.)

4. MARRIAGE:

H/101472 Pte. Rae, A.D., No. 2. Coy., (Reinft.) having been granted permission to Marry effective 25-9-42 (Part II Order No.228 - d/19-9-42) was married, effective:-26-9-42.
Wife:- Alice Marion (Maiden Name "Lacroix")
454 William Avenue, Winnipeg, Manitoba.
Place:- Winnipeg, Manitoba.

5. BIRTH:

M/503 Pte. Morden, W.M., No. 5. Coy., (Reinft.) Birth of a Son:
Son:- Wilbert Ignatius Arthur, Morden.
Date:-4th October, 1942.
Place:-Winnipegosis, Manitoba.

6. ABSENT WITHOUT LEAVE:

(a) L/74950 Pte. Chester, W.E., No. 1. Coy., (Reinft.) Absent Without Leave, effective:-1200 hrs. 14-10-42.

(b) L/110293 Pte. Dobni, N., H.Q. Coy., (Reinft.) ceases to be Absent Without Leave, effective:-1300 hrs. 15-10-42.

(c) The undermentioned personnel H.Q. Coy., (Reinft.) are Absent Without Leave (8th day), effective time and date as shown.

M/66306 Pte. Romeo, S.	H.Q. Coy.,	2130 hrs.	7-10-42.
M/56945 Pte. Resler, C.A.	H.Q. Coy.,	2359 hrs.	7-10-42.

(d) B/112964 Pte. Sheard, A.H., H.Q. Coy., (Reinft.) Absent Without Leave (21st Day), from 2359 hrs. 24-9-42, and still absent.

(Cont'd. Sheet No.....5.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.250.
Red Deer, Alberta.
16th. October, 1942.

Last Part II Order Issued,
No.249 - d/15th Oct., 1942. (Sheet No....3.)

SECTION "B" (CONT'D.)

1. STRENGTH INCREASE:

(c) The undermentioned personnel from No.120 B.T.C., Regina, Saskatchewan are Taken On Strength A20 C.A.S.C. T.C., C.A. (Reinft.) and posted to No. 3. Coy., effective:14-10-42. (Authority:-H.Q.S. 20-6-18 Org. 6 (a), dated:-25-9-42.)

L/101504	Pte. Bidart, A.	L/101457	Pte. Boulanger, R.A.
L/101627	Pte. Bouteiller, W.J.	L/101535	Pte. Burlack, A.
L/101344	Pte. Camp, W.J.	L/101690	Pte. Campbell, C.S.
L/101335	Pte. Craig, J.F.	L/101622	Pte. Davis, N.T.
L/101680	Pte. Dicus, L.E.	L/101702	Pte. Eisworth, A.J.
L/101686	Pte. Fandrich, G.	L/101656	Pte. Fewson, E.L.
L/101571	Pte. Foster, F.J.	L/101701	Pte. Grumbly, H.H.
L/101629	Pte. Hagen, L.G.	L/101430	Pte. Hanson, H.L.B.
L/101605	Pte. Jackson, L.A.	L/101659	Pte. McKay, R.J.
L/101443	Pte. McTavish, G.M.	L/101452	Pte. Pich, G.
L/101516	Pte. Pitzel, A.A.	L/101768	Pte. Pocha, W.J.
L/101660	Pte. Sparkes, R.Mc.	L/101412	Pte. Wozniak, S.

(d) The undermentioned personnel from No.110 B.T.C., Vernon, B.C. are Taken On Strength A20 C.A.S.C. T.C., C.A., (Reinfts.) and posted to No. 3. Coy., effective:14-10-42. (Authority:-H.Q.S. 20-6-18 Org. 6 (a), dated:-25-9-42.)

K/66008	Pte. Baker, A.C.	K/65825	Pte. Brent, R.
K/65921	Pte. Brau, E.C.	K/65735	Pte. Coutts, J.L.
K/66073	Pte. Crowston, H.A.	K/65977	Pte. Douglas, J.
K/65455	Pte. Doig, J.E.	K/65732	Pte. Downey, J.H.
K/65926	Pte. Frazer, A.W.	K/65844	Pte. Goldie, J.A.
K/65955	Pte. Harkies, H.H.	K/66050	Pte. Harper, O.K.
K/65702	Pte. Kickenbotham, G.A.	K/46881	Pte. Hilton, R.
K/65749	Pte. Hucheroft, J.M.	K/66037	Pte. Johnson, B.T.
K/65938	Pte. Johns, S.L.	K/65984	Pte. Kennedy, B.C.
K/65937	Pte. Lillos, E.J.	K/66847	Pte. Lundberg, G.W.
K/66769	Pte. McCallum, L.	K/65942	Pte. McLean, N.G.
K/66033	Pte. Milligan, F.G.	K/65788	Pte. Molley, F.J.E.
K/65606	Pte. Mulhern, F.J.	K/65988	Pte. Murray, A.W.
K/66099	Pte. Netzel, F.T.P.	K/65363	Pte. Patterson, E.C.
K/65916	Pte. Roberts, C.	K/66034	Pte. Rolke, R.A.
K/65607	Pte. Scarrow, P.A.	K/66844	Pte. Schum, W.A.
K/65625	Pte. Shellard, J.S.	K/65515	Pte. Simmonds, R.
K/65940	Pte. Stone, J.E.	K/65338	Pte. Weller, G.H.

2. STRENGTH DECREASE:

(a) The undermentioned personnel (Reinft.) are Struck Off Strength on discharge in accordance with the provisions of C.A.R.O. 1029 (10), having been placed in Category "E", effective:-16-10-42. (Authority as shown.)

M/102050	Pte. Davis, H.R.	H.Q. Coy., (Auth:-H.Q.- M.D.13 - C.36-D-1662 - dated:-14-10-42.)
M/102114	Pte. Jensen, L.N.	No.2.Coy., (Auth:-H.Q.- M.D.13 - C.36-J-983 - dated:-14-10-42.)
H/100506	Pte. Ocharuk, W.	H.Q. Coy., (Auth:-H.Q.- M.D.13 - C.36-C-507 - dated:-14-10-42.)
B/113288	Pte. Pegg, A.S.	H.Q. Coy., (Auth:-H.Q.- M.D.13 - C.36-P-1816 - dated:-14-10-42.)

(Cont'd. Sheet No.....4.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.250.
Red Deer, Alberta.
16th October, 1942.

Last Part II Order Issued,
No.249 - d/15th Oct., 1942. (Sheet No...2.)

SECTION "B" (CONT'D.)

4. ABSENT WITHOUT LEAVE:

M/33941 Pte. Gummow, R.M., H.Q. Coy., (H.W.E.) Absent Without Leave (8th day) from 2359 hrs. 8-10-42.

5. HOSPITAL:

ADMITTED Red Deer Military Hospital

M/28157 A/L/Cpl. Thacker, V. 14-10-42.

REINFORCEMENTS SECTION "A"

(Officers)

1. ON COMMAND:

Lieut. J. Fleming, (Reinft.) ceases to be shown "ON COMMAND" for all purposes except pay to C.S.A.T.C., (W.C.) Nanaimo, B.C., having completed course No.521 "E" Wing effective:-0240 hrs, 11-10-42.
(Authority:-CSA.TC. (WC) Part II Order No.122 - d/9-10-42)

2. LEAVE OF ABSENCE:

The undermentioned Officers (Reinft.) granted Leave of Absence, effective dates as shown under authority of C.A.R.O. 699 (2) and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days) Both dates inclusive.
(Authority:-District Order No.612 - dated:-14-10-42.)

Lieut. D.R.C. Bedson, 12-10-42 to 25-10-42.

3. QUALIFICATIONS:

The undermentioned Officers (Reinft.) having completed an examination are qualified as "Class III Drivers", (Wheeled), effective:-9-10-42.
(Auth:-Trade Testing Board, No.96, Red Deer, Alberta.)

2nd Lieut. T.J. Carruthers,
2nd Lieut. R.H. Lowe,
2nd Lieut. F.L. Parsons,
2nd Lieut. R.D. Sterling,
2nd Lieut. J.A. Faust,
2nd Lieut. J.R. McLeod,
2nd Lieut. K.B. Shaw,
2nd Lieut. R.D. Stuart,

SECTION "B" OTHER RANKS

1. STRENGTH INCREASE:

(a) L/66014 Pte. Matheson, E.W., from No. 121 B.T.C., Maple Creek Saskatchewan is Taken On Strength A20 C.A.S.C. T.C., C.A. (Reinft.) and posted to No.3. Coy., effective:-14-10-42.
(Authority:-H.Q.S.20-6-18 Org.6(a) - dated:-25-9-42.)

(b) K/71711 Pte. Cote, A.H., from No.12 District Depot, Regina, Saskatchewan, is Taken On Strength A20 C.A.S.C. T.C., C.A. (Reinft.) and posted to No.3. Coy., Effective:-14-10-42.
(Authority:-H.Q.S.20-6-18 Org.6 (a) - dated:-25-9-42.)

(Cont'd. Sheet No.....3.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Lieut. Col. J.J. Burton-Willison, V.D.

Commanding A20 C.A.S.C. T.C., C.A.

No.250.
Red Deer, Alberta.
16th October, 1942.

Last Part II Order Issued,
No.249 - d/15th Oct.,1942. (Sheet No.....1.)

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

1. LEAVE OF ABSENCE:

Captain, P. Wolochow, (Attached) granted Leave of Absence for the period, from 26-10-42 to 7-11-42 under authority of C.A.R.O. 699 (2) and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days)
(Authority:-District Order No. 612 - dated:-14-10-42.)

2. AMENDMENT:

Part II Order No.238 - d/2-10-42 (H.W.E. and Attached Personnel) Section "A" Sub Para. 1 (Allowance) in so far as it relates to Captain J.C. Cooper, Money Allowance of 50 cents per diem is amended to read "Subsistence Allowance of $1.70 per diem".

SECTION "B" OTHER RANKS

1. ON COMMAND:

The undermentioned personnel (H.W.E.) cease to be shown "ON COMMAND" for all purposes except pay to C.S.A.T.C., (W.C.), Nanaimo, B.C., having completed courses as shown, effective:-0240 hrs. 11-10-42.
(Auth:CSA - TC. (WC) Part II Order No. 122 - d/9-10-42.)

M/34094	A/Sgt. Ford, K.L.	Course No. 521 "E" Wing.
M/65639	A/Cpl. Andrews, T.P.	Course No. 495 "PT" Wing.
H/37488	A/Sgt. Conway, J.	Course No. 466 "Platoon Weapons".

2. MARRIAGE:

(a) E/14219 Sgt. Gibson, J.E., (Attached) granted permission to Marry Mrs. Dorothy Violet Gibson, approved 15th October, 1942, to become effective:-15th October, 1942.

(b) K/74242 A/Cpl. Attfield, A.A., M.T. Coy., (H.W.E.) granted permission to marry Miss Opal Mary Jeannette, Ingold, approved 15th October, 1942 to become effective 15th December, 1942.

3. BIRTH:

(a) L/7853 A/Sgt. Best, W.L., M.T. Coy., (H.W.E.) Birth of a Son:
Son: Clifford Le Roy, Best - Date:-18th Sept., 1942.
Place:- Red Deer, Alberta.

(b) M/33974 A/Cpl. MacDonald, D., H.Q.Coy.,(HWE.) Birth of a Daughter:
Daughter:Donnalee Margaret, MacDonald,
Date:-6th July, 1942.
Place:-Red Deer, Alberta.

(Cont'd. Sheet No.....2.)

Sheet.....No.3)

Pt.II Order No.43 d/15 Oct 42.

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10. TRADESMEN'S RATES OF PAY (Cont'd)

(c) K 76570 Pte. Crowther, H.S., having qualified as Motor Mechanic Group "B" Grade III in Daily Part II Order No.73 dated 27 Mar 42 #110 C.A.(B) T.C. Vernon, B.C., is authorized to draw Tradesmen's Rates of pay from 26 Aug 42 until 27 Sep 42, both dates inclusive (63 days)

AFTER ORDER TO DAILY ORDER No. 36 DATED 30 SEP 42

HOME DEFENCE SECTION

1. AMENDMENT

Pt.II Daily Order No. 24 dated 31 Aug 42 RESERVE ARMY PERSONNEL (N.R.M.A. 1940) para 1 and Pt.II Daily Order No. 31 dated 18 Sep 42 RESERVE ARMY PERSONNEL (N.R.M.A. 1940) para 1 CANCELLATION (Both referring to L601448 Pte. Faszer, W. (Reserve Army Personnel)) are amended by deleting the words "RESERVE ARMY PERSONNEL (N.R.M.A. 1940)" and substituting in lieu thereof the words "HOME DEFENCE PERSONNEL" also deleting ("R" Recruit) and substituting (Member H.D.).

L.O. Roy Lieut.

(L.O. Roy)
A/Adjutant, 16th Bde. Group Coy. RCASC
(No. 26 Coy)

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4. TRANSPORTATION WARRANTS

The undermentioned personnel having been granted furlough from 19 Oct 42 until 1 Nov 42, both dates inclusive are issued with transportation warrant numbers as shown

No.	RANK	NAME	DESTINATION	WARRANT NO.
M100757	A/Cpl.	Buchanan, E.J.	Edmonton, Alta.	# A-174323
M58701	Pte.	Malick, Joseph	Toronto, Ontario	A-174324

5. PUNISHMENT

D 126419 Pte. Duchesne, M. , awarded 3 days C.B. for: Disobeying a lawful command given by his superior officer in that he, at Red Deer, on the 14 Oct 42. did not adjust his kit to standing regulations when ordered to do so by C 31791 A/Cpl Rombough, C.H. (A.A. Sec. 9(2))

Date of Offence: 14 Oct 42. Date of Award: 15 Oct 42.

6. HOSPITAL

ADMITTED RED DEER MILITARY HOSPITAL (Sick)

M 58705 Pte. Shehinski, J.E. Effective: 14 Oct 42.

7. ADDENDA

(a) Pt.II Daily Order No. 42 dated 12 Oct 42 Section "B" para 10 PUNISHMENT, insofar as it concerns K 76643 A/L/Cpl. Harvey, R.A.B. add: A.A. 9(2), Date of Offence 12 Oct 42, Date of Award 13 Oct 42.

(b) Pt.II Daily Order No. 42 dated 12 Oct 42 Section "B" para 9 REVERSION in so far as it concerns K 76570 A/L/Cpl. Crowther, H.S., K 45507 A/L/Cpl. McCandlish, N.E. and K 45341 A/L/Cpl. Schooley, E.T. add: Effective: 12 Oct 42.

(c) Pt.II Daily Order No.42 dated 12 Oct 42 Section "B" para 4 REVERSION in so far as it concerns L 74545 A/L/Cpl. Greenwood, E. is amended to read effective: 13 Sep 42.

(d) Pt.II Daily Order No. 31 dated 18 Sep 42 Section "B" para 4 COMMAND in sofar as it reads On Command for all purposes is amended to read "ATTACHED" for all purposes

8. REVERSION

H 65103 A/Cpl. Balmer, H.J. reverted to the rank of private having been granted tradesmen's rates of pay on establishment. Effective: 15 Oct 42.

9. QUALIFICATION

The undermentioned personnel having completed an examination are qualified Motorcycle Riders (Solo), Effective: 13 Oct 42 (Auth: Red Deer Qualification Board No.98)

C.31791	A/Cpl. Rombough	C.H.
C.92091	A/Cpl. Thebarge	H.C.
G.54541	A/L/Cpl. Sedor,	S.F.

10. TRADESMEN'S RATES OF PAY

(a) G 42599 A/M/S/Sgt. Maynes, D.G., having qualified as Driver Mechanic Group "C" Class I in Daily Part II Orders No. 122 dated 3 Sep 41 St.John, New Brunswick, is authorized to draw Tradesmen's Rates of Pay from 26 Aug 42 until 27 Sep 42, both dates inclusive (63 days)

(b) H 65103 Pte. Balmer, A.J., having qualified as Motor Mechanic Class "C" in Daily Part II Order No. 149 dated 23 Jun 42 Red Deer, Alberta, is Authorized to draw Tradesmen's Rates of pay from 26 Aug 42 until 27 Sep 42, both dates inclusive (63 days)

Continued.....(Sheet No. 3)

APPENDIX "A" TO PART II ORDER NO.250 - dated:-16-10-42

A20 C.A.B.C., T.C., C.A.

16th Brigade Group Company RCASC
(No.26 Coy.)

DAILY ORDERS PART II

Last Pt.II Order:
No.42 d/12 Oct 42.

Active Army Personnel

No.43
Red Deer, Alberta,
15 Oct 42.

(Sheet No.1)

SECTION "A"

1. QUALIFICATIONS

Captain E.G. Hession, Having attended "C" Wing Course at Canadian Army School of Administration for the period 26-6-42 to 24-7-42, Successfully completed course and was classified with "B" Grading (71%) Effective: 24 Jul 42

(Auth: Canadian School of Army Administration letter dated 24 Jul 42.)

SECTION "B"

1. STRENGTH INCREASE

(a) M 58739 Pte. Bradey, Donald Vernon (Married), having been attested is Taken On Strength 16th Bde. Group Coy. RCASC (No. 26 Coy.) Effective: 13 Oct 42

Date of birth:	5th June 1909
Religion:	United Church
Educational Qual:	Grade Eleven
Category:	"A-1"
Previous Service:	NPAM 2 years, Edmonton, No. 585448
Employed as:	Driver
Trade :	Clerk

(b) M 58738 Pte. Scott, Clyde Elmore (Married), having been attested is Taken On Strength 16th Bde. Group Coy. RCASC (No. 26 Coy) Effective: 13 Oct 42

Date of birth:	8th July 1905
Religion:	Presbyterian
Educational Qual:	Public School
Category:	"A-1"
Previous Service:	NPAM 78th Battery, Red Deer, Alberta, No.421150 2 years
Employed as:	Driver
Trade:	Dairyman

2. COMMAND

(a) H 205053 A/Cpl. Brodeur, R. proceeds "ON COMMAND" for all purposes except pay to C.S. A.T.C. (W.C.) Nanaimo, B.C. for course No. 482 "C" Wing. Effective: 15 Oct 42.

(b) G 7315 A/S/Sgt. Smythe, H.C. proceeds "ON COMMAND" for all purposes except pay to No.13 District Coy. RCASC, Calgary, Alberta for a course of instruction Effective: 16 Oct 42

3. TRADESMEN'S RATES OF PAY

The undermentioned personnel having qualified in their respective trades as shown in Daily Order No.38, dated 5 Oct 42, and being employed at their trades and covering off vacancies in the establishment are entitled to draw tradesmen's rates of pay: Effective: 28 Sep 42.

MOTOR MECHANIC "CLASS B"(GRADE A)
G 42599 A/M/S/Sgt. Maynes, D.G.
H 65103 Pte. Balmer, A.J.

FITTER "CLASS A" (GROUP A1)
K 76423 Pte. Parker, R.W.

Continued..... (Sheet No.2)

LOR

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued,
No.249 - d/15th Oct.,1942. (Sheet No....8.)

No.250.
Red Deer, Alberta.
16th October,1942.

C.W.A.C. REPLACEMENTS

SECTION "A"

1. ON COMMAND:

2nd Lieut. H. Stewart, No. 4 Ptn. C.W.A.C. proceeds "ON COMMAND" to No. 2 Company, C.W.A.C., Calgary, effective:-1535 hrs 14-10-42.
(Authority:-C.W.A.C. 40-34 - dated:-12-10-42.)

SECTION "B" OTHER RANKS

1. ATTACHED INCREASE:

The undermentioned personnel No. 2 Company, C.W.A.C., Calgary, are attached to No. 4 Platoon, No. 2 Company C.W.A.C. A20 C.A.S.C. T.C., C.A., Red Deer, Alberta, for all purposes except pay and clothing on probation as Private Soldier Replacements, effective:-14-10-42.
(Authority:-No.2 Coy., CWAC. Part II Order No. 2 - dated:-13-10-42.)

W/13473 Pte. Feser, M.
W/13492 Pte. Kells, V.E.
W/13519 Pte. Thew, J.H.
W/13510 Pte. Hoffers, C.C.
W/13476 Pte. Marco, J.M.
W/13484 Pte. Zeigler, A.M.

ADDENDA

1. FURLOUGH:

The undermentioned personnel (H.W.E.) granted Furlough from 0600 hrs. 19-10-42 until 2200 hrs. 1-11-42 and issued with Transportation Warrants as shown and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days)
(Authority:-A.F. Routine Order No.699 (2) (b)).

M/34118	A/Cpl. Milford, R.S.	H.Q.	Coy.,	A/243796.
M/7106	Pte. Mason, J.M.	H.Q.	Coy.,	A/243797.
M/33973	Pte. Stollings, V.H.	H.Q.	Coy.,	A/243793.
M/34119	Pte. Coote, M.C.	H.Q.	Coy.,	A/243798.

16TH BRIGADE GROUP COMPANY, R.C.A.S.C. (NO. 26 COY.)
PART II ORDER NO. 43, D/15TH OCTOBER, 1942.

1. ATTENTION IS DRAWN TO APPENDIX "A" TO THIS ORDER.

Arthur F. Phelan
Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C. T.C., C.A.

SECTION "B" (CONT'D.)

11. PUNISHMENT:

M/60481 Pte. Cropper, H.W., M.T. Coy., (Reinft.) Awarded 7 days C.B., For:-
Absent Without Leave from 0600 hrs. 11-10-42 until 0815 hrs. 15-10-42 (Absent 4 days 2 hrs. 15 Mins.) (A.A.Sec. 15 (1)) Under Open Arrest whilst awaiting trial. Forfeits 5 days pay and allowances under Art. 149 F.R.& I. Date of Offence:-11-10-42 - Date of Award:-15-10-42.

12. NEXT OF KIN:

H/88100 Pte. Mayer, A.J., M.T. Coy., (Reinft.) Change of address of Next Of Kin:
(Mrs.) Dorthy Isabelle, Mayer (Wife)
From:-96 Kildare, Transcona, Manitoba.
To :-172 Harold, Avenue, West, Transcona, Manitoba.
All documents to be amended accordingly.

13. AMENDMENT:

Part II Order No.248 - d/14-10-42 (Reinft.) Section "B" Sub Para. 7 (c) (Absent Without Leave) in so far as it relates to M/60481 Pte. Cropper, H.W., effective time and date of Absence is amended to read:-0600 hrs.11-10-42.

14 HOSPITAL:

(a) DISCHARGED Red Deer Military Hospital

M/102420 Pte. Sopel, M. 14-10-42.

(b) ADMITTED Red Deer Military Hospital

H/101103 Pte. Siha, T. 13-10-42.
H/101147 Pte. Muir, H. 14-10-42.

HOME DEFENCE SECTION

1. STRENGTH INCREASE:

(a) The undermentioned personnel are Taken On Strength A20 C.A.S.C. T.C., C.A., having become members of Home Defence, effective:-14-10-42, and are posted to No. 5. Company, awaiting disposal.
(Authority:-H.Q.S. 8936, MOB, RS 2c - dated:-8-8-42.)

K/574819 Pte. Bailey, W. K/602191 Pte. Lunde, C.A.A.

(b) M/602377 Pte. Anderson, L.M., is Taken On Strength A20 C.A.S.C. T.C., C.A. as member Home Defence, effective:14-10-42, and is posted to No. 5 Company.
(Authority:-H.Q.S. 8936 MOB.RS 2c - dated:-8-8-42.)

2. FURLOUGH:

K/574819 Pte. Bailey, W.,(H.D.) granted Furlough from 0600 hrs. 19-10-42 until 2200 hrs. 1-11-42 and issued with Transportation Warrant No. A/174327 and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days).
(Authority:-A.F. Routine Order No. 699 (2) (b)).

(Cont'd. Sheet No.....8.)

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.250.
Red Deer, Alberta.
16th October,1942.

Last Part II Order Issued,
No.249 - d/15th Oct.,1942. (Sheet No....6.)

(CONT'D.)

SECTION "B"

7. EMBARKATION LEAVE: (Cont'd.)

NUMBER	RANK	NAME	FROM 1700 HRS.	TO	TRANS.W.	DAYS
B/113744	Pte.	Cummings, E.A.	14-10-42	1300 hrs. 24-10-42	A/243933	10
A/103191	Pte.	Marquis, J.A.	14-10-42	1300 hrs. 24-10-42	A/243925	10
A/103217	Pte.	Robb, L.J.	14-10-42	1300 hrs. 23-10-42	A/243926	9
B/113763	Pte.	Constantineau, C.	14-10-42	1300 hrs. 22-10-42	A/243927	8
A/103222	Pte.	Darroch, A.L.	14-10-42	1300 hrs. 23-10-42	A/243928	9
A/70074	Pte.	Dillon, J.	14-10-42	1300 hrs. 23-10-42	A/243929	9
M/101445	Pte.	Gadd, W.R.	14-10-42	1300 hrs. 23-10-42	A/243940	9
M/101824	Pte.	Hager, L.	14-10-42	1300 hrs. 17-10-42	A/243941	3
A/103202	Pte.	Simmons, C.C.	14-10-42	1300 hrs. 19-10-42	A/243930	5
A/103149	Pte.	Robinson, L.	14-10-42	2000 hrs. 23-10-42	A/243931	9
B/113464	Pte.	Taylor, A.R.	14-10-42	1300 hrs. 23-10-42	A/243932	9
B/113039	Pte.	Mathieu, D.J.	14-10-42	1300 hrs. 23-10-42	A/243934	9
M/101379	Pte.	Mitchell, J.B.	13-10-42	1300 hrs. 23-10-42	A/243935	3
M/66230	Pte.	Monson, N.M.	13-10-42	1300 hrs. 23-10-42	A	3
M/101649	Pte.	Rose, W.J.	14-10-42	2000 hrs. 16-10-42	A/243937	9
M/101406	Pte.	Sieben, J.H.	14-10-42	2000 hrs. 16-10-42	A/243939	5
M/67697	Pte.	Young, J.	14-10-42	1300 hrs. 23-10-42	A/	4
M/102575	Pte.	Ungarian, S.	14-10-42	1300 hrs. 19-10-42	A/243904	6
A/101946	Pte.	Meyer, S.P.	14-10-42	1300 hrs. 18-10-42	A/243938	7
K/45760	Pte.	Pluta, J.	15-10-42	2000 hrs. 20-10-42	A/243947	7
B/51198	Pte.	Deroche, J.E.	15-10-42	1300 hrs. 22-10-42		4
			1-10-42	0600 hrs. 19-10-42		

8. FURLOUGH:

The undermentioned personnel (Reinft.) granted Furlough from 0600 hrs. 19-10-42 until 2200 hrs. 1-11-42 and issued with Transportation Warrants as shown and authorized to draw a Money Allowance of 50 cents per diem under authority of Art. 196 (4) F.R. & I. (14 days)
(Authority:-A.F. Routine Order No. 699 (2) (b)).

K/10068	Pte.	Tyers, E.H.	M.T. Coy.,	A/243818.
K/100004	Pte.	Sibley, M.H.	M.T. Coy.,	A/243805.
K/45068	Pte.	Mathews, R.T.	M.T. Coy.,	A/243804.
L/74471	Pte.	Lilwall, K.C.G.	M.T. Coy.,	A/243812.
M/56920	Pte.	Frith, L.	M.T. Coy.,	A/243811.
K/100091	Pte.	French, E.F.	M.T. Coy.,	A/243803.
M/100652	Pte.	Dybak, A.	M.T. Coy.,	A/243801.
M/100357	Pte.	Carson, A.M.	M.T. Coy.,	A/243809.
L/74836	Pte.	Moran, A.K.	H.Q. Coy.,	A/243795.
L/65308	Pte.	Dawes, L.C.	H.Q. Coy.,	A/243794.
H/87949	Pte.	Watters, J.F.	H.Q. Coy.,	A/243806.
K/46722	Pte.	Taylor, G.A.	H.Q. Coy.,	A/243820.
L/110128	Pte.	Allan, J.R.	H.Q. Coy.,	A/243799.
M/33937	A/L/Cpl.	Johnston, W.C.	No 4.Coy.,	

9. REVERSION:

H/87496 A/Cpl. Ternent, C., H.Q. Coy., (Reinft.) Reverts to his permanent Rank of Private, on ceasing to be employed as Conducting N.C.O., effective:-16-10-42.

10. SICK IN QUARTERS:

K/100188 Pte. Thomas, E.R., (Reinft.) Sick In Quarters at Youbou, B.C., from 21-7-42 until 2-9-42.
(Authority:-Dr. J.J. Tassin, and Camp Medical Officer.)

(Cont'd. Sheet No.....7.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.250.
Red Deer, Alberta.
16th October, 1942.

Last Part II Order Issued,
No.249 - d/15th Oct., 1942. (Sheet No....5.)

SECTION "B" (CONT'D.)

7. EMBARKATION LEAVE:

NUMBER	RANK	NAME	FROM 1700 HRS.	TO	TRANS.W.	DAYS.
M/60530	Pte.	Batke, E.L.	9-10-42	1300 hrs. 13-10-42		4
M/36304	Pte.	McLean, D.L.	9-10-42	1300 hrs. 13-10-42		4
L/51492	Pte.	Rayner, P.E.	9-10-42	1300 hrs. 14-10-42		4
H/88102	Pte.	Andert, E.	12-10-42	2000 hrs. 18-10-42	A/173666	6
M/101421	Pte.	Belrose, G.A.	12-10-42	1300 hrs. 16-10-42	A/173667	4
B/112821	Pte.	Bell, E.B.	13-10-42	1300 hrs. 22-10-42	A/243910	9
L/100564	Pte.	Benz, J.	12-10-42	2000 hrs. 17-10-42	A/173689	5
L/100454	Pte.	Bloor, C.H.	14-10-42	1300 hrs. 27-10-42	A/243911	13
L/100727	Pte.	Brown, E.B.	13-10-42	2000 hrs. 18-10-42	A/173669	5
A/102138	Pte.	Clark, A.M.	13-10-42	1300 hrs. 24-10-42	A/243921	11
L/100587	Pte.	Dashchuk, M.	12-10-42	1300 hrs. 19-10-42	A/173672	7
M/101647	Pte.	Davie, N.T.	13-10-42	1300 hrs. 21-10-42	A/173670	8
B/112991	Pte.	Donovan, M.J.	13-10-42	1300 hrs. 22-10-42	A/243912	9
M/101585	Pte.	Erickson, L.L.	12-10-42	1300 hrs. 15-10-42	A/173671	3
A/123096	Pte.	Evans, A.H.	13-10-42	1300 hrs. 22-10-42	A/173673	9
L/100723	Pte.	Ferris, A.F.	12-10-42	1300 hrs. 19-10-42	A/173675	7
B/112932	Pte.	Frost, N.F.	13-10-42	1300 hrs. 22-10-42	A/173677	9
L/13418	Pte.	Grover, E.D.	12-10-42	1300 hrs. 16-10-42	A/173678	4
L/13261	Pte.	Grover, W.	12-10-42	1300 hrs. 16-10-42	A/173679	4
M/101415	Pte.	Hankel, V.G.	13-10-42	1300 hrs. 18-10-42	A/173680	5
L/100604	Pte.	Senick, J.	12-10-42	2000 hrs. 17-10-42	A/173686	5
M/101273	Pte.	Taylor, R.D.S.	12-10-42	1300 hrs. 15-10-42	A/173687	3
L/110254	Pte.	Howe, W.E.	12-10-42	2000 hrs. 17-10-42	A/173681	5
M/101459	Pte.	Morgan, W.G.	12-10-42	1300 hrs. 15-10-42		3
M/101513	Pte.	Jensen, R.B.	12-10-42	2000 hrs. 15-10-42		3
K/65681	Pte.	Dent, R.	12-10-42	2000 hrs. 18-10-42	A/173676	6
K/45923	Pte.	Kenning, D.H.	12-10-42	2000 hrs. 18-10-42	A/173683	6
M/101573	Pte.	Carstairs, H.J.	12-10-42	1300 hrs. 18-10-42	A/173668	6
M/101275	Pte.	Coulter, H.A.	12-10-42	1300 hrs. 21-10-42	A/173688	9
H/100970	Pte.	Krowec, W.	13-10-42	2000 hrs. 18-10-42	A/173684	5
M/100903	Pte.	Moran, J.J.	13-10-42	2000 hrs. 18-10-42	A/173694	5
H/100890	Pte.	Myers, W.	13-10-42	2000 hrs. 18-10-42	A/173695	5
H/100969	Pte.	Paton, G.R.	13-10-42	2000 hrs. 18-10-42	A/173696	5
H/101035	Pte.	Penner, S.	14-10-42	1300 hrs. 22-10-42	A/173697	8
L/66372	Pte.	Thompson, A.M.	13-10-42	1300 hrs. 18-10-42	A/173698	5
B/112900	Pte.	Warren, F.W.	13-10-42	1300 hrs. 22-10-42	A/243902	9
B/113188	Pte.	Tutulok, W.	13-10-42	1300 hrs. 22-10-42	A/173700	9
B/113717	Pte.	Thompson, E.G.	13-10-42	1300 hrs. 22-10-42	A/173699	9
B/113475	Pte.	Isaac, H.	13-10-42	1300 hrs. 22-10-42	A/173682	9
L/100674	Pte.	Voll, J.	13-10-42	2000 hrs. 22-10-42	A/243901	9
L/110292	Pte.	Martin, H.E.	13-10-42	1300 hrs. 18-10-42	A/173692	5
K/71309	Pte.	Schram, C.	12-10-42	2000 hrs. 19-10-42	A/173690	7
H/100915	Pte.	Landmesser, J.P.	13-10-42	1300 hrs. 22-10-42	A/173691	9
A/103235	Pte.	Knowles, W.J.	13-10-42	1300 hrs. 22-10-42	A/243905	9
B/113388	Pte.	Emms, D.E.	13-10-42	1300 hrs. 22-10-42	A/243906	9
B/113054	Pte.	Constable, A.E.	13-10-42	1300 hrs. 22-10-42	A/243907	9
H/100964	Pte.	Forsyth, A.G.	13-10-42	1300 hrs. 22-10-42	A/173674	9
M/101425	Pte.	Wasylik, J.	15-10-42	1300 hrs. 21-10-42	A/243903	6
K/45685	Pte.	Schneider, F.E.	14-10-42	1300 hrs. 22-10-42	A/243908	8
B/113072	Pte.	Michael, J.E.	13-10-42	1300 hrs. 23-10-42	A/173693	10
M/101520	Pte.	Marsh, A.C.	13-10-42	1300 hrs. 17-10-42		4
M/101803	Pte.	Serr, G.	13-10-42	1300 hrs. 17-10-42	A/243922	4
L/100637	Pte.	Rieger, M.J.	13-10-42	2000 hrs. 18-10-42	A/243918	5
L/110295	Pte.	Johnson, W.A.	13-10-42	2000 hrs. 18-10-42	A/243916	5
M/102577	Pte.	Annett, W.	14-10-42	1300 hrs. 22-10-42	A/243936	8
B/46130	Pte.	Howes, W.E.	14-10-42	1300 hrs. 23-10-42	A/243924	9

(Cont'd. Sheet No.....6.)

I certify that this is a true copy of Part II Orders #298, dated 11th December, 1942, of which it purports to be a copy.

(A.F. Phelan) Capt.
Adjutant, A20 C.A.S.C. T.C., C.A.

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.298.
Red Deer, Alberta.
11th December, 1942

Last Part II Order Issued, No.297 - d/10th Dec., 1942. (Sheet No....5.)

SECTION "B" OTHER RANKS

1. STRENGTH INCREASE:

M/66240 Pte. Monson, N.M., (Reinft.), having been apprehended by the R.C.M.P., at Clandonald, Alberta, at 1130 hrs. 6-12-42, dressed in civilian clothes, is Taken On Strength on arrival at A20 C.A.S.C. T.C., C.A., at 0330 hrs. 10-12-42 for all purposes except pay and posted to No.5. Coy., effective:-10-12-42.

2. STRENGTH DECREASE:

M/102158 Pte. Cundiff, E.C., No. 2. Coy., (Reinft.), is Struck Off Strength A20 C.A.S.C. T.C., C.A., on return to No. 13 District Depot, Calgary, Alberta, effective 11-12-42. (Authority:-H.Q.- M.D.13 - C.36-C-2768 - d/2-12-42.)

3. APPOINTMENT:

To be Acting Lance Corporals, With Pay, whilst employed as Conducting N.C.O's, effective:-9-12-42.
(Authority:-H.Q.S. 8329 F.D.16 (Org.) - dated:-18-7-42.)

K/66037 Pte. Johnson, B.T. No. 5. Coy., (Reinft.)
H/87490 Pte. Maxwell, J.B. No. 5. Coy., (Reinft.)

4. EMBARKATION LEAVE:

H/87706 Pte. Taylor, C.E., No. 5. Coy., (Reinft.), granted Embarkation Leave from 1000 hrs. 11-12-42 until 1300 hrs. 18-12-42 and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (7 days.)

5. PERMISSION TO MARRY:

M/37093 Pte. Goodman, J.B., M.T. Coy., (Reinft.), granted permission to Marry, Miss Kathleen Ewasiuk, on or after the 9th day of December, 1942. Two months waived, vide C.A.R.O. 2242 Para.8.

6. ABSENT WITHOUT LEAVE:

C/31563 Pte. Milton Archibald, Howard, A20 Canadian Army Service Corps Training Centre, C.A., surrendered to Constable J.W. Hill of the R.C.M.P., at Vermillion, Alberta, at 1815 hrs. on the 18th day of November, 1942, dressed in Military Uniform.

7. PUNISHMENT:

M/56391 Pte. Herrick, E., M.T. Coy., (Reinft.), Admonished, For: Absent Without Leave from 2200 hrs. 4-12-42 until 0600 hrs. 5-12-42, (Absent 8 hrs.) (A.A. Sec. 15 (1)), under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:-4-12-42. - Date of Award:-8-12-42.

(Cont'd. Sheet No.....6.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.298.
Red Deer, Alberta.
11th December, 1942

Last Part II Order Issued,
No.297 - d/10th Dec., 1942. (Sheet No.....6.)

SECTION "B" (CONT'D)

7. PUNISHMENT: (Cont'd.)

(b) M/65581 Pte. Seidler, A.H., No. 5. Coy., (Reinft.), Admonished,
For:-
1. Breaking Out of Barracks, (A.A. Sec. 10 (4)).
2. Absent Without Leave from 0830 hrs. 7-12-42 until 2130 hrs. 8-12-42. (Absent 1 day 13 hrs.) (A.A. Sec. 15(1)) Forfeits 2 days pay and allowances under Art.149 F.R.& I.
3. Neglecting to Obey Camp Standing Orders. (A.A.Sec. 11) Under open arrest whilst awaiting trial.
Date of Offence:-7-12-42 - Date of Award:-10-12-42.

(c) M/103140 Pte. Danyluk, S., No. 1. Coy., (Reinft.), Admonished,
For:-
Absent Without Leave from 0600 hrs. 7-12-42 until 0345 hrs. 10-12-42. (Absent 2 days 21 hrs. 45 Mins.) (A.A. Sec. 15 (1)). Under open arrest whilst awaiting trial. Forfeits 3 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:-7-12-42. - Date of Award:-10-12-42.

8. AMENDMENTS:

(a) Part II Order No.294 - d/7-12-42 (Reinft.) Section "B" Sub Para.11 (Marriage) in so far as it relates to M/103870 Pte. Bucknell, W.J., is amended to read:- M/103870 Pte. Bucknell, W.J.E.

(b) Part II Order No.297 - d/10-12-42 (Reinft.) Section "B" Sub Para. 8 (Marriage) in so far as it relates to H/87585 Pte. Sundstrom, E.T., is amended to read:- H/87585 A/L/Cpl. Sundstrom, E.T.

(c) Part II Order No.296 - d/9-12-42 (Reinft.) Section "B" Sub Para. 1 (Attached) in so far as it relates to the personnel mentioned therein, is amended to read "(H.W.E)" and not (Reinft,) as shown.

(d) Part II Order No.263 - d/31-10-42 (Reinft.) Section "B" Sub Para. 3 (Attached) and Part II Order No.289 - d/1-12-42, Section "B" (Reinft.), Sub Para. 1 (b)(Attached) are hereby amended by deleting the words:-"A.16 C.I.T.C. Currie Barracks" and substituting in lieu thereof the words "13 Vocational Training School".

9. FURLOUGH:

(a) The undermentioned personnel No. 1. Coy., (Reinft.) granted Furlough from 0600 hrs. 15-12-42 until 2200 hrs. 28-12-42, and issued with Transportation Warrants as shown, and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days).
(A.F. Routine Order No.699 (2) (b)).

M/66303 Pte. Chieduch, E.H. Trans. Warrant No. A/246060.
K/65212 Pte. Moore, J.M. Trans. Warrant No. A/246058.

(Cont'd. Sheet No.....7.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.298.
Red Deer, Alberta.
11th December, 1942.

Last Part II Order Issued,
No.297 - d/10th Dec.,1942. (Sheet No.... 7.)

SECTION "B" (CONT'D.)

10. FURLOUGH:

(b) The undermentioned personnel No.4. Coy., (Reinft.), granted Furlough from 0600 hrs. 28-12-42 until 2200 hrs. 10-1-43, and issued with Transportation Warrants as shown, and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days.)
(Authority:-A.F. Routine Order No.699 (2) (b)).

M/103362	A/L/Cpl.	Bergeron, C.J.	Trans. Warrant No. A/245531.
H/101043	A/L/Cpl.	Brown, A.A.	A/246100.
M/103585	A/L/Cpl.	Cote, N.J.	A/245542.
H/101844	A/L/Cpl.	Kearney, C.J.	A/245630.
M/103626	A/L/Cpl.	Reid, H.G.	A/245929.
K/66308	Pte.	Abar, F.S.	A/245523.
K/65480	Pte.	Anderson, F.S.	A/245524.
K/65637	Pte.	Archibald, D.M.	A/245525.
M/63079	Pte.	Astl, K.J.	A/245526.
H/101773	Pte.	Barnes, E.J.	A/245527.
L/100979	Pte.	Bartch, E.G.	A/245528.
H/101905	Pte.	Bartnes, L.	A/245529.
M/103243	Pte.	Bigory, S.	A/245617.
L/8709	Pte.	Blunck, K.L.	A/245532.
K/66296	Pte.	Bohn, A.O.	A/245536.
M/103382	Pte.	Boldis, S.W.	A/245537.
M/101621	Pte.	Brown, R.Mc.	A/245533.
L/101903	Pte.	Brown, W.E.	A/245534.
M/50757	Pte.	Brown, W.D.	A/245535.
H/100878	Pte.	Bush, H.N.	A/245618.
H/101681	Pte.	Bywater, H.	A/245538.
A/102744	Pte.	Charbonneau, L.J.	A/245539.
H/101756	Pte.	Connell, W.A.	A/245541.
M/103404	Pte.	Crawford, B.R.	A/245540.
L/101984	Pte.	Dallyn, H.L.	A/245543.
H/195239	Pte.	Danielson, H.E.	A/245544.
A/103738	Pte.	Dear, W.A.	A/245545.
A/102408	Pte.	Deslippe, L.T.	A/245602.
L/102023	Pte.	De Tourdonnet, M.J.P.	A/245546.
M/103222	Pte.	Donnelly, D.G.	A/245547.
L/101788	Pte.	Duff, C.H.	A/245548.
M/103467	Pte.	Dwyer, J.E.	A/245549.
A/104048	Pte.	Emony, C.	A/245601.
M/103029	Pte.	Emerton, H.	A/245550.
H/102009	Pte.	Fagg, D.	A/245603.
H/101857	Pte.	Faullus, R.	A/245604.
A/104087	Pte.	Flaxman, J.H.	A/245605.
A/104162	Pte.	Foran, R.E.	A/245606.
K/66110	Pte.	Fowlie, A.	A/245607.
H/195292	Pte.	Frost, A.	A/245608.
K/65214	Pte.	Gerrie, J.T.	A/245609.
A/104126	Pte.	Gould, L.M.	A/245619.
M/103643	Pte.	Grant, D.J.	A/245620.
K/75910	Pte.	Greenwell, F.P.	A/245621.
M/103227	Pte.	Guenette, G.L.	A/245622.
H/36925	Pte.	Stansfield, J.S.	A/245950.
H/101465	Pte.	Stevens, A.J.V.	A/245951.
A/102698	Pte.	St. Martin, E.A.	A/245952.

(Cont'd. Sheet No.....8.)

SECTION "B" (CONT'D.)

10. FURLOUGH: (Cont'd.)

(b)

M/103439	Pte. Tait, E.W.	Trans. Warrant No.	A/245954.
L/102122	Pte. Talbourdet, G.		A/245953.
K/66221	Pte. Tardrew, J.H.		A/245955.
L/101936	Pte. Taylor, A.E.		A/245956.
M/102812	Pte. Tellier, P.		A/245957.
M/103460	Pte. Terry, G.V.		A/245958.
H/101297	Pte. Thomas, D.		A/245959.
M/100938	Pte. Thompson, W.G.		A/246063.
L/101852	Pte. Tochlor, J.		A/245960.
H/101975	Pte. Todd, L.A.		A/245961.
A/102692	Pte. Traunicek, W.H.		A/245962.
K/65458	Pte. Turner, G.H.R.		A/245963.
A/104136	Pte. Turner, G.W.		A/245964.
M/103371	Pte. Vaile, F.W.		A/245965.
K/66696	Pte. Van Horn, P.O.		A/245967.
H/101989	Pte. Walesiak, V.T.		A/245968.
M/103240	Pte. Walsh, J.W.		A/245970.
A/102628	Pte. Wanless, L.M.		A/245969.
M/102662	Pte. Weiss, G.D.		A/245971.
K/66143	Pte. Weston, M.L.		A/245972.
K/66359	Pte. Wilson, W.H.		A/245973.

(c) The undermentioned personnel No. 5 Coy., (Reinft) are granted furlough from 0600 hours, 9-12-42 until 2200 hours, 18-12-42 and issued with Transportation Warrants as shown and authorized to draw a Money Allowance of 50 cents per diem in lieu of rations under Art. 196 (4) F.R.& I. (10 days)
(Auth: H.Q.S. 20-6-18 (Org 6) d/28-10-42).

B/81029	Pte. Rutheford, R.S.	Trans. Warrant No.	A/245600
H/195153	Pte. Bushby, G.P.	" " "	A/245599
B/80591	Pte. Beauliou, R.	" " "	A/245598
Y/101103	Pte. Siha, T.	" " "	A/245616.
M/102342	Pte. Schiestel, N.M.	" " "	A/244546.
B/80771	Pte. Burns, T.J.M.	" " "	A/302002.
B/81009	Pte. Caldwell, D.	" " "	A/302004.
L/101344	Pte. Camp, W.J.	" " "	A/302005.
H/101670	Pte. Carlson, J.	" " "	A/302007.
H/101581	Pte. Caskey, W.A.	" " "	A/302008.
B/81007	Pte. Clancy, G.C.	" " "	A/302009.
B/130708	Pte. Clipper, W.J.	" " "	A/302011.
B/80875	Pte. Copland, C.R.	" " "	A/302013.
B/130749	Pte. Cork, P.W.	" " "	A/302014.
B/80773	Pte. Couvrette, N.	" " "	A/302017.
B/130729	Pte. Cox, F.	" " "	A/302018.
L/101335	Pte. Craig, J.F.	" " "	A/302019.
B/80988	Pte. Crichton, J.F.	" " "	A/302021.
B/80856	Pte. Cudney, O.B.	" " "	A/302022.
H/101646	Pte. Danielson, G.	" " "	A/302023.
L/101680	Pte. Dicus, L.E.	" " "	A/302024.
H/88178	Pte. Duczminski, S.	" " "	A/302026.
A/103860	Pte. Dupuis, H.R.	" " "	A/302028.
A/103750	Pte. Ebert, A.J.	" " "	A/302029.
B/130601	Pte. Findlay, E.	" " "	A/302031.
L/8511	Pte. Findlay, D.G.	" " "	A/302032.
B/80970	Pte. Fisher, H.	" " "	A/302033.
K/65926	Pte. Frazer, A.N.	" " "	A/302034.

(Continued.....Sheet..9.).

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 297 d/10th Dec., 1942. (Sheet No...9.)

No. 298.
Red Deer, Alberta.
11th December, 1942

SECTION "B". CONTINUED

10. FURLOUGH: (Cont'd)

(c)

B/81014	Pte.	Gancer, R.	Trans.	Warrant	No. A/302036.
K/45291	Pte.	Ganner, W.H.	"	"	" A/302037.
A/102320	Pte.	Gay, S.	"	"	" A/302038.
A/102441	Pte.	Gilhuly, F.	"	"	" A/302041.
B/81019	Pte.	Gilmer, L.	"	"	" A/302042.
A/103961	Pte.	Goelz, K.	"	"	" A/302043.
L/101629	Pte.	Hagen, L.G.	"	"	" A/302045.
B/80841	Pte.	Henderson, H.R.	"	"	" A/302046.
K/65965	Pte.	Harkies, H.H.	"	"	" A/302047.
B/81005	Pte.	Harris, A.G.	"	"	" A/302048.
B/80941	Pte.	Harvey, R.	"	"	" A/302049.
M/103258	Pte.	Heinz, W.	"	"	" A/302-50.
B/80777	Pte.	Smith, G.H.	"	"	" A/302052.
A/103945	Pte.	Vosdingh, E.E.	"	"	" A/302056.
B/80958	Pte.	Webb, L.A.	"	"	" A/302057.
B/80939	Pte.	Webster, H.M.	"	"	" A/302058.
B/80975	Pte.	White, J.J.	"	"	" A/302059.
H/101622	Pte.	Whitely, D.	"	"	" A/302060.
H/195171	Pte.	Whitta, F.R.	"	"	" A/302061.
A/103730	Pte.	Symington, E.F.	"	"	" A/302062.
A/102433	Pte.	Trombley, R.C.	"	"	" A/302063.
B/80952	Pte.	Wright, L.J.	"	"	" A/302064.
L/101412	Pte.	Wozniak, S.	"	"	" NIL.
K/66769	Pte.	McCallum, L.	"	"	" A/302065.
B/80868	Pte.	Young, A.W.	"	"	" A/302066.
K/65942	Pte.	McLean, N.G.	"	"	" A/246119.
M/110326	Pte.	Scullen, W.E.	"	"	" A/NIL.
B/80976	Pte.	Scott, G.K.	"	"	" A/246149.
A/103795	Pte.	Sherry, A.	"	"	" A/246148.
B/80866	Pte.	Simon, E.	"	"	" A/246146.
B/81006	Pte.	Shore, H.L.	"	"	" A/246145.
K/65625	Pte.	Shellard, J.S.	"	"	" A/246144.
K/65607	Pte.	Scarrow, P.A.	"	"	" A/246143.
H/88173	Pte.	Sawka, N.	"	"	" A/246142.
B/80996	Pte.	Saundercock, J.C.	"	"	" A/246141.
M/103342	Pte.	Sandeman, C.F.	"	"	" A/246140.
B/80832	Pte.	Rowland, R.E.	"	"	" A/246139.
M/66034	Pte.	Rolke, R.A.	"	"	" A/246138.
K/65916	Pte.	Roberts, O.	"	"	" A/246134.
B/80871	Pte.	Ritchie, H.D.	"	"	" A/246133.
M/102974	Pte.	Poluck, F.F.	"	"	" A/NIL.
M/103350	Pte.	Pfeifer, H.	"	"	" NIL.
M/102947	Pte.	Oakes, W.C.	"	"	" NIL.
L/101516	Pte.	Pitzel, A.A.	"	"	" A/246130.
A/102444	Pte.	Penny, S.R.	"	"	" A/246129.
B/80903	Pte.	Pashak, F.H.	"	"	" A/246128.
A/103359	Pte.	Patrick, D.P.	"	"	" A/246127.
H/101636	Pte.	Pageot, A.J.L.	"	"	" A/246126.
B/80957	Pte.	O'Neil, P.S.	"	"	" A/246125.
B/110477	Pte.	Nichols, G.A.	"	"	" A/246124.
K/66099	Pte.	Netzel, E.	"	"	" NIL.
H/99569	Pte.	McLeod, R.J.	"	"	" A/246122.

(Continued.....Sheet # 10.).

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No. 298.
Red Deer, Alberta.
11th December, 1942.

Last Part II Order issued
No. 297 d/10th Dec., 1942. (Sheet No...10.)

SECTION "B" CONTINUED

10. FURLOUGHS: (Cont'd)

(c)	B/80954	Pte. McLellan, D.G.	Trans.	Warrant	No.	A/246120.
	K/65988	Pte. Murray, A.W.	"	"	"	A/246117
	K/65605	Pte. Mulhern, P.J.	"	"	"	A/246116
	H/101732	Pte. Moser, J.H.	"	"	"	A/246115.
	M/102430	Pte. Morphew, G.	"	"	"	A/246114.
	B/80948	Pte. Moorehouse, E.	"	"	"	A/246112.
	B/130575	Pte. Montgrain, J.J.	"	"	"	A/246111.
	B/80940	Pte. Mitchell, J.	"	"	"	A/246110.
	B/80963	Pte. Miller, R.H.J.	"	"	"	A/246109.
	B/80942	Pte. Miles, A.G.	"	"	"	A/246108.
	B/80836	Pte. Mellor, R.	"	"	"	A/246107.
	B/113346	Pte. Mehew, A.J.	"	"	"	A/246106.
	B/80923	Pte. Mang, W.J.	"	"	"	A/246103.
	M/102925	Pte. Leroux, H.H.	"	"	"	A/NIL.
	H/101431	Pte. MacFarlane, J.	"	"	"	A/246102.
	M/103025	Pte. Luyten, D.G.	"	"	"	A/246101.
	L/154509	Pte. Litz, E.L.	"	"	"	A/246098.
	H/101625	Pte. Larson, P.O.	"	"	"	A/246096.
	B/80971	Pte. Lannan, W.P.	"	"	"	A/246095.
	M/102481	Pte. Langer, F.	"	"	"	A/246094.
	B/80862	Pte. Ladouceur, L.J.	"	"	"	A/246093.
	B/80985	Pte. LaCroix, E.E.	"	"	"	A/246092.
	B/80945	Pte. Knack, E.A.	"	"	"	A/246091.
	B/130541	Pte. Kilbreath, N.B.	"	"	"	A/246090.
	B/81002	Pte. Kerrigan, D.J.	"	"	"	A/246089.
	K/66037	Pte. Johnson, B.T.	"	"	"	A/246083.
	K/65938	Pte. Johns, S.L.	"	"	"	A/246082.
	M/103022	Pte. Jensen, E.C.	"	"	"	A/246081.
	M/34158	Pte. Jayes, E.R.	"	"	"	A/246080.
	B/80900	Pte. Jarvis, W.G.	"	"	"	A/246079.
	B/80912	Pte. Irwin, J.J.	"	"	"	A/246078.
	B/130744	Pte. Hyland, G.	"	"	"	A/246077.
	B/80898	Pte. Hutson, G.A.	"	"	"	A/246076.
	A/102252	Pte. Hunter, J.E.	"	"	"	A/246075.
	H/88177	Pte. Bragg, J.A.	"	"	"	A/246048.
	H/101750	Pte. Bradshaw, R.J.	"	"	"	A/246047.
	B/80997	Pte. Bourdon, E.J.	"	"	"	A/246046.
	A/102405	Pte. Bart, J.D.	"	"	"	A/246037.
	B/80845	Pte. Roberts, H.	"	"	"	A/246134.
	B/81003	Pte. Humphreys, I.M.	"	"	"	A/246074.
	B/80990	Pte. Holt, A.B.	"	"	"	A/246073.
	H/101426	Pte. Howells, R.D.	"	"	"	A/246072.
	K/65825	Pte. Brent, R.	"	"	"	A/246050.
	M/103347	Pte. Black, H.G.	"	"	"	A/246041.
	L/101504	Pte. Bidart, A.	"	"	"	A/246040.
	M/102977	Pte. Rechdolt, R.	"	"	"	A/246038.
	K/66088	Pte. Baker, A.C.	"	"	"	A/246036.
	B/80943	Pte. Barnett, H.B.	"	"	"	A/246034.
	B/130751	Pte. Arnold, W.S.	"	"	"	A/246034.
	M/102819	Pte. Anderson, C.C.	"	"	"	A/246033.
	M/100850	Pte. Anderson, B.S.	"	"	"	A/246032.

(Cont'd. Sheet No.....11.)

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued,
No.297 - d/10th Dec.,1942. (Sheet No...11.)

No.298.
Red Deer, Alberta.
11th December,1942

SECTION "B" (CONT'D.)

11. ABSENT WITHOUT LEAVE:

(a) The undermentioned personnel from Companies as shown are Absent Without Leave, effective time and dates as shown.

K/82034	Pte. Tarosoff, L.K.	No.2.Coy.,	0200 hrs. 8-12-42.
M/100964	Pte. Lukinuk, J.	No. 2. Coy.,	0200 hrs. 9-12-42.
H/101876	Pte. Melmoth, W.J.	No. 4. Coy.,	2359 hrs. 8-12-42.
L/100827	Pte. Poff, A.F.	No. 5. Coy.,	0600 hrs. 7-12-42.
M/56290	Pte. Toews, N.	No. 5. Coy.,	1200 hrs. 7-12-42.
H/87620	Pte. Dyrkis, F.	No. 5. Coy.,	0600 hrs. 2-6-42.

(b) H/87620 Pte. Dyrkis, F., No. 5. Coy., (Reinft.), Absent Without Leave, (8th day), from 0600 hrs. 2-6-42.

(c) H/87620 Pte. Dyrkis, F., No. 5. Coy., (Reinft.), Absent Without Leave,(21st day), from 0600 hrs. 2-6-42.

(d) The undermentioned personnel (Reinft.) from Companies as shown, cease to be Absent Without Leave, effective time and dates as shown.

H/100427	Pte. Sikora, J.	No. 5. Coy.,	1515 hrs. 10-12-42.
H/101218	Pte. Wikander, G.W.	No. 5. Coy.,	1515 hrs. 10-12-42.
H/195038	Pte. Eshkibog, R.E.	No. 1. Coy.,	1600 hrs. 10-12-42.

12. CANCELLATION:

Part II Order No.297 - d/10-12-42 (Reinft.) Section "B" Sub Para. 3 (d) (Strength Decrease), in so far as it relates to H/100427 Pte. Sikora, J., is cancelled in its entirety.

C.W.A.C. SECTION

16th BRIGADE GROUP COY. R.C.A.S.C.(No.26 Coy.)

1. PART II ORDER NO.65 - dated:-9-12-42.

ATTENTION IS DRAWN TO APPENDIX "A" TO THIS ORDER.

Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C. T.C., C.A.

16th Brigade Group Company RCASC
(No.26 Coy.)

DAILY ORDERS PART II

Active Army Personnel

Last Pt.II Order: No.64 d/ 7-12-42

No.65
Red Deer Alta.
9 Nov 42.

SECTION "A"

1. LEAVE OF ABSENCE

The undermentioned officers are granted leave of absence, effective dates as shown, and are issued with special furough warrants as numbered hereunder:

Major R.C.Allen - 21-12-42 to 3-1-43 TW.#A302103
Capt.C.C.Olson - 14-12-42 to 27-12-42 TW.#A302102

Auth: HQ.MD.13 C.34-A-96 - C.34-O-77 d/ 11 Nov 42.

2. COMMAND.

(a) Major R.C.Allen proceeded on command to Calgary, Alberta, effective 1535 hours 5-11-42, returning 1220 hours 7-11-42.

(b) Capt.E.G.Hession proceeded on command to Edmonton, Alberta, effective 1000 hours, 1-12-42, returning 1900 hours, 2-12-42. Auth: O.C., 16th Bde.Gp.Coy (No.26 Coy.) RCASC.

SECTION "B"

1. HOSPITAL

Admitted Red Deer Military Hospital

B83214 Cpl.Price W.A. Effective: 6-12-42
M58723 Pte.Triska G. Effective: 7-12-42.

2. ATTACHMENT.

The undermentioned personnel cease to be attached to A20 CASCTC., Red Deer, Alberta, for all purposes except pay, effective: 2005 hours, 8-12-42, and are attached to #131 CA(B)TC., Camrose, Alberta, for all purposes, whilst undergoing basic training: Effective: 0004 hours, 9-12-42.

M58773 Pte.Adshead L.
M58750 Pte.Anderson A.D.
M58724 Pte.Babcock H.C.
M58744 Pte.Baker H.
M58730 Pte.Boese H.D.
M58739 Pte.Bradey W.D.
M58751 Pte.Craig P.I.
M58717 Pte.Derwantz H.A.
M58731 Pte.Edgar J.N.
M58742 Pte.Elkin E.
M58727 Pte.Eyford J.A.
M58725 Pte.Gavron E.M.G.
M58726 Pte.Grant A.R.
M58754 Pte.Greening A.L.
M58720 Pte.Heinrichs I.
M58733 Pte.Hope M.J.
M58718 Pte.Lagaden S.
M58770 Pte.Malek W.
M58747 Pte.Malsbury W.J.
M58771 Pte.Mattis E.
M58772 Pte.McAllister J.A.
M58728 Pte.Miller R.R.
M58722 Pte.Moldenhauer E.
M58737 Pte.Perlick F.H.
M58769 Pte.Pilkie T.A.
K89357 Pte.Roberts B.B.
M58738 Pte.Scott C.E.
M58745 Pte.Scoular A.G.
M58749 Pte.Simpson J.W.
M58719 Pte.Sinclair A.C.
M58736 Pte.Southorn H.S.
M58741 Pte.Steinburg D.
M58732 Pte.Werner H.W.
M58729 Pte.Zurch V.L.

Auth: HQ.MD.13 CS. 4-12 FD 13 d/7-12-42.

3. FURLOUGH

The undermentioned personnel are granted furlough under the provisions of CARO 699 (2b) from the dates shown, are issued with special furlough warrants as numbered hereunder, and are entitled to a money allowance of fifty cents per day in lieu of rations, for the period of furlough (14 days):

(Cont'd overleaf)

Daily Order Part II No.65 (Cont'd).

3. FURLOUGH (Cont'd)

H88097 A/Cpl.Taylor G.E.
From 14-12-42 to 27 Dec 42. T.W. #A246069

K76802 Pte.(A/L/Cpl. with pay) Prevost B.W.
From 9-12-42 to 22-12-42 T.W. #A246068

Auth: Art.196(4) F.R. & I.

4. STRENGTH INCREASE
(a) K40921 Pte.FEE, Edwin Leon (Married), of No.11 NRMA Clearing Depot, (Reserve No.K574407), having been attested, is taken on strength: Effective: 4-12-42.

Date of Birth:	17 March 1918
Religion:	C of E.
Educ.Qual:	Grade X High School
Category:	"A.1."
Prev.Service:	110 CA(B)TC., 26-2-42 to 21-4-42. A20 CASCTC., 24-4-42 to 7-11-42. 16th Bde.Gp.Coy. 8-11-42 to date.
Trade:	Longshoreman
Employed as:	Mechanic

(b) K40922 Pte.BAILEY, William, (Single) of No.11 NRMA Clearing Depot, (Reserve No.K574819) having been attested, is taken on strength: Effective: 4-12-42.

Date of Birth:	8 Feb 1917
Religion:	C. of E.
Educ.Qual:	Grade VII Pub.School
Category:	"A.1."
Prev.Service:	110 CA(B)TC. 26-2-42 to 21-4-42. A20 CASCTC., 22-4-42 to 16-10-42. 16th Bde.Gp.Coy. 17-10-42 to date.
Trade:	Truck Driver
Employed as:	Mechanic

HOME DEFENCE PERSONNEL

1. STRENGTH DECREASE
The undermentioned personnel are struck off strength of No.11 N.R.M.A. Clearing Depot, on enlistment into the Canadian Army Active: Effective: 3-12-42.

K574407 Pte.Fee, E.L.
K574819 Pte.Bailey W.

2. PERMISSION TO MARRY
M602636 Pte.Swanson R.E., granted permission to marry:
(Miss) June Olive MERNER

To be effective: 22-12-42.

3. BIRTH
H605571 Pte.Gottfred S., birth of daughter:

Daughter:	Sandra Carole Gottfred
Date:	19 Nov 42
Place:	Fort William, Ontario, Canada.

for R.C.Allen, Major,
Cmdg. 16th Bde.Group Coy.(No.26 Coy.)BCASC

A20 CANADIAN ARMY SERVICE CORPS TRAINING CENTRE, C.A.

PART II ORDERS

by

Major W. Cooper - Acting Commandant
Commanding, A20 C.A.S.C. T.C., C.A.

Last Part II Order Issued, No.297 - d/10th Dec.,1942. (Sheet No...1.)

No.298.
Red Deer, Alberta,
11th December,1942

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

1. ON COMMAND:

Major, W. Cooper, (H.W.E.), proceeds "ON COMMAND", for all purposes except pay, to Officers' Training Centre, (W.C.), Gordon Head, British Columbia, for Special Duties, effective:-1535 hours, 14-12-42.
(Authority:-H.Q.- M.D.13 - C.1-15-1 - dated:-27-11-42.)

2. STRENGTH INCREASE:

Captain, A.F. Tulloch, from No.13 District Depot, Calgary, Alta., is Taken On Strength A20 C.A.S.C. T.C., C.A., (Supernumary to H.W.E.), under the provisions of C.A.R.O's 1288 and 1806, effective:-10-12-42.
(Authority:-H.D.- 357-23-18 (Pers. 1B2) - dated, 30-11-42 and No.13 Dist. Depot, Part II Order No.296 - d/13-12-42)

SECTION "B" OTHER RANKS

1. ATTACHED:

The undermentioned personnel No.44 Canadian Provost Corps, are attached A20 C.A.S.C. T.C., C.A., for Rations and Quarters, effective:-4-12-42.

M/62266	L/Cpl. Bell, A.E.	M/62280	L/Cpl. Baird, G.
M/35263	L/Cpl. Shank, J.	M/101991	L/Cpl. McKay, R.
M/62286	L/Cpl. Silverburg, W.	M/102041	Pte. Amboe, A.C.

2. ATTACHED DECREASE:

The undermentioned personnel No.29 Coy., Veterans Guard of Canada, Lethbridge, Alberta, cease to be attached A20 C.A.S.C. T.C., C.A., for all purposes, on proceeding to their Unit, effective:-1535 hrs. 12-12-42.
(Authority:-D.H.Q.- M.D.13 - C/S 4-10, F.D. 19 - dated 9-12-42.)

B/130651	Pte. Carageorgiou, A.G.	M/37236	Pte. Cardineau, J.
M/7106	Pte. Mason, J.M.	M/55725	Pte. Pyck, M.E.
M/50174	Pte. Thurston, W.G.		

3. EMBARKATION LEAVE:

B/83131 A/C.S.M. (W.O.II), F.C. Shaver, (H.W.E.), granted Embarkation Leave from 1300 hrs. 9-12-42 until 1400 hrs. 18-12-42, and issued with Transportation Warrant No. - A/245592, and is authorized to draw a Money of 50 cents per diem in lieu of Rations under authority of Art.196 (4) F.R. & I. (9 days).

(Cont'd. Sheet No. 2.)

SECTION "B" (CONT'D.)

4. APPOINTMENTS and PROMOTIONS:

(a) To be Acting Company Sergeant Major, (W.O.II), (Local Rank, Without Pay), whilst employed in the School of Instruction, effective:-1-12-42.

M/30992 A/S/Sgt. Haswell, L.M. School of Instruction (H.W.E.)

(b) To be Acting Sergeants, With Pay, whilst employed on the Motorcycle Wing of M.T. Company, to complete Establishment, effective:-1-9-42.
(Authority:-Cdn.V/1940/142/2.).

A/10015 A/L/Cpl. Koehler, H.F. M/33982 A/L/Cpl. Hayden, H.S.H.

(c) To be Acting Sergeant, With Pay, whilst in Trades School employed as Driver Mechanic "C", to complete Establishment, effective:-1-12-42.
(Authority:-Cdn. V/1940/142/2.).

L/8050 A/L/Cpl. MacDonald, A.J. M.T. Coy., (H.W.E.)

(d) To be Acting Corporals, With Pay, whilst employed in Trades School, as Driver Mechanic "C", to complete Establishment, effective:-1-12-42.
(Authority:-Cdn.V/1940/142/2.)

M/34052 A/L/Cpl. Campbell, R.W. M.T. Coy., (H.W.E.)
M/28205 A/L/Cpl. Wilson, E. M.T. Coy., (H.W.E.)

(e) To be Acting Corporals, With Pay, whilst employed on the Motorcycle Wing of M.T. Company, to complete Establishment, effective:-1-9-42.
(Authority:-Cdn. V/1940/142/2.).

M/34099 A/L/Cpl. Irving, N.G. K/74281 A/L/Cpl. Knight, H.S.
M/34026 A/L/Cpl. Noel, L.J. H/37415 A/L/Cpl. Petlock, W.H.

(f) To be Acting Lance Corporal, With Pay, whilst employed as Instructor on the Motorcycle Wing of M.T. Coy., to complete Establishment, effective:-1-9-42.
(Authority:-Cdn. V/1940/142/2.).

M/34076 Pte. Garrity, G.T. M.T. Coy., (H.W.E.)

(g) To be Acting Lance Corporal, With Pay, whilst employed on the Motorcycle Wing of M.T. Coy., to Complete Establishment, effective:-1-12-42.
(Authority:-Cdn. V/1940/142/2.)

M/100810 Pte. Benbow, W.M. M.T. Coy., (Reinft.)

(h) To be Acting Lance Corporals, With Pay, to fill Vacancies on the Establishment of No.5. Coy., effective:-9-12-42. (Authority:-Cdn. V/1940/142/2.).

L/51370 Pte. Romonack, M.J. M/33948 Pte. MacKenzie, E.H.

(Cont'd. Sheet No.....3.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued, No.297 - d/10th Dec.,1942. (Sheet No....3.)

No.298. Red Deer, Alberta 11th Dec., 1942.

SECTION "B" (CONT'D.)

4. APPOINTMENTS AND PROMOTIONS: (Cont'd.)

(i) To be Acting Sergeants, With Pay, to complete Establishment of No. 4 Company, effective:-7-12-42.(Instructors) (Authority:-Cdn. V/1940/142/2.)

B/113583 A/L/Cpl. Walden, E.H. K/100148 A/L/Cpl. McMillan, T.
K/46054 A/L/Cpl. McEwan, W. B/113451 A/Cpl. McRae, C.A.
H/87921 A/Cpl. Emond, J.G.E.

(j) To be Acting Corporal, With Pay, Whilst employed as Instructor on the Establishment of No.4 Coy., effective 7-12-42. To complete Establishment. (Authority:-Cdn. V/1940/142/2.)

M/45595 A/L/Cpl. Chestnutt, A.L. No. 4. Coy., (H.W.E.)

5. MARRIAGE:

(a) K/71432 Pte. Lambie, AH., H.Q. Coy., (H.W.E.) having been granted permission to Marry, effective, 5-12-42, (Part II Order No.245 - d/10-10-42), was Married, effective:- 5-12-42.

Wife:-Mary Josephine, (Maiden Name "Smith"), General Delivery, Red Deer, Alberta.
Place:-Lacombe, Alberta.

(b) M/50662 Pte. Gwilliams, W.H., M.T. Coy., (H.W.E.), having been granted permission to Marry, (Part II Order No.139 - d/11-6-42, effective, 11-6-42), was Married, effective:- 13th June, 1942.

Wife:-Lucia Mae, (Maiden Name "Goslin"). 10743 - 97th Street, Edmonton, Alberta, Canada.
Place:-Edmonton, Alberta, Canada.

6. PERMISSION TO MARRY:

(a) L/7005 Sgt. Leonard, B.L., (Attached), granted permission to Marry, W/12167 Pte. Barbara May, Gooden, on or after the 17th day of November, 1942. Two Months Waived, vide, C.A.R.O. 2242 Para.8.

(b) M/35693 A/L/Cpl. Riske, L.C., H.Q. Coy., (H.W.E.), granted permission to Marry, Miss Helen Elmira, Ellefson, on or after the 23rd day of January, 1943.

7. ALLOWANCE:

M/55430 A/Sgt. Sansom, R.A., No. 1. Coy., (H.W.E.), having been granted a pass for the period, from 0600 hrs. 24-12-42 until 0600 hrs. 29-12-42, is authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (5 days).

(Cont'd. Sheet No.....4.)

PART II ORDERS

Last Part II Order Issued, No.297 - d/10th Dec.,1942. (Sheet No....4.)

No.298. Red Deer, Alberta. 11th December,1942

SECTION "B" (CONT'D.)

8. CHANGE OF STATUS:

L/8024 A/L/Cpl. Weber, C., M.T. Coy., (H.W.E.), Status in the Canadian Army (Active), changed from "Married" to "Widower", with effect from 2nd day of December,1942.

9. AMENDMENT:

(a) Part II Order No.296 - d/9-12-42 (H.W.E. and Attached Personnel) Section "B", Sub Para. 5 (Change of Status) in so far as it relates to M/30992 A/C.S.M. (W.O.II), L.M. Haswell, in line 2 "Instructional in School of Cookery", is amended to read "Instructional in School of Instruction".

(b) Part II Order No.257 - d/24-10-42 (H.W.E. and Attached Personnel), Section "B", Sub Para.1 (Attached Decrease) in so far as it relates to H/93491 Spr. Jasper, J., in line 3 "20th Field Coy., R.C.E., Fort Garry, Manitoba", is amended to read "103rd C.A. (B) T.C., Fort Garry, Manitoba".

REINFORCEMENTS SECTION "A"

(Officers)

1. PROMOTIONS:

To be Lieutenants, effective:-24th October, 1942.
(Authority:-Supplement to C.A.R.O. No.2645 - d/2-12-42.)

2nd Lieut. A.G. Austin,
2nd Lieut. R.E. Johnston,
2nd Lieut. H.A. Turnill.
2nd Lieut. P.A. Farmer,
2nd Lieut. J.K. Frizzell,

2. LEAVE OF ABSENCE:

Lieut. W.J.L. Hilton, (Reinft.), granted Leave of Absence, for the period, from 9-12-42 until 18-12-42, both dates inclusive, and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (10 days).
(Authority:-H.Q.S. 20-6-18, (Org.6), d/28-10-42.)

3. MARRIAGE:

(a) 2nd Lieut. W.F. Anderson, (Reinft.), was Married, effective:-5-12-42.

Wife:-Shirley Bernice, (Maiden Name "Campbell")
General Delivery, Red Deer, Alberta, Canada.
Place:-Calgary, Alberta, Canada.

(b) Lieut. R.D. Olson, (Reinft.), was Married, effective:-6-12-42.

Wife:-Olga Kristine, (Maiden Name "Hauberg")
General Delivery, Red Deer, Alberta.
Place:-Moose Jaw, Saskatchewan, Canada.

(Cont'd. Sheet No.....5.)

I certify that this is a true copy of Part II Order # 283 dated [illegible] of which it purpo[illegible]
(A.F. Egelan) Capt.
Adjutant, A20 C.A.S.C.T.C., C.A.

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.283.
Red Deer, Alberta.
24th Nov., 1942.

Last Part II Order Issued,
No.282 - d/23rd Nov., 1942. (Sheet No...3.)

REINFORCEMENTS SECTION "A"

(Officers)

1. NEXT OF KIN:

Lieut. J.K. Frizzell, (Reinft.) Change of Address of Next of Kin:
(Mrs.) Beatrice Irene Frizzell, (Wife)
From:- General Delivery, Red Deer, Alberta.
To :- 1234 Wolseley Avenue, Winnipeg, Manitoba.
All documents to be amended accordingly.

SECTION "B" OTHER RANKS

1. STRENGTH INCREASE:

(a) L/101622 Pte. Davis, N.T., (Reinft.) having surrendered to Military Police at 0915 hrs. 16-11-42 at Vancouver, B.C. is Taken On Strength on arrival at A20 C.A.S.C. T.C., C.A., for all purposes except pay, effective:-1950 hrs. 22-11-42.

(b) C/31563 Pte. Howard, M.A., (Reinft.) having surrendered to the R.C.M.P. at Vermillion, Alberta, at 1515 hrs. 18-11-42 is Taken On Strength on arrival at A20 C.A.S.C. T.C., C.A., for all purposes except pay, effective:-0315 hrs. 22-11-42.

2. STRENGTH DECREASE:

A/58703 Pte. Scott, W., No. 6. Coy., (Reinft.) having been declared by a Court of Inquiry held on the 20th day of November, 1942 to have been illegally absent since 2200 hrs. 28-10-42 and still absent and to have deficiencies in his Clothing and Regimental Necessaries to the value of $41.69 is Struck Off Strength A20 C.A.S.C. T.C., C.A., effective:-1200 hrs. 20-11-42. Forfeits 24 days pay and allowances under Art. 149 F.R. & I.

3. POSTING: (Inter-Unit)

K/45896 Pte. Goulet-Jones, H., No. 2. Coy., (Reinft.) is reposted from Reinforcements, Red Deer, Alberta to Home War Establishment, Red Deer, Alberta, and posted to H.Q. Coy., effective:-23-11-42.

4. APPOINTMENTS:

To be Acting Lance Corporals, With Pay, whilst employed as Conducting N.C.O's, (No. 6. Coy.,), effective:-23-11-42. (Authority:-Cdn.V/1940/142/1.)

M/103202 Pte. Simmons, C.C. M/33999 Pte. Sininger, C.I.
A/103241 Pte. Miller, C.C. A/37740 Pte. Hermanson, E.C.

(Cont'd. Sheet No.....4.)

SECTION "B" (CONT'D.)

5. QUALIFICATION:

(a) The undermentioned personnel (Reinft.) having completed an examination are Qualified as "Class I Drivers" - (Wheeled), effective:-18-11-42.
(Auth:-Qualification Board No.123, Red Deer, Alberta.)

L/110080	Pte.	Ashley, R.F.	M/33940	Pte.	Bergstrom, L.A.
L/26233	Pte.	Bonin, J.	M/56290	Pte.	Frith, L.
L/74471	Pte.	Lillwall, K.C.	K/100168	Pte.	Tyers, E.H.
H/60267	Pte.	Trudel, A.	K/46722	Pte.	Taylor, G.A.
M/56741	Pte.	Duncan, S.	M/35098	Pte.	Croll, T.
K/76635	Pte.	Tuddenham, S.R.	L/65582	Pte.	Hoffman, V.G.
K/76429	Pte.	Williams, R.E.	M/51406	Tpr.	Gagley, W.E.
M/51055	Tpr.	Wagenstein, R.A.	M/51101	Tpr.	Yanew, M.H.
M/51085	Tpr.	McCulloch, D.H.	M/51069	Tpr.	Bentley, H.E.
M/51467	Tpr.	Lysak, A.	M/51470	Tpr.	Christensen, M.
M/51091	Tpr.	O'Donnel, E.E.	M/51403	Tpr.	Kozoway, M.
M/51065	Tpr.	Seitz, T.			

CLASS II DRIVERS (Wheeled)

M/100357	Pte.	Carson, A.M.	M/100973	Pte.	Conklin, D.
M/67794	Pte.	Walberg, F.H.	M/100681	Pte.	Williams, E.

(b) CLASS I DRIVERS (Wheeled), QUAL. Board, No.124, Red Deer, Alta) EFFECTIVE:-18-11-42.

M/101317	Pte.	Barbour, A.W.K.	M/100787	Pte.	Byers, M.
L/65620	Pte.	Campeau, J.C.	M/56279	Pte.	Campbell, D.S.
K/65352	Pte.	Coldham, A.	L/74875	Pte.	Doucet, E.E.
H/87985	Pte.	Embleton, W.J.	M/56872	Pte.	French, L.L.
M/100252	Pte.	Goerz, C.L.	L/74897	Pte.	Hamm, S.S.
M/56391	Pte.	Herrick, E.	M/100402	Pte.	Kinsey, G.W.
H/88037	Pte.	Kraft, H.C.	H/42116	Pte.	Kruger, T.H.
M/101324	Pte.	Paris, H.G.	L/100063	Pte.	Peter, M.
K/70983	Pte.	Schrawen, A.	L/74540	Pte.	Steele, R.
M/100394	Pte.	Sylte, L.S.	M/35118	Pte.	Toliver, P.
H/100677	Pte.	Westwood, T.H.	H/88133	Pte.	Wooley, J.G.
M/100931	Pte.	Wright, C.S.	L/74516	Pte.	Zeigler, A.F.
L/74842	Pte.	Prentice, J.A.	M/56412	Pte.	Price, J.W.
L/65506	Pte.	Wright, C.E.	K/45616	Pte.	Pellatt, E.E.
L/65588	Pte.	Weise, S.R.	K/45184	Pte.	Pietrosky, J.
L/154011	Pte.	Haines, F.W.	K/45499	Pte.	Andrews, A.R.

CLASS II DRIVERS (Wheeled)

L/74089 Pte. Klinck. G.F.

(c) CLASS I DRIVERS (Wheeled), QUAL. BOARD, No.125, Red Deer, Alta) Effective:-18-11-42.

M/100547	Pte.	Broadhurst, W.A.	L/74480	Pte.	Button, J.A.
M/55992	Pte.	Cavanagh, D.C.	H/87700	Pte.	Cameron, E.V.
H/87558	Pte.	Floyd, V.W.	H/87715	Pte.	Henatuszen, S.
M/55975	Pte.	Heath, P.W.	M/56172	Pte.	Knapp, R.M.
L/65225	Pte.	Mack, R.M.	M/100035	Pte.	Marshall, C.J.
K/67601	Pte.	Pyle, A.F.	L/74024	Pte.	Paterson, N.R.
M/65581	Pte.	Seidler, A.H.	K/71956	Pte.	Swift, J.G.
L/65755	Pte.	Waruk, J.			

(Cont'd. Sheet No. 5.)

JJCM

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued, No.282 - d/23rd Nov., 1942. (Sheet No... 5)

No.283. Red Deer, Alberta. 24th Nov., 1942.

SECTION "B" (CONT'D.)

5. QUALIFICATIONS: (Cont'd.)

(d) CLASS III DRIVERS, (Wheeled), QUALIFICATION BOARD NO.113, Effective:-11-11-42,

B/80867 Pte. Addison, P.R.
M/100850 Pte. Anderson, B.S.
B/130751 Pte. Arnold, W.S.
H/101634 Pte. Ball, L.L.
B/81943 Pte. Barnett, H.B.
A/102405 Pte. Bart, J.D.
M/102977 Pte. Bechdolt, R.
B/80969 Pte. Begg, J.M.
L/101504 Pte. Bidart, A.
A/67971 Pte. Bloomfield, W.F.
B/80935 Pte. Bolduc, P.I.
L/101457 Pte. Boulanger, R.A.
L/101627 Pte. Boutellier, W.J.
H/101750 Pte. Bradshaw, R.J.
K/65925 Pte. Brau, E.C.
M/103091 Pte. Brereton, C.R.
B/130717 Pte. Brooks, J.W.
M/103011 Pte. Buckton, C.H.
B/80771 Pte. Burns, T.J.M.
B/80973 Pte. Agostinone, L.
B/80984 Pte. Albano, W.S.
B/11015 Pte. Begby, B.
K/66008 Pte. Baker, A.C.
A/102412 Pte. Barret, G.
B/80591 Pte. Bealiou, R.
B/80769 Pte. Beer, R.G.
B/80907 Pte. Berkan, L.
M/103347 Pte. Black, H.G.
A/102459 Pte. Bobier, W.L.
B/80965 Pte. Bosse, A.G.
B/80997 Pte. Bourdon, E.J.
H/101540 Pte. Bradley, N.C.
H/88177 Pte. Bragg, J.A.
K/65825 Pte. Brant, R.
B/80882 Pte. Brewster, M.J.
B/80964 Pte. Britton, E.W.
L/101535 Pte. Burlack, A.
H/195153 Pte. Bushby, G.P.

(e) CLASS III DRIVERS, (Wheeled), QUALIFICATION BOARD, No.114, Effective:-11-11-42.

B/81011 Pte. Bushnell, F.
B/81009 Pte. Caldwell, D.
L/101690 Pte. Campbell, C.S.
B/80982 Pte. Caplan, J.
H/101670 Pte. Carlson, J.J.
H/101581 Pte. Caskey, W.A.
H/101780 Pte. Chastellaine, D.
B/80627 Pte. Clark, T.G.
B/130708 Pte. Clipper, W.L.B.
B/81027 Pte. Cole, T.W.
B/80875 Pte. Copland, C.R.
B/80893 Pte. Cormier, A.E.
B/80840 Pte. Cousins, R.L.C.
K/65735 Pte. Coutts, J.L.
L/101355 Pte. Craig, J.F.
K/66073 Pte. Crowston, H.A.
M/103321 Pte. Daley, G.A.
B/80906 Pte. D'Entremenn, S.P.
B/80740 Pte. Dodd, O.B.
K/110031 Pte. Caird, G.D.
L/101344 Pte. Camp, W.J.
H/101675 Pte. Campbell, S.L.
B/130651 Pte. Carageorgiou, A.G.
B/80772 Pte. Catling, E.W.
B/80835 Pte. Champion, G.B.
B/81007 Pte. Clancy, G.C.
B/130661 Pte. Clark, R.H.
B/80937 Pte. Coghlan, W.J.
B/80919 Pte. Conklin, L.S.
B/130749 Pte. Cork, P.W.
M/102983 Pte. Costello, E.W.
B/80773 Pte. Couvrette, J.H.M.
B/130729 Pte. Cox, F.C.
B/80988 Pte. Crichton, J.F.
B/80856 Pte. Cudney, D.B.
H/101646 Pte. Danielson, G.
M/102584 Pte. Deib, H.

(f) CLASS III DRIVERS, (Wheeled), QUALIFICATION BOARD, No.115, Effective:-11-11-42.

K/65455 Pte. Doig, J.E.
K/65732 Pte. Downey, J.H.
H/88178 Pte. Duczminski, S.
A/103860 Pte. Dupuis, H.R.
L/101702 Pte. Elsworth, A.J.
L/101668 Pte. Fandrich, G.
B/130601 Pte. Findlay, E.
K/65977 Pte. Douglas, J.
B/81021 Pte. Dresser, R.C.
B/80823 Pte. Dunne, R.J.
A/103750 Pte. Ebert, A.J.
M/102982 Pte. Epstein, W.
L/101656 Pte. Fewson, E.L.
L/8511 Pte. Findlay, D.G.

(Cont'd. Sheet No... 6.)

SECTION "B" (CONT'D.)

5. QUALIFICATIONS: (Cont'd.)

(f) (Cont'd.)

B/80970 Pte. Fisher, H.
L/101571 Pte. Foster, P.J.
K/65926 Pte. Frazer, A.W.
B/80837 Pte. Gallagher, J.O.
B/81014 Pte. Gancer, R.C.
B/80883 Pte. German, T.
B/60949 Pte. Giroux, W.J.
B/81019 Pte. Gilmer, L.R.T.
A/103961 Pte. Goelz, E.G.
B/80824 Pte. Goodyear, R.C.
M/102480 Pte. Forberg, T.L.
B/81815 Pte. Franklin, C.L.
B/80873 Pte. French, C.P.J.
M/102748 Pte. Galvin, E.T.
M/10320 Pte. Gay, J.A.S.
B/81032 Pte. Gierman, J.M.
A/102441 Pte. Gilhuly, F.X.
H/101612 Pte. Gilroy, R.A.
B/130607 Pte. Good, E.S.
K/65844 Pte. Goldie, J.A.

(g) The undermentioned personnel (Reinft.) having completed an examination are Qualified as shown, effective:- 19-11-42.
(Authority:-Trade Testing Board, No.23, Red Deer, Alta.)

B/81011	Pte. Busholl, F.,	Baker	Group	"B"	Grade	II.
B/80856	Pte. Cudney, O.B.	Butcher	"	"	"	"
A/103961	Pte. Goelz, K.G.	"	"	"	"	"
K/45228	Pte. McDonald, J.R.	"	"	"	"	"
B/110477	Pte. Nichol, G.A.	"	"	"	"	"
B/80990	Pte. Holt, A.B.	"	"	"	"	"
L/101516	Pte. Pitzell, A.A.	"	"	"	"	"
K/71085	Pte. Aberdeen, J.W.H.	Cook	"	"C"	"	"I"
K/71072	Pte. Anderson, R.W.	"	"	"	"	"
K/71422	Pte. Butterworth, F.	"	"	"	"	"
L/74312	Pte. Corrigal, C.E.	"	"	"	"	"
H/87441	Pte. Crawford, R.J.	"	"	"	"	"
K/71047	Pte. Davignon, O.	"	"	"	"	"
L/8837	Pte. Hammeror, C.E.	"	"	"	"	"
M/67594	Pte. Hoberg, L.L.	"	"	"	"	"
K/71431	Pte. Hilleron, L.W.	"	"	"	"	"
L/9547	Pte. Hughes, E.F.	"	"	"	"	"
M/56082	Pte. Jillett, W.H.T.	"	"	"	"	"
L/8441	Pte. Kulovany, C.J.	"	"	"	"	"
L/100345	Pte. Magda, T.	"	"	"	"	"
H/87723	Pte. Meyer, A.	"	"	"	"	"
M/28811	Pte. Prystupa, M.	"	"	"	"	"
K/73151	Pte. Sadler, C.F.	"	"	"	"	"
M/60421	Pte. Stefaniak, S.	"	"	"	"	"
M/56134	Pte. Strommer, H.C.	"	"	"	"	"
M/60455	Pte. Williams, H.H.	"	"	"	"	"

6. REVERSION:

K/45228 A/L/Cpl. McDonald, J.R., No. 6. Coy., (Reinft.) Reverts to his permanent rank of Private on ceasing to be employed as conducting N.C.O., effective:-20-11-42.

7. PERMISSION TO MARRY:

M/57260 Pte. Southworth, A.P., (Reinft.) granted permission to Marry Miss, Norah, McCallum, on or after, the 6th day of January, 1943.

(Cont'd. Sheet No.....7.....)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 282, d/23rd November, 1942. (Page # 7)

No. 283
Red Deer, Alberta,
24th November, 1942.

SECTION "B" - - - (CONT'D)

8. PUNISHMENTS:

(a) L-100438 Pte. Scales, H.J., No. 5 Coy., (Reinft.) awarded 10 days detention for:-
Absent Without Leave from 2200 hours, 12-11-42 until 1245 hours, 21-11-42. (Absent 8 days, 14 hours, and 45 minutes). (A.A. Section 15 (1)). Under close arrest whilst awaiting trial. Forfeits 9 days pay and allowances under Art. 149 F.R. & I.
Date of offence 12-11-42. Date of award 23-11-42.

(b) M-101304 Pte. Marsh, H.H., H.Q. Coy., (Reinft.) awarded a forfeiture of 1 days pay (A.A. Section 46) for:-
Absent Without Leave from 0615 hours, 23-11-42 until 0700 hours, 23-11-42. (Absent 45 minutes). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial.
Date of offence 23-11-42. Date of award 23-11-42.

(c) H-88053 Pte. Moneta, A.S., No. 4 Coy., (Reinft.) awarded a forfeiture of 2 days pay (A.A. Section 46), for:-
Failing to appear at a place of Parade appointed by his Commanding Officer. (A.A. Section 15 (2)). Under open arrest whilst awaiting trial.
Date of offence 22-11-42. Date of award 23-11-42.

(d) B-113054 Pte. Constable, A.E., No. 6 Coy., (Reinft.) awarded 7 days C.B. for:-
Absent Without Leave from 0600 hours, 23-11-42 until 1545 hours, 23-11-42. (Absent 9 hours, and 45 minutes). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of offence 23-11-42. Date of award 24-11-42.

(e) L-100730 Pte. O'Soup, S.R., H.Q. Coy., (Reinft.) awarded a forfeiture of 1 days pay (A.A. Section 46) for:-
Absent Without Leave from 0615 hours, 23-11-42 until 0645 hours, 23-11-42. (Absent 30 minutes). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial.
Date of offence 23-11-42. Date of award 23-11-42.

(f) M-101824 Pte. Hager, L., H.Q. Coy., (Reinft.) admonished for:-
Absent Without Leave from 0600 hours, 16-11-42 until 1745 hours, 22-11-42. (Absent 6 days, 11 hours and 45 minutes). (A.A. Section 15 (1)). Under close arrest whilst awaiting trial. Forfeits 7 days pay and allowances under Art. 149 F.R. & I.
Date of offence 16-11-42. Date of award 23-11-42.

9. CHANGE OF CATEGORY:

K-76800 Pte. Demidoff, M., (Reinft.) Change of category from "A.1" to "C.1". All documents to be amended accordingly.
(Auth: D.M.O. M.D. 13, C.36-D-1680, d/20-11-42).

(Cont'd.....Page # 8)

J.J.M.

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued,
No.282 - d/23rd Nov., 1942. (Sheet No.....8.)

No.283.
Red Deer, Alberta.
24th Nov., 1942.

SECTION "B" (CONT'D.)

10. FURLOUGH:

The undermentioned personnel (Reinft.) granted Furlough from 0600 hrs. 24-11-42 until 2200 hrs. 7-12-42 and issued with Transportation Warrants as shown, and are entitled to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days)
(Authority:-A.F. Routine Order No. 699 (2) (b)).

H/88102	Pte. Andert, E.	Trans. Warrant No.	A/245019.
M/101250	Pte. Todd, L.A.	" " "	A/245018.

11. ABSENT WITHOUT LEAVE:

(a) M/50866 Pte. Leslie, N.G., M.T. Coy., Coy., (Reinft.) Absent Without Leave (21st day), from 0600 hrs. 3-11-42, and still absent.

(b) H/100427 Pte. Sikora, J., No. 6. Coy., (Reinft.) Absent Without Leave, from 2200 hrs. 11-11-42.

(c) H/100427 Pte. Sikora, J., No. 6. Coy., (Reinft.) Absent Without Leave (8th day), from 2200 hrs. 11-11-42.

12. CANCELLATIONS:

(a) Part II Order No.279 - d/19-11-42 (Reinft.) Section "B" Sub Para. 10 (d) (Absent Without Leave) in so far as it relates to M/ 100039 Pte. Birkland, C., is hereby cancelled.

(b) Part II Order No.282 - d/23-11-42 (Reinft.) Section "B" Sub Para. 6 (c) (Permission to Marry) in so far as it relates to M/57260 Pte. Southworth, A.P., is cancelled.

C.W.A.C. SECTION

SECTION "A" OFFICERS

1. SUBSISTENCE ALLOWANCE:

2nd Lieut. H.E. Stewart, (C.W.A.C.) ceases to draw Subsistence Allowance, effective:-16-11-42.

2. ATTACHED:

2nd Lieut. H.E. Stewart, (C.W.A.C.), Attached A20 C.A.S.C. T.C., C.A., Red Deer, for Rations and Quarters, effective:-17-11-42.

1. ATTENTION IS DRAWN TO APPENDIX "A" TO THIS ORDER - 16TH BRIGADE GROUP COMPANY R.C.A.S.C. (NO. 26 COY.) PART II ORDER NO. 60, D/23-11-42.

J.J. Gravy Capt.,
for - Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C. T.C., C.A.

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APPENDIX "A" TO A20 CASCTC, CA, PART II ORDER NO. 283, D/24-10-42.

16th Brigade Group Company RCASC.
(No.26 Coy.)

DAILY ORDERS PART II

Last Pt.II Order:
No.59 d/20-11-42.

No.60
Red Deer, Alta.
23 Nov 42.

Active Army Personnel

SECTION "A"

1. ATTACHMENT
The undermentioned officers are attached for all purposes to 14th Bde.Group Coy.(No.21 Coy) RCASC., Terrace B.C.,

Lieut.L.O.Roy Lieut.R.M.A.McLeod
Lieut.J.P.Abel
Auth:C.24-10-8-111 d/20-11-42 Effective: 1908 hrs. 24-11-42.

SECTION "B"

1. PROMOTION
M100757 Pte.(A/Cpl. with pay) Buchanan E.J., to be ACTING SERGEANT (pay)(with pay). Effective: 1-11-42. On completion of establishment.

2. QUALIFICATION
(a) K83555 A/L/Cpl. Koshevoy J.,having completed a course of instruction(No.496, P.T.,) at CSATC(WC)., Nanaimo B.C., is qualified "Q.II". Effective: 6 Nov 42.
Auth: HQ.MD.No.13, C.24-11-15 d/17-11-42.

(b) The undermentioned personnel, having completed an examination are qualified as Motor-cycle Riders (Solo): Effective: 23-11-42.

M52875 A/L/Cpl. Miles J.A.
G54572 Cpl. Bodnar F.
G54541 Cpl. Sedor S.J.
Auth: President, Standing Qualification Board, Red Deer, Alta.

3. DOCUMENTATION.
M58743 Pte.McKinnon M.L., having declared the true name of his wife to be DOROTHY HINCHLEY McKINNON, all documents are to be amended accordingly.
Auth: Statutory Declaration, d/21-11-42.

4 [illegible] CANCELLED. [illegible]

5. LEAVE OF ABSENCE
H205061 A/L/Cpl. DeFazio F.J., is granted ordinary leave from Rev. 24-11-42 until Rev. 30-11-42 (both dates inclusive), and is entitled to a money allowance of fifty cents per diem in lieu of rations, under the provisions of Art.196(4) F.R. & I. (6 days).

6. HOSPITAL
Admitted Red Deer Military Hospital

M58736 Pte.Southorn H.S. 17-11-42
M605264 Pte.Paish J. 21-11-42

E.G. Hession
Capt.,
(E.G.Hession)
16th Bde.Group Coy.RCASC (No.26 Coy.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Lieut. Colonel J.J. Burton-Willison
Commanding A20 C.A.S.C. T.C., C.A.

Last Part II Order Issued,
No.282 - d/23rd Nov., 1942. (Sheet No....1.)

No.283.
Red Deer, Alberta.
24th Nov., 1942.

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

1. ATTACHED:

(a) The undermentioned Officers, cease to be attached to A20 C.A.S.C. T.C., C.A., for all purposes upon return to units as shown, effective:-24-11-42.
(Authority:-H.Q.- M.D.13-C.13-5-5-2 - dated 10th and 16th October, 1942.)

Lieut. G.E. Scott, No.10 Dist. Coy., RCASC. Winnipeg, Man.
Lieut. A. McRae, No.12 Dist. Coy., RCASC. Regina, Sask.

(b) Capt., F.H. Searle, from O.T.C. (W.C.) Gordon Head, B.C., is Attached "ON COMMAND" to A20 C.A.S.C. T.C., C.A., effective:-1220 hrs. 23-11-42. (Rations and Quarters)
(Authority:-H.Q.- M.D.11 - V.75-25-11(d4) d/4-11-42.)

2. AMENDMENT:

Part II Order No.264 - d/2-11-42 (H.W.E. and Attached Personnel) Section "A", Sub Para. 1 (ON COMMAND) line 2, in so far as it relates to Lieut. R.E. BELL, Delete "except pay".

SECTION "B" OTHER RANKS

1. ATTACHED:

(a) C.S.M. (W.O.II) W.H. Green, from O.T.C. (W.C.) Gordon Head, B.C., is Attached A20 C.A.S.C. T.C., C.A., effective 1220 hrs. 23-11-42, (Rations and Quarters).
(Authority:-H.Q.- M.D.11 - V.75-25-11 (D4), d/4-11-42)

(b) The undermentioned personnel of No.44 Provost Coy., cease to be attached A20 C.A.S.C. T.C., C.A., on return to No.44 C.P.C., Calgary, Alberta, effective:-0315 hrs. 24-11-42. (Rations and Quarters).

M/62266 L/Cpl. Bell, A.E. M/62280 L/Cpl. Baird, G.
M/35263 L/Cpl. Shank, J. M/101991 L/Cpl. McKay, R.

2. FURLOUGH:

B/98456 A/L/Cpl. Walkden, A., No. 2. Coy., (H.W.E.) granted Furlough from 0600 hrs. 30-11-42 until 2200 hrs. 13-12-42 and issued with Transportation Warrant No. A/244331, and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days).
(Authority:-A.F. Routine Order No. 699 (2) (b)).

JJ an

(Cont'd. Sheet No.....2.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued,
No.282 - d/23rd Nov., 1942. (Sheet No...2.)

No.283.
Red Deer, Alberta.
24th Nov., 1942.

SECTION "B" (CONT'D.)

3. PUNISHMENT:

M/34134 Pte. Fadden, E.P., H.Q. Coy., (H.W.E.), Awarded a forfeiture of 1 days pay, (A.A. Sec. 46), For:
Absent Without Leave from 0615 hrs. 23-11-42 until 0700 hrs. 23-11-42. (Absent 45 Mins.) A.A. Sec. 15 (1)
Under open arrest whilst awaiting trial.
Date of Offence:-23-11-42 - Date of Award:-23-11-42.

4. APPOINTMENT:

To be Acting Sergeant (Local Rank) Without Pay, whilst Specially employed on the establishment of M.T. Coy., effective:-10-11-42.

M/34192 Pte. Mullen, W.R. M.T. Coy., (H.W.E.)

5. CANCELLATION:

(a) Part II Order No.206 - d/27-8-42 (H.W.E. and Attached Personnel) Section "B" Sub Para. 1 (b) (Strength Decrease) in so far as it relates to M/33971 Pte. Gilmour, W.A. is cancelled in its entirety.

(b) Part II Order No.266 - d/4-11-42 (H.W.E. and Attached Personnel) Section "B" (Cont'd.) Sub Para. 6 (Tradesmen's Rates of Pay) in so far as it relates to M/34174 Pte. Deleff, E., is cancelled in its entirety.

6. AMENDMENT:

Part II Order No.266 - d/4-11-42 (H.W.E. and Attached Personnel) Section "B" (Cont'd.) Sub Para. 6 (Tradesmen's Rates of Pay) in so far as it relates to (Authority), is amended to read "Authority:-Art.146 F.R. & I. In accordance with C.A.R.O. 1948 - dated:-9-5-42.)

7. HOSPITAL:

(a) ADMITTED Red Deer Military Hospital

M/34019 A/C.S.M. (W.O.II) W. Duncan, W. 20-11-42.

(b) DISCHARGED Red Deer Military Hospital

M/34019 A/C.S.M. (W.O.II) W. Duncan, W. 21-11-42.

(c) DISCHARGED Col-Belcher Hospital, Calgary.

L/7022 Sgt. Cooper, A.M. (Attached) 20-11-42.

8. BIRTH:

M/34182 Pte. Black, G.Y., M.T. Coy., (H.W.E.) Birth of a Daughter:
Daughter:- Brenda Catherine, Black.
Date :- 31st October, 1942.
Place :- Calgary, Alberta.

(Cont'd. Sheet No....3.)

55

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1041~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I,* Capt. (Rank) C.W. Lilley (Name) S. & T.O. Edmonton. (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~XXXXXXX~~) the hereinafter itemized transportation for escort

Complete — to proceed from Edmonton, Alberta (Place) to Vermilion, Alberta. (Place)

and return to Edmonton, Alberta for the purpose of escorting C.31563 Pte. Howard, M.A. A.20 RCASC, T.C. Red Deer.

Full description of soldier being escorted — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~XXXXXXXXXXXXXXXXXX~~ and the cost thereof for said soldier and escort being as follows:—

Strike out phrase not applicable

Particulars	Cost
T.W. B.86004 for one return second class fare EDMONTON to VERMILION for escort 19-11-42	$ 4.99
T.W. B.86004 for one single second class fare VERMILION to EDMONTON for accused 21-11-42	$ 2.52
Total	$ 7.51

Dated at EDMONTON, ALBERTA this 22nd., day of NOVember A.D. 19.42

C W Lilley Capt.,

(C.W. Lilley)
S. & T.O. Edmonton, Alberta.

Signature, rank, unit of officer (issuing transport warrants) ~~XXXXXXXXXXXXXX~~ Strike out inscription not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1463
50M—12-41 (2704)
U.Q. 1772-29-1861

57

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I Lieutenant R.W. Lockwood (Rank), A20 Canadian Army Service Corps (Name) Training Centre, C.A. (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~XXXXXXX~~ the hereinafter itemized transportation for escort

Complete — to proceed from Red Deer, Alberta (Place) to Edmonton, Alberta (Place) and return to Red Deer, Alberta for the purpose of escorting

Full description of soldier being escorted — C.31563, Private Milton Archibald Howard, A20 Canadian Army Service Corps Training Centre, C.A.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~XXXXXXXXXXXXXXXXXX~~ and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
B-84436- 19th Nov. 1942 — Transportation from Red Deer, Alberta to Edmonton, Alberta and return for escort and from Edmonton, Alberta to Red Deer, Alberta for accused	5.76
Total	$ 5.76

Dated at Red Deer, Alta this 21 day of November A.D. 19 42

R.W. Lockwood, Lieut.
(Signature, rank, unit of officer issuing transport warrants)
A20 Canadian Army Service Corps
Training Centre, C.A.
(Strike out description not applicable)

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1461
1938—7-41 (1159)
H.Q. 1732-20-1551

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ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description — I, No.MI)I447. (No.) L/Cpl (Rank) Bone.C.C. No.44. (Name) Provost.Company. (Unit),

Strike out words not applicable — as (escort) (~~XXXX

61

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 38/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

RECEIVED DEC 21 1942 CALGARY GARRISON

(INCIDENTAL EXPENSES)

Complete description — I, M 11447 (No.) L/Cpl. (Rank) Bone C.C. (Name) No. 44 Company, (Unit) C.P.C. C.A.

Strike out words not applicable — as (escort) (~~commander of escort~~ P.C.B.) consisting of Nil.

Members of escort

detailed to proceed from Edmonton, Alta. (Place) to Vermilion, Alta. (Place)

Name and description of soldier escorted — to return C 31563 Pte. H. A. Howard ✓ alleged to be a deserter or absentee without leave (C.E.B.) to Edmonton, Alta. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement		Amount
20 Nov. 1942	Breakfast - Vermilion	.50
20 Nov. 1942	Dinner - Vermilion	.75
20 Nov. 1942	Supper - Vermilion	.75
20 Nov. 1942	Room - Vermilion	1.50
21 Nov. 1942	Breakfast - Edmonton	.50
18 Nov. 1942	Dinner - Vermilion	.40
19 Nov. 1942	Breakfast - Vermilion	.25
19 Nov. 1942	Lunch - Vermilion	.35
19 Nov. 1942	Dinner - Vermilion	.40
20 Nov. 1942	Breakfast - Vermilion	.25
20 Nov. 1942	Lunch - Vermilion	.40
20 Nov. 1942	Dinner - Vermilion	.50
	Total	$ 6.55

Dated at Edmonton, Alta. this 21st day of November A.D. 19 42

C.C. Bone L/Cpl C.P.C.
(Rank) (Name) (Unit)

Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of all incidental expenses properly incurred in respect of the escort and of such soldier, exclusive of transportation.

W.F.B. 1432
DSM—7-41 (1150)
H.Q. 1072-99-1000

"Exhibit I"

THE ACCUSED ADDRESSES THE COURT
THROUGH HIS DEFENDING OFFICER.

Sir, with your permission I would like to go through Howard's history since he joined the army, - from his own story and from the evidence given by Mr. Braun. He joined the Active Army on July 17th. 1941, at the age of eighteen years, for the express purpose of getting overseas. I think that is obvious enough from the fact that he stated his age to be twenty years, which would qualify him for service overseas. That enlistment was not compulsory. It was not the result of draft or anything like that. It was a voluntary enlistment as a result of his own enthusiasm to get over and get the defence of the Empire over with as soon as possible. At the present time he has been in the Army over a year. When he enlisted it was his ambition to get overseas within one or two months but following his enlistment he was held at the depot in Ottawa doing fatigues for three months. Eventually he got to a training centre and completed his basic training. Then in a required time he applied for furlough, which was refused. He was sent from his basic training centre here to Red Deer and posted to a training company here. He managed to get into the Holding Company here and was granted embarkation leave, but he had no money, and in any case he was taken out because his training was not completed. He was taken out and put back into No. 2 Company. He still wanted to get overseas. He qualified in No. 2 Company and wanted to get to the Holding Company again, but his class was working with the M.T. Company, getting their passes from the M. T. Company

and it was very possible they would all be posted to M.T., and Lieut. Wright had spoken to most of them and told them it was very likely they would be posted to the M.T. Company, so this man went to his sergeant and asked if it was possible to be posted to the Holding Company and go on draft. He got no satisfaction at all. He seemed to be getting nowhere in the Army. He had been in for one year and two months. He has had no furlough, no embarkation leave, and it looked very much as though he would be kept in Red Deer as a driver's instructor. That he did not want to do. He felt that there were plenty of men who could take on jobs like that. He was young, healthy, full of enthusiasm and wanted to go overseas, but for some reason he couldn't get there. Now, as you know, he is only nineteen now. He was eighteen when enlisted. Naturally, at that age, being full of enthusiasm and of a very impulsive nature - most young men are - but when things like that happen then they tend to lose that enthusiasm and become rather bored with it. I would also like to submit for your consideration the excellent record in No. 2 Company, and Lieut. Braun has been brought in, his platoon commander and character witness, and also I remember the lad, that is my Company, and he was a good man. He was the right marker almost every day and the section leader. He was smartly turned out and did good work, and as Lieut. Braun mentions, when he was given a job he got it done, and he showed all the interest you could hope for. He was a fine, earnest, smart soldier. I think the fact that he wanted to get into the Holding Company and get on draft overseas, and the fine record of his training in No. 2 Company should stand him in good stead, and serve in mitigation of sentence. He still

wants to get to the Holding Company. He would go today if he could get there. Unfortunately, probably he can't if it is necessary to sentence him, but he wants to know if he could possibly get directly there from serving whatever sentence he may have to, - directly to the Holding Company, and then be sent on his way. I think in view of that and Mr. Braun's character evidence - and I think he is an officer very capable of giving that evidence - I think all these facts should be considered by the Court before passing sentence on this man. I think they should be considered very deeply and the appropriate amount of leniency be shown in any sentence that is imposed on this man.

Flint Y.

69

M.F.B. 158
8054—41-41 (2270)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
C.31563	Private	Milton Archibald Howard,	A20 Canadian Army Service Corps Training Centre, C.A.

1. The following is a fair and true summary of the entries in the Field Conduct Sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For Absence without leave	1 times	Absence without leave 4 times
For	times	times
For	times	times
For	times	times

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

or,

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for 4 days in civil custody, and 25 days in military custody, making a total of 29 days in custody, of which nil days were spent in hospital. (29 days in close arrest nil days in open arrest.)

5. The present age of the accused according to his attestation paper is 21 yrs 7 mos 6 days

6. The date of his attestation specified in his attestation paper 7th July, 1941.

7.

8.

9. The accused is in possession of or entitled to no military decoration, or military reward

10.

70

[illegible] Permanent Force unit

..... dated ....., and in his regiment (or corps), the rank of

..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 17th day of ..... 1942 A.F. Phelan, Captain, Adjutant, A20 C.A.S.C.T.C., C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Exhibit Y" signed by the president, and annexed to the proceedings.

H.Q.C. 55-H-320

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS RE

SUBJECT DISTRICT COURT-MARTIAL-

HARDER, J.H. H.65503 PTE

NO. 10 D.D., C.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-320

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
					Gag. New File	CR	17/1/43.
JAN 21 1943	1/1/43	P.A.		AD	To int. + PA	RBL	20/1/43
OCT 1 1943	10-10-47	P.A.	MJL	MSR	PER REQUISITION IS MAR 6 1947		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to S.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C. 55-H-

January 20, 1943.

RECEIVED
JAN 22 1943
A. D.

District Officer Commanding,
Military District No. 10, Winnipeg, Man.

Re: DISTRICT COURT-MARTIAL
No. H-65503, Pte. John Henry Harder
No. 10 District Depot, C.A.

1. Receipt is acknowledged of your W-44-H-3347 (J) dated January 12th, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court Martial.

2. The following irregularities have been noted in the proceedings:

(a) It might have been preferable had the description of the N.C.O. to whom the surrender was made, contained in the particulars of the Charge, conformed more closely to that set out in M.F.M. 216, rather than the somewhat indefinite reference in the charge "his Company Sergeant Major".

(b) It is observed that the defending officer in his closing address quite improperly referred to matters of fact which had not been proved and which were never intended to be proved in evidence. For a definition of the rules governing the closing addresses of the Prosecutor, Counsel or Defending Officer, please see R.P. 92 (c) (d) and R.P. 87 (c).

(c) The attachment of the M.O. was not set out after his signature in M.F.B. 246.

3. It is not considered necessary to return the proceedings which are accordingly retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

RBL/jg

(8)

H.Q. C. 55-H-320
M.D. W.44-H-3347 (J)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H.65503 Name HARDER, J.H.

Rank Pte. Unit No. 10 District Depot, C.A.

Charge Sec. 12(1)(a) DESERTING HIS MAJESTY'S SERVICE

Date of Crime ~~31/9/42~~ 21/9/42 R.L.

Date of Arrest 18/12/42 Charge. Signed 31/12/42

Orders for D.C.M. D.O.C., M.D. 10

Place and Date of Trial Winnipeg, Man. 6/1/43

Sentence Detention 84 days

Date of Confirmation 9/1/43

Date of Promulgation 11/1/43

Entered in Records of J.A.G. as No. 7572

Date 18/1/43

MEMO Not guilty of desertion but guilty of A.W.O.L.

R.B. Laub Officer
for Judge Advocate-General.

3M-12-42(M1754)

to file

W.44-H-

7572

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Winnipeg, Manitoba,
January 12th, 1943.

CENTRAL REGISTRY Army
PLRS. . C.
JAN 15 1943
File C 55-H-330
Chgd. to
Referred to

Secretary,
Department of National Defence,
Ottawa, Ontario.

District Court-Martial
No. H-65503, Pte. John Henry Harder,
No. 10 District Depot, C.A.

Forwarded herewith, for registration and custody, are the proceedings of the marginally noted District Court-Martial.

(R.A. Macfarlane) Brigadier,
District Officer Commanding,
M.D. No. 10.

VB
Enc.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Minto Armoury on the 6th day of January 1943 Winnipeg, Manitoba. by order of Brigadier R.A. Macfarlane, D.S.O., District Officer Commanding Military District No. 10. dated the 31st day of December 19 42

President.

Major E.A. Fletcher,
No. 10 District Depot, C.A.

Members.

Captain J.H. Murray, M.M.
No. 10 District Depot, C.A.

Captain C.A. McNiven,
5th Res. Arm'd Division R.C.A.S.C

Trial of* No. H-65503, Private John Henry Harder, ~~[illegible]~~
No. 10 District Depot, C.A.

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

~~[illegible]~~

~~[illegible]~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.*

The accused is brought before the Court.

Prosecutor,† Captain W.H. August, No. 10 District Depot, C.A.

~~[illegible]~~ defending officer† Captain W.P. Vincent,
No. 10 District Depot, C.A.

At 10 o'clock the Trial commences.

The order convening the Court is read, and is marked " X " signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q. 1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A 1 No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271 ✱
15M—9-41 (1762)
H.Q. 1772-39-224

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

E A Fletcher Major, President
D. C. M.

B

The President, and members are duly sworn.

Detailed by No. 4 Coy C. W.A.C. Part 1 Order No. 78 dated 4th of January, 1943, attached and marked X-1

The following officers under instruction are duly sworn.

Capt. L. Wilson, C.W.A.C.,C.A.

2/Lt. E.A.Cosman,C.W.A.C.,C.A.

Q 2 Do you object to No. H-2846, C.S.M., Mark H. Pearce, C.M.S.C., C.A., as shorthand writer?

A 2 No, Sir.
No. H-2846, C.S.M. Mark H. Pearce C.M.S.C.,C.A., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the charge in the above-mentioned charge-sheet.

Q 3 Are you guilty or not guilty of the charge against you, which you have heard read?

Question to the accused.

A 3 Not Guilty, Sir.

Answer.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge

Instruction.

B-2

CHARGE SHEET

E.A. Fletcher Maj
President DCM

3

The accused No.H-65503 Private John Henry HARDER, No. 10 District Depot, C.A., a soldier of the Canadian Army, placed on Active Service, is charged with:-

First Charge
Sec. 12(1)(a)
Army Act

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

- in that he -

at Winnipeg, Manitoba, at 2215 hours on the 21st day of September, 1942, absented himself from the No. 10 District Depot, C.A., until surrendering at 1030 hours on the 18th day of December, 1942, to his Company Sergeant Major, "B" Company, No. 10 District Depot, C.A., dressed in Military uniform.

Winnipeg, Manitoba
28th December, 1942

Lieut. Colonel
(J. Neish)
Officer Commanding
No. 10 District Depot, C.A.

TO BE TRIED BY A DISTRICT COURT MARTIAL

Major, D.A.A.G., M.D. 10,
for (R.A. Macfarlane) Brigadier,
District Officer Commanding,
Military District No. 10.

Winnipeg, Manitoba,
31st December, 1942.

E.T.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q 4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A 4 No, Sir.

The prosecutor declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution. Lieutenant W. Throp, No. 10 District Depot, C.A.,

being duly sworn, is examined by the prosecutor.

Q 5 Give us your rank, name and position at the No. 10 District Depot?

A 5 Lieutenant W. Throp, Acting Assistant Adjutant, No. 10 District Depot, C.A.

Q 6 Do you know the accused Private Harder?

A 6 I do, Sir.

Q 7 Do you recognize him here this morning?

A 7 Yes, Sir (Pointing out the accused)

Q 8 I show you a document, what is that?

A 8 M.F.B. 375.

Q 9 Does it refer to the accused?

A 9 It does, Sir.

Q 10 And who is it signed by?

A 10 Captain G.A. Holman, Adjutant, No. 10 District Depot, C.A.

M.F.B. 375 is read, marked " G ", signed by the President and attached to the Proceedings.

Q 11 I show you another document, what is that?

First Witness for the Prosecution continued:-

A 11 M.F.M. 216.

Q 12 Does it refer to the accused?

A 12 It does, Sir.

Q 13 And who is it signed by?

A 13 Lt.-Col. J. Neish, Officer Commanding No. 10 District Depot, C.A.

M.F.M. 216, is read, marked " 14 ", signed by the President and attached to the proceedings.

The Defending Officer declines to cross-examine this Witness.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B)

The Witness Withdraws.

The Prosecution have no further witnesses.

D

The prosecution is closed.

Defence

Question to the accused. Q14 Do you apply to give evidence yourself as a witness?

Answer. A 14 Yes, Sir.

Question. Q 15 Do you intend to call any other witness in your defence?

Answer. A 15 No, Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused is recorded on a separate page (*see overleaf*).

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for the DEFENCE — No. H-65503, Private John Henry Harder, No. 10 District Depot, C.A., being first duly sworn, is examined by the Defending Officer:-

Q 16 When did you join the Army?

A 16 July, 1941, Sir.

Q 17 When did you go absent?

A 17 I don't know, Sir.

Q 18 Why did you go absent?

A 18 I was ready to proceed overseas and was put on a draft and then taken off the draft and ~~the draft~~ taken back to Winnipeg and had to do my training all over again.

Q 19 When did this happen; where were you when you were put on a draft and taken off?

A 19 The first time, Sir?

Q 20 Yes?

A 20 Camp Borden.

Q 21 You were put on a draft and then taken off?

A 21 Yes, Sir.

Q 22 How many times did that happen?

A 22 Twice, Sir.

Q 23 After being taken off the second draft and after you returned to Winnipeg, did you still carry on with training?

A 23 No, I was a guard at Minto Armouries for about three or four months and then was admitted to the Hospital with a broken nose.

Q 24 How long were you in Hospital?

A 24 About three weeks, Sir.

Q 25 And you were discharged from Hospital?

A 25 I was posted from Fort Osborne Barracks, 'B' Company and applied for sick leave and was refused and that is what made me go absent.

Q 26 It wasn't because you were struck off the drafts?

A 26 It was on account of that too, Sir.

Q 27 Why did you give yourself up on the 18th day of December?

A 27 I realized what I had done and gave myself up in uniform.

Q 28 How old are you Harder?

A 28 Twenty-one.

First Witness for the Defence continued:-

Q 29 What grade did you reach in school?

A 29 I finished grade two, Sir.

Q 30 What age were you when you finished school?

A 30 Fourteen, Sir.

Q 31 Why were you taken off the draft, do you know?

A 31 No, Sir.

Cross examined by the Prosecuting Officer:-

Q 32 Harder, who did you ask for sick leave?

A 32 I think it was Major MacTavish.

Q 33 Who is he?

A 33 He is in the Medical Office.

Q 34 He is the M.O. for the District, is he not?

A 34 Yes, Sir.

Q 35 And he refused you sick leave?

A 35 Yes, Sir.

Q 36 Just a day or two before you left and went A.W.L. you were in before your Company Commander, for one reason or another, didn't he warn you that in going away without leave would be severally dealt with on your part?

A 36 I can't remember that.

Q 37 But, in any event, when you couldn't get sick leave you went away?

A 37 Yes, Sir.

Q 38 Were you fed-up with the Army?

A 38 No, Sir, I thought I should go Overseas and I was still here.

Q 39 What did you go away for?

A 39 I was fed-up with everything, I thought I should go Overseas; and the one that broke my nose didn't get any punishment at all.

Q 40 And you were fed up with the Army.

A 40 Yes, Sir, the way they treated me.

Q 41 So you decided to quit the Army?

A 41 No, Sir.

Q 42 What did you go away for?

A 42 I don't know why I went away.

First Witness for the Defence continued:-

Q 43 What did you do while you were away, work?

A 43 I just helped along on the farm.

Q 44 What farm?

A 44 In Alberta.

Q 45 Where is your home?

A 45 Winkler.

Q 46 Manitoba?

A 46 Yes, Sir.

Q 47 Did you go home when you left the Army?

A 47 No, Sir.

Q 48 Didn't go home at all?

A 48 No, Sir, I was home just the last three days'.

Q 49 The last three days before you came back to the Army?

A 49 Yes, Sir.

Q 50 When you left the District Depot you went to Alberta and worked on a farm up there?

A 50 I didn't work, I just helped on the farm, I was in uniform.

Q 51 Did you get paid for it?

A 51 Just a couple of cents.

Q 52 When did you come back to Winnipeg, when you couldn't help any more? Did it freeze up there?

A 52 No, Sir.

Q 53 There is farming up there in December?

A 53 I think there was a little snow.

Q 54 You don't remember whether there was much snow?

A 54 No.

Q 55 When did you leave Alberta?

A 55 I can't remember the date.

Q 56 How long, before you left, had you been working?

A 56 About fifteen days'.

Q 57 Have you got friends up there?

A 57 Yes, Sir.

First Witness for the Defence continued:-

Q 58 Were you with friends?

A 58 Yes, Sir.

Q 59 All the time you were there?

A 59 Yes, Sir.

Q 60 Did you work on one place or did you work in different places?

A 60 Two places.

Q 61 When did you make up your mind to come back to the Army?

A 61 I can't remember the date.

Q 62 How long before you came back, one day, two days, three days, or longer than that?

A 62 About a week.

The Defending Officer declines to re-examine this Witness.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The Witness resumes his seat.

The Prosecuting Officer makes a closing address

Ref (See page " I " attached)

The Defending Officer makes a closing address

Ref (See page " J " attached)

Ref

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. H-65503, Private John Henry Harder, No. 10 District Depot, C.A., is not guilty of Desertion but is guilty of Absence Without Leave on the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Lieutenant W. Throp,
No. 10 District Depot, C.A. is duly sworn.

Evidence of character, &c.

Question by the President. Q 63 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A 63 Yes, I produce M.F.B. 355

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y, signed by the President, and annexed to the proceedings.

Question by the President. Q 64 Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A 64 Yes, Sir.

Question. Q 65 Have you compared the contents of the above statement with the regimental books? *Answer.* A 65 Yes, Sir.

Question. Q 66 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A 66 Yes, Sir.

[Instruction.—*If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine this Witness.

In the opinion of the Court it is not necessary to comply with R.P. 83 (B).

The Witness withdraws.

Question to the accused. Q 67 Do you wish to address the Court? *Answer.* A 67 Yes, Sir. (See page "K" attached)

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. H-65503, Private John Henry Harder, No. 10 District Depot, C.A., to undergo detention for eighty-four (84) days'.

Sentence.
Detention: 84 days'

Signed at Winnipeg, Manitoba, this 6th day of January, 1943.

Major, President
D.C.M.

CONFIRMATION

Confirmed

Signed at Winnipeg, Manitoba, this 9 day of January, 1943.

Winnipeg, Manitoba.
9 January, 1943.

(R.A. Macfarlane) Brigadier
District Officer Commanding
Military District No. 10

PROMULGATION

Promulgated and Extracts taken at Winnipeg, Manitoba, this 11th day of January, 1943.

Winnipeg, Manitoba.
11th January, 1943.

Officer i/c of Documents, etc.
No. 10 District Depot, C.A.
Winnipeg, Manitoba.
M.D. No. 10

Extracts entered as No. 7572 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 18 day of 12 1943
RBZ

X E.A. Fletcher Maj. President DCM

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Orders by Brigadier R.A. Macfarlane, D.S.O., Commanding

the Military District No. 10.

District Court-Martial

31st December, 1942

The detail of Officers as mentioned below will assemble

at Minto Armoury, Winnipeg, Manitoba on Wednesday,

the 6th day of January, 1943 at 1000 hours,

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

No. L.74583, Private Gordon Herbert Statham, No. 10 District Depot, C.A.

PRESIDENT
Major E.A. Fletcher, No. 10 District Depot, C.A. is appointed President.

MEMBERS
Captain J.H. Murray, M.M., No. 10 District Depot, C.A.
Captain C.A. McNiven, 5th Res. Arm'd Division, R.C.A.S.C.

WAITING MEMBERS
Captain A.J. Harrison, No. 10 District Depot, C.A.

~~JUDGE ADVOCATE~~

~~DEFENDER~~ ~~appointed~~

PROSECUTOR
Captain W.H. August No. 10 District Depot, C.A. has been ~~(ordered)~~ appointed Prosecutor

DEFENDING OFFICER
Captain W.P. Vincent. No. 10 District Depot, C.A. has been ~~(ordered)~~ appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, No. 10 District Depot, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters and the Officers Commanding, No. 10 District Depot, C.A., and No. 4 Coy., C.W.A.C. will detail, as may be convenient, two Officers each to attend for instruction.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 10.

Signed this 31st day of December 1942

E.A. Fletcher Major,
D.A.A.G., M.D. No. 10.

M.F.B. 220
A.F.A. 47
15M—2-41 (3781)
H.Q. 1772-33-264

X-1 Ex Lieutenant Mayor Pers. WEAA

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PART I ORDER NO.78

NO.4 COMPANY C.W.A.C.

BY
2/LIEUTENANT ELIZABETH A. COSMAN
TEMPORARY OFFICER COMMANDING
NO.4 COMPANY C.W.A.C.

Winnipeg, Manitoba 4th January, 1943
Last Order #77 d/2-1-43

1- DUTIES

(i) Personnel will continue in duties as detailed in previous Part I Order.

(ii) Orderly Officer of the Day.....2/Lieut. E.A.Cosman.

Orderly Corporal.....W.10006 Pte. Duley, P.
Next for Duty.....W.10564 Cpl. Bates, N1

Duty Piquet.....W.10771 Pte. Halcrow, E.M.
Next for Duty.....W.10531 Pte. Reeve, H.Y.

2- DISTRICT COURT-MARTIAL

The u/m C.W.A.C. Officers are detailed to attend, for instruction, District Court Martial at 1000 hours on Wednesday, the 6th day of January, 1943, at Minto Armouries, Winnipeg, Manitoba.

Capt. L. Wislen, 2/Lieut. E.A.Cosman.

3- PARADES

Mail parade for C.W.A.C. Personnel in Barracks, will be at 1300 hours and 1800 hours, daily, from 2nd. floor desk.

Elizabeth A. Cosman
(Elizabeth A.Cosman)2/Lieut.
T/O.C. No.4 Coy., C.W.A.C.

G Ee of Litchfield
Pers Dcs

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RECORD of the Declaration of a Court of Inquiry assembled at Fort Osborne Barracks on the 13th day of October 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. H-65503 Private John Henry HARDER, No. 10 District Depot, C.A.

DECLARATION

The Court declare that No. H-65503 Private John Henry HARDER, "B" Company No.10 District Depot, C.A., Fort Osborne Barracks, Winnipeg, Manitoba illegally absented himself without leave from "B" Company, No. 10 District Depot, C.A. at 2215 hours on the 21st day of day of September, 1942, that he is still so absent, and that on the 21st day of September, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES 75% Vocabulary rate.		VALUE	ARTICLES 100% Vocabulary rate		VALUE
Boots, ankle, prs	2	7.80	Badges, cap	1	.09
Shirts, W/S/S, K.C.	1	.70	Blackening tins	1	.05
		8.50	Bootlaces, pns.	1	.02
		.64	Braces, prs	1	.27
			Neckties	1	.21
Total deficiencies		$ 9.14			.64

A.C. McMurchy, Captain
No.10 District Depot, C.A. — President

C.M. Hereus, Captain
No.10 District Depot, C.A. — Member

Lieut. T.A. Armason
No.10 District Depot, C.A. — Member

Signed at Winnipeg, Manitoba

this 13th day of October 19 42

Signature of Commanding Officer J. Neish, Lieut. Colonel
No.10 District Depot, C.A.

Certified true copy Lieut. & Adjt.
No.10 District Depot, Signature of Officer having custody of original record

M.F.B. 175
A.F.B. 131
(8834)—4-42 (4337)
H.Q. 1275-24-337

44 H-3347

27

APPENDIX "B"

Certificate in accordance with Order in Council P.C. 2797 dated 10th April, 1942, as published in General Order 127,1942.

Strike out words not applicable.

I, ...Lt. Colonel.... J. Neish.. No. 10 District Depot, C.A.
(Number) (Rank) (Name) (Unit)

hereby certify that H 65503 ..... Private ...John Henry HARDER...
(Number) (Rank) (Name in full)

of the....No. 10 District Depot, C. A. .....
(Unit and attachment (if any))

~~XXXXXXXXXXXXXXXXXXXX~~ (surrendered to) H26890 C.S.M.(W.O.II) W. Smith
(No.) (Rank) (Name)

.....No. 10 District Depot, C. A. .....
(Unit or appointment)

at. Winnipeg, Manitoba .....at.....1030 hours.....
(place) (hour)

on the.....18th. ..... day of...December.....1942..

as a deserter (~~XXXXXXXXXXXXXXXXXXXXXXXX~~) and that at the time of his arrest he was wearing military (~~XXXXXXXX~~) uniform (~~XXXXXXXXXXXXXXXXXXXXXXXX~~)

Strike out words not applicable.

DATED at...Winnipeg, Manitoba ....this...18 day of .Dec. ...1942..

.....Lt. Colonel .....
(Signature, Number, Rank, Unit or appointment)
Officer Commanding,
No. 10 District Depot, C. A.

Note:- Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the Officer Commanding such unit or formation and not by an officer "Jr" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M.216.

PROSECUTING OFFICER'S CLOSING ADDRESS

Mr. President and Members of the Court; this case is one where the absence has been proved and I submit it now becomes a case of what this man's intentions were when he went Absent Without Leave. The evidence that he has given himself is to the effect that he was fed-up with the Army. He went up to Alberta, didn't go home, went to Alberta, did some work up there and then returned to Manitoba just three days before he gave himself up. This was in December. I think it is the proper inference to take that the working had closed up in December and finding himself out of funds he came back again. I submit there is a strong presumption, and from the man's own statement, that when he left the Army, he was fed-up with the Army and decided to quit it and, if that is the case, he should be found guilty of desertion and not absence without leave. On the other hand, if the Court finds that the evidence is that he just intended to stay away for a short time, take a holiday, then I submit it should be absence without leave. That, however, I don't think is the case. There is no evidence here at all that when this man left he intended to come back. He wanted to go Overseas. He was taken off a draft and couldn't get Overseas. He doesn't know why he left but just left and I submit that at that time he had no intention of coming back and I think he should be found guilty of the Charge.

DEFENDING OFFICER'S CLOSING ADDRESS

Gentlemen; in my opinion the accused is of low mentality. He has only a grade two education and I think a normal child reaches that when he gets to be eight or nine years of age. One reason he went absent was because he was taken off drafts and the other reason was he was refused sick leave. I imagine that at the time he did go he was a little low in his health after having been in Hospital with a smashed nose. I looked at this man's documents and I found out the reason he was taken off the drafts. The reason is, his education ~~stats~~ shows, he was unable to master map-reading which is very necessary for a driver on going Overseas. He was a member of the Army Service Corps. Under present conditions this man Harder would go to an educational Basic Training Centre but, in those days, there was no such thing but if there had of been I don't think this man would have got into this trouble. I don't think he realized what he did. He went absent, certainly, but I don't think he knew what was meant by desertion. The accused came back, surrendered himself and was wearing Military Uniform. I think that a little leniency should be given in this case. He is not an ~~Bad~~ man in my opinion. He went to school till he was fourteen and only reached grade two. I ask that all these things be taken into consideration, Sir.

Y Ee Letter Maj Pres DCM

M.F.B. 155
22M—5-41 (572-3)
H.Q. 1772-39-620
A.F.B. 290

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STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H-65503	Private	John Henry HARDER	No. 10 District Depot, C.A.

1. The following is a fair and true summary of the entries in the Field ~~Service and General~~ Conduct sheets ~~Regimental and Squadron, Battery or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For A.W.L.	3 times		A.W.L.	3 times
For Absent from duty	1 times		Absent from duty	1 times
For	times			times
For	times			times

~~Number of instances of gallantry or distinguished conduct~~ ~~or~~

~~There are no entries in the conduct sheets of the accused~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted ~~or~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Air Force Act or Army Act, and dispensations with trial under A.F.A. 72 or A.A. 72 are set out in the Schedule annexed to this statement.~~

3. ~~The accused is not~~ under sentence at the present time. ~~or~~

~~The accused at the present time is under sentence for ..... beginning on the ..... day of ..... ~~or~~~~

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 20 days in military ~~Air Force~~ custody, making a total of 20 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 21 years 8 Months

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 30th June 1941

7. ~~The service which the accused is allowed to reckon towards the charge is ~~

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward (or is in ~~possession of or entitled to). State any air force decoration or reward~~ military ~~or~~

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer had held the regimental rank of~~ ~~Air Force~~

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

..... dated ....., and in his regiment (or corps), the rank of

..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Name ..... of ..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 6th day of January, 1943 [signature] Capt. & Adjt. No. 10 District Depot, Ca

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

Exhibit "Y" Pres Ordes

K 30 Pitchin Major
Pvt. 10 CM

ACCUSED'S STATEMENT

Sir, when I said I was fed-up and wanted to stay away from the Army, that is not what I meant. Sir, I just wanted to stop away for a little while, that is all.

Not

SUMMARY OF EVIDENCE
- in the case of -

No. H-65503, Private John Henry HARDER, No. 10 District Depot, C.A., a soldier of the Canadian Army, is charged with:-

CHARGES:

1. WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

2. LOSING BY NEGLECT HIS CLOTHING, EQUIPMENT AND REGIMENTAL NECESSARIES.

The Commanding Officer directs that the evidence be taken on oath.

First Witness

No. H-40277, Sgt. Giddings, F. A., NCO i/c of Records at the No. 10 District Depot, C. A., having been duly sworn states:-

" I herewith produce M.F.B. 375, a record of the declaration of a court of inquiry assembled at Fort Osborne Barracks, Winnipeg, on the 13th day of October 1942, for the purpose of investigating and recording the absence without leave, from his duty, and deficiency, if any, in the clothing, equipment and regimental necessaries of No. H-65503 Private John Henry HARDER, No. 10 District Depot, C.A. Document produced.

I further produce M.F.M. 216, certificate in accordance with Order in Council P.C. 2797 dated 10th of April 1942, as published in General Order 127, 1942, issued and signed by Lt. Colonel J. Neish, Officer Commanding the No. 10 District Depot, C. A., at Winnipeg, Manitoba, on the 18th day of December 1942, referring to the surrender of No. H-65503 Private John Henry HARDER, at 1030 hours on the 18th day of December 1942. Document produced."

The accused declined to cross-examine the witness.

F. A. Giddings Sgt.

Second Witness

2/Lieut. Ardington, G.W., officer i/c of accounting at the Quartermaster Stores, No. 10 District Depot, Winnipeg, Manitoba, having been duly sworn states:-

" I have checked the kit of No. H-65503 Private John Henry HARDER, No. 10 District Depot, C. A., and there are now no deficiencies in clothing, equipment or regimental necessaries."

The accused declined to cross-examine the witness.

G.W. Ardington 2/Lieut.

QUESTION TO THE ACCUSED:

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED.

The accused declined to make a statement.

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

Taken down by me in the presence of the accused at Fort Osborne Barracks, Winnipeg, Manitoba, on the 28th day of December 1942.

A. L. Murphy Captain.
No. 10 District Depot, C.A.

MEDICAL OFFICER'S REPORT

Pres. 1 week

I certify that No. H-55503 Pte. Harder, J.H.

of #10 D.D. is in a good state of health,

and fit to undergo Trial by Court martial.

Medical Officer RCAMC

Maj RAMC

Station Winnipeg, Manitoba.

Date 6 Jan 43

M. F. B. 246

25M—6-42 (4744)
H.Q. 1773-99 480

H.Q.C. 55-H-321 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HOULE, M.J.A. D.115585 DVR.

DEAD

2ND. CDN. ARMD. BDE. COY., RCASC., C.A.

CENTRAL REGISTRY	DATE	P.A. OR S.P.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
JAN 25 1943					J.A.G. Law file	CRC	30/1/43
JAN 30 1943	29/1/43	P.A.	P.A.	A.D.	Consol & P.A.	[illegible]	23/1/43
1943	1/2/43	P A	RIS	[illegible]			
MAR 10 1943	7/3/43	P.A.	[illegible]	A	Jab Per Requisition	CR	8/3/43
MAR 1 1943	3/3/43	P.A.	PAR	JAG	Request.	CR	3/3/43

Per Requisition C.A. FEB 1 1943

CONFIDENTIAL
H.Q.C. 55-H-321

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to S.P. it for two or three days than keep it out of General Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to see same.
2. General Registry should be notified whenever a file is passed direct to another branch.
3. All correspondence between branches must bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.35-H-321(JAG)

February 1st, 1943.

District Officer Commanding,
Military District No. 4,
Montreal, P.Q.

Re: District Court-Martial
D-115585, Dvr. Marcel Joseph Albert Houle,
2nd Canadian Armoured Brigade Company, RCASC, C.A.
attached to No. 4 District Depot, C.A.

With reference to your M.1-H-1200(J) dated January 27th, 1943, in reply to our letter dated January 23rd, 1943.

2. It is agreed that the notations made in the proceedings were based on specimens contained in the Handbook and for this reason your attention was directed to the fact that the notations in the Handbook are not correct.

3. As to paragraph 2(a) the minute was set out in full in our said letter. The amendments are not yet official, but some units have the draft copies and so reference is made to the amendment but in case you did not have a copy thereof the exact wording was also included.

4. As you say in paragraph 1(a) on page 61 of the Handbook appears an improper notation as to the marking of documentary evidence. For this reason in para. 2(c) of our said letter we referred to the authority and then gave the proper notation.

5. It is the endeavour of this Headquarters to assist the Districts and Units and our observations are made with this end in view. Unfortunately, the draft amendments have not yet been approved. They were given to the various officers who attended the Course at Esterel last summer and the distribution thereof was left to their judgement, and this Headquarters does not wish to interfere with their respective decisions.

6. It is hoped that the amendments will be finally approved and circulated within the next few weeks.

7. Your comments are always welcome at this Headquarters and it is hoped that this letter will clarify the notations contained in our said letter of January 23rd.

Brigadier,
Judge Advocate-General.

ROS/HB.

102793

CANADA

IN REPLY PLEASE QUOTE
No. M. 1-H-1200 (J)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Montreal, Que., Jan. 27th, 1943.

CENTRAL REGISTRY Army
CONF. SEC.
File
Chgd to A.J. 25-1-43
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT MARTIAL

D-115585, Dvr. Marcel Joseph Albert HOULE,
2nd Canadian Armoured Brigade Company, RCASC, CA
attached to No. 4 District Depot, C.A.

Reference your H.Q.C.55-H-321 (JAG), dated January 23rd, 1943, containing observations on the proceedings of the marginally-noted District Court-Martial.

2. As to paragraph 2 (a) and (c) thereof. The notations made in the proceedings were based on the specimens contained in the Canadian Army Handbook on District Courts-Martial. The amendment to page 34 referred to in paragraph 2 (a) of your letter does not appear to have reached this Headquarters. It would be appreciated if a copy of such amendment could be furnished.

35
42
53
61
1(a)

3. For your information, please.

M. E. Tanner
Major

(E. de B. Panet), Brig.-General,
District Officer Commanding,
Military District No. 4.

NAT. DEF. B. 448
2,000 M—4-42 (4322)
H.Q. 1772-39-767

CONFIDENTIAL

H.Q.C. 55-1-21
(A.D.1a)

January 29th, 1943.

District Officer Commanding,
Military District No. 4,
MONTREAL, P.Q.

District Court-Martial
D.115585, Dvr. Marcel Joseph Albert HOULE
2nd Cdn. Armd. Brigade Coy., RCASC, C.A.
attached to No. 4 District Depot, C.A.

Reference your M. 1-H-1200 (J) dated 19th of January, 1943,-

2. The long delay in this case is not considered reasonable. However, the explanation given as to why Dvr. Houle was kept nearly two months in detention awaiting trial, has been noted and it is assumed that the necessary steps have been taken to avoid a recurrence.

(H.F.G. Letson)
Major-General,
Adjutant-General.

LCA/BM

H.Q.C.55-H-321(JAG)

January 23rd, 1943.

CONFIDENTIAL

District Officer Commanding,
Military District No. 4,
Montreal, P.Q.

Re: District Court-Martial
B-115585, Dvr. Marcel Joseph Albert Houle,
2nd Canadian Armoured Brigade Company, RCASC, CA,
attached to No. 4 District Depot, C.A.

Receipt is acknowledged of your M.1-H-1200(J) dated January 19th, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The following irregularities have been observed in the proceedings:

(a) On page 2 of the proceedings the notation as to adjournment follows the old form. The new form as set out in the amendment to page 54 of the Handbook is:

(For minute of adjournment and re-assembly see document marked " ")

(b) Attention is directed to R.O. 2194 as to manner of describing acting warrant and N.C.O.'s and it is possible that Lance Corporal Lavigne should have been described as:
"B 126975, Pte. (A/L/Cpl.) P.E. Lavigne."

(c) It is not stated that the productions were read. This must be done by the President or the Judge Advocate (if any). See Footnote 5, page 643, M.M.L. A simple notation of this fact is:

(read, marked " " signed by the President and annexed to the proceedings."

(d) In M.F.B. 375:

(i) The expression AF is now replaced by the letters C.A. See R.O. 2252.

(ii) In the 9th line it is better to name the unit instead of using the phrase "his unit."

(iii) In line 10 after the word "at" the time of absence should be inserted. This, of course, made trouble in this case because it was impossible to state in the particulars of the charge at what time the accused went absent.

(iv) R.O. 1877 para. 4 states that the values of deficiencies of equipment and clothing on M.F.B. 375 shall be not more than 75% of the full rate

.....2.

nor less that 25%. However, the accused has not been charged with deficiencies but this paragraph is brought to your attention for future reference.

(e) In the Summary of evidence it should have been stated that R.P. 4(F) had been complied with and it should also be indicated that R.P. 3 has been met. This rule entitles the accused to call witnesses in his defence. Some notation such as the following indicates that it has been observed i.e.
(The accused declines to call any witnesses in his defence.)

It is not considered that the above irregularities are serious and these observations are made in an effort to assist the officers concerned in future cases as obviously they have given much thought and care to these proceedings.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing minor irregularities please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

ROS/HB.

H.Q. 55-H-321
M.D. M.1-H-1200(J)

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. D.115585 Name Houle, Marcel Joseph Albert

Rank Dvr. Unit 2nd Cdn. Armd. Bde. Coy. RCASC., C.A.

Charge Sec. 12(1) (a) A.A. When on active service deserting his Majesty's service

Date of Crime 15/9/42

Date of Arrest 13/10/42 Charge. Signed 4/11/42

Orders for D.C.M. D.O.C. M.D.#4.

Place and Date of Trial Montreal-South, P.Q. 4/12/42

Sentence Detention(180)One hundred and eighty days

Date of Confirmation 29/12/42

Date of Promulgation 9/1/43

Entered in Records of J.A.G. as No. 7598

Date 21/1/43

MEMO
Found not guilty of desertion but guilty of absence without leave.

R. O. Sletsch Capt.
for Judge Advocate-General.

3M-12-42(M1754)

R 31789
JAN 20 1943
75-98
NO FILE
0

CANADA

IN REPLY PLEASE QUOTE
No. M. 1-H-1200 (J)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Montreal, P.Q., January 19th, 1943.

REGISTERED

635-H-321
JAN 20 1943
File
Chgd. to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT MARTIAL
D-115585, Dvr. Marcel Joseph Albert HOULE,
2nd Canadian Armoured Brigade Company, RCASC, CA,
attached to No. 4 District Depot, C.A.

Herewith, proceedings of the marginally-noted District Court-Martial which have been confirmed and promulgated and which are forwarded for registration, please.

2. Driver Houle was tried by District Court-Martial at No. 4 District Depot, C.A., Montreal South, P.Q. on the 4th day of December, 1942, on a charge of desertion. He pleaded not guilty thereto and was found not guilty of desertion but guilty of absence without leave. He was sentenced to undergo detention for 180 days.

3. No substantial irregularities have been noted in the proceedings.

4. The delay in this matter is regretted. Herewith, copy of letter from the Officer Commanding, No. 4 District Depot, C.A., explaining the reasons for the delay in this matter. In this connection, it is pointed out that the application for District Court-Martial was first submitted to this Headquarters on 13th November, 1942. Same was returned for correction on the 16th November, 1942 and was resubmitted on the 21st November. It was again returned for correction on the 24th November and resubmitted on 25th November. The District Court-Martial was convened on the 30th November, 1942.

5. Also enclosed, herewith, M.F.'s B. 246 (Medical Officer's Reports) and Summary of Evidence.

E. de B. Panet
Major

(E. de B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

Encls.

M.F.B. 230
1000M—4-41 (135)
H.Q. 1772-89-154

COPY

File No. 4 DD H-1288
Your M. 1-H-1200 (J).

DEPARTMENT OF NATIONAL DEFENCE
No. 4 DISTRICT DEPOT, C.A.

Jacques Cartier Barracks,
MONTREAL SOUTH, Que.
11th January, 1943.

Headquarters,
Military District No. 4,
Sun Life Building,
MONTREAL, Quebec.

DISTRICT COURT MARTIAL
D-115585, Dvr. HOULE, M.J.A.
2nd Canadian Armoured Brigade Coy.
R.C.A.S.C., C.A., att(d to No. 4 D.D., C.A.

Reference para 6 of your M. 1-H-1200 (J), dated 6th January, 1942.

2. Documents in the case of the marginally-named soldier were received on 19th October, 1942, the charge sheet was made and he was remanded for District Court-Martial on 21st October, 1942.

3. The time from 21st October, 1942, until Application was first made to your Headquarters was spent attempting to secure witness. We were not successful in this however and Summary was finally made without the necessary witnesses.

4. It is also pointed out that there were eight cases on hand for Court-Martial at the time Private Houle was remanded, therefore other Summaries had to be prepared before his.

5. For your information, please.

Signed: G.E. Gernaey, major,
for (S. Echenberg) E.D., Colonel,
Commanding No. 4 District Depot, C.A.

MEDICAL OFFICER'S REPORT

I certify that No. D-115585 Pte. HOULE.M.

of RCASC "DD-4" is in a Good state of health,

and fit to undergo Trial by Court martial.

[illegible] RCAMC
Medical Officer
Attached No. 4 District Depot C.A.

Station J.C. Barks.Montreal South,Que.

Date 5th December 1942.

J. C. G. Rousseau, major
President DCM.

M. F. B. 246
RM—9-41 (1745)
H.Q. 1772-29 480

MEDICAL OFFICER'S REPORT

I certify that No. D-115585 Pte. HOULELM.

of No. 4 D.D. is in a good state of health,

and is fit to undergo Trial by Court martial.

M. Cohen, Lieut. RCAMC
Medical Officer
Attached to No. 4 District Depot C.A.

Station J.C. Bks. Montreal South, Que.

Date 4th December 1942.

J. C. P. Houlelm sig'd
C. President, D.C.M.

M. F. B. 246
20M—9-41 (1745)
H.Q. 1771-39 480

SUMMARY OF EVIDENCE

in the case of

D-115585, Driver Marcel Joseph Albert HOULE, 2nd Canadian Armoured Brigade Company, R.C.A.S.C., C.A., attached to No.4 District Depot, C.A., a soldier of the Canadian Army placed on Active Service.

CHARGE:-

Desertion.

The Commanding Officer did not direct and the Accused does not demand that the evidence be taken on oath.

First Witness

Lieutenant M. Gauthier, General List, C.A., attached to No.4, District Depot, C.A., states:-

"I am the Officer in charge of Records of No.4 District Depot, C.A., and I offer in evidence to support the charge against the Accused M.F.B. 375, the Record of the Declaration of a Court of Inquiry held at Camp Borden, Ontario, 7th October, 1941, this form being a certified extract from M.B. 68 and shows the Accused's absence without leave from his duty.

I also offer in evidence M.F.M. 216, a Certificate of Apprehension showing the Accused as having been apprehended at Montreal, Quebec, by the Military Police at 1630 hours 13th October, 1942.

The Accused declined to cross-examine.

Marcel Gauthier
M. Gauthier, Lieutenant.

Second Witness

D-115535, Private P. Papillon, 2nd Canadian Armoured Brigade Company, R.C.A.S.C., C.A., attached to No.4 District Depot, C.A., states:-

"I identify the Accused as D-115585, Driver M.J.A. Houle, whom I worked with when I was in the same Unit at Camp Borden, Ontario.

The Accused declined to cross-examine.

Paul Papillon
D-115535, Pte. P. Papillon.

QUESTION TO THE ACCUSED-

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED-

I have nothing to say.

I certify that Rules of Procedure 4 (C), (D) and (E) have been complied with.

Taken down be me in the presence of the Accused at Jacques Cartier Barracks, Montreal South, Quebec, this 4th day of November, 1942.

E.I. Auerbach
(E.I. Auerbach) Lieutenant,
General List, C.A., Att'd to
No.4 District Depot, C. A.

Officer delegated to take down Summary of Evidence.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Jacques-Cartier Barracks, Montreal-South, P.Q.

on the 4th day of December 19 42. by order of Brig-General E. de B. Panet, O.B.E., D.S.O., E.D. Commanding Military District No.4.

dated the 30th day of November 19 42.

President.

Major J.A.G. Dubeau,
Le Regiment de Joliette (Reserve) C.A.
attached to C.A.‡(B) T.C. No. 42, C.A.

Members.

Major A. Spickler,
Le Regiment de Chateauguay (Mit)(Reserve) C.A.

Captain L. Tardif,
2nd (Reserve) Battalion, Les Fusiliers Mont-Royal C.A.

Trial of* No. D-115585, Dvr. Marcel Joseph Albert Moule, 2nd Canadian Armoured Brigade Company, R.C.A.S.C., C.A., attached to No.4. District Depot, C.A. ~~Judge Advocate~~

The order convening the Court, the charge-sheet and the summary (~~or abstract~~) of evidence are laid before the Court.

~~The Court satisfy themselves that xxxxxxxxxxxxxxxx is not available to serve owing to~~

~~waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. x

The accused is brought before the Court.

Prosecutor, Major L. Gauvreau, Le Regiment de Maisonneuve, C.A. attached to No.4. District Depot, C.A.,

~~Counsel or~~ defending officer, Captain R. Grothe, Les Fusiliers Mont Royal, C.A. attached to No.4. District Depot, C.A.,

At 1.20 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1. *Answer by accused.* No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

x (1) I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

(J.A.G. Dubeau) Major
President D.C.M.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

B

The President, and members ~~and judge-advocate~~ are duly sworn.
(See page "C" for Minute of Adjournment and Reassembly).

The following officers under instruction are duly sworn. (See attached list marked "H"

Q.2. Do you object to D-126975,L/Cpl. Lavigne P.E. R.C.A.S.C., C.A., attached to No.4. District Depot C.A., acting as shorthand writer ?

A.2. No, sir.
D-126975, L/Cpl. Lavigne P.E. R.C.A.S.C., C.A. attached to No.4. District Depot C.A., is duly sworn as shorthand writer.

Charge-Sheet

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Not guilty. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to xxxxxxxxxxxxxxxx charge, the provisions of Rule of Procedure 85 (1) are hereby complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

J. C. P. Lukas major
Deputy Judge Advocate

B2

-3-

CHARGE SHEET

The Accused D-115565, Driver Marcel Joseph Albert HOULE, 2nd Canadian Armoured Brigade Company, R.C.A.S.C., C.A., att'd to No.4 District Depot, C. A., a soldier of the Canadian Army placed on Active Service, is charged with:-

CHARGE
Sec.12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE,

in that he,

at Camp Borden, Ontario ~~at 0000 hours~~ on 15th September, 1941, absented himself from the 2nd Canadian Armoured Brigade Company, R. C. A. S. C., C. A., until apprehended by the Military Police at Montreal, Quebec, at 1630 hours the 13th day of October, 1942, dressed in civilian clothes.

U.E.V.

Signed at

Montreal South, Quebec.
4th November, 1942.

(S. Echenberg, E.D.) Colonel,
Commanding No.4 District Depot, C.A.

Montreal, P.Q.,
November 30th, 1942.

To be tried by District Court-Martial.

U.E. Vandette Major DAAG MD4
(E. de B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.4. *Answer.* No, Sir.

The prosecutor ~~makes an opening address {hands in a written address, which is read, marked xxx xxx signed by the President and attached to the proceedings}~~ declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution. Lieut. M. Gauthier, General List, C.A., attached to No.4.District Depot, C.A.,

being duly sworn, is examined by the prosecutor.

Q.5. Quelles etaient vos fonctions au Depot du District No.4. le 4 novembre 1942 ?

A.5 J'etais officier en charge des Records pour le Depot No.4.

Q.6 Connaissez-vous l'accuse ?

A.6 Je le connais pour l'avoir rencontre lors de la prise du sommaire de l'evidence dans sa cause.

Q.7 Quel est le nom de l'accuse ?

A.7 Driver Houle.

Q.8 Mohsieur Gauthier, je place devant vous une formule militaire que je vous demanderais de produire a la Cour comme exhibit.

A.8 Une formule MFB.375, qui est une copie de la forme 68 qui represente une lacune dans l'equipement de l'accuse "driver" Houle.

Q.9 Est-ce que c'est tout ce que cela represente, pas autre chose aussi ?

A.9 Oui, aussi son absence sans permission.

MFB. 375 in the case of D-115585 Driver Houle M.J.A., 2nd Battalion, Canadian Armoured Brigade Company R.C.A.S.C., C.A., signed the 7th day of October 1941 and certified as true copy is marked "exhibit-I" signed by the President and attached to the proceedings.

Q.10 Vous disiez, monsieur Gauthier, que cette forme MFB.375 demontre une absence sans permission?

A.10 Oui monsieur.

Q.11 Connaissez-vous d'autres documents qui pourraient confirmer son absence sans permission.

A.11 Oui, le certificat d'apprehension.

Q.12 Voulez-vous produire devant la Cour, apres en avoir pris connaissance, le certificat que je vous remets dans le moment...?

A.12 Oui monsieur.

MFM.216, certificate of apprehension by Canadian Provost Corps in the case of D-115585 Driver M.J.A. Houle, dated at Montreal the 14th day of October 1942, signed by Major W.H. Draper, O.C., Canadian Provost Corps detachment, M.D. No.4., is marked "exhibit-J", signed by the President and attached to the proceedings.

The Defending Officer declines to cross-examine this witness.

Questioned by the Court

Q.13 Voulez-vous nous dire si les documents que vous avez produits comme exhibits I & J referent bien a l'accuse "driver" Houle ?

A.13 C'est marque sur la forme, son numero regimentaire et son nom.

Q.14 Les exhibits I & J que vous venez de produire, est-ce bien vous Monsieur Gauthier qui les aviez recus et les aviez gardes le 4 novembre 1942, et auparavant ?

A.14 Oui monsieur.

In the opinion of the Court, it is not necessary to comply with R.P.83(8).

The witness withdraws.

The prosecutor proceeds to call as witness D-115535, Pte. P. Papillon, 2nd Canadian Armoured Brigade Company; R.C.A.S.C., C.A., attached to No.4. District Depot, C.A. Due to unforeseen circumstances, Pte. Papillon being absent, the Prosecutor requests that the Court be adjourned until 9 o'clock A.M. on the 5th of December 1942 in order that the attendance of Pte. Papillon as witness be procured.

The Court allow the request.
At 2.45 o'clock, P.M., on the 4th December 1942, the Court adjourned until 9 o'clock A.M. on the 5th December 1942.

On the 5th December 1942, at 9o'clock A.M., the Court reassemble, pursuant to adjournment, present the same members as when adjourned on the 4th December 1942.

Second Witness for Prosecution

D-115535, Pte. Papillon, 2nd Canadian Armoured Brigade Company R.C.A.S.C., C.A., attached to No.4. District Depot C.A., being duly sworn, is examined by the Prosecutor.

Q.15 Papillon, etes-vous attache a une Unite quelconque, dans le moment ?

A.15 Oui monsieur, 2nd Canadian Armoured Brigade, RCASC.

Q.16 Est-ce votre Unite ?

A.16 Oui monsieur.

Q.17 Ou avez-vous ete en Service ?

A.17 Au camp Borden.

Q.18 Actuellement?

A.18 J'appartiens au "E" Wing, Transport.

Q.19 Au Depot?

A.19 Oui, monsieur.

Q.20 Connaissez-vous l'accuse ?

A.20 Oui, monsieur.

Q.21 Qui est-il ?

A.21 Marcel Houle.

Q.22 Ou est-il ?

A.22 Ici, monsieur.(The witness points out the accused)

Q.23 Ou l'avez-vous rencontre ?

A.23 Au Camp Borden.

Q.24 Vers quelle date, ou plutot combien de temps de ca ?

A.24 Qu'il etait dans mon Unite ?

Q.25 Autrement dit, comment ca fait de temps ?

A.25 Ca fait un an.

Q.26 Ou a peu pres ?

A.26 ou onze(11) mois.

Q.27 Aviez-vous l'occasion de causer avec lui, des fois ?

A.27 Oui monsieur.

Q.28 Etait-il l'un de vos amis ?

A.28 Oui, monsieur.

Cross-examined by the Defending Officer.

Q.29 Quelles etaient vos fonctions au Camp Borden ?

A.29 J'etais ordonnance pour un officier commandant.

Q.30 Et Houle, que faisait-il ?

A.30 Il etait lui aussi ordonnance pour un officier.

Q.31 Est-ce que les choses marchaient rondement la-bas ?

A.31 Nous etions vingt-cinq dans notre Unite, la balance etait pas mal "melangee".

Q.32 De quelle fason, en general, le personnel de votre groupe etait-il traite ?

A.32 Des fois, nous etions traites comme "ca", des fois on nous mettait des batons dans les roues, des fois, on nous placait sur des camions, et quand il y avait une petite "coche", ou une petite"affaire", on nous enlevait.

Q.33 Quelles etaient les fonctions ou les devoirs de l'accuse la-bas ?

A.33 Il etait en charge d'un officier comme ordonnance. Le devoir qu'il avait a faire, c'etait l'entretien de l'officier, laver sa chambre, faire son lit, presser son uniforme, polir ses boutons.

Q.34 N'avait-il pas d'autre devoir a accomplir, autrement dit, n'etait-il pas oblige de conduire ?

A.34 De temps a autre, si l'officier avait besoin d'un chauffeur, il prenait son "batman", mais pas regulierement, seulement de temps a autre.

Re-examined by the Prosecutor.

Q.35 Soldat Papillon, vous disiez tantot qu'il se faisaient des changements parfois dans vos devoirs ?

A.35 Oui monsieur.

Q.36 On vous faisait faire quoi surtout ? Est-ce que c'etait plutot une ecole, un lieu d'enseignement sur la mecanique ?

A.36 Oui, monsieur.

Q.37 Par petite "coche", que voulez-vous dire, par la ? Des manquements de devoir ?

A.37 Oui, monsieur.

Q.38 Surtout en ce qui se rapportait a la discipline, je suppose ?

A.38 Oui monsieur.

Q.39 Soldat Papillon, vous disiez, tantot, que l'accuse agissait comme "ordonnance" d'un officier.

A.39 Oui monsieur.

Q.40 "Ordonnance" pour un officier, est-ce une belle "job" dans l'Armee ?

A.40 Oui, monsieur.

Q.41 Est-ce aussi beau que d'etre chauffeur sur un "Truck" ?

A.41 C'est pas tout a fait la meme chose ?

Questioned by the Court

Q.42 Est-il a votre connaissance que l'accuse aurait recu un traitement different des autres hommes alors que vous etiez avec lui ?

A.42 Que voulez-vous dire par"traitement"?

Q.43 Par traitement, je veux dire, ou bien use ou mal use plus que les autres ?

A.43 L'accuse aurait pu etre mieux "use" s'il avait fait mieux son devoir.

In the opinion of the Court, it is not necessary to comply with R.P.83(B).

The witness withdraws.

The Prosecutor has no further witness

D

The prosecution is closed.

Defence

Q.44 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.44 *Answer.* Yes, Sir.

Q.45 *Question.* Do you intend to call any other witness in your defence?

A.45 *Answer.* No, Sir.

Question. J.C.S.N ~~Is to a witness as to character only? x answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

J.C.S.N The evidence of the accused (~~and of the witnesses for the defence~~ J.C.S.N ~~including witnesses as to character~~) is recorded on a separate page (*see overleaf*).

J.C.S.N (~~With the accused does not give evidence upon oath~~)

Question to the accused. J.C.S.N ~~Have you anything to say in your defence?~~

Answer. J.C.S.N ~~The accused in his defence says:~~

J.C.S.N [~~Hands in a written address which is read, marked~~

J.C.S.N ~~signed by the President and attached to the proceedings.~~]

J.C.S.N

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

D3

First Witness for Defence

The accused, D-115585, Driver Marcel Joseph Albert Houle, 2nd Canadian Armoured Brigade Company; R.C.A.S.C., C.A., attached to No.4.District Depot, C.A., being duly sworn, is examined by the Defending Officer.

Q.46 Voulez-vous relater les faits qui regardent votre cas ?

A.46 Quand on etait au Depot a Montreal, ca allait bien jusqu'au moment ou on a perdu notre officier; Alors on a ete envoye a Borden ou la majorite des Officiers etait de langue anglaise, et puis la on n'etait pas traite comme les autres; on nous mettait des batons dans les roues. La, a deux reprises on a mis quelque chose sur mon "conduct sheet". La premiere fois, parce que j'ai ete en retard 5 heures sur ma passe pour venir chez nous. Avant de partir sur cette passe, j'avais justement demande a mon officier de m'accorder cinq heures de plus pour me permettre de prendre le train sans etre en retard, mais on m'a refuse ces cinq heures, et ainsi, j'ai attrappe 2 jours de C.B. et ca a paru sur mon "conduct sheet".

Une autre fois, j'ai attrappe 7 jours de C.B. pour avoir desobei a un ordre en conduisant un officier a Barrie. La, en attendant mon Officier pres de l'hotel, je regardais danser, et cette fois la j'ai ete puni injustement et tout ca me decourageait. Lorsque je ne suis pas revenu de ma passe le 15 septembre 1941, il avait fallu que j'aille a Magog voir ma fiance qui etait gravement malade d'une operation. Ensuite, quand ma fiancee a ete mieux, j'ai voulu ramasser de l'argent pour s'acheter du menage et se marier. Quand j'aurais achete et paye le menage, je voulais m'en retourner au camp, demander permission de me marier, car j'avais bien l'intention de revenir au camp. Si je suis reste aussi longtemps c'est parce que je ne voulais pas laisser ma fiancee malade et dans la misere.

Cross-examined by the Prosecutor.

Q.47 Vous souvenez-vous a quelle date que vous etiez suppose vous rapporter.

A.47 Je crois que c'etait au mois de septembre.

Q.48 Vers le 15 septembre ?

A.48 A peu pres, vers cette date-la.

Q.49 Etiez-vous pour ne pas vous rapporter au Camp ?

A.49 Non, monsieur.

Q.50 Qui vous a arrete ?

A.50 La police militaire.

Q.51 A quelle date a peu pres ?

A.51 Le 13 septembre 1942.

Q.52 Depuis combien de temps etiez-vous absent ?

A.52 Un an et un mois.

Q.53 Quelle etait le genre d'occupation, quel etait votre devoir la-bas.?

D5

A.53 J'etais simple soldat.

Q.54 Comme ordonnance ?

A.54 Oui, monsieur.

Q.55 Pour un officier, je suppose.?

A.55 Pour mon officier.

Q.56 Aviez-vous des permissions, des passes ?

A.56 Oui, monsieur.

Q.57 Combien de fois par mois ?

A.57 Une fois par mois.

Q.58 Dans votre declaration de tout a l'heure, vous disiez que vous aviez mene a Barrie un Officier et en l'attendant, vous aviez ete rapporte par l'officier Commandant qui vous avait impose une sentence de cinq(5) jours de "C.B." qu'est-ce que vous avez fait comme devoir pendant ce temps ?

A.58 C'etait mon devoir "ordinaire".

Q.59 Simplement cela ?

A.59 Oui, monsieur.

Q.60 C'etait une punition qui ne paraissait pas en etre une, cependant ?

A.60 Oui, monsieur.

Q.61 Pas autre chose ?

A.61 Non monsieur.

Q.62 Avez-vous manque a votre devoir auparavant ?

A.62 Non monsieur.

Q.63 Jamais ?

A.63 Non, monsieur.

The Defending Officer declines to re-examine the witness.

Questioned by the Court.

Q.64 Etes-vous marie ?

A.64 Non monsieur.

Q.65 Ou avez-vous ete arrete ?

A.65 A Montreal, monsieur.

Q.66 Apres votre depart, de Borden, etes-vous demeure a Montreal ?

A.66 Oui monsieur.

Q.67 Chez qui a Montreal ?

A.67 Chez ma soeur.

Q.68 Pendant le temps que vous avez ete parti, qu'est-ce que vous avez fait ?

A.68 J'allais a Magog voir ma fiancee et a Montreal, je travaillais pour ramasser l'argent pour payer mon menage et me marier. J'ai travaille a deux places.

Q.69 Quelle etait la sorte d'ouvrage que vous avez fait

A.69 Comme chauffeur, Monsieur.

Q.70 Lorsque vous etiez a votre ouvrage, portiez-vous l'uniforme militaire. ?

A.70 Non monsieur.

Q.71 Le soir, sortiez-vous en uniforme militaire ?

A.71 Non, monsieur.

Q.72 Vous travailliez pour une firme quelconque je suppose ?

A.72 Pour "Ball Brothers".
Q.73 Quel genre de travail ?
A73 Le meme genre de travail, chauffeur.

Q.74 Autrement dit, dans la meme position ?

A.74 Oui monsieur.

Q.75 Ou demeuriez-vous pendant le temps de votre absence ?

A.75 Je demeurais chez ma soeur, a Montreal, la meme adresse que sur ma carte d'enregistrement .

Q.76 possedez-vous une carte d'enregistrement ?

A.76 Oui monsieur.

Q.77 A quelle date vous etes-vous enrole ?

A.77 le 13 octobre ou le 15 octobre 1940.

Q.78 Votre fiancee demeure a Magog ?

A.78 Oui monsieur.

Q.79 Apres son operation, s'est-elle retablie ?

A.79 Oui monsieur.

Q.80 Alors, la raison qui a motive votre depart, n'existait pas ?

A.80 (Le temoin ne semble pas comprendre la question... Nulle reponse).

Q.81 Alors, ca c'etait dans le cours du mois de septembre ?

A.81 Elle a ete operee au mois de juin ou juillet.

Q.82 Quelle annee ?

A.82 En 1941.

Q.83 Mais rendu au 15 septembre, votre fiancee etait-elle completement retablie ?

A.83 Oui, monsieur.

Q.84 Alors, comme je viens de vous le demander, la raison motivant votre absence du service sans permission, n'existait donc pas, a ce moment.

A.84 Je voulais me ramasser de l'argent pour pas qu'elle ait de la misere quand je serais retourne au camp. Puis, apres, je me serais rapporte.

Q.85 Alors, vous etiez pour vous rapporter, apres que vous auriez la permission de vous marier ?

A.85 Oui, monsieur.

Q.86 C'est ce que vous aviez decide ?

A.86 Oui monsieur.

Q.87 Mais votre intention., c'etait de vous rapporter quand, en 41 ou 42 ?

A.87 En 1943, quand j'aurais tout fini.

In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The witness resumes his seat.

The Prosecutor makes a Closing Address (See document marked "K" attached).

The Defending Officer makes a Closing Address (See document marked "L" attached).

J.G.G.W.
C

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused D-115585, Driver Marcel Joseph Albert Houle, 2nd Canadian Brigade Company, R.C.A.S.C., C.A. attached to No.4. District Depot, C.A., is not guilty of desertion but is guilty of absence without leave on the charge.

J.C.H.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it. Major L. Gauvreau, Le Regiment de Maisonneuve, C.A. attached to No. 4. District Depot, C.A., the prosecutor is duly sworn.

Evidence of character, &c.

Q.88 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.88--Yes sir, I produce MFB.355 & MFM.6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked Y & Z, signed by the President, and annexed to the proceedings.

Q.89 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A.89-- Yes sir.

Q.90 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A.90 Yes sir.

Q.91 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.91-- Yes sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~ J.C.H.

The Defending Officer declines to cross-examine this witness

In the opinion of the Court it is not necessary to comply with R.P. 83(B).

The witness resumes his seat.

Q.92 *Question to the accused.* Do you wish to address the Court? *Answer.* A.92--No sir.

The Court is closed for the consideration of the sentence.

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F

Sentence

The Court sentence the accused D-115585, Driver, Marcel Joseph Albert Houle, 2nd Canadian Armoured Brigade Company, R.C.A.S.C., C.A. attached to No.4. District Depot, C.A., to undergo detention for one hundred and eighty days.

Sentence.

Detention

180 days.

Extracts entered at the Record of the office of the Judge General this 21 day of January 1943 in the Report in the 7598 Roll

Signed at Montreal South, P.Q.
this 5th day of December 1942.

J. A. G. Dubeau

(J.A.G. Dubeau) Major,
Le Regiment de Joliette (Reserve) C.A.
attached to C.A.E.(B) T.C. No.42, C.A.

President,

Montreal, P.Q.,
December 29th, 1942.

CONFIRMED.

P. de B. Panet

(H. de B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

PROMULGATION.

Promulgated and extracts taken this 9th. day of January 1943 at Montreal South, Que.

J.D. Gilson

(J.D. Gilson) Captain,
Adjutant No. 4 District Depot (CA)

J. C. E. Dubeau, major
President, DCM

X

Orders by Brig.-Gen. E. de B. Panet, C.M.G., D.S.O., E.D., Commanding

the Military District No. 4

District Court-Martial

D-115585, Pvr. Marcel Joseph Albert HOULE
2nd Canadian Armoured Brigade Company RCASC, CA, Montreal, P.Q., Nov. 30th, 1942.
attached to No. 4 District Depot, CA.

The detail of Officers as mentioned below will assemble at Jacques Cartier Barracks, Montreal South, P.Q. on Friday

the 4th day of December 1942 at 1000 hours

for the purpose of trying by a District Court-Martial the accused person ~~(persons)~~ named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Major J.A.C. Dubeau, Le Régiment de Joliette (Reserve) C.A.,
attached to C.A.E. (B) T.C. No. 42, C.A. is appointed President.

MEMBERS

Major A. Spickler,
Le Régiment de Chateauguay (Mit) (Reserve) C.A.
Captain L. Tardif,
2nd (Reserve) Bn. Les Fusiliers Mont-Royal, C.A.

WAITING MEMBERS

Captain E.I. Gourre,
Université de Montréal Contingent C.O.T.C. (Reserve) C.A.

JUDGE ADVOCATE.

~~Judge Advocate~~ ~~has been (is hereby) appointed~~

PROSECUTOR

Major L. Gauvreau, Le Régiment de Maisonneuve, C.A.,
attached to No. 4 District Depot, C.A. ~~has been~~ (is hereby) appointed Prosecutor

DEFENDING OFFICER

Captain R. Grothé, Les Fusiliers Mont-Royal, C.A.,
attached to No. 4 District Depot, C.A. ~~has been~~ (is hereby) appointed Defending Officer

UNDER INSTRUCTION: All officers available at No. 4 District Depot, C.A.

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, No. 4 District Depot, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, ~~shorthand writers~~, and interpreters.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 4.

Signed this 30th day of November 1942.

M.F.B. 220
A.F.A. 47
15M—9-41 (1761)
H.Q. 1772-29-564

E. de B. Panet, major
(E. de B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

Daf
Mdy

"C"

DIGEST COURT MARTIAL
D-113565, Dvr. Marcel Joseph Albert Houle.

On the 4 December 1942 at 11.45 o'clock A.M. the Court adjourns until 1.30 o'clock P.M. on the 4 December 1942.

On the 4 December 1942 at 1.30 o'clock P.M. the Court reassembles pursuant to adjournment; present, the same members as when adjourned.
The accused is brought before the Court.

J. G. P. Dubeau major
President, D.C.M.

J.G.P.D.

G.C.G. Walker maj
President, DCM

"H"

DISTRICT COURT- MARTIAL
D-115585, Pvr. Marcel Joseph Albert Moule

LIST OF OFFICERS UNDER INSTRUCTION

Captain E.I. Gourre,
Universite de Montreal Contingent C.O.T.C.(Reserve) C.A.

Lieut. J.J. Tanguay,
General List, C.A., attached to No.4. District Depot, C.A.

Lieut. J.E.P. Rivard
12th Army Tank Battalion(TRR). C.A., attached to No.4.
District Depot, C.A.

-33- "H1"

File No.

DEPARTMENT of NATIONAL DEFENCE

No. 4 DISTRICT DEPOT, C.A.

Jacques Cartier Barracks,
Montreal South, Que. Dec. 4/42.

Major J.A.G. Dubeau,
Le Régiment de Joliette (Reserve) C.A.,
President District Court Martial,
Att. C.A.E(B)T.C. No. 42, C.A.

District Court Martial.-
D-115585 Dvr. HOULE, Marcel, Joseph, Albert.-

With reference to the m/n District Court Martial, the u/m Officers of the Depot, under my command, have been detailed to attend the proceedings of this Court as Officers under instruction.

Lieut. J.J. Tanguay, (Gen.List), C.A.
Lieut. J.E.P. Rivard, 12th Army Tank, Bn., (TRR), C.A.

2. For your information, please.

(S.ECHENBERG, E.D), Colonel,
Commanding
No. 4 District Depot, (CA).

JAGD/PEL..

J. C. P. Dulieu major
President, ocm.

Exhibit -35- "I"

RECORD of the Declaration of a Court of Inquiry assembled at CAMP BORDEN, ONTARIO on the SEVENTH day of OCTOBER 1941, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. D.115585 Driver HOULE, M.J.A. of the 2nd.Cdn.Armd.Bde.Coy.,RCASC.,AF

DECLARATION

The Court declare that No. D.115585 Driver HOULE, M.J.A. of the 2nd. CdnArmd.Bde.Coy.,RCASC.,AF.

illegally absented himself without leave from his Unit at Camp Borden, Ontario, at Camp Borden,Ontario on the Fifteenth day of September 1941; and that on the 15th.September 1941 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE	ARTICLES		VALUE
Anklets. web prs.	1	77	Fwd.		40.27
Badges,arm,worsted,prs.	1	08	Drawers,woollen,prs.	1	1.17
Badges,shoulder,worsted,prs		08	Dressing,first field	1	24
Bags, kit	1	74	Forks	1	09
Battle dress blouse	1	6.18	Gloves,woollen,khaki,prs.	1	59
Battle dress trousers	1	6.24	Holdall	1	17
Belts,leather,waist,brown	1	32	Housewife	1	50
Blacking,tins	1	04	Jackets, sweaters	1	1.71
Bootdressing, tins	1	04	Knife clasp & lanyard	1	1.16
Boot laces, prs.	1	04	Knife, table	1	18
Boots,ankle, prs.	1	4.81	Mitts, prs.	1	64
Braces, prs.	1	29	Overalls, combination	1	2.81
Brasses,button	1	04	Razors	1	42
Brushes,boot blacking	1	15	Shirts,flannel,khaki	1	2.05
" " polishing	1	17	Shirts,khaki,cotton,SS	2	1.98
" button	1	15	Shirts,under cotton W/S/S	2	1.36
" cloth	1	24	Shirts,woollen	1	1.14
" hair	1	24	Shoes,canvas,prs.	1	1.97
" shaving	1	30	Socks,woollen,prs.	5	1.85
" tooth	1	08	Sponges,pipe clay	1	.02
Cap comforter	1	25	Spoons, table	1	.08
Cap,field service	1	84	Towels, hand	2	.42
Greatcoat, drab	1	17.22	Covers, mess tin	1	.08 $60.90
Comb, hair	1	.04			
Drawers,cotton,short prs.	2	.92			

President
A.E. PEARSON (Major)

G.WALKER Member
Captain
R.C.A.S.C., C.A.,

J.S. MALLON Member
Lieut.
R.C.A.S.C., C.A.,

Signed at Camp Borden,Ontario

this 7th. day of October 1941.

Signature of Commanding Officer A.E.PEARSON
Major
R.C.A.S.C., C.A.

Certified true copy G Walker
(G.Walker)Captain
Administrative Officer
2nd Bdn. Armd. Bde. Coy., RCASC, A.F.

Signature of Officer having custody of original record

M.F.B. 375
SM—3-40 (5024)
H.Q. 1172—39-257

C.P.C. Cadets, Inspir
C. Provost, O.C.M.

-97-

Exhibit "B"

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Major W.H. Draper, O.C. Cdn. Provost Corps Detch., MD No.4
(Number) (Rank) (Name) (Unit)

hereby certify that D-115585 Pte. HOULE, M.
(Number) (Rank) (Name in full)

of the 2nd Cdn. Bde., R.C.A.S.C. -- Camp Borden, Ont.
(Unit and attachment, if any)

Strike out words not applicable } was apprehended by ~~surrendered to~~ WSH D-126321 L/Cpl.
(Number) (Rank)

SALCONI, of the CDN. PROVOST CORPS DETCH., M.D.No.4
(Name) (Unit or appointment)

at Montreal, Que. (Place) at 1630 (Hour)

on the 13th day of October 1942

Strike out words not applicable } as a ~~deserter or~~ absentee without leave), and that at the time of his arrest he was ~~surrender~~ WSH ~~in uniform~~ WSH (dressed in civilian clothes).

Dated at Montreal, Que. this 14th day of October 1942

W.H. Draper

(W.H. Draper) Major
(Signature, Number, Rank, Unit or appointment)

JAB/...

O.C. Cdn. Provost Corps Detch., M.D.No.4

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
*50M—5-41 (4731)
H.Q. 1772-39-1936

J. C. G. Nadeau major
Judge Adv. Gen.

CLOSING ADDRESS BY THE PROSECUTOR "K"

Mes remarques seront bien courtes. Je crois avoir actuellement en mains un temoignage servant a demontrer que l'accusation directement portee contre l'accuse est juste.

L'accuse admet lui-meme, dans son propre temoignage, que durant son absence sans permission, il s'est preoccupe de se trouver du travail pour une firme quelconque, dans le but, dit-il de se ramasser de l'argent, ce qui est absolument contraire aux lois militaires.

Je vous ne mentionnerai que le temoignage rendu par le temoin Papillon qui lui dit:-"J'ai ete bien traite pendant mon stage a Borden" et qu'il occupait la meme fonction que l'accuse Houle, telle fonction reconnue comme la plus belle fonction qu'un soldat puisse avoir.

Et le soldat Papillon dit a la fin de son temoignage que si Houle s'est senti lese un moment, que c'etait par sa faute, que s'il s'etait mieux conduit, cela ne serait pas arrive.

Dans la trans-question de la Cour a l'accuse, il a ete revele que l'accuse n'avait pas l'intention de se rapporter avant janvier 1943. C'est une chose reconnue que l'accuse s'est absente sans permission. La preuve est indiscutable en cette cause, et je crois que plus loin, dans mes remarques, la seule chose que je demanderai a la Cour,c'est que sentence, tenant compte des 13 mois d'absence soit, pour telle accusation, severe.

Il y a une autre chose que je demanderais a la Cour. C'est d'obtenir que tout soldat fasse son devoir et dans le cas present, je crois que le soldat Houle, depuis le 15 septembre 41 a septembre. 42, n'a pas fait son devoir ni comme soldat ni comme citoyen.

J.C.P. Kelly, major
President, DCM

CLOSING ADDRESS BY THE DEFENDING OFFICER "L"

Je ne crois pas que le fait que le soldat Houle ait travaille dans le civil soit une preuve que son intention etait de ne pas se rapporter.

L'accusation de desertion ne consiste pas de se montrer sur la route publique comme l'a fait l'accuse. Il n'avait pas peur de se montrer, ni de se montrer, ni de se faire arreter alors qui partait ou revenait, en tramways ou autrement, de son travail. Il faisait de meme dans ses nombreux voyages a Magog alors qu'il aurait pu se faire arreter sur les trains. Ceci, donc, demontre bien qu'il ne se cachait pas.

Houle a parle "de batons dans les roues" et je crois comprendre ce qu'il dit par la, qu'il n'etait pas traite d'une facon satisfaisante.

Maintenant, je ne vois pas de doute que l'accuse s'est absente sans permission et que son absence fut prolongee.

Je demanderais donc a la Cour de se montrer aussi clemente que possible, parce que l'accuse est un jeune soldat, qualifie dans son arme, et je crois bien qu'il serait plus utile dans l'armee que de lui voir imposer un sejour prolonge dans la Detention.

En terminant, je remets l'accuse dans les mains de la Cour en lui demandant une fois de plus, de se montrer indulgente.

J.C.P.K.

P. C. G. Chubbs, major
President, D.C.M.

-43- "Y"

M.F.B. 388
30M—11-41 (2373)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
D-115685,	Driver	Marcel Joseph Albert HOULE	2nd Canadian Armoured Brigade, Coy., R.C.A.S.C., C.A., att'd to No. 4 District Depot, C.A.

1. The following is a fair and true summary of the entries in the ~~Regimental and Squadron (Battery~~ Service and General Conduct sheet ~~or Company conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	~~N.S.~~	times	A. W. L.	1 times
For	~~N.S.~~	times	Neglect to obey Driver's standing Orders	1 times
For	~~N.S.~~	times	~~N.S.~~	times
For	~~N.S.~~	times	~~N.S.~~	times

~~Number of instances of gallantry or distinguished conduct~~ ~~N.S.~~

~~There are no entries in the conduct sheets of the accused.~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted ~~N.S.~~

Previous convictions of the accused by a court-martial or a civil court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and dispensations with trial under ~~A.A. 74~~ A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

~~N.S.~~

~~The accused at the present time is under sentence for _____ beginning on the _____ day of _____ N.S.~~

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in civil custody, and 54 days in ~~military~~ ~~Air Force~~ custody, making a total of 54 days in custody, of which NIL days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 29 Years 3 Months, (17th Sept., 1913)

6. The date of his ~~enrolment~~ attestation specified in his ~~record of service is~~ attestation paper 11th October, 1940

7. ~~The service which the accused is allowed to reckon towards discharge is~~

8. ~~The accused is entitled to reckon _____ N.S. service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~Air Force~~ military decoration, or ~~any~~ military reward (~~or in possession of or entitled to~~) ~~N.S.~~ ~~State any air force decoration or award~~ military ~~N.S.~~

10. ~~(If the accused is a warrant officer.) N.S. accused before he was made a warrant officer last held the regimental rank of _____ N.S.~~

44-

11. ~~(In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~

Permanent Force
unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 5th December, 1918, day of Officer i/c Records, No. 4 District Depot, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" signed by the president, and annexed to the proceedings.

G. C. G. Nelles, major
President, D.C.M.

M.F.M. 5
(A.F.B. 122)
500M—11-40 (9629)
H.Q. 1772-42-15

No. D-115585 Name HOULE Marcel Joseph Albert

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Sqn., Battery, or Company

Corps 4th Div'l ARMY COY CASF

Period not reckoning towards freedom from extra fine

Date of enlistment R. C. A. S. C. 11th Oct. 1940

Sheet No. 1

Badges

Signature O.C. Company, etc.

*Service or Proficiency Pay

Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Camp Borden	14-7-41			A. W. L. from 0600 hrs. 14-7-41 to 1100 hrs 14-7-41 total 5 hrs. Under open arrest A. A. Sec 15-1	Sgt. Murphy	2 days C. B.	14-7-41	A. E. Parson	
Camp Borden	8-8-41	Dvr.		Neglecting to obey Drivers Standing Orders (A. A. Sec. 11)	Documentary Evidence	7 days C. B.	8-8-41		

CERTIFIED TRUE COPY
Officer i/c Records No. 4 District Depot, C.A.
Edward Smith Capt.
E. H. SMITH, Captain.

(P.T.O.)

H.Q.C. C.55-H-322

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

DISTRICT COURT-MARTIAL

HAVENS, EDWARD SAMUEL M.60231 PTE

NO. 7 D.D. C.A.

DEAD

CONFIDENTIAL
H.Q.C. C.55-H-322

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If purpose for which referred cannot be expressed on one line, add minute to file and endorse "With Minute")							
				JAG	New file	CR	23/1/43
FEB 1 1943	11/2/43	P.A.	[illegible]	AD	To [illegible] PA	RBL	25/1/43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All covering letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C. -C.55-H-322 (JAG)

January 25th, 1943.

District Officer Commanding,
Military District No. 7, Saint John, N.B.

Re: DISTRICT COURT-MARTIAL
M-60281 Pte. Edward Samuel Havens
No. 7 District Depot, C.A.

1. Receipt is acknowledged of your J/38-H-822 dated January 19th, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

2. Since the finding is supported by the evidence, and the sentence legal, it is not considered necessary to return the proceedings which are accordingly retained for registration and custody.

Brigadier,
Judge Advocate-General.

RBL/jg

H.Q.C.05-H-322
M.D.J/38-H-822

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. M.60281 Name Havens, Edward Samuel

Rank Pte. Unit No. 7 D.D. C.A.

Charge Sec. 15 (1) A.A. Absenting himself without leave

Date of Crime 20-10-42

Date of Arrest 28-12-42 Charge. Signed 5-1-43

Orders for D.C.M. D.O.C. M.D.#7

Place and Date of Trial Fredericton, N.B. 12-1-43

Sentence Detention ninety (90) days.

Date of Confirmation 14-1-43

Date of Promulgation 18-1-43

Entered in Records of J.A.G. as No. 7621

Date 25-1-43

MEMO

R.B. Lamb Capt.
for Judge Advocate-General.

3M-12-42(M1754)

no file

IN REPLY PLEASE QUOTE
No. J/38-H-822

CANADA

7621 DEPARTMENT OF NATIONAL DEFENCE
ARMY

SAINT JOHN, N.B., 19 Jan 1943.

CENTRAL REGISTRY Army
PERS. SEC.
JAN 22 1943
File C-55-H-322
Chgd to
Referred to J.G.G.

Secretary,
Department of National Defence,
OTTAWA, Ontario.

RE: DISTRICT COURT-MARTIAL
M-60281 Pte. Edward Samuel HAVENS,
No. 7 District Depot, C.A.

1. I enclose herewith for registration, please, proceedings of the District Court-Martial held for the trial of the marginally named soldier.

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

Enc.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ GCM District Courts-Martial

Proceedings of a District Court-Martial held at No. 7 District Depot, C.A., Fredericton, N.B. on the 12th day of January 1943 by order of Brigadier G. G. Anglin, M.C. Commanding Military District No. 7. dated the 7th day of January 1943

President.
Major W. C. McQUADE, V.D.
No. 7 District Depot, C.A.

Members.

Major E. M. STYLES
No. 7 District Depot, C.A.

Captain L. J. GAY
No. 7 District Depot, C.A.

Trial of* M-60281 Private Edward Samuel HAVENS, ~~Judge Advocate,~~ GCM
No. 7 District Depot, C.A.

The order convening the Court, the charge-sheet and the summary GCM ~~(or abstract)~~ of evidence are laid before the Court.

The Court satisfy themselves that Major O.J.A. Barter is not available to serve owing to illness.

Captain L. J. Gay, waiting member takes his place as a member of the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. ø

The accused is brought before the Court.

Prosecutor,† Captain R. J. LOVE, No. 7 District Depot, C.A.

GCM ~~Counsel‡ or~~ defending officer† Captain K. S. ROBERTSON No. 7 District Depot, C.A.

At 10 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

ø I have satisfied myself that (1) none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

GCM McQuade Major
Pres. G.C.M.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

B

The President, members and ~~and judge-advocate~~ are duly sworn.

The following officers under instruction are duly sworn. See document marked "G"

Q.2 Do you object to G-45159 Corporal (A/C.S.M.) R. A. BREWER, No. 7 Detachment, C.M.S.C., C.A. acting as shorthand writer?

A.2 No, Sir.

G-45159 Corporal (A/C.S.M.) R. A. BREWER, No. 7 Detachment, C.M.S.C., C.A. is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the ~~each~~ charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the ~~[first]~~ charge against you, which you have heard read? *Question to the accused.*

A.3 Guilty *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

~~Answer.~~

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

~~Answer.~~

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

~~Answer.~~

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

"B-2"

Lt Col McDougall Major
Can. D.C. M.

CHARGE SHEET

The accused M 60281 Private Edward Samuel Havens, No. 7 District Depot, C.A. a soldier of the Canadian Army placed on Active Service, is charged with:

CHARGE
SEC. 15 (1)
ARMY ACT

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Fredericton, N.B. on the 20th day of October, 1942, absented himself from No. 7 District Depot, C.A. from 2359 hours on said 20th day of October, 1942, until he surrendered to the military authorities at Fredericton, N.B. at 2200 hours on the 28th day of December, 1942, dressed in military uniform.

W. A. McDougall Lieut-Col
(W. A. McDougall) Lieut-Col
O.C. No. 7 District Depot C.A.

5th January, 1943
Fredericton, N.B.

To be tried by District Court-Martial

H. M. Logan Lieut.-Col.
(H. M. Logan) Lieut-Col.
A.A. & Q.M.G., M.D. No. 7
for (G.G. Anglin) Brigadier
District Officer Commanding
Military District No. 7

Saint John, N.B.
7 January, 1943

WM

CC

Proceedings on Plea of Guilty

To be struck out in case no plea of "Not Guilty" has been recorded with. ~~[The Court having been re-opened, the accused is again brought before him, and the charge to which he has pleaded "Guilty" read to him again.]~~

The accused No. M-60281 Private Edward Samuel Weeks, No. 7 District Depot, C.A., is found guilty of the charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "H" , signed by the President, and attached to the proceedings.

Q.4 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.4 *Answer.* The accused in mitigation of punishment says:—

~~[or hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.]~~

I haven't much of a story to tell, Sir, because I just got around the Depot. I was in Category "A". I was going back and forth to the hospital, I was in the army for a year and a half and was around here and I wanted to go overseas, I could see nothing in that and just got fed up and went, that is all there is to it. About two weeks before my unit went overseas I went to hospital. While I was in there they went overseas. I was sent to the Depot here and after I was here for a little while they didn't seem to do anything for me in the hospital, I went on sick parade here again and things went just the same and they discharged me from the hospital and I went back to the hospital again. There was nothing as far as I could see wrong with me. I did not really know why I went to hospital unless it was a strain from heavy lifting. After all my trips to the hospital I have not yet been reboarded and as far as I know I am still in the same category.

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q.5 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A.5 No, Sir. *Answer.*

Evidence as to character.

Finding*

To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

Not Gm

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

Not Gm ~~*The Court being re-opened, the accused is again brought before it.~~

Captain F. F. CREIGHTON, Adjutant, No. 7 District Depot, C.A. is duly sworn.

Evidence of character, &c.

Q.6 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? A.6 *Answer by the Witness.* Yes, Sir. I produce, M.F.B. 355

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

Q.7 *Question by the President.* Is the accused the person named in the statement which you have heard read? A.7 *Answer by the Witness.* Yes, Sir.

Q.8 *Question.* Have you compared the contents of the above statement with the regimental books? A.8 *Answer.* Yes, Sir.

Q.9 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.9 *Answer.* Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Not Gm ~~Cross-examined by the accused.~~

The Defending Officer declined to cross-examine. In the opinion of the Court it is not necessary to comply with Rule of Procedure 83 (B). Witness withdraws.

Q.10 *Question to the accused.* Do you wish to address the Court? A.10 *Answer.* Yes, Sir, through my Defending Officer.

The Court is closed for the consideration of the sentence. See document marked "I"

8

F

Sentence

The Court sentence the accused No. M-60281 Private Edward Samuel Hearns, No. 7 District Depot, C.A., to undergo detention for ninety days.

Sentence.

Detention 90 days

Signed at Fredericton N.B. this 12th day of January 1943

A.B. McNair Lieut Major
Pres. District Court Martial

CONFIRMED.

Signed at Saint John, N.B., this 14th day of January, 1943.

(G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

PROMULGATION

Promulgated and extracts taken at Fredericton, N.B. this 18th day of January, 1943.

..... Captain
(F.F. Creighton) Adjutant
Officer i/c Records
No. 7 District Depot C.A.

Extracts entered as No. 7621 in the Record of Courts-Martial kept in the Office of the Judge Advocate-General this 25th day of Jan. 1943

"X" Colonel Brigade Major
Pro. D.C.M.

Orders by BRIGADIER G. G. ANGLIN, M.C. Commanding

~~XX~~ Military District No. 7.

District Court-Martial

7 JANUARY 1943.

The detail of Officers as mentioned below will assemble

at No. 7 District Depot, C.A., Fredericton, N.B. on TUESDAY

the 12th day of JANUARY 1943 at 1000 hours

for the purpose of trying by a District Court-Martial the accused person ~~(persons)~~ named in the margin (and such other person or persons as may be brought before them).

M-60281 Private Edward Samuel HAVENS, No. 7 District Depot, C.A.

PRESIDENT

Major W. C. McQuade, V.D., No. 7 District Depot, C.A. is appointed President.

MEMBERS

Major O.J.A. Barter, No. 70 Canadian Army (Basic) Training Centre, C.A.
Major E. M. Styles, No. 7 District Depot, C.A.

WAITING MEMBERS

Captain L. J. Gay, No. 7 District Depot, C.A.
Captain W. B. Bromfield, No. 7 District Depot, C.A.

~~JUDGE ADVOCATE~~

~~has been (is hereby) appointed~~

~~Judge Advocate~~

PROSECUTOR

Captain R.J. LOVE, No. 7 District Depot, C.A. ~~has been~~ (is hereby) appointed Prosecutor

DEFENDING OFFICER

Captain K. S. ROBERTSON, No. 7 District Depot, C.A. ~~has been~~ (is hereby) appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, No. 7 District Depot, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to The A.A. & Q.M.G., M. D. No. 7.

Signed this 7th day of JANUARY 1943.

H. McLogan Lieut.-Colonel,
A.A. & Q.M.G., M. D. No. 7.
for (G. G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

M.F.B. 220
A.F.A. 47
1534—9-41 (1781)
H.Q. 1772-39-564

"B"

Lt Col Mc Leod Rogers
Pres. D.C.M.

LIST OF OFFICERS UNDER INSTRUCTION

oooooOooooo

Lieutenant E. SKENE
No. 7 District Depot, C.A.

Lt Col M

"H"

Lt Col Wade Major
Pres. G.C.M.

SUMMARY OF EVIDENCE

in the case of

No. M.60281 Private Edward Samuel HAVENS, No. 7 District Depot, C.A., a soldier of the Canadian Army placed on active service.

Charge,

ABSENCE WITHOUT LEAVE.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS

Captain F.F.Creighton, No. 7 District Depot, C.A., having been duly sworn states:-

I am Captain F.F.Creighton, Adjutant and Officer in charge of Records, No. 7 District Depot, C.A.

I hereby submit in evidence certified copy of Part II Order No. 254 of No. 7 District Depot, C.A., dated 26th October 1942, which on page 2 para 1 shows the accused, whom I recognize as M.60281 Private Edward Samuel HAVENS, as absent without leave from 2359 hours 20th October 1942.

I hereby submit in evidence Part II Order No. 257, of No. 7 District Depot, C.A., dated 29th October, 1942, which on page 3 para 5 gives the 8th day posting of the accused, M.60281 Private Edward Samuel HAVENS as absent without leave from 2359 hours 20th October 1942.

I hereby submit in evidence Part II Order No. 270, of No. 7 District Depot, C.A., dated 13th November, 1942, which on page 4 para 8 gives the 21st day posting of the accused, M.60281 Private Edward Samuel HAVENS, as absent without leave from 2359 hours 20th October 1942.

I hereby submit in evidence M.F.B. 375, Record of the Declaration of a Court of Inquiry assembled at Fredericton, N. B. on the 17th November 1942 for the purpose of investigating the illegal absence of the accused, M.60281 Private Edward Samuel HAVENS, and which declares that he was illegally absent without leave from No. 7 District Depot, C.A. at 2359 hours on the 20th October 1942 and that he was still so absent on 17th November 1942.

I hereby submit Part II Order No. 273, No. 7 District Depot, C.A., dated 17th November 1942, which on page 7 para 13 publishes the declaration of the Court of Inquiry held to investigate the illegal absence of the accused, M.60281 Private Edward Samuel HAVENS, and shows him to be illegally absent without leave since 2359 hours 20th October 1942.

I hereby submit certificate of apprehension, signed by Lieut. Col. W.A.McDougall, Officer Commanding No. 7 District Depot, C.A., which shows that the accused surrendered to the military authorities at Fredericton, N. B. at 2200 hours on the 26th day of December, 1942.

The accused declined to cross-examine.

.....Captain
(F.F.Creighton) Adjutant
Officer in charge of Records
No. 7 District Depot, C.A.

Part II Order No. 254, No. 7 District Depot, C.A., dated 26th October 1942, accepted in evidence and marked exhibit "A".

Part II Order No. 257, No. 7 District Depot, C.A., dated 29th October 1942, accepted in evidence and marked exhibit "B".

Part II Order No. 270, No. 7 District Depot, C.A., dated 13th November 1942, accepted in evidence and marked exhibit "C".

M.F.B. 375 dated 17th November 1942, accepted in evidence and marked exhibit "D".

Part II Order No. 273, No. 7 District Depot, C.A., dated 17th November 1942, accepted in evidence and marked exhibit "E".

Certificate of Surrender dated 5th January 1943, accepted in evidence and marked exhibit "F".

Question to the Accused--

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

Answer by accused--

I have nothing to say.

I certify that Rules of Procedure 4 (C), (D), (E), and (F) have been complied with.

Taken down by me in the presence of the accused at No. 7 District Depot, C.A., Fredericton, N. B. this 5th day of January 1943.

R J Love
.....Captain
(R. J. Love) Captain
No. 7 District Depot, C.A.

PART II ORDERS.
BY
LIEUTENANT-COLONEL W.A. MCDOUGALL, M.C.
OFFICER COMMANDING
NO. 7 DISTRICT DEPOT C.A.(AA)
FREDERICTON, N.B.

Letter "A" RJh.

NO. 254 MONDAY 26 OCT 42 NO. 254.

Last Part II Order No. 253 D/ 24 Oct 42.

Section "A".

1. STRENGTH DECREASES.

Captain H. A. HANSON

S.O.S.....26 Oct 42 on being attached for all purposes to No. 7 Det. C.M.S.C.,St. John,N.B. Eff. 27 Oct 42. (Auth. J/38-H-187 D/ 23 Oct 42.).

2 ON COMMAND

Captain H.A. HANSON

Ceases to be On Command and attached for all purposes except pay to Headquarters M.D. No.7 St.John,N.B. Eff. 26 Oct 42.

3 SUBSISTENCE ALLOWANCE.

Captain H.A. HANSON

Ceases to draw S/A at rate of $1.70 per diem eff. 26 Oct 42.

3 CORRECTION

Lieut. E.A. SKENE

Pt. II Order No. 200-A-1 D/ 24 Aug 42 re the M/N is amended as follows:-
ADD Reported for duty on 24 Aug42.

Major. L.G. LILLEY

Pt. II Order No. 253-A-1 D/ 25 Oct 42 re the M/N is amended as follows:-
FOR T.O.S.....12 Oct 42.
READ T.O.S.....18 Oct 42.

Section "B"

1. STRENGTH INCREASES.

The undermentioned personnel having been attested are T.O.S. on dates set after their names and are allotted regtl. nos. as noted:-

Boyd, Attle Allan Married - 1 dependent.	Pte	G 29076	21 Oct 42.
Burgess, John Ronald Single - no dependents.	Pte	G 1077	26 Oct 42.
Godin, Dennis Joseph Married - 5 Dependents.	Pte	G 29075	20 Oct 42.
McSorley, Dennis Matthew Single - no dependents.	Pte	G 1078	26 Oct 42.

Pt. II Order No. 254 D/ 26 Oct 42 of No. 7 D.D. Continued.....

2. STRENGTH INCREASES (TRANSFER).

G 27721 L/Cpl. STEWART K.A.

T.O.S.....22 Oct 42 on transfer from R.M.C., Kingston, Ont. (Auth. Pt.II Order No. 150 D/ 21 Oct 42 of R.M.C).

3 STRENGTH INCREASES.(ATTACHMENTS.).

G 23544 Pte CARRIER E.W.

T.O.S.....20 Oct 42 on ceasing to be attached for all purposes to No. 6 Special Employment Co., Sussex,N.B. Eff.,19 Oct 42 .(Auth. Pt. II Order No. 15 D/ 21,Oct 42 of No. 6. Special Employment Co.).

4 STRENGTH DECREASES.(TRANSFER).

G 3487 Pte KYFFIN C.C.

S.O.S.....27 Oct 42 on transfer to A-19 R.C.A.S.C., Camp Borden, Ont.

B 31772 Pte LeClair W.J.

S.O.S.....27 Oct 42 on transfer to A 30 Training Centre, Valcartier, P.Q. , Forestry Wing. (Auth J/2-1-68 D/ 9 Oct 42.).

5 PUNISHMENTS.

G 5152 Pte ARSENAULT D.J.

Awarded a forfeiture of 3 days pay (Art. 149 (2) F.R.&I For (1) Conduct to the prejudice of Good order and military discipline in that he did refuse to carry out a lawful command properly given to him by a superior Officer 1030 hrs 26 Oct 42. (Sec. 40 A/A). Total forfeitures 3 days pay. 26 Oct 42.

6 ABSENT WITHOUT LEAVE.

The undermentioned personnel are absent without leave as from the fates shown:-

G 6310	Pte	Thibodeau A.	2200 hrs 4 Oct 42. (21st day posting 2200 hrs27 Oct42)
M 60281	Pte	Havens E.S.	2359 hrs 20 Oct 42
B 84618	Pte	Huggins W.T.	2359 hrs 20 Oct 42.
G 23620	Pte	Peterson P.	1800 hrs 19 Oct 42.
G 50696	Pte	Nelson E.	0730 hrs 18 Oct 42. (8 day posting 0730 hrs 26 Oct42)
L 64530	Pte	Franklin A.G.	2200 hrs 21 Oct 42. (Att. No 7 Special Emp.Co.). A.W.L. from 2200 hrs 17 Oct 42. (8th day posting 2200 hrs 25 Oct 42.).
C 23951	Pte	Comeau E.L.	

Section "B"

7. HOSPITAL.

G 19956 Pte O'Donnell P.J.
G 53499 Pte MacKinnon A.G.

Admitted to Fredericton Mil.Hospital
eff. 24 Oct 42.

8 MARRIAGE

G 45018 Cpl. Milton R.W.

Having been granted permission to marry
vide Pt. II Order No. 207-B-9 D/ 1, Sep 42
was married to W 7062 Cpl. MARY LOUISE LARLEE
on the 23 Oct 42 at St.John,N.B.

9 CANCELLATION

M 68041 Pte CORMACK W.J.

Pt. II Order No. 252-B-19 D/ 23 Oct 42
re the M/N is hereby cancelled.

G 52255 Pte GRIFFITH K.B.

Pt. II Order No. 251-B-3 D/ 22 Oct 42
re the M/N is hereby cancelled.

G 12152 Pte BAGLEY R.A.

Pt. II Order No. 247-B-4 D/ 17 Oct 42
re the M/N is hereby cancelled.

D 26525 Tpr. GARDENER G.C.

Pt. II Order No. 196-B-1 D/ 19 Aug 42
re the M/N is hereby cancelled.

10 STRENGTH DECREASES (ATTACHMENTS).

B 63352 Pte CLEMENTS J.W.
G 53460 Pte IRVING R.T.

S.O.S.....27 Oct 42 on being attached
for all purposes to No. 7 District Coy.
R.C.A.S.C., St.John,N.B. Eff. 28 Oct 42.
(Auth. J/38-I-3 J/38-C-1056 D/ 23 Oct 42).

11 LEAVE AND PASSES.

L 276 B.Q.M.S. McLaren P.G.

Having been granted pass from 8 Oct 42 to
12 Oct 42 incl. and granted one weeks extention
from 13 Oct 42 until 19 Oct 42 incl.is authorized
to draw 12 days R/A at the rate of $1.50 per diem
in lieu of rations...$6.00 under Art. 196(4)
P.R.&I while on such leave.

12 CORRECTION.

G 19956 Pte O'Donnell P.J.

Pt. II Order No. 250-B-1 D/ 21 Oct 42 re the
M/N is amended as follows:-
FOR 20 Oct 42. READ 15 Oct 42.

Pt. II Order No. 254 D/ 26 Oct 42 of No. 7 D.D. Continued.....

12. CORRECTION (CONTINUED).

M 15716 Pte BYINGTON M.

Pt. II Order No. 203-B-7 D/ 27 Aug 42 re the M/N is amended as follows:-
ADD Under close arrest from 14 Aug 42 (Date of offence) until time of trial on 19 Aug 42. Forfeits 5 days pay and allowances under Art. 149(1)(C)(1)FM&I.
FOR Total forfeitures 92 days pay and all.
READ Total forfeitures 97 days pay and allowances.

G 3422 Pte FITZGERALD C.W.

Pt. II Order No. 208-B-9 D/ 2 Sep 42 re the M/N is amended as follows:-
FOR Fitzgerald C.A.
READ Fitzgerald C.W.

G 6157 Pte MULLIN G.H.

Pt. II Order No. 220-B-3 D/ 16 Sep 42 re the M/N is amended as follows:-
FOR 12 Sep 42 to 26 Sep 42.
READ 13 Sep 42 to 26 Sep 42 (14 days).

G 22002 RSM Whalen W.D.

Pt. II Order No. 220-B-3 D/ 16 Sep 42 re the M/N is amended as follows:-
FOR 11 Sep 42 to 25 Sep 42
READ 12 Sep 42 to 25 Sep 42 (14 days).

G 19055 Pte BULMER G.H.

Pt. II Order No. 220-B-3 D/ 16 Sep 42 re the M/N is amended as follows:-
FOR 15 Sep 42 to 28 Sep 42.
READ 16 Sep 42 to 28 Sep 42 (13 days).

G 49785 Pte BURTT D.C.

Pt. II Order No. 220-B-3 D/ 16 Sep 42 re the M/N is amended as follows:-
FOR 16 Sep 42 to 29 Sep 42.
READ 17 Sep 42 to 29 Sep 42 (13 days).

G 18494 Pte BREAU J.E.

Pt. II Order No. 220-B-3 D/ 16 Sep 42 re the M/N is amended as follows:-
FOR 11 Sep 42 to 24 Sep 42.
READ 12 Sep 42 to 24 Sep 42 (13 days).

G 50127 Pte Doucette C.J.

Pt. II Order No. 220-B-3 D/ 16 Sep 42 re the M/N is amended as follows:-
FOR 14 Sep 42 to 27 Sep 42.
READ 15 Sep 42 to 27 Sep 42 (13 Days).

Section "B"

12. CORRECTION (CONTINUED).

G 52398 Pte Doucet I.J.

Pt. II Order No. 225-B-5 D/ 22 Sep 42 re the M/N is amended as follows:-
FOR A.W.L. from 1745 hrs to 2355 hrs 18 Aug 42.
READ A.W.L. from 1745 hrs to 2355 hrs 19 Sep 42.

G 52398 Pte DOUCET I.J.

Pt. II Order No. 250-B-17 D/ 21 Oct 42 re the M/N is amended as follows:-
FOR Total forfeitures 3 days ord. pay and 2 days All.
READ Total forfeitures 2 days pay and 2 days all.

Pt. II Order No. 232 D/ 30 Sep 42 (Supplement) (Regarding strength Return of No. 7 D.D. at 30 Sep 42). is amended as follows:-

FOR	Capt. 21	READ Capt. 17.
FOR	Lieut. 16	READ Lieut. 13.
FOR	B.Q.M.S.1	READ B.Q.M.S. 2.
FOR	Sgt. 37	READ Sgt. 43.
FOR	Cpl. 58	READ Cpl. 60.
FOR	L/Cpl. 29	READ L/Cpl. 32.
FOR	Pte. 903	READ Pte. 941.

13 LEAVE AND PASSES.

G 23297 Cpl. MOSHER R.M.

Having been granted leave of absence from 0700 hrs 16 Oct 42 until 1400 hrs 20.Oct 42 is authorized to draw 4 days R/A at rate of $ 50 per diem in lieu of rations (..$2.00) under Art. 196(4)F.R.&I while on such leave.

1 STRENGTH DECREASES.

Section "D"

G 17690 Cpl. HARRIS F.E.

S.O.S.....26 Oct 42 on discharge being unable to meet the required military physical standards C.A.R.O. 1029(10).

M 66003 Pte Adair T.S.
L 326 Pte Schentag J.A.
G 5241 Pte LeBouthillier J.H.
G 28098 Pte Gaudett J.S.

S.O.S.....26 Oct 42 on discharge to D.P.&W.H. being unable to meet the required military physical standards C.A.R.O. 1029(10)

2 CLOTHING ALLOWANCE.

The undermentioned personnelhaving enlisted on dates set after their names are entitled to receive clothing allowances as notedto be credited to their accounts:-

G 17690	Cpl. Harris F.E.	4 Apr 40	$35.00
M 66003	Pte Adair T.S.	25 Jul 41	$35.00
L 326	Pte Schentag J.A.	9 Jun 41	$35.00
G 5241	Pte LeBouchillier JH	16 Jun 41	$35.00
G 28098	Pte Gaudett J.S.	10 Jul 40	$35.00

Pt. II Order No. 254 D/ 26 Oct 42 of No. 7D.D. Continued.....

Section "B"

3. REHABILITATION GRANT.

The undermentioned personnelhaving enlisted on dates set after their names are entitled to receive rehabilitation grant under R.O. 1029

G 17690	Cpl.	HARRIS F.E.	4 Apr 40.
M 66003	Pte	ADAIR T.S.	25 Jul 41.
L 326	Pte	SCHENTAG J.A.	9 Jun 41.
G 5241	Pte	LEBOUTHILLIER J.H	16 Jun 41
G 28096	Pte	GAUDETT J.S.	10 Jul 40.

4 CORRECTION

G 44890 C.SM. Vining J.H.

Pt. II Order No. 232-D-1 D/ 30 Sep 42
and Pt. II Order No. 232-D-2 D/ 30 Sep 42
and Pt. II Order No. 232-D-3 D/ 30 Sep 42
re the M/N is amended as follows:-
FOR Pte.
READ C.S.M.

RESERVE ARMY PERSONNEL

1. STRENGTH INCREASES.

The undermentioned personnel having reported as ordered and having been placed in med. categories of A1 or B1 or B 2 enrolled posted to No. 7 R.R.M.A. assigned regtl. nos. as noted are taken on strength of No. 7 District Depot C.A. as of the dates shown:-

G 602512	Pte	Alexander, Edward	1930 hrs 21 Oct 42.
G 602510		Blair, John Hughie	1400 hrs 22 Oct 42.
G 602516		Brown, Edison Donald	2200 hrs 21 Oct 42.
G 602518		Bourgeois, Gerard Emeris	1930 hrs 21 Oct 42.
G 602522		Cahill, William Connelly	1930 hrs 21 Oct 42.
G 602517		Casey, George Andrew	1300 hrs 22 Oct 42.
G 602515		Clowater, Raymond Maxs	2200 hrs 21 Oct 42.
G 602509		Day, Ivan Albert Roy	1930 hrs 21 Oct 42.
G 602511		Estabrooks, Norman Wellington	1600 hrs 21 Oct 42.
G 602513		Joncas, Frances Eldridge	1300 hrs 22 Oct 42.
G 602523		LeJeune, Edouard	1300 hrs 22 Oct 42.
G 602521		MacLean, Carl Janesie	1900 hrs 21 Oct 42.
G 602520		Murchland, Robert Leslie	1300 hrs 22 Oct 42.
G 602519		Methot, Henry Peter	1400 hrs 22 Oct 42.
G 417708		Shortill, Edward Francis	0900 hrs 23 Oct 42.
G 602524		Travers, Andre	0930 hrs 22 Oct 42.
G 602514		Woods, Albert Robert	1330 hrs 22 Oct 42.

The undermentioned personnel having reported as ordered and having beenplaced in med. categories lower than B 2 are attached to No. 7 D.D.C.A. for pay rations and quarters as of the dates shown:-

Poirier, Benoit H.	1630 hrs 22 Oct 42.
Landry, Alphonse	1900 hrs 22 Oct 42.
Lovelace, Peter W	1300 hrs 23 Oct 42.
Storey, Harry G.	1300 hrs 23 Oct 42.
Vouteur, Allie E.	1900 hrs 22 Oct 42.
Richard, Dosithe J.	1900 hrs 22 Oct 42.
LeBel, Adolphe	1900hrs 22 Oct 42.
Currie, Wallace E.	1900hrs 22 Oct 42.
Edmonds, Alvin G.	1300 hrs 22 Oct 42.
Hollo, Peter	1330 hrs 22 Oct 42.
Hebert, Patrick	1300 hrs 22 Oct 42.
Collette, William	1930 hrs 23 Oct 42.
Bourgeois, Anthony J	1930 hrs 21 Oct 42.

RESERVE ARMY PERSONNEL

2. STRENGTH DECREASES.

The undermentioned personnel having reported as ordered and having been placed in cat. lower than B 2 cease to be attached to No. 7 D.D.C.A. on returning to destinations as of the dates shown:-

Landry, A.	Left depot at 1850 hrs 26 Oct 42. Arv. destination at 1500 hrs 27 Oct 42.
Lovelace, P.W.	Left depot at 1850 hrs 26 Oct 42. Arv. destination at 2114 hrs 26 Oct 42.
Storey, H.G.	Left depot at 1850 hrs 26 Oct 42. Arv. destination at 2150 hrs 26 Oct 42.
Voutour, A.E.	Left depot at 0930 hrs 27 Oct 42. Arv. destination at 1347 hrs 27 Oct 42.
Richard, D.J.	Left depot at 0800 hrs 27 Oct 42. Arv. destination at 1852 hrs 27 Oct 42.
LeBel, A.	Left depot at 1715 hrs 26 Oct 42. Arv. destination at 2256 hrs 26 Oct 42.
Currie, W.E.	Left depot at 0930 hrs 27 Oct 42. Arv. destination at 1408 hrs 27 Oct 42.
Edmonds, A.G.	Left depot at 1850 hrs 26 Oct 42. Arv. destination at 0310 hrs 27 Oct 42.
Hollo, P.	Left depot at 1850 hrs 26 Oct 42. Arv. destination at 0310 hrs 27 Oct 42.
Poirier, B.H.	Left depot at 0800hrs 27 Oct 42. Arv. destination at 1900 hrs 27 Oct 42.
Hobert, P.	Left depot at 1850 hrs 27 Oct 42. Arv. destination at 0200 hrs 28 Oct 42.
Collette, W.	Left depot at 0930 hrs 27 Oct 42. Arv. destination at 1520 hrs 27 Oct 42.
Bourgeois, A.J.	Left depot at 0930 hrs 27 Oct 42. Arv. destination at 1520 hrs 27 Oct 42.

G 601580 Pte PARENT W.

S.O.S.....26 Oct 42 on discharge to D.P.N.H. being unable to meet the required military physical standards C.A.R.O. 1029(10).

G 602356 (G 1067) Pte Boone Frederick Albert

Having enlisted in the Active Force under Regtl. no. as noted i.e. G 1067 eff. 16 Oct 42 is S.O.S. No. 7 N.R.M.A. Clearing Depot eff. 15 Oct 42.

3 CLOTHING ALLOWANCES.

G 601580 Pte PARENT W.

Having enlisted on 26 Jun 42 and having been discharged on 26 Oct 42 under C.A.R.O. 1029(10) to D.P.& N. is entitled to receive $27.00 clothing allowance to be credited to account.

4 ABSENT WITHOUT LEAVE.

G 602121 Pte DOUGLAS V.G.

Absent since 0630 hrs 18 Oct 42.
(8th day posting 0630 hrs 26 Oct 42.).

RESERVE ARMY PERSONNEL

5. CANCELLATION

G 417643 Pte LeClerc R.

Pt. II Order No. 234-RAP-6 D/ 2 Oct 42
and Pt. II Order No. 251-RAP-3 D/ 22 Oct 42
re the M/N is hereby cancelled.

G 602470 Pte Deseau L.

Pt. II Order No. 251-RAP-1 D/ 22 Oct 42
re the M/N is hereby cancelled.

6 CORRECTION

G 600268 Pte Gauvain T.P.

Pt. II Order No. 251-RAP-1 D/ 22 Oct 42
re the M/N is amended as follows:-
FOR Gauvin
READ Gauvain.

G 602498 Pte Colwell Everett James

Pt. II Order No. 252-RAP-1 D/ 23 Oct 42
re the M/N is amended as follows:-
FOR Wverett.
READ Everett.

Goodine H.X.

Pt. II Order No. 252-RAP-2 D/ 23 Oct 42
re the M/N is amended as follows:-
FOR Left depot at 0930 hrs 24 Oct 42.
Arv. destination at 1810 hrs 24 Oct 42.
READ Left depot at 0930 hrs 23 Oct 42.
Arv. destination at 1810 hrs 23 Oct 42.

Meunier B

Pt. II Order No. 253-RAP-1 D/ 24 Oct 42 re the
M/N is amended as follows:-
FOR 1300 hrs 22 Oct 42.
READ 1300 hrs 21 Oct 42.
Section "B"

14 CANCELLATION

G 3154 Pte TAIT P.A.

Pt. II Order No. 253-B-9 D/ 24 Oct 42 re
the M/N is hereby cancelled.

.....Captain
(P.P. Creighton) Adjutant
No. 7 District Depot C.A.

DISTRIBUTION

N.D.H.Q. 5
D.RECORDS OFF MD7 1.
D.P.M. 3
D.RECRUITING OFFMD7 1.

3d

Certified true copy

Captain
F.F. Creighton, Adjutant
and Officer i/c Records

Notes

Page 3 Sub portion

PART II ORDERS.
BY
LIEUTENANT-COLONEL W.A. MCDOUGALL, M.C.
OFFICER COMMANDING
NO. 7 DISTRICT DEPOT C.A.(A.F.).
FREDERICTON, N.B.

& Tribe B Rfk.

NO. 257 THURSDAY 29 OCT 42 NO. 257.

Last Part II Order No. 256 D/ 28 Oct 42.

Section "A".

1. ATTACHMENTS.

P/2/Lieut. ALLEN D.E.

Ceases to be attached for all purposes except pay to A-10 C.I.T.C., Camp Borden, Ont. eff. 27 Oct 42.

2 LEAVE OF ABSENCE.

P/2/Lieut. D.E. ALLEN

Having been granted leave of absence from 0630 hrs 30 Oct 42 to 2359 hrs 2 Nov 42 is authorized to draw 3 days R/A at the rate of $.50 per diem in lieu of rations ($1.50) under Art. 196 (4) F.R.&I While on such leave.

2/Lieut. F. BLAIR

Granted leave of absence (Annual furlough) from 0630 hrs 27 Oct 42 until 0630 hrs 9 Nov 42 and authorized to draw 13 days R/A At the rate of $.50 per diem in lieu of rations.($6.50) under Art. 196 (4) F.R.&I While on such leave. (Auth. J/38-B D/ 26 Oct 42.).

3 CORRECTION

Lieut. E. A. SKENE

Pt. II Order No. 256-A-4 D/ 28 Oct 42 re the M/N Officer is hereby cancelled and the following substituted:-

To be Lieut. eff. 28 Aug 42. (Auth. Extract from Routine Order No. 2461 D/ 15 Oct 42.).

Section "B"

1 STRENGTH INCREASES.

The undermentioned personnel having been attested are allotted regtl. nos. as noted and are taken on strength as of the dates set after their names:-

Amos, Cecil Thomas	Pte	G 1086	26 Oct 42.
Single - no dependents.			
Akorley, Leonard John	Pte	G 50965	22 Oct 42.
Married - 4 Dependents			
Betts, Sterling Stackhouse	Pte	G 1087	26 Oct 42.
Married - 3 Dependents.			

Section "B"

1. STRENGTH INCREASES (CONTINUED).

Bowlin, Wilfrid Andrew Single - no dependents.	Pte	G 50262	23 Oct 42.
Bramley, Kenneth Walter Single - no dependents	Pte	G 19962	23 Oct 42.
Boyer, Russell Oliver Single - no dependents.	Pte	G 19968	23 Oct 42.
Babineau, Francis Single - 2 Dependents.	Pte	G 50966	26 Oct 42.
Conroy, Reginald LeRoy Single - no dependents.	Pte	G 50964	23 Oct 42.
Currie, Kenneth Alexander Single - no dependents.	Pte	G 19911	26 Oct 42.
Freeman, Melbourne Malcome Widower - No Dependents.	Pte	G 19964	26 Oct 42.
Jagoo, Samuel Arthur Married - 5 Dependents.	Pte	G 19965	26 Oct 42.
MacDonald, Perry Kitchener Single - no dependents.	Pte	G 50967	22 Oct 42.
Richard, Camille Joseph Single - no dependents	Pte	G 50968	28 Oct 42.
Roy, Rosario Married - 5 Dependents.	Pte	G 19961	27 Oct 42.

2 STRENGTH DECREASES (COURT OF INQUIRY)

G 6310 Pte THIBODEAU A.

Having been declared by a Court of Inquiry held on 28 Oct 42 to have been illegally absent since 2200 hrs 4 Oct 42 and to have deficiencies in kit and equipment to the amount of $28.42 is S.O.S. No. 7 District Depot C.A. with eff. 28 Oct 42. Forfeits 25 days pay and allowances. Art. 149 (1)(A)F.R.&I.

3 ATTACHMENTS.

P 35601 C.S.M. SHEAR F.H.

Ceases to be attached for all purposes to No. 7 District Depot C.A. from No. 2 Convalescent Depot R.C.A.M.C. eff. 29 Oct 42. (Auth. J/45-3-4 J/2-65-1 D/ 24 Oct 42.).

G 28665 Pte GREEN G.R.

Ceases to be attached for all purposes except pay to No. 7 Special Employment Co., McGivney Nct.,N.B. eff. 23 Oct 42.

4 PUNISHMENTS.

G 52717 Pte MURDOCK G.E. (Att. No. 7 Special Emp.Co.).

Automatic forfeits 9 days pay and allowances under Art. 149 (1)(A)F.R.&I for A.W.L. from 0800 hrs 19 Oct 42 until 1330 hrs 27 Oct 42 (A.W.L. 8 days 5 hrs 30 min.). Eff. 27 Oct 42. (Extract from Pt. II Order No. 27 D/ 28 Oct 42 of No. 7 Special Employment Co.).

Pt. II Order No. 257 D/ 29 Oct 42 of No. 7 D.D. Continued.....

Section "B"

4. PUNISHMENTS. (CONTINUED).

G 60543 Pte NOWLAN E. (Att. No. 7 Special Emp.Co.).

Awarded a forfeiture of 4 days P&A under Art. 149 (2) F.R.&I for Absent without leave from 0800 hrs 23 Oct 42 until 2200 hrs 26 Oct 42 (Absent 3 days 14 hrs) Automatically forfeits 4 days P&A Art. 149 (1)(A)F.R.&I. Total forfeitures 8 days pay and 4 days all. (Extract from Pt. II Order No. 27 D/ 28 Oct 42 of No. 7 Special Employment Co.).

D 121507 Pte CHARRON P.E.

Awarded 168 hrs detention (Auth. for forfeiture of pay while on detention Art. 149 (1)(B)F.R.&I) For (1)Absent without leave from 2200 hrs 26 May 42 until 0815 hrs 24 Jun 42 (Absent 26 days 10 hrs 15 min). (Under open arrest from 0815 hrs 24 Jun42 until time accused was arrested by Civil authorities of town of Hampton,N.B. on 11 Jul42) (In civil custody from 11 Jul 42 until released from Hampton Common Gaol on 27 Oct.42 (Pay forfeited in Pt. II Order No. 200-B-6 D/ 24 Aug 42 for term spent in Common Gaol Hampton,N.B.). (Under open arrest from time released from Hampton Common Gaol on 27 Oct 42 until 1100 hrs 29 Oct 42. (Admitted to detention at 1101 hrs 29 Oct 42.). Forfeits 27 days pay and allowances under Art. 149 (1)(A) F.R.&I..Total forfeitures 34 days pay and allowances. 29 Oct. 42.

G 19794 Pte CHAISSON P. (Att. Sussex Mil. Hospital).

Awarded 7 days C.B.For (1) Absent without leave from 1830 hrs 22 Oct 42 until 1200 hrs 23 Oct 42. (Absent 17 hrs 30 min). Forfeits 1 days pay and allowances Art. 149 (1)(A)F.R.&I. Total forfeitures 1 days pay and allowances. 23 Oct 42.

5 ABSENT WITHOUT LEAVE.

M 60281 Pte HAVENS E.S.

A.W.L. from 2359 hrs 20 Oct 42.
(8th day posting 2359 hrs 28 Oct 42.)

G 23620 Pte PETERSON P.

A.W.L.from 1800 hrs 19 Oct 42.
(8th day posting 1800 hrs 27 Oct 42.).

G 52421 Pte SHERMAN J. (Att. No. 7 Special Emp.Co.).

A.W.L. from 2200 hrs 7 Oct 42.
(21st day posting 2200 hrs 28 Oct 42).

G 24147 Pte GAUDET R.

A.W.L. from 1200 hrs 26 Oct 42.

Section "B"

5. ABSENT WITHOUT LEAVE (CONTINUED).

G 28692 Pte MYERS H.

A.W.L. from 1400 hrs 26 Oct 42.

G 28921	Pte	Basque E.	(Att. No. 7 Special Emp.Co.).
G 50785	Pte	Godin O.	" " " " " "
G 52850	Pte	Allain M.J.	" " " " " "
G 28584	Pte	Berthelot G.	" " " " " "
G 28571	Pte	Roy V.	" " " " " "
G 52861	Pte	Breau J.J.	" " " " " "
G 28522	Pte	Fournier E.	" " " " " "
G 51278	Pte	Bourque A.	" " " " " "

A.W.L. from 2200 hrs 27 Oct 42.

6 HOSPITAL.

G 29077 Pte HADDAD D.M.
G 24004 Cpl Coffey M.J.

Admitted to Sussex Mil. Hospital off. 28 Oct 42.

G 19664 Pte BLANCHARD E.

Discharged from Howe Lake Mil. Hospital off. 28 Oct 42.

7 SICK LEAVE.

K 75727 Pte EMBLETON F.

Granted sick leave of absence from 1200 hrs 24 Oct 42 until 1200 hrs 30 Oct 42 (6 days). (Auth. Standing Medical Board D.D.No.7).

H 52157 Pte COOK S.L.

Returned from sick leave of absence off. 25 Oct 42.

8 SUBSISTENCE ALLOWANCE.

K 75727 Pte EMBLETON F.

Authorized to draw S/A of $1.25 per diem while on sick leave. (6 days).

H 52157 Pte COOK S.L.

Ceases to draw S/A of $1.25 perdiem off. 25 Oct 42.

9 RATION ALLOWANCE.

M 68060 L/Bdr. EVANS D.V.

Having been granted 4 days pass along with furlough off. from 12 Nov 42 to 15 Nov 42 incl. is authorized to draw R/A at rate of $.50 per diem .....($2.00) under Art. 196 (4) F.R.A.I.

Pt. II Order No. 257 D/ 29 Oct 42 of No. 7 D.D. Continued.....

Section "B"

10 DISEMBARKATION LEAVE.

G 22219 Pte HOY J.D.

Having been granted disembarkation leave of absence from 1800 hrs 20 Oct 42 until 1800 hrs 2 Nov 42 is authorized to draw 13 days R/A at rateof $.50 per diem in lieu of rations...($6.50) under Art. 196 (4) P.R.&I.

11 REMISSION OF SENTENCE.

D 121507 Pte CHARRON P.E.

Having been sentenced to 184 days detention eff. 11 Jul 42 vide Pt. II Order No. 200-B-6 D/ 24 Aug 42 is granted 75 days remission of sentence eff. 28 Oct 42.

G 19851 Pte HOPKINS L.M.

Having been awarded 42 days detention eff. 24 Sep 42 vide Pt. II Order No. 236-B-6 D/ 5 Oct 42 is granted 7 days remission of sentence eff. 29 Oct 42. (Auth. approved by Officer in charge detention barraks St. John,N.B. D/ 28 Oct 42.).

12 CORRECTION

H 52157 Pte COOK S.L.

Pt. II Order No. 201-B-11 D/ 25 Aug 42 re the M/N is amended as follows:-
TO READ
Authorized to draw S/A of $1.00 per diem eff. from 25 Aug 42 until 30 Sep 42 incl. while on sick leave and authorized to draw S/A of $1.25 per diem eff. from 1 Oct 42 until 25 Oct 42 incl. while on sick leave.

G 24207 Pte BRYNE, Donald Joseph

Pt. II Order 256-B-1 D/ 28 Oct 42 re the M/N is amended as follows:-
FOR G 2407
READ G 24207.

C 37834 Pte DEMERS J.E.P.

Pt. II Order No. 256-B-9 D/ 28 Oct 42 re the M/N is amended as follows:-
FOR Demers S.E.P.
READ Demers J.E.P.

G 19578 Pte HARRIS E.T.

Pt. II Order No.256-B-6 D/ 28 Oct 42 re the M/N is amended as follows:-
FOR T.W. No.A 38908.
READ T.W. No. A 38909.

Pt. II Order No. 257 D/ 29 Oct 42 of No. 7 D.D. Continued.....

Section "B"

12. CORRECTION (CONTINUED).

G 52844 Pte LEGACY P.S.

Pt. II Order No. 256-B-6 D/ 28 Oct 42 re the M/N is amended as follows:-
FOR T.W..No. A 38909.
READ T.W. No. A 38910.

G 49357 Pte LAVIGNE G.W.

Pt. II Order No. 256-B-6 D/ 28 Oct 42 re the M/N is amended as follows:-
FOR T.W. No. A 38910
READ T.W. No. A 38911.

G 23865 L/Cpl. RICHARDS H.O.

Pt. II Order No. 256-B-6 D/ 28 Oct 42 re the M/N is amended as follows:-
FOR TW No. A·38911
READ T.W. No. A 38912.

G 19768 Pte RICHARDSON R.F.

Pt. II Order No. 256-B-6 D/ 28 Oct 42 re the M/N is amended as follows:-
FOR T.W. No A 38912.
READ T.W. No. A 38913.

Pt. II Order No. 256-B-6 D/ 28 Oct 42 re the personnel granted 14 days furlough with eff. from 29 Oct 42 is amended as follows:-
FOR From 29 Oct 42 until 11 Oct 42.
READ From 29 Oct 42 until 11 Nov 42.

13 DISEMBARKATION LEAVE.

G 52373 Pte BERTIN E.
G 3565 Pte Akerley F.

Having been granted disembarkation leave of absence from 1500 hrs 26 Oct 42 until 1500 hrs 8 Nov 42 are authorized to draw 13 days R/A at the rate of $.50 per diem in leiu of rations.....$6.50 under Art. 196 (4)FR&I.

G 920 Gnr LEBLANC E.

Having been granted disembarkation leave of absence from 0800 hrs 27 Oct 42 until 2359 hrs 9 Nov 42 is authorized to draw R/A at the rate of $.50 per diem in lieu of rations ...$6.50) under Art. 196 (4) F.R.&I.

Section "D"

1 STRENGTH DECREASES.

G 7442 Gnr QUIRK G.A.
G 23309 Pte O'BRIEN A.
G 3211 Pte RICHARD F.J.

S.O.S.....29 Oct 42 on discharge to D.P.N.H. on being unable to meet the required military physical standards C.A.R.O. 1029(10).

Section "D"

1. STRENGTH DECREASES (CONTINUED).

A 62175 Pte DUNSEITH D.G.

S.O.S.....29 Oct 42 on discharge services being no longer required. C.A.R.O. 1029(12).

2 CLOTHING ALLOWANCE.

The undermentioned personnel having enlisted on dates set after their names are entitled to receive clothing allowances as noted to be credited to their accounts:-

A 62175	Pte	DUNSEITH D.G.	14 Jul 41	$35.00
G 7442	Pte	Quirk G.A.	16 Jun 41	$35.00
G 23309	Pte	O'Brien A.	9 Jul 41	$35.00
G 3211	Pte	Richard F.J.	19 Jun 40	$35.00

3 REHABILITATION GRANT

The undermentioned personnel having enlisted on dates set after their names are entitled to receive rehabilitation grant under R.O. 1079

A 62175	Pte	DUNSEITH D.G.	14 Jul. 41.
G 7442	Pte	QUIRK G.A.	16 Jun 41.
G 23309	Pte	O'Brien A.	9 Jul. 41
G 3211	Pte	Richard F.J.	19 Jun 40.

Section "A".

4 ATTACHMENTS.

P/2/Lieut. G.G. WRENSHALL

Attached for all purposes except pay to A-11 C.I.T.C., Camp Borden, Ont. while attending a Course. eff. 30 Oct 42. (Auth. J/13-1-40 D/ 9 Oct 42.).

Section "B"

14 STRENGTH INCREASES.

H 41743 Rfn. MCLEOD A.J.A.

T.O.S.....20 Oct 42 on ceasing to be attached for all purposes to No. 6 Special Employment Co., Sussex,N.B. (Auth. Pt.II Order No. 13 D/ 19 Oct 42).

RESERVE ARMY PERSONNEL

1 STRENGTH INCREASES.

The undermentioned personnel having reported as ordered and having been placed in med. categories lower than B 2 are attached to No. 7 D.D.C.A. for pay rations and quarters as of the dates shown:-

Cochrane, John H.	1930 hrs 23 Oct 42.
Daigle, Emile	2200 hrs 27 Oct 42.
Carr, James Andrew	1930 hrs 26 Oct 42.

RESERVE ARMY PERSONNEL

2 PUNISHMENTS.

D 610087 Pte FORGUES, Henri

Having on the 18th day of June 1942 been convicted by the Civil power of the town of Hampton, in the county of Kings, in the province of New Brunswick on a charge of (1) Pte. HENRI FORGUES, Regimental Number D 610087 of the Regiment de Joliette, stationed at Camp Sussex, N.B., did on the 24th day of May 1942 at Apohaqui, in the county of Kings, in the province of New Brunswick unlawfully break and enter by day, the dwelling house of Jens Miller, situated at Apohaqui aforesaid, and therein steal one quart, half full of McNairs Scotch Whiskey, one black westclox mantel clock, one pair of small hair clippers, one ladies compact and one Kodak, number 120, camera of the value of approximately sixteen dollars ($16.00) the property of the said Jens Miller, contrary to and in violation of section 458 (a) of the criminal code of canada. (2) The aforesaid Pte. Henri Forgues did on the 24 day of May A.D. 1942, at Apohaqui in the said county and province, unlawfully break and enter by day the dwelling house of James Gordon THOMAS, situated at Apohaqui, aforesaid, and therein steal one brown leather gentleman's toilet set, two packages of "Prime" Razor blades, one thermometer and one gentleman's wrist watch, of the value of approximately twenty-three dollars ($23.00) the property of the said James Gordon Thomas, contrary to and in violation of Section 458 (a) of the criminal code of canada. (3) The aforesaid Pte Henri Forgues did on the 24 day of May A.D. 1942 at Apohaqui, in the said county and province, unlawfully steal one ladies wrist watch and one alarm clock, to the value of approximately sixteen dollars and fifty cents ($16.50) the property of Joan Ganong, in the dwelling house of James Gordon Thomas situate at Apohaqui aforesaid, contrary to and in violation of section 386 o the criminal code of canada. He was found guilty and was sentenced to under go six months imprisonment with hard labour in the common gaol of Hampton, in the county of Kings, in the province of New Brunswick, ,and to date as from the 27 th day of May A.D. 1942 being the date of the arrest of the said accused. (The accused to be released, from common gaol at Hampton, N.B. eff. 26 Nov 42.). Forfeits 184 days pay and allowances Art. 149 (1)(C)(i)F.R. & I. Total forfeitures 184 days pay and allowances. 27 May 42.

G 422988 Pte MCGRAW J.

Awarded 7 days C.B. For (1) Absent without leave from 1400 hrs 26 Oct 42 until 1800 hrs 28 Oct 42 (Absent 2 days 4 hrs.). (2) Open arrest from 1800 hrs 28 Oct 42 until 1000 hrs 29 Oct 42.). Forfeits 3 days pay and all. Art. 149 (1)(A)F.R.&I. Total forfeitures 3 days pay and allowances. 29 Oct 42.

RESERVE ARMY PERSONNEL

3. STRENGTH DECREASES.

The undermentioned personnel having reported as ordered and having been placed in med. categories lower than B 2 cease to be attached to No. 7 D.D.C.A. on returning to destinations as of the dates shown:-

Cochrane, J.	Left depot at 1545 hrs 29 Oct 42. Arv. destination at 2152 29 Oct 42.
Daigle, E.	Left depot at 0900 hrs 30 Oct 42. Arv. destination at 1820 hrs 30 Oct 42.
Carr, J.A.	Left depot at 1545 hrs 29 Oct 42. Arv. destination at 2112 hrs 29 Oct 42.

4 ABSENT WITHOUT LEAVE.

G 602163 Pte BARRY L.J.

A.W.L. from 2200 hrs 6 Oct 42.
(21st day posting 2200 hrs 27 Oct 42.).

5 FURLOUGHS.

G 417588 Pte GRAHAM E.G.

Granted 14 days furlough eff. from 29 Oct 42 until 11 Nov 42 incl. and is issued with special transport warrant No. A 38908 and is authorized to draw 14 days R/A at the rate of $.50 per diem in lieu of rations..$7.00) while on such leave under Art. 196 (4) F.R.&I.

6 AGRICULTURAL LEAVE.

G 600925 Pte PETERSON O.

Having been taken on strength of No. 7 D.D. vide Pt. II Order No. 218-RAP-5 D/ 14 Sep 42 while on leave of absence without pay and allowances from 22 Jul 42 until 31 Oct 42 incl. is granted extention from 1 Nov 42 until 30 Nov 42 incl. (Auth J/2-1-67-5 D/ 26 Oct 42.).

7 REMISSION OF SENTENCE

D 496322 Pte GARIEPY A

Having been awarded 184 days detention eff. 27 May 42 vide Pt. II Order No. 201-RAP-7 D/ 25 Aug 42 is granted 30 days remission of sentence eff. 28 Oct 42.

D 610087 Pte FORGUES H.

Having been awarded 184 days detention with eff. from 27 May 42 vide Pt. II Order No. 257-RAP-2 D/ 29 Oct 42 is granted 30 days remission of sentence eff. 28 day of Oct 42.

Pt. II Order No. 257 D/ 29 Oct 42 of No. 7 D.D. Continued.....

RESERVE ARMY PERSONNEL

6 CANCELLATION

G 437909 Pte HACHEY J.A.

Pt. II Order No. 234-RAP-6 D/ 2 Oct 42 and
Pt. II Order No. 243-RAP-4 D/ 13 Oct 42 and
Pt. II Order No. 249-RAP-2 D/ 20 Oct 42
re the M/N is hereby cancelled. (Auth.
J/51-7-2 D/ 27 Oct 42.).

CORRECTION

G 602560 Pte LINDSAY E.L.

Pt. II Order No. 251-RAP-1 D/ 22 Oct 42
re the M/N is amended as follows:-
FOR G 416205
READ G 602560. (Auth. J/51-6-14 D/ 28 Oct 42).

G 600268 Pte GAUVIN T.P.

Pt. II Order No. 256-RAP-7 D/ 28 Oct 42
re the M/N is amended as follows:-
FOR 4 Jan 42.
READ 4 Jan 43.

G 604015 Pte BEAULIEU R.

Pt. II Order No. 256-RAP-7 D/ 28 Oct 42
re the M/N is amended as follows:-
FOR 23 Oct 42.
READ 23 Nov 42.

..... Captain
(F.F. Creighton) Adjutant
No. 7 District Depot C.A.

DISTRIBUTION

N.D.H.Q. 5
D.P.M. 3
RECORDS OFF MD7 1.
RECRUITING OFF MD7 1.
NO. 7 Voc. Trng School 1.
No. 70 C.A.B.T.C.1.
No. 7 District Coy R.C.A.S.C.1.
Neil Hospital 1.

54

Certified true copy

..... Captain
E.R. Creighton Adjutant
and Officer i/c Records

PART II ORDERS.
BY
LIEUTENANT-COLONEL W.A. MCDOUGALL, M.C.
OFFICER COMMANDING
NO. 7 DISTRICT DEPOT C.A. (A.F.)
FREDERICTON, N.B.

NO. 270 FRIDAY 13 NOV 42 NO 270.

Last Part II Order No. 269 D/ 12 Nov 42.

Section "A".

1. STRENGTH DECREASES

Captain H.O. EVANS

S.O.S.....18 Sep 42 on transfer to A.A. Unit Staging Camp, M.D. No. 6, Bedford, N.S. (Auth. H.Q. 54-27-20-1036 (Pers 1a) D/ 7 Oct 42. J/38-E-15 D/ 11 Nov 42.).

2 ATTACHMENTS.

Captain H.O. Evans

Ceases to be On Command and attached for all purposes except pay to A.A. Unit Staging Camp, M.D. No. 6, Bedford,N.S. eff. 18 Sep. 42.

Captain I.B. ROUSE

Ceases to be attached for all purposes except pay to H.Q.MD No. 7 and ceases to draw S/A of $1.70 per diem eff. 20 Oct 42.

Capt. I.B. ROUSE

Attached for all purposes except pay to No. 70 C.A.(B)T.C., Fredericton,N.B. Eff. 21 Oct 42.

Section "B"

1. STRENGTH INCREASES.

The undermentioned personnel having been attested are T.O.S. on dates set after their names and are allotted regtl. nos. as noted:-

Acton, Ralph Robert Single - no dependents.	Pte	G 51348	2 Nov 42.
Cleveland, Lloyd George Single - no dependents.	Pte	G 24222	10 Nov 42.
Hargrove, Blois Byron Married - 1 de endent	Pte	G 24223	9 Nov 42.
MacLean, John Roy Single - 1 dependent	Pte	G 51347	9 Nov 42.
Robichaud, Edmond Joseph Single - no dependents	Pte	G 24224	10 Nov 42.
Stewart, Raymond Married (Separated) - No Dependents.	Pte	G 51349	9 Nov 42.
Paul, Joseph Lemuilere Single - 1 dependent	Pte	G 51350	9 Nov 42.

Pt. II Order No. 270 D/ 13 Nov 42 of No. 7 D.D. Continued.....

Section "B"

2. STRENGTH INCREASES (TRANSFER).

D 77950 Pte BELL G.B.

T.O.S.....7 Nov 42 on transfer from A-17 C.M.G.T.C., Three Rivers, Quebec. (While in Lancaster Hospital). (Auth. Pt. II Order No. 269 D/ 7 Nov 42 of A-17 C.M.G.T.C.).

3 STRENGTH INCREASES (ATTACHMENTS.).

G 19765 Pte RICHARD H.J.
G 24127 Pte MELANSON B.P.
G 53434 Pte HARRISON B.S.

T.O.S.....10 Nov 42 on ceasing to be attached for all purposes to Gaspe Military Hospital, Gaspe, P.Q. eff. 9 Nov 42. (Auth. Pt. II Order No. 61 D/ 5 Nov 42 of Gaspe Military Hospital.).

4 STRENGTH DECREASES (TRANSFER).

The undermentioned personnel are S.O.S.....13 Nov 42 on transfer to No. 39 Coy. Veterans Guard of Canada, Newcastle, N.B. (Auth. J/S-1176 D/ 10 Nov 42.).

G 19967 Pte Isaac F.P.
G 24219 Small H.A.
G 1120 Boudreau N.
G 29066 Fullerton R.
G 1099 Pte Merritt J.W.
G 24216 Pilmer W.H.
G 51334 Taylor C.C.
G 940 Collins W.E.

5 STRENGTH DECREASES (COURT OF INQUIRY).

G 23620 Pte PETERSON F.

Having been declared by a Court of Inquiry held on 12 Nov 42 to have been illegally absent since 1800 hrs 19 Oct 42 and to have deficiencies in kit and equipment to the amount of $20.31 is S.O.S. No. 7 District Depot C.A. with eff. 12 Nov 42. Forfeits 25 days pay and allowance. Art. 149 (1)(A)FR&I.

6 ATTACHMENTS.

The undermentioned personnel cease to be attached for all purposes except pay to No. 7 Vocational Training School eff. 12 Nov 42 and cease to draw R/A of $.50 per diem under Art. 198(1)F.R.&I eff. 12 Nov 42.

G 19049 Sgt. Vantassel G.W.
G 19632 Pte Chiasson B.
G 52719 Pte Pangburn N.
G 4400 Pte McDavid E.K.
G 53610 Pte Breau A.J.
G 50650 Pte McGraw M.
G 52704 Pte Grant R.J.

C 58751 Pte BIRON A.

Attached to No. 7 D.D.C.A. from 1st Bn N.B. Rangers C.A.(A) for all purposes except pay eff. 12 Nov 42.

Section "B"

6. ATTACHMENTS.(CONTINUED).

D 16994 Gnr BOULANGER M.

Attached to No. 7 D.D.C.A. from 30th A.A.Bty R.C.A. for all purposes except pay off. 13 Nov 42.

7 PUNISHMENTS.

G 50696 Pte NELSON E.

Awarded 28 days detention (Auth. for forfeiture of pay while in detention Art. 149 (1)(B)FR&I) For (1) Absent without leave from 0730 hrs 18 Oct 42 until 1600 hrs 9 Nov 42 (Absent 22 days 8 hrs 30 min.). Close arrest from 1600 hrs 9 Nov 42 until 1100 hrs 13 Nov 42 (Close arrest 3 days 19,hrs).Forfeits 26 days pay and allowances under Art. 149 (1)(A)FR&I And Art. 149 (1)(C)(ii) F.R.&I. and is placed under stoppages of pay to amount of $6.45 (Form M.F.B. 1481 signed by Major Leeming at Woodstock,N.B. on 10th Nov.42 providing transportation from Woodstock N.B. to F'Ton,N.B. for absentee by S.MT. Bus...$1.87. Transportation for escort Woodstock,N.B. to F'Ton, N.B. return to Woodstock,N.B. S.M.T. Bus $3.74. Form M.F.B. 1481 signed by Major Leeming at Woodstock,N.B. on 10 Nov 42. Transportation D.N.D. Vehicle No. 39-1-1 Woodstock,N.B. to Iron Ore Hill, Carleton Co.,N.B. and return to Woodstock,N.B. 14 miles at $.06 per mile $.84. (Total $1.87 Plus $3.74 plus $.84 ....$6.45.) Total forfeitures 54 days pay and allowances and stoppages of pay to amount of $6.45 cost of apprehension. 13 Nov 42.

G 52147 Pte BROWN R.J.W.

Awarded 168 hrs detention (Auth. for forfeiture of pay while in detention Art. 149 (1)(B)FR&I) For (1) Absent without leave from 0900 hrs 8 Oct 42 until 2359 hrs 7 Nov 42 (Absent 30 days 14 hrs 59 min.). Close arrest from 2359 hrs 7 Nov 42 until 1100 hrs 11 Nov 42 (Close arrest 3 days 11 hrs 1 min.). Forfeits 35 days pay and allowances under Art. 149 (1)(A)FR&I And Art. 149 (1)(C)(ii)FR&I and placed under stoppages of pay to amount of $1.82 cost of apprehension (T.W. No B52280 D/ 9 Nov 42 providing one single second class fare St John,N.B. to Fredericton,N.B. one third of which is payable by Pte Brown $.46. T.W. No. B 52283 D/ 9 Nov 42 providing one single second class fare St.John, N.B. to Fredericton,N.B. $1.36.). Total forfeitures 42 days pay and allowances and stoppages of pay to amount of $1.82 cost of apprehension. 11 Nov 42. (Admitted to detention at 1101 hrs 11 Nov 42.).

7. PUNISHMENTS (CONTINUED).

G 49695 Pte PITRE A.J.

Awarded 7 days C.B. For (1)Absent without leave from 1400 hrs 9 Nov 42 until 1400 hrs 12 Nov 42. (Absent 3 days). (Open arrest from 1400 hrs 12 Nov 42 until 1100 hrs 13 Nov 42.). Forfeits 3 days pay and allowanees under Art. 149 (1)(A)PR&I. Total forfeitures 3 days pay and allowances. 13 Nov 42.

G 52844 Pte LEGACY P.S.

Awarded 5 days C.B. For (1) Absent without leave from 2359 hrs 11 Nov 42 until 1345 hrs 12 Nov 42. (Absent 13 hrs 46 min) (Open arrest from 1345 hrs 12 Nov 42 until 1100 hrs 13 Nov 42.). Forfeits 1 days pay and allowances Art. 149 (1)(A)PR&I. Total forfeitures 1 days pay and allowances. 13 Nov 42.

8 ABSENT WITHOUT LEAVE.

The undermentioned personnel are A.W.L. as from the dates set after their names:-

M 60281 Pte HAVENS E.S. 2359 hrs 20 Oct 42. (21st day posting 2359 hrs 10 Nov 42.).

B 84725 Pte Franko W. 2200 hrs 4 Nov 42. (8th day posting 2200 hrs 12 Nov 42.).

G 24043 Pte POLLOCK G.W. 2359 hrs 10 Nov 42.

G 53394 Pte Dastarache A. 0001 hrs 5 Nov 42. (8th day posting 0001 hrs 13 Nov 42.).

9 HOSPITAL.

G 45617 Pte CAMPBELL W.G.

Admitted to Sussex Mil. Hospital eff. 4 Nov 42.

10 STATUTORY DECLARATION

E 40452 Pte SMITH Robert Aldon

The marginally noted soldier solemnly declares that he enlisted in the Active Force at No. 5 District Depot C.A. on the 27 Oct 41 under the name of Simon Lander NELSON which name he no declares to be incorrect. HE NOW declares the name of ROBERT ALDON SMITH to be his true name. (Signed at Fredericton,N.B. on 12 Nov 42 by E 40452 Pte SMITH R.A.).
(All documents to be changed accordingly).

11 REGIMENTAL NUMBER.

K 47829
E 40452 Pte SMITH R.A.

The M/N solider enlisted at No 5 D.D.C.A. on 27 Oct. 41 and was allotted regtl. no. E40452.As this man had previous service with Westminster Regt. under regtl.no. K 47829 and as he was discharged from this Depot on 26 Sep 41 under C.A.R.O. 1029(7) he is hereby re-allotted his original regtl. no. i.e. K47829.
(All documents to be changed accordi[illegible]

11. REGIMENTAL NUMBERS (CONTINUED).

G 52512
G 24181 Pte HOVEY V.E.

The marginally noted soldier having enlisted at No. 7 D.D.C.A. on 22 Jan 42 and having been S.O S as deserter on 11 Jul 42 while in M.D. No 2 and having reenlisted at No.7 District Depot C.A. on 13 Oct 42 under Regtl. No. G 24181 is hereby allotted previous regtl. no. G 52512. (J/38-H-393 D/ 11 Nov 42).
(All documents to be changed accordingly).

12. REMISSION OF SENTENCE.

K 47829 Pte SMITH R.A.

Having been awarded 1 years civil Imprisonment with eff. from 27 Mar 42 until 26 Mar 43 vide Pt. II Order No. 234-B-4 D/ 2 Oct 42 (While under name of E 40452 Pte NELSON S.L.) is hereby granted 140 days remission of sentence with eff. from 7 Nov 42.

13 CORRECTION

G 49422 Pte BERNARD M.

Pt. II Order No. 246-B-8 D/ 16 Oct 42 re the M/N is amended as follows:-
FOR Benard.
READ Bernard.

G 51339 Pte SWAN L.R.

Pt. II Order No. 269-B-1 D/ 12 Nov 42 re the M/N is amended as follows:-
ADD Formerly G 602420 of No. 7 D.D.C.A.

G 6314 Pte MCGILLIGAN M.

Pt. II Order No. 269-B-2 D/ 12 Nov 42 re the M/N is amended as follows:-
FOR 6 Special Employment Co.
READ 7 Special Employment Co.

G 52974 Sgm LOVELY D.B.

Pt. II Order No. 269-B-6 D/ 12 Nov 42 re the M/N is amended as follows:-
FOR Lovely D.B.
READ Lovely B.B.

RESERVE ARMY PERSONNEL

1. STRENGTH INCREASES.

The undermentioned personnel having reported as ordered and having been placed in med.categories lower than B2 are attached to No. 7 D.D.C.A. for pay rations quarters and discipline as of the dates shown:-

Wilkins, John Burton 0800 hrs 12 Nov 42.

RESERVE ARMY PERSONNEL

2. STRENGTH DECREASES.

The undermentioned personnel having reported as ordered and having been placed in med. categories lower than B 2 cease to be attached to No. 7 D.D.C.A. as of the dates shown on returning to destinations:-

Wilkins, J.B. Left depot at 1920 hrs 13 Nov 42.
Arv. destination at 2230 hrs 13 Nov 42.

G 51339 (G 602420) Pte SWAN, Lawrence Russell

Having enlisted in the Active Force under Regtl. no. as noted i.e. G 51339 eff. 10 Nov 42 is S.O.S. No. 7 N.R.M.A. Clearing Depot eff. 9 Nov 42.

3 CORRECTION

G 600945 Pte LEBLANC L. (Att. No. 7 Special Emp.Co.).

Pt. II Order No. 263-RAP-4 D/ 5 Nov 42 of No. 7 D.D.C.A. re the M/N is amended as follows:-
FOR 2359 hrs 2 Nov 42.
READ 2030 hrs 2 Nov 42.

G 600945 Pte LEBLANC L.

Pt. II Order No.269-RAP-3 D/ 12 Nov 42 re the M/N is amended as follows:-
FOR 6 Special Employment Co.
READ 7 Special Emp. Co.

G 602355 Pte MICHAUD A.

Pt. II Order No. 249-RAP-7 D/ 20 Oct 42 re the M/N is amended as follows:-
FOR S/A $1.00 per diem.
READ S/A of $1.25 per diem.

G 602561 Pte SHORTILL E.F.

Pt. II Order No. 260-RAP-6 D/ 2 Nov 42 re the M/N is amended as follows:-
ADD All documents to be changed accordingly.

4 CANCELLATION

G 428178 Pte BOUDREAU A.

Pt. II Order No. 262-RAP-5 D/ 4 Nov 42 re the M/N is hereby cancelled.

5 ABSENT WITHOUT LEAVE.

G 604063 Pte LEGER A.

Having been posted as A.W.L. with eff. from 0001 hrs 2 Nov 42 (VIde Pt. II Order No. 262-RAP-5 D/ 4 Nov 42) on having failed to report back at end of leave without pay and allowances returned from leave of absence and from A.W.L. with eff. 1700 hrs 5 Nov 42.

.....Captain
(J.F.Creighton) Adjutant
No. 7 District Depot C.A

66

Certified true copy

..... Captain
F.F. Creighton, Adjutant
and Officer i/c Records

Neck

Exhibit "D" R.J.h 67.

RECORD of the Declaration of a Court of Inquiry assembled at Fredericton, N.B. on the 17th day of November, 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. M60281 Private Havens, E. S., No. 7 District Depot, C.A., F'ton, N.B.

DECLARATION

The Court declare that No. M60281 Pte. Havens, E. S. No. 7 District Depot, C.A., Fredericton, N.B. illegally absented himself without leave from # 7 Dist. Depot, C.A., F'ton, N.B. at 2359 hours on the 20th day of October, 1942, that he is still so absent, and that on the 17th November, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
See attached list for Deficiencies to the amount of:	$21.74		

Sgd. C.E.Anderson, Captain No. 7 District Depot, C.A. President

Sgd. J. F. R. Charest, Lieutenant No. 7 District Depot, C.A. Member

Signed at Fredericton, N.B.

Sgd. J.H.MacC llum, 2/Lt. No. 7 District Depot, C.A. Member

this 17th day of November 1942

Signature of Commanding Officer Sgd. W.A.McDougall, Lieut.Col.) O.C. # 7 Dist. Depot, C.A.

Certified true copy (P. G. Creighton, Captain, Adjutant) Captain Officer in charge of Records, No. 7 District Depot, C.A.

M.F.B. 375
A.F.B. 135
10682—4-43 (45857)
H.Q. 1773-39-297

KIT DEFIEICENCIE OF M 60281 HAVENS, BS

Clo. Div. B

B.D. Blouse	1	$ 5.58	
B.D. Trousers	1	5.60	
Boots Ankle prs.	2	10.40	
Caps F. Service	1	.78	
Drawers Woollen	1	1.17	
Shirts F. Khaki	1	1.17	
Shirts Woollen	1	1.14	
Socks prs.	1	.36	
Total		$26.20	
75% of $26.20 Acc. to C.A.R.O. # 1477/774		$19.65	$19.65

Clo. Div. C

Bootlaces pr.	1	$ .02	
Forks Table	1	.09	
Knives	1	.18	
Razor Safety Sets	1	.39	
Spoons Table	1	.08	
Total		$ .76	.76

Clo. Div. D

Badges Arm Worsted Can. prs.	1	$ .03	
Total		$ .03	.03
Grand Total			$20.44

Sect. A-1

Bags Ration	1	$ .04	
Covers Mess Tin	1	.08	
Tins Mess	1	.57	
Total		$ .69	
75% of Total acc. to C.A.R.O. #1477/774		$ .52	$ .52

Sect. A-2

Eyeshields A.G.	6	$ 1.04	
Total		$ 1.04	
75% of Total acc. to C.A.R.O. #1477/774		$ .78	$ .78
Grand Total of Clo. Div. A, B, C & D, Sect. A-1, A-2			$21.74

Major Q.M.
For O.C. No. 7 District Depot, CA
Fredericton, N.B.

Pt. 7
Pt. 5

PART II ORDERS.
BY
LIEUTENANT-COLONEL W.A. MCDOUGALL, M.C.
OFFICER COMMANDING.
NO. 7 DISTRICT DEPOT C.A.(A.F.)
FREDERICTON, N.B.

NO. 273 TUESDAY 17 NOV 42 NO. 273.

Last Part II Order No. 272 D/ 16 Nov 42.

Section "A".

1. PROMOTIONS.

Lieut. W.B. BROMFIELD

Promoted to Acting rank of Captain whilst employed as Messing Officer with eff. 15 Nov 42. (Auth. H.Q. 349-B-58 pers 1b D/ 12 Nov 42. J/38-B-288 D/ 16 Nov 42.).

Lieut. J.F.R. CHAREST

Promoted to the rank of Acting Captain with eff 15 Nov 42. (Auth. H.Q. 332-67-121 (Pers 1b) D/ 13 Nov 42.). (J/38-C-258 D/ 16 Nov 42.).

Lieut. R.J. LOVE

Promoted to the rank of A/Captain with eff. 15 Nov. 42. (Auth. H.Q. 332-12-205 Pers 1b D/ 12 Nov 42. J/38-L-79 D/ 16 Nov 42.).

Section "B"

1. STRENGTH INCREASES.

The undermentioned personnel having been attested are taken on strength of No. 7 District Depot C.A. as of the dates shown and are allotted regtl. nos. as noted:-

Birney, Samuel Edward Married - 2 Dependents	Pte	G 51356	9 NOv. 42.
Brown, Melvin Single - no dependents.	Pte	G 4455	13 Nov 42.
Clair, Joseph Lawrence Single - no dependents.	Pte	G 4452	13 Nov 42.
Daly, Carson Willard Married - 1 dependent	Pte	G 7466	12 Nov 42.
Ferguson, Robert Earl Single - no dependents.	Pte	G 51358	9 Nov 42.
Lepoidvin, Thomas Cecil Single - 1 dependent	Pte	G 51360	13 Nov 42.
LeBel, Joseph Single - no dependents	Pte	G 51354	6 Nov 42.
Landry, Joseph Adelard Married - 5 Dependents.	Pte	G 4454	13 Nov 42.
Mallet, William Single - 4 Dependents.	Pte	G 7465	12 Nov 42.
Mabey, Ernest LeRoy Single - no dependents	Pte	G 51355	12 Nov 42.
Roussel, Adrien Leo Single - no dependents	Pte	G 51357	11 Nov 42.
Regan, Murdock Vincent Single - no dependents	Pte	G 51359	12 Nov 42.

Pt. II Order No. 273 D/ 17 Nov 42 of No. 7 D.D.C. continued.....

Section "B".

1. STRENGTH INCREASES (CONTINUED).

Richard, Luc John Single - no dependents.	Pte	G 4453	11 Nov 42.
Sorensen, Peter William Single - no dependents	Pte	G 24231	13 Nov 42.
Mann, Lindsay John Married - 4 Dependents	Pte	G 24233	13 Nov 42.
Tibbits, Clarence Edgar Married - 3 Dependents	Pte	G 51361	12 Nov 42.
Yates, Frank James Single - no dependents	Pte	G 24232	13 Nov 42.
Vandoorselaere, Arthur Single - no dependents.	Pte	G 24234	13 Nov 42.
Willett, Currie Robert Married - 5 Dependents	Pte	G 24235	10 Nov 42.

2 STRENGTH INCREASES. (TRANSFER).

G 4006 B.S.M. SMITH P.W.

T.O.S.....17 Nov 42 on transfer from 23rd Field Regiment R.C.A., Camp Sussex, N.B. (Auth. Pt..II Order No. 103 D/ 16 Nov 42 of 23rd Field Regiment R.C.A.). (Posted to "D" Wing.).

G 37102 Tpr. Arseneault W.J. Posted to "D" Wing.
G 4302 Gnr Landry W.A. Posted to "D" Wing.

T.O.S.....17 Nov 42 on transfer from No. 71 C.A.(B)T.C., Edmundston,N.B. (Auth. Pt.II Order No. 192 D/ 16 Nov 42 of No 71 C.A.B.T.C.).

3 STRENGTH DECREASES (RECORD PURPOSES ONLY).

G 28016 Pte ARSENAULT F.P.

Ceases to be attached for all purposes to Gaspe Military Hospital (CA) , Gaspe ,P.Q. eff. 13 Nov. 42 on being S.O.S. on transfer to Gaspe Military Hospital, Gaspe, P.Q. Eff. 13 Nov 42. (G.M.H. 6-3 D/ 13 Nov 42.). (Record purposes only).

4 ATTACHMENTS.

M 36282 Gnr DEATRICH L.C.

Attached to No. 7 District Depot C.A. from 30 A/A Bty R.C.A. for all purposes except pay eff. 17 Nov 42.

K 99134 L/Cpl. MCCULLOUGH H.J.

Attached to No. 7 D.D.C.A. for all purposes except pay from 1st Bn. N.B.Rangers eff. 17 Nov 42.

5 PUNISHMENTS.

G 52272 Pte PETERSON S.M.

Awarded 5 days C.B.For (1) Absent without leave from 0600 hrs 15 Nov 42 until 1630 hrs 16 Nov 42 (Absent 1 day 10 hrs 30 min.). (Open arrest from 1630 hrs to 1000 hrs 17 Nov 42.). Forfeits 2 days pay and all.Art. 149 (1)(A)FR&I. Total forfeitures 2 days pay and allowances. 17 Nov 42.

Pt. II Order No. 273 D/ 17 Nov 42 of No. 7 D.D. Continued.....

Section "B".

6. ABSENT WITHOUT LEAVE.

G 6279 Pte PARKER C.H.
Absent without leave from 2200 hrs 7 Nov 42.
(8th day posting 2200 hrs 15 Nov 42.).

G 50547 Pte HANLEY J.F.
A.W.L. from 1500 hrs 11 Nov 42.

G 747 Pte GALLAGHER P.H.
A.W.L. from 0200 hrs 14 Nov 42.

G 53969 Pte CHIASSON A.
A.W.L. from 2359 hrs 11 Nov 42.

G 5152 Pte Arseneault D.J.
A.W.L. from 2200 hrs 14 Nov 42.

G 50844 Pte GOODWIN W.B.
A.W.L. from 2359 hrs 3 Nov 42.
(8 th day posting 2359 hrs 11 Nov 42.).

7. HOSPITAL

G 19462 Pte NASH P.
G 3509 Cpl. ARMSTRONG W.B.
Admitted to Fredericton Mil. Hospital
eff. 16 Nov 42.

G 18695 Pte MCLAUGHLIN C.
G 24109 Pte ROSS M.E.
Admitted to Lancaster Hospital eff. 16 Nov 42.

G 401 Pte MURPHY E.
Discharged from Fredericton Mil.Hospital
eff. 16 Nov 42.

G 6265 Pte LEBLANC G.
Discharged from Fredericton Mil. Hospital to
Sussex Mil. Hospital eff. 16 Nov 42.

8 PROMOTIONS.

G 18092 Pte SULLIVAN C.H.
To be A/Cpl. with pay to complete establishment
eff. 9 Nov 42. (Auth. H.Q.S. 70-6-314 MR 4 D/
1 May 42.).

9 SICK LEAVE.

G 51310 Pte HACHE A.
Granted sick leave of absence from 16 Nov 42
until 7 Dec 42 incl. (22 days.). (Auth.
Standing Med. Board P.Ton,N.B.).

Section "B"

10. SUBSISTENCE ALLOWANCE.

G 51310 Pte HACHE A.

Authorized to draw S/A of $1.25 per diem while on sick leave from 16 Nov 42 until 7 Dec 42 incl.(22 days) (Auth. Art. 200 F.R.&I).

11 PASSES AND LEAVES.

G 18693 Sgt. RODGERS E.D.

Having been granted leave of absence from 1700 hrs 30 Oct 42 until 1800 hrs 3 Nov 42 is entitled to receive 4 days R/A at the rate of $.50 per diem in lieu of rations...$2.00 under Art. 196 (4) F.R.&I.

G 16078 C.Q.M.S. Urquhart B.S.

Having been granted leave of absence from 1400 hrs 13 Nov 42 until 2359 hrs 16 Nov 42 is entitled to receive 3 days R/A at the rate of $.50 per diem in lieu of rations.. $1.50 under Art..196 (4) F.R.&I.

G 48504 Sgt. BROWN H.

Having been granted leave of absence from 0600 hrs 14 Nov 42 until 2359 hrs 16 Nov 42 is entitled to receive 2 days R/A at the rate of $.50 per diem in lieu of rations.. $1.00 under Art..196 (4) F.R.&I.

12 CORRECTION

B 6788 Pte PALMAR S.

Pt. II Order No. 272-B-13 D/ 16 Nov 42 re the M/N is amended as follows:-
FOR Pt.II Order No. 261-B-6
READ Pt. II Order No. 271-B-6.

Section "D"

1 STRENGTH DECREASES.

G 43173 Signmn HACHEY A.J.
G 47223 Cpl. Simpson A.I.
D 77958 Pte BELL G.B.

S.O.S.....17 Nov 42 on discharge to D.P. & N.H. on being unable to meet the required military physical standards . C.A.R.O. 1029(10).

G 401 Tpr. MURPHY E.E.

S.O.S..... 17 Nov 42 on discharge on being unable to meet the required military physical standards C.A.R.O. 1029(10).

Section "D"

2. CLOTHING ALLOWANCES AND REHABILITATION GRANT.

The undermentioned personnel having enlisted on dates set after their names are entitled to receive clothing all. of $35.00 to be credited to account and are also entitled to receive rehabilitation grant under R.O. 1079.

G 401	Tpr. MURPHY E.E.	29 Jan 41
G 43173	Sigmn HACHEY A.J.	18 Sep 39
G 47223	Cpl. Simpson A.I.	9 Sep 40.
D 77958	Pte BELL G.B.	9 April 42.

RESERVE ARMY PERSONNEL

1. STRENGTH INCREASES.

G 600414 Pte JOHNSTON A.J. Posted to "D" Wing.

T.O.S.....24 Feb 42 on transfer from Halifax Rifles, Mulgrave, N.S. (While on agricultural leave of absence from 24 Feb 42 until 24 Aug 42 incl.). (Auth. Pt. II Order No. 48 D/ 24 Feb 42 of Halifax Rifles, Mulgrave, N.S.).

G 602091 Pte DAIGLE A. Posted to "D" Wing.
G 602051 Pte MacDonald J.J. Posted to "D" Wing.
G 602076 Pte DESPRES G. Posted to "D" Wing.

T.O.S.....17 Nov 42 on transfer from No. 71 C.A.(B)T.C., Edmundston,N.B. (Auth. Pt. II Order No. 147 D/ 16 Nov 42 of No.71 C.A.B.T.C.).

2 PUNISHMENTS.

G 604052 Pte GUIGNARD A.

Forfeits 16 days pay and allowanses under Art. 149 (1)(A)FR&I For (1) Absent withput leave from 0001 hrs 1 Nov 42 until 1800 hrs 16 Nov 42 (Absent 15 days 17 hrss 59 Min.). (Open arrest from 1800 hrs 16 Nov 42 until 1100 hrs 17 Nov 42.). Total forfeitures 16 days pay and allowances. 17 Nov 42.

G 604053 Pte GUIGNARD L.

Forfeits 15 days pay and allowances under Art. 149 (1)(A)FR&I For (1) Absent without leave from 0001 hrs 2 Nov 42 until 2000 hrs 16 Nov 42 (Absent 14 days 19 hrs 59 min.). (Open arrest from 2000 hrs 16 Nov 42 until 1100 hrs 17 Nov 42.). Total forfeitures 15 days pay and allowances. 17 Nov 42.

3 ABSENT WITHOUT LEAVE.

G 600634 Pte LITTLE L.W.

A.W.L..from 0001 hrs 25 Oct 42.
(21st day posting 0001 hrs 15 Nov 42.).

RESERVE ARMY PERSONNEL

4. HOSPITAL.

G 601987 Pte COUGHLAN W.

Admitted to Fredericton Mil. Hospital eff. 16 Nov 42.

G 601104 Pte MCLEAN S.M.

Discharged from Fredericton Mil. Hospital eff. 16 Nov 42.

5 SPECIAL LEAVE.

G 417659 Pte MCDADE T.F.

Granted special leave of absence without pay and allowances from 17 NOV 42 until 30 Nov42 incl. (Auth. J/51-7-3 D/ 14 Nov 42).

6 AGRICULTURAL LEAVE.

G 600414 Pte JOHNSTON A.J.

Having been T.O.S. No. 7 D.D.C.A. while on agricultural leave without pay and allowances from 24 Feb 42 until 24 Aug 42 incl.(Vide Pt. II Order No. 273-RAP-1 D/ 17 Nov 42.). is granted extention in leave without pay and all. from 25 Aug 42 until 31 Oct 42 incl. (Auth. J/2-1-67-5 D/ 14 Jul 42.).

G 600414 Pte JOHNSTON A.J.

Returned from agricultural leave of absence without pay and all. eff. 31 Oct 42 with eff. for pay 1 Nov 42.

G 416547 Pte BELANGER A. (H.D.).

Returned from agricultural leave of absence without pay and all. eff. 31 Oct 42 with eff. for pay 1 Nov 42.

7 STRENGTH DECREASES.

G 416547 Pte BELANGER A. (H.D.).

S.O.S.....17 Nov 42 on transfer to 21st Cdn. Field Ambulance R.C.A.M.C., Sussex,N.B. (Auth. J/C 5242 D/ 11 Nov 42.).

G 600414 Pte JOHNSTON A.J.

S.O.S.....17 Nov 42 on transfer to Halifax,Rifles, Camp Borden,Ont. (Auth. J/C 5242 D/ 11 Nov 42.).

G 426178 Pte BOUDREAU A.

S.O.S. ....17 Nov 42 on transfer to 22nd Field Regt. R.C.A., Petawawa, Ont. (Auth J/C 5242 D/ 11 Nov 42.).

Pt. II Order No. 273 D/ 17 Nov 42 of No. 7 D.D. Continued....

RESERVE ARMY PERSONNEL

7 STRENGTH DECREASES (CONTINUED).

G 422836 Pte BOUCHER G.

S.O.S.....17 Nov 42 on transfer to Joliette Regt., Sydney, N.S. (Auth. J/C 5242 D/ 11 Nov 42.).

8 STRENGTH INCREASES.

The undermentioned personnel having reported as ordered and having been placed in med.categories lower than B 2 are attached to No. 7 D.D.C.A. for pay rations and quarters as of the datesshown:-

Bosse, Ferdinand	1930 hrs 12 Nov 42.
Worthem, George	2200 hrs 9 Nov 42.

9 STRENGTH DECREASES.

The undermentioned personnel having reported as ordered and having been placed in med. cat. lower than B 2 cease to be attached to No. 7 D.D.C.A. on returning to destinations as of the dates shown:-

Bosse, F.	Left depot at 0935 hrs 18 Nov 42. Arv. destination at 1650 hrs 18 Nov 42.
Worthem, G.	Left depot at 1710 hrs 18 Nov 42. Arv. destination at 1100 hrs 19 Nov 42.

10 CORRECTION

G 428424 Pte LEGERE, R.A.

Pt. II Order No. 269-RAP-1 D/ 12 Nov 42 re the M/N is amended as follows:-
FOR G 427424.
READ G 428424. (Auth J/51-6-14 D/ 16 Nov 42.).
(All documents to be changed accordingly).

Section "B"

13 STRENGTH DECREASES.

M 60281 Pte HAVENS E.S.

Having been declared by a Court of Inquiry held on 17 Nov 42 to have been illegally absent since 2359 hrs 20 Oct 42 and to have deficiencies in kit and equipment to the amount of $21.74 is S.O.S. No. 7 District Depot C.A. with eff. 17 Nov 42. Forfeits 29 days pay and all. Art. 149 (1)(A)FR&I.

C.W.A.C. PERSONNEL

1. TRADES PAY

W 7089 A/C pl. LAWSON W.M.

Having passed trade test according to instructions laid down in "Instructions regarding trades tests and tradesmen's Rates of pay 1940" eff. 11 Nov 42 is entitled to draw trades pay Group "C", Clerk, in addition to regl. rates of pay with eff. from 11 Nov 42. (Art. 146 & 147 P.R.&I. H.Q.S. 70-5-314 MR 4 D/ 1 May 42.).

.....Captain
(F.F.Craig/Adjutant)
No. 7 Dist. Depot C.A.

Certified true copy.

..... Captain
F.F. Creighton, Adjutant
and Officer i/c Records

Exhibit "F" R.J.A.

.8-5

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Lieutenant Colonel H. A. McDougall (Number) (Rank) O. C. No. 7 District Depot, C. A. (Name) (Unit)

hereby certify that M-60281 (Number) Private (Rank) Edward Samuel Havens (Name in full)

of the No. 7 District Depot, C. A. (Unit and attachment, if any)

Strike out words not applicable } ~~was apprehended by~~ (surrendered to) G-5096 (Number) L/Bdr. (Rank)

McAfferty, R. J. (Name) No. 7 District Depot, C. A. (Unit or appointment)

at Fredericton, N. B. (Place) at 2200 hours (Hour)

on the 28th day of December 1942

Strike out words not applicable } as a ~~deserter (or~~ absentee without leave), and that at the time of his arrest he was wearing military ~~(air force)~~ uniform (~~dressed in civilian clothes~~).

Dated at Fredericton, N.B. this 5th day of January 1943

H. A. McDougall, Lt. Col.
(Signature, Name, Rank, Unit or appointment)
H. A. McDougall, Lt. Col.
O. C. No. 7 District Depot, C. A.

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
50M—5-42 (4721)
H.Q. 1772-39-1936

"Y" Pers. D.R.M.

M.F.B. 555
50M—9-42 (5462)
H.Q. 1773-30-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
M 60281	Pte.	Edward Samuel HAVENS	No. 7 District Depot C.A.

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For absent without leave	2	times	absent without leave	4 times
For		times		times
For		times		times
For		times		times

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 16 days in military custody, making a total of 16 days in custody, of which No days were spent in hospital.

5. The present age of the accused according to his attestation paper is 22 years 5 months

6. The date of his attestation specified in his attestation paper is 18 June, 1941

8. [illegible]

9. The accused is in possession of or entitled to no military decoration, or military reward

10.

98

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of
Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Air Force
Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....
Unit
Name.....of.....Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 12th day of January, 1943

.....Capt.
(F.F. Creighton) Captain
Adjutant & Officer i/c Records
No. 7 District Depot C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

for W. Reade Meyer
Pres. D.G.C.M.

Robert Reade Major
Gen. D.C.M.

STATEMENT IN MITIGATION OF PUNISHMENT BY THE DEFENDING OFFICER

oooooooooooooo

Mr. President and Members of the Court on behalf of the accused M/60281, Private E. S. Havens I would beg the Court to consider that due to this soldier, who is a good appearing young, man not realizing the seriousness of his crime of being A.W.L. and being a long way from friends and as his unit had gone overseas while he was in the hospital that he was more or less so discouraged that being shifted around from one place to another. He is willing to serve his sentence, whatever the Court may see fit to give him. I would like them to consider that if they possibly could with this man let him serve his sentence and given the opportunity of going overseas. Therefore, I would ask the Court to be as lenient as possible in this case.

RRM

MEDICAL OFFICER'S REPORT

I certify that No. G60281 Private Edward Samuel HAVENS of No. 7 District Depot, C.A., is in a GOOD state of health, and is fit to undergo Trial by Court-Martial.

R.J. Dolan
.....Capt. R.C.A.M.C.
(R.J. Dolan) Medical Officer
Att. to # 7 District Depot, C.A.

Station, Fredericton, N.B.

Date, 12 Jan 43.

M.F.B. 246.

H.Q.C. 55-H-323 **DEAD** CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HELIE, J.E. C.100210 PTE.

CDN. FORESTRY CORPS, C.A.

DEAD

CONFIDENTIAL H.Q.C. 55-H-323

CENTRAL REGISTRY	DATE	P.A. C.R. B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(This purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")							
FEB 7 1943	6-2-43	PA	[illegible]	JAG	Note file	CR	4/2/43
				JAG	With Papers C.R. FEB 11 1943		
FEB 20 1943	26 2/43	PA	[illegible]	AD	B no C + PA	RSC	18/2/43
FEB 25 1943							
[redacted] 1943	16 3/43	PA	WCB	DJB	[redacted] MAR 11 1943		
MAR 16 1943				JAG	With Papers C.R. MAY 3 1943		
MAY 3 1943							
MAY 18 1943	18/5/43	PA	[illegible]	JAG			
MAY 21 1943	21/5/43	PA	[illegible]	JAG	PER B.F. MAY 21 1943		
OCT 17 1944				JAG	With Papers C.R. OCT 12 1944		
				JAG	With Papers C.R. OCT 27 1944		
NOV 7	20 11/44			L.C.M.	To note	E.C.M.	6-11-44
NOV 8 1944	9.11.44			ADMIN.	TO NOTE		NOV 7-1944
NOV 21 1944					PER B.F. NOV 20 1944		
NOV 20 1944				Lcm	With Papers C.R. DEC 5 1944		
DEC 5 1944	6/2/45			Lcm	PER B.F. FEB 6 1945		
FEB 6 1945				Lcm	With Papers C.R. FEB 4 1945		
FEB 17 1945	16-2-45	PA	[illegible]	[illegible]	to note and pa		FEB 1
				JAG	[redacted] FEB 19 1945		
FEB 21 1945	21 2/45	PA	[illegible]	[illegible]	To note	GJB	21-2-45
FEB 22 1945	21-2-45	PA	GJB	[illegible]	[redacted] FEB 26 1945		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry unnecessarily. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the subject and file number.

PASS THIS FILE IN ENVELOPE

IN REPLY PLEASE QUOTE No. Q. 39-H-1202 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

292512

QUEBEC, P.Q., February 14th, 1945.

THE SECRETARY,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY
CONFIDENTIAL
FEB 16 1945

C.S.J. H-323
Jab 15/2/45
jaj

STANDING COURT-MARTIAL - Remission of Sentence
C-100210, Pte. Jean-Louis HELIE
General List, CA, (Att. A-13 CITC, CA).

1. Reference your HQC.55-H-323(JAG).

2. Please note that a remission of sentence in the case of Pte. Helie was granted effective 10th February, 1945.

3. The Form for Remission of Sentence in this case having been duly completed is attached hereto for your information.

JAC/C.

(Edmond BLAIS) - Brigadier,
District Officer Commanding,
Military District No.5.

L.H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial
FEB 21 1945

NAT. DEF. B. 449

FORM FOR REMISSION OF SENTENCE BY COURT MARTIAL

N.D.H.Q. File No. HQC.55-H-323.(JAG)
District File No. Q.39-H-1202.(JA)

PART I

No. C-100210, Rank Private, Name Jean-Louis HELIE
Unit General List, CA. (Att. A-13 CITC, CA).

PART II

Date of Trial: 6th October, 1945.
Charge (s): Sec. 12(1)(a) AA, -- Sec. 24(2) AA.
Sentence: 8 months detention & stopp for $34.80 and -- $33.58
Date of Sentence: 6th October, 1945.
Confirmation - (a) Authority: N.A. (SCM)
(b) Date: N.A.

PART III
REMISSION

I, the undersigned, being the competent military authority under Section 57(2) of the Army Act, do hereby remit the unexpired portion of the sentence of detention awarded to C-100210 Pte. Jean-Louis HELIE General List, CA. (Att. A-13 CITC, CA), effective 10th February, 1945.

Signed at Quebec, this 5th day of February, 1945.

Edmond Blais
(EDMOND BLAIS) - Brigadier
District Officer Commanding
Military District No. 5.

PART IV
PROMULGATION

Remission duly promulgated and extracts taken at Valcartier Camp, P.Q. this 10th day of February 1945.

C. Blanchette Capt.
Capt. & Adj't.,
Officer i/c Documents

(1) Unit, attachment and appointment to be stated. A-13 C.I.T.C., C.A.

PART V
CERTIFIED TRUE EXTRACT OF DAILY ORDERS PART II

No. C-100210 Rank Private Name Jean-Louis HELIE
The sentence of 8 months detention
awarded by District Court-Martial on the 6th day of October 1945
has been remitted (unexpired portion) w.e.f. 10 Feb 45
on the 5th day of February 1945 by Edmond Blais, Brig. D.O.C.,
M.D. No. 5.

UNIT A-13 C.I.T.C., C.A.

Certified true Extract of Daily Orders Part II of
No. 36 Place Valcartier Camp, PQ Date 12 Feb 45

C. Blanchette Capt. Captain
Adjutant, A-13 C.I.T.C., C.A.

291883

CANADA

IN REPLY PLEASE QUOTE
No. Q.39-H-1202(DAPM)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, 12 Feb. 1945.

The Secretary,
Dept. of National Defence,
OTTAWA, Ont.

C-100210, Pte. HELIE, J.L.

CENTRAL REGISTRY Army
CONF. SEC.
FEB 14 1945
File C.N.L.-21.32
Chgd. to
Referred to S.Cm

6 Feb. 45. Reference your H.Q.C. 55-H-323,(ICM) dated

2. Please find here-attached Report on the Conduct of the m/n. soldier.

JFH/EH

for (Edmond Blais) - Brigadier,
Major,
District Officer Commanding,
Military District No. 5.

N.D. 25
2 Mil.—5-43 (321)
H.Q. 1772-[illegible]-23

REPORT ON CONDUCT

I.C.M. - 2

Department of National Defence,
H. Q. C. 55- H-323, (ICM)
OTTAWA, 6 February, 1945.

To:- Commandant Valcartier, Military Detention Barracks.

1. Soldier under sentence	C-100210, Pte. J.L. HELIE,
2. PLEASE STATE:-	
(i) Date of sentence	6 Oct 44
(ii) Sentence	8 months
(iii) Date you received soldier	6 Oct 44
(iv) (a) Can soldier read and write?	Yes
(b) Religion	R C
(c) Married, Widower, Single	Single
(d) What Army trade has soldier?	None
(v) (a) Conduct of soldier	Very good.
(b) Industry of soldier	Very good.
(c) Remission earned:-	
(i) Number of days actually earned	42 days
(ii) Number of days obtainable to date	42 days
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	
(a) Whether detention will seriously aggravate soldier's condition.	no
(b) Whether further confinement is likely to prove fatal.	no
(vii) (a) Whether in your opinion conduct of soldier warrants suspension of sentence?	Yes. Granted remission of sentence by D.O.C. effective 10 Feb 45.
(b) Moral effect confinement has had?	Good.
(c) If returned to Army, is soldier likely to become a good soldier?	Very doubtful.
(viii) Date term will expire if all remission earned from now on.	16 Mar 45.

(C. FERRON) Capt., RCAMC

(A. E. Walford)
~~[illegible]~~
Major-General
Adjutant-General.

LHC:WS.

Signature (P. F. BELZILE) Capt.,
Commandant.

Date of Report: 10 Feb 45.

I.C.M. - A.

Department of National Defence,
H. Q. C. 55 - H-323,(ICM)
OTTAWA, 6 February, 1945.

Your File - Q.39-B-1202,

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

C-100210, Pte. J.L. HELIE.

1. Herewith enclosed "Report on Conduct" Form in respect of this soldier who is serving in Valcartier, Military Detention Barrack, under your command, a sentence of 8 months' detention awarded by a Standing, Court-Martial on the 6 day of October, 1944.

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

(A. E. Walford)
Major-General
Adjutant-General.

LHC:WS.

SM-2-45(M-4516)

IN REPLY PLEASE QUOTE
No. Q-39-H-1202 (DAPM)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, December 2nd, 1944

CENTRAL REGISTRY Army
CONF. SEC.
DEC 4 323
Referred to

The Secretary,
Dept of National Defence
OTTAWA, Ont.-

274894

C-100210, Pte. HELIE, J.L.

Reference your H.Q.C. 55-H-232, (ICM) dated November 20th, 1944.

2. Please find here-attached report on the conduct of the w/m. soldier.

GOB/jm

Major.
(Honorary Brig.)-Brigadier,
For: District Officer Commanding,
Military District No. 5

N.D. 23
2 Mil.—5-43 (321)
H.Q. 1772-101-23

REPORT ON CONDUCT

I.C.M. - B

Department of National Defence,
H. Q. C. 55- H-323, (ICM)
OTTAWA, 20 November, 1944

To:- Commandant Valcartier, Military Detention Barracks.

1. Soldier under sentence	C-100210, Pte. J.L. HELIE,
2. PLEASE STATE:-	
(i) Date of sentence	6 Oct 44
(ii) Sentence	8 months
(iii) Date you received soldier	6 Oct 44
(iv) (a) Can soldier read and write?	Yes.
(b) Religion	R. C.
(c) Married, Widower, Single	Single
(d) What Army trade has soldier?	None.
(v) (a) Conduct of soldier	Very good.
(b) Industry of soldier	Very good.
(c) Remission earned:-	
(i) Number of days actually earned	17 days
(ii) Number of days obtainable to date	17 days
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	good state of health.
(a) Whether detention will seriously aggravate soldier's condition.	No
(b) Whether further confinement is likely to prove fatal.	No. Paul Lussier Capt. wd. A/13.
(vii) (a) Whether in your opinion conduct of soldier warrants suspension of sentence?	Yes.
(b) Moral effect confinement has had?	Good.
(c) If returned to Army, is soldier likely to become a good soldier?	Yes. No. 14
(viii) Date term will expire if all remission earned from now on.	16 Mar 45

for (A. E. Walford)
(E.F.G. Letson)
Major-General
Adjutant-General.

LHC:WS.

for Lieut. Cayne
(P. P. BELZILE)-Capt.,
T/ Commandant.

Signature

Date of Report: 28 Nov 44

I.C.M. - A.

Department of National Defence,
H. Q. C. 55 - H-323, (ICM)
OTTAWA, 20 November, 1944.

Your File - Q.39-B-1202,

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

C-100210, Pte. J.L. HELIE.

1. Herewith enclosed "Report on Conduct" Form in respect of the marginally-noted soldier who is serving in Valcartier, Military Detention Barrack, under your command, a sentence of 8 months' detention awarded by a Standing Court-Matial on the 6 day of October, 1944.

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

(A. E. Walford)
~~(H.F.G. Letson)~~
Major-General
Adjutant-General.

LHC:[redacted].

BM-3-44 (M-3632)

H.Q.C.55-H-323 (JAG/D)

6th Nov. 1944.

District Officer Commanding,
Military District No.5,
QUEBEC, P.Q.

Standing Court-Martial
C-100210 Pte. Jean-Louis HELIE,
General List, C.A. (Att. A-13 C.I.T.C.,C.A.)

Receipt is acknowledged of your Q.39-B-1202(JA) dated 24th Oct. 1944, under cover of which you returned to this office for custody the proceedings of the marginally noted Standing Court-Martial, together with M.F.M. 288.

(R.J. Orde), Brigadier,
Judge Advocate-General.

Notes
L.H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial
NOV 8

LF:ELM

Notes to Cas Dep Com
9.11.44
WOI

REVIEW OF SENTENCE

DATE NOV 7 - 1944

H.Q.C. File: 55- 14-323

1. No. RANK AND NAME

2. UNIT AT DATE OF OFFENCE

3. AT PRESENT ON STRENGTH OF M.D.

4. SENTENCE OF COURT DATE

5. CONFIRMED SENTENCE DATE

6. BEING SERVED AT

7. OFFENCES

Deserting from 21 aug 43 till arrested 20 aug 44 1 year.

8. PREVIOUS CONDUCT

ENLISTED ~~ENROLLED~~ ~~2 2 [illegible] 42~~ AGE ~~2 7~~ Category H

1-8-42 AWL 159 days 5 mos detn. by O C 14 Forces by neglect 27-1-43

28-6-43 AWL 4 hr. 45 min. 10 days CB. 15-7-43

8-8-43 AWL 3 days 14 days CB 13-8-43

9. STATEMENT OF ACCUSED Brother, a farmer, is dead. We had debts to pay & I left to help him. The farm belongs to us both. He had exemption to stay on the farm. Could not manage alone. Payments to make on farm. It is our future. I asked for exemption. Refused as brother had one. As I am better on farm than he is, I left.

10. RECOMMENDATION

IN REPLY PLEASE QUOTE No. Q. 39-B-1202 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

QUEBEC, P.Q., October 24th, 1944.

261806

GENERAL INDEXING Army
CONF. SEC.
261806
File C 55 - H. 323
Chapter
Indexing 9 4 4

THE SECRETARY,
Department of National Defence,
OTTAWA, Ontario.

STANDING COURT-MARTIAL
C-100210, Pte. Jean-Louis HELIE,
General List, CA, (Att. A-13 C.I.T.C., CA).

1. Reference your H.Q.C. 55-H-323 (JAG/D-7) dated October 16th, 1944.

2. The proceedings of the marginally noted Standing Court-Martial are returned herewith together with M.F.M. 288 duly completed.

JAG/Co

(Edmond BLAIS) - Brigadier, Capt
District Officer Commanding,
Military District No.5.

NAT. DEF. H. QRS.
FORM 10 - 47 (2551)
H.Q. 1174-25-767

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of C-100210 (Number) Private (Rank) Jean-Louis HELIE (Name in full)

General List, C.A., attached to A-13 C.I.T.C., C.A. (Unit) (Attachment (if any))

Sentenced to 8 months detention

on 6th October 1944 at Valcartier Camp, P.Q.

being served at Military Detention Barracks, Valcartier Camp, P.Q.
(Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment Enlisted on 27 Apr 42 aged 24 years 11 months

Medical grade or category "A"

FIRST TRIAL—PART II

To The Adjutant-General,
Superior Military Authority

For details of offences see Part VII.

I have directed that the above-named be (xxx) committed to undergo his sentence, which I recommend should xxxx be (xxxxxxxxxxxxxxxxxxxxxxxxxxxx) (reviewed on February 6th, 1945, date) for reasons given in paragraph X.

Place QUEBEC, P.Q.,

Date 24th October, 1944.

(Edmond BLAIS) - Brigadier,
D.O.C., M.D.No.5.
Confirming Authority

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....)

(of which I remit .....) (be suspended) (be put into execution)

(and) be reviewed on .....

Place .....

Date .....

Superior Military Authority

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To .....
Superior Military Authority

For details of offence, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced to ....., and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .....

Date .....

Confirming Authority

M.F.M. 285
(Army Form A-164)
20M—9-42 (1555)
H.Q. 1777-55-2018

Part V

I direct that the sentence (which I hereby commute to .....)

(of which I remit .....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of .....

..... (and) be reviewed on .....

Place .....

..... Superior Military Authority

Date .....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be posted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
DEC 5 1944	B.F. for [illegible] on 6/2/45	[illegible] Adjutant-General for Superior Military	

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
1) DESERTION: Having been absent without leave from 2200 hrs, 21 Aug 43 until apprehended by Civil Auth. at Laurier St., Hull, P.Q. at 2200 hrs, 20 Aug 44, dressed in civilian clothes. Cost of apprehension: $34.80. Total absence: 365 days.	21 Aug 43	6 Oct 44
2) LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND NECESSARIES, in the amount of $33.56.		
Pierre Poirier Lieut. Signature of Officer making entry		

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Signature of Officer making entry		

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
	Character: Bad. Ability and usefulness as a soldier: Fair. I do not wish to recommend a remission of sentence.	[illegible]

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
24-10-44.	Revision of Sentence with a view to suspension recommended on February 6th, 1945.	Edmond Blais (Edmond BLAIS) -Brigadier D.O.C., M.D.No.5.

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

A

FORMULE DE PROCES VERBAL DE COUR MARTIALE PERMANENTE

Proces verbal d'une cour martiale permanente tenue à A-13 CITC, A.C., Camp Valcartier, P. Q.,

le 5ème jour de octobre 1944 à 1000 heures, pour le proces

de C-100210, Soldat Jean-Louis HELIE, Liste Générale, A.C., attaché à A-13,
Matricule Grade Nom et prenoms Unite Detachement le cas echeant

C.I.T.C., A.C.

PRESIDENT: Major Armand SYLVESTRE,
Président Permanent, C.M.D., Q.G., R.M. No. 5.

PROCUREUR: Lieut. Pierre GOBEIL,
Liste Générale, A.C., attaché à A-13, C.I.T.C., A.C.
Grade Nom et prenoms Unite Detachement, le cas echeant

OFFICIER DEFENSEUR: Lieut. M. MARQUIS,
Liste Générale, A.C., attaché à A-13, C.I.T.C., A.C.
Grade Nom et prenoms Unite Detachement, le cas echeant

VERDICT: " LA COUR DECLARE LE PREVENU COUPABLE SOUS LES DEUX CHEFS D'ACCUSATION. "

SENTENCE: " LA COUR CONDAMNE LE PREVENU A LA DETENTION PENDANT HUIT (8) MOIS, ET A UNE SUPPRESSION DE SOLDE JUSQU'A CE QU'IL AIT REMBOURSE LES FRAIS DE SON APPREHENSION ET DE RETOUR A L'UNITE, SAVOIR: $34.80, AINSI QUE LA VALEUR DES EFFETS PERDUS, SAVOIR: $33.58 ".

Signe a VALCARTIER, P.Q. ce sixième jour de octobre 1944

68.38

Major,
Président Permanent, C.M.D., Q.G., R.M. No. 5.
President de la cour martiale permanente

Extracts entered as No. 33904 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 13 day of Oct 1944

DR

B

Question a l'accuse. Vous opposez-vous a etre juge par moi, en qualite de president de la cour?

Reponse. Non, monsieur.

(N.B. L'objection, le cas echeant, doit etre consignee, avec la decision de la cour, sur une feuille separee, marquee "BB" et attachee immediatement sous la page B.)

Question a l'accuse. Vous opposez-vous a E-21035, A/CSM (W.O. II) Gaston Vidal, comme stenographe?

Reponse. Non, monsieur.

Le mat. E-21035, A/CSM (W.O. II) Gaston Vidal, 5ème Détachement C.C.M.E.M., A.C., 5ème Région Militaire, A.C., est dument assermente. " MINUTE D'AJOURNEMENT ET DE REPRISE D'AUDIENCE " (Voir le document marqué " F ", ci-joint.)

Question au procureur. L'accuse a-t-il opte pour un proces devant une cour martiale permanente ?

Reponse. Non, monsieur.

L'accuse est mis en accusation sur chacun des chefs mentionnes dans l'acte d'accusation marque B-2 et verse au dossier apres avoir ete signe par le president.

Question a l'accuse Sont-ce la votre matricule, votre grade, votre nom et votre unite?

Reponse. Oui, monsieur.

Question a l'accuse. Etes-vous coupable ou non du (premier) chef d'accusation porte contre vous et dont vous venez d'entendre lecture?

Reponse. " NON COUPABLE. "

Question a l'accuse. Etes-vous coupable ou non du deuxieme chef d'accusation porte contre vous et dont vous venez d'entendre lecture?

Reponse. " NON COUPABLE. "

~~Question a l'accuse. Etes-vous coupable ou non du troisieme chef d'accusation porte contre vous et dont vous venez d'entendre lecture?~~

~~Reponse.~~

~~Question a l'accuse. Etes-vous coupable ou non du quatrieme chef d'accusation porte contre vous et dont vous venez d'entendre lecture?~~

~~Reponse.~~

~~(L'accuse s'etant avoue coupable sur le chef d'accusation, les prescriptions de la Regle de procedure 15 (B) sont observees.)~~

CHARGE SHEET

in the case of

The accused, No. C-100210, Private Jean-Louis HELIE, General List, C.A., attached to A-13 C.I.T.C., C.A., a G.S. soldier of the Canadian Army placed on Active Service, is charged with:

FIRST CHARGE:
Sec.12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE,

in that he

at Valcartier Camp, P.Q., at 2200 hours, on the 21st of August 1943, absented himself without leave from A-13 C.I.T.C., C.A., until apprehended by Civil Authorities at Laurier St., Hull, P.Q., on the 20th day of August 1944, at 2200 hours, dressed in civilian clothes. Cost of apprehension and return to his unit: $34.80.

SECOND CHARGE:
Sec.24(2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND NECESSARIES,

in that he

at Valcartier Camp, P.Q., on the 28th of September 1944, was deficient of the following articles, viz:

(Equipment and clothing)

CLO. DIV. "B"	CARO 1862	Less 25% CARO 3464	
2 Battle dress blouse	10.50	7.87	
1 Battle dress trousers	5.39	4.04	
2 Boots ankle prs	10.92	8.19	
1 Cap field service	0.70	0.52	
1 Drawers cotton short	0.36	0.27	
2 Shirts flannel khaki	3.42	2.56	
2 Socks woollen	0.74	0.55	
2 Drawers woollen	2.40	1.80	
1 Shirt woollen	1.20	0.90	
2 Shirts khaki cotton S/S	2.50	1.87	
1 Trousers khaki drill long	1.60	1.20	29.77
CLO. DIV. "C"			
1 Belt waist L.B.	0.37	0.28	
1 Necktie black	0.21	0.15	
1 Pin collar safety	0.06	0.04	
1 Blacking tin	0.05	0.04	
1 Boot laces pr	0.03	0.02	
1 Braces pr	0.32	0.24	
1 Brush cloth	0.27	0.20	
1 Brush shaving	0.42	0.31	
1 Comb hair	0.04	0.03	
1 Holdall	0.19	0.14	
1 Razor safety set	0.39	0.29	
2 Towels hand	0.46	0.34	2.08

SECTION "A/1"	CARO 1862	Less 25% CARO 3464	
1 Haversack web	2.14	1.60	
1 Strap web supporting	0.17	0.13	1.73

TOTAL NET.....$33.58

Valcartier Camp, P.Q., this
3rd day of October 1944.

(W.A. CROTEAU) Lieut-Colonel,
T/O.C. A-13 C.I.T.C., C.A.

C

PROCEDURE SUR UNE DENEGATION DE CULPABILITE

Question a l'accuse

Desirez-vous demander un ajournement, sous pretexte que l'une quelconque des regles de la procedure anterieure au proces n'aurait pas ete observee, vous causant ainsi prejudice, ou que vous n'auriez pas eu assez de temps pour la preparation de votre defense?

Reponse.

Non, monsieur.

(Si l'accuse demande un ajournement, voir les instructions a la page 747 du M.D.M.)

Le procureur procede a l'appel des temoins.

Premier temoin a charge

Lieut. Pierre GOBEIL, Liste Générale, A.C.,
attaché à A-13, C.I.T.C., A.C.,

etant dument assermente, ~~[illegible]~~ déclare :-

Question.

Je produis les documents suivants en rapport avec les accusations portées contre le soldat Jean-Louis Hélie que j'identifie comme étant le soldat ici présent, assis entre les deux escortes (indiquant l'accusé):

1o. M.F.B. 375, déclaration d'une Cour d'Enquête tenue au Camp Valcartier, P. Q., le 14 septembre, 1943, se rapportant à l'accusé.

(Ce document est lu par la Cour, marqué " G ", signé par le Président et versé au dossier.)

2o. M.F.M. 215, Certificat d'appréhension par les autorités civiles, signé par l'Officier en charge de la station de police, le 20 août, 1944, se rapportant à l'accusé.

(Ce document est lu par la Cour, marqué " H ", signé par le Président et versé au dossier.)

3o. M.F.B. 1481, certificat du coût de transport au montant de $27.55, signé au Camp Valcartier, P. Q., le 26 septembre, 1944, par le Capt. H. G. Kell, C.S. & T.O., Camp Valcartier, P. Q., se rapportant à l'accusé.

(Ce document est lu par la Cour, marqué " I ", signé par le Président et versé au dossier.)

C - 3

4o. M.F.B. 1482, certificat des dépenses incidentes au montant de $7.25, signé au Camp Valcartier, P. Q., le 27 septembre, 1944, par le soldat Armand Ménard, en charge de l'escorte, se rapportant à l'accusé.

(Ce document est lu par la Cour, marqué " J ", signé par le Président et versé au dossier.)

5o. Extrait certifié des Ordres du Jour, Partie II, No. 204, émis par A.I.T.C. A-13, A.C., le 24 août, 1943, se rapportant à l'accusé.

- (Ce document est lu par la Cour, marqué " K ", signé par le Président et versé au dossier.)

- L'OFFICIER DEFENSEUR NE DESIRE PAS INTERROGER CONTRADICTOIREMENT. -

- De l'avis de la Cour, il n'est pas nécessaire de se conformer à R. P. 83 (b). -

- LE TEMOIN SE RETIRE. -

Deuxième témoin de la POURSUITE:-

E-627994, - C.Q.M.S. A. LAPOINTE, N.R.M.A., A.C., attaché à A-13, C.I.T.C., A.C.,

étant dûment assermenté,

EST INTERROGE PAR LE PROCUREUR : -

Q. Voulez-vous dire à la Cour quelles sont vos fonctions ?

R. Quartier-Maître de la 2ème Infanterie, à A-13, C.I.T.C., monsieur.

C - 5

Q. Est-ce que vous connaissez l'accusé dans cette cause ?

R. Oui, monsieur.

Q. Pouvez-vous le désigner ?

R. Il est à ma droite, ici (indiquant l'accusé). C'est le soldat J. L. Hélie.

Q. Avez-vous eu à exercer vos fonctions dernièrement en rapport avec l'accusation de perte d'équipement qui est portée contre lui ?

R. Oui, monsieur.

Q. Voulez-vous expliquer à la Cour ce que vous avez fait, et quand ?

R. Il est passé au Quartier-Maître le 28 septembre, 1944 et il n'a rapporté aucun article militaire et je lui ai chargé les articles qui lui manquaient :

2	Battledress Blouses	$ 10.50	$ 7.87
1	Battledress Trousers	5.39	3.53
2	Boots Ankle, prs.	10.92	8.19
1	Cap Field Service	0.70	0.52
1	Drawers Cotton Short	0.36	0.27
2	Shirts Flannel Khaki	3.42	2.56
2	Socks Woollen	0.74	0.55
2	Drawers Woollen	2.40	1.80
1	Shirt Woollen	1.20	0.90
2	Shirts Khaki Cotton S.S.	2.50	1.87
1	Trousers Khaki Drill Long	1.60	1.20
1	Belt Waist L. B.	0.37	0.28
1	Necktie Black	0.21	0.15
1	Pin Collar Safety	0.06	0.04
1	Blacking Tin	0.05	0.04
1	Boot Laces, pr.	0.03	0.02
1	Braces, pr.	0.32	0.24
1	Brush Cloth	0.27	0.20
1	Brush Shaving	0.42	0.31
1	Comb Hair	0.04	0.03
1	Holdall	0.19	0.14
1	Razor Safety Set	0.39	0.29
2	Towels Hand	0.46	0.34
1	Haversack Web	2.14	1.60
1	Strap Web Supporting	0.17	0.13
	Total	$ 44.84	$ 33.07

C - 7

Q. Vous avez dit, pour "1 Battledress Trousers", quel prix ?

R. $ 5.38, moins la réduction: $3.53

Q. Qu'est-ce que c'est $3.53 ?

R. Moins 25%.

Q. Voulez-vous refaire le calcul, s'il vous plaît ?

R. C'est $4.03.

Q. Qu'aviez-vous déclaré tout à l'heure ?

R. $3.53. C'est une erreur, monsieur.

Q. Alors, ça fait un changement sur le total de $33.07 que vous aviez donné ?

R. Ca fait $33.57, monsieur.

Q. Sur quoi vous êtes-vous basé pour faire ces constatations ?

R. Sur la 375, monsieur.

- L'OFFICIER DEFENSEUR NE DESIRE PAS INTERROGER CONTRADICTOIREMENT. -

- De l'avis de la Cour, il n'est pas nécessaire de se conformer à R. P. 83 (b). -

- LE TEMOIN SE RETIRE. -

D

Le procureur n'a plus de temoins a appeler
La poursuite est close.

MOTION DE NON-LIEU

Il est loisible a l'accuse, a son avocat ou a l'officier defenseur, apres l'audition de la preuve de la poursuite, d'alleguer que celle-ci n'a pas reussi a etablir une presomption legale contre l'accuse et que ce dernier ne devrait pas, par consequent, etre contraint de presenter sa defense. Dans le cas d'une telle motion, le proces-verbal sera consigne sur des feuilles separees qui seront inserees immediatement avant la presente page D. Si la cour estime que cette allegation est bien fondee, elle doit acquitter l'accuse et consigner son verdict a la page A.

DEFENSE

Le president s'adresse a l'accuse en ces termes:

"Il est de mon devoir en cette circonstance de vous aviser de vos droits touchant la conduite generale de votre defense. La procedure a suivre depend entierement des reponses que vous ferez aux questions de forme que nous allons vous poser. Il importe donc que vous compreniez et saisissiez l'effet de vos reponses. Vous n'aurez pas a temoigner sous serment a moins que vous ne le vouliez. Mais, si vous faites des depositions assermentees, vous serez sujet a l'interrogatoire contradictoire par les soins du procureur et a l'interrogatoire par les soins de la cour."

"Si vous ne faites pas de deposition sous serment, vous avez le droit de faire une declaration ou vous donnerez votre version de l'affaire. Vous ne serez pas assermente et vous ne serez pas interroge sur ce que vous dites, par la cour ou par quelque autre personne. Je dois cependant vous prevenir qu'une deposition faite sous serment aura plus de poids aux yeux de la cour qu'une simple declaration non assermentee."

S'il n'y a pas d'officier defenseur, le president explique alors a l'accuse l'effet que ses reponses aux questions de forme de la page D du proces-verbal auront sur l'ordre des dernieres plaidoiries, prevu dans les Regles de procedure 40 et 41.

Desirez-vous, comparaitre, vous meme, comme temoin, ou bien desirez-vous faire une declaration non assermentee? — Question a l'accuse.

L'accusé désire faire une déclaration non assermentée, monsieur. — Reponse.

(Voir page D-5 et suiv.)

Avez-vous l'intention de citer des temoins pour votre defense? — Question a l'accuse

Non, monsieur. — Reponse.

~~[illegible]~~

D - 3

" L'ACCUSE, PAR VOIE DE DEFENSE, DIT : -

" Mon frère est cultivateur, puis il est seul. Il nous faut payer les dettes et j'ai parti pour lui aider. La terre nous appartient à nous deux. Comme il ne pouvait arriver à ses affaires, il faisait des dettes, et la terre n'est pas finie de payer; mon père fait les paiements pour la terre. Il faut toujours arriver pour qu'on ne fasse pas de dettes et qu'on continue à la payer. C'est notre avenir à moi et à mon frère. Mon frère a eu une exemption pour l'armée pour rester sur la terre. Je me suis informé au Major Larsen, des Forestiers, et il m'a découragé d'une manière, j'ai demandé si je pouvais avoir une exemption et il m'a dit que mon frère en ayant eu une, il m'était impossible d'on avoir; et comme mon frère ne s'entend pas beaucoup sur la terre, - je m'entends mieux que lui sur la terre; j'ai parti pour lui aider. C'est tout, monsieur. "

" LE PROCUREUR ET L'OFFICIER DEFENSEUR PRONONCENT UNE PLAIDOIRIE. "

E

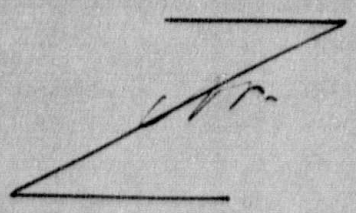
PROCEDURE SUR DECLARATION DE CULPABILITE PRECEDANT LA SENTENCE

Quand la cour en est arrivee a une decision relativement a tous les chefs d'accusation contre l'accuse et que ladite decision a ete annoncee a ce dernier, le procureur remet au president le modele M.F.B. 355 et, si possible, un modele M.F.M. 6.

Ces documents sont lus a la cour par le president, marques "Y" et "Z", signes par le president et verses au dossier.

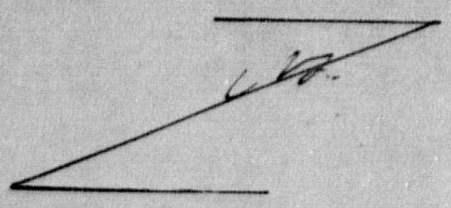
Question a l'accuse. Avez-vous quelque declaration a faire relativement aux documents dont on vient de vous donner lecture?

Reponse. **Non, monsieur.**



Question a l'accuse. Desirez-vous adresser la parole a la cour?

Reponse. **Non, monsieur.**



La sentence est alors consignee a la page "A" du proces-verbal et elle est annoncee a l'accuse en plein tribunal.

Le president etablit alors et signe le mandant d'incarceration, le cas echeant, et celui-ci est immediatement transmis au commandant de l'accuse. Dans chaque cas, il etablit aussi et signe le certificat de proces devant une cour martiale permanente et le transmet en conformite des Reglements. Le proces-verbal ainsi que tous les documents seront transmis au juge-avocat general.

" F "

" MINUTE D'AJOURNEMENT ET DE REPRISE D'AUDIENCE "

A 1002 heures, le 6 octobre, 1944, la Cour s'est ajournée.

A 1037 heures, le 6 octobre, 1944, la Cour se rassemble.

(Le procès se poursuit.)

" G "

RECORD of the Declaration of a Court of Inquiry assembled at Valcartier Camp, P.Q. on the 14th day of September 1943, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. C-100210 Pte Helie, L.H., C.F.C. (A.C.) Att. A.I.T.C. A-13, C.A.

DECLARATION

The Court declare that No. C-100210 (Regt'l No.) Pte (Rank) Helie, L.H. (Full Name) C.F.C. (A.C.) Att. A.I.T.C. A-13 (Unit) illegally absented himself without leave from A.I.T.C. A-13 at Valcartier Camp (Place) at 2200 hours on the 21st day of August 43 that he is still so absent, and that on the 21st August, 1943 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE		ARTICLES	VALUE	
2 Battle dress blouse	10	50	1 Blacking tin	0	05
1 Battle dress trousers	5	39	1 Boot laces pr	0	03
2 Boots ankle prs	10	92	1 Braces pr	0	32
1 Cap field service	0	70	1 Brush cloth	0	27
1 Drawers cotton short	0	36	1 Brush shaving	0	42
2 Shirts flannel khaki	3	42	1 Comb hair	0	04
2 Socks woollen prs	0	74	1 Holdall	0	19
2 Drawers woollen	2	40	1 Razor safety set	0	39
1 Shirt woollen	1	20	2 Towels hand	0	46
2 Shirts khaki cotton S.S.	2	50	1 Haversack web	2	14
1 Trousers K.D. long	1	60	1 Strap web supporting	0	17
1 Belt waist L.B.	0	37	C.A.R.O. 1862	44	85
1 Necktie black	0	21	C.A.R.O. 1877 Less 25%	11	21
~~1 Pin collar safety~~	~~0~~	~~06~~	~~Total Net~~	~~$33~~	~~.64~~

Lieut. G.A. Ouellette, RdeChaud (Name) (Rank) (Unit) President

Lieut. J.M. Raymand, R.22eR. (Name) (Rank) (Unit) Member

Signed at Valcartier Camp, P.Q.

(Name) (Rank) (Unit) Member

this 14th day of Sept. 1943.

Signature of Commanding Officer P.E. Poirier, Col., O.C. A.I.T.C. A-13 (Name) (Rank) (Unit)

Certified true copy (Name) (Rank) Lieut., General List, C.A., (Unit)

(Signature of Officer having custody of original record)

Officer i/c Records,
A-13 C.I.T.C., C.A.

M.F.B. 375
A.F.B. 115
100M—10-42 (6520)
H.Q. 1772-39-257

" H "

C[redacted]TIFICATE IN ACCORDANCE WITH ORDER IN COUNCIL P.C. 2797 DATED APRIL 10th, 1942, AS [redacted]BLISHED IN ROUTINE ORDER 1877, AND IN GENERAL ORDER No. 127, 1942.

(Apprehension by or Surrender to Civil Authorities)

I CERTIFY that the person whose description is given below was arrested by [redacted]

Strike out words not applicable

Constable Herve Gauthier
(Name of Peace Officer or Constable)

at Laurier St Hull.P.Q. (Place) at 10.00 P.M (Hour)

on the 20 day of August 1944

Strike out words not applicable

and at the time of arrest [redacted] in civilian clothes).

Regimental particulars of officer or soldier referred to above.

No. C.100210
Rank Pte.
Name HELIE, Leon Louis
Unit 6th Inf. Coy., R.13. Valcartier

Description

Age 26 years 3 months
Height 5' 4½"
Complexion Medium
Hair Brown
Eyes Brown
Marks Nil.

Signature of peace officer or constable by whom arrest, or to whom surrender, was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.

(Peace Officer) (Constable) (or Officer in Charge of Police Station)

Strike out words not applicable

M.F.M. 215
20M—2-43 (8516)
H.Q. 1773-39-1085

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER IN COUNCIL P.C. 56/4015 DATED JUNE 5 th, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1977,1942.

(TRANSPORTATION ONLY)

I, Capt Kell H.G. No. 5 Dist Coy R.C.A.S.C. CA.

hereby certify that I (issued) the hereinafter itemized transportation for escort to proceed from Valcartier (Place) to Ottawa Ont. (Place) and return to Valcartier Camp, P.Q. for the purpose of escorting C-100210 (Number) Pte (Rank) Helie J.L. (Abs) (Name in full) A.I.F.C. A-13 CA. (Unit) (Attachment, if any)

alleged to be a deserter or an absentee without leave, the facts date and particulars of (the transport warrants issued) and the cost thereof for said soldier and escort being as follows:-

PARTICULARS.		COST
	T...	Autobus. C-727611 $2.00
Transport Warrant C-727612 issued on Sept 25th, 1944 covering transportation of Two Escorts: Escorts, from Valcartier Camp, P.Q. to Ottawa Ont and return to Valcartier Camp, P.Q.		17.80
	Tax.	2.65
Transport Warrant C-727612 issued on Sept 25th, 1944 covering transportation of the Absentee from Ottawa Ont to Valcartier Camp, P.Q.		4.45
	Tax.	.65
	Total...	27.55

Dated at Valcartier Camp, P.Q. this 26th day of Sept. A.D.1944.

(H.G. Kell) Capt. C.S. & T.O. Valcartier Camp, P.Q.

Signature, rank, unit, attachments (if any) and appointment of officer (issuing transport warrants)

Received Original copy No. 179

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, E-627492 Pte. MENARD, A., NRMA., att. to CITC A-13,
(No.) (Rank) (Name) (Unit)

Strike out words not applicable

as ~~(sgt)~~ (commander of escort) consisting of myself & E-625338 Pte. LAHAIE, E., NRMA., att. to CITC A-13.,

Members of escort

detailed to proceed from Valcartier Camp, P.Q., to Ottawa, Ont.,

Name and description of soldier escorted

to return C-100210 Pte. HELLIE, J.L., att. to CITC A-13
(Rank) (Name) (Unit)

alleged to be a deserter or absentee without leave to Valcartier Camp, P.Q.,
(Place)

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
FROM: 1750 hrs 25-9-44 TILL: 0620 hrs 27-9-44	
5 meals at $1.00 for escorts and prisoner	$5.00
3 meals at $0.75 for escorts and prisoner	2.25
Total	$ 7.25

Dated at Valcartier Camp, P.Q., 27th day of September A.D. 1944

Menard Armand E627492
Signature and rank (of commander of escort) (escort)

Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1462
TSM—2-42 (3530)
H.Q. 1772-59-1859

ADVANCED (INFANTRY) TRAINING CENTRE A-13,
DAILY ORDERS PART II No.204, d/24 Aug.43, By:
Colonel P.E. Poirier, M.M., O.C.

- - - -

M.F.R. 358
50M—8-43 (3992)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
C-100210	Private	Jean-Louis HELIE	General List, C.A., attached to A-13 C.I.T.C., C.A.

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For		times	AWL	2 times
For		times		times
For		times		times
For		times		times

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

Previous convictions of the accused by a court-martial or a civil court, are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for 30 days in civil custody, and 15 days in military custody, making a total of 45 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 27 years 5 months

6. The date of his attestation specified in his attestation paper 27 April 1942

9. The accused is in possession of or entitled to no military decoration, or military reward (

the regiment or corps

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

~~.....dated....., and in his regiment (or corps), the rank of~~

~~.....dated.....~~

~~12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—~~

~~.....Date of promotion.~~

~~In the rank of.....years.~~

~~In the rank of.....years.~~

~~In the rank of.....years.~~

~~NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.~~

SCHEDULE

Of convictions by a court-martial or civil court, ~~or summary trial under Section 12 of the Airmen Act~~, and of cases in which trial has been dispensed with of accused, Number C100210 Rank Private Unit

Name Jean-Louis HELIE, Gen. List, CA, att. A-13 C.I.T.C., C.A. Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
District Court-Martial.	27 Jan. 43, Valcartier Camp, P.Q.	1) DESERTION. 2) LOSING BY NEGLECT, etc.	5 months Detention	Remitted 40 days.
Special Session of the Peace.	24 Aug. 44, Hull, P.Q.	Was found in possession of a false Registration Card.	1 month Civil Jail.	

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 6th day of Oct 44

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

M. Trousset

Officer i/c Records, C. I. (R) T. C.

ORIGINAL DESTROYED AFTER SIX MONTHS SERVICE

57

No.	Name	Sqn, battery, or Company	Corps	Date of enlistment	G.C. Badges	Tradesmen's Rates of Pay	Character
C 100210	HELIE, J.		Canadian Forestry Corps	27 Apr 42			

Period not reckoning towards freedom from extra fine: and date last drunk

Sheet No. 1

Signature O.C. Company, etc.: John Larsen, Major

M.F.M. 6 (A.F.B. 122) 500M—11-41-34466 H.Q. 1772-39-1432

Place	Date of offence	Rank	Cause of drunk or bad conduct	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Valcartier Camp, P.Q.	1 Aug 42	Pte		DESERTING HIS MAJESTY'S SERVICE (Sec. 12 (1) (a) A.A.) (Total time absent: 159 days, 11 hours, 25 mins.) (2) LOSING BY NEGLECT his clothing and Regimental Necessaries. (Sec. 24 (2) A.A.)	E 62663 Cpl. Lemieux, V. Capt. Gray, P. Lt. W. J. Wall L/Cpl. Tringle C 34002 CQMS Dewan, R.	5 months Detention. Stoppage of pay $34.10 for cost of apprehension Stoppage of pay $26.38 for Kit deficiencies.	27 Jan 43	D.C.M.	Forf. 160 days pay, Sec. 149 F.R.&I. Remitted 40 dys detention w.e.f. 8 May 43.
Valcartier Camp, P.Q.	29 Jun 43			AWL from 0130 hrs. 28 Jun 43 until apprehended at 0615 hrs. 28 Jun 43 (Total time absent: 4 hrs, 45 mins.)(Sec. 15(1)(a)	L/Cpl Sutton Capt. R.W. Pouliotte Documentary)	10 days C.B.	15 Jul 43	Col. Poirier	To pay $24.25 Cost of Apprehension.

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order disposing with trial	By whom awarded	Remarks
Valcartier Camp	8 Aug 1943	Pte.		AA SEC. 15 AWL from 2359 hrs, August 8th, 43 until 12 Aug.43 Total abs: 3 d. 9h. 11 m.	Para.13 D.O. 192 10 Aug.43	14 days C.B.	13 Aug. 43	P.E. POIRIER Col.	Forfeits 4 days pay under F.R.& I.

CERTIFIED TRUE COPY

Lieut.& Off.i/c Records,
Gen.List, CA, att. A-13 C.I.T.C., C.A.

PRECIS OF EVIDENCE

in the case of

No. C-100210, Private Jean-Louis HELIE, General List, C.A., attached to A-13 C.I.T.C., C.A.

CHARGES: (1) WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE.

(2) LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND NECESSARIES.

To prove the first charge, the following evidence is available:

Documentary: - M.F.B. 375,
M.F.M. 215,
M.F.B. 1481,
M.F.B. 1482,
Extract from Part II Order of A-13 C.I.T.C. No.204 dated 24 Aug.43, respecting the absence of the accused.

To prove the second charge, the following evidence is available:

Documentary: - M.F.B. 375.

Verbal: - E-627994, C.Q.M.S. A. Lapointe, N.R.M.A., C.A., who will give evidence as to recoveries and deficiencies at kit inspection.

MEDICAL OFFICER'S REPORT

I certify that No. C-100210 Pte. HELIE H.L.
of 2nd., Inf. Coy. A-13. is in a good state of health,
and fit to undergo Trial by Court martial.

M. Lelle (R.C.A.M.C.) AF.
Medical Officer
M.O. R.T.C. A-13 VALCARTIER

Station Valcartier Camp P.Q.

Date 6 Oct. 1944.

M. F. B. 246
NDM—5-43 (354)
H.Q. 1772-29-490

H.Q.C.55-H-323(JAG/D-7)
Your File No. Q.39-H-1202

October 16, 1944.

District Officer Commanding,
Military District No. 5,
Quebec, P.Q.

STANDING COURT-MARTIAL

C-100210 - Pte Jean-Louis Helie,
Gen. List, C.A.,
(Att A-13, CITC, C.A., Valcartier Camp.)

1. Receipt is acknowledged of the proceedings of the marginally noted Standing Court-Martial which were forwarded by the President named therein.

2. The proceedings are legally regular, the finding is properly made and the sentence is according to law. Pursuant to C.A.R.O. 4565 paragraph 12, the said proceedings are herewith forwarded to you. After they have served your purpose, will you please return the proceedings to this office for custody.

(R.J.Orde), Brigadier,
Judge Advocate-General.

LJR/MR

This copy for H.Q.C.55-H-323
M.D.5.39-H-1202

MEMORANDUM - ~~DISTRICT~~ STANDING COURT-MARTIAL

No. C.100210 Name HELIE, Jean-Louis

Rank Pte Unit Gen List C.A. att A 13 CITC CA

Charge (1st) A.A. 12 (1) (a) - Desertion

(2nd) A.A. 24 (2) - Losing by neglect ...

Date of Crime (1) 21-8-43; (2) 28-9-44

Date of Arrest (1) 20-8-44 ✓ Charge, Signed 3-10-44 ✓

Orders for D.C.M.

Place and Date of Trial A 13 C.I.T.C. C.A. Camp Valcartier Que 6-10-44 ✓

Sentence Det 8 mos; stoppages $68.38

Date of Confirmation

Date of Promulgation

Entered in Records of J.A.G. as No. 33904

Date 13-10-44

MEMO

Balance of sentence
remitted by Conf. Auth. 6-1-45

M.D. 5 - A 13 CITC CA

Absent	Sentence
1 yr	Det 8 mos.

E Fagan 4/5/Sgt
for Judge Advocate-General

SM-7-44 (M-4112)

IN REPLY PLEASE QUOTE
No. Q. 39-H-1202

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

260999 QUEBEC, Que., 7th October, 1944.

CENTRAL REGISTRY Army
CONF. SEC.
OCT 12 1944
File C55-H-323
Chgd. to MC
Referred to

THE JUDGE ADVOCATE GENERAL,
Department of National Defence,
OTTAWA, Ont.

STANDING COURT-MARTIAL.
C-100210 - Pte Jean-Louis HELIE,
Gen. List, C.A.,
(Attt A-13, CITC, C.A.,Valcartier Camp.)

1. Please find enclosed herewith the proceedings of the marginally noted Standing Court-Martial.

2. These proceedings are being forwarded for registration and custody.

33904

A. Sylvestre

(Armand SYLVESTRE) - Major,
President, S.C.M.

N.D. 23
1,500M—7-42 (5219)
H.Q. 1773-101-23

H.Q.C.55-H-323(JAG)

May 15th, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

District Court-Martial
C/100210, Pte. John Louis HELIE,
C.F.C., C.A.,
(Att. to A.I.T.C. A-13, C.A.)

Receipt is acknowledged of your Q:39-H-1202(JA) dated May 12th, 1943, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial, and wherein Remission is noted.

Brigadier,
Judge Advocate-General.

HFGB/S.

500-6-42(M1255)

IN REPLY PLEASE QUOTE
No. Q: 39-H-1202 (JA).

126888

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., May 12th, 1943.

CENTRAL REGISTRY Army
CONF. SEC.
MAY 14 1943
File 55-H-323
Origin to
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: DISTRICT COURT-MARTIAL
C/100210, Pte. John Louis HELIE,
C.F.C., M.A.,
(Att. to A.I.T.C. A-13, C.A.)

Reference your H.Q.C. 55-H-323 (JAG) dated May 4th, 1943, relative to the marginally noted subject.

2. Please find enclosed herewith the proceedings of the marginally noted District Court-Martial, which are returned to you for custody.

3. Please note that the sentence in this case has been remitted from the 5th day of May, 1943.

(RAYMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

NAT. DEF. B. 440
1 Million—10-42 (9686)
H.Q. 1772-39-787

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at A.I.T.C. A-13, C.A. Valcartier Camp, P.Q. on the 27th day of January, 1943 by order of Brigadier Edmond BLAIS, M.C., Commanding the Military District No. 5 dated the 23rd day of January, 1943.

President.

Lt.-Colonel E.J.J. LEGARE, E.D.,
C.O.T.C. Laval (R) C.A.

Members.

Major A.H. STOTT,
27th Field Regt. R.C.A., C.A.

Capt. T.S. WILSON,
6th Field Ambulance, R.C.A.M.C., C.A.

Trial of* C/100210, Pte. John Louis HELIE, Canadian Forestry Corps, C.A., Attached to A.I.T.C. A-13, C.A.

The order convening the Court, the charge-sheet and the summary (~~or abstract~~) of evidence are laid before the Court.

~~The Court satisfy themselves as provided by Rules of Procedure 22 and 23.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. ♣

The accused is brought before the Court.

Prosecutor,† Lieut. T.J. COONAN, Canadian Forestry Corps, C.A., Att. A.I.T.C. A-13, C.A.

~~Counsel or~~ defending officer† Lieut. C.R. SILVERSIDES, C.F.C., C.A., A.M. (Att. to A.I.T.C. A-13). For order detailing the D.O., see document marked "X-I" attached.

At 10.30 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q-1. Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A-1. No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
10M—6-40 (5715)
H.Q. 1772-39-224

♣ I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

(1)

E.J.J. Legare Lt-Colonel
President G.C.M.

B

The President and members are duly sworn.

The following officers under instruction are duly sworn. (See attached list marked "C").

Q-2. Do you object to Miss Rita Bégin, civilian stenographer, acting as shorthand writer?
A-2. No Sir.
Miss Rita Bégin, civilian stenographer, 311 1st Avenue, Quebec, P.Q., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q-3. Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3. Not Guilty Sir. *Answer.*

Q-4. Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4. Not Guilty Sir. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which~~ you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.

Instruction. If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge.

Ernest Legge Lt-Colonel
President R.C.M.

CHARGE SHEET

in the case of

The accused, No. C-100210, Private John Louis HELIE, of the Canadian Forestry Corps (CA), attached to A.I.T.C. A-13 (CA), a soldier of the Canadian Army placed on Active Service, is charged with:

FIRST CHARGE:
Sec.12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE,

in that he

at Valcartier Camp, P.Q., at 2205 hours, on the 1st August, 1942, absented himself without leave from A.I.T.C. A-13 (CA), until apprehended by Military Authorities, at Hull, Que., on the 6th January, 1943, at 0930 hours, dressed in civilian clothes. Cost of apprehension and return to his unit $34.10.

SECOND CHARGE:
Sec.24(2)
Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES,

in that he

at Valcartier Camp, P.Q., on the 1st August, 1942, was deficient of the following articles, viz:

Equipment and clothing

Clo. Div. "A"	CARO 1862	Less 25% CARO 1877	
1 Anklets web, pr,	0.77	0.58	
Clo. Div. "B"			0.58
1 Battle dress trousers,	5.60	4.20	
1 Battle dress blouse,	5.58	4.18	
2 Boots ankle, prs,	10.40	7.80	
2 Caps field service,	1.56	1.17	
1 Drawer under cotton,	0.33	0.25	
2 Shirts khaki cotton	S/$1.98	1.49	
1 Shirt under cotton	0.40	0.30	
2 Socks prs,	0.72	0.54	
1 Trouser K.R. Short,	1.28	0.96	
Clo. Div. "C"			20.89
1 Kit bag,	0.78		
1 Belt waits web 1908	0.50		
1 Boot blacking tin,	0.05		
1 Boot dressing tin,	0.05		
1 Boot laces, pr,	0.02		
1 Braces, pr,	0.27		
1 Brass button,	0.04		
1 Brush boot blacking,	0.15		
1 Brush boot polishing,	0.17		
1 Brush button,	0.14		
1 Brush cloth,	0.24		
1 Brush hair,	0.24		

B-4

Clo. Div. "C" (Cont'd).	CARO 1862	Less 25% CARO 1877	
1 Brush shaving,	0.30		
1 Brush tooth,	0.09		
1 Comb hair,	0.04		
2 Discs identity,	0.01		
1 Fork table,	0.09		
1 Housewife,	0.51		
1 Razor safety set,	0.39		
1 Knife table,	0.18		
1 Spoon table,	0.08		
1 Towell hand,	0.21		4.55
Clo. Div. "D"			
1 Badge cap C.F.C.	0.06		
2 Badges arm CANADA	0.06		0.12
Sec. "A-1"			
1 Cover messtin,	0.08	0.06	
1 Sling rifle,	0.23	0.17	0.23
Sec. "A-2"			
2 Discs & Seal,	0.01		0.01
TOTAL NET			26.38
			15.41

Valcartier Camp, P.Q.,
January 18, 1943.

J. Chouinard Lt.Col
(J.J. CHOUINARD) Le Chaud CA
O.C., A.I.T.C. A-13

To be tried by District Court-Martial.

Signed at Quebec, P.Q., this 23rd day of January, 1943.

(E.J.GIGNAC) - Major,
D.A.A.G., M.D.No.5.
for D. O. C., M.D.No.5.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q-5. *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A-5. No Sir.

The prosecutor declines to make an opening address. [~~handing in a written address, which is read, marked, signed by the President, and attached to the proceedings.~~]

The prosecutor proceeds to call witnesses.

First witness for prosecution. Lieut. C.K. BLAIS, General List, C.A., Attached to A.I.T.C. A-13, C.A.

being duly sworn, is examined by the prosecutor.

Q-6. Will you please tell the Court what are your function at A.I.T.C. A-13?
A-6. I am assistant-adjutant.

Q-7. Do you know the accused?
A-7. Yes I do.

Q-8. Can you identify him in this room?
A-8. Yes Sir. (The witness points out the accused).

Q-9. Have you any documents or any evidence to place before the Court, regarding the accused?
A-9. Yes Sir. I produce:-

(a) Certified Extract of Daily Orders Part II, No. 183, dated August 3rd, 1942, showing that the accused, Pte. J.L. HELIE is absent without leave since August,1st, 1942. (Certified Extract of Daily Orders Part II, No. 183, dated August 3rd, 1942, is read to the Court, marked exhibit "H", signed by the President and attached to the proceedings).

(b) Certified Extract of Daily Orders Part II No. 191, dated August 12th, 1942, showing that the accused, C/100210, Pte. J.L. HELIE is still absent without leave after 8 days. (Certified extract of Daily Orders Part II No. 191, dated August 12th, 1942, is read to the Court, marked exhibit "I", signed by the President and attached to the proceedings).

(c) Certified Extract of Daily Orders Part II, No. 203, dated 26th August, 1942, stating that C/100210, Pte. J.L. HELIE is absent since August 1st, 1942. (Certified Extract of Daily Orders, Part II, No. 203, dated 26th August, 1942, is read to the Court, marked exhibit "J", signed by the President and attached to the proceedings).

C-3.

(d) Certified True Copy of M.F.B. 375, Record of the Declaration of a Court of Inquiry assembled at Valcartier Camp, P.Q., on the 31st day of August, 1942. (Certified True Copy of M.F.B. 375, is read to the Court, marked exhibit "K", signed by the President and attached to the proceedings).

(e) M.F.M. 216, certificate of apprehension of the accused, dated 8th January, 1943, signed by P. GRAY, Capt., O.C. 33 Coy. C. Pro. C. (Certificate of apprehension is read to the Court, marked exhibit "L", signed by the President and attached to the proceedings).

(f) M.F.B. 1481, Cost of Transportation of the accused and escort, signed by W.J. WALL, Lt., C.S. & T.O., Valcartier Section, dated 11th January, 1943. (M.F.B. 1481 is read to the Court, marked exhibit "M", signed by the President and attached to the proceedings).

(g) M.F.B. 1482, incidental expenses of the accused and escort, dated January 14th, 1943, signed by L/Cpl. Tringle C. (M.F.B. 1482 is read to the Court, marked exhibit "N", signed by the President and attached to the proceedings).

Q-10. Lieut. Blais, as Assistant-Adjutant A.I.T.C. A-13, can you certify that the evidence you gave before this court are true and exact copies of the orders?

A-10. Yes Sir.

"Cross-examined by the Defending Officer".

Q-11. Will you please tell me why, on M.F.B. 375, the accused is charged with a deficiency of kit for $25.21, and on the Charge Sheet, he is charged with a total amount of deficiencies of kit of $26.38? Can you explain the difference between those two amounts?

A-11. .....
The Defending Officer gives M.F.B. 375 to the Court. The Court verify the Charge Sheet and M.F.B. 375 and advise the Defending Officer that a sum of 25¢ has been deducted from the value of certain articles, and according to Routine Order 1877 this deduction should have been made only on some of these articles.

"The Prosecutor declines to re-examine".

In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

The witness withdraws.

The Prosecutor has no further witnesses.

D

The prosecution is closed.

Defence

Question to the accused. Q-12. Do you apply to give evidence yourself as a witness?

Answer. A-12. Yes Sir.

Question. Q-13. Do you intend to call any other witness in your defence?

Answer. A-13. No Sir.

Question. ~~Is in a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (~~and of the witnesses for the defence including witnesses as to character~~) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

D-3.

The accused, C/100210, Pte. John Louis HELIE, Canadian Forestry Corps, C.A., Attached to A.I.T.C. A-13, C.A., being duly sworn is examined by the Defending Officer:-

Q-14. Are you C/100210, Pte. J.L. HELIE, Canadian Forestry Corps, C.A.?
A-14. Yes Sir.

Q-15. Will you please tell the Court the circumstances surrounding your absence, the facts?
A-15. Last summer here, as I was on the drill I was sick all the time. So, I did not see the M.O. This is one thing against me, but I could not stand the drill. So, I went away to get a rest, but I had not the intention to stay away, to desert from the Army at all. I wanted to come back in January, or later. That is about all I can say.

Q-16. Have you anything to say concerning the equipment charged against you?
A-16. The only thing I can say.....May I explain that in french; I can explain myself better in french.

The request of the witness is granted by the Court, and the witness continues his testimony.

.....La perte d'équipement? J'ai pensé, voyez-vous il y a des gardes dans chaque hutte. Après qu'une personne s'en va A.W.L., d'après ce que j'ai entendu dire, ils sont supposés ramasser le linge et le retourner au Q.M.'s store dans les 24 heures après l'absence; après qu'ils se sont aperçus de l'absence. Je ne crois pas que dans vingt-quatre heures j'ai pu me faire voler mon équipement de même.

"Cross-examined by the Prosecutor".

Q-17. Si vous avez haï le "drill" suffisamment pour vous en aller en dehors du Camp, voulez-vous me dire qu'après un peu de temps chez-vous, ou en dehors, vous seriez revenu à l'arméé?
A-17. Ce n'est pas le cas; c'était pour des raisons de santé.

Q-18. Aviez-vous l'intention de revenir dans l'Armée?
A-18. Oui monsieur.

Q-19. When you left the Camp, did you go to your home?
A-19. Not immediately. I went home sometimes, when my father was not there.

Q-20. When you left the Camp, did you lose your uniform?
A-20. No Sir. I lost it, but I thought I could get it back on my return.

Q-21. Did you know that, when you left Camp; took off your uniform and have been apprehended in civil clothes, you would immediately be charged with desertion?
A-21. I knew a bit about it, but I did not consider the thing as serious as I consider it now.

D-5.

Q-22. Were you lectured on Military Law?
A-22. Yes we had some.

Q-23. Were you lectured on desertion?
A-23. We had some hints on it; we always get some lectures about it but we do not believe it serious when we are in Camp.

"The Defending Officer declines to re-examine".

QUESTIONED BY THE COURT.

Q-24. You said that you were sick? What do you mean by sick? Sick physically or mentally?
A-24. Physically.

Q-25. What way?
A-25. I had a sore back all the time I was on the drill and I had liver trouble.

Q-26. What is your medical category?
A-26. I think it is A.

Q-27. Were you sick during the time you were away?
A-27. I took a rest for two or three weeks. I went on my brother's farm. He was alone. I did not work hard; I was taking a rest at the same time.

Q-28. Did you go to a doctor while you went away?
A-28. No but I took some medicine.

Q-29. Pourquoi n'êtes-vous pas allé voir le médecin quand vous vous sentiez si mal?
A-29. Je ne suis pas allé voir le médecin parce que je n'ai pas travaillé fort; c'était moins fort que faire le "drill".

Q-30. Quand vous vous sentiez si mal ici, pourquoi n'êtes-vous pas allé vous rapporter chez le médecin?
A-30. J'Y suis allé une fois et il m'a donné des pilules.

In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

The witness resumes seat as accused.

The Defending Officer makes a Closing Address.
(See document marked "O" attached).

The Prosecutor makes a closing address.
(See document marked "P" attached.

F

Sentence

The Court sentence the accused C/100210, Pte. John Louis HELIE, Canadian Forestry Corps, C.A., Attached to A.I.T.C. A-13, C.A., to undergo detention for five months and to be put under stoppages of pay until he has made good the sum of $34.10 in respect of the cost of apprehension and return to his Corps and until he has made good the value of the following articles, viz:-

Sentence.
Detention
5 months.

Stoppages
$34.10
$26.38
$60.48

	CARO 1862	CARO 1877. Less 25%.	
Clo. Div. "A"			
1 Anklets web, pr.	$ 0.77	$0.58	0.58
Clo. Div. "B".			
1 Battle dress trousers,	5.60	4.20	
1 Battle dress blouse,	5.58	4.18	
2 Boots ankle, prs.	10.40	7.80	
2 Caps field service,	1.56	1.17	
1 Drawer under cotton,	0.33	0.25	
2 Shirts khaki cotton S/S	1.98	1.49	
1 Shirt under cotton,	0.40	0.30	
2 Socks prs.,	0.72	0.54	
1 Trouser K.R. Short,	1.28	0.96	$20.89
Clo. Div. "C".			
1 Kit bag,	0.78		
1 Belt waist web 1908	0.50		
1 Boot blacking tin,	0.05		
1 Boot dressing tin,	0.05		
1 Boot laces, pr.	0.02		
1 Braces, pr.	0.27		
1 Brass button,	0.04		
1 Brush boot blacking,	0.15		
1 Brush boot polishing,	0.17		
1 Brush button,	0.14		
1 Brush cloth,	0.24		
1 Brush hair,	0.24		
1 Brush shaving,	0.30		
1 Brush tooth,	0.09		
1 Comb hair,	0.04		
2 Discs identity	0.01		
1 Fork table,	0.09		
1 Housewife,	0.51		
1 Razor safety set,	0.39		
1 Knife table,	0.18		
1 Spoon table,	0.08		
1 Towell hand,	0.21		4.55
Clo. Div. "D"			
1 Badge cap C.F.C.	0.06		
2 Badges arm CANADA	0.06		0.12
Sec. "A-1".			
1 Cover meestin,	0.08	0.06	
1 Sling rifle	0.23	0.17	0.23
Sec. "A-2".			0.01
2 Discs & Seal	0.01		$26.38

Extracts entered as No. 7714 in the Record of Courts Martial kept in the office of the Judge Advocate General this 15 day of Feb 19.43

RRL

Signed at A.I.T.C. A-13, C.A., Valcartier Camp, P.Q., this 27th day of January, 1943.

E.J.J. LEGARE, Lieut.-Col., - Lt.-Col.,
C.O.T.C. Level (B) C.A.,
PRESIDENT.

F

Sentence

The Court sentence the accused C/100210, Pte. John Louis HELIE, Canadian Forestry Corps, C.A., Attached to A.I.T.C. A-13, C.A., to undergo detention for five months and to be put under stoppages of pay until he has made good the sum of $34.10 in respect of the cost of apprehension and return to his Corps and until he has made good the value of the following articles, viz:-

Sentence.
Detention
5 months.

Stoppages
$34.10
$26.38
$60.48

Clo. Div. "A"	CARO 1862	CARO 1877. Less 25%.	
1 Anklets web, pr.	$ 0.77	$0.58	0.58
Clo. Div. "B".			
1 Battle dress trousers,	5.60	4.20	
1 Battle dress blouse,	5.58	4.18	
2 Boots ankle, prs.	10.40	7.80	
2 Caps field service,	1.56	1.17	
1 Drawer under cotton,	0.33	0.25	
2 Shirts khaki cotton S/S	1.98	1.49	
1 Shirt under cotton,	0.40	0.30	
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1 Kit bag,	0.78		
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1 Boot laces, pr.	0.02		
1 Braces, pr.	0.27		
1 Brass button,	0.04		
1 Brush boot blacking,	0.15		
1 Brush boot polishing,	0.17		
1 Brush button,	0.14		
1 Brush cloth,	0.24		
1 Brush hair,	0.24		
1 Brush shaving,	0.30		
1 Brush tooth,	0.09		
1 Comb hair,	0.04		
2 Discs identity	0.01		
1 Fork table,	0.09		
1 Housewife,	0.51		
1 Razor safety set,	0.39		
1 Knife table,	0.18		
1 Spoon table,	0.08		
1 Towell hand,	0.21		4.55
Clo. Div. "D"			
1 Badge cap C.F.C.	0.06		
2 Badges arm CANADA	0.06		0.12
Sec. "A-1".			
1 Cover mosstin,	0.08	0.06	
1 Sling rifle	0.23	0.17	0.23
Sec. "A-2".			
2 Discs & Seal	0.01		0.01
			$26.38

Extracts entered as No. 7714 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 15 day of Feb 1943
RRL

Signed at A.I.T.C. A-13, C.A., Valcartier Camp, P.Q., this 27th day of January, 1943.

E.J.J. LEGARE - Lt.-Col.,
E.J.J. LEGARE, Lieut.-Col.,
C.O.T.C. Legal (R) C.A.,
PRESIDENT.

Promulgated and Extracts taken at Valcartier Camp, P.Q., this 10th February, 1943.

Capt.
(P. LESSARD), R. de Chaud, C.A.
Officer i/c Records, A.I.T.C. A-13, C.A.

I, the undersigned, being the competent military authority, do hereby remit the Sentence of detention to No. C-100210, Pte. John Louis HELIE, Canadian Forestry Corps, C.A., Attached to A.I.T.C., A-13, C.A, from the 8th day of May, 1943.

Signed at QUEBEC, P. Q., this seventh ---- day of May, 1943.

Edmond Blais

(Edmond BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

QEC

Promulgated and Extracts taken at Valcartier Camp, this 10th day of May 1943.

J. Brown 2/Lt., Gen.List,
Officer i/c Records, A.I.T.C. A-13.

Confirmed.

Signed at Quebec, P.Q., this 9th day of February, 1943.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

Guthrie Lt-Colonel
President D.C.M.

Orders by Brigadier Edmond Blais, M.C. Commanding

the Military District No.5.

District Court-Martial

Quebec, 23rd January 1943.

The detail of Officers as mentioned below will assemble

at A.I.T.C. A-13, C.A., Valcartier Camp, P.Q. on Wednesday

the 27th day of January 1943 at 1000 hours

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

C/100210, Pte. John Louis HELIE,
Canadian Forestry Corps, C.A.
(Att. to A.I.T.C. A-13, C.A.)

PRESIDENT

Lt-Colonel E.J.J.Legare E.D. C.O.T.C. Laval (R) C.A. is appointed President.

MEMBERS

Major A.H.Stott,
27th Field Regt. R.C.A., C.A.
Capt. T.S.Wilson,
6th Field Ambulance, R.C.A.M.C., C.A.

WAITING MEMBERS

Capt. V. Morin,
Regt. de Levis, C.A.
Capt. John Larsen,
Canadian Forestry Corps, C.A. (Att. A.I.T.C. A-13.CA)

~~JUDGE ADVOCATE~~

~~Judge Advocate~~ ~~has been (is hereby) appointed~~

PROSECUTOR

Lieut. T.J.Coonan,
Can. Forestry Corps (CA) (Att. AITC, A-13, CA) ~~has been~~ (is hereby) appointed
Prosecutor

DEFENDING OFFICER

One Officer to be detailed by O.C., A.I.T.C. A-13, C.A. to be ~~has been (is hereby)~~ appointed
Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, A.I.T.C. A-13, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D.No.5.

Signed this 23rd day of January 1943.

M.F.B. 220
A.F.A. 47
15M—9-41 (1781)
H.Q. 1772-29-344

(E.J.GIGNAC) - Major,
D.A.A.G., M.D.No.5.
for D. O. C., M.D.No.5.

"X-I"

21/1943
25 Jan. '43

ORDRES DU JOUR PARTIE 1, No. 21
Par le Lt. Colonel J.J. Chouinard, V.D.
Commandant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE, No. A/13

1. DEVOIRS

OFFICIER D'ORDONNANCE			
Demain 26 Jan. '43:	Lieut. N. Bussières	R22eR.	A/AC (1e.I)
Remplaçant	: Lieut. R. Lachance	Liste Gén.	" (2e.I)
Suivant de devoir:	Lieut. R. Lachance	Liste Gén.	" (2e.I)
Remplaçant	: Lieut. M. Allard	RleJoliette	" (6e.I)
SERGENT D'ORDONNANCE			
Demain 26 Jan. '43:	Sgt. Paiement R.	R22eR.	A/AC (1e.I)
CAPORAL D'ORDONNANCE			
Demain 26 Jan. '43:	Cpl. Gadoua P.	R22eR.	A/AC (2e.I)

2. PARADES
Les parades du 26 Jan. '43 seront telles que détaillées au Syllabus.

3. CONSEIL DE GUERRE REGIONAL
Les Officiers sous-mentionnés s'assembleront au A.I.T.C. A-13 camp Valcartier, à 1000 heures le 27 janvier 1943, dans le but de juger par un Conseil de guerre régional l'Accusé C-100210 Sdt. John Louis Nelli, C.F.C., (Att. au A.I.T.C. A-13) (et toute autre personne ou personnes qui pourrait être appelée à comparaître devant cette Cour.)

PRESIDENT: Le Lt Col. E.J.J. Légaré, E.D., C.E.O.C., Laval (R)
MEMBRES: Le Major A.H. Stott, 27e Regt. de campagne, A.R.C., Le Capt. T.S. Wilson, 6e amb. de campagne, R.C.A.M.C.
MEMBRES SUPPLEANTS: Capt. V. Morin, Regt. de Lévis, A.C. Capt. John Larsen, C.F.C., (Att. to A.I.T.C. A-13)
PROCUREUR: Le Lieut. T.J. Coonan, C.F.C., (Att. au A.I.T.C. A-13)
OFF. DEFENDEUR: Lieut. C.R. Silversided, C.F.C., A.C., (Att. au A.I.T.C. A-13)

L'accusé sera dûment avisé et tous les témoins seront requis d'être présents.

Les Officiers commandants voudront bien s'assurer que tous les Officiers disponibles assistent aux procédures pour fins d'instruction.

L'Officier commandant du A.I.T.C. A-13, devra faire les arrangements nécessaires pour l'installation de la Cour, et devra pourvoir au personnel de bureau requis.

Les procédures devront être transmises aux Quartiers-Généraux, 5e R.M. (GnOs. No. 195)

b) Les Officiers sous-mentionnés s'assembleront au A.I.T.C. A-13 camp Valcartier, à 1000 heures le 27 janvier 1943, dans le but de juger par un Conseil de guerre régional, l'accusé M-53925 Sdt. William Handerson Anne, R.C.A.S.C., (Att. à la 6e amb. de campagne R.C.A.M.C., (et toute personne ou personnes qui pourrait être appelée à comparaître devant cette Cour.)

PRESIDENT: Lt. Col. E.J.J. Légaré, E.D., C.E.O.C., Laval (R) A.C.
MEMBRES: Le Major A.H. Stott, 27e Regt. de Campagne A.R.C.
: Le Capt. T.S. Wilson, 6e amb. de campagne R.C.A.M.C.
MEMBRES SUPPLEANTS: Le Capt. V. Morin, Regt. de Lévis, A.C.
: Le Capt. John Larsen, C.F.C. (Att. au A.I.T.C. A-13)
PROCUREUR: Le Lieut. T.J. Coonan, C.F.C., (Att. au A.I.T.C. A-13)
OFF. DEFENDEUR: Lieut. C.R. Silversides, C.F.C., A.C. (Att. au A.I.T.C. A-13)

L'accusé sera dûment avisé et tous les témoins seront requis d'être présents.

Les Officiers commandants voudront bien s'assurer que tous les Officiers disponibles assistent aux procédures pour fins d'instruction.

.....2

21/1943
25 Jan. 43

ORDRES DU JOUR PARTIE 1, No. 21
Par le Lt. Colonel J.J. Chouinard, V.D.
Commandant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE, No. A/13

21/1943
25 Jan. 43

3. CONSEIL DE GUERRE REGIONAL (suite)
b) (Suite)
L'Officier commandant du A.I.T.C. A-13 devra faire les arrangements nécessaires pour l'installation de la Cour, et devra pourvoir au personnel de bureau requis.

Les procédures devront être transmises aux Quartiers-Généraux, 5e R.M.
(GnOs. No. 196)

4. NETTOYAGE DES TUYAUX DE POELE
Les unités sont responsables du nettoyage des poeles et tuyaux de poele à l'intérieur de leurs limites. Ce travail doit être accompli au moins une fois par mois. Pour fins de nettoyage, les tuyaux doivent être enlevés par sections en ne défaisant que le moins de joints possible.

Les M.F.C. 520 doivent être transmises de la manière ordinaire pour les parties de tuyaux devenues hors d'usage.

Les unités pourront faire surveiller le nettoyage de leurs tuyaux de poele, en s'adressant à l'Officier en charge de la division du travail, à Quebec, à l'Officier du génie au camp de Valcartier, ou au représentant du Corps des ingénieurs aux différents centres d'instruction dans la région.

Tous les commandants d'unités doivent remplir un certificat à l'effet que les poeles et tuyaux placés dans leurs limites ont été nettoyés et remplacés, et qu'ils sont en bonne condition.

Ces certificats doivent être transmis à l'Officier de génie régional par les unités autres que celles stationnées à Valcartier. Ces dernières devront transmettre leurs certificats à l'Officier de génie du Camp.
(GnOs. No. 190)

5. COMITE DU MESS DES SERGENTS
Les suivants formeront le Comité du Mess des Sergents pour le terme 1-1-43 à 31-3-43.

PRESIDENT:	C.S.M. D. Fournier	R22eR.	A/AC
SECRETAIRE:	Q.M.S. E. Barrasin	R.C.R.	"
ASST. SEC:	Sgt. V. Chenard	R22eR.	"
MEMBRES:	C.S.M. L.J. Lacelle	C.F.C.	"
	Sgt. R. Couture	RdeMais.	"
	Sgt. J. Beaudin	R22eR.	"

6. TOURNOI DE BOXE
Les sous-mentionnés voudront bien se rendre à la hutte 117, le 25 janvier, 1943, à 2030 heures, dans le but de discuter le tournoi de boxe S'ils ne peuvent se rendre ils devront envoyer un représentant.

Major	F. Trudeau	R22eR.	A/AC
Capt.	O. Gauthier	R22eR.	"
Capt.	C.V. Demers	R.C.A.M.C.	"
Capt.	D. Dion	R22eR.	"
Lieut.	S. Bilocq	VoldeQue	"
Lieut.	M. Richard	R22eR.	"
Lieut.	A. Bourgeois	Liste Gén.	"
R.S.M.	J.E. Miville	R22eR.	"
R.Q.M.S.	P. Duhamel	F.M.R.	"
C.S.M.	R. Mailloux	R22eR.	"
"	E. Desrosiers	R22eR.	"
"	L.A. Bigaouette	R22eR.	"
"	G. Houlé	RdeMais	"

.....3

21/1943
25 Jan. '43

ORDRES DU JOUR PARTIE 1, No. 21
Par le Lt. Colonel J.J. Chouinard, V.D.
Commandant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE, No. A/13

21/1943
25 Jan. '43

6. TOURNOI DE BOXE (suite)

C.S.M.	W. Fournier	R22eR.	A/AC
"	A. St. Pierre	R22eR.	"
"	R. Blouin	R22eR.	"
"	A. Shonfield	F.M.R.	"
"	B. Maurice	F.M.R.	"
"	H.R. Lalonde	R.H.C.	"
"	H.E. Lalonde	RdeMais.	"
"	L.J. Lacelle	C.F.C.	"
"	J.W. Senior	C.F.C.	"
C.Q.S.M.	E.B. Dowan	C.F.C.	"
C.S.M.	H.M. Gasheonck	C.F.C.	
Sgt.	A. Gingras	DTAC	"
Sgt.	L.P. Duchaine	R22eR.	"
Sgt.	R. Racine	R22eR.	

7. PERMUTATIONS
Les sous-mentionnés permutent de la 21ème Cie. d'inf. à la 9e Cie. d'inf.

			DTAC				DTAC
D-638017	Sdt.	Asselin J.P.	DTAC	D-637860	Sdt.	Béland R.	DTAC
D-638007	"	Decarufel M.	"	D-638096	"	Demers R.	"
D-638167	"	Desjardins Y.	"	D-637774	"	Doziel E.	"
C-422782	"	Dubois A.	"	D-450486	"	Filiatreault L.	"
D-473135	"	Hamel M.	"	D-637946	"	Lambert G.	"
D-473466	"	Latour J.	"	D-637839	"	Prineau M.	"
D-637962	"	Riendeau R.	"	D-637426	"	Rousseau B.H.	"
D-637527	"	Simard R.	"	D-638054	"	St. Arneault R.	"

b) Les sous-mentionnés permutent de la 4e Cie. d'inf. à la 9e Cie. d'inf.

			DTAC				DTAC
D-480728	Sdt.	Boily R.	DTAC	D-637683	Sdt.	Berthiaume J.	DTAC
D-637591	"	Cloutier J.M.	"	D-638069	"	Gagnon L.	"
D-637622	"	Gagnon R.	"	D-637988	"	Lamy R.	"
D-496792	"	Lacelle L.		D-637566	"	L'Abbee L.	"
D-638057	"	Marchand L.	"				

c) Les sous-mentionnés permutent de la 5e Cie. d'inf. à la 9e Cie. d'inf.

			DTAC				DTAC
E-621632	Sdt.	Deschenes R.	DTAC	E-621489	Sdt.	Dolbec M.	DTAC
E-626899	"	Fouquet R.	"	E-621594	"	Francoeur A.	"
E-626713	"	Girard R.	"	D-480722	"	Hébert J.	"
D-637671	"	Montmarquette R.	"	D-637690	"	Morel A.	"
E-626657	"	Murray A.	"	E-626776	"	Nadeau P.E.	"
E-626743	"	Octeau L.	"	E-626805	"	Rochette L.	"

d) Les sous-mentionnés permutent de la 6e Cie. d'inf. à la 9e Cie. d'inf.

			DTAC				DTAC
D-638125	Sdt.	Boucher E.	DTAC	D-450550	Sdt.	Gauthier J.P.	DTAC
D-635565	"	Labbee J.A.J.	"	D-636412	"	Ménard W.	"
C-614396	"	Patenaude R.	"	E-610296	"	Trudelle I.	"

e) Les sous-mentionnés permutent de la 7e Cie. d'inf. (Disposal Platoon) au Q.G.

D-57642	Sdt.	Gagne A.	RdeMais.	A/AC
E-48778	"	St. Onge A.	R.C.O.C.	"
D-616179	"	Sauvé G.	N.R.M.A.	

f) Le sous-mentionné permute de la 3e Cie. d'inf. à la 7e Cie. d'inf. et est attaché au Disposal Platoon.

D-57864	Sdt.	Brasseur A.	RdeMais.	A/AC

(P. Lessard) Capt. Adjudant,
CENTRE D'INSTRUCTION SUPERIEURE D'INFANTERIE, No. A/13,
Camp Valcartier, P.Q.

"G"

Ass't Legal Lt Colonel
Branch DJA

LIST OF OFFICERS UNDER INSTRUCTION

Capt. R.G. PLACE,
No. 6 Field Ambulance, R.C.A.M.C., C.A.

Capt. J.H.S. GEGGIE,
No. 6 Field Ambulance, R.C.A.M.C., C.A.

Capt. E.R. HENDERSON,
No. 6 Field Ambulance, R.C.A.M.C., C.A.

Lieut. H.J. SCOTT,
No. 6 Field Ambulance, R.C.A.M.C., C.A.

Lieut. E.J. MORAN,
No. 6 Field Ambulance, R.C.A.M.C., C.A.

Lieut. A.E.S. CORDINER,
Canadian Forestry Corps, C.A.,
Att. to A.I.T.C. A-13, C.A.

-o-o-o-o-o-o-o-o-o-o-o-o-

"H"

Quartermaster Lt-Colonel
Provost R.C.M.

183)1942

183/1942
3 Aug.42

ADVANCED (INFANTRY) TRAINING CENTRE No. A-13,
SUPPLEMENT TO DAILY ORDERS PART II #183, d/3 Aug.42.

- -

Last Orders issued: #182, d/1 Aug.42.

6. ABSENTEES.

The undermentioned other ranks were absent without leave at the hours and dates set opposite their names.

C-100210, Pte. HELIE, J.L. (CFC CA) 2205 hrs, 1 Aug.42.

(Signed) L.G. Coughlin, Lieut.
for: (J.A. TESSIER) Capt. Adjutant,
ADVANCED (INFANTRY) TRAINING CENTRE No. A-13,
VALCARTIER CAMP, P.Q.

Certified Extract of Daily Orders
Part II #183, dated August 3rd,
1942.

C.K. Klais Lieut. & Ass-Adj.
General List (CA), A.I.T.C. A-13 (CA)

1

Emmanuel Lagarde Lt-Colonel
President R.C.M.

191/1942

191/1942
12 Aug.42

ADVANCED (INFANTRY) TRAINING CENTRE No. A-13
SUPPLEMENT OF DAILY ORDERS PART II #191, d/12 Aug. 42.

- -

Last Orders issued: 190, d/11 Aug.42.

8. ABSENTEES (8 days or more)

The undermentioned other ranks were absent without leave at the hours and dates set opposite their names, and are still absent after 8 days.

C-100210, Pte. Melis. J.L. CFC(CA) 2205 Hrs. 1 Aug.42

(Signed) L.G. Coughlin, Lieut.
for: (J.A. TESSIER) Capt. Adjutant,
ADVANCED (INFANTRY) TRAINING CENTRE NO. A-13
VALCARTIER CAMP, P.Q.

Certified Extract of Daily Orders
Part II #191, dated 12 August,
1942.

C.K. Polan Lieut. & Ass-Adj.
General List (CA), A.I.T.C. A-13 (CA)

Cinq Hegare tt-Colonel
President R.C.M.

203/1942

203/1942
26 Aout 42

ADVANCED (INFANTRY) TRAINING CENTRE NO. A-13
SUPPLEMENT TO DAILY ORDERS PART II #203, d/26 Aug. 42.

- -

Last Orders Issued 202 d/25 Aug. 42 .

7. ABSENTEES (21 days or more)

The undermentioned other ranks were absent without leave at the hours and dates set opposite their names, and are still absent after 21 days.

C-100210, Pte. Helie, J.L. (CFC CA) 2205 hours, 1 Aug. 42.

(Signed) L.G. Coughlin, Lieut.
for: J.A. TESSIER) Capt. Adjutant,
ADVANCED (INFANTRY/ TRAINING CENTRE No. A-13.
VALCARTIER CAMP, P.Q.

Certified Extract of Daily Orders
Part II, #203, dated 26 August,
1942.

A K Blair
Lieut. & Ass-Adj.
General List (CA), A.I.T.C. A-13 (CA).

"K"

Ens Hegare tt - Roland
President N.C.M.

RECORD of the Declaration of a Court of Inquiry assembled at Valcartier Camp, P.Q. on the 31st day of August 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. C-100210, Pte. Helie, J.L. C.F.C. (CA), att. A.I.T.C. A-13 (CA).

DECLARATION

The Court declare that No. C-100210, Pte. Helie, J.L., C.F.C. (CA), Att. A.I.T.C. A-13 (CA)

illegally absented himself without leave from A.I.T.C. A-13, Valcartier Camp, P.Q.

at 2205 hours on the 1st day of August, 1942,

that he is still so absent, and that on the 1st August, 1942 he was deficient, and

that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
Anklet web,	0.77	Brush shaving,	0.30
Battle dress trouser,	5.60	Brush tooth,	0.09
Battle dress blouse,	5.58	Comb hair,	0.04
2 Boots ankle,	10.40	2 Discs identity,	0.01
2 Cap field service,	1.56	Fork	0.09
Drawers cotton short,	0.33	Housewife,	0.51
2 Shirts khaki cotton S/S	1.98	Razor safety set,	0.39
Shirt undercotton,	0.40	Knife,	0.18
2 Socks prs,	0.72	Spoon	0.08
Trouser K.D. Short,	1.28	Towel hand,	0.21
Kit bag,	0.78	Badge cap C.F.C.	0.06
Belt waist web 1908	0.50	2 Badges arm CANADA	0.06
Blacking tin,	0.05	Cover messtin,	0.08
Boot dressing tin,	0.05	Sling rifle,	0.23
Boot laces, pr,	0.02	2 Discs & seal,	0.01
Braces, pr,	0.27	C.A.R.O. 1862, total	33.61
Brass button,	0.04	C.A.R.O. 1877, Less 25%	8.40
Brush boot blacking,	0.15	TOTAL NET	$25.21
Brush boot polishing,	0.17		
Brush button,	0.14		
Brush cloth	0.24		
Brush hair,	0.24		

G.A. Rogers, Major, C.F.C. (CA) President
Att. A.I.T.C. A-13 (CA)

F.E. Smith, Lieut. C.F.C. (CA) Member
Att. A.I.T.C. A-13 (CA)

R.S. Pimm, Lieut. C.F.C. (CA) Member
Att. A.I.T.C. A-13 (CA)

Signed at Valcartier Camp P.Q.

this 31st day of August 1942

Signature of Commanding Officer J.J. Chouinard, Lt.Col. R. de Chaud CA
O.C. A.I.T.C. A-13 (CA)

Certified true copy Capt. R. de Chaud (CA)
Officer i/c Records, A.I.T.C. A-13 (CA)
Signature of Officer having custody of original record

M.F.B. 375
A.F.B. 115
50M—9-41 (3969)
H.Q. 1772-30-237

"L"

Both Regrets to Ottawa Provost D.C.M.

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY ~~OR SURRENDER~~ TO SERVICE AUTHORITIES)

I, P. Gray, (Number) Captain (Rank) O.C. 33 Coy. Can. Provost Corps (Name) (Unit)

hereby certify that C100210 (Number) Pte. (Rank) Helie Jean Louis (Name in full)

of the Can. Forestery Corps (Unit and attachment, if any)

Strike out words not applicable

was apprehended by (~~surrendered to~~) C75957 (Number) L/Cpl. (Rank)

Duffy A.I (Name) ~~and~~ 33Coy. C.Prp. C. (Unit or appointment)

at 182 St. Joseph Blvd. Hull, Que. (Place) at 0930 (Hour)

on the 8th day of January 1943

Strike out words not applicable

as a deserter (~~or absent without leave~~), and that at the time of his arrest he was wearing ~~a military (air force) uniform~~ (dressed in civilian clothes).

Dated at Ottawa this 8 day of January 1943.

Active Army

P.Gray (P.Gray) Capt.
(Signature Number Rank Unit or appointment)
O.C. 33 Coy. C.Pro. C.

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
50M—5-42 (4731)
H.Q. 1772-39-1936

Reg. No. 5662

(No costs of apprehension in this case.)

"M"

PAGE 39

Cert to care H-Chief Transport N.S.M.

ABSENTEES AND DESERTERS

No.213.

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description

Strike out word not applicable

Complete

Full description of soldier being escorted

Strike out phrase not applicable

I, Lt. Wall, W.J. No.5 DIst. Coy. R.C.A.S.C. (CA),
(Rank) (Name) (Unit)

hereby certify that I (issued) ~~(authorized)~~ the hereinafter itemized transportation for escort to proceed from Valcartier Camp, P.Q. (Place) to Ottawa, Ont. (Place) and return to Valcartier Camp, P.Q. for the purpose of escorting C-100210 Pte. Helie, J. alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) ~~(the transportation required)~~ and the cost thereof for said soldier and escort being as follows:— (A.I.T.C. A-13).

Particulars	Cost
Transport Warrant No. B-127377 . . . . . issued	(Autobus) B-127376
on January 11th/1943 . . . covering transportation of	$ 2.00
. . . . Two Escorts.	
. . . . .	
Escorts from . Valcartier Camp, P.Q. .	
To . Ottawa, Ont. . . . . and return to	
. . . Valcartier Camp, P.Q.	
	17.80
Tax...	2.70
Transport Warrant No. B-127377 . . . . . issued	
On January 11th/1943 . . covering transportation	
for the absentee from . Ottawa, Ont.	
To . . Valcartier Camp, P.Q.	
	4.45
Tax.	.65
Total	$ 27.60

Dated at Val. Camp this 11th day of January A.D. 1943

W.J. Wall
(W.J. Wall) Lt.
Signature, rank, unit of officer issuing transport warrants (with or any transportation)
Strike out description not applicable

C.S.&.T.O. Valcartier Section.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1441
30M—12-41 (2754)
U.Q. 1772-39-1881

Received Original copy No.213.
January 11th/1943.

Encl to Regrt to Colonel Provost Corp

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

Strike out words not applicable

Members of escort

Name and description of soldier escorted

I, L/c. Tringle C. D56500 RdeM. Att. to A.I.T.C.A-13 (No.) (Rank) (Name) (Unit), as (~~escort~~ C.O.) (commander of escort) consisting of Myself & Pte Caouette C. E615474 H,D. Att. to A.I.T.C.A-13

detailed to proceed from Valcartier Camp P.Q. (Place) to Ottawa Ont. (Place) to return, C-100210 Pte Helie J. C.F.C. Att. to A.I.T.C.A-13 ~~alleged to be a deserter or~~ absentee without leave, to VALCARTIER CAMPP.Q. (Place), hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
12 Jan 43.	
2 Soupers @ $1.00 each	$2.00
13 Jan 43.	
3 Dejeuners @ $0.75 each	$2.25
13Jan 43	
3 Dinners. @ $.075 each	$2.25
Total	$ 6.50

Dated at Valcartier Camp Que. 14 th day of January A.D. 1943

D56500 L/Cpl Tringle C.

Signature and rank (of commander of escort) (~~or C.O.~~)

Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1402
5024—7-41 (1130)
H.Q. 1773-39-1380

Cuthbert to Author President R.C.M.

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS.

Mr. President and Members:

The accused left Camp on the 1st of August, 1942, and went to his home for a rest because, as he has stated a few minutes ago, he was physically unwell.

During the time he was away he was in civilian clothes that he had to his home. If the accused had had the intention to desert he would not have went home because his home would be one of the first places looked for by the Police.

With regard to the second charge, Losing by neglect his equipment, to which he pleaded "not guilty", I have nothing to add to the statement he made.

-o-o-o-o-o-o-o-o-o-o-o-o-

"P"

Ernest Legarie vs Roland
Prosecutor R.C.M.

THE PROSECUTOR MAKES A CLOSING ADDRESS.

MAY IT PLEASE THE COURT,

The nature of the charge of desertion as it exists, deals with intention. This intention could be shown to exist; then, it remains no alternative but to find the accused guilty on that charge. There is another way in which general practice conceals that a man who goes absent without leave and is apprehended in civilian clothes is also guilty of desertion.

Now I have established through evidence that this man, primary, went away on the 1st of August, 1942, and the various orders which were passed, from time to time, showed that he remained away until the 8th January, 1943.

Now, the accused went to his home for a rest, and the argument of the defence is that he would not have went there if he had intended to desert because that would be one of the first places that the Military Police or the Police would look for. He did go home but after, as he admitted in his evidence, he left and went to his brother's farm, where he could be reasonably sure, where he would have a certain amount of security.

I do not think that any reason can be given to contredict the charge as laid down under Section 12 of the Army Act.

With regard to the second charge under section 24 (2) of the Army Act, "LOSING BY NEGLECT HIS EQUIPMENT, etc.", the reason set forth by the accused and by the counsel for the accused was that he could not understand how, within 24 hours, his clothing had been lost, when in reality they should have been collected and brought to the Q.M.'s store. Then, if a man leaves his equipment, which equipment is under his own care, he himself takes the responsibility for his things. A period of twenty-four hours is a short period of time during which his Q.M. can determine whether or not he is not gone on a short A.W.L., which are so

...../2

Enclosure to Roland
President W.C.M.

common in the Army. It does not seem to me that these reasons would in any way contradict the charge as laid down. In summing up, I say that he we was away, he was apprehended in civilian clothes, he is responsible for his clothing, equipment and the military power should not be held responsible because he took upon himself to leave the Camp.

-o-o-o-o-o-o-o-o-

Guthrie St-Oxford
President A.C.

M.F.B. 355
(Revised 11-41 (2275))
M.F.B. 370-30-630
A.F.B. 306

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
C-100210	Private	John Louis HELIE	A.I.T.C. A-13 (CA)

1. The following is a fair and true summary of the entries in the Field ~~Service and General~~ ~~Regimental and Squadron, Battery~~ ~~Company~~ ~~Conduct~~ sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	A.W.L.	2 times	A.W.L.	3 times
For		times		times
For		times		times
For		times		times

~~Number of times of gallantry or distinguished conduct~~

~~There are entries in the conduct sheet of the accused~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted ~~or~~

~~Previously convicted by a court-martial or civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under Rule 78 as set out in the Schedule annexed to the statement.~~

3. The accused is not under sentence at the present time. ~~or~~

~~The accused at the present time is under sentence for~~ ~~beginning on the~~ ~~day of~~

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 19 days in military custody, making a total of 19 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 25 years 8 months.

6. The date of his ~~enlistment~~ attestation specified in his ~~record of service~~ attestation paper is 27th April, 1942.

~~7. The service of the accused is deemed to reckon towards the charge~~

~~8. The accused is entitled to reckon service for the purpose of determining his pension, viz.~~

9. The accused is in possession of or entitled to no ~~medal~~ military decoration, or ~~medals~~ military reward (or is in possession of or entitled to) ~~the following medals, decorations or rewards~~

~~10. If the accused is a warrant officer: The accused before he was promoted warrant officer last held the rank of~~

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank~~ .....
Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of
.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force / Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....
Unit
Name.....of.....Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 27th day of January C.K. Blair Lieut Gen List asst Adj.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

C-100210

No. Name HELIE?J.L. Sqn., Battery, or Company DD.MD./3(AF) Corps

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Date of enlistment 27-4-42 | G.C. Badges | Sheet No. | Signature O.C. Company, etc. | Service or Proficiency Pay | Character Sgd. C.A. Rogers Maj.

M.F.M. 6 (A.F.B. 122) 50234—11-40 (5025) H.Q. 1777-45-15

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Ottawa	30.4.42	Pte.		AWL fromo800 hrs. 30.4.42 to 18.5.42(18 days)	Cpl. Lewis	18 days pay	18.5.42	Lt. Col. G.D.Gillie	
Valcartier Camp	16.7.42			AWL bet.0130 hrs. 16.7.42 and 1100 hrs.17.7.42 1day 9 hrs. 30 min. SEC 15AA	Cpl. Ross Pte. Ross	6 days C.B. WPD	17.7.42	Mj. Rogers	For. 2 days pay.
Valcartier Camp	19.7.42			AWL bet. 2200Hrs. 19-7-42 and 0730 hrs.20-7-42 TTA 9 hrs.& 30 min.(sec. 15 AA)	Cpl. Ross	5 days C.B.	21-7-42	Mj. Rogers	For. 1days pay149 ER&I

Certified true copy

(F.T.O.)

MEDICAL OFFICER'S REPORT

I certify that No. G/100210 Pte Nelis P.L.

of C.P.C. is in a Good state of health,

and Fit to undergo Trial by Court martial.

O Gazicoff (M.C.) AFT
Medical Officer
M.O. A.I.T.C. A-13 VALCARTIER

Station Valcartier Camp P.Q.

Date 27. January 1943

M. F. B. 246
25M—6-42 (4744)
H.Q. 1773-39 600

SUMMARY OF EVIDENCE

in the case of

No. C-100210, Private John Louis HELIE, of the Canadian Forestry Corps (CA), attached to A.I.T.C. A-13 (Ca), is charged with:

1. WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE.

2. LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES.

The O.C. directs that the evidence be taken on oath.

FIRST WITNESS: LIEUT. C.K. BLAIS, GENERAL LIST (CA), attached to A.I.T.C. A-13 (CA), having been duly sworn, states:

In my capacity of assistant-adjutant of the A.I.T.C. A-13 (CA), I am producing the following documents:

a) Certified Extract of Daily Orders Part II of the A.I.T.C. A-13, #183, dated 3rd August, 1942, establishing that No. C-100210, Private J.L. Helie was absent without leave from 2205 hours, on the 1st August, 1942.

b) Certified Extract of Daily Orders PartII of A.I.T.C. A-13, #191, dated 12th August, 1942, establishing that No. C-100210, Private J.L. Helie was absent without leave for more than 5 days, from 2205 hours, on the 1st August, 1942.

c) Certified Extract of Daily Orders Part II of A.I.T.C. A-13, #203, dated 26th August, 1942, establishing that No. C-100210, Private J.L. Helie was absent without leave for more than 21 days, from 2205 hours, on the 1st August, 1942.

d) M.F.M. 216, certificate of apprehension, signed by Capt. P. Gray, O.C., 33 Coy Cdn. Provost Corps, establishing that No. C-100210, Private J.L. Helie was apprehended by Military Authorities, at Hull, Que. at 0930 hours, on the 8th January, 1943.

e) M.F.B. 1481, establishing that the transportation expenses from Valcartier to Ottawa and return, amount to $27.60.

f) M.F.B. 1482, establishing that the incidental expenses amount to $6.50.

g) M.F.B. 375.

The accused declined to cross-examine.

C.K. Blais Lieut.
General List (CA)

QUESTION TO THE ACCUSED: Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED:

Je prefere attendre lors de mon proces.

Jean Louis Hélie

I certify that Rules of Procedure 4 (c), (d), (e) and (f) have been complied with.

Taken down by me in the presence of the accused, at Valcartier Camp, P.Q., this 15th January, 1943.

A.H. Foirier Lieut.
(A.H. FOIRIER) R. 22e R. (CA)
Att. A.I.T.C. A-13.

H.Q.C.55-H-323 (JAG)

May 4th, 1943.

District Officer Commanding,
Military District No. 5,
Quebec.

DISTRICT COURT-MARTIAL
C/100210, Pte. John Louis HELIE
Canadian Forestry Corps, C.A.
(Att. to A.I.T.C. A-13,C.A.)

Receipt is acknowledged of your Q: 39-H-1202 (JA), dated 30th April, 1943.

2. As requested, the proceedings of the marginally-named District Court-Martial, are enclosed herewith, in order that a remission of sentence be taken into consideration.

Brigadier,
Judge Advocate-General.

LF/MAV

IN REPLY PLEASE QUOTE
No. Q1 39-H-1202 (JA).

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., April 30th, 1943.

124112

CENTRAL REGISTRY Army
CONF. SEC.
MAY 1 1943
File C 55-H-323
Chgd. to
Referred to JAG.

The Secretary,
Department of National Defence,
OTTAWA, Ont.

DISTRICT COURT-MARTIAL
C/100210, Pte. John Louis HELIE,
Canadian Forestry Corps, C.A.,
(Att. to A.I.T.C. A-13, C.A.

Reference your H.Q.C. 55-H-323 (JAG) dated 18th April, 1943, relative to the marginally noted subject.

2. May the proceedings of the District Court-Martial in the case of Pte. Hélie be forwarded to this Headquarters, please, in order that a remission of his sentence be taken into consideration.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

H.Q.S. 55-H-323(JAG)

CONFIDENTIAL

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

February 18th, 1943.

Re: District Court-Martial
C/103210 - Pte. John Louis Helie,
Canadian Forestry Corps, C.A.,
Att. to A.I.T.C., A-13, C.A.

Receipt is acknowledged of your Q:39-H-1202(JA) dated February 13th, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The proceedings appear to be quite in order, with the exception of the fact that on page 9 it would have been preferable had the Court in comparing the particulars shown on the Charge Sheet and in M.F.B. 375 as to deficiencies, specified the articles they referred to from the value of which deduction was improperly made according to R.O. 1877.

3. It is considered that some time might be saved if the custom of ruling through and initialling the backs of the pages of the proceedings could be avoided, and accordingly it is recommended that in future this practice be discontinued.

4.. Since the evidence supports the finding of the Court, and the sentence is legal, the proceedings are retained for custody.

Brigadier,
Judge Advocate-General.

RBL/HB.

H.Q. C. 55-H-323
M.D. Q. 39-H-1202

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. C.100210 Name HELIE, J.L.

Rank Pte. Unit Canadian Forestry Corps. C.A., Attached to A.I.T.C., A-13, C.A.

Charge (1) Sec. 12 (1) (a) AA DESERTING H.M.S.

(2) Sec. 24 (2) AA LOSING BY NEGLECT

Date of Crime (1) 1/8/42 (2) 1/8/42

Date of Arrest 8/1/43 Charge. Signed 16/1/43

Orders for D.C.M. D.O.C. M.D. #5

Place and Date of Trial Valcartier Camp, P.Q. 27/1/43

Sentence DETENTION 5 MONTHS STOPPAGES $60.48

Date of Confirmation 8/2/43

Date of Promulgation 10/2/43

Entered in Records of J.A.G. as No. 7714

Date 5/2/43

MEMO NOT GUILTY OF DESERTION BUT GUILTY OF A.W.L. ON FIRST CHARGE

Balance Detention Remitted By D.O.C. M.D 5
To Date From 8-5-43

R.B. Laub Capt.
for Judge Advocate-General.

3M-12-42(M1754)

CANADA

IN REPLY PLEASE QUOTE
No. Q:39-H-1202 (JA).

100121

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., February 13th, 1943.

55-H-323
FEB 15 1943

The Secretary,
Department of National Defence,
OTTAWA, Ont.

DISTRICT COURT-MARTIAL
C/100210, Pte. John Louis HELIE,
Canadian Forestry Corps, C.A.,
Att. to A.I.T.C. A-13, C.A.

1. Enclosed herewith please find the proceedings of the marginally-noted District Court-Martial, which are forwarded to you for registration and custody.

2. The following irregularities have been noted and brought to the attention of the officers concerned:-

(a) Page B-2: The letters C.A. on the charge sheet should not have been bracketed.

(b) Page 50: The unit and attachment of Lieut. Blais should have been set out underneath his signature.

3. Para. 2 of your H.Q.C. 55-H-323 (JAG) dated 6th February, 1943, has been noted for future guidance. This question was submitted to you because we thought the rules as to best evidence should have been applied.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAG/rb.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-36-767

H.Q.C.55-H-323(JAG)

February 6th, 1943.

Asst. Judge Advocate-General,
Military District No. 5,
QUEBEC, P. Q.

Re: DISTRICT COURT-MARTIAL.
C/100210, Pte. John Louis HELIE,
Canadian Forestry Corps, C.A.
(Att. to A. I. T. C., A-13, C.A.

Receipt is acknowledged of your Q:39-H-1202 (Rec), dated 2nd February, 1943, under cover of which you forwarded the Proceedings of the marginally-noted District Court-Martial for my opinion as to whether or not the Finding of Guilty in connection with the second charge should or should not be confirmed.

2. I do not quite understand the reasoning set out in paragraph 3 of your letter. The M.F.B. 375 was a document properly certified by the officer in charge of records of the Unit concerned, and as such was an admissible document. In note 1 to Army Act, Section 163, a record in Regimental Book or a certified copy thereof under sub-Section H is admissible as prima facie evidence upon the mere production to the Court, but evidence must be given on oath to prove that the accused is in fact the person to whom it relates. In other words, the document must be produced by a witness under oath to tie same up with the accused, but that witness does not have to be the person who certified the document as a true copy of the original record. If such were the case, Adjutants or Officers in charge of Records would, in many cases, have to be transported across Canada in order to give such evidence. In this case, the document M.F.B. 375 appears on its face to be an admissible document and properly certified by Capt. Lessard, who was the Officer in charge of the Records, and was properly produced by a witness under oath, Lieut. Blais, who as Asst. Adjutant said the document referred to the accused.

3. Accordingly, the document was admissible in evidence and properly produced, and there is no legal reason whatsoever why confirmation on the second charge should not be ordered.

4. The Proceedings are returned herewith. When they have served your purpose, may they please be returned to this Headquarters.

Brigadier,
Judge Advocate-General.

EBB/S.

No file

7714

CANADA

IN REPLY PLEASE QUOTE
No. Q:39--H--1202
(Rec)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

CONFIDENTIAL

Quebec, Que., February 2nd, 1943

Judge Advocate General,
Dept. of National Defence,
Ottawa, Ont.

CENTRAL REGISTRY ARMY
FEB 4 1943
A-323

DISTRICT COURT-MARTIAL
C/100210, Pte. John Louis HELIE,
Canadian Forestry Corps, C.A.
(Att. to A.I.T.C., A-13, C.A.)

1. Enclosed herewith please find the proceedings of the marginally noted District Court-Martial.

2. Before recommending confirmation of the sentence, I would appreciate your opinion with regard to the finding on the second charge.

3. It is noted that Lieut. C.K. Blais, first witness for the prosecution, produces documentary evidence. To establish the second charge, he produces M.F.B.375 which, in this case, is signed by Capt. Lessard, Officer i/c Records, A.I.T.C., A-13. The prosecutor should have called Capt. Lessard to produce this document as Lieut. Blais is not qualified to certify that this document is a true copy. On the other hand, the Defending Officer should have objected to the production of this document by Lieut. Blais. Would the fact that he did not object to its production be sufficient to draw by inference the conclusion that he tacitly admitted that M.F.B.375 was a true copy?

4. It seems that the accused has been prejudiced by the lack of attention on the part of his Defending Officer and, in my opinion, the finding of the Court on the second charge should not be confirmed.

5. May I be advised please whether you concur in this opinion.

(J.Alfred CROWE) - Captain,
for/ A.J.A.G., M.D. 5.

AC/KM

H.Q.C. 55-H-324

CONFIDENTIAL

M.F.R. 2178
10M—11-42 (635)
H.Q. 54-1-8

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HURD, R.J. A.58878 PTE.

DEAD

1ST. GARRISON BTN., C.A.

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If message for which reference cannot be expressed on one line, add minute to file and enter here "With Minute")							
			Effe	OAG	Keep File	CR	4/2/43
FEB 9 1943	16/2/43	P.A.	LHA	AD	Tente. P A	KOS	8/2/43
FEB 23 1943	23/2/43	P.A.			PER B. F. FEB 23 1943		

CONFIDENTIAL
H.Q.C. 55-H-324

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to R.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All enquiries relative should bear the original file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-324(JAG)

February 8th, 1943.

District Officer Commanding,
Military District No. 2,
TORONTO, ONT.

Re: DISTRICT COURT-MARTIAL.
A-58878, Pte. Robert Joseph HURD,
1st Garrison Battalion, C.A.

Receipt is acknowledged of your T-20-H-6583(AJAG), dated 30th January, 1943, under cover of which you forwarded for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. The Proceedings appear to be entirely in order. However, it is noted that the President of the Court appears to be under somewhat of a misapprehension insofar as his explanation to the accused respecting the purpose of the Certificate of Apprehension is concerned. As a matter of fact, the cost of bringing witnesses to give evidence as to apprehension would not, in any event, be one for which the accused might be put under stoppages in case of conviction.

3. It is not considered necessary to return the Proceedings, which are accordingly retained for custody.

Brigadier,
Judge Advocate-General.

RBL/S.

H.Q. C. 55-H-324
M.D. T-20-H-6583

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. A-58878 Name HURD, R.J.

Rank Pte. Unit 1st Garrison Battalion, C.A.

Charge (1) Sec. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

(2) Sec. 15 (2) AA FAILING TO APPEAR AT THE PLACE OF PARADE APPOINTED BY HIS COMMANDING OFFICER
(Alternative to first charge)

(3) Sec. 19 AA WHEN ON ACTIVE SERVICE DRUNKENNESS

Date of Crime (1) 4/12/42 (2) 4/12/42 (3) 5/12/42

Date of Arrest 5/12/42 Charge. Signed 15/12/42

Orders for D.C.M. D.O.C. M.D. #2

Place and Date of Trial Conference Bldg', Headquarters Hamilton-Niagara Area 5/1/43

Sentence DETENTION 120 DAYS

Date of Confirmation 16/1/43

Date of Promulgation 19/1/43

Entered in Records of J.A.G. as No. 7715

Date 5/2/43

MEMO

NOT GUILTY OF THE FIRST CHARGE

R.R. Laud Allard
for Judge Advocate-General.

3M-12-42(M1754)

7715

CANADA

IN REPLY PLEASE QUOTE
No. T-20-H-6583
(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

30th January, 1943.

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

CONFIDENTIAL

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

FEB 4 1943
H. 324

District Court-Martial
A-58878, Pte. Robert Joseph HURD,
1st Garrison Battalion, C.A.

Herewith proceedings of the marginally noted District Court-Martial forwarded for the custody of and registration by the Judge Advocate-General.

2. The following irregularities in connection with the proceedings have been brought to the attention of the Officers concerned for their future guidance :-

(a) Folio 163 - Exhibit "L" - M.F.M. 215 - deletions not initialled.

(b) Folio 165 - Exhibit "M" - M.F.M. 216 - the particulars as to the Apprehension of the accused would appear to have been established by the admission in evidence of Exhibit "L" (folio 163). It is suggested that Exhibit "M" should not have been tendered or admitted as evidence. Its admission as evidence, did not however, prejudice the accused.

(C.F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

NAT. DEF. B. 446
2,000 M—4-42 (4522)
H.Q. 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at the Conference Building, Headquarters, Hamilton-Niagara Area, on the 5th day of January, 1943 by order of Major-General C. F. Constantine, D.S.O., District Officer Commanding Military District No. 2, dated the 28th day of December, 1942.

President.

Lieutenant-Colonel R. P. Locke, E.D.,
Governor-General's Horse Guards,
Attached No. 2 District Depot, C.A.

Members.

Captain J. N. Stephenson,
Scots Fusiliers of Canada, C.A.

Captain H. R. MacKellar,
Scots Fusiliers of Canada, C.A.

~~Judge Advocate.~~

Trial of* No. A.58878, Pte. Robert Joseph HURD, 1st Garrison Battalion, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that ---------- is not available to serve owing to~~

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. x

The accused is brought before the Court.

Prosecutor,† Lieut. J. L. Downey, No. 2 Dist. Depot, C.A., att'd Headquarters, M.D.2.
~~Counsel‡ or~~ defending officer† Capt. I. R. Robbie, H.W.E., 1st Garrison Bn., C.A.

At 10:45 a.m. o'clock the Trial commences.

The order convening the Court is read, and is marked "X" (1st Gsn.Bn.Pt I 42 & 5/1/42 detailing Pros. & D.O. are marked "X" & "X-1" signd by the Pres. & att'd to proceedings. Ords 10 & 426 d/4/1/ signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

x I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

President D.C.E.

The President, and members ~~and judge advocate~~ are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q-2 Do you object to No. M.36367, C.S.M. R. Gostick, No. 2 Det., C.M.S.C., C.A., H.Q., M.D. No. 2, acting as shorthand writer?

A-2 No, sir. (No. M.36367, C.S.M. R. Gostick, No. 2 Det., C.M.S.C., C.A., H.Q., M.D. No. 2, is duly sworn as shorthand writer.)

---See Page "G" for Minute of Adjournment and Reassembly.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3 Not guilty, sir. *Answer.*

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4 Not guilty, sir. *Answer.*

Q-5 Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

A-5 Not guilty, sir. *Answer.*

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

Crt Martial 68119
President DCM.

CHARGE SHEET

The accused A.58878 Pte. Robert Joseph Hurd, 1st. Garrison Battalion, C.A., a soldier of the Canadian Army placed on Active Service, is charged with;

FIRST CHARGE:
Sec. 15 (1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he;

at Niagara Camp, Niagara-on-the-Lake, Ont., when a Defaulter, absented himself without leave at approximately 1200 hours on the 4th December, 1942, until apprehended at Niagara Falls, Ontario at 1600 hours 5th December, 1942, dressed in Military Uniform.

SECOND CHARGE:
ALTERNATIVE TO
FIRST CHARGE.
Sec. 15 (2)
Army Act.

FAILING TO APPEAR AT THE PLACE OF PARADE APPOINTED BY HIS COMMANDING OFFICER.

in that he;

when a Defaulter at Niagara Camp, Niagara-on-the-Lake, Ont., on the 4th December, 1942, failed to appear at the Guard Room, Niagara Camp, Niagara-on-the-Lake, Ont., at 1200 hours 4th December, 1942, the place of parade appointed by his Commanding Officer.

THIRD CHARGE:
Sec. 19
Army Act.

WHEN ON ACTIVE SERVICE
DRUNKENNESS

in that he;

at Niagara Falls, Ontario, at approximately 1830 hours, 5th December, 1942, when a Defaulter, was drunk.

(G. Carmichael) Lieut. Col.
Officer Commanding,
1st. Garrison Battalion, C.A.

15 Dec 42.
Niagara Camp,
Niagara-on-the-Lake,
Ontario.

To be tried by District Court Martial
P. Tomlinson Wg.
DOC 2
Signed at Toronto Ont this 23rd Day of December 1942

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q-6 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A-6 Answer. No, sir.

The prosecutor makes an opening address ~~[hands in a written address,~~ which is ~~read,~~ marked "H" , signed by the President, and attached to the proceedings].

---See Page "I" for statement by Prosecutor re. calling of a witness not appearing in Summary of Evidence.

The prosecutor proceeds to call witnesses.

First witness for prosecution } Lieutenant D. F. B L E E C K E R, 1st Garrison Bn., C.A.,

being duly sworn, is examined by the prosecutor.

Q-7 Mr. Bleecker, what is your unit?

A-7 1st Garrison Battalion, C.A.

Q-8 And your appointment at that unit?

A-8 Assistant Adjutant, officer in charge of Records.

Q-9 Do you know a soldier by the name of Robert Joseph Hurd?

A-9 I do.

Q-10 Where is he not?

A-10 Sitting here.

Q-11 Indicating the accused man?

A-11 Yes, sir.

Q-12 Have you any documents to produce in this case?

A-12 I have

Q-13 Will you produce them, please?

A-13 I produce Daily Part I Orders by Lieut.-Colonel G. Carmichael, M.C., E.D., Officer Commanding 1st Garrison Battalion, C.A., Niagara-on-the-Lake, Ontario. This is Part II Order No. 80,

dated 24th November, 1942, and it shows in Section 14 (d) that A.58878, Pte. Hurd R. J., was on the 24th of November, 1942, awarded 14 days' confinement to barracks and a summary forfeiture of ten days' pay, Section 46, for absence without leave, Army Act 15 (i), from 0630 hours 22nd November, 1942, until apprehended at Hamilton, Ontario, at 0200 hours 23rd November, 1942, and automatically forfeits one day's pay under Article 149, F. R. & I. Absent 1930. Close arrest. Total forfeitures 11 days' pay.

---BY THE PRESIDENT:

Q-14 Total forfeitures what?

A-14 Total forfeitures 11 days' pay.

---EXAMINATION-IN-CHIEF CONTINUES.

Q-15 Whom does that refer to?

A-15 This document refers to the accused, Pte. Hurd.

Q-16 As the result of that order what would the accused's status be in the regiment or battalion?

A-16 This order awarded him 14 days' confinement to barracks.

Q-17 What would he be considered to be?

A-17 Considered to be a defaulter.

Q-18 Considered to be a defaulter -- and how long a period would he be considered -- 14 days from the 24th of November, is that right?

A-18 Yes, from the 24th of November, 1942.

Q-19 That would make it what?

A-19 38 -- that would be about the 8th of December.

Q-20 So, up to the 8th of December he would still be a defaulter, is that correct?

A-20 Yes, sir.

---THE PRESIDENT (To Defending Officer) Have you any objection to this document being admitted as an exhibit?

---THE DEFENDING OFFICER: Yes, sir. It says he was apprehended in Hamilton, Ontario -- "from 0630 hours 22nd November, 1942, until apprehended at Hamilton, Ontario."

---THE PRESIDENT (To Defending Officer) But whether the document itself states exactly what the Commanding Officer of the Regiment purported it to state does not really go to the root of the matter. Apart from what you state is an inaccuracy in the document, nevertheless, you have no objection to the document's being admitted?

---THE DEFENDING OFFICER: I have no objection other than the inaccuracy of the document.

---EXAMINATION-IN-CHIEF CONTINUES.

Q-21 Mr. Bleecker, do you know as a fact, as Assistant Adjutant, do you know where the accused was apprehended?

A-21 Not on that offence, but that is not the offence being tried by this Court. On the particular offence being tried by this Court I have evidence to bring forth here in a minute to show that he was apprehended at Niagara Falls, so perhaps this is causing a bit of confusion.. That document merely shows him being placed under -- just merely shows that he was a defaulter at the time of the next offence.

(Part II Order No. 80 d/24-11-42 is marked exhibit "J," signed by the President and attached to the proceedings.)

Q-22 And has nothing to do with where he was apprehended with this particular charge?

A-22 Not with this particular charge.

---THE DEFENDING OFFICER: I withdraw my objection, sir.

Q-23 Alright, then, Mr. Bleecker?

A-23 This exhibit is 1st Garrison Battalion C.A., Niagara-on-the-Lake, Ontario, Standing Orders, Second Edition, 30th Nov., 1942, Section 3 (b) states: "Bugle Calls -- troops will respond to bugle calls as sounded by the duty bugler. No bugle calls to be sounded between "lights out" and "reveille" except "the alarm" or in case of fire, the "fire alarm."

Q-24 What is the purpose, Mr. Bleecker, of that paragraph in your second edition of your Garrison Orders?

A-24 Well, it states that troops will respond to bugle calls. Therefore, if the bugle is sounded for a parade-----

Q-25 What parades would that include?

A-25 It would include all parades for which the bugle is sounded.

Q-26 All parades?

A-26 The bugle is sounded.

Q-27 It is sounded -- is that the practice in your Garrison Battalion to sound a bugle for all parades?

A-27 It is sounded for Defaulters' Parade, the Morning Parade and the Afternoon Parade. There are parades for which it wouldn't be sounded.

Q-28 But you have definitely states, you state, that it is sounded for Defaulters' Parade?

A-28 It is definitely sounded for Defaulters' Parade.

(Standing Orders, 2nd Edition, d/30/11/42, is marked exhibit "K," signed by the President and attached to the proceedings.)

This exhibit is form M.F.M. 215, a certificate of apprehension or surrender to service authorities. It reads: "I certify that the person whose description is given below was arrested by William Campbell, Motorcycle Constable, Niagara Falls Police Department, at Niagara Falls, Ontario, at 1600 hours on the 5th day of December, 1942, and that at the time of arrest he was wearing military uniform. Regimental particulars of officer or soldier referred to above -- No. A.58878, Rank, Private; Name, Hurd, Robert Joseph; Unit, 1st Garrison Battalion. Description -- Age, 26 years 11 months; Height, 5 ft 9½ inches; Complexion, dark; Hair, brown; Eyes, brown; Marks, linear scars base of right thumb and right wrist; tattoo right forearm (R.M.). Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender is Melvin D. Tisdale, Chief Constable, Niagara Falls Police Force.

---THE ACCUSED: I object to that evidence, sir.

---THE PRESIDENT (To Defending Officer): Have you any objection to this document, Capt. Robbie?

---THE DEFENDING OFFICER: I have no objection.

(M.F.M. 215 is marked exhibit " L," signed by the President and attached to the proceedings.)

Q-29 Carry on, Mr. Bleecker?

A-29 This is form, M.F.M. 216, a certificate of apprehension or surrender to service authorities. It states: "I, B.97621, Sgt. Brown, L., 31 Company, Canadian Provost Corps, hereby certify that A.58878, Pte. Hurd, R. J., of the 1st Garrison

Battalion, was apprehended by B.97671, L/Cpl. Thompson, W. and B.19783, L/Cpl. Arendale, 31 Company, Canadian Provost Corps, at The Niagara Falls Police Station, at 1830 hours on the 5th day of December, 1942, as an absentee without leave, and that at the time of his arrest he was wearing military uniform. Dated at Camp Niagara, this 10th day of December, 1942. Signed by S. Brown, B.97621, Sgt., 31 Company, Canadian Provost Corps, N.C.O. in charge, No. 1 Detachment, Camp Niagara."

Q-30 Mr. Bleecker, that document you have in your hand and the one you previously had, whom do they refer to?

A-30 Both of these documents refer to Pte. Hurd, the accused.

---THE PRESIDENT: (To Defending Officer) Have you any objection?

---THE DEFENDING OFFICER: No, sir.

(M.F.M. 216 is marked exhibit "M," signed by the President and attached to the proceedings.)

Q-31 Have you any other evidence to give, Mr. Bleecker?

A-31 I have no further evidence.

---The Defending Officer declines to cross-examine.

---In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - - - -

Second Witness for the Prosecution.

No. M.45002, Pte. H. G. P I E R C E, 1st Garrison Battalion, C.A., being duly sworn, is examined by he Prosecutor:

Q-32 Pte. Pierce, what is your duty or what are your duties in the 1st Garrison Battalion?

A-32 I am a bugler, sir.

Q-33 You are a bugler?

A-33 Yes, sir.

Q-34 Are there more buglers than yourself?

A-34 There are two buglers, sir.

Q-35 Do you recall the date of the 4th of December of this year?

A-35 Yes, sir.

Q-36 What happened on that date that pertains to this case?

A-36 Well, at 1200 hours on the 4th of December I was---

Q-37 Which year?

A-37 1942, sir.

Q-38 Yes?

A-38 I blew the Defaulters' Parade, sir.

Q-39 Where were you situated in camp?

A-39 In the middle of the camp, sir.

Q-40 Did you just blow it once or how many times did you blow it?

A-40 I blew it twice, sir.

Q-41 Do you feel ----

---THE PRESIDENT: Now, now; it is not what he feels.

Q-42 Do you know whether or not the sound of your bugle could be heard throughout the whole of the Garrison Battalion?

A-42 It could, sir.

---The Defending Officer declines to cross-examine.

---BY THE PRESIDENT:

Q-43 How do you know the sound of your bugle could be heard all over the camp?

A-43 I am situated and I blow it right in the middle of the hut, sir.

Q-44 Have you ever heard anybody else blow it?

A-44 Yes, sir.

Q-45 And have you ever been on the other side of the camp?

A-45 I have been at the other end of the camp, sir, and I have heard the bugle.

Q-46 What is the campe like -- is it a square or an open place?

A-46 Just a string of huts on the side of the road, sir.

Q-47 And what is supposed to happen when the bugle blows Defaulters?

A-47 The defaulters, sir, is supposed to report to the guard room.

Q-48 Where is the guard room from where you blow your bugle?

A-48 It is right -- the row of huts on the right-hand side, sir, situated right behind the huts.

Q-49 How far would that be from where you would been standing when you blew your bugle at 1200 hours on the 4th of December?

A-49 Oh, approximately, sir, 100 feet.

---In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - - - - -

Third Witness for the Prosecution.

No. A.42282, Cpl. M. C O B L E I G H, 1st Garrison Battalion, C.A., being duly sworn, is examined by the Prosecutor:

Q-50 Cpl. Cobleigh, you know a soldier by the name of Pte. R. J. Hurd?

A-50 Yes, sir.

Q-51 Where is he now?

A-51 He is in this room, sir.

Q-52 Can you identify him?

A-52 Yes, sir.

Q-53 Would you indicate him sitting there?

A-53 Yes, sir.

Q-54 How long have you known him?

A-54 Approximately three months, sir.

Q-55 Three months -- what unit do you belong to yourself?

A-55 1st Garrison.

Q-56 And what are your duties there?

A-56 Regimental Police Corporal, sir.

Q-57 Regimental Police Corporal -- alright-------

---BY THE PRESIDENT:

Q-58 1st Garrison what?

A-58 Battalion.

---EXAMINATION-IN-CHIEF CONTINUES.

Q-59 Do you recall the date 4th December, 1942?

A-59 I do, sir.

Q-60 What, if anything, happened on that date concerning the accused?

A-60 I called the roll at 1200 hours.

Q-61 What roll did you call?

A-61 The Defaulters' roll call on the 12th December, 1942.

Q-62 Just a minute, now. Go slowly -- what date was that again?

A-62 4th December.

Q-63 You said 12th -- which is right?

A-63 4th December, 1942.

Q-64 At what time?

A-64 At 1200 hours.

Q-65 Alright; now go slowly. I want you to get this right. After you called the Defaulters' roll call at that time and date, did the accused answer his name?

A-65 The accused did not answer his name.

Q-66 Alright. Now what else happened?

A-66 I went down to his Company Orderly Room, and they stated that he had gone on pass.

Q-67 You can't say what they state. I just want you to give evidence of what you know yourself. You called the roll and he wasn't there, is that right?

A-67 Yes, sir.

Q-68 You say you called the Defaulters' roll and the accused didn't answer his name -- why would you expect the accused to answer his name?

A-68 He had been given 14 days' C.B.

Q-69 He was a defaulter at that time?

A-69 Yes, sir.

Q-70 Had he been answering his name previous to that?

A-70 He had just come back off post, sir.

Q-71 Had he answered his name at all?

A-71 No, sir, he had come in on the morning of the 4th and his first call would be at 1200 hours, sir.

Q-72 Do you know whether or not he should have known or did know he was a defaulter and should answer Defaulters' call?

A-72 He was supposed to be notified through his Company, sir.

Q-73 You don't know yourself?

A-73 No, I can't say whether he was notified or not. I heard----

---THE PRESIDENT: Now, now.

Q-74 You can only give evidence of what you know yourself; not what you hear unless it was in the presence of the accused. After that was the Defaulters' called again?

A-74 Yes, sir.

Q-75 Tell the Court, please, the times that Defaulters' roll call was called again?

A-75 The Defaulters' roll call was called at 1300 hours, at the end of 1330 hours, 1700 hours and 1800 hours, 1830 hours, 1930 hours, 2000 hours, 2030 hours, 2100 hours, 2130 hours and 2200 hours.

Q-76 You state 2030 hours. You don't mean that; you mean 2030 hours?

A-76 2030 hours.

Q-77 What date was that -- the same date or not?

A-77 The 4th of December, sir.

Q-78 What happened as a result of that -- did Pte. Hurd answer the call?

A-78 He wasn't present at any calls, sir.

Q-79 When did you next see the accused man -- do you remember when you saw him after that?

A-79 Approximately 1745 hours on the 5th.

Q-80 Was that the next day?

A-80 That was the next day, sir.

Q-81 And in the meantime you did not see him?

A-81 No, sir.

Q-82 Had he answered the roll call in the meantime would you have been in a position to see him?

A-82 Yes, sir.

Q-83 Did you make any effort to locate the accused?

A-83 Yes, sir.

Q-84 What did you do?

A-84 I went down to his Company, sir, Company Office; tried to locate him, and there was no soldiers in the office so I went from there to his hut.

Q-85 Yes. Could you locate him there?

A-85 And he wasn't present in his hut, sir.

Q-86 The next time you saw the accused where did you see him?

A-86 At the guard room, sir.

---CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-87 Cpl, you say that you called the roll at 1300 hours?

A-87 Yes, sir.

Q-88 Or 1200 hours, I am sorry, the first roll call of Defaulters on the 4th?

A-88 Yes, sir.

Q-89 And you also stated that you called Defaulters' roll several times that same afternoon and the accused did not answer, is that correct?

A-89 Yes, sir.

Q-90 You also stated you went to his Company Office and received information there that he was on pass, is that correct?

A-90 Yes, sir.

Q-91 So why did you go and look in the quarters for him?

A-91 Because I looked through the quarters for everyone.

Q-92 Why?

A-92 That is orders.

Q-93 You said he was on pass?

A-93 A man is not entitled to a pass when he is on C.B., sir.

Q-94 Do you know of any man who ever received a pass?

A-94 I do, sir.

Q-95 And had you any reason to believe that he hadn't received one?

A-95 Yes, sir; there had been three or four cases where the pass was refused on coming off post.

Q-96 But you did receive information that he was on pass from his Company Orderly Room?

A-96 Yes, sir.

Q-97 You eat in the men's mess there, do you not?

A-97 No, sir.

Q-98 Where do you eat?

A-98 I eat in the guard room, sir.

Q-99 Have you any occasion to go to the men's mess during meal hours?

A-99 Yes, sir, I have.

Q-100 Were you in the men's mess on the 4th?

A-100 No, sir, I was not in the men's mess on the 4th.

Q-101 Did you call Defaulters' on the 25th?

A-101 I did, sir.

Q-102 Did Hurd answer; that is, the 25th of November?

A-102 The 25th of November, sir?

Q-103 Was Hurd C.B'd at that time?

A-103 Not on the 25th of November. On the 5th of November he was C.B'd.

Q-104 And did he answer it on the 5th of November, then?

A-104 No, sir.

Q-105 Did he answer it on the 6th of November?

A-105 He was in close custody on the 6th of November, sir.

Q-106 Now, you may be confused -- this is November that I am speaking of.

A-106 Of december, sir.

Q-107 Well, I will go back. Did he answer Defaulters' on the 25th of November?

A-107 I can't say that far back, sir.

Q-108 Would you be the one to call Defaulters', to call the roll of defaulters on the 25th of November?

A-108 Yes, sir.

Q-109 You say that the next time you saw him was approximately 1745 hours on the 5th of December in the guard room, is that correct?

A-109 Yes, sir.

Q-110 Where in the guard room -- right inside the guard room?

A-110 Yes, sir, he was brought in by the Canadian Provost Corps, 31 Provost Corps, from Niagara Falls and turned over to the guard room.

Q-111 Did you book him in?

A-111 I didn't book him in, sir.

Q-112 Were you there when he booked in?

A-112 No, sir.

Q-113 Did you see him?

A-113 Yes, sir, I came in just after they finished booking him in, sir.

Q-114 What was his condition?

A-114 Well, sir, I can't state his condition because---

Q-115 Was he drunk or sober?

A-115 He looked sober to me, sir.

---The Prosecutor declines to re-examine.

---BY THE PRESIDENT:

Q-116 How long have you been taking these calls of defaulters -- is that your permanent duty?

A-116 It is the Regimental Police Corporal's job to call the Defaulters' roll, or anyone that is on duty at the time.

Q-117 Yes. Now, I understood you to say to Capt. Robbie that you don't remember back as far as November 24th -- you say you can't remember whether he answered Defaulters' call on that date or not? Can you remember the accused man answering Defaulters' at any time before the 4th of December? Do you remember what day the 4th of December was on -- do you remember what day of the week?

A-117 No, I don't, sir.

Q-118 I don't myself. You stated you remember the 4th of December. You have given us some evidence about that and

you remember very well the 5th of December when you saw the accused about 1730 -- wasn't that about the time you said?

A-118 1745.

Q-119 About 1745 in the guard room. Well, now, what I am asking you is do you remember the accused answering Defaulters' roll call on any days before December 4th?

A-119 Yes, sir, he had been on Defaulters' twice before that I know of, sir.

Q-120 Shortly before the 4th or a long time before the 4th?

A-120 Well, I can't state the day, sir.

Q-121 No, I don't expect you to remember. Were there many people on Defaulters'?

A-121 Yes, sir, I had 26 on Defaulters' at the time, sir.

Q-122 26 -- well, it is no wonder you can't remember all the days or when they were. You said something about the accused coming off post. Had he been given his defaulter's punishment while he was on pass?

A-122 No, sir, he was given the defaulter's punishment before he went to post.

Q-123 And then did he do his duty on the post as well as reporting on Defaulters'

A-123 Sir, I don't know whether they report on Defaulters' while on post or not.

---THE DEFENDING OFFICER:
That is what I am trying to get at. If you don't know, that is all there is to it -- we will get somebody who probably does.

---In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

Fourth Witness for the Prosecution.

No. B.97671, L/Cpl. W. T H O M P S O N, No. 31 Canadian Provost Corps, C.A., being duly sworn, is examined by the Prosecutor:

Q-124 Cpl. Thompson, will you please state for the Record--- you are employed, as you stated, by the Canadian Provost Corps?

A-124 Yes, sir.

Q-125 Which detachment?

A-125 No. 1 Detachment, that is where I was when this occurrence happened.

Q-126 And where are you now?

A-126 Headquarters.

Q-127 Headquarters, Toronto?

A-127 Yes, sir.

Q-128 But you were No. 1 Detachment?

A-128 At that time, sir.

Q-129 At that time-what date is that?

A-129 That was December 5th.

Q-130 Of which year?

A-130 1942.

Q-131 Do you know a soldier by the name of Hurd, R. J.?

A-131 Yes, sir, I know him by sight.

Q-132 Where is he now?

A-132 Right here, sir.

Q-133 Is that the accused person (indicating accused)

A-133 Yes, sir.

Q-134 How do you happen to know this soldier, Hurd?

A-134 On this occasion, sir, I was called to Niagara Falls Police Station where the accused was handed over to me on the 5th, 1830 hours, 5th December.

Q-135 Was there anybody with you at the time?

A-135 Yes, sir, L/Cpl. Arendale.

Q-136 And where did you go again?

A-136 Niagara Falls Police Station.

Q-137 And what happened when you got there?

A-137 The accused was there handed over to me by Niagara Falls City Police.

Q-138 What time would that be?

A-138 1830 hours.

Q-139 And what did you do with the accused after he was handed over to you -- where did you take him?

A-139 L/Cpl. Arendale and myself assisted the accused from the police cells to the wagon outside.

Q-140 You say "assisted him." Why do you say "assisted"?

A-140 One got on each side and assisted him to the wagon.

Q-141 You say "assisted." Why do you say "assisted"?

A-141 He was not able to walk.

Q-142 Why?

A-142 He was drunk, sir.

Q-143 Was he not able to walk by himself?

A-143 No, sir.

Q-144 I want you to inform the Court fully as to his alleged drunken condition?

A-144 His speech was thick; he smelt of liquor; and he hadn't the power of his limbs.

Q-145 What did you do with him -- where did you take him to?

A-145 From Niagara Falls Police Station to the 1st Garrison Detention.

Q-146 1st Garrison Guard Room or detention, what was it?

A-146 Detention, Niagara-on-the-Lake.

Q-147 What time would it be when you handed him over to the Garrison?

A-147 Their time there it was 1845.

Q-148 1845 hours?

A-148 Yes, sir.

Q-149 On which date?

A-149 December the 5th.

Q-150 And you got him or received him from the Niagara Falls Police Station at what time?

A-150 1830 hours, sir.

Q-151 On that same day?

A-151 Yes, sir.

Q-152 So it just took you about 15 minutes, is that right?

A-152 Well, it usually takes me around 20 or 25 minutes.

Q-153 It is approximately that time?

A-153 Yes, sir.

Q-154 You state that he hadn't the use of his limbs?

A-154 Yes.

Q-155 Where was that, Niagara Falls or here?

A-155 Niagara Falls Police Station.

Q-156 Anything else happen on the wagon on the way down?

A-156 No, sir, I was driving the wagon and didn't come in contact with him after I left the Police Station until we arrived at the Garrison.

Q-157 When he got out at the Garrison here what was his condition?

A-157 He was staggering, but he was able to walk from the wagon to the Detention.

Q-158 Is there any other evidence you can give the Court regarding his condition?

A-158 No, sir.

Q-159 You are perfectly satisfied to state that you know he was drunk, is that right?

A-159 Yes, sir.

---CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-160 You state on information received you went to Niagara Falls Police Station and saw the accused where?

A-160 The police cells.

Q-161 Where are the police cells located?

A-161 In the City Police Station, Niagara Falls.

Q-162 Downstairs, upstairs, or main floor?

A-162 Down in the basement.

Q-163 Down in the basement?

A-163 Yes, sir.

Q-164 And who went down the basement with you?

A-164 L/Cpl. Arendale and myself.

Q-165 And how far away was his cell from the staircase?

A-165 I would say about 15 feet, sir.

Q-166 15 feet -- and did you have hold of his arms?

A-166 L/Cpl. Allendale was on one side of him holding him by the arm and I was on the other side.

Q-167 Did you walk him up the stairs or carry him upstairs?

A-167 Walked him.

Q-168 Three of you walked abreast in the Niagara Falls Police Station upstairs?

A-168 One got ahead of us and the other kind of triangular.

Q-169 And at the head of the stairs how is the building situated?

A-169 There is a door at the head of the stairs leading into the guard room.

Q-170 Yes?

A-170 And from there there is a door leading into another room and another door leading into the street.

Q-171 Am I not correct when I suggest to you that when you come to the top of the stairs in the Niagara Falls Police Station you come into a very small room and you go through that room through a corridor to the outside, is that not correct?

A-171 Yes, sir.

Q-172 And if I suggest that that room would be about 6 x 8, is that correct?

A-172 That is about right, sir.

Q-173 And where was your vehicle parked?

A-173 It was parked right outside the Police Station door.

Q-174 Therefore, when you went down through this alleyway you would only have another, what, five feet, to walk to your vehicle -- the width of the sidewalk, is it not?

A-174 You mean from the Police Station door?

Q-175 From the Police Station door to your vehicle?

A-175 Oh, I would say about 10 or 15 or 20 feet.

Q-176 Were you parked right up close to the building?

A-176 I was parked right at the end of the building, sir.

Q-177 Therefore, you saw him walk approximately, you say, downstairs, 8 feet, is that correct?

A-177 I don't understand you, sir.

Q-178 You said you took him from the cell to this staircase which would be about 8 feet?

A-178 Yes.

Q-179 Through the small room upstairs, along the corridor?

A-179 No, there was two rooms. There was a small room at the head of the stairs and another room before you come to the corridor.

Q-180 About how many feet would you walk him altogether before you got him into your vehicle, from the bottom of the stairs to your vehicle?

A-180 I would say about 60 feet.

Q-181 About 60 feet?

A-181 Yes, sir.

Q-182 From the foot of the stairs?

A-182 Yes, sir.

Q-183 And you say that at that time he was drunk?

A-183 He had lost control of his limbs; he wasn't able to walk.

Q-184 Did you speak to him?

A-184 Yes, sir.

Q-175 Did he answer you?

A-175 Not satisfactorily.

Q-176 Did he give you his name?

A-176 No, sir.

Q-177 Did he give the Niagara Falls City Police his name?

A-177 I understood he did.

Q-178 They had his name?

A-178 Yes, sir.

Q-179 And they told you who he was?

A-179 Yes, sir.

Q-180 And I am suggesting that they told you they had a drunk downstairs by the name of Hurd?

A-180 That is the information we got.

Q-181 So when you went downstairs you had your mind made up he was drunk, is that correct?

A-181 No, sir, I wouldn't say that.

Q-182 And the information you received was that there was a man named Hurd downstairs and you went down stairs figuring he was drunk, and the City Police helped you assist him upstairs?

A-182 We went down to investigate and see if the man was drunk.

Q-183 And you still maintain then two of you walked side by side with Hurd up the staircase?

A-183 No, sir, we went one triangular-way upstairs -- one had to get ahead of the other. There is not room on the stairs for three to walk.

Q-184 I know that; that is why I am asking you. The Niagara Falls Police told you they had a man by the name of Hurd downstairs drunk? Will you answer that, please?

A-184 Yes, sir, that is right.

Q-185 So you went downstairs and on the information you received from them you assumed he was drunk, is that correct?

A-185 No, I made up my own mind.

Q-186 Did he talk to you from Niagara Falls to Camp?

A-186 No, sir, I was driving the station-wagon.

Q-187 Did he cause you any trouble?

A-187 No, sir.

Q-188 Was he abusive?

A-188 No, sir.

Q-189 And when you drove into the Garrison Battalion Guard Room where did you park your vehicle?

A-189 Right on the driveway opposite the Detention Barracks.

Q-190 Opposite the Detention Barracks door?

A-190 No, sir, I didn't go right in.

Q-191 How far did he walk?

A-191 I would guess it would be around 50 feet.

Q-192 Around 50 feet? And he didn't have to be assisted at that time?

A-192 No, sir, he was staggering, but he didn't have to be assisted.

Q-193 Was there snow on the ground?

A-193 No, sir.

Q-194 Was it dry or wet?

A-194 It was dry, sir.

---The Prosecutor declines to re-examine.

---BY THE PRESIDENT:

Q-195 You didn't have any conversation with the accused at all?

A-195 No, sir; I was driving the station-wagon and he was in the back of it. I didn't come in contact with him at all.

Q-196 Did he say anything to you when you went down stairs in the Niagara Falls Police Station?

A-196 No, sir, he seemed stupid and he was not able to answer any questions at all.

Q-197 You say he wasn't able to answer any questions -- did you ask him any question?

A-197 I asked him his name and he wasn't able to give it to me at that time.

Q-198 Why did you ask him his name -- I thought you just stated to the Defending Officer you were given his name?

A-198 They give their wrong names sometimes and I just wanted to check up.

Q-199 What did you say to him?

A-199 I asked him his hame and unit.

Q-200 But what did you say to him?

A-200 "What is your name and what unit do you belong to?"

Q-201 If you said it in that soft, easy tone, I don't wonder you wouldn't get much of an answer from him. I can hardly hear you from here and I am quite sure I am not drunk. Did the Corporal, Arendale, who was with you, did he have any conversation with him in your presence?

A-201 He said something to him, sir, but I can't recall what he said. I couldn't recall the conversation.

Q-202 So that the only reason that you would say that he was drunk is because you smelt some liquor on his breath and he didn't appear to have the use of his legs, is that your reason?

A-202 That is right, sir.

---In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - - - -

Fifth Witness for the Prosecution.

No. B.19783, L/Cpl. E. A R E N D A L E, No. 1 Detachment, 31st Provost Company, being duly sworn, is examined by the Prosecutor:

Q-203 L/Cpl. Arendale, you belong to the Canadian Provost Corps?

A-203 Yes, sir.

Q-204 What Company?

A-204 31 Company, sir.

Q-205 What Detachment?

A-205 No. 1 Detachment.

Q-206 Where are you stationed?

A-206 Niagara-on-the-Lake.

Q-207 Do you know a soldier by the name of Hurd?

A-207 Yes, sir.

Q-208 R. J. Hurd -- where is he now?

A-208 Right there, sir.

Q-209 You indicate him as the accused?

A-209 Yes, sir.

Q-210 How long have you known him?

A-210 I have only had -- well, I really wouldn't say I have known him?

Q-211 I will change my question -- did anything happen which the accused was mixed up in on the 5th of December, 1942?

A-211 Yes, sir. Along with L/Cpl. Thompson and myself we picked Pte. Hurd up at Niagara Falls Police Station, intoxicated, sir.

Q-212 What time was that you picked him up?

A-212 Approximately 1630 hours.

Q-213 What did you do with him after you picked him up?

A-213 Put him in a station-wagon and turned him over to the Regimental Police.

Q-214 Where, at Niagara?

A-214 No, at the Camp Guard Room.

Q-215 How long did it take you to do that?

A-215 Approximately 15 or 20 minutes, sir.

Q-216 You stated he was in an intoxicated condition, is that correct?

A-216 Yes, sir.

Q-217 Will you explain to the Court why you think he was intoxicated?

A-217 When we got him in Niagara Falls Police Station we had to assist him out to the truck.

Q-218 You had to assist him out to the truck -- how far did you have to assist him?

A-218 Over to the Police Station -- down the steps and the truck was right outside the station, sir.

Q-219 Couldn't he walk himself?

A-219 No, sir, we had to assit him.

Q-220 Was -- what was his condition when you came down to the Regimental Police at the Garrison Battalion?

A-220 His condition was improved quite a bit because we didn't have to assist him into the Guard House.

Q-221 Did you have any conversation with him during the way down?

A-221 No, sir.

Q-222 Did he attempt to speak to you?

A-222 Sir, I believe there was a couple other boys riding in the back, sir. He may have spoke to them. I was riding in the front seat.

Q-223 How far would it be from the Police Station, Niagara Falls, to the Guard Room?

A-223 I couldn't say exactly, sir; it wasn't very far.

Q-224 Could you give an approximate distance?

A-224 I couldn't say; it wasn't very far.

Q-225 What experience have you had in handling drunken soldiers?

A-225 Over a year of it, sir.

Q-226 And how do you base-when you say a man is drunk how do you reach that conclusion?

A-226 Well, from my own experience when a man can't conduct himself properly in uniform and has to be assisted, it is my estimation that a man is drunk.

---CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-227 You were with the previous witness, L/Cpl. Thompson, when you went to Niagara Falls Police Station, is that correct?

A-227 Yes, sir.

Q-228 What information did you receive there?

A-228 We had had a phone call that this man was drunk and had been picked up in a street car and carried into the station.

Q-229 When you arrived at the station what did they tell you?

A-229 They he was downstairs in a cell, sir.

Q-230 Who was downstairs in a cell?

A-230 Pte. Hurd, sir.

Q-231 Did they say his name, Pte. Hurd?

A-231 No, sir -- just said a soldier.

Q-232 Just said a soldier?

A-232 Yes, sir.

Q-233 Are you sure of that?

A-233 I am positive of it, but that is the usual procedure.

Q-234 Usual procedure -- I don't want to know the usual procedure. I want to know what happened in this particular case. When you arrived at Niagara Falls Police Station what did whoever was on duty tell you?

A-234 That was quite a while ago, sir -- we get calls every day and that is all I can tell you.

Q-235 I am going to suggest to you that he said there was a soldier downstairs by the name of Pte. Hurd, drunk -- is that what he said?

A-235 They usually say, "We have a soldier down stairs" -- words to that effect. I couldn't state the exact words.

Q-236 And what did you do on receiving that information?

A-236 Well, two of our fellows went down -- I didn't go downstairs myself to assist them up ---- went down with one of the police constables and assisted him up to the wagon.

Q-237 Who went downstairs?

A-237 Two other boys, sir, on the detail.

Q-238 Who were the detail?

A-238 I don't remember who they were at the time, sir. There was two of our fellows with us.

Q-239 So there were four of you, apparently, in the police patrol wagon?

A-239 Yes, sir.

Q-240 Do you recollect whether Cpl. Thompson going downstairs?

A-240 I couldn't say, sir.

Q-241 But you don't remember who the other two men were who did go down?

A-241 No, sir, because we change around so much. There was L/Cpl. Thompson and myself detailed on the station-wagon that night.

Q-242 Did you talk to Hurd?

A-242 No, sir.

Q-243 Did you have any conversation whatsoever with him?

A-243 No, sir.

Q-244 From the time you saw him until you turned him over?

A-244 None at all, sir.

Q-245 How far behind him did you walk, or did you walk in front of him?

A-245 Where?

Q-246 In Niagara Falls?

A-246 I believe I was behind at the time, sir, assisting him out the station.

Q-247 Were you behind him when you went out the alleyway between the glass partitions and the wall?

A-247 Where is that?

Q-248 In the station?

A-248 Offhand I can't remember.

Q-249 And where was your station wagon parked?

A-249 Right out in front of the station.

Q-250 Right alongside the door?

A-250 Yes, sir.

Q-251 And how many steps are there from the door to the ground where you got into the station wagon?

A-251 I couldn't say, sir; I never counted them.

Q-252 Approximately?

A-252 About half a dozen.

Q-253 About six steps?

A-253 Yes, sir.

Q-254 And he couldn't manipulate them himself?

A-254 No, sir, he had to be assisted.

Q-255 And did he hop into the wagon or was he assisted?

A-255 The door was opened and he was assisted.

Q-256 Where did you sit?

A-256 Front seat.

Q-257 Did you hear any conversation?

A-257 Conversation, sir -- we don't usually pay any attention.

Q-258 Was he abusive?

A-258 No, sir.

Q-259 Caused no trouble whatsoever?

A-259 None at all.

Q-260 Will you tell the Court -- I am not just satisfied how you described as to his condition. What was his condition, again?

A-260 What do you mean by that, sir?

Q-261 What was -- was he sober or was he drunk?

A-261 In my estimation he was drunk.

Q-262 And how do you base that estimation?

A-262 As I said, the man was smelling of liquor and had to be assisted and in my estimation was drunk.

Q-263 How close were you to Hurd?

A-263 Quite close; we all tried to help him along.

Q-264 But you told me you didn't help him -- there were two others?

A-264 We all caught on, sir.

Q-265 Was he abusive -- why were you helping him?

A-265 To assist him out to the wagon.

Q-266 I can't follow you at all. It took 4 of you to put this man in the wagon?

A-266 No, sir, not at all; I didn't say that.

Q-267 You say he was intoxicated because he smelt of liquor and was unsteady on his feet?

A-267 Absolutely.

Q-268 What was his condition when he arrived at Niagara-on-the-Lake?

A-268 He didn't have to be helped to the guard room.

Q-269 He sobered up quickly?

A-269 The ride did him good evidently.

Q-270 He smelt of liquor and was not steady on his feet, so you assumed he was drunk?

A-270 Yes.

Q-271 How many drunks have you arrested in the Provost Corps?

A-271 I don't remember.

Q-272 How many have you arrested this week?

A-272 None.

Q-273 How many last week?

A-273 None.

Q-274 How many the week before?

A-274 I can't remember that, sir.

Q-275 Christmas week -- that is a good week?

A-275 None, sir -- seldom we get an arrest for a drunk, sir.

Q-276 What do you do?

A-276 We put them in and let them sleep it off. We are mostly concerned with A.W.L's.

Q-277 I gather from what you tell me you haven't arrested very many drunks?

A-277 No, sir. I have in Northbay with the 32nd Provost Company, but down here there hasn't been any necessity for it.

Q-278 So I take it you wouldn't be a very good judge as to whether a man was drunk or sober?

A-278 You could put it that way.

Q-279 Do you agree with it?

A-279 I don't agree with it, but I say, you could put it that way.

---The Prosecutor declines to re-examine.

---In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - - - - - - - - -

Sixth Witness for the Prosecution.

No. A.57453, Pt. W. C. F R E N C H, 1st Garrison Battalion, C.A., being duly sworn, is examined by the Prosecutor:

Q-280 Where are you employed, Pte. French?

A-280 1st Garrison Battalion Guard Room.

Q-281 1st Garrison Battalion Guard Room?

A-281 Yes, sir.

Q-282 Do you know a soldier by the name of R. J. Hurd, Pte. Hurd?

A-282 Yes, sir.

Q-283 Where is he now?

A-283 Right there.

Q-284 Indicating the accused?

A-284 Yes, sir.

Q-285 Where were you on the 5th of December, 1942?

A-285 I was on duty.

Q-286 Where?

A-286 At the 1st Garrison Battalion Guard Room.

Q-287 Alright. Did you see anybody that day?

A-287 Yes, sir.

Q-288 Concerning this case?

A-288 Yes, sir; two Corporals brought Pte. Hurd in.

Q-289 Two Corporals brought Pte. Hurd in -- what time would that be?

A-289 Approximately 1845 hours.

Q-290 What was the purpose of their bringing him into the guard room? Do you know why they brought him in?

A-290 I don't know, sir.

Q-291 You just know -- was there a charge laid against him?

A-291 No, sir, not that I know of.

Q-292 When he was brought in I want you to inform the Court as to his condition?

A-292 Sober and properly dressed.

Q-293 You would say that?

A-293 Yes, sir.

Q-294 How much experience have you had in making up you mind as to whether or not a man is sober or drunk?

A-294 I have been on the R.P's about 3½ months.

Q-295 And you would say that the accused was sober?

A-295 Yes, sir.

Q-296 Did you see the accused in the Camp previous to that time?

A-296 No, sir.

Q-297 Taking the period from the 1200 hours on the 4th of December, 1942, if you can remember that time, and 1845 hours on the 5th of December, 1942; that is, the next day, did you see the accused in Camp?

A-297 No, sir.

Q-298 Would you have seen him do you think if he had been in Camp?

A-298 No, sir, I sleep out.

Q-299 And you wouldn't know whether he was here or not, is that correct?

A-299 Yes, sir.

Q-300 Do you know whether the accused has any crimes against him; that is, whether a defaulter or not at the time?

A-300 Yes, sir.

Q-301 He was a defaulter?

A-301 Yes, sir.

---CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-302 How do you know he was a defaulter?

A-302 Sir, I was there when Cpl. Cobleigh called the roll.

Q-303 When was this?

A-303 That was before he went on post.

Q-304 Before he went on post?

A-304 Yes, sir.

Q-305 Approximately what date -- can you tell us anything about that -- would it be November 25th?

A-305 I couldn't say for sure, sir.

Q-306 You couldn't say; but you recall that his name was called before he went on post?

A-306 Yes, sir.

Q-307 How did you know he went on post?

A-307 It was put on the reports that he was on the post -- the defaulters' roll.

Q-308 Have you those reports with you?

A-308 No, sir.

---The Prosecutor declines to re-examine.

---BY THE PRESIDENT:

Q-309 When men are on Defaulters' in the 1st Garrison Battalion

are they still doing post duty as well as being on Defaulters'?

A-309 Yes, sir.

Q-310 Then how can a man answer Defaulters' Roll Call if he is doing duty on post?

A-310 Sir, it is before he was on post that they answer -- that I had his name put down that he was on Defaulters'

Q-311 Did you have any conversation with him when the Provost Corporals brought him into the barracks?

A-311 Yes, sir, he asked me to go to the Canteen and get him some dough-nuts and some milk.

Q-312 I see. Did he have any money?

A-312 Yes, sir, he had.

---In the opinion of the Court it is not necessary to comply with R.D. 83 (b).

---The witness withdraws.

- - - - - - - - -

Seventh Witness for the Prosecution. No. M.56479, Pte. R. A. B A I R D, 1st Garrison Battalion, C.A., being duly sworn, is examined by the Prosecutor:

Q-313 Pte. Baird, where are you employed in the 1st Garrison Battalion?

A-313 Regimental Police.

Q-314 How long have you been employed there?

A-314 Since the 4th of November.

Q-315 Which year?

A-315 1942.

Q-316 You know a soldier by the name of Hurd?

A-316 Yes, sir.

Q-317 Where is he -- do you know his initials?

A-317 R.J.

Q-318 Where is he now?

A-318 He is right, sitting right there, sir.

Q-319 Is he the accused person?

A-319 Yes, sir.

Q-320 How long have you known him?

A-320 Since he was brought in, sir.

Q-321 Ever since he was brought in -- what are you referring to and what day was that?

A-321 On Saturday, December 5, 1942.

Q-322 Carry on from there?

A-322 At 1845 hours Pte. Hurd was delivered to the Guard Room by L/Cpl. Thompson and three other Provosts.

Q-323 To your Guard Room?

A-323 Yes, sir.

Q-324 And at the time he was delivered to your Guard Room what was done with him?

A-324 I placed him under close arrest.

Q-325 For what reason?

A-325 He was brought in; he was A.W.L. from post.

Q-326 A.W.L. from post?

A-326 From the barracks.

Q-327 Can you inform the Court as to his condition?

A-327 He was sober and properly dressed, sir, when he came in the Guard Room.

Q-328 Why do you say that -- have you had experience determining between soldiers who are sober and soldiers who are drunk?

A-328 Just who come in there. I just go by what they are when they come in.

Q-329 You believe he was sober when he came in?

A-329 Yes, sir.

---CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-330 How do you know that he should answer Defaulters'

A-330 Well, he was on C.B., sir, and defaulters answer the roll call.

Q-331 How do you know he was on C.B., that is what I want to get at?

A-331 By the Defaulters' Roll Call.

Q-332 His name was on the roll call?

A-332 Yes, sir.

Q-333 Did you have any occasion to call the roll?

A-333 No, sir.

Q-334 You have never called the roll?

A-334 No, sir.

Q-335 Where is the roll kept?

A-335 Where is the roll kept -- right in the desk.

Q-336 How do you know that the accused was on post?

A-336 Well, we had been notified, sir.

Q-337 You had been notified?

A-337 Yes, sir.

---The Prosecutor declines to re-examine.

---In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - - - - - - - - -

Eight Witness for the Prosecution.

No. A.103836, Pte. R. I. S C O T T, 1st Garrison Battalion, C.A., being duly sworn, is examined by the Prosecutor:

Q-338 Pte. Scott, what is your unit?

A-338 1st Garrison.

Q-339 1st Garrison Battalion?

A-339 Yes, sir.

Q-340 And in that Battalion what are your duties?

A-340 Orderly Clerk, sir.

Q-341 Orderly Room Clerk, is that right?

A-341 Yes, sir.

Q-342 What Company?

A-342 "B" Company.

Q-343 Do you know a soldier by the name of Pte. R. J. Hurd?

A-343 Yes, sir.

Q-344 Where is he now?

A-344 Seated right there.

Q-345 Indicating the accused here?

A-345 Yes, sir.

Q-346 How long have you known him?

A-346 Oh, since the Garrison began.

Q-347 I want you to give -- you said "the Garrison." You mean the Garrison Battalion?

A-347 The Garrison Battalion.

Q-348 Is that the 1st Garrison Battalion?

A-348 Yes, sir.

Q-349 Did you have any conversation with the accused man on -- as you were -- do you recall the date, Friday, 4th December 1942?

A-349 Yes, sir.

Q-350 Did you have any conversating with the accused soldier on that date?

A-350 Yes, sir.

---THE PROSECUTOR: I think think that is admissible.

---THE PRESIDENT: The question is alright.

Q-351 What conversation did you have?

A-351 Pte. Hurd asked me if I would give him any reason for not getting a pass.

Q-352 Yes?

A-352 And I told him that the O.C. of our Company wouldn't grant it because he was on the Defaulters'

Q-353 You told him the O.C. wouldn't grant it because he was on Defaulters'?

A-353 Yes, sir

Q-354 Was ther any other conversation -- did he leave then?

A-354 Yes.

Q-355 He left?

A-355 Yes.

Q-356 Taking the period between 1200 hours on the 4th of December, 1942, and 1600 hours on the 5th of December, 1942, did you see the accused in Camp during that time?

A-356 No, sir.

Q-357 Would you have seen him do you think if he had been in Camp or do you know?

A-357 No, sir, I wouldn't have seen him.

Q-358 You wouldn't have seen him?

A-358 No, sir.

Q-359 You stated the accused was on Defaulters' -- how do you know the accused was on Defaulters'?

A-359 It was in Orders.

Q-360 And did you know how long the accused was going to be on Defaulters' before he was going to be taken off?

A-360 Approximately five more days, sir.

Q-361 Approximately five more days after that?

A-361 Yes, sir.

---CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-362 Do you know Cpl. Cobleigh?

A-362 Yes, sir.

Q-363 Did you have any conversation with him on the 4th of December?

A-363 No, sir.

Q-364 You had no conversation with him at all?

A-364 No, sir.

---The Prosecutor declines to re-examine.

---BY THE PRESIDENT:

Q-365 Do any other Company Commanders in the 1st Garrison Battalion grant passes when men are on Defaulters'?

A-365 I wouldn't know that, sir.

Q-366 All that you know is what happens in your own Company?

A-366 Yes, sir.

Q-367 Where was the accused when he had this conversation with you about why he was not granted a pass?

A-367 He was in the hut, sir.

Q-368 Did he tell you why he had been put on Defaulters'

A-368 No, sir.

---BY THE COURT:

Q-369 When did your Company come off post?

A-369 The morning of the 4th, sir.

Q-370 The morning of the 4th, and did they practically all go on pass then?

A-370 Practically all, sir, with the exception of a few that were deprived this privilege.

Q-371 Had the accused been told that he would be getting a pass then?

A-371 He hadn't been told that there would be any pass at all, sir.

---BY THE DEFENDING OFFICER THROUGH THE COURT:

Q-372 When did the accused and the others in your Company go on post?

A372 It was nine days prior to the 4th, sir.

---BY THE PRESIDENT:

Q-373 Nine days prior to the 4th -- and you say that as Orderly Room clerk of "B" Company it was your duty to put it in Orders who had been put on Defaulters'?

A-373 No, sir -- my duty to write the charge to go before the O.C.

Q-374 Your duty to write the charge to go before the O.C. -- and had you written a charge by virtue of which he would be given a sentence of Defaulters'?

A-374 Yes, sir.

Q-375 What was that charge for, do you remember?

A-375 I think it was A.W.L. I wouldn't be sure what it was for now.

Q-376 It was some time before that?

A-376 It was some time before that.

---BY THE PROSECUTOR THROUGH THE COURT:

Q-377 Can you tell the Court about Defaulters' Parades in the 1st Garrison Battalion, how they are carried out and what those who are defaulters have to do?

A-377 The only thing I can tell you, sir, is when the bugle blows for defaulters that the men are supposed to parade to the Guard Room.

---BY THE PRESIDENT:

Q-378 Parade to the Guard Room?

A-378 Report to the Guard Room.

Q-379 Report to the Guard Room -- and does that take place once a day or more than once a day?

A-379 I believe it takes place, doesn't it, every half hour or every hour, doesn't it?

Q-380 I am asking you?

A-380 I don't know; I can't tell you.

Q-381 Do you know what your Standing Orders say?

A-381 No, sir.

Q-382 I am not surprised because when I read over the Standing Orders that are filed here as an exhibit, they are certainly not very clear to my mind. Where is the Defaulters' blown -- where does the bugler stand?

A-382 I couldn't say where he stands; I don't remember ever having seen him.

Q-383 Did you ever hear the call Defaulters'?

A-383 Yes, sir.

Q-384 Do you know it when you hear it?

A-384 Yes, sir.

Q-385 You have heard it?

A-385 Yes, sir.

Q-386 Did you hear it on the 4th or 5th of December to your knowledge?

A-386 No, sir, I didn't.

Q-387 And you are right in the Orderly Room of "B" Company, are you?

A-387 Yes, sir.

Q-388 And do you act as a sort or Orderly Room clerk?

A-388 Yes, sir.

---BY THE COURT:

Q-389 When a man is on -- when a man is a defaulter and goes out on post, is he released from being a defaulter, and if not, just what is done?

A-389 I think in our Company he is not released as a defaulter, only for the period that he is out on post. That is in our own Company.

Q-390 It is understood that if he comes back from post and his times isn't up that he is liable to be called for that Defaulters' Parade?

A-390 Yes, sir.

---BY THE DEFENDING OFFICER THROUGH THE COURT:

Q-391 Do you know of your own knowledge of any cases where men have been sentenced, have been given a sentence of so many days' C.B. as defaulters, and have gone on post and then been given passes after they have done their tour of duty?

A-391 I do not, sir.

---In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

---The Prosecutor has no further witnesses.

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The prosecution is closed.

Defence

Q-392 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A-392 *Answer.* Yes, sir.

Q-393 *Question.* Do you intend to call any other witness in your defence?

A-393 *Answer.* No, sir.

~~*Question.* Is he a witness as to character only? *Answer.*~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused ~~(and of the witnesses for the defence including witnesses as to character)~~ is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for the Defence.

The Accused, No. A.58878, Pte. Robert Joseph H U R D, 1st Garrison Battalion, C.A., being duly sworn, is examined by the Defending Officer:

Q-394 How old are you?

A-394 27 years old, sir, on the 2nd of January, 1943.

Q-395 And when did you enlist?

A-395 11th December, 1942.

Q-396 When were you transferred to the Garrison Battalion?

A-396 I believe it was August 18th or 19th, 1942.

Q-397 Have you had any training as a soldier?

A-397 As a soldier actually in the Army?

Q-398 Yes?

A-398 Before I joined the 1st Garrison Battalion?

Q-399 Basic or advanced?

A-399 I had no training whatsoever; I was only on parade seven distinct occasions; seven days, in other words, elementary foot drill.

Q-400 Where were you stationed when you first enlisted?

A-400 I was in M.D. 1 District Depot, London, Ontario.

Q-401 And you were there until transferred to the Garrison Battalion, 19th August, 1942?

A-401 Yes, sir.

Q-402 How were you employed in London?

A-402 I was on fatigue work and odd jobs.

Q-403 Have you a trade?

A-403 Yes, sir.

---THE PROSECUTOR: I don't want to interrupt, but I was just wondering if this is not evidence in mitigation rather than evidence in defence? I don't wish to make any objection, but is it proper? It appears to me that this is evidence which is of a type which is evidence in mitigation rather than a defence to the charges.

---THE PRESIDENT: Well, it is my policy to give very wide latitude to a Defending Officer in examining his own witnesses.

---THE PROSECUTOR: Alright, sir.

Q-404 You were employed at fatigue work while at London? Have you a trade?

A-404 Yes, sir, I have a trade as a bricklayer, sir.

Q-405 Have you been trade tested?

A-405 Yes, sir.

Q-406 After trade testing were you employed as a bricklayer?

A-406 No, sir.

Q-407 Since you have been in the Garrison Battalion how have you been employed?

A-407 Have been employed just doing -- it was the first stretch of guard duty I had done with the Garrison Battalion, but I had been attached with the Queen's York Rangers and had done a few stretches with the Queen's York Rangers, but with the Garrison I had just been on parade and a bit of foot drill.

Q-408 That is the first thing you have done since being here?

A-408 Yes, sir.

Q-409 When did you go on post last?

A-409 I don't remember the date; I believe it was the 24th or 25th.

Q-410 Of November?

A-410 Yes, sir.

Q-411 You came off post when?

A-411 On the 4th of December, sir.

Q-412 What time did you arrive back in the Garrison Battalion lines.

A-412 I would say approximately 1130 -- there wasn't a great deal of time before dinner.

Q-413 Now were you -- did you believe that you were a defaulter at that time when you arrived back to your Battalion lines?

A-413 No, sir, I did not.

Q-414 What made you think you were not a defaulter?

A-414 Sir, I was under the impression when I went out to post that C.B. was automatically quashed.

Q-415 After you finished your tour of duty on post you believed that your C.B. was ----

A-415 I believed that when I left the premises of the Camp and was posted on post duty that my C.B. was automatically quashed at that time.

Q-416 Did you answer any Defaulters' Roll Call while on post?

A-416 No, sir, I did not.

Q-417 Do you know of anyone else that answered Defaulters' Roll Call while on post?

A-417 No, sir, I do not.

Q-418 And when you arrived back in Camp you believed that your C.B. was automatically lifted.

A-418 Yes, sir.

Q-419 And what did you do?

A-419 Well, sir, I went over to have dinner and I came back and I sat down on my bunk and sat there the remainder of the afternoon. That was Friday, 4th of December, 1942.

Q-420 You slept?

A-420 Slept from the middle of the afternoon until somewhere between 4:30 and 4:45.

Q-421 Where did you have your meals?

A-421 I had my dinner and supper at the 1st Garrison Battalion kitchen.

Q-422 You had your dinner and supper at the 1st Garrison Battalion kitchen?

A-422 Yes, sir.

Q-423 And you were paraded up to your meals the same as the other soldiers in the unit?

A-423 Well, sir, it was kind of more or less mixed parade because there was a great deal of company there and we went in more or less of a line -- you wouldn't hardly call it a parade.

Q-424 You went up the line into the kitchen and received your meal?

A-424 Yes, sir.

Q-425 And after your meal what did you do?

A-425 I went back to the hut.

Q-426 Went back to your hut -- do you remain there?

A-426 I remained there for about an hour-and-a-half, sir, and I put my clothes on and I went down town and saw a picture show and came back just about lights-out. The lights were still on when I came back.

Q-427 And what did you do then?

A-427 I went to bed, sir.

Q-428 And what did you do the next morning -- you slept all night?

A-428 Yes, sir.

Q-429 And what did you do the next morning?

A-429 Sir, I didn't get out of my bed, strange as it may seem, until about 10 o'clock.

Q-430 Did you answer a roll call in the hut the morning of the 5th?

A-430 As far as I know there was no roll call.

Q-431 There was no roll call whatsoever?

A-431 No, sir.

Q-432 Was there any roll call on the night of the 4th?

A-432 Not that I know of, sir.

Q-433 What did you do after you got up?

A-433 Sir, I just sat around and, well, I talked to the boys and one thing and another -- a few of the boys were there -- there weren't very man there. And about somewhere around 11:30, after 11, I gave Pte. Booth my battle dress and asked him would he have it pressed for me, and paid him for pressing it for me. That was supposed to be one of my witnesses, Pte. Booth. And he came back with my battle dress shortly before 12 and I put it on and didn't stay for dinner although I heard the bugle call before I left the Camp. I don't know if it was shortly after 12, but I heard the bugle call before I left the Camp; and I left the Camp and went to Niagara-on-the-Lake and from there hitch-hiked to Niagara Falls.

Q-434 What time did you arrived at Niagara Falls?

A-434 I couldn't just say, sir. I had two different lifts down to the Falls. In fact, we went slightly past the Falls on the second lift because the gentleman driving the car seemed to have the idea we were going further down the road, and we went down past the Falls to a church or something there, a convent; and we got off and got a street car to the central part of the town. There were three of us.

Q-435 Approximately what time did you arrive in the central part of town?

A-435 The first thing I remember it was about half-past two, sir.

Q-436 Half-past 3?

A-436 Half-past 2, sir.

Q-437 Half-past 2. Did you have anything to drink?

A-437 Yes, sir; before I left Niagara Falls I had a couple drinks of wine and I would say altogether from possibly 7 to 9 ounces of wine -- I can tell you absolutely no more than 9. We had a 26-ounce bottle between 3 of us, sir, and that is shortly after 12 o'clock, and I know it was at least half-past 2 before I had any beer. Talking and one thing and another in the hotel, I had exactly 5 beers there -- may possibly have been one more; but I know no more than 6.

Q-438 Wereyou drunk after you drank it?

A-438 No, sir. The 2 companions I was with had a pass to go to Buffalo and left the hotel and I sat there and got kind of drowsy and at last decided that I would get back to Camp and get a sleep. I had missed a lot of sleep on post.

Q-439 You had missed a lot of sleep on post and were tired?

A-439 Yes, sir.

Q-440 Then what did you do?

A-440 After that it was kind of blurred up. I thought I should get some place to go and sleep and I had that in my

mind, and really at the time I can't remember getting on a street car, but, apparently, I got on a street car and fell asleep on a street car, sir.

Q-441 And what happened then?

A-441 Sir, the next thing that I can actually swear to, sir, as being a concrete fact I can actually swear to as a as a fact, is my coming out of the haze like in the station wagon with the Provosts, but I have dim recollections of being in a cell prior to that.

Q-442 Tell me, were you drunk or sober or were you tired?

A-442 Well, sir, I wasn't drunk by any means. I was more than just tired; I was exhausted.

Q-443 You were fatigued, exhausted?

A-443 Yes, sir. I dare say that the alcohol I consumed had some effect on my condition, but the main cause of my condition was the fact that I was more or less exhausted.

Q-444 And you arrived back in Camp or at least you were brought back to Camp by the Provost and then in the Guard Room what happened?

A-444 Well, sir, I came in the Guard Room and as I had no supper I asked one of the Regimental Police to get a couple of dough-nuts and a bottle of milk for me, sir and I ate that and went to sleep again and the next thing I knew it was 6 o'clock the following morning.

Q-445 I will go back to when you were on post -- what was the last shift that you were on before being relieved on the morning of the 4th?

A-445 Last shift, I believe the last shift I was on was from

12 o'clock to 3, sir.

Q-446 12 o'clock to 3?

A-446 Yes, sir.

Q-447 And were you out after that on post?

A-447 No, sir, but I had no sleep at all.

Q-448 You had no sleep?

A-448 Getting our equipment together and getting ready to move, sir.

---CROSS-EXAMINED BY THE PROSECUTOR:

Q-449 Hurd, you want the Court to believe that you were asleep rather than drunk, is that correct?

A-449 Yes, sir.

Q-450 And you just told your Defending Officer that the night before you -- I think I am correct in saying -- you went to bed after coming up from Niagara-on-the-Lake, the 4th?

A-450 Yes, sir.

Q-451 And slept in the next morning?

A-451 Yes, sir.

Q-452 You slept all night and slept until 10 o'clock in the morning, you said?

A-452 Yes, sir.

Q-453 And you still hadn't had enough sleep?

A-453 Yes, sir.

Q-454 So you want the Court to believe that you fooled around Camp or put your time in around Camp that date; then went to Niagara-on-the-Lake; then Niagara Falls, and had some beer and some wine and were only tired?

A-454 Yes, sir, not only tired and sleepy, but actually exhausted.

Q-455 So you went to sleep on the street car?

A-455 Yes, sir.

Q-456 How did you get off the street car?

A-456 I don't remember.

Q-457 You don't remember them taking you off.

A-457 I can't say I have, sir.

Q-458 Have you drank wine before?

A-458 I have drank it before, but not a great deal, sir.

Q-459 Isn't it a fact that wine has a tendency to make one drowsy?

A-459 It does, sir, in some respects.

Q-460 And may I suggest to you in view of the fact that you had been drinking beer and wine and sitting in a hot street car was one of the reasons that you had been drinking -- do you think you would have gone to sleep if you hadn't been drinking?

A-460 I couldn't swear I would or that I wouldn't.

Q-461 Alright. You mentioned to your Defending Officer that you did not believe you were a defaulter and you were under the impression when you came back from post that you were ~~Rtted~~ from being a defaulter, is that right?

A-461 Yes, sir.

Q-462 Where did you get that impression?

A-462 Well, sir, I know other cases where men have been defaulters and myself on one occasion.

Q-463 Where was that?

A-463 The occasion I was shifted from Camp I was doing five days' C.B. -- was attached to the Queen's York Rangers.

Q-464 I want to get down to something definite. Did you make any effort to ask any N.C.O., Warrant Officer or Officer if that was true, that you were lifted from defaulters or did you just go ahead yourself and think "I am off Defaulters' and so won't attend Defaulters' Parade, which is alright"?

A-464 I just took it for granted.

Q-465 So you didn't make any effort to find out?

A-465 I did ask a few of the boys.

Q-466 Did you---

---THE PRESIDENT: Let him answer.

A-466 I asked a few of the boys, sir.

Q-467 Did you ask any N.C.O.?

A-467 I couldn't say if I have or not -- maybe I did or maybe I did not.

Q-468 You can't say you did?

A-468 I asked a number of persons.

Q-469 Answer my question -- did you or did you not?

A-469 There is one N.C.O. I may or I may not.

Q-470 But you can't say definitely?

A-470 I can't say definitely.

Q-471 But you did know that on the 24th day of November you were awarded 14 days' confinement to barracks?

A-471 Yes, sir.

Q-472 And do you know what confinement to barracks means?

A-472 Well, sir, to stay in barracks and answer Defaulters' Call and usually do any fatigue work there is to do.

Q-473 Do you know what the Defaulters' Call sounds like -- do you recognize it?

A-473 Yes, sir.

Q-474 Did you hear the Defaulters' Call at 1200 hours on the 4th of December?

A-474 I don't recollect, sir.

Q-475 And you weren't listening for it, were you?

A-475 Well, no, I wasn't.

Q-476 Where was it you went on the 5th of December?

A-476 I went to Niagara Falls, sir.

Q-477 Did you go through Niagara-on-the-Lake?

A-477 Well, sir, it is on the way.

Q-478 Alright. Did you have a pass?

A-478 No, sir.

Q-479 Is it customary for you to leave Camp and go to Niagara Falls without a pass?

A-479 On Saturday afternoon, sir.

Q-480 Was that a Saturday afternoon?

A-480 Yes, sir.

Q-481 And you had done that before, had you?

A-481 Yes, sir.

Q-482 Well, you admit that you were in the Police Station at Niagara Falls, is that correct?

A-482 Yes, sir.

Q-483 And that you were brought down to the Garrison Battalion Guard Room by the Military Police, is that correct?

A-483 Yes, sir.

Q-484 On the 5th of December, 1942, at 1600 hours, is that right?

A-484 Yes, sir.

Q-485 But you state that you didn't leave Campe on the 4th of December at 1200 hours?

A-485 No, sir.

Q-486 And you have not been able to, through, possibly, tough luck, or something, but you haven't been able to produce any other soldiers to this Court to substantiate or corroborate your story that you were in Camp on the 4th?

A-486 There were several other soldiers with me.

Q-487 But will you answer my question -- you haven't been able to produce anyone to this Court, have you?

A-487 No, sir, I have not.

---The Defending Officer declines to re-examine.

---BY THE COURT:

Q-488 When you are on post what is your tour of duty -- how long on and how long off?

A-488 Generally we have three hours of post duty and six hours off.

Q-489 And you find that not enough time to get to sleep in?

A-489 Well, sir, it is the fact that I was only on night shift. I had one shift at night and in the daytime I found it hard to sleep. I don't believe I had more than

21 hours sleep in 9 days and I had fatigue work to do and as I only had night shifts I had quite a bit of gatigue work to do along with my duties at night. It isn't too easy to get to sleep on those posts -- pretty cramped and somebody banging around all the time -- going up and down the elevator for your meals. I could have slept upstairs, but you have to have an N.C.O. to go on the elevator, and in the six hours we have to eat and clean our equipment.

Q-490 You had been on Post 1, or 2?

A-490 Post 2, sir.

Q-491 And it is the custom of the Battalion to get out on a Saturday afternoon without a pass is it?

A-491 Yes, sir.

---In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

---The witness resumes his seat.

---The Defence is closed.

---The Prosecutor makes a closing address.
(See document marked "M" attached.)

---The Defending Officer makes a closing address.
(See document marked "N" attached.)

- - - - - - - - - - - - - - -

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused, No. A.58878, Pte. Robert Joseph HURD, 1st Garrison Battalion, C.A., is guilty of the second and third charges but is not guilty of the first charge.

---The finding of "Not Guilty" is read in open Court.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Lieut. D. F. BLEECKER, 1st Garrison Bn., C.A., Assistant Adjutant, is duly sworn.

Q-492 Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-492. I produce M.F.B. 355 and certified true copy of M.F.M. 6.

The above statement ~~[with the schedule of convictions and of-eaces in which trial has been dispensed with]~~ is read, marked "Y-Z", signed by the President, and annexed to the proceedings.

Q-493 Question by the President.

Is the accused the person named in the statement which you have ~~heard~~ read? *Answer by the Witness.* A-493. He is, sir.

Q-494 Question.

Have you compared the contents of the above statement with the regimental books? *Answer.* A-494. I have, sir.

Q-495 Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-495. Yes, sir.

[Instruction.—If by reason of the nature of the offence of the accused in a disciplinary, mental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

---The Defending Officer declines to cross-examine.
---In the opinion of the Court it is not necessary to comply with R.P. 83 (b).
---The Witness withdraws.

Q-496 Question to the accused.

Do you wish to address the Court? *Answer.* A-496. Yes, sir.

(See document marked "O" attached.)

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused , No. A.58878, Pte. Robert Joseph HURD, 1st Garrison Battalion, C.A., to undergo detention for 120 days.

Sentence.

Detention

120 days

Signed at Headquarters, Hamilton-Niagara Area, this 5th day of January, 1943.

(Lt.-Col.)
Governor-General's Horse Guards,
Attached No. 2 District Depot, C.A.
President, D.C.M.

Confirmed
P. J. Power Lieut Colonel W.G.
D.A.C. 2.

Signed at Toronto Ont. this 16th day of January 1943

Promulgated and extracts taken at Camp Niagara, Niagara on the Lake, Ont., this 19th day of January 1943.

D. Douglas Capt. A/Maj.
First Garrison Bn. C.A.

Extracts entered as No. 7715 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 5 day of Feb 1943

RBL

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X

O R D E R S B Y

Major-General C. F. Constantine, D.S.O.,
District Officer Commanding,
Military District No. 2

Toronto, Ontario, 23th December, 1942.

District Court-Martial
No. H.7461, Pte. Donald Sinclair WALKER,
1st Garrison Battalion, C.A.

The detail of Officers mentioned below will assemble at the Conference Building, Headquarters, Hamilton-Niagara Area, on Tuesday, the 5th day of January, 1943, at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Lieutenant-Colonel R. P. Locke, ED.,
Governor-General's Horse Guards,
Attached No. 2 District Depot, C.A.

MEMBERS

Captain J. N. Stephenson,
Scots Fusiliers of Canada, C.A.

Captain H. R. MacKellar,
Scots Fusiliers of Canada, C.A.

WAITING MEMBER

Captain A. L. Pickard,
Home War Establishment,
Headquarters, Hamilton-Niagara Area.

PROSECUTOR

Lieutenant J. L. Downey,
No. 2 District Depot, C.A.,
Attached Headquarters, M.D. 2.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

OFFICERS DETAILED FOR INSTRUCTION

The Officers Commanding the following formation and unit may each detail 2 Officers to attend the Court-Martial for instruction:-

Headquarters,
Hamilton-Niagara Area,
NIAGARA-ON-THE-LAKE,
Ontario.

1st Garrison Battalion, C.A.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No. 2.

SIGNED at Toronto, Ontario, this 28th day of December, 1942.

(M.H.A. Drury)
Lieutenant-Colonel,
A.A. & Q.M.G. M.D. 2.

X-1

133

Lt Col GGHQ
Adjt DCW

DAILY ORDERS PART I
by
Lt. Col. G. CARMICHAEL, M.C. E.D.,
Officer Commanding 1st Garrison Battalion, C.A.
Niagara-on-the-Lake, Ontario.

NOS. 1-10 — 4 JAN. 43 — NOS. 1-10

(Last Part I Orders issued, Nos. 420-425, d/31 DEC. 42)

NO. 1 DUTIES:

Orderly Officer:	5 JAN. 43	Lieut. R.M. HOOD
Next for Duty:	6 JAN. 43	Lieut. H.E. McALPINE
Orderly Sergeant:	5 JAN. 43	Sgt. PORTLOCK, G.
Next for Duty:	6 JAN. 43	Cpl. YOUNG, D.
Orderly Corporal:	5 JAN. 43	L/Cpl. PAPILLON, R.L.
Next for Duty:	6 JAN. 43	L/Cpl. FINLAY, J.R.

NO. 2 POSTING:

D 121902 Pte. ST. CYR, R. "Bn. H.Q." to "A" Coy.

NO. 3 RETURNS - STATEMENTS:

In future all ranks responsible for the rendering of reports and statements will not proceed on Leave until the reports, etc., are completed.

NO. 4 ORDERLY OFFICER'S INSPECTION OF FIRE PICQUET:

In future the Orderly Officer of the day will inspect the Fire Picquet at Retreat, Midnight, and between 0330 hours to 0530 hours daily.

NO. 5 COURT OF INQUIRY:

A Court of Inquiry composed as hereunder will assemble at the call of the President for the purpose of inquiring into and reporting on the illegal absence of
B 94306 Pte. CONLAN, W.J.
B 53605 " COUGHLIN, D.L.

PRESIDENT

Captain J.G. DOUGLAS

MEMBERS

Lieut. W.A. MILTON
Lieut. L.R. MILLEN

NO. 6 OFFICERS - POSTING:

Capt. R. de W. HAWKEN	-	On Command.
Capt. J.G. DOUGLAS	-	To be A/Adjt.
Capt. J.H. CLINTON	-	To be A/Coy. Commander of "A" Coy.
Capt. E.A. SHANNON	-	Transferred to "Adm. Platoon".

Certified true copy.
D. T. Bleakley Lieut. (over)
Asst adjt and Officer in charge of Records
First Garrison Bn. C.A.

Sheet 1
4 JAN. 43
Part I Orders

SHEET 2

NO. 7 SAFETY PRECAUTIONS- SMALL ARMS AMMUNITION - R.O. NO. 2738:

1. Fatal accidents have occurred during training due to the mistaking of live Small Arms Ammunition for drill ammunition.

2. The attention of all concerned is drawn to certain definite safety precautions which are laid down in S.A.T. Vol. I, Pam, 1, Section 2, and to the precautions set forth in each of the pamphlets of S.A.T. Vol. 1 dealing with particular weapons, as well as those to be taken on ranges, as detailed in S.A.T. Vol. 1, Pam. 18.

3. The following precautions, reprinted from S.A.T. Vol. 1, Pam. 1, Section2, are to be noted especially:-

(a) Drill rounds are employed in training and are essential for efficiency.

There is, however, a risk of accidents through their becoming mixed with live ammunition. To prevent accidents, inspections will be carried out at the beginning of each lesson. Instructors will:-

(i) Inspect all weapons.
(ii) Inspect all ammunition pouches, M.G. belts and boxes, magazines and carriers, to ensure that no live ammunition is present.
(iii) Inspect all drill rounds.
(iv) Show their own weapons and drill rounds to the squad under their instruction.
(v) Inspect grenades and grenade stores, and order the first safety precaution to be carried out in grenade training.

(b) Drill rounds will never be used in aiming at an aiming disc held to the eye.

(c) When drill rounds are used for setting up stoppages with automatic weapons on the range, officer conducting the practice will supervise their issue and subsequent collection.

(d) "Storage of Ammunition - In no circumstances will drill ammunition be kept in, or issued from the same store as that used for live ammunition." (H.Q. 62-2-157).

NO. 8 AMENDMENT:

Daily Order Part I, No. 425, d/31 DEC. 42 is amended to read after DEFENDING OFFICER -
"Captain J.H. Clinton"

NO. 9 DISTRICT COURT-MARTIAL:
No. C 58452 Pte. Andre Julien BENOIT,
1st Garrison Battalion, C.A.

The detail of Officers mentioned below will assemble at the Conference Building, Headquarters, Hamilton-Niagara Area, on Tuesday, the 5th day of January, 1943, at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

(over)

SHEET 3

NO. 9 Cont'd. DISTRICT COURT-MARTIAL Cont'd:
No. C 58452 Pte. Andre Julien BENOIT

PRESIDENT

Lieutenant-Colonel R.P. Locke, E.D.,
Governor-General's Horse Guards,
Attached No. 2 District Depot, C.A.

MEMBERS

Captain J.N. Stephenson,
Scots Fusiliers of Canada, C.A.

Captain H.R. MacKellar,
Scots Fusiliers of Canada, C.A.

WAITING MEMBER

Captain A.L. Pickard,
Home War Establishment,
Headquarters, Hamilton-Niagara Area.

PROSECUTOR

Lieutenant J.L. Downey,
No. 2 District Depot, C.A.,
Attached Headquarters, M.D. 2.

DEFENDING OFFICER

Captain I.R. Robbie,
1st Garrison Battalion, C.A.

OFFICERS DETAILED FOR INSTRUCTION

The Officers Commanding the following formation and unit may each detail 2 Officers to attend the Court-Martial for instruction:-

Headquarters,
Hamilton-Niagara Area,
NIAGARA-ON-THE-LAKE,
Ontario.

1st Garrison Battalion, C.A.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The proceedings will be forwarded to Headquarters, Military District No. 2.

SIGNED at Toronto, Ontario, this 28th day of December, 1942.

NO. 10 DISTRICT COURT-MARTIAL:
No. A 58878 Pte. Robert Joseph HURD,
1st Garrison Battalion, C.A.

The detail of Officers mentioned below will assemble at the Conference Building, Headquarters, Hamilton-Niagara Area, on Tuesday, the 5th day of January, 1943,

(over)

SHEET 4

NO. 10
Cont'd.

DISTRICT COURT-MARTIAL Cont'd:
No. A 58878 Pte. Robert Joseph HURD

at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Lieutenant-Colonel R.P. Locke, E.D.,
Governor-General's Horse Guards,
Attached No. 2 District Depot, C.A.

MEMBERS

Captain J.N. Stephenson,
Scots Fusiliers of Canada, C.A.

Captain H.R. MacKellar,
Scots Fusiliers of Canada, C.A.

WAITING MEMBER

Captain A.L. Pickard,
Home War Establishment,
Headquarters, Hamilton-Niagara Area.

PROSECUTOR

Lieutenant J.L. Downey,
No. 2 District Depot, C.A.,
Attached Headquarters, M.D. 2.

DEFENDING OFFICER

Captain J.H. Clinton, Robb
1st Garrison Battalion, C.A.

OFFICERS DETAILED FOR INSTRUCTION

The following Officers of 1st Garrison Battalion, C.A., will attend the Court-Martial for instruction:-
Captain W.B. Curtis
Lieutenant R.M. Hood

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The proceedings will be forwarded to Headquarters, Military District No. 2.

SIGNED at Toronto, Ontario, this 28th day of December, 1942.

Douglas
(J.G. Douglas) Capt. A/Adjt.,
for Officer Commanding,
1st Garrison Battalion, C.A.

Part I Orders
Nos. 1-10
4 JAN. 43

X 2 141

DAILY ORDERS PART I

by

Lt. Col. G. CARMICHAEL, M.C., E.D.,
Officer Commanding 1st. Garrison Battalion C.A.
Niagara-on-the-Lake, Ont.

No. 426 (SUPPLEMENT) 5 JAN 43 No. 426 (SUPPLEMENT)

AMENDMENTS

No. 426. (a) Part I Order No. 9, dated 4 Jan 43, is amended to read; delete Capt. I.R. Robbie and substitute Capt. J.H. Clinton.

(b) Part I Order No. 10, dated 4 Jan 43, is amended to read; delete Capt. J.H. Clinton and substitute Capt. I.R. Robbie.

(J.G. Douglas) Capt. A/ADJT.
for Officer Commanding,
1st. Garrison Battalion, C.A.

CERTIFIED TRUE COPY

(D.F. Bleesker) Lieut.
Asst. Adjt., and Officer
i/c Records.
1st. Garrison Battalion, C.A.

43

Lt Col GSC
President DCM.

At 11:00 o'clock a.m. on the 5th day of January, 1943, the Court adjourned until 3:30 o'clock p.m. that same day.

On the 5th day of January, 1943, at 3:30 o'clock p.m. the Court reassemble pursuant to adjournment, present the same members as when adjourned.

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THE PROSECUTOR'S OPENING ADDRESS

Lt Col GSHG - President DCM.

The Prosecution will endeavour to show and prove through evidence adduced by witnesses that the accused is guilty as charged of, first of all, the charge of absenting himself without leave from 1200 hours on the 4th of December, 1942, until apprehended in Niagara Falls, Ontario, at 1600 hours, 5th December, 1942, dressed in military uniform; or, in the alternative that he failed to appear at the place of parade appointed by his Commanding Officer when a defaulter at the Niagara Camp, Niagara-on-the-Lake, on the 4th of December, 1942, failed to appear at the guard room, Niagara Camp, Niagara-on-the-Lake, Ontario, 1200 hours, 4th December, 1942, the place of parade appointed by his Commanding Officer.

It will be noted that the 1200 hours on the 4th of December is mentioned in both charges and that is the reason that it is an alternative charge -- that the second charge is made an alternative to the first charge.

The third charge is that the accused, while on active service, drunkenness, in that he at Niagara Falls, Ontario, at approximately 1830 hours, 5th December, 1942, when a defaulter, was drunk.

And the words "on active service" have been inserted because it appears that if an accused soldier is found guilty of drunkenness on active service the crime is more serious than when not on active service.

The place of the parade that the Prosecution will endeavour -- as you were -- the place of parade appointed by his Commanding Officer mentioned in the second charge, alternative to the first charge, we will endeavour to prove is the

Defaulters' Parade, and that the accused failed to answer the bugle to appear at the Defaulters' Parade; that is, the place of parade that we will endeavour to prove is the place that he failed to appear at.

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---THE PROSECUTOR: The accused should know and probably state, I think, that he has been warned, if he has been, that there will be a witness in this case giving evidence whose name is not contained and did not give evidence in the summary of evidence; namely, Mr. Bleecker, giving evidence in place of Captain de Hawken, Adjutant, who is away on a course.

---THE PRESIDENT: (To Accused) When I asked you the first question (Q-6) did you understand the facts that Mr. Downey has just mentioned?

---THE ACCUSED: I was informed of those facts, sir.

---THE PRESIDENT: And are you prepared to go on with your trial irrespective?

---THE ACCUSED: Yes, sir.

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PART II ORDERS
by
Lt. Col. G. CARMICHAEL, M.C. E.D.
Officer Commanding 1st Garrison Battalion, C.A.
Niagara-on-the-Lake, Ontario

EXHIBIT "A"

24 NOV 42

NO. 80

(Last Part II Orders No. 79 dated 23 NOV 42.)

SECTION "A" OFFICERS

1. HOSPITAL (ADMITTED)
Lieut. HAWTHORNE, A. H.M.H. 21 NOV 42

2. AMENDMENTS
Part II D.O. #76-1 d/19 NOV 42 insofar as it concerns Capt. I.R. ROBBIE, is hereby amended to read: EFF: 17 NOV 42.

SECTION "B" OTHER RANKS

3. STRENGTH INCREASE

(a) The undermentioned personnel having been attested and allotted regimental numbers in the C.A., as shown, are taken on strength of 1st Garrison Battalion, EFF: 23 NOV 42
B-24601 Pte. CRUICKSHANK, William (Widower)
B-24602 Pte. SMITH, Ernest William (Married)
B-24603 Pte. BASTABLE, Henry Herbert (Married)

(b) M-44777 Sgt. MILLER, J. having been attached to this Unit for all purposes except pay is taken on strength on transfer from No. 133 (B) T.C. EFF: 18 NOV 42
(Auth: H.Q. 13, C.36-M-2371, dated 11 NOV 42)

(c) B-92636 Pte. MORRIS, R. is taken on strength of this Unit on transfer from No. 2 District Depot, EFF: 24 NOV 42
(Auth: H.Q.S. 5839 M.R. dated 11 SEPT 42)

(d) The undermentioned personnel having been attached to this Unit for all purposes except pay are taken on strength on transfer from Fusiliers St. Laurent, C.A. EFF: 22 NOV 42
D-611738 Pte. BARRIERE, P.A. D-504409 Pte. LAURIN, R.

4. STRENGTH DECREASE

The undermentioned personnel are struck off strength of this Unit on transfer to No. 3A District Depot, EFF: 24 NOV 42
E-19027 Cpl. RICHARDS, J.E. (Auth: T.20-R-4115 (A4)
B-68097 Sgt. BENNETT, W.R. (Auth: T.20-B-7499 (A4)
B-51531 Sgt. COLLIS, J.A. (Auth: T.20-C-6918 (A4)
and H.Q. 6974-52 Vol. 6 (A.P. 2b) dated 14 NOV 42)

5. PROMOTION

A-27098 Sgt. CARSON, A. is promoted to the Acting rank of C.S.M. on organization of Unit Establishment with pay of rank. EFF: 15 SEPT 42

6. REVERSIONS

C-41434 Pte. (L/Cpl) STACEY, S. was reverted to the permanent rank of Pte. EFF: 21 NOV 42

7. HOSPITAL (ADMITTED)
M-63800 Pte. STEEVES, P. St. Cath. Gen. Hosp. 19 NOV 42
B-80886 Pte. EVANS, R.A. N.M.H. 24 NOV 42

24 NOV 42

Daily Order #80

Sheet 1

This is "EXHIBIT A" referred to in the Summary of Evidence, taken by me this 9th day of December 1942 in the case of A.58878 Pte. Hurd, R.J.

D. F. Blescker.

(D.F. Blescker) Lieut.
1st. Garrison Battalion, C.A.

This is a Certified True Copy of Part II Order No. 80, dated 24 November 1942.

R. de W. Hawken

(R. de W. Hawken) Capt., Adjt.
Officer in charge of Records,
1st. Garrison Battalion, C.A.

File

8. FURLOUGHS, ALLOWANCES (R.O. 699)

The undermentioned personnel having been granted fourteen (14) days Furlough, dates shown opposite their names, are issued with Furlough Transportation Warrant, and are entitled to draw Ration Allowance of 50¢ per diem.
(Auth: C.A.R.O. 1880 para (1(b) Art 196(4) F.R. & I.

B-73603	Pte. NEWMAN, A.G.	23 NOV 42 until 5 DEC 42 Toronto, Ont.	A-33648
C-25760	Pte. CAILLIER, F.C.	23 NOV 42 until 5 DEC 42 Pembroke, Ont.	
K-45773	Pte. NEWFELD, A.G.	23 NOV 42 until 5 DEC 42 New Westminister, B.C.	A-33639
L-66564	Pte. METZ, F.	23 NOV 42 until 5 DEC 42 Sedley, Sask.	A-33640
H-100874	Pte. JENNINGS, A.R.	23 NOV 42 until 5 DEC 42 Winnipeg, Man.	A-33641
F-5240	Pte. FRASER, C.S.	23 NOV 42 until 5 DEC 42 Halifax, N.S.	A-33643
K-45816	Pte. FEINSTEIN, I.	23 NOV 42 until 5 DEC 42 Vancouver, B.C.	A-33644
C-58409	Pte.(A/Cpl) HAMILTON, J.E.	23 NOV 42 to 5 DEC 42 Toronto, Ont.	A-33645
F-97609	Pte. HANRAHAN, S.	23 NOV 42 until 5 DEC 42 Glace Bay N.S.	A-33646
F-5557	Pte. SCHURMAN, B.G.	23 NOV 42 until 5 DEC 42 Summerside, PEI	A-33647
L-10013	Pte. PEEVER, H.G.	23 NOV 42 until 5 DEC 42 Canora, Sask.	A-33605
L-100215	Pte. RITTER, N.J.	23 NOV 42 until 5 DEC 42 Regina, Sask.	A-33607
H-77195	Pte. SUSKI, D.I.	23 NOV 42 until 5 DEC 42 Bethany, Man.	A-33620
L-39068	Pte. OSADCHUK, N.	23 NOV 42 until 5 DEC 42 Meacham, Sask.	A-33649

9. ABSENT WITHOUT LEAVE
FIRST NOTICE

A-22776	Pte. JARVIS, H.S.	0630 hrs.	24 NOV 42
B-92642	Pte. LACOMBE, K.E.	2200 hrs.	23 NOV 42
B-111218	Pte. STRINGER, H.	2200 hrs.	23 NOV 42

10. ABSENT WITHOUT LEAVE
SECOND NOTICE

B-70257	Pte. DUGGAN, (Q.Y.R.)	0700 hrs.	15 NOV 42
B-4774	Pte. DYNES, V.	0630 hrs.	16 NOV 42
B-113304	Pte. KIRK, C.	0630 hrs.	16 NOV 42

11. RETURN FROM ABSENT WITHOUT LEAVE

A-58878	Pte. HURD, R.	0200 hrs.	23 NOV 42
B-81630	Pte. ALLEN, J.	2145 hrs.	23 NOV 42

12. CHANGE IN MEDICAL CATEGORY

D-92795 Pte. HUTCHISON, R.A.
Having been medically examined is reclassified as C-II for 3 months. EFF: 26 OCT 42
(Auth: M.F.B. 227 d/4 NOV 42)

13. LEAVE (EXTENSION)
M-100461 Pte. BOSSOSKA, P.B. Granted Special Leave without pay and allowances from 17 OCT 42 until 13 NOV 42 inclusive.
(Auth: T.20-B-8432 (A4) d/23 NOV 42 & R.O. 1935)

14. PUNISHMENTS

(a) M-66702 Pte. MORICZ, A. was, on 23 NOV 42 awarded 14 days Confinement to Barracks and a summary forfeiture of 21 days pay Sec 46(2d) for (1) "Absence without Leave" A.A. 15(1) from 0600 hrs. 17 NOV 42 until 1045 hrs 17 NOV 42, (2) "Breaking out of a defended locality whilst on guard duty at Queenston Power House" on 17 NOV 42, A.A. 10(4)
Absent: 4 hrs. 45 mins.
Open arrest
Total forfeiture: 21 days pay.

(b) C-58452 Pte. BENOIT, A.J. was, on 24 NOV 42 awarded 28 days DETENTION for "Absence withoutLeave" A.A. 15(1) from 2359 hrs. 13 NOV 42 until 1300 hrs. 23 NOV 42 ABSENT: 9 days 13 hrs. 1 min. . (10 days) and automatically forfeits 10 days pay under Art 149 F.R. & I.
Open arrest.
Total forfeiture: 38 days pay.

(c) B-81630 Pte. ALLEN, J. was, on 24 NOV 42 awarded 14 days Confinement to Barracks and a summary forfeiture of 10 days pay Sec 46(2d) for "Absence without Leave" A.A. 15(1) from 0630 hrs. 17 NOV 42 until 2145 hrs. 23 NOV 42 and automatically forfeits 7 days pay under Art 149 F.R. & I.
Absent: 6 days 15 hrs. 15 mins. (7 days)
Open arrest.
Total forfeiture: 17 days pay.

(d) A-58878 Pte. HURD, R.J. was, on 24 NOV 42 awarded 14 days Confinement to Barracks and a summary forfeiture of 10 days pay Sec 46(2d) for "Absence without Leave" A.A. 15(1) from 0630 hrs. 22 NOV 42 until apprehended at Hamilton, Ont. at 0200 hrs. 23 NOV 42 and automatically forfeits 1 days pay under Art 149 F.R. & I.
Absent: 19 hrs. 30 mins.
Close arrest.
Total forfeiture: 11 days pay.

15. AMENDMENTS
Part II D.O. #79-10 d/23 NOV 42 & Part II D.O. #78-7b d/21 NOV 42 insofar as they concern D-59103 Pte. BELLEFLEUR, G. are hereby amended to read: Total forfeiture: 34 days pay and stoppages of pay to the amount of $29.05 (Corr. of forf)

16. CANCELLATIONS

(a) Part II D.O. #79-5 d/23 NOV 42 insofar as it concerns B-58857 Pte. SMITH, G.R. is hereby cancelled.

(b) Part II D.O. #56-8 d/28 OCT 42 & D.O. #56-9 d/28 OCT 42 insofar as they concern K-70297 Pte. DUHAMEL, L.T. are hereby cancelled.

R D Hawken Capt/Adjt.
(R. de W. Hawken)
for Officer Commanding,
1st Garrison Battalion, CA

B "K" EXHIBIT "B" 137

K

FIRST
GARRISON BATTALION
(C.A.)
Niagara-on-the-Lake, Ontario
STANDING ORDERS.

Second Edition 30th NOVEMBER, 1942 Second Edition

1. These Orders cancel all previous Standing Orders and become effective 1st December, 1942, and shall be amended, corrected and supplemented as authorized from time to time by the Commanding Officer.

2. (a) BOUNDS

EAST - Main Highway along Niagara River.
NORTH - Extreme North End of Battalion Parade Ground.
WEST - Main road by Battalion Orderly Room, Drill Hall inclusive.
SOUTH - Paradise Grove.

(b) OUT OF BOUNDS

Hospital Compound
R. C. E. Compound
Headquarters Compound
All Vulnerable Points
All unoccupied Buildings in Area
All places designated as such in Part I Orders.

3. (a) DAILY ROUTINE

Is as ordered in Part I Orders or other official notification from Battalion Headquarters.

(b) BUGLE CALLS

Troops will respond to Bugle calls as sounded by the duty Bugler. No bugle calls to be sounded between "LIGHTS OUT" and "REVEILLE" except "THE ALARM", or in case of fire, the "FIRE ALARM".

4. (a) THE ALARM

In the event of alarm, personnel will fall in on Company Parade ground in Battle Order. In the case of "FIRE ALARM", troops will fall in without arms and equipment as instructed in Standing Fire Orders.

(b) SMOKING AFTER LIGHTS OUT

Under no circumstances will SMOKING AFTER LIGHTS OUT, BE PERMITTED.

5. (a) PICQUETS

The Duty Company will detail daily a Picquet. They will parade at the Battalion Headquarters at 1800 hours for inspection by the Orderly Officer. The men of this Picquet will be on duty all night, and will be on the Alert and report to the Orderly Officer through their N.C.O., any unusual occurence. They will not leave camp during their tour of duty. In the event of any disturbance the picquet will assist the Provost Sergeant when requested.

(b) An N.C.O., and six other ranks will be detailed for duty nightly between the hours of 1900 hours and 2359 hours, to patrol Niagara-on-the-Lake, Ontario, when necessary.

6. (a) PASSES

W.O.'s and N.C.O.'s not below the rank of Sergeant, when off duty, may remain out of Camp until midnight. Rank and File until 2200 hours. Not more than 50% of Officers, N.C.O.'s and men will be permitted out of Barracks at any one time.

This is "EXHIBIT "B"" referred to in Summary of Evidence, taken by me this 9th day of December, 1942 in the case of A58878 Pte Hurd, R.J.

D.F. Bleecker

(D.F. Bleecker) Lieut.
1st Garrison Bn. C.A.

This is a certified True copy of Standing Orders for the First Garrison Battalion, C.A. Second Edition dated 30th November, 1942.

R.D. Hawken

(R. de W. Hawken) Capt. Adjt.
Officer in charge of Records
1st Garrison Battalion, C.A.

Exhibit

6. (a) PASSES (continued)

Men proceeding on pass or leave beyond a radius of "30 miles" must show their return transportation before receiving their passes. The number of Transport Ticket to be written on back of pass. Company Commanders may grant overnight and short week-end passes. All men returning from pass or Furlough must turn in passes to the Guard Room. N.C.O.'s before proceeding on passes must have same approved by the Regimental Sergeant Major.

(b) DRESS OF N.C.O'S AND MEN

All ranks leaving camp in uniform must be properly dressed.

7. (a) DISCIPLINE

SALUTING - Officer Commanding will impress upon all ranks the necessity of paying the proper compliments at all times except when on Vulnerable Points duty.
Troops undergoing training will not be called to attention when the District Officer Commanding or any other Senior Officer approaches. All that is required is that the Senior Officer or N.C.O., in charge should report. Guards on Vulnerable Point Duty will not be called out to pay compliments unless requested by Inspecting Officer.

(b) TRAFFIC - The speed of motor vehicles within the Camp limits will not exceed 15 miles per hour. Drivers of motor vehicles must at all times obey Provincial Highway Traffic Regulations, and regulations governing Army Motor Transport. Dangerous driving and exceeding the speed limit will be severely dealt with. Personnel are forbidden to ride on the running boards of either Government or privately owned vehicles.

(c) PARKING - M.T. and P.O.M.C. will be parked only in areas marked for that purpose.

(d) PRIVATE PROPERTY - All ranks are forbidden to trespass on private property. Climbing over fences bordering on Government or private property is forbidden.

(e) AMMUNITION - No firing of live ammunition is to take place except on the firing ranges and on Guard Point Duty when necessary.

(f) GAMES AND SPORTS - Games such as baseball, football, etc., will be encouraged and played in the areas set aside for these purposes.

(g) DISTURBANCES - No noise is permitted in Barracks or the Camp Lines after "LIGHTS OUT".

(h) VISITORS - Visitors to Barracks are permitted on Saturdays and Sundays only, from 1330 hours to 1630 hours. Only friends of Officers or Other ranks will be permitted to enter.

(i) The practice of throwing cigarette butts and papers into the urinals in Unit latrines is prohibited. Company Commanders will warn all ranks that disciplinary action will be taken against anyone found so doing.

8. (a) LIQUOR IN BARRACKS OR CAMP

The sales of beer in messes and canteens to civilians is forbidden under the Ontario Liquor Act. Attention is directed to the provision of the King's Regulations and Orders for the Canadian Militia, 1939, and the provisions of the Liquor Control Act of the Province of Ontario governing the sale and consumption of intoxicating liquors. The consumption of alcoholic beverages in any place in barracks or quarters other than canteens and messes is prohibited. Company Commanders will be responsible that the aforesaid regulations are strictly complied with. Defaulters will be excluded from the canteen except during the hours of 1200 hours to 1300 hours.

8. (b) GAMBLING

Gambling is strictly forbidden within the Camp Area.

9. MAIL

The Postman in charge will see that all mail is delivered to the proper personnel. All registered mail must be signed for by the person to whom it is addressed. All undelivered mail will be placed under lock and key for safe keeping until delivery.

10. TELEPHONES

The Telephones at Battalion Headquarters and M.T. Office for Official Communications ONLY.
No telephone calls to be phoned in to the Battalion reversed charge, which have reference to personal affairs such as extension of pass, etc.

(b) TELEGRAMS (Collect)

The same conditions apply as in Paragraph 10.

11. REPORTS, RETURNS, ORDERS, ETC.

Battalion Part I and Part II Daily Orders will be issued Daily except Sunday, not later that 1530 hours. Copies to be posted and distributed to the proper personnel.
All Company Parade States to be in Battalion Orderly Room by 0845 hours daily.

12. TRANSPORT

The M.T. will be used only on Official business and the authority for use of vehicles will be issued by the Transport Officer. Drivers i/c will have the proper form of release of M.T. signed before leaving Camp and keep proper records of same.

13. TOURS OF DUTY

When a member of the Battalion is detailed in Part I Order or other official Battalion Headquarters communication, for some specific duty, no change will be allowed without the permission of the Adjutant acting for the Commanding Officer.

14. READING OF STANDING ORDERS TO ALL RANKS

Unit Commanders will be responsible to see that Camp Standing Orders are read within 12 hours of the time of arrival of troops.

R. de W. Hawken .....Adjutant,
(R. de W. Hawken) Captain, for
Officer Commanding,
1st Garrison Battalion, C.A.

C. EXHIBIT "C" 163

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 187, 1942.

(Apprehension by or surrender to civil authorities)

I certify that the person whose description is given below was arrested by (~~XXXXXXXXXXXXXXX~~ William Campbell Motorcycle Constable Niagara Falls Police Department (Name of Peace Officer or Constable) ..... at Niagara Falls, Ontario. (Place)

at 1600 Hours (Hour) ....on the ....5th..... day of December ....1942.

and that at the time of arrest (~~XXXXXXXXXX~~ he was wearing military ~~XXXXXXXXXX~~ uniform ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~.

Regimental particulars of officer or soldier referred to above.	(No. A.58878
	(Rank Private
	(Name HUBD, Robert, Joseph
	(Unit 1st Garrison Battalion
Description	(Age 26 years 11 months
	(Height 5ft 9½in.
	(Complexion Dark
	(Hair Brown
	(Eyes Brown
	(Marks Linear scars base of right thumb and right wrist; Tattoo right forearm (R.H.)

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.

Melvin D. Dodds

(~~Peace Officer~~)(Constable) (or officer in charge of Police Station). Chief Constable, Niagara Falls Police Force.

(STRIKE OUT WORDS NOT APPLICABLE)

M.F.M. 215

M

EXHIBIT "D"

"M"

65

Certificate in accordance with Order-in-Council P.C. 2737 dated April 10th, 1942, as published in Routine Order 1977 and in General Order No. 127, 1942.

(Apprehension by or surrender to service authorities)

I, B-97627 Sgt. Brown, J. 3T. Cov. Can. Provost Corps
(Number) (Rank) (Name) (Unit)

hereby certify that A-58878 Pte. Hurd, R.J.
(Number) (Rank) (Name in full)

of the 1st Garrison Batt.
(Unit and attachment (if any))

was apprehended by (surrendered to) B-97627 I/Cpl.
(Number) (Rank)

Thompson, W. B. B-19783 I/Cpl. Arendale, 3T. Cov. Can. Provost Corps
(Name) (Unit or appointment)

at The Niagara-Falls Police Station
(Place)

at 1830 on the 8th day of December 1942
(Hour)

as a deserter (or absentee without leave), and that at the time of his arrest was wearing military (air force) uniform (dressed in civilian clothes).

DATED AT Camp Niagara

this 10 day of December 1942

(Strike out words not applicable)

B-97627 Sgt. 3T. Cov. Can. Provost Corps
(Signature, Number, Rank, Unit or appointment)
N.C.O. I/C No I Detachment Camp-Niagara

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216

This is EXHIBIT "D" referred to in the summary of evidence, taken by me this 9th day of December 1942, in the case of A-58878 Pte. HURD, R.J.

(D.F. BLEECKER) Lieut.
1st Garrison Battalion, C.A.

This is "EXHIBIT D" referred to in the Summary of Evidence, taken by me this 9th day of December, 1942 in the case of A55878 Pte Hurd, R.J.

D. F. Bleecker.

(D.F. Bleecker) Lieut.
1st Garrison Bn. C.A.

99

THE PROSECUTOR'S CLOSING ADDRESS

Gentlemen: I submit that the Prosecution has proved beyond any reasonable doubt that the accused has absented himself from the witnesses and the documentary evidence filed; or, in the alternative, that the accused, knowing that he was a defaulter, ignored a Defaulters' Parade and did not appear when the bugle sounded Defaulters' Parade at 1200 hours the 4th of December, 1942, that being the place of parade appointed by his Commanding Officer and set out in the Garrison Standing Orders.

With reference to the third charge, we have two---

---THE PRESIDENT: Do you suggest that those Standing Orders setting out the place of Defaulters' Parade is very clear and properly done?

---THE PROSECUTOR: I agree in that connection, sir. I will leave my remarks on the third charge for the moment. I agree that probably it hasn't been brought to the attention very clearly and it is difficult for a Private soldier, not knowing military law, to know what should be done and what his duties are. But the accused man has admitted under cross-examination that he knew that he was a defaulter before; he knew the Defaulters' Call, and that he did not answer it. For the Court's information -- the Court is probably very well aware of this section in K.R. (Can.), but for the purposes of the Record, K.R. (Can.) Paragraph 472 (b) (i), and it deals with powers of a Commanding Officer:

"A Commanding Officer may, subject to the soldier's right to elect, previous to the award, to be tried by District Court-Martial, inflict on a private soldier the following summary punishments:--"

And it deals with confinement to barracks for any period not exceeding 14 days. And this Paragraph further states:

"Defaulters will be required to answer to their names at uncertain hours throughout the day, and will be employed on fatigue duties to the fullest practicable extent with a view to relieving well-conducted soldiers therefrom. Defaulters will attend parades, and take all duties in regular turn. When the fatigue duties required are not sufficient to keep the defaulters fully employed, the commanding officer may order them to attend extra drill, which shall be limited to one hour a day, and shall be limited to useful instruction."

It is for the Court to decide, I believe, whether or not sufficient notice has been given the accused of his duties as a defaulter. Now, I am leave the first two charges which are in the alternative. For the Court's information, before I leave that I would like to refer the Court to Army Act, Section 15, Note 3, paragraph (ii). This is with reference to the alternative charges. It says:

"A soldier absent without leave is not also liable to trial for failing to attend parades, etc., during the period of his absence, but he may be tried on alternative charges for both offences. A soldier absent from parade owing to drunkenness should be charged under Section 19 and not under this paragraph."

That really doesn't apply.

Now, dealing with the third charge -- WHEN ON ACTIVE SERVICE, DRUNKENNESS -- We have two witnesses come before the Court who are members of the Canadian Provost Corps who have sworn under oath that in their opinion the accused soldier was drunk at the time he was apprehended by them from the civil authorities in Niagara Falls, and that they had to assist him to the station wagon

It is true that the Prosecution has also produced to the Court two witnesses from the Regimental Guard Room from the 1st Garrison Battalion and they state that the accused was sober and properly dressed. Well, there was a short period of time and the drive from Niagara Falls to Niagara-on-the-Lake in the interim, and the accused might have had a chance in that time to sober up. In any event, I will close my remarks by asking that the Court consider what I have said, and I believe that there is sufficient evidence to convict the accused.

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Lt Col GENG
Presided D.C.M.

THE DEFENDING OFFICER'S CLOSING ADDRESS

Sir, the charge of drunkenness -- this man was apprehended by the Niagara Falls City Police. They have sent in a certificate of apprehension which does not mention anything about this man being drunk. The Provost Corporals -- one says he assisted him; the other says he didn't. There were two other men -- he doesn't know who -- they state he was drunk because they could smell his breath and he was unsteady on his feet.

The accused was in the box and he said he had a few drinks and that he was tired. The Court has heard all the evidence on that charge and they are capable of dealing with it. I would like to suggest, sir, that there is not sufficient evidence on the drunkenness charge.

On the charge of failing to answer Defaulters--he had been sentenced to 14 days' C.B. and went up in the line and he stated -- and I believe there is evidence here -- that others had been given passes after coming off the line who were still undergoing C.B. I think he believed that he was quite free to go down to the Lake on a Saturday Afternoon. He was around the hut; ate his meals at the men's mess -- unfortunately there is no witness here that he was talking to, but I would ask you, sir, to believe his story. He saw fit to go in the box; he didn't hide anything; and I would ask you, sir, to believe that he didn't think that he had to answer Defaulters' Call when he came back off post.

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STATEMENT BY THE ACCUSED IN MITIGATION OF PUNISHMENT

Lt Col GSO 1
Grenadier S.C.W.

I would like to say a few words in regard to the fact, as I understand, if I am found guilty my crime sheet will go against me. But I would like to point out the fact that although I am a member of the Canadian Army, I am more or less a civilian as I had not a great deal of training, sir, and in all my crimes you will find they are usually A.W.L. -- staying a short time over pass, and that is, really I have been a civilian the best part of my life and am only a short time in the Army, and the time as a civilian I had my rights of my own free will of coming and going as I cared and seen fit.

And I have not been taught a great deal about Army discipline. I have not learned a great deal about Army law; in fact, I had one half-hour of instructions on military law since I have been in the Army. That was from a Company Commander in the 1st Garrison Battalion. And I would like you to take those things into consideration in your summing-up of the case, and I don't think I have a great deal to say. I think there was enough said pro and con on the subject. I would say on the first bit of evidence, I think it was Exhibit "L,"---

---THE PRESIDENT: That is the document which is signed by the Chief Constable, Exhibit "L" is the certificate of apprehension by, or surrender to, civil authorities. That is signed by Melvin D. Tisdale, Chief Constable. Is that the document you refer to?

---THE ACCUSED: Yes, sir, Is that the usual procedure for evidence to be taken before the accused?

---THE PRESIDENT: Yes, that document was quite properly admitted as evidence of what it stated on the face of it. It stated that you were the person -- it gives your name, and so on. It gives the name of the motorcycle officer constable of Niagara Falls of the Police Department, that arrested you. It states the time on the 5th of December. It gives your regimental number, your rank, your name, your battalion, and gives your description.

---THE ACCUSED: Then that is in order, sir?

---THE PRESIDENT: Yes, that document is admitted as evidence by virtue of two Orders-in-Council, P.C. (that is, Privy Council) Order 2797 and Routine Order 1877 and also a General Order 127. And the purpose that a document like that is admitted is to save expense to an accused man if he is found guilty of the cost of bringing police officers from, sometimes, very distant parts to give evidence, and the cost of bringing them to the Court-Martial and sending them back -- and if the accused is found guilty, then having the cost of that added as a penalty to the accused man in addition to any other penalty that may be given. So, with that in view, the Government of this country considered it fair and proper that to save accused persons waiting in custody while a police officer or others were brought from distant parts of the country to give evidence, that if proper officers,like the Chief Constable in this case, men of reputation, give a certificate that the accused man was found or was arrested or surrendered himself to the police officer at a certain time and under certain conditions, then that that is properly admissible before a Court of Law or before a Court-Martial.

---THE ACCUSED: Thank you, sir. I don't think I have anything more to say, sir. I am satisfied.

---THE PRESIDENT: Well, now, the only thing I can say to you, Hurd, is, you are a man of intelligence; you are 27 years of age, nearly 28 years of age; you can judge by today's proceedings how careful this Court has been in seeing that every bit of evidence in your favour, as well as the evidence that was against you, was brought before this Court.

---THE ACCUSED: Yes, sir.

---THE PRESIDENT: You have seen that the Prosecuting Officer did his duty in the way that one is always pleased to acknowledge when he goes to the trouble of calling two witnesses whose evidence might, if believed, and apart from any other evidence, might have gone to relieve you from the guilt of some of these charges. The Court cannot tell you the fact that you have been found guilty on any of these charges, and the Court is not in the position, under the Army Act and Rules of Procedure, to tel you of any sentence which may be imposed until that has been confirmed by the D.O.C.

The Court will bear in mind what you have said, and you can rest assured that in coming to a conclusion and dealing with your case that the Court is motivated, in the first place, by what is going to be a good thing for you as an individual, so as to make you a better soldier of the Canadian Army; but the Court must also bear in mind that discipline must be maintained in this very particularly important Garrison area where there are so many valuable plants that have to be

preserved, and that if soldiers let down on their duties on these very important jobs which may seem monotonous, then it is going to be too bad for this country. And in weather like this if the power plant of Niagara were allowed to be blown up by the carelessness of some soldier or by some other fellow going off and getting drunk when he should have been on his duty, or by otherwise not doing his duty, then it would be a great calamity for the whoe of the Province of Ontario and the whole of the Dominion of Canada. All those things have to be borne in mind by this Court in arriving at its conclusions and in deciding on sentences that are imposed on men that come before the Court.

- - - - - - - -

M.F.B. 255
3/M—11-41 (3271)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
A.58878	Private	Robert Joseph Hurd	1st. Garrison Battalion

1. The following is a fair and true summary of the entries in the Field ~~Service and General~~ ~~Regimental and Squadron, Battery~~ RDH Conduct sheets ~~or Company Conduct sheets~~ RDH of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ RDH of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

Within last 12 months		Since enlistment or appointment	
For Conduct to the Prejudice	2 times	Conduct to the Prejudice	2 times
For A.W.L.	7 times	A.W.L.	7 times
For Neglect to the Prejudice	1 times	Neglect to the Prejudice	1 times
For Drunkenness 14-7-42, 15-10-42, 3-8-42,	3 times	Drunkenness 14-7-42, 15-10-42, 3-8-42,	3 times
		For Leaving his Post without being relieved.	1 times

~~Number of instances of gallantry or distinguished conduct~~ RDH

For Leaving his Post without being relieved. 1 times.

~~There are no entries in the conduct sheets of the accused.~~ RDH

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

~~or~~ RDH

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under~~ RDH ~~Air Force Act~~ RDH ~~A.F.A. 73~~ RDH ~~Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule~~ RDH ~~annexed to this statement~~ RDH

3. The accused is not under sentence at the present time.

~~or~~ RDH

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~ RDH

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and ~~X~~ 31 DTB Air Force days in military custody, making a total of ~~X~~ 31 DTB. days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ RDH attestation paper is ~~26 yrs. 11 months.~~ 27 yrs DTB

6. The date of his ~~commission~~ RDH attestation specified in his ~~record of service~~ RDH attestation paper is 11 December 1941

~~7. The service which the accused is allowed to reckon towards discharge is~~ RDH

~~8. The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~ RDH

~~9. The accused is in possession of or entitled to no air force decoration, or air force reward (or is in possession of or entitled to). State any air force decoration or reward.~~ RDH ~~military~~ RDH ~~military~~ RDH ~~military~~ RDH

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer had held the regimental rank of .....~~ RDH ~~Air Force~~ RDH

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~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~

Permanent Force
unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit.....Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
		RAH		

D. T. Blanchard Lieut
Asst. Adjt and Officer
in charge of Records
First Garrison Bn. C.A.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

RD Hawken

Signed this ~~16th~~ 5th day of ~~December 1942~~ January 1943 (R. de W. Hawken) Capt.,
Adjt. Officer i/c
Records,
1st. Garrison Battalion, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

Charge dismissed

This is a Certified True Copy of M.F.M. 6 of A-58878 Pte. Hurd, R.J. (R. de C. Burke) Capt., Adjt.

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Name of Witnesses	Punishment awarded	Date awarded or disposed with trial	By whom awarded	Remarks
London, Ont.	13-6-42	Pte.		Neglect to the prejudice of Military Discipline in that he absented himself from piquet Mounting at Wolseley Barracks	Cpl. Farr	4 Extra Piquets	15-6-42	Capt. W.B.White	Forfeits 1 days pay under Art. 149 F.R.&.I.
London, Ont.	14-7-42	Pte.	1	"DRUNKENNESS" (1st Offence)	Documentary	Admonished	17-7-42	Capt.W.B. White	
London, Ont.	3-8-42	Pte.	2	"DRUNKENNESS" (2nd Offence) and Disorderly.	Sgt.Thompson	14 days Detention	3 Aug 42	Lt.Col. Neilson	Fined $5.00 for 2nd. offence of Drunkenness.
St.Johns, P.Q.	1-9-42	Pte.		AWL from 0600 hrs. 1-9-42 to 2130 hrs. 1-9-42. Absent 15 hrs. 30 mins.	Cpl.Kalaydian	7 days C.B.	3-9-42	Capt. W.B. Curtis	Forfeits 1days pay.
St.John, P.Q.	10-9-42	Pte.		Leaving his post on piquet without being releived.A.A. Sec 5 (2)	Cpl.Kalaydian	21 days Detention	12-9-42	Lt.Col. Carmichael	Forfeits 1 days pay.
Niagara Camp	13-10-42			AWL from 2200 hrs.13-10-42 until 0300 hrs. 14-10-42.	L/Cpl.Nelson Documentary	5 days C.B.	14-10-42	Capt. W.B. Curtis	

A-58578

No. Name HURD, Robert Joseph Sqn., Battery, or Company Corps No.1 D.D. (AF) RCOC Date of enlistment 11-12-41 G.C. Badges Service or Proficiency Pay

Date of last entry in Company Conduct Sheet No. and date of last drunk Period not reckoning towards freedom from extra fine Sheet No. One Signature O.C. Company, etc. Sgd. (C.A. Smith) Lieut. (Charge)

M.F.M. 6 (A.F.B. 122) 500M—11-40 (5-42) H.Q. 1272-49-18

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order disposing with trial	By whom awarded	Remarks
London, Ont.	10-2-42	Pte.		W.O.A.S. Conduct to the prejudice of good order etc. in that he did strike a comrade.	Gnr.Gooding Pte.Bechard	Admonished	10-2-42	Capt. J.W. Dawkins	
London,	14 Feb	Pte.		AWL 2359 hrs 14 Feb until 0205 hrs 15 Feb (2 hrs, 6 min)	Documentary	3 days C.B.	16 Feb	Capt.Thomas	
London,	26-4-42	Pte.		A.W.L. from 0700 hrs.26-4-42 until 2330 hrs.27-4-42	L/Cpl.Leitch Documentary	7 days C.B.	29-4-42	Capt. W.B.White.	Forfeits 2 day pay F.R.&.I. Cost of Apprehention $2[illegible]7
London,	19-5-42	Pte.		Conduct to the prejudice etc. in that he was causing a disturbance in hut 12 after lights out.	L/Bdr. McNaughton Cpl. Shears	Awarded 3 days pay Sec. 46 A.A.	20-5-42	Lieut.Col. Neilson	

(P.T.O.)

No. A-56576 Name HURD, Robert Joseph Sqn., Battery, or Company

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Corps

Period not reckoning towards freedom from extra fine

Date of enlistment 11-12-41 G.C. Badges

Sheet No. 2

Signature O.C. Company, etc.

Service or Proficiency Pay

Character

M.F.M. 8 (A.F.R. 122) 300M—11-40 (3625) H.Q. 1272-43-18

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Niagara Camp	15-10-42	Pte	3	"DRUNKENNESS" A.A. Sec. 19	Documentary	Fined $10.00	15-10-42	Lt. Col. Carmichael	
Chippawa	18-10-42			AWL from Chippawa 0130 hours 18-10-42 until he surrendered himself at 0800 hours 20-10-42. Total absence 2 days, 7 hours 30 minutes. Open Arrest A.A. 15 (1)	A/Cpl. A.F. Fell A/Cpl. McGee (Written)	Admonished	20-10-42	J.W. Territge Capt.	Forfeits 3 days pay. F.R.&I. 149
Chippawa	31-10-42			AWL from 0130 hrs. 31-10-42 until he was apprehended in N.F. Ont. by Civilian Police at 2225 hrs. 31-10-42. Total absence 20 hrs. 55 mins. Close Arrest A.A. 15 (1)	Sgt.Major P.C.Powell (Written)	72 hrs. Detention	1-11-42	Major Findley A/C.O.Maj.	Forfeits 1 day pay F.R.I.(149)

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Niagara Camp	22-11-42	Pte.		AWL from 0630 hrs. 22-11-42 until 0200 hrs. 23-11-42.	Documentary	14 days C.B. 10 days pay	24-11-42	Lt.Col. Carmichael	1 days pay
				This is a Certified True Copy of M.F.M. 6 of A.53673 Pte. Hurd, R.J.					
				Niagara-on-the-Lake, Ont. 10 Dec 42.		(R. de W. Hawken) Capt., Adjt. for Officer Commanding, 1st. Garrison Battalion.			

SUMMARY OF EVIDENCE
in the case of

No. A58578 Pte Robert Joseph Hurd, 1st Garrison Battalion, C.A., a soldier of the Canadian Army placed on Active Service.

CHARGES:

1. Absenting Himself Without Leave.

2. Failing to Appear at the Place of Parade Appointed by his Commanding Officer.

3. Drunkenness.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS

Capt. R. de W. Hawken, Adjutant and Officer in charge of Records, 1st Garrison Battalion, C.A., having been duly sworn states;

I am Capt. R. de W. Hawken, Adjutant and Officer in charge of Records of the 1st Garrison Battalion, C.A. I recognize the accused as A58578 Pte Hurd, R.J. and I present marked Exhibit "A", certified true copy of Part II orders No. 80 dated the 24th November, 1942, showing Pte Hurd, R.J. awarded 14 days Confinement to Barracks on 24 November, 1942. This exhibit has been read to the accused and I state that the accused is the person referred to in this order. Exhibit "B" certified true copy of First Garrison Battalion, Standing Orders, Second Edition, dated 30th November, 1942, Section 3 (b) states:- "Troops will respond to Bugle calls as sounded by the duty Bugler" This exhibit has been read to the accused and I state that the accused is the person referred to in this order. Exhibit "C" M.F.M. 215, Certificate of apprehension by Civil Authorities, showing A58578 Pte Hurd, R.J. First Garrison Bn. apprehended at Niagara Falls, Ont. at 1600 hrs 5th December, 1942. This exhibit has been read to the accused and I state that the accused is the person referred to in this document. Exhibit "D", M.F.M. 216 showing A58578 Pte Hurd R.J. apprehended by B97671 L/Cpl Thompson, W. and B19763 L/Cpl Arendale of the 31st Coy, Canadian Provost Corps at Niagara Falls Police Station at 1830 hours 5th December, 1942. This exhibit has been read to the accused and I state that the accused is the person referred to in this document.

R. de W. Hawken
(R.de W. Hawken) Capt.
Adjutant
1st Garrison Bn. C.A.

The accused declines to cross-examine the witness.
The exhibits mentioned above, were produced and attached to the Summary of Evidence.

SECOND WITNESS

No. M45002 Pte Pierce, H.G., 1st Garrison Bn, C.A. having been duly sworn states:-

I am M45002 Pte Pierce, H.G. of the First Garrison Bn. C.A., I was duty Bugler on the 4th December, 1942. I sounded the Bugle for defaulters' parade at 1200 hrs 4th December 1942.

H G Pierce

(M45002 Pte Pierce, H.G.)

The Accused declines to cross-examine the witness.

THIRD WITNESS

No. A42282 Cpl. Cobleigh, M., 1st Garrison Battalion, C.A. Having been duly sworn states:

I recognize the accused as A58878 Pte Hurd R.J. I called the Defaulters Roll Call at 1200 hours 4th December 1942, and Pte Hurd was absent. I called the Defaulters Roll again at 1300 hours, 1700, 1800, 1830, 1900, 1930, 2000, 2030, 2100, 2130 and 2200 hours on 4th December 1942, and Pte Hurd was absent at each call. He was continuously absent at each Roll Call, until returned to the Guard Room at Approximately 1845 hours 5th December, 1942.

M Cobleigh

(A.42282 Cpl. Cobleigh, M.

Questions by accused.
"Was any effort made to find if I was in Barracks or not?"
Answer by witness: "Yes there was." M.C.
Question: "What were the findings?"
Answer: "I went to the Company Orderly Room and the Company Clerk told me that Pte. Hurd was to receive a pass, as he had just returned from Guard Duty." M.C.

Fourth Witness: No. B.97671 L/Cpl. Thompson, W., No. 31 Provost Corp, No. 1 Detachment, having been duly sworn states;

"I recognize the accused by sight. He was handed me by Niagara Falls Civilian Police, at Niagara Falls Police Station at 1830 hours 5 December 1942. He was drunk and had to be assisted to the police truck. He was turned over to the Regimential Police at 1st. Garrison Battalion at 1845 hours 5 December 1942."

W. Thompson
(B.97671 L/Cpl. Thompson, W.)

Questions by accused.
"Was I very drunk when taken over by you?"
Answer by witness: "You had to be assisted by two men, one on either side of you." W.T.
Question: "How did I act after I got in the truck?"
Answer: "I was driving and didn't contact you." W.T.
Question: "In what condition was I when turned over to the Regimental Police?"
Answer: "You were staggering and not in a fit condition to be on the street." W.T.

Fifth Witness: No. B.19783 L/Cpl. Arendale, E., No. 31 Provost Corp, No. 1 Detachment, having been duly sworn states;

"I recognize the accused by sight. We got Pte. Hurd at Niagara Falls Police Station at 1830 hours 5 December 1942. He was staggering and had to be assisted to the truck. About fifteen minutes later we turned him over to the Regimental Police."

E. Arendale
(B.19783 L/Cpl. Arendale, E.)

Questions by accused.
"In what condition was I when turned over to the Regimental Police?"
Answer: "There wasn't much difference in your condition since being taken over at Niagara Falls Police Station, except that you did not need to be assisted to the Guard House. You were not in a fit condition to be on the street." E.A.

Sixth Witness: No. A.57453 Pte. French, W.O., 1st. Garrison Battalion, C.A., having been duly sworn states;

"I recognize the accused as A.58878 Pte. Hurd, R.J. I was on duty Saturday, 5 December 1942, at 1845 hours Pte. Hurd, R.J., was delivered to the Battalion Guard Room. He was sober and properly dressed."

W.O. French

(A.57453 Pte. French, W.O.)

Questions by accused.
"Did you see me in the Camp at any time between 1200 hours 4 December 1942 and 1845 hours 5 December 1942?"
Answer by witness: "No."

Seventh Witness: No. M.56479 Pte. Baird, R.A., 1st. Garrison Battalion, C.A., having been duly sworn states;

"I recognize the accused as A.58878 Pte. Hurd, R.J. I was in the Guard Room on Saturday, 5 December 1942. At 1845 hours Pte. Hurd, R.J. was delivered to the Guard Room, by L/Cpl. Thompson and three other Provosts. I placed him under Close Arrest. He was sober and properly dressed."

R.A. Baird

(M.56479 Pte. Baird, R.A.)

The accused declines to cross-examine the witness.

Eighth Witness: No. A.103836 Pte. Scott, R.I., 1st. Garrison Battalion, C.A., having been duly sworn states;

"I am "B" Company's Orderly Room Clerk. I recognize the accused as Pte. Hurd, R.J.. On Friday 4 December 1942, Pte. Hurd came to me and stated that he wondered why he hadn't gotten a pass. I told him that Capt. Curtis would not grant it."

Scott

(A.103836 Pte. Scott, R.I.)

The accused declines to cross-examine the witness.

QUESTIONS TO THE ACCUSED:

"Do you wish to make any statement or to give evidence upon Oath? You are not obliged to say anything or give evidence, unless you wish to do so, but whatever you say, or any evidence you give, will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED:

"I have nothing to say." R J Hurd.

The accused declines to call any witness in his own behalf.

I certify that rules of procedure 4, (c), (d), (e) and (f) have been complied with.

"Taken down by me, in the presence of the accused at Niagara-on-the-Lake, Ont., this ninth (9) day of December 1942, and the fifteenth (15) day of December, 1942.

D.F. Bleecker

(D.F. Bleecker) Lieut.
1st. Garrison Battalion, C.A.
Officer detailed to take
this Summary of Evidence.

MEDICAL OFFICER'S REPORT

I certify that No. A-58878 Pte. HURD, R.J.,
of First Garrison Battalion, C.A., is in a good state of health,
and fit to undergo Trial by Court martial.

Capt Reserve
Capt., RCAMC,
Medical Officer
(W.J.B. Derbyshire) attached,
First Garrison Battalion, C.A.

Station Niagara-on-the-Lake, Ontario.

Date 5th January, 1943.

M. F. B. 246
25M—4-43 (C744)
H.Q. 1772-39 660

H.Q.C. 55-H-325

CONFIDENTIAL

N.F.A. MTR

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HICKMAN, F. K.79067 PTE.

NO.3 PETROL COY., R.C.A.S.C., C.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-325

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
	2/2				New File	CR	6/2/43
FEB 12 1943				AD	To note & f A	PM	10/2/43
FEB 26 1943	26 1A 43	PA		A.P.	Minutes please	L.H.S.	20 2/43
FEB 27 1943	27/2/43	P.A.			Per BF 25/2/43	CR	26-2-43
MAR 13 1943	19 3/43	P.A.		DSS	MAR 17 1943		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q. 405-H-5412
H.Q.C.55-H-325
(A.P.2b)

OTTAWA, Ontario, 25th February, 3.

District Officer Commanding,
Military District No. 12,
Regina, Saskatchewan.

District Officer Commanding,
Military District No. 2,
Toronto, Ontario.

~~K.79067 - Pte. R.E. HICKMAN~~
~~No. 3 Petrol Coy., R.C.A.S.C.~~

Reference M.D. 12 letter, H.Q. 1-H-717, dated 1st February, 1943. Approval has been granted for the transfer of the marginally named soldier to No. 22 C.A.E.(B)T.C., North Bay, for training.

TPM/MA

(H.F.G. Letson)
Major-General,
Adjutant-General.

H.Q.C.55-H-325(JAG)

February 10th, 1943.

District Officer Commanding,
Military District No. 12,
Regina, Saskatchewan.

Re: District Court-Martial
K.79067 - Pte. Raymond F. Hickman
No. 3 Petrol Coy., R.C.A.S.C., C.A.

(1)

Receipt is acknowledged of your R.C. 1-H-717 dated 1st February, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. It is noted that the sentence of the Court in this case has been confirmed by the District Officer Commanding, but that the entire sentence was remitted. Since the proceedings are quite in order, they are therefore retained for custody.

Brigadier,
Judge Advocate-General.

(2) RBL/HB.

A.P.
1. Passed please verify respond to page 5 of letter dated 1-2-43 re DOP. If two police down
Wm. Shannon
for D.O.C. 12 Mil. Dist.
20/2/43.

H.Q. C. 55-H-325
M.D. R.C. 1-H-717

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. K.79067 Name HICKMAN, R.F.

Rank Pte. Unit #3 Div. Petrol Coy., R.C.A.S.C., C.A., Camp Debert, N.S., Att. #12 D.D., C.A.

Charge (1) Sec. 12 (1) (a) AA DESERTING H.M.S.

(2) Sec. 24 (2) AA LOSING BY NEGLECT

Date of Crime (1) 27/7/41 (2) 23/12/42

Date of Arrest 28/11/42 Charge. Signed 12/1/43

Orders for D.C.M. D.O.C., M.D. #12

Place and Date of Trial Regina, Sask. 19/1/43

Sentence DETENTION 120 DAYS STOPPAGES $94.75

Date of Confirmation 25/1/43

Date of Promulgation 26/1/43

Entered in Records of J.A.G. as No. 7727

Date 8/2/43

MEMO NOT GUILTY OF DESERTION BUT GUILTY OF A.W.L. ON FIRST CHARGE

R.B. Laud Gillies
for Judge Advocate-General.

3M-12-42(M1754)

1727

to file

IN REPLY PLEASE QUOTE

Department of National Defence

No. R.C. 1-H-717.

CANADA

Regina, Sask., 1st Feb. 1943.

CENTRAL REGISTRY (DND)
P.A.R.
Sec. H-325
FEB 9 1943
Referred to

CONFIDENTIAL

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

K.79067 - Pte. Raymond F. HICKMAN
No. 3 Petrol Coy., R.C.A.S.C., C.A.

1. The marginally named soldier was taken on the strength of No. 12 District Depot on 28th November, 1942, while absent without leave from his Unit from 27th July, 1941. He was charged with deserting His Majesty's Service and losing by neglect and was tried by District Court Martial on 19th January, 1943, convicted and sentenced to 120 days detention and awarded stoppages of $94.75 in respect of the cost of apprehension and to make good the value of deficiencies. The sentence of the Court was confirmed by the District Officer Commanding but the entire sentence was remitted.

2. Before remitting the sentence the District Officer Commanding interviewed the accused and made some enquiries into his background. The early life of the accused was somewhat tragic. When he was about seven or eight years of age owing to conditions in his family he was sent to an orphanage, where he remained for a year or so. He then went to reside with foster parents, where he remained for a short time, when he was returned to the orphanage. After that he went to a foster home at William's Lake in the Cariboo country of British Columbia and was working there on a ranch at the time of his enlistment. He has a Grade IV education.

3. This soldier is obviously a weakling and emotionally unstable and it was the feeling of the District Officer Commanding that a sentence of detention would do more harm than good and would reduce the chances of reclaiming him as a useful member of the Armed Forces. He has now been examined by a psychiatrist and the report of the psychiatrist, copy of which is attached, more or less confirms this view.

4. With regard to the remission of stoppages of pay, it is pointed out that no Court of Inquiry under section 72 of the Army Act was ever held in connection with this soldier's absence and it was considered that in all probability the greater part of the deficiencies were returned to stores.

5. In view of the foregoing it is recommended that this soldier be treated as a special case and that

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M.F.B. 239
A0001M—9-40 (7244)
H.Q. 1272-20-184

he be transferred to No. 22 Special Basic Training Centre, or some similar Unit, and given an opportunity to make a fresh start. The soldier has declared that he is anxious to redeem himself and become a good soldier. He has completed his basic training.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Encl:

Copy to:

Officer Commanding,
No. 3 Divisional Petrol Coy.,
R.C.A.S.C., C.A.,
Camp Debert, N.S.

No. 12 District Depot,
Regina, Sask.

For information.

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

CASE SHEET (SPECIALIST REPORT)

Hospital ..... Report No. .....

Regt'l No. K-79067 Rank Pte. Name HICKMANN, Raymond F.

Unit #12 Dist. Depot Date of Enlistment 1 June 1940 Age 21

Born in Salmon Arm, B.C.
Mother committed to New Westminster Mental Hospital when soldier was about 6 years of age and she has been there ever since. Soldier does not remember her. Shortly after this, he was sent to an Orphanage in Vancouver and his father re-married. States his father and step-mother never got along and he was never home again except for short periods of from a month to a few days. While in the orphanage, was adopted out to foster parents off and on till age of 18 when he enlisted.

SCHOOL: 12-15. Grade IV passed. This boy could have done much better if he had had an opportunity to go to school. I.Q. shows he has an I.Q. of between 90 and 100 which is an average intelligence.

Does not drink. Has no police record except for 30 days in Prince Albert Goal when he was picked up for not having a registration card. States he has always been a good worker, was never fired and whenever he worked, he has been asked to come back again. A.W.O.L. from Army from July 1941 to November 1942.

This soldier is emotionally unstable. He frequently has time when he feels depressed for no apparently reason and is reasily moved to tears. Also has a marked inferiority complex and feels that other people regard him as perhaps somewhat "Queer", to use his own expression. This feeling would seem to be the result of his lack of confidence from lack of home environment along with the knowledge that his mother is a patient in a mental hospital. Taking into consideration his back ground and youth, it is not thought he entirely realized the seriousness of his action. It is the writers opinion that he has had this pretty well brought to his attention by the Court Martial and that further punishment would aggravate the feelings of inferiority, etc., mentioned above.

Date January 27th, 1943.

A R Coulter
Specialist's Signature
(A.R.Coulter) Major - Psychiatrist.

Note—
1. Special report should contain the essential points in the history, physical examination and special examinations (if any) upon which the diagnosis and opinion is based.
2. The examination and report is to be made by O. i/c Medicine or Surgery or both or by other senior assistants and not by junior officers.
3. A copy will be attached to hospital case sheet and to all copies of Medical Board Proceedings.
4. Specialists should give an opinion as to whether the soldier is to be brought before a Medical Board.

M.F.B. 1478
500M—6-41 (722)
H.Q. 1772-39-1832

IN REPLY PLEASE QUOTE
No. R.C. 1-H-717.

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Regina, Sask., 1st Feb. 1943.

Central Registry Army
P.L.R.G. S.A.C.
67-W-325
FEB 8 1943
Regina

CONFIDENTIAL

The Secretary,
Department of National Defence,
OTTAWA, Ontario. (Attention J.A.G.)

District Court-Martial
K.79067 - Pte. Raymond F. HICKMAN
No. 3 Petrol Coy., R.C.A.S.C., C.A.

1. Herewith for custody and safekeeping are Proceedings of District Court-Martial of the marginally named soldier. The finding and sentence have been confirmed by the District Officer Commanding but the entire sentence has been remitted. The finding, sentence and remission have also been promulgated.

2. The action of the District Officer Commanding in remitting the sentence was prompted by the fact that this soldier is considered to be emotionally unstable and it was considered that a sentence of detention would reduce the chances of reclaiming this soldier as a useful member of the Armed Forces. The award of stoppages in connection with the deficiencies of clothing and necessaries was remitted because no Court of Inquiry was ever held in this case under section 72 of the Army Act and it was considered probable that the greater part of the deficiencies were returned to stores.

3. The following is offered in explanation of the delay in bringing this soldier to trial. The soldier was taken into custody on discharge from the Prince Albert Jail on the 29th November, 1942, and on 5th December, 1942, instructions were received from the A.G. to the effect that Hickman was to be taken on the strength of No. 12 District Depot and disciplined. On the same date his documents were requested from the Officer in Charge of Records, Ottawa. On the 11th December, 1942, the Officer in Charge of Records, Ottawa, requested the D.R.O., M.D. No. 6, by radio to forward the documents to this District. On the 17th December the documents had not been received and a radio was sent to the D.R.O., M.D. No. 6, urging that they be hastened. On the 21st December a letter was received from the D.O.C., M.D. No. 6, advising that the documents had been mailed direct to No. 12 District Depot by ordinary mail. The documents as received did not include M.F.M. 375, or other documentary proof of absence, and the Officer in Charge of Records at Ottawa was accordingly sent a radio on 4th January, 1943, asking that M.F.M. 375, or certified copy of the relevant Part II Order, be forwarded. A hastener was sent on 8th January. The Part II Order in question was received in

.....

this District on 11th January and forwarded to the Depot the same day. Summary of Evidence was completed the following day.

G.A.H. Trudeau

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Encl:

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Exhibition Camp Regina, Sask. on the 19th day of January 19 43 by order of Brigadier G.A.H.Trudeau, District Officer Commanding Military District No.12 dated the 16th day of January 19 43

President.

Lt.-Col. J.R.Hopkins, D.F.C., E.D.,
No.12 District Depot, C.A.

Members.

Major G. Anderson,
No.120 C.A.(B) T.C., C.A.

Lieut. A.G.Carter,
No.12 District Depot, C.A.

Trial of K.79067 - Pte. Raymond F. HICKMAN,
No.3 Divisional Petrol Coy.,R.C.A.S.C.,C.A.,
Camp Debert,N.S.,Att.No.12 District Depot,C.A.

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Major F.C.Little, M.C., No.12 District Depot,C.A.

defending officer† Lieut.C.E.Baker,No.12 District Depot, C.A.

At 1020o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

J.R.HOPKINS, Lt.-Col.
President, D.C.M.

Mil. Form B. 271
5M—9-41 (1607)
H.Q. 1772-39-224

2

B

The President and members are duly sworn.

~~The President, members and Defending Officer are duly sworn.~~

The Defending Officer applies for an adjournment on the ground that he has not been able to consult the accused.

~~The following officers under instruction are duly sworn.~~

The Court adjourns. For Minute of Adjournment and Re-assembly see document marked "G" attached.

Q.2

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Not guilty. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Not guilty. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B.2 proceeding to President Dom.

CHARGE SHEET

The Accused, K79067 Pte. Raymond E. HICKMAN, No. 3 Divisional Petrol Coy., RCASC, Camp Debert, N. S., attached to No. 12 District Depot CA, a soldier of the Canadian Army placed on Active Service, is charged with:

First Charge Section 12 (1) (a) Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

at 2359 hours on the 27th day of July, 1941, absented himself without leave from No. 3 Divisional Petrol Coy., RCASC, Camp Debert, N.S. until apprehended by the Civil Power at Prince Albert, Saskatchewan at 1410 hours on the 28th day of November, 1942, dressed in plain clothes. Cost of return to his Corps $8.40.

Second Charge Section 24 (2) Army Act.

LOSING BY NEGLECT HIS CLOTHING AND REGIMENTAL NECESSARIES

in that he

at No. 12 District Depot CA, Regina, Saskatchewan, on the 23rd day of December, 1942, was deficient of the following articles:

	C.A.R.O.1862	Less 25% C.A.R.O.1877
Clothing Division "A"		
Anklets web Prs. 1	.77	.58
Caps, winter melton 1	1.20	.90
Greatcoat drab 1	17.22	13.24
Gloves woolen	.59	.44
Sweater jacket	1.30	1.04
mitts, woolen	.75	.46
Overalls, demin	2.59	1.94
Overalls, trousers	2.23	1.67
Clothing Division "B"		
Trousers, service 1	3.57	2.68
Battle dress blouse 2	11.16	8.40
Battle dress trousers 2	11.20	8.34
Boots, ankle 2	10.40	7.60
Caps, field service 1	.78	.66
Drawers, woolen 2	2.38	1.79
Drawers, cotton 2	.66	.21
Shirts, flannel 2	2.37	1.78
Shirts, service 2	1.66	1.22
Shirts, under cotton 2	.80	.60
Shirts, woolen 2	2.28	1.74
Shoes, canvas	1.89	1.42
Socks, prs. 3	1.08	.81
	76.90	58.06
Clothing Division "C"		
Blacking tins 1	.05	

	C.A.R.O.1862	
Bootdressing tins 1	.05	58.06
Braces Prs. 1	.27	
Brasses buttons 1	.04	
Brushes, boot blacking 1	.15	
Brushes, button	.14	
Brushes, cloth	.24	
Brushes, shaving	.39	
Brushes, tooth	.09	
Caps, comforter 1	.30	
Combs, hair	.04	
Discs, identity	.02	
Forks 1	.09	
Holdall 1	.44	
Housewife 1	.17	
Knives clasp 1	1.16	
Knives table 1	.18	
Razor 1	.39	
Spoon table 1	.08	
Towels hand 2	.42	
Bags ration 1	.04	
Belts waist 1	.97	
	5.72	5.72
Clothing Division "D"		
Badges arm, Can. Prs. 2	.06	
Badges, shoulder Pr. 1	.10	
	.16	.16
Bottles water 1	.45	
Braces 2	.95	
Carriers cartridges 2	.77	
Carriers waterbottle 1	.45	
Haversack 1	2.14	
Helmets steel 1	2.39	
Packs 1	2.13	
Straps, shoulder 2	.90	
Straps, web supporting 2	.34	
Respirator A.G. Comp. 1	6.97	
Curtains A.G. 1	4.43	
Wallets A.G.	.49	
	22.41	22.41
		86.35

B. A. Cooke

(B. A. Cooke) Lieut-Colonel,
Officer Commanding,
No. 12 Dist. Depot C.A.

January 12, 1942
Regina, Saskatchewan.

To be tried by District Court-Martial.

(Fairfax Webber),
Lieut.Col.,
A.A. & Q.M.G., M.D. No. 12.
for (G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Signed at Regina, Sask.,
this 16th day of Jan., 1943.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A))

Q.5 *Question.* *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.5 *Answer.* No, Sir.

The prosecutor makes an opening address [~~hands in a written address, which is read, marked , signed by the President, and attached to the proceedings~~]. See document marked G.1 attached.

The prosecutor proceeds to call witnesses.

First witness for prosecution. Lieut. R.J. Pra tt, No. 12 District Depot, Regina, Saskatchewan,

being duly sworn, is examined by the prosecutor.

Q.6 How are you emp loyed in the Canadian Army?

A.6 Assistant Adjutant, No. 12 District Depot, C.A., Canadian Army, Regina, Saskatchewan.

Q.7 Do you know the accused?

A.7 Yes, Sir.

Q.8 I show you a document. What is that?

A.8 I produce certified true extract from Part Two Order No. 160, of the 3rd Divisional Petrol Company, dated July 28th, 1941, relative to the accused, Sir.

Extract from Part Two Orde r No. 160 is marked Exhibit "H", signed by the President and attached to the proceedings.

Q.9 I show you a document. What is that?

A.9 I also produce M.F.M. 216, Certificate of Arrest, dated November 28th, 1942 relative to the accused, Sir.

M.F.M. 216 is marked Exhibit "I", signed by the President and attached to the proceedings.

Q.10 I show you a document. What is that?

A.10 I also produce M.F.B. 1481 dated November 29th, 1942, relative to the accused, Sir.

M.F.B. 1481 is marked Exhibit "J" signed by the President and attached to the proceedings.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q.11 Mr. Pratt, you did not compile any of these documents yourself?

A.11 No, I did not, Sir.

Q.12 You have no knowledge of their correctness or otherwise?

A.12 No, Sir, I have not.

The Prosecution declined to re-examine.

In the opinion of the Court it is not necessary to comply with R.P. 83(b).

The Witness withdraws.

SECOND WITNESS FOR THE PROSECUTION

L.22001 C.S.M. A/R.Q.M.S. Sneddon D.L. No. 12 District Depot, C.A., Regina, Saskatchewan, being duly sworn, is examined by the prosecutor.

Q.13 How are you employed?

A.13 A/R.Q.M.S., No. 12 District Depot, C.A., Regina, Saskatchewan.

Q.14 Do you know the accused?

A.14 I recognize the accused, Sir.

Q.15 I show you a document. What is that?

A.15 That is an M.F.C. 800, Sir.

Q.16 What does that show?

A.16 It shows the record of all clothes, equipment and necessaries issued to a man in the army, Sir.

Q.17 Who does it refer to?

A.17 K.79067 Pte. R.F. Hickman, Sir.

Q.18 Who is Hickman?

A.18 The accused, Sir.

Q.19 What articles of clothing and regimental necessaries were issued to the accused?

A.20 The Witness says The following items were issued to the accused according to the M.F.C. 800. (The Witness reads the M.F.C. 800 in detail)

Q.21 Is that the original or a copy?

A.21 The original, Sir.

Q.22 Have you the permission of the Quartermaster to put in the original M.F.C. 800?

A.22 Yes, Sir. We have a certified true copy at the Quartermaster Stores.

Q.23 When you were reading off the various items, you said initials R.H.?

A.23 Yes, Sir.

Q.24 What do you mean by that?

A.24 I presume that they are the initials of R.F. Hickman, Sir.

Q.25 In making issues under that form of M.F.C. 800, what is the practice as to initialing of the document?

A.25 "hen a man is issued with any articles, the number of articles are shown in the first column, the day and date are shown in the second column, and the initials of the person receiving the articles are entered in the third column.

Q.26 The person who received the articles, is he required to initial each issue?

A.26 Yes, Sir on that form there, Sir.

Q.27 On the last page is a different practice followed?

A.27 Yes, Sir.

Q.28 What is the practice?

A.28 It shows the day and date, and at the bottom is a place for the signature of the soldier and the issuing officer.

Q.29 Where you see the writing R.F. Hickman, what is that?

A.29 That shows that he received this equipment, Sir, according to the form M.F.C. 800.

Q.30 Is the signature of the party receiving the articles and equipment, as shown on the last page of the form, necessary in all cases?

A.30 Yes, Sir.

Q.31 Did you when reading from the M.F.C. 800, mention all articles that were ~~reported~~ purported to be issued to the accused?

A.31 Yes, Sir. When I came to an article that was issued and returned I read, "Wrote Off charge".

The original M.F.C. 800 is marked Exhibit "K", signed by the President and attached to the proceedings.

Q.32 On the 23 of December, 1942, did you have anything to do with the accused?

A.32 Yes, Sir. On the 23 of December, 1942, the accused was paraded down to the Quartermaster Stores, No. 12 District Depot, Regina, Saskatchewan, for a Kit Inspection. At the Kit Inspection, I found him deficient all articles mentioned on ----------

Q.33 Did he have any articles of clothing or regimental necessaries?

A.33 No, Sir.

Q.34 Did you make the Kit Inspection personally?

A.34 Yes, Sir.

Q.35 I show you a document. What is that?

A.35 That is a list of articles deficient at the Kit Inspection.

Q.36 Did you prepare that list yourself?

A.36 Yes, Sir.

Q.37 That is a result of your Kit Inspection?

A.37 Yes, Sir.

Q.38 Is that your signature?

A.38 Yes, Sir.

The list is marked Exhibit "L", signed by the President and attached to the proceedings.

Q.39 Is the accused short or deficient any or all of the articles named in that list?

A.39 He is deficient all articles named in that list, Sir.

Q.40 Will you read the list?

A.40 Witness reads the list.

Q.41 Have you read all the items on the list?

A.41 I have read them all, Sir.

Q.42 Where is the M.F.C. 800 kept usually?

A.42 In the Quartermas ter Store, Sir.

Q.43 Where did Exhibit "k" come from?

Shows witness Exhibit "K".

A.43 Quartermaster Stores, Sir.

Q.44 Where had it been kept?

A.44 Along with other M.F.C. 800's filed in the Quartermaster Stores, Sir.

Q.45 It was kept on file with other M.F.C. 800's at the Quartermaster Stores?

A.45 Yes, Sir.

Q.46 Do you know whether the initials R.H. on Exhibit "K" or the signature R.F. Hickman are the initials or signature of the accused?

A.46 I presume it to be, Sir.

Q.47 You presume it to be ?

A.47 Yes, Sir.

Q.48 Is that where the initial and signature usually appear on the M.F.C. 800?

A.48 Yes, Sir.

Q.49 That is the signature of the person who received the equipment?

A.49 All articles mentioned, Sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q.50 You of course have no personal knowledge that this was issued to Hickman ?

A.50 No, Sir.

Q.51 There is nothing on this form 800 to show where these articles were issued?

A.51 No, Sir.

Q.52 Where were they issued to the accused, Hickman. At the Quartermaster Stores here in Regina?

A.52 No, Sir.

Q.53 Now there is a note on the Reverse side of this form towards the top under the heading of transfered or attached from No. 6 District Depot to No. 12 District Depot dated 28th 11, 1942. Do you know who wrote that?

A.53 I do not, Sir. When a soldier is transferred from one point to another the Quartermaster has to fill it in.

Q.54 Does he initial that in any way or is it acknowledged by the man?

A.54 Yes, Sir.

Q.55 In this case is there any signature at all?

A.55 No, Sir, not in this case.

Q.56 In answer to Major Little, you said I think, this man was paraded to you at the Quartermaster Stores, that he was deficient articles of clothing and equipment?

A.56 Yes, Sir.

Q.57 The use of that word deficient implies to my mind, that at one time he had been issued with some?

A.57 Yes, Sir.

Q.58 You do not know whether he was or not?

A.58 No, Sir.

RE-EXAMINED BY THE PROSECUTOR

Q.59 On the point as to whether the accused was deficient. How would you come to the conclusion that he was deficient?

A.59 According to the M.F.C. 800 he produces no articles mentioned on the M.F.C. 800, Sir.

Q.60 What would you conclude from this M.F.C. 800?

A.60 That he was issued with all items, Sir.

In the opinion of the Court it is not necessary to comply with R.P. 83(b).

The witness withdraws.

The Prosecution has no further witnesses.

D

The prosecution is closed.

Defence

Q.61 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.61 *Answer.* Yes, Sir.

Q.62 *Question.* Do you intend to call any other witness in your defence?

A.62 *Answer.* No, Sir.

Question. Is he a witness as to character only? *Answer.*

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(*Where any evidence is given for the defence.*)

For Q.63 to Q.65 see attached sheet D.3

The evidence of the accused (~~and of the witnesses for the defence including witnesses as to character~~) is recorded on a separate page (*see overleaf*).

(*Where the accused does not give evidence upon oath.*)

Q.66 *Question to the accused.* Have you anything to say in your defence?

A.66 *Answer.* The accused in his defence says† See document marked "M" attached.

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

The Defending Officer makes a Closing Address, see document marked "N" attached.

The Prosecutor makes a Closing Address, see document marked "O" attached.

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

The accused, K.79067 Pte. Raymond F. Hickman, No. 3 Divisional Petrol Company, R.C.A.S.C., Debert, Nova Scotia, attached No. 12 District Depot, C.A., Regina, Saskatchewan, being duly sworn is examined by the defending officer:-

Q.63 Where is your permanent home Hickman?

A.63 Salmon Arm, British Columbia.

Q.64 Just prior to your enlistment, where were you living and working?

A.64 Williams Lake, British Columbia.

Q.65 Did you join the Army as a volunteer, or were you called up?

A.65 Joined as a volunteer.

The accused breaks down and is unable to contine his evidence owing to weeping.

By direction of the Court he leaves the Court room to try to recover his composure. The Defending Officer also leaves with him.

After 15 minutes the accused is again brought before the Court. It is apparent that he has not recovered his composure; the Court consider he is unlikely to do so for some time.

The Defending Officer addresses the Court:-

Mr. President and Gentlemen. Owing to the physical condition of the accused, that is nervousness, and owing to the fact that the Court had to be suspended temporarily on that account, and as previous to this incident, I as defending officer had closely conferred with the accused concerning the case, I apply to have the choice of the accused changed from that of giving evidence under oath to that of making a statement, which I will make on the accused's behalf based on the information I received from him.

ADDRESS BY THE PROSECUTOR

As the accused has been sworn and examination commenced, I am entitled to cross-examine him. I could not therefor consent to the application just made by the Defending Officer.

The Court allows the application.

The Defending Officer makes a statement on behalf of the accused. See document marked "M" attached.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused K.79067 - Pte. Raymond F. HICKMAN, No. 3 Divisional Petrol Coy.,R.C.A.S.C., C.A., Camp Debert, Nova Scotia, Att.No.12 District Depot, C.A., is not guilty of desertion but is guilty of absence without leave on the first charge and is guilty of the second charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Major F.C.Little, M.C., No. 12 District Depot, C.A., is duly sworn.

Evidence of character, &c.

Q.67 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused?

A. 67 *Answer by the Witness.* Yes, I produce M.F.B. 355 and M.F.M. 6.

The above statements [with the schedule of convictions and of cases in which trial has been dispensed with] ~~is~~ are read, marked "Y" and "Z" respectively, signed by the President, and annexed to the proceedings.

Q.68 *Question by the President.* Is the accused the person named in the statements which you have heard read?

A.68 *Answer by the Witness.* Yes, Sir.

Q.69 *Question.* Have you compared the contents of the above statements with the regimental books?

A.69 *Answer.* Yes, Sir.

Q.70 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries?

A.70 *Answer.* Yes, Sir.

[*Instruction.*—*If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.
In the opinion of the Court it is not necessary to comply with R.P. 83(b).
The witness resumes his seat.

Q.71 *Question to the accused.* Do you wish to address the Court?

A.71 *Answer.* Yes, through my Defending Officer. See Document marked "P" attached.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused K.79067 - Pte. Raymond F. HICKMAN, No.3 Divisional Petrol Coy.,R.C.A.S.C.,C.A., Camp Debert,N.S., Att.No.12 District Depot,C.A., to undergo detention for one hundred and twenty days and to be put under stoppages of pay until he has made good the sum of $8.40 in respect of the cost of apprehension and return to his corps and until he has made good the value of the following articles; viz:-

Sentence.

Detention

120 days

Stoppages

$ 8.40
86.35
$94.75

Anklets web Prs. 1	.58
Caps, winter melton 1	.90
Greatcoat drab 1	13.24
Gloves woolen	.44
Sweater jacket	1.04
Mitts woolen	.48
Overalls denim	1.94
Overalls trousers	1.67
Trousers service 1	2.68
Battle dress blouse 2	8.40
Battle dress trousers 2	8.34
Boots ankle 2	7.80
Caps field service 1	.68
Drawers woolen 2	1.79
Drawers cotton 2	.51
Shirts flannel 2	1.78
Shirts service 2	1.22
Shirts under cotton 2	.60
Shirts woolen 2	1.74
Shoes canvas	1.42
socks prs. 3	.81
Blacking tins 1	.05
Bootdressing tins 1	.05
Braces Prs. 1	.27
Brasses buttons 1	.04
Brushes boot blacking 1	.15
Brushes button	.14
Carried forward	58.76

Brought forward	58.76
Brushes cloth	.24
Brushes shaving	.39
Brushes tooth	.09
Caps comforter 1	.30
Combs hair	.04
Discs identity	.02
Forks 1	.09
Holdall 1	.44
Housewife 1	.17
Knives clasp 1	1.16
Knives table 1	.18
Razor 1	.39
Spoon table 1	.08
Towels hand 2	.42
Bags ration 1	.04
Belts waist 1	.97
Badges arm Can. Prs. 2	.06
Badges shoulder Pr. 1	.10
Bottles water 1	.45
Braces 2	.95
Carriers cartridges 2	.77
Carriers waterbottle 1	.45
Haversack 1	2.14
Helmets steel 1	2.39
Packs 1	2.13
Straps shoulder 2	.90
Straps web supporting 2	.34
Respirator A.G. Comp. 1	6.97
Curtains A.G. 1	4.43
Wallets A.G.	.49
Total	$ 86.35

Signed at Regina, Saskatchewan, this 20th day of January 1943.

J.R.Hopkins

J.R.HOPKINS.,Lt.Col.
No. 12 District Depot, C.A.
President.

I confirm the finding and sentence of the Court, but remit the entire sentence.

J.H.Trudeau

(G.A.H. Trudeau),
Brigadier,
D.O.C., M.D. No. 12.

Extracts entered as No. 7767 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 4 day of Feb 1943

Signed at Regina, Sask.,
this 25th day of Jan., 1943.

Promulgated and extracts taken at Regina, Saskatchewan, on this 26th day of January, 1943.

(G. Robinson) Capt. & Adjt.
Officer i/c of Records
No. 12 District Depot, C.A.(A)

'X' Hopkins Lt Col President D-Com

ORDERS BY Brigadier, G.A.H. Trudeau,
District Officer Commanding, M.D. 12,
REGINA, Sask., 16th January, 1943.

The detail of Officers as mentioned below will assemble at the Exhibition Camp, Regina, Sask., on the 19th day of January, 1943, at 1000 hours for the purpose of trying by a District Court-Martial the accused person named in the margin, (and such other person or persons as may be brought before them.)

K-72967 - Pte. Raymond F. HICKMAN
No. 3 Divisional Petrol Coy., R.C.A.S.C., C.A.,
Camp Debert, N.S., Att. No. 12 District Depot, C.A.

PRESIDENT

Lt.-Col. J.R. Hopkins, D.F.C., E.D., No. 12 District Depot, C.A., is appointed President.

MEMBERS

Major G. Anderson, No. 120 C.A. (B) T.C., C.A.,
Lieut. A.G. Carter, No. 12 District Depot, C.A.

WAITING MEMBER

Lieut. H. Dowling, No. 120 C.A. (B) T.C., C.A.

PROSECUTOR

Major F.C. Little, M.C., No. 12 District Depot, C.A.

DEFENDING OFFICER

Lieut. C.E. Baker, No. 12 District Depot, C.A.

The accused will be warned and all witnesses required to attend.

The Officer Commanding No. 12 District Depot, C.A., will arrange for accommodation for the Court and detail clerks and orderlies for duty thereat.

The Proceedings will be forwarded to Headquarters, M.D. No. 12, under CONFIDENTIAL cover, addressed to D.A.A.G., M.D. No. 12.

Signed this 16th day of January, 1943. (R.C. 1-H-717)

(Fairfax Webber)
Lieut.Col
A.A. & Q.M.G., M.D. No.
for (G.A.H. Trude
Briga
D.O.C., M.D. No

'G' Hickman
Jackson Lt-Col
President Dem

MINUTE OF ADJOURNMENT AND RE/ASSEMBLY.

At 1030 hours on the 19th January 1943 the Court adjourns until 1000 hours on the 20th January 1943.

On the 20th January 1943 at 1000 hours the Court re-assembles pursuant to adjournment, present the same members as when adjourned.

G.1.

J.A. Hopkins Lt Col
President Dem

OPENING ADDRESS BY THE PROSECUTOR

Mr. President and members of the Court. The Prosecution intends to prove that the accused K.79067 Pte. R.F. Hickman, absented himself without leave from his Unit No. 3 Divisional Petrol Company, R.C.A.S.C., at Camp Debert, Nova Scotia, at 2359 hours on the 27th of July, 1941, and remained so absent until he was apprehended by the Civil Power at Prince Albert, Saskatchewan at 1410 hours on the 28th of November, 1942 and that at the time of his apprehension, he was dressed in plain clothes.

Further that the cost occasioned by his apprehension and return to his Corps, amounted to $8.40. I further intend to prove that a Kit Inspection was held on the 23rd of December 1942, and that the accused was deficient articles of clothing and regimental necessaries to the value of $86.35, at the time of the Kit Inspection.

Exhibit "H"
Judge Advocate
President Dcm

31

Each issue of orders will be numbered consecutively, commencing on the 1st January each year, and each item will be given a sub-number.

UNIT 3rd Div.Petrol Coy. R.C.A.S.C. (AF)

PART II ORDERS

N.B.—(1) All casualties affecting an officer's pay and allowances to be shown in Part II Orders.

(2) Every circumstance which affects a soldier's pay, service or documents must be published immediately after its occurrence.

No. 160

STATION Camp Debert, N.S.

DATE 28 July 41.

PAGE 1

SUB. No.	SUBJECT	REGTL. No.	RANK AND NAME	SQDN COY., ETC.	CASUALTY AND REMARKS	DATE
Last Order issued #159, d/26 July 41.						
2.	ATTACHED (a)	K.79067	Pte. HICKMAN R.F.		Ceases to be attached to 23rd Fd. Amb. RCAMC (AF) for all purposes. Eff. 28 July 41.	
3	ABSENT WITHOUT LEAVE (g)	K.79067	Pte. HICKMAN R.F.		A.W.L. at 2359 hours 27 July 41.	

CERTIFIED TRUE EXTRACTS FROM PART II ORDERS.

W.E.L. Coleman

Officer i/c
A. G. Branch
JAN 6 1943
Nat. Defence Hqrs.
Ottawa, - Canada

Marked "C" and attached to summary

(R. J. Prentice) Capt. 12 Dist. Depot CA

N.B.—Copies of Part II Orders when required to be issued will be sent to the District Paymaster concerned and to the Officer in charge of Records (Para. 1494, K. R. & O., 1939), who will retain them for reference.

(sgd.) R.Rochefort, Lt.
for (J.R.W.T.Bessonette) Officer Commanding or Adjutant Major
3rd Div. Petrol Coy. RCASC (AF)

M. F. D. 875A
9M—12-39 (3426-T)
H.Q. 172-29-364

"C"

Exhibit "I"
Inspection Report
President Dam

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by ~~[illegible]~~ service authorities)

I, Lieut. L.A. MALLESON, No. 43 Provost Company, CA(A)
(Number) (Rank) (Name) (Unit)

hereby certify that K/79067 Pte. HICKMAN, R.F.
(Number) (Rank) (Name in full)

of the R.C.A.S.C., Debert, Nova Scotia.
(Unit and attachment (if any)

Strike out words not applicable } was apprehended by ~~(Surrendered to)~~ L/22693 s/Sgt.
(Number) (Rank)

S.J. RENNIE, No. 43 Provost Company, CA(A).
(Name) (Unit or appointment)

at Prince Albert Jail, at 1410
(Place) (Hour)

on the 28th day of NOVEMBER, 1942

as a deserter ~~(or absentee without leave)~~, and that at the time of his arrest he was wearing ~~military (air force) uniform~~ (dressed in civilian clothes).

Strike out words not applicable }

DATED AT Prince Albert this 28th day of November, 1942

L.A. Malleson
(L.A. Malleson), Lieut.,
s/O.C. No. 43 Provost Company, CA(A).
(Signature, Number, Rank, Unit or appointment)

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
25M-4-42 (M1126)
H.Q. 1772-39-1936

D

Marked "D" and attached to summary

R.J. Pratt
(R.J.Pratt) Lieut. # 12 D. D. CA

Exhibit "J" 35

Mr Hopkins Lt Col President Board

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~[illegible]~~ 1877, 1942.

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut. R.L. Dobson, C.S. & T.O., Dundurn Training Area,
(Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~[illegible]~~ the hereinafter itemized transportation for escort

Complete — to proceed from Prince Albert, Sask. (Place) to Regina, Sask. (Place)

and return to Prince Albert, Sask. for the

Full description of soldier being escorted — purpose of escorting K.79067 Pte. Hickman, R.F., RCASC (Debert, N.S.)

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transportation provided~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
Escort: L.55231 L/Cpl. Powers, C., 43rd Provost Coy., Return Second Class Transportation, Prince Albert to Regina, Demand 488..... $8.40 One-half recoverable from K.79067 Pte. Hickman, R.F.	$4.20
Absentee: K.79067 Pte. Hickman, R.F., R.C.A.S.C. (Debert, N.S.), Single Second Class Transportation, Prince Albert to Regina, Demand 489	4.20
RECOVERABLE FROM THE PAY OF: K.79067 Pte. Hickman, R.F., R.C.A.S.C. (Debert, N.S.), Debert, N.S.	
Total	$ 8.40

Matter and reason 6 Summary

Dated at Dundurn Training Area this 29th day of November A.D. 1942.

(R.L. Dobson) Lieut.,
C.S. & T.O.,
Dundurn Trng. Area.

Signature, rank, unit of officer (issuing transport warrants) ~~(authorizing transportation)~~ Strike out description not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
3616—7-41 (1120)
H.Q. 1755-39-1581

Before considering the above amount ($8.40) as the total cost of apprehention of this absentee you will ascertain if completion of M.F.B. 1482, statement of incidental expenses, is required. Reference App. R.O. 1877, para.6.

M.F.C. 603
75M—3-40 (4429)
H.Q. 1773-39-1543

Exhibit "K"
— Mary Hickman Lt Col
Parliament Hill

Regtl. No K 79067 Rank Pte Name Hickman, R. F.

INDIVIDUAL'S CLOTHING AND EQUIPMENT STATEMENT

Date of Attestation

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials
Anklets, web, prs	1	6/2 60							
Badges, arm, worsted, Canada, prs	2	7 41							
Badges, cap									
" collar, prs									
Worsted " shoulder, prs	1	10 40							
Bags, Kit	2	26 40							
Battle Dress—									
Blouses, serge	1	7 40		1	23 40				
Trousers, serge, prs	1	7 40		1	23 40				
Blacking, tins	1	26 40							
Helmets Sun Hamets, Tam O'Shanter	1	28 40		1	29 41				
Bootdressing, tins	1	22 40							
Bootlaces, prs	1	6 40							
Boots, ankle, prs	1	26 40		1	23 40				
" " felt, prs									
Belt Waist L.D. Boots, lumberman's rubber, prs	1	9							
Insoles, prs		22 6							
Braces, prs	1	10 40							
Brasses, button	1	13 2 40							
Breeches D.C., or Trousers, S.D. prs Drill S.	1	26 3 40		1	8 3 41				
Brushes, boot, blacking	1	26 5 40							
" boot, polishing	1	22 6 40							
" button	1	26 3 40							
" cloth	1	26 6 40							
" shaving	1	23 6 40							
" tooth	1	26 2 40							
Cap, comforter	1	20 40							
" field service	1	9 41		1	5 3 41				
Brassards Hat Lanyard, Red	1	5 2							
Puttees Pro Winter, Medium shade	1	26 2		1	29 2				
Badge Shoulder Gt Wm Rifles	1	26							

DESCRIPTION OF ARTICLES	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials	Number	Date of Issue	Soldier's Initials
Cloak or Greatcoat, drab	1	13 2 40							
Comb, hair	1	26 6 40							
Discs, identity, with cord	1	26 6 40							
Drawers, cotton, short, prs	2	24 7 40		1	14 2				
Drawers, woollen, prs	2	29 8							
Dressings, first field	1	26 2 40							
Forks	1	12 6 40							
Gloves, woollen, khaki, prs	1	26 2 40							
Holdalls	1	26 2 40							
Housewives	1	26 2 40							
Jackets or ~~Doublets, S.D.~~ Drill	1	26 2 40							
Jacket, sweater	1	26 2 40							
Knife, clasp, and lanyard	1	26 7 40							
" table	1	26 2 40							
Mitts prs	1	18 2 40							
Overalls—									
Blouses, denim	1	12 2 41							
Trousers, denim, prs	1	12 2							
Overshoes or Rubbers, prs									
~~Pantaloons or~~ Trousers, service, prs	1	22 6 40							
Razors	1	22 6 40							
Shirts, flannel, khaki	1	26 6 40		1	12 2 41				
" service KSS	1	26 2 40		1	12 2 41				
" under, cotton	2	26 2 40							
" woollen	2	22 2							
Shoes, canvas, prs	1	26 6 40							
Socks, prs	3	26 6 40							
Sponges, pipeclay									
Spoon, table	1	22 6 40							
Towels, hand	2	26 2 40							

X Free issues only will be accounted for on this form.

Signature of Soldier Raymond F. Hickman Signature of Quartermaster [illegible]

A few short Marks I and agreed plumping Bitter Lect

Unit: Ldn. Mt. Gn. & Mch. C. 174067 Rank: Pte Name: Trichman R. R.

From: Ln. 6 DD	to: Ln. 12 DD	Date: 28-11-42	Transferred or Attached	
From:	to:	Date: Marked "E" for transfer		
From:	to:	Date:		
From:	to:	Date:		
From:	to:	Date:		

EQUIPMENT (a)		Date of Issue	Date of Issue	Date of Issue	Date of Issue
Attachments, brace					
Bags, ration	1	20/8/40	✓		
Bandoliers					
Belts, waist '37	1	20/8/40	✓		
Bottles, water MK VII		20/2/41	✓		
Braces 37 LAR	2	20/8/40	✓		
Carriers, cartridge '37	2	20/8/40	✓		
" waterbottle '37	1	20/8/40	✓		
Cases, pistol					
Covers, mentin	1	20/2/41	✓		
Frogs, bayonet					
Haversacks '37	1	20/8/40	✓		
Helmets, steel MK II		20/2/41	✓		
Lanyards, pistol					
Packs '37	1	20/8/40	✓		
Pouches, ammunition					
Slings, rifle WSL	1	[illegible]	[illegible]		
Spurs, jack, prs					
Straps, shoulder '37 LAR		20/8/40	✓		
" web, supporting '37	2	20/8/40	✓		
Tins, mess Quart	1	20/8/40	✓		

ARMS AND MISCELLANEOUS (a)	Date of Issue	Date of Issue	Date of Issue	Date of Issue
Bayonets and Scabbards				
Bottles, oil				
Pistol				
Pullthroughs				
Rifles ~~F 11330~~ F 16753				
Swords and Scabbards				
Respirator Anti Gas Comp. 1	1/10/41	1		
Rope Decontaminating 1	1/10/41	1		
Blankets				
Sheets, ground				
Bowl Enamel				
Cup "				
Plate "				
Cape A.G.				
Curtains A.G.		7/41		
Detectors Gas				
Wallets A.G.				
Mattress T.P.				

(a) Arms and equipment will not be transferred with the soldier unless authorized by the D.O.C.

On return of any article the Q.M. will initial in the date column opposite the article returned and line through in red ink.

Signature of Soldier: R. R. Trichman

Signature of Soldier: R. R. Trichman

Signature of Soldier:

Signature of Soldier:

Marked "E" and attached to summary.

(R.J. Pratt) Lieut.
No. 12 D. . . CA.

Signature of Soldier: R. R. Trichman

Signature of Soldier: R. R. Trichman

Signature of Soldier: R. R. Trichman

Signature of Soldier:

Exhibit "L" (Sheet)
Photo showing Lord President's Corps

K.79067 Pte. HICKMAN, H. F.

Kit inspected at No.12 District Depot C.A. Regina, Sask. on December 23, 1942, and found deficient the following articles:

	C.A.R.O. 1862	Less 25% C.A.R.O. 1877
Clothing Division "A"		
Anklets web prs. 1	.77	.58
Caps Winter melton cloth 1	1.20	.90
Greatcoat drab 1	17.22	13.24
Gloves woollen	.59	.44
Jacket sweater	1.30	1.04
Mitts woollen	.75	.48
Overalls, denim	2.59	1.94
Overalls, trousers	2.23	1.67
Clothing Division "B"		
Trousers, service 1	3.57	2.68
Battle dress, blouses 2	11.16	8.40
Battle dress, trousers 2	11.20	8.34
Boots, ankle prs. 2	10.40	7.80
Caps, field service 1	.78	.68
Drawers, woolen 2	2.38	1.79
Drawers, cotton short 2	.66	.51
Shirts, flannel 2	2.37	1.78
Shirts, service 2	1.68	1.22
Shirts, under cotton 2	.80	.60
Shirts, woollen 2	2.28	1.74
Shoes, canvas	1.89	1.42
Socks, prs. 3	1.08	.81
	76.90	58.06
		C.A.R.O. 1862
Clothing Division "C"		
Blacking tins 1	.05	
Boot dressing tins, 1	.05	
Braces prs. 1	.27	
Brasses button	.04	
Brushes, boot balcking 1	.15	
Brushes, button	.14	
Brushes, cloth	.24	
Brushes, shaving	.39	
Brushes, booth	.09	
Cap comforter	.30	
Combs, hair	.04	
Discs, identity	.02	
Forks 1	.09	
Holdall	.44	
Housewife	.17	
Knives claspl	1.16	
Knives table	.18	
Razor 1	.39	
Spoon table	.08	
Towels hand 2	.42	
Bags, ration 1	.04	
Belts waist	.97	
	5.72	5.72
Clothing Division "D"		
Badges arm, Can. Prs. 2	.06	
Badges shoulder Prs.	.10	
	.16	.16
		63.94

Exhibit "L" (Sheet 2)
Testimony Lt-Col
President Dem

Sheet 2 (cont'd)

C.A.RO. 1862

		63.94
Bottles water, 1	.45	
Braces 2	.95	
Carriers cartridges 2	.77	
Carriers waterbottle	.45	
Haversack 1	2.14	
Helmets steel 1	2.39	
Packs 1	2.13	
Straps shoulder	.96	
Straps web supporting	.34	
Respirator A.G. Comp. 1	6.97	
Curtains A.G. 1	4.43	
Wallets A.G.	.49	
	22.41	22.41
		86.35

D. L. Smedolon A/R.Q.M.S.

No.12 District Depot C.A.

"M" Inserted in Court President Bem.

STATEMENT ON BEHALF OF THE ACCUSED BY THE DEFENDING OFFICER

Mr. President and members of the Court. The accused's home was at Salmon Arm, British Columbia, that is his early boyhood home. When he was about seven or eight years of age, owing to conditions in his family, he was sent to an orphanage where he remained for a year or so. Then he went to foster-parents at Langely Prairie, which is in the Frazer Valley country of British Columbia. He remained there for a short period and was returned to the Orphanage. After that, he went to a foster-home at William's Lake in the Caribou Country of British Columbia. This was a ranch home and he was working there at that ranch at the time of his enlistment, about June 21st, 1940. He was then about 18 years of age. This was a voluntary enlistment.

Up to this time his schooling had been and still is very little. He not having gone farther than grade four. When he joined the services, he wished to be a truck or car driver, at which he had had only very little experience. He was detailed to the 3rd Divisional Petrol Company, R.C.A.S.C. at Vernon, British Columbia. He remained there for a few weeks when the Unit went to Camp Borden. At Camp Borden he worked to qualify as a driver. His lack of education prevented the Qualifying Certificate being issued. The Unit was then transferred to Debert. Shortly after arrival there, he was attached to the Medical Inspection Room, as an Orderly and general fatigue man, runner. The Medical Officer in charge, promised that he would received some rank, Corporal or otherwise, but lack of education prevented that from going through. Men junior to him got promotion.

He had assigned $20.00 of his pay to his father, who had a large family, most of them half brothers and half sisters to the accused. His father is a sign painter by trade and there is not much of that work to be done now.

This combination of circumstances acted on the accused's mind to such an extent that he decided to leave the army. He came West by hitch hiking or getting rides on the Railway, to Saskatchewan and did harvest work in the fall of 1941. That work consisted of driving a tractor which was hauling a Combine. Previous to leaving the Unit, he had been issued with various items of Military clothing and equipment for which he signed and which he received as are detailed in Exhibit "K". When leaving his Unit he took with him, as far as military equipment was concerned, one uniform, one cap, one pair of boots and one suit of underwear. The rest of the equipment issued to him was left with his Unit.

After doing harvest work in Saskatchewan in the fall of 1941, he proceeded on to the Province of British Columbia, where he was born and raised. He worked there the remainder of that winter and the next year, up towards the fall of 1942, when he came back to the Province of Saskatchewan and again worked as a truck driver in the harvest fields in various places in the Province, finally being arrested by the Military Police at Prince Albert, Saskatchewan.

That, Sir, is the statement I make on behalf of the accused.

"N"

Patophuis Lt Col
President Dcm

CLOSING ADDRESS BY THE DEFENDING OFFICER

Mr. President and members of the Court. In this case dealing with the first Charge, there is an admission to the effect that this man ran a way from the army. There are in my opinion, extenuating circumstances.

Owing to matters quite beyond his control, as a youth, he received very little education and while no doubt he was a good enough soldier along certain lines, he could get no advancement or promotion, or trades pay, owing ~~solely~~ to lack of education. Possibly his nervousness might have affected the driving test, so that I would urge that the Charge of Desertion be reduced to one of Absent Without Leave. The time is very long, one year and four months, but when a line of conduct is entered into the course of circumstances and general conditions, leads to a continuation of that line of conduct without much thought to the result.

It is quite easy to say he should have thought where he was headed for. Quite easy to say he should have thought where he was likely to finish up, but I think it would take a man with very strong willpower, after a few months of leading the life he did, to about-face and say that "Ihave deserted. I had better get back." I would urge it was thoughtlessness after the first step was taken. I would ask that that Charge be reduced to Absent Without Leave.

Dealing with the second charge. The statement is quite clear that articles of clothing and equipment were received by the accused, but also that practically all of it was left behind in Barracks. I cannot urge any reason as to why he should not be found guilty on that Charge, but at the proper time I do wish to make a suggestion as to sentence on that particular Charge.

"O"

Jerrophan Lt Col
President Dcm

CLOSING ADDRESS BY THE PROSECUTOR

Mr. President and members of the Court. The facts set up in the Charge Sheet, are not seriously in dispute and I will confine my remarks to the intent.

As I have said before, the length of absence is not evidence of intent. However the length of absence, one year and four months, coupled with the fact that the accused had to be apprehended to return him to his Unit, and the fact that at the time of his apprehension he was dressed in civilian clothes, is sufficient to prove intent.

The accused in his statement complains that he was not able to qualify for trades pay or promotion. He probably overlooks the fact that in the Canadian Army there are many Privates who never receive trades pay or promotion, and if all these personnel followed the example of the accused, the army would be very badly depleted. Further the accused has made no statement on intent. He has not stated that he intended to return to the army. It can be presumed that he had no such intention.

In so far as the deficiencies are concerned, I would like to point out that although the accused had been absent from the 27th of July, 1941, it does not appear that a Court of Inquiry into his absence had been held. This puts myself and the Defending Officer at quite a disadvantage in being satisfied with the evidence. Under the circumstances the original issues have been proved and it has been proved that the accused was in possession of no Military clothing , equipment or necessaries.

It naturally ~~falls~~ follows that he should be convicted on the second charge as well as the first.

"P" (Sheet 1) 49
Lt Col Chairman
President Dem

FINAL ADDRESS BY THE DEFENDING OFFICER

Mr. President and members of the Court. In speaking with a view to having proposed as light a sentence as possible, providing the finding of the Court is that the accused is guilty, I wish you would consider some points that may not be quite obvious.

In the first place, I wish you would bear in mind the conditions under which this boy was brought up. He did not have much of a chance. He voluntarily joined the army when he was 18 years of age, no doubt filled with high hopes and enthusiasm and owing, as I would suggest, solely to his lack of education, he did not make the headway he expected to make. He became dissatisfied and of course got into this situation he is now faced with and which you as his judges are faced with. It is true that he has been away quite a long time.

It seems to me that conditions in the army have changed since this boy enlisted, and that there is now an army school or an army training school established, I am not sure which, where subject to what the Army Examiners have to say, this soldier could be sent for training with a view to bringing his educational qualifications up to a standard where he would be a more useful soldier in the service. With those factors presently available, if the proper proceedure is taken, I cannot see the necessity for an exemplary sentence. I urge a short sentence in detention. Under no circumstance in the common jail. The conditions are very different in the two institutions. After all the object is to make a soldier out of this man. He would get disiplinary action in detention and at the same time learn something, and if he came out in time could go to this school.

The second charge of losing or being deficient all these articles, has worried me considerably. The proof in a way is unsatisfactory and in other ways it may be technically there. There was no Court of Inquiry held as far as we know and all documents of this man have been or should have been, transferred to his present Unit. That is the No. 12 District Depot, when he was attached to the Depot. We can assume therefore that no Court of Inquiry was held.

"P" (Sheet 2)
J K Hopkins Lt Col
President Dem

FINAL ADDRESS BY THE DEFENDING OFFICER Cont'd

The form M.F.C. 800 shows certain articles written off. I think it is just as fair to assume that those articles were written off upon delivery of them by the soldier to the Quartermaster at various times when he moved from station to station so that would be quite a routine matter. If there had been a Court of Inquiry held at the proper time I would suggest that our ordinary knowledge of army conditions would convince us that a great many of those articles would have been found and written off.

The reason I draw this to your attention in making these suggestions, is that if you decide that he is guilty as charged and must pay for those articles, a very large amount for a soldier, that you might give him a helping hand on the other charge by way of taking that fact into consideration and reducing or making the sentence on the first charge, the very minimum possible. I do not know of any other way which I can suggest that justice be done in view of this unsatisfactory proof. I wish also to remind you again of the fact that he has been in custody for 55 days. That is a sentence in itself. It is not his fault that he has been there 55 days and he is not guilty until proven so. Just an accused awaiting trial but treated under all respects as a prisoner under sentence.

'Y' Lieutenant Lt Col
President

M.F.B. 558
30M—11-41 (2272)
H.Q. 1772-35-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	~~Regiment~~ (or unit)
K79067	Pte	HICKMAN, Raymond F.	No. 12 Dist. Depot

1. The following is a fair and true summary of the entries in the Field Service ~~and General~~ ~~Conduct sheets~~ ~~or Company~~ Regimental and Squadron, Battery Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	Nil	times	Nil	times
For		times		times
For		times		times
For		times		times
~~Number of instances of gallantry or distinguished conduct~~				times

~~or,~~

There are no entries in the conduct sheets of the accused.

~~Note.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted

~~or,~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 78 are set out in the Schedule annexed to this statement.~~ ~~Air Force Act~~ ~~A.F.A. 73~~

3. The accused is not under sentence at the present time.

~~or,~~

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for 0 days in civil custody, and ~~47~~ 56 ~~Air Force~~ days in military custody, making a total of ~~47~~ 56 days in custody, of which no days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 21 yrs. 6 mos.

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is June 21, 1940

7. The service which the accused is allowed to reckon towards discharge is nil

8. The accused is entitled to reckon no service for the purpose of determining his pension, etc.

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force reward~~ military ~~(or is in possession of or entitled to).~~ ~~Title any air force decoration or reward~~ military.

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of ..... Air Force~~

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....

Permanent Force
unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Air Force
Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused Number..... Rank.....

Unit
Name.....of.....Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 20th day of January, 1942

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" signed by the president, and annexed to the proceedings.

President

M.F.M. 5
(A.F.B. 123)
500M—11-41 (3498)
H.Q. 1773-39-1602

L79067 No. | HICKMAN, R. F. Name | Sqn., Battery, or Company: Petrol Coy. | Corps RCASC | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Date of enlistment | Sheet No. | G.C. Badges | Signature O.C. Company, etc. J. P. Whelon Lt. | Tradesmen's Rates of Pay | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Certified true copy (G. Robinson) Capt. & Adjt. Officer i/c Records No. 12 Dist. Depot CA					
3 Autographs Lt Col President Dem									

(P.T.O.)

MEDICAL OFFICER'S REPORT

I certify that No K79067 Pte R J Hickman of 12th Dist Depot is in a good state of health, and fit to undergo Trial by Court martial.

A H Singleton Capt
Medical Officer
A.H. Singleton, Capt.
R.C.A.M.C. attached
no 12. District Depot, C.

Station Regina

Date 19-1-43

M. F. B. 246
20M—3-40 (4593)
H.Q. 1772-39 480

MEDICAL OFFICER'S REPORT

I certify that No. L79067 Pte Hickman R J
of 12 Dist Dept is in a fair state of health,
and fit to undergo Trial by Court martial.

A H Sindelin Capt
Medical Officer
A L A M C attached to
No 12 District Dept.

Station Regina

Date 20th Jan 1943

M. F. B. 246
20M—5-40 (4398)
H.Q. 1772-39 480

Regina, Sask.,
January 6, 1942.

I, K79067, Pte. Raymond W. Hickman wish to be represented by Lieut. C. E. Baker if he is available at my trial by Court Martial.

Raymond W. Hickman
K79076 Pte. Raymond Hickman

SUMMARY OF EVIDENCE

in the case of

K79067 Pte. Raymond F. HICKMAN, No. 3 Divisional Patrol Coy., RCASC, Camp Debert, N.S., attached to No. 12 District Depot CA, a soldier of the Canadian Army, placed on active Service.

CHARGE: WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

The Commanding Officer directs that evidence be taken on oath.

Helen Walker duly sworn as stenographer.

FIRST WITNESS L22001 Warrant Officer Class II A/RQMS Sneddon, D. L. , No. 12 District Depot CA, Regina, Saskatchewan, having been duly sworn states:

"I am L22001 WOII A/RQMS Sneddon, D. L., No. 12 District Depot, CA, Regina, Sask.

"I recognize the accused, R. F. Hickman. In the course of my duties as A/RQMS, I made a kit inspection relative to the accused on the 23rd of December, 1942. I found deficiencies to the amount of $66.35 as shown by statement produced herewith and signed by myself."

Marked "A" and attached to summary.

"I made this kit inspection on the basis of M.F.C.800 relative to the accused. His deficiency as shown on exhibit "A" is the difference between the clothing and equipment issued to him as shown on M.F.C.800 and the clothing and equipment produced by him on inspection."

MFC 800 marked "A" for identification.

The accused declines to cross-examine the Witness.

D L Sneddon A/RQMS
L22001 WOII A/RQMS Sneddon, D.L.
No. 12 District Depot C.A.

SUMMARY OF EVIDENCE (cont'd 2)

SECOND WITNESS Captain George Robinson, M.C., No. 12 District Depot, CA, Regina, Sask. having been duly sworn states:

"I am Captain George Robinson, Adjutant and Officer in charge of Records, No. 12 District Depot, CA, Regina, Saskatchewan.

"I am producing certified true extract of # 12 District Depot Part II Order # 391 dated 17th December, 1942, relative to the Accused."

Marked "B" and attached to summary.

"I produce a certified true extract of No. 3 Divisional Petrol Coy., RCASC, No. 160 dated 28th July 1941, relative to the Accused."

Marked "C" and attached to summary.

"I produce M.F.M. 216, Certificate of Arrest, executed by Lieut. L. A. Malleson, dated 26th November, 1942 relative to the accused."

Marked "D" and attached to summary.

"I produce M.F.B.1481 executed by Lieut. R. L. Dobson, dated 29th November, 1942 relative to the accused.

"I produce document not in my custody, but handed to me by Captain Jones, Quartermaster, No. 12 District Depot, M.F.C. 800, relative to the accused."

Marked "E" and attached to summary.

The accused declines to cross examine the witness.

George Robinson

(G. Robinson, M.C.) Capt.& Adjt.
No. 12 District Depot CA(A)

QUESTION TO THE ACCUSED: Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER OF THE ACCUSED: I have nothing to say, Sir.

SUMMARY OF EVIDENCE (cont'd 3)

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

This summary of Evidence consisting of three pages taken down by me in the presence of the accused at No. 12 District Depot C.A., Regina, Saskatchewan this 12th day of January, 1942.

(R. J. Fra[illegible], Lieut.
No. 12 Dist. Depot C.A.,
Regina, Saskatchewan.

FLASH NUMBER TWO

FLASH NUMBER TWO

FLASH NUMBER TWO

FLASH NUMBER TWO

H.Q.C. 55-H-326

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

DISTRICT COURT MARTIAL

A-55049, PTE. H. HACKENSON.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-326

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If space for which referred cannot be expressed on one line, add minute to file and enter here "With Minutes") With Papers C.R. FEB 9 - 1943		
FEB 12 1943	18 2/43	P.A.		AD	To note & PA	RCS	11 2 43
FEB 24 1943	24/2/43	P.A.			PER B.F. FEB 24 1943		
MAR 12 1943	12 3/43	PA	RG		Per Requisition C.R. MAR 9 1943		
				J.A.G.	With Papers C.R. AUG 26 1943		
AUG 26 1943				J.A.G.	To note	B.	27-7-43
AUG 31 1943	31 8/43	B.A.		Admin	To note: Pa		30/8/43
				J.A.G.	With Papers C.R. SEP 2 1943		
SEP 3 1943				J.A.G.	To note	B.	2-9-43
SEP 7 1943	10 9/43	P.A. 3		Admin	To note & pa		7/9/43
	30-9-43			J.A.G.	Per Requisition C.R. SEP 14 1943		
SEP 15 1943				J.A.G.	To note	B.	14-9-43
SEP 15 1943	[redacted]			Admin	To note		SEP 15 1943
SEP 21 1943	21 9/43			Admin	PER B.F. SEP 21 1943		
OCT 1 1943	15/10/43			J.A.G.	PER B.F. SEP 30 1943		
	18 10/43			Admin	Per Requisition C.R. OCT 2 1943		
OCT 16 1943	30/9/43			J.A.G.	PER B.F. OCT 16 1943		
OCT 18 1943	[redacted]			Admin	PER B.F. OCT 18 1943		
OCT 22 1943	22 10/43	P.A. 3		Admin	Per Requisition C.R. OCT 20 1943		
NOV 1 1943	30-10-43	P.A.		J.A.G.	PER B.F. OCT 30 1943		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-326
Admin. 3(c)1

3

OTTAWA, Ontario, 21st October

District Officer Commanding
Military District No. 1
LONDON, Ontario

Remission of Sentence by D.C.M.
A-55049, Pte. Mackenson, H.

Receipt is acknowledged of your L.28-H-151 dated 12th October, 1943 under cover of which you forwarded the proceedings of the marginally noted District Court-Martial together with certified true copy of Part II Orders showing remission of sentence.

(H.F.G. Letson)
Major-General
Adjutant-General

GM/NB

IN REPLY PLEASE QUOTE

No. L.28-H-151

166607

CANADA

gh

DEPARTMENT OF NATIONAL DEFENCE

ARMY

London, Ontario, 12 Oct 1943

CENTRAL REGS. - Army
CONF. SEC.
OCT 14 1943
File C.M.H. 326
Chgd. to 90 & 15/10
Referred to ~~C.M.H. 326 Admin~~

The Secretary,
National Defence Headquarters,
OTTAWA, Canada.

REMISSION OF SENTENCE BY D.C.M.
A.55049 Pte Hackenson, H.

Reference your H.Q.C. 3 (c) 2, dated 4 Oct 43.

2. Please find proceedings of m/n District Court Martial, together with certified copy of District Orders showing by entry No. 608 that the balance of the sentence was remitted, as of 1400 hrs 28 Aug 43.

3. Kindly acknowledge receipt of same.

for W.H.T. Bridges, Major
(W.G. Hagarty) Colonel
T/ D.O.C. M. D. No.1.

Enc

NAT. DEF. B. 440
1 Million—10-42 (6655)
H.Q. 1772-20-767

DISTRICT ORDERS

by

BRIGADIER D. J. MACDONALD DSO MC

OFFICER COMMANDING

Military District No. 1 — London, Ontario

599- — 28 Aug., 1943

599 - AMENDMENT

District Order No. 553 dated 7 Aug. 43 is amended as follows insofar as the qualification of the undermentioned personnel are concerned:

Number	Rank	Name	Unit	Qualification
	Capt.	A.E. Raymond	U.W.O Cont. COTC	Dr IC Cl III Wheeled (Res)
A99312	Sgt.	Ford A.L.	No. 1 D.D.	- do -
A423001	RSM	Rivett J.M.	U.W.O Cont. COTC	- do -
A35347	Sgt/E.	Hays, T.A.	Dist. Instr. Cadre	- do -
A51238	S/SI	Dunseith, C.E.	" " "	- do -

(L.91-1-51)

600 - SAFETY PRECAUTIONS DURING BATTLE DRILL TRAINING

Attention is directed to Routine Order No. 3533 dated 18 Aug. 43.

601 - PROVISIONAL SCHOOL OF INSTRUCTION - OTHER RANKS
1st (Res) Div. R.C.A.S.C.

A Provisional School of Instruction for the training of Cooks is authorized for the other ranks of the 1st (Res) Div. RCASC, 1 (Res) District Signals RCCS & 31 (Res) Fd. Regt. RCA, to be conducted at the H.B. Beal Technical School, London, Ontario, from 3 May 43 to 30 Jun 43. Instruction to be carried out by the undermentioned regimental personnel -

Instructor - A-560100 Sgt. Barrett, J. 1(Res) Div. RCASC

(L.34-15-22)

602 - RESULTS
S-3 Canadian Small Arms School (MG), LONG BRANCH, Ontario

The following personnel attended the courses shown opposite their names at the marginally noted School, and qualified as shown hereunder:

Course No. 696, "C" Wing (Chemical Warfare) 30 Jul - 20 Aug. 43

	Lt.	Collen, G.W.	2(Res)Bn Oxford Rifles	Q.I
A.430873	Cpl.	Minnice, L.F.	2(Res)Bn Essex Scottish	Q
A.430901	Sgt.	Wilson, J.C.	2(Res)Bn Can Fus	Q.I
A.423986	Cpl.	Miller, J.A.	U of WO Cont. COTC	Q.I
B.113085	A/L/Cpl.	Bibister, J.W.	No. 13 C... (B) T.C.	Q.I

Course No. 779 "D" Wing (Physical Training) 30 Jul - 20 Aug 43

	P/2/Lt.	Wollstein, O.E.	No.12 C...(B) T.C.	Q.I
A.21410	Sgt.	Walker, S.B.	- do -	Q.I
A.22580	Cpl.	Jaques, T.	- do -	Q.II
A.50264	Cpl.	Whalley, L.	No.6(T)C...(B) T.C.	Q.I
A.56665	Sgt.	Drew, R.W.	- do -	Q.II

(L.34-14-2)

HQ MD 1, London, Ont. D.O. d/28Aug43

GENERAL STAFF

603 - QUALIFICATIONS

The undermentioned personnel of the 1 (Res) Bn. Middlesex & Huron Regt., appeared before a Standing Board at #1 M.T. Workshop Section RCOC, Queens Park, London, on 26 Aug 43, and qualified as Driver I.C. (Tracked), Class III (Res)

Lt.-Col. L. C. MacDonald L.91-1-51 (TT)

604 - QUALIFICATIONS

The undermentioned personnel have attended a D & M Course, Reserve Army Artillery Camp, PETAWAWA, Ontario, and having passed the necessary tests, are qualified as shown after their names:

Number	Rank	Name	Unit	Qualification
	Lt.Col.	H.K. Ingram	31(Res)Fd.Regt.RCA	Dr.IC Cl. III
	Major	G.H. Brown	"	Wheeled (Res)
	Major	P.S. MacKenzie	"	"
	Lieut.	J.E. Klinck	"	"
		Schill, C.M.	"	"
		Bowman, J.	"	"
A.413155	Gnr.	Griffith, H.	"	"
A.409137	Gnr.	Wallace, R.M.	21(Res)Fd.Regt.RCA	"
A.405158	Gnr.	G.W. Howson	"	"
A.411219	Gnr.	MacKay, A.E.	"	"
	Lt.Col.	MacDonald, A.R.		"
A.414091	Gnr.	Durst, H.I.	11(Res)Fd.Regt.RCA	"
A.415227	Gnr.	MacKinnon, J.A.	"	"
A.415279	Gnr.	Wilkinson, F.	"	"
A.412145	L/Sgt.	Billings, W.E.	"	"
A.412200	L/Bdr.	Weirmier, R.	"	"
A.410224	Gnr.	Armstrong, J.	"	Dr.IC Cl. III
A.410353	Gnr.	Kienzie, S.	"	(MC) Comb.
A.410138	Gnr.	Ibbotson, I.	"	"
A.412262	Gnr.	Bolton, D.	"	
A.412438	Gnr.	Richardson, J.O.		
A.410296	L/Bdr.	Hurlbut, W.L.		
A.412336	L/Bdr.			
A.412321	Gnr.			

(I.19-3-28)
(I.19-3-29)
(I.19-3-30)

(H.P.E. Phillips) Lt.-Col.,
G.S.O., --- M.D. No. 1.

HQ MD No. 1, LONDON, Ontario, D.O. D/ 28 AUG 43

ADMINISTRATIVE STAFF

600 - C.A.R.O. 3536 (continued)

(b) and (c) above, will be carried out where applicable.

(H.Q. 1772-39-1648, F.D.2)

610 - C.A.R.O. 3537

REGIMENTAL PUBLICATIONS

Routine Orders Nos. 206 and 1069 are hereby cancelled.

2. Attention is directed to K.R. (Can.), Para. 435. The term Regimental Journals, Magazines and Newspapers therein used applies equally to journals magazines and newspapers issued under the authority of General Officers Commanding, District Officers Commanding or Commanders, each of whom is responsible for any publication issued under his authority, and also is responsible to ensure that all units under his command observe the provisions of the said paragraph.

3. (a) On the 1st day of each month each General Officer Commanding, District Officer Commanding or Commander will forward to M.D.H.Q. a list in triplicate of all Regimental Journals, Magazines and Newspapers published within his district or command during the preceding month. With each Regimental Publication listed, the unit or source of origin, the volume number, issue number, and the date of Publication will be shown.

(b) The list, in triplicate, mentioned in (a) shall contain information on as to new Regimental Publications being issued, also information as to Regimental Publications ceasing publication.

4. An experienced regimental officer will be placed in charge of each publication and will personally carefully edit and approve all the contents thereof before publications.

5. Effective 30th August, 1943, each such publication shall bear ay the top of the first page thereof under the name of the publication, the following information, giving the rank, name and unit of the officer concerned in each case:-

"This publication is issued under the authority of.....

"The contents of this publication have been edited and approved by.....

The latter name appearing above will be the name of the officer detailed pursuant to Para. 4 above.

6. No publication will be permitted unless the particulars set out in the preceding paragraph appear thereon.

7. Under no circumstances will matters of political or controversial nature or matters affecting security be dealt with in Regimental Publications.

8. Nothing in this Order shall take away from the respondibility for all material contained in such publications which by K.R. (Can.), Para. 435. is placed upon the Commanding Officer.

(H.Q. 54-27-78-1, F.D.37)

[illegible] STAFF

605 STRENGTH INCREASE

Lieut. K.W. Keene, A-33, C.A.C.T.S. is taken on strength Headquarters M.D. 1, on appointment as Officer Extra Regimentally Employed in the rank of Lieutenant, is attached to No. 1 Det., C.A.S.C. for purposes of administration and granted subsistence allowance effective 23 AUG 43.

(Authority HQ 330-2-112 (Pers 3A3) dated 13 AUG 43)
(L.22-K-54)

606 ATTACHMENT

Flight Lieutenant E.R. Willing, R.C.A.F., is detailed for duty to Headquarters, M.D. 1 by R.C.A.F. Headquarters as representative for the Armed Services on the Industrial Survey Committee effective 16 AUG 43.

(Authority HQS 9011-6-0-2-3-1 (Req) dated 12 AUG 43)
(L.24-1-51)

607 COMMAND - C.A.C. Detachment - Queen's Park Barracks

Authority is granted to Captain G.W. Swift, to exercise the powers of a commander of a detachment, under the provisions of K.R. (Can.) 475 (2), whilst detailed to command C.A.C. Detachment, Queen's Park Barracks, London, Ontario.

(L.24-6-1)

608 REMISSION OF SENTENCE BY D.C.M.

Certified True Copy

(W.M.King)
Lt.-Colonel
A.A. & Q.M.G.
M.D. 1

A-55049 Pte. HACKNSON H. - By sentence of a District Court Martial dated 25 JAN 43 and confirmed by D.O.C. M.D. 1 and published in District Order No. 134 (c) dated 28 JAN 43, the n/n soldier was awarded a sentence of detention for a period of nine months.

Under provisions of Section 57 (2)a of the Army Act, the Confirming Authority, as prescribed officer, has now ordered remission of the balance of the sentence, effective from 1400 hours 28 AUG 43.

(L.26-H-151)

609 C.A.R.O. 3536

MILITIA FORMS - M.F.N. 2 (COMBINING M.F.N. 103)

1. Reference Outine Order No. 3422.

2. Where personnel enrolled under the National Resources Mobilization Act or employed under G.O. 139 of 1939, subsequently volunteer for General Service, the following procedure regarding documentation will be carried out:-

(a) For N.R.M.A. personnel documented on M.F.N. 103, new documents will be created by completion of three copies of the M.F.N. 2(combining M.F.N. 103) and the original copy of the latter document disposed of in accordance with existing instructions.

(b) For N.R.M.A. personnel or those employed under G.O. 139, 1939, who have been documented on form M.F.N. 2 (combining M.F.N. 103) items 17 to 19 inclusive will be completed on the duplicate and triplicate copy, in accordance with Routine Order No. 3422. In addition, an extra copy of page 1 of this form will be completed showing all information on this page including the regimental number, for transmission to the Director of Records (Army) through the usual channels.

(c) For personnel employed under G.O. 139, 1939, who were documented on the obsolete form, M.F.N.2, the balance of page 1 of the duplicate and triplicate copy will be completed. In addition, an extra copy of page 1 will be completed and disposed of in accance with the instructions in para. (b) above.

(d) In the case of Officers employed under G.O. 139, 1939, and documented on M.F.N.1, instructions as outlined in paras.

HQ MD No. 1, LONDON, Ontario, D.O. D/
28 AUG 43

ADMINISTRATIVE STAFF

611 - Master-General of the Ordnance Letter No. 35 of 1943

CAPS FIELD SERVICE

1. In view of the heavy demand for Caps Field Service (Gabardine), it has been decided to utilize, as far as possible, existing stocks of Caps Field Service Serge.

2. In fu , Active Army Recruits will be issued one Serge and one Gabardine Cap instead of two Gabardine Caps as providdd for in Routine Orders 1624 and 2806, until existing stocks of Serge Caps are depleted.

3. The issue of Caps Field Service Serge will continue to be made to Reserve Force personnel.

4. Having regard to para. 2 of M.G.O. Letter No. 25, dated March 22nd, 1943, either the gabardine or serge caps may be taken overseas. (L. 91-1-44)

612 - DRESS - Wearing of Khaki Drill

Wearing of khaki drill may be discontinued as from Wednesday, 1 SEP 43 at option of Officers Commanding. Uniformity as to dress will be maintained within units which should indicate in daily orders the dress for the day both for duty and walking out. (L. 91-1-19)

613 - Travel by Air on Commercial Airlines in Performance of Military Duties.

For the information of all concerned, travel by air, in exceptional circumstances, may be recommended by the D.O.C. to M.D.H.Q.

"Must Rides" are only authorized in the event of great urgency or extreme service (Army) necessity. "Must Rides" are regulated by M.D.H.Q. and when granted the authority is notified to D.O.C. and Airline concerned. The authority will state the name of the individual.

Under no circumstances will individuals approach airlines to arrange "Must Rides" or air travel on duty. All such requests will be submitted to H.Q., M.D. 1 through the usual channels.

614 - SUBSISTENCE ALLOWANCE

The following personnel have been granted subsistence allowance with effect from the dates as shown opposite their names:

W-1577	Pte. Pritchard, W.M.	No. 6 Coy., CWAC	30 AUG 43
A-56044	Spr. Massey, W.	No. 1 E.S. & W. Coy.	17 " "
A-602351	Spr. Boyes, C.	" " " "	21 " "
M/S	T.S. Swainson	London Mil. Hospital	17 " "

H.Q. , M.D. 1, D.O. d/28 AUG 43

ADMINISTRATIVE STAFF

614 - SUBSISTENCE ALLOWANCE (Cont'd)

Capt. Hale, F.W.G. No. 1 Ord. Depot Coy.	17	AUG 43
A.107628 Pte. Ballantyne, D.C. " " " "	19	" "
Lieut. May, C.C. " " " "	16	" "
A.107629 Pte. Isaac, W.J. " " " "	18	" "
A.107632 Pte. Avery, C.C. " " " "	19	" "
A.107627 Pte. Arrand, H.H. " " " "	19	" "
A.107621 Pte. Wilson, J.C. " " " "	19	" "
A.107620 Pte. Thompson, C.W. " " " "	19	" "
A.107642 Pte. Anderson, P.C. " " " "	19	" "
A.107665 Pte. Howald, D.C. " " " "	19	" "
A.107610 Pte. Younger, T.R. " " " "	19	" "
Major F.H. Nelson, No.1 Coy. RCAMC	7	" "
Lieut. E.J. Orlindorff, No.1 Dist. Coy. RCASC	15	" "
T/Lieut. P.C. Mason, No.1 Dist. Coy. RCASC	23	" "
2/Lieut.(N/S) Simpson, G.E. RCAMC	23	" "
2/Lieut.(N/S) Thomson, H.M. RCAMC	23	" "
2/Lieut.(N/S) Scott, M.E. RCAMC	23	" "
Capt. J.E. Kurlander, No. 21 Coy., C.D.C.	23	" "
A.6148 Pte. Cox, F.W. No. Ord. Depot Coy. RCOC	17	" "
Capt. W.L. Kress, No. 1 D.D.	30	" "
Lieut. F.W. Savage, No. 2 (Res)Div.Ord.Wksp.RCOC	31	" "

(b) Capt. J.E. Kurlander granted allowance in lieu of quarters, $1.20 per diem for the period 9 AUG 43 to 22 AUG 43, inclusive.

615 - DETENTION BARRACKS VISITOR

Major W.E. Reiner, D.O.C. Rep., M.D. 1, will assume the marginally noted duty for the period 30 AUG 43 to 5 SEP 43, vice Major D.A. Anderson, D. Records Officer, M.D. No. 1.

(W.M. King) Lt.-Colonel,
A.A. & Q.M.G. M.D. #1

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Royal School Building, Wolseley Barracks London, Ontario.

on the 28th day of January 19 43 by order of Brigadier D.J.MacDonald, DSO, MC Commanding Military District No.1

dated the 25th day of January 1943

President.

Lieut-Colonel H.C.Cameron, M.C.,
Pres. Courts-Martial, H.Q., M.D.No.1

Members.

Major W.M. Diehl,
O.C. 1 (Res) Div., R.C.A.S.C., C.A.

Captain A.S. Fergusson,
1 (R) Bn. Mx & Huron R., C.A.

Lieut-Colonel W.G.Kerr, V.D., A.J.A.G., M.D.No. 1 Judge Advocate.

Trial of* A.55049, Pte Harry Hackenson, No.1 District Depot CA.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

The ~~Court satisfy themselves that~~ ---------- ~~is not available to serve owing to~~

, ~~waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Captain D.H.Thomas, No. 1 District Depot, CA.

~~Counsel‡ or~~ defending officer† H/Captain D.A.Cowan, Chaplain (P) No. 1 District Depot, CA.

At 10 A.M. o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

I HAVE SATISFIED MYSELF THAT NONE OF THE OFFICERS DETAILED AS MEMBERS OF THIS COURT HAVE PREVIOUSLY SERVED UPON ANY COURT OF INQUIRY INTO THE MATTERS FORMING THE SUBJECT OF THE CHARGE ~~[illegible]~~ BEFORE THIS COURT MARTIAL.

H.C. Cameron Lt Col Pres. D.S.M.

B

The President, members and judge-advocate are duly sworn.

Q.2 Do you objec t to A.99632 Pte (A/S/Sgt) G.B.Hagen and A.99636 Pte (A/Sgt) B.H. Payne, both of No. 1 Det CMSC, CA acting as shorthand writers?

A.2 No Sir.

~~The following officers under instruction are duly sworn.~~

A.99632 Pte (A/S/Sgt)G.B.Hagen and A.99636 Pte (A/Sgt) B.H.Payne both of No. 1 Det CMSC, CA are duly sworn as shorthand writers.

AT 1005 HRS 28 JANUARY 1943 THE COURT ADJOURNED UNTIL 1145 HRS 28 JANUARY 1943. AT 1145 HRS 28 JANUARY 1943 THE COURT REASSEMBLED PURSUANT TO ADJOURNMENT, PRESENT THE SAME MEMBERS AS WHEN ADJOURNED.

Charge-Sheet

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A.3 Not Guilty, Sir. *Answer.*

~~Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to ---------- charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

82

CHARGE SHEET

W. Cameron Lt Col
Pres. D.C.M.

The Accused, No. A.55049, Pte. Harry HACKENSON, No. 1 District Depot, C.A., London, Ontario, a soldier of the Canadian Army placed on Active Service, is charged with:

CHARGE
Section 12 (1) (a)
Army Act.

WHEN ON ACTIVE SERVICE

DESERTING HIS MAJESTY'S SERVICE

in that he

At London, Ontario, on the 5th day of May, 1941, absented himself without leave from Wolseley Barracks, London, Ontario from 0600 hrs. 5 May 1941 until apprehended by Military Police at Windsor, Ontario at 1615 hrs. 18 January 1943 improperly dressed in Civilian Clothes. Cost of Apprehension $5.55.

(Wm. Neilson) Col.,
C.O. No. 1 District Depot, C.A.

London, Ontario,
January 19, 1943.

To be tried by a district court martial

London Ont
22 Jan 1943

L J Macdonald
Brigadier
D.O.M.D.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.4 *Answer.* No, Sir.

THE PROSECUTOR DECLINES TO MAKE AN OPENING ADDRESS

~~The prosecutor makes an opening address [hands in a written address, which is read, marked ------, signed by the President, and attached to the proceedings]~~.

The prosecutor ~~proceeds to call witnesses~~.

First witness for prosecution } Captain D.H.Thomas, No. 1 District Depot, CA

being duly sworn, ~~is examined by the prosecutor~~. states:-

I am Captain David Hillyer Thomas, O.C.Legal Section, No. 1 District Depot, the officer detailed tohave custody of these documents. I produce the following documents relating to the accused: M.F.B. 375, Declaration ofCourt of Inquiry, signed at London, Ontario, 5 June, 1941.

M.F.B. 375, RELATING TO THE ACCUSED, READ, MARKED EXHIBIT "G" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

I produce M.F.M. 216 Certificate of Apprehension, signed at Windsor, Ontario, 13 January 1943.

M.F.M. 216, RELATING TO THE ACCUSED, READ, MARKED EXHIBIT "H" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

I produce M.F.B. 1481, showing the cost of transportation $5.55.

M.F.B. 1481, RELATING TO THE ACCUSED, READ, MARKED EXHIBIT "I" SIGNED BY THE PRESIDENT AND ATTACHED TO THE PROCEEDINGS.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P.83(B).

THE WITNESS RESUMES HIS SEAT.

2nd Witness for Prosecution.) A.35003 Pte (A/Sgt) Ross George Buchner, No. 1 District Depot, C.A., being duly sworn is examined by the Prosecutor:

Q.5 Will you tell the Court your rank, name and unit, please?

A.6 My number, A.35003, A/Sgt, Buchner, Ross George, No. 1 District Depot.

Q.6 Do you know the accused, Sgt Buchner?

A.6 Yes, Sir.

Q.7 What is his name?

A.7 Hackenson, Sir.

Q.8 How long have you known him?

A.8 1941, in the Spring...it would be May, Sir.

Q.9 How did you come to know him at that time?

A.9 He was in one of our huts, Hut 4; I was in charge of Hut 3 as corporal. He used to come into my hut; he was on sick parade, or exeused duty, I am not sure which. He used to come into Hut 3. He had a side-kick in Hut 3, and would hang around Hut 3 with him, between Hut 3 and 4, Sir.

CROSS-EXAMINED BY DEFENDING OFFICER

Q.10 You say you recognize the accused: was there anything special about the accused that would make your remember him for almost two years?

A.10 Yes, Sir; he had trouble with his hands; they were broke out or something, and they were puffed up, and they were wrapped up; he used to go on sick parade every morning with them.

Q.11 You saw him on sick parade; he was back and forth in the huts. Would you say he had been excused duty on account of....?

A.11 I couldn't swear whether it was light duty or excused duty, but he never did anything; but I imagine it was excused duty, Sir.

Q.12 You say his hands were puffed up, were they broken out ?

A.12 Yes, Sir; there was sores on them, Sir.

Q.13 You say he had a buddy in Hut 3, and he seemed to come back and forth. What was his attitude? How did he seem at that time, you knew him? Did time seem to hang heavy on his hands, or was he a good soldier?

A.13 He seemed to be very restless, going from Hut 3 to 4 all the time, Sir.

Q.14 Was there any other thing you had noticed about him....restless_ness, you say?

A.14 There isn't much else I could say about that ; he seemed to be a restless sort of type.

Q.15 And these hands.. Did you ever talk to him?

A.15 Yes, Sir.

Q.16 Was there anything else physically wrong with him that he told you?

A.16 Not that I can remember, Sir.

Q.17 Was Pte Hackenson at that time, to your knowledge, ever warned by your or by anyone for any special duty?

A.17 He wasn't warned by me, Sir.

Q.18 To your knowledge was there ever any warning for any special duty?

A.18 Not to my knowledge.

THE PROSECUTOR DECLINES TO RE-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83(B).

THE WITNESS WITHDRAWS.

3rd Witness for Prosecution. A.56158, L/Cpl Louis Basil MacMillan, No. 30 Provost Coy. C.A. , being duly sworn is examined by the Prosecutor:

Q.19 Would you tell the Court your rank, name and unit, please?

A.19 A.56158, L/Capl MacMillan, Louis Basil, No. 30 Provost Coy.

Q.20 Do you recognize the accused?

A.20 I do, Sir.

Q.21 What is his name?

A.21 Harry Hackenson.

Q.22 How do you come to know him?

A.22 I came into the Tunnel Exit Entrance on duty, andhe was in company with a driver of a bus; the bus driver had a deportation order in his hand, and this man said he was wanted by the authorities, that he was absent without leave.

Q.23 Where was this?

A.23 At the Tunnel Entrance to Detroit, at Windsor.

Q.24 He was accompanied by the driver of a bus?

A.24 The driver of a tunnel bus.

Q.25 Do you know what became of this deportation order that he had?

A.25 No, I don't, Sir. I sent that away when we took him down to the Provost Barracks.

Q.26 Would you say he was in the custody of anybody when you took him over?

A.26 Well, Sir; I couldn't say you could call it in custody. It seems to be well set, the Immigration Authorities will give this order to the driver of a bus, and put them back on the bus from Detroit, in deporting them.

Q.27 Do you know who issued that deportation order?

A.27 The Immigration Authorities.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q.28 L/Cpl MacMillan, I have here a form signed by Sgt Shultz, Exhibit "H", that reads he was apprehended, and the words "surrendered to" are struck out and initialled?

A.28 Yes, Sir.

Q.29 According to your evidence to Captain Thomas this man the accused was brought to you by a bus driver?

A.29 Yes, Sir.

Q.30 With some sort of order . What did the bus driver say to you?

A.30 I don't just remember the exact words he used, but he said "This man is ~~xxx~~ kicking up a fus about being sent back to Detroit." He said he was wanted by the Canadian Army for desertion, and he didn't want to stay there any more time. He asked me if I would look after him and see what he wanted.

Q.31 He gave you the understanding that the accused wanted to stay in Canada, to come to Canada to surrender himself?

A.31 Yes, Sir.

Q.32 To the Canadian Authorities?

A.32 That is right, Sir.

Q.33 Would you say then that this man was apprehended by your or surrendered to you?

A.33 Possibly it should be surrendered to me.

Q.34 On the face of it...he was brought to you, and in conversation with the bus driver and with the accused, he surrendered himself to you?

A.34 That is right, Sir.

Q.35 Can you give us any explanation, L/Cpl MacMillan, why that order would be signed by Sgt Shultz that he was apprehended rather than surrendered?

A.35 No, Sir, I can't.

Q.36 But you still feel and believe that it should have been surrendered to instead of apprehended by?

A.36 Yes, Sir, I do.

Q.37 What was the attitude of the accused when he came with you? Was there any conversation, or what was the attitude of the accused when you took him with you? Was there anything said or any comments made?

A.37 He said he was glad to be back, and made up his mind he was going to face whatever was coming to him.

RE-EXAMINED BY THE PROSECUTOR

Q.38 Do you know, Cpl MacMillan, whether an accused taken over from some other custody is entered as an apprehension or a surrender?

A.38 I don't really know.

QUESTIONED BY THE COURT

Q.39 Were you at the Tunnell Entrance in line of your regular duty or as a result of special instructions?

A.39 I was on regular duty.

Q.40 Happened to be there?

A.40 Yes, Sir.

Q.41 The order in question ...had the accused been apprehended or had he surrendered to the deportation authorities, so that he was on his way across when you got him?

A.41 There are two separate places, when you come over on the bus...

Q.42 From where?

A.42 From Detroit. Coming through there they go through the Immigration first, and they refused permission, and they made out the order, and he was being escorted in the back of the bus; and the bus driver just drove 100 feet or so, going to the entrance of the tunnel...that is where I was. He said he wasn't going back; the Canadian Authorities wanted him, and when he saw me inside he got the driver to come in with him. He didn't want to be late. He said "Will you look after this fellow, and see what he wants?

Q.43 That is the first inkling you had of the accused being apprehended or surrendering to the military authorites?

A.43 Yes, Sir.

Q.44 Normally he was on his way back to Detroit again?

A.44 Yes, Sir.

Q.45 He wasn't going back to Detroit voluntarily?

A.45 No, he was sent back.

Q.46 I think you have explained that: he had come over apparently to Canada and had been refused entry, and was being sent back to the States by the Canadian Authorities?

A.46 That is right, Sir.

QUESTIONED BY THE JUDGE-ADVOCATE

Q.47 He was arguing with the bus driver that was taking him back to Detroit, and the bus driver not wishing to delay his schedule in getting back to Detroit pushed him out the door, and said "See what is wrong with this man", as it were, "I have got to be on my way"?

A.47 He turned him over to me, then.

Q.48 How was he dressed?

A.48 Just about as he now now, if I remember right.

Q.49 He wasn't really surrending to you, the bus driver put him in your hands to see what was wrong with the fellow?

A.49 That is right.

Q.50 As a result of what he told you then you put him under arrest?

A.50 That is right, Sir.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P.83(B).

THE WITNESS WITHDRAWS.

THE PROSECUTION HAS NO FURTHER WITNESSES .

D

The prosecution is closed.

Defence

Q. 51 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 51 *Answer.* Yes, Sir.

Q. 52 *Question.* Do you intend to call any other witness in your defence?

A. 52 *Answer.* No, Sir.

Question. ~~Is he a witness as to character only?~~ ~~*Answer.*~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused ~~(and of the witnesses for the defence including witnesses as to character)~~ is recorded on a separate page (*see overleaf*). D - 3

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. ~~The accused in his defence says~~†

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for the Defence) The accused, A.55049, Pte. Harry Hackenson, No. 1 District Depot, C.A., being duly sworn is examined by the Defending Officer.

Q. 53 Pte. Hackenson give the stenographer your name, number, rank and unit?

A. 53 Harry Hackenson, A.55049, R.C.A.S.C.

Q. 54 Pte. Hackenson would you tell the Court briefly how you came to be in the Canadian Army and what happened for the first four or five months that you were in the Canadian Army?

A. 54 Yes, Sir. During a stay here as a truck driver I heard that I could be of some help to the government with the trucks. I left good employment and came here on Jan. 22nd, 1941 and I joined up first with a tank corps at Windsor. I was stationed there for some weeks and was to be transferred to Borden and while being transferred I had this exezma on my hands. When I was transfered I had my hands bandaged and I was sent to the hospital at Camp Borden for seven or eight days and then I was sent to Windsor and was in the hospital there for a a short time. Sent from there to Westminster Hospital and had my category lowered from 1-A to 1-B and then I went back to Windsor.

Q. 55 What time of the year would that be-- that you were brought back to London?

A. 55 Late April, 1941.

Q. 56 Late in April. I see and how about those hands of yours?

A. 56 During the time I was transferred from Borden to Windsor they gave me terrible trouble.

Q. 57 You were being treated for them?

A. 57 Yes, Sir, I was.

Q. 58 Who did you go to?

A. 58 I went to the M.O. at all depots.

Q. 59 When you were here around the first of May, were you on duty or what were you doing?

A. 59 I was off duty.

Q. 60 Off duty?

A. 60 Yes, Sir.

Q. 61 Why?

A. 61 My hands were bandaged up and I could not close them.

Q. 62 What was your attitude to army life or to life at that time being around here?

A. 62 Seemed very good here, everybody else went ahead I had to stay back in a corner and not do anything.

Q. 63 In other words you were not very well pleased?

A. 63 I cannot say that I was.

Q. 64 According to the charge sheet you went absent from London on the 5th of May-- how did you come to go absent-- were you on a pass -- where did you go?

A. 64 I had a pass from Friday to Monday morning, Sir.

Q. 65 Where did your pass lead to?

A. 65 Windsor and vicinity.

Q. 66 And where did you go when you did not come back to London?

A. 66 To Detroit and then home.

Q. 67 Where?

A. 67 Connecticut, Sir.

Q. 68 Where did you stay away for some fifteen months just briefly what were you doing during that time?

A. 68 The first few months I did very little.

Q. 69 Why?

A. 69 My hands would not allow me to do anything more.

Q. 70 Do a little work or?

A. 70 Yes, I made my living.

Q. 71 What was the attitude of the people at home, they knew you came to enlist in the Army?

A. 71 Yes, Sir.

Q. 72 What was their attitude when you came back?

A. 72 They told me to come back and give myself up and soldier like a man.

Q. 73 While there did the United States' authorities know you were home?

A. 73 Yes, Sir, I reported to them. They gave me a medical examination there and put me in 4-F.

Q. 74 What category is that equal to A, B. or C or E.

A. 74 Most likely E, Sir.

Q. 75 E?

A. 75 Yes, Sir.

Q. 76 When was that?

A. 76 Last November, Sir, 1941.

Q. 77 And your hands were bothering you all this time?

A. 77 Yes, Sir, they had been.

Q. 78 After you found you were 4-F what did you do?

A. 78 I worked and took care of my hands.

Q. 79 You took care of your hands and did you get a job?

A. 79 Yes, Sir.

Q. 80 All during 1942 your hands bothered you off and on and then around the end of the year something happened -- would you tell the Court what what going on in your mind?

A. 80 Early in December I started back- I thought I had better take my medicine.

Q. 81 You decided around the first of December to come back and be a man and take your medicine-- how about your hands?

A. 81 My hands were back to normal.

Q. 82 Where did you decide to come to?

A. 82 I decided to come to Detroit as I knew somebody in St. Luke's Road Barracks in Windsor.

Q. 83 In Windsor?

A. 83 Yes, Sir.

Q. 84 You decided to come to Detroit and come to Windsor to give yourself up?

A. 84 Yes, I did.

Q. 85 What happened at Detroit and Windsor when you wanted to come across the border?

A. 85 I boarded a bus in Detroit and when I got to Windsor I found that I did not have my birth certificate and they would not allow me to go across so I called the barracks so that I could identify myself.

Q. 86 You phoned the barracks in Windsor, why?

A. 86 It was the only way I could get back across the border.

Q. 87 You wanted to get back?

A. 87 Yes, Sir.

Q. 88 What happened?

A. 88 The bus driver told the L-Cpl. that he was going to leave me there until he made his return trip. I phoned the Sergeant and gave him my number, rank and name and he said that he remembered me.

Q. 89 He remembered you?

A. 89 Yes, Sir.

Q. 90 When he said that what did you do?

A. 90 I waited there for the station wagon.

Q. 91 Were you forced or did you go voluntarily to the Provosts?

A. 91 I went voluntarily.

Q. 92 Apparently from what you have said you insisted you must get back to surrender yourself?

A. 92 Yes, Sir.

Q. 93 Why did you want to give yourself up?

A. 93 Well, I figured I was not doing the right thing.

Q. 94 And you decided to rectify it and make it as right as possible?

A. 94 Yes, Sir.

Q. 95 And, therefore, you insiated on going back and giving yourself up?

A. 95 Yes, Sir.

The President of the Court calls the attention of the Defending Officer to the fact that he is continually asking leading questions of his witness and warns him not to continue to do so.

CROSS-EXAMINED BY THE PROSECUTOR

Q. 96 Pte. Hackenson, when did you go to Connecticut?

A. 96 Right after I left the barracks, Sir, in May, 1941.

Q. 97 How?

A. 97 By bus, Sir.

Q. 98 Through Detroit?

A. 98 Yes, Sir.

Q. 99 Did you cross the border there?

A. 99 Yes, Sir, I did.

Q. 100 What was your idea in going home at that time?

A. 100 I was in Detroit for the Saturday and I got the crazy notion to go home.

Q. 101 You had a crazy notion to go home?

A. 101 Yes, Sir.

Q. 102 When were you going to come back?

A. 102 I intended to come right back.

Q. 103 Why didn't you?

A. 103 My hands bothered me so I thought I would go home.

Q. 104 Did you stay at home?

A. 104 One night, Sir.

Q. 105 Only one night?

A. 105 Yes, Sir.

Q. 106 Where did you go?

A. 106 Newark, New Jersey. I intended to get a truck right back here.

Q. 107 The people at home suggested that you had to go back to the Army and so you left home, is that correct?

A. 107 Yes, Sir.

Q. 108 And you went somewhere else to get a job?

A. 108 On the way back.

Q. 109 How long after your pass expired was it that you took a job?

A. 109 About a week later, Sir.

Q. 110 And during that time you were travelling from Detroit to Connecticut-- how did you get to New Jersey?

A. 110 Connecticut to New Jersey.

Q. 111 How long after your pass expired?

A. 111 My pass expired Monday morning.

Q. 112 Were you home then?

A. 112 Home on Wednesday morning, Sir.

Q. 113 When your pass expired you were on your way to Connecticut?

A. 113 I was in Connecticut after it expired.

A. 114 Not at home?

A. 114 No, not at home.

Q. 115 What kind of work did you do in Newark?

A. 115 Checking the trucks before they went on the road.

Q. 116 What kind of work?

A. 116 Mechanical worker.

Q. 117 Did you have to use your hands?

A. 117 No, Sir, I told the mechanics what to do, check the tires, brakes, etc. The other mechanics went ahead and did the work.

Q. 118 You checked up and got them ready to go on the trips?

A. 118 Yes, Sir.

Q. 119 When did your hands get well?

A. 119 They were really well-did some work six months ago.

Q. 120 Did you have any treatment for your hands?

A. 120 Yes, Sir.

Q. 121 Where were they treated?

A. 121 By a doctor in Newark. He got me some liquid stuff.

Q. 122 How often did you see this doctor?

A. 122 Couple of times.

Q. 123 When was that?

A. 123 That was the latter part of 1941.

Q. 124 And how long did you continue using this prescription the doctor gave you?

A. 124 I imagine for fourteen weeks.

Q. 125 Did it cure your hands?

A. 125 Yes, Sir.

Q. 126 It is quite a long time from the end of 1941 until six months ago, or is it--- six months ago, July -- I guess it pretty well adds up--- well then when you returned home you intended to come back at once, is that correct?

A. 126 Yes, Sir.

Q. 127 Then you got this job in Newark in May 1941 and how long did you keep that job?

A. 127 About ten weeks, Sir.

Q. 128 What did you do after that?

A. 128 I wanted to be on the road travelling.

Q. 129 For the same firm?

A. 129 No, Sir.

Q. 130 Why didn't you come back after this job was done?

A. 130 Things kept getting better and I had more money.

Q. 131 Did you change from the Newark job as garage foreman over to a truck driver?

A. 131 I did not work for three weeks before, could not get a job.

Q. 132 No intention of coming back?

A. 132 I did.

Q. 133 When?

A. 133 When I came off the job.

Q. 134 For three weeks you did nothing and you did not come back all the way or part of the way?

A. 134 I kept going on and got in Philadelphia.

Q. 135 In spite of the fact you intended to come back when this job was over--- you did not work for three weeks, is that correct?

A. 135 That is right.

Q. 136 Why didn't you come back then?

A. 136 I figured I would see my mother as I had not seen her for a couple of months. I wrote to my sister and got an answer asking me if I got things straightened. She said if I had not that I need not come home until it was all straightened up.

Q. 137 What time was that?

A. 137 That was last November,

Q. 138 Eighteen months after your people told you to go back?

A. 138 Yes, Sir.

Q. 139 Then what did you do then?

A. 139 I started back here.

Q. 140 When you got this letter?

A. 140 I got it from my sister.

Q. 141 And where were you then?

A. 141 In Hoboken, New Jersey.

Q. 142 After you finished your garage job how long----- you did not work for three weeks and you got this job -- how long were you at that?

A. 142 I was on relief shifts, taking men's trips for them.

Q. 143 From Hoboken?

A. 143 No, Philadelphia.

Q. 144 How long were you in Philadelphia?

A. 144 They had warehouses all over in Cleveland, Pittsburg, Chicago and other cities.

Q. 145 Taking trucks out?

A. 145 From Philadelphia to Cleveland to South Bend and back to Cleveland.

Q. 146 How long were you on that basis?

A. 146 Quite a while, Sir.

Q. 147 When did you finish working for them?

A. 147 I left there around late September, last year.

Q. 148 Was it the one firm that you worked for?

A. 148 No, Sir, just relief work there-- got paid by the trip.

Q. 149 All routes centering from Philadelphia?

A. 149 All different lines came in to different terminals. A man got one out working on shifts and one back and one across, etc.

Q. 150 Is that system used in trucking business, all drivers working for different lines?

A. 150 Yes, Sir.

Q. 151 That ended in September, what did you do then?

A. 151 Worked in Chicago for a couple of months.

Q. 152 Where?

A. 152 In Chicago. I started back home from Connecticut in November, started back, Sir.

Q. 153 This last November?

A. 153 Yes, Sir.

Q. 154 Did you go home then?

A. 154 No, Sir.

Q. 155 What did you do?

A. 155 I started home and got a letter from my sister.

Q. 156 Where did you write the letter from?

A. 156 Hartford.

Q. 157 Where is your town?

A. 157 Waterville.

Q. 158 Not very far from Hartford?

A. 158 Fifty-four miles, Sir.

Q. 159 And you got this reply from her in Hartford?

A. 159 Yes, Sir.

Q. 160 And when was that?

A. 160 That was around the 27th of November, I got home around the 5th of December, Sir.

Q. 161 And then what did you do?

A. 161 I started going to the border, Sir.

Q. 162 How did you travel?

A. 162 By truck, helping on the trucks.

Q. 163 Were you trying to get away from anything across the border?

A. 163 No, Sir.

Q. 164 And when did you decide definitely to come back?

A. 164 On the 8th I got here.

Q. 165 And when did you make this decision to come back, when did you say, "I am going back now,?"

A. 165 I made that on the 13th of this month.

Q. 166 Until that time you had not decided when to come back?

A. 166 No, Sir.

Q. 167 And ever since you went home you intended to come back?

A. 167 Yes, Sir.

Q. 168 You did not think or intend to come back through the eighteen months?

A. 168 I cannot say.

Q. 169 You say you intended to at all times?

A. 169 To come back, yes, Sir.

Q. 170 Is there a story around about you going home and having your people tell you to go back to the Army?

A. 170 No, Sir.

RE-EXAMINED BY THE DEFENDING OFFICER

Q. 171 Pte. Hackenson just one or two questions-- when you were driving trucks were the things you were trucking anything to do with the war effort of the United States?

A. 171 Yes, Sir.

Q. 172 Just enlarge on that a little?

A. 172 Well, ...

Q. 173 What was in the trucks?

A. 173 Most all concerns there are on defence work in order to get tires and gasoline, mostly all defence work.

Q. 174 Tell the Court why you wanted to come across the border?

A. 174 I knew that I was guilty of A.W.L., and I wanted to square myself.

Q. 175 What is your desire, you are going to have to pay a penalty for your doing what was wrong, you admitted it-- but what is your desire after paying this penalty?

A. 185 I desire to be put back in the service and soldier.

QUESTIONED BY THE COURT

Q. 186 Pte. Hackenson is that category 4-F which you were given by the draft board in the States?

A. 186 Yes, Sir.

Q. 187 Because of the type of work you did or your condition?

A. 187 Physical condition, hands and teeth, Sir.

Q. 188 Is that temporary or permanent?

A. 188 Permanent 4-F.

Q. 189 Not liable for service in the United States with that category?

A. 189 No, Sir.

Q. 190 Were you called by the United States' authorities before this medical board or did you volunteer?

A. 190 I just took it.

Q. 191 They told you to report for a medical?

A. 191 Yes, Sir.

Q. 192 When you reported did you tell them anything about your previous service?

A. 192 They never asked me, Sir.

QUESTIONED BY THE JUDGE ADVOCATE

Q. 193 When you were trucking between Connecticut, Philadelphia, Cleveland, Chicago, did you ever get near Detroit or Buffalo?

A. 193 No, Sir, I was in Cleveland once, Sir.

Q. 194 You never got in Buffalo or Detroit, or near any border point?

A. 194 No, Sir.

Q. 195 And how long in the army before this offense or charge-- you told us that you enlisted in January 1941 and this offence happened in May, four or five months in the Army?

A. 195 Yes, Sir.

Q. 196 And did you or did you not know what happens to a man who is absent twenty-one days--- have you ever heard of anything that happened to a man away for twenty-one days?

A. 196 No, Sir.

Q. 197 You haven't heard it?

A. 197 No, Sir.

Q. 198 And all these months after your hands got better you were working and not until your sister told you sometime in November that unless you went back and got yourself cleaned up or your affairs cleaned up,--- not until that time then did you actually start back to the border?

A. 198 That is after I wrote to her---- I was short of money and I wanted some money to come back.

Q. 199 You wrote her asking for money to come back?

A. 199 Yes, Sir.

Q. 200 What were your average earnings per week, after your hands got better?

A. 200 $40 a week.

Q. 201 When you were a mechanic or on this checking job in New Jersey, what were your earnings?

A. 201 If I could do the mechanical work I could make more money, I was only checking at $30 a week.

Q. 202 About what time did you lose your steady job -- about what time was it you left there?

A. 202 In November, Sir.

Q. 203 Why did you leave there?

A. 203 Going back home, Sir.

Q. 204 Save any money from this $40 a week?

A. 204 I did.

Q. 205 And that was in November?

A. 205 Yes, Sir.

Q. 206 That you started...?

A. 206 To go home.

Q. 207 Suppose you got home in November when did you make up your mind?

A. 207 Wanted to see my mother and ~~rent~~ return.

Q. 208 Right away?

A. 208 Yes, Sir.

Q. 209 How old are you?

A. 209 Thirty-one.

Q. 210 Any service in the American Army?

A. 210 No, Sir.

Q. 211 The only army experience you have had was in the Canadian Army?

A. 211 Yes, Sir.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS RESUMES HIS SEAT.

THE PROSECUTOR MAKES A CLOSING ADDRESS.
(See document marked "J" attached.)

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS.
(See document marked "K" attached.)

THE JUDGE ADVOCATE ADDRESSES THE COURT.
(See document marked "L" attached.)

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused A.55049, Pte. Harry Hackenson, No. 1 District Depot, C.A., is guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it. Capt. D.H. Thomas, No. 1 District Depot, C.A., on his former oath, states :- ~~is duly sworn~~.

Evidence of character, &c.

Q. 212 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A. 212 Yes, Sir, I produce M.F.B. 355 and M.F.M. 6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y" "Z", signed by the President, and annexed to the proceedings.

Q. 213 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A. 213 Yes, Sir.

Q. 214 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A. 214 Yes, Sir.

Q. 215 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A. 215 Yes, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~
THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS RESUMES HIS SEAT.

Q. 216 *Question to the accused.* Do you wish to address the Court? *Answer.* A. 216- Yes, Sir, my Defending Officer will speak for me.

FOR ADDRESS BY DEFENDING OFFICER IN MITIGATION OF SENTENCE SEE DOCUMENT MARKED EXHIBIT "M" ATTACHED.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused A.55049, Pte. Harry Hackenson, No. 1 District Depot, C.A., to undergo detention for nine (9) months and to be placed under stoppages of pay until he has made good the sum of $5.55 in respect of the cost of apprehension and return to his corps.

Sentence.

Detention

9 Months

Stoppages

$5.55

Signed at London, Ontario, this 28th day of January, 1943.

W. Kerr Lt Col
(W.G. Kerr) Lieut-Colonel,
A.J.A.G., M.D. No. 1.
Judge Advocate

H.C. Cameron Lt Col
(H.C. Cameron) Lieut-Colonel,
Pres. Districts Courts-Martial
H.Q., M.D. No. 1.
President.

Confirmed
Signed at London Ont.
this 3rd day of February 1943
J. Lindsay
Brigadier
Commd.

Extracts entered as No. 7756 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 10th day of Feby 1943
R.O.S.

Promulgation

Promulgated and extracts taken at Wolseley Barracks, London, Ontario this 5th day of February 1943.

M Thomas Capt
O/Charge Section
No 1 District Depot CA
Officer in charge of document.

X

Disbursing Off Cal
Pres D.S.M.

Orders by Brigadier D.J. MacDonald, DSO, MC. Commanding

the Military District No. 1.

District Court-Martial

S.41266 (A.9921) Pte. Hubert Fontaine,
No. 1 District Depot, C.A.
B.110078, Pte. Joseph Hormidas Gagnon,
No. 1 District Depot, C.A.
A.55049, Pte. Harry Mackenson,
No. 1 District
Depot, C.A.

25th January 1943

The detail of Officers as mentioned below will assemble at Wolseley Bks. Royal School Bldg. London, Ont. on Thursday the 28th day of January 1943 at 1000 Hours.

for the purpose of trying by a District Court-Martial the accused ~~person~~ (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Lieut-Colonel R.C. Cameron, M.C.
Pres. Courts-Martial, HQ MD 1 is appointed President.

MEMBERS

Major E.M. Diehl,
O.C. 1 (Res) Div. R.C.A.S.C., C.A.
Captain A.S. Fergusson,
1 (R) Bn. Mx. & Huron R., C.A.

WAITING MEMBERS

Captain F.G.W. Pennell,
No. 1 District Depot, C.A.

JUDGE ADVOCATE

Lieut-Colonel W.G. Kerr, V.D., A.J.A.G. M.D. No. 1. has been (is hereby) appointed Judge Advocate

PROSECUTOR

Captain D.H. Thomas, No. 1 District Depot, C.A. has been (is hereby) appointed Prosecutor

DEFENDING OFFICER

Major F.A. Landriau, S-9 C.A.M.S., C.A.
H/Capt. D.A. Cowan, Chaplain (P) No. 1 District Depot, C.A. has been (is hereby) appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding No. 1 District Depot, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to A.A. & Q.M.G., M.D. No. 1.

Signed this 25th day of January 1943

(W.H. Hippen) Colonel,
A.A. & Q.M.G., M.D. No. 1,
for D.O.C., M.D. No. 1.

M.F.B. 250
A.F.A. 47
15M—9-41 (1781)
H.Q. 1772-39-564

G

RECORD of the Declaration of a Court of Inquiry assembled at London, Ontario, on the 3rd day of June 1941, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. A.55049, Pte. H. Hackenson

DECLARATION

The Court declare that No. A.55049 Pte. Harry Hackenson illegally absented himself without leave from Wolseley Barracks, London, Ont., at 0600 hrs on the 5th day of May, 1941, that he is still so absent, and that on the 5th May 1941 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
Clo. Div "A"		Razors, Safety Sets	.42
Anklets Web prs.	.77	Clo. Section "K"	
Clo. Div. "B"		Bowls Coffee "E"	.15
Battle Dress Blouse	6.18	Mugs "E"	.17
Battle Dress Trousers	6.24	Plates "E"	.13
Boots Ankle prs (2)	9.62		$26.10
Caps, F.S.	.82		
Drawers, Cotton Shorts	.92		
Shirts, under, cotton	.34		
Clo. Div. "C"			
Belts Waist Leather	.32		
Discs Identity	.02		

R.D. 1/77

(Sgd) Capt. K.A. Ross No. 1 D.D. CA President

Signed at London, Ontario (Sgd) Lieut. W.C. Woods No. 1 DD. CA Member

this 5th day of June 1941. (Sgd) Lieut. L.L. Shipley No. 1 DDCA Member

Signature of Commanding Officer (Sgd) Wm. Neilson, Lt. Col. No. 1 DDCA

Certified true copy (D.H. Thomas) Capt., S.O.C. Legal Section, No. 1 District Depot, C.A.

Certified true copy of original record

M.F.B. 373
A.F.B. 115
50M—9-41 (1509)
H.Q. 1772-39-257

#7

Exhibit "B" Affidavit of Sgt. Schultz

H Hackenson Pte. Pte. O.S.M.

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY ~~OR SURRENDER~~ TO SERVICE AUTHORITIES)

I, A-99717 (Number) Sgt. (Rank) Schultz K.A. (Name) #30 Provost Coy.CA. (Unit)

hereby certify that A-55049 (Number) Pte. (Rank) Hackenson H (Name in full)

of the #1 DD London Ont. (Unit and attachment, if any)

Strike out words not applicable } was apprehended by (~~surrender to~~ Rec) A-56158 (Number) L/Cpl. (Rank)

MacMillan,L.B. (Name) (Unit or appointment)

at Windsor Ont. (Place) at 1615 hrs (Hour)

on the 13th day of January 19 45

Strike out words not applicable } as a deserter (~~absent without leave~~), and that at the time of his arrest he was wearing ~~civilian clothes~~ (dressed in civilian clothes).

Dated at Windsor Ont. this 13 day of January 19 45

K A Schultz

K.A.Schultz A-99717 Sgt. N.C.O.i/c (Signature, Number, Rank, Unit or attachment)
#6 Sec.#30 Provost Coy.Windsor Ont.

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 316
50M—5-42 (4731)
H.Q. 1772-39-1936

Exhibit "C" Mona Cooper

I

49

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut. (Rank) R.V.Rochefort, (Name) Issuing Officer D.S. & T.O. M.D.No.1 (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~authorized~~ the hereinafter itemized transportation for escort

Complete — to proceed from Windsor, Ont. (Place) to London, Ont. (Place)

and return to Windsor, Ontario for the

Full description of soldier being escorted — purpose of escorting A 55049 Pte.Hackenson,H. No.1 District Depot

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
To cost of Transport Warrant No.6 24679 dated 14-1-43 covering the following transportation:-	
One second class return Windsor,Ont. to London, Ont. (Escort)	3.70
One second class single Windsor,Ont. to London,Ont.(Absentee)	1.85
	5.55
The cost of the above transportation is recoverable from:- A 55049 Pte.Hackenson, H. No.1 District Depot, London, Ontario.	
Total	$ 5.55

Dated at Windsor, Ont. this fourteenth day of January A.D. 1943

R.V.Rochefort Lieut.

(R.V.Rochefort) (Signature, rank, unit of officer (issuing transport warrants) (authorizing transportation) ~~as the case may be~~ ~~if applicable~~)

Issuing Officer D.S. & T.O. M.D.No.1

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
5024—12-41 (2754)
H.Q. 1775-29-1481

DOCUMENT "J"

Statement from Sgt. Pres. D.S.M.

CLOSING ADDRESS BY THE PROSECUTOR

The accused is charged with desertion and the evidence shows that he left the Canadian Army after four months' service and remained absent for some eighteen months and during that time he was working at a variety of things, apparently making a good living and all the time intending to come back sometime.

Immediately after the accused went absent without leave he was told by his family to go back to the Canadian Army and make a man of himself or words to that effect and on one--- I think the evidence is to the effect, that on one occasion in the interum he approaches his family and they would have nothing to do with him. In November, 1942, the accused got as close to his home as Hartford, fifty-four miles away. He wrote a letter to which he received a reply from his sister telling him that he need not come home until he straightened out his affairs in the Army.

Then, he spent another month or up to two months in getting back to Detroit when he attempted to give himself up and come across the border and insisted on delivering himself to the Canadian Military Police. The facts are rather hard to link up with the question of intention. The accused expressed intention in his own evidence. He says that at all time he intended to come back---- when he got that note back from his family that they would not have anything to do with him unless he did; what other pressure from that source does not seem to matter and for a long time he did not come back. We have no other evidence of any other pressure that may have brought him back. He said in answer to a question that he was not trying to get away from anything and I suppose we are entitled to presume that he answered truthfully. He did some sort of job between Connecticut and Detroit when he was on his way back to give himself up to the Canadian Army.

The whole series or transaction presents a problem for the Court as to where the intention to return lies. Whether the man intended not to return when he went away or at any time during his time away. Certainly there have been splendid opportunities for him to come back all through the time of his absence if he had wanted to come back within a reasonable length of time. After he left his first job as a checker, that would have been a reasonable time to come back. None of these opportunities did he take and I submit that the Court will have to decide that the man's intentions to return were so thin and watery that the charge against him stands and he should be convicted of the charge of desertion.

DOCUMENT "K" Pres. D.C.M.

CLOSING ADDRESS BY THE DEFENDING OFFICER

Gentlemen, "the offence of desertion," Para. 17 on page 19, "or attempting to desert His Majesty's service implies an intention on the part of the offender either not to return to His Majesty's service at all or to escape some particular important service." The second part does not apply in this case.

Mere distance does not make desertion. Mere length of absence does not make desertion or intention. The Prosecutor has said intention was so thin and watery, leaving the thought was it intention at all? Intention, we are told on these trials, is the overt act--- intention that was so thin and watery that this man did come back. He did not only intend to come back but he did come back and not only did he come back but he desired and may I use the word 'insisted' on coming back.

Surely Gentlemen, there is no evidence of desertion before this Court. The man shows that he intended to come and he did come back. Therefore, I submit gentlemen, that he cannot be found guilty as a deserter. There are other facts that I may mention in this case.

Here is an American boy, a mechanic enlisting of his own free will, was in the Canadian Army for four or five months and according to the evidence before this Court by the Sergeant who identified him was discouraged. He went away on pass to Windsor and vicinity and just went off. He did what was wrong, there is no doubt about that. He was absent without leave for eighteen months-- he was absent without leave.

Here is a man, gentlemen, who is, I feel, a valuable man as a mechanic. He has to pay the penalty for this crime of absence without leave but I submit to this Court that on the evidence, his own evidence, a frank and honest witness, the intention to return is backed up by the implacable fact that he did return. Therefore, the crime is not desertion but a crime of absence without leave and I submit gentlemen that you should find him guilty of absence without leave.

DOCUMENT "L"

H. Cameron Blair
Pres. D.C.M.

SUMMING UP BY THE JUDGE ADVOCATE

The offence of desertion is, it is true, described on page 19 of the Manual where the Defending Officer has stated under Section 17 : ".... absence without leave intention on the part of the offender not to return to His Majesty's service at all." I will not deal with the other account of desertion because that does not come up in this case.

Further on in the same section, "absence without leave may be described as such short absence, unaccompanied by disguise, concealment, or other suspicious circumstances, as occurs when a soldier does not return to his corps or duty at the proper time, but the circumstances are such as to show that he did not intend to quit the service or to evade the performance of some service so important as to render the offence desertion."

Mere distance is not the wording of the statute or law. The wording of Section 19, page 19, "nor can desertion invariably be judged by distance." It goes on further, "a soldier may absent himself without leave and depart to a very considerable distance, and yet the evidence of an intention to return may be clear." It goes on, " mere length of absence is, by itself, inconclusive as a test."

Now intention cannot be proven by direct evidence. Intention is something that is seldom expressed by a man. It can only be proven by the Prosecution by proving a certain set of facts or acts which, all taken one with the other, to the circumstances surrounding the case, Do they add up or do they make up in the minds of the Court trying the accused a conclusion beyond a reasonable doubt the man did not intend to return.

Again on page 20 of the Manual, Para. 23, "the fact that a soldier surrenders himself is not proof by itself that he intended to return, even though he is in uniform at the time of surrender." So it is the duty of the Court to

bear in mind these facts that while distance is inconclusive and while length of absence by itself would not carry it or should not carry to their minds sufficient evidence or sufficient to affect or make up their minds beyond doubt that the man did not intend to return, you must weigh all of the facts.

Again para. 21, page 20 of the Manual, "a man may be a deserter though his absence was in the first instance legal, the criterion being the same in all cases, namely, the intention of not returning. It is clearly shown by the King's Regulations and by the explanation on the furlough form itself, that a soldier on furlough is still under orders, and that, if without leave he quits the place to which he has permission to go, or if he disguises or conceals himself so that orders cannot reach him or goes on board a ship about to sail for a distant port, he is liable to be tried and convicted of desertion though on furlough at the time."

So that if a man's intention at the time he goes absent is not to return and he subsequently changes his mind and then returns he would be liable but the fact that he did give himself up that action would be in mitigation of any punishment he might receive. But the fact is, what were the man's intentions at the time of going absent without leave. That is the question. A man could be said to have intended to desert on Monday, change his mind in the meantime and then change it again and stay away again.

All these things must be taken into reason. The facts here are not in dispute. There is definite evidence of the length of absence. There is evidence he was in civilian clothes when he came back. It is in evidence that he made $40 and $30 a week in travelling from place to place, also that he actually appeared before a medical board in the United States and is it or is it not significant he was categorized 4-F and according to his own evidence he is not liable to be picked up by the American authorities. He is a 4-F man. In addition to that he wrote to his family and they would have nothing to do with him unless he did come back and make things up with the Army. What is his intention at that time or did it change by these circumstances. That is for the Court.

In all of these cases any reasonable doubt must be given to the accused. He is not to be convicted if there is any reasonable doubt in your mind-- not to convict him of desertion but as you know, under Section 56 of the act, find him not guilty of desertion but guilty of absence without leave.

I do not believe the attempt to desert comes into this set of circumstances at all. There is also another matter in evidence. He said that sometime in November, after all this work, he decided to go home and see his mother and then return. At another time in his own evidence he stated that he had saved some money and further he said he wrote his sister for some money to come back. Those are the facts in the evidence which you may consider.

You are the judges, you must make up your minds and if you have any real doubt, that real doubt must be resolved in favour of the accused and you must not convict him of desertion. The offence of absence without leave is proven beyond doubt so that if you find him not guilty of desertion you must find him guilty of absence without leave under Section 56 of the Army Act. You must take all the evidence that has been given and sort out what in your minds are the most important things and taking the whole thing together make up your minds as to what your judgement and finding shall be.

Y Stellamerow Capt. Pres, D.S.M.

M.F.B. 355
H.Q. 1772-39-620
10M-8-40 (M19)

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
A.55049,	Pte.	Harry Hackenson	No. 1 District Depot, C.A.

1. The following is a fair and true summary of the entries in the Field Conduct sheets and MFM 2 of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For AWL	Nil	times	2	times
For		times		times
For		times		times
For		times		times

Number of instances of gallantry or distinguished conduct nil

NOTE:—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. Previous convictions of the accused by a court-martial or a civil court, summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 16 days in military custody, making a total of 16 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his attestation paper is 31 Years 160 Days

6. The date of his attestation specified in his attestation paper is 21 January 1941.

7. The service which the accused is allowed to reckon towards discharge is 2 Years 7 Days

9. The accused is in possession of or entitled to no military decoration, or military reward

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of ..... Permanent Force unit ..... dated ....., and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:— ..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank ..... Regiment Name ..... of .....

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~[illegible]~~ 28th day of January 1943. (D.H. Thomas) Capt.
Officer i/c Records, No. 1 Dist. Depot
C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

M.F.M. 6
(A.F.B. 122)
500M—11-41 (3496)
H.Q. 1772-39-1482

No. A.55049 Name HACKENSON, Harry

Sqn., Battery, or Company

No. and date of last drunk

Corps No. 1 District Depot Sub-Depot (AF)

Period not reckoning towards freedom from extra fine

Date of enlistment 21.1.41

Sheet No.

G.C. Badges

Signature O.C. Company, etc.

Tradesmen's Rates of Pay

Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
	1941								
Windsor, Ont.	25Mar	Pte		AWL (A.A. 15 (1) from 2359 hrs 25.3.41 to 2200 hrs 5.4.41 (Tot. 12 Days 22 hrs 1 Min.)	Sgt. Hollefreund A/Sgt.Saunders	14 Days Det'n.	7 Apr41	Major Beattie	Forf. 13 Days Pay FR&I
Windsor, Ont.	22Apr	Pte		AWL (AA 15(1) from 0630 hrs 22-4-42 to 2100 hrs 23.4.41 (Total 1 Day 14 Hrs 30 Mins.)	" "	Forf. 2 Days Pay AA 4 6	24 Apr 41	" "	Forf. 2 Days Pay FR&I

CERTIFIED TRUE COPY:

Capt.

(D.H. Thomas) O.C. Legal Section,
No. 1 District Depot, C.A.

(P.T.O.)

H.Q.C. 55-H-326, Admin.3(c)1

September 11th, 1943.

CONFIDENTIAL

District Officer Commanding,
Military District No. 1,
LONDON, Ont.

District Court-Martial
A.55049, Pte. MACKENSON, H.
Remission of Sentence

Reference L. 91-1-35 dated 31st of August, 1943.

2. The proceedings of the marginally-noted Court-Martial are herewith forwarded so that a Minute of Remission and Promulgation be appended to Page F.

3. When a Remission of Sentence is granted, a Minute of Remission signed by the remitting authority should be appended to Page F. of the proceedings, together with a Minute of Promulgation.

4. In cases where it is not felt necessary to request the proceedings from this Headquarters for the purpose of considering a Remission, a Certificate of Remission of Sentence signed by the remitting authority should be forwarded to this Headquarters, together with a Certificate of Promulgation. This does not dispense with the compliance of the provisions of Routine Order 3239.

5. May these proceedings be returned to this Headquarters as soon as possible.

(H. F. G. Letson),
Major-General,
Adjutant-General.

Encl. GM/EMP

Pt of Order
A General
Dra

DOCUMENT "M"

Pres DGM

ADDRESS BY THE DEFENDING OFFICER IN MITIGATION OF SENTENCE

Before sentencing this man I would like to appeal as I have so often and my appeal so often has fallen on deaf ears, for a short sentence. Here is a man, on account of a physical discharge did a very foolish thing. The question comes in as to whether he had been of much use to us in the Army for four or five months. He is now fully recovered and I appeal to this Court on this absence without leave charge for a short sentence of three months which would be quite sufficient.

The Army is crying for good mechanics. This man is willing and ready to soldier and I appeal to you gentlemen to give him a sentence with lienency and get him back in the service. If any man will come back as he did from an absence like that he has apparently made up his mind to soldier.

I would ask you to give him a penalty with a touch of mercy and leniency in any sentence you may impose upon him.

5

MEDICAL OFFICER'S REPORT

I certify that No. A-55049 Pte Harry Hackenson of H/D.D is in a good state of health, and fit to undergo Trial by Court martial.

S J T Beer Capt. R.C.A.M.C.
Medical Officer
H/D.D CA

Station London Ont.

Date 28-Jan. 1943

M. F. B. 246
33M—4-43 (4746)
H.Q. 1773-30 600

CANADA

IN REPLY PLEASE QUOTE
No. L. 28-H-151

DEPARTMENT OF NATIONAL DEFENCE
ARMY

bp/

162352

HQ MD 1, London, Ontario, 27th Sept. 1943

CONFIDENTIAL
CONF. SEC.
File C 55-H-326
Chgd. to
Referred 24 30-9.
admin

The Secretary,
Department of National Defence,
OTTAWA, Canada

REMISSION OF SENTENCE BY D.C.M.
A.55049, Pte. Mackenson, H.

We acknowledge receipt of your H.Q. C.55-H-326, Admin. 3 (c) 1 dated 11th Sept. 1943, in which you advise that a minute of remission signed by the remitting authority should be appended to page "P" of the proceedings together with a minute of promulgation.

2. The remission in this case was made by Brigadier D.J. MacDonald, D.S.O., M.C., who is at present overseas. Since September 5th, 1943, Colonel W.G. Hagarty, D.S.O., has been the T/D.O.C. of this District. It would hardly seem in order for the T/D.O.C. to sign the remission when he, in fact, did not make the same, nor was he at the time it was made, the confirming authority.

3. May this H.Q. receive your further instructions, please?

for (W.G. Hagarty) Colonel,
T/D.O.C., M.D. No. 1.

Capt

NAT. DEF. B. 440
1 Million—10-43 (6655)
H.Q. 1772-29-767

Page

NO. 1 DISTRICT DEPOT (AF)

DAILY ORDERS PART II NO. 239 WOLSELEY BARRACKS
LONDON ONTARIO
27 Aug 43

BY

Colonel Wm. Neilson, D.S.O., Commanding Officer

Last Part II Order No. 238, d/26 Aug 43

"A"

OFFICERS & NURSING SISTERS

1. ATTACHED

The undermentioned Officers attached to No. 1 District Depot (AF) for rations and quarters, effective 24 Aug 43. (Attending Tour of Duty for Personnel Selections Officers) (Auth. M.8-1-90-A-5360 (A/MOV)d/14 Aug 43.)

P/2/Lieut. L.A. ANDERSON
P/2/Lieut. S.H. GIBSON
P/2/Lieut. J.C. GARRETT
P/2/Lieut. A.R. HACKETT
P/2/Lieut. W.S. KENNEDY
P/2/Lieut. P.L.F. RICHES
P/2/Lieut. S.H. McLEOD
Capt. J.E. LACERTE

The undermentioned officers attached for all purposes to No. 1 District Depot (AF) effective 22 Aug 43, on attachment from O.3 O.T.C. Three Rivers. (Attending Tour of Duty for Personnel Selection Officers) (Auth. M.8-1-90-A-5360 (A/MOV)d/14 Aug 43.)

P/2/Lieut. L.E. BROWNING
P/2/Lieut. M.D. CAMPBELL
P/2/Lieut. J.J. CARPENTER
P/2/Lieut. M.A. COWPER-SMITH
P/2/Lieut. D.I. HILL
P/2/Lieut. W.H. JACKSON
P/2/Lieut. J.R. INOX
P/2/Lieut. A.G. LAWRASON
P/2/Lieut. K.S. MADILL
P/2/Lieut. W.G. SCOTT
P/2/Lieut. N.W. SMITH
P/2/Lieut. R.H. SYRETT

2. COMMAND

Lieut. L.G. JACKSON — On command from No. 1 D.D., London Ont. to Halifax N.S. from 1920 hours 19 Aug 43 until 1145 hours 25 Aug 43. (Conducting Duties)

"B"

OTHER RANKS

1. STRENGTH INCREASE

D-27085, Pte. KENNEDY, J.J. — T.O.S. No. 1 District Depot (AF) on transfer from N.D. Rangers Sussex N.B. (Cat.-A) Posted to Halding Section. Eff. 24 Aug 43

.....2

NO. I DISTRICT DEPOT (AF)

DAILY ORDERS PART II NO. 239 27 Aug 43
(SHEET II)

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1. STRENGTH INCREASE (CONT')

The undermentioned personnel having been attested are taken on strength No. 1 District Depot (AF) and posted to sections as shown, effective dates as indicated.

"C" SECTION - NO. I D.D. (AF)

A-19394, Pte. PROUDFOOT, William James 23 Aug 43
Married-Pres.-1902-E.-C1-1141111
A-107846, Pte. MADER, Gordon Joseph 24 Aug 43
Single-Mennonite-1895-E-B1-3111311
A-107847, Pte. GAUTHIER, Archille Gordon 24 Aug 43
Single-R.C.-1924-E-A1-1111111
A-107848, Pte. NEELON, Alan Harris 23 Aug 43
Single- Unit.-1925-E-A1-1111111
A-107849, Pte. PILBEAM, Malcolm Joseph 24 Aug 43
Single-Unit.-1924-E-A1-1111111
A-107850, Pte. HARTER, Wayne Murray 23 Aug 43
Single-Unit-1923-E-A1-1111111
A-107851, Pte. SEYMOUR, Thomas Richard 23 Aug 43
Single-Unit-1924-E-A1-1111111
A-107852, Pte. SMITH, Thomas Glen 24 Aug 43
Single-Bapt.-1924-E-A1-1111111
A-107853, Pte. TAYLOR, William James Leroy 23 Aug 43
Married-Pres.-1924-E-A1-1111111
A-107854, Pte. DORE, Jean Pierre 21 Aug 43
Single-R.C.-1924-E-A1-1111111
A-107855, Pte. MILLIER, Lucien, 23 Aug 43
Single-R.C.-1922-E-A2-1111121
A-107856, Pte. REED, Howard Milton 24 Aug 43
Single-C.E.-1912-E-A2-1211112
A-107857, Pte. PRICE, Oren Brown 23 Aug 43
Single-Unit.-1917-E-B1-1131111
A-107858, Pte. PIGEON, Thomas Adelore 23 Aug 43
Married-R.C.-1916-E-Cr-4r111111
A-107859, Pte. JARDINE, Clifford Malcolm 25 Aug 43
Single-Bapt.-1910-E-Cr-4r311111

The undermentioned personnel are taken on strength No. 1 District Depot (AF) on transfer from A-29 C.I.T.C. Ipperwash, Ont. eff. 27 Aug 43

B-138180,	Pte.	WILSON	K.J.	Cat. C-1
A-59689,	Pte.	THOMSON,	J.R.	Cat. C-1
H-103851,	Pte.	TERCHUK,	P.	Cat. A
A-103859,	Pte.	SMITH,	H.	Cat. A-1
A-117076,	Pte.	SCOTT,	C.J.	Cat. B-1
A-105458,	Pte.	POVELOFSKIE	E.R.	Cat. C-1
A-103910,	Pte.	NISBET,	W.S.	Cat. C-1
A-116272,	Pte.	MURRAY,	N.C.	Cat. C-1
A-49719,	Pte.	LYNCH,	F.M.C.	Cat. C-1
A-50460,	Pte.	LAROCQUE,	L.J.P.	Cat. C-1
B-91823,	Pte.	KOSHMAN,	A.	Cat. C-1
C-100769,	Pte.	JONES,	J.M.	Cat. A.
A-61491,	Pte.	GRACHOS,	S.E.	Cat. C-2
D-68314,	Pte.	FREESTONE,	F.	Cat. A-2
A-117872,	Pte.	DUDKA,	J.	Cat. A-1
A-117854,	Pte.	DECAINE,	A.F.	Cat. A-1
A-67884,	Pte.	CAMPBELL,	A.	Cat. C-1
A-106320,	Pte.	BURNE,	J.D.	Cat. A-1

.....3

NO. I DISTRICT DEPOT (AF)

DAILY ORDERS PART II NO. 239 27 AUG 43
(SHEET III)

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1. STRENGTH INCREASE (CONT')

B-85244, Pte.
TROTCHIE, C.J.
No. 1 D.D.(W.D.)

Para 1 of D.O. 226 d/14 Aug 43 insofar as it concerns the a/n is amended to include:
(Auth. Spec. District Order M.B. 4, d/31 July 43.

2. STRENGTH DECREASE

A-107306, Pte.
BERNHARDT, L.J.H.
"C" Sect.

Having been declard illegally absent since 1330 hours 22 Jul 43, by a Court of Inquiry held at Wolseley Barracks, London Ontario, 21 Aug 43, is struck off strength No. 1 District Depot (AF) as a DESERTER.
Effective: 21 Aug 43.
Deficiencies of Kit: $15.86
Total Forfeitures of pay: 31 days.

A-50047, Pte.
JACOBS, T.H.

Struck off Strength, No. 1 District Depot (AF), on discharge, effective 27 Aug 43 under R.O. 1029 (12), 1941 for reason of "His services being no longer required," HQ 54-27-3-52 F.D. 24 (Org) dated 9 Jun 43.
Character: GOOD
Address on Discharge: 45 Foster St., CHATHAM, Ont.
Clothing Allowance: $35.00
Rehabilitation Grant: Yes.

B-36161, Pte.
ANDREWS, F.E.

Struck off Strength No. 1 District Depot (AF)on discharge effective 26 Aug 43 under R.O.1029 (10), 1941, for reason of "Being unable to meet the required military physical standards" and to DP&NH under R.O. 3151, for Post Discharge Treatment.
Character: EXEMPLARY
Address on discharge: 1116 3rd Ave. East Owen Sound, Ont.
Clothing Allowance: $35.00
Rehabilitation Grant: Yes

3. ATTACHED

A-104448, Pte.
O'ROURKE, B.J.
HQ

Cease to be attached for all purposes except pay to A-29 C.I.T.C. Ipperwash, Ontario. Eff. 26 Aug 43.

.....4

NO. I DISTRICT DEPOT (AF)

DAILY ORDERS PART II NO. 239 27 AUG 43
(SHEET IV)

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3. ATTACHED (CONT')

A-102633, A/Cpl. McCRAE, V.S. HQ.	Para 2 D.O. 185, d/5 Aug 43 (Windsor Det.) insofar as it concerns the m/n, name is amended to read as now shown.
A-55317, C.Q.M.S. KENNINGTON, J.W. HQ	Attached to Vocational Training School Windsor Ont. for all purposes except pay from 10 Aug 43 until 13 Aug 43 inclusive.

4. POSTINGS

A-21392, Spr. BASTIEN, C.M. Holding Sec.	Posted to C Section. (Inf.) Eff. 26 Aug 43.

5.

A-86303, Pte. BALYK, M.	Posted from Holding Section to H.Q. Section, eff. 26 Aug 43.
A-22822, Pte. PARENT, H.J.	DITTO

6. HOSPITAL

A-32035, Sgt. HURRELL, P.J.	Discharged from Rectory Hospital. Eff. 26 Aug 43.
A-107001, Pte. CLANCY, F.	Admitted to London Military Hosp. Eff. 24 Aug 43
A-27208, Pte. CALLAN, W.R.	Admitted to Westminster Hosp. from London Military Hospital. Eff 24 Aug 43.
A-38196, Pte. SCHMIDT, W.	Transferred from Westminster Hospital to Toronto Convalescent Hospital. Eff. 23 Aug 43.
A-107422, Pte. HEDGES, G.	Transferred from London Military Hospital to Toronto Convalescent Hospital. Eff. 24 Aug 43.
A-107383, Pte. DARLING, A.	DITTO
A-18188, Pte. MITCHELL, J.	DITTO

.....5

NO. I DISTRICT DEPOT (AF)

DAILY ORDERS PART II NO. 239 27 AUG 43
(SHEET V)

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7. SUBSISTENCE ALLOWANCE

A-55317 CQMS PENNINGTON, J.W.	Continues to draw subsistence allowance of $1.25 per diem from 10 Aug 43 until 13 Aug 43 inclusive. (Attached to V.T.S. Windsor) (Auth. L.91-1-32, d/16 Jan 43)
A-86303, Pte. DALYK, M.	Granted subsistence allowance of $1.25 per diem. eff. 26 Aug 43. (Auth. L.91-1-32,d/16 Jan 43)

8. FURLOUGH

A-58837, Sgt. ALDRIDGE, C.	Para 7 D.O. 238,d/26 Aug 43 insofar as it concerns the n/n, is amended to read: Granted furlough with pay from 30 Aug 43 until 5 Sept 43 incl.
A-103319, Pte. SHEPLEY, V.C.	Granted furlough with pay from 30 Aug 43 until 12 Sept 43, inclusive.

9. AGRICULTURAL LEAVE

A-104967, Pte. DORMAN, W.E.	Granted Agricultural Leave without pay and allowances from 25 Aug 43 until 25 November 43, inclusive. (Auth. E. 55-D-2819 NR,d/12 Aug 43.)

10. APPOINTMENTS & PROMOTIONS

A-105216, Pte. MEDLYN, J.	To be A/Corporal with pay. Effective 15 Aug 43
A-104201, Pte. TRETTIEWEY, G.E.	DITTO

11. CONFIRMATIONS

The undermentioned personnel are confirmed in the rank as shown. Effective: 26 Aug 43.

A-11329, A/Cpl.STEAD, H.W.	CPL.
A-44328, A/Cpl LEVERTON, C.O.	CPL.
A-42254, A/Sgt.THOMAS, W.B.	SGT.
A-59762, A/Sgt MITCHELL, J.R.	SGT.
A-103230 A/Cpl WILKINS, W.B.	CPL.

12. ABSENT WITHOUT LEAVE

A-107324, Pte. LEVESQUE, L. Pool	Para 10 D.O. 237,d/25 Aug 43, insofar as it concerns the n/n, date is amended to read: 2 Aug 43.
A-107724, Pte. POLLARD, R.A. Pool	A.W.L. from 1000 hours 25 Aug 43. (First Entry)

.....6

NO. I DISTRICT DEPOT (AF)

DAILY ORDERS PART II NO. 239 27 Aug 43
(SHEET VI)

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12. ABSENT WITHOUT LEAVE (CONT')

A-68212, Pte. WELLMAN, A.J. Holding.	Para 10 D.O. 237, d/25 Aug 43 insofar as it concerns the n/n, name is amended to read as now shown.

13. PUNISHMENTS & FORFEITURES

G-60814, Spr. McNAIRN, R.G. Holding	Forfeits 8 days pay under Art. 149(1)(a) F.R.&.I. (Can)CASF for: A.W.L. from 0730 hours 12 Jul 43 until 1140 hours, 19 Jul 43.
	Forfeits 22 days pay under Art 149 (1)(c) II F.R.&.I. (Can) CASF for: Held in close arrest from 1140 hours 19 Jul 43 until 2400 hours 10 Aug 43. (Total Forfeiture of pay 30 days)
A-86637, Tpr. CLARKE, E.L. Holding.	Admonished: 26 Aug 43 Forfeits 6 days pay under Art 149 (1) (a) F.R.&.I.(Can)) CASF for: A.W.L. from 0800 hours 20 Aug 43 until surrendering himself at 0800 hours, 26 Aug 43. Total Forfeiture of Pay: 6 days.
A-21392, Spr. DASTIEN, C.M. Holding.	Awarded 8 days detention, 19 Aug 43 Forfeits 11 days pay under Art 149 (1)(a) F.R.&.I. (Can))for A.W.L. from #1 Rly. Operating Group RCE from 0600 hours 9 Jul 43 until surrendering himself to Regt. Police at #6 Temp. D.T.C. Stratford Ont. at 0640 hours 19 Jul 43. Forfeits 30 days pay for being held in Close Arrest from 064hrs. 19 Jul 43 until 1200hrs. 19 Aug 43. Total Forfeiture of Pay 49 days pay.
E-41475, Spr. McINNIS, F. Holding	Awarded 14 days detention: 19 Aug 43 Forfeits 14 days pay under Art. 149 (1) (a) F.R.&.I. (Can) for A.W.L. from #1 Rly. Operating Group RCE Stratford Ont. from 0600 hours 9 Jul 43 until surrendering himself to Regt. Police at #6 (TemP) D.T.C. Stratford, Ont. at 0345 hours 23 Jul 43. Forfeits 27 days pay for being held in Close Arrest from 0345hrs. 23 Jul 43 until 1200 hours 19 Aug 43. Total Forfeiture of pay: 55 days

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CERTIFIED A TRUE COPY

Capt
(D.H. Thomas) O.C. Legal S
No.1 District Depot, C.A.

NO. I DISTRICT DEPOT (AF)

DAIL Y ORDERS PART II NO. 239 27 AUG 43
(SHEET VII)

---

14. DISTRICT COURT MARTIAL

G-60814, Spr. McNAIRN, R.G. Holding.

Tried by District Court Martial at London, Ontario, on the 11th day of August, 1943, on a charge of Deserting His Majesty Service, in that he at Stratford Ont. on the 12th, day of July, 1943 after having been warned to proceed on special duty, with intent to avoid so proceeding absented himself without leave from No. 1 Railway Operating Group, R.C.E. (CA) from 0730 hours on the said 12th, day of July 1943, until surrendering himself to Regimental Police at No. 6 (Temporary) Canadian Army Basic Training Centre, C.A. Stratford, Ontario, at 1140 hours, on the 19th, day of July, 1943.

HE WAS FOUND GUILTY OF THE OFFENCE AS CHARGED.

He was sentenced to undergo detention for a period of six (6) months.

The finding and the sentence having been confirmed by Brigadier D.J. MacDonald, D.S.O. duly promulgated on the 26th, day of August, 1943.

(Total Forfeiture of 184 days pay.)

15. REMISSION OF SENTENCE

A-55049, Pte. HACIENSON, H. Holding.

Granted remission of sentence from 1400 hours 28 Aug 43. The account of the m/n is credited with 60 days pay.
(Auth. L.28-H-151, d/21 Aug 43; D.O.C. M.D. #1).

16. MARRIAGE

A-57456, Pte. CLOES, L.R.

Para 14 D.O. 230, d/18 Aug 43 insofar as it concerns the m/n is amended to read: "Married with special permission at St. Thomas Ont. 4 Aug 43.
License No. L.77629
Next of Kin: (Wife)
Mrs. Ruth Winnifred CLOES
Address:
33 4th, Ave.
St. Thomas Ont.

17. CHANGE OF ADDRESS

A-107729, Pte. HASSARD, R.R. "C"

Mrs. R.R. HASSARD, (WIFE)
From: 147 McEwen Ave.
Windsor, Ontario.

To: 3 Baby Point Rd.
Toronto, Ont.

.....8

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18. TRADESMEN'S RATES OF PAY

Undermentioned personnel continue to draw Tradesmen's Rates of Pay Group "C" 25¢ per diem. Effective: 1 Aug 43.

A-499 A/Cpl. CHILTON S.G.
A-29495, L/Cpl. ELLIOTT, J.
A-37176, Sgt. STRUCK, D.H.

(Auth Art 147 (4) F.R.&.I. (Can))

A-22822 Pte. PARENT, H.J. — Granted Tradesmen's Rate of Pay Group "C" (Cook) 25¢ per diem. Effective: 26 Aug 43.

19. REGIMENTAL RATES OF PAY

A-106646, Pte. WILES, E.J. — Having qualified under F.R.&.I. 144 as amended by G.O. 486/42 is authorized to draw regimental rates of pay. of $1.40 per diem eff. 9 Aug 43.

A-106252, Pte. BROWN, W.A. — Having qualified under F.R.&.I. 144 as amended by G.O. 486/42 is authorized to draw regimental rates of pay of $1.40 per diem Eff. 8 July 43.

20. CHANGE OF MEDICAL CATEGORY

D-139740, Spr. RIOPEL, A.E.M. Holding. — Medical category "A-1" changed to "C-1" (1141211). All Documents to be amended accordingly. (Auth. M.F.B. d/21 Aug 43.

21. REGIMENTAL NUMBERS

A-117566, Pte. TROTCHIE, C.J. — Para 15 D.O. 226 d/14 Aug 43 insofar as it concerns the m/n is hereby CANCELLED.

"C"

C.W.A.C. PERSONNEL

1. CONFIRMATIONS

W-1164, Pte (A/Cpl) HIGGS, M.D. #6 Coy. CWAC — Confirmed in the rank of Corporal. Eff. 23 Aug 43.

.....9

NO. I DISTRICT DEPOT (AF)

DAILY ORDERS PART II NO. 239 27 AUG 43
(SHEET IX)

"D"

HOME DEFENCE PERSONNEL

1. STRENGTH INCREASE

A-606754, Pte. IVISON, D.O. Holding Sec.	Para 1 D.O. 237, d/25 Aug 43 insofar as it concerns the m/n, name amended to read as now shown.
A-602310, Pte. RIEDER, C.E.	T.O.S. No. 1 District Depot (AF) on transfer from 16th, Const Regt. R.C.A., Sydney, N.S. whilst on Agricultural leave without pay and allowances until 15 Sept 43. (Cat-A-1) Posted to Holding Sec. Eff. 17 July 43. HD-20-E-A1-RCA-B
A-607730, Pte. ASH, H.A.	T.O.S. of No. 1 District Depot (AF) on transfer from A-29 C.I.T.C. Ipperwash, Ont. Eff. 27 Aug 43.
A-603358, Pte. HAGEN, G.C.	DITTO
A-610404, Pte. WRIGHT, H.T.	T.O.S. No. 1 District Depot (AF) on transfer from 3rd, Bn. Edmonton Fusiliers, Prince George B.C. whilst on Agricultural Leave without pay and allowances until 17 Sept 43. (Cat A-1) Posted to Holding Section) Eff. 20 Aug 43.

2. LEAVE

A-603422, Pte. BURGETZ, L.G. Holding.	Para 2 D.O. 237, d/25 Aug 43 insofar as it concerns the m/n, name amended to read as now shown.
A-610143, Pte. BOUGHNER, H.S.	Granted extension of leave of absence without pay and allowances until 15 Oct 43. (Auth. L.28-B-306, d/25 Aug 43)
A-520616, Pte. GERMAN, F.W.	Granted extension of leave of absence without pay and allowances until 31 Dec 43. (Auth. L.28-G-37(NE)d/25 Aug 43.

(C.B.Dawdy) Lieut.
A/Adjt. No. 1 District Depot (AF)

157085

IN REPLY PLEASE QUOTE
No. L. 28/H-151

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

bp/

HQ MD 1, London, Ontario, 7th Sept., 1943.

JUDGE ADVOCATE GENERAL'S CONTROL
File C55-H-324
Chgd. to adjpa 7-9-43
Referred to

Judge Advocate General,
Department of National Defence,
OTTAWA, Ontario

REMISSION OF SENTENCE
Awarded by District Court-Martial
A-55049, Pte. Hackenson, H.

The following information has been received from No. 1 District Depot, C.A., in connection with the m/n.

A-55049, Pte. Hackenson, H.
Sentenced by District Court-Martial
28 Jan. 43 to undergo detention for 9 months.
Sentence remitted from 1400 hrs. 28 Aug. 43
by Brig. D.J. MacDonald, D.S.O., M.C.,
D.O.C., M.D. No. 1.

2. In support of this information we are enclosing herewith a Certified true copy of No. 1 District Depot Part II Orders No. 239, dated 27th August, 1943, pursuant to the provisions of C.A.R.O. 3239.

Noted
for L. H. CLAYTON
Lieut.-Colonel
Inspector of Courts-Martial
SEP 15 1943

for (W.G. Hagarty) Colonel,
T/D.O.C., M.D. No. 1.

Encl:

NAT. DEF. B. 440
1 Million—10-42 (6653)
H.Q. 1772-39-767

CANADA

IN REPLY PLEASE QUOTE

155696

No. L.91-1-35

DEPARTMENT OF NATIONAL DEFENCE
ARMY

r n b

HQ MD 1 London, Ontario, 31 August 1943

CENTRAL REGISTRY
C.J.S.C.
C.J.S.-H-326
Chgd. to
Referred to JAG

Secretary,
Department of National Defence,
OTTAWA, Canada.

Remission of Sentence by D.C.M.
A.55049--Pte. HACKENSON, H.

Herewith enclosed is certified copy of District Order concerning remission of sentence for the m/n soldier in accordance with C.A.R.O. 3239, for transmission to the Judge Advocate General.

Noted
A.M. CLAXTON
Lieut.-Colonel
Deputy Minister of National Defence
SEP 7 1943

encl.

for (D.J. MacDonald) Brigadier
D.O.C., MD. No. 1.

N.D. 22
2 M.B.—11-42 (7209)
H.Q. 1772-101-23

ADMINISTRATIVE STAFF

605 STRENGTH INCREASE

Lieut. K.W. Keene, A-33, C.A.O.T.T. is taken on strength Headquarters M.D. 1, on appointment as Officer Extra Regimentally Employed in the rank of Lieutenant, is attached to No. 1 Det., C.A.S.C. for purposes of administration and granted subsistence allowance effective 23 AUG 43.

(Authority HQ 330-2-112 (Pers 3A3) dated 13 AUG 43)
(L.22-K-54)

606 ATTACHMENT

Flight Lieutenant E.R. Willing, R.C.A.F., is detailed for duty to Headquarters, M.D. 1 by R.C.A.F. Headquarters as representative for the Armed Services on the Industrial Survey Committee effective 16 AUG 43.

(Authority HQS 9011-6-0-2-3-1 (Req) dated 12 AUG 43)
(L.24-1-51)

607 COMMAND - C.A.C. Detachment - Queen's Park Barracks

Authority is granted to Captain G.W. Swift, to exercise the powers of a commander of a detachment, under the provisions of K.R. (Can.) 475 (2), whilst entitled to command C.A.C. Detachment, Queen's Park Barracks, London, Ontario.

(L.24-6-1)

608 REMISSION OF SENTENCE BY D.C.M.

A-55049 Pte. HACKNESON H. - By sentence of a District Court Martial dated 23 JAN 43 and confirmed by D.O.C. M.D. 1 and published in District Order No. 134 (c) dated 28 JAN 43, the m/n soldier was awarded a sentence of detention for a period of nine months.

Under provisions of Section 57 (2)a of the Army Act, the Confirming Authority, as prescribed officer, has now ordered remission of the balance of the sentence, effective from 1400 hours 28 AUG 43. (L.28-H-151)

609 C.A.R.O. 3536

MILITIA FORMS - M.F.M. 2 (COMBINING M.F.M. 103)

1. Reference Outine Order No. 3422.

2. Where personnel enrolled under the National Resources Mobilization Act or employed under G.O. 139 of 1939, subsequently volunteer for General Service, the following procedure regarding documentation will be carried out:-

(a) For N.R.M.A. personnel documented on M.F.M. 103, new documents will be created by completion of three copies of the M.F.M. 2(combining M.F.M. 103) and the original copy of the latter document disposed of in accordance with existing instructions.

(b) For N.R.M.A. personnel or those employed under G.O. 139, 1939, who have been documented on form M.F.M. 2 (combining M.F.M. 103) items 17 to 19 inclusive will be completed on the duplicate and triplicate copy, in accordance with Routine Order No. 3422. In addition, an extra copy of page 1 of this form will be completed showing all information on this page including the regimental number, for transmission to the Director of Records (Army) through the usual channels.

(c) For personnel employed under G.O. 139, 1939, who were documented on the obsolete form, M.F.M.2, the balance of page 1 of the duplicate and triplicate copy will be completed. In addition, an extra copy of page 1 will be completed and disposed of in accance with the instructions in para. (b) above.

(d) In the case of officers employed under G.O. 139, 1939, and documented on M.F.M.1, instructions as outlined in paras.

HQ M.D No. 1, LONDON, Ontario, D.O. D/ 26 AUG 43

ADMINISTRATIVE STAFF

609 - C.A.R.O. 3536 (continued)

(b) and (c) above, will be carried out where applicable.

610 - C.A.R.O. 3537 (H.Q. 1772-30-1648, F.D.2)

REGIMENTAL PUBLICATIONS

Routine Orders Nos. 206 and 1069 are hereby cancelled.

2. Attention is directed to K.R. (Can.), Para. 435. The term Regimental Journals, Magazines and Newspapers therein used applied equally to journals magazines and newspapers issued under the authority of General Officers Commanding, District Officers Commanding or Commanders, each of whom is responsible for any publication issued under his authority, and also is responsible to ensure that all units under his command observe the provisions of the said paragraph.

3. (a) On the 1st day of each month each General Officer Commanding, District Officer Commanding or Commander will forward to M.D.H.Q. a list in triplicate of all Regimental Journals, Magazines and Newspapers published within his district or command during the preceding month. With each Regimental Publication listed, the unit or source of origin, the volume number, issue number, and the date of Publication will be shown.

(b) The list, in triplicate, mentioned in (a) shall contain information on as to new Regimental Publications being issued, also information as to Regimental Publications ceasing publication.

4. An experienced regimental officer will be placed in charge of each publication and will personally carefully edit and approve all the contents thereof before publications.

5. Effective 30th August, 1943, each such publication shall bear at the top of the first page thereof under the name of the publication, the following information, giving the rank, name and unit of the officer concerned in each case:-

"This publication is issued under the authority of.....
"The contents of this publication have been edited and approved by.....

The latter name appearing above will be the name of the officer detailed pursuant to Para. 4 above.

6. No publication will be permitted unless the particulars set out in the preceding paragraph appear thereon.

7. Under no circumstances will matters of political or controversial nature or matters affecting security be dealt with in Regimental Publications.

8. Nothing in this Order shall take away from the respondibility for all material contained in such publications which by K.R. (Can.), Para. 435. is placed upon the Commanding Officer.

(H.Q. 54-27-70-1, F.D.37)

CERTIFIED TRUE COPY

W.H. Carter
Major
for (W.S.P. Gow) Major
D.A.P.M., MD. No. 1.

CANADA

IN REPLY PLEASE QUOTE
No. L 28-H-151

DEPARTMENT OF NATIONAL DEFENCE
ARMY

154212 H.Q. M.D. 1 London Ontario 21 Aug. 1943

Secretary,
Department of National Defence,
Ottawa, Canada.

C55-H-226
File
Chgd. to
Referred to JAG

Remission of Sentence by D.C.M.
A.55049 Pte. Hackenson H.

1. The following notice of remission of a sentence by D.C.M. is forwarded in accordance with C.A.R.O. 3239, for transmission to the Judge Advocate General.

2. By sentence of a District Court Martial dated 28 Jan 43 and confirmed by D.C.C. M.D. No.1 and published in District Order No 134 (c) dated 28 Jan 43, the m/n soldier was awarded a sentence of detention for a period of nine months.

3. Under provisions of Section 57 (2)a of the Army Act, the Confirming Authority, as prescribed officer, has now ordered remission of the balance of the sentence, effective from 1400 hrs 28 Aug 43.

4. Certified true copies of District Order and unit orders notifying the foregoing remission will be forwarded in due course on publication.

Noted
OK
for L.H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial
AUG 30 1943 fmd.

Certified true copy
Judge Advocate General
Ottawa
31 Aug 1943

(D.C. MacDonald) Brigadier
D.C.C. M.D. No.1

NAT. DEF. B. 440
1 Million—10-42 (6650)
H.Q. 1772-39-767

H.Q.C.55-H-326
(JAG)

CONFIDENTIAL

February 11th, 1943.

District Officer Commanding,
Military District No. 1,
London, Ontario.

Re: District Court-Martial
A-35049 - Pte. Harry Mackenson

Receipt is acknowledged of your L.28-H-151 dated 6th February, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities pointed out by you the following have been observed:

(a) In answer 22 the informations of the bus driver are hearsay and should not have been admitted although it is not a serious defect.

(b) In M.F.H. 375 the full description of the accused should be set out on line 5 and the items should be valued as shown in R.O. 1877. This is important please.

(c) It is requested that all persons completing form M.F.M. 216 should pay particular attention to the statement as to whether the accused was apprehended or surrendered as this is very serious and should not be answered thoughtlessly.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody. May the foregoing irregularities please be brought to the attention of the officers concerned for their future guidance.

Brigadier,
Judge Advocate-General.

RCS/HB.

H.Q. C. 55-H-326
M.D. L. 28-H-151

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. A.55049 Name HACKENSON, H.

Rank Pte. Unit No. 1 District Depot C.A.

Charge Sec. 12 (1) (a) AA DESERTING H.M.S.

Date of Crime 5/5/41

Date of Arrest 13/1/43 Charge. Signed 19/1/43

Orders for D.C.M. D.O.C., M.D. No. 1

Place and Date of Trial London, Ontario 28/1/43

Sentence DETENTION 9 MONTHS STOPPAGES $5.55

Date of Confirmation 3/2/43

Date of Promulgation 5/2/43

Entered in Records of J.A.G. as No. 7756

Date 10/2/43

MEMO Balance of sentence susp 28th Aug 43 remitted by confirming authority.

R.O. Standish, Capt.
for Judge Advocate-General.

3M-12-42(M1754)

no file 7756

IN REPLY PLEASE QUOTE
No. L. 28-H-151

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

bp/

HQ MD 1, London, Ont., 6th February 1943

FEB 8 1943
Referred

Judge Advocate General,
Department of National Defence,
OTTAWA, Canada.

PROCEEDINGS OF DISTRICT COURT-MARTIAL
A-55049, Pte. Harry HACKENSON.

The proceedings of a District Court-Martial held in respect of the m/n are enclosed herewith, the following irregularities being pointed out.

2. In the charge sheet it would have been better had the particulars read, 'Cost of apprehension and return to his unit.'

3. On page 41 it will be noted that the shorthand writer has used the words, 'For address by Defending Officer in mitigation, etc. etc.' instead of the words, 'The Defending Officer makes an address in mitigation of sentence.'

4. On page 45 the unit of the accused was not inserted in line two of the Declaration.

5. On page 47 the unit of L/Cpl. MacMillan was not filled in and the word, 'wearing' should have been stricken out and initialled in the last line of the certificate before the date.

6. On page 49 it will be noted that the inappropriate parts which were stricken out were not initialled and some which were not or should have been stricken out were not deleted and initialled.

7. In all other respects it is trusted that you will find the proceedings in order.

for (D.J. MacDonald) Brigadier,
D.O.C., M.D. No. 1.

Encl/

M.F.D. 239
100000—4-41 (100)
H.Q. 3772-39-194

H.Q.C. C.55-H-327 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE 105-H-10937

SUBJECT DISTRICT COURT-MARTIAL

PTE. A.R. HANER H-94644

C.F.C. C.A.

DEAD

CONFIDENTIAL
H.Q.C. C.55-H-327

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If space for which, referred cannot be expressed on one line, add minute to file and place here "With Minute")							
FEB 20 1943				Jag	New file	BR	13/2/43
FEB 27 1943	13/46	B.S.	Wm	AD	Forward PA	A.F.B.	19/2/43
MAR 16 1943	16 3	PAB	J.A.	AD	[redacted] MAR 11 1943	C.R.	
				Ad	With Papers C.R. MAR 17 [redacted]		
MAR 20 1943	19 3/43	P.A.	Ellis	J.A.G.	To note P.A.	WMT	18/3/43
				A			

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to examine.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-327(JAG)

March 19, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC, P. Q.

Re: DISTRICT COURT-MARTIAL.
H/94644, Pte. Arden R. HANER,
C.F.C., C.A. (Att. to A.I.T.C. A-13, C.A.)

Receipt is acknowledged of your Q:39-H-1322(JA), dated 16th March, 1943, under cover of which you forwarded for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. It has been noted that a remission of $100.00 from the stoppages of pay awarded by the Court has been granted.

Brigadier,
Judge Advocate-General.

EBE/S.

IN REPLY PLEASE QUOTE
No. Q1 39-H-1322 (JA)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

14725

QUEBEC, P.Q., March 16th, 1943.

CENTRAL REGISTRY Army
COMF. SEC.
MAR 17 1943
File C 55-H-327
Chgd. to
Referred to AA1

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: DISTRICT COURT-MARTIAL
H/94644, Pte. Arden R. HANER,
C.F.C., C.A., (Att. to A.I.T.C. A-13, C.A.)

Reference your H.Q. 405-H-10937, H.Q.C. 55-H-327 (A.D.1) dated 26th February, 1943, relative to the marginally-noted subject.

2. The proceedings of the District Court-Martial in the case of Pte. Haner are returned herewith. Please note that a remission of $100.00 from the stoppages of pay awarded by the Court has been granted.

3. Pte. Haner has now been discharged from the Canadian Army. It is therefore impossible to promulgate this remission to him. The remittance was however reflected in Part II Orders of A.I.T.C. A-13, in order to adjust the financial situation of this ex-soldier.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

NAT. DEF. B. 449
2,000 M—4-42 (4322)
H.Q. 1772-39-767

printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Court-Martial

Proceedings of a District Court-Martial held at A.I.T.C. A-13, C.A. Valcartier Camp, PQ. on the 21st day of January 19 43, by order of Brigadier Edmond BLAIS, M.C. Commanding Military District No.5 dated the 13th day of January 19 43.

President.

Lieut.Col. M.M.L. GARON,
Royal 22e Regiment, C.A.

Members.

Capt. J.G. GAGNON,
Regt. de Lévis, C.A.

Capt. P.E. PREVOST,
3rd Bn. Regt. de Maisonneuve, C.A.

and A.J.A.S.

~~, Judge Advocate~~

Trial of* H-94644, Pte.Arden R. HAMER, Canadian Forestry Corps, C.A. Attached to A.I.T.C. A-13, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court is informed that xxxxxxxxxxxxxxxxxxxx is not available to serve owing to~~

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Lieut. A.H. POIRIER, R.22e R. C.A.(Att.to A.I.T.C.A-13 CA)

~~Counsel or~~ defending officer† Lieut.F.FOURNIER, Regt.de la Chaudière CA.

At 1040 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q.1- Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A.1- No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
10M—6-40 (5715)
H.Q. 1772-39-224

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court Martial.

M.M.L. Garon Lt.Col.
R.22e R.C.A.
President D.C.M.

B

The President, and members ~~and judge-advocate~~ are duly sworn.

The following officers under instruction are duly sworn.
Lieut.Philippe P. HARDY, R.22e Regiment, C.A.

Q.2- Do you object to Miss Lucile Lesage to act as shorthand writer?
A.2- No, Sir.

Miss Lucile Lesage, civilian shorthand writer, 202 Brown Avenue, Quebec, is duly sworn as shorthand writer.

(See document marked "G" for minute of adjournment).

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The prosecutor informs the Court that the accused has elected to be tried by this Court instead of being dealt with summarily by his commanding officer.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3- Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3- Not guilty, Sir. *Answer.*

Q.4- Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4- Not guilty, Sir. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to xxxx

" B-2 " Lt Gordon Ford R22eR Ed. President DCM

The accused has elected to be tried by a District Court-Martial pursuant to Army Act, Section 46 (8).

CHARGE SHEET

in the case of

The accused, No. H-94644, Private Arden R. HANER, Canadian Forestry Corps (CA), attached to A.I.T.C. A-13 (CA), a soldier of the Canadian Army placed on Active Service, is charged with:

FIRST CHARGE:
Sec.15(1)
Army Act.

1st ABSENTING HIMSELF WITHOUT LEAVE,

in that he

at Valcartier Camp, P.Q., at 0815 hours, on the 2nd September, 1942, absented himself without leave from A.I.T.C. A-13 (CA), until reporting at Valcartier Camp, P.Q., to the Military Authorities, on the 5th September, 1942, at 1330 hours, wearing military uniform.

SECOND CHARGE:
Sec.15(1)
Army Act.

2nd ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Valcartier Camp, P.Q., at 2200 hours, on the 7th September, 1942, absented himself without leave from A.I.T.C. A-13 (CA), until surrendering to Military Authorities at Port Arthur, Ont., on the 20th September, 1942, at 1000 hours, wearing military uniform. Cost of return to his unit: $134.97.

Valcartier Camp, P.Q.,
January 6th, 1943.

J. Chouinard Lt.Col.
(J.J. CHOUINARD) R. de Chaud
O.C., a.I.T.C. A-13. CA

To be tried by District Court-Martial.

Signed at Quebec, P.Q., this 18th day of January 1943.

(E.J.GIGNAC) - Major,
D.A.A.G., M.D.No.5.
for D. O. C., M.D.No.5.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.5- *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.5- No, Sir.

The Prosecutor declines to make an opening address.

~~The prosecutor makes an opening address (hands in a written address, which is read, marked xxxxxxxxx signed by the President, and attached to the proceedings.)~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. Lieut. C.K. BLAIS, General List, C.A., attached to A.I.T.C. A-13, C.A.

being duly sworn, is examined by the prosecutor.

Q.6- Would you explain to the Court what are your fonctions at A.I.T.C. A-13.
A.6- Assistant-Adjutant at A.I.T.C. A-13.

Q.7- Do you know the accused?
A.7- Yes, Sir.

Q.8- Would you identify the accused before the Court?
A.8- Yes, Sir, this one here.

Q.9- Have you any documents to produce before this Court?
A.9- Yes, Sir, I produce certified true copy of Part II Orders No. 213 of A.I.T.C. A-13, dated the 7th of September 1942, showing that H-94644, Pte. A.R. Haner was absent without leave at 0815 hours on the 2nd of September 1942. (Document marked "H" is read by the Court, signed by the President and annexed to the proceedings).

Certified true copy of Part II Orders No.214 of A.I.T.C. A-13, dated the 8th of September 1942, showing that H-94644, Pte. A.R. Haner was absent without leave at 2200 hours on the 7th of September 1942. (Document marked "I" is read by the Court, signed by the President and annexed to the proceedings).

M.F.M.216, Certificate of apprehension of H-94644, Pte. Arden R. HANER, dated at Port Arthur on the 20th day of September 1942, and signed by P-36621, Cpl. R.A. POLLOCK. (Document marked "J" is read by the Court, signed by the President, and annexed to the proceedings).

C-3.

M.F.B.1481, dated at Valcartier Camp the 22nd day of September 1942, and signed by Lt. W.J. Wall, showing that the expenses covering the transportation of H-94644, Pte. A.R. Haner and two escorts from Quebec City to Port Arthur, Ont. and return, amount to: $107.45. (Document marked "K" is read by the Court, signed by the President, and annexed to the proceedings).

M.F.B.1482 dated at Port Arthur Ont. on the 20th day of September 1942, and signed by P-35621, Cpl. R.A. Pollock, showing that the incidental expenses covering the transportation of H-94644, Pte. A.R. Haner (particularly the cost of a telegram) amount to: $0.52¢. (Document marked "L" is read by the Court, signed by the President, and annexed to the proceedings).

M.F.B.1482 dated at Valcartier Camp on the 1st day of October 1942, and signed by D-63159, Pte. M.Fortier, showing that the incidental expenses covering the transportation of H-94644, Pte.A.R.Haner and two escorts from Valcartier Camp to Port Arthur and return amount to:$27.00. (Document marked "M" is read by the Court, signed by the President and annexed to the proceedings).

M.F.M.216, certificate of apprehension of H-94644, Pte. Arden R. HANER, signed at Valcartier Camp P.C. the 8th day of Jan.1943, by Lieut.Col. J.Chouinard, O.C. A.I.T.C. A-13. (Document marked "N" is read by the Court, signed by the President and annexed to the proceedings).

Cross examined by the Defending Officer:-

Q.10- How many men did you send as escort for the accused?
A.10- I don't know how many in all, but this remark is on the documents I just produced.

Q.11- Can you tell the Court if the accused has his ticket to come back when he was apprehended by Military authorities in Port Arthur?
A.11- His ticket is furnished by the escort, Sir.

Q.12- $107.25 are for the fees of the escort. Therefore I want to know if this is the cost of two tickets or if the fees of transporting the prisoner are included in $107.25.
A.12- They are all included in that. Just like on M.F.B.1481.

The Prosecutor declines to re-examine the witness.

In the opinion of the Court, if is not necessary to comply with R.P. 83 (b).

The witness withdraws.

The Prosecution has no further witnesses.

D

The prosecution is closed.

Defence

Question to the accused. Q.13- Do you apply to give evidence yourself as a witness?

Answer. A.13- Yes, Sir, on the first charge.

Question. Q.14- Do you intend to call any other witness in your defence?

Answer. A.14- Yes, Sir.

Question. Q.15- Is he a witness as to character only? *Answer.* No, Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

~~*(Where the accused does not give evidence upon oath.)*~~

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. ~~The accused in his defence says:~~

~~[Hands in a written address which is read, marked, signed by the President and attached to the proceedings.]~~

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for the Defence:-

H-94644, Pte.Arden R. HANER, Canadian Forestry Corps, C.A., Attached to A.I.T.C. A-13, C.A.

Being duly sworn, is examined by the Defending Officer:-

Q.16- Would you tell the Court why you absented yourself from the 2nd September 1942 to the 5th September 1942?

A.16- I came out from the hospital, and I got to Headquarters Coy. where I was working all summer; and then I was put S.M.P. and then I was transferred to "B" Coy; and I got called before Major Rogers to see about my board to see about getting my glasses fixed up, and then he had me put on sick parade to get my eyes tested by the eyes' specialist, and I went up to Camp Hospital next morning, and had my eyes tested; and he was working on one of my ears and I had to go back two days in succession in hospital.

I never came back and reported myself to "B" Coy where I was supposed to have been transferred, but I reported at H.Q. where I was working. They should have papers to show to that effect. The M.O.'s here should have my sick report at that time. Therefore I never left the Camp at all, the camp area. And I reported myself to "B" Coy on the 5th of September on Saturday evening, where I was on parade Monday morning. I was advised at 3.30 hours in the afternoon that they had me shown as absent for that period. That is all for that case, Sir.

Cross-examined by the Prosecutor:-

Q.17- Were you paraded before your Company Commanding Officer on the afternoon of 5th September 1942?

A.17- No, Sir, I was not.

Q.18- On what day were you paraded on account of your absence?

A.18- I was not paraded. I was supposed to report to the Office at 3.30 hours, and I left at 11.30 that day.

Q.19- You said you reported to Camp Hospital on the 2nd of September?

A.19- Yes, Sir.

A.20- Who sent you there?

A.20- I was sent on sick parade by Major Rogers.

Q.21- Where were you from the 2nd of September to the 3rd of September?

A.21- I was at Headquarters Coy.

Q.22- What were you doing there?

A.22- I had been working with H.Q. all summer.

Q.23- In what Company were you?

A.23- That was H.Q. Coy. from where I was transferred to "B" Coy.

Q.24- On what company were you on the 2nd of September?

A.24- I was supposed to be on "B" Coy.

Q.25- On what company were you on the 3rd of September?

A.24- Still on the same company.

Q.26- On the 4th of September, on what company were you?

A.26- I was still in "B" Coy, but they were calling my name on the roll call of "B" Coy, and I was at Headquarters.

D-5.

Q.27- Was your name being called at Headquarters?
A.27- Yes, Sir.

Q.28- Did you answer to the roll call at H.Q. Coy. on the 2nd of September?
A.28- Yes, Sir.

Q.29- On the 3rd of September, did you answer to the roll call at H.Q. Coy?
A.29- Yes, Sir.

Q.30- And on the 4th and the 5th of September?
A.30- Yes, Sir.

The Defending Officer declines to re-examine the witness.

Questions by the Court:-

Q.31- Do you mean you were on both rolls?
A.31- Yes, Sir.

Q.32- When did they tell you that you were transferred from H.Q. Coy. to "B" Coy?
A.32- On the 1st of September.

Q.33- Why did not you move to "B" Coy then?
A.33- Because they cut off two furloughs at me, and they put me S.M.B. at the Medical Board.

In the opinion of the Court it is not necessary to comply with R.P. 83 (b).

The witness resumes his seat as accused.

Second Witness for the Defence:-

Capt. D.GAGNE, R.C.A.M.C., attached to A.I.T.C. A-13, C.A.

Being duly sworn, is examined by the Defending Officer:-

Q.34- Do you know the accused, Doctor?
A.34- Yes, Sir.

Q.35- Would you tell the Court if anything is shown in the medical documents of the accused on or about the 2nd of September 1942?
A.35- No, Sir.

Q.36- Would you tell the Court if anything is shown in the medical documents of the accused at the end of August?
A.36- On the 3rd of August he was S.M.B. and on the 22nd of September he was at Port Arthur hospital.

Cross-examined by the Prosecutor:-

Q.37- Is the 3rd of August the correct date you have mentioned?
A.37- 3-8-42, he was called for S.M.B.

Q.38- And the other date you have mentioned is what date?
A.38- It is: Hospital, Port-Arthur, Ont. 22nd September 1942.

The Defending Officer declines to re-examine the witness.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (b).

The witness withdraws.

D-7.

The Prosecutor makes a closing address. (See document marked "O").

The Defending Officermakes a closing address. (See document marked "P").

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused H-94644, Pte. Arden R. HANER, Canadian Forestry Corps, C.A., attached to A.I.T.C. A-13, C.A., is guilty of both charges.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Lieut. C.K. BLAIS, General List, C.A., attached ~~is duly sworn~~ to A.I.T.C. A-13, C.A. on his former oath:-

Question by the President. Q.39- Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.39- Yes, Sir, I produce M.F.B.355 and M.F.M.6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings. M.F.M.6 is read, marked "Z" signed by the President and annexed to the proceedings.

Question by the President. Q.40- Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A.40- Yes, Sir.

Question. Q.41- Have you compared the contents of the above statement with the regimental books? *Answer.* A.41- Yes, Sir.

Question. Q.42- Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.42- Yes, Sir.

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine the witness.

The witness withdraws.

Question to the accused. Q.43- Do you wish to address the Court? *Answer.* A.43- Yes, Sir, through my Defending Officer. (See document marked "Q")

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused H-94644, Pte.Arden R. HANER, Canadian Forestry Corps, C.A. attached to A.I.T.C. A-13, C.A. to undergo detention for twenty-eight days, and to be put under stoppages of pay until he has made good the sum of $134.97 in respect of the cost of ~~xxxxxxxxxxxxxx~~ return to his corps.

Sentence.

Detention:-
26 days.

Stoppages:-
$134.97.

Signed at Valcartier Camp, P.Q., this 22nd day of January 1943.

Extracts entered as No. 7801 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 16th day of March. 1943.

Lieut.Col.
Royal 22e Regiment, C.A.
PRESIDENT.

At Valcartier Camp, P.Q., on the 2nd day of February 1943, at 11.00 a.m. o'clock, the Court re-assemble by order of Brigadier Edmond Blais M.C., Commanding Military District No.5, for the purpose of reviewing the finding on the first charge.

Present the same members as on the 22nd day of January 1943.

The letter directing the re-assembly of the Court for the revision and giving the reasons of the confirming authority for requiring a revision of the finding on the first charge is read marked "Z-2", signed by the President and attached to the proceedings.

The Court having attentively considered the observations of the confirming authority and the whole of the proceedings do now revoke their finding and sentence, and find H-94644, Pte.Arden R. HANER, Canadian Forestry Corps, C.A., Attached to A.I.T.C. A-13, C.A. not guilty of the first charge but guilty of the second charge, and now sentence the accused H-94644, Pte.Arden R.Haner, Canadian Forestry Corps, C.A., Attached to A.I.T.C. A-13, C.A. to undergo detention for twenty days and to be put under stoppages of pay until he has made good the sum of $134.97 in respect of the cost of return to his corps.

Signed at Valcartier Camp, P.Q., this 2nd day of February, 1943.

Lieut.Col.,
Royal 22e Regiment, C.A.
PRESIDENT.

CONFIRMED.

Signed at Quebec, P.Q., this 4th day of February, 1943.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

I, the undersigned, being the competent military authority do hereby remit one hundred dollars ($100.00) from the stoppages of pay awarded by the Court to H/96444, Pte. Arden HANER, Canadian Forestry Corps, C.A. (Att. to A.I.T.C. A-13, C.A.)

Signed at Quebec, P.Q., this 5th day of March, 1943.

Edmond Blais

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No.5.

Promulgated and Extracts taken at Valcartier Camp, P.Q., this 10th February, 1943.

P. Lessard

(P. LESSARD), Capt.
Officer i/c Records, R. de Chaud, C.A.
A.I.T.C. A-13, C.A.

"X" Lieut. R.22e R.C.A.

Orders by Brigadier Edmond Blais, M.C. Commanding

the Military District No.5.

District Court-Martial

Quebec, P.Q., 18th January 1943.

The detail of Officers as mentioned below will assemble

at A.I.T.C. A-13, C.A., Valcartier Camp, P.Q. on Thursday

the 21st day of January 1943 at 1000 hours
for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

H/94644, Pte. Arden R.Haner,
Canadian Forestry Corps, C.A.
(Att. to A.I.T.C. A-13, C.A.)

PRESIDENT

Lt-Col.M.M.L.Garon,
Royal 22e Regiment, C.A. is appointed President.

MEMBERS

Capt. J.G.Gagnon,
Regt. de Levis, C.A.

Capt. P.E.Prevost,
3rd Bn. Regt. de Maisonneuve, C.A.

WAITING MEMBERS

Capt. V. Morin,
Regt. de Levis, C.A.
Lieut.E.C.Grenda,
3rd Bn. Regt. de Maisonneuve, C.A.

~~JUDGE ADVOCATE~~

~~has been (is hereby) appointed~~
~~Judge Advocate~~

PROSECUTOR

Lieut.A.H.Poirier,
R. 22e R. C.A. ~~(Att. to A.I.T.C. A-13, CA.~~ ~~has been~~ (is hereby) appointed
Prosecutor

DEFENDING OFFICER

One Officer to be detailed by O.C., A.I.T.C. A-13, C.A. to be ~~has been (is hereby)~~ appointed
Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, A.I.T.C. A-13, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D.No.5.

Signed this 18th day of January 1943.

M.F.B. 220
A.F.A. 47
15M—6-41 (3761)
H.Q. 1772-99-464

(E.J.GIGNAC) - Major,
D.A.A.G., M.D.No.5.
for D. O. C., M.D.No.5.

"G" Sharon Steel R22e R, 6a

MINUTE OF ADJOURNMENT & REASSEMBLY.

At 11.00 A.M. o'clock on the 21st day of January 1943, the Court adjourned until 4.00 P.M. on the 22nd day of January 1943.

On the 22nd day of January 1943, at 4.00 P.M. o'clock the Court reassemble pursuant to adjournment, present the same members as when adjourned.

"H"

213/1942

ADVANCED (INFANTRY) TRAINING CENTRE, A-13, 213/1942
SUPPLEMENT TO DAILY ORDERS PART II #213, d/7 Sept.42 7 Sept.42

Lt.-Col. J.J. Chouinard, V.D., C.C.

- -

Last Orders Issued: #212, d/5 Sept.42

15. ABSENTEE

The undermentioned other rank was absent without leave at the hour and date set opposite his name.

H-9464 , Pte. Haner, A.R. (CFC CA) 0815hrs, 2 Sept.42

(Sgnd) (P. LESSARD) Lieut.
For (J.A. TESSIER) Major & Adj.
ADVANCED (INFANTRY) TRAINING CENTRE A-13,
VALCARTIER CAMP, P.Q.

Certified true Extract,
of Daily Orders, Part II,
#213, dated September 7, 1942.

C K Blais Lieut
Lt. & Ass.-Adj.
Gen. List (CA), attached to A.I.T.C. A-13 (CA).

"I"

214/1942

ADVANCED (INFANTRY) TRAINING CENTRE # A-13,
SUPPLEMENT TO DAILY ORDERS PART II #214, d/8 Sept.42
BY:
Lt.-Col. J.J. Chouinard, V.D., O.C.

214/1942
8 Sept.42

- -

Last Orders Issued #213, d/7 Sept.42

4. ABSENTEE (Cont'd)

The undermentioned other rank was absent without leave at the hour and date set opposite his name.'

H-94644, Pte. Haner, A.R. (E.F.C;C.A.) 2200hrs,7-9-42.

(Sgnd)(P. LESSARD) Lieut.
For (J.A. TESSIER) Major & Adj.
ADVANCED (INFANTRY) TRAINING CENTRE #A-13,
VALCARTIER CAMP, P.Q.

Certified true Extract of
Daily Orders, Part II,
#214, dated September 8, 1942.

C.K. Blais
Lt. & Ass.-Adj.
Gen. List (CA), attached to A.I.T.C. A-13 (CA).

"J"

Page 27.

CERTIFICATE IN ACCORDANCE WITH ORDER IN COUNCIL P.C. 2797., DATED 10TH. APRIL, 1942, AS PUBLISHED IN GENERAL ORDER 127, 1942.

(Apprehension by or surrender to service authorities.)

I, P-35621. Cpl. Pollock, R.A., No. 40. Company,
(Number) (Rank) (Name)

Canadian Provost Corps, hereby certify that H-94644.
(Number)

Pte. HANER, Arden R.
(Rank) (Name in full)

of the Canadian Forestry Corps, Valcartier, Quebec.
(Unit and attachment (if any))

~~xxxx

No. 110

"X"

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, Lt. Wall, W. J. No. 5 Dist.Coy. RCASC. (CA) (Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~[illegible]~~ (W.W.) the hereinafter itemized transportation for escort

Complete — to proceed from Quebec City (Place) to Port Arthur, Ont. (Place) for the

Full description of soldier being escorted — and return to Quebec City

Strike out phrase not applicable — purpose of escorting Prisoner - H/94644 Pte. A.R.Haner alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) ~~[illegible]~~ (W.W.) and the cost thereof for said soldier and escort being as follows:— (A.I.T.C., A/13)

Particulars	Cost
Transport Warrant No.B15611 issued on Sept.22/42 covering transportation for two escorts from Quebec City to Port Arthur, Ont. and return.	$85.96
Transport Warrant No.B15611 issued on Sept.22/42 covering transportation for one Prisoner (H/94644 Pte.A.R.Haner) Port Arthur, Ont. to Quebec City.	21.49
Total	$ 107.45

Dated at Valcartier Camp this twenty 2nd day of Sept. A.D. 1942.

(W.J.Wall) Lt.
Signature, rank, unit of officer issuing transport warrants) ~~issuing transportation on~~ W.W.
Strike out description not applicable

C.S.&.T.O. Valcartier Camp, P.Q.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1661
MM—7-41 (1130)
H.Q. 1775-39-1921

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, P-35621. (No.) Cpl. (Rank) Pollock, R.A. (Name) No. 40. Provost Company. (Unit),

Strike out words not applicable

as (escort) (commander of escort) consisting of .....

Members of escort

.....

detailed to proceed from ..... (Place) to ..... (Place)

Name and description of soldier escorted

to return H-94644. Pte. HANER, A.R. - Canadian Forestry Corps.

alleged to be a deserter or absentee without leave, to Valcartier, Quebec. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Cost of Telegram to Officer Commanding, No. 40. Provost Coy., Barrish Bldg., Winnipeg, Manitoba.	.52 ¢
Total	$ .52 ¢

Dated at Port Arthur, Ont. this 20th. day of September, A.D. 1942.

R A Pollock
P-35621. (R.A. Pollock)
Provost Corporal,
Port Arthur, Ontario.

(Signature and rank (of commander of escort) (escort) (Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1462
5034—7-41 (1120)
H.Q. 1772-20-1550

"M"

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER IN COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, D-63159 Pte. Fortier M. F.M.R. attache au A.I.T.C. A-13
(No.) (Rank) (Name) (Unit)

Strike out words not applicable

as (S.H.) (commander of escort) consisting of Myself and

Members of escort

E-615472 Pte. Casseault M. H.D. attache au A.I.T.C. A-13

detailed to proceed from Valcartier Camp, P.Q. to Port-Arthur, Ont.
(Place) (Place)

Name and description of soldier escorted

to return H-94644 Pte. Haner A.R. (CFC)

alleged to be S.H. absentee without leave, to Valcartier Camp, P.Q.,
(Place)

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
September 22 - 2 suppers @ 1.00 each	2.00
" 23 - 4 breakfast @ 0.75 each	3.00
" 23 - 2 suppers @ 1.00 each	2.00
" 24 - 4 lunches @ 0.75 each	3.00
" 24 - 2 dinners @ 1.00 "	2.00
" 28 - 4 lunches @ 0.75 "	3.00
" 28 - 2 dinners @ 1.00 "	2.00
" 29 / 4 lunches @ 0.75 "	3.00
" 29 - 2 dinners @ 1.00 "	2.00
" 30 - 4 lunches @ 0.75 "	3.00
" 30 - 2 dinners @ 1.00 "	2.00
Total	$ 27.00

Dated at Valcartier Camp this 1st ~~Entitled~~ day of October A.D. 1942

D63159 - Pte M. Fortier

Signature and rank (of commander of escort) (S.H.)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1462
500M—7-41 (1190)
M.Q. 1772-39-1910

"H"

CERTIFICATE IN ACCORDANCE WITH

ORDER IN COUNCIL P.C.2797, DATED APRIL 19TH, 1942

AS PUBLISHED IN GENERAL ORDER 127, 1942.

(~~Appreheng~~ surrender to service authorities)

I, Lt. Col. J.J. Choudnard, (name) N.D., R.deChaud. (CA), D.C., (rank) A.I.T.C. A-13 (unit)

hereby certify that H-94644 (number) Private (Rank) HANER, Arden R. (name in full)

of the Canadian Forestry Corps. (CA), Att. A.I.T.C. A-13 (CA). (Unit and attachment (if any))

~~Appreheng~~ surrendered to) Dr-125681 (number) Cpl (rank) G.W. Keable (name)

Canadian Forestry Corps. (CA), Att. A.I.T.C. A-13 (CA) (unit or appointment.)

at Valcartier Camp, P.Q. (Place) at 1330 hours (Hour)

on the fifth day of September 1942

as a ~~Deserter~~ absentee without leave), and ~~was~~ at the time of his arrest he was wearing military ~~clothing~~ uniform ~~clothing~~.

DATED at Valcartier Camp, P.Q. this 5th day of Jan. 1943

J. Chaudnard Lt. Col. R.deChaud
Officer Commanding, A.I.T.C. A-13 (CA)

(Strike out words not applicable.)

M.P.M.216.

"C"

CLOSING ADDRESS BY THE PROSECUTOR:-

I wish to submit that two charges have been entered against the accused. He has pleaded not guilty on the first charge. In support of the 1st charge, as prosecutor, I have produced daily Orders of his Unit showing that he was absent without leave from 0600 hours on the 2nd day of September 1942, until he reported at Valcartier Camp on the 5th of September 1942 at 1330 hours, supported by M.F.M.216 signed by the Officer Commanding A.I.T.C. A-13.

Concerning this charge I wish to remark that it is a very short absence, but that the accused from absenting himself before he was paraded to his Officer Commanding could not get this charge settle before the date he was apprehended and called on for the 2nd charge.

Evidence has been given before this Court that the accused has had to do with the medical authorities, but there is no proof except from his own evidence that he has to do with medical authorities between the 2nd of September to the 5th of September.

Even if the accused has relations with medical authorities within this period, from his own admission he admitted that he did not report where he should have reported, that is to "B" Company, according to his testimony. If the accused has been present at Headquarters there is reasonable supposition that in the record of the Orderly Room, there would have been some record that he was present and he certainly would not have been passed by his superiors as absent for these three days.

That is all I have to say concerning the first charge.

And for the second charge , similar documents have been submitted to place the absence from 2200 hours the 7th of September 1942, until 20 september 1942 at 1200 hours. That is also a short absence. The figure that would interest the Court in the 2nd charge particularly is $134.97 charged against the accused.

For an absence of some 15 days, this is a large amount, but the accused on his own has chosen to remain absent, and his superiors, in their decision, after he was taken in custody, have sent escort for him some hundred miles away at Port Arthur, Ont.

These expenses are made up of fairs for the escort and the prisoner and incidental expenses such as meals and one telegram sent on behald of the escort.

I leave with the Court this consideration on the 2nd charge with the added explanation that these expenses were inevitable from the point of view of his Unit and their decision that escorts should or should not be sent is now the point on which the Court should decide whether these expenses should be charged to the accused.

That is all, Sir.

"P"

CLOSING ADDRESS BY THE DEFENDING OFFICER

I want to say just few words about the 1st charge. The accused remained in the camp area as he said. He was getting some treatment at the hospital, and what he said, he said it on oath.

For the second charge, I want to make a plea on the amount of $134.97 charged to the accused. It is the cost of transport from Fort Arthur to Quebec for two escorts, and also for the meals for the two escorts. (7)

I know that it is the power of the Officer Commanding to send or not to sent escorts to get a soldier absent without leave. But in that case, as shown by the documents, the soldier reported himself to military authorities in view to come back to his unit. He was absent for few days, only 12 days, and they sent from here two men as escort to go to Port Arthur to bring back the accused as a deserter after only 12 days of absence.

I do think that it should have been better to let the accused come alone to his camp, and I do ask to the Court to have a particular view on the amount of fees that the soldier will have to pay after he had surrendered himself. In a way, this man will have to pay a trip to two soldiers because he had the intention to come back. If he had not the intention to come back, he will have never surrendered himself to military authorities.

That is all I have to say, Sir.

" Q " Kharonskel. R22+R.Cl.

BY THE DEFENDING OFFICER:-

I remind to the Court that the accused is "E" category. The accused is a sick person and by the records, it is shown that the accused has stayed 79 days in hospital for 123 days in custody.

Therefore I ask to the Court to take into consideration the few days he was absent and the numerous days he had been in custody , and also what it is shown by the records that he had been in the hospital for 79 days.

"Y"

M.F.B. 255
BGM—11-41 (2273)
H.Q. 1772-39-020
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H-94644,	Private	Arden R. Haner,	A.I.T.C. A-13 (CA)

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	An act to the prejudice	times	An act to the prejudice of	times
For	of good Order, etc. 2	times	good order, etc. 2	times
For		times		times
For		times		times

Or,

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for nil days in civil custody, and 128 days in military custody, making a total of 128 days in custody, of which 77 days were spent in hospital.

5. The present age of the accused according to his attestation paper is 24 years 8 months.

6. The date of his attestation specified in his attestation paper is 18th February 1942.

9. The accused is in possession of or entitled to no military decoration, or military reward (

the regimental rank of

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number..... Rank..... Unit Name..... of..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 28th day of January, 1943 C. Blair Lieut Gen List Asst Adj

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

Page 46

M.F.M. 6
(A.F.B. 122)
500M—11-41 (2498)
H.Q. 172-30-1032

Corps C.F.C. | Date of enlistment 18-2-42 | G.C. Badges | Tradesmen's Rates of Pay

Sheet No. 1. | Signature O.C. Company, etc. Sgd. C.A. Rogers, Major.

No. H-94644 Name HANER, A.R. | Sqn., Battery, or Company | No. and date of last drunk | Period not reckoning towards freedom from extra fine

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Valcartier	20.7.42	Pte		An act to prejudice of good order and M.D. - failure to do kitchen duty when duly warned and ordered. (Sec 9 (2) AA)	Corporal Barbour	7 days CB		Major Rogers	
Valcartier Camp, P.Q.	8 Nov 42	Pte		Meglect to the prejudice of good order and military discipline. (Sec. 40 AA) Neglected to attend his respective religion service on Sunday 8-11-42 while being up patient in V.M.H. Isolation Section	E-20601 S/Sgt Thomassin, L. E-20633 A/Cpl. Lavoie, M.	Forfeits 10 days pay.	9-11-42	Lt. Col. S. LeBlond	

Certified true copy
John Lawrence
2/Lt CK Training Wing

(P.T.O.)

"Z2" Sharon Hill 22.9.66

IN REPLY PLEASE QUOTE
No. 9139-H-1322 (JA).

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., January 30th, 1943.

Lieut.-Colonel M.M.L. GARON,
Royal 22e Regiment, C.A.,
No. 5 District Depot,
Quebec, P.Q.

RE: DISTRICT COURT-MARTIAL
H/94644, Pte. Arden R. HAMER,
Canadian Forestry Corps, C.A.,
Att. to A.I.T.C. A-13, C.A.

1. The proceedings of the marginally-noted District Court-Martial are returned herewith.

2. The confirming authority hereby directs the reassembly of the Court ~~for the~~ review ~~of~~ the finding on the first charge.

3. The accused has been charged with absence without leave, and the particulars are to the effect that:

1) At Valcartier Camp, P.Q.,
2) at 0815 hours on the 2nd September, 1942,
3) the accused absented himself without leave,
4) from A.I.T.C. A-13, C.A.
5) until reporting at Valcartier Camp, P.Q.,
6) to military authorities,
7) on the 5th September, 1942, at 1300 hours,
8) wearing military uniform.

4. The only evidence on the part of the Prosecution regarding this charge is documentary evidence. As you know, such evidence is only prima facie evidence. On the other hand, the accused in his defence states that he never left the Camp Area and gives explanations to this effect.

5. It is the duty of the Court to decide whether all the facts alleged in the particulars of a charge have been proved, and a finding of guilty infers the fact that in the opinion of the Court all these facts or elements were established.

.....(over).

NAT. DEF. S. 448
2,000 M—4-42 (4322)
H.Q. 1272-39-767

SUMMARY OF EVIDENCE

in the case of

No. H-94644, Private Arden R. HANER, of the Canadian Forestry Corps (CA), attached to A.I.T.C. A-13 (CA), is charged with:

1. ABSENTING HIMSELF WITHOUT LEAVE.

2. ABSENTING HIMSELF WITHOUT LEAVE.

The O.C. directs that the evidence be taken on oath.

FIRST WITNESS: LIEUTENANT C.K. BLAIS, GENERAL LIST (CA), attached to A.I.T.C. A-13 (CA), having been duly sworn, states:

En ma qualite d'assistant-adjudant du Centre d'Instruction Superieure d'Infanterie A-13 (CA), je produis les documents suivants:

a) Extrait certifie des Ordres du jour Partie II de ce Centre, #213, en date du 7 septembre, 1942, etablissant que le No. H-94644, Sdt. A.R. Haner etait absent sans permission a compter de 0815 heures, le 2 septembre, 1942.

b) Extrait certifie des Ordres du jour Partie II de ce Centre, #214, en date du 8 septembre, 1942, etablissant que le No. H-94644, Sdt. A.R. Haner etait absent sans permission a compter de 2200 heures, le 7 septembre, 1942.

c) M.F.M. 216 signe par Cpl. R.A. Pollock, N.C.O. i/c Port Arthur Detach., No.40 Provost Coy, etablissant que le No. H-94644, Sdt. A.R. Haner s'est rapporte aux autorites militaires, a Port Arthur, Ont., a 1000 heures, le 20 septembre 1942.

d) M.F.B. 1481, etablissant que les frais de transport de Quebec a Port Arthur et retour, s'elevent a $107.45.

e) M.F.B. 1482, etablissant que les depenses incidentes s'elevent a $0.52.

f) M.F.B. 1482, etablissant que les depenses indidentes s'elevent a $27.00.

g) M.F.M. 216 signe par Lt. Col.J.J. Chouinard, O.C., A.I.T.C. A-13 (CA), etablissant que le No. H-94644, Sdt. A.R. Haner s'est rapporte aux autorites militaires au Camp Valcartier, Que., a ~~0815~~ 1330 heures, le ~~2~~ 5 septembre, 1942.

The accused declined to cross-examine.

C.K. Blais Lieut.
General List (CA).

QUESTION TO THE ACCUSED: Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED:

I prefer to wait until time of my trial.

Hanes A R

I certify that Rules of Procedure 4 (c), (d), (e) and (f) have been complies with.

Taken down by me in the presence of the accused, at Valcartier Camp, P.Q., this 6th January, 1943.

A. H. Poirier Lieut.
(A.H. POIRIER), R. 22e R (CA)
Att. A.I.T.C. A-13 (CA).

LIST OF EXHIBITS

in the case of

No. H-94644, Private Arden R. Haner, of the Canadian Forestry Corps (CA), attached to A.I.T.C. A-13 (CA).

1. Extrait certifie des Ordres du jour Partie II du A.I.T.C. A-13 (CA), #213, en date du 7 septembre, 1942.

2. Extrait certifie des Ordres du jour Partie II du A.I.T.C. A-13 (CA), #214, en date du 8 septembre, 1942.

3. M.F.M. 216.

4. M.F.B. 1481.

5. M.F.B. 1482.

6. M.F.B. 1482.

7. M.F.M. 216.

Signed at Valcartier Camp, P.Q., this 6th January, 1943.

J. Chouinard Lt. Col.
(J.J. CHOUINARD) R. de Chaud CA
O.C., A.I.T.C. A-13 (CA).

STATEMENT OF ACCUSED AS TO HIS REPRESENTATION
BY AN OFFICER AT HIS TRIAL.

I, No. H-94644, Private Arden R. Haner, of the Canadian Forestry Corps (CA), attached to A.I.T.C. A-13 (CA), desire to have an officer assigned to represent me at my trial by Court-Martial.

(I desire the services of Lieut. Baulger .. C.F.C. (CA)..... if he is available).

Signed at Valcartier Camp, P.Q., this 6th January, 1943.

Haner A.R.

MEDICAL OFFICER'S REPORT

I certify that No. H-94644 Pte. HANER A.R.

of C.F.C. COY is in a good state of health,

and fit to undergo Trial by Court martial.

Medical Officer

Station Valcartier Camp

Date 21 January 1943

M. F. B. 266
DSM—6-42 (4744)
H.Q. 1773-30 600

CONFIDENTIAL

H.Q.405-H-10937
H.Q.C.55-H-327
(A.D.1)

26th February, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

District Court-Martial
H.94644 Pte. Arden H. Haner
C.F.C., C.A. (Att. to A.I.T.C. A-13 C.A.)

Reference is made to your Q.39-H-1322 (JA) dated 11th February, 1943.

2. In view of the illness of the accused and the somewhat excessive cost of apprehension and return to his unit it is felt that consideration should be given to remitting some part of the costs awarded.

3. I am therefore directed to forward the proceedings of the Court-Martial herewith so that appropriate action can be taken if you consider that this is a case for remission.

(H.F.G. Letson)
Major-General,
Adjutant-General

Encls
MT/SP

8

N.Q.C. C.56-M-327
(JAG)

CONFIDENTIAL

February 19th, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

Re: District Court-Martial
M-94644 - Pte. Arden R. Haner,
C.F.C., C.A. (Att. to A.I.T.C. A-13, C.A.)

1. Receipt is acknowledged of your 2.39-M-1322(JA) dated 11th February, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The irregularities in the proceedings seem to have been covered by your letter with the exception that on page A of the proceedings it is stated that the Convening Order is dated January 15th, 1943, whereas in fact the Convening Order was dated January 18th, 1943.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody.

Brigadier,
Judge Advocate-General.

HFGB/HB.

H.Q. C. 35-H-327
M.D. Q. 39-H-1322

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H.94644 Name MANER, A.R.

Rank Pte. Unit CANADIAN FORESTRY CORPS, C.A., ATTACHED TO A.I.F.C. A/13, C.A.

Charge (1) Sec. 15(1) AA ABSENTING HIMSELF WITHOUT LEAVE

(2) Sec. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime (1) 2/9/42 (2) 7/9/42

Date of Arrest (1) 5/9/42 (2) 20/9/42 Charge. Signed 6/1/43

Orders for D.C.M. D.O.C., M.D. #5

Place and Date of Trial Valcartier Camp, P.Q. 21/1/43

Sentence DETENTION 28 DAYS STOPPAGES $134.97

Date of Confirmation 4/2/43

Date of Promulgation 10/2/43

Entered in Records of J.A.G. as No. 7801

Date 16/2/43

MEMO

W. G. Bridges, Capt.
for Judge Advocate General.

3M-12-42(M1754)

© no fi

780'

CANADA

Department of National Defence

- Army -

IN REPLY PLEASE QUOTE
NO. Q. 39-H-1322 (JA)

QUEBEC, P.Q., February 11th, 1943.

CANADIAN ARMY
FILE
C55 - H - 327
FEB 12 1943
File
Copy to
Referred to

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL
H-94644, Pte. Arden R. HANER,
C.F.C., C.A. (Att. to A.I.T.C. A-13,C.A.)

1. Enclosed herewith, please find the proceedings of the marginally noted Court-Martial, which are forwarded for registration and custody.

2. The following irregularities have been noted:

(a) On Page A: The orders detailing the Defending Officer should have been produced as Exhibit;

(b) Also on Page A: It was not necessary to insert certificate at the bottom of the page as no court of inquiry was held in this case.

(c) On Page B: The orders detailing Lieutenant Hardy as officer under instruction should have been produced as Exhibit.

(d) On Page B-2: The letters "C.A." on the Charge Sheet should not have been ~~in~~ bracketed.

(e) On Page 15: Rule of Procedure 41(A) should have been followed with regard to the addresses.

(f) On Page 44: The Unit and Attachment of Lieutenant Blais should have been set out underneath his signature on M.F.B. 355.

(g) The Medical Certificate produced on 22nd January, 1943, should have been worded as M.F.B. 246.

3. The Officer Commanding, A.I.T.C.A-13, C.A., advises that the delay in submitting an application for district Court-Martial in this case is due to the fact that the accused spent 77 days in hospital.

JAC/nc

(Edmond BLAIS) - Brigadier,
District Officer Commanding,
Military District No.5.

M.F.B. 239
100M—9-40 (7252)
H.Q. 1279-39-194

This is to certify that H.-94644 Pte. Haner A.R.

.....good.....is fit to be tried by

Court Martial.

A. Gagnon

(R.C.A.M.C.) AF.

M.O. A.I.T.C. A-13 VALCARTIER

Valcartier Camp. P. Que.

.22 Jan.....1943.

H.Q.C. C.55-H-326

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

PTE. L. HAMBLETON, K-75645

NO.11 DISTRICT DEPOT, C.A.

DEAD.

CONFIDENTIAL
H.Q.C. C.55-H-326

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")							
				J.A.G.	new file	E.R.	12/2/43
FEB 20 1943	23/2/43	P.A.	Wms	A.D.	To note & P.A.	R.B.L.	18/2/43
FEB 26 1943	25/2/43	P.A.	E.W.	J.A.G.	With Papers C.R. FEB 24 1943		
MAR 25 1943	25/3/43	P.A.	J.A.	D.S.S.	Pls Requisition MAR 25 1943		
MAY 3 1943	CANCELLED			J.A.G.	With Papers C.R. MAY 13 1943		
				J.A.H.	With Papers C.R. MAY 28 1943		
MAY 28 1943				J.C.M.	To note plse.	E.W.	28-5-43
JUN 3 1943	2/6/43	P.A.	E.W.	A.D.	To note & file	J.H.C.	31/5/43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

M.Q.C.55-H-328 (JAG)

May 28th, 1943.

The District Officer Commanding,
Military District No. 2, Toronto, Ont.

District Court-Martial

K.75645, Pte. Leslie Hambleton,
No. 2 District Depot, C.A.
Att.S-8 Canadian Army Trades School, C.A.

Receipt is acknowledged of your T-20-H-5914 (AJAG) dated May 27th 194 3, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

It is noted that the balance of sentence in this case has been remitted, effective 1st June 1943.

Brigadier,
Judge Advocate-General.

Noted
Cfgday
Stde
I.C.
31/5/43

EBB/MM

500-6-42(M1255)

130381

IN REPLY PLEASE QUOTE
No. T-20-H-5914 (AJAG)
H.Q.55-H-326 (16)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

May 27th, 1943.
Headquarters, Military District No.2.
159 Bay Street, Toronto, Ontario.

CONFIDENTIAL

CENTRAL REGISTRY Army
CONF. SEC.
MAY 28 1943
File C 55-H-326
Chgd. to
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

Remission of Sentence
K-75045, Pte. Leslie HAMBLETON,
No. 11 District Depot, C.A.,
Attached S-8 Canadian Army Trades School, C.A.

Herewith proceedings of the marginally-noted trial by District Court-Martial, for the custody of the Judge Advocate-General.

2. It will be noted that the balance of the accused's sentence of Detention has been remitted, effective 1st June, 1943.

(C.F.Constantine)
Major-General
District Officer Commanding,
M.D.2

N.D. 23
2 MS.—11-42 (7209)
H.Q. 1772-161-22

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District------Court-Martial held at Hut 49, Canadian Army Trades School, C.A., Hamilton, Ontario, on the 2nd day of February, 1943 by order of Major-General C. F. Constantine, D.S.O., District Officer Commanding Military District No. 2, dated the 29th day of January, 19 43.

President.

Lieutenant-Colonel R. I. Locke, M.D., Governor-General's Horse Guards, Attached No. 2 District Depot, C.A.

Members.

Major J. H. Duthie, Home War Establishment, Canadian Army Trades School, C.A.

Captain I. R. McCullough, 2nd (Reserve) Bn., Royal Hamilton Light Infantry, C.A.

~~Judge Advocate.~~

Trial of* No. K.75645, Private Leslie HAMILTON, No. 11 District Depot, C.A., att'd Canadian Army Trades School, C.A., Hamilton

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that ---------- is not available to serve owing to -~~

~~-, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Capt. J. L. Downey, No. 2 District Depot, C.A., att'd H.Q., Hamilton-Niagara Peninsul Area.

~~Counsel‡ or~~ defending officer† Capt. H. G. Cunningham, H.&L.R.R., C.A., Att'd C.A.T.S., C.A.

At 1000 hrs o'clock the Trial commences.

The order convening the Court is read, and is marked "X" (C.R.O. Pt I Crd. 32 d/1/2/43, detailing Pros. & D.O. signed by the President, and attached to the proceedings. is marked "X-1," and by the Pres. & att'd to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q-1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A-1 No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

X I have satisfied myself that none of the officers detailed as members of this Court have served upon any Court of Inquiry respecting the matter or the subject of the charge before this Court-Martial.

President D.O.C.

2.

B

The President, and members ~~and judge-advocate~~ are duly sworn.

The following officers under instruction are duly sworn. (See list marked "C" att'd.)

Q-2 Do you object to No. M.36367, C.S.M. R. Costick, No. 2 Det., C.M.S.C., C.A., H.A., M.D. No. 2, acting as shorthand writer?

A-2 No, sir. (No. M.36367, C.S.M. R. Costick, No. 2 Det., C.M.S.C., C.A., H.A., M.D. No. 2, is duly sworn as shorthand writer.)

Charge-Sheet

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to the---------- charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B.2 3

Lt Col GSHQ
President DCM

CHARGE SHEET

The accused No. K-75645 Private Daglish Hambleton, No. 11 District Depot CA, attached to the Canadian Army Trades School CA Hamilton, Ontario, a soldier of the Canadian Army placed on Active Service is charged with:

ABSENTING HIMSELF WITHOUT LEAVE

in that he

Charge
Sec 15 (1)
Army Act

at Hamilton, Ontario on 8th September 1942, absented himself without leave from the Canadian Army Trades School CA from 1930 hours 8th September 1942 until he surrendered himself to No. B-45559 Private Hansen, Adolf, A.& S.H. of C. (PL) CA attached Canadian Army Trades School CA at Canadian Army Trades School CA Hamilton, Ontario at 1130 hours 12th January 1943, dressed in military uniform.

21st January 1943
HAMILTON, Ontario.

(D.A. White), Colonel
COMMANDANT
CANADIAN ARMY TRADES SCHOOL

To be tried by District Court Martial.
W. Drury.
for Lt Col. AA+QMG. M.D. 2.
for D.O.C. M.D. 2.

Signed at Toronto, Ont., this 26th day of January 1943.

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" read to him again.]~~

District Depot, C.A., att'd Canadian Army Trades School, C.A., Hamilton, Ontario,

The accused, No. K.75645, Private Leslie HAMBLETON, No. 11 is found guilty of the charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "H", signed by the President, and attached to the proceedings.

Q-4 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-4 No, sir. *Answer.* The accused in mitigation of punishment says:—

[*or* hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.]

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q-5 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A-5 No, sir. *Answer.*

Evidence as to character.

Pursuant to powers vested in me under Section 57(2) of the Army Act, I HEREBY REMIT the balance of Detention awarded No. K-75645, Pte. Leslie HAMBLETON, No. 11 District Depot, C.A., Attached Canadian Army Trades School, C.A., said Remission to date from 1st June, 1943.

SIGNED at TORONTO, Ontario,

this 20TH day of MAY, 1943.

(C.F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Capt. E. C. W. CARLYON, R.C.A.S.C., C.A., Canadian Army Trades School, C.A., Hamilton, (Adjutant) is duly sworn.

Evidence of character, &c.

Q-6 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-6. I produce W.T.W. 355 and certified true copy of W.T.W. 6.

The above statement ~~[with the schedule of convictions and of cases in which trial has been dispensed with]~~ is read, marked ~~WY-Z~~ signed by the President, and annexed to the proceedings.

Q-7 *Question by the President.* Is the accused the person named in the statement which you have ~~heard~~ read? *Answer by the Witness.* A-7. He is, sir.

Q-8 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-8. I have, sir.

Q-9 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-9. Yes, sir.

~~Cross-examined by the accused.~~

---The Defending Officer declines to cross-examine.
---In the opinion of the Court it is not necessary to comply with R.I. 83 (b).
---The witness withdraws.

[Instruction.—If by reason of the nature of the service of the accused in a depot, regimental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Q-10 *Question to the accused.* Do you wish to address the Court? *Answer.* A-10. Through my Defending Officer (See document marked "I" attached.)

The Court is closed for the consideration of the sentence.

8

F

Sentence

The Court sentence the accused, No. K.75645, Private Leslie HAMILTON, No. 11 District Depot, C.A., att'd Canadian Army Trades School, C.A., Hamilton, Ontario, to undergo detention for 6 months.

Sentence.

Detention

6 months.

Signed at Hamilton, Ontario, this 2nd day of February, 1943.

(Lt.-Col.)
Governor-General's Horse Guards, att'd
No. 2 District Depot, C.A.
PRESIDENT.

Confirmed
F. F. Curtis-Lumsden
Brig
Comd at Toronto Ont. this 8th day of Feb 1943

Promulgated and extracts taken at Canadian Army Trades School, Hamilton, Ont this 10th day of February 1943

R C Anderson Capt
ADJUTANT
Can. Army Trades School

Extracts entered as No. 7807 in the Record of Courts-Martial kept in the office of the Judge Advocate General this 16 day of Feb 1943

RBL

(Remission)

Promulgated and extracts taken at Canadian Army Trades School, Hamilton Ont. this 22nd day of May 1943

R C Anderson Capt
ADJUTANT
Can. Army Trades School

X

7

O R D E R S B Y

Major-General C. P. Comminetine, C.B.E.,
District Officer Commanding
Military District No. 2

Toronto, Ontario, 29th January, 1943.

District Court-Martial
K-75645, Pte. Leslie HAMBLETON,
No. 11 District Depot, C.A.,
Attached to Canadian Army Trades School, C.A.

The detail of Officers mentioned below will assemble at Hut No. 49, Canadian Army Trades School, C.A., Hamilton, Ontario, on Tuesday, the 2nd day of February, 1943, at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Lieutenant-Colonel R. P. Locke, E.D.,
Governor-General's Horse Guards,
Attached No. 2 District Depot, C.A.

MEMBERS

Major J. H. Duthie,
Home War Establishment,
Canadian Army Trades School, C.A.

Captain P. R. McCullough,
2nd (Reserve) Bn., Royal Hamilton Light Infantry, C.A.

WAITING MEMBER

Captain R. L. Barnes,
Home War Establishment,
Canadian Army Trades School, C.A.

PROSECUTOR

Captain J. L. Downey,
No. 2 District Depot, C.A.,
Attached Headquarters Hamilton-Niagara
Peninsula Area

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

OFFICERS RETAINED FOR INSTRUCTION

The Commandant, Canadian Army Trades School, C.A., may detail 6 officers to attend the Courts-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No. 2.

SIGNED at TORONTO, Ontario, this 29th day of January, 1943.

(M.H.A. Drury)
Lieutenant-Colonel
A.A. & Q.M.G. M. D. 2.

X-1

13

Certified true copy of
Part I Order No. 32 d/ 1 Feb. 43.
(E.C. Anderson)
Capt. & Adjt.

CANADIAN
ARMY TRADES SCHOOL

Last Part I Order
No. 31
issued 31 Jan 43.

ORDER NO. 32
1 Feb 43
HAMILTON, Ont.

PART I ORDERS

By

Colonel F.M. Benson, D.S.O.
Commandant.

= = = =

2. DISTRICT COURT-MARTIAL.
K-75645 Pte.Leslie HAMBLETON,
No.11 District Depot, C.A.,
Attached to Canadian Army Trades School, C.A.

The detail of Officers mentioned below will assemble at Hut No.49, Canadian Army Trades School, C.A.,Hamilton, Ontario, on Tuesday, the 2nd day of February, 1943, at 10 o'clock a.m.(EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT.

Lieutenant-Colonel R.P. Locke, E.D.,
Governor-General's Horse Guards,
Attached No.2 District Depot, C.A.

MEMBERS

Major J.H. Duthie,
Home War Establishment,
Canadian Army Trades School, C.A.

Captain P.R. McCullough,
2nd (Reserve) Bn.,Royal Hamilton Light Infantry, C.A.

WAITING MEMBER

Captain R.L. Barnes,
Home War Establishment,
Canadian Army Trades School, C.A.

PROSECUTOR

Captain J.L. Downey,
No.2 District Depot, C.A.,
Attached Headquarters Hamilton-Niagara Peninsula Area.

DEFENDING OFFICER

Captain H.G. Cunningham,
Hastings and Prince Edward Regt.,C.A.,
Attached Canadian Army Trades School, C.A.

OFFICERS DETAILED FOR INSTRUCTION

Lieut.,S.N. Manore, Lieut.,W.H. Broom,
Lieut., A. Fincham, Lieut.,G.L. Gibson.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No.2.

(Auth: A.A. & Q.M.G., M.D.2 d-29 Jan 43).

3. DUTY - DETAIL.

Until further Orders, the undermentioned Officer will assume the duties of the Chief Administrative Officer in addition to his present duties.

Major W.L. Bryan.

4. RETREAT.

"Effective 1st February, 1943, until further notice, Retreat will be sounded at 1830 hours daily".

(District Orders dated 28 Jan 43).

5. DRESS - SERVICE CHEVRONS
GENERAL SERVICE BADGE.

"Cases have been observed of other ranks wearing the marginally noted on greatcoats. This practice will cease at once, and attention is directed to Routine Orders 2670 and 2671, which state that the marginally noted badges may be worn only on battle dress blouses, khaki drill jackets, serge drab jackets and serge drab open collar jackets".

(District Orders dated 28 Jan 43).

6. FIRE PREVENTION.

No electrical appliances of any kind may be used in any of the Barrack Huts unless they have been inspected by a qualified electrician and are found to be in proper order.

Any soldier who has an electric iron or other appliance in his possession must report it to his company Commander who will arrange for its inspection.

Certified true copy.
E.C. Anderson Capt.
ADJUTANT
Can. Army Trades School

E.C. Anderson Capt
(E.C. Anderson) Captain &
Adjutant,
for Commandant,
CANADIAN ARMY TRADES SCHOOL.

NOTICES

FOUND.

One pair of eye-glasses. Owner may recover same by applying at H.Q. Orderly Room, Building No. 12.

LOST.

The soldier who picked up kit bag in the Royal Connaught Hotel on Friday, 29 Jan 43, is requested to turn same in to H.Q. Orderly Room.

HOCKEY.

Results of inter-company hockey games played last evening are as follows:

Staff team 1 No. 3 Coy. 0,
No. 5 Coy. 9 No. 4 Coy. 8.

OFFICERS UNDER INSTRUCTION
(Duly Sworn)

Lieut. Albert FINCHAM	Royal Regiment of Canada, C.A.T.S., C.A.
Lieut. Wm. H. BROOMY	Cameron Highlanders of Ottawa, C.A.T.S., C.A.
Lieut. Gordon L. GIBSON	The Oxford Rifles, C.A.(A), C.A.T.S., C.A.
Lieut. S. N. MANNI	The Oxford Rifles C.A.(A), C.A.T.S., C.A.

- - - - - - - - - -

H

SUMMARY OF EVIDENCE

In the case of No. K-75645 Private Leslie Hambleton, No. 11 District Depot, CA attached Canadian Army Trades School CA, Hamilton, Ontario, a soldier of the Canadian Army, placed on Active Service.

Charge - Absence without Leave.

The Commandant has directed that the evidence be taken on oath.

First Witness: Lieutenant C.W. Nelson, R.C.A.S.C. CA attached C.A.T.S. CA Hamilton, having been duly sworn states:

"I am Assistant Adjutant of the Canadian Army Trades School CA and as such, have custody of the Regimental Books of the said School.

I produce M.F.B. 375 being a Certified True Copy of a record of the Declaration of a Court Of Inquiry held on the illegal absence of No. K-75645 Private Leslie Hambleton, No. 11 District Depot CA attached C.A.T.S. CA, which document refers to the accused. M.F.B. 375 is marked Exhibit "A" and attached to this summary of evidence."

Exhibit "A" was read over and explained to the accused.

C.W. Nelson, Lieutenant

The accused declines to cross-examine this Witness.

Second Witness:

B 45559 Private Hansen, Adolf, Argyll and Sutherland Highlanders of Canada (PL) - CA attached to Canadian Army Trades School, CA having been duly sworn states:

"On 12th January 1943 at 1130 hours, I was on duty at the main gate of the Canadian Army Trades School, CA, my duty being Regimental Police, where Pte. Hambleton L., the accused here present, reported to me. He was clean, sober and properly dressed. He was immediately placed under close arrest by Cpl. Steenburg, the N.C.O. in charge of the Guard Room. I was present when this was done."

Pte A Hansen

The accused declines to cross-examine this Witness.

3rd Witness: No. B-102059 C.S.M. W.O.II J.B. Watkins, Canadian Army Trades School, CA, Hamilton, Ontario, having been duly sworn states:

"I am Company Sergeant Major of No. 4 Company, Canadian Army Trades School, CA, Hamilton, the Company to which Pte. Leslie Hambleton, the accused, belonged on September 8, 1942 and I was Company Sergeant Major of that Company on said date.

As such I am well acquainted with the accused and to my personal knowledge No. K 75645 Pte. Leslie Hambleton was not held in the Guard Room or in the custody of the Canadian Army Trades School, Hamilton, and was not present at the Canadian Army Trades School, Hamilton, at any time after being struck off strength as a deserter in Part II Orders No. 238 dated October 7 1942, para 15, effective 5th October 1942, until surrendering himself to the Regimental Police of the Guard Room of the Canadian Army Trades School CA at 1130 hrs. January 12, 1943.

As Company Sergeant Major of No. 4 Company, Canadian Army Trades School, it is my duty to know where the men of this company are and had Private Hambleton been in the Camp, I would have been aware of it.

In support of my evidence, I produce a certified true copy of Part II Order No. 238, dated October 7, 1942, para 15 whereof refers to the accused."

Part II Order No. 238 is marked Exhibit "B" and attached to this Summary of Evidence.

J B Watkins

The accused declines to cross-examine this Witness.

Question to the Accused: "Do you wish to make any statement or give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

Answer by the Accused: "I have nothing to say".

Question to the Accused: "Do you wish to call any witnesses on your own behalf?"

Answer by the Accused: "No Sir". H Hamilton

All documentary evidence has been read over to the Accused.

I certify that rules of procedure 4 (C) (D), (E) and (F) have been complied with.

Taken down before me in the presence of the accused at Hamilton, Ontario, this 20th day of January 1943.

J. Downey

(J. Downey), Capt.
Headquarters M.D. No. 2 CA
attached Headquarters Hamilton
and Niagara Peninsula Area
Officer detailed to take this
Summary of Evidence.

This is Exhibit "A" referred to in the summary of Evidence in the case of K 74645 Pte. Hambleton, L.

29

"A"

J.L. Downey, Capt.
Att'd. Headquarters
Hamilton & Niagara Peninsula Area. Headquarters M.D. No. 2 CA

RECORD of the Declaration of a Court of Inquiry assembled at Hamilton, Ont. on the 5th day of October 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. K 75645 Pte. Hambleton, L. No. 11 D.D. (CA) att'd. C.A.T.S. (CA)

DECLARATION

The Court declare that No. K 75645 Pte. Hambleton L.
No. 11 District Depot CA att'd. C.A.T.S. CA
illegally absented himself without leave from C.A.T.S. CA Hamilton
at 1930 hrs. on the 8th day of September 1942,
that he is still so absent, and that on the 29th day of Sept. 1942 he was deficient, and
that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES	VALUE	
B.D. Blouse, Serge	1	4	19			
B.D. Trousers "	1	4	20			
Boots Ankle prs.	2	7	80			
Shirts Woollen	1		86			
Brushes shaving	1		30			
Caps Comforter	1		30			
Combs, Hair	1		04			
Razor Safety Sets	1		39			
Towels Hand	1		21			
Pins Collar	1		07			
Slips Pillow	1		21			
		18	57			
Dep. Value @ 75%						

(T.C.W. Carlyon), Capt. RCASC CA — President (Seconded CATS CA)

(J.M. Henderson), Lieut. CATS CA — Member

(W. Ashworth), Lieut. V.C. of C. — Member (att'd. CATS CA)

Signed at HAMILTON, Ont.

this 5th day of October 1942

Signature of Commanding Officer (D.A. White), Colonel

Certified true copy R. Anderson Capt. CATS CA

Can. Army Trades School

Signature of Officer having custody of original record

M.F.B. 373
A.F.B. 115
11M-12-40 (8895-6)
H.Q. 1772-29-257

B

sel sheet 3

Last Part II issued
No. 237
dated 6 Oct.,42

CANADIAN ARMY TRADES SCHOOL

PART II ORDERS

By,

Colonel D.A. White, D.S.O., O.C.

ORDER NO. 238
7 Oct. 42
Hamilton, Ont.

SECTION "A"

NIL

SECTION "B"

STRENGTH DECREASE

1. B 70175 Pte. Madge, G.M.(Adm) is struck off strength on discharge under the provisions of R.O. 1029(10) - unable to meet the required military physical standards, effective
(Auth. H.Q.M.D.2 T-M-7376 (A4) d/2-10-42) 6-10-42

Address on discharge: 18 Deloraine Ave., Toronto, Ontario.

ATTACHMENTS

2. B 11166 Gnr. Melligan, J. is attached to detention barracks, Camp Borden, Ontario, for discipline, quarters and rations, effective 6-10-42

CHANGE IN MEDICAL CATEGORY

3. B 46162 Pte (A/Cpl) Burgess, J.W.(Instr 4 coy) has been medically examined and re-classified as category "A-1" by M.F.B. 227a at Hamilton, Ontario.
(Auth. D.M.O. M.D.2 T.20-B-2182 d/4-10-42)

4. B 102123 Pte. McKay, E.O.(Adm) has been medically examined and re-classified as category "C-2" (2 months) by M.F.B. 227a at Hamilton, Ontario.
(Auth. D.M.O. M.D.2 T-20-M-9281 d/4-10-42)

5. B 102121 Pte. Farr, D.F.(Adm) has been medically examined and re-classified as category "A-1" by M.F.B. 227a at Hamilton, Ontario.
(Auth. D.M.O. M.D.2 T.20-P-3793 d/5-10-42)

POSTINGS

6. F 518229 Pte. Barlow, C.R. is posted from A Wing to Instructional Staff - 4 Coy., effective 5-10-42

PROMOTIONS

7. A 382[illegible] Pte. Brown, Eric George,(2 coy) to be Acting Corporal with pay effective 1-10-42

CONFIRMATION OF RANK

8. D 7764[illegible] Pte(A/Cpl) Poirier, R.J.(3 coy) is confirmed in the rank of Corporal, effective 2-7-42

CIVILIAN CLOTHING ALLOWANCE

9. B 70175 Pte. Madge G.M.(Adm) having been discharged 6-10-42 is entitled to receive Civilian Clothing Allowance of $35.00 as authorized by Art. 187-1a F.R.&I. This amount to be paid through the pay list, effective 6-10-42

Date of enlistment: 19 March 1942

REHABILITATION GRANT - (Discharge to civil life)

10. B 70175 Pte. Madge, G.M.(Adm) having completed the required service and being otherwise eligible, is authorized to draw Rehabilitation Grant.

Date of enlistment:	19 March 1942
Date of Discharge:	6 Oct. 1942
Number of days forfeited:	NIL
Reason for discharge:	R.O. 1029(10)
Period of leave pending discharge:	NIL.

HOSPITAL - (Admissions)

11. B 78900 Pte. Harvey, E.A.(Adm) To H.M.H. 6-10-42

HOSPITAL - (Discharges) From

12. B 88896 Pte. Cates, G.R. H.M.H. 7-10-42

ABSENT WITHOUT LEAVE

13. B 10207[illegible] Pte. Lanteingne, L.(Adm) from 0800 hrs. 5-10-42

CHANGE OF ADDRESS

14. B 27500 A/C.S.M. Douglass, N.S.(Instr. Adm.)

From 3[illegible] William Street St. Thomas, Ontario. To; 14 Spruce Street, Oakville, Ontario.

TRAINING PERSONNEL

STRENGTH DECREASE

15. K 75645 Pte. Hambleton, L.(#4 Coy) having been declared by a Court of Inquiry held 5 Oct 42 to have been illegally absent since 1930 hrs 8 Sep 42 and to have deficiencies of kit and equipment in the amount of $18.57, is struck off strength as a Deserter, effective 5-10-42
Forfeits 28 days' pay and allowances under F.R.&I. 149.

ATTACHMENTS

16. The u/m cease to be attached to detention Barracks, Brampton, Ontario, for discipline, quarters and rations, effective 5-10-42

C 36719 Pte. Gauthier, G.C. (#5 Coy)
C 33743 Pte. MacDonald, A. (#5 Coy)

17. B 6149 Pte. Ledgerwood, R.J.(#4 Coy) ceases to be attached to detention barracks, Camp Borden, Ontario, for discipline quarters and rations, effective 6-10-42

18. D 109981 Pte. Lennon, J.G.(#4 Coy) is attached to detention barracks, Brampton, Ontario, for discipline quarters and rations, effective 1-10-42

19. A 59289 Pte. Vimeux, T.O.(#3 Coy) is attached to detention barracks, Camp Borden, Ontario, for discipline quarters and rations, effective 6-10-42

RATION ALLOWANCE

20. The u/m other ranks having been granted Furlough by A-21 RCOC, Barriefield, from 6-7-42 to 20-7-42, are authorized to draw Ration Allowance of 50¢ per diem under the provisions of R.O.2261, for that period.
(Furlough Auth. A-21 RCOC Part II #157 d/6-7-42)

No. 5 Coy

H 95357 Pte. Belcher, A.S.
C 34937 Pte. Countryman, M.
C 34909 Pte. Howard, W.A.
H 64917 L/Cpl. Lundgren, E.A.
C 34934 Pte. Buker, L.M.
B 53425 Pte. Deverell, J.W.
H 64718 Pte. Whettell, G.

SPECIAL LEAVE - (Extension)

21. M 36869 Pte. Bywaters, G.I.(#4 Coy) is granted extension of leave without pay and allowances to 27 Oct 42.
(Auth. M.D.2 T.20-B-7955(A-4)d/5-10-42)

22. M 66280 Sgm. Thomson, G.S.(#5 Coy) is granted extension of leave without pay and allowances to 18 Oct 42.

SPECIAL LEAVE - (Return from)

23. H 17850 Pte. McBurney, D.E.(#2 Coy) returned from Leave without pay and allowances 7 Oct 42.

24. L 62106 Gnr. Cobbe, W.B.(#2 Coy) returned from Leave without pay and allowances 7 Oct 42.

25. H 87405 Pte. McGill, W.M.(#1 Coy) returned from Leave without pay and allowances 7 Oct 42.

HOSPITAL - Admissions

			TO	
26.	B 829[illegible] Pte. Goldsmith, W.	(#1 Coy)	H.M.H.	6-10-42
	B1145[illegible] Pte. Dickensen, J.	(#3 Coy)	H.M.H.	6-10-42
	B 584[illegible] Pte. Simons, L.P.	(#4 Coy)	H.M.H.	2-10-42
	L 332[illegible] Pte. Spohn, W.	(#4 Coy)	H.M.H.	5-10-42

HOSPITAL - (Transfers)

		FROM	TO	
27.	M 386[illegible] Pte. Chesterman, T.	H.M.H.	C.B.M.H.	5-10-42

HOSPITAL - (Discharges)

			FROM	
28.	A 103873 Pte. Kilgour, M.A.	(#1 Coy)	H.M.H.	7-10-42
	B 87850 Pte. Webb, G.A.	(#3 Coy)	H.M.H.	6-10-42
	G 53851 Pte. Chapman, L.G.	(#5 Coy)	H.M.H.	6-10-42

BIRTHS

29. B 953[illegible] Pte. Barclay, W.H.(#3 Coy) reports the birth of a son,

William Alexander Barclay,
at Hamilton, Ontario,
18 Sep 42.

30. B 620[illegible] Cpl. Green, R.F.A.(#1 Coy) reports the birth of a son,

Robert George Walter Green,
at Toronto, Ontario.
14 Sep 42.

ABSENT WITHOUT LEAVE

31.	G 234[illegible] Pte. Brown, E.W.	(#3 Coy)	from 0600 hrs	5-10-42
	B 9705[illegible] Pte. Ferri, P.	(#4 Coy)	from 2245 hrs	5-10-42

ABSENT WITHOUT LEAVE - (Returned from)

32.	D 962[illegible] Pte. Lang, J.	(#3 Coy)	returned at 0930 hrs	6-10-42
	C 330[illegible] Pte. Gallinger, O.	(#3 Coy)	returned at 0030 hrs	7-10-42
	C 3262[illegible] Pte. Caron, E.	(#5 Coy)	returned at 1800 hrs	6-10-42
	B11291[illegible] Pte. Campbell, J.	(#5 Coy)	" " 1600 hrs	6-10-42

39

REMISSION OF SENTENCE

33. B 6149 Pte.Ledgerwood, R.J.(#4 Coy) having earned a remission of sentence of 4 days for his sentence of 28 days detention, by Special Industry and Good Conduct,etc.,in accordance with Regulations and Instructions for Military Detention Barracks and Branch Detention Barracks,1939 Paras.26 & 27,was released from detention,effective 7-10-42
Original date of release - 11-10-42.

BARRACK DAMAGES - (Stoppages of Pay)

34. The u/m No. 1 Coy. having caused damages necessitating repairs to lock and door of East entrance of Hut 15 C.A.T.S.,in the amount of $12.00,are placed under stoppage of pay until they have made good the sum shown opposite their name. (F.R.&I. 56)

B 86761	Pte.Blackburn, N.W.	$1.50
L 53506	Tpr.Deschner, A.A.	1.50
K 71326	Tpr.Petrie, J.	1.50
B 61772	Tpr.Shipway, W.D.	1.50
D 14066	Gnr.Swiderski, W.F.	1.50
D132177	Gnr.Rabey, E.	1.50
M 65305	Tpr.Webb, E.J.	1.50
D132134	Gnr.McRitchie, L.O.	1.50

PUNISHMENTS

35. D 96204 Pte. Lang, J.L.(#3 Coy) was awarded 9 days C.B. and forfeits 9 days' pay under F.R.&I. 149(i) for being A.W.L. from 0600 hrs 28-9-42 to 0930 hrs 6-10-42.(8 days,3 hrs 30Min) Under close arrest.

36. C 33009 Pte. Gallinger, O.(#3 Coy) was admonished and forfeits 2 days' pay under F.R.&I. 149(i) for being A.W.L. from 0600 hrs 5-10-42 to 0030 hrs 7-10-42.(42 hrs,30 mins.)Under open arrest.

37. B 111426 Pte. Page, W.E.(#4 Coy) was awarded 10 days C.B. and forfeits 6 days' pay under F.R.&I. 149(i) for being A.W.L. from 0200 hrs 1-10-42 to 1430 hrs 6-10-42.(5 days, 12 hrs, 30 mins.)Under open arrest.

38. G 28421 Pte. Stever, A.L.(#4 Coy) was awarded 3 days C.B. and forfeits 1 days' pay under F.R.&I. 149(i) for being A.W.L. from 2245 hrs 5-10-42 to 0810 hrs 6-10-42.(9 hrs, 35 mins.)Under open arrest.

39. G 28421 Pte. Stever, A.L.(#4 Coy) was admonished on a charge of Drunkehess under A.A.19(1st.Offence),6-10-42.

40. C 32628 Pte. Caron, E.(#5 Coy) was awarded 7 days C.B. and forfeits 4 days' pay under F.R.&I. 149(i) for being A.W.L. from 1200 hrs 3-10-42 to 1800 hrs 6-10-42.(3 days,6 hrs.) Under close arrest.

41. B 112910 Sgn.Campbell,J.(#5 Coy) was awarded 7 days C.B. for being A.W.L. from 0600 hrs 3-10-42 to 1600 hrs 6-10-42. (3 days,10 hrs.) and forfeits 4 days' pay under F.R.&I.149(i). (2)and 7 days C.B. for conduct to the prejudice of good order and military discipline,in that he broke barracks while undergoing C.B.Under close arrest.

PUNISHMENTS - (Continued)

42. B 61827 Tpr. Gagne, J.H.(#1 Coy) was awarded 7 days C.B. and forfeiture of all ordinary pay for a period of 5 days under A.A.46(2)(d) for being A.W.. from 2230 hrs 1-10-42 to 0115 hrs.4-10-42 whilst a defaulter.Forfeits 3 days pay under F.R.&I. 149(i).Under close arrest.Total forfeiture 8 days pay and allowances. Date of award,5 Oct 42.

43. A 58890 Pte. Copland, J.S.(#3 Coy) was awarded forfeiture of all ordinary pay for a period of 5 days under A.A.46(2)(d) for being A.W.L. from 0745 hrs 1-10-42 to 2230 hrs 4-10-42 Forfeits 3 days' pay under F.R.&I. 149(i).Under open arrest. Total forfeiture 8 days' pay and allowances. Date of award 5 Oct 42.

+ + + + + + + + + + + MEMBERS HOME DEFENCE + + + + + + + + + + +
Canadian Army

ATTACHMENTS

44. D 625896 Pte. Lamarre, R.(#3 Coy) is attached to Detention Barracks,Camp Borden,Ontario,for discipline,quarters and rations,effective 6-10-42

FURLOUGH

45. K 602039 Pte.Hyacinthe, B.(#4 Coy) is granted Furlough under R.O. 2347 from 8-10-42 to 21-10-42 and is authorized to draw Ration Allowance of 50¢ per diem under the provisions of R.O.2261 for that period.
T.Warrant No. A-166553.

RATION ALLOWANCE

46. M 447589 L/Cpl.Bakken, A.K.(#3 Coy) having been granted Furlough from 20-7-42 to 2-8-42 by #13 V.T.S.,Calgary,Part II No. 5 d/20-7-42,is authorized to draw Ration Allowance of 50¢ perdiem under the provisions of R.O.2261,for that period.

SPECIAL LEAVE - (Extension)

47. L 605108 Pte. Schultze, A.O.(#2 Coy) is granted extension of Leave without pay and allowances to 20-10-42.
(Auth.D.O.C's Rep.M.D.12 Wire d/2-10-42)

SPECIAL LEAVE - (Return from)

47A. M 610284 Gnr. Malo, A.A.(#2 Coy) returned from Leave without pay and allowances 7-10-42.

HOSPITAL - Admissions

48. E 600619 Pte. Turbide, R.(#4 Coy) TO C.B.M.H. 6-10-42
A 601477 Pte. Uhrig, B.J.(#4 Coy) TO C.B.M.H. 6-10-42

ABSENT WITHOUT LEAVE - 3rd Posting

49. D 611189 Pte. Beaupre,L.(#3 Coy) from 0600 hrs 15-9-42
C 600761 Pte. Roblin, R.T.(#5 Coy) from 2230 hrs 28-8-42

CHANGE OF ADDRESS

50. B 623280 Gnr. Hughson, G.S.(#1 Coy)

From: 51 Park Side Drive, Toronto,Ontario. To: 77 Sorauren Avenue, Toronto,Ontario.

PUNISHMENTS

51. A 610345 Pte. Peters, G.P.(#2 Coy) was awarded forfeiture of all ordinary pay for a period of 7 days,under A.A.46(2).(d) for using insubordinate language to a superior officer under A.A.Sec 8(2),Under open arrest.

AMENDMENTS

52. Part II Order No. 218-38(Kerfoot) is amended to read: "on transfer to No. 3 D.D. for duty in Engineer Experimental Shop".

Certified true copy.
E.C.Anderson Capt
ADJUTANT
Can. Army Trades School

E.C.Anderson Capt.
(E.C.Anderson)Capt.&Adjt.
for Commandant,
CANADIAN ARMY TRADES SCHOOL

"B"
This is Exhibit B referred to in the Summary of Evidence in the case of K 75645 Pte. Hambleton, L.

J.L.Downey
(J.L.Downey), Capt.
Headquarters M.D. No. 2 CA
Attached Headquarters
Hamilton and Niagara Peninsula Area.

STATEMENT BY THE DEFENDING OFFICER IN
MITIGATION OF PUNISHMENT

As in most cases of long absences such as this, there are certain extenuating circumstances, and in this case the accused came to Canadian Army Trades School as a skilled tradesman. He had a trade -- an engraver. The trade he had in which he was skilled was a trade which would be of great benefit to him in the course which he came here to take -- that of an instrument mechanic. With the trade he had, his course at Canadian Army Trades School should have been considerably shorter than it was. He came last March, early last March, and started his course as an instrument mechanic, and was here for practically seven months. He graduated from the Canadian Army Trades School on the 12th of September. He had completed his course enough -- he had gone absent at that time, but he would have got out as a graduate on the 12th day of September. Previous to the 12th of September he had been kept in the Company lines doing fatigue work.

In his course, phase 2 training at the technical school in Victoria he graduated with a percentage of 93 -- 93%. During his course at the Canadian Army Trades School, out of a possible of 127 days he actually took -- he was at the course 126 days and graduated with a percentage of 68%. He conduct, initiative and co-operation throughout his whole course were very good. His instructors report that -- put him down as "very good," which is the second highest rating a man can get. There is "excellent," "very good," "good," "fair" and "poor." As I say, with the experience that the soldier had, his course really should -- he should have been put through his course

much more quickly and possibly sent on his way in the reinforcement stream to the R.C.O.C. Training Centre at Barriefield. However, he was kept here seven months.

---THE PRESIDENT: Why was he kept here that long time?

---THE DEFENDING OFFICER: Well, he came in with a certain class and stayed with that class, sir, throughout the whole course, whereas he felt that with the experience that he had previously that he should have been given some special consideration and put on his way, as I say, in the reinforcement stream for possibly overseas service, which was the idea that he had come into the Army in the first place.

So, as I said before, he had spent the best part of a month in the lines awaiting to be shipped into the reinforcement stream, and during that period he just became totally fed-up and took the law into his own hands.

But in passing sentence on the accused soldier, I would like to ask the Court to give consideration to the fact that he has done very well both in phase 2 training at the technical school in Victoria, which he graduated with 93%, and his phase 3 training, his advanced training, in the school here with a percentage of 68% in a trade which is very urgently required at the present time for overseas service. There is definitely a very great urgency for instrument mechanics, and I would just ask the Court to consider that in passing sentence.

- - - - - - - - - - - - - -

Y

49

M.F.B. 358
20M—11-41 (3279)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Lt Col Gehg
Pres
Lt Col D.E.M.

Number E-75645 Rank Private Name [illegible] Regiment (or unit) No. 2 District Depot CA attached Canadian Army Trade School CA

1. The following is a fair and true summary of the entries in the ~~Regimental and Squadron, Battery~~ Field Service and General Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	Drunkenness 15-11-41	times	1	times
For	Drunkenness 17-1-42	1 times	2	times 3
For	Drunkenness 1-7-42	1 times	Absent without leave	2 times
For	Failing to appear at place of parade appointed by his Commanding Officer	1 times	Conduct to the prejudice	1 times
			Breaking out of Barracks	1 times
			Failing to appear at place of parade appointed by his Commanding Officer	1 times

~~Number of instances of gallantry or distinguished conduct~~ Eca

~~or,~~

~~There are no entries in the conduct sheets of the accused.~~ Eca

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Air Force Act Army Act and dispensations with trial under A.F.A. 73 A.A. 73 are set out in the Schedule annexed to this statement.~~ Eca Eca

3. The accused is not under sentence at the present time.

or,

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~ Eca

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in civil custody, and 21 days in military ~~Air Force~~ custody, making a total of 21 days in custody, of which NIL days were spent in hospital. Eca

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 22 years 10 months Eca

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper 18th June 1941 Eca

7. ~~The service which the accused is allowed to reckon towards discharge is~~ Eca

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~ Eca

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward (~~or is in possession of or entitled to~~). State any ~~air force~~ military decoration or reward. Eca

10. (~~If the accused is a warrant officer.~~) ~~The accused before he was made a warrant officer last held the rank of ~~ Eca

50

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit dated, and in his regiment (or corps), the rank of dated.

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

Date of promotion.

In the rank of years.

In the rank of years.

In the rank of years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number Rank Unit Name of Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 2nd day of FEBRUARY 1943 A.C. Anderson
(W.C. Anderson) Capt.
Adjt.
Canadian Army Trades School
-CA

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked signed by the president, and annexed to the proceedings.

M.F.M. 6
(A.F.R. 122)
800M.—11-40 (3028)
H.Q. (172-43-18

Vancouver No.31 "A" District Depot A.F.

No. 475645 Name HAMBLETON, L. | Squ., Battery, or Company | Corps | Date of enlistment 18-6-41 | G.C. Badges | Service or Proficiency Pay | Character

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. 1 | Signature O.C. Company, etc. S.S. Mills Capt.

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date awarded or of order to appear for court martial	By whom awarded	Remarks
Nanaimo	9-9-41	Pte.		Absent without leave from 2200 hrs. 9-9-41 to 0200 hrs. 10-9-41 (Absent 4 hrs.) C.A. Sec. 15(1)	Cpl. Cann Cpl. Hayward	2 days	10-9-41	C.Y. Kilpatrick	
Nanaimo	11-9-41			Conduct to the Prejudice etc. in that he created a disturbance in the Dining Hall at 1200 hrs. by throwing a cup down the Mess Hall A.A. 40	Cpl. Griffith L/Cpl. LeRoche	5 days C.B.	11-9-41	C.Y. Kilpatrick	
Victoria	15-11-41	"	1	Drunkenness A.A. 19	Pte. Stephen, R. Pte. Hopkins, J.F.	Admonished	16-11-41	Lt. Creighton	
Victoria	7-1-42	"		A.W.L. from 1430 hrs. to 1525 hrs. (absent 55 mins) Sect. 115 A.A.	Cpl. Smith, D.G. L/Sgt. Eason, R.F.	5 days C.B.	8-1-42	Capt. J. Lohan	(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Victoria	17-1-42	Pte.	2	Drunkenness A.A. 19 Breaking out of Barracks	Sgt. Evans Cpl. Thompson Sgt. Smith	Fined $5.00 7 days C.B.	19-1-42 19-1-42	Capt. Mahan Capt. Mahan	
	17-1-42	"			Documentary	Fined $10.00	1-7-42	Lt. N.H. Berkelvey	
Hamilton	1-7-42	"	3	Drunkenness 3rd offence					
Hamilton	5-9-42	"		A. 15 (2) Failed to appear at place of parade appointed by Commanding Officer (Coy. Office) was unshaven on parade	Cpl. Began Pte. Logan	7 days C.B.	8-9-42	Major K.B. Czowski	

E. Anderson Capt
CATS.

Certified True Copy

MEDICAL OFFICER'S REPORT

I certify that No. K-75645, Pte. Leslie HAMILTON

of Can. Army Trades School is in a good state of health,

and is fit to undergo Trial by Court martial.

G Stull Capt RCAMC
Medical Officer
R.A.P. Can. Army Trades School, Hamilton, Ont.

Station HAMILTON, Ont.

Date February, 2, 1943

M. F. B. 246
BM—4-43 (4744)
H.Q. 1773-99 600

H.Q.C.55-H-328(JAG)

May 14th, 1943.

District Officer Commanding,
Military District No. 2,
TORONTO, ONT.

Re: DISTRICT COURT-MARTIAL.
K-75645, Pte. HAMBLETON, L,
Cdn. Army Trades School,
Hamilton, Ont.

Receipt is acknowledged of your T-20-H-5914(AJAG), dated the 12th May, 1943, and as requested, the Proceedings of the marginally-noted District Court-Martial are forwarded herewith for consideration of a recommended remission.

2. When they have served their purpose, may they please be returned to this Headquarters.

Brigadier,
Judge Advocate-General.

EBB/S.

126783

IN REPLY PLEASE QUOTE
No. T-20-H-5914 (AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

May 12th, 1943.

Headquarters, Military District No.2.
159 Bay Street, Toronto, Ontario.

CONF. & C.C.
MAY 13 1943
File C55-H-328
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
K-75045, Pte. HAMBLETON, L.,
Can. Army Trades School,
Hamilton, Ontario.

May the Proceedings of the marginally-noted District Court-Martial be forwarded for the purpose of considering a recommended remission, please.

(C.F.Constantine)
Major-General
District Officer Commanding,
M.D.2

N.D. 23
2 M.G.—11-42 (7839)
H.Q. 1772-191-33

H.Q.C.55-H-328(JAG).

February 25, 1943.

District Officer Commanding,
Military District No. 2,
TORONTO, ONT.

Re: DISTRICT COURT-MARTIAL.
K-75645, Pte. Leslie HAMBLETON,
attached C.A.T.C., C.A.

Receipt is acknowledged of your T-20-H-5914(AJAG), dated the 22nd February, 1943, in connection with the marginally-noted District Court-Martial.

2. It has been found that the numbering of questions and answers has been of considerable value to reviewing authorities, and I am rather loath to eliminating same to the extent that only the 5th, 10th, 15th and 20th lines be numbered. I think it is much more beneficial to have the questions numbered than the lines. However, if it is thought that any considerable saving of time would be effected, I would suggest that it would be in order to omit the numbering of each answer, as long as the question is numbered. For example:

"Q.-21
A.---

Q.-22
A.---"

R.J.O.

Brigadier,
Judge Advocate- General.

EBB/S.

CANADA

IN REPLY PLEASE QUOTE
No. T-20-H-5914
(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

203595

22nd February 1943
Headquarters, Military District No.2
159 Bay Street, Toronto, Ont.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
C.D.T. SEC.
FEB 24 1943
File C 55-H-328
Chgd. to
Referred to JAG

District Court-Martial
K-75645, Pte. Leslie Hambleton,
No.11 District Depot, C.A.,
attached C.A.T.S. C.A.

Reference H.Q.C. C.55-H-328-(JAG), dated 18th February, 1943.

2. It is noted that the Judge Advocate General has recommended that in future the ruling through and initialling of backs of pages of Courts-Martial proceedings may now be discontinued. It is considered that this will bring about a considerable saving of time and may consideration be given the suggestion that the numbering of each and every question be also eliminated and in lieu thereof that the transcript only be numbered as follows:

i.e. that the 5th, 10th, 15th and 20th lines of each page thereof be numbered "5","10","15" and "20" respectively.

3. This numbering of questions, with the pages remaining numbered from start to finish as presently required, it is considered will serve as a sufficient guide when references to evidence are made.

4. As the Judge Advocate General will be aware, this system is used in Civil Court proceedings, such as Factums and Cases on Appeal in the Appeal Courts of the Provinces and in the Supreme Court of Canada.

(G.E. McCuaig)
Brigadier-General
T/D.O.C. M.D.2

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

H.Q.C. C.55-H-328(JAG)

CONFIDENTIAL

February 18th, 1943.

District Officer Commanding,
Military District No. 2,
159 Bay Street,
TORONTO, Ontario.

Re: District Court-Martial
K-75645, Pte. Leslie Hambleton,
No. 11 Dist. Depot, C.A., att'd. C.A.T.S., C.A.

Receipt is acknowledged of your T-20-H-5914(AJAG) dated 11th February, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. It is considered that much time might be saved if the ruling through and initialling of the backs of the pages of the proceedings could be avoided, and accordingly it is recommended that in future this practice be discontinued. Since the proceedings are quite in order they are retained for custody.

Brigadier,
Judge Advocate-General.

RBL/HB.

H.Q. C. 55-H-328
M.D. E-20-8914

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. K-75645 Name HAMBLETON, L.

Rank Pte. Unit No. 11 District Depot, C.A., att'd CAM. Army Trades School, C.A., Hamilton, Ont.

Charge SEC. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 8/9/42

Date of Arrest 12/1/43 Charge. Signed 21/1/43

Orders for D.C.M. D.O.C. M.D. #2

Place and Date of Trial Hamilton, Ontario 2/2/43

Sentence DETENTION 6 MONTHS

Date of Confirmation 8/2/43

Date of Promulgation 10/2/43

Entered in Records of J.A.G. as No. 7607

Date 16/2/43

MEMO

Balance Detention Remitted By D.O.C., M.D.2
To Date from 1-6-43

R. B. Lamb Capt.
for Judge Advocate-General.

3M-12-42(M1754)

no file
107

CANADA

IN REPLY PLEASE QUOTE
No. T-20-H-5914
(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

11th February, 1943.

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario,

CONFIDENTIAL

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
PERS. SEC.
FEB 13 1943

District Court-Martial
K-75645, Pte. Leslie HAMBLETON,
No. 11 District Depot, C.A.,
attached C.A.T.S. C.A.

Herewith proceedings at Trial by District Court-Martial of the marginally noted soldier, forwarded for the custody of and registration by the Judge Advocate-General.

(G.E. McCuaig)
Brigadier-General
T/D.O.C. M.D. No.2.

NAT. DEF. B. 440
3,000 M—4-43 (4322)
H.Q. 1772-39-767

H.Q.C. 55-H-329

CONFIDENTIAL

N.F.B. 5113

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HOSFORD, C.R. S.12259 PTE.

NO.7 D.D., D.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-329

CENTRAL REGISTRY	DATE	F.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which concerned cannot be expressed on one line, add minute to file and enter here "With Minute")					
					With Papers C.R. OCT 17 1943		
FEB 26 1943	26/2/43	P.A.	26/2	AD	To note + A	RBL	19/10/43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C. 55-H-389(JAG)

CONFIDENTIAL

February 19th, 1943.

District Officer Commanding,
Military District No. 7,
SAINT JOHN, N.B.

Re: District Court-Martial
G-12259 - Private Oren Roy Hosford
No. 7 District Depot, C.A.

Receipt is acknowledged of your J/38-H-812 dated 15th February, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. Reference paragraph 2 of your letter, it is considered that considerable time might be saved if the ruling through and initialling of the backs of the pages of the proceedings could be avoided, and in consequence it is recommended that in future this practice be discontinued.

3. It is not considered necessary to return the proceedings which are retained for custody.

Brigadier,
Judge Advocate-General.

RBL/HB.

H.Q. C. 55-H-329
M.D. J/38-H-812

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. G.12259 Name HOSFORD, O.R.

Rank Pte. Unit No. 7 D.D., C.A.

Charge SEC. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 21/11/42

Date of Arrest 14/1/43 Charge. Signed 18/1/43

Orders for D.C.M. D.O.C. M.D. #7

Place and Date of Trial Fredericton, N.B. 29/1/43

Sentence DETENTION 90 DAYS STOPPAGES $1.36

Date of Confirmation 3/2/43

Date of Promulgation 10/2/43

Entered in Records of J.A.G. as No. 7847

Date 18/2/43

MEMO

R. B. Laurent
for Judge Advocate-General.

7847

CANADA

n file

DEPARTMENT OF NATIONAL DEFENCE
ARMY

IN REPLY PLEASE QUOTE
No. J/38-H-812

SAINT JOHN, N.B., 15 Feb 43.

CENTRAL REGISTRY Army
PERS. SEC.
FEB 17 1943
File C 66-H-3
Chg. to
Referred to a b

The Secretary,
Department of National Defence,
OTTAWA, Ont.

DISTRICT COURT-MARTIAL
G-12259 Private Oren Roy HOSFORD
No. 7 District Depot, C.A.

1. I enclose herewith for registration, please, the proceedings of the District Court-Martial held for the trial of the marginally named soldier.

2. It is noted that the backs of pages twenty one to eighty eight, inclusive, have not been initialled by the President. As the President of this Court is at present confined to hospital with an attack of pneumonia, it is impossible to have the initialling rectified.

(G. G. Anglin) Brigadier
District Officer Commanding
Military District No. 7.

/REA
Encl.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at No. 7 District Depot, C.A., Fredericton, N.B. on the 29th day of January 19 43. by order of Brigadier G. G. Anglin, M.C. Commanding Military District No. 7. dated the 26th day of January 19 43.

President.

Major O.J. A. Barter,
No. 70 Canadian Army (Basic) Training Centre, C.A.

Members.

Captain F. C. McNichol,
No. 7 District Depot, C.A.

Captain W. B. Bromfield,
No. 7 District Depot, C.A.

~~Judge Advocate~~

Trial of* G-12259 Private Oren Roy Hosford,
No. 7 District Depot, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to a waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. x

The accused is brought before the Court.

Prosecutor,† Captain H. W. Hickman, No. 7 District Depot, C.A., attached Headquarters, M.D. No. 7.

~~Counsel‡ or~~ defending officer† Lieutenant E. A. Skene, No. 7 District Depot, C.A.

1000 o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1. *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A.1. No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

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* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-30-224

x I have satisfied myself (1) that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

~~(Sgd.) O. J. Barter~~ Major
President D.C.M.

B

The President, and members ~~and judge advocate~~ are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q.2. Do you object to G-4364 Corporal (A/Staff Sergeant) R. E. McCoombs, No. 7 Detachment Corps of Military Staff Clerks, C.A. acting as shorthand writer?

A.2. No Sir.

G-4364 Corporal (Acting Staff Sergeant) R. E. McCoombs, No. 7 Detachment Corps of Military Staff Clerks, C.A. is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q.3. Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A.3. Guilty Sir. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

Major
President
District Court Martial

"B-2"

CHARGE SHEET

The accused G 12259 Private Oren Roy Hosford, No. 7 District Depot C.A., a soldier of the Canadian Army placed on Active Service is charged with:

FIRST CHARGE
SEC 15(1)
ARMY ACT

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Fredericton, N.B. on the 21st day of November, 1942, absented himself from No. 7 District Depot C.A. from 2200 hours on said 21st day of November, 1942, until apprehended by the military authorities at 2345 hours on the 14th day of January, 1943, at Saint John, N.B., cost of apprehension and return to his u nit being $1.36.

Lt.-Col.,
(W.A. McDougall) Lt.-Col.,
O.C. No. 7 District Depot CA

Fredericton, N.B.

18 January, 1943.

To be tried by District Court Martial.

Lieut.-Colonel,
(A.A. & Q.M.G.) M.D. No. 7.
for (G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

SAINT JOHN, N.B.,
26 January, 1943.

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*The Court having been re-opened, the accused is again brought before and the charge to which he has pleaded "Guilty" read to him again.~~

The accused No. G-12259 Private Oren Roy Hosford, No. 7 District Depot, C.A.
is found guilty of the charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "G",

signed by the President, and attached to the proceedings.

The Court note there is a difference of two cents in the cost of apprehension in the charge sheet and summary of evidence. The Court agree to use the lesser sum, namely, $1.36, as stated in the charge sheet.

Q.4. *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.4. Yes Sir.

Answer. The accused in mitigation of punishment says:—

~~or hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.~~

I got a telegram from my wife around the twenty seventh or twenty eighth of November, 1942, stating for me to come home. My wife was not very well Sir. She lost one baby, the first baby she lost and she is having this baby and bladder trouble set in. Dr. G. B. Peat said I would have to move her from the country to the city, so that she could get proper medical care. My father is blind and my mother has pleurisy and she was unable to look after and care for my wife. In the country she was not handy enough to the city in case anything happened. I had to get money and fix the place up at my mother's place as there was just bare rafters there and the room was not warm enough for her to live in. I got money and fixed the house up, making it warmer and getting fuel to burn and as

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Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q.6. Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A.6. No Sir. *Answer,*

~~Evidence as to character~~

soon as my wife could get around and up out of bed I was getting my equipment ready when the Provost came after me. Her mother was unable to look after her, that is why I had to stay there. Her mother has heart trouble, as soon as she was able to get out of bed I was getting ready to get back. I have an allowance signed to my mother. I have six little brothers and one sister and I was the only one supporting our family, besides my father's blind pension which was only twenty dollars per month. I have six dollars and fifty cents of my own money signed over to her and she is allowed twenty dollars a month. I do not drink nor smoke myself or I would not be able to assign this money to my mother. We lost our home on the Black River Road in June, 1940, everything we owned was burned and our house was burned right to the ground and we had an awful time to get a house of our own built, which is not finished yet. My brothers are all under fourteen years of age and they are unable to support the family in any way. I quit school at twelve years old and went to work, starting work at three dollars a week and ever since then I have supported my mother and father and family. If there had been anyone to take care of my wife I would not have had to wait for her to get better and would not have had to stay home to look after her. She is with her mother now and is handy Dr. Peat's office and if anything happens to her, she can get there within time for him to help her. I should like to give this letter in evidence. I have nothing more to say Sir.

Letter from Dr. G. B. Peat, submitted to the Court, read and signed by the President and marked with the identifying letter"H" and attached to the proceedings.

BY THE PROSECUTOR:

Q.5. There is just one point to clear up in regard to this letter, it is addressed to the O.C. District No. 7, Fredericton, N.B., how did you get this letter?

A.5. He addressed it to the Officer Commanding and gave it to me to give to him. My wife is expecting her baby, I don't know the date, around the twenty fourth or twenty fifth of April Sir.

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~Finding*~~

The Court is closed for the consideration of the finding.

The Court find that the accused

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

~~The Court being re-opened, the accused is again brought before it.~~

Captain F. F. Creighton, Adjutant and Officer in charge of Records, No. 7 District Depot, C.A. is duly sworn.

Evidence of character, etc.

Q.7. *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.7. Yes, I produce M.F.B. 355.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

Q.8. *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A.8. Yes Sir.

Q.9. *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A.9.

Q.10. *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.10. Yes Sir.

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83(B).

The Witness withdraws.

Q.11. *Question to the accused.* Do you wish to address the Court? *Answer.* A.11. Yes Sir, through my Defending Officer. See document, Marked "I"

The Court is closed for the consideration of the sentence.

10

F

Sentence

The Court sentence the accused Gunner & Private Drew Roy Hosford No 7 District Depot C.A. to undergo detention for ninety days and to be put under stoppages of pay until he has made good the sum of One dollar and thirty-six cents ($1.36) in respect of the cost of apprehension and return to his unit.

Signed at Fredericton, New Brunswick this 29th day of January 1943.

Sentence.

Detention 90 days.

Stoppages $1.36.

Lt Col
To Ca (B) J.C. Ca.

Confirmed.

Signed at Saint John, N. B. this 3rd day of February, 1943.

G. G. Anglin, Brigadier,
District Officer Commanding,
Military District No. 7.

CONFIRMED.

SAINT JOHN, N.B.
9 Feb 43.

(G. G. Anglin) Brigadier
District Officer Commanding
Military District No. 7.

PROMULGATION

Promulgated and extracts taken at Fredericton, N.B. this 10th day of February, 1943.

.....Captain
(F.F. Creighton) Adjutant and
Officer i/c Records,
No.7 District Depot C.A.

Extracts entered as No. 7841 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 18 day of Feb 1943

RBL.

Major at President Desbarats court martial.

Orders by BRIGADIER, G.G. ANGLIN, M.C. Commanding

~~the~~ Military District No. 7.

District Court-Martial

26th JANUARY, 194 3.

The detail of Officers as mentioned below will assemble

at No. 7 District Depot, C.A., on FRIDAY

the 29th day of JANUARY 1943 at 1000 hours.

for the purpose of trying by a District Court-Martial the accused person (~~persons~~) named in the margin (and such other person or persons as may be brought before them).

G-12259 Private Oren Roy HOSFORD, No. 7 District Depot, C.A.

PRESIDENT

Major O.J.A. Barter, (Basic) Training Centre, CA.
No. 70 Canadian Army
~~is appointed President.~~

MEMBERS

Captain F.G. McNichol,
No. 7 District Depot, C.A.
Captain W.B. Bromfield,
No. 7 District Depot, C.A.

WAITING MEMBERS

Captain C.E. Anderson,
No. 7 District Depot, C.A.
Captain J.D. MacLean,
No. 7 District Depot, C.A.

JUDGE ADVOCATE

~~Judge Advocate~~ ~~has been (is hereby) appointed~~

PROSECUTOR

Captain H.W. Hickman, No. 7 District Depot, C.A., attached Headquarters M.D. No. 7.
Prosecutor ~~has been (is hereby)~~ appointed

DEFENDING OFFICER

Lieutenant E.A. Skene, No. 7 District Depot, C.A.
Defending Officer ~~has been (is hereby)~~ appointed

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding No. 7 District Depot, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to The A.A. & Q.M.G., M.D. No. 7.

Signed this 26th day of JANUARY, 1943.

(H.M. Logan) Lieut. Colonel,
A.A. & Q.M.G., M.D. No. 7.
for (G.G. Anglin) Brigadier,
District Officer Commanding,
Military District No. 7.

M.F.B. 220
A.F.A. 47
MM—9-41 (1761)
H.Q. 1772-39-564

Main
President
District Court-martial

EXHIBIT "G"

SUMMARY

OF

EVIDENCE

in the case of

G 12259 Private Oren Roy HOSFORD

SUMMARY OF EVIDENCE

in the case of

No. G 12259 Private Oren Roy Hosford, No. 7 District Depot C.A. a soldier of the Canadian Army placed on Active Service:--

Charge:

ABSENTING HIMSELF WITHOUT LEAVE

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS: Captain F.F. Creighton, No. 7 District Depot C.A. having been duly sworn, states:

I am Captain F.F. Creighton, Adjutant and Officer in charge of Records, No. 7 District Depot C.A.

I hereby submit in evidence Part II Order No. 282, No. 7 District Depot C.A. dated 27 November, 1942 which on page 5 para. 9 shows the accused, whom I recognize as G 12259 Private Oren Roy Hosford, as absent without leave from 2200 hours, 21 November, 1942.

I hereby submit in evidence Part II Order No. 285 No. 7 District Depot C.A. dated 1 December, 1942, which on page 3 para. 6 publishes the 8th day posting of G 12259 Private Oren Roy Hosford as absent without leave from 2200 hours, 21 November, 1942.

I hereby submit in evidence Part II Order No. 297, No. 7 District Depot C.A. dated 15th December, 1942 which on page 5 para. 16 gives the 21st day posting of G 12259 Private Oren Roy Hosford as absent without leave from 2200 hours, 21 November, 1942.

I hereby submit in evidence M.F.B. 375 record of declaration of a Court of Inquiry assembled on 17 December, 1942, at No. 7 District Depot C.A. to investigate the illegal absence of G 12259 Private Oren Roy Hosford and which declares him illegally absent without leave from 2200 hours, 21 November, 1942 and still absent on 17th December, 1942.

I hereby submit in evidence Part II Order No. 300, No. 7 District Depot C.A. dated 18 December, 1942, which on page 1 para. 3 publishes the record of the declaration of the Court of Inquiry held to investigate at No. 7 District Depot C.A. on 17 December, 1942, the absence of G 12259 Private Oren Roy Hosford, and which declared him to be illegally absent without leave from 2200 hours, 21 November, 1942.

I hereby submit in evidence M.F.M. 216, certificate showing that the accused G 12259 Private Oren Roy Hosford, was arrested at 2345 hours on the 14th day of January, 1943 by the military authorities at Saint John, N.B., and that at the time of his arrest he was wearing a military uniform.

FIRST WITNESS
(Continued)

I hereby submit in evidence M.F.B. 1481 dated 15 January, 1943, showing that the cost of transportation involved in returning the accused G 12259 Private Oren Roy Hosford to his unit to be $1.38.

The accused declines to cross-examine.

(F.F. Creighton) Captain
Adjutant & Officer i/c Records
No. 7 District Depot CA

Part II Order No. 282 No. 7 District Depot C.A. dated 27 November, 1942 accepted in evidence and marked Exhibit "A".

Part II Order No. 285 No. 7 District Depot C.A. dated 1 December, 1942 accepted in evidence and marked Exhibit "B".

Part II Order No. 297 No. 7 District Depot C.A. dated 15 December, 1942 accepted in evidence and marked Exhibit "C".

M.F.B. 375 dated 17 December, 1942 accepted in evidence and marked Exhibit "D".

Part II Order No. 300 No. 7 District Depot C.A. dated 18 December, 1942 accepted in evidence and marked Exhibit "E".

M.F.M. 216 certificate of apprehension dated 15 January, 1943 accepted in evidence and marked Exhibit "F".

M.F.B. 1481 dated 15 January, 1943 accepted in evidence and marked Exhibit "G".

Question to the Accused:

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

Answer by Accused

Yes I do.

The accused G 12259 Private Oren Roy Hosford having been duly sworn states:

I am G 12259 Private Oren Roy Hosford. My wife was living on the Black River Road with my mother and my blind father. About 17 of November, 1942, Dr. Peat asked my wife to send me a telegram to come home at once and arrange to have her moved to the city where she could be given proper medical attention. She expects to have a baby in April and her health was bad, making it likely that she might lose the baby. I applied for leave and got 24 hours. I got this extended 24 hours more but I was unable to make arrangements. My mother was unable to help since she had pleurisy and I have six young brothers and one sister, all under 14 years of age. My mother gets an allowance and I have $6.50 assigned to her. I stayed at home and arranged to have my wife taken to town: that was 22 November, 1942. I had to stay with my wife because no one was available to look after her. The house in which she lives was unfinished. I looked after the house and made it warmer. When arrested I was getting my equipment ready to come back. My wife is under doctor's care but is better and is able to look after the house now. My mother is with her.

O. R. Hosford
.....
G 12259 Pte. Oren R. Hosford

I certify that the Rules of Procedure 4 (C), (D), (E), and (F) have been complied with.

Taken down by me in the presence of the accused at No. 7 District Depot C.A., Fredericton, N.B., this 18th day of January, 1943.

R J Love Captain
(R. J. Love) Captain
Intelligence Officer
No. 7 District Depot C.A.

Exhibit "A"

PART II ORDERS.
BY
LIEUTENANT COLONEL W.A. MCDOUGALL, M.C.
OFFICER COMMANDING.
NO. 7 DISTRICT DEPOT C.A.(A.F)
FREDERICTON, N.B.

NO. 282

FRIDAY 27 NOV 42

Last Part II Order No. 281 D/ 26 Nov 42. NO. 282.

Section "A".

1 CANCELLATION.

Captain D.A. CAITHNESS

Pt. II Order No. 215-A-3 D/ 10 Sep 42 re the M/N Officer is hereby cancelled.

2 APPOINTMENTS AND PROMOTIONS.

Lieut. H.C. PHILLIPS

To be Captain eff. 8 Oct 42. (Auth. Routine Order No. 2572 D/ 18 Nov 42.).

3 ATTACHMENTS.

Lieut. H.C. NANCKIVELL (R.C.A.S.C.).

Ceases to be attached to No. 7 D.D.C.A. for rations and quarters eff. 27 Nov 42.

Captain M.M. THERRIAULT

Ceases to be attached for all purposes except pay to No. 71 C.A. (B)T.C., Edmundston, N.B. eff. 26 Nov 42.

Section "B".

1 STRENGTH INCREASES.

The undermentioned personnel having been attested are T.O.S. on dates set after their names and are allotted regtl. nos. as noted:-

Anderson, Walter Lloyd Single - no dependents.	Pte	G 49956	20 Nov 42.
Bishop, Floyd Single - no dependents.	Pte	G 7490	23 Nov 42.
Crossman, Ernest Joseph Single - no dependents.	Pte	G 7493	23 Nov 42.
Devoe, Alfred James Married - 1 Dependent	Pte	G 49953	21 Nov 42.
Doucett, Edmond Thomas Single - no dependents.	Pte	G 49959	26 Nov 42.
Fletcher, Alton James Single - 1 Dependent.	Pte	G 7492	23 Nov 42.
Green, Frederick Herbert Ralph Single - no dependents.	Pte	G 19979	23 Nov 42.
Gellien, Livin Single - no dependents.	Pte	G 19977	23 Nov 42.
Lanteigne, Edgar Joseph Single - 1 dependent.	Pte	G 7491	21 Nov 42.

Section "B".

1. STRENGTH INCREASES (CONTINUED).

McCallum, James Gordon Married - 2 Dependents	Pte	G 1150	21 Nov 42.
McGlashing, John Franklin Married - 4 Dependents.	Pte	G 49954	20 Nov 42.
Mills, Gordon Alexander Single - 2 Dependents.	Pte	G 19976	21 Nov 42.
MacMillan, Hayden Edgar Single - no dependents.	Pte	G 19978	21 Nov 42.
Ronald, Rawleigh Stafford Single - no dependents.	Pte	G 7486	23 Nov 42.
Saunders, Ronald Elmore Single - 2 Dependents	Pte	G 1151	24 Nov 42.
Ward, Donald Earl Married - 4 Dependents.	Pte	G 1149	23 Nov 42.

2 STRENGTH INCREASES. (ATTACHMENTS.).

G 53141 Pte MORTON V.J.

T.O.S.....24 Nov 42 on transfer from No. 7 Ordnance Depot Coy. R.C.O.C., Saint John, N.B. (Auth. Pt. II Order No. 101 D/ 23 Nov 42 of No. 7 Ordnance Depot Coy).

3 STRENGTH INCREASES (RECORD PURPOSES ONLY).

G 19344 Pte BONNEY L.D.

T.O.S.....10 Jan 42 on transfer from No. 7 Vocational Training School, Woodstock, N.B. (Auth. J/ 38-B-884 D/ 25 Nov 42. Pt. II Order No. 259 D/ 26 Nov 42 of No. 7 Vocational Training School.).
(For record purposes only).

4 STRENGTH DECREASES (ATTACHMENTS.).

H 45863 Pte MCINTYRE P.A.
G 63067 Pte MACHEY G.
G 52877 Pte LEGACY E.J.

S.O.S.....27 Nov. 42 on being attached for all purposes to Headquarters, 37th (Res) Bde. Group, SAint John, N.B. eff. 28 Nov. 42 (Auth. Telephone Conversation with Lieut. J. Keeffe HQMD 7 D/ 26 Nov 42.).

G 49959 CSM DOUCETT E.T.

S.O.S.....27 Nov. 42 on being attached for all purposes to No. 3 District Depot C.A., Ottawa, Ont. eff. 28 Nov. 42 (Auth. J/C 5249-25 D/ 25 Nov 42.).

5 STRENGTH DECREASES (COURT OF INQUIRY)

G 49263 Pte LABILLOIS P.

Having been declared by a Court of Inquiry held on 25 Nov. 42 to have been illegally absent since 1200 hrs 1 Nov. 42 and to have deficiencies in kit and equipment to the amount of $22.30 is S.O.S. No. 7 D.D.C.A. eff. 25 Nov 42 . Forfeits 25 days pay and all. Art. 149 (1)(A) F.R.&I.

Pt. II Order No. 282 D/ 27 Nov. 42 of No. 7 D.D. Continued.....

8. PUNISHMENTS. (CONTINUED).

G 578 Pte MCAULEY J.W.

Having been taken on strength of No. 7 D.D.C.A. while serving 5 months Sentence in Saint John County Gaol was released from County Gaol eff. 22 Mar 42. Having failed to report at No. 7 D.D.C.A. upon being released is posted as A.W.L. from 0001 hrs 23 Mar 42. As the M/N was apprehended at 1355 hrs 3 Nov 42 at Saint John,N.B. he would forfeit all pay and all. from 0001 hrs 23 March 42 until 1355 hrs 3 Nov 42. (Art. 149 (1)(A)F.R.&I). (225 days pay and all.). The M/N man was held in Civil custody from 1355 hrs 3 Nov 42 until date of conviction on 13 Nov 42. (Forfeits 10 days pay and all. Art. 149 (1)(C)(i) F.R.&I. The M/N was convicted on 13 Nov 42 on two theft charges and was sentenced to 5 months imprisonment in the County Gaol of Saint John, with eff. from 13 Nov 42 until 12 April 43. Forfeits all pay and allowances under Art. 149 (1)(B)FR&I while in common Gaol of County of Saint John,N.B.(151 days pay and all.). Total forfeitures 386 dayspay and all. eff. 23 Mar 42.

G 53538 Pte BENNETT E.C.

Awarded 14 days detention (Auth. for forfeiture of pay while in detention Art. 149 (1)(B) F.R.&I) For (1) Absent without leave from 1200 hrs 20 Nov. 42 until 2220 hrs 24 Nov. 42 (Absent 4 days 10 hrs 20 min.). Close arrest from 2220 hrs 24 Nov. 42 until 1100 hrs 27 Nov 42 (Close arrest 2 days 12 hrs 40 min.). Forfeits 7 days pay and all Art. 149 (1)(A)F.R.&I And Art. 149 (1)(C) (ii) F.R.&I. and placed under stoppages of pay to amount of $6.32 cost of apprehension. (T.W.No. B52883 D/ 25 Nov 42 providing one return second class fare Fredericton, N.B. to Saint John,N.B. $2.71. T.W. No. B 52884 D/ 25 Nov 42 providing one single second class fare Saint John ,N.B. to Fredericton,N.B. $1.36. Escort 2 meal tickets at $.75 each $1.50. Absentee 1 meal ticket at $.75.). Total forfeitures 21 days pay and all. and stoppages of pay to amount of $6.32 cost of apprehension. 27 Nov 42.

G 28910 Pte ATKINSON G.E.

Awarded 168 hrs detention (Auth. for forfeiture of pay while in detention Art. 149 (1)(B)FR&I) For (1) A.W.L. from 1200 hrs 20 Nov 42 until 1400 hrs 26 Nov. 42 (Absent 5 days 21 hrs.). (Close arrest from 1400 hrs 26 Nov 42 until 1100 hrs 27 Nov 42. (Close arrest 21 hrs.). Forfeits 7 days pay and allowances Art. 149 (1)(A)FR&I And Art. 149 (1)(C)(ii) F.R.&I. (Admitted to detention at 1101 hrs 27 Nov 42.). Total forfeitures 14 days pay and all. 27 Nov 42.

8. PUNISHMENTS. (CONTINUED.).

G 28689 Pte MOWRY A.W. (Att. No. 7 Special Emp.Co.).

Awarded a forfeiture of 1 days pay Under Art. 149 (2) F.R.&I for A.W.L. from 2200 hrs 23 Nov 42 until 1030 hrs 24 Nov 42 (Absent 12 hrs 30 min.). (CLOSE arrest from 1030 hrs 24 Nov 42 until 1900 hrs 24 Nov 42.). Forfeits 1 days pay and allowances under Art. 149 (1)(A) F.R.&I. Total forfeitures 2 days pay and 1 days all. 25 Nov 42. (Extract from Pt. II Order No. 37 D/ 25 Nov 42 of No. 7 Special Emp. Co.).

G 63045 Pte COMEAU O. (Att. No. 7 Special Emp.Co.).

Forfeits 1 days pay and all. under Art. 149 (1)(A)F.R.&I FOR (1) A.W.L. from 1200 hrs 24 Nov 42 until 1145 hrs 25 Nov 42 (Absent 23 hrs 45 min.). Total forfeitures 1 days pay and all. 25 Nov 42. (Extract from Pt. II Order No. 37 D/ 25 Nov 42 of No. 7 Special Emp. Co.).

9 ABSENT WITHOUT LEAVE.

B 84725 Pte FRANKO W.

A.W.L. from 2200 hrs 4 Nov. 42. (21st day posting 2200 hrs 25 Nov.42).

G 53394 Pte BASTARACHE A.

A.W.L. from 0001 hrs 5 Nov 42. (21st day posting 0001 hrs 26 Nov 42.).

H 46553 Pte BROOKS R.W.

A.W.L. from 1300 hrs 17 Nov 42. (8th day posting 1300 hrs 25 Nov 42.).

G 12259 Pte HOSFORD O.R.

A.W.L. from 2200 hrs 21 Nov 42.

10 HOSPITAL.

G 12152 Pte BAGLEY R.H.

Admitted to Fredericton Mil. Hospital eff. 26 Nov 42.

M 56099 Pte WHITELOCK W.E.

Admitted to Fredericton Mil. Hospital eff. 26 Nov 42.

11 PROMOTIONS.

G 49959 Pte DOUCETT E.T.

Promoted to the rank of C.S.M. (W.O. II) with eff. 26 Nov. 42 (Auth. J/C/5249-25 D/ 25 Nov. 42.).

Section "B".

14. HOSPITAL STOPPAGES (CONTINUED).

		MFD069	D.O.	FROM	TO	CREDIT
M 63867 Pte Peatman D.		9-9-42	218	11-7-42	9-9-42	61 days$45.75
M 63837 Pte Peatman D		22-9-42	227			
		24-9-42	228	16-9-42	24-9-42	9 days $6.75.

15 CORRECTION

E 40903 Tpr. MARTIN R.

Pt. II Order No. 302-B-6 D/ 18 Dec 41 re the M/N is amended as follows:- TO READ

Having been apprehended is T.O.S. No. 7 District Depot 8-10-41 (S.O.S. by a court of Inquiry held H.Q. Sqdn. 2 Cdn. Bde D/ 3-9-41) under close arrest from 1100 hrs 8-10-41 until 1100 hrs 18-12-41 (71 days) and placed under stoppages of pay to make good deficiencies in kit and equipment amounting to $54.03. ($72.04 less 25% C.A.R.O. 1428) and costs of apprehension amting. to $3.92. (Escort St.John, N.B. to Fredericton,N.B. return T.W. 196118 $2.63. Absentee St. John to F'Ton on way T.W. 196118 $ 1.29. (Art. 170 (2)(D)FR&I and Art. 172 (8) F.R.&I. Total forfeitures cost of apprehension $3.92 and deficinecies in kit amounting to $54.03. 18 Dec 41.(Auth. J/23-4-38 D/ 24-11-42.).

G 52234 Pte DAIGLE F.J.

Pt. II Order No. 281-B-4 D/ 26 Nov 42 and Pt. II Order No. 281-B-9 D/ 26 Nov 42 re the M/N is amended as follows:-
FOR Daigle F.
READ Daigle F.J.

16 AGRICULTURAL LEAVE.

G 19685 Pte LYONS M.W.

Returned from agricultural leave of absence without pay and all. eff. 24 Nov 42 with eff. for pay 25 Nov 42.

17 SICK LEAVE.

D 117358 Pte PARR R.

Granted sick leave of absence from 28 Nov 42 until 9 Jan 43 incl. (43 days). (Auth. standing Medical board F'Ton,N.B.).

18 SUBSISTENCE ALLOWANCE.

D 117358 Pte PARR R.

Authorized to draw S/A of $1.25 per diem while on sick leave eff. from 28 Nov 42 until 9 Jan 43 incl.(43 days.). Art. 200 FR&I).

Pt. II Order No. 282 D/ 27 Nov 42 of No. 7 D.D.Continued.....

Section "D".

1 STRENGTH DECREASES.

G 19956 Pte O'DONNELL P.J.
G 3565 Pte AKERLEY F.
B 78630 Pte CHARBONNEAU L.T.

S.O.S.....27 Nov 42 on discharge to D.P. & H. on being unable to meet the required mil. physical standards C.A.R.O. 1029(10).

2 CLOTHING ALLOWANCES.

The undermentioned personnel having enlisted onndates set after their anmes are entitled to receive clothing all. as noted to be credited to account:-

G 19956	Pte	O'DONNELL P.J.	15 Oct 42	$27.00
G 3565	Pte	AKERLEY F.	4 Aug 41	$35.00
B 78630	Pte	CHARBONNEAU L.T.	13 Jun 40	$35.00

3 REHABILITATION GRANT.

The undermentioned personnel having enlisted on dates set after theri names are entitled to receive rehabilitationngrant under R.O. 1079.

G 3565 Pte AKERLEY F. 4 Aug 41.
B 78630 Pte CHARBONNEAU L.T. 13 Jun 40.

4 CORRECTION

G 15082 Pte ARSENAULT F.

Pt. II Order No. 281-D-1 D/ 26 Nov 42 re the M/N is amended as follows:-
FOR his services being no longer required C.A.R.O. 1029(10).
READ Being unable to meet the required military physical standards C.A.R.O. 1029(10).

RESERVE ARMY PERSONNEL

1 STRENGTH INCREASES.

The undermentioned personnel having reported as ordered and having been placed in med. categories of A1,B1 or B 2 enrolled posted to No. 7 N.R.M.A. Clearing Depot assigned regtl. nos. as noted are tkaen on strength of No. 7 D.D.C.A. as of the dates shown:-

G 602722	Pte Comeau, Lucien	1330 hrs 24 Nov 42.
G 602723	Cormier, Raoul	1330 hrs 24 Nov 42.
G 602724	Daigle, Eddie Onile	1930 hrs 24 Nov 42.
G 602725	Guitard, Evariste	1330 hrs 24 Nov 42.
G 602726	Hache, Theodore	1330 hrs 24 Nov 42.
G 602727	Lagace, Lionel	1930 hrs 24 Nov 42.
G 602728	Noel, Nederique, Joseph	1330 hrs 24 Nov 42.
G 602729	Pelletier, Napoleon Thomas	1930 hrs 24 Nov 42.
G 602730	Richard, Fidele Joseph	1930 hrs 24 Nov 42.
G 602731	Richard, Pierre Joseph	1930 hrs 24 Nov 42.
G 602732	Wilson, Roy Russell	1930 hrs 6 Nov 42.
G 602733	Woodside, Stanley Harman	1330 hrs 24 Nov 42.
G 602734	Cormier, Alban	1330 hrs 24 Nov 42.
G 602736	Gabourie, Theophile	1930 hrs 24 Nov 42.
G 602737	Lanteigne, Ernest Theotime	1330 hrs 24 Nov 42.
G 602735	Rogers, Kenneth Alexander	0930 hrs 25 Nov 42.
G 602702	St. Pierre, Joseph Bernard	1330 hrs 24 Nov 42.

Pt. II Order No. 282 D/ 27 Nov 42 of No. 7 D.D. Continued.....

RESERVE ARMY PERSONNEL

1. STRENGTH INCREASES. (CONTINUED).

G 601758 Sigmn CLARK F.H.

T.O.S....18 Nov 42 on transfer from 7th Div. Sigs. Barriefield Camp, Ont. (Auth. Pt. II Order No. 53 D/ 17 Nov 42 of 7 Div Sigs.).

G 422645 Gnr LINDSAY R.B.

T.O.S.....19 Oct 42 on transfer from 27th Field Regt. R.C.A. Valcartier Camp, Que. (While on 6 months special leave on compassionate grounds eff. from 18 Oct 42. without pay and allowances.). (Auth. Pt. II Order No. 25 D/ 21 Nov 42 of 27th Field Regt R.C.A.).

2. STRENGTH DECREASES.

G 602634 Pte MALLEY J.

S.O.S .....27 Nov 42 on discharge being unable to meet the required military physical standards C.A.R.O. 1029(10).

3 CLOTHING ALLOWANCE.

G 602634 Pte MALLEY J.

Having enlisted on 4 Nov 42 is entitled to receive $27.00 clothing all. to be credited to account.

4 STRENGTH INCREASES.

G 604031 Pte GODIN E.

T.O.S.....1330 hrs 25 Nov 42 on apprehension.

5 PUNISHMENTS.

G 604031 Pte GODIN E.

Forfeits 36 days pay and all. under Art. 149 (1)(A)F.R.&I FOR (1) A.W.L. From 0001 hrs 21 Oct 42 until 1330 hrs 25 Nov 42 (Absent 35 days 13 hrs 29 M.n.). (Open arrest from 1330 hrs 25 Nov 42 until 1100 hrs 27 Nov 42.). But since this man was S.O.S. by a Court of Inquiry held on 24 Nov 42 he forfeited 35 days pay and all. vide Pt. II Order No. 279-RAF-2 D/ 24 Nov 42 therefore would leave a forfeiture of 1 days pay and all. Total forfeitures 1 days pay and all. 25 Nov 42.

G 604102 Pte DOIRON L.

Awarded 168 hrs detnetion (Auth. for forfeiture of pay while in detention Art. 149 (1)(B) F.R.&I) For (1) A.W.L. from 2359 hrs 17 Nov 42 until 2100 hrs 26 Nov 42 (Absent 8 days 21 hrs 1 min.). Close arrest from 2100 hrs 26 Nov 42 until 1100 hrs 27 Nov 42 (Close arrest 14 hrs.). Forfeits 10 days pay and all.Art. 149 (1)(A)F.R.&I. Total forfeitures 17 days payand all. (Adm.toDet. 1101 hrs 27 Nov 42). 27 Nov 42.

Art. 149 (1)(c)(ii) F.R.&I.

RESERVE ARMY PERSONNEL

5. PUNISHMENTS (CONTINUED)

G 602669 Pte SIMMONDS F.W.

Awarded 28 days detention (Auth. for-forfeiture of pay while in detention (Art. 149 (1)(B)FR&I) For (1) A.W.L. from 2359 hrs 18 Nov 42 until 2000 hrs 21 Nov 42 (Absent 2 days 20 hrs 1 min). (Admitted to St. James St. Mil. Hospital eff. 2000 hrs 21 Nov 42 discharges from St. James St. Military Hospital eff. 1500 hrs 26 Nov 42.). (Close arrest from 1500 hrs 26 Nov 42 until 1100 hrs 27 Nov 42.) Close arrest 20 hrs.). Forfeits 4 days pay and allowances under Art. 149 (1)(A)F.R.&I AND Art. 149 (1)(C) (ii) F.R.&I. Total forfeitures 32 days pay and allowances. 27 Nov 42.

6 HOSPITAL.

G 602669 Pte SIMMONDS F.W.

Admitted to St. James St. Military Hospital eff. 2000 hrs 21 Nov 42 and discharged from same eff. 1500 hrs 26 Nov 42.

7 CANCELLATION

G 601410 Pte ALLAIN G.

Pt. II Order No. 253-RAP-1 D/ 24 Oct 42 re the M/N is hereby cancelled.

G 602669 Pte SIMMONDS F.W.

Pt. II Order No.281-RAP-5 D/ 26 Nov 42 re the M/N is hereby cancelled.

Section "B"

19 CORRECTION

G 28910 Pte ATKINSON G.E.

Pt. II Order No. 278-B-7 D/ 23 Nov 42 re the M/N is amended as follows:-
FOR 1200 hrs 20 Nov 42.
READ 1700 hrs 20 Nov 42.

.....Captain
(.F.F. Creighton) Adjutant
No. 7 District Depot C.A

CERTIFIED TRUE COPY

Captain
(F. F. Creighton) Captain
Adjutant & Officer i/c Records
No. 7 District Depot C.A.

PART II ORDERS.
BY
LIEUTENANT-COLONEL M.A. MCDOUGALL, M.C.
OFFICER COMMANDING
NO. 7 DISTRICT DEPOT C.A.(A.F.)
FREDERICTON, N.B.

NO. 285 TUESDAY 1 DEC 42 NO. 285.

Last Part II Order No. 284 D/ 30 Nov 42.

Section "A".

Section "B".

1. STRENGTH DECREASES.

The undermentioned personnel are Struck off strength of No. 7 District Depot C.A., Fredericton, N.B. eff. 1 Dec 42 on leaving the District. (Auth. J/S 1065 D/ 28 Nov 42.).

G 19021	Sgt.	Glass	A.E.
G 22586	L/Sgt	Whyte	P.E.
F 49617	Cpl	Carmichael	M.A.
G 17349	Sgt	Little	H.J.
F 40578	Sgt	Tanner	M.J.
G 19036	Cpl	Pelletier	T.J.
G 17106	Sgt	Harvey	F.A.
G 17228	Sgt	Wadsworth	L.G.
G 22743	Sgt	Malcolm	T.E.
G 10242	Cpl	Corriveau	C.A.
G 32082	L/Cpl	LeBuffe	J.J.A

Pt. II Order No. 285 D/ 1 Dec 42 of No. 7 D.D. Continued.....

Section "B".

1. STRENGTH DECREASES (CONTINUED).

G 22374 A/Sgt. Bertin F.J.
G 22965 A/Sgt Bolan C.L.
G 22767 A/Sgt. GRENIER R.J.F.
G 22415 A/Sgt. MELANSON A.G.
G 22978 A/Sgt. VIENNEAU W.

S.O.S.....1 Dec 42 on transfer to A-17 Canadian Machine Gun Training Centre, Three Rivers, P.Q (Auth. J/S 1172-2 D/ 5 Nov 42.).

G 6 A/S/Sgt. COATES H.W.

S.O.S.....1 Dec 42 on transfer to A-8 A9 and A28 C.A.C.T.C., Camp Borden, Ont. (Auth. J/S 1172-2 D/ 16 Nov 42.).

G 7036 A/Sgt. GAUVIN J.H.

S.O.S.....1 Dec 42 on transfer to A-1 and A-2 C.A.C.T.C., Petawawa, Ont. (Auth. J/S 1172-2 D/ 16 Nov 42.).

G 18114 Sgt. MITCHELL R.

S.O.S.....1 Dec 42 to A-14 C.(I)T.C., Aldershot, N.S. (Auth. J/S 1172-2 D/ 13 Nov 42).

G 37091 Sgt. STEEVES A.W.

S.O.S.....1 Dec 42 to A-27 C.A.C.T.C., Dundurn, Sask. (Auth. J/S 1172-2 D/ 13 Nov 42)

2 STRENGTH INCREASES.

The undermentioned personnel having been attested are T.O.S. No. 7 D.D.C.A. as of the dates shown and are allotted regtl. nos. as shown:-

Beal, Alonzo Single - no dependents.	Pte	G 4456	26 Nov 42.
Berry, Ralph Spurgeon Married - 2 Dependents.	Pte	G 49962	27 Nov 42.
Buzzell, Robert Charles Single - no dependents.	Pte	G 24258	27 Nov 42.
Burbank, Arthur Forest Married - 1 Dependent.	Pte	G 24260	26 Nov 42.
Court, Herbert Ranson Married - 3 Dependents.	Pte	G 4457	26 Nov 42.
Lutz, John Irving Single - 2 Dependents	Pte	G 49961	27 Nov 42.
Molanson, Louis Single - no Dependents.	Pte	G 4458	27 Nov 42.
Patterson, Earl Layton Single - no dependents.	Pte	G 24257	27 Nov 42.
Stronach, Robert Burns Single - no dependents	Pte	G 49960	27 Nov 42
Trites, Reginald Arthur Single - no dependents.	Pte	G 4459	27 Nov 42.
Trites, Reginald Irving Single - no dependents.	Pte	G 24259	27 Nov 42.

3. STRENGTH INCREASES (TRANSFER).

G 63172 Pte FOX G.P. Posted to "D" Wing.
G 21049 Pte ST. PIERRE O. " " "
G 53262 Pte COMEAU L. " " "

T.O.S.....1 Dec. 42 on transfer from No. 71 C.A.(B)T.C., Edmundston,N.B. (Auth Pt. II Order No. 202 D/ 30 Nov 42 of No. 71 C.A.B.T.C.).

4 STRENGTH DECREASES

G 7502 Pte BURGESS J.

S.O.S.....1 Dec 42 on transfer to No..39 Company Veterans Guard of Canada, Newcastle, N.B. (Auth. J/45-1-3-2 D/ 26 Nov 42.).

5 PUNISHMENTS.

K 75727 Pte EMBLETON F.M.

Awarded a forfeiture of 2 days pay under Art..149 (2) F.R.&I For (1) Improperly dressed in that he did wear neck-tie with battle dress. (Sec. 40 (A/A). Total forfeitures 2 days pay. 1 Dec. 42.

6 ABSENT WITHOUT LEAVE.

G 6279 Pte PARKER C.H.

Absent without leave from 2200 hrs 7 Nov 42. (21st day posting 2200 hrs 28 Nov 42.).

G 12259 Pte HOSFORD O.R.

A.W.L. from 2200 hrs 21 Nov 42. (8th day posting 2200 hrs 29 Nov 42.).

7 HOSPITAL.

G 19630 Pte CAYOUIETTE E.

Discharged from Howe Lake Hospital eff. 30 Nov 42.

8 CHANGE OF NAME.

G 54582 Pte DOUCETTE B.

Having declared that he enlisted at No. 7 District Depot on 6 Oct 42 under the name of Burns DOUCETTE now declares by statutory declaration, at Fredericton, N.B. 28 Nov 42 that his true name is Joseph Melbourne Doucette. All documents to be changed accordingly. (Extract from Pt. II Order No. 285 D/ 30 Nov 42 of No. 70 C.A.B.T.C.).
(For record purposes only).

9. RATION ALLOWANCE.

G 16157 Pte BRADFORD T.A.

Ceases to draw R/A at $.50 per diem under Art. 198 (1) F.R.&I having went A.W.L. at 1100 hrs 31 Oct 42 eff. 31 Oct 42. Commences to draw R/A at $.50 per diem under Art. 198 (1) F.R.&I eff. 3 Nov 42 having reported back fromA.W.L. at 0730 hrs 2 Nov 42. (Extract from Pt. II Order No. 262 D/ 30 Nov 42 of No. 7 Vocational Training School.').

G 5048 Sgt. MOIR A.P.
G 50236 Pte YOUNG R.M.

Having been granted leave of absence from 0630 hrs 28 Nov 42 until 2359 hrs 30 Nov 42 is authorized to draw 2 days R/A at the rate of $.50 per diem under Art. 196 (4) F.R.&I .....$1.00.

G 45018 Cpl. MILTON W.R.

Having been granted leave of absence from 0600 hrs 28 Nov 42 until 2359 hrs 30 Nov 42 is authorized to draw 2 days R/A at the rate of $.50 per diem in lieu of rations under Art. 196 (4) F.R.&I.... ...$1.00.

10 CANCELLATION

Pt. II Order No. 271-B-16 D/ 14 Nov 42 in so far as it refers to Correction on personnel,attached for all purposes except pay to No. 7 Vocational Training School,Woodstock,N.B. is hereby cancelled.

11 CORRECTION

Pt. II Order No. 271-B-11 D/ 14 Nov 42 (Sub para 1 Ration allowance) in so far as it refers to ration allowance of $.50 per diem in lieu of rations under Art. 196 (4) F.R.&I for personnel attached for all purposes except pay to No. 7 Vocational Training School, Woodstock, N.B. is amended as follows:-

FOR Eff. 11 Nov 42.
(Auth. Pt.II Order No. 262 D/ 30 Nov 42 of No. 7 Vocational Training School.).

READ Eff. 12 Nov 42.

12 STRENGTH DECREASES.

G 53394 Pte BASTARACHE A.

Having been declared by a Court of Inquiry held on 30 Nov 42 to have been illegally absent since 0001 hrs 5 Nov 42 and to have deficiencies in kit and equipment to the amount of $22.94 is S.O.S. No. 7 D.D.C.A. 30 Nov 42. Forfeits 26 days pay and all. Art. 149 (1)(A)F.R.&I

Section "B".

12. STRENGTH DECREASES (CONTINUED).

E 84725 Pte FRANKO W.

Having been declared by a Court of Inquiry held on 30 Nov 42 to have been illegally absent since 2200 hrs 4 Nov 42 and to have deficiencies in kit and equipment to the amount of $27.72 is S.O.S No. 7 D.D.C.A. 30 Nov 42. Forfeits 27 days pay and all. Art. 149 (1)(A)F.R.&I.

13 ATTACHMENTS.

P 35128 Sub - Conductor STANHOPE N.E.
G 45103 L/Cpl. MCGOVERN B.T.
G 45108 L/Cpl. SMITH H.J.

Cease to be attached to No. 7 D.D.C.A. for all purposes except pay on returning to Unit No. 7 District Company R.C.O.C., Saint John, N.B. eff. 1200 hrs 1 Dec 42.

Section "A".

1 STRENGTH DECREASES.

Lieut. A. H. MICHAUD

S.O.S.....1 Dec. 42 on transfer to No. 4 District Depot C.A., Montreal, P.Q. (Auth. J/S 1172-2 D/ 7 Nov 42.).

Captain L.A. DUPLISEA
Lieut. H.E. BELYEA

S.O.S.....1 Dec 42 on transfer to A830 C.I.T.C., Utopia Camp, N.B. (Auth. J/S 1172-2 D/ 28 Nov 42.).

Section "D"

1 STRENGTH DECREASES.

G 51261 Pte MCARTHUR P.A.

S.O.S.....1 Dec 42 on discharge being unable to meet the required military physical standards C.A.R.O. 1029(10).

2 CLOTHING ALLOWANCE.

G 51261 Pte MCARTHUR P.A.

Having enlisted on 25 Feb 42 is entitled to receive clothing allowance of $35.00 to be credited to account.

3 REHABILITATION GRANT.

G 51261 Pte MCARTHUR P.A.

Having enlisted on 25 Feb 42 is entitled to receive rehabilitation grant under R.O. 1079.

Section "D".

3. REHABILITATION GRANT (CONTINUED).

G 42573 Pte LAWLOR H.J.

Having been S.O.S...23 Nov 42 on discharge his services being no longer required vide Pt. II Order No. 278-D-1 D/ 23 Nov 42 and having enlisted on 2 Sep 39 is entitled to receive rehabilitation grant under R.O. 1079.

RESERVE ARMY PERSONNEL

1. STRENGTH INCREASES

G 601753 Pte COMEAU A.J.

T.O.S.....1 Dec 42 on transfer from No. 71 C.A.(B)T.C., Edmundston,N.B. (Auth. Pt. II Order No. 156 D/ 30 Nov 42 of No. 71 C.A.B.T.C.).

2 STRENGTH DECREASES.

G 602602 Pte WILLIAMS O.M.

S.O.S.....1 Dec 42 on discharge being unable to meet the required military physical standards C.A.R.O. 1029(10).

3 CLOTHING ALLOWANCE.

G 602602 Pte WILLIAMS O.M.

Having enlisted on 30 Oct 42 is entitled to receive clothing all. of $27.00 to be credited to account.

4 ABSENT WITHOUT LEAVE.

G 604056 Pte HACHE A.

Having failed to report back at end of leave of absence without pay and all. is T.O.S. No. 7 D.D. for pay eff. 30 Nov 42 and posted as A.W.L. from 0001 hrs 30 Nov 42.

5 HOSPITAL.

G 602738 Pte LEBRETON J.A.

Admitted to Fredericton Mil. Hospital eff. 30 Nov 42.

6 LEAVE OF ABSENCE.

G 600925 Pte PETERSON O.

Returned from leave of absence without pay and all. eff. 30 Nov 42 with eff. for pay 1 Dec 42.

Pt. II Order No. 285 D/ 1 Dec 42 of No. 7 D.D.Continued.....

RESERVE ARMY PERSONNEL

6. LEAVE OF ABSENCE.

G 600706 Gnr MORRIS E.A.

Returned from leave of absence without pay and all. eff. 30 Nov 42 with eff. for pay 1 Dec 42.

G 600937 Gnr STAIRS L.F.

Granted leave of absence withput pay and all. from 1 Dec 42 until 31 May 43 incl. (Auth. J/51-7-3 D/ 30 Nov 42.).

7 RATION ALLOWANCE.

D 496475 Pte ACHIM J.L.
D 472357 Pte FRANCOEUR H.

Granted leave of absence from 1600 hrs 26 Nov 42 until 1300 hrs 1 Dec 42 and is authorized to draw 4 days R/A at the rate of $.50 per diem in lieu of rations...$2.00 under Art. 196 (4) F.R.&I.

8 CANCELLATION

Pt. II Order No. 271-RAP-11 D/ 14 Nov 42 re correction on personnel attached for all purposes except pay to No. 7 Vocational Training School, Woodstock, N.B. is hereby cancelled.

9 CORRECTION

G 602762 Pte ROY J.P

Pt. II Order No. 284-RAP-1 D/ 30 Nov 42 re the M/N is amended as follows:-
FOR G 602761.
READ G 602762.

Pt. II Order No. 271-RAP-10 D/ 14 Nov 42 re allowance of $.50 per diem in lieu of rations under Art. 196 (4) F.R.&I for personnel attached for all purposes except pay to No. 7 Vocational Training School, Woodstock, N.B. is amended as follows:-
FOR Eff. 11 Nov 42. READ Eff. 12 Nov 42.
(Auth. Pt.II Order No. 262 D/ 30 Nov 42 of No. 7 Vocational Training School.).

CERTIFIED TRUE COPY
(F.P. Crichton) Captain
Adjutant
No. 7 District D.A.C.A.

10 STRENGTH INCREASES.

The undermentioned personnel having reported as ordered and having been placed in med. categories lower than B 2 are attached to No. 7 D.D.C.A. for pay rations quarters and discipline as of the dates shown:-

Arseneau, Albenie	1930 hrs 24 Nov 42.
Riggs, John M	2200 hrs 27 Nov 42.

11 STRENGTH DECREASES.

The undermentioned personnel having reported as ordered and having been placed in med. categories lower than b2 cease to be attached to No. 7 D.D.C.A. as of the datesshown:-

Arseneau, A.	Left depot at 1850 hrs 1 Dec 42. Arv. destination at 1156 hrs 2 Dec 42.
Riggs, J.M.	Left depot at 0610 hrs 2 Dec 42. Arv. destinationat 1036 hrs 2 Dec 42.

(F.P. Crichton) Captain
Adjutant
No. 7 District D.A.C.A.

Schedule C
R/a

PART II ORDERS.
BY
LIEUTENANT-COLONEL W.A. MCDOUGALL, M.C.
OFFICER COMMANDING.
NO. 7 DISTRICT DEPOT C.A.(A.F.)
FREDERICTON,N.B.

NO. 297 TUESDAY 15 DEC.42 NO. 297.

Last Part II Order No. 296 D/ 14 DEC.42.

Section "A".

1. ATTACHMENTS.

Major D.F.W. PORTER

Attached for duty and discipline to Headquarters Military District No. 7, Saint John, N.B. eff. 16 Dec. 42. (Auth.D.M.O. Wire 346 D/14 Dec.42.).

Lieut. J. L. POIRIER (Att. from General List NDHQ).

Ceases to be attached for rations and quarters to No. 7 District Depot C.A. eff. 15 Dec.42 on proceeding to No. 4 District Depot C.A., Montreal, P.Q. (Auth H.Q. 357-7-73 (pers 1c2) D/26 Nov.42.).

2 CANCELLATION

Major W. K. CLAWSON

Pt. II Order No. 299-A-3 D/ 15 Dec. 41 re the M/N Officer is hereby cancelled. (Auth J/38-C-83 D/ 14 Dec.42.).

3 SUBSISTENCE ALLOWANCE.

Major W.K. CLAWSON

Authorized to draw S/A of $1.70 per diem eff. from 1 Nov.42 until 30 Nov.42 incl. (Auth. J/38-C-83 D/ 14 Dec.42.).

4 ATTACHMENTS.

Major W.K. CLAWSON

Ceases to be On Command and attached for all purposes except pay to Headquarters M.D. No. 7, Saint John,N.B. eff. 30 Nov.42.

5 STRENGTH DECREASES.

Major W. K. CLAWSON

S.O.S. ....30 Nov. 42 on being attached for all purposes to No. 7 Det. C.M.S.C., Saint John,N.B. ef f. 1 Dec.42. (Auth. J/38-C-83 D/ 14 Dec.42.).

Pt. II Order No. 297 D/ 15 Dec.42of No. 7 D.D. Continued.....

Section "B".

1. STRENGTH INCREASES.

The undermentioned personnel having been attested are T.O.S. No. 7 District Depot C.A. as of the dates shown and are allotted regtl. nos. as shown:-

Breen, James Edward Single - no dependents.	Pte	G 1178	11 Dec.42.
Barton, Roy Frederick Married - 2 Dependents.	Pte	G 51534	9 Dec.42.
Burton, Eugene Eubulus Single - no dependents.	Pte	G 51536	11 Dec.42.
Fiander, Stanley Groom Single - no dependents.	Pte	G 1176	11 Dec. 42.
Goneau, Ernest Joseph Single - no dependents.	Pte	G 19204	10 Dec.42.
King, Frank Single - no dependents.	Pte	G 7557	11 Dec.42.
Levesque, Thomas Single - no dependents.	Pte	G 1177	9 Dec.42.
Lewis,, Budd Wesley Single - no dependents.	Pte	G 7556	11 Dec.42.
Meade, Harvey Patterson Single - 2 Dependents.	Pte	G 7555	10 Dec.42.
Murray, Paul Arthur Single - no Dependents.	Pte	G 1179	11 Dec.42.
Richardson, Herbert Stuart Single - no dependents.	Pte	G 27087	9 Dec.42.

2 STRENGTH DECREASES.(TRANSFER).

G 51363 Pte CLAYTON C.T.

S.O.S.....15 Dec.42 on transfer to No. 7 E.S. & W. Coy. R.C.E., Saint John,N.B. (Auth. 7E/2-2-1 D/ 9Dec.42.).

3 ATTACHMENTS.

G 56764 Pte MCGEE B.A.

Ceases to be attached for all purposes except pay to No. 7 Special Employment Co., McGivney Jct.,N.B.Eff. 23 Nov.42.

4 PUNISHMENTS.

B 40346 Pte BURNETT E.

NEglect to the prejudice of good order and military discipline in that he at Little Lake, near Barrie, Ont. on the 28 Oct.42 did negligently handle a shot gun so as to cause it to discharge and thereby injured his right hand and rendered himself temprarily unfit for service. His medical category being reduced from "A" to "C1". Cost of hospitalization incurred $33.00 (Sec. 40 A.A). Was awarded 28 days detention (Auth. for forfeiture of pay while in detention Art.149 (1)(B)FR&I) for the above mentioned offence and placed under stoppages of pay to make good cost of hospitalization $33.00. Total,forfeitures 28 days pay and all. and stoppages of pay to amount of $33.00 Cost of Hospitalization. (Letter CBMH 5-2-19 D/15 Nov42 from Camp Borden Hospital showing cost of hospitalization from 28 Oct 42 to 7 Nov 42 - (11days at $3.00 per diem).

15 Dec.42.

Section "B".

4. PUNISHMENTS.(CONTINUED).

G 19447 Pte. VICAIRE R.T.

Fined $5.00 for drunkenness (second Offence) on 14 Dec.42. (Date of last drunkenness offence was 16 Jan42). (Art. 161 F.R.&I).

5 HOSPITAL.

G 56764 Pte MCGEE B.A.

Admitted to Soldiers Memorial Hospital, Campbellton,N.B. eff. 5 Dec.42.

G 7545 Pte BANNISTER W.J.
G 24276 Pte DAGGETT D.S.
G 49968 Pte GIBBSON A.R.

Admitted to Fredericton Mil. Hospital eff. 14 Dec.42.

G 4400 Pte MCDAVID E.K.
G 49881 L/Cpl. SMITH R.G.
G 5345 Pte JORDAN W.R.

Discharged from Fredericton Mil. Hospital eff. 14 Dec.42.

6 SICK LEAVE.

G 3481 CPL. KENNEDY G.W.

Granted sick leave of absence with eff. from 15 Dec.42 until 18 Jan 43 incl. (35 days). (Auth. Standing Med. Board F'TON,N.B.).

7 SUBSISTENCE ALLOWANCE.

G 3481 Cpl. KENNEDY G.W.

Authorized to draw S/A of $1.25 per diem while on sick leave eff.from 15 Dec.42 until 18 Jan 43 incl.(35 days). (Art. 200 F.R.&I).

8 RATION ALLOWANCE.

H 75301 Pte WALKER F.S.

Having been granted leave of absence from 0800 hrs 7 Nov.42 until 2300 hrs 10 Nov.42 is auth. to draw 3 days R/A at the rate of $.50 per diem in lieu of rations...$1.50 under Art.196 (4)FR&I.

G 50057 L/Cpl. RICHARD T.J.

Having been granted leave of absence from 0800 hrs 1 Nov.42 until 2359 hrs 4 Nov.42 is auth. to draw 4 days R/A at the rate of $.50 per diem in lieu of rations...$1.50 under Art. 196 (4)F.R.&I.

Section "B".

9. RECOVERY(CLOTHING ALLOWANCES.)

G 49078 Pte GAUDET J.D.....$17.00

The above mentioned having been discharged from No.7 District Depot C.A. on 29 May 42 and having re-enlisted within six months at No. 7 District Depot C.A. on 21 Nov.42 is to be debited with the sum set opposite his name such sum being the amount of the clothing allowances paid at the termination of previous engagement. (Art.187(5)FR&I).

10 CHANGE OF ADDRESS OF NEXT OF KIN

M 29051 Pte WATSON R.H.

The address of the next of kin of the M/N Soldier is amended to dread as follows:-
ADDRESS OF NEXT OF KIN Mrs. Pauline Watson
314 York Street
Fredericton,N.B.
(All documents to be changed accordingly).

11 STATUTORY DECLARATION

G 19360 Pte BOWSER, John Donald

The M/N Soldier solemnly declares that whereas on re-enlisting in the Canadian Army (Active) he did incorrectly state his previous service. He hereby declares that he had previous service with the North Shore (NB) Regiment having served from 25 Jun 40 to 23 Jul 40 under Regimental Number G 23261. He further declares that his correct name is John Donald Bowser and not Jack Donald Bowser as stated on re-enlistment. (Signed by G 19360 Pte BOWSER J.D. at Fredericton, N.B. on 14 Dec.42.).
(All documents to be changed accordingly).

12 REGIMENTAL NUMBERS.

G 23261
G 19360 Pte BOWSER, John Donald

Having had previous service in the Canadian Army(Active) is re-allotted previous regtl. no. i.e. G 23261.
Discharged.....North Shore (NB).Regt.
Date.....25 Jun 40 to 23 Jul 40.
District.....M D No. 7.
(All documents to be changed accordingly).

13 RESULTS -COURSE No.416
"C" WING CHEMICAL WARFARE
A.25 C.S.A.S.(E.C.).

G 23297 Cpl. MOSHER R.M.

The M/N N.C.O. who attended the above mentioned course which concluded on 27 Nov.42 obtained the following results:/(Auth. J/13-14-1 D/14Dec42).

Written	Practical	Qualification
60	88	C. II.

Section "B".

14. CANCELLATION

C 39007 Gnr. RABISHAW M.J.

Pt.II Order No. 136-B-2 D/ 9 Jun 42 re the M/N is hereby cancelled. (Auth. J/23-4-38 D/ 12 Dec.42.).

15 CORRECTION

G 14068 Bdr. COLLINGS R.C.

Pt.II Order No. 296-B-2 D/ 14 Dec.42. re the M/N is amended as follows:-
FOR Collins. R.C.
READ Collings R.C.

M 60281 Pte HAVENS E.S.

Pt.II Order No. 248-B-8 D/ 19 Oct 42 re the M/N is amended as follows:-
FOR 2 meal tickets for absentee at $.75 each and one meal ticket at $.75 for escort, total $1.50 (line 10 and 11).
READ 2 meal tickets at $.75 each for escort part payable by M 60281 Pte HAVENS E.S. ($.75). and one meal ticket at $.75 for absentee Total $1.50.

16 ABSENT WITHOUT LEAVE.

G 12259 Pte HOSFORD O.R.

A.W.L. from 2200 hrs 21 Nov.42. (21st day posting 2200 hrs 12 Dec.42.).

Section "D"

1 STRENGTH DECREASES.

G 7383 Pte LE BLANC O.J.
G 24004 Cpl. COFFEY M.J.
G 23261 Pte BOWSER J.D.

S.O.S.....15 Dec.42 on discharge being unable to meet the required military physical standards C.A.R.O. 1029(10).

2 CLOTHING ALLOWANCE.

The undermentioned personnel, having enlisted on dates set after their names are entitled to receive clothing all. as noted to be credited to their accounts:-

G 7383	Pte LEBLANC O.J.	7 Jan 42	$35.00
G 24004	Cpl. COFFEY M.J.	21 Jul 42	$27.00
G 23261	Pte BOWSER J.D.	19 Nov 42	$27.00

3 REHABILITATION GRANT.

G 7383 Pte LEBLANC O.J.

Having enlisted on 7 Jan.42 is entitled to receive rehabilitation grant under P.C. 1079.

Section "D".

4. CORRECTION

G 23506 Pte CHIASSON I.

Pt.II Order No. 231-D-2 D/ 29 Sep.42
and Pt.II Order No.231-D-3 D/29 Sep.42
re the M/N is amended as follows:-
FOR 11 Sep.41.
READ 30 Jul. 41.

RESERVE ARMY PERSONNEL

1 STRENGTH INCREASES.

The undermentioned personnel having reported as ordered and having been placed in med. categories lower than B 2 are attached to No. 7 D.D.C.A. for pay rations and quarters as of the dates shown:-

LeGresley, Joseph Omer 1330 hrs 11 Dec.42.

The undermentioned personnel having reported as ordered and having been placed in med. cat. of A1 or Blor B 2 enrolled posted to No.7 N.R.M.A. Clearing Depot and assigned regtl. nos. as noted are taken on strength of No. 7 D.D.C.A. as of the dates shown:-

G 602932	Pte	Arsenau, Arthur	1330 hrs 10 DEC.42
G 602933	Pte	Cail, Herbert William	1930 hrs 10 Dec.42.
G 602927		Cormier, Edgar	1930 hrs 10 DEC. 42
G 602925		Gionet, Dominique	0930 hrs 10 Dec.42.
G 602930		Girouard, Alfred	1930 hrs 10 Dec.42.
G 602926		LeBreton, Medore Joseph	0930 hrs 10 Dec.42.
G 602928		Merchant, John Vernon	0930 hrs 11 Dec.42.
G 602929		Robichaud, Joseph Gerald	0930 hrs 10 Dec.42.
G 602931		Roy, Legouri	1330 hrs 10 Dec.42.

2 STRENGTH DECREASES.

The undermentioned personnel having reported as ordered and having been placed in med..cat. lower than B 2 cease to be att. to No. 7 D.D.C.A. on returning to destinations as of the dates shown:-

LeGresley, J.O. Left depot at 1850 hrs 15 Dec.42.
Arv. destination at 1106 hrs 16 Dec.42.

3 ABSENT WITHOUT LEAVE.

G 428074 Pte HICKS C.K.

A.W.L. from 0001 hrs 5 Dec.42.
(8th day posting 0001 hrs 13 Dec.42.).

4 HOSPITAL.

G 600035 Pte POIRIER A.

Discharged from Fredericton Mil.Hospital
eff. 14 Dec.42.

G 601108 Pte POITRAS G.
G 602873 Pte MARTIN O.

Admitted from Fredericton Mil.
Hospital eff.14 Dec.42.

RESERVE ARMY PERSONNEL

5. CORRECTION

G 438065 Pte STEEVES J.E.

Pt.II Order No. 284-RAP-1 D/ 30 Nov 42 re the M/N is amended as follows:-
DELETE And having reported as above ordered.

Section "B".

17 PROMOTIONS

G 52365 Pte BLAIR O.S.

To be A/L/Cpl. with pay to complete establishment eff. 15 Dec.42. (Auth. H.Q.S. 70-5-314 MR 4 D/ 1 May 42).

G 50278 Pte BOWLIN E.J.
G 29032 Pte STEVENS G.R.

To be A/Cpl. with pay to complete establishment eff. 15 Dec.42. (Auth. H.Q.S. 70-5-314 MR 4 D/1 May 42.).

18 RATION ALLOWANCE.

G 23685 Pte ROSS F.W.

Having been granted leave of absence from 0700 hrs 13 Nov 42 until 2359 hrs 17 Nov 42 is auth. to draw 4 days R/A at the rate of $.50 per diem in lieu of rations...$2.00 under Art. 196 (4)F.R.&I

.....Captain
(F.F.Creighton)Adjutant
No. 7 District Depot C.A

DISTRIBUTION

RECORDS NDHQ 5
D.P.M. 3
RECORDS OFF MD7 1
RECRUITING OFF MD7 1.
A/RTP D.O.C. 1
CAPT. BREWERMD 7 1.

CERTIFIED TRUE COPY.
Captain
(F.F. Creighton) Capt.
Adjutant and Officer i/c
Records, No. 7 District Depot CA

Letter D
RGK

RECORD of the Declaration of a Court of Inquiry assembled at Fredericton, N.B. on the 17th day of December 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. G12259 Pte. HOSFORD, O. R., No. 7 District Depôt, C.A., F'ton, N.B.

DECLARATION

The Court declare that No. G12259 Pte. HOSFORD, O. R. No. 7 District Depot, C. A., Fredericton, N. B. illegally absented himself without leave from # 7 District Depot, C.A., F'ton, N.B. at 2200 hours on the 21st day of November, 1942, that he is still so absent, and that on the 17th December, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
See Attached list for Deficiencies of Kit. to the amount of: $15.36			

(Sgd.) C.E. Anderson, Captain, No. 7 District Depot, C. A. — President

(Sgd) J.P.E. Chenest, Captain, No. 7 District Depot, C. A. — Member

(Sgd) J. H. MacCallum, 2/Lieut, No. 7 District Depot, C.A. — Member

Signed at Fredericton, N.B. this 17th day of December 1942

Signature of Commanding Officer (Sgd) W.A. McDougall, Lieut.Col., C.C. # 7 District Depot, C.A.

Certified true copy — Captain

Signature of Officer having custody of original record

J. F. Creighton, Adjt. (RE), Capt.
Officer in charge of records
No. 7 District Depot, C.A.

M.F.B. 375
A.F.B. 115
[illegible]
H.Q. 1175-10-287

KIT DEFICIENCIES OF G 12259 HORSFORD, G.E.

Clo. Div. A.

Gloves W.K. prs.	1	$ .59	
Total		$ .59	
75% of $.59 acc. to C.A.R.O. #1774		$ .44	$ .44

Clo. Div. B

Trousers B.D. Serge prs.	1	$ 5.58	
Caps F. Service	2	1.56	
Drawers Cotton Short prs.	2	.66	
Shirts Under Cotton	2	.80	
Socks prs.	3	1.08	
Shoes Leather Black prs.	1	4.41	
Total		$14.09	
75% of $14.09 acc. to C.A.R.O. #1774		$10.57	$10.57

Clo. Div. C. & D.

Badges Arm Worsted San. prs.	2	$ .06	
Belts W.L. Brown	1	.37	
Pins Collar Safety	1	.07	
Socks Black prs.	1	.28	
Brasses Button	1	.04	
Brushes B. Polishi g	1	.15	
" Button	1	.14	
" Tooth	1	.09	
Caps Comforter	1	.30	
Combs Hair	1	.04	
Holdalls	1	.17	
Housewife	1	.51	
Knife Table	1	.18	
Towels Hand	1	.21	
Total		$ 2.61	$ 2.61

Sect. A-1

Bags Ration Mk. IV	1	$ .04	
Haversacks W.E. '37	1	2.13	
Total		$ 2.17	
75% of $2.17 acc. to C.A.R.O. #1774		$ 1.63	$ 1.63

Sect. A-2

Outfits A. Dinim.	1	$ .15	
Total		$ .15	
75% of $.15 acc. to C.A.R.O. #1774		$ .11	$ .11
Grand Total of Clo. Div. A,B,C,D, Sect. A-1, A-2			$15.36

Major Q.M.
For O.C. No. 7 District Depot, CA
Fredericton, N.B.

PART II ORDERS.
BY
LIEUTENANT-COLONEL W.A. MCDOUGALL, M.C.
OFFICER COMMANDING.
NO. 7 DISTRICT DEPOT C.A.(A.P.).
FREDERICTON, N.B.

NO. 300 FRIDAY 18 DEC.42 NO. 300.

Last Part II Order No. 299 D/17 DEC.42.

Section "A".

1. ATTACHMENTS.

Lieut. D.[illegible]. WAGMAN

Attached to No. 7 District Depott C.A., Fredericton, N.B. for all purposes except pay from No. 7 Dist. Coy., R.C.A.M.C., Saint John, N.B. eff. 15 Dec.42 (Auth. J/38-W-659 D/ 9 Dec.42.).

2 SUBSISTENCE ALLOWANCE.

Major E. M. STYLES

Granted leave of absence eff. from 16 Dec.42 to 30 Dec.42 incl. (15 days). (Auth. D.A.A.G. Telephone conversation 17 Dec.42.). and is authorized to draw S/A of $1.70 per diem eff. from 16 Dec. 42 until 30 Dec.42. incl.(15 days).(Auth. telephone conversation D.A.A.G. 17 Dec.42.).

Section "B".

1 STRENGTH INCREASES.

G 6282 Gnr. FRANCIS L.

T.O.S .....1800 hrs 9 Dec.42. on apprehension. (From 5th Coast Regt. R.C.A.).

2 STRENGTH DECREASES.(RECORD PURPOSES)

G 27292 Pte DAVIS R.W.
G 24054 Pte MADSEN H.A.

Ceases to be attached for all purposes to No. 7 Det. C.M.S.C., Saint John, N.B. eff. 14 Dec.42 on being S.O.S. on transfer to No. 7 Det. C.M.S.C., Saint John, N.B. eff. 14 Dec.42. (Auth. J/1-2-11 J/38-D-643 J/38-M-781 D/17 Dec.42.).
(For record purposes only).

3 STRENGTH DECREASES. (COURT OF INQUIRY)

G 12259 Pte HOSFORD O.R.

Having been declared by a Court of Inquiry held on 17 Dec.42 to have been illetally absent since 2200 hrs 21 Nov.42 and to have defficiencies in kit and equipment to the amount of $15.36 is S.O.S. No.7 D.D.C.A. eff. 17 Dec.42. Forfeits 27 days pay and all.Art. 149 (1)(a) A.R.I.

Pt. II Order No. 300 D/ 18 Dec.42 of No. 7 D.D. Continued.....

4 STRENGTH DECREASES (TRANSFER) Section "B".

The undermentioned personnel are S.O.S. No. 7 D.D.C.A. on transfer to No. 70 C.A.(B)T.C., Fredericton, N.B. eff. 18 Dec.42.:-

G 7536	Pte	Anthony	R.A.
G 50977		Bennett	D.A.
G 7538		Carson	R.W.
G 52336		Cook	F.W.
G 50980		Daley	D.D.
G 1175		Ewart	H.
G 7521		Flander	C.F.
G 24267		Foster	F.H.
G 7513		Gilliland	R.W.
G 50892		Grant	G.W.
G 7530		Hatfield	D.
G 19877		Johnston	R.E.
G 7512		Leavitt	O.R.
G 7546		LeBlanc	E
G 24266		MacDonald	R.W.
G 24272		MacLean	H.S.
G 49984		McKnight	M.M
G 24262		Newton	F.V.
G 7523		Richards	V.J.
G 24264		Smith	M.L.
G 24274		Stackhouse	H.K.
G 7550		Stuart	H.M.
G 19754		Tompkins	M.E.
G 49999		Walsh	T.J.
G 1167		HOAR	H.
G 1173		Peer	G.R.
G 51534		Barton	R.P.
G 7516		McKay	R.H.
G 1166		Fawcett	S.A.
G 7548		Williams	R.CK
G 7532		Kierstead	R.C.
G 1183		Chiasson	D.P.
G 7557		King	F.
G 51537		Martin	A
G 1182		Thibodeau	J.W.

The undermentioned personnel are S.O.S. No. 7 D.D.C.A. on transfer to No. 71 C.A.(B)T.C., Edmundston, N.B. eff. 18 Dec.42.

G 7519	Pte	Adams	W.J.
G 49978		Andrews	R.D.
G 7544		Barnett	M.F.
G 49992		Bellefleur	RR
G 24268		Brooks	M.B.
G 24265		Carr	A.F.
G 7507		Clavet	E.J
G 24255		Corbin	E.J.
G 1169		Duncan	T.S.
G 49963		Dunham	D.R.
G 7520		Ferguson	E.B.
G 7554		Francis	F.H.
G 7510		Gaudet	C
G 7533		Hanscombe	O.P
G 49971		Hurley	J.L.
G 7552		Kulinowski	Z.
G 49950		Leger	J.G.
G 7525		Kallet	J.R.

G 52830	Pte	Arseneau	J.A.
G 49966		Carr	A.H.
G 49973		Coates	C.E.
G 24276		Daggett	D.S.
G 49975		Davidson	W.J.
G 49964		Fairhead	H.W.
G 7492		Fletcher	A.J.
G 43108		Fulton	H.R.
G 1125		Gordon	M.
G 49993		Judge	R.D.
G 24273		Leavitt	A.E.
G 19685		Lyons	M.W.
G 49983		MacKinnon	R.D.
G 24237		McConnell	E.L.
G 7524		McIllwraith	E.G.
G 50000		Melanson	E.J.
G 49995		Newt n	K.G.
G 1174		Sherrard	G. M.
G 7527		Small	T.D.
G 1165		Stairs	D.D.
G 553		Stewart	H.C.
G 50835		Vianneau	J.N.
G 1172		Withers	C.R.
G 7549		Mosher	R.G.
G 50979		Smith	J.W.
G 1164		McLaughlin	G.F.
G 49991		Johnstone	F.R.
G 7547		Totten	L.M.
G 19983		Robertson	W.G.
G 51536		Burton	E.E.
G 51538		Hebert	H.J.
G 7556		Lewis	S.W.
G 51539		Mitton	A.J.
G 49985		McFarlane,	R.H.
G 49986	Pte	Agar	R.J.
G 49967		Arseneau	J.E.
G 49974		Bell	A.A.
G 51533		Boucher	W.
G 7518		Campbell	A.E.
G 49998		Chandler	R.
G 7540		Cochrane	H.L.
G 49987		Cormier	J.E.
G 49989		Doiron	A.P.
G 7529		Egers	M.O.
G 49965		Ferguson	M.
G 49979		Funk	K.A.
G 7541		Geldart	E.O.
G 49972		Henwood	M.P.
G 1168		Johnstone	G.G.
G 24270		Lawrence	P.C.
G 7509		MacAulay	A.C.
G 50976		Martin	A.

Section"B".

4 STRENGTH DECREASES (CONTINUED).

The undermentioned personnel are S.O S No. 7 D.D.C. A. on transfer to No. 71 C.A.(B)T.C., Edmundston,N.B. eff. 18 Dec. 42. (CONTINUED).

G 49997	Pte	Martin	W.J.	G 24269	Pte	Mitton	L.D.
G 24261		Ouellette	R.	G 49981		Petersen	G.O.
G 49994		Ryan	E.F.	G 1171		Sherwood	G.E.
G 7514		Smith	G.HF	G 50608		Theriault	U.J.
G 7551		Thibeault	J.A.	G 49988		Tompkins	C.I.
G 1159		TOZER	L.A.	G 49969		Turner	S.L
G 54585		Weatherby	H.C.	G 7517		White	R.W.
G 19630		Cayouette	E	G 49937		Goddard	H.G.
G 52622		Gauvin	J&H	G 24198		Landry	P.
G 6163		Lanteigne	E.	G 7473		Mallet	P.
G 49895		Pitre	A.J	G 49935		Robichaud	A.J.
G 60697		Trembley	A.				

5 STRENGTH DECREASES (RECORD PURPOSES ONLY).

G 41237 S/Sgt. Coles H.J.
G 22942 Pte Harding E.
G 49794 Pte Larocque J.
G 54325 Pte Lawton E.C.

Cease to be attached for all purposes to No. 7 Ordnance Depot Coy., R.C.O.C., Saint John,N.B. eff. 11 Dec.42 on being S.O.S. on transfer to No. 7 Ordnance Depot Coy., R.C.O.C., Saint John,N.B. Eff. 11 Dec.42. (Auth. J/2-1-1 D/17 Dec.42.).
(For record purposes only).

G 52802 Pte LEVESQUE E.

Ceases to be attached for all purposes to No. 3 C.D. & A.A. Workshop Section, R.C.O.C., Saint John,N.B. eff. 11 Dec.42 on being S.O.S. on transfer to No. 3 C.D. & A.A. Workshop Section, R.C.O.C., Saint John,N.B. eff. 11 Dec.42. (Auth. J/2-1-1 D/ 17 Dec.42.).
(For record purposesonly).

6 ABSENT WITHOUT LEAVE.

G 13039 L/Bdr. HARDEY J.P.

A.W.L. from 2359 hrs 27 Sep. 42.

7 HOSPITAL.

G 27087 Pte RICHARDS H.S.

Admitted to Fredericton Mil. Hospital eff. 17 Dec.42.

G 24276 Pte DAGGETT D.S.

Discharged from Fredericton Mil. Hospital eff. 17 Dec.42.

Section "B".

8 PROMOTIONS.

G 428 Cpl. CURRIE C.R.
G 22105 Cpl. MURRAY J.M.L.

To be A/Sgt. with pay to complete establishment eff. 18 Dec.42. (Auth. H.Q.S. 70-5-314 MR 4 D/ 1 May 42.).

9 REVERSIONS.

G 43108 L/Cpl. FULTON H.R.
G 50892 Cpl. GRANT G.W.

Revert to the permanent grade of Pte eff. 18 Dec.42. (On being S.O.S. on transfer to No. 70 C.A.S.T.C eff. 18 Dec.42.).

10 SICK LEAVE.

G 15082 Pte ARSENAULT F. (Was S.O.S. on discharge vide Pt.II Order No. 281-B-1 D/ 16 Nov.42.).

Having been granted sick leave of absence with eff. from 5 Nov.42 until 18 Nov.42 incl. (14 days). is authorized to draw S/A at the rate of $1.25 per diem eff. from 5 Nov.42 until 18 Nov.42 incl. (14 days). (Auth. O.C. No. 7 District Depot C.A. and Art. 200 P.P.&I). (Standing Medical Board Fredericton,N.B.).

11 CANCELLATION

G 49976 Pte HENWOOD R.J.

Pt. II Order No. 299-B-10 D/ 17 Dec.42. re the M/N is hereby cancelled.(is at present a patient in Hospital room in M.O. Office at No. 7 D.D.). (For information of pay office DD No.7).

G 48090 Pte MACDONALD E.H.

Pt. II Order No. 295-B-7 D/ 12 Dec.42. re the M/N is hereby cancelled.

12 CORRECTION

G 48973 Pte DUPUIS H.J.
G 12259 Pte HOSFORD O.R.
G 12261 Pte WILSON E.E.

Pt. II Order No. 264-B-1 D/ 6 Nov 42 re the M/N is amended as follows:-
FOR 3rd N.B.Coast Regt. R.C.A.
READ 3rd N.B. Coast Brigade R.C.A.

L 62130 Pte WALKER C.W.

Pt. II Order No. 299-B-10 D/ 17 Dec.42 re the M/N is amended as follows:-
FOR G 62130
READ L 62130.

Section "D".

12. CORRECTION (CONTINUED).

G 19334 Pte PARKER E.J.

Pt. II Order No. 287-B-3 D/3 Dec.42. re the M/N is amended as follows:- TOREAD

~~Having completed basic training at No. 70 C.A.(S)T.C. eff. 2 Dec.42 returned to Unit 21st Field Ambulance R.C.A.M.C.,Camp Sussex, N.B. eff. 4 Dec.42. (Att. to 21st Field Ambulance R.C.A.M.C. for all purposes except pay from No. 7 D.D.C.A.).~~

Section "D".

1 STRENGTH DECREASES.

G 52512 Pte HOVEY V.E.

S.O.S.....18 Dec.42 on discharge being under 17 years of age at date of application for discharge C.A.R.O. Z029(3).

2 CLOTHING ALLOWANCE.

G 52512 Pte HOVEY V.E.

Having enlisted on 13 Oct.42 is entitled to receive clothing all. of $27.00 to be credited to a account.

RESERVE ARMY PERSONNEL

1 STRENGTH DECREASES.

The undermentioned personnel are S.O.S. No. 7 D.D.C.A. on transfer to No. 71 C.A.B.T.C., Edmundston,N.B. eff. 18 Dec.42.

G 601963	Pte	Albert	R.	G 602207	Pte	Albert	E.
G 602630		Allain	G	G 601798		Breau	E.
G 416548		Bosse	R.	G 602854		Bourgeois	E.
G 601527		Chenard	C.	G 437856		CHaverie	N.
G 602597		Comeau	D	G 601753		Comeau	A.J.
G 602810		Cormier	J?	G 602835		Cyr	J.
G 601941		Daigle	G.	G 602724		Daigle	E.O.
G 602823		Doucette	P.	G 602898		Doiron	G.
G 602645		Fournier	L.	G 602725		Guitard	E.
G 602736		Gabourie	D.	G 602920		Hall	D.
G 602826		Hachey	F.	G 416588		Levesque	O.
G 437947		LeBlanc	O	G 422788		LePage	A.
G 602828		LaPlante	N.	G 602849		LeBlanc	E.
G 602848		Levesque	W.J?	G 602323		Mazerolle	A.
G 602586		Michaud	P.	G 602680		Mailloux	J.
G 602707		Marchand	E.				

2 STRENGTH DECREASES (RECORD PURPOSES ONLY).

G 603866 Pte THERIAULT J.E.
G 428219 Pte CORMIER L.

Cease to be attached for all purposes to No. 7 Ordnance Depot Coy R.C.O.C., Saint John, N.B. eff 11 Dec.42 on being S.O.S. on transfer to No. 7 Ordnance Depot Coy R.C.O.C.,Saint John,N.B.eff.11 Dec.42.(Auth.J/2-1-1 D/17 Dec.42.).
(For record purposes only).

RESERVE ARMY PERSONNEL

3 STRENGTH DECREASES. (TRANSFER).

The undermentioned personnel are S.O.S. on transfer to No. 70 C.A.(B)T.C., Fredericton, N.B. eff. 18 DEC. 42.

G 602895	Pte	Bouchard	E.	G 437518	Pte	Bourque	J.G.
G 602899		Briggs	W.F.				
G 602744		Chavarie	T.G.	G 602855		Crandlemire	S.B.
G 602814		Daigle	A	G 602817		Daigle	A.
G 602808		Daigle	E.S.	G 602786		Davidson	D.W.
G 602834		DeGrace	W.J.	G 602861		Derrah	W.G.
G 602811		Despres	F.J.	G 602815		DeVeau	F.
G 602859		Dionne	E.L.	G 602843		Doak	P.O.
G 602872		Dornan	W.N.	G 602862		Dupuis	J.
G 602842		Esson	J.F.	G 602767		Fairweather	A.S.
G 602900		Fennell	P.J.	G 602924		Frenette	A.N.
G 602918		GODIN	H.	G 437908		Hache	E.
G 602827		Hennessey	W.J.	G 602917		Hinton	E.J.
G 602901		Johnson	R.	G 602880		Kennedy	J.
G 602794		Leamen	D	G 602835		LeBlanc	A.J.
G 602836		LeBlanc	J.A.	G 602867		LeBlanc	J.L.
G 602864		LeBlanc	J.S.	G 602829		Logere	J.
G 602922		Losier	A.	G 602830		Maltby	M.J.
G 602907		MacNally	D.G.	G 602791		Markee	F.G.
G 602876		McCaffrey	J.A.	G 437965		McCaie	J.B.
G 602883		McCann	C.W.	G 602802		McLaughlin	M.A.A.
G 602878		McLellan	K.E.	G 602874		McNairn	R.G.
G 602869		Melanson	A.J.	G 602803		Mills	C.M.
G 602031		Mitchell	R.F.	G 602893		Morehouse	H.
G 602911		Morrisey	J.	G 602795		Nixon	H.
G 602913		Oakes	D.	G 602804		O'Leary	T.F.
G 602784		Olson	H.E.	G 482466		Ouellet	E.
G 602792		Randall	W.G	G 602823		Richard	D.
G 602921		Robichaud	.	G 602816		Robichaud	J.E.
G 602923		Roy	J.G.	G 602806		ROBINSON	H.B.
G 602844		Savoie	G.S.	G 602875		Ryder	W.N
G 602790		Silliker	E.L.				
G 602785		Smith	S.L.	G 602830		Smith	D.R.
G 602919		Theriault	L.R.	G 602897		Sullivan	A.J.
G 602882		Trevors	C	G 602796		Tompkins	A.H.
G 417851		Underhill	G.MC	G 602831		Underhill	E.W.
			R.M.	G 602836		Yerxa	R.S.

The undermentioned personnel, are S.O.S. on transfer to No. 71 C.A.(B)T.C., EDMUNDSTON, N.B. eff. 18 Dec.42.

G 602812	Pte	Adams	G.J.	G 602845	Pte	Albert	J.
G 602852		Arbeau	L.E.	G 602839		Arseneau	R.J.
G 602819		Arseneault	G.	G 602853		Arseneault	L.J.
G 602838		Babin	E.J.	G 602915		BASQUE	L.
G 602840		Beaulieu	L.	G 602809		Belliveau	A.J.
G 602820		Boudreau	A	G 422702		Bulger	J.A.
G 602800		Caissie	H.J.	G 602896		Comeau	C.
G 602769		Cormier	L.	G 602821		Daigle	C.
G 602802		Doucet	J.E.	G 602824		Doucet	L.
G 602857		DRISDELLE	E.B.	G 602846		Dube	F.
G 602860		Dube	J.	G 602832		Dugas	D.
G 602837		Dumaresq	S.	G 602825		Godin	F.
G 602863		Godreau	S.	G 602894		Goupil	J.O.
G 602912		Henry	I.H	G 602908		Henry	N.J.
G 602905		Hachey	L.	G 602886		HEBERT	E.
G 602891		Herbert	L.	G 602885		Herbert	R.
G 602906		Hickie	E.A.	G 602914		Hickey	E.V.
G 602881		Jacobson	S.H.	G 602868		Jean	A.

RESERVE ARMY PERSONNEL

3 STRENGTH DECREASES (CONTINUED).

The undermentioned personnel are S.O.S. on transfer to No. 71 C.A.(B)T.C., Edmundston,N.B. eff. 18 DEC. 42. (CONTINUED).

G 602884	Pte	Kenny	J.E.	G 602910	Pte	Kenny	J.O.
G 602889		McGraw	S	G 602887		McRea	R.W.
G 602868		Michaud	M	G 417862		Miller	E.K.
G 416544		Pelletier	A.J	G 602807		Peters	B.L.
G 602851		Raymond	F	G 602870		Robichaud	L.A.
G 606194		Robichaud	R	G 602909		Sullivan	E.J.
G 602871		Theriault	J.M	G 602793		Ward	E.

4 HOSPITAL.

G 602741 Pte VIENNEAU A.

Admitted to Fredericton Mil. Hospital eff. 17 Dec.42.

5 LEAVE OF ABSENCE.

G 604376 Pte HICKEY C.A.

Granted extention in leave of absence without pay and all. from 15 Jan.43 until 14 June 43 incl. (Auth. J/2-1-67-5 D/ 17 Dec.42.).

6 CORRECTION

G 437834 Pte ALLAIN Calixte

Pt. II Order No. 299-RAP-1 D/ 17 Dec.42. re the M/N is amended as follows:-
FOR Allain, Calixte. Gilbert.
READ Allain, Calixte.

G 602963 Pte CHAVARIE Damien

Pt. II Order No. 299-RAP-1 D/ 17 Dec.42. re the M/N is amended as follows:-
FOR Damien
READ Damien

G 602959 Pte Gallant Frank Joseph

Pt. II Order No. 299-RAP-1 D/ 17 Dec.42. re the M/N is amended as follows:-
FOR ..l..nt Frank Joseph
READ Gallant, Frank Joseph

7 CANCELLATION

G 437834 Pte ALLAIN C.G.

Pt. II Order No. 293-RAP-1 D/ 10 Dec.42. re the M/N is hereby cancelled.

RESERVE ARMY PERSONNEL

8. STRENGTH INCREASES.

The undermentioned personnel having reported as ordered and having been placed in med. cat. lower than B 2 are attached to No. 7 D.D.C.A. as of the dates shown:-

Cleveland, Kenneth M.	1930 hrs. 15-12-42
Duguay, Jean P.	1400 hrs. 16-12-42
Killam, Gerald D.	1930 hrs. 16-12-42
McKimm, Isaac R.	1930 hrs. 16-12-42
Cairns, David R.	1700 hrs. 15-12-42

9 STRENGTH DECREASES.

The undermentioned personnel having reported as ordered and having been placed in med. cat. lower than B 2 cease to be att. to No. 7 D.D.C.A. as of the dates shown on returning to destinations:-

Cleveland, K.M.	Left Depot at 0930 hrs. 19-12-42 Arv. destination 1930 hrs. 19-12-42
Duguay, J.P.	Left depot at 1650 hrs. 18-12-42 Arv. destination 0200 hrs. 19-12-42
Killam, G.D.	Left depot at 0930 hrs. 19-12-42 Arv. destination 1520 hrs. 19-12-42
McKimm, I.R.	Left depot at 1715 hrs. 18-12-42 Arv. destination 2030 hrs. 18-12-42
Cairns, D.R.	Left depot at 1920 hrs. 18-12-42 Arv. destination 0933 hrs. 19-12-42

10 HOSPITAL The undermentioned personnel were discharged from Fiton Military Hospital on dates set after their respective names:

G 02791 Pte. Markee, F.G. 8-12-42

.....
(F.F. Creighton) Captain, Adjutant,
No.7 District Depot, C.A.

CERTIFIED TRUECOPY

Captain
(F.F. Creighton) Captain
Adjutant & Officer i/c Records
No. 7 District Depot C.A.

Soldier File

APPENDIX "B"

Certificate in accordance with Order in Council P.C. 2797 dated 10th April, 1942, as published in General Order 127, 1942.

(Apprehension by ~~xxxxxxxxxxxxxx~~ service authorities)

I, ...Major Thos.E. Guy, No. 39 Provost Company,CA.
(Number) (Rank) (Name) (Unit)

hereby certify that..C12259.....Pte.....Hosford, C.R.....
(Number) (Rank) (Name in full)

of the .....No. 7 District Depot, Fredericton, N.B.....
(Unit and attachment (if any)

was apprehended by (~~xxxxxxxxxxxxxx~~ G48703 A/Cpl Paul, A.L.
G240 A/L/Cpl.Boudreau, B....
(Number) (Rank) (Name)

.....No. 39 Provost Company, CA.....
(Unit or appointment)

at.....Saint John,N.B.....at...2345 Hrs.....
(Place) (Hour)

on the.....14th.....day of...January.....1943.
as a ~~xxxxxxxxxxxx~~ absentee without leave), and that at the time of his arrest he was wearing military (~~xxxxxxxx~~) uniform ~~xxxxxxxxxxxxx

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut.-Col., (Rank) A.J.C. Taylor (Name) D.S. & T.O., (Unit) M.D. No. 7.

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation ~~for escort~~

Complete — ~~to proceed~~ from Saint John, N.B. (Place) to Fredericton, N.B. (Place)

and return to (Place) ~~for the purpose of escorting~~

Full description of soldier being escorted — For G-12259 (Number) Private (Rank) Hosford, R. (Name in full)

No. 7 District Depot (CA) (Unit) (Attachment, if any)

Strike out phrase not applicable — alleged to be a deserter or an absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transportation required~~) and the cost thereof for said soldier and escort being as follows:

PARTICULARS	COST
Alleged Absentee	
G-12259 Pte. Hosford, R. No. 7 District Depot (CA)	
Transport Warrant No. B 144330, issued 15 January, 1943, providing one single second class fare from Saint John, N.B. to Fredericton, N.B.	1.38
TOTAL	$ 1.38

Dated at Saint John, N.B. this 15th day of January A.D. 1943

Lieut.-Col., D.S. & T.O., M.D. No. 7

Signature, rank, unit, attachment (if any) and appointment of officer (issuing transport warrants) (~~authorizing transportation~~)

Strike out description not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

Dates of warrants or transportation issued must be set out.
Cost of meals and incidental expenses must be on M.F.B. 1482.

M.F.B. 1481
12m—10-42 (646)
H.Q. 1173-89-183

Major
President
District Court Martial

EXHIBIT "H"

November 21st, 1942.

O.C. District#7,
Fredericton, N. B.

Dear Sir:-

PTE. ROY HOSFORD - #G12259.

The wife of the above man was in to see me on the 17-11-42 and was suffering a good deal of pain. I judged it would be better for her to take a good deal of rest, so I advised her to stay still for some time and to be where she could be looked after in town.

For your information please.

GBP/D

G.B.Peat, M. D.

President Distrct Court Martial.

EXHIBIT "I"

Mr. President and Members of the Court.

In speaking on behalf of the accused in regard to mitigation of punishment, I should just like to call to the attention of the Court the condition of the accused's wife, who will be giving birth to a child sometime around the middle of April. I would ask the Court to consider this date in determining the sentence. With regard to the conduct sheet of the accused, there are a number of charges of absence without leave, three or four of these are minor charges due to the fact that the accused missed the truck which was picking up the members of the unit in the morning to return them to Unit Headquarters. In regard to the vehicle for which the accused is charged having made off with, that was a bicycle which was standing beside the barracks with which the accused drove down the street and returned and he was charged with absconding with a vehicle, an army vehicle. I close by saying that the accused comes from a christian family.

M.F.B. 355
SOM.—6-42 (5992)
H.Q. 1773-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
G 12259	Private	Cren Ray Hosford	No 7 District Depot CA

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	A.W.L.	8 times	A.W.L's	9 times
For		times		times
For	Breaking barracks	1 times	Breaking barracks	1 times
For	Being in improper possession of a Govern. vechicle	1 times	Being in improper possession of a Govern. vechicle	1 times

There are entries in the conduct sheets of the accused.

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for No days in civil custody, and 16 days in military custody, making a total of 16 days in custody, of which No days were spent in hospital.

5. The present age of the accused according to his attestation paper is 20 yrs 9 mons

6. The date of his attestation specified in his attestation paper is 15 July 1941

8.

9. The accused is in possession of or entitled to no military decoration, or military reward

10.

~~11. Number and rank of non-commissioned officer for whose leave in the Royal Canadian Air Force the unit is~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army / Air Force Act, and of cases in which trial has been dispensed with of accused, Number..... Rank..... Unit Name..... of ..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 29 day of January 1943 Capt

F F Creighton

Adjutant & Officer i/c Records

No 7 District Depot

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked..... signed by the president, and annexed to the proceedings.

Q.M.G.

President DCM

G 12259
Private Oren Roy Hosford
No. 7 District Depot C.A.
Absenting himself without leave

To: G 12259
Private Oren Roy Hosford
No. 7 District Depot C.A.

YOU ARE HEREBY REQUIRED TO TAKE NOTICE That the Convening Officer of the District Court-Martial, which is to be held at No. 7 District Depot C.A., Fredericton, N.B. on the 29th day of January, 1943, has appointed an officer holding legal qualifications, to act as Prosecutor, and therefore, you have the privilege of being represented by an Officer holding legal qualifications, or a barrister or solicitor practising in the province of New Brunswick.

Dated at Fredericton, N.B. this 27th day of January, 1943.

for R. J. Rose Lieut-Col.
(H.A. McDougall)
Officer Commanding
No. 7 District Depot C.A.

To: Officer Commanding
No. 7 District Depot, C.A.
Fredericton, N.B.

I, the accused G 12259 Private Oren Roy Hosford, No. 7 District Depot, C.A. do hereby waive seven days notice as granted under Rules of Procedure 89(B).

Oren Roy Hosford

G 12259 Oren Roy Hosford
No. 7 District Depot
C.A.

MEDICAL OFFICER'S REPORT

I CERTIFY THAT NO. G 12259 Pte. Orsn. Ray Hosford OF No. 7 Dist. Depot C.A. IS IN A Good STATE OF HEALTH AND IS fit TO UNDERGO TRIAL BY COURT-MARTIAL.

R.F. Ingram Lieut. R.C.A.M.C.
(R.F. Ingram) Medical Officer
attached No. 7 District Depot C.A.

Station Fredericton, N.B.

Date ~~1 February~~, 1943.
29th January
R.F.I.

H.Q.C. 55-H-330

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HLUCHANUK, W. H.39029 STOLN

A.7 C.S.T.C., C.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-330

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
					With Papers C.R. FEB 20 1943		
[redacted]	3/4/43	P.A.		A.D.	To note & P.A.	RBL	23/4/43
					With Papers C.R. JUN 28 1943		
				J.A.G.			
JUL 1 1943	12/7/43			D.C.M.	To note	J Rel	30/6/43
[redacted]							JUL 5 1943
JUL 17 1943							
	CANCELLED		CANCELLED		PER B.F. JUL 15 1943		
JUL 27 1943	24/7/43	P.A.		L.C.M.	With Papers C.R. JUL 23 1943		
JUL 12 1945	12/7			D. Adm.	[redacted] C.R. JUL 12 1945		
OCT 18 1946		P.A.		D.R.O.	[redacted] APR 24 1946		
OCT 23 1946							
OCT 31 1946	OCT 22 1946	P.A.			405-H-11122		MAY 24 1946
OCT 23 1946							

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

CANADA

DENTAL MINISTRY ARMY
C55-H-330
Referred to DCM

IN REPLY PLEASE QUOTE
K.55-H-2500
(DAPH)

DEPARTMENT OF NATIONAL DEFENCE

ARMY

145046

KINGSTON, Ontario, July 22nd, 1943.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

H.S.C.55- H-330(ICM)

H.39029 - Sgmn. HLUCHANUK, W.

Attached please find, Military Form I.C.M. - B covering the information required in connection with the case of the m/n soldier.

2. Passed for your information, please.

E. Watts Major,
for(F.L. Armstrong),
Brigadier,
District Officer Commanding,
Military District No. 3.

(Encl.)

N.D. 23
2 MB.—11-42 (7229)
H.Q. 1772-101-23

REPORT ON CONDUCT

I.C.M. - B

Department of National Defence,
H. Q. C. 55- H-330, (ICM)
OTTAWA, July 16th, 1943.

To:- Commandant
BARRIEFIELD, Military Detention Barracks.

2500 Dapsed 18.7.43

1. Soldier under sentence	Sigmn. William HLUCHANUK, H.39029
2. PLEASE STATE:-	
(i) Date of sentence	31 May 1943
(ii) Sentence	6 months
(iii) Date you received soldier	17 June 1943
(iv) (a) Can soldier read and write?	Yes
(b) Religion	C. of .E
(c) Married, Widower, Single	Single
(d) What Army trade has soldier?	None
(v) (a) Conduct of soldier	Good
(b) Industry of soldier	Good
(c) Remission earned:-	
(i) Number of days actually earned	8
(ii) Number of days obtainable to date	8
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	
(a) Whether detention will seriously aggravate soldier's condition.	no
(b) Whether further confinement is likely to prove fatal.	no
Refused on well maj Rokhe	no
(vii) (a) Whether in your opinion conduct of soldier warrants suspension of sentence?	Only what the man has earned
(b) Moral effect confinement has had?	Good
(c) If returned to Army, is soldier likely to become a good soldier?	????????
(viii) Date term will expire if all remission earned from now on.	30-10-43

(H.F.G. Letson)
Major-General
Adjutant-General.

Signature (W.M. MacAndrew) Captain
Commandant.

Date of Report: 20-7-43

I.C.M. - A

Department of National Defence,
H. Q. C. 55- H.-330, (ICM)
OTTAWA, July 16th, 1943.

DISTRICT OFFICER COMMANDING,
MILITARY DISTRICT NO. 3,
KINGSTON, Ontario.

M-39029, Signm. William HLUCHANUK,

1. Herewith enclosed "Report on Conduct" Form in respect of the marginally-noted soldier who is serving in BARRIEFIELD, Military Detention Barrack, under your command, a sentence of 6 months detention awarded by a District Court-Martial on the 31st day of May 1943.

2. Would you please have the Commandant of said Detention Barracks complete said form.

3. When form is completed same is to be returned to this Headquarters.

(H.F.G. Letson)
Major-General
Adjutant-General.

H.Q.C. 55-H-330

June 30th, 1943.

District Officer Commanding,
Military District No. 3,
KINGSTON, Ontario.

District Court-Martial
H. 59320, Sigman. William HLUCHANUK
A.7, C.S.T.C., C.A.

Receipt is acknowledged of your K. 55-H-2500 (JAG), dated June 24th, 1943, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court Martial. The proceedings appear to be in order and as the finding is supported by the evidence and the sentence legal, they are therefore retained for custody.

(R.J. Orde) Brigadier,
Judge Advocate-General.

JIGM/LM

Noted
I.C.M. about on duty
for L.H. CLAYTON
Lieut.-Colonel
Inspector of Courts-Martial
JUL 5 1943

-3-
Fwd
Recommend filed
L.H.C. 1943

H.Q. C.55-H-330
M.D.K.55-H-2500

MEMORANDUM of DISTRICT COURT-MARTIAL

No H.39029 Name HLUCHANUK, Wm.

Rank Signm. Unit R.C. SIGS., CA A.7 C.S.T.C., CA

Charge SEC. 15(1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 26/4/43

Date of Arrest 13/5/43 Charge Signed 18/5/43

Orders for D.C.M. D.O.C. M.D. #3

Place and Date of Trial Barriefield, Ontario 31/5/43

Sentence DETENTION 6 MONTHS

Date of Confirmation 11/6/43

Date of Promulgation 17/6/43

Entered in Records of J.A.G. as No. 8963

Date 29/6/43

MEMO

J. L. Wiguelan, Lieut.
for Judge Advocate-General

3M-5-43-(MO-2114)

C963

138596

EWC

IN REPLY PLEASE QUOTE
No. K.55-H-2500(JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, 24th June 1943

The Secretary
Department of National Defence
OTTAWA, Ontario

CENTRAL REGISTRY Army
CONF. SEC.
File C55-H-2500
Chkd. to
Referred to

District Court-Martial
H.39029, Sigmn. William HLUCHANUK
A.7, C.S.T.C., C.A.

Herewith enclosed proceedings on the marginally noted trial by District Court-Martial, the finding and sentence having been confirmed by the District Officer Commanding, and duly promulgated.

2. The same are forwarded to your office for registration and custody, and also enclosed is M.F.M. 288, in accordance with R.O. 3241.

for R. O. Standish, Capt.
(F.L.Armstrong)Brigadier
District Officer Commanding
Military District Number 3

Encl.

N.D. 25
2 Mil.—11-42 (7229)
T.Q. 1772-101-22

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of H.39029, Sigmn. William HLUCHANUK
(Number, Rank, Name in full)

R.C. Signals, C.A., A-7 Canadian Signal Training Centre
(Unit, Attachment (if any))

Sentenced to Six Months Detention,

on 31st May, 1943 at Vimy Barracks, Barriefield, Ont.,

being served at Military Detention Barracks, Barriefield, Ontario.
(Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment 24 years on 4 Aug 42.

Medical grade or category "C1"

FIRST TRIAL—PART II

To The Adjutant-General
(Superior Military Authority)

For details of offences see Part VII.

I have directed that the above-named be ~~sent~~ committed to undergo his sentence, which I recommend should (not) be (suspended) (~~put into execution~~) (~~reviewed on~~ .....) for reasons given in paragraph X.
(date)

Place Kingston, Ontario.

Date June, 1943.

(Confirming Authority)
Brigadier,
District Officer Commanding,
Military District No.3.

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....)

of which I remit .....) (be suspended) (be put into execution)

(and) be reviewed on .....

Place .....

(Superior Military Authority)

Date .....

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To .....
(Superior Military Authority)

For details of offence, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced

to ....., and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .....

(Confirming Authority)

Date .....

M.F.M. 288
(Army Form A-3104)
10M—5-43 (530)
H.Q. 1772-29-2012

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

.....(and) be reviewed on.....

Place.....

.....
Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
26/7/43	No remission or suspension No further review	L. H. Clayton Capt. for Adjutant General Superior Mil Authy.	

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Absence Without Leave from 26 Apr 43 till surrendering himself on 13 May 43.	26 Apr 43	31 May 43.

.....
Signature of officer making entry

(J.M. MacCallum) Captain,
Adjutant, A-7 C.S.T.C.

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial

.....
Signature of officer making entry

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
18 Jun 43	This man is deliberately a bad actor. I do not recommend a review of the sentence	F.G. Malloch (F.G.Malloch) Col. Officer Commanding A-7 C.S.T.C.

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date	—	Signature
June 43	As this soldier is of bad character, of average intelligence, I recommend that his sentence be not reviewed.	Brigadier, D.O.C., M.D.#3.

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

MEDICAL OFFICER'S REPORT

I certify that No. H59029 Sigmn. Hluchanuk, W.

of R.C. Signals, C.A. is in a fit state of health,

and able to undergo Trial by Court martial.

Medical Officer

R.C.A.M.C., C.A.,
Att'd. A7 C.S.T.C.

Station Vimy Barracks, Barriefield, Ont.

Date 31 May 43

M. F. B. 246

25M—10-43 (6603)
H Q 1772-30-480

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Vimy Barracks, Barriefield, Ontario, on the 31st day of May, 1943, by order of Brigadier F.L. Armstrong, O.B.E., District Officer Commanding Military District No. 3, dated the 24th day of May, 1943.

President.

Colonel L.P. Sherwood, V.D., No. 3 District Depot, C.A.

Members.

Major C.F. Wake, R.C. Sigs., C.A., A.7 C.S.T.C., C.A.

Major R.F. Ardron, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

~~, Judge Advocate.~~

Trial of* H.39029 Sigman William HLUCHANUK, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to , waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Major J.E. Dowsley, No. 3A District Depot, C.A.

~~Counsel‡ or~~ defending officer† Lieutenant W.H. Bush, R.C.Sigs.,C.A., A.7 C.S.T.C., C.A.

at 10 AMo'clock the Trial commences.

The order convening the Court is read, and is marked X, X1, signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q.1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. Yes, Sir, I object to Major Wake. (For objection, see document marked "G")

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-30-224

B

The President, and members ~~and judge-advocate~~ are duly sworn.

The following officers under instruction are duly sworn.

Lieut. G.P. Morrison, R.C.Sigs., C.A. Lieut. K.C. Jeanneret, R.C.Sigs., C.A.
Lieut. N.D. Medhurst, R.C.Sigs., C.A. Lieut. O.L. Nighswander, R.C.Sigs., C.A.
2/Lieut. E.W. Walcott, R.C.Sigs., C.A.

Q.4 Do you object to C.28866 C.S.M.(W.O.II) Lloyd Stringer, C.M.S.C., C.A., as Shorthand Writer?
No, Sir. ---- C.28866 C.S.M.(W.O.II) Lloyd Stringer, C.M.S.C., C.A., is duly sworn as Shorthand Writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q.5 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

Not Guilty. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

N.

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to charge, the ~~provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

B2 Wlhmacd per DJ/ce

5

CHARGE SHEET

The Accused, No. H.39029, Sigmn. William Hluchanuk, Royal Canadian Corps of Signals, C.A., (Reinforcement) A-7 Canadian Signal Training Centre, C.A., a soldier of the Canadian Army, placed on active service, is charged with:

Charge,
Sec. 15 (1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Vimy Barracks, Barriefield, Ontario, on the 26th day of April, 1943, absented himself without leave from A-7 Canadian Signal Training Centre, C.A., Vimy Barracks, Barriefield, Ontario, from 0600 hours on said 26th day of April, 1943, until surrendering himself at the Guard Room, A-7 Canadian Signal Training Centre, C.A., Vimy Barracks, Barriefield, Ontario, at 2040 hours on the 13th day of May, 1943, sober and dressed in military uniform.

F.G. Mallock

(F.G. Mallock) Colonel,
Officer Commanding,
A-7 Canadian Signal Training Centre,
Vimy Barracks, Barriefield, Ont.

18th May, 1943.

TO BE TRIED BY A DISTRICT COURT-MARTIAL

W.K. MacGregor

(W.K. MacGregor) Major,
D.A.A.G., M.D. No. 3.
for District Officer Commanding,
Military District No. 3.

Kingston, Ont.
24th May, 1943.

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.6 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. No, Sir.

The Prosecutor declines to make an Opening Address.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked , signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution.

M.66449 Corporal H.D. JAMES,
R.C.Sigs., C.A., A.7 C.S.T.C., C.A.,
being duly sworn, is examined by the prosecutor.

Q.7 Cpl James, what are your duties at Signal Training Centre?

I am an Instructor in procedure, Sir.

Q.8 Is that the only duty you perform in C.S.T.C.?

No,Sir. I am also in charge of Hut D.12, Room 1.

Q.9 Do you recognize the accused?

Yes, Sir.

Q.10 What is his name?

Sigmn Hluchanuk.

Q.11 Is he a member of D.12, Room 1?

He is, Sir.

Q.12 Is there anything you can tell the Court that took place in April regarding the accused?

Sir, I called the roll at 0600 hours on the 26th of April, 1943, and found the accused to be absent. I turned his name into the Operating Company Orderly Room to be placed on the absentee report. I have not seen him since.

Q.13 Have you called the roll since that time?

Yes, Sir, I have called the roll each morning at 0600 hours and found the accused still absent.

The Defending Officer declines to cross-examine.(2)

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness withdraws.

SECOND WITNESS FOR THE PROSECUTION) B.31047 Sergeant (A/S/Sgt) ROWLAND, H.H., R.C.Sigs., C.A., A.7 C.S.T.C., C.A., being duly sworn, is examined by the Prosecutor:

Q.14 S/Sgt Rowland, what are your duties at Signal Training Centre?

I am an Instructor of Linesmen, Sir.

Q.15 Do you occasionally perform any other duties?

Yes, Sir.

Q.16 Such as what?

Guard commander, Sir.

Q.17 Do you recognize the accused?

Yes, Sir.

Q.18 What is his name?

Sigmn Hluchanuk.

Q.19 While you were performing your duties as guard commander in the month of May, did you have any official duties in connection with the accused?

Yes, Sir. I was guard commander on the 13th of May, 1943, when Sigmn Hluchanuk reported to me at 2040 hours. Knowing him to be an absentee I placed him under close arrest.

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness withdraws.

The Prosecution has no further witnesses.

WS

D

The prosecution is closed.

Defence

Question to the accused. Q.20 Do you apply to give evidence yourself as a witness?

Answer. No, Sir.

Question. Q.21 Do you intend to call any other witness in your defence?

Answer. No, Sir.

Question. ~~Is he a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Question to the accused. Q.22 Have you anything to say in your defence?

Answer. ~~The accused in his defence says†~~ I wish my Defending Officer to make a statement on my behalf.

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

Defending Officer:

Mr President and Gentlemen of the Court:
The accused had not seen any member of his family since Christmas, 1942. He had been paid only $5.00 since the 1st of January,1943. His mother was worried and he wished to go to Fort William to assure her he was all right. His mother is a Ukrainian by birth, who does not speak English well and cannot read English at all. The accused was not permitted to write to his mother in Ukrainian. Under these circumstances he was anxious to see her personally. The accused applied for leave,

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

but was refused. His mother sent him $25.00 with which to come home. While at home he dug thegarden, took off the storm windows and prepared the house for summer. He then returned to Vimy and surrendered voluntarily.

That is the statement, Sir.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The Defending Officer resumes his seat.

The Defending Officer makes a Closing Address.

(See document marked "H")

The Prosecutor declines to make a Closing Address.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused H.39029 Sigmn William HLUCHANUK, R.C.Sigs., C.A., A.7 C.S.T.C., C.A., is GUILTY of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Major J.W. Dowsley, No. 3A District Depot, C.A., is duly sworn.

Evidence of character, etc.

Question by the President. Q.23 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* Yes, I produce M.F.B.355 and M.F.M.6.

The above statements [with the schedule of convictions and of cases in which trial has been dispensed with] ~~is~~ are read, marked Y & Z, signed by the President, and annexed to the proceedings.

Question by the President. Q.24 Is the accused the person named in the statements which you have heard read? *Answer by the Witness.* He is.

Question. Q.25 Have you compared the contents of the above statements with the regimental books? *Answer.* I have.

Question. Q.26 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* Yes, Sir.

(Instruction.—If by reason of the nature of the service of the accused in a depot, mental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.)

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat.

Question to the accused. Q.27 Do you wish to address the Court? *Answer.* Yes, Sir, through my Defending Officer. (See document marked "I")

The Court is closed for the consideration of the sentence.

14

F

Sentence

The Court sentence the accused H.39029 Signm William HLUCHANUK, R.C.Sigs., C.A., A.7 C.S.T.C., C.A., to undergo detention for six months.

Sentence.

DETENTION

6 months

Signed at Barriefield, Ontario, this 31st day of May, 1943.

(L.P. Sherwood, V.D.) Colonel.
No. 3 District Depot, C.A.
PRESIDENT, D.C.M.

CONFIRMED.

Signed at Kingston, Ontario, this 11th day of June, 1943.

(F.L. Armstrong) Brigadier,
District Officer Commanding,
Military District No.3.

Extracts entered as No. 8963 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 29th day of June 1943

Promulgated and extracts taken this 17th day of June 1943 at Vimy Barracks, Kingston, Ontario.

(F.J. Conway) Captain,
Officer i/c Records.

K.55-H-2500

15

ORDERS BY

BRIGADIER F.L. ARMSTRONG, O.B.E.

DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO. 3.

Kingston, Ontario, 24th May, 1943.

DISTRICT COURT-MARTIAL
H.39029 Sigmn William HLUCHANUK
R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

1. The detail of officers as mentioned below will assemble at Vimy Barracks, Barriefield, Ontario, at 1000 hours, Monday, 31st May, 1943, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Colonel L.P. Sherwood, V.D., No. 3 District Depot, C.A.

MEMBERS

Major C.F. Wake, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

Major R.F. Ardron, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

WAITING MEMBERS

Captain W.J.A. Easterbrook, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

Captain C.W.L. Spencer, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

PROSECUTOR

Major J.E. Dowsley, No. 3A District Depot, C.A.

DEFENDING OFFICER

Lieutenant W.H. Bush, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

2. Officers attending for instruction will be detailed by the Commandant, A.7 C.S.T.C., Vimy Barracks, Barriefield, Ontario.

3. The accused person will be duly warned and all witnesses required to attend.

4. The Commandant, A.7 C.S.T.C., Vimy Barracks, Barriefield, Ontario, will arrange for necessary accommodation and stationery.

5. The proceedings of the Court will be forwarded to the District Officer Commanding, Military District No. 3.

Signed this 24th day of May, 1943.

W.K. MacGregor

(W.K. MacGregor) Major,
D.A.A.G., M.D. No. 3.
for District Officer Commanding,
Military District No. 3.

THE CANADIAN SIGNAL TRAINING CENTRE, C.A.

ORDERS BY

COLONEL F.C. MALLOCH, M.C., V.D.

PART I ORDER NO. 123 — M.P.O. 312, BARRIEFIELD, ONTARIO, 25 MAY 43.

1. FIELD OFFICER OF THE WEEK

From 0800 hours 24 May 43 to 0800 hours 31 May 43.

Next for Duty — Major W.M. Maxey
Lt.-Col. A.A. Anderson, D.S.O.

CAPTAIN OF THE WEEK

From 0800 hours 24 May 43 to 0800 hours 31 May 43.

Next for Duty — Capt. A.L. Russell
Capt. E. Park

ORDERLY OFFICER

25 May 43	---	Lieut. M.H. Watson
26 May 43	---	Lieut. O. D'Aoust
Next for Duty	---	Lieut. H.A. MacKay

ASSISTANT ORDERLY OFFICER

25 Ma y 43	---	2/Lieut. W.D. Cowgill
26 May 43	---	2/Lieut. W.D. Hoskin
Next for Duty	---	2/Lieut. E.L. Johnston

DUTY PICQUET OFFICER

25 May 43	---	Lieut. W.G. LaRoche
26 May 43	---	2/Lieut. H.C. Craig
Next for Duty	---	2/Lieut. E.E. Doidge

HOSPITAL VISITING OFFICER

25 May 43	---	2/Lieut. W.E. Ellis
26 May 43	---	2/Lieut. W.W. Fraser
Next for Duty	---	2/Lieut. H.E. Haddow

ASSISTANT HOSPITAL VISITING OFFICER

25 May 43	---	2/Lieut. W.W. Fraser
26 May 43	---	2/Lieut. H.E. Haddow
Next for Duty	---	2/Lieut. F.A. Hanning

2. ROUTINE

WEDNESDAY — 26 MAY 43.

0600 hours	---	Reveille
0645 hours	---	Breakfast
0745 hours	---	Sick Parade
0800 hours	---	Training Commences
1215 hours	---	Training Ceases
1230 hours	---	Dinner
1345 hours	---	Training Commences
1400 hours	---	Officer Commanding's Orders
1400 hours	---	2 i/c's Orders
1400 hours	---	Wing Commander's Orders
1700 hours	---	Company Commanders' Orders
1710/30 hours	---	P.T. Parade
1745 hours	---	Tea

/OVER

2. ROUTINE (CONT'D)

S.T.C. PART I ORDER NO. 123, 25 MAY 43.

1845 hours	---	Defaulters' Parade
1900 hours	---	Staff Parade
2030 hours	---	Retreat
2200 hours	---	Tattoo Roll Call
2230 hours	---	Lights Out.

3. DETAIL

DUTY WARRANT OFFICERS

Detailed as Duty Warrant Officers for weekending 31 May 43.

	P40123	QMS(W.O.II) McTaggart H.E.
	C29755	CSM(W.O.II) Addy J.
Next for Duty	B38337	QMS(W.O.II) Longstreet L.
	P40082	CSM(W.O.II) Wormington G.

GUARD COMMANDER

25 May 43	---	P39961	Sgt. Schultz W.
26 May 43	---	B31212	Sgt. Black W.G.
Next for Duty	---	C64615	Sgt. Abrahams C.

REGIMENTAL ORDERLY SERGEANT

25 May 43	---	C12665	Sgt. Sedvall J.
26 May 43	---	D21137	Sgt. Warren J.
Next for Duty	---	C3675	Sgt. Taylor C.

WET CANTEEN SERGEANT

25 May 43	---	M36332S/	Sgt. Andrews W.
26 May 43	---	B32425	Sgt. Cunningham W.
Next for Duty	---	B32575	Sgt. Brown R.

DRY CANTEEN SERGEANT

25 May 43	---	B31786	Sgt. Hughes J.
26 May 43	---	K75221	Sgt. Essex C.
Next for Duty	---	K38017	Sgt. Rutherglen C.

HOSPITAL VISITING SERGEANT

24/25 May 43	---	B66610	Sgt. Gritten H.H.
26/27 May 43	---	K34984	Sgt. Lowery W.
Next for Duty	---	H38670	Sgt. Bowling H.

DUTY PICQUET SERGEANT

25 May 43	---	M672[illegible]0	Sgt. Fee E.
26 May 43	---	F8634[illegible]	Sgt. Lake B.
Next for Duty	---	C2970[illegible]	Sgt. Stevens F.

REGIMENTAL ORDERLY CORPORAL

25 May 43	---	C64560	Cpl. Bloom J.
26 May 43	---	M16947	Cpl. Barnes F.
Next for Duty	---	B37245	Cpl. O'Brien F.

CORPORAL OF THE GUARD

25 May 43	---	M56668	Cpl. Moore C.
26 May 43	---	M56879	Cpl. Miller D.
Next for Duty	---	D216589	Cpl. Valere E.

/OVER

3. DETAIL (CONT'D)

WET CANTEEN CORPORAL

25 May 43	---	M66449	Cpl. James H.
26 May 43	---	K46744	Cpl. Bathgate J.
Next for Duty	---	B38539	Cpl. Campbell A.

DRY CANTEEN CORPORAL

25 May 43	---	M33369	Cpl. Campbell E.
26 May 43	---	B38564	Cpl. Wickens C.
Next for Duty	---	C29698	Cpl. Wilson H.

CORPORAL I/C DEFAULTERS

25 May 43	---	K35729	Cpl. Tate H.
26 May 43	---	H177473	Cpl. Harrison J.
Next for Duty	----	L59827	Cpl. Bentley P.

N.C.O. I/C LIBRARY

25 May 43	---	B32759	L/Cpl. Tease N.
26 May 43	---	B17380	L/Cpl. McDonald R.
Next for Duty	---	D111299	L/Cpl. Hughes H.

N.C.O. I/C DEFAULTERS

25 May 43	---	B39061	L/Cpl. Hudson H.
		G16160	L/Cpl. Ebbett N.
26 May 43	---	D116386	L/Cpl. Amyott P.
		B103061	L/Cpl. Wells F.
Next for Duty	---	B132422	L/Cpl. George L.
		M100516	L/Cpl. Moffat W.

QUARANTINE N.C.O.

25 May 43	---	A67818	L/Cpl. Drummond C.
26 May 43	---	L20061	L/Cpl. Brandow L.
Next for Duty	---	K36051	L/Cpl. Robinson J.

GUARD 25 MAY 43.

O.C., Trained Soldier Company No. 2 will supply the Guard of 21 men for 25 May 43. Nominal Roll to be submitted to the Adjutant by 1600 hours, 25 May 43.

DUTY PICQUET 25 MAY 43.

O.C., Trained Soldier Company No. 2 will supply the Duty Picquet of 12 men for 25 May 43. Nominal Roll to be submitted to the Adjutant by 1600 hours, 25 May 43.

DUTY CLERK

25 May 43	---	Sigmn. Williamson J.
26 May 43	---	Sigmn. George D.M.
Next for Duty	---	Sigmn. Zander K.

DUTY STOREMAN

25 May 43	---	CQMS Meunier A.
26 May 43	---	CQMS Jones H.A.
Next for Duty	---	CQMS Sigouin A C.

/OVER

3.

S.T.C. PART I ORDER NO. 123,
25 MAY 43.

4. DISTRICT COURT-MARTIAL

(a) C.64020, Sigmn. Wilfred Joseph HOCKNEY
A.7, C.S.T.C., C.A.

1. The detail of Officers as mentioned below will assemble in Hut A19-4, A.7, C.S.T.C., Vimy Barracks, Barriefield, Ontario, at 1000 hours, Wednesday, 26th May, 1943, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them.)

PRESIDENT

Colonel L.P. Sherwood, V.D., No. 3 District Depot, C.A.

MEMBERS

Major W.M. Maxey, A.7, C.S.T.C., C.A.
Major J.H. Sanderson, A.7, C.S.T.C., C.A.

WAITING MEMBERS

Capt. A.R. Garrett, A.7, C.S.T.C., C.A.
Capt. E. Park, A.7, C.S.T.C., C.A.

PROSECUTOR

Major J.E. Dowsley, No. 3A District Depot, C.A.

DEFENDING OFFICER

Lieut. M.G. Malcovitch, A.7, C.S.T.C., C.A.

2. The following Officers are detailed to attend for instruction:

Lieut. A.B. MacKenzie, R.C. Signals, C.A.
Lieut. W.H. Bush, R.C. Signals, C.A.
Lieut. G.R. Duncan, R.C. Signals, C.A.
Lieut. W.J. Elder, R.C. Signals, C.A.

3. The accused person will be warned and all witnesses duly required to attend.

4. The Officer Commanding, A.7, C.S.T.C., Vimy Barracks, Barriefield, Ontario, will arrange for necessary accommodation and stationery.

5. The proceedings of the Court will be forwarded to the District Officer Commanding, Military District No. 3.

/OVER

4. DISTRICT-COURT MARTIAL (CONT'D)
(b)

H.39029 Sigmn. William HLUCHANUK
R.C. Sigs., C.A., A.7, C.S.T.C., C.A.

1. The detail of Officers as mentioned below will assemble in Hut A19-4, Vimy Barracks, Barriefield, Ontario, at 1000 hours, Monday, 31st May, 1943, for the purpose of trying by District Court-Martial, the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Colonel, L.P. Sherwood, V.D., No. 3 District Depot, C.A

MEMBERS

Major C.F. Wake, R.C. Sigs., C.A., A.7, C.S.T.C., C.A.
Major R.F. Ardron, R.C. Sigs, C.A., A.7, C.S.T.C., C.A.

WAITING MEMBERS

Capt. W.J.A. Easterbrook, R.C. Sigs., C.A., A.7, C.S.T.C., C.A.
Capt. C.W.L. Spencer, R.C. Sigs., C.A., A.7, C.S.T.C., C.A.

PROSECUTOR

Major J.E. Dowsley, No. 3A District Depot, C.A.

DEFENDING OFFICER

Lieut. W.H. Bush, R.C. Sigs., C.A., A.7, C.S.T.C., C.A.

2. The following Officers are detailed to attend for instruction:

Lieut. G.P. Morrison, R.C. Signals, C.A.
Lieut. K.G. Jeanneret, R.C. Signals, C.A.
Lieut. C.A. Shupe, R.C. Signals, C.A.
Lieut. W.D. Medhurst, R.C. Signals, C.A
Lieut. Q.L. Nighswander, R.C. Signals, C.A.
2/Lieut. E.W. Walcott, R.C. Signals, C.A.

3. The accused person will be duly warned and all witnesses required to attend.

4. The Officer Commanding, A.7, C.S.T.C., Vimy Barracks, Barriefield, Ontario, will arrange for necessary accommodation and stationery.

5. The proceedings of the Court will be forwarded to the District Officer Commanding, Military District No. 3.

5. WITNESSES - DISTRICT COURTS-MARTIAL

(a) The following witnesses will report to Hut A19-4, Wednesday, 26 May 43, at 1000 hours, for the District Court-Martial of C64020 Sigmn. Hockney, W.J.

Lieut. (A/Capt.) F.J. Conway
K34749 Sgt. Sproule, W.J.

(b) The following witnesses will report to Hut A19-4 at 1000 hours, Monday, 31 May 43 for the District Court-Martial of H39029 Sigmn. Hluchanuk, W.

Lieut. (A/Capt.) F.J. Conway
B31047 Sgt. (A/S/Sgt.) Rowland H.H.
M66449 Cpl. James H.D.
M35247 Sigmn. (A/Sgt.) Russell, F.J.

/OVER

S.T.C. PART I ORDER NO. 123,
25 MAY 43.

5. COURT OF INQUIRY

A Court of Inquiry, composed as under, will assemble at the call of the President, to investigate the illegal absence, and deficiencies, if any, in the clothing, arms, equipment, etc., of B137516 Pte. Russell, D. (R.S.W.)

PRESIDENT: Lieut. F.G. Walker, R.C. Signals, C.A.

MEMBERS: Lieut. R.J. Young, R.C. Signals, C.A.
Lieut. H.L. Van Wyck, R.C. Signals, C.A.

Proceedings of the Court will be handed to the Adjutant when completed.

6. ATTACHED

(a) Ceases to be attached to Trades Company for all purposes from Trained Soldier Company No. 1 effective 23 May 43.

K66101 L/Cpl. Purves, J.W. (Reinf.)

(b) Attached to School of Instruction for all purposes from Trained Soldier Company No. 1 effective 24 May 43.

K66101 L/Cpl. Purves J.W. (Reinf.)

(c) Attached to Operating Company for all purposes from Trained Soldier Company No. 1 effective 19 May 43.

B135222 L/Cpl. Buck K.N. (Reinf.)(Oper.)

7. INTER-COMPANY POSTINGS

(a) Posted from Operating Company to M.T. Company effective 20 May 43.

D504932 Sigmn. Malzac I. (R.F.)(Auto)

(b) Posted from Operating Company to M.T. Company effective 22 May 43.

K45695 Sigmn. Matthews B.T. (Reinf.)(Auto)

8. MUSTER PARADE

A Muster Parade by Companies will be held Thursday, 27 May 43. The report on this Parade to be submitted to the Paymaster, not later than 1700 hours on the 28 May 43, in accordance with the new instructions forwarded to Company Commanders.

9. TELEPHONE NUMBER - TRADES TEST BOARD

It is brought to the attention of all concerned that the telephone number for the Trades Test Board is now 126 Ring 2.

(J.M. MacCallum) Captain,
Adjutant.

Y.M.C.A. NEWS TONIGHT

1830 hrs. - Soccer Players Meet at M.T. Compound.
1830 hrs. - Chess & Checkers Tournament. Old Canteen B.B.1
1830 hrs. - Inter-Coy. Softball Game. M.I.R. vs. Trades
2000 hrs. - Bridge & Euchre. New Recreation Hut.
2000 hrs. - Special Feature, in the Drill Hall. Frank Guy Armitage. One man show., on Dickens Characters.

The Canadian Legion War Services Presents: "EM - DEE - THREES" REVUE. 20[illegible] HOURS THURSDAY 27 MAY 43. [illegible]ADIES WITH SOLDIER ESCORTS WELCOME

"G"

OBJECTION TO A MEMBER OF THE COURT

Q.2 What is your objection to Major C.F. Wake?

The Defending Officer, in support of the accused's objection to Major C.F. Wake, makes the following statement:

> Sir, the accused wishes to object to Major C.F. Wake being on the Court. He, while acting Wing Commander on a previous case, would be in possession of knowledge which the accused feels would be prejudicial. At that time the accused asked that the case in question be referred to a higher authority.

Major C.F. Wake: I am not prejudiced, but if the accused feels that way I beg to retire.

In the light of the statement made by Major C.F. Wake, the Court consider it unnecessary to close the Court to consider the objection.

Decision: The Court allow the objection.

The above decision is made known to the accused.

Major C.F. Wake retires.

Captain C.W.L. Spencer, R.C.Sigs., C.A., A.7 C.S.T.C., C.A., takes his place as a member of the Court.

He appears to the Court to be eligible and not disqualified to serve on this Court-Martial.

Q.3 Do you object to be tried by Capt. C.W.L. Spencer?

No, Sir.

The President and Members of the Court, as constituted after the above proceedings, are as follows:-

PRESIDENT

Colonel L.P. Sherwood, V.D. No. 3 District Depot, C.A.

MEMBERS

Major R.F. Ardron, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

Captain C.W.L. Spencer, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

"H"

CLOSING ADDRESS BY THE DEFENDING OFFICER

Sir, in my defence of this man I am going to try to show he acted as he did due to the fact that he was suffering physical pain to such extent that at times his mind was not thinking rational. To do this I want to go over some of his history and point out one or two points as I go along.

The accused was first called up November 22nd, 1940, and was given Category A.1. For one month he was at No. 102 Basic Training Centre and out of that month he was treated for three weeks for sore knees. The accused wascalled up again in July 16th, 1942, and his category was reduced to B.1. I would like to draw to the attention of the Court that his category is dropping. While taking his Basic Training he was excused from route marches during that two months. He came to Vimy September 18th, 1942, and was treated by the medical officer for sore knees, but the treatment did not help. He reported again to the Medical Inspection Room and was told by the medical officer that there was nothing wrong with him. Yet at a later date the medical officer prescribed castor oil to cure his sore knees. I suggest to the Court that that treatment for a man who was suffering mentally would be a severe aggravation.

He was put on draft November 17th,1942. Subsequently he was given a psychiatric examination by Capt Bailey and was taken off the draft. I would raise the question with the Court, if there was nothing wrong with this man why was he taken off the draft.

I went to the Medical Inspection Room to get his medical report. I was not permitted to take a copy of the psychiatric report, but I was permitted to make certain notes. I believe they are accurate, but as they are notes and made after reading there may be some variation. I do not believe there will be much, if any.

From the report of A.A. Bailey, Captain, R.C.A.M.C., District Neural Psychiatrist, I read the following,- "November 20th, 1942. This man is pleasant and reasonable, with a good attitude. He has a life-long histroy of pains and aches of an unexplained character. I would recommend that he carry on in the Army, but believe it is wiser to limit his service to Canada."

I also found, Gentlemen, that the accused had undergone a psychiatric examination last week; May 20th to be exact, and from that report I made the following notes. First of all from the Army Examiner: "He has a long series of grievances against the Army and against C.S.T.C. in particular. He is intelligent and alert, but completely disgruntled and embittered. He is unfit to continue as B.1." I would point out to the Court once again it was recommended that his medical category be lowered. I would point out to the Court the different attitude which had come over this man's mind in the space of time spent at C.S.T.C. From a man who was pleasant and reasonable with a good attitude he has become completely disgruntled and embittered.

Continuing from the same report by the psychiatrist,- "He should be a Canada category and may even be fit only for general duties and returned to his Depot." Once again I point out this man's category is not coming up, it is on the down grade.

Now, Gentlemen, Capt O'Connor is a specialist on the mind. He should know whether a man is telling the truth or not. This is what he wrote about the accused,- "He believes in his complaints which are of a neurotic type. I feel that in this case there is certain inadequacy of personality and continued misbehaviour that suggests that neurosis might be part of a general pathological state of mind, commonly referred to as a psychopathic personality." The above report was signed by M.J. O'Connor, Captain, R.C.A.M.C., Consultant Psychiatrist.

In the report before the Court it said this man was physically fit to stand trial. I want to raise the questionwith the Court, in the light of the psychiatric report, is he mentally fit to stand trial.

That is all I have to say.

N.A.

"I"

ADDRESS BY DEFENDING OFFICER ON BEHALF OF THE ACCUSED

I would like to draw the attention of the Court to certain characteristics of this man's record. In nearly every case where this man is charged with Absence Without Leave, Failure to Obey a Lawful Command, it is connection with medical disability. I refer to his refusal to take castor oil for sore knees. Any man would have just cause for resentment at being ordered to take castor oil for sore knees.

M.F.B. 355
2M—5-41 (572-3)
H.Q. 1772-39-639
A.F.B. 296

31

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H.39029,	Sigmn.	William Hluchanuk,	R.C.Sigs. C.A., (Reinf.) A-7 C.S.T.C. C.A.

1. The following is a fair and true summary of the entries in the ~~Service and General~~ ~~Regimental and Squadron or Battery~~ Field Conduct sheets ~~or Company Conduct Sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~or Auditor~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

Within last 12 months		Since enlistment or appointment	
For A.W.L.	3 times	A.W.L.	3 times
For Refusing to take medicine	1 times	Refusing to take medicine	1 times
For Failing to appear on Defaulters Parade	1 times	Failing to appear on Defaulters Parade	1 times
For	times		times

~~Notice of instances of gallantry or distinguished conduct~~

~~The recommendations in the conduct sheet of the accused~~

~~Notice of the charge is included in this, the notice for drunkenness to be stated separately~~

2. ~~The accused has not been previously convicted~~

Previous convictions of the accused by a court-martial ~~or summary awards under the Army Act~~ ~~Section 47 of the Army Act~~ ~~and decorations with trial under Act~~ are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

~~The accused at the present time is under sentence for~~ ~~beginning on the~~ ~~day of~~

4. The accused has been in confinement ~~awaiting trial~~ on the present charges, for nil days in civil custody, and 18 days in military custody, making a total of 18 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 25 years, 157 days.

6. The date of his ~~enlistment~~ attestation specified in his ~~record of service~~ attestation paper is 4 August, 1942.

7. The service which the accused is allowed to reckon towards discharge is 301 days.

8. ~~The accused is entitled to reckon~~ ~~service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~civil~~ military decoration, or ~~civil~~ military reward ~~or in possession of or entitled to~~ ~~Statement of any decoration or reward~~

10. ~~If the accused is a warrant officer, the accused before he was made a warrant officer last held~~ ~~the rank of~~

32/

11. (In the case of an officer) The accused holds in the Royal Canadian Air Force the rank of Permanent Pilot Officer

xxxxxxxxxxxxxxxx dated xxxxxxxxxxxxxxxx and in his regiment or corps he ranks xxxxxxxxxxxxxxxx dated xxxxxxxxxxxxxxxx

12. The accused has served as a non-commissioned officer continuously, without reduction, in the present rank

xxxxxxxxxxxxxxxx date of promotion

in the rank of xxxxxxxxxxxxxxxx years

in the rank of xxxxxxxxxxxxxxxx years

in the rank of xxxxxxxxxxxxxxxx years

NOTE.—If any matter in any of the above paragraphs cannot be stated from the regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or by a court of summary trial under Section 41 of the Army Act, and of cases in which trial has been dispensed with of accused, Number H39029 Rank Sigmn. Name William HLUCHANUK of R.C.Signals,CA, (Reinf) A-7 C.S.T.C.

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
District Court-Martial	27 Jan 43 Vimy Barracks Barriefield, Ontario.	1. Absence Without Leave 2. Disobeying a Lawful Command	90 days Detention.	15 days. Authority R. & I. for B.D.B. 1939.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 31 day of May (Capt. Conway) Capt., R.C.Sigs.,C.A. Officer i/c Records, A-7 C.S.T.C.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

M.F.M. 5
(A.F.B. 122)
500M—11/41 (2686)
H.Q. 1773-34-1942

No. H 39029 Name HLUCHANUK William

Corps 102nd C.A.B.T.C. Date of enlistment 16-7-42 G.C. Badges Tradesmen's Rates of Pay

Sqn., Battery, or Company Period not reckoning towards freedom from extra fine Sheet No. One Signature O.C. Company, etc. F.J.Killeen Capt. Character

Place	Date of offence	Rank	Cause of drunkenness	No. and date of last drunk	OFFENCE	Name of Witnesses	Punishment awarded	Date of award or of order directing trial	By whom awarded	Remarks
Fort William	2-9-42	Pte.			A.W.L. from 2245 hrs. 2-9-42 to 0940 8-9-42 . Total 5 days 10 hrs. 40 mins	Documentary Sgt. Werseen	14 days C.B.	8-9-42	Major G.E. Bain F.R.I	Forfeits 6 days pay la
Kingston	13-11-42	Sigmn.			Refusing to take medicine. A.A.Sect 8(3)	Documentary Capt.H.O.Lough	7 Days C.B.		Lt. Col. W. H. Mc Murray	E P.
Kingston	14Nov42	Sigmn.			Failed to appear on Defaulters parade at 1330 & 2215 hrs. 14 Nov. 42 and 0700 hrs. and 2215 hrs. 15 Nov. 42. A.A. Sec. 15(2).	S/Sgt McQuaid L.E. Cpl. Lodwick G. Sgt. Hodgins Cpl. Harding	7 days C.B.	16 Nov. 42	Lt. Col. McMurray W.H.	To followe preceeding charge.

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Kingston	25 Nov 42	Sigmn		AWL from 0900 Hrs. 25 Nov42 to reporting to #4 Mess about 0645 Hrs. 11 Dec 42(Absent 15 days 21 Hrs. 45 Min)	/S/Sgt. Harrison	14 days C.B.	11 Dec 42	Major C.F. Wake	Forfiets 16 days pay C.F.W.
Kingston	1 Jan 1943	Sigmn		AWL from 1100 hrs. 1 Jan. 1943 to 0930 hrs. 4 Jan. 1943. Absent 2 days, 22 hours, 30 minutes	A/Cpl Teuma- Castelletti, C.S.M. Gibbs.	5 days C.B. 5 days Pay	5 Jan. 1943	Major C.F. Wake	Forfeits 3 days pay. C.F.W.
Kingston	7 Jan 43	Sigmn.		1.A.W.L. from 0615 hrs. 7 Jan 43 until 0915 hrs. 11 Jan 43. (Absent 4 days, 3 hours)	S.F.	90 days Detention	27 Jan 43	D.C.M.	Forfeits 5 days pay F.R. & I. M.E.Kettner Lieut.
	6 Jan 43.			2.Disobeying a lawful command given by his Superior Officer.			10 Apr 43	Capt. W.M. MacAndrew.	J.R.P.
Kingston				Granted 15 days remission of sentence authority R. & I. for B.D. [illegible]					

Certified True Copy:

(J.M. MacCallum) Captain,
Adjutant, C.S.T.C.

18 May 43

SUMMARY OF EVIDENCE

in the case of

H.39029, Sigmn. William Hluchanuk, Royal Canadian Corps of Signals, C.A., (Reinforcement) A-7 Canadian Signal Training Centre, C.A., Vimy Barracks, Barriefield, Ontario, a soldier of the Canadian Army, placed on active service.

Charge :-

Absence Without Leave

The Commanding Officer directs that the evidence be taken on oath.

First Witness

M.66449, Cpl. James, H.D., R.C. Signals, C.A., A-7 Canadian Signal Training Centre, C.A., having been duly sworn, states:

Sir, I am the Hut Corporal of D-12, Room 1, C.S.T.C. I called the roll on 26 April, 1943 at 0600 hours and found H.39029, Sigmn. Hluchanuk, W. to be absent. I turned his name in on the morning room report to be placed on the Absentee Report. I called the roll at Reveille each morning from 26 April, 1943 until 13 May, 1943 and found Sigmn. Hluchanuk, W. to be absent each day."

M66449
Cpl. James H. D.
R.C. Signals C.A.

The Accused declines to cross-examine the Witness.

Second Witness

B.31047, Sgt. (A/S/Sgt.) Rowland, H.H., R.C. Signals, C.A., A-7 Canadian Signal Training Centre, C.A., is unable to attend at the investigation owing to the exigencies of the service as certified by the officer taking the Summary. A written statement of the evidence of S/Sgt. Rowland purporting to be signed by him has been read to the accused in compliance with R.P. 4(E) and (G) and is annexed hereto and marked Exhibit "A".

QUESTION ASKED OF THE ACCUSED:

"Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or to give evidence, unless you wish to do so, but whatever you say, or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED:

"No, Sir."

H39029 Sgmn Hluchanuk W.
R.C. Signals C.A.

The Accused declines to call any witnesses.

I certify that the foregoing Summary of Evidence, consisting of two pages (and one Exhibit) was taken down by me in the presence of the Accused at Vimy Barracks, Barriefield, Ontario, on this 17th day of May, 1943, and that Rules of Procedure 4 (C), (D), (E), (F) and (G) have been complied with.

M.H. Watson
.....
(M.H. Watson) Lieut.,
R.C. Signals, C.A.,
(Reinforcement) A-7 C.S.T.C.,
Officer detailed to take the
Summary of Evidence.

EXHIBIT "A"

59

Canadian Signal Training Centre,
Officer Commanding Operating Coy.

Documentary Evidence against
No. H39029 Rank Sigmn. Name Hluchnuk, W.

Sir,

On 13 May 1943, I was C.S.T.C. Guard Commander ~~N.C.O. i/xxx Provost Sgt.~~ The accused reported to the Guard Room at 2040 Hours, On 13 May 43
Knowing him to be an absentee I placed him in close arrest.. ~~upon arrest~~. He was sober and in uniform.

E31047 Sir, (Signed) S/Sgt. Rowland, H.H.

CERTIFIED TRUE COPY

18 May 43.

(J.M. MacCallum) Capt.,
Adjutant, C.S.T.C.

10

I certify that in my opinion, owing to the exigencies of the service, the attendance of B.31047, S/Sgt. Rowland, H.H., R.C. Signals, C.A., A-7 Canadian Signal Training Centre, C.A., cannot readily be procured.

M.H. Watson

(M.H. Watson) Lieut.,
R.C. Signals, C.A.,
(Reinforcement) A-7 C.S.T.C.
Officer taking the Summary.

LIST OF WITNESSES

in the case of

No. H39029, Sigmn. William Hluchanuk, Royal Canadian Corps of Signals.

PROSECUTION:

1. M66449, Cpl. James, H.D., R.C. Signals, C.A., A-7 Canadian Signal Training Centre, C.A., Vimy Barracks, Barriefield, Ont.

2. B31047, Sgt. (A/S/Sgt.) Rowland, H.H., R.C. Signals, C.A., A-7 Canadian Signal Training Centre, C.A., Vimy Barracks, Barriefield, Ont.

FOR DEFENCE: NIL

F.G. Malloch.
(F.G. Malloch) Colonel,
Officer Commanding,
A7 Canadian Signal Training Centre,
Vimy Barracks, Barriefield, Ont.

19 May 43.

LIST OF EXHIBITS

in the case of

No. H39029, Signm. William Hluchanuk, Royal Canadian Corps of Signals, C.A.

"A" Certified True Copy of documentary evidence of Sgt. (A/S/Sgt.) Rowland, H.H.

F.G. Malloch

(F.G. Malloch) Colonel,
A/Officer Commanding,
A7 Canadian Signal Training Centre,
Vimy Barracks, Barriefield, Ont.

19 May 43.

H.Q.C. 55-H-330(JAG)

CONFIDENTIAL

February 23rd, 1943.

District Officer Commanding,
Military District No. 3,
KINGSTON, Ontario.

Re: District Court-Martial
K.39029, Signm. William Hluchanuk
A.7, C.S.T.C.,C.A.

Receipt is acknowledged of your K.55-H-2500(JAG) dated 18th February, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. It might be pointed out that in the particulars of the first charge the accused should have been shown to have absented himself "without leave" from Barrack Block D12, since this is the essential ingredient of the offence.

3. The proceedings are retained for custody.

Brigadier,
Judge Advocate-General.

RBL/HB.

H.Q. C. 55-H-330
M.D. K. 55-H-2500

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H.39029 Name HLUCHANUK, Wm.

Rank Sigmn. Unit R.C. SIGS., C.A., A.7, C.S.T.C., C.A.

Charge (1) SEC. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

(2) SEC. 9 (2) AA DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER

Date of Crime (1) 7/1/43 (2) 6/1/43

Date of Arrest 11/1/43 Charge. Signed 20/1/43

Orders for D.C.M. D.O.C. M.D. #3

Place and Date of Trial Barriefield, Ontario 27/1/43

Sentence DETENTION 90 DAYS

Date of Confirmation 9/2/43

Date of Promulgation 13/2/43

Entered in Records of J.A.G. as No. 7883

Date 23/2/43

MEMO

R. B. Lamb Lieut.
for Judge Advocate-General.

3M-12-42(M1754)

to file

7883

EWC

IN REPLY PLEASE QUOTE
No. K.55-H-2500(JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

KINGSTON, Ontario, 18th February 1943

The Secretary
Department of National Defence
OTTAWA, Ontario

District Court-Martial
H.39029, Sigmn. William HLUCHANUK
A.7, C.S.T.C., C.A.

Herewith enclosed proceedings on the trial by District Court-Martial of the marginally named soldier, the finding and sentence having been confirmed by the District Officer Commanding, and duly promulgated.

2. The same are forwarded to your Headquarters for registration and custody, the remarks contained in the attached list having been brought to the attention of all Officers concerned.

(F.L.Armstrong) Brigadier
District Officer Commanding
Military District Number 3

Encl.

CONSULTING C. REG. 230
FEB 19 1943
Received in

N.D. 28
1500M-3-42 (8460)
H.Q. 1772-101-28

DISTRICT COURT-MARTIAL
H.39029, Sigmn. William HLUCHANUK
A.7, C.S.T.C., C.A.

(a) Questions 110, 111, and 112 have caused some concern but it is felt that they did not relate to an offence as it is a question of fact in each case whether or not the one refusal to take Castor Oil was actually an offence. Many things can be an offence under Sec. 40, but where the action or omission doesnot clearly show some military offence, it is felt that reference thereto does not prejudice his trial to such an extent that he has not received a full hearing. The finding and sentence have therefore been confirmed.

(b) While Para 577 of K.R. (Can) states that the date of promulgation will be recorded on the proceedings and Rule of Procedure 53 states that promulgation be effected according to the custom of the service, yet the specimen form on page 761 M.M.L. indicates that the Minute should be signed by the Officer i/c documents and the instructions on page 73 of the Handbook indicate that in the alternative it may be signed by the Adjutant. There does not seem to be any povision for having the Minute signed by an Officer for the Officer Commanding. It is requested, please, that in future these Minutes be signed by the Adjutant or Officer i/c Records.

MEDICAL OFFICER'S REPORT

J. R. Bowsley - Major
President D.C.M.

I certify that No 11390 20 Sgt Hluchaniuk W.
of R.C. Signals is in a fair state of health,
and in fitness to undergo Trial by Court-martial.

H. [illegible] Capt
Medical Officer.
RCAMC, C.A.
attd A-7, C.S.T.C., C.A.

Station Camp Barnett Kingston

Date 27 Jan 43

M.P.B.246.
25m-3-18.(M)
H.Q.1772-39-480.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A
**Form of Proceedings for ~~General and~~ District Court-Martial

Proceedings of a District Court-Martial held at Vimy Barracks, Barriefield, Ontario, on the 27th day of January, 1943, by order of Brigadier P.L. Armstrong, C.B.E., District Officer Commanding Military District No.3, dated the 22nd day of January, 1943.

President.

Major J.E. Dowsley, No. 3A District Depot, C.A.

Members.

Major J.H. Sanderson, A.7 C.S.T.C., C.A.

Major E.D. Baldock, A.7 C.S.T.C., C.A.

~~, Judge Advocate.~~

Trial of* H.39029 Sigm William HLUCHANUK, R.C.Sigs., C.A., A.7 C.S.T.C., C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to , waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Capt. W.W. Dickson, A.7 C.S.T.C., C.A.

~~Counsel or~~ defending officer† Lieut. R. Crossley, A.7 C.S.T.C., C.A.

at 2 PM o'clock the Trial commences.

The order convening the Court is read, and is marked X, X1, signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused and they severally answer to their names.

Question by the President to the accused. Q.1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A.1 No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-30-234

4

B

The President, and members ~~and judge-advocate~~ are duly sworn.

The following officers under instruction are duly sworn.
Lieut. O.R. Smith, R.C.Sigs., C.A. Lieut. D.L. Almas, R.C.Sigs., C.A.
2/Lt. K.F. Box, R.C.Sigs., C.A. 2/Lt. C.E. Doeringer, R.C.Sigs., C.A.
2/Lt. J.R. Peters, R.C.Sigs., C.A.

Q.2 Do you object to C.28866 C.S.M.(W.O.II) Lloyd Stringer, C.M.S.C., C.A., acting as Shorthand Writer? A.2 No, Sir.
C.28866 C.S.M.(W.O.II) Lloyd Stringer, C.M.S.C., C.A., is duly sworn as Shorthand Writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The Prosecutor informs the Court that the accused has elected to be tried by this Court instead of dealt with summarily by his Commanding Officer.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Not Guilty. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Not Guilty. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which~~ you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to charge, the ~~provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

THE ACCUSED ELECTS TRIAL BY DISTRICT COURT-MARTIAL

"B-2" CHARGE SHEET J.E. Dowsley, Major, President D.C.M.

The Accused, No. H39029, Sigmn. William Hluchanuk, Royal Canadian Corps of Signals, C.A., (Reinforcement) A-7 Canadian Signal Training Centre, C.A., Vimy Barracks, Kingston, Ontario, a soldier of the Canadian Army, placed on active service, is charged with:

First Charge, Sec. 15 (1) Army Act.

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Vimy Barracks, Kingston, Ontario, on the 7th day of January, 1943, absented himself from Barrack Block D12, Room 1, Canadian Signal Training Centre, Vimy Barracks, Kingston, Ontario, from 0615 hours on said 7th day of January, 1943, until reporting at the Operating Company Orderly Room at 0915 hours on the 11th day of January, 1943.

Second Charge, Sec. 9 (2) Army Act.

WHEN ON ACTIVE SERVICE DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER

in that he

at Vimy Barracks, Kingston, Ontario, on the 6th day of January, 1943, failed to move his equipment from Barrack Block No. 1, Room 6, to Barrack Block D12, Room 1, when ordered to do so by M35247, Sgt. Russell, F.J., R.C. Signals, C.A.

F.G. Malloch
(F.G. Malloch) Colonel,
Officer Commanding,
A-7 Canadian Signal Training Centre,
Vimy Barracks, Kingston, Ontario.

20th January, 1943.

TO BE TRIED BY A DISTRICT COURT-MARTIAL.

W.K. MacGregor
(W.K. MacGregor) Major
D.A.A.G., M.D. No. 3
for District Officer Commanding
Military District Number 3

Kingston, Ontario
22nd January, 1943.

C

Proceeding on Plea of Not Guilty

**Instruction. (See R. P. 39 (A))*
Question.

Q.5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. A.5 No, Sir.

The Prosecutor declines to make an Opening Address.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked , signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution.

B.31281 C.S.M.(W.O.II) Frederick GIBBS,
R.C.Sigs., C.A., A.7 C.S.T.C., C.A.,
being duly sworn, is examined by the prosecutor.

Q.6 Sgt-Major, do you recognize the accused?

A.6 I do, Sir.

Q.7 Who is he?

A.7 Signm Hluchanuk.

Q.8 Tell the Court what you know about the case of Signm. Hluchanuk.

A.8 On the 6th of January, 1943, I received notification from Capt Easterbrook, 2 i/c of "A" Wing, that the accused was posted to Operating Company. I received from Capt Easterbrook a document which is known as a Casualty Return. When I received that Casualty Return I got the accused from his place of employment and he came to the Company Office and I had him delivered to Operating Company Office. I received from the C.S.M. of Operating Company a receipt for the accused's body.

Q.9 Who signed this receipt, Sgt-Major?

A.9 It was signed by Sgt. Lebrun, Orderly Sergeant of the Operating Company.

Q.10 Was Operating Company more than one Sergeant?

A.10 They may have. I am not aware of that.

The Defending Officer declines to cross-examine.

QUESTIONED BY THE COURT

Q.11 In warning the accused that he was now posted to Operating Company, do you think he understood?

A.11 Oh yes, definitely sir. Yes, Sir.

Q.12 Did he know that he was to remain in Operating Company?

A.12 The usual procedure a man does know when he is posted it is an understood fact he remains until reposted to another Company.

Q.13 What Company was the accused with at the time of the change?

A.13 He was in Administrative Company, "A" Wing, employed as general duty man in one of our messes.

Q.14 Is that part of your duty to notify a man in your Company of a change?

A.14 Yes, Sir, it is.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness withdraws.

SECOND WITNESS FOR THE PROSECUTION } M.35247 Sergeant Frank James RUSSELL, R.C.Sigs., C.A., A.7 C.S.T.C., C.A., being duly sworn, is examined by the Prosecutor:

Q.15 Do you recognize the accused, Sgt Russell?

A.15 Yes, Sir, I do.

Q.16 Who is he?

A.16 Sigmn Hluchanuk.

Q.17 Tell the Court what you know in the case of Sigmn Hluchanuk.

A.17 Sir, on the 6th of January, 1943, the accused reported to Operating Company office on transfer from "A" Wing. I ordered the accused to remove his equipment to Barrack Room. D.12-1. I did not see the accused again until the 11th of January, 1943 at 0915 hours. I asked him if he had moved his equipment. He replied that he had not. I asked him why. He stated "I won't do it. The next move is to the doctors." Sir.

Q.18 Sgt Russell, is it part of your duty to see that the men are moved to the proper barrack block with their equipment?

A.18 It is my duty to order them to do it. I have never

had to personally accompany a man. If a truck is available it is provided; if not the man moves it himself.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q.19 Sgt Russell, you state in your evidence the accused said he would not do it when you ordered him to move equipment and the next move was up to the doctor. In view of that statement did you check if the man was physically able to move his equipment?

A.19 The first time I order him to move his equipment I did not see him until the 11th of January and he said, "I won't do it. The next move is to the doctor." I did not examine him then. He did not state he was physically unable to do it.

Q.20 You asked him no further questions other than that statement?

A.20 The conversation was then taken up by Sgt-Major Rawlins, Sir.

Q.21 The first time you told the accused to move his equipment on the 6th of January, did you explain to him there were facilities to move equipment if he was not physically able to do so himself?

A.21 No, I did not, Sir. If the man had told me he was not physically able I would have, but he did not.

Q.22 You assume then, anyone giving orders they know the procedure to follow?

A.22 Yes, in this case. He had been in our Company before. If he is a new man coming in, detailed instructions are given.

Q.23 What instructions were given to the accused to remove his equipment?

A.23 To move his equipment over to D.12-1. The exact words used, I do not remember.

RE-EXAMINED BY THE PROSECUTOR

Q.24 You said in your testimony you did not see him for four days. Is that correct?

A.24 Yes, Sir.

Q.25 Where was Sigmn Hluchanuk during this time?

A.25 I don't know, Sir.

Q.26 Is four days sufficient time to move equipment within this area?

A.26 Oh yes, definitely.

QUESTIONED BY THE COURT

Q.27 Is it part of your duties to tell any new man coming to your Company to move his equipment? Is that part of your duties?

A.27 Yes, after the man is allotted to a class we try as much as possible to keep them in a wing of the hut together and I tell them in which hut to go to so that they will be in classes as much as possible.

Q.28 Do you think the accused knew what you were telling him?

A.28 Very definitely, Sir.

Q.29 Will you repeat what position you were filling on the day in question?

A.29 Company Orderly Sergeant, Sir.

Q.30 Of?

A.30 Operating Company.

Q.31 That is the Company to which the accused was being posted?

A.31 Yes, Sir.

Q.32 Are you permanent Orderly Sergeant?

A.32 Yes, Sir.

RE-EXAMINED BY THE PROSECUTOR THROUGH THE COURT

Q.33 How many Orderly Sergeants has Operating Company?

A.33 Well, as far as the establishment calls for it calls for one permanent Sergeant and I am that. One more Sergeant assists me and there is an Orderly Corporal, but I am the Orderly Sergeant. There is another Orderly Sergeant.

Q.34 Who is he?

A.34 Sgt Loverock.

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness withdraws.

THIRD WITNESS FOR THE PROSECUTION) B.112049 Corporal William Alexander Bruce EWEN, R.C.Sigs., C.A., A.7 C.S.T.C., C.A., being duly sworn, is examined by the Prosecutor:

Q.35 Cpl Ewen, do you recognize the accused?

A.35 Yes, Sir.

Q.36 Who is he?

A.36 Sigmn Hluchanuk, Sir.

Q.37 Tell the Court what you know of the case of Sigmn Hluchanuk?

A.37 On the 6th of January, Sir, I was employed as Orderly Sergeant of Operating Company and Sigmn Hluchanuk was to report to my room. That is D.12 Room 1, on the 6th of January. I called the roll on the morning of the 7th of January and Sigmn Hluchanuk was absent. I called the roll on succeeding days and Sigmn Hluchanuk was still absent until the 12th of January. I was informed that Sigmn Hluchanuk was in close arrest. Up until that time Sigmn Hluchanuk had not reported to me.

Q.38 What is your official duty in Hut D.12 Room 1?

A.38 I am Corporal responsible for the hut, Sir.

Q.39 Give an outline of your duties as such.

A.39 My duties are to call the roll; I am responsible for the cleanliness of the hut and discipline in the hut, Sir.

Q.40 At what time do you call the roll?

A.40 0615 hours.

Q.41 You mentioned that you called the roll on successive days beginning with?

A.41 Beginning with the 7th.

Q.42 Did you call it on the 8th?

A.42 Yes, Sir.

Q.43 Did you call it on the 9th?

A.43 Yes, Sir.

Q.44 Did you call it on the 10th?

A.44 Yes, Sir.

Q.45 Did you call it on the 11th?

A.45 Yes, Sir.

Q.46 Did you call it on the 12th of January?

A.46 Yes, Sir.

Q.47 Did you get any response to calling the name of William Hluchanuk at any time during that period?

A.47 No, Sir.

Q.48 What action did you take in regard to this matter?

A.48 On the 7th of January, Sir, I made up the absentee report in the usual manner and turned that into the Orderly Sergeant of Operating Company.

Q.49 What was the name of the Sergeant of the Operating Company to whom you turned that in?

A.49 I sent the report by the hut orderly to the Orderly Sergeant. I believe that day it was Sgt Loverock.

Q.50 Do you know definitely whether it was Sgt Loverock?

A.50 I know definitely it was either Sgt Loverock or Sgt Russell.

Q.51 On the following days did you also turn in a report of absentees of Sigmn Hluchanuk?

A.51 Yes, Sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q.52 Cpl Owen, during the period of time, that is from the 7th of January until the 11th of January you stated you called the roll each morning; did you know where the accused was at that time?

A.52 No, Sir.

Q.53 Did anyone volunteer any information as to his whereabouts?

A.53 No, Sir.

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT

Q.54 What about the kit of the accused?

A.54 The kit of the accused was at no time in my room, Sir.

Q.55 What do you mean "your room"?

A.55 I beg your pardon, Sir.

Q.56 What do youmean by "in your room"?

A.56 The accused never reported to me in order to bring his equipment into my room.

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(2).

The witness withdraws.

FOURTH WITNESS FOR THE PROSECUTION) C.30525 C.S.M(W.O.II) Edward Albert GIRALDWAU, R.C.Sigs., C.A., A.7 C.S.T.C., C.A., being duly sworn, is examined by the Prosecutor:

Q.57 Do you recognize the accused, Sgt-Major?

A.57 Yes, Sir, I do. Sigmn Hluchanuk.

Q.58 Tell the Court what you know of the case of Sigmn Hluchanuk?

A.58 On the 11th day of January, 1943, I overheard a conversation between Sigmn Hluchanuk and the Orderly Sergeant, Sgt Russell. Knowing something to be wrong I questioned Sigmn Hluchanuk and asked him if he had been ordered to move his kit to the Orchard. He said "Yes." I asked him if he had not done so. He said "No, it is up to the medical officer to take the next step." I then ordered him to be placed under close arrest. 0915 hours, Sir.

Q.59 What is meant by the Orchard, Sgt-Major?

A.59 The "D" area huts, which are on the east side of the C.S.T.C.

Q.60 Why is it called the Orchard?

A.60 It was formerly an Orchard before barrack rooms were built over there.

Q.61 What action did you take upon hearing this remark of Sigmn Hluchanuk about the doctor?

A.61 No action, Sir.

Q.62 Who placed the charge against Sigmn Hluchanuk of failing to obey a lawful command?

A.62 I ordered him placed under close arrest and told the Orderly Sergeant to make out a charge to that effect that he failed to obey a lawful command given by Sgt Russell. I was only conforming to the order that had already been given.

Q.63 Were you the senior N.C.O. present in the room at the time?

A.63 Yes, Sir.

Q.64 Did Hluchanuk make the statement to you that he would not do it. That the next move was up to the doctor?

A.64 Yes, Sir.

Q.65 Why did you not place a charge yourself against him of failing to obey a command?

A.65 I am so busy in that office I can't do all the detail work myself.

CROSS-EXAMINED BY THE DEFENDING OFFICER

Q.66 Sgt-Major, in your evidence you told your story to the Court, you said you overheard a conversation between the accused and Sgt Russell?

A.66 Yes, Sir.

Q.67 You asked Hluchanuk whether he had been told to move his equipment and he replied "No, it is up to the medical officer." Do you consider that was a refusal to obey a command or merely an answer to a question?

A.67 That was merely a reply to the question, but he told Sgt Russell, which I overheard, that he would not move it, but he was not speaking personally to me at that time.

Q.68 Did you hear the actual conversation?

A.68 Just drifts of it.

Q.69 In other words, you are not sure he did refuse an order?

A.69 No, Sir.

Q.70 As far as you are aware he merely volunteered information he would move his equipment.

A.70 I took the Orderly Sergeant's word he had refused to do so. When I asked if he had done so he said "No." I am not moving it. It is up to the medical officer.

Q.71 Did you make inquiries as to why he would not move it?

A.71 No, Sir.

Q.72 Did the man appear to be in good physical condition?

A.72 Yes, Sir.

The Prosecutor declines to re-examine.

QUESTIONED BY THE COURT

Q.73 Did you hear the accused say that himself? Or did your Orderly Sergeant tell you that he said it?

A.73 I heard a discussion between my Orderly Sergeant and Sigmn Hluchanuk to the effect that "Did you move your equipment as I ordered you to," and Sigmn Hluchanuk said "No." I then asked what was going on and asked who was Sigmn Hluchanuk and he said "I am Hluchanuk," and I proceeded to ask him the question, "Did you not move your equipment as ordered by Sgt Russell." He said "No, the next step is up to the medical officer."

Q.74 You heard him say that yourself?

A.74 Yes, Sir. He was addressing me then, Sir.

Q

Q.75 How about the kit? Did he move it?

A.75 The kit was not there. No he did not move it because he was placed under close arrest right after that.

Q.76 This conversation you heard was on what day?

A.76 On the 11th of January, Sir, approximately 0915 hours.

Q.77 Do you think if the accused had not been placed under close arrest that even after making that statement he would have gone and got his kit and moved it over?

A.77. From his attitude I say no he would not have moved it.

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness withdraws.

The Prosecution has no further witnesses.

15 283.

D

The prosecution is closed.

Defence

Question to the accused. Q.78 Do you apply to give evidence yourself as a witness?

Answer. A.78 Yes, Sir.

Question. Q.79 Do you intend to call any other witness in your defence?

Answer. A.79 Yes, Sir.

Question. Q.80 Is he a witness as to character only? *Answer.* A.80 No, Sir.

The Defending Officer makes an Opening Address. (See document marked "G")

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence ~~including witnesses as to character~~) is recorded on a separate page ~~(see overleaf).~~

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

FIRST WITNESS FOR THE DEFENCE) The Accused, H.39029 Signm William HLUCHANUK, R.C.Sigs., C.A., A.7 C.S.T.C., C.A., being duly sworn, is examined by the Defending Officer:

Q.81 During the period you were charged with being absent without leave, that is to say from 0615 hours the 7th of January, 1943, until 0915 hours the 11th of January, 1943, where were you?

A.81 I was in the vicinity of barrack block 1, No. 2 when I went for my meals.

Q.82 Where were you on each of the succeeding mornings, that is the 8th, 9th, 10th of January?

A.82 I was always in room 6, block 1.

Q.83 Did anyone see you there during that time?

A.83 Yes, Sir, the room corporal seen me every morning.

Q.84 What is the name of that Corporal?

A.84 Cpl Bowser.

Q.85 Tell the Court why you remained in quarters during that time?

A.85 For the lasttwo and a half years I have had quite a bit of trouble with my legs. Rheumatism, and there are times the pain gets so bad I can hardly walk. The mental strain is so hard on me I can't do anything at all except just lie down and relax.

Q.86 Why did you not move to the new quarters as you were told? Why did you remain in your old quarters?

A.86 The last time I was in Operating Company I went to the M.O. and tried very hard for him to do something for me. The pain in my legs was practically driving me crazy and I also had sinus trouble which gave me bad headaches and as sure as I went back there I would not get any more help from the Operating Company if I went back to take the course.

Q.87 Were you ever troubled with leg ailments or rheumatism before you joined the Army?

A.87 Yes, Sir.

Q.88 How long have you been troubled with this?

Q.88 I first noticed it in the fall of 1940. I don't know the exact date, but it was around that time.

Q.89 Did you have any trouble of the same nature previous to that?

A.89 No, Sir.

Q.90 Did you have any medical treatment at the time in 1940?

A.90 Yes, Sir. I was treated by an Army doctor from November 22nd, 1940, until December 22nd, 1940. The M.O. in charge was treating me for three weeks. He wasn't sure whether I had a charley horse or not and he used to give me a rub down.

Q.91 During the stay in Camp, C.S.T.C., have you at any time been to visit the M.O.?

A.91 Yes, Sir.

Q.92 What was the last time or what was the reason for visiting the M.O. the last time?

A.92 Well, I was recommended by four doctors of this Camp to see a psychiatrist at the K.M.H. I was taken off draft by Dr Ames.

Q.93 Tell the Court what happened when taken off draft? Whether you asked to be taken off or whether you were taken off against your will?

A.93 Sir, I was in the drill hall ready to go to the medical board and I was called out of the drill hall by an N.C.O. and told to report to the M.I.R. office. At the M.I.R. I was interviewed by Capt Ames and he told me after the interview he told me I would not be going on draft until my case was settled. He also told me that I would have to have a reboard.

Q.94 Were you told the results of that examination by this psychiatrist?

A.94 No, Sir.

Q.95 Did this examination by the psychiatrist cause you any worry?

A.95 No, Sir.

Q.96 Did you feel quite satisfied in your own mind everything was all right? Nothing the matter with you?

A.96 They never exactly gave me a medical examination, Sir. They just asked me a lot of questions about myself and my family.

Q.97 Were you curious as to the findings of this examination?

A.97 Yes, Sir, I would like to know.

Q.98 What were your feelings after the examination by the psychiatrist?

A.98 Well, Sir, I thought it peculiar to have me examined by a psychiatrist because I don't think I am mentally unfit in any way.

CROSS-EXAMINED BY THE PROSECUTOR

Q.99 What is your education, Signm Hluchanuk?

A.99 Junior matriculation, Sir.

Q.100 Did you understand the order given to you the 6th of January, 1943?

A.100 Yes, Sir.

Q.101 Would you tell me what you understood from the order?

DEFENDING OFFICER: I object. I would like to know what that order was first.

PROSECUTOR CONTINUES CROSS-EXAMINATION

Q.102 What was the order given to you on the 6th of January, 1943?

A.102 There was four of us and we were all ordered to move our equipment. Three of the boys to Block 12, room 2, and I was to room 1.

Q.103 Did you fully understand the order as applying to you?

A.103 Yes, Sir.

Q.104 When did you enlist?

A.104 I was drafted on July 16th, 1942, and I enlisted on August 3rd, 1942.

Q.105 Did you or did you not tell the Defending Officer you had two and a half years service?

A.105 In the Army, Sir? I don't understand your question, Sir.

Q.106 How long have you been in the Army?

A.106 Since July 16th, 1942.

Q.107 How many time have you visited the medical officer in various camps since you went in the Army?

A.107 I am not sure how many times, Sir.

Q.108 Is it a large number of times?

A.108 I haven't visited the medical officer for the last two months in this Camp, but I have seen them six or eight times during my time in this Camp.

Q.109 You say you haven't visited the medical officer in this Camp during the last two months?

A.109 No, Sir.

Q.110 Did you ever visit a medical officer and refuse to do what he told you to do?

A.110 Yes, Sir.

Q.111 When was that?

A.111 November 13th, 1942.

Q.112 What treatment did he try to give you which you refused?

A.112 He tried to give me castor oil, Sir.

Q.113 Was the castor oil to cure the trouble in your legs?

A.113 No, Sir, I asked him about my sinus.

Q.114 When did you last go to see about this trouble in your legs?

A.114 Well, the last time was November 18th, I think, Sir.

Q.115 Did he give you treatment at that time?

A.115 I beg your pardon, Sir, it was November 20. No, Sir. I was interviewed by Dr Ames at that time.

Q.116 Who is Dr Ames?

A.116 Capt Ames of the Kingston Military Hospital. A psychiatrist.

Q.117 What is the name of the doctor again?

A.117 Capt Ames.

Q.118 Was it immediately after asking for treatment for your legs you were sent to Dr Ames?

A.118 Yes, Sir.

Q.119 Say withing a week or two weeks?

A.119 On Tuesday, November 17th, I was interviewed by four doctors in Capt Ames' office and they recommended that I be examined by Capt Ames. On Friday November 20th I was interviewed by Dr Ames.

Q.120 Where did this leg difficulty come in?

A.120 Before that; before November 17th.

Q.121 At the time of being called into the Army this summer, did you mention to the examining doctor or doctors that you had trouble with your legs?

A.121 Yes, Sir.

The Defending Officer declines to re-examine.

In the opinion of the Court it is not necessary to comply with R.P.82(B).

The witness resumes his seat.

SECOND WITNESS FOR THE DEFENCE) B.40126 Corporal John William BOWSER, R.C.Sigs., A.7 C.S.T.C., C.A., being duly sworn, is examined by the Defending Officer:

Q.122 You are Cpl Bowser?

A.122 I am, Sir.

Q.123 Do you recognize the accused?

A.123 Yes, Sir, Sigmn Hluchanuk.

Q.124 What is your job? What are you employed at?

A.124 I am room corporal of room 6. I am employed in the Quartermaster Stores.

Q.125 What barrack block are you in?

A.125 Barrack block 1.

Q.126 During the period of January 7th to January 11th, did you at any time see the accused in his quarters?

A.126 Yes, Sir.

Q.127 Will you tell the Court when you saw him?

A.127 I saw him at roll call, when calling the roll every morning. We walk around with the roll. Sigmn Hluchanuk was in bed getting dressed. That is the only check we have on them, Sir, in the morning.

CROSS-EXAMINED BY THE PROSECUTOR

Q.128 Corporal, during the dates 6th January to 11th January are you certain that Sigmn Hluchanuk was in barrack block 1, room 6, at reveille daily?

A.128 I believe that is the dates, Sir. Up until the time he was taken to the guard room he was in his room until then.

Q.129 Did you recognize his bed as one particular bed in the barrack block?

A.129 Yes, Sir. He slept about half-way down the aisle, Sir.

Q.130 On the bed you recognized as Hluchanuk's, was the equipment which he would normally have there during that time?

A.130 Yes, Sir, it was there all the time until I turned it into kit stores.

The Defending Officer declines to re-examine.

QUESTIONED BY THE COURT

Q.131 Were you aware Sigmn Hlnchanuk was posted to the Operating Company?

A.131 No, Sir, I was not.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness withdraws.

The Defending Officer makes a Closing Address.

(See document marked "H")

The Prosecutor makes a Closing Address.

(See document marked "I")

E

Finding*

To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused H.39029 Signm William HLUCHANUK, R.C.Sigs., C.A., A.7 C.S.T.C., C.A., is GUILTY of both charges.

Proceedings on Conviction *before Sentence*

When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, etc.

Capt. W.W. Dickson,
A.7 C.S.T.C., C.A., is duly sworn.

Question by the President. Q.132 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A.132 Yes, I produce M.F.B.355 and M.F.M.6

The above statements [with the schedule of convictions and of cases in which trial has been dispensed with] ~~is~~ are read, marked Y&Z, signed by the President, and annexed to the proceedings.

Question by the President. Q.133 Is the accused the person named in the statements which you have heard read? *Answer by the Witness.* A.133 He is, Sir.

Question. Q.134 Have you compared the contents of the above statements with the regimental books? *Answer.* A.134 I have, Sir.

Question. Q.135 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A.135 They are, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P.83(B).

The witness resumes his seat.

Question to the accused. Q.136 Do you wish to address the Court? *Answer.* A.136 No, Sir.

The Court is closed for the consideration of the sentence.

23

F

Sentence

The Court sentence the accused H.39029 Signm William HLUCHANUK, R.C.Sigs., C.A., A.7 C.S.T.C., C.A., to undergo detention for ninety days.

Sentence.

DETENTION
90 days

Signed at Barriefield, Ontario, this 27th day of January, 1943.

J. E. Dowsley

(J.E. Dowsley) Major,
No. 3A District Depot, C.A.
PRESIDENT, D.C.M.

CONFIRMED.

Signedat Kingston, Ontario, this 9th day of February, 1943.

Hugh Bowlby .....Brigadier
District Officer Commanding
Military District Number 3

Promulgated and extracts taken this 13th day of February 1943 at Vimy Barracks, Kingston, Ontario.

Extracts entered as No. 7883 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 23 day of Feb. 1943
RBL.

F. G. Malloch Lieut
(F.G. Malloch) Colonel,
Officer Commanding, C.S.T.C.

"X"

J. Dowsley, Major
President, D.C.M.

K.55-H-2500

ORDERS BY
BRIGADIER F.L. ARMSTRONG, O.B.E.
DISTRICT OFFICER COMMANDING MILITARY DISTRICT NO. 3

KINGSTON, Ontario, 22nd January, 1943.

DISTRICT COURT-MARTIAL
H.38029, Sigmn. William HLUCHANUK
A.7, C.S.T.C., C.A.

1. The detail of Officers as mentioned below will assemble at Vimy Barracks, Barriefield, Ontario, at 1400 hours, Wednesday, 27th January, 1943, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major J.E. Dowsley, No. 3A District Depot, C.A.

MEMBERS

Major J.H. Sanderson, A.7, C.S.T.C., C.A.
Major E.D. Baldock, A.7, C.S.T.C., C.A.

WAITING MEMBER

Major T.J. Wallis, A.7, C.S.T.C., C.A.

PROSECUTOR

Capt. W.W. Dickson, A.7, C.S.T.C., C.A.

DEFENDING OFFICER

Lieut. R. Crossley, A.7, C.S.T.C., C.A.

2. Officers attending for instruction will be detailed by the Commandant, A.7, C.S.T.C., Vimy Barracks, Barriefield, Ontario.

3. The accused person will be warned and all witnesses duly required to attend.

4. The Commandant, A.7, C.S.T.C., Vimy Barracks, Barriefield, Ontario, will arrange for necessary accommodation and stationery.

5. The proceedings of the Court will be forwarded to the District Officer Commanding, Military District Number 3.

Signed at Kingston, Ontario, this 22nd day of January, 1943.

W.K. MacGregor

(W.K. MacGregor) Major
D.A.A.G., M.D. No. 3
for District Officer Commanding
Military District Number 3

"X.1" -7- J.E. Dowsley, Major, 25

S.T.C. PART I ORDER NO. 20
25 JAN 43
Guardhouse D.C.M.

9. SNOW CLEANING

A great many of the steps leading into huts have been allowed to accumulate rounded piles of slippery snow. Each company will see that all snow is cleared off the steps of all their huts and that they are kept clean in future.

10. DISTRICT COURT-MARTIAL
H39029 Sigmn. William Hluchanuk,
A-7, C.S.T.C., C.A.

The detail of Officers as mentioned below will assemble at Vimy Barracks, Kingston, Ontario, at 1400 hours on Wednesday, 27 Jan 43, for the purpose of trying by District Court-Martial, the accused person named in the margin and such other persons as may be brought before them. (Room 111, Forde Building)

PRESIDENT	Major J.E. Dowsley, No. 3A District Depot, C.A.
MEMBERS	Major J.H. Sanderson, A-7, C.S.T.C., C.A. Major E.D. Baldock, A-7, C.S.T.C., C.A.
WAITING MEMBER	Major T.J. Wallis, A-7, C.S.T.C., C.A.
PROSECUTOR	Capt. W.W. Dickson, A-7, C.S.T.C., C.A.
DEFENDING OFFICER	Lieut. R. Crossley, A-7, C.S.T.C., C.A.

Officers attending for instruction are as follows:

Lieut. G.R. Smith, R.C.Signals, C.A.
Lieut. D.L. Almas, R.C.Signals, C.A.
2/Lieut. K.F. Box, R.C. Signals, C.A.
2/Lieut. C.E. Doeringer, R.C. Signals, C.A.
2/Lieut. J.R. Peters, R.C. Signals, C.A.

The accused person will be warned and all witnesses duly required to attend.

The Officer Commanding, A-7, C.S.T.C., C.A., Vimy Barracks, Kingston, Ontario, will arrange for necessary accommodation and stationery.

The proceedings of the Court will be forwarded to the District Officer Commanding, Military District No. 3.

11. CANCELLATION

S.T.C. Part I Order No. 16, para 6 (b) Court of Inquiry dated 20 Jan 43 is cancelled.

(J.M. MacCallum) Capt.,
Adjutant

NOTICES
Y.M.C.A. NEWS

The Vimy Camp Basketball team will practice in the Drill tonight at 1830 hours. All players are asked to be present on time.

There will be a movie in the Drill Hall tonight at 2030 hours

"UNDERGROUND"

There will be a meeting of the Glee Club in the Band Room tonight at 1830 hours.

.....

Canadian Legion War Services present the STARLETS REVUE from Toronto in Vimy Drill Hall on Saturday 30 Jan 43 at 2000 hours and on Sunday 31 Jan 43 at 1430 hours. Ladies with soldier escort welcome. Band in attendance.

43.
26

THE CANADIAN SIGNAL TRAINING CENTRE, C.A.

ORDERS BY

COLONEL F.G. MALLOCH, M.C., V.D.

OFFICER COMMANDING

PART I ORDER NO. 20 — KINGSTON ONTARIO, 25 JAN 43

1. FIELD OFFICER OF THE WEEK

From 0800 hours 25 Jan 43 to 0800 hours 1 Feb 43.

Next for Duty: Major C.F. Wake
Major A.G. Brenneman

CAPTAIN OF THE WEEK

From 0800 hours 25 Jan 43 to 0800 hours 1 Feb 43.

Next for Duty: Capt. J.H.P. Hadfield
Capt. E. Park

ORDERLY OFFICER

25 Jan 43	---	2/Lieut. J.E. Coderre
26 Jan 43	---	2/Lieut. I.R. Green
Next for Duty	---	2/Lieut. W.A. Rouse

ASSISTANT ORDERLY OFFICER

25 Jan 43	---	2/Lieut. C.G. Lecker
26 Jan 43	---	2/Lieut. F. Hall
Next for Duty	---	2/Lieut. R. Charles

DUTY PICQUET OFFICER

25 Jan 43	---	2/Lieut. J.E. Wolfraim
26 Jan 43	---	2/Lieut. A. Yates
Next for Duty	---	2/Lieut. B.E. Stapley

HOSPITAL VISITING OFFICER

25 Jan 43	---	2/Lieut. E.S. Latta
26 Jan 43	---	2/Lieut. D.E. Hazleton
Next for Duty	---	2/Lieut. F.O. Moon

2. ROUTINE

TUESDAY --- 26 JAN 43

0615 hours	---	Reveille
0630/50 hours	---	P.T.Parade
0715 hours	---	Breakfast
0800 "	---	Sick Parade
0830 "	---	Training Commences
1300 "	---	Dinner
1400 "	---	Training Commences
1415 "	---	Officer Commanding's Orders
1415 "	---	Wing Commander's Orders
1715 "	---	Company Commander's Orders
1730 "	---	Tea
1745 "	---	Retreat
1815 "	---	Defaulters' Parade
1830 "	---	Staff Parade
2200 "	---	Tattoo Roll Call
2215 "	---	Staff & Defaulters' Parade
2230 "	---	Lights out

(OVER)

3. DETAIL

S.T.C. PART I ORDER NO. 20
25 JAN 43

DUTY WARRANT OFFICER

Detailed as Duty Warrant Officer for week ending 1 Feb 43

Next for Duty: K10135 SM(WO1)F.of S. Collier A.P.
C40090 SM(WO1)F.of S. Vind J.R.L.

GUARD COMMANDER

25 Jan 43	---	C64615	Sgt. Abrahams C.
26 Jan 43	---	C30523	Sgt. Lauzon B.
Next for Duty	---	C29755	Sgt. Hallam H.

REGIMENTAL ORDERLY SERGEANT

25 Jan 43	---	B32644	Sgt. Rickard D.
26 Jan 43	---	H38932	Sgt. Murray W.D.
Next for Duty	---	C64603	Sgt. Smith F.S.

WET CANTEEN SERGEANT

25 Jan 43	---	P40174	Sgt. Dolan D.N.
26 Jan 43	---	M44412	Sgt. Baird R.J.
Next for Duty	---	C29710	Sgt. Wiseman J.S.

DRY CANTEEN SERGEANT

25 Jan 43	---	B32834	Sgt. Ashworth H.
26 Jan 43	---	B32575	Sgt. Brown R.J.
Next for Duty	---	A55972	Sgt. Spaite W.C.

REGIMENTAL ORDERLY CORPORAL

25 Jan 43	---	C64560	Cpl. Bloom J.A.
26 Jan 43	---	B32595	Cpl. Judd J.D.
Next for Duty	---	D116386	Cpl. Amyott P.

CORPORAL OF THE GUARD

25 Jan 43	---	C64237	Cpl. Carey A.
26 Jan 43	---	L22928	Cpl. Funder F.I.
Next for Duty	---	A2453	Cpl. McKinnon J.H.

WET CANTEEN CORPORAL

25 Jan 43	---	B32219	Cpl. Howland R.
26 Jan 43	---	C64538	Cpl. Bacon J.V.
Next for Duty	--	H38940	Cpl. Burn T.S.

DRY CANTEEN CORPORAL

25 Jan 43	---	D116403	Cpl. Marsh D.
26 Jan 43	---	B110562	Cpl. Green A.J.
Next for Duty	---	B33727	Cpl. Bush H.B.

N.C.O. I/C LIBRARY

25 Jan 43	---	A60145	L/Cpl. Quehl L.
26 Jan 43	---	L100629	L/Cpl. Harms V.
Next for Duty	---	D133050	L/Cpl. Hunter J.E.

/OVER

3. DETAIL CONT'D

S.T.C. PART I ORDER NO. 20
25 JAN 43

GUARD 25 JAN 43

M102865 Signn. Branton W.B.
B39160 Signn. Banks J.C.
B39146 Signn. Bishop G.V.
B132957 Signn. Brousseau A.J.
B39191 Signn. Buck M.J.
H102482 Signn. Beyer S.
D116622 Signn. Bourbeau A.E.
G1077 Signn. Burgess J.R.
M104138 Signn. Chapman R.J.
D116635 Signn. Daniels W.G.
B38711 Signn. French H.
B39414 Signn. Beck W.R.
B39013 Signn. Berg A.A.
B39232 Signn. Bradley C.I.
B39046 Signn. Bullis A.S.
L67286 Signn. Beals V.B.
A70094 Signn. Barker W.A.
B134213 Signn. Beach K.A.
B132969 Signn. Carson W.J.
H2314 Signn. Chamberlain L.G.
M100571 Signn. Ferguson G.C.

DUTY PICQUET 25 JAN 43

B39431 Signn. Kelly V.E.
D138457 Signn. Kennedy G.F.
B38727 Signn. Lennox H.V.
M104484 Signn. MacKillican W.A.
B113125 Signn. McDonald E.R.
L101655 Signn. McKay J.T.
B132352 Signn. Kirby A.B.
C101247 Signn. Lappe L.L.
L64128 Signn. MacPherson W.R.
B132034 Signn. McLeod V.R.
M100916 Signn. McDermott E.E.
L101560 Signn. McKay W.G.

DUTY CLERK

25 Jan 43 ---
26 Jan 43 --- Signn. Higgins G.
Next for Duty --- Signn. Armstrong A.E.
Signn. Conlon F.E.

DUTY STOREMAN

25 Jan 43 ---
26 Jan 43 --- Sgt. Sproule W.J.
Next for Duty --- Cpl. Driscoll D.L.
Sgt. Parent P.D.

#1 QUARANTINE GUARD 25 JAN 43 - VIMY - #2 QUARANTINE GUARD 25 JAN 43

B32869 L/Cpl. Campbell E.K.
A116306 Signn. Whittaker T.A.
B39472 Signn. Walker W.A.
B132050 Signn. Yeomans W.R.
K46744 L/Cpl. Bathgate J.
G989 Signn. Whittaker H.E.
B132325 Signn. Wickham J.F.
B38939 Signn Wiggins H.L.
C101386 Signn. Wilkins M E
B32649 Signn. Wilson A.J.
G29027 Signn. Wilson P.G.

QUARANTINE GUARD 25 JAN 43 - BARRIEFIELD

D116511 L/Cpl. Rabow H.
C120121 Signn. Whetung M.M.
D137196 Signn. Weiss J.
G75625 Signn. Wood R.G.

NIGHT FIRE PATROL 25 JAN 43

"A" AREA

B31474 Sgt. Cox L.
M55974 Pte. Genereux P.
A103399 Pte. McNab J.A.
B77441 Signn. Paquette J.
A103354 Pte. Bottom W.A.
H42061 Pte. Foidart C.
B38757 Signn. Ide R.P.
B39184 Signn. Donnoven H.J.

"B" & "C" AREAS

G16044 Sgt. Smith T.M.
B39430 Signn. Collins G.M.
B39050 Signn. Graves B.C.
A104286 Signn. Roninger H.J.
D137489 Signn. Tierney D.F.
H38741 L/Cpl. Palmer F.G.
H195014 Signn. Donnelly M.J.
B132398 Signn. Goodman O.S.
A82294 Signn. Stephenson C.B.
G1077 Signn. Burgess J.R.

/OVER

3. DETAIL CONT'D

"D" AREA

D111668 Sgt. Picardo R.W.
K65905 Signmn. Letts R.D.
L65999 Signmn. Linklater W.S.
B623767 Signmn. Horgan W.J.
B39331 Signmn. Holmes H.
B108607 Signmn. Wilkinson H W.
M100369 Signmn. Cline A.C.
M103435 Signmn. Inglis R.E.
B39372 Signmn. Rowell C.
K65785 Signmn. Putich A.
C101747 Signmn. Dudley R.J.
B132046 Signmn. McCullagh L.
B518639 Signmn. White W.H.
H70282 Signmn. Coggingham F.F.
M103401 Signmn. Fisher E.A.
M103428 Signmn. Kjearsgaard A.
B39334 Signmn. Harris D.J.

"G" AREA

L74878 Sgt. Rice H.J.
B624724 Signmn. Richmond T.E.
D625158 Signmn. LaMarche R.J.
B624720 Signmn. Ebert G.L.
D136038 Signmn. Delancy W.E.
H101327 Signmn. Hutchinson G.G.
F64793 Signmn. Leblanc J.B.
B625066 Signmn. Henry M.C.
G437780 Signmn. Lirette W.J.
K602554 Signmn. Richardson E.S.
C101011 Signmn. Blacmburn O.J.
C36125 Signmn. Terrill G.H.
H39015 Signmn. King R.W.

4. INTER COMPANY POSTINGS

(a) Posted from "A" Wing to Trained Soldier Company No. 1 effective 22 Jan 43.

H100411	Signmn.	Taylor F.J.	(Reinf.)	(Dvr. IC)
B111196	Signmn.	Lunan W.E.	"	(Butcher)
B114421	Signmn.	Beare C.A.	"	(.Cook)
A102449	Signmn.	Whitson C.B.	"	"
D135619	Signmn.	Gregoire J.J.	"	"
K65476	Signmn.	Wellwood S.	"	"

(b) Posted from M.T. Company to Trained Soldier Company No. 1 effective 4 Jan 43.

A60042	Signmn.	Smith W.A.	(Reinf.)	(D.R.)
K45155	Signmn.	Smith D.C.F.	"	"

(c) Posted fromOperating Company to Trained Soldier Company No. 1 effective 20 Jan 43.

C100796	L/Cpl.	Latham F.	(Reinf.)
H101938	Signmn.	McMillan T.J.	"
M57102	Signmn.	Ward A.B.	"

(d) Posted from Operating Company to R.S.W. effective 20 Jan 43.

B38780	Signmn.	Willingham J.N.F.	(Reinf.)
B111607	Signmn.	Farrell B.J.	"
B58697	Signmn.	Nelson W.H.	"
K46466	Signmn.	Gruber G.M.T.	"

(e) Posted from M.T. Company to Trades Company effective 21 Jan 43.

B39186	Signmn.	Nesbitt J.M.	(Reinf.)	(I.M.)

(f) Posted from M.T. Company to Trained Soldier Company No. 1 effective 21 Jan 43.

G24050	Signmn.	Burridge E.E.	(Reinf.)	(D.R.)
A102472	Signmn.	Robinet J.V.	"	"
M100782	Signmn.	Laughren R.I.	"	"
A104097	Signmn.	Rowell M.O.	"	"
B84558	Signmn.	Gale J.M.	"	"
F31978	Signmn.	MacNevin A.A.	"	"
F32106	Signmn.	Stevens G.H.	"	"
K100190	Signmn.	Nuite T.E.	"	"
B38748	Signmn.	Philp H.C.	"	"

/OVER

4 INTER COMPANY POSTINGS CONT'D

(g) Posted from M.T. Company to R.C. Signals Wing effective 21 Jan 43.

C29755 Sgt. Hallam H. (H.W.E.) (Pos.369)

(h) Posted from M.T. Company to "A" Wing effective 22 Jan 43.

B31924 Sigmn. Savage R.G. (Reinf.) (G.D.)

(i) Posted from M.T. Company to Trained Soldier Company No. 1 effective 9 Jan 43.

H101348 Sigmn. Barclay G. (Reinf.) (Dvr. IC)
L110001 Sigmn. Free S.G. " "
H100592 Sigmn. McDonald D. " "

(j) Posted from Trained Soldier Company No. 1 to "A" Wing effective 19 Jan 43.

B38833 Sigmn. Raybould N.G. (Reinf.) (G.D.)
B39273 Sigmn. Parker E.S. " "

(k) Posted from Trained Soldier Company No. 1 to R.S.W. effective 19 Jan 43.

M100991 Sigmn. Larocque P. (Reinf.) (Oper.)

(l) Posted from "A" Wing to Trained Soldier Company No. 1 effective 21 Jan 43.

C53128 Sigmn. Richards J. (Reinf.) (Batman G.D.)

(m) Posted from "A" Wing to Operating Company effective 21 Jan 43.

K46069 Sigmn. Nelson F.V. (Reinf.)

(n) Posted from "A" Wing to Trained Soldier Company No. 1 effective 21 Jan 43.

L51356 L/Cpl. Bowman M.E. (Reinf.) (D.R.)
B32013 Sigmn. Millen D.R. " (Switchboard Oper.)

(o) Posted from "A" Wing to M.T. Company effective 21 Jan 43.

B110742 Sigmn. Bergeron S. (Reinf.) (D.R.)
B110463 Sigmn. Harrison G.H. " "
C75717 Sigmn. Verdon W.P. " (Dvr.)
C31875 Sigmn. Simser H.K. " "

(p) Posted from Trades Company to M.T. Company effective 21 Jan 43.

B39035 Sigmn. Boyd J.R. (Reinf.) (Auto)
B132391 Sigmn. Thompson J.S. " "
B39153 Sigmn. Capell W.B. " "

(q) Posted from Trades Company to Operating Company effective 21 Jan 43.

A102803 Sigmn. Andrew I.S. (Reinf.)

(r) Posted from Trades Company to Trained Soldier Company NO. 1 effective 21 Jan 43.

K66094 Sigmn. Brown J.D. (Reinf.) (Lineman)
M103446 Sigmn. Davies D.B. " "
G49898 Sigmn. MacDonald W.R. " "
C120133 Sigmn. Muray F. " "
C100721 Sigmn. Bradley W.T. " "
K65409 Sigmn. Roche A.I. " "
B38794 Sigmn. Vasselsue W. " "

/OVER

4. INTER COMPANY POSTINGS CONT'D

(s) Posted from Trades Company to Trained Soldier Company No. 1 effective 20 Jan 43.

B38867	Sigmn. Myers L.J.	(Reinf.)	(Storeman)
B38903	Sigmn. Moldaver S.	"	"
H101271	Sigmn. Polistac W.	"	(Draughtsman)
C100729	Sigmn. Currier J.P.	"	(Lineman)
M101585	Sigmn. Enstedt H.C.	"	"
M103312	Sigmn. Howden A.J.	"	"
B31985	Sigmn. Lanther E	"	"
B38844	Sigmn. Mills T.G.	"	"
H195154	Sigmn. Stephaniuk P.F.	"	"
H100996	Sigmn. Clark J.T.E.	"	(I.M.)

(t) Posted to "C" Section, 8th Div. Sigs. effective 9 Jan 43.

L606237 Sigmn. Reid R.A. (8th Div. Sigs)(H.D.)

5. ATTACHED

(a) Attached to Trades Company for training from 8th Div. Sigs. effective 20 Jan 43.

B124566 Sigmn. Burgess E. (A F)(I.M.)

(b) Attached to M.T. Company for training from 8th Div. Sigs. effective 25 Jan 43.

L101080	A/Cpl. Armstrong K.B.	(A F)	(Dvr. IC)
K575273	Sigmn. Monk F.W.	(H.D.)	"
B625193	Sigmn. Ward G.W.G.	"	(D.R.)
B612711	Sigmn. Caulfield J.G.	"	(Dvr. IC)

6. POSTINGS

Posted from R.C. Signals Wing to "A" Wing effective 17 Jan 43.

D62782	Sigmn. Beland R.	(Reinf.)
C100484	Sigmn. Demers R.	"
C101483	Sigmn. Giroux D.R.	"
C65004	Sigmn. Hartwick E.R.	"
C33075	Sigmn. Lacombe S.	"
C33118	Sigmn. Lemieux O.	"
C37422	Sigmn. Seguin P	"
C102106	Sigmn. Lacroix M.	"
C614380	Sigmn. Pisarek P.	(Reserve)
C437334	Sigmn. Matthews H.H.	"
C614229	Sigmn. Bernard R.	"
C614179	Sigmn. Belanger R.	"
C614299	Sigmn. Joly O.	"

7. MEN'S RECREATION COMMITTEE

There will be a meeting of the Men's Recreation Committee in room 113 Forde Building on Tuesday 26 Jan 43 at 1800 hours. Company Commanders will appoint representatives for each company.

8. CLEANING FIRES

Too many grates are being burned out in stoves in this camp. They are very difficult to replace and it may soon be impossible to replace them.

To prevent so much wasteful destruction, the N.C.O's. in charge of huts will personally supervise the removal of clinkers from the grates of each stove in the hut, at least twice a day. He will see that this work is carefully and thoroughly done.

/OVER

15

"O"

J. E. Dowsley, Major
President, D.C.M.

32

Opening Address by the Defending Officer

The Defence will attempt to show by examining Sigmm William Hluchanuk that he, the accused, has been under severe mental strain for some months due to body ailments for which he has been treated for a period over the past several years. I also wish to show that the accused acted in a manner, for which action he is now being tried, solely with a view to lessening aggravating his condition and in no way shirking his responsibility.

"H"

G. Donsley, Major,
President, D.C.M.

31.
33

CLOSING ADDRESS BY THE DEFENDING OFFICER

By the statements of various witnesses, Sir, I point out that the accused did not at any time leave the Camp, C.S.T.C. He made no effort to conceal his whereabouts which is corroborated by the last witness and the evidence also shows that due to his mental condition he was thinking solely of his physical well-being.

I will rest with the Court.

C. R. Dowsley, Major,
President, D.C.M.

S.B.
34

CLOSING ADDRESS BY THE PROSECUTOR

The Prosecution holds, in connection with the first charge, absence without leave, that sufficient evidence has been adduced by the second and third witnesses for the Prosecution to show that the accused was absent without leave from the barrack room to which it was his duty to be present. It is admitted testimony of the Defence witnesses that he was truly not in the area for at least part of that time when it was his duty to be in the area which Operating Company had wanted him.

The Prosecution holds that with the second and fourth witnesses they have established evidence of wilful disobedience of a command that this man was given and due time elapsed between giving of the command and the laying of the charge for its non-performance are sufficiently proven by the second witness.

In light of such evidence the Prosecution holds both charges have been proven.

"Y"

J. Bowsley Major
President D.F.M.

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H39029	Sigmn.	William HIUCHANUK	R.C. Signals, C.A.

1. The following is a fair and true summary of the entries in the ~~Regimental and Service Records~~

Field Conduct sheets ~~in Company Conduct Sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~or Summary~~ of summary awards under Section 47 of the ~~Army Act~~ and of cases in which trial has been dispensed with.

Within last 12 months		Since enlistment	
For A.W.L.	3 times	A.W.L.	3 times
For Refusing to take medicine	1 times	Refusing to take medicine	1 times
For Failed to appear on Defaulters parade	1 times	Failing to appear on Defaulters parade	1 times
For	times		times

~~Number of instances of gallantry or distinguished conduct~~

~~There are no entries in the conduct sheet of the accused~~

~~Nature of the offences in respect of which the accused has been previously convicted~~

~~The accused has not been previously convicted~~

~~Previous convictions of the accused by a court-martial or a civil court or summary awards under Section 47 of the Army Act and dispositions with trial under C.A. 78 accounts in the Schedule annexed to this account~~

3. The accused is not under sentence at the present time.

~~The accused at the present time is under sentence of ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in civil custody, and 17 days in military custody, making a total of 17 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service in~~ attestation paper is 25 years, 32 days.

6. The date of his ~~enlistment~~ attestation specified in his ~~record of service~~ attestation paper 4 August, 1942.

7. The service which the accused is allowed to reckon towards discharge is 176 days.

8. ~~The accused is entitled to reckon ..... for the purpose of determining his pension, or~~

9. The accused is in possession of or entitled to no ~~another~~ military decoration, or ~~another~~ military reward ~~to be~~

~~in possession of or entitled to: State any other decoration or reward~~

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer held the regimental rank of .....~~

Pte C 3

11. ~~In the case of an officer. The accused belongs to the Royal Corps of Signals, and has the rank of Temporary Major.~~

~~dated ..... and in his regular rank, the rank of ..... dated .....~~

12. ~~The accused has served as a non-commissioned officer continuously, without reduction, to the present date.~~

~~Date of promotion~~

~~In the rank of ..... years.~~

~~In the rank of ..... years.~~

~~In the rank of ..... years.~~

~~No record of any of the above paragraphs cannot be entered from the Regimental books, the paragraph must be struck through.~~

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the ~~Air Force~~ Army Act, and of cases in which trial has been dispensed with of accused, Number H39029 Rank Sigmn.

Name William HLUSKAMUK of R.C. Signals, C.A. Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
		NIL		

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 27 Jan 43 D.V. Roland

(D.V. Roland) Lieut., R.C. Signals, C.A.
Officer in charge Records, C.A.R.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" signed by the president, and annexed to the proceedings.

H 549668 HLUCHANUK William
No. 32029 Name

Sqn., Battery, or Company } Corps 102nd C.A.B.T.C. Date of enlistment } 16-7-42 G.C. Badges } Service or Proficiency Pay }

Date of last entry in Company Conduct Sheet } No. and date of last drunk } Period not reckoning towards freedom from extra fine } Sheet No. One Signature O.C. Company, etc. } (Signed) F.J. Killeen Capt.

M.F.M. 6 (A.F.B. 122) 500M—11-40 (3023) H.Q. 1773-43-18

Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Fort William	2-9-42	Pte.		A.W.L. from 2245 hrs. 2-9-42 to 0940 8-9-42. Total 5 days 10 hrs. 40 mins	Documentary Sgt. Werseen	14 days C.B.	8-9-42	Major G.E. Bain	Forfeits 6 days pay F.R.I. 1a
Kingston	13-11-42	Sigmn.		Refusing to take medicine. A. A.Sec.3(3)	Documentary Capt. H.C.Lough S/Sgt McQuaid L.S.	7 Days C.B.		Lt.Col. W.H. McMurray	EP
Kingston	14 Nov42	Sigmn.		Failed to appear on Defaulters parade at 1930 & 2215 hrs. 14 Nov. 42 and 0700 hrs. and 2215 hrs. 15 Nov. 42. A.A. Sec. 15 (2).	Cpl. Lodwick G. Sgt. Hodgins Cpl. Harding	7 days C.B.	16 Nov. 42	Lt.Col. McMurray W.H.	To follow preceeding charge.

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Kingston	25 Nov 42	Signm		AWL from 0200 Hrs. 25 Nov42 to reporting to #4 Mess about 0645 Hrs. 11 Dec 42 (Absent 15 days 21 Hrs. 45 Min)	/S/Sgt. Harrison	14 days C.B.	11 Dec 42	Major C.F. Wake	Forfeits 16 days pay CFW.
Kingston	1 Jan 1943	Signm		AWL from 1100 hrs. 1 Jan. 1943 to 0930 hrs. 4 Jan. 1943. Absent 2 days, 22 hours, 30 minutes	A/Cpl. Teuma-Castelletti,S. C.S.M. Gibbs,F.	5 days C.B. 5 days Pay	5 Jan. 1943	Major C.F. Wake	Forfeits 3 days pay. CFW

CERTIFIED TRUE COPY

(J.M. MacPillum) Capt.,
14th January 1943. Adjutant, C.S.T.C.

J. E. Dowsley, Major
President, D.C.M. 39

SUMMARY OF EVIDENCE

in the case of

No. H39029, Sigmn. William Hluchanuk, Royal Canadian Corps of Signals, C.A., (Reinforcement) A-7 Canadian Signal Training Centre, C.A., Vimy Barracks, Kingston, Ontario, a soldier of the Canadian Army, placed on active service.

Charges:-

1. Absence Without Leave

2. Disobeying a Lawful Command.

The Commanding Officer directs that the evidence be taken on oath.

First Witness

B32181, Sgt. (A/C.S.M. WO.II) Gibbs, F., R.C. Signals, C.A., on strength A-7 Canadian Signal Training Centre, C.A., having been duly sworn, states:

"Sir, I am Company Sergeant-Major for Administrative Wing at the Canadian Signal Training Centre, Vimy Barracks, Kingston, Ontario. On 6 January, 1943, H39029, Sigmn. Hluchanuk, W. was shown on C.S.T.C. Part I Orders as posted to Operating Company, C.S.T.C. I sent him over to that company and received a receipt for his body, signed by Sgt. Loverock, K.F. the same day."

B31281. C.S.M. (WO.II) Gibbs F.

The Accused declines to cross-examine the witness.

Second Witness

M35247, Sigmn. (A/Sgt.) Russell, F.J., R.C. Signals, C.A., on strength A-7 Canadian Signal Training Centre, C.A., having been duly sworn, states:

"Sir, I am Orderly Sergeant for Operating Company, Canadian Signal Training Centre, Vimy Barracks, Kingston, Ontario. On 6 January, 1943, I received H39029, Sigmn. Hluchanuk, W. from Administrative Wing, Canadian Signal Training Centre, on his being posted to our Company. I ordered H39029, Sigmn. Hluchanuk, W. to move his equipment to Barrack Hut D12, Room 1. I did not see H39029, Sigmn. Hluchanuk, W. again, until he reported to me at Operating Company Office at 0915 hours, 11th January, 1943. At this time, I asked H39029, Sigmn. Hluchanuk, W. whether he had moved his equipment to D12, Room 1. He replied, "I won't do it. The next move is the Doctor's." Knowing him to be an absentee, I prepared a charge of absence without leave from his barrack-room against the accused."

M35247. Sgt. Russell F.J.

The Accused declines to cross-examine the witness.

Third Witness

B112049, Sigmn. (A/Cpl.) Ewen, W.A.B., R.C. Signals, C.A., on strength A-7 Canadian Signal Training Centre, C.A., having been duly sworn, states:

"Sir, I am Room Corporal in Barrack Block D12, Room 1. On 7 January, 1943, at 0615 hours, I called the roll and H39029, Sigmn. Hluchanuk, W. did not answer his name. He was absent. I also called the roll on 8 January, 1943, at 0615 hours, and on each day until 12 January, 1943, when H39029, Sigmn. Hluchanuk, W. was reported to me to be in close arrest. He was absent from D12, Room 1 at 0615 hours each morning, and his equipment was not in D12, Room 1 from 7 January, 1943 until he was placed in arrest. His equipment has not yet been moved to D12, Room 1. On 7 January, 1943, I turned in to the Company Orderly Sergeant of Operating Company the Absentee Report, showing the Accused, H39029, Sigmn. Hluchanuk, W. to be absent at 0615 hours, and I turned in similar reports on 8 January, 1943, 9 January, 1943, 10 January, 1943 and 11 January, 1943."

W. A. B. Ewen (W.A.B. Ewen)

The Accused declines to cross-examine the witness.

Fourth Witness

C30525, Sgt. (A/C.S.M. WO.II) Giraldeau, E.A., R.C. Signals, C.A., on strength A-7 Canadian Signal Training Centre, C.A., having been duly sworn, states:

"Sir, I am C.S.M. of Operating Company at the Canadian Signal Training Centre. At 0915 hours, 11th January, 1943, I heard a discussion arise between M35247, Sgt. Russell, F.J. and H39029, Sigmn. Hluchanuk, W. I asked H39029, Sigmn. Hluchanuk, W. whether Sgt. Russell had ordered him to move his equipment to Barrack Block D12, Room 1, and he answered, "Yes". I asked why he had not done so. Hluchanuk answered, "I won't do it. The next move is up to the M.O.". I placed him in close arrest for failing to obey a lawful command and had him placed in the Guard Room."

E.A. Giraldeau C.S.M. C 30525

The Accused declines to cross-examine the witness.

QUESTION ASKED OF THE ACCUSED:

"Do you wish to make any statement, or to give evidence upon oath? You are not obliged to say anything or give evidence, unless you wish to do so, but whatever you say, or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED:

"No, Sir, I have nothing to say."

W. Hluchanuk
H39029

The Accused declines to call any witnesses.

I certify that the foregoing Summary of Evidence, consisting of 3 pages, was taken down by me in the presence of the Accused at Vimy Barracks, Kingston, Ontario, on this 19th day of January, 1943, and that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

W.W. Dickson
.....
(W.W. Dickson) Captain,
R.C. Signals, C.A.,
Attached A-7 C.S.T.C.,
Officer detailed to take the
Summary of Evidence.

H.Q.C. 55-H-551

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HARRINGTON, A.E. B.102691 GNR.

DEAD

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute") With Papers C.R. FEB 80 1943		
APR 25 1943	6/4/43	P.A.		A.D.	mtk 55-M-725		24-2-43.

CONFIDENTIAL
H.Q.C. 55-H-551

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-M-725(JAG)
H.Q.C.55-H-331(JAG)

February 24, 1943.

The Commander,
Goose Bay Defences, "G" Force,
LABRADOR.

Re: DISTRICT COURT-MARTIAL.
E-102691, Gnr. HARRINGTON, A.E.,
F-97255, Gnr. MACDONALD, A.W.,
15th H.A.A. Bty, R.C.A.

Receipt is acknowledged of your G.B. 5-11-1, dated the 15th February, 1943, under cover of which you forwarded the Proceedings of the marginally-noted District Courts-Martial.

2. The following irregularities have been observed:

(a) The place of trial on page A of the Proceedings is not identical with that set out in the Convening Order.

(b) The Convening Order and the Minute of Confirmation were signed by Lieut.-Col. Medhurst in his capacity as Commander of Goose Bay Defences. It is pointed out that this Officer's Warrant is directed to the Officer Commanding the Canadian Forces in Labrador, and it is thought that he should sign as such.

(c) The letters "C.A." were omitted from the descriptions of the Defending Officer and Prosecutor on page A of the Proceedings.

(d) All corrections made throughout the Proceedings were not initialled.

(e) Under the provisions of paragraph 22 of the memorandum on page 769 of M.M.L., in view of the fact that the two accused were jointly tried, separate questions and answers in respect to each accused should have been made and set out on pages A, B, A-1, C, & D. It is to be noted in the Proceedings, except in two instances, it is not disclosed that the questions were individually asked of each accused and individually answered.

(f) The particulars of the charge should have shown to what Garrison Institution the Ale belonged.

(g) The statement of the offence on the Charge Sheet should have been in capital letters.

(h) No notation as to compliance with R.P. 83(b) appears after the evidence of the Prosecutor on page E of the Proceedings.

3. Although the evidence is not completely satisfactory as to either the ownership of the Ale in question or the identification of the accused, after careful consideration, I have come to the conclusion that there is sufficient evidence in this regard upon which the Court had jurisdiction to come to the conclusion it did, and accordingly the Findings and Sentence can legally stand.

4. It is not considered necessary to

.....(over)

H.Q. C. 55-M-725
M.D. G.R. 5-11-1

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. R-102691 Name HARRINGTON, A.E.

Rank Gnr. Unit 15TH H.A.A. BTY., R.C.A.

Charge SEC. 18 (4) AA STEALING PROPERTY BELONGING TO A GARRISON INSTITUTION

Date of Crime 22/1/43

Date of Arrest Charge. Signed 26/1/43

Orders for D.C.M. COMMANDER GOOSE BAY DEFENCES

Place and Date of Trial GOOSE BAY, LABRADOR, 3/2/43

Sentence FIELD PUNISHMENT 28 DAYS

Date of Confirmation 12/2/43

Date of Promulgation 12/2/43

Entered in Records of J.A.G. as No. 7888

Date 23/2/43

MEMO Court-Martial proceedings on HQC. 55-M-725 (F. 97255 Gnr. A.W. MacDonald).

E. E. Bury Capt.
for Judge Advocate-General.

3M-12-42(M1754)

CENTRAL REGISTRY Army
PERS. SEC.
FEB 19 1943
File 5-11-H-391
Chgd. to
Referred to

to file

G.B. 5-11-1

CANADIAN ARMY

Area Headquarters,
Goose Bay Defences,
15 February 43.

The Secretary,
N.D.H.Q.
Ottawa, Ontario.

DISTRICT COURT MARTIAL
B-102691 Gnr. HARRINGTON, A.N. 15th H.A.A. Bty, R.C.A.
F-97255 Gnr. MacDONALD, A.W. 15th H.A.A. Bty, R.C.A.

Reference H.Q. 55-1-41 F.". 15. H.Q. 55-1-41 F.D. 22 A.D.2 dated 7 December, 1942.

Attached hereto proceedings of the District Court-Martial regarding the marginally noted.

A certified True Copy has been retained for our files.

(J.M. Medhurst, E.D.) Lt-Col.,
Commander Goose Bay Defences.

JMc/lhb
Encls:

Dist. Court
retained on file
A.W. MacDonald

H.Q.C.5 5-H-352

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HANSEN, G.U. M.28461 GNR.

DEAD

NO. 11 D.D.

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
					With Papers C.R. FEB 20 1943		
FEB 24 1943	2/4/43	P.A.	Court	AD	Comments P.A.	K.T.B.	23 2/43

CONFIDENTIAL
H.Q.C.5-H-352

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to S.F. If for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-M-33A(JAG)

February 23rd, 1943.

CONFIDENTIAL

Brigadier i/c Administration,
Pacific Command,
VANCOUVER, B.C.

Re: District Court-Martial
H 34351 - Gnr. S.J. Hanson,
No. XI District Depot, C.A.

Receipt is acknowledged of your 22-M-2903 dated February 17th, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities mentioned in your letter the following have been observed in the proceedings:

(a) The letter "(A)" should not have appeared after the letters "CA" in Form M.F.B. 375 and also Form M.F.M. 216. The letters "C.A." are sufficient to denote Active Service.

(b) The officer who took the Summary of Evidence should have set out his corps and unit after his signature and rank at the end of the same. If he had referred to the specimen form in the Handbook it would be observed that it is not necessary in taking a Summary to state at full length the charge and the particulars of the same.

3. It is not considered necessary to return the proceedings and they are therefore retained for custody.

Brigadier,
Judge Advocate-General.

HFGB/HB.

H.Q. C. 55-H-332
M.D. 22-H-2903

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. M.28431 Name HANSEN, G.J.

Rank Gnr. Unit No. 11 D.D., C.A.

Charge (1) Sec. 12 (1)(a) AA DESERTING H.M.S.

(2) Sec. 24 (2) AA LOSING BY NEGLECT

Date of Crime (1) 30/10/42 (2) 30/11/42

Date of Arrest 18/1/43 Charge. Signed 29/1/43

Orders for D.C.M. BRIGADIER i/c ADMINISTRATION PACIFIC COMMAND

Place and Date of Trial Vancouver, B.C. 5/1/43

Sentence DETENTION 90 DAYS STOPPAGES $17.61

Date of Confirmation 9/2/43

Date of Promulgation 11/2/43

Entered in Records of J.A.G. as No. 7882

Date 22/2/43

MEMO

NOT GUILTY OF DESERTION BUT GUILTY OF A.W.L. ON FIRST CHARGE

H.T.F. Bridgman Capt.
for Judge Advocate-General.

3M-12-42(M1754)

7882

to file

AIR MAIL

22-H-2903

Headquarters Pacific Command
Vancouver Barracks
Vancouver, B.C. Feb 17 1943

CENTRAL REGISTRY Army
P.R.S. SEC.
FEB 19 1943

The Judge Advocate General
National Defence Headquarters
OTTAWA, ONT.

M28431 Gnr G.J.Hansen
No XI District Depot CA

1. The proceedings of the District Court-Martial of the m/n are enclosed.

2. The following matters have been brought to the attention of the officers concerned,-

(a) The period of detention in custody before trial is incorrectly computed in the MFB 355.

(b) Initial of the witness in the summary should precede his name and the full name should be used if known.

for Beardsley Major
(W.H.S.Macklin) Brigadier
Brigadier in Charge Administration
Pacific Command

Encl 1 set.

A

FORM OF PROCEEDINGS FOR DISTRICT COURT-MARTIAL

PROCEEDINGS of a DISTRICT Court Martial held at Vancouver Barracks, Vancouver, B.C. on the 5th. day of February, 1943 by order of Brigadier W.H.S.MACKLIN, Brigadier i/c Administration Pacific Command dated the 3rd. day of February, 1943.

PRESIDENT

Major E.A.HENDERSON,
No. XI District Depot, CA.

MEMBERS

Captain E.E.WASSON,
No. XI District Depot, CA. att'd Headquarters Pacific Command.

Captain H. NEIGHBOUR, MC. DCM.
29 Company Veterans Guard of Canada, CA.

TRIAL OF M.28431 Gnr. Gerald Joseph HANSEN, No. XI District Depot, CA.

The order convening the Court, the charge sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

PROSECUTOR: Captain F. FRANKLIN, No. XI District Depot, CA.

DEFENDING OFFICER: Capt. A.P.HAYES, No. XI District Depot, CA.

(For orders detailing Captain F. FRANKLIN, No. XI District Depot CA. as Prosecutor and Captain A.P.HAYES, No. XI District Depot, CA. as Defending officer see documents marked "X1" and "X2")

At 10.10 o'clock a.m. the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question to be answered:

Q.1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over ?

A.1 No, sir.

I have satisfied myself that none of the officers detailed as members of this Court have knowingly access upon any Board of Inquiry respecting the matters forming the subject of the charges before this Board sitting.

President, D.C.M.

B

The President and members are duly sworn.

Q.2 Do you object to K.92189 Cpl. (A/CSM) A.S.HOGG, No. XI Detachment CMSC. CA. acting as shorthand writer ?
A.2 No, sir.

K.92189 Cpl. (A/CSM) A.S.HOGG, No. XI Detachment, CMSC. CA. is duly sworn as shorthand writer.

CHARGE SHEET

The charge sheet is signed by the President, marked B2 and annexed to the proceedings.

The accused is arraigned upon each charge in the abovementioned charge sheet.

Q.3 Are you guilty or not guilty of the first charge against you which you have heard read ?
A.3 Not guilty, sir.

Q.4 Are you guilty or not guilty of the second charge against you which you have heard read ?
A.4 Not guilty, sir.

CHARGE SHEET

The accused M-28431 Gnr. Gerald Joseph HANSEN, No. XI District Depot, C.A., a soldier of the Canadian Army placed on Active Service, is charged with:-

First Charge
SEC.12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

In that he

At Vancouver, B.C. at 0800 hours on the 30th October 1942 absented himself without leave from No. XI District Depot, C.A. until apprehended by Military Police at Mission City, B.C. at 2145 hours on 18th January, 1943.

Second Charge
SEC.24(2)
Army Act.

LOSING BY NEGLECT HIS CLOTHING, EQUIPMENT & REGIMENTAL NECESSARIES

In that he

At Vancouver, B.C. on 30th November, 1942 was deficient of the following articles, viz:-

Anklets Web prs	1	.77	Holdalls	1	.17
Battledress Trs	1	5.60	Housewives	1	.51
Boots Ankle	1	5.20	Razor Safety	1	.39
Mits Pullover	1	.64	Towels Hand	2	.42
Shirt Cotton	1	.99	Haversack '37	1	2.14
" U/Cotton	1	.40	Tins Mess	1	.57
Socks prs	3	1.08	Sheets Ground	1	1.81
Blacking tins	1	.05	Helmets Steel	1	2.39
Brasses Button	1	.04			
Brushes Button	1	.14			$23 .67
" Hair	1	.24	Less 25%		6 .06
" Shaving	1	.30	TOTAL		$17 .61
" Tooth	1	.09			
Dressing F.F.	1	.24			

B.Z.

Lieutenant-Colonel
Regional D.A.M.

B

Signed at Vancouver, B.C. this 29th day of January, 1943.

J. H. Anderson Major
a/O.C., No. XI District Depot, C.A.

TO BE TRIED BY DISTRICT COURT-MARTIAL.

Signed at Vancouver, B.C., this 2nd day of February, 1943.

G. R. Pearkes, Major
for Brigadier i/c Administration,
Pacific Command.

C

Q.5 Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence ?

A.5 No, sir.

THE PROSECUTOR DECLINES TO MAKE AN OPENING ADDRESS.

THE PROSECUTOR PROCEEDS TO CALL WITNESSES:

First witness for Prosecution: K.92149 Sgt. William Ernest PHILPOTT, No. XI District Depot, CA. being duly sworn, is examined by the Prosecutor:

Q.6 Will you tell the Court your specific duties at No. XI District Depot, CA. ?

A.6 I am intelligence sergeant at No. XI District Depot. My duties include the preparation of all documentary evidence for summaries of evidence at District Courts Martial and other such duties as police, intelligence and security duties call for.

Q.7 You are in charge of that department ?

A.7 Yes, sir.

Q.8 I produce Certified True Copy extract from No. XI District Depot Part II Order No. 276 dated 20th. November, 1942.
(DOCUMENT produced, is read, marked " G " signed by the President and attached to the proceedings)
Do you recognize that as a true copy of an exatract from that particular Part II Order ?

A.8 I do, sir.

Q.9 I produce Certified True Copy extract from No. XI District Depot Part II Order No. 285 dated 1st. December, 1942.
(DOCUMENT produced, is read, marked " H " signed by the President and attached to the proceedings)
Do you recognize that as a true copy of an extract from that particular order ?

A.9 I do, sir, they all relate to the accused.

Q.10 I produce Certified True Copy MFB. 375 - Record of Declaration of Court of Inquiry dated at Vancouver, B.C. the 30th. day of November, 1942.
(DOCUMENT produced, is read, marked " I " signed by the President and attached to the proceedings)
Do you recognize that document ?

A.10 Yes, sir, I do. But the amount is wrong. Due to a clerical error, the amount should read $18.13, instead of $17.61, a difference of 52 cents. The addition of the items, less the 25% will bring you the right amount.

Q.11 I produce MFM.216 dated at Vancouver, B.C. the 19th. day of January, 1943, relating to the apprehension of the accused.
Do you recognize that document ?

A.11 Yes, sir, I do.
(DOCUMENT produced, is read, marked " J " signed by the President and attached to the proceedings).

THE DEFENDING OFFICER DECLINES TO CROSS EXAMINE THIS WITNESS.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P.83 (B).

THE WITNESS WITHDRAWS.

THE PROSECUTOR HAS NO FURTHER WITNESSES.

The prosecution is closed.

DEFENCE

Question to accused.

Q.12 Do you apply to give evidence yourself as a witness ?
A.12 Yes, sir.

Q.13 Do you intend to call any other witness in your defence ?
A.13 No, sir.

First witness for Defence

The accused, M.28431 Gnr. Gerald Joseph HANSEN, No. XI District Depot, CA. being duly sworn, is examined by the Defending Officer:

Q.14 Will you tell the Court why you went absent ?
A.14 When I was up in Alaska my draft got a notice to go overseas and I got down to Prince Rupert to get the train for Petawawa and while I was in Prince Rupert I was driving a "jeep" and hurt my leg and was put in hospital. I was in hospital for six weeks, and did not get any pay for two months. All my chums got overseas, and when my major came up to shake hands to say goodbye I did not feel like staying here any more. I did not like the idea of missing my draft at all.

Q.15 When you were apprehended, were you in uniform or in mufti ?
A.15 In uniform, sir.

Q.16 Did you consistently wear uniform while you were away ?
A.16 Yes, sir.

Q.17 Did you work while you were away ?
A.17 Yes, sir.

Q.18 Where ?
A.18 Queen Charlotte Fisheries, Bute Street, Vancouver.

Q.19 Did you say that you were unable to get any pay ?
A.19 Yes, sir.

Q.20 Do you know why ?
A.20 No documents, I think, sir.

Q.21 Had you any friends at No. XI District Depot ?
A.21 No, sir.

Q.22 Had you any other reason that might unsettle you other than your friends going overseas and you being left ?
A.22 That sort of upset me and about a year ago my mother died while I was in the army. That left me without a home, and I got into debt.

Q.23 Was it your intention to return and give yourself up ?
A.23 I intended to come back to Little Mountain on the 25th. January.

Q.24 Was there any reason that prevented that ?
A.24 I got in a mix-up with a girl and wanted to fix it up with her mother and father. I was going to come back about that time as I figured it would take that long.

Q.25 When the trouble that you are now in is cleared up,

Q.25 (continued) what do you want to do in the army ?
A.25 I would like to go overseas if I possibly could.

Q.26 What have you to say with regard to the loss of kit charged against you ?
A,26 I can produce the following articles: a pullover, a cotton shirt, toothbrush, holdall, razor safety and towels, socks, ground sheet, tin of shoe polish, brushes haversack and steel helmet.

CROSS EXAMINED BY THE PROSECUTOR

Q.27 You say you were working for the Queen Charlotte Fisheries ?
A,27 Yes, sir.

Q,28 What was your motive for working there ? Was it because you had received no army pay ?
A.28 Yes, sir, because I had no army pay.

Q,29 What made you return to the Depot ? Was it because your job eked out ?
A.29 No, sir. My mind was bothering me while I was away and I thought it best to come back.

Q,30 How long have you had service in the army ?
A.30 Two years in July.

Q.31 Did your conscience not prick you all the time you were absent ?
A.31 Yes, sir. I did not want to stay away as long as I did.

Q.32 Time simply drifted on ?
A,32 Yes, sir.

Q.33 You say you can produce certain articles of your kit and equipment ? Where are they ?
A.33 At my private home.

Q.34 Did you not disclose before that you could produce them?
A.34 When they took me off the train, they took my kit bag and I thought all my stuff was in it, but the person I was with had some of my kit in a beer box, and now she is sending it back here.

Q.35 Where is it now ?
A.35 At Nelson, B.C. I have a letter from her saying that she is sending it here.

THE DEFENDING OFFICER DECLINES TO REEXAMINE HIS WITNESS.

QUESTIONED BY THE COURT:

Q.36 While you were working were you in uniform ?
A.36 I wore my fatigue clothes and army boots.

Q.37 How did you come and go to work ?
A.37 Walked, sir.

Q.38 In the same clothes ?
A.38 Yes, sir.

Q.39 At the time where you were living, did you leave your battle dress while you worked ?
A.39 Yes, it was there when I went to work.

Q.40 Where were you living ?

A.40 At 817 Hamilton Street in the city.

Q.41 Why did you particularly count on the 25th. January to give yourself up ?

A.41 By the time I got home and got matters straightened up and get back here it would be the 25th.

Q.42 Where is your home ?

A.42 In Nelson, BC.

Q.43 What branch of the army are you serving in ?

A.43 No. 112 A.A.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS
(See document marked "K")

THE PROSECUTOR DECLINES TO MAKE A CLOSING ADDRESS.

E

FINDING.

The Court is closed for the consideration of the finding.

The Court find that the accused, M.28431 Gnr. Gerald Joseph HANSEN, No. XI District Depot, CA. is NOT GUILTY of desertion but is GUILTY of absence without leave on the first charge, and is GUILTY of the second charge.

PROCEEDINGS ON CONVICTION BEFORE SENTENCE

The Court being reopened, the accused is again brought before it.

Captain F. FRANKLIN, No. XI District Depot, CA. (the prosecutor) is duly sworn:

Q.44 Have you any evidence to produce as to the character and particulars of service of the accused ?
A.44 I produce MFB. 355 and MFM 6.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y", signed by the President and attached to the proceedings.

Certified copy MFM.6 is read, marked "Z" signed by the President and attached to the proceedings.

Q.45 Is the accused the person named in the statement which you have heard read ?
A.45 He is, sir.

Q.46 Have you compared the contents of the above statement with the regimental books ?
A.46 I have, sir.

Q.47 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries ?
A.47 They are, sir.

THE DEFENDING OFFICER DECLINES TO CROSS EXAMINE THIS WITNESS

IN THE OPINION OF THE CLURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

Question to the accused: Q.48 Do you wish to address the Court ?
A.48 Yes, sir. (See document attached marked "L").

THE COURT IS CLOSED FOR THE CONSIDERATION OF THE SENTENCE.

14.

F

SENTENCE

The Court sentence the accused M.28431 Gnr. Gerald Joseph HANSEN, No. XI District Depot, CA. to undergo detention for ninety days and to be put under stoppages of pay until he has made good ~~the value of the following articles, viz.:~~ ~~Ex~~ the value of the following articles, viz:-

Anklets, W/K prs.	1	.11	Brushes, shaving	1	.30
Battledress, Tan	1	5.60	" cloth	1	.09
Boots, ankle	1	5.20	Dressing, F.F.	1	.24
Mitts, Pullover	1	.44	Holdalls	1	.17
Shirt, cotton	1	.99	Housewives	1	.51
" U/cotton	1	.40	Razor, safety	1	.39
Socks, prs.	3	1.08	Towels, hand	2	.42
Blanket, Sim	1	.05	Haversack '37	1	2.14
Buttons, button,	1	.04	Tins, mess	1	.57
Brushes, button	1	.14	Sheets, ground	1	1.81
" hair	1	.24	Helmets, steel	1	2.39
					$23.67
			Less 25%		6.06
			Total		$17.61

Sentence
Detention
90 days

Stoppages
$17.61

Signed at Vancouver, B.C. this 8th day of February, 1943.

Eatherden Major
No. XI District Depot
PRESIDENT

Extracts entered as No. 7882 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 22nd day of Feb. 1943.

H.F.G.B.

I confirm the finding and sentence of the Court but remit the stoppages amounting to $17.61

Signed at Vancouver Barracks

E.L. Wadlin Brig
9 Feb 1943

PROMULGATED AND EXTRACTS TAKEN AT Little mountain Camp, Vancouver, B.C. this 11th day of February, A.D.1943.

C.R. Reid Capt

(C.R. Reid) Officer i/c Records,
No. XI District Depot, C.A.

ORDERS BY Brigadier W.H.S. Macklin,
Brigadier i/c Administration, Pacific Command,

Vancouver, B.C.,
February 2nd 1943.

Exhibit "X"

DISTRICT COURT(S)-MARTIAL.
M-28431, Gnr. Gerald Joseph Hansen,
No. XI District Depot,C.A.

PRESIDENT, D.C.M.

The detail of officers as mentioned below will assemble at Vancouver Barracks, Vancouver, B.C. on Friday, the 5th day of February, 1943, at 10 A.M. for the purpose of trying by ------DISTRICT------ Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT:

Major E.A. Henderson,
No. XI District Depot,C.A.

is appointed President.

MEMBERS:

Captain E.E. Wasson, No.11 District Depot,C.A. att'd Headquarters, Pacific Command.
Captain H. Neighbour,M.C., D.C.M., 29 Coy. VeteransGuard of Canada,C.A.

WAITING MEMBERS:

Lieut. A.U. Pender, 29 Coy. VeteransGuard of Canada,C.A.
Lieut. J.H. Templeman, 31 Coy. VeteransGuard of Canada,C.A.

Prosecutor and Defending Officer to be detailed by the Officer Commanding the Unit of the accused

Selected Officers of the Vancouver Area, not detailed for special duty, will attend for instruction.

The accused person will be warned and all witnesses duly required to attend.

The Officer Commanding, No. XI District Depot,C.A. Will detail a court orderly.

The proceedings will be forwarded to Brigadier i/c Administration, Pacific Command, marked "Confidential".

Signed at Vancouver, B.C., this 3rd day of February, 1943.

G.B. Oldfield Major.
DAAG.

for Brigadier i/c Administration,
Pacific Command.

17

CANADA

IN REPLY PLEASE QUOTE
NO.

DEPARTMENT OF NATIONAL DEFENCE
ARMY
NO XI DISTRICT DEPOT
Little Mountain Camp, Vancouver, B.C. 2nd FEB 1943

Exhibit "X.1"
Earl Henderson Maj
PRESIDENT, D.C.M.

Prosecuting Officer,
Capt. F.Franklin.

District Court Martial.
M-28431 Pte. HANSEN, G.J.

1. You have been detailed Prosecuting Officer for the m/n soldier at a Court Martial to be held probably Wednesday or Thursday, February 3rd or 4th.

2. You will be advised later the date and place.

C.R.Leslie Capt.& Adjt.,
for (T.S.Leslie) Lieut.-Col.,
O/C NO XI DISTRICT DEPOT C.A.

CRR/KW

N.D. 23
1,500M—7-42 (4219)
H.Q. 1772-101-23

19.

IN REPLY PLEASE QUOTE

No.

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

NO XI DISTRICT DEPOT

Little Mountain Camp, Vancouver, B.C. 2nd FEB 1943

"Exhibit X.2"

PRESIDENT, D.C.M.

Defending Officer,
Capt. A.P.Hayes.

District Court Martial.
M-28431 Pte. HANSEN, G.J.

1. You have been detailed Defending Officer for the m/n soldier at a Court Martial to be held probably Wednesday or Thursday, February 3rd or 4th.

2. You will be advised later the date and place.

Capt.& Adjt.,
for (T.S.Leslie)Lieut.-Col.,
O/C NO XI DISTRICT DEPOT C.A.

CRR/KW

N.D. 23
1,500M—7-42 (5219)
H.Q. 1773-101-23

(1)

DAILY ORDERS
of
LT. COL. T.S. LESLIE, E.D., HQ. XI DISTRICT DEPOT, C.A.A.

Orders No. 276

Little Mountain Camp,
Vancouver, B.C.
20th November, 1942.

PART II ORDERS NO. 276 Dated 20th November, 1942.

Para.

13. ABSENCE WITHOUT LEAVE
The undermentioned O/Rs are absent without leave w/e dates shown.

K76801 Pte MCDONALD R.D. 13.11.42.
M28431 Pte HANSEN G.J. 30.10.42.

CERTIFIED TRUE COPY of Para. 13 Part II Orders No. 276 Dated 20th November, 1942 of Lt. Col. T.S. Leslie, E.D., No. XI District Depot, C.A.

(Capt. & Adjt.)
No. XI District Depot, C.A.

Exhibit "G"

PRESIDENT D.C.M.

(2)

DAILY ORDERS
of
LT. COL. T.S. LESLIE, E.D., NO. XI DISTRICT DEPOT, C.A.A.

Orders No. 285

Little Mountain Camp,
Vancouver, B.C.
1st December, 1942.

PART II ORDERS NO. 285 Dated 1st December, 1942.

Para. 5 (a)

5. STRENGTH DECREASE (ABSENTEES)

(a) H28431 Pte HANSEN G.J. was, by Court of Inquiry held at NO. XI DISTRICT DEPOT, Little Mountain Camp, on 30th November, 1942, held to be illegally absent w/e 0800 hours 30.10.42 and is struck off the strength of No. XI District Depot w/e 30.11.42; forfeiture of pay is ordered for a period of 32 days under FR&I ART 149 1A; total deficiencies in kit amount to $37.24 under FR&I ART 173 (1).

CERTIFIED TRUE COPY of Para. 5(a), Part II Orders No. 285 dated 1st December, 1942 of Lt. Col. T.S. Leslie, E.D., No. XI District Depot, C.A.A.

(Capt. & Adjt.)
~~for (T.S. Leslie) Lieut. Col.,~~
~~Adjt.~~, No. XI District Depot, C.A.A.

Exhibit "H"
Examined
PRESIDENT, J.C.M.

RECORD of the Declaration of a Court of Inquiry assembled at Vancouver, B.C. on the 30th day of November 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. M.28431 Gnr. HANSEN, G.J.

DECLARATION

The Court declare that No. M.28431 Gnr Hansen, G.J. of No. XI District Depot Little Mountain Camp Vancouver, B.C. illegally absented himself without leave From #XI District Depot CA(A) at 0800 hrs. on the 30th day of October 1942, that he is still so absent, and that on the 30-11-42, he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
1 Anklets	.77	~~1 Fork Table~~	~~.09~~
~~1 B.D. Blouse~~	5 .58	1 Holdall	.17
12 B.D. Trousers 5 Ex. 11	.29	1 Housewife	.51
~~1 Belt Waist~~	.37	~~1 Knife Table~~	~~.18~~
1 Boots	5 .28	1 Razor Safety	.39
~~1 Cap F.G.~~	.74	2 Towels	.42
1 Mitts Pullover	.64	~~1 Badge Cap~~	~~.07~~
1 Shirt Cotton	.99	~~1 Pr Badges Shoulder~~	~~.08~~
1 Shirt Under Cotton	.40	1 Haversack '37	2 .14
3 Pr Socks	1 .08	1 Tins Mess	.57
1 Tin Blacking	.05	1 Ground Sheet	1 .81
~~1 Pr Braces~~	.27	1 Helmet Steel	2 .39
1 Brasses Button	.04	6	~~37 .34~~
1 Brush Button	.14		23 .67
1 Brush Shaving	.30	Less 25%	6 .06
1 Brush Tooth	.09		17 .61
~~1 Comb~~	.04		
1 Dressing F.E.	.24		
"Exhibit I"			

Edward Tage
President, D.C. M.

C.P.Reid Capt.
#XI District Depot, CA(A) ..... President
W.J.Decker Capt.
#XI District Depot, CA(A) ..... Member
S.A.Kelsberg Lieut.
#XI District Depot CA(A)
..... Member

Signed at Vancouver, B.C.

this 30th day of Nov. 19 42

Signature of Commanding Officer T.S. Leslie, Lieut. Col.
#XI District Depot, CA(A)

Certified true copy H. Anderson
Major
No. XI District Depot, C.A. Signature of Officer having custody of original record

M.F.B. 225
A.F.B. 116
100M—4-42 (4337)
H.Q. 1175-36-237

RECORD of the Declaration of a Court of Inquiry assembled at Vancouver, B.C. on the 30th day of November 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. M.28431 Gnr. HANSEN, G.J.

DECLARATION

The Court declare that No. M.28431 Gnr. Hansen, G.J. of #XI District Depot Little Mountain Camp Vancouver, B.C. illegally absented himself without leave From #XI District Depot CA(A) at 0800 hrs. on the 30th day of October 1942, that he is still so absent, and that on the 30-11-42. he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE		ARTICLES	VALUE	
1 Anklets		.77	1 Fork Table		.09
1 B.D. Blouse	5	.52	1 Holdall		.17
2 B.D. trousers	11	.20	1 Housewife		.51
1 Belt Waist		.37	1 Knife Table		.18
1 Boots	5	.20	1 Razor Safety		.39
1 Cap F.S.		.73	2 Towels		.42
1 Mitts Pullover		.64	1 Badge Cap		.07
1 Shirt Cotton		.99	1 pr Badges shoulder		.08
1 Shirt under cotton		.40	1 Haversack '37	2	.14
3 Pr. Socks	1	.08	1 Tins Mess		.57
1 Tin blacking		.05	1 Ground Sheet	1	.81
1 Pr. Braces		.27	1 Helmet Steel	2	.39
1 Brasses Button		.04		$ 37	.24
1 Brush Button		.14			
1 Brush Hair		.24			
1 Brush Shaving		.30			
1 Brush Tooth		.09			
1 Comb		.04			
~~1 Dressing P.P.~~		.24			

C.R. REID Capt. #XI District Depot, CA(A) — President

W.J. Decker Capt. #XI District Depot, CA(A) — Member

S.I. Kelsberg Lieut., #XI District Depot, CA(A) — Member

Signed at Vancouver, B.C.

this 30th day of Nov., 1942

Signature of Commanding Officer T.S. Leslie, Lieut. Col. #XI District Depot, CA(A)

Certified true copy: H. Anderson Major

Signature of Officer having custody of original record

No. XI District Depot, C.A.

M.F.D. 175
A.F.D. 115
100M—4-42 (4387)
H.Q. 1172-30-367

(4)

29

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY ~~or surrender to~~ Int. SERVICE AUTHORITIES)

I, Captain, F.T. Macdonald Lake. (Number) (Rank) #42 Provost Coy., C.A.(A) (Name) (Unit)

hereby certify that M.28431 Bdr. Hansen, G.J. (Number) (Rank) (Name in full)

of the No. XI District Depot, C.A. (A) Vancouver, British Columbia (Unit and attachment, if any)

Strike out words not applicable } was apprehended by (~~surrendered to~~) Int. K.71230 Lance Corporal (Number) (Rank)

Ferrier, A. (Name) #42 Provost Coy, C. Pro. C. C.A.(A) (Unit or appointment)

at Mission City, British Columbia (Place) at 2145 hours. (Hour)

on the eighteenth day of January 1943

Strike out words not applicable } as a deserter (or absentee without leave), and that at the time of his arrest he was wearing military ~~(or civil)~~ uniform (~~dressed in civilian clothes~~).
Int. Int. Int. Int.

Dated at Vancouver, B.C. this 19th day of January 19 43

Exhibit "J"

Edward Mayo
PRESIDENT, D.C.M.

F.T. Macdonald Lake Captain
Commanding #42 Provost Coy., C.A.(A)
(Signature, Number, Rank, Unit or appointment)

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 116
50M—5-42 (4731)
H.Q. 1772-39-1926

CLOSING ADDRESS BY THE DEFENDING OFFICER.

The accused has shown in his evidence that he went absent without leave but never had any intention of deserting the service. He states that he wore his uniform all the time he was absent and was never in mufti. When apprehended he was in his uniform and was not trying to masquerade as a civilian. He worked in his absence at the Queen Charlotte Fisheries, Bute Street, Vancouver, which may be classed as essential war work, and he stayed in this vicinity. He states that whilst on draft from Alaska to Petawawa he was driving an army truck at Prince Rupert and sustained an injury to his leg which put him in hospital for six weeks and lost the opportunity of going overseas, which was his desire. This contributed to his state of unrest. He finally was returned from hospital to No. XI District Depot and states that he had received no pay for two months as his documents were not on hand. Having no money, and knowing nobody at the Depot he yielded to the temptation of going absent. His father died while he was an infant and his mother died about a year ago which tended to unsettle and worry him. After he had been in the army for two months he overstayed a week-end pass for some three days and received a sentence of twenty-eight days' detention which he thought was unfair and a harsh sentence for a minor offence. It was his intention to give himself up on January 25th. but owing to complications in respect to the girl he intends to marry, he stayed to see her parents and make certain arrangements. His only desire now is to take his punishment, make a fresh start, be a good soldier and get overseas as quickly as possible. May it please the Court to take these facts into consideration ?

Exhibit "K"

PRESIDENT, D.C.M.

STATEMENT BY THE ACCUSED

Sir:

About that last crime, the crime of stealing. I was accused of that but did not do it and could not prove that I had'nt done it. I am perfectly innocent. I traded a dollar bill for a silver dollar and a man accused me of stealing it. That happened in Alaska. The man who gave me the silver dollar stole it from another man and when I was in a poker game he recognized the silver dollar by the date and accused me of stealing it. When I tried to get myself out of it he would not believe me and I had to forfeit 15 days' pay. That is all, sir.

Exhibit "L"
Catherwood Capt
PRESIDENT, D.C.M.

35

M.F.B. 255
30M—11-41 (2372)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
M-28431	Gunner	GERALD JOSEPH HANSEN,	No. XI District Depot,

1. The following is a fair and true summary of the entries in the ~~Service and General Regimental and Squadron, Battery~~ Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	SEC. 15 s.s.1.	2 times	SEC. 15 s.s. 1	6 times
For	SEC. 18(4)	1 times	SEC. 18(4)	1 times
For	SEC. 40	1 times	SEC. 40	1 times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

or,

~~There are no entries in the conduct sheets of the accused.~~

~~Note.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~ ~~Air Force Act~~ ~~A.F.A. 73~~

3. The accused is not under sentence at the present time.

or,

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in civil custody, and XX 18 days in ~~military~~ ~~Air Force~~ custody, making a total of XX 18 days in custody, of which NIL days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 20 years.

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper 8th July, 1941.

~~7. The service which the accused is allowed to reckon towards discharge is~~

~~8. The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

~~9. The accused is in possession of or entitled to no air-force decoration, or air force reward (or is in possession of or entitled to). State any air force decoration or reward military military military~~

~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held Air Force Regimental rank of .....~~

36

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ None

Permanent Force
unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force / Army Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank.....

Name ..... of ..... Unit / Regiment

~~NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.~~ None

~~Description of Court~~ by which tried	~~Date and Place~~ of Trial	~~Charge upon which~~ convicted	~~Sentence of the~~ Court	~~Punishment~~ Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~28th~~ 5th day of ~~January~~ February 1943. F H Anderson Major O.C., Det XI D.D., C.A. Vancouver, B.C.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" signed by the president, and annexed to the proceedings.

E A Anderson Capt
PRESIDENT, D.C.M.

37.

No. M28431 Name HANSEN Gerald Joseph

Sqn., Battery, or Company: RCASC (REIN) "CA" Corps

No. and date of last drunk:

Period not reckoning towards freedom from extra fine:

No XI DISTRICT DEPOT C.A.

Date of enlistment: 8/7/41

G.C. Badges:

Signature O.C. Company, etc.: "J.H.Cave" Major

Tradesmen's Rates of Pay:

Character

Sheet No. 1

M.F.M. 6 (A.F.B. 122) 500M—11-41 (9498) H.Q. 1772-39-1352

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
#110 CA(B)TC Vernon, BC	7-8-41	Pte		Absent from his quarters after Tatoo Roll call 7-8-41 until reporting at Guard House at 0930 hrs (absent 11 hrs. 30 mins) A.A. Sec 15(1)	Cpl. Cause Cpl Don.	3 days CB	8-8-41	Major Hoult	Forfeits 1 days pay under FR&I "D.E.S."
Vernon, BC	1-9-41	Pte		Whilst on active service did absent himself from Camp from 0600 hrs 1-9-41 till 0345 hrs 5-9-41 (absent 3 days 21 hrs, 45 mins) A.A. Sec 15(1)	Cpl. Wilkinson Cpl. Holmes ~~Exhibit~~ "Z"	28 days Detention	5-9-41	Lt.Col. A.H.Grant	Forfeits 4 days pay FR&I Art 149 Para 1(a). Forfeits additional 28 days pay FR&I Art 149 Para 1(b)
Vernon, BC	27-9-41	Pte.		Granted remission of 4 days		Pt II #203 - 110(B)TC	27-9-41.		

CERTIFIED TRUE COPY.

(Capt. & Adjt.)

for (T.S.Leslie) Lieut., Col., O.C., No. XI District Depot.

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Calgary	16-12-41	Pte		A.W.L. 1000 hrs 16-12-41 to 0930 hrs 17-12-41. Absent 23 hrs. 30 mins	Cpl. Faulkner	Admonished	17-12-41	Maj. Welsh	Forfeits 1 days pay FR&I 149 1(a)
Lethbridge, Alberta				Granted 14 days furlough 21-1-42 to 3-2-42 incl. trans. warrant #91418					
Petawawa	27-2-42	Gnr		A.W.L. from 2015 27-2-42 to 0630 hrs 28-2-42 (8hrs 15 mins)	L/Sgt. Campbell	7 days CB	28-2-42	Mjr. Phipps	Forfeits 1 days pay.
Prince Rupert B.C.	9 Apr 42	Gnr		Conduct to the Prejudice of Good Order and Military Discipline	Gnr Hunter L/Sgt. Olsen	7 days CB eff 10-4-42	13 Apr 42	Capt. W.J. Farnsworth	
Pr.Rupert,BC	13 May 42	Gnr		Conduct to the prejudice of Good Order and Military Discipline	Gnr Boland L/Bdr McDaniels	14 days CB eff 14-5-42	14-5-42	Capt. W.J. Farnsworth	
Pr. Rupert	14-7-42	"		A.W.L. 24 hours (A.A. 15(1)	A/Sgt. Toogood Sgt. Toogood	5 days pay	16-7-42	Maj. Phipps	Aut. Forf. 1 days pay.
Pr. Rupert	10-9-42	"		*Stealing property belonging to a person subject to Military law A.A. 18(4)	Sgt. Boyes	Summ forfeiture Summary Forfeiture of P & A 15 days	15-9-42	Maj. Phipps. "P"	

MEDICAL OFFICER'S REPORT

I certify that No. M-28431 Gnr. Gerald Joseph HANSEN, of No. XI District Depot, C.A., is in good state of health, and fit to undergo Trial by Court-Martial.

G. Thomson, (Capt)
RCAMC.
No. XI District Depot, C.A.

Station: Vancouver, B.C.

Date: 5th February, 1943.

SUMMARY OF EVIDENCE

in the case of M28431 Gnr. Gerald Joseph HANSEN, No. XI District Depot C.A. a soldier of the Canadian Army placed on Active Service.

The accused is charged with two charges:

First Charge WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he at Vancouver B.C. at 0800 hours on the 30th October 1942 absented himself without leave from #11 District Depot C.A. until apprehended by Military Police at Mission City, B.C. at 2145 hours 18th January 1943.

Second Charge LOSING BY NEGLECT HIS CLOTHING, EQUIPMENT AND REGIMENTAL NECESSARIES.

IN that he at Vancouver B.C., on 30th November 1942, by a Court of Inquiry held at #11 District Depot C.A. was found to be dificient in Clothing, Equipment, and Regimental Necessaries to the amountof $17.61.

Evidence will be taken upon oath under instructions from Lieut. Col. T.S. Leslie, E.D. Officer Commanding, No. XI District Depot C.A.

First Witness: K92149 Sgt. PHILPOTT W.E. of #11 District Depot C.A. having been duly sworn states:

I am Intelligence Sergeant of #11 District Depot C.A. I present as evidence in this case, the following documents:

Exhibit I: Certified True Copy of the Daily Orders of Lieut. Col. T.S. Leslie, E.D. of #11 District Depot C.A., Orders #276 dated 20th of November 1942, showing the accused to be absent without leave with effect 30th October 1942.

Exhibit II: Certified true copy of Daily Orders of Lieut Col. T.S. Leslie E.D. of #11 District Depot C.A., Orders #285 dated 1st December 1942, para 5(a) showing the accused Struck off Strength as a deserter.

Exhibit III: M.F.B. 375, Record of Declaration of Court of Inquiry assembled at Little Mountain Camp, Vancouver B.C. 30th November 1942, showing the accused deficient in Equipment and regimental

necesaaries to the amount of $19.61.

Exhibit IV: M.F.M. 216, Certificate of Apprehension by Service Authorities of the accused while dressed in military uniform at 2145 hours 18th January 1943 at Mission City B.C.

THE ACCUSED DECLINES TO QUESTION THIS WITNESS.

K92149 Sgt. Philpott W.E.
#11 District Depot C.A.

QUESTION TO THE ACCUSED:

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything unless you wish to do so, but whatever you say or any evidence you will give will be taken down in writing and may be given in evidence.

THE ACCUSED'S ANSWER

I have nothing to say.

RULES OF PROCEDURE NO. 4, C.D. & E. have been complied with.

Taken down by me in the presence of the accused person at #11 District Depot C.A., Little Mountain Camp, Vancouver B.C. this 28th January 1943.

(W.J. DECKER) Capt.

H.Q.C. 55-H-333

CONFIDENTIAL

N.F.B. 6178

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HUFF, W.J. A.50096 PTE.

DEAD

KENT REGT, C.A.

CONFIDENTIAL
H.Q.C. 55-H-333

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If purpose for which referred cannot be expressed on one line, add minute to file and sever here "With Minute")							
					With Papers C.G.R. FEB 22 1943		
MAR 5 1943	9/3/43	P.A.	WMO	A.D.	To note & PA	PGL	24/3/43
MAR 16 1943	17/3/43	P.A.	J.A.	L.S.	Per Requisition MAR 13 1943		
MAR 25 1943	25/3/43	P.A.	J.A.	L.S.	Per Requisition MAR 25 1943		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to S.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers an opportunity to use it.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All correspondence between branches should bear the official file number.

PASS THIS FILE IN ENVELOPE

MEDICAL OFFICER'S REPORT

I certify that No. A50096 Pte. Huff W.J.
of A.10. C.A.T.C. is in a normal state of health,
and fit to undergo Trial by Court Martial
~~Punishment~~

[illegible] Capt
Medical Officer R.C.A.M.C.

Camp Borden, Ontario

Date 26.1.43.

7900

CANADA

IN REPLY PLEASE QUOTE
No. C.B.40-H-374(AJA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Camp Headquarters,
Camp Borden, Ont. 17 FEB 1943

Notice

The Secretary,
Dept. of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY ARMY
ADJ. SEC.
C.B.-H-333
FEB 20 1943
File
Sent to
Comments

DISTRICT COURT-MARTIAL
A-50096 Pte.Whitty Johnston Huff,
Kent Regt.,C.A., att'd C.I.T.C.,C.A.

Herewith Proceedings of a District Court-Martial held for the trial of the m/n soldier, for registration and custody, promulgation having been effected.

(A.C.Spencer) Brigadier,
Commander, Camp Borden.

NAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-99-787

H.Q.C. 55-H-333(JAG)

CONFIDENTIAL

Ottawa, February 24th 3.

Commander,
CAMP BORDEN, Ontario.

Re: District Court-Martial
A-50096 - Pte. Whitty Johnston Huff,
Kent Regt.,C.A.,att'd C.I.T.C.,C.A.

Receipt is acknowledged of your C.B. 40-H-374(AJAG) dated 17th February, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. Since the finding is supported by the evidence and the sentence legal, it is not considered necessary to return the proceedings which are retained for custody.

9/3/43
WM

RBL/HB.

Brigadier,
Judge Advocate-General.

H.Q. C. 55-H-333
M.D. C.R. 40-H-374

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. 450096 Name HUFF, W.J.

Rank Pte. Unit KENT REG' C.A., ATT' TO A-10 C.I.T.C., C.A.

Charge SEC. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 28/12/42

Date of Arrest 12/1/43 Charge. Signed 18/1/43

Orders for D.C.M. COMMANDER CAMP BORDEN MILITARY CAMP

Place and Date of Trial CAMP BORDEN, ONTARIO 26/1/43

Sentence DETENTION 15 DAYS STOPPAGES $6.02

Date of Confirmation 10/2/43

Date of Promulgation 10/2/43

Entered in Records of J.A.G. as No. 7900

Date 23/2/43

MEMO

R. B. Lamb Lt-Col.
for Judge Advocate-General.

3M-12-42(M1754)

*All printed matter not applicable to the particular Court being held should be struck out and initialed by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a DISTRICT Court-Martial held at the Court Room, Camp Borden, Ontario, on the 26th day of January, 1943, by order of Brigadier A.C. Spencer, E.D., ~~Commanding~~ Commander, Camp Borden, dated the 23rd day of January, 1943.

President.

Major J.A. Elliott,
A-19 Canadian Army Service Corps Training Centre, C.A.

Members.

Capt. J. A. Tuxford,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Capt. J.G. Cawthorpe,
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Capt. H.F.G. Bridges,
Royal Canadian Artillery, C.A.,
attached N.D.H.Q. (J.A.G. Branch). , Judge Advocate.

Trial of* No. A50096 Private Whitty Johnston Huff, Kent Regiment, C.A., Attached to A-10 Canadian Infantry Training Centre, C.A.

The order convening the Court, the charge-sheet and the summary ~~or abstract~~ of evidence are laid before the Court.

~~The Court finds that the accused is not available for service therefrom.~~

~~Lieut. [illegible] takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. ‡

The accused is brought before the Court.

Prosecutor,† Lieut.H.H. Bull, R.R. of C., Att'd. Camp Headquarters.

~~[illegible]~~ defending officer† Lieut.A.M.Ecclestone, Gen. List, A.10 C.I.T.C., C.A.

at 10:00 a.m. o'clock the Trial commences.

The order convening the Court is read, and is marked "X"; A.10 CITC(CA) Unit Order No. 20 signed by the President, and attached to the proceedings. 25 JAN 43, detailing Pros. and Defending Officer, is marked "X-1" attached.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Forms B. 271
20M—7-42 (5387)
H.Q. 1772-20-224

(1)

‡ I have satisfied myself that none of the Officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

J.A. Elliott Major, Pres., DCM.

42

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn.(See attached list marked "C"

Q-2 Do you object to No. C-96564, Sgt. T.S. Hubbard, No. 9 Det., C.M.S.C., C.A., att'd. Headquarters, Camp Borden, Ont., as shorthand writer?

A-2 No, sir.

(No. C-96564, Sgt. T.S. Hubbard, No. 9 Det., C.M.S.C., C.A., att'd. Headquarters, Camp Borden, Ont., is duly sworn as shorthand writer.)

---See Page "H" for Minute of Adjournment & Reassembly.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon/the charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

CHARGE SHEET

The accused A50096 Private Whitty Johnston Huff, Kent Regiment, C.A., Attached to A-10 Canadian Infantry Training Centre, C.A., a soldier of the Canadian Army placed on Active Service is charged with:-

CHARGE
Section 15(1)
Army Act.

ABSENTING HIMSELF WITHOUT LEAVE,

in that he,

at Camp Borden, Ont., On 28 DEC 42, absented himself without leave from A-10 C.I.T.C., C.A., from 0600 hrs. 28 DEC 42, until he was apprehended by the military authorities at Moravaintown, Ont., at 1600 hrs, 12 JAN 43, dressed in civilian clothes. Total absence 15 days 10 hrs.

Together with the cost of apprehension:

Railway fare, Chatham, Ont. to London, Ont. and return to Chatham, Ont. (Escort).....	$ 2.18
Railway fare, Chatham, Ont. to London, Ont. (Accused).....	1.09
Railway fare, London, Ont. to Camp Borden, Ont., (Accused).....	2.75
Total	$ 6.02

G. Machell
(G. Machell) Lt.-Col.,
Comd. A-10 Canadian Infantry Training Centre, C.A.

Camp Borden, Ontario.
18 JAN 43.

To be tried by District Court Martial

J. R. Conover Lt Col
A.A.G. & Q.M.G.
for Commander,
Camp Borden

Signed at Camp Borden, Ont this 23rd day of January 1943.

CC

Proceedings on Plea of Guilty

*To be struck in case no "Not Guilty" has been proceeded with.

H.F.G.B. ~~*The Court having been cleared, the accused was again brought before the Court and the charge to which he has pleaded "Guilty" was read to him.~~

The accused No. A50096 Private Whitty Johnston Huff, Kent Regiment, C.A., Attached to A-10 Canadian Infantry Training Centre, C.A., is found guilty of the charge.

H.F.G.B. *The summary ~~or abstract~~ of evidence is read, marked "I", signed by the President, and attached to the proceedings.

Q-4 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-4 *Answer.* H.F.G.B. The accused ~~in mitigation of punishment~~ says:— No, sir.

H.F.G.B. ~~A copy of the written statement which is said, marked "X", is attached~~

H.F.G.B. ~~the President and Prosecutor to the proceedings.~~

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q-5 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A-5 Yes, sir. I wish to give evidence myself. *Answer.*

Evidence as to character.

The Accused, No. A50096 Private Whitty Johnston Huff, Kent Regiment, C.A., Attached to A-10 Canadian Infantry Training Centre, C.A., being duly sworn, is examined by the Defending Officer:-

Q-6 How old are you?

A-6 Thirty-three, sir.

Q-7 Are you married?

A-7 Yes, sir.

Q-8 How long have you been married?

A-8 Six years, sir.

Q-9 Have you any children?

A-9 Yes, sir.

Q-10 How many children have you?

A-10 Three, sir.

Q-11 What are their ages?

A-11 Five, three and a half, and two.

Q-12 And when did you enlist in the Army?

A-12 August, 1940.

Q-13 After you enlisted in the Army where were you placed?

A-13 Chatham, Ontario.

Q-14 How long were you in Chatham?

A-14 From August to the last part of December, sir.

Q-15 While you were stationed in Chatham did you have any trouble at all?

A-15 No, sir.

Q-16 And after Chatham where were you moved to?

A-16 London, Ontario.

Q-17 How long were you in London?

A-17 Until December to August.

Q-18 That would be December of 1940 to August, 1941? Is that correct?

A-18 Yes, sir.

Q-19 What were you doing while you were stationed in London?

A-19 I was working in the kitchen, sir.

Q-20 Did you have any trouble at all while you were in London?

A-20 Yes, sir.

Q-21 What happened there?

A-21 I went A.W.L.

Q-22 How long were you away?

A-22 Fourteen days, sir.

Q-23 Why?

A-23 My wife was in poor health, sir.

Q-24 What did you do while you were away these fourteen days?

A-24 I helped her to get fuel for the house and to look after the house and the wife and kids.

Q-25 Where does your family live?

A-25 Moraviantown, sir.

Q-26 An Indian Reserve?

A-26 Yes, sir.

Q-27 And you are Indian by race?

A-27 Yes, sir.

Q-28 Where were you moved to after London?

A-28 I was moved to Halifax, sir.

Q-29 You were sent to Halifax?

A-29 Yes, sir.

Q-30 How long were you at Halifax?

A-30 Until the last part of November, sir.

Q-31 The last part of November, 1941? Is that correct?

A-31 Yes, sir.

Q-32 What were your duties there?

A-32 I was a cook in Halifax, sir.

Q-33 You were a cook?

A-33 Yes, sir.

Q-34 Were you chief cook or cook's assistant?

A-34 No, sir. I was cook on the outpost, on the coast.

Q-35 While in Halifax did you have any trouble at all?

A-35 No, sir.

Q-36 Where were you moved from Halifax?

A-36 Niagara-on-the-Lake.

Q-37 How long did you spend there?

A-37 From November to March, sir.

Q-38 And were you in any trouble while at Niagara-on-the-Lake?

A-38 Yes, sir.

Q-39 What happened there?

A-39 I went A.W.L.

Q-40 For how long?

A-40 For 44 days, sir.

Q-41 Will you tell the Court why 44 days at that time?

A-41 I was in Halifax and my wife was sick at home. They would not give me a pass at Halifax so when I went to Niagara-on-the-Lake I went A.W.L. for 44 days.

Q-42 What did you find at home?

A-42 My wife was in poor health, sir.

Q-43 What did you do?

A-43 I kept house for my wife and looked after the kids. She could do no washing or nothing like that and I got the food.

Q-44 Where did you spend that 44 days?

A-44 Right at home, sir.

Q-45 You were at home the whole time you were away?

A-45 Yes, sir.

Q-46 Did you return to Niagara-on-the-Lake?

A-46 Yes, sir.

Q-47 Where were you moved to next?

A-47 I was moved to New Westminster, British Columbia.

Q-48 And while at New Westminister, British Columbia, did you return home at all?

A-48 Yes, sir. I came back in April.

Q-49 And this time did you have any trouble at all?

A-49 Yes, sir. I lost my ---

Q-50 What did you loose?

A-50 (No audible answer.)

Q-51 One of your children died, is that correct?

A-51 Yes, sir.

Q-52 And where were you sent to after that?

A-52 I was sent to London, Ontario.

Q-53 You were posted to London, Ontario?

A-53 Yes, sir.

Q-54 And this time did you have any trouble?

A-54 No, sir. Not in London.

Q-55 Where were you sent to after London?

A-55 I was sent here to Camp Borden.

Q-56 When were you sent to Camp Borden?

A-56 Last August, 1942.

Q-57 August, 1942?

A-57 Yes, sir.

Q-58 And did you have any trouble up until this recent time?

A-58 I had one A.W.L. last fall, in September.

Q-59 What happened then?

A-59 I went A.W.L. for fourteen days, sir.

Q-60 When was that?

A-60 That was in September, sir. I did not go back when I went on pass.

Q-61 You went on pass. You went home?

A-61 Yes, sir.

Q-62 What did you find at home?

A-62 My wife was in poor health, sir.

Q-63 What was the trouble with your wife? Did you ever enquire to the doctor?

A-63 Yes, sir. He said she had "T.B."

Q-64 What did you do that fourteen days you were away?

A-64 I stayed at home and looked after the house and kids.

Q-65 From that time in the fall when you were A.W.L. did you have any trouble until this recent time?

A-65 No, sir, not until this last one here.

Q-66 How did this happen? How did you happen to go home?

A-66 At Christmas, sir.

Q-67 And you failed to return, is that correct?

A-67 Yes, sir.

Q-68 What happened?

A-68 My wife was in poor health and had no fuel.

Q-69 What did you do?

A-69 I went out and cut some wood.

Q-70 Now, you are accused also of being dressed in civilian clothes when arrested. Will you explain this to the Court?

A-70 Yes, sir. The reason was I did not want to dirty my uniform.

Q-71 You were out cutting wood?

A-71 Yes, sir.

Q-72 Originally, why did you enlist in the Army?

A-72 Jobs were pretty scarce at the time I enlisted, sir.

Q-73 Did you want to go overseas?

A-73 Yes, sir. At first when I joined up.

Q-74 What education have you got?

A-74 I went to third book in public school, senior third.

CROSS-EXAMINED BY THE PROSECUTOR :-

Q-75 Is your home right on the Indian reserve?

A-75 Yes, sir.

Q-76 How many people are there there?

A-76 About 350, sir.

Q-77 Is there a doctor there, near at hand?

A-77 Yes, sir. About six miles away.

Q-78 Have you any relatives on the reserve?

A-78 My sisters live on the reserve, sir. Two sisters.

Q-79 Has your wife any relatives there?

A-79 Her father lives there.

Q-80 Do you live with any of these relatives or does your wife live with relatives?

A-80 No, sir. She lives by herself.

Q-81 Are these relatives in a position to give any assistance or help?

A-81 Her father has got fuel for her but he has been laid up himself.

Q-82 At Christmas time?

A-82 Yes, sir. Last summer or early fall he got laid up.

Q-83 Did you require all of the time that you were away to get fuel in?

A-83 She could buy wood then but now there is nobody around there to cut the wood.

Q-84 I mean this time at Christmas when you were away and did not come back at Christmas, did it require all that time to get fuel for the house?

A-84 No, sir. My legs were bothering me. I just came out of the hospital.

Q-85 Did you make any application to your Unit for an extension of leave?

A-85 No, sir.

Q-86 Did you inform them of your wife's condition?

A-86 No, sir.

Q-87 Did you ever inform them when you were not able to return?

A-87 Yes, sir.

QUESTIONED BY THE COURT :-

Q-88 You say you came out of the hospital?

A-88 Yes, sir.

Q-89 When did you come out?

A-89 21st December, sir.

Q-90 This year. I mean 1942?

A-90 Yes, sir, 1942.

Q-91 How long were you in the hospital?

A-91 76 days, sir.

Q-92 What was the trouble?

A-92 I had arthritis, sir.

Q-93 What are you employed at at the present time at A-10? What do you do there?

A-93 I'm just on parade ground, drilling.

Q-94 You are in training are you?

A-94 Yes, sir.

Q-95 Are you A Category?

A-95 As far as I know, sir.

BY THE JUDGE ADVOCATE :-

Q-96 Regarding the doctor at Moraviantown, is that the doctor that treats all the Indians there?

A-96 Yes, sir.

Q-97 That is the regular doctor that all the Indians go to, is that it?

A-97 Yes, sir.

Q-98 How often does your wife have to see the doctor?

A-98 She goes in about twice a month when he comes up. He comes up there to the school house on Monday and Friday nights.

---The Defending Officer declines to re-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The Accused resumes his seat.

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

~~The Court is closed for the consideration of the finding.~~

~~The Court finds that the accused~~

H.F.B.

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

~~[The Court is opened, the accused is again brought before it.]~~

Evidence of character, etc.

Lieut. H.H. Bull, R.R. of C., Att'd. Camp Headquarters, is duly sworn.

Q-99 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-99; Yes, sir. I produce M.F.B. 355 and certified true copy of M.F.M. 6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-Z," signed by the President, and annexed to the proceedings.

Q-100 *Question by the President.*

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-100; Yes, sir.

Q-101 *Question.*

Have you compared the contents of the above statement with the regimental books? *Answer.* A-101; Yes, sir.

Q-102 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-102; Yes, sir.

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The Prosecutor resumes his seat.

Q-103 *Question to the accused.*

Do you wish to address the Court? *Answer.* A-103; Yes, sir, through my Defending Officer. (See document marked "J", attached.)

The Court is closed for the consideration of the sentence.

20

F

Sentence

The Court sentence the accused No. A50096 Private Whitty Johnston Huff, Kent Regiment, C.A., Attached to A-10 Canadian Infantry Training Centre, C.A., to undergo detention for 15 days, and to be put under stoppages of pay until he has made good the sum of $6.02 in respect of the costs of apprehension and return to his corps.

Sentence. DETENTION: 15 days.

STOPPAGES: $6.02.

Signed at Camp Borden, Ontario, this 26th day of January, 1943.

(Major)
A-19 Canadian Army Service Corps Training Centre, C.A.
PRESIDENT

(Capt.)
Royal Canadian Artillery, C.A., attached N.D.H.Q. (J.A.G. Branch)
JUDGE ADVOCATE

Confirmed.

Signed at Camp Borden, Ont this 10th day of February 1943

Brigadier
Commander, Camp Borden.

PROMULGATED AND EXTRACTS TAKEN, at Camp Borden, Ontario, this tenth day of February, 1943.

(J.H. Peters) Lieut. & Asst. Adjt,
A-10 Can. Inf. Trng. Centre, C.A.

Extracts entered as No. 7900 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 23 day of Feb 1943

RBL

ORDERS BY

Brigadier A.C. Spencer, E.D.
Commander, Camp Borden.

Camp Borden, Ontario,
23rd January, 1943.

DISTRICT COURT-MARTIAL
B.50904, Pte. Russell Victor McMillan,
Essex Scottish Regiment, C.A.,
attached to A-10 Canadian Infantry Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Tuesday, 26th January, 1943, at 10 o'clock, a.m., (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major J.A. Elliott,
A-19 Canadian Army Service Corps Training Centre, C.A.

MEMBERS

Capt. J.A. Tuxford,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Capt. J.G. Cawthorpe,
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.

WAITING MEMBER

Capt. A.D. Egan,
A-10 Canadian Infantry Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Capt. H.F.G. Bridges, Royal Canadian Artillery, C.A., attached N.D.H.Q. (J.A.G. Branch).

The Officers Commanding the following Training Centres will detail not less than two and not more than five Officers to attend the Court-Martial for instruction :-

A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-10 Canadian Infantry Training Centre, C.A.
A-11 Canadian Infantry Training Centre, C.A.
A-19 Canadian Army Service Corps Training Centre, C.A.
A-22 Canadian Army Medical Corps Training Centre, C.A.

The Officers Commanding any other unit or detachment in Camp Borden may detail two Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to the A.A. & Q.M.G., Camp Borden, Ontario.

SIGNED at Camp Borden, Ontario, this 23rd day of January, 1943.

J.D. Conover

(J.D. Conover)
Lieut.-Colonel
A.A. & Q.M.G., Camp Borden

CERTIFIED TRUE COPY

J.H. Peters .....Lieut & Asst. Adjt.
(J.H. Peters) A-10 C.I.T.C., C.A.

25
"X-1"

A.10 CANADIAN INFANTRY TRAINING CENTRE (CA)

CAMP BORDEN ONTARIO

PART I ORDERS

BY

LT.-COL. G. MACHELL V.D.

Last Part I Order No 19 dated 23 JAN 43 — No 20 25 JAN 43

1. ORDERLY DUTIES

(a) Orderly Officer
For duty — 25 JAN 43 Lieut L A Mitchell
Next for duty — 26 JAN 43 Lieut J R, Robillard
27 JAN 43 Lieut Butler
28 JAN 43 Lieut B H Cook

(b) Orderly Sergeant
For duty — 25 JAN 43 Sgt Baker I
Next for duty — 26 JAN 43 Sgt Latimer C
27 JAN 43 Sgt Alexander J

2. TRAINING PARADES

(a) For 26 JAN 43 all companies as per syllabus

3. DISTRICT COURT-MARTIAL

(a) B50904 Pte R V McMillan ESR
att'd A.10 CITC
B608366 Pte Rittinger W E ESR
att'd A.10 CITC
A531175 Pte Krezewski F
att'd A.10 CITC
A50096 Pte Huff W J Kent Regt
att'd A.10 CITC

The detail of Officers mentioned below will asemble at the Court Room Camp Borden Ontario on Tuesday, 26 JAN 43, at 10 o'clock a.m. (EDST) for the purpose of trying by District Court-Martial the accused persons named in the margin (and such other persons as may be brought before them)

PRESIDENT	Major J A Elliott	A.19 RCASC TC
MEMBERS	Capt J A Tuxford	A.8 CAC TC
	Capt J G Cawthorp	A.9 CAC TC
WAITING MEMBER	Capt A D Egan	A.10 CITC
PROSECUTOR	Lieut H H Bull	RR of C Att'd Camp Headquarters
DEFENDING OFFICER	Lieut A M Ecclestone	Gen List A.10 CITC
	Lieut E C Benson	Gen List A.10 CITC
JUDGE ADVOCATE	Capt H F G Bridges	RCA att'd N.D.H.Q.

Daily Order Part I No 20 Page 2

3. DISTRICT COURT MARTIAL Cont'd

OFFICERS FOR INSTRUCTION Lieut L A Mitchell A.10 CITC
Lieut D W Rolling A.10 CITC

(b) All witnesses in these cases are hereby warned that until further notice, they must not leave the lines of A.10 CITC and must be available to give evidence at a moments notice

W. T. Shrives
.....Capt & Adjt
(W. T. Shrives)
A.10 Canadian Infantry Training Centre, C.A.

- OFFICERS UNDER INSTRUCTION -

Lieut. J. H. Hall	R.C.A.S.C., att'd. A-19 C.A.S.C.T.C., C.A.
Lieut. E. A. Baxter	R.C.A.S.C., att'd. A-19 C.A.S.C.T.C., C.A.
Lieut. W. A. Faolds	R.C.A.S.C., att'd. A-19 C.A.S.C.T.C., C.A.
Lieut. H. A. Jackson	1st Bat. R.H.L.I., att'd. A-11 C.I.T.C., C.A.
Lieut. J. D. Dowsley	Royal Reg. Can., att'd. A-11 C.I.T.C., C.A.
Lieut. L. A. Mitchell	Royal Canadian Regt., att'd. A-10 C.I.T.C., C.A.
Lieut. D.W. Rolling	Q.O.R. of Can., att'd. A-10 C.I.T.C., C.A.
Lieut. A. F. Abram	C.A.C., att'd. A-9 C.A.C.(A)T.C., C.A.
Lieut. J. B. Plamondon	C.A.C., att'd. A-8 C.A.C.(A)T.C., C.A.
2/Lt. W. R. Kane	R.C.A.S.C., att'd. A-19 C.A.S.C.T.C., C.A.
2/Lt. J. A. Vezina	C.A.C., att'd. A-8 C.A.C.(A)T.C., C.A.
2/Lt. G. A. Smith	R.C.A.S.C., att'd. A-19 C.A.S.C.T.C., C.A.

At 10:10 o'clock a.m., on the 26th day of January, 1943, the Court adjourned until 3:15 p.m., on the 26th day of January, 1943.

At 3:15 o'clock p.m., on the 26th day of January, 1943, the Court reassemble pursuant to adjournment, present the same Members as when adjourned.

Exhibit "I" 33

SUMMARY OF EVIDENCE in the case of A50096 Private Whitty Johnston Huff, Kent Regiment, C.A. Attached to A-10 Canadian Infantry Training Centre, C.A., charged with absence without leave. Huff.....One.

The accused's rights in respect to a Summary of Evidence are explained to him.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS: B79580 Cpl. J.R. Slathon, Ir. R. C., att. A-10 C.I.T.C., C.A., having been duly sworn, states:-

"I am a corporal in No. 2 Coy, A-10 C.I.T.C., C.A., Camp Borden, Ont. to which Coy the accused is attached. At approximately 0610 hrs, 28 DEC 42, I called the roll in hut P 41 A, which is the barrack room of the accused, and the accused, A50096 Pte. W.J. Huff, failed to answer his name. Immediately after calling the roll I made a thorough search of the barrack rooms, ablution rooms and Coy. lines of No. 2 Coy, but the accused could not be found. I then reported him to the Administrative Sergeant, for No. 2 Coy, as being absent without leave from 0600 hrs, 28 DEC 42."

The accused declines to cross-examine this witness.

.....J.R. Slathon.....Cpl.
B79580 (J.R. Slathon) A-10 C.I.T.C., C.A.

SECOND WITNESS: B59752 Cpl. R. Holmes, R.C.R., att. A-10 C.I.T.C., C.A., having been duly sworn, states:-

"I am the Orderly Corporal for No. 2 Coy, A-10 C.I.T.C., C.A., Camp Borden, Ont., to which Coy. the accused is attached. At approximately 0700 hrs, 28 DEC 42, I was present in No. 2 Coy. Orderly Room, and heard Cpl. J.R. Slathon report to the Administrative Sergeant of No. 2 Coy, that the accused, A50096 Pte. W.J. Huff, was absent without leave from 0600 hrs that morning. I then made a search of the barrack rooms, ablution rooms and Coy. lines of No. 2 Coy, but could not find the accused. I reported this to the Administrative Sergeant of No. 2 Coy, and he entered the accused's name on the absentee report as being absent without leave from 0600 hrs, 28 DEC 42. To the best of my knowledge, information and belief the accused remained so absent without leave from 0600 hrs, 28 DEC 42, until he was apprehended at Moravaintown, Ont., at 1600 hrs, 12 JAN 43. If the accused had been present with his Coy at any time during such period, I would have knowledge thereof. I identify the accused to be the person referred to in the following documents now shown to me:-

(a) M.F.M. 216 dated 12 JAN 43.

(b) Appendix to M.F.M. 216 dated 12 JAN 43.

(c) M.F.B. 1481 dated 13 JAN 43.

(d) M.F.B. 1481 dated 13 JAN 43."

The above mentioned documents are read over to the accused and marked Exhibits "A", "B", "C" and "D" respectively.

The accused declines to cross-examine this witness.

.....R. Holmes.....Cpl.
B59752 (R. Holmes) A-10 C.I.T.C., C.A.

35

QUESTION TO THE ACCUSED: "Do you wish to made any statement or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED: (Having been duly sworn) "I admit going absent without leave from A-10 C.I.T.C., C.A., Camp Borden, Ont., from 0600 hrs., 28 DEC 42, until I was apprehended at Moravaintown, Ont., at 1600 hrs, 12 JAN 43, dressed in civilian clothes. I have nothing further to say at this time.".

.....W J Huff.....Pte.
A50096 (W.J. Huff) A-10 C.I.T.C., C.A.

The accused declines to call any witnesses in his own behalf.

Rules of Procedure 4(c) (d) (e) and (f) have been complied with.

Taken down by me in the presence of
the accused at Camp Borden, Ontario,
this eighteenth day of January, 1943.

.....J H Peters.....Lieut.& Asst. Adjt.,
(J.H. Peters) Q.O.R.of C., A-10 C.I.T.C., C.A.

EXHIBIT "A"

J. Davison Sgt
Vrem 37

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, A. 56003 (Number) A/Sgt. (Rank) Forster, T.W. (Name) #30. Provost (Unit) Coy.

hereby certify that A.50096. (Number) Pte. (Rank) HUFF. W.J. (Name in full)

of the Kent. Regt. Camp Borden. Ont. (Unit and attachment, if any)

Strike out words not applicable } was apprehended by ~~XXXXXXXXXXXX~~ A.103058. L/Cpl. A.56003. (Number) A/Sgt. (Rank)

McDonald. R.W.
Forster, T.W. (Name) #4. Sect. #30. Provost. Coy. (Unit or appointment)

at Moravaintown, Ont. (Place) at 1600hrs. (Hour)

on the 12th. day of January. 1943.

Strike out words not applicable } ~~or absentee~~ (or absentee without leave), and that at the time of his arrest he was wearing ~~military (air force) uniform~~ (dressed in civilian clothes).

Dated at Chatham, Ont. this 12. day of January. 1943.

A56003. A/Sgt Forster. T.W.
(Signature, Number, Rank, Unit or appointment)
1/c. #4. Sect. #30. Provost, Coy.

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
50M—5-42 (4731)
H.Q. 1773-30-1936

The above mentioned soldier has been admitted to Military Detention Bks., London, Ontario on 5 occasions since the 15th of February, 1942, and apparently is a habitual A.W.L.

This is Exhibit "A" referred to in the Summary of Evidence in the case of A50096 Pte. W.J. Huff, taken before me at Camp Borden, Ontario, this eighteenth day of January, 1943.

(J.H. Peters) Lieut.& Asst. Adjt.
A-10 Can. Inf. Trng. Centre, C.A.

This is Exhibit "B" referred to in the Summary of Evidence in the case of A50096 Pte. W.J. Huff, taken before me at Camp Borden, Ont., this eighteenth day of January, 1943.

(J.H. Peters) Lieut.& Asst. Adjt.
A-10 Can. Inf. Trng. Centre, CA.

EXHIBIT "B" L.91-1-79 (DAPM) 39

Military District No. 1, London.

APPENDIX TO M.F.M. 216

I-2

Supplementary Certificate
concerning Arrest or Surrender of
Absentees or Deserters.

I, 4.56003 ... A/Sgt. ... Forster, T.W. ... #30. Provost, Coy. ....
(Number) (Rank) (Name) (Unit)

who made the arrest (~~or receiving the surrender~~ S.O.P.) of

4.50996 ... Pte. ... HUFF.W.J. ... Kent. Regt. Camp Borden, Ont. ...,
(Number) (Rank) (Name) (Unit)

as stated in the attached Certificate (M.F.M. 216), further certify that the surrounding circumstances in which the arrest (~~or surrender~~ S.O.P.) was made are as follows:

On receipt of information from Civil Police, BOTHWELL.Ont. I proceeded to Moravintown, (Indian Reserve) accompanied by L/Cpl. McDonald. R.W. The above named soldier was cutting fire-wood in the bush, and on his return was placed under close arrest, and taken to the guard-room at #12. B.T.C. to Await escort to London Det. Bks.

Certified that:-

Owing to the distance, loss of time and expense involved, the attendance of this witness cannot be readily procured.

RULE OF PROCEDURE 4 (g)

(J.H. Peters) Lieut.& Asst. Adjt.
A-10 Can. Inf. Trng. Centre, CA

Dated Chatham, Ont. ..... this ... 12th ... day of Jan. ... 1943.

4.56003 A/Sgt. T. W. Forster #30 Provost Coy #4 Sect.
(Signature: Number, Rank, Unit, and Section)

This pro forma to be completed in every case of arrest by, or surrender to, a member of the Canadian Provost Corps, and must be signed personally by the N.C.O. or man making the arrest, or receiving the surrender, and not by another person "for him".

EXHIBIT "C" I-3

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description

I, P.F.Dixon Lieut. (Rank) Issuing Officer for D.S.& T.O. (Name) M.D. No. 1 (Unit)

Strike out word not applicable

hereby certify that I (issued) (~~XXXXXXXX~~) the hereinafter itemized transportation for escort

Complete

to proceed from CHATHAM,ONT. (Place) to LONDON,ONT. (Place)

and return to CHATHAM,ONT. for the

Full description of soldier being escorted

purpose of escorting A-50096 Pte. HUFF.W.J.

Strike out phrase not applicable

alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars		Cost
To cost of Transportation Warrant # B-119480 dated Jan. 13th 1943 covering the following transportation:		
One second class return to London,Ont.	$2.18	$2.18
One second class single to London,Ont.	1.09	1.09
The cost of the above is recoverable from:		
A-50096 Pte. HUFF W.J. A-10 (I) T.C. CAMP BORDEN, ONT.		
Total		$ 3.27

Dated at CHATHAM,ONT. this 13th day of January A.D. 19.43

P.F. Dixon Lieut.

Signature, rank, unit of officer issuing transport warrants

~~ASST. ADJT. & QUARTERMASTER~~

Strike out designation not applicable

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1401
SGM.—15-41 (2750)
H.Q. 1772-39-1867

This is Exhibit "C" referred to in the Summary of Evidence in the case of A50096 Pte. W.J. Huff, taken before me at Camp Borden, Ontario, this eighteenth day of January, 1943.

J.H.Peters Lieut.& Asst.Adjt.
A-10 C.I.T.C., C.A.

EXHIBIT "DE" 1-4 J. Abrahamson May 'N. 43

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description

Strike out word not applicable

Complete

Full description of soldier being escorted

Strike out phrase not applicable

I, Major T.A. Cooper Issuing Officer D.S. & T.O., M.D. No. 1.
(Rank) (Name) (Unit)

hereby certify that I (issued) (authorized) the hereinafter itemized transportation for absentee to proceed from London, Ontario (Place) to Camp Borden, Ontario. (Place)

and return to .....

for the escort escaping for A50096 Pte. Huff, W.J. A10 I.T.C., Camp Borden alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Ontario.

Particulars		Cost
To cost of Transport Warrant No. C-25225 dated 13 Jan 43 and issued to cover the following transportation:		
One 2nd class single London to Camp Borden	2.75	2.75
Above costs are recoverable from:		
A50096 Pte. Huff, W.J., A10 I.T.C., Camp Borden, Ontario.		
Total		$ 2.75

Dated at London, Ont. this 13 day of Jan A.D. 19 43

(T.A. Cooper) Major,
Signature, rank, unit of officer (issuing transport warrants) Strike out description not applicable.

Issuing Officer D.S. & T.O., M.D.1.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station, of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. (Transportation only.)

This is Exhibit "DE" referred to in the Summary of Evidence in the case of A50096 Pte. W.J. Huff, taken before me at Camp Borden, Ont. this eighteenth day of January, 1943.

(J.H.Peters) Lieut. & Asst.Adjt.
A-10 C.I.T.C., C.A.

M.F.D. 1051
5634—12-41 (37534)
H.Q. 1775-29-1001

M.F.H. 355
M—8-40 (6400-1)
H.Q. 1772-23-620
A.F.B. 296

45

"Y"

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment
A50096	Private	W.J. Huff,	Kent Regiment, C.A.

1. The following is a fair and true summary of the entries in the Field Conduct sheet of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For A.W.L.	3	times	A.W.L.	4 times
For		times		times
For		times		times
For		times		times

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 14 days in military custody, making a total of 14 days in custody, of which Nil days were spent in hospital

5. The present age of the accused according to his attestation paper is 32 yrs, 6 mos, 6 dys

6. The date of his attestation specified in his attestation paper is 13 AUG 40

7.

8.

9. The accused is in possession of or entitled to no military decoration, or military reward (or is in possession of or entitled to). State any military decoration or reward. Nil

10.

46

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank Permanent Force unit dated , and in his regiment (or corps), the rank of dated

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

Date of promotion.

In the rank of years.

In the rank of years.

In the rank of years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Act, and of cases in which trial has been dispensed with of accused, Number Rank Unit Name of Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 16th day of JAN 43.

J.H. Peters (J.H. Peters) Lieut.& Asst. Adjt.

A-10 Canadian Infantry Training Centre, CA.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked signed by the president, and annexed to the proceedings.

SHEET #1 Destroyed 16 FEB 41

No. A50096 Name Huff, W.J. | Sqn., Battery, or Company: 2D[illegible] Corps Kent Regiment, | Date of enlistment: 13 Aug. 40 | O.C. Badges | Service for Proficiency Pay | Character

Date of last entry in Company Conduct Sheet: 3 Feb | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. 2 | Signature O.C. Company, etc.

M.F.M. 6 (A.F.S. 132) 55951—11-40 (3021) H.Q. 1772-45-18

Place	Date of offence	Date 1941	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date awarded or order dispensing with trial	By whom awarded	Remarks
				Granted Furlough from 2200 hrs. 1 Apr. 41 to 2200 hrs. 15 Apr. 41					
London	23 Jun	Pte.		AWL from 2355 hrs. 23 Jun 41 until apprehended by M.P. at 1130 hrs. 4 Jul 41 (10 days 11 hrs. 35 mins.)	L/C Maek (CPC) Cpl Robson	14 dys C.B.	5 Jul 41	Lt.Col. T.E. Codlin	forfeits 11 days pay FR&I
				Struck off strength the Kent Regt. having been declared a deserter by a Court of Inquiry held 24 JAN 42.					
				(W.H. Hemphill) Lieut., A/Adjutant. The Kent Regiment, C.A.					
		1942							
Niagara Falls	15 FEB	Pte.		Having rejoined from desertion is taken on strength the Kent Regiment, C.A. Effective 15 FEB 42. Pt. II Orders # 40 d/25 FEB 42.					

(P.T.O.)

48

Place	Date of offence 1942	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Chippawa	2 Jan	Pte.		AWL from 1800 hrs. 2 Jan 42 to 1300 hrs. 15 Feb 42 (43 days 19 hrs. Under Close arrest until 1100 hrs. 3 Mar 42 (15 dys 22 hrs.)	L/C Gammage	28 dys detn. Loses next 3 leaves.	3 Mar 42.	Lt.Col. E.Codlin	Forfeits 60 dys pay FR&I 149 (1)(a) & 149(1)(c)
London,	19.5.42	"		AWL from Kent Reg.(AF) New Westminister B.C. from 0900 hrs. 19th May until apprehended by No.30 Provost Coy. at Thameswille,Ontario at 0930 hrs. 31.5.42.Held in close arrest from 0930 hrs.31.5.42 until 19th Jun 1942.	Documentary	15 dys detn.	19.6.42	Lt.Col. Neilson	Forfeits 13 dys pay under ar. 149 FR&I Forfeits $3.9[illegible] Cost of Apprehension.
Camp Borden	14-9-42	"		AWL from 0600 hrs 14 Sept. 42 till apprehended at 1500 hrs,28 SEpt.42 (Fourteen days 9 hrs.)A.A.15(1) 4 days remission of sentence D.O. Pt. II #259	Cpl.Whyte,W Documentary	28 days Detention	5-10-42	Lt.Col.M.P.A. Hare	Forfeits 15 days pay FRI Apprehension$21.87

CERTIFIED TRUE COPY
(J.H.Peters)
18 JAN 43

[illegible] Capt. & Asst. Adjt.
A-10 C.I.W.C., C.A.

17

BY THE DEFENDING OFFICER :- Mr. President, Mr. Judge Advocate and Members of the Court: There is little I can do except touch on the main points, what I consider to be the main points, of the evidence presented by the accused. He is 33 years of age and has been married six years. He voluntarily enlisted in the Army in March of 1940, and was anxious to go overseas. Instead of that he has been shuffled about the country from one place to another and most of the time he apparently has been doing cooking at depots, and, I presume, guard duty and working in the kitchen. In addition to this, he seems to have had more than his fair share of trouble. He has lost one child and his wife has been ill for some time. It seems significant of something that when he is close to home that he apparently is in no trouble in the Army at all, and apparently does his work in a satisfortory manner. However, when he apparently gets away from home and loses contact with his family for some time it makes a difference with his soldiering. On the first chance when he visits his home he overstays his leave. I believe from his evidence that it is fair to adduce that he is a man of strong family ties, and, as has been brought out in evidence, he has had very little education. I would like to recommend to the Court, gentlemen, if it be possible to perhaps have this man transferred to London or Chatham so he could carry on the work he was doing and I think he would be a satisfactory soldier. I don't think that this man should be heavily punished. Although his record is not a good one, there is nothing against Army discipline that he has been in breach of except absence without leave and in two cases he was home on pass and overstayed his pass. His explanation for being dressed in civilian clothes, I think, is not to his detriment. We all no the fuel shortage and perhaps it is necessary on this reserve, in view of the fact that his father-in-law who helped maintain the family and who was laid up, to cut your own wood.

I again ask you, gentlemen, to be as lenient as possible in any sentence which might be placed on this man and if possible to perhaps add a "rider" to any decision of this Court, that this man be transferred to some-place near home where his record shows that he has been a satisfactory soldier.

H.Q.C. 55-H-334 **DEAD** CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE OTTAWA, CANADA

CROSS REFERENCE

DEAD

SUBJECT DISTRICT COURT-MARTIAL-

HILLS, S.V. F.30324 TPR.

CONFIDENTIAL
H.Q.C. 55-H-334

CENTRAL REGISTRY	DATE	F.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
		(If purpose for which referred cannot be expressed on one line, add minute to file and take note "With Minute")					
FEB 25 1943	24/2/43	P.A		JAG.	With Papers C.R. FEB 22 1943		
				JAG.	With Papers C.R. MAR 19 1943		
MAR 1943				AD	Tonto, PA	RBL	22/3/43
				R.F.B.			23/4/43
MAR 5 1943	5/43	PA		AD	with 129-35-12		30/4/43
				PA			
				~~[illegible]~~			
				DAG(B)	with 129-35-12	HC	28/5/43
				Admin		(RBL)	21/5/43
				DA(B)			
				LAG			
JUN 14 1943	14/6/43			DM			12.6.43
NOV 5 1943	5.11.43	P.A.		Admin			

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

D.A.G.(B)

- Army -
129-35-12
H.Q.C.55-H-334 (A.D.2)

9th June, 1943.

Court of Inquiry - Shortage - Officers' Mess
23 Army Tank Regt. (Hal. Rifles) C.A.C.

Reference is made to your memorandum at folio 27 of H.Q.129-35-12.

2. Relative to para 1.

There is no doubt that Tpr. Hills is responsible for the whole shortage and as a matter of fact he admitted his responsibility in this regard. On the other hand, it was considered that this theft was rendered possible by the lack of supervision on the part of the Mess Committee and Mess Members, and therefore it was felt that the Mess should bear part of the loss, also that to place the soldier under too great a financial burden was not advisable.

Therefore it is suggested that a departing of the principle set out in R.O. 1820 for the damages incurred to Government property be followed. It was considered that stoppages of ninety days' pay of rank might be imposed in addition to the punishment already awarded by the Court-Martial.

3. Regarding para. 2.

It is submitted that the stoppages will be effected to reimburse the Regimental Institute and not the Crown. When some money has been collected from Tpr. Hills it will be paid to the Regimental Institute. This procedure has been followed in cases of amounts paid to Regimental Institutes and to civilians.

4. As to whether Article 84 F.R. & I. could be invoked in order to recover money stolen from a Canteen or Mess from a soldier found guilty by a Court-Martial, a ruling has been obtained from the J.A.G. which reads as follows:

"It is my opinion that Section 84 of F.R. & I. may be invoked in this case for the amount of the value of the goods stolen which is in fact a regimental claim or a military debt".

Colonel,
D. of Admin.

YB/SP

GOVERNMENT OF CANADA

CANADA

RADIOTELEGRAPH SERVICE

ADMINISTERED BY

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CLASS OF SERVICE

DAY MESSAGES
DAY LETTERS
NIGHT MESSAGES
NIGHT LETTERS

TELEGRAPH, CABLE AND RADIO CONNECTIONS TO ALL PARTS OF THE WORLD

NUMBER	SENT TO	SENT BY	REC'D BY	TIME SENT	TIME FILED	CHECK
						[redacted]

SEND THE FOLLOWING MESSAGE SUBJECT TO THE TERMS ON THE BACK HEREOF :—

[redacted]

[redacted]

[redacted]

MEMORANDUM

TO: D.Admin.

H.Q.129-35-12
H.Q.C.55-H-334 (DAG)

Court of Inquiry - Shortage - Officers' Mess
23 Army Tk Regt (Hal Rifles) CAC

Three or four points have occurred to me in regard to the within submission which I think should receive consideration

(i) Why should we limit the recommendation to 90 days pay of rank instead of full sum of 225 dollars.

I take it this is based on the K.R.(Can) amendment whereby soldiers are only liable up to 90 days pay in the case of motor car accidents. Do you not think, however, that it would be preferable to obtain an order for the full amount and after a portion of the monies has been paid, then make a further submission for relief.

I notice by the court-martial the soldier was given 30 days detention - that means that he loses 30 days pay. If you intend to limit his liability should this not be taken into consideration on suggested 90 day period, that is, should the submission not read 60 days and not 90 days.

(ii) In the event of the Minister making the order, I am not quite clear as to how the sum is to be paid over to the 23rd Army Tk Regt.

Ordinarily money collected under Section 84 is payable to the Crown in the right of the Dominion of Canada. The actual mechanics I am not acquainted with, but imagine that the Paymaster General forwards the collected pay to the Receiver General. If this is the procedure, then how is it intended to get the money from the Receiver General to the 23rd Army Tk Regt Mess. There may be some procedure now in existence covering this payment, but if there is, I am not acquainted with it.

(iii) In ordinary criminal law when a defalcation takes place, two remedies are open - civil action to recover the money, or criminal procedings.

It has been held by the criminal courts on many occasions that although restitution does not in any way affect criminal proceedings, still the entering into negotiations for the liquidating of a theft may turn the proceedings from a ciminal to a civil one of simple debtor and creditor accounting. In this case Tar Hill has been convicted and punished of applying with intent to defraud.

Can we now proceed to exercise Section 84 of F.R. & I.?

(O.M.M. Kay) Brigadier,
D.A.G.

OMMK/F

- Army -

D.A.G.(B)

129-35-12
H.Q.C.55-H-334 (A.D.)

27th May, 1943

Court of Inquiry - Shortage - Officers' Mess
23rd Army Tank Regiment (Hal. Rifles) CAC

Paragraph 2(e) of the attached Submission will be particularly noted.

2. It is definitely felt in this case that this man should not be held for the full amount. His reasons appear at flag "A".

Colonel,
D. of Admin.

JEM/SP

129-35-12
H.Q.C.55-H-334 (A.D.)

Deputy Minister (Army)

27th May, 1943.

Court of Inquiry - Shortage - Officers' Mess
23 Army Tank Regiment (Hal. Rifles) CAC

Authority is hereby requested to invoke Article 84 of F.R. & I. in order that F.30324 Tpr. S.V. Hills may be put under stoppages of pay and allowances to make good the amount of money he stole from the Officers' Mess of the 23 Army Tank Regiment (Hal. Rifles) C.A.C.

2. The facts herein are as follows:

(a) He was tried by District Court-Martial at Camp Borden on the 23rd March, 1943, under Section 17 of the Army Act when being concerned with the care of regimental property misapplying the same. He was found guilty and sentenced to thirty days detention.

(b) In a declaration he made at Camp Borden on 11th February, 1943, which can be found at folio 4 of this file, Tpr. Hills admitted that during the whole period he was employed in the Officers' Mess he obtained approximately $225.00 in this manner. The actual amount is now fixed at $211.46.

(c) Pursuant to Article 84 F.R. & I. a demand was made upon him to show cause as to why he should not be held responsible.

(d) His response has been received which can be found hereunder and there is nothing contained therein in the opinion of this Branch to relieve him of his civil liability.

(e) In view of the lack of supervision exercised by the Mess Committee and in order not to create too great a hardship upon Tpr. Hills, it is considered that the stoppages to be directed should be limited to ninety days pay of rank.

3. Therefore, it is recommended that Article 84, F.R. & I. be invoked against Tpr. Hills and that he shall not be entitled to draw pay for the period of ninety days in order to reimburse the Officers' Mess of the 23rd Tank Regiment.

(H.F.G.Letson)
Major-General,
Adjutant-General

JEM/SP

C.B.1-7-9-2 (Q)

128288

H Q. Camp Borden,
Camp Borden, Ont.

14th May, 43.

55-H-334
AD

COURT OF INQUIRY
---
23 Army Tank Regt. (Hal. Rif.) CAC.
Shortage Officers' Mess.

Reference H.Q 129-35-12 H.Q.E. 55-H-334 (A.D. 28C) dated 5th May 43.

F.30323, Tpr. Hills, S.V. has submitted a statement setting forth his reasons as to why he should not be held responsible and a copy is attached herewith.

For your information, please.

(A.C. Spencer) Brig.
Commander, Camp Borden.

Original on file
129-35-12

N.D.HQ.1[illegible]-[illegible]-18
H.Q.C. [illegible]-[illegible]-[illegible]
(A.F. [illegible])

May 8th, 1943.

Commander,
CAMP BORDEN, Ont.

COURT OF INQUIRY:
[illegible] Army Tr Regt (Bal Rif) CAC
Shortage - Officers' Mess

With reference to your C.B. 1-7-C-2 (q) dated 19th April, 1943, one copy of the proceedings of the Court of Inquiry is returned, duly approved, with the exception that your recommendation to the effect that the amount of money stolen be written off is not concurred in.

2. Tpr. Hills should be requested to reimburse the Crown in the amount of $211.68, being the amount of the variation for the months of November, December, January, and beginning of February.

3. In the event of a refusal he should be afforded an opportunity to give his reasons as to why he should not be held responsible.

4. Not later than the 25th May, 1943, a reply should be received disclosing Tpr. Hills' attitude, in order that stoppages of pay be ordered by the Minister under Art. 84 P.R.I. if necessary.

P. E. G. Letson,
Major-General,
Adjutant-General.

Encl.
[illegible]

R. P. B.

- Army -
405-H-5543; 129-35-12;
C.55-H- 334 (A.D.2 SC)

28th April, 1943.

Court of Inquiry - Variations Jan. 43
Officers' Mess - /33 Army Tank Regt.

Reference is made to the proceedings of the Court of Inquiry hereunder and the covering letter of the Commander, Camp Borden, dated the 19th April, 1943.

2. It is considered that the recommendation of the Commander, Camp Borden, to the effect that the amount of the money stolen be written off should not be concurred in, but that Article 84 F.R. & I. should be invoked against Tpr. Hills.

3. For your remarks and recommendations, please.

Colonel,
D. of Admin.

YB/AMcC

- DEPARTMENT OF NATIONAL DEFENCE -
- Army -

A.D. Register No. 12645(A.D.230)

COURT OF INQUIRY - Variations Jan, 1943

H.Q. 405-H-5543
~~129-35-12~~
~~O.T.S. 58-H-234~~
~~Orillia, Ontario~~

Officers' Mess
23 Army Tank Regt.

SOURCE ~~Camp Borden~~

DATE OF ACCIDENT: 19

COURT CONVENED: 19

COURT SAT: ~~XXXXXXX~~ 19 43

PROCEEDINGS SIGNED: ~~18th Feb.~~ 19 43

PROCEEDINGS APPROVED BY D.O.C. 12th Feb. 19 43

PROCEEDINGS FORWARDED: ~~19th Apr.~~ 19 43

PROCEEDINGS RETURNED FOR FURTHER INFORMATION OR DIRECTION: 2nd Apr. 19 43

PROCEEDINGS RETURNED TO N.D.H.Q. 19

OTHER DELAYS:

PRECIS OF EVIDENCE:

The financial statement shows a deficit of $1.41 for the month of Nov., 1942; $18.09 for Dec.; $159.29 for Jan. The matter was reported to the President of the Audit Board and a surprise stock taking was held on the 4th or 5th Feb., 1943 which shows a deficit of $32.67 in both liquor and cigarettes. The whole canteen staff was put under suspicion and questioned.

Tpr. Hills, S.C.(W-30324) caterer, admitted his guilt and admitted for the months of Jan and Feb. the amoun of the goods stolen to be about $225.00. The books of the Bar were apparently well kept. The bar was operated by chit system and a few daily cash transactions were received, which do not amount to enough to warrant collecting money every night.

Lieut. H.R. Lisson was the Mess secretary.

MEDICAL EVIDENCE:

XXXXXXXXXXXXXXX

Steps have now been taken to prevent any recurrance of this kind.

(1) New rules have been drawn.
(2) The steward has been made financially responsible for the stock and cash in the bar.
(3) Daily check is being made
(4) More frequent stock takings are being held at irregular intervals.

FINDING OF THE COURT:

XXXXXXXXXXXXXXXXX

FINDING OF THE COURT The Court having heard the evidence find that the total ~~OPINION OF THE OFFICER COMMANDING~~ in the accountability of the Officers' Mess during the period November, 1942 January, 1943 is $178.79 and that a further shortage of $32.67 occurred during the period 1 - 5 February. The Court further finds that this shortage occurred as a result of theft by Tpr. Hills.

REMARKS:

XXXXXXX O.C.'S OPINION Concurs with the Court. Action has been taken against Tpr. Hills by way of a charge under Sec. 17 A.A. and application for D.C.M. forwarded 17 Feb. 43.

REMARKS Tpr. Hills has been found guilty by Court Martial and charged under Sec. 11 A.A. and awarded 30 days detention.

YB/MM

J. G. McDERMID
LIEUT.-COLONEL
for A.D.

APR 26 1943

H.Q.C.65-H-334(JAG)

March 22, 1943

The Commander,
Camp Borden, Ont.

District Court-Martial
No.F.20324, Tpr. E. V. Hills
23rd Army Tk Reg.(Hal Rif) C.A.

1. Receipt is acknowledged of your C.B.40-H-446, dated 16th March, 1943, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The proceedings appear to be quite in order, and are accordingly retained for custody.

Brigadier,
Judge Advocate-General.

RBL.F

H.Q. C. 55-H-334
M.D. C.B. 40-H-446

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. F.30324 Name HILLS, S.V.

Rank Tpr. Unit 23 RD ARMY TK REGT. (HAL RIF) CAC

Charge SEC. 17 AA WHEN CONCERNED IN THE CARE OF REGIMENTAL PROPERTY FRAUDULENTLY MISAPPLYING THE SAME

Date of Crime During month of Dec. 1942, and months of Jan. & Feb. 1943

Date of Arrest Charge. Signed 1/3/43

Orders for D.C.M. COMMANDER CAMP BORDEN MILITARY CAMP

Place and Date of Trial CAMP BORDEN, Ont. 3/3/43

Sentence DETENTION 30 DAYS

Date of Confirmation 12/3/43

Date of Promulgation 13/3/43

Entered in Records of J.A.G. as No 8153

Date 19/3/43

MEMO

R. B. Lamb Lt.-C.

for Judge Advocate-General.

SM-12-42(M1754)

8153

15037

CANADA

IN REPLY PLEASE QUOTE
No. C.B. 40-H-446
(AJAG)

DEPARTMENT OF NATIONAL DEFENCE

ARMY

Headquarters,
Camp Borden, Ontario,
16th March, 1943.

Army
P.A.R.S. SECT.
MAR 18 1943
-H-334
File
Copy to
Referred to

The Secretary,
Dept. of National Defence,
OTTAWA, Ont.

DISTRICT COURT-MARTIAL
No. F.30324, Tpr. S.V. Hills,
23rd Army Tk Regt (Hal Rif) C.A.

Herewith proceedings of a District Court-Martial held for the trial of the marginally named soldier for registration and custody, promulgation and confirmation having been effected.

(A.C. Spencer) Brigadier,
Commander, Camp Borden.

NAT. DEF. B. 440
1 Million—10-42 (9656)
H.Q. 1772-99-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for [redacted] District Courts-Martial

Proceedings of a DISTRICT Court-Martial held at the Court Room Camp Borden, Ont. on the 3rd day of MARCH 1943 by order of Brigadier A. C. Spencer, E.D. [redacted] Commander, Camp Borden dated the 26th day of FEBRUARY 1943

President.

Major R.D. Rorison,
2nd Corps Tank Transporter Column, R.C.A.S.C., C.A.

Members.

Major A. B. Bonner,
A-11 Canadian Infantry Training Centre, C.A.

Capt. W.W.J. Gale,
No. 86 Bridge Coy., R.C.A.S.C., C.A.

Lieut. E.E. Pearlman,
(The Algonquin Reg't.) C.A., Headquarters,
Military District No.2.
, Judge Advocate.

Trial of* No.F.30324 Trooper Sinclair Vincent Hills, 23rd Army Tk Regt. (Hal Rif) CAC.

The order convening the Court, the charge-sheet and the summary [redacted] of evidence are laid before the Court.

[redacted]

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. ‡

The accused is brought before the Court.

Prosecutor† Capt.H.H.Bull, 2nd Res. Bn., R.R. of C. H.Q., Camp Borden [redacted] defending officer† Capt. H.J. Dyer 23 Army Tk Regt (Hal Rif) CAC at 10:25 o'clock the Trial commences.

The order convening the Court is read, and is marked "X". 23 Army Tk Regt (Hal Rif) CAC Unit signed by the President, and attached to the proceedings. Order 223 2 MAR 43 detailing Pros. & Def. Officer is marked "X-1" attached.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-30-224

‡ I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

[illegible] Pres. D.C.M.

2

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn. (see attached list marked "G")

Q-2 Do you object to B.126121 Pte. W.A.Coote, #9 Det.C.M.S.C., C.A. attached H.Q., Camp Borden, Ont. as shorthand writer?

A-2 No, sir.

(B.126121 Pte. W.A.Coote, #9 Det.C.M.S.C., C.A. attached H.Q., Camp Borden, Ont. is duly sworn as shorthand writer)

See Page "H" for Minute of Adjournment and Reassembly.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

~~Are you guilty or not guilty of the second charge against you which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

B-4

3

CHARGE SHEET

The accused No. F.30324 Trooper Sinclair Vincent Hills, 23rd Army Tk Regt(Hal Rif) CAC, a soldier of the Canadian Army, placed on Active Service is charged with:-

Army Act Sec. 17

"WHEN CONCERNED IN THE CARE OF REGIMENTAL PROPERTY FRAUDULENTLY MISAPPLYING THE SAME"

in that he

at Camp Borden, in the county of Simcoe, province of Ontario, during the month of December 1942, and months of January and February 1943, when employed as assistant Mess Steward in Officers' Mess, 23rd Army Tk Regt(Hal Rif) CAC, was concerned in the care of regimental goods, that is to say articles of stock including liquor and cigarettes and ddd apply certain articles of this stock to his own use with intent to defraud.

Camp Borden, Ont.
1 Mar 1943

(R.J. Colwell) Lieut.-Col.,
Officer Commanding,
23rd Army Tk Regt(Hal Rif) CAC

To be tried by District Court Martial

A.A. & Q.M.G.
For Commander, Camp Borden

Signed at Camp Borden, Ont. this 1st day of March 1943

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been reopened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" has been read to him again.]

The accused No.F.30324 Trooper Sinclair Vincent Hills, 23rd Army Tk Regt (Hal Rif) CAC, is found guilty of the charge.

*The summary of evidence is read, marked "I", signed by the President, and attached to the proceedings.

Q-4 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-4 *Answer.* The accused says:— No, sir.

*[or hands in a written statement, which is read, marked, signed by the President, and attached to the proceedings.]

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

6

DD

Q-5 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A-5 No, sir, but I wish to call a witness as to character. *Answer.*

F.29554 S.S.M. (W.O.II) J.L. F O U G E R E, 23rd Army Tank Regiment (Hal Rif) being duly sworn is examined by the Defending Officer: *Evidence as to character.*

Q-6 Sgt.-Major, will you identify yourself to the Court?

A-6 Sir, I am the Squadron Sergeant-Major of the Headquarters Squadron 23rd Army Tank Regiment.

Q-7 Will you take a look at the accused, please. Do you recognize him?

A-7 Yes, sir, I do.

Q-8 Is he a member of Headquarters Squadron?

A-8 He is , sir.

Q-9 Will you tell the Court what you know and what has been your experience with Trooper Hills?

A-9 Six months ago, sir, Trooper Hills was transferred to Headquarters Squadron to cover a vacancy as Officers' Mess Servant. In that time he has proven himself to be a very good soldier and capable man in carrying out that job. He is a trained soldier and is elligible for the efficiency rate of pay. All his basic and Armoured Corps training is also completed. He is liked by all the men of the Squadron, sir.

Q-10 Prior to coming into the army, Sergeant-Major, did you have any

association with the accused?

A-10 I did, sir.

Q-11 Would you mind telling the Court just what your relationship was?

A-11 I knew Trooper Hills as a neighbour for at least ten years. In that time I have gone to school with him, and found him trustworthy at all times. He has been bery polite and comes from a well-respected family, sir. He is a very sincere lad too, sir.

---The Prosecutor declines to cross-examine.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-12 Is he married or single?

A-12 Single, sir.

Q-13 Are both his parents living?

A-13 Yes, sir.

---In the opinion of the Court and Judge Advocate it is not necessary to comply with R.P. 83(b).

---The Witness withdraws.

EEP

E

Finding*

*To be struck out except in cases where trial has taken place on plea of "Not Guilty."

~~The Court is closed for the consideration of the finding.~~

~~The Court finds that the accused~~

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~The Court being reopened the accused in custody and the witness~~

Capt.H.H.Bull, 2nd Res. Bn.,R.R. of C. H.Q., Camp Borden is duly sworn.

Evidence of character, etc.

Q-14 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-14. Yes, sir, I produce M.F.B. 355 and Certified True Copy of M.F.M. 6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-Z"signed by the President, and annexed to the proceedings.

Q-15 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-15. Yes, sir.

Q-16 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-16. Yes, sir.

Q-17 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-17. Yes, sir.

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused~~

---The Defending Officer Declines to cross-examine.
---In the opinion of the Court And Judge Advocate it is not necessary to comply with R.P. 83(b)
---The Prosecutor resumes his seat.

Q-18 *Question to the accused.* Do you wish to address the Court? *Answer.* A-18. Yes, sir, through my Defending Officer. (See document marked "J" attached)

The Court is closed for the consideration of the sentence.

10

F

Sentence

The Court sentence the accused No.F.30324 Trooper Sinclair Vincent Hills, 23rd Army Tk Regt (Hal Rif) CAC, to undergo detention for thirty days.

Sentence. DETENTION 30 Days.

Signed at Camp Borden, Ont., this 3rd day of March, 1943.

R.D. Korien Major
2nd Corps Tank Transporter Column, R.C.A.S.C.,C.A.
PRESIDENT

E.E. Pearlman Lieut.
(The Algonquin Reg't.)C.A., Headquarters,
Military District No.2.
JUDGE ADVOCATE

Confirmed

G.G. Spencer
Brigadier
Commander
Camp Borden

Signed at Camp Borden Ontario. This 12th day of March 1943

Promulgated and extracts taken at Camp Borden Ont. this 13th day of March 1943

G.M. Nolan Capt
ADJUTANT
23rd ARMY TK. REGT. (HAL. RIF.) C. A. C.
Officer in charge of records

Extracts entered as No. 8153 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 19 day of March 1943
RBL

"X" 11

RD Rorison Maj
Pres

ORDERS BY

Brigadier A.C. Spencer, E.D.
Commander, Camp Borden.

Camp Borden, Ontario,
26th February, 1943.

DISTRICT COURT-MARTIAL
No. D.38096, Tpr. Albert John Hanna,
Canadian Armoured Corps, attached A-9
Canadian Armoured Corps (Advanced)
Training Centre, (C.A.)

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Wednesday, 3rd March, 1943, at 10 o'clock, a.m., (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major R.D. Rorison,
2nd Corps Tank Transporter Column, R.C.A.S.C., C.A.

MEMBERS

Major A. B. Bonner,
A-11 Canadian Infantry Training Centre, C.A.

Capt. W.W.J. Gale,
No. 86 Bridge Coy., R.C.A.S.C., C.A.

WAITING MEMBER

Capt. P.H. Vrooman,
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Lieut. E.E. Pearlman,
(The Algonquin Reg't.) C.A., Headquarters,
Military District No. 2.

The Officers Commanding the following Training Centres will detail not less than two and not more than five Officers to attend the Court-Martial for instruction :-

A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-10 Canadian Infantry Training Centre, C.A.
A-11 Canadian Infantry Training Centre, C.A.
A-19 Canadian Army Service Corps Training Centre, C.A.
A-22 Canadian Army Medical Corps Training Centre, C.A.

The Officers Commanding any other unit or detachment in Camp Borden may detail two Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to the A.A. & Q.M.G., Camp Borden, Ontario.

SIGNED at Camp Borden, Ontario, this 26th day of February, 1943.

(J.D. Conover)
Lieut.-Colonel
A.A. & Q.M.G., Camp Borden.

"X-1" 15

Hill

R.D. Rorison 2nd

23 ARMY TK REGT (HAL RIF) CAC

PART 1 ORDERS

CAMP BORDEN by 2 MARCH 43

LIEUT.-COL. R.J. COLWELL, E.D.

Commanding

221. DUTIES

UNIT ORDERLY OFFICER

2 Mar 43	Lieut. C.R. Mosher
Next for duty	Lieut. G.M.C. Wright
4 Mar 43	Lieut. P.V.B. Grieve

REGIMENTAL ORDERLY OFFICER

2 Mar 43	F29771 Sgt. Barnaby, A.L.
Next for duty	F30536 " Beaver, C.O.
4 Mar 43	F29707 " McIsaac, H.B.

REGIMENTAL ORDERLY CORPORAL

2 Mar 43	F30462 Cpl. Chase, I.F.
Next for duty	F29651 " Bezanson, I.L.
4 Mar 43	F29901 " MacKenzie, M.

CANTEEN ORDERLY SERGEANT

2 Mar 43	
Next for duty	F29731 Sgt. Smeltzer, C.R.
4 Mar 43	F30566 " Goodwin, C.J.
	F29551 " Foran, E.D.

SANITARY NCO

2 Mar 43	
Next for duty	F29772 L/Cpl. Mollison, C.W.
4 Mar 43	F30549 " Brown, A.M.
	F29634 Cpl. Goodhew, R.J.

The NCO detailed for Sanitary NCO will report to the Regimental Medical Officer at 0800 hours.

FIRE PICQUET - Supply

"HQ" Sqn from 1800 hrs 2-3-43 until 1800 hrs 3-3-43
"B" " from 1800 hrs 3-3-43 until 1800 hrs 5-3-43

AIRPORT DEFENCE OFFICER & SERGEANT

"HQ" Sqn from 1800 hrs 2-3-43 until 1800 hrs 3-3-43
"B" " from 1800 hrs 3-3-43 until 1800 hrs 5-3-43

222. ROOM ORDERLIES

It is the responsibility of room orderlies to collect all bottles each morning and have them turned in to the Men's Canteen before 0900 hours.

223. DISTRICT COURT-MARTIAL

F.30324 Tpr. Hills, S.V.
23 Army Tk Regt (Hal Rif) CAC

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Wednesday, 3rd March, 1943, at 10 o'clock, a.m., (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major R.D. Rorison,
2nd Corps Tank Transporter Column, RCASC

- to page 2 -

Part 1 Orders, 23 Army Tk Regt (Hal Rif) CAC, dated 2 Mar 43

223. DISTRICT COURT-MARTIAL (continued)

MEMBERS

Major A.B. Bonner,
A-11 Canadian Infantry Training Centre, CA

Capt. W.W.J. Gale,
No. 86 Bridge Coy., R.C.A.S.C. CA

WAITING MEMBER

Capt. P.H. Vrooman,
A-9 Canadian Armoured Corps (A) T.C.

PROSECUTOR

Capt. H.H. Bull,
2nd Res. Bn., R.R. of C.
H.Q., Camp Borden

DEFENDING OFFICER

Capt. H.J. Dyer
23 Army Tk Regt (Hal Rif) CAC

JUDGE ADVOCATE

Lieut. E.E. Pearlman,
(The Algonquin Reg't.) C.A., Headquarters
Military District No. 2.

The Officer Commanding the following Training Centres will detail not less than two and not more than five Officers to attend the Court-Martial for instruction:-

A-8 Canadian Armoured Corps (A) Training Centre CA
A-9 Canadian Armoured Corps (A) Training Centre CA
A-10 Canadian Infantry Training Centre CA
A-11 Canadian Infantry Training Centre CA
A-19 Canadian Army Service Corps Training Centre CA
A-22 Canadian Army Medical Corps Training Centre CA

The u/n Officers of the 23 Army Tk Regt (Hal Rif) CAC will attend the Court-Martial for instruction:
Lieut. D.H. Flick Lieut. P.V.B. Grieve

The Officers Commanding any other unit or detachment in Camp Borden may detail two Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to the A.A. & Q.M.G., Camp Borden, Ontario.

CERTIFIED TRUE COPY
(G.S. MAHON) Capt.
Adjutant,
23 Army Tk Regt (Hal Rif) CAC

- to page 3 -

Part 1 Orders, 23 Army Tk Regt (Hal Rif) CAC, dated 1 Mar 43

224. PINS, SUPPLY OF - 30 YARD RANGE
Camp Borden Orders, No. 197, d/27-2-43

In future pins for attaching representative targets to frames on 30 yd. range will not be supplied at that Range. Units and Training Centres will arrange for their own supply. Staplers will not under any consideration be used to attach targets to frames.

225. BARRACK INSPECTION

On the Barrack Inspection conducted on 2 Mar 43, points were alloted as follows:-

"H" Sqn	A	B	C	D	E	41	"B" Sqn -	A	B	C	D	E	41
	10	8	7	9	7			7	8	6	10	10	
"A" Sqn	A	B	C	D	E	45	"C" Sqn -	A	B	C	D	E	47
	8	9	8	10	10			10	9	8	10	10	

G.S. Mahon
(G.S. MAHON) Capt.,
Adjutant,
23 Army Tk Regt (Hal Rif) CAC

NOTICE

1. STATEMENT OF BARRACK DAMAGE ACCOUNT

Cash on hand - 1 Dec 42		$186.98
plus collections - Dec 1942	$29.50	
Sorgeants' Mess "	3.40	
Collections - 1 Mar 43	46.15	
		79.05
		$ 266.03

Less Receiver General of Canada Deposit Receipts:

14 Dec 42	-	$14.90
29 Dec 42	-	11.70
29 Dec 42	-	2.33
7 Jan 43	-	49.76
3 Feb 43	-	2.85
26 Feb 43	-	3.68
26 Feb 43	-	36.70
16 Feb 43	-	2.53
2 Mar 43	-	2.93
		127.38
Balance on hand		$ 138.65

19

"G"

OFFICERS UNDER INSTRUCTION

Lieut. P.V.B.Grieve	23 Army Tk Regt. (Hal Rif),C.A.	
Lieut. D.H.Elick	23 Army Tk Regt. (Hal Rif),C.A.	
Lieut. H.M.Cox	Royal Regt. of Can.	att.A-1,C.I.T.C.,C.A.
Lieut. A. Murrison	Lorne Scots	att.A-11,C.I.T.C.,C.A.
Lieut. F.E.Holloway	R. C. R.	att.A-10,C.I.T.C.,C.A.
Lieut. M.J.Cavanagh	Gen.List	Att.A-10,C.I.T.C.
2/Lt. A.Corry	C.A.C.	att.A-8,C.A.C.(A)T.C.,C.A.
2/Lt. C.W.Conlon	C.A.C.	att.A-8,C.A.C.(A)T.C.,C.A.
Lieut. J.N.Cunnilgham	R.C.A.M.C.	att.A-22,C.A.M.C.T.C.,C.A.
Capt. J.Florence	R.C.A.M.C.	att.A-22,C.A.M.C.T.C.,C.A.
Lieut. C.E.Merryfield	C.A.C.	att.A-9 C.A.C.(A)T.C.,C.A.
Lieut. W.E.Lee	C.A.C.	att.A-9 C.A.C.(A)T.C.,C.A.
2/Lt. H.E.Taylor	R.C.A.S.C.	att.A-19 C.A.S.C.T.C.,C.A.
2/Lt. R.J.Rutledge,Jr.	R.C.A.S.C.	att.A-19,C.A.S.C.T.C.,C.A.
2/Lt. C.A.E.Wheatley	R.C.A.S.C.	att.A-19,C.A.S.C.T.C.,C.A.
2/Lt. G.C.Major	R.C.A.S.C.	att.A-19 C.A.S.C.T.C.,C.A.
Capt. N.E.S.Goldring	R.C.A.S.C.	att.A-19 C.A.S.C.T.C.,C.A.

21

"H"

RD Kaiser Zip
Pres.

MINUTE OF ADJOURNMENT

At 10:35 o'clock, a.m., on the 3rd day of March, 1943, the Court adjourned until 4:30 o'clock, p.m., on the 3rd day of March, 1943.

On the 3rd day of March, 1943, at 4:35 o'clock, p.m., the Court reassembled pursuant to Adjournment, present the same members as when adjourned.

- - - - - - - - - - -

EEC

I

23

SUMMARY OF EVIDENCE
In the
case of
#30324 Tpr. Mills, Sinclair Vincent
"HQ" Squadron
23 Army Tank Regt (Hal Aif) CAC

FIRST WITNESS: Major J. W. McMahon, Second in Command, 23 Army Tk Regt (Hal Aif) CAC having been duly sworn states:

During the afternoon of the 11 February, 1943 Captain G.D.H. Cox and Captain, W. S. Higgins, 23 Army Tk Regt (Hal Aif) CAC reported to me that, as a result of questioning, they had discovered that Tpr. Mills, S. V. had admitted to stealing from the Officer's Mess bar and as a result of this admission they had placed Tpr. Mills in arrest. They asked my advice ~~on~~ how the case should be handled.

About 1630 hours I sent for Tpr. Mills and asked him if these alleged statements were true. Then I asked him if he would be willing to sit down and write out the story of what had happened in his own words. This Tpr. Mills readily agreed to do so I called in Lieut. W.W. Sinclair, 23 Army Tk Regt (Hal Aif) CAC and in his presence gave Tpr. Mills the statutory warning and at his request Lieut. Sinclair wrote out the confession.

This confession was given freely and voluntarily by Tpr. Mills, S. V. who seemed willing and anxious to get the thing off his conscience.

Q1 Will you produce the confession?

A1 I tender this document which is the original confession made by Tpr. Mills, S. V. in the presence of Lieut. W. W. Sinclair and myself.

(Document marked ~~Appendix~~ EXHIBIT A and attached to the summary)

The accused declines to cross-examine the witness

Major
23 Army Tk Regt (Hal Aif) CAC

SECOND WITNESS: Lieut. W. W. Sinclair, 23 Army Tk Regt (Hal Aif) CAC having been duly sworn states:

On the 11th day of February, 1943, I was asked by Major J. W. McMahon to be present and witness a confession to be given by Tpr. Mills, S. V.

Tpr. Mills, S. V. dictated the confession which I wrote down but before doing so he stated that in making this confession, he did so of his own free will and that no inducement or threats of any kind were offered and that he realized it might be used in evidence either for or against him.

Having written down the full confession it was read over by Tpr. Mills and he signed it. It was then witnessed by Major McMahon and myself

Lieut
23 Army Tk Regt (Hal Aif) CAC

The accused declines to cross-examine the witness

THIRD WITNESS: Captain G.B.H. Cox, 23 Army Tk Regt (Hal Rif) CAC, having been duly sworn states:

I am president of the officer's mess and have been since late in November, 1942. Apr. Mills S. V. was employed in the mess as waiter and assistant steward during that period. As such his duties consisted of waiting on the tables and operating the bar when the stewart was otherwise occupied.

During the month of December, 1942, there was a shortage in the bar accounts of approximately $20.00 and a shortage of approximately $150.00 in the month of January, 1943. As a result of the last shortage a special stock taking was completed on 5 Feb 43 covering the period 1 Feb. 43 - 5 Feb 43 and it showed a further shortage of approximately $40.00 in cigarettes and liquor. As a result of this I called the mess committee together and questioned the mess staff and batmen seperately resulting in suspicion being directed to Apr. Mills, S. V.

Apr Mills was further questioned and admitted having sold liquor and cigarettes at a profit to himself and also using cigarettes and liquor for his own consumption without paying for same. I had Apr. Mills placed in arrest.

G.B.H. Cox Captain
23 Army Tk. Regt (Hal Rif)CAC

The accused declines to cross-examine the witness.

FOURTH WITNESS: Major D. H. Cameron, 23 Army Tk Regt (Hal Rif) CAC having been duly sworn states:

I am president of the Regimental Audit Board and have been since 10 Dec. 42. Upon auditing the financial statements of the officer's mess for the month of Dec. 42 and Jan. 43 discrepancies were shown of $18.09 and $159.29 respectively. All supporting documents and cash transactions taken over from the mess steward's cash book by the secretary-treasurer have been duly checked and audited. It is my honest opinion and belief that the statements referred to have been duly checked to the best of my knowledge and are correct

D H Cameron Major
23 Army Tk Regt (Hal Rif) CAC

The accused declines to cross-examine this witness:

FIFTH WITNESS: F29607 L/Cpl Carter, G. B. 23 Army Tk Regt (Hal Rif) CAC. having been duly sworn states:

On Monday morning 28 Dec. 42 when I was steward of the men's canteen, Apr. Mills, S. V. came to exchange cigarettes for the officer's mess. He carried on a general conversation during which time he told me that in one evening he had been able to make firteen dollars in the officer's bar. He also said that if he had not made this money he would have been unable to go on New Year's leave.

FIFTH WITNESS (Continued)

He further said that he had spoken to Cpl. Graves, A.H., of the amount he had made that night and Cpl. Graves had told him it was perfectly alright.

I did not question him in any way and all his statements were voluntary.

G. B. Carter L/Cpl
23 Army Tk Regt (Hal Rif) CAC

The accused declines to cross-examine this witness.

SIXTH WITNESS: #30525 L/Cpl McGatridge, L. M., 23 Army Tk Regt (Hal Rif) CAC. having been duly sworn states:-

I was present in the men's canteen when Tpr. Hills, S. V. was exchanging cigarette with L/Cpl. Carter and I heard him make the statement that he had a few dollars left over at the officer's bar one night and he asked Cpl. Graves if he could have it and Cpl. Graves said he could. He further said this money came in handy as he was going on leave. That is all I heard.

L M McGatridge L/Cpl
23 Army Tk Regt (Hal Rif) CAC

The accused declines to cross examine this witness.

SEVENTH WITNESS: #30455 Tpr. Cox, Charles, R. "B" Sqn, 23 Army Tk Regt (Hal Rif) CAC. having been duly sworn is questioned.

Q1 Did Tpr. Hills, S. V. ever sell you any goods from the officers mess.

A1 Yes sir, he sold me some beer around Christmas time. It was either one dozen or two dozen bottles.

Q2 Did you pay him cash for it.

A2 Yes sir, I paid him fifteen cents a pint

Q3 What did he do with the money.

A3 I don't know

Q4 Did you ever buy anything else from him at any time.

A4 No sir.

C F Cox Tpr.
23 Army Tk Regt (Hal Rif) CAC

The accused declines to cross-examine this witness.

EIGHTH WITNESS: Lieut. R. R. Lisson, 23 Army Tk Regt (Hal Rif) CAC having been duly sworn states:

I am the Secretary-treasurer of the officer's mess, 23 Army Tk Regt (Hal Rif) CAC and have been since 16 Dec.1942. When I assumed this appointment Tpr. Mills, W. V. was employed as waiter and assistant steward and acted in that capacity until 9th Feb 43 at which time he was placed in arrest.

When I closed off the books for the month of December 1942, there was a difference in the accounts of approximately $19.00 and in the month of January, approximately $160.00. When I discovered for sure that the January accounts were out $160.00, it was on 6th Feb 1943 about 0200 hrs. I immediately took stock again and found that for the period 1st Feb 43 to 5th Feb 43 the accounts were out a further amount of approximately $25.00. I immediately informed Capt. G.B.H. Cox, the mess president.

I was instructed by the mess president to conduct an investigation of the mess personnel which I did and gained no information of value at that time. I sat in on further investigations on 7th Feb 43 when suspicions involving Tpr. Mills, came to light.

R. R. Lisson Lieut
23 Army Tk Regt (Hal Rif) CAC

The accused declines to cross-examine the witness.

Question to the accused - "Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything, or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

Answer by the accused - "I have nothing to say".

Rules of Procedure No. 4 (c), (d), and (e) have been complied with.

Taken down by me in the presence of the accused, at Camp Borden, Ontario, this 15th day of February, 1943.

W. Gane Major
23 Army Tk Regt (Hal Rif) CAC

Appendix A "I-1" R.O.Rouse, K.P. Camp Borden, Ont.
Exhibit this is exhibit "A" in the 7 Feb. 43.
case of F30324 Tpr. Hills, S.V. W.L. Gauer, major

31

I F30324 Tpr. Hills S.V. make this statement freely and voluntarily, I have not been induced to do so by threat or fear of punishment, or by promise of reward and I understand that anything I say may be used in evidence.

I was employed as steward and waiter in the Officers Mess between the months of November 1942 and February 1943. My duties were to wait on table and to assist Cpl. Graves in the Bar. When Cpl. Graves was away on pass I had charge of the bar and was responsible for the stock and for making and recording sales. About the time I was employed in the Officers Mess a number of old gambling debts caught up with me, and people to whom I owed money began to press for payment. I have assigned pay to my family of $20.00 per month and in addition $8.41 a month for War Bonds, this only leaves me less than $2.00 a month for myself which was insufficient to clean up my debts.

In order to obtain money at first I used to buy liquor from the bar at cost and sell it at at retail price to soldiers putting the profit in my pocket, in this manner I was enabled to get rid of a considerable quantity without

the Mess Committee knowing nor of it. In addition I sold considerable quantities of cigarettes and soft drinks. When I was proceeding on New Years leave I appropriated a bottle of whisky from the Officers Mess Bar and sold it to a civilian in Barrie for $3.00. I only took stock from the bar which I sold but I did not take any money. In addition to the above I took considerable quantities of liquor & cigarettes for my own use. During the whole period that I was employed in the Officers Mess I estimate that I obtained approximately $225.00 in this manner.

I am deeply sorry that I allowed myself to become involved in this matter and I am making this confession fully in the hope that it will in some measure clear my conscience also I am very worried over what my family will think of me for acting in this way.

I wish further to state that no other employee of the Officers Mess was associated with me in any way in this affair.

Signed at Camp Borden, Ont., this 11 day of February 1943.

S.V. Hills Gpr
F30324
23rd Army Tank Regt (Hal Rif) CAC

Witnessed by
[illegible] Major
[illegible]
23 Army Tk Regt (Hal Rif) CAC

"Y"

35

M.F.E. 555
S.M.—0-42 (1000)
H.Q. 1773-39-625
A.F.S. 256

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
F.30324	Trooper	Sinclair Vincent Hills	23 Army Tk Regt (Hal Rif)CAC

1. The following is a fair and true summary of the entries in the Field Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For		times		times
For	NIL	times	NIL	times
For		times		times
For		times		times

Number of instances of gallantry or distinguished conduct None

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges for no days in civil custody, and 7 days in military custody, making a total of 7 days in custody, of which no days were spent in hospital.

5. The present age of the accused according to his attestation paper is 22 yrs 8 mos

6. The date of his attestation specified in his attestation paper 20 July 1940

9. The accused is in possession of or entitled to no military decoration, or military reward

36

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....

Permanent Force
unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~16th~~ 3 day of ~~Feb~~ 43 (G.S. MAHON) Captain
Adj., 23 Army Tk Regt (Hal Rif)CAC

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

"Z"

No. F.30324 Name HILLS, S.V. Sqn., Battery, or Company "HQ" Corps 23 A.T.R. (Hal Rif) CAC Date of enlistment 20-7-40 G.C. Badges Tradesmen's Rates of Pay

No. and date of last drunk Period not reckoning towards freedom from extra fine Sheet No. Signature O.C. Company, etc. W.E. Higgins, Capt. Character

M.F.M. 6 (A.F.B. 122) 5003M—11-41 (3429) H.Q. 1772-39-1052

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Furlough 9-3-41 to 22-3-41					
				Furlough 23-2-42 to 8-3-42					
				Furlough 2-11-42 to 15-11-42					
				CERTIFIED TRUE COPY					
				[signature] Capt (G.S. MAHON) Adjutant, 23 Army Tk Regt (Hal Rif) CAC					

(P.T.O.)

Robinson Sir 34

"J"

FINAL ADDRESS BY THE DEFENDING OFFICER:

Sir; In speaking on behalf of the accused Trooper Hills I would like first of all to go over the record which has just been presented to you by the prosecution. Namely, that after twenty months of Active Service Trooper Hills has yet to receive an entry on his regimental conduct sheet.

As stated in the evidence of Sgt-Major Fougere, Trooper Hills is a trained soldier and has been covering off a job which has called for considerable amount of responsibility. I may also point out that this job which he was covering off--namely, the steward at the Officers' Mess, was the first occasion in which the lad has had a great deal of association with quantities of money, and while the summary of evidence does not show that any money has been missing, it does show that there is a shortage of what there should have been there. There actually was nothing taken , for what was taken was paid for, but what is missing is the profits of the goods which were sold. Nothing itself is missing, but just the profits.

He is a lad of 22 years of age, and I would like that to be taken into consideration. I also--and this is the final point I would like to bring to your attention--is the fact that the confession was willingly given with a considerable amount of remorsefulness and a definite feeling on his part that he had brought more or less a disgrace upon his own family.

- - - - - - - - - - -

CCC

MEDICAL OFFICER'S REPORT

I certify that No. 7 30324 Gnr. Hills, S.V.
of 23rd ARMY TK. REGT. (HAL. RIF.) C. A. C. is in a fit state of health,
and fit to undergo Trial by Court martial.

J. D. Galloway, Capt.
Medical Officer R.C.A.M.C.
Medical Officer (attached)
23 Army Tk Regt. (Hal. Rif.) C.A.C.

Station Camp Borden, Ont.

Date 3 Mar. 43.

M. F. B. 246
25M—6-41 (792)
H.Q. 1772-39 480

R. D. Morison Capt
Pres. D. C. M.

H.Q.C.55-H-334(JAG)

February 24th, 1943.

The Commander,
CAMP BORDEN, ONT.

Re: DISTRICT COURT-MARTIAL.
F.30324 Tpr. Sinclair Vincent HILLS,
23 Army Tank Regt. (Hal. Rif.), C.A.

Receipt is acknowledged of your C.[illegible]0-H-446(AJAG), dated the 19th February, 1943, under cover of which you forwarded the Charge Sheet and Summary of Evidence in connection with the marginally-noted soldier.

2. As far as the Charge Sheet is concerned, the statement of the offence is quite improper. It should read "WHEN CONCERNED IN THE CARE OF REGIMENTAL PROPERTY FRAUDULENTLY MISAPPLYING THE SAME". Also the word "Property" should be inserted instead of the word "Goods" in the sixth line of the particulars. In the last line of the particulars, after the word "stock", the words "To the value of approximately $225.00" might well be inserted.

3. By the very nature of the evidence, which is almost entirely the confession of the accused, it is very difficult to frame particulars of the charge in any detail. However, in view of the said confession, and despite the said vagueness of the particulars, I consider that an Order for Trial might properly be made.

4. The documents enclosed with your letter are returned herewith.

Brigadier,
Judge Advocate-General.

EBB/S.

CANADA

no file 5

IN REPLY PLEASE QUOTE
No. C.B.40-H-446 (AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Camp Headquarters,
Camp Borden, Ont. 19 FEB 1943

CENTRAL REGISTRY ADMIN
PERS. SEC.
FEB 22 1943
File C55-H-334
Origl. to
Referred to

The Secretary,
Dept. of National Defence,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL
No.F.30324 Trooper Sinclair, Vincent,Hills,
23 Army Tk Regt (Hal Rif), C.A.,

Enclosed herewith Charge Sheet and Summary in the case of the m/n soldier, forwarded in pursuance of K.R. (Can) Para 540.

2. It is noted that the charge should read "property" for goods.

3. For your consideration and advice, please.

(A. C. Spencer) Brigadier,
Commander, Camp Borden.

NAT. DEF. B. 440
1 Million—10-42 (8656)
H.Q. 1772-39-767

H.Q.C. 55-H-335

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HILL, J.S. B.110332 GNR.

A.2 C.A.T.C., C.A.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-335

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and write here "With Minute")		
				JAG	With Papers C.R. FEB 22 1943		
FEB 25 1943	9/3/43	P.A.	Lowe	AD	Count + PA	RBL	24/2/43
MAR 24 1943	24-3-43	PA	F.A.	SSK	Per Requisition MAR 22 1943		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C. 55-H-335(JAG)

CONFIDENTIAL

Ottawa, February 24th 3.

Commander,
Petawawa Military Camp,
Ontario.

Re: District Court-Martial
B. 110332 - Chr. Hill, J.S.
A-2, C.A.T.C., C.A.

Receipt is acknowledged of your P.6-0-H-577 dated 21st February, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The proceedings have been well reviewed in your letter. Since the finding is supported by the evidence and the sentence legal, it is not considered necessary to return the proceedings which are retained for custody.

9/3/43

Brigadier,
Judge Advocate-General.

RBL/MB.

H.Q. C. 55-H-535
M.D. P. 6-O-H-577

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-110332 Name HILL J.S.

Rank Gnr. Unit A-2 Cdn. Artillery T.C., C.A.

Charge SEC. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 27/7/42

Date of Arrest 10/1/43 Charge. Signed 23/1/43

Orders for D.C.M. COMMANDER PETAWAWA MIL' CAMP

Place and Date of Trial Petawawa, Ontario 2/2/43

Sentence DETENTION 120 DAYS STOPPAGES $14.33

Date of Confirmation 3/2/43

Date of Promulgation 5/2/43

Entered in Records of J.A.G. as No. 7899

Date 23/2/43

MEMO

P. B. Lamb Lieut.
for Judge Advocate-General.

3M-12-42(M1754)

JSC/PHJ

IN REPLY PLEASE QUOTE
No. P.6-O-H-577

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Petawawa Military Camp, 21st Feb. 1943

The Secretary,
Department of National Defence,
Ottawa, Ontario.

District Court-Martial
B.110332, Gnr. HILL, J.S.
A-2, C.A.T.C., C.A.

The proceedings of the m/n District Court-Martial are forwarded herewith for registration and custody.

2. The Finding and Sentence having been confirmed, the charge, finding and sentence were duly promulgated and extracted as appears from minutes endorsed upon the proceedings.

3. The following irregularities in these proceedings have been noted at this Headquarters and wherever possible have been brought to the attention of the Officers concerned.

(a) On page "A" of the proceedings and on the Convening Order the title of the Convening Officer is given as "Camp Commander" although his correct title now is "Commander".

(b) On page "CC" the words "The accused in mitigation of punishment says" have been struck out. Only the word "says" on that line and the word "or" on the following line should have been deleted.

(c) In view of the fact that the Court was not closed and re-opened the words " The Court being re-opened, the accused is again brought before it" should have been struck out.

(d) As observed by the Judge Advocate-General in connection with a recent District Court-Martial it would have been preferable to have the Summary of Evidence indicate that the accused had been given the opportunity to call witnesses as provided by R.P.3 and had declined.

(e) In M.F.B. 375 the unit or attachment of the absentee has been omitted in the fifth line. The addition in ink of the words "A-2, Canadian Artillery Training Centre, CA" in the third line of the declaration should have been initialled by the Officer who certified M.F.B. 375 as a true copy of the original record. It is observed also that because of the long list of deficiencies which was not in ~~the~~ true at this trial, two sheets of M.F's.B.375 were used. It is understood that the preferred practice is to insert all the deficiencies in an extra sheet of paper which is then pasted to a single sheet of M.F.B. 375. It is observed that the declaration on the second sheet does not correspond with that on the first sheet in that the addition of the words "A-2 Canadian Artillery Training Centre C.A." does not appear in the third line.

(f) In M.F.M. 216 the unit or attachment of the absentee has not been shown but the other particulars are correct and further evidence of the apprehension in the form of a certified copy of a Part II Order was put in.

(g) In M.F.B. 1482 the deletions have not been initialled by the Bombardier who signed the certificate.

(over)

M.F.Q. 230
1000M—6-41 (135)
H.Q. 1772-29-184

Edgar [illegible] President D.G.M.

MEDICAL OFFICER'S REPORT

I certify that No. B-110332, Gunner Hill, J.S.
of (A-2)C.A.T.C. is in a good state of health,
and is fit to undergo Trial by Court martial.

A J Skelley Major.
Medical Officer RCAMC
(A-2)C.A.T.C.

Station Petawawa Military Camp.

Date 2-2-43

M. F. B. 246
[illegible]-9-41 (1743)
H.Q. 1773-39 480

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Det. Mil. Camp. Petawawa, Ontario on the 2nd day of February 1943 by order of Brigadier A.V. Tremaine, Camp Commandant, Petawawa Military Camp. dated the 26th day of January 1943

President.

Lieutenant-Colonel E.A. Wiggs, E.D., R.C.A., A-1 C.A.T.C., C.A.

Members.

Captain H.F. Langston, R.C.E., A-5 C.F.T.C., C.A.

Lieutenant A.W. Fair, R.C.A., A-1 C.A.T.C., C.A.

Lieutenant J.S. Craig, General List A-2 C.A.T.C., C.A. Judge Advocate.

Trial of *B-110332, Gunner Jeremiah Sylvans HILL, A-2 Canadian Artillery Training Centre, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to , waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,†Lt. J.R. McMullen, R.C.A., A-2 C.A.T.C., C.A.

~~Counsel† or~~ defending officer†Lt. A. Saunders, R.C.A., A2 CATC CA

At 10 AM o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. 1. Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. 1. No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

I have satisfied myself that (1) none of the Officers detailed as Members of this Court have previously served upon any Court of Inquiry respecting the matter forming the subject of the charge before this Court-Martial.

President, D.C.M.

Mil. Form B. 271
15M—9-41 (1762)
H.Q. 1772-39-224

L

B

The President, members and judge-advocate are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q. 2. Do you object to D-105763, Sergeant Paul Joseph KINGWELL Corps of Military Staff Clerks CA acting as Shorthand Writer during these Proceedings?

A. 2. No Sir.

D-105763, Sgt. P.J. Kingwell is duly sworn as Shorthand Writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the ~~xxxx~~ charge in the above-mentioned charge-sheet.

Are you guilty or not guilty of the ~~xxxx~~ charge against you, which you have heard read? *Question to the accused.* 3.

Guilty *Answer.* 3.

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

13-2

CHARGE SHEET

The accused Number B.110332 Gunner Jeremiah Sylvans HILL, A-2, Canadian Artillery Training Centre, C.A., Petawawa Military Camp, Ontario, a soldier of the Canadian Army placed on Active Service,

is charged with,

CHARGE
Section 15 (1)
Army Act

ABSENTING HIMSELF WITHOUT LEAVE,

in that he,

at Petawawa Military Camp on the 27th day of July, 1942 absented himself without leave from A-2, Canadian Artillery Training Centre, C.A., from 0600 hours on the 27th day of July 1942 until apprehended by the Military Police at Saltfleet Township, Ontario at 2330 hours on the 10th day of January, 1943 dressed in Military uniform. The costs of his apprehension and return to his Unit being $14.33.

Dated at Petawawa Military Camp, Ontario

This 23rd. day of January, 1943, A.D.

(E.B. McPherson), Colonel, R.C.A.,
Commandant,
A-2, C.A.T.C., C.A.

TO BE TRIED BY A DISTRICT COURT MARTIAL.

(G.R. Sinclair) Major,
D.A.A.G.
for Commander,
Petawawa Military Camp.

26th January, 1943,
Petawawa Military Camp.

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

~~*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" read to him again.]~~

The accused B-110332, Gunner Jeremiah Sylvans HILL, A-2 Canadian Artillery Training Centre, C.A. is found guilty of the charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "G", signed by the President, and attached to the proceedings.

Question to the accused. 4. Do you wish to make any statement in mitigation of punishment?

Answer. 4. ~~The accused in mitigation of punishment says:~~

[*or* hands in a written statement, which is read, marked "H", signed by the President, and attached to the proceedings.]

Instruction.

* If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused. 5.

No Sir.

Answer. 5.

Evidence as to character.

E

~~Finding~~*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Lieutenant J.S. McMullen, R.C.A., A-2 C.A.T.C., C.A. PROSECUTOR is duly sworn.

Evidence of character, &c.

Question by the President 6. Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* 6. I produce MFB 355 and MFM 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

MFM6, read, marked "Z", signed and attached to the Proceedings.

Question by the President 7. Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* 7. He is, Sir.

Question. 8. Have you compared the contents of the above statement with the regimental books? *Answer.* 8. I have, Sir.

Question. 9. Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 9. They are, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross examined by the accused.~~ The Defending Officer declines to cross-examine the witness.

In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 83 (b).

The witness resumes his seat as the Prosecutor.

Question to the accused. 10. Do you wish to address the Court? *Answer.* 10. No Sir.

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused B-110332, Gunner Jeremiah Sylvans HILL, A-2 Canadian Artillery Training Centre, C.A., to undergo detention for One Hundred and Twenty (120) days and to be put under stoppages of pay until he has made good the sum of Fourteen Dollars and Thirty Three Cents ($14.33) in respect of costs of apprehension and return to his Unit.

Sentence.

DETENTION
120 Days

STOPPAGES
$ 14.33

Signed at Petawawa Military Camp, Ont., this 2nd day of February, 1943.

James S. Craig Lieut
(Judge Advocate)
General List, A-2, C.A.T.C., C.A.

Edward Wigg
Lieut Col
President D.C.M.
A-1, C.A.T.C., C.A.

Confirmed
Signed at Petawawa Military Camp this 3rd day of February 1943.

A. G. Meagher
Brigadier
COMMANDER
Petawawa Military Camp

Promulgated and extracts taken at Petawawa Military Camp this 5th day of February 1943.

J. R. McMullen, Lieut.,
Assistant Adjutant,
A-2, C.A.T.C., C.A.,
Petawawa Mil. Camp,
Ontario.

Extracts entered as No. 1899 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 23 day of Feb 1943

RBL

X

Elgin Wiggs Lt Col RCA
President DCM

P. 6-0-H-577
P. 6-0-M-670

ORDERS BY
BRIGADIER A.V. TREMAINE
CAMP COMMANDER PETAWAWA MILITARY CAMP
PETAWAWA ONTARIO

Petawawa Military Camp, Ont., 26th January 1943

DISTRICT COURT -MARTIAL
B.110332, Gnr. Jeremiah Sylvans HILL,
D.11251, Gnr. Ernest Joseph Leo MONETTE,
A-2, C.A.T.C., C.A.

1. The Detail of Officers as mentioned below will assemble at Petawawa Military Camp, Ontario at 1000 hours, Tuesday, 2nd February, 1943, for the purpose of trying by District Courts-Martial the accused persons named in the margin (and such other persons as may be brought before them).

PRESIDENT

Lt.-Col., E.A. Wiggs, E.D., R.C.A., A-1, C.A.T.C., C.A.

MEMBERS

Captain H.P. Langston, R.C.E., A-5, C.E.T.C., C.A.
Lieut A.W. Fair, R.C.A., A-1, C.A.T.C., C.A.

WAITING MEMBERS

Captain H.M. Harrison, R.C.A., 19th Field Regiment, C.A.

JUDGE ADVOCATE

Lieut J.S. Craig, General List, A-2, C.A.T.C., C.A.

PROSECUTOR

Lieut J.R. McMullen, R.C.A., A-2, C.A.T.C., C.A.

DEFENDING OFFICER

Lieut A. Saunders, R.C.A., A-2, C.A.T.C., C.A. (Hill)
Lieut T.P. Boucher de Grosbois, R.C.A., A-2, C.A.T.C., C.A. (Monette)

OFFICERS UNDER INSTRUCTION

2. The accused persons will be warned and all witnesses duly required to attend.

3. The A.A. & Q.M.G., Petawawa Military Camp, Ontario, will arrange for necessary accommodation and stationery.

4. The Proceedings of the Court will be forwarded to the Commander, Petawawa Military Camp, Ontario.

Signed this 26th day of January, 1943.

G.R. Sinclair
(G.R. Sinclair) Major,
D.A.A.G.
for Commander,
Petawawa Military Camp.

G.1

Summary of Evidence in the case of, B.110332 Gunner Jeremiah Sylvans Hill, A-2, Canadian Artillery Training Centre, C.A., Petawawa Military Camp, Ontario, a soldier of the Canadian Army, placed on Active Service.

CHARGE:- Section 15(1) Army Act.

The Commanding Officer does not direct nor does the Accused demand that the evidence be taken on oath.

First Witness:- Lieutenant J.R. McMullen, Assistant Adjutant, A-2, Canadian Artillery Training Centre, C.A., having been called, states as follows:-

"I am the First witness for the Prosecution and produce the following documents all of which relate to the Accused."

Certificate of the costs of the apprehension and return of the Accused to his Unit, (Transportation Only), pursuant to Order-in-Council P.C. 58/4015, signed by Major S. Sanderson R.C.A.S.C., Camp Supply and Transport Officer Petawawa Military Camp, Ontario, dated the 13th day of January, 1943, produced, read to the Accused and marked Exhibit "A".

Certificate of the costs of the apprehension and return of the Accused to his Unit, (Incidental Expenses), pursuant to Order-in-Council P.C. 58/4015, signed by B.18217 Gunner (A/Bombardier) Johnston, N.A., A-2, Canadian Artillery Training Centre, C.A., Petawawa Military Camp, Ontario, produced, read to the Accused and marked Exhibit "B".

Certificate of the evidence of apprehension of the Accused, pursuant to Order-in-Council P.C. 58/4015, signed by Sergeant D. Coghill, No. 2 Detachment, 31 Company, Provost Corps, Hamilton, Ontario, dated the 10th day of January, 1943, produced, read to the Accused and marked Exhibit "C".

Certified true copy of the Record of the Declaration of Court of Inquiry held the 2nd day of September, 1942, to investigate the absence without leave and deficiencies in kit of the Accused, certified to be a true copy by Lieutenant J.R. McMullen, Assistant Adjutant, A-2, Canadian Artillery Training Centre, C.A., produced, read to the Accused and marked Exhibit "D".

Certified true copy of Part II Daily Order No. 179, dated the 29th day of July, 1942, A-2, Canadian Artillery Training Centre, C.A., certified to be a true copy by Lieutenant J.R. McMullen, Assistant Adjutant, A-2, Canadian Artillery Training Centre, C.A., produced, read to the Accused and marked Exhibit "E".

To Page Two.....

Cont'd from Page One

Summary of Evidence in the case of, B.110332 Gunner Jeremiah Sylvans Hill, A-2, Canadian Artillery Training Centre, C.A., cont'd.

Certified true copy of Part II Daily Order No. 16 dated the 20th day of January, 1943, A-2, Canadian Artillery Training Centre, C.A., certified to be a true copy by Lieutenant J.R. McMullen, Assistant Adjutant, A-2, Canadian Artillery Training Centre, C.A., produced, read to the Accused and marked Exhibit "P".

J.R. McMullen

(J.R. McMullen) Lieutenant,
Assistant Adjutant,
A-2, C.A.T.C., C.A.

Question to the Accused:- "Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing andmay be given in evidence.

Answer by the Accused:- "I have nothing to say, Sir."

The Accused was asked if he wished to name an officer to defend him at his trial and he replied that he did not wish to name an officer but that he wished to have an officer detailed to Defend him. He was informed that an officer would be detailed to Defend him at his trial.

Notice to the Accused:- The Accused was informed that the Prosecutor would be an officer having Legal qualifications and subject to Military Law.

Rules of Procedure 4 (C), (D) and (E) have been complied with.

Taken before me in the presence of the Accused, at Petawawa Military Camp, Ontario, this 23rd. day of January, 1943.

E.B. McPherson

(E.B. McPherson), Colonel, R.C.A.,
Commandant,
A-2, Canadian Artillery Training Centre, C.A.,
Petawawa Military Camp, Ontario.

Regarding [illegible] President [illegible]

A-2, C.A.T.C. 9-6

PETAWAWA MILITARY CAMP

ACTIVE ARMY PERSONNEL (A.& T.S. & A. RECRUITS)

ORDERS BY

MAJOR R. J. RETCHUM

ACTING COMMANDING OFFICER

Part II
No. 179
29Jul42

LAST PART II ORDER NO. 178 DATED 28Jul42.

"A"

OFFICERS AND NURSING SISTERS

1. STRENGTH INCREASE
The undermentioned officers WRE called out under the provisions of O.C.1339 of 1939, are taken on strength of A-2, C.A.T.C. Petawawa to be employed in the rank of Lieutenant for all purposes including pay effective 27Jul42. (Auth. H.Q.349-T-75Pers133) and HQ349-M-209(Pers 185 dated 6Jul42).

Lieut. M.P. THOMAS
Lieut. J.J. MacDONALD.

2. STRENGTH DECREASE (RECORD PURPOSES ONLY)
The undermentioned officer is struck off strength of A-2, C.A.T.C. Petawawa on transfer to 22nd Field Regt. R.C.A. effective 31May42. (Auth.P.7-C-39-1 dated 17Jul42.)

Lieut. A. GRATTON

3. STRENGTH INCREASE (Attachments)
The undermentioned officer is attached to A-2, C.A.T.C. Petawawa for all purposes including pay from the 22nd Field Regiment, R.C.A., effective 1Jun42.

Lieut. A. GRATTON

4. ON COMMAND
The undermentioned officer returned from ON COMMAND to Canadian Army School of Army Administration, St. Margarite, Que. effective 24Jul42.

Lieut. A. GRATTON

5. STRENGTH DECREASE - ATTACHMENT
The undermentioned officer ceases to be attached to A-2, C.A.T.C. Petawawa for all purposes including pay and is attached to A-1, C.A.T.C. Petawawa effective 24Jul42.

Lieut. A. GRATTON

6. LEAVE OF ABSENCE
(a) The undermentioned officer has been granted leave of absence from 3Aug42 to 16Aug42 inc. and has been issued transport warrant No.A.183420.([illegible] (Auth. P.1-8-2A dated 27Jul42.

Lieut. Colonel G.Y.L. GROSSLEY

(b) The undermentioned officer has been granted leave of absence from 3Aug42 to 16Aug42 inc. and has been issued transport warrant no.A.183402. (Auth. P.1-8-2A dated 27Jul42.

Lieut. C.D. [illegible]

To sheet - B -

EXHIBIT "B" AS REFERRED TO
IN THE SUMMARY OF EVIDENCE

6. LEAVE OF ABSENCE (Cont'd.)

(c) The undermentioned officer has been granted leave of absence from 10Aug42 to 23Aug42 inc. and has been issued transport warrant no. A.183122.
(Auth. P.1-9-2A dated 27Jul42.)

A/Capt. J.R. BRIMACE.

(d) The undermentioned officer has been granted leave of absence from 10Aug42 to 23Aug inc. and has been issued transport warrant no. A.183121.
(Auth. P.1-9-2A dated 27Jul42.

2/Lieut. [illegible] P. MARCH

7. AMENDMENTS

(a) Part VI Order No. 177 dated 27Jul42 Sec. A. item 2(a) insofar as it concerns Lieut. A. BLOUIN is amended to read "Tracadie, N.S." for "Valcartier, Que."

(b) Part II Order No. 170 dated 16Jul42 Sec. A. item 2 insofar as it concerns the undermentioned is amended to read "and for pay effective 16Jul42"

Lieut S.A. CARTER
2/Lt. H.D. MORRISON
2/Lt. J.R. MEARNS
2/Lt. H.E. LANGTOT
Capt. A.[illegible] BLINN
2/Lt. M.[illegible] DOUGLAS
2/Lt. [illegible] MOORE
2/Lt. H.C. LOCKHART
2/Lt. I.[illegible] [illegible]

"B"

OTHER RANKS

1. ATTACHMENTS
For Record Purposes Only
The undermentioned having been struck off strength of A-2, C.A.T.C. Petawawa as a Member N.D. is taken on strength of No. 4 D.D. and is attached to A-2, C.A.T.C. Petawawa for all purposes including pay effective 27Jul42.

D.156026 Gnr. GREER J.S. A.& T.S.

2. STRENGTH INCREASE

(a) The undermentioned having been attached to A-2, C.A.T.C. Petawawa is struck off strength of No. 4 D.D. and is taken on strength of A-2, C.A.T.C. Petawawa for all purposes including pay effective 27Jul42.

D.156026 Gnr. GREER J.S. A.& T.S.

(b) Attachments
The undermentioned are attached to A-2, C.A.T.C. Petawawa for all purposes except pay from 12th A/T Bty. Simcoe, Ontario effective 4Jul42 and for pay effective 15Jul42, and are posted to E.Trng Bty.
(Auth. Part II Order No. 11 dated 3Jul42 Simcoe, Ont. and Part II Order No. 16 dated 25Jul42. 12th A/T Bty.)

B.48002	S/Sgt	CAVANAGH	A.	B.48003	Bdr. CARTER	Z.G.
B.48002	Bdr.	COLLINS	C.	B.48001	Bdr. McINNALLY	J.
B.48016	Bdr.	SNYDER	G.	B.48016	Gnr. [illegible]	L.V.

To sheet - 3 -

2. STRENGTH INCREASE (Cont'd)

(c) The undermentioned (8th A/T Regt. 12th A/T Bty. personnel) are attached to A-2, C.A.T.C. Petawawa for all purposes including pay effective 15Jul42 and are posted to R.Trng. Bty. (Auth. Part II Order No. 16 dated 25Jul42.)

B.48005	B.Q.M.S.	LOWE	C.H.	B.48006	Gnr.	MAXWELL	H.L.
B.48014	Gnr.	COOPER	T.E.	B.48017	Gnr.	MOWDEN	C.
B.48018	Gnr.	MAXWELL	R.G.	B.48019	Gnr.	NORTH	M.
B.48020	Gnr.	BARBER	G.A.	B.48021	Gnr.	CARTER	[illegible]
B.48022	Gnr.	SUTHERLAND	F.A.	B.48023	Gnr.	CARD	[illegible]
B.48024	Gnr.	MILLER	R.W.	B.48025	Gnr.	BEELER	K.
B.48026	B.S.M.	DICKERSON	P.	B.48027	Gnr.	HASKETT	D.
B.48028	Gnr.	ROBERTSON	W.	B.48007	Gnr.	CAMERON	[illegible]
B.48009	Gnr.	DURANT	S.L.	B.48010	Gnr.	FLEMING	R.A.
B.48013	Gnr.	LONG	S.K.	B.48006	Gnr.	McGREGOR	D.E.
B.48011	Gnr.	SHERMAN	C.H.	B.48012	Gnr.	TAYLOR	J.F.
B.48029	Gnr.	WILLY	C.H.	B.48030	Gnr.	PURSER	C.

(d) The undermentioned having reported from No.60 C.A.(B)T.C. Yarmouth, N.S. are taken on strength of A-2, C.A.T.C. Petawawa for all purposes except pay effective 22Jul42 and posted to D.Trng. Bty.

F.95624 Gnr. LAKE E.B.
F.3358 Gnr. SIMPSON A.

3. STRENGTH DECREASE.

(a) The undermentioned is struck off strength of A-2, C.A.T.C. Petawawa for all purposes including pay on transfer to R.C.O.C. Detail Petawawa effective 28Jul42. (Auth. P.6-0-G-151 dated 10Jul42.)

D.156026 Gnr. GREER J.S. A.& T.S.

4. SPECIAL LEAVE OF ABSENCE

The undermentioned have been granted special leave of absence without pay and allowances from 30Jul42 until 28Aug42 inc. (Auth. P.6-0-B-107 dated 12Jul42 and Tel. KGN 852 dated 10Jul42)

B.18201 Gnr. DUGGAN W. A.& T.S.
F.95046 Gnr. BOUTILIER D. A.& T.S.

5. ON COMMAND

The undermentioned returned from On Command to No. 2 Det. R.C.O.C. Camp Borden, Ont. effective 27Jul42.

B.9760 A/L/Bdr DAVIS N.L. B.Bty
C.9555 Gnr. GILROY F. B.Bty

6. FURLOUGH

The undermentioned returned from furlough 26Jul42.

C.10007	Gnr.	BURNS	C.	C.Bty.	L.35224	Gnr.	McFADYEN	C.R.	A.&T.S.
B.11815	Bdr.	SZEGO	T.	B.Bty.	C.33907	Gnr.	LaCOURSE	J.[illegible]	C.Bty
C.34922	Gnr.	DAVIS	E.	A.& T.S.	C.34982	Gnr.	BLACK	D.[illegible]	[illegible]Bty
C.34972	Gnr.	ROBINSON	H.	C.Bty.	L.10789	Gnr.	OSBORNE	[illegible]	C.Bty

7. CHANGE IN MEDICAL CATEGORY

The undermentioned having been reboarded are now classed medical categories as shown.

				Cat.	Auth.	MR 227
B.18217	A/Bdr	JOHNSTON	A.	A.& T.S.	D.	K.55-J-697(Meds) d/23Jul42	23Jul42
B.18201	Gnr.	DUGGAN	W.F.	A.& T.S.	B-1	K.55-D-1728(Meds)d/22Jul42	21Jul42
F.95046	Gnr.	BOUTILIER	D.M.	A.& T.S.	A-1	K.55-B-2976(Meds)d/22Jul42	21Jul42
B.18052	Gnr.	BATON	J.H.	A.& T.S.	D.	K.55-P-1231(Meds)d/23Jul42	21Jul42
B.78196	Gnr.	HAYGLENT	B.P.	A.& T.S.	A-1	K.55-F-1452(Meds)d/21Jul42	16Jul42.

To sheet - 4 -

8. SICK LEAVE
The undermentioned have been granted sick leave from 29Jul42 until 15Aug42.
(Auth. M.55-J-897 (Amds) dated 23July42 and M.F.B. 227 dated 23Jul42).

B.18217 A/Bdr. JOHNSTON A. A.& T.S.

9. HOSPITAL
.17467 Gnr. GOUGH R. A.Bty. admitted P.M.H. 25Jul42.

B.18217	A/Bdr JOHNSTON	N.	A.& T.S.	discharged P.M.H.	29Jul42.
B.18178	Sgt. LUDWIG	R.	A.& T.S.	discharged P.M.H.	27Jul42.
F.85645	Gnr. [illegible]	C.H.	F.Bty.	discharged P.M.H.	27Jul42.
L.18631	Gnr. HOLMES	A.	D.Bty.	discharged P.M.H.	27Jul42.

10. ABSENTEES - FIRST NOTICE

					Absent from
D.18260	Gnr. [illegible]	R.	A.& T.S.		1330 hours 26Jul42.
B.36578	Gnr. MOFFATT	V.C.	C.Bty.		1530 hours 26Jul42.
D.110382	Gnr. HILL	J.S.	C.Bty.		0600 hours 27Jul42.
F.85624	Gnr. LAKE	E.D.	D.Bty.		0600 hours 24Jul42.
F.83 56	Gnr. SIMPSON	K.	D.Bty.		0600 hours 24Jul42.
D.132035	Gnr. STEVENSON	E.	F.Bty		2230 hours 26Jul42.

11. ABSENTEES - RETURNED

					Returned
D.18071	Gnr. HARDIE	J.	A.& T.S.		0630 hours 28Jul42.
D.18247	Gnr. PILCHER	J.	A.& T.S.		0630 hours 28Jul42.
D.109542	Gnr. LAVINGRAS	H.	B.Bty.		0500 hours 28Jul42.
M.100380	Gnr. KELLY	C.	B.Bty.		2200 hours 26Jul42.
C.75645	Gnr. MOULBRIDGE	T.E.	B.Bty.		2010 hours 27Jul42.
C.75767	Gnr. RICHER	P.	E.Bty.		0600 hours 27Jul42.
C.33071	Gnr. SPIGER	C.	E.Bty.		0600 hours 28Jul42.
C.75554	Gnr. CARTER	C.H.	E.Bty.		0600 hours 28Jul42.

12. PUNISHMENTS
(a) D.12150 Gnr. LEBLANC E. A.Bty. was on 23Jul42 admonished and forfeits 1 days pay under F.R.& I.
(1) Absent without leave from 0600 hours 20Jul42 to 0600 hours 21Jul42. (Absent 1 day)

(b) B.112238 Gnr. O'MALLOREN W.P. C.Bty. was on 28Jul42 awarded 5 days C.B. and forfeits 1 days pay under F.R.& I.
(1) Absent without leave from 0100 hours 26Jul42 until 2000 hours 26Jul42. Absent 19 hours.

(c) C.58473 Gnr. PRICE J. C.Bty. was on 28Jul42 admonished and forfeits 2 days pay under F.R. & I.
(1) Absent without leave from 2230 hours 25Jul42 until 2345 hours 26Jul42. (Absent 1 day 1 hour 15 minutes).

(d) M.100380 Gnr. KELLY C.J. B.Bty. was on 28Jul42 awarded 7 days C.B. and forfeits 1 days pay under F.R. & I.
(1) Absent without leave from 0100 hours 26Jul42 until 2200 hours 26Jul42. (Absent 21 hours)

13. PERMISSION TO MARRY
The undermentioned was on 16Jul42 granted permission to marry.

B.18692 Gnr. LOSSIP C.G. F.Bty.

To sheet-5 -

1. AMENDMENTS

(a) Part II Order No. 177 dated 27Jul42. Sec. B. item 5 insofar as it concerns D.178177 Gnr. LEDOUCEUR L. A.Bty is amended to read. D.17877 Gnr. LEDOUCEUR L. A.& T.S. (Change in number and sub-unit)

(b) Part II Order No. 159 dated 6Jul42 Sec. B. item 1(c) is cancelled.

(c) Part II Order No. 177 dated 27Jul42 Sec. B. item 5 insofar as it concerns D.5270 Gnr. MOREAULT P. F.Bty. is amended to read "has been granted embarkation leave from 18Jul42 until 23Jul42.

(d) Part II Order No. 173 dated 22Jul42 Sec. B. item 5(b) insofar as it concerns D.12119 Gnr. BROOKS J. is amended to read (Auth. Art. 222(1)(b)(ii) and F.R.O. I.".

(e) Part II Order No. 163 dated 10Jul42 Sec. B. item 9.
Part II Order No. 168 dated 16Jul42 Sec. B. item 9.
Part II Order No. 170 dated 18Jul42 Sec. B. item 6, insofar as they concern D.66996 Gnr. PICO F. E.Bty. are cancelled.

(f) Part II Order No. 173 dated 22Jul42 Sec. B. items 7 and 9 insofar as they concern D.12109 Gnr. SAINT M. A.Bty. and D.12105 Gnr. BROWN E. A.Bty are cancelled.

(g) Part II Order No. 173 dated 22Jul42 Sec. B. item 7 and Part II Order No. 35 dated 24Jul42 Sec. B. item 13 insofar as they concern D.12171 Gnr. MOODY J. A.Bty. are cancelled.

(h) Part II Order No. 138 dated 8Jun42 Sec. B. item 1(a) insofar as it concerns S.112 A/L/Bdr BURTON G. is amended to read "effective 31May42."

(i) Part II Order No. 142 dated 16Jun42 Sec. B. item 1(b) insofar as it concerns D.12182 A/Bdr MORROW A. A.Bty. is amended to read "with pay of rank effective 13Jul42."

"C"

MEMBERS H.D.

1. CHRONIC DECREASE

The undermentioned having enlisted R.C.A.M.C. (A) is struck off strength of H.2, C.A.M.C. as a Member H.D. for all purposes including pay effective 20Jul42 and is allotted Reg. No. D.156000.

D.600396 Gnr. GRUER J.S. A.& T.S.

2. HOSPITAL

D.700024 Gnr. RIJOTTE S. A.& T.S. admitted P.H.M. 25Jul42. Sick.

3. FURLOUGH

(a) The undermentioned has been granted furlough from 27Jul42 until 9Aug42. He has been issued transport warrant no. A.185187.

D.472299 Gnr. TANGUAY R. A.& T.S.

(b) The undermentioned returned from furlough dates shown.

				Returned
A.550608	Gnr. LEAHY	I.J.	D.Bty.	20Jul42
D.616374	Gnr. PARISEAU	M.	A.& T.S.	26Jul42
D.611349	Gnr. LITEWDRE	P.	E.Bty	22Jul42
A.600893	Gnr. CHEMLGHARD	A.	D.Bty	20Jul42
D.504577	A/L/Bdr CADOT	E.	F.Bty.	23Jul42
D.510220	Gnr. ZOLLAN	P.	A.& T.S.	27Jul42.

[illegible]

To sheet - 6 -

[illegible]

4. ABSENTEES - FIRST NOTICE

B.572101 Gnr. HAYES	J.	A.& T.S.	absent from 2230 hours 26July42
D.422472 Gnr. DEGIN	F.	F. Bty.	absent from 0600 hours 27July42.

5. ABSENTEES - RETURNED

B.572101 Gnr. HAYES	J.	A.& T.S.	returned 0600 hours 27July42.

W D Blair

(W.D. Blair) Capt.
Adjutant
A-2, C.A.T.C.

Certified to be a true copy of Part II Daily Order No. 179 dated the 29th July, 1942, A-2, Canadian Artillery Training Centre, C.A.

J R McMullen

(J.R. McMullen) Lieut., Asst. Adjutant, A-2, C.A.T.C.

officer having custody of the original.

G-11

Page 1.

Edgar Biggs Lt Col
President DCM

RECORD of the Declaration of a Court of Inquiry assembled at Petawawa Military Camp on the 2nd day of September 19 42, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B 110332 Gnr. Hill, J.S.

DECLARATION

The Court declare that No. B 110332 Gnr. Hill, J.S. of "C" BATTERY, A-2, C.A.T.C. A-2, Canadian Artillery Training Centre, C.A. illegally absented himself without leave from Petawawa Military Camp at 0600 hours on the 27th day of July, 1942, that he is still so absent, and that on the 2 September, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES		VALUE	
B.D. Blouses Serge	1	8	38	Puttees, Prs.	1		00
B.D. Trousers Serge	1	5	40	Shirts, Khaki, Cotton	2	1	00
Boots, Ankle, Prs.	2	20	40	Trousers, K.D. Long	1	1	07
Caps, Field Service	2	1	55	Trousers, K.D. Short	2	2	00
Drawers, Cotton, Short	2		66	Buckles, Brass	1		15
Dressing, First Field	1		24	Buckles, Black	1		12
Shirts, Undercotton	2		60	Pins, Collar, Safety	1		07
Shirts, Flannel Khaki	2	2	36	Badges, Cap, R.C.A.	1		00
Shoes, Canvas, Prs.	1	1	00	Bags, Kit MK II	1		75
Socks, Prs.	4	1	44	Braces, Prs.	1		27
Shoots, Ground MK VIII	1	1	04	Braces, Button	1		04
Drawers, Woollen	1	1	17	Brushes, Boot, Pol.	1		15
Shirts, Woollen	2	2	32	Brushes, Button	1		14
Belts, W.L.B.	1		37	Brushes, Cloth	1		24
Buttons, G.S. Large	4		08	Brushes, Hair	1		24
Buttons, G.S. Small	4		04	Brushes, Shaving	1		20
Helmets, Sun	1		00	Brushes, Tooth	1		00
Jackets, K.D. W/O.C.	1	3	85	Combs, Hair	1		04

D. Robt Lieut President
Lt. D. Robb, No., "D" Battery, A-2, C.A.T.C.

L. Wheeler Lieut Member
Lt. L. Wheeler, No., "D" Battery, A-2, C.A.T.C.

Robert Parent, Lieut Member
Robert Parent, No., "D" Battery, A-2, C.A.T.C.

Signed at Petawawa Military Camp this 2nd day of September 19 42

Signature of Commanding Officer W. McIlwraith OFFICER COMMANDING, A-2 C.A.T.C., C.A.

Certified true copy J.R. McMullen, Capt. Asst. Adj't, A-2 C.A.T.C., C.A.

Signature of Officer having custody of original record

M.F.D. 375
A.F.D. 113
(60M—4-42 (4337)
H.Q. 1772-59-457

EXHIBIT "D" AS REFERRED TO
IN THE SUMMARY OF EVIDENCE.

G-13

Page 2.

Edgar Wiggs Lt Col
President DCM

Petawawa Military Camp

RECORD of the Declaration of a Court of Inquiry assembled at

on the 2nd day of September 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B 110532 Gnr. Hill, J.S.

DECLARATION

The Court declare that No. B 110532 Gnr. Hill, J.S. of "G" BATTERY, A-2, C.A.T.C.

illegally absented himself without leave from Petawawa Military Camp at 0600 hours on the 27th day of July, that he is still so absent, and that on the 2 2 September, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE	ARTICLES		VALUE	
Pouch, Table	1	00	Tin, Mess, Rect.	1		66
Haversack	1	27	Packs, Web 37 Pat.	1	1	60
Knife	1	01				
Knives, Table	1	15				
Razors, Safety, Set	1	30				
Spoons, Table	1	05				
Towels, Hand	2	12				
Bags, Ration	1	05				
Belts, Valet 37 Pat.	1	05				
Bottles, Water	1	05				
Brushes 37 Pat. L.S.R.	1	70				
Carriers, Waterbottle	1	60				
Haversack 37 Pat.	1	1 75				
Helmets, Steel, Complete	1	2 25				
Pouches, Rear, Small	2	1 36	Total		65	57
Straps, Shoulder L.S.R.	1	20				
Straps, Web, Supporting	2	20				

Lt Robt Lamb President
[illegible] Lt. C.A.T.C.

Lt Barnfather Lt Member
[illegible] Lt. C.A.T.C.

Robert Parent, Lieut Member
Robert Parent, Lt. C.A.T.C.

Signed at Petawawa Military Camp

this 2nd day of September 1942

Signature of Commanding Officer

OFFICER COMMANDING A-2 C.A.T.C.A.

Certified true copy J.R. McMullen, Lieut, Ass. Adjt A-2, C.A.T.C.C.A.

Signature of Officer having custody of original record

M.F.B. 175
A.F.B. 115
100M—4-42 (4337)
H.Q. 1772-24-337

25

G-15

Edgar Sigg Lt Col RCA
President-RCM

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942

(Apprehension by or surrender to service authorities)

I, B.77175 (Number) Agl. (Rank) Coghill (Name) #3 Coy. Cdn. Provost Corps (Unit)

hereby certify that B.110332 (Number) Gnr. (Rank) Hill J. (Name in full)

of the ? (Unit and attachment (if any)) Petawawa, Ont.

was apprehended by ~~(surrendered to)~~ D.C. B.97703 (Number) L/Cpl. (Rank)

Campbell (Name) #3 Coy. Cdn. Provost Corps #2 Det. Hamilton (Unit or appointment)

at Saltfleet Township, Ont. (Place)

at 2330 (Hour) on the 10th day of January 1943.

as a ~~deserter (or~~ D.C. absentee without leave), and that at the time of his arrest he was wearing military ~~(air force)~~ D.C. uniform ~~(dressed in civilian clothes)~~ D.C.

DATED AT Hamilton, Ont.

this 10th day of January 1943

(Strike out words not applicable)

Coghill B.77175 Agl. #2 Det. HAMILTON.
(Signature, Number, Rank, Unit or appointment)

NOTE: Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for him".

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.N. 216

EXHIBIT "C" AS REFERRED TO IN THE SUMMARY OF EVIDENCE.

26

9-16

Due to the exigencies of the Service it will be impossible to readily procure the presence of this witness, owing to the expense and loss of time involved.

(E.B. McPherson), Colonel, R.C.A.,
Commandant,
A-2, C.A.T.C.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description

I, Major S. Sanderson (Rank) (Name) R.C.A.S.C. (Unit)

Strike out word not applicable

hereby certify that I (issued) ~~XXXXXXX~~ the hereinafter itemized transportation for escort

Complete

to proceed from Petawawa, Ontario (Place) to Toronto, Ontario (Place)

and return to Petawawa, Ontario for the

Full description of soldier being escorted

purpose of escorting Undermentioned Absentees.

Strike out phrase not applicable

alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
ESCORT:	
B-18181 Sgt. Roach, F. A-2 C.A.T.C.	
Transport Warrant No. B 146794--Issued 13-1-43	12.04
ABSENTEES:	
B 44353 Gnr. Siblock, G A-2C.A.T.C.	
Has own transportation.	
B 110332 Gnr. Hill J.S. A-2 CA.T.C.	6.02
Total	$ 18.06

Dated at Petawawa, Ont., this 13th day of January A.D. 1943

S. Sanderson Major

Signature, rank, unit of officer (issuing transport warrants)

RC.A.S.C.
Petawawa Military Camp, Ontario

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1461
5656—12-41 (2754)
H.Q. 1772-28-1631

EXHIBIT "A" AS REFERRED TO
IN THE SUMMARY OF EVIDENCE.

9-19

Expense sign to Pl. Col. Transfer DCM

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description — I, B.18217 Gnr. (A/Bdr.) JOHNSTON, N.A. A-2, C.A.T.C.,
(No) (Rank) (Name) (Unit)

Strike out words not applicable — as (escort) ~~(commander of escort) consisting of~~

Members of escort

detailed to proceed from Petawawa, Ont. (Place) to Toronto, Ont. (Place) and return

Name and description of soldier escorted — to return B.110332 Gnr. HILL, J.S. and B.44353 Gnr. SIELOCK, G.,

alleged to be a deserter or absentee without leave, to Petawawa Military Camp, Ont. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
13 January, 1943. - Transport Warrant No. B.146794 "Meals for escort"	$ 1.75
13 January, 1943. - Transport Warrant No. B.146795 "Meals for absentee"	$ 0.75
15 January, 1943. - Transport Warrant No. C.41152 "Meals for absentee"	$ 0.75
13 January, 1943. - Telegram stating that Gnr. Hill was in custody at D.D.#2, Toronto, Ont.	$ 0.43
16 January, 1943. - Telegram stating the time of my arrival with two accused	$ 0.47
Pro-rate "Incidental Expenses for each absentee:-	
B.~~110332~~ 44353 Gnr. Siblock, G., ... $1.86	
B.110332 Gnr. Hill, J.S., ... $2.29	
TOTAL:- $4.15	$4.15
Total	$ ~~4.15~~

Dated at Petawawa, Ont. this 20th day of January, A.D. 1943.

B18217 Bdr N A Johnston
(Signature and rank of commander of escort) (escort)
~~(B.18217 A/Bdr. Johnston, N.A.)~~
~~Strike out description not applicable~~

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1482
500M—7-41 (1120)
H.Q. 1772-30-1850

EXHIBIT "B" AS REFERRED TO IN THE SUMMARY OF EVIDENCE.

Engineering Wks Bde
Paschal DCM

42, C.A.S.C.

PROVISIONAL PART II ORDERS

ACTIVE ARMY (A.A.F.C., R.A.F. SERVICE)

OTTAWA, ONT.

CORPORAL C. [illegible] (R.C.A.S.C.) — Part II
No. 16
Pay Accts.

L.37 Pay Ct Corporal, 15 Mar 43 to 14 Jun 43.

"A"

OFFICERS AND MARRIED MEN

NIL

"B"

OTHER RANKS

1. STRENGTH INCREASE

The undermentioned having been struck off strength of No. 31 Provost Coy. at 2230 hours 30 Jun 43 in Mattawa Township, Ont., is taken on strength of - , C.A.S.C. - Petawawa for all purposes including pay effective 1 Jul 43. (Auth. C.M.S. by C. of T. Part II Order No. 211 dated 28 Sep 43.)

.110361 Gnr. HILL, J.S. - C. - Sty.

2. STRENGTH INCREASE

(a) The undermentioned is struck off strength of 42 - A. C.A.S.C. Petawawa for all purposes including pay on transfer to R.A.M.C. - Petawawa Military Camp effective 1 Jul 43. (Auth. C.M.S. - 7 dated 1 Jul 43).

.107 1 Gnr. [illegible] C. - C. Sty.

(b) Attachments

The undermentioned are attached to Petawawa Military Hospital for Duty, Quarters and Rations effective 30 Jun 43. (Auth. C.M.S. - 1-0-6 (A.M.) dated 10 Jun 43.)

No. - - - Sty.

C.1[illegible]01 1 Gnr. CHRONIS L. - C.21301 Gnr. ROBINS E.
C.3[illegible]2[illegible] Gnr. DEARY G. - C.112562 Gnr. GAY H.
C.181964 Gnr. ILNITSKI J.

3. QUALIFICATIONS

The rank mentioned in inverted commas qualified as Motor Mechanic Group [illegible], Grade II effective 14 Jun 43.

C.38731 Gnr. FULLER C.F. - [illegible] Sty "[illegible]" Gnr. [illegible] HILL - H. - Sty

4. APPOINTMENTS AND PROMOTIONS

(a) The undermentioned are appointed to the rank of Acting Lance Bombardier without pay effective 1 Jun 43.

.[illegible] Gnr. [illegible] [illegible] - [illegible] Gnr. [illegible] - H. - Sty.

(b) The undermentioned is appointed to the rank of Acting Lance Bombardier with equivalent pay effective 1 Jun 43, to a vacant establishment. (Inserted [illegible])

.[illegible] Gnr. [illegible] H. - C. Sty.

To sheet - 2 -

EXHIBIT "F" AS REFERRED TO
IN THE SUMMARY OF EVIDENCE

5. APPOINTMENTS AND PROMOTIONS (CONTD)

(c) The undermentioned are appointed to the rank of Acting Lance Bombardier without pay effective 1Jan43. (Instructional)

G.Bty.					
A.110143	Gnr.	DERKOWSKI	A.	P.4044 Gnr. ARSENAULT	J.
A.110700	Gnr.	OUELLETTE	A.	A.112407 Gnr. KINSELL	J.

(d) The undermentioned are appointed to the rank of Acting Lance Bombardier without pay effective 15Jan43. (Instructional)

G.Bty.					
A.11700	Gnr.	BROCK	E.G.	A.37036 Gnr.	[illegible] E.N.
A.38602	Gnr.	HENT	W.F.	A.46023 Gnr.	BURSELL E.N.

6. FURLOUGH

The undermentioned have been granted furlough from and to dates shown, inclusive, here opposite issued transport warrants have as indicated, and are entitled to receive .60c perdiem in lieu of rations as authorized by A.A. 2251 and Art. 298 under P.R.R. I. For C.A.S.F.

A.112105	Gnr.	THUNBORNE	A.	G.Bty.	25Jan43 to 7Feb43.
A.108019	Gnr.	PENDELL	A.	G.Bty.	25Jan43 to 12Feb43.
A.110736	Gnr.(L/Bdr)	GRIEVES	G.	G.Bty.	25Jan43 to 7Feb43.
A.34036	Gnr.(L/Bdr)	LUMSDEN	V.	F.Bty.	25Jan43 to 1Jan43.
A.37101	Gnr.	CASEY	E.	F.Bty.	25Jan43 to 8Feb43.
A.122193	Gnr.(L/Bdr)	LAYLAR	E.	A&T.S.	25Jan43 to 7Feb43.
A.10820	Gnr.(L/Sgt)	PLAUTTEN	F.	A&T.S.	25Jan43 to 7Feb43.
A.11076	Gnr.(L/Sgt)	JENNER	A.	A&T.S.	25Jan43 to 7Feb43.
A.79059	Gnr.	McLAGAN	W.	A&T.S.	22Jan43 to 4Jan43.

6. HOSPITAL

A.38695	Gnr. LEFORT	J.E.	A.&T.S.	admitted S.A.H.	17Jan43.
A.44364	Gnr. LASLAM	J.R.	E.Bty.	admitted S.A.H.	17Jan43.
A.18032	Gnr. BRANDON	F.	A.&T.S.	discharged S.A.H.	19Jan43.
A.44366	Gnr. KEING	E.	G.Bty.	discharged S.A.H.	19Jan43.
A.11602	Gnr. MASSPOLUS	A.	F.Bty.	discharged S.A.H.	19Jan43.

7. ABSENTEES - FIRST NOTICE

					Absent from
A.21380	Gnr. KANE	J.C.	A.&T.S.		0630 hours 10Jan43.
A.18279	Gnr. MARTIN	J.E.	A.&T.S.		2200 hours 13Jan43.
A.111080	Gnr. McNABB	W.	A.&T.S.		0630 hours 16Jan43.
A.18260	Gnr. MARSHALL	W.	A.&T.S.		1600 hours 10Jan43.
A.18000	Gnr. BROCK	G.	A.&T.S.		1800 hours 10Jan43.
C.38650	Gnr. MUNROE	H.	A.&T.S.		0650 hours 10Jan43.
D.187270	Gnr. HULIN	J.J.	G.Bty.		0640 hours 18Jan43.

8. ABSENTEES - THIRD NOTICE - 28 DAYS

A.111048	Gnr. MACLULY	G.	A.&T.S.	absent from 0600 hours 28Dec42.
C.9640	Gnr.(L/Bdr) BRYANS	E.	A.Bty.	absent from 0600 hours 28Dec42.
A.56562	Gnr. CLARKE	L.	A.Bty.	absent from 0600 hours 28Dec42.

9. ABSENTEES - RETURNED

					Returned
A.104878	Gnr. [illegible]	E.	A.Bty.		2100 hours 15Jan43.
A.111295	Gnr. GAUVREAU	J.	A.Bty.		0600 hours 18Jan43.
C.38606	Gnr. THOMPSON	A.E.	G.Bty.		0715 hours 18Jan43.
P.38672	Gnr. GALLEY	A.E.	G.Bty.		0600 hours 18Jan43.
C.38620	Gnr. GOOD	D.C.	G.Bty.		2100 hours 18Jan43.
C.8482	Gnr. JARVIS	A.E.	G.Bty.		2100 hours 18Jan43.
A.37001	Gnr. JENNINGS	J.D.	G.Bty.		0600 hours 19Jan43.
A.[illegible]361	Gnr. MAWHOLIN	O.J.	G.Bty.		0630 hours 19Jan43.
A.17365	Gnr. MARTIN	P.A.	G.Bty.		2100 hours 18Jan43.
A.112205	Gnr. HARRISON	J.J.	G.Bty.		2100 hours 18Jan43.
A.187270	Gnr. HULIN	J.J.	G.Bty.		2100 hours 18Jan43.
C.38740	Gnr. [illegible]SON	D.J.	G.Bty.		2100 hours 18Jan43.
L.68691	Gnr. [illegible]BROCK	H.D.	G.Bty.		2100 hours 18Jan43.

To sheet - 5 -

PART II ORDER NO. 16 SHEET - 3 - 20Jan43.

9. ABSENTEES - RETURNED (CONT'D)

			Returned
A.93823 Gnr. ROUILLER	[illegible]	[illegible]	0600 hours 18Jan43.
A.21266 Gnr. VALIQUETTE D.		G.Bty.	1815 hours 18Jan43.
B.112041 Gnr. MATTISON G.		G.Bty.	2130 hours 18Jan43.

10. ABSENTEES - APPREHENDED

The undermentioned was apprehended by Civil Authorities in Oshawa, Ont. at 1330 hours 18Jan43.

B.44383 Gnr. SIDLOCK G. E.Bty.

11. PUNISHMENTS

(a) A.12074 Gnr. SAWSON A.J. A.A.T.S. was on 16Jan43 awarded 21 days detention and forfeits 18 days pay under P.R.R. I.

(1) Absent without leave from 0600 hours 24Dec42 until apprehended in Toronto, Ont. at 1410 hours 10Jan43. (Absent 12 days 8 hours 10 minutes.) (Close custody - 7 days)

(b) C.10017 Gnr. FOX R.H. G.Bty. was on 16Jan43 awarded forfeiture of 6 days ordinary pay and forfeits 1 days pay under P.R.R. I.

(1) Absent without leave from 0100 hours 17Jan43 to 1130 hours 17Jan43. (Absent 10 hours 30 min.)

(c) B.112252 Gnr. DOUGLAS G.H. C.Bty. was on 18Jan43 awarded 3 days C.B. and forfeits 2 days pay under P.R.R. I.

(1) Absent without leave from 0600 hours 26Dec42 until 1300 hours 27Dec42. (Absent 1 day 6 hours)

(d) B.114037 Gnr. FISHER R.L. C.Bty. was on 11Jan43 while in Toronto Convalescent Hospital, awarded forfeiture of 1 days pay under P.R.R. I.

(1) Absent without leave from 2359 hours 7Jan43 until 2130 hours 8Jan43. (Absent 21 hours 31 minutes)

12. AMENDMENTS

(a) Part II Order No. 10 dated 15Jan43 Sec. B. item 1(a) insofar as it concerns C.9045 Gnr. McGRACHY M. is amended to read "effective 8Jan43".

(b) Part II Order No. 7 dated 8Jan43 Sec. B. item 7 and Part II Order No. 9 dated 11Jan43 Sec. B. item 10 insofar as they concern A.21545 Gnr. NICHAUD L. B.Bty. are cancelled. (Case dismissed)

(c) Part II Order No. 14 dated 18Jan43 Sec. B. item 10(h) insofar as it concerns B.44429 Gnr. DOLAELL A.E. C.Bty. and B.44409 Gnr. PILGRIM D.J. C.Bty. is cancelled.

(d) Part II Order No. 14 dated 18Jan43 Sec. B. item 10(i) insofar as it concerns B.44293 Gnr. HUMSON G.H. C.Bty. and B.115950 Gnr. DESCHAMPS E. C.Bty. is cancelled.

(e) Part II Order No. 13 dated 16Jan43 Sec. B. item 2(c) insofar as it concerns G.40925 Gnr. (A/L/Bdr) MOLDR L.A. B.Bty. is cancelled.

(f) Part II Order No. 7 dated 8Jan43 Sec. B. item 7 insofar as it concerns F.78991 Gnr. MATHESON A. A.A.T.S. is amended to read "absent from 0630 hours 7Jan43.

(g) Part II Order No. 6 dated 6Jan43 Sec. B. item 11 insofar as it concerns A.11587 Gnr. (A/Bdr) SPALDING D. is amended by adding "on transfer to B.A.A."

(h) Part II Order No. 6 dated 6Jan43 Sec. B. item 7 insofar as it concerns B.44312 Gnr. GIGG J. C.Bty. is cancelled.

(i) Part II Order No. 15 dated 19Jan43 Sec. B. item 8 insofar as it concerns D.137370 Gnr. FOULER J.N.L. is amended to read C.33594 Gnr. TAYLOR J.N.L. C.Bty.

(j) Part II Order No. 7 dated 8Jan43 Sec. B. item 7, Part II Order No. 1 dated 10Jan43 Sec. B. item 8 and Part II Order No. 16 dated 19Jan43 Sec. B. item 8 insofar as they concern F.86245 Gnr. MARTINE L. A.Bty. are cancelled. (Case dismissed)

To sheet - 4 -

"C"

DEFENCE H.Q.

1. APPOINTMENTS AND PROMOTIONS
The undermentioned are appointed to the rank of Acting Lance Bombardier with equivalent pay effective 1Jan43 to complete establishment. (Instructional)

D.635606 Gnr. TOUGAS M. G.Bty. D.481083 Gnr. ROUSSEAU H. G.Bty.

2. QUALIFICATIONS
The undermentioned having been trade tested qualified as Motor Mechanic Group A. Grade II, effective 14Jan43.

G.422172 Gnr. SMITH R. F.Bty.

3. FURLOUGH
The undermentioned have been granted furlough from and to dates shown, incl., have been issued transport warrants nos as indicated, and are entitled to receive .60¢ per diem in lieu of rations as authorized by R.O. 2261 and Art. 196 under F.R.& I. for C.A.S.P.

A.450970 Gnr. MELLO L. A.&T.S. 22Jan43 to 4Feb43. A.347764
B.481760 Gnr. DESBIENS F. D.Bty. 26Jan43 to 7Feb43. N/A.

4. HOSPITAL
D.606140 Gnr. (A/Bdr) BOURDEAU F. G.Bty. admitted P.M.H. 17Jan43.

A.605401 Gnr. ALLEN J. A.&T.S. discharged P.M.H. 19Jan43.

5. ABSENTEES - FIRST NOTICE
A.473229 Gnr. MIVILLE G. G.Bty. absent from 0600 hours 18Jan43.

6. PUNISHMENTS
(a) D.626397 Gnr. (A/L/Bdr) GOSSELIN T. G.Bty. was on 10Jan43 reverted to the permanent rank of gunner.
(1) A soldier of the Canadian Army (Reserve) is charged to the prejudice of good order and military discipline in that he did not make his bed and his cubicle was very untidy.

(b) D.473430 Gnr. MONTREUIL A. G.Bty. was on 16Jan43 admonished and forfeits 2 days pay under F.R.& I.
(1) Absent without leave from 0600 hours 6Jan43 to 0600 hours 18Jan43. (Absent 12 days) (Absence excused from 0600 hours 6Jan43 to 0600 hours 16Jan43.) (Absent 2 days)

W.D. Blair
(W.D. Blair) Capt.
Adjutant
A-2, C.A.T.C.

Certified to be a true copy of Part II Daily Order No. 16 dated the 20th of January, 1943, A-2, Canadian Artillery Training Centre, C.A.

J.R. McMilleh
(J.R. McMilleh) Lieut.,
Asst. Adjutant,
A-2, C.A T.C.

Officer having custody of the original.

H. H. Edgerwiggs Capt. Cav.
President D.G.C.M.

Statement of Gunner Hill J.S., B-110332 in mitigation of sentence.

I am a full blooded indian. I have been in the army 99 days. I left school when I was 12 years old. Only now do I realise the full seriousness of my going A.W.L. I am sorry & intention on completion of my punishment to settle down and be a good soldier.

J S Hill

y. Regarding Mr Ces President

MMB 355
MC 447 (6435-6)
H.Q. 1772-39-620

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B.110332	Gunner	Jeremiah Sylvans Mill,	A-2, C.A.T.C.

J.R.M. 1. The following is a fair and true summary of the entries in the Field ~~Service and General~~ ~~Regimental and Squadron, Battery~~ ~~Conduct Sheets~~ ~~or Company~~ Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act ~~Air Force Act~~ and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For	Absence Without Leave	2 times	Absence Without Leave	2 times
For		times		times
For		times		times
For		times		times

Number of instances of gallantry or distinguished conduct Nil.

J.R.M. ~~or~~

~~There are no entries in the conduct sheets of the accused.~~

~~Note.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted by Court-Martial or Civil Court.

J.R.M. ~~or~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~ ~~Air Force Act~~ ~~A.F.A. 73~~

3. The accused is not under sentence at the present time.

J.R.M. ~~or~~

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and ~~16~~ 25 days in military custody, making a total of ~~16~~ 25 days in custody, of which Nil days were spent in hospital.

J.R.M. 5. The present age of the accused according to his ~~record of service is~~ attestation paper is 31 years 9 months.

J.R.M. 6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 30th March, 1942.

J.R.M. ~~7. The service which the accused is allowed to reckon towards discharge is 30 days.~~

J.R.M. ~~8. The accused is entitled to reckon 30 days service for the purpose of determining his pension, etc.~~

J.R.M. 9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward ~~for is in possession of or entitled to). State any air force decoration or reward.~~ ~~military.~~

J.R.M. ~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of .....~~

J.R.M.

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank ..... Permanent Force unit ..... dated ....., and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 41 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number ..... Rank .....

Name ..... of ..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

J.R.M.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

J.R.M. Signed this 2nd ~~24th~~ day of February ~~January~~, 1943 J.R.M. Muller Lieut., Asst. Adjutant, A.F.C.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

B.110332 Pte. HILL Jeremiah Sylvans "2D.D. (AF) ~~xxxxxxxxxx~~ Rx~~ingifley~~.

No.	Name	Sqn., Battery, or Company	Corps	Date of enlistment	G.C. Badges	Service or Proficiency Pay
				30-3-42		

M.F.M. 6 (A.F.B. 122) 500M—11-40 (9028) H.Q. 1772-45-18

Date of last entry in Company Conduct Sheet	No. and date of last drunk	Period not reckoning towards freedom from extra fine	Sheet No.	Signature O.C. Company, etc.	Character
				E.A. Dunn, Capt.	

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Entries Nil 15-5-42			F.H. Burnaby, Lieut.		
Chatham	12-6-42	Pte.		AWL from 2300 hrs. 12-6-42 to 2125 hrs. 18-6-42.	Cpl.Allen	7 days CB	19-6-42	Capt. Mac Donald	FOR 6 days.
Chatham	30 Jun	Pte.		AWL from 2200 hrs. 30-6-42 to 2210 hrs. 13-7-42	Harlick Cpl.	7 dys CB	14 Jul 42	Maj. Single	FOR 14 dys.

Certified true copy of M.F.M. 6 for B.110332 Gnr. Hill, J.S. 2 Fold'ed 3.

(J.R. McMullen) Lieut.,
Asst. Adjutant, A-2, C.A.T.C.

(P.T.O.)

H.Q.C. 55-H-336 **DEAD** CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HENDERSON, J.L. B.46958 PTE. 405-H-11221

DEAD

CONFIDENTIAL
H.Q.C. 55-H-336

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and mark here "See Minute")		
				JAG	returned	CR	9-3-43.
MAR 1 1943 APR 5 1943	4/4/43	P.A	WRT	AD	To MG & PA	PA	10/3/43
				AD	With Papers C.R. APR 21 1943	OK	
APR 22 1943	20/4/43			AD	Passed for your action	KHB	22/4/43
MAY 27 1943	10/6/43			JAG	With Papers C.R. MAY 25 1943	OK	
	9/6/43			AD/A	With Papers C.R. JUN 3 1943	OK	
				Pay.	Memo		9/6/43
JUN 11 1943	26/6/43			J.A.G.	To adopt.		10/7/43
JUN 13 1943	15-6-43	P.A		J.A.G.	Per BJ 10/6/43	CR	4/6/43
JUN 25 1943	25/6/43			A.D.	With Papers C.R. JUN 17 1943 For Requisition C.R. JUL 12 1943	OK	
				A.D.			
		(H.Q.)		Pay	Memo with 405-H-11221		15/7/43
AUG 7 1943 OCT 12 1943	7/10/43			Admin	Memo		29-7-43
	11/10/43	PA		Admin	For Requisition C.R. OCT 11 1943		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other officers in departments an opportunity to see it.

2. Central Registry files should be retained, temporarily, in the personal charge of an officer of the branch.

PASS THIS FILE IN ENVELOPE

DEPARTMENT OF NATIONAL DEFENCE
ARMY

In reply quote No. H.Q.C.55-H-336 (Pay 10)

22nd July 1943.

DIR. ADMIN.

B.46958, Pte. Henderson.J.L.
No.7 Defence and Employment Platoon

With reference to your memo. of the 14th instant, re the marginally named soldier, it has been ascertained that a cheque for $4.71 in payment of the account in question was forwarded to Mr. E.E. Harrop, Chief of Police, Acton, Ontario, on the 7th July 1943, by the District Treasury Officer, M.D.No.6,

for (B.J.W.Spink) Colonel,
for PAYMASTER-GENERAL.

DV

M.P.A. 1288A
500M—2-43 (8479)
H.Q. 1772-50-2009

Pay 10

144403

IN REPLY PLEASE QUOTE
P6-417-8

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N.S., July 20, 1943

AIR MAIL

CENTRAL REGISTRY Army
JUL 21 1943
C55-H-336
Copy 1/17/43
Pay

Paymaster-General,
Department of National Defence
OTTAWA, Canada

B.46958 Pte. Henderson, J.L.
No.7 Defence & Employment Platoon

1. Your H.Q.C. 55-H-336 (Pay 10) dated 16th July, 1943, was received in this office July 19th, 1943.

2. It has been ascertained from the District Treasury Officer that cheque for $4.71, covering account in question, was forwarded on 7th July, 1943, to Mr. E.E. Harrop, Chief of Police, Acton, Ontario.

(G.C. Sircom)Lt.-Col.,
DISTRICT PAYMASTER, M.D. No. 6

GCS/BEN

RECEIVED
JUL 22 1943
OFFICE OF THE PAYMASTER GENERAL

MAT. DEF. B. 440
1 Million—10-42 (9655)
H.Q. 1772-30-767

AIR MAIL

16th July 1943.

District Paymaster,
Military District No.6,
Halifax,N.S.

B.46958, Pte. J.L.Henderson
No.7 Defence & Employment Platoon

With reference to this H.Q. letter numbered as above and addressed to the G.O.C., 7th Canadian Division, under date of 10th June 1943, a copy of which is attached, together with a statement of account for ready reference, may advice be received as to whether action as requested in para.2 of the above mentioned letter has been taken, and if so, what disposition has been made of cheque in this connection.

2. Please treat as urgent.

(B.J.W.Spink) Colonel,
for PAYMASTER-GENERAL.

Encl.

MEMORANDUM

Department of National Defence
- Army -
H.Q. C.55-H-336
H.Q. 405-H-11,221 Admin 3(a)1
OTTAWA, July 14th, 1943.

To: Paymaster General.

B.469, Pte. J.L.Henderson
No. 7 Defence and Exployment Platoon, C.A.

Reference your letter at Flag "A" on H.Q.C. 55-H-336.

2. May information be forwarded as to whether or not this account has been paid.

3. You will note that this matter is the subject of a Special Inquiry on 405-H-11,221.

(G.A. Ferguson)
Colonel,
D. of Admin.

AWS/MC

Would it appeal to you that
amount of fifty $ was deducted
& forwarded to H.Q., it this for
information

14/7/43

for Major

135416

IN REPLY PLEASE QUOTE
No. 7D/5-4-5-10

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

H.Q., 7 Cdn. Div., C.A.,
Debert, N.S., 12th June 1943

CENTRAL REGISTRY Army
CONF. SEC.
File C 55-H-336
Chgd. to
Referred to AD 1a

The Secretary,
Department of National. Defence,
Ottawa, Ontario.

District Court-Martial
B. 46958 Pte. J.L. Henderson,
No. 7 Defence & Employment Platoon, C.A.

Reference your H.Q.C. 55-H-336 (A.D. 1a) dated June 9th, 1943.

2. The account of Chief of Police E.E. Harrop was not accepted by the Court for the reason stated in paragraph 3 of our 7D/5-4-5-10 dated May 31st, 1943.

3. After the trial, this matter does not appear from the file to have been taken up with this Headquarters.

4. The letter addressed to the Chief of Police on April 26th and signed by Lieut. Early was unknown to this Headquarters and Lieut. Early has now proceeded overseas.

5. It does not appear that this Headquarters was at any time consulted regarding this and from a revision of the file no opinion appears to have been given on this subject.

6. As Lieut. R.G. Early has now proceeded overseas, this Headquarters is unable to furnish the information required in your paragraph 3.

for (P.E. Leclerc) Major-General,
General Officer Commanding,
7 Cdn. Div.

NAT. DEF. B. 440
1 Million—10-42 (9656)
H.Q. 1772-39-787

H.Q.C. 55-H-336
(Pay 10)

10th June 1943.

General Officer Commanding,
H.Q., 7th Canadian Division,
Debert Military Post Office,
DEBERT, N.S.

District Court-Martial
B.46958 - Pte. J.L. Henderson
No.7 Defence & Employment Platoon, C.A.

1. Further to H.Q. letter C.55-H-336 (A.D.1A) dated 9th June, re the marginally noted subject, it is considered that the account rendered by Mr. E.E.Harrop, Chief of Police, Acton, Ontario, may be accepted as a charge against Public Funds in accordance with Article 172(7), F.R. & I. (Canada).

2. In view thereof, you are requested, please, to submit properly certified accounts to the District Treasury Officer to facilitate settlement.

(A.R. Mortimore) Brigadier,
Paymaster-General,
for ADJUTANT-GENERAL.

JH

MEMORANDUM

TO: Paymaster General

Department of National Defence
H.Q.C. 55-H-336 (A.D.1a)
OTTAWA, 8th June, 1943.

B.469 - Pte. J.L. HENDERSON
No. 7 Defence and Employment Platoon, C.A.

Reference account at folio five and letter at folio six and conversation between Captain Shepard and Captain Sillery of June 5th.

2. From the evidence on the Court Martial file it would appear that Mr. E.E. Harrop apprehended this soldier at Acton, Ontario, and took him to the Milton gaol. The amount of this charge was not included in his charge sheet and therefore it still remains outstanding.

3. This account is now the subject of a special inquiry from the Minister and it would be appreciated if you would expedite payment of same please.

for Colonel
D. of Admin.

AWS/LT

H.Q.C. 55-H-336
(A.D.1a)

June 9th, 1943.

General Officer Commanding,
H.Q. 7th Canadian Division,
Debert Military Post Office,
DEBERT, N.S.

District Court-Martial
B.46958 - Pte. J.L. Henderson,
No. 7 Defence & Employment Platoon, C.A.

Reference 7D/5-4-5-10 and letter numbered as above dated the 15th of May, 1943.

2. Attached hereto is copy of letter dated the 26th April from the Officer Commanding this unit to E.E. Harrop, Chief of Police, Acton, Ontario, It is not understood why this letter was written to Mr. Harrop, in view of the fact that the latter had a legal claim for monies expended in the apprehension of this soldier.

3. May information be forwarded as to why this matter was not taken up with the Paymaster General for his consent regarding the payment of this account.

(H.F.G. Letson)
Major-General
Adjutant-General

ANS/LT

131669

IN REPLY PLEASE QUOTE
No. 7D/5-4-5-10

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

H.Q., 7 Cdn. Div., C.A.,
Debert, N.S., 31st May 1943

CENTRAL REGISTRY Army
CONF. SEC.
JUN 3 1943
File C 55-H-336
Chgd. to
Referred to A.D. 1a

The Secretary,
Department of National Defence,
Ottawa, Ontario.

District Court-Martial
B. 46958 Pte. J.L. Henderson,
No. 7 Defence & Employment Platoon, C.A.

Reference H.Q.C.55-H-336 (A.D. 1a) dated 15th May, 1943.

2. It will be noted in Exhibit "M", form M.F.B. 1481, page 35, that both the escort's and absentee's transportation are from Acton, Ontario, the town of the claimant. It will be further noted that in Exhibit "K" there is no claim for transportation or other cost whatsoever, since all transportation appears to have been from Acton, Ont.

3. On page C-3 after Answer 11 it will be seen that an attempt was made by the Prosecution to produce a statement of expenses incurred in the escorting of the Accused. This signed statement was not apparently the proper form and since neither the signature nor the statement itself could be taken for granted by the Court, it could not be admitted. To be admitted it would seem that the statement must be produced by someone able to at least attest its veracity as to its contents and signature.

4. The Proceedings of the marginally noted District Court-Martial are herewith returned.

(P.E. Leclerc) Major-General,
General Officer Commanding,
7 Cdn. Div.

NAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-39-787

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A
**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Debert Military Camp, N.S. on the 24th day of February 19 43 by order of Major-General P.E. Leclerc, MM, ED., Commanding 7th Canadian Division, C.A. dated the 22nd day of February 19 43.

President.

Major K.P. Harris, M.M.,
West Nova Scotia Regiment,
attached H.Q., 7 Cdn. Div., C.A.

Members.

Capt. A. Couet,
Le Regiment de Montmagny, C.A.

Capt. C.J. Cote,
20 Fd. Regt., R.C.A., C.A.

Capt. E.E. McDougall,
A.D.J.A., 7 Cdn. Div, CA, Judge Advocate.

Trial of* B. 46958 Pte. Joseph Lawrence Henderson, No. 7 Defence & Employment Platoon, C.A.

The order convening the Court, the charge-sheet and the summary ~~(abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that [illegible] is not available [illegible] convening order [illegible] meeting must take his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Capt. H.H. Gunter, C.A.C. (Sec'd) Prosecutor Courts-Martial, 7 Cdn. Div., CA

~~Counsel or~~ defending officer† Lieut. R. Corkett, #15 Defence Pln, C.A.

at 0930 o'clock the Trial commences.

The order convening the Court ~~is~~ are read, and ~~is~~ are marked "X" and "X-1" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q. 1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A. 1 *Answer by accused.* No sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

K.P. Harris
(K.P. Harris) Major.

Mil. Form B. 271
20M—7-42 (5287)
H.Q. 1772-20-224

B

The President, members and judge-advocate are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q. 2 - Do you object to No. K. 81836 Cpl (A/S/Sgt) John Philip Edward Baylis, C.M.S.C., C.A. H.Q. 7 Cdn. Div., C.A. acting as shorthand writer?

A. 2 - No sir.

No. K. 81836 Cpl (A/S/Sgt) John Philip Edward Baylis, C.M.S.C., C.A., H.Q., 7 Cdn. Div., C.A. is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Q. 3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

Answer.

A. 3 Not guilty.

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 23 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

APPENDIX F

"B.2" 3

CHARGE SHEET

Pres Hans Maj

Sec. 15(1) Army Act.

The accused, B.46958 Private Joseph Lawrence Henderson, No. 7 Defence & Employment Platoon, C.A., a soldier of the Canadian Army placed on Active Service, is charged with:-

WHEN ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE,

in that he

at Debert, Nova Scotia, on 28th December, 1942, absented himself from No. 7 Defence & Employment Platoon, C.A., from 1800 hours on the said 28th day of December, 1942, until apprehended by the civil power at Acton, Ontario, at 2000 hours on the 1st day of February, 1943 dressed in uniform.

Cost of apprehension and return to his unit $79.64.

Total time absent: 35 days, 2 hrs.

R G Early Lieut.

Debert, Nova Scotia
20th Feb., 1943.

R.G. EARLY, Lieut.
O.C. No. 7 Def. & Emp. Pln. C.A.

To be tried by District Court-Martial.

Signed at Debert, N.S. this 22 day of Feb. 43.

for B.B. Gallon major DAAG 7 Cdn

A.E. Ashton, Major General,
for General Officer Commanding,
7 Cdn. Div.

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q. 4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A. 4 *Answer.* No sir.

~~The prosecutor makes an opening address (hands in a written address, which is now marked signed by the President, and attached to the proceedings).~~ The Prosecutor declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution. } Lieut. R.G. Early, O.C. No. 7 Defence and Employment Platoon, C.A.,

being duly sworn, is examined by the prosecutor.

Q. 5 - As O.C. of No. 7 Defence and Employment Platoon are you in charge of the regimental books and documents?
A. 5 - I am.
Q. 6 - I give you a part II Order, would you explain this to the Court?
A. 6 - This is a Part II Order issued by myself at Debert Military Camp, No. 46 dated 31st December, 1942.

(Part II Order No. 46 dated 31st December, 1942, is read, marked "G", signed by the President, and attached to the Proceedings)

Q. 7 - What is this?
A. 7 - This is another Part II Order No. 5 dated 22nd January, 1943 in which the Accused is struck off strength.

(Part II Order No. 5 dated 22nd January, 1943, is read, marked "H", signed by the President, and attached to the Proceedings)

Q. 8 - What is this?
A. 8 - This is another Part II Order. Part II Order No. 10 dated 8 February, 1943 in which the Accused is taken on strength.

(Part II Order No. 10, dated 8 February, 1943, is read, marked "I", signed by the President, and attached to the Proceedings)

Q. 9 - And this?
A. 9 - This is the certificate of apprehension, M.F.M. 216.

(M.F.M. 216, Certificate of Apprehension, is read, marked "J", signed by the President, and attached to the Proceedings)

And here is a letter from the Chief of Police, Civil authorities, which has to do with the Accused.

(The above letter is read, marked "K", signed by the President, and attached to the Proceedings)

Q. 10 - I hand you this document, what is it?
A. 10 - This is the record of the Declaration of the Court of Inquiry.

(M.F.B. 375, Declaration of the Court of Inquiry, is read, marked "L", signed by the President, and attached to the Proceedings)

Q. 11 - And this?
A. 11 - This is M.F.B. 1481.

(M.F.B. 1481 is read, marked "M", signed by the President, and attached to the Proceedings)

And this is M.F.B. 1482 dealing with the incidental costs.

(M.F.B. 1482 is read, marked "N", signed by the President, and attached to the Proceedings)

And here is a statement of the expenses incurred in the escorting of the ACCUSED by Corporal Hawke.

By Judge-Advocate
I think I will have to advise the Court that while the M.F.B. 1482 is acceptable, this statement that is attached to it is not acceptable.

By Prosecutor
I have struck a couple of cases where escorts have been sent up and they have had to pay these incidental expenses out of their own pocket, and there is no way to reimburse these escorts if the Court won't do it.

By Judge-Advocate
The Court cannot do it. All incidental expenses must be stated on the M.F.B. 1482 and it is not on that document in this case.

By Prosecutor
Can these expenses, shown on this statement, be included on the 1482?

By Judge-Advocate
In my opinion, yes, but that is only my opinion and I would suggest that you speak to the D.A.Q.M.G. about that.

Q. 12 - What is this?
A. 12 - This is a bill for board of the Accused at County Jail at Milton, Ont., also an account for various expenditures made by E.E. Harrop, Chief of Police at Acton, Ont.

By Judge-Advocate
I think again I will have to advise the Court that I cannot accept these.

By Prosecutor
I might say further in relation to the 1482 that Lieut. Early saw the D.A.Q.M.G., but he could not advise him on the same.

By Judge-Advocate
Well that is not this Court's fault.

Q. 13 - Do you know and recognize the Accused?
A. 13 - I do.
Q. 14 - Is the Accused the one referred to in the various documents that you have submitted to the Court?
A. 14 - Yes.

The Defending Officer declines to cross-examine.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83(B).

THE WITNESS WITHDRAWS.

Second Witness for Prosecution

B. 46961 Pte. (A/Cpl) G.H. Chestnut, No. 7 Def. & Empl. Pltn., C.A., being duly sworn, is examined by the Prosecutor.

Q. 15 - Would you tell the Court what job you were doing on the 28th of December?
A. 15 - I was orderly Corporal on the 28th of December, 1942.
Q. 16 - Would you tell the Court in what way you had anything to do with or about the Accused on that day?
A. 16 - Yes sir. I was also due back on the 28th December myself and arrived back on the 26th, and relieved another fellow so he could go on his pass. I relieved Cpl. Keir of his duties. I knew that Pte. Henderson was due in on pass along with three or four other boys, he did not return and on the following morning I made out an absentee report.
Q. 17 - Do you know the Accused personally?
A. 17 - Yes sir.
Q. 18 - Have you seen the Accused in the camp or in the lines between the 28th of December and early in February?
A. 18 - No sir.

By Defending Officer
The witness said that he did not see the Accused between the 28th of December and early in February, but in the evidence this witness said he saw Pte. Henderson around the middle of December.

By Judge-Advocate
I think the Prosecutor asked if he saw him in camp between these times.

By Judge- Advocate The Defending Officer declines to cross-examine.

Q. 19 - You state that you did not see the Accused in camp between these dates?
A. 19 - Not until Cpl. Hawke brought him back.
Q. 20 - If the Accused had been in camp would you have been in a position to know of it?
A. 20 - Yes sir.
Q. 21 - How did you miss the Accused on the night of the 28th of December?
A. 21 - Well sir, he was not in his bed by lights out sir.
Q. 22 - What time is lights out?
A. 22 - 10:15 sir.
Q. 23 - When did you first notice that he was missing?
A. 23 - 28th.
Q. 24 - At what time?
A. 24 -.Well, he never came in on the train. Of course I don't think too much of that either because the trains are late, but he was not there the next morning.
Q. 25 - Well then the first time you missed him was at lights out?
A. 25 - He did not come in on the train with the rest of the boys.
Q. 26 - What I want to find out is the time that you first noticed that the Accused did not return?
A. 26 - I cannot state that exactly.
Q. 27 - You stated that he was not there at lights out?
A. 27 - He was not there.
Q. 28 - Did the Accused have to check in to you when he came back?
A. 28 - Yes sir, they all have to give me their pass.
Q. 29 - And the Accused did not give you his pass?
A. 29 - No sir.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83(B).

THE WITNESS WITHDRAWS.

Third Witness for Prosecution

B. 46960 Pte. (A/Cpl) M.L.J. Hawke, No. 7 Def. & Employment Platoon, C.A., being duly sworn, is examined by the Prosecutor.

Q. 30 - Do you recognize the Accused in Court here?
A. 30 - Yes sir.
Q. 31 - Would you tell the Court anything you had to do in connection with the Accused?
A. 31 - I was ordered by Lieut. Barly to proceed to Acton, Ont. to bring back Pte. Henderson who was being held in the jail at Milton, Ont. I left Debert 2nd. Feb. 43 and arrived at Acton, 4 Feb. 43, and proceeded to Milton jail the same day, the following day, Feb. 5th I proceeded back to Debert, N.S. with the prisoner.

Q. 32 - Where did you get him there?
A. 32 - Acton, Milton Jail.
Q. 33 - And how was the Accused dressed when you got him?
A. 33 - In uniform.
Q. 34 - How did he behave when you came back here?
A. 34 - Alright sir.

The Defending Officer declines to cross-examine.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83(B).

THE WITNESS WITHDRAWS.

Fourth Witness for Prosecution

B. 46961 Pte. (A/Cpl) G.H. Chestnut, No..7 Defence and Employment Platoon, C.A. is recalled by the Court at the request of the Defending Officer and is examined on his former oath.

Q. 35 - I want to question the Corporal on the manner in which he addressed the ACCUSED at a dance in Georgetown. The witness has said "I saw Pte. Henderson at a dance in Georgetown, Ont. around the middle of December....."

By Judge-Advocate
That is not in evidence before this Court. That was what he said at the Summary of Evidence.

By President.
Q. 36 - Corporal, did you see the Accused at any time between the 28th of December and the time of his return to Debert?
A. 36 - No sir, I did not.
Q. 37 - You did not see him anywhere?
A. 37 - No sir, I did not see him until Cpl. Hawke brought him back.

By Judge-Advocate
Q. 38 - In the Summary of Evidence you said "I saw Pte Henderson at a dance in Georgetown, Ont. around the middle of December...." Now which is right, your statement in the Summary that you did see him or your statement now that you did not see him.
A. 38 - I saw him at a dance.
Q. 39 - Did you see him at any time around the middle of December?
A. 39 - Yes.
Q. 40 - Where was that?
A. 40 - I saw him at a dance in Georgetown.
Q. 41 - Was the Accused properly dressed at that time?
A. 41 - Yes sir.
Q. 42 - Did the Accused make any statement or enter into conversation with you at that time?
A. 42 - Yes sir.
Q. 43 - What was it?
A. 43 - He asked me when I was coming back and I told him and asked him when he was coming back and he said that he was leaving on Saturday.
Q..44 - What date would that be?
A. 44 - 26th December sir.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83(B).

THE WITNESS WITHDRAWS.

The prosecution is closed.

Defence

Q. 45 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 45 *Answer.* No sir.

Q. 46 *Question.* Do you intend to call any other witness in your defence?

A. 46 *Answer.* No sir.

Question. ~~Is he a witness as to character only?~~ *Answer.*

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the witnesses for the defence, including witnesses as to character, is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Q. 47 *Question to the accused.* Have you anything to say in your defence?

A. 47 *Answer.* The accused in his defence says† No sir.

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

The Prosecutor makes a Closing Address.

(See document marked "O" attached)

The Defending Officer makes a Closing Address.

(See document marked "P" attached)

In the opinion of the Court and Judge-Advocate, it is unnecessary to sum-up.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. B. 46958 Pte. Joseph Lawrence Henderson, No. 7 Defence & Employment Platoon, C.A. guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Lieut. R.G. Early, O.C. #7 Def & Empl Pltn, C.A. is duly sworn.

Q. 48 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A. 48 I produce M.F.B. 355 & M.F.M. 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked YZ, signed by the President, and annexed to the proceedings.

Q. 49 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A. 49 Yes sir.

Q. 50 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A. 50 I have sir.

Q. 51 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A. 51 They are sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court and Judge-Advocate, it is not necessary to comply with R.P. 83(B).

THE WITNESS WITHDRAWS.

Q. 52 *Question to the accused.* Do you wish to address the Court? *Answer.* A. 52 Through my Defending Officer

The Court is closed for the consideration of the sentence. (See document marked "Q" attached)

18

F

Sentence

The Court sentence the accused B. 46958 Pte. Joseph Lawrence Henderson, No. 7 Defence and Employment Platoon, C.A., to undergo detention for forty days and to be put under stoppages of pay until he has made good the sum of $68.28 in respect of the cost of apprehension and return to his corps.

Sentence.

Detention

40 days

Stoppages

$68.28

Signed at Debert, N.S. this 24th day of February, 1943.

Errol K. McDougall

(Errol K. McDougall) Captain,
A.D.J.A., 7 Cdn. Div., C.A.,
Judge-Advocate.

K.P. Harris Pro

(K.P. Harris) Major,
West Nova Scotia Regiment,
attached H.Q., 7 Cdn. Div., CA

CONFIRMED

Signed at Debert, N.S..this 2nd day of March, 1943.

P.E. Leclerc

(P.E. Leclerc) Major-General,
General Officer Commanding,
7 Cdn. Div.

Promulgated and Extracts taken at Debert, N.S., this 3rd day of March, 1943.

A.B. Lawford

(A.B. LAWFORD), Capt.,
FOR: (R.G. EARLY), Lieut.,
Officer Commanding,
7 Def. & Empl. Platoon, C.A. (A)

Extracts entered this 8 day of March in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 10 day of March 1943

RBL.

"X" 19

ORDERS BY MAJOR-GENERAL P.E. LECLERC, D.S.O., M.D.,

General Officer Commanding, 7 Cdn. Div. CA

K.P. Harris
Pres
May

Debert Military Camp, N.S.,
22nd. February, 1943.

District Court-Martial
No. D. 46958 Pte. Joseph Lawrence Henderson
No. 7 Defence and Employment Platoon, C.A.
attached H.Q., 7 Cdn. Div., C.A.

1. The detail of officers as mentioned below will assemble at Debert Military Camp, N.S. at 0930 hours, Wednesday, the 24th day of February, 1943, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

President

Major K.P. Harris, M.M.,
West Nova Scotia Regiment,
attached H.Q., 7 Cdn. Div., C.A.

Members

Capt. A. Couet,
Le Regiment de Montmagny, C.A.

Capt. C.J. Cote,
20 Fd. Regt., R.C.A., C.A.

Waiting Members

Lieut. L. Guilmette,
Le Regiment de Quebec, C.A.
Capt. W.L. MacNamara,
26 Fd. Regt., R.C.A., C.A.

Judge-Advocate
Capt. E.A. McDougall,
A.D.J.A., 7 Cdn. Div., C.A.

Prosecutor
Capt. H.H. Gunter, C.A.C. (Sec'd) Prosecutor Courts-Martial,
7 Cdn. Div. CA

Defending Officer
To be detailed by O.C. each Accused.

Officers Under Instruction
Two may be detailed by O.C. each ACCUSED.

2. The accused person will be warned and all witnesses duly required to attend.

3. The Camp Commandant, H.Q., 7 Cdn. Div, C.A. will arrange for the necessary accommodation, stationery, court-orderly, and shorthand writers and will also ensure that the necessary escort has been provided.

4. The Proceedings will be forwarded to A.A. & Q.M.G., H.Q. 7 Cdn. Div., C.A.

Signed at Debert, N.S. this 22. day of February, 1943.

B.K. Galloway Major DAAG 7 Div
for (H.F. Galloway) Lt. Col., D.A.A.G., 7 Cdn Div
(P.E. Leclerc) Major-General,
General Officer Commanding

NO. 7 DEFENCE & EMPLOYMENT PLATOON C.A.(A).

"X-1"

PART I ORDERS

LIEUT. R.G. EARLY, OFFICER COMMANDING

DEBERT MILITARY CAMP,
Debert, N.S.
23 Feb. 43

PART I ORDERS NO. 3

Last part I Orders No. 2 d/11 Feb. 43.

1. DISTRICT COURT-MARTIAL

E.46958 Pte. Henderson, J.L.
No. 7 Def. & Emp. Pln. C.A.(A).

A District Court-Martial composed as under, will assemble at 0930 hours, 24th Feb. 43 at Debert Military Camp, N.S., by order of Major-General P.E. Leclerc, M.M. E.D., General Officer Commanding 7th Canadian Division for the purpose of trying by District Court-Martial the accused person named in the margin(and such other persons as may be brought before them).

President- Major K.P. Harris, M.M., West Nova Scotia Regiment.

Members- Capt. A. Couet, Le Regiment de Montmagny, C.A.
Capt. C.J. Cote, 20 Fd. Regt. R.C.A., C.A.

Waiting Members- Lieut. L. Guilmette, Le Regiment de Quebec, C.A.
Capt. W.L. MacNamara, 26 Fd. Regt. R.C.A., C.A.

Judge-Advocate- Capt. E.K. McDougall, A.D.J.A. 7 Cdn. Div. C.A.

Prosecutor- Capt. H.H. Gunter, CAC (Sec'd) Prosecutor Courts-Martial 7 Cdn. Div., C.A.

Defending Officer-Lieut. R. Corkett, No. 15 Defence Pln. C.A.

Officers Under Instruction- Two may be detailed by O.C. each accused.

2. CANCELLATION

Part I Orders, No. 2 para 2 is cancelled in so far as it concerns the u/m establishment.

Bible Hill Dance Hall Truro, N.S.

3. USE OF ENEMY WIRELESS BY CANADIAN PRISONERS OF WAR

Officers and Other Ranks when in enemy hands as Prisoners of War are expressly forbidden to transmit messages or to make annnouncements of any kind whatsoever by means of the enemy's broadcasting wireless systems.

All requests and inducements to do so made by the enemy to Prisoners of War will be resolutely refused at every stage of captivity. To subscribe to such requests and inducements is only helpin the enemy in his propaganda schemes.

Disobedience of this Order renders the individual liable to be charged on rejoining with an offence under the Army Act.

Next-of-kin receive an official notification from the Records Office. All ranks should caution their next-of kin that they should rely on official notification and not on enemy broadcasts which are often found to be inaccurate and unreliable.

R.G. Early Lieut.

R.G. EARLY, Lieut.
O.C. NO. 7 DEF. & EMP. PLN. C.A.(A).

"A" Exhibit "G" 3-3

PART II DAILY ORDERS

ISSUED BY

LIEUT. R.G. EARLY, OFFICER COMMANDING

NO. 7 DEFENCE & EMPLOYMENT PLATOON C.A.(A).

DEBERT MILITARY CAMP, N.S.

(Last Part II Daily Order No. 45, Issued 28 Dec. 42.)

ORDER NO. 46
31 Dec. 42

1. AMENDMENT — Last Part II D.O. issued 28 Dec. 42 is now numbered No. 45 instead of No. 44 as shown.

"A" OFFICERS

2. CANCELLATION
Lieut. R.G. Early — D.O. 42 d/12-12-42 paras. 1 and 3, D.O. 43 d/18-12-42 paras. 1 and 2, D.O. 45 d/28-12-42 para. 1, are hereby cancelled.

3. PASS, NEW YEARS' LEAVE AND LEAVE OF ABSENCE
Lieut. R.G. Early — The n/n is granted 48 hour pass (R.O. 1880) 5 days New Years' Leave and 14 days annual Leave of Absence R.O. 699, from 30 Dec. 42 to 19 Jan. 43, (Total 21 days), inclusive. Authorized to draw ration allowance for 21 days, (Art. 196(4) F.R.&I. (Can.).

4. AMENDMENT
Lieut. R.G. Early — D.O. 36 para 2 d/25-11-42 is amended to read:
granted leave (3 days) from 1600 hours 22-11-42 to 1600 hours 25-11-42 under provisions of R.O. 699(3).
Auth: A.A. & Q.M.G. 7th Cdn. Div.
Authorized to draw ration allowance for 3 days, (Art. 196(4) F.R.& I. (Can.).

"B" OTHER RANKS

5. FURLOUGH
(a) B-52237 Sgt. Bentley, F.L.
B-46961 Pte. (A/Cpl.) Chestnut, G.H.
B-46966 Pte. Glover, B.J.
B-46959 Pte. Harris, G.H.
— The n/n returned from furlough 28 Dec. 42.

(b) B-52156 Sgt. Runnells, J.R. — The n/n returned from furlough 29 Dec. 42.

6. ABSENT WITHOUT LEAVE
B-46958 Pte. He[illegible]on, J.L. — The n/n is A.W.L. from 1800 hrs. 28 Dec. 42, and is still absent 31 Dec. 1942.

7. PERMISSION TO MARRY
B-46932 Pte. Croll, R.P. — The n/n was granted permission to marry Miss Queenie Elizabeth Holden, Oakville, Ont., w.e. 16 Dec. 42.

8. MARRAIGE
B-46932 Pte. Croll, R.P.

The m/n having been granted permission to marry, 16 Dec. 42 was married to Miss Queenie Elizabeth Holden, at Oakville, Ont. on 21 Dec. 42.

9. CHANGE OF ADDRESS
NEXT-OF-KIN
B-46932 Pte. Croll, R.P.

The name and address of the Next-of-Kin of the m/n is changed to read as hereunder:

Mrs. Queenie Elizabeth Croll, (wife)
93 Kerr, St.
Oakville, Ont. w.e. 21 Dec. 42

10. RETURN FROM COURSE
B-52147 Sgt. Adams, L.A.
B-46960 Pte.(A/Cpl.) Hawke, M.L.J.

The m/n other ranks cease to be attached to A-14 C.I.T.C. Aldershot, N.S. on completing course effective 30 Dec. 42 and return to unit for all purposes except pay. w.e. 31 Dec. 42.

11. ATACHMENT
B-52147 Sgt. Adams, L.A.
B-46960 Pte. (A/Cpl.) Hawke, M.L.J.

The m/n are attached to Headquarters 7th Cdn. Div. for rations and quarters on return from course.(D.O. 40, para 1) w.e. 31 Dec. 42.

STRENGTH RETURN SECTION

12. STRENGTH RETURN

		WAR ESTABLISHMENT
Lieutenants	1	1
Sergenats	3	3
Corporals	3	6
Lance-Corporals	1	5
Privates	10	46
Total all ranks	18	61

13. RATION RETURN

B -46958 Pte. Henderson is A.W.L. from 1800 hrs Dec. 28, 1942. (D.O. 46 d/31 Dec. 42.)

Certified True Copy
R F Early Lieut

H H Q Lt Cpt
for O.C. Early Lieut

"B" 25
Exhibit "H"
B.P. Evans
Res Mag

PART II ORDERS

ISSUED BY

LIEUT. R.G. EARLY, OFFICER COMMANDING

NO. 7 DEFENCE & EMPLOYMENT PLATOON, C.A.(A).

DEBERT MILITARY CAMP, N.S.

(Last Part II Daily Order No. 4, Issued 19 Jan. 43.)

ORDER NO. 5
22 Jan. 43

"A" OFFICERS

1. RETURN FROM LEAVE OF ABSENCE
Lieut. R.G. Early

The m/n returned from Leave of Absence. w.e.f. 20 Jan. 43

"B" OTHER RANKS

2. RETURN FROM FURLOUGH
B-46962 Pte. Cork, W.F.
B-46969 Pte. Rule, L.J.
B-46965 Pte. Snell, J.C.
B-46968 Pte. (A/Cpl.) Keir, W.
B-46970 Pte. Grasby, T.W.
B-46973 Pte. Smith, A.J.S.
B-46964 Pte. Garvin, G.H.

The m/n returned from furlough. w.e.f. 20 Jan. 43.

3. MARRAIGE
B-46962 Pte. Cork, W.F.

The m/n having been granted permission to marry on 12 Dec. 42 (D.O. 39 d/1 Dec. 42) was married to Miss Velma Martin on 1 Jan. 43 at Brampton, Ont.
w.e.f. 1 Jan. 43

4. CHANGE OF ADDRESS
NEXT-OF-KIN
B-46962 Pte. Cork, W.F.

The address of the next-of-kin of the m/n is changes to read as hereunder.

Miss Velma Martin,
2 Jessie St.,
Brampton, Ontario.

5. STRENGTH DECREASE
B-46958 Pte. Henderson, J.L.

Having been declared by a Court of Inquiry held at Debert, N.S. 21 Jan. 43 to have been illegally absent since 1800 hrs. 28 Dec. 42 and to have deficiencies of equipment to the amount of $39.27 the m/n other rank is struck off strength No. 7 Def. & Emp. Pln. C.A.(A). at Debert, N.S. as a DESERTER.
w.e.f. 21 Jan. 43.
Forfeits 25 days' pay and allowances under Art. 170 F.R.&I. (Can)

Certified true copy
R.G. Early Lieut

R.G. Early Lieut
R.G. EARLY, Lieut.
O.C. NO. 7 DEF. & EMP. PLN. C.A.(A).

"C" Exhibit "I" 3rd
G.P. Hanson
Pte

PART II ORDERS

ISSUED BY

LIEUT. R.G. EARLY, OFFICER COMMANDING

NO. 7 DEFENCE & EMPLOYMENT PLATOON C.A.(A).

DEBERT MILITARY CAMP, N.S.

(Last Part II Daily Order No. 9 Issued 3 Feb. 43.)

ORDER NO. 10
8 Feb. 43.

"A" OFFICERS

Nil

"B" OTHER RANKS

1. STRENGTH INCREASE
B-46958 Pte. Henderson, J.L.

The m/n is taken on strength No. 7 Defence & Employment Platoon C.A.(A). for all purposes including pay on being apprehended at Acton, Ont. (close arrest) w.e.f. 1 Feb. 43. And is attached to Headquarters 7th Cdn. Div. C.A. for rations and quarters. w.e.f. 7 Feb. 43.

2. INCREASE IN PAY
B-46932 Pte. Croll, R.P.

The m/n personnel of No. 7 Def. & Emp. Pln. C.A.(A). having been attached for all purposes including pay to Advanced D. & M. school, Woodstock, Ont. w.e.f. 9 Jan. 43 D.O. 2 d/8 Jan. 43. having qualified in accordance with R.O. 2557 & R.O. 2772 is now authorized to receive daily rate of pay of $1.50. w.e.f. 1 Jan. 43.

3. PASS AND FURLOUGH
D-106567 Rfn. Goldstein, S.

The m/n is granted 96 hr. pass (R.O. 1880 and 14 days annual furlough (R.O. 699) from 2 Feb. 43 to 19 Feb. 43 (Inclusive). Total: 18 days. Authorized to draw ration allowance for 18 days. (F.R.& I. (Can.) Art. 196 (4).

MEMBERS HOME DEFENCE

4. CANCELLATION
H-521306 Rfn. Deleau, O.
H-501276 Rfn. Lacharity, P.
H-501370 Rfn. Dauteuil, R.
(3 Bn. R.W.R. C.A.)

Part II D.O. 8 para. 5 d/31 Jan. 43 concerning the m/n is hereby canceled.

(over)

5. ATTACHMENT
H-521306 Rfn. Deleau, O.
H-501276 Rfn. Lacharity, P.
H-501370 Rfn. Dauteuil, R.

The m/n are attached to No. 7 Def. & Emp. Pln. C.A.(A). for all purposes including pay w.e.f. 30 Jan. 43. And are attached to Headquarters 7th Cdn. Div. for rations, quarters and pay. w.e.f. 30 Jan. 43.
AUTH: (3 Bn. R.W.R. Pt. II D.O. 3 d/30 Jan. 43.)

R.G. Early Lieut.
R.G. EARLY, Lieut.
O.C. NO. 7 DEF. & EMP. PLN. C.A.(A).

Certified True Copy.
R.G. Early Lieut.

Exhibit "J"

APPENDIX TO ROUTINE ORDER NO. 1877

APPENDIX "A"

Certificate in accordance with Order in Council P.C. 2797 dated 10th April, 1942, as published in General Order 127, 1942.

(Apprehension by or surrender to civil authorities)

Strike out words not applicable

I certify that the person whose description is given below was arrested by (~~surrendered to~~) F.F. Marrow, C.S.P. Acton (Name of Peace Officer or Constable)

at Acton (Place) at 5 p.m. (Hour) on the 1st day of February 1943

Strike out words not applicable

(~~surrender~~) he was wearing military (~~air force~~) uniform (~~dressed in civilian clothes~~)

Regimental particulars of officer or soldier referred to above.

No. B-46958 ~~[illegible]~~

Rank... Private

Name.. HENDERSON, J.L.

Unit. No. 7 Def. & Emp. Pln. C.A.(A).

Age... 20

Height... 5 ft. 5½"

Description.....

Complexion... Medium

Hair.. Brown

Eyes.. Brown

Marks. Scar back right forefinger.

Strike out words not applicable.

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of Police Station at which officer or soldier was taken into custody upon such arrest or surrender.

E.E. Harris Chief of Police Acton Ont.

.....
(Peace officer) (constable) or) officer in charge of police station)

M.F.M. 21b

H.Q., 7 Cdn. Div., C.A.,
Debert, N.S., 2nd March 3

Camp Commandant,
H.Q., 7 Cdn. Div., C.A.,
Debert, N.S.

District Court-Martial
B. 46958 Pte. Joseph Lawrence Henderson,
No. 7 Def. & Empl. Pln., C.A.

Please find enclosed herewith the marginally noted District Court-Martial Proceedings. You will note from Page "F" of the Proceedings that the Finding and Sentence have now been confirmed.

2. An irregularity has been noted in the Charge Sheet which was submitted to this Headquarters in that the words "when on active service" were used in the statement of the offence. These words are unnecessary in a charge of absence without leave and should only be included where the offence involves a greater punishment if it is committed when on active service. Such is not the case in a charge of absence without leave.

3. The Proceedings are returned in order that the Finding and Sentence may be promulgated to the Accused and the necessary certificate concerning such promulgation endorsed on Page "F" of the Proceedings.

4. When this has been done may the Proceedings please be returned to this Headquarters without delay for transmission to N.D.H.Q.

E.K.M. McDougall Capt
for (H.M. Wallis) Lt. Col.,
A.A. & Q.M.G.,
7 Cdn. Div.

EKM/JB

1

"B" 31

Exhibit "K"
J.P. Harrison
Pres

OFFICE OF
E. E. Harrop
CHIEF OF POLICE

Acton, Ont. 4th Feby 1943

Joseph Lawrence Henderson whose home is in the vicinity of Acton, appears to have been absent from his Regiment since Dec. 25th 1942. - After arriving in this Village a few days ago from Toronto he was taken in by me in accordance with instructions issued in the form, description of a deserter or absentee without leave. - When taken in to explained he had no money at all with which to purchase a return ticket although he appears not to have approached any military authority with a view to obtaining an advance of funds. - He was lodged in the County Jail in Milton as I was not permitted to detain anyone in the local cells longer than 24 hours. — He was in uniform when taken in, clean & sober.

E E Harrop

"L"

Exhibit "L"

RECORD of the Declaration of a Court of Inquiry assembled at Debert, N.S. on the 21st day of January 1943 for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B-46958 Pte. HENDERSON, J.L.

DECLARATION

The Court declare that No. B-46958 Pte. HENDERSON, J.L. No. 7 Defence & Employment Platoon C.A. (A) illegally absented himself without leave from No. 7 Defence & Employment Platoon C.A. (A) at 1800 hrs on the 28th day of December 1942 that he is still so absent, and that on the 21st of January 1943 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES		VALUE	
Badges, Worsted Canada Prs			04	Bags kit MK II	1		78
Battle Dress Serge				Brasses Button	1		04
trousers prs	1	5	95	Brushes boot polishing	1		15
Gloves woolen khaki prs	1		59	Brushes button	1		14
Greatcoats drab (1941 Pat)		17	65	Brushes hair	1		24
Jerseys pullover	1	1	56	Brushes shaving	1		30
Shirts undercotton	1		39	Brushes tooth	1		09
Socks prs	4 @ .37	1	48	Drawers woolen prs	2	2	40
Shirts woolen	2	2	40	Combs hair	1		04
Shirts khaki cotton				Holdalls	1		17
with s.s.	2	1	98	Razors set	1		38
Jackets serge drab o.c.	1	10	15	Sponges pipeclay	1		02
Neckties black	1		21	Spoons	1		08
Pins collar	1		06	Towels	2		42
Socks black prs	2		54	Housewives	1		51
Trousers drab serge	1	3	57				
Badges cap lorne scots	1		07	Full vocabulary value		$52	37
				Actual value charged		39	27

President
(W.B. CONNOLLY), Capt., R.C.A.S.C.

Member
(P.G. [illegible]), Lieut., R.C.A.

Member
(W. Charles PELLETIER), Lieut., R.C.A.

Signed at Debert, N.S.

this 21st day of January 1943

Signature of Commanding Officer
(R.G. EARLY), Lieut., O.C. 7 Def & Empl

Certified true copy
Signature of Officer having custody of original record

N.F.B. 375
A.F.B. 118
16M—4-42 (4337)
H.Q. 1773-20-267

ABSENTEES AND DESERTERS

Exhibit "M"

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(TRANSPORTATION ONLY)

Fill in complete description — I, Capt. W.A. Major, H.Q., 7th Cdn. Division, (Rank) (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort

Complete — to proceed from Debert, N.S. (Place) to Acton, Ont. (Place)

and return to Debert, N.S. for the

Full description of soldier being escorted — purpose of escorting B46958, Pte. Henderson, J., 7 Def. Tk & Map. Pl. alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transportation required~~) and the cost thereof for said soldier and escort being as follows:—

Strike out phrase not applicable

Particulars		Cost
Transport Warrant # B 97787		
Escort's Fare (1) Debert to Acton	(RETURN)	$37.03
Transport Warrant # B 97788		
Absentee's Fare (1) Acton to Debert	(SINGLE)	18.50
TOTAL AMOUNT TO BE RECOVERED	Total	$ 55.53

Dated at Debert, N.S. this 4th February day of A.D. 1943

(W.A. Major) Capt.
H.Q., 7 Cdn. Div.
Signature, rank, unit of officer (issuing transport warrants) (~~authorizing transportation~~)
Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.R. 1461
8694—7-41 (1129)
H.Q. 1712-39-1461

ABSENTEES AND DESERTERS

Exhibit "N"

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1699, 1941~~ 1877, 1942

(INCIDENTAL EXPENSES)

Complete description

I, B 46960, Cpl. Hawke, M., No. 7 Def. & Rep. Pl.,
(No.) (Rank) (Name) (Unit)

Strike out words not applicable

as (escort) (commander of escort) consisting of

Members of escort

detailed to proceed from Debert, N.S. (Place) to Acton, Ont. (Place)

Name and description of soldier escorted

to return B 46958, Pte. Henderson, J., No. 7 Def. & Rep. Pl.

alleged to be a deserter or absentee without leave, to Debert, N.S. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Transport Warrant # B 97787	
Escort's Meals en Route	$8.50
Transport Warrant # B 97788	
Absentee's Meals en Route	4.25
TOTAL AMOUNT TO BE RECOVERED Total	$ 12.75

Dated at Debert, N.S. this 4th day of February A.D. 1943

Cpl Hawke

Signature and rank
(of commander of escort)
(escort)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.P. 1400
MM—2-42 (3530)
M.Q. 1173-39-1500

"P" 41

Defending Officer's Closing
Address

K. P. Hanna
Pte
May

From the information that I have been able to gather, the Accused has not been charged before with another previous offence. He has a very good report as far as conduct is concerned, and I ask the Court for leniency on behalf of the Accused.

I believe the soldier be be of good character and on that behalf I ask the Court to consider his general conduct, his reliability and his general ability before passing sentence on the Accused.

I believe that is all that I have to say in behalf of the Accused.

"O" 39

Prosecutor's Closing Address

K. P. Hanna
Pte
May

Pte. Henderson has been charged with "When on active service, absenting himself without leave." The Court has before it the M.F.R. 375, certified Part II Orders referring to the absence of the Accused, also the evidence of Corporal Chestnut who was the Orderly Corporal and was the one who first noticed his absence, and of Corporal Hawke, the man that went and brought him back from the jail in Acton, I believe.

Now, I think, from the documentary evidence plus the evidence of these two witnesses, that there is enough evidence before the Court to find the Accused guilty of this charge.

APPENDIX D

Exhibit "Y" 43

M.F.D. 555
MM—11-41 (2275)
H.Q. 1772-30-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B.46958	Private	Joseph Lawrence Henderson	No. 7 Def. & Emp. Pln. C.A.

1. The following is a fair and true summary of the entries in the ~~Regimental and Squadron, Battery~~ Service and General RGE. Conduct sheets RGE. ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, RGE ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For N	times	N times
For I RGE.	times	I RGE. times
For L	times	L times
For	times	times

~~Number of instances of gallantry or distinguished conduct~~ RGE ~~or~~ RGE.

There are no entries in the conduct sheets of the accused.

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted ~~or~~ RGE.

RGE ~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under~~ RGE ~~Air Force Act~~ RGE ~~A.F.A. 73~~ RGE ~~Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule~~ RGE ~~annexed to this statement.~~

3. The accused is not under sentence at the present time.

RGE. ~~or~~

RGE. ~~The accused at the present time is under sentence for ..... beginning on the ..... day of ..... :~~

4. The accused has been in confinement awaiting trial on the present charges, for 3 days in civil custody, and ~~16~~ 20 RGE days in military custody, making a total of ~~19~~ 23 RGE days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ RGE attestation paper is 21 yrs, 8 months

6. The date of his ~~enlistment~~ RGE attestation specified in his ~~record of service is~~ RGE attestation paper 22 June 42

~~7. The service which the accused is allowed to reckon towards discharge is~~ RGE

~~8. The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~ RGE

9. The accused is in possession of or entitled to no ~~air force~~ RGE military decoration, or ~~air force~~ RGE military reward (~~or is in~~ RGE ~~possession of or entitled to). State any air force decoration or reward.~~ RGE ~~military~~ RGE

RGE ~~10. (If the accused is a warrant officer.) The accused before he was made a warrant officer last held~~ RGE ~~Air Force~~ RGE ~~the regimental rank of ..... .~~ RGE

44

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

nil.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~20th~~ 14th day of February 1943 R. Earlyment

O.C. No. 7 Def. & Emp. Pl. R.C.A.F. EARLY, Lieut.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked X F.F. Harris signed by the president, and annexed to the proceedings.

Pres. Mag

APPENDIX C

M.F.M. 6
(A.F.B. 122)
300M—11-41 (3498)
H.Q. 1772-39-1502

R. 46958 Pte. Henderson, J.L. #7 Def. & Emp. Pln. C.A.(A). 22-6-42

No. | Name | Sqn., Battery, or Company | Corps | Date of enlistment

No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | G.C. Badges | Signature O.C. Company, etc. | Tradesmen's Rates of Pay | Character

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Debert, N.S.		Pte..		Annual Furlough (8-12-42 to 22-12-42)			D.O. 39	A.R. Casselman	
				ENTRIES NIL					

Certified a true copy
20 Feb. 43.
R.G. Early Lieut.
R.G. EARLY, Lieut.
O.C. NO. 7 DEF. & EMP. PLN. C.A.

(P.T.O.)

1

"Q" 47

Defending Officer's Statement on
behalf of the Accused.

Pte. G.P. Hamburg

Previous to this the Accused has told me that due to difficulties which arose while he was on furlough he considered it advisable to overstay his leave.

I do not believe that the Accused knew exactly the seriousness of his offence. He has no previous offence and is a good soldier and I believe, in my opinion, that if the Court would be lenient towards this man, that the man can be a credit to the service. He has shown particularly efficient abilities, and is interested in cooking. He attended cooking schools, at which he progressed favourably. He has got good reports from these schools and has shown interest in his work.

I do plead leniency of the Court towards this man whom, I believe, is a good soldier.

SECOND WITNESS

No. B.46961 Pte. (A/Cpl.) Chestnut, G.H., No. 7 Def. & Emp. Pln. C.A., having been duly sworn states:

I was Orderly Corporal on the 28 Dec. 42. The accused was due back from leave at 1800 hrs. on 28 Dec. 42. I missed him this night and turned in a report next morning. My platoon sleeps in one section of a hut and it is easy to check any missing. I know the accused. I did not see the accused anywhere in the barracks, lines or camp between 28 Dec. 42 and when Cpl. Hawke brought him back, I believe on 6 Feb. 43. I saw Pte. Henderson at a dance in Georgetown, Ont. around the middle of December and from conversation with him I know he intended to come back at the expiration of his pass.

The accused declined to cross-examine.

THIRD WITNESS

No. B.46960 Pte. (A/Cpl.) Hawke, M.L.J. No. 7 Def. & Emp. Pln. C.A., having been duly sworn states:

I was ordered by Lieut. Early to proceed to Acton, Ont. to bring back Pte. Henderson who was being held in the jail at Milton, Ont. I left Debert, 2 Feb. 43 and arrived at Acton, 4 Feb. 43. I proceeded to Milton Jail the same day and started back with the accused on the morning of 5 Feb. 43. The accused was properly dressed and was well behaved on the trip back to Debert Camp.

I recognize Exhibit "D" as a letter given to me by the Chief of Police of Acton, Ont.

I recognize Exhibit "G" as the cost of meals for myself and accused. I recognize "G 1" as out of pocket expenses incurred by myself at Acton, Ont.

The accused declined to cross-examine.

Question to the Accused:-

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

Answer by Accused:-

I have nothing to say.

I certify that Rules of Procedure 4 (C), (D), (E), and (F) have been complied with.

Taken down by me in the presence of the accused at Debert Military Camp, Nova Scotia this 18th day of February, 1943.

H.H. Gunter

H.H. Gunter (Capt.)
Prosecutor Courts Martial,
H.Q. 7 Cdn. Div. (C.A.)

APPENDIX G

SUMMARY OF EVIDENCE

in the case of

No. B.46958 Pte. Joseph, Lawrence Henderson, No. 7 Def. & Emp. Pln., C.A., a soldier of the Canadian Army placed on active service.

Charges

1. Absence without leave.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS

Lieut. R.G. Early, No. 7 Def. & Emp. Pln. C.A. having been duly sworn , states:-

I am O.C. No. 7 Def. & Emp. Pln., C.A. and as such I am in charge of regimental books and documents of the Platoon. I have the following documents to produce:

1. Platoon Part II Order No. 46, dated 21 Dec. 42 in which it shows the accused to be A.W.L. from 1800 hrs. 28 Dec. 42 and is still absent. (This was read to the accused and marked Exhibit "A".)

2. Platoon Part II Order No. 5, dated 22 Jan. 43 in which the accused is struck off strength. (This Was read to the accused and marked Exhibit "B".)

3. Platoon Part II Order No. 10, dated 8 Feb. 43 in which accused is taken on strength. (This was read to the accused and marked Exhibit "C".)

4. M.F.M. 215, Certificate of Apprehension; also a letter from the Chief of Police at Acton, Ont. (These were read to accused and marked Exhibit "D".)

5. M.F.B. 375, Certified true copy of a record of a Court of Inquiry. (This was read to accused and marked Exhibit "E".)

6. M.F.B. 1481, Certificate as to cost of transportation. (This was read to accused and marked Exhibit "F".)

7. M.F.B. 1482, Certificate for cost of Incidental Expenses; also extra expenses incurred by B.46960 Pte. (A/Cpl.) Hawke, M.L.J. when acting as escort for the accused. (Each document was read to the accused and marked "G" and "G 1" respectively.)

8. Bill for board of the Accused at County Jail at Milton, Ont. Also an account for various expenditures made by E.E. Harrop, Chief of Police at Acton, Ont. on the account of the accused. (These documents were read to accused and marked Exhibit "H", and "H 1" respectively.)

9. Notice to the accused that the Prosecutor possesses legal qualifications. (This was read to the accused and marked Exhibit "I".)

I know and recognize the accused. The accused is the person named in the documents I have presented.

The accused declined to cross-examine.

IN REPLY PLEASE QUOTE
No. 7D/5-4-5-1[illegible]

129743

HQC 55-H-336 (A.D. 1a)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY

H.Q., 7 Cdn. Div., C.A.,
Debert, N.S., 20th May 1943

CENTRAL REGISTRY Army
CONF. SEC.
MAY 25 1943
Chgd. to 55-H-336
Referred to

The Secretary,
Department of National Defence,
Ottawa, Ontario.

District Court-Martial
B. 46958 Pte. J.L. Henderson,
No. 7 Defence and Employment Platoon, C.A.

Your letter of May 15th, 1943 received.

2. May the marginally noted District Court-Martial Proceedings, which have been sent to you for custody, be returned immediately.

3. An answer to paragraph 2 of your letter will be forwarded as soon as we have completed the review.

H.W. Wallace Maj

for (P.E. Leclerc) Major-General,
General Officer Commanding,
7 Cdn. Div.

NAT. DEF. B. 446
2,000 M—4-43 (4322)
H.Q. 1772-39-767

H.Q.C.55-H-336 (JAG)

May 26th, 1943.

The General Officer Commanding,
7th Canadian Division, Debert, N.S.

Re: District Court-Martial,
B.46958 Pte. J. L. Henderson,
No.7 Defence and Employment Platoon, C.A.

In compliance with the request contained in your 7D/5-4-8-10 dated the 20th May 1943, the proceedings of the marginally-noted District Court-Martial are returned herewith.

When these proceedings have served their purpose, may they please be returned to this office.

Brigadier,
Judge Advocate-General.

LF/MM

MEDICAL OFFICER'S REPORT

I certify that No. B 46958 Pvt Henderson J. L.
of 7 Def. Emp. plt. is in a Good state of health,
and fit. to undergo Trial by Court martial.

LaPromme Capt.
Medical Officer

Station Camp Debert N.S.

Date 7 to 24-2-43.

M. F. B. 246
25M—6-42 (4745)
H.Q. 1772-39 480

"I"

7 DEFENCE & EMPLOYMENT PLATOON C.A.(A).

Debert, Nova Scotia.

8 February 1943.

B-46958 Pte. Henderson, J.L.
No. 7 Def. & Emp. Pln. C.A.(A).
Debert, N.S.

This is to certify that the Prosecutor in your case possesses legal qualifications.

R.G. Early Lieut.
R.G. EARLY, Lieut.
O.C. NO. 7 DEF. & EMP. PLN. C.A.(A).

I have received the original copy of this notice, which was delivered to me by hand.

B 46958
Pte Henderson J L

CONFIDENTIAL

AIR MAIL

H.Q.C.55-H-336
(A.D.1a)

15th May, 1943.

General Officer Commanding,
7th Canadian Division,
DEBERT, N.S.

District Court-Martial
H.46958 Pte. J.L. HENDERSON
No.7 Defence & Employment Platoon, C.A.

Reference 7D/5-4-5-10 dated 18th April, 1943.

2. May information be forwarded as to why the amount of this claim was not included in the costs of apprehension as set out in the Charge Sheet.

3. It is noted that Exhibit "K" of the District Court-Martial Proceedings is a statement from Mr. E. H. Harrop, Chief of Police, Acton, Ontario, and in view of this statement, it is thought that the necessary declaration regarding his charges could have been obtained at that time.

4. May this matter be considered as urgent.

(H.F.G. Letson),
Major-General,
Adjutant-General.

AMS.EF

121754

IN REPLY PLEASE QUOTE
No. 7D/5-4-5-10

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

H.Q., 7 Cdn. Div., C.A.,
Debert, N.S., 18th April 1943

CENTRAL PRESENTY Army
P... P.E.C.
APR 21 1943
C-55-H-336

The Secretary,
Department of National Defence,
Ottawa, Ontario.

Re: District Court-Martial
B. 46958 Pte. J.L. Henderson,
No. 7 Defence & Employment Platoon, C.A.

With reference to the marginally noted matter, please find enclosed herewith a letter received at this Headquarters from E.E. Harrop, Chief Constable of Acton, Ont., in which he requests payment of a bill in the amount of $4.71. You will note that Constable Harrop declares that this sum was incurred through the apprehension of Pte. Henderson.

2. The DISTRICT Court-Martial Proceedings in this matter were forwarded to you with this Headquarters letter of March 10th.

(B.E. Hailey) Major-General,
General Officer Commanding,
7 Cdn. Div.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

RECEIVED
15 APR 1943
7th Cdn. Division

OFFICE OF
E. E. Harrop
CHIEF OF POLICE

RECEIVED
15 APR 1943
DEPARTMENT OF NATIONAL DEFENCE
OTTAWA

Acton, Ont. 12th April 1943

To
The Officer Commanding
No. 7. Defence & Employment Platoon
Debert N. S.

5-4-10

Dear Sir

May I have a Settlement Please in the Case of the Account amounting to $4.71 incurred by the Apprehension of Pte Joseph L. Henderson, a Deserter of the unit under your Command, on February 1st last in Acton.—

In Case the Account as previously rendered has been lost Sight of, another in detail is enclosed.—

Yours Truly

E E Harrop

6

FOL 10.5

STATEMENT OF ACCOUNT, RENDERED by THE CHIEF OF POLICE, AETON, ONT. Re the cost of apprehension of Private J.C. Henderson removed from file & submitted to G.O.C. No 7 Division to expedite payment.

Pay 10

H.Q.C.55-H-336 (JAG)

March 10, 1943

General Officer Commanding,
7th Canadian Division,
Debert, N.S.

District Court-Martial
H.469 Pte. J. L. Henderson
No.7 Def. & Empl. Pln., C.A.

1. Receipt is acknowledged of your 7D/5-4-5-1C, dated March 4th, 1943, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. Since the finding is supported by the evidence and the sentence legal, the proceedings are accordingly retained for custody.

Brigadier,
Judge Advocate-General.

RBL.F

4

H.Q. C. 55-H-536
M.D. 7D/5-4-6-10

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B.46958 Name HENDERSON, J.L.

Rank Pte. Unit No. 7 Defence & Employment Platoon, C.A.

Charge SEC. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 28/12/42

Date of Arrest 1/2/43 Charge Signed 20/2/43

Orders for D.C.M. COMMANDER 7th Cdn. Div., C.A.

Place and Date of Trial Debert Military Camp, N.S. 24/2/43

Sentence DETENTION 40 DAYS STOPPAGES $68.28

Date of Confirmation 2/3/43

Date of Promulgation 3/3/43

Entered in Records of J.A.G. as No. 8028

Date 10/3/43

MEMO

R.B. Laurie Lieut.
for Judge Advocate-General.

3M-12-42(M1754)

3

8028

CANADA

IN REPLY PLEASE QUOTE
No. 70/5-1-5-10

DEPARTMENT OF NATIONAL DEFENCE
ARMY

(9) no file

Headquarters, 7th Canadian Division,
Dubert, 4 Mar 43.

194

CENTRAL REGISTRY Army
P. RS. SEC.
651 H 336
MAR 7 1943
Copy to
Referred to JAG

The Secretary,
Department of National Defence,
Ottawa, Ont.

DISTRICT COURT-MARTIAL
5.46980 Pte. J. L. Henderson
No. 7 Def. & Empl. Plts., C.A.

Please find enclosed herewith the marginally noted Proceedings of the trial by District Court Martial of the marginally named soldier.

2. You will note from page "X" of the Proceedings that the Finding and Sentence have been confirmed, and that Promulgation has been effected.

3. You will also find enclosed herewith a copy of a letter from this Headquarters, dated 2 Mar 43, referring to irregularities noted in the Proceedings.

4. The Proceedings are forwarded to you for registration and safe custody.

(P. E. Leclerc), Major-General,
General Officer Commanding,
7th Canadian Division, C.A.

NAT. DEF. B. 440
3,000 M—4-42 (GRB)
H.Q. 1772-39-767

2

H.Q.C. 55-H-337

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HAWRANIK, C. H.63768 TPR.

C.A.C., C.A.

DEAD

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
				JHG	new file	CR	10/3/43.
APPROVED	10th	P.A!	P.A.	AD	To L.C. P.A	RGL	11/3/43

CONFIDENTIAL
H.Q.C. 55-H-337

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out at Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-337(JAG)

March 12th, 1943

The Commander,
Camp Borden Military Camp,
CAMP BORDEN, Ontario.

DISTRICT COURT-MARTIAL
No.H-63768 Tpr. C. Hawranik,
C.A.C.,C.A. att'd A-9 C.A.C,(A)T.C.,C.A.

Receipt is acknowledged of your No.C.B.40-H-208(AJAG), dated 6th March, 1943, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. Since the Finding is supported by the evidence and the Sentence legal, the proceedings are accordingly retained for custody.

Brigadier,
Judge Advocate-General.

For file
1. 105 days in jail for
working time hour. See
open file. [illegible]
[illegible]
10/3/43

RBL/MFM.

H.Q. C. 55-H-537
M.D. C.B.40-H-208

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. H.63768 Name HAWRANIK, C.

Rank PTE. Unit C.A.O. ATT' TO A-9 C.I.C.(ADVANCED) T.C. CA CAMP BORDEN

Charge SEC. 12 (1)(a) AA DESERTING H.M.S.

Date of Crime 7/7/42

Date of Arrest 11/10/42 Charge. Signed 5/2/43

Orders for D.C.M. COMMANDER CAMP BORDEN MILITARY CAMP

Place and Date of Trial Camp Borden, Ontario 9/2/43

Sentence DETENTION 120 DAYS STOPPAGES $24.54

Date of Confirmation 27/2/43

Date of Promulgation 4/3/43

Entered in Records of J.A.G. as No. 8048

Date 11/3/43

MEMO

NOT GUILTY OF DESERTION BUT GUILTY OF A.W.L.

R.B. Lamb Lieut.
for Judge Advocate-General.

3M-12-42(M1754)

8048

CANADA

IN REPLY PLEASE QUOTE
No. C.B.40-H-208(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Camp Headquarters,
Camp Borden, Ont. 6 MAR 1943

The Secretary,
Dept. of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
P.E.F. & C.
MAR 9 1943
File C55-14-337
Charged to
Referred to

DISTRICT COURT-MARTIAL
No.H-63768 Tpr.C.Hawranik,
C.A.C.,C.A., att'd A-9 C.A.C.(A)T.C.,C.A.

Herewith proceedings of a District Court-Martial held for the trial of the m/n soldier, confirmation and promulgation having been duly effected.

(A.C.Spencer) Brigadier,
Commander, Camp Borden.

N.D. 88
1300M-9-42 (3466)
B.G. 1772-101-02

*All printed matter not applicable to the particular Court should be crossed out and initialed by the President.

A

**Form of Proceedings for ~~General~~ District Courts-Martial

Proceedings of a District Court-Martial held at the Court Room Camp Borden, Ontario, on the 9th day of February, 19 43, by order of Brigadier A.C. Spencer, E.D., ~~Lieutenant~~ Commander, Camp Borden, dated the 5th day of February, 19 43.

President.

Major H.M. Williams,
A-11 Canadian Infantry Training Centre, C.A.

Members.

Capt. L.S. Pommett,
A-19 Canadian Army Service Corps Training Centre, C.A.

Capt. C.J. Wilkins,
A-28 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Capt. H.F.G. Bridges, Royal Canadian Artillery, C.A., attached N.D.H.Q. (J.A.G. Branch), Judge Advocate.

Trial of *No. H-63768 Tpr. Charles HAWRANIK, Canadian Armoured Corps attached to A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) Camp Borden, Ont.

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

~~[illegible]~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.#

The accused is brought before the Court.

Prosecutor, †Captain W.E. Bird, Royal Canadian Artillery, C.A., attd H.Q., Camp Borden, Ont.

~~[illegible]~~ defending officer, Lieut. G.E. Collins, A-9 Canadian Armoured Training Centre, C.A. (Advanced)

at 10 a.m. o'clock the Trial commences.

The order convening the Court is read, and is marked "X"; A-9 CAC(A)TC, C

The order convening the Court is read, and is marked "X"; A-9 CAC(A)TC, C signed by the President, and attached to the proceedings. Unit Order No. 32A, 8 FEB 43, detailing Pros. & Def. Officer is marked "X-1" attached.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.*

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.*

No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-30-224

I have satisfied myself that none of the Officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

H.M. Williams Major, Pres., D.C.M.

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn. (See attached list marked "G")

Q-2 Do you object to No.B-83584, Sgt. F.J.McGuigan, Camp Borden Det.C.M.S.C., C.A., att'd. H.Q., Camp Borden, Ont. acting as shorthand writer?

A-2 No, sir.
(No.B-83584, Sgt. F.J.McGuigan, Camp Borden Det.C.M.S.C., C.A., att'd.H.Q., Camp Borden, Ont., is duly sworn as shorthand writer.)

---See Page H for Minute of Adjournment & Reassembly.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the ~~each~~ charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the [~~first~~] charge against you, which you have heard read? *Question to the accused.*

Answer.

A-3 Not guilty, sir.

~~Are you guilty or not guilty of the second charge against you which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to the charge the provisions of Rule of Procedure 86 (B) are here complied with.~~

Instruction. If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge.

3

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA)
CAMP BORDEN
ONTARIO

B-2
A.M. Williams Maj
Pres. DCM.

CHARGE SHEET in the case of

H-63768 Tpr. Charles HAWRANIK.

The accused, H-63768 Tpr. Charles HAWRANIK, Canadian Armoured Corps, attached to A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) Camp Borden, Ont., a soldier of the Canadian Army placed on Active Service is charged with:-

CHARGE
Section 12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

at Camp Borden, Ont., at 1200 hours on 7th July, 1942 after having been warned to proceed on Special Duty, with intent to avoid so proceeding, absented himself without leave from A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) until apprehended by the Civil Police at Whitemouth, Manitoba, dressed in Civilian Clothes, at 0300 hours on 11th October, 1942, the cost of apprehension and return to his Corps being $24.54, itemized as follows, viz:-

Cost of transportation for accused on Transport Warrant No. C-21749, Winnipeg, Man. to Camp Borden, Ont.....	$22.04
Cost of meals for accused en route Winnipeg, Man., to Camp Borden, Ont., 2 meals at .75¢ and 1 at $1.00.....	$02.50
Total cost of apprehension.....	$24.54

Camp Borden, Ont.,
5th February, 1943.

J. A. McCamus Lt Col
(J. A. McCamus) Lt. Col.,
Commandant,
A-9 C.A.C.(A).T.C. (CA)

To be tried by District Court-Martial.

J. A. Clonover Lt Col
A.A. & Q.M.G.
for Commander,
Camp Borden.

Signed at Camp Borden, Ont. this 6th day of February 1943

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q-4 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A-4 *Answer.* No, sir.

~~The prosecutor makes an opening address [hands in a written address which is read, marked and signed by the President, and attached to the proceedings].~~

-2- The Prosecutor declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution. No. B-102627, S.S.M. (W.C. II) J. H. NICHOLLS, A-9 C.A.C. (A) T.C., C.A.,

being duly sworn, is examined by the prosecutor.

Q-5 You are B-102627, Squadron Sgt.-Major Nicholls, J.H., of A-9 C.A.C. (A) T.C., C.A?

A-5 Yes, sir.

Q-6 And that is your status in A-8? You are squadron sgt.-major of the Trained Soldiers Squadron?

A-6 Yes, sir.

Q-7 Will you look at the accused? Do you recognize him?

A-7 Yes, sir.

Q-8 As who?

A-8 Tpr. Hewranik.

Q-9 Do you recall the 29th of January, 1942?

A-9 Yes, I do, sir.

Q-10 Did you have anything to do with the accused on that day?

A-10 I did, sir.

Q-11 Will you tell the Court what it was?

A-11 On that day, the accused was assembled at the Trained Soldiers Orderly Room after a call was issued for a draft. I assembled

the draft and called the roll in the presence of Major Gow and reprted all the draft present. Major Gow then proceeded to read the formal draft warning to the draft.

Q-12 Just a moment. I show you a document. Who does this (indicating) refer to?

A-12 That refers to Tpr. Hawranik here (indicating), sir.

Q-13 This is a draft warning order and embarkation leave. Whose signature is this (indicating)?

A-13 That is Tpr. Hawranik's, sir.

BY THE JUDGE ADVOCATE: (to the Defending Officer) Have you any objection?

BY THE DEFENDING OFFICER: No objection.

(Warning for Draft read to the Court, marked Exhibit "I", signed by the President, and attached to the Proceedings.)

BY THE PROSECUTOR: (resuming examination)

Q-14 I show you Exhibit "I". Is this the draft warning order you referred to before, that Major Gow read to the draft you had assembled and called the roll of?

A-14 Yes, sir.

BY THE JUDGE ADVOCATE:

Q-15 Do you know what Major Gow read to the accused?

A-15 Yes, sir.

Q-16 Do you know by memory what he read to the accused?

A-16 Yes, sir.

Q-17 You can state from memory what Major Gow read to the accused?

A-17 Yes, sir.

BY THE PROSECUTOR: (resuming examination)

Q-18 Will you tell the Court what Major Gow read to the accused?

A-18 The undermentioned other ranks of A-9 C.A.C. will proceed on special duty any day after to-day. Any soldier who by overstaying his pass, leave, or furlough, and is absent when this draft proceeds on special duty will be liable to be charged with desertion.

Q-19 And, there is something else on this.....

BY THE JUDGE ADVOCATE: Just a minute.

BY THE JUDGE ADVOCATE:

Q-20 Did Major Gow read from this piece of paper (indicating)?

A-20 Yes, sir.

Q-21 And you are sure he read the words on that paper?

A-21 Yes, sir.

Q-22 You didn't read anything on that piece of paper?

A-22 No, sir.

BY THE PROSECUTOR: (resuming examination)

Q-23 Will you read the balance of that?

A-23 "I acknowledge by my signature that I understand the above instructions in full."(reading).

Q-24 Alright. Now after that had happened, what happened next?

A-24 After Major Gow read the draft warning, he asked whether any of the members of the soldiers present had not heard what was read or not or whether they fully understood it. Everybody understood it fully. Then he emphasized the importance of returning from their leave on time, and if they were absent when the draft proceeded they would be liable to be charged with desertion

Q-25 Then what happened next?

A-25 After that, sir, ever man came forward in turn as his name was called and signed the draft warning.

Q-26 Amongst those who came forward, was the accused?

A-26 He was, sir.

Q-27 And I think you have already said he did sign this?

A-27 Yes, sir.

Q-28 And, this is his signature (indicating)?

A-28 Yes, sir.

Q-29 Were you present when the accused signed this draft warning order?

A-29 I was present, sir.

Q-30 And this is your signature(indicating) here as witness?

A-30 That is mine, sir.

Q-31 Will you tell us what happened just previous to the accused signing Exhibit "I" and then what happened as he signed it, if anything?

A-31 The only thing was that when his name was called to sign, he came forward to sign it.

Q-32 Was he told to read it?

A-32 Everybody was asked if they fully understood it and every body said they did.

Q-33 And I think you told us that they were granted embarkation leave?

A-33 Yes, sir.

Q-34 Did the accused return from his embarkation leave?

A-34 He did not return, sir.

Q-35 Did the draft proceed?

A-35 Yes, sir, the draft did proceed.

Q-36 Do you know when?

A-36 I think the draft proceeded on the 28th of July, sir.

Q-37 When did you next see the accused?

A-37 I saw the accused on the 28th of January, sir.

Q-38 And, if he had returned to your unit, would you have know about it, in the meantime?

A-38 Yes, sir.

Q-39 You have just told us a few minutes ago that you recognized the accused as Tpr. Hawranik. Was there any special reason why you should remember him?

A-39 Yes, sir. The accused was employed at one time as my runner,, sir.

Q-40 I show you a document. Who does this refer to?

A-40 Tpr. Hawranik, sir.

(M.F.B.375, dated 19 AUG 42, read to the Court, marked Exhibit "J", signed by the President, and attached to the Proceedings.)

CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-41 Sgt.-major Nicholls, when you say that Major Gow emphasized that those men failing to return from leave would be liable to be charged with desertion, that is exactly what he said?

A-41 Yes, sir.

Q-42 He didn't say they would be charged?

A-42 No, sir, "liable".

---The Prosecutor declines to re-examine.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-43 I think you made the statement that everybody was asked if they fully understood it and everyone said they did. Would you kindly explain that a little further? Did each individual man say they understood it?

A-43 No, sir; nobody said they didn't understand it.

Q-44 Everyone was asked if they fully understood it and no one said that they didn't understand it?

A-44 That is correct, sir.

Q-45 You have known the accused for sometime?

A-45 Yes, I have.

Q-46 Do you know what nationality he is?

A-46 I don't know his nationality.

Q-47 Does he understand English?

A-47 Very well, sir.

Q-48 You have had dealing with him before?

A-48 Yes, sir.

Q-49 And on other occasions, he understood any communications or instructions you gave?

A-49 Yes, sir.

Q-50 When did you first see the accused after he went absent

without leave?

A-50 The accused came back on the 28th of January with an incoming draft.

Q-51 I would direct your attention to the fact that the draft left for overseas on the 18th of July, 1942, and the accused was not present and was unable to proceed with the draft. Just a minute ago you gave a different date. Do you know what is the correct date now?

A-51 The 18th of July, sir, 1942.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - -

2nd Witness for: THE PROSECUTION.

Lieut. G.C.H. B A R L O W, A-9 C.A.C. (A) T.C., C.A., being duly sworn, is examined by the Prosecutor :-

Q-52 You are Lieut. Barlow of A-9 C.A.C. (A) T.C? Is that correct?

A-52 Yes, sir.

Q-53 What is your duties and status?

A-53 Officer in charge of records.

Q-54 Will you look at the accused? Do you recognize him?

A-54 No, sir, I have never seen him before.

Q-55 I show you a document here. To whom does this refer?

A-55 Tpr. Hawranik, C., H-63768.

(M.F.M. 215 read to the Court, marked Exhibit "K", signed by the President, and attached to the Proceedings.)

Q-56 I show you another document. To whom does this refer?

A-56 H-63768, Tpr. Hawranik.

(M.F.B. 1481 read to the Court, marked Exhibit "L", signed by the President, and attached to the Proceedings.)

Q-57 I show you another document. To whom does this refer?

A-57 H-63768, Tpr. Hawranik, C.

(M.F.B. 1482 read to the Court, marked Exhibit "M", signed by the President, and attached to the Proceedings.)

CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-58 With reference to that 215, Mr. Barlow, these naturally are forms; they are stock forms; they always end up the same way: "time of arrest, or surrender" in brackets, and you stroke out the ones irrelevant to the case. "He was wearing military, (Air Force) uniform (dressed in civilian clothes)". They are always like that, aren't they.

A-58 Yes.

Q-59 Have you ever seen one come through, in your experience as i/c Records of a Training Centre or with your Regiment where both were stricken out - both "in uniform" and "in civilian clothes".

A-59 I have never noticed any.

Q-60 In other words, from the forms, there is no elaboration; it is either in or out of uniform?

A-60 I have never noticed any that come through with nothing struck out.

---The Prosecutor declines to re-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - -

3rd witness for: THE PROSECUTION.

2/Lieut. J. S. K I L G O U R, A-9 C.A.C. (A) T.C., C.A., being duly sworn, is examined by the Prosecutor :-

Q-61 You are Lieut. J.S. Kilgour, A-9 C.A.C.(A) T.C.,C.A?

A-61 I am.

Q-62 What is your status or job with that unit?

A-62 I am assistant adjutant.

Q-63 Do you recall the 5th day of February, 1943?

A-63 I do.

Q-64 Will you look at the accused. Do you recognize him?

A-64 I do - as Tpr. Hawranik.

Q-65 Did you have anything to do with him that day?

A-65 I did. I took a Summary of Evidence dealing with this charge.

Q-66 And, after you had finished with the witnesses for the Prosecution in the Summary of Evidence, what happened next?

A-66 I read a formal question to the accused.

Q-67 You say you read a formal question to the accused?

A-67 According to the Rules of Procedure.

Q-68 Will you tell me what the formal question was? Where did you read it from?

A-68 Actually, I read it from the Manual of Military Law.

Q-69 Take the Manual of Military Law (indicating) and read me the question you read. (witness takes M.M.L.) Have you found what you read to the accused?

A-69 Yes.

Q-70 Now read what you read to the accused?

A-70 "Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so; but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

BY THE JUDGE ADVOCATE: (to the Defending Officer) Do you object to the voluntary nature of any answer the accused might have made to that question?

BY THE DEFENDING OFFICER: No objection.

BY THE PROSECUTOR: (resuming examination)

Q-71 What was the answer given by the accused to that question?

A-71 The answer given in the Summary of Evidence. (Reading from Summary) This is a statement under oath. "About the 25th of June, 1942,....."

BY THE JUDGE ADVOCATE:

Q-72 Is that his signature (indicating)?

A-72 That is his signature.

(Statement made by the Accused at the taking of the Summary of Evidence read to the Court, detached from the Summary, marked Exhibit "N", signed by the President, and attached to the Proceedings.)

---The Defending Officer declines to cross-examine.
---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).
---The Witness withdraws.

- - -

---The Prosecution has no further witnesses.

- - -

H.H.B.

D

The prosecution is closed.

Defence

Q-73 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A-73 *Answer.* Yes, sir.

Q-74 *Question.* Do you intend to call any other witness in your defence?

A-74 *Answer.* No, sir.

~~Question.~~ ~~Is he a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused ~~(and of the witnesses for the defence including witnesses as to character)~~ is recorded on a separate page (*see overleaf*).

~~*(Where the accused does not give evidence upon oath.)*~~

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

D-3

The Accused, No. H-63768, Tpr. Charles HAWRANIK, Canadian Armoured Corps, attached to A-9 Canadian Armoured Corps (Advanced) Training Centre, (CA) Camp Borden, Ont., being duly sworn, is examined by the Defending Officer :-

Q-75 Hawranik, how long have you been in the Army?

A-75 Nine months, sir, before I went A.W.L.

Q-76 What type of training and work were you doing before you left?

A-76 Well, I was in the Recce. wing, sir.

Q-77 The Reconnaissance Wing?

A-77 Yes, sir.

Q-78 At A-9 Training Centre?

A-78 Yes, sir.

Q-79 Are you married?

A-79 Yes, sir.

Q-80 Were you married after you joined the Army?

A-80 Yes, sir.

Q-81 Were you given leave to get married?

A-81 Yes, sir.

Q-82 Was it special leave or furlough?

A-82 Special leave, sir.

Q-83 How long?

A-83 I think it was from the 11th of March to the 23rd.

Q-84 That was not your annual furlough - it was a special leave?

A-84 No, sir.

Q-85 Did you get married at the beginning of your leave?

A-85 No, sir.

Q-86 Why did you not take advantage of the full time of the special leave?

A-86 Well, when I left A-9; before I left A-9 camp, I asked the

company sgt.-major, Matthews, to get a written permission that I really had permission to get married, and he told me that I didn't need a written permission, that I could get married without a written permission, as long as the Army knew that I had permission. When we got to Winnipeg and went to see the R.C. padre, Major MacDonald, I told him my trouble and, well, he asked me if I had written permission, and I told him that I didn't have it with me, but that I had permission from the Army to get married.

Q-87 What did he do then?

A-87 "The best thing is to send a telegram down to the main orderly room in A-9".

Q-88 How long did that take?

A-88 It took a few days. I don't remember exactly, sir.

Q-89 How long before the end of your leave were you married?

A-89 2 days, sir.

Q-90 Was it directly because of the fact that the permission did not come from Borden that you had to wait?

A-90 Yes, sir.

Q-91 Did you come back on time?

A-91 Yes, sir.

Q-92 Were you dissappointed that you only had the two days of a honeymoon? Did you mind coming back on time?

A-92 Yes, sir. I knew I had to come back so I came back.

Q-93 Is your wife in good health? Has she been all along?

A-93 No, sir.

Q-94 Would you say she is not well, meaning by that, all the time? Is she a sickly woman?

A-94 She was sick pretty nearly all the time until the baby was born.

Q-95 We come down to the point where you were warned for embarkation leave. Do you recall the day when you were warned for embarkation leave?

A-95 Yes, sir.

Q-96 You were given special leave that day?

A-96 Yes, sir.

Q-97 Do you remember Major Gow reading the warning that if you did not return on time from leave you would be liable to a charge of desertion? Do you remember that warning when Major Gow stood up there?

A-97 As far as Major Gow reading the warning, I wouldn't remember that.

Q-98 Do you remember signing?

A-98 Yes, I remember signing.

Q-99 Did you intend not to come back when you left?

A-99 No, sir.

Q-100 Did you ever intend not to come back after you got home, after you weren't on your leave?

A-100 When I got home and I saw my wife was sick!

Q-101 Meaning never to come back?

A-101 No, sir.

Q-102 You mean you intended to come back after she was better?

A-102 Yes, sir.

Q-103 You said your wife was seriously ill?

A-103 Yes, sir.

Q-104 And the statement as read reads that your wife was so sick that she very nearly didn't recognize you?

A-104 Yes, sir.

Q-105 When your leave was up, you failed to return. Why?

A-105 Because my wife was still sick.

Q-106 How long after that did she recover?

A-106 Well, she had been sick for a couple of weeks. Then she felt better. Then she got sick and had to go back to bed again. I don't remember exactly, sir.

Q-107 What did you do in the mean-time? Did you try and get employment, and earn some money and that sort of thing?

A-107 I never tried to look for work - not to work for anybody.

Q-108 Did you have enough funds to pay for the illness of the wife. In other words, were you pressed for money?

A-108 I had some funds but I had to make a little more money somehow.

Q-109 So you set about trying to make some money in order to make sure the wife.....

BY THE JUDGE ADVOCATE: I don't want to interrupt but I am afraid you are asking too many leading questions. Get him to tell his own story. Don't narrate what you want him to say.

BY THE DEFENDING OFFICER: I am sorry.

BY THE DEFENDING OFFICER: (resuming examination)

Q-110 When you made up your mind not to come back on the day that your leave was up, did you think at that time that you would be charged with desertion?

A-110 No, sir.

Q-111 Did you ever think that you would be charged with desertion?

A-111 No, sir.

Q-112 What did you think you would be charged with?

A-112 A.W.L., sir.

Q-113 And, did you leave Winnipeg during the time you were away?

A-113 Well, I don't live right in Winnipeg.

Q-114 Did you leave the wife, I mean?

A-114 Yes, sir.

Q-115 Did you come back very often?

A-115 Well, I seen her every few weeks, sir.

Q-116 Were you in uniform?

A-116 Yes, sir.

Q-117 Did you always wear your uniform?

A-117 Yes, sir.

Q-118 Who apprehended you? Who arrested you?

A-118 Sgt. Sherwood and another three mounties.

Q-119 At what time of day, did they....

A-119 At 3 o'clock in the morning.

Q-120 Where were you?

A-120 In bed.

Q-121 You were asleep?

A-121 Yes, sir.

Q-122 They woke you up?

A-122 Yes, sir.

Q-123 What length of time passed between the time they woke you up and the time they took you out of the bed and away to the police-station?

A-123 About 2 minutes.

Q-124 2 minutes?

A-124 Yes, sir.

Q-125 Did you go out with them in uniform?

A-125 No, sir, they put my brother's clothes on me. My uniform was right beside the bed in my suit-case.

Q-126 Why did they use your brother's clothes?

A-126 Well, they didn't even give me a chance to talk to them.

Q-127 Where were your brother's clothes in relation.....

A-127 Right beside the bed.

Q-128 Hanging up?

A-128 Right over a chair.

Q-129 When did you intend to come back?

A-129 When I came home on the 10th of October on a Saturday night when I was going to the hospital and get my wife on Sunday morning and spend a few days with her and come back to Camp Borden.

Q-130 Why was she in the hospital?

A-130 The baby was born.

Q-131 And she was.....

A-131 Sick.

Q-132 You say you intended to come back within the next few days?

A-132 Yes, sir.

Q-133 What date was the baby born?

A-133 23rd of September, sir.

CROSS-EXAMINED BY THE PROSECUTOR :-

Q-134 What is a draft? In reference to the Army?

A-134 That is a bunch of soldiers moving from one place to another.

Q-135 And you said that you were present when Major Gowread a draft warning to you, is that correct?

A-135 I might have been present but maybe I didn't hear him. I don't remember. It is a long time ago.

Q-136 Where were you on the 29th of June, 1942?

A-136 In Camp Borden, sir.

Q-137 Right here?

A-137 Yes, sir.

Q-138 Had you been told before that time that you were going to be warned for draft in the near future?

A-138 Yes, sir.

Q-139 By whom?

A-139 The company sgt.-major, Turkington.

Q-140 Your sgt.-major?

A-140 Yes, sir.

Q-141 When he told you that, what did you understand he was telling you?

A-141 We were going on draft pretty soon.

Q-142 Where to?

A-142 He didn't tell us.

Q-143 Where did you think you were going?

A-143 I didn't know for sure.

Q-144 And, then do you recall being on parade on the 29th of June, 1942?

A-144 Yes, sir.

Q-145 And did anyone talk to you?

A-145 Well, a lot of boys talked to me.

Q-146 Do you recall Squadron Sgt.-Major Nicholls calling the parade?

A-146 Yes, sir.

Q-147 Did he call your name?

A-147 Yes, sir.

Q-148 Did you answer to your name?

A-148 Yes, sir.

Q-149 Indicating that you were present?

A-149 Yes, sir.

Q-150 How many others were on that parade besides yourself?

A-150 Around 400 or maybe more than that. I don't know exactly.

Q-151 Do you know who Major Gow was?

A-151 No, sir, I don't remember Major Gow.

Q-152 But you do know S.S.M. Nicholls?

A-152 Yes, sir.

Q-153 And you do remember he had a parade on which you were present and answered to your name?

A-153 Yes, sir.

Q-154 What happened after that?

A-154 (no audible answer)

Q-155 What happened after you had answered to your name on this parade?

A-155 I just don't remember, sir.

Q-156 What did you do next after the parade?

A-156 We just signed a long sheet to get our passes, a long sheet of names. I signed my name opposite the name on the sheet.

Q-157 You signed your name on a sheet of paper to get a pass. What was on that sheet of paper?

A-157 Well, I didn't read it, sir.

Q-158 You didn't read it?

A-158 No, sir.

Q-159 So you signed your name to a sheet that you didn't know you were signing?

A-159 Well, as far as I knew we were signing to get our passes and travelling warrants.

Q-160 Why were you given leave?

A-160 We were getting our embarkation leave, sir.

Q-161 Why were you getting embarkation leave?

A-161 We were on draft for overseas.

Q-162 You knew that, didn't you?

A-162 Yes, sir.

Q-163 And, you knew that if you didn't come back, you would get some punishment?

A-163 Yes, sir.

Q-164 And had anyone ever told you what sort of punishment you would get if you didn't come back?

A-164 I don't remember if anyone told me or not, sir.

Q-165 Did you ever hear the word, desertion, mentioned?

A-165 That is one thing I don't remember. I wouldn't say I heard it or I didn't hear it.

Q-166 What does desertion mean?

A-166 Desertion?

Q-167 What happens to soldiers who desert?

A-167 I don't know.

Q-168 You never heard of anyone telling you what happens to soldiers who desert the Army?

A-168 (no audible answer).

Q-169 Did you ever hear of them getting shot?

A-169 I never heard of it in Canada yet.

Q-170 But you have heard of it happening?

A-170 Yes, sir.

Q-171 And, for desertion?

A-171 Yes, sir.

Q-172 So, you have heard something about desertion?

A-172 Yes, sir.

Q-173 What do you think soldiers do when they desert, and you heard about them getting shot?

A-173 Take the uniform off and leave the country.

Q-174 In other words, skip the Army?

A-174 Skip to a different country.

Q-175 And, when you were on the parade we were talking about before, did anyone talk to you at all?

A-175 (no audible answer)

Q-176 You can remember that. You knew you were on the parade. You knew that Sgt.-Major Nicholls called the roll and you answered to your name. You can remember all that?

A-176 Yes, sir.

Q-177 Did anyone speak to the parade then?

A-177 I don't remember. I remember the sgt.-major, but that is all.

Q-178 What was said to you to get you to sign this draft warning order?

A-178 We were supposed to sign the paper before we got our passes for our embarkation leave.

Q-179 Were you marched to the orderly room or did you just run like a bunch of sheep?

A-179 We just went in and signed our names. That is all.

Q-180 How did you get to the room where you signed your names?

A-180 We were all in line.

Q-181 You were marched?

A-181 Yes, sir.

Q-182 Who marched you there?

A-182 That is one thing I don't remember, sir. Sgt.-major Nicholls was sitting there at the table.

Q-183 Who marched you to where the table was?

A-183 I don't remember, sir.

Q-184 Are you subject to fits of, I believe the term is, amnesia, forgetfullness, blanks where you don't remember anything.

BY THE JUDGE ADVOCATE: Mr. Prosecutor, those are words that the man possibly doesn't understand.

BY THE PROSECUTOR: I explained the terms; I told him the technical term and then used plain English.

BY THE DEFENDING OFFICER: My learned colleague is suggesting that Hawranik is deliberately forgetful at times, and I don't think he should be accused of that where he cannot remember the name of some secondary N.C.O. who has been appointed by the company sgt.-major of the wing who was too busy at the time.

BY THE PROSECUTOR: The point is that he cannot remember anything after he answered to his name, until he finds himself in an orderly room signing his name. It is a complete blank, apparently.

BY THE JUDGE ADVOCATE: He said he didn't remember who marched him into the orderly room and I think that is quite possible.

BY THE PROSECUTOR: I will not press that point.

BY THE PROSECUTOR: (resuming cross-examination)

Q-185 You signed your name to a piece of paper, you said?

A-185 Yes, sir.

Q-186 I show you here Exhibit "I". Is that your signature (indicating)?

A-186 Yes, sir.

Q-187 And, then you agree that this is the piece of paper you signed your name to?

A-187 Yes, sir.

Q-188 Can you read?

A-188 Yes, sir, I can read.

Q-189 Let's see if you can read that (indicating)?

A-189 "The undermentioned of A-9 C.A.C. (A) I.C. will proceed on special duty any date after to-day. Any soldier who by being absent without leave or by overstaying his pass or furlough is absent from the draft proceeds on special duty will be liable to be charged with desertion. I acknowledge by my signature that I understand the above instructions in full."

Q-190 Did you see that on the paper when you signed?

A-190 I don't remember, sir.

QUESTIONED BY THE COURT:

Q-191 Do you remember being asked to sign this piece of paper?

A-191 Yes, sir.

Q-192 Do you remember anybody reading out what is on the top of this paper before you were asked to sign?

A-192 I wouldn't swear to that. I guess it must have been read.

Q-193 Do you remember how big the draft was that was likely to go?

A-193 There were four or five hundred men. It was a big bunch of men.

Q-194 Do you remember any officer at all standing up and talking to all the men on parade?

A-194 No, sir. I just remember Sgt.-Major Nicholls.

Q-195 Did you hear Sgt.-Major Nicholls read anything out of this piece of paper?

A-195 I don't remember, sir.

Q-196 Have you ever heard of people signing for other drafts - a piece of paper like that?

A-196 No, sir.

Q-197 How many drafts had gone out from A-9 while you were with them in training?

A-197 There must have been a couple of drafts, sir.

Q-198 Did you ever know what happened before a draft left?

A-198 I didn't pay much attention. I was just a runner.

Q-199 Were you around orderly rooms quite a lot?

A-199 Yes, sir.

Q-200 Whose runner were you?

A-200 Coy. sgt.-major Nicholls'.

Q-201 Whilst you were in the orderly room, hadn't you ever seen these sort of documents being made up?

A-201 I didn't handle them, sir. Anything I delivered was in the envelope.

Q-202 At the time of your arrest, your brother's clothes were hanging beside the bed on the chair. You were wearing those then the day before?

A-202 No, sir.

Q-203 Were you sleeping in the same house as your brother?

A-203 Yes, sir, both in the same bed, sir.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-204 Were you sleeping in the same bed that night?

A-204 With my brother, sir.

Q-205 Was your brother in bed at the same time when the policemen came?

A-205 Yes, sir.

Q-206 Did you ask permission to put on your uniform?

A-206 Well, I was sleepy and they stuck my brother's clothes on me and I didn't remember what was going on at that time.

BY THE COURT:

Q-207 Your own clothes were in a suit-case beside the bed?

A-207 Yes, sir.

Q-208 Why was that?

A-208 Well, I didn't want to throw them on the floor, sir. The suit-case was right beside the bed, so I put them in the suit-case.

BY THE JUDGE ADVOCATE:

Q-209 Why did you not return at an earlier date instead of waiting until you were apprehended?

A-209 My wife was in a family way and she was sick all summer, and I was apprehended just a couple of weeks after the baby was born.

Q-210 Did you earn any money while you were away?

A-210 Yes, sir.

Q-211 How much money did you earn?

A-211 Not very much, sir, about $100.00 or so.

BY THE COURT:

Q-212 When you were at home, did you realize that upon your return; the time you planned to return; that you would miss the draft? Drafts don't hang around for months, you know.

A-212 No, sir.

Q-213 Did you realize that you would miss the draft if you stayed home for 3 months?

A-213 I didn't know when the draft was going.

Q-214 But drafts don't generally wait two or three months before they leave, do they?

A-214 (no audible answer).

Q-215 How long is it normally in your centre before the drafts leave?

A-215 Two or three weeks, sir.

Q-216 Didn't you realize that by missing it, you would be charged with desertion?

A-216 No, sir.

Q-217 You had never heard the other men in your centre discuss that?

A-217 No, sir.

BY THE JUDGE ADVOCATE:

Q-218 When you signed this document, did you read over this piece of paper (indicating)?

A-218 No, sir.

BY THE COURT:

Q-219 Didn't the men discuss among themselves what they were signing? Didn't you ask anyone why you had been called upon to sign a document?

A-219 No, sir.

Q-220 When you ask for a pass, do you sign documents like this - for a week-end, for example?

A-220 Well, when I had a special leave to get married, I signed a sheet of paper - not exactly the same as that maybe.

Q-221 How many men went through the orderly room and signed the paper before you went in and signed?

A-221 There were quite a few men, sir.

Q-222 Who was the N.C.O. who told you needed nothing in writing to get married?

A-222 It was Company Sgt.-Major Matthews.

BY THE JUDGE ADVOCATE:

Q-223 In this statement which was read as having been made by you, who was the sgt.-major you are referring to in that statement?

A-223 C.S.M. Turkington.

Q-224 When you signed this draft warning order, did you say anything to Squadron Sgt.-Major Nicholls that you didn't want to go on the draft?

A-224 No, sir. I didn't really know. We weren't really transferred to the T.S.S. Wing because I stayed in the Recce. Wing in the huts. We weren't really taken over to the T.S.S. Huts.

Q-225 Where did you sign this - in the orderly room?

A-225 In the T.S.S. orderly room, sir.

Q-226 Was Squadron Sgt.-Major Nicholls the only N.C.O. present when you signed this?

A-226 As far as I remember, sir.

Q-227 Was there an officer present?

A-227 I don't remember, sir.

Q-228 And, you don't remember having anything explained to you about this document?

A-228 No, sir.

Q-229 But, you do know that you got a pass for embarkation leave?

A-229 Yes, sir.

---The Defending Officer declines to re-examine.
---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).
---The Accused resumes his seat.

- - -

---The Defence has no further witnesses.

---The Defence is closed.

- - -

---The Prosecutor makes a closing address. (See document marked "O", attached.)

---The Defending Officer makes a closing address. (See document marked "P", attached.)

---The Judge Advocate sums-up the case. (See document marked "Q", attached.)

- - -

H.R.T.B.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No.H-63768 Tpr Charles Hawranik, Canadian Armoured Corps, attached to A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) Camp Borden, Ont., is not guilty of Desertion but is guilty of Absence Without Leave.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, etc. Captain W.E.Bird,Royal Canadian Artillery,C.A., Att'd. H.Q., Camp Borden, Ont., is duly sworn.

Q-230 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-230; Yes, I produce M.F.B. 355 and certified true copy of M.F.M. 6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-Z", signed by the President, and annexed to the proceedings.

Q231 *Question by the President.* Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-231; Yes, sir.

Q-232 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-232; Yes, sir.

Q-233 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-233; Yes, sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused~~

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The Prosecutor resumes his seat.

Q-234 *Question to the accused.* Do you wish to address the Court? *Answer.* A-234; Yes, through my Defending Officer. (See document marked "R", attached.)

The Court is closed for the consideration of the sentence.

56

F

Sentence

The Court sentence the accused No.H-63768 Tpr. Charles HAWRANIK, Canadian Armoured Corps, attached to A-9 Canadian Armoured Corps (Advanced) Training Centre, (CA), Camp Borden, Ont., to undergo detention for 120 days, and to be put under stoppages of pay until he has made good the sum of $24.54 in respect to the costs of apprehension and return to his corps.

Sentence DETENTION: 120 days.

STOPPAGES: $24.54.

Signed at Camp Borden, Ontario, this 10th day of February, 1943.

H M Williams Major (Major)
A-11 Canadian Infantry Training Centre, C.A.
PRESIDENT

H.H.Bugg (Capt.)
R.C.A., C.A., att'd. N.D.H.Q., (JAG Branch).
~~JUDGE ADVOCATE~~

Confirmed

A G L Spencer
Brigadier
Commander, Camp Borden.

Signed at Camp Borden, Ont. this 27th day of Feb. 1943

Promulgated and extracts taken at Camp Borden Ont. this 4th day of March 1943.

Geo. Barlow Lieut
Officer i/c documents
A-9 CAC(A)TC

Extracts entered as No. 8048 in the Record of Courts-Martial kept in the office of the Judge Advocate General this 11 day of March 1943
RBL

57

Am Williams Major
Pres DCM.

X

ORDERS BY

Brigadier A.C. Spencer, E.D.
Commander, Camp Borden.

Camp Borden, Ontario,
5th February, 1943.

DISTRICT COURT-MARTIAL
No.A-4513, Private Roy Clifford Lee, Brown,
Royal Canadian Regiment, C.A., attached
to A-10 Canadian Infantry Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Tuesday, 9th February, 1943, at 10 o'clock, a.m., (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major H.M. Williams,
A-11 Canadian Infantry Training Centre, C.A.

MEMBERS

Capt. L.S. Pommett,
A-19 Canadian Army Service Corps Training Centre, C.A.

Capt. C.J. Wilkins,
A-28 Canadian Armoured Corps (Advanced) Training Centre, C.A.

WAITING MEMBER

Capt. E.T. Bashaw,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Capt. H.F.G. Bridges, Royal Canadian Artillery, C.A., attached N.D.H.Q. (J.A.G. Branch)

The Officers Commanding the following Training Centres will detail not less than two and not more than five Officers to attend the Court-Martial for instruction :-

A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-10 Canadian Infantry Training Centre, C.A.
A-11 Canadian Infantry Training Centre, C.A.
A-19 Canadian Army Service Corps Training Centre, C.A.
A-22 Canadian Army Medical Corps Training Centre, C.A.

The Officers Commanding any other unit or detachment in Camp Borden may detail two Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to the A.A. & Q.M.G., Camp Borden, Ontario.

SIGNED at Camp Borden, Ontario, this 5th day of February, 1943.

(J.D. Conover)
Lieut.-Colonel
A.A. & Q.M.G., Camp Borden

N.F.E.B.

Annie Williams major
Pres DCM.

X-1

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (C.A.)

PART I ORDERS NO. 32A

2 R.G.S | BY | PAGE NO.1

CAMP BORDEN, ONTARIO | LT. COL. J. A. McCRAUS, M.C. COMMANDANT | DATED 8th FEBRUARY, 1943.

1. DISTRICT COURT-MARTIAL

A-4513 Pte. Roy Clifford Lee Brown,
Royal Canadian Regiment, C.A., attached
to A-10 Canadian Infantry Training Centre, C.A.

B-70137 Tpr. Phipps, R.
Canadian Armoured Corps, attached to
A-9 Canadian Armoured Corps (Advanced) Training Centre.

H-63768 Tpr. Hawranik, C.
Canadian Armoured Corps, attached to
A-9 Canadian Armoured Corps (Advanced) Training Centre.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Tuesday, 9th February, 1943, at 10 o'clock, a.m., (EDST) for the purpose of trying by District Court Martial the accused persons named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major H.M. Williams,
A-11 Canadian Infantry Training Centre, C.A.

MEMBERS

Capt. L.S. Pommett,
A-19 Canadian Army Service Corps Training Centre, C.A.

Capt. C.J. Wilkins,
A-28 Canadian Armoured Corps (Advanced) Training Centre, (C.A.)

WAITING MEMBER

Capt. S.P. Bashaw,
A-8 Canadian Armoured Corps (Advanced) Training Centre, (C.A.)

PROSECUTOR FOR B-70137 Tpr. Phipps, R. and H-63768 Tpr. Hawranik, C.

Captain W. E. Bird,
Royal Canadian Artillery.

DEFENDING OFFICER FOR B-70137 Tpr. Phipps, R. and H-63768 Tpr. Hawranik, C.

Lieut. G. E. Collins,
A-9 Canadian Armoured Corps (Advanced) Training Centre

JUDGE ADVOCATE

Capt. H.P.G. Bridges, Royal Canadian Artillery, C.A.,
attached N.D.H.Q. (J.A.G. Branch)

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA)

PART I ORDER NO. 32A
DATED 8TH FEB. 1943.

2 PAGES

PAGE NO. 2

1. DISTRICT COURT - MARTIAL (cont'd)

OFFICERS UNDER INSTRUCTION FROM A-9 C.A.C.(A)T.C.

2/Lieut. R. A. London, A-9 C.A.C.(A)T.C.(CA)
" I.A. MacArthur, A-9 C.A.C.(A)T.C.(CA)

---

2. SERVICE STRIPES

B-49538 Tpr. Baxter, J. W., having enlisted on 10th Sept. 1940 is entitled to 1 Silver and 2 Black Stripes.

---

3. WING POSTING

The undermentioned is reposted from D. & M. Wing to Reception Wing, eff. 8-2-43.

K-69038 Tpr. Cowan, W

(R.M. Ramsey) Captain
Adjutant
A-9 C.A.C. (A) T.C. (CA)

Certified true copy
J.S. Kilgour 2/Lt & Adj
A 9 C A C (A) T.C

Hmc Williams Maja
Pres DCM.

- OFFICERS UNDER INSTRUCTION -

Lieut. G. Portugais	R.C.A.S.C., att'd. A-19 R.C.A.S.C.(A)T.C., C.
Lieut. W. Owen	R.C.A.S.C., att'd. A-19 R.C.A.S.C.(A)T.C., C.
Lieut. S. C. Hudson	2 CATH Coy. RCASC, att'd. 2nd Cdn. Army Tank
Lieut. D. F. Bryce	R.C.A.M.C., att'd. A-22 R.C.A.M.C.T.C., C.A.
Lieut. D. W. Aitken	R.C.A.M.C., att'd. A-22 R.C.A.M.C.T.C., C.A.
Lieut. A. J. Wilson	General List, att'd. Camp Headquarters, Camp Borden
Lieut. S. C. Ritchie	E.S.R., att'd. A-10 C.I.T.C., C.A.
Lieut. J. R. Robillard	1st Bn. N & P.E. Regt., att'd. A-10 CITC, CA.
2/Lt. I.A. MacArthur	C.A.C., att'd. A-9 C.A.C.(A)T.C., C.A.
2/Lt. R.A. London	C.A.C., att'd. A-9 C.A.C.(A)T.C., C.A.

R.T.B.

Hmwilliams Major
Pres DCM

At 10:10 o'clock, a.m., on the 9th day of February, 1943, the Court adjourned until 3:00 o'clock, p.m., on the 10th day of February, 1943.

At 3:15 o'clock, p.m., on the 10th day of February, 1943, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

- - -

HHB

DRAFT WARNING 29/6/42

The undermentioned Other Ranks [redacted] A-9 C.A.C.(A)T.C. (AF) will [redacted] proceed on special duty [redacted] date after to-day. Any soldier, who by being absent without leave or by overstaying his pass or furlough is absent when the draft proceeds on special duty will be liable to be charged with Desertion.

I ACKNOWLEDGE BY MY SIGNATURE THAT I UNDERSTAND THE ABOVE INSTRUCTIONS IN FULL.

Page five

NOMINAL ROLL OF PERSONNEL PROCEEDING ON DRAFT ON 12TH JULY, 1942

NUMBER	RANK	NAME	INITIALS	
C-53607	Tpr.	Hawkes	A.E.	A E Hawkes
H-63768	"	Hawranik	C.	C. Hawranik
~~C-75885~~	" PoM	~~Hayley~~	~~G.A.~~	
L-64698	"	Heide	I.P.	I P. Heide.
D-128934	"	Hendry	A.	A Hendry
F-5560	"	Hickey	F.R.	F R Hickey
H-63958	"	Hicks	R.O.	RO Hicks
C-33980	"	Hill	W.S.	W. S. Hill.
L-54922	"	Hillstad	H.E.	H.E. Hillstad
H-64128	"	Holm	A.V.	A.V. Holm
D-4010	"	Holmes	D.M.	D M Holmes
C-19353	"	Holmes	G.A.	G Holmes
G-940	"	HOOPER	L.	L. Hooper.
~~L-19622~~	" Hup.	~~Hovanak~~	~~A.M.~~	
~~B-62887~~	" PoM	~~Hunniset~~	~~W.~~	
L-11463	"	Hunt	J.S.	J S Hunt
L-64510	"	Hunter	J.A.	J.A. Hunter
~~L-65170~~	"	~~Hunter~~	~~W.R.~~	
L-51086	"	Husband	K.G.	K G. Husband
~~D-131065~~	"	~~Hynes~~	~~W.J.~~	
H-64132	"	Isaac	R.D.	R.D. Isaac.
C-34975	"	Jackson	R.M.	R.M. Jackson
G-3522	"	Jefferson	D.F.	Jefferson D F
L-64787	"	Johnson	S.M.	S Johnson
L-64192	"	Johnson	R.J.	RJ Johnson.
H-63991	"	Johnson	S.M.D.	S M D Johnson.
H-64121	"	Johnson	W.	W Johnson
C-33904	"	Johnston	H.C.	H C Johnston
H-64122	"	Kachor	J.	J. Kachor.
H-64134	"	Kindzierski	F.	F. Kindzierski
H-63927	"	Kinnaird	F.	F. Kinnaird

Witness H Nichol S.S.M.

Draft Commit Page 5

H Nichol S.S.M.

H Nichol S.S.M.

J. Williams Major Pro-D.C.M.

68

This is Exhibit "A" referred to in the Summary of Evidence taken before me at CampBorden, Ont., on the 5th day of February, 1943.

J. S. Kilgour 2/Lt.

(J. S. Kilgour)2/Lieut.,
Officer taking Summary,
A-9 CAC(A)TC (Ca)

This is Exhibit "S" referred to in the Summary of Evidence taken before me at Camp Borden, Ont., on the 6th day of February, 1943.

(J. S. Kilgour) 2/Lieut.,
Officer taking Summary,
A-9 CAC(A)TC (CA)

Page "ONE"

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ont. on the 18th day of August, 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. H-63768 Tpr. Hawranik, C. A-9 C.A.C.(A).T.C. (CA)

DECLARATION

The Court declare that No. H-63768 Tpr. Hawranik, C. A-9 C.A.C.(A).T.C. (CA) Camp Borden, Ont.

illegally absented himself without leave from A-9 C.A.C.(A).T.C. (CA) Camp Borden, Ont.

at 1200 hours on the 7th day of July, 1942,

that he is still so absent, and that on the 18-8-42 he was deficient, and

that he is still deficient of the following articles:—

ARTICLES	Vocab. rate (%)	VALUE		ARTICLES	Vocab. rate (%)	VALUE	
Anklets web	75		58	Forks Table	100		09
Battle Dress blouses	75	4	19	Helmets sun	75		65
Battle Dress Trousers	75	4	20	Holdalls	100		17
Belts waist leather	100		37	Housewives	00		51
Blacking tins	100		05	Jackets khaki drill	75	2	34
Boots ankle	75	7	80	Knives table	100		18
Neckties black	100		23	Puttees	75		67
Pins collar safety	100		06	Razors safety sets	100		39
Bootlaces	100		04	Shirts k-c-w-s-s	75	1	48
Braces	100		27	" under cotton	75		60
Brasses button	100		04	Socks	75	1	08
Brushes boot polish	100		15	Sponges pipeclay	100		02
" button	100		14	Spoons table	100		08
" cloth	100		24	Towels hand	100		42
" hair	100		24	Trousers khaki drill	75	1	25
" shaving	100		30	" khaki short	75		96
" tooth	100		09	Attachment brace	75		38
Caps Tank B'n	75		75	Belts waist W.E.	75		59
Combs hair	100		04	Cases pistol	75		64
Drawers cotton short	75		50	Haversacks W.E.	75	1	32
Gloves woollen khaki	75			Carried for'd page "TWO"		34	53

Capt. E. M. Ramsay, Capt.
A-9 C.A.C.(A).T.C. (CA) President

Signed at Camp Borden, Ont.

" J. G. Cantthorpe, Capt.
A-9 C.A.C.(A).T.C. (CA) Member

this 19th day of August, 1942

" J. S. Kilgour, 2/Lieut.
A-9 C.A.C.(A).T.C. (CA) Member

Signature of Commanding Officer (Sgd.) J. A. McCammon, Lt. Col.
A-9 C.A.C.(A).T.C. (CA)

Certified true copy (Sgd.) E. M. Ramsay, Capt.
Adjutant, A-9 CAC(A)TC (CA)

Signature of Officer having custody of original record

M.F.D. 375
A.F.B. 115
5032—9-41 (1000)
H.Q. 1772-36-237

J. A. Williams Major
Pres - DCM.

Hrw Williams Major
Pres DCM

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ont. on the 18th day of August, 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. H-63768 Tpr. Hawranik, C. A-9 C.A.C.(A).T.C. (CA)

DECLARATION

The Court declare that No. H-63768 Tpr. Hawranik, C. A-9 C.A.C.(A).T.C. (CA) Camp Borden, Ont. illegally absented himself without leave from A-9 C.A.C.(A).T.C. (CA) Camp Borden, Ont. at 1200 hours on the 7th day of July, 1942, that he is still so absent, and that on the 18-8-42 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	Vocab rate (%)	VALUE		ARTICLES	VALUE	
Packs W.E. '37	75	1	27			
Pouches ammunition	75		34			
Straps shoulder	75		54			
Straps web support.	75		22			
Carried forward page "ONE"		34	53			
Total deficiencies.....$		36	90			

Note: The prices quoted hereon are in accordance with instructions contained in C.A.R.O. 1774.

(Sgd.) K. M. Ramsey, Capt., A-9 C.A.C.(A).T.C. (CA) — President

" J. G. Cawthorpe, Capt., A-9 C.A.C.(A).T.C. (CA) — Member

" J. S. Kilgour, 2/Lieut., A-9 C.A.C.(A).T.C. (CA) — Member

Signed at Camp Borden, Ont.

this 19th day of August, 1942

Signature of Commanding Officer (Sgd.) J. A. McCanna, Lt. Col., A-9 C.A.C.(A).T.C. (CA)

Certified true copy (K. M. Ramsey) Capt., Adjutant, A-9 CAC(A)TC (CA)

Signature of Officer having custody of original record

M.F.B. 373
A.F.B. 115
50M—8-41 (1309)
H.Q. 1772-38-257

This is Exhibit "C" referred to in the Summary of Evidence taken before me at Camp Borden, Ont., on the 5th day of February, 1943.

73

(J. S. Kilgour) 2/Lieut.,
Officer taking Summary,
A-9 CAC(A)TC (CA)

CERTIFICATE IN ACCORDANCE WITH ORDER IN COUNCIL P.C. 2737 DATED 10TH APRIL, 1942, AS PUBLISHED IN GENERAL ORDER 127, 1942.

(Apprehension by or surrender to civil authorities)

I certify that the person whose description is given below was arrested by ~~xxxxxxxxxxxxxx~~ James H. SHERWOOD, D/Sgt. RCMP.
(Name of Peace Officer or Constable)

at WHITEMOUTH, MANITOBA, at 3.00 A.M. on
(Place) (Hour)

the 11TH day of OCTOBER 1942, and that at the time of arrest ~~xxxxxxxxxx~~ he was ~~xxxxxxxxxxxxxxxxxxxxxx~~ ~~xxxxx~~ (dressed in civilian clothes).

Regimental particulars of officer or soldier referred to above	No. H-63768 Rank Trooper Name HAWRANIK, Charles Unit A-9 C.A.C. (A.) TC. (CA) Camp Borden, Ont.
Description	Age 27 Yrs. Height 5' 7½" Complexion Medium Hair Brown Eyes Hazel Marks None visible
Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of Police Station at which officer or soldier was taken into custody upon such arrest or surrender	J H Sherwood D/SGT ~~(Peace Officer), (Constable) or (Officer in charge of Police Station)~~ J.H. SHERWOOD, Reg'l. #. 11428. I/C MORALITY DEPT., R.C.M.P.

M.P.M. 215

"K"

A.M. Williams Major.
Pres- DCM.

This is Exhibit "D" referred to in the Summary of Evidence taken before me at Camp Borden, Ont., on the 5th day of February, 1943.

(J. [illegible]) 2/Lieut.,
Officer taking Summary,
A-9 CAC(A)TC (CA)

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut. Edward Lynch, (Rank) No. 10 District Coy, R.C.A.S.C. (Name) (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~[illegible]~~ (Sd) the hereinafter itemized transportation for escort

Complete — to proceed from Winnipeg Manitoba, (Place) to Camp Borden, Ontario. (Place) for the and return to

Full description of soldier being escorted — purpose of escorting H-63768 Tpr. Hawranik, Charles. A9 C.A.C.T.C.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
26th, Jan, 1943. Issued to cover cost of Transport Warrant No. C-21749	22.04
Total	$ 22.04

Dated at Winnipeg, Manitoba 26th, day of January A.D. 19 43

Lieut.
(Signature, rank, unit of officer issuing transport warrants) (authorizing transportation) Full description not applicable

No. 10. District Coy, R.C.A.S.C.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

"L"
H. Williams Major
Pres - DCM

M.F.E. 1941
2000—12-40 (8734)
H.Q. 279-22-1001

This is Exhibit "E" referred to in the Summary of Evidence taken before next Camp Borden, on the 6th day of February, 1943.

(J.S. Arigour) 2/Lieut.
Officer taking Summary
A-9 CAC(A)TC (CA)

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(INCIDENTAL EXPENSES)

Complete description

Strike out words not applicable

Members of escort

I, — (No.) Major (Rank) E. K. Carter (Name), No 40 Provost Coy (Unit)

as (~~man~~) (commander of escort) consisting of .....

detailed to proceed from Winnipeg, Manitoba (Place) to Camp Borden, Ont., (Place)

Name and description of soldier escorted

to return H-63768 Tpr, Hawranik Charles, A9 C.A.C.T.C.

alleged to be a deserter or absentee without leave, to Camp Borden, Ont., (Place)

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
26th, Jan, 1943. issued to cover cost of meals Winnipeg to Camp Borden, Ont.,	
Meal Order No. 83119 one Breakfast 75¢	
Meal Order No. 83120 one Lunch 75¢	
Meal Order No. 83121 One Dinner 1.00	2.50
Total	$ 2.50

Dated at Winnipeg this 26th day of Jan A.D. 1943

E. K. Carter Major.
Officer Commanding
No. 40 Provost Company. (C.A.)
(Rank of commander of escort)
Strike out description not applicable

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of all incidental expenses properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.R. 1462
MSM—7-41 (1130)
H.Q. 1772-99-1850

"M"
Hugh Williams Major
Pres-DCM

QUESTION TO THE ACCUSED:

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so; but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY THE ACCUSED:

"Sir, I wish to give evidence upon oath."

H-63768 Tpr. Hawranik, C., having been duly sworn, states:-

About the 25th June, 1942 while I was in the Recce. Wing of A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) and before I had any knowledge of being warned for draft, I received a telegram from my wife stating that she was sick. The Sergeant Major in Recce. Wing told me then that I was going to be warned for draft very shortly and that I would get embarkation leave to go home and see my wife. I told him I would like to stay off the draft and get a special leave to see my wife as she was in the family way and I didn't know what her condition was. This special leave was refused and I had to use my embarkation leave to see my wife. When I got home my wife was so sick she scarcely knew me so I remained at home. I would like to get on a draft as soon as I can now.

Tpr. Hawranik C.
H-63768 Tpr. Hawranik, C.

The accused declined to call witnesses to testify on his behalf.

I certify that Rules of Procedure 4(C), (D), (E), (F) and (G) have been complied with and that Exhibits "A", "B", "C", "D" and "E" referred to above were shown to the accused.

Taken down before me in the presence of the accused at A-9 Canadian Armoured Corps (Advanced) Training Centre (CA), Camp Borden, Ont., this 5th day of February, 1943.

(J. S. Kirkconnell) 2/Lieut.,
Officer taking Summary,
A-9 C.A.C.(A).T.C. (CA)

"N"
HMW Means Major
Pres - DCM.

 Mr Williams Major Pres Dem - o - 81

CLOSING ADDRESS BY THE PROSECUTOR:

Mr. President and Members of the Court, and Sirs :- On weighing the evidence offered for the most part by the witnesses for the Prosecution, it is quite clear-cut and to the point and needs very little reviewing. The evidence was that on the 29th of June, 1942, a large draft drawn up, roll call taken, and they answered to their names. Among those who answered was the accused, and then Major Gow read to them the usual warning order, and asked them if there was any amongst them who didn't understand it or who didn't hear what he had just read to them; there were none according to the evidence sworn to by Sgt.-major Nicholls who indicated that they had not indicated that they didn't understand or hadn't heard. Then, they were marched to the orderly room and shown Exhibit "I", and each man signed it. Amongst those who signed it was the accused. They were given their leave passes, and went on leave. The majority of the draft, I presume, returned on time and the draft departed on the 18th of July, 1942. The accused did not return until after he had been apprehended on the 11th of October, 1942, and, in fact, didn't return until January, this year.

Now, this is a case where the accused is charged with desertion, not the ordinary type of desertion where the criterion is that of intention. He is charged with avoiding special duty. That is the point in issue. Evidence has been adduced that a draft was ordered and did depart, and a draft warning order was read to it, and the accused was among those warned, and that signed the draft warning order. He admits that. He admits his signature to it. His memory is excellent in most regards, except where it appears it is convenient to be otherwise. He developed a blank in his memory from the time that Sgt.-major Nicholls drew up the draft and called the roll. He remembers that distincly. Then his memory goes

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blank until he finds himself in the orderly room. Remember, gentlemen, you have to believe or disbelieve the evidence of all witnesses brought before you and their credibility is to be judged by their general demeanour and the gings that they say. I suggest to you that the things that the accused has said indicate that his credibility is to be held in doubt . If you do believe that, then too much weight cannot be given to that period where his memory lapsed. Another thing I might point out is that he apparently had a very good knowledge of what a draft was. He also had a working knowledge of what desertion is. And, yet, when he heard things that should be very vitally important to him by an officer who stood out before a whole parade that he couldn't help but to see, he doesn't remember anything. I will leave it up to you to draw your own inferences. Another thing I mg might draw to your attention is that if the accused is, as he says, knew that he didn t return he would receive some punishment, I suggest to you that it doesn't matter whether he knew what that punishment would be or not. He knew he was disobeying a military order, and if he had taken the trouble to find out what the punishment for disobeying such orders were that was his fault. I suggest to you that he either (a) didn't care what the punishment was; didn't know, and didn't care; or, did know and didn't care. It is up to you, of course, to draw your own inferences as to what he knew and how he acted. I will leave it with you.

- - -

H M Williams major Pres Dem 85

CLOSING ADDRESS BY THE DEFENDING OFFICER:

Mr. President and Sirs :- In reply to my colleague, the Prosecutor in outlining the case for the Prosection and throughout the evidence, the evidence that was offered for the Prosecution itended to convey to the Court when the accused was being questioned the impression that the accused was hesitant, reluctant in his testimny, and thus also convey the impression that his credibility was to be questioned. On the salient points of the testimny that has arisen this afternoon, after a little bantering back and forth, it has come out in evidence in each individual instance, the accused has admitted fully what was expected of him except the one point, namely, an admission that he heard Major Gow making an address. Now, I submit to the Court that it is quite plausible for a man who is lined up on parade with a large draft such as that one - an exceptionally large draft, somewhere off in the middle of the ranks - that he is liable to miss the words of the officer reading out the draft warning. He, incidentally, did not say that there was no warning read out. He didn't know whether there was one or not. As a result, I suggest that he merely was one of many presumably who paid no attention at all, and who three or four months later if you were to ask them who read the draft warning order, they possibly would not recall anyone. The one man to whom they would be most likely to remember and most likely not to forget would be the squadron sgt.-major who was in close contact with them at all times, who from the beginning of that type of parade until the end of it is continually barking out commands, instructing them as to what to do and when to move ahead and what to sign and where to sign, and so on. And, as a result, guess-artists would not arouse the same inferences. That, in my mind, and I am suggesting the Court accept it as the one point in the accused's testimony where he fails to establish any consistency. As far as signing

that sheet is concerned, I am going to suggest to the Court that it is also quite plausible that a man having watched - he is "H" in the alphabetical list - there were a good 35 or 40 men going ahead of him. They will fill up at least a page of those signatures and at that point, in the excitement of the moment - the realization that you are going on leave and such like circumstances all put together tend, after reaching the 80th man in the list, from that point on it would be a hurry-up proceeding. They'd be cramming in and just waiting for the man ahead to sign and push him out of the way and so forth. I suggest that at the same time that about the only men who would be aware of that set of conditions would be those at the top of the individual pages - the first few men who were carefully paraded for signature, page number 1 and along down the line.- The first two or three men who were signing their names immediately underneath. Outside of them, I submit that nobody pays any attention to them. As far as it being an embarkation warning for a draft of some description - he admits that it was an embarkation draft, admits that he was aware of that fact, but in this admission, it is the admission of a soldier who was totally ignorant of the consequences. The Prosecutor outlined for the benefit of the Court that the ordinary criterion, that is the factor to be decided in these desertion cases, is that of the mental element, the intention always involved. In this case, the Prosecution has stated that we are not concerned at all with his intention of returning or not returning, and the circumstances are usually required to brought into play to show that intention or lack of it, but we are concerned solely with staying off the draft, knowledge of which had been conveyed. I am putting it in the hands of the Court. I am saying that in our case at bar, the accused was ignorant of those consequences, and I am also saying that in the realization that ignorance of the Army Act is no excuse. But, he is

prejudiced by the charge insomuch as all the facts that are ordinarily required to prove desertion, intention to stay away leaving that out, but such things as staying away dressed in civilian clothes were shown and the same degree of care not paid to the fact that he realized the significance of the draft warning. He said himself that he intended to come back. If he was a deserter, I suggest that he knew the consequences of his act and knowing the consequences of his act he would never have come back, or would never, I should say, have the intention of coming back. This man was arrested at 3 o'clock in the morning in bed by the Mounted Police after he had come into town, as he says, to visit his wife, and intending shortly after that to return to the Army. When he left the Camp in the first place, he intended to return to the Army at some later date. The Charge reads that he was arrested and apprehended while dressed in civilian clothes which also tends to cloud the issue. The case for the Prosecution neglected to outline for the Court that he was apprehended in civilian clothes for the simple reason that he was in bed, that he could not very well have been in uniform, and the significance ordinarily attached to the way he was dressed does not have the ordinary importance.

In closing, the Defence suggests that there is more than the one element, namely, intention to dodge or avoid some particular service such as a draft, and these other attributes of desertion should be given some consideration. Those, I suggest, are lacking. There has been no evidence in support of them brought in by the Prosecution. The case devolves on the point: Did or did not the accused realize the position he was putting himself in when he decided to stay home and see how things went before he returned to the Army. The desertion factor is negligent. Absence Without Leave is admitted.

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SUMMATION BY THE JUDGE ADVOCATE:

Mr. President and Members of the Court: I shall try to make my remarks as brief as possible. I will first point out the possible verdicts that you may bring in. You may bring in a verdict of not guilty, of anything, of course. You may bring in a verdict of guilty of Desertion, or else you may bring in a verdict of guilty of Absence Without Leave, if you should so see fit. As has been stated, this is the type of desertion in which it is alleged that the soldier, the accused, was warned to proceed on special duty, and that, after having been so warned and with intent to avoid so proceeding, absents himself without leave. I would direct your attention to the foot-note at the bottom of Page 437 of the Manual of Military Law which deals with cases of this kind:

"To establish desertion it is necessary to prove some circumstance justifying the inference that the accused intended not to return to military duty in any corps, or intended to avoid some important particular service, such as active service, embarkation for service abroad, or service in aid of the civil power. If the basis of the charge is an intent to avoid embarkation, or some other special duty or service, the particulars should contain an allegation to this effect."

We have that allegation in the particulars of the charge.

"In order to establish in evidence that a soldier had deserted or attempted to desert (when under orders for embarkation), the original or a certified true copy of orders detailing the accused for embarkation must be produced by a witness on oath, and evidence must be given that the orders were duly posted or brought to the notice of the accused, or that he was otherwise in a position to be acquainted with their contents."

Then a reference is made to the English K.R.

"This would not, however, exclude proof of verbal orders for embarkation given by a C.O. in an emergency."

"Personal warning and acknowledgment of such warning in accordance with K.R. 1099 should also be proved whenever possible."

We do not have the special regulations in our K.R. (Can) for this method of giving draft warnings. Routine Order 1677, however, outlines the method in which these draft warnings shall be given. It is up to the Court to decide whether in their opinion the accused realized at the time that he was warned, if he was so warned, that he would be liable to be charged with desertion if he overstayed his pass after going on his embarkation leave. Apparently, the accused admits that he was getting an embarkation leave and he further admits that he signed this draft warning order. He denies, however, that he understood the same insofar as the fact that he would be liable to a charge of desertion. He further denies that it was explained to him in such a way that he understood that he would be liable to a charge of desertion. From his evidence, it would seem that some 400 men were assembled in a parade, and from the evidence of the squadron sgt.-major, Nicholls, it would appear that Major Gow read out a draft warning order. According to S.S.M. Nicholls, no one said he did not understand the same.

Now, it is up to the Court to decide whether the method in which this draft warning order was given was of such a kind that the accused should have understood the same and comprehend the same or, in other words, was the accused in a position to understand it. The accused was apparently employed by Sgt.-Major Nicholls and he, more or less, gave us the impression that the accused was, if I might use the word, a dumb or illiterate person, that he was satisfactory in the work he was doing and had done. It is up to the Court to decide whether the accused when signing this, did actually know that he was warned for

overseas draft and also that he would be liable to a charge of desertion. The documentary evidence says that he did. The accused says that he did not understand it. Now, it will be up to the Court to consider just what they are going to believe. I would point out to you that in coming to your conclusion, you must give the accused the benefit of any reasonable doubt which may come to your mind - not some fancy doubt but a doubt which you as reasonable men may have. I would also point out to you that every accused person is presumed innocent until he is proved guilty in our courts of British justice.

- - -

Y

H.M. Williams Major
Pres DCM

97

M.F.B. 355
22M—5-41 (572-3)
H.Q. 1772-99-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
H-63768	Trooper	Charles HAWRANIK	A-9 C.A.C.(A).T.C. (CA)

1. The following is a fair and true summary of the entries in the ~~Service and Regimental Conduct Sheet~~ Conduct sheets ~~or Company Conduct Sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~or Forfeitures~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with. JSK JSK

	Within last 12 months	Since enlistment or appointment
For no entries on M.F.M. 6	times	times
For	times	times
For	times	times
For	times	times

~~Number of instances of the exercising of distinguished conduct~~ JSK

~~nil~~

There are no entries in the conduct sheets of the accused.

~~Note—If the above indicates instances, the entries for instances must be stated separately.~~ JSK

2. ~~The accused has not been previously convicted~~

~~nil~~

Previous convictions of the accused by a court-martial or a civil court, of summary awards under ~~or forfeitures~~ Section 47 of the Army Act and dispensations with trial under ~~or A.A. 73~~ A.A. 73 are set out in the Schedule annexed to this statement. JSK

3. The accused is not under sentence at the present time.

~~nil~~

~~The accused at the present time is under sentence for~~ ..... ~~beginning on the~~ ..... ~~day of~~ ..... JSK

4. The accused has been in confinement awaiting trial on the present charges, for 105 days in civil custody, and 18 ~~or forfeiture~~ days in military custody, making a total of 123 days in custody, of which nil days were spent in hospital. JSK

5. The present age of the accused according to his ~~record of service~~ attestation paper is 27 yrs1,7 mths. JSK

6. The date of his ~~enrolment~~ attestation specified in his ~~attestation paper~~ attestation paper is 21st October, 1941. JSK

~~7. The service which the accused is shown to have rendered and discharge~~ JSK

~~8. The accused is entitled to reckon~~ ..... ~~months for the purpose of determining his pension etc.~~ JSK

9. The accused is in possession of or entitled to no ~~military~~ military decoration, or ~~military~~ military reward (or is in possession of or entitled to). State any ~~military~~ military decoration or reward. JSK

~~Note. If the accused is a non-commissioned officer the rank he is reported to have held in the regimental rank of~~ ..... JSK

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force (Permanent Force / unit) the rank of .....dated....., and in his regiment (or corps), the rank of .....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number H-63768 Rank Trooper Unit

Name Charles HAWRANIK of A-9 C.A.C.(A).T.C. (CA)

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
Magistrate's Court (Civil)	Winnipeg, Man. 13th Oct. 1942.	Operating a still	4 months imprisonment	20 days.

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 10th day of February, 1943. [illegible] Capt A/CAC(A)T.C.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

No. H-63768 Name HAWRANIK, C. Squ., Battery, or Company } ARM Corps A m Reg't Corps No. 10 District Depot C.A. Date of Enlistment } 21-10-41 G.C. Badges } Tradesmen's Rates of Pay } M.F.M. 6 (A.F.B. 122) 500M—11-41 (2498) H.Q. 1773-39-1382

No. and date of last drunk } Period not reckoning towards freedom from extra fine } Sheet No. 1 Signature O.C. Company, etc. } Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Camp Borden	S.O.S. on transfer from A-9 CAC(A)TC to Can. Army Overseas 18-7-42								
				Certified true copy J.S. Vilgour 2/Lt (J. S. Vilgour) 2/Lieut., A/Adjutant, A-9 CAC(A)TC (CA)		Z H.M. Williams Major Pro-DCM.			

(P.T.O.)

Mr. Williams Major
Pro DCM

FINAL ADDRESS BY THE DEFENDING OFFICER :-

Mr. President and Members of the Court, and Gentlemen: This man's Army record is clear. There are no offences listed on the M.F.M. 6. He kept that record clear to the point of returning from the special leave which had been granted to him for the purpose of getting married, and after having actually had only two days of it to use for the marriage purposes, due to having been misinformed by the usually reliable C.S.M. of A-9 Training Centre. I suggest that that is one of the strongest points in this man's favour. It also shows that he must take a certain pride in keeping that record clear,

With reference to the offence at bar which has been thoroughly thrashed out, the case is purely one - I merely want to say that the accused is the type of soldier who is ignorant of the consequences. It was in his ignorance of the consequences that he stayed away, and in view of the fact that his wife was so ill when he was home on leave - ill to the point of not recognizing her husband. And bearing in mind his clean sheet, I would ask the Court to be as lenient as possible in meting out what punishment they might see fit should they have found him guilty of one of the types of charges of which he could have been found guilty.

- - -

MEDICAL OFFICER'S REPORT

I certify that No. H63768 Hawrank C

of A9. CAC(A)TC is in a fit state of health,

and able to undergo Trial by Court martial.

L. I. Scott Capt
Medical Officer RCAMC
A. 9 CAC(A)TC.

Station Camp Borden

Date 10/2/43

M. F. B. 246
85M—9-41 (1743)
H.Q. 1772-29 460

MEDICAL OFFICER'S REPORT

I certify that No. H 63768 Lpr. Hauranib C

of L.S. is in a fit state of health,

and able to undergo Trial by Court martial.

C I Scott Capt
Medical Officer RCAMC.
A-9 C A C (A) T.C.

Station A 9 C a c (A) T.C.

Date 9. 2. 43

M. F. B. 246
26M—9-41 (1763)
H.Q. 1772-30 480

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA)
CAMP BORDEN ONTARIO

SUMMARY OF EVIDENCE in the case of

H-63768 Tpr. Charles HAWRANIK.

The accused, H-63768 Tpr. Charles HAWRANIK, Canadian Armoured Corps, attached to A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) Camp Borden, Ont., a soldier of the Canadian Army placed on Active Service.

CHARGE:-

Desertion.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS: B-102627 S.S.M. Nicholls, J.H., having been duly sworn, states:-

I am Squadron Sergeant Major in Trained Soldiers Squadron of A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) which is the Wing from which drafts are sent overseas. It is my duty to supervise all drafts and see that they are properly prepared to proceed overseas.

On the 29th June, 1942 a large draft, which was being prepared for transfer overseas, under my direction, was given a formal draft warning by Major J. Gow in my presence. Major Gow read to the parade the following statement:-

The undermentioned Other Ranks of A-9 Canadian Armoured Corps (Advanced) Training Centre (CA) will proceed on special duty any date after to-day. Any soldier, who by being absent without leave or by overstaying his pass or furlough is absent when the draft proceeds on special duty will be liable to be charged with Desertion.

On that parade of men being warned for draft was the accused, H-63768 Tpr. Charles HAWRANIK, whom I recognize, After the warning was read to the parade each man in turn came forward and signed a draft warning form acknowledging that he understood the warning. I saw the accused sign the form which I now present in evidence. (Marked Exhibit "A"). I remember this man clearly as he had previously been a runner employed in the Trained Soldiers Squadron. After the draft was warned they were all granted leave from 0600 hours on 1st July, 1942 to 1200 hours on the 7th July, 1942. The accused failed to return at the expiration of his leave at 1200 hours, on 7th July, 1942 and I produce a copy of the proceedings of a Court of Inquiry showing the accused to have absented himself without leave from 1200 hours on 7th July, 1942 and to be still absent on 19th August, 1942. (Marked Exhibit "B".)

The draft left the Centre for overseas on 18th July, 1942 and the accused was not present and was unable to proceed with the draft.

The accused at no time returned to this centre until 28th January, 1943 when he returned in custody. For had he returned before that I would have known of it.

J.H. Nicholls
B-102627 S.S.M. Nicholls, J.H.

The accused declined to cross-examine this witness.

SECOND WITNESS: Lieut. G. H. Barlow, having been duly sworn, states:-

I am Officer i/c Central Registry at A-9 Canadian Armoured Corps (Advanced) Training Centre (CA), Camp Borden, Ont., and as such present the following documentary evidence in the case of the accused, H-63768 Tpr. Charles HAWRANIK, which evidence refers to the accused:-

(a) Certificate of Apprehension, showing the accused apprehended in civilian clothes at 3.00 A.M., 11th October, 1942 at Whitemouth, Man. (marked Exhibit "C".)

A-9 CANADIAN ARMOURED CORPS (ADVANCED) TRAINING CENTRE (CA)
CAMP BORDEN
ONTARIO

SUMMARY OF EVIDENCE in the case of

H-63768 Tpr. Charles HAWRANIK.

SECOND WITNESS: Lieut. G. H. Barlow (Cont'd.)

(b) M.F.B. 1481, Cost of Transportation for accused from Winnipeg, Man., to Camp Borden, Ont., covered by transport warrant No. C-21749 (Marked Exhibit "D".)

(c) M.F.B. 1482, Cost of Meals for accused from Winnipeg, Man., to Camp Borden, Ont. (Marked Exhibit "E".)

G. H. Barlow
Lieut. G. H. Barlow

The accused declined to cross-examine this witness.

H.Q.C. 55-H-338

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

ROSWELL, A. U.121345 FILE.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-338

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					With Papers C.R. MAR 12 1943		
MAR 15 1943	8/3/43	P.A.	WMT	A.D.	Returned P.A.	RBL	15/3/43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to S.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-336 (JAG)

March 15, 1943

The Commander,
Camp Borden, Ontario.

District Court-Martial
D-121845 Pte. (A/L/Cpl) A. Hartwell
No.66 Tank Transporter Coy,R.C.A.S.C.,C.A.

1. Receipt is acknowledged of your C.B.40-H-205 dated 7th March, 1943, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The proceedings appear to be entirely in order, and accordingly they are retained for custody.

Brigadier,
Judge Advocate-General.

RBL.F

H.Q. C. 55-H-338
M.D. C.B. 40-H-205

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. D.121845 Name HARTWELL, A.

Rank Pte. (A/L/Cpl) Unit No. 66 Tank Transporter Co., R.C.A.S.C. CA

Charge SEC. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 5/10/42

Date of Arrest 7/1/43 Charge. Signed 20/1/43

Orders for D.C.M. COMMANDER CAMP BORDEN MILITARY CAMP

Place and Date of Trial Camp Borden, Ont. 9/2/43

Sentence DETENTION 120 DAYS STOPPAGES $28.62

Date of Confirmation 27/2/43

Date of Promulgation 2/3/43

Entered in Records of J.A.G. as No. 8064

Date 15/3/43

MEMO

20 DAYS DETENTION REMITTED BY CONFIRMING AUTHORITY

R.B. Lamb Lt-Col
for Judge Advocate-General.

3M-12-42(M1754)

CANADA

IN REPLY PLEASE QUOTE
No. C.R.40-H-205(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Camp Headquarters,
Camp Borden, Ont. 7 MAR 1943

The Secretary,
Dept. of National Defence,
OTTAWA, Ontario.

SECRETARY, MILITARY Army
MAR 9 1943
055-H-338

DISTRICT COURT-MARTIAL
D-121845 Pte.(A/L/Cpl) A.Hartwell,
No.66 Tank Transporter Coy, R.C.A.S.C., C.A.

Herewith proceedings of a District Court-Martial, held for the trial of the m/n soldier, for registration and custody, confirmation and promulgation having been duly effected.

2. It has been noted that the summary of evidence is in a most undesirable state. In addition, only exhibits "A" and "D" are referred to, and exhibit "B" does not show the certificate of the officer taking the summary, to the effect that the witness signing same was not able to attend, due to the exigencies of the service or otherwise. It has also been noted that M.F.B.1481 while same refers to meals, does not include the cost of same in the total, and in any event meals should be shown on M.F.B.1482.

3. Irregularities in connection with these proceedings have been brought to the attention of officers concerned, for future guidance.

(A.C.Spencer) Brigadier,
Commander, Camp Borden.

MAT. DEF. B. 440
1 Million—10-42 (9666)
H.Q. 1772-39-767

*All printed matter not applicable to the proceedings of a Court should be struck out by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a DISTRICT Court-Martial held at the Court Room, Camp Borden, Ontario, on the 9th day of February, 1943, by order of Brigadier A.C. Spencer, E.D., ~~Commanding~~ Commander, Camp Borden, Ont., dated the 5th day of February, 1943.

President.

Major H.M. Williams,
A-11 Canadian Infantry Training Centre, C. A.

Members.

Capt. L.S. Pommett,
A-19 Canadian Army Service Corps Training Centre, C.A.

Capt. C.J. Wilkins,
A-28 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Capt. H.F.G. Bridges,
Royal Canadian Artillery, C. A., attached
N.D.H.Q. (J.A.G. Branch), Judge Advocate.

Trial of* No. D-121845 Private (A/L/Cpl) Arnold HARTWELL of No. 66 Tank Transporter Company R.C.A.S.C., CA.

The order convening the Court, the charge-sheet and the summary ~~[illegible]~~ of evidence are laid before the Court.

~~[illegible]~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor,† Captain W.E. Bird, R.C.A., C.A. Headquarters, Camp Borden, Ontario.

~~Counsel~~ defending officer† Lieutenant L. Beauchamp, No. 4 Company A-19 R.C.A.S.C.(A)T.C. Camp Borden, Ontario.

At 10:00 a.m. o'clock the Trial commences.

The order convening the Court is read, and is marked "X". No. 66 Tank Transporter Company RCASC, CA, Unit Order No. 31, 8 FEB 43, detailing Pros. and Defending Officer, signed by the President, and attached to the proceedings, is marked "X-1", attached.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.* No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1771-39-224

I have satisfied myself that none of the Officers detailed members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

H.M. Williams Major, Pres., D.C.

2.

B

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn(See attached list marked "C")

Q-2 Do you object to No. C-96564, Sgt. T.S. Hubbard, No. 9 Det., C.M.S.C., C.A., attached Headquarters, Camp Borden, Ontario, as shorthand writer?

A-2 No, sir.

(No. C-96564, Sgt. T.S. Hubbard, No. 9 Det., C.M.S.C., C.A., attached Headquarters, Camp Borden, Ontario, is duly sworn as shorthand writer.)

---See Page "H" for Minute of Adjournment & Reassembly.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon the ~~each~~ charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.*

A-3 Guilty, sir. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

"B-2"
H M Williams Capt
Pres DCM

CHARGE SHEET

The accused D-121845 Private (A/L/Cpl) Arnold HARTWELL of No. 66 Tank Transporter Company R.C.A.S.C., CA, a soldier of the Canadian Army placed on Active Service, is charged with:-

Charge
Section 15(1)
Army Act

ABSENTING HIMSELF WITHOUT LEAVE

In that he at Camp Borden, Ontario did absent himself Without Leave from No. 66 Tank Transporter Company, R.C.A.S.C., CA from 1200 hours, 5th. October, 1942 until apprehended by the Military Police at Richmond, Quebec at 2000 hours, 7th. January, 1943, improperly dressed. Cost of apprehension and return to his Corps $28.62.

G D Aitken
(G.D. Aitken) Major,
Officer Commanding.
No. 66 Tank Transporter Company,
R.C.A.A.S.C., CA.
Camp Borden, Ontario.

Camp Borden, Ontario.
20th January, 1943.

To be tried by District Court Martial
J L Conover Lt Col
A A & M G.
for Commander Camp Borden
Signed at Camp Borden Ontario this 6th day of February 1943

CC

Proceedings on Plea of Guilty

*To be struck out in case of a plea of "Not Guilty" has been entered with.

~~[The Court having been reopened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" is read to him again.]~~

The accused No. D-121845 Private (A/L/Cpl) Arnold HARTWELL of No. 66 Tank Transporter Company R.C.A.S.C., C.A., is found guilty of the charge.

*The summary ~~[illegible]~~ of evidence is read, marked "I", signed by the President, and attached to the proceedings.

(Pursuant to R.P. 37 B, the Prosecutor is called to give evidence regarding costs of apprehension, see document marked "J", attached.)

Q-4 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-4 *Answer.* The accused ~~in mitigation of punishment~~ says:— No, sir.

~~[or hands in a written statement, which is read, marked, signed by the President and attached to the proceedings.]~~

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q-5 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

A-5 Yes, sir. I wish to give evidence myself. *Answer.*

Evidence as to character.

The Accused, No. D-121845 Private (A/L/Cpl) Arnold HARTWELL of No. 66 Tank Transporter Company R.C.A.S.C., CA., being duly sworn, is examined by the Defending Officer:-

Q-6 L/Cpl. Hartwell, how old are you?

A-6 Twenty-two, sir.

Q-7 Where do you live?

A-7 Stanstead, sir.

Q-8 Are both your mother and your father living?

A-8 Yes, sir.

Q-9 Are they getting along?

A-9 No, sir.

Q-10 What is wrong?

A-10 They are separated, sir.

Q-11 How is your mother making out?

A-11 She is not getting along at all, sir.

Q-12 Why?

A-12 She has no support, sir.

Q-13 Is she well?

A-13 No, sir.

Q-14 Are there any other members in the family?

A-14 One brother, sir, but he is not well.

---The Prosecutor declines to cross-examine.

QUESTIONED BY THE COURT:

Q-15 This brother who is not well, to what extent is he not well? Is he unable to work?

A-15 Yes, sir. He is under age. He is young and has always been sick.

Q-16 Under age? How old?

A-16 He would be seventeen, sir.

Q-17 You say he is unfit to work?

A-17 Yes, sir.

Q-18 Are you married?

A-18 Yes, sir.

Q-19 Are you making any extra allowance to your mother?

A-19 No, sir. Only what I have on my own, not from my Army allowance.

Q-20 Have you ever applied for any allowance for your mother?

A-20 No, sir.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-21 Are you assigning any pay to your wife?

A-21 Yes, sir.

Q-22 What is the trouble with this brother, seventeen years of age?

A-22 Well, sir, he has always been sick and has a rupture. That is why he is not able to work. I was the only support at home.

Q-23 Were your father and your mother separated before you enlisted?

A-23 Yes, sir, they have been separated since I was young.

Q-24 How old?

A-24 Ten, sir.

Q-25 Were you supporting your mother when you enlisted?

A-25 Yes, sir.

Q-26 When were you married?

A-26 After I was enlisted, sir.

Q-27 How long have you been married?

A-27 Since September 15th, 1941.

Q-28 How long have you been in the Army?

A-28 Since August 6th, sir.

Q-29 1941?

A-29 Yes, sir.

QUESTIONED BY THE COURT:

Q-30 Where is your wife?

A-30 At Stanstead, sir.

Q-31 With your mother?

A-31 No, sir.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-32 What were you doing all this time you were away?

A-32 I was helping my mother when I.....

Q-33 Helping in what way?

A-33 She was away back in rent and doctor bills and I done what I could.

Q-34 You mean you were working?

A-34 Around home, sir.

Q-35 Were you in a position to give money at home?

A-35 When I was not in the Army I was in a position to earn money. Since I have been in the Army.....

Q-36 What did you do in civil life before you joined the Army?

A-36 I drove trucks, sir.

Q-37 When you were absent this length of time were you in uniform or working in civilian clothes?

A-37 I was in uniform, sir.

Q-38 Were you earning money while in your uniform?

A-38 No, sir.

---In the opinion of the Court and Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The Accused resumes his seat.

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

~~The Court is closed for the consideration of the finding.~~

~~The Court find that the accused~~

M.F.B.

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

M.F.B.

~~The Court being re-opened, the accused is again brought before it~~

~~is duly sworn~~

Evidence of character, etc.

Q-39 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-39; Yes, sir, I produce M.F.B. 355 and certified true copy of M.F.M. 6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-Z", signed by the President, and annexed to the proceedings.

Q-40 *Question by the President.*

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-40; Yes, sir.

Q-41 *Question.*

Have you compared the contents of the above statement with the regimental books? *Answer.* A-41; Yes, sir.

Q-42 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-42; Yes, sir.

M.F.B.

[Instructions of the President of the nature of the service of the accused by disciplinary or other offence, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused~~

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The Prosecutor resumes his seat.

Q-43 *Question to the accused.*

Do you wish to address the Court? *Answer.* A-43; Yes, sir, through my Defending Officer. (See document marked "L", attached.)

The Court is closed for the consideration of the sentence.

2

F

Sentence

The Court sentence the accused No. D-121845 Private (A/L/Cpl) Arnold HARTWELL of No. 66 Tank Transporter Company R.C.A.S.C., CA., to undergo detention for 120 days and to be put under stoppages of pay until he has made good the sum of $28.62 in respect of the costs of apprehension and return to his corps.

Sentence. DETENTION: 120 days.

STOPPAGES: $28.62.

Signed at Camp Borden, Ontario, this 9th day of February, 1943.

A.W. Williams Major (Major)
A-11 Canadian Infantry Training Centre, C.A.
PRESIDENT

H.F.G. Bridges (Capt.)
Royal Canadian Artillery, C.A., attached
N.D.H.Q. (J.A.G. Branch).
JUDGE ADVOCATE

I hereby Confirm the Finding and Sentence but Remit twenty (20) days detention

A.A. Spencer
Brigadier
Commander, Camp Borden

Signed at Camp Borden, Ont. this 27th day of February 1943

Promulgated and orders taken at Camp Borden, Ontario this 2nd day of March 1943

A.A. Garland Lieut
Officer i/c Records
No 66 Tank Transporter Coy
RCASC CA

Extracts entered as No. 5066 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 15 day of March 1943

RBL

H M Williams Major
Pres DCM.

"X" 13

ORDERS BY

Brigadier A.C. Spencer, E.D.
Commander, Camp Borden.

Camp Borden, Ontario,
5th February, 1943.

DISTRICT COURT-MARTIAL
No.A-4513, Private Roy Clifford Lee, Brown,
Royal Canadian Regiment, C.A., attached
to A-10 Canadian Infantry Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Tuesday, 9th February, 1943, at 10 o'clock, a.m., (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major H.M. Williams,
A-11 Canadian Infantry Training Centre, C.A.

MEMBERS

Capt. L.S. Pommett,
A-19 Canadian Army Service Corps Training Centre, C.A.

Capt. C.J. Wilkins,
A-28 Canadian Armoured Corps (Advanced) Training Centre, C.A.

WAITING MEMBER

Capt. E.T. Bashaw,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Capt. H.F.G. Bridges, Royal Canadian Artillery, C.A., attached N.D.H.Q. (J.A.G. Branch)

The Officers Commanding the following Training Centres will detail not less than two and not more than five Officers to attend the Court-Martial for instruction :-

A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-10 Canadian Infantry Training Centre, C.A.
A-11 Canadian Infantry Training Centre, C.A.
A-19 Canadian Army Service Corps Training Centre, C.A.
A-22 Canadian Army Medical Corps Training Centre, C.A.

The Officers Commanding any other unit or detachment in Camp Borden may detail two Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to the A.A. & Q.M.G., Camp Borden, Ontario.

SIGNED at Camp Borden, Ontario, this 5th day of February, 1943.

(J.D. Conover)
Lieut.-Colonel
A.A. & Q.M.G., Camp Borden

A.M. Williams Major
Pro DCM

"X-1"

DAILY PART I ORDERS

MAJOR F.G. DONEY — OFFICER COMMANDING

NO.66 TANK TRANSPORTER COMPANY R.C.A.S.C.

CAMP BORDEN, ONTARIO — MONDAY 8TH FEBRUARY 1943 — NO.31

1. DUTIES FOR TUESDAY 9TH FEBRUARY 1943

ORDERLY OFFICER	Lieut. A.S. Carter
ORDERLY SERGEANT	B/84713 a/L/Sgt. O'Brien, E.J.
ORDERLY CORPORAL	B/37373 a/Cpl. Price, F.V.

2. DUTIES FOR WEDNESDAY 10TH FEBRUARY 1943

ORDERLY OFFICER	Captain, L.G. Ostrom
ORDERLY SERGEANT	K/89046 a/Sgt. Jones, R.
ORDERLY CORPORAL	G/49795 a/Cpl. Scott, R.R

3. PARADES FOR TUESDAY 9TH FEBRUARY 1943

Reveille	0600 hours
Roll Call	0615 hours
Sick Parade	0630 hours
Breakfast	0730 hours
Company Parade	0830 hours
Dismiss	1200 hours
Training Parade	1345 hours
Dismiss	1700 hours
Supper	1800 hours
Retreat	2030 hours
Tattoo Parade	2200 hours
Lights Out	2215 hours

4. CANCELLATION

Part I Order No.30 d/6 Feb 43 (para 5 Vehicle Guard for Monday 8th February 1943 is hereby cancelled

5. VEHICLE GUARD FOR MONDAY 8TH FEBRUARY 1943

A/68186 Pte. Wright, F.L.
M/50168 Pte. Wigley, F.W.
B/87233 Pte. Speer, W.H.
C/28954 Pte. Wilson, J.
B/87238 Pte. Stopps, A.P.
B/113813 Pte. Smith, S.

6. VEHICLE GUARD FOR TUESDAY 9TH FEBRUARY 1943

B/67827 Pte. Schumilas, A.J.
M/66304 Pte. Royce, R.S.
G/52474 Pte. Prisk, W.
B/113584 Pte. Ryan, J.E.
C/52593 Pte. Ross, C.F.
G/52328 Pte. Webster, S.M.

7. CLOTHING PARADE

Ammunition Clothing Parade — Wednesday 17th Feb 43 1830 hrs

APPENDIX TO DAILY PART I ORDER NO. 31.
DATED 8th FEBRUARY 1943.

8. DISTRICT COURT MARTIAL:
D-126845 L/Cpl. Hartwell A.
No. 66 Tank Transporter Company R.C.A.S.C. (CA).

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Tuesday, 9th February 1943, at 10 o'clock, a.m. (EDST) for the purpose of trying by District Court-Marshall the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major H.M. Williams,
A-11 Canadian Intantry Training Centre, C.A.

MEMBERS

Capt. L.S. Pommett,
A-19 Canadian Army Service Corps Training Centre, C.A.

Capt. C.J. Wilkins,
A-28 Canadian Armoured Corps (Advanced) Training Centre, C.A.

WAITING MEMBER

Capt. E.T. Bashaw,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

PROSECUTOR

Captain W.E. Bird,
R.C.A. C.A. Headquarters Camp Borden, Ontario.

DEFENDING OFFICER

Lieutenant L. Beauchamp,
No. 4 Company A-19 R.C.A.S.C. (A)T.C.
Camp Borden, Ontario.

The Officers Commanding any other unit of detachment in Camp Borden may detail two Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will, detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to the A.A. & Q.M.G. Camp Borden, Ontario.

A.A. Garland Lieut
(A.A. Garland) Lieut.
for Officer Commanding

Certified True Copy
A.A. Garland. Lieut
Offr i/c Records
No 66 Tank Transporter Coy. R.C.A.S.C.

Mr Williams Major
Pres DCM

- OFFICERS UNDER INSTRUCTION -

Lieut. G. Portugais	R.C.A.S.C., att'd. A-19 R.C.A.S.C.(A)T.C., C.
Lieut. W. Owen	R.C.A.S.C., att'd. A-19 R.C.A.S.C.(A)T.C., C.
Lieut. S. C. Hudson	2 CATB Coy. RCASC, att'd. 2nd Cdn. Army Tank
Lieut. D. P. Bryce	R.C.A.M.C., att'd. A-22 R.C.A.M.C.T.C., C.A.
Lieut. D. W. Aitken	R.C.A.M.C., att'd. A-22 R.C.A.M.C.T.C., C.A.
Lieut. A. J. Wilson	General List, att'd. Camp Headquarters, Camp Borden
Lieut. S. C. Ritchie	E.S.R., att'd. A-10 C.I.T.C., C.A.
Lieut. J. R. Robillard	1st Bn. H & P.E. Regt., att'd. A-10 CITC, CA.
2/Lt. I.A. MacArthur	C.A.C., att'd. A-9 C.A.C.(A)T.C., C.A.
2/Lt. R.A. London	C.A.C., att'd. A-9 C.A.C.(A)T.C., C.A.

H.F.G.B.

Amu Williams Major
Pres DCM.

At 10:00 o'clock a.m., on the 9th day of February, 1943, the Court adjourned until 3:30 o'clock p.m., on the 9th day of February, 1943.

At 3:40 o'clock p.m., on the 9th day of February, 1943, the Court reassemble, pursuant to adjournment, present the same Members as when adjourned.

W.H.B.

A.M. Williams Major
Pres DCM

"I" 25

SUMMARY OF EVIDENCE

No. D-121845 a/L/Cpl. Arnold HARTWELL
No.66 Tank Transporter Company R.C.A.S.C.,
CA, Camp Borden, Ontario, charged with:-

(1) ABSENCE WITHOUT LEAVE

The Commanding Officer directs that the evidence be taken under oath.

The accused, having had his rights explained to him, in accordance with the Rules of Proceedure, the evidence is taken in his presence.

FIRST WITNESS NO. P/27921 a/Sgt. Hawkinson, E.F., No.66 Tank Transporter Company R.C.A.S.C.,CA, Camp Borden, Ontario, having been duly sworn states:-

"On the 5th October 1942 after Captain E.J.M.Hughes gave a lecture on security and informed us that we had received our movement order I visited Hut S-76-F and found that D-121845 a/L/Cpl. Arnold HARTWELL had removed his small pack and could not be found. At 1330 hours when roll was called for parade D-121845 a/L/Cpl. Arnold HARTWELL was still absent. I immediately informed the orderly room and made out an absentee report."

The accused declines to cross examine.

...Hawkinson E.F.....a/Sgt.
P/27921 Hawkinson, E.F.
No.66 Tank Transporter
Company R.C.A.S.C.,CA.

SECOND WITNESS NO. D/126796 a/L/Cpl. Roberts, W.R., No.66 Tank Transporter Company R.C.A.S.C.,CA, Camp Borden,Ontario, having been duly sworn states:-

"At 1230 hours on 10th January 1943, I was in charge of the Guard Room No.66 Tank Transporter Company R.C.A.S.C.,CA, when D-121845 a/L/Cpl. Arnold HARTWELL was turned over to my custody, with documents concerning his apprehension. I immediately placed him under close arrest, notified the Orderly Room and turned over above mentioned documents. EXHIBIT "A" is documentary evidence concerning the apprehension of D-121845 a/L/Cpl. Arnold HARTWELL, handed over to me at the time this man was placed in my custody."

The accused declines to cross examine

W.R. Roberts...a/L/Cpl.
D/126796 Roberts, W.R.
No.66 Tank Transporter Cpy RCASC.C

I

QUESTION TO THE ACCUSED

"Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything unless you wish to do so, but whatever you say or any evidence you give, will be taken down in writing, and may be given in evidence."

ANSWER BY THE ACCUSED

"I have nothing to say"

Hartwell A. a/1/Cpl.
D-121845 HARTWELL, Arnold
No.66 Tank Transporter
Company R.C.A.S.C., CA.

EXHIBIT "A", "B", "C" have been read to the accused.

Rules of Procedure 4 (c) (d) (e) and (g) have been complied with.

Taken down by me in the presence of the accused at Camp Borden, Ontario this 20th day of January 1943.

A.E. Eagles .....Lieut.
(A.E. Eagles) Lieut.
No.66 Tank Transporter Company
R.C.A.S.C., CA.

ADDITIONAL SUMMARY OF EVIDENCE

THIRD WITNESS L-7795 Sgt. COX, E.W. No. 66 Tank Transporter Company, R.C.A.S.C., CA, Camp Borden, Ontario having been duly sworn states:-

"With reference to Exhibit "D" Form M.F.B. 375 which is a certified True Copy Declaration of Court of Inquiry, I declare that this Form refers to No. D-121845 A/L/Cpl. HARTWELL, A. No. 66 Tank Transporter Company, R.C.A.S.C., CA whom I now recognize.

The accused declines to cross examine.

L-7795 Sgt. Cox E.W. Sgt.
COX, E.W. L-7795
No. 66 Tank Transporter Company,
R.C.A.S.C.

Rules of Procedure 4 (c) (d) (e) and (g) have been complied with.

Taken down by me in the presence of the accused at Camp Borden, Ontario this 6th. day of February, 1943.

.....Lieut.
(A.S. Carter)
No. 66 Tank Transporter Company, RCASC
Officer detailed to take the Summary of Evidence.

31

1

ADDITIONAL SUMMARY OF EVIDENCE

No. D-121845 A/L/Cpl. Arnold HARTWELL, No. 66 Tank Transporter Company, R.C.A.S.C., CA., Camp Borden, Ontario, charged with:-

(1) ABSENCE WITHOUT LEAVE

The Commanding Officer directs that the evidence be taken under oath.

The accused, having had his rights explained to him, in accordance with the Rules of Procedure, the evidence is taken in his presence.

A certified true copy of the Declaration of Court of Inquiry recording the illegal absence of the accused was read to him and marked Exhibit "D"

QUESTION TO THE ACCUSED

"Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything unless you wish to do so, but whatever you say or any evidence you give, will be taken down in writing, and may be given in evidence."

ANSWER BY THE ACCUSED

"I have nothing to say"

Hartwell A. .....A/L/CPL.
D-121845 HARTWELL, Arnold
No. 66 Tank Transporter Coy.
R.C.A.S.C., CA.

Exhibit "D" has been read to the accused

Rules of Procedure 4 (c) (d) (e) and (g) have been complied with.

Taken down by me in the presence of the accused at Camp Borden, Ontario this ~~xxxxxxxxxxxxxxxxxxxxxx~~ ~~xxxx~~ 2nd. day of February, 1943.

A.A. Garland .....Lieut.
(A.A. Garland)
No. 66 Tank Transporter Company,
R.C.A.S.C., CA.
Officer detailed to take the Summary of Evidence.

Exhibit "B"

A.M.W. Williams Major
Pres DCM.

DEPARTMENT OF NATIONAL DEFENCE

- ARMY -

CANADIAN PROVOST CORPS DETACHMENT, (C.A.)
Military District No. 4.

CERTIFICATE OF EVIDENCE

DATE:- January 7th, 1943. TIME:- 2000 HOURS

NAME:- L/Cpl. HARTWELL, A. REGIMENTAL NUMBER:- D-121845

UNIT:- No.66 Tank Transporter Coy. R.C.A.S.C. STATIONED AT:- Camp Borden, Ont.

OFFENCE:- Improperly dressed, impersonating a Corporal.

PARTICULARS:- At the above stated date and time the m/n soldier was apprehended at Craig St., Richmond, Que by Cpl. Laliberte. He was improperly dressed in that he was wearing a field service cap and was not wearing a great coat. He was impersonating a Corporal in that he was wearing Corporal's chevrons.

PLACE OF CUSTODY:- SHERBROOKE DETENTION BARRACKS.

FEL/... (Signed)

No. D121845 RANK Cpl. NAME Laliberte D.

No. _____ RANK _____ NAME _____

I-1
Hon Williams Major
Pres. DCM (35)

Exhibit "A"

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, D-117589 (Number) Sgt. (Rank) I. Rockman, (Name) N.C.O. 1/c Sherb. Detch. C. Prov. C. Detch. (Unit)

hereby certify that D-121845 (Number) L.Cpl. (Rank) HARTWELL, A. (Name in full)

of the No. 66 Tank Transporter Coy. R.C.A.S.C. Camp Borden, Ont. (Unit and attachment, if any)

Strike out words not applicable } was apprehended by (~~surrendered~~) D-136446 (Number) Cpl. (Rank)

LALIBERTE OF THE CANADIAN PROVOST CORPS DETACHMENT. M. D. No. 4. (Name) (Unit or appointment)

at Richmond, Que (Place) at 2000 (Hour)

on the 7th, day of January 19 43.

Strike out words not applicable } as a ~~[illegible]~~ (or absentee without leave), and that at the time of his arrest he was wearing military ~~[illegible]~~ uniform (~~[illegible]~~).

Dated at Sherbrooke, Que this 8th day of January 19 43.

(.I.Rockman,) I Rockman Sgt.
(Signature, Number, Rank, Unit or appointment)
N.C.O. 1/c Sherbrooke detachment.
Canadian Provost Corps Detachment. M.D.4.

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 116
50M—5-42 (4731)
H.Q. 1772-39-1956

PEL/...

SOLDIER OF THE ACTIVE ARMY.

EXHIBIT "D"

J-2 (3)
H.M.C. Williams Map
Pres - DCM.

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ontario on the 27th. day of October 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. D-121845 A/L/Cpl. Hartwell, A.

DECLARATION

The Court declare that No. D-121845 A/L/Cpl. Hartwell, A. No. 66 Tank Transporter Company, R.C.A.S.C., Camp Borden, Ont. illegally absented himself without leave at Camp Borden, Ontario. at 1200 hours on the 5th day of October, 1942., that he is still so absent, and that on the 27th. October, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES		VALUE	
Anklets, Web	1		58	B.D. Blouses, Serge	1	4	18
B.D. Trousers, Serge	1	4	20	Belts, Waist, Leather, Brn	1		37
Bootlaces, Prs.	1		02	Braces, prs.	1		27
Brasses, Button	1		04	Brushes, Boot Blacking	1		15
Brushes, Boot Polishing	1		15	Brushes, Button	1		14
Brushes, Cloth	1		24	Brushes, Tooth	1		09
Drawers, Cotton, Short, prs.	2		48	Drawers, Woollen, prs.	1		88
Forks, Table	1		09	Gloves, Woollen, Khaki, pr	1		44
Holdall	1		17	Jackets, Sweater	1	1	03
Knives, Clasp	1	1	16	Knives, Table	1		18
Lanyards, Clasp, Knife	1		02	Overshoes	1		90
Razors, Safety	1		39	Shirts, Flannel, Khaki	1		88
Shirts, Under, Cotton	2		60	Socks, prs.	2		54
Spoons	1		08	Towels, Hand	1		21
Braces, Left	1		36	Braces, Right	1		35
Covers, Messtin, Rectangular	1		08	Haversack	1	1	60
						$20	87

Captain L.G. Ostrom ..... President

Lieut. R.S. Belasco ..... Member

Signed at Camp Borden, Ontario

Lieut. P.K. Hanley ..... Member

this 27th day of October 19 42

Signature of Commanding Officer (G.D. Aitken) Major,

Certified true copy (A.A. Garland) Lieut.

Signature of Officer having custody of original record

M.F.B. 173
A.F.B. 112
100M—4-42 (4227)
H.Q. 1173-21-237

CERTIFIED TRUE COPY
A.A. Garland Lieut
Off. in Chg. Records
No 66 Tank Transporter Coy. R.C.A.S.C.

38

This is Exhibit "D" referred to in the Summary of Evidence in the case of No. D-121845 Pte. A/L/Cpl. Hartwell, Arnold. No. 66 Tank Transporter Company, R.C.A.S.C., CA., taken before me at Camp Borden, Ontario 2nd. February, 1943.

A A Garland Lieut

(A.A. Garland) Lieut.
Officer detailed to
take Summary of Evidence.
No. 66 Tank Transporter
Coy. RCASC, CA.

A.W. Williams Major
Pres DCM.

Captain W. E. Bird, R.C.A., C.A. Headquarters, Camp Borden, Ontario, is duly sworn, states: I submit to the Court, M.F.B. 1481, a certificate showing the costs of apprehension, which refer to the accused, L/Cpl. Hartwell, A.

(M.F.B. 1481, dated 12 JAN 42, read to the Court, marked Exhibit "K", signed by the President, and attached to the Proceedings.)

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The Prosecutor resumes his seat.

A.W.W.B

Exhibit "C"

"K"

ABSENTEES AND DESERTERS

New Glasgow N.S.

Pres - DCM.

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — Strike out word not applicable — Complete — Full description of soldier being escorted — Strike out phrase not applicable

I, Capt. H.C. Garrett, for issuing Officer, CS&TO, C.Borden, Ont
(Rank) (Name) (Unit)
hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort
to proceed from Camp Borden, Ontario to Sherebrooke, Que.,
(Place) (Place)
and return to Camp Borden, Ontario for the purpose of escorting
(Place)
D-121245 ~~PTE~~ L/Cpl. Hartwell, A.
(Number) (Rank) (Name in full)
66th Tank Transporter Coy., R.C.A.S.C.
(Unit) (Attachment, if any)
alleged to be a deserter or an absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the~~) and the cost thereof for said soldier and escort being as follows:

PARTICULARS	COST
TRANSPORTATION	
Absentee: cost of one single second class ticket.....	8.29
Escort(Sgt. Cox, E.W.) cost of one return second class ticket.....	16.58
15% Tax.....	3.75
MEALS(covered by T.W.No. B-120953)	
four meals at 75¢..... $ 3.00	
two meals at $1.00..... 2.00	
TOTAL..... $ 5.00	
TOTAL	$28.62

Dated at C.Borden, Ont. this 12th day of January A.D. 19 42

No. 2 District Coy., RCASC, Camp Borden, Ontario.

H.C. Garrett Capt.,
Signature, rank, unit, attachment (if any) and appointment of officer (issuing transport warrants) (~~and~~)

Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

Dates of warrants or transportation issued must be set out.
Cost of meals and incidental expenses must be on M.F.B. 1462

M.F.B. 1461
(20m—10-42 (1442))
H.Q. 1772-10-1431

"Y"

A.M. Williams Major
Pres. DCM.

43

M.F.R. 355
50M—9-43 (1942)
H.Q. 1772-35-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
D-121845	a/L/Cpl.	Arnold Hartwell	No.66 Tank Transporter Company RCASC,CA

1. The following is a fair and true summary of the entries in the [redacted] Company Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	A.W.L. 3	times	A.W.L. 5	times
For	Breaking Barracks 1	times	Breaking Barracks 1	times
For	Failing to appear etc. 1	times	Failing to appear etc. 1	times
For		times		times

[redacted]

or,

There are no entries in the conduct sheets of the accused.

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

[redacted]

3. The accused is not under sentence at the present time.

[redacted]

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 33 days in Air Force military custody, making a total of 33 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his [redacted] attestation paper is 21, years 9 months

6. The date of his [redacted] attestation specified in his [redacted] attestation paper 6th August 1941

7. [redacted]

8. [redacted]

9. The accused is in possession of or entitled to no [redacted] military or [redacted] military reward [redacted]. [redacted]

10. [redacted]

11. [redacted] The accused has in the Royal Canadian Regiment [redacted] Gnr

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army / Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Regiment / Unit

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 9th. day of February 1943

(G.D. Aitken) Major,
Officer Commanding,
No.66 Tank Transporter
Company R.C.A.S.C.,CA.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

M.F.M. 6
(A.F.B. 122)
100M—11-41 (2429)
H.Q. 1772-39-1502

No. D-121845 Name HARTWELL A. No. and date of last drunk } Sqn., Battery, or Company } Period not reckoning towards freedom from extra line } Corps R.C.A.S.C. Date of enlistment } 6th Aout 1941 Sheet No. G.C. Badges } Signature O.C. Company, etc. } Tradesmen's Rates of Pay } Character

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Sherbrooke	1941 13-10	Pte		A.W.L. from 2359 hrs 3-10-41 til 1900 hrs 13-10-41	Documantary Evidence	14 days detention	14-10-41	Major Bogert	11 days pay
Sherbrooke	14-12	"		A.W.L. 10 Hrs 46 Minutes	Documentary	3 days pay	16-12-41	Lt Col. Pothier	1 day Pay Auto
Sherbrooke	1-1-42			Failing to appear on parade as Fire picket and camp patrol	Cpl. McCormack W.	14 days C.B.	2-1-42	Lt Cpl Pothier	
Sherbrooke	2-1-1942	Pte		Charged of Breaking out of barracks while C.B. by punishment Sec.10 AA 59 days 16 hrs 30 mins.	Documents Sgt. Lacombe	28 days Det. Cost of app. $6.80 Automatically forfeithed 60 days of pay	30-3-42	Maj. Bogert	
Sherbrooke	21-5-42	Pte		AWL 2200 hrs 21-5-42 till 2200 hrs 27-5-42 Absent. 6 days	Sgt. Martin	24 days pay	29-5-42	Lt.Col.Mantel	Aut.Forft 6 days pay

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Sherbrooke Que	8-6-42	Pte		A.W.L. 0600 hrs 8-6-42 2200 hrs 8-6-42 Absent 16 hours	Sgt Gaguau J.L.	5 days pay	9-6-42	Lt.Col.Nantel E.J.	1 days pay aut.
				TOS A19 RCASC(A) TC Reinft Wff 11-6-42 Pt II Or # 168 d 16-6-42					
Camp Borden	17-8-42	Pte		A.W.L. from 1200 hrs 17-8-42 until 1200 hrs 19-8-42 (2 days)(A.A. Sec.15(1)	Documentary Evidence	Admonished	20-8-42	Captain L.G.Ostrom	Forfeits 2 days pay & Allowances

Certified true copy of original.

(G.D.Aitken) Major,
Officer Commanding,
No.66 Tank Transporter Coy RCASC,CA

"Z"

H.M. Williams Major
Pres- DCM.

A.M. Williams Major
Pres DCM.

BY THE DEFENDING OFFICER:- Mr. President and Members of the Court: It is my purpose to set before you the circumstances which will give meaning to the actions of this soldier which have caused him to appear before you today. I propose to bring forward facts which will prove that the accused was guided not by any purposeful reason nor by any sense of irresponsibility or again by any desire for freedom or amusement, but, rather, he was moved in his actions by a sense of responsibility to his mother at home.

This soldier has been in the Army since August of 1941. Ever since the day of his enlistment he has had to grapple with a difficult personal problem, one which makes demands on a man's loyalties, which cannot be denied. To understand his problem is to get at his motive which prompted his absence. A motive which you will find not an unworthy one. The accused was found in his home. He was in military uniform. Now, the question arises: Why was he there? Why was he staying there, and what was he doing? For many years L/Cpl. Hartwell's mother and father had been separated. It has fallen to the accused the task of supporting his mother, who has been in bed for years, and his young and siddy brother who attends school. Now, out of this situation has arisen the soldier's problem. How was he to look after his mother and brother and carry on with a normal military life? As soon as he got home on leave, the plight of his mother and younger brother with their sickness and financial troubles, prompted him to stay at home to assist and look out for his mother's security. The accused remained at home during his absence, and, gentlemen, that is just where he was found.

Now, the accused is a fully trained soldier, a first class soldier, a worthy asset to our forces. The fact that this man was a Corporal Instructor at his basic training centre, and only lost his stripes through the regulations which state a man loses his rank when he moves to an advanced training centre, and, the fact that also he was promoted to the rank of

lance corporal here, proves this statement, which I have just made, beyond a doubt. Then, as a first class soldier he should know better than to absent himself without leave. Gentlemen, rank, which entails responsibility, does not render a person blind to human emotions. In other words, a lance corporal, an "A-1" soldier, still has feelings for his home. The accused is ready to make full use of his training. He wants to go overseas. Please don't let him stay in detention.

In view of these facts, I suggest that you take advantage of this asset -- his soldiering -- by imposing a light sentence and then decide on the best procedure to be followed. I thank you.

H.F.R.B.

MEDICAL OFFICER'S REPORT

I certify that No. D/126845 a/L/Cpl. Hartwell, A.

Of.No.66 Tank Transporter Company R.C.A.S.C.,CA. is in a fit....state of

Health and fit to Undergo trial, by Court Martial.
~~Detention~~

R.F. Bentley, Capt. R.C.A.M.C.
Captain R.C.A.M.C.
Medical Officer Att. A/19RCASC(A)TC.

Station : Camp Borden, Ontario

Date : 9th Feb 43

4 Medical Unit
FEB 9 1943
R.A.F.

H.Q.C. 55-H-339 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

DISTRICT COURT MARTIAL.

HOWE, W.D. B-49390 TPR.

CONFIDENTIAL
H.Q.C. 55-H-339

CENTRAL REGISTRY	DATE	F.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(Departure for which referral cannot be expressed on one line, add minute to file and enter here "With Minute")		
MAR 5 1947	6/3/47			W & R	[illegible] FEB 5		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the allotted file number.

PASS THIS FILE IN ENVELOPE

TOP 2 mr file

IN REPLY PLEASE QUOTE
No.C.B.40-H-474(AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Camp Headquarters,
Camp Borden, Ont. 6 MAR 1943

The Secretary,
Dept. of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY ARMY
MAR 9 1943
C.B.5-H-339

DISTRICT COURT-MARTIAL
No.B-49390, Tpr.W.D.Howe,
26 Cdn.Army Tk Regt.(G&SF) C.A.,

Herewith proceedings of a District Court-Martial held for the trial of the m/n soldier, confirmation and promulgation having been duly effected.

(A.C.Spencer) Brigadier,
Commander, Camp Borden.

N.D. 22
H.Q. 1713-101-22

MEDICAL OFFICER'S REPORT

CST-24-339

I certify that No. 349590 Howe, [illegible]

of 26th A.T.R. (Q.S.T.) CAA is in a good state of health,

and fit to undergo Trial by Court martial.

[illegible] Medical Officer [illegible] (EA)

Station Camp Borden

Date 9 Feb. 1943

M. F. B. 246

179275

CANADA

IN REPLY PLEASE QUOTE
No. CB 40-H-474(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, Camp Borden,
Camp Borden, Ont. 29 NOV 43. 194

The Secretary,
Dept. of National Defence,
OTTAWA, Ont.

CONF. SEC.
DEC 1 1943
File C55-H-339
Chgd. to
Referred to J C m.

DISTRICT COURT-MARTIAL
B.49390, Tpr. W.D. HOWE,
26 Army Tk.Regt.(G&SF)C.A.

Reference H.Q.C. 55-H-339 (ICM) & H.Q. 405-H-7912, (ICM), dated 12 NOV 43.

2. Herewith are the proceedings of the m/n District Court-Martial.

3. Please be advised that the balance of the sentence of one year's imprisonment with hard labour awarded to the m/n soldier by a D.C.M. at Camp Borden on 10 FEB 43 was remitted by the Commander, Camp Borden, from and after 24 NOV 43.

4. A certificate signed by the Superintedent of the Ontario Reformatory to the effect that this remission has been promulgated to the accused is attached to the proceedings.

Noted
J.H. SLATER
Lieut.-Colonel
Member of Courts-Martial
DEC 6 1943

Noted
29/11/43

Eustace Major.
(A.C. Spencer) Brigadier,
Commander, Camp Borden.

NAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-99-767

510

Camp Borden
Headquarters
NOV 25 1943
40-H-474
File No. Date

The Commander,
Camp Borden,
CAMP BORDEN, Ont.

Sir :-

Re: ex-No.B.49390, Tpr. W.D. Howe,
26 Cdn. Army Tank Regt.(C&SF)C.A.

Please be advised that the remission of the balance of the sentence of one year's imprisonment with hard labour awarded the above-mentioned soldier by District Court-Martial at Camp Borden, Ont. on 10th February, 1943, was promulgated to the above-mentioned soldier on the 24th day of November, 1943.

Superintendent,
Ontario Reformatory,
GUELPH, Ont.

*All printed matter not applicable to the Court should be struck out by the President.

A

**Form of Proceedings for District Courts-Martial

Proceedings of a District Court-Martial held at the Court Room Camp Borden, Ontario, on the 9th day of February, 19 43, by order of Brigadier A.C. Spencer, E.D., Commander, Camp Borden, dated the 5th day of February, 19 43.

President.

Major H.M. Williams,
A-11 Canadian Infantry Training Centre, C.A.

Members.

Capt. L.S. Pommett,
A-19 Canadian Army Service Corps Training Centre, C.A.

Capt. C.J. Wilkins,
A-28 Canadian Armoured Corps (Advanced) Training Centre, C.A.

Capt. H.F.G. Bridges, Royal Canadian Artillery, C.A., attached N.D.H.Q. (J.A.G.Branch), Judge Advocate.

Trial of* No.B-49390, Trooper WILLIAM DAVID HOWE, 26 Canadian Army Tank Regt. (G&SF) C.A.

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23#

The accused is brought before the Court.

Prosecutor,† Capt. W.E. Bird, R.C.A. attached to Camp Headquarters, Camp Borden, Ontario.

defending officer† Lieut. J.J. Black, 26 Cdn Army Tank Regt (G&SF) C.A.

at 10 a.m. o'clock the Trial commences.

The order convening the Court is read, and is marked "X"; 26 Cdn Army Tk Regt. Unit Order No. 32, 8 FEB 43, detailing Pros. & Def. Officer is marked "X-1" attached.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1 *Question by the President to the accused.*

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1 *Answer by accused.*

No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

Mil. Form B. 271
30M.-7-42 (5387)
H.Q. 1772-30-224

I have satisfied myself that none of the Officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

H.M. Williams Major

The President, members and judge-advocate are duly sworn.

The following officers under instruction are duly sworn. (See attached list marked "G"

Q-2 Do you object to No.B-83584, Sgt. F.J.McGuigan, Camp Borden Det.C.M.S.C., C.A., att'd. H.Q., Camp Borden, Ont. acting as shorthand writer?

A-2 No, sir.

(No.B-83584, Sgt. F.J.McGuigan, Camp Borden Det.C.M.S.C., C.A., att'd.H.Q., Camp Borden, Ont., is duly sworn as shorthand writer.)

---See Page H for Minute of Adjournment & Reassembly.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q-3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3 Not guilty, sir. *Answer.*

Q-4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4 Guilty, sir. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded ~~Not Guilty to the first charge, and having pleaded~~ Guilty to the second charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

3

B2: A.M. Williams Major Pres - DCM.

CHARGE SHEET

The accused, B-49390, Trooper WILLIAM DAVID HOWE, 26 Canadian Army Tank Regt. (G&SF) C.A., a soldier of the Canadian Army, placed on active service, is charged with:-

FIRST CHARGE
Sec. 12 (1) (a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE:

- in that he -

At Chippawa Barracks, Niagara Falls, Ontario, on the 20th May, 1942, when in close arrest, absented himself without leave from the 26 Cdn Army Tank Regt. (G&SF) C.A., from 0030 hours on said 20th May, 1942, until apprehended by the Military Authorities at Toronto, Ontario, at 1700 hours on the 22nd January, 1943, dressed in plain clothes, cost of apprehension and return to his unit $2.34.

Total absence - 247 days, 16 hours, 30 minutes.

SECOND CHARGE
Sec. 40
Army Act.

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE:

- in that he -

at Toronto, Ontario, on the 22nd January, 1943, was improperly in possession of a National Registration Certificate, the property of No. B-48853, Trooper John James Garrow, 26 Cdn Army Tank Regt. (G&SF)C.A.

V.R. Fell Lt.-col.
(V.R. Fell, M.M.
Officer Commanding
26 Cdn Army Tank Regt.(G&SF) C.A.

26th January, 1943,
Camp Borden, Ontario.

To be tried by District Court-Martial

J. A. Conover Capt
a.a. & Q.M.G.
for Commander, Camp Borden

Signed at Camp Borden, Ont this 5th day of February 1943

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q-5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A-5 *Answer.* No, sir.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked xxxxxxxx signed by the President, and attached to the proceedings].~~

---The Prosecutor declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution. No. B-50131, Trooper (A/Cpl.) F. WRIGHT, 26 Cdn. Army Tank Regt. (G&SF) C.A.,

being duly sworn, is examined by the prosecutor.

Q-6 You are No. B-50131, Cpl. Wright, 26 Cdn. Army Tank Regiment, C.A., is that correct?

A-6 Yes, sir.

Q-7 Will you look at the accused. Do you recognize him?

A-7 Yes, sir.

Q-8 As who?

A-8 Tpr. Howe.

Q-9 Do you recall the 20th of May, 1942?

A-9 I do, sir.

Q-10 On that occasion, what was your status or what duties were you performing for your duty?

A-10 I was on provost duty, sir.

Q-11 Being on duty, what was your particular duty that day?

A-11 I was in one of the guardhouses where the prisoners are kept.

Q-12 In charge of the guard-house?

A-12 One, yes, sir.

Q-13 Do you recall the early hours of the day we have just mentioned - the 20th of May, 1942?

A-13 Yes, sir.

Q-14 Did you have any business concerning the accused on that occasion?

A-14 Yes, sir.

Q15 Will you tell the Court what that business was?

A-15 I was told.....

BY THE JUDGE ADVOCATE: Don't tell what you were told.

BY THE WITNESS: I went to the guard-house where Tpr. Howe and the other prisoners were kept and called the roll. Tpr. Howe in company with two other prisoners were missing.

BY THE PROSECUTOR:

Q-16 At what time was that?

A-16 At approximately 0200 hours.

Q-17 What day and what year?

A-17 The 20th of May, 1942.

Q-18 What did you do next?

A-18 I examined the guard-house to see where the prisonders had got out of and saw that a window had been removed and that the wooden bars on the outside had been knocked off.

Q-19 As a result of your investigations, did you find the accused?

A-19 No, sir.

Q-20 When did you next see the accused?

A-20 When he was returned to the guard-house in Camp Borden on the 23rd of January.

Q-21 Would you have been in a position to have known if he had been returned to your unit before that time?

A-21 Yes, sir.

Q-22 Did he return to your unit?

A-22 No, sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-23 Cpl. Wright, were you on provost duty during the whole time

of the regiment's stay in Chippewa?

A-23 Yes, sir.

Q-24 Did you have much business down there as far as A.W.L's. and crimes were concerned?

A-24 Yes, sir.

Q25 You had a lot of prisoners in your guard-house at all times?

A-25 Yes, sir.

Q-26 Abour how many prisoners were in the guard-house this particular night?

A-26 I don't know definitely, sir.

Q-27 Just how substantial was this guard-house - you mentioned something about slats being on the windows and just an ordinary window being removed?

A-27 It had been a garage, sir, and wooden slats had been spiked across the windows on the outside.

Q-28 There were three men got away at the same time?

A-28 Yes, sir.

---The Prosecutor declines to re-examine.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-29 When did you last see Tpr. How and where did you last see him before you found he was missing?

A-29 It was on the 19th of May, 1942, in Chippewa Barracks.

Q-30 What part of Chippewa Barracks?

A-30 In the guard-house, sir.

Q-31 About what time?

A-31 I am not definite on that, sir. It was in the evening.

Q-32 It would be in the evening before 200 hours on the 20th of May, 1942?

A-32 Yes, sir.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - -

2nd witness for the prosecution: No. B-48842, Cpl. (A/Sgt.) W. C. MUTRIE, 26 Cdn. Army Tank Regt. (G&SF) C.A., being duly sworn, is examined by the Prosecutor :-

Q-33 You are B-48842, Sgt. Mutrie, W.C., 26 Cdn. Army Tank Regt. (G&SF),C.A?

A-33 That is right, sir.

Q-34 Is that the way you pronounce your name?

A-34 Yes, sir.

Q-35 What is your status with the 26 Cdn. Army Tank Regt?

A-35 I am orderly room sgt. of the 26 Cdn. Army Tank Regt.

Q-36 Look at the accused. Do you recognize him?

A-36 Yes, sir, I do.

Q-37 As who?

A-37 As Tpr. W.D.Howe.

Q-38 Do you recall the 22nd of January, 1943?

A-38 Yes, sir, I do.

Q-39 Where were you on that occasion?

A-39 I was in Toronto, sir, on duty.

Q-40 Did you have anything to do with the accused on that day?

A-40 Yes, sir, I apprehended him.

Q-41 Would you tell the Court the events leading up to such apprehension?

A-41 On the 22nd of January, 1943, I was on duty in Toronto. I was riding on a Dupont street-car. At approximately 1700 hours, a man dressed in civilian clothes got on the car - shortly after I did. He looked familiar to me, but I didn't recognize him at the moment. When I did, which was several minutes later, I knew him to be the accused, Tpr. Howe. I went to the street-car conductor, and asked him if we were close to a police-station or whether it would pass one shortly.

BY THE JUDGE ADVOCATE:

Q-42 Just a minute. Could the accused hear this conversation between you and the street-car conductor?

A-42 No, sir.

Q-43 Well, then, don't give that.

BY THE PROSECUTOR: (resuming examination)

Q-44 That is hearsay, so you cannot relate the conversation you had with the street-car conductor unless the accused was close enough to hear the conversation. Proceed, omitting that.

A-44 When I finished my conversation with the street-car conductor, I noticed that the accused was standing on the treadle of the street-car door. We both got off the car and I went to him and put my hand on his shoulder and said: "Hello, Bill." He offered no recognition.

Q-45 Why did you say: "Hellow, Bill?"

A-45 That is his first name.

Q-46 Proceed.

A-46 We proceeded to the side-walk, and I again said: "Hello, Bill" or words to that effect. He denied who he was or whom I thought he was and I then asked him to produce his registration card. He produced one made out in the name of John Garrow.

BY THE JUDGE ADVOCATE: (to the Prosecutor) Have you the one he produced?

BY THE PROSECUTOR: Yes.

BY THE WITNESS: (continuing) .....John James Garrow.

BY THE PROSECUTOR: (resuming examination)

Q-47 Is this the registration card (indicating) that the accused produced at that time?

A-47 Yes, it is, sir.

Q-48 That is a national registration card made out in the name of John James Garrow, is that correct?

A-48 That is correct, sir.

Q-49 Do you know any person actually by the name of John James Garrow?

A-49 There is a trooper in the 26th Cdn. Army Tk. Regt. by that name.

BY THE JUDGE ADVOCATE: (to the Defending Officer) Have you any objection to this going in?

BY THE DEFENDING OFFICER: No objections.

(National Registration Card in the name of John James Garrow read to the Court, marked Exhibit "I", signed by the President, and attached to the Proceedings.)

BY THE PROSECUTOR: (resuming examination)

Q-50 You have just told the Court, I believe, that the accused produced Exhibit "I" to you when you questioned him and asked him to produce a national registration card or some identification, is that correct?

A-50 That is correct, sir.

Q-51 Then what happened?

A-51 We talked for probably a minute or two and he admitted who he was.

Q-52 When he admitted who he was, who did he say he was?

A-52 His actual words were something like this: "Cam, you have me," or words to that effect.

Q-53 He was referring to you?

A-53 Yes.

Q-54 What happened then?

A-54 I asked him to come to No. 5, Belmont police station.

Q-55 You had him apprehended?

A-55 Yes, sir.

Q-56 I show you here a document (indicating). To whom does this refer?

A-56 Tpr. W.D. Howe, sir, of the 26 Cdn. Army Tank Regt.

Q-57 That is, the accused?

A-57 Yes, the accused.

(M.F.B.375, dated 17 JUN 42, read to the Court, marked Exhibit "J", signed by the President, and attached to the Proceedings.)

Q-58 I show you another document. To whom does this document refer?

A-58 It refers to the accused, sir, Tpr. Howe, W.D.

BY THE PROSECUTOR: (to the Court) This is not a regular printed form, but it is a copy of the form. It purports to be an M.F.M. 216.

---In the opinion of the Judge Advocate and the Court, the document submitted purporting to be an M.F.M. 216 is not in the proper form and, therefore, inadmissible.

BY THE PROSECUTOR: (resuming examination)

Q-59 After you had these conversations with the accused, I think you told the Court that you apprehended him, is that correct?

A-59 Yes, sir.

Q-60 When you say you apprehended him, what do you mean?

A-60 Well, he admitted who he was, and I asked him to come to the police-station with me.

Q-61 Where did you take him?

A-61 To No. 5 police station which is commonly known as Belmont police station in Toronto.

Q-62 What happened there?

A-62 I asked the police if they would keep him there.....

BY THE JUDGE ADVOCATE:

Q-63 Was the accused present?

A-63 Yes, sir.

BY THE WITNESS: (continuing) They did as an accommodation, but they told me to get in touch with the Provost Company and have them come up and get him.

BY THE PROSECUTOR: (resuming examination)

Q-64 When you say you apprehended him, do you mean you placed him under arrest on a charge?

A-64 I did not actually say that he was placed under arrest on charges of desertion.

Q-65 I show you here a document. To whom does this refer?

A-65 It refers to the accused, Tpr. Howe, sir.

(M.F.M. 216, dated 25 JAN 43, read to the Court, marked Exhibit "K", signed by the President, and att'd to the Proceedings.)

Q-66 I show you a further document. To whom does this refer?

A-66 It refers to the accused, Tpr. W.D. Howe, sir.

(M.F.B.1481, dated 23 JAN 43, read to the Court, marked Exhibit "L", signed by the President, and attached to the Proceedings.)

Q-67 Now, coming back to the situation which you just told us about - the accused getting off the street-car in Toronto and, I think you told us that you spoke to him by his first name, and he refused to pay any attention to you by being so addressed, is that correct?

A-67 That is correct, sir.

Q-68 How was he dressed on that occasion?

A-68 He was dressed in civilian dothes. He had on an ordinary pair of trousers, and a jacket commonly kown as a wind-breaker, brown in colour, and a cap, brown in colour.

Q-69 Did you address him then by his surname to see what happened

A-69 I do not recall, sir.

Q-70 But, in any event, he failed to respond to you when you addressed him by his first name?

A-70 At first, sir, yes.

BY THE JUDGE ADVOCATE: You are leading the witness. Now, in all fairness to the accused, I don't think you should lead this witness even though the evidence is in.

BY THE PROSECUTOR: (resuming examination)

Q-71 After he had produced Exhibit "I", the National Registration card, that was made out in the name of John James Garrow, did you ask the accused any questions concerning why he had this registration card?

A-71 No, sir.

BY THE JUDGE ADVOCATE: Just a minute. I want to ask a question if you don't mind my interrupting.

Q-72 When did you intend to apprehend the accused or place him under arrest?

A-72 As soon as I remembered him. At the first opportunity without starting trouble.

Q-73 Did you give him any warning as to any conversation which might take place and might be used in evidence?

A-73 I told Tpr. Howe that anything he told me, I wouldn't repeat.

Q-74 Anything he told you, you wouldn't repeat?

A-74 Well, the reason was that I asked him some personal questions, and I said: "I won't repeat them."

BY THE JUDGE ADVOCATE: (to the Prosecutor) What I am getting at is that I don't think, in the circumstances, you should bring out any evidence of any conversation that took place without any proper warning being given because as he says, he wouldn't repeat it - it sounds like an inducement.

BY THE PROSECUTOR: Well, I wasn't aware of that until just now. That will be all.

CROSS-EXAMINED BY THE DEFENDING OFFICER:

Q-75 At what time were you riding on the street-car?

A-75 At approximately 1700 hours, sir, on the 22nd of January.

Q-76 Can you definitely state the exact time when you placed the accused under arrest?

A-76 It was on Davenport Road.

Q-77 No. I say - the exact time?

A-77 1700 hours would be within 5 minutes.

Q-78 It wasn't a very lengthy ride on the street-car?

A-78 No, sir, it wasn't.

Q-79 After he admitted his true identity, did he offer any resistance? Did he attempt to break away?

A-79 No, sir.

Q-80 Was he an agreeable prisoner?

A-80 Yes, sir, he was.

Q-81 When was the charge laid against Tpr. Howe?

A-81 On the 25th of January - the Monday following my trip to Toronto.

Q-82 There was no charge laid from the Friday night until the following Monday morning?

A-82 No, sir.

---The Prosecutor declines to re-examine.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-83 Did you ask the accused to show his registration card?

A-83 Yes, sir, I did.

Q-84 And, is Exhibit "I", the card which he produced and showed to you?

A-84 It is, sir.

QUESTIONED BY THE COURT:

Q-85 When did you make up your mind to place him under arrest?

A-85 Well, I made up my mind as soon as I saw him and identified him in my own mind.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - -

3rd witness for: The Prosecution.

No. B-48853, Trooper J. J. GARROW, 26 Cdn. Army Tank Regt. (G&SF) C.A., being duly sworn, is examined by the Prosecutor :-

Q-86 You are.....

BY THE DEFENDING OFFICER: In view of the fact that the accused has pleaded guilty to the second charge, namely, being in improper possession of a national registration card, is it necessary to have Tpr. Garrow as a witness. The Summary of Evidence will be read over; I presume his evidence will be in there. The accused had pleaded guilty to that charge, and I don't see why it is necessary to bring this witness.

---Upon the suggestion of the Prosecutor, the witness withdraws.

BY THE PROSECUTOR: (in reply) I think it is very necessary insomuch as it may be possible for the witness, if he can, to say that he never of his own accord gave this registration card to the accused - simply backing up the fact that the accused did not acquire by any proper means this registration card, and furthermore, identifying the registration card as his own.

BY THE JUDGE ADVOCATE: (to the Prosecutor) What has that to do with the charge before the Court?

BY THE PROSECUTOR: Well, the accused did produce this Exhibit "I" when asked for his registration card, and produced a card which is presumed to belong to the witness, Garrow.

BY THE JUDGE ADVOCATE: I am going to advise the Court to admit the evidence of Garrow. They don't have to take my advice, but I advise that they take the evidence of this witness -- but, not for the reason that the Prosecutor has stated. I think his evidence should be there to show the intention of the accused. We have before the Court the fact that this Exhibit "I" was found on the accused - in the name of John James Garrow. And (to Prosecutor) I take it now you are going to produce Garrow to show that this was Garrow's registration certificate, and not the property of the accused. Now, the only reason that I advise the Court that this is admissible is that it relates to the intention of the accused at the time of his apprehension, and that is the reason I would advise that his evidence be heard.

BY THE DEFENDING OFFICER: The accused has already admitted improper possession of the registration card, and we have already allowed it to go in as an exhibit without any objection as to who it belonged to. I don't see where it is necessary to have the witness examined as to establish the same facts over again.

BY THE JUDGE ADVOCATE: (to the Defending Officer) I beg to disagree with you on this point. All we have before us at the present time is the fact that the accused had in his possession a registration card - that is, a piece of paper with the name John

James Garrow on it, and nothing else. We have no evidence before this Court to show who owned that registration card. It might be a ficticious one; it might have been something different entirely. And, the only object in bringing Garrow in this time is to identify the registration card as being his registration card. You refer to the fact that the accused has pleaded guilty. We are not dealing with the other charge and it has nothing to do with this charge, and we cannot take evidence which might be used in the other charge and use it in this one. This is merely going to show what the intention of the accused was. I advise the Court that they should admit the evidence of Garrow to show whether this was his registration card or not as it relates to the intention of the accused at the time of his apprehension and what he was doing during his absence.

BY THE PRESIDENT: The Court will accept.

---The Witness, Tpr. J.J. Garrow, being recalled, and acknowledging his former oath, is examined by the Prosecutor :-

Q-87 You are No. B-48853, Trooper Garrow, J.J., of the 26 Cdn. Army Tank Regiment, C.A?

A-87 Yes, sir.

Q-88 Look at the accused. Do you know him?

A-88 Yes, sir.

Q-89 Do you recognize him?

A-89 Yes, sir.

Q-90 As who?

A-90 William Howe.

Q-91 I show you Exhibit "I". Do you recognize that document?

A-91 Yes, sir.

Q-92 What is it?

A-92 It is my registration card issued at Niagara Camp, August, 1940.

Q-93 When you say registration card, do you mean National Registration card?

A-93 Yes, sir.

Q-94 Whose signature is on that?

A-94 That is mine, sir.

Q-95 Did you ever give this registration card to the accused?

A-95 No, sir, I lost it. I reported it lost.

Q-96 That is all you knew about it until it turned up?

A-96 Yes, sir.

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - - - -

---The Prosecution has no further witnesses.

- - - - -

R.P.B.

D

The prosecution is closed.

Defence

Q-97 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A-97 *Answer.* Yes, sir.

Q-98 *Question.* Do you intend to call any other witness in your defence?

A-98 *Answer.* Yes, sir, one witness.

Q-99 *Question.* Is he a witness as to character only? *Answer.* A-99; No, sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

~~*(Where the accused does not give evidence upon oath.)*~~

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

H.A.B.

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

The Accused, No. B-49390, Trooper WILLIAM DAVID HOWE, 26 Canadian Army Tank Regt. (G&SF) C.A., being duly sworn, is examined by the Defending Officer :-

Q-100 Tpr. Howe, when did you join the Army?

A-100 June of 1940.

Q-101 How old were you at that time?

A-101 18, sir.

Q-102 What regiment did you join?

A-102 The Grey & Simcoe Foresters.

Q-103 Was it an overseas unit, or a home defence regiment?

A-103 Overseas, sir.

Q-104 What happened to that regiment since that time?

A-104 Well, we have been doing a lot of guard duty, and infantry training right up until last year.

Q-105 What parts of Canada has that taken place in?

A-105 When we were mobilized we came to Borden and we spent 10 months here, and that was taking infantry training only. Later on, we went to Toronto and I believe we were there for approximately a month and a half, and later went to Kentville, Nova Scotia, or maybe I should say, Aldershot and it was still infantry training there. Later on, we went to Milgrave and went on guard duty.

Q-106 How long did you do guard duty?

A-106 Approximately 5 months, sir. And, after that we came back to Camp Borden and we were in Borden for a month and a half, and then we went to Niagara and guarded the Chippewa Canal.

Q-107 What date would that be approximately?

A-107 I believe we went to Chippewa in March.

Q-108 So that at the time of your leaving the unit on this present charge, you had been doing guard duty for two months?

A-108 That is right, sir.

Q-109 What was your attitude towards the Army all this time?

A-109 Well, when I signed up, sir, I was expecting to go overseas and we had been told several times that the Foresters were definitely

an overseas battalion, but we never got around to anything except infantry training and guard duty, and were later made into a tank regiment.

Q-110 What was your attitude then - were you satisfied with what you were doing all this time?

A-110 Well, I wasn't very pleased with it all, sir.

Q-111 Did you have any other reasons for leaving the unit for the length of time you did?

A-111 Yes, I did.

Q-112 Would you care to tell the Court?

A-112 Well, it was a very personal reason, and it was outside of the Army. It had no bearing on the Army, and I would rather not say anything about it. I'd rather take my punishment, my full punishment, rather than have anyone else involved.

Q-113 What was your intention as far as returning to the Army was concerned?

A-113 Well, I had work to do - not exactly work, but I had something to attend to. It was very important to myself, and as soon as I had attended to it, I intended to come back.

Q-114 Was that work in connection with this other personal affair of yours?

A-114 In what way, sir?

Q-115 Was the work you had to do in relation to the other personal matter which you just mentioned?

A-115 Yes, it was, sir.

Q-116 When you went A.W.L. this time, did you have a uniform on?

A-116 Yes, sir, I did.

Q-117 What did you have on?

A-117 Battle Dress, sir.

Q-118 Did you have a beret?

A-118 Yes, sir.

Q-119 What became of that uniform?

A-119 I had it all the time I was away, sir. I had it hung

up in the room with the rest of my clothes.

Q-120 What was the address of the place where you were rooming?

A-120 60 Glengarry.

Q-121 In Toronto?

A-121 In Toronto.

Q-122 Why did you keep this uniform?

A-122 I intended to come back, sir, as soon as I could see fit.

Q-123 Did you get this uniform again?

A-123 Yes, I did, sir.

Q-124 When?

A-124 About 5 or 6 days after I returned to my unit.

Q-125 How did you receive it?

A-125 It was sent down to me. The Colonel sent a telegram asking that the uniform be sent down and a couple of days later it was received at the guard-house.

Q-126 You say it was sent down, what do you mean - from where?

A-126 From Toronto, sir - from 60 Glengarry.

CROSS-EXAMINED BY THE PROSECUTOR:

Q-127 Mr. Howe, I think you have just told the Court that prior to your going away from your unit on the 20th of May, last year, 1942, you were very fed up with the Army, is that right?

A-127 To a certain extent, sir.

Q-128 Well, what do you mean by "to a certain extent"?

A-128 Well, sir, as far as the Army was concerned, I was willing to stay in it if no personal matters came up which I had to attend to.

Q-129 Did the way you felt about the Army have anything to do with your going away?

A-129 No, it didn't.

Q-130 Nothing to do with it?

A-130 No, sir.

Q-131 In other words, so far as the Army was concerned, if nothing else had interfered, you would never have left at all?

A-131 That is right, sir.

Q-132 Now, on the 20th of May you left your unit, is that right?

A-132 Yes, sir.

Q-133 Where did you go?

A-133 I went to Toronto, sir.

Q-134 What did you do?

A-134 I got a job, sir.

Q-135 Where?

A-135 Kavanaugh Foods.

Q-136 What do they manufacture?

A-136 Puffed wheat and puffed rice.

Q-137 Where is that located?

A-137 In Toronto - Sorauren Avenue.

Q-138 What did you do there?

A-138 I was running two guns that were making the puffed wheat.

Q-139 While you were there, did you wear your uniform?

A-139 No, sir.

Q-140 You wore ordinary working civilian clothes, is that correct?

A-140 Yes, sir.

Q-141 Did you at any time, while you were away, wear your uniform?

A-141 No, sir.

Q-142 You left it hung up in your room, as you have just told the Court?

A-142 Yes, sir.

Q-143 So, at any time when you went out around Toronto, you were dressed in civilian clothes?

A-143 Right, sir.

Q-144 Are you married?

A-144 No, sir.

Q-145 Single?

A-145 Yes, sir.

Q-146 Were you living at home?

A-146 No, sir.

Q-147 Living away from home?

A-147 Right, sir.

Q-148 In all the time you were away, did you continue to work at this firm in Toronto?

A-148 No, sir.

Q-149 How long did you work there?

A-149 About 3 weeks or 4 weeks, sir.

Q-150 Then what did you do?

A-150 I went to Barker-Bredin Bakers.

Q-151 Another job?

A-151 Right, sir.

Q-152 And you worked there?

A-152 Right, sir.

Q-153 How long did you continue to work at Barker-Bredin?

A-153 Until the time that I was apprehended.

Q-154 On the day that you were apprehended, were you on a street-car?

A-154 Yes, sir.

Q-155 Where were you going?

A-155 I was going home, sir.

Q-156 Did you see a Sgt. Mutrie on that street-car?

A-156 No, I didn't, sir.

Q-157 You hadn't seen him?

A-157 No, sir.

Q-158 Whereabouts was it that you were getting off the street-car?

A-158 The corner of Davenport and Bay, sir.

Q-159 And, you have already told us that you lived at.....

A-159 60 Glengarry.

Q-160 How far is 60 Glengarry from the corner of Davenport and Bay?

A-160 I don't know exactly.

Q-161 Blocks?

A-161 No, it would be in miles, sir.

Q-162 How many miles would you think it was - 1 or 2?

A-162 It would be about 6 or 7.

Q-163 After you got off the street-car at the corner of Davenport and Bay, where did you intend to go?

A-163 I was intending to go home.

Q-164 How?

A-164 By street-car; I had to walk over from Bay to Yonge and transfer up Yonge.

Q-165 After you got off the steet-car at the corner of Davenport and Bay, you met Sgt. Mutrie, is that correct?

A-165 Yes, sir.

Q-166 What did he say to you?

A-166 He just called me Bill and he asked me where I was going.

Q-167 What did you tell him?

A-167 I told him I was going home.

Q-168 He said you made no reply when he first spoke to you, is that correct?

A-168 Yes, sir.

Q-169 Then he asked you for your national registration card, is that right?

A-169 Right, sir.

Q-170 What did you do?

A-170 I produced this one that is in exhibit now.

Q-171 Why did you produce that?

A-171 Well, I wasn't in any position right then, sir, to return to my unit, and I would have liked to have had a little more time to further finish my doings that I had started. It had to be finished up.

Q-172 And by producing that registration card in the name of Garrow, that is correct is it not?

A-172 Yes, sir.

Q-173 You hoped that Sgt. Mutrie would think that you were Garrow, is that correct?

A-173 That is right, sir.

Q-174 And, not yourself -- Howe?

A-174 That is right, sir.

Q-175 Incidentally, how did you get that national registration card?

A-175 Well, Garrow and I used to be in the same company together, sir,.....

BY THE JUDGE ADVOCATE: (to the Prosecutor) Do you think that is really relevant?

BY THE PROSECUTOR: What come out - I hope it will be.

BY THE JUDGE ADVOCATE: I don't want anything to come out that may prejudice the accused.

BY THE PROSECUTOR: I am working on the question of intention.

BY THE JUDGE ADVOCATE: Alright.

BY THE JUDGE ADVOCATE: (to the Defending Officer) Have you any objection?

BY THE DEFENDING OFFICER: It might disclose another offence.

BY THE PROSECUTOR: Perhaps if I go about it in another manner. (to the Judge Advocate) Isn't it true that any person giving evidence may give evidence that may incriminate himself.

BY THE JUDGE ADVOCATE: Not in our laws governing courts-martial. (to the Court) I would advise the Court not to let you press that question.

BY THE PRESIDENT: (to the Prosecutor) Kindly don't press that question.

BY THE PROSECUTOR: (resuming cross-examination)

Q-176 Not wanting to know how you acquired this card, I want to ask you some further questions, but I want you to be careful to leave that out. Irregardless of how you got it, what was your intentions of using that card when you acquired it?

A-176 When I went down to Toronto, I was put in such a position that you had to have a registration card to get a job.

Q-177 And so you wanted a registration card of some sort, is that right?

A-177 Yes, sir.

Q-178 And you din't want it to be known that your name was Howe, is that correct?

A-178 Yes, sir.

Q-179 And so you felt with the use of this national registration card in the name of Garrow you could be accepted and get a job as Garrow?

A-179 Yes, sir.

Q-180 Did you give the name of Garrow at the jobs you got?

A-180 Yes, sir.

Q-181 And you went by the name of Garrow?

A-181 Yes, sir.

Q-182 What did your fellow workmen call you - as a first name?

A-182 Jack, sir.

Q-183 I don't want to press you as to this matter that you were concerned about, but could you, without telling us what it is, give us some reason to believe when these conditions that you speak of might have changed so that you could, as you say, return to the Army?

A-183 I believe I could, sir. It might lead to involving someone. If I could keep that out as much as possible, I would feel a lot better.

Q-184 As far as I am concerned, you can refer to that person as "X" - with the Court's permission. (to the Court) I am not concerned about whom he is talking. I am working on the question of intention.

BY THE JUDGE ADVOCATE: The accused is here subject to examination and cross-examination and if the Court sees fit they can compel him to answer questions which you put to him. The accused is also in the position that he has the right to conduct his defence as he sees fit as well as through consultation with his Defending Officer. Now, he has made the statement that he does not wish to involve someone. I think the expression he used was "for purely personal reasons". I would advise the Court that they can compel him to answer any such questions as you should put to him, but I do

not believe the Court will have the wish that you will continue along that line of examination. He has stated that he is ready to take his punishment rather than divulge this information.

BY THE PROSECUTOR: I will not press the point.

QUESTIONED BY THE COURT:

Q-185 When did you intend to return to the unit?

A-185 As soon as possible, sir. As soon as this personal matter was straightened out. I figured within the next 3 weeks or a month.

RE-EXAMINED BY THE DEFENDING OFFICER:

Q-186 When did you join the Army - again?

A-186 In June, 1940, sir.

Q-187 At that time, did you have a registration card?

A-187 No, I didn't, sir.

Q-188 Do you know when registration cards were issued?

A-188 I believe it was in the fall of the same year.

Q-189 If you had had a registration card in your own name, would you have used that?

A-189 Yes, sir, I would have.

QUESTIONED BY THE COURT:

Q-190 Was there a registration card issued to you whilst you were in the Army?

A-190 An Army registration card.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-191 How much money were you earning while you were absent without leave?

A-191 Approximately $23.00 a week, sir.

Q-192 And you were earning that practically all the time that you were absent without leave?

A-192 All except for the time I was at this first company.

Q-193 You state that for purely personal reasons you do not wish to disclose any information. I don't mind if you do not answer this question; I am not going to press it. Did you need money to accomplish what you needed to accomplish during your absence?

A-193 Yes, sir.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - -

2nd witness for: THE DEFENCE

No. B-50856, Pte. (A/Sgt.) G. J. DAULT, 26 Cdn. Army Tank Regt. (G&SF) C.A., being duly sworn, is examined by the Defending Officer :-

Q-194 Sgt. Dault, what regiment do you belong to?

A-194 The 26th Cdn. Army Tank Regt. (G&SF), sir.

Q-195 What is your job?

A-195 Provost sgt.

Q-196 Do you know the accused in the case to-day?

A-196 Yes, I do, sir.

Q-197 As who?

A-197 Tpr. Howe, sir.

Q-198 What can you tell the Court about Tpr. Howe's uniform?

A-198 On about the 28th or 29th of January, I received a box through the post-office for Tpr. Howe coming from Mrs. J.J. Garrow, at 60 Glengarry Street in Toronto.

Q-199 Where was this box delivered?

A-199 I got the box from our regimental post-office, brought it down, and opened the box for Tpr. Howe, and in it was a complete uniform - jacket, trousers, a pair of gaiters, one pair of boots, and one beret.

Q-200 Were you Provost Sgt. when the Regiment was stationed at Chippewa?

A-200 I was, sir.

Q-201 Were there many A.W.L.'s in the Regiment at that time?

A-201 Not so very many, sir, considering the duty we were on.

Q-202 Will you explain that statement?

A-202 Well, we were at Chippewa; we were doing pretty permanent guard duty. The men were on 10 days and 2 days off, and they had

to do their own cooking and everything else.

Q-203 Were they satisfied with their lot down there?

A-203 Not very well, sir.

CROSS-EXAMINED BY THE PROSECUTOR:

Q-204 Would you mind repeating what you said concerning receiving a box of clothes? I am not sure that I got that quite correctly?

A-204 The post-man came to me and told me that there was a box in the post-office for Tpr. Howe, so I got a runner, and brought it down to the guard-room. In the box was a complete uniform - jacket, a pair of trousers, one pair of boots, a pair of gaiters, and a beret.

Q-205 I think you mentioned in your previous evidence somewheres where this came from?

A-205 From Mrs. J.J. Garrow, 60 Glengarry Street, Toronto.

QUESTIONED BY THE COURT:

Q-206 What was the address?

A-206 60 Glengarry Street, Toronto.

Q-207 Sgt., the uniform that was received back addressed to Pte. Howe, was there any markings in it to show that that uniform belonged to Pte. Howe?

A-207 No, not that I seen.

Q-208 Any regimental numbers?

A-208 No, sir, not that I noticed.

Q-209 No pencil marks on the pockets inside or anything showing that it was his uniform?

A-209 No, sir.

--- RE-EXAMINED BY THE DEFENDING OFFICER:

Q-210 Was there a Foresters' badge on the hat?

A-210 No, sir, there was no badge.

QUESTIONED BY THE JUDGE ADVOCATE:

Q-211 Did you look at it especially to see if there were any marks on it to identify it as Tpr. Howe's uniform?

A-211 No, sir, I did not. There was a telegram at the orderly room to say that that stuff belonged to Tpr. Howe.

QUESTIONED BY THE COURT:

Q-212 Did the uniform fit Tpr. Howe?

A-212 It did, sir.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The witness withdraws.

- - -

---The Defence has no further witnesses.

---The Defence is closed.

- - -

---See Page "M" for Minute of Adjournment & Reassembly.

- - -

---The Defending Officer makes a closing address. (See document marked "N", attached.)

---The Prosecutor makes a closing address. (See document marked "O", attached.)

---The Judge Advocate sums-up the case. (See document marked "P", attached.)

- - -

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused No.B-49390, Trooper WILLIAM DAVID HOWE, 26 Canadian Army Tank Regt. (G&SF) C.A., is guilty of the first charge.

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

*The Court being re-opened, the accused is again brought before it.

Evidence of character, etc.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

[Instruction.—*If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

Cross-examined by the accused.

Question to the accused.

Do you wish to address the Court? *Answer.*

The Court is closed for the consideration of the sentence.

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" is read to him again.]

The accused No.B-49390, Trooper WILLIAM DAVID HOWE, 26 Canadian Army Tank Regt. (G&SF) C.A., is found guilty of the second charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "Q", signed by the President, and attached to the proceedings.

Q-213 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A-213 *Answer.* The accused ~~in mitigation of punishment~~ says:— No, sir.

~~[or hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.]~~

H.S.B.

Instruction. * If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

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DD

H.T.B.

Q-214 Do you wish to give evidence yourself or to call any witnesses as to character? *Question to the accused.*

Answer.

A-214 No, sir.

[redacted] *xhornotar.*

H.T.B.

E²

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~Finding*~~

~~The Court is closed for the consideration of the finding.~~

~~The Court find that the accused~~

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

~~*The Court is closed for the consideration of the sentence.~~

Evidence of character, etc.

Capt. W. E. Bird, R.C.A. att'd to Camp Headquarters, Camp Borden, Ont. is duly sworn.

Q-215 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-215; Yes, I produce M.F.B. 355 and certified true copy of M.F.M. 6 of the accused.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y-Z" signed by the President, and annexed to the proceedings.

Q-216 *Question by the President.*

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-216; Yes, sir.

Q-217 *Question.*

Have you compared the contents of the above statement with the regimental books? *Answer.* A-217; I have, sir.

Q-218 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-218; They are, sir.

[Instruction.—*If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

---The Defending Officer declines to cross-examine.

---In the opinion of the Court and the Judge Advocate, it is not necessary to comply with R.P. 83 (b).

---The Prosecutor resumes his seat.

Q-219 *Question to the accused.*

Do you wish to address the Court? *Answer.* A-219; Yes, through my Defending Officer. (See document marked "R", attached.)

The Court is closed for the consideration of the sentence.

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F

Sentence

The Court sentence the accused No. B-49390, Trooper WILLIAM DAVID HOWE, 26 Canadian Army Tank Regt. (G&SF) C.A., to be imprisoned with hard labour for eighteen months, and to be put under stoppages of pay until he has made good the sum of $2.34 in respect to the costs of apprehension and return to his corps.

Sentence: IMPRISONMENT hard labour, 18 months.

STOPPAGES: $2.34

Signed at Camp Borden, Ontario, this 10th day of February, 1943.

Extracts entered as No. 8082 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 16th day of March 1943

A.M.W. Williams Major (Major)
(A-11 Canadian Infantry Training Centre, C.A.)
PRESIDENT

H.T.T. Bridges (Capt.)
H.C.A., C.A., att'd R.C.A.F. (J.A.G. Branch)
JUDGE ADVOCATE

I confirm the Finding and Sentence, but remit Six (6) months imprisonment with hard labour.

A.G.L. Spencer
Brigadier
Commander, Camp Borden

Signed at Camp Borden, Ont. this 27th day of Feb. 1943.

Promulgated and extracts taken at Camp Borden this 2nd day of March 1943.

L.H. Clark Capt
Adjutant
26 Can Army Tank Regt (G&SF) CA

No.B-49390, Trooper William David HOWE,
26 Canadian Army Tank Regt. (C&SF),C.A.

Pursuant to powers vested in me under Section 57(2) of the Army Act, I hereby remit the balance of imprisonment with hard labour awarded the marginally-named soldier, from and after the 24th day of November, 1943.

SIGNED at Camp Borden, Ontario, this 15th day of November, 1943.

(R.L. Denison) Colonel,
T/Commander, Camp Borden.

A.M. Williams Major
Pres DCM.

"X" 63

ORDERS BY

Brigadier A.C. Spencer, E.D.
Commander, Camp Borden.

Camp Borden, Ontario,
5th February, 1943.

DISTRICT COURT-MARTIAL

No. A-4513, Private Roy Clifford Lee, Brown, Royal Canadian Regiment, C.A., attached to A-10 Canadian Infantry Training Centre, C.A.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Tuesday, 9th February, 1943, at 10 o'clock, a.m., (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major H.M. Williams,
A-11 Canadian Infantry Training Centre, C.A.

MEMBERS

Capt. L.S. Pommett,
A-19 Canadian Army Service Corps Training Centre, C.A.

Capt. C.J. Wilkins,
A-28 Canadian Armoured Corps (Advanced) Training Centre, C.A.

WAITING MEMBER

Capt. E.T. Bashaw,
A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.

PROSECUTOR

The Commanding Officer of each soldier brought before the Court for trial will detail a Prosecutor for the trial of such soldier.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

JUDGE ADVOCATE

Capt. H.F.G. Bridges, Royal Canadian Artillery, C.A., attached N.D.H.Q. (J.A.G. Branch)

The Officers Commanding the following Training Centres will detail not less than two and not more than five Officers to attend the Court-Martial for instruction :-

A-8 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-9 Canadian Armoured Corps (Advanced) Training Centre, C.A.
A-10 Canadian Infantry Training Centre, C.A.
A-11 Canadian Infantry Training Centre, C.A.
A-19 Canadian Army Service Corps Training Centre, C.A.
A-22 Canadian Army Medical Corps Training Centre, C.A.

The Officers Commanding any other unit or detachment in Camp Borden may detail two Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to the A.A. & Q.M.G., Camp Borden, Ontario.

SIGNED at Camp Borden, Ontario, this 5th day of February, 1943.

(J.D. Conover)
Lieut.-Colonel
A.A. & Q.M.G., Camp Borden

H.M. Williams Major
Pres DCM.

X-1

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REGIMENTAL ORDERS
BY
LT.-COL. V.R. FELL M.M.
O.C. 26 CDN ARMY TANK REGT(G&SF) CA.
CAMP BORDEN, ONT.

PART I — 8 FEBRUARY 43 — DAILY ORDER NO. 32

151. DAILY ROUTINE TUESDAY 9 FEBRUARY 43

Reveille - 0600 hrs.
Breakfast- 0700 hrs.
Morning Sick Parade- 0730 hrs.
Morning Parade - 0800 hrs.
Afternoon Parade - 1330 hrs.
Supper - 1745 hrs.
Retreat- 1800 hrs.
Tattoo - 2200 hrs.
Lights Out - 2215 hrs.

152. DUTIES:

Duty Sqn - 8 Feb 43 "C" Sqn.

Regtl Orderly Officer- - - - - - - - - - 9 Feb 43 Lieut. J.N. Bell
Next for Duty- - - - - - - - - - - - - -10 Feb 43 Lieut. A.D.,Friend
Next for Duty- - - - - - - - - - - - - -11 Feb 43 Lieut. J.N. Bell

Duty Warrant Officer - - - - - - - - - - 9 Feb 43 S.S.M. Miller W.S.

Regtl Orderly Sgt- - - - - - - - - - - - 9 Feb 43 Sgt. Stallberg E.W.
Next for Duty- - - - - - - - - - - - - -10 Feb 43 Sgt. Thwaites G.H.
Next for Duty- - - - - - - - - - - - - -11 Feb 43 Sgt. Thomson R.J.

Regtl Orderly Cpl- - - - - - - - - - - - 9 Feb 43 Cpl. Young W.A.
Next for Duty- - - - - - - - - - - - - -10 Feb 43 Cpl. Quilty T.M.
Next for Duty- - - - - - - - - - - - - -11 Feb 43 Cpl. Nudds S.

Canteen N.C.O- - - - - - - - - - - - - - 9 Feb 43 Sgt. Lee W.B.
Next for Duty- - - - - - - - - - - - - -10 Feb 43 Sgt. Dwyer A.H.
Next for Duty- - - - - - - - - - - - - -11 Feb 43 Sgt. Lee A.F.

Duty Bugler- - - - - - - - - - - - - - - 9 Feb 43 Tpr. Burtch G.
Next for Duty- - - - - - - - - - - - - -10 Feb 43 Tpr. Burtch G.
Next for Duty- - - - - - - - - - - - - -11 Feb 43 Tpr. Burtch G.

153. TRAINING FOR TUESDAY 9 FEBRUARY 43

AS PER SYLLABUS.

154. DISTRICT COURT MARTIAL
No. B-49390, Trooper Howe, William David
26 Cdn. Army Tank Regt. (G&SF) CA.

The detail of Officers mentioned below will assemble at the Court Room, Camp Borden, Ontario, on Tuesday, 9th February, 1943, at 10 o'clock, a.m., (EDST) for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major H.M. Williams,
A-11 Canadian Infantry Training Centre,C.A.

MEMBERS

Capt. L.S. Pommett,
A-19 Canadian Army Service Corps, T.C., C.A.

Capt. C.J. Wilkins,
A-28 Canadian Armoured Corps(Advanced)T.C. C.A.

P.T.O.

DISTRICT COURT MARTIAL (Con't)

VOTING MEMBER

Capt. R.T. Bashaw,
A-8 Canadian Armoured Corps(Advanced) Training Centre, C.A.

PROSECUTOR

Capt. W.E. Bird,
R.C.A. attached to Camp Headquarters,
Camp Borden, Ontario.

DEFENDING OFFICER

Lieut. J.J. Black
26 Cdn Army Tank Reg't (G&SF) C.A.

JUDGE ADVOCATE

Capt. H.F.G. Bridges, Royal Canadian Artillery C.A., attached N.D.H.Q. (J.A.G. Branch)

The Officers Commanding any other unit or detachment in Camp Borden may detail two Officers to attend the Court-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to the A.A. & Q.M.G., Camp Borden, Ontario.

E.W. Clark Capt.
Adjutant.
26 Cdn Army Tank Regt. (G&SF)CA.

NOTICE

Notice is hereby given that all persons having claims against B-50136 Tpr. Samuel Hill late of "A" Sqn. 26 Cdn. Army Tank Regt. (G&SF) who died on Saturday, 6th Feb, 1943, are required to send particulars of the said claim and proof thereof to the undersigned Board of Adjustment on or before 1200 Hrs. Tuesday, 9th February, 1943, after which date only those claims which have been submitted will be considered.

President - Capt. S.A.H. Crossey

Members - Lieut. A.J. Symons
- Lieut. G.M. Alexander.

Committee of Adjustment.

CERTIFIED TRUE COPY
E.W. Clark Capt.
Adjutant.
26 Cdn Army Tank Regt. (G&SF)CA.

Mr Williams Major
Pro DCM

- OFFICERS UNDER INSTRUCTION -

Lieut. G. Portugais	R.C.A.S.C., att'd A-19 R.C.A.S.C.(A)T.C., C.A.
Lieut. W. Owen	R.C.A.S.C., att'd A-19 R.C.A.S.C.(A)T.C., C.A.
Lieut. S. C. Hudson	2 CATM Coy, RCASC, att'd 2nd Cdn.Army Tnk Bd.
Lieut. D. P. Bryce	R.C.A.M.C., att'd A-22 R.C.A.M.C.T.C., C.A.
Lieut. D. W. Aitken	R.C.A.M.C., att'd A-22 R.C.A.M.C.T.C., C.A.
Lieut. A. J. Wilson	Gen. List, att'd Camp Headquarters, Camp Borden
Lieut. S. C. Ritchie	E.S.R., att'd A-10 C.I.T.C., C.A.
Lieut. J. R. Robillard	1st Bn.H.& P.E. Regt., att'd A-10 CITC, C.A.
2/Lt. I. A. MacArthur	C.A.C., att'd A-9 C.A.C.(A)T.C., C.A.
2/Lt. R. A. London	C.A.C., att'd A-9 C.A.C.(A)T.C., C.A.

Mr. Williams Major
Pres DCM

At 10:10 o'clock, a.m., on the 9th day of February, 1943, the Court adjourned until 10 o'clock, a.m., on the 10th day of February, 1943.

At 10:30 o'clock, a.m., on the 10th day of February, 1943, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

- - -

J.A.R.B.

The attached is EXHIBIT 'E' referred to in the Summary of Evidence in the case of B.49390 Tpr Howe, W.D., 26 Cdn Army Tk Reg't (G&SF) C.A.

R W Clark Capt & A/Adjt.
26 Cdn Army Tk Reg't (G&SF)

44

3

NATIONAL REGISTRATION REGULATIONS

REGISTRATION CERTIFICATE

This certificate must always be carried upon the person of the registered.

Electoral District No. 189
Polling Division No. 119

THIS IS TO CERTIFY THAT

John Johnson

Living at Apt 25-3 Lark St. Ottawa Ont.

was duly registered under the above

Registration this 15 day of

J. P.

Approved
170 bus
22-1-13.
Infantry
Cov Regt
Day & Hanson Rd
Infantry

This is EXHIBIT 'A' referred to in the Summary of Evidence in the cases of B.49390 Tpr Howe, W.D., 26 Cdn Army Tk Reg't (G&SF)

L.H. Clark Capt & A/Adjt.
26 Cdn Army Tk Reg't (G&SF)

RECORD of the Declaration of a Court of Inquiry assembled at Camp Borden, Ont., on the 15th day of June 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B.49390 Trooper William David Howe, 26 Cdn Army Tk Reg't (G&SF) C.A.

DECLARATION

The Court declare that No. B.49390 Trooper William David Howe, 26 Cdn Army Tk Reg't (G&SF) C.A. illegally absented himself without leave from his unit at 0030 hours at Chippawa Barracks, Niagara Falls, Ont., on the 20th day of May, 1942, that he is still so absent, and that on the 15th June 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE	ARTICLES		VALUE
SECTION 'A'			SECTION 'D'		
Greatcoat Drab	1	12.92	Canada Badges	2	.08
SECTION 'B'			Cap Badges	1	.07
Battle Dress Blouse	1	4.64	Tank Badges	3	.24
Battle Dress Trousers	1	4.68			
Boots Ankle, prs	1	3.90	TOTAL		29.23
Drawers cotton short	1	.25			
Shirts Woollen	1	.85			
Shirts Flannel	1	.88			
SECTION 'C'					
Belt Waist Leather	1	.37			
Knife Table	1	.18			
Spoons Table	1	.08			
Fork Table	1	.09			

"C.R. Korman, Capt" 26 Army Tank Reg't (G&SF) — President

"R.C. Rutherford, Lieut" 26 Army Tank Reg't (G&SF) — Member

"N.H.V. Brown, Lieut." 26 Army Tank Reg't (G&SF) — Member

Signed at Camp Borden, Ont., this 17th day of June 1942

Signature of Commanding Officer "Ivor Wagner" Major 26 Army Tank Reg't (G&SF)

Certified true copy L.H. Clark Capt & A/Adjt. 26 Cdn Army Tk Reg't (G&SF)
Signature of Officer having custody of original record

M.F.B. 175
A.F.B. 115
100M—4-42 (4237)
H.Q. 1173-20-267

"J"
Hill Williams Major
Pres - DCM

77

This is Exibit "B" referred to in the case of B-49390 Tpr. Howe, W.D. 26 Can Army Tk Reg't (G&SF) C.A.

"K"
A.M. Williams Major
Pres. D.C.M.

R.W. Clark Capt.
Adjutant
26 Cdn Army Tk Reg't (G&SF) CA

APPENDIX TO ROUTINE ORDER NO.1877

APPENDIX "B"

Certificate in accordance with Order in Council P.C. 2797 dated 10th April, 1942, as published in General Order 127, 1942.

(Apprehension by or surrender to service authorities)

Strike out words not applicable.

I, ... Lt.-col. V.R. Feel, M.M. 26 Cdn Army Tk Reg't
~~(Number)~~ O.R.F. (Rank) (Name) (Unit) (G&SF)

hereby certify that B.49390 Tpr. William David Howe
(Number) (Rank) (Name in full)

of the 26 Cdn Army Tk Reg't (G&SF)
(Unit and attachment (if any))

was apprehended by ~~(Number)~~ O.R.F. B.48842 Sgt Mutrie, W.C.
(Number) (Rank) (Name)

26 Cdn Army Tk Reg't (G&SF)
(Unit or Appointment)

at Toronto, Ontario at 1700 hours
(Place) (Hour)

on the 22nd day of January 1943

O.R.F. as a deserter ~~(Number)~~, and that at the time of his arrest he was ~~(Number)~~ (dress in civilian clothes). O.R.F.

Strike out words not applicable.

Dated at Camp Borden Ont this 25th day of Jan 1943

O.R. Feel Lt.-col.
(signature, Number, Rank, Unit or appointment)
Comdg 26 Cdn Army Tk Reg't (G&SF)

NOTE:-Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the Officer Commanding such unit or formation and not by an officer for him.

Where the soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the Officer, Warrant Officer, or Non-Commissioned Officer in charge of such detachment.

M.F.M. 216

This is EXHIBIT 'D' referred to in Summary of Evidence in the case of B.49390 Tpr Howe, W.D., 26 Cdn Army Tk Reg't (G&SF)

ABSENTEES AND DESERTERS

Capt & A/Adj
26 Cdn Army Tk Reg't (G&SF)

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

"L"
H.W. Williams Maj
Pres DCM.

Fill in complete description

Strike out word not applicable

Complete

Full description of soldier being escorted

Strike out phrase not applicable

I, Captain D.A. Spence, Issuing Officer for D.S. & T.O., M.D. 2
(Rank) (Name) (Unit)

hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort to proceed from Toronto, Ontario (Place) to Camp Borden, Ontario (Place) and return to ..... for the purpose of escorting B/49390 Tpr. Howe, W.D., 26th Army Tank Bn. alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~the transport warrant issued~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
TRANSPORTATION	
Prisoner	
One single second class fare, Toronto, Ontario to Camp Borden, Ontario.	1.02
Escort (B/48842 Sgt. Mutrie, W.C., 26th Army Tank Bn.)	
One single second class fare, Toronto, Ontario to Camp Borden, Ontario.	1.02
TAX 15%	.30
Covered by M.D. 2 Transport Warrant No. C-41606.	
Total 2.34	$ 2.34

Dated at Toronto, Ont. this 23rd day of January A.D. 19 43.

D.A. Spence Captain
(Signature, rank, unit of officer issuing transport warrants)

Strike out ~~[illegible]~~ if not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1461
50M—12-41 (3734)
U.Q. 1772-39-1461

Mr Williams Major
Pres DCM. - M -

At 11:55 o'clock, a.m., on the 10th day of February, 1943, the Court adjourned until 1:30 o'clock, p.m., on the 10th day of February, 1943.

At 1:30 o'clock, p.m., on the 10th day of February, 1943, the Court reassemble pursuant to adjournment, present the same members as when adjourned.

-- - --

J.A.R.B.

CLOSING ADDRESS BY THE DEFENDING OFFICER: -

Mr. President and Members of the Court:- The accused, Tpr. Howe, is before you to-day charged with Desertion, under Section 12 of the Army Act. Now the charge of Desertion is a very serious charge and it is one which must be considered most carefully by the Court before they find the man guilty of Deserting His Majesty's Service. I don't need to instruct you in the fact that you need not find a man guilty of Desertion, but guilty of A.W.L. Now, the Manual of Military Law is very emphatic on the point that the Court must be fully satisfied that the accused is guilty of intending to desert. I would like you to mark that word "intending" to desert. In other words, the evidence must be almost irresistible to point to the fact that the accused intended never to return to His Majesty's Service. Now, there is a rule of evidence that every man is presumed innocent until he is proven guilty, and that means that it is up to the Prosecution to prove to you that he intended to desert, and unless they prove that beyond a shade of a doubt, you are not to find him guilty of Desertion, but to find him guilty of A.W.L. - if you think he is guilty of that. Now, as I said before, the essence of desertion is intent. Now, what has the Prosecution brought out in evidence to show this intention? First, he brought out the fact that the accused broke out of detention in Chippewa which, incidentally, I would like to question. The evidence of Cpl. Wright was not conclusive of that. He said the last time he had seen the accused was the night before and the next time he went to see the accused he had gone. Now, there is no proof that the accused is one of the three men that broke through the window and went. At least, Cpl. Wright's evidence did not establish that fact. The next point the Prosecution will likely insist upon is the length of time the accused was A.W.L. Now, that isn't conclusive proof of desertion. A man may be A.W.L. for a considerable length of time but at the same time still maintain an intention to return

to His Majesty's Service, and, in this case, Tpr. Howe has stated that he did intend to return after this personal difficulty in which he became involved - both personal and financial - was cleared up.

Then the Prosecution stressed the fact that the accused was in civilian clothes. Well, that is a point on which considerable stress is sometimes laid, but I still maintain that you can still intend to return and still be in civilian clothes. The accused had a definite job to do when he went A.W.L. He said he could only do it by getting employment and earning money to carry that out, and the only way he could do that would be to get into civilian clothes. So, I don't think you should give too much emphasis to the fact that he was picked up in civilian clothes.

Another point which the Prosecution stressed is the fact that the accused was in possession of a registration card. Well, that doesn't mean that the accused intended to desert for all time. If you wanted to stay away on a lengthy A.W.L. and get a job in civilian life to earn money, that would be one of the first things you'd need in order to get that job. It doesn't prove a permanent intention never to return. Furthermore, registration cards - there are plenty of them in the Army. I have got one. Anyone, after August, 1940, has one. And, I don't see in this case, except for the fact that it enabled the accused to get a job in civilian life, I don't see that this should have too much stress laid upon it.

That is likely what the Prosecution will use to build up a case - false registration card, wearing civilian clothes, and breaking out of detention, and also not admitting his true identity when Sgt. Mutrie arrested him. That I think is a natural reaction. He would not admit right away. He tried to get out of it somehow, but he admitted later on

who he was. And, he went to the court-house quite peacefully once his identity was established. Now, what has the accused offered to rebut this prima facie case that he intended to desert? Well, first of all, the main point is that he kept his uniform. Now, if I was going to desert the Army, never to return, one of the first things I'd do would be to rid myself of any evidence that I had every belonged to the Army. Certainly, any man who had that intention to desert, he'd certainly get rid of his clothes if at all possible. In this case, the accused didn't do that; he kept them at home, or rather, he kept them in his rooming-house, hung up in his closes. They could quite easily be seen, no doubt, by his land-lady, and that, to my mind, is a very strong presumption, and in itself almost rebuts the presumption that he intended to desert for all time.

The next point I would like to stress is that, if any one intended to desert the Army, he'd get away from this section of the country altogether. The Grey & Simcoe Foresters of which the accused is a member is a local outfit; everybody in the regiment, practically, goes to Toronto on their week-ends, and if the accused intended to desert, he would most certainly have got out to some other section of the country where he wasn't known at all. Instead, he went to Toronto. He rode around quite openly in the street-cars and sooner or later left himself open to be caught by some member of the regiment or some member of his home town where he lived.

Then, he had strong personal reasons - he did not want to divulge them. But, I think you can gatther from what has been brought out: the fact that his clothes were sent back by Mrs. J.J.Garrow - the name under which he was living in Toronto at the time - that there is a woman in the case. He doesn't want to bring that out, but he did

want to bring out enough of it to show that there was some definite reason which made him go A.W.L. And, it was a reason which when terminated - when he got enough money together - he'd come back to the Army. He said that he left the Army to fix up his financial troubles. Then, he was dissatisfied with the Army anyway. He joined early in 1940 and two years later he was doing guard-duty on the Chippewa Canalwith a unit that was supposed to go overseas practically right away when they were mobilized. And, I can assure you that that was a general feeling throughout the whole regiment. We had practically a permanent orderly room down in Chippewa, and I think we even lost an officer. And, so you can see the general feeling throughout the regiment. They got a dirty deal, and they had no compunction going A.W.L. at all. Another point, I would like to point out is the age of the accused - he is only 20 years old. He joined when he was 16. Now, that is pretty young for a lad to be up for a court-martial for desertion. Therefore, I submit that in this case, you should not find the accused guilty of desertion but should use your right under the Army Act and find him guilty of A.W.L. I don't think you can find that he had the proper intent to commit an act of desertion.

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H.V.R.B.

CLOSING ADDRESS BY THE PROSECUTOR :-

Mr. President and Members of the Court, and Sirs: The matter of desertion, as the Defending Officer has been pointing out, and I am sure you are well aware of it, the essence of it, after the other essential elements of the crime are committed, is intention. That is true. There are a few things though which I feel my duty to refresh your memory on. Desertion is one of those crimes that one never has direct evidence of or very very seldom. Perhaps, once in a very long time, some soldier is so foolish as to throw his belongings down on the floor of his kit-room and before his comrades say so and so about the Army "I am through with the Army; I am going for good." That may happen, but it is very very seldom that that ever happens. Usually, it is a question of certain relative acts happening from which you must draw inferences. Inferences to determine what the accused had in his mind, and that is what you have to ponder. Again, might I remind you that the Defending Officer, perhaps, overstated the case a bit when he said that the Crown must prove beyond a shadow of a doubt the intention of the accused to desert. Now, I think you will agree with me that that is not quite correct. Such proof must only be to the point where reasonable men can have no reasonable doubt - not a fanciful, far-fetched, theoretical, "ifs-and-ands" sort of doubt as to the intention of the accused. Now, that being the case, let us examine the circumstances of this case and the acts of the accused with the idea right along to draw inferences as to what intention he had in his mind. I submit that that is the only way that you can come to any conclusion as to what he had in his mind - his intention.

First of all, he told us himself, quite frankly, and his Defending Officer also stated, that he was fed up with the Army due to the nature of his duties. Now, I am not here to suggest to you that he didn't have, perhaps, good

grounds to feel fed up. That is not the point. The point is that he admits himself that he was fed up, and we have the uncontroverted evidence of Cpl. Wright that he did leave Chippewa and left a certain guard-room, that he had seen the accused there the night before, and when he went at 0200 hours in the morning and called the roll, the accused and two others did not answer. He made a search and they were absent, and he found a window which had been broken open, and the accused and the two others were not there. The inference is, of course, that that is how the accused left. The accused was on the stand and had every opportunity to tell you gentlemen if such was not the case. He said nothing about it. I suggest that you must accept that as the simple fact as to what happened. He was fed up and he escaped from custody and went. Just how soon, we don't know, but I think he said in evidence he very shortly went to Toronto and obtained a job. For what purpose, he didn't care to state. But, his Defending Officer has hinted slightly at what it might be. Let's leave it at that - I think we understand.

Alright; he comes to Toronto and he has told you himself with the national registration card of someone else, not his own; being specific, the national registration card of the witness Garrow, and using it, he obtains a job which he worked at for sometime, and then he shifted to another job. And, in both cases, he used this national registration card of Garrow to obtain employment under the name of Garrow, not under the name of Howe. Why did he wish to masquerade as someone else? He told us himself - so his identity as Howe would not become known. And all the time he worked and went about the city of Toronto of evenings and so forth in civilian clothes. He kept his uniform - that is true - so he says in his home in the clothes closet

Well, that is commendable, but that doesn't prove conclusively that because he kept his uniform, he intended to put it on again. There is such a thing as preparation against an emergency - if you are caught, you still have it. And, I wish to point out to the Court that the accused did nothing at all about showing to any military authority his uniform until after he was apprehended. Then, he remembered his good old stand-by - "it is home in the cupboard" - and send for it and of course, it arrives. I don't think that, from that fact, you can draw the inference of any intention to return to the Army. Again, of course, sirs, you must remember that it is probably true that most people who desert have some vague idea in their mind that, "Oh, well, some sunny day; I don't know, of course, when, but some sunny day, I'll go back." Perhaps, some idea in their minds, but no real intention. There is a difference between intention - that is, when you say to yourself "after Christmas", or whatever it may be; "on the 6th of January," or, whatever you make up your mind to, "I am going to do so and so." When you do that, it can be well said that you have an intention, but if you say, "at sometime in the future, I hope things will be better and then I will go back." No one knows except the accused and, perhaps, he wouldn't no either just when that someday was going to be. If we were to accept the accused's story that the reason, or amongst his reasons, because he told us that he was highly dissatisfied with the Army - that is one reason. And the other, that he had a personal reason. He may well have had it, and, perhaps, another good reason as an argument in mitigation - perhaps, a very fine reason. I don't know; he didn't state what it was. But, if we are allowed that sort of evidence to sway our minds, every accused could say the same thing - and if he doesn't care to tell you what it is, you have no way of knowing whether there are any elements of a genuine excuse,

and you all realize what a genuine excuse must be. An excuse that goes to mitigate is not an excuse to excuse the crime of desertion. He didn't tell us at all what it is. Therefore, I submit that that reason cannot be used as an excuse for the act that he did - desertion.

Now, we come along down to the point when he was apprehended. It is pretty clear; I don't need to dwell on that. He admits himself that he didn't respond to his name until after a certain amount of questioning, and after he had been asked for his national registration card, and he didn't have one of his own, or I must assume that he didn't have any because he didn't produce it - and he produced one of someone else's. And when he found out that that wasn't getting him anywheres, he finally admitted his own identity, showing quite clearly that he had been travelling under an alias. He admitted it himself that all the time he had been travelling under an alias, working under another name, with the intention, he admitted himself, of making everyone believe that he was Garrow and not Howe, and so placing himself in a position that military orders could not possibly reach him as laid down in the Manual of Military Law, I believe, at Page 30. So, it would seem to me, and together with the time that the accused was away - I realize fully that time, perhaps, has no great bearing on the fact of desertion. A man may desert in a very short space of time, say if he was near a sea-port and knew that an ocean liner was leaving and managed to make the gang-plank as it was being drawn up, and the liner was leaving for South America or some place or other - in five minutes he might have committed the crime of desertion. So, you will agree that the time element doesn't bear a great deal on the point, except that it does give us an idea - that eight months pass and he hasn't returned to his unit. How

are we to know how many more months are to pass? Some people might see the number of months that have passed as the sum total of the remaining time of the war. I think we should bear that in mind. That is where the time element comes in.

Now, as I said before, we have got to look at all the acts of the accused - what he did - and draw such inferences from those acts as we may. I submit those acts show only one thing - an intention to desert, and place himself in such a place, and in such a manner, that military orders couldn't get to him - desert. I leave it with you.

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H M Williams Major
Pres DCM

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SUMMATION BY THE JUDGE ADVOCATE:

Mr. President and Members of the Court:
It is not my intention to speak at any great length as I do not feel it is the duty of the Judge Advocate to dwell at too great length on a case of this kind. I would, first of all, point out to you the fact that you are full judges of both the law and the facts in this case. Insofar as the law is concerned, I may give you my interpretation of it and I may advise you of what I think the law is. You are not bound to take my advice, but although the Manual of Military Law does point out that the Court should and it is advisable to act upon the advice given to it by the Judge Advocate.

The accused is charged with desertion. If you refer to the charge sheet you will see that is charged, "When on Active Service, Deserting His Majesty's Service, in that he, at Chippewa Barracks, Niagara Falls, Ontario, on the 20th May, 1942, when in close arrest, absented himself without leave from the 26 Canadian Army Tank Regt. (C&SF) C.A., from 0030 hours on said 20th May, 1942, until apprehended by the Military Authorities at Toronto, Ontario, at 1700 hours on the 22nd January, 1943, dressed in plain clothes, cost of apprehension and return to his unit $2.34 - total absence: 247 days, 16 hours, 30 minutes." Each charge is always divided into a statement of an offence and the statement of the particulars. The statement of the particulars should disclose sufficient to support the statement of the offence. I would, first of all, direct your attention that there are in this instance different verdicts which may be arrived at by you. You, first of all, might possibly find the accused not guilty of of any crime at all insofar as this charge is concerned. Secondly, you may find him guilty of the charge of desertion. Thirdly, you may find him not guilty of the

charge of desertion, but guilty of Absence Without Leave for the period which is stated there. Or, if by any possible chance, you are not satisfied with the entire evidence as to the fact that the accused was in close arrest when he first absented himself, you might go so far as to make a special finding, that he was not guilty of desertion but guilty of absence without leave except that it was from such and such a time. I am not going to go into that; you have heard the evidence on those points. Insofar as a charge of desertion is concerned, I would direct your attention especially to para. 17, 18, and 19, on page 19 of the Manual of Military Law. These paragraphs deal with the difference between desertion and absence without leave. I would, first of all, point out to you that in a charge of desertion the criterion is the intention of the accused not to return to His Majesty's Service. And, I would also point out to you that the burden of proof always rests upon the Prosecution. The Prosecution must prove to your satisfaction, beyond a reasonable doubt as I shall mention later, that the accused did not intend to return to His Majesty's Service. It is not the duty of the Defence to prove that he did intend to return to His Majesty's Service. The burden of proof always rests upon the Prosecution. Now, in dealing with the question of desertion, if you will refer to these paragraphs, you will notice certain parts which I am going to read: "The offence of desertion or attempting to desert His Majesty's service implies an intention on the part of the offender either not to return to His Majesty's service at all, or to escape some particular important service as mentioned in para. 20." We need not refer to that. That refers to the cases where the accused is charged with Desertion after having been warned for ~~xxxx~~ a special duty and absents himself with an intent

to avoid so proceeding. That does not apply in this instance. Now, insofar as the facts of any case are concerned, we do not know what is in an accused's or any person's mind. We can only arrive at that conclusion by the surrounding circumstances. And, if you will follow in para. 18, we read as follows: "It is obvious that the evidence of intention to quit the service altogether may be so strong as to be irresistible, as, for instance, if a soldier is found in plain clothes on board a steamer starting for America, or is found crossing a river to the enemy; while, on the other hand, the evidence is frequently such as to leave it extremely doubtful what the real intention of the man was. Mere length of absence is, by itself, inconclusive as a test, for a soldier who has been entrapped into bad company through drink or other causes may be absent some time without any thought of becoming a deserter; but in the example above given of a soldier found on board a steamer starting for America, there could be no doubt of the intention, though he might only have been absent a few hours.

"Nor can desertion invariably be judged by distance, for a soldier may absent himself without leave and depart to a very considerable distance, and yet the evidence of an intention to return may be clear; whereas he may scarcely quit the camp or barrack yard, and the evidence of intention not to return (by the assumption of a disguise, for example, and other circumstances) may be complete."

I am pointing those sections of those paragraphs out for you to consider when you are arriving at your finding.

Now, as stated a moment ago, the burden of proof rests upon the Prosecution. They must prove beyond a reasonable doubt that the accused did not intend to return to His Majesty's service. Now, a reasonable doubt is the doubt of a reasonable man. It is not some fancy doubt conjured up in the mind of some fancy-thinking person. You gentlemen are

sitting here as reasonable men and, no doubt, you can arrive at your own conclusions as to what is or are, as the case may be, a reasonable doubt or doubts.

Now, let us look at the evidence. If I refer to the evidence briefly, please remember that you are not to go by any comments I may make upon the evidence. You have full and complete authority to decide upon these matters yourselves. If I make certain comments in one direction, by all means use your own version of the evidence in preference to what I may state. The surrounding circumstances in this case seem to be as follows:

The accused definitely stated and he stated on oath here that he was dissatisfied with the Army. He went absent without leave - he admits that - he admits his absence without leave. He only questions the desertion. He was absent some considerable length of time - time. He was found in civilian clothes in the city of Toronto with a registration card apparently belonging to another person. He was also working under an assumed name or under the name of the person who owned the registration card. When he was questioned just before his arrest, he tried to identify himself as one Garrow, and, finally, admitted that he was not. The accused has practically admitted all these things on the stand himself. And, then states that the reason that he did these things was for some purely special personal reason. These facts, in themselves, are for your consideration. There is, however, the additional fact that when he absented himself he only located himself in the city of Toronto, a distance of some 60 or 70 miles from Niagara Falls. That is another fact for you to consider. If he really intended to desert His Majesty's service, would he not have gone further away than merely from Niagara to the city of Toronto - to desert. The city of Toronto is

is a place which is being frequented by soldiers and former comrades of his from Camp and , no doubt, he knew, as we all know, that he eventually would be met by some of his comrades in the city of Toronto as he apparently was.

The accused himself states, and, mark you, we have not very much evidence in support of this; he himself states that it was for purely personal reasons, and I believe it was added on afterwards - of a financial nature - after I questioned him regarding his earning power when he was absent, that he was remaining away the length of time that he did, that he intended when he was in a position to fulfill certain, if I remember correctly, certain obligations. It was his intention then to return to his unit.

Now, Mr. President and Members of the Court, these are facts for you to consider. You have a task to decide whether or not he actually intended to return to His Majesty's Service. When considering your decision, please bear in mind that it is an established principle of British justice that every accused person is presumed innocent until proven guilty, and that accused person must be proved guilty beyond a reasonable doubt. If you have any reasonable doubt whatever in your mind that the accused did eventually intend to return to His Majesty's Service, then you must give him the benefit of that doubt, and find him not guilty of desertion, but guilty of absence without leave. If, on the other hand, these facts which I have mentioned do not arouse in your mind any thought of a reasonable doubt in his behalf, you will then, after giving due consideration to the rest of the evidence, come to the conclusion that he is guilty of the offence as charged, namely, that of desertion.

- - -

"Y"

H.W. Williams Major
Pres - DCM.

111

M.F.R. 358
20M—11-41 (2273)
H.Q. 1772-30-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B-49390	Trooper	William David Howe,	26 Cdn Army Tk Regt.(G&SF)CA.

1. The following is a fair and true summary of the entries in the ~~Service and General~~ Regimental ~~and Squadron, Battery~~ Conduct sheets ~~or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~Air Force Act~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months			Since enlistment or appointment		
For	AWL	2	times	AWL	6	times
For			times	Breaking Bounds	1	times
For			times			times
For			times			times

~~Number of instances of gallantry or distinguished conduct~~ ~~xx~~

~~xx There are no entries in the conduct sheets of the accused.~~

~~xx Note:- If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted ~~xx~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under xAir Force Actx Section 47 of the xArmy Actx and dispensations with trial under xA.A. 73x are not out in the Schedule annexed to this statementx~~

3. The accused is not under sentence at the present time. ~~xx~~

~~The accused at the present time is under sentence for xxxxxxxxx beginning on the xxxxxxxx xx day of xxxxxxxxxxx~~

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and ~~5 # 19~~ days in ~~Air Force~~ military custody, making a total of ~~5 # 19~~ days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 20 Years, 8 months.

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 19th June, 1940.

7. ~~The service which the accused is allowed to reckon towards discharge is~~

8. ~~The accused is entitled to reckon xxxxxxx service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward (~~or is in possession of or entitled to~~) ~~State any air force decoration or reward.~~

10. ~~(If the accused is a warrant officer.) xThe accused before he was made a warrant officer last held xAir Forcex the regimental rank of x~~

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11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank..... Unit Name.....of..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

Rue

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~27th~~ ~~9th~~ Rue ~~10th~~ Rue day of ~~January~~ February Rue, 1943. L. H. Clarke Capt. (Adjutant) 26 Cdn Army Tank Regt (Sask) CA.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

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No. B.49390 Name Howe, W.D. Sqn., Battery, or Company "B" Corps Grey & Sim Fort Date of enlistment 19-6-40 G.C. Badges Service or Proficiency Pay

Date of last entry in Company Conduct Sheet — No. and date of last drunk — Period not reckoning towards freedom from extra fine C(A)A Sheet No. Signature O.C. Company, etc. "A.T.McNabb" Capt Character

M.F.M. 6 (A.F.B. 122) 5054—11-40 (3038) H.Q. 1772-48-18

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Camp Borden	3-9-40	Pte		AWL (2 days & 8 hrs) from 2200 hrs 31-8-40 to 0600 hrs 3-9-40	C.S.M. Symons	5 days C.B.	3-9-40	Capt Nettleton	Forfeits 3 days Pay F.R.I
Camp Borden	11-10-40	Pte		AWL from 1500 hrs 11-10-40 to 0700 hrs 12-10-40	Provost Pointon	Stoppage 20 days Pay A.A.46	12-10-40	Lt.-col Rutherford	Forfeits 1 days Pay F.R.I
Camp Borden	12-4-41	Pte		Breaking bounds from 0800 hrs 12-4-41 to 2300 hrs 13-4-41	L/Cpl Yates	96 hrs Det.	18-4-41	Lt.-col Rutherford	Forfeits 4 days Pay F.R.I
Debert, N.S.	28-7-41	Pte		AWL from 0300 hrs 28-7-41 to 2000 hrs 31-7-41 and AWL from 2100 hrs 6-8-41 to 1530 hrs 7-8-41	Sgt Dault Pte Jamieson	28 days Det	14-8-41	Major Wagner	Forfeits 17 days Pay F.R.I. and forfeits 3 days Pay F.R.I
	19-12-41			Issued Furlough T.W.# A.5957					

(P.T.O.)

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Chippawa Barracks Ont	13-4-42	Tpr		AWL from 2359 hrs 13-4-42 until 2030 hrs 14-4-42 (20 hrs & 31 mins)	Tpr Jamieson	5 days Pay A.A.Sec.46	16-4-42	Col. Fell	1 days Pay F.R.I.
Chippawa Barracks Ont	2-5-42	Tpr		AWL from 2359 hrs 2-5-42 until 1615 hrs 18-5-42 (15 days, 16 hrs, 16 mins)	L/Cpl Atkinson, C.L.	28 days Det.	19-5-42	Major Wagner	16 days Pay F.R.I.

CERTIFIED TRUE COPY

Capt & A/Adjt.
26 Can Army Tk Regt (G&SF) C.A.

"Z"
A.W. Williams Major
Pres-DCM.

 A.M. Williams Major Pres DCM. "R" 115

FINAL ADDRESS BY THE DEFENDING OFFICER :-

Mr. President and Members of the Court: You have found this man guilty of one or both the charges upon which he is up to-day, and before you sentence him, I would like to bring a few facts to your attention which might serve to make his sentence a little lighter.

We have here a soldier who joined the Army in June, 1940; he was only 18 years old at the time, and really just a kid, not capable of forming any mature judgment - although once he is in the Army, he is presumed to be a man. And, the regiment in which he enlisted and which was supposed to go overseas that year was by some mischance left out of the overseas plan and they trained here in Infantry work for a long time at Camp Borden. They went to Mulgrave and did guard-duty on the coast there. Then, they went to Debert and did more infantry training there. They have been two years kicked around Canada, alternating between guard-duty and infantry training. Then, at the end of two years, we find them back at Chippewa guarding the Chippewa Canal. Now, that put a strain on a lot of the men in the Regiment. They had all joined voluntarily shortly after the war broke out and here they were, two years later, doing guard duty. I have mentioned before that we had quite a problem in our regiment at that time with A.W.L.'s - and, it was a problem! Since we have been transferred to Armoured Corps, I can tell you that our A.W.L.'s are few and far between. Once they know they are doing a useful work and they are really soldiering, all these lads have settled down - and lots of chaps with much longer crime sheets than the accused here to-day have turned out as real good soldiers and really interested in what they are doing. And so I suggest to you that last May when Tpr. Howe went A.W.L., he had lost his initial enthusiasm for the Army and ~~xx~~ he was, as he said, getting dissatisfied. Well, while that doesn't excuse him going A.W.L., it should be a mitigating factor. At

the same time, he had his own personal troubles which to him looked big on the horizon and counter-balanced against his lack of enthusiasm in Army life made him, without realizing fully the responsibility of what he was doing, go A.W.L. and get a job in civilian life. Another thing I would like to bring to your attention is that we are actually a civilian Army; all our personnel have been in civilian life up until 1939 when the War broke out, and our way of life is that we pride ourselves on our individuality. If you got a job in civilian life in which you are unhappy, our way of life allowed you to quit it without any compunction and go and get something else in which you are happy at, and that is something which you should remember when you come to sentence all these fellows - that they did join voluntarily. I don't think they appreciated what the Army meant - that once they were in they couldn't walk out, that there lives were no longer their own. They still retained that civilian complex, that they could walk out when they were dissatisfied. Now, I would like you to look at the crime sheet of Tpr. Howe. It has been read over, but I would like to emphasize more his record. Up until the time he hit Chippewa when he was doing guard duty, after two years, he had no A.W.L. longer than 3 days. His first one was 2 days. His second one was for 15 hours. His third one was for breaking bournds for a day and some odd hours. His fourth one was 3 days coupled with another one for 1 day. His fifth one was merely a matter of 20 hours. That brings us up to April of 1942. Now, that is not a bad record for two years of service in the Army. When they hit Chippewa, his crime sheet reflects what the others in the Regiment and he felt; he went A.W.L. for 15 days, and he was doing detention for that A.W.L. when he went A.W.L. this last time. Now, I think that that crime sheet tells it's own story. And, that for two years he was a pretty good soldier. Another thing I would like to bring to your attention is that long periods in detention or imprisonment are of little value.

While they are supposed to serve as a deterrent to others, I don't believe they actually do, and here we have a young chap 20 years old up for a very serious charge, and a long period of imprisonment or detention might just wreck the rest of his life. And so, I suggest that you have quite a responsibility placed upon you when you have the power placed upon you to place men in confinement for quite a length of time. And, I wish you would give him all the benefit you can and be as lenient as possible.

- - -

SHEET 1

(Note) No. 4
Accused present at Summary when evidence of witnesses was taken down in writing.

26 Cdn Army Tank Regt.(G&SF) C.A.
Camp Borden, Ontario,
26th January, 1943.

Summary of evidence in the case of B-49390 Trooper William David Howe, 26 Cdn Army Tank Regt. (G&SF) C.A. charged with:-

FIRST CHARGE - Desertion.

SECOND CHARGE - An act to the prejudice of good Order and Military Discipline.

The Commanding Officer directs that all evidence be taken upon Oath.

FIRST WITNESS:

No. B-50131, Tpr. (A/Cpl.) F. Wright, 26 Cdn Army Tank Regt. (G&SF)C.A., having been duly sworn, states:-

I was on duty at Chippawa Barracks, Niagara Falls, Ontario, on the 20th May, 1942. We had two guard houses and prisoners were kept in both of them. I was in one of the guard-houses when Corporal Hodgins came to me at approximately 0200 hours, 20th May, 1942, and told me that Trooper Howe and two other prisoners had escaped. I went to the guard-house where they had been held and checked the rest of the prisoners. I called the roll and found that the accused, Trooper Howe did not answer to his name. I made a search and found that he was absent. I saw that the window had been removed and the slats nailed across the outside had also been removed. I did not see Trooper Howe again until after he had been apprehended in Toronto, Ontario, and returned to his Unit. If he had been with his Unit, I would have known it.

The accused declines to cross-examine the witness.

Sgd. F. Wright A/Cpl.

SECOND WITNESS:

No. B-48842, Cpl. (A/Sgt.) W.C. Mutrie, 26 Cdn Army Tank Regt. (G&SF) C.A., having been duly sworn, states:-

I am Orderly Room Sergeant of the 26 Cdn Army Tank Regt. (G&SF)C.A., from which the accused Trooper Howe, W.D. went absent without leave. On the 22nd January, 1943, I was in Toronto, Ontario, on duty. I was riding on a Dupont Streetcar. A man dressed in civilian clothes got on the streetcar. He looked familiar to me but I could not remember who he was for a few minutes. When I did remember I knew it was the accused Trooper Howe, W.D. who was absent without leave from this Unit. I went to the streetcar conductor and asked him if the streetcar passed a Police Station. He told me that the streetcar had just passed one. When I had finished my conversation with the Conductor, I went to return to my seat but noticed that the accused, Trooper Howe W.D., was standing on the treadle of the streetcar. The Conductor stopped the streetcar and we got off. I called the accused, Tpr. Howe, W.D., by his first name

SECOND WITNESS
Continued.

but he gave no apparent recognition. I then asked him for his Registration Card and he produced a card belonging to one, John James Garrow. We talked for several minutes longer and he finally admitted his identity as Trooper Howe, W.D. I then took the accused to No. 5 Belmont Police Station. The Police at the Station offered to hold the accused, Tpr. Howe, W.D., until such time as the Provost could come up and get him. I phoned the Provost and they came up and got him and took him to the Custody Barracks at Stanley Barracks, Toronto. I stayed overnight in Toronto. I obtained a warrant at Headquarters, M.D. #2 and brought Trooper Howe, W.D. back to his Unit lines and turned him over to the Regimental Provost. Trooper Howe, W.D. offered no resistance during the time hewas in my custody.

I submit as Exhibit "A" M.F.B. 375, a record of the Declaration of a Court of Inquiry regarding the absence without leave of the accused, Trooper Howe, W.D. I also submit as Exhibit "B", M.F.M. 216 showing Certificate of Apprehension of the accused. I further submit as Exhibit "C" a letter from No. 31 Coy. C.P.C. showing the accused, Trooper Howe, W.D. being turned over to them. I further submit as Exhibit "D" M.F.B. 1481, being particulars of the cost of transportation of the accused. I also submit as Exhibit "E" a National Registration Certificate of John James Garrow, 1845 3rd. Avenue East, Owen Sound, Ontario, dated 15th August, 1940.

Sgd. W. Exton A/Sgt.

The accused declines to cross-examine the witness.

THIRD WITNESS:

No. B-48853, Trooper Garrow, J.J., 26 Cdn Army Tank Regt. (G&SF) C.A., having been duly sworn, states:-

I was issued with a Registration Certificate at Niagara Camp on the 15th day of August, 1940. On joining the army in November, 1940, I still had the Registration Certificate with me. I was never asked to hand it in. In July 1941 at Debert, Nova Scotia, I made a report to Lieut. Watkinson that I had lost my Registration Card which I had received at Niagara Camp in 1940. He then issued me with an Army Registration Certificate. I have not seen this Registration Certificate until it was shown to me by Sgt. Mutrie on the 25th January, 1943. I swear that the signature on the Registration Certificate is that of myself, and that Exhibit "E" is the Registration Certificate which was issued to me at Niagara Camp in August, 1940.

Sgd. J. J. Garrow Tpr.

The accused declines to cross examine the witness.

SHEET 3

No. B-49390, Trooper William David Howe, 26 Cdn Army Tank Regt. (G&SF) C.A. the accused herein.

"Do you wish to make any statement or to give evidence upon Oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give, will be taken down in writing and may be used in evidence."

ANSWER BY THE ACCUSED:

"I have nothing to say at the present time".

The accused declines to call any witnesses on his behalf.

Sgd. W D Howe Tpr.

Rules of Procedure 4 (C), (D), (E), (F), and (G) have been complied with.

I certify that all exhibits have been read to the accused.

Taken before me in the presence of the accused at Camp Borden, Ontario, this 26th day of January, 1943.

L W Clark Capt.
A/Adjutant.
26 Cdn Army Tank Regt. (G&SF) C.A.

H.Q.C. 55-H-339,(ICM)
H.Q. 405-H-7912,(ICM)

OTTAWA, November 12th, 3

The Commander,
Camp Borden Military Camp,
CAMP BORDEN, Ontario.

District Court-Martial
H.49390, Tpr. W.D. HOWE,
26th Army Tank Regt. (G.S.F.) C.A.

1. With reference your C.B. 40-H-474,(AJAG) dated 8 November 1943, herewith enclosed, as per your request, the proceedings of the m/n District Court-Martial.

2. When same have served your purpose, might they please be returned to this Headquarters.

(H.F.G. Letson)
Major-General,
Adjutant-General.

LHC:WS.

H.Q. 405-H-7912,(ICM)
H.Q.C. 55-H-339,(ICM)

OTTAWA, November 5th, 3.

The Commander,
Camp Borden Military Camp,
CAMP BORDEN, Ontario.

Re: B.49390, Tpr. W. D. HOWE
20th Army Tk. Regt. (C.A.P.) C.A.

With reference to your C.B.40-A-474, (A.J.A.G.) dated 12th July 1943, this Headquarters is now of the opinion that it would be in order to remit the balance of the sentence of imprisonment, with hard labour, awarded to the m/n soldier on 9th February 1943.

If you have the power to remit, under section 57(2) of the Army Act, it is presumed you will take the necessary action to effect such remission.

(H.F.G. Letson)
Major-General,
Adjutant-General.

LHC:WS.

REVIEW OF SENTENCE

DATE: 21st July 1943

H.Q.C. FILE: 55 H-339, (ICM)

1. NO. RANK AND NAME: B.49390, Tpr. W. D. HOWE.
2. UNIT AT DATE OF OFFENCE: 26 Can. Army Tank Regt. C.A.
3. AT PRESENT ON STRENGTH OF: Do M.D. Camp Borden
4. SENTENCE OF COURT: 18 months I.H.L. DATE: 9th February 1943
5. CONFIRMED SENTENCE: 12 months I.H.L. DATE: 27th February 1943
6. BEING SERVED AT: Ontario Reformatory, Guelph, Ont.
7. OFFENCES: 12-1-(a),

8. STATEMENT OF ACCUSED: " Joined overseas unit but doing guard duty and Infantry training in Canada for past two and a half years. Dissatisfied. Went AWL for a very personal reason, outside of Army. Rather not say anything about it and take full punishment than have anyone else involved. Had something important to myself to attend to and then come back. Single not living at home. Worked. Had false registration card to get a job. Another three months to straighten out personal affairs. Needed money for it. Earning $23.00 a week.

9. PREVIOUS CONDUCT: Enlisted: 19/6/40 Age: 20 yrs. 8 mos.

AWL 5

Break barracks, 1

(over)

CENTRAL REGISTRY INC. Army
CONF. SEC.
File C 55-H-339
Chgd. to
Referred to

REPORT ON CONDUCT

H. Q. C. 55- H-339, (ICM), 194 .

To:- Secretary,
Department of National Defence,
Ottawa, Ontario.

1. Soldier under sentence	B.49390, Tpr. W. D. HOWE,
2. **PLEASE STATE:-**	
(i) Date of sentence	Feb 10/43. Camp Borden, Ont
(ii) Sentence	18 mos with remission of 6 mos.
(iii) Date you received soldier	Mar 4-43.
(iv) (a) Can soldier read and write?	Yes. Yes.
(b) Religion	R. C.
(c) Married, widower, single	Single.
(d) What Army trade has soldier?	
(v) (a) Conduct of soldier	Good
(b) Industry of soldier	Good.
(c) Remission earned:-	
(i) Number of days actually earned.	27 days.
(ii) Number of days obtainable to date.	27. days.
(vi) Medical Officer or Surgeon's report on physical and mental condition; if soldier is ill, should state:-	Good physical and mental health G A Mellow
(a) Whether imprisonment or detention will seriously aggravate soldier's condition.	
(b) Whether further confinement is likely to prove fatal.	
(vii) (a) Whether in your opinion conduct of soldier warrants remission of balance of sentence?	Yes.
(b) Moral effect confinement has had?	Good.
(viii) Date term will expire if all remission earned from now on. Dec 19-43.	

Signature G. M. Wright Secretary of Board
for Governor

Date of Report. July 23-43.

100-6-43-(MD-2479)

CANADA

IN REPLY PLEASE QUOTE
No. CB 40-H-474(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters,
Camp Borden, Ontario,
24 JUL 43. 194

146788

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
CONF. SEC.
File C55-H-339
Chgd. to
Referred to JCM

District Court-Martial
B-49390, Tpr. HOWE, W.D.
26th Army Tank Regt.

Reference H.Q.C. 55-H-339 (ICM), dated 22 JUL 43, herewith are the proceedings of the m/n court-martial, together with MFM 288, completed in accordance with C.A.R.O. 3241.

2. In view of the fact that the m/n unit is no longer within this Command, it is impossible to have Part IX of the form completed.

A.C. Spencer

(A.C. Spencer) Brigadier,
Commander, Camp Borden.

NAT. DEF. B. 440
1 Million—10-42 (6636)
H.Q. 1774-30-787

REVIEW OF SENTENCES AWARDED BY COURTS-MARTIAL

PART I

Case of B-49390 (Number) Trooper (Rank) HOWE, William David (Name in full)

26th Army Tank Regt., C.A. (Unit) (Attachment (if any))

Sentenced to 12 months imprisonment with hard labour

on 8 FEB 43 at Camp Borden, Ontario

being served at Ontario Reformatory, Guelph, Ontario (Name of Military Detention Barracks or Civil Prison)

Age on, and date of, enlistment 21 years - 19 JUN 40 (as per MFB 355)

Medical grade or category A-1

FIRST TRIAL—PART II

To Adjutant-General (Superior Military Authority)

For details of offences see Part VII.

I have directed that the above-named be ~~not~~ committed to undergo his sentence, which I recommend should ~~not~~ be ~~(suspended) (put into execution)~~ ~~(reviewed on~~ remitted (date)) for reasons given in paragraph X.

Place Camp Borden, Ontario

Date 24 JUL 43

A.C. Spencer (Confirming Authority)

(A.C. Spencer) Brigadier, Commander, Camp Borden.

PART III

For C.O.'s remarks, see Part IX.

I direct that the sentence (which I hereby commute to .....)

of which I remit .....) (be suspended) (be put into execution)

(and) be reviewed on .....

Place .....

Date ..... (Superior Military Authority)

(For action on review, see Part VI)

SECOND TRIAL—PART IV

To ..... (Superior Military Authority)

For details of offences, see para. VIII. For C.O.'s remarks, see para. XII.

This man was again convicted on ..... and sentenced to ....., and I have directed that he shall (not) be committed to undergo his sentence, which I recommend should (not) be (suspended) (put into execution) and run (concurrently) (consecutively) with the previous sentence for the reasons given in paragraph XIII.

Place .....

Date ..... (Confirming Authority)

M.F.M. 288
(Army Form A-3104)
1034—5-43 (330)
H.Q. 1772-39-2013

Part V

I direct that the sentence (which I hereby commute to.....)

(of which I remit.....) (be suspended) (be put into execution)

and that it run (concurrently) (consecutively) with the previous sentence of.....

..... (and) be reviewed on.....

Place.....

..... Superior Military Authority

Date.....

Part VI

ACTION ON REVIEW

All recommendations, etc., considered upon review, should be pasted here.

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks
30/7/43	B.F. for review on 1/11/43	S. H. Clayton Capt. Adjutant General for Superior Mil. Auth.	

Part VII—First Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Signature of officer making entry		

Part VIII—Second Trial

Charge or Charges giving Particulars	Date of Offence	Date of Trial
Signature of officer making entry		

Part IX

C.O.'s REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date		Signature

Part X

CONFIRMING OFFICER'S REMARKS AND RECOMMENDATIONS ON FIRST TRIAL

Date		Signature
24 JUL 43	As Superintendent of Ontario Reformatory states his conduct is good, I recommend remission of balance of sentence vide CB 40-A-474(AJAG) 12 JUL 43	A.C. Spencer (A.C. Spencer) Brigadier, Commander, Camp Borden.

Part XI

SPACE FOR FURTHER REVIEW

Date	Directions	Signature and appointment of Authority giving the directions	If sentence suspended, actual date of release and marks earned to count towards remission and signature of Governor of Civil Prison or O.C. Military Detention Barracks

H.Q.C. 55-H-339, (ICM).
Your file C.B.40-H-474.

OTTAWA, July 22nd, 3.

Commander,
Camp Borden, Ontario.

District Court-Martial
B.49390, Tpr. W. D. HOWE,
26th C.A.Tk. Regt. G&SF), C.A.

With reference to the proceedings of the m/n District Court-Martial, enclosed herewith, please have the provisions of C.A.R.O. 3241 complied with in respect of same, and the proceedings and M.F.M. 268 returned to this Headquarters.

(H.F.C.Letson),
Major-General,
Adjutant-General.

LHC:WS.

I.C.M. - C

DEPARTMENT OF NATIONAL DEFENCE
- ARMY -

H. Q. C. 55-H-339, (ICM),
OTTAWA, July 22nd, 1943

Superintendent,

Ontario Reformatory,

Guelph, Ontario.

R.49399, W. D. HOME,

1. Herewith "Report on Conduct" form in respect of the marginally-noted soldier who is serving, in your institution, a sentence of 12 months imprisonment with hard labour awarded by a District Court-Martial on the 9th, day of February 1943.

2. Please complete said form and forward same BY RETURN MAIL addressed to the Secretary, Department of National Defence, Ottawa, Ontario.

W. Dollins

Deputy Minister (Army).

100-6-43 (M-2477)

H.Q.C. 55-H-339

June 18th, 1943.

Commander,
Camp Borden , Ont.

District Court-Martial
B-49390 Tpr. Wm.D. Howe,
26th C.A. Tk. Regt. (C&W) C.A.

Receipt is acknowledged of your C.B. 40-H-474 (AJAG), dated June 15th, 1943, returning the proceedings of the marginally named District Court Martial. It is noted that no remission of sentence has been made in this case.

(R.J. Orde) Brigadier,
Judge Advocate-General.

LF/LM

Noted
L.H. Clayton
L.H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial

JUN 20 1943

135467

CANADA

IN REPLY PLEASE QUOTE
No. C.B.40-H-474
(AJAG)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters,
Camp Borden, Ont. 15 JUN 1943

CENTRAL REGISTRY Army
CONF. SEC.
C55-H-339
JUN 17 1943
File
Chgd. to
Referred to JAG

The Secretary,
Dept. of National Defence,
OTTAWA, Ontario.

District Court-Martial,
B-49390, Tpr.Wm.D.Howe,
26th C.A.Tk. Regt. (G&SF),C.A.

Reference H.Q.C.55-H-339 (JAG) dated 28th May, 1943, enclosing proceedings of the marginally-noted District Court-Martial with respect to an application by the marginally-named for a remission of sentence.

2. The Commander, Camp Borden, does not consider this to be a proper case for remission of sentence at the present time and the said proceedings are, accordingly, returned to you,herewith enclosed.

(A. C. Spencer) Brigadier,
Commander, Camp Borden.

NAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-29-767

H.Q.C.85-H-339 (JAG)

May 28th, 1943.

The Commander,
Camp Borden Military Camp, Camp Borden, Ont.

Re: District Court-Martial,
B.49390, Tpr. William David Howe,
26th C.A.Tank Regiment (G&SF), C.A.

1. Enclosed herewith you will find letter from the District Officer Commanding, Military District No. 2, dated 30th April 1943, which was addressed to this Headquarters in error. Also enclosed you will find copy of a letter written by the marginally-named man, together with the proceedings of the marginally-noted District Court-Martial.

2. May the proceedings be returned to this Headquarters when they have served your purpose.

LF/MM

Brigadier,
Judge Advocate-General.

H.Q.C.55-H-339 (JAG)

May 5th, 1943.

District Officer Commanding,
Military District No. 2,
Toronto, Ont.

District Court-Martial
B-49390, Tpr. William David HOWE,
26th C.A. Tank Regiment (G&SF) C.A.

1

Receipt is acknowledged of your T-20-H-3046 (AJAG), dated 30th April, 1943, enclosing copy of a letter dated 13th April, 1943, from the marginally-named ex-soldier, together with the proceedings of the marginally-named District Court-Martial.

2. Due note has been taken that this man was sentenced by a District Court-Martial at Camp Borden, and a copy of the letter addressed by you, has been referred to the Commander Camp Borden.

Brigadier,
Judge Advocate-General.

LF/MAV

2

A.J.A.G (Army)
Returned, as per telephone conversation of to day's date
J. H. Clayton
Capt.
I. C. M.

27/5/43.

T-20-H-3046
(AJAG)

3.

30th April,

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

CONFIDENTIAL

The Commander,
CAMP BORDEN,
Ontario.

The Secretary, (FOR INFORMATION)
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
B-49300, Tpr. William David HOWE,
26th C.A. Tank Regiment (G&SF) C.A.

The marginally-noted ex-soldier has written to this Headquarters requesting Remission of Sentence imposed by District Court-Martial. The proceedings have been secured from National Defence Headquarters and it now appears that this man was Sentenced by District Court-Martial at Camp Borden on 5th February, 1943.

2. Accordingly there is enclosed herewith copy of the letter dated 13th April, 1943, received from the marginally-noted ex-soldier, and the proceedings of the marginally-noted trial by District Court-Martial, for such actio as you consider appropriate.

(C.F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

C O P Y

ONTARIO REFORMATORY
Guelph, Ont.

Dear Sir :- Apr. 13, 1943.

I am writing this letter as a plea for a remission of Sentence. I was sentenced to one year of hard labour for Desertion.

I signed Active Service in June 1940 with the Grey & Simcoe Foresters. After being two years in Canada & not getting overseas or into any action whatsoever except guard duty I was very discouraged. I have received my discharge from the Army but I would still like the opportunity to fight for my country. I know that I made a great mistake when I left the Army and I would like to make up for it by joining the Merchant Marine. I have never been introuble before and would like to make quarter time. I am sincere when I say I would like to join the Merchant Marine because I know that manpower is scarce and I would like to do my part to help win this War.

If you could help me, sir, I would be forever in your debt and I would live up to the allegiance I signed in 1940. Hoping to hear from you real soon, I remain,

Sincerely yours,
Tpr. W.O. Howe,
B-49390 (G. & S.F.).

123953

IN REPLY PLEASE QUOTE
No. T-20-H-3046
(AJAG)

DEPARTMENT OF NATIONAL DEFENCE

CANADA

ARMY

30th April, 1943.

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

CENTRAL REGISTRY ARMY
CONF. SEC.
C55-H-339
Jag.

CONFIDENTIAL

The Commander,
CAMP BORDEN,
Ontario.

The Secretary, (FOR INFORMATION)
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
B-49390, Tpr. William David HOWE, - 339
26th C.A. Tank Regiment (G&SF) C.A.

The marginally-noted ex-soldier has written to this Headquarters requesting Remission of Sentence imposed by District Court-Martial. The proceedings have been secured from National Defence Headquarters and it now appears that this man was Sentenced by District Court-Martial at Camp Borden on 5th February, 1943.

2. Accordingly there is enclosed herewith copy of the letter dated 13th April, 1943, received from the marginally-noted ex-soldier, and the proceedings of the marginally-noted trial by District Court-Martial, for such action as you consider appropriate.

(C.F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

NAT. DEF. B. 440
1 Million—10-41 (9602)
H.Q. 177-29-267

CONFIDENTIAL

K.G.C. 55-H-339(A.D.1a)

OTTAWA, Ontario, 21st April,

3.

District Officer Commanding,
Military District No. 2,
TORONTO, Ontario.

B. 49390 Tpr. HOME, W. D.
26th Army Tank Regiment.

Reference T. 20-H-3046, attached hereto are District Court-Martial proceedings as requested.

2. May they be returned as soon as they have served their purpose.

(H.F.G. Letson)
Major-General,
Adjutant-General.

AMS/EML

1/05-H-7912

IN REPLY PLEASE QUOTE
No. T-20-H-3046
(AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

15th April 1943.

Headquarters, Military District No.2.
159 Bay Street, Toronto, Ontario.

Officer i/c Records
A. G. Branch
APR 16 1943
Nat. Defence Hqrs.
Ottawa, Canada.

Secretary,
Department of National Defence,
OTTAWA, Ontario.

B.49390, Tpr. Howe, W.D.
26th Army Tank Regiment,

May it be ascertained, please, whether the marginally-noted soldier was sentenced to one year imprisonment with hard labour for Desertion, by District Court-Martial and if so, may the Proceedings of such Court-Martial be forwarded for consideration. There does not appear to be any record of this Court-Martial at this Headquarters.

(C.F.Constantine)
Major-General
District Officer Commanding,
M.D.2

NAT. DEF. B. 440
1 Million—10-42 (8656)
H.Q. 1772-39-767

H.Q.C.55-H-339(JAG)

March 18, 1943.

The Commander,
Camp Borden, Ont.

Re: DISTRICT COURT-MARTIAL.
H.43390, Tpr. W. D. HOWE,
26 Cdn. Army Tk. Regt. (G.S.F) C.A.

Receipt is acknowledged of your C.B.40-H-474(AJAG), dated the 6th March, 1943, under cover of which you forwarded for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. It appears that the Finding is supported by the evidence and the Sentence legal, and accordingly the Proceedings are retained for custody.

Brigadier,
Judge Advocate-General.

EBB/S.

H.Q. C. 55-H-339
M.D. C.B.40-H-474

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-49390 Name HOWE, W.D.

Rank Tpr. Unit 26 CDN. ARMY TANK REGT. (G&SF) C.A.

Charge (1) SEC. 12 (1)(a) AA DESERTING H.M.S.

(2) SEC. 40 AA CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

Date of Crime (1) 20/5/42 (2) 22/1/43

Date of Arrest 22/1/43 Charge. Signed 26/1/43

Orders for D.C.M. COMMANDER CAMP BORDEN MILITARY CAMP

Place and Date of Trial Camp Borden, Ontario 9/2/43

Sentence 18 MONTHS IMPRISONMENT WITH HARD LABOUR STOPPAGES $2.34

Date of Confirmation 27/2/43

Date of Promulgation 2/3/43

Entered in Records of J.A.G. as No. 8082

Date 16/3/43

MEMO

6 MONTHS IMPRISONMENT REMITTED BY CONFIRMING AUTHORITY

for Judge Advocate-General.

3M-12-42(M1754)

MEDICAL OFFICER'S REPORT

I certify that No. 349390 Howe W. D

of 26th ATS (QaSS) is in a good state of health,

and fit to undergo Trial by Court martial.

Medical Officer

Station Camp Bowie

Date 10 February 1943

M. F. B. 246
25M—9-41 (1745)
H.Q. 1772-39 480

COUNTER NUMBER 55492

HOUR 1545

OPERATOR'S INITIALS aw

RELIEVING OPERATOR MG

H.Q.C. 55-11-340

DEAD

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

RIGGS, A. L.8685 FILE.

DEAD

CONFIDENTIAL
H.Q.C. 55-11-340

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and refer here, 'With Minute')		
	28/2/43	B		File	Place on File	C.P.	2/3/43
MAR 2 3 1943	3/3/43	B.F.	Wm I.	A.D.	Note & P.A	Ellis	19/3/43
				A.D.	PER B. SEP 23 1943		
				J.A.G.	Your B.F. file	J.B.	24.9.43
SEP 24 1943	25/9/43	P.A.		J.A.G.	Your B.F. file		24-9-43
MAR 8 - 1944	3-3-44	P.A.		J.A.G.	For Revision C.R. MAR 3 1944		

DEAD

DEAD

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the assigned file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-340(JAG)

March 19, 1943.

District Officer Commanding,
Military District No. 13,
CALGARY, ALBERTA.

Re: DISTRICT COURT-MARTIAL.
No. L.8685, Pte. Reginald HIGGS,
A20 C. A. S. C. T.C., C.A.

Receipt is acknowledged of your C.36-H-2543, dated the 5th March, 1943, under cover of which you forwarded for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. It appears that the Finding is supported by the evidence and the Sentence legal, and accordingly the Proceedings are retained for custody.

Brigadier,
Judge Advocate-General.

EBB/S.

H.Q. C. 55-H-340
M.D. C. 36-H-2543

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. L.8685 Name HIGGS, R.

Rank Pte. Unit A.20 C.A.S.C., T.C., C.A. M.D. #13 CA

Charge (1) SEC. 12 (1)(a) AA DESERTING H.M.S.

(2) SEC. 12 (1)(a) AA Do

(3) SEC. 12 (1)(a) AA Do

(4) SEC. 22 AA WHEN IN ARREST, ESCAPING

(5) SEC. 24 (2) AA LOSING BY NEGLECT

Date of Crime (1) 16/3/42 (2) 18/9/42 (3) 24/10/42 (4) 4/2/43 (5) 8/2/43

Date of Arrest (1) 10/9/42 (2) 29/9/42 (3) 1/2/43 Charge. Signed 10/2/43

Orders for D.C.M. D.O.C. M.D. #13

Place and Date of Trial Red Deer, Alberta 15/2/43

Sentence DETENTION 1 YEAR STOPPAGES $115.36

Date of Confirmation 2/3/43

Date of Promulgation 4/3/43

Entered in Records of J.A.G. as No. 8070

Date 15/3/43

MEMO

E. R. Bury Capt
for Judge Advocate-General.

3M-12-42(M1754)

Refile
0

IN REPLY PLEASE QUOTE
No. C.36-H-2543

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, M. D. 13
Calgary, Alberta 5 Mar 1943

CONFIDENTIAL

REGISTERED

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY Army
MAR 11 1943
File
Chgd. to
Referred to

DISTRICT COURT-MARTIAL
No. L.8685, Pte. Reginal Higgs,
A20 C. A. S. C. T.C., C.A.

Reference the attached Proceedings of a District Court-Martial, on the trial of the above named soldier.

1. The Proceedings of this Court have been reviewed at this Headquarters, and it has been observed that:

(a) The deficiencies in the particulars of the fifth charge in the Charge Sheet should have been set out in accordance with amendment 20 to the Handbook on Courts-Martial.

(b) The Court having decided that a Document is receivable, and having received and marked it as an exhibit should not comment on it. (Pages 7,8 and 15).

(c) It would have been preferable had the first witness stated what portions of the amount expended in telegrams be detailed and the correct amount be apportioned to each charge.

(d) The Court should not have permitted the Prosecutor to lead his witness (Page 19).

(e) In form M.F.B. 375, Exhibit "I" the unit of the Commanding Officer should have been inserted.

(f) The letters "C.A." should have been inserted after the unit of the soldier on Form M.F.M. 215 (Exhibit "L") and the constable should have signed in the appropriate place.

(g) Each item in form M.F. B. 1481 (Exhibit "N") should have been dated and the letters "C.A." should have been inserted after the unit of the Officer who completed the form and after the unit of the soldier. The notation below the items ahsould not have been inserted on the document.

(h) In form M.F.B. 1482 (Exhibit "O") the letters "C.A." should have been inserted after the Unit of the N.C.O. and each item should have been dated.

M.F.B. 239
1000M—6-41 (125)
H.Q. 572-29-184

(i) In Form M.F.B. 1481 (Exhibit "U") the items should have been detailed to show the amount of the return fare and of the single fare.

(j) In Form M.F.B. 1482 (Exhibit "W") the item should have shown the dates which the meals were eaten.

(k) On Form M.F.B. 375 (Exhibit "II") the unit of the Commanding Officer should have been given below his name.

(l) The notation "A soldier of the Active Army" should have been inserted on M.F.M. 215 (Exhibit "KK") below the signature of the constable.

(m) In M.F.B. 1481 "Exhibit "MM") the unit of the officer should have been properly set out, followed by the letters "C.A." and the letters "C.A." should have been inserted after the unit of the soldier.

(n) The item on Form M.F.B. 1481 should have been broken down to show the amount of the single fare and of the double fare.

(o) There is no evidence to support many of the statements of the Defending Officer in his closing address.

(p) In the Summary of Evidence:

i. Each document as produced should have been lettered as an exhibit, and after each production there should have been a notation that the document was marked Exhibit " " and attached to the Summary of Evidence.

ii. It is preferable that in giving evidence as to deficiencies, the witness give the details of the articles deficient in the same manner as they should have been set out in the Charge in accordance with Amendment 20 the Handbook.

iii. After the answer of the Accused to the formal question, there should have been a notation such as "The accused declined to call any witnesses", if such were the fact.

(q) Had due care been exercised, in the preparation of Part II Orders, it would not have been necessary to promulgate so many amendments.

2. The foregoing observations have been brought to the attention of the Officers concerned, for their future guidance.

3. The time between the return of the soldier to his unit (5 Feb 43) and the date of the Convening Order (12 Feb 43) is 7 days. The time between apprehension and trial is 14 days.

4. It is not considered that the Proceedings are in any way invalid, and have been confirmed and promulgated. They are now forwarded for registration, custody and safe-keeping.

W. Shepard Capt.
(F. M. W. Harvey) Brigadier,
D. O. C. M.D. 13

MEDICAL OFFICER'S REPORT

I certify that No. L.8685, Private REGINALD HIGGS A20 Canadian Army Service Corps of Training Centre, C.A. in a fit state of health, and fit to undergo Trial by Court martial.

Captain, R.C.A.M.C.
Medical Officer
Attached A20 C.A.S.C.T.C., C.A.

Station Red Deer, Alberta.

Date 15th February, 1943.

M. F. B. 246
25M—6-43 (4744)
H.Q. 1772-39 600

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Red Deer, Alberta on the 15th. day of February 19 43 by order of Brigadier F.M.W. Harvey, V.C., M. C. Commanding Military District No. 13 dated the 12th. day of February 19 43

President.

Lieut.-Col. N. D. Dingle, E.D., No. 13 District Depot, C. A.

Members.

Major E. F. Morton, A. 20 Canadian Army Service Corps Training Centre, C. A.

Capt. A. F. Tulloch, A.20 Canadian Army Service Corps Training Centre, C. A.

, ~~Judge Advocate.~~

Trial of* No. 1.8685, Pte. Reginald Higgs, A.20 Canadian Army Service Corps Training Centre, C.A., M. D. 13 C. A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that ---------- is not available to serve owing to~~

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. x

The accused is brought before the Court.

Prosecutor,† Lieut. D. D. Darling, A. 20 Canadian Army Service Corps Training Centre, C. A.

~~Counsel‡ or~~ defending officer† Lieut. R. A. Briggs, A. 20 Canadian Army Service Corps Training Centre, C. A.

At 10.10 o'clock the Trial commences.

The order convening the Court is read, and is marked "Exhibit X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused.

Q. 1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused.

A. 1 No, sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

x I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

President, N.C.O.

Mil. Form B. 271
10M—8-40 (5715)
T.Q. 1772-39-234

B

The President, members ~~and judge-advocate~~ are duly sworn.

The following officers under instruction are duly sworn. See attached list marked "C"

Q. 2 Do you object to No. M. 41155, Pte. (A/S/Sgt.) John McMann, No. 13 Detachment Corps of Military Staff Clerks, C. A. acting as shorthand writer?

A. 2 No, sir.

No. M. 41155, Pte. (A/S/Sgt.) John McMann, No 13 Detachment Corps of Military Staff Clerks, C. A. is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Question to the accused.

Q. 3 Are you guilty or not guilty of the [first] charge against you, which you have heard read?

A. 3 Not guilty.

Answer.

Question.

Q. 4 Are you guilty or not guilty of the second charge against you, which you have heard read?

A. 4 Not guilty.

Answer.

Question.

Q. 5 Are you guilty or not guilty of the third charge against you, which you have heard read?

A. 5 Not guilty.

Answer.

Question.

Q. 6 Are you guilty or not guilty of the fourth charge against you, which you have heard read?

A. 6 Not guilty.

Q. 7 Are you guilty or not guilty of the fifth charge against you, which you have heard read?

Answer.

A. 7 Guilty.

The accused having pleaded Guilty to the fifth charge, the provisions of Rule of Procedure 35 (B) are here complied with.

Instruction. If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge.

Exhibit "B2"
Thomas Day 11.6.6
Pers

CHARGE SHEET

The accused, No. L.8685, Pte. Reginald Higgs, A20 Canadian Army Service Corps Training Centre, C. A., Military District No. 13, C.A., a soldier of the Canadian Army, placed on active service, is charged with:-

First Charge
Sec. 12 (1) (a)
Army Act

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

At Red Deer, Alberta, at 2130 hours on 16th. March, 1942, absented himself from A20 Canadian Army Service Corps Training Centre, C.A., until apprehended at North Battleford, Saskatchewan, by the civil police at 1000 hours on the 10th. day of September, 1942, dressed in plain clothes, the cost of his apprehension and return to his corps being $36.58.

Second
Charge
Sec. 12(1)(a)
Army Act

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

at Red Deer, Alberta, at 1630 hours, on 18th. September, 1942, when in arrest, absented himself from A20 Canadian Army Service Corps Training Centre, C.A., until apprehended at North Battleford, Saskatchewan, by the civil police at 1800 hours on 29th. September, 1942, dressed in plain clothes, the cost of his apprehension and return to his corps being $33.26.

Third
Charge
Sec.12(1)(a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he

at Red Deer, Alberta, at 0735 hours, on 24th. October, 1942, when in arrest, absented himself from A20 Canadian Army Service Corps Training Centre, C.A., until apprehended at North Battleford, Saskatchewan, by the civil police at 1320 hours on 1st. February, 1943, dressed in plain clothes, the cost of his apprehension and return to his corps being $32.92.

Fourth
Charge
Sec. 22
Army Act.

WHEN IN ARREST, ESCAPING

in that he

at Royal Park, Alberta, at approximately 0620 hours, on 4th. day of February, 1943, when proceeding under escort to A20 Canadian Army Service Corps Training Centre, C.A., broke away from his escort and escaped.

Fifth Charge
Sec. 24(2)
Army Act

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

in that he

at Red Deer, Alberta, on 8th February, 1943, was deficient of the following articles, viz:-

1 Pr.	Anklets, Web	$ .58
1 Pr.	Boots, Ankle	4.10
1 Pr.	Gloves, Woollen Khaki	.59
1	Jacket, Khaki Drill	2.34
1 Pr.	Overalls, Trousers	1.67
2	Shirts, Khaki Flannel	2.52
1 Pr.	Socks, Woollen	.27
1 Pr.	Braces	.32
1	Brushes, Boot Blacking	.15
1	Combs, Hair	.04
1	Badges, Cap, "RCASC"	.06
2 Pr.	Badges, "Canada"	.06
1	Badges, Shoulder Worst. Emb.	.10
1	Shirts, Cotton Khaki S/S	.95
1	Towels, Hand	.23
		$13.98

W. Cooper
(W. Cooper),
Major,
Officer Commanding,
A20 Canadian Army Service Corps
Training Centre, C.A.,
Military District No. 13, C.A.

RED DEER, ALBERTA
10th February, 1943.

To be tried by District Court Martial.

H O Greer colonel
~~A A Q M G~~
for D.O.C. MD XIII.

Calgary Alberta
11th February 1943

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 29 (A)) Question.

*Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Q. 8

Answer.
A. 8 No, sir.

The prosecutor makes an opening address [~~hands in a written address, which is read, marked -------, signed by the President, and attached to the proceedings.~~] See document marked "H" attached.

The prosecutor proceeds to call witnesses.

First witness for prosecution. } Capt. A. F. Phelan, A. 20 Canadian Army Service Corps Training Centre, C. A.,

being duly sworn, is examined by the prosecutor.

Q. 9 Will you please identify yourself to the Court, and produce any documents you have relative to this case.

A. 9 I am Capt. Arthur F. Phelan, Adjutant of A.20 Canadian Army Service Corps Training Centre, C. A. I identify the accused, No. L.8685 Pte. Reginald Higgs, A.20 Canadian Army Service Corps Training Centre, C.A., and produce the following documents:

M. F. B. 375, certified true copy of the Declaration of the Court of Inquiry.

(M. F. B. 375 is read, marked "Exhibit I", signed by the President and attached to the proceedings.)

Court: I think probably your rank should have followed your name on this document, Capt. Phelan.

Witness: Part II Order No. 88, Red Deer, Alberta, dated the 13th. of April, 1942.

(Certified true copy of Part II Order No. 88, dated the 13th. of April, 1942, is read, marked "Exhibit J", signed by the President and attached to the proceedings.)

Court: It is $48.00, I notice, not $49.00 that the Court declared.

Prosecutor: There is an amending order, sir.

Witness: Part II Order No. 34, Red Deer, Alberta, dated the 8th. of February, 1943, amending Part II Order No. 88, dated the 13th. of April, 1942.

(Certified true copy of Part II Order No. 34, dated 8th. February, 1943, is read, marked "Exhibit K", signed by the President and attached to the proceedings.)

I produce M. F. M. 215, Certificate of Apprehension.

(M. F. M. 215 is read, marked "Exhibit L", signed by the President and attached to the proceedings.)

Court: There is no 'C,A,' after the unit, I notice. There should be.

Witness: Part II Order No. 223, dated the 16th. of September, 1942.

(Certified true copy of Part II Order No. 223, dated 16 September, 1942, is read, marked "Exhibit M", signed by the President and attached to the proceedings.)

I produce M. F. B. 1481, Absentees and Deserters, Transportation only, amounting to $25.88.

(M. F. B. 1481 is read, marked "Exhibit N", signed by the President and attached to the proceedings.)

Court: "Recoverable from the pay of" I think we probably determine that, and not the Assistant D. S. and T. O. at Regina.

Witness M. F. B. 1482, Absentees and Deserters, Incidental Expenses, amounting to $10.70.

(M. F. B. 1482 is read, marked "Exhibit O", signed by the President and attached to the proceedings.)

Court: There is no 'C.A.' after Provost Company. I don't know if they are 'C.A.' or not, apparently not.

Witness: Part II Order No. 226, Red Deer, Alberta, dated the 19th. of September, 1942.

(Certified true copy of Part II Order No. 226, dated 19 September, 1942, is read, marked "Exhibit P", signed by the President and attached to the proceedings.)

Part II Order, No. 229, Red Deer, Alberta, dated the 23rd. of September, 1942, amending Part II Order No. 226, dated the 19th. of September, 1942.

(Certified true copy of Part II Order No. 229, dated 23 September, 1942, is read, marked "Exhibit Q", signed by the President and attached to the proceedings.)

Part II Order No. 239, Red Deer, Alberta, dated the 3rd. of October, 1942.

Defending Officer: I can't find any rule asto allowing them to amend all these things, but it seems highly wrong that they should be allowed to amend and amend and amend for the purposes of a charge to be laid on.

Court: Well, the Part II Orders are made evidence of the facts therein contained. However, it seems very bad practice - I agree with you - but they are made evidence of the facts therein contained

and they are acceptable.

(Certified true copy of Part II Order No. 239, dated 3 October, 1942, is read, marked "Exhibit R", signed by the President and attached to the proceedings.)

Witness: Part II Order No. 242, Red Deer, Alberta, dated the 7th. of October, 1942.

Defending Officer: This is again an amendment - an amendment to Part II Order No. 226.

(Certified true copy of Part II Order No.242, dated 7 October, 1942, is read, marked "Exhibit S", signed by the President and attached to the proceedings.)

Witness: M. F. M. 215, Certificate of Apprehension.

(M. F. M. 215 is read, marked "Exhibit T", signed by the President and attached to the proceedings.)

Court: With all these documents and amendments I always feel that the poor accused cannot have the foggiest idea of what is going on.

Witness: M. F. B. 1481, Absentees and Deserters, Transportation Only, amounting to $20.43.

(M. F. B. 1481 is read, marked "Exhibit U", signed by the President and attached to the proceedings.)

M. F. B. 1482, Absentees and Deserters, Incidental Expenses, amounting to $5.45.

(M. F. B. 1482, in the amount of $5.45, is read, marked "Exhibit V", signed by the President and attached to the proceedings.)

M. F. B. 1482, Absentees and Deserters, Incidental Expenses, amounting to $5.00.

(M. F. B. 1482, in the amount of $5.00, is read, marked "Exhibit W", signed by the President and attached to the proceedings.)

Defending Officer: Before the exhibits are accepted, I might object that the certificates produced total $30.88, whereas the second charge reads "$33.26".

Court: They are already marked as exhibits.

Defending Officer: I can't object to any particular one because I am not able to prove the actual expenditure, but the certificates submitted speak for themselves and show a total of $30.88, whereas the

amount charged is $33.26.

Prosecutor: Mr. President, I beg to explain that it will come later on. My first witness will explain that the cost of telegrams is also included, which will satisfy the defence, sir, I think.

Court: Very well.

Part II order No. 257, Red Deer, Alberta, dated the 24th. of October, 1942.

(Certified true copy of Part II Order No. 257, dated 24 October, 1942, is read, marked "Exhibit GG", signed by the President, and attached to the proceedings.)

Part II Order No. 277, Red Deer, Alberta, dated the 17th. of November, 1942.

(Certified true copy of Part II Order No. 277, dated 17 November, 1942, is read, marked "Exhibit HH", signed by the President and attached to the proceedings.

M. F. M. 375, Declaration of the Court of Inquiry.

(M. F. B. 375 is read, marked "Exhibit II", signed by the President and attached to the proceedings.)

Part II Order No. 278, Red Deer, Alberta, dated the 18th. of November, 1942.

(Certified true copy of Part II Order No. 278, dated 18 November, 1942, is read, marked "Exhibit JJ", signed by the President and attached to the Proceedings.)

M. F. M. 215, Certificate of Apprehension.

(M. F. M. 215 is read, marked "Exhibit KK", signed by the President and attached to the proceedings.)

Part II Order No. 34, Red Deer, Alberta, dated the 8th. of February, 1943.

(Certified true copy of Part II Order, No. 34, dated 8 February, 1943, is read, marked "Exhibit LL", signed by the President and attached to the proceedings.

M. F. B. 1481, Absentees and Deserters, Transportation Only, amounting to $4.21.

(M. F. B. 1481, amounting to $4.21, is read, marked "Exhibit MM"

signed by the President and attached to the proceedings.)

Court: There is no 'C.A.' here after the unit, I note.

Witness: M. F. B. 1481 Absentees and Deserters, Tranportation Only, amounting to $20.43.

(M. F. B. 1481, amounting to $20.43, is read, marked "Exhibit NN" signed by the President and attached to the proceedings.)

M. F. B. 1482, Absentees and Deserters, Incidental Expenses, amounting to $1.75.

(M. F. B. 1482, is read, marked "Exhibit OO", signed by the President and attached to the proceedings.)

I also certify that the amount of $7.53 was expended in telegrams relative to the apprehension and return of No. L. 8685, Pte. Reginald Higgs.

I identify the accused, No. L. 8685, Pte. Reginald Higgs, as the person to whom these documents relate.

Cross-examined by the Defending Officer.

Q. 10 With regard to Charge No. 2, Exhibits 'U', 'V' and 'W' show a total of $30.88, and the Second Charge reads that the man is being charged with $33.26. Would it be in order to bring that down to only the sum of $30.88 rather than $33.26?

A. 10 No, that would be made up by telegrams, of which I have given evidence.

Q. 11 But taking Exhibits 'MM', 'NN' and 'OO', and your statement of an expenditure of $7.53 - they add up to $32.92 as charged in the third charge.

Court: We will adjourn for ten minutes to give you an opportunity to iron out the difficulties as to these costs of apprehension.

At 1135 hours on the 15th. of February, 1943, the Court adjourned until 1145 hours on the 15th. of February, 1943.

On the 15th. of February, 1943, at 1145 hours the Court reassemble pursuant to adjournment, present the same members as when adjourned.

Court: Have you arrived at any agreement with respect to the costs of apprehension on the second charge?

Prosecutor: The documents bear out the second charge, but there is a difference of $1.38 in the third charge, the reason being that when the documents were submitted to higher authority for vetting, the amount of $1.38 incurred for meals for escort at North Battleford was drawn up by persons not subject to military law and therefore we couldn't make a charge against the man for that amount, $1.38.

Court: And you had no proof of the $1.38 being expended?

Prosecutor: That's right, sir.

Court: Then that will make the amount $32.92 less $1.38, that is $31.54?

Prosecutor: That's right, sir.

Cross-examination of Capt. A. F. Phelan continues.

Q. 12 Capt. Phelan, do you know the civilian occupation of the prisoner?

A. 12 No, I don't know.

Q. 13 Do you know whether his documents show that he joined the Army voluntarily or was he drafted?

A. 13 That I wouldn't care to say without looking at his documents.

Q. 14 You haven't any documents here to find out?

A. 14 No,and I couldn't say without any.

The Prosecutor declines to re-examine.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The witness withdraws.

Second Witness for Prosecution : No. M. 33944, Pte. (A/L/Cpl.) R. H. Engman, A.20 Canadian Army Service Corps Training Centre, C. A., being duly sworn is examined by the Prosecutor.

Q. 15 Will you please tell the Court your name, your number and what you are employed at in the Training Centre?

A. 15 No. M. 33944, Pte. (A/L/Cpl.) Engman, R. H. I am employed at A. 20 Canadian Army Service Corps Training Centre.

Q. 16 Can you identify the accused?

A. 16 Yes, sir.

Q. 17 Will you have a look at him and tell us his name?

A. 17 That is Pte. Higgs, sir. (Looking at the accused.)

Q. 18 Now, just take your time and tell us what you have to tell in connection with this charge against the accused.

A. 18 I was sent from A.20 at Red Deer to North Battleford as escort duty on the 3rd. day of February, 1943, and at North Battleford - the accused I recognized - he is Pte. Higgs - and at North Battleford I took the accused under close arrest at North Battleford, Saskatchewan, to Red Deer, Alberta, training centre, and on the Canadian National train I had the accused at 2130 hours on the 3rd. day of February on the Canadian National Railway. The accused and I left - .

Court: Who left? You had better question him, Mr. Darling.

Q. 19 Engman, did you leave North Battleford, Saskatchewan?

A. 19 Yes, sir.

Q. 20 On what date?

A. 20 The 3rd. day of February, 1943.

Q. 21 Did you leave alone?

A. 21 No, sir, with the accused, Pte. Higgs.

Q. 22 You left with Pte. Higgs?

A. 22 Yes, sir.

Q. 23 Was he or was he not under close arrest?

A. 23 He was under close arrest.

Q. 24 How did you leave North Battleford?

A. 24 On the Canadian National Railway.

Q. 25 On what date did you leave North Battleford?

A. 25 On the 3rd. day of February, 1943.

Q. 26 Did anything happen between the time you left North Battleford, Saskatchewan, until the time you arrived with the accused in Red Deer?

A. 26 Yes, sir.

Q. 27 Where did this happen?

A. 27 At Royal Park.

Q. 28 What happened?

A. 28 He escaped from my custody.

Q. 29 About when - what time and date?

A. 29 0610 hours on the 4th. of February, 1943.

Q. 30 Exactly what transpired - what happened?

A. 30 Well, sir, I had went to sleep, sir, and when I woke up about two miles from Vegreville - I woke up and noticed he was gone, and I told the conductor - .

Q. 31 We are not interested in what you told the conductor, just go onwith your story.

A. 31 When the train stopped I phoned the Mounted Police at Vegreville.

Questioned by the Court.

Q. 32 As a result of the phone call, what happened?

A. 32 The Mounted Police came and we couldn't find him where he had jumped off. I went back to Edmonton and they wired back on that day that they had caught him at a restaurant in Vegreville.

Court: How does this witness know that?

Prosecutor: It is my understanding that it is not necessary to prove the apprehension, - just the escape.

Examination by the Prosecutor continued.

Q.33 All,right, Corporal, answer this question, how was the accused dressed when he escaped?

A. 33 Both hands were handcuffed, sir, and I took the shoe laces off his shoes, and he had no cap on.

Q. 34 But how was he dressed?

A. 34 He had an Army tunic, sir, and a pair of overalls, bib overalls,and civvy shoes.

Cross-examined by the Defending Officer.

Q. 35 When the accused left the train, what time of day was that?

A. 35 On the 4th. day of February.

Q. 36 What time?

A. 36 0610 hours.

Q. 37 What were you doing at that time?

A. 37 I was sleeping.

Q. 38 What type of weather was it?

A. 38 It was fair, it wasn't very cold.

Q. 39 It was below zero?

A. 39 Oh, yes, sir, it was.

Q. 40 And the accused left the train with low shoes on?

A. 40 Yes, sir.

Q. 41 And no shoe laces?

A. 41 No, sir.

Q. 42 He left with a tunic on?

A. 42 Yes, sir.

Q. 43 And do you know what underwear he was wearing?

A. 43 No, I don't, sir.

Q. 44 Did he have Army underwear on at all?

A. 44 I couldn't say.

Q. 45 He had a tunic on and a pair of bib overalls?

A. 45 Yes, sir.

Q. 46 Did the accused have a berth on the train?

A. 46 No, sir, he didn't.

Q. 47 And where was the accused in relation to you when you were on the train sleeping?

A. 47 He was sitting just opposite me, sir.

The Prosecutor declines to re-examine.

Questioned by the Court.

Q. 48 How long before had you seen the accused - before you fell asleep?

A. 48 I seen him about twenty minutes.

Q. 49 You think you were sleeping about twenty-minutes?

A. 49 Yes, sir.

Q. 50 Where were you?

A. 50 In between Vegreville and Royal Park.

Q. 51 Where were you sitting?

A. 51 Just opposite.

Q. 52 In the same coach?

A. 52 In the same coach, yes, sir.

Q. 53 You say the accused was under close arrest?

A. 53 Yes, sir.

Q. 54 Who placed him under close arrest?

A. 54 I couldn't say. I guess I did, sir. I had him under safe custody.

Q. 55 Was he handed over to you?

A. 55 Yes, sir.

Q. 56 By whom?

A. 56 The R. C. M. P.

Q. 57 Was he handcuffed at that time?

A. 57 No, sir.

Q. 58 You placed the handcuffs on him?

A. 58 Yes, sir.

Q. 59 Did you tell him what you were doing with him?

A. 59 Yes, sir.

Q. 60 What did you say?

A. 60 I told him I was escorting him back to Red Deer Training Centre.

Q. 61 The Court would like to know where the prisoner escaped - at what point?

A. 61 Near Royal Park.

Q. 62 How do you know that if you were asleep?

A. 62 I was awake when we passed through Vegreville, sir, and when I woke we were close to Mundare, and he was gone.

In the opinion of the Court, it is not necessary to comply with R. P. 83 (B).

The witness withdrews.

The Prosecutor has no further witnesses.

At 1200 hours on the 15th. of February, 1943, the Court adjourned until 1400 hours on the 15th. of February, 1943.

On the 15th. of February, 1943, at 1400 the Court reassemble pursuant to adjournment, present the same members as when adjourned.

D

The prosecution is closed.

Defence

Q. 63 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A. 63 *Answer.* No, sir.

Q. 64 *Question.* Do you intend to call any other witness in your defence?

A. 64 *Answer.* No, sir.

Question. ~~Is he a witness as to character only?~~ *Answer.*

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

~~The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (see overleaf).~~

(Where the accused does not give evidence upon oath.)

Q. 65 *Question to the accused.* Have you anything to say in your defence?

A. 65 *Answer.* No, sir.

~~The accused in his defence says~~†

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

The Prosecutor makes a closing address. (See document marked "PP" attached.)

The Defending Officer makes a closing address. (See document marked "QQ" attached.)

---

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. L. 8685, Pte. Reginald Higgs, A. 20 Canadian Army Service Corps Training Centre, C. A., is guilty of the first, second and fourth charges, and is guilty of the third charge with the exception that the costs of his apprehension and return to his corps with respect thereto was not $32.92, but was $31.54.

~~Proceedings on Conviction *before Sentence*~~

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Cross-examined by the accused.

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" is read to him again.]

The accused No. L. 6685, Pte. Reginald Higgs, A. 20 Canadian Army Service Corps Training Centre, C. A. is found guilty of the fifth charge.

*The summary ~~(or abstract)~~ of evidence is read, marked "Exhibit FR" signed by the President, and attached to the proceedings.

Question to the accused. Q. 66 Do you wish to make any statement in mitigation of punishment?

Answer. A. 66 No, sir.

~~The accused in mitigation of punishment says:—~~

~~[or hands in a written statement, which is read, marked ....., signed by the President, and attached to the proceedings.]~~

Instruction.

*If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q. 67 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A. 67 No, sir.

Answer.

Evidence as to character.

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

*~~The Court being re-opened, the accused is again brought before it.~~

Lieut. D. D. Darling, A. 20 Canadian Army Service Corps Training Centre, C. A., is duly sworn.

Evidence of character, etc.

Question by the President.
Q. 68

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A. 68 Yes, I produce M. F. B. 355 and certified true copy of M.F.M.6

The above statements [with the schedule of convictions and of cases in which trial has been dispensed with] and certified true copy of M. F. M. 6 are read, marked "Exhibit Y and Exhibit Z" respectively, signed by the President, and annexed to the proceedings.

Question by the President.
Q. 69

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A. 69 Yes, sir.

Question.
Q. 70

Have you compared the contents of the above statement with the regimental books? *Answer.* A. 70 Yes, sir.

Question.
Q. 71

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A. 71 Yes, sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The Prosecutor resumes his seat.

Question to the accused.
Q. 72

Do you wish to address the Court? *Answer.* The accused addresses the Court through his Defending Officer. (See document marked "SS" attached.)

The Court is closed for the consideration of the sentence.

F

Sentence

The Court sentence the accused No. L. 8685, Pte. Reginald Higgs, A. 20 Canadian Army Service Corps Training Centre, C.A., to undergo detention for one year and to be put under stoppages of pay until he has made good the sum of $101.38 in respect of the cost of apprehension and return to his corps and until he has made good the value of the following articles, viz:--

1 Pr.	Anklets	.58
1 Pr.	Boots, Ankle	4.10
1 Pr.	Gloves, Woollen Khaki	.59
1	Jacket, Khaki Drill	2.34
1 Pr.	Overalls, Trousers	1.67
1	Shirts, Khaki Flannel	2.52
1 Pr.	Socks, Woollen	.27
1 Pr.	Braces	.32
1	Brushes, Boot Blacking	.15
1	Combs, Hair	.04
1	Badges, Cap, "RCASC"	.06
2 Pr.	Badges, "Canada"	.06
1	Badges, Shoulder Worst. Emb.	.10
1	Shirts, Cotton Khaki S/S	.95
1	Towels, Hand	.23
		$13.98

Sentence.

Detention

1 year

Stoppages

$101.38
13.98

$115.36

Signed at Red Deer, Alberta, this 15th. day of February, 1943.

Lieut.-Col.
No. 13 District Depot, C.A.
President.

Extracts entered as No. 8070 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 15th day of March 1943

Signed at Calgary Alta.
this 2nd day of March 1943

Confirmation

Confirmed

Promulgation

Promulgated and Extracts taken at Red Deer, Alberta this 4th day of March, 1943.

Exhibit "X" 37

ORDERS BY BRIGADIER F. M. W. HARVEY, V.C., M.C.

District Officer Commanding, Military District No. 13.

Calgary, Alberta,
12th. February, 1943.

DISTRICT COURT-MARTIAL
No. L. 8685, Pte. Reginald Higgs,
A.20 Canadian Army Service Corps Training Centre, C. A.

1. The detail of officers as mentioned below will assemble at Red Deer, Alberta, at 1000 hours, Monday, the 15th. of February, 1943, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Lieut.-Col. N. D. Dingle, E. D., No. 13 District Depot, C.A. is appointed President.

MEMBERS

Major E. F. Morton, A.20 Canadian Army Service Corps Training Centre, C. A.

Capt. A. F. Tulloch, A. 20 Canadian Army Service Corps Training Centre, C. A.

WAITING MEMBER

Capt. G. A. Wry, A. 20 Canadian Army Service Corps Training Centre, C. A.

PROSECUTOR

Lieut. D. D. Darling, A. 20 Canadian Army Service Corps Training Centre, C. A.

DEFENDING OFFICER

Lieut. R. A. Briggs, A. 20 Canadian Army Service Corps Training Centre, C. A.

2. The Officer Commanding A.20 Canadian Army Service Corps Training Centre, C. A., is directed to detail such officers of the unit under his command as he, in his discretion, considers available to attend for the purposes of instruction.

3. The accused person will be warned and all witnesses duly required to attend.

4. The Officer Commanding A. 20 Canadian Army Service Corps Training Centre, C. A. will arrange for the necessary accomodation, stationery and Court Orderly; and will also ensure that the necessary escort has been provided.

5. No. M. 41155, Pte. (A/S/Sgt.) John McMenn, No. 13 Detachment Corps of Military Staff Clerks, C.A., is detailed as stenographer to the Court and will report to the President of the Court at 0945 hours on the day set out.

6. The Proceedings, marked "Confidential", will be forwarded to the A.J.A.G., Military District No. 13.

Signed at Calgary, Alberta, this 12th. day of February, 1943.

(Sydney Wood), Major,
A.J.A.G., M.D. 13,
for (F.M.W. Harvey) Brigadier,
District Officer Commanding, M. D. #13.

"C"

Lieut. R. D. Olsen

Lieut. J. Naylor

Lieut. A. R. Swanson

2/Lieut. J. S. Sykes

2/Lieut. A. W. K. Burnard

2/Lieut. D. H. Thorn

2/Lieut. A. J. McCabe

2/Lieut. J. D. Neilson

all of A.20 Canadian Army Service Corps Training Centre, C. A.

"H"

OPENING ADDRESS OF THE PROSECUTOR

Sir, the accused has pleaded not guilty to three charges of desertion and one charge of when in arrest, escaping. I will call witnesses whose evidence and testimony I submit will show that the accused is guilty of the charges as read.

Exhibit "I"
Number of Digit. Office
Pers

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RECORD of the Declaration of a Court of Inquiry assembled at Red Deer, Alberta on the 8th day of April, 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. L.8685 Private REGINALD HIGGS, A20 Canadian Army Service Corps Training Centre, C.A.

DECLARATION

The Court declare that No. L.8685 Private Reginald Higgs, A20 Canadian Army Service Corps Training Centre, C.A.

illegally absented himself without leave from A20 Canadian Army Service Corps Training Centre, C.A., Red Deer, Alberta at 2130 hours on the 16th day of March, 1942,

that he is still so absent, and that on the 8th day of April, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
1 Pr. Anklets, web	77	Carried forward	46 93
1 Battle Dress blouse, serge	618	1 Pr. Braces	29
1 Battle Dress Trousers, serge	624	1 Brush, boot, blacking	15
1 Pr. Boots, ankle	481	1 Comb, hair	04
1 Cap, winter melton	120	1 Razor, safety	42
1 Greatcoat, drab	1722	1 Badge, cap	08
1 Pr. Gloves, woollen, khaki	59	2 Pr. Badges, arm (Canada)	10
1 Jacket, khaki, drill	305	1 Pr. Badges, shoulder	08
1 Pr. Overalls, trousers, denim	240		48 09
2 Shirts, flannel, khaki	410		
1 Pr. Socks, woollen	37		

Lieut. J.R. Griffiths, A20 C.A.S.C.T.C., C.A. — President

Signed at Red Deer, Alberta — Lieut. B.H. Haaland, A20 C.A.S.C.T.C., C.A. — Member

this 8th day of April 1942 — Lieut. H.M. Rider, A20 C.A.S.C.T.C., C.A. — Member

Signature of Commanding Officer

Certified true copy (A.F. Phelan), Adjutant, A20 Canadian Army Service Corps Training Centre, C.A.

(J.J. Burton-Willison), Lieut.Col.
Signature of Officer having custody of original record

M.F.B. 275
A.F.B. 115
15M—3-41 (8700-20)
H.Q. 1772-39-257

No. 12 dist. Dept. Regina Sask.

PART II ORDERS

Active Army Personnel

Last Part II Order Issued, No. 87 - d/11th April, 1942. (Sheet No. 1.)

No. 88. Red Deer, Alberta. 13th April, 1942.

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

1. QUALIFICATION:

Capt. N.D. Hogg, A20 R.C.A.S.C. (ADV.) T.C. (H.W.E.) having attended a course in Platoon Weapons (No.320) during the period 3-10-41 to 14-11-41 at C.S.A. T.C. (W.C.) is qualified as Q.I, effective:-14-11-41.
(Authority:-H.Q.- M.D.13 - C.24-11-15 - d/24-11-41.)

2. MARRIAGE:

Lieut. J.A. Cameron, A20 R.C.A.S.C. (ADV.) T.C. (H.W.E.) was married effective:-28-3-42.

Wife:- Ann Elizabeth (Maiden Name "Cork")
General Delivery, Red Deer, Alberta.
Place:- Calgary, Alberta.

3. LEAVE OF ABSENCE:

Capt. P. Wolochow, A20 R.C.A.S.C. (ADV.) T.C. (Att'd.) granted Leave of Absence for the period from 6-4-42 until 19-4-42 under authority of C.A.R.O. 699 (2).
(Authority:-Dist Order No. 204 - d/9-4-42.)

4. AMENDMENT:

Part II Order No. 73 - d/26-3-42 (H.W.E. and Attached Personnel) Section "A" Sub Para. 2 (Leave of Absence) in so far as it relates to Capt H.B. Gow, effective date 23-3-42 to 5-4-42 is amended to read "23-3-42 to 28-3-42."
(Authority:-District Order No. 204 - d/9-4-42.)

SECTION "B" OTHER RANKS

1. QUALIFICATION:

L/7949 A/Sgt. Ferguson, J.H., A20 R.C.A.S.C. (ADV.) T.C. (H.W.E.) having attended a Course in Platoon Weapons (No. 320) during the period 3-10-41 to 14-11-41 at C.S.A.T.C. (W.C.), is qualified as Q.I, eff:-14-11-41.
(Authority:-H.Q.- M.D.13 - C.24-11-15 - d/24-11-41.)

2. ATTACHED:

M/50445 Pte. Wigley, A.J., Red Deer Military Hospital, attached A20 R.C.A.S.C. (ADV.) T.C. for pay and quarters, effective:-31-3-42.
(Authority:- Red Deer Military Hosp. Pt. II Order No. 31 - d/10-4-42.)

3. ABSENT WITHOUT LEAVE:

H/87788 Pte. Marshall, R.R., A20 R.C.A.S.C. (ADV.) T.C. (Att'd.) Absent Without Leave, effective 2130 hrs. 5-4-42.

(Cont'd. Sheet No. 2.)

Ebb.

I certify that this is a true copy of Part II Order No. 88 dated 13th Apr. 1942 of which it purports to be a copy.

A20 R[illegible] A.S.C. (ADV.) T.C.

Capt. (A.F. Phelan) Adjutant A20 C.A.S.C. T.C., C.A.V.

PART II ORDERS

Active Army Personnel

Last Part II Order Issued, No. 87 - d/11th April, 1942. (Sheet No. 2.)

No. 88. Red Deer, Alberta. 13th April, 1942.

SECTION "B" (CONT'D.)

4. PROMOTION:

The undermentioned personnel of Red Deer Military Hospital are promoted to the rank of Staff-Sergeant, effective:-6-4-42.
(Authority:- C.36-F-1011 and C.36-S-3177 - d/7-4-42.)

M/40776 Sgt. Fletcher, A. M/26726 Sgt. Smith, L.R.
(Auth:-Red Deer Mil. Hosp. Pt. II Order No. 31, d/10-4-42.)

5. PUNISHMENT:

M/55757 Pte. Bolinski, H., M.T. Coy., A20 R.C.A.S.C. (ADV.) T.C. (H.W.E.) Awarded 15 days Detention For:- Conduct to the Prejudice of Good Order and Military Discipline. (A.A. Sec. 40) Under open arrest whilst awaiting trial.
Date of Offence:-9-4-42 - Date of Award:-11-4-42.

REINFORCEMENTS SECTION "A"

(Officers and Nursing Sisters)

1. ON COMMAND:

Lieut. R.A. Pelletier, A20 R.C.A.S.C. (ADV.) T.C. (Reinft.) ceases to be shown "ON COMMAND" to No. 12 Det. R.C.A.-S.C., C.A. Regina, for all purposes, eff:-3-4-42.
(Authority:-A.G. Radiogram Pers, 1626 - d/30-3-42.)

2. CANCELLATION:

Part II Order No. 73 - d/26-3-42 (Reinft.) Section "A" Sub Para. 2 (Leave of Absence) in so far as it relates to "Lt. J.R. Thomas - Lt. W.A.S. Barnes,- Lt. C.W.L. Stephenson" is cancelled.
(Authority:- District Order No. 204(B) - d/9-4-42.)

SECTION "B" OTHER RANKS

1. STRENGTH DECREASE:

(a) L/8768 Pte. Fraser, J.A., H.Q. Coy., A20 R.C.A.S.C. (ADV.)T.C. (Reinft.) having been declared by a Court of Inquiry held 8th day of April 1942 to be illegally absent since 0600 hrs. 17-3-42 and still absent and to have deficiencies in his Clothing and Regimental Necessaries to the value of $29.51 is Struck Off Strength, effective:-8-4-42.
Forfeits 23 days pay and allowances under Art.149 F.R. & I.

(b) L/8685 Pte. Higgs, R., No. 2. Coy., A20 R.C.A.S.C. (ADV.) T.C. (Reinft.) having been declared by a Court of Inquiry held 8th day of April 1942 to be Illegally Absent since 2130 hrs. 16-3-42 and still absent and to have deficiencies in his Clothing and Regimental Necessaries to the value of $49.09 is Struck Off Strength, eff:-8-4-42.
Forfeits 24 days pay and allowances Art. 149 F.R. & I.

(Cont'd. Sheet No. 3)

PART II ORDERS

Active Army Personnel

Last Part II Order Issued, No. 87 - d/11th April, 1942. (Sheet No. 3.)

No. 88. Red Deer, Alberta. 13th April, 1942.

SECTION "B" (CONT'D.)

2. NEXT OF KIN:

B/92682 Pte. Legrew, R.T., No. 2. Coy., A20 R.C.A.S.C. (ADV.) t.c. (Reinft.) change of address of next of kin.
(Mrs.) Laura Louise Patricia Legrow, (Wife)
From:- 790 Frontenac, St., Malantic Quebec,
To :- Apt., 4 - 8th St., P.O. Box No. 1345 Rouyn, Quebec.
All documents to be amended accordingly.

3. TRANSPORTATION WARRANTS:

The undermentioned personnel of A20 R.C.A.S.C. (ADV.) T.C. (Reinft.) having been granted Furlough are issued with Transportation Warrants as shown.

M/35448	Pte. Gray, R.C.	No. A/124921	Notikewan, Alta.
L/8875	Pte. Moore, W.G.	No. A/124916	Central Butte, Sask.
M/66424	Pte. Hallwacks, V."	A/124918	Ardmore, Alberta.
M/28426	Pte. Orsten, S.C.	" A/124919	Enchant, Alberta.
M/66282	Pte. Bell, J.T.	" A/124920	St. Brides, Alberta.
L/8810	Pte. Isaac, J.H.	" A/124917	Frenchman Butte, Sask.

4. PUNISHMENTS:

(a) M/67649 Pte. Ungarian, W., No. 1. Coy., A20 R.C.A.S.C. (ADV.) T.C. (Reinft.) Awarded 6 days C.B. For:-
Absent Without Leave from 2130 hrs. 4-4-42 until 1745 hrs. 8-4-42 (Absent 3 days 20 hrs. 15 Mins.)(A.A. Sec. 15 (1)) Under open arrest whilst awaiting trial. Forfiets 4 days pay and allowances Art. 149 F.R. & I.
Date of Offence:-4-4-42 - Date of Award:-10-4-42.

(b) K/71332 Pte. Jossul, J., No. 1. Coy., A20 R.C.A.S.C. (ADV.)T.C. (Reinft.) Awarded 10 days C.B. For:-
Absent Without Leave from 2130 hrs. 3-4-42 until 1630 hrs. 10-4-42 (Absent 6 days 19 hrs.) (A.A. Sec. 15 (1)) Under close arrest whilst awaiting trial. Forfeits 7 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:-3-4-42 - Date of Award:-11-4-42.

(c) M/67597 Pte. Peters, E., No. 1. Coy., A20 R.C.A.S.C. (ADV.) T.C. (Reinft.) Awarded 5 days C.B. For:-
Absent Without Leave from 2130 hrs. 5-4-42 until 2130 hrs. 7-4-42 (Absent 2 days) (A.A. Sec. 15 (1)) Under open arrest whilst awaiting trial. Forfeits 2 days pay and allowances under Art 149 F.R. & I.
Date of Offence:-5-4-42.- Date of Award:-10-4-42.

(d) K/71752 Pte. St. Dennis, R.W., No. 1. Coy., A20 R.C.A.S.C.(ADV) T.C. (Reinft.) Admonished for:-
Absent Without Leave from 0600 hrs. 6-4-42 until 0300 hrs. 10-4-42 (Absent 3 days 21 hrs.) (A.A. Sec. 15 (1)) Under open arrest whilst awaiting trial. Forfeits 4 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:-6-4-42 - Date of Award:-10-4-42.

(Cont'd. Sheet No. 4.)

Bk.d.

A20 R.C.A.S.C. (ADV.) T.C.

PART II ORDERS

Active Army Personnel

No. 88.
Red Deer, Alberta.
13th April, 1942.

Last Part II Order Issued,
No. 87 - d/11th April, 1942. (Sheet No.4.)

SECTION "B" (CONT'D.)

4. PUNISHMENTS: (Cont'd.)

(e) M/67387 Pte. Hagman, A., No. 1. Coy., A20 R.C.A.S.C. (ADV.)T.C. (Reinft.) Awarded 6 days C.B. For:- Absent Without Leave from 2130 hrs. 5-4-42 until 1730 hrs. 8-4-42 (Absent 2 days 20 hrs.) (A.A. Sec. 15 (1)) Under open arrest whilst awaiting trial. Forfeits 3 days pay and allowances under Art. 149 F.R. & I. Date of Offence:-5-4-42 - Date of Award:-10-4-42.

5. ABSENT WITHOUT LEAVE:

The undermentioned personnel of A20 R.C.A.S.C. (ADV.)T.C. (Reinft.) cease to be Absent Without Leave, effective time and date shown.

K/71332	Pte. Jossul, J.	No. 1. Coy.,	1630 hrs.	10-4-42.
M/66213	Pte. Benson, F.	No. 1. Coy.,	0330 hrs.	12-4-42.
M/67105	Pte. Kump, E.A.	No. 1. Coy.,	2115 hrs.	12-4-42.
M/67635	Pte. Desjarlais, G.	1. Coy.,	0330 hrs.	13-4-42.
K/75148	Pte. Basil, I.F.	Hold. Coy.,	0300 hrs.	13-4-42.

C.W.A.C. REPLACEMENT

1. SICK LEAVE:

W/13116 Vol. Schow, A.V., A20 R.C.A.S.C. (ADV.) T.C. granted sick Leave for the period from 10-4-42 until 10-5-42, both dates inclusive and authorized to draw subsistence allowance of $1.00 per diem for the period under Art. 200 (1) F.R. & I. for the Canadian Army. (Authority:- D.M.O.- M.D.13 - C.29-20 - d/2-9-41.)

E.G. Hession Lieut
for Capt.,
(R.H. Merryweather),
Adjutant,
A20 R.C.A.S.C. (ADV.) T.C.

I certify that this is a true copy of Part II Orders No. 34, dated 8th February, 1943, of which it purports to be a copy.

(A.F.Phelan) Captain,
Adjutant,
A20 C.A.S.C.T.C., C.A.

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 33, d/6th Feb., 1943.

(Page # 6)

No. 34
Red Deer, Alberta,
8th February, 1943.

SECTION "B" - - - - - - (CONT'D)

16. RELEASED FROM CUSTODY:

B-92202 Pte. Coates, S.R.H., (Reinft.) released from Civil Custody, at Fort Saskatchewan Gaol, effective 0615 hours, 6 Feb 43. Arrived 1130 hours, 6 Feb 43.

17. HOSPITAL:

(a) DISCHARGED RED DEER MILITARY HOSPITAL

B-113346	Pte. Mehew, A.J.	5 Feb 43.
B-80924	Pte. LaForce, L.	6 Feb 43.
A-102412	Pte. Barrette, G.	6 Feb 43.
L-101768	Pte. Pocha, W.J.	6 Feb 43.
L-101340	Pte. Kennedy, L.E.	6 Feb 43.

(b) ADMITTED RED DEER MILITARY HOSPITAL

L-102024	Pte. Little, T.D.	5 Feb 43.
K-69648	Pte. Hartland, G.H.T.	6 Feb 43.
M-58703	Pte. Graham, J.	6 Feb 43.

(c) DISCHARGED COL-BELCHER HOSPITAL, CALGARY.

M-56810 Pte. Dion, C. 5 Feb 43.

18. AMENDMENT:

(a) Part II Order No. 88, d/13 April 42, (Reinfts.) Section "B", sub-para 1 (b) (Strength Decrease), in so far as it relates to L-8685 Pte. Higgs, R., "$49.09" is amended to read "$48.09."

(b) Appendix "A" to Part II Order No. 27, d/31 January, 1943, Strength Return, Reinforcements, in so far as it relates to 1 Pte attached to No. 1 District Depot for all purposes is amended to read 2 Ptes. attached No. 1 District Depot for all purposes.

19. CANCELLATION:

(a) Part II Order No. 31, d/3 Feb 43, (Reinfts.) Section "B", sub-para 27 (a) (Absent Without Leave), in so far as it relates to "L-102196 Pte. Pike, C.F.", is hereby cancelled.

(b) Part II Order No. 312, d/27 Dec 42, (Reinfts.) Section "B", sub-para 10 (Furlough), in so far as it relates to "H-57954 Pte. Devries, P.J.", is hereby cancelled.

(c) Part II Order No. 28, d/1 Feb 43, (Reinfts.) Section "B", para 16 (Christmas Leave), in so far as it relates to "M-50143 Pte Phillips, D.M.", is hereby cancelled. (Repetition).

(d) Part II Order No. 31, d/4 Feb 43, (Reinfts.) Section "B", sub-para 25 (b) (ii) (Increase of Pay), in so far as it relates to "K-45658 Pte. Storoschuck, J." is hereby cancelled. (Repetition).

(Cont.....Page # 7)

SECTION "B" - - - - - - (CONT'D)

15. QUALIFICATIONS:

The undermentioned personnel (Reinfts.) having completed an examination, are qualified in the Trades as shown, effective 4 Feb 43.
(Auth: Trade Testing Board No. 46, Red Deer, Alberta).

(a) DRIVER MECHANICS, GROUP C GRADE I

L-100273 Pte. Anderson, A.G.
M-102437 Pte. Anderson, S.A.
M-102461 Pte. Brennan, C.
M-102426 Pte. Cody, M.F.
K-65231 Pte. Dyck, D.
L-100939 Pte. Fair, W.J.
K-46451 Pte. Ferguson, W.
B-113028 Pte. Hainer, F.E.P.
K-65246 Pte. Herman, F.
H-195032 Pte. Holgerson, C.B.
M-102263 Pte. Houghton, F.W.
M-102326 Pte. Lee, G.E.
L-101152 Pte. LeGrand, P.
L-101106 Pte. Mills, W.W.
L-101150 Pte. Nielson, E.M.
L-74963 Pte. Ochs, H.
K-46448 Pte. Pitts, A.F.
K-46781 Pte. Ritchey, L.R.
K-46286 Pte. Sims, R.
L-100901 Pte. St. John, G.L.
K-46033 Pte. Titmus, F.
K-46065 Pte. Weir, A.W.
M-102312 Pte. Weisenburger, E.P.
K-100188 Pte. Thomas, E.R.
L-100960 Pte. Johnson, F.
L-100884 Pte. Anderson, G.A.
M-102461 Pte. Bowker, A.
K-46323 Pte. Butcher, J.
L-100844 Pte. Cowles, A.D.
H-102283 Pte. Epps, F.P.
K-46460 Pte. Fetcht, M.J.C.
L-100940 Pte. Giem, K.
L-100998 Pte. Hanchuk, W.E.
L-101111 Pte. Hill, D.
H-88160 Pte. Hupka, W.
M-102265 Pte. Jackson, K.S.S.
L-74055 Pte. LeBlanc, C.J.
H-195028 Pte. Loranger, N.J.
M-102395 Pte. Morrison, M.
M-102440 Pte. Olson, A.
M-101605 Pte. Perrin, R.
K-46442 Pte. Powell, W.J.
M-102384 Pte. Sawchuk, F.
K-46348 Pte. Stephens, E.A.
H-88161 Pte. Tapsay, R.A.
M-102556 Pte. Wedell, C.A.
K-46357 Pte. Wiens, G.
K-46312 Pte. Wright, A.E.
K-45182 Pte. Yaworsky, M.
M-103107 Pte. Pazuik, J.

(b) COOKS, GROUP C GRADE I, effective 6 Feb 43.
(Auth: Trade Testing Board No. 47, Red Deer, Alberta).

L-110240 Pte. Belangee, W.
K-65648 Pte. Jack, D.S.
K-45757 Pte. LaFevre, J.W.A.
H-88122 Pte. Rattley, A.E.
L-100731 Pte. Sullivan, R.P.
B-113286 Pte. Vandriel, L.W.
H-100009 Pte. Bowker, J.T.
M-101791 Pte. Laventure, R.W.
L-110212 Pte. Loehndorf, P.W.
M-101799 Pte. Sellers, R.F.
B-84706 Pte. Sheardown, R.S.

(c) MOTOR MECHANIC, GROUP B GRADE II, effective 6 Feb 43.
(Auth: Trade Testing Board No. 47, Red Deer, Alberta).

M-36671 Pte. Black, W.

(d) BLACKSMITHS, GROUP B GRADE II, effective 6 Feb 43.
(Auth: Trade Testing Board No. 47, Red Deer, Alberta).

K-46049 Pte. Leeming, R.
L-100669 Pte. Lesser, C.

(e) CLERK (GENERAL DUTY), GROUP C GRADE I, effective 6 Feb 43.
(Auth: Trade Testing Board No. 47, Red Deer, Alberta).

L-74903 Pte. Long, L.A.

(Cont'd.....Page # 6)

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 33, d/6th Feb., 1943. (Page # 4)

No. 34
Red Deer, Alberta,
8th February, 1943.

SECTION "B" - - - - - - (CONT'D)

10. INCREASE OF PAY: (Cont'd)

(b) The undermentioned personnel (Reinfts.) having completed six months continuous service with the Canadian Army, and having complied with the regulations pertaining to Increase of pay, are entitled to pay at the rate of $1.50 per day, effective dates as shown:
(Art. 144 F.R. & I.).

L-101263 Pte. Tobien, J.E. 16 Jan 43.
H-100367 Pte. Imlach, L.M. 1 Jan 43.

11. PERMISSION TO MARRY:

L-11211 Pte. Groff, L.E., (Reinft.) granted permission to marry Miss Theresa Helen Mary Paradis, on or after the 1st of March, 1943.

12. FURLOUGH:

The undermentioned personnel (Reinfts.) are granted furlough for the periods as shown, and are issued with Transportation Warrants as shown; and are authorized to draw a money allowance of 50 cents per diem in lieu of rations under authority of Art. 196 (4) F.R. & I. (14 days).
(Auth: A.F. Routine Order No. 699 (2) (b)).

K-65702 Pte. Hickenbotham, G.A. from 0600 hours, 2 Feb 43 to 2200 hours, 15 Feb 43. T.W. No. A-303547.

13. ABSENT WITHOUT LEAVE:

The undermentioned personnel (Reinfts.) cease to be Absent Without Leave, effective time and date as shown:

L-101528 A/L/Cpl. Kidd, A.T. No. 4 Coy. 2100 hrs, 6 Feb 43.
M-102262 Pte. Gilstorf, W.A. No. 5 Coy. 1300 hrs, 7 Feb 43.
M-102067 Pte. Cook, M. No. 1 Coy. 1115 hrs, 5 Feb 43.
M-101393 Pte. Boychuk, J. No. 5 Coy. 2100 hrs, 5 Feb 43.

14. CHANGE OF CATEGORY:

The undermentioned personnel, (Reinfts.) having been medically boarded, are to be recategorized as shown: All documents to be amended accordingly.

A-103586 Pte. Kennedy, J.E. from "A.1" to "D" for one week.
(Auth: D.M.O., M.D. 13, C36-K-1167, d/5 Feb 43).

M-102708 Pte. Miles, E.D. from "B.1" and "D" to "C.1".
(Auth: D.M.O., M.D. 13, C.36-M-2420, d/5 Feb 43)

(Cont'd.....Page # 5)

JJm

SECTION "B" - - - - - - (CONT'D)

9. NEXT OF KIN:

(b) H-101091 Pte. McLean, G.A., "Q" Duties, (Reinft.) Change of address of next of kin:

(Mrs.) Rose McLean, (Wife)
From: Dauphin, Manitoba.
To: General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

(c) K-65353 Pte. McDonald, C.K., "Q" Duties, (Reinft.) Change of address of next of kin:

(Mrs.) Dorothy May McDonald, (Wife)
From: 1243 Davie Street, Vancouver, B.C.
To: General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

10. INCREASE OF PAY:

(a) The undermentioned personnel (Reinfts.) having completed four months continuous service with the Canadian Army, and having complied with the regulations pertaining to Increase of Pay, are entitled to pay at the rate of $1.40 per day, effective dates as shown: (Auth: Art. 144 F.R. & I.).

(i) NO. 4 COY.

K-68593	Pte. Bury, C.A.	17 Jan 43.
M-58734	Pte. Herron, L.H.	24 Jan 43.
H-88179	Pte. Derkacz, P.M.	25 Jan 43.
M-58703	Pte. Graham, J.L.M.	25 Jan 43.
M-58704	Pte. Hodges, A.W.	25 Jan 43.
H-195384	Pte. Lankinen, R.	28 Jan 43.
M-58735	Pte. Wallace, W.R.	29 Jan 43.
M-58710	Pte. Chisholm, J.A.	30 Jan 43.
M-58709	Pte. Dickson, L.R.P.	30 Jan 43.
M-58711	Pte. Lewis, I.C.	30 Jan 43.
H-102462	Pte. Moffitt, H.E.	30 Jan 43.
M-58708	Pte. Ross, J.C.	30 Jan 43.
M-58706	Pte. Stewart, W.D.	30 Jan 43.

(ii) NO. 5 COY.

M-103708	Pte. Hadley, L.V.	1 Jan 43.
A-103409	Pte. Wilson, R.J.	1 Jan 43.

(iii) NO. 6 COY.

L-101055	Pte. Grimm, O.N.	1 Jan 43.
L-101263	Pte. Tobien, J.E.	1 Jan 43.
H-101677	Pte. Martin, A.M.	1 Jan 43.

(Cont'd.....Page # 4)

JJm
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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued No. 33, d/6th Feb., 1943. (Page # 2)

No. 34
Red Deer, Alberta,
8th February, 1943.

REINFORCEMENTS - - - - - - SECTION "A"

(OFFICERS)

5. ON COMMAND:

Lieut. P.A. Farmer, No. 2 Coy. (Reinft.) proceeds "On Command" for all purposes, for temporary duty with No. 11 District Coy., R.C.A.S.C., Water Transport Section, effective 29 Jan 43.
(Auth: C.34-F-276 (Pers), d/3 Feb 43).

6. CANCELLATION:

Part II Order No. 31, d/4 Feb 43, (Reinfts.) Section "A", sub-para 13 (On Command), in so far as it relates to "Lieut. P.A. Farmer", is hereby cancelled.

SECTION "B" - - - - - - OTHER RANKS

7. STRENGTH DECREASE:

(a) K-46128 Pte. Lamb, W.C., No. 2 Coy., (Reinft.) is struck off strength on discharge in accordance with provisions of C.A.R.Os. 1029 (10) and 502, having been placed in category "E", and transferred to Department of Pensions and National Health, effective 7 Feb 43.
Address: 3654 W. 5th Ave., Vancouver, B.C.
(Auth: H.Q., M.D. 13, C.36-L-2077, d/4 Feb 43).

(b) L-101768 Pte. Pocha, W.J., No. 6 Coy., (Reinft.) is struck off strength on discharge in accordance with provisions of C.A.R.O. 1029 (10), having been placed in category "E", effective 6 Feb 43.
Address on discharge: 1723 Coy Avenue, Saskatoon, Sask).
(Auth: H.Q., M.D. 13, C.36-P-1873, d/3 Feb 43).

8. ON COMMAND:

The undermentioned personnel of No. 6 Coy., (Reinfts.) cease to be shown "On Command" for all purposes except pay, for temporary duty at Experimental Station, Suffield, Alberta, effective 1220 hours, 5 Feb 43.
(Auth: Experimental Station, Suffield Part II Order No. 18, d/31 Jan 43).

K-45365 Pte. Alstad, E.A. K-45923 Pte. Kenning, D.H.

9. NEXT OF KIN:

(a) B-81017 Pte. Suffern, T.W., M.T. Coy., (Reinft.) Change of address of next of kin:

(Mrs.) Florence Elizabeth Suffern, (Wife)
From: R.R. No. 1, Utterson, Ontario.
To: R.R. No. 3, Coldwater, Ontario.
All documents to be amended accordingly.

(Cont'd.....Page # 3)

A20 CANADIAN ARMY SERVICE CORPS TRAINING CENTRE, C.A.

PART II ORDERS

by

Major W. Cooper - Officer Commanding

A20 C.A.S.C. T.C., C.A.

No. 34
Red Deer, Alberta,
8th February, 1943.

Last Part II Order issued
No. 33, d/6th Feb., 1943.

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

N I L

SECTION "B" - - - - - - - OTHER RANKS

1. ATTACHED:

(a) The undermentioned personnel of No. 44 Provost Coy., Canadian Provost Corps, C.A. (A), are attached to A20 C.A.S.C. T.C., C.A., for all purposes except pay, effective 4 Feb 43.
(Auth: No. 44 Prov. Coy. Part II No. 13, d/5 Feb 43).

M-46651 L/Cpl. Mollet, D.J. M-102213 Pte. Tunbridge, A.E.

(b) M-5205 Sgt. Shenton, H., No. 44 Provost Coy., Canadian Provost Corps, C.A. (A), ceases to be attached to A20 C.A.S.C. T.C., C.A., for all purposes except pay, effective 2 Feb 43.
(Auth: No. 44 Provost Coy. Part II No. 12, d/3 Feb 43).

2. TRADESMEN'S RATES OF PAY:

M-102917 A/L/Cpl. Eepeseth, L.W. (H.W.E.) having qualified as Clerk Class "C" (Part II Order No. 31, d/4 Feb 43), and being employed at his trade in Records Office, is authorized to draw Tradesmen's Rates of Pay as Clerk, Class "C", on establishment, effective 1 Feb 43.
(Auth: Art. 146 F.R. & I.).

3. ABSENT WITHOUT LEAVE:

(a) L-8800 Pte. Aiken, H.E., "Q" Duties, (H.W.E.) Absent Without Leave from 2200 hours, 31 Jan 43.

(b) L-8800 Pte. Aiken, H.E., "Q" Duties, (H.W.E) Absent Without Leave (8th day) from 2200 hours, 31 Jan 43 and still absent.

4. AMENDMENT:

Part II Order No. 11, d/13 Jan 43, (H.W.E. and Attached Personnel), Section "B", sub-para 2 (b) (Attached), in so far as it relates to the undermentioned personnel therein, in line 3, insert "including pay."

(Cont'd.....Page # 2)

JJM
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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 33, d/6th Feb., 1943. (Page # 8)

No. 34
Red Deer, Alberta,
8th February, 1943.

HOME DEFENCE SECTION - - - (CONT'D)

21. STRENGTH DECREASE: (Cont'd)

(b)

B-624610	Pte. DeMatteo, L.	B-624630	Pte. Dibartolomeo, F.J.
A-606925	Pte. Drouillard, A.F.	B-624363	Pte. Finch, A.
L-603560	Pte. Fisher, W.R.	M-610421	Pte. Fontaine, A.
M-605372	Pte. Gauvreau, J.	B-624440	Pte. Goldberg, I.
B-624414	Pte. Greenslade, R.E.	B-624287	Pte. Griffiths, F.
B-548662	Pte. Hamilton, C.G.	B-623954	Pte. Hewitt, F.W.
A-602512	Pte. Hoffman, P.P.	H-605886	Pte. Horbaty, N.
L-604139	Pte. Irwin, J.G.K.	B-624237	Pte. Joyce, L.
B-624603	Pte. Kaminski, J.	H-605862	Pte. Kehl, G.A.
L-606897	Pte. Klotz, A.		

22. INCREASE OF PAY:

The undermentioned personnel (H.D.) having completed four months continuous service with the Canadian Army, and having complied with the regulations pertaining to Increase of Pay, are entitled to pay at the rate of $1.40 per day, effective dates as shown. (Auth: Art. 144 F.R. & I.).

A-606929	Pte. Ross, K.E.	9 Jan 43.
L-601078	Pte. Fellner, A.L.	1 Jan 43.
A-606925	Pte. Drouillard, A.F.	9 Jan 43.
A-606874	Pte. Steingart, H.	1 Jan 43.

23. AMENDMENT:

Part II Order No. 11, d/13 Jan 43, (Home Defence Section), sub-para 30 (a) (Attached), line 3 is amended to read for all purposes "including pay."

J.J. Maney Lieut,
~~Lt~~ - Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C. T.C., C.A.

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 33, d/6th Feb., 1943. (Page # 7)

No. 34
Red Deer, Alberta,
8th February, 1943.

SECTION "B" - - - - - - (CONT'D)

20. STRENGTH INCREASE:

L-8685 Pte. Higgs, R., (Reinft.) having been apprehended by Constable G.E. Keys of the Royal Canadian Mounted Police, North Battleford Detachment, North Battleford, Sask., at 1320 hours, 1 Feb 43, dressed in plain clothes, is taken on strength on arrival A20 C.A.S.C. T.C., C.A., for all purposes except pay, effective 5 Feb 43.

HOME DEFENCE SECTION

21. STRENGTH DECREASE:

(a) The undermentioned personnel of No. 6 Coy. (H.D.) are Struck off Strength on posting to 16th Bde. Group Coy., R.C.A.S.C., Prince George, B.C., effective 8 Feb 43.
(Auth: C/S 4-12 F.D. 11, d/5 Feb 43).

L-603701	Pte. Bannerman, G.D.	B-624663	Pte. Baroni, L.
H-613637	Pte. Bjarnason, J.	B-624262	Pte. Burleigh, N.
B-624253	Pte. Dallas, W.	H-605688	Pte. Dorval, L.A.
L-465913	Pte. Dowhaniuk, M.	B-623717	Pte. Drysdale, J.A.
A-602586	Pte. Dubrick, H.R.	H-605932	Pte. Ducharme, F.N.
L-601078	Pte. Fellner, A.L.	H-605754	Pte. Galick, S.
H-605972	Pte. Kolotylo, P.	H-605880	Pte. Kompon, L.
H-501380	Pte. Kozera, P.P.	M-508288	Pte. Kristianson, E.E.
H-605828	Pte. Kutchera, S.	B-624560	Pte. Lavoie, A.
B-623780	Pte. Leobold, G.T.	H-511344	Pte. Lysak, T.
B-624562	Pte. Majeski, S.J.	L-606887	Pte. Martin, G.H.
M-610404	Pte. Matichuk, G.	B-624068	Pte. Mele, V.R.
K-601525	Pte. Messenger, S.F.	A-606895	Pte. McCourt, K.M.
H-613641	Pte. McMillan, L.J.M.	H-541234	Pte. O'Brien, E.S.
L-606975	Pte. Petershuk, J.	L-606993	Pte. Petruk, P.
K-603561	Pte. Poole, H.L.	A-606931	Pte. Porter, J.O.
H-501198	Pte. Prasek, J.P.	K-602900	Pte. Ross, I.K.
A-606929	Pte. Ross, K.E.	H-605790	Pte. Russell, E.F.
H-511153	Pte. Rzyhak, J.	A-520893	Pte. Schmiedendorf, R.G.
M-610339	Pte. Shapka, A.	H-605896	Pte. Shmanka, W.J.
M-610376	Pte. Skidnuk, G.	B-623746	Pte. Smith, S.B.
B-624100	Pte. Smythe, H.S.	A-606874	Pte. Steingart, H.
H-613630	Pte. Stepko, M.	A-602566	Pte. Stumpf, G.A.
M-610400	Pte. Suter, C.	B-624279	Pte. Taylor, A.F.
K-603607	Pte. Towe, E.	L-606881	Pte. Vetter, N.G.
A-602535	Pte. Wagner, W.	A-602619	Pte. Williamson, M.G.W.
B-623966	Pte. Young, H.W.	L-602215	Pte. Leach, C.W.
B-623938	Pte. Margolis, J.		

(b) The undermentioned personnel No. 6 Coy. (H.D.) are struck off strength on posting to No. 13 District Coy., R.C.A.S.C., Vancouver, B.C., effective 8 Feb 43.
(Auth: C/S 4-12 F.D. 11, d/5 Feb 43).

B-624592	Pte. Acciavatti, F.	B-623930	Pte. Atwell, J.H.
A-471163	Pte. Bedard, B.J.	B-624536	Pte. Buttrum, J.F.
B-624241	Pte. Canapini, R.	B-624645	Pte. Conklin, W.J.

(Cont'd.....Page # 9)

J.F.M.

Exhibit "L" 61
Thumb of Chas Pa

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

I certify that the person whose description is given below was arrested by (~~surrendered to~~) Cst. A.D. Cameron (Name of Peace Officer or Constable) at N/Battleford (Place) at 10:00 a.m. (Hour) on the 10th day of September 1942.

(Strike out words not applicable)

and at the time of arrest (~~surrender~~) he was wearing ~~military~~ ~~(air force)~~ ~~uniform~~ (dressed in civilian clothes).

Regimental particulars of officer or Soldier referred to above.

(No. L86685
(Rank Pte.
(Name Reginald HIGGS.
(Unit R.C.A.S.C. RED DEER.

Description

(Age 27
(Height 5'6½"
(Complexion Dark
(Hair Very dark Brown.
(Eyes Brown.
(Marks Nil.

Signature of ~~Peace officer (or)~~ constable by whom arrest ~~or of~~ ~~whom surrender~~ was made, ~~or of~~ ~~officer in charge of police~~ station at which officer or soldier was taken into custody upon such arrest or surrender.)

(~~Peace Officer~~ constable) ~~or officer in charge of Police Station~~

(Strike out words not applicable.

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

A.D. Cameron Cst.
(A.D. Cameron) Reg. No. 14399.
North Battleford detachment.

SOLDIER OF THE ACTIVE ARMY

I certify that this is a true copy of Part II Order No. 223 dated 16th Sept. 1942 of which it purports to be a copy.

Capt.
(A.F.Phelan)
Adjutant A20 C.A.S.C. T.C., C.A.

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Exhibit M.

No 223.
Red Deer, Alberta.
16th Sept., 1942.

Last Part II Orders Issued,
No.222 - d/15th Sept., 1942. (Sheet No....3.)

SECTION "A" (CONT'D.)

2. QUALIFICATIONS

(a) The undermentioned Officers No. 6. Coy., (Reinft.) having completed an examination are Qualified as (Motorcyclists) (Solo), effective:-10-9-42.
(Authority:-Trade Testing Board No.77, Red Deer, Alberta)

Lieut. F.A. Kavanagh, Lieut. A.M. Hay,
Lieut. A. Ballantyne,

(b) The undermentioned Officers No.6. Coy., (Reinft.) having completed an examination are Qualified as "Class III Drivers"(Wheeled), effective:-10-9-42.
(Authority:Trade Testing Board No.77, Red Deer, Alberta.)

Lieut. J.B. Rutledge, Lieut. A.J. MacRae,
Lieut. A. Hay, Lieut. A. Ballantyne,
Lieut. N.J. Gray,

SECTION "B" OTHER RANKS

1. STRENGTH INCREASE:

L/8685 Pte. Higgs, R., (Reinft.) having been apprehended at North Battleford, Saskatchewan by R.C.M.P at 1000 hrs. 10-9-42 is.Taken On Strength A20 C.A.S.C. T.C., C.A. effective 10-9-42 and for Rations and Quarters, effective:-0240 hrs. 16-9-42, and Posted to H.Q. Coy.

2. QUALIFICATIONS:

The undermentioned personnel (Reinft.) having completed an examination are qualified as "Class III Drivers" (Wheeled) effective:-10-9-42.
(Authority:-Trade Testing Board No.77, Red Deer, Alberta)

H/87793 Pte. Bilan, P. M/101206 Pte. Ford, A.P.
L/110093 Pte.Garlicki, B.B. L/110086 Pte. Lillico, A.D.
L/100604 Pte.Senick, J. B/112906 Pte. Smith, E.J.
H/100937 Pte. Siwicki, A. K/45628 Pte. Robinson, G.S.
L/100211 Pte. Thomas, J.I. L/65684 Pte. Watson, T.H.

3. EMBARKATION LEAVE:

The undermentioned personnel No. 5. Coy., (Reinft.) granted Embarkation Leave, effective time and date as shown and issued with Transportation Warrants as shown, and authorized to draw a Money Allowance of .50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I.

				Days
L/74039 Pte. Edgar, W.I.	A/D	10-9-42 - 1300 - 16-9-42	A/172939	(5)
M/56126 Pte. McMahon, E.L.	"	2-9-42 - 0600 - 7-9-42		(4)
L/65582 Pte. Hoffman, V.G.	"	10-9-42 - 0600 - 14-9-42	A/172940	(3)
M/28430 Pte. Brown, J.D.	"	10-9-42 - 2000 - 13-9-42		(3)
A/58575 Pte. Gatenby, S.J.	"	11-9-42 - 1300 - 19-9-42	A/172941	(7)
L/8175 Pte. Tanner, W.P.	"	11-9-42 - 1300 - 16-9-42	A/172942	(4)
H/87738 Pte. Lintick, C.E.	"	11-9-42 - 1300 - 16-9-42		(4)
L/8992 Pte. Long, L.A.	"	11-9-42 - 1300 - 15-9-42		(3)

(Cont'd. Sheet No.....4.)

ADO C.A.S.C. T.C., C.A.

PART II ORDERS

No. 223.
Red Deer, Alberta.
16th Sept., 1942.

Last Part II Order Issued,
No.222 - d/15th Sept., 1942. (Sheet No....4.)

SECTION "B" (CONT'D.)

4. ALLOWANCE:

(a) The undermentioned personnel No.5 Coy., (Reinft.) having been granted Furlough in Part II Orders as shown from 0600 hrs. effective date as shown to 2200 hrs. effective date as shown are authorized to draw a Money Allowance of .50 cents per diem under authority of Art. 196 (4) F.R. & I. (14 days)

NUMBER	RANK	NAME	FROM	TO	PART II NO.	DATE
A/9880	Pte.	Wellman, J.	24-8-42	6-9-42	201	21-8-42.
H/87335	Pte.	Toews, H.L.	12-8-42	25-8-42	193	12-8-42.
M/37053	Pte.	Anderson, N.D.	12-8-42	25-8-42	193	12-8-42.
H/87893	Pte.	Stephenson, M.F.	12-8-42	25-8-42	192	11-8-42.
M/66381	Pte.	DeMelt, C.J.	10-8-42	23-8-42	189	7-8-42.
M/56441	Pte.	Ross, S.L.	3-8-42	16-8-42	184	1-8-42.
M/67782	Pte.	Podolecki, P.	3-8-42	16-8-42	184	1-8-42.
M/55992	Pte.	Cavanagh, D.	30-7-42	12-8-42	181	30-7-42.
M/67502	Pte.	Skage, M.L.	30-7-42	12-8-42	181	30-7-42.
H/87713	Pte.	Henatyszen, S.	27-7-42	9-8-42	178	27-7-42.
L/74480	Pte.	Button, J.A.	22-7-42	4-8-42	174	22-7-42.
K/71457	Pte.	Molley, R.H.	21-7-42	3-8-42	173	21-7-42.
B/92724	Pte.	Louis, G.	21-7-42	3-8-42	173	21-7-42.
H/76383	Pte.	Ogg, A.D.	22-7-42	4-8-42	173	21-7-42.
K/87864	Pte.	Pateman, H.E.	22-7-42	4-8-42	173	21-7-42.
M/60530	Pte.	Batke, E.L.	20-7-42	2-8-42	172	20-7-42.
M/46574	Pte.	Hackney, D.W.	20-7-42	2-8-42	172	20-7-42.
H/87700	Pte.	Cameron, E.V.	20-7-42	2-8-42	172	20-7-42.
L/64672	Pte.	Thompson, W.	20-7-42	2-8-42	171	18-7-42.
M/67391	Pte.	Granger, D.A.	20-7-42	2-8-42	171	18-7-42.
M/56172	Pte.	Knapp, R.M.	20-7-42	2-8-42	171	18-7-42.
M/56207	Pte.	Henderson, C.	20-7-42	2-8-42	171	18-7-42.
M/60529	Pte.	Gaunce, R.S.	20-7-42	2-8-42	171	18-7-42.
M/56950	Pte.	Wood, J.	20-7-42	2-8-42	171	18-7-42.
L/64063	Pte.	Evans, K.D.	20-7-42	2-8-42	171	18-7-42.
K/47992	Pte.	Benjamin, C.N.	20-7-42	2-8-42	171	18-7-42.
K/71867	Pte.	Barker, W.A.	20-7-42	2-8-42	171	18-7-42.
L/74024	Pte.	Paterson, N.R.	20-7-42	2-8-42	171	18-7-42.
H/87558	Pte.	Floyd, V.W.	20-7-42	2-8-42	171	18-7-42.
K/71956	Pte.	Swift, J.G.	20-7-42	2-8-42	171	18-7-42.
H/87762	Pte.	O'Connor, A.	20-7-42	2-8-42	171	18-7-42.
K/84018	Pte.	Mason, E.	16-7-42	29-7-42	169	16-7-42.
L/8180	Pte.	Brown, J.H.D.	16-7-42	29-7-42	169	16-7-42.
M/55975	Pte.	Heath, P.W.	9-7-42	22-7-42	163	9-7-42.

(b) The undermentioned personnel No. 5. Coy., (Reinft.) having been granted Special Leave Of Absence in Part II Orders as shown from 0600 hrs. effective dates as shown to 2200 hrs. effective dates as shown are authorized to draw a Money Allowance of .50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (10 days).

M/35221	Pte.	Francis, S.J.	20-7-42	29-7-42	174	22-7-42.
H/64016	Pte.	Davidson, E.	20-7-42	29-7-42	172	20-7-42.
K/76976	Pte.	Godin, J.W.	20-7-42	29-7-42	172	20-7-42.
M/60622	Pte.	Porter, F.S.	20-7-42	29-7-42	172	20-7-42.
M/35046	Pte.	Thom, G.R.	20-7-42	29-7-42	172	20-7-42.

(Cont'd. Sheet No.....5.)

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued,
No.222 - d/15th Sept., 1942. (Sheet No....5.)

No. 223.
Red Deer, Alberta.
16th Sept., 1942.

4.ALLOWANCE: (Cont'd.)

SECTION "B" (CONT'D.)

NUMBER	RANK	NAME	FROM	TO	PART II NO.	DATE
K/76821	Pte.	Alton, P.H.	20-7-42	29-7-42	172	20-7-42.
H/87938	Pte.	Serle, W.A.	20-7-42	29-7-42	172	20-7-42.
H/95543	Pte.	Scramstad, O.	20-7-42	29-7-42	172	20-7-42.
H/87883	Pte.	Briggs, H.	20-7-42	29-7-42	172	20-7-42.
H/38766	Pte.	Slotnikov, S.	20-7-42	29-7-42	172	20-7-42.
L/74671	Pte.	Russell, L.C.	20-7-42	29-7-42	172	20-7-42.
K/45508	Pte.	Nelson, F.G.	20-7-42	29-7-42	172	20-7-42.
M/67494	Pte.	Hagen, A.N.	20-7-42	29-7-42	172	20-7-42.
H/87949	Pte.	Watters, J.F.	20-7-42	29-7-42	172	20-7-42.
M/100256	Pte.	Kale, W.	20-7-42	29-7-42	172	20-7-42.
L/65566	Pte.	James, W.G.	20-7-42	29-7-42	172	20-7-42.
M/35271	Pte.	Royko, M.	20-7-42	29-7-42	172	20-7-42.

(c)

The undermentioned personnel H.Q. Coy., (Reinft.) having been granted **Furlough in Part II Orders** as shown from 0600 hrs. effective dates as shown to2200 hrs. effective dates as shown are authorized to draw a Money Allowance of .50 cents per diem under authority of Art. 196 (4) F.R. & I. (14 days).

M/45730	Pte.	Baglien, J.A.	3-8-42	16-8-42	181	30-7-42.
H/87569	Pte.	Birbilis, W.	3-8-42	16-8-42	181	30-7-42.
A/55881	Pte.	Budge, J.H.	3-8-42	16-8-42	181	30-7-42.
A/36640	Pte.	Caton, G.R.	3-8-42	16-8-42	181	30-7-42.
L/74312	Pte.	Corrigal, C.E.	17-8-42	30-8-42	194	13-8-42.
M/36571	Pte.	Deyotte, J.	24-8-42	6-9-42	201	21-8-42.
K/76282	Pte.	Elgood, J.R.L.	31-8-42	13-9-42	207	28-8-42.
L/8511	Pte.	Findlay, D.	20-7-42	2-8-42	170	17-7-42.
L/74094	Pte.	Friesen, C.	20-7-42	2-8-42	170	17-7-42.
L/54957	Pte.	Greenslade, A.S.	3-8-42	16-8-42	185	3-8-42.
K/71148	Pte.	Hunter, E.H.	3-8-42	16-8-42	181	30-7-42.
H/97598	Pte.	Jackson, J.	3-8-42	16-8-42	181	30-7-42.
K/71428	Pte.	Kipp, D.T.	17-8-42	30-8-42	194	13-8-42.
H/87629	Pte.	Komodowski, F.	24-8-42	6-9-42	201	21-8-42.
M/66589	Pte.	Kuori, F.A.	17-8-42	30-8-42	194	13-8-42.
H/74098	Pte.	Lafoy, H.C.	24-8-42	6-9-42	201	21-8-42.
K/71432	Pte.	Lambie, A.H.	17-8-42	30-8-42	201	21-8-42.
K/71062	Pte.	Loewen, L.J.	24-8-42	6-9-42	194	13-8-42.
K/16241	Pte.	Lord, L.	6-7-42	19-7-42	201	21-8-42.
H/87808	Pte.	McEwan, R.C.H.	24-8-42	6-9-42	157	2-7-42.
K/70779	Pte.	MacFarlane, K.J.	24-8-42	6-9-42	201	21-8-42.
L/62774	Pte.	Manick, M.	17-8-42	30-8-42	201	21-8-42.
K/71222	Pte.	Morrison, G.D.	24-8-42	6-9-42	195	14-8-42.
L/74022	Pte.	Newfield, H.P.	31-8-42	13-9-42	201	21-8-42.
M/60725	Pte.	Portsmouth, M.J.	20-7-42	2-8-42	206	27-8-42.
H/87652	Pte.	Sikora, A.	3-8-42	16-8-42	170	17-7-42.
K/45320	Pte.	Sims, G.W.	31-8-42	13-9-42	181	30-7-42.
H/87585	Pte.	Sundstrom, E.T.	13-7-42	26-7-42	206	27-8-42.
H/87339	Pte.	Thorsteinson, R.C.	20-7-42	2-8-42	164	10-7-42.
M/35203	Pte.	Thwaites, D.W.	24-8-42	6-9-42	170	17-7-42.
L/64358	Pte.	Urbinsky, J.P.			201	21-8-42.
L/64412	Pte.	Wakeford, E.E.				
B/87403	Pte.	Whelpdale, H.R.				

(Cont'd. Sheet No.....6.)

PART II ORDERS

Last Part II Order Issued,
No. 222 - d/15th Sept., 1942. (Sheet No ..6.)

No.223.
Red Deer, Alberta.
16th Sept., 1942.

SECTION "B" (CONT'D.)

5. SPECIAL LEAVE:

L/110221 Pte. Paul, P.C., (Reinft.) granted Special Leave of Absence for the period from A/D 12-9-42 until 1300 hrs. 17-9-42 and authorized to draw a Money Allowance of .50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (4 days)

6. PERMISSION TO MARRY:

L/110213 Pte. Juker, D.J., (Reinft.) granted permission to Marry Miss Darlene Davelene Schlewitz, 9th Sept., 1942 - to become effective:-9th November, 1942.

7. PUNISHMENT:

M/100557 Pte. Radcliffe, E.E., No. 6. Coy., (Reinft.) Awarded a forfeiture of 10 days pay (A.A. Sec. 46), For:-
Absent Without Leave from 2130 hrs. 6-9-42 until 2000 hrs. 14-9-42 (Absent 7 days 22 hrs. 30 Mins.) (A.A. Sec. 15 (1) Under Close Arrest whilst awaiting Trial. Forfeits 8 days pay and allowances under Art. 149 F.R.& I.
Date of Offence:-6-9-42 -- Date of Award:-15-9-42.

8. BIRTH:

M/56881 Pte. McKenzie, J.L., (Reinft.) Birth of a Daughter:
Daughter:-Coleen Mary McKenzie.
Date :-17th July, 1942.
Place :-Athabaska, Alberta.

9. CHANGE OF CATEGORY:

The undermentioned personnel (Reinft.) having been Medically Boarded are Catagorized as shown, eff:-14-9-42. All Documents to be amended accordingly.

M/60329 Pte. Morash, G. "B.2" (Auth:-DMO.- M.D.13 C.36-M-2082 dated:-14-9-42.)
M/56945 Pte. Reeler, C.A. "C.1" (Auth:-DMO.-M.D.13 -C.36-R-1771 dated:-14-9-42.)

10. HOSPITAL:

DISCHARGED Red Deer Military Hospital

H/100266 Pte. Erickson, A.T. (Reinft.) 15-9-42.

11. POSTING: (Inter-Unit)

H/87339 Pte. Thorsteinsen, P.C., H.Q. Coy., (Reinft.) Posted from Reinforcements Red Deer, Alberta to Home War Establishment, Red Deer, Alberta, effective:-14-9-42.

12. NEXT OF KIN:

K/71779 Pte. Anderson, M., H.Q. Coy., (Reinft.) Change of Address of Next Of Kin: (Mrs.) Henrietta Anderson, (Mother)
From:-Penticton, B.C.
To :-658 Neagra Street, Victoria, B.C.
All documents to be amended accordingly.

(Cont'd. Sheet No.....7.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.223.
Red Deer, Alberta.
16th Sept., 1942.

Last Part II Order Issued,
No.222 - d/15th Sept., 1942. (Sheet;;....7.)

HOME DEFENCE SECTION

1. LEAVE OF ABSENCE:

L/600470 Pte. Titley, W.A., H.Q. Coy., (H.D.) granted Leave of Absence from 1700 hrs. 17-9-42 until 0600 hrs. 21-9-42 and authorized to draw a Money Allowance of .50 cents per diem in lieu of Rations under authority of Art.196 (4) F.R. & I. (3 days).

C.W.A.C. REPLACEMENT

1. HOSPITAL:

DISCHARGED Red Deer Municipal Hospital

W/13149 Pte. Rowland, K.J. (C.W.A.C. 14-9-42.

16th Brigade Group Company, R.C.A.S.C.
(No. 26 Coy.,)

1. ATTENTION IS DRAWN TO APPENDIX "A" TO THIS ORDER.

RED DEER MILITARY HOSPITAL R.C.A.M.C., C.A.(A)

1. ATTENTION IS DRAWN TO APPENDIX "B" TO THIS ORDER.

Arthur F. Phelan Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C. T.C., C.A.

APPENDIX "A" TO PART II ORDER NO. 223, D/16-9-42.

16th Brigade Group Company RCASC.
(No.26 Coy.)

DAILY ORDERS PART II

Last Pt.II Order: No.28 d/11-9-42.

Active Army Personnel

No.29
Red Deer, Alberta
15 Sep 42.

SECTION "A"

1. COMMAND

Lieut.J.P.Abel proceeds "On Command" for all purposes except pay to CSATC(WC), Nanaimo B.C., for Course #495, P.T.Wing, effective 14 Sep 42.

Auth: HQ.MD.13 C.24-11-15 d/7-9-42.

SECTION "B"

1. COMMAND

K70721 A/Cpl.Millar W. proceeds "On Command" for all purposes except pay to CSATC(WC)., Nanaimo B.C.,for Course #495 - P.T.Wing, effective 14 Sep 42.

2. STRENGTH DECREASE

(a) The undermentioned personnel are struck offstrength on transfer to Headquarters, 8th Canadian Division, Jasper, Alberta:

L601448 Pte.Faszer W.
M52983 Pte.Weyts M.G.

Auth: CRCASC. 8th Can.Div. effective:15-9-42

(b) L74545 Pte.Greenwood E., is struck off strength on transfer to No.12 District Depot, under the provisions of C.A.R.O 1935(9). effective: 14-9-42

Auth: HQ.MD.13 C.13-1-4 d/9-9-42

3. COMPASSIONATE LEAVE

L74545 Pte.Greenwood E.,granted compassionate leave for thirty days under the provisions of C.A.R.O.1935(7a) from 14-9-42 until 13-9-42 inclusive.

Auth: HQ.MD.13 C.13-1-4 d/9-9-42.

4. PUNISHMENT

K40903 Pte.St.Jean J.V., awarded 10 days C.B., for: (1) Using threatening and insubordinate language to his superior officer, (A.A.Sec.8(2)), (2) Conduct to the prejudice of good order and military discipline, (A.A.Sec.40).

Date of offence: 13-9-42 Date of award: 14-9-42

5. QUALIFICATIONS

(a) G/315 A/S/Sgt. Smythe H.C., having completed a course of instruction at CSATC(WC)., Nanaimo B.C., is qualified as "Q.I." effective: 29-8-42.

Auth: MD.No.13 D.O. No.526

(b) The undermentioned personnel, having completed an examination, are qualified as "Motorcyclist Solo)". effective 11-9-42.

Auth: Standing Qualification Board, Red Deer, Alta.

6. COMMAND

K9485 A/Sgt.Wild F.W., ceases to be shown as "On Command" for all purposes except pay to CSATC(WC)., Nanaimo B.C., effective 11-9-42.

L.O. Roy
Lieut.,
A/Adjutant, 16th Bde.Group Coy.RCASC(No.26 Coy.

APPENDIX "[illegible]" TO PART II ORDER NO. 223 [illegible] d/16-9-42.

ADM C.A.S.C. T.C., C.A.

RED D[illegible] MILITARY HOSPITAL RCAMC CA(A)

PART II ORDERS

Last Part II Order issued
No. 77, d/10th September, 1942.

No. 78, Page 1,
Red Deer, Alberta,
15th September, 1942.

SECTION "A" - Officers and Nursing Sisters.

1. SICK IN QUARTERS:

(a) Capt. J.M. Harvey, Red Deer Military Hospital, ceases to be sick in quarters effective 13-9-42.

(b) Lieut. (Qr.Mr.) E.A. Thornewell, Red Deer Military Hospital, ceases to be sick in quarters effective 11-9-42.

2. NEXT OF KIN:

(a) N/S M.M. Pomrenk, Red Deer Military Hospital, reports change of next of kin.
From: Mrs. Marie Pomrenk (Mother)
Ranfurly, Alberta.
To: Mrs. Winnifred M. Patrick (Sister)
4596 N.W. Marine Drive,
Vancouver, B.C.
All Documents to be amended accordingly.

(b) Lieut. (Qr.Mr.) E.A. Thornewell, Red Deer Military Hospital, reports change of address of next of kin.
From: 4877 Patricia Avenue,
Montreal, Quebec.
To: 248 Bay Street,
Ottawa, Ontario.
All Documents to be amended accordingly.

3. STRENGTH DECREASE:

N/S M. Loggin, struck off strength, Red Deer Military Hospital on being reposted to Camrose Military Hospital, effective 10-8-42.
(Auth. H.Q. 392-12-204 -(Pers. 3b) d/6-8-42.
C.35-L-11 d/8-8-42)

SECTION "B" - Other Ranks.

4. MARRIAGE:

M.26783 S/Sgt. Pickup, H.W., Red Deer Military Hospital, having been granted permission to marry (D.O. #70, d/17-8-42) was married to Miss Eleanor Ruth Davis at Regina, Saskatchewan, 12-9-42.

5. NEXT OF KIN:

M.26783 S/Sgt. Pickup, H.W., Red Deer Military Hospital, reports change of Next of Kin.
From: Mr. Clarence Watson Pickup, (Father)
724 - 6th Avenue W., Calgary, Alberta.
To: Mrs. Eleanor Ruth Pickup, (Wife)
General Delivery, Red Deer, Alberta.
All Documents to be amended accordingly.

6. HOSPITAL:

M.26780 Pte. Patterson, F.S., Red Deer Military Hospital, sick - admitted to Lacombe Community Hospital effective 8-9-42. Discharged from Lacombe Community Hospital 14-9-42.
(Auth. Dr. F.J. Stewart, Lacombe, Alberta).
Admitted to Red Deer Military Hospital eff. 14-9-42

J.M. Harvey Capt
(J.M. Harvey) Capt., RAMC
Officer Commanding

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.223.
Red Deer, Alberta.
16th Sept., 1942.

Last Part II Order Issued,
No.222 - d/15th Sept., 1942. (Sheet No....2.)

SECTION "B" (CONT'D.)

4. HOSPITAL: (Cont'd.)

(b) ADMITTED Red Deer Military Hospital

M/61565 A/Cpl. Gillespie, J.J. (H.W.E.) 12-9-42.

5. NEXT OF KIN:

(a) K/79016 A/Sgt. Dunn, L.E., (Attached) Change of Address of Next Of Kin:
(Miss) Joan Patricia Dunn, (Daughter)
From:- 807 Shaw Avenue, Toronto, Ontario.
To :- 1/c Royal Trust Company, Quebec, P.Q.
All documents to be amended accordingly.

(b) A/99729 Cpl. Milne, J., No. 1. Coy., (Attached) Change of Address of Next Of Kin:
(Mrs.) Elizabeth Milne, (Wife)
From:- General Delivery, Red Deer, Alberta.
To :- 1052 College Street, Toronto, Ontario.
All documents to be amended accordingly.

6. PUNISHMENT:

M/42353 Pte. Brunker, H.J., M.T. Coy., (H.W.E.) Admonished and Placed under Stoppages of pay amounting to $5.10 to make good Loss of Tools, F.R. & I. 158 (2), For:- Losing by Neglect, Public Property Entrusted to his Care for Military Purposes. (A.A. Sec. 24 (2)). Under open Arrest whilst awaiting trial.
Date of Offence:-14-9-42 - Date of Award:-15-9-42.

7. QUALIFICATIONS:

M/34164 A/L/Cpl. Murray, W., No. 2. Coy., (H.W.E.) having completed and examination is qualified as "Class III Driver" (Wheeled), effective:-10-9-42.
(Authority:-Trade Testing Board No. 77 Red Deer, Alta.)

8. AMENDMENT:

Part II Order No. 221 - d/14-9-42 (H.W.E. and Attached Personnel) Section "B" Sub Para. 2 (b) (Promotion) in so far as it relates to M/34162 A/Cpl. Hosek, F., is amended to read M/34153 A/Cpl. Hosek, F.

SECTION "A"

REINFORCEMENTS

(Officers)

1. HOSPITAL:

DISCHARGED Red Deer Municipal Hospital

Lieut. P.A. Farmer, (Reinft.) 14-9-42.

(Cont'd. Sheet No.....)

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Lieut. Col. J.J. Burton-Willison, V.D.
Commanding A20 C.A.S.C. T.C., C.A.

No.223.
Red Deer, Alberta.
16th Sept., 1942.

Last Part II Order Issued,
No.222 - d/15th Sept., 1942. (Sheet No.....1.)

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

1. HOSPITAL:

DISCHARGED Red Deer Municipal Hospital

Captain, W.J. Clark, (H.W.E.) 14-9-42.

2. LEAVE OF ABSENCE:

Major, A.G. Willson, H.Q. Coy., (H.W.E.) granted Leave of Absence for the period from 1-9-42 to 12-9-42 both dates inclusive under authority of C.A.R.O. 699 (2) and is authorized to draw a Money Allowance of .50 cents per diem in lieu of Rations under authority of Art. 196 (4)F.R.& I. (14 days.)
(Authority:-District Order No.533 - dated:-9-9-42.)

SECTION "B" OTHER RANKS

1. ALLOWANCE:

The undermentioned H.W.E. and Attached Personnel, having been granted Furlough from 0600 hrs. effective dates as shown to 2200 hrs. effective dates as shown are authorized to draw a Money Allowance of .50 cents per diem under authority of Art. 196 (4) F.R. & I. (14 days)
(Part II Order Numbers as shown.)

NUMBER	RANK	NAME	FROM - TO	PART II NO.	DATE
L/7022	Sgt.	Cooper, A.M.	3-8-42 - 16-8-42	181	30-7-42.
M/56438	A/Cpl.	Cooper, A.B.	3-8-42 - 16-8-42	181	30-7-42.
M/34024	A/CSM(WOII)	Williams, E.	3-8-42 - 16-8-42	174	22-7-42.
M/20507	Sgt.	Girling, R.G.	13-7-42 - 26-7-42	164	10-7-42.
M/40548	Sgt.	Jeynes, E.H.	13-7-42 - 26-7-42	164	10-7-42.
M/66481	Pte.	Borys, W.	17-8-42 - 30-8-42	194	13-8-42.

2. SICK IN QUARTERS:

M/49932 A/Sgt. Bedford, D.W., H.Q. Coy., (H.W.E.) Sick In Quarters at Red Deer, Alberta, effective:-15-9-42.
(Authority:-Camp Medical Officer.)

3. CHANGE OF CATEGORY:

C/11696 A/C.S.M. (W.O.II) L.V. Maloney, having been Medically Boarded is Categorized "C.I.", effective:-14-9-42.
All Documents to be amended accordingly.
(Authority:-D.M.O.- M.D.13 - C.36-M-2328 - d/14-9-42.)

4. HOSPITAL:

DISCHARGED Red Deer Military Hospital -

(a) M/20588 Sgt. May, A. (Attached) 11-9-42.
H/34019 A/C.S.M.(W.O.II) H. King, (H.W.E.) 12-9-42.

(Cont'd. Sheet No.....2.)

Exhibit "N" Nominal Roll of Effects

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieutenant (Rank) E.A.LeCours (Name), Ass't. D.S. & T.O., M.D. No.12 (Unit)

Strike out word not applicable — hereby certify that I (issued) (~~authorized~~) the hereinafter itemized transportation for escort

Complete — to proceed from Regina, Sask. (Place) to North Battleford, Sask. (Place)

and return to Regina, Sask. for the

Full description of soldier being escorted — purpose of escorting L/8685 Pte. R. Higgs, A-20 R.C.A.S.C. T.C.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~authorized~~) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
ABSENTEE: L/8685 Pte. R. Higgs, A-20 R.C.A.S.C. T.C. Second Class Transportation North Battleford to Regina, T.W.# B 24920	$4.97
ESCORT: L/55286 A/Cpl. F.G. Bond, No. 43 Provost Coy., Second Class Transportation Regina, Sask. to North Battleford, Sas. & Return, T.W.#B 24919	9.94
ABSENTEE: L/8685 Pte. R. Higgs, A-20 R.C.A.S.C. T.C. Second Class Transportation Regina, Sask. to Red Deer, Alta., T.W.#.B 25101	10.97
RECOVERABLE FROM THE PAY OF: L/8685 Pte. R. Higgs, A-20 R.C.A.S.C. T.C., Red Deer, Alta.	
Total	$ 25.88

Dated at Regina, Sask. this 14th day of September A.D. 19 42

E.A.LeCours Lieut.
Signature, rank, unit of officer (issuing transport warrants) ~~authorized the transport warrants~~
Strike out description not applicable.
Ass't. D.S. & T.O., M.D. No. 12

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
30M—12-41 (2754)
H.Q. 1773-29-1481

Exhibit "O" 77

ABSENTEES AND DESERTERS

Amount of Offer Pers

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

Strike out words not applicable

Members of escort

I, L.55286 Private (a/Corporal) F.G. Bond, No. 43 Provost Company, Regina,
(No.) (Rank) (Name) (Unit)
as (escort) ~~[illegible]~~ ✓
detailed to proceed from Regina, Saskatchewan to North Battleford, Saskatchewan
(Place) (Place)

Name and description of soldier escorted

to return L.8685 Private Reginald Higgs, A20 Canadian Army Service Corps Training Centre, C.A.
(Place)
alleged to be a deserter or absentee without leave, to Red Deer, Alberta.
(Place)
hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
Room for Escort at North Battleford, Saskatchewan.	1.25
Meals in R.C.M.P. Guard Room at North Battleford, Saskatchewan	2.16
Meals en route for the escort from Regina, Saskatchewan to North Battleford, Saskatchewan and return and for accused from North Battleford, Saskatchewan to Regina, Saskatchewan.	5.25
Meals for accused from Regina, Saskatchewan to Red Deer, Alberta.	1.75
Total	$ 10.70

Dated at Regina, Saskatchewan this 13th day of September A.D. 19 42

F.G. Bond

(F.G. Bond) a/Corporal
No.43 Provost Company,
Regina, Saskatchewan

✓ Signature and rank ~~[illegible]~~ (escort)
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1469
MEM—7-41 (1135)
H.Q. 1772-39-1880

I certify that this is a true copy of Part II Order No. 226 dated 19th Sept. 1942 of which it purports to be a copy.

Capt. A20 C.A.S.C.T.C., C.A.
(A.F.Phelan),
Adjutant,
A20 C.A.S.C. T.C., C. A.

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Eligibility "P"

PART II ORDERS

No. 226
Red Deer, Alberta,
19th September, 1942.

Last Part II Order issued
No. 225, d/18th Sept., 1942. (Page # 4)

SECTION "B" - - - (CONT'D)

5. ABSENT WITHOUT LEAVE: (Cont'd)

(b) The undermentioned personnel (Reinfts.) are Absent Without Leave, effective time and dates as shown:

K-71363	Pte. Sweet, H.B.,	H.Q. Coy.,	2130 hrs. 16-9-42.
L-8685	Pte. Higgs, R.	H.Q. Coy.,	2130 hrs. 18-9-42.
L-110221	Pte. Peul, E.G.	No. 6 Coy.,	1300 hrs. 17-9-42.

6. QUALIFICATIONS:

(a) The undermentioned personnel (Reinft.) having completed an Examination are qualified as "Motor Mechanics", Group "B", Grade II, effective 17-9-42. (Auth: Trade Testing Board No. 9, Red Deer, Alberta.)

M-503	Pte. Morden, W.M.	M-66499	Pte. Boehm, R.R.
M-66475	Pte. Orr, S.	M-36577	Pte. Robertson, W.
M-66353	Pte. Rycroft, G.H.	M-66498	Pte. Whitehead, A.E.
H-65897	Pte. Hall, F.W.	M-40592	Pte. MacBeth, J.B.C.
H-65568	Pte. Arnott, J.S.	M-28442	Pte. Bridge, G.G.
M-17447	Pte. Pizzey, T.J.	L-8822	Pte. Wiebe, A.
M-40596	Pte. Taylor, C.H.	M-67272	Pte. White, J.R.
M-66018	Pte. McMillan, H.T.	K-70436	Pte. Belsham, E.A.
M-65358	Pte. Goodie, A.E.	M-50336	Pte. Hansen, N.
M-63105	Pte. McLeod, D.J.		

Driver Mechanic

M-3882 Pte. Duncan, T.R. Group "C" Grade I

Blacksmith

L-100106 Pte. Beisel, A.G. Group "B" Grade I

(b) The undermentioned personnel (Reinfts.) having completed an examination are qualified as "Class III Drivers" (Wheeled), effective 15-9-42. (Auth: Trade Testing Board No. 79, Red Deer, Alta.)

H-100963	Pte. MacAulay, T.	H-100903	Pte. Moran, J.J.
K-45753	Pte. Peters, H.	L-74916	Pte. Peters, W.C.
A-102127	Pte. Fuller, D.T.	L-13418	Pte. Grover, E.D.
H-100970	Pte. Krowec, W.	A-10041	Pte. Keays, H.M.
H-100331	Pte. Kozar, E.S.	A-102191	Pte. Gabrieau, R.
K-76629	Pte. Gruber, J.	H-100915	Pte. Landmesser, J.
L-100333	Pte. Goertzen, H.	L-8942	Pte. Hoeft, O.E.
H-87958	Pte. Burton, W.H.	L-110240	Pte. Belangee, W.
A-102135	Pte. Fleming, G.R.	L-100727	Pte. Brown, E.B.
L-74769	Pte. Crawford, A.V.	K-65681	Pte. Dent, R.
L-100723	Pte. Ferris, A.F.	A-102138	Pte. Clark, A.M.
L-74911	Pte. Corpe, C.R.A.	L-66323	Pte. Gordon, A.F.
L-110251	Pte. Sauter, L.R.	B-84706	Pte. Sheardown, R.S.B.
B-113364	Pte. Reid, F.A.	A-45659	Pte. Rodford, G.W.
K-45992	Pte. Roller, V.R.	K-45685	Pte. Schneider, F.E.
K-45825	Pte. Scruten, J.W.	L-100604	Pte. Senick, J.
B-113411	Pte. Sewell, R.E.	H-100937	Pte. Siwicki, A.
B-112906	Pte. Smith, E.J	L-74940	Pte. South, S.L.

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(Continued.... Page # 5)

SECTION "B" - - - (CONT'D)

2. ATTACHED:

(a) The undermentioned personnel, No. 13 District Depot, Calgary, are attached to A20 C.A.S.C.T.C., C.A., (Reinft.) for all purposes, effective 10-9-42.

M-67763 A/L/Cpl. La Boucane, P.E.
A-9920 A/L/Cpl. Innes, H.

(b) The undermentioned personnel (Reinft.) are attached to Branch Detention Barracks, Calgary, Alberta, for Duty, Discipline, Rations and quarters, whilst serving a sentence in Detention, effective dates as shown:

M-100925	Pte. Galusha, R.M.	17-9-42 to 25-9-42.
M-62107	Pte. Erickson, H.	18-9-42 to 25-10-42.
L-51370	Pte. Romonack, M.J.	18-9-42 to 4-10-42.
M-60481	Pte. Cropper, H.W.	18-9-42 to 7-10-42.

3. NEXT OF KIN:

(a) M-35133 Pte. Potter, L.A., H.Q. Coy., (Reinft.) Change of address of next of kin:

(Mrs.) Isabelle Ada Potter (Wife)
From: Knee Hill Valley P.O., Alberta.
To: Innisfail Alberta.
All documents to be amended accordingly.

(b) H-88134 Pte. McInnes, S.J., No. 4 Coy. (Reinft.) Change of address of next of kin:

(Mrs.) W.S. McInnes (Mother)
From: 370 McGee St.,
Winnipeg, Manitoba.
To: 670 Victor St.,
Winnipeg, Manitoba.
All documents to be amended accordingly.

4. SUBSISTENCE ALLOWANCE:

K-65353 Pte. McDonald, C.K., (Reinft.) having been granted Sick Leave is authorized to draw Subsistence Allowance of $1.00 per diem for the period 15-9-42 to 5-10-42, both dates inclusive.
(Auth: H.Q. M.D. 13, C.36-Mc-2086, d/18-9-42.)

5. ABSENT WITHOUT LEAVE:

(a) The undermentioned personnel (Reinfts.) Cease to be Absent Without Leave, effective time and dates as shown:

L-100730	Pte. O'Soup, S.R.	No. 3 Coy.	1115 hrs. 18-9-42.
L-66519	Pte. Bailey, W.M.	No. 5 Coy.	1200 hrs. 10-9-42.

(Continued.....Page 4)

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A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 225, d/18th Sept., 1942. (Page # 2)

No. 226
Red Deer, Alberta,
19th September, 1942.

REINFORCEMENTS - - - - - SECTION "A"

(Officers)

N I L

SECTION "B" - - - OTHER RANKS

1. STRENGTH INCREASE:

(a) The undermentioned personnel (Reinfts.) from A.16 C.I.T.C., Currie Barracks, Calgary, Alberta, are Taken on Strength of A20 C.A.S.C.T.C., C.A., and posted to Headquarters Company, effective 16-9-42. Arrived 1930 hours, 15-9-42. (Auth: Admin. Instr. #72, d/9-9-42.)

K-70907 Pte. Knowles, P.A. L-8800 Pte. Aiken, H.E.

(b) H-87826 Pte. Silver, V.M., (Reinft.) from No. 11 V.T.S., Vancouver, B.C., is Taken on Strength of A20 C.A.S.C.T.C., C.A., and posted to No. 5 Company, effective 17-9-42. Arrived 1935 hours, 17-9-42. (Auth: Admin Instr. No. 72, d/9-9-42.)

(c) The undermentioned personnel (Reinfts.) from No. 12 C.A. (B) T.C., Chatham, Ontario, are Taken on Strength of A20 C.A.S.C.T.C., C.A., and posted to No. 1 Training Company, effective 16-9-42. Arrived 1210 hours, 18-9-42. (Auth: Admin. Instr. No. 72, d/9-9-42.)

A-102159 Pte. Adam, C.E. A-102197 Pte. Chauvin, E.J.
B-110486 Pte. Crittenden, I.R. B-113406 Pte. Kazakoff, G.
B-112873 Pte. Sheard, A.L. A-102255 Pte. Smith, A.K.
A-102206 Pte. Widdis, J.M. A-102181 Pte. Wood, A.K.
A-102214 Pte. Wright, R.J.

(d) K-71340 Pte. Kipp, G.R., (Reinft.) from No. 11 V.T.S., Vancouver, B.C., is Taken on Strength of A20 C.A.S.C.T.C., C.A., and posted to No. 1 Training Company, effective 17-9-42. Arrived 1935 hours, 17-9-42. (Auth: Admin. Instr. No. 72, d/9-9-42.)

(e) The undermentioned personnel (Reinfts.) from No. 10 C.A. (B) T.C., Kitchener, Ontario, are Taken on Strength of A20 C.A.S.C.T.C., C.A., and posted to No. 1 Training Company, effective 16-9-42. Arrived 1210 hours, 18-9-42. (Auth: Admin. Instr. No. 72, d/9-9-42.)

A-103408 Pte. Holling, C.W.J. A-103434 Pte. Holmes, H. Mc.
A-103381 Pte. Johnson, N.J. A-103306 Pte. Lepine, R.A.
A-103410 Pte. McKee, J.A. A-103367 Pte. White, O.A.
A-103409 Pte. Wilson, R.J.

J J m

(Continued.....Page # 3)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Lieut.-Col. J.J. Burton-Willison, V.D.

Commanding A20 C.A.S.C.T.C., C.A.

Last Part II Order issued
No. 225, d/18th Sept., 1942.

No. 226
Red Deer, Alberta,
19th September, 1942.

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

N I L

SECTION "B" - - - OTHER RANKS

1. ON COMMAND:

M-35693 Pte. Riske, L.C. (H.W.E.) proceeds "On Command" for escort duty to Hardesty, Alberta, from 1900 hours, 14-9-42 to 1100 hours, 16-9-42.

2. FURLOUGH:

The undermentioned personnel (H.W.E.) are granted furlough from 0600 hours, 21-9-42 until 2200 hours, 4-10-42 and issued with Transportation Warrants as shown, and authorized to draw a money allowance of .50 cents per diem in lieu of rations under authority of Art. 196 (4) F.R. & I.
(Auth: A.F. Routine Order 699 2 (b)).

L-8023 A/L/Cpl. Turcotte, W.W., M.T. Coy., T.W. A-172875.
M-459 Pte. Firth, E. M.T. Coy., T.W. A-172872.
M-50050 Pte. Martin, J.B. H.Q. Coy., T.W. A-172887.
A-99729 Cpl. Milne, J. (Att'd) No. 1 Coy., T.W. A-172877.

3. PERMISSION TO MARRY:

M-34054 A/L/Cpl. Davidson, W.H., M.T. Coy., (H.W.E.) granted permission to marry Miss Signe Evelyn Karlson, to become effective 18th September, 1942.

4. AMENDMENT:

Part II Order No. 164, d/10-7-42 (H.W.E. and Attached Personnel) Section "B", sub-para 6 (Furlough) in so far as it concerns "M-50099 Pte. Anderson, F.L.", '2200 hours, 26-7-42' is amended to read '2200 hours, 19-7-42 (7 days).

5. CANCELLATION:

Part II Order No. 219, d/11-9-42, (H.W.E. and Attached Personnel) Section "B", sub-para 5 (Permission to Marry) in so far as it relates to "M-34054 A/L/Cpl. Davidson, W.H.", is cancelled.

(Continued. Page # 2)

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APPENDIX "A" TO A20 C.A.S.C.T.C., C.A. PT. II Order 226
d/19-9-42

16th Brigade Group Company RCASC
(No.26 Coy.)

D A I L Y O R D E R S P A R T II

Active Army Personnel

Last Pt.II order:
No.30 d/16-9-42.

No.31
Red Deer, Alta.
18 Sep 42.

SECTION "A"

1. CANCELLATION
Daily Order Part II No.24 dated 31 Aug 42, Section "A", para.2, insofar as it refers to Lieut.I.G.Baker, is cancelled.

SECTION "B"

1. COMMAND
G42562 Sgt.Trenholm J.H., ceases to be shown as "On Command" for all purposes except pay (Instructional Course to No.13 Detachment RCOC., Calgary, Alta. effective 14-9-42

2. SUBSISTENCE ALLOWANCE
G42562 Sgt.Trenholm J.H., ceases to draw subsistence allowance of $1.00 per diem, under the provisions of Art.199(1) F.R. & I., having ceased to be shown as "On Command" to No.13 Detachment RCOC., for instructional purposes. effective 14-9-42.

3. COMPASSIONATE LEAVE
G42562 Sgt. Trenholm J.H., granted ten days compassionate leave with pay from 1500 hours 18 Sep 42 until 2200 hours 27 Sep 42 (both dates inclusive), under the provisions of C.A.R.O. 699(3), and is entitled to a money allowance of fifty cents per day in lieu of rations.
Auth: HQ.MD.13 Tel.No.297 d/18-9-42.
Art.196(4) F.R. & I.

4. COMMAND
M58702 Pte.Torsti L.E., proceeds "On Command" for all purposes except pay to No.131 C.A.(B) T.C., Camrose, Alta., whilst undergoing basic training. effective 17-9-42
Auth: HQ.MD.13 C/S 4-12 FD.13 dated 1 Sep 42.

5. CANCELLATION
Part II order No.29 dated 15 Sep 42, Sec."B", para.2 is cancelled in its entirety and the following substituted:
2. COMMAND
M52983 Pte.Weyts M.G., proceeds "On Command" for all purposes to Headquarters, 8th Can.Div., Jasper, Alta. effective 15-9-42.
Auth: CRCASC.8th Can.Div.

RESERVE ARMY PERSONNEL (NRMA.1940)

1. CANCELLATION
Part II order No.30 dated 16 Sep 42, Reserve Army Personnel section, is cancelled in its entirety, and the following substituted:
1. COMMAND
L601448 Pte.Faszer W., proceeds "On Command" for all purposes to Headquarters, 8th Can.Div., Jasper, Alta. effective 15-9-42.
Auth: CRCASC. 8th Can.Div.

L.O. Roy, Lieut.,
(L.O.Roy)
A/Adjutant, 16th Bde.Group Coy.RCASC (No.26 Coy.)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 225, d/18th Sept., 1942. (Page # 5)

No. 226
Red Deer, Alberta,
19th September, 1942.

SECTION "B" - - - (CONT'D)

7. PUNISHMENTS:

(a) M-100664 Pte. Tronnes, E.O., No. 6 Coy., (Reinft.) Admonished for:-
Absent Without Leave from 0600 hours, 14-9-42 to 0345 hours, 18-9-42. (Absent 3 days, 21 hours, 45 minutes). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 4 days pay and allowances under Art. 149 F.R. & I.
Date of offence 14-9-42. Date of award 19-9-42.

(b) L-66519 Pte. Bailey, W.M., No. 5 Coy., (Reinft.) awarded 7 days C.B. for:-
Absent Without Leave from 1200 hours, 7-9-42 until 1200 hours, 10-9-42. (Absent 3 days). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 3 days pay and allowances under Art. 149 F.R. & I.
Date of offence 7-9-42. Date of award 10-9-42.

(c) L-100730 Pte. O'Soup, S.R., No. 3 Coy., (Reinft.) Admonished for:-
Absent Without Leave from 0600 hours, 14-9-42 until 1115 hours, 18-9-42. (Absent 4 days, 5 hours, and 15 minutes). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 5 days pay and allowances, under Art. 149 F.R. & I.
Date of offence 14-9-42. Date of award 18-9-42.

(d) A-103141 Pte. Lloyd, W.W., H.Q. Coy., (Reinft.) Admonished for:-
Absent Without Leave from 2130 hours, 11-9-42 until 1330 hours, 17-9-42. (Absent 5 days, 16 hours). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 6 days pay and allowances under Art. 149 F.R. & I.
Date of offence 11-9-42. Date of award 18-9-42.

8. HOSPITAL:

(a) TRANSFERRED from Red Deer Military Hospital to Red Deer Municipal Hospital

M-101329 Pte. Walroth, W. 14-9-42.

(b) ADMITTED Red Deer Military Hospital

M-102665 Pte. Winfield, J. 16-9-42.
M-35133 Pte. Potter, L.A. 18-9-42.
A-102181 Pte. Wood, A.K. 18-9-42.

(c) DISCHARGED Red Deer Military Hospital

H-88064 Pte. Dupas, R. 18-9-42.
K-45291 Pte. Ganner, W.H. 18-9-42.

9. Attention is drawn to Appendix "A" to this Order (16th Bde. Group Coy., (No. 26 Coy.) R.C.A.S.C.)

J. J. Gnam Capt.
Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C.T.C., C.A.

I certify that this is a true copy of Part II Order No. 229, dated 23rd Sept. 1942 of which it purports to be a copy.

(A. F. Phelan) Capt.
Adjutant, A20 C.A.S.C. T.C., C.A.

A20 C.A.S.C. T.C., C.A.

Exhibit "Q"

PART II ORDER

Last Part II Order Issued,
No.228 - d/22nd Sept., 1942. (Sheet No....6.)

No.229
Red Deer, Alberta.
23rd Sept., 1942.

SECTION "B" CONT'D

10. HOSPITAL:

(a) DISCHARGED MEWATA MILITARY HOSPITAL:

M/56711 Pte. McDonald, C.K. (Reinft) 19-9-42)

(b) ADMITTED Red Deer, Military Hospital: (Sick)

B/84706	Pte. Sheardown, R.S.B.	(Reinft)	22-9-42.
M/101898	Pte. Walstra, L.G.	(Reinft)	16-9-42.
M/3672	Pte. Fraser, J.K.	(Reinft)	22-9-42.
M/101281	Pte. Laanstra, P.	(Reinft)	22-9-42.

(c) DISCHARGED Red Deer Military Hospital:

M/102665	Pte. Winfield, J.	(Reinft)	21-9-42.
A/102181	Pte. Wood, A.K.	(Reinft)	22-9-42.
M/101898	Pte. Walstra, L.G.	(Reinft)	22-9-42.

11. AMENDMENT:

(a) PartII Order No. 226 d/19-9-42 (Reinft) Section "B" Sub-Para 5(b) (Absent Without Leave) in so far as it relates to L/8685 Pte. Higgs, R. effective time of absence is amended to read, "1630 hours, 18-9-42".

(b) Part II Order No. 228 d/22-9-42 (Reinft) Section "B" Sub-Para 5 (b) in so far as it relates to M/100844 Pte. Javorsky, C. line 1 after (Reinft) strike out "is" and insert, ". Ceases to be".

12. APPENDIX:

ATTENTION IS DRAWN TO APPENDIX "A" (16 Bde. Group Coy. RCASC. (No. 26 Coy.)) Part II Order No. 33 d/22-9-42).

HOME DEFENCE SECTION

1. LEAVE OF ABSENCE:

L/600171 Pte. Geary, R.E. No. 5 Coy., (H.D.) Proceeds on Leave of Absence without pay and allowances for a period of thirty (30) days effective, 23-9-42 from 24-9-42 until 23-10-42.

2. ABSENT WITHOUT LEAVE:

M/600300 Pte. Nelson, E.C. H.Q. Coy., (H.D.) is Absent Without Leave 21 days effective, 2130 hours, 1-9-42 and still absent.

(Continued.....Sheet # 7).

SECTION "B" CONT'D

4. EXTENSION OF LEAVE:

L/110293 Pte. Dobni, N. (Reinft) is granted extension of Leave of Absence without pay and allowances for a period of ten (10) days expiring 29-9-42.
(Auth: H.Q. M.D. 13 C.13-1-4, d/18-9-42).

5. ABSENT WITHOUT LEAVE:

B/85663 Pte. Platt, C.E. No. 5 Coy., (Reinft) Ceases to be Absent Without Leave, effective, 1300 hours, 9-9-42.

6. PUNISHMENTS:

(a) M/100394 Pte. Sylte, L. M.T. Coy., (Reinft) Admonished for:
Absent Without Leave from 0600 hours, 21-9-42 until 1600 hours, 21-9-42. (10 hours) (A.A. Section 15 (1)).
Under open arrest whilst awaiting trial.
Forfeits 1 days pay and allowances Art. 149 F.R.& I.
Date of offence 21-9-42 Date of award 22-9-42.

(b) M/100844 Pte. Javorsky, C.L. No. 5 Coy., (Reinft) Awarded 27 days Detention for:
Absent Without Leave from 0230 hours, 6-9-42 until 1940 hours, 21-9-42. (15 days 17 hours, 10 minutes).
(A.A. Section 15 (1)).
Under close arrest whilst awaiting trial.
Forfeits 16 days pay and allowances Art. 149 F.R. & I.
Date of offence 6-9-42 Date of award 22-9-42.

7. BIRTH:

M/36777 Pte. Thompson, C. M.T. Coy., (Reinft) Birth of son:

Son : Raymond Robert Thompson.
Date : 24th May, 1942.
Place : Water Valley, Alberta.

8. MARRIAGE:

M/36777 Pte. Thompson, C. M.T. Coy., (Reinft) having been GRANTED permission to marry effective, 28-7-42 (Part II Order No. 180 d/29-7-42) was married, effective, 26-8-42.

Wife : Anna Mary (Maiden name, " Silbernagel").
: General Delivery, Red Deer, Alberta.
Place : Carstairs, Alberta.

9. FURLOUGH:

The undermentioned personnel (Reinft) granted furlough from 0600 hours, 28-9-42 until 2200 hours, 11-10-42 and issued with Transportation Warrants as shown and authorized to draw a Money Allowance of .50 cents per diem under Art. 196 (4) F.R. & I.
Auth: A.F. Routine Order 699 (2) (b)).

L/62767	Pte. Fisher, C.R.	M.T. Coy.	A/172892.
L/65081	Pte. Smith, N.A.	M.T. Coy.	A/172891.
M/100106	Pte. Harrison,	No. 6 Coy.	A/173663.
H/87892	Pte. Boscott, G.E.	H.Q. Coy	A/173663.

(Continued.... Sheet # 6).

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A20 C.A.S.C.T.C., C.A.

PART II ORDERS

No. 229
Red Deer, Alberta.
23rd Sept., 1942.

Last Part II Order issued
No. 228 d/22nd Sept., 1942 Sheet # 4.

SECTION "B" CONT'D

2. QUALIFICATIONS: Cont'd)

(b) The undermentioned personnel No. 2 Coy., (Reinft) having completed an examination are qualified as Class III Drivers (Wheeled) effective, 21-9-42. Trade Testing Board No. 85)

M/101328 Pte. Bell, R.R.
B/113423 Pte. Cameron, A.W.
B/73204 Pte. Conley, J.M.
M/56841 Pte. Cutrell, W.C.
A/70074 Pte. Dillon, J.
A/103105 Pte. Farrell, W.H.
M/101824 Pte. Hager, L.
B/113475 Pte. Isaac, H.
M/101791 Pte. Laventure, R.W.
A/9955 Pte. MacDowell, C.A.
M/101503 Pte. Maeers, J.R.
M/101802 Pte. Martin, D.W.
K/101946 Pte. Meyer, S.P.
B/113693 Pte. Black, G.L.
M/101573 Pte. Carstairs, H.G.
M/101275 Pte. Coulter, H.A.
M/101647 Pte. Davie, N.T.
A/103096 Pte. Evans, A.H.
B/112149 Pte. Forbes, J.F.
A/103142 Pte. Hall, F.E.
M/101513 Pte. Jensen, R.B.
A/103108 Pte. LeSouder, L.F.
A/103155 Pte. McLean, A.B.
A/103191 Pte. Marquis, J.A.
M/101520 Pte. Marsh, A.C.
M/101459 Pte. Morgan, W.G.

(c) The undermentioned personnel No. 3 Coy., (Reinft) having completed an examination are qualified as Class III Drivers (Wheeled) effective, 19-9-42. (Auth: Trades Testing Board No. 84).

R/100610 Pte. Arkles, L.W.
L/100157 Pte. Bourassa, G.R.
L/100587 Pte. Daschuk, M.
K/45180 Pte. Densmore, J.B.
L/100702 Pte. Edwards, W.J.
L/100286 Pte. Flanagan, J.E.
L/13261 Pte. Grover, W.
L/66370 Pte. Hutchinson, R.A.
L/110295 Pte. Johnson, W.A.
L/65769 Pte. LaFayette, W.E.
L/110212 Pte. Long, P.C.
L/65616 Pte. Mailhiot, L.J.
L/100614 Pte. Marno, E.
H/100412 Pte. Melin, C.G.
L/51345 Pte. Oscienny, M.
L/100731 Pte. Sullivan, R.P.
L/100674 Pte. Voll, C.A.
L/100340 Pte. Bandura, F.
H/100009 Pte. Bowker, J.T.
L/100704 Pte. David, J.J.
L/65715 Pte. Dynneson, C.N.
L/100131 Pte. Efford, V.C.
L/65339 Pte. Freeman, R.W.
L/100612 Pte. Hirst, W.M.
K/65684 Pte. Jack, D.S.
K/45935 Pte. Kittson, D.A.
K/45757 Pte. LeFevre, J.W.A.
B/110378 Pte. McGillis, D.E.
K/80079 Pte. Marno, G.E.
H/88100 Pte. Mayer, A.J.
H/100890 Pte. Myers, W.
H/101035 Pte. Penner, J.
K/45939 Pte. Toffolo, R.
L/100675 Pte. Voll, L.J.

3. APPOINTMENTS & PROMOTIONS:

To be A/Corporal without pay (Local Rank) whilst employed as Conducting, N.C.O. effective, 15-9-42.

M/28430 A/L/Cpl. Brown, J.D. No. 5 Coy. (Reinft)

To be a/Lance Corporal with pay whilst employed as Conducting N.C.O. effective, 15-9-42.
(Auth: H.Q.S. 8329 F.D. 16 (Org) - d/18-7-42.)

M/28430 Pte. Brown, J.D. No. 5 Coy. (Reinft)

Continued..... (Sheet # 5).

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No. 229.
Red Deer, Alberta.
23rd Sept., 1942.

Last Part II Order issued
No. 228 d/22nd Sept., 1942.

Sheet # 3

REINFORCEMENTS - - - - SECTION "A"

(Officers)

1. HOSPITAL:

ADMITTED Col-Belcher Hospital, Calgary, Alta. (Sick)

2/Lieut. W.D. Cheyne (Reinft) 19-9-42.

2. AMENDMENT:

Part II Order No. 224 d/5-9-42 (Reinft) Section "A" Sub-Para 3 (Allowances) is amended by adding total number of days at .50 cents per diem Allowances as follows:

Lieut. A.M. Hays (5 days) Lieut. F.A. Kavanagh, (5 days).
Lieut. A. Ballantyne, (4 days) Lieut. A.J. MacRae (6 days).
Lieut. N.T. Gray, (6 days) Lieut. J.B. Rutledge, (6 days).
Lieut. W.W. Glover, (5 days) Lieut. W.F. Swinton, (8 days).
Lieut. C.B. Jarvis, (9 days) Lieut. F.S. Westwood, (3 days).

SECTION "B" - - - - - OTHER RANKS

1. STRENGTH INCREASE:

H/87382 Pte. Dymond, E.W. from No. 133 C.A. (B) T.C. is Taken ON Strength A20 C.A.S.C. T.C., C.A. on Posting, effective, 18-9-42 and posted to No. 3 Coy. (Auth: H.Q. M.D. 13 C.36-D-1642 d/16-9-42).

2. QUALIFICATIONS:

The undermentioned personnel No. 3 Coy. (Reinft) having completed an examination are qualified as Class III Drivers (Wheeled) effective, 15-9-42. (Auth: Trade Testing Board No. 79).

H/100963 Pte. MacAulay, T.
K/45753 Pte. Peters, H.
A/102127 Pte. Fuller, D.T.
H/100970 Pte. Krowec, W.
H/100331 Pte. Kozar, E.S.
K/76629 Pte. Gruber, J.
L/100333 Pte. Goertzen, H.
H/87958 Pte. Burton, W.H.
A/102135 Pte. Fleming, G.R.
L/74769 Pte. Crawford, A.V.
L/100723 Pte. Ferris, A.F.
L/74911 Pte. Corpe, C.R.A.
L/110251 Pte. Sauter, L.R.
B/113364 Pte. Reid, F.A.
K/45992 Pte. Roller, V.R.
K/45825 Pte. Scruten, J.W.
B/113411 Pte. Bewell, R.E.
B/112906 Pte. Smith, E.J.
H/100903 Pte. Moran, J.J.
L/74916 Pte. Peters, W.C.
L/13418 Pte. Grover, E.D.
A/10041 Pte. Keys, H.M.
A/102191 Pte. Gabrieau, R.
H/100915 Pte. Landmesser, J.
L/8942 Pte. Hoeft, O.E.
L/110240 Pte. Belangee, W.
L/100727 Pte. Brown, E.B.
K/65681 Pte. Dent, R.
A/102138 Pte. Clark, A.M.
L/66323 Pte. Gordon, A.F.
B/84706 Pte. Sheardown, R.S.B.
A/45659 Pte. Rodford, G.W.
K/45685 Pte. Schneider, F.E.
L/100604 Pte. Senick, J.
H/100937 Pte. Siwicki, A.
L/74940 Pte. South, S.L.

J. J. Am

Continued..... (Sheet # 4).

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No. 229.
Red Deer, Alberta.
23rd Sept., 1942.

Last Part II Order issued
No. 228 d/22nd Sept., 1942. Sheet # 2

SECTION "B" CONT'D

3. FURLOUGH:

The undermentioned personnel from Companies shown are granted furlough from 0660 hours, 28-9-42 until 2200 hours, 11-10-42 and issued with Transportation Warrants as shown and authorized to draw a Money Allowance of .50 cents per diem under Art. 196 (4) F.R.& I. (14 days). (Auth: A.F. Routine Order 699 (2) (b)).

M/34003	A/Sgt. Ruttle, K.C.	No. 5 Coy.	(HWE)	A/173662.
M/34075	A/Sgt. Charlton, M.O.	No. 2 Coy.	(HWE)	A/172870.
K/100247	Pte. Neve, J.E.	M.T. Coy.	(HWE)	A/172890.
D/9144	Sgt. Mason, A.G. (Attached)			A/173661.

4. CHANGE OF ADDRESS:

L/8033 A/Cpl. Leslie, S.H. M.T. Coy. (H.W.E.) Change of address of next of Kin:

(Mrs.) Lena Mildred Leslie (Wife)
From : Moosomin, Saskatchewan.
To : 210 Albany Street, St. James, Winnipeg, Man.
All documents to be amended accordingly.

5. APPOINTMENTS & PROMOTIONS:

(a) To be a/Lance Corporal with pay whilst employed as Instructor on Driving Wing, M.T. Coy., effective, 22-9-42. (Auth: Cdn. V/1940/142/1).

L/8050 Pte. MacDonald, A.J. M.T. Coy. (H.W.E.)

(b) To be a/Cpl. with pay whilst employed as Clerk in M.T. Coy., Orderly Room, effective, 22-9-42. (Auth: Cdn. V/1940/142/1).

M/34029 Pte. Johnson, H. M.T. Coy. (H.W.E.)

6. PUNISHMENTS:

(a) A/9897 Pte. Smibert, H.K. No. 4 Coy., (H.W.E.) Awarded 5 days C.B. for:
Absent Without Leave from 1700 hours, 21-9-42 until 0345 hours, 22-9-42, (10 hours, 45 minutes).
(A.A. Section 15 (1)).
Under open arrest whilst awaiting trial.
Forfeits 1 days pay and allowances Art. 149 F.R.& I.
Date of offence 21-9-42 Date of award 22-9-42.

(b) M/34012 Pte. Milton, J. H.Q. Coy., (H.W.E.) Awarded 96 hours Detention for:
Neglect to the Prejudice of Good Order and Military Discipline. (A.A. Section 40)
Under open arrest whilst awaiting trial.
Date of offence 18-9-42 Date of award 22-9-42.

J.J.M.

Continued.....Sheet # 3).

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Lieut. Col. J.J. Burton-Willison, V.D.

Commanding A20 C.A.S.C. T.C., C.A.

Last Part II Order issued
No. 228 d/22nd Sept., 1942 Sheet # 1

No. 229.
Red Deer, Alberta.
23rd Sept., 1942.

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

1. CHANGE OF CATEGORY:

Major, W. Cooper, (H.W.E.) having been medically boarded is Categorized "C-1"
(Auth: D.M.O. M.D. 13 C.34-C-540 d/19-9-42).

2. ATTACHED INCREASE:

Lieut. D.C. McKechnie, No. 33 Coy. Canadian Dental Corps is attached to A20 C.A.S.C. T.C., C.A. for Duty, Discipline, Rations and Quarters for Temporary Duty as Dental Officer, effective, 22-9-42.
(Auth: No. 33 Coy., C.D.C. CA (A) Pt. II Order No. 125 d/17-9-42).

3. LEAVE OF ABSENCE:

The undermentioned Officers (Attached) are granted Leave of Absence under the Provisions of C.A.R.O. 699 (2) for the periods shown opposite their names both dates inclusive.
(Auth: District Order No. 554 d/16-9-42).

Major, N.D. Hoge (69 Tank Transporter Coy) 9-11-42 until 22-11-42.
Capt. M. Turner, 21-9-42 until 4-10-42.

SECTION "B" - - - - OTHER RANKS

1. ATTACHED DECREASE:

C/80119 A/Cpl. Lyriotakis, J.C. Ceases to be attached A20 C.A.S.C. T.C., C.A. for all purposes except pay on return to his Unit, The Brockville Rifles (A.F.) Prince George, B.C. effective, 23-9-42.
(Auth: H.Q. 54-27-35-10- (Trng)3) d/14-7-42).

2. ON COMMAND:

M/40566 Pte. Ferguson, A.M. M.T. Coy., (H.W.E.) Proceeds "On Command" for all purposes except pay to Calgary, Alta. for Ambulance Duties, effective, 0830 hours, 15-9-42 until 2200 hours, 16-9-42.
(Auth: Commandant, A20 C.A.S.C. T.C., C.A.).

Continued..... (Page 2).

APPENDIX "A" TO PART II ORDER NO. 229 d/23-9-42.

A20 C.A.S.C. T.C., C.A.

16th Brigade Group Company RCASC
(No.26 Coy.)

Last Pt.II order:
No.32 d/21 Sep 42.

D A I L Y O R D E R S P A R T II

Active Army Personnel

No.33
Red Deer, Alta.
22 Sep 42.

SECTION "A"

1. DUTIES.

Lieut.L.O.Roy assumes the duties of ACTING ADJUTANT, effective 1-8-42.

SECTION "B"

1. LEAVE

G42562 Sgt.Trenholm J.H., granted ordinary leave under the provisions of K.R.(Can) 1137(iv) from 2200 hours 27-9-42 until 0600 hours 2-10-42, and is entitled to a money allowance of fifty cents per day in lieu of rations for the period of leave.
Auth: Art. 196(4) F.R. & I.

2. QUALIFICATIONS

(a) A9485 Cpl. (A/Sgt. with pay)(A/S/Sgt. without pay)F.W.Wild, having attended a course of instruction in Platoon Weapons, (Course No.444) at CSATC(WC), Nanaimo B.C., is qualified "Q.I", effective 11 Sep 42.
Auth: M.D.No.13 C.24-11-15 d/21-9-42.

(b) A9485 Cpl. (A/Sgt. with pay)(A/S/Sgt. without pay) F.W.Wild, having completed an examination is qualified as "Class III Driver (Wheeled)", effective 21-9-42.
Auth: Standing Qualification Board, Red Deer, Alberta.

3. Discharged from Red Deer Military Hospital

G54525 A/L/Cpl. Bablitz H.F. 17-9-42

L.O. Roy
Lieut.,
(L.O.Roy)
A/Adjutant, 16th Brigade Group Coy.RCASC.
(No.26 Coy.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 228 d/22nd Sept., 1942.

Sheet # 7.

No. 229.
Red Deer, Alberta.
23rd Sept., 1942.

C.W.A.C. REPLACEMENT

1. STRENGTH DECREASE:

W/13014 A/Cpl. Russell, I.A. is Struck off Strength A20 C.A.S.C. T.C., C.A. for all purposes except pay and Clothing on return to "F" Coy., C.W.A.C., Calgary, Alberta, effective, 22-9-42.
(Auth: H.Q. M.D. 13 Tel. 350 d/19-9-42).

2. FURLOUGH:

W/13160 Pte. Burge, M.E. (C.W.A.C.) granted furlough from 0600 hours, 28-9-42 until 2200 hours, 11-10-42 and issued with Transportation Warrant No. A/172775 and authorized to draw a Money Allowance of .50 cents per diem in lieu of rations under Art. 196 (4) F.R.& I.
(Auth: A.F. Routine Order No. 699 (2) (b)).

3. ATTACHED INCREASE:

(a) W/13357 Pte. Weir, N.C. of "p" Coy., C.W.A.C. M.D. 13 is attached to A20 C.A.S.C. T.C., C.A. for quarters and and attached to Red Deer, Military Hospital for Duty and Rations, covering off vacancy to complete establishment, effective, 7-9-42.
(Auth: "p" Coy. CWAC Pt II Order 160, d/8-9-42).

(b) The undermentioned personnel of "p" Coy. CWAC M.D. 13 are attached A20 C.A.S.C. T.C., C.A. for Rations and Quarters, effective, 7-9-42 and to No. 1 Det. "R" Coy. CWAC. for Duty and Discipline.
(Auth: "P" Coy CWAC. M.D. 13 No. 160 d/8-9-42).

W/13328 Pte. Cave, B. W/13359 Pte. Cumming, M.A.

4. SUBSISTENCE ALLOWANCE:

W/13211 Pte. Gilbert, M.F. H.Q. Coy., CWAC having been granted Sick Leave is authorized to draw Subsistence Allowance of $1.00 per diem for the period 14-9-42 until 27-9-42 inclusive. (14 days)
(Auth: H.Q. M.D. 13 C.36-Mo-2088, d/21-9-42. and H.Q. M.D. 13 40-36-G-3, d/21-9-42).

5. HOSPITAL:

DISCHARGED Medicine Hat General Hospital:

W/13067 Pte. Bohnet, E.M. (CWAC) 28-8-42.

6. CHANGE OF CATEGORY:

W/13211 Pte. Gilbert, M. (CWAC) having been medically boarded is Categorized "D".
(Auth: D.M.O. M.D. 13 40-36 G-3., d/21-9-42).

J. J. Phelan Capt.
(K.F. Phelan),
Adjutant
A20 C.A.S.C. T.C. C.A.

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I certify that this is a true copy of Part II Order No. 239 dated 3rd Oct., 1942, which it purports to be a copy.

Capt.
(A. F. Phelan),
Adjutant, A20 C.A.S.C.T.C., C. A.

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued,
No.238 - d/2nd Oct., 1942. (Sheet No.....6.)

No.239.
Red Deer, Alberta.
3rd October, 1942.

SECTION "B" (CONT'D.)

7. APPOINEMENTS:

To be Acting Lance Corporals, with Pay, whilst employed as Assistant Instructors, No.1. Coy., effective:1-10-42 (Authority:-Cdn. V/1940/142/1.)

M/102276 Pte. Tildesley, K.F.P.
M/103125 Pte. Kastner, A.E.A.
M/56002 Pte. Graham, J.
K/70580 Pte. Edgecumbe, P.H.
A/102214 Pte. Wright, R.J.
K/46214 Pte. Hendy, J.A.
L/100940 Pte. Giem, K.

8. ABSENT WITHOUT LEAVE:

(a) The undermentioned personnel from Companies as shown are Absent Without Leave, (8th day) effective time and dates as shown.

H/31563	Pte. Howard, M.A.	No. 2. Coy.,	0500 hrs.	23-9-42
L/110221	Pte. Paul, P.G.	No. 5. Coy.,	1300 hrs.	17-9-42
L/8685	Pte. Higgs, R.,	H.Q. Coy.,	1630 hrs.	18-9-42
H/65430	Pte. Hall, V.W.	H.Q. Coy.,	1210 hrs.	14-9-42

(b) The undermentioned personnel H.Q. Coy., (Reinft.) cease to be Absent Without Leave, effective time and date as shown.

M/101689	Pte. Jones, W.G.	1830 hrs. 2-10-42.
L/8685	Pte. Higgs, R,	1800 hrs. 29-9-42.

9. AMENDMENT:

Part II Order No.226 - d/19-9-42 (Reinft.) Section "B" Sub Para. 5 (b) (Absent Without Leave) in so far as it relates to L/8685 Pte. Higgs, R., is amended by adding "Absent Without Leave, Whilst in Custody".

10. ADOPTION:

K/89310 Pte. Rhodes, G.W., M.T. Coy., (Reinft.) Adoption of Child.
Allan Duane Gerard, and infant born 29-1-41, at Edmonton Alberta, becomes the adopted Son of K/89310 Pte. Rhodes G.W., and of Irene Emma Rhodes (wife), effective:-5-9-42. (Authority:-Adoption Order No.2044, of the District Court of the District of Northern Alberta, Judicial District of Edmonton.

HOME DEFENCE SECTION

1. FURLOUGH:

H/600588 Pte. Bowman, H.G., H.Q. Coy., (H.D.) granted Furlough from 0600 hrs. 5-10-42 until 2200 hrs. 18-10-42 and issued with Transportation Warrant No. A/173836 and authorized to draw a Money Allowance of .50 cents per diem under authority of Art. 196 (4) F.R. & I. (14 days) (Authority:-A.F. Routine Order No.699 (2) (b)).

(Cont'd. Sheet No.....7.)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

No. 239
Red Deer, Alberta,
3rd October, 1942.

Last Part II Order issued
No. 238, d/2nd October, 1942. (Sheet No....5.)

SECTION "B" OTHER RANKS

4. STRENGTH INCREASE:

(a) M/34181 Pte. McAneeley, Edward Joseph, (Single) HAVING been attested is Taken On Strength of A20 C.A.S.C. T.C., C.A. (Reinft.) and posted to M.T. Coy., eff:-28-9-42.

Arrived:-	28-9-42.
Date of Birth:-	4th December, 1922.
Religion:-	Roman Catholic.
Educational Qual:-	Grade XI.
Category:-	"B.1."
Previous Service:-	Nil.
Employed as:-	M.T. Driver.
Trade or Calling:-	Controlman in Laboratory.

(b) The undermentioned personnel from No.10 B.T.C. Kitchener Ontario, are Taken On Strength A20 C.A.S.C. T.C., C.A. (Reinft.) and posted to No. 2, Coy., eff:-1-10-42.
Arrived:-1210 hrs. 2-10-42.
(Authority:-H.Q.S. 20-6-18 (Mob.R.S. 2a), d/29-8-42.)

A/103498 Pte. Atkinson, E.D.
A/103696 Pte. Duff, R.R.
A/103497 Pte. Good, E.M.
A/103470 Pte. Holme, N.E.
A/103525 Pte. Inson, D.L.
A/103582 Pte. Pautler, J.P.
A/103503 Pte. Schmitt, E.
A/103494 Pte. Young, J.G.
A/103694 Pte. Caldwell, A.D.
A/103445 Pte. Francis, R.L.
A/103697 Pte. Gordon, W.
A/103564 Pte. Hyde, G.A.
A/103586 Pte. Kennedy, J.E.
A/103471 Pte. Bilon, H.E.
A/103475 Pte. Van Norman, W.H.

(c) The undermentioned personnel from No.12 B.T.C., Chatham, Ontario are Taken On Strength A20 C.A.S.C. T.C., C.A. (Reinfts.) and posted to No. 2 Coy., eff:-30-9-42.
Arrived 1210 hrs. 2-10-42.
(Authority:-H.Q.S. 20-6-18 (Mob.R.S. 2a) d/29-8-42.)

A/102310 Pte. Bryant, R.L.
A/102294 Pte. Lacharite, A.C.
A/102269 Pte. Morency, H.M.
A/102233 Pte. Stein, S.
A/102229 Pte. Futiam, A.
A/102287 Pte. Leckie, L.E.
A/102279 Pte. Morphew, J.
A/67938 Pte. Tratechaud, E.N.

(d) L/66459 Pte. Wickstrom, O.F., from No.121 B.T.C., Maple Creek, Saskatchewan is Taken On Strength A20 C.A.S.C. T.C., C.A. (Reinft.) and posted to No.2. Coy., effective:-30-9-42.
Arrived:-0240 hrs. 30-9-42.
(Authority:-H.Q.S. 20-6-18 (Mob. R.S.2a), d/29-8-42.)

5. LEAVE OF ABSENCE:

L/65772 Pte. Kuffner, O., No. 1. Coy., (Reinft.) proceeds on Compassionate Leave of Absence Without Pay and Allowance for a period of 14 days, effective:-2-10-42 and extending from 3-10-42 to 16-10-42 inclusive.
(Authority:-H.Q.- M.D.13 - C.13-1-4 - dated:-30-9-42.)

6. POSTING:(Inter-Unit)

K/76812 A/L/Cpl. Hughes, C.W.R., No. 3. Coy., (Reinft.) Reposted from Reinforcements, Red Deer, Alberta to Home War Establishment, Red Deer, Alberta, effective:-1-9-42.

(Cont'd. Sheet No.....6.)

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A20 C.A.S.C.T.C., C.A.

PART II ORDERS

No. 239
Red Deer, Alberta,
3rd October, 1942.

Last Part II Order issued
No. 238, d/2nd October, 1942. (Sheet # 4)

SECTION "A" - - - - (CONT'D)

1. PROMOTIONS: (Cont'd)

(c) To be 2nd Lieutenants, effective dates as shown.
(Auth: Supplement to C.A.R.O. No. 2387, d/25-9-42.)

2nd Lieut. J.H. McLaughlin	RCASC	8-5-42.
2nd Lieut. R.M. McLeod	"	23-5-42.
2nd Lieut. E.A.W. Paterson	"	17-7-42.

(d) To be Lieutenants, effective dates as shown. RCASC.
(Auth: Supplement to C.A.R.O. No. 2387, d/25-9-42.)

2nd Lieut. R.M. McLeod	30-5-42.
2nd Lieut. (Temp. Lieut.) A.H. Dickson	1-5-42.
Lieut. E.G. Fraser	1-5-42.

(e) To be Lieutenant, effective 30-5-42.
(Auth: Supplement to C.A.R.O. 2388, d/25-9-42.)

2nd Lieut. G.S. Wright. RCASC. (Reinft.)

SECTION "B" - - - - OTHER RANKS

1. FURLOUGH:

The undermentioned personnel (Reinfts.) are granted Furlough from 0600 hours, 5-10-42 until 2200 hours, 18-10-42, and issued with transportation warrants as shown; and are authorized to draw a money allowance of .50 cents per diem in lieu of rations under authority of Art. 196 (4) F.R. & I. (14 days). (Auth: A.F. Routine Order 699 (2) (b)).

H-88111	Pte. Zrudlo, J.	A-173845
B-113344	Pte. Taylor, F.	A-173846
K-76800	Pte. Demidoff, M.	A-173847

2. NEXT OF KIN:

M-101343 Pte. Wilkins, H.B., No. 2 Coy., (Reinft.) Change of next of kin:

From: Mrs. Margaret Wilkins (Mother)
Misercordia Hospital, Edmonton, Alberta.

To: Eric Wilkins (Brother)
1305 Broad Street,
Victoria, B.C.

All documents to be amended accordingly.

3. PERMISSION TO MARRY:

A-103155 Pte. MacLean, A.B., No. 2 Coy., (Reinft.) granted permission to marry Marie Elizabeth Kelly. Approved 2-10-42 and to become effective 2-12-42.

(Continued.....Page # 5)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

No. 239
Red Deer, Alberta,
3rd October, 1942.

Last Part II Order issued
No. 238, d/2nd October, 1942. (Sheet No...3.)

SECTION "B" - - - - (CONT'D)

6. PUNISHMENT:

L-7089 A/Sgt. Lymer, H., No. 3 Coy., (Attached) Severely reprimanded for:
Absent Without Leave from 0730 hours, 30-9-42 until 0730 hours, 1-10-42. (Absent 1 day.) (A.A. Section 15 (1)). Under open arrest whilst awaiting trial.
Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of offence 30-9-42. Date of award 1-10-42.

7. HOSPITAL STOPPAGES:

M-33906 Pte. Le Marsh, E., H.Q. Coy., (H.W.E.) Ceases to be under hospital stoppages of .75 cents per day on discharge from hospital, effectve 2-10-42.
(Total forfeiture 10 days.)
(Auth: Art. 222 (1) (b) F.R. & I.)

8. CHANGE OF CATEGORY:

The undermentioned personnel (H.W.E.) having been medically boarded, are categorized as shown. All documents to be amended accordingly.

M-61565 A/Cpl. Gillespie, J.J. "A.1"
(Auth: D.M.O. M.D. 13, C.36-G-1761, d/1-10-42.)
M-33931 A/Sgt. Strate, L.D. "D"
(Auth: D.M.O. M.D. 13, C-36-S-3508, d/1-10-42.)
H-87600 A/L/Cpl. Ward, N. "D"
(Auth: D.M.O. M.D. 13, C-36-W-2395, d/1-10-42.)
M-34009 A/C.S.M. (W.O II) G.D. Rogers "A.1"
(Auth: D.M.O. M.D. 13, C.36-R-1768, d/29-9-42.)

9. HOSPITAL:

ADMITTED Red Deer Military Hospital 30-9-42.

H-87394 A/Cpl. Hanna, K.L.

REINFORCEMENTS - - - - - - SECTION "A"

1. PROMOTIONS:

(a) To be Acting Captain whilst specially employed, effective 4-8-42.
(Auth: Supplement to C.A.R.O. No. 2387, d/25-9-42.)

Lieut. W.H. Martin (Reinft.)

(b) To be 2nd Lieutenants, effective dates as shown.
(Auth: Supplement to C.A.R.O. No. 2388, d/25-9-42.)

2nd Lieut. G.S. Wright RCASC. 23-5-42.
P-30299 Cadet, H.D. Cartwright " 10-7-42.
K-45247 Cadet, H. Sudlow " 10-7-42.

(Continued.....Page # 4)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 238, d/2nd October, 1942. (Sheet # 2)

No. 239
Red Deer, Alberta,
3rd October, 1942.

SECTION "B" - - - (CONT'D)

1. ON COMMAND:

H-87394 A/Cpl. Hanna, K.L., (H.W.E.) proceeds "On Command" to Rainy River, Ontario, on escort duty, for the period, from 1535 hours, 17-9-42 until 1210 hours, 21-9-42.

2. PROMOTIONS:

(a) To be Acting Sergeant, With Pay, whilst employed as Instructor in No. 1 Company, effective 1-10-42. (Vice K-20021 A/Sgt. Mills, T.G.S. - reposted.) (Auth: Cdn. V/1940/142/1.)

M-28287 A/Cpl. Greening, E.E. (H.W.E.)

(b) To be Acting Corporal With Pay, effective 1-9-42 whilst employed as Corporal Instructor in No. 3 Company to complete Establishment. (Auth: Cdn.V/1940/142/1.)

K-76812 A/L/Cpl. Hughes, O.W.R. (H.W.E.)

3. TRADESMEN'S RATES OF PAY:

L-154505 A/Cpl. Hoff, D., H.Q. Coy., (H.W.E.) having qualified as a Clerk Class "C" (Part II Order No. 232, d/26-9-42) is authorized to draw Tradesmen's Rates of Pay Class "C", effective 26-9-42.

4. FURLOUGH:

The undermentioned personnel (H.W.E.) are granted furlough from 0600 hours, 5-10-42 to 2200 hours, 18-10-42, and issued with transportation warrants as shown; and are authorized to draw a money allowance of .50 cents per day in lieu of rations under authority of Art. 196 (4) F.R. & I. (14 days). (Auth: A.F. Routine Order 699 (2) (b)).

M-34005 A/C.Q.M.S. Jackson, L.L. A-173844
M-34087 Pte. Fedosenko, S. A-173837

5. NEXT OF KIN:

M-34082 A/Sgt. Ball, R.F., No. 2 Coy., (H.W.E.) Change of address of next of kin:

(Mrs.) Nellie Susan Ball (Mother)
From: 235 Howe St.,
Victoria, B.C.
To: 710 - 15th Ave., West,
Calgary, Alberta.
All documents to be amended accordingly.

(Continued.....Page # 3)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Lieut.-Col. J.J. Burton-Willison, V.D.

Commanding A20 C.A.S.C.T.C., C.A.

No. 239
Red Deer, Alberta,
3rd October, 1942.

Last Part II Order issued
No. 238, d/2nd October, 1942.

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

1. PROMOTIONS:

(a) To be Acting Captain, whilst specially employed, effective 4-8-42.
(Auth: Supplement to C.A.R.O. No. 2387, d/25-9-42).

Lieut. T.C. Wormsbecker (H.W.E.)

(b) To be Acting Major, whilst specially employed, effective 1-7-42.
(Auth: Supplement to C.A.R.O. No. 2387, d/25-9-42.)

Capt. A.W. Edwards (Attached)

2. CHANGE OF CATEGORY:

Capt. J.C. Cooper, (H.W.E.) having been medically boarded is categorized "D". All documents to be amended accordingly.
(Auth: D.M.O. M.D. 13, C.36-C-483, d/1-10-42)

3. ATTACHED INCREASE:

Lieut. W.E. Hitchins of H.Q. M.D. 13, Calgary, is attached to A20 C.A.S.C.T.C., C.A., for rations and quarters, effective 1930 hours, 2-10-42.
(Auth: H.Q. M.D. 13, C.A.E. 13-C-6, d/1-10-42.)

4. ON COMMAND:

Capt. I.L. Jennings, (H.W.E.) Ceases to be shown "On Command" for all purposes except pay, to A.D. & M. School, Woodstock, Ontario, having completed an automotive course, effective 1035 hours, 28-9-42.
(Auth: H.Q. M.D. 13, C.24-11-38, d/18-8-42.)

SECTION "B" - - - OTHER RANKS

1. ON COMMAND:

(a) M-34037 A/Sgt. Laycock, T.D. (H.W.E.) ceases to be shown "On Command", for all purposes except pay, to A.D. & M. School, Woodstock, Ontario, effective 1210 hours, 28-9-42.
(Auth: H.Q. M.D. 13, C.24-11-38, d/18-8-42.)

(Continued.....Page # 2)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 238, d/2nd October, 1942. (Sheet # 7)

No. 239
Red Deer, Alberta,
3rd October, 1942.

C.W.A.C. REPLACEMENTS

1. TRADESMEN'S RATES OF PAY:

W-13088 Pte. Brown, H.E., (C.W.A.C. Replacement) having qualified as a Clerk Class "C" (Part II Order No. 232, d/26-9-42) is authorized to draw Tradesmen's Rates of Pay Class "C", effective 26-9-42.

2. CHANGE OF CATEGORY:

The undermentioned personnel (C.W.A.C. Replacements) having been medically boarded are categorized as shown: All documents to be amended accordingly.

W-13067 Pte. Bohnet, E.M. "A"
(Auth: D.M.O. M.D. 13, C.40-36-B-7, d/1-10-42.)
W-13211 Pte. Gilbert, M.F. "A1"
(Auth: D.M.O. M.D. 13, C.40-36-G-3, d/1-10-42.)

EXTRACT FROM RED DEER MILITARY HOSPITAL PART II ORDER NO. 83, D/2nd OCTOBER, 1942.

1. HOSPITAL STOPPAGES:

M-42174 Cpl. Scott, A.H., Red Deer Military Hospital, is placed under hospital stoppages of .75 cents per diem whilst in hospital, effective 21-9-42.
(Auth: Art. 222 (1) (ii) F.R. & I.)

Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C.T.C., C.A.

40

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 241, d/6th October, 1942. (Page # 3)

No. 242
Red Deer, Alberta,
7th October, 1942.

REINFORCEMENTS - - - - - - SECTION "A"

(Officers)

1. PROMOTION:

To be 2nd Lieutenant (R.C.A.S.C.), effective 8th August, 1942.
(Auth: Supplement to C.A.R.O. No. 2403, d/30-9-42.)

Prov. 2nd Lieut. W.D. Cheyne (Reinft.)

2. ON COMMAND:

Lieut. H. Sudlow, (Reinft.) proceeds "On Command" for all purposes except pay and allowances to C.S.A.T.C. (W.C.), Nanaimo, B.C., to attend Course # 522 "E" Wing, effective 0325 hours, 8-10-42.
(Auth: H.Q. M.D. 13, C.24-11-15, d/16-9-42.)

SECTION "B" - - - - OTHER RANKS

1. ATTACHMENT:

The undermentioned personnel (Reinfts.) proceed on attachment for all purposes to No. 13 V.T.S., Calgary, Alberta, for Trades Training as Cooks, effective 6-10-42.
(Auth: H.Q. M.D. 13, C/S 4-12, F.D. 12, d/2-10-42.)

H-87945 Pte. Huscroft, C. K-45576 Pte. McLeod, J.B.
K-45551 Pte. Rhodes, C.T.

2. STRENGTH DECREASE:

(a) H-88080 Pte. Gregg, W.J., No. 5 Coy., (Reinft.) is Struck off Strength on transfer to No. 3 Casualty Clearing Station, R.C.A.M.C., Camp Shilo, Manitoba, effective 6-10-42.
(Auth: H.Q. M.D. 13, C.13-5-5, d/3-10-42.)

(b) L-66403 Pte. Masding, C.K., H.Q. Coy., (Reinft.) is Struck off Strength on discharge under C.A.R.O. 1029 (10), having been placed in category "E", effective 7-10-42.
(Auth: H.Q. M.D. 13, C.36-M-2349, d/5-10-42.)

3. LEAVE OF ABSENCE:

The undermentioned personnel of M.T. Coy., (Reinfts.) proceed on Leave of Absence, without pay and allowances, effective 7-10-42, for a period of thirty days, extending from 8-10-42 to 6-11-42, inclusive.
(Auth: O.A. 6-9-1-0 (H) and K 55-F-1143, d/10-8-42, as per R.O. 1935 7 (a)).

L-64532 Pte. Adams, R.C. M-67117 Pte. Fossen, H.C.

(Continued.....Page # 4)

I certify that this is a true copy of Part II Order No. 242 dated 7th October, 1942 of which it purports to be a copy.

A20 C.A.S.C.T.C., C.A.

(A.F.Phelan.) Capt.
Adjutant,
A20 C.A.S.C.T.C., C.A.

Exhibit "S" 106

PART II ORDERS

No 242
Red Deer, Alberta,
7th October, 1942.

Last Part II Order issued
No. 241, d/6th October, 1942. (Page # 4)

SECTION "B" (CONT'D.)

4. FURLOUGH:

(a) The undermentioned personnel (Reinfts.) are granted furlough from 0600 hours, 7-10-42 to 2200 hours, 20-10-42, and are issued with Transportation Warrants as shown; and are authorized to draw a money allowance of .50 cents per diem in lieu of rations under authority of Art. 196 (4) F.R. & I. (14 days). (Auth: A.F. Routine Order 699 (2) (b)).

M-67351	Pte. Gould, L.A.	M.T. Coy.	T.W. No. A-173855
M-66577	Pte. Giles, E.G.	M.T. Coy.	T.W. No. A-173856
L-62766	Pte. Fish, E.L.	M.T. Coy.	T.W. No. A-173857
L-64675	Pte. Allan, A.J.	M.T. Coy.	T.W. No. A-173859
M-36838	Pte. Findlay, J.E.	M.T.Coy.	T.W. No. A-173858

(b) From 0600 hours, 9-10-42 to 2200 hours, 22-10-42 (14 days).

M-3882 Pte. Duncan, T.R. No. 5. Coy. T.W. Nil.

(c) From 0600 hrs., 12-10-42 to 2200 hrs., 25-10-42. (14 days).

B-111189 Pte. Rogers, A.H. No. 2. Coy. T.W. No. 173848

5. ABSENT WITHOUT LEAVE:

The undermentioned personnel (Reinfts.) Cease to be Absent Without Leave, effective time and dates as shown.

L-110185	Pte. Bowcock, D.G.	No. 3 Coy., 1600 hrs.,	6-10-42.
H-65930	Pte. Hall, V.W.	H.Q. Coy., 2230 hrs.,	5-10-42.

6. NEXT OF KIN:

(a) B-112949 Pte. Forbes, J.F., No. 3 Coy., (Reinft.) Change of address of next of kin:

(Mrs.) A.H. Forbes (Mother)
From: 622 Crawford St., Toronto, Ontario.
To: R.R. No. 2 , Markham, Ontario.
All documents to be amended accordingly.

7. AMENDMENT:

(a) Part II Order No. 239, d/3-10-42, (Reinft.) Section "B", sub-para 8 (a) (Absent Without Leave) in so far as it relates to "L-8685 Pte. Higgs, R.", is amended by adding "Absent Without Leave, whilst in custody".

(b) Part II Order No. 238, d/2-10-42, (Reinft.) Section "B", sub-para 7 (d) (Strength Increase), in so far as it relates to "H-101409 Pte. McCormick, G.A.", is amended to read "H-101409 Pte. McCormack, A.G."

(Continued.....Page # 5)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 241, d/6th October, 1942. (Page # 2)

No. 242
Red Deer, Alberta,
7th October, 1942.

SECTION "B" - - - (CONT'D)

6. NEXT OF KIN:

(a) M-37288 A/S.Q.M.S. (W.O. II) W.T. Campbell, H.Q. Coy., (H.W.E.) Change of address of next of kin;

(Mrs.) Ada Margaret Campbell (Wife)
From: 1310 - 16th Avenue West,
Calgary, Alberta.
To: General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

(b) M-27024 A/C.C.M.S. J. Dickson, H.Q. Coy., (H.W.E.) Change of next of kin:

From: Hugh Dickson (Father) (Deceased)
Motherwell, Lanarkshire, Scotland.
To: Mr. Harry Dickson (Brother)
734 E 19th Avenue, Vancouver, B.C.
All documents to be amended accordingly.

(c) M-34041 A/S/Sgt. J.M. Stevens, No. 3 Coy., (H.W.E.) Change of address of next of kin:

(Mrs.) Johannah Stevens (Wife)
From: Sylvan Lake, Alberta.
To: 5014 - 111 Ave., Edmonton, Alberta.
All documents to be amended accordingly.

(d) M-34139 A/L/Cpl. Dandy, W.J., M.T. Coy., (H.W.E.) Change of address of next of kin.

(Mrs.) Edna E. Dandy (Wife)
From: Vegreville, Alberta.
To: General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

(e) M-60394 Pte. Wallace, T.R., H.Q. Coy., (H.W.E.) Change of address of next of kin;

(Mrs.) Muriel Bernice Wallace (Wife)
From: 111 - 26th Avenue, S.W.,
Calgary, Alberta.
To: General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

7. ABSENT WITHOUT LEAVE:

M-43903 Pte. Leicht, W.D., M.T. Coy., (H.W.E.) Absent Without Leave (8th day) from 0600 hours, 21-9-42.

8. FURLOUGH:

M/28151 A/L/Cpl. Schryver, K.G., M.T. Coy., (H.W.E.) granted Furlough from 0600 hrs. 12-10-42 to 2200 hrs. 25-10-42 and issued with Transporation Warrant No. A/173850 and authorized to draw a Money Allowance of .50 cents per diem under authority of Art. 196 (4) F.R. & I.
(Authority:-A.F. Routine Order No.699 (2) (b)).

(Cont'd. Page No. 3.)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Lieut.-Col. J.J. Burton-Willison, V.D.

Commanding A20 C.A.S.C.T.C., C.A.

No. 242
Red Deer, Alberta,
7th October, 1942.

Last Part II Order issued
No. 241, d/6th October, 1942.

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

N I L

SECTION "B" - - - OTHER RANKS

1. STRENGTH DECREASE:

K-70896 Pte. Davison, W.J., H.Q. Coy., (H.W.E.) is Struck off Strength on discharge under R.O. 1029 (4), underage, effective 6-10-42.
(Auth: H.Q. M.D. 13, C.36-D-1486, d/2-10-42.)

2. ON COMMAND:

(a) H-87833 A/Cpl. Cassin, D.C., (H.W.E.) proceeds "On Command" for all purposes except pay and allowances to C.S.A. T.C. (W.C.) Nanaimo, B.C., to attend Course #522 "E" Wing, effective 0325 hours, 8-10-42.
(Auth: H.Q. M.D. 13, C.24-11-15, d/16-9-42.)

(b) M-34162 Pte. Hosek, F., (Jr.), H.Q. Coy., (H.W.E.) proceeds "On Command" to Calgary, Alberta, for the period, from 1535 hours, 27-9-42 until 1930 hours, 28-9-42.

3. ALLOWANCE:

M-34041 A/S/Sgt. J.M. Stevens, No. 3 Coy., (H.W.E.) Having been granted a pass for the period, from 0600 hours, 2-10-42 to 0600 hours, 5-10-42, is authorized to draw a money allowance of .50 cents per diem in lieu of rations under authority of Art. 196 (4) F.R. & I. (3 days).

4. CLOTHING ALLOWANCE:

K-70896 Pte. Davison, W.J., H.Q. Coy., (H.W.E.) Having been Struck off Strength on discharge 6-10-42 under authority of A.F. Routine Order 1029 (4), is entitled to receive clothing allowance of $35.00, as authorized by Art. 187 (1) (b) F.R. & I., to be paid through the paylist of this Training Centre.
Date of enlistment 3-11-41.

5. MARRIAGE:

M-67759 A/L/Cpl. Publicover, G.M., M.T. Coy., (H.W.E.) granted permission to marry Miss Doris Philomene Finley. Approved 5th October, 1942, to become effective 5th December, 1942.

(Continued.....Page # 2)

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APPENDIX "B" TO PART II ORDER NO.242 - d/7-10-42.

A20 C.A.S.C. T.C., C.A.
RED DEER MILITARY HOSPITAL RCAMC CA (A)

PART II ORDERS

Last Part II Order issued
No. 84, d/5th October, 1942.

No. 85, Page 1,
Red Deer, Alberta,
7th October, 1942.

SECTION "A" - Officers and Nursing Sisters

1. ON COMMAND:

2/Lieut. (N/S) I.G. Reinhardt, Red Deer Military Hospital, On Command to Camrose Military Hospital for all purposes except pay. Time of departure 2005 hours 6-10-42.
(Auth. C35-L-11, d/28-9-42)

2. SUBSISTENCE ALLOWANCE:

The undermentioned Officers of Red Deer Military Hospital, being compelled to pay rent for their quarters at Red Deer, Alberta, are authorized to continue to receive subsistence allowance under the provisions of Art. 199 (4a) F.R.& I. for a period not exceeding 30 days whilst attached to Units from dates shown:

Capt. M. Matas - C.W.A.C. T.C. (W.C.) - 1235 hours, 4-10-42.

2/Lieut. (N/S) I.G. Reinhardt - Camrose Military Hospital - 2005 hours, 6-10-42.

SECTION "B" - Other Ranks

3. FURLOUGH:

M50445, Cpl. Wigley, A.J., Red Deer Military Hospital, granted furlough under the provisions of C.A.R.O. 699 (2b) from 8-10-42 to 21-10-42, both dates inclusive, and is granted a money allowance of 50¢ per diem in lieu of rations under authority of Art. 196 (4) F.R. & I. (14 days).
Issued with Transport Warrant No. A173860.

J M Harvey Capt
(J. M. Harvey) Capt., RCAMC
Officer Commanding
Red Deer Military Hospital

APPENDIX "A" TO A20 C.A.S.C.T.C., C.A. PART II ORDER NO. 242, D/7th OCTOBER, 1942.

16th Brigade Group Company RCASC
(No.26 Coy.)

D A I L Y O R D E R S P A R T II

Last Pt.II Order: No.38 d/5 Oct 42.

Active Army Personnel

No.39
Red Deer, Alta.
6 Oct 42.

(Sheet No. 1)

SECTION "A"

1. QUALIFICATIONS

(a) Lieut. R.M.A. McLeod having attended a course at Adv. D & M School, Woodstock, Ontario, and having completed an examination is Qualified Driver I.C. Class II. (Wheeled)
Effective: 26 Sep 42

Auth: Part II Daily Order No.218, d/30 Sep 42. Adv. D & M School, Woodstock, Ontario.

(b) Lieut. R.M.A. McLeod having attended a course at Adv. D & M School, Woodstock, Ontario, and having completed an examination is Qualified M/C Driver Grade II.
Effective: 26 Sep 42

Auth: Part II Daily Order No.218, d/30 Sep 42. Adv. D & M School, Woodstock, Ontario.

SECTION "B"

1. ATTACHED

The undermentioned personnel having arrived at 0335 hours 6 Oct 42, from Jasper Alberta, are attached 16th Bde. Group Coy. RCASC (No. 26 Coy.) for Ration, Quarters and Duty.
Effective: 6 Oct 42.

Auth: CRCASC 8 Cdn. Div. Tel. d/5 Oct 42.

E 20266	Pte. Daigle,	R.
D 126419	Pte. Duchesne,	M.
D 121687	Pte. Harrington,	A.W.
E 2024	Pte. Ryan,	L.T.

2. QUALIFICATIONS

(a) H 88088 Pte. Scouten, R.V., having attended a course at Adv. D & M School, Woodstock, Ontario, and having completed an examination is Qualified Driver Class II (Wheeled)
Effective: 26 Sep 42.

Auth: Part II Daily Order No.218, d/30 Sep 42. Adv D & M School, Woodstock, Ontario.

(b) H 88088 Pte. Scouten, R.V., having attended a course at Adv. D & M School, Woodstock, Ontario, and having completed an examination is Qualified M/C Driver Grade II.
Effective: 26 Sep 42.

Auth: Part II Daily Order No.218, d/30 Sep 42. Adv D & M School, Woodstock, Ontario.

3. TRADESMEN'S RATES OF PAY:

L 41189 A/Cpl. Waldman, M., having Qualified as Clerk Group "C" Grade "I" by Trade Testing Board No.4 Red Deer, Alberta, in Part II Order No.36, d/30 Sep 42, is Authorized to draw Tradesmen's Rates of Pay.
Effective: 27 Jul 42

4. AMENDMENT

(a) Part II Daily Order No.37, d/1 Oct 42, Section "B" Para 2 PROMOTION in so far as it concerns M 100757 Pte. Buchanan, E.J. effective date is amended to read 25 Sep 42

(Continued... Sheet No. 2)

Sheet .....No. 2)

Pt.II Order No. 39 d/6 Oct 42.

4. AMENDMET (Cont'd.)

(b) Part II Order No.36, dated 30 Sep 42, Section "B" para 3, STRENGTH RETURN 30 Sep 42, to read as follows:

Cpls.....	13	Includes 2 ON COMMAND
L/Cpl.	16	Includes 4 ON COMMAND
Ptes.....	22	Includes 4 ON COMMAND and 1 "R" Recruit ON COMMAND

L.O. Roy

Lieut.

(L.O. Roy)

A/Adjutant 16th Bde. Group Coy. RCASC (No.26 Coy)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.242.
Red Deer, Alberta.
7th October, 1942.

Last Part II Order Issued,
No.241 - d/6th Oct., 1942. (Sheet No.....7.)

C.W.A.C. REPLACEMENTS

SECTION "A"

1. ATTACHED INCREASE:

2nd Lieut. H.E. Stewart, No.2 Coy., C.W.A.C. M.D.13, Calgary, Alberta is attached to No.4 Platoon No.2 Coy., C.W.A.C. Red Deer, Alberta for temporary Duty, eff:-27-9-42. (Authority:-"P" Coy., C.W.A.C. M.D.13 Part II Order No.170 - d/30-9-42.)

SECTION "B"

1. STRENGTH DECREASE:

W/13051 Pte. Brennan, J.I., Struck Off Strength No. 4. Platoon, C.W.A.C., Red Deer, Alberta for all purposes except pay and Clothing on return to No.2 Coy., C.W.A.C., Calgary, Alberta, effective:-7-10-42.
(Authority:-C.W.A.C. M.D.13 - C.40-36 - dated:-2-10-42.)

16th Bde. GROUP COMPANY R.C.A.S.C. (NO.26 Coy.)

1. ATTENTION IS DRAWN TO APPENDIX "A" TO THIS ORDER.

RED DEER MILITARY HOSPITAL R.C.A.M.C., C.A. (A)

1. ATTENTION IS DRAWN TO APPENDIX "B" TO THIS ORDER.

J.J. Money Lieut,
for
Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C. T.C., C.A.

#11

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 241, d/6th October, 1942. (Page # 6)

No. 242,
Red Deer, Alberta,
7th October, 1942.

SECTION "B" - - - (CONT'D)

10. NEXT OF KIN:

(a) B-53402 Pte. Garland, J.M., H.Q. Coy.,(Reinft.) Change of address of next of kin;

(Mrs.) Glady Garland (Mother)
From: 37 James St.,
St. Marys, Ontario.
To: 38 Elora St., Guelph, Ontario.
All documents to be amended accordingly.

(b) M-37089 Pte. Baker, H.A., M.T. Coy., (Reinft.), change of address of next of kin:

(Mrs.) Adah Baker (Mother)
From: Box 166, Halkirk, Alberta.
To: 236E - 4th Avenue, Vancouver, B.C.
All documents to be amended accordingly.

11. CANCELLATION:

Part II Order No. 237, d/1-10-42, (Reinfts.) Section "B", sub-para 10 (a) (Absent Without Leave) and Part II Order No. 232, d/26-9-42, (Reinfts.) Section "B", sub-para 3 (Absent Without Leave), in so far as they relate to "B-92202 A/L/Cpl. Coates, S.R.H.", are cancelled in their entirety.

12. AMENDMENTS:

(a) Part II Order No 237, d/1-10-42, Section "B" (Reinft) sub-para 5 (a) (Change of Address) in so far as it relates to "H-87949 Pte. Watters, J.F.", in line 3 "wife" is amended to read "Mother".

(b) Part II Order No. 239, d/3-10-42 (Reinft.) Section "B", sub-para 10 (Adoption), in so far as it relates to "K-89310 Pte. Rhodes, G.W.", in line 3 "and infant" is amended to read "an infant", and in line 5 "Irene Emma Rhodes (wife)", is amended to read "Irene Emma Rhodes, his wife".

(c) Part II Order No. 241, d/6-10-42, (Reinfts.) Section "B", sub-para 8 (d) (Absent Without Leave) in so far as it relates to "H-65930 Pte. Hall, V.W.", Absent Without Leave 21 days from "1210 hours, 1-10-42", is amended to read "1210 hours, 14-9-42".

HOME DEFENCE SECTION

1. ON COMMAND:

The undermentioned personnel (H.D.) proceed "On Command" for all purposes except pay, for temporary duty, to Chemical Warfare Training Centre, Suffield, Alberta, effective 7-10-42.
(Auth: H.Q. M.D. 13, C.13-5-11, d/5-10-42.)

K-601489 Pte. Westrand, G.E. K-574851 Pte. Wohlberg, A.E.

(Continued...Page # 7)

SECTION "B" - - - (CONT'D)

8. PUNISHMENT:

(a) M-65834 Pte. Potter, E.W., H.Q. Coy., (Reinft.) awarded a forfeiture of 10 days pay (A.A. Section 46) and placed under stoppages of pay amounting to $8.56 (Art. 172 (8) F.R. & I.) as detailed:- transportation for escort and accused $5.76; meals for escort $2.00; telegrams .80 cents (Total $8.56), for:- Absent Without Leave from 2200 hours, 1-10-42 until apprehended by City Police at Edmonton, Alberta, at 1210 hours, 2-10-42. (Absent 14 hours, 10 mins.). (A.A. Section 15 (1)). Under close arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of offence 1-10-42. Date of award 6-10-42.

(b) M-36831 Pte. Cieslak, W., H.Q. Coy., (Reinft.) awarded 10 days detention for:-
Absent Without Leave from 0600 hours, 5-10-42 until 2030 hours, 5-10-42. (Absent 14 hours, and 30 min.). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of offence 5-10-42. Date of award 6-10-42.

(c) K-45896 Pte. Goulet-Jones, H., No. 2 Coy., (Reinft.) awarded 10 days detention for:-
Disobeying a lawful command given by his superior Officer. (A.A. Section 9 (2)). Under open arrest whilst awaiting trial.
Date of offence 5-10-42. Date of award 6-10-42.

(d) M-101425 Pte. Wasylik, J., No. 3 Coy., (Reinft.) awarded 3 days C.B. for:-
Absent Without Leave from 0600 hours, 5-10-42 until 1120 hours, 6-10-42. (Absent 1 day, 5 hours, and 20 minutes.). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 2 days pay and allowances under Art. 149 F.R. & I.
Date of offence 5-10-42. Date of award 6-10-42.

(e) L-100771 Pte. Phillips, J.R., No. 4 Coy., (Reinft.) awarded 3 days C.B. for:-
Absent Without Leave from 0600 hours, 5-10-42 to 1740 hours, 5-10-42. (Absent 11 hours and 40 min.). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of offence 5-10-42. Date of award 6-10-42.

9. POSTING - INTER-UNIT:

M-100433 Pte. McMahon, W.J., (Reinft.) is reposted from Reinforcements, Red Deer, Alberta, to Home War Establishment, Red Deer, Alberta, effective 6-10-42.

J. M.

(Continued.....Page #6.)

Exhibit "T" 117
Assem. Off. Offs. Pen.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

I certify that the person whose description is given below was arrested by ~~(surrendered to)~~ Constable (Name of Peace Officer or Constable) Robert Anthony at North Battleford, Saskatchewan, (Place) at 1800 hours (Hour) on the 29th day of September 1942, and at the time of arrest ~~(surrender)~~ he was ~~wearing military (air force) uniform~~ (dressed in civilian clothes).

Strike out words not applicable)

Strike out words not applicable)

Regimental particulars of officer or Soldier referred to above.

(No. L.8685
(Rank Private
(Name Reginald Higgs
(Unit A20 C.A.S.C. T.C., C.A.

Description

(Age 28
(Height 5 ft. 6½ inches
(Complexion dark
(Hair dark brown
(Eyes brown
(Marks .

Signature of peace officer or constable by whom arrest or to whom surrender was made, or of officer in charge of police station at which officer or soldier was taken into custody upon such arrest or surrender.)

Thos. Davidson
Chief Constable
~~(Peace Officer or Constable)~~ ~~(or~~ officer in charge of Police Station).

(Strike out words not applicable.

M.F.M 215
25M-4-42 (M1125)
H.Q. 1772-39-1935

SOLDIER OF THE ACTIVE ARMY

Exhibit "U" 119

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description

I, Lieutenant R.W. Lockwood, A20 Canadian Army Service Corps Training Centre,
(Rank) (Name) (Unit) C.A.

Strike out word not applicable

hereby certify that I (issued) (~~[illegible]~~) the hereinafter itemized transportation for escort

Complete

to proceed from Red Deer, Alberta to North Battleford, Saskatchewan
(Place) (Place)

and return to Red Deer, Alberta for the purpose of escorting
(Place)

Full description of soldier being escorted

L.8685 Private REGINALD HIGGS,
(Number) (Rank) (Name in full)

A20 Canadian Army Service Corps Training Centre, C.A.
(Unit) (Attachment, if any)

Strike out phrase not applicable

alleged to be a deserter or an absentee without leave, the facts, date and particulars of (the transport warrants issued) (~~[illegible]~~) and the cost thereof for said soldier and escort being as follows:

PARTICULARS	COST
T.W. No. A.170783 transportation from Red Deer, Alberta to North Battleford, Saskatchewan and return for escort and transportation from North Battleford, Saskatchewan to Red Deer, Alberta for accused. 6th October 1942	20.43
TOTAL	$ 20.43

Dated at Red Deer, Alberta this 6th day of October A.D. 19 42

(R.W. Lockwood) Lieutenant
Signature, rank, unit, attachment (if any) and appointment of officer
(issuing transport warrants) (~~[illegible]~~)
Transport Officer, A20 Canadian Army Service Corps Training Centre, C.A.

Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*
Dates of warrants or transportation issued must be set out.
Cost of meals and incidental expenses must be on M.F.B. 1482.

M.F.B. 1481
(Rev—10-42 (5452))
H.Q. 1771-22-1351

Relic it V" 121
Mund Dept Hist
Pres

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description: I, H.87833 (No.) Private (A/Corporal) (Rank) D.C. Cassin, (Name) A20 Canadian Army Service Corps Training Centre, C.A. (Unit)

Strike out words not applicable: N.L.E. as (escort) (~~[illegible]~~) consisting of myself

Members of escort: .....

detailed to proceed from Red Deer, Alberta (Place) to North Battleford, Saskatchewan (Place)

Name and description of soldier escorted: to return L.8685 Private Private REGINALD HIGGS, A20 Canadian Army Service Corps Training Centre, C.A. alleged to be a deserter or absentee without leave, to Red Deer, Alberta (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
T.W. No. A.170764 Berth from Edmonton, Alberta to North Battleford, Saskatchewan for escort 6th October, 1942	5.45
Total	$ 5.45

Dated at Red Deer, Alberta this 6th day of October A.D. 1942

D. Cassin Cpl

(H.87833 D.C. Cassin) A/Corporal (Signature and rank)
A20 Canadian Army Service (~~[illegible]~~ escort) N.L.E.
Corps Training Centre, C.A. Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1463
[illegible]—7-41 (1150)
H.Q. 1772-20-1060

Eligible "W" 25
Amount Left Blank

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description

I, H.87833 Private (a/Corporal) D.C. Cassin, A20 Canadian Army Service Corps
(No.) D.C.C. (Rank) (Name) Training Centre, C.A.

Strike out words not applicable

as (escort) ~~[illegible]~~

Members of escort

detailed to proceed from Red Deer, Alberta (Place) to North Battleford, Saskatchewan (Place)

Name and description of soldier escorted

to return L.8685 Private Reginald Higgs, A20 Canadian Army Service Corps Training Centre, C.A.
alleged to be a deserter or absentee without leave, to Red Deer, Alberta (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement		Amount
T.W. No. A.170783 6th October 1942	Meals for escort from Red Deer, Alberta to North Battleford, Saskatchewan and return to Red Deer, Alberta and for accused from North Battleford, Saskatchewan to Red Deer, Alberta.	5.00
	Total	$ 5.00

Dated at Red Deer, Alberta this 6th day of October A.D. 19 42

D C Cassin
(H.87833 D.C. Cassin)a/Corporal
A20 Canadian Army Service Corps
Training Centre, C.A.

Signature and rank ~~of commanding officer~~ (escort) D.C.C.
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of all *incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1462
56M—7-41 (1180)
H.Q. 1772-39-1250

I CERTIFY THAT THIS IS A TRUE COPY
OF PART II ORDERS NO.257, dated 24th OCTOBER, 1942
OF WHICH IT PURPORTS TO BE A COPY.

(A.F. Phelan) Captain,
Adjutant,
A20 C.A.S.C.T.C.,C.A.

Eligibility "125"
Human Dept. Ottawa
Pers.

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.257.
Red Deer, Alberta.
24th October,1942.

Last Part II Order Issued,
No.256 - d/23rd Oct.,1942. (Sheet No....4.)

SECTION "B" (CONT'D.)

7. HOSPITAL: (Cont'd.)

(d) DISCHARGED Mewata Military Hospital

K/70840 Pte. Adams, M. 22-10-42.

(e) DISCHARGED Red Deer Military Hospital

H/101297 Pte. Thomas, D. 23-10-42.
A/59524 Pte. Finn, P.C. 22-10-42.

(f) ADMITTED Red Deer Military Hospital

K/89310 Pte. Rhodes, G.W. 21-10-42.
M/102001 Pte. Sulz, H. 22-10-42.
B/113346 Pte. Mehew, A.J. 22-10-42.
A/102452 Pte. Lauber, D.J. 22-10-42.
K/71422 Pte. Butterworth, F. 22-10-42.
H/97857 Pte. Antaya, H.G. 22-10-42.
K/65296 Pte. Slater, J. 22-10-42.
H/88118 Pte. Hall, T.A.W. (Injured) 22-10-42.

(g) ADMITTED Mewata Military Hospital

M/53377 Pte. Galarneau, D.A. 19-10-42.

8. ABSENT WITHOUT LEAVE:

L/8685 Pte. Higgs, R., (Reinft.) Absent Without Leave from 0735 hrs. 24-10-42. (having escaped from Custody.)

HOME DEFENCE SECTION

1. ALLOWANCE:

M/600550 Pte. Wolfe, H., H.Q. Coy., (H.D.) having been granted a pass from 1700 hrs. 22-10-42 until 0600 hrs. 26-10-42 is authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (3 days).

ADDENDA

1. ATTACHED DECREASE:

The undermentioned personnel (H.W.E.) proceed to No.13 Vocational Training School, Calgary, Alberta to attend International Harvester Company of Canada, 14th Special Automotive Training Course, effective:-26-10-42 and will be attached for all purposes.
(Authority:-H.Q.- M.D.13 - C.24-19-21 - d/21-10-42.)

A/L/Cpl.

H/37413 A/L/Cpl. Lane, J.L. M/33964 Marzinzik, H.E.
M/28261 A/L/Cpl. Sinclair, C.S. L/8024 A/L/Cpl. Weber, O.

Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.257.
Red Deer, Alberta.
24th October, 1942.

Last Part II Order Issued,
No.256 - d/23rd Oct.1942. (Sheet No.....3.)

SECTION "B" (CONT'D.)

4. AMENDMENTS: (Cont'd.)

(b) Part II Order No. 256 - d/23-10-42 (Reinft.) Section "B" Sub Para. 1 (Strength Increase) in so far as it relates to L/74091 Pte. Bexson, C.J., effective date 22-10-42 is amended to read "15-10-42".

5. NEXT OF KIN:

(a) H/88115 Pte. Murphy, E.W., M.T. Coy., (Reinft.) Change of address of Next Of Kin:
(Mrs.) Ada Murphy, (Wife)
From:-285 Park Street, Port Arthur, Ontario.
To :-c/o Hugh MacDougall, Box 11 Aylesbury, Sask.
All documents to be amended accordingly.

(b) M/101681 Pte. Ingram, R.S., No. 6. Coy., (Reinft.) Change of address of Next of Kin:
(Mrs.) Annie Marie Ingram (Wife)
From:-11157 - 53rd Street, Edmonton, Alberta.
To :-9355 - 75th Avenue, Edmonton, Alberta.
All documents to be amended accordingly.

(c) M/101585 Pte. Erickson, L.L., No. 6. Coy., (Reinft.) Change of address of Next Of Kin:
(Mrs.) Lydia Erickson, (Mother)
From:-10319 - 106th Avenue, Edmonton, Alberta.
To :-13088 - 113th Street, Edmonton, Alberta.
All documents to be amended accordingly.

6. FURLOUGH:

L/74091 Pte. Bexson, C.J., No. 5. Coy., (Reinft.) granted Furlough from 0600 hrs. 26-10-42 until 2200 hrs. 8-11-42 and issued with Transportation Warrant No.A/243834 and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days)
(Authority:-A.F. Routine Order No. 699 (2) (b)).

7. HOSPITAL:

(a) ADMITTED Col-Belcher Hospital, Calgary

L/8990 Pte. Atkinson, N.C. 23-10-42.

(b) DISCHARGED Col-Belcher Hospital, Calgary

M/53030 Pte. D'Amico, G. 23-10-42.

(c) ADMITTED Red Deer Military Hospital

L/100895 Pte. Samenook, T. 23-10-42.
B/80878 Pte. Ough, A.R. 23-10-42.
B/80952 Pte. Wright, L.J. 23-10-42.
A/102124 Pte. Frank, N.H. 23-10-42.

(Cont'd. Sheet No.....4.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued,
No.256 - d/23rd Oct.,1942. (Sheet No.....2.)

No.257.
Red Deer, Alberta.
24th October,1942.

SECTION "B" (CONT'D.)

4. NEXT OF KIN: (Cont'd.)

(c) L/100106 Pte. Beisal, A.G., M.T. Coy., (H.W.E.) Change of address of Next of Kin:
(Mrs.) Annie Beisal, (Wife)
From:-Swift Current, Saskatchewan.
To :-General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

REINFORCEMENTS SECTION "A"
(Officers)

1. QUALIFICATIONS:

Lieut. J. Fleming, (Reinft.) having completed a course (No.521) "Method of Teaching Course", at C.S.A.T.C. (W.C.), Nanaimo, B.C., is qualified "Q.I", effective:-9-10-42.
(Authority:-H.Q.- M.D.13 - C.24-11-15 - d/21-10-42.)

SECTION "B" OTHER RANKS

1. STRENGTH DECREASE:

(a) K/45966 Pte. Galutzo, N., H.Q. Coy., (Reinft.) is Struck Off Strength on discharge in accordance with the provisions of C.A.R.O. 1029 (10), having been placed in Category "E", effective:-24-10-42.
(Authority:-H.Q.- M.D.13 - C.36-G-1775 - d/22-10-42.)

(b) K/70973 Pte. Heal, L.V., No. 4. Coy., (Reinft.) is Struck Off Strength on transfer to 1st Canadian Parachute Bn., Camp Shilo, Manitoba effective:-24-10-42.
(Authority:-H.Q.- M.D. 13 C.13-10-50-1 - d/16-10-42.)

2. APPOINTMENTS:

To be Acting Lance Corporals, With Pay, whilst employed as Assistant Instructors in No. 2 Training Company, effective:-22-10-42. (On Establishment)
(Authority:- Cdn. V/1940/142/1.)

H/87906 Pte. Collen, J.G. L/100429 Pte. Dickson, L.E.
L/100030 Pte. Preddy, J.E. A/103113 Pte. McGarrell, F.N.
M/101342 Pte. Ryan, E.J.

. QUALIFICATIONS:

The undermentioned personnel No. 1. Coy., (Reinft.) having completed an examination are Qualified as "Machinists" Class effective:-10-7-42.
(Authority:-Standing Qualification Board, Red Deer, Alta)

K/76423 Pte. Parker, R.W. No. 1. Coy., (Reinft.)

4. AMENDMENT:

Part II Order No.230 - d/24-9-42 - B/84706 Pte. Shearddown, R.S.B. (Reinft.) Section "B" Sub Para. 7 (Marriage) in so far as it relates to Miss Edith Harriet Wetherall is amended to read MISS Edith Harriet Weatherall.

(Cont'd. Sheet No.....3.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Lieut. Col. J.J. Burton-Willison,

Commanding A20 C.A.S.C. T.C., C.A.

No.257.
Red Deer, Alberta.
24th October, 1942.

Last Part II Order Issued,
No.256 - d/23rd Oct., 1942. (Sheet No....1.)

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

NIL

SECTION "B" OTHER RANKS

1. ATTACHED DECREASE:

H/93491 Spr. Jasper, J., ceases to be attached for all purposes except pay and allowances to A20 C.A.S.C. T.C., C.A. on return to 20th Field Coy., R.C.E., Fort Garry, Manitoba effective:-24-10-42.
(Authority:-H.Q.- M.D.13 - C.24-11-37 - d/22-10-42.)

2. QUALIFICATIONS:

(a) M/65639 A/Cpl. Andrews, T.P., (H.W.E.) having completed a Course (No.495) "P.T." Wing, at C.S.A.T.C. (W.C.), Nanaimo, B.C., is qualified "Q.II", effective:-9-10-42.
(Authority:-H.Q.- M.D.13 - C.24-11-15 - d/21-10-42.)

(b) H/37488 A/Sgt. Conway, J., (H.W.E.) having completed a course (No.466) "Platoons Weapons", at C.S.A.T.C. (W.C.), Nanaimo, B.C., is qualified "Q.I", effective:-9-10-42.
(Authority:-H.Q.- M.D.13 - C.24-11-15 - d/20-10-42.)

3. FURLOUGH:

M/62021 A/Cpl. Walker, D., No.33 C.D.C., attached A20 C.A.S.C. T.C., C.A., granted Furlough from 0600 hrs. 26-10-42 until 2200 hrs. 8-11-42 and issued with Transportation Warrant No. A/243835 and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days).
(Authority:-A.F. Routine Order No. 699 (2) (b)).

4. NEXT OF KIN:

(a) C/12126 A/Sgt. Warren, F.B., H.Q. Coy., (H.W.E.) Change of address of Next of Kin:
(Mrs.) Olga J. Warren, (Wife)
From:-275 Bill Street, Ottawa, Ontario.
To :-General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

(b) H/37415 A/L/Cpl. Petlock, W.H., M.T. Coy., (H.W.E.), Change of address of Next of Kin:
(Mrs.) Gladys Marion Petlock, (Wife)
From:-658 Firby Street, Winnipeg, Manitoba.
To :-General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

(Cont'd. Sheet No.....2.)

I certify that this is a true copy
of part II orders No. 277, dated 17th November, 1942,
of which it purports to be. A.P.O.Y.P.O., C.A.

(A.F.Phelan) Captain,
Adjutant,
A20 C.A.S.F.P.O., C.A.

Extract "H.H." 129
Hanson Dodd
Pte

PART II ORDERS

No.277.
Red Deer, Alberta.
17th November, 1942

Last Part II Order Issued,
No.276 - d/16th Nov., 1942. (Sheet No... 8.)

SECTION "B" (CONT'D.)

4. FURLOUGHS: (Cont'd.)

(a)	H/101121	Pte. Claeys, C.T.	Trans.	Warrant	No.	A/244452.
	H/88136	Pte. Burak, P.	"	"	"	A/244446.
	M/102680	Pte. Etson, L.W.	"	"	"	A/
	M/102318	Pte. McBride, R.F.	"	"	"	A/243899.
	M/102677	Pte. Braman, O.L.	"	"	"	A/244528.
	L/101062	Pte. Dalgliesh, G.A.	"	"	"	A/244465.
	H/195057	Pte. Wandler, J.J.	"	"	"	A/244548.
	M/102396	Pte. Arechuk, I.	"	"	"	A/244443.
	L/100910	Pte. Soles, J.	"	"	"	A/244955.
	M/45586	Pte. Town, L.L.	"	"	"	A/244427.
	L/53849	Pte. Snider, E.	"	"	"	A/244416.
	H/195119	Pte. Paquette, P.J.	"	"	"	A/244523.
	M/101377	Pte. Richards, C.M.	"	"	"	A/244409.
	M/101386	Pte. Rachinsky, J.	"	"	"	A/244407.
	M/100551	Pte. Popadynec, J.	"	"	"	A/244403.
	M/102269	Pte. Klunck, S.C.	"	"	"	A/244509.
	L/101031	Pte. Johnson, F.T.	"	"	"	A/244507.
	K/46263	Pte. Quinn, E.J.	"	"	"	A/244406.
	L/110352	Pte. Carriere, A.A.	"	"	"	A/244453.
	L/74955	Pte. Frenette, A.L.	"	"	"	A/244474.
	M/102086	Pte. Lysachok, A.	"	"	"	A/244521.
	M/101896	Pte. Brown, A.F.	"	"	"	A/244538.
	M/67643	Pte. Fortin, J.J.	"	"	"	A/244476.
	K/46368	Pte. Brochu, E.A.	"	"	"	A/244447.
	M/101898	Pte. Walstra, L.G.	"	"	"	A/244549.

5. STRENGTH DECREASE:

K/54063 Pte. Goodrich, A.E., H.Q. Coy., (Reinft.) is Struck Off Strength on transfer to R.C.A.M.C., C.A., for duty with Red Deer Military Hospital, effective:-16-11-42.
(Authority:-H.Q.- M.D.13 - C.36-G-1751 - dated:14-11-42)

6. ABSENT WITHOUT LEAVE:

(a) K/62034 Pte. Tarosoff, L.K., No. 2. Coy., (Reinft.) ceases to be Absent Without Leave, effective:-1200 hrs. 29-10-42.

(b) L/56685 Pte. Higgs, R., H.Q. Coy., (Reinft.) Absent Without Leave (21st day) from 0735 hrs. 24-10-42 and still absent, having escaped from Custody.

7. PERMISSION TO MARRY:

(a) L/65081 Pte. Smith, N.H., M.T. Coy., (Reinft.) granted permission to Marry, Miss Audrey Irene, McKeown, on or after the 20th day of December, 1942.

(b) L/101874 Pte. Schlechter, J.J., No. 4. Coy., (Reinft.) granted permission to Marry, Miss Evelyn, Stepan, on or after the 5th day of January, 1942.

8. CHANGE OF CATEGORY:

L/110213 Pte. Juker, D.J., (Reinft.) Change of Category from "B.2" to "C.2". All documents to be amended accordingly
(Authority:-D.M.O.- M.D.13 - C.36-J-987 - d/11-11-42.)

(Cont'd. Sheet No... 9.)

PART II ORDERS

Last Part II Order Issued, No.276 - d/16th Nov.1942. (Sheet No....7.)

No.277.
Red Deer, Alberta
17th November,1942

SECTION "B" (CONT'D.)

3. QUALIFICATIONS: (Cont'd.)

(Qualification Board No.117, Red Deer, Alberta, effective:-12-11-42.)

K/65937	Pte. Lillos, E.J.	L/1 54509	Pte. Litz, E.L.
B/80922	Pte. Lockhart, W.	K/16241	Pte. Lord, L.
K/66847	Pte. Lundberg, G.W.	M/103025	Pte. Luyten, D.G.
B/80811	Pte. Maksymovich, H.	B/80923	Pte. Mang, W.J.
B/80921	Pte. Marshall, S.R.	H/101677	Pte. Martin, A.M.
B/81010	Pte. Mason, G.B.	B/80942	Pte. Miles, A.G.
B/80940	Pte. Mitchell, J.	H/101415	Pte. Mitenko, P.

4. FURLOUGH:

The undermentioned personnel (Reinft.) are granted Furlough from 0600 hrs. 14-11-42 until 2200 hrs. 26-11-42 and issued with Transportation Warrants as shown and authorized to draw a Money Allowance of 50 cents per diém in lieu of Rations under authority of Art. 196 (4) F.R. & I. (13 days)
(Authority:-A.F. Routine Order No.699 (2) (b)).

L/110116	Pte. Borisko, J.C.	Trans. Warrant No.	
B/75360	Pte. Coryell, W.D.	" " "	A/244460.
H/88089	Pte. Carey, R.	" " "	A/243900.
L/100860	Pte. Chartrand, B.J.	" " "	A/244451.
H/195092	Pte. Bencharski, M.	" " "	A/244542.
M/101620	Pte. Sinclair, L.E.	" " "	A/244418.
H/88141	Pte. Semotok, M.J.	" " "	A/244414.
K/46289	Pte. Sedrovic, S.J.	" " "	A/244415.
H/101218	Pte. Vikander, G.V.	" " "	A/244434.
K/46370	Pte. Weston, E.J.	" " "	A/244550.
A/102206	Pte. Widdis, J.M.	" " "	A/244435.
M/102268	Pte. Wallace, D.	" " "	A/244545.
M/102665	Pte. Winfield, J.	" " "	A/244430.
H/195106	Pte. Valley, P.J.	" " "	A/244428.
B/112873	Pte. Sheard, A.L.	" " "	A/244422.
H/195016	Pte. Simko, S.	" " "	A/244547.
A/102255	Pte. Smith, A.K.	" " "	A/244953.
L/100876	Pte. Rabbetz, M.	" " "	A/244408.
H/100931	Pte. Rose, E.	" " "	A/244412.
H/101185	Pte. Pettypiece, C.R.	" " "	A/244402.
L/100785	Pte. Perras, W.J.	" " "	A/244401.
M/100105	Pte. Parsons, C.H.	" " "	A/244503.
M/102682	Pte. Olson, E.O.	" " "	A/244501.
K/46375	Pte. Nelson, R.T.	" " "	A/244500.
H/195104	Pte. Miller, A.	" " "	A/244496.
K/46431	Pte. McGandlish, R.E.	" " "	A/244525.
H/101141	Pte. Loveday, R.C.	" " "	A/244517.
M/102266	Pte. Limgair, J.R.	" " "	A/244510.
H/88138	Pte. Jervis, J.J.	" " "	A/244487.
A/103408	Pte. Holling, O.W.J.	" " "	A/244397.
H/37740	Pte. Hermanson, E.C.	" " "	A/244521.
L/101055	Pte. Grimm, O.N.	" " "	A/244480.
L/100924	Pte. Gardiner, M.E.	" " "	A/244481.
H/57954	Pte. DeVries, P.J.	" " "	A/244536.
B/110486	Pte. Crittenden, I.R.	" " "	A/244461.
L/100520	Pte. Crumly, R.A.	" " "	A/244455.
L/100857	Pte. Crowson, E.W.	" " "	A/244454.

(Cont'd. Sheet No.8.....8.)

130

[illegible] R.C.A.S.C. T.C. [illegible] A.

PART II ORDERS

Last Part II Order Issued,
No.276 - d/16th Nov.,1942. (Sheet No...6.)

No.277.
Red Deer, Alberta.
17th November 1942

SECTION "B" (CONT'D.)

3. QUALIFICATIONS: (Cont'd.)

(d) (Qualification Board No.116, Red Deer, Alberta, effec- 12-11-42.)

M/102333 Pte. Gosnell, W.I.
L/101701 Pte. Grumbly, H.H.
B/80841 Pte. Handerson, H.R.
B/80944 Pte. Hardie, S.R.
B/81005 Pte. Harris, A.G.
B/80941 Pte. Harvey, R.H.
M/103258 Pte. Heinz, W.
B/81001 Pte. Henry, F.J.
K/65702 Pte. Hickenbotham, G.A.
M/103300 Pte. Hiner, L.L.
M/102941 Pte. Hoggard, W.A.
K/101426 Pte. Howells, R.D.
B/80996 Pte. Hughes, D.E.
A/102052 Pte. Hunter, J.E.
B/130744 Pte. Hyland, G.E.
M/102486 Pte. Jack, A.H.
B/80900 Pte. Jarvis, W.G.
B/80917 Pte. Green, O.M.
L/101629 Pte. Hagen, L.G.
L/101430 Pte. Hanson, H.L.B.
K/65955 Pte. Harkies, H.H.
K/66050 Pte. Harper, O.K.
A/103807 Pte. Heathfield, J.K.
B/80787 Pte. Henderson, J.B.
K/46064 Pte. Hewitt, W.H.H.
B/80857 Pte. Higdon, R.H.
B/114706 Pte. Hissa, N.A.
B/80990 Pte. Holt, A.B.
K/65749 Pte. Hucheroft, J.M.
B/81003 Pte. Humphreys, I.M.
B/80898 Pte. Hutson, G.A.
B/80912 Pte. Irwin, J.J.
L/101605 Pte. Jackson, L.A.

(e) (Qualification Board No.118, Red Deer, Alberta, effective:-12-11-42.)

B/130575 Pte .Montgrain, J.J.
A/102190 Pte. Morris, T.
K/65606 Pte. Mulhern, P.J.
B/81025 Pte. Murphy, C.L.
B/80879 Pte. Myers, A.L.
K/66769 Pte. McCallum, L.
B/80950 Pte. McGregor, R.C.
L/101659 Pte. McKay, R.J.
K/65942 Pte. McLean, N.G.
B/80786 Pte. McLellan, H.A.
H/99569 Pte. McLeod, R.J.
L/101443 Pte. McTavish, G.M.
B/110477 Pte. Nichol, G.A.
B/80957 Pte. O'Neill, P.S.
B/80774 Pte. Ostrowski, J.W.
A/103757 Pte. Palser, A.
K/65363 Pte. Patterson, E.C.
M/101598 Pte. Pauls, D.
B/80831 Pte. Morris, T.H.E.
H/101732 Pte. Moser, J.H.
B/80991 Pte. Mundy, H.G.
K/65988 Pte. Murray, A.W.
M/103282 Pte. McAndrews, A.A.
B/80854 Pte. McDougal, J.P.
A/103802 Pte. McGrenere, M.H.
M/103044 Pte. McLean, K.W.
B/80954 Pte. McLellan, D.G.
B/81016 Pte. McLeod, A.M.
B/80888 Pte. McQueen, A.
K/66099 Pte. Netzel, F.T.P.
M/102947 Pte. Oakes, W.C.
B/80933 Pte. Osborne, D.J.
H/101636 Pte. Pageot, AJ.L.
A/103959 Pte. Patrick, D.P.
B/80903 Pte. Pashak, F.H.
A/102444 Pte. Penny, S.R.

(f) (Qualification Board No.117, Red Deer, Alberta, effective:-12-11-42.)

M/103022 Pte. Jensen, E.C.
B/80968 Pte. Johns, P.L.
B/113435 Pte. Johnson, G.A.
B/130660 Pte. Jones, G.H.
K/65984 Pte. Kennedy, B.C.
B/130541 Pte. Kilbreath, N.R.
B/80998 Pte. Koen, H.F.
B/80985 Pte. Lacroix, M.E.
B/81023 Pte. Lang, G.F.
B/80971 Pte. Lannan, W.P.
H/101625 Pte. Larson, P.O.
K/71374 Pte. Laurie, E.W.
K/65938 Pte. Johns, S.L.
K/[illegible]037 Pte. Johnson, B.T.
M/101479 Pte. Johnson, L.W.D.
B/80899 Pte. Jourard, H.
B/81002 Pte. Kerrigan, D.J.
B/80945 Pte. Knack, E.A.
M/102979 Pte. Kulig, J.A.
B/80862 Pte. Lafouceur, L.J.
M/102841 Pte. Langier, F.F.
A/102336 Pte. Larsh, H.J.
B/80929 Pte. Lansdell, E.A.
B/80947 Pte. Leaver, D.A.E.

(Cont'd. Sheet No. [illegible] 7)

PART II ORDERS

No.277.
Red Deer, Alberta
17th November 1942

Last Part II Order Issued,
No.276 - d/16th No., 1942. (Sheet No...5)

SECTION "B" (CONT'D.)

3. QUALIFICATIONS:

(a) The undermentioned personnel (Reinft.) having completed an examination are Qualified as "Class III Drivers" (Wheeled), effective:-12-11-42.
(Auth:-Qualification Board No.121, Red Deer, Alberta.)

H/101709 Pte. Toyle, E.S.
A/102433 Pte. Trembley, R.C.
B/80910 Pte. [illegible]tch, C.W.
H/511419 Pte. Vourlot, O.

B/80905 Pte. Walker, R.
B/80958 Pte. Webb, [illegible]A.
K/65838 Pte. Weller, G.H.
H/101622 Pte. Whitley, D.
B/81030 Pte. Wice, B.D.W.
B/80826 Pte. Wilkinson, R.H.
L/101412 Pte. Wozmiak, S.
B/81024 Pte. Wright, W.
L/101680 Pte. Dicus, L.E.
K/45976 Pte. White, E.R.

M/102976 Pte. Triebner, J.F.
M/605331 Pte. Van Schaick, C.H.
A/103945 Pte. Vosdingh, E.E.

B/81000 Pte. Walton, W.G.
B/[illegible]939 Pte. Webster, H.M.
M/103322 Pte. Wex, L.
H/195171 Pte. Whitta, F.R.
H/101542 Pte. Wiens, P.
B/80934 Pte. Woodcock, L.C.
B/80952 Pte. Wright, L.J.
B/80858 Pte. Young, A.W.

M/102925 Pte. Leroux, J.H.

(b) (Qualification Board No.120, Red Deer, Alberta, effective:-12-11-42.)

B/80996 Pte. Saundercock, J.C.
K/65607 Pte. Scarrow, P.A.
M/103326 Pte. Scullen, W.E.
K/65625 Pte. Shellard, J.S.
A/103795 Pte. Sherry, A.
K/65515 Pte. Simmonds, R.
B/80846 Pte. Skyring, R.A.
B/80877 Pte. Smith, G.H.
L/101660 Pte. Sparks, R.M.
B/80867 Pte. St John, C.E.

B/80946 Pte. Stickland, C.T.
B/81018 Pte. Stock, H.

A/103730 Pte. Symington, E.F.
M/104027 Pte. Templeton, A.I.
A/67953 Pte. Thrasher, C.A.S.

H/88173 Pte. Sawka, N.
B/80976 Pte. Scott, G.K.
B/80884 Pte. Seddon, O.G.
B/80776 Pte. Shelley, F.H.
B/81006 Pte. Shore, H.L.
B/80839 Pte. Sinclair, W.R.
B/80967 Pte. Smallridge, H.V.
B/80909 Pte. Snyder, G.H.
H/101323 Pte. Steele, C.J.
B/80827 Pte. Stephenson, W.J.
A/102381 Pte. Stewart, W.C.R.
B/80874 Pte. Stiles, G.E.
K/65940 Pte. Stone, J.E.
B/81017 Pte. Suffern, T.W.
B/80777 Pte. Taverner, J.E.
H/101580 Pte. Thompson, J.L.
M/ 1705 Pte. Todd, A.J.

(c) (Qualification Board No.119, Red Deer, Alberta, effective:-12-11-42.)

A/103729 Pte. Pearse, J.E.
L/101452 Pte. Pich, G.
L/101516 Pte. Pitzel, A.A.
L/101768 Pte. Pocha, W.J.
A/102272 Pte. Potts, R.M.
H/195206 Pte. Probert, J.J.
H/88142 Pte. Rae, J.P.
B/80992 Pte. Raynham, N.L.
B/80871 Pte. Ritchie, H.D.
B/80845 Pte. Roberts, H.
B/80995 Pte. Roe, J.L.
K/66034 Pte. Rolke, R.A.
B/80832 Pte. Rowland, R.E.
B/81033 Pte. Ryans, A.R.
B/80843 Pte. Sararas, E.W.

M/103350 Pte. Pfeifer, H.
B/80578 Pte. Pirie, J.A.
A/103791 Pte. Phillips, A.
M/102974 Pte. Poluck, F.F.
M/102943 Pte. Powel, J.C.
B/80901 Pte. Prosser, E.G.
B/80977 Pte. Racicot, L.M.
B/81012 Pte. Riddel, K.A.
B/80802 Pte. Roberts, A.E.
B/81026 Pte. Robinson, J.C.
B/80872 Pte. Rogers, B.W.J.
B/80993 Pte. Rowan, J.J.
B/81029 Pte. Rutherford, R.S.
M/103342 Pte. Sandeman, C.F.

(Cont'd. Sheet No. 6)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 276, d/16th November, 1942. (Sheet No. 4.)

No. 277
Red Deer, Alberta,
17th November, 1942.

SECTION "B" - - - (CONT'D)

2. PUNISHMENTS: (Cont'd)

(b) L-65684 Pte. Watson, T.H., M.T. Coy., (Reinft.) awarded 2 days C.B. for:-
Absent Without Leave from 0600 hours, 11-11-42 until 1345 hours, 11-11-42. (Absent 7 hours, and 45 minutes). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of offence 11-11-42. Date of award 13-11-42.

(c) M-102420 Pte. Sopel, M., No. 2 Coy., (Reinft.) awarded 14 days detention and placed under stoppages of pay amounting to .13 cents to make good the loss of kit (Art. 158 (2) F.R. & I.), for:-
1. Absent Without Leave from 0230 hours, 1-11-42 until 1615 hours, 11-11-42. (Absent 10 days, 13 hours, and 45 minutes). (A.A. Section 15 (1)). Forfeits 11 days pay and allowances under Art. 149 F.R. & I.
2. Losing by Neglect his Clothing and Regimental Necessaries. (A.A. Section 24 (2)).
Under close arrest whilst awaiting trial.
Date of offence 1-11-42. Date of offence 14-11-42.

(d) M-102398 Pte. Sundby, A.E., No. 1 Coy., (Reinft.) awarded 15 days detention and placed under stoppages of pay amounting to 85 cents to make good the loss of kit (Art. 158 (2) F.R. & I.), for:-
1. Absent Without Leave from 0230 hours, 23-10-42 until 1515 hours, 11-11-42. (Absent 19 days, 12 hours, and 45 minutes). (A.A. Section 15 (1)). Forfeits 20 days pay and allowances under Art. 149 F.R. & I.
2. Losing by Neglect his Clothing and Regimental Necessaries. (A.A. Section 24 (2)).
Under close arrest whilst awaiting trial.
Date of offence 23-10-42. Date of award 12-11-42.

(e) M-100973 Pte. Conklin, D.H., No. 6 Coy., (Reinft.) Admonished for:-
Absent Without Leave from 1300 hours, 10-11-42 until 1325 hours, 12-11-42. (Absent 2 days, 25 mins.) (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 3 days pay and allowances under Art. 149 F.R. & I.
Date of offence 10-11-42. Date of award 13-11-42.

(f) K/82034 Pte. Tarosoff, L.K., No. 2. Coy., (Reinft.) Awarded 7 days C.B., For:-
Absent Without Leave from 2130 hrs. 14-11-42 until 0700 hrs. 15-11-42. (Absent 9 hrs. 30 Mins.) (A.A. Sec. 15 (1))Under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:-14-11-42 - Date of Award:-16-11-42.

(Cont'd. Sheet No. 5.)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

No. 277
Red Deer, Alberta,
17th November, 1942.

Last Part II Order issued
No. 276, d/16th November, 1942. (Sheet No. 3.)

SECTION "B" - - - OTHER RANKS

1. NEXT OF KIN:

(a) B-80898 Pte. Hutson, G.A., No. 3 Coy., (Reinft.) Change of address of next of kin:

(Mrs.) G.A. Hutson (Wife)
From: 16 Doel Ave., Toronto, Ontario.
To: Renfrew, Ontario, R.R. 1
All documents to be amended accordingly.

(b) B-110486 Pte. Crittenden, I.R., No. 6 Coy., (Reinft.) Change of address of next of kin:

(Mrs.) Fannie Crittenden (Mother)
From: Claremont, Ontario.
To: Oxbridge, Ontario.
All documents to be amended accordingly.

(c) M-102318 Pte. McBride, R.F., No. 6 Coy., (Reinft.) Change of address of next of kin:

(Mrs.) May Elizabeth McBride (Wife)
From: Halkirk, Alberta.
To: Reno, Alberta.
All documents to be amended accordingly.

(d) M-102677 Pte. Braman, O.L., No. 6 Coy., (Reinft.) Change of address of next of kin:

(Mrs.) Marion Braman (Wife)
From: Oyen, Alberta.
To: Ponoka, Alberta.
All documents to be amended accordingly.

(e) H-87891 Pte. Boscott, H.D., M.T. Coy., (Reinft.) Change of address of next of kin:

(Mrs.) Beatrice Lena Boscott (Wife)
From: 865 Alexander Ave., Winnipeg, Man.
To: 887 Alexander Ave., Winnipeg, Man.
All documents to be amended accordingly.

2. PUNISHMENTS:

(a) M-101304 Pte. Marsh, H.H., H.Q. Coy., (Reinft.) Awarded 7 days C.B. for:
Absent Without Leave from 1000 hours, 14-11-42 until 1900 hours, 14-11-42. (Absent 9 hours). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of offence 14-11-42. Date of award 16-11-42.

J Am

(Cont'd.....Sheet # 4.)

PART II ORDERS

Last Part II Order Issued No.276 - d/16th Nov., 1942. (Sheet No...2.)

No.277.
Red Deer, Alberta.
17th November, 1942

SECTION "B" (CONT'D.)

5. FURLOUGH:

M/33991 Pte. Rutherford, W., H.Q. Coy., (H.W.E.) granted Furlough from 0600 hrs. 16-11-42 until 2200 hrs. 29-11-42 and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days).
(Authority:-A.F. Routine Order No.699 (2) (b)).

6. ALLOWANCE:

M/34067 A/Cpl. Tolley, E.S., H.Q. Coy., (H.W.E.) having been granted a pass from 1000 hrs. 16-11-42 until 2359 hrs. 20-11-42 is entitled to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (5 days).

7. PUNISHMENT:

M/33926 Cpl. Ford, R.H., M.T. Coy., (H.W.E.) Admonished, For:- Absent Without Leave from 1800 hrs. 10-11-42 until 0600 hrs. 11-11-42 (Absent 12 hrs.) (A.A. Sec. 15 (1)). under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:-10-11-42 - Date of Award:-13-11-42.

8. HOSPITAL:

DISCHARGED Red Deer Military Hospital

M/33966 Pte. Depauw, R.R. 11-11-42.
M/34091 A/C.S.M.(W.O.II) L.F. Bradley, 11-11-42

REINFORCEMENTS - - - - - - - - SECTION "A"

(Officers)

1. PROMOTIONS:

(a) To be 2nd Lieutenant (R.C.A.S.C.), effective 5th September, 1942.
(Auth: Supplement to C.A.R.O. No. 2526, d/6-11-42.)

L-41621 Cadet Arthur Frederick Goff (Reinft.)

(b) To be Lieutenants, (R.C.A.S.C.), effective 26th September, 1942.
(Auth: Supplement to C.A.R.O. No. 2526, d/6-11-42.)

2/Lieut. W.Y. Archibald
2/Lieut. G.R.L. Curwen
2/Lieut. J.A. Goode
2/Lieut. G.F. Prentice
2/Lieut. H.D. Cartwright
2/Lieut. T.W.H. Ferris
2/Lieut. W.A. Groomes
2/Lieut. H. Sudlow

(c) To be Lieutenant, (R.C.A.S.C.), effective 30th May, 1942.
(Auth: Supplement to C.A.R.O. No. 2526, d/6-11-42.)

2/Lieut. J. Rayson (Reinft.)

(Con[illegible].....Sheet #3)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS
by
Lieut. Colonel J.J. Burton-Willison
Commanding A20 C.A.S.C. T.C., C.A.

No.277.
Red Deer, Alberta.
17th November,1942

Last Part II Order Issued,
No.276 - d/16th Nov ., 1942. (Sheet No...1.)

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

1. COMMAND:

(a) Major, W. Cooper, (H.W.E.), Assumes Command of A20 C.A.S.C. T.C., C.A., in the Absence on Duty of Lieut. Colonel J.J. - Burton-Willison, effective:-1535 hrs. 10-9-42.

(b) Major, W. Cooper, (H.W.E.), ceases to Assume Command, of A20 - C.A.S.C. T.C., C.A., on proceeding "ON COMMAND" to C.S.A.T.C. A25, Long Branch Ontario, to attend a Senior Officers Course, effective:-1535 hrs. 24-9-42.

2. AMENDMENT:

Part II Order No.273 - d/12-11-42 (H.W.E.A and Attached Personnel) Section "A" Sub Para. 1 (On Command) and Sub Para. 2 (Strength Decrease) in so far as it relates to Lieut. J.R. Armitage, is amended by adding "For Record purposes only".

SECTION "B" OTHER RANKS

1. STRENGTH DECREASE:

M/50019 Pte. Makuch, S., H.Q. Coy., (H.W.E.) is Struck Off Strength on transfer to No.13 District Depot, Edmonton Wing, effective:-18-11-42.
(Authority:-H.Q.- M.D.13 - C.36-M-2068 - dated 13-11-42.)

2. ATTACHED:

E/14219 Sgt. Gibson, J.E., No. 2. Coy., (Attached) ceases to be Attached for all purposes, on transfer to No.13 District Depot, Calgary, Alberta, effective:-17-11-42.
(Authority:-H.Q.- M.D.13 - C/S4-12 - dated:-2-11-42.)

3. POSTING: (Inter-Unit)

The undermentioned personnel M.T. Coy., (H.W.E.) are reposted from Home War Estabblishment, Red Deer, Alberta To Reinforcements Red Deer, Alberta, effective:-14-11-42.
(Authority:-O.A. Wire, Service 550 - dated:-13-11-42.)

M/49996 A/L/Cpl. MacDonald, J.A. M/63041 Pte. Johnston, R.L.

4. TRADESMEN'S RATES OF PAY:

M/50015 Pte . Halpin, H.W., H.Q. Coy., (H.W.E.) ceases to draw Tradesmen's Rates of Pay, on ceasing to be employed as Mimeograph Clerk, in the Training Wing, effective:-16-11-42.

(Cont'd. Sheet No. J.J. .....2.)

9E1

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued,
No.276 - d/16th Nov., 1942. (Sheet No...10.)

No.277.
Red Deer, Alberta.
17th November,1942

SECTION "B"

(CONT'D.)

10. HOSPITAL: (Cont'd.)

(c)

ADMITTED Red Deer Military Hospital

M/102067 Pte. Cook, M. 15-11-42.
L/100396 Pte. Melville, C.M. 14-11-42.
M/102001 Pte. Sulz, H. 14-11-42.
L/64063 Pte. Evans, K.D. 12-11-42.
H/100890 Pte. Myers, W. 12-11-42.

HOME DEFENCE SECTION

1. PUNISHMENT:

L/600496 Pte. Nayko, F., H.Q. Coy., (H.D.) Awarded 7 days C.B.,
For:-
Absent Without Leave from 0600 hrs. 9-11-42 until 1115 hrs. 14-11-42. (Absent 5 days 5 hrs. 15 Mins.) (A.A.Sec. (1)) Under open arrest whilst awaiting trial. Forfeits 6 days pay and allowances under Art. 149 F.R. & I.
Date of offence:-9-11-42 - Date of Award:-16-11-42.

2. HOSPITA L:

DISCHARGED Red Deer Military Hospital.

M/602139 Pte. Sernecky, N. 11-11-42.

C.W.A.C. SECTION

1. HOSPITAL:

(a)

DISCHARGED Red Deer Military Hospital

W/13122 Pte. Thompson, G.E. 12-11-42.

(b)

ADMITTED Red Deer Military Hospital

W/13216 Pte. Coyle, H.B. 15-11-42.

ADDENDA

1. HOSPITAL:

ADMITTED Red Deer Military Hospital

2nd Lieut. L.E.N. Selkirk, 13-11-42.
Lieut. R.C. Bibbey, 16-11-42.

J J Mcsey Lieut,
for - Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued,
No.276 - d/16th Nov., 1942. (Sheet No...9.)

No.277.
Red Deer, Alberta
17th November 1942

SECTION "B" (CONT'D.)

8. CHANGE OF CATEGORY: (Cont'd.)

(b) M/101966 Pte. Smith, W.H., (Reinft.) Change of Category from "B.1" to "C.2". All documents to be amended accordingly. (Authority:-D.M.O.- M.D.13 - C.36-8-3547 - d/13-11-42.)

9. AMENDMENTS:

(a) Part II Order No.276 - d/16-11-42 (Reinft.) Section "B" Sub Para. 8 (Absent Without Leave) in so far as it relates to M/100973 Pte. Conklin, D.H. and K/71763 Pte. Sikora, N. and H/95616 Pte. Nylin, T.W., is amended to read, "Ceases to be Absent Without Leave".

(b) Part II Order No.276 - d/16-11-42 (Reinft.) Section "B" Sub Para.7 (Documentation) in line 2 and 3 in so far as it relates to William Tutkoluk, is amended to read - "William Tutkulok".

(c) Part II Order No.251 - d/17-10-42 (Reinft.) Section "B" Sub Para. 2 (Strength Decrease) in so far as it relates to B/112864 Pte. Sheard, A.H. line 4 - 0600 hrs. 19-9-42 is amended to read"2359 hrs. 24-9-42"

(d) Part II Order No.223 - d/16-9-42 (Reinft.) Section "B" Sub Para.6 (Permission to Marry), L/110213 Pte. Juker, D.J., in so far as it relates to Darlene Davelene Schlewitz, is amended to read Darlene Davelene Schledewitz.

(e) (Extract of Part II Order No.275 - d/12-11-42 (100th C.A. (B) T.C. Portage la Prairie, Manitoba.)

H/42116 Pte. Kruger, T.H., Having been placed under Hospital Stoppages of Pay under authority of Art.222 (i) (b) (ii) F.R. & I., C.A., is authorized to be credited for a period of 23 days. (Part II Order No.140, from 11th May, 1942 to 6th June, 1942)
(Authority:-District Pay Instruction No.366 - d/7-11-42)

10. HOSPITAL:

(a) DISCHARGED Lethbridge Military Hospital

K/82034 Pte. Tarosoff, L.K., 9-11-42.

(b) DISCHARGED Red Deer Military Hospital

L/101263	Pte. Tobien, J.E.	11-11-42.
M/56841	Pte. Cutrell, W.C.	11-11-42.
M/100329	Pte. Christensen, L.L.	11-11-42.
K/46284	Pte. Quinn, R.O.	16-11-42.
K/71819	Pte. Rome, J.	14-11-42.
H/87301	Pte. Richardson, G.	14-11-42.
M/35133	Pte. Potter, L.A.	14-11-42.
L/13149	Pte. Pelletier, G.S.	14-11-42.

(Cont'd. Sheet No.....10.)

Exhibit "I" 139

RECORD of the Declaration of a Court of Inquiry assembled at Red Deer, Alberta on the 17th day of November, 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. L-8685 Private Reginald Higgs, A20 C.A.S.C., T.C., C.A.

DECLARATION

The Court declare that No. L-8685 Private Reginald Higgs, A20 C.A.S.C. T.C., C.A. illegally absented himself without leave from A20 C.A.S.C. T.C., C.A. Red Deer, Alberta at 0735 hours on the 24th day of October, 1942; that he is still so absent, and that on the 17th November, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
1 Anklets prs.	.58		
1 Battle Dress Blouse, serge	4.18		
1 " " Trousers serge	4.20		
1 Boots Ankle Prs.	3.90		
1 Gloves Woollen Khaki, Prs.	.44		
1 Jacket Khaki, Drill	2.34		
1 Oversalls Khaki, Denim	1.67		
2 Shirts Khaki, Flannel	1.76		
1 Socks Woollen Prs.	.27		
1 Braces, Prs.	.27		
1 Brushes, boot blacking	.15		
1 Combs, Hair	.04		
1 Razors, safety	.39		
1 Badges Cap R.C.A.S.C.	.06		
2 " Arm, Canada, Prs.	.06		
1 " Shoulder, Worsted, Emb. Prs.	.10		
1 Shirts, Khaki, cotton W/S/S	.75		
1 Towel, hand	.21		
Total value	21.37		

NJR

Lieut. P.A. Farmer, A20 C.A.S.C.T.C., C.A. — President

2/Lieut. D.L. Buckwold, A20 C.A.S.C.T.C., C.A. — Member

2/Lieut. W.D. Smith, A20 C.A.S.C.T.C., C.A. — Member

Signed at Red Deer, Alberta, this 17th day of November, 1942

Signature of Commanding Officer (W. Cooper), Major.

Certified true copy (A. F. Phelan) Capt. Adjutant, A20 Canadian Army Service Corps, Training Centre, C.A.

Signature of Officer having custody of original record

M.F.B. 275
A.F.B. 116
15M—3-41 (9769-70)
H.Q. 1772-38-257

I certify that this is a true copy of Part II Orders No.278, dated 18th November, 1942. Of which it purports to be a copy.
(J.F.Phelan) Capt. Adjutant
A20 C.A.S.C. T.C., C.A.

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PART II ORDERS

Last Part II Order Issued,
No.277 - d/17th Nov.,1942. (Sheet No.....3.)

No.278.
Red Deer, Alberta
18th November,1942

SECTION "B" (CONT'D.) Exhibit "J.J."

10. HOSPITAL

TRANSFERRED from Red Deer Military Hospital to Col-Belcher, Hospital, Calgary, Alberta.

L/7022 Sgt. Cooper, A.M. 17-11-42.
H/205052 A/L/Cpl. Thoms, H.H. 17-11-42.

REINFORCEMENTS SECTION "A"

(Officers)

1. NEXT OF KIN:

(a) 2nd Lieut. J.M. Moon, (Reinft.) Change of address of Next of Kin:
(Mrs.) Marion Jean, Moon, (Wife)
From:-129 Kingston Street, Victoria, B.C.
To :-1566 Gorden Avenue, West Vancouver, B.C.
All documents to be amended accordingly.

(b) 2nd Lieut. D.C. Ferns, (Reinft.), Change of address of Next of Kin:
(Mrs.) Velma, Ferns, (Wife)
From:-General Delivery, Red Deer, Alberta.
To :-215 Inkster Blvd., Winnipeg, Manitoba.
All documents to be amended accordingly.

(c) 2nd Lieut. J.F. Horne, (Reinft.) Change of Next of Kin:-
From:-(Mr.) Fred Horne, (Father)
1020 3rd Avenue South, Lethbridge, Alberta.
To :-(Mrs.) Gladys, Dorothy, Horne, (Mother).
1020 - 3rd Avenue South, Lethbridge, Alberta
All documents to be amended accordingly.

2. AMENDMENT:

Part II Order No.273 - d/12-11-42 (Reinft.) Section "A" Sub Para. 1 (Strength Increase) in so far as it relates to 2nd Lieut. J.D. Nelson, is amended to read, 2nd Lieut J.D. Neilson.

SECTION "B" OTHER RANKS

1. STRENGTH DECREASE:

(a) L/8685 Pte. Higgs, R., H.Q. Coy., (Reinft.) having been declared by a Court of Inquiry held on the 17th day of November, 1942 to have been illegally Absent since 0735 hrs. 24-10-42 and still Absent and to have deficiencies in his Clothing and Regimental Necessaries to the value of $21.37 is Struck Off Strength A20 C.A.S.C. T.C., C.A., effective 1200 hrs. 17th day of November, 1942. Forfeits 24 days pay and allowances under Art. 149 F.R. & I.

(b) K/100091 Pte. French, E.F., M.T. Coy., (Reinft.) is Struck Off Strength on posting to A19 C.A.S.C. T.C., C.A., Camp Borden, Ontario, effective:-16-11-42.
(Autht:-H.Q.- M.D.13 - C/S 4-12 - F.D.12 - d/13-11-42.)

(Cont'd. Sheet No.....4.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No.278.
Red Deer, Alberta
18th November 1942

Last Part II Order Issued,
No.277 - d/17th November,1942. (Sheet No...4.)

SECTION "B" (CONT'D.)

2. POSTING: (Inter/Unit)

(a) The undermentioned personnel (Reinft.) are reposted from Reinforcements, Red Deer, Alberta to Home War Establishment, Red Deer, Alberta, and posted to Headquarters Coy., effective dates as shown.

L/8837	Pte. Hammerer, C.E.	12-11-42.
M/56134	Pte. Stromner, H.C.	12-11-42.
K/73151	Pte. Sadler, C.P.	12-11-42.
L/8800	Pte. Aiken, H.E.	1-10-42.
H/87836	Pte. Kuczma, P.	12-11-42.
M/62109	Pte. Sandirson, F.W.	1-10-42.

(b) M/45730 Pte. Baglien, J.A., H.Q. Coy., (Reinft.) is reposted from Reinforcements, Red Deer, Alberta to Home War Establishment, Red Deer, Alberta, on reduction of Medical Category to "C.2", effective:-30-10-42.

3. QUALIFICATIONS:

(a) The undermentioned personnel No. 1. Coy., (Reinft.) having completed a 2 weeks Specialists Course in Medical Orderlies, for the period from 2-11-42 to 14-11-42, are Qualified as shown.
(Authority: Standing Qualification Board, Red Deer, Alta.)

H/195118	Pte. Lock, G.H.	"Q"
M/102067	Pte. Cook, M.	"Q"
L/100988	Pte. Dahms, L.E.	"Q"
H/57954	Pte. Devries, P.J.	"Q"
M/102269	Pte. Klunck, S.C.	"C"

(b) The undermentioned personnel (Reinft.) having completed a Regimental N.C.O's Course (No.12) at A20 C.A.S.C. T.C. C.A., for the period, from 14-9-42 until 10-10-42 are Qualified as shown.
(Authority:-Standing Qualification Board, Red Deer, Alta)

K/46519	A/L/Cpl. Derry, W.C.	No. 2. Coy.,	"QI"
M/101342	Pte. Ryan, E.J.	No. 2. Coy.,	"QI"
L/100630	Pte. Preddy, E.	No. 2. Coy.,	"QI"
A/103113	Pte. McGarrell, F.N.	No. 2. Coy.,	"QI"
H/87906	Pte. Collen, J.G.	No. 2. Coy.,	"QI"
L/100429	Pte. Dickson, L.E.	No. 2. Coy.,	"QI"
A/103241	Pte. Miller, C.C.	No. 2. Coy.,	"QII"
K/45298	Pte. Thompson, F.L.	No. 2. Coy.,	"QII"
M/56810	A/L/Cpl. Dion, C.R.	No. 2. Coy.,	"QII"
K/45976	Pte. White, H.R.	No. 3. Coy.,	"QI"
K/45944	Pte. Murray, H.B.	No. 3. Coy.,	"QI"
H/88038	Pte. Killen, J.A.	No. 3. Coy.,	"QI"
K/45825	Pte. Scruten, J.W.	No. 3. Coy.,	"QII"
K/45893	Pte. Goodheart, R.	No. 3. Coy.,	"QII"
K/45659	Pte. Rodford, G.W.	No. 3. Coy.,	"QII"
M/101966	Pte. Smith, W.H.	No. 4. Coy.,	"QII"
L/110251	Pte. Sauter, L.R.	H.Q. Coy.,	"QII"

4. EXTENSION OF LEAVE:

B/73024 Pte. Conley, J.M., (Reinft.) granted extension of Leave from 2200 hrs. 4-11-42 to 1400 hrs. 15-11-42 and is authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (11 days) (Authority:-D.A.A.G.- M.D.2.)

(Cont'd. Sheet No....5.)

PART II ORDERS

Last Part II Order Issued,
No.277 - d/17th Nov., 1942. (Sheet No...5.)

No.278.
Red Deer, Alberta.
18th November,1942

SECTION "B" (CONT'D.)

5. STRENGTH INCREASE:

(a) The undermentioned personnel from No.132 C.A. (B) T.C., Grande Prairie, Alberta, are Taken On Strength A20 C.A.-S.C. T.C., C.A. (Reinft.) and posted to No. 1. Coy., effective:-17-11-42. Arrived:-1535 hours, 17-11-42. (Authority:-Admin. Instr. No. 88 - dated:-10-11-42.)

M/103183 Pte. Anderson, A.L.
M/102487 Pte. Campbell, L.B.
M/103184 Pte. Erickson, M.W.
M/104356 Pte. Rigler, A.L.

(b) The undermentioned personnel from No.122 B.T.C., Prince Albert, Saskatchewan, are Taken On Strength A20 C.A.S.C. T.C., C.A. (Reinft.) and posted to No. 1 Coy., effective 17-11-42. Arrived:-0240 hrs. 18-11-42. (Authority:-Admin. Instr. No. 88 - Dated:-10-11-42.)

L/101901 Pte. Britton, T.N.
L/100599 Pte. Brown, P.A.
L/101979 Pte. Hartmann, O.P.
L/100879 Pte. Bell, H.K.
L/101157 Pte. Craig, N.R.W.
L/101840 Pte. Mills, A.H.

(c) L/64647 Pte. Blizzard, W.H., from No. 12 District Depot, Regina Saskatchewan, is Taken On Strength A20 C.A.S.C. T.C., C.A. (Reinft.) and posted to No. 1. Coy., effective:-18-11-42. Arrived:-0240 hrs. 18-11-42. (Authority:-Admin. Instr. No. 88 - dated:-10-11-42.)

6. FURLOUGH:

The undermentioned personnel No. 1 Coy., (Reinft) granted furlough from 0600 hours, 17-11-42 until 2200 hours, 30-11-42 and issued with Transportation Warrants as shown and authorized to draw a Money Allowance of 50 cents per diem in lieu of rations under Art. 196 (4) F.R.& I. (Auth: A.F. Routine Order 699 (2)(b)). (14 days)

M/102437	Pte. Anderson, S.A.	Warrant No. A/244444.
L/100884	Pte. Anderson, G.A.	" " A-244441
M-102461	Pte. Bowker, A.	" " A-244450
M-102322	Pte. Brennan, C.	" " A-244449
L-100945	Pte. Buckberger, H.A.	" " A-244456
M-101927	Pte. Burkett, M.	" " A-244445
K-46323	Pte. Butcher, J.	" " A-244448
L-100988	Pte. Dahms, L.E.	" " A-244535
H-101241	Pte. Dobrowolsky, E.	" " A-244539
H-195066	Pte. Doll, J.A.	" " A-244540
H-195038	Pte. Eshkibog, R.E.	" " A-244467
L-100939	Pte. Fair, W.J.	" " A-244470
K-46451	Pte. Ferguson, W.	" " A-244472
L-101030	Pte. Flanders, D.H.	" " A-244473
H-101208	Pte. Green, L.A.	" " A-244479
L-100998	Pte. Hanchuk, W.E.	" " A-244531
H-101196	Pte. Harlos, J.	" " A-244482
K-65246	Pte. Herman, F.	" " A-244398
L-101111	Pte. Hill, D.	" " A-244485
A-103434	Pte. Holmes, H. Mc.	" " A-244508
M-102163	Pte. Houghton, F.W.	" " A-244483
L-100867	Pte. Howells, J.W.M.	" " A-244484

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued
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SECTION "B" CONTINUED

6. FURLOUGH: (Cont'd)

(a)

H-88160	Pte. Hupka, W.	Warrant No.	A-244400
M-102265	Pte. Jackson, K.S.S.	" "	A-244486
L-100960	Pte. Johnson, F.	" "	A-244488
L-100868	Pte. Lane, J.	" "	A-244491
L-74055	Pte. Le Blanc, C.J.	" "	A-244490
M-102326	Pte. Lee, G.E.	" "	A-244492
L-101152	Pte. LeGrand, P.	" "	A-244518
A-103306	Pte. Lepine, R.A.	" "	A-244515
L-41598	Pte. Linenko, P.C.	" "	A-244522
L-100887	Pte. Logan, E.C.	" "	A-244512
H-195028	Pte. Loranger, N.J.	" "	A-244494
M-28045	Pte. Matthews, S.J.	" "	A-244516
L-110367	Pte. McCrea, W.F.	" "	A-244526
M-102395	Pte. Morrison, M.	" "	A-244499
A-103410	Pte. McKee, J.A.	" "	A-244511
L-101106	Pte. Mills, W.W.	" "	A-244513
M-102440	Pte. Olson, A.S.	" "	A-244502
M-103107	Pte. Pazuik, J.	" "	A-244504
M-101605	Pte. Perrin, R.	" "	A-244505
K-46446	Pte. Pitts, A.S.	" "	A-244404
K-46442	Pte. Powell, W.J.	" "	A-244405
K-46131	Pte. Reisig, L.W.	" "	A-244410
K-46781	Pte. Ritchey, L.R.	" "	A-244411
L-101099	Pte. Satterlee, T.S.	" "	A-244417
M-102384	Pte. Sawchuk, F.	" "	A-244419
K-46286	Pte. Sims, R.	" "	A-244413
L-101041	Pte. Steffenhagen, A.C.	" "	A-244420
K-46348	Pte. Stephens, E.A	" "	A-244421
H-101207	Pte. Thiessen, J.	" "	A-244423
H-88161	Pte. Tapsay, R.A.	" "	A-244424
K-100188	Pte. Thomas, E.R.	" "	A-244425
K-46037	Pte. Titmus, F.	" "	A-244426
K-46065	Pte. Weir, A.D.	" "	A-244431
M-102312	Pte. Weisenburger, E.	" "	A-244432
K-46357	Pte. Wiens, G.	" "	A-244433
K-46312	Pte. Wright, A.E.	" "	A-244436
L-101053	Pte. Zirk, B.H.	" "	A-244437
L-100901	Pte. St. John, G.L.	" "	A-244438
K-46214	A/L/Cpl. Hendy, J.A.	" "	A-244524
A-102214	A/L/Cpl. Wright, R.J.	" "	A-244439
L-100940	A/L/Cpl. Giem, K.	" "	A-244477
H-102283	Pte. Epps, F.F.	" "	A-244469
K-46275	Pte. Brewer, A.	" "	A-244527
L-101150	Pte. Nielson, E.	" "	A-244514
H-195032	Pte. Holgerson, C.B.	" "	A-244399
M-102369	Pte. Dowhaniuk, W.	" "	Nil
L-100824	Pte. Cowles, A.D.	" "	Nil
M-102426	Pte. Cody, M.F.	" "	Nil
K-46460	Pte. Fecht, M.J.C.	" "	Nil
L-100273	Pte. Anderson, A.G.	" "	A-244979
M-34137	Pte. Charlton, F.W.	" "	Nil
K-65231	Pte. Dyck, D.	" "	A-244978
K-76282	Pte. Elgood, J.R.L	" "	A-244977
H-195118	Pte. Lock, G.H.	" "	A-244975
L-74963	Pte. Ochs, H.	" "	A-244974
H-101205	Pte. Riddell, D.M.	" "	A-244973

(Cont'd.....Sheet # 7)

PART II ORDERS

No. 278.
Red Deer, Alberta.
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Last Part II Order issued
No. 277 d/17th Nov., 1942. Sheet # 7

SECTION "B" CONTINUED

6. FURLOUGH: (Cont'd.)

(a)

H/195099	Pte. Skwarek, M.C.	Trans.	Warrant	No.	A/244972.
M/102345	Pte. Schnarr, C.E.	"	"	"	A/244971.
K/65296	Pte. Slater, J.	"	"	"	A/244970.
H/101138	Pte. Sutherland, J.A.	"	"	"	A/244969.
K/40715	Pte. Szasz, L.	"	"	"	A/244968.
A/103409	Pte. Wilson, R.J.	"	"	"	A/244967.
A/102197	Pte. Chauvin, E.J.	"	"	"	A/244545.
A/102181	Pte. Wood, A.K.	"	"	"	A/244954.

(b) The undermentioned personnel No. 1. Coy., (Reinft.) granted Furlough from 0600 hrs. 18-11-42 until 2200 hrs. 1-12-42 and issued with Transportation Warrants as shown and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 Days).
(Authority:-A.F. Routine Order No.699 (2) (b)).

M/102276	Pte. Tildesley, K.F.P.	Trans.	Warrant	No.	A/244987.
K/76925	Pte. Rowland, D.G.	"	"	"	A/244986.
L/100882	Pte. Lapaire, J.L.P.	"	"	"	A/244985.
K/71340	Pte. Kipp, G.R.	"	"	"	A/244984.

(c) L/74769 Pte. Crawford, A.V., granted Furlough from 0600 hrs. 14-10-42 until 2200 hrs. 27-10-42 and issued with Transportation Warrant No.A/174301 and is authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days) (Authority:-A.F. Routine Order No.699 (2) (b))

7. HOSPITAL STOPPAGES: (Remission)

A/58575 Pte.(A/Cpl.) Gatenby, S.J., having been placed under Hospital stoppages by No. 69 Tank Transporter Coy., effective 13-8-42, posted to No.13 District Depot, effective13-8-42 and reposted to A20 C.A.S.C. T.C., C.A., effective 15-8-42 whilst under stoppages of pay, ceased to be under stoppage of pay, effective 1-9-42, A20 C.A.S.C. T.C., C.A. Part II Order No.214, is hereby cancelled and stoppages of pay remitted for the period 13-8-42 to 1-9-42 - 20 days at .75 cents.
(Authority:-Art.222 F.R. & I., as amended.)
(For adjustment overseas.)

8. EMBARKATION LEAVE:

L/8795 Pte. Odell, W.P., granted embarkation Leave from 1100 hrs. 18-11-42 until 1300 hrs. 25-11-42 and issued with Transportation Warrant No.A/245001 and is authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (7 days).

9. BIRTH:

B/80983 Pte. O'Neil, E.G.B., (Reinft.) Birth of a Daughter:
Daughter:-Shelby Patricia, O'Neil
Date :-1st October, 1942.
Place :-Galt, Ontario.

(Cont'd. Sheet No.....8.)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

No. 278
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18th November, 1942.

Last Part II Order issued
No. 277, d/17th November, 1942. (Sheet # 8)

SECTION "B" - - - - (CONT'D)

10. NEXT OF KIN:

(a) A-67953 Pte. Thrasher, C.A.S., No. 3 Coy., (Reinft.) Change of address of next of kin:

(Mrs.) Agnes Thrasher (Mother)
From: 1149 Donnelly St. West, Windsor, Ontario.
To: 1214 Westminster St. West, Windsor, Ontario.
All documents to be amended accordingly.

(b) H-101709 Pte. Towle, E.S., No. 3 Coy., (Reinft.) Change of address of next of kin:

(Mrs.) Daisy Molly Towle (Wife)
From: 426 Cardydon Ave., Winnipeg, Manitoba.
To: 127 Luxtor Ave., Winnipeg, Manitoba.
All documents to be amended accordingly.

(c) M-102426 Pte. Cody, M.F., No. 1 Coy., (Reinft.) Change of address of next of kin:

(Mrs.) Hannah Cody (Mother)
From: 11703 - 97th St., Edmonton, Alberta.
To: 1160 Bidwell St., Vancouver, B.C.
All documents to be amended accordingly.

11. MARRIAGE:

M-66572 Pte. McCartney, R.G., M.T. Coy., (Reinft.) having been granted permission to marry, effective 9-11-42 (Part II Order No. 218, d/10-9-42), was married, effective 12-11-42.

Wife: Hazel Evelyn, (Maiden name "Thompson")
11425 - 95th Street, Edmonton, Alberta.
Place: Edmonton, Alberta.

12. PUNISHMENTS:

(a) M-56015 Pte. Moore, G.E., No. 5 Coy., (Reinft.) Admonished for:
Absent Without Leave from 2200 hours, 12-11-42 until 1645 hours, 13-11-42. (Absent 18 hours, and 45 minutes). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of offence 12-11-42. Date of award 16-11-42.

(b) M-103307 Pte. Dunn, W.C., No. 4 Coy., (Reinft.) Admonished for:
Absent Without Leave from 0600 hours, 16-11-42 until 0300 hours, 17-11-42. (Absent 21 hours). (A.A. Section 15 (1)). Under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of offence 16-11-42. Date of award 17-11-42.

(Cont'd.....Sheet # 9)

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PART II ORDERS.

Last Part II Order Issued No.277 - d/17th Nov., 1942. (Sheet No....9.)

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SECTION "B"

(CONT'D.)

12. PUNISHMENTS: (Cont'd.)

(c) M/36947 Pte. Fallas, H., H.Q. Coy., (Reinft.) Admonished, and placed under stoppages of pay amounting to $3.09 to make good cost of apprehension, as listed:-Phone Call Calgary to Red Deer 70 cents, Transportation, Calgary to Red Deer, $1.84 - Telegrams, 55 cents, Total $3.09, For:-
DRUNKENNESS (1st Offence) (A.A. Sec. 19)
Under Close Arrest whilst awaiting trial.
Date of Offence:-15-11-42 - Date of Award:-17-11-42

(d) M/100650 Pte. Anderson, B.S., No. 3. Coy., (Reinft.), Admonished, For:-
Absent Without Leave from 0600 hrs. 16-11-42 until 0400 hrs. 17-11-42. (Absent 22 hours) (A.A. Sec. 15 (1))
under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:-16-11-42 - Date of Award:-17-11-42

(e) K/52034 Pte. Tarosoff, L.K., No. 2. Coy., (Reinft.) Admonished, For:-
Absent Without Leave from 0600 hrs. 26-10-42 until 1200 hrs. 29-10-42 (Absent 3 days 6 hrs.) (A.A. Sec. 15(1))
Under open arrest whilst awaiting trial. Forfeits 4 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:-26-10-42 - Date of Award:-17-11-42

(f) M/102379 Pte Campion, L., No. 2. Coy., (Reinft.) Awarded 2 days C.B., For:-
Absent Without Leave from 0600 hrs. 16-11-42 until 2200 hrs. 16-11-42. (Absent 16 hrs.) (A.A. Sec. 15 (1))
Under open arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:16-11-42 - Date of Award:-17-11-42

(g) M/103306 Pte. Lecerf, H.G., No. 4. Coy., (Reinft.) Admonished, For:-
Absent Without Leave from 0600 hrs. 16-11-42 until 0300 hrs. 17-11-42 (Absent 21 hrs.) (A.A. Sec. 15 (1)) under open Arrest whilst awaiting trial. Forfeits 1 days pay and allowances under Art. 149 F.R. & I.
Date of Offence:-16-11-42 - Date of Award:-17-11-42

13. AMENDMENTS:

(a) Part II Order No.276 - d/16-11-42 (Reinft.) Section "B" Sub Para. 9 (a) (Birth) in so far as it relates to B/81002 Pte. Kerrigan, D.J., name of son is amended to read Denis Jerome Kerrigan, and place of birth is amended to read, Toronto, Ontario.

(b) Part II Order No.272 - d/11-11-42 (Reinft.) Section "B" Sub Para. 9 (a) (Punishment) in so far as it relates to B/113717 Pte. Thompson, E.G., is amended to read:- 5 days C.B., and not 5 days pay.

(Cont'd. Sheet No.....10.)

A20 C.A.S.C.T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 277, d/17th November, 1942. (Sheet # 10)

No. 278
Red Deer, Alberta,
18th November, 1942.

SECTION "B" - - - - (CONT'D)

10. AMENDMENTS;

(c) Part II Order No. 190, d/5-8-42, (Reinft.) Section "B", sub-para 10 (Absent Without Leave) and Part II Order No. 205, d/26-8-42 (Reinft.) Section "B", sub-para 2 (a) (Strength Decrease) in so far as they relate to "K-47992 Pte. Benjamin, C.N.", effective time of absence is amended to read "2200 hours, 2-8-42."

(d) Part II Order No. 274, d/13-11-42 (Addenda) amendments, sub-para 4 (c), line 2 - - sub-para 8 is amended to read "sub-para 4".

(e) Part II Order No. 276, d/16-11-42, (Reinft.) Section "B", sub-para 10 (Marriage) in so far as it relates to "L-110213 Pte. Juker, D.J.", in line 2 "Daveline" is amended to read "Davelene".

11. HOSPITAL:

(a) TRANSFERRED from Red Deer Military Hosptal to Col-Belcher Hospital, Calgary.

B-113346	Pte. Mehew, A.J.	17-11-42.
B-80878	Pte. Ough, A.R.	17-11-42.
M-102408	Pte. Fitzpatrick, J.	17-11-42.

(b) ADMITTED Red Deer Military Hospital

M-36696	Pte. Bedford, G.E.	17-11-42.
K-75910	Pte. Greenwell, F.P.	17-11-42.
B-80857	Pte. Higdon, R.H.	17-11-42.

C.W.A.C. SECTION

1. ATTACHED:

W-13535 Pte. McLeod, B.L., ceases to be attached to No. 4 Plat., No. 2 Coy., C.W.A.C., A20 C.A.S.C.T.C., C.A., Red Deer, Alberta, for all purposes except pay and clothing, on return to No. 2 Coy., C.W.A.C., Calgary, effective 16-11-42.

2. ABSENT WITHOUT LEAVE:

W-13287 Pte. Sloan, J.S., (C.W.A.C.) is Absent Without Leave, effective 0600 hours, 16-11-42.

1. Attention is drawn to Appendix "A" to this Order - 16th Bde. Group Company, R.C.A.S.C., (No. 26 Coy.), Part II Order No. 58, d/17th November, 1942.

2. Attention is drawn to Appendix "B" to this Order - Red Deer Military Hospital Part II Order No. 95, d/17th November, 1942.

J J McNally Lieut.
Capt.,
(A.E. Phelan),
Adjutant,
A20 C.A.S.C.T.C., C.A.

8#1

APPENDIX "A" TO PART II ORDER NO. 278 d/18-11-42.

16th Brigade Group Company RCASC
(No.26 Coy.)

DAILY ORDERS PART II

No.58
Red Deer, Alta.
17 Nov 42.

Last Pt.II Order:
No.57 d/11 Nov 42.

Active Army Personnel

SECTION "A"

1. EXTRACT FROM C.A.R.O. 2546

R.C.A.S.C. To be Lt.: 2nd Lt.J.H.McLaughlin - 25 July 42.

2. EXTRACT FROM C.A.R.O. 2497

ROYAL CANADIAN ARMY PAY CORPS.
Gen.List. - To be Lt.: 2nd Lt.A.E.Shiels 30 Aug 42.

3. QUALIFICATION

Capt.C.C.Olson having completed a course of instruction at A25 CSATC(EC), (Course 340, Platoon Weapons) is qualified "Q.I." Effective: 30 Oct 42.
Auth: HQ.MD.13 C.24-11-15 d/14 Nov 42.

SECTION "B"

1. QUALIFICATION

(a) M100757 Pte.(A/Cpl. with pay) Buchanan E.J., having completed an examination, is qualified as Clerk (Pay), Group "C". Effective: 16 Oct 42
Auth: Trade Testing Board No.95 M.D.13.

(b) K83552 A/L/Cpl. (A/Cpl. without pay) Gurlock R.J., having completed a course of instruction at A25 CSATC(EC), (Course No.340, Platoon Weapons) is qualified "Q.I." Effective: 30 Oct 42.

Auth: HQ.MD.13 C.24-11-15 d/15 Nov 42.

(c) H205054 Cpl.Delgaty G.L., having completed a course of instruction at A16-CITC., Currie Barracks, Calgary, Alta., (Course No.40, Unit W.O's and N.C.O's) is qualified as Assistant Instructor. Effective: 7 Nov 42.
Auth: HQ.MD.13, C.24-11-24 d/16 Nov 42.

2. HOSPITAL

Admitted Red Deer Military Hospital

C11663 Cpl.Weatherdon J.A. Effective: 12 Nov 42.

3. ATTACHMENT

M52875 Pte(A/L/Cpl.)Miles J.A., is attached to No.13 District Depot, Calgary, Alta., for rations and quarters. Effective: 1630 hrs. 9 Nov 42.

4. CONFIRMATION OF RANK

L41189 Pte.(A/Sgt. with pay) Waldman M., is confirmed in the rank of CORPORAL. Effective: 14 Nov 42.
Auth: MoB.Instr. (1937)

5. TRADESMEN'S RATES OF PAY

M100757 Pte.(A/Cpl. with pay) Buchanan E.J., having qualified as Clerk (Pay) Group "C", and qualifications having been published in Daily Order Part II No. 58 d/ 17 Nov 42, is authorized to draw tradesman's rates of pay, Clerk, Group "C". Effective: 16 Oct 42.

(Continued overleaf).

Daily Order Part II No.58 d/17 Nov 42 (Cont'd.)

6. STRENGTH INCREASE

(a) M58749 Pte.Simpson, James, William,(Single) having been attested is taken on strength. Effective: 16-11-42.

Date of Birth: 25 Jul 03.
Religion: Roman Catholic
Educational Qual: Grade XI High School
Category: "A" 1.
Previous Service: Nil.
Empl. as: Driver
Trade: Bank Clerk

(b) M58750 Pte.Anderson, Alwyn, Douglas,(Single) having been attested is taken on strength. Effective: 16-11-42.

Date of Birth: 28 Jan 1910
Religion: Baptist
Educ. Qual: Grade X High School
Category: "A" 1.
Prev.Service: Nil.
Employed as: Driver
Trade: Mechanic

(c) M58751 Pte.Craig, Peter, Irvin, (Single) having been attested is taken on strength. Effective: 16-11-42

Date of Birth: 18 Aug 1923
Religion: United Church
Educ.Qual: Grade VIII Pub.School
Category: "A" 1.
Prev.Service: Nil.
Employed as: Driver
Trade: Labourer

7. SUBSISTENCE ALLOWANCE

M52955 Pte.Raymond F.S., is authorized to draw subsistence allowance of $1.25 per diem whilst attached to District Audit Office, M.D.No.13 for audit duties.
Auth: Art.199(1) F.R. & I.
HQ.MD.No.13 C.25-4-10 d/13-11-42.
Effective: 20 Oct 42.

8. AMENDMENT

Daily Order Part II No.57 d/11-11-42, Sec."B", para.2 Relinquishment, insofar as it refers to K83555 A/Cpl. without pay) Koshevoy J., is cancelled.

Captain,
(C.C.Olson)
for R.C.Allen, Major, (AOD).,
Cmdg. 16th Bde.Group Coy.(No.26 Coy.) RCASC.

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APPENDIX "[illegible]" TO PART II ORDER NO.278 - [illegible]/18-11-42

A20 C.A.S.C. T.C., C.A.

RED DEER MILITARY HOSPITAL RCAMC CA(A)

PART II ORDERS

Last Part II Order issued
No. 94, d/11th November, 1942.

No.95, Page 1,
Red Deer, Alberta,
17th November, 1942.

SECTION "A" - Officers and Nursing Sisters:

1. AMENDMENT:

Part II Order No. 93, d/6-11-42 para 2 (Strength Increase) insofar as it relates to Lieut. B. Michalyshyn, add to authority Appendix "A" to District Order No. 662, d/11-11-42.

SECTION "B" - Other Ranks:

2. STRENGTH INCREASE:

K.54063, Pte. Goodrich, Alfred Ernest (Single) taken on strength Red Deer Military Hospital on transfer from A-20 C.A.S.C. T.C., C.A. effective 17-11-42.
(Auth. H.Q. M.D. #13 C.36-G-1751, d/14-11-42)

3. ATTACHED:

K.54063, Pte. Goodrich, A.E., Red Deer Military Hospital, attached to A-20 C.A.S.C. T.C., C.A. for pay and quarters, effective 17-11-42.

4. CANCELLATION:

Part II Order No. 83, d/2-10-42 para 1 and Part II Order No. 84 para 11 (Hospital Stoppages) insofar as they relate to M.42174, Cpl. Scott, A.H. are hereby cancelled.

5. HOSPITAL:

(a) M.42174, Cpl. Scott, A.H., Red Deer Military Hospital, discharged from Red Deer Military Hospital eff. 4-10-42.

(b) M.587195, Pte. Riddoch, R.A., Red Deer Military Hospital, sick, admitted to Red Deer Military Hospital eff. 15-11-42.

6. NEXT OF KIN:

M.42174, Cpl. Scott, A.H., Red Deer Military Hospital, reports change of address of next of kin.
From: Mrs. Beatrice Myrtle Scott (Wife)
1219 - 5th Ave. A. South,
Lethbridge, Alberta.
To: Box 75,
Red Deer, Alberta.
All documents to be amended accordingly.

7. ATTACHED - RATIONS:

(a) The undermentioned Other Ranks of A-20 C.A.S.C. T.C., C.A. cease to be attached to Red Deer Military Hospital for rations effective 11-11-42.

K.65369 Pte. Clubb, J.
A.102310 Pte. Bryant, R.L.
A.602113 Pte. Ford, M.A.

(b

(Continued on sheet 2.)

RED DEER MILITARY HOSPITAL RCAMC CA(A)

PART II ORDERS

Last Part II Order issued
No. 94, d/11th November, 1942

No. 95, Page 1,
Red Deer, Alberta,
17th November, 1942.

7. ATTACHED - RATIONS

(b) The undermentioned Other Ranks of A-20 C.A.S.C. T.C., C.A. are attached to Red Deer Military Hospital for rations with effect from 15-11-42.

K.71819 Pte. Rome, J.
M.35133 Pte. Potter, L.A.

C.W.A.C. SECTION:

8. ATTACHED:

W13545 Pte. Fox, Jennie Ethel, 2 Coy. C.W.A.C. is attached to Red Deer Military Hospital for duty and rations and to A-20 C.A.S.C. T.C., C.A. for quarters eff. 7-11-42.

9. C.W.A.C. REPLACEMENT:

W.13545 Pte. Fox, J.E. 2 Coy. C.W.A.C. is attached to Red Deer Military Hospital to cover off a vacancy for one Private, effective 7-11-42.

Distribution:

D.M.O.	(12)
O.C. A-20 C.A.S.C. T.C., C.A.	(1)
P.M. A-20 CASC TC., CA.	(1)
Supply Depot, Penhold	(1)
O.C. 2 Coy. C.W.A.C.	(1)

J.M. Harvey Capt

(J.M. Harvey) Capt., RCAMC
Officer Commanding
Red Deer Military Hospital.

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Lieut. Colonel J.J. Burton-Willison
Commanding A20 C.A.S.C.T.C., C.A.

Last Part II Order Issued,
No.277 - d/17th Nov., 1942. (Sheet No....1.)

No.278.
Red Deer, Alberta
18th Nov., 1942.

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

NIL

SECTION "B" OTHER RANKS

1. ATTACHED:

The undermentioned personnel from No.13 District Coy., R.C.O.C., Calgary, Alberta, are attached "ON COMMAND" for Rations and Quarters, to A20 C.A.S.C. T.C., C.A., effective:-1530 hrs. 16-11-42.

M/41026 S/Sgt. Scheiwiller, W.A. M/56790 Pte. Park, J.K.

2. STRENGTH DECREASE:

M/55925 A/L/Cpl. Clarke, R.M., M.T. Coy., (H.W.E.) is Struck Off Strength A20 C.A.S.C. T.C., C.A., on discharge under the provisions of C.A.R.O., 1029 (13), for purpose of enlistment in another Force (R.C.N.V.R.), effective:-18-11-42. (Authority:-H.Q.- M.D.13 - C.36-0-2640 - dated:-14-11-42)

3. TRADESMEN'S RATES OF PAY:

(a) The undermentioned personnel H.Q. Coy., (H.W.E.), having been duly classified as Cooks Group "C" and being employed at their respective Trades, are authorized to draw Tradesmen's Rates of pay, as Cooks Class "C", effective dates as shown. (Authority:-Art. 146 - F.R. & I. In accordance with C.A.R.O. 1948 - d/9-5-42.)

L/8800 Pte. Aiken, H.E., effective:-1-10-42. (Authority:- A16 - C.I.T.C. Part II Order No.184 - dated:-24-7-42.)

M/62109 Pte. Sandirson, F.W., effective:-1-10-42. (Authority:- Seebe, Alberta, Part II Order No.183 - dated:-26-10-41)

(b) M/50019 Pte. Makuch, S., H.Q. Coy., (H.W.E.) ceases to draw Tradesmen's Rates of Pay as Cook Class "C", on ceasing to be employed as Cook, effective:-18-11-42.

4. QUALIFICATIONS:

The undermentioned personnel (H.W.E.) having completed an N.C.O's Course (No.12), at A20 C.A.S.C. T.C., C.A., for the period 14-9-42 until 10-10-42, are Qualified as shown.
(Authority:-Standing Qualification Board, Red Deer, Alta)

H/65680	Sgt. Nocei, P.	No. 1. Coy.,	"Q.I"
M/34164	A/L/Cpl. Murray, W.	No. 2. Coy.,	"Q.I"
B/13583	Pte. Walden, E.H.	No. 2. Coy.,	"Q.I"
B/98456	A/L/Cpl. Walkden, A.	No. 2. Coy.,	"Q.I"
K/100148	Pte. McMillan, F.	No. 2. Coy.,	"Q.I"
B/133449	Pte. Ross, H.W.	No. 2. Coy.,	"Q.II"

(Cont'd. Sheet No. 2.)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order Issued, No.277 - d/17th Nov., 1942. (Sheet No. ....2.)

No.278. Red Deer, Alberta 18th Nov., 1942.

SECTION "B" (CONT'D.)

4. QUALIFICATIONS: (Cont'd.)

The undermentioned personnel (H.W.E.) having completed an N.C.O'S Course (No.12), at A20 C.A.S.C. T.C., C.A., for the period 14-9-42 until 10-10-42, are Qualified as shown.
(Authority:-Standing Qualification Board, Red Deer, Alta)

K/45595	Pte. Chestnutt, A.L.	No. 2. Coy.,	"Q.II"
B/113451	Pte. McRae, C.A.	No. 2. Coy.,	"Q.II"
H/87921	Pte. Emond, J.G.E.	No. 4. Coy.,	"Q.I"
H/101048	Pte. Bergstrom, H.J.	No. 4. Coy.,	"Q.II"
K/46054	Pte. McEwan, W.	No. 4. Coy.,	"Q.II"
H/87762	A/L/Cpl. O'Connor, A.J.	No. 6. Coy.,	"Q.I"
M/35571	A/L/Cpl. Feica, S.M.	No. 6. Coy.,	"Q.I"
L/8737	A/L/Cpl. Johnson, H.T.	No. 6. Coy.,	"Q.II"
K/67808	A/Sgt. Smith, J.W.	M.T. Coy.,	"Q.I"
M/34028	A/L/Cpl. Mercer, R.	M.T. Coy.,	"Q.I"
M/33925	A/L/Cpl. Karchuk, J.	M.T. Coy.,	"Q.II"

5. MARRIAGE:

K/20021 A/Sgt. Mills, T.G.S., No. 3. Coy., (H.W.E.) having been granted permission to Marry, effective 4-11-42 (Part II Order No.267 - d/5-11-42) was married, effective, 7-11-42

Wife:- W/13029 Pte. Alice Christina (Maiden Name "Brandt" (C.W.A.C.)), c/o Mrs. Edith Mills, 3709 Main Str. Vancouver, British Columbia.
Place:-Edmonton, Alberta.

6. PERMISSION TO MARRY:

B/113583 Pte. Walden, E.H., No. 2. Coy., (H.W.E.) granted permission to Marry Miss Margaret, Downham, on or after the 17th day of December, 1942.

7. ALLOWANCE:

B/98379 A/S.Q.M.S., F.W. Lamb, H.Q. Coy., (H.W.E.) having been granted a pass from 1700 hrs. 18-11-42 until 0700 hrs. 23-11-42 is authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I., (4 days).

8. EXTENSION OF LEAVE:

E/14219 Sgt. Gibson, J.E., No. 2. Coy., (Attached) granted Extension of Compassionate Leave from 2200 hrs. 17-11-42 until 2200 hrs. 25-11-42. (8 days)
(Authority:-H.Q. Telegram 841 - dated:-15-11-42.)

9. FURLOUGH:

P/27757 Sgt. Bichard, H.J., M.T. Coy., (H.W.E.) granted Furlough from 21-9-42 until 4-10-42 and issued with Transportation Warrant No.A/172676 and authorized to draw a Money Allowance of 50 cents per diem in lieu of Rations under authority of Art. 196 (4) F.R. & I. (14 days).

(Cont'd. Sheet No. .....3.)

J.J.an

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Exhibit "KK" 155
Summary Dept Hist
Pa.

Certificate in accordance with Order-in-Council P.C.2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(Apprehension by or surrender to civil authorities)

I certify that the person whose description is given below was arrested by (~~[illegible]~~ PK) Cst. G.E.Keys (Name of Peace Officer or Constable) at North Battleford, Saskatchewan (Place) at 1:20 P.M. (Hour) on the First day of February 19 43

(Strike out words not applicable)

and at the time of arrest (~~[illegible]~~ PK) he was ~~[illegible]~~ PK (dressed in civilian clothes).

(Strike out words not applicable)

Regimental particulars of ~~[illegible]~~ PK Soldier referred to above.

(No. L8685
(Rank Private
(Name Reginald HIGGS
(Unit A20 C.A.S.C.T.C.,C.A.

Description

(Age 26 years
(Height 5'6½"
(Complexion Dark
(Hair Very dark brown.
(Eyes Brown
(Marks Circular scar on right arm.

Signature of ~~[illegible]~~ PK constable by whom arrest ~~[illegible]~~ was made, ~~[illegible]~~ PK ~~[illegible]~~ G.E.Keys (constable) (Strike out words not applicable.

~~[illegible]~~ PK ~~[illegible]~~ PK ~~[illegible]~~ PK

I certify that this is a true copy of Part II Orders No.34, dated 8th February, 1943, of which it purports to be a copy.

(A.F.Phelan) Captain,
Adjutant,
A20 C.A.S.C.T.C., C.A.

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Flight "L L"

No. 34
Red Deer, Alberta,
8th February, 1943.

Last Part II Order issued
No. 33, d/6th Feb., 1943.

(Page # 7)

SECTION "B" - - - - - - (CONT'D)

20. STRENGTH INCREASE:

L-8685 Pte. Higgs, R., (Reinft.) having been apprehended by Constable G.E. Keys of the Royal Canadian Mounted Police, North Battleford Detachment, North Battleford, Sask., at 1320 hours, 1 Feb 43, dressed in plain clothes, is taken on strength on arrival A20 C.A.S.C. T.C., C.A., for all purposes except pay, effective 5 Feb 43.

HOME DEFENCE SECTION

21. STRENGTH DECREASE:

(a) The undermentioned personnel of No. 6 Coy. (H.D.) are Struck off Strength on posting to 16th Bde. Group Coy., R.C.A.S.C., Prince George, B.C., effective 8 Feb 43.
(Auth: C/S 4-12 F.D. 11, d/5 Feb 43).

L-603701 Pte. Bannerman, G.D.
H-613637 Pte. Bjarnason, J.
B-624253 Pte. Dallas, W.
L-465913 Pte. Dowhaniuk, M.
A-602586 Pte. Dubrick, H.R.
L-601078 Pte. Fellner, A.L.
H-605972 Pte. Kolotylo, P.
H-501380 Pte. Kozera, P.P.
H-605828 Pte. Kutchera, S.
B-623780 Pte. Leobold, G.T.
B-624562 Pte. Majeski, S.J.
M-610404 Pte. Matichuk, G.
K-601525 Pte. Messenger, S.F.
H-613641 Pte. McMillan, L.J.M.
L-606975 Pte. Petershuk, J.
K-603561 Pte. Poole, H.L.
H-501198 Pte. Prasek, J.P.
A-606929 Pte. Ross, K.E.
H-511153 Pte. Rzyhak, J.
M-610339 Pte. Shapka, A.
M-610376 Pte. Skidnuk, G.
B-624100 Pte. Smythe, H.S.
H-613630 Pte. Stepko, M.
M-610400 Pte. Suter, C.
K-603607 Pte. Towe, E.
A-602535 Pte. Wagner, W.
B-623966 Pte. Young, H.W.
B-623938 Pte. Margolis, J.
B-624663 Pte. Baroni, L.
B-624262 Pte. Burleigh, H.
H-605688 Pte. Dorval, L.A.
B-623717 Pte. Drysdale, J.A.
H-605932 Pte. Ducharme, F.N.
H-605754 Pte. Galick, S.
H-605880 Pte. Kompon, L.
M-508288 Pte. Kristianson, E.E.
B-624560 Pte. Lavoie, A.
H-511344 Pte. Lysak, T.
L-606887 Pte. Martin, G.H.
B-624068 Pte. Mele, V.R.
A-606895 Pte. McCourt, K.M.
H-541234 Pte. O'Brien, E.S.
L-606993 Pte. Petruk, P.
A-606931 Pte. Porter, J.O.
K-602900 Pte. Ross, I.K.
H-605790 Pte. Russell, E.F.
A-520893 Pte. Schmiedendorf, R.G.
H-605896 Pte. Shmanka, W.J.
B-623746 Pte. Smith, S.B.
A-606874 Pte. Steingart, H.
A-602566 Pte. Stumpf, G.A.
B-624279 Pte. Taylor, A.F.
L-606881 Pte. Vetter, N.G.
A-602619 Pte. Williamson, M.G.W.
L-602215 Pte. Leach, C.W.

(b) The undermentioned personnel No. 6 Coy. (H.D.) are struck off strength on posting to No. 11 District Coy., R.C.A.S.C., Vancouver, B.C., effective 8 Feb 43.
(Auth: C/S 4-12 F.D. 11, d/5 Feb 43).

B-624592 Pte. Acciavatti, F.
A-471163 Pte. Bedard, B.J.
B-624241 Pte. Canapini, R.
B-623930 Pte. Atwell, J.H.
B-624536 Pte. Buttrum, J.F.
B-624645 Pte. Conklin, W.J.

(Cont'd.....Page # 8)

JJM

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued
No. 33, d/6th Feb., 1943. (Page # 8)

No. 34
Red Deer, Alberta,
8th February, 1943.

HOME DEFENCE SECTION - - - (CONT'D)

21. STRENGTH DECREASE: (Cont'd)

(b)

B-624610	Pte.	DeMatteo, L.	B-624630	Pte.	Dibartolomeo, F.J.
A-606925	Pte.	Drouillard, A.F.	B-624363	Pte.	Finch, A.
L-603560	Pte.	Fisher, W.R.	M-610421	Pte.	Fontaine, A.
M-605372	Pte.	Gauvreau, J.	B-624440	Pte.	Goldberg, I.
B-624414	Pte.	Greenslade, R.E.	B-624287	Pte.	Griffiths, F.
B-548662	Pte.	Hamilton, C.G.	B-623954	Pte.	Hewitt, F.W.
A-602512	Pte.	Hoffman, P.P.	H-605886	Pte.	Horbaty, N.
L-604139	Pte.	Irwin, J.G.K.	B-624237	Pte.	Joyce, L.
B-624603	Pte.	Kaminski, J.	H-605862	Pte.	Kehl, G.A.
L-606897	Pte.	Klotz, A.			

22. INCREASE OF PAY:

The undermentioned personnel (H.D.) having completed four months continuous service with the Canadian Army, and having complied with the regulations pertaining to Increase of Pay, are entitled to pay at the rate of $1.40 per day, effective dates as shown. (Auth: Art. 144 F.R. & I.).

A-606929	Pte.	Ross, K.E.	9 Jan 43.
L-601078	Pte.	Fellner, A.L.	1 Jan 43.
A-606925	Pte.	Drouillard, A.F.	9 Jan 43.
A-606874	Pte.	Steingart, H.	1 Jan 43.

23. AMENDMENT:

Part II Order No. 11, d/13 Jan 43, (Home Defence Section), sub-para 30 (a) (Attached), line 3 is amended to read for all purposes "including pay."

J.J. Moneyhient,
Capt.,
(A.F. Phelan),
Adjutant,
A20 C.A.S.C. T.C., C.A.

151.

A20 CANADIAN ARMY SERVICE CORPS TRAINING CENTRE, C.A.

PART II ORDERS

by

Major W. Cooper - Officer Commanding

A20 C.A.S.C. T.C., C.A.

No. 34
Red Deer, Alberta,
8th February, 1943.

Last Part II Order issued
No. 33, d/6th Feb., 1943.

HOME WAR ESTABLISHMENT - and - ATTACHED PERSONNEL

SECTION "A"

(Officers and Nursing Sisters)

N I L

SECTION "B" - - - - - - - OTHER RANKS

1. ATTACHED:

(a) The undermentioned personnel of No. 44 Provost Coy., Canadian Provost Corps, C.A. (A), are attached to A20 C.A.S.C. T.C., C.A., for all purposes except pay, effective 4 Feb 43.
(Auth: No. 44 Prov. Coy. Part II No. 13, d/5 Feb 43).

M-46651 L/Cpl. Mollet, D.J. M-102213 Pte. Tunbridge, A.E.

(b) M-5205 Sgt. Shenton, H., No. 44 Provost Coy., Canadian Provost Corps, C.A. (A), ceases to be attached to A20 C.A.S.C. T.C., C.A., for all purposes except pay, effective 2 Feb 43.
(Auth: No. 44 Provost Coy. Part II No. 12, d/3 Feb 43).

2. TRADESMEN'S RATES OF PAY:

M-102917 A/L/Cpl. Espeseth, L.W., (H.W.E.) having qualified as Clerk Class "C" (Part II Order No. 31, d/4 Feb 43), and being employed at his trade in Records Office, is authorized to draw Tradesmen's Rates of Pay as Clerk, Class "C", on establishment, effective 1 Feb 43.
(Auth: Art. 146 F.R. & I.).

3. ABSENT WITHOUT LEAVE:

(a) L-8800 Pte. Aiken, H.E., "Q" Duties, (H.W.E.) Absent Without Leave from 2200 hours, 31 Jan 43.

(b) L-8800 Pte. Aiken, H.E., "Q" Duties, (H.W.E) Absent Without Leave (8th day) from 2200 hours, 31 Jan 43 and still absent.

4. AMENDMENT:

Part II Order No. 11, d/13 Jan 43, (H.W.E. and Attached Personnel), Section "B", sub-para 2 (b) (Attached), in so far as it relates to the undermentioned personnel therein, in line 3, insert "including pay."

(Cont'd.....Page # 2)

JJm

REINFORCEMENTS - - - - - - SECTION "A"

(OFFICERS)

5. ON COMMAND:

Lieut. P.A. Farmer, No. 2 Coy. (Reinft.) proceeds "On Command" for all purposes, for temporary duty with No. 11 District Coy., R.C.A.S.C., Water Transport Section, effective 29 Jan 43.
(Auth: C.34-F-276 (Pers), d/3 Feb 43).

6. CANCELLATION:

Part II Order No. 31, d/4 Feb 43, (Reinfts.) Section "A", sub-para 13 (On Command), in so far as it relates to "Lieut. P.A. Farmer", is hereby cancelled.

SECTION "B" - - - - - - OTHER RANKS

7. STRENGTH DECREASE:

(a) K-46128 Pte. Lamb, W.C., No. 2 Coy., (Reinft.) is struck off strength on discharge in accordance with provisions of C.A.R.Os. 1029 (10) and 502, having been placed in category "E", and transferred to Department of Pensions and National Health, effective 7 Feb 43.
Address: 3654 W. 5th Ave., Vancouver, B.C.
(Auth: H.Q., M.D. 13, C.36-L-2077, d/4 Feb 43).

(b) L-101768 Pte. Pocha, W.J., No. 6 Coy., (Reinft.) is struck off strength on discharge in accordance with provisions of C.A.R.O. 1029 (10), having been placed in category "E", effective 6 Feb 43.
Address on discharge: 1723 Coy Avenue, Saskatoon, Sask).
(Auth: H.Q., M.D. 13, C.36-P-1873, d/3 Feb 43).

8. ON COMMAND:

The undermentioned personnel of No. 6 Coy., (Reinfts.) cease to be shown "On Command" for all purposes except pay, for temporary duty at Experimental Station, Suffield, Alberta, effective 1220 hours, 5 Feb 43.
(Auth: Experimental Station, Suffield Part II Order No. 18, d/31 Jan 43).

K-45365 Pte. Alstad, E.A. K-45923 Pte. Kenning, D.H.

9. NEXT OF KIN:

(a) B-81017 Pte. Suffern, T.W., M.T. Coy., (Reinft.) Change of address of next of kin:

(Mrs.) Florence Elizabeth Suffern, (Wife)
From: R.R. No. 1, Utterson, Ontario.
To: R.R. No. 3, Coldwater, Ontario.
All documents to be amended accordingly.

(Cont'd.....Page # 3)

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A20 C.A.S.C. T.C., C.A.

PART II ORDERS

Last Part II Order issued No. 33, d/6th Feb., 1943. (Page # 3)

No. 34
Red Deer, Alberta,
8th February, 1943.

SECTION "B" - - - - - - (CONT'D)

9. NEXT OF KIN:

(b) H-101091 Pte. McLean, G.A., "Q" Duties, (Reinft.) Change of address of next of kin:

(Mrs.) Rose McLean, (Wife)
From: Dauphin, Manitoba.
To: General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

(c) K-65353 Pte. McDonald, C.K., "Q" Duties, (Reinft.) Change of address of next of kin:

(Mrs.) Dorothy May McDonald, (Wife)
From: 1243 Davie Street, Vancouver, B.C.
To: General Delivery, Red Deer, Alberta.
All documents to be amended accordingly.

10. INCREASE OF PAY:

(a) The undermentioned personnel (Reinfts.) having completed four months continuous service with the Canadian Army, and having complied with the regulations pertaining to Increase of Pay, are entitled to pay at the rate of $1.40 per day, effective dates as shown: (Auth: Art. 144 F.R. & I.).

(i) NO. 4 COY.

K-68593	Pte. Bury, C.A.	17 Jan 43.
M-58734	Pte. Herron, L.H.	24 Jan 43.
H-88179	Pte. Derkacz, P.M.	25 Jan 43.
M-58703	Pte. Graham, J.L.M.	25 Jan 43.
M-58704	Pte. Hodges, A.W.	25 Jan 43.
H-195384	Pte. Lankinen, R.	28 Jan 43.
M-58735	Pte. Wallace, W.R.	29 Jan 43.
M-58710	Pte. Chisholm, J.A.	30 Jan 43.
M-58709	Pte. Dickson, L.R.P.	30 Jan 43.
M-58711	Pte. Lewis, I.C.	30 Jan 43.
H-102462	Pte. Moffitt, H.E.	30 Jan 43.
M-58708	Pte. Ross, J.C.	30 Jan 43.
M-58706	Pte. Stewart, W.D.	30 Jan 43.

(ii) NO. 5 COY.

M-103708	Pte. Hadley, L.V.	1 Jan 43.
A-103409	Pte. Wilson, R.J.	1 Jan 43.

(iii) NO. 6 COY.

L-101055	Pte. Grimm, O.N.	1 Jan 43.
L-101263	Pte. Tobien, J.E.	1 Jan 43.
H-101677	Pte. Martin, A.M.	1 Jan 43.

(Cont'd.....Page # 4)

JJm

SECTION "B" - - - - - - (CONT'D)

10. INCREASE OF PAY: (Cont'd)

(b) The undermentioned personnel (Reinfts.) having completed six months continuous service with the Canadian Army, and having complied with the regulations pertaining to Increase of pay, are entitled to pay at the rate of $1.50 per day, effective dates as shown:
(Art. 144 F.R. & I.).

L-101263	Pte. Tobien, J.E.	16 Jan 43.
H-100367	Pte. Imlach, L.M.	1 Jan 43.

11. PERMISSION TO MARRY:

L-11211 Pte. Groff, L.E., (Reinft.) granted permission to marry Miss Theresa Helen Mary Paradis, on or after the 1st of March, 1943.

12. FURLOUGH:

The undermentioned personnel (Reinfts.) are granted furlough for the periods as shown, and are issued with Transportation Warrants as shown; and are authorized to draw a money allowance of 50 cents per diem in lieu of rations under authority of Art. 196 (4) F.R. & I. (14 days).
(Auth: A.F. Routine Order No. 699 (2) (b)).

K-65702 Pte. Hickenbotham, G.A. from 0600 hours, 2 Feb 43 to 2200 hours, 15 Feb 43. T.W. No. A-303547.

13. ABSENT WITHOUT LEAVE:

The undermentioned personnel (Reinfts.) cease to be Absent Without Leave, effective time and date as shown:

L-101528	A/L/Cpl. Kidd, A.T.	No. 4 Coy. 2100 hrs, 6 Feb 43.
M-102262	Pte. Gilstorf, W.A.	No. 5 Coy. 1300 hrs, 7 Feb 43.
M-102067	Pte. Cook, M.	No. 1 Coy. 1115 hrs, 5 Feb 43.
M-101393	Pte. Boychuk, J.	No. 5 Coy. 2100 hrs, 5 Feb 43.

14. CHANGE OF CATEGORY:

The undermentioned personnel, (Reinfts.) having been medically boarded, are to be recategorized as shown: All documents to be amended accordingly.

A-103586 Pte. Kennedy, J.E. from "A.1" to "D" for one week.
(Auth: D.M.O., M.D. 13, C36-K-1167, d/5 Feb 43).

M-102708 Pte. Miles, E.D. from "B.1" and "D" to "C.1".
(Auth: D.M.O., M.D. 13, C.36-M-2420, d/5 Feb 43)

(Cont'd.....Page # 5)

A20 C.A.S.C. T.C., C.A.

PART II ORDERS

No. 34
Red Deer, Alberta,
8th February, 1943.

Last Part II Order issued
No. 33, d/6th Feb., 1943. (Page # 5)

SECTION "B" - - - - - - (CONT'D)

15. QUALIFICATIONS:

The undermentioned personnel (Reinfts.) having completed an examination, are qualified in the Trades as shown, effective 4 Feb 43.
(Auth: Trade Testing Board No. 46, Red Deer, Alberta).

(a) DRIVER MECHANICS, GROUP C GRADE I

L-100273 Pte. Anderson, A.G.
M-102437 Pte. Anderson, S.A.
M-102461 Pte. Brennan, C.
M-102426 Pte. Cody, M.F.
K-65231 Pte. Dyck, D.
L-100939 Pte. Fair, W.J.
K-46451 Pte. Ferguson, W.
B-113028 Pte. Hainer, F.E.P.
K-65246 Pte. Herman, F.
H-195032 Pte. Holgerson, C.B.
M-102263 Pte. Houghton, F.W.
M-102326 Pte. Lee, G.E.
L-101152 Pte. LeGrand, P.
L-101106 Pte. Mills, W.W.
L-101150 Pte. Nielson, E.M.
L-74963 Pte. Ochs, H.
K-46448 Pte. Pitts, A.F.
K-46781 Pte. Ritchey, L.R.
K-46286 Pte. Sims, R.
L-100901 Pte. St. John, G.L.
K-46033 Pte. Titmus, F.
K-46065 Pte. Weir, A.W.
M-102312 Pte. Weisenburger, E.P.
K-100188 Pte. Thomas, E.R.
L-100960 Pte. Johnson, F.
L-100884 Pte. Anderson, G.A.
M-102461 Pte. Bowker, A.
K-46323 Pte. Butcher, J.
L-100844 Pte. Cowles, A.D.
H-102283 Pte. Epps, F.P.
K-46460 Pte. Fetcht, M.J.C.
L-100940 Pte. Giem, K.
L-100998 Pte. Hanchuk, W.E.
L-101111 Pte. Hill, D.
H-88160 Pte. Hupka, W.
M-102265 Pte. Jackson, K.S.S.
L-74055 Pte. LeBlanc, C.J.
H-195028 Pte. Loranger, N.J.
M-102395 Pte. Morrison, M.
M-102440 Pte. Olson, A.
M-101605 Pte. Perrin, R.
K-46442 Pte. Powell, W.J.
M-102384 Pte. Sawchuk, F.
K-46348 Pte. Stephens, E.A.
H-88161 Pte. Tapsay, R.A.
M-102556 Pte. Wedell, C.A.
K-46357 Pte. Wiens, G.
K-46312 Pte. Wright, A.E.
K-45182 Pte. Yaworsky, M.
M-102107 Pte. Pazuik, J.

(b) COOKS, GROUP C GRADE I, effective 6 Feb 43.
(Auth: Trade Testing Board No. 47, Red Deer, Alberta).

L-110240 Pte. Belangee, W.
K-65648 Pte. Jack, D.S.
K-45757 Pte. LaFevre, J.W.A.
H-88122 Pte. Rattley, A.E.
L-100731 Pte. Sullivan, R.P.
B-113286 Pte. Vandriel, L.W.
H-100009 Pte. Bowker, J.T.
M-101791 Pte. Laventure, R.W.
L-110212 Pte. Loehndorf, P.W.
M-101799 Pte. Sellers, R.F.
B-84706 Pte. Sheardown, R.S.

(c) MOTOR MECHANIC, GROUP B GRADE II, effective 6 Feb 43.
(Auth: Trade Testing Board No. 47, Red Deer, Alberta).

M-36671 Pte. Black, W.

(d) BLACKSMITHS, GROUP B GRADE II, effective 6 Feb 43.
(Auth: Trade Testing Board No. 47, Red Deer, Alberta).

K-46049 Pte. Leeming, R.
L-100669 Pte. Lesser, C.

(e) CLERK (GENERAL DUTY), GROUP C GRADE I, effective 6 Feb 43.
(Auth: Trade Testing Board No. 47, Red Deer, Alberta).

L-74903 Pte. Long, L.A.

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PART II ORDERS

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Red Deer, Alberta,
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SECTION "B" - - - - - - (CONT'D)

16. RELEASED FROM CUSTODY:

B-92202 Pte. Coates, S.R.H., (Reinft.) released from Civil Custody, at Fort Saskatchewan Gaol, effective 0615 hours, 6 Feb 43. Arrived 1130 hours, 6 Feb 43.

17. HOSPITAL:

(a) DISCHARGED RED DEER MILITARY HOSPITAL

B-113346	Pte. Mehew, A.J.	5 Feb 43.
B-80924	Pte. LaForce, L.	6 Feb 43.
A-102412	Pte. Barrette, G.	6 Feb 43.
L-101768	Pte. Pocha, W.J.	6 Feb 43.
L-101340	Pte. Kennedy, L.E.	6 Feb 43.

(b) ADMITTED RED DEER MILITARY HOSPITAL

L-102024	Pte. Little, T.D.	5 Feb 43.
K-69648	Pte. Hartland, G.H.T.	6 Feb 43.
M-58703	Pte. Graham, J.	6 Feb 43.

(c) DISCHARGED COL-BELCHER HOSPITAL, CALGARY.

M-56810	Pte. Dion, C.	5 Feb 43.

18. AMENDMENT:

(a) Part II Order No. 88, d/13 April 42, (Reinfts.) Section "B", sub-para 1 (b) (Strength Decrease), in so far as it relates to L-8685 Pte. Higgs, R., "$49.09" is amended to read "$48.09."

(b) Appendix "A" to Part II Order No. 27, d/31 January, 1943, Strength Return, Reinforcements, in so far as it relates to 1 Pte attached to No. 1 District Depot for all purposes is amended to read 2 Ptes. attached No. 1 District Depot for all purposes.

19. CANCELLATION:

(a) Part II Order No. 31, d/3 Feb 43, (Reinfts.) Section "B", sub-para 27 (a) (Absent Without Leave), in so far as it relates to "L-102196 Pte. Pike, C.F.", is hereby cancelled.

(b) Part II Order No. 312, d/27 Dec 42, (Reinfts.) Section "B", sub-para 10 (Furlough), in so far as it relates to "H-57954 Pte. Devries, P.J.", is hereby cancelled.

(c) Part II Order No. 28, d/1 Feb 43, (Reinfts.) Section "B", para 16 (Christmas Leave), in so far as it relates to "M-50143 Pte Phillips, D.M.", is hereby cancelled. (Repetition).

(d) Part II Order No. 31, d/4 Feb 43, (Reinfts.) Section "B", sub-para 25 (b) (ii) (Increase of Pay), in so far as it relates to "K-45658 Pte. Storoschuck, J." is hereby cancelled. (Repetition).

(Cont'd.....Page # 7)

JJM
#91.

Exhibit "M M." 165

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER ~~1099, 1941~~ 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Capt., (Rank) C.W. Lilley (Name) S. & T.O. EDMONTON, Alberta. (Unit)

Strike out word not applicable — hereby certify that I (issued) ~~authorized~~ the hereinafter itemized transportation for escort

Complete — to proceed from Edmonton, Alberta. (Place) to Vegreville, Alberta. (Place)

and return to Edmonton, Alberta. for the

Full description of soldier being escorted — purpose of escorting L/8685 Pte. Higgs, R., A.20., C.A.S.C., T.C., Red Deer.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of (the transport warrants issued) ~~the transportation required~~ and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
4th., February 1943 — T.W. No. B.117791 one return second class fare EDMONTON to VEGREVILLE for escort	$ 2.79
4th., February 1943 — T.W. No. B.117791 one single second class fare VEGREVILLE to EDMONTON for accused.	$ 1.42
Total	$ 4.21

Dated at Edmonton, Alta. this 4th., day of FEBRUARY A.D. 19 43.

C.W. Lilley Capt.,

(C.W. Lilley) S. & T.O. EDMONTON.

Signature, rank, unit of officer issuing transport warrants. ~~XXXXXXXXXXXXXX~~ Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
3231—11-41 (2134)
H.Q. 1772-29-1892

Exhibit "NN" 167
Herman Lloyd Reed
Pres

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Captain R.W. Lockwood, A20 Canadian Army Service Corps Training Centre, (Rank) (Name) (Unit) C.A.,

Strike out word not applicable — hereby certify that I (issued) ~~(authorized)~~ the hereinafter itemized transportation for escort

Complete — to proceed from Red Deer, Alberta (Place) to North Battleford, Saskatchewan (Place)

and return to Red Deer, Alberta (Place), for the purpose of escorting

Full description of soldier being escorted — L.8685 (Number) Private (Rank) REGINALD HIGGS (Name in full)

A20 Canadian Army Service Corps Training Centre, C.A. (Unit) (Attachment, if any)

Strike out phrase not applicable — alleged to be a deserter or an absentee without leave, the facts, date and particulars of (the transport warrants issued) ~~(the transportation authorized)~~ and the cost thereof for said soldier and escort being as follows:

PARTICULARS	COST
T.W. No. B.117356 2nd February, 1943. transportation from Red Deer, Alberta to North Battleford, Saskatchewan and return for escort and transportation from North Battleford, Saskatchewan to Red Deer, Alberta for accused.	$20.43
TOTAL	$ 20.43

Dated at Red Deer, Alberta this 2nd day of February A.D. 1943

R.W. Lockwood

Signature, rank, unit, attachment (if any) and appointment of officer (issuing transport warrants) ~~(authorizing transportation)~~ (R.W. Lockwood) Captain Transport Officer, A20 Canadian Army Service Corps Training Centre, C.A.

Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

Dates of warrants or transportation issued must be set out.

Cost of meals and incidental expenses must be on M.F.B. 1487.

M.F.B. 1481
120m—10-42 (8402)
H.Q. 1772-39-1481

Exhibit "OO" 169
Norman D. Lighthall
Pay.

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941

(INCIDENTAL EXPENSES)

Complete description: Private M.33944 (A/Lance Corporal) R.H. Engman, A20 Canadian Army Service Corps Training Centre, C.A.
(No.) (Rank) (Name) (Unit)

Strike out words not applicable: A/NCO as (escort) ~~commander of escort~~ consisting of myself

Members of escort: .....

detailed to proceed from Red Deer, Alberta (Place) to North Battleford, Saskatchewan (Place)

Name and description of soldier escorted: to return L.8685 Private REGINALD HIGGS, A20 Canadian Army Service Corps Training Centre, C.A. alleged to be a deserter or absentee without leave, to Red Deer, Alberta. (Place)

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement	Amount
T.W. No. B.117356 2nd February, 1943 — Meals en route for Escort and Accused	1.75
Total	$ 1.75

Dated at RED DEER this 2nd day of February A.D. 19 43

Private A H Engman
M.33944 A/L/Cpl. Engman, R.H.,
A20 C.A.S.C. T.C., C.A.

Signature and rank (or description of person making report) A.H.E.
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1482
1601—7-41 (1126)
H.Q. 1173-20-1880

"PP"

CLOSING ADDRESS OF THE PROSECUTOR

Sir, I submit that the evidence produced by my witnesses - the facts produced by my first witness and the fact that the accused was apprehended by the authorities wearing civilian clothes which goes to prove - as you were - and in two cases he was absent over a period of twenty-one days. I submit that the accused is guilty as charged, and should be sentenced on those charges.

Court; We will decide that.

Thomas D. Dagl. Capt.
Pres.

CLOSING ADDRESS OF THE DEFENDING OFFICER

Mr. President and members of the Court, it is my intention this afternoon not to deal with the separate charges but rather to take them as a whole, being more or less one continuing act. The prosecution is asking for a conviction as charged, that is desertion, on documentary evidence and documentary evidence alone. Now the essence of the crime of desertion is not only the fact that the person quit the Army or the place where he is stationed, but also that he was leaving that place with the intention formed that he is going to leave the Army for good, or that during his absence at some time during that absence he has formed the intention of never returning. The prosecution is asking you to convict on the charge of desertion on documentary evidence alone - the documents as produced, namely the Part II Orders and so forth, as submitted by Capt. Phelan, the first witness. Now, these are made up by clerks that have never met the man, they don't know him, in fact the first witness didn't know what the civil occupation of the man was, and knew little other than the fact that he was a member of A. 20 Training Centre. I submit that not only has the prosecution failed to show any intention on the part of the prisoner to desert, that is to leave the Army and never to return - but it is shown that from the fact of the civil occupation of this accused that he never did have an intention to leave the Army and not return. We arrive at that by looking at the background of the prisoner. We find that the prisoner was in civil life a trapper and a guide. A man who was familiar with the wide open spaces, who could go out into the wilderness and be quite at home, and yet each time he was apprehended where was he? In

North Battleford, a city. I submit that if this man had had any intention of leaving the Army or had formed that intention while away, that certainly we would not have found him in a populated district. He would have struck out for the trails and we would not have got him in North Battleford, but rather somewhere in the North-West Territories.

Now we come to the question of escape from custody. On the face of it, escape from custody sounds pretty awful, but if we look into it, it is not a crime such as breaking out of a room, say a room like this, with bars, where a man plans and then breaks the bars and escapes. It is where he is under observation or more or less under observation and there are ways where he can walk away. Now, there is no evidence submitted to definitely show that this man did anything more than walk away on three occasions. The facts are that he did, when cleaning up the sergeants' mess one day, walk out of the sergeants' mess and walk through the camp and out of the camp. On the second occasion he was cleaning the guardroom. He walked out the front door of the guardroom and down the lines and out of camp, while there was someone in charge of him, looking after him. On the third occasion, he escaped from a train while there was someone guarding him. At no time was there any resistance or force used by the prisoner to make an escape. He merely walked away. I submit that it is a much greater crime on the men put in charge of the prisoner that they should be so negligent as to permit him the opportunity to escape, for any man kept in custody - it is the natural thing for him to break away, and if the opportunity is given him it is natural to run from something you fear, and he does fear detention. This man, I will recall to your minds, has lived

in the open air all his life and to be confined is one of the hardest things for that type of man to bear.

One other thing I wish to draw to your attention, that on the third escape of the prisoner, the evidence shows that he was clothed with a battle dress tunic and a pair of bib overalls. The underwear - it wasn't known - but had it been the best thing issued by the Army for heavy underwear it would not have been sufficient for that severe weather. He had no cap and was in low oxfords, with no shoelaces in the oxfords. A man who would step off a train in cold weather with both hands fettered and with little hope of breaking the steel in those handcuffs, is running from something, from fear of something and I think it all comes back to the one fear of being detained.

Now, you have seen the prisoner this morning. He marched in here and stepped up here and he has a soldierly bearing, and did soldier so long as he was in the open, but when in detention he became a little difficult. I submit to the Court that it is because of that, that he has become unruly, a simple hate of being confined, but give him a chance to soldier in the open as he did in the outset and he will still soldier.

I would just like in conclusion to remind and refresh your memory that the man did live in the open. He was a guide and a trapper. That he was apprehended in the City of North Battleford, a city, and had he had the intention at any time to desert - never to return - he would have hit off for the hills and I submit most respectfully that the prosecution has not in any way brought forth any evidence that would in the least substantiate a charge or conviction of desertion. The essence of desertion being that he has at some time formed an intention not to return.

Exhibit "RR"

SUMMARY OF EVIDENCE

in the case of

No. L.8685 Pte. Reginald Higgs, A20 Canadian Army Service Corps Training Centre, C.A., a soldier of the Canadian Army placed on active service.

Charges:--

1. Desertion;

2. Desertion;

3. Desertion;

4. When in arrest, escaping;

5. Losing by Neglect his Equipment, Clothing and Regimental Necessaries;

The Commanding Officer directs that the evidence be taken on oath.

First Witness

Captain A.F. Phelan, Adjutant, A20 Canadian Army Service Corps Training Centre, C.A., having been duly sworn, states:--

I am Captain A.F. Phelan, Adjutant, A20 Canadian Army Service Corps Training Centre, C.A. I produce the following documents:

(a) M.F.B. 375 Certified true copy of the Declaration of the Court of Inquiry.

(b) Part II Order No. 88 dated 13th April, 1942, in which the accused was struck off strength, having been declared by a Court of Inquiry to have been illegally absent from A20 Canadian Army Service Corps Training Centre, C.A.

(c) Part II Order No. 34 dated 8th February, 1943, amending Part II Order No. 88 dated 13th April, 1942.

(d) M.F.M. 215 Certificate of Apprehension.

(e) Part II Order No. 223, dated 16th September, 1942 which shows the accused taken on strength of A20 Canadian Army Service Corps Training Centre, C.A., on date of apprehension.

(f) M.F.B. 1431 Transportation, Absentees and Deserters in the amount of $25.88.

(g) M.F.B. 1432 Incidental Expenses, Absentees and Deserters in the amount of $10.70.

(h) Part II Order No. 226, dated 19th September, 1942, section "B", sub-paragraph 5(b), which shows the accused Absent Without Leave from 2130 hours 18th September, 1942.

(i) Part II Order No. 229, dated 23rd September, 1942, section "B", sub-paragraph 11(a) amending Part II Order No. 226, dated 19th September, 1942 Section "B" sub-paragraph 5(b), effective time of absence being amended to read 1630 hours, 18th September, 1942.

(j) Part II Order No. 239, dated 3rd October, 1942, section "B", sub-paragraph 9, amending Part II Order No. 226, dated 19th September, 1942, section "B", sub-paragraph 8(b), by adding "Absent Without Leave, Whilst in Custody".

(k) Part II Order No. 242, dated 7th October, 1942, section "B", sub-paragraph 7(a) amending Part II Order No. 239, dated 3rd October, 1942, section "B", sub-paragraph 9, by adding "Absent Without Leave Whilst in Custody."

(l) M.F.M. 215 Certificate of Apprehension.

(m) M.F.B. 1481 Transportation, Absentees and Deserters in the amount of $20.43.

(n) M.F.B. 1482 Incidental Expenses, Absentees and Deserters in the amount of $5.45.

(o) M.F.B. 1482 Incidental Expenses, Absentees and Deserters in the amount of $5.00.

(p) Part II Order No. 257, dated 24th October, 1942, showing accused Absent Without Leave from 0735 hours 24th October, 1942, having escaped from Custody.

(q) Part II Order No. 277 dated 17th November, 1942, showing accused Absent Without Leave, 21st day.

(r) M.F.B. 375 Certificate true copy of the Declaration of a Court of Inquiry.

(s) Part II Order No. 278, dated 18th November, 1942, in which accused was struck off strength, having been declared by a Court of Inquiry to have been illegally absent from A20 Canadian Army Service Corps Training Centre, C.A.

(t) M.F.M. 215 Certificate of Apprehension.

(u) Part II Order No. 34, dated 8th February, 1943, which shows accused taken on strength A20 Canadian Army Service Corps Training Centre, C.A., Red Deer, Alberta.

(v) M.F.B. 1481 Transportation, Absentees and Deserters in the amount of $4.21.

(w) M.F.B. 1481 Transportation, Absentees and Deserters in the amount of $20.43.

(x) M.F.B. 1482 Incidental Expenses, Absentees and Deserters in the amount of $1.75.

I also certify that the amount of $7.53 was expended in telegrams relative to the apprehension and return of No. L.8685 Private Reginald Higgs.

I identify the accused No. L.8685 Private Reginald Higgs as the person to whom these documents relate.

The accused was placed in close arrest at 0240 hours on 18th September, 1942, and remained in close arrest at all times from that time forward, including 1830 hours 18th September, 1942,

The accused declined to cross-examine.

(Sgd.) Arthur F. Phelan .....Captain
(A.F. Phelan)

Second Witness

No. M.100364 Private M.D. Poffenroth, A20 Canadian Army Service Corps Training Centre, C.A., having been duly sworn, states:--

I am No. M. 100364 Private M.D. Poffenroth, employed by Quartermaster Stores at A20 Canadian Army Service Corps Training Centre, C.A.

I certify that on the 8th February, 1943, I personally checked the kit of No. L.8685 Pte. Reginald Higgs, whom I recognize as the accused, against his M.P.B. 376 produced by the First Witness, and his M.F.C. 800, and found him deficient the following articles, the recoverable value of each article shown being in accordance with Canadian Army Routine Order Number 1877:--

1 Pr. Anklets, web	$ .58
1 Pr. Boots, ankle	4.10
1 Pr. Gloves, woollen, khaki	.59
1 Jacket, khaki, drill	2.34
1 Pr. Overalls, trousers	1.67
2 Shirts, khaki, flannel	2.52
1 Pr. Socks, woollen	.27
1 Pr. Braces	.32
1 Brush, boot, blacking	.16
1 Comb, hair	.04
1 Pr. Badges, cap, RCASC	.06
2 Prs. Badges, Canada	.06
1 Pr. Badges, Shoulder, worst. emb.	.10
1 Shirt, cotton, khaki S/S	.95
1 Towell, hand	.23
	$13.98

The accused declined to cross-examine.

(Sgd.) M.D. Poffenroth
(M.100364 M.D. Poffenroth) Private

Third Witness

No. M.33944 Private (A/Lance Corporal) R.H. Engman, A20 Canadian Army Service Corps Training Centre, C.A., having been duly sworn states:--

I am No. M.33944 Private (A/Lance Corporal) R.H. Engman, employed at the Regimental Guard Room of A20 Canadian Army Service Corps Training Centre, C.A. I was sent from A20 Canadian Army Service Corps Training Centre, C.A., at Red Deer, Alberta to North Battleford, Saskatchewan, to escort Pte. Higgs, whom I recognize as the accused, from North Battleford, Saskatchewan to A20 Canadian Army Service Corps Training Centre, C.A., at Red Deer, Alberta. I received the accused under close arrest at 2130 hours on 3rd day of February, 1943, at North Battleford, Saskatchewan. I left North Battleford, Saskatchewan, with the accused under close arrest by the Canadian National Railway. At Royal Park, Alberta, at 0610 hours, 4th day of February, 1943, the accused escaped from my custody.

The accused declined to cross-examine.

(Sgd.) R H Engman
(M.33944 R.H. Engman) Private
(A/Lance Corporal)

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Army Service Corps
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Exhibit "Y"

M.F.B. 353
TM—3-40 (6400-1)
H.Q. 2772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
L.8665	Private	Reginald Higgs, A20	Canadian Army Service Corps Training Centre, C.A.

1. The following is a fair and true summary of the entries in the Field Conduct Sheet of the accused exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

Within last 12 months		Since enlistment or appointment	
For Failing to appear on Parade	1 time	Failing to appear on Parade	1 time
For Absence Without Leave	3 times	Absence Without Leave	3 times
For Conduct to the prejudice of good order and Military Discipline	1 times	Conduct to the prejudice of good order and Military Discipline	1 times

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

3. The accused is not under sentence at the present time.

4. The accused has been in confinement awaiting trial on the present charges, for 3 days in civil custody, and 12 days in military custody, making a total of 15 days in custody, of which nil days were spent in hospital. (15 days close arrest) (nil days open arrest)

5. The present age of the accused according to his attestation paper is 29 years 4 mos 20 days

6. The date of his attestation specified in his attestation paper 30th day of June, 1941

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~~11. In the case of an officer. The accused holds in the Royal Canadian Air Force the rank of~~

Permanent Force

.....dated....., and in his regiment (or corps), the rank of unit

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number..... Rank.....

Name..... of..... Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Offence upon which Convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 15th day of February 1943

A.F. Phelan, Capt.
Adjutant, A20 C.A.S.C. T.C., C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Exhibit Y signed by the president, and annexed to the proceedings.

Exhibit "2" Affidavit of Capt. Carver 189

L.8685

No. 12A District Depot C.A.A.F.

Saskatoon
Corps RCASC

No. Name HIGGS Reginald

Sqn., Battery, or Company

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Period not reckoning towards freedom from extra fine

Date of enlistment 30.6.41

G.C. Badges

Signature O.C. Company

Service or Proficiency Pay Pte

Sheet No.

Character

No.12A DISTRICT DEPOT C.A.A.F. E.O.S.R. Carver Capt.

M.F.M. 6 (A.F.B. 122) SSM—11-40 (30M) H.Q. 1772-45-18

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Regina	25-8-41	Pte		Failing to appear on parade	Cpl Brown	3 days C.B.	25-8-41	Major C.C. McDermid	
Regina	16-9-41	Pte		A.W.L. from 2359 hrs 16-9-41 til 1110 hrs 26-9-41	Cpl. J. Bernie	10 days detention	1-10-41	Lt.Col. H.J. Quinn	Forfeits ten days pay FRAI 149(1a)
Regina	17-10-41	Pte.		A.W.L. from 1200 hrs 17-10-41		10 days C.B. 10 days forfeiture as 46(2)d	27-10-41	Lt.Col. H.J. Quinn	Costs $23.33 forfeits ten days pay under FRAI 149(1a) 65c charges
Red Deer	4-12-41	Pte		Absent without leave from 2130 hrs 4-12-41 until 1950 hrs 8-12-41	Sgt. Bourgett	7 days CB	9-12-41	Major C.E. Ball	For 4 days pay & allowance

(P.T.O.)

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Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Red Deer	16-12-41	Pte		Conduct to the Prejudice of Good Order and Military Discipline (A.A.Sec.40)	Cpl.Wyld,H.	5 days C.B.	17-12-41	Capt.H.C. Seagrim	
Red Deer	14-1-42	Pte		(1)Conduct to the prejudice of good order & Mil. Disc. (A.A. Sec.40) ~~Conduct to the prejudice of good order~~ (2)Failing to appear at the place of parade. (A.A. Sec. 15 (2)) (3)Breaking out of Barracks.(A.A. Sec.10(4)) (4)A.W.L. 18 days 22 hours 25 mins (A.A.Sec.15(1)	Sgt.Beckloff R.S.M.Leavitt	27 days Detn Placed under stoppage of pay to make good cost of appre. $29.91		Lt.Col.J.F. Burton-Willison	For 19 days pay F.R.& I

RECORDS (A.F.) JAN 20 1943 O.R.C.A.S.C. (W.C.)

Certified true copy

J. Drummond

(J. Drummond) Captain
Officer i/c Records

"SS"

THE ACCUSED ADDRESSES THE COURT THROUGH HIS DEFENDING OFFICER.

In mitigation of sentence, sir, I would draw your attention to extracts from M. M. L. 1929, page 34, with regard to the fourth charge of breaking away from escort and escaping.

Court: What paragraph is that?

Defending Officer: Paragraph 13.

> "The gravity of the offence will depend mainly on whether the circumstances do or do not disclose deliberation and intentional defiance of authority".

Now, I submit, Mr. President and members of the Court, that there was no evidence brought forth to show any deliberation or defiance of authority. However, the background of this man, having been out in the wild, I would submit that in considering any punishment to be awarded him that confining such a man as this would be of greater severity than to a normal citizen who has worked as a clerk or done office work of some nature. He has been used to being out in the wilds, to having more or less free movement and it would be a harder thing on him than on a normal person. I would ask that in considering the award that you consider his background and find that a shorter term would serve the purpose equally as well as a severe punishment.

FLASH NUMBER THREE

FLASH NUMBER THREE

FLASH NUMBER THREE

FLASH NUMBER THREE

H.Q.C. 55-H-241 **DEAD** CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFER

SUBJECT DISTRICT COURT MARTIAL

BAUEL R. PTE. E/626520

DEAD

CONFIDENTIAL
H.Q.C. 55-H-241

CENTRAL REGISTRY	DATE	P.A. OR S.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS
					(If pages for which numbered cannot be conveniently given here, add minute to file and log with notice)	
MAR 19 1943				JAG	New file	C.R.
APR 1 1943				JAG	With Papers C.R. MAR 28 1943	
APR 6 1943	Cancelled	Cancelled		JAG	PER B. F. APR 5 1943	
	12/4/43	PA		JAG	PER B. F. APR 10 1943	
APR 13 1943	CANCELLED			A.D.	to note PA	
MAY 6 1943	6/5/43	PA		JAG	With Papers C.R. MAY 4 1943	
MAY 11 1943	CANCELLED	CANCELLED		JAG	With Papers C.R. MAY 8 1943	
				JAG	Entered C.R. MAY 10 1943	
MAY 21 1943				J.C.M.	to note	
JUN 24 1943	24/6/43	PD		A.D.	to note	

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. in three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives every opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN EN

H.Q.C.55-H-341 (JAG)

May 20th, 1943.

The District Officer Commanding,
Military District No. 5, Quebec, Que.

District Court-Martial

E.626520, Pte. Rene Hamel,
N.R.M.A.Clearing Depot No.5,Gen.List,
att. to C.A.B.T.C.No. 54, C.A.

Receipt is acknowledged of your Q.39-H-1168 (JA) dated 18th May, 1943, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

It is noted that a remission of sentence has been granted effective from the 13th May 1943.

Brigadier,
Judge Advocate-General.

Noted
L. H. CLAYTON
Lieut.-Colonel.
Inspector of Courts-Martial

LF/MM

JUN 24 1943

500-6-42(M1255)

IN REPLY PLEASE QUOTE
No. 39-H-1168 (JA).

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, P. Q., 18th May, - 1943.

CENTRAL REGISTRY Army
CONF. SEC.
MAY 19 1943
File C55-H-341
Chgd. to
Referred to JAG

128261

The Secretary,
Department of National Defence,
Ottawa, Canada.

DISTRICT COURT-MARTIAL :
E-626520, Pte. René HAMEL,
NRMA Clearing Depot No. 5, Gen. List,
(Att. to C.A.B.T.C. No. 54, C.A.)

1. Reference your HQC 55-H-341 (JAG), dated 10th May 1943, relative to the marginally-noted subject.

2. The proceedings of the District Court-Martial in the case of Pte. Hamel are returned herewith for custody.

3. Please note that a remission of sentence has been granted effective from the 13th May 1943.

(Edmond BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/gv.
encl.

NAT. DEF. B. 440
1 Million—10-42 (6686)
H.Q. 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General~~ District Court-Martial

Proceedings of a District Court-Martial held at C.A.B.T.C. No. 54, C.A., Montmagny, P.Q. on the 26th day of February, 19 43 by order of Brigadier Edmond BLAIS, M.C., Commanding the Military District No. 5 dated the 24th day of February, 19 43.

President.

Lieut.-Col. M.M.L. GARON,
Royal 22e Regiment, C.A.

Members.

Major A. de L. MacDonald,
F.M.R., C.A.,
Att. to C.A.B.T.C. No. 54, C.A.

Major G. Paquet,
Regt. Montmagny, C.A.,
Att. to C.A.B.T.C. No. 54, C.A.

Trial of* M/626520, Pte. René HAMEL, N.R.M.A. Clearing Depot No. 5, Gen. List, Att. to C.A.B.T.C. No. 54, C.A.

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.*

The accused is brought before the Court.

Prosecutor,† Capt. P.E. GELLY, 6th (R) (Q.&L.) Coast Bde, R.C.A., C.A.

defending officer† Lieut. P. GOBEIL, General List, C.A.
A.M. (See document marked "X-I" attached.)

At 11.05 o'clock the Trial commences.

The order convening the Court is read, and is marked X signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused. Q-1. Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. A-1. Non monsieur.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

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Mil. Form B. 271
16M—6-40 (5715)
H.Q. 1772-39-224

* I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

President D.C.M.

B

The President and members are duly sworn.

The following officers under instruction are duly sworn. (See attached list marked "C").

Q-2. Do you object to Miss Rita Bégin, civilian stenographer, acting as shorthand writer?
A-2. Non monsieur.
Miss Rita Bégin, civilian stenographer, 311 1st Avenue, Quebec, P.Q., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q-3. Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A-3. Coupable monsieur. *Answer.*

Q-4. Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A-4. Coupable monsieur. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to both charges the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

B-2

CHARGE SHEET

in the case of :

The accused, No. E-626520, Private René Hamel, N.R.M.A. Clearing Depot No. 5, General List, attached to C.A. (B.) T.C.-54, C.A., a soldier of the Canadian Army called out for training pursuant to the National Resources Mobilisation Act, 1940, and the Regulations made thereunder, as amended, is charged with:

FIRST CHARGE
Sec.12 (1)(a), Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he,

at Montmagny, P.Q., on the 22nd day of September, 1942, at 0700 hrs., absented himself from C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., until he was apprehended by The Military Authorities at Chicoutimi, P.Q., at 2105 hrs., on the 15th day of January, 1943, wearing civilian clothes. The total cost of his apprehension and return to his corps being $27.95.

SECOND CHARGE
Sec. 24 (2), Army Act.

LOSING BY NEGLECT HIS EQUIPMENT, CLOTHING AND REGIMENTAL NECESSARIES

in that he :

at C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., on the 21st day of January, 1943, was deficient of the following articles:-

1	Socks Woollen Pr.....	$ .36
1	Cap Field Servide.....	.78
		$ 1.14
	Less 25%:...	$ .30
		$00.84

Signed at C.A.(B).T.C. 54, MONTMAGNY, P. Q., this 11th day of February, 1943.

(C.A. FAGES) - Lt.-Col., V.D.,
Commanding Officer,
C.A. (B.) T.C.-54, C.A.,
Montmagny, P.Q.

TO BE TRIED BY DISTRICT COURT-MARTIAL.
Signed at QUEBEC, P. Q., this 23rd February, 1943.

(PERCY FLYNN) - Lieut. Col., A.A.& Q.M.G., M.D.5,
For: D.A.G. M.D.5

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CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[T[illegible]

The accused No. E/626520, Pte. René HAMEL, R.H.M.A. Clearing Depot, No. 5, Gen. List, Att. to C.A. (B) T.C. No. 54, C.A.
is found guilty of both charges.

*The summary [illegible] of evidence is read, marked "H", signed by the President, and attached to the proceedings.

Question to the accused. Q-5. Do you wish to make any statement in mitigation of punishment?

Answer. A-5. The accused in mitigation of punishment says:—Oui monsieur, par l'entremise de mon officier défenseur.

(See Document marked "I" attached).

[illegible]

Instruction. *If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Q-6. Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

A-6. Non monsieur.

Answer.

Evidence as to character.

E

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused

(For Minute of Adjournment and Reassembly see document marked "J").

*When the Court is already open this sentence will be struck out.

Proceedings on Conviction *before Sentence*

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

Captain Antoine Gobeil, Adjutant,
Regiment de Montmagny, C.A.,
Att. to C.A.B.T.C. No. 54, C.A.

is duly sworn.

Question by the President. Q-6. Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A 6. Oui, je produis M.F.B. 355 ainsi que M.F.M. 6.

The above statement [~~with the consent of counsel for the accused, the exhibit trial has been dispensed with~~] is read, marked Y, signed by the President, and annexed to the proceedings. (M.F.M. 6 is marked "Z" and attached to the proceedings.)

Question by the President. Q-7. Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-7. Oui monsieur.

Question. Q-8. Have you compared the contents of the above statement with the regimental books? *Answer.* A-8. Oui monsieur.

Question. Q-9. Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A-9. Oui monsieur.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by prosecutor~~

The Defending Officer declines to cross-examine.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (b).

The witness withdraws.

Question to the accused. Q-10. Do you wish to address the Court? *Answer.* A-10. Non monsieur.

The Court is closed for the consideration of the sentence.

32

F

Sentence

The Court sentence the accused No. E/626520, Pte. René HAMEL, N.R.M.A. Clearing Depot No. 5, Gen. List, Att. to C.A.B.T.C. No. 54, C.A. to undergo detention for one hundred and twenty days and to be put under stoppages of pay until he has made good the sum of $27.95 in respect of the cost of apprehension and return to his corps and until he has made good the value of the following articles, viz:-

Sentence.
Detention

120 days.

Stoppages.
$27.95
0.84
$28.79

1 Socks Woolen pr.	0.36
1 Cap Field Service	0.78
CARO 1862.	$1.14
Less 25% CARO 1877	.30
TOTAL:	$0.84

Signed at C.A.B.T.C. No. 54, Montmagny, P.Q., this 26th day of February, 1943.

(M.M.L. GAROW) - Lt.-Colonel,
Royal 22e Regiment, C.A.,
PRESIDENT D.C.M.

CONFIRMED.

Signed at Quebec, P.Q., this 22nd day of March, 1943.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

Promulgated and extracts taken at Montmagny, this 23rd. day of March 1943.

(A. Goneil) Major,
A/Adjutant,
C. A. (B) T. C. No. 54 (C.A.)

Extracts entered as No. 8104 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 12th day of August 1943

I, the undersigned, being the competent authority, do hereby remit the unexpired portion of the sentence of detention of No. E/626520, Private René HAMEL, N.R.M.A. Clearing Depot No. 5 General List, attached to C.A.B.T.C. No. 54, C.A., from the 13th day of May, 1943.

Signed at Quebec, P.Q., this 12th day of May, 1943.

Edmond Blais

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

Promulgated and extracts taken at Montmagny, this 15th. day of May 1943.

P.-E. Rolland Capt

(P.-E. Rolland) Capt., Adjutant,
C.A.(B)T.C.No. 54 (C.A.)

"X"

Orders by Brigadier Edmond Blais, M. C., Commanding

the Military District No. 5.

District Court-Martial

Quebec, P.Q., 24th February, 1943.

The detail of Officers as mentioned below will assemble

at C.A.(B).T.C. No. 54, C.A., MONTMAGNY, P.Q., on Friday,

the 26th day of February, 1943, at 1100 hours,

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

No. E-626520, Pte. René HAMEL,
N.R.M.A. Clearing Depot No 5, Gen. List,
Att. to: C.A.(B).T.C. No. 54, C.A.

PRESIDENT

Lieut.-Col. M.M.L. Garon,
Royal 22e Regiment, C.A., is appointed President.

MEMBERS

Major A. de L. Macdonald,
F.M.R., C.A., Att. to: C.A.B.T.C. No. 54, C.A.,
Major G. Paquet,
Regt. Montmagny, C.A., Att. to: C.A.B.T.C. 54, C. A.

WAITING MEMBERS

Capt. P. P. Boulanger,
F.M.R., C.A., Att. to: C.A.B.T.C. No. 54, C.A.

JUDGE ADVOCATE

~~Judge Advocate~~ ~~has been (is hereby) appointed~~

PROSECUTOR

Capt. P. E. Gelly,
6th (R)(Q.&L.)Coast Bde, RCA, CA., ~~has been~~ (is hereby) appointed Prosecutor

DEFENDING OFFICER

One Officer to be detailed by the O.C., C.A.(B).T.C., No. 54, C.A., ~~has been (is hereby)~~ to be Appointed Defending Officer

The accused will be warned and all witnesses duly required to attend.

The Officer Commanding, C.A.(B).T.C., No. 54, C.A. will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M. D. No. 5.

Signed this 24th day of February, 1943.

M.F.R. 220
A.F.A. 47
15M-4-42 (3781)
H.Q. 1772-39-564

(PERCY FLYNN) - Lieut.-Colonel,
A.A. & Q.M.G., M. D. No. 5.
for: D. O. C., M. D. No. 5.

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ORDRES DU CAMP

C. A. (B) T. C. # 54.

par le
Lt.-Col. R.A. Fagan, V. D.,
Commandant.

Montmagny,
26-2-43.

197--DEVOIRS:

Officier du jour du camp:

le 26 février, 1943, le Lieut. Leblanc, C.L.
le 27 février, 1943, le Lieut. Mignault, J.

Sous-Officier du jour du camp:

le 26 février, 1943, le Sgt. Letourneau, M.
le 27 février, 1943, le Sgt. Desbiens, G.

198--PELOTON DE FEU EN DEVOIR:

le 26 février, 1943, le peloton 3.
le 27 février, 1943, le peloton 4.

199--ENTRAINEMENT:

Suivant le syllabus.

200--COUR D'ENQUETE:

La cour d'enquête se réunira à une heure et une date fixée par le Président pour enquêter sur le bris d'une carabine appartenant au soldat D-642152 ROYER, M.

201--COUR D'ENQUETE:

La cour d'enquête se composera dorénavant comme suit:

PRESIDENT: Lieut. Hudon, R.
MEMBRES: Lieut. Plante, M.
Lieut. Gobeil, P.

202--CONSEIL DE GUERRE REGIONAL:

Les Officiers sous-mentionnés s'assembleront au C.I.E. No. 54 Mont'y à 1100 hrs le 26 février 1943, dans le but de juger par un Conseil de guerre régional, l'accusé E-626764 sdt. André Martel, N.R.M.A., No. 5 Clearing Depot, Att. au C.I.E. No 54 Mont'y (et toute autre personne ou personnes qui pourrait être appelée à comparaitre devant cette Cour.)

PRESIDENT:- Le Lieut-Col. M.M.L. Garon, Royal 22e Regiment.
MEMBRES:- Le Major A. de L. MacDonald, F.M.R., Att. au C.I.E. 54.
Le Major G. Paquet, Regt. de Montmagny Att. au C.I.E. 54.

MEMBRE SUPPLEANT:- Le Capt. P.P. Boulanger, F.M.R., Att. au C.I.E. 54

PROCUREUR:- Le Capt. P.E. Gelly, 6ième (C&L) bde côtière, A.R.C.

OFF DEFENDEUR:- Le Lieut. M. Plante., Royal 22e Regiment.

Assisteront pour fins d'instruction:-

Lieut. Gosselin, L.	Lieut. Bazin, P.
Lieut. Hudon, R.	Lieut. Hallo, G.
Lieut. Leblanc, C.L.	Lieut. Lavoie, R.
Lieut. Mingault, J.	Lieut. Ouellet, E.
Lieut. Fare, D.	Lieut. Hebert, J.
Lieut. Borne, L.F.	Lieut. Lapointe, O.
	Lieut. Falardeau, M.

Lieut. Dion, C.L.

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Ceux dont les noms suivent devront être présents pour rendre témoignage.

E-19076 C.S.M. Pepin, J.C.
E-19140 Sgt. Guay, C.
E-19149 Sgt. Paquet, C.H.

Le Sergent Major régimentaire fera les arrangement nécessaire pour la Cour et détaillera les escortes, Sergent d'armes, etc.

203--CONSEIL DE GUERRE REGIONALE:

Les Officiers sous-mentionnés s'assembleront au C.I.E. No. 54 Mont'y à 1100 hrs le 26 février 1943, dans le but de juger par un Conseil de guerre régional l'accusé No. E-626520 sdt. René Hamel, No. 5 Clearing Depot H.R.M.A., Att. au C.I.E. No. 54 Mont'y (et toute autre personne ou personnes qui pourrait être appelée à comparaitre devant cette Cour.)

PRESIDENT:- Le Lieut-Col. M.M.L. Garon, Royal 22e Regiment A.C.
MEMBRES:- Le Major A. de L. MadDonald, F.M.R. Att. au C.I.E. No 54
Le Major G. Paquet, Regt, de Montmangy, Att. au C.I.E. No. 54
MEMBRE SUPPLEANT:- Le Capt. P.P. Boulanger, F.M.R.,Att. au C.I.E. No. 54
PROCUREUR:- Le Capt P.E. Gelle, 6eime (Q&L) bde cotiere, A.R.C.
OFF DEFENDEUR:- Le Lieut. P. Gobeil. Gen. Listo.

Assisteront pour fins d'instruction:-

Lieut. Gosselin, L.
Lieut. Hudon, R.
Lieut. Leblanc, C.L.
Lieut. Mignault, J.
Lieut. Pare, D.
Lieut. Borne, L.P.
Lieut. Dion, C.L.
Lieut. Hallo, G.
Lieut. Lavoie, R.
Lieut. Ouellet, E.
Lieut. Hebert, J.
Lieut. Lapointe, O.
Lieut. Falardeau, M.
Lieut. Bazin, P.

Ceux dont les noms suivent devront être présent pour rendre témoignage.

E-19075 C.S.M. Gauvreau, G.
E-19112 CQMS. Boucher, G.
E-19113 Sgt. Chabot, B.

Le Sergent Major régimentaire fera les arrangement nécessaires pour la Cour et détaillera les escortes,sergent d'armes, etc.

204--COMMUNICATION AUX QUARTIERS GENERAUX:

Il est rappelé à tous les rangs qu'il n'est pas permis de communiquer avec les Quartiers Généraux soit à Ottawa soit à Quebec, sans avoir obtenu la permission du Commandant.

205--HOPITAL:

Ceux dont les noms suivent devront se rapporter à la "Sick Bay" demain le 26-2-43 à 1330 hrs pour recevoir leur ½ c.c.

Major. Paquet, G.
Lieut. Pare, D.
Sgt. Boudreau, H.
Sgt. Boulet R.
Sgt. Dionne, E.
Sgt. Lacroix, P.E.
Sgt. Leclerc, F.
Sgt. Thifault, R.
Sgt. Ouimet, M.
Sgt. St.Cyr, N.
Cpl. Dernier, E.
Cpl. Grannary, G.
Cpl. St.Cyr, R.
Cpl. Cote, J.P.
Cpl. Falardeau, L.
Capl. Valliere, G.
Cpl. Rochette, A.
Pte. Marquis, W.
Pte. D'Anjou, N.
Pte. Sutherland, J.
Pte. Laroche, P.
Pte. Boisvert, L.
Pte. Latraverse, G.
Pte. Collin, R.
Pte. Beaulieu, G.
Cpl. Bernier, R.
Cpl. Boutot, L.
Cpl. Macombe, T.
Cpl. Neveille, A.
Cpl. Matte, R.
Cpl. Mineault, G.

CERTIFIED TRUE COPY
(A. GOBEIL) Capt.
Adjutant
C.A.(B)T.C. #54 (CA)

(A. GOBEIL) Capt, Adj.
C. A. (B) T. C. # 54

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Lieut. Roger R. Lee

LIST OF OFFICERS UNDER INSTRUCTION.

Lieut. Léo GOSSELIN,
General List, C.A.

Lieut. Roger LAVOIE,
Royal 22e Regiment, C.A.

Lieut. Roméo HUDON,
Fusiliers du St-Laurent, C.A.

Lieut. Jean Mignault,
Regiment de Montmagny, C.A.

Lieut. Daniel PARE,
General List, C.A.

Lieut. Emilien OUELLET,
General List, C.A.

Lieut. Jean HEBERT,
General List, C.A.

Lieut. Octave LAPOINTE,
General List, C.A.

All these officers under instruction are attached to C.A.B.T.C. No. 54, C.A., Montmagny, P.Q.

SUMMARY OF EVIDENCE

in the case of

E-626520, Pte René Hamel,
N.R.M.A. Clearing Depot No. 5,
Att. to C.A. (B.) T.C.-54, C.A.,
Montmagny, P.Q.

A soldier of the Canadian Army placed on Active Service.

CHARGE:

DESERTION.

The Commanding Officer directs that the evidence be taken on oath.

First Witness: E-19075, C.S.M. Gérard Gauvreau, "Le Régt. de Montmagny", C.A., attached to C.A. (B.) T.C.-54, C.A., Mont'y, P.Q., having been duly sworn, states:-

"Le 22 septembre 1942, j'ai constatai l'absence du soldat E-626520, René Hamel, à 0745 hres, à la parade du matin. Après la parade, en vérifiant mes livres, j'ai constatai qu'il avait la permission de s'absenter jusqu'à 0700 hres, le 22 septembre 1942. Il a été absent à partir de cette date jusqu'à son appréhension".

The accused declined to cross-examine.

C.S.M. Gérard Gauvreau

Second Witness: E-19113, Sgt. Benoît Chabot, "Le Régt. de Montmagny", C.A., attached to C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., having been duly sworn, states:-

"Le 22 septembre 1942, à la parade du matin, à 0745 hres, j'ai constatai l'absence du soldat E-626520, René Hamel. Il était absent depuis cette date".

The accused declined to cross-examine.

Sgt Chabot Benoit

Third Witness: Capt. Antoine Gobeil, "Le Régt. de Montmagny", C.A., Adjudant au C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., dûment appelé, produit les documents suivants:-

a) Copie certifiée des ordres partie II, No. 119, C.A.(B.) T.C.-54, C.A., Montmagny, P.Q., en date du 30-9-42;
b) Copie certifiée des ordres partie II, No. 124, C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., en date du 14-10-42.
c) Copie certifiée des ordres partie II, No. 125, C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., en date du 16-10-42;
d) Copie certifiée des ordres partie I, No. C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., en date du 17-10-42;
e) Copie certifiée des ordres partie II, No. 7, C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., en date du 21-1-43;
f) Copie certifiée du certificat d'appréhension...M.F.M.-216;
g) M.F.B.-1481, coût d'appréhension:.....$23.70;
h) M.F.B.-1482, coût d'appréhension:.....$4.25

The accused declined to cross-examine.

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SUMMARY OF EVIDENCE (Cont.)

E-626520, Pte René Hamel.

Fourth Witness: E-19113, C.Q.M.S. Gérard Boucher, "Le Régt. de Montmagny", C.A., attached to C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., having been duly sworn, states:-

"J'ai fait l'inspection de l'équipement du soldat E-626520, René Hamel, à la date de son retour au camp; et j'ai constaté qu'il a rapporté les effets suivants:-

1	Anklets Pr.	$ .77
1	Battle Dress (Blouse)	5.58
1	Battle Dress (Trousers)	5.60
1	Boots Ankle Pr.	5.20
1	Drawers Cotton Short	.33
1	Jacket Sweater	1.38
1	Shirts Under Cotton	.40
2	Shirts khaki cotton	1.98
1	Safety Pins Collar	.07
1	Braces Pr.	.27
1	Comb Hair	.04
1	Bags Ration	.03
2	Straps Web Supporting	.28
1	Pack Sack	1.69
1	Socks Woollen Pr.	.36
		$23.98

"Il lui manque présentement les effets suivants:-

1	Socks Woollen Pr.	.36
1	Cap Field Service	.78
		$ 1.14
	Less 25%:	$ .30
		$ 0.84

The accused declined to cross-examine.

Boucher J. C. M. S.

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- Last Page -

SUMMARY OF EVIDENCE (C.ont.)

E-626520, Pte René Hamel.

QUESTION TO THE ACCUSED:-

Do you wish to make any statement or to give evidence upon oath ? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY ACCUSED:-

"Lorsque je suis entré dans l'armée, je me suis plains d'un mal de reins continuel. On n'en a pas fait de cas. Lorsque je suis allé en passe, j'ai eu les mêmes douleurs. Lorsque j'ai été appréhendé, le capitaine Morin, M.O. du T.C.-51, Chicoutimi, est venu me voir dans le "cling". Je me suis plains à lui de mon mal de reins, et il m'a donné des pilules à cet effet. Je ne suis pas sorti de la maison durant mon absence".

I Certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

Taken down by me in the presence of the accused at C.A. (B.) T.C.-54, C.A., Montmagny, P.Q., this 11th day of February, 1943.

(J.-A.-R. Hudon) - Lieut.,
"Les Fusiliers du St-Laurent", C.A.,
att. to C.A. (B.) T.C.-54, C.A.,
Montmagny, P.Q.

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PART (II) ORDERS.

RESERVE ARMY PERSONNEL (N.R.M.A. 1940)

No. 119
Mont'y 30-9-42.

Last Part (II) Orders No. 118 d/26-9-42.

"R" RECRUITS 17th Group.

1 - STRENGTH DECREASE:

E-616175 Pte. EMOND, Robert having been placed in medical category "E" is discharged from N.R.M.A. Clearing Depot and ceases to be attached to C.A. (B) T.C. # 54 on 29-9-42. Arrival at camp 1000 hrs 28-9-42. Left T.C. 1700 hrs 29-9-42. Arrival Destination 1900 hrs 29-9-42.

2 - CIVILIAN CLOTHING ALLOWANCE:

E-616175 Pte. EMOND, Robert being discharged on 29-9-42 is granted civilian clothing allowance for the sum of $17.00 as authorized by Art. 187 F.R. & I to be paid through the pay list of this Training Centre.

3 - HOSPITAL STOPPAGES:

E-519721 Pte. SAVARD, R. having been admitted to Valcartier Isolation hospital on 22-9-42 is liable to stoppages of pay under Art. 222 F.R. & I.

"R" RECRUITS 19th Group.

4 - REGIMENTAL NUMBER:
Correction.

Para 1 sub para "C" D.O. # 95 d/1-8-42 as far as it relates to Peloquin Hector is corrected to read: D481177 instead of E-481177.

5 - ABSENTEE:
After 8 days.

D-456827 Pte. LOISELLE, Armand is still absent after 8 days being absent since 22-9-42.

6 - STRENGTH DECREASE:

"A" The undermentioned ceased to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C.,A-1, A-2, R.C.A., Petawawa, Ont.
W.E.F.....1226 hrs.....29-9-42.

D-480900 Pte. GELINAS, Olindor.
E-626152 " GOULET, Gerard.
D-480915 " HAMEL, Robert.
D-480820 " JUSSAUME, Louis.
E-626271 " LABRECQUE, Roland.
E-626212 Pte. LEVESQUE, Antonio.
E-626203 " LEBEL, Leopold.
D-481121 " MARIEL, Maurice.
D-472611 " MERCIER, Lucien.
D-480693 " NADEAU, Adrien.
D-480761 " NOEL, Aime.

"B" The undermentioned ceased to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C.,A-12 Infantry Rifle, Farnham, Quebec.
W.E.F.....0210 hrs.....30-9-42.

D-480960 Pte. LEMAIRE, Roland.
D-480749 " MANSEAU, Florent.
D-480787 Pte. MENARD, Andre.
D-481391 " MICHIELS, Pierre.
D-481177 " PELOQUIN, Hector.

"C" The undermentioned ceased to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C.,A-7 R.C.C.S., Barriefield, Ont.
W.E.F.....0210 hrs.....30-9-42.

D-480712 Pte. GERARD, Rene.
D-480725 Pte. LAVIGNE, Raymond.

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D.O. No. 119 d/30-9-42 (Sheet 2)

6 - STRENGTH DECREASE (CONT'D)

"D" The undermentioned ceased to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C.,A-5 R.C.E., Petawawa, Ont.
W.E.F.....1226 hrs.....29-9-42.

E-626291 Pte. GAUTHIER, Omer.
E-626245 " HOTTON, Alfred.
E-626198 " EDLIN, Edmond.
E-626188 Pte. LAFLAMME, Antonio.
D-456755 " LABONTE, André.
D-480628 " LAMOUREUX, Jacques.
D-456830 " MORENCY, Yvon.

"E" The undermentioned ceased to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C.,A-13 Infantry Rifle, Valcartier, P.Q.
W.E.F.....1226 hrs.....29-9-42.

E-626196 Pte. HAMANN, Paul.
D-472582 " HEDEMO, Ernest.
D-472597 Pte. LECLERC, Joseph.
E-554404 " LAGACE, Antoine.

"F" The undermentioned ceases to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C.,A-22 R.C.A.M.C., Borden, Ont.
W.E.F.....1226 hrs.....29-9-42.

D-472596 Pte. LEBOEUF, Real.
E-626265 " LECLERC, Leon.
E-626248 " MARTEL, Gedeon.

"B" R E C R U I T S 20th G r o u p.

7 - ABSENTEE:
After 21 days.

E-554298 Pte. DERY, Ls.Philippe is still absent after 21 days being absent since 10-9-42.

8 - ABSENTEE:
After 8 days.

E-626533 Pte. DAUDELIN, Dieudonne is still absent after 8 days being absent since 22-9-42.
E-626520 " HAMEL, Rene is still absent after 8 days being absent since 22-9-42.

"B" R E C R U I T S 21th G r o u p.

9 - HOSPITAL ADMISSION:

E-626796 Pte. LATULIPPE, Jean Paul is admitted to camp hospital.
W.E.F.....25-9-42.
E-626786 Pte. OUELLET, Antonio is admitted to Quebec Military hospital. W.E.F.....28-9-42.

10 - HOSPITAL TRANSFER:

E-626796 Pte. LATULIPPE, Jean Paul is transfer from camp hospital to Quebec Military hospital. W.E.F.....28-9-42.

11 - HOSPITAL DISCHARGE:

E-626712 Pte. FONTAINE, E. is discharged from Quebec Military hospital. W.E.F.....26-9-42.

12 - STRENGTH INCREASE:

"A" E-463162 Pte. LESSARD, Henri was struck off strength as deserter on 4-7-42.
(a) Was apprehended at "St.Samuel" at 1700 hrs 17-9-42.
(b) Having reicined from A.W.L. at 1900 hrs 28-9-42 is taken on strength and attached for pay with effect from 17-9-42.
(c) Having been placed in medical category of "A1" "B1" or "B11" is enrolled, posted to M.R.M.A. Clearing Depot # 5 and attached to C.A. (B) T.C. # 54 for all purposes. W.E.F.....28-9-42.
(d) Close arrest from 1700 hrs 17-9-42.

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D.C. No. 119 d/30-9-42 (Sheet 2)

12 - STRENGTH INCREASE (CONCLD)

"B" E-531081 Pte. MARION, Marion was struck off strength as deserter on 7-5-42.

(a) Was apprehended at "ST.Croix" at 1430 hrs 26-9-42.
(b) Having rejoined from A.W.L. at 1900 hrs 28-9-42 is taken on strength and attached for pay with effect from 26-9-42.
(c) Having been placed in medical category of "AI" "BI" or "BII" is enrolled, posted to N.R.M.A. Clearing Depot and attached to C.A. (B) T.C. # 54 for all purposes. W.E.F.....28-9-42.
(e) Close arrest from 1430 hrs 26-9-42.

"C" The undermentioned No. 5 N.R.M.A. Clearing Depot are attached to C.A. (B) T.C. # 54 for quarters & rations with effect from 26-9-42 and for all purposes with effect from 27-9-42.

E-627010	Pte.	ALLAIRE, Gerard	E-626978	Pte.	BOUDREAU, P.A.
E-626922	"	BEAUDIN, Antoine.	E-626935	"	BOUDREAULT, Roland.
E-626961	"	BEAUREGARD, Ls.Emile.	E-626930	"	BRASSARD, Omer.
E-626982	"	BELGERON, Antonio	E-626941	"	CHIASSON, J.Paul.
E-626955	"	BOISVERT, Ls.Philippe	E-627066	"	CLOUTIER, Robert.
E-627008	"	BOUCHARD, Albert.	E-626911	"	COTE, Alphonse.
E-626995	"	BOUCHARD, Alderic.	E-626741	"	COTE, Roland.
E-626919	"	BOUCHARD, Rene.	E-626952	"	COUILLARD, Elzear.
E-626977	"	BOUDREAU, Donat.	E-519302	"	DELISLE, Aurele.
E-626921	"	BOUDREAU, Horace.	E-626971	"	DION, Noel.
			E-626973	"	FRADETTE, Lorenzo.

(A. GODELL) Capt,
Adjutant,
C.A. (B) T. C. # 54.

Certifié vraie copie
C.A.B.T.C.54(C.A.)

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C. A. (B) T. C. # 54.

PART (II) ORDERS.

RESERVE ARMY PERSONNEL (N.R.M.A. 1940)

No. 124
Mont'y 14-10-42.

Last Part (II) Orders No. 123 d/12-10-42.

"R" RECRUITS 17th Group.

1 - HOSPITAL DISCHARGE

E-464599 Pte. VALLERAND, Lucien is discharged from St.Sacrement hospital. W.E.F.....9-10-42.

2 - STRENGTH DECREASE:

(a) The undermentioned ceases to be attached to C.A. (B) T.C. # 54 on transfer to District Depot # 5.
W.E.F.....1226 hrs.....13-10-42.

E-626136 Pte. LAROCHE, Jean Marie.

(b) The undermentioned ceases to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C.,A-13 A.I.T.C., Valcartier, P.Q.
W.E.F.....1226 hrs.....13-10-42.

E-558067 Pte. LORTIE, Gérard.

(c) The undermentioned ceases to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (B) T.C.,A-1 A-2, R.C.A., Petawawa, Ont.
W.E.F.....0221 hrs.....14-10-42.

E-448079 Pte. RONDEAU, Jean.

"R" RECRUITS 19th Group.

3 - HOSPITAL DISCHARGE:

E-626208 Pte. MARSAN, C.H. is discharged from Clinic Roy & Rousseau hospital. W.E.F.....10-10-42.

4 - STRENGTH DECREASE:

E-626208 Pte. MARSAN, C.H. having been placed in medical category "E" is discharged from N.R.M.A. Clearing Depot # 5 and ceases to be attached to C.A. (B) T.C. # 54 with effect from 12-10-42. Arrival at camp 1100 hrs 8-7-42. Left T.C. 1700 hrs 12-10-42. Arrival Destination 2030 hrs 12-10-42.

5 - CIVILIAN CLOTHING ALLOWANCE:

E-626208 Pte. MARSAN, C.H. being discharged on 12-10-42 is granted civilian clothing allowance for the sum of $27.00 as authorized by Art. 187 F.R. & I to be paid through the pay list of this Training Centre.

6 - STRENGTH DECREASE:

(a) The undermentioned ceases to be attached to C.A. (B) T.C. # 54 on transfer to District Depot # 5 .
W.E.F.....1226 hrs.....13-10-42.

E-626249 Pte. LANDRY, Johnny.

(b) The undermentioned ceases to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C.,A-13 A.I.T.C., Valcartier, P.Q.
W.E.F.....1226 hrs.....13-10-42.

E-463814 Pte. BLANCHETTE, Henri.

(c) The undermentioned ceases to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C.,A-1,A-2, R.C.A., Petawawa, Ont.
W.E.F.....0221 hrs.....14-10-42.

D-456827 Pte. LOISELLE, Armand.

...../2

21

D.O. No. 124 d/14-10-42. (Cont'd)

"B" RECRUITS 20th Group.

7 - STRENGTH DECREASE:

E-626640 Pte. COTE, Marcel having enlisted in the Active Force Montmagny Military camp hospital on 6-10-42 is discharged from No. 5 N.R.M.A. Clearing Depot on 5-10-42.

The undermentioned ceases to be attached to C.A. (B) T.C. # 54 on transfer to C.A. (A) T.C., A-13 Valcartier, P.Q.
W.E.F.....1226 hrs.....13-10-42.

E-626429 Pte. TREPANIER, Leonard.

8 - ABSENTEE:
After 8 days.

E-531712 Pte. CARON, Gerard is still absent after 8 day being absent since 3-10-42.

9 - ABSENTEE:
After 21 days.

The undermentioned are still absent after 21 days being absent since 22-9-42.

E-626533 Pte. DAUDELIN, Dieudonne.
E-626520 " HAMEL, Rene.

10 - HOSPITAL ADMISSION:

E-626639 Pte. LAFLAMME, Gerard is admitted to camp hospital.
W.E.F.....11-10-42.

"B" RECRUITS 21th Group

11 - FURLOUGH:
Agricultural Leave.

E-626830 Pte. RIOUX, Vincent is granted leave of absence without pay under the provision Sec 23 R.A.S.R. 1941 and amendments for a period of 6 months from 12-10-42 until 12-4-43.

12 - STRENGTH DECREASE:

E-626830 Pte. RIOUX, Vincent having been granted leave of absence without pay under the provision Sec 23 R.A.S.R. 1941 ceased to be attached to C.A. (B) T.C. # 54 on transfer to Distreit Depot # 5. W.E.F.....12-10-42.

13 - HOSPITAL DISCHARGE:

E-626850 Pte. THEBERGE, Rosaire is discharged from camp hospital.
W.E.F.....10-10-42

E-626800 Pte. LEVESQUE, C.H. is discharged from Valcartier Isolation hospital. W.E.F..... 9-10-42.

E-626796 Pte. LATULIPPE, J.P. is discharged from Quebec Military hospital. W.E.F.....10-10-42.

14 - ABSENTEE:
After 8 days.

E-531705 Pte. BOLDUC, Harry is still absent after 8 days being absent since 3-10-42.

E-626843 Pte. TREMBLAY, Roland is still absent after 8 days being absent since 6-10-42.

E-626759 Pte. ARSENAULT, Louis is still absent after 8 days being absent since 6-10-42.

15 - UNRULY:

E-531100 Pte. GARNEAU, Roger was struck off strength as deserter on 7-5-42.
Was apprehended at St.Fortunat 0915 hrs 5-10-42.
Having rejoined from A.W.L. at 1900 hrs 8-10-42 is taken on strength and attached for pay with effect from 5-10-42.
Close arrest from 0915 hrs 5-10-42 till 1400 hrs 12-10-42.
Forfeits all ordinary pay whilst under close arrest.
was awarded 14 days Detention from 1401 hrs 12-10-42.
Is to be placed under stoppages of pay until he has made good the amount of $17.46 cost of apprehension.

Certified true copy
C.A. (B) T.C. 54 (B)

Gosselin Lieut
(A. GOSSELIN) Capt, Adj.
C.A. (B) T.C. # 54.

C. A. (B) T. C. # 54.

PART (II) ORDERS.

RESERVE ARMY PERSONNEL (N.R.M.A. 1940)

No. 125
Mont'y 16-10-42.

Last Part (II) Orders No. 124 d/14-10-42.

"B" RECRUITS 17th Group.

1 - STRENGTH DECREASE:
Correction.

Para 2 (c) D.O. # 124 d/14-10-42 is corrected to read: G-448079 Pte. Rondeau J. instead of E-448079, & W.E.F. 1226 hrs 13-10-42 instead of 0221 hrs 14-10-42.

2 - STRENGTH DECREASE:

E-616184 Pte. FOURNIER, Leopold ceases to be attached to C.A. (B) T.C. 54 on transfer to D.D. # 5. W.E.F.....15-10-42.

"R" RECRUITS 19th Group.

3 - STRENGTH DECREASE:
Correction.

Para 6 (c) D.O. # 124 d/14-10-42 is corrected to read: W.E.F. 1226 hrs 13-10-42 instead of 0221 hrs 14-10-42.

"R" RECRUITS 20th Group.

4 - HOSPITAL DISCHARGE:

E-626639 Pte. LAFLAMME, Gerard is discharged from camp hospital, W.E.F.....14-10-42.

5 - STRENGTH DECREASE:

(a) E-626533 Pte. DAUDELIN, Dieudonne having been declared by a Court of Inquiry held at Montmagny on 13-10-42 to have been illegally absent since 22-9-42 and to have deficiencies in his kit & equipment to the amount of $23.87 was struck off strength on 13-10-42. Forfeits 22 days pay & allowance under Art. 187 F.R. & I.

(b) E-626520 Pte. HAMEL, Rene having been declared by a Court of Inquiry held at Montmagny on 13-10-42 to have been illegally absent since 22-9-42 and to have deficiencies in his kit & equipment to the amount of $25.12 is struck off strength on 13-10-42. Forfeits 22 days pay & allowance under Art. 187 F.R. & I.

"R" RECRUITS 21th Group.

6 - REGIMENTAL NUMBER:
Correction.

Para 7 D.O. # 123 D/12-10-42 is corrected to read: G-601451 instead of G-601415.

7 - FURLOUGH:
Agricultural Leave.

E-626809 Pte. MARTIN, Lucien is granted leave of absence without pay under the provision Sec 23 R.A.S.R. 1941 and amendments for a period of 3 months from 13-10-42 till 13-1-43.

8 - STRENGTH DECREASE:

E-626809 Pte. MARTIN, Lucien having been granted leave of absence without pay under the provision Sec 23 R.A.S.R. 1941 ceases to be attached to C.A. (B) T.C. # 54 on transfer to D.D. # 5. W.E.F.....13-10-42.

Certified true copy
A. Gobeil Capt
C.A.(B) T.C.

A. Gobeil
(A. GOBEIL) Capt,
Adjutant,
C. A. (B) T. C. # 54.

19

ORDRES DU CAMP

C.A. (B) T.C. No. 54 CA

par le
Major J.E. Picard.,
T/Commandant.

Montmagny
17-10-42.

1078--DEVOIRS:

Officier du jour du camp:

le 17 octobre, 1942, le Lieut. Nadeau, C.H.
le 18 octobre, 1942, le Lieut. Mercier, V.

Sous-Officier du jour du camp:

le 17 octobre, 1942, le Sgt. Pelletier, E.
le 18 octobre, 1942, le Sgt. Gosselin, L.

1079--ENTRAINEMENT:

Suivant le syllabus.

1080--COUR D'ENQUETE:

La cour d'enquête se réunira à une heure et une date fixée par le Président pour enquêter sur le cas des sous-mentionnés suivants absents depuis plus de 21 jours.

E/626533 Pte. DAUDELIN, D.
E/626520 Pte. HAMEL, René
E/ 14030 Pte. PICARD, Omer

Vraie copie certifiée
C.A.B.T.R.54 (C.A.)

(A. GOBEIL) Capt.
Adjdant.
C.A. (B) T.C. No. 54 CA

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C. A. (B) T. C. # 54.

PART (II) ORDERS.

RESERVE ARMY PERSONNEL (N.R.M.A. 1940)

No. 7
Mont'y 21-1-43.

Last Part (II) Orders No. 6 d/19-1-43.

"R" RECRUITS 21st Group.

1 - FORFEITURES OF PAY:

D-463160 Pte. MADORE, L. Charged under Sec 15 A.A. on 20-1-43. Forfeits 21 days' pay under F.R.& I for A.W.L. from 0600 hrs 28-12-42 till 0400 hrs 18-1-43. (20days 22 hrs.) Was awarded 14 days "Detention" from 1401 hrs 20-1-43.

"R" RECRUITS 22th Group.

2 - HOSPITAL ADMISSION:

E-519616 Pte. LEBLANC, J.E. is admitted to camp hospital. W.E.F.....18-1-43.

3 - STRENGTH DECREASE:

E-615903 Pte. BERGERON, R. having been placed in medical category "E" is discharged from N.R.MA. Clearing Depot # 5 and ceases to be attached to C.A. (B) T.C. # 54 with effect from 20-1-43. Arrival at camp 1830 hrs 5-2-42. Left T.C. 1730 hrs 20-1-43. Arrival at Destination 2000 hrs 21-1-43. Allowance for outward journey: 3 meals, 1 lodging.

4 - CIVILIAN CLOTHING ALLOWANCE:

E-615903 Pte. BERGERON, R. being discharged on 20-1-42 is granted civilian clothing allowance for the sum of $27.00 as authorized by Art. 187 F.R. & I.

Date of enlistment: 5-2-42.
A.W.L.: 21-4-42 to 17-10-42.
Date of discharge : 20-1-43.

"R" RECRUITS 23th Group.

5 - FURLOUGH:
Agricultural Leave.

(a) E-627287 Pte. VALLERAND, P. is granted leave of absence without pay under the provisions Sec 23 R.A.S.R. 1941 and amendments for a period of 3 months from 19-1-43 to 19-4-43.

(b) E-627391 Pte. ST.AMAND, R. is granted leave of absence without pay under the provisions Sec 23 R.A.S.R. 1941 and amendments for a period of 6 months from 19-1-43 to 19-7-43.

(c) E-627419 Pte. PARENT, C.E. is granted leave of absence without pay under the provisions Sec 23 R.A.S.R. 1941 and amendments for a period of 6 months from 19-1-43 to 19-7-43.

6 - STRENGTH DECREASE:

The undermentioned having been granted leave of absence without pay under the provision Sec 23 R.A.S.R. ceased to be attahced to C.A. (B) T.C. # 54 on transfer to D.D. # 5. W.E.F.....18-1-43.

E-627287 Pte. VALLERAND, P.
E-627391 " ST.AMAND, R.
E-627419 " PARENT, C.E.

...../2

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D.O. No. 7 d/21-1-43 (Sheet 2)

"R" RECRUITS 24th Group.

7 - HOSPITAL ADMISSION:

D-642631 Pte. MERCIER, P. is admitted to camp hospital. W.E.F.....18-1-43.

D-642589 Pte. MELANCON, F. is admitted to Valcartier Isolation hospital. W.E.F.....13-1-43.

D-642563 Pte. GIGNAC, J.P. is admitted to Valcartier Isolation hospital. W.E.F.....15-1-43.

8 - HOSPITAL DISCHARGES

D-642725 Pte. DECELLES, E. is discharged from camp hospital. W.E.F.....19-1-43.

D-642671 Pte. MALO, A. is discharged from camp hospital. W.E.F.....19-1-43.

D-642589 Pte. MELANCON, F. is discharged from Valcartier Isolation hospital. W.E.F.....19-1-43.

D-642631 Pte. MERCIER, P. is discharged from camp hospital. W.E.F.....21-1-43.

9 - FORFEITURES OF PAY:

(a) D-643230 Pte. DUVAL, A. Charged under Sec 15 A.A. on 19-1-43. Awarded 7 days "C.B" & forfeits 1 day's pay under F.R. & I for A.W.L. from 0630 hrs 18-1-43 until 2030 hrs 18-1-43. (14 hrs.)

(b) D-642783 Pte. BEAUNOYER, L. Charged under Sec 15 A.A. on 20-1-43. Forfeits 13 days' pay under F.R. & I for A.W.L. from 0700 hrs 28-12-42 till 1915 hrs 9-1-43. (12 days, 12 hrs, 15 min.)

"R" RECRUITS 25th Group.

10 - HOSPITAL DISCHARGE.

E-627435 Pte. GAUTHIER, A. is discharged from St.Sacrement hospital. W.E.F.....20-1-43.

11 - STRENGTH INCREASE:

(a) E-626520 Pte. HAMEL, R. was struck off strength as deserter on 13-10-42. Was apprehended at "Chicoutimi" 2105 hrs 15-1-43. Having rejoined from A.W.L. at 1020 hrs 20-1-43 is taken on strength and attached for pay with effect from 15-1-43 & for all purposes with effect from 20-1-43. Close arrest from 2105 hrs 15-1-43.

(b) E-626843 Pte. TREMBLAY, R. was struck off strength as deserter on 6-1-43. Surrended at Mongmagny 1020 hrs 20-1-43. Is taken on strength and attached for all purposes with effect from 20-1-43. Close arrest from 1020 hrs 20-1-43.

certified true copy
D. Lucas
C.A. (R.) E.54 (C.A.)

Paul C. Pelletier Capt
(A. COBEIL) Capt,
Adjutant,
C. A. (B) T. C. # 54.

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Pte Lord
Dept. A.

DEPARTMENT OF NATIONAL DEFENCE

-ARMY-

CANADIAN PROVOST CORPS, (C.A.)

No. 36 Company, Military District No. 5

Certificate in accordance with order in council P.C. 2797 dated 10th April, 1942, as published in General order 127, 1942.

I, E 37559 Sgt O Tremblay, 36. Cdn Pro Corps
hereby certify that E 63630 Pte Rene Hamel
of the Regt No. 5. NRMA. Atl. Co. 24 montreal
was apprehended by (~~surrendered~~ to) O/C VESYNAD 106144 4th Pergues E 20626
of No. 36 Company, Canadian Provost Corps, M.D. No. 5
at 98 St Ann Chambly at 2105 hours
on the 10.1.43 day of January 1943, as a deserter or
(~~absentee without leave~~) and that at the time of his
arrest, ~~he was wearing military uniform~~ (dressed in civilian clothes).

Dated at Chambly this 10.1.43 day of January 1943

Sgt O Tremblay
O/C detachment
~~Officer Commanding~~
No. 36 Coy Cdn. Provost Corps (C.A)
Military District No. 5, Quebec, P.Q.

RR

AWL 0700 22-9-42
Tel 2105 10-1-43

Cost $10.50

Claim = $10.50
Escort = 8.50
Pers = 4.40
$23.40

15

ABSENTEES AND DESERTERS

TRANSPORTATION IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. [illegible]
DATED JUNE 5th, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER 1099, 1941

(Transportation)

I, Lieut. G.-E. Lachance, No 5 Dist. Coy. RCASC, C. A.

hereby certify that I (Issued) (authorized) the hereinafter itemized transportation for escort to proceed from Montmagny, P.Q. to Chicoutimi, P.Q. and return to Montmagny, P.Q. for the purpose of escorting E-626520 Pte Hamel R. (RR) alleged to be a deserter or absentee without leave, the fact, date and particulars of (the transportation warrant issued) (the transportation required) and the cost thereof for said soldier and escort being as follow:-

Particulars	Cost
Transport Warrant No. B-127032 issued on Jan. 18th, 1943. covering transportation of one escort from Montmagny, P.Q. to Chicoutimi, P.Q. and return.	$ 8.80
Meal tickets issued for subsistence of escort for the return journey.-	
at 75¢ - $	
at $1.00 - $	10.50
Transport Warrant No. B-127033 issued on Jan. 18th, 1943. covering transportation for the absentee from Montmagny, P.Q. Chicoutimi, P.Q. to Montmagny, P.Q.	4.40
Meal tickets issued for subsistence of absentee -	
75¢	
$1.00	
Total	$23.70

Dated at Montmagny, P.Q. this 8th day of Feb. A.D. 1943

G.E. Lachance Lieut.

C. S. & T. O., T. C. #54 C. A.

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Certificate to be completed by officer who issued or authorized the transportation for the return to his corps units or station of a soldier alleged to be a deserter or absentee without leave and the escort for said soldier TRANSPORTATION ONLY.

Vouch. & pre-audit
A. Lucas
C.A.R.C.S.-1 (E.A.)

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1099, 1941.

(INCIDENTAL EXPENSES)

Complete description — I, E-34859 (No.) Sgt. (Rank) O. Tremblay, (Name) No. 36 Co'y Cdn.Pro. Corps (Unit)

Strike out words not applicable — as ~~XXXXX~~ (commander of escort) consisting of 4 O. R.'s

Members of escort

detailed to proceed from Quebec, P.Q. (Place) to Chicoutimi, P.Q. (Place)

Name and description of soldier escorted — ~~XXXXX~~ Apprehended E-626520 Pte. Hamel R., C.A.B.T.C. 54 alleged to be a deserter or absentee without leave, to Montmagny, P.Q. (Place),

hereby certify that all incidental expenses of apprehension and return of said soldier to his corps, unit or station and of such escort properly incurred, exclusive of transportation, are hereinafter itemized as follows:—

Statement		Amount
15-1-43	Taxi from Chicoutimi to vicinity for apprehension of the above mentioned.	4. 25
	Total	$ 4. 25

Certificate expense O. Tremblay Capt. C.A.B.T.C. 54 (E.A.)

Dated at Quebec, P.Q. this 30th day of January A.D. 1943

E-34859 O. Tremblay Sgt.
Signature and rank (of commander of escort)
No. 36 Co'y Cdn.Pro.C. ~~XXX~~
Strike out description not applicable.

Certificate to be completed by the officer or soldier in charge of an escort detailed to effect the arrest or return to his corps, unit, or station of a soldier proceeded against as a deserter or absentee without leave, stating the itemized cost of *all incidental expenses* properly incurred in respect of the escort and of such soldier, exclusive of transportation.

M.F.B. 1462
16M—7-41 (11130)
H.Q. 1772-99-1860

13

RECORD of the Declaration of a Court of Inquiry assembled at C.A. (B) T.C. No.54. on the 13th day of October 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. E-626520 Pte. HAMEL, René

DECLARATION

The Court declare that No. E-626520 Pte. HAMEL, René N.R.M.A. Clearing Depot No.5. Attached to C.A. (B) T.C. No. 54. illegally absented himself without leave from MONTMAGNY CAMP at 0700 hrs. on the 22nd day of September 1942, that he is still so absent, and that on the 13th day of October 1942 he was deficient, and that he is still deficient of the following articles:— that he is still so absent.

ARTICLES	VALUE		ARTICLES	VALUE	
1. Anklets prs.		77			
1. Battle Dress (Blouse)	5	58			
1. Battle Dress (Trousers)	5	60			
1. Boots Ankle prs.	5	20			
1.-Cap Field Service		78			
1. Drawers Cotton short		33			
1. Jacket sweater	1	38			
1. Shirts under cotton		40			
2.-Socks woollen prs.		72			
2. Shirts khaki cotton	1	98			
1. Safety Pins collar		07			
1. Braces prs.		27			
1. Comb hair		04			
1. Bags Ration		03			
2. Straps Web supporting		28			
1. Pack Sack	1	69			
	$ 25	12			

(BERNARD MILOT) Lieutenant 24th. Recce Bn., (Voltigeurs) C.A. — President

(J. GERARD DESY) Capitaine 24th Army Recce Bn., VOLTIGEURS, C.A. — Member

(FERNAND LANTHIER) Lieutenant General List, C.A. — Member

Signed at MONTMAGNY, P.Q.

this 13th day of October 1942.

Signature of Commanding Officer (J.E. Picard) - Major, T/O.C.

Certified true copy (Antoine Gobeil) Capt., Adj., C.A.(B) T.C. 54. — Signature of Officer having custody of original record

M.F.B. 175
A.F.B. 135
MM—9-41 (1809)
H.Q. 1772-59-257

12

I

STATEMENT BY THE DEFENDING OFFICER
IN MITIGATION OF PUNISHMENT.

Voici: l'accusé est entré dans l'Armée au mois d'août 1942. Le 22 du mois de septembre il partait en passe et n'est pas revenu.

Maintenant l'accusé a déclaré au sommaire d'évidence qu'il souffrait d'un mal de reins, même quand il est entré dans l'armée on l'a classé B-1. Il est venu à Montmagny après avoir passé un certain au dépôt à Québec. Il a passé moins de trois semaines ici au Camp de Montmagny. Pendant son entraînement de trois semaines, il est allé plusieurs fois à l'inspection médicale. Il a été traité par les médecins, et finalement, on l'a renvoyé sur la parade malgré sa prétention de mal de reins.

Maintenant le médecin a trouvé que les dents de l'accusé étaient dans un état pitoyable. Il a dit que son mal de reins, ses rhumatismes étaient dus au fait que ses dents étaient en mauvais état. Dans le temps, il n'y avait pas de dentiste au camp pour lui extraire les dents.

Il a eu une passe de cinq jours. Il avait passé trois semaines ici sans beaucoup de connaissance des règlements de l'Armée. On sait qu'un soldat de trois semaines manque de bien des choses. Il ne connait pas beaucoup les règlements. Il est parti en passe de cinq jours à Chicoutimi. Il est resté chez-lui, où la police militaire l'a appréhendé au bout de quatre mois.

Je voudrais que la Cour considère le fait que l'accusé est allé chez-lui et n'a pas travaillé On sait que s'il

...../2.

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avait voulu travailler, à Chicoutimi, il aurait certainement pu travailler. Il est resté chez-lui et il n'a pas travaillé disant qu'il souffrait de rhumatismes, qu'il n'était pas capable de travailler.

Je tiens à dire aussi que la feuille de conduite de l'accusé est blanche et que l'on a rien à dire sur son compte avant qu'il parte du Camp.

Quand l'accusé est revenu ici après avoir été soigné comme il l'a dit par le médecin du Camp de Chicoutimi. Il est revenu ici et après examen du médecin et du dentiste on a considéré qu'il n'était pas capable de faire le travail que les hommes en détention font ordinairement, soit le lavage des planchers ou différents ouvrages dans ce genre-là. Le sergent de police à la détention a reçu ordre du médecin, après conseil du dentiste, de ne pas le faire travailler. Pendant tout le temps qu'il était en détention ici il n'a pas travaillé du au fait de son état de santé. Je crois que la maladie de l'accusé y est pour beaucoup dans cette désertion-là. L'accusé n'a pas refusé de revenir quand la Police Militaire est allée le chercher; il ne s'est pas sauvé. La police a tout simplement attendu quatre mois pour aller le chercher.

Je demanderais à la Cour de considérer ces choses-là dans la sentence à donner, je demande la clémence de la Cour.

10

"J" Hanson Stor. R 22nd R. Cd.

MINUTE OF ADJOURNMENT AND REASSEMBLY.

" At 12.30 o'clock P.M. on the 26th day of February, 1943, the Court adjourned until 2.00 o'clock P.M. on the 26th day of February, 1943.

On the 26th day of February, 1943, at 2.00 o'clock P.M., the Court reassemble pursuant to adjournment, present the same members as when adjourned".

9

"Y"

M.F.R. 355
12M—8-40 (6433-6)
H.Q. 1772-39-630

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
E-626520	Pte	René Hamel,	NRMA Cl. Dpt. No. 5, att. to C.A.(E.)T.C.-54, C.A.

1. The following is a fair and true summary of the entries in the Conduct Sheets Regimental [redacted] of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment	
For	N.A.	times	N.A.	times
For		times		times
For		times		times
For		times		times
[redacted]		times		times

There are no entries in the conduct sheets of the accused.

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted [redacted]

3. [redacted] sentence at the present time [redacted]

4. The accused has been in confinement awaiting trial on the present charges, for [redacted] 41 days in military custody, making a total of 41 days in custody, of which nil days were spent in hospital.

5. The present age of the accused according to his [redacted] attestation paper is 31 years, 8 months, 15 days

6. The date of his [redacted] specified in his [redacted] attestation paper 6th August, 1942.

7. [redacted]

8. [redacted]

10. [redacted]

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ Permanent Force unit

.....dated....., and in his regiment (or corps), the rank of

.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number..... Rank..... Name ..... of ..... Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 26 rd. day of ~~[illegible]~~ February, 1943. "ANT. GOBEIL", Capt.
Adj. T.C.-54, C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

No. 6-626920 Name [illegible] Rank

Sqn., Battery, or Company "A" COY Corps N.R.H.A. 5

Date of last entry in Company Conduct Sheet

No. and date of last drunk

Period not reckoning towards freedom from extra fine

Date of enlistment [illegible]-42

Signature O.C. Company, etc. L.G. Lieut.

G.C. Badges

Service or Proficiency Pay

Character A.R. Ware, Capt.

M.F.M. 5 (A.F.B. 122) 500M—11-40 (5055) H.Q. 1772-49-18

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				S.O.S. DESERTER.			13-10-42	L.G.	

CERTIFIED A TRUE COPY
11/2/43.

ANT. GOBEIL, Capt.,
Adjutant, T.C.-54, C.A.

(P.T.O.)

Medical Officer's Report.

I certify that No..E/626520..Pte..~~HAMEL~~.René.Hamel.

of C.A.(B)T.C..No.54...is in a.....Good.....state of health,

and .....Fit.....to undergo trial by Court Martial,

Medical Officer.

Station C.A.(B)T.C.. No.54.....

Date..Le 26 Février, 1943.....

6

H.Q.C.55-H-341(JAG)

May 10th, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

Re: DISTRICT COURT-MARTIAL
E/626520, Pte. Rene HAMEL,
NRMA. Clearing Depot, No. 5 Gen. List,
(Att. to C.A.B.T.C. No. 54, C.A.

Receipt is acknowledged of your Q:39-H-1168(JA), dated the 3rd May, 1943, and in compliance with the request contained therein, the Proceedings of the marginally-noted District Court-Martial are returned to you in order that consideration may be given to a remission of Sentence.

2. When they have served their purpose, may they please be returned to this Headquarters.

Brigadier,
Judge Advocate-General.

HFGB/S.

125357

CANADA

IN REPLY PLEASE QUOTE
No. Q.39-H-1168 (JA)

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, P. Q., 6th May, - 1943.

The Secretary,
Department of National Defence,
Ottawa, Canada.

GENERAL REGISTRY Army
COMP. SEC.
MAY 7 1943
File C55-H-341
Ghgd. to
Referred to JAG

DISTRICT COURT-MARTIAL :
E-626520, Pte. René HAMEL,
NRMA Clearing Depot No. 5, Gen. List,
Att. to C.A.B.T.C. No. 54, C.A.

1. Reference your HQC. 55-H-341, (JAG), dated 12th April 1943, relative to the marginally-noted subject.

2. May the proceedings in the case of Pte. Hamel be returned to this Headquarters, please, in order that a remission of his sentence be taken into consideration.

(Edmond BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/gv.

MAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-39-767

124537

IN REPLY PLEASE QUOTE
No. Q139-H-1168 (JA).

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., May 3rd, 1943.

CENTRAL REGISTRY Army
CONF. SEC.
MAY 4 1943
File C55-H-341
Chgd to
Referred to AD

The Secretary,
Department of National Defence,
OTTAWA, Ont.

Re: District Court-Martial
E/626520, Pte. René HAMEL,
NRMA. Clearing Depot No. 5 Gen. List,
(Att. to C.A.B.T.C. No. 54, C.A.

Reference your H.Q.C. 55-H-341 (A.D.1 S.C.) dated 22nd April, 1943, relative to the marginally noted subject.

2. Please find enclosed herewith copy of the detailed explanation requested in para. 3 of your above mentioned letter.

3. The application for District Court-Martial in this case was received on 15th February, 1943, but the proceedings had to be returned for correction as per copy of letter attached hereto, for your information. The Court was convened as soon as the application was returned to this Headquarters.

4. For your information, please.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

NAT. DEF. B. 440
1 Million—10-42 (6656)
H.Q. 1772-30-787

C O P Y

notre dossier TC54-H-11

MINISTERE DE LA DEFENSE NATIONALE
- Armee -

MONTMAGNY, April 29th, 1943.

HEADQUARTERS,
A.A.&.Q.M.G.,
M.D. No.5,
QUEBEC.-

RE: District Court-Martial
E-626620, Pte. HAMEL , René

A

1. Further to your letter Q: 39-H-1168 (JA) dated April 27th, 1943, you will find hereunder chronological order as to the steps taken to bring this case to trial:

Apprehension:	2105 hrs on	15-1-43
Arrival at Camp:	1020 hrs on	20-1-43
Paraded, Coy Commander:		22-1-43
Paraded, 2 i/c(further evidence):		23-1-43
Paraded, 2 i/c (summary of evid.):		27-1-43
Application for Court-Martial:		17-2-43
District Court-Martial		26-2-43
Confirmed at Quebec:		22-3-43
Promulgated:		23-3-43

2. The officer who was in charge of the summary of evidence proceeded on a course at a very short notice, without completing the summary of evidence. The officer who was detailed to complete same has left this Training Centre and as far as it can be ascertained, he was waiting for the return of a witness who was on furlough at that time, and also for the return of the military clothing of the m/n who was arrested with civilian clothing.

3. For your information please.

A.
(signed:) Cortland/Fages
(C.A. FAGES) Lieut.-Col., V.C.
O.C. C.A.(B) T.C. No.54 (CA)

COPY

Q:39-H-1168 (JA).

DEPARTMENT OF NATIONAL DEFENCE
- Army -

QUEBEC, P.Q., February 18th, 1943.

The Officer Commanding,
C.A.B.T.C. No. 54, C.A.,
MONTMAGNY, P.Q.

Re: Application for District Court-Martial
E/626520, Pte. René HAMEL,
N.R.M.A. Clearing Depot, No. 5,
(Att. to C.A.B.T.C. No. 54, C.A.)

Reference your TC54-H-11 dated 17th February, 1943, relative to the m/n subject.

2. The following irregularities have been noted in your application for District Court-Martial:-

(a) It is noted that only copies of the exhibits were forwarded to this Headquarters. The original exhibits should always be forwarded with your application, as requested on M.F.B. 321, in order that they be verified and that they be remitted to the permanent Prosecutor. There is no irregularity in forwarding copies of exhibits with the originals, but this is not necessary.

It is understood that the original orders cannot be produced. A copy of each order, certified by the Adjutant, is sufficient, but the original certificate of apprehension, the original M.F.B. 1481 and M.F.B. 1482 must be produced to the Court, and therefore, forwarded with your application.

With regard to copies of Part II Orders produced as exhibits, it is pointed out that the officer certifying same must state:-

(i) his name and rank,
(ii) his unit,
(iii) his attachment, if any,
(iv) his appointment.

In this case, Capt. Gobeil only stated his name and rank. He should state his unit, his appointment (adjutant or officer in charge of records as the case may be), and his attachment (in this case, C.A.B.T.C. No. 54, C.A.)

(b) It is also noted that the accused is charged as being deficient of $1.22. There is no evidence in the summary to justify this charge. A copy of M.F.B. 375 should be produced as exhibit. If no court of inquiry was held, a copy of Militia Form 800 should be produced. Moreover, the Quartermaster should be called as a witness to state:-

(i) If M.F.B. 375 is produced, that "on the ..... day of .....1942, he made a kit inspection after the apprehension of the accused and found that the accused brought back with him, such and such article, and that he is deficient with the rest of the articles mentioned on M.F.B. 375".

. . . . (over)

(ii) If no court of inquiry was held, he should state that upon the return of the accused he made a kit inspection, and found that the accused was deficient of such and such article.

3. May the above corrections be made without delay, please, and may this matter be treated as "urgent" as it is intended to convene this court with that of Pte. St-Pierre on the 26th February, 1943.

(SIGNED) J. Alfred CROWE) - Capt.,
For: (Percy FLYNN) - Lieut.-Colonel,
A.A. & Q.M.G., M.D. No. 5.

H.Q.C. 55-H-341
(A.D. 1 S.C.)

22nd April, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC, P.Q.

Re: District Court-Martial
E. 626520 Pte. Rene HAMEL
N.R.M.A. Clearing Depot No. 5 Gen. List.
Att. to C.A.(B) T.C., No. 54, CA

Reference Q: 39-H-1168(JA), dated 9th April, 1943.

2. It is noted from M.F.B. 355 that the accused was kept in custody for forty-one days awaiting trial.

3. May an explanation be given of this apparent delay showing in chronological order the steps taken to bring this case to trial together with the reasons for delay at each step.

LGA/MEL

(H.F.G. Letson),
Major-General,
Adjutant-General.

39

H.Q.C.55-H-341 (JAG)

April 12th, 1943.

The District Officer Commanding,
Military District No. 5, Quebec, Que.

District Court-Martial

E.626520, Pte. Rene Hamel,
N.R.M.A.Clearing Depot No. 5, Gen.List,
Att. to C.A.B.T.C. No. 54, C.A.

Receipt is acknowledged of your Q.39-H-1168 (JA) dated April 9th, 1943, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

Brigadier,
Judge Advocate-General.

LF/MM

500-6-42(M1255)

37

IN REPLY PLEASE QUOTE
No. Q:30-H-1165 (JA).

119262

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., April 9th, 1943.

CENTRAL REGISTRY Army
CONF. SEC.
APR 10 1943
File C 55-H-341
Chgd. to JAG 10/4
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: DISTRICT COURT-MARTIAL
E/626520, Pte. René HAMEL,
N.R.M.A. Cleating Depot No. 5, Gen. List,
Att. to C.A.R.T.C. No. 54, C.A.

Reference your H.Q.C. 55-H-341 (JAG) dated 31st March, 1943, relative to the marginally-noted subject.

2. The irregularities pointed out in your paragraph 2 of your above mentioned letter have been duly noted and brought to the attention of the officers concerned.

3. The proceedings in the case of Pte. Hamel are returned herewith for custody.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

NAT. DEF. B. 449
2,000 M—4-42 (4322)
H.Q. 1772-39-767

36

H.Q.C. 55-H-341 (JAG)

March 31st, 1943.

District Officer Commanding,
Military District No. 5,
QUEBEC.

Re: DISTRICT COURT-MARTIAL
E/626520, Pte. René HAMEL
N.R.M.A. Clearing Depot No. 5
Gen. List, Att. toC.A.B.T.C. No. 54, C.A.

Receipt is acknowledged of your Q:39-H-1168 (JA), dated 26th March 1943, under cover of which you forwarded for registration and custody, the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities set out in your letter, the following have been noted:-

(a) The top and the bottom of page DD, should have been ruled to and initialled by the President of the Court.

(b) Part 11 Orders which have been produced, do not mentioned the time at which the accused went absent. Having regard to Article 149(I)(r) F.R.M. and I (Canada) which provides that a soldier shall forfeit his pay and allowances as defined in Article 145 for every day of absence, either on desertion or absence without leave. The exact hour of the commencement of the absence should have been set out in the Part 11 Orders.

(c) Words not applicable in M.F.B. 1481 should have been struck out and initialled by the Officer signing the form.

3. The proceedings are returned in order that the above irregularities be brought to the attention of all officers concerned for their future guidance, may they please be returned when they have served their purpose.

Brigadier,
Judge Advocate-General.

LF/MAV

5

Original on H.Q. C. 55-H-341
M.D. Q:39-H-1168

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. E/626520 Name HAMEL, R.

Rank Pte. Unit NRMA CLEARING DEPOT #5 GEN. LIST. ATT' TO C.A.B.T.C. No. 54, C.A.

Charge (1) SEC. 12 (1)(a) AA DESERTING H.M.S.

(2) SEC. 24 (2) AA LOSING BY NEGLECT

Date of Crime (1) 22/9/42 (2) 21/1/43

Date of Arrest 15/1/43 Charge. Signed 11/2/43

Orders for D.C.M. D.O.C. M.D. #5

Place and Date of Trial Montmagny. Que. 26/2/43

Sentence DETENTION 120 DAYS STOPPAGES $28.79

Date of Confirmation 22/3/43

Date of Promulgation 23/3/43

Entered in Records of J.A.G. as No. 8106

Date 17/3/43

MEMO ~~NOT C NTRICED~~

Balance Detention Remitted By D.O.C. M.D. 5
To Date From 13-5-43

4

for Judge Advocate-General.

IN REPLY PLEASE QUOTE
No. Q: 39-H-1168 (JA).

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Quebec, P.Q., March 26th, 1943.

116910

CENTRAL REGISTRY Army
PENS SEC.
MAR 27 1943
C55-H-341
Returned to

The Secretary,
Department of National Defence,
OTTAWA, Ont.

RE: DISTRICT COURT-MARTIAL
E/626520, Pte. René HAMEL,
N.R.M.A. Clearing Depot No. 5,
Gen. List, Att. to C.A.B.T.C. No. 54, C.A.

Please find enclosed herewith the proceedings of the marginally-noted District Court-Martial, which are forwarded to you for registration and custody.

2. The following irregularities have been noted and are brought to the attention of the officers concerned:-

(a) PAGE B-2: The words, "Pres. D.C.M." should have been inserted underneath the signature of the President on page B-2 and on all the exhibits.

(b) PAGE 11: It was not necessary for the Adjutant to certify exhibit "X-I".

(c) PAGES 43 and 45: It was not necessary to certify these exhibits as they are original documents.

(d) PAGE 53: The word, "regimental" in line 1, para. 1 of M.F.B. 355 should have been struck out and the word, "field" inserted.

(e) PAGE 54: The unit of Capt. Gobeil should have been set out underneath his signature.

(f) The attachment of the medical officer should have been set out underneath his signature on M.F.B. 246.

3. It is noted that the accused spent 41 days in custody awaiting trial. The application for District Court-Martial in this case was forwarded on 17th February, and received at this Headquarters on 18th February. As the evidence was not sufficient to justify the charges, the summary was returned on 18th February, with instructions regarding the amendments to be made. The application was returned on 22nd February, 1943, and the Court was immediately convened.

(EDMOND BLAIS) - Brigadier,
District Officer Commanding,
Military District No. 5.

JAC/rb.

3

M.F.B. 230
30000M—4-41 (125)
H.Q. 1773-39-124

H.Q.C.55-H-341 (JAG)

March 18th,1943.

The Assistant Judge Advocate-General,
Military District No. 5, Quebec, Que.

Re: District Court-Martial,
E.626520, Pte. Rene Hamel,
N.R.M.A.Clearing Depot No. 5 Gen.List,
att. to C.A.B.T.C.No. 54, C.A.

1. Your letter Q.39-H-1168 (JA) dated the 9th March 1943, is hereby acknowledged.

2. With reference to paragraph 3, in my opinion the accused surely understood his plea of Guilty, for the interpretation which might reasonably be given to the statement of the accused in the Summary of Evidence as well as to the statement of the Defending Officer in mitigation of punishment, is that he left the Army because in his (the accused's) opinion he was not receiving proper Medical attention. Therefore, in my opinion, the Finding and Sentence in this case may legally be confirmed.

3. With reference to paragraph 4, even if the Finding on the first charge was not confirmed the Sentence of detention could legally stand on the Finding of Guilty under Section 24 of the Army Act. As to whether or not part of such Sentence of detention should be remitted that is a question for the Confirming Authority to decide.

4. The proceedings are returned herewith.

Brigadier,
Judge Advocate-General.

LF/MM

2

8106

CANADA

IN REPLY PLEASE QUOTE
No. Q: 39-H-1168 (JA).

DEPARTMENT OF NATIONAL DEFENCE
ARMY

QUEBEC, P.Q., March 9th, 1943.

The Judge Advocate-General,
Department of National Defence,
OTTAWA, Ont.

C.J.A.G. Army
DOC. SEC.
677-H-341
MAR 12 1943
Check to Returns

RE: DISTRICT COURT-MARTIAL
E/626520, Pte. René HAMEL,
R.E.M.A. Clearing Depot No. 5, Gen. List,
attached to C.A.B.T.C. No. 54, C.A.

Enclosed herewith please find the proceedings of the marginally-noted District Court-Martial.

2. Before making any recommendation with regard to the finding and sentence, your opinion will be appreciated with regard to the finding on the first charge, please.

3. The accused pleaded "guilty" to a charge of desertion, and in mitigation of punishment, his defending officer made a statement which, in my opinion, indicates that Pte. Hamel did not understand his plea of "guilty". I would therefore be inclined to recommend a non-confirmation of the finding on the first charge. Do you concur, please?

4. If the finding on the first charge is not confirmed, would it be in order to remit a part only of the sentence of detention awarded by the Court? The evidence to establish the loss of kit is sufficient to justify the finding on the second charge and, although a sentence of detention would be legal in view of the dispositions of Sections 24 and 44 A.A., your opinion would be appreciated as to whether sentences of detention are sentences awarded in respect of loss of equipment.

(J. ALFRED CROWE) - Captain,
For A.J.A.G., M.D. No. 5.

JAC/rb.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

H.Q.C. 55-H-542 CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT

DISTRICT COURT MARTIAL

M-88190, PTE. J.A. HARDY,

V.G. DIV C.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-542

CENTRAL REGISTRY	DATE	P.A. OR E.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					MAR 20 1943		
	31/3/43	PA		JAG AD	10 note & P A	RBL	29/5/43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to see same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the officer's file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-342(JAG)

March 29, 1943

District Officer Commanding,
Military District No.13,
Calgary, Alta.

District Court-Martial
No. M.35195, Pte. John William Hardy
Veterans Guard of Canada, C. A.
Internment Camp 133, C.A.

1. Receipt is acknowledged of your C.36-H-2876, dated 13th March, 1943, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. The proceedings appear to be quite in order, with the exception of the minor irregularities noted in your letter, and they are accordingly retained for custody.

Brigadier,
Judge Advocate-General.

RBL.F

H.Q. C. 55-H-342
M.D. C.36-H-2876

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. M.35195 Name HARDY, J.W.

Rank Pte. Unit Vetrans' Guard of Canada, C.A. Internment Camp 133, CA M.D. 13 C.A.

Charge 1- SEC. 9 (2) AA WHEN ON ACTIVE SERVICE DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER

2- SEC. 40 AA NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

Date of Crime 1- 21/12/42 2- 21/12/42

Date of Arrest Charge. Signed 6/2/43

Orders for D.C.M. D.O.C. M.D. #13

Place and Date of Trial Lethbridge, Alberta 11/2/43

Sentence NOT GUILTY

Date of Confirmation

Date of Promulgation

Entered in Records of J.A.G. as No. 8160

Date 22/3/43

MEMO NOT GUILTY

R.B. Lamb Lieut
for Judge Advocate-General.

H.Q. C. 55-H-342
M.D. C.36-H-2876

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. M.35195 Name HARDY, J.W.

Rank Pte. Unit Vetrans' Guard of Canada, C.A. Internment Camp 133, CA M.D. 13 C.A.

Charge SEC. 9 (2) AA
1- WHEN ON ACTIVE SERVICE DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER

2- SEC. 40 AA NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

Date of Crime 1- 21/12/42 2- 21/12/42

Date of Arrest Charge. Signed 6/2/43

Orders for D.C.M. D.O.C. M.D. #13

Place and Date of Trial Lethbridge, Alberta 11/2/43

Sentence NOT GUILTY

Date of Confirmation

Date of Promulgation

Entered in Records of J.A.G. as No. 8160

Date 22/3/43

MEMO

NOT GUILTY

R.B. Lamb Lieut
for Judge Advocate-General.

3M-12-42(M1754)

no file 8160 R5340

IN REPLY PLEASE QUOTE
No. C.36-H-2876

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY
Headquarters, M.D. 13
CALGARY ALBERTA

REGISTERED

13th March 1943

CONFIDENTIAL

The Secretary
Department of National Defence
OTTAWA, Canada

LEGAL & JUDICIAL Army
REGISTRY
C.36-H-343
MAR 18
File
Chgd. to
Referred to

DISTRICT COURT-MARTIAL
No. M.35195, Pte. John William Hardy
Veterans' Guard of Canada, C.A.
Internment Camp 133, C.A.

1. The Proceedings of the above District Court-Martial have been reviewed at this Headquarters and it is observed that:

(a) The word "able" in the Medical Officer's Report should have been in the handwriting of the Officer who made the report and the Unit of the soldier should have been shown as in the rest of the Proceedings.

(b) The Defending Officer should not have been permitted to lead his Witnesses as was done throughout.

(c) The notation on page "B" that the Prosecutor informed the Court that the accused elected for trial by Court-Martial, should have been in red type.

(d) The evidence of the accused should have commenced on Page D 3 and the preamble should have opened with the words "The accused, No. etc."

(e) The Defending Officer should not have been permitted to say in his closing address, what he thought, to express his opinions or to make statements unsupported by the evidence as was done repeatedly.

(f) In the Summary of Evidence, after the answer of the accused to the formal questions, there should have been a notation that the accused declined to call any Witnesses.

2. The above irregularities have been drawn to the attention of the Officers concerned for their future guidance.

3. The time between the arrest of the accused (31st December, 1942) and the date of the Convening Order (9th February, 1943) is 39 days. The Witness, L/Cpl. WALLACE, left Lethbridge with his Company on 4th January, 1943, on its transfer to Vancouver. The Company was quarantined at Vancouver for spinal meningitis on 6th January, 1943 and was released from quarantine on 9th February, 1943. The Witness was despatched the same day and arrived at Lethbridge on 10th February and the trial was held on 11th February, 1943.

Please write

4. It is not considered that the Proceedings are in anyway invalid and they are therefore forwarded for registration, custody and safe-keeping.

(F.M.W. Harvey) Brigadier
District Officer Commanding, M.D. 13.

M.F.B. 239
30000M—4-41 (125)
H.Q. 1773-49-194

MEDICAL OFFICER'S REPORT

I certify that No. M.35195 Pte. Hardy, J.W.
of H.Q.Camp 133 is in a satisfactory state of health,
and able to undergo Trial by Court martial.

R.L. Cuff, Capt.
Medical Officer
R.C.A.M.C., C.A.

Station Lethbridge, Alta.

Date 11 Feb.1943

M. F. B. 246
MM—6-43 (4744)
H.Q. 1173-39 680

**All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Internment Camp, Lethbridge, Alberta on the 11th day of February, 19 43, by order of Brig. F.M.W. Harvey, V.C., M.C. Commanding Military District No. 13, dated the 9th day of February, 19 43.

President.

Lieut.-Col. N.D. Dingle, E.D., No. 13 District Depot, C.A.

Members.

Lieut. F.G. Harris, M.C., 25 Company, Veterans' Guard of Canada, C.A.

Lieut. E.B. Irving, 30 Company, Veterans' Guard of Canada, C.A.

, ~~Judge-Advocate.~~

Trial of* No. M.35195, Pte. John William Hardy, Veterans' Guard of Canada, C.A., Internment Camp 133, C.A., M.D. 13, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that ---------- is not available to serve owing to~~

, ~~waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.

The accused is brought before the Court.

Prosecutor,† Capt. L.M.R. Dwane, Veterans' Guard of Canada, C.A., Internment Camp 133, C.A.

~~Counsel‡ or~~ defending officer† Lieut. E.F. Biart, 25 Company, Veterans' Guard of Canada, C.A.

At 10:01 o'clock the Trial commences.

The order convening the Court is read, and is marked "Exhibit X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

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* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

Mil. Form B. 271
10M—9-39 (2132)
H.Q. 1772—39-224

B

The President and members ~~and judge-advocate~~ are duly sworn.

~~The following officers under instruction are duly sworn.~~

Q.2 Do you object to No. M.53148, Pte. (A/Sgt) N.R.Calleway, No. 13 Detachment Corps of Military Staff Clerks, C.A., acting as shorthand writer?

A.2 No, Sir.

No. M.53148, Pte. (A/Sgt.) N.R.Calleway, No. 13 Detachment Corps of Military Staff Clerks, C.A., is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge-sheet is signed by the President, marked B 2 and annexed to the proceedings.

The Prosecutor informs the Court that the accused has elected to be tried by this Court instead of being dealt with summarily by his commanding officer.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Not Guilty. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Not Guilty. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

~~The accused having pleaded Guilty to ---------- charge, the provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

The accused has elected to be tried by a District Court-Martial pursuant to Army Act, Section 46 (8).

Exhibit "B2"
Annex "D" to Def. Med. Pres

CHARGE SHEET

The accused, M.35195 Private John William Hardy, Veterans Guard of Canada, C.A., Internment Camp 133, C.A., a soldier of the Canadian Army, placed on Active Service, is charged with:-

First Charge
Sec. 9 (2)
Army Act

WHEN ON ACTIVE SERVICE DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER,

in that he

On 21st December 1942, at about 1500 hours, at Cochrane, Alberta, while en-route from Lethbridge, Alberta, to Ozada, Alberta, when ordered by M.42340 Lance/Corporal James Wallace, 29 Coy. Veterans Guard of Canada, C.A., to enter the transport vehicle and proceed on his way, did not do so.

Second
Charge
Sec. 40
Army Act

NEGLECT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE,

in that he

from 1630 hours on 21st December, 1942 until 1030 hours on 22nd December, 1942, was away from Ozada Internment Camp where it was his duty to be.

C.W. Connacher Colonel
Veterans Guard of Canada, C.A.,
Commandant, Internment Camp 133, C.A.

Signed at Calgary Alta
this 6th day of Feb, 1943

To be tried by District
Court Martial

C.W. Connacher
D.S.O. M.B.E.

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q.5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A.5 *Answer.* No, Sir.

The prosecutor makes an opening address ~~[hands in a written address, which is read, marked -------, signed by the President, and attached to the proceedings.]~~ See document marked "G", attached.

The prosecutor proceeds to call witnesses.

First witness for prosecution. No. M.42340, L/Cpl. James Wallace, 29 Company Veterans' Guard of Canada, C.A.,

being duly sworn, is examined by the prosecutor.

Q.6 Will you please identify yourself to the Court?

A.6 I am No. M.42340, L-Cpl. James Wallace, 29 Company Veterans' Guard of Canada, C.A.

Q.7 Corporal, will you tell the Court please in your own words what happened at Cochrane, Alberta, on 21st of December, 1942?

A.7 We stopped at Cochrane about two o'clock, had something to eat, started to move off again at about 1430 hours. When we got ready to go, I told them to go - .

Q.8 What were you doing in Cochrane on the 21st December?

A.8 We were going to Ozada with this convoy and stopped there to have a meal.

Q.9 What were you going to Ozada for?

A.9 We were taking these men up there to relieve men for their Christmas leaves.

Q.10 Tell me what you did on the 21st December?

A.10 We left here about 0730 hours and started out with these men to go to Ozada. Went through Cochrane and stopped there to have something to eat. About two o'clock we wanted to go on again at half-past two, and I wanted them to go and they said they would not go any further. The accused refused to go any further.

Q.11 Did he say anything to you?

A.11 He just told me that he would not go any further and would go by train.

Q. 12 Then what happened?

A. 12 I told him he had better go along and he still wouldn't go. I went on to Ozada with the rest of the party and left him there.

Q. 13 Left him there?

A. 13 Yes, sir.

Q. 14 Do you recognize the accused?

A. 14 Yes, sir.

Q. 15 Who is he?

A. 15 Pte. Hardy.

Cross-examined by the Defending Officer.

Q. 16 Now this journey you were making to Ozada, there were two vehicles, were there?

A. 16 Yes, sir.

Q. 17 The truck and the station wagon?

A. 17 Yes, sir.

Q. 18 Which vehicle was the accused riding in?

A. 18 The station wagon.

Q. 19 You also rode in the station wagon?

A. 19 Yes, sir, until Cochrane, and from there on in the truck.

Q. 20 Now, you have stated that you stopped at Cochrane to have a meal?

A. 20 Yes, Sir.

Q. 21 Had you stopped prior to reaching Cochrane?

A. 21 The station wagon did.

Q. 22 You had stopped before you reached Cochrane?

A. 22 Yes, sir.

Q. 23 Where did you stop?

A. 23 Calgary.

Q. 24 How long did you stop at Calgary?

A. 24 Probably thirty minutes.

Q. 25 About what time did you reach Calgary?

A. 25 Shortly after noon, I am not sure of the exact time.

Q. 26 Your memory is not very clear?

A. 26 No, I didn't take much notice of the time.

Q. 27 Why did you stop at Calgary? You were in charge of the station wagon.

A. 27 The intentions were all to stop in Calgary. We were a little bit ahead of the others.

Q. 28 It was your intention to eat in Calgary?

A. 28 Yes, sir.

Q. 29 Did you eat in Calgary?

A. 29 The ones who stopped did, I guess. I know I did.

Q. 30 You did eat at Calgary?

A. 30 Yes, sir.

Q. 31 And to the best of your knowledge your whole party had a meal in Calgary?

A. 31 Yes, I guess they did.

Q. 32 And I further suggest that your time was out a little and you were in Calgary at least an hour.

A. 32 I don't remember the exact time. I didn't pay much attention to it.

Q. 33 You reached Cochrane by your own statement at about 1400 hours?

A. 33 Yes, sir.

Q. 34 How far is it from Calgary to Cochrane, roughly?

A. 34 About twenty-four miles.

Q. 35 About twenty-four miles, yes, I agree with that. How long did it take you to travel from Calgary to Cochrane?

A. 35 Less than an hour.

Q. 36 Therefore you must have left Calgary after 1300 hours. You admit you reached Calgary about noon.

A. 36 Yes, sir.

Q. 37 Now, why, having stopped at Calgary for a meal, why was it necessary

to stop at Cochrane?

A. 37 We stopped to wait on the other ones. The others didn't stop at Calgary - the truck - they went through.

Q. 38 You gave evidence that you stopped at Cochrane to have a meal. Now I put it to you that you didn't stop at Cochrane to have a meal. Did you stop at Cochrane to have a meal?

A. 38 Not I myself. I had had my meal. The men in the truck had not.

Q. 39 Do you know why no rations were issued from here for these men?

A. 39 I understood that rations were issued but that they didn't take them.

Q. 40 Did you tell each and every one of them to take their rations?

A. 40 As far as I know they were all told.

Q. 41 When were the instructions to take rations given to the party?

A. 41 At breakfast time.

Q. 42 At breakfast time?

A. 42 Yes, sir.

Q. 43 And what time was that?

A. 43 I can't answer that. I don't remember myself.

Q. 44 You don't remember?

A. 44 About six-thirty.

Q. 45 Did the party all have breakfast together?

A. 45 No, sir. The men I had with me had breakfast with me.

Q. 46 You gave the instructions at breakfast for these men to take rations?

A. 46 I told them right in this lobby here that each man was to take rations, when asked about it.

Q. 47 What time would that be?

A. 47 About five minutes to seven in the morning.

Q. 48 You made the statement that the men were told at breakfast.

A. 48 My men in the 29th. Coy.

Q. 49 How many 29th. Coy. men did you have with you?

A. 49 Three.

Q. 50 Three out of the total of twelve or thirteen?

A. 50 Yes, sir.

Q. 51 You stated that you told these men to take rations that morning or the evening before?

A. 51 I didn't say anything about the day before. I didn't have anything to do with the day before. I had nothing to do with the day before.

Q. 52 Did you check up before the party left to see whether they had rations with them?

A. 52 I don't remember whether I did or not.

Q. 53 What instructions did you give the convoy when it left? What instructions did you give the truck driver?

A. 53 I told them to go to Ozada, and to stop in Calgary for the first stop, and that we might be a few minutes ahead of them and we would leave word at this filling station.

Q. 54 You gave the truck driver instructions to stop at Calgary?

A. 54 Yes, at least I told him we would stop at Calgary. Whether he made a mistake or not I do not know.

Q. 55 When you gave him those instructions, did you tell him where to meet you in Calgary?

A. 55 No, I didn't tell him where we would meet him in Calgary.

Q. 56 Then you just gave him a blanket order that you would see him in Calgary?

A. 56 I don't remember that, either.

Q. 57 You don't remember that either?

A. 57 No, sir.

Q. 58 Which arrived first in Calgary, the truck or the station wagon?

A. 58 The station wagon?

Q. 59 Where did you first stop in Calgary?

A. 59 At a filling station at 8th. Street West.

Q. 60 Did you leave some instructions at the filling station that you hoped the truck driver would receive when the truck arrived at the filling station?

A. 60 I left instructions at the filling station for the truck where we would meet him.

Q. 61 Where did you tell the truck to meet you? When you left the instructions with the filling station where was the point you were to meet the truck?

A. 61 By the Belcher Hospital and across from Eaton's. I forget the exact place.

Q. 62 Near the Belcher Hospital?

A. 62 Yes, sir.

Q. 63 Did you give a time that you would meet them? Did you set a time?

A. 63 No, there was no time set at all.

Q. 64 Did you figure that the truck would also eat at Calgary?

A. 64 That was the intention, but I guess they made a mistake.

Q. 65 Did you figure that the men would eat in Calgary?

A. 65 Yes, sir.

Q. 66 How did you figure that the men would eat being that they had no rations?

A. 66 I figured they would use their own money, the same as we always have done. I know we are always glad to get a change.

Q. 67 Did you know that all these men had money for rations?

A. 67 I offered to buy rations for four of them at Cochrane and they wouldn't take it.

Q. 68 What time did you leave Lethbridge Camp?

A. 68 About seven-thirty.

Q. 69 What time was breakfast?

A. 69 I imagine it was half-past six.

Q. 70 So the men went from six-thirty to after twelve o'clock and you hoped that they would be able to buy their next meal. When you got to Calgary you told the men in your station wagon that they could all go away for a certain length of time and they would meet you later?

A. 70 I said they could go for half an hour.

Q. 71 Did you set an exact time and place?

A. 71 I forget the exact time now, but I did set one.

Q. 72 Were they all there at the time?

A. 72 Within a few minutes of it, yes.

Q. 73 Were you parked at the place that you had informed the truck that you would be?

A. 73 Yes, sir. I was there all the time.

Q. 74 Did the truck arrive?

A. 74 The truck never arrived there. They went through - .

Q. 75 Then the truck never arrived at the place appointed to meet them?

A. 75 No, sir.

Q. 76 Then, having collected your party, what did you do next?

A. 76 We went back to the filling station to see what had happened to the truck and they told us there that they had saw it.

Q. 77 You don't remember driving around a number of blocks looking for the truck?

A. 77 Yes, we did.

Q. 78 Was that before you went to the filling station or after?

A. 78 Before we went to the filling station.

Q. 79 Your arrangements had broken down about meeting at a certain place?

A. 79 Yes, sir.

Q. 80 Then you proceeded to Cochrane?

A. 80 Yes, sir.

Q. 81 We are agreed that Cochrane is about twenty-four miles from Calgary. Would you also agree that Cochrane is about half way from Calgary to Ozada?

A. 81 No, I think it is further from Cochrane to Ozada.

Q. 82 How many miles did you say it was?

A. 82 It must be around forty.

Q. 83 I don't think so.

A. 83 Yes, I imagine it would be about forty.

Q. 84 You had, when you reached Calgary, accomplished by far the greater part of your journey?

A. 84 Oh, yes.

Q. 85 You only had the trip to go from Calgary to Ozada?

A. 85 About two-thirds of the trip was to Calgary.

Q. 86 H ad you not seen the truck stopped outside the beer parlor at Cochrane you would not have stopped the station wagon?

A. 86 No, I don't suppose I would.

Q. 87 What happened when you stopped?

A. 87 What do you mean?

Q. 88 Did the party get out of the station wagon?

A. 88 Yes, sir.

Q. 89 How many men were in the station wagon?

A. 89 Four and myself and two drivers.

Q. 90 Seven altogether? The accused was one of the men in the station wagon?

A. 90 Yes, sir.

Q. 91 Did most of them immediately go into the beer parlor when the station wagon stopped?

A. 91 I couldn't answer that. Some went to have a meal, some went one place and some went another.

Q. 92 Did you go into the beer parlor?

A. 92 I went in to get these men out.

Q. 93 Apart from getting these men out?

A. 93 No, sir, I don't drink myself. I never touch it.

Q. 94 How long after your arrival there did you go into the beer parlor to get your men out?

A. 94 We figured on starting out at half-past two. I think I made three different trips into the beer parlor to get them out.

Q. 95 You went in three different times?

A. 95 Yes, sir. To get them out and to try and get them to go.

Q. 96 When you arrived there, were the men from the truck also in the beer parlor?

A. 96 They were in different spots. There were some men in the beer parlor and some were having their meal.

Q. 97 Did you know all these men personally?

A. 97 No, sir.

Q. 98 You were not acquainted with any of them personally?

A. 98 No, sir.

Q. 99 You had never seen them before that morning?

A. 99 No, sir.

Q. 100 So you did not know actually to your own knowledge which men were in the truck and which were in the station wagon?

A. 100 I had their names and numbers. That was all I knew about them.

Q. 101 Could you recognize any of them by their name and number?

A. 101 I haven't their names and numbers now.

Q. 102 You had met these people first that morning?

A. 102 Yes, sir.

Q. 103 Would you have been able to recognize these men by their names in Cochrane?

A. 103 No, only the three that were in the station wagon, Anderson, Wiseman and Hardy.

Q. 104 You recognize them because you travelled in the station wagon with them?

A. 104 Yes, sir.

Q. 105 You wouldn't have known the men in the truck at all?

A. 105 No, sir.

Q. 106 Now, when you went into the beer parlor the first time, how many of your party was in there, did you say?

A. 106 I have no idea. They weren't all in there.

Q. 107 You don't know?

A. 107 No, sir.

Q. 108 How far into the beer parlor did you go?

A. 108 I went right up to the tables where they were sitting and told them to go.

Q. 109 You went to different tables. There must have been quite a few of them in there.

A. 109 No, I don't think so. Four or five probably.

Q. 110 When you first got there you would have had a chat with the truck driver as to why he had not met you?

A. 110 I didn't ask him any questions. He was in having his meal.

Q. 111 You didn't spend much time talking to him?

A. 111 No, sir, I didn't.

Q. 112 How long after you arrived did you first enter the beer parlor to warn these men.

A. 112 Just about the time we were ready to go. About twenty-five minutes after two.

Q. 113 Twenty-five minutes after the station wagon arrived was your first visit to the beer parlor?

A. 113 Yes, sir.

Q. 114 Y ou warned the men individually?

A. 114 I went up and told them all that we were going.

Q. 115 They were all sitting in groups together?

A. 115 Well, there was two different groups at tables.

Q. 116 Two different tables?

A. 116 Two at one table and three at another.

Q. 117 Two at one table and three at another?

A. 117 Yes, five or six.

Q. 118 Did you see any individual members of your party sitting at a table alone, and warned them separately?

A. 118 There was one alone. I believe it was Anderson.

Q. 119 Anderson was sitting alone?

A. 119 Yes, sir.

Q. 120 Did you see the accused at that time in the beer parlor?

A. 120 Yes, sir.

Q. 121 Who was he sitting with?

A. 121 I couldn't tell you that. Watson was one, I think.

Q. 122 You are notsure, but you think Watson was one?

A. 122 I wouldn't like to say. There were two together and three together. I wouldn't like to say exactly.

Q. 123 You do believe that you saw Hardy sitting with one of the groups, sitting with two or more?

Q. 123 Yes, sir.

Q. 124 You did not see the accused sitting with a man and a woman?

A. 124 I couldn't say. There may have been more people there but I didn't pay any attention to them. All I wanted was to get these men out.

Q.125 Did you give a direct order to the accused to come out of the beer parlor?

A. 125 Yes, sir.

Q. 126 Directed to him, personally?

A. 126 Yes, sir. I told them all.

Q. 127 Direct to him personally?

A. 127 Yes, sir.

Q. 128 Do you remember the words exactly?

A. 128 No, I don't remember.

Q. 129 What makes you so positive that you gave him a direct order to go?

A. 129 I told them all.

Q. 130 Now, you stated that you gave the accused a direct order. How do you remember giving him that direct order when your memory is so poor?

A. 130 I gave them all the same order. I didn't miss any of them.

Q. 131 And you make your statement that you gave the accused a direct order on the fact that you told every one that you saw in the beer parlor?

A. 131 Only the men that were under my charge.

Q. 132 I mean every one in your party.

A. 132 Yes, sir. The men that were outside were ready to go and didn't need any order.

Q. 133 You don't remember giving the order. You don't remember what words you said to him, and yet you say that you gave him a direct order?

A. 133 How am I going to remember all this in my mind? If I thought that something like this was coming up I would have written it down.

Q. 134 Did you or did you not give him a direct order?

A. 134 Yes, sir, I gave him a direct order. I told them all.

Q. 135 You claim that you went in three times. I will say this, the last time you went in - when was the last time?

A. 135 Just when we were ready to pull out.

Q. 136 How soon after the last time did you pull out?

A. 136 About five minutes, I would imagine.

Q. 137 About five minutes before the truck left?

A. 137 Yes, sir. Just before the truck left, I went in the last time.

Q. 138 Did you have a nominal roll of your party?

A. 138 Y es, sir.

Q. 139 Which left first, the station wagon or truck, going from Cochrane to Ozada?

A. 139 The truck, I believe.

Q. 140 You are not sure?

A. 140 No, I am not sure of that. We were both together.

Q. 141 You kept close together all the way to Ozada?

A. 141 Yes, sir.

Q. 142 You pulled out together from Cochrane?

A. 142 Yes, sir.

Q. 143 Before you pulled out did you check the men of your party against your nominal roll?

A. 143 Yes, sir.

Q. 144 H ow many of those were in the station wagon?

A. 144 Four, maybe five. There were five left. One other and I rode in the truck. Four in the station wagon.

Q. 145 How many in the truck?

A. 145 Two.

Q. 146 Where were the other five?

A. 146 At Cochrane.

Q.147 Left behind at Cochrane?

A. 147 Yes, sir.

Q.148 Did you know the names of the men who were left behind at Cochrane before you left Cochrane?

A. 148 Yes, sir.

Q. 149 You had them ticked off on the roll?

A. 149 Yes, sir.

Q. 150 Now, when you gave these orders to leave at Cochrane did any one there definitely and flatly refuse to leave?

A. 150 Well they told me they wouldn't go any further by truck. That they would come by train.

Q. 151 And some of them refused to leave?

A. 151 Yes, sir.

Q. 152 How many?

A. 152 The five that were left.

Q. 153 How did the five refuse to leave? Do you remember the words they used when they refused?

A. 153 All they said was that they would not go any further by truck but that they would go on by train.

Q. 154 What you are swearing on oath is that Pte. Laplante, Watson, Maxwell, Greatrix and the accused, Pte. Hardy, all stated their refusals to leave - to travel further in the truck or station wagon?

A. 154 Yes, sir.

Q. 155 Was anyone with you when they made that refusal?

A. 155 No, I don't think there was. The rest of the men were outside.

Q. 156 Were they all sitting together when they made that refusal?

A. 156 There were two at one table and three at another.

Q. 157 How do you know they were all sitting together?

A. 157 As near as I can remember there were three at one table and two at another.

Q. 158 Those five men were divided between two tables?

A. 158 Yes, sir.

Q. 159 Were the tables close together?

A. 159 Quite close.

Q. 160 How far from the door were the tables?

A. 160 About the centre of the room.

Q. 161 When you got this direct refusal from these five men, as a Lance-Corporal, you didn't consider it your duty to place them under open arrest?

A. 161 No, sir, I did not.

Q. 162 Did you warn them that their defiance constituted a serious crime?

A. 162 I don't remember whether I did or not.

Q. 163 How long have you been a Lance-Corporal?

A. 163 About eight months.

Q. 164 As you make it out, the situation when you left Cochrane was that you had given the five men that were in the beer parlor a final chance and if they were not there when the vehicles left they would be left behind. Was that the position?

A. 164 Yes, sir.

Q. 165 What was the reason these men refused to go on further?

A. 165 I don't know.

Q. 166 Did you say that it was because of the lack of rations?

A. 166 Cold weather, maybe.

Q. 167 Cold weather and the length of the journey. Did you know they had all volunteered for this job?

A. 167 I didn't know anything about it.

Q. 168 Were you staying in Ozada Camp upon your arrival?

A. 168 No, I came right back here again.

Q. 169 You were merely escort corporal?

A. 169 Yes, sir.

Q. 170 After turning over the party you returned to Lethbridge?
A. 170 Yes, sir.
Q. 171 You were not at the accused's preliminary hearing before the C.O. When the accused appeared before his Commanding Officer charged with this offence you were not a witness. How was your evidence given?

A. 171 What do you mean?

Q. 172 Did you write a document stating the evidence in the case?

A. 172 No, sir. I believe I gave my evidence to the Captain here.

Q. 173 Were you ever before Col. Graham with the accused when he was charged with this offence?

A. 173 No, sir.

Q. 174 Did you make a statement in writing?

A. 174 No, sir.

Q. 175 In regards to the accused?

A. 175 No, sir.

Q. 176 Your next appearance in the case was at the taking of the Summary of evidence?

A. 176 Yes, sir.

Q. 177 That was on January 4th. I believe.

A. 177 Yes, January 4th.

Q. 178 When did you leave Lethbridge to go with your unit to Vancouver?

A. 178 The same night.

Q. 179 The same night?

A. 179 Yes, sir.

Q. 180 Were you warned that you would be giving evidence at a Summary of Evidence for a Court-Martial and that your presence might be required?

A. 180 No, I was told that I might be needed back again and they would send for me.

The Prosecutor declines to re-examine.

Questioned by the Court.

Q. 181 We realize that it is some weeks ago when the matter under consideration took place, but can you tell us the substance of what you said when you went into the beer parlor on the 21st. of December, and spoke to the accused. Can you remember the very words?

A. 181 I don't remember the very words.

Q. 182 Can you tell us substance of it?

A. 182 I told them that we wanted to get away and I wanted to get back here that same night.

Q. 183 What men?

A. 183 These five men.

Q. 184 W hat about the accused?

A. 184 He was one of them.

Q. 185 What did the accused say? If anything? The substance of it?

A. 185 He just said he wouldn't go and would follow the truck.

Q. 186 And when you went back the second time, what did you say, if anything,

to the accused?

A. 186 I just told him that we wanted to get away.

Q. 187 And you went back to the beer parlor a third time?

A. 187 Yes, sir.

Q. 188 What did you say then to the accused?

A. 188 Well, I can't answer.

Q. 189 The substance of it?

A. 189 I just told them the same thing, to get out and to get going, and that we had to get going.

Q. 190 Now, what time elapsed between the first time you say you told the accused to leave the beer room and the actual departure of the station wagon and truck?

A. 190 About ten minutes, I guess, sir.

Q. 191 About ten minutes?

A. 191 Yes, sir.

Q. 192 Did the accused actually go in the truck or station wagon with you to Ozada that day?

A. 192 He didn't go any further than Cochrane.

Q. 193 He stopped at Cochrane and didn't go any further with you either in the truck or station wagon?

A. 193 Y es, sir.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The w itness withdrews.

Second Witness for Prosecution — No. H. 54353, Pte. David Angus Scott, Veterans Guard of Canada, C. A., Internment Camp 133, C. A., being duly sworn, is examined by the Prosecutor,

Q. 194 Will you please identify yourself to the Court?

A. 194 I am No. H. 54353, Pte. D. A. Scott, Veterans Guard of Canada, C. A., Internment Camp 133, stationed at Lethbridge, Alberta.

Q. 195 What happened on the 21st. of December, 1942?

A. 195 On the morning of the 21st. of December, 1942, I was warned to report

as assistant driver to Pte. McMaster to proceed to Ozada Internment Camp, with a party of Veterans Guard. In the morning, at approximately seven-thirty I came into the Administration Building here and a party of the men were standing in the corridor. I happened to see Pte. Hardy leaning up against the radiator.

Q. 196 Who is he?

A. 196 The accused. He was doing quite a lot of talking and I had another look at him and I thought, well, I wouldn't be responsible for him - .

Q. 197 What time did you leave here?

A. 197 Approximately 0745 hours.

Q. 198 What vehicle were you with?

A. 198 The big Dodge covered truck, sir.

Q. 199 Did the accused travel in your truck?

A. 199 No, sir.

Q. 200 What happened after you left here?

A. 200 We proceeded to Cochrane.

Q. 201 Was Cochrane your first stop?

A. 201 No, sir.

Q. 202 Where did you stop before that?

A. 202 Our first stop was Claresholm.

Q. 203 Then where did you go?

A. 203 We went to the restaurant and had a cup of coffee.

Q. 204 Where did you go after you left Claresholm?

A. 204 We went to High River and stopped there and had another cup of coffee.

Q. 205 Where did you go from High River?

A. 205 We went down to Calgary, sir.

Q. 206 When you left Lethbridge were any arrangements made about meeting the station wagon?

A. 206 No, sir.

Q. 207 You weren't supposed to meet anywheres enroute?

A. 207 The station wagon caught up to us on the road and we made arrangements to meet in Calgary.

Q. 208 Any particular place?

A. 208 Yes, sir, at a filling station.

Q. 209 Whereabouts?

A. 209 At 12th. Avenue and 8th. Street West.

Q. 210 Was the station wagon there when you arrived?

A. 210 No, sir. We received a message to meet the S tation wagon at Eaton's.

Q. 211 Did you meet it?

A. 211 No, sir.

Q. 212 What did you do then?

A. 212 Carried on to Cochrane.

Q. 213 What did you do when you got to Cochrane?

A. 213 I told the men to eat at Cochrane and I would pay their bill. We all went in and ordered our meal.

Q. 214 Where did you meet the station wagon?

A. 214 At Cochrane.

Q. 215 Was it there when you got there?

A. 215 No, sir.

Q. 216 What else did you do there?

A. 216 After the meal we went outside to get ready to proceed to Ozada. I went into the beer parlor and told the men that I was proceeding to Ozada in five minutes.

Q. 217 Was the accused in there?

A. 217 I cannot say, sir.

Q. 218 What happened after that?

A. 218 The men said to carry on to Ozada and they would come in at night.

Q. 219 What time did you leave Cochrane?

A. 219 Around 1345 or 1400 hours.

Q. 220 When did you leave Cochrane?

A. 220 Around 1345 hours.

Q. 221 You left Cochrane about 1345 hours?

A. 221 Yes, sir.

Q. 222 Are you sure of that time?

A. 222 I wouldn't be exact, sir, around 1.45, around that time.

Q. 223 When you left Lethbridge how many men did you have in your truck?

A. 223 I didn't count them, sir.

Q. 224 You didn't know how many you had?

A. 224 No, sir, I wasn't in charge.

Q. 225 How many men did you have in your truck when you left Cochrane?

A. 225 I believe two.

Q. 226 Was the accused one of them?

A. 226 No, sir.

Cross-examined by the Defending Officer.

Q. 227 Were you in charge of the truck and the men in it?

A. 227 No, sir.

Q. 228 Who was?

A. 228 Pte. McMaster.

Q. 229 You first stopped at Claresholm?

A. 229 Yes, sir.

Q. 230 Your next stop was at High River?

A. 230 Yes, sir.

Q. 231 Was any liquor bought at High River?

A. 231 No, sir.

Q. 232 You don't know anything about it?

A. 232 No, sir.

Q. 233 I will ask you to remember your oath and if I bring witnesses in here to say you did, you would still say you did not?

A. 233 Yes, sir.

Q. 243 Where did you stop in Calgary?

A. 243 At the Army Service Corps filling station, sir.

Q. 244 And you went on from there?

A. 244 Yes, sir.

Q. 245 You got the message about t he matter of meeting the station wagon but you didn't act on it?

A. 245 Y es, sir, we acted on the message, sir.

Q. 246 But you didn't meet the station wagon?

A. 246 No, sir.

Q. 247 Why not?

A. 247 It wasn't there, sir.

Q. 248 You went straight from the Army Service Corps filling station to Cochran e?

A. 248 No, to Eaton's store.

Q. 249 Y ou went to Eaton's store to meet the wagon?

A. 249 Yes, sir.

Q. 250 And finding the station wagon not there, you went straight to Cochrane?

A. 250 Yes, sir.

Q. 251 You stopped nowhere else in Calgary?

A. 251 No, sir.

Q. 252 You are quite certain, and yet I want to give you a chance to give evidence if possible if you made another stop in Calgary.

A. 252 Yes, sir, I made one more stop.

Q. 253 You wish to change your evidence?

A. 253 No, sir.

Q. 254 Now, you are positive that you never made any other stop?

A. 254 It was just a matter of three minutes.

Q. 255 How long were you at this other stop?

A. 255 I went into this house - and Pte. Laplante went in to use the toilet.

Q. 256 You did make another stop and you first stated that you did not, that is all I want to know?

A. 256 Yes, sir.

Q. 257 The men were disgruntled owing to having no rations?

A. 257 I know nothing about that.

Q. 258 Where were you when a discussion took place with the R. T. O. Officer regarding food?

A. 258 I was in the truck, sir.

Q. 259 Did you hear the discussion?

A. 259 No, sir.

Q. 260 Where was Pte. McMaster?

A. 260 I couldn't say, sir, I was in the truck and they were all around it somewhere.

Q. 261 Do you know why you did not stop in Calgary so that the men could get something to eat there?

A. 261 No, sir, I do not. Pte. McMaster asked me to drive through to Cochrane.

Q. 262 You acted only as relief driver?

A. 262 Yes, sir.

Q. 263 And you know nothing about any other circumstances on this trip?

A. 263 No, sir.

Q. 264 Nothing?

A. 264 No,sir.

Q. 265 Then it follows that you know very little about the episode in the beer parlor in Cochrane?

A. 265 No, sir, I don't know very much about it- only going in the beer parlor and telling the men we were leaving for Ozada.

Q. 266 You state you left Cochrane at between 1345 and 1400 hours?

A. 267 Approximately that, sir.

Q. 268 How far would you say it was from Cochrane to Calgary?

A. 268 I should think about twenty- or twenty-five miles.

Q. 269 How long did you stay at Cochrane?

A. 269 We stopped there long enough to have our lunch, sir.

Q. 270 Half an hour or more?

A. 270 Yes, about that.

Q. 271 Well, then, you must have arrived at Cochrane between 1315 and 1345 hours, is that right?

A. 271 Approximately around that. I didn't take any notice of the time.

Q. 272 How long did it takeyou to travel from Calgary to Cochrane in the truck?

A. 272 About an hour and a half.

Q. 273 Then in order to reach Cochrane at a quarter past one you must have left Calgary by twelve o'clock?

A. 273 I couldn't say, sir, I didn't take much notice of the time.

Q. 274 You say you went into the beer parlor to warn the men?

A. 274 Yes, sir.

Q. 275 Was that before the arrival of the station wagon or after?

A. 275 After, sir.

Q. 276 How long after?

A. 276 That I couldn't say, sir. Just before I finished my lunch the driver of the station wagon came in and after we finished our lunch we went outside and proceeded to get ready to go, and then L/Cpl. Wallace went in to warn the men.

Q. 277 You don't remember how long after the station wagon arrived that you first went in?

A. 277 No, sir.

Q. 278 How long before the station wagon left for Ozada did you go in?

A. 278 About five minutes.

Q. 279 About five minutes before you left? Did you recognize the accused in the beer parlor?

A. 279 No, sir.

Q. 280 How did you make that announcement that the truck was leaving?

A. 280 I walked in to the beer parlor door, sir, and the men were all sitting around two tables. I told them both "I'm leaving for Ozada in five minutes and I will wait for you to come out and get in the truck and we will proceed".

Q. 281 Your remarks were addressed to the men around the two tables?

A. 281 Yes, sir.

Q. 282 What tone of voice did you use? Loud, lenient or ordinary?

A. 282 So that they could hear me, sir.

Q. 283 Could anyone on the far side of the parlor hear that?

A. 283 Yes, sir.

Q. 284 You are positive of that?

A. 284 Yes, sir.

Q. 285 Do you remember what you said making this loud announcement?

A. 285 Yes, sir.

Q. 286 What was the expression that you used?

A. 286 I told them that we were going to Ozada right away and I will give you five minutes to get out and get in the truck, and the remark came back - .

Court: You cannot give any evidence of what was said unless the accused was present at the time.

Q. 287 You didn't recognize the accused at the table?

A. 287 No, Sir.

Q. 288 You have no knowledge of your own that the accused was in the beer parlor?

A. 288 No, sir.

Q. 289 Had the position of yourself and Pte. McMaster changed during that journey?

A. 289 No, sir.

Q. 290 Why were you so suddenly interested in the movement of the men when up to that time you were not interested in the men at all?

A. 290 I was not interested in the movement of the men - I was interested only in the driving of the truck. I was then assistant driver.

Q. 291 You hadn't bothered about the coffee but you were concerned about their beer.

A. 291 Pte. McMaster was the one who suggested that we go in for coffee.

Q. 292 You received an order to go into the beer parlor?

A. 292 I did it on my own.

Q. 293 You did it on your own?

A. 293 Yes, sir.

Q. 294 There is one other point, were there any people in the beer parlor at the time you made this announcement?

A. 294 I didn't take much notice, sir.

Q. 295 Was there the usual noise going on?

A. 295 There was very little noise, sir.

The Prosecutor declines to re-examine.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The witness withdraws.

Third Witness for Prosecution. No. L. 32335, Pte. John Anderson, Veterans Guard of Canada, C. A., Internment Camp 133, C. A., being duly sworn, is examined by the Prosecutor.

Q. 296 Will you please identify yourself to the Court?

A. 296 I am No. L. 32335, Pte. John Anderson, Veterans Guard of Canada, C. A., Internment Camp 133, C. A., stationed at Lethbridge, Alberta.

Q. 297 What happened on the 21st. of December, 1942?

A. 297 I was detailed to go to Ozada with another group of men from Lethbridge.

Q. 298 Was the accused one of the party?

A. 298 Yes, sir.

Q. 299 Do you recognize him?

A. 299 Yes, sir.

Q. 300 How did you travel?

A. 300 By truck and station wagon.

Q. 301 How did you go?

A. 301 By station wagon.

Q. 302 W ho was in the station wagon with you?

A. 302 I don't know their names. I only remember Pte. Hardy.

Q. 303 Pte. Hardy was with you?

A. 303 Yes, sir.

Q. 304 What happened when you arrived at Cochrane?

A. 304 The men that were in the truck were eating in the cafe.

Q. 305 You stopped there?

A. 305 About three-quarters of an hour.

Q. 306 What did you do?

A. 306 I walked around for a while and then I went into the beer parlor.

Q. 307 Was the accused in the beer parlor?

A. 307 Yes, sir.

Q. 308 Did you see him?

A. 308 Yes, sir.

Q. 309 What happened in the beer parlor, if anything?

A. 309 Nothing happened. We had a glass of beer.

Q. 310 How did you know when it was time, or did you know? How did you know when you were going to leave?

A. 310 The corporal came in and said that the vehicles were ready to move off.

Q. 311 Who was that?

A. 311 L/Cpl. Wallace.

Q. 312 He came in and said that?

A. 312 I just forget the words, sir, but he came in and said the vehicles were ready to move off.

Q. 313 Who was that said to?

A. 313 All of us.

Q. 314 Was the accused there at the time?

A. 314 Yes, sir.

Q. 315 What did you do when you got that word?

A. 315 I got up and walked out to the station wagon.

Q. 316 Did any others go with you?

A. 316 Yes, sir, but I don't remember their names.

Q. 317 Did the accused go with you?

A. 317 No, sir.

Q. 318 You then went on to where?

A. 318 To Ozada.

Q. 319 Then what happened?

A. 319 We got to Ozada and we were detailed to our duties.

Q. 320 You went on to Ozada?

A. 320 Yes, sir.

Q. 321 Did the accused arrive at Ozada with you?

A. 321 No, sir.

Q. 322 Where did you last see him?

A. 322 In the beer parlor at Cochrane.

Cross-examined by the Defending Officer.

Q. 323 Y ou took no rations with you on this trip?

A. 323 No, sir, not that I know off.

Q. 324 Did you receive any warning to take rations?

A. 324 Not me, sir.

Q. 325 Do you know if the rest of the party received a warning?

A. 325 I don't know, sir.

Q. 326 You rode in the station wagon with the accused,is that correct?

A. 326 Yes, sir.

Q. 327 You stopped at Calgary?

A. 327 Yes, we stopped at Calgary.

Q. 328 Were you and the accused together when you stopped at Calgary?

A. 328 Yes, we were for part of the time.

Q. 329 You had some beer together?

A. 329 Yes, sir.

Q. 330 Did you have lunch together?

A. 330 Yes, sir.

Q. 331 You were with the accused most of the time in Calgary?

A. 331 Most of the time I was, sir.

Q. 332 Did anyone else besides the accused have beer and lunch with you in Calgary?

A. 332 Yes, but I don't know their names. There was someone else with us?

Q. 333 Was it anything like Wiseman?

A. 333 Yes, I believe it was.

Q. 334 You would say that your first statement wasn't exact and that you were together most of the time in Calgary?

A. 334 Well, most of the time.

Q. 335 When you got to Cochrane and the station wagon stopped there, you all got out - what did you do?

A. 335 The first thing I done I went to the cafe, as I saw these other men eating there.

Q. 336 You did not first go into the beer parlor?

A. 336 No, sir, not at first.

Q. 337 Did you enter the beer parlor with the accused?

A. 337 Yes, sir, I think I did, sir.

Q. 338 I would like you to answer yes or no.

A. 338 Yes, sir.

Q. 339 How long after the arrival at Cochrane did you enter the beer parlor with the accused?

A. 339 About ten minutes.

Q. 340 Did anyone else enter the beer parlor with you besides the accused?

A. 340 I don't remember.

Q. 341 You can't remember Wiseman also - the same three musketeers being together at Calgary being together again at Cochrane?

A. 341 I don't remember him entering with us, but he was with us afterwards.

Q. 342 About ten or fifteen minutes after the arrival of your party in the station wagon, the position was that you and the accused and Wiseman were sitting around a table for a glass of beer?

A. 342 I don't know, sir, I think it was just me and the accused. Wiseman wasn't at our table.

Q. 343 How long after you had been in the beer parlor did L/Cpl. Wallace come in and give this blanket order to leave?

A. 343 I would judge about twenty-five minutes.

Q. 344 About twenty-five minutes?

A. 344 Yes, sir.

Q. 345 Now much beer did you have?

A. 345 Two glasses, sir.

Q. 346 Who else was in the beer parlor that you noticed particuarly at that time - did you notice anyone else?

A. 346 I noticed two or three other men in our company, but I don't know their names.

Q. 347 Were there any more tables?

A. 347 About two tables.

Q. 348 I n addition to your party?

A. 348 Yes, sir.

Q. 349 Do you remember while you were sitting there having a beer with the accused a waiter coming over and giving the accused a message?

A. 349 No, sir.

Q. 350 You don't remember?

A. 350 No, sir. The accused wasn't with me all the time. I was sitting alone part of the time.

Q. 351 Where did the accused go?

A. 351 He was still in the beer parlor.

Q. 352 Where was he?

A. 352 I went to the toilet and when I came back he was talking to someone else.

Q. 353 Did the accused speak to any of the fellows at the other two tables while sitting with you?

A. 353 Not while he was sitting with me, no.

Q. 354 When the corporal came in at about five minutes before the station wagon left, or the two vehicles left, to make this announcement, was the accused still sitting drinking beer with you?

A. 354 No, sir.

Q. 355 How long previous to that time had the accused left you?

A. 355 It may have been five minutes, sir.

Q. 356 Five or ten minutes. Then you have no knowledge that the accused heard that order to leave the beer parlor?

A. 356 No, sir.

Q. 357 He was not with you?

A. 357 No, sir.

Q. 358 While he was with you in Calgary and you were drinking beer with him at Cochrane, did he express at any time while in your company a desire to remain behind the party?

A. 358 No, sir.

Q. 359 Did he ever state in your hearing that he did not wish to go on to Ozada?

A. 359 No, sir.

Q. 360 Do you think it was fully his intention to leave with the party from Cochrane?

Court: How can he say that?

Defending Officer: They were together talking.

Court: He can't read the other man's mind.

Q. 361 Do you know if the accused had any money with him?

A. 361 He had enough to be able to buy his dinner, anyway.

Q. 362 He wasn't throwing money around?

A. 362 No, sir.

Q. 363 You don't know if he borrowed any money on the trip?

A. 363 No, sir.

The Prosecutor declines to re-examine.

Questioned by the Court.

Q. 364 Do you know if the accused was in the beer parlor when Wallace came in and told you all to get ready to leave?

A. 364 Yes, sir.

Q. 365 But he wasn't sitting with you at the time?

A. 365 No, sir.

Q. 366 Could you tell us where he was sitting?

A. 366 No, sir.

Q. 367 But you saw him there?

A. 367 Yes, sir.

Q. 368 Do you remember Pte. Scott coming in and telling you the vehicles were ready to leave?

A. 368 No, sir, I heard the corporal.

Q. 369 How was the order given by the corporal? In a loud voice, or what?

A. 369 I could hear him, sir.

Q. 370 How far was he from you?

A. 370 About eight feet.

Q. 371 Did he speak in a medium voice, or a loud voice?

A. 371 About medium.

Q. 372 Was there any noise in there? Were there any civilians in there?

A. 372 There were a few in there.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The witness withdraws.

At 1200 hours the Court adjourned until 1330 hours on the 11th. day of February, 1943.

On the 11th. day of February, 1943, at 1330 hours the Court reassemble, pursuant to adjournment, present the same members as when adjourned.

Fourth Witness for the Prosecution. No. H. 40077, S/Sgt. David Andrew Wither, Veterans Guard of Canada, C. A., Internment Camp 133, C.A., being duly sworn, is examined by the prosecutor.

Q. 373 Will you please identify yourself to the Court?

A. 373 I am No. H. 40077, S/Sgt. D. A. Wither, Veterans Guard of Canada, C. A., Internment Camp 133 stationed at Lethbridge, Alberta.

Q. 374 Will you tell me what happened on the 21st. of December, 1942?

A. 374 On the 21st. of December, 1942, I was in charge of a detachment at Ozada, Alberta, and a convoy arrived with L/Cpl. Wallace in charge.

Q. 375 How many men was supposed to arrive in that convoy?

A. 375 Eleven men.

Q. 376 And how many men arrived?

A. 376 Six men arrived.

Q. 377 Did the accused arrive with that convoy?

A. 377 No, sir, he did not.

Q. 378 Will you tell the Court when and at what time the accused reported to you?

A. 378 The accused reported to me at approximately 10.30 on the 22nd. of December, 1942.

Q. 379 Approximately what time did this convoy report to you at Ozada?

A. 379 Approximately 1630 hours on the 21st. of December.

Q. 380 And the accused did not arrive until when?

A. 380 At approximately 1030 hours on the 22nd. of December.

Cross-examined by the Defending Officer.

Q. 381 What were these men coming to Ozada for?

A. 381 They were coming as a relief for the men I had so that my men could go on Christmas leave.

Q. 382 So that the men in your party could go on their Christmas leave?

A. 382 Yes, sir.

Q. 383 They were all volunteers, were they?

A. 383 I couldn't say, sir.

Q. 384 When L/Cpl. Wallace arrived, he handed you a list of the missing men?

A. 384 He handed it to me - a list of the men who were supposed to be in his convoy, and five of them were absent.

Q. 385 Did he tell you the names of those who were absent?

A. 385 No names were mentioned.

Q. 386 You checked the roll?

A. 386 I checked the roll and the accused was one of the men.

Q. 387 L/C pl. Wallace did not name the accused as one of the missing men. When these men turned up the following morning, what action did you take?

A. 387 I took no action whatever except I put them on duty immediately.

Q. 388 The particular duty they had gone for was relieving the men in the towers?

A. 388 Yes, and doing fatigues and so on, relieving the men of the detachment I had then.

Q. 389 Were they in time to carry out the relief so that the men going on leave were not held up?

A. 389 There was no specified time for them to go on leave. They were to go on leave as soon as the other party came to relieve them.

Q. 390 There was no real hardship caused anyone by the few hours absence of these men?

A. 390 As far as I know, sir, there wasn't.

Q. 391 Why did you not think it was necessary to place a charge against these men?

A. 391 There was no definite time when they were to arrive and I had no charge of them until they arrived into camp with me. It was up to the N. C. O. in charge of the party until they arrived at the camp.

Q. 392 You had no officer in the camp at Ozada?

A. 392 There is no officer in charge of my detachment, sir.

Q. 393 So there was no charge laid during the time the accused was with you?

A. 393 No, sir.

Q. 394 When did he leave you?

A. 394 He left me on the 31st. of December, 1942. I got here about the morning of the 31st. when I brought the prisoners back.

Q. 395 Did he perform his duties satisfactorily while there?

A. 395 Yes, sir.

The Prosecutor declines to re-examine.
In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The witness withdraws.

Fifth Witness for the Prosecution.

Maj. W. H. Roe, D. C. M., Veterans Guard of Canada, C. A., Internment Camp 133, C. A., being duly sworn, is examined by the Prosecutor.

Q. 396 Will you please identify yourself to the Court?

A. 396 I am Maj. W. H. Roe, Veterans Guard of Canada, C. A., stationed at Lethbridge, Alberta.

Q. 397 Did you or did you not detail a party of men to proceed to Ozada?

A. 397 I did.

Q. 398 On what date?

A. 398 December 21st.

Q. 399 Who was in charge of that party?

A. 399 L/Cpl. Wallace.

Q. 400 Was the accused a member of that party?

A. 400 He was.

Q. 401 What was that party for?

A. 401 To relieve scouts at Ozada Internment Camp so that a certain number of the scouts at that camp might proceed on Christmas and New Year's Leave.

Q. 402 Approximately what time should that party have arrived at Ozada? Do you know what time that party left Lethbridge?

A. 402 Definitely, I don't.

Q. 403 Approximately?

A. 403 They left here in the morning some time around seven or eight o'clock.

Q. 404 Approximately what time should they have reached Ozada?

A. 404 Approximately 1600 hours.

Q. 405 How long were they supposed to stay there?

A. 405 They were supposed to stay there until relieved.

Cross-examined by the Defending Officer.

Q. 406 Were any instructions given L/Cpl. Wallace in regard to this trip?

A. 406 Definitely yes.

Q. 407 Written instructions?

A. 407 Yes.

Q. 408 You had written instructions?

A. 408 Yes.

Q. 409 Could a copy of these instructions be produced?

A. 409 No, I don't think we have one. We have looked all over for one this morning.

Q. 410 And there is no copy of the instructions available?

A. 410 No, sir.

Q. 411 It might help if we heard from Maj. Roe what the instructions consisted of.

A. 411 In substance, L/Cpl. Wallace was instructed to take charge of this party, which was composed of eleven men, eight from the Headquarters' staff, and three from the 29th. Company, and were to motor there. They were to go directly to Ozada Interment Camp and report to the Acting Officer Commanding there at that time.

Q. 412 Were there any instructions regarding meals, rations?

A. 412 Not written, but verbally.

Q. 413 No written instructions?

A. 413 No.

Q. 414 Were there any written instructions where they were to stop enroute?

A. 414 Not to my knowledge.

Q. 415 Do you know whether these men were all volunteers who were going on this party?

A. 415 I do not.

The Prosecutor declines to re-examine.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The witness withdraws.

The Prosecutor has no further witnesses.

The prosecution is closed.

Defence

Question to the accused.
Q. 416 — Do you apply to give evidence yourself as a witness?

Answer.
A. 416 — Yes, sir.

Question.
Q. 417 — Do you intend to call any other witness in your defence?

Answer.
A. 417 — Yes, sir

Question.
Q. 418 — Is he a witness as to character only? *Answer.* A. 418 No, sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. ~~The accused in his defence says:†~~

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

The Defending Officer makes an opening address. (See document marked "H" attached.)

First Witness for the Defence. — No. M. 35195, Pte. John William Hardy, Veterans Guard of Canada, C.A. Internment Camp 133, C. A., M. D. 13, C. A., being duly sworn, is examined by the Defending Officer, --

Q. 419 — You volunteered as a member of the party?

Court: — No, no leading questions.

Q. 420 — You were on a party which left for Ozada on the 21st. of December, 1942?

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† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

A. 420 Yes, sir.

Q. 421 Had you been detailed for that party or did you volunteerfor it?

A. 421 I volunteered for it on the Saturday.

Q. 422 Did you know what the party was for? - the reason for proceeding to Ozada?

A. 422 To let the married men go home for Christmas.

Q. 423 Then you need not have gone unless you volunteered?

A. 423 No, sir, I wouldn't have had to go.

Q. 424 You could have applied for Christmas leave yourself?

A. 424 Yes, sir.

Q. 425 What time did you fall in on the morning of December 21st.?

A. 425 Six forty-five, sir. That was the time we were to report here at the Administration building.

Q. 426 Had you had breakfast then?

A. 426 Yes, we had had breakfast at six-thirty.

Q. 427 Who was in charge of the party?

A. 427 I didn't know then. I saw the corporal there but I didn't know then, sir.

Q. 428 Were you told anything about rations for the trip?

A. 428 No, sir.

Q. 429 D id you take any rations?

A. 429 No, sir.

Q. 430 W ho started the party off, detailed who to ride in the station wagon and who in the truck?

A. 430 No one, sir. It was just a scramble who got in there first.

Q. 431 No one detailed you?

A. 431 No one.

Q. 432 Were you told that those who rode in the station wagon from Lethbridge to Calgary would change places in Calgary with those who rode in the truck?

A. 432 I wasn't told, but I heard from the general conversation in the

station wagon.

Q. 433 You were told about it?

A. 433 No, sir.

Q. 434 Which vehicle left first? The truck or the station wagon?

A. 434 The station wagon.

Q. 435 Did you stop before you reached Calgary?

A. 435 No, sir.

Q. 436 A bout what time did you get to Calgary?

A. 436 Approximately a quarter after twelve, something around there.

Q. 437 What did you do in Calgary?

A. 437 We went to the oil station first.

Q. 438 I don't mean there. What did you do when you got out of the station wagon in Calgary?

A. 438 The Lance-corporal told us that we had one hour. We went over to the Royal Hotel and had some beer.

Q. 439 Who was with you when you went there?

A. 439 Pte. Anderson and Pte. Wiseman.

Q. 440 Did you have lunch?

A. 440 Yes, sir.

Q. 441 The three of you together?

A. 441 Yes, sir.

Q. 442 Then you returned to the station wagon?

A. 442 The station wagon came and picked us up in front of the Royal Hotel, sir.

Q. 443 Had you seen L/Cpl. Wallace before that morning?

A. 443 No, sir, I had not.

Q. 444 Among the party of eleven who were on that journey travelling in the truck and the station wagon, how many did you know personally?

A. 444 There were eight scouts.

Q. 445 Do you know them all?

A. 445 I don't know them by name but by sight.

Q. 446 Were any of them intimate friends of yours?

A. 446 No, sir, I can't say that they were.

Q. 447 Did you borrow any money in Calgary?

A. 447 Yes, sir, I borrowed a dollar off Pte. Anderson.

Q. 448 Why did you borrow a dollar?

A. 449 Because I had no money.

Q. 450 You could not have had a meal unless you borrowed a dollar?

A. 450 No, sir, that is how I paid for my meal.

Q. 451 You left Calgary about when?

A. 451 Sometime after one.

Q. 452 And your next stop was where?

A. 452 Cochrane.

Q. 453 Which you reached about?

A. 453 Approximately two or two-thirty.

Q. 454 Two-thirty?

A. 454 Around two-thirty.

Q. 455 What did you see when you arrived in Cochrane?

A. 455 The truck was sitting in front of the hotel.

Q. 456 What happened to the station wagon?

A. 456 It pulled right up behind the truck, sir.

Q. 457 What instructions were you given then, if any?

A. 457 No instructions.

Q. 458 What did you do?

A. 458 We all got out of the station wagon. I was the last man out because I was in the back. The corporal was the first man out.

Q. 459 Where did you go?

A. 459 We all went into the beer parlor, sir.

Q. 460 You all went into the beer parlor?

A. 460 Yes, sir, Pte. Anderson, Pte. Wiseman and the corporal.

Q. 461 The corporal went in too?

A. 461 Yes, sir.

Q. 462 Were you with them?

A. 462 Yes, sir.

Q. 463 When you got into the beer parlor, what did you do, the four of you?

A. 463 We sat down at a table.

Q. 464 The four of you?

A. 464 No, the corporal did not sit down. Three of us sat down.

Q. 465 What happened to the corporal?

A. 465 He stood there, four of the men were at a table close to the door.

Q. 466 Where did you and Wiseman and Anderson sit?

A. 466 We sat on the right of the door.

Q. 467 That would be close to the door?

A. 467 No, about fifteen feet from the door.

Q. 468 Now, did you and Anderson and Wiseman have some beer?

A. 468 Yes, we ordered one beer.

Q. 469 Tell what happened while you were drinking that beer?

A. 469 A waiter came over to me and he asked me if I minded if he asked me my name, and I said 'No'. He said that there was a civilian in the back who thinks he knows you and I finished the beer and walked right to the back of the parlor where the civilian was.

Q. 470 Was the civilian alone?

A. 470 No, his wife was with him.

Q. 471 How soon after you had entered the beer parlor did you say this episode occurred? - moving over to the other table?

A. 471 Well, we had one beer there and it must have been ten minutes anyway because we had to sit and wait for the beer.

Q. 472 What did you do then?

A. 472 I sat there with this civilian and his wife for a while.

Q. 473 Is this place you were sitting with this man and his wife, how far away from the door was it?

A. 473 Twenty-five or thirty feet, anyway, sir.

Q. 474 Twenty-five or thirty feet. Were there any pillars or similar structures intervening between your table and the door?

A. 474 Yes, there was.

Q. 475 Could you be seen from the door easily?

A. 475 No, sir, not from where I was sitting, no sir.

Q. 476 Then you could also not see the door easily?

A. 476 No, sir, I could not.

Q. 477 Did that worry you?

A. 477 Yes, sir.

Q. 478 What did you do about it?

A. 478 I asked this man's wife if she would change places with me?

Q. 479 You asked the man's wife to change places with you so that you could watch the four men who sat beside the door?

A. 479 Yes, sir.

Q. 480 Why did you wish to do that?

A. 480 So that when they got ready to go I would know the time to go.

Q. 481 How many people, roughly, were between the table at which the four men sat and the table at which the man and his wife and you sat?

A. 481 Roughly about seven or eight people.

Q. 482 Did you get up and leave your seat with these two friends of yours?

A. 482 Yes, sir, I walked to the door with them.

Q. 483 Did you get up and leave your seat with them at any time before you walked to the door?

A. 483 No, sir.

Q. 484 You remained sitting there all the time?

A. 484 Yes, sir.

Q. 485 Now, remember you are on oath. Did you see L/Cpl. Wallace enter the beer parlor after the first time he came in with you?

A. 485 No, sir.

Q. 486 Did you hear Pte. Scott make an announcement that the truck and station wagon were leaving and that the men must meet outside to get aboard?

A. 486 No, sir.

Q. 487 Did you receive any direct order from any one to leave the beer parlor and join the truck?

A. 487 No, sir.

Q. 488 Did you at any time while you were in the beer parlor sit at a table other than the first table you sat at with Wiseman and Anderson and the second table where your two friends were?

A. 488 No, sir.

Q. 489 Did you, during the time you were in the beer parlor, sit at a table occupied by the four men near the door?

A. 489 No, sir.

Q. 490 Did you, during the time you were in the beer parlor, hold any conversation with the four men at the door, prior to the time you escorted your two friends to the door?

A. 490 No, sir.

Q. 491 Then what happened? How long were you sitting with these two friends? - the man and his wife?

A. 491 About half an hour.

Q. 492 Then what happened?

A. 492 T hey got up to leave and I walked to the door with them.

Q. 493 Then what happened?

A. 494 I noticed that the truck and the station wagon were gone.

Q. 495 You noticed that the truck and the station wagon were gone. That was your first intimation that they had left?

A. 495 Yes, sir, the first time I knew they had left.

Q. 496 Where were the four men who were at the table, were they still there?

A. 496 Yes, sir.

Q. 497 Did you speak to them then?

A. 497 Yes, sir.

Q. 498 What did you find out when you spoke to them?

A. 498 They said they were going by train. They had refused to go and were going by train.

Q. 499 They told you they had refused to go?

A. 499 Yes, sir.

Q. 500 What did you do?

A. 500 I said the only thing I could do was go by train too.

Q. 501 When was the next train?

A. 501 About twenty-four hundred hours, around twelve o'clock, but it was an hour or so late.

Q. 502 If it was on time, when was it?

A. 502 Around twelve o'clock.

Q. 503 Around midnight?

A. 503 Yes, sir, that was the first train.

Q. 504 So you were stranded in the beer parlor with no money until midnight?

A. 504 Yes, sir.

Q. 505 Did you take the midnight train?

A. 505 Yes, sir.

Q. 506 Was the train late?

A. 506 Yes, it was, an hour or better.

Q. 507 Did the train stop at Ozada?

A. 507 No, sir, it sent to Seebe.

Q. 508 It went to Seebe?

A. 508 Yes, sir, the next station.

Q. 509 About what time did the train get to Seebe?

A. 509 Around two or after.

Q. 510 Early in the morning?

A. 510 Yes, sir.

Q. 511 Where did you sleep that night?

A. 511 In the station at Seebe.

Q. 512 There was no transportation there when the train came in?

A. 512 No, sir.

Q. 513 I should say, was there any transportation there when the train came in?

A. 513 I believe there was for Kananaskis, but not for us. There are two camps there.

Q. 514 Did you, in your opinion, take the quickest means of transportation to the station?

A. 514 Yes, I did.

Q. 515 I would like to take you back to these four men in the beer parlor. Were any of them personal friends of yours?

A. 515 No, sir.

Q. 516 Had you seen them before that day, outside of when you left here in the morning?

A. 516 No, sir, they were in the scouts.

Q. 517 Had you saw them that day?

A. 517 No, sir, I didn't see them that day.

Q. 518 One other question I would like to ask you. When the corporal accompanied you into the beer parlor when you first went in, had he given you warning as to the probable time of departure?

A. 518 No , sir.

Q. 519 You simply piled into the beer parlor?

A. 519 Yes, sir.

Q. 520 One other point - Anderson, in his evidence, states that when he was sitting with you at that table it was twenty-five minutes after you had arrived in Cochrane. Do you agree with that?

A. 520 No, sir, I do not, he walked in with me.

Q. 521 Immediately you arrived in Cochrane?

A. 521 Yes, sir, I couldn't have bought any beer unless I got a dollar from him.

Q. 522 You couldn't have bought any beer without borrowing a dollar from him? You borrowed another dollar?

A. 522 No, sir, I had about .50¢ left.

Q. 523 Now, when he said he didn't see a waiter come over and speak

to you, do you think he is speaking the truth?

A. 523 No, sir, he is not speaking the truth.

Q. 524 You definitely deny that statement by witness Anderson. Did you see Anderson leave the beer parlor?

A. 524 Yes, sir.

Q. 525 How long after you had moved from his table did he leave?

A. 525 Well, ten or fifteen minutes. I just saw him going by.

Q. 526 He was left at the table with Wiseman?

A. 526 Yes, sir.

Q. 527 Which one of the two left first?

A. 527 I couldn't say that.

Q. 528 Had you any desire to remain in Cochrane?

A. 528 No, sir.

Q. 529 When you reported at Ozada the following morning, the time is immaterial, what happened?

A. 529 They put me right on duty, sir.

Q. 530 Put you right on duty?

A. 530 Yes, sir.

Q. 531 Did you help capture the four German prisoners who escaped there?

A. 531 No, sir, I just helped escort them back here.

Q. 532 When you returned from Ozada Camp to Lethbridge, how did you travel?

A. 532 By train, sir.

Q. 533 Were you in a party?

A. 533 There were twenty-one of us.

Q. 534 Had you any time off in Calgary?

A. 534 Yes, sir.

Q. 535 How many hours?

A. 535 From a quarter to one to approximately seven-thirty at night.

Q. 536 You were running around Calgary loose then for about seven

hours on that day?

A. 536 Yes, sir.

Q. 537 Did you catch your train on time for Lethbridge?

A. 537 Yes, sir.

Q. 538 And you returned to Lethbridge Camp on it?

A. 538 Yes, sir.

Q. 539 You returned on what day?

A. 539 The evening of the 29th. of December, 1942.

Q. 540 When did you report for duty?

A. 540 Well, the next morning. In the afternoon I went on duty.

Q. 541 The next morning you went on duty?

A. 541 I was placed under open arrest that morning.

Q. 542 You were placed under open arrest that morning?

A. 542 Yes, at approximately ten o'clock.

Q. 543 After you arrived from Calgary?

A. 543 Yes, sir.

Q. 544 Who placed you under open arrest?

A. 544 S/Sgt. Withers.

Q. 545 Did he say what charge you were placed under arrest for?

A. 545 No, just for what happened at Cochrane.

Q. 546 And that afternoon you went on duty?

A. 546 Yes, sir, at four o'clock.

Q. 547 At four o'clock you went on duty?

A. 547 Yes, sir.

Q. 548 When were you warned for the Orderly Room to face the charge?

A. 548 About nine-thirty a.m.

Q. 549 Where were you at that time?

A. 549 In bed.

Q. 550 What time was Orderly Room?

A. 550 Ten o'clock, sir.

Q. 551 Did you have time to wash or shave?

A. 551 No, sir.

Q. 552 Had you any further information of any charge against you at that time?

A. 552 No, sir.

Court: What is the purpose of this questioning?

Defending Officer: I am trying to prove that the accused should never have come before this Court.

Court: I don't think that makes any difference.

The Court is closed to consider their decision.

The Court rules that the line of questioning is not admissible, and the Court has sufficient information before it that the accused elected trial by Court-Martial, and the Court re-opens and the decision is announced. The Court proceeds with the trial.

Q. 553 How long have you been under close arrest?

A. 553 Forty-four days.

Q. 554 Forty-four days?

A. 554 Since the 31st. of December, 1942.

Q. 555 How long have you been in the Veterans Guard of Canada?

A. 555 A year on the 23rd. of this month.

Q. 556 How long have you been in the scout section at Headquarters?

A. 556 Since the middle of September.

Q. 557 How long were you with 25 Company Veterans Guard of Canada?

A. 557 From the 23rd. of February, until the 15th. of September.

Q. 558 About eight months?

A. 558 Yes, sir.

Cross-examined by the Prosecutor.

Q. 559 You said you borrowed a dollar from Pte. Anderson?

A. 559 Yes, sir.

Q. 560 On the 21st. ?

A. 560 Yes, sir.

Q. 561 The day you left here?

A. 561 Yes, sir.

Q. 562 Were you paid on the 20th. of the month with the rest of the troops?

A. 562 Yes, sir.

Q. 563 And on the 21st. you had to borrow a dollar?

A. 563 Yes, sir.

Q. 564 How much did your lunch cost you?

A. 564 Forty-five cen ts.

Q. 565 Did you buy any beer in Calgary?

A. 565 Yes, sir.

Q. 566 How many?

A. 566 Two beers, sir.

Q. 567 You paid for them yourself?

A. 567 Yes, sir.

Q. 568 You bought two beers in Calgary, which is .20¢, and forty-five cents for your lunch, which is sixty-five cents, and when you got to Cochrane you still had fifty cents?

A. 568 I had a little money when I left.

Q. 569 Y ou said that unless you borrowed that money from Pte. Anderson you couldn't have bought any lunch. Going back to the beer parlor in Cochrane, whereabouts in this beer parlor was the table that the man and his wife were sitting at?

A. 569 N ear the back.

Q. 570 In the men's parlor?

A. 570 There is no women's beer parlor in there.

Q. 571 Are you sure?

A. 571 Yes, there is no women's been parlor there. She was drinking with the men.

Q. 572 They were sitting in the men's beer parlor?

A. 572 Yes, sir.

Q. 573 You are sure there is no women's beer parlor there?

A. 573 Yes, sir.

Prosecutor: I would like to get someone who could tell me there was.
The Defending Officer declines to re-examine.

Questioned by the Court.

Q. 574 These civilians you met in the beer parlor, were they Cochrane people or Calgary people?

A. 574 They were Cochrane people.

Q. 575 Did you know their names?

A. 575 No, sir, they thought they knew me.

Q. 576 What were their names, did they tell you?

A. 576 Symonds or Simmons.

Q. 577 What do they do at Cochrane?

A. 577 Farmers.

Q. 578 Is it or is it not a fact that there are two doors to the beer parlor at Cochrane?

A. 578 One into the lobby, yes, sir.

Q. 579 Isn't there one on the east side, which leads to a ladies' beer parlor?

A. 579 I couldn't say about that. But they were in the women's parlor - I mean in the men's parlor.

Q. 580 Did you tell Capt. Dwane there wasn't a women's beer parlor?

A. 580 They were in the men's parlor and I took it for granted there was none.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

Second Witness for the Defence.

No. M. 56292, Pte. J. J. Watson, Veterans Guard of Canada, C. A., Headquarters Company, 133 Internment Camp, C. A., being duly sworn, is examined by the Defending Officer.

Q. 581 Will you please identify yourself to the Court?

A. 581 I am No. M. 56292, Pte. Watson, J. J., Veterans Guard of Canada, Internment Camp 133 stationed at Lethbridge, Alberta.

Q. 582 You were a member of the party which travelled to Ozada on the 21st. of December, 1942?

A. 582 Yes, sir.

Q. 583 Where did you travel? In the truck or the station wagon?

A. 583 In the truck, sir.

Q. 584 I am not going to take you to all the stops and things you did on the journey - I am going to take you - . You stopped in Calgary?

A. 584 Yes, sir.

Q. 585 Where did you stop at Calgary the first time?

A. 585 The first stop was at a residence, sir. I don't know the name of the street.

Q. 586 How long were you there?

A. 586 About fifteen minutes.

Q. 587 Your next stop?

A. 587 At the garage.

Q. 588 Where did you go from the garage?

A. 588 We went right straight from the garage to Cochrane.

Q. 589 Did you stop in front of Eaton's store in Calgary?

A. 589 No, sir, not that I know of, sir.

Q. 590 You had - did you carry rations with you?

A. 590 No, sir.

Q. 591 Did you expect to be fed at Calgary?

A. 591 We expected to be fed some place on the journey, whether at Calgary or High River I don't know sir.

Q. 592 Were you and your party a little disgruntled when you arrived in Calgary?

Court: That is a leading question.

Q. 593 What was your reaction when you arrived in Calgary and found that you were not stopping for lunch?

A. 593 We didn't feel very good about it. We hardly could understand how it was possible that there wasn't any arrangements made for us to eat.

Q. 594 Did you see an R. T. O. officer in Calgary?

A. 594 At the garage there was an R. T. O. officer there, sir.

Q. 595 Did you or any of your party ask him about eating?

A. 595 Yes, sir. I didn't myself but there was one or two of the party that did, sir.

Q. 596 Was the weather cold?

A. 596 The sun was shining for about an hour when we left Lethbridge, and then it clouded up and was gone.

Q. 597 You had no food in Calgary?

A. 597 No, sir.

Q. 598 Was a stop made in Calgary long enough to allow you to buy food in Calgary?

A. 598 No, sir, it wasn't long enough at the garage.

Q. 599 What did the truck do at the garage, did it take on gas?

A. 599 Yes, sir.

Q. 600 And how soon after it took on gas did it leave?

A. 600 The full stop didn't take more than five minutes.

Q. 601 Your next stop was at Cochrane?

A. 601 Yes, sir.

Q. 602 What did you do when you arrived at Cochrane?

A. 602 We got out of the truck and some of us went into the restaurant to see about something to eat. I ordered my meal and told the waitress that I was going to the hotel to get some beer and I would be back again.

Q. 603 Did you go back again?

A. 603 Yes, sir.

Q. 604 Where were you when the station wagon arrived?

A. 604 I was in the beer parlor, sir.

Q. 605 Had you had lunch at that time?

A. 605 When the station wagon arrived, no sir.

Q. 606 Did you see the accused in the beer parlor at Cochrane?

A. 606 Yes, sir.

Q. 607 When did you see him?

A. 607 I s aw him come in the door.

Q. 608 How soon after the station wagon arrived did you see him come in the door?

A. 608 I couldn't say that, sir. That was my first knowledge of the station wagon arriving, when these men came in the door - they had been riding in the station wagon.

Q. 609 Did you say it was a short time or a long time? Could you give me any indication of how long it was after the station wagon arrived?

A. 609 That was my first knowledge of the station wagon arriving when they came in the door.

Q. 610 Did the accused sit with you in the beer parlor?

A. 610 No, sir.

Q. 611 Did he speak to you at all when he came in?

A. 611 Not in particular. He came in, I remember, and said 'Hello' and then he passed on by the table I was sitting at.

Q. 612 And how soon after that was it that you went to your lunch at the cafe?

A. 612 I did not go for any lunch until the party who was going was gone.

Q. 613 You stayed in the beer parlor all the time until the vehicles had left.

A. 613 Yes, sir.

Q. 614 During that time Pte. Hardy, the accused, neither sat with you nor held any conversation with you?

A. 614 No, sir.

Q. 615 Did you notice at all where the accused sat in the beer parlor?

A. 615 Yes, sir.

Q. 616 Where was it?

A. 616 It was right at the rear of the beer parlor at a table.

Q. 617 Who was he sitting with?

A. 617 He sat with - he walked right down to a table where Pte. Laplante was sitting with some friends.

Q. 618 The table Pte. Laplante was sitting at. Now, the table you were at, who was with you at that table?

A. 618 There was Greatrix, Maxwell, Wells and myself.

Q. 619 Did you see L/Cpl. Wallace come in to the beer parlor?

A. 619 That, sir, I am not very clear about. I can't remember him being in.

Q. 620 Did you hear anyone make an announcement about the vehicles leaving?

A. 620 Yes, sir.

Q. 621 Who was it?

A. 621 The beer parlor door partly opened -.

Q. 622 Who was it?

A. 622 It was Driver McMaster.

Q. 623 Driver McMaster. Was Driver McMaster in charge of the truck?

A. 623 No, sir.

Q. 624 Who was?

A. 624 Inside the truck?

Q. 625 No, the party that was in the truck?

A. 625 I couldn't tell you who was in charge of the truck. He apparent ly had more authority or something than anyone else had. He was driver.

Q. 626 How did he make the announcement to you that the truck was leaving?

A. 626 He opened the beer parlor door and stood in the door and still held it in his right hand. He said we are ready to go, boys, are you coming?

Q. 627 Then what did you say?

A. 627 I took it upon myself and I got up and said I wasn't going to ride in the truck any further, and that I was going to finish the journey by train.

Q. 628 What tone of voice was that said in?

A. 628 Just ordinary talking - something like I am doing at present.

Q. 629 Could the conversation that was held between you and McMaster be overheard by the accused?

A. 629 I don't believe so, sir.

Q. 630 Do you think the accused could have had any knowledge at all of the fact that you had refused to travel further in the truck?

A. 630 No, I don't see how he could have.

Q. 631 At no time from the time he came in the beer parlor until the vehicles left was he sitting at your table or drinking with you?

A. 631 No, sir.

Q. 632 Are you very well acquainted with the accused?

A. 632 I was in the scouts the same as he was - in different sections, I didn't know his name or who he was until we all had our orders that morning when we were ready to leave.

Q. 633 You stated your table was beside the door. How many doors were there in the beer parlor to your knowledge?

A. 633 There is one door to the beer parlor from the street, another one right from the hotel proper.

Q. 634 Then anyone entering the beer parlor would necessarily pass your table?

A. 634 Yes, sir.

Q. 635 Did you see Pte. Scott enter the beer parlor?

A. 635 That is something that I am not sure about, either.

Q. 636 The three of them who were at your table, did they stay behind also?

A. 636 No, sir, two of them did, and Wells he went out when McMaster said we were going.

Q. 637 Wells went out and the other three of you stayed?

A. 637 Yes, sir.

Q. 638 How long before the truck left did Wells go out?

A. 638 That I don't know, sir - when the truck exactly did leave.

Q. 639 Did you hear any direct announcement made in a loud voice telling the members of the party to leave the parlor and get on the truck?

A. 639 No, sir.

Q. 640 You were there all the time and you heard no such announcement?

A. 640 No, sir.

Q. 641 And you are swearing to the best of your knowledge no such announcement was made?

A. 641 Yes, sir.

Q. 642 After McMaster had spoken to you and you had definitely told him that you were not going to the truck, did the L/Cpl. of the party come in to see you?

A. 642 No, sir.

Q. 643 Then you received no direct order from the lance-corporal in charge of the party to proceed to Ozada or remain behind at your peril?

A. 643 No, sir.

Q. 644 Did you give sworn evidence at the taking of the Summary of Evidence for this case, in front of the accused?

A. 644 No, sir.

Q. 645 You were never called as a witness? I mean, at the time the Summary of Evidence was taken when the accused was before the Prosecutor here for the taking of the Summary?

A. 645 I was notified, sir.

Q. 646 You were notified. You were not in attendance but you were on call?

A. 646 No, sir.

Cross-examined by the Prosecutor.

Q. 647 Were you up at Ozada before this camp opened at Lethbridge?

A. 647 Yes, sir.

Q. 648 In the scouts?

A. 648 I went to Ozada with the 20th. Company and was re-posted to the scouts in August.

Q. 649 Did you ever go down from Ozada to Cochrane on leave at all?

A. 649 No, sir.

Q. 650 Do you know Cochrane?

A. 650 The only time I seen Cochrane was passing on the train and twice right in the car.

Q. 651 Were you ever in that hotel before this occasion?

A. 651 Yes, sir.

Q. 652 In the beer parlor?

A. 652 Yes, sir.

Q. 653 Do you whether there is a ladies' beverage room in that hotel?

A. 653 Still at the back there is another compartment and whether that is the ladies' parlor I don't know.

Q. 654 You said that Hardy walked over and sat down at Laplante's table?

A. 654 Yes, sir.

Q. 655 There was somebody else with him?

A. 655 Yes, sir.

Q. 656 Who were they?

A. 656 I don't know, sir.

Q. 657 You said he had some friends with him?

A. 657 Yes, sir.

Q. 658 Were they civilians?

A. 658 Yes, sir.

Q. 659 Were they men or women sitting with Laplante?

A. 659 As far as I could see there were two men and a woman.

Q. 660 And Hardy went across and spoke to them?

A. 660 Yes, sir.

Q. 661 As soon as he came into the beer parlor?

A. 661 Yes, sir.

Q. 662 Did you see a waiter go over and speak to the accused?

A. 662 No, sir.

Q. 663 He went straight over to that table when he came in?

A. 663 Yes, sir.

The Defending Officer declines to re-examine.

Questioned by the Court.

Q. 664 Was Pte. Anderson with Hardy when he came into the parlor in the first instance?

A. 664 There was some man behind Hardy.

Q. 665 In uniform?

A. 665 Yes, sir. I believe they came in from the station wagon.

Q. 666 There was one man or more?

A. 666 I believe two.

Q. 667 Where did they go, did they go to Laplante's table too?

A. 667 No, sir.

Q. 668 Where did they go - the other two soldiers?

A. 668 I don't know. Apparently they went back to the toilet.

Q. 669 From where the accused was sitting, could he see the front door leading to the beer parlor?

A. 669 Yes, sir, I could see it .

Q. 670 Did the accused remain at Laplante's table all the while he was in the beer parlor?

A. 670 As far as I know, he did, sir, before the party left.

Q. 671 Did you see him go to the front door with anyone - the accused?

A. 671 No, sir, I didn't.

Q. 672 When did he first come to your table?

A. 672 He didn't come to our table.

Q. 673 Not later on?

A. 673 We weren't drinking with Hardy at any time during that night.

Q. 674 Did he come and talk to you about the departure of the truck or station wagon?

A. 674 No, sir.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The witness withdrews.

Third Witness for the Defence.

No. M. 65681, Pte. W. Wiseman, Veterans Guard of Canada, C. A., Internment Camp 133, C. A., being duly sworn, is examined by the Defending Officer.

Q. 675 Did you on the morning of December 21st. 1942, form one of a party of eleven going to Ozada?

A. 675 Yes, sir.

Q. 676 Where did you ride, in the station wagon or in the truck?

A. 676 In the station wagon.

Q. 677 Was the accused there with you in the station wagon also?

A. 677 Yes, sir.

Q. 678 Where was your first stop?

A. 678 In Calgary.

Q. 679 What did you do when you got to Calgary?

A. 679 We drove up to the Army Service Corps garage, I think that is where it was, to get some gas. Then we went down and parked the car in front of Eaton's store and had lunch, and then went into a beer parlor and had some beer - three glasses of beer.

Q. 680 Who were you with when you got out of the station wagon?

A. 680 Hardy.

Q. 681 Who else?

A. 681 Anderson.

Q. 682 Anderson and the accused were both with you. You had some beer and some lunch?

A. 682 Yes, sir.

Q. 683 What was your next stop?

A. 683 At Cochrane.

Q. 684 When you got to Cochrane what happened?

A. 684 Well, the truck was there and we stopped and got out. I went into the beer parlor by myself alone.

Q. 685 By yourself?

A. 685 Yes, sir.

Q. 686 You went into the beer parlor by yourself?

A. 686 Yes, sir.

Q. 687 Did you see the accused there?

A. 687 Yes, I remember he was in there.

Questioned by the Court.

Q. 688 When you went in?

A. 688 No, sir.

Examination by the Defending Officer continues.

Q. 689 Did he go into the beer parlor with you?

A. 689 No, sir.

Q. 690 Did he follow you in?

A. 690 He came in right after me.

Q. 691 Was he alone?

A. 691 I believe there was another man, I believe it was Pte. Anderson.

Q. 692 You think Anderson was with him? Did you sit together?

A. 692 I sat at a table right near them, I wasn't at the same table with them.

Q. 693 You drank alone?

A. 693 I had my own beer.

Q. 694 Did Anderson and Hardy come and sit at a table close to you?

A. 694 Yes, sir.

Q. 695 Did you see a waiter bring a message to Hardy while he was sitting at a table close to you?

A. 695 Well, he come over and spoke to him. I don't know what the message was.

Q. 696 You did see the waiter?

A. 696 Yes, sir.

Q. 697 What happened as a result of the message, if anything?

A. 697 Hardy got up and went over to another table where there were two civilians, a man and a woman, and he sat down there.

Q. 698 You say there were two civilians, were they two men?

A. 698 A man and a woman.

Q. 699 Did you see Laplante in the beer parlor?

A. 699 Yes, sir.

Q. 700 Who was Laplante with?

A. 700 I couldn't just say.

Q. 701 You don't know?

A. 701 He was moving around to different tables.

Q. 702 To your knowledge, then, did the accused sit with Laplante at any time while he was in there?

A. 702 I don't know.

Q. 703 You don't know?

A. 703 No, sir.

Q. 704 These people with whom Hardy went over to sit - this man and woman - were they sitting in the parlor?

A. 704 They were sitting quite a ways back.

Q. 705 Would it be far from the door?

A. 705 I would say it would be possibly - that is hard to judge.

Q. 706 Would it be about as far as you could get from the door?

A. 706 Yes, sir, right back near the farthest wall.

Q. 707 How long did you remain in the beer parlor?

A. 707 Not very long. Not much more than ten minutes.

Q. 708 Not much more than ten minutes?

A. 708 A little more, maybe.

Q. 709 About ten minutes?

A. 709 Yes, not much more anyway.

Q. 710 So that when Hardy went to this other table with the man and woman sitting there what time would that be after he came in?

A. 710 Just two or three minutes.

Q. 711 Not very many minutes?

A. 711 No, sir.

Q. 712 Did you enter the beer parlor again?

A. 712 No, sir.

Q. 713 Did you hear any announcement about the trucks leaving?

A. 713 No, sir, not while I was there.

Q. 714 Not while you were there. Anderson, you say, was sitting at a table with the accused. When the accused got up and joined this man and his wife, what happened to Anderson?

A. 714 When I went out he was still sitting there. He hadn't finished his beer.

Q. 715 He was still there when you went out?

A. 715 He was alone.

Q. 716 Did you see Anderson outside the beer parlor after that time?

A. 716 Yes, sir, it wasn't very long. I had walked up to the restaurant, I didn't go into the restaurant.

Q. 717 After you came out of the beer parlor?

A. 717 Yes, sir.

Q. 718 That would be how long after you came out of the beer parlor - how long after that did you see Anderson come out?

A. 718 Possibly five minutes.

Q. 719 Did you see L/Cpl. Wallace in the beer parlor while you were there?

A. 719 No, sir, I can't remember him being in there.

Q. 720 Do you know to your actual knowledge that L/Cpl. Wallace gave direct orders or indirect orders to anyone in the beer parlor to get out and join the truck?

A. 720 Not while I was in there. I walked around the street and I noticed them around the truck.

Q. 721 Where did you go after you finished walking about? Which vehicle did you get into to continue?

A. 721 I got into the truck.

Q. 722 Were you waiting long in the truck before it moved off?

A. 722 No, sir, not more than ten minutes.

Q. 723 Was any check-up of the people in the truck made while you were in there?

A. 723 The only check-up that I seen was that L/Cpl. Wallace said - .

Court: Q. Was the accused there?

Witness: No, sir.

Q. 724 You were with the accused in Calgary and you were actually with him in Cochrane. Did he have any money to your knowledge?

A. 724 Yes, sir, he must have had a little.

Q. 725 Did he borrow any from you?

A. 725 No, sir.

Q. 726 While he was with you did he express any desire to remain behind at any place on the journey?

A. 726 No, sir.

Q. 727 He was not grousing about anything?

A. 727 No, sir, I never heard him.

Q. 728 During the time you were in the beer parlor did you notice the table near the door where Maxwell, Watson and one or two other men were sitting?

A. 728 Well, there was some more of them there. They were all mostly strangers to me.

Q. 729 You didn't know them?

A. 729 No, sir.

Q. 730 You didn't see the accused speak to anyone at any of those other tables?

A. 730 No, sir.

The Prosecutor declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The witness withdraws.

Fourth Witness for the Defence.

No. M. 42211, Pte. R. G. McMaster, Veterans Guard of Canada, C. A., Internment Camp 133, C. A., being duly sworn, is examined by the Defending Officer, -

Q. 731 Will you please identify yourself to the Court?

A. 731 I am No. M. 42211, Pte. R. G. McMaster, Veterans Guard of Canada, stationed at Lethbridge, Alberta.

Q. 732 You were in charge of the truck that travelled to Ozada on the 21st. of December, 1942?

A. 732 Yes, sir.

Q. 733 Was Pte. Scott the relief driver?

A. 733 Yes,sir.

Q. 734 Did you know anything about meals for your party when you left?

A. 734 No, I can't say that I did.

Q. 735 No arrangements were made?

A. 735 No, sir, not that I know of.

Q. 736 Were any directions given you by L/Cpl. Wallace as to meeting him in Calgary?

A. 736 There was something - somebody said that we would meet in Calgary and we would change over. He suggested that we would change over there and give the other fellows a chance for a warm ride. I couldn't say who it was.

Q. 737 Were any written instructions handed to you - did you see any?

A. 737 No, sir. I seen them the night before but I can't say what was on it.

Q. 738 How do you know that the paper shown you the night before were instructions - did you read them?

A. 738 I read them at the time.

Q. 739 Did they contain any instructions regarding stops or time log?

A. 739 I don't think they did - I couldn't say that - I don't remember.

Q. 740 Do you remember anything about it at all?

A. 740 No, sir, I can't say I can.

Q. 741 And were any verbal instructions given you by L/Cpl. Wallace?

A. 741 No, sir.

Q. 742 When you got to Calgary and stopped at the gas station, did you get a message there?

A. 742 I did, sir.

Q. 743 What was the message?

A. 743 I was to go north to 8th. Avenue, turn at Eaton's corner and stop there. They thought they would meet the station wagon between the gas station and Eaton's.

Q. 744 Did you go there?

A. 744 We did.

Q. 745 Did you meet the wagon?

A. 745 No, sir.

Q. 746 Why did you not meet the wagon?

A. 746 I couldn't say.

Q. 747 The wagon wasn't there?

A. 747 No, I couldn't see it on the way.

Q. 748 You were as - as driver in charge of the party, why did you not think it advisable to stop in Calgary for lunch for the men?

A. 748 I thought we would lose some of our men and I thought we had better go on to Cochrane, and I said we would eat there.

Q. 749 When you got to Cochrane you stopped where?

A. 749 In front of the little cafe.

Q. 750 In front of the beer parlor?

A. 750 No, sir.

Q. 751 How far is the cafe from the beer parlor?

A. 751 I think there is an empty lot, maybe two.

Q. 752 What time did you get to Cochrane?

A. 752 About two o'clock.

Q. 753 Did y ou go into the beer parlor at Cochrane?

A. 753 I did.

Q. 754 Who did you see in there?

A. 754 Well, there were only two men that I could pick out of the bunch.

Q. 755 Who was that?

A. 755 Watson and Laplante.

Q. 756 Did you see the accused in there?

A. 756 No, sir, I can't say that I did.

Q. 757 Did you speak to Watson?

A. 757 I did.

Q. 758 What did you tell him?

A. 758 I told the boys at the table that they had better come on that we were moving to Ozada and that they would be A.W.L. if they did not come.

Q. 759 Was that said only to the boys at the tables near you?

A. 759 They seemed to be all around and I couldn't say how many were there, - maybe half a dozen.

Q. 760 Did you stand with your hand on the open door or did you actually enter the beer parlor?

A. 760 The door was open.

Q. 761 You barely pushed the door open and stood like this? (Gesticulating)

A. 761 Yes, sir.

Q. 762 You did not wish to enter the beer parlor?

A. 762 No, sir.

Q. 763 Was the accused at the table with the men that you told to leave?

A. 763 I couldn't swear to that, sir.

Q. 764 You don't know?

A. 764 No, I don't know.

Q. 765 Di d you see L/Cpl. Wallace enter the beer parlor?

A. 765 I seen him on the outside.

Q. 766 You didn't see him go in?

A. 766 No, I can't say that I did.

Q. 767 Do you know if an actual check of the men who were in the truck was made before the truck left for Ozada?

A. 767 I don't know.

Q. 768 You don't know?

A. 768 No, sir.

Q. 769 You were busy driving the truck and didn't bother with anything else?

A. 769 Yes, sir.

Q. 770 Who was it of your party who refused to get out of the beer parlor and back into the truck, if anyone?

A. 770 Yes, there was one man in particular, Pte. Watson.

Q. 771 What was this man's objection?

A. 771 He never said it to anybody. He didn't even tell me.

The Prosecutor declines to cross-examine.

Questioned by the Court.

Q. 772 Was it only the desire to get Watson that prompted you to go to the beer parlor?

A. 772 Yes, it really was. If the others had gone it would have been so much the better.

Q. 773 How long after you told the men this was it that the truck left C ochrane?

A. 773 About ten minutes.

Q. 774 About ten minutes?

A. 774 Yes, sir.

Q. 775 And you, to your knowledge, don't know whether L/Cpl.Wallace went in and warned the men?

A. 775 No, sir.

Q. 776 Who gave you instructions to drive off from Cochrane?

A. 776 I gave myself.

Q. 777 You waited ten minutes and then proceeded?

A. 777 Yes, sir. What was coming was loaded into the truck.

Q. 778 And you are quite positive that Laplante was sitting at the table with Watson, at the table beside the door?

A. 778 I believe he was standing up.

Q. 779 It was just inside the front door to the left?

A. 779 Yes, sir.

Q. 780 Did you know the accused prior to that day?

A. 780 I had seen him around.

Q. 781 You didn't see him when you were moving inside?

A. 781 No, I didn't, I am sure I didn't.

Q. 782 In what tone of voice did you tell them that they were to come out in five minutes?

A. 782 Just about the way I am talking now.

Q. 783 Were there many people in the beer parlor?

A. 783 No, sir, only the soldiers - I didn't notice anyone else.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The witness withdraws.

Fifth Witness for the Defence.

Lieut. E. F. Biart, 25th. Company, Veterans Guard of Canada, C. A., Internment Camp 133, C. A., being duly sworn, states,--

I have known the accused for the last eleven and a half months. For the first eight months of this period he was in my platoon. He was with me in Kananaskis Camp and for four months on detached duty at Bella Bella Air Base. He performed his duties in an efficient manner and except for a few minor offences, details of which - I can't remember - I am in this spot - I can't remember if he had any. I classify a good soldier as a man who may have a sprinkling of minor offences.

The Prosecutor declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R. P. 83 (B).

The Defending Officer resumes his seat.

The Defending Officer makes a closing address. (See document marked "I" attached.)

The Prosecutor makes a closing address. (See document marked "J" attached.)

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. M. 35195, Pte. John William Hardy, Veterans' Guard of Canada, C. A., Internment Camp 133, C. A., is not guilty of all the charges.

The findings are read in open Court and the accused is released.

Signed at Lethbridge, Alberta, this 11th. day of February, 1943.

Extracts entered as No. 8160 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 22 day of March 1945

Lieut. Col.
No. 13 District Depot, C.A.
President.

*When the Court is already open this sentence will be struck out.

~~Proceedings on Conviction~~ *before Sentence*

*The Court being re-opened, the accused is again brought before it.

Evidence of character, &c.

is duly sworn.

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

Cross-examined by the accused.

[Instruction.—*If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

ORDERS BY BRIGADIER F.M.W. HARVEY, V.C.,M.C.

District Officer Commanding, Military District No. 13

Calgary, Alberta,
9 February, 1943.

Exhibit "X"

DISTRICT COURT-MARTIAL
No. M.35195, Pte. John William Hardy,
Veterans' Guard of Canada, C.A.
Internment Camp 133, C.A.

1. The detail of officers as mentioned below will assemble at Internment Camp, Lethbridge, Alberta, at 1000 hours, Thursday, the 11th day of February, 1943, for the purpose of trying by District Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Lieut.-Col. N.D. Dingle, E.D., No. 13 District Depot, C.A., is appointed President.

MEMBERS

Lieut. F.G. Harris, M.C., 25 Company, Veterans' Guard of Canada, C.A.
Lieut. E.B. Irving, 30 Company, Veterans' Guard of Canada, C.A.

WAITING MEMBER

Lieut. D.M. Aird, 22 Company, Veterans' Guard of Canada, C.A.

PROSECUTOR

Capt. L.M.R. Dwane, Veterans' Guard of Canada, C.A., Internment Camp 133, C.A.

DEFENDING OFFICER

Lieut. E. F. Biart, 25 Company, Veterans' Guard of Canada, C.A.

2. The Commandant Internment Camp 133 is directed to detail such officers of the unit under his command as he, in his discretion, considers available to attend for the purposes of instruction.

3. The accused person will be warned and all witnesses duly required to attend.

4. The Commandant Internment Camp 133, C.A., will arrange for the necessary accommodation, stationery, and Court Orderly; and will also ensure that the necessary escort has been provided.

5. No. M.53148, Pte. (A/Sgt.) N.R.Callaway, No. 13 Detachment Corps of Military Staff Clerks, C.A., is detailed as stenographer to the Court and will report to the President of the Court at 0945 hours on the day set out.

6. The Proceedings, marked "Confidential", will be forwarded to the A.J.A.G., Military District No. 13.

Signed at Calgary, Alberta, this 9th day of February, 1943.

(Sydney Wood) Major
A.J.A.G. M.D. 13
for (F.M.W. Harvey) Brigadier
District Officer Commanding, M.D. 13

"G" 141
Thomas D. Dagh. Lt.Col.
Pres.

OPENING ADDRESS OF THE PROSECUTOR

The accused, No. M. 35195, Pte. John William Hardy, is charged with -

"When on active service disobeying a lawful command given by his superior officer"

and

"Neglect to the prejudice of good order and military discipline".

I propose to call evidence before this Court to prove that Pte. Hardy was given an order at Cochrane, Alberta, on the 21st. of December, 1942, to enter the transport along with the other men to proceed to Ozada Camp, which he refused to do; and I also propose to call witnesses to prove that Pte. Hardy was absent from Ozada Camp where it was his duty to be until approximately 1030 hours on the 22nd. of December, 1942.

"H"
Roman D. Digh, 48 Eng. Bns

OPENING ADDRESS OF THE DEFENDING OFFICER

There are certain aspects of this case which I would like to bring out to you. On the surface it appears a simple case. Actually it is complex, for the reason that overshadowing every action of the accused are the actions of the four men who were charged with him, before his Commanding Officer. This man volunteered for the duty on which he was going. Later on I shall ask the Court's permission to bring evidence from the scout section that this is so, as apparently no one who has appeared so far and who we thought would be in a position to call does know. I became the accused's defending officer because he asked me to, and he asked me because I was formerly his platoon officer. He was with me for eight months, I know his character personally. I would say that the accused is the victim of an unfortunate circumstance because he was among four others, - a total of five - who stayed behind at Cochrane. I claim that he was pronounced guilty and pronounced to be in their party and that at his examination before his commanding officer when he was first charged with the crime no proper opportunity was given him to make an explanation. I say that with the full knowledge of the gravity of the charge I am making. In fact, I will go further, I will say that the man was tried, found guilty, and sentenced before he ever entered the Orderly Room.

Court: We haven't found him guilty yet.

Defending Officer: I mean before his commanding officer.

Court: The commanding officer didn't have jurisdiction to try him.

Defending Officer: But I do want to prove that this man did not elect a Court Martial, it was forced upon him. I shall endeavor to prove through

the accused that when he appeared before his commending officer he was given no opportunity to state the difference between his case and the case of the four other men who were charged with him. I will also point out that according to the evidence already given this morning the principal witness for the prosecution, L/Cpl. Wallace, was not present at that hearing nor did he make any documentary evidence. I therefore ask on whose evidence - no, I can't ask that. I further submit, in the evidence that I shall adduce before this Court by the accused and other witnesses for the defence, to convince the Court of the accused's innocence of the charges as laid.

I 14

Norman D. Hugh, Capt. Pay.

CLOSING ADDRESS OF THE DEFENDING OFFICER

May I ask a question, sir? I am not a lawyer and I have done everything I have so far for the benefit of the accused.

Court: The Court feels that you have done very well so far.

Defending Officer: In my opening address I suggested that this was a complex case. I think the evidence has proven that statement to be correct. It is complex in my opinion for this reason, that the accused was one of a party of five who failed to arrive at Ozada on time. One must therefor be careful not to lump the whole five together as I am firmly of the opinion that the accused's case was entirely separate and distinct from that of the other four men. This apparent mass absence undoubtedly influenced the evidence of the witnesses - that is, some of them. It was my intention to try and develop from the evidence that at no time did the accused have anything whatever to do with the other four men.

In regard to the two charges against the accused. I maintain that if the first charge of refusing to obey an order falls, then the second charge falls also, because the accused was only absent involuntarily. In fact, I will go further than that. I think the evidence has clearly shown that the accused was left behind at Cochrane by the negligence of the N. C. O. in charge of the party. In any event, the few hours absence shown in the second charge could hardly be under any circumstances described as the fault of the accused. Who placed him in the beer parlor? The N. C. O. in charge of the convoy. He didn't actually push him into the door, but he did deposit him on the doorstep. It is said that you may take a horse to water but you cannot make him drink. How much more difficult is it to take a Veteran to the beer parlor and not expect him to drink? Had the station wagon not stopped

where it did, neither of these two offences would have been committed. I think the stop was illegal in any event and unnecessary. L/Cpl. Wallace had not seen the truck all that day. He only needed to have slowed down, shouted to the truck to come on as soon as they were ready, and proceeded on their way to the camp. Then the accused would have been safely in his line on time instead of being left in the beer parlor. But, having taken him there and having allowed him to enter the beer parlor, was it not his duty to see that he came out? Yet there is no evidence brought before this Court today that showed that any direct order to leave the beer parlor was ever given to the accused. The evidence is conflicting, as it always will be in cases of this kind. Most of it, I think, is honestly given, but under circumstances where a certain amount of drinking has been going on during the day it is hardly to be expected that the witnesses' memory will always be crystal clear. But there are some features of the evidence that I am sure the Court will have noticed in regard to the discrepancies in time, in the original reason for stopping at Calgary - at Cochrane, and other points like that. But I would ask the Court not to try to make the different statements agree but to take a broad view of the account. Why did the accused want to stop in Cochrane when he had no money and no friends there? He had volunteered for this job at Ozada. He had given up his own opportunity for Christmas leave to go there and relieve married men. He had travelled in the station wagon in comparative comfort, he had had lunch at Calgary. In my opinion, sir, there was never the slightest reason why Hardy should have wished to remain behind at Cochrane. So in the absence of a direct order, the only way by which that charge could be maintained, is that a blanket order was made by

someone and the accused should have heard it. That, I maintain, is not sufficient to justify or maintain a serious charge such as this. It would have to be proven conclusively, in my opinion, first, that such a blanket order was given, and there seems considerable doubt about that, and secondly, that it was made in a manner which would state beyond all doubt that the accused must have heard it. In a beer parlor, most of us know what that is like, it doesn't take many men sitting around a table to create considerable noise. I also think it is well known to the Court that people sitting at a table together, engaged in conversation, are not likely to hear anything shouted unless it is directly brought to their attention. In most of these places you hear the waiter shouting "Draw two", "Two up and one down", and all kinds of orders shouted from the middle of the room to the man behind the bar. One gets used to these things being shouted so that I don't think any blame can be placed upon the accused for not hearing an order, if such an order was given in that manner. Furthermore, it was obviously not the place to give such an order. There was only one proper course for the corporal to pursue, when he found that certain of his party were missing just prior to the vehicles moving off, and that was to enter the beer parlor and warn each man individually. The charge as placed against the accused could then have been substantiated. Further, in regard to this charge of refusing to obey an order, with the Court's permission, it is probably well known a charge such as that can be a serious or minor charge depending upon the nature of the disobedience. If wilful defiance of authority is shown, then you have a serious charge, but if no willfulness is brought out in evidence I maintain you have a charge that is merely a minor one and

which could have been covered under Section 40.

The evidence before the Court has proven in my opinion that there was no willful defiance, and that automatically reduces both these charges to minor ones, which, in my opinion, should never have been brought before a District Court-Martial. They should never have gone beyond the Orderly Room of the accused, and would not had a proper investigation been made at that time. There was no refusal to obey an order, you must believe that.

The case for the prosecution rests largely on the statements by the lance-corporal and the relief driver that a blanket order was given. I cannot accept the lance-corporal's evidence because he was suffering from the very point I brought out in the first part of this address. He could not separate the accused from the balance of the party. He knew that at least one member of the others, of the other four, had made a definite refusal, so he put them all together. Pte. Scott, the other witness, was in my opinion most unsatisfactory, and he was proven on the witness stand to have made a wrong statement. In any event, the prosecutor makes no claim to having made - to the giving of a direct order. I firmly believe that in this case of the accused that a grave miscarriage of justice has already occurred, in as much as he has already spent forty odd days in a cell in the Detention Barracks of this camp awaiting disposal of his case which I have shown to consist of just two minor charges. Is that British justice? We are fighting against the very thing that is shown in this case. He did not want a District Court-Martial - in fact, he was quite willing to take fourteen days detention for his absence, even though it was not his fault.

Court: That is not in the evidence.

Defending Officer: I forgot to bring it out.

I do know this, I am only interested in the justice of the case. The reason he did not take his trial before his Commanding Officer - .

Court: That is not in the evidence.

Take a broad picture of the whole proceedings. You have a military movement of personnel, which in my mind, is like that of a picnic. It was in charge of a weak N.C.O. and where no rations were issued and no provision made for feeding the men enroute. They were travelling one hundred and sixty odd miles in cold weather. In fact, the party in the truck travelled eight hours without food other than two stops for coffee. This naturally led to grumbling and you got to the state where four of the men in the truck refused to go on. But the point the Court must remember is that the accused was not one of that party and he was never with them. I do know the prisoner is one of the type of soldiers who resent a serious crime appearing on his sheet. He has never had one and I do know this, that he is not afraid of the verdict of this Court except in so far as it effects that. He is not afraid of any punishment you may hand out to him, as he has already suffered ten times more punishment than his crime would have called for.

J 57

Amend Daily Log
Pte

CLOSING ADDRESS OF THE PROSECUTOR.

The charge the accused has been tried on is not one of refusing to obey an order. The charge as laid "When on active service disobeying an order" and that is what the Court has to consider. It has been proven that the evidence of Cpl. Wallace - that he gave an order in the beer parlor at Cochrane - that evidence has been substantiated by Pte. Anderson who was present in the beer parlor in Cochrane at the time. Other witnesses have borne out the fact that the accused was also present in the beer parlor while this was going on. My friend has brought up the fact that a blanket order was issued. It is laid down in your Army Act, Section 9,

> "A command does not cease to be given "personally" because it is given to a number of men at one time."

A blanket order or a collective order, according to the meaning of the Army Act, is a personal order. You don't give each man a personal order when you have a company on parade. There is a blanket order and is obeyed by all. From the evidence submitted before this Court, I submit that the charges have been proven and the accused should be found guilty as charged.

SUMMARY OF EVIDENCE

in the case of

No. M-35195 Pte. John William HARDY, Veterans Guard of Canada, C.A., Internment Camp 133, C.A., a soldier of the Canadian Army placed on Active Service.

CHARGES:-

1. Disobeying a lawful command.
2. Neglect to the prejudice of good order and military discipline.

The Commanding Officer directs that the evidence be taken on oath.

First Witness

No. M.42340 L/Cpl. James WALLACE, 29 Company Veterans Guard of Canada, C.A., having been duly sworn, states:-

"I am M.42340 L/Cpl. James Wallace, 29 Company Veterans Guard of Canada, C.A.

On 21st December, 1942, I was detailed to take a party from Internment Camp at Lethbridge, Alberta, to Ozada, Alberta. M-35195 Pte. J.W. Hardy, was one of the men of the party, whom I recognize as the accused. We left Lethbridge at approximately 0730 hours and reached Cochrane, Alberta, about 1400 hours, when we stopped to have a meal. When ready to leave Cochrane at approximately 1430 hours, I ordered the men to get into the truck. The following men refused to get into the truck: M.35195 Pte. J.W. Hardy, L.32097 Pte. LaPlante, J.R., L.32457 Pte. Greatrix, J., K.93678 Pte. Maxwell, E.T., and M.56292 Pte. Watson, J.J. They stated that they would not go any further but would come to Ozada by train that evening. These men did not get into the truck which left Cochrane at approximately 1435 hours on 21st December, 1942."

Cross examined by the accused.

Question Were you in the truck or Station Wagon?

Answer "I was in the Station Wagon to Cochrane, and from Cochrane to Ozada, in the truck."

Question What arrangements were made to eat?

Answer "I told you to take your haversack Rations and that you would get coffee on the road."

Question You dont know where the truck made the first stop?

Answer "It was supposed to stop at Calgary."

Question You dont know about the crock at High River?

Answer "No, I was in the Station Wagon."

Question Were arrangements made to change from the Station Wagon to the truck at Calgary?

Answer "Yes, that was arranged."

Question Was I put under 'Open Arrest' when I refused to obey the order?

Answer "No, you were not."

J. Wallace L/Cpl

Second Witness

No. H.54353 Pte. David Angus SCOTT, Veterans Guard of Canada, C.A., Internment Camp 133, C.A., having been duly sworn, states:-

"I am No. H.54353, Pte. David Angus Scott, Veterans Guard of Canada, C.A..

On 21st December, 1942, I was relief driver on the truck detailed to take a party from Lethbridge, Alberta to Ozada, Alberta. Before leaving Lethbridge, Alberta, I refused to be responsible for No.M.35195, Pte. J.W. Hardy whom I recognize as the accused, as he had been drinking. Enroute we stopped at the Cafe at Cochrane, Alberta, for lunch. After eating, the accused and some others went to the beer Parlour. At approximately 1430 hours I warned the men in the Beer Parlour that we were ready to leave for Ozada. At approximately 1435 hours the truck left Cochrane and the accused was not in the truck and was left behind at Cochrane, Alberta."

Cross examined by the accused.

Question Did you hear L/Cpl. Wallace give me an order?

Answer "No."

D. A. Scott

Third Witness

No. L.32335 Pte. John ANDERSON, Veterans Guard of Canada, C.A., Internment Camp 133, C.A., having been duly sworn, states:-

"I am No. L.32335 Pte. John Anderson, Veterans Guard of Canada, C.A.

On 21st December, 1942, I was detailed with other men to proceed from Lethbridge, Alberta, to Ozada, Alberta. No. M.35195 Pte. J.W. Hardy, whom I recognize as the accused, was one of the party. Part of the men were conveyed by a Station Wagon and the remainder in a truck. I was in the Station Wagon with the accused. When we arrived at Cochrane, Alberta, we found the men who were travelling by truck, eating in the Cafe and waited there about three quarters of an hour. Some of the men went into the Beer Parlour. The accused was in the Beer Parlour part of the time and was there when L/Cpl. Wallace came in and told us all that the vehicles were ready to leave and ordered all of us to leave. I left and the accused remained sitting in the Beer Parlour."

Crossed examined by the accused.

Question When we left Camp did you hear L/Cpl. Wallace tell us to go to the Cookhouse and get sandwiches?

Answer "I didn't hear him say that."

Question Did you hear the Cpl. give me a direct order to get into the truck?

Answer "Not to you personally. He told us all to get into the vehicles, saying, 'The Trucks are ready to pull out. Come on boys'."

John Gustav Anderson

Fourth Witness — No. H.40077 Sgt. David Andrew WITHER, Veterans Guard of Canada, C.A., Internment Camp 133, C.A., having been duly sworn, states:-

"I am No. H.40077 Sgt. David Andrew Wither, Veterans Guard of Canada, C.A.

On 21st December 1942, I was in charge of the Detachment at Ozada, Alberta. At about 1630 hours a motor Convoy arrived. No. M.42340 L/Cpl. Wallace, J., was in charge of the Convoy. He reported that he had left Internment Camp, Lethbridge, Alberta, with eleven other ranks as reliefs for men on duty at Ozada, Alberta. When he arrived he only had six men, the others had stayed at Cochrane, Alberta, and refused to come on with his Convoy. He said he expected them on the evening train. The following men reported to me at Ozada, Alberta on 22nd December 1942, at approximately 1030 hours, K.93678 Pte. Maxwell, E.T., M.56292 Pte. Watson J.P., L.32457 Pte. Greatrix, I., M.35195 Pte. Hardy, J.W., - L.32097 Pte. LaPlante, J.R. reported at 0830 hours on the morning of 22nd December, 1942."

Cross examined by the accused.

Question — When were you told to put me under arrest?

Answer — "I wasn't told to put you under arrest at any time."

Question — Did the Corporal distinctly state that I refused to obey his order?

Answer — "No names were mentioned."

D A Wither

Fifth Witness — Major W. H. Roe, Veterans Guard of Canada, C.A., Internment Camp 133, C.A., having been duly sworn, states:-

"I am Major W. H. Roe, Veterans Guard of Canada, C.A., Administrative Officer, Internment Camp 133, C.A.

On the 21st December, 1942 I detailed a party consisting of, -

M-42340 L/Cpl. Wallace, J. (29Coy. VGC CA) in charge of party,
M-53347 Pte. Parks, A.H. " " "
M-53458 " Swanston, J.S. " " "
M-65661 " Wiseman, W. " " "
M-35195 " Hardy, J.W. (VGofCCA- Scout)
K-93678 " Maxwell, E.T. " "
M-56292 " Watson, J.J. " "
L-32535 " Wells, B. " "
H-54445 " Desjarlais, J. " "
L-32097 " LaPlante, J.R. " "
L-32457 " Greatrix, J. " "
L-32335 " Anderson, J.G. " "

to proceed from Lethbridge Internment Camp by Moto Transport to Ozada Internment Camp to relieve a So

Fifth Witness (Continued)

detachment on duty at Ozada, Internment Camp. This detachment, despatched from Lethbridge, should have arrived at Ozada Internment Camp at approximately 1600 hours on 21st December, 1942 and the members of the detachment should have been on duty at Ozada Internment Camp from the time of arrival until relieved."

Major.

QUESTION TO THE ACCUSED -

Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

ANSWER BY ACCUSED -

I have nothing to say.

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

Taken down by me in the presence of the accused at Internment Camp 133, C.A., Lethbridge, Alberta, this 25th day of January, 1943.

Capt.
(L. H. Dwane) Asst. Adm. Officer, Internment Camp No. "133", C.A.
Officer detailed to take the Summary of Evidence.

H.Q.C. 55-H-343

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

BAILLEY, W.D. K.68465 FIE.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-343

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
APR 2 1943	1/5/43	BF	K.F.R.	JAG	With Papers C.R. MAR 22 1943		
				JAG	With Papers C.R. APR 15 1943		
APR 20 1943	19/4/43	P.A.	DKB	A.D.	To [illegible] P.A.	Bl.	16-4-43
	1/5/43	P.A.	Bl.	JAG	PER B. F. MAY 1 - 1943		

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-343 (JAG)

April 16th, 1943.

Brigadier i/c Administration
Pacific Command,
Vancouver, B.C.

District Court-Martial
K-65485, Pte. W.H. Hartley
No. X1 District Depot C.A.

Receipt is acknowledged of your 22-H-2998 dated 10th April, 1943, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

Brigadier,
Judge Advocate-General.

LF/MAV

500-6-42(M1255)

IN REPLY PLEASE QUOTE
No. 22-H-2998

120198

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY
Headquarters, Pacific Command
Vancouver, B.C.

April 10th, 1943.

Judge Advocate-General,
National Defence Headquarters,
OTTAWA, Ontario.

C 55-H-343
Reply to
Referred to JAGs

DISTRICT COURT-MARTIAL
K-65485, Pte. W.H. Hartley,
No.XI District Depot, CA.

1. Receipt is acknowledged of your H.Q.C. 55-H-343 (JAG) dated 1st April, 1943 returning the proceedings in the m/n case.

2. The irregularity mentioned therein has now been drawn to the attention of all officers concerned and the proceedings are, therefore, returned for custody.

for (W.H.S. Macklin) Brigadier,
Brigadier i/c Administration,
Pacific Command.

N.D. 25
75M.—10-41 (2344)
H.Q. 1772-101-88

ac
encl.

A

FORM OF PROCEEDINGS FOR DISTRICT COURT MARTIAL

RECEIVED 7 APR 1943 COMMAND PACIFIC COMMAND VANCOUVER, B.C.

PROCEEDINGS of a District Court Martial held at Vancouver Barracks, Vancouver, B.C. on the 12th. day of March, 1943 by order of Brigadier W.H.S.MACKLIN, Brigadier i/c Administration Pacific Command, dated the 9th. day of March, 1943.

President

Lt. Col. W.D.S.RORISON, OBE. MC. VD
2nd. (R) Bn. Irish Fusiliers, (VR) CA.

Members

Captain H.C.GELL,
No. XI District Depot, CA.

Captain J.F.SHERLOCK,
1st. Bn. Canadian Fusiliers, CA.

Judge Advocate

Captain R.E.HEWITT,
No. XI District Depot, CA.

TRIAL of K.65485 Pte. William Henry HARTLEY, No. XI District Depot, CA.

The order convening the Court, the charge sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.*

The accused is brought before the Court.

PROSECUTOR: Captain E.E.WASSON, No. XI District Depot, CA. att'd H.Q. Pacific Command.

DEFENDING OFFICER: Captain F.FRANKLIN, No. XI District Depot, CA.

(For orders detailing Captain J.F.Sherlock as member of the Court and Captain F. Franklin, as Defending Officer see documents attached marked "X1" and "X2")

At 10.10 o'clock a.m. the Trial commences.

The order convening the Court is read and is marked "X" signed by the President and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused:

Q.1 Do you object to be tried by me as President, or by any of the officers whose names you have heard read over ?

A No, sir.

* I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any board of inquiry respecting the matters forming the subject of the charge before this Court martial.

W D S Rorison
Lieut. Col.
President, D.C.M.

B

The President, members and judge-advocate are duly sworn.

Q.2 Do you object to K.92189 Cpl. (A/CSM) A.S.HOGG, Headquarters Pacific Command (CMSC. CA) acting as shorthand writer ?

A No, sir.

K.92189 Cpl. (A/CSM) A.S.HOGG, Headquarters Pacific Command (CMSC. CA) is duly sworn as shorthand writer.

CHARGE SHEET

The charge sheet is signed by the President, marked B2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge sheet.

Q.3 Are you guilty or not guilty of the first charge against you, ehich you have heard read ?

A Not guilty, sir.

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read ?

A Not guilty, sir.

CHARGE SHEET

The accused K-65485 Pte. William Henry HARTLEY of No. XI District Depot, C.A. a soldier of the Canadian Army placed on Active Service, is charged with:-

First Charge
SEC. 15 s.s. 1
ARMY ACT.

ABSENTING HIMSELF WITHOUT LEAVE

In that he

At Little Mountain Camp, Vancouver, B.C. at 0800 hours on the 21st day of July, A.D. 1942 absented himself without leave from No. XI District Depot, C.A. until he surrendered himself at 1045 hours on the 23rd day of February, A.D. 1943 at No. XI District Depot, Little Mountain Camp, Vancouver, B.C.

Second Charge
SEC. 24(2)
ARMY ACT.

LOSING BY NEGLECT HIS CLOTHING, EQUIPMENT AND REGIMENTAL NECESSARIES.

In that he

At Little Mountain Camp, Vancouver, B.C. on the 11th day of August, A.D. 1942 was deficient of the following articles, viz:-

3 Blankets G.S. 10.98

C 366

Marked "B2" and signed by me
W D S Robinson
Lieut. RAM

Signed at Vancouver, B.C. this 6th day of March, A.D. 1943.

(T.S. Leslie) Lieut. Col.,
O.C., No. XI District Depot, C.A.

TO BE TRIED BY DISTRICT COURT-MARTIAL.

Signed at Vancouver, B.C. this 8th day of March, 1943.

Colonel,
Colonel Administration
for Brigadier i/c Administration,
Pacific Command.

C

PROCEEDINGS ON PLEA OF NOT GUILTY

Q. 5 Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence ?

A No, sir.

THE PROSECUTOR DECLINES TO MAKE AN OPENING ADDRESS.

THE PROSECUTOR PROCEEDS TO CALL WITNESSES.

First witness for Prosecution: Captain W.J.DECKER, No. XI District Depot, CA. being duly sworn, is examined by the Prosecutor:

Q.6 Would you give us your rank, name and appointment ?

A Captain W.J.Decker, assistant adjutant, No. XI District Depot, CA. Vancouver, BC.

Q.7 By virtue of your appointment you are in charge of records there ?

A Yes, sir.

Q.8 Among your records have you the attestion paper of the accused ?

A Yes, sir, and I produce certified true copy of his MFM.2.

(DOCUMENT produced, is read, marked "G" signed by the President and attached to the proceedings).

Q.9 And this is a true copy of the attestation paper of the accused ?

A It is, sir.

THE DEFENDING OFFICER DECLINES TO CROSS EXAMINE THIS WITNESS

WDSR

IN THE OPINION OF THE COURT and the Judge Advocate IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS WITHDRAWS.

Second witness for Prosecution: K.92149 Sgt. W.E.PHILPOTT, No. XI District Depot, CA. being duly sworn, is examined by the Prosecutor:

Q.10 What appointment have you at the Depot, Sgt. Philpott ?

A I am Intelligence Sergeant

Q.11 As such, have you any extracts of orders relating to the accused ?

A My duties are to prepare evidence, documentary evidence in summaries for Courts-martial from No. XI District Depot personnel. I produce certified true copy extract from No. XI District Part II Order No. 169 dated 18th. July, 1942, para. 2 thereof.

(DOCUMENT produced, is read, marked "H" signed by the President and attached to the proceedings).

Q.12 Have you any other documents ?

A I produce Certified true extract Part II Orders No. 46 dated 24th. February, 1943, para. 3 thereof, issued by No. XI District Depot.

(DOCUMENT produced, is read, marked "I" signed by the President and attached to the proceedings).

Q.13 These are all the documents you have ?
A Yes, sir.

Q.14 Have you any personal knowledge of this matter ?
A Yes, sir. At approximately 1045 hours on the 23rd. February 1943 theaccused, Pte. Hartley arrived in the Intelligence Office Hut No, 5 XI District Depot, Little Mountain Camp, Vancouver, BC. and stated that his name was Hartley.

Q.15 At that time was he under escort ?
A No, sir.

Q.16 He came in himself into the Intelligence Office ?
A Yes, sir.

Q.17 Was he under arrest then ?
A No, sir. When he came in he said "My name is Hartley and I joined the army last July and after being in the army for three or four days I left and went to Vancouver Island without permission." I said "Had you been issued with a uniform?" and he said "No, I received no equipment at all". I said "What have you been doing since that time" and he replied "I have been working on a farm on the Island" I said "Why did you do that " and he answered "I had been in the Camp two or three days and nobody seemed to pay any attentio to me so I went away." I then checked the records to see if he had been on the strength of the depot.

Q.18 For what purpose ?
A To see, if he had been on the strength that a person by that name had been struck off strength as a deserter.

Q.19 You were just verifying his story ?
A Yes, sir. I had the accused placed under close arrest to be brought before the Commanding Officer for trial the next day.

Q.20 This conversation you have just given us took placebefore he was under close arrest ?
A Yes, sir. He was not placed under arrest until we had checked the records and found his story to be true. We then placed him under arrest when we found that he had been absent for that length of time.

Q.21 He came to yuur office voluntarily ?
A Yes, sir.

Q.22 Was he brought in by anyone ?
A No, sir.

THE DEFENDING OFFICER DECLINES TO CROSS EXAMINE THIS WITNESS

QUESTIONED BY THE COURT:

Q.23 You say the accused made his statement voluntarily ?
A Yes, sir.

Q.24 Did you question him ?
A Naturally I asked him some questions to give me a guide.

Q.25 Did you quarrel with him ?
A No, sir.

Q.26 You made him no promises ?
A No, sir.

Q.27 When you asked the accused why he went absent tell us more fully the reason he gave for so doing ?

A He said "I was around the camp three or four days and nobody paid any attention to me so I went away".

Q.28 Did he elaborate ?

A No, sir, and I did not press the question any further.

IN THE OPINION OF THE COURT, and the Judge Advocate IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS WITHDRAWS.

THE PROSECUTOR HAS NO FURTHER WITNESSES.

THE PROSECUTION IS CLOSED.

D

DEFENCE

Question to the accused :-

Q.29 Do you apply to give evidence yourself as a witness ?
A No, sir.

Q.30 Do you intend to call any other witness in your defence ?
A Yes, sir.

Q.31 Is he a witness as to character only ?
A No, sir.

Q.32 Have you anything to say in your defence ?
A The Defending Officer will speak for me, sir.

STATEMENT BY DEFENDING OFFICER: "The accused joined the army in Victoria, was then sent to No. XI District Depot and was taken on strength on 16th. July, 1942. At that time, on arriving at the depot, he asked for three days' leave which was granted verbally. I want to stress that word "verbally". At the time the accused was in civilian clothes. At the end of the three days which were granted to him he returned, in fact he returned the night before so as to be on time. He sat around all day and received no attention whatever, and having other things on his mind he thought he could leave. He did not realise he was under military law, not having drawn any military uniform or equipment. His chief reason for leaving was on account of his sister-in-law and five small children who were depending on him to get in sufficient wood and fuel, as his brother was in Vancouver working. He intended to come back at the end of the job but the winter was severe, heavy snow, as we all know, Another reason for his going away was that he was suffereing very badly from piles and at the time of joining he was given no assurance that he would be fixed up and he felt very embarrased when using a public toilet and his health also depended upon his taking pills daily so that he could visit the toilet. His conscience told him he should return to the army - he felt very nervous being away as time drifted by. He eventually surrendered himself, even paying for a taxi to take him to the depot. He could not look a soldier in the face, thinking it might be an M.P. He got jumpy if he heard the dog barking, thinking it was a military visitor. All that he asks now is to be given a chance to become a good soldier."

First witness for Defence: Mr. Albert Edward HARTLEY, Secret serviceman, White Pine, B.C. being duly sworn, is examined by the Defending Officer.

Q.33 I understand you have a farm in or near Nanaimo ?
A Seventeen miles north.

Q.34 And you have a wife and five small children?
A Yes.

Q.35 And you understood that your brother, the accused, before enlisting had promised that he would assist over there getting in fuel for your family ?
A Yes.

Q.36 The reason being, I believe, that you were then working in Vancouver ?
A Yes.

Q.37 Did you know aht the time that your brother had joined or was joining the army ?
A Yes, I did.

Q.38 How long have you been working here now ?
A I came over last September.

Q.39 How long have you been here ?
A Five and a half months.

CROSS EXAMINED BY THE PROSECUTOR:

Q.39 What is your brother's occupation ?
A He is a school teacher.

Q.40 When did he last teach school ?
A Last June.

Q.41 Did you know of his intention to enlist in the army ?
A No. I did not at the time. He came from Nanaimo and enlisted.

Q.42 When did he enlist in Nanaimo ?
A That I can't tell, I don't know the exact date.

Q.43 Subsequently to June, 1942 ?
A Yes, after June, 1942.

Q.44 When did he go to enlist in Nanaimo ?

A You will have to ask him, I don't know.

Q.45 When did you find out he joined up ?
A I took him into town on Saturday night.

Q.46 You knew then that was his intention ?
A I was not certain.

Q.47 What do you mean ? Do you or do you not know when he joined
A He came back and said he had joined the army.

Q.48 That was when ?
A Last July. Sometime then.

Q.49 When did you next see him ?
A About ten days after.

Q.50 Where ?
A He came to my place.

Q.51 Vancouver Island ?
A Yes.

Q.52 Did he give any explanation as to why he was not in the army
A No.

Q.53 You knew he had joined the army ?
A Yes.

Q.54 Did you not say "Why are you not in the army ?
A That's a hard question to answer.

Q.55 Were you not surprised to see that he was not in uniform ?
A Yes.

Q.56 And you asked him why he was not ?
A Yes.

Q.57 What did you say ?
A I don't remember. He said he was out of the army.

Q.58 That is what I was trying to find out. What arrangements did he make as to his future after he said he was out of the army ?
A He asked if he could get his job back.

Q.59 What job ?
A Working in the mill.

Q.60 When he quite teaching school he had a job in a mill ?
A Yes.

Q.61 Did he get the job back ?
A Yes.

Q.62 What kind of a mill ? A sawmill ?
A Yes.

Q.63 Where ?
A The Straits Lumber Company.

Q.64 Where is that ?
A North of Nanaimo.

Q,65 How long did he work there ?
A Unilt they closed down.

Q.66 Approximately how long did he work ?
A One and a half to two months.

Q.67 Say to about the end of August ?
A Yes.

Q.68 Then what did he do ?
A Went out on the farm.

Q.69 Why did he not go back to school teaching ?
A That's a pretty tough question to answer.

Q.70 But school teaching was his job ?
A You will have to ask him why.

Q.71 Did he not tell you ?
A No.

Q.72 Did you ask him ?
A Yes.

Q.73 Could he make more money working as teaching ?
A Yes.

Q.74 But you never discussed it with him ?
A No.

Q.75 He suddenly gave up being a school teacher and became a farmer and you did not ask him why ?
A He wanted to farm the place.

Q.76 He stayed on your farm until February of this year ?
A Yes, that's right.

Q.77 And what remuneration did he get ?
A He got his board and spending money.

Q.78 How much spending money ?
A I don't know.

Q.79 Who gave him the spending money ?
A I did.

Q.80 How much would you give him a month ?
A That's a pretty hard question to answer.

Q.81 Did you give him ten dollars, twenty dollars ? Or how much ?
A Maybe ten or twenty.

Q.82 More than twenty dollars ?
A No.

Q.83 And some months five or ten ?
A Yes.

Q.84 That was not a very profitable venture for him ?
A The idea was that he would have that farm and run it himself.

Q.85 Did he get the proceeds of the farm ?
A There were none at that time.

Q.86 Did he ever discuss with you his coming back to the army ?
A No, he did not.

Q.87 When did you last see him ?
A I came across with him when he gave himself up.

Q.88 Did he tell you why he was coming over ?
A He said he was coming over to give himself up.

Q.89 Did he [redacted] not say what he meant ?
A Naturally.

Q.90 What did he say ?
A He said he was away from the army.

Q.91 You must have been very surprised that here is your brother who had told you he was out of the army and settled on your farm now wanted to give himself up ?
A Naturally I was surprised.

Q.92 What did you say ?
A He said he was going back to the army and that is all that was said.

Q.93 What did you say ? Did you say "I thought you were out of the army "?
A I did not criticize him at all.

Q.94 Did you not inquire as to what the explanation was ?
A No.

Q.95 You did not say "Well, what's the idea of telling me this now ?"
A No, I was a bit surprised.

Q.96 Did you express it ?
A No.

THE DEFENDING OFFICER DECLINES TO REEXAMINE THIS WITNESS.

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS WITHDRAWS.

THE DEFENDING OFFICER DECLINES TO MAKE A CLOSING ADDRESS.

THE PROSECUTOR DECLINES TO MAKE A CLOSING ADDRESS.

THE JUDGE ADVOCATE AND THE COURT THINK A SUMMING-UP UNNECESSARY.

E

FINDING

The Court is closed for the consideration of the finding.

The Court find that the accused K.65485 Pte. William Henry HARTLEY, No. XI District Depot, CA. is GUILTY of the first charge but is NOT GUILTY of the second charge.

The finding of NOT GUILTY is read in open Court.

PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

The Court being reopened, the accused is again brought before it.

Captain W.J.DECKER, No. XI District Depot, CA. being recalled, is examined upon his former oath:

Question by the President:

Q.97 Have you any evidence to produce as to the character and particulars of service of the accused ?

A I produce MFB. 355 and certified copy MFM.6.

The above statement is read, marked "Y" signed by the President and attached to the proceedings.

Certified copy MFM. 6 is read, marked "Z" signed by the President and attached to the proceedings.

Q.98 Is the accused the person named in the statement which you have heard read ?

A He is, sir.

Q.99 Have you compared the contents of the above statement with the regimental books ?

A I have sir.

Q.100 Are they true extracts from the regimental books, and is the statement of entries in the conduct sheet a fair and true summary of those entries ?

A They are, sir.

THE DEFENDING OFFICER DECLINES TO CROSS EXAMINE THIS WITNESS

IN THE OPINION OF THE COURT AND THE JUDGE ADVOCATE IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS WITHDREW.

Question to the accused:

Q.101 Do you wish to address the Court ?

A The Defending Officer will speak for me. (See document marked "J" attached)

THE COURT IS CLOSED FOR THE CONSIDERATION OF THE SENTENCE.

F

SENTENCE

Sentence

The Court sentence the accused K.65485 Pte. William Henry HARTLEY, No. XI District Depot, CA. to undergo detention for thirty-five days.

Detention 35 days.

SIGNED at Vancouver, B.C. this 12th. day of March, 1943.

W D Ironson
Lt.Col.
2nd. (R) Bn. Irish Fusiliers, (VR) CA.
President,

J E Sewell
Capt.
No. XI District Depot, CA.
Judge Advocate.

Confirmation

Confirmed
E. Beauchamp
Brig.
Brigadier I/C Administration Pacific Command

Signed at Vancouver, B.C. 16 March 43

PROMULGATED and extracts taken at Vancouver, B.C. this 17th day of March, A.D. 1943.

C L Lalond Capt
(Officer I/C Documents)
No. XI District Depot, C.A.

Extracts entered as No. 8178 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 23rd day of Mar 1943.

ORDERS BY Brigadier W.H.S. Macklin,

Brigadier i/c Administration, Pacific Command

Vancouver, B.C.
March 9th, 1943.

DISTRICT COURT(S)-MARTIAL.

K-65485, Pte. William Henry Hartley,
No. XI District Depot, C.A.
K-605246, Pte. Michael Collins Mahoney,
General List, No. XI N.R.M.A. Clearing
Depot, att'd No. XI District Depot, CA.

Marked "X" and signed by me. W.D. Morison Lt.Col. President, D.C.M.

The detail of officers as mentioned below will assemble at Vancouver Barracks, Vancouver, B.C. on Friday, the 12th day of March, 1943 at 10 A.M. for the purpose of trying by -----DISTRICT---------- Court-Martial the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT:

Lieut.-Col. W.D.S. Morison, D.B.E., M.C., V.D.,
2nd (R) Bn. Irish Fusiliers (VR), C.A.
is appointed President.

MEMBERS:

Captain H.C. Gell, No. XI District Depot, CA.,
One Captain from the 1st Bn. Canadian Fusiliers, C.A. to be detailed by the Officer Commanding, Vancouver Defences.

WAITING MEMBERS:

One Lieutenant from the 1st Bn. Canadian Fusiliers, C.A. to be detailed by the Officer Commanding Vancouver Defences and one Lieutenant from No. XI District Depot, C.A. to be detailed by the Officer Commanding, No. XI District Depot, CA.

PROSECUTOR: Capt. E.E. Wasson, No. XI District Depot, CA, att'd H.Q. Pacific Command.
DEFENDING OFFICER: to be detailed by the Officer Commanding the unit of accused.
JUDGE ADVOCATE: Capt. R.E. Hewitt, No. XI District Depot, C.A.

Selected Officers of the ~~Vancouver~~ Area, not detailed for special duty, will attend for instruction.

The accused person will be warned and all witnesses duly required to attend.

The Commandant, Vancouver Barracks, will be responsible for the necessary accommodation, etc. The Officer Commanding No. XI District Depot, CA. will detail a Court Orderly.

The proceedings will be forwarded to Brigadier i/c Administration, Pacific Command, marked "Confidential."

Signed at Vancouver B.C., this 9th day of March, 1943.

Hugh Allan

(Hugh Allan) Colonel,
Colonel Administration,
Pacific Command.

23

IN REPLY PLEASE QUOTE
No.

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Canadian Fusiliers, C.A. (A)
Seaforth Camp, Vancouver, B.C.
12 March 1943

Major Orr
HQ., Pacific Command
Vancouver Barracks
VANCOUVER, B.C.

Martial XI and signed by me
W.D.S. Robson
O.C.
President, D.C.M.

DISTRICT COURT-MARTIAL

K.65485, Pte. William Henry Hartley
No. 11 District Depot, C.A.
K.605246, Pte. Michael Collins Mahoney
General List, No. 11 N.R.M.A. Clearing Depot, att'd to No. 11 District Depot

1. Capt. J.F. Sherlock is detailed as member of the marginally noted D.C.M. as per P.C.R.O. No. 322 d/11 Mar 43.

(R.H. BEATTIE) Lt-Col.
Commanding
Canadian Fusiliers, C.A. (A)

H.Q. Pacific Command,
Vancouver, B.C.
Capt. Sherlock,
1 Can. Fus. is hereby detailed as member of the a/m District Court Martial.
MVM/FL

MINUTE 2.

5-3-18
12 Mar 43

(A.H.W. Landon) Brigadier,
Commanding Vancouver Defences.

N.D. 23
1,500M—7-42 (5219)
H.Q. 1772-101-22

H-403
25

NO XI DISTRICT DEPOT
Little Mountain Camp, Vancouver, B.C. 8th MARCH 3

Marked "X2" and signed by me
W D Shore Lieut
President, DCM.

Capt. H.C.Gell, No XI D.D.
→ Capt. F.Franklin, No XI D.D.
Lieut. S.A.Kelsberg, No XI D.D.

DISTRICT COURT MARTIAL
K-65485 - Pte. HARTLEY, W.H.

1. The following Officers have been detailed for duty at the a/m District Court Martial.

Capt.H.C.Gell. Member of the Court.
Capt.F.Franklin. Defending Officer.
Lt. S.A.Kelsberg. Waiting Member.

2. The a/m District Court Martial will be held at 1000 hours, Friday, March 12th at Vancouver Barracks, Vancouver, B.C.

3. This letter will be handed to Lieut.-Col. W.D.S.Rorrison, ABE.,MC.,VD., the President of the Court.

C Lad

Capt.& Adjt.,
for (T.S.Leslie) Lieut.-Col.,
O/C NO XI DISTRICT DEPOT C.A.

CRR/ksw

CERTIFIED TRUE COPY OF ORIGINAL DOCUMENT.

27

ORIGINAL
DUPLICATE
TRIPLICATE

M.F.M. 2
A.F.B. 271
7500M—5-42 (4398)
H.Q. 1772-39-1043

C.Hall ..... CAPT & ADJT.,
OFFICER I/C RECORDS & DOCUMENTS,
NO.XI DISTRICT DEPOT, C.A.(A)

(To be completed in triplicate. Copy designation to be shown by striking out terms not applicable.)

Unit NO.XI DISTRICT DEPOT A.F. Regimental Number K-65485

ACTIVE FORMATIONS AND UNITS OF THE CANADIAN ARMY

ATTESTATION PAPER

Number 'G' and signed by me. W.D. Thorson Capt. Bal. President, D.C.M.

1. Surname: HARTLEY
2. Christian Names: WILLIAM HENRY
3. Present address: KUEST SASKATCHEWAN CANADA
4. Date of birth: 16 DECEMBER 1909
5. Place of birth: CANADA (Country) SASKATCHEWAN (Province) ALBEDA (Town or Township)
6. Citizenship: (Of What Country are You Now a Citizen)
7. Religion (state denomination): CHURCH OF ENGLAND
8. Trade or Calling: SCHOOL TEACHER
9. Married, Widower or Single: SINGLE
10. Name of next of kin: JOHN THOMAS HARTLEY
11. Relationship: FATHER
12. Address of next of kin: MISSION CITY BRITISH COLUMBIA CANADA
13. Do you belong to, or have you served in a Reserve Formation or Unit of The Canadian Army? NO (If Yes, Give Unit and Dates of Service)
14. Have you served in (a) an Active Formation or Unit of The Canadian Army? NO (Yes or No) (If Yes, Give Regimental No. and Unit) (b) Any other Naval, Military, or Air Force? NO (Yes or No) (If Yes, specify Unit and Period of Service)
15. Did you serve during the Great War 1914-1918? NO (If Yes, specify Regimental No., Unit and Dates of Service)

DECLARATION TO BE MADE BY MAN ON ATTESTATION

I, WILLIAM HENRY HARTLEY, do solemnly declare that the above particulars are true, and I hereby engage to serve in any Active Formation or Unit of The Canadian Army so long as an emergency, i.e., war, invasion, riot or insurrection, real or apprehended, exists, and for the period of demobilization after said emergency ceases to exist, and in any event for a period of not less than one year, provided His Majesty should so require my services.

Date 16 JULY 1942 "Wm.H.Hartley" (Signature of recruit)

OATH TO BE TAKEN BY MAN ON ATTESTATION

I, WILLIAM HENRY HARTLEY do sincerely promise and swear XXXXXXXX XXXX) that I will be faithful and bear true allegiance to His Majesty.

Witness K-92226 S/Sgt "G.S.Robertson" (Name) (Rank) "Wm. H. Hartley" (Signature of Recruit)

CERTIFICATE OF MAGISTRATE, JUSTICE OF THE PEACE OR ATTESTING OFFICER

The Recruit above-named was cautioned by me that if he made any false answers to any of the above questions he would be liable to be punished as provided by law.

The above questions and answers were then read to the recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered as replied to, and the said recruit has made and signed the declaration and taken the oath before me,

at VICTORIA? B. C. this SIXTEENTH day of JULY 1942

"S.H.Okell" (Signature of Magistrate, Justice or Attesting Officer)

(S.H.OKELL) CAPTAIN
Recruiting Officer, Vancouver Island Area (Officer or Rank and Unit or appointment.)

N.B.—ATTENTION IS DRAWN TO THE FACT THAT ANY PERSON MAKING A FALSE ANSWER TO ANY OF THE ABOVE QUESTIONS IS LIABLE TO A PENALTY OF SIX MONTHS' IMPRISONMENT

28

Record of Service of HARTLEY (Surname) WILLIAM HENRY (Christian Name) Regimental Number K 65485

QUALIFICATIONS — EDUCATIONAL QUALIFICATIONS

Military: NIL

Business or Professional: TEACHER (PUBLIC SCHOOLS)

Trade or Civil: SCHOOL TEACHER

Technical: NIL

Languages: NIL

	(years completed)	Graduation or Matriculation (specify)
High School or Collegiate	FOUR	SENIOR MATRIC
*College	NIL	
*University		

*(Name of institution, courses or years completed, and degrees obtained to be shown)

All enlisted personnel will be taken on as Private soldiers, appointments and promotions to higher rank to be shown as provided in the space below.

Record of Promotions, Reductions, Transfers, Casualties, Reports, etc., from date taken on Strength of Field Force	Rank Shown	Effective Date	Unit	Place	Authority: Part II D.O. No. Can. List, etc.	Dated
Joined on appointment						

For additional entries use M.F.M. 1 and 2 (a)

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CERTIFICATE OF MEDICAL EXAMINATION

Date of Medical Examination

Name in full HARTLEY, William Henry Place Victoria, B.C.

Place Bay Street Armouries Date...July 15th 1942

Part 1. Information obtained from the recruit.

1. Age 32 2. Have you ever suffered from any of the following diseases?

a. Rheumatism	NO	k. Ear disease	NO
b. Tuberculosis or pleurisy	NO	l. Eye disease	NO
c. Bronchitis or asthma	NO	m. Fits NO	
d. Heart disease	NO	n. Nervous or mental disease	NO
e. Kidney or bladder disease	NO	o. Syphilis	NO
f. Stomach or bowel trouble	NO	p. Gonorrhoea	NO
g. Rupture	NO	q. Have you ever worn glasses?	NO
h. Varicose veins	NO	r. Are you now or have you in the past received disability pension or compensation? If so, give details	NO
i. Foot trouble	NO		
j. Nasal trouble	NO	"Wm.H.Hartley"	

I hereby declare that I have not suffered from any diseases whatsoever except as stated above.

Signature of Applicant

Part 2. Information obtained by medical examination. THE RECRUIT MUST BE STRIPPED.

Medical Officer's Remarks on information as stated in Part 1

1. Identification marks or scars Nil.
2. Height 5 feet 9 inches. 3. Weight 161 pounds.
4. Complexion Dark Eyes Blue Hair Dk. Brown 5. Development Good (Good / Fair / Poor)
6. Chest measurement—Girth on full expansion 40 inches. Range of expansion 3 inches.
7. Vision, right 20/20 left 20/20
With Glasses— right N.A left N.A. 8. Hearing, right C.V.20 left C.V.20
9. Condition of mouth and teeth M.F.B.465 Fit
10. Blood Pressure:—S. D (Required if recruit is over 35 years of age, or if otherwise indicated)
11. Urinalysis Normal
12. The abnormalities (congenital and pathological) found on examination are as follows:—
Ears, reflexes normal.

13. Chest X-Ray Neg. No. 9180 Laboratory at which taken

Part 3. We, the examiners, find no evidence of the diseases mentioned in question 2, Part 1, except as reported in the remarks. We have examined the Recruit in accordance with the pamphlet "Physical Standards and Instructions for the medical examination of Recruits" and he is found fit for Category A.1

Special remarks when category lower than A

President (R.P.Borden) Major rank — Member (G.Andre BIRD) Major rank — Member (J.F.Grant) M.D. rank

Date

VACCINATIONS, INOCULATIONS, BOARDS, RECLASSIFICATION OF MEDICAL CATEGORY

Date	Brief details and signature	Date	Brief details and signature

NOTE: Any corrections to entries made must be initialled by the Officer making them. Such Officer will indicate his rank and corps. Corrections are not to be written over the original entry.

NO. XI DISTRICT DEPOT, C.A.A.

PART II ORDERS NO.169 Dated 18th JULY, 1942.

Marked "H" and signed by me
W D Shannon Lt Col
President, DCM

SECTION "B" OTHER RANKS.

PARA.2.

STRENGTH INCREASE (ATTESTATIONS)

		ATTESTED	PAY DATE
K65485 Pte HARTLEY William Henry S.		16-7-42	16-7-42

CERTIFIED TRUE EXTRACT of Part II Orders,
No.169 dated 18th JULY, 1942, Para.2,
Sec."B" of No.XI District Depot, C.A.

C Lad

.....Capt. & Adjt.,
No.XI District Depot, C.A., (A).

NO.XI DISTRICT DEPOT C.A.A.

PART II ORDERS NO. 46, DATED 24th FEBRUARY, 1943.

Marked "I" and signed by me
W D C Pearson
Lt. Col.
President. Dem.

SECTION "B" OTHER RANKS.

PARA 3.

STRENGTH INCREASE (ABSENTEE)

The undermentioned O/R is taken on the strength of NO.XI District Depot w/e 1045 hours 23 Feb 43, having surrendered to Military Authorities and held in Military Custody.

K65485 Pte HARTLEY W.H.

CERTIFIED TRUE EXTRACT of Part II Orders No.146 dated 24th February 1943, Para 3, Sec."B" of No.XI District Depot, C.A.

C Rlas

.....(Capt.& Adjt.)
No.XI District Depot, C.A.A(A)

ADDRESS BY ACCUSED THROUGH THE DEFENDING OFFICER

I would like to appeal to the Court in passing sentence on the accused on the ground that:

Firstly: Through the delay in getting his uniform the accused was under the impression that he did not come under military law.

Secondly: He left on compassionate grounds for the reason given in his evidence;

Thirdly: He stayed away for the length of time shown due to nervousness as to what would happen to him on his return.

All the accused wants now is to be given another chance to become a good soldier.

Marked "J" and signed
by me.

W D Thomson
Lt. Col.
President DCM.

37

M.F.R. 268
10M—11-41 (2272)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
K-65485	Private	William Henry HARTLEY	No. XI District Depot

1. The following is a fair and true summary of the entries in the ~~Service and General~~ Conduct sheets ~~Regimental and Squadron, Battery or Company Conduct sheets~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment or appointment
For	times	times
For	times	times
For	times	times
For	times	times

~~Number of instances of gallantry or distinguished conduct~~

or,

There are no entries in the conduct sheets of the accused.

~~Note.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.~~

2. The accused has not been previously convicted

or,

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Air Force Act A.F.A. 72 Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.~~

3. The accused is not under sentence at the present time.

or,

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for NIL days in civil custody, and ~~11~~ 17 WD days in ~~military~~ Air Force custody, making a total of ~~11~~ 17 WD days in custody, of which NIL days were spent in hospital.

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 33 years

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper 16 July 1942

7. ~~The service which the accused is allowed to reckon towards discharge is~~

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. ~~The accused is in possession of, or entitled to, no air force decoration, or air force reward (or is in possession of or entitled to) State any air force decoration or reward.~~ military military military

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer had held the rank in the Air Force of .....~~

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....
Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of
.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army / Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....
Name.....of.....Regiment / Unit

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~6th~~ 12th day of March, 1943 (T.S.Leslie) Lieut.Col.
O.C., No. XI District Depot

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "Y" signed by the president, and annexed to the proceedings.

to D.S.Rowan

K-65485 No.

Name HARTLEY William Henry

Sqn., Battery, or Company

No. and date of last drunk

No.11 DISTRICT DEPOT

Corps

Period not reckoning towards freedom from extra fine

A.F.

Date of enlistment 16.7.42

G.C. Badges

Sheet No. 1

Signature O.C. Company, etc. A.Paul Hayes Capt.

Tradesmen's Rates of Pay

Character

M.F.M. 6 (A.F.R. 122) 500M—11-41 (3409) H.Q. 1772-39-1632

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				CERTIFIED BLANK. C.R.Reid (C.R.Reid) Captain & Adjutant i/c Records & Documents, No.11 District Depot, C.A.(A).	Marked "Z" and signed by me W.D.Thomson Capt. Provost. D.S.M.				

(P.T.O.)

SUMMARY OF EVIDENCE

in the case of

K.65485 Pte. William Henry HARTLEY of No. X1 District Depot, C.A. a soldier of the Canadian Army (Active) placed on Active Service. The Accused is charged with:

First Charge: ABSENTING HIMSELF WITHOUT LEAVE

in that he, at Little Mountain Camp, Vancouver, B.C., absented himself without leave at 0800 hours on the 21st day of July, 1942, until he surrendered himself at 1045 hours on the 23rd day of February, 1943, at No. X1 District Depot, Little Mountain Camp, Vancouver, B.C.

Second Charge: LOSING BY NEGLECT HIS CLOTHING AND EQUIPMENT AND REGIMENTAL NECESSARIES

in that he, at Little Mountain Camp, Vancouver, B.C., was found to be deficient in equipment to the value of $10.98.

Evidence will be taken on oath upon orders of Lieut. Col. T.S. Leslie, E.D., Officer Commanding, No. X1 District Depot, C.A.

First Witness: K.92149 Sgt. W.E. Philpott, Intelligence Sergeant, No. X1 District Depot, C.A., having been duly sworn, states:

"I wish to present Exhibit I, a Certified True Copy of the original M.F.K.2, Page 2, of the Accused, K.65485 Pte. W.H. Hartley. This shows that on the 19th July, 1942, Pte. Hartley was taken on strength of No. X1 District Depot with effect 16.7.42, Part II Order No. 169, dated 18.7.42. On 13.8.42, he was, by a Court of Enquiry held at No. X1 District Depot, Little Mountain Camp on the 11.8.42, held to be illegally absent with effect 0800 hours 21.7.42 and was struck off strength No. X1 District Depot, w/e 11.8.42. The next entry in this case shows that Pte. Hartley was taken on strength of No. X1 District Depot with effect 1045 hours 23.2.43, having surrendered to military authorities and held in military custody, Part II Order No. 46, dated 24.2.43 of No. X1 District Depot, C.A. Exhibit 2 is L.F.B.375, Record of Declaration of Court of Enquiry assembled at Vancouver, B.C., on 11th August, 1942, for the purpose of investigating kit deficiencies, etc., of K.65485 Pte. Hartley, W.H., of No. X1 District Depot, C.A., showing him to be absent from 0800 hours 21.7.42, Kit deficiencies amounting to $10.98. The Accused was brought to the Intelligence Office at approximately 1045 hours on 21st February, 1943 and stated that he had been absent without leave from the Army since last July. Checking the records, we found it to be true that the Accused had absented himself from No. X1 District Depot, at 0800 hours 21st July, 1942. Pte. Hartley was then placed under close arrest in the guardroom and on 24th February was brought before Lieut. Col. T.S. Leslie, E.D., O.C. No. X1 District Depot, C.A., for hearing and was remanded for summary of evidence for District Court-Martial.

THE ACCUSED DECLINES TO CROSS-EXAMINE THIS WITNESS.

W.E. Philpott

K.92149 Sgt. W.E. Philpott

QUESTION TO THE ACCUSED:

Do you wish to make any statement or give evidence upon oath? You are not obliged to say anything unless you wish to do so, but whatever you say or any evidence you will give will be taken down in writing and may be given in evidence.

THE ACCUSED's ANSWER

"I would like to be given another chance to prove that I can be a good soldier."

RULES OF PROCEDURE NOS. 4 C.D. & E. have been complied with.

Taken down by me in the presence of the Accused person at Vancouver, B.C. (Little Mountain Camp) this 4th day of March, 1943.

Whelecker Capt

W.J. DECKER, Capt.

MEDICAL OFFICER'S REPORT

I Certify that No. K-65485 Pte. William Henry HARTLEY, of No. XI District Depot, C.A. is in a good state of health and Fit to undergo Trial by Court-Martial.

E. Thorlew (Capt.) R.C.A.M.C.,
No. XI District Depot, C.A.

Dated at Vancouver, B.C., 0900 hours,
12th March, 1943.

H.Q.C.55-H-343(JA

April 1st, 1943.

MEI

No. K.65485

Rank Pte. edged of your
, under cover of
ilan and custody, the
Charge (1) ed District Court-

(2) irregularities
bserved that the
t on behalf of the
ad anything to say
he did not wish
rocedure was not
y", the accused should
sident or Judge-
y which he may con-
and 70 of the Hand-
Date of Crim ake a statement not
it is not correct
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Date

MEMO

to file

8115

IN REPLY PLEASE QUOTE
No. 22-H-2998

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY
Headquarters, Pacific Command,
Vancouver, B.C. March 18th, 1943.

AIR MAIL.

CENTRAL REGISTRY Army
PERS. SEC.
MAR 21 1943
File 655-A-373
Chgd. to
Referred to J.A.G.

Judge Advocate-General,
National Defence Headquarters,
OTTAWA, Ontario.

DISTRICT COURT-MARTIAL.
K-65485, Pte. W.H. Hartley,
No. XI District Depot, C.A.

1. The proceedings in the m/n case have now been confirmed and promulgated and are forwarded to you herewith for registration and safe custody.

2. The following irregularities are noted in the proceedings and have been drawn to the attention of the officers concerned for their future guidance:-

(a) It is noted that the time of departure of the accused is only proven by the verbal evidence of Sgt. Philpott. It would have been preferable if some more precise evidence had been available to fix the hour.

(b) Exhibits "H" and "I", the extracts from the Part II Orders, should show the heading and the ending of the order as well as the extract therefrom.

(c) In the second charge, it would have been preferable if only the particular category of goods charged against the accused had been set out.

for Boardman

(W.H.S. Macklin) Brigadier,
Brigadier i/c Administration,
Pacific Command

oo/ac
encl.

NAT. DEF. B. 440
2,000 M—4-42 (4323)
H.Q. 1772-39-767

H.Q.C. 55-H-344 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL-

HARRIS, S.A. F.95234 GNR.

DEAD

CONFIDENTIAL
H.Q.C. 55-H-344

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred—subject be expressed on one line, add minute to file and insert date "With Minute")		
					Where file?	CR	26/3/43
APR 1	5/4/43	B.F.	Wart	AD	To No. 6 & P.A.	EPS	31/3/43
APR 18 1943	7/4/43	P.A.	Wart	A.D.	With Papers C.R. APR 16 1943		
	15/4/43	P.A.	Wart	A.D.	Per B.F. 15/4/43	CR.	

NOTICE

1. Files should be retained no longer than absolutely necessary. 2. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

JSC/PHJ

120547

IN REPLY PLEASE QUOTE
No. P.S-C-H-584(JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Petawawa Military Camp, 15th April, 1943

The Secretary,
Department of National Defence,
Ottawa, Ontario.

GENERAL ADMIN. COMP.
File C55-H-344
Circ'd to
Referred to AD

District Court-Martial
F.95234, Gnr. HARRIS, S.A.
A-1, C.A.T.C., C.A.

Reference your H.Q.C.55-H-344(A.D.1) dated 5th April, 1943, asking for a report as to delays in connection with the m/n District Court-Martial.

2. This Headquarters has now received the following report from the Officer Commanding, A-1, C.A.T.C.:

"1. The witness in question was C.278 A/Sgt. S.H. Reid of "C" Training Battery.

2. He was actually absent for a period of only five or six days, on a compassionate leave because of the illness of his wife, but owing to a misunderstanding, the Legal Office of this Unit was not informed promptly of his return to duty and this resulted in a further delay of approximately three days before the Summary of Evidence could be completed.

3. The balance of the delay from 12 February, 1943 to 6 March 1943 resulted from the fact that there were several other cases for trial by District Court-Martial in the course of preparation at the same time as well as a large amount of other legal work."

3. For your information, please.

James S. Craig
for (A.V. Tremaine) Brigadier,
Commander,
Petawawa Military Camp.

NAT. DEF. B. 440
1 Million—10-42 (6654)
H.Q. 1772-20-787

CONFIDENTIAL

H.Q.C.55-H-344
(A.D.1)

5th April, 1943.

Commander,
Petawawa Military Camp,
PETAWAWA, Ont.

District Court-Martial
F.95234 Gnr. Harris, S.A.
A-1 C.A.T.C., C.A.

Reference your P.6-O-H-584 dated 23rd March, 1943.

2. It is noted that this man was held in custody for the period from 12th February, 1943 until 6th March, 1943, owing to the absence of an essential witness.

3. May a report be forwarded as to the identity of this witness and as to the reason why he was not available during the period in question.

(H.F.G.Letson)
Major-General,
Adjutant-General

WMT/SF

H.Q.C.55H-344 (JAG)

March 31st, 1943.

The Commander,
Petawawa Military Camp, Petawawa, Ont.

Re: District Court-Martial,
F.25234, Gnr. Harris, S.A.
A-1, C.A.T.C., C.A.

1. Receipt is acknowledged of your P.6-0-H-584 dated the 23rd March 1943, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. In addition to the irregularities referred to in your letter, the following have been noted:

(a) During the examination-in-chief of the second and third witnesses for the Prosecution, the Prosecutor asked several leading questions which were directed to the most material and vital portions of the evidence required to prove the case for the Prosecution. While there is no objection to leading questions in matters which are of little importance it is most improper to adduce evidence which goes to the root of the case for the Prosecution by means of leading questions.

(b) It has been noted that although the accused gave evidence himself, the Prosecutor failed to take the opportunity thus afforded of clarifying certain matters which might easily have removed all doubt, for instance, the accused might have been asked whether or not he acknowledged that the signature on the Warning Order was his signature and what his understanding of the Warning Order was at the time he did sign if in fact he signed.

3. It would appear that the Finding is supported by the evidence and the Sentence legal, and accordingly the proceedings are retained for custody.

EEP/MM

Brigadier,
Judge Advocate-General.

Original on H.Q. C. 55-H-344
M.D. P.6-O-H-583

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. F-95234 Name HARRIS, S.A.

Rank Gnr. Unit A-1 C.A.T.C., CA

Charge SEC. 12 (1)(a) AA DESERTING H.M.S.

Date of Crime 4/1/43

Date of Arrest 26/1/43 Charge. Signed March 1943

Orders for D.C.M. COMMANDER PETAWAWA MIL' CAMP

Place and Date of Trial PETAWAWA, Ont. 9/3/43

Sentence DETENTION 90 DAYS STOPPAGES $24.18

Date of Confirmation 17/3/43

Date of Promulgation 17/3/43

Entered in Records of J.A.G. as No. 8214

Date 29/3/43

MEMO

E. E. Pearlman Capt
for Judge Advocate-General.

3M-12-42(M1754)

H.Q. C. 55-H-344
M.D. P.6-0-H-583

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. F-95234 Name HARRIS, S.A.

Rank Gnr. Unit A-1 C.A.T.C., CA

Charge SEC. 12 (1)(a) AA DESERTING H.M.S.

Date of Crime 4/1/43

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Entered in Records of J.A.G. as No. 8214

Date 29/3/43

MEMO

E. E. Leadman Capt
for Judge Advocate-General.

3M-12-42(M1754)

JSC/PHJ

No file 8214

IN REPLY PLEASE QUOTE
No. P.6-0-H-584

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Petawawa Military Camp, 23rd March 1943

The Secretary,
Department of National Defence,
Ottawa, Ontario.

CENTRAL REGISTRY Army
P. & S. SEC.
P.6-H-344
MAR 25 1943

District Court-Martial
F.95234, Gnr. HARRIS, S.A.
A-1, C.A.T.C., C.A.

The proceedings of the w/n District Court-Martial are forwarded herewith for registration and custody.

2. The Finding and Sentence having been duly confirmed, the Charge, Finding and Sentence were duly promulgated and extracted as appears from minutes endorsed upon the proceedings.

3. The following irregularities in these proceedings have been observed at this Headquarters and wherever possible have been brought to the attention of the Officers concerned.

(a) For the purpose of a trial by District Court-Martial it is considered preferable to omit any reference to the Battery to which the accused belongs in the medical certificate and to use the space provided for a more complete identification of his unit or attachment. The Medical Officer who signed the present medical certificate omitted to set out his unit or attachment.

(b) On page "B" the minute of adjournment and reassembly is shown after the swearing of the Court, Judge Advocate, Officers under instruction and shorthand writer in accordance with the procedure followed at this Camp, rather than in accordance with the instructions in the Handbook on Courts-Martial.

(c) The date of signing of the Charge Sheet has been omitted.

(d) The Statement of the reason for refusing the certified true copy of Part II Order A-1 on page C-3 does not appear to be entirely satisfactory in as much as subsequent evidence might have disclosed that it had a bearing. In the result however there was no evidence which would have made this document relevant.

(e) In the examination in chief of the Third Witness for the Prosecutor, Sgt. Reid, S.H. he is asked:

"And you can identify that signature on the Warning Order as having been witnessed by Captain Rogers and yourself?

It was not made clear in any preceding or following questions that "that signature" was the signature of the accused. There appears to have been other evidence which would justify the Court in refering that the accused did in fact sign the Warning Order. The question also is leading in form.

(f) The Warning Order is not strictly in accordance with the form prescribed by Routine Order 1877 para.12 and there was no evidence that any draft for which the accused had been warned had proceeded without him during his illegal absence. It is considered however that the ingredients of a charge of desertion to avoid special duty under Section 12 (1) (a) of the Army Act were established by the evidence.

(over)

M.F.B. 239
5000M—4-41 (105)
H.Q. 1273-49-195

MEDICAL OFFICER'S REPORT

I certify that No. F 95234 Gnr Harris D.A.
of "C" Bty. (A1). is in a Good state of health,
and fit to undergo Trial by Court martial.

B Wintch Capt
Medical Officer

Station PETAWAWA

Date 9.3.43

F.O. Simmonds Lt Col.
President

M. F. B. 246
25M-6-42 (4744)
H.Q. 1772-39 680

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Pet. Mil. Camp. Petawawa, Ontario. on the 9th day of March 19 43 by order of Brigadier A.V. Tremaine Commanding, Petawawa Military Camp. dated the 6th day of March 19 43

President.

Lt.-Col., E.H. Greenwood, V.D., Reserve of Officers, No. 8 E.S. & W. Company, C.A.

Members.

Captain H.T. Langston, R.C.E., A-5 C.A.T.C., C.A.

Lieutenant P.K. Griggs, R.C.A., 19th Field Regiment, C.A.

Lieutenant J.S. Craig, General List A-2 C.A.T.C., C.A., Judge Advocate.

Trial of* F-95234, Gunner Samuel Abraham HARRIS, A-1 Canadian Artillery Training Centre, C.A.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that is not available to serve owing to~~

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. #

The accused is brought before the Court.

Prosecutor, †Lt. A.M. Minnion, R.C.A., A-1 C.A.T.C., C.A.

~~Counsel or~~ defending officer †Lt. H.B. Cutten, RCA A1 CATC CA

At 10 AMo'clock the Trial commences.

The order convening the Court is read, and is marked "X" and "X1" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Question by the President to the accused 1. Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer by accused. 1. No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

I have satisfied myself that (1) none of the Officers de[illegible] Members of this Court has previously served upon any [illegible] Inquiry respecting the matter forming the subject of [illegible] before this Court-Martial.

President, [illegible]

Mil. Form B. 271
10M—3-41 (9670)
H.Q. 1772-35-234

B

The President, members and judge-advocate are duly sworn.

The Officers detailed in Appendices "X" and "X1" as ~~The following~~ officers under instruction are duly sworn.

Q. 2. Do you object to D-105763, Sergeant Paul Joseph KINGWELL Corps of Military Staff Clerks CA acting as Shorthand Writer during these Proceedings?

A. 2. No Sir.

D-105763, Sgt. P.J. Kingwell is duly sworn as Shorthand Writer.

SEE APPENDIX "G" FOR MINUTE OF ADJOURNMENT AND RE-ASSEMBLY.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon ~~each~~ the charge in the above-mentioned charge-sheet.

Are you guilty or not guilty of the ~~first~~ charge against you, which you have heard read? *Question to the accused.* 3.

Not Guilty. *Answer.* 3.

~~Are you guilty or not guilty of the second charge against you, which~~ you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the third charge against you, which you have heard read? *Question.*

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to charge, the ~~provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

B2

CHARGE SHEET

The Accused, No. F/95234 Gunner Samuel Abraham HARRIS, A-1 Canadian Artillery Training Centre, C.A., a soldier of the Canadian Army placed on Active Service, is charged with:-

CHARGE
Sec 12 (1) (a)
Army Act.

WHEN ON ACTIVE SERVICE, DESERTING HIS MAJESTY'S SERVICE

in that he,

at Petawawa Military Camp, Ontario, at 2200 hours on the 4th day of January, 1943, having been warned to proceed on special duty, with intent to avoid so proceeding, absented himself without leave from the A-1, Canadian Artillery Training Centre, C.A., until apprehended by the Military Police at Glengarry, N.S., at approximately 1630 hours on the 26th day of January, 1943, the cost of his apprehension and return to his Unit being $ 24.18.

Petawawa Military Camp, Ontario.
this day of March, 1943.

A. L. S. Nash

(A.L.S. Nash) - Lieut. Col. RCA.
A/Commandant, A-1 C.A.T.C.,
Petawawa Military Camp, Ontario.

TO BE TRIED BY A DISTRICT COURT MARTIAL.

A W Tremaine

(A. W. Tremaine) Brigadier,
Commander,
Petawawa Military Camp.

Recommend L/Cl
President DCM

6th March, 1943,
Petawawa Military Camp.

C

Proceedings on Plea of Not Guilty

*Instruction. (See R. P. 20 (A)) Question. 4.

*Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer. 4. No Sir.

THE PROSECUTOR DECLINES TO MAKE AN OPENING ADDRESS.

~~The prosecutor makes an opening address [hands in a written address, which is read, marked _____, signed by the President, and attached to the proceedings].~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. } Lieutenant A.M. Minnion, R.C.A., A-1 C.A.T.C., C.A. PROSECUTOR;

being duly sworn, ~~is examined by the prosecutor~~ states;

I produce the following documents all of which refer to the accused;
Certified True Copy of A1 CATC Part II Orders No. A-5 dated 7th January, 1943.

Certified True Copy of A1 CATC Part II Orders No. A-5 dated 7th January, 1943, received by the Court, read to the accused, marked Exhibit "H", signed by the President and attached to the Proceedings.

Certified True Copy of A1 CATC Part II Orders No. A-9 dated 12th January, 1943

Certified True Copy of A1 CATC Part II Orders No. A-9 dated 12th January, 1943, received by the Court, read to the accused, marked Exhibit "I", signed by the President and attached to the Proceedings.

Certified True Copy of A1 CATC Part II Orders No. A-20 dated 25th January, 1943.

Certified True Copy of A1 CATC Part II Orders No. A-20 dated 25th January, 1943, received by the Court, read to the accused, marked Exhibit "J", signed by the President and attached to the Proceedings.

Certified True Copy of A1 CATC Part II Orders A-28 dated 3rd February 1943.

Certified True Copy of A1 CATC Part II Orders A-28 dated 3rd February 1943, received by the Court, read to the accused, marked Exhibit "K" signed by the President and attached to the Proceedings.

M.F.M. 216 dated 27th January, 1943.

M.F.M. 216 dated 27th January, 1943, received by the Court, read to the accused, marked Exhibit "L", signed by the President and attached to the Proceedings.

M.F.B. 1481 dated 8th February, 1943.

M.F.B. 1481 dated 8th February, 1943, received by the Court, read to the accused, marked Exhibit "M", signed by the President and attached to the Proceedings.

Certified True Copy of A1 CATC Part II Order A-1 dated 2nd January, 1943.

Certified True Copy of A1 CATC Part II Order A-1 dated 2nd January, 1943, refused by the Court on the grounds that it appears to have no bearing on the case, and attached to the Proceedings.

The Defending Officer declines to cross-examine the witness.

In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 83 (b).

The witness resumes his seat as the Prosecutor.

"C5"

SECOND WITNESS FOR THE PROSECUTION; Captain Heber Symonds ROGERS, R.C.A., A-1 C.A.T.C., C.A., having been duly sworn, is examined by the Prosecutor;

Q. 5. Captain Rogers, you are 2 I/C "C" Training Battery A-1 CATC?

A. 5. Yes.

Q. 6. Are you acquainted with the accused, Gunner Harris?

A. 6. Yes; he was in our Battery.

Q. 7. Captain Rogers, do you recognize this document which I am handing to you?

A. 7. That is a Warning Order for Special Duty which was ~~instigated~~ initiated in our Battery.

Q. 8. Is that Warning Order for Special Duty in Canada or Overseas?

A. 8. Overseas.

Q. 9. By whom is it signed?

A. 9. It is signed by Gunner Harris and witnessed by myself and Sergeant Reid.

Q. 10. Attached to that Warning Order there is a nominal roll; was the Warning Order read to the soldiers whose names appear on that roll?

A. 10. The Warning was read to them and explained to them and the soldiers signed it in my presence and in the presence of Sergeant Reid.

Q. 11. And where did that take place?

A. 11. In the Recreation Room.

Q. 12. Do you remember the approximate time and date?

A. 12. Around the 17th December, around 1700 hours.

Q. 13. Was the order read to all the soldiers whose names appear on the list and who have signed it?

A. 13. The Warning Order was read to all those whose names appear on here.

Q. 14. Were they all warned at the same time or in groups?

A. 14. They were not all warned at the same time. They were warned in groups. One group was warned, and then another group. They were all warned before we left the Recreation Room.

Q. 15. Was there a roll called?

A. 15. The roll was called by Sergeant Reid.

Q. 16. Then, as I understand it, after the roll was called you read the Warning Order to the men?

A. 16. Yes.

Q. 17. In the presence of Sergeant Reid?

A. 17. Yes.

Q. 18. And they all signed in the presence of yourself and Sergeant Reid?

A. 18. Yes.

Q. 19. And those are the signatures that appear on that document?

A. 19. Yes.

Q. 20. Would you produce that document to the Court as an Exhibit, Sir?

A. 20. Yes; I submit original Warning Order dated 17th December, 1942, in lieu of which I would ask the Court to accept a Certified True Copy of same.

Certified True Copy of Warning Order dated 17th December, 1942, received by the Court, read to the accused, marked Exhibit "N", signed by the President and attached to the Proceedings.

Q. 21. The meaning of this Warning Order was made clear to all present?

A. 21. It was explained to them that if they failed to come back after their leave, or if they went absent without leave they would be charged with desertion.

CROSS-EXAMINED BY THE DEFENDING OFFICER;

Q. 22. Were these men read the Warning Order individually or in a large group?

A. 22. In a group.

Q. 23. Approximately how many men were in a group?

A. 23. About 15 or 20.

Q. 24. How long did it take for each group?

A. 24. About 10 minutes.

Q. 25. And I take it that these men were read the Warning Order and that they signed it in 10 minutes?

A. 25. It would take longer than that, there were 2 groups.

Q. 25. I was just wondering; 2 groups, one coming in 10 minutes after the other. Rather fast isn't it?

A. 25. About 10 minutes, I would not say.

Q. 26. This was in the Recreation Room?

A. 26. Yes.

Q. 27. Were these men interrogated individually as to whether they understood it or were they interrogated "en masse"?

A. 27. They were all asked in a group, and they were given time to ask questions.

The Prosecutor declines to re-examine the witness.

In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 83 (b).

The witness withdraws.

THIRD WITNESS FOR THE PROSECUTION; C-278, Sergeant Samuel Hamilton REID, R.C.A., A-1 C.A.T.C., C.A., having been duly sworn, is examined by the Prosecutor;

Q. 28. Sergeant Reid, you are on the H.M.E. of "C" Training Battery A-1 C.A.T.C.?

A. 28. Yes Sir.

Q. 29. Are you acquainted with the accused?

A. 29. As a member of the Unit, Sir.

Q. 30. Would you look at this document which was produced to the Court and tell me if you recognize it?

A. 30. Yes Sir.

Q. 31. Would you tell the Court what it is?

A. 31. It is a Special Duty Warning Order.

Q. 32. To your knowledge was that Warning Order read out to the soldiers whose names appear on the nominal roll attached to it?

A. 32. Yes Sir.

Q. 33. When was that order read?

A. 33. 17th December, 1942.

Q. 34. Can you tell me the place and time?

A. 34. "C" Training Battery Recreation Room, about 1700 hours.

Q. 35. Who read the Order out?

A. 35. Captain Rogers.

Q. 36. The 2nd i/c of the Battery?

A. 36. Yes Sir.

Q. 37. Were you present at that time?

A. 37. Yes Sir.

Q. 38. Was there a roll called?

A. 38. The roll was called, Sir.

Q. 39. Was the order read to all those men whose names appear on that nominal roll and whose signatures appear on it?

A. 39. Yes Sir.

Q. 40. After the roll had been called and the order read by Captain Rogers, did the soldiers whose names appear on it sign it?

A. 40. Yes Sir.

Q. 41. In your presence and in that of Captain Rogers?

A. 41. Yes Sir.

Q. 42. And were their signatures witnessed individually?

A. 42. Captain Rogers signed after each man as they were warned.

Q. 43. Were there any other witnesses?

A. 43. I signed after Captain Rogers.

Q. 44. And your signature appears there as a witness?

A. 44. Yes Sir.

Q. 45. Was the accused one of those present to whom the Order was read?

A. 45. The accused was present in the Recreation Hut.

Q. 46. And he signed the Warning Order?

A. 46. Yes Sir.

Q. 47. And you can identify that signature on the Warning Order as having been witnessed by Captain Rogers and yourself?

A. 47. Yes Sir.

Q. 48. Was the warning clearly explained to all those men?

A. 48. It was read out clearly, and I explained it to them.

Q. 49. What happened to the men after they were warned for Special Duty?

A. 49. They went to their huts.

Q. 50. Did they remain with your Battery?

A. 50. They were sent on leave., Sir.

Q. 51. And after they came back from leave where did they go?

A. 51. They were transferred to "G" Trained Soldiers' Battery.

CROSS-EXAMINED BY THE DEFENDING OFFICER;

Q. 52. Sergeant Reid, were the men read the Warning Order individually or in a group?

A. 52. In a group.

Q. 53. Approximately how many men were there in the groups?

A. 53. I think there were approximately 32, Sir.

RE-EXAMINED BY THE PROSECUTOR;

Q. 54. Was the order read to the men once when they were together or was it read more than once.

A. 54. The order was read twice, Sir.

Q. 55. In 2 different groups?

A. 55. No; they were all warned, but there were men who were not there and had to be sent for. When they came the order was re-read.

In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 83 (b).

The witness withdraws.

The Prosecution has no further witnesses.

D

The prosecution is closed.

Defence

Question to the accused. 56. Do you apply to give evidence yourself as a witness?

Answer. 56. Yes Sir.

Question. 57. Do you intend to call any other witness in your defence?

Answer. 57. No Sir.

THE DEFENDING OFFICER DECLINES TO MAKE AN OPENING ADDRESS.

~~*Question.* Is he a witness as to character only? *Answer.*~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(*Where any evidence is given for the defence.*)

The evidence of the accused ~~(and of the witnesses for the defence including witnesses as to character)~~ is recorded on a separate page (*see overleaf*).

~~(*Where the accused does not give evidence upon oath.*)~~

Question to the accused. Have you anything to say in your defence?

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

FIRST WITNESS FOR THE DEFENCE: The Accused, F-95234, Gunner Samuel Abraham HARRIS, A-1 Canadian Artillery Training Centre, C.A. having been duly sworn, is examined by the Defending Officer

Q. 58. Gunner Harris, S.A., F-95234. Is that correct?

A. 58. Yes Sir.

Q. 59. When the Warning Order was read to you by Captain Rogers in "C" Battery Recreation Room, did you understand that if you went absent without leave, you would be charged with desertion?

A. 59. No Sir.

Q. 60. Does your family own any property in Nova Scotia?

A. 60. Yes Sir, a farm in Glengarry.

Q. 61. Who runs the farm?

A. 61. My mother.

Q. 62. Has she any person to assist her on the farm?

A. 62. My 11 year old brother.

Q.63. How is the health of your mother?

A. 63. Very poor, Sir.

Q. 64. What is the reason for her health being poor?

A. 64. She had an operation recently.

Q. 65. What is the size of your farm, and how many head of cattle have you on the farm?

A. 65. The farm is about 150 acres, and there are 8 head of cattle.

Q. 66. What was the condition of the farm when you went home on leave?

A. 66. Well, they needed wood and the farm implements had to be repaired to get ready for the spring.

Q. 67. What were you wearing at the time of your apprehendion by the Provost?

A. 67. Military dress.

Q. 68. Was that military dress complete?

A. 68. Yes Sir.

Q. 69. Gunner Harris, howwere you brought up from Halifax?

A. 69. On a troop train, Sir.

Q. 70. Was it a draft of Artillery reinforcements for this Camp?

A. 70. No Sir, they were for different Camps.

Q. 71. But there were Artillerymen in the train and it had to stop at Petawawa?

A. 71. Yes Sir.

CROSS-EXAMINED BY THE PROSECUTOR;

Q. 72. You said that you didn't understand that if you were absent without leave after the Warning Order had been read to you that you might be involved in a charge of desertion?

A. 72. I didn't understand it, Sir.

Q. 73. You heard the Warning Order read?

A. 73. Yes Sir.

Q.74. Were you paying attention at the time?

A.74. No Sir.

Q.75. In other words, what you say is that you didn't hear all of the Warning Order which was read?

A.75. Yes Sir.

The Defending Officer declines to re-examine the witness.

QUESTIONED BY THE COURT:

Q.76. When you were returning was there an escort sent with you Gunner Harris?

A.76. No Sir, 4 of us came up with them, Sir.

Q.77. Do you know anything about a Fusilier MacDonald?

A.77. That's the escort who came up as far as Truro with me.

Q.78. Was he provided with a Transport Warrant. Did he have a ticket?

A.78. He had a ticket as far as Truro for himself.

Q.79. And what did he have for you?

A.79. A ticket from Halifax to Petawawa.

In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 83 (b).

The witness resumes his seat as the Accused.

THE PROSECUTOR ADDRESSES THE COURT. See Appendix "O"

THE DEFENDING OFFICER ADDRESSES THE COURT See Appendix "P"

THE COURT AND THE JUDGE ADVOCATE ARE OF THE OPINION THAT A SUMMING UP IS UNNECESSARY.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused F-95234, Gunner Samuel Abraham HARRIS A-1 Canadian Artillery Training Centre, C.A., is guilty of the charge.

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Lieutenant A.M. Minnion, R.C.A., A-1 C.A.T.C., C.A., PROSECUTOR having been already ~~duly~~ sworn.

Evidence of character, &c.

Question by the President. 80 Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* 80. I produce MFB 355 & MFM 6

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y", signed by the President, and annexed to the proceedings.

MFM6 read, marked "Z", signed and attached to the Proceedings.

Question by the President. 81. Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* 81. He is, Sir.

Question. 82. Have you compared the contents of the above statement with the regimental books? *Answer.* 82. I have, Sir.

Question. 83. Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 83. They are, Sir.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused.~~ The Defending Officer declines to cross-examine the witness.

In the opinion of the Court and the Judge Advocate it is not necessary to comply with R.P. 83 (b).

The witness resumes his seat as the Prosecutor.

Question to the accused. 84. Do you wish to address the Court? *Answer.* 84. No Sir.

The Court is closed for the consideration of the sentence.

24

F

Sentence

The Court sentence the accused F-95234, Gunner Samuel Abraham HARRIS, A-1 Canadian Artillery Training Centre, C.A., to undergo detention for Ninety (90) days and to be put under stoppages of pay until he has made good the sum of Twenty-Four Dollars and Eighteen Cents ($24.18) in respect of costs of apprehension and return to his Unit.

Sentence.

DETENTION
90 Days

STOPPAGES
$ 24.18

Signed at Petawawa Military Camp, Ont., this 9th day of March, 1943.

James S. Craig Lieut
(Judge Advocate)
Lieutenant J.S. Craig, General List
A-2 C.A.T.C., C.A.

E.H. Greenwood Lt. Col.
(President)
Lt.-Col. E.H. Greenwood, V.D.
Reserve of Officers
No. 8 E.S. & W. Company, C.A.

Confirmed.
Signed at Petawawa Military Camp
This 17th day of March 1943.

A. Meindorf
Brigadier
COMMANDER
Petawawa Military Camp.

Promulgated and extracts taken at Petawawa Military Camp this 17th day of March, 1943

A. Meindorf, Lieut., R.C.A.
Officer i/c Records
A-1, C.A.T.C. C.A.

Extracts entered as No. 8214 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 29th day of March 1943

EEP

X

1.25

P. P.6-0-F-110

ORDERS BY
BRIGADIER A.Y. TREMAINE
COMMANDER PETAWAWA MILITARY CAMP
PETAWAWA ONTARIO

Petawawa Military Camp, Ont., 6th March, 1943.

DISTRICT COURT -MARTIAL
E.37354, Gnr. Donald Edward FAIR,
F.95234, Gnr. Samuel Abraham HARRIS,
A-1, C.A.T.C., C.A.

1. The Detail of Officers as mentioned below will assemble at Petawawa Military Camp, Ontario at 1000 hours, Tuesday, 9th March, 1943, for the purpose of trying by District Courts-Martial the accused persons named in the margin (and such other persons as may be brought before them).

PRESIDENT

Lt.-Col., E.H. Greenwood, V.D. Reserve of Officers, No.8 E.S. & W. Company, C.A.

MEMBERS

Captain H.T. Langston, R.C.E., A-5, C.E.T.C., C.A.
Lieut P.K. Griggs, R.C.A., 19th Field Regiment, C.A.

WAITING MEMBERS

Captain A.P.A. Greene, R.C.A., A-2, C.A.T.C., C.A.

JUDGE ADVOCATE

Lieut J.S. Craig, General List, A-2, C.A.T.C., C.A.

PROSECUTOR

Lieut A.M. Minnion, R.C.A., A-1, C.A.T.C., C.A.

DEFENDING OFFICER

Lieut H.L. Aboud, R.C.A., A-1, C.A.T.C., C.A. (Fair)
Lieut H.B. Cutten, R.C.A., A-1, C.A.T.C., C.A. (Harris)

OFFICERS UNDER INSTRUCTION

Lieut G.H. Fournier, R.C.A., A-1, C.A.T.C., C.A.

2. The accused persons will be warned and all witnesses duly required to attend, at #1 Lecture Room, west end, Auditorium Bldg.

3. The A.A. & Q.M.G., Petawawa Military Camp, Ontario, will arrange for necessary accommodation and stationery.

4. The Proceedings of the Court will be forwarded to the Commander, Petawawa Military Camp, Ontario.

Signed this 6th day of March 1943.

A.Y. Tremaine

(A.Y. Tremaine) Brigadier,
Commander,
Petawawa Military Camp.

E.H. Greenwood Lt Col
President
DCM

X-1

P.6-O-F-110
P.6-O-H-584

ORDERS BY
COLONEL E.B. McPHERSON E.D.
A/COMMANDER PETAWAWA MILITARY CAMP
PETAWAWA ONTARIO

Petawawa Military Camp, Ont., 9th March, 1943.

DISTRICT COURTS-MARTIAL
B.37354, Gnr. Donald Edward FAIR,
F.95234, Gnr. Samuel Abraham HARRIS,
A-1, C.A.T.C., C.A.

The Order convening the m/n District Courts-Martial is amended by adding the following Officer as Officer under instruction.

Lieut K.R. Rockwell, R.C.A., A-1, C.A.T.C., C.A.

Signed this 9th day of March, 1943.

G.R. Sinclair

(G.R. Sinclair) Major,
D.A.A.G.
for A/Commander,
Petawawa Military Camp.

J.H. Greenwood Lt Col
President A.C.M.

APPENDIX "G"

AT 1015 HOURS, 9th MARCH, 1943, THE COURT ADJOURNS UNTIL 1600 HOURS, 9th MARCH, 1943.

AT 1600 HOURS, 9th MARCH, 1943, THE COURT RE-ASSEMBLES PURSUANT TO ADJOURNMENT AT 1015 HOURS, 9th MARCH, 1943. PRESENT THE SAME MEMBERS AS WHEN ADJOURNED.

S.B. Richmond F.O.C.
President D.C.M.

"A" H-1

See sheet 2

DAILY ORDERS
BY

COLONEL W.E. van STEENBURGH, R.C.A.,
COMMANDANT A-ONE, C.A.M.C., PETAWAWA MILITARY CAMP, ONTARIO.

Active Army Personnel (A & T Staffs & 'A' Recruits.)

PART II ORDER NO. A. 5, (A - Five), dated 7th January 1943.

Last Part II Order No.A. 4, dated 6th January 1943.

"A" OFFICERS.

1. POSTINGS.

The following reinfts. Officers of "S of I" are posted to Batteries as shown, effect. 5 Jan 43.

Lieut.	G.F.F. Reynolds,	"A" Trng. Bty.
	A.G. Keyes,	"D"
	G.H. Lessard,	"A"
	G.M. Rogers,	"C"
	J.H.R. Goyette,	"F"
	E.E. Robinson,	"H"/T"Wing.
	F.G. Stanley,	"E" Trng. Bty.
	G.J.C. Neyron,	"B"
	A. Forget,	"A"

2. MARRIAGE.

Lieut. W.C. Vanderburgh, RWE., 'Survey/Wing' having been married on 26 Dec 42, to Miss Jeanne Marietta Glover of Hannon, Ontario, is classed as married effect. 26 Dec 42.

3. CHANGE OF NEXT OF KIN.

Lieut. W.C. Vanderburgh, RWE., 'Survey/Wing' change of Next-of-Kin to:-

Mrs. Jeanne Marietta Vanderburgh, (wife)
Box 144,
Walkerton, Ontario.

Certified true copy.
A. Hillhouse, Lieut. R.C.A.
Officer i/c Records
A.1, C.A.M.C.

to sheet -2-

A-ONE C.A.T.C. PART II ORDER NO.A.5, dated 7th January 1943.

"B" OTHER RANKS.

1. ABSENTEES - FIRST NOTICE.

					ABSENT FROM.	
B.64893	Gnr.	Barry,	C.	"E" Trng. Bty.	2200 hrs.	4-1-43.
M.103241		Brinker,	B.	"E"	2200 -	4-1-43.
G.23299		MacDougall,	W.	"E"	2200	4-1-43.
M.103234		Perrault,	W.	"E"	2200	4-1-43.
L.102081		Polupski,	P.K.	"F"	2200	4-1-43.
L.102089		Simpkins,	K.	"F"	2200	4-1-43.
M.102004		Rougeau,	R.J.E.	"F"	2200	4-1-43.
L.102082		Viarling,	J.E.	"F"	2200	4-1-43.
L.101807		Williams,	W.H.	"F"	2200	4-1-43.
F.95234		Harris,	S.A.	"G"	2200	4-1-43.
B.58224		Sye,	P.H.	"G"	2200	4-1-43.

2. ABSENTEES - RETURNED.

					ABSENT FROM.	
B.21520	Gnr.	Vetcher,	C.E.	"D" Trng. Bty.	0610 hrs.	6-1-43.
L.102081		Polupski,	P.K.	"F"	0230	6-1-43.
L.102089		Simpkins,	K.	"F"	0230	6-1-43.
M.102004		Rougeau,	R.J.E.	"F"	0230	6-1-43.
L.102082		Viarling,	J.E.	"F"	0230	6-1-43.
L.101807		Williams,	W.H.	"F"	0230	6-1-43.
B.58224		Sye,	P.H.	"G"	2145	5-1-43.
L.56844		Anthony,	J.K.	"G"	1000	5-1-43.

3. MEDICAL.

L.100772 Gnr. Giest, D., a reinft. "G" Trnd. Bol. Bty., has been medically examined and classified category "E" by M.F.E. 227, dated 21 Dec 42.

4. REHABILITATION GRANT.

L.100772 Gnr. Giest, D., a reinft. "G" Trnd. Sol. Bty., who is being discharged under R.O. 1029 (10) having served more than 183 days in the C.A., and being fully qualified is entitled to receive the Rehabilitation Grant as authorized by R.O. 1079 of 1941.

5. CLOTHING ALLOWANCE.

L.100772 Gnr. Giest, D., a reinft. "G" Trnd. Sol. Bty., who is being discharged under R.O. 1029 (10) to draw Clothing Allowance, of Thirty-Five dollars ($35.00), vide Art. 187 (1) (a), as amended by R.O. 240 of 1940.
Date of Enlistment:- 10 Jun 42.

6. STRENGTH DECREASE.

L.100772 Gnr. Giest, D. a reinft. "G" Trnd. Sol. Bty., is struck off strength of A-One C.A.T.C., on being discharged under R.O. 102 (10), effect. 9 Jan 43.
Address on Discharge:- Togo, Sask.

7. POSTINGS.

C.11916 Gnr. McCue, M., HWE., "A/Wing" is posted to the H.W.E. of "A/Wing" (S of I), effect. 31 Dec 42.

8. APPOINTMENTS & PROMOTIONS.

C.11916 Gnr. McCue, M., HWE., "A/Wing" (S of I) to be Acting Lance Bombardier (covering Bdr. Instr. vacancy vice A/Bdr. Ausken, SOS.) effect. 1 Jan 43.

to sheet -3-

A-ONE. C.A.T.C. PART II. ORDER No. A-5, dated 7th January 1943.

9. STRENGTH INCREASE.

The following 37th Quota reinfts. are taken on strength A-One, C.A.T.C. on transfer from units as indicated and are classified and posted to Batteries as noted, effect. dates as shown:-

a. From CA.(B) TC. No.45, Sorel, P.Q., effect. 6. Jan. 43.

POSTED TO "F" TRAINING BATTERY - DRIVER I.C.

D. 163226. Gnr. Ricard J.R.

b. From CA.(B) TC. No.47, Valleyfield, P.Q. effect. 6. Jan.43.

POSTED TO "F" TRAINING BATTERY - DRIVERS I.C.

D.131315. Gnr. Desmarais J.A.M. D.116632. Gnr. Guay J.J.U.

c. From No.2. District Depot, Toronto, Ont. effect. 6. Jan.43.

POSTED TO "D" TRAINING BATTERY - ANTI-TANK GUNNERS.

B. 16839. Gnr. Finn L.J. C. 32452. Gnr. Morgan A.

d. From CA.(B) TC. No.41. Huntingdon, P.Q. effect. 6. Jan.43.

POSTED TO "D" TRAINING BATTERY - ANTI-TANK GUNNERS.

D.137478. Gnr. Brown M. D.137491. Gnr. Darling R.
D. 137112. Sullivan J.L.

POSTED TO "C" TRAINING BATTERY.- MEDIUM GUNNERS.

D.132339. Gnr. French K.B.

POSTED TO "B" TRAINING BATTERY - DRIVERS I.C.

D.137145. Gnr. Graham C. B. 98225. Gnr. Rushworth D.P.

POSTED TO "E" TRAINING BATTERY - FIELD GUNNERS.

D.137322. Gnr. Degnier A.

e. From CA.(B) TC. No.32. Peterboro, Ont. effect 6. Jan.43.

POSTED TO "C" TRAINING BATTERY - MEDIUM GUNNERS.

D.156057. Gnr. Benoit N.L. D.156045. Gnr. Biscott, M.J.
D.156051. Dacey N.E.

POSTED TO "B" TRAINING BATTERY - DRIVERS I.C.

C. 46597. Gnr. Carde R.R. D.156053. Gnr. Goldberg H.M.
D.156064. Steinberg C. D.156061. Tanguay P.

POSTED TO "D" TRAINING BATTERY - ANTI-TANK GUNNERS.

D.156048. Gnr. Campbell D.A. C. 9596. Gnr. Hayes E.J.
D.156060. Seymour W.

f From C.A.(B) T.C. No. 23. Newmarket, Ont., effect. 6 Jan 43.

POSTED TO "A" TRAINING BATTERY - FIELD GUNNERS.

B.43977 Gnr. Langmuir, K.M. B.133075 Gnr. Chretien, A.H.

to sheet -4-

A-ONE C.A.T.C. PART II ORDER NO.A.5, dated

9. STRENGTH INCREASE. (Cont'd)

The following 37th Quota reinfts. are taken C.A.T.C. on transfer from Units as indicated and posted to batteries as noted; effect. da

k From C.A.(B) T.C. No. 31, Cornwall, Ont., ef

POSTED TO "B" TRAINING BATTERY * DRIVERS I.C

C.101604 Gnr. Racine, — R. (T.T. Auto.)
C.48663 Stewart, — A.T. (T.T. Driver
C.101691 D'Aoust, — R.R.

POSTED TO "C" TRAINING BATTERY * MEDIUM GUNNE

C.48667 Gnr. Pack, — C.H. C.101676 Gnr

POSTED TO "D" TRAINING BATTERY * ANTI-TANK GU

C.101635 Gnr. Mackin, — G.

POSTED TO "E" TRAINING BATTERY * FIELD GUNNER

C.101619 Gnr. Miller, — D.C. (T.T. Clerk)
C.48660 Sands, — W.H. C.101616 Gnr.

POSTED TO "F" TRAINING BATTERY * DRIVERS I.C.

C.48654 Gnr. Courneyea, — J.G. C.48653 Gnr.

L From C.A. (B) T.C. No. 48, St.Johns, Que., eff

POSTED TO "F" TRAINING BATTERY * SURVEYORS.

D.119687 Gnr. Cole, — E.F. D.119685 Gnr.
D.119684 Manuel, — E.C. D.119682
D.119683 Powell, — C.C. D.119686

POSTED TO "A" TRAINING BATTERY * FIELD GUNNERS.

D.166896 Gnr. Doyle, — E.N. D.131481 Gnr.
D.132341 Lacroix, — R.

POSTED TO "B" TRAINING BATTERY * DRIVERS I.C.

D.127526 Gnr. Currie, — W.R. D.137272 Gnr.

POSTED TO "E" TRAINING BATTERY * FIELD GUNNERS.

D.132329 Gnr. Nisbet, — J. D.132346 Gnr.
D.132335 Lunny, — W.P.

POSTED TO "F" TRAINING BATTERY * DRIVERS I.C.

D.137596 Gnr. Hawley, — .

m From C.A.(B) T.C. No. 12, Chatham, Ont., effect.

POSTED TO "A" TRAINING BATTERY * FIELD GUNNERS.

A.89215 Gnr. Henderson, — A. A.104860 Gnr.

A-ONE C.A.T.C. PART II ORDER NO. 5, dated 7th January 1943.

9. STRENGTH INCREASE. (Cont'd)

The following 37th Quota reinfts. are taken on strength of A-One C.A.T.C. on transfer from Units as indicated and are classified and posted to Batteries as noted, effect. dates as shown:-

m From C.A. (B) T.C. No. 12, Chatham, Ont., effect. 6 Jan 43.

POSTED TO "B" TRAINING BATTERY - DRIVERS I.C.

A.104946 Gnr. McCallum, — F.E. ✓ A.89212 Gnr. Henry, — P.H. ✓
A.116392 Langille, — G.W. ✓

POSTED TO "C" TRAINING BATTERY - MEDIUM GUNNERS.

A.89222 Gnr. Leoppky, — W.H. ✓ A.104953 Gnr. Burr, — K.E. ✓
A.104865 Masson, — H.W. ✓

POSTED TO "D" TRAINING BATTERY - ANTI-TANK GUNNERS.

A.104859 Gnr. Heeley, — E.W. ✓ A.104960 Gnr. Valad, — W.J. ✓
A.67995 Wideman, — E. ✓ A.116354 Oulds, — H.W. ✓

POSTED TO "E" TRAINING BATTERY - FIELD GUNNERS.

A.104816 Gnr. Kerr, — R.C. ✓ A.104379 Gnr. Somr, — A. ✓
A.89226 Hackbart, — C. ✓ A.116311 Iler, — I.C. ✓
A.104884 Varley, — J.H. ✓

POSTED TO "F" TRAINING BATTERY - DRIVERS I.C.

A.104891 Gnr. MacDougall, — H.A. ✓ A.104961 Gnr. Densmore, — J.C. ✓

n From A-29, Camp Ipperwash, Thedford, Ontario, effect. 6 Jan 43.

POSTED TO "A" TRAINING BATTERY - FIELD GUNNERS.

A.104562 Gnr. Martin, — L.J. ✓ A.104452 Gnr. Orvis, — J.C. ✓

POSTED TO "C" TRAINING BATTERY - MEDIUM GUNNERS.

A.104543 Gnr. Mickus, W.F. ✓

10. CHANGE OF ADDRESS - NEXT OF KIN.

H.59603 A/Bdr. Farewell, A.E., HWE., "A" Trng. Bty., change of address of Next-of-Kin to:-
523 Miller Street,
Pembroke, Ont.

11. CLASSIFICATIONS.

a F.75742 Gnr. McCuish, J.R., a reinft. Signaller "B" Trng. Bty., is reclassified as a Driver I.C., and remain with "B" Trng. Bty., effect. 6 Jan 43.

b E.72041 A/L/Bdr. Patterson, G.E., (T.T.) Driver Mech. "F" Trng. Bty., is reclassified as a reinforcement Driver I.C., effect. 6 Jan 43.

12. PAY FINANCIAL.

L.463 Gnr. Cusiter, J., a (T) Cook, HWE., "A/Wing" to draw Trades Pay as a Cook Group "C", effect. 1 Jan 43. (vice Gnr. Ross, SOS.)

to sheet -7-

A-ONE C.A.T.C. PART II ORDER NO.A.5, dated 7th January 1943.

13. BIRTHS.

a D.46354 Gnr. Beland, R.J., a reinft. "G" Trnd. Sol. Bty.

Daughter.....Marie Nicolle Liette, Beland.
Date.....15 December 1942.
Place.....Sherbrooke, Que.
Mother.....Jeannette Letarte.

b F.75772 Gnr. Campbell, W.F., "G" Trng. Bty.

Daughter.....Beverly Anne, Campbell,
Date.....6 December 1942.
Place.....Halifax, N.S.
Mother .....Margaret Elizabeth, Lester.

14. MARRIAGE.

a K.76991 A/Bdr. Whims, W.G., "C" Trng. Bty., having been granted permission to marry on or after 30 Dec 42, was on the 31 Dec 42 married to Miss Bernice Jordan of Montreal, Que.

b C.10289 B.Q.M.S. Short, E.R., "B" Trng. Bty. (Detailed for duty to A/Wing) having been granted permission to marry on or after 21 Dec 42, was on the 31 Dec 42 married to Miss Bernice Adeline Lily Miner, of Lindsay, Ont.

15. CHANGE OF NEXT OF KIN.

a K.76991 A/Bdr. Whims, W.G., "C" Trng. Bty., change of Next-of-Kin to:- Mrs.Bernice Whims, (Wife)
3257 St.James Street West.
Montreal, Que.

b C.10289 B.Q.M.S. Short, E.R., "B" Trng. Bty. (Detailed for duty to A/Wing) change of Next-of-Kin to:-
(wife) Mrs. Bernice Adeline Lily Short
76 Peel Street,
Lindsay, Ontario.

16. APPOINTMENTS & PROMOTIONS.

H.60446 Gnr. May. D.P. "B" Trng. Bty., to be Acting Lance Bombardier effect. 1 Jan 43, (cover Bdr. Admin. vacancy - vice A/Bdr. Biggs,-reverted.)

17. PAY FINANCIAL.

a L.100386 Gnr. (A/L/Bdr. wop.) Dionne, J., a reinft. "G" Trnd. Sol. Bty., to draw pay of rank as Acting Lance Bombardier, effect. 1 Oct 42, to complete establishment.

b B.87351 A/L/Bdr. (A/Bdr. wop.) Newton, W.F., a reinft. "E" Trng. Bty. to draw pay of rank as Acting Bombardier, effect, 1 Dec 42. (vice A/Bdr. McDonnell, - promoted).

c C.100823 A/L/Bdr. (A/Bdr. wop.) Hannigan, T.J., a reinft. "B" Trng. Bty. to draw pay of rank as Acting Bombardier, effect. 1 Dec 42, (vice A/Bdr. Hamilton, - promoted.).

d The following personnel of "E" Trng. Bty. to draw pay of rank as Acting Lance Bombardiers, effect. 1 Dec 42 to complete establishment

G.23989	A/L/Bdr.	McCaskill, U.F.	D.450299	A/L/Bdr.(WHD)	Chapdelaine,
A.103532		Wohlwend,K.	B.21417	A/L/Bdr.	Cooper, J.S.
B.21494		Balmer, H.W.			

to sheet -8-

A-CMB C.S.T.C. PART II ORDER No. 5, dated 7th January 1943.

18. PUNISHMENTS.

a B.58224 Gnr. Sye, P.H., "G" Trnd. Sol. Bty., was on the 6 Jan 43, awarded Three (3) days C.B. and forfeits one (1) day's pay by F.R. & I. for:-

1 Absent without leave from 2200 hrs. 4 Jan 43 until 2145 hrs. 5 Jan 43. (Absent 23 hrs. 45 mins.)

b B.111011 Gnr. Williams, E., "A/Wing" was on the 6 Jan 43, admonished and ordered to make good the sum of Three ($3.00) dollars being part of the damage incurred, for:-

1 Conduct to the prejudice of Good order and Military Discipline, in that he through negligent driving, did damage to a Government Vehicle amounting to approximately Six Dollars and Fifty cents ($6.50).

19. POSTINGS.

The following reinfts. Driver I.C. of "F" Trng. Bty., are posted to "G" Trnd. Sol. Bty., effect. 6 Jan 43.

A.10476	Gnr.	Aspenlieder,	J.F.	L.101937	Gnr.	Hamelin,	J.E.
F.66547		O'Connor,	P.	L.102081		Polupski,	P.K.
L.102080		Simpkins,	K.	E.38502		Smalley,	D.
L.102082		Vierling,	J.E.	F.30948		Weagle,	G.L.
F.30946		Wile,	R.W.	L.101807		Williams,	W.H.
B.21941		Rivett,	L.	F.32089		Brewer,	G.E.
L.101275		Maxmen,	M.				

20. ATTACHMENTS.

The following reinfts. Signallers "B" Trng. Bty., are attached for all purposes to C.S.T.C. Barriefield, Ont., effect. 8 Jan 43. Authy:- P.4-6-6 (Sigs) d/30 Dec 42.

C.100725	Gnr.	Blance,	R.S.J.	M.104285	Gnr.	Buller,	R.G.
B.44170		Brydge,	J.A.	B.43812		Colliton,	J.A.
B.44083		Collins,	R.S.	F.75800		Gaudet,	R.F.
B.44241		Gibson,	G.W.	B.44288		Hill,	E.D.
D.132312		Hubley,	G.	D.132313		Jalbert,	P.
B.43717		Keith,	E.B.	G.1003		Lord,	H.L.
G.1002		Lord,	C.D.	B.131326		Mansell,	R.M.
A.104176		McMillan,	G.R.	B.44112		Solsky,	E.
B.44125		Tryon,	D.C.	D.132296		Westerman,	R.C.
B.44207		Woods,	S.	M.103518		Yeo,	A.E.
C.101322		Young,	C.W.				

21. QUALIFICATIONS.

The following personnel of "G" Trnd. Sol. Bty., have qualified as Tradesmen "Fitter" Group "A", Grade III, effect. 6 Jan 43. Authy:- M.F.E. 303, d/5 Jan 43.

C.39009	Gnr.	Toms,	R.E.	
G.53355		Scarlett,	M.W.	
K.13075		Ellis,	R.J.	Grade II. effect. 31 Dec 42.
K.73985		Lawrence,	J.E.	Grade II. effect. 31 Dec 42.

22. AMENDMENT.

"C" Bty) Part 2 D.O.A. 294, para. 15, d/10 Dec 42, is hereby amende as follows as it relates to the personnel from H.69846 Gnr. Kinster, M.S. to H.69974 Gnr. Ross, P.C.:-

ADD:- and to "Survey/Wing" for training.

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A-ONE C.A.T.C. PART II ORDER NO.A.5, dated 7th January 1943.

23. REVERSION.

C.50758 A/L/Bdr. Foley, W.A., HQ., "B" Trng. Bty., revert to the permanent rank of Gunner at his own request, effect. 6 Jan 43.

24. STRENGTH INCREASE.

G.3761 Gnr. Craig, E.L. a reinft., having surrendered (from illegal absence) at Woodstock, N.B., at 1300 hrs. 5 Jan 43, is taken on strength of A-One C.A.T.C. and is posted to "E" Trng. Bty., effect. 5 Jan 43.

25. ABSENTEES APPREHENDED.

C.1254 Gnr. Cole, S.A., "G" Trnd. Sol. Bty., having been apprehended (from illegal absence) at Niagara on the Lake, Ont., at 1600 hrs. 3 Jan 43, ceases to be absent effect. 3 Jan 43.

26. CANCELLATIONS.

"D" Bty) Part 2 D.O.A. 4, para. 1, d/6 Jan 43, is hereby cancelled in so far as it relates to:-

F.31769 Gnr. White, C.

27. POSTINGS.

L.64413 Gnr. Dutka, M.A., a reinft. Anti-Tank Gunner "D" Trng. Bty., is posted to "G" Trnd. Sol. Bty., effect. 7 Jan 43.

26. HOSPITAL.

C.1243 Gnr. Parent, D., "A/Wing" has been discharged from Christie Street Hospital, Toronto, Ont., on 6 Jan 43.

29. ATTACHMENTS.

a C.33724 Gnr. Bailey, A., (T.T.) Fitter Mach., "E" Trng. Bty., is attached for all purposes to "B" Co'y, Nova Scotia Regt. (CA)(R) Newcastle, N.B., effect. 8 Jan 43.
Authy:- P.4-0-5- and P.4-0-5-3, d/29 Dec 42.

b The following personnel of Batteries as shown are attached for all purposes to District Depot No. 5, Quebec, P.Q., effect. 8 Jan 43.
Authy:- P.4-0-5-3, d/6 Jan 43.

E.100496	Gnr. Boucher, J.C.	"F" Trng. Bty.	
D.635279	Gnr.(AHD) Provost, A.	"G"	
E.508074	Boissonneault, L.	"G" Trnd. Sol. Bty.	
E.626020	Bertrand, D.	"G" Trnd. Sol. Bty.	
D.448615	Marcoux, R.	"G"	

c The following personnel of Batteries as shown cease to be attached to No. 10 (B) T.C., Kitchener, Ont., on return to A-One C.A.T.C., effect. 4 Jan 43.

L.64413	Gnr. Dutka, A.B.	"D" Trng. Bty. (Posted to "G" T.S.B.	
L.74490	Fenrich, P.V.	"F" Trng. Bty.	

Approved J.W.
President A.C.M.

(H.R. Hempson) Captain R.C.A.,
Adjutant A-One C.A.T.C.,
Petawawa Military Camp, Ont.

Send one copy of Pers. Adm. Branch Office of Records A.T.S.C.

'B' I-1

DAILY ORDERS
BY

COLONEL W.B. van STEENBURGH, R.C.A.,
COMMANDANT A-ONE C.A.T.C., PETAWAWA MILITARY CAMP, ONTARIO.

Active Army Personnel (A & T Staffs & 'A' Recruits.)

PART II ORDER NO. A. 9, (A - Nine), dated 12 January 1943.

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Last Part II Order No.A. 8, dated 11 January 1943.

'A' OFFICERS.

1. APPOINTMENTS & PROMOTIONS.

Lieut. R.C. Harvey, R.C.A.P.C., is promoted to the rank of Captain, effect. 13 Jan 43.
Authy:- H.Q. 602-B-787 (Pers. 1B2) d/2 Jan 43, and P.6-1-H-90 (A) d/4 Jan 43.)

2. PAY FINANCIAL.

Capt. V.B. Kershaw, emp. HWE., "H" Trnd. Sol. Bty., to draw Flying Pay (Art. 146, F.R. & I.) (4 days) 3 Oct 42 and 19 Nov 42.
Authy:- RCAF. 123 Sqdn. Debert, N.S., Part 2 Order No. 4, d/6 Jan43

3. QUALIFICATIONS.

a Lieut. D.N. Solomon, a reinft. "A" Trng. Bty., obtained Final Class Standing "Q" at C.S.T.C. Barriefield, Ont., (Signals Course) 22 Dec 42.
Authy:- Kingston D.S.M. 4-5-5, d/6 Jan 43.

b Lieut. Colonel F.V.M. Hinman, DCM., HWE., "TRng/Wing" "H.Q", having attended Fifth Senior Officers Course at R.M.C. Kingston, 17 May 42 to 8 Aug 42, has succesfully passed the Course.

c Lieut. Colonel Wiggs, ED., H.E., "D" Trng. Bty., having attended the Sixth Senior Officers Course at R.M.C. Kingston, 22 Aug 42 to 14 Nov 42, has succesfully passed the Course.

d Major J.G. Rogan, HWE., "F" Trng. Bty., having attended the Sixth Company Commanders Course, at R.M.C., Kingston, Ont., 16 Aug 42 to 11 Nov 42, has successfully passed the Course.

e The undermentioned Officers having attended/ the Majors' (All Arms) Course at Petawawa Military Camp, Ont., 22 Jul 42, /terminating have succesfully passed the Course.
Authy:- M.F.M. 201, d/23 Jul 42. (Files ATC 6-T-1, 6-W-4).

A/Capt. A.H. Turner, H.W.E. "E" Trng. Bty.
A/Major D.E. Webster, H.W.E. "A/Wing"

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'B' OTHER RANKS.

1. ABSENTEES * FIRST NOTICE.

				ABSENT FROM.	
L.64056	Gnr. Burden,	J.	"A/Wing"	0630 hrs.	7-1-43.

2. ABSENTEES * SECOND NOTICE. (8 days)

				ABSENT FROM.	
A.66785	Gnr. Howell,	C.A.	"G" Trng. Bty.	0600 hrs.	2-1-43.
L.51470	Bowman,	T.P.	"F"	2200	4-1-43.
E.95234	Harris,	S.A.	"C"	2200	4-1-43.
W.103234	Perreault,	W.	"A"	2200	4-1-43.

Reformed 1st Coy Grandant d-cM

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A-ONE C.A.T.C. PART II ORDER NO.A.9, dated 12 January 1943.

3. ABSENTEES * RETURNED.

				RETURNED.	
M.103241 Gnr.	Brinker,	E.	"A" Trng. Bty.	0600 hrs.	11-1-43.
F.64693	Berry,	C.	"A"	0600	10-1-43.
F.32281	McInnis,	J.S.	"D"	0610	11-1-43.

4. POSTINGS.

a A.101687 Gnr. Lafontaine, A., a reinft. Field Gunner "A" Trng. Bty. is reclassified as a reinft. Driver I/C., and is posted to "B" Trng. Bty., effect. 12 Jan 43.

b D.6662 Gnr. Parker, G.E., a reinft. Anti-Tank Gunner "D" Trng. Bty. is posted to "G" Trnd. Sol. Bty., effect. 11 Jan 43.

5. STRENGTH INCREASE.

L.64040 Gnr. Dunn, E.A., (T.T.) Fitter, is taken on strength on transfer from C.A.T.S., Hamilton, Ont., and is posted to "G" Trnd. Sol. Bty., effect. 9 Jan 43.

6. HOSPITAL.

M.103190 Gnr. Panco, W., "D" Trng. Bty., has been discharged from Colonel Belcher Hospital, Calgary, Alta., effect. 5 Jan 43.

7. CLASSIFICATIONS.

a The following personnel of Batteries as shown are classified as Trades Trainees in Trades as indicated, according to M.F.M. 196, accompanying documents.

D.156060 Gnr.	Seymour,	W.	"D" Bty.	Clerk.
B.16905	Hockridge,	J.	"B"	Automotive.
A.104891	MacDougall,	H.A.	"F"	Automotive.
B.44485	Spence,	W.B.	"B"	Technical Storeman.
B.44474	Hill,	W.J/	"D"	Clerk.
B.44579	Hipgrave,	W.	"D"	Technical Storeman.
A.116392	Langille,	G.W.	"B"	Automotive.
D.137145	Graham,	C.	"F"	Automotive.
F.45805	McSween,	J.A.	"F"	Automotive.
F.32452	Young,	E.L.	"F"	Automotive.
L.102069	Clothier,	M.E.	"C"	Cook.
F.32487	McDonald,	R.A.	"A"	Clerk.

b The following Trades Trainees "Cook" of "G" Trnd. Sol. Bty., are reclassified as reinforcements, effect. 11 Jan 43.
Authy:- M.F.B. 303, d/27 Dec 42.

D.94094 Gnr.	Coderre,	R.	Field Gnr.
G.50726	Babineau,	A.	Field Gnr.
G.50804	Dugusy,	S.	Medium Gnr.

8. QUASHING OF SENTENCE OF D.C.M.

B.76867 Gnr. Treloeven, B.G., "D" Trng. Bty.

Ref. Part 2 D.O.A. 260, para. 4 (b), d/31 Oct 42, the Finding of the Court is quashed in so far as it relates to the First charge, and stoppages of $14.05 (Fourteen dollars and Five cents) are to be recredited. All records to be amended accordingly.
Authy:- Commander Petawawa Military Camp, Ont.

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Z-I

A-ONE C.A.T.C. PART II ORDER NO.A.9, dated 18 January 1943.

9. REMISSION OF PUNISHMENTS.

a D.615200 Gnr. (WHD) Richard, G., "A/Wing" (M/T.) is remitted (4) Four days from an award of detention, for good conduct. Rules for Detention Barracks and Military Prisons.

b E.30645 Gnr. Charrette, M., "F" Trng. Bty., is remitted (123) One hundred and Twenty-Three days, from an award of detention by order of A.V. Tremaine, Brigadier, Commander, P.M.C., Ont., under authority of Sect. 57 (2) Army Act.
Authy:- P.6-0-C-369, d/9 Jan 43.

b B.58589 Gnr. Webster, J.R., "E" Trng. Bty., is remitted (58) Fifty-Eight days, from an award of detention by order of A.V. Tremaine, Brigadier, Commander, P.M.C. Ont., under authority of Sect. 57 (2) Army Act.
Authy:- P.6-0-W-272, d/9 Jan 43.

c B.9961 Gnr. Baxter, S., "B" Trng. Bty., is remitted (58) Fifty-Eight days, from an award of detention by order of A.V. Tremaine, Brigadier, Commander, P.M.C., Ont., under authority of Sect. 57 (2) Army Act.
Authy:- P.6-0-B-615, d/9 Jan 43.

10. POSTINGS.

The following reinfts., "A" Trng. Bty., Field Gunners, are posted to "G" Trnd. Sol. Bty., effect. 13 Jan 43.

B.21962	Gnr. Gower,	G.W.		(Underage)
C.21844	Kellough,	H.		(Underage)
B.21960	Myslicki,	J.		(Underage)
C.100987	Virgin,	W.		
F.64693	Berry,	C.		
M.103241	Brinker,	E.		

11. HOSPITAL.

C.9574 Gnr. Bailey, G.W., "G" Trng. Bty. (T) Fitter Gun, has been admitted to General Hospital, Kingston, Ont., on 30 Dec 42.

12. APPOINTMENTS AND PROMOTIONS.

a C.101445 Gnr. Heaps, D., a reinft. "B" Trng. Bty., to be Acting Lance Bombardier, (without pay), effect. 11 Jan 43.

b The following personnel of "A" Trng. Bty., to be Acting Lance Bombardiers, (without pay), effect. 11 Jan 43.

C.101100	Gnr. Lemenchick,	C.A.	B.21779	Gnr.	Laskey, J.G.B.
B.72029	Thompson,	E.C.	C.48604		McCue, C.A.

13. STRENGTH INCREASE.

D.637339 Gnr. Deseve, L., "A" Trng. Bty., is taken on the strength of A-One C.A.T.C., as member H.D., and remain with "A" Trng. Bty. effect. 2 Jan 43.

14. AMENDMENTS.

"G" T.S.Bty.) Part 2 D.O.A. 225, para. 18, d/21 Sep 42, (D.625687 Gnr. (WHD) Bertrand, J.P.) is hereby amended as follows:-

For:- is reclassified as a Non-Tradesman,
Read:- is reclassified as a Driver I/C.

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A-ONE C.A.T.C. PART II ORDER NO.A.9, dated 12 January 1943.

15. POSTINGS.

C.100785 Gnr. Ryan T.J., "B" Trng. Bty., having been re-categorized "C.1", is posted to the H.W.E. of "A/Wing", effect. 13 Jan 43.

16. PUNISHMENTS.

a H.195062 Gnr. Trapanier, O.J., "G" Trnd. Sol. Bty., was on the 11 Jan 43, awarded Twenty-Eight (28) days detention and forfeits Twenty-Two (22) days pay by F.R. & I. for:-

1 Absenting himself without leave from 2200 hrs. 20 Dec 42 until 0600 hrs. 11 Jan 43. (Absent 21 days. 8 hrs.)
(Total forfeiture 50 days.)

b M.103241 Gnr. Brinker, E., "A" Trng. Bty., was on the 11 Jan 43, awarded a forfeiture of Ten (10) days ordinary pay and forfeits Seven (7) days pay by F.R. & I. for:-

1 Absent without leave from 2200 hrs. 4 Jan 43 until 0600 hrs. 11 Jan 43. (Absent 6 days. 8hrs.)
(Total forfeiture 17 days.)

c F.64693 Gnr. Berry, C., "A" Trng. Bty., was on the 11 Jan 43, awarded a forfeiture of Five (5) days ordinary pay and forfeits Six (6) days pay by F.R. & I. for:-

1 Absent without leave from 2200 hrs. 4 Jan 43 until 0600 hrs. 10 Jan 43. (Absent 5 days. 8 hrs.)
(Total forfeiture 11 days.)

17. PERMISSION TO MARRY.

a D.635294 Gnr. Clements, F., "G" Trnd. Sol. Bty., was on the 6 Jan 43, granted permission to marry Miss Yvette Drapeau, of 5019 Turcot, Street, Montreal, Que., on or after 6 March 1943.

b G.63163 Gnr. Roussel, G., "G" Trnd. Sol. Bty., was on the 9 Jan 43, granted permission to marry Miss Henriette Plourde, of Shippegan, Gully, Gloucester, Co., N.B., on or after 9 Jan 43.
(2 Months waiting period waived by C.O. under R.O. 2242, para.8.)

18. MARRIAGES.

a G.63163 Gnr. Roussel, G., "G" Trnd. Sol. Bty., having been granted permission to marry on or after 9 Jan 43, was on the 23 Nov 42, married to Miss Henriette Plourde, of Shippegan, N.B.
(2 Months waiting period waived by C.O. under R.O. 2242, para.8.)

b G.23862 Gnr. Winton, J.A., "A/Wing", having been granted permission to marry on or after 2 Jan 43, was on the 4 Jan 43, married to Miss Jean Evelyn Steeves of Durham Centre, Restigouche Cty. N.B.

19. CHANGE OF NEXT OF KIN.

a G.63163 Gnr. Roussel, G., "G" Trnd. Sol. Bty., change of Next-of-Kin to:-

Mrs. Henriette Roussel, (wife)
Shippegan Gully, N.B.

b G.23862 Gnr. Winton, J.A., "A/Wing", change of Next-of-Kin to:-

Mrs. Jean Evelyn Winton, (wife)
Durham Centre,
Restigouche, County, N.B.

A-ONE C.A.T.C. PART II ORDER NO.A.9, dated 12 January 1943.

20. AMENDMENTS.

"A/Wing") Part 2 D.O.A. 7, para. 8, d/9 Jan 43, (D.6644 A/L/Sgt. Lemieux, C.L.) is hereby amended as follows:-

ADD:- and for pay effect. 2 Jan 43.

21. CANCELLATIONS.

a "B" Bty) Part 2 D.O.A. 1, para. 1 and 2, d/2 Jan 43, Part 2 D.O.A. 3, para. 2, d/5 Jan 43, are hereby cancelled in so far as they relate to:-
C.100785 Gnr. Ryan, T.J.

b "F" Bty) Part 2 D.O.A. 2, para. 1, d/4 Jan 43, Part 2 D.O.A. 3, para. 2, d/5 Jan 43 and Part 2 D.O.A. 7, d/9 Jan 43, are hereby cancelled in so far as they relate to:- Para 3,
B.110987 Gnr. Craven, R.A.

c "G" Bty) Part 2 D.O.A. 7, para. 1, d/9 Jan 43, is hereby cancelled in so far as it relates to:-
G.52902 Gnr. Sullivan, L.A.

22. REVERSIONS.

The undermentioned Acting Lance Bombardiers, having been posted from "F" Trng. Bty., to "C" Trng. Bty, for training in the Survey/Wing, automatically revert to the permanent rank of Gunner, effect. 10 Jan 43.

B.21799 A/L/Bdr. Cunningham,R.V.
B.72093 Godfrey, M.L.

23. APPOINTMENTS AND PROMOTIONS.

The undermentioned Survey Reinfts. of "C" Trng. Bty., to be Acting Lance Bombardiers, effect. 11 Jan 43.

H.67611	Gnr. Hladki,	Z.	vice B.21799 A/L/Bdr. Cunningham,R.V
K.100877	Horsley,	E.	vice B.72093 A/L/Bdr. Godfrey, M.L.
D.119664	Griesman,	S.H.	to complete establishment.
B.21530	McNab,	A.	to complete establishment.
B.111132	Proctor,	R.	to complete establishment.

24. MARRIAGE.

M.57025 Gnr. Gainer, R.M., "D" Trng. Bty., having been granted permission to marry on or after 8 Jan 43, (Extract Part 2 Order No. 198, d/10 Nov 42, C.A.(E)TC. #33, Ottawa, Ont.) was on the 2 Jan 43 married to Miss Amy Ruth, Wright, of Billings Bridge, Ont.

25. CHANGE OF NEXT OF KIN.

M.57025 Gnr. Gainer, R.M. "D" Trng. Bty., change of Next-of-Kin to:-
Mrs. Amy Ruth Gainer, (wife)
Billings Bridge,
Ontario.

26. AMENDMENTS.

"B" Bty) Part 2 D.O.A. 8, para. 10 (a), d/11 Jan 43, (G.12206 Gnr. Carr, J.A.,), is hereby amended as follows:-

For:- (Total forfeiture 146 days.)
Read:- (Total forfeiture 161 days.)

to sheet.-6-

A-ONE C.A.T.C. PART II ORDER NO.A.9, dated 12 January 1943.

27. QUALIFICATIONS.

M.50376 Gnr. Glover, W.H., "G" Trnd. Sol. Bty., has qualified as Driver I/C. Class III, (Wheeled vehicles) only, effect. 11 Jan 43. Cert. No. 611.

28. STRENGTH DECREASE.

Survey reinft.
B.79633 Gnr. Drescher, P.A./"C" Trng. Bty., is struck off strength on transfer to No. 4, District Depot, Montreal, Que., effect. 12 Jan 43.
Authy:- P.S. 10-18 (Q), d/12 Jan 43. (File: ATC 6-8-1-S-101.)

29. POSTINGS AND CLASSIFICATIONS.

D.156045 Gnr. Biscott, M.J., a reinft. Medium Gunner "C" Trng. Bty. is posted to "B" Trng. Bty., and re-classified as a reinft. Signall effect. 12 Jan 43. (File: ATC.4-9-6.)

30. LEAVE OF ABSENCE. AND RATIONS ALLOWANCE.

The following personnel of "B" Trng. Bty., have been granted leave of Absence (Christmas Leave) from 22 Dec 42 to 28 Dec 42 (inclusive and are entitled to receive fifty (.50) cents per diem in lieu of rations as authorized under C.A.R.O. 2261 and Art. 196 (4) FR&I.

M.65631 A/Bdr. Wilson, T.
D.456345 Gnr. (MHD) Martineau, M.

31. PUNISHMENTS.

a G.7408 Gnr. Ellis, J.A., "A/Wing", was on the 12 Jan 43, awarded a forfeiture of Five (5) days ordinary pay and forfeits Five (5) days pay by F.R. & I. for:-
1 Absent without leave from 0630 hrs. 7 Jan 43 until 0600 hrs. 12 Jan 43. (Absent 4 days. 23 hrs. 30 mins.)
(Total forfeiture 10 days.)

b C.10156 Gnr. Van Wart, P.R., "A/Wing", was on the 12 Jan 43, awarded Fourteen (14) days detention and forfeits Fourteen (14) days pay by F.R. & I. for:-
1 Absent without leave from 0630 hrs. 29 Dec 42 until 0200 hrs. 12 Jan 43. (Absent 13 days. 19 hrs. 30 mins.)
(Total forfeiture 28 days.)

(H.R. Hampson) Captain R.C.A.,
Adjutant A-One C.A.T.C.,
Petawawa Military Camp, Ont.

Authentic true copy
Adjutant-in-Chief, R.C.A.
Officer i/c. Records
N.D.H.Q.

J. C. J-1

See sheet 2

DAILY ORDERS

BY

COLONEL W.S. van STEENBURGH, R.C.A.,
COMMANDANT A-ONE C.A.T.C. PETAWAWA MILITARY CAMP, ONTARIO.

Active Army Personnel (A & T Staffs & "A" Recruits.)

PART II ORDER NO.A.20, (A - Twenty) , dated 25 January 19 3.

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Last Part II Order No.A. 19, dated 23 January 1943.

"A" OFFICERS.

1. LEAVE OF ABSENCE.

Lieut. G.H. Lessard, a reinft. Officer "A" Trng. Bty., has been granted Leave of Absence (annual) from 25 Jan 43 to 31 Jan 43, (inclusive), and is entitled to receive fifty (.50) cents per diem in lieu of rations for that period as authorized under C.A.R.O. 2261 and Art. 196 (4) F.R. & I.

2. LEAVE OF ABSENCE AND RATIONS ALLOWANCE.

The following Officers of Sub-Units as shown have been granted Leave of Absence from and to dates as indicated and are entitled to receive fifty (.50) cents per diem in lieu of rations as authorized under C.A.R.O. 2261 and Art. 196 (4) F.R. & I.

			(INCLUSIVE)
Lieut. W.Q. Setliffe,	"A/Wing"	30 Dec 42 to	5 Jan 43.
Lieut. K.T. Thurston,	"B" Bty.	22 Jan 43	25 Jan 43.
Lieut. R. Goyette,	"F" Bty.	22 Jan 43	26 Jan 43.

3. CANCELLATIONS.

"SofI") Part 2 D.O.A. 16, para. 4, d/22 Jan 43, is hereby cancelled in so far as it relates to:-

2/Lieut. P. Marchessault,

4. STRENGTH DECREASE.

The following reinfts. Surveyors "Survey/Wing" are struck off strength on transfer to No. 4 Vocational Training School, Montreal, Que., effect. 23 Jan 43.
Authy:- P.3-0-26, d/30 Apr 42. (file: ATC 4-9-3.)

Lieut. R.H. Williams,
Lieut. N.E. Taylor,
Lieut. D.R. Chown,
Lieut. J.M. Wiggett,
Lieut. A.H. Johnston,
Lieut. J.L. Chitty

5. CLASSIFICATION.

Lieut. G.W., Winsby, 3rd Medium Regt. R.C.A., "A" Trng. Bty., (Pending Disposal) is re-classified as a reinforcement Officer effect. 25 Jan 43.

6. POSTINGS.

a. Lieut. D.C. Bignell, emp. HWE., "L/Wing" (Signal/Wing), ceases to be detailed temporarily to "H.Q." for duty and ceases to be employed under C.A.R.O. 1990 and is posted to "S of I" as reinft., effect. 26 Jan 43.

b. Lieut. G.W. Winsby, a reinft. "A" Trng. Bty., is posted to "S of I" effect. 25 Jan 43.

c. Lieut. L.G. Thompson, emp. HWE., "A" Trng. Bty.,(Signal/Wing for duty) is posted to Emp.HWE., "L/Wing" (Signal/Wing), effect. 25 Jan 43- (vice Lieut. D.C. Bignell- re-posted)

to sheet -2-

A-ONE C.A.T.C. PART II ORDER NO.A.20. dated 25 January 1943.

"B" OTHER RANKS.

1. ABSENTEES - FIRST NOTICE.

				ABSENT FROM.
B.44044	Gnr. Sisler,	J.M.	"D" Trng. Bty.	0610 hrs. 21-1-43.

2. ABSENTEES - SECOND NOTICE. (8 days.)

				ABSENT FROM.
C.33760	Gnr. Bowen,	G.H.	"F" Trng. Bty.	0600 hrs. 15-1-43.

3. ABSENTEES - THIRD NOTICE. (22 days.)

				ABSENT FROM.	
A.66785	Gnr. Howell,	C.A.	"G" Trng. Bty.	0600 hrs.	2-1-43.
M.35169	Todd,	H.	"D" Trng. Bty.	0610	30-12-42.
F.95234	Harris,	S.A.	"C"	2200	4-1-43.
M.103234	Perrault,	W.	"A"	2200	4-1-43.

4. ABSENTEES - RETURNED.

				RETURNED.	
L.6071	Gnr. Wright,	E.J.	"A" Trng. Bty.	2330 hrs.	23-1-43.
B.44249	Morden,	G.L.	"C"	0600	23-1-43.
B.44044	Sisler,	J.M.	"D"	2200	22-1-43.

5. PUNISHMENTS.

a B.44066 Gnr. Contin, H., "D" Trng. Bty., was on the 23 Jan 43, awarded a forfeiture of Five (5) days ordinary pay and forfeits Thirteen (13) days pay by F.A. & I. and ordered to make good cost of apprehension and return to Unit to the amount of Twenty-Three dollars and Fifty-Five cents ($23.55) for:-

1 Absented himself without leave from 0610 hrs. 6 Jan 43 until apprehended by Military Police at Pickeral, Ont., at 1800 hrs. 18 Jan 43. (Absent 12 days 11 hrs. 50 mins.)

2. Cost of apprehension and return to Unit to the amount of Twenty-Three dollars and fifty- five cents ($23.55).

(Total forfeiture 18 days.)

b B.131486 Gnr. Bolcoski, J., "E" Trng. Bty., was on the 23 Jan 43, awarded Three (3) days C.B. and forfeits Two (2) days pay by F.R. & I. for:-

1 Absent without leave from 0630 hrs. 18 Jan 43 until 2325 hrs. 19 Jan 43. (Absent 1 day 16 hrs. 25 mins.)

6. STRENGTH INCREASE.

B.79633 Gnr. Drescher, P.A., a reinft., is taken on the strength on transfer from No. 4, District Depot, Montreal, Que., and is posted as a reinforcement Driver I/C. to "B" Trng. Bty., effect. 23 Jan 43.

7. BIRTH.

D.118959 Gnr. Moscato, V., "G" Trnd. Sol. Bty.,

Daughter.....Marie Alexine Jacqueline Moscato.
Date.....31 Dec 42
Place.....Montreal, Que.
Mother.....Fernande Leblanc.

8. AMENDMENT.

"A/Wing") Part 2 D.O.A. 10, para. 20, d/13 Jan 43, (F.64697 Gnr. Surette, W.H.) is hereby amended as follows:-

For:- Miss Mary Martha Mouse,
Read:- Miss Mary Martha Muise.

to sheet -3-

A-ONE C.A.T.C. PART II ORDER NO.A.20, dated 25 January 1943.

9. ATTACHMENTS.

M.3910 A/Bdr. Kenny, D.C., (T) Motor Mech., HWE., "A/Wing" (M/T.) is attached for all purposes (except pay) to No. 1, V.T.S., Windsor, Ont., effect. 24 Jan 43. (Automotive Course)
Authy:- P.4-6-31 (G), d/11 Jan 43. (File: 4-9-4.)

10. TRADES PAY.

C.141 Sergeant Brophy, F.J., HWE., "H.Q.", ceases to draw Trades Pay, Group "C" (Clerk), effect. 30 Nov 42.

11. STRENGHT DECREASE.

The following Surveyor reinfts. "C" Trng. Bty., are struck off strength on transfer to No. 4, Vocational Training School, Montreal, Que., effect. 23 Jan 43.
Authy:- P.3-0-26, d/30 Apr 42.) (File: 4-9-3.)

M.100677	A/L/Bdr. Horsley,	P.E.	F.5188	Gnr.	Amero,	R.C.
D.170022	Gnr. Banks,	H.H.J.	K.100281		Blakely,	R.K.
D.119665	Clarke,	D.H.	F.79704		Cusack,	G.Y.
B.112746	Dahmer,	E.	K.65283		Grainger,	W.D.
H.101242	Kostanjuk,	C.	H.195008		Miners,	F.A.
B.114547	Philip,	J.	B.114677		Ramsden,	J.H.
H.69980	Rosenthal,	H.	C.46505		Shannon,	J.V.
D.119666	Sheppard,	A.H.	B.18816		Webb,	F.W.

12. CIVIL CUSTODY.

B.61934 Gnr. Oldfield, G., a reinft. "F" Trng. Bty., was taken into Civil Custody at Hamilton, Ont., 0400 hrs. 24 Dec 42 and released 18 Jan 43.

13. CIVIL CONVICTION.

B.61934 Gnr. Oldfield, G., a reinft. "F" Trng. Bty., was on the 29 Dec 42, convicted of an offence under Sect 238, Criminal Code, and sentenced to Twenty-One (21) days in the County Gaol, Hamilton, Ont., to date from day of award.

14. LEAVE OF ABSENCE AND RATIONS ALLOWANCE.

K.66208 Gnr. Zlotnik, S.P., "F" Trng. Bty., is granted leave of Absence from 24 Jan 43 to 29 Jan 43 (Inclusive), and is entitled to receive fifty (.50) cents per diem in lieu of rations for that period as authorized under C.A.R.O. 2261 and Art. 196 (4) F.R. & I.

15. LEAVE OF ABSENCE.

K.66208 Gnr. Zlotnik, S.P., "F" Trng. Bty., is granted leave of Absence from 30 Jan 43 to 6 Feb 43 (Inclusive), without pay and allowances, under R.O. 1935.
Authy:- P.6-0-2-17, d/23 Jan 43.

16. TRADES PAY.

L.18593 Gnr. Bank, K.W., (T) Shoemaker, HWE., "A/Wing", ceases to draw Group "B" Grade II, Trades Pay, (Shoemaker) effect. 25 Jan 43 on transfer.

17. STRENGTH DECREASE.

L.18593 Gnr. Bank, K.W., (T) Shoemaker, HWE., "A/Wing" is struck off strength on transfer to No. 12, District Depot, Regina, Sask., effect. 25 Jan 43. Authy:- P.6-0-P-627 (OA) d/20 Jan 43.

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A-ONE C.A.T.C. PART II ORDER NO. 20, dated 25 January 1943.

18. AMENDMENTS.

"F" Bty) Part 2 D.O.A. 300, para. 25 (sheet 7), d/17 Dec 42, is hereby amended as follows in so far as it relates to:- B.17732 Gnr. Cronk, D.F. :-

For:- 22 Dec 42 to 28 Dec 42 (Incl.)
Read:- 20 Dec 42 to 26 Dec 42 (Incl.)

19. CANCELLATIONS.

a "A/Wing") Part 2 D.O.A. 299, para. 10, (sheet 12), d/16 Dec 42, is hereby cancelled in so far as it relates to:-
P.9128 Gnr. Morris, M.V.

b "B"Bty) Part 2 D.O.A. 17, para. 1 and 2, d/21 Jan 43, are hereby cancelled in so far as they relate to:-
B.44116 Gnr. McLean, G.E.
B.44127 Halligan, P.
B.44169 Playne, H.F.

c "G"Bty) Part 2 D.O.A. 7, para. 1 and 3, d/9 Jan 43, are hereby cancelled in so far as they relate to:-
G.417641 Gnr.(MHD)Lavoie,P.

d "G"Bty) Part 2 D.O.A. 10, para. 1, d/13 Jan 43, and Part 2 D.O.A. 15, para. 5, d/19 Jan 43, are hereby cancelled as they relate to:-
L.101275 Gnr. Maxmen, M.

e "A/Wing") Part 2 D.O.A. 18, para, 1, d/22 Jan 43, is hereby cancell in so far as it relates to:-
D.611128 Gnr. (MHD) Gouin, G.H.

f "G" Bty) Part 2 D.O.A. 18, para. 1 and 2, d/22 Jan 43, are hereby cancelled in so far as they relate to:-
M.65557 Gnr. Rye, C.

g "G"Bty) Part 2 D.O.A. 17, para. 27, d/21 Jan 43, is hereby cancelled in so far as it relates to:-
A.104171 Gnr. Jones, S.L.

h "F"Bty) Part 2 D.O.A. 307, para. 2 (sheet 3), d/26 Dec 42, is hereby cancelled in so far as it relates to:-
A.104171 Gnr. Jones,S.L.

20. CHANGE OF ADDRESS - NEXT OF KIN.

B.131486 Gnr. Belcoski, J., "B" Trng. Bty., change of address of Next-of-Kin to:-
7 Roxborough Ave.,
Hamilton. Ontario.

21. MARRIAGE.

P.96451 Gnr. Knockwood, D., "G" Trnd. Sol. Bty., having been granted permission to marry on or after 4 Dec 42, was on 7 Jan 43, married to Miss Marguerite Pero, of Morell, P.E.I.
(2 Months waiting period waived by C.O. under R.O. 2242 para. 8.)

22. CHANGE OF NEXT OF KIN.

P.96451 Gnr. Knockwood, D., "G" Trnd. Sol. Bty., change of Next-of-Kin to:-
Mrs. Marguerite Knockwood, (wife)
Mount Stewart, P.E.I.

to sheet -5-

A-ONE C.A.T.C. PART II ORDER NO.A. 20, dated 25 January 1943.

23. PERMISSION TO MARRY.

B.21498 A/Bdr. Dawson, W., "F" Trng. Bty., ("A/Wing" (S of I) for duty), was on the 25 Jan 43, granted permission to marry Miss Mary Porter, of 289 Bain Avenue, Toronto, Ont., on or after 25 Jan 43.
(2 Months waiting period waived by C.O. under R.O. 2242, para.8.)

24. LEAVE OF ABSENCE AND RATIONS ALLOWANCE.

The following personnel of "F" Trng. Bty., have been granted leave of Absence from 22 Dec 42 to 28 Dec 42 (inclusive) and are entitled to receive fifty (.50) cents per diem in lieu of rations for that period as authorized under C.A.R.O. 2261 and Art. 196 (4) F.R. & I.

B.101172	A/L/Bdr.	Armstrong,	H.P.	D.125742	Gnr.	Babson,	B.P.
B.44336	Gnr.	Birney,	G.N.	H.101371		Brundson,	E.J.
D.135761		Burke-Seltzer,	A.G.	B.44335		Pogue,	R.J.
B.44399		Dunlop.	H.A.	B.44428		Kinlin,	W.P.
B.26768		Lee,	G.	B.44340		Norton,	W.N.
B.43971		Ramsay,	W.A.	B.43972		Small,	W.
B.44272		Stephenson,	G.C.	D.137138		Stieger,	J.F.
B.44400		Sunstrum,	H.J.	B.43922		Watkins,	C.
B.111155		Windsor,-	J.W.	K.69044		Brown,	M.D.
B.131315		Tewsley,	H.S.	C.44314		Crowe,	J.

25. PAY FINANCIAL.

D.6944 Gnr. (A/L/Bdr. without pay) Beauregard, A., HWE., "A/Wing" to draw pay of rank of Acting Lance Bombardier, effect. 1 Oct 42, (covering vacancy of Bdr. Cook - Men's Mess), to complete establishment.

26. STRENGTH INCREASE.

G.437769 Gnr. LeBlanc, L.J., "E" Trng. Bty., is taken on the strength of A-One C.A.T.C., as member H.D. (pending disposal), and remain with "E" Trng. Bty., effect. 25 Jan 43.

27. STRENGTH DECREASE.

The following personnel are struck off strength on transfer to No. 4, Special Employment Coy., Petawawa Military Camp, Ont., effect. 26 Jan 43.
Authy:- P.6-0-L-659 (OA), and P.6-0-0-133, (OL), d/21 Jan 43.
(File:- ATC. 6-8-6.)

G.437769	Gnr.(MHD)	LeBlanc,	L.J.	"E" Trng. Bty.
B.21801	Gnr.	O'Brien,	J.J.	"F" Trng. Bty.

28. POSTINGS.

D.96305 Gnr. Roy, R., HWE., "A/Wing" (M/T.) is posted to the H.W.E. of "A/Wing" (covering Gnr. Shoemaker vacancy) effect. 11 Jan 43.

29. MARRIAGE.

B.72040 Gnr. Clunie, J., "C" Trng. Bty., (Survey/Wing), having been granted permission to marry on or after 21 Dec 42, was on 2 Jan 43 married to Miss Prudence D.E., Ranton, of Niagara Falls, Ont.
(2 Months waiting period waived by C.O. under R.O. 2242, para.8.)

to sheet -6-

A-ONE C.A.T.C. PART II ORDER NO...20, dated 25 January 1943.

30. CHANGE OF NEXT OF KIN.

B.72040 Gnr. Clunie, J., "C" Trng. Bty., (Survey/Wing), change of Next-of-Kin to:-

Mrs. Prudence D.E. Clunie, (Wife)
2062 Main Street,
Niagara Falls, Ontario.

31. CLASSIFICATION AND POSTINGS.

C.452564 Gnr. (MHD) White, C.E., "H" Trnd. Sol. Bty. for records and Pay ("G" Trnd. Sol. Bty., for all other purposes) is re-classified as a Trade Trainee Cook, and having been re-categorized "B.1", is posted to the H.W.E. "A/Wing" (covering Gnr. Cook - Officer's Mess vacancy) effect. 22 Jan 43.

32. SENTENCE OF A DISTRICT COURT MARTIAL.

Number H.100159 Gunner Arthur BRUCE, "D" Training Battery, A-One Canadian Artillery Training Centre, C.A., was tried by a District Court Martial on the 18th day of January 1943, on the charge of:-

1 Absenting himself without leave, in that he, at Petawawa Military Camp, Ontario, at 0610 hours, on the 11th day of September 1942, absented himself without leave from the A-One Canadian Artillery Training Centre, C.A., until being apprehended by the Military Police at St.Laurent, Manitoba, at 2200 hours, on the 12th day of December 1942, the cost of his apprehension and return to his Unit being $31.39.

He was found "GUILTY" of the charge.

He was sentenced to undergo detention for Thirty (30) days, and to be put under stoppages of pay until he has made good the sum of Thirty-One Dollars and Thirty-Nine cents ($31.39) in respect of cost of apprehension and return to his Unit.

The Finding and Sentence having been confirmed by A.V. Tremaine, Brigadier, the charge, finding and sentence were duly promulgated effect. 18th day of January 1943.
(SOS. DO. A. 238/42 --- TOS. DO. A.300/42.)
(Total forfeiture 67 days.)

33. HOSPITAL.

a The following personnel of Batteries as shown have been admitted to P.M.H. on dates as indicated.

G.24186	Gnr. Bowes,	C.R.	"A" Trng. Bty.	22 Jan 43.
B.72042	Fisher,	G.B.	"G"	24 Jan 43.
B.44127	Halligan,	P.	"E"	22 Jan 43.
B.113398	Landriault,	R.C.	"C"	24 Jan 43.
A.104891	MacDougall,	H.A.	"F"	23 Jan 43.
K.66839	MacKay,	D.W.	"E"	24 Jan 43.
B.40244	Roberts,	G.W.	"E"	23 Jan 43.
B.21466	White,	C.M.	"E"	24 Jan 43.
G.23862	Winton,	A.	"A/Wing"	22 Jan 43.

b The following personnel of "F" Trng. Bty., have been discharged from P.M.H. on 24 Jan 43.

L.10780	Gnr. Schmidt,	B.	
G.50899	Gallant,	T.	

to sheet -7-

A-ONE C.A.T.C. PART II ORDER NO.A.20, dated 25 January 1943.

33. HOSPITAL. (Cont'd)

c A.59596 Gnr. Levesque, J.T., "G" Trnd. Sol. Bty., has been discharged from Rideau Military Hospital, Ottawa, Ontario.

34. RATIONS ALLOWANCE.

K.46786 Gnr. Bouchard, C.P., "B" Trng. Bty., has been granted Leave of absence from 23 Dec 42 to 29 Dec 42 (inclusive) and is entitled to receive fifty (.50) cents per diem in lieu of rations for that period as authorized under C.A.R.O. 2261 and Art. 196 (4) P.R. & I.

35. POSTINGS.

D.488179 Gnr. (WHD) Despatie, R., "A/Wing" is posted to "G" Trnd. Sol. Bty., effect. 25 Jan 43. (Driver I/C.)

36. CANCELLATIONS

"B" Bty) Part 2 D.O.A. 286, para. 4, d/ 1 Dec 42, is hereby cancelled in so far as it relates to:-

G.28911 Gnr. Leblanc, J.L.

This remained to be published at CM

(H.R. Hampson) Captain R.C.A.,
Adjutant A-One C.A.T.C.,
Petawawa Military Camp, Ont.

J-9

DAILY ORDERS
BY

COLONEL W.E. van STEENBURGH, R.C.A.,
COMMANDANT A-ONE C.A.T.C., PETAWAWA MILITARY CAMP, ONTARIO.

"R" Recruits Personnel (N.R.M.A. of 1940.)

PART II ORDER NO.R. 14, (R - Fourteen), dated 25 January 1943.

Last Part II Order No.R. 13, dated 22 January 1943.

"A" OFFICERS.

"NIL"

"B" OTHER RANKS.

1. CHANGE OF NAME & NEXT OF KIN.

D.638856 Gnr. Robichaud, U., "B" Trng. Bty., change of Name of Next-of-Kin to:-
Mrs. Sadie Gaudet, (Mother) (re-married)

2. HOSPITAL.

The following personnel of Batteries as shown have been admitted to P.M.H. on 21 Jan 43.

D.638561 Gnr. Christopherson,R. "A" Trng. Bty.
D.638695 Mayer, M.J. "B"

3. SICK AT HOME.

D.638333 Gnr. Cassidy, M., "E" Trng. Bty., returned from Sick at Home, effect. 25 Jan 43.

4. BIRTH.

D.450926 Gnr. Normandeau, R., "B" Trng. Bty.

Daughter.....Marie Marguerite Elaine Normandeau,
Date.....12 Dec 42.
Place.....Montreal, Que.
Mother.....Gilberte Lesage.

5. PUNISHMENTS.

F.606932 Gnr. Moir, K.R., "F" Trng. Bty., was on the 22 Jan 43, awarded Seven (7) days C.B. and forfeits Three (3) days pay by F.R. & I. for:-

1 Absent without leave from 2200 hrs. 19 Jan 43 until 0600 hrs. 22 Jan 43. (Absent 2 days 8 hrs.)

6. AMENDMENT.

Part 2 D.O.R. 13, para. 3, d/22 Jan 43, is hereby amended as follows:-

For:- D.638619 Gnr. Tremblay, F., "F" Trng. Bty.
Read:- " " " " "B" Trng. Bty.

to sheet -2-

A-ONE C.A.T.C. PART II ORDER NO.R.14, dated 25 January 1943.

7. CANCELLATIONS.

"B" Bty) Part 2 D.O.R. 11, para. 1 and 2, d/20 Jan 43, are hereby cancelled in so far as they relate to:- D.638332 Gnr. Bourque, H.P.

8. STRENGTH DECREASE.

G.437769 Gnr. LeBlanc, L.J., "B" Trng. Bty., having completed trainign ceases to be attached for training and is struck off strength of N.R.M.A. Clearing Depot No. 7, Fredericton, N.B., effect. 24 Jan 43, and remain with "B" Trng. Bty.

9. POSTINGS.

G.437769 Gnr. LeBlanc, L.J., "B" Trng. Bty., is posted to A-One C.A.T.C. as member H.D. (pending Disposal), effect. 25 Jan 43, and remain with "B" Trng. Bty.

10. HOSPITAL.

a The following personnel of Batteries as shown have been admitted to P.A.H. on 22 Jan 43.

D.638480 Gnr. Bachand, P.G. "B" Trng. Bty.
D.638344 Guerard, J. "B"
B.489289 Marceau, A. "B"

b D.497043 Gnr. Gagne, J., "B" Trng. Bty., has been discharged from P.A.H. on 24 Jan 43.

11. SENTENCE OF A DISTRICT COURT MARTIAL.

Number D.606704 Gunner Marcel DUFRESNE, General List No.4, N.R.M.A. Clearing Depot, "A" Trng. Bty., was tried by a District Court Martial, on the 16th day of January 1943, on the charge of:-

1. Absenting himself without leave, in that he, at Petawawa Military Camp, Ontario, at 0645 hours, on the 4th day of December 1941, absented himself without leave from the A-One Canadian Artillery Training Centre, C.A., until reporting himself to the A-One Canadian Artillery Training Centre, C.A., at 1015 hours on the 18th day of December 1942.

He was found "GUILTY" of the charge.

He was sentenced to undergo Detention for Six (6) Months.

The finding and Sentence have been confirmed by A.V. Tremaine, Brigadier, Commander Petawawa Military Camp, The charge, finding and sentence were duly promulgated, effect. 18 Jan 43.
(SOS. DO. R. 167/41 --- TOS. DO. R. 217/42.)
(Total forfeiture 214 days.)

12. STRENGTH DECREASE & ATTACHED.

D.637735 Gnr. Santini, J., "A" Trng. Bty., having been recategorized "C.1" ceases to be attached from No. 4, Clearing Depot, Montreal, Que., on release from training, and is returned to destination.
Leaves Training Centre 1310 hrs. 26 Jan 43.
Anticipated time of arrival at destination - 915 Minto Ave., Montreal, Que., - 2155 hrs. 26 Jan 43.
Authy:- M.F.B. 227, d/19 Nov 42.

(H.R. Hampson) Captain R.C.A.,
Adjutant A-One C.A.T.C.,
Petawawa Military Camp, Ontario.

Certified true copy
Adjutant General (R&R)
Officer i/c Records
A-1, C.A.A.C.

K 'D' K-1

Annexure 10

DAILY ORDERS
BY

LIEUT COLONEL W.E. van STEENBURGH, R.C.A.,
COMMANDANT A-ONE C.A.T.C., PETAWAWA MILITARY CAMP, ONTARIO.

Active Army Personnel (A & T Staffs & 'A' Recruits.)

PART II ORDER NO.A.28, (Twenty-Eight), dated 3 February 1943.

Last Part II Order No.A. 27, dated 2 February 1943.

"A" OFFICERS.

1. STRENGTH DECREASE.

A/Captain H.R., Hampson, HWE., "H.Q.", is struck off strength on transfer to Directorate Staff Duties (Weapons), N.D.H.Q., Ottawa, Ont., effect. 3 Feb 43.
Authy:- Adjt. General Teletype, (Pers655.), d/23 Jan 43.

2. APPOINTMENTS.

A/Capt. H.R. Hampson, HWE., "H.Q.", relinquishes the appointment of Adjutant of A-One C.A.T.C., effect. 3 Feb 43.

3. ATTACHMENTS.

a Lieut. A.W. Fair, emp. HWE., "A" Trng. Bty., ceases to be attached for all purposes (Except pay) to C.S.A.S., Long Branch, Ont., effect. 22 Jan 43.

b T/Major P.M. MacDonnell, (R.C.A.M.C.) "A/Wing", ceases to be attached to A1 CATC. on being attached for pay purposes, to No. 3, Det. RCAMC., Kingston, Ont., effect. 31 Jan 43.
Authy:- M.D. 3, Teletype 412 dated 25 Jan. 43.

4. HOSPITAL.

Lieut. R.R. Dolan, HWE., "B" Trng. Bty., has been admitted to P.A.H. on 1 Feb 43.

5. LEAVE OF ABSENCE.

a The undermentioned Officers have been granted Leave of Absence from and to dates as indicated and are entitled to receive fifty (.50) cents per diem in lieu of rations as authorized under C.A.R.O. 2261 and Art. 196 (4) F.R. & I.

		(INCLUSIVE)	
Lieut. W.J.W. Smith,	"A/Wing" (M/T.)	5 Jan 43 to	28 Jan 43.
Major J.G. Rogan,	"B" Bty. (HWE)	6 Feb 43	21 Feb 43.
Capt. C.D. Boultbee	"A/Wing, S.ofI.	6 Feb. 43	21 Feb. 43.

b Major R.C.M. Hooper, HWE., "H" Trnd. Sol. Bty. (attached C.H.Q. for rations, S.2, C.A.S. for duty) is granted leave of Absence from 31 Jan 43 to 5 Feb 43 (inclusive) and is entitled to receive fifty (.50) cents per diem in lieu of rations for that period, as authorized under C.A.R.O. 2261 and Art. 196 (4) F.R. & I.

6. STRENGTH DECREASE.

Major R.C.M. Hooper, HWE., "H" Bty., (attached C.H.Q. for rations, S.2, C.A.S. for duty) is struck off strength A-One C.A.T.C., on transfer to No. 3-A, District Depot, Kingston, Ont., effect. 5 Feb. 43.
Authy:- P.6-1-H-77 (G), d/15 Jan 43.

Recommend L'Col.
President A.C.M.

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A-ONE C.A.T.C. PART II ORDER C.A.28, dated 3 February 1943.

"A" OFFICERS (Cont'd)

7. AMENDMENTS.

a Part 2 D.O.A. 27, Para, 4, d/2 Feb 43, is hereby amended as follows:-

For:- from so Jan 43 to 2 Feb 43 (inclusive)
Read:- from 30 Jan 43 to 2 Feb 43. (inclusive)

and

For:- Lieut. P.C. Dube, "D" Trng. Bty.
Read:- 2/Lieut P.C. Dube, "D" Trng. Bty.

b Part 2 D.O.A. 6, para. 1, d/8 Jan 43, (Col.W.E. van Steenburgh,) is hereby amended as follows:-

For:- and for all other purposes, effect. 30 Nov 42.
Read:- and for all other purposes effect. 2 Dec 42.

c Part 2 D.O.A. 27, para. 2, d/2 Feb 43, is hereby amended as follows:-

For:- 2/Lieut. Arthur M. MINNON.
Read:- 2/Lieut. Arthur M. MINNION.

For:- 2/Lieut. Hector L. SENEZ.
Read:- 2/Lieut. L. Hector SENEZ.

For:- Myles T. LOCKHART.
Read:- T. Myles LOCKHART.

"B" OTHER RANKS.

1. ABSENTEES - FIRST NOTICE.

				ABSENT FROM.	
B.21730	Gnr. Glazebrook,	V.H.R.	"C" Trng. Bty.	0600 hrs.	1-2-43.
B.107554	Dehms,	K.	"A"	0600	1-2-43.
D.442556	Gnr. (MMD) Rousseau,	A.	"A"	0600	1-2-43.
C.33793	Gnr. McKinnon,	D.J.	"B"	0600	1-2-43.
F.86317	Nowen,	B.W.	"D"	0610	1-2-43.
K.11299	Kruszelnicki,	A.T.	"E"	0600	1-2-43.
B.44134	Gibbons,	B.O.	"E"	0600	1-2-43.
B.98225	Rushworth,	D.F.	"F"	0600	1-2-43.
B.114208	Vaughan,	E.	"G"	2200	31-1-43.
C.39009	Toms,	R.E.	"G"	2200	31-1-43.
C.1254	Cole,	S.A.	"G"	1600	29-1-43.
D.128847	Losieur,	C.E.	"H"	0600	1-2-43.
B.113305	Crowells,	T.G.	"H"	0600	30-1-43.
B.40276	Furzer,	G.C.	"H"	2200	31-1-43.

2. ABSENTEES - RETURNED.

				RETURNED.	
B.21730	Gnr. Glazebrook,	V.H.R.	"C" Trng. Bty.	1200 hrs.	12 -43.
K.11299	Kruszelnicki,	A.T.	"E"	2045	1-2-43.
B.44134	Gibbons,	B.O.	"E"	1300	2-2-43.
B.98225	Rushworth,	D.F.	"F"	0600	2-2-43.
B.114208	Vaughan,	E.	"G"	1230	1-2-43.

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A-ONE C.A.R.C. PART II ORDER NO.A.28, dated 3 February 1943.

2. ABSENTEES - RETURNED. (Cont'd)

					RETURNED.	
C.39009	Gnr. Toms,	R.E.	"G" Trng. Bty.		1230 hrs.	1-2-43.
D.128847	Lesieur,	C.E.	"H"		0600	2-2-43.
B.113305	Crowells,	T.G.	"H"		1230	2-2-43.
B.40276	Furzer,	G.C.	"H"		0600	2-2-43.

3. PUNISHMENTS.

a C.34289 Gnr. Brouse, L., "C" Trng. Bty., was on the 2 Feb 43, awarded Seventy-Two (72) hours detention for:-

1 Conduct to the prejudice of good order and military discipline, i.e. Failing to comply with an order.

b B.21730 Gnr. Glazebrook, V.H.R., "C" Trng. Bty., was on the 2 Feb 43, Admonished and forfeits one (1) day's pay by F.R. I. for:-

1 Absent without leave from 0600 hrs. 1 Feb 43 to 1210 hrs. 1 Feb 43. (Absent 6 hrs. 10 mins.)

c K.11299 Gnr. Kruszelnicki, A.T., "E" Trng. Bty., was on the 2 Feb 43, awarded Two (2) days C.B. and forfeits One (1) day's pay by F.R. & I. for:-

1 Absent without leave from 0630 hrs. 1 Feb 43 until 2045 hrs. 1 Feb 43. (Absent 14 hrs. 15 mins.)

d F.96451 Gnr. Knockwood, D., "H" Trnd. Sol. Bty., was on the 2 Feb 43, Fined Ten Dollars ($10.00), for:-

1 Drunkeness, (3rd Offence.).

e D.128847 Gnr. Lesieur, C.E., "H" Trnd. Sol. Bty., was on the 2 Feb 43, awarded Seven (7) days C.B. and forfeits one (1) day's pay by F.R. & I. for:-

1 Absent without leave from 0600 hrs. 1 Feb 43 until 0600 hrs. 2 Feb 43. (Absent 1 day.)

f. B.114008 Gnr. Vaughan, E., "G" Trnd. Sol. Bty., was on the 2 Feb 43, Admonished and forfeits one (1) day's pay by F.R. & I. for:-

1 Absenting himself without leave from 2200 hrs. 31 Jan 43 until 1230 hrs. 1 Feb 43. (Absent 14 hrs. 30 mins.)

g C.39009 Gnr. Toms, R.E., "G" Trnd. Sol. Bty., was on the 2 Feb 43, Admonished and forfeits one (1) day's pay by F.R. & I. for:-

1. Absent without leave from 2200 hrs. 31 Jan 43 until 1230 hrs. 1 Feb 43. (Absent 14 hrs. 30 mins.)

4. CHANGE OF ADDRESS - NEXT OF KIN.

A.102550 Gnr. Budge, S.S., "C" Trng. Bty., change of address of Next-of-Kin to:-

311, 22nd Street,
Brandon, Man.

5. CANCELLATIONS.

"H" Bty) Part 2 D.O.A. 27, para. 8, d/2 Feb 43, (H.67076 Gnr. Mitchell, H.L.) is hereby cancelled entirely.

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A-ONE C.A.T.C. PART II ORDER NO. A. 28, dated 3 February 1943.

6. STRENGTH INCREASE.

a The following personnel of Batteries as shown are taken on the strength of A-One C.A.T.C. as members H.D. (Pending Disposal), and remain with their respective Batteries effect. 3 Feb 43.

D.638547	Gnr. Aspireault,	A.	"A" Trng. Bty.	
D.638398	Corriveau,	J.F.	"E" Trng. Bty.	
E.626091	Laliberte,	P.A.	"B"	
D.638241	Lepine,	M.	"A"	
D.638452	Raymond,	J.	"F"	

b The undermentioned personnel of "A" Trng. Bty., are taken on the strength of A-One C.A.T.C. as members H.D. (Pending Disposal), and are posted to "H" Trnd. Sol. Bty. for pay and records ("G" Trnd. Sol. Bty. for all other purposes), effect. 3 Feb 43.

E.621507	Gnr. Domers,	L.	"A" Trng. Bty. (T.T. Cook).
F.610593	White,	J.T.	"A"

c The undermentioned personnel of "F" Trng. Bty., are taken on the strength of A-One C.A.T.C. as members H.B. (Pending Disposal) and are posted to Batteries as indicated effect. 2 Feb 43.

D.473335	Gnr. Desrosiers,	R.	"G" Bty. / "H" Trnd.Sol.Bty.for all purposes except pay and records.
F.601507	Muise,	G.A.	"G" Trnd. Sol. Bty.

7. ATTACHMENTS.

a The following personnel of Batteries as shown are attached for all purposes to No. 4, V.T.S., Motordrome Barracks, Montreal, Que., effect. 3 Feb 43.
Authy:- P.4-0-5-3 (TT), d/27 Jan 43. (ATC.4-9-1-0 and ATC 4-9-8.)

B.44063 Gnr. Jowell, W. "B" Trng. Bty. (CourseNo.TT.886.)

Clerks (GD) Course No. T.T.838.

D.638547	Gnr.(MHD) Aspireault,	A.	"A" Trng. Bty.
D.638398	Corriveau,	J.F.	"E"
F.51147	Gnr. Livingstone, W.J.		"D"
E.626091	Gnr.(MHD) Laliberte,	P.A.	"B"
E.72045	Gnr. Lockwood,	S.	"A"
D.625956	Gnr.(MHD) Rheaume,	R.	"A"

b The following personnel of Batteries as indicated are attached for all purposes to C.A. (E) T.C. No. 55, Rimouski, P.Q., effect. 3 Feb 43. (Fitters Course No. T.T. 887.)

D.638241	Gnr.(MHD) Lepine, M.		"A" Trng. Bty.
D.638452	Raymond, J.		"F"

8. POSTINGS.

a E.530792 A/Bdr. (MHD) Morin, J.P., HWE., "B" Trng. Bty. (Detailed for duty to "A/Wing" - RQM Stores) is posted to the H.W.E. "A/Wing" (R.A.F. Stores) covering Bdr. Storeman N.T. effect. 1 Dec 42.- (vice A/Bdr. Shortt - re-posted and Promoted)

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K.S

A-ONE C.A.T.C. PART II ORDER NO.A.28, dated 3 February 1943.

8. POSTINGS. (cont'd)

b The following personnel of "B" Trng. Bty., are posted to "G" Trnd. Sol. Bty., effect. 3 Feb 43.

D.118795	Gnr.	Coward,	J.H.	(Signaller)
E.84673		Smith,	G.C.	(Signaller)
A.103331		Manery,	E.	(Signaller)

c The following personnel of "B" Trng. Bty., are posted to "H" Trnd. Sol. Bty. for pay and records ("G" Trnd. Sol. Bty. for all other purposes), effect. 3 Feb 43.

E.84610	Gnr.	Dixon,	E.C.	Underage Sig.
B.111669		Mayes,	A.W.	Underage Sig.
B.40244		Roberts,	G.T.	Underage Sig.
F.31040		Yorke,	A.P.	Underage Driver.
G.63121		Siddall,	V.G.K.	Cat. "D.1"

d The following personnel of "A" Trng. Bty. are posted to "H" Trnd. Sol. Bty., for pay and records ("G" Trng.Sol. Bty. for all other purposes), effect. 3 Feb 43.

B.21822	Gnr.	Anderson,	D.	G.60714	Gnr.	Betts,	B.A.
B.21910		Braid,	A.L.	C.101172		Cerswell,	R.D.
C.34989		Campeau,	J.H.R	B.131297		Druzik,	A.
G.19321		Ferguson,	J.R.	M.100371		Harris,	R.H.
C.100942		Kubisewky,	P.J.	G.23992		MacAnulty,	T.E.
C.110045		Powell,	A.	F.66031		Smith,	D.H.
K.66179		Scherle,	W.	K.66253		Voeller,	J
F.19261		Watkins,	E.P.	D.496389	Gnr.(MHD)	Mondou,	L.

e The following personnel of "A" Trng. Bty. are posted to "G" Trnd. Sol. Bty., effect. 3 Feb 43.

C.48675	Gnr.	Covey,	B.	C.48604	A/L/Bdr.(wop)	McCue,	C.A.
C.120131		Clayton,	L.	G.50898	Gnr.	Duncan,	A.C.
F.19262		Finlayson,	J.	F.19263		McDonald,	A.B.
E.606934	Gnr.(MHD)	McDonald,	M.R.				

9. LEAVE OF ABSENCE.

D.126835 Gnr. Fuller, G.H., "H" Trnd. Sol. Bty. ("G" Trnd. Sol. Bty. for all purposes except pay and records) is granted Compassionate Leave from 3 February 1943 to 23 February 1943 (inclusive), without pay and allowances under the provisions of R.O. 1935.
Authy:- P.6-O-F-309 (OA), d/31 Jan 43. (File: ATC. 6-8-4.)

10. RATIONS ALLOWANCES.

The following personnel of Batteries as shown were granted leave of Absence (while attached to C.O.C.T.C.A-21.) from 30 Dec 42 to 3 Jan 43 (inclusive), and are entitled to receive fifty (.50) cents per diem in lieu of rations for that period as authorized under C.A.R.O. 2261 and Art. 196 (4) F.R. & I.

B.97071	A/Bdr.	LeFaive,	H.J.	"B" Trng. Bty.
B.87345	Gnr.	Smith,	W.	"H" Trnd. Sol. Bty.
D.132097		Gilmour,	M.	"B" Trng. Bty.
D.611443	Gnr.(MHD)	Martel,	G.	"P" Trng. Bty.

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A-ONE C.A.T.C. PART II ORDER NO. A. 28, dated 3 February, 1943.

11. PAY FINANCIAL.

The following personnel are authorized to receive new rates of pay as shown, by authority Art. 144 (1) (3) F.R. & I. (Can), as amended by G.O. 486/42, and C.A.R.O. 2772. effect. as noted.

"A" Trng. Bty. (Rate qualified for per diem - $1.40)

B.21822	Gnr.	Anderson,	D.	1 Jan. 43.
M.101926	L/Bdr	Brass,	C.H.	1 Jan. 43.
D.60714	Gnr.	Betts,	B.A.	1 Jan. 43.
B.21910	Gnr.	Braid,	A.L.	1 Jan. 43.
C.101172	Gnr.	Carswell,	R.D.	1 Jan. 43.
C.120131	Gnr.	Clayton,	L.	1 Jan. 43.
B.131297	Gnr.	Druzik,	A.	1 Jan. 43.
G.50898	Gnr.	Duncan,	A.C.	1 Jan. 43.
G.19321	Gnr.	Ferguson,	J.R.	1 Jan. 43.
C.100942	Gnr.	Kubisewsky,	P.J.	1 Jan. 43.
B.59600	Gnr.	Leduc,	A.O.	1 Jan. 43.
C.110045	Gnr.	Powell,	A.	1 Jan. 43.
K.66179	Gnr.	Scherle,	W.	1 Jan. 43.
A.33116	Gnr.	Smith,	C.H.	1 Jan. 43.
B.21959	Gnr.	Taylor,	R.W.	1 Jan. 43.
K.66253	Gnr.	Voeller,	J.	1 Jan. 43.
F.19261	Gnr.	Watkins	E.P.	1 Jan. 43.

"A" Trng. Bty. (Rate qualified for per diem - $1.50)

D.51050	Gnr.	Bergeron,	M.	1 Jan. 43.
B.21822	Gnr.	Anderson,	D.	3 Feb. 43.

"B" Trng. Bty. (Rate qualified for per diem - $1.40)

G.63121	Gnr.	Siddall,	V.G.K.	1 Jan. 43.

"B" Trng. Bty. (Rate qualified for per diem - $1.50)

C.48553	Gnr.	Buott,	W.G.	1 Jan. 43.

"C" Trng. Bty. (Rate qualified for per diem - $1.40)

B.21926	L/Bdr.	Sagloski,	A.	1 Jan. 43.

"D" Trng. Bty. (Rate qualified for per diem - $1.40)

F.32279	Gnr.	McDonald,	D.	11 Jan. 43.
F.32367	Gnr.	McDougall	J.P.	25 Jan. 43.
B.11293	Gnr.	Phillips,	K.L.	1 Jan. 43.

"E" Trng. Bty. (Rate qualified for per diem - $1.40)

G.63110	Gnr.	Lecouter,	V.	1 Jan. 43.
F.31166	Gnr.	MacKinnon,	E.S.	1 Jan. 43.

"E" Trng. Bty. (Rate qualified for per diem - $1.50)

G 63110	Gnr.	Lecouter,	V.	2 Jan. 43.

A/Wing. (Rate qualified for per diem - $1.50)

B.111741	Gnr.	Levesque,	B.	1 Jan. 43.

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A-ONE C.A.T.C. PART II ORDER NO. A. 28, dated 3 February, 1943.

11. PAY FINANCIAL. (Cont'd)

The following personnel are authorized to receive new rates of pay as shown, by authority Art. 144 (1) (3) F.R. &. I. (Can), as amended by G.O. 486/42, and C.A.R.O. 2772. effect. as noted.

"F" Trng. Bty. (Rate qualified for per diem - $1.40)

K.45189	Gnr.	Clark	F.H.S.	1 Jan. 43.
C.10103	Gnr.	Horsley	K.E.	1 Jan. 43.
B.111027	Gnr.	Leach,	H.	1 Jan. 43.
G.19771	Gnr.	Monahan,	J.A.	1 Jan. 43.
L.64264	Gnr.	Rybchinski,	L.	1 Jan. 43.

"F" Trng. Bty. (Rate qualified for per diem - $1.50)

G.63199	Gnr.	Dugay,	R.P.	1 Jan. 43.

"G" T.S. Bty. (Rate qualified for per diem - $1.40)

H.101760	Gnr.	Abromavitch,	I.S.	1 Jan. 43.
K.100107	Gnr.	Aldcroft,	R.R.	1 Jan. 43.
B.114391	Gnr.	Antrobus	W.H.	1 Jan. 43.
G.50726	Gnr.	Babineau	A.	1 Jan. 43.
G.75068	Gnr.	Barr,	W.T.	1 Jan. 43.
F.95518	Gnr.	Batson	J.L.	1 Jan. 43.
H.101766	Gnr.	Black,	J.H.	1 Jan. 43.
A.103459	Gnr.	Blank	J.J.	1 Jan. 43.
B.62960	Gnr.	Bressette,	E.	1 Jan. 43.
B.21946	Gnr.	Brotherwood	T.R.	1 Jan. 43.
C.101222	Gnr.	Brown	R.J.	1 Jan. 43.
G.23909	Gnr.	Canney	J.P.	1 Jan. 43
H.102010	Gnr.	Carswell,	A.	1 Jan. 43.
G.24001	Gnr.	Caverhill,	E.C.	1 Jan. 43.
F.31896	Gnr.	Chandoisseau,	A.A.	1 Jan. 43.
A.103991	Gnr.	Chisholm	W.C.	1 Jan. 43.
D.94094	Gnr.	Coderre,	R.	1 Jan. 43.
B.21843	Gnr.	Commandant,	G.E.	1 Jan. 43.
B.21891	Gnr.	Conte,	W.H.	1 Jan. 43.
B.21800	Gnr.	Cooney,	K.T.	1 Jan. 43.
E.104002	Gnr.	Court,	C.O.	1 Jan. 43.
M.103328	Gnr.	Crawford,	H.B.	1 Jan. 43.
G.28606	Gnr.	Cross,	L.A.	1 Jan. 43.
F.5688	Gnr.	Desroche	J.P.	1 Jan. 43.
G.19795	Gnr.	Doothwright,	F.M.	1 Jan. 43.
A.67978	Gnr.	Duck,	J.J.	22 Jan. 43.
G.3780	Gnr.	Duguay,	F.	1 Jan. 43.
C.100773	Gnr.	Ellis,	C.S.	1 Jan. 43.
L.51268	Gnr.	Elmore,	B.D.	1 Jan. 43.
M.102421	Gnr.	Emsland,	H.S.	1 Jan. 43.
G.52709	Gnr.	Gallant,	G.	1 Jan. 43.
G.50744	Gnr.	Gamblin,	G.A.	1 Jan. 43.
W.63155	Gnr.	Goguen,	E.	1 Jan. 43.
C.48549	Gnr.	Gray,	D.G.	1 Jan. 43.
C.48548	Gnr.	Gray,	H.J.	1 Jan. 43.
A.67934	Gnr.	Griffin,	W.C.	1 Jan. 43.
B.21514	Gnr.	Hoffie,	S.	1 Jan. 43.
H.101863	Gnr.	Huzil,	S.	1 Jan. 43.
B.114250	Gnr.	Isles,	E.E.	1 Jan. 43.
A.104171	Gnr.	Jones,	S.L.	1 Jan. 43.
H.96510	Gnr.	Juhola,	E.K.M.	1 Jan. 43.
C.48588	Gnr.	Keegan,	D.W.	1 Jan. 43.
G.19660	Gnr.	Laird,	G.L.	1 Jan. 43.

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A-ONE C.A.T.C. PART II ORDER NO. A. 28, dated 3 February, 1943.

11. PAY FINANCIAL (continued)

The following personnel are authorized to receive new rates of pay as shown, by authority Art. 144 (1) (3) F.R. & I. (Can) as amended by G.O. 486/42, and C.A.R.O. 2772. effect. as noted.

"G" T.S. Bty. (Rate qualified for per diem - $1.40)

D.128847	Gnr.	Lesieur,	C.E.	1 Jan. 43.
C.101037	Gnr.	Lynch,	D.P.	1 Jan. 43.
B.21418	Gnr.	Downey,	R.	1 Jan. 43.
F.96474	Gnr.	Morrow,	I.W.	1 Jan. 43.
G.23299	Gnr.	McDougall,	W.J.7	1 Jan. 43.
B.72087	Gnr.	McGee,	G.R.	1 Jan. 43.
B.21924	Gnr.	Millard,	G.A.	1 Jan. 43.
H.67076	Gnr.	Mitchell	H.A.	1 Jan. 43.
G.63139	nr.	Olsen	J.F.	1 Jan. 43.
B.21954	Gnr.	Orr,	J.B.	1 Jan. 43.
L.102158	Gnr.	Perkins,	G.W.	1 Jan. 43.
B.58732	Gnr.	Phillips,	A.W.	1 Jan. 43.
F.64654	Gnr.	Ross,	D.T.	1 Jan. 43.
C.48551	Gnr.	Tuckatahi,	R.T.	1 Jan. 43.
D.132037	Gnr.	Samoluk,	M.	1 Jan. 43.
C.2947	nr.	Gilieff,	A.S.	1 Jan. 43.
B.72145	Gnr.	Smith,	A.S.	1 Jan. 43.
B.21956	Gnr.	Smith,	P.	1 Jan. 43.
B.21534	Gnr.	Snow,	E.F.	1 Jan. 43.
F.66375	Gnr.	Snow,	G.L.	1 Jan. 43.
M.101866	Gnr.	Stroh,	E.	1 Jan. 43.
G.52902	Gnr.	Sullivan,	L.A.	1 Jan. 43.
B.21825	Gnr.	Sweeney,	E.L.	1 Jan. 43.
A.102681	Gnr.	Urquhart,	W.	1 Jan. 43.
C.48608	Gnr.	Vallier,	G.H.	1 Jan. 43.
B.114380	Gnr.	Walker,	E.C.	1 Jan. 43.
B.111401	Gnr.	Waugh,	W.L.H.	1 Jan. 43.
G.10191	Gnr.	Webb,	J.E.A.	1 Jan. 43.
B.21453	Gnr.	Wilson,	W.E.	1 Jan. 43.
B.112696	Gnr.	Worden,	H.R.	1 Jan. 43.

"G" T.S. Bty. (Rates qualified for per diem - $1.50)

B.112759	Gnr.	Case	T.B.	1 Jan. 43.
D.136242	Gnr.	Camire,	M.	1 Jan. 43.
G.75068	Gnr.	Barr,	W.T.	17 Jan. 43.
A.103459	Gnr.	Blonk,	J.J.	16 Jan. 43.
B.62960	Gnr.	Brossette,	E.	10 Jan. 43.
C.48549	Gnr.	Gray,	DG.	22 Jan. 43.
B.21416	Gnr.	Downey,	R.	10 Jan. 43.
F.64654	Gnr.	Ross,	D.T.	21 Jan. 43.
B.21534	Gnr.	Snow,	E.F.	21 Jan. 43.
M.101888	Gnr.	Stroh,	E.	9 Jan. 43.
B.21453	Gnr.	Wilson,	W.E.	14 Jan. 43.

A/Wing. (Rates qualified for per diem - $1.40)

D.11252	Gnr.	Desrochers	J.P.	1 Jan. 43.
F.75781	Gnr.	Fulton,	H.P.	23 Jan. 43.
G.23837	Gnr.	Gallant,	C.P.	1 Jan. 43.
G.4432	Gnr.	Hill,	J.A.	1 Jan. 43.
F.66392	Gnr.	Jones,	C.A.	1 Jan. 43.
C.100450	Gnr.	Lafoie,	E.	1 Jan. 43.
G.10[illegible]	Gnr.	Marvin,	E.A.	1 Jan. 43.
L.10[illegible]66	Gnr.	MacLean,	F.G.	1 Jan. 43.
B.114[illegible]	Gnr.	Reiki,	M.	1 Jan. 43.
C.33[illegible]	Gnr.	Strutt,	G.J.	1 Jan. 43.
B.27400	Gnr.	St. Jean,	A.	1 Jan. 43.

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K-9

A-ONE C.A.T.C. PART II ORDER NO.A.28, dated 3 February 1943.

12. APPOINTMENTS AND PROMOTIONS.

B.21959 Gnr. Taylor, R.W., "A" Trng. Bty., to be Acting Lance Bombardier (without pay), effect. 1 Feb 43.

13. STRENGTH DECREASE.

P.9286 A/Sgt. Black, W.J., HWE., "A/Wing" (S of I) (presently attached to O.T.C. (BC) Brockville, Ont. DC.A.273/42.), is struck off strength on transfer to No. 3-A, District Depot, Kingston, Ont., effect. 6 Jan 43.
Authy:- K.S.597 (A), d/21 Dec 42. and OTC Brockville Ont. Part 2, D.O.4, d/6 Jan 43.

14. STRENGTH INCREASE.

M.35619 Gnr. Todd, H., a reinft. A/T. Gunner having been apprehended (from illegal absence) at 1530 hrs. 30 Jan 43, by Civil Authorities at Bashaw, Alta., is taken on strength and is posted to "D" Trng. Bty., effect. 30 Jan 43. (A.WL. from 0610 hrs. 30 Dec 42.)

15. CIVIL CUSTODY.

M.35619 Gnr. Todd, H., a reinft. "D" Trng. Bty., was taken into Civil Custody at Bashaw, Alta., at 1530 hrs. 30 Jan 43.

16. ATTACHMENTS.

The following personnel cease to be attached to S.5, C.D. & M School, Woodstock, Ont., for duty, rations and quarters effect. 29 Jan 43 and for pay purposes effect. 31 Jan 43, on return to A-One C.A.T.C.

D.481380	Gnr.(MHD)	Cote,	J.M.	"C" Trnd. Sol. Bty.
A.67932	Gnr.	Keys,	W.E.	"B" Trng. Bty.
B.21479		Clarke,	H.T.	"B"
H.195131		Trewin,	A.J.	"B"
A.102263		Sim,	J.A.	"B"
B.114871		Cooper,	J.A.	"B"
G.23990		King,	G.M.	"B"
D.135068		Jacobsen,	S.G.R.	"H"

17. BIRTH.

D.118781 A/Sgt. Stark, W., "P" Trng. Bty.,

Daughter..... Sheila Stark,
Date.....25 Jan 43.
Place.....General Hospital, Pembroke, Ont.
Mother.....Harriet C. MacDonald,

18. REMISSION OF PUNISHMENT.

H.195062 Gnr. Trepanier, O.J., "G" Trnd. Sol. Bty., is remitted Three (3) days from an award of detention, for good conduct. Rules for detention Barracks and Military Prisons.

19. CANCELLATIONS.

"C" Bty) Part 2 D.O.A. 23, para. 24, d/28 Jan 43, (F.95234 Gnr. Harris. S.A.) is hereby cancelled entirely.

to sheet -10-

A-ONE C.A.T.C. PART II ORDER NO.A.28, dated 3 February 1943.

20. ABSENTEES APPREHENDED.

F.95234 Gnr. Harris, S.A., "C" Trng. Bty., having been apprehended (from illegal Absence) at Glengarry, N.S., at 1630 hrs. 26 Jan 43, ceases to be absent effect. 26 Jan 43.
(A.W.L. since 2200 hrs. 4 Jan 43.)

21. AMENDMENTS.

"F" Bty) Part 2 D.O.A. 27, para. 10, d/2 Feb 43, (K.69408 Gnr. Vivian, R.K.) is hereby amended as follows:-

For: effect. 28 Jan 43.
Read:- effect. 27 Jan 43.

22. CANCELLATIONS.

"G" Bty) Part 2 D.O.A. 18, para. 1, d/22 Jan 43, Part 2 D.O.A. 22, para. 2, d/27 Jan 43 are hereby cancelled in so far as they relate to:-

C.1768 Gnr. Smith, C.N.

23. PAY FINANCIAL.

The following personnel are authorized to receive new rates of pay as shown, by authority Art. 144 (1) (3) F.R. & I. (Can), as amended by G.O. 486/42, and C.A.R.O. 2772, effect. as noted.

"G" Trnd. Sol. Bty. (Rate qualified for per diem - $1.50.).

C.48548 Gnr. Gray, H.J. effect. 22 Jan 43.

"A" Trng. Bty. (Rate qualified for per diem - $1.50.).

F.19261 Gnr. Watkins, E.P. effect. 6 Feb 43.

E R E Chaffey Capt
for (H.R. Hampson) Captain R.C.A.,
Adjutant A-One C.A.T.C.,
Petawawa Military Camp, Ont.

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E

A.110-2-15

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1877, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, F-10085 (Number) Sgt. (Rank) Henderson R.G. (Name) New Glasgow Detachment No.38 Provost Company

hereby certify that F-95234 (Number) Gnr. (Rank) Harris, Samuel Abraham (Name in full)

of the A.1 C.A.T.C., "G" Bty., R.C.A. (CA) Petawawa, Ont. (Unit and attachment, if any)

Strike out words not applicable R.G.H.

was apprehended by ~~[illegible]~~ F-45624 L/Cpl. F-87789 L/Cpl. (Number) (Rank)

Doyle J.R. No.38 Provost Company, New Glasgow Detachment.
Plumb G.A. No.38 Provost Company, New Glasgow Detachment.
(Name) (Unit or appointment)

at Glengarry, N.S. (Place) at Approximately 1630 hours. (Hour)

on the 26th. day of January 1943

Strike out words not applicable R.G.H. R.G. ~~[illegible]~~ (or absentee without leave), and that at the time of his arrest he was wearing Military ~~[illegible]~~ uniform ~~[illegible]~~.

Dated at New Glasgow, N.S. this 27th. day of January 1943

F-10085 Sergeant Henderson R.G.
F-10085 Sergeant Henderson R.G.
N.C.O. i/c New Glasgow Detachment
No.38 Provost Company
(Signature, Number, Rank, Unit or appointment)

Soldier of the Active Army

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
50M—5-42 (4731)
H.Q. 1772-39-1836

[illegible] Lt Col
President
A.C.M.

M F M

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015
DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY
ROUTINE ORDER ~~1699, 1941~~ 1877, 1942

B 103745 - 20.95
B 103749 - 3.23

(TRANSPORTATION ONLY)

Fill in complete description — I, Lieut. L.Martin (Rank) No.6.District Depot .C.A. (Name) (Unit)

Strike out word not applicable — hereby certify that I (~~issued~~) (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from Halifax.N.S. (Place) to Petawawa Ont (Place)

and return to Halifax.N.S. for the

Full description of soldier being escorted — purpose of escorting F-95234 Gnr Harris.S.A. A.I..C.A.T.C.

Strike out phrase not applicable — alleged to be a deserter or absentee without leave, the facts, date and particulars of the transit (~~not authorized~~) (the transportation required) and the cost thereof for said soldier and escort being as follows:—

Particulars	Cost
ESCORT Absentee to Units Under escort of Troop movement. F-97495 Fus MacDonald.C.A. Halifax.N.S.-Truro.N.S.(Return) Leaving Halifax.N.S.....9th Feb 43.....at....0750.hrs	
T.W. B. 103748	20.95
B. 103749	3.23
Total	$ 24.18

Dated at Halifax.N.S. this 8th day of ~~January~~ Feb A.D. 19 43

L Martin
Lieut.L.Martin
No.6.District Depot.C.A.

Signature, rank, unit of officer ~~issuing transport warrants~~ (authorizing transportation). Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

M.F.B. 1481
3034—32-41 (2734)
G.Q. 1272-30-1941

Sgt Sourcoid L'Cpl
President
ACM

N

SECRET

Orders By Major A.L. WILSON MC R.C.A.

Officer Commanding "C" Battery C.A.T.C.(A1)

Dated December 17th 1942.

Special Duty

1. The undermentioned personnel are warned for Special Duty (xinx&xxxxdx) (Overseas), to proceed at any time after _____ 1942.

2. Any of the undermentioned personnel who go on leave or furlough are liable to be notified to return to this Unit at any time. Notice to return cancels any leave or furlough. Notice will be sent by Telegraph or registered letter to the address on leave of the soldier concerned and personnel undermentioned, Must Keep In Touch with such address.

3. Any of the undermentioned personnel who have a notice to return sent to their address on leave and do not return by the date stated in such notice, will be absent without leave.

4. Any one of the undermentioned personnel who are absent without leave at any time after to-day will be liable to be charged with desertion.

(sgd) A.L. Wilson , Major.
Officer Commanding,
"C" Battery C.A.T.C. (A-One)

No.	Rank	Name	I hereby acknowledge that I have been warned as above stated.	Witnessed
				H.S. Rogers.Capt.
F.95234	Gnr.	Harris, SA.	(Sgd) Harris S.A.	S.H. Reid.

Certified true Extract.

(A.M. Minnion) - Lieut. RCA,
Officer i/c Records,
A-1 C.A.T.C., Petawawa Military Camp, Ont.

President
A.C.M.

APPENDIX "O"

THE PROSECUTOR ADDRESSES THE COURT

Mr. President and Members of the Court;

I don't think it is necessary to say very much as far as the charge of desertion is concerned. On one hand we have evidence that the Warning Order was read to the men whose names appear on the nominal roll attached to the order and that the accused was one of these men, and on the other hand we have the statement of the accused that he did not understand the significance of the Warning Order and that he was not paying strict attention at the time it was read.

I think that, in the circumstances, I won't elaborate on the evidence; I will just leave it before the Court as it stands.

H.G. Greenwood L-Col.
President NCM

APPENDIX "P"

THE DEFENDING OFFICER ADDRESSES THE COURT

Mr. President and Members of the Court;

I would like to quote from the Warning Order; "The undermentioned personnel are warned for Special Duty overseas to proceed at any time after .....1942. Any of the undermentioned personnel who go on leave or furlough are liable to be notified to return to this Unit at any time. Notice to return cancels any leave or furlough. Notice will be sent by telegraph or registered letter to the address on leave of the soldier concerned and personnel undermentioned, must keep in touch with such address. Any of the undermentioned personnel who have a notice to return sent to their address on leave and do not return by the date stated in such notice, will be absent without leave. Any of the undermentioned personnel who are absent without leave at any time after today will be liable to be charged with desertion."

That is the context of the Warning Order read to the men; men in groups of 20, and the warning of that Warning Order is a form difficult for men of slow intelligence to follow. It was read to them at 1700 hours, which is the men's meal time, and therefore they were probably in a hurry.

The desertion clause is the last clause and is the least stressed of the entire clauses, and in this Warning Order I notice no other clauses. I have been present when personnel have been warned for Special Duty and one clause always contained in the Warnings I have heard is, "the above order has been read to me and is understood by me." That clause is not there on this order.

When the man got home he found out that the farm needed repair, and when he was apprehended he was in full military uniform.

Approved President
A.C.M.

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M.F.B. 155
10M—11-41 (3279)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
F.95234	Gunner	HARRIS, S.A.	A-1, C.A.T.C., CA

1. The following is a fair and true summary of the entries in the ~~XXXX

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11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of Permanent Force unit .....dated....., and in his regiment (or corps), the rank of .....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Air Force Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....

Name.....of.....Unit Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this month day of March 1943

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.....signed by the president, and annexed to the proceedings.

A.H. Abercrombie, Capt. R.C.A.
Officer i/c Records
A-1, G.R.T.C.

No. F-95234 Name Harris, S.A. Sqn., Battery, or Company } No. 6 District Depot A.F. Corps Date of enlistment } 25-2-42. G.C. Badges } SGD. Service or Proficiency Pay } N.F.M. 8 A.F.B. 122 (Sec II 4-39 (1768)) H.Q. 1773-48-18

Date of last entry in Company Conduct Sheet } No. and date of last drunk } Period not reckoning towards freedom from extra fine } Sheet No. Signature O.C. Company, etc. } A.L. Carter Captain Character Bad

Place	Date	Offence	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Halifax, N.S.	9-3-42	Pte.		ABSENT WITHOUT LEAVE in that he did absent himself from 2200 /9-3-42 until 1700/12-3-42. Total Absent: 2 days 19hrs.1 min.	L/Cpl.Stacey,J	5 days C.B.	13-3-42	Major W.B. Davidson	Forfeits 3 days pay F.R.&I 149(a)
Halifax	6-4-42	Pte.		ABSENT WITHOUT LEAVE from 2359hrs 6-4-42 until apprehended at Truro at 1530 hrs. 23-4-42	Cpl.Barkhouse P.L.	21 days Documentary detention Pay Costs 1.25	28-4-42	Lt.Col D.A. Childford	Forfeits 47 days pay costs 4.25
Halifax,N.S.	11-6-42	Pte.		AWL from 2230 hrs. 11-6-42 to 2300 hrs. 11-6-42 (30 Min.)	Cpl. Wadlin	2 Extra Fatigues	11-6-42	H.F. Diblee	Major Forf.6 dys.P&A
New Glasgow	10-10-42	"		AWL 1300 hrs.14-10-42 to 2305 hrs. 21-10-42,(7 dys, 11hrs. 5 min)	Sgt. Newcombe Cpl. Sager	14 dys C.B.	22-10-42	AE Macdonald, Lt.Col.	
Petawawa,Ont.	Furlough	7 day		Issued with Transportation Warrant #269600 21 Dec. 42.					

(P.T.O.)

Summary of Evidence in the Case of No. F/95234, Gunner Samuel Abraham HARRIS, on the charge of "When on Active Service, Deserting His Majesty's Service".

Evidence taken under oath by order of The Commandant, A-1 Canadian Artillery Training Centre, C.A.

First Witness

F.J. Brophy, 2/Lieut., R.C.A., having been duly sworn states as follows:-

I am Assistant Adjutant and Officer in charge of Records, A-1 Canadian Artillery Training Centre. I produce the following documents relating to the Accused and offer them as Exhibits numbered as follows:-

Exhibit "A" - Certified true copy of A-1 C.A.T.C.Part II Daily Order No. A/5 dated 7 Jan 43.

Exhibit "B" - Certified true copy of A-1 C.A.T.C.Part II Daily Order No. A/9 dated 12 Jan 43.

Exhibit "C" - Certified true copy of A-1 C.A.T.C.,Part II Daily Order No. A/20 dated 25 Jan 43.

Exhibit "D" - Certified true copy of A-1 C.A.T.C.Part II Daily Order No. A/28 dated 3 Feb 43.

Exhibit "E" - Certificate of Apprehension (M.F.M.216) dated at New Glasgow, N.S. 27 Jan 43.

Exhibit "F" - Certificate as to Costs of Apprehension (M.F.B.1481) dated at Halifax, NS, 8 Feb 43

Exhibit "G" - Certified true copy of A-1 C.A.T.C. PartII Daily Order No. A/1 dated 2 Jan 43.

The above documents are produced, read to the Accused and marked as Exhibits as above numbered.

F.J. Brophy

2/Lieut. F.J. Brophy, R.C.A.

The Accused declines to cross-examine this witness.

Second Witness

H.S. Rogers, Capt. R.C.A., having been duly sworn, states as follows:-

I am Second in Command of "C" Battery, A-1 Canadian Artillery Training Centre, C.A. I produce as Exhibit "H" original Warning Order dated the 17th day of December, 1942, signed by Major A.L. Wilson, M.C., R.C.A., Officer Commanding "C" Training Centre, C.A. The soldiers listed on the nominal roll which is attached to and forms part of the said Warning Order were paraded to the Battery Recreation Hut on the 17th December 1942 at approximately 1700 hours and after the roll had been called by C/278 A/Sgt. S.H. Reid in my presence, I read the Warning Order to them. After the Order had been read, all the soldiers present and listed in the said nominal roll, including the Accused, No. F/95234, Gnr. Harris, S.A., signed the said roll in the presence of myself and the aforementioned A/Sgt. Reid as witnesses, acknowledging that they had been warned for special duty as stated in the said Warning Order.

SHR

The above document is produced, read to the Accused and marked as Exhibit "H"

H.S. Rogers
Captain H.S. Rogers.

The Accused declines to cross-examine this witness.

Third Witness

C/278 A/Sgt. Reid, S.H., having been duly sworn, states as follows:-

I am on the H.W.E. of "C" Training Battery, A-1, Canadian Artillery Training Centre, C.A., and I was present when the Warning Order dated the 17th day of December 1942 produced as Exhibit "H" was read to the soldiers listed on the nominal rollattached to the said Warning Order. The men in question were paraded to the Battery Recreation Hut at approximately 1700 hours on the 17th day of December, 1942 and after I had called the roll, the Warning Order was read to them by Capt. H.S. Rogers, the Second in Command of the Battery. All the soldiers present and listed on the said nominal roll then signed the roll in the presence of Capt. Rogers and myself as witnesses, acknowledging that they had been warned for special duty overseas as stated in the said Warning Order. The Accused, No. F/95234, Gnr. Harris, S.A. was one of those who were present and signed the roll as aforesaid and his signature was witnessed by Capt. Rogers and myself, as appears by the said Warning Order and attach nominal roll. The men so warned for special duty were subsequently transferred to "G" Trained Soldiers Batter on their return from leave according to the usual proce ure followed at A-1 C.A.T.C.

S.H. Reid
A/Sgt. Reid, S.H.

The Accused declines to cross-examine this witness.

Question to the Accused:

"Do you wish to make a statement or to give evidence upon oath? You are not obliged to say anything or to give evidence unless you wish to doso, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

Answer by the Accused

"No, Sir."

The Accused declines to call any witnesses on his own behalf.

The Accused is advised that the Prosecutor will be a person subject to Military Law and with legal qualifications.

Rules of Procedure 4 (c) (d) (e) and (f) have been complied with.

Taken before me in the presence of the Accused at Petawawa Military Camp, Ontario, this 6th day of March, 1943.

A.M. Minnion Lieut. R.C.A.
(A.M. Minnion) - Lieut. R.C.A.,
A-1 C.A.T.C., C.A.

Photo true copy
Adjutant General's Office
Office of Records
A.G., D.A.H.Q., Ottawa

'G'

DAILY ORDERS
BY
COLONEL W.E. van STEENBURGH, R.C.A.
COMMANDANT, A-ONE, C.A.T.C. PETAWAWA MILITARY CAMP, Ontario.

Active Army Personnel (A & T Staffs & "A" Recruits.)

PART II ORDER NO. A.1. (A-One), dated 2nd January 1943.

- -

Last Part II Order No. A.311, dated 31. December 1942.

"A" OFFICERS.

1. CHANGE OF ADDRESS - NEXT-OF-KIN.

Lieut. I. Halperin, "S. of I" change of address of next-of-kin to:-.

30, Beechwood Avenue, Ottawa, Ontario.

2. STRENGTH DECREASE.

a. The following Officers (Reinfts.) "G" T.S. Bty. are struck off strength on proceeding to Port of Embarkation, effect. 31. Dec.42.

Lieut. C.F. Addis.	Lieut. J.C. Allen.
W.G. Barker.	E.S. Beacock.
R. Beaudry.	R.F.W. Ryan.
G.K. Dopking.	J.C. Gardiner.
H.D. Hume.	R. Jean-Marie.
C. Lafontaine.	G. Lamothe.
G.E. Lavallee.	R.O. Moore.
H.G. MacAdam.	B.L. MacIsaac.
H.C. Pfeiffer.	D.M. Petrie.
G.J. Mineau.	B.J. McSherry.
R.F. Racine.	M.A. Sauve.
J.D. Schroder.	G.C. Tompkins.
R.L. Weston.	

b. Lieut. I. Halperin, "S. of I", is struck off strength on transfer to Directorate of Artillery, N.D.H.Q. Ottawa, Ont, effect. 1. Jan. 43. (Authy:- H.Q.349-H-220 (Pers.1a) d/14.Dec.42. and P.6-1-H-82,(1) d/16. Dec.42.

3. ATTACHMENTS.

Lieut. N.L. Dain, emp. HWL. "S. of I" ceases to be attached for all purposes (except Pay) to C.S.A.T.C. (RC) Long Branch, Ont, effect 23. Dec. 42. ("?" Wing Course No.417, on return to A-One.

Refused

A-ONE.C.A.T.C. PART II. ORDER NO. A.1. dated 2nd January 1943.

"B" OTHER RANKS.

1. NOMINAL ROLL OF ABSENTEES UP TO AND INCLUDING 31. December 1942.

						Absent From.	
B. 21915.	Gnr.	Petrina	E.C.	"A" Trng. Bty.		0630 hrs.	29-12-42.
E. 3453.		Sangster	A.	"A"		0630	30-12-42.
H.102531.		Turnbull	E.	"A"		0630	29-12-42.
D.137189.		Carpenter	J.	"B"		0630	29-12-42.
C.100785.		Ryan	T.J.	"B"		0630	29-12-42.
D.117113.		Tremblay	J.A.	"B"		0630	29-12-42.
C.470.	A/L/Bdr.	Vincent	T.	"B"		0630	29-12-42.
B.11684.	Gnr.	Decaire	F.G.	"C"		0600	29-12-42.
C.100180.		Case	G.O.	"C"		0600	29-12-42.
B.111529.		Cowan	J.	"C"		0600	29-12-42.
L.603079.	(MHD)	Koolick	W.L.	"C"		0600	29-12-42.
B. 16917.	Gnr.	McCarthy	R.J.	"C"		0600	29-12-42.
B. 44206.		Tye	F.T.	"E"		0600	29-12-42.
B. 44245.		Wilson	M.R.	"E"		0600	29-12-42.
D.126837.		Fuller	G.H.	"G"		0600	29-12-42.
A. 66785.		Howell	C.A.	"G"		0630	21-12-42.
H. 67339.		Jones	D.T.	"G"		0630	21-12-42.
G. 50764.		Morrison	A.	"G"		0630	17-12-42.
D.118959.		Mescato	V.	"G"		0600	29-12-42.
B.111886.		Pinkey	H.	"G"		0600	29-12-42.
B.103066.		Rhyness	H.J.	"G"		0600	29-12-42.
H.195062.		Trepanier	J.O.	"G"		0630	21-12-42.
G. 19759.		Wade	I.L.	"G"		0600	29-12-42.
B.111011.		Williams	E.	"G"		0600	29-12-42.
L. 64556.		Black	N.D.	"A/Wing"		0630	29-12-42.
G. 53713.		Johnston	W.G.	"A/Wing"		0630	30-12-42.
C. 10156.		VanWart	R.	"A/Wing"		0630	29-12-42.

2. ABSENTEES - FIRST NOTICE.

						Absent From.	
B. 21915.	Gnr.	Petrina	E.C.	"A" Trng. Bty.		0630 hrs.	29-12-42.
E. 3453.		Sangster	A.	"A"		0630	30-12-42.
H.102531.		Turnbull	E.	"A"		0630	29-12-42.
M.104285.		Buller	R.G.	"B"		0630	30-12-42.
D.118143.		Ranger	E.	"B"		0630	29-12-42.
D.137189.		Carpenter	J.	"B"		0630	29-12-42.
C.100735.		Ryan	T.J.	"B"		0630	29-12-42.
D.117113.		Tremblay	J.A.	"B"		0630	29-12-42.
C.470.	A/L/Bdr.	Vincent	T.	"B"		0630	29-12-42.
F. 75772.	Gnr.	Campbell	W.F.	"C"		0600	30-12-42.
B. 44239.		Crockford	W.F.	"C"		0600	29-12-42.
D.116332.		Odimet	L.A.	"C"		0600	29-12-42.
B. 44267.		Seifried	A.M.	"C"		0600	29-12-42.
B. 11684.		Decaire	F.G.	"C"		0600	29-12-42.
C.100180.		Case	G.O.	"C"		0600	29-12-42.
B.111529.		Cowan	J.	"C"		0600	29-12-42.
L.603079.	(MHD)	Koolick	W.L.	"C"		0600	29-12-42.
B. 16917.	Gnr.	McCarthy	R.J.	"C"		0600	29-12-42.
G. 23959.		Crissie	J.	"E"		0630	30-12-42.
F.605112.	(MHD)	Noble	J.J.	"E"		0630	30-12-42.
B. 44067.	Gnr.	McRae	J.E.	"E"		0600	29-12-42.
B. 44206.		Tye.	F.T.	"E"		0600	29-12-42.
B. 44245.		Wilson	M.R.	"E"		0600	29-12-42.
G. 5344.		Bolton	G.S.	"G"		0630	30-12-42.
B. 92600.		Clark	T.J.	"G"		0600	29-12-42.
G. 60688.		Cropley	M.B.	"G"		0600	31-12-42.
G. 3780.		Duguay	F.	"G"		0630	30-12-42.
G. 50570.		Godin	F.	"G"		0630	30-12-42.
G. 19615.		Hendrickson	E.	"G"		0600	31-12-42.
B.112620.		Keeler	W.L.	"G"		0600	29-12-42.

to sheet -3-

A-ONE. C.A.T.C. PART II. ORDER NO. A-1, dated 2nd January 1943.

2. ABSENTEES - FIRST NOTICE. (Cont'd.)

					Absent From.
B. 9963.	Gnr. Lyon	J.A.	"G"	T.S. Bty.	0630 hrs. 29-12-42.
C. 42979.	Mallais	A.	"G"		0630 29-12-42.
G. 52021.	Matheson	C.R.	"G"		0600 29-12-42.
C. 10074.	McGuinn	D.E.	"G"		0630 29-12-42.
G. 52278.	Paulin	E.	"G"		0630 30-12-42.
G. 52899.	Robichaud	N.	"G"		0600 31-12-42.
B. 29983.	Ryder	J.W.	"G"		0600 29-12-42.
B. 40231.	Sanders	E.R.	"G"		0600 29-12-42.
C. 10191.	Webb	J.A.	"G"		0600 29-12-42.
A. 56203.	Shea	W.J.	"G"		0600 29-12-42.
D.126837.	Fuller	G.H.	"G"		0600 29-12-42.
D.118959.	Moscato	V.	"G"		0600 29-12-42.
B111886.	Pinkey	H.	"G"		0600 29-12-42.
B.103066.	Rhynessa	H.J.	"G"		0600 29-12-42.
G. 19759.	Wade	I.L.	"G"		0600 29-12-42.
B.111011.	Williams	E.	"G"		0600 29-12-42.
L. 64556.	Black	N.D.	"A/Wing"		0600 29-12-42.
G. 53713.	Johnston	W.G.	"A/Wing"		0630 29-12-42.
C. 10156.	VanWart	R.	"A/Wing"		0630 30-12-42.
C. 51272.	Jaynes	J.	"A/Wing"		0630 29-12-42.
D.118680.	Player	H.	"A/Wing"		0630 29-12-42.
					0630 29-12-42.

3. ABSENTEES - SECOND NOTICE. (8 days)

					Absent From.
A. 66785.	Gnr. Howell	C.A.	"G"	T.S. Bty.	0630 hrs. 21-12-42.
H. 67339.	Jones	D.T.	"G"		0630 21-12-42.
G. 50764.	Morrison	A.	"G"		0630 17-12-42.
H.195062.	Trepanier	J.O.	"G"		0630 21-12-42.

4. ABSENTEES - RETURNED.

					Returned.
M.104285.	Gnr. Fuller	R.G.	"B"	Trng. Bty.	0600 hrs. 1-1-43.
D.118143.	Ranger	E.	"B"		0600 31-12-42.
F. 75772.	Campbell	W.P.	"C"		1500 30-12-42.
B. 44239.	Crockford	W.F.	"C"		0130 1-1-43.
D.116332.	Ouimet	L.A.	"C"		1600 31-12-42.
B. 44267.	Seifried	A.M.	"C"		1300 31-12-42.
G. 23959.	Crissie	J.	"B"		1600 31-12-42.
F.605112. (MED)	Noble	J.J.	"B"		0600 31-12-42.
B. 44067.	McRae	J.E.	"B"		1400 31-12-42.
G. 5344.	Bolton	G.S.	"G"		0630 31-12-42.
B. 92600.	Clark	T.J.	"G"		2330 29-12-42.
G. 60688.	Cropley	M.B.	"G"		1600 31-12-42.
G. 3780.	Duguay	F.	"G"		0630 31-12-42.
G. 50570.	Godin	F.	"G"		1600 31-12-42.
G. 19615.	Hendrickson	E.	"G"		1600 31-12-42.
B.112620.	Keeler	W.L.	"G"		2200 29-12-42.
B. 9963.	Lyon	J.A.	"G"		1330 30-12-42.
C. 42979.	Mallais	A.	"G"		1600 31-12-42.
G. 52021.	Matheson	C.R.	"G"		1600 31-12-42.
C. 10074.	McGuinn	D.E.	"G"		1300 31-12-42.
B. 21409.	Miemi	J.J.	"G"		0600 29-12-42.
C. 52660.	O'Keefe	F.V.	"G"		2300 29-12-42.
G. 52278.	Paulin	E.	"G"		0630 31-12-42.
G. 52899.	Robichaud	N.	"G"		1600 31-12-42.
B. 29983.	Ryder	J.W.	"G"		2200 29-12-42.
B. 40231.	Sanders	E.R.	"G"		0630 30-12-42.
C. 10191.	Webb	J.A.	"G"		0630 30-12-42.
A. 56203.	Shea	W.J.	"G"		0630 30-12-42.
C. 51272.	Jaynes	J.	"A/Wing"		2000 30-12-42.
D. 118680.	Player	H.	"A/Wing"		0600 31-12-42.

to sheet -4-

NO. A.1, dated 2nd January 1943.

"B" Trng. Bty. was on 31. Dec.42.
rfeits two (2) days pay by FR & I. for:-
leave from 0630 hrs. 29. Dec.42. until
ent 1 day 23 hrs. 30 mins.)

"E" Trng. Bty. was on 31. Dec.42.
rfeits three (3) days pay by FR & I.for:-
leave from 0600 hrs. 29.Dec.42. until
sent 2 days 8 hours.)

n, A. "A/Wing" was on 31. Dec. 42.
rfeits one (1) days pay by FR & I. for:-
leave from 1700 hrs. 30. Dec.42. until
ent 20 hours.)

"A/Wing" was on 31. Dec. 42. admonished
pay by FR & I. for:-
leave from 0630 hrs. 29. Dec.42. until
ent 1 day 23 hrs. 30 mins.)

"A/Wing" was on 31. Dec.42. admonished
pay by FR & I. for:-
leave from 0630 hrs. 29. Dec. 42. until
sent 1 day 13 hrs. 30 mins.)

re discharged from P.M.H. on dates shown.

onneau, W. "F" Trng. Bty. 30-12-42.
ic W.C. "A/Wing" 30-12-42.
F. "B" Trng. Bty. 31-12-42.

J. "E" Trng. Bty. is remitted eighteen
f detention by his Commanding Officer

A. 306, para.1. d/24. Dec.42. is hereby
lates to:- B.112815. Gnr. Valliere, D.O.C.

A. 311, paras. 1 and 2, d/31.Dec.42.
o far as they relate to - G.19834. Gnr.

B.W. (T.T.) Driver Mech. "G" T.S.Bty.
No. 4. V.T.S.Montreal, Que, for all
42. on return to A.1.C.A.T.C.

, J.R. "G" T.S. Bty. is remitted (24)
n award of detention on proceeding to
ect. 31. Dec.42.

to sheet -5-

A-ON . C.A.T.C.PART II. ORDER No. A.1. dated 2nd January 1943.

12. ATTACHMENTS.

b. B. 58853. A/L/Bdr. Armstrong F.J."G" T.S. Bty. ceases to be attached for all purposes to No.1. V.T.S. London, Ont, effect. 28. Dec. 42. on return to A-One, C.A.T.C.

c. The following personnel ceases to be attached for all purposes (except pay) to C.S.A.T.C.(EC) Long Branch, Ont; effect.23.Dec.42. on return to A-One.C.A.T.C. B. 21498. Gnr. Dawson, W. "E" Bty.
B. 21449. Watts T. "E"

13. MARRIAGE.

C. 48594. Gnr. Bendall, F.T. "G" T.S.Bty. having been granted permission to marry on or after 17. Jan.43. was on the 24th day of December 1942, married to Miss Janet Anderson McMinn, of Coburg, Ont.

14. CHANGE OF NEXT-OF-KIN.

C. 48594. Gnr. Bendall, F.T. "G" T.S.Bty. change of next-of-kin to:-

(Wife) Mrs. Janet Anderson Bendall,
184, Bain Avenue, Toronto, Ont.

15. CLOTHING ALLOWANCE.

M.450. A/L/Bdr. LaBoucane, C.W. (T) Fitter Gun/ "G" T.S.Bty. who is being discharged 3. Jan.43. under R.O.1029 (4) to draw Clothing Allowance of Thirty-Five ($35.00) Dollars, vide Art. 187 (1)(a) F.R.& I. as amended by R.O. 240 of 1940.
Date of enlistment 12. March 1941.

16. REHABILITATION GRANT.

M.450. A/L/Bdr. LaBoucane, C.W."G" T.S.Bty. who is being discharged 3. Jan.43. under R.O.1029 (4) is NOT entitled to receive the Rehabilitation Grant as authorized by R.O.1079/41.

17. STRENGTH DECREASE.

M. 450. A/L/Bdr. LaBoucane, C.W. "G" T.S.Bty. is struck off strength on being discharged under R.O. 1029 (4), effect. 3. Jan.43.
Address on discharge - Lloydminster, Alta.

18. PUNISHMENTS.

a. C. 52260. Gnr. O'Keefe, F.W. "G" T.S.Bty. was on 2. Jan.43. awarded fourteen (14) days detention and forfeits nine (9) days pay by FR & I. for:-
1. Absenting himself without leave from 0600 hrs. 21. Dec.42.until 2300 hrs. 29. Dec.42. (Absent 8 days 17 hrs.)
(Total forfeiture 26 days.)

b. A.102531. Gnr. Turnbull, [illegible] "A" Trng. Bty. was on 2. Jan.43. awarded 4 days C.B. forfeits four (4) days ordinary pay and forfeits four (4) days pay by FR & I. for:-
1. Absenting himself without leave from 0630 hrs. 29. Dec.42. until 2345 hrs. 1. Jan.43. (Absent 3 days 17 hrs. 15 mins.)
(Total forfeiture 8 days.)

(H.R. Hampson) Captain, R.C.A.
Adjutant A-One, C.A.T.C. Petawawa Military Camp, Ont.

H.Q.C. C.55-H-345

CONFIDENTIAL

N.D.H.Q. 1016-11-42 (Rev) H.Q. 200-1-40

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

GNR. R.L. HOWARD, G-17960

5TH MOBILE SPEC. A/A TROOP RCA CA

DEAD

CONFIDENTIAL
H.Q.C. C.55-H-345

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If purpose for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
					File Minutes Bill	CR	2/3/43
APR 1 1943	2/43	P.A.		AD	Pwt G + PA	PBL	31/3/43
OCT 13 1945					With Papers L.A. OCT 5 1945		
OCT 21 1945	20-10-45	PA	JB	JAS	With Papers C.R. OCT 19 1945		

NOTICE

1. Files should be retained no longer than absolutely necessary. 2. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
3. Central Registry should be notified whenever a file is passed direct to another branch.
4. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C. 55-H-345 (JAG/D-6)

20 October, 1945.

District Officer Commanding,
Military District No. 6
Halifax, Nova Scotia.

Standing
G-17960 Pte. R.L. Howard
A-14 C.I.T.C., C.A.
.....Court-Martial

H. H-1637 (JAG)

16 October 5

Receipt is acknowledged of your Standing dated 194 , under cover of which you returned to this office for custody the proceedings of the marginally noted Court-Martial.

E.K.M.
for (R.J. Orde), Brigadier,

LCC:jb

Judge Advocate-General.

IN REPLY PLEASE QUOTE
No. H. H-1637 (JAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Headquarters, M. D. No. 6,
Halifax, N. S., 16 Oct 45. 194

CONFIDENTIAL

Secretary,
Department of National Defence,
Ottawa, Ontario.

CONFIDENTIAL
3867
OCT 18 1945
File 55-31-345
Sent to
Referred to JAG

Standing Court-Martial
G-17960 Pte. R.L. HOWARD
A-14 C.I.T.C., C.A.

Ref HQC.55-H-345 (JAG/D-3) d/13 Oct 45.

2. Proceedings of the m/n Court-Martial have been duly reviewed and are herewith returned for safe custody.

(J.C. Stewart) Brigadier,
D. O. C. M. D. No. 6.

N.D. 23
3000M—10-44 (5769)
H.Q. 1772-101-23

PROCEEDINGS OF A STANDING COURT-MARTIAL

No.G.17960 Private HOWARD, Ronald LeRoy.
No.A-14 Canadian Infantry Training Centre, C.A.

ALDERSHOT, N.S. 2ND. OCTOBER 1945.

A

Form of Proceedings for a Standing Court-Martial

Proceedings of a Standing Court-Martial held at No.A-14 C.I.T.C., CA. ALDERSHOT, NS.

on the 2ND. day of OCTOBER 1945 at 1100 hours,

for the trial of: No.G-17960 (Number) Private (Rank) HOWARD, Ronald, LeRoy. (Full Name)

No.A-14 Canadian Infantry Training Centre, C.A. (Unit) (Attachment, if any)

PRESIDENT: MAJOR R.F. BARNES, Permanent President, Standing Courts-martial, Headquarters, M.D. No.6. M.D. No.6.

PROSECUTOR: LIEUT. H. SOLOMON, Permanent Prosecutor, District Courts-martial, Headquarters, M.D. No.6. M.D. No.6.
(Rank) (Full Name) (Unit) (Attachment, if any)

COUNSEL OR DEFENDING OFFICER: CAPT. P.J.DAGNALL, No.14 C.I.T.C., CA.
(Rank) (Full Name) (Unit) (Attachment, if any)

FINDING: The Court find the accused No.G.17960 Private HOWARD, Ronald LeRoy, No.A-14 C.I.T.C., C.A. GUILTY of the charge.

SENTENCE: The Court sentenced the accused No.G17960 Private HOWARD, Ronald, LeRoy, No.A-14 C.I.T.C., C.A. TO UNDERGO DETENTION FOR THIRTY (30) DAYS AND TO BE PLACED UNDER STOPPAGES OF PAY UNTIL HE HAS MADE GOOD THE SUM OF $4.20 IN RESPECT OF THE COST OF APPREHENSION AND RETURN TO HIS UNIT.

Signed at ALDERSHOT, N.S. this 2ND. day of OCTOBER 1945.

(R.F.BARNES) Major. President, Standing Court-Martial.

M.F.E. 1486
25M-6-44 (4826)
H.Q. 1772-32-2296

Exhibit marked as No. 40-90 in Record of Court-Martial held in the Office of the Judge Advocate-General this 12 day of Oct 19 45

Forms of Oaths and Declarations

Oaths

Shorthand Writer

You swear by Almigthy God that you will truly take down to the best of your power the evidence to be given before this court-martial and such other matters as may be required, and will, when required, deliver to the Court a true transcript of the same.

Answer: I do.

Interpreter

You swear by Almighty God that you will to the best of your ability truly interpret and translate, as you shall be required to do, touching the matter before this court-martial.

Answer: I do.

Witness

You swear by Almighty God that the evidence which you shall give before this Court shall be the truth, the whole truth, and nothing but the truth.

Answer: I do.

Solemn Declarations

The form of declaration will be the same as the form of oaths except that for the words "You swear by Almighty God" will be substituted the words "You (name in full) do solemnly promise and declare"; and that the words "solemnly promise and declare" will be substituted for the word "swear" wherever it occurs.

B

Question to the accused. Do you object to be tried by me as President of the Court ?

Answer: No Sir.

(N.B. If objection is made it should be recorded together with the decision of the Court on a separate page marked "B B" and attached immediately under Page B.)

Question to the accused. ~~Do you object to an interpreter~~ ?

Answer:

Question to the accused. Do you object to No.B.93703 CSM Warren J.F. as shorthand writer ?

Answer: No Sir.

The shorthand writer ~~and interpreter (if any) are~~ is duly sworn.

Question to the prosecutor. Has the accused elected to be tried by a Standing Court-Martial or other Court-Martial ?

Answer: No Sir.

The accused is arraigned upon each charge in the Charge Sheet marked B-2, and annexed to the proceedings after having been signed by the President.

Question to the accused. Is that your number, rank, name and unit ?

Answer by accused. Yes Sir.

Question to the accused. Are you guilty or not guilty of the (first) charge against you, which you have heard read ?

Answer: GUILTY SIR.

Question to the accused. ~~Are you guilty or not guilty of the second charge against you, which you~~ have heard read ?.

Answer.

Question to the accused. Are you guilty or not guilty of the third charge against you, which you have heard read ?

Answer.

Question to the accused. Are you guilty or not guilty of the fourth charge against you, which you have heard read ?

Answer.

(The accused having pleaded guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.)

Marked "B2" and signed by the President. MAJOR C.M.

CHARGE SHEET

The accused G17960 Private Ronald LeRoy HOWARD, A-14 C.I.T.C. (CA), a G.S. Soldier of the Canadian Army placed on Active Service is charged with:

CHARGE
Sec 15(1)
Army Act

ABSENTING HIMSELF WITHOUT LEAVE

in that he

At Aldershot, N.S. on the 22nd day of AUGUST, 1945 absented himself from A-14 C.I.T.C. (CA) from 2359 hours on the said 22nd day of AUGUST, 1945 until apprehended by the military authorities at HALIFAX, N.S. at 1745 hours on the 21st day of SEPTEMBER, 1945, dressed in military uniform, cost of apprehension and return to his Unit being $4.20.

(W.W. MATHERS) Lt-Colonel
Commanding, A-14 C.I.T.C.

ALDERSHOT, N.S.
26 SEPTEMBER, 1945

C.C.

Proceedings on Plea of Guilty

The accused having pleaded guilty to the charge, is found guilty of the said charge[x].

(The Prosecutor will be asked if he has any statement to make regarding all the circumstances connected with the offence.)

Question to the accused. Have you any statement to make in reference to the charge to which you pleaded guilty?

Answer. Yes Sir.

(Statement of the accused to be recorded on a separate page.)

Question to the accused. Do you wish to make any statement in mitigation of punishment?

Answer. No Sir.

(Statement of the accused to be recorded on a separate page.)

Question to the accused. Do you wish to give evidence yourself as to character?

Answer. No Sir.

Question to the accused. Do you wish to call any witness as to character?

Answer. No Sir.

R.P. 37 *(d). If from the statement of the accused or from the Summary or Abstract of Evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty" the Court shall alter the record and enter a plea of "Not Guilty" and proceed with the trial accordingly.*

For variation, see M.M.L. pg. 747.

STATEMENT BY THE ACCUSED:-

Sir the reason for my going Absent without leave was that I had to go home as my wife was sick. She has had one operation and she has to have another. I have a little girl two years old and the wife could not look after her and I had to take her to New Brunswick and it took me nine days. I did not ask for an extension of my pass because I thought that I would not get it. I would like to get my discharge after doing my sentence Sir.

E

Proceedings on Conviction before Sentence

After the Court has arrived at a Finding on all the charges against the accused and such Finding has been announced to the accused, the Prosecutor will tender to the President M.F.B. 355, together ,when it is possible, with an M.F.M. 6.

These documents are read to the Court by the President, are marked "Y" and "Z", signed by the President and annexed to the proceedings.

Question to the accused. Have you any statement to make concerning the documents which have just been read to you?

Answer. No Sir.

Question to the accused. Do you wish to address the Court?

Answer. Yes Sir through my defending officer:-

Sir on checking this man's documents I find he has over five years service and he has 154 points and I have evidence of his wife's illnes and I would recommend that he be discharged as soon as possible.

The Sentence is then recorded on Page "A' of the proceedings and same is announced to the accused in open Court.

The President then completes and signs the "Warrant of Commitment", if any, which shall be transmitted forthwith to the Commanding Officer of the accused. He will also complete and sign in every case, the "Certificate of trial by Standing Court-Martial", and address same as directed by the regulations. The proceedings, with all documents, will be transmitted to the Judge Advocate General.

Page 14

DAILY ORDERS PART II
by

Colonel H.C. MacKENDRICK, O.B.E., E.D.

Commanding

Order No. 202
24 Aug 45
ALDERSHOT, N.S.

A-14 CANADIAN INFANTRY TRAINING CENTRE

(Last Order issued No. 201 d/23 Aug 45)

S E C T I O N I
(H.Q.E.)

CERTIFIED TRUE COPY
(O.B. MILLER) Capt & Asst Adjt
A-14 C.I.T.C.

"A"
OFFICERS

1. QUALIFICATIONS
(a) Having been tested is qual Driver I.C.(MV) 10 Aug 45
(Auth: Dist. Order No. 1198 d/18 Aug 45)
Lieut. Stanley Kenneth CHARLTON Adm. Wing

"B"
OTHER RANKS

2. STRENGTH INCREASE
(a) T.O.S. (TCH) from No. 4 Adm Unit CWAC 7 Aug 45
(Auth: No. 4 Adm Unit CWAC Pt.II #137 d/7 Aug 45)
W100392 Sgt. GAW F.M.

3. ATTACHMENT
(a) Att Adm & Disc. to No 10 Adm Unit CWAC from
7 Aug 45 to 24 Aug 45
W100392 Sgt. GAW F.M.

4. APPOINTMENTS PROMOTIONS & REVERSIONS
(a) Appt. A/Sgt. 18 Aug 45
B126281 Cpl. MORGAN W.E. TC HQ

(b) Relinquishes appt of A/Sgt. 20 Aug 45
F56679 Cpl.(A/Sgt) FINLAY F.J. S.of I.

5. LEAVES
(a) Granted 14 days Privilege Leave with ration allce.
TW No A931398 25 Aug 45 to 7 Sep 45
F602337 Pte. LeBLANC J.G. Adm. Wing

(b) Granted 14 days Privilege Leave with ration allce.
24 Aug 45 to 6 Sep 45
F59401 Pte. MacDONALD J.F. Adm. Wing

(c) Granted 4 days Short Leave with ration allce.
6 Aug 45 to 11 Aug 45
F56847 Pte.(L/Cpl) PATTERSON J.G. Adm. Wing

(d) Granted 4 days Short Leave with ration allce
23 Aug 45 to 26 Aug 45
B157966 Pte. CLARK D.E.H. Adm. Wing

5. LEAVES (Cont'd)

(e) Granted 6 days Comp Leave with ration allce. 23 Aug 45 to 28 Aug 45
(R.O. 5520-5)
F57982 Pte. SHIPLEY H.L. Adm. Wing

(f) Issued with Transport Warrant No. 931382 under 20 Aug 45
R.O. 4971
F58959 Pte. WADDEN P.W. Adm. Wing

6. QUALIFICATIONS

(a) Having been tested is qual. Driver I.C. (MT) 10 Aug 45
(AuthL Dist. Order No. 1198 d/18 Aug 45)
F35459 Pte. COOKE C.H. Adm. Wing

(b) Having been tested are qual Driver I.C.(UC) 10 Aug 45
(Auth: Dist Order No. 1198 d/18 Aug 45)

F4913	Pte.(A/Cpl)	LeFORT	P.J.	Adm. Wing
F97952	Pte.(L/Cpl)	LeBLANC	H.	"
F97798	Pte.(L/Cpl)	STEWART	A.M.	"
F64929	Pte.(L/Cpl)	MacKENZIE	H.D.	"
F10403	Pte.	JOHNSON	J.J.	"
G23487	Pte.	LATULIPPE	J.A.	"

(c) Having been tested are qual Motorcyclist 10 Aug 45
(Auth: Dist. Order No. 1199 d/18 Aug 45)

F97952	Pte.(L/Cpl)	LeBLANC	H.	Adm. Wing
F97798	Pte.(L/Cpl)	STEWART	A.M.	"
B164239	Pte.	BUXTON	J.N.	"
F57779	Pte.	EVERILL	A.F.	"
F45880	Pte.	McINNIS	D.V.	"

7. HONORS & AWARDS

(a) Awarded the Canadian Volunteer Service Medal Ribbon 29 Jan 45
B149889 Pte.(A/Cpl) CHRISTIE A.C. "F" Coy.

8. STRENGTH DECREASE

(a) S.O.S. to No. 6 Special Distributing Depot R.C.O.C. on transfer to R.C.O.C. 20 Aug 45
(Dist. Order No. 1206 d/20 Aug 45)
F56679 Cpl. FINLAY F.J. S.of I.

(b) S.O.S. to No. 106 Depot Coy CWAC 24 Aug 45
(Auth:H110-393-21-A2 d/20 Aug 45)
W21432 Sgt. MacGREGOR D.R.
W100392 Sgt. GAW F.M.

SECTION II
(Holding Establishment)

"C"
OFFICERS

9. MARRIAGE BIRTHS & DEATHS
(a) Born, a son, James Keith, at Charlottetown, P.E.I. Canada 2 Aug 45
Lieut. Francis Joseph MacDONALD "C" Coy. (No. 60 CIBTC)

10. QUALIFICATIONS
(a) Having been tested is qual Driver IC (MV) 10 Aug 45
Lieut. Lloyd Alexander PATRIQUIN "E" Coy.
(Dist. Order No. 1198 d/18 Aug 45)

(b) Having been tested is qual Driver I.C. (UC) 10 Aug 45
(Dist Order No. 1199 d/18 Aug 45)
Capt. John Anthony FITZPATRICK (No. 6 Dist Depot)

(c) Having been tested are qual Motorcyclist 10 Aug 45
(Dist. Order No. 1199 d/18 Aug 45)
Lieut. (A/Capt) Duncan Grant Lovat FRASER (No. 6 Dist Depot)
Lieut. Milne Hubert PATRIQUIN (No. 6 Dist Depot)

"D"
OTHER RANKS

11. STRENGTH INCREASE
AMENDMENT
(a) Para 15 (d) of D.O. No. 187 d/7 Aug 45 insofar as it ref to u/m is am'd to read: "Pte (A/Cpl)"
C49250 Pte. NIEMAN D W.

12. ATTACHMENT
(a) Cease att FAP to S-5 C.D. & M.S. 17 Aug 45
(Auth: S-5 C.D. & M.S. Pt.II #187 d/20 Aug 45)
F38182 Pte. McMULLIN R.H. TS Coy.

(b) Att R. & Q. from No. 6 E.S. & W. Coy. RCE 22 Aug 45
A603431 Spr. SELLERS G.L.

(c) Cease att R & Q. from No. 6 Dist SIS C Int C. 19 Aug 45
G14126 Sgt.(A/S/Sgt) BARTON H.E.

(d) Att R & Q from No. 26 Coy. CDC 9 Aug 45
F52205 Cpl.(A/Sgt) BROWNLEE C.A.

13. LEAVES
(a) Granted 10 days Comp. Leave with ration allce as shown (R.O. 5520-5)
A51551 Pte. SIMS H.C. "C" Coy.
23 Aug 45 to 1 Sep 45
B106366 Pte. BYGRAVE V.H. "C" Coy.
24 Aug 45 to 2 Sep 45

(b) Granted 14 days Privilege Leave with ration allce
27 Aug 45 to 9 Sep 45
F8054 Cpl. CLEMENTS R.L., (No. 60 CIBTC)

(c) Granted 14 days Privilege Leave and 4 days Travelling Time with ration allce.
T.W. No. A931399 25 Aug 45 to 11 Sep 45
B126821 Pte. AIKINS E.A. "A" Coy.

13. LEAVES (Cont'd)
(d) Cease to be on Comp. Form Leave without pay, 19 Aug 45
T.O.S. for pay 20 Aug 45
F69650 Pte. BURNS W.M. "A" Coy

14. ABSENT WITHOUT LEAVE
(a) A.W.L. from 2359 hrs 22 Aug 45 (1st Publication)
G17960 Pte. HOWARD R.L. TS Coy.

(b) A.W.L. from 2359 hrs 2[illegible] Aug 45 Still A.W.L.
2359 hrs 23 Aug 45 (22nd day)
A727 Pte. DAVIES K.B. "A" Coy.
F38237 Pte. MacLEAN R.K. TS Coy.
F38593 Pte. McKINNON J.F. "

(c) A.W.L. from 2359 hrs 20 Aug 45 Ret. from A.W.L.
0030,hrs 24 Aug 45.
F58995 Pte. BUTLER K.J. TS Coy.

(d) A.W.L. from 2359 hrs 16 Aug 45 Still A.W.L.
2359 hrs 23 Aug 45 (8th day)
F11258 Pte. ORJM G. "A" Coy.

(e) A.W.L. from 0800 hrs 26 Feb 45 (1st Publication)
F36740 Pte. JOSEY V.V. "A" Coy.

(f) A.W.L. from 0800 hrs 26 Feb 45 Still A.W.L.
0800 hrs 5 Mar 45 (8th day)
F367[illegible] Pte. JOSEY V.V. "A" Coy

(g) A.W.L. from 0800 hrs 26 Feb 45 Still A.W.L.
0800 hrs 19 Mar 45 (22nd day)
F36740 Pte. JOSEY V.V. "A" Coy.

(h) Para 15 (d) of D.O. No. 51 d/28 Feb 45 and
Para 9 (c) of D.O. No. 56 d/6 Mar 45 and
Para 18 (c) of D.O. No. 68 d/20 Mar 45 insofar
as they ref to u/m are cancelled.
F36740 Pte. JOSEY V.V.

15. HOSPITAL
(a) Discharged Windsor Mil. Hosp 24 Aug 45
F39012 Pte. GERROW T. "B" Coy.

(b) Admitted Aldershot Mil. Hosp (Sick) 15 Aug 45
B157194 Pte. KANE R.C. "A" Coy.

(c) Discharged Aldershot Mil. Hosp 23 Aug 45
H102317 Pte. LAJEUNESSE E "A" Coy.
B106512 Pte. WAYTOWICH W.B. "E" Coy.
M4299 Pte. WEIS K.E. "E" Coy

(d) Removed from Aldersot Mil Hosp to Windsor
Military Hosp 22 Aug 45
F38425 Pte. BUELL L.E. "A" Coy.

AMENDMENT
(e) Para 11 (d) of D.O. No 200 d/22 Aug 45 insofar
as it ref to u/m is am'd to read: "15 Aug 45"
K7960 Pte. WALSH R.J. "A" Coy.

D.O. No. 202 d/24 Aug 45 A14 C.I.T.C. Sheet No, 4

16. INCREASE IN PAY

(a) To receive $1.50 per diem (Art 144-1 FR&I)

F59301	Pte.	BEELER	J.F.	TS Coy	19 Aug 45
C57655	Pte.	BLAKELY	W.G.	"	15 Aug 45
F38492	Pte.	CLARKE	H.G.	"	16 Aug 45
F59299	Pte.	DUGGAN	L.P.	"	17 Aug 45
F38489	Pte.	ROSS	J.D.	"	15 Aug 45
B69347	Pte.	SMITH	D.J.	"	15 Aug 45
F59170	Pte.	WITHROW	M.A	"	11 Jul 45

AMENDMENT

(b) Para 14 (a)&(b) of D.O. No. 200 d/22 Aug 45 insofar as they ref to u/m is am'd to read: "McKEIL M.R."
F59566 Pte. McNEIL M.R.

(c) Para 5 (a) of No. 1 Inf. Trg Bn. CIC Pt.II # 143 d/10 Jul 45 insofar as it ref to u/m is cancelled.
C49250 Pte. NIEMAN D.W.
(Copied from No. 1 Inf. Trg. Bn Pt. II #174 d/14 Aug 45)

17. APPOINTMENTS PROMOTIONS & REVERSIONS AMENDMENT

(a) Para 4 (a) of No. 1 Inf. Trg. Bn Pt.II #143 d/ 10 Jul 45 is hereby cancelled.
C49250 Pte.(A/Cpl) NIEMAN D.W.
(Copied from No. 1 Inf. Trg. Bn. Pt.II #174 d/14 Aug 45)

18. QUALIFICATION

(a) Having been tested is qual Driver I.C. (MV) 10 Aug 45
(Auth: Dist Order No. 1198 d/18 Aug 45)
B164159 Pte. BROWN H. TS Coy.

19. STRENGTH DECREASE

(a) S.O.S. to No. 2 Dist. Depot 24 Aug 45
C79015 Pte. BUTTON E.F. "A" Coy.
(R.O. 4306 (3)(a))

(b) S.O.S. tp A-13 C.I.T.C. 24 Aug 45
(H.110-255-14 A2 d/20 Aug 45)
D136932 Pte. LAFRANCE E. "C" Coy.
B106547 Pte. BOURBONNAIS G.J. "

(c) S.O.S. to No. 6 Dist. Depot 24 Aug 45
(H.110-255-14(A5) d/20 Aug 45)
B154689 Pte. HEALY T.J.P. "A" Coy.

(d) S.O.S. to No. 6 Dist. Depot 24 Aug 45
Granted 6 months Comp. Leave without pay at own request from 23 Aug 45 to 22 Feb 46
(Auth: Phone Conversation Major K Harrison d/20 Aug 45)
F608149 Pte. HILTZ F.W. "A" Coy.

Graham Macleod

(Graham Macleod) Capt & Adjt.
A-14 C.I.T.C.
Aldershot, N.S.

D.O. No. 202 d/24 Aug 45 A14 C.I.T.C. Sheet No. 5

Para 15

DAILY ORDERS PART II
by

Colonel H.C. MacKENDRICK, O.B.E., E.D.

Commanding

Order No. 209
1 Sep 45
ALDERSHOT, N.S.

A-14 CANADIAN INFANTRY TRAINING CENTRE

(Last Order Issued No. 208 d/31 Aug 45)

SECTION I
(H.W.E.)

CERTIFIED TRUE COPY

(O.B. MILLER) Capt & Asst Adjt.
A-14 C.I.T.C.

"A"
OFFICERS

1. HONORS & AWARDS
(a) Awarded the Defence Medal
(R.O. 5950)

Lieut.(A/Capt)	James Murphy McINTYRE	"B" Coy.
Capt. (A/Major)	James Arthur BIRD	"D" Coy.
Major	Charles Edgar MILLER	"B" Coy.
Lieut.	Ivan BELL	TW HQ

(b) Awarded the Italy Star
(R.O. 5950)
Capt. (A/Major) James Arthur BIRD "D" Coy.

2. LEAVES
(a) Granted 4 days Short Leave with ration allce
1 Sep 45 to 4 Sep 45

Lieut. (A/Capt)	James Murphy McINTYRE	"B" Coy.
Lieut.	Leonard Lewis BRAY	Adm. Wing

(b) Granted 14 days Privilege Leave and 2 days Travl. Time with ration allce.
3 Sep 45 to 18 Sep 45
Capt. Harry Elton RIPLEY S.of I.

"B"
OTHER RANKS

3. LEAVES
(a) Granted 4 days Short Leave with ratio. allce.
1 Sep 45 to 4 Sep 45

F41020	Sgt.	COPP	A.H.	Adm. Wing
F82579	Pte.	ARSENAULT	A.J.	"
F77879	Pte.	LeBLANC	L.J.	"
F58388	Pte.	SIMPSON	G.D.	"
F40396	CSM (WO II)	GOSLING	J.L.	TC HQ

(b) Granted 4 days Short Leave with ration allce.
2 Sep 45 to 5 Sep 45

F5114	Cpl.(L/Sgt)	BOWLBY	R.C.	Adm. Wing
F55909	Pte.	ROOP	W.D.	"
F78788	Sgt.	WILLIAMS	J.M.	"

3. LEAVES
(c) Granted 14 days Privilege Leave and 2 days Travl. Time with ration allce. 1 Sep 45 to 16 Sep 45
G60616 Pte. ARSENAULT L.J. Adm. Wing

(d) Granted 14 days Privilege Leave with ration allce.
T.W. No. A933047 1 Sep 45 to 14 Sep 45
F77693 Sgt. SEARS S.M. "B" Coy.

4. COURSES
(a) Having attended Vehicle Mechanic Course at S-8 CATS qual 65% 23 Aug 45
F75751 Pte.(L/Cpl) PINEAU F.A. Adm. Wing

5. HONORS & AWARDS
(a) Awarded the Defence Medal
(R.O. 5950)
F40388 Cpl. MARTIN L.W. TC HQ

(b) Awarded the Italy Star
(R.O. 5950)
F40388 Cpl. MARTIN L.W. TC HQ

6. STRENGTH DECREASE
(a) S.O.S. to No. 6 Dist. Depot 1 Sep 45
(H.F. 732 (Rep) 6CD F353 d/24 Aug 45)
F86624 Pte.(L/Cpl) FREEMAN R.C. Adm. Wing

(b) S.O.S. to No. 6 Dist. Depot 1 Sep 45
Granted 6 months Industrial Leave without pay at own request from 31 Aug 45 to 27 Feb 46
(H.67-1-4 (Rep) d/27 Aug 45)
F21178 Pte. NEWELL M.S. Adm. Wing

(c) S.O.S. (Adm. Wing) H.W.E. to Holding Establishment ("A" Coy) 31 Aug 45
F38065 Pte. MacNEIL J.C. Adm. Wing

SECTION II
(Holding Establishment)

"C"
OFFICERS

7. APPOINTMENTS PROMOTIONS & REVERSIONS
(a) Promoted Lieutenant (Inf - R) 1 Sep 45
(Auth: CARO 4909 (2) (B) (iii)
P/2/Lieut. James William Edward HARDIMAN "E" Coy.

8. ATTACHMENT
(a) Cease att FAP from No. 8 Coy RCAMC 1 Sep 45
(Proceeding to Headquarters, Defended Port of Sydney)
(Auth Phone Conversation Capt. Carter DMO's office and Lt D.B. McKEAN)
Major Bruce Corbett ARCHIBALD RCAMC

9. HONORS & AWARDS
(a) Awarded 1939-45 Star
(R.O. 5950)
Lieut. (A/Capt) Duncan Grant Lovat FRASER

10. LEAVES
(a) Granted 7 days Privilege Leave and 1 days Travl. Time with ration allce 3 Sep 45 to 10 Sep 45
Capt Eiskine Grant TRAVERS No. 60 CIBTC

(b) Granted 14 days Privilege Leave and 4 days Travl. Time with ration allce. 3 Sep 45 to 20 Sep 45
2/Lieut. Ivan Richard SCOTT "E" Coy TW No A931395

(c) Granted 4 days Short Leave with ration allce. 1 Sep 45 to 4 Sep 45
Lieut. (A/Capt) Elmer Ignatius MATTIE "E" Coy.

"D"
OTHER RANKS

11. STRENGTH INCREASE
(a) T.O.S. ("X" Coy) Holding Establishment from H.W.E. (Adm. Wing) 1 Sep 45
F38065 Pte. MacNEIL J.C. Adm Wing

12. LEAVES
(a) Granted leave RO 5520(3) Granted RA FR&I 196 (4) Dates as shown
W6742 Pte. MacKINNON E.M. 9 Aug 45 to 22 Aug 45
W6268 Pte. SWAINE E.C. 6 Aug 45 to 19 Aug 45
(Copied from No. 10 Adm Unit CWAC Pt.II #114 d/21 Aug 45)

(b) Granted 4 days Short Leave with ration allce. 1 Sep 45 to 4 Sep 45
F38098 Pte. PAQUETTE J.B. TS Coy.

(c) Granted 30 days Harvest Leave without pay, at own request from 1 Sep 45 to 30 Sep 45
(H.L. 3485 (Rep) 6 CB/L-726 d/28 Aug 45)
F59433 Pte. LARDER J.E. S.of I.

(d) Granted 10 days Comp Leave with ration allce.
(R.O. 5520-5) 1 Sep 45 to 10 Sep 45
A51708 Pte. RIEHL B.G. "C" Coy.

(e) Granted 14 days Privilege Leave and 4 days Travl. Time with ration allce 1 Sep 45 to 18 Sep 45
B169812 Pte. HUFF C.A. "F" Coy.

(f) Granted 14 days Privilege Leave and 2 days Travl. Time with ration allce 1 Sep 45 to 16 Sep 45

TS Coy

F38710	Pte.	LECLAIR	P.V.	TW No A933034
F69626	Pte.	NEWELL	S.P.	TW No A933035
F33547	Pte.	NICHOLSON	J.A.	TW No A933036
F59478	Pte.	PINO	A.A.	TW No A933037
F59484	Pte.	POWER	P.J.	TW No A933038
F38304	Pte.	RENNIE	R.	TW No A933039
F59549	Pte.	SALSMAN	C.H.	TW No A933040
F38881	Pte.	SOMERS	W.D.	TW No A933041
F59456	Pte.	STEVENS	H.K.	TW No A933042
F59357	Pte.	STEWART	C.D.	TW No A933043
F59457	Pte.	STONE	H.K.	

12. LEAVES (Cont'd)
(f) (Cont'd)
F59370 Pte. SURETTE G.J.
F38824 Pte. TOOMBS B.A. TW No A933044

(g) Granted 14 days Privilege Leave and 1 days Travl. Time with ration alloc. 1 Sep 45 to 15 Sep 45

F59269 Pte. MUNROE H.W. TS Coy TW No A933035
F59547 Pte. TITUS C.B. " TW No A

(h) Granted 14 days Privilege Leave with ration alloc. 1 Sep 45 to 14 Sep 45
F69623 Pte. MORASH H.E. TS Coy TW No A933046
F38864 Pte. MURLEY R.W. "
F59587 Pte. PHILLIPS W.H. "
F59436 Pte. PURDY R.H. "
F59518 Pte. SANFORD J.E. "

AMENDMENT
(i) Para 13 (f) of D.O. No. 207 d/30 Aug 45 insofar as it ref to u/m is cancelled.
F32921 Pte. KING R.F. TS Coy.

(j) Para 17 (d) of D.O. No. 205 d/28 Aug 45 insofar as it ref to u/m is cancelled.
F59185 Pte. KINSMAN M.H.
(k) Para 13 (l) of D.O. No. 207 d/30 Aug 45 insofar as it ref to u/m is am'd by deleting:TW No A933029"
F38756 Pte. MacISAAC R.F.

(l) Para 13 (o) of D.O. No. 207 d/30 Aug 45 insofar as it ref to u/m is hereby cancelled.
F59493 Pte. CAMPBELL M.D. "A" Coy.

13. LEAVES
(a) Granted an extension of Comp Leave without pay at own request from 1 Sep 45 to 5 Sep 45
(Auth: HQ MD 6 Tel. A327 d/24 Aug 45)
F16486 Pte. PIPPY W.E. " " Coy.

14. HOSPITAL
(a) Admitted Aldershot Mil. Hosp (Sick) as shown
C21760 Pte. GARDINER W.W. "C" Coy 30 Aug 45
L110667 Pte. MacAULEY J.D. " 30 Aug 45
C78974 Pte. GILMOUR G.A. " 30 Aug 45
B3296 Pte. JAMIESON S. "B" Coy 30 Aug 45
F30674 Pte. HUGHES G.W. TS Coy. 30 Aug 45
L67998 Pte.(L/Cpl) SMYTH J.M. "C" Coy 27 Aug 45

(b) Discharged Aldershot Mil. Hosp 31 Aug 45
L67998 Pte.(L/Cpl) SMYTH J.M. "C" Coy.
F39005 Pte. HATCHER R.J. "B" Coy.

(c) Admitted Windsor Mil. Hosp (Sick) as shown
A51691 Pte. KING G.E. "A" Coy 27 Aug 45
F38986 Pte. HENNESEY H.J. " 3 Aug 45
B106603 Pte. FINKELSTEIN G. " 24 Jul 45

(d) Discharged Windsor Mil. Hosp 28 Aug 45
F38986 Pte. HENNESEY H.J. " " Coy.
B106603 Pte. FINKELSTEIN G. "

15. ABSENT WITHOUT LEAVE
(a) A.W.L. from 0600 hrs 22 Aug 45 Apprch. at 0140 hrs 31 Aug 45.
F524 Pte. O'HANDLEY M.A. "A" Coy.

(b) A.W.L. from 2359 hrs 22 Aug 45 Still A.W.L. 2359 hrs 29 Aug 45 (8th day)
G17960 Pte. HOWARD R.L. TS Coy.

AMENDMENT
(c) Para 7 (b) of D.O. No. 194 d/15 Aug 45 Para 16 (c) of D.O. No. 196 d/17 Aug 45 insofar as it ref to u/m is cancelled.
F59539 Pte. HOWIE R.L. "D" Coy.
(Case dismissed)

16. TRADESMEN'S RATES OF PAY
(a) Continues to draw tradespay, Dvr. Mech. Gp. "C" under FR&I 149 (5) (a) 4 Aug 45
A67753 Pte. CROCKER R.F. "C" Coy.

17. NEXT OF KIN AMENDMENT
(a) Para 14 (a) of D.O. No. 208 d/31 Jul 45 insofar as it ref to u/m is cancelled.
B1286 Pte. KENT R.A. TS Coy.

(b) Para 18 (b) of D.O. No. 207 d/20 Aug 45 insofar as it ref to u/m is cancelled.
F59472 Pte. FITZER S.J. TS Coy.

18. PUNISHMENT
(a) A warded 7 days C.B. for an offence under Sec 15 (1) A.A. A.W.L. from 0600 hrs 27 Aug 45 to 1610 hrs 28 Aug 45 (Absent 1 day 10 hrs 10 mins)(Open arrest) Forf 2 days pay under FR&I 149 (1)(a) 30 Aug 45
F38597 Pte. WOODWORTH R.C. "F" Coy.

(b) Awarded 28 days detn. for an offence under Sec 15 (1) A.A. A.W.L. from 0600 hrs 1 Aug 45 to 1120 hrs 28 Aug 45 (Absent 27 days 5 hrs 20 mins)(In close arrest from 1120 hrs 28 Aug 45 to 1400 hrs 30 Aug 45 (2 days 2 hrs 40 mins) Forf 28 days pay under FR&I 149 (1)(b) Forf 1 days pay under FR&I 149 (1)(c) Forf 28 days pay under FR&I 149 (1)(a) Total forf 57 days pay 30 Aug 45
F59095 Pte. WILLIAMS J.A. TS Coy.

(c) Awarded 14 days C.B. and pay cost of apprch. for an offence under Sec 15 (1) A.A. A.W.L. from 1200 hrs 13 Aug 45 to 1000 hrs 25 Aug 45 (Absent 11 days 22 hrs)(Close arrest) Forf 12days pay under FR&I 149 (1)(a) Cost of apprch. Railway Fare $5.20 under FR&I 172 (8) Total forf 12 days pay and $5.20 30 Aug 45.
F59586 Pte. McLEOD D.H. "D" Coy.

(d) Granted 4 days remission of sentence by No. 68 M.D.B. 30 Aug 45
(Auth: No. 68 MDB Pt.II #45 d/31 Aug 45)
F38530 Pte. GRAVES T.J. "A" Coy.

(e) Released from detn. 30 Aug 45
F38530 Pte. GRAVES T.J. "A" Coy.

19 STRENGTH DECREASE

(a) S.O.S. to No. 6 Dist. Depot 1 Sep 45
Granted 60 days Comp. Farm Leave without pay at own request from 31 Aug 45 to 29 Oct 45.
(H.N. 918 (Rep) 6 CD/N-153 d/26 Aug 45)
F38501 Pte. NICOLL K.J. T.S. Coy.

(b) S.O.S. to No. 2 Dist. Depot 1 Sep 45
Granted 6 months Industrial Leave without pay at own request from 31 Aug 45 to 27 Feb 46
(Phone Conversation Major Harrison M.D. 6 d/28 Aug 45)
A609 598 Pte. ROBINSON G.J. "C" Coy.

(c) S.O.S. to No. 6 Dist. Depot 1 Sep 45
(Telegram P0808 d/28 Aug 45)

B29992	Pte.(A/Cpl)	ROSS	E.J.	TS Coy.
B106144	Pte.	MANSKE	N.D.	"E" Coy.
M608523	Pte.	SURVILLA	J.	"F" Coy.
F37280	Pte.	RYAN	G.R.	"B" Coy
A51544	Pte.	FLINT	D.E.	"B" Coy.

(d) S.O.S. to Queens Park Barracks Staff. 1 Sep 45
(Telegram QP329 d/30 Aug 45)

F38506	Pte.	MacKINNON	C.O.	TS Coy.
F38447	Pte.	NICKS	W.F.	"

(Graham Macleod) Capt. & Adjt.
A-14 C.I.T.C.
Aldershot, N.S.

D.O. No. 209 d/1 Sep 45 A14 C.I.T.C. Sheet No.6

Para 11

DAILY ORDERS PART II
by

Colonel H.C. MacKENDRICK, O.B.E., E.D.

Commanding

Order No. 219
13 Sep 45
ALDERSHOT, N.S.

A-14 CANADIAN INFANTRY TRAINING CENTRE

(Last Order issued No. 218 d/12 Sep 45)

S E C T I O N I
(H.W.E.)

"A"
OFFICERS

N I L

"B"
OTHER RANKS

CERTIFIED TRUE COPY

(O.B. MILLER) Capt & Asst Adjt
A-14 C.I.T.C.

1. STRENGTH INCREASE

(a) T.O.S. (Adm Wing) H.W.E. from Holding Establishment ("F" Coy) 12 Sep 45

B106723 Pte. JONES K.M.

(b) T.O.S. (Adm. Wing) H.W.E. from Holding Establishment ("E" Coy) 13 Sep 45
(supy to HWE under HQ 54-27-47-1 (Org 6))

F38947	Pte.	BARRON	D.
F38940	Pte.	BLANCHARD	P.
F9589	Pte.	BOUNENFANT	J.J.
F38917	Pte.	BOWEN	H.T.
F69618	Pte.	BRENNER	R.E.
F38972	Pte.	COLLINS	R.B.
F38939	Pte.	CONNORS	W.A.
F38971	Pte.	DONOVAN	G.F.
F38973	Pte.	GIBSON	B.L.
F69719	Pte.	HARDIMAN	J.V.
F38563	Pte.	KAVANAUGH	M.
F38970	Pte.	KITSON	C.W.
F38927	Pte.	LUNN	H.I.
F38950	Pte.	MacGREGOR	W.B.
F38912	Pte.	McGILLIVRAY	R.C.
F25355	Pte.	McGINN	W.A.
F38923	Pte.	McPHEE	J.L.
F69681	Pte.	McRAE	J.R.
F38925	Pte.	MUNN	F.R.
F38711	Pte.	PAUL	R.R.J.
F38968	Pte.	REEVES	L.G.
F38945	Pte.	REID	F.L.
F38966	Pte.	SMITH	R.D.
F59577	Pte.	STAPLES	C.L.
F38702	Pte.	STEELE	L.J.
F38921	Pte.	SWAIN	L.H.
F37123	Pte.	TAYLOR	J.G.
F38911	Pte.	WOJCIK	W.
F36922	Pte.	WOODBURY	S.C.
F69693	Pte.	ADAMS	O.L.
F59508	Pte.	ANDREWS	L.R.
F38892	Pte.	CONRAD	L.A.
F38722	Pte.	CRAIG	H.

1. STRENGTH INCREASE (Cont'd)

(b) (Cont'd)

F69658	Pte.	LATTA	J.W.
F69714	Pte.	LeBLANC	W.J.
F69619	Pte.	MacDONALD	A.F.
F69706	Pte.	MacINNIS	M.N.
F38889	Pte.	MARCHAND	J.
F69602	Pte.	MUISE	S.J.
F38941	Pte.	STONE	M.A.
F69683	Pte.	WARNELL	C.W.
F69707	Pte.	GILLIS	L.A.
F37223	Pte.	MacLEAN	C.H.
F37145	Pte.	VIVA	A.F.

2. ATTACHMENT

(a) Att FAP except pay to S-3 CSAS 13 Sep 45
(Technique of Instr. Serial 17-14 Sep 45 to 26 Sep 45)
(H.57-1-8 (G3T) d/27 Aug 45)
F7282 Cpl. McKINNON M.P. "D" Coy.

(b) Att FAP except pay to S-3 CSAS 13 Sep 45
(Drill and Duties Serial 15-14 Sep 45 to 26 Oct 45)
(H.57-1-8 FD 32 (G) d/23 Aug 45)
B157790 Pte.(A/Sgt) STEELE A.B. "F" Coy.
B159173 Pte.(A/Cpl) BOUCHARD D.J. "D" Coy.

3. APPOINTMENTS PROMOTIONS & REVERSIONS

(a) Appt A/Cpl. 1 Sep 45
F40168 Pte.(L/Cpl) JOLLIMORE R.E. TC HQ

(b) Appt L/Cpl. 1 Sep 45
F52761 Pte. JEWERS S.D. TC HQ

(c) Relinquishes appt A/Cpl. 12 Sep 45
B149089 Pte. (A/Cpl) CHRISTIE A.C. "F" Coy.

4. INCREASE IN PAY

(a) To receive $1.50 per diem (Art 144-1 FR&I)

B149089	Pte.	CHRISTIE	A.C.	"F" Coy	13 Sep 45
F59390	Pte.	MULLEN	I.E.	Adm Wing	28 Aug 45
F59316	Pte.	NOAL	P.P.	"	1 Sep 45
F59331	Pte.	HORNE	J.H.	"	21 Aug 45
F38550	Pte.	MacKEIGAN	A.	"	27 Aug 45

5. LEAVES

(a) Granted 6 days Comp. Leave with ration allce.
(R.O. 5520-5) 14 Sep 45 to 19 Sep 45
F41028 Pte. KEENAN T.A. Adm. Wing

(b) Granted 4 days Short Leave with ration allce
15 Sep 45 to 18 Sep 45

B158259	Pte.	GAUDETTE	J.H.D.	Adm. Wing
G14152	Pte.	GREENE	J.M.	"
F57290	Pte.	LENT	P.V.	"
F37973	Pte.	MUSS	R.E.	"
B158253	Pte.	SZWEDO	J.M.	"

(c) Granted 4 days Short Leave with ration allce.
27 Aug 45 to 30 Aug 45
B115809 Pte.(A/Cpl) SMYTHE H.A. TS Coy.

5. LEAVES (Cont'd)
(d) Granted 14 days Privilege Leave with ration allce.
14 Sep 45 to 27 Sep 45
F38639 Pte. BURGESS A S. "E" Coy.

6. ABSENT WITHOUT LEAVE
(a) A.W.L. from 1600 hrs 5 Sep 45 Still A.W.L.
1600 hrs 12 Sep 45 (8th day)
B572339 Pte. KOTT S.J. Adm Wing

(b) A.W.L. from 2359 hrs 5 Sep 45 Still A.W.L.
2359 hrs 12 Sep 45 (8 th day)
F78784 Pte.(L/Cpl) MacKENZIE A. Adm. Wing

7 MARRIAGE BIRTHS & DEATHS
(a) Born, a daughter, Sharon Mae, at Sydney, N.S.
Canada 5 Jun 45
F57417 Pte.(L/Cpl) LIBBUS A.J.C. Adm. Wing

8. STRENGTH DECREASE
(a) S.O.S. to No. 2 Dist. Depot 13 Sep 45
Granted 6 months Industrial Leave without pay at
own request from 12 Sep 45 to 11 Mar 46.
(H.67-1-4 (Rep) d/7 Sep 45)
B149889 Pte. CHRISTIE A.C. "F" Coy.

(b) S.O.S. to No. 6 Dist. Depot 13 Sep 45
(HQ MD 6 Circular Letter 110 d/2 Sep 45)
F87232 Pte. LACEY C.H. Adm Wing
F56795 Pte. MacFARLANE K. "
F45310 Pte.(L/Cpl) NEWELL R.J. "

F95678 Pte. GRAVES H.A. TC HQ
F37526 Pte. HAMM C.W. Adm. Wing

S E C T I O N II
(Holding Establishment)

"C"
OFFICERS

9. ATTACHMENT
(a) Cease att R & C from No. 26 Coy CDC 12 Sep 45
Capt. Boris A[illegible]OTSEFF.

"D"
OTHER RANKS

10. ATTACHMENT
(a) Cease att R & C from No. 26 Coy. C.D.C. 12 Sep 45
L34207 Sgt. GILBERT W.B.

11. ABSENT WITHOUT LEAVE
(a) A.W.L. from 2359 hrs 22 Aug 45 Still A.W.L.
2359 hrs 12 Sep 45 (20 day)
G17960 Pte. HOWARD R.L. TS Coy.

(b) A.W.L. from 2359 hrs 11 Sep 45 Ret. from A.W.L.
2359 hrs 12 Sep 45
F38865 Pte. McCORMACK C.F. TS Coy.

D.O. No. 219 d/13 Sep 45 A14 C.I.T.C. Sheet No. 3

10. STRENGTH DECREASE (Cont'd)

(c) S.O.S. des having been decld illegally absent from 0700 hrs 19 Aug 45 by a Ct. of Inq. held 11 Sep 45 Deficiencies in kit to the value of $22.36 Forf 24 days pay under FR&I 149 (1)(a) 11 Sep 45
F59476 Pte. HIGGINS B.R. "A" Coy.

(d) S.O.S. des having been decld illegally absent from 0600 hrs 20 Aug 45 by a Ct. of Inq. held 11 Sep 45 Deficiencies in kit to the value of $21.37 Forf 23 days pay under FR&I 149 (1)(a) 11 Sep 45
F58093 Pte. BROOKS R. "A" Coy.

(e) S.O.S. to No. 6 Gen Employment Coy. RCE on transfer to R.C.E. 13 Sep 45
(H.110-256-14 (A5) d/6 Sep 45)
F69686 Cpl. WOOD A. TS Coy.
F16749 Pte. REEDE H.S. "

(f) S.O.S. to HQ MD 6 13 Sep 45
F58959 Pte. AULEBACK P.E. TS Coy.
F69655 Pte. BOUTILLIER E.G. "
F59159 Pte. DAVIDSON W.M. "
F57674 Pte. DAY E.W.G. "
F37921 Pte. GALLANT L.J. "
F30706 Pte. ROBINSON G.I. "
B69327 Pte. ZEN L.A.J. "
(H.110-256-14 (A5) d/6 Sep 45)

(g) S.O.S. to No. 37 Coy C. Prov C. on transfer to C. Prov C. 13 Sep 45
(H.110-256-14 (A5) d/5 Sep 45)
B164159 Pte. BROWN H. TS Coy.

(h) S.O.S. to No. 6 Coy. RCEME on transfer to R.C.E.M.E. 13 Sep 45
(H.110-256-14 (A5) d/5 Sep 45)
B164159 Pte. BAKER H.E. TS Coy.

(i) S.O.S. to No. 6 Dist. Coy. RCASC on transfer to R.C.A.S.C. 13 Sep 45
(H.110-256-14 (A5) d/5 Sep 45)
D134509 Pte. GANLEY W. TS Coy.

(j) S.O.S. to No. 6 Dist. Depot 13 Sep 45
Granted 3 months Comp. Farm Leave without pay, at own request from 12 Sep 45 to 11 Dec 45.
(H.L. (Rep) 6CD/L594 d/5 Sep 45)
F66276 Pte. LANGELEVE M. "A" Coy.

(k) S.O.S. to No. 6 Dist. Depot 2 Sep 45
Granted 30 days extension Harvest Leave without pay, at own request from 1 Sep 45 to 30 Sep 45.
(H.Mac 2880 (Rep) 6CD/MC 670 d/8 Sep 45)
F30941 Pte. MacINTYRE E. "A" Coy.

(l) S.O.S. to No. 6 Special Distributing Depot RCOC on transfer to RCOC 13 Sep 45
(H.110-256-14 (A5) d/5 Sep 45)
H60698 Pte. NOVAK N.W. T.S. Coy.

D.O. No. 219 d/13 Sep 45 A14 C.I.T.C. Sheet No. 5

10. STRENGTH DECREASE

(m) S.O.S. to Halifax Military Hosp. RCAMC on transfer to R.C.A.M.C. 13 Sep 45
(H.110-256-14 (A5) d/5 Sep 45)

F69629	Pte.	DUKESHIRE	R.F.	TS Coy.
F38108	Pte.	GAVIN	H.P.	"
F59362	Pte.	SMITH	R.I.	"
F608513	Pte.	TOOLE	W.A.	"
F38752	Pte.	TOTTEN	L.E.	"
F76151	Pte.	UNDERWOOD	B.L.	"
F59393	Pte.	WILKIE	A.W.	"
F38736	Pte.	WRIGHT	F.A.	"
F602604	Pte.	ZINCK	B.W.	"

(n) S.O.S. to No. 1 Dist. Depot 13 Sep 45
(H.110-255-14 (Rep) d/4 Sep 45)
Granted 10 weeks Comp. Farm Leave without pay at own request from 12 Sep 45 to 20 Nov 45.
A51395 Pte. WILLIAMSON E.J.A. "D" Coy.

(o) S.O.S. to No. 6 Dist. Depot 13 Sep 45
Granted 3 months Comp. Farm Leave without pay at own request from 12 Sep 45 to 11 Dec 45.
(H.E. 694 (Rep) 6CD/E-87 d/4 Sep 45)
F37022 Pte. EATON V.H. "B" Coy.

(p) S.O.S. to No. 2 Dist. Depot 13 Sep 45
Granted 6 months Comp. Leave without pay at own request from 12 Sep 45 to 11 Mar 46.
(H.R. 2934 (Rep) 6CD/R-466 d/1 Sep 45)
B106410 Pte. RUMLEY W.V. "E" Coy.

(q) S.O.S. to No. 6 Dist. Depot 13 Sep 45
Granted 3 months Comp. Farm Leave without pay, at own request from 12 Sep 45 to 11 Dec 45.
(H.H. 3665 (Rep) 6CD/H.634 d/5 Sep 45)
F59581 Pte. HEBB R.H. "E" Coy.

(r) S.O.S. to No. 6 Dist. Depot 13 Sep 45
Granted 6 months Comp. Farm Leave without pay, at own request from 12 Sep 45 to 11 Mar 46.
(H.Mac 2721 (Rep) 6CD/Mc 617 d/5 Sep 45)
F59133 Pte. MacLEAN J.E. TS Coy.

(s) S.O.S. to No. 10 Dist. Depot 13 Sep 45
Granted 60 days Comp. Farm Leave without pay, at own request from 12 Sep 45 to 10 Nov 45.
(H.M. 4330 (Rep) 6CD/M-717 d/1 Sep 45)
B106047 Pte. MOORE J.A. "D" Coy.

(t) S.O.S. to No. 6 Dist. Depot 13 Sep 45
Granted 60 days Comp. Farm Leave without pay at own request from 12 Sep 45 to 10 Nov 45.
(H.A. 1783 (Rep) 6CD/A-302 d/5 Sep 45)
F38962 Pte. ARSENAULT J.E. "E" Coy.

(u) S.O.S. to No. 12 Dist. Depot 13 Sep 45
Granted 60 days Comp. Farm Leave without pay, at own request from 12 Sep 45 to 10 Nov 45.
(H.P. 2832 (Rep) 6CD/P-520 d/4 Sep 45)
K8794 Pte. PARKER J. TS Coy.

STRENGTH DECREASE

(w) S.O.S. ("F" Coy) Holding Establishment to HWE (Adm. Wing) 11 Sep 45

B106723 Pte. JONES K.M. "F" Coy.

(w) S.O.S. Holding Establishment ("E" Coy) to H.W.E. (Adm Wing) 12 Sep 45

(Supy to HWE under HQ 54-27-47-1 (Org 6))

F38947	Pte.	BARRON	D.	"E" Coy.
F38940	Pte.	BLANCHARD	P	
F9589	Pte.	BONNENFANT	J.J.	
F38917	Pte.	BOWEN	H.T.	
F69618	Pte.	BREMNER	R.E.	
F38972	Pte.	COLLINS	R.B.	
F38938	Pte.	CONNORS	W.A.	
F38971	Pte.	DONOVAN	G.F.	
F38973	Pte.	GIBSON	B.L.	
F69719	Pte.	HARDIMAN	J.V.	
F38563	Pte.	KAVANAUGH	M.	
F38970	Pte.	KITSON	C.W.	
F38927	Pte.	LUNN	H.I.	
F38950	Pte.	MacGREGOR	W.B.	
F38912	Pte.	McGILLIVRAY	R.C.	
F25355	Pte.	McGINN	W.A.	
F38923	Pte.	McPHÉE	J.L.	
F69681	Pte.	McRAE	J.R.	
F38925	Pte.	MUNN	F.R.	
F38711	Pte.	PAUL	R.R.J.	
F38968	Pte.	REEVES	L.G.	
F38945	Pte.	REID	F.L.	
F38966	Pte.	SMITH	R.D.	
F59577	Pte.	STAPLES	C.L.	
F38702	Pte.	STEELE	L.J.	
F38921	Pte.	SWAIN	L.H.	
F37123	Pte.	TAYLOR	J.C.	
F38911	Pte.	WOJCIK	W.	
F36922	Pte.	WOODBURY	S.C.	
F69693	Pte.	ADAMS	O.E.	
F59508	Pte.	ANDREWS	L.R.	
F38892	Pte.	CONRAD	L.A.	
F38722	Pte.	CRAIG	H.	
F69658	Pte.	LATTA	J.W.	
F69714	Pte.	LeBLANC	W.J.	
F69619	Pte.	MacDONALD	A.F.	
F69706	Pte.	MacINNIS	M.N.	
F38889	Pte.	MARCHAND	J.	
F69602	Pte.	MUISE	S.J.	
F38941	Pte.	STONE	M.A.	
F69683	Pte.	WARNELL	C.W.	
F69707	Pte.	GILLIS	L.A.	
F37223	Pte.	MacLEAN	C.H.	
F37145	Pte.	VIVA	A.F.	

(x) S.O.S. to No. 6 Dist. Depot 13 Sep 45

(HQ MD 6 Circular Letter 110 d/2 Sep 45)

F38680	Pte.	ATLAS	R.S.	"B" Coy.
F38404	Pte.	BANCKS	M.S.	TS Coy.
F38110	Pte.	BANFIELD	A.S.	TS Coy.
F38559	Pte.	BANKS	B.W.	TS Coy.
F38031	Pte.	BOUDREAU	C.I.	TS Coy.
F38984	Pte.	CALLAGHAN	C.G.	"B" Coy.
F38961	Pte.	CHIASSON	W.P.	"B" Coy.
F38676	Pte.	CONNORS	S.E.	"E" Coy.
F38119	Pte.	D'ENTREMONT	B.L.	TS Coy.

STRENGTH DECREASE (Cont'd)

(a) (Cont'd)

F38469	Pte.	DESVRAUX	S.D.	TS Coy.
F28939	Pte.	DINGEE	D.G.	"
F38691	Pte.	DUGGAN	R.F.	"
F38362	Pte.	FRASER	W.R.	"
F39000	Pte.	FROST	J.W.	"B" Coy
F69699	Pte.	GAUDET	J.W.	"B" Coy.
F38216	Pte.	GOODWIN	M.E.	TS Coy.
F38522	Pte.	HAGEN	F.J.	"F" Coy.
F38494	Pte.	HIGDON	H.S.	TS Coy.
F38638	Pte.	HODDER	H.J.	TS Coy.
F40778	Pte.	JOHNSTONE	H.F.	"B" Coy.
F38818	Pte.	JOHNSTONE	J.A.	TS Coy.
F38777	Pte.	JOY	T.D.B.	TS Coy.
F69715	Pte.	KEATING	F.W.	"B" Coy.
F38976	Pte.	KEATING	R.E.	"B" Coy.
		C.		
F38642	Pte.	LEWIS	A.	TS Coy.
F38156	Pte.	LORETTE	R.E.	"A" Coy.
F38833	Pte.	MacLEAN	A.D.	"B" Coy.
F38065	Pte.	MacNEIL	J.C.	"A" Coy.
F37875	Pte.	McLEAN	J.F.	TS Coy.
F38995	Pte.	MANDERSON	A.L.	"B" Coy.
F38796	Pte.	MATTHEWS	A.M.	TS Coy
F69611	Pte.	MOFFATT	W.	TS Coy.
F38817	Pte.	MOIGNARD	E.J.J.	"A" Coy.
F38025	Pte.	NEWELL	R.G.	"B" Coy.
F38606	Pte.	PYNN	J.M.	TS Coy.
F38445	Pte.	RITCHY	E.B.	TS Coy.
F38490	Pte.	STEWART	N.W.	TS Coy.
F37807	Pte.	TUPPER	A.L.	TS Coy.
F38724	Pte.	WALSHE	R.M.	TS Coy.
F38827	Pte.	WARREN	A.R.	TS Coy.
F24467	BCMS	WILSON	J.B.	"B" Coy.

SECTION I (Cont'd)

"B"

OTHER RANKS

STRENGTH DECREASE

(a) S.O.S. (Cease att as within HWE) to No. 6 Dist. Depot 13 Sep 45

(HQ MD 6 Circular Letter 110 d/2 Sep 45)

F10303 Pte. DENNY D. (Cook RCASC)

(Graham Macleod) Capt. & Adjt.
A-14 C.I.T.C.
Aldershot, N.S.

D.O. No. 219 d/13 Sep 45 A14 C.I.T.C. Sheet No. 8

Para 9

DAILY ORDERS PART II
by

Lt-Col. W.W. MATHERS

Commanding

Order No. 230
26 Sep 45
ALDERSHOT, N.S.

A-14 CANADIAN INFANTRY TRAINING CENTRE

(Last Order Issued No. 229 d/25 Sep 45)

SECTION I
(H.W.E.)

CERTIFIED TRUE COPY

(O.E. MILLER) Capt & Asst Adjt
A-14 C.I.T.C.

"A"
OFFICERS

1. STRENGTH INCREASE
(a) TOS (HQ) from A-34 STC and to command 26 Sep 45
(Auth: NDHQ Pers 136 (4B22) d/21 Sep 45)
Lt-Col. William Whelen MATHERS

2. ADDITIONAL PAY
(a) To draw Command Rates of Pay 24 Sep 45
(Auth: Art 135 PR&I (Can))
Lt-Col. William Whelen MATHERS

"B"
OTHER RANKS

3. ABSENT WITHOUT LEAVE
(a) A.W.L. from 1200 hrs 19 Sep 45 Ret. from A.W.L. 1115 hrs 25 Sep 45
F38291 Pte. STURGESS J.N. Adm. Wing

4. APPOINTMENTS PROMOTIONS & REVERSIONS
(a) Promoted WO II (Confirmed) 26 Jan 45
F02665 Cpl.(a/CSM)(a/WO II) LeCLAIR R.J. TS Coy.

(b) Promoted Cpl. (Confirmed) 10 Jan 45
F50350 Pte.(A/Sgt) DYKE F.W. Adm. Wing

(c) Promoted Sgt. (Confirmed) 1 Nov 44
F41032 Cpl.(A/Sgt) BARDELL C.A. Adm. Wing

(d) Promoted Sgt. (Confirmed) 1 Oct 44
F76[illegible] Cpl.(A/Sgt) LOWE H.L. TS Coy.

5. STRENGTH DECREASE
(a) S.O.S. to No. 6 Dist. Depot 26 Sep 45
(HQ MD 6 Circular Letter No. 114-45)
F76404 Pte.(L/Cpl) McKENZIE A. Adm. Wing

AMENDMENT
(b) Para 13 (c) D.O. No. 225 d/20 Sep 45 insofar as it ref to [illegible] is am'd to read:
"SOS to No. 23 GIBTC, New Market, Ont."
B163040 Pte. CHRISTOPHER R.C.G. "D" Coy.

S E C T I O N II
(Holding Establishment)
"C"
OFFICERS

6. ATTACHMENT
(a) Att EAP from A-34 STC 20 Sep 45
(Auth: A34 STC D.O. No. 211 d/21 Sep 45)
Lt-Col William Whelen MATHERS

(b) Ceases att EAP from A-34 STC 25 Sep 45
(Auth: NDHQ Pers 136 (4B22) d/21 Sep 45)
Lt-Col. William Whelen MATHERS

(c) Cease att Duty R & Q from HQ MD 6 10 Sep 45
Lieut.(A/Capt) L.P. ARLETT

(d) Cease att EAP except pay to No. 2 Transit Camp 20 Sep 45
Lt(A/Capt) Jules Armand RAINVILLE

(e) Ceases att EAP to No. 60 CIDTC 25 Sep 45
Lieut. William Lorne BROWN TS Coy.
(Auth: No. 60 CIDTC Pt.II #147 d)16 Jul 45)

7. LEAVES
(a) Granted 4 days Short Leave with ration allce
27 Sep 45 to 30 Sep 45
2/Lieut. Henry KURYLUK "F" Coy.

8. STRENGTH DECREASE
(a) S.O.S. to No. 3 Dist Depot 26 Sep 45
"To return to Civil Life"(To enter University)
(Auth: No. 60 CIDTC Pt.II #147 d/16 Jul 45)
Lieut. William Lorne BROWN TS Coy.

"D"
OTHER RANKS

9. STRENGTH INCREASE
(a) T.O.S. ("A" Coy) from No. 5 C.C. 23 Sep 45
(Auth: No. 5 C.C. Pt.II #209 d/22 Sep 45)
C135325 Pte. HOOPER Arthur Edison (S) U.C.

(b) Having been S.O.S. A14 C.I.T.C. by Ct. of Inq. held 15 Sep 45 (A.W.L. from 2359 hrs 22 Aug 45) T.O.S. ("A" Coy) at regimental rates of pay on apprehn. at Halifax, N.S. at 1745 hrs 21 Sep 45.
G17960 Pte. HOWARD R.L.

(c) Having been S.O.S. A14 C.I.T.C. by Ct. of Inq. held 9 Aug 45 (A.W.L. from 2359 hrs 17 Jul 45) T.O.S. ("A" Coy) at regimental rates of pay on surrendering himself at Kentville, N.S. at 0015 hrs 25 Sep 45.
F38529 Pte. MURPHY L.

10. ATTACHMENT
(a) Att R & Q from Base P.O., C.P.C. 22 Sep 45
F51228 Pte. McCARTHY R.E.

(b) Ceases att R & Q from Base P.O., C.P.C. 25 Sep 45
C97543 Sgt. GUSHULAK M.G.

AMENDMENT
(c) Para 11 (a) of DO No. 208 d/31 Aug 45 insofar as it ref to u/m is cancelled.
F36691 Pte. DONNELLY R.S.

11. ABSENT WITHOUT LEAVE

(a) A.W.L. from 2359 hrs 24 Sep 45 (1st Publ)

F38695	Pte.	HEARN	G.	TS Coy.
F38872	Pte.	NOLAN	P.J.	"

(b) A.W.L. from 1200 hrs 19 Sep 45. Ret from A.W.L. 1115 hrs 25 Sep 45

F30219	Pte.	JACKSON	R.C.	TS Coy.

AMENDMENT

(c) Para 14 (a) of D.O. No. 220 d/24 Sep 45 insofar as it ref to u/m is cancelled.

F38102	Pte.	McMULLIN	R.H.	TS Coy.

12. LEAVES

(a) Granted 10 days Comp. Leave with ration allce. (R.O. 5523-5) 25 Sep 45 to 4 Oct 45.

F16486	Pte.	PIPPY	W.E.	" " Coy.

(b) Granted 4 days Short Leave with ration allce. 22 Sep 45 to 25 Sep 45

F51040	Pte.(A/Cpl)	POWELL	C.W.	(No. 60 CIBTC)
F51538	Cpl.	McPHEE	S.R.	"
F66327	Pte.(A/Cpl)	COLL	I.M.	"
F66130	Pte.(A/Cpl)	JAYNE	M.D.	"
C98503	Pte.(A/Cpl)	TAYLOR	W.O.	"
C49703	Pte.	BEAUBIEN	M.F.	"
F36919	Pte.(L/Cpl)	BAIN	R.T.	"
C49579	Pte.(L/Cpl)	SNETSINGER	J.D.	"
A125437	Pte.(L/Cpl)	JOHNSTON	H.W.	"
F20478	Pte.(L/Cpl)	DeBAY	S.F.	"

AMENDMENT

(c) Para 4 (a) of D.O. No. 224 d/19 Sep 45 insofar as it ref to u/m is cancelled.

B2422	Pte.(A/Sgt)	BARR	D.W.	"C" Coy.

(d) Para 12 (h) of D.O. No. 224 d/19 Sep 45 insofar as it ref to u/m is cancelled.

A125363	Pte.(L/Cpl)	MYERS	G.P.	"C" Coy.

13. INCREASE IN PAY AMENDMENT

(a) Para 27 (d) of D.O. No. 225 d/20 Sep 45 insofar as it ref to u/m is cancelled.

B635721	Pte.	MURCHIE	A.B.

(b) Para 18 (a) of D.O. No. 223 d/18 Sep 45 insofar as it ref to u/m is cancelled.

A118416	Pte.	CALLAGHAN	A.J.
C78839	Pte.	CHRISTY	D.J.
B123094	Pte.	FORRESTER	G.H.
C78926	Pte.	ROBERTSON	A.

14. PUNISHMENT

(a) Awarded 14 days C.B. for an offence under Sec 15 (1) A.A. A.W.L. from 2359 hrs 19 Sep 45 to 1345 hrs 24 Sep 45 (Absent 4 days 13 hrs 46 mins) (Open arrest) Forf 5 days pay under FR&I 149 (1)(a) 25 Sep 45

F38316	Pte.	HUTCHINSON	A.	TS Coy.

14. PUNISHMENT

(b) Reprimanded for an offence under Sec 40 A.A. (Open arrest) 25 Sep 45
F52776 Pte.(A/Cpl) LOLLEY R.E. TS Coy.

(c) Awarded 5 days C.B. for an offence under Sec 15 (1) A.A. A.W.L. from 2359 hrs 22 Sep 45 to 0900 hrs 23 Sep 45 (Absent 9 hrs 1 min)(Open arrest) Forf 1 days pay under FR&I 149 (1)(a) 24 Sep 45
B106669 Pte. LAWRENCE G.W. "A" Coy.
B106669 Pte. BARNES R.W. "

(d) Awarded 3 days C.B. for an offence under Sec 15 (1) A.A. A.W.L. from 0600 hrs 19 Sep 45 to 1630 hrs 21 Sep 45 (Absent 2 days 10 hrs 30 mins) (Open arrest) Forf 3 days pay under FR&I 149 (1)(a) 24 Sep 45
A51702 Pte. EVANS J.J. "D" Coy.

15. STRENGTH DECREASE

(a) S.O.S. to No. 13 Dist. Depot 26 Sep 45
Granted 4 months Comp Farm Leave without pay at own request from 25 Sep 45 to 24 Jan 46.
(H.M.3967 (Rep) 6CD/M-587 d/1 Sep 45)
M37977 Pte. MORGAN O.E. "A" Coy.

(b) S.O.S. to H.Q. M.D. 6 26 Sep 45
(HC/64-7-6 (A5) d/19 Sep 45)
B105796 Pte. LEONARD V.K. "E" Coy.
B106659 Pte. WIGGLESWORTH J.G. "
C36421 Pte. GRATTAN D.E. "B" Coy.
F59529 Pte. BORSCH M.J. "E" Coy.

(c) S.O.S. to No. 6 Dist. Coy. RCASC on transfer to RCASC 26 Sep 45
(HC/64-7-6 (A5) d/19 Sep 45)
B123206 Pte. LESSARD E.G. "E" Coy.
B106125 Pte. SIMPSON H.N. "
B105991 Pte. STEVENS G. "
F38299 Pte. MOORE B.T. "B" Coy.
B90223 Pte. ROBERTSON D.A. "E" Coy
B106320 Pte. SMITH D.W. "E" Coy.
B106332 Pte. FEDOR N. "
(d) S.O.S. to No. 9 Dist. Depot 26 Sep 45
(MD 6 Telegram A4042 d/22 Sep 45)
C70961 Pte. CRAIG R.H. "C" Coy.

(e) S.O.S. to No. 1 Dist. Depot 26 Sep 45
(H.110-255-16 (A2) d/22 Sep 45)
A51505 Pte. GRAHAM D.D. "B" Coy.

(f) S.O.S. to No. 4 Ord. Depot RCOC on transfer to R.C.O.C. 26 Sep 45
(H.110-255-14 (A2) d/22 Sep 45)
D135375 Pte. HAMEL R. T.S. Coy.
to
(g) S.O.S/ Debert Mil. Hosp RCAMC on transfer to R.C.A.M.C. 26 Sep 45
(HC/64-7-6 (A5) d/19 Sep 45)
K5729 Pte. BROWNING C.G. "E" Coy.
F38920 Pte. JOHNSTONE C.L. "

15. STRENGTH DECREASE

(h) S.O.S. to No. 9 Dist. Depot 26 Sep 45
(Phone Conversation Major Harrison MD 6) (Dis. under ISRC)
C90525 Pte. (L/Cpl) BYRNE L.A. "D" Coy.

(i) S.O.S. to No. 2 Dist. Depot 26 Sep 45
(HC/64-7-6 (A5) d/21 Sep 45)
B629 Pte. GELLER I. "A" Coy.
B106351 Pte. SHERRETT J.R. "
B165373 Pte. REYNOLDS R.B. "
B42229 Pte. CUSHMAN G.A. TS Coy.

(j) S.O.S. to No. 6 Dist. Signals on transfer 26 Sep 45
to R.C. Sigs.
B105927 Pte. PARKER R.E. "F" Coy.
(Auth: HC/64-7-6 (A5) d/19 Sep 45)

(k) S.O.S. to No. 2 Pac Trg. Dn. CIC 23 Jun 45
(Auth: Org 293 d/5 Jun 45)

H30720	Pte.	WEEDON	H.D.	"F" Coy.
H30049	Pte.	WAGNER	R.	"F" Coy.
H30677	Pte.	CHRISTIANSON	E.A.	"F" Coy.
H30749	Pte.	CRAIB	W.J.	"
H16965	Pte.	DOIRON	E.J.M.	"
H30543	Pte.	MORDEN	C.R.	"
H30754	Pte.	BENNETT	L.G.	"
H30784	Pte.	WALKER	D.L.	"
H30817	Pte.	LLOYD	R.G.	"
H30761	Pte.	McPHAIL	J.R.	"
H30757	Pte.	FLATT	W.G.	"
H30696	Pte.	YOUNG	R.K.	"
H30775	Pte.	DANELL	G.J.	"
H30767	Pte.	FERNIE	R.T.	"
H30610	Pte.	SADOWSKI	P.	"
H30719	Pte.	TAYLOR	J.F.	"
H30674	Pte.	MARTIN	K.L.	"
H30634	Pte.	DONAK	J.T.	"
H30721	Pte.	PLEWES	G.D.	"
H30750	Pte.	CADORATH	M.G.	"
H30626	Pte.	COULTER	W.T.H.	"
L108236	Pte.	SCHICK	N.M.	"
L108257	Pte.	BURTNICK	A.	"
B996	Pte.	DENHAM	J.J.	"
H31560	Pte	NAZARCHUK	M.	"

(l) Para 18 (a) of D.O. No. 150 d/25 Jun 45
is hereby cancelled.

(m) Para 20 (k) of D.O. No. 225 d/20 Sep 45 insofar
as it ref to u/m is am'd to read:
"SOS to No. 23 CIBTC, New Market, Ont"

B106142	Pte.	JOHNSTON	L.D.	"C" Coy.
B106523	Pte.	RAMSDEN	N.J.	"E" Coy.
B159333	Pte.	RUSHTON	J.C.	TS Coy.
B154599	Pte.	ZEMAN	J.	TS Coy.
B1290	Pte.	GARSON	J.T.	S. of I.

(n) Para 15 (h) of D.O. No. 149 d/23 Jun 45 insofar
as it ref to all personnel therein are hereby cancelled.

16. ATTACHMENT

(a) [illegible] No. 60 CIDTC 20 Sep 45
(H-110-255-2A (A2) d/14 Sep 45)
F52691 Pte (L/Cpl) PECKHAM R.G.
(On proceeding to No. 6 Dist. Depot)

17. HOSPITAL

(a) Admitted Aldershot Mil. Hosp (Sick) 24 Sep 45
D106651 Pte. CROSBY L.R. "C" Coy.
C[illegible]81 Pte. OLIVER A.C. "C" Coy.
F50470 Pte. WEBB A.R. TS Coy.

(b) Discharged Aldershot Mil Hosp 25 Sep 45
F[illegible]9661 Pte. JOUDREY C.H. "E" Coy.

(c) Admitted Aldershot Mil. Hosp (Sick) 25 Sep 45
A51500 Pte. GOULD R.S. "D" Coy.

[illegible] Capt.
[illegible] Capt. & Adjt.
A-14 C.I.T.C.
Aldershot, N.S.

[illegible] 26 Sep 45 A14 C.I.T.C. Sheet No. 6

RECORD of the Declaration of a Court of Inquiry assembled at Aldershot, N.S.

on the 16th day of April 1945, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. G17960 Pte. Howard R.L.

DECLARATION

The Court declare that No. G17960 (Regt'l No.) Pte. (Rank)

HOWARD (Full Name) Ronald Leroy A.14 C.I.T.C. (Unit)

illegally absented himself without leave from A.14 C.I.T.C.

at Aldershot, N.S. (Place) at 0700 hours on the 25th day of March 1945,

that he is still so absent, and that on the 16th April 1945 he was deficient, and that he is still deficient of the following articles:—

ARTICLES		VALUE		ARTICLES	VALUE	
Blouses battle dress	1	6	50			
Boots ankle prs	2	11	64			
Drawers cotton short prs	1		42			
Trousers battle dress prs	1	6	55			
Badges cap	1		07			
Braces	1		28			
Combs hair	1		04			
Necktie black	1		19			
Shirts khaki cotton	1	1	54			
Shirts undercotton	1		53			
Total		27	66			

G.L. Royal Lieut. A14 C.I.T.C. President
(Name) (Rank) (Unit)

Signed at Aldershot, N.S. (Name) (Rank) (Unit) Member

this 16th day of April 1945 (Name) (Rank) (Unit) Member

Signature of Commanding Officer H.C. MacKendrick Colonel A.14 C.I.T.C.
(Name) (Rank) (Unit)

Certified true copy A Bowler Lt Adjt A14 C.I.T.C.
(Name) (Rank) (Unit)
(Signature of Officer having custody of original record)

M.F.B. 375
A.F.B. 115
150M—10-42 (8550)
H.Q. 1772-39-257

POLICE

CERTIFICATE in accordance with Order in Council P.C. 2797 dated April 10th, 1942, and in General Order No. 127, 1942.

(APPREHENSION BY OR SURRENDER TO SERVICE AUTHORITIES)

I, Major E.E. Bannard (Rank) Cmdg 37 Pro. Coy. C.Pro.C.(CA) (Name) (Unit) (Number)

hereby certify that G 17961 (Number) Pte (Rank) HOWARD Ronald L (Name in full)

of the A-14 C.I.T.C., Aldershot, N.S. (Unit and attachment, if any)

RECEIVED SEP 25 1945 ORDERLY ROOM Infantry Training Centre ALDERSHOT, N.S.

Strike out words not applicable } was apprehended by (~~surrendered~~) L 2268 Cpl. B 116379 Cpl. (Rank) (Number)

STANLEY E.R. No. 37 Pro. Coy. C.Pro.C.(CA)
IRWIN D.E. No. 37 Pro. Coy. C.Pro.C.(CA)
(Name) (Unit or appointment)

at 169 Upper Water St., Halifax N.S. at 1745 (Place) (Hour)

on the 21st day of Sept 19 45

Strike out words not applicable } ~~absentee~~ (or absentee without leave), and that at the time of his arrest he was wearing military (~~civilian~~) uniform (~~[illegible]~~).

Dated at Halifax, N.S. this 22nd day of Sept 19 45

Please return one copy of Charge Sheet to No. 37 Pro. Coy. showing disposition of case.

(E.E. BANNARD) Major,
Cmdg 37 Pro. Coy. C.Pro.C.(CA)
(Signature, Number, Rank, Unit or appointment)

Cost of apprehension - NIL

NOTE—Where the soldier, on surrender or apprehension, has been taken into the custody of a unit or formation, this certificate must be signed by the officer commanding such unit or formation, and not by an officer "for" him.

Where the soldier, on surrender or apprehension has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the officer, warrant officer, or non-commissioned officer in charge of such detachment.

M.F.M. 216
150M—2-44 (3730)
H.Q. 1772-39-1936

Lieut. RAWSAY, D.A.P.M. Staff, notified of the above at 0900 hrs 22 Sept 45.
Notification in person.

CLOSE ARREST

/R

Police Corps

ABSENTEES AND DESERTERS

CERTIFICATE IN ACCORDANCE WITH ORDER-IN-COUNCIL P.C. 58/4015 DATED JUNE 5TH, 1941, AS PUBLISHED IN CANADIAN ARMY ROUTINE ORDER 1877, 1942

(TRANSPORTATION ONLY)

Fill in complete description — I, Capt. (Rank) O.B. Miller (Name) Asst. Adjt. A.14 CITC. (Unit) Aldershot N.S.

Strike out word not applicable — hereby certify that I [redacted] (authorized) the hereinafter itemized transportation for escort

Complete — to proceed from Aldershot N.S. (Place) to Halifax N.S. (Place)

and return to Aldershot N.S. (Place) for the purpose of escorting

Full description of soldier being escorted — G-17960 (Number) Pte. (Rank) HOWARD R.L. (Name in full)

A.14 (Unit) C.I.T.C. Aldershot N.S. (Attachment, if any)

Strike out phrase not applicable — alleged to be a deserter or an absentee without leave, the facts, date and particulars of [redacted] (the transportation required) and the cost thereof for said soldier and escort being as follows:

PARTICULARS	COST
Escort to be- F-3584 Cpl. Ferguson W.E.	
D54973	
ESCORT	
Transportation issued. Return second class (tax included)	$2.80
D54974	
ABSENTEE	
Transportation issued. Single second class (tax included)	$1.40
TOTAL	$4.20

Dated at Aldershot N.S. this 23rd day of Sept. A.D. 1945

(O.B. Miller) Capt & Asst. Adjt A.14 C.I.T.C.

Signature, rank, unit, attachment (if any) and appointment of officer [redacted] (authorizing transportation)

Strike out description not applicable.

Certificate to be completed by officer who issued or authorized the transport warrants or transportation for the return to his corps, unit or station of a soldier alleged to be a deserter or absentee without leave and of the escort for said soldier. *Transportation only.*

Dates of warrants or transportation issued must be set out.
Cost of meals and incidental expenses must be on M.F.B. 1482.

M.F.B. 1481
(Rev.—10-42 (1400))
H.Q. 1212-99-140

Marked "Y." and signed by me.

MAJOR, C.M.
PRESIDENT.

M.F.B. 356
75M—5-43 (145)
H.Q. 1773-29-620
A.F.B. 294

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
G17960	Private	HOWARD, Ronald LeRoy	A-14 CITC

1. The following is a fair and true summary of the entries in the ~~Service~~ ~~Regimental and Disciplinary~~ Field Conduct sheets ~~of Company Commanders~~ of the accused, exclusive of convictions by a Court-Martial or a Civil Court, ~~in Regiment~~ of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	A.W.L.	(3) times	A.W.L.	(8) times
For	. . . .	times	Conduct to the Prejudice	(1) times
For		times	Drunkenness (1st Off)	(1) times
For		times		times

Number of instances of gallantry or distinguished conduct Nil

~~There are no entries in the conduct sheets of the accused.~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. ~~The accused has not previously convicted~~

Previous convictions of the accused by a court-martial or a civil court, ~~in~~ of summary awards under Section 47 of the Army Act and dispensations with trial under A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

~~The accused at the present time is under sentence ..... beginning on the ..... day~~

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 12 days in military custody, making a total of 12 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service~~ attestation paper is 24 yrs 5 mos.

6. The date of his ~~enlistment~~ attestation specified in his ~~record of service~~ attestation paper is 30 MAR 40

7. ~~The service which the accused may reckon towards discharge is~~

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no military decoration, or military reward (~~or in possession of a military decoration~~). State any military decoration or reward. ~~NIL~~ CVSM & CLASP

10. ~~(If the accused is a warrant officer.) The date on which he was made a warrant officer last held in the regular forces of the ..... is .....~~

~~11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of~~ .....

Permanent Force

unit

..... dated ....., and in his regiment (or corps) the rank of

..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ....., ... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the ~~Air Force~~ Army Act, and of cases in which trial has been dispensed with of accused, Number G17960 Rank Pte

Name HOWARD Ronald LeRoy of A-14 C.I.T.C. ~~R.C.A.F.~~ Unit

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
District Court-Martial	Debert, NS 18 MAR 43	~~A.~~ Sec 15(1) AWL from 2359 hrs 5 FEB 43 to 2315 hrs on 26 FEB 43.	42 days Detn	7 Days

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this Second day of Oct. 45

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

O.B. Miller

(O.B. MILLER) Capt & Asst Adjt
A-14 Cdn Inf Trg Centre (CA)

M.F.M. 6

Marked "Z" and signed by me. Date of Birth 17 APR 1921

Date of enlistment or enrolment 20-3-40 Place

Pay Bk. C.M. Sheet No. 2 of *1, 2, 3, 4, 5

*Place check mark against number of sheets in use.

Corps C.I.C.

Reg. No. G17960 Name HOWARD R.L.

Signature O.C. Company, etc. C.R. RAND, Capt

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or order disposing with trial	By whom awarded	Remarks
				Sheet No 1 destroyed 18 JAN 45 The following entries carried forward					
Aldershot, N.S.	8-9-40	Pte		A.A. 15(1) AWL from 0600 hrs 8-9-40 to 2215 hrs 10-9-40 (2 days 16 hrs 15 mins)	L/Cpl FOWLER	14 days C.B.	11-9-40	C.R. RAND, Capt	Forf 3 days pay under FMAI 149 (1) (a)
Aldershot, N.S.								Major Morrisey	
Halifax, N.S.	16-5-41	Pte		A.A. 15(1) AWL from 0800 hrs 16-5-41 to 2145 hrs 25-6-41 (40 days 13 hrs 45 mins)	Documentary	14 days Detn	15-8-41	Lt-Col O.A. Guilford	Total Forf 105 days pay

(P.T.O.)

M.F.M. 5—SDEM—5-44 (3386)
H.Q. 1772-49-1252

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or order dispensing with trial	By whom awarded	Remarks
Mundy's Pt.	25-12-41	GNR		A.A. 15(1) AWL from 1500 hrs 25-12-41 to 0900 hrs 26-12-41 (18 hrs	Bdr FRY C.C.	14 days C.B.	26-12-41	Lt Gover	Forf 1 days pay under FR&I
Mundy's Pt.	19-1-42	Gnr		AA 19 Drunknness (1st Offence)	TSM Patterson L/Sgt Awgle	Admonished	21-1-42	Lt Gover	
St John's	6-8-42	Gnr		AA40 Conduct to the prejudice etc. not alert	L/Bdr Devine	7 days C.B. 19 day pay	6-8-42	Lt Carey	
Debert, N.S.	5-2-43	Gnr		AA.15(1)AWL from 2359 hrs 5-2-43to 2315 hrs 26-2-43(20 days 23 hrs 16 mins)	Bdr O'Connell L/Sgt McNally	42 days Detn	18-3-43	District Court Martial	
S.E. Passage	18-4-44	Gnr		AA.15(1) AWL from 1830 hrs 18-4-44 to 1025 hrs 28-4-44(9 days 15 hrs 55 mins	L/Sgt Horne	14 days C.B. 10 days pay	29 Apr 44	Major C.D. Sills	Forf 10 days pay under FR&I 149(1)(a)
Windsor, N.S.	26-5-44	Gnr		AA.15(1) AWL from 1315 hrs 26-5-44 to 0920 hrs 27-6-44 (31 days 20 hrs 5 mins)	Gnr Smith W. Dpcumentary	16 days Detn Cost of App $33.37	7-7-44	Col AJ.Brooks	32 days pay under FR&I 149(1)(a)
Aldershot, N.S.	8Jan45	Pte		A.A.Sec15(1)Awl from 082359 P Jan 45 to 151615 P Feb 45 Time Absent 37 days 16 hrs 15 mins	Documentary Evidence	28 days detention	27 Feb45	Col H.C. MacKendrick	Forfeits 40 days pay FR&I CofA $45.89

Reg. No. G17960 Name HOWARD R.L.

Signature O.C. Company, etc. A DENNEY, Capt

Corps CIC

Date of enlistment or enrolment 30-3-40

Date of Birth 17 APr 1921

M.F.M. 6

*Place check mark against number of sheets in use.

Sheet No. 3 of *1, 2, 3, 4, 5

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or order dispensing with trial	By whom awarded	Remarks
Aldershot, N.S.	25 MAR 45	Pte		Sec 15 (1) A.A. AWL from 250700 P MAR 45 to 201710 P APR 45 (Absent 26 days 10 hrs 10 minutes)	Documentary	28 dys Detention Costof Apprehension $4.95	26Apr45	(H.C. MacKendrick) Colonel	Forf 60 days pay FRAI
Aldershot, N.S.	19May 45	Pte		Sec 15(1) A.A. AWL from 2359 hrs 19 MAY 45 until 1@120 hrs 8 JUN 45	Documentary Evidence	28 days Det'n	11 JUN 45	Colonel H.C. MacKENDRICK	Forf 51 days pay FRAI

CERTIFIED TRUE COPY

(G.B. MILLER) CAPT & ASST ADJT

A-14 C.I.T.C. (CA)

(P.T.O.)

M.F.M. 6—20M—6-44 (32580)
H.Q. 1773-2P-1432

MEDICAL OFFICER'S REPORT

I certify that No G-17960 Pte. Howard R.L.

of A 14 C.I.T.C. is in a good state of health,

and fit to undergo Trial by Court martial.

J Mordaber Capt.
Medical Officer
(R.C.A.M.C.)

Station Aldershot N.S.

Date 2 OCT 45

M. F. B. 246

25M—2-43 (8525)
H.Q. 1772-29-440

H.Q.C.55-H-345 (JAG/D-3)
Your H.H-1637

13 Oct 45

The District Officer Commanding,
Military District No. 6, Halifax,N.S.

STANDING COURT-MARTIAL

G.17960 Pte. Ronald LeRoy Howard,
A-14 C.I.T.C., C.A.

1. Receipt is acknowledged of the proceedings of the marginally noted Standing Court-Martial which were forwarded by the President named therein.

2. The proceedings are legally regular, the finding is properly made and the sentence is according to law. Pursuant to C.A.R.O. 4565 paragraph 12, the said proceedings are herewith forwarded to you. After they have served your purpose, will you please return the proceedings to this office for custody.

(E.J. Dale) Brigadier
Judge Advocate General.

EPL/MM

BM-7-45(M-188)

THIS COPY FOR: H.Q. C.55-H-345
M.D. H.H-1637 (JAG)

STANDING
GS MEMORANDUM - ~~DISTRICT~~ COURT-MARTIAL

No. G-17960 Name HOWARD, Ronald LeRoy

Rank Pte Unit A-14 CITC CA

Charge AA 15(1) AWL

Date of Crime 22-8-45

Date of Arrest 21-9-45 Charge Signed 26-9-45.

Orders for D.C.M.

Place and Date of Trial A-14 CITC CA; 2-10-45

Sentence Det 30 days; stoppages $4.20

Date of Confirmation

Date of Promulgation

Entered in Records of J.A.G. as No. 40290

Date 12-10-45

MEMO

MD 6 - A-14 CITC CA

Absent	Sentence
1 month	det 30 days.

for Judge Advocate-General

10M-8-45(M-189)

In reply please quote. No.H-1657. (JAG).

DEPARTMENT OF NATIONAL DEFENCE
- A R M Y -

Headquarters, M.D. No.6.
HALIFAX, N.S. 6 Oct. 45.

1780 8 OCT 45
C55-H-345
JAG.

CONFIDENTIAL

The Secretary,
Department of National Defence,
OTTAWA, Canada.

STANDING COURT-MARTIAL:
No.G.17960 Pte. HOWARD, Ronald, LeROY.
No.A-14 C.I.T.C., C.A.

Ref: Your. HQC.55-H-345 (JAG)

1. Proceedings of the m/n Court are forwarded herewith for the consideration of the Judge Advocate General, in accordance with R. O. 4566.

(R. ~~S.~~ BARNES) Major
President Standing Courts-Martial
M. D. No. 6.

RFB/
Encl.

41298

H.Q.C.55-H-345 (JAG)

March 31st, 1943.

The District Officer Commanding,
Military District No. 6, Halifax, N.S.

Re: District Court-Martial,
G.17960 Gnr. D. L. Howard,
5th Special Mobile Anti-Aircraft S/L Troop, RCA., CA

1. Receipt is acknowledged of your H H-1637 dated the 25th March 1943, under cover of which you forwarded for registration and custody the proceedings of the marginally noted District Court-Martial.

2. It would appear that the Finding is supported by the evidence and the Sentence legal, and accordingly the proceedings are retained for custody.

Brigadier,
Judge Advocate-General.

RBL/MM

H.Q. C. 55-H-345
M.D. H H-1637

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. G-17960 Name HOWARD, R.L.

Rank Gnr. Unit 5TH SPECIAL MOBILE ANTI-AIRCRAFT SEARCHLIGHT TROOP, R.C.A. CA

Charge 1- SEC. 15(1) AA ABSENTING HIMSELF WITHOUT LEAVE

2- SEC. 24(2) AA LOSING BY NEGLECT

Date of Crime 1- 5/2/43 2- 26/2/43

Date of Arrest 26/2/43 Charge. Signed 8/3/43

Orders for D.C.M. D.O.C. M.D. #6

Place and Date of Trial Debert, N.S. 19/3/43

Sentence DETENTION 42 DAYS STOPPAGES $5.91

Date of Confirmation 20/3/43

Date of Promulgation 22/3/43

Entered in Records of J.A.G. as No. 8237

Date 31/3/43

MEMO

R.B. Lamb Lieut.
for Judge Advocate-General.

3M-12-42(M1754)

4239 "no file"

IN REPLY PLEASE QUOTE
No. H H-1637

CANADA

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N. S., March 25, 1945.

CENTRAL REGISTRY Army
P.A.R.S. SEC.
655-H-345
MAR 28 1945
File
Chgd. to
Referred to G.A.G.

The Secretary,
Dept. of Nat. Defence,
Ottawa, Canada.

DISTRICT COURT-MARTIAL
G17960, Gunner Ronald LeRoy Howard,
5th Special Mobile Anti-Aircraft S/L Troop, RCA (CA)

Reference the District Court-Martial convened for the trial of Gnr. Howard, 5th Special Mobile A.A. S/L Troop.

1. Attached are the proceedings of this Court which are forwarded for approval and safe custody.

2. With reference to the delay in convening this Court. On the 1st of March, 1945, a letter was received from the Officer Commanding, 5th Special Mobile A.A. S/L Troop, inquiring as to whether the G.O.C., 7th Canadian Division, could convene a Court to deal with this matter. A reply was forwarded on the 2nd of March, stating that the application would have to be forwarded to this District Headquarters as the 5th Sepcial Mobile A.A. S/L Troop was under the command of the D.O.C., M.D.No. 6.

3. The application for District Court-Martial was received on the 7th of March but had to be returned the same day as the Charge Sheet was improperly drawn and improperly signed. The application was again received on the 11th of March, 1945, and the Court convened on the same day.

P. S. Fielding
for

(D.A. WHITE) BRIGADIER,
D.O.C., M.D. No. 6.

DDM/FC

NAT. DEF. E. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

* printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Debert, N.S. on the 19th. day of March 19 43 by order of Brigadier D.A.White, D.S.O., Commanding Military District No. 6 dated the 11th day of March 19 43.

President.

Lieut.-Col. S. McK. Fraser, V.D., No. 6 District Depot, (CA).

Members.

Capt. B. Mitchell, The Lan. & Ren. Scot. Regt., (CA).

Capt. G.B.Taylor, 2nd. Bn. R.H.C., (CA).

Trial of* G-17960 Gunner Ronald LeRoy Howard, 5th. Special Mobile Anti-Aircraft Searchlight Troop, R.C.A.,(CA).

The order convening the Court, the charge-sheet and the summary (~~xxxxxxx~~) of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. X

The accused is brought before the Court.

Prosecutor,† Captain E.P.Marshell, 10th. A.A.Regiment, R.C.A., (CA) (See document marked "X-1" attached)

~~Counsel~~ defending officer† Capt. G.H.P.McInerney, 5th. S.M.A.A. S/L. Troop, (See document marked "X-2" attached).

at 1115 AM clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A. 1 *Answer by accused.* No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
30M—7-42 (5387)
H.Q. 1772-30-224

X I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

S McK Fraser
S.McK. FRASER, Lieut.-Col.
President, D.C.M.

2

B

Sworn The President, and members ~~xxxxxxxxxxxx~~ are duly sworn.

Sworn ~~The xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

Q. 2 Do you object to No. L-2610 C.S.M., D.J.Patenaude, C.M.S.C., (CA), acting as shorthand writer?

A. 2 No Sir.

No. L-2610 C.S.M., D.J.Patenaude, C.M.S.C., (CA), is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 48 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q. 3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A. 3 Guilty. *Answer.*

Q. 4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A. 4 Guilty. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which~~ you have heard read? *Question.*

Answer.

fourth

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to all the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

By S. McK. Grant Lt Col
Precedent

3

~~DRAFT~~ CHARGE SHEET

The accused, Number C17960 Gunner Ronald LeRoy Howard, 5th Special Mobile Anti-Aircraft Searchlight Troop, Royal Canadian Artillery, a soldier of the Canadian Army, placed on Active Service, is charged with:-

FIRST CHARGE
Sec. 15 (1)
Army Act

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at Camp Debert, in the County of Colchester, Province of Nova Scotia, at 2359 hours on the 5th of February, 1943 absented himself without leave from the 5th Special Mobile Anti-Aircraft Searchlight Troop, Royal Canadian Artillery, until he surrendered at 2315 hours on the 26th of February, 1943 dressed in uniform.

SECOND CHARGE
Sec. 24 (2)
Army Act

LOSING BY NEGLECT HIS CLOTHING AND NECESSARIES

in that he

at Camp Debert, in the County of Colchester, Province of Nova Scotia, on the 26th of February, 1943 was deficient of the following articles:-

		C.A.R.O. 1862	C.A.R.O. 1877
Shoes, canvas	1	$2.55	$1.89
Jackets, khaki, drill	1	3.81	2.86
Knives, clasp	1	1.16	1.16
Lanyard	1		
		$7.52	$5.91

H.J. HASKELL, Captain
Officer Commanding,
5th Special Mobile Anti-Aircraft Searchlight Troop,
Royal Canadian Artillery

Debert, Nova Scotia
8th March, 1943

To be tried by District Court-Martial

(W.J. NORTH) LIEUT.-COL.,
A.A. & Q.M.G., M.D. No. 6,
for (D.A. WHITE) BRIGADIER,
D.O.C., M.D. No. 6.

Halifax, N. S.,
March 11, 1943.

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been re-opened, the accused is again brought before it, and the charge to which he pleaded "Guilty" read to him again.]

Guilty

The accused No. G-17960 Gunner Ronald Le Roy Howard, 5th. Special Mobile Anti-Aircraft Searchlight Troop, Royal Canadian Artillery, is found guilty of all the charges.

Guilty *The summary of evidence is read, marked "G", signed by the President, and attached to the proceedings.

Q. 5 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A. 5 *Answer.* Guilty No Sir.

[or hands in a written statement, which is read, marked , signed by the President, and attached to the proceedings.]

Guilty

Instruction.

* If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

6

DD

Smith

Q. 6 Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

Answer.

A. 6 No Sir.

Evidence as to character.

Smith

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused

Guilty

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

Guilty ~~*The Court being re-opened the accused is again brought before it~~

Captain H.J.Haskell, O.C., 5th. S.M.A.A. S/L Troop, is duly sworn.

Evidence of character, etc.

Q.7 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-7 Yes, I produce MFB-355 and MFM-6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y" and "Z" signed by the President, and annexed to the proceedings.

Q. 8 *Question by the President.*

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-8 Yes.

Q. 9 *Question.*

Have you compared the contents of the above statement with the regimental books? *Answer.* 9. Yes.

Q. 10 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 10. Yes.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

Guilty ~~Cross-examined by the accused~~

THE DEFENDING OFFICER DECLINED TO CROSS-EXAMINE.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS WITHDRAWS.

Q. 11 *Question to the accused.*

Do you wish to address the Court? *Answer.* 11. No Sir.

The Court is closed for the consideration of the sentence.

8

F3

Sentence

The Court sentence the accused No. G-17960 Gunner Ronald LeRoy Howard, 5th. Special Mobile Anti-Aircraft Searchlight Troop, Royal Canadian Artillery, to undergo detention for forty-two days and to be put under stoppages of pay until he has made good the value of the following articles, viz:--

Shoes, canvas, 1----------	$ 1.89
Jackets, khaki, drill, 1----------	2.86
Knives, clasp, 1----------	1.16
Lanyard, 1----------	------
Total----------	$ 5.91

Sentence.

Detention.

42 days.

Stoppages.

$5.91.

Signed at Debert, N.S., this 19th. day of March, 1943.

S. McK. Fraser

S. McK. FRASER,
Lieut.-Col.
No. 6 District Depot, (CA)
President.

C O N F I R M E D:

SIGNED at Halifax, N. S., this 20th day of March, 1943.

(D.A. WHITE) BRIGADIER,
D.O.C., M.D. No. 6.

P R O M U L G A T I O N

Promulgated and Extracts taken at Camp Debert Nova Scotia, this Twenty second day of March 1943

H.J. Haskell Capt.
Officer Commanding and Officer in charge of Records
5th Special Mobile Anti Aircraft Searchlight Troop R.C.A.

Extracts entered as No. 6257 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 31 day of March 1943

RBL

X S. McK. Fraser L.D. - CW
President

Orders by Brigadier D. A. White, D.S.C., Commanding

the Military District No. 6.

District Court-Martial
G17960, Gunner Ronald LeRoy Howard, 5th Special Mobile Anti-Aircraft Searchlight Troop, R.C.A. (CA)

Halifax, N.S., March 11, 1945.

The detail of Officers as mentioned below will assemble

at Debert, N. S., on Friday,

the 19th day of March, 1945 at 1115 hours,

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Lieut.-Col. S. McK. Fraser, V.D., No. 6 District Depot (CA) is appointed President.

MEMBERS

Capt. B. Mitchell, The Lan & Ren Scot Regt. (CA)

Capt. G. B. Taylor, 2nd Bn RHC (CA)

WAITING MEMBERS

Lieut. H. M. Peverley, 5th Special Mobile A.A. S/L Troop, R.C.A. (CA)

~~JUDGE ADVOCATE~~

~~Judge Advocate~~ ~~is hereby appointed~~

PROSECUTOR

Capt. D. C. Sinclair, No. 6 District Depot (CA), Permanent Prosecutor District Courts-Martial ~~Prosecutor~~ (is hereby) appointed Prosecutor M.D. No. 6,

DEFENDING OFFICER

The Defending Officer will be ~~is hereby appointed~~ ~~Defending Officer~~ detailed by the O.C., 5th Special Mobile A.A. S/L Troop, R.C.A.

The accused will be warned and all witnesses duly required to attend.

The O.C., 5th Special Mobile A.A. S/L Troop, will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D. No. 6.

Signed this 11th day of March, 1945.

M.F.R. 220
A.F.A. 47
15M—9-41 (3781)
H.Q. 1772-89-544

(F.J. NORTH) LIEUT.-COL.,
A.A. & Q.M.G., M.D. No. 6,
for (D.A. WHITE) BRIGADIER,
D.O.C., M.D. No. 6.

X 1 S. McK. Fraser D Cv
President

IN REPLY PLEASE QUOTE
No. H-H-1637

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N.S., 16th Mar, 1943

Lieut.-Col. S.McK. Fraser, V.D.,
No. 6 District Depot,
c/o O.C., No. 6 District Depot,
Halifax, N.S.

DISTRICT COURT/MARTIAL
G.17960 Gnr. R. LeR. HOWARD
5th Special Mobile A.A. S/L Troop (CA)

Reference District Court-Martial convened for the trial of Gnr. R. LeR. Howard on the 19th March, 1943 at 1115 hours of which you have been appointed President.

2. The under mentioned Officer has been appointed Prosecutor in the Place of Capt. D.C. Sinclair, who is unable to attend.

Captain E. F. Marshell,
10th A.A. Regiment, R.C.A. (CA)

(F. J. NORTH) LIEUT./COL.
A.A. & Q. M. G., M. D. No. 6
For (D. A. WHITE) BRIGADIER,
D. O. C., M. D. No. 6

Smith

NAT. DEF. B. 440
~~3,000 M—4-43 (4322)~~
H.Q. 1772-39-767

1 x 2 d. mk Trial to be President.

13.

5th Special Mobile A.A.S/L Troop
Debert, N.S.
19 March, 1943.

President,
District Court-Martial,
(G17960 Gnr. Howard R.L.)

Defending Officer for Gnr. Howard R.L.

1. Capt. G.H.F. McInerney has been selected to represent the m/n Gunner as defending Officer at his trial by Court-Martial.

H.J. Haskell Captain
Officer Commanding
5th S.M.A.A.S/L Troop

Incl 3

G.S.M. Howard Ronald LeRoy
President

SUMMARY OF EVIDENCE

in the case of

Number G17960 Gnr. Howard Ronald LeRoy, 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A., an soldier of the Canadian Army placed on Active Service.

Charge

1. Absence without leave.
2. Losing by neglect his equipment and regimental necessaries.

Captain H.J. Haskell, Officer Commanding 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A. directs that the evidence be taken on oath.

First Witness:

Number F20284 Gnr.(A/L/Sgt.) McNally G.M., a member of the 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A. having been duly sworn states:

I was Orderly N.C.O. on the 5th day of February, 1943. I made a check up in the barracks at 0001 hrs. 6 Feb. 1943, and Gnr. Howard R.L. was not there. I reported to the Orderly N.C.O. for the following day. It was Bdr. O'Connell.

Q. Should Gnr. Howard Have been in barracks?

A. Yes, Sir. Gnr. Howard's pass was over at 2359 hrs. 5 Feb. 1943.

The accused declined to cross examine the witness.

L/Sgt. McNally G.M.
Signature of Witness

Second Witness:

Number F-7087 Gnr.(A/Bdr.) O'Connell S.N., a member of the 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A. having been duly sworn states:

On the 5th day of February, 1943, Sgt. McNally was Orderly N.C.O. and he made a check-up at around 2359 hrs. and Gnr. Howard was A.W.L. I was orderly N.C.O. the following day which was the 6th of February, 1943 and on the morning parade at 0900 hrs. Gnr. Howard was absent. I immediately reported it to Sgt. Mare on that parade

I was also Orderly N.C.O. on the 27th day of February and on the morning parade at 0900 hrs. Gnr. Howard was present.

Q. Did Sgt. McNally report to you that Gnr. Howard was absent when you relieved him as Orderly N.C.O.?

A. Yes, Sir.

The accused declined to cross examine the witness.

Bdr O'Connell S.N.
Signature of Witness.

Third Witness:

Number F-3932 Gnr.(A/Bdr.) Poirier J.U., a member of the 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A. having been duly sworn states:

At 2315 hrs. 26th day of February, 1943 Gnr. Howard gave me his pass on which I marked the date of return. I immediately

The accused declined to cross examine the wi

Signatur

QUESTION TO THE ACCUSED.

Do you wish to make any statementor to
evidence upon oath?You are not obliged to say an
or give evidence unless you wish to do so. But y
yousay or any evidence you give will be taken down
and may be given in evidence.

Answer by the accused:

I have nothing to say.

I certify that Rules of Procedure 4(c)(d)(e) and
have been complied with.

Taken down by me in the presence of the accused
Camp Debert, Debert, Nova Scotia this 4th day of Ma
1943.

H.J. Haskell

O.C. 5th S.M.A.A.

G. L. McK. Trans. R.O. to President

15

SUMMARY OF EVIDENCE

in the case of

Number G17960 Gnr. Howard Ronald LeRoy, 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A., ~~ax~~ soldier of the Canadian Army placed on Active Service.

Charge

1. Absence without leave.
2. Losing by neglect his equipment and regimental necessaries.

Captain H.J. Haskell, Officer Commanding 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A. directs that the evidence be taken on oath.

First Witness:

Number F20284 Gnr.(A/L/Sgt.) McNally G.M., a member of the 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A. having been duly sworn states:

I was Orderly N.C.O. on the 5th day of February, 1943. I made a check up in the barracks at 0001 hrs. 6 Feb. 1943, and Gnr. Howard R.L. was not there. I reported to the Orderly N.C.O. for the following day. It was Bdr. O'Connell.

Q. Should Gnr. Howard Have been in barracks?
A. Yes, Sir. Gnr. Howard's pass was over at 2359 hrs. 5 Feb. 1943.

The accused declined to cross examine the witness.

L/Sgt. McNally G.M.
Signature of Witness

Second Witness:

Number F-7087 Gnr.(A/Bdr.) O'Connell S.N., a member of the 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A. having been duly sworn states:

On the 5th day of February, 1943, Sgt. McNally was Orderly N.C.O. and he made a check-up at around 2359 hrs. and Gnr. Howard was A.W.L. I was orderly N.C.O. the following day which was the 6th of February,1943 and on the morning parade at 0900 hrs. Gnr. Howard was absent. I immediately reported it to Sgt. Hare on that parade

I was also Orderly N.C.O. on the 27th day of February and on the morning parade at 0900 hrs. Gnr. Howard was present.

Q. Did Sgt. McNally report to you that Gnr. Howard was absent when you relieved him as Orderly N.C.O.?
A. Yes, Sir.

The accused declined to cross examine the witness.

Bdr O'Connell S.N.
Signature of Witness.

Third Witness:

Number F-3932 Gnr.(A/Bdr.) Poirier J.U., a member of the 5th Special Mobile Anti-Aircraft Searchlight Troop R.C.A. having been duly sworn states:

At 2315 hrs. 26th day of February,1943 Gnr. Howard gave me his pass on which I marked the date of return. I immediately

put him under open arrest.

Q. Why did Gnr. Howard give his pass to youinstead of the Orderly N.C.O.?
A. Sir, at the time he reported to me the Orderly N.C.O. was not in barracks and myself being the only N.C.O. there, I considered it my duty to put him under open arrest.

~~Q. Did Gnr. Howard make any statement to you about his absence?~~
A. Yes, Sir. He told me that on the night of the 5th day of February, 1943 he started for the station arriving there a few minutes after the train had left.

Q. Did Gnr. Howard say why he did not take the next train?
A. Being he could not arrive at the Unit on time by returning on the next train he told me he decided to absent himself without leave as he has done.

Q. Did Gnr. Howard make any statement to you to the effect that he figured he would get detention anyway so he might as well stay the whole time?
A. Yes Sir.

Q. Did Gnr. Howard make any statement to the effect that he could only get twenty eight days detention because he returned to the unit before the total absence withput leave amounted to twenty one days?
~~A. Yes, Sir.~~

Q. What are your duties in this unit ?
A. Pay clerk and also in chagge of the orderly room.

The accused declined to cross examine the witness.

J. U. Poirier Bdr.
Signature of witness.

Fourth Witness:

Number F79828 Gunner(A/Bdr.) Rooney J.F. Quartermaster clerk For the 5th. Special Mobile Anti-Aircraft Searchlight Troop R.C.A. having been duly sworn states:

On the 6th. day of Febuary 1943 a kit inspection was made of Gnr. Howard's Kitafter he had been reported as being absent from parade and not in his barracks. The inspection was made by the orderly N.C.O. of the day Bdr. O'Connell and myself and the following articles were found deficient.

		C.A.R.O. 1862	C.A.R.O. 1877
Jackets,serge,drabO.C.	1....	$10.13	$7.60
Trousers,serge,drab,N.P.	1....	4.28	3.21
Neckties,black	1....	.29	.22
Shoes,leather,black	1....	4.41	3.31
Socks,black	1....	.29	.22
Jackets,sweater	1....	1.38	1.04
Shoes,canvas	1....	2.55	1.89
Jackets,khaki,drill	1....	3.81	2.86
Combs,hair	1....	.04	.04
Knives,clasp&lanyard	1....	1.16	1.16
Razor,complete	1....	.39	.39
Total		$28.73	$21.94

The remainder of Gnr. Howard's kit was put im Q.M. Stores. On return to his unit a recheck of all his clothing and necessaries was taken and Gnr. Howard was found to be deficient the following articles:

		C.A.R.O. 1862	C.A.R.O. 1877
Shoes,canvas	1....	$2.55	$1.89
Jackets,khaki,drill	1....	3.81	2.86
Knives,clasp&lanyard	1....	1.16	1.16
Total		$7.52	$5.91

The accused declined to cross examine the witness.

Signature of witness.

J.T. Rooney

QUESTION TO THE ACCUSED.

Do you wish to make any statementor to give evidence upon oath?You are not obliged to say anything or give evidence unless you wish to do so. But whatever yousay or any evidence you give will be taken down in writing and may be given in evidence.

Answer by the accused:

I have nothing to say.

I certify that Rules of Procedure 4(c)(d)(e) and (f) have been complied with.

Taken down by me in the presence of the accused at Camp Debert, Debert, Nova Scotia this 4th day of March, 1943.

H.J. Haskell Captain

O.C. 5th S.M.A.A.S/L Troop

Not 26-2-43 [illegible]

To be handed to the man presenting it [illegible]

PASS

Date 3-2-43

Place Debert, N.S.

Unit 5th Special Mobile A.A. S/L Troop.

No. G17760 Gnr. Howard R.L.

has permission to be absent from his Quarters from 0800

hours [illegible] the 3-2-43 until 1230

hours [illegible] the 5-2-43 for the

purpose of going to Halifax, N.S.

DISTRICT UNIT STAMP FEB 3 1943 R.C.A. Searchlight Troop

[illegible]

[illegible]

Certified true copy

Each issue of orders will be numbered consecutively, commencing on the 1st January [illegible] year, and each item will be given a sub-number.

Officer Commanding

UNIT 5th S.M.A.A. S/L Troop, R.C.A.

PART II ORDERS

N.B.—(1) All casualties affecting an officer's pay and allowances to be shown in Part II Orders.
(2) Every circumstance which affects a soldier's pay, service or documents must be published immediately after its occurrence.

No. 14

STATION Debert, N.S.

DATE 8Feb. 1943

"Last Order Issued No. 13 dated 5-2-43."

SUB. No.	SUBJECT	REGTL. No.	RANK AND NAME	SQDN., COY., ETC.	CASUALTY & REMARKS	DATE
			"A" Officers Nil			
			"B" Other Ranks			
	Hospital:	P8385 P96687 P7304	Gnr. Gamester, A.W. Gnr. Morrison, J.A. Gnr. Goodwin, D.G.		Admitted to Debert Military Hospital eff. 8-2-43.	
	"	P96747	Gnr. Curtis, G.E.		Admitted to Debert Military Hospital eff. 6-2-43.	
	A.W.L. See D.O. N.L. →	G17960	Gnr. Howard, R.L.		A.W.L. from 1050 hrs. 5-2-43.	
	" D/26-2-43. Para 1.	P97441	Gnr. Gallant, M.A.		A.W.L. from 2359 hrs. 6-2-43.	
	Furlough:	P79084	Gnr. (A/L/Bdr.) MacKenzie, A.O.		Having been granted furlough from 0800 hrs. 16-2-43. to 0800 hrs. 2-3-43. (14 days) is auth. to .50¢ per diem ration (($7.00) Auth. Art. [illegible] (4) F.R.&I. Can.	
	Sick Leave:	P79084	Gnr. (A/L/Bdr.) MacKenzie, A.O.		Being confined [illegible] his home at Meagher's Grant, N.S. with sick [illegible] is Authorized sick [illegible] from 0800 hrs. 21-1-[illegible] to 0800 hrs. 16-2-43. Auth. D.M.O., M.D.6 Letter h 162-10-16 dated 30-1-43 and auth. to draw allowance at $1.25 per diem whilst on leave. Total time 26 days. Total Allowance $32.50, Auth. Art. 200(1) F.R.&I. Can.	

N.B.—Copies of Part II Orders when required to be issued will be sent to the District Paymaster concerned and to the Officer in charge of Records (Para. 1494, K.R. & O., 1939), who will retain them for reference.

Officer Commanding or Adjutant

N. F. D. 8724.
(15M-4-42 (4750)
H.Q. 1772-99-324

Certified true copy

Each issue of orders will be numbered consecutively, commencing on the 1st January each year, and each item will be given a sub-number. Officer Commanding

UNIT 6th S.M. A.A. S/L Troop

PART II ORDERS

N.B.—(1) All casualties affecting an officer's pay and allowances to be shown in Part II Orders.
(2) Every circumstance which affects a soldier's pay, service or documents must be published immediately after its occurrence.

No. 16

STATION Debert, N.S.

DATE 13-2-43, 16 11-2-43

"Last Order Issued No. ..... dated ....."

SUB. No.	SUBJECT	REGTL. No.	RANK AND NAME	SQDN., COY., ETC.	CASUALTY & REMARKS	DATE
			"A" Officers			
			Nil			
			"B" Other Ranks			
1.	A.W.L.	317960	Gnr. Howard, H.L.		Absent without leave 2359 hrs. 5-2-43 still absent (8th Corps posting.)	
2.	Hospital:	P 82557	Gnr. Christie, H.P.		Admitted to Debert Military Hospital. eff. 13-2-43.	

N.B.—Copies of Part II Orders when required to be issued will be sent to the District Paymaster concerned and to the Officer in charge of Records (Para. 1494, K. R. & O., 1939), who will retain them for reference.

M. F. D. 873A
DGM-6-42 (4750)
H.Q. 1772-59-554

Officer Commanding or Adjutant

Certified true copy — Officer Commanding 5th Special Mobile A.A.S/L Troop — Capt

Each issue of orders will be numbered consecutively, commencing on the 1st January each year, and each item will be given a sub-number.

UNIT 5th Special Mobile A.A.S/L Troop

PART II ORDERS

by

H.J. Haskell Captain

N.B.—(1) All casualties affecting an officer's pay and allowances to be shown in Part II Orders.
(2) Every circumstance which affects a soldier's pay, service or documents must be published immediately after its occurrence.

No. 22

STATION Debert, N.S.

DATE 28-2-43

Last Order issued No. 21 dated 25-2-43

SUB. No.	SUBJECT	REGTL. No.	RANK AND NAME	SQDN. COY. ETC.	CASUALTY & REMARKS	DATE
			"A" Officers			
			Nil			
			"B" Other Ranks			
1.	Hospital:	F96747	Gnr. Curtis G.E.		Discharged from Debert Military Hospital eff. 25-2-43.	
2.	"	F-8385	Gnr. Gamester A.N.		Discharged from Debert Military Hospital eff. 26-2-43.	
3.	A.W.L.:	G17960	Gnr. Howard R.L.		Returned from A.W.L. 2315 hrs. 26-2-43.	
4.	Punishment:	G17960	Gnr. Howard R.L.		was tried by Officer Commanding at 1400 hrs. 27-2-43 on charges relating to (1) A.W.L. 20 days 23 hrs. 16 min. (2) loss of equipment by neglect. He was sentenced to undergo trial by Court Martial and was ordered under close arrest pending trial.	
5.	Detachment:	G17960	Gnr. Howard R.L.		Detached #6 Det. R.C.O.C. for rations and quarters eff. 27-2-43.	
6.	Attachment:	G17960	Gnr. Howard R.L.		Attached to 26th Field Regt. R.C.A. Debert for rations and quarters eff. 28-2-43.	

7. Amendments:
D.O. Part 11 #19 para. 3 "B":- Delete the word "granted" and substitute "awarded"

8. D.O. Part 11 #17 para. 2 "B" cancelled and the following substituted:- The u/m O.R. having been attested at 5th S.M.A.A.S/L Troop and having enlisted into the Active Force and granted new regimental number as shown is taken on strength at 5th S.M.A.A.S/L Troop for all purposes eff. 15-2-43.

A61430 Gnr. Woofenden F.E. M.D.#2 Cat.(Med.) A1

N.B.—Copies of Part II Orders when required to be issued will be sent to the District Paymaster concerned and to the Officer in charge of Records (Para. 1494, K. R. & O., 1939), who will retain them for reference.

M. F. D. PTSA.
100M-5-42 (4720)
H.Q. 1772-35-254

P.T.O.

Officer Commanding or Adjutant

Unit..5th Special Mobile A.A.S/L. Troop

PART 11 ORDERS
by
H.J. Haskell Captain

No.....22.....
Station.....Debert, N.S.....
Date.....28-2-43.....
Last Order issued No.....21.....dated.....25-2-43.....

9. Amendment:-
D.O. Part 11 #14 para. 2 "B" cancelled and the following substituted:-
G17960 Gnr. Howard R.L. A.W.L. from 2359 hrs. 5-2-43.

10. Strength Return:-

Capt.	1
Lieuts.	3(a)
Sgts.	2(b)
L/Sgts.	6
Bdrs.	8
L/Bdrs.	6
Gnrs.(Active)	44
Gnrs.(H.D.)	3
Total:	73

(a) 1 Officer on strength supernumerary
(b) 1 Sgt. attached from A23TC

H.J. Haskell Captain
Officer Commanding

"Y" Brettnaut Co
President

29

M.F.B. 358
BSM—11-41 (2272)
H.Q. 1772-39-620
A.F.B. 296

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
617960	Gunner	Howard Donald Lo[illegible]	5th [illegible] Troop

1. The following is a fair and true summary of the entries in the [illegible] ~~Service and General Regimental and Squadron, Battery~~ ~~Conduct sheets~~ or Company Conduct sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and of cases in which trial has been dispensed with.

	Within last 12 months		Since enlistment or appointment	
For	Drunkenness	1 times	Drunkenness	1 times
For	Conduct to Prejudice	1 times	Conduct to Prejudice	1 times
For	A.W.L.	1 times	A.W.L.	4 times
For		times		times

~~Number of instances of gallantry or distinguished conduct~~

or,

~~There are no entries in the conduct sheets of the accused.~~

NOTE.—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

~~2. The accused has not been previously convicted~~

or,

Previous convictions of the accused ~~by a court-martial or a civil court,~~ of summary awards under ~~Air Force Act~~ Section 47 of the Army Act and dispensations with trial under ~~A.F.A. 73~~ A.A. 73 are set out in the Schedule annexed to this statement.

3. The accused is not under sentence at the present time.

~~or,~~

~~The accused at the present time is under sentence for ..... beginning on the ..... day of .....~~

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 20 days in ~~Air Force~~ military custody, making a total of 20 days in custody, ~~of which ..... days were spent in hospital.~~

5. The present age of the accused according to his ~~record of service is~~ attestation paper is 21 years 11 months

6. The date of his ~~commission~~ attestation specified in his ~~record of service is~~ attestation paper March 30th, 1940

7. ~~The service which the accused is allowed to reckon towards discharge is ..... years ..... months~~

8. ~~The accused is entitled to reckon ..... service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, ~~or air force~~ military reward (~~or is in possession of or entitled to~~). ~~State any air force decoration or reward military~~

10. ~~(If the accused is a warrant officer.) The accused before he was made a warrant officer last held the regimental rank of~~ ~~Air Force~~ ..... N

30

11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force the rank of ..... Permanent Force unit ..... dated ....., and in his regiment (or corps), the rank of ..... dated .....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

..... Date of promotion.

In the rank of ..... years.

In the rank of ..... years.

In the rank of ..... years.

NOTE.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the ~~Air Force~~ Army Act, and of cases in which trial has been dispensed with of accused, Number 317960 Rank Gunner Unit Name Howard Ronald LeRoy of 5th S.M.A.A. S/L Troop Regiment

NOTE.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted
Commanding Officer	11-8-40 Aldershot, N.S.	A.W.L. Absent 2 days 16 hrs 15 min.	14 days C.B. forfeits 3 days pay	
Commanding Officer	15-8-41	A.W.L. Absent 40 days 13 hrs. 45 min.	14 days Detention forfeiture of 105 days pay.	
Commanding Officer	21-1-42 Mundy's Pond	Drunkenness	Admonished	
Commanding Officer	26-12-41 Mundy's Pond	A.W.L. absent 18 hrs.	14 days C.B. forfeiture of 1 days pay	
Commanding Officer	6-8-42 St. John's	Conduct to prejudice. Not alert.	7 days C.B. 19 days pay.	
Commanding Officer	26-8-42 Ives Point	A.W.L. absent 23 hrs. 23 min.	7 days C.B.	

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this Left 19th day of March 1943 Officer Commanding 8th H.Q. & S.R. Regt R.C.A.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked Y signed by the president, and annexed to the proceedings.

M.F.M. 6
(A.F.B. 122)
50000—11-41 (3698)
Wt. 17120-10-1522

No. 617960 Name Howard R.L. | Sqn., Battery, or Company 5th. S.M.A.A. Group. "C" Corps I.P.C. | Date of enlistment 30-3-40 | G.C. Badges | Tradesmen's Rates of Pay | Sheet No. 2

No. and date of last drunk 19-1-42 | Period not reckoning towards freedom from extra fine | Signature O.C. Company, etc. S.J.H. Harrison Major | Character Fair

"Z" Still Fair and Good Recreda

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
Aldershot N.S.	8-9-40	Pte.		Overstaying leave and remaining Absent without leave from 0600hrs 8-9-40 to 2215hrs. 10-9-40	L/Cpl Fowler	14 days C.B.	11-9-40	Major Herrsey	Forfeits 3 days pay.
Halifax N.S.	16-5-41	Pte		Absent without leave from Mark Connaught S.S. at 0600hrs. 16-5-41 to 2145hrs 25-6-41 (40days 13hrs 45mins) in close arrest from 2145hrs to 2359 hrs. 14-8-41.	Documentary	14days Detention	15-8-41	Lt. Col D.A. Guilsford	Total forfeiture 105 days pay
Mundys Pond	25-12-41	Gnr.		A.W.L. from 1500hrs 25-12-41 to 0900hrs. 26-12-41 Absent 18hrs.	Bdr. Fry C.C.	1 days pay 14 days C.B.	26-12-41	Lt. Gover	
Mundys Pond	19-1-42	Gnr.	1	Drunkeness	T.S.M. Patterson L/Sgt. Amale	Admonished	21-1-42	Lt. Gover	

(P.T.O.)

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				T/W A-145821 issued 5-7-42					
St. John's	6-8-42	Gnr.		Conduct to the Prejudice Not Alert	L/Bdr. Devine	7days C.B. 19 days pay	6-8-42	Lieut Cary	
Ives Point	25-8-42	Gnr.		A.W.L. 23Hrs. 45 Mins	L/Bdr. O'Connell Sgt. Hare	7days C.B.	28-9-42	H.J. Haskell	
				Sentence suspended [illegible]					
				[illegible]					
				Officer Commanding [illegible]					
				[illegible]					

MEDICAL OFFICER'S REPORT

I certify that No. G-17960 Gnr. Howard, R. L.
of 5th Mot. AA Bde. is in a normal state of health,
and fit to undergo Trial by Court martial.

J. A. Beaumont Capt
Medical Officer R.C.A.M.C.

Debert Military Hospital, R.C.A.M.C.
Station

Date Mar 19/43.

M. F. B. 246
HM—4-43 (6744)
H.Q. 1773-20 600

COUNTER NUMBER 55960

HOUR 1625

OPERATOR'S INITIALS MJ

RELIEVING OPERATOR GP

H.Q.C. C.55-H-346 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

CPL. C.W. HAMER, F-92733

NO.6 DISTRICT COY. R.C.A.S.C.

DEAD

CONFIDENTIAL
H.Q.C. C.55-H-346

CENTRAL REGISTRY	DATE	P.A. OR D.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
(If purpose for which referred cannot be expressed on one line, add minute to file and refer here with Minute)							
				JAG	New file	CR	30/3/43
APR 3 1943	84/43	P.A.	LDA	AD	Tonnelle TPA	H.K.B.	2/4/43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the official file number.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-346(JAG)

April 2nd, 1943.

District Officer Commanding,
Military District No. 6,
HALIFAX, N. S.

Re: DISTRICT COURT-MARTIAL.
F.92733 Cpl. Clifford William HAMER
No. 6 District Depot, R.C.A.S.C.

Receipt is acknowledged of your H-H-1664, dated the 26th March, 1943, under cover of which you forwarded for registration and custody, the Proceedings of the marginally-noted District Court-Martial.

2. It would appear that the Proceedings are in order. As the Finding is supported by the evidence and the Sentence legal, they are retained for custody.

Brigadier,
Judge Advocate-General.

HFGB/S.

H.Q. C. 55-H-346
M.D. H-H-1664

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. F-92733 Name HAMER, C.W.

Rank Cpl. Unit No. 6 DISTRICT CO., R.C.A.S.C. CA

Charge 1- SEC. 9(1) AA DISOBEYING IN SUCH A MANNER AS TO SHOW A WILFUL DEFIANCE OF AUTHORITY, A LAWFUL COMMAND GIVEN PERSONALLY BY HIS SUPERIOR OFFICER IN THE EXECUTION OF HIS OFFICE

(Alternative)
2- SEC. 9(2) AA WHEN ON ACTIVE SERVICE DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER

Date of Crime 10/3/43

Date of Arrest Charge. Signed 10/3/43

Orders for D.C.M. D.O.C. M.D. #6

Place and Date of Trial Halifax, N.S. 22/3/43

Sentence REDUCED TO THE RANKS DETENTION 20 DAYS

Date of Confirmation 24/3/43

Date of Promulgation 26/3/43

Entered in Records of J.A.G. as No. 8236

Date 31/3/43

MEMO

NOT GUILTY OF FIRST CHARGE

H.F.G. Bridges, Capt.
for Judge Advocate General.

3M-12-42(M1754)

No file
8236

IN REPLY PLEASE QUOTE
No. H-H-1664

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N.S., 26th March 1943

Secretary,
Department of National Defence,
Ottawa, Ontario

CANADIAN MILITARY ARMY
PERS. SEC.
MAR 29 1943
File
Chgd. to
Referred to

DISTRICT COURT/MARTIAL
F.92733 Cpl. Clifford William HAMER
No. 6 District Company, R.C.A.S.C.

Reference District Court-Martial held in connection with Cpl. C. W. HAMER, No. 6 District Company, R.C.A.S.C.

2. Attached are the proceedings of the Court for approval and safe custody.

P. S. Fielding
(D. A. WHITE) BRIGADIER, Ltcol
D. O. C., M. D. No. 6

N.D. 23
1,500M—7-42 (5219)
H.Q. 1773-101-93

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for District Courts-Martial

Proceedings of a District Court-Martial held at Glacis Barracks, Halifax, N.S. on the 22nd. day of March 1943 by order of Brigadier D.A.White, D.S.O., Commanding Military District No. 6. dated the 14th day of March 1943.

President.

Major J.D.Macintyre, M.C., No. 6 District Depot, (CA), Permanent President District Courts-Martial M.D. No. 6.

Members.

Capt. C.M.Reade, 2nd. Bn. R.H.C., (CA).

Lieut. J.S.Baillie, 2nd. Bn. R.H.C., (CA).

Trial of* F-92733 Corporal Clifford William Hamer, No. 6 District Company, R.C.A.S.C., (CA).

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. X

The accused is brought before the Court.

Permanent Prosecutor,† Capt. D.C.Sinclair, No. 6 District Depot, (CA) District Courts-Martial M.D. No. 6. (See document marked "X-1" attd)

defending officer† Lieut. A.D.Lang, No. 6 Dist. Coy., R.C.A.S.C., (CA)(See document marked "X-2" attd)

at 10AM o'clock the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).

† Here state Rank and Name, and Regiment (if any).

‡ Qualification to be stated.

Mil. Form B. 271
20M—7-42 (5387)
H.Q. 1772-39-224

X I have satisfied myself that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

J.D.MACINTYRE, Major,
Permanent President, District Courts-Martial M.D. No. 6.

B

The President and members are duly sworn.

Q. 2 Do you object to No. L-2610 C.S.M., D.J.Patenaude, C.M.S.C., (CA), acting as shorthand writer?

A. 2 No Sir.
No. L-2610 C.S.M., D.J.Patenaude, C.M.S.C., (CA), is duly sworn as shorthand writer.

Charge-Sheet

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q. 3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A. 3 Not Guilty. *Answer.*

Q. 4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A. 4 Not Guilty. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

Are you guilty or not guilty of the fourth charge against you, which you have heard read? *Question.*

Answer.

The accused having pleaded Guilty to charge, the ~~provisions of Rule of Procedure 35 (B) are here complied with.~~

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

"B-2"

John D. Macintyre Major
President D.G.M.

CHARGE SHEET

The accused, F-92733, Corporal Clifford William Hamer, No. 6 District Company, R.C.A.S.C. (CA), a soldier of the Canadian Army placed on Active Service, is charged with:-

FIRST CHARGE
Section 9 (1), Army Act.

DISOBEYING IN SUCH A MANNER AS TO SHOW A WILFUL DEFIANCE OF AUTHORITY, A LAWFUL COMMAND GIVEN PERSONALLY BY HIS SUPERIOR OFFICER, IN THE EXECUTION OF HIS OFFICE,

in that he,

at Halifax, Nova Scotia, on the 10th March, 1943, when personally ordered by Lieutenant C.W.W. Tanner, No. 6 District Company, R.C.A.S.C. (CA) to drive a staff car on a duty run for the District Recruiting Officer, did not do so after having previously said "I refuse to do this Detail".

SECOND CHARGE
(Alternative)
Section 9 (1), Army Act.

WHEN ON ACTIVE SERVICE DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER,

in that he,

at Halifax, Nova Scotia, on the 10th March, 1943, did not drive a staff car on a duty run for the District Recruiting Officer when ordered to do so by Lieutenant C.W.W. Tanner, No. 6 District Company, R.C.A.S.C. (CA).

C.M. Chandler

Halifax, Nova Scotia.
10th March, 1943.

(C.M.Chandler) Major,
Officer Commanding,
No. 6 District Company,
R. C. A. S. C. (C.A.).

To be tried by District Court-Martial.

W.M. King

Halifax, N. S.,
March 14, 1943.

(W. M. KING) COLONEL,
D.A.A.G., M.D. No. 6,
for (D.A. WHITE) BRIGADIER,
D.O.C., M.D. No. 6.

C—

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 29 (A)) Question.

Q. 5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

A. 5 *Answer.* No Sir.

The prosecutor declines to make an opening address. ~~[illegible]~~

The prosecutor proceeds to call witnesses.

First witness for prosecution. W-6010 Pte. R. Moore, (C.W.A.C.) No. 6 District Company, R.C.A.S.C., (CA),

being duly sworn, is examined by the prosecutor.

Q. 6 In what capacity are you employed with your Unit?

A. 6 I am employed in the detail office as despatcher.

Q. 7 Do you know the accused?

A. 7 Yes Sir.

Q. 8 Can you identify him in Court?

A. 8 Yes Sir.

Q. 9 Would you point him out?

A. 9 The witness pointed to the accused.

Q. 10 Did you see the accused on the afternoon of the 9th. of March, 1943?

A. 10 Yes Sir.

Q. 11 Will you please relate the circumstances to the Court?

A. 11 At approximately 1500 hours on the afternoon of the 9th. Cpl. Hamer came into the detail office and asked me to tell Lieut. Tanner that he would not be taking the detail given him. I gave Lieut. Tanner this message and at approximately 1700 hours he had me send for Cpl. Hamer, and when Cpl. Hamer came to the detail office Lieut. Tanner gave him the order and he again refused. As near as I can remember Lieut. Tanner said: "Cpl. Hamer you will take the Plymouth on the recruiting trip and be ready to leave at

A. 1 Continued. 1400 hours tomorrow". Cpl. Hamer's answer was "I refuse to go, Sir".

Q. 12 Those were the words used by the accused?

A. 12 Yes Sir, as near as I can remember. Cpl. Hamer and Lieut. Tanner left the detail office and Lieut. Tanner came back to tell me to have Cpl. Tozer to stand by for the same detail. I gave Cpl. Tozer the order.

Q. 13 Was the duty detail mentioned carried out on the 10th. of March by the accused?

A. 13 No Sir.

Q. 14 By whom was it carried out?

A. 14 By F-77618 Cpl. M.J.Tozer, No. 6 District Coy., R.C.A.S.C.,(CA).

CROSS-EXAMINED BY DEFENDING OFFICER.

Q. 15 When did you originally detail the accused and how did you detail him?

A. 15 It was at approximately 1300 hours on the 9th. that Cpl. Hamer came into the office and I told him that Lieut. Tanner had sent down word that he was to go on a recruiting trip.

Q. 16 Previous to your detailing him was anyone else mentioned?

A. 16 Cpl. Mahaffey's car was going, but she was not mentioned as the driver.

Q. 17 Was the accused questioned by Lieut. Tanner in your presence as to why he did not want to go on this detail?

A. 17 No Sir.

Q. 18 He was not asked the reason?

A. 18 No Sir.

Q. 19 There were other available drivers for this were there?

A. 19 Yes Sir.

Q. 20 Did Lieut. Tanner tell you to tell Cpl. Hamer that he had until 1400 hours the next day?

A. 20 Yes Sir.

THE PROSECUTOR DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q. 21 Did you, in fact, tell Cpl. Hamer that he had until 1400 hours?

A. 21 Yes Sir.

Q. 22 When, approximately?

A. 22 I cannot remember.

Q. 23 Was it that day?

A. 23 I believe it was after supper.

R.P. 83 (B) HAS BEEN COMPLIED WITH.

THE WITNESS WITHDRAWS.

Second Witness for Prosecution. Lieut. C.W.W.Tanner, No. 6 District Company, R.C.A.S.C., (CA), being duly sworn, is examined by the Prosecutor.

Q. 24 In what capacity are you employed with your Unit?

A. 24 I am employed as officer in charge of M.T.

Q. 25 Do you know the accused?

A. 25 I do.

Q. 26 Can you identify him in Court?

A. 26 Yes Sir.

Q. 27 Point him out?

A. 27 The witness pointed to the accused.

Q. 28 Did you see the accused on the afternoon of the 9th. of March, 1943?

A. 28 I did.

Q. 29 Did you speak to him?

A. 29 I did.

Q. 30 What did you say?

A. 30 Pte. Moore who acts for me in the detail office in giving details to drivers had been given instructions by me that Cpl. Hamer was to take a certain detail. She advised me that he had refused. I then went down to the detail office at about 1700 hours. Cpl. Hamer was not there and I had him sent for. When Cpl. Hamer came in I instructed Cpl. Hamer to take this certain detail.

Q. 31 What was the nature of the duty ordered to be performed?

A. 31 Lieut.-Col.Saunders, who is District Recruiting Officer, was taking a four-day trip and I had ordered Cpl. Hamer to drive a Plymouth staff-car for Lieut.-Col. Saunders while on this trip.

Q. 32 That Plymouth staff-car, is that a D.N.D. vehicle?

A. 32 Yes Sir. M. 42-283. The reason why I picked Cpl. Hamer was due to uncertain weather and road conditions. Cpl. Hamer is one of my best drivers.

Q. 33 Will you give the Court, as exactly as possible, the words used in giving this detail to Cpl. Hamer?

A. 33 When Cpl. Hamer came into the detail office I said : "Cpl. Hamer you will take Cpl. Mahaffey's car and drive Lieut.-Col. Saunders on his trip. You will leave here at 1400 hours on the 10th. and return sometime Saturday". Cpl. Hamer's reply was: "I refuse to do this detail, Sir". I asked for a reason and none was given. I then explained to him what would happen if he did not carry out the detail. On March 10th. at 1130 hours, due to the detail being changed from 1430 hours to 1200 hours, I had Cpl. Hamer sent up to my office. I again gave Cpl. Hamer the order as before to carry out the mentioned detail at 1200 hours.

Q. 34 At what time did you give him this second detail?

A. 34 At approximately 1130 hours.

Q. 35 You gave him that detail personally?

A. 35 Personally. Major Chandler and S/Sgt. Lewis were in the office at the time.

Q. 36 What was his answer?

A. 36 "I refuse to do it, Sir", and again no reason was advanced.

Q. 37 Was he given an opportunity to carry out the detail ordered?

A. 37 He was again instructed what would happen if the order was not carried out, and that he had until 1200 hours to make up his mind.

Q. 38 Was the duty detailed carried out on the 10th. of March by the accused?

A. 38 No Sir. It was not.

Q. 39 By whom was it carried out?

A. 39 It was carried out by Cpl. Tozer.

Q. 40 Was the detail ordered to be performed by Cpl. Hamer one within his regular military duties?

A. 40 Yes Sir.

CROSS-EXAMINED BY DEFENDING OFFICER.

Q. 41 Is the accused a Sub-section N.C.O. in the M.T. Section?

A. 41 Yes Sir. Sub-section N.C.O's are detailed to look after the sub-section personnel, vehicles, and when short of drivers they act as drivers. Under normal operating conditions they are responsible for road-patrol.

Q. 42 Are you aware that, in your absence on a course, four sub-section N.C.O's were notified by Capt. Hall, D.S. & T.O. Officer that they were not to drive?

A. 42 No. I do not think Capt. Hall would issue such an order as all personnel of an M.T. Section are drivers.

Q. 43 You say all personnel of an M.T. Section are drivers, do they all drive, are they all sent on details?

A. 43 If the necessity arises they are all liable for that duty.

Q. 44 To your knowledge, were Cpl. Mahaffey or Pte. Schwartz notified that they would go on this detail previous to Cpl. Hamer being notified?

A. 44 No, because as noted in my previous evidence I would not permit a C.W.A.C. to take the detail due to uncertain weather conditions and bad road conditions.

Q. 45 You said a few minutes ago that at 1700 hours on the 9th. of March the accused personally told you that he would refuse to carry out this detail?

A. 45 No he did not say he would refuse, he stated definitely "I refuse to do this detail".

Q. 46 Did you question the accused at that time as to why he would not carry out this detail?

A. 46 After I told him what that attitude would bring forth I went outside with him and asked if he had any reason for refusing to do the detail.

Q. 47 When the accused was paraded to you at 1130 hours the following morning, the 10th, did you ask him then why he refused?

A. 47 The accused was not paraded before me the following morning.

Q. 48 When you sent for the accused at 1130 hours on the next day and you told him to go on this detail and he again refused, did you ask him why?

A. 48 I asked him if he had any reason.

Q. 49 I am reading from the summary: "I had Cpl. Hamer sent for and when he arrived at the detail office I have him the order myself and his reply was ""I refuse to do this detail"". No reason was advanced for the refusal". You told us a few minutes ago, that you asked him why?

A. 49 Yes, that's right, and I asked him again outside. If I remember rightly I asked Cpl. Hamer three times if he had any reason for his attitude towards this detail.

Q. 50 Were you in your office between 1140 and 1200 hours on the 10th?

A. 50 I was with Major Chandler and S/Sgt. Lewis.

Q. 51 Can you tell me why Cpl. Hamer was not paraded to you until 1205 hours?

A. 51 Because Major Chandler and I were busy.

Q. 52 Did anyone advise you that Cpl. Hamer was outside waiting for an interview?

A. 52 About twelve o'clock they told me about it.

QUESTIONED BY THE COURT.

Q. 53 You said that on the first occasion, when Cpl. Hamer did not wish to do the detail, that you went outside with him and you again asked him for a reason?

A. 53 Yes Sir.

Q. 54 Did he make any reply?

A. 54 He said something that he did not think he should drive. I said "all N.C.O's have to drive vehicles".

Q. 55 How long before this detail was it that Cpl. Hamer last drove, how long a time had elapsed?

A. 55 It might have been a few hours, or it might have been a day. I cannot say that he had a detail before, that he was detailed to do a duty before, but in the course of his duties he was driving vehicles around the park here.

Q. 56 To your knowledge, had he done a detail of a similar nature?

A. 56 I cannot say.

Q. 57 Did Cpl. Hamer mention to you that he had been ordered by the D.S. & T.O. not to drive?

A. 57 No Sir.

RE-EXAMINED BY THE PROSECUTOR.

Q. 58 Did Cpl. Hamer, on the 10th. of March, after twelve oclock finally advance a reason as to why he did not wish to take the detail?

A. 58 After Cpl. Hamer was placed under close arrest he advanced the reason that he expected to move on Saturday, which I believe was the 13th. of March. My reply was: "why did you not give that reason when I asked you before, instead of coming out with a flat refusal".

QUESTIONED BY THE COURT.

Q. 59 Did you know, prior to this time that Cpl. Hamer was planing to move?

A. 59 No, I did not. I believe it was 1205 hours on the 10th.

Q. 60 You did find out, though, while it was still time to carry out the duty?

A. 60 No I did not. The detail had to leave here at approximately 1150 hours and after Cpl. Hamer had been put under close arrest he stated that he expected to move on Saturday.

R.P. 83 (B) HAS BEEN COMPLIED WITH.

THE WITNESS WITHDRAWS.

Third Witness for Prosecution. F-92750 Sgt. (A/S/Sgt.) D.F. Lewis, No. 6 District Company, R.C.A.S.C., (CA), being duly sworn, is examined by the Prosecutor.

Q. 61 In what capacity are you employed with your Unit?

A. 61 M.T. accountant.

Q. 62 Do you know the accused?

A. 62 Yes Sir.

Q. 63 Can you identify him in Court?

A. 63 Yes Sir.

Q. 64 Point him out?

A. 64 The witness pointed to the accused.

Q. 65 Did you see the accused on the morning of the 10th. of March, 1943?

A. 65 Yes Sir.

Q. 66 Were you alone?

A. 66 I was with Major Chandler and Lieut. Tanner.

Q. 67 Will you relate the circumstances to the Court?

A. 67 At approximately 1130 hours on the 10th. of March I was in the M.T. office in the presence of Major Chandler and Lieut. Tanner. Lieut. Tanner gave Cpl. Hamer a detail to perform at 1200 hours. He refused to do so.

Q. 68 Can you, as nearly as possible, give us the exact words used?

A. 68 As near as I can remember, "I refuse to do it".

Q. 69 What happened after that?

A. 69 He was told to go on the detail at 1200 hours and if he had not gone at 1205 hours he was to be put under close arrest.

Q. 70 What did happen?

A. 70 I had gone out in the yard for some duty and when I came back at approximately 12 o'clock Sgt. Bowser and Cpl. Hamer were in the office. Cpl. Hamer said: "I would like to be paraded before Lieut. Tanner".

Q. 71 Was he?

A. 71 Yes Sir. Lieut. Tanner was on the phone at the time. I paraded Cpl. Hamer into his office.

Q. 72 Did you remain there?

A. 72 I remained there.

Q. 73 What conversation did you hear?

A. 73 I heard Cpl. Hamer give the excuse that he was moving and that was his reason for not going on the detail

CROSS-EXAMINED BY DEFENDING OFFICER.

Q. 74 In your presence, before the time you paraded the accused to Lieut. Tanner before 1205 on the 10th., did Lieut. Tanner ask him why he did not want to go.

A. 74 Not to my knowledge.

Q. 75 You left the office shortly after 1130 to go to the garage?

A. 75 Yes Sir.

Q. 76 You saw the accused there?

A. 76 Yes Sir.

Q. 77 Did you not then tell him that he was being unwise in not advising Lieut. Tanner why he did not want to do this detail?

A. 77 I told him he should either go on the detail at 1200 hours or be paraded and give an excuse.

Q. 78 Did the accused ask you to parade him then?

A. 78 No Sir. I told him if he decided to be paraded to see Sgt. Bowser and be paraded in case I was not there, or otherwise go on his detail or he would be put under close arrest at 1205 hours, if he had not carried out this detail.

Q. 79 Do you know how long Sgt. Bowser was waiting in the outside office to see Lieut. Tanner?

A. 79 No Sir, I do not.

Q. 80 You came up shortly before twelve o'clock and immediately paraded him in?

A. 80 No Sir. Lieut. Tanner was busy in the office. He was on the phone.

THE PROSECUTOR DECLINES TO RE-EXAMINE.

R.P. 83 (B) HAS BEEN COMPLIED WITH.

THE WITNESS WITHDRAWS.

At this stage the Prosecutor informed the Court that he did not intend to call any further witnesses but offered Major Chandler for cross-examination by the Defending Officer and the Defending Officer declined to cross-examine this witness.

THE PROSECUTOR HAS NO FURTHER WITNESSES.

THE PROSECUTION IS CLOSED.

"The Defence submits that a prima facie case has not been established by the Prosecution with respect to both charges. (See document marked "G" attached).

The Court is closed to consider their decision.
The Court disallows the submission of the Defence and the Court reopens and the decision is announced.

D

JDM

~~The prisoner's book~~

Defence

Q.81 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.81 *Answer.* Yes Sir.

Q.82 *Question.* Do you intend to call any other witness in your defence?

A.82 *Answer.* Yes Sir.

A.83 *Question.* Is he a witness as to character only? *Answer.* 83. No Sir.

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

The evidence of the accused (and of the witnesses for the defence including witnesses as to character) is recorded on a separate page (*see overleaf*).

(Where the accused does not give evidence upon oath.)

~~*Question to the accused.* Have you anything to say in your defence?~~

Answer. The accused in his defence says†

[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]

JDM

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

First Witness for the Defence.

The Accused, No. F-92733 Corporal Clifford William Hamer, No. 6 District Company, R.C.A.S.C., (CA), being duly sworn, is examined by the Defending Officer.

Q. 84 You are F-92733 Cpl. C.W.Hamer?

A. 84 Yes Sir.

Q. 85 What were your reasons for not wishing to carry out this driving detail, just in your own words, give us your reason?

A. 85 I live out of barracks. My wife and myself had to move to get out of the place we were in by the 15th. I had no way of getting any help to move. My wife could not help me because she was going to have a baby.

Q. 86 Was there any way in which you felt that you were entitled to this time off?

A. 86 Yes Sir. I was on duty the Sunday afternoon and Sunday night of the 7th. It was my week-end off. Previous to that I was to Sydney with a snow-plow.

Q. 87 Did Major Chandler, Lieut. Tanner or S/Sgt. Lewis question you before you were paraded as to why you did not want to go on this detail?

A. 87 No Sir.

Q. 88 When you were finally paraded to Lieut. Tanner at 1205 hours on the 10th., to your knowledge had any other driver already left on this detail?

A. 88 No Sir. Not when I was paraded.

Q. 89 You had Sgt. Bowser parade you, at what time did he parade you to Lieut. Tanner?

A. 89 At 1145 hours, Sir.

Q. 90 If you had been able, at 1145 hours, to see Lieut. Tanner would you have changed your mind and gone on this detail?

A. 90 I could have talked it over with him.

CROSS-EXAMINED BY THE PROSECUTOR.

Q. 91 You had from 1700 hours on the 9th. of March until twelve oclock on the 10th. to explain why you did not wish to go on this detail, why did you not attempt to explain this during this interval and not wait until the last few minutes?

A. 91 I had a lot of things on my mind.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q. 92 How long have you been married,roughly?

A. 92 Three months.

R.P. 83 (B) HAS BEEN COMPLIED WITH.

THE WITNESS RESUMES HIS SEAT.

Second Witness for the Defence. F-25334 Sgt. G.M.Bowser, No. 6 District Company, R.C.A.S.C., (CA), being duly sworn, is examined by the Defending Officer.

Q. 93 On the 10th. of March, did you parade the accused to see Lieut. Tanner?

A. 93 Yes Sir.

Q. 94 At what time?

A. 94 At a quarter to twelve in the M.T. office.

Q. 95 Who suggested that you do this?

A. 95 Cpl. Hamer. I seen him talking to S/Sgt. Lewis, then Cpl. Hamer asked to be paraded before Lieut. Tanner, therefore I paraded him at a quarter to twelve and Lieut. Tanner was busy at the present which he did not see him until five after twelve. I then handed Cpl. Hamer over to S/Sgt. Lewis who paraded him before Lieut. Tanner.

Q. 96 Was Cpl. Tozer, who had been selected to do this detail, if the accused did not do it, in the office at any time while you were waiting?

A. 96 In the M.T.office?

Q. 97 Yes?

A. 97 Not that I remember.

THE PROSECUTOR DECLINES TO CROSS-EXAMINE.

QUESTIONED BY THE COURT.

Q. 98 You said that Lieut. Tanner was busy at the time, at a quarter to twelve?

A. 98 Yes Sir.

Q. 99 What did you do with the accused while waiting until Lieut. Tanner was free?

A. 99 I stood in the outside office.

Q. 100 Did you go in with him?

A. 100 Yes Sir. I paraded him in.

Q. 101 What happened then?

A. 101 Lieut. Tanner was busy on the phone so I stood outside the M.T. office with Cpl. Hammer until five after twelve.

Q. 102 Did you get him into Lieut. Tanner's office?

THE WITNESS WITH

THE DEFENDING OF

Second Witness for Prosecution. (Recalled)	The Court in acc recalls Lieut. C R.C.A.S.C., (CA) to the President
Q. 111	Is it correct th for refusing to in close arrest?
A. 111	That's right.
Q. 112	Do you know who
A. 112	Major Chandler.
Q. 113	At what time?
A. 113	Approximately s
Q. 114	Was Major Chan
A. 114	Yes Sir, Major
Q. 115	Was he put unde explain his err
A. 115	Yes Sir. He w asked him why h and then he gav on the Saturday
Q. 116	Who asked why h
A. 116	Major Chandler I am not just s he expected to close arrest.

R.P. 83 (B) HAS

THE WITNESS WIT

The Defending C
(See

The Prosecutor
(See

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

The Court is closed for the consideration of the finding.

The Court find that the accused No. F-92733 Corporal Clifford William Hamer, No. 6 District Company, R.C.A.S.C., (CA), is not guilty on the first charge but guilty on the second charge.

The finding of "not guilty" on the first charge was set in Open Court JAM

JAM

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

*The Court being re-opened, the accused is again brought before it.

Lieut. A.D.Lang, No. 6 District Company, R.C.A.S.C., (CA) is duly sworn.

Evidence of character, etc.

Q.117 *Question by the President.*

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-117 Yes, I produce MFB-355 and MFM-6.

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked "Y"/ and "Z", signed by the President, and annexed to the proceedings.

Q.118 *Question by the President.*

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.* A-118 Yes.

Q.119 *Question.*

Have you compared the contents of the above statement with the regimental books? *Answer.* 119. Yes.

Q.120 *Question.*

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* 120. Yes.

[Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.]

~~Cross-examined by the accused~~ JAM

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH R.P. 83 (B).

THE WITNESS RESUMES HIS SEAT.

Q.121 *Question to the accused.*

Do you wish to address the Court? *Answer.* 121. No Sir.

The Court is closed for the consideration of the sentence.

32

F

Sentence

The Court sentence the accused No. F-92733 Corporal Clifford William Hamer, No. 6 District Company, R.C.A.S.C., (CA), to be reduced to the ranks and to undergo detention for twenty days.

Sentence.

Reduced to the Ranks.

Detention.

20 days.

Signed at Glacis Barracks, Halifax, N.S., this 22nd. day of March, 1943.

J.D.MACINTYRE,
Major,
No. 6District Depot, (CA),
Permanent President District Courts-Martial M.D. No. 6.

C O N F I R M E D:

SIGNED at Halifax, N. S., this 24th day of March, 1943.

(D.A. WHITE) BRIGADIER,
D.O.C., M.D. No. 6.

Promulgated and extracts taken at Halifax, Nova Scotia this 26th day of March, 1943.

(A.D.LANG) Lieut.,
Officer i/c Documents,
No.6 Dist.Coy.,RCASC(CA)

Extracts entered as No. 8236 in the Record of Courts Martial kept in the office of the Judge Advocate-General this 31st day of March, 1943.

"X" John D Macintyre
Major
Pres det D.C.M.

Orders by Brigadier D. A. White, D.S.O., Commanding

the Military District No. 6,

District Court-Martial

F92733, Corporal Clifford William Hemer, No. 6 District Company, R.C.A.S.C. (CA) — Halifax, N.S., March 14, 1943.

The detail of Officers as mentioned below will assemble

at Glacis Barracks, Halifax, N. S., on Monday,

the 22nd day of March, 1943, at 1000 hours,

for the purpose of trying by a District Court-Martial the accused person (persons) named in the margin (and such other person or persons as may be brought before them).

PRESIDENT

Major J. D. Macintyre, M.C., No. 6 District Depot (CA), Permanent President District Courts-Martial, M.D. No. 6. is appointed President.

MEMBERS

Capt. C. M. Reade, 2nd Bn RHC (CA)

Lieut. J. S. Baillie, 2nd Bn RHC (CA)

WAITING MEMBERS

Capt. J. Briggs, The Lan & Ren Scot. Regt. (CA)

~~JUDGE ADVOCATE~~

~~Judge Advocate~~

~~has been (is hereby) appointed~~

PROSECUTOR

Capt. D. C. Sinclair, No. 6 District Depot (CA), Permanent Prosecutor District Courts-Martial ~~has been~~ (is hereby) appointed M.D. No. 6,

Prosecutor

DEFENDING OFFICER

The Defending Officer will be ~~will be appointed~~ ~~Defending Officer~~ detailed by the O.C., No. 6 District Company, R.C.A.S.C., (CA)

The accused will be warned and all witnesses duly required to attend.

The O.C., No. 6 District Company, R.C.A.S.C., will arrange for the necessary accommodation, stationery, court orderly, escort, shorthand writers, and interpreters.

The proceedings will be forwarded to Headquarters, M.D. No. 6.

Signed this 14th day of March, 1943.

M.F.R. 120
A.F.A. 47
HM—3-43 (HQ)
H.Q. 1772-39-564

(W.M. KING) COLONEL,
D.A.A.G., M.D. No. 6,
for (D.A. WHITE) BRIGADIER,
D.O.C., M.D. No. 6.

35

"X-1" Jo hn D the accused for age President D Tme

IN REPLY PLEASE QUOTE No. H H-1664

CANADA

CONFIDENTIAL

DEPARTMENT OF NATIONAL DEFENCE
ARMY

Halifax, N.S., March 16, 1943.

Major J.D. Macintyre, M.C.,
President District Court-Martial,
Headquarters, M.D. No. 6,
Halifax, N. S.

DISTRICT COURT-MARTIAL
F92733, Cpl. Clifford William Hamer,
No. 6 District Company, R.C.A.S.C.

Reference the District Court-Martial convened to try Cpl. Hamer, No. 6 District Company, R.C.A.S.C., of which you have been appointed President.

1. The under-mentioned officer has been appointed to act as Prosecutor in place of Capt. D.C. Sinclair, who is unable to act as Prosecutor because of other important duties:

Capt. T. E. Dunn, 21st A.A. Regt., R.C.A. (CA)

(F.J. NORTH) LIEUT.-COL.,
A.A. & Q.M.G., M.D. No. 6,
for (D.A. WHITE) BRIGADIER,
D.O.C., M.D. No. 6.

DDM/FC

DDM

NAT. DEF. B. 446
2,000 M—4-42 (4122)
H.Q. 1772-39-767

"X-2"

Johnd McIntyre Major
Pres. dist D.C.M.

Glacis Bks
Halifax N.S.
22 Mar 43

37

Major J. D. MacIntyre R.C.
Permanent President District Court Martial
M. D. No. 6.

~~Sir~~

7-92733 Corporal C. W. Hamer, RCASC.

Reference the marginally noted Court Martial Lieut A. D. Long, No 6. District Company R.C.A.S.C. (C.A.), is detailed to act as Defending Officer.

C. McLeod
Major
O.C. No 6 Dist Coy RCASC

DWM

"G" John Doe accused per agn
Prosecution Defence

Submission of no prima facie case by Defending Officer.

Mr. President and gentlemen of the Court.

The Defence moves that the charges against the accused be dismissed on the grounds that the accused was not given an opportunity to carry out the order, as he paraded to see his officer prior to 1200 hours on the 10th. of March, 1943, the hour at which his Commanding Officer had told the accused he would be placed under close arrest. Page 18 of M.M.L. para. 11, reads in part as follows:-- "If the command is to turn out for parade in half an hour, then, until the expiration of that time, no offence of disobedience to a lawful command can be committed". It is the contention of the Defence that if any charge should have been made against the accused it should have laid under another section of the Army Act.

R.P. 83 (B) HAS BEEN COMPLIED WITH.

JOHN

"H".

Closing address by the Defending Officer.

Mr. President and gentlemen of the Court.

It is now my privilege to address the Court in the interest of the accused. I move for the acquittal of the accused as charged on the grounds that there is no evidence before this Court proving that the accused was given the opportunity to carry out the order prior to the time at which he was to be placed under close arrest. The Defence contends that had the Prosecution carried out their duties to the accused, in guarding him against the commission of crime, as competently as they now prosecute him, he would not have found himself in this Court on these charges today. The accused joined No. 6 District Company, R.C.A.S.C., (CA) on the 1st. of May, 1940 and since that time, almost three years, his conduct has been exemplary.

Gentlemen, the leniency which is yours to exercise in this case I beg for. In view of the evidence which has been produced by the Defence it is felt that this case warrants the leniency which it would receive in any British Court.

R.P. 83 (B) HAS BEEN COMPLIED WITH.

"I". John D. McIntyre in his President Dlm

Closing address by the Prosecutor.

The accused is charged under Section 9 (1) or in the alternative under Section 9 (2) of the Army Act. In order to establish the offence under Section 9 the Prosecutor has depended principally upon the evidence of the officer who issued the command personally, that is Lieut. Tanner, the officer in charge of Mechanical Transport. The order was given to Cpl. Hamer personally on two occasions by Lieut. Tanner. Namely; shortly after 1700 hours on the 9th. of March, 1943, and again at approximately 1120 hours on the 10th. of March, 1943, and he flatly refused both times to carry out the detail and offered no explanation. This was substantiated by the accused's testimony. It is submitted that the disobedience was immediate or proximate to the command, and actual non-compliance with the order has been proved. The accused himself said in his evidence that the reason he refused to carry out the order was because he had too much on his mind. He also said that he had to move and that his wife was going to have a baby. Later in his testimony he stated that he had been married about three months. He had ample opportunity from the time he was first ordered to take this detail and before the detail moved off, to explain his pressing home circumstances, if they were such, to his officer. It is submitted by the Prosecution that from the evidence given before this Court that Cpl. Hamer is guilty of disobeying in such a manner as to show a willful defiance of authority, a lawful command given personally by his Commanding Officer in execution of his office as set out in Section 9, sub-section 1 of the Army Act.

R.P. 83 (B) HAS BEEN COMPLIED WITH.

JDM

45.

M.F.S. 155
SEM—6-41 (3771-2)
H.Q. 1772-20-6(2)
A.F.B. 296

"Y" John D. McIntyre, Major
Plans & Ops

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
F-92733	Corporal	CLIFFORD WILLIAM HAMER,	No.6 District Company RCASC(CA).

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

There are no entries in the conduct sheets of the accused.

[redacted]

2. The accused has not been previously convicted

[redacted]

[redacted]

[redacted]

3. The accused is not under sentence at the present time.

[redacted]

[redacted]

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and 12 days in military custody, making a total of 12 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his [redacted] attestation paper is 27 years 5 months.

6. The date of his [redacted] attestation specified in his [redacted] attestation paper 1st., May, 1940.

[redacted]

[redacted]

9. The accused is in possession of or entitled to no [redacted] military decoration, or [redacted] military reward [redacted]

[redacted]

[redacted]

46

[redacted] one

[redacted] one

[redacted] one

[redacted] one

[redacted] one

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

22nd., January, 1943. Date of promotion.

In the rank of Pte(A/Cpl) 10 [redacted] months.

[redacted] Corporal 1½ [redacted] months.

[redacted] one

[redacted] one

[redacted] one

SCHEDULE one

[redacted] one

[redacted] one

[redacted] one

[redacted] one

[redacted] one

[redacted] one

[redacted] one				
[redacted] one				

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this 10th., day of March, 1943.

(C.M. Chandler, Major)
Officer Commanding, No. 6 Dist. Coy., RCASC (CA).

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked signed by the president, and annexed to the proceedings.

47

No. F/92733 Name Hamer, C.W. Sqn., Battery, or Company 6 Det. Corps RCASC, CASF. Date of enlistment 1-5-40 G.C. Badges Service or Proficiency Pay

M.F.M. 6 (A.F.R. 122) 3005/—8-39 (1752) H.Q. 1772-40-18

Date of last entry in Company Conduct Sheet | No. and date of last drunk | Period not reckoning towards freedom from extra fine | Sheet No. | Signature O.C. Company, etc. | Character

"Z"

Place	Date of offence	Rank	Cases of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				Certified No Entries					

(A. D. Lang) Adjutant,
No.6 Dist. Coy. RCASC (CA)

Certified true copy
A D Lang Lieut
Adj. No 6 Dist Coy RCASC (CA)

(P.T.O.)

SUMMARY OF EVIDENCE

in the case of

No. F-92733, Corporal Clifford William HAMER, No. 6 District Company, R.C.A.S.C. (CA), a soldier of the Canadian Army placed on active service.

CHARGES- 1. Disobeying in such a manner as to show a wilful defiance of authority, a lawful command given personally by his superior officer, in the execution of his office.

2. (Alternative)
When on active service disobeying a lawful command given by his superior officer.

The Commanding Officer directs that the evidence be taken on oath.

W-6301, Private Babcock, M.H., C.W.A.C., is duly sworn as shorthand writer.

FIRST WITNESS No. W-6010, Private Moore, R., C.W.A.C. attached to No. 6 District Company, R.C.A.S.C. (CA), having been duly sworn states:

"I was asked by Corporal Hamer at approximately 1530 hours on the 9th., March, 1943 to tell Lieutenant Tanner that he would not be taking the detail given him. I did this when I saw Lieutenant Tanner at approximately 1700 hours. Lieutenant Tanner then told me to send for Corporal Hamer. When Corporal Hamer came down to the Detail Office he was again given the order by Lieutenant Tanner and he again refused. I was then told by Lieutenant Tanner to have Corporal Tozer stand by for the same detail. Corporal Hamer then left the Detail Office and Lieutenant Tanner told me to tell Corporal Hamer that he had until 1400 hours the following afternoon, which was the original time of the detail, to change his mind at which time he wanted to see Corporal Hamer in his office if he did not go on this detail. I gave Corporal Hamer this message.

Question by Lieutenant Lang:
When you gave this message to Corporal Hamer did he realize that it was an order from Lieutenant Tanner.

Answer:
He thought at first that I was kidding but later realized that it was an order from Lieutenant Tanner.

The accused declined to cross-examine this witness.

R. Moore

R. Moore Private

SECOND WITNESS

Lieutenant C.W.W. Tanner, No. 6 District Company, R.C.A.S.C. (CA), having been duly sworn, states:

"At approximately 1700 hours the 9th., March, 1943, Private Moore advised me that Corporal Hamer had refused a detail that she had given him. I had Corporal Hamer sent for and when he arrived at the Detail Office I gave him the order myself and his reply was "I refuse to do this detail". No reason was advanced for the refusal. I then explained to him that he had until the time of the detail on the following day to change his mind but if he still insisted in his refusal he would be put under close arrest and would be liable for Court Martial.
At approximately 1120 hours on the 10th., March, 1943 I had Corporal Hamer sent to my office as the hour of the detail had been changed to 1200 hours. In the presence of Major C.M. Chandler and Staff-Sergeant D.F. Lewis I again gave Corporal Hamer the detail and he refused to carry it out.
At approximately 1205 hours Corporal Hamer was paraded to my office at his own request to give as a reason for not filling the detail that he was moving his furniture on Saturday, 13th., March.
He was then placed under close arrest.
The detail in question was to drive a Staff Car for the District Recruiting Officer over a period of four days. Defiance of this order necessitated the filling of the detail by another soldier, Corporal Tozer." This order was in Corporal Hamer's line of duty as an M.T. Driver and was given by me as Officer in charge of M.T.".

The accused declined to cross-examine this witness.

C.W. Tanner, Lieutenant.

THIRD WITNESS

No. F-92750, Sergeant (A/S/Sgt) D.F. Lewis, No. 6 District Company, R.C.A.S.C. (CA), having been duly sworn states:

"I am employed in the M.T. Section of No. 6 District Company and was in the presence of Major Chandler and Lieutenant Tanner at approximately 1130 hours on the 10th., March, 1943 when Lieutenant Tanner personally gave Corporal Hamer an order to perform a detail at 1200 hours that day. Corporal Hamer refused to perform this detail. At approximately 1205 hours Corporal Hamer was paraded to the M.T. Office at his own request. I paraded him in to Lieutenant Tanner where he gave his reason for not doing this detail but at that time another driver had gone on the said detail."

The accused declined to cross-examine this witness.

D.F. Lewis, A/Staff-Sergeant.

FOURTH WITNESS

Major C.M. Chandler, No. 6 District Company, R.C.A.S.C. (CA), having been duly sworn, states:

"I am Major C.M. Chandler, Officer Commanding, No. 6 District Company, R.C.A.S.C. (CA). At approximately 1110 hours, 10th., March, 1943, Lieutenant Tanner told me that he had given Corporal Hamer an order to be performed at 1200 hours, 10th., March, 1943 and that Corporal Hamer had told him he refused to do as he was told. He desired to place a charge against Corporal Hamer under Army Act Section 9(1). I told him that this was a Court Martial charge and that Corporal Hamer must be given the opportunity to carry out the order at 1200 hours. I instructed that Corporal Hamer be paraded before me at once to insure that there was no misunderstanding.
At about 1125 hours the same date, Corporal Hamer came into Lieutenant Tanner's office. Lieutenant Tanner and Staff Sergeant Lewis were present. I told him of the order to be carried out at 1200 hours and he replied that he would not do so. I said he would do as he had been ordered by Lieutenant Tanner at 1200 hours, again he repeated he would not do so. I dismissed him at about 1132 hours, saying that failure on his part would result in action by me at 1200 hours. There followed a short conversation with Lieutenant Tanner and watches were synchronized with Atlantic Command Signals at 1134 hours.
At about 1200 hours Corporal Hamer was waiting to be paraded at his own request. At 1205 hours he stated his reason for non-compliance was his intention to move on Saturday afternoon 13th., March, 1943.
I said his personal affairs did not justify a wilful defiance of a lawful command, and that he was forthwith under close arrest and that a Summary of Evidence would be taken after dinner. I ordered Staff Sergeant Lewis who was present, to place Corporal Hamer under close arrest.
At about 1400 hours the same date I contacted Lieutenant A.D. Lang, No. 6 District Company, R.C.A.S.C. (CA) and directed him to prepare a Summary of Evidence.

The accused declined to cross-examine this witness.

C.M. Chandler, Major.

Question to the Accused:
Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

Answer by the Accused:
I have nothing to say.

Question to the Accused:
Do you wish to call any witnesses?

Answer by the Accused:
No.

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

The foregoing Summary of Evidence contained on four pages was taken down by me in the presence of the accused at Glacis Barracks, Halifax, Nova Scotia, this 10th day of March, 1943.

A.D. Lang, Lieutenant,
No. 6 District Company,
R.C.A.S.C. (CA).

Officer detailed to take the Summary.

SUPPLEMENTARY SUMMARY OF EVIDENCE

in the case of

No. F-92733, Corporal Clifford William Hamer, No. 6 District Company, R.C.A.S.C. (CA), a soldier of the Canadian Army placed on active service.

CHARGES- 1. Disobeying in such a manner as to show a wilful defiance of authority, a lawful command given personally by his superior officer, in the execution of his office.

2. (Alternative)
When on active service disobeying a lawful command given by his superior officer.

The Commanding Officer directs that the evidence be taken on oath.

FIRST WITNESS (recalled) No. W-6010, Private Moore, R., C.W.A.C. attached to No. 6 District Company, R.C.A.S.C. (CA), having been duly sworn gives evidence:

Question by Lieutenant Lang:
You mention an order given to Corporal Hamer personally by Lieutenant Tanner at approximately 1700 hours on the 9th March 1943. Can you tell me exactly what the order was and what reply Corporal Hamer made.

Answer by Private Moore:
Lieutenant Tanner told Corporal Hamer to take the Plymouth Staff car usually driven by Corporal Mahaffey on a recruiting trip which would leave at 1430 hours on the 10th March, 1943 and he must be ready to leave by 1400 hours. Corporal Hamer replied "I refuse to go, Sir."

R. Moore
R. Moore, Private

SECOND WITNESS (recalled) Lieutenant C.W.W. Tanner, No. 6 District Company, R.C.A.S.C. (CA), having been duly sworn, gives evidence:

Question by Lieutenant Lang:
You mention a verbal order given by you to Corporal Hamer in the M. T. Detail Office. What was this order and what was Corporal Hamer's reply.

Answer by Lieutenant Tanner:
The order I gave Corporal Hamer was "Corporal Hamer you will take this recruiting detail using Corporal Mahaffey's Plymouth. You will be away four days arriving back sometime Saturday." Corporal Hamer answered "I refuse to go on this detail, Sir."

C.W.W. Tanner
C.W.W. Tanner, Lieutenant

Question to the Accused:
Do you wish to make any statement or to give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

Answer by the Accused:
I have nothing to say.

Question to the Accused:
Do you wish to call any witnesses?

Answer by the Accused:
No.

I certify that Rules of Procedure 4 (C), (D), (E) and (F) have been complied with.

The foregoing Supplementary Summary of Evidence contained on two pages was taken down by me in the presence of the accused at Glacis Barracks, Halifax, Nova Scotia, this 10th day of March, 1943.

A. D. Lang, Lieutenant,
No. 6 District Company,
R. C. A. S. C. (C.A.).

Officer detailed to take the Summary.

I, F-92733, Corporal CLIFFORD WILLIAM HAMER, desire to have an officer assigned to represent me at my trial by Court-Martial.

I desire the services of CAPTAIN D.K. CAMPBELL, No. 6 District Company, R.C.A.S.C. (CA), Halifax, N.S., if he is available.

C W Hamer
(C.W. Hamer.)

Halifax, Nova Scotia,
10th., March, 1943.

MEDICAL OFFICER'S REPORT

I certify that No. F-92733 Cpl. Hamer, C.W.

of No.6 Dist.Coy., RCASC (CA) is in a Fit state of health,

and is able to undergo Trial by Court-martial.

G. H. Carson, Lieut
Medical Officer.
#6 Coy. ~~RCAMC~~ RCAMC.

Station No.6 Dist. Coy.,RCASC (CA) Halifax, N.S.

Date 22 March, 1943.

246.
-3-18.(M)
1772-39-480.

H.Q.C. C.55-1-347 **CONFIDENTIAL**

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

TPR., GAETAN HAMELIN, B61375

NO.2 DISTRICT DEPOT, C.A.

DEAD

CONFIDENTIAL
H.Q.C. C.55-H-347

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(If persons for which referred cannot be expressed on one line, add minute to file and enter here "With Minute")		
				JAG	Now Tabs	CR	31/3/43
APR 2 1943	19/4/43	P.A.	DKGB	RD	To note & Pa.	[illegible]	21/4/43
JUL 10 1943	4-8-43	RJ	[illegible]	JAG	With Papers C.R. JUL 7 1943		
					With Papers C.R. AUG 2 1943		
AUG 5 1943				JAG			
AUG 5 1943				J.C.M.	To note	RD	3-8-43
AUG 7 1943	8-8-43	P.A.	[illegible]	Admin	To Interpon.	[illegible]	6/8/43
AUG 10 1943	9-8-43	P.A.	RD	JAG	Ret B7 4/8/43	GR	7/8/43

NOTICE

1. Files should be retained no longer than absolutely necessary. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures it being completed and kept in order, and also gives other offices an opportunity to use same.
2. Central Registry should be notified whenever a file is passed direct to another branch.
3. All outgoing letters should bear the office(s) of owner.

PASS THIS FILE IN ENVELOPE

H.Q.C. 55-H-347

Aug. 4th, 1943.

District Officer Commanding,
Military District No. 2,
159 Bay Street,
TORONTO, Ont.

~~District Court-Martial~~
E-61375, Tpr. Gaetan HAMELIN,
No. 20 C...(B) T.C. C.A.

Receipt is acknowledged of your T-20-H-2914(AJAG), dated July 28th, 1943, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial. It is noted that a remission of sentence has been made in this case. Also noted enclosed certified true copy of Part II Order.

Brigadier
Judge Advocate-General.

LF/LM

Noted
L. H. CLAYTON
Lieut.-Colonel,
Inspector of Courts-Martial
AUG 6 1943

Noted
Grad Monique Hunt
For Col. A. J. Adam
Aug 7 1943.

28-6-43 (M-2482)

IN REPLY PLEASE QUOTE
No. T-20-H-2914 (AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE

ARMY
Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario,
July 28, 1943.

CONFIDENTIAL

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

CENTRAL REGISTRY ARMY
CONF. SEC.
File C55-H-377
Chgd. to
Referred to

Remission of Sentence
B-61375, Tpr. Gaetan HAMELIN
No. 20 C.A.(B.)T.C., C.A.

147733

Herewith proceedings of the marginally-noted trial by District Court-Martial together with certified true copy of Part II Orders showing Remission of Sentence in accordance with C.A.R.O. 1922 as amended by C.A.R.O. 3239.

2. Pursuant to paragraph 5(a) of the above routine order, it is advised that the marginally-noted soldier was sentenced by District Court-Martial on March 5, 1943.

3. The balance of the Sentence awarded this soldier was remitted by the District Officer Commanding, Military District No. 2, on July 2, 1943, said Remission to date from July 8, 1943.

(C. F. Constantine)
Major-General
District Officer Commanding
M.D. 2.

N.D. 23
2 Mil.—11-43 (7339)
H.Q. 1773-101-22

DAILY ORDERS PART II
by
LIEUT.-COL. R.Y. CORY, V.D., OFFICER COMMANDING
NO. 20 (BASIC) TRAINING CENTRE, BRANTFORD, ONTARIO

Sheet No. 1 D.O. NO. 153 9th July, 1943

Last part II Orders Issued, D.O. 152, dated 8th July, 1943

SECTION "A"

1. ON COMMAND

Lieut. G.D. McMurrich, Is attached to S.5, C.D. & M.S., Woodstock, Ontario, for all purposes, except pay, on attachment from No. 20 C.A.(B)T.C., C.A., Brantford, Ontario, effective 9 Jul 43. (Auth: T. 36-14-15 (G6), d/23 Jun 43.)

2. LEAVE OF ABSENCE

Lieut. T.L. Rivers - Is granted Leave of Absence from 11 Jul 43, to 24 Jul 43, inclusive, under C.A.R.O. 699. (Auth: T. 20-R-841 (A1), d/30 Jun 43.) Granted Ration Allowance of 50¢ per diem in lieu of rations under C.A.R.O. 2261, and F.R. & I., Art. 196(4), C.A.S.F.

SECTION "B"
A & T STAFF

3. PROMOTION

B-100672 Cpl. Manger, G.E. - Is promoted to the rank of Acting Sergeant, with pay, effective 1 Jul 43, to complete H.W.E. (Auth: T.S. 20-6-10-2 (DAAG II), d/9 Jun 43.)

4. ON COMMAND

B-85596 Cpl. Cruickshank, R.G. - Is attached to S.7, C.A.A.S. Kemptville, Ontario, for all purposes, except pay, on attachment from No. 20 C.A.(B)T.C., C.A., Brantford, Ontario, effective10 Jul 43. (Auth: H.Q. 54-27-35-109 (Trg. 3), 8 Jun 43.)

5. FURLOUGH

The u/m personnel returned from Furlough - 9 Jul 43.

B-100554 Cpl. Pitman, H.
B-38860 L/Cpl. Owen, W.T.
B-495847 Pte. Ringwood, G.T.
B-100708 L/Cpl. Bessant, W.A.
L-22484 L/Cpl. Sorge, C.S.
B-545637 Pte. Bull, G.L.
B-75109 PFC Aspden, J.

6. FURLOUGH

(a) The u/m personnel are granted Furlough under C.A.R.O. 699. Granted Ration Allowance of 50¢ per diem in lieu of rations under C.A.R.O. 2261, and F.R. & I., Art. 196(4), C.A.S.F. Furlough dates 10 Jul 43, to 23 Jul 43, inclusive.

B-100518 QMS Freeman, J.D.
B-100621 Sgt. Beechey, G.H.
B-138012 PFC Barbeau, A.
B-56579 PFC Borek, C.J.
B-11475 PFC McCallum, W.E.
B-58417 PFC Leitch, W.T.
B-100502 A/CSM Bessant, R.
B-100642 L/Cpl. Hill, W.J.
B-100598 PFC Bean, H.
B-58650 PFC Chapman, R.T.
B-11534 PFC Dool, J.T.
B-114831 PFC Pariseau, E.

(b) B-85079 L/Cpl. Sloan, W. - Is granted Furlough from 11 Jul 43, to 24 Jul 43, under C.A.R.O. 699. Granted Ration Allowance under C.A.R.O. 2261, and F.R. & I., Art. 196(4), C.A.S.F., of 50¢ per diem in lieu of rations.

Sheet No. 2 D.O. No. 153 9th July, 1943

Part II Orders issued, D.O. 152, dated 8th July, 1943

7. INSERTION

B-138012 PSC Barbeau, A. - D.O. No. 152, para 7, d/8 Jul 43, insofar as it pertains to the m/n at the end of paragraph insert, "effective 7 Jul 43."

"A" RECRUITS

8. STRENGTH DECREASE

B-75220 Pte. Barnum, G. - "A" - Is struck off strength No. 20 C.A.(B) T.C.,C.A., Brantford, Ontario, for all purposes, under the provisions of C.A.R.O. 1029(10). "Unable to meet the required Military physical standards." Effective 9 Jul 43. (Auth: T. 20-B-12052 (A4), d/6 Jul 43.) Address on discharge - 127 James Street, Sault Ste. Marie, Ont.

9. CLOTHING ALLOWANCE

B-75220 Pte. Barnum, G. - "A" - Having been T.O.S. No. 2, District Depot, Toronto, Ontario 14 Apr 43, and S.O.S. No. 20 C.A.(B)T.C.,C.A., Brantford, Ontario 9 Jul 43, is entitled to receive Clothing Allowance of $17.00 as authorized by F.R. & I., Art. 187(2), C.A.S.F. and P.I. 145/42. The allowance to be paid through the paylist.

10. STRENGTH DECREASE

B-138299 BCY Swinton, R.R. - "D" - Is struck off strength No. 20 C.A. (B)T.C.,C.A., Brantford, Ontario, for all purposes, on transfer to No. 1, District Depot, London, Ontario, for the purpose of being discharged under the provisions of C.A.R.O. 1029(7). (Whilst in Civil Custody), effective 9 Jul 43." (Auth: T. 20-S-9338 (A4), d/7 Jul 43.)

Certified True Copy
[illegible] Capt.
No 20 Coy TC. C.A.

11. DETENTION

B-61375 Pte. Hamelin, G. - "D" - Released from DETENTION - 8 Jul 43. (Auth: T. 20-H-2914 (AJAG), d/2 Jul 43.)

12. REMISSION

B-61375 Pte. Hamelin, G. - "D" - Having been released from DETENTION 8 Jul 43, (Auth: T. 20-H-2914 (AJAG), d/2 Jul 43.), is granted remission - from 8 Jul 43, to 4 Dec 43, inclusive. (150 days)

13. FURLOUGH

The u/m personnel are granted Furlough from 10 Jul 43, to 23 Jul 43, inclusive, under the provisions of C.A.R.O. 699. Granted Ration Allowance of 50¢ per diem in lieu of rations under C.A.R.O. 2261, and F.R. & I., Art. 196(4), C.A.S.F.

B-130533 L/Cpl. O'Connor, W.E.-"C" B-68699 Pte. Hudgin, E.L. - "A"
B-138200 Pte. Morris, J.G. - "D" B-138304 Pte. Bell, L.N. - "A"

14. FURLOUGH

B-135903 Pte. Gray, M.L. - "B" - Returned from Furlough - 9 Jul 43.

15. HOSPITALIZATION

B-68919 Pte. Lewis, C.K. - "B" - Disch. from H.M.H. - 9 Jul 43 -TORS
B-142965 Pte. Gillbanks, S. - "D" - Disch. from T.C.H. - 8 Jul 43 -TORS
B-146974 Pte. George, E.L. - "D" - Disch. from B.M.H. - 8 Jul 43 -TORS

Last part II Orders issued, D.O. 152, dated 8th July, 1943

16. MARRIAGES

B-147087 pte. Ross, L.W. - "D" - Having been granted permission was married to Miss Laurette Lavoie, of Capreol, Ontario. - 26 Jun 43.
(a)

Witnesses

Mr. A. Lavoie, Capreol, Ontario.
Mrs. I. Ross, Capreol, Ontario.

Address of next of kin

Capreol, Ontario

B-146822 pte. Faetz, G.H. - "D" - Having been granted permission was married to Miss Irene Denis, of Barrie, Ontario, 6 Jul 43.
(b)

Witnesses

Mr. P. Bingham, Barrie, Ontario.
Mrs. T.W. Willer, Barrie, Ontario.

Address of next of kin

18 Elizabeth Street, Barrie, Ontario

17. RETURNED FROM ABSENCE WITHOUT LEAVE

B-147199 pte. Rosebush, J.H. - "C" - Ceased to be A.W.L. at 2000 hrs. 6 Jul 43.

18. CIVIL ARREST

B-147199 pte. Rosebush, J.H. - "C" - Placed in Civil Arrest at 2001 hrs. 6 Jul 43.

19. CIVIL PUNISHMENT

B-147199 pte. Rosebush, J.H. - "C" - Having been convicted by a Civil power, on 6 Jul 43, and sentenced to fifteen (15) dys. in the County Gaol at Bellville, Ontario, for "Consuming Liquour in an unlawful place", at Bellville, Ontario. Forfeits all pay and Allowances from 6 Jul 43, to 20 Jul 43, inclusive, (15 dys.), under F.R. & I., Art. 149, (1)(c)(i), C.A.S.F.

.....
(G. Reive) Lieut. & A/Adjutant for
Lieut.-Col. R. Y. Cory
Officer Commanding, #20 (Basic) TC

Sheet No. 3
D.O. No. 153
Part II
9 Jul 43

M.E.

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Courts-Martial

Proceedings of a District Court-Martial held at Lecture Hut A-2 No. 20 Canadian Army (Basic) Training Centre, C.A., Brantford, Ontario, on the 5th day of March 1943 by order of Brig.-General G.E. McCuaig, CMG, DSO, VD Temporary District Officer Commanding Military District No. 2

dated the 2nd day of March 1943

President.

Major F.M. Reid,
45th(Reserve) (Norfolk) Field Regiment,
Royal Canadian Artillery, C.A., attached
Headquarters, Military District No. 2.

Members.

Major J. R. Sutherland,
Canadian Armoured Corps, C.A.,
No 2 District Depot, C.A.

Captain W.E. Millard,
Home War Establishment,
No. 2o Canadian Army(Basic) Training
Centre, C.A.

~~Judge Advocate~~

Trial of* No. B-61375, Trooper Gaetan Hamelin, No. 2 Dist. Depot, C.A., attached to No. 20 C.A.(B) T.C., C.A.; Brantford, Ont.

The order convening the Court, the charge-sheet and the summary ~~(or abstract)~~ of evidence are laid before the Court.

~~The Court satisfy themselves that ..... is not available to serve owing to~~

~~, waiting member takes his place as a member of the Court.~~

The Court satisfy themselves as provided by Rules of Procedure 22 and 23. x

The accused is brought before the Court.

Prosecutor,† Capt. J.L. Downey, No. 2 District Depot, C.A., Attached Headquarters, Hamilton-Niagara Area

~~Counsel or~~ defending officer‡ Lieut. J.C.N.Currelly, No. 20 Canadian Army(Basic) Training Centre, C.A.

At 10.50 o'clock the Trial commences.

dated 4 MAR 43 The order convening the Court is read, and is marked "X"; Pt. 1 order signed by the President, and attached to the proceedings.

detailing Pros.& Def.Off. is marked "X-1" sgd by Pres.(Attd) No.45a, No.20 CA(B)TC C.A., Brantford, Ont.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q-1. *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A-1. *Answer by accused.* No sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

---

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

x I have satisfied myself that none of the officers detaile as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charge before this Court-Martial.

PRESIDENT.

Mil. Form B. 271
53M—9-41 (1967)
H.Q. 1772-39-224

B

The President/members and ~~and judge advocate~~ are duly sworn.

The following officers under instruction are duly sworn. (See Document marked "G")

Q- 2. Do you object to No. B-55937, S/Sgt. W.O. Stuart, No. 2 Det.,C.M.S.C; C.A., Headquarters, M.D. 2 acting as shorthand writer?

A- 2. No sir. (No. B-55937, S/Sgt. W.O. Stuart, No. 2 Det., C.M.S.C.,C.A., Headquarters, M.D. No. 2 is duly sworn as shorthand writer.)

---- See Document marked "H" for announcement by Prosecutor re legal qualifications.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The Court being satisfied that the name of the accused is Gaetan Hamelin and not as stated in the Charge Sheet amend the Charge Sheet accordingly.

The accused is arraigned upon the ~~each~~ charge in the above-mentioned charge-sheet.

Q-3. Are you guilty or not guilty of the ~~[first]~~ charge against you, which you have heard read? *Question to the accused.*

A-3. Guilty, sir. *Answer.*

~~Are you guilty or not guilty of the second charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge *Instruction.*

B-2

CHARGE SHEET

Charge
Sec.15(1)
Army Act

The accused B-61375 Trooper Gaetan HAMELIN, No. 2 Dist. Depot, C.A., attached to No. 20 C.A.(B)T.C., C.A., Brantford, Ontario, a soldier of the Canadian Army placed on Active Service, is charged with:-

ABSENTING HIMSELF WITHOUT LEAVE

in that he

at No. 20 C.A.(B)T.C., Brantford, Ontario, on the 16th December, 1941, absented himself without leave from No. 20 C.A.(B)T.C., Brantford, Ontario, from 0945 hours 16th December, 1941, until he surrendered himself to B-76053 Private COWIE, W., of the Regimental Police at Exhibition Barracks, Toronto, Ontario, at 1700 hours 4th February, 1943, dressed in military uniform.

Dated at Brantford, Ontario,
this 18th day of February, 1943

.....
(A.J. McCausland) Major & Officer
Commanding, No. 20 C.A.(B)T.C., C.A.,
Brantford, Ontario

To be tried by District Court Martial

M. Dunn.
for the A.A.&Q.M.G. M.D. 2.
for D.O.C. M.D. 2.

Signed at Toronto this 1st day of March 1943.

A. McLeod
Major
O.i/c Adjt DCR

MEDICAL OFFICER'S REPORT

I certify that No. B.61375 Tpr. HAMELIN, Gaetan No. 2 D. D. CA., att'd No 20 C.A.(B)T.C., C.A., is in a good state of health, and fit to undergo Trial by Court martial. W.T.McL

W. T. McLean
W. T. McLean, Major
Medical Officer, RCAMC
No. 20 C.A.(B)T.C., C.A.

Station Brantford, Ontario.

Date 5th March, 1943

MFB 246.

6

Q- 5. Do you wish
character?

A- 5. I wish to

FIRST WITNESS
FOR
THE DEFENCE.

Q- 6. Hamel
exact
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BY THE PRESI

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BY THE DEFEN

what
EXAMINED BY
Q- 7. As I
1941

the army will you state so now what those reasons were?

A- 7. Well, the reason is that when I went home to Timmins on leave from Brantford I met my girl friend and we had been engaged for about two years and she had become pregnant and we didn't want to disgrace our families - we are both from good families - and I had to do something. I was born out West and I was sure that I could get work there, so I went out West for the harvest and I had her go to Toronto and stay there. I couldn't stay in Timmins, I was too well-known and it would have been out immediately. When I was out West about a week I was apprehended and taken into custody in Regina, No. 12 District, and there I was sentenced to 27 days and I did my detention there and then I was sent back to report here but I didn't do so, I stopped in Toronto and got a job and looked after the girl the best I could. By that time I couldn't ask the girl to get married, not in the condition she was in.

Q- 8. To get this clear; you went out West to earn money to keep the girl. Is that what you mean?

A- 8. Yes sir.

Q- 9. That is what you are saying?

A- 9. Yes sir.

Q- 10. And you were apprehended out West and served detention for being A.W.L.?

A- 10. Yes sir.

Q- 11. And then you were sent back to No. 20 C.A.(B)T.C.?

A- 11. Yes sir.

Q- 12. You were given transportation, were you?

A- 12. Yes sir.

Q- 13. Were you sent back without an escort?

A- 13. Yes sir.

Q- 14. And instead of returning to No. 20 C.A.(B) T.C. you went right on to Toronto?

A- 14. Yes sir.

Q- 15. And your purpose in going on to Toronto was what?

A- 15. To take care of the girl, sir.

Q- 16. She was there at that time and she was pregnant?

A- 16. Yes sir.

Q- 17. Why at that time did you feel you could not go back to No. 20 C.A.(B) T.C.?

A- 17. Well, the reason I didn't go back to No. 20 C.A.(B)T.C. was that I couldn't get married in the condition she was in because it showeda lot and she couldn't work to keep herself and until the birth of the baby it was impossible to leave her alone without anything for her keep, so it was the only thing I could do.

Q- 18. I understand that you didn't go back at that time because she was quite far gone in pregnancy and you felt that you had to do something about keeping her?

A- 18. Yes sir.

Q- 19. So following that what did you do? Did you live together or did you keep her or what happened?

A- 19. Following that I got myself a job and I kept her and I got a room for her and a room for myself and I paid that off.

Q- 20. That is all prior to the birth of the child?

A- 20. Yes sir.

Q- 21. And I think you said at that time you didn't take her before a Minister, one reason being that she was obviously pregnant and neither of you liked the idea?

A- 21. Yes sir.

Q- 22. Was there any other reason you felt you could not get married?

A- 22. Well, at that time, no.

Q- 23. The only reason you can think of you didn't wish to get married at that time was your appearance at the ceremony with her in that condition?

A- 23. Yes sir, and ashamed, sir.

Q- 24. Did you think about the pay allowance?

A- 24. Yes sir, if I had got married before that, before coming back into the army, I would have had to get my Superior Officer's permission and she probably wouldn't have got her allowance until six months after I had been back into the army and that would be too long.

Q- 25. Did you take the trouble to inquire into that at the time?

A- 25. Yes sir.

Q- 26. Did you go to anybody and ask about that or was that from your own working knowledge of it?

A- 26. No sir, I asked that - I asked some who had had experience.

Q- 27. As to whether if you married, what then?

A- 27. Yes sir, if I married without the Commanding Officer's permission she would lose her allowance for six months.

Q- 28. That was to the best of your knowledge at that time?

A- 28. Yes sir.

Q- 29. Coming further on - when was the child born?

A- 29. The child was born on June 26th.

Q- 30. On the 26th of June of what year?

A- 30. 1942.

Q- 31. And what did you and the girl in question do subsequent to the birth of the child? What did you and the girl do after the child was born?

A- 31. Well she came back after she was out of the hospital and I took her to her room and I worked and tried to pay the bills, sir.

Q- 32. Was she long in the hospital?

A- 32. She was 18 days in the hospital, sir.

Q- 33. Was there anything unusual about the birth of the child?

A- 33. Yes sir, it wasn't a natural birth, it was Caesarian.

Q- 34. She had an operation for the birth of the child?

A- 34- Yes sir.

Q- 35. What was your intention when the child was born?

A- 35. My first intention, as soon as the child was born and she was well enough I was going to return to the army and get things straightened out, but it didn't turn out that way. as she couldn't work for a year after, that is what the Doctor told her and she was very weak and there was no chance of her going to work and working until I was free to go back and marry her and she would get her allowance and so I had to stay and keep on working.

Q- 36. You say there was trouble at the birth of the child and following that she was in a very weak condition and you felt that you couldn't leave her then?

A- 36. Yes sir.

Q- 37. Did you register the birth of the child?

A- 37. Yes sir.

Q- 38. In whose name did you register it?

A- 38. In my name, sir.

Q- 39. Can you give us the full name of the child?

A- 39. Joseph Dennis Ivan Hamelin.

Q- 40. And when did the girl recover from the operation? I suppose that is an ambiguous question - it was probably a gradual process?

A- 40. Yes sir.

Q- 41, Did she get work after the birth of the child?

A- 41. No sir, not after the birth of the child.

Q- 42. At no time afterwards?

A- 42. She got work when the child was about 6 months.

Q- 43. About 6 months after the child was born she went to work?

A- 43 Yes sir.

Q- 44. You said that the doctor said she would not be in a position to work until about a year?

A- 44. Yes sir.

Q- 45. How long did you stay with her after she obtained work?

A- 45. After she obtained work I stayed about two months and came back.

A- 46. Why did you feel it necessary to stay with her after she obtained work?

A- 46. After she started to work she didn't earn very much, not to pay the hospital and doctor's bills and keep herself and the baby and I couldn't leave her holding all that load.

Q- 47. Did you pay on some of those bills?

A- 47. Yes, I paid the doctor and the hospital and the hospital I still owe money.

Q- 48. How much is owing now?

A- 48. Around $35.00.

Q- 49. Can you give us an idea, roughly, a rough estimate, how much was owing to the hospital and the doctor and for medicine involving the birth of the child?

A- 49. The hospital bill was $94.00; the doctor's bill was $90.00 and the anaesthetic was $10.00.

Q- 50. After having seen her back to work and fairly well cleaned up with the bills,except possibly $35.00, then you did what?

A- 50. Well, after that I felt and she felt that she could carry on until she was free, until we were free to be married.

Q- 51. You felt she was on her feet enough then?

A- 51. Yes sir.

Q- 52. So what course did you follow then?

A- 52. I gave myself up to the military police.

Q- 53. Do you and the girl intend to get married?

A- 53. Yes sir.

Q- 54. When?

A- 54. As soon as possible, sir.

Q- 54. As soon as possible?

A- 54. Yes sir.

Q- 55. If you thought you were going to get detention why didn't you get married after the birth of the child and before you gave yourself up?

A- 55. After the birth of the child, I was A.W.L. a long time and I knew that I was going to get detention and probably quite a long term, maybe, and I couldn't marry her without the Commanding Officer's permission and I had read in the papers that anybody getting married, or of marrying age, would have to go to the Selective Service Board and report it to the Selective Service Board and I thought in doing that that I would draw attention to myself and be apprehended.

Q- 56 So you decided it was in the best interests of the girl if you didn't marry her then, that you wait until some later date?

A- 56. Yes sir. I wanted to know what the army would do with me first.

Q- 57. So that everything you did was because you felt an obligation towards this girl?

A- 57. Yes sir.

Q- 58. Was that the sole reason for you going A.W.L.?

A- 58. Yes sir.

Q- 59. And the reason that you stayed away so long?

A- 59. Yes sir.

CROSS-EXAMINED BY THE PROSECUTOR:

Q- 60. Hamelin, when the child was born was it a normal nine months baby?

A- 60. It was late, sir - 20 days late.

Q- 61. So you have told your Defending Officer that the child was born on June 26th, 1942?

A- 61. Yes sir.

Q- 62. If the child was a normal nine months baby, ignoring

the fact of the 20 days, then conception must have taken place in the summer, around the date of September 26th, 1941; is that correct?

A- 62. Yes sir.

Q- 63. That would be around nine months?

A- 63 Yes sir.

Q- 64. Will you tell the Court the date you first went home from the Brantford Training Centre to Timmins and found this girl in a pregnant condition?

A- 64. I cannot remember that.

Q- 65- Approximately - I don't want to tie you down too close.

A- 65. It was September sometime

Q- 66. September of 1941?

A- 66. Yes sir.

Q- 67. Then if the conception took place on the 26th of September and you went home in September then it is at least logical that she would not be showing very much at that time?

A- 67. Yes sir.

Q- 68. She would not be showing at all?

A- 68. No, not very much.

Q- 69. Would it be that the conception took place at the time you went home, that you first left? Did you have intercourse with her during that time?

A- 69. Yes sir.

Q- 70. Is that the time she became pregnant?

A- 70. Yes sir.

Q- 71. So what you told in the Summary of Evidence was not true?

A- 71. I might have got mixed up.

Q- 72. I am not trying to confuse you, I just want the facts. Which is the fact, what you say in the Summary of Evidence or what you say now?

A- 72. What I say now.

Q- 73. What you say now is true?

A- 73. Yes sir.

Q- 74. So we will ignore what you say in the Summary of Evidence?

A- 74. Yes sir.

BY THE PRESIDENT:

Does he remember what he said in the Summary of Evidence.

CROSS-EXAMINED BY THE PROSECUTOR(Cont'd)

Q-75. Do you remember what was read over this morning?

A- 75. Yes sir.

BY THE PRESIDENT TO THE PROSECUTOR:

I think in fairness to the accused that you should read the part you are questioning.

BY THE PROSECUTOR:

Yes I will.

CROSS-EXAMINED BY THE PROSECUTOR(Cont'd)

Q- 76. You stated in the Summary of Evidence: "I admit that I was absent during the time charged, but the reson is that when I went home to Timmins, Ontario, on my first leave, and saw my girl friend, I saw that she was pregnant, and she was pretty far gone, showing." Do you remember saying that?

A- 76. Yes sir, but that is not what I meant.

Q- 77. You want to change that now?

A- 77. Yes sir.

Q- 78. That is not true?

A- 78. No, not what I said there.

Q- 79. The fact is that you did go home to Timmins on leave from Brantford and had intercourse with this girl?

A- 79. Yes.

Q- 80. And that is the time she became pregnant; is that correct?

A- 80. Yes sir.

Q- 81. How long after that was it that you took her to Toronto?

A- 81. I didn't exactly take her myself; I sent her to Toronto and I went West.

Q- 82. You arranged for her to go to Toronto?

A- 82. Yes.

Q- 83. Can you inform the Court as to the date?

A- 83. It was in December - I was out west then.

Q- 84. In December she went to Toronto?

A- 84. Yes sir.

Q- 85. And you went out West?

A- 85. Yes sir.

Q- 86. Could you not have married her at that time, before you went out West? She would not have been showing very much then, not in two or three months.

A- 86. We couldn't without giving ourselves away to our families and I didn't want to bring that disgrace on our families.

Q- 87. Wouldn't it have been better to have married her and you would have saved that?

A- 87. Yes, I realize that now.

Q-88. You made a mistake?

A-88. Yes sir.

Q-89. I am not trying to hurt you; I am just trying to bring out the facts before the Court. You said that you worked in a job in Toronto first?

A-89. Yes.

Q-90. Where?

A-90. For Mr. Goldthorpe, a carpenter.

Q-91. How long did you work for him?

A-91. Approximately one year or a little more.

Q-92. Did he know you were absent from the army?

A-92. No sir, he didn't know.

Q-93. You said to your Defending Officer, and I want to bring it out again, that the child was born on June 26th of 1942?

A-93. Yes sir.

Q-94. When was it, approximately, that the girl was able to be up and around?

A-94. You mean really able to be up and around?

Q-95. Able to go out?

A-95. It wasn't until about two months after that she could really walk and go down stairs.

Q- 96. That would be about August or September of 1942?

A- 96. Yes sir.

Q-97. That would give you several months from that time up until the day you surrendered yourself in February, 1943?

A- 97. Yes sir.

Q- 98. You didn't make any effort to obtain a marriage license to marry her, did you?

A- 98. No sir.

Q- 99. You could have come back to the army or surrendered yourself long before you did?

A- 99. No sir, I couldn 't.

Q- 100. It was possible but you didn't feel you wanted to.

A- 100. I could have given myself up at any time, yes, but she would have been on her own and couldn't do any work.

Q- 101. Therefore the only reason you didn 't, as you stated before, was that you wanted to look after the girl?

A- 101. Yes sir.

Q- 102. What were your intentions when you first went out West, when you first left the army, or what was your intention with reference to coming back to the army?

BY THE PRESIDENT:

Is that relevant? He is charged with absence without leave, not desertion.

BY THE PROSECUTOR:

I will withdraw that question.

CROSS-EXAMINED BY THE PROSECUTOR(Cont'd)

Q- 103. What are your intentions, just briefly, with reference to the girl? What do you want do do?

A- 103. Well, sir, as soon as possible I want to marry her and make things right - the way they should be.

Q- 104. Did you ever talk over with her the question of whether or not you should surrender yourself?

A- 104. Yes sir, many times.

Q- 105. What advice did she give you?

A- 105. She gave me the advice to do so, sir.

Q- 106. She wanted you to go back?

A- 106. Yes sir.

RE-EXAMINED BY THE DEFENDING OFFICER.

Q- 107. Did she advise you to go back before you did - sometime before you did?

A- 107. No, as a matter of fact we talked it over, sir, and we kind of balanced things up to see just how we stood and we decided that as soon as the moment, as soon as we were sure she would be all right, and the baby, I would give myself up.

Q- 108. You would give yourself up as soon as she and the baby were all right?

A- 108. Yes sir.

QUESTIONED BY THE PRESIDENT:

Q- 109. When were you supposed to have reported back to Brantford?

A- 109. December 16th, sir.

Q- 110. December 16th, 1941; that is the date you were charged with going absent from Brantford?

A- 110. Yes sir.

Q- 112. You told us about not being able to get married in Timmins when you first found out she was pregnant. What Church do you and the girl belong to?

A- 112. To the Catholic Church, sir.

Q- 113. Can you inform the Court of the practice as far as marriage is concerned. Is it announced in the Church?

A- 113. Yes sir, it is announced; it should be announced three weeks before the marriage takes place.

Q- 114. Did that part have something to do with the fact?

A- 114. Yes sir, I couldn't stay in Timmins, everybody

knew me there; I was well-known and I would be sure to be apprehended any day, sir.

Q- 115. Is there anything else that you wish to tell us or is that all?

A- 115. That covers it all.

BY THE COURT:

Q- 116. If this girl is working who is looking after the child?

A- 116. Her little sister, sir; she is staying with her.

Q- 117. Is it not known to the parents the condition she is in? Is your father and mother aware of it?

A- 117. Yes sir.

Q- 118. And her father?

A- 118. Yes sir, we let them know before I came back to the army.

Q- 119. Would the girl's father and mother be in a position to help her in an emergency, so far as money is concerned?

A- 119. No sir, not as far as money is concerned; they have nothing.

Q- 120. At the present time she is making enough to keep herself and the youngster and the sister?

A- 120. Yes sir.

-------- In the opinion of the Court it is not necessary to comply with R.P. 83(b).

-------- The accused resumes his seat.

SECOND WITNESS FOR THE DEFENCE. Miss Aurora Lerocque, 218 Ontario Street, Toronto, Ontario, having been duly sworn is examined by the Defending Officer.

Q- 121. I take it that you know the accused?

A- 121. Yes I do.

Q- 122. On June 26th, 1942, did you have a child of which the accused was the father?

A- 122. Yes I did.

Q- 123. About what time did you become pregnant?

A- 123. In September.

Q 124. Of what year?

A- 124.. 1942.

BY THE PRESIDENT:

Q- 125. It would be the year before?

A- 125. Yes, 1941.

EXAMINED BY THE DEFENDING OFFICER(Cont'd)

Q- 126. You became pregnant in September of 1941 and the child was born on June 26th, 1942?

A- 126. Yes sir.

Q- 127. After the time you became pregnant did the accused provide for your support?

A- 127. He did after December.

Q- 128. What did he do after December?

A- 128. He worked to keep me going.

Q- 129. Where did he keep you going?

A- 129. While I was here in Toronto.

Q- 130. Did he keep you up until the child was born?

A- 130. Yes he did.

Q- 131. Where was that?

A- 131. Here in Toronto.

Q- 132. For how long?

A- 132. He kept me until October or November - October, I think.

Q- 133. Did he stay with you after October?

A- 133. He did.

Q- 134. Did he help too?

A- 134. Yes he did.

Q- 135. Why do you say he helped you until October? What happened in October?

A- 135. I started to work.

Q- 136. You went back to work?

A- 136. Yes.

Q- 137. Was the accused working at that time?

A- 137. Yes he was.

Q- 138. Was he contributing to your support?

A- 138. Yes he was.

Q- 139. And that of the child?

A- 139. Yes he did.

Q- 140. Were either or both of you paying off bills?

A- 140. Yes, hospital and doctor bills

Q- 141. Who was paying them off?

A- 141. He was - my money had to dress myself.

Q- 142. And he was paying the bills?

A- 142. Yes sir.

Q- 143. Do you know how much?

A- 143. The Doctor was $90.00 and the hospital $94.50.

Q- 144. Were there any other incidental expenses?

A- 144. The anaesthetic was $10.00.

Q- 145. Any medical treatment?

A- 145. That was with the hospital bill, $94.50.

Q- 146. So the accused stayed with you after you obtained work in October?

A- 146. Yes.

Q- 147. Did you ever discuss with him his returning to the army?

A- 147. Yes, I asked him to go back.

Q- 148. What was the result of your conversation with him about returning to the army?

A- 148. He said that he wanted to wait until I would be on my feet before he would return.

Q- 149. Did you ever discuss marriage with the accused?

A- 149. Yes I did.

Q- 150. Did you discuss marriage with him before the child was born?

A- 150. When I was pregnant - yes I did.

Q- 151. What was the result of that conversation?

A- 151. He was absent without leave at the time and couldn't get permission to be married.

Q- 152. Did you know what effect that would have on him or either of you if he didn't get permission?

A- 152. I knew it would be an offence against him and I wouldn't get my allowance.

Q- 153. You thought it would be an offence against him?

A- 153. Yes.

Q- 154. Did you discuss it again after the child was born?

A- 154. Yes.

Q- 155. And what happened then?

A- 155. The same thing again.

Q- 156. He was again A.W.L.

A- 156. Yes, and nothing would have been done for me.

Q- 157. You thought, on the whole, you would be in a bad position if you got married?

A- 157. Yes.

Q- 158. Did he contribute towards the bills and your support right up to the time he gave himself up?

A- 158. Yes.

Q- 159. Do you know when he gave himself up?

A- 159. Last month, on the 4th, I think.

Q- 160. Did you know he was going to?

A- 160. Yes I did.

Q- 161. Was it mutually agreed between you that you could get along after that time and he would give himself up?

A- 161. Yes.

Q- 162. Did you make any plans for marriage in the future?

A- 162. Yes we did.

Q- 163. What are those plans?

A- 163. That when he came back, probably after he got over his time, he would probably get permission to get married.

Q- 164. After he got over what he has done?

A- 164. Yes.

Q- 165. Are you willing to marry him?

A- 165. Yes I am.

Q- 166. Do you want to marry him?

A- 166. Yes I do.

---------- The Prosecutor declines to cross-examine.

---------- In the opinion of the Court it is not necessary to comply with R.P. 83(b).

---------- The witness withdraws.

BY THE PRESIDENT TO THE DEFENDING OFFICER:

Have you any further evidence?

BY THE DEFENDING OFFICER:

His sergeant is here and he is willing to give character evidence - tell what he knows about him.

BY THE PRESIDENT:

Do you want to call him?

BY THE DEFENDING OFFICER:

Yes sir.

THIRD WITNESS FOR THE DEFENCE.

Lieutenant Maurice Lyle Kilgour, No. 20 C.A.(B)T.C. (HWE) Brantford, Ontario, having been duly sworn is examined by the Defending Officer.

Q- 167. Mr. Kilgour, do you know the accused, No. B-61375, Trooper Hamelin?

A- 167. Yes sir.

Q- 168. Would you recognize him now as having seen him before?

A- 168. Yes sir.

Q- 169. What was your former connection with him?

A- 169. I was his Platoon Sergeant, sir.

Q- 170. For approximately how long?

A- 170. As nearly as I can remember, I would say approximately five weeks.

Q- 171. Will you tell the Court, in your own words, what information, if any, you have?

A- 171. Well, in his general conduct he was a very good soldier and I saw no faults whatsoever with him except, of course, when he went away last. In all the time he was here he was a very good soldier.

Q- 172. Did you know of any pre-marital troubles he was having?

A- 172. No sir, none.

Q- 173. All you know is he was a good soldier.

--------- The Prosecutor declines to cross-examine.

QUESTIONED BY THE PRESIDENT:

Q- 174. Do you know how long the accused was at this camp before he went away?

A- 174. Not exactly, sir.

Q- 175. The part I am interested in is, were you his Platoon Sergeant during the whole period he was here?

A- 175. I believe I was, sir.

Q- 176. And during the period you knew him he performed himself well as a soldier in the ranks?

A- 176. Very good, sir.

Q- 177. Is there anything else you would like to tell us?

A- 177. No sir, I think that is all.

---------- In the opinion of the Court it is not necessary to comply with R.P. 83(b).

---------- The witness withdraws.

---------- The Defence has no further witnesses.

---------- The Defence is closed.

E

Finding*

*To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

~~The Court is closed for the consideration of the finding.--~~

~~The Court find that the accused~~

Proceedings on Conviction *before Sentence*

*When the Court is already open this sentence will be struck out.

~~The Court being re-opened, the accused is again brought before it.~~

Captain G. Gordon **Blake**, A. & S.H. of C. (HWE)
Attached No. 20 C.A.(B)T.C., (Adjutant) is duly sworn.

Evidence of character, &c.

Q- 178 *Question by the President.* Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.* A-178. Yes sir, I produce M.F.B. 355 and certified true copy of M.F.M. 6

The above statement [~~with the schedule of convictions and of cases in which trial has been dispensed with~~] is read, marked "Y-Z", signed by the President, and annexed to the proceedings.

Q- 179 *Question by the President.* Is the accused the person named in the statement which you have ~~heard~~ read? *Answer by the Witness.* He is, sir.

Q- 180 *Question.* Have you compared the contents of the above statement with the regimental books? *Answer.* A-180. I have, sir.

Q- 181 *Question.* Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.* A- 181. They are, sir.

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

~~Cross-examined by the accused.~~

The Defending Officer declines to cross-examine.

In the opinion of the Court it is not necessary to comply with R.P. 83(b).

The witness withdraws.

Q- 182 *Question to the accused.* Do you wish to address the Court? *Answer.* A-182. Sir, I would like to produce this Baptismal Certificate of my child and I would like my Defending Officer to speak for me.

The Court is closed for the consideration of the sentence.

(5)

--- Baptismal Certificate is marked Exhibit "J" signed bythe President and attached to the proceedings.)

--- Closing Address by the Defending Officer re mitigation is marked Exhibit "K" signed by the President and attached to the proceedings.)

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F

Sentence

The Court sentence the accused No. B-61375, Trooper Gaetan Hamelin, No. 2 Dist. Depot, C.A., attached to No. 20 C.A.(B) T.C., C.A., Brantford, Ontario, to undergo detention for nine months.

Sentence.

DETENTION

9 Months.

Signed at Brantford, Ontario, this 5th day of March, 1943.

L. Reid MAJOR.
45th(Reserve)(Norfolk) Field Regiment,
Royal Canadian Artillery, C.A.,
Attached Headquarters, Military District No. 2.
PRESIDENT D.C.M.

Confirmed
C. F. Constantine Mg.
Signed at Toronto Ont. this 13th day of March 1943

Promulgated and extracts taken at Brantford, Ontario, this 23rd day of March, 1943.

A D Crow Capt. & Adjt.
(A. D. Crow)
Officer i/c Documents
No. 20 (Basic) Training Centre,
Brantford, Ontario.

Extracts entered as No. 8252 in the Record of Courts-Martial kept in the office of the Judge Advocate-General this 12th day of August 1943

Pursuant to powers vested in me under Section 57 (2) of the Army Act, I HEREBY REMIT the balance of Detention awarded the marginally-named soldier, said Remission to date from 8th July, 1943.

PROMULGATION

Promulgated and extracts taken at Brantford, Ont. this 9 day of July 1943.

(G. Reeve) Lieut & A/Adjt.
Officer i/c Documents
no 20 C.A.(B) T.C C.A.
Brantford, Ontario.

SIGNED, at Toronto, Ontario, this 2nd day of July, 1943.

(C.F. Constantine,)
Major-General
District Officer Commanding,
M.D.2.

X

Major Reid DCM.

X

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O R D E R S B Y

Brigadier-General G.R. McCuaig, CMG, DSO, VD.
Temporary District Officer Commanding,
Military District No. 2.

TORONTO, Ontario, 2nd March, 1943.

District Court-Martial
No. B-61375, Tpr. Gaetan HAMELIN,
No. 2 District Depot, C.A.,
Attached No. 20 Canadian Army (Basic)
Training Centre, C.A.

The detail of Officers mentioned below will assemble at Lecture Hut A-2, No. 20 Canadian Army (Basic) Training Centre, C.A., Brantford, Ontario, at 10 o'clock a.m. (EDST) on FRIDAY, the 5th day of MARCH, 1943, for the purpose of trying by District Court-Martial, the accused person named in the margin (and such other persons as may be brought before them).

PRESIDENT

Major F.M. Reid,
45th (Reserve) (Norfolk) Field Regiment,
Royal Canadian Artillery, C.A.,
Attached Headquarters,
Military District No. 2.

MEMBERS

Major J.R. Sutherland,
Canadian Armoured Corps, C.A.,
No. 2 District Depot, C.A.

Captain W.E. Millard,
Home War Establishment,
No. 20 Canadian Army (Basic)
Training Centre, C.A.

WAITING MEMBER

Captain R.J. Taggart,
Home War Establishment,
No. 20 Canadian Army (Basic)
Training Centre, C.A.

PROSECUTOR

Captain J.L. Downey,
No. 2 District Depot, C.A.,
Attached Headquarters,
Hamilton-Niagara Area.

DEFENDING OFFICER

The Commanding Officer of each soldier brought before the Court for trial will detail a Defending Officer for the trial of such soldier.

OFFICERS ATTENDING FOR INSTRUCTION

The Officer Commanding, No. 20 Canadian Army (Basic) Training Centre, C.A. may detail 6 Officers to attend the Courts-Martial for instruction.

The accused persons will be warned and all witnesses duly required to attend.

The Commanding Officer of each soldier brought before the Court for trial will detail a Court Orderly and Escort for the trial of such soldier.

The Commanding Officer of each soldier brought before the Court for trial, will, if the accused requires it, detail an Interpreter for the trial of such soldier.

The Proceedings will be forwarded to Headquarters, Military District No. 2.

SIGNED at Toronto, Ontario, this 2nd day of MARCH, 1943.

M.H.A. Drury

(M.H.A. Drury)
Lieutenant-Colonel
A.A. & Q.M.G. M.D. 2.

X1

Sheet 2 attd. marginal X1 President D.C.M. 53

DAILY ORDERS PART I
BY
MAJOR A. J. McCAUSLAND, ED, OFFICER COMMANDING
NO 20 (BASIC) TRAINING CENTRE, BRANTFORD, ONTARIO

Sheet No. 1 D.O. No. 45A 4th March, 1943
(Last Part I Order issued D. O. No. 45 dated 4th March, 1943)

1. DISTRICT COURT MARTIAL
No. B.61375 Tpr. Gaetan HAMELIN
No 2 District Depot, C. A.,
Attached No. 20 Canadian Army (Basic)
Training Centre, C. A.

The detail of Officers mentioned below will assemble at Lecture Hut 2A No 20 Canadian Army (Basic) Training Centre, C.A., Brantford, Ontario, at 10 o'clock a.m. (EDST) on FRIDAY, the 5th day of March 1943 for the purpose of trying by District Court-Martial, the accused person named in the margin (and such other persons as may be brought before them.)

PRESIDENT

Major F. M. Ried
45th (Reserve) (Norfold) Field Regiment
Royal Canadian Artillery, C.A.
Attached Headquarters Military District No. 2

MEMBERS

Major J. R. Sutherland
Canadian Armoured Corps, C. A.,
No 2 District Depot, C. A.

Captain I. E. Millard
Home War Establishments
No 20 Canadian Army (Basic)
Training Centre

WAITING MEMBER

Captain R. J. Taggart
Home War Establishment
No 20 Canadian Army (Basic)
Training Centre, C. A.

PROSECUTOR

Captain J. L. Downey
No. 2 District Depot, C.A.
Attached Headquarters
Hamilton-Niagara Area

DEFENDING OFFICER

Lieut. J. C. N. Currelly
No. 20 Canadian Army (Basic) Training Centre, C.A.

OFFICERS ATTENDING FOR INSTRUCTION

The Officer Commanding, No. 20 Canadian Army (Basic) Training Centre, C.A. may detail 6 Officers to attend the Courts-Martial for instruction.

COURT SERGEANT

B.100524 A/Sgt. Jones, A. S.

Certified a true copy
G. Blake Capt
Capt. & Adj.

A. D. Crow
(A. D. CROW) CAPT & ADJT. for
O.C., No 20 C.A.(B)T.C., Brantford, Ont.

(Authority: Brigadier-General G. E. McCuaig, CMG, DSO, VD.)
Temporary District Officer Commanding
Military District No. 2

Lt Col 2nd
Major
President D.C.M.

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"G"

LIST OF OFFICERS UNDER INSTRUCTION.

Lieutenant T.S. Ripley, (HWE) No.20 C.A.(B) T.C., C.A
Brantford, Ontario.

Lieutenant J.B. Marion, (HWE) No. 20 C.A.(B) T.C.,C.A.
Brantford, Ontario.

2/Lieutenant P.S.R.Malcomson, Algonquin Regiment,
Attached No. 20 C.A.(B) T.C., C.A., Brantford, Ontario.

Lieutenant G.D. McMurrich, 48th Highlanders, attached
No. 20 C.A.(B) T.C., C.A., Brantford, Ontario.

Lieutenant H. B. Henry, (HWE) No. 20 C.A.(B)T.C., C.A.,
Brantford, Ontario.

Captain R.J. Taggart, (HWE) No. 20 C.A.(B) T.C., C.A.,
Brantford, Ontario

Headed
Maj.
President G.C.M.

"H"

STATEMENT BY THE PROSECUTOR RE LEGAL QUALIFICATIONS.

Sir, I am announcing to the accused and to the Court that I have legal qualifications in civil life and I was the Officer taking the Summary of Evidence in this case and at that time I warned the accused that I had legal qualifications in civil life and the accused has signed a statement acknowledging having been so warned and I would like to offer it to the Court to complete the record.

BY THE PRESIDENT TO THE DEFENDING OFFICER:

The Defending Officer has no objection to the Prosecutor having legal qualifications, even though the statutory notice may not have been given?

BY THE DEFENDING OFFICER:

No sir.

Ex.

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President D.C.M.

SUMMARY OF EVIDENCE

in the case of

B-61375 Trooper Gaetan HAMELIN, No. 2 Dist. Depot, C.A., attached to No. 20 C.A.(B)T.C., C.A., Brantford, Ontario, a soldier of the Canadian Army placed on Active Service.

CHARGE (1) ABSENCE WITHOUT LEAVE

The Commanding Officer directed that the evidence be taken on oath.

B-100518 Sgt. (A/QMS WOII) FREEMAN, J.D., No. 20 C.A.(B)T.C., C.A., Brantford, Ontario, is duly sworn as shorthand writer.

FIRST WITNESS Capt. G.G. BLAKE, No. 20 C.A.(B)T.C., C.A., Brantford, Ontario, having been duly sworn states:

"I am the Assistant Adjutant of No. 20 C.A.(B)T.C., C.A., and as such have custody of the regimental books of said Unit. I produce M.F.B. 375, being a certified true copy of a record of the Declaration of A Court of Inquiry held on the illegal absence of B-61375 Trooper Gaetan HAMELIN, No. 2 Dist. Depot, C.A., attached to No. 20 C.A.(B)T.C., C.A., Brantford, Ontario. I identify the accused as the person referred to in said documents."

M.F.B. 375 is marked "EXhibit "A" and attached to this Summary of Evidence

"I produce M.F.M. 215 boing certificate of apprehension signed by the Officer Commanding, No. 2 Dist. Depot, C.A., Toronto, Ontario, stating that B-61375 Trooper Gaetan HAMELIN, No. 2 Dist. Depot, C.A., surrendered to B-76053 Private COWIE, W. of the Regimental Police at Exhibition Barracks, Toronto, Ontario, at 1700 hours on the fourth day of February, 1943, and that at the time of his surrender he was wearing military uniform. I identify the accused as the person referred to in said documents."

Certificate is marked "Exhibit "B" and attached to this Summary of Evidence.

"I produce Part II Daily Order number 266, dated 17th December, 1941, by Officer Commanding, No. 20 C.A.(B)T.C., C.A., paragraph 7 of which states that B-61375 Trooper Gaetan HAMELIN is attached to No. 20 C.A.(B)T.C., C.A., Brantford, for all purposes, on ceasing to be attached for No. 2 Dist. Depot, C.A., Toronto, to No. 12 Dist. Depot, C.A., Regina, Saskatchewan, effective 15th December, 1941.

Paragraph 6 section (c) of this Part II Daily Order number 266 states that B-61375 Trooper Gaetan HAMELIN was absent without leave from 0945 hours 16th December, 1941. I identify the accused as the person referred to in said document."

Certified true copy of Part II Daily Order number 266, is marked "Exhibit "C" and attached to this summary of evidence.

"I produce Part II Daily Order number 347, dated 13th December, 1941, by Officer Commanding, No. 12 Dist. Depot, C.A., Regina, Sasketchewan, Section "B", paragraph 2 (b), of which states that B-61375 Trooper Gaetan HAMELIN was struck off strength of No. 12 Dist. Depot, C.A., for all purposes on attachment to No. 20 C.A.(B)T.C., C.A., effective 14th December, 1941."

Certified true copy of Part II Daily Order number 347, is marked "Exhibit "D" and attached to this summary of evidence.

"I produce Part II Daily Order number 272, dated 26th December, 1941, by Officer Commanding, No. 20 C .A.(B)T.C., C.A., paragraph 5 section (j) of which states that B-61375 Trooper Gaetan HAMELIN was absent without leave from 0945 hours 16th December, 1941, second posting. I identify the accused as the person referred to in said document."

Certified true copy of Part II Daily Order number 272, is marked "Exhibit "E" and attached to this summary of evidence.

SUMMARY OF EVIDENCE

in the case of

B-61375 Trooper Gaetan HAMELIN continued

FIRST WITNESS

"I produce Part II Daily Order number 273, dated 29th December, 1941, by Officer Commanding, No. 20 C.A.(B)T.C., C.A., paragraph 16 section (h) of which statesthat B-61375 Trooper Gaetan HAMELIN was absent without leave from 0945 hours 16th December, 1941, final posting. I identify the accused as the person referred to in said documents."

Certified true copy of Part II Daily Order number 273 is marked "Exhibit "F" and attached to this summary of evidence.

"I produce Part II Daily Order number 9, dated 10th January, 1942, by Officer Commanding, No. 20 C.A.(B)T.C., C.A., paragraph 2 section (a) of which states that B-61375 Trooper Gaetan HAMELIN having been declared by a Court of Inquiry held on 10th January, 1942, to have been illegally absent from 0945 hours, 16th December, 1941, ceases to be attached to No. 20 C.A.(B)T.C., C.A., Brantford, for all purposes, on return to No. 2 Dist. Depot, C.A., effective 10th January, 1942. I identify the accused as the person referred to in said document."

Certified true copy of Part II Daily Order number 9, is marked "Exhibit "G" and attached to this summary of evidence.

"I produce Part II Daily Order number 31, dated 8th February, 1943, by Officer Commanding, No. 20 C.A.(B)T.C., C.A., paragraph 20 section (b) of which states that B-61375 Trooper Gaetan HAMELIN having surrendered to the regimental police in uniform in Toronto, Ontario, is taken on strength of No. 20 C.A.(B)T.C., C.A., Brantford, effective 1700 hours 4th February, 1943. I identify the accused as the person referred to in said documents."

Certified true copy of Part II Daily Order number 31, is marked "Exhibit "H" and attached to this summary of evidence. The accused was given an opportunity of examining the above exhibits.

G. Blake, Capt.
(G.BLAKE) Captain,
No. 20 C.A(B)T.C., C.A.

The accused declines to cross-examine the witness

SECOND WITNESS

B-100508 C.S.M. W.O.II BROWN, W.S., No. 20 C.A.(B)T.C., C.A., Brantford, Ontario, having been duly sworn states:

"The accused here present appeared on Part II Daily Orders No. 266, dated 17th December, 1941, as being posted to "D" Company, already produced as "Exhibit "D" in this case. As Company Sergeant-Major of "D" Company I called the Company Roll at 0945 hours on the morning of the 16th December, 1941. The accused did not answer his name. The roll was called daily by me and the accused did not answer his name, until the accused's name appeared on Part II Daily Orders number 9, dated 10th January, 1942, as being struck off strength, this Part II Daily Orders being produced previously as "Exhibit "G". I did not see the accused until 0900 hours, 11th February, 1943, when he appeared before his Company Commander ona charge of Absence Without Leave. Had the accused been at this Training Centre I would have seen him because it was my duty to know whether or not he was here, he being a member of my Company. The reason I can identify the accused is that he was in my Company prior to the time he went out west in August, 1941."

W.S. Brown
B-100508 C.S.M. BROWN, W.S.

SUMMARY OF EVIDENCE

in the case of

B-61375 Trooper Gaetan HAMELIN continued

The accused declined to cross-examine this witness.

QUESTION TO THE ACCUSED

"Do you wish to make any statement or give evidence upon oath? You are not obliged to say anything or give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence."

ANSWER BY THE ACCUSED

"Sir, I wish to give evidence under oath.". The accused having been sworn states: "I admit that I was absent during the time charged, but the reason is that when I went home to Timmins, Ontario, on my first leave, and saw my girl friend, I saw that she was pregnant, and she was pretty far gone, showing, and as we both came from good families we were ashamed to get married in Timmins. So I took her with me to Toronto and left her in Toronto with some money. Then I went out west for the harvest season. I was not dressed in uniform but took my uniform with me. I was out west about three weeks in Fillmore, Saskatchewan and I was apprehended as an absentee without leave in Regina, Saskatchewan, and served 27 days detention there. Then I was sent back to Brantford, but I did not report to Brantford. I came back alone on the train but instead of reporting to Brantford stayed in Toronto. My girl friend was sick and it turned out to be worse than I thought. She had to go to the hospital to have an operation and I had to pay the hospital and doctor bill. I have not quite finished paying the hospital bill yet. I owe about $30.00. The girl and the child are now living in Toronto and I want to marry the girl as soon as I am free and give the child my name. The child is now seven months old. My girl friend and I decided that the right thing for me to do would be surrender myself to the military police at No. 2 Dist. Depot and I did on 4th February, 1943. I now feel that I must pay my price for going absent without leave and after this is done I wish to obtain my Commanding Officer's permission to marry this girl and look after her as my wife and give the child my name, being his father.

G. Hamelin
.....
(B-61375 Tpr. HAMELIN, G.

QUESTION TO THE ACCUSED

"Do you wish to call in witnesses on your behalf?"

ANSWER BY THE ACCUSED

"No Sir."

I certify that the Rules of Proceedure 4(C), (D), (E) and (F) have been complied with.

SUMMARY OF EVIDENCE

in the case of

B-61375 Trooper Gaetan HAMELIN continued

Taken down before me in the presence of the accused at No. 20 C.A.(B)T.C., C.A., Brantford, Ontario, this 16th day of February, 1943.

J.L. Downey

(J.L. DOWNEY) Captain
Prosecutor, Courts-Martial
Headquarters, Military District No. 2, C.A.
attached Headquarters
Hamilton-Niagara Peninsula Area,
Niagara Camp,
Niagara-on-the-Lake, Ont.

Officer detailed to take the summary of evidence

Ans 7

"Exhibit "A" A 67

RECORD of the Declaration of a Court of Inquiry assembled at Brantford, Ontario on the Tenth day of January 1942, for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B-61375 Trooper Gaetan HAMELIN, No. 2 Dist. Depot, C.A., attached to No. 20 C.A.(B)T.C., Brantfor, Ontario.

DECLARATION

The Court declare that No. B-61375 Trooper Gaetan HAMELIN, "D" Coy., No. 2 Dist. Depot, C.A., attached to No. 20 C.A.(B)T.C., C.A., Brantford illegally absented himself without leave from No. 20 C.A.(B)T.C., C.A., Brantford at 0945 hours on the Sixteenth day of December, 1941, that he is still so absent, and that on the 10th January, 1942 he was deficient, and that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	VALUE
This is Exhibit "A" referred to in the summary of evidence in the case of B-61375 Trooper Gaetan HAMELIN J. L. Downey (J.L. Downey) Captain Officer detailed to take this summary of evidence Prosecutor, Courts-Martial Headquarters, Military District No. 2, C.A., attached Headquarters Hamilton-Niagara Peninsula Area, Niagara Camp, Niagara-on-the-Lake, Ont.			

Geo. Hunter Capt. President
No. 20 C.A.(B)T.C., C.A.

G. Blake Lieut. Member
No. 20 C.A.(B)T.C., C.A.

T.C. Gordon Lieut. Member
No. 20 C.A.(B)T.C., C.A.

Signed at Brantford, Ontario
this 10th day of January 1942

Signature of Commanding Officer W. Towers, Major & A/Comdt.
No. 20 C.A.(B)T.C., C.A.

Certified true copy G. Blake Capt
(G. Blake) Capt. & A/Adjt.
No. 20 C.A.(B)T.C., C.A.
and Officer in charge of Records

Signature of Officer having custody of original record

M.F.B. 375
A.F.B. 115
BSM—6-41 (750)
H.Q. 1772-30-657

Certificate in accordance with Order-in-Council P.C. 2797 dated April 10th, 1942, as published in Routine Order 1377, and in General Order No. 127, 1942.

(Apprehension by or surrender to service authorities)

I, Colonel C.S. Hollinrake, Officer Commanding, No. 2 District Depot, C.A.
~~(Number)~~ ~~(Rank)~~ (Name) ~~(Unit)~~

hereby certify that B-81375 TPR. HAMELIN G.
(Number) (Rank) (Name in Full)

of the Ontario Regiment, Brantford
(Unit and Attachment) (if any)

~~was apprehended by~~ (Surrendered to) B-76053 PTE.
(Number) (Rank)

COWIE, W. of The Regimental Militaryh Police
(Name) (Unit or Appointment)

at Exhibition Barracks, Toronto.
(Place)

at 1700 hours on the 4th. day of February 1943.
(Hour)

~~a Deserter (or~~ absentee without leave), and that at the time of his arrest he was wearing military ~~(Air Force)~~ uniform ~~(Dressed in Civilian Clothes)~~.

Dated at Exhibition Barracks, Toronto.

this 6th. day of February 1943.

(Strike out words not applicable)

W. Cowie Pte.
B-76053 Cowie, W.

C.S. Hollinrake Colonel.
~~(Signature, Number, Rank, Unit or Appointment)~~

Officer Commanding, No. 2 District Depot., C.A.(A)

NOTE: Where the Soldier, on surrender or apprehension, has been taken into the custody of a Unit or formation, this certificate must be signed by the Officer Commanding such Unit or formation, and not by an Officer for him.

Where the Soldier, on surrender or apprehension, has been taken into the custody of a detachment of the Canadian Provost Corps, C.A., this certificate must be signed by the Officer, or Warrant Officer, or non-commissioned Officer in charge of such Detachment.

This is Exhibit "B" referred to in the summary of evidence in the case of B.81375 Trooper Gaetan HAMELIN

J.L. Downey
(J.L. Downey) Captain
Officer detailed to take this summary of evidence

Prosecutor, Courts-Martial
Headquarters, Military District No. 2, C.A.,
attached Headquarters
Hamilton-Niagara Peninsula Area,
Niagara Camp,
Niagara-on-the-Lake, Ont.

Contrd Magn Orders C P.C.M.

DAILY ORDERS PART II

by

MAJOR WALTER C. TOWERS, A/COMMANDANT
NO. 20 (BASIC) TRAINING CENTRE, BRANTFORD, ONT.

Sheet No. 1 D. O. No. 266 17th December, 1941

Last Part II Orders issued No. 265, dated 16th December, 1941

SECTION "A"

Nil

SECTION "B"

A & T STAFF

1. STRENGTH INCREASE - ATTACHMENT (FOR RECORD PURPOSES ONLY)

B-61505 Pte. Coe, J.H. ceases to be "On Command" to No. 20 (Basic) Trng. Centre, Brantford, from Camp 21, C.P.C., Espanola, Ont., and is taken on strength of No. 2 Dist. Depot, Toronto, and attached for all purposes to No. 20 (Basic) Trng. Centre, Brantford, Ontario. Effective 15-12-41. (Auth. T.20-C-1204, d/15-12-41 & H.Q. 405-C-340 (A.P.3), d/12-12-41.)

"A" RECRUITS

2. STRENGTH DECREASE - ATTACHMENT

B-18502 Gnr. Burgess, S.R. ceases to be attached for all purposes to No. 20 (Basic) Trng. Centre, Brantford, on return to 30th L.A.A. Bty., R.C.A. Effective 17-12-41. (Auth: T.20-B-4865, d/4-12-41
"C" Coy.

3. BIRTH

B-9822 Gnr. Gibbons, A.E., a daughter, Joan Lorraine Gibbons, on 10-12-41, at Owen Sound, Ontario.
"A" Coy.

4. CHANGE OF ADDRESS

B-66550 Gnr. Turner, W.B. address of next of kin changed from: 26 Palace Street, Brantford, Ontario, to 147 Dalhousie Street, Brantford, Ontario.
"A" Coy.

5. HOSPITALIZATION

(a)	B-11979	Gnr. Holmes, D.E.	"A" Coy.	admitted to	B.M.H.	on 17-12-41
(b)	B-92019	" Kane, D.	"A" "	" "	B.G.H.	on 17-12-41
(c)	B-9521	" Rouleau, C.P.	"A" "	" "	B.G.H.	on 17-12-41
(f)	B-9822	" Gibbons, A.E.	"A" "	disch. from	B.M.H.	on 17-12-41
(g)	B-18579	" Taylor, G.D.	"C" "	admitted to	B.G.H.	on 17-12-41
(h)	B-18669	" Roworth, G.S.	"D" "	" "	B.M.H.	on 17-12-41

6. ABSENT WITHOUT LEAVE

(a)	B-46683	Pte. Conway, W.R.	"B" Coy.	absent from	2145 hrs 16-12-41
(b)	B-53229	Sgn. McGill, L.	"D" "	" "	0600 hrs 15-12-41
(c)	B-61375	Tpr. Hamelin, G.	"D" "	" "	0945 hrs 16-12-41

7. STRENGTH INCREASE - ATTACHMENT

B-61375 Tpr. Hamelin, G. is attached to No. 20 (Basic) Trng. Centre, Brantford, for all purposes, on ceasing to be attached for No. 2 Dist. Depot, Toronto, to No. 12 Dist. Depot, Regina, Sask. Effective 15-12-41. (Auth. H.Q. 405-H-5312 (A.D.3), d/6-12-41.) Posted to "D" Coy.
"D" Coy.

X

Sheet No. 1
D. O. No. 266
Part II
17-12-41

Certified a true copy
G Blake
Capt. & Adj.

Sheet No. 2 D. O. No. 266 17th December, 1941

8. PUNISHMENTS

(a) B-91566 Gnr. Shen, A.D. "C" Coy. fined $10.00 for drunkenness (3rd offence) on 26-11-41, under F.R. & I. Art. 161 CASF.

(b) B-52892 Pte. Whiting, E. "C" Coy. admonished for drunkenness (1st offence) on 15-12-41. A.A. 19

9. MARRIAGE

B-18659 Gnr. Capirchio, A.J. "C"Coy. having been granted permission to marry was married to Miss Mary Theresa Fulmines on 13-12-41 at Brantford, Ontario.

Witnesses: Mr. Louis Capirchio, Brantford, Ontario.
Miss Lillian Fulmines, Brantford, Ontario.

Address of next of kin: 29 Buffalo Street, Brantford, Ontario.

Sheet No. 2
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Part II
17-12-41

N.C. Bucknam
(N.C. Bucknam) Capt. & Adjt. for
Comdt. No. 20 (Basic) T.C.
Brantford, Ontario

Certified a true copy
G. Blake
Capt. & Adj.

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This is Exhibit "C" referred to in the summary of evidence in the case of B-61375 Trooper Gaetan HAMELIN.

J. L. Downey

(J.L. Downey) Captain

Prosecutor, Courts-Martial
Headquarters, Military District No. 2, C.A.,
attached Headquarters
Hamilton-Niagara Peninsula Area,
Niagara Camp,
Niagara-on-the-Lake, Ont.

Officer detailed to take this summary of evidence

Certified true copy
G. Robinson Capt. & Adjt.
Officer I/c Records
No. 12 Dist. Depot C.A.

FEB 13 1943

75

#12 DISTRICT DEPOT, CANADIAN ARMY (ACTIVE)
REGINA, SASK.

Last Part II Order #346 d/12-12-41 PAGE ONE	DAILY ORDERS PART II LT. COL. N.L.M. SIM, V.D. COMMANDING OFFICER	This Part II Order #347 December 13th, 1941 PAGE ONE

" A " OFFICERS AND NURSING SISTERS

1. STRENGTH INCREASE: Records Purposes Only

L.35001 Cadet E. Buglass — Having qualified as a 2/Lieut. at the O.T.C., Brockville, Ont., is T.O.S. #12 Dist. Depot, CAAF. on transfer from 17th Fld. Bty., R.C.A.(AF) an appointment as a Provisional Reinf. Officer, R.C.A., in the Rank of 2/Lieut. effective 29-8-41. (Auth. H.Q. 54-27-20-705 Vol.5(Pers.2(B)1) d/23-10-41)

2. PROMOTIONS: Records Purposes Only

2/Lieut. E. Buglass — Promoted to the Rank of Lieut. effective 29-10-41. (Auth. H.Q. 54-27-20-705 Vol.6(Pers.2(B)1)d/8-12-41)

3. ADDEND.:

R.f.D.O.Pt.II #339 d/5-12-41 para 2 Sec. "A" insofar as it concerns 2/Lieut. R.M. Barr ADD after his name ""Reported for Duty on 4-12-41.""

" B " OTHER RANKS

1. STRENGTH INCREASE:

The undermentioned having been attested are T.O.S. #12 Dist. Depot, CAAF. as from the dates shown for the Units and Quotas stated and are T.O.R.S. the same date:

23rd Quota S.S.R.(POOL)

L.13813 Pte. Carter, Harold	Married	T.O.S. 11-12-41

23rd Quota R.R.R.(POOL)

L.28365 Rfn. Moule, Ernest George	Single	T.O.S. 10-12-41

23rd Quota Anti/Tank R.C.A.(POOL)

M.9012 Gnr. Anderson, John Grant	Married	T.O.S. 11-12-41(Formerly served with 23rd Bty., 2nd A./T.Regt. as "M.9012."

23rd Quota Med. Regt. R.C.A.(POOL)

L.495 Gnr. Hepting, Carl	Married	T.O.S. 9-12-41
L.496 Gnr. White, Wilbert Frederick	Single	T.O.S. 11-12-41 (L.465057)

23rd Quota Tank Bns(POOL)

L.58781 Tpr. Knous, Henry Charles	Single	T.O.S. 12-12-41

23rd Quota R.C.E.(POOL)

L.19610 Spr. LaRocque, Robert Andrew	Married	T.O.S. 11-12-41
L.19609 Spr. Marriott, Gerald Everett	Single	T.O.S. 11-12-41
L.19608 Spr. Thompson, James Arthur Tinwell	Single	T.O.S. 10-12-41
L.19611 Spr. Scott, Lloyd Vernon	Married	T.O.S. 11-12-41

23rd Quota R.C.O.C.(POOL)

L.[illegible] Pte. Hassman, George Christian	Single	T.O.S. 11-12-41
L.[illegible]655 Pte. Keegan, Harold Frank	Single	T.O.S. 10-12-41
L.[illegible]651 Pte. Wood, Charles Spencer	Single	T.O.S. 10-12-41

[illegible] Guard of Canada:

[illegible] Gdsm. Anderson, Thomas Henry	Married	T.O.S. 8-12-41
L.12175 Gdsm. Ponto, Fred August	Single	T.O.S. 11-12-41(Formerly served with #12 D.D. and S.S.R. with Regt. No. "L.12175."
[illegible]392 Gdsm. Pratt, William John	Married	T.O.S. 11-12-41

2. STRENGTH DECREASE:

(a) L.7687 Pte. Brenner, M.J. — S.O.S. for all purposes on discharge Category "E" effective 12-12-41. S.O.R.S. 12-12-41(Auth. G.A., R.O. #1009/10) and Commanding Officer)

(b) B.61375 Pte. Hamelin, G. — S.O.S. for all purposes on attachment to #20(B)T.C., Brantford, Ont., effective 14-12-41. S.O.R.S. 14-12-41. (Auth. H.Q.495-H-5312(A.D.3) d/6-12-41 and D.A.A.G. M.D.#12 letter File R.1-H-314 d/11-12-41)

X

12 DISTRICT DEPOT, CANADIAN ARMY (ACTIVE)
REGINA, SASK.

Last Part II Order #346 DAILY ORDERS PART II This Part II Order #347
d-12-12-41. LT. COL. H.L.H. SIM, V.D. December 13th, 1941.
Page. Two COMMANDING OFFICER. Page. Two

3. RETURN FROM LEAVE OF ABSENCE.
The undermentioned returned from leave of absence at the time and dates shown. T.O.R.S. same date.

L.32377	Pte. Burke, J.B.	2300 hrs. 11-12-41.
L.13788	Pte. Zerr, G.C.	2359 hrs. 12-12-41.
L.8486	Pte. Gates, B.L.	1200 hrs. 12-12-41.
L.6392	Gnr. Hamson, J.M.R.	1200 hrs. 12-12-41.
L.28340	Rfn. Longul, T.	1200 hrs. 12-12-41.
L.13785	Pte. McDonald, A.J.	1200 hrs. 12-12-41.
L.28339	Rfn. Perkins, H.C.	2400 hrs. 12-12-41.
L.8487	Pte. Bolam, R.E.	1200 hrs, 12-12-41.
L.32371	Pte. Ross, R.	2400 hrs. 12-12-41.

4. FURLOUGH.
L.27103 Pte. Burnside, C.W. Granted furlough with pay from 2100 hrs. 14-12-41 to 2100 hrs. 28-12-41. (On Sub) Special transportation Warrant A.87293 issued.

5. LEAVE OF ABSENCE.
(a) The undermentioned are granted leave of absence from 1630 hrs. 12-12-41 to the time and dates shown. S.O.R.S. same date.

L.19194	Spr. Chase, L.G.	0800 hrs. 16-12-41 (On Sub)
L.9650	Pte. Goddard, J.A.H.	2200 hrs. 17-12-41.
L.19608	Spr. Thompson, J.A.	2200 hrs. 12-12-41.

(b)
The undermentioned are granted leave of absence from 1200 hrs. 13-12-41 to the time and dates shown. S.O.R.S. same date.

L.18923	Gnr. Bank, H.W.	2359 hrs. 16-12-41.
L.91404	A/Cpl. Brooker, F.W.	0800 hrs. 15-12-41. (On Sub)
L.9631	Pte. King, A.J.	2359 hrs. 14-12-41.
L.28349	Rfn. Hicks, J.W.	0700 hrs. 15-12-41.
L.22415	Pte. Lively, E.E.	0600 hrs. 15-12-41.
L.7196	Sgt. Palmer, W.H.	0600 hrs. 15-12-41. (On Sub)
L.8442	Pte. Sauer, G.F.	0700 hrs. 15-12-41.
L.61797	Gnr. Watson, A.V.	1200 hrs. 18-12-41.

6. SUBSISTANCE ALLOWANCE.
The undermentioned are granted subsistance allowance at the rate of $1.00 per diem under the provisions of Art. 199(1) F.R. & I CAAF. effective 13-12-41. S.O.R.S. 12-12-41.

L.33149 A/Cpl. Butt, A.	L.8274 Pte. Huber, J.
L.10362 Gnr. Morrison, R.	L.51282 Pte. Popowicz, I.
L.9345 Pte. Wiebe, L.G.	

7. REVERSION OF RANK.
L.22600 A/Sgt. Moyer, A.J. Reverts to the grade of Acting Corporal with pay at his own request effective 13-12-41. (Auth. Commanding Officer).

8. RETURN FROM SICK LEAVE.
L.15124 Pte. LeBlanc, J.R. Returned from sick leave at 0600 hrs. 13-12-41. T.O.R.S. 13-12-41.

10. RETURN FROM EXCUSED DUTY AT HOME.
L.26607 A/L/Cpl. Jewitt, D. Returned from excused duty at home at 0800 hrs. 13-12-41. (On Sub).

A12 DISTRICT DEPOT, CANADIAN ARMY (ACTIVE)
REGINA, SASK.

Last Part II Order #346 DAILY ORDERS PART II This Part II Order #347
12-12-41. LT. COL. M.L.M. SIM, V.D. December 13th, 1941.
Page. Three COMMANDING OFFICER Page. Three.

11. CLOTHING ALLOWANCE.
L.7687 Pte. Brenner, M.J. — Having been discharged under the provision of C.A.R.O. #1029(10) effective 12-12-41 and having served for the period from Jan. 12th, 1940 to Dec.12th, 1941. is entitled to clothing allowance in the amount of $35.00 under the provisions of Art.187 (3) F.R.& I CAAF.

12. REHABILITATION GRANT.
L.7687 Pte. Brenner, M.J. — Having been discharged Category "E" effective 12-12-41 is entitled to receive payment under the Rehabilitation Act. (Auth.CARO #872).

13. ADDRESS ON DISCHARGE.
L.7687 Pte. Brenner, M.J. — ADDRESS: 1946 Atkinson St. Regina, Sask.

14. INTER-UNIT POSTINGS.
L.18590 Gnr. Beckett, A.A. — Posted from 23rd Quota Fld.Regt. to Phase II Students as a Motor Mechanic effective 12-12-41.

15. RETURN FROM ABSENT WITHOUT LEAVE.
L.191 Pte. Demacheski, J. — Returned from A.W.L. at 1720 hrs.12-12-41.

16. ADMITTED TO DETENTION.
L.191 Pte. Demacheski, J. — Admitted to Detention 1400 hrs. 13-12-41.

17. PUNISHMENTS.
(a) L.191 Pte. Demacheski, J. — Charged With: ABSENTING HIMSELF WITHOUT LEAVE from 1330 hrs. 1-12-41 to 1720 hrs. 12-12-41. (Sec.A.A.15(1)
TOTAL TIME ABSENT: 11days 2 hours 50 minutes
DATE OF AWARD: 13-12-41 (In Close Arrest until Punishment awarded)
AWARD: 168 hours detention.
FORFEITURE: 12 Days for A.W.L. F.R. & I 149 (1)(a)
12 days Detention
TOTAL FORFEITURE OF PAY: 24 days amounting to $31.20

(b) L.513 Pte. Ripley, C.G. — Charged With: CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE A...Sec.40
AWARD: 7 days C.B.
DATE OF AWARD; 13-12-41.

18. HOSPITAL.
L.51252 Pte. Smee, J. S. — Discharged from R.A.H. 12-12-41 (To sick Leave).

19. SICK LEAVE.
L.51252 Pte. Smee, J. S — Granted sick leave with pay from 13-12-41 to 9-1-42 (inclusive) a period of 28 days and is accordingly entitled to draw subsistence allowance at the rate of $1.00 per diem under the provisions of Art.199(1) F.R.& I CAAF. amounting to $28.00.

#12 DISTRICT DEPOT, CANADIAN ARMY (ACTIVE)
REGINA, SASK.

Last Part II Order #346
d/12-12-41
PAGE FOUR

DAILY ORDERS PART II
LT. COL. N.L.M. SIM, V.D.
COMMANDING OFFICER

This Part II Order #347
December 13th, 1941
PAGE FOUR

Section "C"
MEMBERS C.A.(H.D.)

1. LEAVE OF ABSENCE:
The undermentioned are granted leave of absence with pay from 1200 hrs 13-12-41 to 0600 hrs 15-12-41. S.O.R.S. 13-12-41.

L.601488 Pte. Amundson, R.A.
L.601741 Pte. Chayko, N.
L.463826 Pte. Courneya, N.L.
L.601229 Pte. Ditter, J.W.
L.601505 Pte. Hertz, R.R.
L.601473 Pte. Sali, J.F.
L.601740 Pte. Chamberlin, R.E.
L.601619 Pte. Clemens, E.
L.601682 Pte. Deringer, L.
L.601628 Pte. Fritzler, A
L.464303 Pte. Hooser, G.A.
L.601730 Pte. Wild, F.J.

" R " RECRUITS
Section "D"

1. LEAVE OF ABSENCE:
(a)The undermentioned are granted leave of absence with pay from 1200 hrs 13-12-41 to 0600 hrs 15-12-41. S.O.R.S. 13-12-41.

L.600576 Pte. Byers, J.C.
L.601181 Pte. Finsant, N.L.
L.601204 Pte. Peel, J.T.
L.601021 Pte. Evenson, W.E.
L.600653 Pte. McAvéna, F.J.
L.600950 Pte. Usselman, F.P.

(b)
The undermentioned are granted leave of absence with pay from 1200 hrs 13-12-41 to time and dates shown. S.O.R.S. 13-12-41.

L.601310 Pte. Vogt, W. to 0900 hrs 15-12-41
L.600730 Pte. Diene, E.A. to 0700 hrs 15-12-41

2. AMENDMENTS:
(a)Ref.D.O.Pt.II #313 d/9-11-41 para 1 Sec."R" insofar as it concerns L.600916 Pte. Boucher, G.E. the date of A.W.L. should read ""2200 hrs 1-11-41.""
(b)Ref.D.O.Pt.II #315 d/11-11-41 para 4 Sec."R" insofar as it concerns L.600916 Pte. Boucher, G.E. the date of A.W.L. should read ""2200 hrs 1-11-41.""
(c)Ref.D.O.Pt.II #328 d/24-11-41 para 4 Sec."R" insofar as it concerns L.600916 Pte. Boucher, G.E. the dates should read ""from 2200 hrs 1-11-41 to 2200 hrs 22-11-41.""
(d)Ref.D.O.Pt.II #335 d/1-12-41 para 2 Sec. "R" insofar as it concerns L.600916 Pte. Boucher, G.E. the date of A.W.L. should read ""from 2200 hrs 1-11-41"" and the Forfeiture should read ""25 days pay for A.W.L.""

3. RETURN FROM ABSENT WITHOUT LEAVE:
L.601256 Pte. Sirak, M. Returned from A.W.L. at 1830 hrs 9-12-41 when apprehended by R.C.M.P. at Gorlitz, Sask., and returned to Regina, TORS 10-12-41.

4. ADMITTION TO DETENTION:
L.601256 Pte. Sirak, M. Admitted to Detention at 1400 hrs 13-12-41.SORS 13-12-41.

5. PUNISHMENTS:
L.601256 Pte. Sirak, M.

Charged With: ABSENTING HIMSELF WITHOUT LEAVE from 2200 hrs 23-11-41 to 1830 hrs 9-12-41 when he was apprehended by R.C.M.P. and returned to Regina.
A.A.Sec.15(1)
TOTAL TIME ABSENT: 15 days 20 hours 30 minutes
AWARD: 12 days Detention(In Close Arrest)
DATE OF AWARD: 13-12-41
FORFEITS: 16 days pay for A.W.L.(F.R.& I. 149(1)(a)
12 days pay for Detention
4 days pay for Close Arrest(FR&I.149(1)(b)
Expenses: $22.52
TOTAL FORFEITURE OF PAY: $64.12.

Expenses:
Escort & Absentee Trans. $ 8.40
R.C.M.P. Expenses:::::::$10.47
Escort Expenses::::::::$ 3.65
$22.52

DISTRIBUTION:
As per Distribution List on File:

Certified true copy

(G. Robinson, H.C.)Capt & Adjt.
Officer i/c Records,
No. 12 Dist. Depot C.A.

(E. ROSS) MAJOR & ADJT.
for O.C. #12 District Depot, CAAF. Regina.

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This Exhibit "D" referred to in the
summary of evidence in the case of
B-61375 Trooper Gaetan HAMELIN

J.L. Downey

.....
(J.L. Downey) Captain

Prosecutor, Courts-Martial
Headquarters, Military District No. 2, C.A.
Attached Headquarters
Hamilton, Niagara Peninsula Area
Niagara Camp
Niagara-on-the-Lake, Ontario

Officer detailed to take summary of
evidence

DAILY ORDERS PART II

by

MAJOR WALTER C. TOWERS, A/COMMANDANT

NO. 20 (BASIC) TRAINING CENTRE, BRANTFORD, ONT.

Sheet No. 1 D. O. No. 272 26th December, 1941

Last Part II Orders issued No. 271, dated 23rd December, 1941

SECTION "A"

1. ON COMMAND

The undermentioned Officers cease to be attached to C.S.A.F.C., Long Branch, Ontario, for all purposes except pay, on return to No. 20 (Basic) Trng. Centre, Brantford. Effective 20-12-41.

Lieut. G.C. Blake
" G.D. Dunsford

SECTION "B"

A & T STAFF

2. HOSPITALIZATION

(a) B-100600 A/R.S.M. T.L. Rivers, M.M. discharged from B.G.H. on 23-12-41
(b) B-75506 A/R.Q.M.S. Watson, C.F. " " B.G.H. on 24-12-41
(c) B-100510 A/Cpl. Cartwright, N. " " B.M.H. on 24-12-41
(d) A-440867 Pte. Larkin, J.H. " " B.M.H on 24-12-41

"A" RECRUITS

3. HOSPITALIZED

(a)	B-15301	Gnr.	Tihor, L.	"A" Coy.	disch. from	B.M.H.	on 23-12-41
(b)	B-92019	"	Kane, D.	"A" "	" "	B.G.H.	on 22-12-41
(c)	B-9521	"	Roulcau, C.	"A" "	" "	B.G.H.	on 22-12-41
(d)	B-9809	"	Gaudaur, W.	"A" "	" "	B.M.H.	on 23-12-41
(e)	B-9831	"	Lewis, H.H.	"A" "	" "	B.M.H.	on 25-12-41
(f)	B-32067	Tpr.	Gilpin, J.C.	"A" "	" "	B.M.H.	on 24-12-41
(g)	B-27028	Gnr.	Hume, A.S.	"A" "	" "	B.M.H.	on 24-12-41
(h)	B-32436	Sgn.	Dawson, W.	"B" "	" "	B.M.H.	on 24-12-41
(i)	B-9733	Gnr.	Coreau, J.	"B" "	admitted to	B.M.H.	on 24-12-41
(j)	B-46729	Pte.	Valencourt, L.	"B" "	" "	B.M.H.	on 24-12-41
(k)	B-46708	"	Mulhern, P.	"B" "	disch. from	B.M.H.	on 24-12-41
(l)	B-46695	"	Burt, G.E.	"B" "	" "	B.G.H.	on 24-12-41
(m)	B-18539	Gnr.	Allbright, B.	"C" "	admitted to	B.M.H.	on 22-12-41
(n)	B-9581	"	Moran, A.B.	"C" "	" "	H.G.H.	on 30-11-41
(o)	B-18621	"	Shipton, A.	"C" "	" "	H.M.H.	on 14-12-41
(p)	B-9581	"	Moran, A.B.	"C" "	transf. from	H.G.H.	to H.M.H. 17-12-41
(q)	B-18621	"	Shipton, A.	"C" "	disch. from	H.M.H.	on 20-12-41
(r)	B-18600	"	Crawford, G.	"C" "	" "	B.M.H.	on 23-12-41
(s)	B-9641	"	Koski, G.	"C" "	" "	B.M.H.	on 23-12-41
(t)	B-18579	"	Taylor, G.D.	"C" "	" "	B.G.H.	on 24-12-41
(u)	B-18523	"	Lockwood, J.	"C" "	" "	C.S.H.	on 23-12-41
(v)	B-18518	"	Webster, G.	"C" "	" "	B.M.H.	on 25-12-41
(w)	B-9692	A/L/Cpl.	Shirtiff, F.	"D" Coy.	admitted to	B.M.H.	on 26-12-41
(x)	B-16578	Gnr.	Moffat, V.C.	"D" Coy.	disch. from	H.M.H.	on 20-12-41
(y)	B-9565	"	Mortylyk, W.	"D" "	" "	T.H.H.	on 30-12-41
(z)	B-18741	"	Baker, G.	"D" "	" "	B.M.H.	on 22-12-41

Sheet No. 1
D. O. No. 272
Part II
26-12-41

Certified a true copy
G. Blake
Capt. M.T.C.

Sheet No. 2 D. O. No. 272 26th December, 1941

4. HOSPITALIZATION

(a) B-9842 Gnr. Champagne, G. "A" Coy. disch. from T.M.H. on 19-12-41
(b) B-46683 Pte. Conway, W.R. "B" " " " B.M.H. on 25-12-41
(c) B-18761 Gnr. Baird, R.E. "D" " " " B.M.H. on 25-12-41

5. ABSENT WITHOUT LEAVE

(a) B-62095 Tpr. Lamott, L.P. "A" Coy. absent from 0600 hrs 20-12-41
(b) B-18680 Gnr. Pinion, W.N. "B" " " " 0600 hrs 15-12-41 (2nd
(c) B-22909 Spr. Delorme, A.A. "B" " " " 0600 hrs 17-12-41 (2nd
(d) B-27028 Gnr. Hume, A.S. "B" " " " 0700 hrs 25-12-41
(e) B-22887 Spr. Plantz, A.A. "B" " " " 0600 hrs 22-12-41
(f) B-22939 " Webb, W.R. "B" " " " 2145 hrs 22-12-41
(g) B-22912 " Wuori, E. "B" " " " 0600 hrs 22-12-41
(h) B-9658 Gnr. Bernard, E.M. "C" " " " 2145 hrs 22-12-41
(i) B-16578 " Moffat, V.C. "D" " " " 1200 hrs 20-12-41
(j) B-61375 Tpr. Hamelin, G. "D" " " " 0945 hrs 16-12-41(2nd pe

6. STRENGTH

(a) B-18589 Gnr. Kelly, J.P. "C" Coy. returned from AWL 0215 hrs 26-12-41
(b) B-22912 Spr. Wuori, E. "B" " " " " 1945 hrs 23-12-41

7. PUNISHMENTS

(a) B-18589 Gnr. Kelly, J.P. "C" Coy. awarded 10 dys C.B. and forfeiture of 7 dys Pay & Allowances on 26-12-41 for being AWL from 2145 hrs 21-12-41 to 0215 hrs 26-12-41 (4 dys 4 hrs 30 min) Forfeits 5 dys Pay & Allowances under F.R. & I. Art. 149 CASF. (Total forfeiture 12 dys Pay & Allowances)

(b) B-22912 Spr. Wuori, E. "B" Coy. awarded 7 dys C.B. for being AWL from 0600 hrs 22-12-41 to 1945 hrs 23-12-41 (1 day 13 hrs 45 min) Under close arrest from 1945 hrs 23-12-41 to 1530 hrs 24-12-41. Forfeits 2 dys Pay & Allowances under F.R. & I. Art. 149 CASF. And to bear the costs of apprehension and return from Toronto, Ontario, in the sum of $3.70 made up as follows:

1 ticket from Brantford to Toronto and return (escort)	1.85
1 ticket from Toronto to Brantford (accused)	1.85
	$3.70

(Total forfeiture 2 dys Pay & Allowances)

8. CANCELLATIONS

B-9581 Gnr. Moran, A.E. "C" Coy.
(1) D.O. No. 254, para 4 sec (c), d/2-12-41 is hereby cancelled. (In hospital)
(2) D.O. No. 258, para 11 sec (c), d/8-12-41 is hereby cancelled. (In hospital)
(3) D.O. No. 268, para 6 sec (c), d/19-12-41 is hereby cancelled. (In hospital)

Sheet No. 2
D. O. No. 272
Part II
26-12-41

N.C. Buckham
(N.C. Buckham) Capt. & Adjt. for
Comdt. No. 20 (Basic) T.C.
Brantford, Ontario.

Certified a true copy
G. Blake
Capt. & Adjt.

Revised Daily Orders D.C.M. 87

DAILY ORDERS PART II Z

by

MAJOR WALTER C. TOWERS, A/COMMANDANT

NO. 20 (BASIC) TRAINING CENTRE, BRANTFORD, ONT.

Sheet No. 1 D.O. No. 273 29th December, 1941

Last Part II Orders issued No. 272, dated 23th December, 1941

SECTION "A"

1. LEAVE

The undermentioned Officers returned from Christmas Leave on 27-12-41.

Major A.J. McCausland, E.D.
" J.E. Sutcliffe
Capt. N.C. Bucknam, M.M.
" R.H. Hamilton
Lieut. R.E. Bolt
" S.G. Hewson
2/Lt. G.J. Aldridge
" H.S. Smith
" G. Bradshaw
" W.O. Buchanan
" D.S. Dudley
" E.T. Harshman
" B.W. Ridley
" W.O. Wareham
" J.R. Webb-Smith

SECTION "B"

A & T STAFF

2. PROMOTION (BMH-HWE)

B-100587 Pte. McGrandles, J. to be Acting Corporal with pay effective 24-12-41 to complete HWE. (Auth. T.20-M-3069, d/24-12-41.)

3. PERMISSION TO MARRY

B-100594 A/Cpl. Boulaine, L. is granted permission to marry Miss Francis Dorothy Sheriff, Gainsville, Ontario.

4. AMENDMENTS

(a) B-100566 A/Sgt. Racicot, J.H. D.O. No. 270, para 7, d/22-12-41 insofar as it pertains to the m/n is amended to read: B-100556 A/Sgt. Racicot, J.M. (Correction in regimental number.)

(b) B-408415 A/CQMS Goodall, G.A. D.O. No. 271, para 2, d/23-12-41 insofar as it pertains to the m/n is amended to read: B-100657 A/CQMS Goodall, G.A. (Correction in regimental number.)

(c) B-100504 A/Sgt. Ball, F. D.O. No. 271, para 2, d/23-12-41 insofar as it pertains to the m/n is amended to read: B-100594 A/Sgt. Ball, F. (Correction in regimental number.)

(d) B-100511 A/Sgt. Drysdale, G.S. D.O. No. 271, para 2, d/23-12-41 insofar as it pertains to the m/n is amended to read: B-100611 A/Sgt. Drysdale, G.S. (Correction in regimental number)

(e) B-406224 Pte. Rance, B. D.O. No. 271, para 2, d/23-12-41 insofar as it pertains to the m/n is amended to read: B-100646 Pte. Rance, B. (Correction in regimental number)

Sheet No. 1
D. O. No. 273
Part II
29-12-41

Certified a true copy
G. Blake

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7. BEST HUT

Tuesday - 30th. December - 1941 - Pennant won by Hut B-2. Platoon commanded by Lieut. H. A. Welch - Sgt. G. W. Lomas - Cpl. A. Hibbert.

Special mention is made to - - - - Hut C-4 and D-2 and B-3 who ran 2nd., 3rd., 4th., respectively.

The Standing of the Platoons from the 28th. October is as follows:

Hut C-1	won	7	times	Hut A-1	won	3	times
" B-1	won	7	"	" A-3	"	3	"
" B-4	"	3	"	" D-1	"	3	"
North Detail Hut	"	2	"	" A-4	"	1	"
Hut B-3	"	2	"	" D-2	"	2	"
" C-2	"	1	"	South Detail Hut	"	1	"
" B-2	"	2	"				
" C-3	"	1	"				

(N. A. Buckham) Capt. & Adj. for
Comdt. No. 20 (Basic) Trng. Centre
Brantford, Ontario.

RLP

Sheet No. 2 D. O. No. 273 29th December, 1941

5. STRENGTH DECREASE - ATTACHMENTS

(a) The undermentioned personnel cease to be "On Command" from Units as shown and cease to be called out under G.O. 139/39 on attachment to No. 2 Dist. Depot, Toronto, pending enlistment in the C.A.(A). Effective 28-12-41.

B-566002 A/C.S.M. Davis, W.J. (2nd Div RCASC)
B-406186 Pte. Rooney, J.

(b) B-100538 A/Sgt. Lomas, G.W. ceases to be attached to No. 20 (Basic) Trn Centre, Brantford, for all purposes, on being returned to and transferred for No. 2 Dist. Depo Toronto, to 1st Gdn. Base Ordnance Workshop, R.C.O.C., Camp Borden, Ontario. Effective 28-12-41. (Auth. T.36-1-280, d/19-12-41 and H.Q. 54-28-1044-1 E.D.1 (A.P.3), d/15-12-41.)

6. REVERSION

B-566002 A/C.S.M. Davis, W.J. reverts to the rank of private on ceasing to be attached to No. 20 (Basic) Trng. Centre.

7. STRENGTH INCREASE - ATTACHMENTS

(a) B-100659 Pte. Davis, W.J. having been attested and allotted regimental number as shown is taken on the strength of No. 2 Dist. Depot, Toronto, and attached to No. 20 (Basi Trng. Centre, Brantford, for all purposes, effective 29-12-41. (Auth. H.Q. 60-D-421 (A.P.1), d/18-12-41 and T.20-D-1803, d/20-12-41.)

(b) B-100658 Pte. Rooney, J. having been attested and allotted regimental number as shown is taken on the strength of No. 2 Dist. Depot, Toronto, and attached to No. 20 (Basi Trng. Centre, Brantford, for all purposes, effective 29-12-41. (Auth. H.Q. 869-R-283 (A.P.1), d/18-12-41 and T.20-R-872, d/20-12-41.)

8. PROMOTION

B-100659 Pte. Davis, W.J. to be Acting Company Sergeant Major with pay to complete H.W.E. Effective 29-12-41.

9. FURLOUGH

B-39735 Pte. Farrow, R. is granted furlough from 2200 hrs 27-12-41 to 2200 hrs 10-1-42. (Auth. R.C. 699)

10. LEAVE

The undermentioned personnel returned from Christmas Leave on 27-12-41.

B-100557 A/SQMS Reive, G.
B-100508 A/CSM Brown, W.S.
B-406136 " Pidgeon, F.G.
B-406137 " Pratt, E.A.
B-100657 A/CQMS Goodall, G.A.
B-100594 A/Sgt. Ball, F.
B-100501 " Banks, W.S.
B-100513 " Culver, R.S.
B-100611 " Drysdale, G.S.
B-100526 " Henry, H.B.
B-100536 " Lees, J.B.
B-100538 " Lomas, G.W.
B-100541 " McClelland, A.J.
B-67317 " Olver, E.H.
B-100550 " Pearson, A.E.
B-100647 " Richardson, A.E.
B-100552 " Sanderson, H.L.
B-100567 " Smith, S.A.

Sheet No. 3

Certified a true copy

10. LEAVE CONT'D.

B-72873 A/Cpl. Appleton, D.
B-35017 " Baynes, J.A.
B-100535 " Clancy, W.R.
B-412519 " Cook, S.F.
C-4317 " Bowen, C.J.
B-100512 " Crossett, H.A.B.
B-100517 " Ferris, D.E.
B-85596 " Fogwell, P.
B-100521 " Golinas, C.L.
B-100539 " Golding, W.
B-100523 " Hammond, W.
B-100532 " Hornby, W.
B-100534 " Jones, A.S.
B-37113 " Morley, C.F.
B-100544 " Pitman, H.
B-100562 " Russell, W.C.
B-100582 " Sewell, H.
B-100571 " Turner, H.G.
B-6528 " Wadwell, J.L.
B-405047 " Williamson, H.
B-9680 A/L/Cpl. Adair, W.
B-100642 " Hill, W.J.
B-75010 " O'Neill, P.A.
B-100633 Pte. Attfield, N.C.
B-24322 " Barlow, A.
B-100598 " Beam, H.
B-100630 " Brown, J.D.N.
B-100509 " Buchan, C.
B-100634 " Carter, F.D.
B-100622 " Chataway, L.
B-100551 " Coleman, F.J.
B-100637 " Cox, S.
B-495842 " Cottrell, D.
B-85596 " Cruckshank, R.G.
B-87868 " Danylyskyn, H.
B-100514 " Daughtery, J.H.
B-100638 " Davidson, A.
B-100602 " Diss, R.B.
C-600278 " Doering, G.
B-100515 " Eaid, T.F.
B-410223 " Edwards, A.H.
B-69711 " Eyre, S.A.
B-100520 " Gaudette, A.C.
B-426061 " Harniman, W.
B-100524 " Harris, J.E.
B-100643 " Hughes, C.
B-24287 " Inwood, C.
B-407636 " Jaques, C.C.
B-24010 " Lawrence, D.G.
B-100623 " Mansell, G.T.
B-515107 " Marriner, S.
B-100613 " Mottashed, G.E.
B-100548 " Oliver, T.E. (M.M.)
B-545005 " Phillips, R.
B-100546 " Rance, B.
B-85079 " Sloan, W.
B-100654 " Smith, C.L.
B-100615 " Smith, J.K.
B-400432 " Sutherland, T.A.
B-100569 " Tucker, J.W.
B-88823 " Walters, J.S.
B-100576 " Wilson, M.A.E.
B-11212 " Wooden, M.

Sheet No. 3
D. O. No. 273
Part II
29-12-41

Certified a true copy
G Blake

Sheet No. 4 D. O. No. 273 29th December, 1941

11. LEAVE CONT'D.

B-100580 A/Sgt. Buzek, W. (B.M.H. - Staff)
B-93881 A/Cpl. Cole, J.B. " "
B-100587 " McGrandles, J. " "
B-86300 Pte. Dobrint, J.F. " "
B-97297 " Gillings, A.E. " "

"A" RECRUITS

12. HOSPITALIZATION

"A" Coy.
B-53593 Pte. Comer, M.T. admitted to B.M.H. on 29-12-41
B-53614 " Cowan, E.L. " " B.M.H. on 29-12-41
B-16757 " Miles, J.N. " " B.M.H. on 29-12-41
B-9697 Gnr. Witthun, H.D. " " H.M.H. on 25-12-41
B-85378 A/L/Cpl. Webster, R.W. admitted to B.M.H. on 29-12-41
B-9777 Gnr. Bowman, K.E. discharged from B.M.H. on 27-12-41

"B" Coy.
B-38297 Gnr. Balm, E.K. admitted to B.M.H. on 29-12-41
B-22900 Spr. Cole, A.H. " " B.M.H. on 29-12-41
B-22926 " McLean, K.M. " " B.M.H. on 29-12-41
B-46729 Pte. Valencourt, L.E. discharged from B.M.H. on 27-12-41

"D" Coy.
Gnr. admitted to
B-18704 " Potts, G.A. " " B.M.H. on 27-12-41
B-32380 Sgn. Stephenson, G." " B.M.H. on 26-12-41
B-18753 Gnr. Walsh, H. " " B.M.H. on 29-12-41
B-91684 " Knauff, K.J.A. discharged from B.M.H. on 27-12-41
B-18704 " Potts, G.A. " " B.M.H. on 29-12-41
B-9692 A/L/Cpl. Shirriff, F.C. " " B.M.H. on 29-12-41
A Coy

13. FURLOUGHS

(a) B-77253 A/L/Cpl. Thomson, T. is granted furlough from 2200 hrs 29-12-41 "D" Coy. to 2200 hrs 12-1-42. (Auth. R.O. 599)

(b) The undermentioned personnel returned from furlough at 2200 hrs on dates shown:

B-85471	A/L/Cpl.	Davidson, R.P.	25-12-41
B-77268	"	Robinson, H.P.	26-12-41
B-16661	"	Lockwood, A.M.	29-12-41

14. CHANGE OF ADDRESS

(a) B-91686 Pte. Evans, J.V. address of next of kin changed from 57 "B" Coy. McAlpine Avenue, Welland, Ontario, to: 69 Kennedy Street, Welland, Ontario.

(b) B-87354 A/L/Cpl. Fair, D.E. address of next of kin changed from: "C" Coy. 102 West Avenue, Hamilton, Ontario, to: 110 Cathcart Street, Hamilton, Ontario.

(c) B-69798 Gnr. Fisk, T.L. address of next of kin changed from: "C" Coy. 110 Sorauren Avenue, Toronto, Ontario, to: 23 South Kendall Avenue, Bradford, Pennsylvania, U.S.A.

(d) B-18742 Gnr. Rattray, J.M. address of next of kin changed from: "D" Coy. 68 Rosseau Road, Saltfleet, Ontario, to: 185 Julian Avenue, Normanhurst P.O., Ontario.

15. PERMISSION TO MARRY

B-53616 Pte. Welsby, J.G. is granted permission to marry Miss Esther "D" Coy. Iannello, Hamilton, Ontario.

Sheet No. 4
D. O. No. 273
Part II
29-12-41

A true copy

Sheet No. 5 D. O. No. 273 29th December, 1941

16. ABSENT WITHOUT LEAVE

(a) B-62095 Tpr. Lamont, L.P. "D" Coy. absent from 0800 hrs 20-12-41 (2nd
(b) B-9802 Gnr. Smith, J.G. "A" " " " 2145 hrs 21-12-41 (2nd
(c) B-46713 Pte. Novacs, A.S. "B" " " " 0600 hrs 26-12-41
(d) B-9562 Gnr. Hassan, S.A. "A" " " " 0600 hrs 8-12-41 (3rd
(e) B-52892 Pte. Whiting, H.B. "C" " " " 0600 hrs 22-12-41
(f) B-18517 Gnr. Gadsby, H.E. "C" " " " 1330 hrs 26-12-41
(g) B-18638 A/L/Cpl. Mackay, H. "C" " " " 1200 hrs 27-12-41
(h) B-61375 Tpr. Hamelin, G. "D" " " " 0943 hrs 16-12-41 (2nd
(i) B-18578 Gnr. Moffat, V.C. "D" " " " 1200 hrs 20-12-41 (2nd
(j) B-18746 " Greig, J. "D" " " " 0600 hrs 26-12-41
(k) B-18762 " Wall. E. "D" " " " 0600 hrs 26-12-41

17. STRENGTH

(a) B-46712 Pte. McMartin, D.W. "B" Coy. returned from AWL 0045 hrs 27-12-
(b) B-46711 " Wisnowski, A.T. "B" " " " " 1550 hrs 28-12-
(c) B-52892 " Whiting, H.B. "C" " " " " 0100 hrs 23-12-
(d) B-9812 Gnr. Fevreau, E.E. "A" " " " " 1715 hrs 28-12-

18. PUNISHMENTS

(a) B-9812 Gnr. Fevreau, E.E. awarded 10 dys C.B. on 29-12-41 for being AWL from 2145 hrs 21-10-41 to 1715 hrs 28-12-41 (6 dys 19 hrs 30 min) Under open arrest. Forfeits 7 dys Pay & Allowances under F.R. & I. Art. 149 CASF.
"A" Coy.

(b) B-46712 Pte. McMartin, D.W. awarded 28 dys detention on 29-12-41 for:
"B" Coy.
(1) AWL from 0700 hrs 21-12-41 to 0045 hrs 27-12-41 (5 dys 17 hrs 45 min) Under close arrest from 0045 hrs 27-12-41 to 1030 hrs 29-12-41 (2 dys 9 hrs 45 min) Forfeits 8 dys Pay & Allowances under F.R. & I. Art. 149 CASF.
(2) Breaking out of barracks on 21-12-41. AA10(4)
(3) Failing to appear at the place of parade. AA15(2)
Entered Detention at 1030 hrs 29-12-41.
(Total forfeiture 36 dys Pay & Allowances)
To bear the costs of apprehension and return from Toronto, Ontario, in the sum of $3.70 made up as follows:

1 ticket from Brantford to Toronto and return (escort).	1.85
1 ticket from Toronto to Brantford (accused)	1.85
	3.70

(c) B-46711 Pte Wisnowski, A.T. awarded 21 dys detention on 29-12-41 for being AWL from 2145 hrs 12-12-41 to 1550 hrs 28-12-41 (15 dys 18 hrs 5 min) Under open arrest. Forfeits 15 dys Pay & Allowances under F.R. & I. Art. 149 CASF. Entered detention at 1030 hrs 29-12-41. (Total forfeiture 37 dys Pay & Allowances)
"B" Coy.

(d) B-52892 Pte. Whiting, H.B. awarded 15 dys detention on 28-12-41 for being AWL from 0600 hrs 22-12-41 to 0100 hrs 23-12-41 (19 hrs) Under open arrest. Forfeits 1 dys Pay & Allowances under F.R. & I. Art. 149 CASF. Entered detention at 1030 hrs 23-12-41 (Total forfeiture 16 dys Pay & Allowances)
"C" Coy.

Certified a true copy
G. Blake
Capt. & Adj.

Sheet No. 5
D. O. No. 273
Part II
29-12-41

18. PUNISHMENTS - CONT'D.

(a) B-16899 Gnr. Bourgeon, W. "B" Coy. Having been apprehended while an illegal absentee, under close arrest from 1900 hrs 11-12-41 to 1030 hrs 29-12-41 (17 dys 14 hrs 30 min) Forfeits 12 dys Pay & Allowances under F.R. & I. Art. 149 C.A.R.P. Was awarded 28 dys detention on 29-12-41 and to bear the costs of apprehension and return from Sudbury, Ontario, in the sum of $15.64 made up as follows:

1 ticket from Brantford to Sudbury and return (escort)	11.04
Meals enroute (escort)	3.75
Meals for accused at Sudbury Goal while awaiting escort	.85
	15.64

Entered detention at 1030 hrs 29-12-41
(Total forfeiture 46 dys Pay & Allowances)

19. STRAIGHT FORFEITURE - ATTACHMENTS

(a) B-18622 Gnr. Allward, B. "C" Coy. having been declared by a Court of Inquiry held on 29-12-41 to have been illegally absent from 2350 hrs 29-11-41 and to have deficiencies in his kit and equipment amounting to $32.95 ceases to be attached to No. 20 (Basic) Trng. Centre, Brantford, for all purposes, on return to No. 2 Dist. Depot, Toronto. Effective 29-12-41. Forfeits 31 dys Pay & Allowances under F.R. & I. Art. 170 (1)(b).

(b) B-68264 Pte. Cavanaugh, R.J. "D" Coy. having been declared by a Court of Inquiry held on 29-12-41 to have been illegally absent from 0800 hrs 1-12-41 and to have deficiencies in his kit and equipment amounting to $52.10 ceases to be attached to No. 20 (Basic) Trng. Centre, Brantford, for all purposes, on return to No. 2 Dist. Depot, Toronto. Effective 29-12-41. Forfeits 29 dys Pay & Allowances under F.R. & I. Art. 170 (1)(b).

(c) B-9631 Gnr. Dunlop, V. "C" Coy. having been declared by a Court of Inquiry held on 29-12-41 to have been illegally absent from 1330 hrs 29-11-41 and to have deficiencies in his kit and equipment amounting to $25.20 ceases to be attached to No. 20 (Basic) Trng. Centre, Brantford, for all purposes, on return to No. 2 Dist. Depot, Toronto. Effective 29-12-41. Forfeits 31 dys Pay & Allowances under F.R. & I. Art. 170 (1)(b).

(d) B-9584 Gnr. Seymour, R.W. "D" Coy. having been declared by a Court of Inquiry held on 29-12-41 to have been illegally absent from 1330 hrs 2-12-41 and to have deficiencies in his kit and equipment amounting to $29.05 ceases to be attached to No. 20 (Basic) Trng. Centre, Brantford, Ontario, for all purposes, on return to No. 2 Dist. Depot, Toronto. Effective 29-12-41. Forfeits 28 dys Pay & Allowances.

20. RECATEGORIZATION

B-62184 Tpr. Young, C.F. "A" Coy. having been re-examined has had his medical category reduced from A to C.1 for three months. (Auth. T.20-I-245. d/11-12-41.)

Sheet No. 6
D. O. No. 273
Part II
29-12-41

Certified a true copy
G. Blake
Capt. & Adj.

Sheet No. 7 D.O. No. 273 29th December, 1941

21. BIRTH

B-22956 Spr. Coyle, A., a daughter, Donna Jean Coyle, on 1-12-41. "B" Coy.

22. CANCELLATIONS

D. O. No. 271, para 4, "A" Company, d/23-12-41 insofar as it pertains to the following is hereby cancelled: B-378 A/L/Cpl. Ledford, R.; B-32401 Sgn. Cathcart, T.W.; B-32407 Sgn. Kelly, D.W.; B-32400 Sgn. Pappin, S.F.; B-9802 Gnr. Smith, J.C.

D. O. No. 271, para 4, "B" Company, d/23-12-41 insofar as it pertains to B-18808 Gnr. Kelly, J.P. is hereby cancelled.

D. O. No. 270, para 10, FURLOUGHS, d/22-12-41 insofar as it pertains to B-16661 A/L/Cpl. Lockwood, A.H. is hereby cancelled. (repetition

23. AMENDMENT

B-27032 Gnr. Hume, A.S. D.O. No. 272, para 5, sec (d), d/26-12-41 is amended to read from "B" to "A" Coy. (Correction in company)

24. PERMISSION TO MARRY

B-9715 Gnr. Murphy, G.A. is granted permission to marry Miss Mona Elva Mildred Newell effective 1-12-41. "B"Coy.

Certified a true copy
G. Blake
Capt. & Adj.

Sheet No. 7
D. O. No. 273
Part II
29-12-41

N.C. Bucknam
(N.C. Bucknam)Capt. & Adjt. for
Comdt. No. 20 (Basic) T.C.
Brantford, Ontario

it "p" referred to in
f evidence in the case
ooper Gaetan HAMELIN

C Downey
.....
Downey) Captain
tor, Courts-Martial
Military District No. 2, C.A.,
d Headquarters
gara Peninsula Area,
gara Camp,
n-the-Lake, Ont.
illed to take this summary
f evidence

Sheet No. 2 D. O. No. 9 10th January, 1942

4. HOSPITALIZATION

(a)	B-18674 Gnr. James, C.I.	"B" Coy.	admitted to	C.S.H. on 8-1-42
(b)	B-22911 Spr. Stoy, C.F.	"D" "	disch. from	D.M.H. on 10-1-42
(c)	B-18639 Gnr. Cordanoor, C.	"C" "	admitted to	C.S.H. on 8-1-42
(d)	C-52806 " Barnhardt, N.	"C" "	" "	D.G.H. on 9-1-42
(e)	B-18617 " Kochler, W.F.	"C" "	" "	C.S.H. on 8-1-42
(f)	B-64771 Rfn. Zuber, W.	"D" "	" "	D.M.H. on 9-1-42

5. ABSENT WITHOUT LEAVE

(a) B-9802 Gnr. Smith, J.G. "A" Coy. absent from 2145 hrs 21-12-41 (3rd p

6. STRENGTH

B-18752 Gnr. McLean, W.L. "D" Coy. returned from AWL 1545 hrs 9-1-42

7. CANCELLATIONS

B-87599 Dvr. Hardie, O.R. "B" Coy.
(1) D.O. No. 34, para 15, d/3-1-42 is hereby cancelled.
(2) D.O. No. 34, para 15, d/3-1-42 is hereby cancelled.
(3) D.O. No. 275, para 13, sec (b), d/31-12-41 insofar as it pertains to the m/n is hereby cancelled.

B-79452 Gnr. McKenna, R.L. "D" Coy.
D.O. No. 6, para 10, sec (o), d/7-1-42 insofar as it pertains to the m/n is hereby cancelled. (Duplication)

8. AMENDMENT

B-87599 Dvr. Hardie, O.R. "B" Coy.
D.O. No. 274, para 5, sec (a), d/30-12-41 insofar as it pertains to "A" Coy. is amended to read "B" Coy. (Correction in company)

Certified a true copy
G. Blythe
Capt. & Adj.

Shoot No. 2
D. O. No. 9
Part II
10-1-42

(M.C. Buckham) Capt. & Adjt. for
Comdt. No. 20 (Basic) T.C.
Brantford, Ontario.

This is Exhibit "G" referred to in
the summary of evidence in the case
of B-61375 Trooper Gaetan HAMELIN

J. L. Downey

(J.L. Downey) Captain
Prosecutor, Courts-Martial
Headquarters, Military District No. 2, C.A.,
attached Headquarters
Hamilton-Niagara Peninsula Area,
Niagara Camp,
Niagara-on-the-Lake, Ont.
Officer detailed to take this summary
of evidence

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H

DAILY ORDERS PART II
by
MAJOR A.J. McCAUSLAND, E.D., OFFICER COMMANDING
NO. 20 (BASIC) TRAINING CENTRE, BRANTFORD, ONTARIO

Sheet No. 1 D.O. NO. 31 8th February, 1943

Last Part II Orders issued, D.O. 30, dated 6th Feb. 1943

SECTION "A"
W I L

SECTION "B"
A & T STAFF

1. QUALIFICATION

B-100534 A/Sgt. Jones, A.S. - Attended Course No. 384 "A" Wing, Platoon Weapons - at A.25 C.S.A.T.C., Long Branch, Ontario and qualified - Q I, Effective 22 Jan 43. (Auth: District Order No. 134, d/4 Feb 43.

2. FURLOUGH

The u/m personnel returned from Furlough at 2200 hrs. - 7 Feb 43.

B-81505 Pte. Coe, J.H. C-600278 Pte, Doering, C.

3. HOSPITALIZATION

B-80670 Dvr. Ginger, W.H. - Disch. from C.P.M.H. - 5 Feb 43 - TORS

"A" RECRUITS

4. FURLOUGH

B-130292 Pte. Clark, T.H. Jr. / "B" - Ret'd from Furlough at 2200 hrs. 7 Feb 43.

5. STRENGTH DECREASE

(a) B-133659 Pte. Huard, T. - "D" - Is struck off strength No. 20 (B)T.C., Brantford, Ontario, for all purposes, off: 9 Feb 43, on transfer to No. 2 District Depot Toronto, Ontario. (Auth: Routine Order 2558)

(b) B-130292 Pte. Clark, T.H. Jr. "B" - Is struck off strength No. 20 (B) T.C., Brantford, Ontario, for all purposes, off: 9 Feb 43, on transfer to No. 2 Dist. Coy., R.C.A.S.C., Toronto, Ontario. (Auth: T.20-C-6536 (A4), d/27 Jan 43.

(c) B-134575 Pte. Robinson, G.D. - "C" - Is struck off strength No. 20 (B) T.C., Brantford, Ontario, for all purposes, off: 9 Feb 43, on transfer to H.Q., M.D. 2, Toronto, Ontario. (Auth: T.20-R-4361 (A4), d/4 Feb 43.

(d) The u/m personnel are struck off strength No. 20 (B)T.C., Brantford, Ontario, for all purposes, off: 9 Feb 43, on transfer to A.19 R.C.A.S.C. T.C., Camp Borden, Ontario. (Auth: H.Q.S. 20-6-10 (Org 6A), d/30 Jan 43.

B-100605 Pte. Nagy, S.J. - "C" B-80703 Dvr. Paine, W.C. J. - "D"

6. FURLOUGH

The u/m personnel returned from Furlough at 2200 hrs - 7 Feb 43.

B-130271 A/L/Cpl. Henderson, R.J.-"D" B-130303 Pte. Herman, L.A. -"D"
B-111645 A/L/Cpl. Marinoff, M.W. -"A" B-80655 Dvr. Ferris, O.J. - "D"
B-80757 A/L/Cpl. EXELL, H. - "D"

7. QUALIFICATIONS

The u/m personnel having passed the prescribed test in accordance with the R.O.s 2089-2093, are qualified as shown

B-137939 Pte. MacDonald, W.K. - "A" B-137066 Pte. Tremblay, L.M.-"C"
Driver Mech. - Group "C"-18 Jan 43. Carpenter - Group "D" - II 15 Jan 43.

Certified a true copy
G. Blake Capt

Last Part II Orders issued, D.O. 30 dated 6th Feb, 1943

8. HOSPITALIZATION

B-137529 Pte. Montgomery, G.W.-"A"- Admitted to D.M.H. - 8 Feb 43-SORS
B-136942 Pte. Duvall, C.H. - "B" - Admitted to D.M.H. - 8 Feb 43-SORS
B-136506 Pte. Enrico, J. - "B" - Admitted to D.M.H. - 7 Feb 43-SORS
B-137525 Pte. Mayo, J.J. - "B" - Admitted to D.M.H. - 7 Feb 43-SORS
B-137570 Pte. Robinson, H.E. - "D"- Admitted to D.M.H. - 7 Feb 43-SORS
B-137985 Pte. Barnard, D.M. - "C" - Disch from D.M.H. - 7 Feb 43-SORS
B-138289 Pte. Burke, E.W.Jr. -"C" - Disch. from D.M.H. - 7 Feb 43-TORS
B-137561 Pte. Wepper, W.C. - "C" - Disch. from D.M.H. - 7 Feb 43-TORS
B-137003 Pte. Simpson, R.J. - "D" -Disch. from D.M.H. - 7 Feb 43-TORS

9. ABSENT WITHOUT LEAVE - First Posting

B- 137256 Pte. Edwards, W.K. - "B" - A.W.L. from 2145 hrs. 7 Feb 43.
B-137885 Pte. Mycho, A.E. - "C" - A.W.L. from 0700 hrs. 7 Feb 43.
B-137950 Pte. Cooper, D.D. - "D" - A.W.L. from 2145 hrs. 7 Feb 43.
B-137094 Pte. McCready, K.L. - "D" - A.W.L. from 0700 hrs. 7 Feb 43.

10. ABSENT WITHOUT LEAVE - Second Posting

B-54607 Pte. Campbell, C.J. - "A" - A.W.L. from 0600 hrs. 1 Feb 43.
B-137025 Pte. Haldane, G.W. - "B" - A.W.L. from 1200 hrs. 1 Feb 43.
B-137245 Pte. Kirkwood, G. - "B" - A.W.L. from 0600 hrs. 1 Feb 43.
B-137546 Pte. LaFramboise, F.J.-"B" - A.W.L. from 0600 hrs. 1 Feb 43.
B-137034 Pte. Ross, W. - "B" - A.W.L. from 1200 hrs. 1 Feb 43.
B-137045 Pte. Townson, R.I. - "C" - A.W.L. from 0600 hrs. 1 Feb 43.
B-135619 Pte. Brooks, H.J. - "D" - A.W.L. from T.C.H. 2359 hrs. 1 Feb 43.
B-138607 Pte. Hill, R.W. - "D" - A.W.L. from 0600 hrs. 1 Feb 43.
B-136546 Pte. McDermott, J.S.-"D" - A.W.L. from 2145 hrs. 31 Jan 43.
B-137212 Pte. Mino, G.A. - "C" - A.W.L. from 1200 hrs. 1 Feb 43.

11. RETURNED FROM ABSENCE LEAVE

B-137579 Pte. Christie, W.R. - "B" - Ret'd from A.W.L. 2030 hrs. 5 Feb 43.
B-135903 Pte. Gray, M.L. - "B" - Ret'd from A.W.L. 1620 hrs. 5 Feb 43.

12. PUNISHMENTS

(a) B-135903 Pte. Gray, M.L. - "B" - Was awarded 7 dys. C.B. On 8 Feb 43, for A.W.L. from 0600 hrs. 1 Feb 43, to 1620 hrs. 5 Feb 43. (4 Dys. 10 Hrs. 20 Min.). Forfeits 5 dys. Pay & Allowances under F.R. & I., Art. 149, C.A.S.F.

(b) B-137579 Pte. Christie, W.R. - "B" - Was awarded 28 DAYS DETENTION on 8 Feb 43, for A.W.L. from 1800 hrs. 2 Feb 43, to 2030 hrs. 5 Feb 43. (3 Dys. 2 hrs. 30 min.); for BREAKING OUT OF BARRACKS, (A.A. 10 (4) and for FAILING TO APPEAR AT THE PLACE OF PARADE APPOINTED BY HIS COMMANDING OFFICER, (A.A.15 (2). Was apprehended by the Canadian Provost Corps Under CLOSE ARREST from 2030 hrs. 5 Feb 43 to 1030 hrs. 8 Feb 43. (2 dys. 14 hrs.). Forfeits 6 dys. Pay & Allowances under F.R. & I., Art 149, C.A.S.F. Entered Detention at 1030 hrs. 8 Feb 43. Total forfeiture 34 dys. Pay & Allowances. To bear the cost of apprehension composed as follows.

ESCORT	- Brantford - Brockville - Return	- $4.97
Prisoner	- Brockville- Brantford - Single	- 4.49
MEALS	- Escort	3.00
MEALS	- Prisoner	2.25
		$18.71

Certified a true copy
G. Blake Capt.
Capt. & Adj.

Sheet No. 3 D.O. NO. 31 8th February. 1943

Last Part II Orders issued, D.O. 30, dated 6th Feb. 1943

14. ABSENT WITHOUT LEAVE - First Posting

B-137987 Pte. Dozorzi, E.L. - "D" - A.W.L. from 0700 hrs. 7 Feb 43.

15. RETURNED FROM ABSENCE LEAVE

B-137987 Pte. Dozorzi, E.L. - "D" - Ret'd from A.W.L. 1640 hrs.7 Feb 43.
B-137994 Pte. McCready, K.L. - "D"- Ret'd from A.W.L. 1345 hrs.7 Feb 43.

16. PUNISHMENTS

(a) B-137987 Pte. Dozorzi, E.L. - "D" - Was awarded 3 dys. C.B. on 8 Feb 43, for A.W.L. 0700 hrs. 7 Feb 43, to 1640 hrs. 7 Feb 43. (9 hrs. 40 min.). Forfeits 1 dys. Pay & Allowances under F.R. & I., Art. 149, C.A.S.F.

(b) B-137994 Pte. McCready, K.L. - "D" - Was awarded 3 dys. C.B. on 8 Feb 43, for A.W.L. from 0700 hrs. 7 Feb 43, to 1345 hrs. 7 Feb 43.(6 hrs. 45 min.). Forfeits 1 dys. Pay & Allowances under F.R. & I., Art. C.A.S.F.

17. RECOVERY OF CLOTHING ALLOWANCE

(a) A-3207 Pte. Denson, T.E.L. - "B" - Having had previous service, being discharged from No. 10 District Depot on 4 Nov 42 and re-enlisting within 6 months, is to be debited with the amount of $27.00, such sum being the amount of Clothing Allowance paid at termination of former engagement. (Auth: T.20-D-5038 (P6), d/6 Feb 43. Art. 137(5), F.R. & I., (Can.)

(b) A-3207 Pte. Denson, T.E.L. - "B" - Having had previous service, being discharged from No. 110 C.A. (B)T.C., on 2 Jun 42, and re-enlisting with No. 10 District Depot effective 17 Sep 42, being within 6 months, is to be debited with the amount of $17.00, such sum being the amount of Clothing Allowance paid at termination of former chgagement. (Auth: T.20-D-5038 (P6)d/6 Feb 43. Art. 137 (5) R.F. & I. (Can.).

18. CANCELLATION

B-130354 Pte. Caswell, G.D. - "A" - D.O. No. 29, para. 16, d/5 Feb 43, insofar as it pertains to the m/n is hereby cancelled.

19. AMENDMENT

B-75451 Pte. Christie, R.C.H. - "B" - D.O. No. 23, para. 15, d/29 Jan 43, insofar as it pertains to the m/n, delete, "on transfer to District Army Examiner's Staff, Headquarters, M.D. No. 2, 159 Bay Street, Toronto, Ont., off: 29 Jan 43,"and insert, "on transfer to No. 2 District Depot, Toronto, Ontario, off: 19 Jan 43."

20. STRENGTH INCREASE

(a) B-103049 Pte. Shantry, W.E. - Having been apprehended by the Cdn. Provost, Corps, in Toronto, Ontario, whilst a Deserter, dressed in civilian clothing, is taken on strength of No. 20 (B)T.C., Brantford, Ontario, for all purposes, off: 1035 hrs. 4 Feb 43. Posted to "C" Coy.

Sheet No. 3
D.O. No. 31
Part II
8 Feb 43

Certified a true copy
G Blake Capt.
Adjt. & Maj.

20. STRENGTH INCREASE - CONT.

D-61375 Spr. Hamelin, G. - Having surrendered to the Regimental Police (Military) - (in uniform) in Toronto, Ontario, is taken on strength of No. 20 (D) T.C., Brantford, Ontario. Effective 1700 hrs. 4 Feb. 1943. Posted to "D" Coy.
(b)

SECTION "B"
A & T STAFF

21. PROMOTION

B-100636 Pte. Coates, S.C. - Promoted to the rank of Acting Corporal Effective 1 Feb 43. (To complete Establishment).

22. HOSPITALIZATION

B-9818 A/Cpl. Greenblatt, D. - Admitted to D.M.H. - 8 Feb 43 - SOBS
B-100604 A/Cpl. Johnson, R.H. - Admitted to D.M.H.- 6 Feb 43 - SOBS

23. CHANGE OF ADDRESS

B-58489 Pte. Cade, H.R. - Address of next of kin changed from 318 St. Julien Street, Oshawa, Ontario, to 323 Berdun Road, Oshawa, Ontario.

24. AMENDMENT

B-9749 A/Cpl. Sorley, J.G. - D.O. No. 15, para. 3, d/20 Jan 43 - Address of next of kin is amended to read from 1694 Spring Street, Niagara Falls, Ont., to 2055 Main Street, Niagara Falls, Ontario. Insofar as it pertains to the m/n.

25. STRENGTH INCREASE - ATTACHMENT (Members C.A.M.D.)

The u/m personnel are attached to No. 20 (B)T.C., Brantford, Ontario, for rations, quarters and disciplpine, only, on attachment from No. 2 E.S. & W. Coy., R.C.E., Toronto, Ontario. Eff: 8 Feb 43. (Auth: D.E.O., M.D. No. 2), d/5 Feb 43.

G-602134 Pte. Barton, H.H. G-601337 Pte. McWilliams, J.C.

"A" RECRUITS

26. CLOSE ARREST

B-103049 Pte. Shantry, W.E. - "C" - Close Arrest 1035 hrs. 4 Feb 43.
B-61375 Pte. Hamelin, G. - "D" - Close Arrest - 1700 hrs. 4 Feb 43.

Certified a true copy
G. Blake Capt
Capt. & Adj.

M.E.

A. D. Crow
(A. D. Crow)Capt. & Adjutant for
Major A. J. McCausland
Officer Commanding, #20(Basic)TC

Parish 43
Marriage
Confirmed DCR

Our Lady of Lourdes

11 Earl Street

Toronto - - Canada

Certificate of Baptism

Name Joseph Yvon [redacted] Denis Hamelin

Date of Birth 26 June 1942.

Date of Baptism 2nd day of August 1942.

Father's Name Gaetan Hamelin

Mother's Maiden Name Aurore Larocque

Sponsors { Bernard Conway
Mrs. B. Conway

Sacrament Administered by Rev. Chas. Wrigglesworth

Dated February 15th 1942

James B. Dollard
Rector.

3

Lt Col Reid 115
Major
President DCM

"K"

CLOSING ADDRESS BY THE DEFENDING OFFICER RE MITIGATION.

Sir, There is nothing much more I I can say that has not come out in the evidence but I would like to try to crystallize it before the Court, as I see the story in my own mind.

This man started out by bringing in evidence of two offences prior to the offence with which he is charged now and both are for being absent without leave and the first one was approximately one month before his second charge of being absent without leave and nothing has been said about that, but he was convicted of the same and served his punishment, but I brought in the fact in the accued's own evidence that he was absent without leave a second time, and that was the time immediately prior to the offence with which he is now charged and I brought that in for the purpose that these two charges will undoubtedly be considered in assessing the sentence which the accused man will undoubtedly receive, but the second of the offences is inextricably tied up with the charge he is now facing, because it was in September 1941 that he first discovered Miss Lerocque was pregnant and it seems that at no time he denied or assumed that anybody other than himself was the father of the child; he took full responsibility from the moment he found that out and he then went out west to try and earn money to keep the girl and the coming child and he was apprehended out west and served time out there and brought back and that was the second charge which I referred to a few moments ago, the time he was apprehended in Alberta, I think it was, and brought back after having served his sentence, but the reason for having gone absent without leave was the same reason that he never returned after serving his sentence and he was charged with the present charge.

"K-3"

Now he has been away a considerable length of time, something over a year, but during that time he has devoted his whole energy towards working and supporting the girl that he had unfortunately become entangled with. It seems that he has supported her to the best of his ability, first through her time of pregnancy and, secondly, after the child was born and, as he has stated himself, there was a lot more trouble in having the child than normally occurs and they were met with large bills and he didn't feel that before February 4th, 1943, that he could possibly leave her to look after herself and child as she was incapable prior to that time of looking after herself but the moment he felt he could leave her to look after herself he returned and gave himself up to the army.

They both seem to have very much the same story. They seem to have discussed marriage immediately when the pregnancy was discovered and from then on and they seem to have come to the conclusion, and one possibly in which they were both a little misinformed as to army regulations, although they hit pretty near the truth, that if they had got married the woman would not have received the separation allowance, and also that the accused might have drawn attention to himself and been apprehended and thus the woman would have been left absolutely without support and with a child on her hands and herself absolutely incapacitated. This man has had a definite duty towards the army until September 1941 and then after September, 1941, he had also a definite duty towards this woman and it has seemed to him that his

"K-5"

duty to this woman come first. It may sound rather bad to say that his duty to anyone comes before his duty to the army but I qualify that by saying, to the best of his ability it seemed to him that his duty to this woman came first and he felt that he had to help this woman during this difficult period and if he had gone back to the army she would have been left absolutely destitute, whether he married her or not, and I submit that most men, if they had any sense of decency, would feel themselves forced to go to the same extent. He saw the girl through until he thought he could fairly leave her and then he gave himself up and, as he says himself, he came back to take whatever is coming to him and subsequently he hopes to marry the girl and start out with a clean slate. I think that is all I have to say.

Charged! Not Proved

5M-10-39 (2492)
H.Q. 1772-39-620

STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
B-61376	Trooper	Gaetan HAMELIN	No. 2 Dist Depot CA att No. 20 CA(B)TC CA

1. The following is a fair and true summary of the entries in the ~~Contact sheets~~ Field Conduct ~~Service and General~~ ~~Regimental and Squadron, Battery~~ ~~Company Conduct~~ sheets of the accused, exclusive of convictions by a Court-Martial or a Civil Court, of summary awards under Section 47 of the ~~Air Force Act~~ Army Act and of cases in which trial has been dispensed with.

	Within last 12 months	Since enlistment
For	Nil times	for absence without leave two times
For	times	times
For	times	times
For	times	times
Number of instances of gallantry or distinguished conduct		times

or,

~~There are no entries in the conduct sheets of the accused.~~

NOTE:—If the charge is for drunkenness, the entries for drunkenness must be stated separately.

2. The accused has not been previously convicted

~~xx~~

~~Previous convictions of the accused by a court-martial or a civil court, of summary awards under Section 47 of the Air Force Act Army Act and dispensations with trial under A.F.A. 73 A.A. 73 are set out in the Schedule annexed to this statement.~~

3. The accused is not under sentence at the present time.

~~xxx~~

~~The accused at the present time is under sentence for xxxxxxxxx beginning on the xxxxxxx day of xxxxxxxxxx~~

4. The accused has been in confinement awaiting trial on the present charges, for Nil days in civil custody, and ~~14~~ 28 days in military custody, making a total of ~~14~~ 28 days in custody, of which Nil days were spent in hospital.

5. The present age of the accused according to his ~~record of service is:~~ attestation paper is 25 years 11 months

6. The date of his ~~commission~~ attestation specified in his ~~record of service~~ attestation paper is 15th April, 1941

~~7. The service which the accused is allowed to reckon towards discharge is~~

~~8. The accused is entitled to reckon xxxxxxxxx service for the purpose of determining his pension, etc.~~

9. The accused is in possession of or entitled to no ~~air force~~ military decoration, or ~~air force~~ military reward (or is ~~in possession of or entitled to~~) ~~State any air force decoration or reward:~~ military

~~10. (If the accused is a warrant officer) The accused before he was made a warrant officer last held the rank of xxxxxxxxxxxxxxxx~~

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11. (In the case of an officer.) The accused holds in the Royal Canadian Air Force [redacted] rank of
Permanent Force
unit
.....dated....., and in his regiment (or corps), the rank of
.....dated.....

12. The accused has served as a non-commissioned officer continuously, without reduction, to the present date:—

.....Date of promotion.

In the rank of.....years.

In the rank of.....years.

In the rank of.....years.

NOTE:—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

SCHEDULE

Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Air Force Army Act, and of cases in which trial has been dispensed with of accused, Number.....Rank.....
Name.....of.....Regiment

NOTE:—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Charge upon which convicted	Sentence of the Court	Punishment Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

Signed this ~~Eighteenth~~ Fifth day of ~~Feb~~ Mar 43. G. Blake Capt.
(G. BLAKE) Capt. & Asst. Adjt.
No. 20 Can. (R) Sqn.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked ..... signed by the president, and annexed to the proceedings.

V. L. Ouellet
Major
President D.C.M.

No. 1375 Cpl. H. MELIN

No. Name Gestan

Date of last entry in Company Conduct Sheet

Sqn., Battery, or Company #2 R.D.(AF)Cont.Rept(T) Wing

No. and date of last drunk

Corps

Period not reckoning towards freedom from extra fine

Date of enlistment 15-4-41 G.C.

Badges

Sheet No.

Signature O.C. Company, etc. V.B. Stroud Major

Service or Proficiency Pay

Charge

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
				SOS am att No.20 CA(R)TC Pt.II Order No.119		D/20/5/41			
				Certified a true copy.					
				(W.C. Bucknam) Capt. & Adj.					

(P.T.O.)

M.F.M.5
Sal. Pd. (2)
Sal. 11-40 (3025)
H.Q. 773-45-19

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Z

R-61875 Tpr.HAMELIN,Gaetan #2 D.D.(AF) Ont.Regt. (T) Wing.

No.	Name	Sqn., Battery, or Company	Corps	Date of enlistment	G.C. Badges	Service or Proficiency Pay	M.F.M. 6 (A.F.B. 122)
				15-4-41			

Date of last entry in Company Conduct Sheet	No. and date of last drunk	Period not reckoning towards freedom from extra fine	Sheet No.	Signature O.C. Company, etc.	Character
				V.G. Stroud Capt	

Place	Date of offence	Rank	Cause of drunkenness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispensing with trial	By whom awarded	Remarks
	1941			SOS on att. No.20 CA(B)TC Pt II	Order No.119A	D/CO/5/41			
Brantford	15Jun	Tpr.		AWL from 2145 hrs. 15 Jun. until apprehended by Military Police at 0950 hrs. 22 August Timing, Ont. (58 days.)	Cpl. Baynes Sgt. Kilgore SQMS. Haggendyke Sgt. Warner RQMS. Watson	28 days Detn.	16-10-41	Maj. Harris	Forfeits 49 days pay (Pres.) Cost of Apprehension 3.25, 37. Deficiency in kit 37.11
Regina, Sask.	8-9-41	Pte.		AWL from 0600 hours 8-9-41 to 2100 hours 27-10-41. Total time absent 49 days and 17 hours.	Sgt. Otway	28 days detn. (ref. AO 213.21)	13-11-41	Lt.Col. Sim	19 days pay for clean arrest 143 (1)(b)

Certified a true copy by Blake Capt.

(P.T.O.)

H.Q.C. 55-E-347

July 9th, 1943.

District Officer Commanding,
Military District No. 2,
159 Bay Street,
TORONTO.

District Court-Martial
H-81375, Tpr. Gaston HAMELIN,
No. 20 C.A. (B) T.C., C.A.

Receipt is acknowledged of your T-20-H-2914 (AJAG), dated July 2nd, 1943, requesting the proceedings of the marginally named District Court Martial. Enclosed you will find the said proceedings which are addressed to you in order that a remission of sentence may be considered. May the proceedings please be returned to this Headquarters when they have served your purpose.

(R.J. Orde) Brigadier,
Judge Advocate-General.

LF/LM

CR

140865

IN REPLY PLEASE QUOTE
T-20-H-2914 (AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

2nd July 1943.

Headquarters, Military District No.2.
159 Bay Street, Toronto, Ontario.

CENTRAL REGISTRY Army
CONF. SEC.
JUL 5 1943
File C55-H-347
Chgd. to
Referred to JAG

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

District Court-Martial
B-61375, Tpr. Gaeton HAMELON,
No. 20 C.A. (B) T.C., C.A.

May the proceedings of the marginally-noted Trial by District Court-Martial be forwarded to this Headquarters for the purpose of effecting a Remission of Sentence.

C. F. Constantine

(C.F.Constantine)
Major-General
District Officer Commanding,
M.D.2.

N.D. 23
2 MS.—11-42 (7329)
I.Q. 1773-101-33

Original on H.Q. C. 55-H-347
M.D. T-20-H-2914

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-61375 Name HAMELIN, G.

Rank Tpr. Unit No. 2 D.D. CA ATT' TO #20 C.A.(B) T.C. CA

Charge SEC. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 16/12/41

Date of Arrest 4/2/43 Charge. Signed 18/2/43

Orders for D.C.M. T/D.O.C. M.D. #2

Place and Date of Trial Brantford, Ontario 5/3/43

Sentence DETENTION 9 MONTHS

Date of Confirmation 18/3/43

Date of Promulgation 23/3/43

Entered in Records of J.A.G. as No. 8252

Date 1/4/43

MEMO

E. E. Learmont Capt
for Judge Advocate-General.

3M-12-42(M1754)

H.Q. C.55-H-347 (JAG)

April 1st, 1943

The District Officer Commanding,
Military District No.2,
159 Bay Street,
TORONTO, Ontario.

District Court-Martial
B.61375, Tpr. Gaetan HAMELIN,
No.2 District Depot C.A.,
Attached No.20 C.A.(B) T.C.,C.A.

Receipt is acknowledged of your No.T-20-H-2914 (AJAG) dated March 29th, under cover of which you forwarded to this office for registration and custody the proceedings of the marginally noted District Court-Martial.

2. Since the Finding is supported by the evidence and the Sentence legal, the proceedings are accordingly retained for custody.

Brigadier,
Judge Advocate-General.

EEP/MEM.

H.Q. C. 55-H-347
M.D. T-20-H-2914

MEMORANDUM - DISTRICT COURT-MARTIAL.

No. B-61375 Name HAMELIN, G.

Rank Tpr. Unit No. 2 D.D. CA ATT' TO #20 C.A.(B) T.C. CA

Charge SEC. 15 (1) AA ABSENTING HIMSELF WITHOUT LEAVE

Date of Crime 16/12/41

Date of Arrest 4/2/43 Charge. Signed 18/2/43

Orders for D.C.M. T/D.O.C. M.D. #2

Place and Date of Trial Brantford, Ontario 5/3/43

Sentence DETENTION 9 MONTHS

Date of Confirmation 18/3/43

Date of Promulgation 23/3/43

Entered in Records of J.A.G. as No. 8252

Date 1/4/43

MEMO

Balance Detention Remitted By D.O.C. M.D. 2.
FROM 8-7-43

E. E. Pearlman Capt
for Judge Advocate-General.

3M-12-42(M1754)

IN REPLY PLEASE QUOTE
No. T-20-H-2914
(AJAG)

CANADA

DEPARTMENT OF NATIONAL DEFENCE
ARMY

March 29th, 1943.

Headquarters, Military District No. 2,
159 Bay Street, Toronto, Ontario.

Army
MAR 30 1943
File
Chgd to
Referred to

CONFIDENTIAL

The Secretary,
Department of National Defence,
Ottawa, Ontario.

District Court-Martial
B.61375, Tpr. Gaetan Hamelin,
No. 2 District Depot, C.A.,
Attached No. 20 C.A.(B) T.C., C.A.

Herewith proceedings of the marginally-noted trial by District Court-Martial for the custody and registration by the Judge Advocate-General.

(C. F. Constantine)
Major-General
District Officer Commanding,
Military District No. 2.

NAT. DEF. B. 440
2,000 M—4-42 (4322)
H.Q. 1771-39-767

CONFIDENTIAL

H.Q.C. C.55-H-348

DEPARTMENT OF NATIONAL DEFENCE—OTTAWA, CANADA

CROSS REFERENCE

SUBJECT DISTRICT COURT-MARTIAL

PTE. W.H. HAMILTON - B-46623

THE BALCK WATCH RHR OF CAN. C.A.

DEAD

CENTRAL REGISTRY	DATE	P.A. OR B.F.	INITIALS	REFERRED TO	FOR REMARKS	INITIALS	DATE
					(All purpose for which referral cannot be expressed on one line, add minute to file and write here "With Minute")		
APR 2 1943	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
				A.G.	With Papers C.R. APR 12 1943		13-4-43
APR 13 1943	9/4/43	P.A.	[illegible]	A.D.	To [illegible] P.A.		
	3/12/47	PAG	[illegible]	[illegible]	PER REQUISITION MAY 28 1947		
DEC - 3 1947							

CONFIDENTIAL
H.Q.C. C.55-H-348

NOTICE

1. Files should be retained as longer than absolutely necessary.
2. If a file is frequently needed at short intervals, it is better to B.F. it for two years than keep it out of Central Registry indefinitely.
3. This ensures it being completed and kept in order, and also gives other offices an opportunity of consulting it.
4. When a file is passed direct to another branch, it should be marked "Immediate" and the reason for the urgency.

PASS THIS FILE IN ENVELOPE

H.Q.C.55-H-348 (JAG)

The Dist ict Officer Commanding,
Military Dis rict No. 4, Montreal, Que.

April 12th, 1943.

District Court-Martial

D-45623, Pte. Wilbur Henry Hamilton,
The Black Watch (RHR) of Canada, C.A.
att. to C.I.T.C.No.A-12, C.A.

Receipt is acknowledged of your M.1-H-1130 (J) dated April 10th, 1943, under cover of which you returned to this office for registration and custody the proceedings of the marginally-noted District Court-Martial.

Brigadier,
Judge Advocate-General.

LF/MM

JO-6-42(M1255)

CANADA

5916

IN REPLY PLEASE QUOTE
No. M. 1-H-1130 (J)

DEPARTMENT OF NATIONAL DEFENCE
ARMY 119362

REGISTERED

Montreal, P.Q., April 10th, 1943.

CONTROL REGISTRY Army
CONF. SEC.
APR 11 1943
File C 55-H-348
Chgd. to
Referred to JAG.

The Secretary,
Department of National Defence,
OTTAWA, Ontario.

DISTRICT COURT MARTIAL
D-46623, Pte. Wilbur Henry HAMILTON,
The Black Watch (RHR) of Canada, C.A.,
attached to C.I.T.C. No. A 12, C.A.

Reference your H.Q.C. 55-H-348 (JAG), dated April 2nd, 1943.

2. The proceedings of the marginally-noted District Court-Martial are returned, herewith, for custody as requested in paragraph 3 of your above-mentioned letter.

3. The irregularities noted in the proceedings have been called to the attention of the officers concerned, this for their future guidance.

4. For your information, please.

(E. de B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

Enc.

NAT. DEF. R. 440
2,000 M—4-42 (4322)
H.Q. 1772-39-767

*All printed matter not applicable to the particular Court being held should be struck out and initialled by the President.

A

**Form of Proceedings for ~~General and~~ District Court-Martial

Proceedings of a District Court-Martial held at C.I.T.C. A-12, C.A., Farnham, Que.
on the 28th day of January 19 43 by order of Brig.-Gen.
E. de B. Panet, CMG,DSO,ED. Commanding Military District No. 4
dated the 21st day of January 1943

President.

Major L. Gauvreau: Le Regiment de Maisonneuve, C.A., attached to No. 4 District Depot, C.A.

Members.

Major M. MacKay: Le Regiment de Maisonneuve, C.A., attached to C.A.(B) T.C. No. 44, C.A.

Lieutenant J.W. Buchanan: The Black Watch (RHR) of Canada, C.A., attached to C.A.(B) T.C. No. 48, C.A.

Trial of* No. D-46623, Pte. Wilber Henry HAMILTON, The Black Watch (RHR) of Canada, C.A., att'd to C.I.T.C. No. A-12, C.A.

The order convening the Court, the charge-sheet and the summary of evidence are laid before the Court.

The Court satisfy themselves as provided by Rules of Procedure 22 and 23.(x)

The accused is brought before the Court.

Prosecutor,† Major E.G. Lawrence, The Sherbrooke Fusilier Regiment, C.A., attached to C.I.T.C. No. A-12, C.A.
Defending officer Lieutenant E.M. Dewitt, General List, C.A., attached to C.I.T.C. No. A-12, C.A.

At 11:58 o'clock A.M. the Trial commences.

The order convening the Court is read, and is marked "X" signed by the President, and attached to the proceedings.

The names of the President and members of the Court are read over in the hearing of the accused, and they severally answer to their names.

Q.1 *Question by the President to the accused.* Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

A.1 *Answer by accused.* No, Sir.

(N.B.—If objection is made it should be recorded, together with the decision of the Court, on a separate sheet.)

* Here insert No., Rank, full Name, Regiment, and Appointment (if any).
† Here state Rank and Name, and Regiment (if any).
‡ Qualification to be stated.

Mil. Form B. 271
10M—7-42 (5387)
H.Q. 1772-39-224

(x) I have satisfied myself (I) that none of the officers detailed as members of this Court have previously served upon any Court of Inquiry respecting the matters forming the subject of the charges before this Court-Martial.

(L. Gauvreau) Major,
President, D.C.M.

B

The President, and members are duly sworn.
detailed by District Orders Part I, No.161 dated 22nd January, 1943.
For Minute of Adjournment and Reassembly, see document marked "G" attached.
The following officers under instruction are duly sworn.
(See document marked "H" attached)

Q.2 Do you object to No. D-137479, Pte. J.E.R. Samson, No. 4 Detachment, CMSC, C.A., attached to Headquarters, Military District No. 4, acting as shorthand writer?

A.2 No, Sir.
No. D-137479, Pte. J.E.R. Samson, No. 4 Detachment, CMSC, C.A., attached to Headquarters, Military District No. 4, is duly sworn as shorthand writer.

Charge-Sheet

Instruction. If the accused has elected to be tried under Army Act, sec. 46 (8) the fact should be here recorded.

The charge sheet is signed by the President, marked B 2 and annexed to the proceedings.

The accused is arraigned upon each charge in the above-mentioned charge-sheet.

Q.3 Are you guilty or not guilty of the [first] charge against you, which you have heard read? *Question to the accused.*

A.3 Not Guilty. *Answer.*

Q.4 Are you guilty or not guilty of the second charge against you, which you have heard read? *Question.*

A.4 Guilty. *Answer.*

~~Are you guilty or not guilty of the third charge against you, which you have heard read?~~ *Question.*

Answer.

~~Are you guilty or not guilty of the fourth charge against you, which you have heard read?~~ *Question.*

Answer.

The accused having pleaded Guilty to the second charge, the provisions of Rule of Procedure 35 (B) are here complied with.

If the trial proceeds upon any charge to which there is a plea of "Not Guilty," the Court will not proceed upon the record of a plea of "Guilty," until after the finding on that other charge. *Instruction.*

"B2" 3

CHARGE SHEET

The accused No. D-46623, Private Wilber Henry HAMILTON, The Black Watch (RHR) of Canada, C.A., attached to C.I.T.C. A-12, C.A., a soldier of the Canadian Army placed on Active Service,

is charged with

First Charge
Army Act
Sec 12 (1)(a)

WHEN ON ACTIVE SERVICE DESERTING HIS MAJESTY'S SERVICE

in that he

At Farnham, Que., on the 5th of July 1942, after having been warned to proceed for service overseas, with intent to avoid so proceeding, absented himself without leave from 2359 hours, 5th July 1942, from C.I.T.C. A-12, C.A., until apprehended by the Canadian Provost Corps, Sherbrooke Detachment, M.D. 4 at Magog, Que., at 0115 hours on the 28th December, 1942, thereby missing the draft. Cost of apprehension and return to his unit $3.66.

Second Charge
Army Act
Sec. 24 (2)

LOSING BY NEGLECT CLOTHING, EQUIPMENT AND REGIMENTAL NECESSARIES.

in that he

At Farnham, Que., on the 11th January 1943 was deficient of the following articles of his clothing, equipment and regimental necessaries viz:

Name of Article	Number of Articles	Vocabulary Price R.O. 1862	Value Charged R.O.1877
Battle dress serge Blouses	1	5.58	4.19
Trousers	1	5.60	4.20
Caps F.S.	1	.78	.59
Drawers cotton short prs.	1	.33	.25
Drawers woollen prs.	1	1.17	.88
Greatcoats drab '39 Patt.	1	17.22	12.92
Shirts under cotton	2	.40	.60
Socks prs.	2	.36	.54
Sheets ground MK VIII	1	1.81	1.36
Bags ration	1	.04	.03
Covers mess tin rect.	1	.08	.06
Respirator A.G. Container	1	1.60	1.20
Facepiece	1	3.10	2.33
Haversacks	1	1.58	1.20
Outfit A.D.	1	.15	.11
Tins mess rect.	1	.57	.43
Haversacks W.E. '37 Patt.	1	2.14	1.60
Eyeshields A.G. 1pkt of	5	1.04	.67
		Sub-total	$33.16

The above articles are charged at 75% of the Vocabulary rates.

CHARGE SHEET (Continued)

Name of Article	Number of Articles	Vocabulary Price R.O. 1862	Value Charged R.O. 1877
Badges arm Canada prs.	2	.03	.06
Badges shoulder prs.	1	.08	.08
Badges Cap	1	.09	.09
Brushes cloth	1	.24	.24
Brushes shaving	1	.30	.30
Knives clasp & Lanyard	1	1.18	1.18
	Sub-Total		$1.95

The above articles are charged at 100% of the Vocabulary rates.

Total Deficiencies $35.11

A.T. Howard

(A.T. HOWARD) Colonel
COMMANDING OFFICER
C.I.T.C. A-12, C.A.

Dated at
Farnham, Que.
13 Jan. 1943

Montreal, P.Q.,
January 21st, 1943.

To be tried by District Court-Martial.

E. de B. Panet
Major DAAG
MD 4

(E. de B. Panet) Brigadier-General,
District Officer Commanding,
Military District No. 4.

C

Proceeding on Plea of Not Guilty

*Instruction. (See R. P. 39 (A)) Question.

Q. 5 *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Answer.

A. 5 No, Sir.

The prosecutor ~~makes no opening address (he makes an address which is not marked xxxxxxx signed by the President, and attached to the proceedings)~~ declines to make an opening address.

The prosecutor proceeds to call witnesses.

First witness for prosecution.

Lieutenant J.E. Pope, General List, C.A., attached to C.I.T.C. No. A-12, C.A., Farnham, Que.

being duly sworn, is examined by the prosecutor.

Q. 6 Will you tell the Court your duties at this Training Centre?

A. 6 At C.I.T.C. A-12, I am Assistant-Adjutant; and as such, I have the custody of the regimental books of the said C.I.T.C. A-12.

Q. 7 Do you know the accused?

A. 7 I can identify the accused, between the two escorts, as Private Hamilton.

Q. 8 Will you produce this document to the Court, and explain what it is?

A. 8 I produce this document "Draft Warning Order", which was signed by the accused, Private W.H. Hamilton, on the 1st of July, 1942, in the presence of Lieutenant Rea and Major Allen.

Form A-12TC-138F is produced before the Court, marked Exhibit "I", signed by the President and attached to the proceedings.

Q. 9 I have here another document, which I would ask you to please produce, and tell the Court what it is?

A. 9 I produce M.F.B. 375, being a Certified true copy of the Declaration of a Court of Inquiry, held on the illegal absence of D-46623, Private Hamilton, W.H., on the 29th of July, 1942, and it is a true extract of M.B. 68.

M.F.B. 375 is produced, marked Exhibit "J", signed by the President, and annexed to the proceedings.

Q. 10 I have another document, which will you please produce and explain to the Court what it is?

A. 10 I produce M.F.M. 216, being a certificate of apprehension, signed by Sgt. I. Rockman, N.C.O. i/c Sherbrooke Detachment, Canadian Provost Corps Detachment, M.D. No. 4, certifying that D-46623, Private Wilber H. Hamilton, was apprehended at 0115 hours on the 28th December, 1942, at R.R. No. 3, Magog, Que.

M.F.M. 216 is now produced before the Court, marked Exhibit "K", signed by the President, and annexed to the proceedings.

Q. 11 I have another document, which will you please produce to the Court, and explain what it is?

A. 11 I produce M.F.B. 1481, being a certificate of the cost of transportation of escort from Farnham to Sherbrooke and return $2.44, and the cost of returning the accused from Sherbrooke to Farnham, (single) $1.22, making a total of $3.66.

M.F.B. 1481 is produced before the Court, and marked Exhibit "L", signed by the President, and attached to the proceedings.

Q. 12 These documents, which you have produced, are all documents which have to do with the accused, are they?

A. 12 Yes, Sir.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

THE WITNESS WITHDRAWS.

SECOND WITNESS
FOR PROSECUTION.

Major Allen, Les Fusiliers Mont-Royal, C.A., attached to C.I.T.C. No. A-12, C.A., Farnham, Que., being duly sworn, is examined by the Prosecutor.

Q. 13 Major Allen, will you tell the Court what your duties are, at this Training Centre?

A. 13 I am now commanding "C" Company.

Q. 14 Will you identify the accused?

A. 14 I do, as Private Hamilton.

Q. 15 Do you remember if the accused was in your Company?

A. 15 Yes, Sir. Around the end of June or the

beginning of July, I believe it was the 1st of July, 1942. I was then in charge of "F" Company.

Q. 16 What happened then?

A. 16 He was detailed for special duty; he was on draft.

Q. 17 Have you any record of this?

A. 17 Yes, Sir. A Warning Order.

Q. 18 Will you tell the Court what this document is? And what you had to do with it?

(With the permission of the Court, the document already produced as Exhibit "I", is shown to the witness).

A. 18 Sir, this is a Warning Order, which was signed by the accused, after being warned by Lieutenant Rea, in my presence. Lieutenant Rea explained the English-speaking proceeding on the draft, that they were warned for a draft, and I did the explaining to the French-speaking.

Q. 19 Could you tell us what the warning was?

A. 19 It read as follows: "I, the undersigned, having been duly warned for service overseas, on the 1st of July, 1942, at C.I.T.C. A-12, Farnham, Que., state that I realize and understand the nature and consequence of such warning, and I also know that if I go absent without leave from this time until such time as the draft leaves, thereby missing the draft, that I am a deserter and liable to be punished as such." This was signed by the accused. Also, it was signed by the Adjutant, and witnessed by me.

Q. 20 Would you hand it to the Court, please?

A. 20 Yes, Sir. (the witness hands Exhibit "I" to the Court).

Q. 21 Did the accused make any objection to signing that, or did he ask any questions about it?

A. 21 No, Sir.

THE DEFENDING OFFICER DECLINES TO CROSS-EXAMINE.

QUESTIONED BY THE COURT.

Q. 22 When warned, was the accused told that he might be charged with desertion?

A. 22 It was explained by Lieutenant Rea, that if they did go absent, they would be treated as deserters.

Q. 23 You heard that?

A. 23 Yes, Sir. I heard Lieutenant Rea say it.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

THE WITNESS WITHDRAWS.

THIRD WITNESS
FOR PROSECUTION.

No. D-56319, C.S.M. L'Esperance, J., Le Regiment de Maisonneuve, C.A., attached to C.I.T.C. No. A-12, C.A., Farnham, Que., being duly sworn, is examined by the Prosecutor.

Q. 24 Sergeant-Major L'Esperance, will you tell the Court, what your duties are, at this Training Centre?

A. 24 At C.I.T.C. A-12, I am C.S.M. of "F" Company.

Q. 25 In "F" Company, what are your functions, what I want to bring out is, when the men are on draft, what Company do they go to?

A. 25 They go to the "F" Company. The "F" Company is a holding unit.

Q. 26 This holding unit has charge of the men, before they leave this Training Centre?

A. 26 Yes, Sir.

Q. 27 Could you identify the accused?

A. 27 Yes, Sir.

Q. 28 Could you tell the Court his name?

A. 28 Yes, Sir. Private Hamilton, W.H. D-46623.

Q. 29 Was this man here when the draft left?

A. 29 From the 6th July, 1942 to the 10th July, and from the 13th July to the 24th July, and from the 27th July to the 7th August, the time the draft left, Private Hamilton, W.H. D-46623, was absent.

Q. 30 That was all in 1942?

A. 30 Yes, Sir.

Q. 31 When did you again see Private Hamilton?

A. 31 I didn't see him until now, Sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q. 32 C.S.M. L'Esperance, you state that you have not seen the accused until just now?

A. 32 I saw him once, when the Summary of Evidence was made.

Q. 33 This was when?

A. 33 I don't remember, about fifteen days ago, I would say.

THE PROSECUTOR DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q. 34 Was Private Hamilton warned for special duty?

A. 34 Yes, Sir.

Q. 35 Were you there when he was warned?

A. 35 Yes, Sir.

Q. 36 Was he told, in your hearing, that if he went absent, after a certain date, he might be considered a deserter?

A. 36 Yes, Sir.

Q. 37 You heard that?

A. 37 Yes, Sir.

Q. 38 Did you see Private Hamilton after his apprehension?

A. 38 I saw him just once, when they made the Summary of Evidence, Sir.

Q. 39 That was when?

A. 39 At the beginning of this month, or the end of last month. I think it's about fifteen days ago.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

THE WITNESS WITHDRAWS.

FOURTH WITNESS
FOR PROSECUTION.

No. D-63804, Private (A/Sgt.) Moffatt, R., Les Fusiliers Mont-Royal, C.A., attached to C.I.T.C. No. A-12, C.A., Farnham, Que., being duly sworn, is examined by the Prosecutor.

Q. 40 Sergeant Moffatt, will you tell the Court your duties at this Training Centre?

A. 40 Yes, Sir. On the 6th July, 1942, I was acting Company Orderly Sergeant, attached to "F" Company. At 2359 hours, I called the roll of the draft, and Private Hamilton, W.H. did not answer to his name.

Q. 41 Can you identify the accused?

A. 41 Yes, Sir. I do recognize him.

Q. 42 As who?

A. 42 As Private Hamilton.

Q. 43 You stated you were attached to "F" Company, was this man attached to "F" Company at that time?

A. 43 He was transferred to "F" Company for a while.

Q. 44 When men are transferred to "F" Company, what purpose is it usually for?

A. 44 They were transferred for a draft to proceed overseas.

Q. 45 The accused was transferred to your Company, at that time?

A. 45 Yes, Sir.

CROSS-EXAMINED BY THE DEFENDING OFFICER.

Q. 46 You say you were acting Company Sergeant, and you called the roll at 2359 hours, on the 6th of July?

A. 46 Yes, Sir.

THE PROSECUTOR DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q. 47 Will you tell the Court, why the roll was called at 2359 hours, on the 6th of July?

A. 47 At 2359 hours, on the 6th of July, the men were supposed to be back from their special leave.

Q. 48 What was the purpose of that special leave?

A. 48 It was their embarkation leave, Sir.

Q. 49 Did the accused know that he was to embark?

A. 49 Yes, Sir. They all had signed their Warning Order.

Q. 50 Did you hear the Warning Order read to the accused?

A. 50 I don't remember, Sir.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

THE WITNESS WITHDRAWS.

THE PROSECUTOR HAS NO FURTHER WITNESSES.

THE PROSECUTION IS CLOSED.

D

~~The prosecution is closed.~~

Defence

Q.51 *Question to the accused.* Do you apply to give evidence yourself as a witness?

A.51 *Answer.* Yes, Sir.

Q.52 *Question.* Do you intend to call any other witness in your defence?

A.52 *Answer.* No, Sir.

Question. ~~Is there a witness as to character only? Answer.~~

INSTRUCTIONS TO THE COURT

(i) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and addresses which is applicable to the circumstances of the case.

(ii) All addresses by prosecutor, counsel or defending officer, whether recorded by the Court or handed in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly dealt with. Written addresses will be read to the Court, marked and signed by the President. If any person who is entitled to make an address declines to do so, a record will be made to that effect.

(*Where any evidence is given for the defence.*)

The evidence of the accused ~~and of the witnesses for the defence including witnesses as to character~~ is recorded on a separate page (*see overleaf*).

~~(Where the accused does not give evidence upon oath)~~

Question to the accused. ~~Have you anything to say in your defence?~~

Answer. ~~The accused in his defence says:~~

~~[Hands in a written address which is read, marked signed by the President and attached to the proceedings.]~~

† In this space will be recorded any oral statement or address made by the accused in his defence when he has not given evidence as a witness. (For any additional address which he is entitled to make, *see* Instructions to the Court *above*.)

FIRST WITNESS
FOR THE DEFENCE.

The Accused, No. D-46623, Pte. Wilber Henry Hamilton, The Black Watch (RHR) of Canada, C.A., attached to C.I.T.C. No. A-12, C.A., Farnham, Que., being duly sworn, states:-

"All I know, when I proceeded home on leave and saw the conditions into which my folks were living, my mother, my young brother and sister, I was absolutely discouraged; not half enough to live and not half enough to wear. They could not get along on $20.00 a month, which they were getting, after I joined the Army, from my assigned pay, so I figured I could fix up things a bit. So, I stayed home, knowing what the circumstances would be when I would return. I just worked around the neighbourhood. I did odd jobs around, until the R.C.M.P. came and got me on the 28th December. They took me to Sherbrooke, and I was brought back here."

EXAMINED BY THE DEFENDING OFFICER.

Q. 53 Private Hamilton, are you the sole support of your mother, young brother and sister?

A. 53 Yes, Sir.

Q. 54 Do your dependents receive dependents' allowance?

A. 54 No, Sir.

Q. 55 You made a statement to me to the effect that, when you first joined the Army, you asked for dependents' allowance, and it was not granted?

A. 55 That's right, Sir.

Q. 56 Did you ever receive a form for your signature, in regard to your dependents' allowance?

A. 56 No, Sir.

Q. 57 You also made a statement to me that your mother has no means of support other than your assigned pay?

A. 57 That's right, Sir.

Q. 58 In the whole time that you were absent without leave, did you wear your uniform?

A. 58 Yes, Sir.

CROSS-EXAMINED BY THE PROSECUTOR.

Q. 59 Private Hamilton, how long have you been in the Army?

A. 59 I joined on September 15, 1940, Sir.

Q. 60 On September 15, 1940, until you went absent, the only support that your mother has had, was what she received from the Army, is it not?

A. 60 Yes, Sir.

Q. 61 Would you tell me why you had not gone home to try and earn more money before, and not wait till you were ready to go on draft?

A. 61 I gave my mother half of my pay, that's what I assigned to her.

THE DEFENDING OFFICER DECLINES TO RE-EXAMINE.

QUESTIONED BY THE COURT.

Q. 62 Is your father still alive?

A. 62 Yes, Sir.

Q. 63 What does he do?

A. 63 He works on a farm in Ontario.

Q. 64 Does he contribute to the upkeep of the family?

A. 64 No, Sir.

Q. 65 Your father and mother, are they separated legally?

A. 65 They were not separated by any legal law; he just got out and left.

Q. 66 You state that you enlisted in 1940, on the 15th September, didn't you ever appear before an officer to explain your problems?

A. 66 I did, Sir. I went to Captain Bryce only.

Q. 67 Who is Captain Bryce?

A. 67 The Paymaster.

Q. 68 What did he say?

A. 68 I have a brother that had joined the Army and he was discharged. The Paymaster wanted to know which one of us wanted to assign his pay. I told him I wanted to assign my pay. (not my brother, because he was being discharged at that time).

Q. 69 Did you hear the warning read by Lieutenant Rea?

A. 69 Yes, Sir.

Q. 70 You knew the circumstances of desertion?

A. 70 Yes, Sir.

Q. 71 After that warning, you remained absent?

A. 71 Yes, Sir.

In the opinion of the Court, it is not necessary to comply with R.P. 83 (B).

THE WITNESS RESUMES HIS SEAT.

THE DEFENDING OFFICER MAKES A CLOSING ADDRESS.
(See document marked "M" attached)

THE PROSECUTOR DECLINES TO MAKE A CLOSING ADDRESS.

E -1

To be struck out except in cases where trial has taken place on a plea of "Not Guilty."

Finding*

The Court is closed for the consideration of the finding.

The Court find that the accused No. D-46623, Pte. Wilber Henry Hamilton, The Black Watch (RHR) of Canada, C.A., attached to C.I.T.C. No. A-12, C.A., is guilty of the first charge.

When the Court is already open this sentence will be struck out.

~~Proceedings on Conviction *before Sentence*~~

*The Court being re-opened, the accused is again brought before it.

Evidence of character, etc.

is duly sworn.*

Question by the President.

Have you any evidence to produce as to the character and particulars of service of the accused? *Answer by the Witness.*

The above statement [with the schedule of convictions and of cases in which trial has been dispensed with] is read, marked , signed by the President, and annexed to the proceedings.

Question by the President.

Is the accused the person named in the statement which you have heard read? *Answer by the Witness.*

Question.

Have you compared the contents of the above statement with the regimental books? *Answer.*

Question.

Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summary of those entries? *Answer.*

[*Instruction.—If by reason of the nature of the service of the accused in a departmental corps, or otherwise, the finding of the Court renders him liable to any exceptional punishment in addition to that to be awarded by the Court the prosecutor must call the attention of the Court to the fact, and the Court must inquire into the nature and amount of that additional punishment.*]

Cross-examined by the accused.

Question to the accused.

Do you wish to address the Court? *Answer.*

~~The Court is closed for the consideration of the sentence.~~

CC

Proceedings on Plea of Guilty

*To be struck out in case no plea of "Not Guilty" has been proceeded with.

*[The Court having been re-opened, the accused is again brought before it, and the charge to which he has pleaded "Guilty" is read to him again.]

The accused No. D-46623, Pte. Wilber Henry Hamilton, The Black Watch (RHR) of Canada, C.A., attached to C.I.T.C. No.A-12, C.A. is found guilty of the second charge.

*The summary (~~or abstract~~) of evidence is read, marked "X1", signed by the President, and attached to the proceedings.

Q.72 *Question to the accused.* Do you wish to make any statement in mitigation of punishment?

A.72 *Answer.* The accused in mitigation of punishment says:—"No, Sir."

~~[or hands in a written statement which is read or marked X and signed by the President, and attached to the proceedings]~~

*If there is no summary or abstract of evidence, sufficient evidence to enable the Court to determine the sentence, and to enable the confirming officer to know all the circumstances connected with the case, will be taken on a separate sheet in the same manner as on a plea of "Not Guilty."

Instruction. If from the statement of the accused, or from the summary or abstract of evidence, or otherwise, it appears to the Court that the accused did not understand the effect of his plea of "Guilty," the Court shall alter the record, and enter a plea of "Not Guilty," and proceed with the trial accordingly.

DD

Do you wish to give evidence yourself or to call any witnesses as to character?

Question to the accused.

Answer.

No, Sir.

~~*Evidence as to character.*~~

END

SECOND

SIDE

44.H.2B

THE NUMBERED PAGES WHICH ARE OTHERWISE BLANK IN THE FILES ON THIS FILM HAVE NOT BEEN PHOTOGRAPHED.

CENTRAL REGISTRY MICROFILMING UNIT.

Affidavit

PROVINCE OF ONTARIO
COUNTY OF CARLETON
TO WIT:

I, Claire Potvin of the City of Ottawa, in the County of Carleton, an employee of the Department of National Defence, make oath and say:

1. THAT I am presently employed as a camera operator making microphotographic copies of Departmental documents for the purpose of providing a permanent record of same.

2. THAT on the date indicated therein I did make microphotographic copies of files listed in Appendix "A" hereto and of all documents contained thereon.

3. THAT the said microphotographic copies may be identified from the indexing data and the job and reel numbers contained in Appendix "A".

SWORN before me at the City of Ottawa, in the County ot Carleton, this day of A.D. 19

A NOTARY PUBLIC

Appendice "A" to the affidavit

dated February 8th 1951

CAMERA OPERATOR'S REPORT

PRODUCTION DATA	DATE	HOUR
STARTED		
FINISHED		
TOTAL NO. OF HOURS		6¼
TOTAL NO. OF IMAGES		5449

JOB NO. 44 REEL NO. H-2

BOOK NO. 21

44-H-2A INDEXING DATA 44-H-2B

BEGINS WITH	C55-H-267	C.55-H-308
1.	C55-H-276	C.55-H-312
2.	C.55-H-285	C.55-H-326
3.	C.55-H-298	C.55-H-341
ENDS WITH	C.55-H-301	C.55-H-347

A.W.

COUNTER NUMBER 56099

HOUR 16:35

OPERATOR'S INITIALS GP

RELIEVING OPERATOR _____