

# START ===

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SIDE

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#### SCHEDULE.

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

Charge.	Plea.	Finding.	
(insert " alternative " where	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
stAA Sec 15 (1)	Thereday.	Gurley	
nd	Trine and the second		
rd	4-11-1-11-11-11-11-11-11	al Canada de Caracteria de Car	
ith	Ar		
ith			
5th			
(Note: As to fi apecial findings are	indings for leaser offe RP 44 and MUNL p 75	nces see AA 55, RP 44 J, and in loss of kit se	; findings on alternative charges see MML p 483 fn 4 para 2, RP 44 ; se RP 44 fn 6-)
- HOT - motor	non for		beginning on (date)
(1, Insert sentence	e being served, or no	Mary 17 Mary 118 Sept.	See RF 46(A). Information should be found on MF 8355 or AF 8296.)  A days of which 74.4- days were spent in hospital
Time in confinement a	waiting present A) fo 2. Information a	trial—a total of hould be found on MF	See A 46(A) infarmation below to be a days, of which Y 1.4. days were spent in hospital B355 or AF 8296 admitted in evidence under £2.)
			ose of (Sgd) President of 18)
Sentence Awarons of		demari	1 pay for a frame
20 Jarqui	tallo		I la sunde Stoppage of

5 Coals ofreling (Sgd) The Miles Date awarded. Cee back of Comming Order as to assembly and disposal of record after trially-PART II. MINUTE WHERE CONFIRMATION RESERVED. (ALS4(5), RF 120(F), MML 9 766.)

Commanding

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

(For duties and powers see AA 54, 57, RP 37(D) fin 6.46(A), 51-56, 120, MML pp 759-761, KR Can 567-577. Acquisition require no confirmation and counts be resisted. AA 54(3). Sending book finding or sestence for revisions by Court: AA 54(2), AP 120(G). If not confirmed, accusal once be tried opin: AA 157, MML p 64. Ministed of cardiomotion or non-confirmation may be extend before promotigation: RP 33, MML p 65. Quasibling offser promotigation: KR Can 573. Duties and powers of reviewing offse; AA 51, STA, RP 53A, 34. The Confirming Offs must sign here personally. AA (72 fn 1.)

My decision on the finding(s) and sentence set forth in Part I is

(Sgd)...

Date 13 Dec 44

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RP SIL KR Con STE. 277.)

Assessed. B54105 Pte Leroy Emerson Promulgates 14 Dec 44 Extracts Token DO 40 d/18 Dec 44

Sewartant (B.T. Stewart) Capt. adjutant

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED. DEP BEL.

REOEIVELD GENER	RECORDED AT CMHQ IN AB 1600 TO THE BY COURT - MARTIAL CYANG ID HEU OF AFA11 4/38B
Colonel C.B. War	re, DSO Comd 13 CITB dated 3 Dec 44
Convened Convened	ACCUSED.
Armst R (b) Appmt, A/R or A	see RP 16.71, 109. As to reasons for showing (a) permanent or confirmed A 782, 183, fes. KR Con 308, 328, 130.)  Appmt. Full Christian Namess. Surname. Unit.
B-54105 NOS Pte Lent  A A A A A BRANCH C.M.  PROCE	Leroy Emerson EVERETT CIC WDg Gre
9EVILLE //VY	eedings of TRIAL.
Held in the Fd in (country)	NG PROCEEDINGS AND ARRAIGNMENT.
Court is closed.  BY PRES OR IA. The Exhedule referred to through on promotion when a varieties in this form across, a well be made and given a number having reference, a feet of the procession of the form across, and the made and given a number having reference to GP AND, for only and insure an how to record acide provinces for conducting the trial see AA 53, AP Sec.  A2. The President initials and lays before to the Court is satisfied that it is properly convents each charge discloses an offence.  [5]	the Court the currenning Green (ask) amenable to military law, and and constituted(*), accused in (ask) amenable to military law, and

A3. The Court is opened. The accused in (art) brought before the Court. At /53 co. hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (gre) fit to undergo trial by court-martial (\*)

The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with Thy summarily by the CO.(4) (). KR Con SST. 2. AA 46(8), RP 60 fo 1. For effect see KR Con S63(c). Delete, if not applicable.

as interpreter l Ans The Interpreter is sworn.(1) Do you object to Agr & Shally as shorthand writer 1 Ans No. A5. President to accused: Do you object to..... (f. 8972. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused.(\*) President to accused: Do you object to be tried by me as President or by any of the Members of the Court ? (). AP 110. 2. If no objection, writing member retires. AP 68(8). If objection, see procedure AA 51, RP 15, 71, 18, MARC p 742.3

A7. The President Members, JA; if any, and Offrs under instr. of any, are sworn (\*) The following are the ranks, names and units of the offre comprising the Court, etc. & M. Mileir EDKC Major

President	7	Il Todreau	H C J J K
Member	Segr	191 & Gallett	BCJDR
Member	Lieux		
Or Judge Advento	-,	9. 9h. Jawcett	30334
Prosecutor	Freir	a C Row	8 C 3 D F
Defending Offs	frenx	I see the Defending Office	+ lawer 1 Am Ro (4)

Questions by President: Is the Prosecutor a lawyer ! Ans Ab. Is the Defending Offra lawyer! Ans Ab. (9) (I. 89 28, 27, 109, 11). List of offer under limits will be retained separately with proceedings for information of Carr Offer, (2. If from a lawyer and Self Offer and, occurred is empirical to an adjustment when RF 80 (8) and for 2 were not followed. See Di \$ 2.5

. hefore arraignment make(s) (no) (at plea As. The secured.

(i). If a special piece is mode for sequentite trici on one or more charges (FF 623E), 108E, or on to the jurisdiction of the Court (RF 34, 11E), or in her of tricis (FF 36), or on to the situated's mental framewor to stand that (A4 12), 84 5F), or he and other of secretary description (FF 61, 7F), such piece, the addressors make in subject or against, the elements, of gray, and finding are recorded per historia. For funts of record are inflamences in fine to Rull cased, leaves in All name and name of the occusion making the piece.)

A2. The accused is to are arraigned (apparatory) on all charges in the charge sheet.(\*) The accused does (sket) not object to any charge.(\*) There is no amendment to be made to the Charge Sheet.(\*) The President records the pleas in Part I of the Schodule.

If Part 1 of the hobocities.
3. AP 31, 112. See pore 1 of leating 9.2. When more than one Charge Sheet see RP 62; when several occured to be triest apparents from M FT ICCs, and use apparents express of CF ABS to record proceedings.
2. AP 32, AP 33. If schewise, delete and make apparents example on Notes.)

Alti: The Court Senioused and; considers the Instits on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.
 (RP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc, offence.
 (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial.
 (RP 38.) As to refusing etc, offence.
 (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial.
 (RP 35(D).

2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective

- I. If pleas to all charges are GUILTY, use Record Form B below.
- II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
- III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
  - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below.  $(RP^{'}37(A).)$
  - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p 744 Instrs (2).
- As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 00(A) (B); duty and privileges of accused and Defending Office see RP 60(C), 87(C), 91(B), and of witnesses and withdrawal of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses are RP 83-85; calling or re-calling of witnesses by Court, etc. see RP 75-79, 86, 116; use of Summary of Evidence at Trial and RP 83-85; calling or re-calling of witnesses by Court, etc. see RP 75-79, 86, 116; use of Summary of Evidence at Trial and RP 83-85; calling or re-calling of witnesses by Court, etc. see RP 75-79, 86, 116; use of Summary of Evidence at Trial see RP 17(E) In 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

# RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or 3.4, 15 ury, complies with RP 35(B) by explaining to the accused the nature and meaning B1. The President of LA, Fury, complies with KF 30(B) by explaining to the accused the nature and meaning of the charge(s<sup>(1)</sup>), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(s), call witnesses as to character and make an address in mitigation of punishment. (2)

(1. RF 35 fo 3. 2. MML p 54 pers 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s) (1). If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(1), or which show provocation or extenuation in respect of which in your interest stand the effect of the plea of Guilty(1), or which show provocation or extenuation in respect of which in your interest that witnesses for the Prosecution should be examined(1), we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement in evidence against you after you change your plea and you affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(\*)

President to accused: Do you wish to make a statement! Ans 7 o (I. RF 37(B)) 2. RF 37(D) fn 6. 2. RP 35(B) fn 5 para 3, MML p 54 para 47. 4. See para E3 of Record Form E.

5. Statement, if any, recorded per Hotel.)

B3. The Court considers the accused's statement.(1) The Court decides (not) to advise accused to change his (their) plea(s) of Guilty to Not Guilty on \_\_\_\_\_\_ charge(s). The accused is (are) so informed, and be (they) change(s) his (their) pleu(s) on chargose). Part I of the Schedule is amiented accordingly.

(1. Court may be closed to consider the interment. Deline while or port not used.)

B4. On the charge(s) to which the plea(s) of Guilty is (ase) not changed the President records finding(s) of (1. RF 35(B). If any pinals) is (are) changed, use Record Form C or D as appropriate.) Guilty in Part I of the Schedule (1)

BG. The Summary of Evidence is marked Ex. H., initialled and read aloud by the President. (1)

(1) If there is no Summary, or if it is independe, comply with AF IV(8). If there is not evidence inconsistent with any piec

standing at Guilty. Court will ody is occused to change such piec and. If changed to Not Guilty, try such charge(s) by use of

parcs O( to DB inclusive of Accord from D on p 1. AF IV(D).)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

#### RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.0;

C2. The charges on which accound physical GCHLTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above. [7] / (i) there h5 such parts of all formers of Essiones over read as resists to the charges dealt with under CL. if any pine is the charges to test Galling, that therese postent by identifying with paras D1 to D6 including in Record Form D or x 3 and making an appropriate record thereof on a approval them.)

(3). The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Loose Sheets of Record,

# RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GOTEL.
D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules  D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules elating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on elating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ? Ans

D2. The Prosecutor makes (an) (no) opening address.(1)
(1. RF 39(8), 60(A) (8), 90, 92(C) (D). Record address per Notes, subject to RF 95(C).)

The evidence for the Prosecution is taken.(1)
(1. PF 39(C), 114, KR Cas 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RF 39(D) (E).) D4. The Prosecution is closed.(4) The Defending Offr submits that the evidence for the Prosecution does not

is disallowed on the charge(s), and allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on is disallowed on the.

(i) Delete remainder of this pare, if submission not made.

2. Arguments on submission, answer and reply are recorded per Notes.

3. RP 40 fe i. See MMI, p 72 paras 12-14 and p 81 para 42.

4. Delete part not used. If accused ocquitted and charges use second alternative in para 0.6.)

No if from proceeds, accused must be allowed great latitude in making his defence, and the Court should not slop his defence solely on ground of irrelevance. (RP 60(C), 114, 115.) the latter charge(s).(\*

D5. President to accused: You will now proceed with your defence (1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination. (\*)
You may, however, make a statement without being sworn, and you will not be subject to cross-examination. (\*)
But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony. (\*) You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to gire evidence yourself as a witness, make a statement, or do neither ! ......... Do you intend to call witnesses on your behalf ! (I, AF IIS. 2. AF 40(A), see 80(D). 3. AF 40 fc (0. 4. AF 40 fc 2. 9.) Ans

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1)

(1. 88 | 14. | 15. | 116. For princedure see Notes on back of Convening Order, CF A95. Evidence for accused as to his
character should, if is his interests, be given before the finding. See RF 46(A) for 1. 88(C). Note the further apportunity is pare E1
of Record Form E. Record per Notes addresses, stotement, evidence and any summing up by the jA under RF 42, (D3(s))

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I

(I. P. 41, 1714). See Notes in First I of Schedule. 2. AF 44(A).) D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) charge(s), being subject to confirmation, will be promulgated later  $\{x\}$ 

of the Cours on the

charge(s), being subject to confirmation, will be promulgated later. [\*]

Or, The President announces that the accused is found Not Gulity on all charges and is to be released forthwith,
and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed. [\*]

(i. As 14(3) (6), 87-45, (2006). 2. As 54(3), 87-45, (17. This observative oncouncement is not opposite when there

ore place of Gully autotrading and dealt with under Record Form 8 or C.) D0. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

Record Form E below.

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. Provident to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(2) Asso actives of mad and file to consiste between the stemant.

(i) If evidence has already been given by accused or his witnesses as to his character, delete this pairs. By 37(5) to 4, 46 to 1.

Accused and witnesses are sween. Evidence related per Notes.)

Po. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true popy (assission of Conduct Sheet(\$)(\*), purporting to refer to the accused, which he submits to the Defending Offr for popy (assission) and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 163(1) (g) (h), and (ii) they purport to prefer to (a) puddent(i) begins the same number rock, care and course is the Australia (g) they purport to be signed in the manner required by AA 163(1) (g) (h), and (ii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) they purport to be signed in the manner required by AA 163(1) (g) (h), and (iii) (h) (h) (h) (h) (h) (h) (h) (h) to refer to (a) soldier(s) having the same number, rank, name and corps as the accussed. Admitted in evidence and

marked Ex () and Ex (\*\* prespectively.(\*) )

() MFS 353 or MFS 296. 2. MFM 6. 1. RF 66. KX Con 558. If shows documents out produced, see 8F 66 (s.)

E3. President to accused: Do you wish to address the Court on the Statemential and Conduct Sheetish, and in

mitigation of punishment 1(1). Ann Th. L. g. and J. C. Laur should permit occurs to be witnessed to present or present or present or present or present or present or present of punishment. At 12(6) for 1).

Es. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the ort are accordingly terminated (2) coordings in open court are no (). AA SA(B), RF (20(AL)

on (1). The President records the sentence in Part I of the Schedule, which

E3. The Court considers the nontense (1) The President records the empirical of the purishment of parishments (1) is distinguish by him and then 2.A. if may (1) is distinguish and signand by him and then apparently as he ?? (D). One second such a closely absent on which accord have president in the second in cases of though it of charge should not a second have president and the second should be second to the second second second should be second sec

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

Note compulsary transfer and loss of trades for.

COUNTER	
HOUR	13 100
OPERATO	RIS INITIALS

#### CHARGE SHEET

The accused, B54105 Private Leroy Emerson EVERETT, Winnipeg Grenadiers, on the strength of 3 Canadian Infantry Training Regiment, a soldier of the Canadian Army Overseas, is charged with:

FIRST CHARGE

WHILE ON ACTIVE SERVICE, Absenting himself without leave,

Section 15 (1) Army Act

in that he.

In the field, absented himself without leave from 0200 hours 1 October 1944 until surrendering himself to the Gorps of Military Police in Hull at 1625 hours 23 November 1944, thereby incurring cost of return to his unit in the amount of £2-7-5. Total absence 53 days, 14 hours, 25 minutes.

1900en (J.B. Weir) Colonel

3 Cdn Inf Trg Regt

28 November 1944

To be tried by Field General Court Martial

In the Field

3 Dec 44

(C.B. Ware) Colonel

A/Commender 13 Odn Inf Trg Bde.

6.15. Man

# FIELD GENERAL COURT-MARTIAL

(Wiether the accused to be tried is under his comd or not, a FGCM may on application to him be convened by any offr of Cdn Army Overseas. or of any other face if outhorized in law, in immediate cound of trops on active service, subject to RP 105(C) and restrictions imposed by appropriate authy. AP 87(B).

The should be a separate Convening Order for each person to be tried separately by the same Court. RP 11(C), 109. As to separate trial on charges in the same charge sheets as the 6.1 and as to separate trial on charges in the same charge sheets as the separate charge of interesting or the same charge sheets as to reason for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, if any, see AA 182, 183, fns. KR Con 306, 328, 330.)

#### ACCUSED.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname. B-54105 Leroy Emerson CIC Wpg Gren 3 CITR EVERETT

#### CONVENING ORDER.

- 2. And whereas I am of opinion that it is not practicable that such offence (s) should be tried by an ordinary General Court-Martial; (ARTRAKKAR ARTRAKAR CHEK HEATRADIAN ARTRAKAR ARTR
- I hereby convene a Field General Court-Martial to try the said person (20), and to consist of the Offre appointed or detailed hereunder.
- DESCRIBED WISHEST FOR EINESTEINE WISHEST AN DENES, AD AUTHOUSE HE PRESENT, ADVIAG NEAR A DENES DE LA CORRESPONA ANNA DESCRIPTION (AA 49, AF 106(B), 107(A). Delete the whole or port, if not applicable.)

# 5. Darwerphotox forge. All weath the matche Disc members and the member (Af 10e(E). Delete, if one opposited.)

#### PRESIDENT. MAJOH E.M. MILLER, ED (Ronk.) Ha CRU (Must be named. AP IOL.) (Unit.) MEMBERS. to be detailed by Commanding Officer Captain 4 CITE Lieutenant to be detailed by Commanding Officer (Named or detailed, Nr 106.) 3 CITH WAITING MEMBER Captain to be detailed by Commanding Officer (Rank.) 3 CITR (Named or detailed, if any. AF 106.) INDGE MWOKATE MAN (Must be named, if any. AF (Gb.) Om Active Service in the Fd (Kink) England (Country.) Colonel AF 105 (n 2) Date 3 Dec 44 A/Commander 13 Gdn Inf Trg Bde,

Convening Officer CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See averleaf for sotto and notes for use on trial.)

Medical Officer's Certificate, 40/25 K.n. (Cun.), pura 557.

I certify that \_ maye this morning examined No #14191 .....

.. 19t. Court .. bot. ......... or ... 2. 8. (T.R..... and in my opinion, as is. f.t.... to undergo trial by Court Martial.

B54105 Pto Everett L. E. I was action ofc 63 coy, 13 Ata C.B.R. G. obering Junes July . 44 Pte breett was on strongth as a fetter M.V. closs A. on two different accessions the Enerett LE. harrold to me asking if he could duck his trades kay and proved on dealt as a oliver med or a ohiver or General Duties. as de wanted to go on draft and there was no on both acousions 3 informed the above mentioned that slimand for fetters. the only way he could do this was to be re traditioned and fail. as I knew of no other way that a tradismom could farful trades hay. KH Tuentull Capt. Deled 6 Det HA 1. CASC Off Unit Cals array

Plea by B54105 / to Everett, L.E. For Witigation of Sentence. In peace time Invoked in a B.H. garage in Canadaas anapprentise mechanic for 16 mor. and was ready to take my mechanic papers just before Denlisted in the ACQ.S.C. an 30 dep 41 Lamvery linterested in mechanies and my old got is Evailing for me Loken the was is over . Tintend to heturn to my Old job and take out my curleten mechanic papers & came verseas on 70ct . 42 with the 4th wind bide Loy R.Ca.St. as a Der Mech, since these was not a receasing for a 9th. Mich Sp & which was my trade. On Hov 43 I left of Brind Ble and went to 10 active. sines my trade qualification as a M. Mich was Edn. While their Dalahed for a fitters course. My request was granted and in Hay 144 Agot, my course gind studied and worked hard on it I parsed in mediately to Willer SpA and was given 75 + tigoles pay. Inas then sent to 26BRs at Crooklan It's middle of Jane 4. Dewaited in 2018 . I wer a month, but there were too many trudesmen and I didn't get to Hance I paraded to Capt R.H. Turnball who was Ob. my day to try to dop my trade and get on draft as a dir or old much the a state of tradesone west back to 1 cusore the middle of and I tried to get to one as a der, but the end of ling it I was pay to the control of the My trades pay of 75 three ther stopped at 13 cds of Bds ony the Corner and d. s. M. Notes tried to get my trades pay touth, but and wrab to do so, at this time fether were still being trained at 10.95.0 kd. These trained were orgen from Carada and of felt They shouldn't have taken my trackes pay away and then train Igot hed up and browned off and finally left and worked as a shelled mechanic at 24 per in in a farage in bevery, Josho They thought I was on lead, since I had spent three a four leaves there before and had worked to improve my financial condition work at my trade and learn about English vehicles while on those leaves I would to see my girl free den theevening Continued on Page 2.)

B54105 Pt Eventt, RE. 1290 2. My conscience lottered me and I heard that some of my chums had been soounded and that made me duriendes, in order to do my bit. Istill want to get oberseas as a mechanical tradesman, but realize there is very little chance of that, so I will in future serve as a good soldier in the infantry. I still want to get overseas, regardless of the armost or service I'm in. Signed: 6. 5405 Pt. Enerell S. E. Nated 6 Dec 44

#### SUMMARY OF EVIDENCE

Summary of Evidence in the case of B54105 Private Leroy Emerson EVERETT, Winnipeg Grenadiers, on the strength of 3 Canadian Infantry Training Regiment, a soldier of the Canadian Army Overseas.

By direction of the Commanding Officer the summary is taken on oath.

FIRST WITNESS Capt E.T. Stewart, General List, on the strength of 3 Canadian Infantry Training Regiment, an officer of the Canadian Army Overseas, having been duly sworn, states:

I am Capt E.T. Stewart, and am Adjutant of 3 Cdn Inf Depot Bn. I hereby present marked Exhibit "A" certified true copy of the Declaration of a Court of Inquiry held on 29 October 44 which shows that the accused, B54105 Pte Everett L.E., whom I now recognize, absented himself without leave from 0200 hours absented Himself Without and the Certified true extract from 3 C.I.T.R. Part II orders No 23 dated 28 Nov 44 which shows that the accused surrendered himself to G.M.P. in Hull at 1825 hrs 23 Nov 44. I present, marked Exhibit "G" Expense Youcher dated 25 Nov 44 which shows that the cost of returning the accused to his unit was in the amount of \$2-7-5

87 Acuart (E.T. Stewart) Capt.

The accused declines to cross-examine that witness.

The accused was cautioned as follows: "Do you wish the absused was califored as follows; "no you wish to make a statement or to give evidence on oath? You are not obliged to say anything or to give evidence unless you wish to do so, but whatever you say or any evidence you give will be taken down in writing and may be given in evidence.

The accused declines to make a statement or to give evidence on oath.

I certify that the foregoing sammary of evidence consisting of ONE page was taken down by me in the presence and hearing of the accused and that rules of procedure 4(c), (a), (e) and (f) have been compliand with complied with.

IN THE FIELD 30 November 1944 orticer willy fur take Summery

Stok

RECORD of the Declaration of a Court of Inquiry assembled at Duncombe Pk Eng on the 29th day of Ootober 19 44 for the purpose of investigating and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. B54105 Pte Everett L.E.

#### DECLARATION

The Court declare that No. B54105 Pte Everett, L.E., 1 Bn Winnipeg Grenadiers, C.A.

illegally absented himself without leave from Dunoombe Park Eng.

at 0200 hrs on the lst day of October 44 ,
that he is still so absent, and that on the 2 Oct 44. he was deficient, and
that he is still deficient of the following articles:—

ARTICLES	VALUE	ARTICLES	YALU
Prousers battledress Prousers battledress Boots ankle w/laces prs Brushes shaving Brushes Tooth Combs hair Brasses button Brawers cotton short pr Holdall Jerseys pullover Rezors safety w/blades Shirts flannel khaki Shirts unercotton Shirts woollen Sooks woollen prs	1 1- 3-6 1 1- 4- 12 1 1- 4- 5 1 1- 8- 6 1 2 1 1-11 1 10 1 8- 0 1 9- 1 1 1-11 2 10- 9 2 3- 4 5-10- 72		

Capt J.D. Main President
1 Bn Wpg Grens C.A.

Lie ut R.D. Eyers Member
1 Bn Wpg Grens C.A.

Lie ut D.R. A. Butchart Member
1 Bn Wpg Grens C.A.

Signature of Commanding Officer "W.D. Graham" Major.

Certified true copy ST Sheworthaper

17

3/6/28 MFS 375-AFB 115

b

413/

IAST ORDER NO 22 27 Nov 44

NO 3 CANADIAN INFANTRY TRAINING REGIMENT C A (E)
PART II DAILY ORDERS
Issued by

THIS ORDER NO 23 28 Nov 44

A/COL J B WEIR, OBE, ED, Commander

#### 6. STRENGTH INCREASE

(a) TOS from desertion on surrendering to C.M.P. in Hull at B 54105 PTE EVERETT L.E. "CIC"

for (J.B. Weir) A/Col Commander No 2 Cdm Inf Trg Regt CA(E)

Certified True Extract

It of all their

Officer Having custody of Regt'l Books.

my

Ref: KR & O (Can) 539

Reg Not State Rank PTE. Name EVERETT L.E. Unit 3. C. LT. BTh.

in apprehending and returning the M.N. Soldier to his Unit from

Date	Particulars		Amount	
	Escorts return fare from LONDON To Hull	1	6	11.
5 NOV. 4h	Prisoners single fare to LONDON From			
5 N . V & 4	Prisoners fare from Hull to London		13	6
s Hov Hh.	Escorts & Prisoners expenses for Bed, Meals, Bus fares		7	
SPL	Total	\$ 2	7	5

I certify that the above statement of Expenses is Correct, and that the amounts are fair and just.

A THOMSON,

Officer Issuing Railway Warrant and Expense monies OM H. Q.

No. 6 Area Provost Company, Canadian Provost Corps, London

1/35 CMHQ 100 55 (6762)

# Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

	Rank.	Name.		Regiment (or as the	case may	be).		
Number. B54105	Pte	EVERETT	L.E.	Winnipeg G	renad	lers		
NOTE. The Field sedant Short is for be selected by the best and be stored by the best by not a statement best to not a statement best to not a statement best to not be no	<ol> <li>The following is a fair and true summary of the entries in the Field Conduct Sheet of the accused, exclusive of convictions by a court martial or a civil court:—</li> </ol>							
a statement of the pro- tic analysed in the pro- oblings. The numbers redn stated should corres-		For A.A. 15	(1)		- 1	times.		
of with the number of		For A.A. 40			-	_ times.		
ng given to the most siny offense to rach res. If the charge is for		For				_ timeg.		
mikenece or absent thank heave, the entropy dramk-mass or absents the one may be, though	Date of fire	For A	et Sheet	8-7-42		times		
special acts of faults or manipulational about seconded on the ad Gometact Shout should a lot inserted force.	Date of la	at entry in Field Condu	et Sheet	9-8-44				
	du the Sch	sodule overlesje.		y a court martial or a civ	il court a	to ant out		
	- American construct	e account at the presch on-tires.		Library of the				
	days in	e accused has been own civil enetody; and f  , / days in op  N, / days s	or / J en arrest, -	days				
		he present age of the a		21 yrs				
		he date of his	attestation prior milita	EV sections.		8.		
		he service which the so	cused is allo	wed to reckon is 3 yr				
			ion off (	C.V.B.M. & Clas	9			
	120	If the accused in a searce	ai oficerier)	C.C.O.s. The accused has	mrail an	atmacope.		
	without	reduction, to the prese			Date of	Promotion		
10		In the substantive	rank of	1				
11-1		In the war-settle	ative rank r	1				
The has		In the acting rati	k of					

## COURT MARTIAL OR COVERTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Description of Conet by which tred	Date and Place of Trial	Charges upon which convicted.	Sentence of the Court.	Punishment remitted or sentence suspended.
	XI			
		X		

THEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best

of my knowledge and belief.

Signed this 6 day of Dec. 49

18 willy hart

No. 85'4/05'	entry in		27.00	or Company and date   Period not reckoning towards   freedom from extra fine	Sheet No	Signature OC   Company, etc		Character	parameter .
Company Co	Date of	Hank	Cases of drumers		Names of Witnesses	Punishment awarded	Date of sword in of today discen- aing with this	By whom awarded	Remarks
Place	offence	man's	2005	abet destroyed 30.3.44. Mous	Trees no	ases of deem	chances.		
Hamilton	2.2.44	115		94 1 from 8 30 his 2 7 42 toas	OGH. LAMINTA ONE	+ days . C.B.	67.44		4 clays
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11640	8-0414	Pts		nighest to the pref M st 40	CPL Truckes	admonihed	93415-43		DUR. MEG
				Gwarded Enad	ian Volus	etary Ser	in m	edal 8	Jasjo

- Company of the Party of the P	Date of ciliance	Maria de la compansión de	Cases of drunken-	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispus- sing with trial	By whom awarded	Hemarks	
Place	effence	Hank	United Section 1		(0)	School He	15.5 44		Inf. Edays	
41240	12-1-114	Pta		9715 The 14 dane 44. AAN. 10	Z* CONVINIONER	auxing.			pay 144(2)	
FIELD	9-MUR	Pa		All & from 2130 hr 1 rugus lasts	CPK MILTER. Q.E.	odaysBy	14: sug. 44		Total forf of	
				Contifued to	Les Controlles Dogs					
				17 1/e 1	Books Days	a seferi			,	•
				U.	1					

#### 28 November 1944

This is to acknowledge that I have received free of charge, the following papers in connection with my forthcoming trial by FGCM.

1 Copy of Charge Sheet 1 Copy of Summary of Evidence 1 List of Witnesses List of Exhibits.

B54105 Pte Leroy Emerson EVERETT.

I, No. Beat of the Mann of the Manner of the Manner of the Manner of the Manner of Man

(880.) ... D. - 54/01 PIE . Jolley Frenth.

I, No. . B54105 . . Pte . Everett . . L.E. . . "len to have (Name (Rank)

I desire the services of Lind CM Dolly non offitheties & the

40

an Officer defend me at my forthcoming trial by Court Martial.

if he is available.

#### LIST OF WITNESSES

In the case of B54105 Pte Everett L.E., Wpg Grens, 3 C.I.T.R.

#### FOR THE PROSECUTION

Capt E.T. Stewart

3 Cdn Inf Trg Regt.

FOR THE DEFENCE

NIL

#### List of Exhibits

In the case of B54105 Pte Everett L.E., Wpg Grens, 3 C.I.T.R

EXHIBIT "A" - Certified true copy of Declaration of A Court of Inquiry held 29 Oct 44

EXHIBIT "B" - Certified true extract from 3 C.I.T.R. Part II Order No 23 dated 28 Nov 44.

EXHIBIT "O" - Expense Voucher dated 25 Nov 44.

my

CCC-93 PTE EVERETT W.G.

#### SCHEDULE. PART I. PLEA(S), FINDING(S) AND SENTENCE.

Accused: A-37366 Pte Everett, William Geoffery - HLI of C - 3 CIRU

Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See nate below.)	(Space for use as required for further charges, accused charged jointly special findings, etc.)
stAA Sec 15	Tully	Eull	
nd		annoh ingerna	The second secon
ol			
d).			
uh			
4			

II. Insert sentence being served, or delete, if not applicable. See RF 46(A). Information should be found on AAF 8.255 or AF 8.296.) Time in confinement awaiting present trial—a total of / 2— days, of which NI Ldays were spent in hospital (4)

(1. See RP 46(A) for 2. Information should be found on MF 6355 or AF 6296 admitted in evidence under £2.)

to entering allerte per a period of seventy

Arre (75) Duyo.

PART II. MINUTE WHERE CONFIRMATION RESERVED. (M. H(S), NF (2017), MME > 700.)

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

Our duties and powers are AA 54, ST, RP 37(D) fo 6.46(A), S1-5a. 120. MARL pp 759-161, ER Cas 567-597. Acquistions require no confirmation and constat be revised. AA 54(E), RP 1205(G), R not confirmed, occused may be tried again. 1A 57, MARL p 64. Ministry of extremition or an confirmation may be distant before personalization. RP 53. MARL p 65. Quanting offer present/agains. RP 53.4 KB, p 65. Quanting offer present/agains. Re 53. March p 65. Quanting offer present/agains. Re 53.4 KB, p 65. Quanting offer present/agains.

Commanding

My decision on the finding(s) and sentence set forth in Part I is

& indrug and feuterine Confirmed

(Syd) DISTRIPTION OF COM

Confirming Officer

PART IV. PROMULGATED AND EXTRACTS TAKEN. (N' S.L. ES Com STA. ST)

A-37366 Pite Everett

Darke. 11212.44 Munes a Hadley etter.

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

FIELD GENERAL COURT-MARTIAL COURT-MARTIAL

Convened by Order of Brigadier 8. Francoeur Comd "D" Group CRU dated 4 FEB 44.

ACCUSED.

(As to the title of two or more charged jointly see AP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rook, and (b) appent, Alrank or Ajaphant, if any, see AA 182, 183, (ns. KR Can 308, 328, 330.)

Number. (a) Print R. (b) Appint, A/R or A/Appint. Full Christian Names.

A-37366 Pte

William Geoffery EVERETT

3 CIRU HLI of C.

4 CIKI

PROCEEDINGS REVIEWED REVIEWED OFFICER, JAG BRANCH CALEDINGS OF TRIAL

Held in the Fd in (country) england

RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, JA, if any, and Offrs under instr. if any, assemble, and the

PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES OR JA. The Schedule referred to throughout is on p.4. Citations do PACT include all relevant from ROs. For guidance 

A2 The President initials and lays before the Court the Convening Order and Charge Sheet attached thereto (\*) The Court is satisfied that it is properly convened and constituted("), accound is tare; amountle to military law, and each charge discloses an offence.(\*

(). As to use of Summary of Evidence see RF 17 (c.s. 2. AA 49, SC, RF 105-101. 3. RF 11-13, 23, 24.)

A3. The Court is opened. The accused in Three brought before the Court. At // QO bours trial commences. A.5. The Prosecutor produces a Medical Certificate that accused is turn) fit to andergo trial by court-martial.(1)
The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with

memorally by the (Y) (\*) (1. KR Can SS). 2. AR 44(R), RF 60 fo 1. For effect one KR Can S62(c). Delete. If not applicable.)

All. President to accused: the year object to as interpreter t Asso

The interpreter is sworn (\*) Do you object to ... (The electrical writer is sworn (\*)

(I. RP 72. Delete, if name semployed.)

A6. The Convening Order and names of the President and Members of the Sourt are read to the accused.(1)
President to accused: Do you object to be tried by me as President or by any of the Members of the Court 1

Au // File (J. RF 110. I. If no objection, working member retires. RF 6868). If objection, see precedure AA 51, RF 25, F6, HE, MARC p 742)

57. The President, Members, #A; if say, and Offer under instr, if any, are swarm(\*) The fallowing are the ranks, names and units of the offrs comprising the Court, see

Dixtedrate, VD K to lagger Member

Member

Questions by President : Is the Pressecutor a lawyer † Ans. // Is the Defending Office lawyer † Ans. // (\*) AP 2s. 27, 109, 131. List of office under instr will be returned separately with proceedings for information of Carro Offic.)
 If Free a lawyer and Seef Office was, account is entitled to an adjournment when EP 89 (8) and Se 2 were not followered. See DI 9.2.)

before armignment make(s) (no) to plea AS. The acressed

(i) If a special piec is mode for unparter trial se see or more changes (NP 52(5, 108), or as to the jurisdiction of the Court (NP 34, 13%), or in term of trial (NP 34), or as accused's montal factor is stand trial (AA 136, RP 37), or by see of several outsided charged jumity to be trial separately (NP 56, NY), such piec the addresses make in support or againent, the evidence, if any, and facility of per records per forces. For farms of necessal see refusences in fin to Ne\* case. Indeed, in AB seek and name of the occused micking the pines.

All. The accused is these attraigned (representing to all charges in the charge short.(\*) The accused does the object to any charge.(\*) There is no amendment to be made to the Charge Sheet.(\*) The President records the M. All. The accused is the sold state of the sold state of the Schedule.

HP 31, 1/2. See part 1 of leasts p.2. When more than one Change Sheet set H\* 62; when exceed account to be treat
separately see SF TVCC, and use substrate capits of O 896 to record proceedings.
 HP 32. If substrates, delette and
make appropriate record per Nature.

Also. The Court ris closed and considers the Instra on Proceedure after Armignment at top of p. 2. The proneedings are continued on Record Form.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

#### INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative (RP 37(A)). As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convensing Offs. If Convening Offs concurs, Court may access plus of Guilty to lesser, etc, offence. (RP 44(H).) Accused may change a plus of Not Guilty to Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).

2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective

- 1. If pleus to all charges are GUILTY, use Record Form B below.
- II. If pleas to all charges are NOT GUILTY, use Record Form D on p
- III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
  - (a) Such mixed pleas occur then there are no alternative charges in the Charge Sheet, use Record Form C below. (RP 37(A).)
  - (b) Such mixed please occurs in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilty therto, or, (ii) to record the please is the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing insets as may be appropriate to result of its decision. See MML p 744 Insets (2).

3. As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see RP 103; duty of Presenter see RP 60(A) (B); duty and privileges of accused and Defending Offer see RP 60(C), 87(C), 91, 92; succerning and withdrawal of witnesses from Conset see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83.85; calling or re-calling of uninesses by Court de see RP 76.79, 86, 116; see of Summary of Evidence at Trial Dr. 2012 (B). see RP 17(E) In 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

# RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge of the call witnesses as to character and make an address in mitigation of punishment.(\*)
(1. \$9.16.1. 2. \$6.81.9.54 perc \$7.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused. The Court will now receive any statement you desire to make it reference to the charge's (\*) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the piece of Gwaitsy(\*), or which show provocation or extenuation in respect of which in your interest stand the effect of the piece of Gwaitsy(\*), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecutions should be examined(\*), we shall advise you to change your place to Not Guitty. In making a statement you will not be according to cross-examination; and anything you say will not be used making a statement you after your change your place. If, however, it appears to the Court that your salesment in evidence against you after your change your place and you affects only the amount of purpositions which you are liable, you will not be advised to change your place and you will be given an opportunity latter to prove your statement by sworn testamony, if you so desire (\*)

President to accused: Do your wish to make a statement! Ans. MU = SIM(I. M-31(E). 2. RP 37(CI) fo 6. 3. NP 35(5) fo 5 page 2, MML p 54 page 47. 4. See page E) of Rocard Form E. 5. Statement, if any, recognised page Hauten.)

B3. The Court considers time accused's statement ()- The Court decides (not) to advise accused to change his fi "their) pleate of finity to Not Crustey on sharge(s). The accuracy is (are) so informed, until by (they)

Plant I of the Schodule is amended accordingly.

(i. Cost may be closed to consider the autoriest. Doint whole or port out used.)

B4. On the charged, to which the pleat of Guilty is (are) not changed the President records findingly of Guilty in Part I of the Scheduler.(")

U. Rf 15(8). If any bleed(x) is (are) charged, use Record form C or D as appropriate.)

B5. The Summary of Ewisherson is marked Ex A, initialled and read aloud by the Proident (\*)

() If there is no Summorry, or if it is indeposit, copy with AP 27(8). If there is not evidence inconsistent with only plans studies at Call /, Court will offere successed to those such plea and, if changed to Not Cally, by such charge(s) be use of parts 0 to D8 schulure of Record Frem D on p 3. If 27(0))

B6. The accused having beech found Guilty on one or more of the charges, the proceedings are coincluded by using Record Form E on p 3

#### RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

C1. As to the charges on: webich accoused pleaded NOT GUILTY time trial is continued by using parase D1 to D8 inclusive of Record Form D oss p 3 before proceeding with C 2.0  $_{\odot}$  (. N 100 (5.)

C2. The charges can winisch accessed pleaded GUHLTY are road to beim (them) again, and the trial is continued by using paras B1 to B5 of Electrical Educated Form B above. (I. Linker B5 such parms unity of the Lamourer of Linkers or read in relate in the charges dead with under C2. If any piece is charged in Not College, trial inscream personal by confiring with porce D1 to D8 inclusive in Secure from D on p 2 and making an apparatus read themsoff on a separate them.)

C3. The accused having beens found Guilty on one or more of the charges, the proceedings are concluded by using

Record Form E on p 3. PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

#### Pip here Loose Sheets of Record. RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

DI President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ? Ans.

(1. ) "yes", see RF 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

- D2. The Prosecutor makes (an) (no) opening address (1) (1. RF 39(b), 86(8), 80, 92(C) (2). Record address per Notes, subject to RF 95(C).)
- The evidence for the Prosecution is taken.(1)
  (1. RP 39(C), 174, KR Con 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)
- D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not charge(s).(\*) The Court establish a prima facie case against the accused on the charge(s).(\*) The Court is re-opened, and the President announces that the submission is closed, and considers the submission. is disallowed on the charge(s), and allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on is disallowed on the

the latter charge(s).(4)

(1) Delete remainder of this pare if submission not made. 2. Arguments on submission, onswer and reply are recarded

(1) Delete remainder of this pare, if submission not made. 2. Arguments on submission, onswer and reply are recarded

per Notes. 3. RP 40 fn 1. See MMs, p.72 pares 12-14 and p.81 pare 42. 4. Delete part not used. If occused acquitted

on all charges, use second alternative in pare DS.).

NB: If trial processed, occused must be allowed great latitude in making his defence, and the Court should not stop his defence solely an ground of irrelevance. (RP 60(C), 114, 115.).

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence vourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination. (9)
You may, however, make a statement without being sworn, and you will not be subject to cross-examination. (9)
But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony. (4)
You may call witnesses in your defence and as to characters, whether you give evidence or make a statement or do notifier.

President to accessed: Do you wish to give evidence yourself, as a witness, make a statement, or do neither ! Do you intend to call witnesses on your behalf !

(I. RP 2 2. RP 40(A), see SO(D). 2. RP 40 fe IO. 4. RP 40 fes 2. S) D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(\*)

(1. 8F 114, 115, 116. For percedure see Notes on book of Consuming Order, CF A95. Estimates for accused on to his character should, if in his interest, be given before the finding. See RF 46(R) for 1, 86(C). Note the further opportunity in para E1 of Record Form E. Record per Notes addresses, stotement, evidence and any summing up by the jik under RF 42, 103(R).

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule (\*) The Court is re-opened.

(i. RP 42, 117(A). See Notes in Fort 1 of Schedule. 2. RP 44(A).)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the charge(s), being subject to confirmation, will be promulgated later [7].

Or. The President associates that the accused is found Not Guilley on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part 1 of the Schedule is dated and signed [7].

(1. As 54(3) (8), 87-45, 125(4), 2. As 54(3), 87-45, 117. The abstractive consequences is not applicable when there plent of Guilly autamoling and deat with under Securit form 8 or C.)

Dis. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character \(\begin{align\*} \eta^2\) NO 317

(). If evidence has already been given by account or his witnesses as to the character, delete this para. RP 37(C) (n. 4. 46 fn.).
Account and witnesses are swarm. Evidence recorded per Notes.)

E2. The Prosscutor produces Statements, as to Character and Particulars of Service<sup>(1)</sup>, and certified true copy tempers, of Conduct Sheeth (2), purporting to refer to the accused, which he submits to the Defending Offr for examination, and them to the Court for admission in evidence. The Court is satisfied that these doctments refer to the accused, because (i) they purport to be signed in the manner required by AA tsS(3) (g) (h), and (ii) they purport to refer to (a) soldiering having the same number, rank, name and norps as the accused. Admitted in evidence and

marked Ex B

E3. President to accused. Do you wish to address the Court on the Statement's and Conduct Sharely, and in motigration of pursuidament (1) Ann. 15, 144 and 15 (1) Ann. 15 (1

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the proceedings in open court are accordingly terminated (1) proceedings in open court are a

E.S. The Court counsiders the seminane (3) The President records the sentence in Prit I of the Schedule, which is stated and signed by him and the date of any. (7)

(1) When several counted over separately as 87 (2).

Ges sentence any, compraint of the parablement or purchases of the parablement of purchases of the sentence as the counted form of a service of the parablement of the parablem

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# The accused megt. Number A.37366, Pte. William Geoffery EVERETT, Highland Light Infantry of Canada, a Reinforcement on the strength of 3 Canadian Infantry Reinforcement Unit, a soldier of the Canadian Army Overseas, is charged with:-

WHEN ON ACTIVE SERVICE, ABSEUTING HIMSELP WITHOUT LEAVE

in that he

19 CHARGE

in the Pield absented himself without leave from 3145 hrs. 21 Dec 43 until being apprehended at victoria Station, London at about 2350 hrs. 24 Jan 44. by the Cdn. Provost Corps. (Total time absent 34 days 1 hour 45 mins.)

AJ.A. McIntosh) Colonel Commanding Officer S Cdn. Inf. Reinf. Unit.

Dated in the Field. 27 Jan 44.

TO BE TRIED BY FIRED GENERAL COURT MARTIAL.

IN THE PISCO 4 PEB 1944. (G. Francoeur) Brigadier. Commander, "D" Group, Cdn Rft Units.

MY

#### FIELD GENERAL COURT-MARTIAL

CFA95 (In Sec of AFAS) 40/Pass/1697 (2868)

(Whether the accused to be tried is under his comid or not, a FGCM may an application to him be convened by any off of Cdn Army Overseas, or of any other force if authorized in law, in immediate cand of trops an active service, subject to RP 105(c) and restrictions imposed by appropriate authorized. AA 47, 50, RP 104-107, 114. As to the duries and privileges of the Convening Offr in dealing with the application see MMI. Chop Y paras 20 and 23, RP 87(8).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets. There should be a separate triel on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109. As to separate charge sheets of RP 6, 109. As to separate triel on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109. As to separate charge sheets are RP 108. As to two or more accused charged jointly see RP 16, 109. As to separate charge sheets.

#### ACCUSED.

Full Christian Names. Surname. Unit. Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt, 3 CIRU EVERETT William A-37366 Pte HLI of C. Geoffery

#### CONVENING ORDER.

1. Whereas complaint has been made to me, the undersigned, that the person(s) named above as the accused, being subject to military law, has theree committed the offences set forth in the Charge Shectie) attacked and on (date) ... 4 FEB 44. endorsed by me, (or by an oils of my staff for me), "To be tried by Field General County." (date) Martial ".

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary Gene
Court-Martial; (and that it is not practicable to delay the trial for reference to a superior qualified offer)
(Delete part in brackets when not required for compliance with RP 105(C))

I hereby convene a Field General Court-Martial to try the said person(e), and to consist of the Offrs appointed or detailed hereunder.

ant (a) three Offre to form the Court, (b) a Vd Offre President, for the reasons I have the 4. i-am-unais al huroto (AA 49, RP 106(B), 107(A). Delete the whole or part, if not applicable.)

I also appoint as Judge-Advocate thereat the Offr mentioned hereunder (AF 104(E). Delete, if none appointed.)

#### PRESIDENT.

HQ CRU D. L. Redman (Must be named. RF (06.) (Rank.) MEMBERS. 4 CIRU to be detailed by CO A Captain 3 CIRU to be detailed by CO A Lieutenant (Named or detailed. RP 106.) WAITING MEMBER. (Named or detailed, if any. RF (G6.) JUDGE-ADVOCATE. (Must be named, if any. AP 106.) On Active Service in the Fd Brigadier. England (Rpnk.) (Country.)

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

Date 4 FEB 44

Commanding "D" Group, Cdn Rft Units.

(See overland for noths and notes for use on triol.)

I pertify that I have this morning exemined A 12 3,66 07 Evently, w. 4. of F3 C. I.R.U. and in my opinion he is fit to undergo triel Existen alderhot Lose 5 Feb 44

Fig. Everett enlisted on 13th of June 1940. He came oversees with his unit in July 1941. Ptc. Everett has been with his unit in the field until October 1943, where he has been the Regimental Tailor. He was returned to \$3 C.I.R.U. after all this time with his Unit in the field.

When he was awarded 14 days C.B. for a minor AWL charge he asked Col. Fletcher 1f he could he put on an everseas draft. Pte, Everatt was told that he could not go out on draft as he was a specialist, a trade job at which he had not been allowed to work at.

Along with this bad news, he had the vision of being C.B. over Christmas, his last Christmas having been spent in a dingy Nissen but, suffering from a shrapnel wound in the foot, in Scotland where his Unit was training.

May I ask the Court to consider the fact that Pte, Everett is twenty-three years of age and too active to be content with a monotonous existence. Had he been allowed even hopes of an overseas draft, we may be assured that he would have found something to look forward to -- to doing his job in getting this war over with.

(J.D. Patterson) Lieut, Defending Officer,

NOTE E-3

Army Form B 252 CHARGE (See King's Regulations) 3. C. I. R. U. Regiment D COY. Battery Squadron Troop or Company Rank PIN. CHARGE against NA 37366 Name EVERETT W.G. Date of Offence ? .... Place LONDON OFFENCE WOAS was absent without leave from ? . . . until apprehended by the Canadian Provest Corps at Victoria Station Labix# at about 2330 hrs., 24 JAN. 44. Names of Witnesses :---L/C. MIGGINEOTTOM E.P. Canadian Provest Corps 6 Coy L/C. WATSON W.F. Canadian Provest Corps Signature of O.C. Battery, Squadron, Troop or Company 26 -4-44 Punishment 26 June 44 of evidence to 5,0 h Awarded on annual By whom ens Hudley with Awarded Adiutant. W. T.O. SCHOOL WILKSHIP IN LINES OF SCHOOL SERVICE SERVICES

Statement of EVIDENCE in the case of: A.37366 PTE. EVERETT W.G. 3 C.I.R.U. "D" COMPANY.

Sir,

At LONDON on the 24 JAN. 44 at about 2330 hrs., I was on duty at VICTORIA STATION in company with L/C. WATSON where I saw the a/m soldier.

I approached him and asked him for his pass. He

couldnot produce one. He was A.W.L.

I placed him under arrest and he was escorted to Canadian Provest Corps Motra detention office where he was handed over to the N.C.O. i/o of the cells to be detained.

LOUDON

25 JAN . 44.

53045 HEATHBOTTOM B.P.L/C.

6(Area) Provost Company.

Sir,

I have read over the above statement and corroborate same.

LONDON 25 JAM. A.

A.10080 WATBON W.P. L/C. 6(Area) rovost Company.

REMARKS

Certified True Copy of the Part II Order Stencil in my possession bearing the number 277 d/24 Dec 43. +116 Trans (W.E.Thorne)Captain,
Records officer, 3 cdn inf Reinf Unit.
3 CDN INF REINFORCEMENT UNIT DAILY ORDERS PART II NO 277 d/24 Dec 43 Sheet 3 13. MEAVE OF ABSENCE (a) 0 3001 A/CPL COUBROUGH H M Grented 14 days P/L plus 48 hrs pues (Total - 16 days) with money allowand in lieu of retions under FR&I(0) 789 (3) & (4) from 23 Dec 43 to 7 Jan 44 (b) A 50577 FTE SQUIRE ESSEX SCOTTISH R H G Granted 7 days P/L plus 48 brs pass (Total - 9 days) with money allowance in lieu of rations under Fhal(0) 739 (3) & (4) from 23 Dec 43 to 31 Dec 43 (14. ABSENCE WITHOUT LEAVE (a) The u/m are AWL from times shown: 37366 FTE EVERETT W G 2145 hrs 21 Dec 43 D 2359 hrs 22 Dec 43 576 PTE NEESO 574 PTE NADJIWAN 2359 hrs 22 Dec 43 2359 hrs 22 Dec 43 2 PUA EDWARDS AWL from 2200 hrs 2 Dec 43 that day Absence 2200 hrs 23 Dec 43 WD 1038 PTE HASTINGS A AWL from 2200 hrs 2 Dos 43 1 Absence 2200 hrs 23 Dos 43 15. DERWITTON The u/m are released from Headley Downs Detns Bks wef 23 Dec 43: A103184 PTE SEPTEMAN C 5052 PTE CHOUTNARD A 50272 PTE POWELL C A HLI of C PERTU R ESSIX SCOTTISH R 16. CIVIL IMPRISONMENT A 68232 PTE KOOBS F W Retained from HM PRISON MORNESOD SCROWN wef 22 Dec 43 17. RIMISSION OF SEVIENCE (a) A103188 PTE BERGMAN HLI of C C A Granted 89 days Resission of Sentences 9 months betention awarded on 25 Jun'4 (Arth: Rules for DB & MP Nos 126 & 129 R Granted 70 days Remission of Sentonce (b) C 5052 PTE CHOUINARD PERTH B 7 months Detention awarded on and a (Auth: Rules for DB & MP Nos 126 & 12 18. POSTINGS (a) B131144 PTE LAUGHLIN SUR SUMPLUS TO WE ("A" Wing) and is posted as reinforced to "H" WING wef 23 Dec 43 (b) B 74737 PTE NIXON Posted SURPLUS TO W.E. ("A" Wing) wef HLI of C (Overage) 22 Dec 43 19. QUALIFICATIONS -- ADDENDUM Ref Pt II 0 276 d/23 Dec 43 para 20(b) insofer as it concerns Al05466. PIE WELCH A E (GEN LIST), edd "AV" 20. STRENGTH DECREASE A 3710 PTE PIPE R J SOS to 1 NETD on discharge from 10 Gen Hosp wef 20 Dec 43 (Auth: ORO 4103)

HFM

EXHIBIT

M

(W.E. THORNE) CAPT., RECORDS OFFICER, 3 CDN INF REINFORCE ENT UNIT CON ARMY OVERSEAS

,1196 Therne

#### LIST OF WITHERES

Prosecution:

Capt. W.E. Thorne, C.M.S.C., Records Officer, 3 CIRU.

K.53045, L/Cpl. Higginbottom, E.P. Cdn. Provost Corps,

London Area.

Defence:

NIL.

Exhibit "A"

Certified true extract of original 3 CIRU, D.O. Part II order No. 277 d/24 Dec 43.

Exhibit " "

Documentary evidence of L/Cpl. Higginbottom, E.F. Cdn. Provost Corps.

I certify having received free of charge a copy of the Charge Dheet, Summary of Evidence, List of Witnesses, and a List of Exhibits.

I do/dent desire the services of an officer to represent me at my trial.

A-37366 Pto. EVERETT, W.G.

In the Field 27 Jan 44.

### SUMMARY OF EVIDENCE

In the case of Regt. Number A.37368, Private William Geoffery SVERETT, Highland Light Infantry of Ganada, on strength of Ganadian Infantry Reinforcement Unit, a soldier of the Ganadian Army Overseas.

By direction of the Commanding Officer, the Summary of Evidence is taken on oath.

FIRST WITHESS Prosecution capt. W.E. Thorne, C.M.S.C., Records Officer, 3 CIRU, having been duly sworn states.

I am Capt. W.E. Thorne, Records Officer, 3 CIRU, and as such have custody of the regimental documents of that Unit. I hereby produce a certified true extract of the original 3 CIRU, D.O. Part II No. 277 d/24 Der 43 the original 3 CIRU, D.O. Part II No. 277 d/24 Der 45 the original 3 CIRU, D.O. Part II No. 277 d/24 Der 45 the original 3 CIRU, D.O. Part II No. 277 d/24 Der 45 the original 3 CIRU, D.O. Part II No. 277 d/24 Der 45 this Summary), showing A.57366 Pte. Everett, W.G. to be absent from his quarters from 2145 hrs. 21 Dec 45.

(N.E. Thorne) Captain Records Officer, 3 ORG

The evidence is read back to the accused,

The accused declines to cross-examine the witness.

Prosecution

K-53065, L/Opl. Higginbottom, E.P. 6 Coy., Cdn. Prowest Corps. London Area.

A written statement of this witness's evidence purporting to be signed by him has been read to the socused and is included in this Summary of Evidence and marked Exhibit "B".

Having regard to the exigencies of the service, attendance of this witness cannot, in my opinion, he readily procured.

(D.F. Robertson) Lieut. Officer detailed to take the Summary of Evidence

The accused does not demand the attendance of this witness for cross-examination.

The accused was cautioned us follows:

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

The accused declines to make a statement and reserves his defence.

I certify that the foregoing Summary of Evidence, consisting of two pages, was taken down by me in the presence and hearing of the accused, and that Rules of Procedure 4 (c), (d), (e), (f), and (g) have been complied with.

(B.F. Robertsen) Libra.

Quricer detailed to bake the
Summary of Evidence

Glibt'A"

WY

In the Field 27 Jan 44.

### M.J. Heffernan Capt. MFM 6 Sheet renewed wef 31 Dec 43 Certified correct Old sheet destroyed 13-12-40 13Jun40 Badges Sqn. Battery. Corps C.I.C. Profictency Pay No A-37366ame EVERETT enlistment or Company Signature OC Lab Mm. G. Period not reckoning towards No and date Sheet No 1 8-12-40 of test drunk freedom from extra fine By whom awarded Romarks Punishment awanted Date of Names of Wittenses. OFFENCE wing while trial finnk dranker. Forf 1 days AWL from 2359 hrs 10Jul41 to 1300 Sgt. Elding 3 Days C.B. 12 Jul41 Maj. 10Jul Pte. Debert FRI 149(1)(a) Brickner hrs 11Jul41(18hrs lmin) AA Sec 15(1)Cpl. Adams 41 Forf 1 days Lt Col. AWL from 2200 hrs 8 Jan42 to 1530 BJan42 Pte. Field PRI 149(1)(a) 10Jan 42McPherson 8 days C.B. Cpl. Shultz 19Jan42(17g hrs) A.A.Sec 15(1) Forf 4 days 25Mar42 Lt Col. 4 Days P.P. AWL from 1330 hrs 24Mar42 to 1630 Cpl. Field McPherson 149(2) hrs 24Mar42(3hrs) A.A. Sec 15(1) Canning Maj. F.M. Forf 1 days AWL from 0600 hrs 28Apr42 to 1530 28Apr . Pte. Field FRI 149(2) Hearn hrs 28Apr42(9hrs30Mins) A.A. 15(1)Edminston Maj. F.M. Forf 15 days C.B. 17Jun42 AWL from 2215 hrs 11Jun42 to 2130 Cpl. 11Jun Pte. Field PRI 149(2) Hearn HOLLAND 15 days pay hrs 17Jun42 (5days 23hrs 15Mins) 42 A.A. SEC 15(1)

A.A. 24(2) Neglect-losing

Respirator

Pto.

Hutments

Documentary

(PTO

Capt. C.D.

Si.m

6Aug42

***********	Date of offence	PUT TO DEFENT TO	Cases of	OFFENCE	Names of Witnesses	Punistanens awarded	Date of award or of order dispen- sing with trial	By whom swarded	llemark#	
Place		liank	drunken- ness	2000 VIII 800149 to 1530	Sgt. Swan	21 Days F.P.	200ct42	Lt. Col. McPherson	Forf Sdays FRI 149(1)(a) and	
rield	90ct 42	Pte.		A.A. SEC 15(1)	c Pte.	4 Days C.B.	21Jun43	Me J. GAM	21 PRÍ 149(1)(1)	
Field	20 Jun 43.	Pte.		AA 40 Conduct to MBM 1 when ord	eredRivers			Edwards Capt. A.	Forf FRI 149(1)(a) 5 days	
Field	29Aug			to do so by Provost. AA15(1) AWL from 2359 hrs 29Aug4 til 1530hrw3Sep43(4days l5hrs 3)	3 Sgt. Coburn Documentary	7 days C.B. 20 Days pay	esep45	St ewart	149(2)20 days Cost of App. 20-9-3 172(8)	
Field	Boot	Pte.		mins.)  AA Sec 15(1)AWL from 2359 hrs 3		28 Days Detn Forf 28 Days	40ct43.	Lt. Col. FF Shants	Forf 1 day 149(1) 28 days149(1)(b) Total 29 days	
F10.40	43			Oct43 til 1425 hrs 40ct43(14Hrs 26Mins) AA Sec15(1) AWL 1 day 22 hrs 16	Documentary Cpl. Conrod	Cpl. Conrod 21 days F	d 21 days F.P	21 days F.P. 16Nov43	Lt. Col. Fletcher	Forf 2 days
Field	14Nov	Pte		min)App. by CPCE	Documentar	У			Total Forf 23 Day	
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	FVE	RETT		Sheet renewed wef 31 De	Sheet No 2		The	CONTRACTOR LICENSES AND ADDRESS OF THE PERSON NAMED IN COLUMN	101
NoA-373661	enduct Sheet	4 4 45	v43	and date   Period But   Period	THE PERSON NAMED IN COLUMN TWO	Punishment awarded	Date of award of of order dispen- sing with trial	by whom awarded	
Date of last	entry in			OFFENCE	Same of Witnessen		olbec43		Forf . 2 days FRI 149(1)(a
Place	Daffi of officers	Bank	Cases of dronken- ness	500 0900 hrs 1	8 Cpl.	14 Days C.B.		Fletcher	14 Days FRI
Field	18Dec	Pte		AA Sec15(1) AWL from 0900 hrs 1 Dec43 til 1640hrs 19Dec43 ( ldsy 17hrs 40mins)	Mehoney Documenter:	,			149(1)(b)

ROY MA GOY 3 C. I. R. U.

# STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

STATEMENT OF SERV	TICE OF ACCOUNT	Regiment (or unit	
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	Nam. (10)		RUGOD
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12. The accused has sent date:—	served as a non-cor	mmissioned officer con	tinuously, without re	eduction, to the
ment trate;			Da Da	te of promotion.
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Note.—If any matter tragraph must be struck	in any of the above	paragraphs cannot be a	stated from the Regin	iental books, the
iraginjai maas sa sarasa	aux)			
	40	SCHEDULE		
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Of convictions by a c	ourt-martial or civil	court, of summary aw	ards under Section 4	7 of the Army
ct, and of cases in which	trial has been dispe	used with of accused, ?	Number	Rank Unit
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with) is read, marked proceedings.		Algo	ed by the president, a	
100			.E. Thorne) O	
			ords Officer,	

Che. EVERINGHAM Le.

# Form for Assembly and Proceedings of Field General Court Martial on Active Service. PROCEEDINGS.

On Active Service, this

September

Whereas it appears to me, the undersigned, an officer in

Persons named in the armexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned R.C.A.S.C. 1 Canadian Corps on active service, that the

And whereas I am of opinion that it is not practicable that offeness should be tried by an ordinary General Court Martial , Randeston enexistence in microcheken enexetant den enem eke ORBHRING KO KU KUDOKKO K GRENINENK KOKOK

I hereby convene a Field General Court Maximi to try the said persons and to consist of the Officers hereunder named.

PAYAREX Maddle STEXAS REEDLY

\*(i. Three Officers to form the Court.)
\*(j. A Field Officer as President.)
\*(j. Three Officers having more than one year's

namely --

Rank, Ma Jor

President.

Name

W. C. Ghepard

Members

63 Cdn Gen Ipt Coy

H.C. Sockes

Lightenant

Captain

9 Cdn Non Div Ord N/S, R.C.C.C.

Commending R.C.A.S.C. 1 Cdn Corps

Consening Officer

SCHEDULE. Rank (a).
Accused (b) Offence charged 8.94688 Corporal 1st Charge day of 2 day How dealt with by Confirming Officer (d) Everingham, L.d. Sec. 11 A.A. No.6 L.A.D. of each such person were as stated in the third and fourth columns "I vary the sentence as follows -- To be and to underso days -- and confirm sentence as follows as to the ranks of days -- and confirm sentence as so act'd RMR (MO) | Sec. 11 A.A. 1. The members of the Court % The interpretory were duly sworn 3 The Court structure of 355 the omeers under instruction) day of Sept TRS. 19 4 2 Lerrify that the terms of \*ACI 570 of 1918 have been complied with day of President of the Court Marial. I have dealt with the findings and sentences in the manner I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what Control of the Schedule, and subject to what Control of the Schedule, and subject to what Control of the Schedule, and Schedule, an stated in the last column of the schedule, and subject to what I have there stated. I hereby confirm the above findings and The year who to apply for an adjournment one that ground (39 (A)) —
there is no before the property of the pleads not gratty (K. of p. 39 (A)) —
that you have not been completed with, and that you have been prejudiced thereby, or no the ground of actions of the constant of accessary).

If accessary is preparing your defence is a state of the ground of the constant of the ground of accessary. "(I direct that the soldier named in the margin D. day of September 19 42 Commanding R.C.A.S.C. 1 Can. Corps Converge Opice by Promulgated and extracts paken in the case of STAM, L.C. acting rank or setting appointment if any, to be stated in brackets after the (a) (Dated) 14 Sep 42 endable, and more than three names are to be entered on one form and in serious commendation to mercy, if any, to be inserted in this column.

The but necessary that the Confirming Officer should size his agree in this column. Initials are softened as to be initialled by the same who agas on the first page, and all afterstons in the first two solumns. whrming Officer Promogated and extracts taken in the case of (Dated) Promograted and extracts taken in the case of (a) When several cases are promptedly sign once, one unit on the same day the Officer

Offence charged	*Plea	Finding, and it Convicted, Sentence (c)	How dealt with by
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2nd Charge Sec. 11 A.A.	Suilty :	Quilty	and to undergo detention for 90 days - and confine and sing and sing and
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Question to be asked of accused, if het pleads not guilty (R. of P. 19 (A) ) :
Do you wish to apply for an adjournment on the ground that array of the rules relating to proceedures that you have not had sufficient appointment on the ground that you have not had sufficient appointment for preparing your delenger (P. R. Shiris), Colored (Signal)

(P. R. Shiris), Colored (Signal)

(P. R. Shiris), Colored (Signal)

Convenies Officer in (a) Appointment acting rank or acraing appointment, if any, to be stated in brackets after the

(b) Unless unavoidable, not more than three names are to be enterted on one form, and in serious

(c) Recommendation to mercy, if any, so he inserted in this column.

(d) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient of the Schodule to be invisible by him.

I certify that the above Court assembled on the /2 day of And that the plea, finding, and sentence in the case proceedings of each such person were as stated in the third and fourth columns

I also certify that :--

1. The members of the Court

2. The witnesses

1/3 The interpreter)

\*4 The officers under instruction > 78% were duly sworn 3 The court stenographe 758

Signed this /2 the day of Bent

President of the Court Martial

, See footnote (i) on page 762 Complied with Legrify that the terms of \*A.C.I. 570 of 1918 have been

C.

Signed this

President of the Court Muriat.

I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what continuous I have there stated, I hereby confirm the above findings and

\*(I direct that the soldier named in the margin be not comattend to prison until further property

Sugment this / 3 4

Confirming Officer. P. S. SHIELDS, COL.

(a) (Dated) 14 34 42

Promulgated and extracts taken in the case of

Promulgated and extracts taken in the case of

(4) When several cases are provenigated in one unit on the same day the Officer need only sign same

In the field al

Trapp sens vs

This is to certify that I have examined B94688 onl. Everingham, L.O. and find him fit to undergo out trial by court-martial.

Jacon R.O. M. N. O. R

The thinks

### CHARGE SHEET

B94688 Cpl.Lloyd ecil Everingham, No.6 L.A.D. attached to The Royal Montreal Regiment (MG) is charged with,

while on active service,

## First Charge

Neglecting to obey Bn Orders,

in that he

On 7 Sep 42, in London sold to 2352397 Sgmn. Graham, Canadian cigarettes, contrary to R.M.R. (MG) Order No.122 of 1942.

Second Charge

Neglecting to Obey Bn Standing Orders,

in that he,

On 7 Sep 42, was found to be in London, a place beyond the three mile radius of Camp without a pass, contrary to R.M.R. (MG) Standing Camp Orders issued 25 Aug 42,

10 Sep 42

(J.A. Calder) Lt. Col. Commanding R.M.R. (MG)

To be tried by Field General Court Martial.

Field. 11 Sep 42

(P.B. Shields), Colonel, D.D.S.T. 1 Cdn. Corps.

### PROCEEDINGS OF A FIELD GENERAL COURT MARTIAL

held in the field, 12 Sep 42 by order of Col. P.R. Shields, D.D.S.T. 1 Can Corps dated 11 Sep 42.

H.G' Shepard 63 Cdn Gen Tpt Cov Major

b.c. Jockel Members 9 Cdn Non Div Ord W/S, R.C.O.C. 7 Cdn Lt. A.A. Rest. Capt. J.H. Buck Lieut.

Prosecutor - Capt. B.W. Stevens - R.M.R. (MG)
Def. Off. - Lt. G.T. Rirk - No. 6 L.A.D. att. R.M.R. (MG)
Accused - B94688, Cpl. Everingham, L.C. - "

At 1000 hrs the trial began. The accused was called and identified and the court order was read by the President and attached to the proceedings. The accused was given the opportunity of challenging the members of the court and the shorthand writer. (R.P. 25 (1))

The members of the court and the shorthand writer were sworn. The charge sheet was read by the president and attached to the

proceedings.

The accused pleaded Guilty on both charges. Rule of Procedure 35 (b) was complied with relating to the accused understanding the nature of a plea of Guilty.

The procedure presented the following Exhibits to the Court. These

were attached to the proceedings.
Exhibit "A" - R.M.R. (MG) Standing Orders regarding passes being required outside of a 3 mile radius from camp.

Exhibit "B" - Certificate of arrest of accused in "ondon.
"C" - R.M.R. (MG) Standing Orders regarding the re-sale of

gift cigarettes. Exhibit "D" - Statement of 2352398, Sigm. Graham, Royal Corps of Sigs

who purchased digarettes from the accused.

Exhibit "E" - Statement of Sgt.Kelly of Spec. Invest. Dept. C.W.E...

"F" - Cigarettes retrieved from Sign. Graham.

"G" - Cigarettes found on person of the accused.

"H" - Voluntary confession of the accused.

The accused was asked by the President if the statement he made to the Cdn Provost Corps was voluntary and the accused replied in the affirmative.

The Defending officer made the following statement as to character

of the accused; -

The accused had a clear conduct sheet throughout the last war and to date in this war. He landed in England with the R.C.O.C. on 9 Feb 40 and has since married over here. On the date of the offences he had arranged to meet his wife at Raynes Fark as it was her birthday. Had he not been apprehended he intended to be back in camp within 3 hours.

I wish to point out that the cigarettes sold were four packages and that
they were sold to a British soldier, and wish the court to take the amount and recipient into consideration when considering sentence. The accuss is one of my best M.V. Fitters, and I am sure the offence was a result The accused of his wife's birthday and the fact that he was short of funds. The offence was not premeditated, the accused did not collect the eigersttes for re-sale and I know he approached several of the men to make a loan before the offence.

" duly swomm The prosecuting officers presented certified copy of Conduct Sheet of accused (Exhibit "I") and Statement as to Character of Accused, A.F.B. 296 (Exhibit "J") to the court. These were attached to the proceedings.

The court was closed for consideration of sentence.

Herber Just

294688 Corporal Coming Law L. 6. No 6. Las loc anached to Elo loyal Thouses Reg (10). by direction of the Commanding & free this surrouges taken on vail fuel Witness to the humation. 376340 le Lale Hayden WC, MM, Laving been duly severe states: I am blac of All Coy the logal thouseast by & (els), NO Las are attacked to the buy for administration and discipline to present in evidence Standing Orders for Elgate Camp languaged of these orders states that a poer is required by personnel proceeding contride a there and radice of camp The accused had not been exceed with a pass on They us there are and attached as appendix A & also process certificate of smet in accordance with PC 2797 9 10 aprile and section 199 the a.a. in evidence that he account was arreted in handon at 2000 the Thep +2. This is a teached as appendix B' I also free ou the logar thanten by 1/46 Bellation or der do 122 of 1942 forbiding the impalace or disposal of baracian cigarettes Thises attaghed se appendie " W. G. Stayden When Ela Halon W.C. be account does with write to know in econd Wetness the Proscution. 2352397 Lynn Leadaw. auritin Betalement of the intuess evidence purposing to be signed by him has been used to the accused and is attacked to the Summary is appende to has to the wigueen of the service when towns he readily procured The accused loss not demand

the attendance of this evitues for cross examination. Third Witness For the biosecution a much statement of this witness evidence purporting to be signed by him has been lead to the accused By having bun found of the Pas. having been found of the accused a person are attacked as appendicust and & unpectively. Post Due to the exigencies of the service that altered ance of this writiness count be readily procured. The arrived does not demand the attendance of this evitues for cross laurination. The accused having hear continued en accordance with RI 410, who the Bull the surtuints he attached statement (appendix H) matrat

lestified that Al + (0,000 (4)(9) have been complied evert . Take down by The we the presence and hearing of the accused the much day September The Sureus Capt (11) yesterter

-	anduct She		Classy of	OFFENCE	Names of Witzumon	Punishment assiziisii	Date of award or of order dispen- sing with trial	By whom swarded	Homarks
Piace	Date of offence	Rank	drupling-						
				Come THERE WERE NO RESINES	TAL ENTRIES	ON CONDUCT	THEE		
ar THE	no of	Tura	<b>建</b>	The state of the s		JI BLUE	CAPT		
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## STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
3 94688	Gel	EVERINGHAM	LC RCOC NOG LAD
1. The following	is a fair and true summa	ry of the entries in the	Service and General mental and Squadron, Battery
Conduct sheets or Company Conduct	sheets of the accused, ex	clusive of convictions by a C	Court-Martial or a Civil Court.
of summary awards with.	under Section 47 of the	Air Force Act Army Act and of cases in	which trial has been dispensed
Within	lest 12 months	Since	enlistment
For		imes	times
Number of instar	nces of gallantry or disting	guished conduct N/L	
		46,	
	ries in the conduct sheets		
Note:If the ch	narge is for drunkenness, t	he entries for drunkenness m	ust he stated separately.
2. The accused h	as not been previously co	nvicted	
		107	
Section 47 of the A annexed to this state			75 are set out in the Schoolule
		66,	
The securod at a	he present time is under s	entence for be	ginning of the
dayrefy			
4. The accused h	as been in confinement av	vaiting trial on the present ch	sarges, for Mills days in
civil custody, and	days in militar	y custody, making a total of	days in custody,
of which Art	days were spent in h	nospital.	
5. The present a	ge of the accused according	g to his record of service is attestation paper is	45 pr. 8 mos. 26 days
6. The date of h	is <b>commission</b> specified in attestation	his record of service is attestation paper	9 JAN 1840
7. The service w	hish the accused is allowe	d to secker, towards discharg	**
8-The accused i	s settitled to reckue	service for the parpuse	of determining his personn the
	titled to). State any	ed to so sir force descration military force descration or reward.	or similarly  1914-1918 WAM MESA
10. If the arem	ed to a warrant officer)	The secreted before he speci	anic a agracul-neliner-tean-herbt

date	A comment of the comm	and in h	is regiment (or corp	w), the rank-of
	d	,		
date	dzawatinienia ini	The state of the s		
12. The accused has serve	ul as a non-comm	issioned officer contin	uously, without re	duction, to the
resent date:				
		Hyarry H.	Z. Dat	e of promotion.
In the rank of Albany	poral.	years: 10 me	uels .	
by the rank of	poral	years. Z m	outh.	
		years		
In the rank of Nove If any matter in a	ny of the above par		ted from the Regim	ental books, the
aragraph must be struck thro	ugh.			
······································	SC SC	HEDULE		
				Air Force
Of convictions by a nourt- Act, and of cases in which tri	martial or civil cou	rt, of summary awards	under Section 47 o	Rank Army
Act, and of cases in which tri	at the trees trapent	,		Regimen
Name. Nore —A verbatim stra	of faces the regiment	otal books stating these	convictions and di	
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Description of Court by which tried	Date and Place of Trial	exercised	Court	Essitted
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	No. of the last of			
				NORTH HERE
>			1	
I hereby certify that th	se foregoing schedul	e of convictions and di	apensations with tri	al is a true extra
1 hereby certify that the from the regimental books				
I hereby certify that the from the regimental books.				
from the regimental books Signed this Zerra	in my custody.		amber del	Here

## 116. MILITARY PERSONNEL VIBITING CLUBS (CONTINUED)

Should the police upon subsequent investigation ascertain that such club has acted in such a manner, the persons responsible may be charged with the selling of intexicating liquor without a licence, and if found suilty would be convicted of keeping what is termed a subsequence of this conviction renders all persons found on the premises, whether they are in possession of alcoholic liquor or not, liable to conviction for being found on the premises for the purpose of illegally dealing in liquor, even if it be during the "permitted hours". ted hours".

It is not possible for the police to say prior to a visit whether or not a club complies with the law, as it is only upon subsequent investigation that the tona fides of a club can be ascertained. There any person using a club incurs the risk of being involved in Where. proceedings, even though they have been admitted as a member or a wisitor, should it be ascertained that the keeper has committed an offence under section 82 of the Licensing (Consolidation) A.\*\*, 1910.

(Corps 0. 158/42)

## 117. DAMAGES BY CANADIAN TROOPS

- 1. Cases are occasionally reported of wanton damage to property and theft of stores, poultry, etc., by Canadian Troops.
- 2. These practices, besides emising inconvenience and loss to the owners or tenants, reflect seriously on all Canadian Troops in this country.
- 5. The attention of all ranks is drawn to the fact that, in cases where, while individuals have not been identified, it is determined that the personnel of one unit or sub-unit are clearly responsible, and the evidence shows negligence in unit or sub-unit administration and discipline, then this liability may be placed upon the unit com-

- 118.USE OF CRASH HELMETS

  1. The life and continued efficiency of a motor-cyclist may depend upon his cream helmet, and it is, therefore, important both that these should be properly worn and that regular inspections are any ried out to ensure that they are in good order.
  - 2. Motor-cyclists will never be permitted to ride with the chim-strap of their helmet unfastened. Most head injuries occur after the rider has been thrown from his machine, and if the chim strap is not fastened the helmet may fall off at the moment when it is most needed.
  - 3. The protective value of the crash helmet depends on the following points:
    - (a) The integrity of the outer shell. Helmets which show cracks in the outer shell will be returned to stores. The most common place for a crack to develop is at the rim, which is the weakest part of the helmet.
    - (b) The firmness of the inner sling. The loops of the inner sling should be free from tears and all the stitching of the slings should
    - (c) The lacing or cord which holds the loops of the inner sling on the crown of the head should be firmly tied, and in such a way that when the helmet is fitted the inner sling keeps the man's head well away from the outer shell of the helmet.

Sheet 3 follows.



## IN -DOTO TAK DAYANA

## OUTSIDE OF THE ROYAL IS NOT ALL OF THE (19)

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17 APR 48

PART I

Hos. 113-128

## 118. UNLON GRAVE WILLIAMS (Continues)

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(d) The cord which passes around the riv of the helmet is responsible in some types of behavi, grash, but, for connecting the stalls in some types of behavi. If it is bracks all the protective that sline to the outer shell. If it is bracks all the protective value of the lines which is lost. Therefore the outer cord of the helmet mound but be frayed, and its knot should be firmly tied. Gorpa D. 160742)

1. There is an error on 0.5.0.5. 3907 IT & 1'1, sheet les second or Retinion, 1940. In square 6241, the name "MART GRIABTZAD STA" should read "FIT GRIABTZAD STA".

- 2. A coursing will be issued to all troops in cossession of this short and they will be insuranted to derived the short by hand, or country will not the cord "Marro, writing orders" in the margin and drawing a short line to indicate where it belongs.
  - Put to reprints will have the name surresten.

the long distance trains has led to greatly impreced densits on railour effectives to the south and restorate the south and the railour effectives those and outlands, which they admind make in fall. All raiks are therefore extract to make their own arrangements to browle themselves with field before long journeys when going on, and returning from, laws.

## DISCHARGE PROM CAMADA -

1. It has summer to notice that manhers of the Canadian Army reserving of the of dispettes from Gahasa are re-mailing than to
serving of the of dispettes from Gahasa are re-mailing than to
serving in the Whitel Engine as gifts of otherwise. Attention
is directed to vert I Orders 135 and 341 of 1941, and it is seen
explained that he revision extended by the british downment
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or other Canadian army personnel and the free flatribution army personnel
are exampled from the provisions of this proce.

t. The use of regiments; finds for the purchase of eigerettes or tabacco in Damace for delivery in the United Hingdon, and the saile of may duty fire eigerette or tobacco in masses and contents, are also entrary to the privilege extended by the British Government, and are hereby forbidges.

(C. .. Co. N.O. 1560; as amended by C. A. Co. N.O. 1250)

### 123 DAMAGE TO SMALL ARES BY FAULTY AMAUNITION.

- l. Cases have recently occurred where a bullet has stuck in the bore of the barrel, the following bullet striking it and bulging or bursting the barrel. This is probably due to the former cart-ridge containing either insufficient or defective propellant.
- 2. When a stoppage occurs or something unusual is suspected, the officer in charge must examine the barrel to see if the bullet is lodged in the bore before the firer reloads and continues firing. A dull sound instead of the usual sharp arack sometimes indicates something unusual. In recoil, gas operated or blow back guns, the mechanism may stop in the forward position with an empty cartridge case in the chamber, the force of the explosion being insufficient to oversome the inertia of the mechanism and spring.
- If a misfire occurs due to excessive cartridge headspace, worn atriker or a faulty cap in the cartridge, care should be taken to see that when the cartridge is withdrawn the bullet is not left This is most likely to happen sticking in the least of the barrel. This is most like where the bullet is a slagk fit in the cartridge case.
- A. All occurrences of this nature will be dealt with in accordance with Part I order No. 83 of 1942.

(C.A.Os.R.O. 1769).

## 124. MARRIAGE - CANADIAN

1. With reference to Part I Order 375 of 1941, it is advised that permission to marry will not be granted to a member of the Canadian Army unless he has been examined by the unit Medical Officer who will certify that he is free from all venereal diseases. This certificate will be appended to Application for Permission to Marry.

(C.A.Os. R.O. 1773).

## 125. GUNS, MACHINE, BREEN, 303-INCH, ME.I CHAUMING, GARS OF

- A number of cases have been reported of damaged lambers of Bren Guns and barrels, the lip of the extractor rece which is quite sharp, being badly burred, thus obstructing and wenting rounds fully entering the chambers.
- 2. The damage is apparently caused by the face of the barrel striking against projections of the body when stripping and assembling during training; also carelessness in use of cleaning rod, the front edge of cleaning rod stop striking sharp lip of
- Greater care must be exercised during training, and a leather or rubber washer slipped over the end of the cleaning rod to pro-tect the face of the barrel when cleaning.

(C.A.OE. R.O. 1777).

## 126, GLOVES, ANTI-GAS

- It has come to notice that some difficulty is experienced in tightening the webbing straps of new oilskin anti-gas gloves owing to the straps having become covered with the oil with which the gloves themselves are coated during manufacture. This oil, when dry, prevents easy running of the straps through the buckles,
- 2. If the webbing straps are run through the buckles several times before the gloves are put on, it will be found that straps can be buckled without difficulty. When this is done the glove is more comfortable in wear and does not tend to slip off.

(C.A.Os. R.O. 1780)

Sheet 5 follows

## 127. DECEMBER : ALLOWARDS VA. THE TREE OF TAXABLE

- 1. Union the authority of Order in Connell PC 641245, Decembers:
  Allowable, granted on behalf of a dependent of a mount orvice was
  Oscided Apry sessioned to a scattles in the Junio Service was
  Giscontinuos from Eats of such assignment, or from 1 Mar 41, if
  assigned prior to line (ats, for the Surat on of such escape at
- 2. It is now a tirried for the information of all encorried, that is superficient with brief in Carapil Pd 95/9623, decaded and masters of the Antickian Arry, who are employed in the Tabile Services as attacking the Points Trade b. 14 or 2, are entitled to veneties attacking a point of the property of the salary, with effect.
- In this connection, it will be necessary is every instruct for relative or acidior so to dependent is attested, to make appliance or acidior so to dependent is attested, to make appliance or acidior so to be applianted.

- 2. For full articulars and necessary forms, caracacal abould apply to the Unit Paymentor.

## TOSS OF WALL BY DE ME TAN

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News of agree posted approximately 4 Year way.

spendy A.

25 Aug 48

## STANDING ORDERS - TILGATE CAMP

N& Hayden

ROUTINE HOURS
Reveille
Breakfast
Morning Parade
Sick Parade
Dinner Parade
Aftern.on Parade
Supper Parade
Tattoo
Lights Out
O650 hrs
0715 hrs
1216 hrs
12200 hrs

Exhilit & Juip

2. GUARDS

The guard will consist of 1 N.C.O. and 10 men supplied by the duty

Coy.

The guard will be mounted by the Bn. Orderly Officer at 1850 hrs daily.

There will be 5 posts - 1 at entrance to camp from Grawley, 1 at rd. jet

M. of R.A.F., and 1 at Tilgate House and one stickman.

3. FATIOURS
The Following are to be supplied by the duty coys:
Wens' Mess Halls and cookbouses - 8 men
Piremen - 4 men (2 day, 2 night)

\*\*MANSPORT No verifice will be allowed out of camp without a proper work ticket, this includes C.O.'s, 2 i/c's and coy comd's vehicles.

All vehicles (with the exception of C.O.'s, 2 i/c's and coy comds' if they themselves are in the vehicles) will be stopped by the sentry and the work tickets examined.

When C.O., 2 i/c or coy comd are in vehicle they may sign their own work ticket.

At all times and for all other vehicles work tickets must be signed by the adj or T.O.

Bystem of one way roads as per appendix "A".

Speed limit in camp will be 10 n.p.h.

- 5. HUT ORDERLIES

  One orderly will be detailed for every 3 huts. Orderlies are responsible for the maintenance of fires in their huts and safeguarding of personal property in the huts.
- 6. VENTILATION
  The doors of living huts will be left open from 0900 hrs till 1200 hrs for ventilation.
- 7. BOUNDARIES AND PASSES

  Boundaries of camp are shown on Appendix "A" remainder of area is out of bounds. All civilian houses and RAAFI living qtrs. are out of bounds Fasses will NOT be required by other ranks proceeding to within a 5 mile radius of camp up to 2200 hrs. Passes will be required after 2200 hrs and beyond 3 mile radius.
- B. SANITATION

  Each unit will provide their own sanitary personnel and will be
  responsible for the cleaning of all huts occupied and latrines,
  responsible for the cleaning of all huts occupied and latrines,
  ablutions, etc. used by the members of their unit. When two or more
  ablutions, etc. used by the members of their unit. When two or more
  units share the use of latrines and/or ablutions the responsibility
  will be on the basis of one week in turn.
  Officers mess will be responsible for the cleanliness of Officers' Lines,
  E.Q. Coy will be responsible for the cleanliness of the Sgts' lines,
  cookhouses, canteen and Gas Cleansing Centre.
  Hessing Officer will be responsible for the cleanliness of the mems'
  messes and cookhouses, assisted by Sgt. Cook and necessary fatigmes.
  Swill will be collected daily by contractor but it is a unit responsibility
  to ensure that swill is free from all foreign matter.
  The Regt'l Sanitary section will supervise the handling of these duties
  and assist units with any problems.

  (sheet two follows)

### (Sheet two)

- 9. SALVAGE
  Onits will have three sandbags per but in which salvage will be placed.
  H.Q. Coy will arrange for the emptying of these bags and the disposal
  of salvage.
- 10. WATER
  The water supplied to this camp is strictly limited and controlled. In no cases are supplies to exceed 20 gale per man per day, including latrine facilities. When this is exceeded early in the day no water will be available until the next day. Water from camp sources will NOT be used for washing vehicles nor will water trucks be filled from this source. These restrictions should be impressed upon all ranks.
- 11. M.A.A.P.I. CANTEEN

  Hours: 1845 1815 hrs.

  1800 2145 hrs.

  The Orderly Officer will visit this canteen once by day and once by night
- 18. Fire orders and F.A.D. orders will be issued later as Appendix.
- 13. BLACKOUT

  Steps will be taken to ensure that all huts are 100% blackout preof, and units will be responsible for the maintenance of their huts in such a condition.

  Alackout hours as hid down in the press will be adhered to.
- 16. MALKING ON ROADS

  Personnel walking on roads through camp and on highway outside camp area will walk in single file on the right aids, facing oncoming traffic.

  While personnel are not prohibited from riding into town in sither w.D. or civilian vehicles should they be offered a ride, they will under no circumstance solicit such rides.
- 18. ADDITIONS AND AMENDMENTS
  Additions and amendments to these orders as required will be published in Part I orders.

(J.A. Calder) Lt. Col. 7 Commanding R.M.R. (MO)

Distribution Coy B E.Q. Coy Bn. H.Q.

WEST BOUNDARY CRAWLEY SOUTH BOUNDARY LINE CAMP BOUNDARY: == = ROUTES INDECEDO: - - - -TILGATE CAMP CHOOK CHOOKS

Exhibit C. Justing Allo NDIX. H. CON PROVEST COLOR. Namo Everyham The statement of Reg. No. B-94688, Rank Gl. Unit 6 LAD. all R.M.R. Date 8 Sept 42. I have been warned by set, Kelly of S.I.S. that I do not have to say anything unless I wish to do so but that whatever I do say will be taken down in writing and may be used as evidence. To show that I understand this warning I sign my name here. I came & England on 9 Feb. 19 to with R. C. Q. C. and love been attacked to R. M. R. for over two years, and have a clean sheet. on sur 6 dept. 42 my wife visited me at Crawley and we made arrangements to see each other on monday everings as it was her birthday, I came up to Raynes Park last evening and I only had about the stellings. I brought along seven packs of MacDonaldo Epat eigarethes with me. on the way along the street to visit my wife a stopped an English soldier and sold him four packs of the enquettes for 1/6 a packer. The palis singeant stopped me and asked me

what I had sald & the soldier and I told him that it was agarettes. He then escorted me & wimbledon Palice station where I was turned our to military egent. Ille mingham Witness - Jolgely 54.

APPENDIX E. on the fried Statement of B 88712 Sept J.F. Kely S. J. S. Curke I produce as evidence 2 prichets of Export beganetter each containing 25 cigarette. Here every votained from 2352397 Signalman Trakam of by myreif on drep effect of eigentife of the same board. 10 8871 SET. KELLY JF. Edit of

APPENDIX'D Statist E In the Kield. 8 Sept. 42. The Statement of 235 2397 - Synn GRAHAM, Q= at about 2000 his on 7 sept. 42 I was stopped on the sheet in Raynes Park by a corporal of The Color army who told me he was broke. He offered & sell me agarettes, of which he had a bossful. I bright 4 packs of 25 each for 1/6 a pack. a few moments later & was stapped and questiced by a Pake Sugeans. which I have turned over to

Sat Kelly of Special Invests ! agation Section are two of the four which I bought from The corporal. The corporal had Julaps 7 n 8 facts when Witness -7. Graham. Detally son

" APRINDIX"B"

Wo Hayden

GETTEL PLANTE DE AUGUSTANTON NETTE P.O. 9797 O.S. NO. ALL AR

T CERT M that No B-94688, Rank Spl. Dare ... Byeringham, L.C...... out t R.C.O.S. No.6, L.A.P. att. R.N.P. was arrested at Lopdon . . . . (Place)

.... (Date) and that at the time of his st 2000...(Hour) on ... 7-9-42 arrest he was wearing (Military Uniform) or fullyklinakelazhakezak Signature of Provost-Parshall, Assistant Provost-Harshall or other officer or the Corum ding Officer of the portion of His Hajesty's Errors or the addicer, we rent-officer, or non-commissioned officer in charge of the detackment of the Canadian Provest Gorps, Conadian Army luto wose custody the above named person was tulon on armest.

Edit & Juin

officer i/c betantion Room, flo. 6 Cdr. Provent Cay.

### APPLICATION FOR F.G.C.M.

## BO6688 Cpl. Everingham No. 6 L.A.D. R.C.Q.C.

D76340 C.S.M. Hayden W.C.,M.M., R.M.R. (M.G.)

2352397 Semn Graham R.C.S.

BSS712 Sgt. Kelly S.I.S., C.M.H.Q.

Jesternir

### Application for F.G.C.M.

REACES OF ENGLISHED NO. 6 LAD MAIN

### LIST OF APPENDICES.

Appendix "A" R.M.R.(MG) Stending Orders for Tilgate Camp.

Appendix "B" Certificate of arrest,
Appendix "C" R.R.(MG) Bn Order 122 1942.

Appendix "D" Statement of Semn Graham.

Appendix "E" Statement of Set, Kelly,

Appendix "F" Packets of Cigs, handed to

Set, Kelly by Semn Graham.

Appendix "C" Packets of Cigs, found on

Appendix "H" Statement of Cpl. Everingham.

Junice to have an oppin define me at my hime and if possible works with to have Luis Kil, or Nob Law RCOC. LC ninglan 394688 J.C. EVERWOHAM CPL 4 Lp. 42. TPR EVERS A.E.

### SCHEDULE.

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

Acoused: H-77496 Tpv albert Clones Evens

applicable)  st foilts foilts  foilts	Charge.	Plea.	Finding.	
2nd Suitt Suitt				(Space for use as required for further charges, accused charged joint special findings, etc.)
нь			guiLT1	
	3rd		aluminum mirani	
	ith 5th			

(I. Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF 8355 or AF 8296.)

Time in confinement awaiting present trial—a total of 17 days, of which O days were spent in hospital(1) (1. See RP 46(A) fo Z. Information should be found on MF 8355 or AF 8296 admitted in evidence under EZ.)

Sentence Awarded by the Court :

To undergo 120 days detention of \$ 2.18.3 bost of apprehensing

(See back of Convening Order as to assembly and disposal of record after trial.)

MINUTE WHERE CONFIRMATION RESERVED. (ALS4(5), RF (20(F), MARL p 760.)

PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE. (For daties and powers are AA 54, 57, RP 37(D) fo 6.46(A), 53-56, 120, MAM, pp 197-16, KR Can 567-577. Acquittels require no confirmation and context to revised: AA 54(3). Sending back finding or sentence for remain by Court: AA 54(2), RP 120(G), R not confirmation and occured many be tried opport. AA 57, MAM, p 64. Minute of confirmation or non-confirmation may be altered before promaligation: KR Can 572. Dates only powers of reviewing affirs: AA 57, STA, RF 53A, 54. The Confirming Offs must sign here personality. AA 172 fo 1.3.

My decision on the finding(s) and sentence set forth in Part I is

PART IV. PROMULGATED AND EXTRACTS TAKEN. (Nº 53, KR Com 574, 577.)

Minclair Capt. adyt is Che armid C Right ... )

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED

FIELD GENERAL COURT-MARTIAL CHARGE AND ASSET

Coursessed by Order of 384. A.E.D. T. R.E. M. A. Compt CAN 2 Collegated 23 Nov 48

ACCUSED.

(As to the trief of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed to and (b) appent, Arank or Aughent. If any, see AA 182, 183, fm, KR Can 200, 328, 130.)

(a) Prmnt R. (b) Appmt, A/B or A/Appmt. Full Christian Names.

M. Comele Laws.

TAR Proceedings Reviewed ALBERT ELMER EVERS 18 CON ARMS (P REST

TO A PROCEEDINGS OF TRIAL.

Held in the Fd in (marry) ENSLAND

# RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Ad. The President, Members, waiting Member, JA, if may, and Office under seems, if any, assemble, and the

EPRINTED MATTER NOT IN ITALICS FOL GUIDANCE WILL BE DELETED IS NOT USED OR APPLICABLE AND INITIALLED BY PRES OR JA. The Soledule exferred as throughout is on p.4. Citatives do NOT include oil relevant from ROs. Far guidance on practical services when a restaint in this, form crises, see form for GCM in MML pp.741 to 759. A single record of such varieties will be made set given a number hexing reference to appropriate or preceding part number hexing neck of Conventing Order, will be made and given a number hexing reference to appropriate or preceding part number hexing hexing to be made and given a number hexing reference to appropriate or preceding part number hexing. Beach of Conventing Order, will be made and process of the p

A.2. The President initials and lays before the Court the Convening Order and Charge Sheets, attached thereto. (1)

The Court is satisfied that it is properly convenied and constituted(1), accused is asymmetric to military law, and each charge discloses an offence (2).

(1. As to use of Sensory of Evidence see RP 17 to S. 1. AA 49, 50, RP 105-107.

A.S. The Court is opened. The accussed is (assess brought before the Court. At 1965... hours trial commissiones. A.4 The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial.(2)

The Prosecutor informs the Court that accused elected to be tried by court martial instead of being deale with

the trief of the trief of the Court that accused elected to be tried by court martial instead of being deale with

U. KR Con 557. 2. AM 40/8), AF 60 fn 1. For effect see KR Con 563(c). Delete, if not applicable.)

URL 11

All President to amust. Do you object to as an arrange and there Place Laster protes is sween! | Do you object to ....

(1. RF72. Delete, if none employed.) A.S. The Convening Order and marnes of the President and Members of the Court are read to the accused. [1]
President to accused: Do you object to be tried by me as President or by any of the Members of the Court !

U. 89 110 1. If no objection, westing member retires. NP 18(8), If objection, are proceeding AA 51, NP 25, 71, 18, MANS, p 7A2.) ADM NO

A7. The President Members, des of may, and Offin under lasts, if any, are sween. (1) The following are the ranks, names and units of publics comprising the Court, etc. 6 CONLAA ROST ACA M.G. WILLIAMS H.C MAJOR

6 CONLAA PEET REA A. H. RUBINSON CAPT. Massakar GCON A TA REST. ACA A. LANDALE CAPT. Mooreker

PWA WIESNER IS ON ARMOCREST LIEUT 18 CON PRAD C REST

Quassitions by President: Is the Pressecutor a lawyer ! Ans NO Is the Defending Office lawyer ! Ans Ave (2)

AR. The arrived H 2149L SER WERERT ELMER EVERS before arraignment make(s) (no) (pt piece

(i. If a special plot is mode for response total on one or more charges (AF 62(E), 1000), so so so the jurisdiction of the Court.

(ii) 34, 15(A, 11), or in bor of strial (SF 36), or as so accound a served fictoress so aspect trul (AA 13), AF 52), or
the one of served assume charged points on the string expension (AF 14, 17), such plot, the ocidenesses mode in subport or against, the
existence, if any, and (soling our recumbed per filters). For forms of recurs one references in this to that sized. Insert in AB rank
and some of the scored making the (SHI).

skip. The accused is seen that great the second comparatory on all charges in the charge sheet. (\*) The accused does consider to any charge (\*) There is no amendment to be made to the Charge Sheet. (\*) The President records the please in Part I of the Schedule.

(I. 89 31, 11). See pare 2 of leasters p. 2. Where more than one Change Sheet see RP 42; when several occused to be tried separately on 87 TICs, and are inflamment copiese of CF AR4 to record proceedings.

2. RP 30, RP 32. If athervise, delete and make appropriate record per Husten.

2430. The Courtein down that or court egs the lustre on Procedure after Arraignment at top of p 2. The prooverettings are continued on Record Form!

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT

- The accused may not pleud or be found Guilty on more than one of two or more charges laid in the alternative
  (RP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn
  for any reason without authy from Convening Offr. If Convening Off concurs, Court may accept plea of Guilty to lesser,
  for any reason without authy from Convening Offr. If Convening Off concurs, Court may accept plea of Guilty to Guilty to Guilty during trial. (RP 38.) As to refusing
  the following intelligible see RP 35(A). As to also when sentence may be death see RP 35(I). to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).
- 2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective
  - 1. If pleas to all charges are GUILTY, use Record Form B below.
  - II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
  - III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
    - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below. (RP 37(A).)
      - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as Such mixed pleas occur in a set of two or more charges and in the alternative, set RU 31 (4) and for 2 as to discretion of Court, (i) to try the accussed on all such alternative charges as if he had pleaded Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instra as may be appropriate to result of its decision. See MML p 744 Instra (2).
- As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see RP 10tt; duty of
  Proximitor see RP 60(A) (B); duty and privileges of accused and Defending Offer see RP 60(C), 87(C), 91, 92; swearing
  and withdrawed of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses
  by Court see RP 83.85; culting or re-calling of witnesses by Court see RP 75.79, 86, 116; use of Summary of Ecidence at Trial
  see RP 83.85; culting or re-calling of witnesses by Court see RP 75.79, 86, 116; use of Summary of Ecidence at Trial
  see RP 83.85; see RP 17(E) fn 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

# RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The Profilent or JA, if any, complies with BP 35(B) by explaining to the accused the nature and meaning of the charge (4), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge (1), which is to be awarded after he has been given an opportunity to make a statement in reference to the charge (2), which is the call witnesses as to character and make an address in untigation of punishment. (4)

President to secused: The Court will now receive any statement you desire to make in reference to the stange (i) If it appears from your statement that there are circumstances which mideate that you do not understand the effect of the piec of Guilty(i), or which show provocation or extenuation in respect of which in your interest stand the effect of the piec of Guilty(i), or which show provocation or extenuation in respect to Not Guilty. In the writnesses for the Prosecution should be examined(i), we shall advise you to change your piec a will not be used making a statement you will not be sworn or subject to cross-examination; and anything you way will not be used in evidence against you after you change your piec. If, however, it appears to the Court that your statement in evidence against you after you change your piec. If, however, it appears to the Court that your statement affects only the amount of ponishment to which you are liable, you will not be advised to change your piec and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(\*)

President to accused: Do you wish to make a statement! Ans. Y C > (1. RP 37(b). 2. RP 32(D) In b. 3. RP 33(B) In 5 pare 3, MML p 54 pane 47. 4. See pare E3 of Record Form E. 5. Scotement, if any, recorded per Nutes.)

B3. The Court considers the accused's statement.(1) The Court decides (not) to adjug accused to change his the plant of Guilty to Not Guilty on the charge(s). The accused is the so informed, and he then phargets) his (these plants) on charges, Part 1 of the Actividate to amended accordingly - Part 1 of the Actividate to accordingly - Part 1 of the Actividate to accordingly - Part 1 of the Actividate to accordingly - Part 1 of the Activity - Part

B4. On the charge b) to which the pleads) of Guilty & (are) not changed the President records finding(s) of Guilty in Part I of the Scheekule.(1)
(1. Ap 15(b). # any pleo(s) is (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. B. initialled and read aloud by the President. (1)

(1) If there is no Summary, or if n is inchession, comply with AF 37(b). If there is not evidence increasized with any pine stonding or Golffe, Court will obtain accused to change such pine and, if changed to had Gulity, try such charge(s) by one of parent O2 to D6 inclusion of Facurit Firm O on p.1. AF 37(D).)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3

# RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

- Cl. As to the charges in which accused pleaded NOT GUILTY the trial is continued by using paras D) to Ds inclusive of Record Form D on p 2 store proceeding with C 2.(\*)

  (i. If  $H(S_i)$
- C2. The charges on which accused plouded GUTET are read to him (them) again, and the trial is continued by using paras BI to BS of Record Form B above. (1)

  by using paras BI to BS of Record Form B above. (2)

  (1) Under BS such para sais of the Seminary of Leisener are read of record to the charges dealt with under CL. if any play is charged to Not Gaille, and thereo paramets by complying with paras Di to Dr. in horse in Record form D as p 3 and making on appropriate recard thereof as a separate sheet.)
- C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here &come Sheets of Record.

# RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

 Dr. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans.

(i. if "ye", see 89 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

- D2. The Prosecutor makes (an) (no) opening address.(1)
  (1. RF 39(8), 60(9) (8), 90, 92(C) (D). Record address per Notes, subject to #F 95(C).)
- 1/3. The evidence for the Prosecution is taken.(1)
  (1. RP P9(C), 114. KR Con 555. Recard evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)
- D4. The Prosecution is closed (1) The Defending Offr submits that the evidence for the Prosecution does not

is disalfowed on the charge(s), and allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on is disaffowed on the

charge(s), still that, accounterly,
the latter charge(s).(4)
(1) Delete remoinder of this pare. If submission has made.
(2) Arguments an submission, answer and reply are recorded
gar Notes.
(3) By 60 fs 1. See MML p 72 parts 12-14 and p 81 para 42.
(4) Delete part not used. If accused acquitted
gar Notes.
(5) If you see second alternative in para D8.)
(6) N8. If proceeds, accused must be allowed greet latitude in making his defence, and the Court should not stop his defence.
(6) N8. If you should not stop his defence.
(6) You snav, if you wish, give or

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence vourself on oath at to the facts or your character or both, in which case you will be subject to cross-examination. (\*)
You may, however, make a statement without being sworn, and you will not be subject to cross-examination. (\*)
But a statement which could have been made on oath will not carry within a Court the same weight as sworn testimony. (\*)
You may will allow a subject to cross-examination. You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither # . Do you intend to all witnesses on your behalf? (i. RP 155. 2. RP 40(A), see 80(D). 3. RP 40 fn 10. 4. RP 40 fns 2. 9.)

Les. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed. (1)

(1) RF 114, 115, 116. For procedure see Notes on both of Convening Green, CF A95. Evidence for occused as to his
chorocter should, if in his interest, be given before the feeding. See RF 45(A) for 1, 86(C). Note the further observanity in para E1
of Record Form E. Record per Notes addresses, stotement, evidence and any numering up by the jk under RF E1, (03(e))

D7. The Court is closed to consider the inding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule.(1) The Court is re-opened.

(1. 89-43, 1/7/8). Ser Notes in Part I of Schedule.

2. 89-44(A).)

Ds. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the charge(s), being subject to confirmation, will be promulgated after. [1]

Or. The President announces that the accused is found Not Guiling on all charges and is to be released forthwith.

Or. The President announces that the accused is found Not Guiling on all charges and is to be released forthwith.

Or. The President announces that the accused is found Not Guiling on all charges and is to be released forthwith.

Or. The President announces that the accused is found Not Guiling on all charges and is to be released for the situation. [1]

Or. The President announces that the accused is found Not Guiling on all charges and is to be released for the situation. [2]

Or. The President announces that the accused is found Not Guiling on all charges and is to be released for the situation. [3]

Or. The President announces that the accused is found Not Guiling on all charges and is to be released for the situation. [3]

Or. The President announces that the accused is found Not Guiling on all charges and is to be released for the situation. [4]

Or. The President announces that the accused is found Not Guiling on all charges and is to be released for the situation. [4]

Do. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

Record Form E below. RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

President to accused: Do you wish to give evidence yourself or to call any winnesses as to your character \$(5) El.

Ans

(1) If evidence has circuity been given by accused or his wincemen on to his obsence, delete this pers. AP 27(C) fo 4, 46 fo 1.

Accused and winnesses are never. Evidence received or Folian.)

E.O. The (Proceedings of Statements) as to Character and Particulars of Service(\*), and certified true record resonant Coordinat Sheet(s)(\*), purporting to refer to the accused, which he submitts to the Defending Offic for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused because (i) they purport to be signed in the manufact required by AA 165(5) (g) (h), and (ii) they purport to the accused because (i) they purport to the manufact of a side of the same number, rank, name and course as the alternation of the accused. Admitted in evidence and marked in a C. and Ex. D. respectively (\*).

and Ex D respectively (\*)

MFS 255 or MFS 295. 1 MFM 6 3 MF 46. KR Can 558. 2 above documents not produced, see MF 46 fo i

E3. Provident to accused. Do you wish to address the Court on the Statements, and Conduct Short(s), and in continguation of prominintenent f(x). Ann.  $\int S$  are, recarded per Notes. Cases should period occupied or his witnesses to prove or not neighbor for or previously stated which would effect the amount of punishment. So SO(1) for T is

£4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced but will be promulgated later, and the ort are accordingly terminated.(1) proceedings in open court are an (1 AA SAGE, AF (200A))

on (1) The President recurs the sentence in Part I of the Schedule, which Ell. The Court considers the sentence.(\*) is elated and signed by him and the JA, if any (\*)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

# JAG BRANCH - REVIEW RECORD

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or.
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c
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13

### CHARGE SHEET

The accused, H-77496, Tpr. Albert Elmer EVERS, 18th Armoured Car Regiment, (12th Manitoba Dragoons), a soldier of the Canadian Army Overseas, is charged with:-

First Charge Sec 22, A.A.

WHEN ON ACTIVE SERVICE ESCAPING FROM CONFINEMENT

In that he,

in the field on 20 Oct 43, when in confinement of No. 1 Field Punishment Camp, Cdn. Pro. C., escaped at approximately 1800 hrs. on said 20 Oct 43.

Sec 15(1), A.A.

WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

in the field on 20 Oct 43, absented himself without leave from No. 1 Field Punishment Camp, Cdn. Pro. C., when in confinement, from approximately 1800 hrs. 20 Oct 43 until apprehended by Military Police in the Y.M.C.A., Carrington Street, Derby at approximately 2305 hrs. 24 Oct 43. (Absent 4 days, 5 hrs, and 5 mins.) Escort expenses involved in return of said soldier to No. 1 Field Punishment Camp, Cdn. Pro. C. amount to

In the Field 19 Nov 43

(J.A. Roberts) Lt-Col, ROD Commanding, 18 Cdn Armd C Regt (12 D).

TO BE TRIED BY FIELD GENERAL COURT MARTIAL

In the Field 2 1 Nov 43

TZY / numm Brigadier A.E.D.Tremmin) C.C.H.A. 2 Can Corps

# MEDICAL OFFICER'S REPORT

	No. H.77496 Tpr Evers, A E
and fit to und	(J & Barrie) Capt RCAMO  Medical Officer 18 Cdn Armd C Regt (12 D)
Etation In the Field.  28° Date 24 Nov 43.	EXMINITE A

M. F. B. 246 20M-3-40 (4191) H.Q. 1772-33 480

# FIELD GENERAL COURT-MARTIAL CPAN (In Des of APARA)

(Whether the accused to be tried is under his comd or not, a FGCM may on application to him be convened by any offr of Cun Army Overseat, or AA 49, 50, Rr 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application imposed by appropriate active, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate Color of Separate tried on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 10, 109.

As to reasons for showing (c) permanent or confirmed rank, and (b) appmt, Aironk or Alappmt, If any, see AA 182, 183, fm, KR Can X00, 320, 380.)

### ACCUSED.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname. H.77496 Tpr ALBERT ELMER EVERS 18 Gdn Armd G

# CONVENING ORDER.

- 1. Whereas complaint has been made to me, the undersigned, that the person(2) named above as the second being subject to military law, has days committed the offenced set forth in the Charge Sheet(2) attached and on endorsed by me. For by an all the message to the first by Field General Court-
- 2. And whereas I am of opinion that it is not practicable that such offence (2) should be tried by an ordinary (Court-Martial; (And Absorb Local Analysis to English the Local Analysis of Analysis (Court-Martial; (Court-Mar
- 3. I hereby convene a Field General Court-Martial to try the said person (26), and to consist of the Offis appointed or detailed hereunder.
- 4. P. RES NEWSTROND PRODUCT OF EIGHT OFFICE STATE COURT, IN REPORT AN PRESENT AND THE RESERVED RES extended houses. (AA 49, RF 106(8), 107(A). Delete the whole or part, if not applicable.)

The Language and the Resident Parket of the Definition of the Control of the appropriate (AF 10c(E). Delete, (frame appointed.)

### PRESIDENT.

Major (Ronk.)	H.G.William	(Must be named. AP 106.)	6	Qdn	LAA Regt RCA
		MEMBERS.			
Capt.	A.H.Robinso	n	6	Odn	LAA Regt ROA
Capt.	*A.Landale	(Named or detailed. AP IDs.)			A/Tk Regt RCA
		WAFTING MEMBER.			(Unit.)
Lieut,	J.K.Heath	Direct or de la constant	6	Gán	A/Th Rest BCA
		(Named or detailed, if any. AF 106) JUDGE-ADVOCATE.			(Link.)
(Acrit.)		(Must be named, if any. AF 104.)			
On Active Service in	the Fd	50	-		(Sht.)
m England (Country.)		Da XIm			Brigadier
Date 23 Nov .	43	(A.E.D.Tremein)			(Renk.)
		CGGGGGG C.C.R.A.	12	Cdn.	Corps

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS Hew

(See nearless for worths soul makes for use on tripl.)

H77 496 Jps. albert Elmer Evers-Good wend on long as he was best dury tintricted in his warb - when on lunes or in a paily ille stage of training, he decomes. easily howard off of consequently when someone. course him to a strent himself without permission he is easily led in view of supporch pragramme, of the Caradian array in the near fature & an sure that the Europeald be a good + hoppy rollier friends of his this many that it would be a wante of for cours to be fored in de tention - is entlement do not ask for this man

to be let of seatfre he doe made a min take to mistake, but & do ask to that this court be a limint as they we get wender the circumstances. Hrow Popu KMACK (IRV). HEW

Statement by the defending offices on healf of The. Evers. A.E.

I have known The loves for two years. The Sweet had a good record so long as kept bury, but appears to be easily had by others. I consider him a good soldies and I won was to the army in his wint than certain out a long terms of detention.

All

No.1.F.P.Gawn.Cdn.Pro C.

Attached from [18.C.A.C.Regt (12b)

Battery
Squadron
Troop or
Company

CHARGE against No. M. 774.76...

Rank Tor

Name \_\_EYHER AARA

Place In-the-Field Date of Offence20 Oct 43.

OFFENCE W.O.A.S. Escaping from confinement in that he at approximately 1000 hrs on 20.0ch 42,escaped from the lawful susiger

20 Det 43, excepted from the lawful sustedy of No.1. Field Punishment Camp, Can Pro C.

Names of Witnesses :- A, 21729 Sgt Berry, F.C.

Signature of O.C. Battery, Soundron, Troop or Conus

Squadron, Troop or Connerty of

Awarded whom

Adjulant.

### EVIDENCE

On 20 Oct 43, I was Orderly Sgt at No.1.

SIR,

F.P.Camp.Cdn Pro C. At 1645 hrs I held a muster check of S.U.S. in camp and found all to be present and correct. At 1800 hrs I held a further muster parade and found H,77496 Tor Evers A.E. to be missing. This soldier was sentenced to 28 days P.P.on 14 Oct 43, and was due for release on 10 Nov 43.

A check of all the buildings and camp area established the fact that this soldier had escaped. I reported his absence to RSM. Tosdevin.C.

The S.I.S; Nos 11 & 13 Provost Coys and Duty Officer of 18 C.A.C.Regt (12D)

were notified of the escape.

On checking his kit, I believe him to be wearing battle dross, anklets web. Military boots, and cerrying a respirator, He was not wearing a field service cap and did not have M.B.M.1 Parts I, II or III in his possession.

REMARKS

Ref. K.R. & O. (Can) 539 Expense Voucher Re-:

	expenses were incurred in apprehending and returning the M/N Solding	Amount
1901.13	Escorts return fare from LONDON Lety	19 9
7001,92	Prisoners single fare to LONDON From	9 11
	Prisoners fare from To	
	Escorts & Prisoners expenses for Hed., Meals, Bus fares	7 9

Capt

I certify that the above statement of Expenses is Correct, and that the amounts are fair and just THIS IS EXHIBIT "C" REPERRED TO

IN THE SUBBARY OF EVIDENCE TAKEN

BEFORE ME THIS 15TH DAY OF NOVEMBER

Mille awall It 1943

(R.N. CABUELL) LIEUT
ARMO C ROFFer (Baring) Railway Warrunt and Expense monies

No. 6 Area Provost Company, Canadian Provost Corps, London.

EM H.Q. 10000.00 40/P & 8/480(1397)

-10.00	1 Shance	T. P		
29 6143	Prisoners single fare to LONDON Prom	-		
	Thereside		8	11
	Prisoners fare from Laulo Harden Harden Escorts & Prisoners expenses for Bod, Meals, Bus fares			
	Escorts & Prisoners expresses to Total £	1	0	10

Learning that the above statement of Expenses is Correct, and that the amounts are fair and just.

THIS IS EXHIBIT "D" REFERRED TO IN THE

BUMMARY OF EVIDENCE TAKEN BEFORE ME THIS 15TH DAY OF HOVEMBER 1943.

(R.N. CASWELL) LIEUT. 15 CDN ARMO C REST (12 P) Officer Issuing Railway Warrant and Expense monies

No. 6 Area Provost Company, Canadian Provost Corps, London.

Capt.

C.M.H.Q. 1009135 4007 # B.Wall 1507

CHARGE 36/547/43 Army Form B 252 18 MANITON DENS (0,5quar) Squadron Troop or Company

Date of Offence

Rank Tra

CHARGE against No. H. 171496
Name EVERS A E.

OFFENCE until approchanded thillary Police in W.O. A.S. by the BSENT FROM?

K 73 CARRINGTON STREET about 2305

Names of Witnesses

Signature of O.C. Battery, Superior Squadron, Troop or Company Company Awarded THIS IS EXPERIMENTAL AMERICAN AWARDS THE THE TRANSPORT OF THE T

Awarded Awarded THIS IS EXHIBIT \*B\* REFERRED TO SEPONE HE THIS 15TH DAY OF TAKEN HOLDS 1943. 18-001- ALREAD LINUY Adjust

Statement of EVIDENCE in the case of HI44496 TAR EVERS. A.E. D SQUAD IS CANADIAN AKMOVRED CAR REGT 12 MANITOBA DENS. WOOLERTON CAMP NORTH WALTHAM AT. DERBY on the 24th Oct / 19 43 about 2305 has I was on duly in the Y.M. CA. CARRINGTON STREET Where I saw the A/M soldiers, I. asked him to produce his pars he stated that 9 am absent, 9 arrested and conducted him to the SIDDALS ROAD BRARACKS GUARDROOM, 8 obtained his particulars and handel him over to the N.s. o 1/4 to be. detained. 4914235 V. Barratty REMARKS 152 HA PROVOST DERBY CM POLICE 24" oct / 43 SIR/g have read over and corraborate Statement Bueller 44 the above DESBY 24 04/1943

List of witnesses for prosecution and defence in the case of H-77496 Tpr. Albert Elmer EVERS, 18th Armoured Car Regiment, (12th Manitoba Dragoons), charged with (1) Escaping from confinement and (2) Absenting himself without leave;

### 1. For the prosecution.

First Witness: A-21729 Sgt. Berry, F.C., No. 1 Field Punishment Camp, Odn. Pro. C., Cdn. Army Overseas.

Second Witness: 4914233 L/Cpl. Barratt, V., 152 HQ Provost Coy., C.M.P.,

Third Witness: 4622228 L/Cpl. Swallow, J., 152 HQ Provost Coy., C.M.P.

Fourth Witness: Capt. H. Sinclair, 18 Cdn. Armd. C. Regt. (12 D), Cdn. Army Overseas.

### 2. For the defence.

N11.

Allw

I desire the Convening Officer to detail an officer to represent me at my forthcoming trial by Field General Court Martial.

I desire the services of Lieut. J. F. Bowes, 18 Can Arma C Regt (12 D), if he is available.

a & Even

19 Nov 43

(H.77496 Tpr. Evers A.E.), 18 Cdn Armd C Regt (12 D)

Alfa

List of exhibits in the case of H-77496 Tpr. Albert Elmer EVERS, 18th Armoured Car Regiment (12th Manitoba Dragoons), charged with (1) Escaping from confinement and (2) Absenting himself without leave:

### 1. Exhibit "A":

Statement of Evidence signed by A-21729 Sgt. Berry, F.C., No. 1 Field Punishment Camp, Cdn. Pro. C.

### 2. Exhibit "B":

Statement of Evidence signed by 4914233 L/Opl. Barratt, V and 4622228 L/Opl. Swallow, J, 152 HQ Provost Coy., C.M.P.

### 3. Exhibit "C":

Expense voucher form OMHQ 1000:55 amounting to £1.17.5.

### 4. Exhibit "D":

Expense voucher form CMHQ 1000:55 amounting to £1.0.10

Asw

Summary of evidence in the case of H-77496 Tpr. Albert Elmer EVERS, 18 Cdn Armd C Regt (12 D), 18 Armoured Car Regiment (12th Manitoba Dragoons), charged with (1) Escaping from confinement and (2) Absence without leave from 20 Oct 43 to 24 Oct 43.

The Commanding Officer has not directed nor has the accused demanded that the evidence be taken on oath.

### First Witness

A-21729 Sgt. Berry, F.C., No. 1 Field Punishment Camp, Cdn Pro C, Market

"A document purporting to be a signed statement of the evidence of A-21729 Sgt. Berry, F.C., No. 1 Field Punishment Camp, Cdn Pro C. was read over to the accused, marked Exhibit "A", signed by me and attached hereto.

I certify that in my opinion owing to the exigencies of the service, including the time and expense involved, the attendance of this witness at the taking of the summary of evidence cannot readily be procured.

(R.N. Caswell Lieut. 18 Cdn Armd C Regt (12 D)

### Second Witness

4914233 L/Cpl. Barratt, V., 152 HQ Provost Coy, C.M.P.

"A document purporting to be a signed statement of the evidence of 4914233 L/Cpl. Barratt, V., 152 HQ Provost Coy., C.M.P., was read over to the accused, signed by me, marked Exhibit "E", and attached hereto.

I certify that in my opinion, owing to the exigencies of the service, including the time and expense involved, the attendance of this witness at the taking of the summary of evidence cannot readily be procured.

Will asset At (R.N. Caswell) Lieut, 18 Can Arma C Regt (12 D)

### Third Witness

4622228 L/Cpl. Swallow, J., 152 HQ Provost Coy., C.M.P.

"A document purporting to be a signed statement of the evidence of 4622228 L/Opl. Swallow, J. 152 HQ Provost Coy., C.M.P. was also signed by 4622228 L/Opl. Swallow, J., 152 HQ Provost Coy., C.M.P., read over to the accused, signed by me, marked Exhibit "B" and attached hereto.

I certify that in my opinion, owing to the exigencies of the service, including the time and expense involved, the attendance of this witness at the taking of the summary of evidence cannot be readily procured."

(R.N. Caswell) Lieut. 18 Cdn Armd C Regt (12 D)

### Fourth Witness

Capt. H. Sinclair, Adjt., 18 Cdn Armd C Regt (12 D), states:

"I submit as evidence two expense vouchers, forms CMHQ 1000:55, showing expenses incurred in returning the accused and escort to No. 1 Field Punishment Camp of £1.17.5 and £1.0.10."

Admilan

(H. Sinclair) Capt & Adjt. 18 Cdn Armd C Regt (12 D)

"The expense voucher, form CMHQ 1000:55, totaling £1.17.5, referred to by the witness, produced, read over to the accused, marked Exhibit "C", signed by me, and attached hereto."

"The expense voucher, form CMHQ 1000:55, totaling £1.0.10, referred to by the witness, produced, read over to the accused, marked Exhibit "D", signed by me, and attached hereto."

(R.N. Caswell) Lieut. 18 Cdn Arad C Regt (12 D).

The accused was warned as follows:

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

The Accused: I have nothing to say at this time.

A & Face (H-77496 Tpr. Evers A.E.), 18 Cdn Armd C Hegt (12 D)

I certify that R.P. 4 has been complied with.

Taken by me in the field in the presence and hearing of the accused this 15th day of November, 1943.

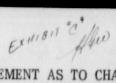
(R.M. Caswell) Lieut. 18 Cdn Arma C Regt (12 D)

N	05] . 7749 Date of la	S Name 10	vers,	mer <sub>No</sub>	Sqn., Battery, and a Sqn., Corpel S Gdn. Arm or Company and date   N11   Period not reckoning towards   last drunk   N11   Freedom from extra fine	nd G Regulations   Sheet No.	30-6-43Badges 1 Signature O Company, e	C. 1	or ney Pay 40/ Characte	M.F.M. 6 (A.F. 18.122) F & /8136 (2965)
-	Piace	Pate of	Rank	Cases of drunken- ness	Previous Sheet Destroyed	Names of Witnesses	Funishment awarded	Date of award or of order disjen- sing with trial	By whom swarded	Remerks
mp g	nilo	2=9=41	Tpr	(1)	A.W.L. Prom 1800 hrs. 2-9-41 to	Documentary	21 Days Detention	2-10-42	Maj. H.S.F Robinsom	26 Days Pay
		6-9-41 28-9-41			A.W.L. Prom 6-9-41 to 1655 hra 16-9-41. A.W.L. Prom 23-9-41 to 2100 hrs 25-9-41.	2222				escort Expend
		6-9-41 25-9-43 20-12-		(4)	When in lawful custody excaping When in lawful custody excaping A.W.L. From 2130 hrs 20-12-41 untill 1030 hrs 21-12-41	S.S.K.	28 Days Detention	22812-41	Maj. H.S.	Porflets
					EXHI8"	1" Pollow			Robinson	1 day pay unde r 9.8.

							Date of award of of center dispete-	By whom Awarded	Bemarks
	O state o			OFFISCE	Names of Witnesses	Physicians of the second	sing with trial		
Place	othere		Rank druiketo		Samontapy.	14 Days 2.1.	4-8-42	P. H. P. Couple	orfelth 4
Rennia Man. 22.5.42 Tpr.	22-	5-42		A.W.L. From the troop train at Construction of the state	Opl. Neworo	For squt of			day's pay
				absent untill survest 1700 hrs			00-4-1	P. C. S.	
		0 7 70		26 May 42 - A.A. 380 19 1 The place 5.5.W.	S.S.H.	144 Hours	2	Don I dnop	
Debert Camp cur	MP. AW			or parade appointed by mis	The same of the same of	14 days F.F. 26-11-42 Lt. Col.	80-11-4	E Lt.Col	15 Days pay.
o In the Field 20-11-42 Tpr.	914 20	-11-4	2 Thr.	A.W. Prom 0600 hrs 26 Moy 42,	Sgt.			****	
				to get pass stamped by R. T. O.	SERVINOLES OF THE SERVINOLES O	7 days 1.B	See April.	Se Apr. 63 A. L. Pryds Hajor-	o Major-
In the field 20-4-As the	614 2	- 4-40		did not properly clean his rifle 550 aims	age name				

Company Conduct Moost of the drunk of the state of the state of the drunk of the state of the st
See 1 and 1
1014)

- Francisco	by whom awarded	to trawn to stail one; since the pro- tate office made	Indinant Januarian's	sessing to smake	OLLEGE	onesco drankens- teess	Healt	hi sinci manabo	***************************************
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			45	(081) * alia	- tentaing and to you want be	IJ 1308	rd Aw	at widt	



Rank

Number

# STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

H-77496 Tpr. Albert Elmer EVERS, 18 Can .	Armd C Re	gt (12 D	)
1. The following is a fair and true summary of the entries in the	Field	Service and	
conduct sheets of the accused, exclusive of convictions by			
of summary awards under Section 47 of the Army Act and of cases with.			
Within last 12 months Si	nce enlistment		
For Sec. 15(1) AA, AWL 2 times		7	
For Sec. 22 AA, escaping times. For Whilet in lawful			
For SUSTERS, 13 AA, AWL from parade For Sec. 15(1) AA, AWL from parade For Sec. 40 neglect to clean; times Riak File ancered patiently or distinguished conduct Sec. 40 Act to the prejudice of good discipled Sec. 9(2) Discobeyling a lewith a company 1	the leve	1	time
Nove: If the charge is for drunkenness, the entries for drunkenness		of accounts	*
2. The accused has not been previously convicted	WHEN DE BLAD	er notemaners.	
s. And accepted this not incu previously convicted			
Previous convictions of the necessed by a court married for a civil Air Force Art.  Arr Force Art.  Arr Arr Arr Arr Arr and dispensations with the under A A seneral to this statement.			
3. The accused is not under sentence at the present time.			
- 0			
The accessed at the present time is under contence for	harrien inn en d		
day of	The growing and a		
4. The accused has been in confinement awaiting trial on the present			
rivil custody, and 17 days in military custody, making a total	of 12	days in cos	dody,
of which n11 days were spent in hospital.			
5. The present age of the accused according to his record of ervice is attentation, paper i	23 years		
6. The state of his seministic specified in his record of arrive is attestation paper 3	0 Jun 41		
7. The service which the accused is allowed to recken towards dischar	ge is		
8. The accused is entitled to rackon 2 years, a5 milester parts	e 84% Arminis	ig his pension	, etc.
9. The accused is in possession of or entitled to no air force discoration	on, or six for malitar		or is
n possession of or entitled to). State any sir force decoration or reward.			
10 de de la companya del companya de la companya del companya de la companya de l			

			Permanent Force unit	orce the rank of
the same of the sa	inted	and i	n his regiment for co	rps), the rank of
	lated			
12. The accused has a present date:—	erved as a non-com	nissioned officer con		reduction, to the
In the rank of		years.		en er proministen.
In the rank of		years.		
In the rank of		years.		
Nore:—If may matter i paragraph must be struck t	brough.	HEDULK	anied itom the regu	
		and which of more back		
Name Norm — A verbatim ext trial must be inserted.  theorytics of Chert by skick trial		and with of accused, of the phal books stating the Charge upon which serviced		Rank Regiment spensations with Funkment Resites

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract, from the regimental books in my phody.

Signed this

25 day of Men 15 Colo Curred C Ref (1)

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked signed by the president, and annexed to the precedings.

# CAOF 1-106 dfr. Evers, a. E.

### SCHEDULE.

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

UNTAGE TOD DUPPE AR

Accused :Att_Latt_Am_Att_Amataccused :Att_Latt_Amataccused :Att_Latt_Am_Att_Amataccused :Att_Latt_Am_Att_Am					
Charge.	Plea.	Finding.			
(Insert " alternative " where applicable.)	(See Instrs p 2.) Guilty	(See note below.) Guilty	(Space for use as required for further charges, accused charged jointly, special findings, etc.)		
let 15(1)	Guitty	DRITTON			
2nd					
3rd					
4th	-				
5th					
0th					

(Note: As to findings for lesser affences see AA.56, RP.44; findings on alternative charges see MML p.483 (n.4 para Z, RP.44); especial findings see RP.44 and MML p.753, and in loss of bit see RP.44 fin 6.)

1 yr detn beginning on (dots) At present under sentence for ....

(). Insert sentence being served, or delete, if not applicable. See RP 46(A). Information should be found on MF 8355 or AF 8296. Time in confinement awaiting present trial—a total of 52—days, of which—14—days were spent in hospital.(4)

(1. See RP 46(A) in 2. Information should be found on MF B355 or AF B296 admitted in evidence under E2.) Sentence Awarded by the Court :

To undergo detention for a period of one year

"JA DURE" Major (8gd) "R LIVERMORE"Capt 12 Feb 46 (8gd) President. (RP 45, 50.) Date awarded. Judge-Advocate, if any (See back of Convening Order as to assembly and disposal of record after trial.)

MINUTE WHERE CONFIRMATION RESERVED. (ALSI(I), NY 120(F), MANL & 760.)

Commanding (Sgd)

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

(For datise and powers see AA 54, 57, RF 37(D) to 6.46(A), 51-56, 12C, MAML pp 759-761, RR Can 561-577. Acquitable requires one confirmation and connot be revised: AA 54(3), Sending back finding or sentence for revision by Court: AA 54(3), RF 120(C). If not confirmed, occused may be tried again: AA 51, MAML p 64. Minute of confirmation are non-confirmation may be obtained before prevailable on RF 51, MAM, p 65. Quanting offer provingiation: RR 6cm 573. Dutter and powers of reviewing offers: AA 57, STA, RF 53A, 54. The Confirming Offer must sign here personally, AA 172 fo 1.)

My decision on the finding(s) and sentence set forth in Part I is :

I confirm the finding and the sentence of the Court

I direct that the accused be not committed to prison or detention barracks until further orders. (4) (f. AA STA. Delete if not used.)

(Sgd) " AM MILLAR" Hajor

14 Feb 46

/Greenating A/C R Sigs 3 Cnd Inf Diw CAOF Confroning Officer.

PART IV. PROMULGATED AND EXTRACTS TAKEN. SP 53, 52 Con 576, 577.)

Signature of Offr. Date. Accused.

H77496 Tpr Evers AE 15 Feb 46

"IR BRADLEY" Lt

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

MARCHANDER AT THE IN AR 160 F C A DF -1-106

FIELD GENERAL COURT-MARTIAL CPAN ATTENTION ATTANTANT ATTANTANTANT ATTANTANT ATTANTANT ATTANTANT ATTANTANT ATTANTANT ATTANTANTANT ATTANTANT ATTANTANT ATTANTANT ATTANTANT ATTANTANT ATTANTANTANT ATTANTANT ATTA

Convened by Order of Lt col RL Houston

Comfigs 3 Cdn Infdated 30 Jan 45

ACCUSED. (As to the triel of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appent. A/rank or A/oppint, if any, see AA 182, 183, fm, KR Can 308, 328, 330.)

Number. (a) Prmnt B. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname.

POCEEDINGS REVIEWS Albert Black 8 MADEVERS 2/7, Cdn, Recce H77496 A Regarder of

PROCEEDINGS OF TRIAL. HQ 3 Cor la Fab 46

on (date(s) ) .....

Germany Held in the Fd in (country) ...

RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, JA, Many, and Offrs under instr. if any, assemble, and the L

LPRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED SY PRES OR IA. The Schedule referred to throughoust is on p.4. Custion do NOT include oil relevant from ROS. Fer guidance on procedure when a verticion to this farm errors, one farm for GCM in MML on T41 to 759. A brief record of such varieties well be made and given a number having reference to appropriate or procedure on some having reference to appropriate or procedure good number having. See back of Consisting Order, CCF APS, for each end direct on his to record additionates, existing act, which must see hereofter cipilled "Notes". As is general procedures for conducting the trial see AA S3, RP So. 6.3-70, 73, 74, 94, 101, 118, 122.)

A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereto. [5] The Court is satisfied that it is properly converned and constituted(\*), accused in (ass) amenable to military law, and) RL each charge discloses an offence,(\*)

(1. As to use of Summary of Evidence see RP 17 for 6. 2. AA 49, 50, 8F 105-107. 2. RP 11-13, 23, 24)

A3. The Court is opened. The accused is (ere) brought before the Court. At 1000 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial.(1) The Presecutor inforce in Court that accused electer to be tried by court-martial instead of being dealt with P.L.

(j. KR Can 557. 2. AA 46(8), RP 60 fm 1. Far effect use KR Can 563(c). Delete, if not appolicable.

A5. President to accused: Do you object to \_\_\_\_\_ as interpreter! Ans \_\_\_\_ The Interpreter is seam?) Do you object to --- as shorthand writer | Ans --

(F. RF 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused.(3) Promident to accused ) Do you object to be tried by me as President or by any of the Members of the Court ?

(I. RF 110. 2. If no objection, working meansher sections. AP 18(B). If objection, see proceedure AA 51, AP 25, 71, 18, MML p.742.3

A7. The President, Members, JA, of ways; and Offre under instr. if mry, are sworm (4) The following are that L ranks, maznes and units of the offrs comprising the Court, etc :

President	Major	JA DURE MC	SD&G Highra
Member	Captain	RE HAPT	NNS Highrs
Member	Capt	L ARCHIBALD	HLI of C
Judge-Advocate	Capt	R LIVERMORE	3 Inc "B" Cdn JAG
Prosecutor	Lt	RE POTTS	2 Ech M CAOF
Defending Offr	Lt	JME GAUTHIER	2 Ech HQ CAOF
LACTORNAL VALUE			

Questions by President: Is the Prosecutor a Lawyer ! Ans NO ... Is the Defending Office Lawyer ! Ans NO ... (9)

(). 80 26, 27, 106, 111. List of office sender impair will be required separative with proceedings for information of Care Office).

(2. If Prop. a lawyer and Def Offices, accounted in pentitled to an adjointment when 67 89 (8) and for 2 were not followed. See Di § 2.)

before arrangement make(s) (no) (s) plea A8. The accused.....

(i) If a special ples is node for separate turinol an one or more charges (FF 62(E), 10E), or as to the jurisdiction of the Court (FF) 244, 25(A), 11E), or in fair of times (FF 26(E), or as to occased a mental frames to stand drain (AA 126, FF 57), at 20 you one of several auctional charged perfects to be strained ampointally (FF 16, Tr), such pless, the addressins movine in subport or against, the excitations, if one, and feature of the sociated making the primary. For forms of residence, if you can find the sociated making the primary.

All: The accused is less arraigned (representely) on all charges in the charge sheet. (\*) The accused does she P.L. not object to any charge (\*) There is no amountment to be made to the Charge Sheet. (\*) The President records the please in Part I of the Schedule.

(1) NF 31, (12. See part 1 of lenters p. 2. Without more than one Charge Street use NF 62: where several occused in be tried employment as NF 715Cs, and we repend to copiese of CF AR6 to record proceedings. 2. NF 22. NF 32: If unlesvise, delete and make appropriate record per Notes.)

Ale. The Court (artestand) considers the Instr on Procedure after Arraignment at top of p 2. The pen-Riosedings are continued on Record Form. B

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS,

- The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.
   (RP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc, offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).
- 2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective circumstances stated
  - If pleas to all charges are GUILTY, use Record Form B below.
  - II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
  - III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
    - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C
    - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p 744 Instrs (2).
- 3. As to responsibility of President to accused see RP 50, 60(C); powers and duties of JA see RP 103; duty of President to accused and Defending Offr see RP 60(C), 87(C), 91, 92; swearing Prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 92(B), and of writnesses and withdrawal of writnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of writnesses RP 83-85; calling or re-calling of writnesses by Court, etc., see RP 75-79 86, 116; use of Summary of Evidence at Trial see RP 17(E) In 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

# RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

- B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge (\*)(\*), and that on his plea of Guilty there will be no regular trial but merely a consideration of the ) sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge (\*), ) R L call witnesses as to character and make an address in mitigation of punishment.(\*) call witnesses as to character and make an add.
  (1. RP 35 fs 3. 2. MML p 54 pers 47.)
- B2. President to accused: The Court will now receive any statement you desire to make in reference to the chargers).(1) If it appears from your statement that there are circumstances which indicate that you do not undersected the effect of the plea of Guilty(1), or which show provocation or externation in respect of which in your interest the witnesses for the Prosecution should be examined(1), we shall advise you to change your plea to Not Guilty. In the witnesses for the Proscention should be examined(\*), we shall advise you to change your plea to Not Guilty. In making a statement you will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire (\*)

President to accosed : Do you wish to make a statement ! Ans (J. AP 27(B). 2 RF 37(D) fn 6. 3. RP 35(B) fn 5 pare 3, MML p 54 pare 47. 4. See pare E3 of Record Form E. 5. Stutement, if any, recorded par Notes.)

Bir The Controcosiders the accused statement () The Contrologies (mot) to advise secured to change his change(s)-bie (thoir) ploute) on - - - - chargots). - Part-I of the Soledule is amonded accordingly: - PRI.

(1. Court may be closed to consider the statement. Delete whole or part not used.)

B4. On the charge(\*) to which the pleas(\*) of Guilty is (\*\*e\*) not changed the President records finding(s) of RL Guilty in Part I of the Schodule (\*)
(1. RF 15(B). If any plea(s) is (ore) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. 1. initialled and read aloud by the President. (1) (1) if there is no Summary, or if it is modequote, comply with NF 27(8). If there is any evidence inconsistent with any pive standing or Golff, Court will obvie carried to change such pive and, if changed in Not Guilty, try such charge(s) by site of parent OI to D6 inclusive of faccard form D on p 3. NF 27(D).)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 1

# RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

Ci. As to the charges on which accessed pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(\*)

C2. The charges on which accused plended GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Eccord Form B above [1].

(i) Under B1 and Sports only of the farmence of Ecclesics are read to the charges dealt with under C2. If any size is stonged to Not Guity, trial increas proceeds he camplying with pure D1 to G8 includies in Record Form D as p 3 and making an appropriate record thereof as a separate shared on a separate shared.

C3. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 2.

# PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Loose Sheets of Record.

# RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GOTELL TO ALL
D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules elating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans

D2. The Prosecutor makes (an) (no) opening address.(1)
(1. RF 19(6), 60(A) (6), 90, 92(C) (D). Record address per Notes, subject to RF 95(C).)

D3. The evidence for the Prosecution is taken.(1)
(1. RF 39(C), 114. KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see ef.39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not charge(s).(3) The Court is closed, and considers the submission.(\*) The Court is re-opened, and the President announces that the submission establish a prima facie case against the accused on the 

the latter charge(s), and then, accordingly the latter charge(s), and the latter charge(s), the latter charge (s), the

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination. (\*)
You may, however, make a statement without being sworn, and you will not be subject to cross-examination. (\*)
But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony. (\*) You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither ! . Do you intend to call witnesses on your behalf ! (I. AP 115. Z. RP 40(A), see 80(D). 3. RP 40 fn 10. 4. RP 40 fn 2. 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(1) (1. RF 114, 115, 116. For procedure see Notes on book of Convening Order, CF A95. Evidence for accused as as his character should, if in its interest, be given before the funding. See RF 46(A) is 1, 86(C). Note the further apportunity is pare E1 of Record form E. Record per Notes addresses, statement, evidence and any summing up by the JA under RF 42, 103(s).)

D7. The Court is closed to consider the finding(s).(1), The finding(s) of the Court is (are) recorded in Part I of the Schedule.(2) The Court is re-opened.

(1. RP 42, 117(8). See Notes in Form 1 of Schedule.

2. RP 44(8).)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the

charge(s), being subject to confirmation, will be promulgated later.(1)

Or. The President announces that the accused is found. Not Guilty on all charges and is to be released forthwith,
and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed.(1)

(i. As 14(3) (5): 88-45, 1904). 7. As 14(3): 88-45, 117. This observable announcement is not applicable when there
are pleas of Scotly assumeding and depit with under Recurs from 8 or C.)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

# RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accosed: Do you wish to give evidence yourself or to call any witnesses as to your character 1(2)

If evidence has already been given by account or his witnesses as to his character, delete this pions. AP 37 (C) fo. 4, 46 fo. 1.
Account and witnesses are swarn. Evidence recorded per Notes.)

F2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Sheet(s)(\*), purporting to refer to the accused, which he submits to the Defending Off for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 163(2) (g) (h), and (ii) they purport to refer to (a) soldier(e) having the same number, rank, name and corps as the accused. Admitted in evidence and R 1. 2 and Ex 3 respectively. (\*)
MFB 155 or MFB 294. 2 MEM 6. 3 NP 60, KR Can 538. If above documents not produced, see MP 46 fo 1 marked Ex

E2. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in mitigation of punishment (0) AnsYes through my ite fording officer (1. AF D(C), 46(D). I. Address of any, recorded per Noon. Court should permit accused or his witnesses to prove an acts crysting letter of previously stated which would offer the amount of punishment. AF D(P) (n. 7.)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the ourt are accordingly terminated [3] proceedings in open court are as

E5. The Court considers the sentence. (1) The President records the settence in Part I of the Schedule, which is dated and agreed by him and the 3A, if they (5)

(1) When several consections are Ref 71 (D). One nations only, comprised of the parastrones or purishments (1) When several consections in a few set in the counted to over all charge in all charge sheets on which accord found gate. (1) APA As to extension see AA 44, (2), (2), APA 43. (3), (2), APA 43. (3), (2), APA 43. (3), (3), APA 43. (4), APA 43

REAL THURST STREET DELICATION

\*eptated \* 140 y uo usus . Only begunds at . sees they Orange at the thought Caladian Asconnaisenses Heginent, (17 Draca) caor, a Ms , chisTa remin friends report 504M. H , becomes eni

\*INSHO STREET

# FIELD GENERAL COURT-MARTIAL

(Whether the occused to be tried is under his comd or not, a FGCM may on application to him be convened by any offr of Cdn Army Overseas, or of any other force if outhorized in saw, in immediate came of troops on octive service, subject to RP 105(C) and restrictions impaced by appropriate author, AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in deceiving with the application see MML Chap Y pares 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court, RP 71(C), 109 As to separate trial on charges in the same charge sheets see RP 61, and as to separate trial on charges in the same charge sheet see RP 61, and as to separate trial on charges in the same charge sheet see RP 61, and as to separate trial on charges in the same charge sheet see RP 61, and as to separate trial on charges in the same charge sheet see RP 61, and as to separate trial on charges in the same charge sheet see RP 61, and as to separate trial on charges in the same charge sheet see RP 61, and as to separate trial on charges in the same charge sheet see RP 61, and so to separate trial on charges in the same charge sheet see RP 61. The same charge sheet see RP 61, and so to separate trial on charges in the same charge sheet see RP 61, and so to separate trial on charges in the same charge sheet see RP 61. The same charge sheet see

### ACCUSED.

Their. Number. (a) Prmnt B. (b) Appmt, A/R or A/Appmt Full Christian Names. Surname.

### CONVENING ORDER.

- Whereas complaint has been made to me, the undersigned, that the person's named above as the accused, being subject to military law, has (have) committed the offence(s) set forth in the Charge Sheet(s) attached and on (date) endorsed by me, (or by as off of my staff for me), "To be tried by Field General Court-Martial "
- And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary General Court-Martial; (and that it is not practicable to delay the trial for reference to a superior qualified offs.)
   (Delete port in brocked when not required for compliance with RP 105(C))
- I hereby convene a Field General Court-Martial to try the said person(s), and to consist of the Offre appointed
  or detailed hereunder.
- 4. I am unable to appoint (a) three Offre to form the Court, (b) a Fd Offr as President, for the reasons I have arrached bereto. "Risk (AA 49, RP 104(E), 107(A). Delete the whole or part. If not applicable.)
  - I also appoint as Judge-Advocate thereat the Offr mentioned hereunder. (NP 106(f), Deiter, if some opposited.)

PRESIDENT.

		and a designation
(Renk.)	(Must be named. RF (Ob.) MEMBERS.	(Unit.)
Captain	S.S. Sart	Bug St. Blighter.
Gaptain (Amk.)	(Named or detailed. RP 106.) WAITING MEMBER.	ELI OF G
Ligut	F.A. Burus	30 % G Bighry.
(Kank.)	(Names or Ortales, if any NP 106.)  JUDGE-ADVOCATE.	(Unit.)
Captain	(Must be corned. if any. RP 1964.)	(Just)
On Active Service in the	Fd	
	*S.L. insurton*	
(Country.)	(Signed personally. AP (05 fo 1) (E. L. Hormer Con)	(Renk.)
Date 30 Jan 2/6	Commanding Ston 3 Gin Yor Oliv IC	Dioser.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A CVA NO CIE DATE OF AFA 2

(See overled for noths and moses for use on trial.)

"JAD" Medical Officers' Certificate R.R. (Can) para 557.

I certify that I have this morning exhained No. H.77496 For Every AF of 2/7 Cdn Reace Rept &17 Erich) GACF and in my opinion he is ift to undergo trial by Court Martial.

In the Field, Sermany

Date 12 Feb 40

Sed "Malools L. Harley" Capt. (Madical Officer)

OF TORRE UNDER TROTTED TO

Capt. R. L. Luckismann, HE Land GAUF
Linet F. A. Burnier Ed & G Higher
Class C. A. Burnier C Tree B Cap 140 Communication

Re meed to stress the point that the accused pleaded solity to the charge since in his sind he definitely realized the stupidness of state an act, and in that he did erong and is ready to pay for his colishomas. As east of any guing solidays, he has a sessions for travelling and how p the unknews. So this is the east of all tarted, revealing and how p the unknews. So this is the east of all tarted, travelling and how p the unknews. So this is the east of all too charse, he are attracted, like shay olders used as a session a for charse, he are attracted, like shay olders are before success, after all the say of a relation. So not a relation to the profit of a second of the second

In spite of the contrary of grapheter this con, must I may, is a solution, and solve got the proofs. Eats a volution, be joined up to 'il thanks five long years in the server, he pointed to the server, and as not putting to do with New personnel, he has rought 5 mentes of wars, of ways in things to be exact, from D-Day those y to the end of Asyust, and as new to there we tracked for the Facilia, and must mortified removed in that thesize, to OUR is there.

and this, gartheren, complete the rad story of at the ones, of a can the definitely realized his educate, and after the to the a setmon, I beg you to be an lemient as possible, and to take into consideration may be system and various facts that have been pointed but in this plea of sittletion.

\*J.M.E.Gentaler" It.

Survey of Evidence in the case of H.77496 Tir State, A.E., "A" Uga, 2/7 Odr Resse Regt, CAST, sharged with absenting himself Spore 2000 hrs 8 Nov 45 to 0000 hrs 21 Dec 45. (Total time about 42 days, 4 hrs).

dy direction of the Commanding Officer the avidence is taken up outs.

FIRST WITHERS Gapt H. S. Theobald, M.C. Adjt, 2/7 Gdn Hooce Regt, GADF, swarm, states:-

I am the Adjt of 2/7 Can Reces Bort, SACF. The CD of the Regt directed that a Court of Impulsy be donvened under RC.125. After Tpt Bress had been absent from the Telt for 21 slear days. This eccurt secures of the Telt for 21 slear days. This eccurt secures of the 11 Dec 25 and substitud as the 13 day of Dec by the Frankforst was approved by the CD and declaration of seid court was only entered, in Registral Score neld in my substoy. Corticis true copy is now substitud as evidence. The accused declaration are examine this attento.

"M.C.Theokald" Cart.

The certified true copy of the declaration of the court of impairy has been read to the accuracy and attrophed herety as Edibli "A".

Du Nov 6, at 2100 hrs the troop orderly Gpl informed as that The Syers A.L. was about from his quarters. I presented to him quarters and found that the hed allotted to him was smpty. On the next parale, shigh was at Jelb are on 5 Nov 45, I again energed to call his name on each parale failed to answer at more. I proceeded to call his name on each parale until I was advised by Joh Britton that he was all the equatron.

The notined declines to prome exacts this witness,

"I.S. Shynot" Sgt.

This all die Copt W.R.S. leggle, Signale Officers, 2/7 Cm Rocce Regt, Clor, secre

On 20 Dec 4,5 E was acting hijt E/7 Can Roace Rogt and received a semmage originating at Mil Folice heatquarters, Paris Stating that M.77106

The Lyane A.M. and succession to himself to then and eating that escurt be arranged to bring him beak to the Regt. At that the The Loren Lead beam 108 the Regt are a demarkar. It was increasing, to get a ruling from Div WC, and we seem to the translated to and one BCO mass one the to Faris to pick up for every Light Linear and one typ seem despetation from the Faris of this Regt to Faris, where they picked up Typ Byers and upon their return Lyar Linear manned in the certificate from the DATS, Paris stating the date and times that Typhenes supremodered nimed to them.

The accused declines to erosa -examine this sinese,

\*IN . Lowelet Cast.

The certificate is accommon with FC, 2797 of 10 Apr All mountioned alors in

The account was callined as follows -

- Do you wish to make any attacement or to give evidence out total for each must college to may anything or give evidence unless your wish to for any but eighteen you may be any evidence you give will be towned to writing and may be given in evidence.
- A. I do not must to make any statument.
- Q. Bo you wint to call may witnessest
- A. No ofer.

I cortify that the foreging Euroscry of Aridence, obsainting of three pages was taken does by so in the presence of the erised and that ar. (a)(a)(a)(b) and (g)(1)) have been complicat with.

\*\*A.C.Segmen\*\* In. 2/7 the same legs in the Field,

AMOUND of the Declaration of a Court of Inquiry assembled at In the Field on the lith day of December 1945, for the purpose of investigating and recording the absence, sithout leave, from his duty, and deficiency, if any, in the Ares, Ammunition, Equipments, Instruments, Regimental Messessaries, or Clathing of No. H.77476 Truoper EVENS, A.E. 2/7 Cdn Recoe Regt (17 DIRCH) DAGE.

### DECLARATION

The Court declares that No. H77496 Tyr Evern, A.E.

2/7 Can decce Reat CAOF, illegally absented bimelf without leave at Burde, Germany at 2300 hours on the 6th day of November 1945, that he is still so absent, and that on the 6th day of December he was deficient, and that he is still deficient of the colleging articles:

AM TOTAL				ART CLUB	VALUE.
Battle breas, blomes Boots simils pre Shirts angols Tromsers bettle dress Brush shoe polishing Chevrons service sets Class eliver, less Ribbon wilk GVAR Sharkets Greatenet	# 22 T T T T T T T T T T T T T T T T T T	18 0 9 9 1	D 2 2 3 3 3 3 3 3 3 5 5 5 5 5 5 5 5 5 5 5		
TOTAL	100		ha i		
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	"Lib. Zohrmon" Cont	President
igned at In the fit to Germany	*A.C.Rosowa* Is	Member
nto 12 day of Dag 1925.	MIR. Firth It	Martineer

Signature of Communiting Officer #3.F. Marchar Minorial

Gartified true copy #3.5.Theobald State | Copies |

(B.S. Theobald Copies | Copie

In lieu of MFB.375 AFB.335

#### GENTIFICATE IN ACCOMMANGE ALLO FG 2797 of AU ANY 42

I cortify that No. H. 77496 Rank Tist

Name EVER, A.S. Unit 2/7 Mades Regt (17 DYRCH) CADY surrendered himself at Paris France, at 0300 hrs Sn 23 Dec 45. - and that at the time of his arrest be was wearing (military uniform)

Signature of Provost-Barshall, Assistance Provost-Barshal or other Officer or the Commanding Officer of the portion of His Hejesty's Forces or the Officer, Barrant-Officer, or non-consistances Officer in charge of the detachment of the Canadian Provost Corps, Canadian Army, into whose customy the above margot paraon was taken on arrost.

"H.E.Gateson# (N.E.Gateson) Capt OAPN Com M.I Staff Parts

#### RAY COM RECOR REST (17 DESCRIPTION) CACE.

This is to state that I have this date reserved one copy of the Charge Sheet and one copy of the Sommary of Evidence re my furthousing trial by Court Martial.

"A.E.Evera" (A.E.Evera) Tpr a/7 Cdn Recoe Regt CAC

7 Jan 14

#### THE PROPERTY AND THE PERSONNEL AND PERSONNEL BY STREET OF STREET

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(For Daw at Trials by Field Octoral Scarta-Martiel only)

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Company C	enduct She	et 20 1	ec Apr	and date last drunk Period not reckoning towards freedom from extra fine	Sheet No.	Bignature O Company, et		Characte	or .
Place	Date of offence	Hank	Cases of drunken- ness	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispen- sing with trial	By whom awarded	Hemarks
Shilo Cam	2-9-4	1 Tpr	-	Previous shoot descriped 8-2-41 ANL from 1800 hrs.2.9.21 to 0800 hrs 3.9.41	Doguess, tary	21 days datention.	2.10.41	Applinson	Forfaiture 54 days pay ort expense
		Ter Ter Ter	(3)	Ayl from 6.7.41 to 1655 hrs 10.7.41 Ant from 2341 to 2100 hrs 25.5.41 When in lawful custody secaring	201	26 days det.	22,18,41	Maj H.S. Boblinson	For Calta 1 de pay under Fie
	1.22.62			ASE from 2130 are 20,12341 until 1030 hrs 21,12,41 AA Dec.					

		of order dispen- sing with trial	By whom awarded	Betnarks
Rannie Nam 22.5.22 Tpr   All absented himself from the troop   Document train glob nre 25 may 42 and remained Cpl. No.	vorose A.J. Pay storpage	Astron.	P. HE Couplant	Forfoits A de
absent until worrender to 21 at 1.300 minipag land toba at 1700 hrs 20 May 48	32   for cost of transportation   53.67			P52×
Debart Gams 25.7.49 Tpr   AA 500 15(1) Pailure to appear the place of parade   Dok Not empointed by his dos, Officer		107.2.44	PRIK C to Mend 1	U-901,
A Sec 15(2) As the Final Ro. 11.22 Ter Asl 0000 26.11.42 to 1230 hrs 26.1142 Occurs neglected to get pass stamped by 320 Sgt 8s	ntary 14 days FP		IA-col .	
In the Field Mo.4.43 fpr Reglect to the projectes ate Did not legt His properly alson als rifle.	guis 7 dhys Gu	22.4.43	722774177714	lor.

Place	Date of offence	Bank	Cases of	Period not reckoning towards freedom from extra fine	Sheet No. 2 Signature O.C. Company, etc. Cha				M.F.M. 6 40/P & (8528) (2965)	
			drunker:	OFFENCE	Names of Witnesses	The second secon	THE PERSON NAMED IN	Charact	ter	
the Field	10 511	Tpr		MOAS AWL from 2300 hrs 30 JUL 43		Punishment amazgus	Date of award or of order dispen- sing with trial	By whem awarded	Remarks	
				0145 hrs 13 Aug 43.	Out Reals Documentary L/Opl Kelly L/Opl Woosba	28 days FF Cabal Forf as day may & se.9.9	19 Ang 2		Forf as days fay under FR 142(1)(b) Forf 14 hays and FR 11/9(1 a) FR 5 days 142(1)(c)(1 2) Solings 35 pay 38.2.9 under 142(1)(c)(1 142(1)(c)(1)(c) 142(1)(c)(1)(c) 142(1)(c)(c)(c) 142(1)(c)(c)(c)(c)(c) 142(1)(c)(c)(c)(c)(c)(c) 142(1)(c)(c)(c)(c)(c)(c)(c) 142(1)(c)(c)(c)(c)(c)(c)(c)(c) 142(1)(c)(c)(c)(c)(c)(c)(c)(c)(c) 142(1)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c) 142(1)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c) 142(1)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)	

									***************************************	-	
	Place	Date of officers	Bank	Cases of drunken-	OFFENCE	Names of Witnessos	Punishment awarded	Date of award or of order dispen- sing with trial	By whom awarded	Bemarks	
In	the Field J	2 Cot	Tpr.	(1)	AA See AD SOAD AND TO THE PROJUDICS AND AND IN THE PROJUDICS AND	L/C Shifr L/C Symington	28 days TF	24 Oct 43	Ltrool Roberts	20 day Paj under FRET	
				-(2)	enich he sas quartered.  FOAD AA SEC 9(2) DISCONNING A LAWFUL COMMAND GIVEN BY SUPERIOR OFFICES, refused to wash the floor of the hat in shick he was quartered shen ordered to do 89.						
In	tne Field		Tyr		AA 22 men in confinement escaping AA 15(1) ANA row 1800 hre 20 Oct 43 to 2005 hre 24 Oct 43 (4 days 5 hre. 5 min Inchese arrest from 1400 hre 9 A2 to date of trial.		120 days deta Forr 12 days For Under FR61.140()		Papil	Forf 5 da 149(1)(a) 15 days pa Prw1,14 1 Ltop of pa	Forf y under )(a)(1) y of £21.

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Date of last Company Co	entry in	darr.	No of	or Company  and date last drunk  Period not reckening towards freedom from extra fine	Sheet No.	3 Signature O.C Company, etc		Characte	er
Place	Date of offence	Bank	Cases of drunken-	OFFERCE	Names of Witnesses	Punishment awarded	finte of award or of order dispen- sing with trial	By whom awarded	Ermarks
Field	19 Jun 44	Tpr		Ben 15(1) A& WOR AND from 0230 hrs 19 Jun 44 to 01/5 hrs 22 Jun 44 (2 da. 23 hrs 45 min).	Sgt Heddle e * Unwin . * Gourley	28 days EP 28 days yay	23. 2m. 44	AU JUNE	Forg SS days ay TRAI 1490 brs 3 days pa FROI,149(1)(a
Field 2	8 Hov	Tpr		On 24 Jan 45 by FGSE awarded the years deth for:- (1) two charges under A1 15(1) and (11) A4 10(4) ASL From 2230 brs 27 Nov to 1335 hrs 12 Dec 44 (Absect 14 days 15 hrs 5 mins) and ANI from 1740 hrs 15 Dec 44 to 3300 brs Dec 44 (Absect 5 days 9 hrs 20 mins) in class arrest from 1335 hrs 12 Dec 44 to 174 hrs 15 Dec 44 and from 0300 brs 21 Dec hrs 15 Dec 45 and from 0300 brs 21 Dec	Tota 99/20/1	One year data cuspended al dum entry capiel fro Darminyl (ASS)d.			Fort of d.P MASCA(m) 37 d.P.FMAI ASCA() (m)(M) MSS d.P.FMAI MSS d.P.FMAI MSS d.P.FMAI MSS d.P.FMAI MSS d.P.FMAI MSS d.P.FMAI MSS d.P.FMAI MSS d.P.FMAI MSS d.P.FMAI

Place	Date of offence	Rank	Cases of drunken- tiess	OFFENCE	Names of Witnesses	Punishment awarded	limbs of award or of order dispen- sing with trial	By whom awarded	Remarks
Field 3	D-8-45	T <sub>j</sub> T		MOAS AA Sec 15(1) ANA From 1400 bre 10 Aug 45 to 1200 hrs 18 Aug 45 (Absent: 7 days 23 hrs 20 mlus) Held in close arrest from 1200 hrs 18 Aug 4	Cid Scorr R.V.	28 days data		Wilson Dio.	Fref 28 dayspay FRMI,149(1)(0) 8 days pay FRMI 149(1)(a). 17 days pay FRMI,1 (1)(c)(11).
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Joe. Evers, AE Johnsons.

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Symn. Everson, B.

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The state of the s	TE OF EVENSON
	Accused Len 65548 8. PART I. PLEASE SCHEDULE

#### SCHEDULE.

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

Charge. (Insert "alternotive" where applicable.)	Plea. (See Instrs p 2.)	Finding. (See note below.)  See log below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
2nd			
3rd			
4th			
5th			
At present ander sonte (1. lasert sentent	orice for the being served, or de awaiting present	niete, if not applicable.  trial—a total of	See RP 46(A). Information should be found on MF 8355 or AF 8296.)  2.5. days, of which K/16 days were spent in hospital. 8355 or AF 236 admitted in evidence under 62.)
(I. See AF 40 Sentence Awarded by	the Court:	Traute	+ Altentian.
		18 5	J. 15 (Soller Ford Jones

## PART II. MINUTE WHERE CONFIRMATION RESERVED. (ALS4(3), AP 120(F), MAIL p 760.)

Commanding

Date PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE. (Far duries and powers see AA 54, 57, RP 37(D) fo 6.46(A), 51-56, 120, MAM, pp 759-761, RR Can 661-577, Acquirate's require no confirmation and connot be revised. AA 54(3). Seeding both fielding or sentence for revision by Court: AA 54(3), AR 120(G), An 12

My decision on the finding(s) and sentence set forth in Part I is

Onfirmed monum (G.S.M. Gostling) 1 2 Odn Base Rft Op Brigadier, Date 1 188 45 Confirming Officer

PART IV. PROMULGATED AND EXTRACTS TAKEN. (# 53, 62 Car Std. 577.) Dute.

265548 Agni Eveness, B. Strasus 8# 232 ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

RECORDED AT CHINQ IN AB 160, 5 C-101 FIELD GENERAL GOURT-MARTIAL CPAGE (IN 1874 167 1000 ATTACK Convened by Order office G.S.N. Gootling, ED Comd 2 CBRG. ACCUSED.

(As do the trial of two or more charged jointly new RP 16. 71, 107. As to reasons for showing (a) permanent or confirmed in the conf EVENSON 4 Cdn 3 Cds (a) Prinnt R. (b) Appmt, A/R or A Appmt. Full Christian Names. Numbe Berger PROCEEDINGS REVIEWED CA RECORD TO HE PROCEEDINGS OF TRIAL. Discipl Bary Centre . 28 MET 45 ...on (date(s) ).... RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. 25/29. Al. The President, Members, waiting Member, JA, if any, and Offrs under instr, if any, assemble, and the (PRINTED MATTER, NOT IN ITALICS FOR GUIGAINCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED OPRINTED MATTER, NOT IN TIALICS FOR QUIDARNOE, WILL BE DECETED, IF NOT USED OR APPLICABLE, AND INITIALIES, EY FEES OR IA. The Schedule referred to throughout is on b.4. Crustons do NOT include oil it relevent from Rob. for puddent on princedure when a variation is this form carees, are form for GCM in MMI, bp 741 to 759. A brief micro of such striction will be mode and given a confee being reference on exprepayate by proceeding purp mamber herein. See bock of Convening Order, CF ASS, for eachs and more on how in record admissions, evidence, set, which instrumes be breafter culture. Those of the previous for conducting the trial ten As 33, RP So. 82-70, 73, 74, 94, 103, 119, 132.) AZ. The President initials and lays before the Convening Order and Charge Shiettie attached thereto Out in satisfied that it is properly convening and continued to a state of the convening order and Charge Shiettie attached thereto Out in satisfied that it is properly convening and continued to the convening order and Charge Shiettie attached thereto Out of the Convening Order and Charge Shiettie attached the convening Order and Order attached the convening Order at The Court is eatisfied that it is properly convened and constituted, accused is (are) amenable to military law, and care each charge discloses an offence. (1. As to use of Summary of Evidence see 88° 17' fo 6. 2. AA 45, 50, 89' 105-107. 3. RP 11-13, 23, 34) A3. The Court is opened. The accused is The brought before the Court. At the bours trial commences. A4. The Prosecutor produces a Medical Continue that accused is (are) fit to undergo trial by court-marrial (\*)

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A6. The Prosecutor produce that accused is (are) fit to un Werker Do Son Comment of San Comment The desired the second of the A6. The Convening Order and names of the President and Members of the Court are read to the accused. (!)
President to accused: Do you object to be tried by me as President or by any of the Members of the Court ! (1. 8P 110. 2. If no objection, westing meanther retires. RP AS(E). If objection, see proceedure AA 51, RP 25, 71, IA, MAME p 742.) A7. The President Members, JA, if any, and Offrs under instr, if any, are sween (1) The following are the ranks, manner and units of the offrs comprising the Court, etc. 13 CBR Bu 44 Robinshoud CIC President Captain IDCAR Bu \*gantier Member housement Member Judge-Advocate I wik Hubert Reg de Chand 10 COR Bu neut man Decameration Questions by President: Is the Prosecutor a lawyer ( Ans MG. Is the Defending Office Lawyer ( Ans. M.C. (\*) Defending Offr 11. 89 26. 27, 109. (1). Use of offer under limit will be returned separately with proceedings the information of Case Offer 12. If From a lawyer and Cell Cells and, accounted in articled in an adjournment when RF 85 (8) and (5: 2 were not followed. See Cell § 3.) AS. The accused 65548 Signar Berger EVELSEN before accompanient makers (see) (s) plea 66 (1. If a special pint is made for separates artist as see at more charges (AF \$25C). SORE, or as as the providence of the Court 1997 BA. 125A. 125E, as in but of bottom 1997 BA. is as a second providence of the court of the co At The accused is (key) arraigned Temperately; on all charges in the charge short. The accused does Idea Co. any charge Short. The Prondent accords the 2 Part I of the beliefule.
(2) 89 31, 12. See part I of leaten a 2. When more than one Overgo those one 30 62; when foreign exceed a second proceedings.
(3) 89 31, 12. See part I of leaten a 2. When more than one Overgo those one 30 62; when it is considered as a second proceedings.
(4) 80 10; (5) 10 10; (6) 10; (7) 10; (8) 10; (7) 10; (8) 10; (9) 10; (10 not object to may charge (\*) The phone in Part I of the Embedule. A10. The Court is closed and) committees the Instra on Procedure after Arrangonous at top of y. The proseedings are systimaed on Record Form 😇 🐉 PRESIDENT OR IA WILL INITIAL ALL DELETIONS AND SCHERATIONS 25 RRG Udy R GC

, 2 ...

2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective

- 1. If pleas to all charges are GUILTY, use Record Form B below.
- II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
- III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
  - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C
  - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p 744 Instrs (2).

3. As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 91, 92; successing and withdrawal of witnesses from Court see RP 81, 82; questioning accused see RP 80, 87(C), 92(B), and of witnesses the RP 83.85; calling or re-calling accused see RP 83.86; calling or re-calling accused see RP 83.86; and see RP 83.86; calling or re-calling accused see RP 8 see RP 17(E) fa 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

## RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(\$)(\*), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(\$), present the sentence of the charge (\$), present to the charge (\$), present the sentence of t

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused! The Court will now receive any statement you desire to make in reference to the charge(s).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(1), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(1), we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be swed in evidence against you after you change your plea. It, however, it appears to the Court that your statement in evidence against you of the property of will be given an opportunity later to prove your statement by sworn testimony, if you so desire (\*)

President to accused: Do you wish to make a statement ? Ans ... (1. RF 27(E). 2. RF 27(D) in 6. 1. RF 35(B) in 5 pare 3. MML p 54 pare 47. 4. See pure E3 of Record Form E. Siusement. H day, recorded par Notes.)

B3 No Rober combines the secured a statement (1) See Hourt decides (not) to advise secured to charge his the (they please of Guilty to New Guilty on sparge(s). The secured to large so informed, and to strong (

shange(s) his (their pleas) set charge(s). Pars I of the Schedule is amended accordingly of the Court may be found to contriber the streament. Delete whole so part not used.)

B4. On the charge(s) to which the plea(s) of Guilty is (are) not changed the President records finding(s) of Guilty in Part I of the Schedule.(1)

(1. 88 15(8). If any plea(s) is (are) changed, use Record Force C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. (initialled and read aloud by the President.(1)

(i) If there is no formestry, or if it is independent comply with 89-37(8). If there is no evidence incommutate with any place standing as fourty. Court will drive accessed to though such place and, if changed to bist Guilty, try such charge(s) by vise if parest OI to D6 inclusive of Faccard form D on p 3. 89-37(D).)

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

#### RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(\*)

C2. The charges on which accound plended GUILLY zero read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above D. (). Under 85 soil parts only of one learninger Evidence are read as relots to the charges dealt with under C2. If my place is charged to Nex Guilly, trial thereon sequentile is sampling with parts D1 to D8 inclusive in Report Form D as y 2 and making an appropriate record thereof on a paperelli sheet.)

The account having been found Guilty on one or more of the charges, the proceedings are concluded by using

\* Fin here Loome Sheets of Record. RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules ting to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ? Aus......

(i, If "yes", see RF 39(A) for procedure. Sustement or evidence, if any, is recorded per Notes.)

D2. The Pro

F . . . . . . . . .

The Prosecutor makes (an) (no) opening address.(1) (f. NF 39(b), 60(a), (b), 90, 92(c) (D). Record address per Notes, subject to RF 95(C).)

D3. The evidence for the Prosecution is taken.(1)
(1. RP 39(C), 114, KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)

D4. The Prosecution is closed,(i) The Defending Offr submits that the evidence for the Prosecution does not charge(s).(3) The Court establish a prima facie case against the accused on the is closed, and considers the submission. (\*) The Court is re-opened, and the President announces that the submission

charge(s), and allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on the latter charge(s).(4)

(1. Delete remainder of this pore, if submission not mode.

2. Arguments on submission, conver and reply are recorded per Notes.

3. RP 40 fo 1 See MML 5 72 borns 12-14 and p 81 pore 42.

4. Delete part not used. If accused acquitted no all thorses, are second alternative in pore 58.

18 If trial proceeds, accused must be allowed great lostude in making his defence, and the Court should not stop his defence polesy on ground of irrelevance.

(RP 60(C), 1/4, 3/5.)

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both; in which case you will be subject to cross-examination. (f)
You may, however, make a statement webcaut being sweers, and you will not be subject to cross-examination (f)
But a statement which sould have been made an oath will not carry with the Court the same weight as sworn testimony. (f)
You may call witnesses in your defence and as (o character, whether you give evidence or make a statement or do neither.

President to accussed: Do you wish to give evidence yourself as a witness, make a statement, or do neither ! ... Do you intend to call witnesses on your behalf ! (i. RF 115. 2. RF 40(A) see BO(D). 2. RF 40 (n 10. 4. RF 40 (n 2.9.)

D6. Consequent on the priswers recorded in para D5 the appropriate procedure for the defence is followed.(1)
(1. AF 114, 115, 116, For procedure as Notes on back of Convening Order, CF AF5. Evidence for accused as to his
character bound, if in high interests, be given before the finding. See RF 46(A) in 1, 86(C). Note the factors apportunity in para E1
of Record form E. Record per Notes addresses, statement, evidence and any summing up by the JR under RF 42, 103(c).

D7. The Court is closed to consider the finding(s).(2) The finding(s) of the Court is (are) recorded in Part I of the Schedule. (1) The Court is re-opened.
(1. 89.4), 117(8). See Notes in Part I of Schedule. 2. 89 44(8).)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the charge(s), being subject to confirmation, will be promulgated later (\*)

Or, The President announces that the accused is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Fart 1 of the Schedule is dated and signed.(\*)

(i) As 34(3), 16), 87 45, 172. As 54(3), 87 45, 177. This sitemative accordances is not opplicable when there are provided in the control of the Schedule in the state of the state

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

Record Form E below.

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(1) 100

(). If evidence has already been given by accused or his witnesses as to his character, delete this pairs. AF 37(C) fo 4, 46 fo 5.
Accused and witnesses any awars. Evidence incarded per history.

E2. The Prosecutor produces Statements) as to Character and Particulars of Service(1), and certified true copy (beyon) of Conduct Sheet(s)(\*), purporting to refer to the accused, which he submits to the Defending Offr for CC examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 16000 (g) (h), and (ii) they purport to refer to (a) addition (b) admitted in the manner required by AA 16000 (g) (h) and (ii) they purport to refer to (a) soldier(s) having the same number, rank, name and corps as the accused. Admitted in evidence and Co

E3. President to accused: Do you wish to address the Court on the Statementals and Conduct Sheetigh and in the mitigation of punishament E(\*). Ats.
(1. AF 2000). 4m(D). 2. Address if any, recorded per Notes. Court should permit account or his witnesses to prove or sigh anything here are previously stated which would offers the amount of punishment. AP 20(2) to 1)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the proceedings in open court are accordingly terminated. (\*)

(). As Yes, SF (20,4)

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

The socused, L-65548 Sigmn Berger
Ath Gen Armed Div Bignels, strashed to 1 Odn Disciplingry Centre, a soldier of the Camadian Army Overseas, is charged with: WIN ON ACTIVE SPRVICE
ABSENTING HIMSELF WITHOUT
LEAVE
in that he
In the Field, in EMEGIUM absented himself without leave
from 2550 hrs 24 Oct 1044 until 2100 hrs 5 Feb 45.
(Mosent 105 days 21 hrs) pingr CHAROR See 15 (1) Apoy Set (h 0 Hod) Li-nol co 1 Odn Disciplina To be tried by Field Comprel Court-Martiel montellen In the Pield 24 Meb 45



### FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may an application to him be convaned by any affr of Cdn Army Overseas, or of any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authy. A 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see MML Chap Y paras 20 and 23, RP 87(b).

There should be a separate Cannening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets see RP 61, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appint, A/rank or A/appint, If any, see AA 182, 183, Ins. KR Can 308, 328, 330.)

#### ACCUSED.

Full Christian Names. (a) Prmnt B. (b) Appmt, A/R or A/Appmt.

Surname

Unit

1-65548

. 1,

51gmn

Berger

EVENBON

4 CdnArmd Div Sigs att 1 Can Disciplinary Centre

#### CONVENING ORDER.

I. Whereas complaint has been made to me, the undersigned, that the persons mamed above as the accused, being subject to military law, has (have) committed the offencess) set forth in the Charge Sheris statched and on ideals. So Feb #5 endorsed by me, (or by an oils of my staff for me). To be tried by Field General Court. Martial '

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordinary General Court-Martial; (and that it is not practicable to delay the trial for reference to a superior qualified offr;)
(Delete part in brockets when not required for compliance with RP 105(C).)

I hereby convene a Field General Court-Martial to try the said personist, and to consist of the Offre appointed or detailed hereunder.

4. I am unable to appoint (a) three Offrs to form the Court, (b) a Fd Offr as President, for the resource is ttached inreto (AA 49, RF 106(E), 107(A). Delete the whole or port, if not applicable.)

5. I also appoint as Judge-Advocate thereat the Offer mentioned bereunder (80 100(E). Delete, if some appointed.)

PRESIDENT

Major

Port Onew (Must be named. RF /06.)

MEMBERS.

Captain

to be detailed by OC 13 CBR Bn

13 CB Bn

Licutenant

to be detailed by OC 10 CBR Bm

10 CBR Bm

(Nank.)

(Named or detailed. RP (G6.)

WAITING MEMBER

(Named or detailed, if any. RP 106.)

JUDGE-ADVOCATE

On Active Service in the Fd

BELGIUM (Country.)

Det 26 Feb 45

Brigadier

dostling)

2 Odn Base Rft Gp

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A WAR IN THE STREET STATE

(See averled for with our motes for use on trief.)

I certify that I have this lay exemined \$ 655.48.

EVENSON B SIGMN.

fit to undergo trill by Court-Martial.

Station Chila Vine links

Date. 24 /4/19

/ e din C.

(MR(Con) Part 597) (CMR, CL 173)

Summery of Evidence in the case of L-65548 Simun Berger KVENSON, 6th Gdn Armd Div Signels, attached to 1 Gdn Disciplinary Centre, a soldier of the Canadian Army Oversess.

Charge - Misence without leave.

By directions of the CO the evidence is taken on oath.

The following documents are read over to the scaused, marked as Exhibits and are attended to the proceedings.

Exhibit "A" - True copy of Ft II Order No 8 deted 19 Feb 45.

Exhibit "B" - Certificate of Surrender dated 5 Feb 45.

on acth? You ere not obliged to say supthing or give evidence or acth? You ere not obliged to say supthing or give evidence unless you wish to do so but whenever you say or any evidence you give will be taken down in writing end may be given in evidence.

A I have nothing to may.

The accused does not call may witness.

I spraify that the foregoing Summary of Evidence consisting of one page was taken down by me in the presence of the accused and that RF4(0) (D) (E) (F) and (G) have been complied with.

Officer detailed to take Summary of Evidence.

Deted in the Field 24 Peb 45 White for And Captain

Last Order 10 7 17 FEB 45

4 CANADIAN AR CORED DIVISIONAL SIGNALS
PART II Ordoro issued by
CANADIAN SECTION 2nd MCHELOR HEAD WARTERS
21 ART WERGUE

No 8 19 FTB 45

(a) AUL from 2509 hrs 24 007 44 until apprehended at 2100 hrs 5 PES 45

2 STEENED DECREASE (a) Acondisent - Part II Order to 48 para 10(a) of 5 MCV to insofur as it somewhat the

ment outer for Officer IC

EVENSON B. survendered himself to No.7667187 ..... Rank. Set. .... Mame. HIGHAM T. at 20.30 ... hrs on ... 5th. Feb 45, ..... as a Guenter or absorter without loss

Uniform

He was dressed in TAKET CLASSING

Lt. J. BLENKHARN

Officer Community

Date. 5th. Feb. 45.

COMMANDING 120 PROVOST COY, G.M.C.

CORPS OF MILITARY POLICE

- 1. If the surrender was made to on CE, tide certificate MET be signed personally HIS Correnting Officer. 2. If the surender was made to an officer, this cortificate may be signed sixtor
- that officer or by his Community officer. 3. In no circumstances may it be signed by one officer for another, or by again
- the does not hold commissioned rank. A.In as circumstaneous should the place of surrender be described as 'In the Medd's. The actual place of murender should be stated, or if difficulty is experiment in describing the place, the map reference should be given.

ARMY FORM B.296 (WAR).

## ement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

Number.	Rank.	Name.	Regiment (or as the case may be).
	SIGMN	EVENSON B.	
NOTE The Field anduct Sheet is to be enduced in Court with	1. The too	following is a fair and true summed, exclusive of convictions by a c	mary of the entries in the Field Conduct Sheet court martial or a civil court :
his statement but is not be annoted to the pro- cedings. The numbers arrio stated should cover		For A A Sec 40	_One_ times.
warran in the Field Con-		For A A Sec 15 (1)	
ned Sheet, prominence eing given to the most group offence in each stry. If the charge is for		For	times.
eithout leave, the suices		For	times.
s the case may be, some	Date of first	t entry in Field Conduct Sheet	
regularity or distinguished number recorded on the Fall Conduct Short should sho be inverted bern.	Date of last	t entry in Field Conduct Sheet	
	2. Prov	vious convictions of the accused b	by a court spartial or a civil court are set out
	in the Scho	edulg overheaf.	4/0
*Station cut If and	*3. The	accused at the present time is un	ider sentence pa
applicable.	A consideration of	on the	day of
	4. The	accused has been awaiting trial.	on the present charges for Nr.
	days in c	and the said for	TY For days in minimity contrasts were
		days in open arrest,	days in close arress, or
	which	N/L days were spent i	in hospital.
	6 Th	ne present age of the accused is	2748.4005.
		attestatio	OD / PT H PS -7 /
		he date of his calling up to milit	Lary service
	1. Th	he service which the accused is all	lowed to reck in is.
tituis the military	8. TI	e accused is in possession of!	CVSM WHA CLASP.
determines (0 avr) held by account.	9. (1)	i the accused is a warrant officer or	N.C.O.). The accused has served continuously.
	without r.	reduction, to the present date-	Date of Promusion.
		In the substantive rank of _	
		In the war substantive rank	
		In the acting rank of	
			r in any of the above paragraphs cannot be stated nental books the paragraph must be struck through

# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

CHEDOLO			Punishment remitted or sentence suspended.		
Place of Trial.	Charges upon which convicted	Sentence of the Court.	sentence suspendent		
			to the later		
	Dure and Flace of Trial.	et Tral	Date and Charges upon which convicted Sentence of the Court.		

I HEREBY CERTIFY of my knowledge and britef. Signed this 24th

day of Feb 45

Admin. Offic. 1 Cdn Disch hary Centre

d)

#### LIST OF WISNESSES

N/M

#### LIOT OF EXHIBITS

True copy of Pt II Order No 8 dated 19 Pab 45 ha

1, L-65548 Signm EVENSON B hereby certify that I have received one (1) sopy of charge shee t and one (1) copy of Summery of Evidence free of sherre on 24 Pabruary 1945

1 Poerson STANSON B

# O. H. M. S.

Jos Printe O hor

### Form for Assembly and Proceedings of Field General Court Martial on Active Service.

## PROCEEDINGS.

On Active Service, this NINTE

NOVEMBER

. 1042

Whereas it appears to me, the undersigned, an officer in Command of 6th Canadian Infantry Brigade

, on active service, that the persons named in the annexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned.

such offences should be tried by an ordinary General Court Martial; \*XXXXX COURCEANNE CONTROL CONTROL NEW YEAR AND CONTROL OF THE CONTROL OF T OMERNANA AND BANKS BANKS AREAS.

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers hereunder named.

миниродилося адериностиную.

\* (XXXX xbindex Ritidex & Residex & X

NAMES OF STREET

In my opinion military exigencies, namely the dispersion of in my opinion military exigencies, namely the dispersion of units and difficulties of communication and other difficulties render it inexpedient to observe the provisions of those rules inconsistent with Appendix "A" to D.R.O. 772 on the trial of the person named in the annexed schedule,

President Rank Name. Regiment Kajor N.H. Ross Camerons of C Members Rank Name Regiment. Capt C. Fritz Lieut S Sask B fficers under Instruction J.A. Lefebyre Fus M B Lieut A.H. Stephenson J.B. Nesbitt Lieut S Saak B S SEEK R \*Signed (Hell Commanding 6 Gdn, Inf. Bde. Brig. Convening Officer.

discipline, in that he, in the field, at 0750 hrs on 2 Nov 42 aid negligently handle a rifle in such a panner as to cause it to discharge and wound B-73884 Cpl. Eartin, C.E.

A.A. Bec 40.

DETENTION, DENFONCES TO ChibERGO 115 DAYS

\* Ser (b) on p M.M.L.

\* Question to be asked of accused, if he pleads not guilty (R. of P. 39 (A)):—
"Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been privateed thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?"

Asswer the he sounded on separate sheet if moreovery.

Scots)

(R.A. Young), Brig, Commander 6 Can Inf Bde.

Consense Officer (c)

(4) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.
(b) Unders unavoidable, not more than three names are to be entered on one form and in serious

cases one only.

(c) Recommendation to mercy, if any, to be inserted in this column.

(d) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient. (c) Must be signed by the same Officer who signs up the first page, and all alterations in the first two columns of the Schedule to be unitalled by hom.

and Charles	the Schedule, and that the ple	court assembled on the Pik.  B. and duly tried the persons named in Carificate President proceeding and sentence in the case proceeding ated in the third and fourth columns
if if not	2. The witnes *(3. The interp	
	Signed this 9*	day of November 1942 President of the Court Martial.
footnote age 762 1909	I certify that the terms complied with.	of *A.C.J. 570 of 1918 have been C.  Gertificate case of dec.
	Signed this	day of 19 . neutricon
		President of the Court Martial.
	stated in the last column of	the Schedule, and, subject to what Coefficiant by confirm the above findings and
qualitied		e-named in the margin be not con. And
er inn- t having fed, the	metted to prison until further	, ,
to come on, or, à	Signed this 70	Harris Bu
		Confirming Officer.
		ase of BS2 312 PE FURSON TE
hated).	10 Nov 42.	(Signed) Attacks Coft 8 C
omulg	ated and extracts taken in the c	ase of
hated)		(Signed)
omulg	ated and extracts taken in the c	ase of

(a) When several cases are promulgated in one unit on the same day the Officer need only sign once.

FUSILIERS MONT ROYAL, . C.A. (0) MEDICAL HISPECTION I hereby certify that I have examined Restil No 8.52 3 /2 ..... Rank F/E offine Leath Name Erreson, A. S. this morning and that I have found his mentally and physically PIT to undergo trial by F.G.C.M. James Saint Vity aff Sections Officer Fus. M.R. Place On the Field. D. Horas Date 9 Hov. Ar

#### CHARGE SHEET

B.2.

The accused, B-52312 Pte EDWARD JAMES EVERSON, HQ 6 Odn Inf Bde Def Pl (Lorne Scots), a soldier of the Canadian Army Overseas, is charged with:

A.A. Sec 40

While on Active Service, neglect to the prejudice of good order and military discipline in that he, in the field, at 0750 hrs on 2 Nov 42, did negligently handle a rifle in such a manner as to cause it to discharge and wound B-73664 Cpl Martin, C.E.

(E.J. Morris), Lieut., Officer Commanding, Der Pl (Lorne Scots), HQ 6 Cdn. Inf. Ede.

In the Field 3 Nov 42

To be tried by F.G.C.M.

9 Nov 42

H.A. Poung), Brig, Comd. 6 Cdn Inf Bde.

M. Hy mois.

\*All printed mat ter not applicable to the particula Court being hel

#### A

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

Proceedings of a Court-Martial held at he The Freed on the 9 day of hovember 19 42 by order of Brig. H. a. your & Commanding & Can - Ing dated the g Caday of housemble 19 K2 Commanding 6 Can Inf. Bde.

> President. major n. H. Roso Camerono of

Capt. C. Firity D. Rask. R. East J. a. Lefebre Two. m. R.

Trial of \$ B52312 Pt Edward James Everson, Louis Desto

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

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

, waiting member takes his place as a member of the Court-

The Court satisfy themselves as provided by Rules of Procedure 22

The accused is brought before the Court.

Prosecutor, t Capt. D. F. Llach Dr. Fus.

Counsell or defending officert Lieut a. Klarno. R.C.a.

At/5/0 o'clock the Trial commences.

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

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

President to the necessed

Do you object to be tried by me as President, or by any of the officers

Answer by

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

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

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

The following officers under instruction are duly sworn.

LIEUT. A. H. STEPHENSON S. SASK. R. J. R. NESBIT S. SASK. R. J. W. BRYERS H. G. G. G. L. L. L. BDE

### Charge-Sheet

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

Instruction. the accused has elected to Army Act, sec. 46 (8) the fact should be

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

Nor. GULTY

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

Not GULTY.

Anguler.

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

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

N.A.

Answer.

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

NA

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

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

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

£ ....

## Proceedings on Plea of Not Guilty

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

Answer

The prosecutor makes an opening address thands in a written address, which is read, marked , signed by the President, and attached to

The prosecutor proceeds to call witnesses.

First witness prosecution. L-12776 L/G Smitzler L.W. H.w. & Gdm.Inf. Ede, Def. Pl. (Lorne Scots).

being duly sworn, is examined by the prosecutor.

sugstion 1.

Do you racognize the acquaed?

Answer 1.

Yes Sir, that's him there, (pointing)

wurstion 2.

where were you at about 0750 hrs Hov. 2 nd 4c.?

Answer 2.

at about 0700 hrs on 2 Nov. 42,1 was in my fast preparing for sick parade and 1 noticed 8-balk Pts. Everson, 5.7. clean-ting his rifle had removed the boil and was drawing the "pall through" through the barrel of his rifle saveral these as then replaced the boil, closed it and immediately following this is sharn sand and saw his rifle discharge. Op. Martin who sleeps on the caposite wide of the nut from me, originally following this is caposite wide of the nut from me, originally and I saw that he had ittle finger was nanging by the flesh.

were there other sen in the but at that thee?

Angwer Mo.J.

Yes sir.

question No.4.

Were the materity of the men usually oscupying the hut there at that time?

Answer No.4.

Mo.Sir.

ques. b.

What were those in the hut doing at that time,

Ans. 5.

waiting to go on sick parade.

ques. G.

Was there anyone else with a rifle left there.

ABS. 0

No. Sir Pte. Everson was the only one.

Cross quastioned by the defence .

Ques. 1.

Has every man in the defence platoon a rifle.

Ans. 1.

I den't say bir, I just returned from hospital the day before.

Ques. 2.

what is the practice regards inspecting rifles after coming off guard.

4ns. 4.

There is an order to that effect.

Ones. 3.

How was the rifle pointing.

Aps. 3.

It appeared to be pointing at the floor, I would may it was pointing down.

AGES. 4.

dow far from the accused were you.

ADS. 4.

about one foot.

and witness for the prodution.

B-61944 Pte. Broahu, G.G. H.Q. 6 Gan. Inf. Def. Pl. (Lorne Scots)

being duly sworn is examined by the prosecutor.

Ques. 1.

Do you recognize the accused.

Ans. 1.

Yes Sir, thats him there.

ques. A.

Will you tell the court about what you know about this affair.

at about 0750 brs. on 2 Boy 42, I was sitting on the bed tying my show laces. I heard a loud report and felt a blast spainst my face when I looked up I heard Cpl. Fartin grosn and hold his side I also saw the ascused Pte. Everson, E.J. standing motion—less on the opposite side of the but with a rifle in his band. he seemed quite dazed.

wues. 3.

You heard a shot and then saw Pte, Everson.

Ins wir.

400B. 4.

What parade were you preparing for.

Ans. 4.

Staff Puptain's inspection, Sir.

Ques. 5.

Could you see anyone else cleaning their rifle at that time.

Ans. b.

No bir, the light was bad and I gouldn't see very well.

3rd witness for the prosecution.

D-52097 Pte. Vilneff. A.L. H.Q. 5 Cdn. Inf. Def. Pl. (Lorne Scots)

being duly sworn is examined by the prosecutor.

.ues. 1.

Do you recognize the accused.

ans. 1.

Yes Bir, thats bim there.

Q 20 E. A.

Will you tell in your own works just what happened at 0750 hrs. on 2 Nov 42.

Ans. E.

Ans. 2.

at about 0750 hrs. on 2 Nov 42, I was sweeping the idoor of my hut I saw Pte, Syerson cleaning his raftle he was drawing a pall through the barrel of his riftle, about a minute or so later I heard a laud report and Cpl. Martin cry out. He was bent over and belding his left side, I ran to him and noticed that the little finger of his right hand was hanging by the flesh, I notice Pte. Syerson at and appeared to be dazed, I helped Cpl, Martin out of the hut to a truck. Gross questioned by the defence.

wues. 1.

How was the light in the but at that time.

ans, 1,

Very bad, Sir. The only light in the hut was a hurrione lamp on the table in the center of the but about 16 feet from Fte. Everson there was very little if any light from the windows.

How far from Pte. Everson were you at the time of the discharge of the rifle. 4ns. E.

About to seet Sir.

The prosecution is closed.

#### Defence

Question to the accused.

Do you apply to give evidence yourself as a witness?

Answer

Ves.

Question

Do you intend to call any other witness in your defence?

Anesser

YES.

Question.

Is he a witness as to character only? Answer. No.

#### INSTRUCTIONS TO THE COURT

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

(Where any evidence is given for the defence.)

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

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

Question to the occused.

Have you anything to say in your defence?

Anainer.

The accused in his despice says?

[Hands in a wroten andress which is read, marked signed by the President and attached to the proceedings.]

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

lst witness.

Accused B-52312 Pts. Everson, J.E. H.Q. 6 Cdn. Inf. Ede. Def. Pl. (Lorme Scotts)

ques. 1.

what is your age.

Ans. 1.

20 years Sir.

Ques. 2.

How long have you been at Bde. H.Q.

One week.

Ques. 3.

Before that.

Ans. 3.

at Holding Unit.

Ques. 4.

When did you arrive in England.

ans. 4.

In april 1942.

wues. D.

Tell in your own words what you did after duty on Daturday, also Sunday and Monday.

I did my last tour of duty on Saturday and went to my hut and cleaned my rifle. I took five rounds out by opening and closing the bolt and put my ammunition in my bavershade. On Sunday I was on kitchen fatigue all day and did not touch my rifle On Monday on kitchen fatigue all day and did not touch my rifle On monday before parade I removed the bolt, cleaned the barrel, returned the bolt, pressed the trigger, heared the report followed by a dry from bolt, pressed the trigger, heared the report followed by a dry from L/Opl. Martin.

Just what did you do Saturday to remove the ammunition from your rifle.

I used the bolt to reject the rounds and five rounds came out.

I then worked the bolt back and forth and then put the five rounds in my baversack.

Sunday you may you mere in the kitchen all day. Pid you touch your rifle that day.

Instruction. The evidence of the witnesses for the de-fence, includ-ing that of the accused, if he is a witness, here in the they give eviAns. 7.

No Sir.

Ques. 8.

What was the light like in the but Monday morning.

Ans. 8.

wuite poor.

Ques. 9.

here there many people in the hut, at that time.

Ans. 9.

Six or seven.

Quee. 10.

When you picked up the rifle on Monday, what action did you take.

Spec. 10.

I picked up my rifle and faceing the foot of my bed held the rifle pointing to the floor and pulled back the bolt.

Ques. 11.

Did any rounds come out.

Ans. 11.

No Sir.

% De S. 12.

Bid you look through the rifle barrel.

Ans.

No Sir.

\*ues. 13

What experience have you had in bandling a rifle with live assumition.

Ang. 13.

Only parade square drill. I was on the ranges only once since arriving in England in April.

Quen. 14.

Is there any other light you can through on this affair.

ADS. 14.

No Sir.

Wdes. 16.

Here you satisfied the rifle was not loaded at 5 p.m. on Saturday .

ADS. 15.

Yes Sir.

Grossed questioned by the prosecution.

wass. 1.

You have been on a rifle range.

Ans. 1.

Yes Sig.

```
ques. L.
What preliminary training have you had.
Ans. E.
The only training I've had was aiming at discs indoors.
40es. 3.
Have you ever done the standing load.
Ane. S.
No Sir. The first drill I've is since I came to England.
4ues. 4.
Have you not been taught to point your rifle up.
ADB. 4.
Tes Sir.
Ques. 5.
You say the rifle was unloaded.
Ans. b.
Fes Sir.
Ques. o.
How did you know.
ADE. O.
I put five rounds in and took five out.
wues. 7.
How did you get the amunition,
Ans. 7.
 I took the rounds out of the Bren box.
 Que 8. 8.
 Did you count the rounds.
 Ans. 8.
No. Bir.
 WDes. 9.
 You did not sount the rounds you put in so couldn't it be possible you put in six or seven instead of five.
 ADE. 9.
 Yes Sir, its possible.
 and witness for the defence.
 Lieut. E. Morris
 H.Q. 6 Can. Inf. Bds. Def. Pl. (Lorne Sonts.)
 maying been duly sworn is exemined by the defence.
 wues. 1.
```

was Pte. Everson on strength on 2 Nov 42.

Yes, Bir.

AUB. 1.

Que 8 . 2.

Has every man in the defence 21. a rifle.

Ans. E.

No Sir. Some are away at Ordanance being repaired.

Ques. 5.

what does a man do to get a rifle when he has to go on guard.

Ans. 3.

He borrows one.

Ques. 4.

Is there a lineman in the buts.

Ans. 4.

No Sir.

Ques. 6.

Can anyone enter the buts at any time.

ans. 6.

Yes Sir.

Ques. 6.

How rounds of ammunition is a man issued with.

ans. 0.

50 rounds.

Ques. 7.

What are the orders in regards loaded rifles when the guard comes off duty.

Ans. 7.

a man will unload rifle before going into the but and report to the guard Commander.

wues. 8.

Here these orders given to Pte, Averson,

Ans. 6.

I can't say Sir.

wues. 9.

You have examined the bullet in the walls of the but and in your opinion at what riffs angle would the rifle be at the time it was fired.

ADB. 9.

The meisson but at the point where the bullet hit the wall in a double wall and the angle is parrelled to the ground, about water bigh.

Ques. 10.

Did you examine the rifle after the accident.

Ans. 10.

Yes Sir and found it in good condition.

Ques. 11.

If there were a round in the magazine could the barrel be pulled through without disturbing the round.

Ans. 11.

Yes Sir.

3rd witness for the defence D-51416 L/ Cpl. Gordon, 0.E. H.Q. 5 Cdn. Inf. Bde. Def. Pl. (Lorne Scots)

Having been duly sworn is examined by the defence .

wues. 1.

You were guard Commander Saturday 31 Oct 41.

ans. 1.

Yes Sir.

41188. E.

was Pte. Everson a member of the guard.

ABS. Sir.

Ques. 3.

anat orders was he given before he went on guard.

Ans. 3.

I ordered him to go on guard.

Que E. 4.

Did you inspect his rifle on the conclusion his guard duties.

ABB.

No. Sir.

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

# Finding\*

The Court is closed for the consideration of the finding.

The Court find that the accused

BULLTY.

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

Evidence of character, &c.

Question by the President.

# Proceedings on Conviction before Sentence

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

Capt- & & Llach Brosenta is duly sworn.

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

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

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

Question.

Have you compared the contents of the above statement with the regimental books? Answer. > 5

Question.

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

Institutional Pt y reason of the motion of the second or a depart of the motional in a depart of the attended in the attended in the attended in the Court opening has been able to that to be attended by the Court of another in the Court of the Court of

Question to the accused.

Cross-examined by the accused.

Do you wish to address the Court? Answer. 165

The Court is closed for the consideration of the sentence.

Sentence
The Court sentence the accused 115 days determine

Nov 8/42 I should like to have lient A Kearns represent me at the trial Signed Ed Everson Brit 88 money

F.G.C.E. 852312 Pte Everson, J.E.

Witnesses for the prosecution:

- 1 L12776 L/Cpl Snitzler, L.W. H Q 6 Cdn Inf Bde Def Pl (Lorne Scots)
- 2 D61944 Pte Brochu, G.G. H Q 6 Can Inf Bde Def Pl (Lorne Scots)
- 3 B52097 Pte Vilneff, A.L. H Q 6 Cdn Inf Bde Def Pl (Lorne Scots)

or replace

i hereby CERTIFY that I have received the following documents; I copy-Charge Sheet.

I copy- Summary of Evidence.

Nov. 7 42

Signed E Serverson, E.J.

B52312.Pte.Everson, E.J.

H.Q.6 Odn. Inf. Bde.Def.Pl.

(Lorne Scots)

	NcB52312 NameEverson, E.J. Sqn.Battery.  Oate of last entry in  Oate of last entry in  Of last drunk  Of last drunk  Of last drunk					Date of enlistment 4-11-41 G.C. Service or Proficiency Pay: Sheet No. Company, stc.:  Character			M.F.M. 6 (A.F.B.121) septi — 8.31 (1763) H.Q. 1777-45-18	
	Company Cor	Date of offence	Auri	Cares of drunken-	OHENCE	Names of Witnesses	Puncturent swerded	Date of award or or order disper- sing with trial	By whom awarded	Kemerks
		offence		718.55	5 Dec 41				J Bradley	Capt.
	Toronto			-						
		-			see of #23 (b) TC 4 - 8 - 42					
	Δ	ttach	ed to	A-1	I. (A)T.C. from B.T.C. 23, effect	tive 5 Feb 4	2 D.O. Part	II No.	33	
Ca	mp Border	V V S S S S S S S S S S S S S S S S S S			No entries S.O.S. A-11 I(A)T.C 5 April 1				E. Sinclaiz	Major
							2 Ave forf pe	v 4 Jun	42 LT.Col F	.W. Frost
(	Jove 3	1Mey4	2 Pte		roas AWL from 2400 hrs 31 May 42 to 1740 hrs 2 Jun 42 total absence 41 hrs 40 mins. A.A. 15(1)	e nondow	2 dys forf pe 3 dys add for of pey	1		
-	Sheffield Park	4Jun4	P Pte			Documentary	6 days pay 5 days C.B.			Forf 2 dy

AA Sec 15(1) AML from 2400 hrs 4 Cpl Young 12 days stop- 8/10/42 Me jor forf 01 149(1)3	
Pield 4   15 mine A.A. 15(1)   punishment.   punishment.   2 days   2 days   2 days   4 days   5 days   6 days	
AA Sec 15(1) ANL from 2400 hrs 4 Cpl Young 12 days stop- 8/10/42 Me jor forf 01 149(1)3	attomatie
Absent 1 day 12 nours	m).
Gertified True Copy. (2.3. Norris) Lieut., (2.3. Norris) Lieut., (2.3. Norris) Lieut., (2.3. Norris)	

#### STATEMENT OF CHARACTER AND PARTICULARS OF SERVICE OF THE ACCUSED

(To be dated and signed as of date of trial).

No. B-52312	MARIE EDWARD JAKES	EVERDON	ONII	(Lorne Scots)	ar bde
AGE 20	MARRIED OR SINGLE	Single	NO, OF DI	PENDENTS none	
DATE OF ATTI	ESTATION Nov. 4	1941			
NO, OF DAYS	SPENT IN CLOSE AR	REST (TO DA	TE OF TRIAL)		
CIVIL	MILITARY	2н	OSPITAL	TOTAL	
DATES OF PRO	OMOTIONS? APPOITHE	NTS AND CON	FIRMATION OF	RANK, IF ANY	
		NIL			THE PERSON NAMED IN
A CERTIFIED	TRUE COPY OF M.F.	M. <u>6</u> MUST A	GCOMPANY THI	B FORM	
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118 4 089	of how 1942				

C) n. H. BB. in

SUMMARY OF EVIDENCE

In the case of B-52312 Ptc. Everson, E.J., H.Q. 6 Cdn Inf Ede Def Pl(Lorne Scots).

Charged 2 Nov 42., in the field, England, under Sec 40 A.A. WOAB, neglect to the prejudice of good order and military discipline in that he, at 0750 hrs 2 Nov 42.,did negligently handle his rirle in such manner as to cause it to discharge and wound B-73884 Opl. Martin, C.E.

The Bde domd has directed that the evidence be taken under oath.

### PIRST WITHEAS

L-12776 L/Gpl. Snitzler, L.W. R.Q. 6 Cdn Inr Ede Der Pl (Lorme Scots), having been only sworn states:

At about 6750 hrs on 2 Nev 62, I was in my but preparing for parade and I noticed B-88312 Ptc. Everson, E.J., cleaning his rifle. He has removed the bolt and was graving the ing his rifle. He has removed the bolt and was graving the ing his rifle. He has removed the bolt and immediately three. He then replaced the bolt, closed it and immediately following this I heard and saw his rifle discharge. Cpl. following this I heard and saw his rifle discharge. Cpl. Hartin who sleeps on the opposite side of the but from me, which is not and I saw that he had been injured. His right cried out, and I saw that he had been injured. His right hand was covered with blood and the little finger was hand

question 1.

How was the lighting in the but at this time?

Very poor. There was one hurricane lamp in the middle of the but about fifteen feet away from Pte. Everson, which was surrounded by men shaving. The blackout of the window near the decused was off but it was quite dark outside.

Question 2.

How for away from the accused were you standing?

Answer 2.

About one foot, sir.

Gross examined by accused;

Question 1

Do you remember whether I was racing the windows

His back was towards the window, sir,

Debuilder

agnd. L-12776 L/Cpl. addition,

## SECOND WITHESS

n-61964 Pte. Brocher, S.O. H.Q. & Cdn Int Dde Def Pl (Lorne Scots), having been duly awarn states:

At about 0750 hrs on 8 NOV 42., I was sitting on a bed tying at about last. I heard a loud report and felt a blast agains my face. /Over

SUMMARY OF EVIDENCE

#### SECOND WITNESS COUND.

When I locked up I heard Cpl. Martin groan and hold his side. I also saw the accused P-52312 Pte. Everson, E.J. standing motionless on the opposite side of the hut with a rifle in his hand. He seemed to be dazed and was just starting towards Cpl. Martin. Cpl. Martin was taken out of the hut and I sid not notice the extent of his injuries.

Quetion 1.

How far away were you from Opl. Martin and Pte. Everson?

Answer 1.

About four feet from Opl. Martin and about six or seven feet from Pte. Everson, sir.

Accused declines to cross examine this witness.

y Broches

B-52097 Pte. Vilneff, A.L. H.Q. 6 Odn Inr Bde Def Pl (Lorne Scots), having been duly sworn states:

At about 0750 hrs on 2 Nov 48., I was sweeping the floor in my hut. I saw the Everson cleaning his rifle and he was drawing a pull-through through the barrel of his rifle. About a simute or so later I heard a loud report and heard opl. Martin cry out. He was bent over and holding his left side. I ran to him and noticed that the little finger of his right hand was hanging by the flesh. L noticed Pte. Everson standing motionless on the opposite side of the hut with a rifle in his hand and he appeared to be dazed. I helped Cpl. Hartin out of the but to a truck.

How was the lighting in the but at this time?

Very bed, sir. The only artificial light in the but was a hurricane lamp on a table in the centre of the but about is feet away from Pte Everson. There was very little maturel light from the windows if any.

Question D.

Now far awar from Pte. Everson were you at the time of the discharge of the rirle?

O. I Vilney

Sand. B-55097 Pte, Vilmerr, A.L.

The accused after being duly warned R.P. 4(e), dealines to make any otstement.

Sgnd. B-58318 Pto, Everyon, B.J.

# SUMMARY OF EVIDENCE CONTD.

Taken down in writing under cath by Lieut. E.J. Norris C.C. H.Q. 6 Cdn Inf Bde Def Fl(Lorne Scote), on the 7th day of Nov 1942.

Certified that Rules of Procedure 4 (c) (d) and (e) have been complied with

In the Field Nov 7 1942. (E.J. Morris) Lieut., 0/0 M.Q. 8 Dan Inf Bas Der Pl.

J. W. Book

FF-117 SGT EVERSON W.H

Army Form A.3.

# Form for Assembly and Proceedings of Field General Court Martial on Active Service.

# PROCEEDINGS.

On Active Service, this JUNE

FOURTH , 1043

Whereas it appears to me, the undersigned, an officer in Command of 6 Canadian Infantry Brigade.

such offences should be tried by an ordinary General Court Martial; \*gendathekkingenden pomanabbankankingden abbidakes OCKARAN XA XA XARAKA XAKHARA X XARAKA X

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers hereunder named,

NEW KRIEK OK MEKKEN KERK KEK

MANAMERA AND SERVICE OF THE CAMPACAND.

\* KXX XX shields to the men see x President x

"ERATHER OF THE SANGERS AND THE SANGE SANG XEDIXOUX.

KANAMEN SHARMAN MUNICHBURK TER

Capt. W. M. W. Shaw is appointed Judge Advocate

RCA HQ 2 Odn Div

President.

Name

Regiment.

R.M. Campbell

Members.

Camerons of C

Name

Regiment.

W.S. Edmondon

S BAUA R

H.E. Stucey

Caserone of C

R. Desphesbault

teri brigadier, Commanding b tun Inf Bde.

Convening Officer.

Lieut

Rank

Major

Rank

Capt.

#### SCHEDULE.

Number, Rank (a). Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and it Convicted, Sentence (c)	How dealt with by Confirming Officer (d)
19618 SERGEANT LLIAM HENRY ERSON. merone of C	First Charge A.A. Sec 17 See charge sheet attached.	not quilty	not guilty 5 June 43.	shelflajos.
			KM Gur	Major .

• Question to be asked of accussed, if he pleads not guilty (R. of P. 39 (A)):—
Do you wish to apply for an adjournment on the ground, that any of the tules relating to perpendice before trial have not been compaled with, and but you have been perjudiced thereby, or on the ground that you have not had sufficient opportunity for preparing years defense? No, Liv.

Answer to be recorded on superate that if successed.

(S.A. Robertor) Erigadier, (Signed) All Completed Major. Consuming Officer (c)

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the

substantive rank.
(b) Unless unavoidable, not more than three names are to be entered on one forms and in serious causes one only.

 (c) Recommendation to mercy, if any, to be inserted in this enduran.
 (d) It is not necessary that the Confirming Officer should sign his manne in this column. Initials are surfficient. (c) Most be signed by the same Officer who signs on the first page, and all alterations in the first two collamns of the Schodule to be initialled by form.

I certify that the above Court assembled on the 5 % day of June 1943 and duly tried the persons named in Certificate of the Schedule, and that the plea, finding, and sentence in the case proceedings of each such person were as stated in the third and fourth columns of that Schedule. I also certify that :---2. The witnesses " The interpreter King. \*(4. The officers under instruction) were duly sworn. Signed this 5 4 10567. Kell Campball Majis I certify that the terms of \*A.C.I. 570 of 1918 have President of the Court Martial I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what Control I have there stated, I bereby confirm the above findings and sentences. \*(I direct that the soldier named in the margin be not committed to prison until further orders.) Signed this Confirming Officer. Promolgated and extracts taken in the case of (a) (Dated) Promnigated and extracts taken in the case of Promulgated and extracts taken in the case of (Signed)

(a) When several cases are promulgated in one unit on the same day the Officer

need only sign once.

NAME OF ADDRESS OF S ASS. ASS.

### CHARGE SHEET

H-19618 Sergeant William Henry EVERSON, of the QUESN'S OWN CAMERON HIGHLANDERS OF CANADA, a soldier in the Canadian Army Overseas, is charged with:-

#### FIRST CHARGE A.A. Sec 17

When on Active Service, when concerned in the distribution of public property, fraudulently misapplying the same,

in that he,

at Petworth Park Camp, on 14 May 43, when concerned in the distribution of rations, public property, to the Queen's Own Cameron Highlanders of Canada, issued a quantity of tinned milk, tea and sugar, to the value of 12/-, to a civilian, a person not entitled to receive them, with intent to defraud.

In the Field 3 Jun 43 Committee Col.

Comd. Camerons or

To be tried by F.G.C.M.

In the Field B2

The gran Cast for and at the Commander 6 Con Inf Bde.

4 Jun 43

5 June set that I the constant This is to country that I have executed this morning #19618 Sgt : Werson N. N. on the above date. His enterary to ..... At ..... end to is free of commission and inscotting almosso, & fit for court martial AM aren's Capt All Comphellajor.

# \*\*Form of Proceedings for General and District Courts-Martial.

Proceedings of a Pield General Court-Martial held at In the field 19 43 by order of on the 5 day of June Brig G. A ms Carter Commanding 6 Cdn Inf Bde dated the 4 day of June 1943

Major R. M. Campbell, Camo of C.

Capt W. S. Edmondson, S. S. R. heut H.E. Stacy, cams of C

Capt wm w Shaw, ADJA, 2 Cdr Dis Trial of H19618 Sg& William Henry Everson, Cams of Can

Intract) of evidence are laid before the Court

The Cornel which have

w not available

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

The accused is brought before the Court

Prosecutor, Capt R. H. Lane, Cams of C.

commeited detending officer thesus 330 Gagnon, Carns of & At 11/5 o'clock the Trial commences

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

The names of the President and members of the Court are read over a

Amster

no, su

(N,B,-H) objection is made it should be recorded, together with the dechard of the Court, on a separate sheet.)

\*Here insert No., Rank, Inii Name, Regiment, and Appointment (if any)

† Here state Rank and Name, and Regiment (if any)

† Qualibration to be stated.

The President, members and judge-advocate are duly sworn

The tollowing officers under instruction are duly sworn.

Capit R. d. druder J Come of C.

sshin land of the yards of though the snewson salt ()

Charge-Sheet,

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

not guilty, de Yes lon Emith or not Emith of the [see ] charge against you which

Streets bridge of the guilly of the second share

\*Instruction, (See R. P. 59 (A)) Question.

# Proceedings on Plea of Not Guilty.

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

Amont

no Sir

The prosecutor makes opening address (hards in a system address)
which is real marked signed by the President, and attricted to the proceedings.

The prosecutor proceeds to call witnesses.

First witness for prosecution. 7691427 Sgt Beatt, H.A. S.I.B., South Eastern army.

and the sworm is examined by the prosecular.

On 18 may about 1000 his must a NAMI at chickester i took personant of a cardioand hox containing 10 times nestles milk, a 9 to creat ten containing tea (Edd A)

On Iti 21 may 2 again went to waay where 2 mos y 2 was reduced. 2 told him who 2 mos y 2 was reduced at the accused of told him who 2 mos y 2 was reduced to taken a guarity of august of may the read denied all brinkledger mind 2 am not taking except in front of my capt of all compile where 2 again saws and in precase of his adj a fine after interrogation to made a valuation of and inference of his adj a them is a father interrogation to made a valuation of the suggest of the adj a trade to the surface of the adj a trade to the second while I took them in writing i which he signed 2 produce statement.

Become scam

Enguerers 2 made at chickerter were made of a miss or persons on a goods - Secure was cauch pelies and way are wears on and clarge that the pelies with fathing the distinct in In It I may that 2 am not talking the distinct in In I was made at a man to talking the distinct in I talking statement. Capt if me was present as plant call. The ord but acad i myself change to the make a phene call. The ord but acad i myself change to the mark articles, they have been my my prosession of pelies court in telaborate to the time when they were in pelies belong to can seem to back from any later when when they have been my prosession back prome and pelies a understand has cannot say for certain who they belong to

non-eream

R. P. 83(B) complied with.

2 nd wit Proveeation miss Douis alive Hall, 3 applediam tane, chickester,

duly sween, states a tigt come in a collect his man goods a wrought in a box which he put on a shalf the did not my anything to me at the time after he had gone out a looked into box of found milk, myon too. End A appears to be the same love - 12 tens milk cont say definitely quantity of sugar or tea - dry were in ting. It remained in the office until sues 18 may, Set Beatt + another Set camer took intaway accused is can sigt referred to in beginning of n evidence. Was arought in on the Thi preceding the Jus - 21 was 14 may

cross exam

Have lad dates before me so much lately that 2 know a think 14 may was Fix.

mca means messery cash allowered fich A looks same to me as goods left in office mets time are similar.

much timo are similar.

no re- exam was staff outside & I ten was messing on the monday maining - were people working in office all day sun + I want there working or R.P 83(b) compleid with.

Defence admit value 12/ and goods are semilar in type to army some.

3rd wil Prosteation

capt R.H. Kare, Cams of C, duly sween, states: I took summary & after caution the accused made the same statement to me as to sight seath (summary marked Ext'C'il statement made

Prosecution closed

Def effe maces for dismissal on grounds of no prema facil case refers to note 6 to see 17

Court alosed to consider the motion motion disallowed

court re-spened & decision as aunced R.P. 40 complied with

#### The prosecution is closed

#### Defence.

Question to the

Do you apply to give evidence yourself as a witness?

Carrier .

yes, sir

Owestron

Do you intend to call any other witness in your defence?

yes, sir

Liverage

Is he a witness as to character only? Answer. 20.

#### INSTRUCTIONS TO THE COURT.

- (ii) When the answers to the above questions have been recorded, the Court will follow the provisions of Rules of Procedure 40 and 41 respecting the order of evidence and the case.
- (ii) All addresses by prosentor, counsel or delending officer, whether recarded by the Court or hunded in in writing will be attached to the proceedings in the order in which they are made. Any address which the accused is entitled to make pursuant to Rules of Procedure 40 (C) (iv) and 41 (A) (i) and (iii) will be similarly deal with. Written addresses will be read to the Court, marked and signed by the President. If any person who is antitled to make an address declines to do so, a record will be made to that effect.

(Where any evidence is given for the defence.)

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

(Where the accused does not give evidence whon oath.

Question to the

MICHINE.

The second of the defense must

laurie in a written orining which is read man

extende )

H19618, Agt Everson, W. H., Camo of C., duly ouver, alakes; as syt cook part of my duties is to buy rotes rations & income of duties have to go to checketer to the major depart have been found there for I may all the similar, appeared to have the down found of the same always been enjoured to have the down to the country of the same always for the country that several people on the wavelenance against this is world not ago to the test several people for the wavelenance against the top world one of the present the several properties to the surple of the test of the country that the take away for the test of the start of the same of the the test that was too have the surple of the theory that the way to the test to be able to heard to a same to the several to the same the same

Instruction.

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

Re-exam. nil court when in my statement "I look some tens of milk, some court when in my statement "I look some time of milk, some time, some sugar from my ration store & put them in a cardboard hose." I meant 2 regulated a subordinate to do it and not suggest how much to put in look of sometar type of hose we get a matter of 8 boxes on a double around times a week told 2 could have too at no mit snow named people 2 told 2 could have too at no me this superiors. Did not say this to miss Hall elses superiors. Did not say this to miss Hall elses superiors. 2 thought 2 would be in the pool with the rest of them, they pool their resources sules usually take me It of a day , if I am not leve I am entitled to my tea ration

Cross-exam

2 rowit miss Don's Olive Hall, 2" dust for prosecution, re-called Defence | & stillon oath states House given accused cups of tea, also his driver we are allowed certain portion of tea a week, our wen personal ration it was from elis we made the lea never charged for it. Our ration so for the staff , 2 made tea for about 12 members of the staff.

7 H19395 Pte machinald, H. J., Camo of C. duly sween 3rd Wet if saked me to put up a few rations to lake out peperer states

a put them sup + look + put them in the truck He told me the put tee, milk, sugar bud not tell me how much kind not say what it was for never has asked in premiously to do this thing.

adit know the purpose de goods were to be used cross exam not usual to put up rations untractions as to ant of goods as to amount - Had no instructions as to ant of goods to put or the lease. Thought it was for right purposes

Re- Lecam bank however welether see-pl, cay as latin going on scheme other than instructed

gattered up nations , then get how - connect remember , get auson in my immediate NCO.

44 Wit H20070 Hagyard J. R., Esmo of C., duly swam, states. tops a ration point, nacht its go & the deste a de nacht - womally get a cup of the there - never paid for it got dreit for about 3 yes no cross . was

Defence closed

Det offe Reads.

Para 10 on selections to 19 the state of the responsible of tea was not for the state of the reads of the second realisms of was not for the state of the second of the second realisms. One can entirely can make the mest aced could have have mistaked not flaudulent aced could have have quilty of was improperly desposing of rotions when yould go was improperly desposing of rotions when the mest down to multiply the water of the metal them.

Presecutor: aced admits taking nations from box to take mental them down to multiply the water to the second them the water the second of the second them the water the second of the second them the second the second them the second the second of the second

Of offin Reado charge. Deavo all & 1991 rotal ampage 443.

Sail to see place a Los prome what to deplace to copy, for so responsibility to the has to have a seem of the fact that the second of the second to the s

("xoalde ite - and same taking rations from on a laken them them to conclompage where he interded them to be such the same to be had them to be such the same to be had the same to be such the same of famous applied watering the same the same of

judge advassale sums up:

Point alose to consider funding

# Finding.\*

The Court find that the accused not guilly The Court is closed for the consideration of the finding.

Loud ne opered, and fording of your old

x accused is released

will stan

PROCEEDINGS ON CONVICTION DESOTE Sentence.

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

Have you any evidence to produce as to the character and particulars

of service of the accused? Assure by the Witness.

the President, and annexed to the proceedings in which trial has been dispensed with is read, marked

Is the accused the person named in the statement which you have

Have you compared the contents of the above statement with the

of entries in the conduct shorts a lair and true summary of those entries i Are they true extracts from the regimental books, and is the statement

Cross-examined by the accused

regimental books / Ansurer

samin'W wit yd wasan A. 5 bear bread

The Court is closed for the consideration of the sentence. Do you wish to address the Court? Assusts.

monthesis by donais monthside

ns igassa ino senta penta tenta per

greats of other

Statement of No. H 19618. Sergeant EVERSON W.H.

Statement of No. H | 19618. Sergeant EVERSON W.H., Queens Own Cameron Highlanders of Canada, Stationed at Petworch who states:

I have been cautioned by Serpt Beatt that I am not oblight to kay amything but that amything I say will be taken down in writing and may be given in evidence. To show that I understand this caution I sign my name.

Camp to go to the NAAFI at Chichester Stock some times of wick, some tea and some sugar from my ration store, and put them in a canaboard lox. I am Ration Surgeant to I have access to the ration Store.

Sput this stuff wito the timex and went to the NAAFI at Chichester. I took the box of fook into the Order Office and put it an a whelf. I do not remember saying anything to anybody about this stuff, but I remember that a Miss stale, who works in this office,

Dreceived no money for this food, and did not want any. The reason I hook it in was that on previous visits to the NAAFI members of the shaff there had given are enjoy of tea and I was repaying than for their kindness. Hey had told me that they were short of tea, enfar and mick and that they would have to give up drinking cups of tea. Nobody asked me to take these rations. I die it of my own free will. It is the first time I have ever done this.

Attenenun

I have read over the above shatement and it is true. It is make quite woundarily and no inducement, persuasion or threat has been used or held over me.

Inthe mens that

Statement taken and signature witnessed dry me at Petworth on 55M. May, 1943.

HaBeat IV.

The armed delines to cross question the whose

# SUMMARY OF EVIDENCE

In the case of H-19618 Sergeant William Henry EVERSON of the Queen's Own Cameron Highlanders of Canada, a soldier in the Canadian Army Overseas.

The accused is informed of his rights.

The Commanding Officer directs that the evidence be given under oath.

FIRST WITNESS

7691427 Sergeant Beatt, H.A., S.I.B., South Eastern Army, having been duly sworn states:-

I am 7691427 Sergeant Beatt, H.A., S.I.B., South
Eastern Army. On Tuesday, 18 May 45, I went to the
NAAFI Supply Depot, Summersdale Road, Chichester,
and took possession of the cardboard lox containing
10 tins of Mestles Evaporated Milk, one 7 lb cocca
tin containing sugar and a further tin containing
tea. On Friday, 21 May 45, at 1000 hrs, I again
went to the MaAFI Supply Depot and there saw Sjt.
Everson, W.H., Queen's Own Cameron Highlanders of
Canada. I told him who I was and that I was making
enquiries regarding a sergeant who, it was alleged
had taken a quantity of W.D. rations to the NaAFI
say Prints, 14 May 45, leaving them in the office
there. Sjt. Everson denied all knowledge of this,
saying, "I am not talking except in front of my
Captain quartermaster at camp."
At about 1100 hrs on Saturday, 22 May 43 I saw Sjt.
Everson at his camp in Petworth Park in the presence
of his Adjutant and Cuartermaster. He was cautioned
and interrogated and subsequently made a voluntary
statement, which I took down in writing at his dictation and which he signed.

Accused declined to cross examine the witness.

SECOND WITHESS

S-212704 Cpl. Wheeldon, J. attached C.S.D., Chichester, having been duly sworn states;-

I am S-212704 Cpl. Wheeldon, J. attached C.S.D. Chichester. I have been shown 10 tins of Nestles Evaporated Milk, one tin containing 1.15/16th lbs of tea, and 1 tin containing 9.13/16th lbs of sugar. The milk I identify as being similar to N.D. issue, and is valued at 6/-. The tea I value at 4/3d and the sugar at 1/9d.

Accused declined to cross examine the witness.

THIRD WITNESS

Miss Doris Olive Hall, 3 Appledram Lane, Chichester having been duly sworn states;-

I am Miss Doris Olive Hall, 5 Appledram Lame, Chichester. Up to 18 May 43, I was employed as a clerk at the NAASI Supply Depot, Summersdale Road, Chichester. On Friday, 14 May, I think it was in the morning, I was working in my office when a Sit. of the Queen's Own Cameron Highlanders of Canada came into the office carrying a cardocard box. He put this on the empty shelves, I do not think he said anything to me. This sergeant was well known to me by sight but I did not know his name. He was between 35-40 year of age, Medium height, slim ouild, thin face and with a small moustanhe. He gave me his order for groceries and I made out the bill. I was quite busy at the time as I was working aingle-handed

Some time after the sergeant had gone, I locked in the box and found there were 12 tims of Nestles Milk, a 7 lb tim full of sugar and a smaller tim full of tea. I assumed this stuff had been left by the sergeant for the use of the NAAFI stuff, but I thought there was rather a lot so I thought I ought to report it to Mr. Johnson, the Depot Manager. I was too busy to do this on Friday, but on Saturday morning I went to Mr. Johnson's office but he was out. I was off duty on Saturday afternoon and Sunday and when I went to work on Monday I was off-colour with a bad cold and forgot about telling Mr Johnson. I left work about 9.30 a.m. on Monday as I was feeling so queer. On Monday evening I was seen at my home by the police regarding these rations.

I have never asked this sergeant to bring me any rations. What he did bring was without my knowledge.
I realize now that it was wrong to have this food but it did not occur to me at the time that I was doing anything wrong, although I did intend to report it to Mr. Johnson.

I can honestly say I did not ask for these rations and the sergeant I have described brought them in of his

Accused declines to cross examine the witness.

The accused having been duly cautioned in accordance with R.F. 4(e) says:-

own free will. I can recognize him again as I seen him at the NAAFI very often.

"I want to make a statement."

On Friday, 14 May 43, before leaving camp to go to the HAAFI at Chichester, I took some time of milk, some tea and some sugar from my ration store and put them in a cardboard box. I am Ration Sergeant so I have access to the ration store.

I put this stuff into the truck and went to the HAAFI, at Chichester. I took the box of food into the Order Office and put it on a shelf. I do not remember saying anything to anybody about this stuff but I remember that a miss Hall, who works in this office, was present. I received he money for this food and did not want any. The reason I took it in was that on previous visits to the HAAFI members of the staff there had given me cups of tea and I was repaying them for their kindness. They had told me that they were short of tea, supar and milk and that they would have to give up drinking cups of tea. Nobody asked me to take these rations. I did it of my own free will. It is the first time I have ever done this.

Certified that R.P. 4(e) complied with.

In the Field,

....

(H.H. Lane) Camerons of Canada

Du and Major.

I hereby acknowledge receipt of one copy of the Charge Sheet and Summary of Evidence.

WA Sucrem H-19618 Sgt. Everson, W.H.

I request that an officer be appointed to represent me at my trial.

...., ....

1576. Ate. Exerto, R.L. W.

with the part of the term of

day to the Tributed from Form for Assembly and Proceedings of Field General Court Martial on Active Service.

# PROCEEDINGS.

On Active Service, this AUGUST

Whereas it appears to me, the undersigned, an officer in Command of FOURTH CANADIAN INFANTRY BRIGADE, Second Canadian Division, Canadian Army (Active) that the

persons named in the annexed Schedule, being subject to Military

such offences should be tried by an ordinary General Court Martial: " weekstleenik is not oppskilenblecteenskeleen kan deel klee KREEKE LANGERSCHARE AKA KRANTEK

I hereby convene a Field General Court Martial to try, the said persons, and to consist of the Officers hereunder named.

KALIKA SHINKARA DA SASARA KAKATA KAL

" CLANKE FOR A PRESIDENCE AND A PRESIDENCE OF

" MANY DEPOS OFFICERS DAVING MORE ABOUT ONE ABARTS.

LAXINAL

JAAR KIRMER LEGGERY KULKUIKK SKILKER

In my opinion military exigencies namely the dispersion of Units and difficulties of communication and other difficulties render it inexpedient to observe the provisions of those rules inconsistent with Appendix "A" to D.R.O. 772 on the trial of the person named in the annexed Schedule.

President Name. Rank

Regiment

Major

B.J.S. MACDONALD

ESSEX SCOT.

Members.

Regiment.

Rank.

Name

R.H.L.I.

Major

C.G. FIRIB

Capt.

R. REGT. C.

J.G. HOUSSER Weiting Nember - Lieut. J.N. ANDERSON

ESSEX SCOT.

(C.B. Topp) Brigadier,

\*Signed

CDM. INF. BDE.

Commanding 4 Convening Officer

How dealt Finding and Number, Rank (a). Name and Unit of with by Confirming Officer (d) \*12(en Offence charged Accused (b) FIRST CHARGE:not Swills of A-22221, Pte. Robert Laurence A.A. Sec. 12 (1a) besetim bril Wilbert EVERTS. When on active ser-Guilty of Essex Scot. vice deserting His Canadian Army Majesty's Service. milte a. W. L (SEE CHARGE SHEET ATTACHED) (Active) SECOND CHARGE:-A.A. Sec. 17 When concerned in the care of public property, selling Granter the same. (SEE CHARGE SHEET ATTACHED) THIRD CHARGE:-A.A. Sec. 40 Conduct to the prejudice of good order and military disci- multe pline. (SEE CHARGE SHEET ATTACHED) FOURTH CHARGE:-A.A. Sec. 24 (2) Losing by neglect not there was not his regimental equip multiprient in blanket; ment and necessaries. plans apones table ! plant cutter , tracks ! (SEE CHARGE SHEET ATTACHED) no undergo £ 3-10-5/2

\* Question to be asked of accused, if he picade not guilty (R. of P. 39 (a) Question to be asked of accised, if he pleads not gointy [R. of F. 39, [A]].

"The year wish to apply for an adjournment on the ground that any of the rules relating before trial have not here compiled with, and that you have been prejudiced thereby, or a that you have not had softcome opportunity for preparing your delence?"

Answer (to be recorded on appayle short if measurary).

(C.B. Topp) Brigadier, Communities 4 CDN. INF. BDE. Consening Officer (e)

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the

(b) Unless unavoidable, not more than three names are to be entered on one form, and in serious cases one only.

(c) Recommendation to metry, if any, to be inserted in this column.

(4) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient. (c) Must be signed by the same Officer who signs on the first page, and all afterations in the first two columns of the Schedule to be miraciled by loss.

I certify that the above Court assembled on the 28 B. day of Green and that the plea, finding, and sentence in the case processings of each such person were as stated in the third and fourth columns

of that Schedule. I also certify that :-I. The members of the Court z. The witnesses Value The interpreter) \* Omit if not \*ia. The officers under instructioniwere duly sworn3, The shorthand writer 28th day of alequal 1941. Signed this Blench of the Court Martial I certify that the terms of \*A.C.I. 570 of 1918 have been complied with. (b) on page 762 M.M.L. 1929.

President of the Court Martial.

I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what Contra I have there stated, I hereby confirm the above findings and

day of

. To be omitted

\*(I direct that the soldier named in the margin be not committed to prison until further orders )

day of	5-1-	1941
lin	54.0	ag Officer.
	Confirmi	ng Officer

(a)	Promulgated and extracts taken in the case of A22221 Pte RLW EVERTS  (Dated) /2 Sep. 41. (Signed) ADJOTANT - ESSEX SCOT.						
	Promulgated and extracts taken in the ca						
	(Dated)	(Signed)					
	Promulgated and extracts taken in the ra	ase of					
	(Dated)	(Signed)					
		y in manual on the same day the Officer					

(a) When several cases are promulgated in one unit on the same day the Ottoer need only sign once

Signed this

Signed this

y

of Carry health is in a fit, state of health, and light to undergo Trial by Court-martial.

Medical Officer. Reade

Dato lug 20 mg

A. ( hard maps have

M.F.W.246. 25m-3-18.(M) H.Q.1772-39-480.

## CHARGE SHEET

The accused, No. A-22221, Pte. RobertL.W. Everte, 1st Battalion, The Essex Scottish Regiment, a soldier of the Canadian Army (Overseas), is charged with:-

First Charge: - Sec. 12(1)(a)

When On Active Service, deserting His Majesty's Service -

in that he
At Rye, on the first day of August, 1941, at
0930 hrs., absented himself from the Essex Scottish
Regiment until apprehended by the civil powers at
Lewes on the second day of August at 1745 hrs.,
dressedin civilian clothes.

Second Charge: -Section 17 When concerned in the care of public goods, stealingthe same -

in that he
At Rye, on the first day of August, 1941, when as a
member of the Intelligence Section, he was concerned
in the care of a bicycle, No. T23600, stole said
bicycle.

Third Charge:-Sec.40 Conduct to the prejudice of good order and military discipline -

in that he at Lewes, on the second day of August, 1941, was improperly in possession of one pair of pliers, No. 25, the property of the Signal Platoon of the Essex Scottish Regiment.

ne

Fourth Charge:-Sec. 24(2) Losing by neglect his equipment and regimental necessaries inthat he.
At Camberley, on the 15th day of August, 1941, was deficient of:-

Speed, ground 1-100 Shirts, cotton, "Holmet, etcel 1 " khaki 1- 6d Satris, cotton Badges, cap · Powels, hand Shirts, flammel 9154 Knives, clasp 2/10 Blouses, B.D. 14-2 Corossing, field Topas -Trousers, B.D. £3-10-1/2 THE DOCK pairs 18 1-0-6

Signed at CAMBERLEY

August, 1941

(SIGNED)..(4.5., PLANSON)... Commanding, 1st Bn., The Essex Scottish Regiment

To be tried by an F.G.C.M.

(SIGNED).(Ç, B, TOPP)..... Commanding, 4 Cdn. Inf. Bde.

I certify this to be a true copy of the original charge sheet as prepared by Lieut, J.m. Turnbull and submitted to the above eignstories.

## In The Case Of

A-22221, Pte. Everts, R.L.W., 1st En. THE ESSEX SCOTTISH REGIMENT, Cdn. Army (Oversens)

After the reading of the Convening Order for this Court Martial, and identifying of the Court by the President of the Court, the Defending Officer objects.

- fending Officer: The taking of the Summary of Evi-dence was not made in the presence of the Accused, By the Defending Officer: and the Summaries of Evidence were not signed by witnesses, nor was the Accused given any chance to question any of the witnesses during the summary of Evidence. Although the Unit was spread over a fairly wide area, it appears to me that there would have been Evidence. Although the Unit was spread over a fairly wide area, it appears to se that there would have been no inconvenience to have all the witnesses, with the possible exception of the Detective-Sergeant, Leader, of the LEWES Police, gathered in one place for the taking of the summary of evidence in the presence of the Accused.
- By the Prosecutor: The new procedure permits of the taking of an abstract of evidence. It appears to me that it would be in the interests of the Accused not to make any statement during the Summary of Evidence, or to any statement during the Summary of Evidence, or to ask any questions, because he had a chance to make it at a later date, and if he did he might jeaperdize his case, and that't the reason a statement was not asked for, and the abstract to be as it is.
  - fending Officer: In that case, there is a possibility of false evidence in the Abstract going before the Brigadier for his convening of this Court Martial, and the accused had not chance of questioning any probable false By the Defending Officer: statements.
  - ourt: Mr. McGregor (the Defending Officer), in reply to your objection, you will notice that in the convening By the Court: order I read out an agait oral clause which released

military exigencies and intriculties of communication.

In addition to that, Is hould like to point out that

In addition to that, Is hould like to point out that it

As abstract of the Evidence is before me, and that it

will not be seen by the other members of the Court unless

the accused pleads guilty. So with that explanation I

am over ruling your offection, be that the court of the court is a court of the court Officer may take the motor as an

The Court was sworn in.

The Court Stenographer was sworn in. the Court to the Accused: what is your number, rent, name

11111 -414-54 Bit Bit

Essex Scottish Regiment, Canadian Army (Oversess.) O. T.

But Toldare charged abd. When on active service,
deserting Bis Majesty's Service in that you at HYE, on
the first day of August, 1941, at 0930 hours, sheeted
yourself from the Essex Scottish Regiment until appre-

hended by the civil powers at LEWES on the second day of August at 1745 hours, dressed in civilian clothes. Mow do you plead? Guilty or act Guilty?

Not Guilty, sir. By the Accused:

Secondly you are charged under Section 17 of the Army Act, when concerned in the care of public goods, stealing the same, in that you at RYE, on the first day of August, 1941, whon as a member of the Intelligence Section, the mass concerned in the care of a bicycle, No. T25600, stole said bicycle. How do you plead? Guilty or Not Guilty:

Not Guilty, sir. By the Accused:

Thirdly, you are charged under Section 40 of the army act occasion to the prejudice of good order and military discipline, in that you, at By the Court: Lewes, on the second day of august, 1941, were improperly in possession of one pair of pliers, No. 25, the property of the Signal Statoon of the Essex Scottish Regiment. How do you plead? Quilty or Not Guilty?

By the Accused: Not Guilty, sir,

: Fourthly, you are charged under Section 24(2) of the Army Act, losing by neglect your equipment and regimental necessaries in that you, at camberley, on the 15th day of August, 1941, were deficient of: Blankets, 1: Sheet, ground, 1: Helmet, steel, 1: Badges, cap, 1: Towels, hand, 2: Horks, 1: Blouses, B.D., 2: Trousers, B.D., pairs, Yorks, 1: Blouses, B.D., 2: Trousers, B.D., pairs, 2: Speens, table, 1: Shirts, cotton, khaki, 1: Shirts, cotton, is Shirts, flammel, 1: Knives, olasp, 1: Dressing, field, 1. How do you pleade Guilty or Act Guilty? By the Court:

is That is not the smended list, sir. I will plead guilty to the smended list, but Not Delity to that one. By the Accused:

By the Court: To keep the records in order, it would be better to plead Not Guilty.

By the Accused: I plead Not Guilty, sir.

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

By the Accused: No, sir; I don't.

By the Court to the Defending Officer: In the face of your objection to the Summary or Abstract of Evidence, do you wish to apply for an adjournment on the ground

that any of the rules relating to procedure before trial have not been complied with, and that the Accused has been prejudiced thereby?

By the Defending Officer: No. sir; I just made the objection for the protection of the Accused.

The Prosecutor hands the Court a Medical Officer's certificate that the Accused is fit to undergo trial by Court Martial, and it is entered in the Court Records as 'P.1.'

By the Prosecutor: The charges are before the Court, and with reference to the accused, I will attempt to prove that the Accused did, on lat August, 1941, absent himself from the Essex Scottish, and that he was picked up by civil authorities in Lewes on 2nd August, 1941, at that time there was in his possession, a pair of pliers, No. 25, mentioned in Charge three; and also at the time of his apprehension, a bicycle 723600 was traced to his possession in Lewes. At the time of his apprehension by civil authorities, the accused did not admit that he was a member of the Canadian Army Active, but led the police to believe that he was one Marshall. The witnesses are Sgt. Flatt,: Provost Sergeant Adams; Lieut. J.C. Brick; L/Cpl. Wilton; and Detectiver Sergeant S. Leader of Lewes. Detective Sergeant Leader was to have been here, but through my fault, by not taking the proper procedure for getting him here through higher authority he is not here. But he wouldn't come without a warrant. We had got in touch with him by telephone, but too late. I feel that we can proceed with the evidence, and support the charges without his evidence.

By the Court to the Defending Officer: Have you any objections to have the Accused tried on all charges in one Court Martial, or do you wish to have separate courts for each charge?

By the Defending Officer: You may try them all at one time.

By the Court: " will will be tried together

First Witness is called for the Prosecution and is duly scent.

By the Court: What is your full name, rank, and number?

by the Witness: Arthur William Flatt, The Essex Scottish Regiment, A-21814.

By the Compt: Do you know the accused?

By the Witness: Yes, sir.

By the Prosecutor: What is your job in the Battalion?

By the Witness: I am the Intelligence Sergeant.

By the Prosecutor: As such you have Pte. Evert under your authority?

By the witness: We is in the section, sir.

- By the Prosecutor: Can you tell us what dealings you had with Pte, Everts around the first of August, 1941?
- By the Witness: He just joined the Section around the end of July, and at that time he was warned to go on a sniper's course, which I duly warned him for.
- By the Prosecutor: At what time was he warned?
- By the Witness: He was told to be ready at 0900 hrs, lst of August at his Observation Post. He was stationed at that time at Camber under Corporal Heaton, and was told to be ready at 0900 hours, when I would pick him up.
- By the Prosecutor: Did you go down to pick him up?
- By the Witness: I went down around 1000 hours, and he wasn't there.
- By the Frosecutor: You mean that you weren't there to pick
- my the Witness: I was there somewhere between nine thirty and ten o'clock.
- By the Prosecutor: And Pte. Everts was not there?
- By the Witness: No, sir.
- By the Prosecutor: What did you do?
- By the Witness: At the time I didn't do snything. I came back with the other two men, and went back to Camber to bring him back. I thought he might have been out for tea, so I cam back without him.
- By the Prosecutor: Wid you make any investigations?
- By the Witness: I did make inquiries, but nobody knew where he was.
- By the Prosecutor: You didn't do snything else after you found that he wasnt there sometime between nine thirpy and ten o'clock?
- By the Witness: A report was made to Lieut. MacIntyre,
- By the Prosecutor: "as any report made to anybody else?
- By the Witness: To Sgt. Adams.
- By the Prosecutor: Did you report anything else to Sgt. Adams?
- By the Witness: Just that the bloycle was missing?
- By the Prosecutor: Do you remember the bicycle number?
- By the Witness: No, sir; although + have it marked down someplace.
- By the Prosecutor: Now would "to. Everts have access to the bi-
- By the Witness: It was allotted to the Intelligence Section C.F. at Camber.

- By the Prosecutor: Then in effect, you went, sometime between 0930 and 1000 hours, I August, 1941, to pick up Pte. Everts to take him to a course, and he wasn't there, and at 1200 hours you reported to Sgt. Adams that "te. Everts together with the biccycle, the property of the Intelligence Section, was missing?
- By the Witness: Yes, sir; but I reported it to Sgt. Adams closer to one thirty.
- By the Defending Officer: Did you personally warn Pte, Everts?
- By the Witness: Yes, sir; the night before.
- By the Defending Officer: You personally spoke to him?
- By the Witness: Yes, sir.
- By the Defending Officers At what time was the accused warned to leave for the course?
- By the Witness: On the third of august, the Sunday.
- By the Defending Officer: Where were they to report?
- By the Witness: At the Battalion Orderly Room.
- By the Defending Officer; You mentioned that Pte. Everts only recently joined the Intelligence Section?
- By the Witness: He re-joined it about the middle or end of July.

  Defending Officer
- By the & hand how much service with the Antelligence Section?
- By the Witness: Several Months.
- By the Exchangett Defending Officer: For how long?
- By the Wifness: Until around the first of the year, about March.

  Then he left the Intelligence Section to go the the
  Orderly Room.
- By the Defending Officer: When did he first join the Intelligence Section?
- By the Witness: He joined the Intelligence Section sometime in September of 1940.
- By the Defending Officer: About the bicycle; you say the bicycle was left at the Camber Observation Post for use by the men of the Intelligence Section?
- By the Witness: Yes, sir,
- By the Defending Officer: was there any crime involved by taking the bicycle without permission?
- By the Witness: He usually should ask for the use of the bloycle.
- By the Defending Officer: Was the fact that he took the biercle out without permission anything unusual?
- By the Witness: It was not out of the ordinary.

When/the bicycle first noted as being By the Court: missing?

witness: The actual loss of the bicycle was not noticed until night, because the bike is usually used by the men going for tea. I visited the O.P. to make certain of it, and I figured that the man was A.W.L., and the bicycle was missing, but up to that time I thought that it was only one of the men using the bicycle to get refreshments. By the Witness:

By the Court: You can identify the bioycle by number?

By the Witness: I have the number written down .someplace.

By the Prosecutor: Sergeant Platt, in your evidence you said that the bicycle was not missed until night?

The actual meaning of that is that the bicycle might be going all day, and seeing that the man didn't return, I reported the bicycle miss-ing. We have men off duty all day long, and they have permission to have the bicycle all day long. By the Witness:

Asherter I should like to know if Pte. Everts By the was off duty at the time?

By the Witness: He wasn't, sir. He was to report at nine o'clock, and at that particular time he had no other duties to perform.

Does that answer your question?

By the Court: Does that answer your question of Pte. Everts had just finished a tour of duty? the

He did, but I don't know the exact time; but it was in the early morning of the first of august. By the Witness:

(Witness Retired)

Second Witness is called for the fresecution and is duly sworn.

What is your full number, rank and name? By the Court:

Regimental Provost Sergeant, The Resex Scottish Regiment; Richard Joseph Adams, A-21108. By the Witness:

By the Prosecutor: Sgt. Adams, you are the Provost Sergesut?

By the Witness: Yes, sir,

By the Prosecutor: Do you know the secused?

By the Witness: Yes, sir.

By the Prosecutor: You were given certain instructions by the adjutant sometime around lat of august?

Vitness: On the morning of 4th August, I received information to proceed to mewes on the morning of 5th August to possibly identify a person suspected by the civil police there as a possible absentee. By the Witness:

By the Prosecutor: You went to Lewes to identify someone who was suspected of being a member of our Unit?

By the Prosecutor: After receiving these instructions, what did you do?

on 5th of August, I proceeded with Pte. By the Witness: Brown to Lewes.

Lewes police authorities about identification purposes? What conversation did you have with the By the Prosecutor:

By the Court: You can't repeat what someone else said.

By the Prosecutor: What did you do at Lewes?

ness: I contacted Sgt. Edgar of the Canadian Provost who informed me that a person was held by the Lewes police. I went to the Police where By the Witness: Sergeant Leader showed me photoes of a person in civilian clothes whom they suspected of being an absentee from the Genadian Army.

As the Serguent went there for identification purposes, and the police gave him in-structions, and I submit that he is competent to give evidence as to instructions received. By the Prosecutor:

The police are not here, and they have to give By the Court: that evidence themselves.

I take it that Sgt. Adams is not a competent witness, as to any directions he has had in the performance of his duty? By the Prosecutor:

By the Court: Not unless those persons are here to give evidence themselves. He may make the second and another than the second to the Witness): You were shown certain

photos?

By the Witness: Yes, sir.

By the Prosecutor: These photos were of whom?

Of a man in civilian clothes whom I identified as Pte. Everts, who was absent at that time from the Bh. By the Witness:

By the Prosecutor: And then what did you do?

By the Witness: I asked Sgt. Leader if I could go to the prison and identify this person in prison, which I did.

What happened when you went to the By the Prosecutor: prison?

mess: The Governor of the prison had the person waiting in the Admitting Room, and he had him standing there when I went in, and I identified him By the Witness:

as Pte. Everts of the Essex Scottish, who is here in Court today.

Was snything said at that time?

thing to say, and he said that he had nothing to say. By the Prosecutor: By the Witness:

Anything said in the presence of the Accused is By the Court: permissable.

What happened after you made the identification? By the Prosecutor:

By the Witness: I returned to the Police Station.

By the Prosecutor: Why didn't you bring Pte, Everts back with you the first time you went to ewes.

He was remanded on a charge of theft of a bicycle, which they had to place against him to hold him. By the Witness:

By the Prosecutor: I take it that you came back to Rye, and at a subsequent date went back to Lewes again?

Yes, sir.

...

By the Prosecutor: What did you do on the second trip?

ceeded from Camberley to Lewes to pick up Pte. Everts as his charge had been dropped, and he was to be turned over to the military authorities. By the Witness:

You attended the hearing before the magistrate by the Prosecutor:

By the Witness: No, sir.

By the Prosecutor: Do you recognize this document?

By the Witness: Yes, sir; it was given to me by the superintendent of police to be taken to the Bn. Orderly Room.

A.P.O. 1618 is handed to the Court by the Prosecutor, and it is entered in the Court Records as 'P.2.'

over to you in military custody, were any other papers or documents given to you by the police? By the Prosecutor:

less: Yes, sir; several papers, some wallets, icolu-By the Witness:

By the frosecutor: Was this one?

By the witness: Yes, sir.

By the Fromecutor: The documents were in the care of Sgt. Adens since his return from Lewes.

By the Prosecutor: Are those all the documents that were handed over to you by the police?

By the Witness: Yes, sir.

23

By the Prosecutor: You got all the documents found on Pte. Everts.

By the Witness: Yes, sir.

By the Prosecutor: I understand that you were shown a bicycle at Lewes when you were there?

By the Witness? Yes, sir.

By the Frosecutor: Can you tell us anything about the bicycle?

By the Witness: I identified it as the bicycle that had been reported to me as being missing at the same time that Pte. Everts was reported A.W.L. I examined the bicycle, and found that the serial number corresponded with the number that I had received as being missing.

By the Prosecutor: Then the bicycle you saw was a bicycle belonging to the intelligence Section of the Essex Scottish Regiment?

By the Witness: Yes, sir.

By the 'rosecutor: Was it turned over to you as part of the effects of Pte. Everts by Sergeant Leader of the Lewes civilian police?

By the Witness: Yes, sir.

(The documents, personal effects of the accused, were handed to the Court and entered in the Court Records as 'P.J. The pliers were marked and entered as 'P.4."

By the Prosecutor: Do you recognize the bicycle and the clothes?

By the Witness: They were the suit of civilian clothes that Pte. Everts had on when I returned him to the Regiment.

The suit of clothing, consisting of a pair of trousers, cost and vest, and a shirt and tie, were entered in the Court Records as P.D.

By the 'rosecutor: Then you, after having received the clothing, pliers and the documents, brought Pte. Everts back to Camberley?

By the Witness: Yes, sir,

By the Prosecutor: Apart from the two documents that you have seen, were any documents that would connect Pte. Everts which the Essex Scottish Regiment manded over to the Civilian police?

By the Witness: No, sir.

By the Defending Officer: In your abstract of Avidence you say "I saw Fte. Everts in person and identified him.
On 12 Aug 41 I again attended at Lewes, Sussex, and the Court of Petty Sessions where I heard Pte. Everts admit that he was an absence without leave from the Essex Scottish Regiment", and in your evidence you say that you were not present at the Court?

By the Witness: I arrived at the Court when the Court was

over, and they had released Pte. Everts from the civil charge, but he was held, to be turned over to the military authorities. I then es-corted him back to Camberley.

- By the Derending Officer: With regard to the pliers, was there any mark on them that might make you believe them to belong to the Essex Scottish Regiment?
- There was a Canadian Army mark on them, and a By the Witness: numeral stamp.
- turned over to him, and he only gave evidence that they were the pliers brought back from Lewes. By the Prosecutor:
- ending Officer: If you were only an ordinary person, that is, a rivilian, and you saw the pliers, for the first time, would you know that they would be the property of the Regiment? By the Defending Officer:
- ness: No, sir; but I would say that they were the property of the Canadian Army. By the Witness:

(Kitness Retired)

- Third Witness for the bayeakhada Prosecution is called and duly sworn.
- By the Court: What is your full rank and name?
- Lieutenant J.M. Brick, The Essex Scottish Regi-By the Witness; ment.
- By the Prosecutor: You are the Signal Officer?
- By the Witness: Yes, sir.
- You are familiar with the equipment of your By the Prosecutor: platoon?
- By the Witness: Yos, sir.
- By the Prosecutor: Do you recognize these pliers?
- By the Witness: I do.
- By the Prosecutor: How?
- ness: We have issued thirty-six pliers, from the to 36, this is serial number 25. It is a serial number put on by the storeman of our own platoon. By the Witness:
- secutor: Can you say positively that these pliers are the property of your section? By the Prosecutor:
- By the Witness: Yes, I can.
- By the Prosecutor: Have they any marks peculiar other than the ones already mentioned?
- By the mitness: No, other than the numbers which we stamped on ourselves.

By the Prosecutor: Is there any way that you can identify the pliers as belonging to the Regiment?

- By the "itness: They have the Canadian Army stamp.
- By the Prosecutor: Are they issued to anyone else?
- By the Witness: Not the same type of pliers. The pioneers and Motor Transport have a different type issued to them.
- By the Prosecutor: Is there any reason why a member of the Intelligence Section should have possession of a pair of these pliers?
- By the Witness: No, sir.
- By the Prosecutor: Was that pair issued to them?
- By the Witness: No, sir.
- By the Froszoutor: Under what circumstances were these pliers brought to your attention?
- By the Witness: Some person's kit was brought in by Sgt. Adams and these pliers were among the kit, and I asked Sgt. Adams if I might have these pliers as they are mine. He gave them to me with the understanding that I should return them to him if they were needed at a future date.
- By the Defending Officer: With reference to the stamps on the pliers, would they lead a person to believe that they belonged to the Canadian Army?
- By the Witness, Yes, sir.
- By the Defending Officer: Is there any way for an ordinary soldier to know that they belonged to the Signal Section?
- By the Witness: None, sir.
- By the Defending Officer: When did you first miss these pliers?
- By the Witness: I can't give you that at all, but we do keep records of each pair of pliers, and when they are lost.
- By the Defending Officer: Do you know & if these pliers were missing from your platoon stores?
- By the Witness: I can't give you that without a look at the records.
- By the Defending Officer: The first time you know they were missing was when Rick Sgt. Adams had them in that kitt
- By the Witness: Yes, sir.

(witness Retired)

Fourth Witness for the Prosecution is called and duly sworm.

- By the witness: I am L/Cpl. E.A. Wilton, A-21319, Bn H... The Essex Scottish Regiment.
- By the Prosecutor: Before questioning L/Cpl. Wilton, I should to have the fourth charge amended in so far as the

items listed are concerned, the amendment is as follows: Blankets, one, struck off; sheets, ground left in, Value ten shillings; Helmet, steel, one, struck off; Badges, cap, left in; value six perce; Towels hand, two, struck off; Forks, one, struck off; Blouses, B.D., I Value £1.2.6; Trausers, B.D., pair, one, value £1.0.6, Spoons table, struck off; Shirts, cotton, khaki, I, value 4 shillings, half-penny; Shirts, cotton, struck off; Shirts, flannel, one, value nine shillings fivepence; Knives clapp one, value two shillings tempence; Dressing, field struck off.

By the Court: Have you totaled the value of the whole lot?

By the Prosecutor: Three pounds, ten shillings, fivepence halfpenny.

By the Prosecutor: L/Cpl. Wilton, what is your job in the Battalion?

By the Witness: I am Acting Quartermaster Sergeant for Pattalion Headquarters.

By the Prosecutor: As Acting waartermaster Sergeant, what are

By the Witness: Feeding Battalion Orderly Room, and issuing clothing and equipment.

By the Prosecutor: You are responsible for issuing equipment?

By the Witness: Yes, sir.

By the Prosecutor: You know the accused?

By the Witness: Yes, sir.

By the Prosecutor: We had equipment issued by you?

By the Witness: Yes, sir,

By the Prosecutor: Have you his M.F.C. 800?

By the witness: Yes, sir.

(MPC 800 of Pte, Everts was handed to the Court, and entered in the Court Records as 'P.6.')

By the Prosecutor: You, - believe, in the last month, have been given some equipment belonging to the Accused, and I believe that at a subsequent date, either yesteriay or the day before, you were asked to check it?

By the Witness: Yes, sir.

By the Prosecutor: Tell us what you found.

By the Witness: When I first got his kit, there was an original list or what was mising, and they asked me to check the kit he had. He received some mores tuff, and I don't know where from.

By the Prosecutor: Having checked the equipment, what are the items now deficient?

By the Witness: Sheets, Ground 1, value ten shillings; cap badge, 1, value sixpence; blouse, B.D. value £1.2.6;

Trousers, B.D., 1 value £1.0.6; Shirts, cotton khaki, one value 4 shillings, half-penny; shirts glannel value nine shillings fivepence; knives clasp, one value two shillings tempence; total value of the lot Three pounds, tem shillings and fivepence halfpenny.

pasecutor: L/Cpl. Wilton, where did you get the value of these items from? By the Prosecutor:

By the Witness: From the official price list.

By the Prosecutor: You checked them yourself?

By the Witness: Yes, sir,

By the Defending officer: No questions.

(Witness Retired, and a Recess of ten minutes called)

(Court re-opened.)

By the Court: "t this stage of the proceedings, the case to the Prosecution is closed. Do you intend to give evidence on cath yourself, or to call any other witnesses? You are not obliged to give evidence witnesses? You are not obliged to give evidence witnesses? dence under oath unless you wish a volume make a statement with no corst examination it you give evidence under oath it will carry more whight with the Court.

I don't intend to give evidence under oath, By the Accused: but I intend to make a statement.

By the Court: Do you intend to call any witnesses?

By the Accused: No. sir.

By the Sourt: Very well.

ending Officer: I have a statement of character from Pte. Everts' platoon commander, is this the proper time to bring it up? By the Defending Officer;

By the Court: The Platoon Commander will have to be here himself.

By the Defending Officer: I understand not, sir.

By the Court: Have you some authority?

By the Defending Officer:

No, sir.

By the Prosecutor: I have not objections to that being put

By the Court: May I see the statement of character?

The Statement of Character from Accused's platoon commander is handed to the frusident of the Gourt,

By the Defending Officer: I might say that the reason that the Accused's platoon commander is not here, is that I have only had since yestereday to prepare the case, have only had since yestereday to prepare the case, and I didn't get around to seeing the Platoen Operander until yesterday. more place whent sperialis how from agreen in operan today.

By the Court: I don't wish to appear critical, but I think that it is essential to have all witnesses here, as the cases stand or fall on the evidence to be produced in Court. In fairness to the Accused, and because the Prosecutor does not object, I will admit the statement of character to be taken an evidence.

By the Court: The accused has said that he does not wish to give evidence on oath, but will make a statement, and wishes to produce a letter from his former platoon commander as to character. The platoon commander himself is not available at present.

The letter from the Accused's platoon commander is handed to the Court and entered in the Court Records ad 'D.2.'

By the Prosecutor: Should not the evidence of character come into the proceedings only after finding has been made?

By the Court: No, not necessarily Byidence as to character may be produced Arrive Line finding or before type of or after the finding to be used in mitigation of Line punishment.

By the Accused: I wish to bring out the intention with which I left. I left the O.P. to go over to the Battalion Headquarters, and refresh myself by taking a bath, and dropping off some equipment that I wouldn't take on the course. I had just received a letter. I had not read it during my tour of duty because it had been too dark. The next marning I read the letter and found out that my mother was going blind, and that my step-father got in an authomobile socident in which the front of the automobile was smashed. So that while there was no intention of going away for more than a day or so, I should like to bring up the fact that I was emotionally upset at that time, and that in view of the past record both in the apprican and Canadian armics that this was an action done inder direct.

By the Court: Do you wish the Court to look at the letter?

By the accused: If it is all right with my counsel. It all depends on my counsel.

The letter is handed to the Court by the Defending Officer, and entered into the Court Records as 'D.l.'

The Defending Officer Roads the Letter as to Statement of Character of the Accused as written by the Accused's Basands former Platoon Commander.

By the Defending Officer: In the opening remarks of Mr. Turnbull, the 'rosecutor, he said that he would attempt to prove that the Accused was A.W.L. he made no mention at that time that there was any descrition, and I think that the accused was A.W.L. To read from Page 19, of the Manual of Military Law: "The criterion between descrition and absence without leave is intention. The offence of descrition or attempting to descrit his Majesty's service implies

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an intention on the part of the offender either not to return to His Majesty's service at all, or to escape some particular important service as mentioned in para 20; and a soldier must not be charged with desertion or attempted desertion unless it appears that some such intention existed. Further, even assuming that he is charged with desertion, the court that tries him should not find him guilty of desertion, unless fully satisfied on the evidence that he has been guilty of desertion as above defined. I don't think that from the evidence of the 'rosecutor that it has been found that Phe. Everts definitely left the Regiment with any intention of quitting his Majesty's Porces. I feel that all tely proveithat Provost Sergent Adams went to Lewes to identify Everts, and there doesn't appear to be any direct evidence that Everts was in civvies when he was apprehended, and generally throughout, I don't see where the intention to desert might be brought in. He had papers in his possession, but they are all perfectly legitimate, because the defendant's name is Marshall, and it would appear

By the Prosecutor: Was that brought out in the Evidence?

By the Court: It is all right.

By the Prosecutor: Was that brought out by the accused?

By the Court: Yes.

By the Court: How do you account for the fact that his name is now Marunall? Courts?

By the Stabandabas Defending Officer: His mother married again, to a man by the name of Marshall, and when in the Canadian Army, the Accused reverted to his original name of Everts.

By the Court: The christian names are different too.

By the Defending Officer: I don't know the ofrometances.

By the Defending Officer: With regard to that first charge, I believe that the most that can be proven is absence without leave for two days, and I don't see any evidence that can convict him of desertion. With regard to the charge of stealing the biqyels, on page 118 of the Manual of "ilitary Law in Para 51, "If the 'owner' consents to the taking, there is no theft; but consent obtained by force or fraud will be no defence. In this connection, however, it is important to distinguish between a transfer of 'possession' only, and a transfer of 'property' in the goods taken. If a by false pretences induces 8 to give him possession only of an article, and then without 8's consent appropriates it to himself, this is 'theft'.". As Sgt. Flatt stated in his evidence, the bicycle was left at the Intelligence Section 0.P. for their use, and it was not necessary for anyone to get permission in order to take the bicycle, and when it was taken it was perfectly legal, and there was no offence committed. In order to prove that he was stealing the bicycle,

it has to be proven that he intended to take it away and not return it. I heard no evidence to prove that he did not intend to return it. With regard to the charge of the pliers, I think it has been proven that a person in Everts' position would have no way of knowing that the pliers belonged to the Signal Section and not only to the Battalion, but also to the Canadian Army, as the 'C' is obliterated, and might be missed. There has been no evidence given that the pliers might not have belonged to the bicycle kit, and a person using the bicycle would have not reason to believe that the pliers did not belong to the bicycle kit. To sum up all the charges. The first is the main one, and on all charges I should like to submit that not sufficient evidence has been produced to show that Everts intended to desert. He might have intended to go A.W.L., but he did not intend to quit His Majesty's services all together. The second charge, he might have mis-used the bicycle, but I den't think he can be found guilty of stealing. On the third charge, I don't think any evidence has been represented to us that the pliers might not have been part of the bicycle's equipment.

The Court calls the Prosecutor.

By the Prosecutor: With reference to the First charge. The
Defending Officer is quite correct as to the difference
between describen and absence without leave being
intention. It is not possible for the prosecution to
prove actually wmat the Accused was thinking at the
fine he goes absent, and the only way we can judge his
intention is by his actions. I might refer you to The
Green Book, Page 13, Para 'a' "The existence or otherwise of this intention may be decided by the natural
inferences to be drawn from the sircumatances proved
in evidence, e.g., length of absence (though this by
itself is seldem comelusive), distance from his unit,
the circumstances and locality of his arrest or surrender. The possession of his arms, equipment, papers
and other marks of identity would be relevant considand other marks of identity would be relevant considerations. Disguise or evasion of interrogation would
be most material, and the wearing of uniform or plain
clothes might be of great or less importance according to the Rules in force." I should first like to
ing to the Rules in force." I should first like to
ing to the Rules in force." I should refer you to the
Manual of Kilitary Law, Page 529, Para 'n', "where an
officer or soldier has been apprehended and on arrest
officer or soldier has been apprehended and on arrest
taken into custody at any such police is any part of
the majesty's dominions, or has on surrender been
taken into custody at any proceedings against that officer or soldier, a certificate purporting to be signed
by the police officer in charge of that police station
by the police officer in charge of that police station
stating the fact, date and place of agreet or surrender,
shall be evidence of the matters so stated." The desorigits return states, and signed by its. Everts, Serorigits return states, and signed by its. That
the goesse was airrested in a cafe, that he was dressed
in civilian clothes wearing boots, and he denied being
a deserter or absentee, and he later ass identified
by Sat

By the Court: Fars 12 deels with civilian clothes which is quite all right.

By the Prosecutor: I might submitt that the other partosseputor: I might submitt that the other pare iculabs so stated in the descriptive return are all derevalent and are quite proper that they are particulars which in essence are the same as the statement as to his dress. Essence are

- By the Court: But we have no evidence as to whether the bicycle was found in his possession. It may be evidence for what its worth. By the Prosecutor:
- osecutor: Might I suggest that the police's statement should not be treated as an admission by the accused?
- By the Court: inite purposes. You repaid of the evidence without the police being here to back up what the without circumstances of his supplementary and residence without circumstances. circumstances of his apprehension and return the admission might be prejudicial to him at the time.
- the Prosecutor: I sons by Adams. I submit that all they have are confess-By the Court:
- eccordingly, bearing that fact in mind. By the Prosecutor:
- osecutor: May I have the opportunity of continuing with that evidence? It is important to me. By the Court:
- By the Frosecutor. The only purpose was to obviate the necessity of brining some witness for some distance and as it was signed by the Convening Magistrate, and syldence for the Court. By the Prosecutor:
- rosecutor: In addition to the form you have there, the Accused's commact admits that there is not dispute about the papers that we submitted to the Court, who took them from him is not here in court. And so concerned, all the papers save two refer to one R.F. concerned, all the papers save two refer to one R.E. concerned, all the papers save two refer to one R.E. contact with him, and he could make out that he is a person who is not in the American forces, and if he were judged as a person properly identified by a person as Marshall and a reas issued to one Marshall person as Marshall, and a pass issued to one Marshall might also add that the paybook of the said accused also the letter referred to in his statement is not account those documents. anso the letter reserved to in his statement is not amongst those documents, even though that letter was referred to as being a letter that created the durage under which the Accused had absented himself without under which the accused has absented himself from the Battalion, and believe that the facts that ere before the Court are very strongly evident that are before the Court are very strongly evident that there was no intention of returning to Ris Majesty's Forces. If there had been might have been with the soldier. If there had been an intention to return, I suggest that the pa, book as intention to an intention to return, he would not have denied that

Che poor were the training that the people are with a character of the people are with the character of people are with the character of people are with the character of the people are with the character of the consent of the owner redding with the research of the consent of the same of the consent of the he was a deserter or an absentee and present the papers that he was cerrging, with respect to the bapers that he was cerrging, was a support that he was supported to the support of the baser, that a support the baser, the baser, the baser, the baser, the baser, the baser, the support the support the support the supported that the support to the support the support

Classifor consideration of

By the Court: Pte. Everts, the Court has found you Not Guilty on the Second Charge. Have you snything further to

The statement of the prosecutor: No A-22221, Name: Everts, Accused is read by the Prosecutor: No A-22221, Name: Everts, R.L.W., Unit: The Essex Scottish Regiment; Age: 26; R.L.W., Unit: The Essex Scottish Regiment; Age: 26; n.L.W., Unit: The Essex Scottish Regiment; Age: 26; n.

The Statement of Character and Particulars of Service of the Accused, together with a certified true copy of M.F.M. 6 are handed to the Court there to be entered in the Court Records as 'F.W.' and 'F.B.', respectively.

By the #boushadout Have you personally checked the Statement of Character and Fartisulars of Service of the Accused, and found them to correspond with the Unit records?

By the Prosecutor: Yes, sir.

By the Court: Mave you personally compared this copy of MFM 6, with the original, and found it to be correct?

By the Prosecutor: Yes, sir.

Lieut. McGregor, Defending Officer, presents himself as a witness for the Accused, and is duly sworn,

By the Witness: Eack in Aldershot, sir, while acting second-incommand of the Company, I had occasion to ask Pte.
Everts to sidness the Company on different subjects.
At that time he was one of the best men in the Intelliat that time he was one of the best men in the Intelligence section, and he was regarded by everyone as a
yery intelligent chap, and one vary interested in his
very intelligent chap, and one vary interested in his
very and a very good example. He must have done a
terrific amount of outside reading, and we felt that
he was an excellent man.

By the Court: Everts, have you yourself anything further to say?

By the Accused: No. sir; none other than what I have shready said. Sana a pratical.

(Court is closed for the consideration of sentence).

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I GERTIFY THAT the above evidence to the transcript to the system of my shorthand notes.

100 906 THE THE THE RESTRENT OF CAMADA.

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## ABSTRACT OF EVIDENCE

In the case of A-22221, Pte. Everts, R.L.W., 1st Battalion, The Essex Scottish Regiment, Canadian Army (Overseas).

FIRST WITNESS:

A-21814, Sgt. Flatt, A.W.C., states:-

"I am Sergeant of the Intelligence Section to which Pte. Everts isposted. At Rye, Sussex, on 30 Jul41 I warned Pte. Evertsthat he had been detailed to proceed on a Snipers' Exercise Course at Bordon, Hants, 1 Aug 41, and that he would move by M.T. at 0900 hrs that date to the Snipers' School from Saltcote Place, Rye, the Bn. H.Q. He was not to be found at the place, at the time on the date stated. Subsequently I learned that he had left hisquarters on bicycle T23600 on charge to the Intelligence Section. He has been A.W.L. from that time on that date."

SECOND WITNESS:

A-21108, Provost Sergeant, Adams, R.J., states: \*

"I am Provost Sergeant of the Essex Scottish Regiment, C.A.(O's). On 5 Aug 41, on instructions of the Adjutant, I proceeded to Lewes, Sussex, Police Station, where I was shown a photograph of A-22221, Pte. Everts, R.L.W. and a bicycle bearing the number 123600, which bore a tag labelled "A-22221, Pte. Everts, R.L.W. I saw Pte. Everts in person and identified him. On 12 Aug 41 I again attended at Lews, Sussex, and the Court of Petty Sessionswhere I heard Pte. Everts admit that he was an absentee without leave from the Essex Scottish Regiment, Pte. Everts was on that occasion hammed into mycustody together with a "Descriptive Return of an Absentee", hereto attached and a pair of pliers #25, allegedly taken from Pte, Everts.

THIRD WITHESS:

Lieut. J.C. Brick, states:-

"I am the Signal Officer of the Essex Scottish Regiment. I identify the pliers shown to me bearing the number 25 as equipment on charge to the Signal Section of the Essex Scottish Regiment and which has been missing for some time.

FOURTH WITNESS:

A-21319, L/Cpl. Wilton, E., states:-

"I am the N.C.O. in charge of stores for Bn. H.Q., The Essex Scottish Regiment. Pte Everts was issued with the following articles of equipment of which he was

deficient on 15 Aug 41:Blankets - 1; Sheets, ground - 1; Helmets, steel - 1;
Badges, capp - 1; Trousers, B.D., pairs - 2;
Blouses, B.D. - 2; Towels, hand-2; Shirts, cotten -1;
Shirts, flannel, -1; Knives, clasp - 1; Knives, table - 1;
Forks - 1; Dressings, field - 1;

FIFTH WITNESS:

Detective-Sergeant S. Leader states:-

"The shdier now identified as A-22221, Pte. Everts, R.L.W., was taken into custody by the Lewes, Sussex, police on 2 Aug 41, at 1745 hrs. At that time he had in his possession a pair of pliers bearing the number "25". The statement attached was made by Pte Everts on 3 Aug 41 and signed by him in my presence. On 2 Aug 41 Pte. Everts was in possession of bicycle #T23600."

I certify this to be a true copy of the original abstract as prepared by Lisut, J.R. Turnbull and submitted to the Officer Commanding this Unit and to the Brigadier commanding 4 Cdn Inf Bde and duly approved.

Lewes Police Station

18.30P-

3rd August,

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MARSHALL, Wilford Basil 25772, Peter Kalts Road, Centerline, Michigan 26 Boldier

I have been cautioned that I need not say smything unless I wish and I make this statement voluntarily.

I was born in Toledo, OHIO, U.S.A., on the Sist March, 1915. My father is dead and my mother remarried about seven years ago to

Glen MARSHALL.

I attended St. Theresa's High School, Detroit, Michigan,
I attended St. Theresa's High School, Detroit, Michigan,
where I graduated in 1938 or 1938. I later went to the Sacred Heart
Seminary at Detroit until the middle of 1934. I then atudied violin
until I enlisted in the U.S. Army on the Srd May, 1936.

I remained in the U.S. Army until May 25, 1938, after which
I remained in the U.S. Army until May 25, 1938, after which
I was discharged on compltion of term of enlistment.

I was discharged on compltion of term of enlistment.

I was discharged on the U.S. Mayy at Brooklyn Federal Building.
in an application for the U.S. Mayy at Brooklyn Federal Building.
While waiting for my being called up I found a job with Duff & Conger,
While waiting for my being called up I found a job with Duff & Conger,
While waiting for my being called up I found a to the three I received
Inc., of Madison Ayenue, New York City and whilst there I received
Inc., of Madison Ayenue, Hew York City and whilst there I received
Inc., of Madison Ayenue, Hew York City and whilst there I received
Inc., of Madison Ayenue, Hew York City and whilst there I received
Inc., of Madison Ayenue, Hew York City and whilst there I received
Inc., of Madison Ayenue, Hew York City and a descriptions of the three
the letter enclosing the Photos and descriptions of the three
the letter was addressed to Bruno Thieman, As there was no one in the
letter was addressed to Bruno Thieman, As there was no one in the
safet "Not at this address". When I saw what the letter comtained
I decided to keep it as my keeping it affected no one really and it
made good material for writing at a future date.

I was a star which

I decided to keep it as my keeping it affected no one really and it made good material for writing at a future date.

I worked at "Duff & Congers" for several months, after which I re-enlisted I returned to the Detroit Federal Building, after which I re-enlisted in the U.S. Army. I also started the Reserve Officers Course.

I served there at Selfridge Field, Michigan and was later transferred to the End U.S. Infantry at Fort hayme, Detroit.

Later I decided to try and get to England and enlist in the Later I decided to try and get to England and enlist in the Royal Mavy or Merchant Marine, so I left the U.S. Army on the 5th April 1941, after which I worked at the Moodward Aranue Market, Detroit, for a time and saved 200 dollars.

Being absent from the U.S. Army I could not apply for a

Being absent from the U.S. Army I could not apply for a pass port without being caught and I doubted if I could have got one

owing to war conditions.

Knowing that to leave an American Port would lead to my apprehension and it would look like a pure case of descrition, I dedicate go to Canada and find out which port it was all the ships

ded to go to Canada and Find out which port it was all the were leaving for England.

were leaving for England.

world and I decided that it was a logical place to leave from because I know that If I was caught trying to get to England without a passer it would be a simple for the Authorities to check up as me. The problem was how to get passage so I struck up acquaintance with a few soilors in the Merchant Marine in some of the waterfront cafes.

few sailers in the Merchant Marine in some of the waterfront cafes.

I finally set a sailer who was drinking quite heavily and
I finally set a sailer who was drinking quite heavily and
saked him what ship he was on. I wanted to make sure that he was
going back to impland. He would not tell me any details after which
going back to impland. He would not tell me any details after which
I laughed and teld him that I wasn't a app and that I was merely
I laughed and teld him that I wasn't a app and that I was merely
trying to get to impland to join the Royal Navy. As he was in port a
trying to get to impland to join the Royal Navy. As he was in port a
few days I did not broach the subject of "stowing away" until a few
few days I did not broach the subject of "stowing away" until a few
nights later when I cold see by his manner that the boat would seem
he pulling out, As I knew the Mercantile Merine were fairly well

paid I considered what sum would seem agreeable if he accepted. So, after buying a few drinks, I took out 75 dollars and put it in his hand and told him that I wanted to Get to Bugind. I showed him all of my papers to prove that I was not dangerous, but patriotic. He decided, during the course of conversation, that he would get me aboard.

I asked him what the name of the ship was again and how ship-

worthy she was but he said it didn't make any difference, it was the "San ----"something. He said, "What difference does it make so long

as you get scross?"

go on the evening the boat was supposed to pull out I walked aboard wearing a white uniform and c rrying a comple of baskets. He got on the boat first and when he saw that no one was noticing me he led me down to the stern of the ship and hid me in a large wardrobe or closet affair. He went away and told me he would see me later. As

led me down to the stern of the anipate into the second closet affair. He went away and told me he would see me later. As soon as he left me I get into my own clothes.

While I was on board I was kept concealed but I did not know that she was weighing anchor and moving out. I don't remember the date but I think it was about the loth June, 1941. Later that evening this sailed brought me some whiskey and a sandwich. He then asked as if I would keep quiet and take things easy and that If I was caught at any time not to implicate him. He tald me that he thought the I was all right and not a spy and that was the only reason he was doing this for me.

When I first gave him the 75 dollars he refused it but after a few more drinks he finally wanted to accept it but after trying to find out the name of the shi for writing purposes later on I could see that he did not trust me any too much - so I did not trust him say too much. I gave him 25 dollars and promised him the other 50 shen we docked. All this took place in the cafe on the water front to which I have already referred.

I seked this seiler his name on several occasions. He told me to call him "Jee". He was about 5 77-8" in height, age about 40, face ruddy, rather long, pale blue eyes, big boned, slightly regardiable tatooed on right him with a heart, on the left arm the union Jack. He spoke with an english accent and wore a white jacket over his blue serge jacket. He fisited me several times each day and brought me food and

After we had been at sea for about 3 weeks he told me that he was not sure that we were going to Englos but assured me that we should land at a British possession. Some days later he told me that we were land at a British possession, going to England,

We eventually arrived at Cardiff. "Joe "coached me as to what to expect and gave me a steward's uniform and a pair of trousers. About 4 or 5 hours after we had docked he came to me and told me that it was all right to go ashore.

It was nearly dark. We went of the ship by a geng plank lower than the main gangway. As we reached the barrier there were two police in uniform. "Joe" put his hand in his pocket as if to produce his identification. The police nodded and we went by. I was carrying two baskets in which I had my civilian clothing.

Once outside the dock area I changed into my civilian clothes.

I paid Joe the 50 dollars I had promised. We parted company and I have not seen him since.

not seen him since.

I did not see the name on the ship. She was not a very large ship, slightly bigger than a lake-ferighter which are as long as an

ocean-going boat. I think she had two funnels.

I made my way to London. I had 100 dollars in British money and
26 dollars in American money. I arrived in London on about the Srd
July, 1941. I went to a small hotel KXXXX in Southempton Row. I stayed
for one pight. I stayed the botal pointer in my proper case.

for one night. I signed the hotel register in my proper name.

I walked around London the next day. It was the 4th July, 1941.

I spent a lot of money that night and met a number of people. The next night I went to a club in Scho. I spent most of the next few mights in clubs but as my money was going rather quickly I had to sleep in Air waid Shekers. I did not want to stay at hotels as they asked too many

questions. I welked all over London looking for a job. My shoes became I bought the boots I am now wearing from a Canadian soldier near

Wimbledon. I paid him 7/-.
After I got the boots I heard that a convoy was coming in so I headed towards Brighton.

I went by train from Surbiton to Reigate arriving about I went by train from Surbiton to Reigate arriving about 9.50 p.m. I slept in an Air raid shelter that night. The next morning, which would be the 28th July, 1941, I went back into Reigate. I went in to a cafe and had some toast, coffee and some cakes. When I came out I took a black bicycle with a three speed gen. A civilian left it outside of a small shop.

I made off to some small town nearby and eventually reached Rye about 10 a.m. I got some food in a cafe. I was coming out when I noticed a soldier coming up on a cycle. It had a bex tied on the carrier. He left his cycle outside this cafe. I get on it

and rode away.

I went to Winchelseas and made towards Brighton. I arrived at Hastbourne late that evening. I went to a chema and saw a film called Four Hothers". I stayed the night in an Air raid shelter, the next night I stayed in a bomb-damaged house near the

Yesterday morning, after breakfast, I left Eastbourne. I stopped at several cafes including "Drusilles". I had a pot of

tes and cakes there.

I came i to Lewes erriving at about 3 p.m. I left the Army cycle I had taken from Rye at the top end of Lewes. I then walked back into Lewes and went into the "Thomas Paine" tes room where I was subsequently arrested.

(signed) Wilford B.Marshall

X		ert T. W. Whrom	5	who
ESCRIPTIVE RETURN	OF L Robe	ert L.W. EVERT	be 2nd August	
to be harmant at la	ewes			
f 1941 and was	s committed 1	to commement at	Absentee Absentee A	
n theday	Bn. of the	Essex Scotti	oh Regiment	
eave) from the Rye, Du	BBOX.	RECEIPTS OF THE		
The state of the s	Heigh	5 7". 1	oet	inches
Age_ 26 Fresh.		Mark The late of the late of	Brown	E. C.
complexion Fresh.	In	uniform or plain cloth	les lain cloth	gu.
Probable date and place of att		Spring 1940.	Windsor, Ontar	io.
polytical date of desertion or b	eginning	.30hrs. 1st A		
of absence and from was	-			
Name, occupation and address person by whom or throug means the Deserter for without leave, was approand secured.	Absentee	Constabulary,		
	* 200	wrested fr a	cafe as he was	dres
Particulars in the evidence, on which the prisoner is committed, and obser- ing in what manner and upon what grounds he was apprehended. The fullest possible details to be given	in civilian clothes, wearing boots. An army detained as a suspected person. An army cycle was traced to his possession. He denied being a deserter or absented but later identified by Sergt, or his unit.			
I po nament castiev to has been duly examined in				
the circumstances berein a declared in my presence that		TENESTER WITH	Residence	To the last
an absentee		west Chilting		Mr.
the before-mentioned Corps.			igust 1941 Date of	
	Rel	ust L. W. Evert	Signature of	Prisone
	8	my Leader . D.	S Signature of I	
	7	1	alsohood of such contension	
	confessed, and	evaluate of the truth of t		
Or where the Prisoner forthcomins		1		
forthcoming	the above-name	ALCOHOL STATE OF THE PARTY OF T	Signature	
forthcoming  I MERRHY CRETIFY that  Prisoner confenced to the	or circumstance	h		1 +
forthcoming I stream therity that Prisoner confessed to the above stated, but that evidence	ence of the trut		Residence	1
forthcoming  I MERRY CRETEY that  Prisoner confessed to th	ence of the trut sion is not forth as adjourned not		Residence Post Town	Signatu

<sup>§</sup> Care should be taken to insert Army No. and Rank.

Linert. was apprehended "or "entrendered," as the case may be.

It is important for the public Service, and for the interest of the Describe or Absentee as the inner, that this part of the terms should be accurately filled up, and the details should be inner to but he public stem in the case made the inner to be a public to his own handwriting, or under his distribution, by his Case.

Innert is "or "in not a Descript" or "Absentee without leave from," or "belongs," or "does not belong to." as the case may be.

Robert Lo. W. Evert, "A' 22221. Battalion Orderly Room, Essex Scottish Regt. ofo Base Part office Canada, "Overseas

Dixworth Guly 10-41 mich, Dearest Sowi going to try and write to you this a pu its mor Tochock and butter. rand Sylvia is still in bed Dore wanted to write to you since last Triday but seem I just could be so Course & told you I was I day my vision is or Cloudy I don't be to write and I must wait till I have a Clearer vision till I can write, dur years ago today we land hims dear old dad in his last resting place, and since the 6 of july my

memoral are quiet mixed up. and what a terryeur it has been for me. We mailed Eyou out a parcel July 5-4 land I am sending you a slip of continto of your parcel. Perhaps you had been the been in an accordend emashed front of our car at will cost \$ 56,75 for repairs - and it seems like a privous without a car here we can't get any where so we have been unable to see and the pup teret so get

will up som as passible will also send to that fine in canada for agarett facel Sat July 12-41 July, hell be is jew old Will gund you have your wish so Doland - Greenland, Gel from I wish all this timble and uncertain War was over Everything is coming up in drices except wagest. We reced your transatlantic air mont that you mailed out June 20 are wondering if you have

Reced our letter sent same date June 20-41 Framatlantic air mail containing \$ 2.00 thepe you let us know as born as you receive it also mailed a Parcel That date, What a relief to lanour you receid your watch ere this hope you'll like shirts the Socke B.K. as you That she is home for at least a week think Ger will come right from work but and their her back home Sunday, She is doing as and as can be expected of course she can't do a thing as feet

we will be overel glad to east the fecture fromisted us Well again by by occur of and to give me my with it may trassibly help me Thank you,

up they Even charge mari on Canadian money it. Cest me 3,00 to cash the 20,00 and I do the very best I lemm how with it, Supprese you have recid the last 3) nine pair of Sills you are well and as happy Glad to know your chil friends are nice but don't let any of them trick you parkets promis to Come to america when war is over their refuse to come as my dear bry 5 - am trying

som we get our car to get around where we would to gr, We have sugared all soil for the land of butter you merilioned but harrie butter met sented our times that has a dairy about it and they never heard about it but dad said when we Lucy car again excite go to the Broadway market Land Enquire there, Talk about averetthe

and I do want her to take grad are of her self. mother wint feeling so good this AM. she will be 80 years old aug 4. and Robert well be 4 years is O.S. shi's as fut as over and Bot cometine we tak a notifie Taken out a HHA loan and Our and furniture we have all

are can dr. and its costing son much for me monday I was to the Dr and it cust me 3.75 at les that including about and crat 180 for medicine for my Eyes one gofout for day and an Eye openished he know overest will in mount clemma! and that will cost another \$ 5,00 he want me to go to that Eye Dr as he thinks They may work to gether and prolong my Sight I have been docting with he Tranton for my year, Sr J am gring to mount Clemmes as

of love to our body boy. Regardless you'll always. be my baby. We have one oularghent of your protection in four Canadian uniform standing by your tent one large picture of you framed word am holly Rosany on it on our chest of prouver rand the outding fricture you gave me for xwas Infen we were living on Chene is on our chiloste At you are degreef we Com our your whoever we An from store to room but

or hard to have you there See you buch well and happy is now describ with and devent do take care of your self. Lost me burn you care much for that but Some time it is necessary you get to much perhaps grad to give your something lin return on it Well darling will say by by with oceans

truck hes ind he the long better kings D.7. fomenties - in . Long land 20-8-41 Pre beets - Statement of character. To whom it may concer !-Intelligence Section of the Enge Sent under command from January 1941 to June 1941 during which spine to severed me well and faithfully let no spine was his conduct or his attitude to his work offer Han might be expected from me exceptionally good soldier. I fait I did in several occasions hold up to the section, both he and his work as an example of what I considered a fine I have telligene Aype of soldier. In some things he was show to great The paint and his knowledge of weapons was week but for good hands effort and continuous application to duty I could not with for letter roldin all the stime he was under my command. He did a stremendors amount of reaching when If duty on matters pertaining so his work, was cleany ready on eager to which and suned most determined to letter his position as a soldier and to do a good jut in the Handra Sahell Liend.

there has

(Substitute for A.F.B. 296) or M.F.B. 355

# STATEMENT OF CHARACTER AND PARTICULARS OF SERVICE OF THE ACCURED

NO.A-28881 NAME Pto. EVERTS, R.L.W. UNIT The Essex Scottish	
AGE 26 MARRIED OR SINGLE Single NO. OF DEPENDENTS None	
DATE OF ATTESTATION 18th May 40	
NO. OF DAY REEST IN CLOSE ARREST (TO DATE OF TRIAL)	
CIVIL 10 MILITARY 16 HOSPITAL O TOTAL	26
DATES OF PROMOTIONS, A POINTMENTS AND COMPIRMATION OF RANK, IF ANY	

A CERTIFIED TRUE COPY OF H.F.H. 6 MUST ACCOMPANY THIS PORM

Correction of the Contraction of

Dated at: Camberley
This 28th day of AUGUST194 1
(To be dated and signed as of date of trial)

n	te. 1	N	o. and date Period not	reckoning towards		ne LO May AOBadges	C.) Prof		M.F.M. 6 (A.F.B.123) 1884 - 4.39 (1712) H.Q. (1777-43-13
e of	Rank	Cases of drumber-	OHENCE		Names of Witnesses	Punishmens swarrled	Date of award or of order dispen- sing with trial	By whom searched	Kamarks
Jula	1 Pt	•	Towner A Trial All		o Sgt Garnh	em For <b>S</b> eiture 10 days pay (F.R <sub>1</sub> 40[1)(s)			on.
			I	cortify thi	p to be a tronginal naw	DESIST ) Captain	and the same		
	Sheet	Shoot Anh	Sheet See of Cases of Granten-nest	No. and date Sheet of last drunk Period not freedom?  And Case of drunk OFFENCE  Pull 51 Ptp A.W.I 0900 hrs., hrs., 4 Jul 41.	No. and date of last drums   Period not reckoning towards   Sheet of last drums   Period not reckoning towards   freedom from extra fine   Offence   Tul 1 Ptb   A.W.L 0900 hrs., 1 Jul to 220 hrs., 4 Jul 41. (A. A. 15(1))	No. and date of last drums   Period not reckoning towards   Sheet No.    Sheet   No. and date   Period not reckoning towards   Sheet No.   Sheet   Sheet No.   She	No. and date of last drums   Period not reckoning towards   Sheet No. 1   Signature O Company, a company   Sheet No. 1   Sheet	Price Everts, "The Ester, or Company or Company or Company of Island or reckoning towards freedom from estra fine of last drume	No. and date of last drunk   Period not reckoning towards   Sheet No. 1   Signature O.C.   Company, etc.   Cheracter of last drunk   Period not reckoning towards   Sheet No. 1   Signature O.C.   Company, etc.   Cheracter of last drunk   Period not reckoning towards   Sheet No. 1   Data of swell and of last drunk   Period not reck dispersion of last drunk   Period not reck dispersion of last drunk   Period not reckoning towards   Period not reck dispersion of last drunk   Period not reckoning towards   Period not reckoning

PPF-20 PTE- EVOY F.

4

#### SCHEDULE.

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

Accused: C-79135 Pte Francés EVOY, Lorne Scots, 11 CBR Bn

Charge.	Plea.	Finding.	
(Insert "alternative" where opplicable.)	(See Instrs p 2.)	(See note below.)	(Space for use an required for further charges, accused charged joints special findings, etc.)
nd	1 00	10	
rd			
th			
th			
th			

WAL DECEMBE	under sentence for
F 0	invest contends being served, or delets, if not applicable. See AP 46(A). Infathecision should be found on AP 3313 of PP 50270-3
900	onfinement awaiting present trial—a total of /6 days, of which, A. days were spent in hospital.(1)  (I. See RF 461R fs 1 information about the found on MF SISS or AF EFF admitted in evidence under E1.)

Sentence Awarded by the Court :

	to undergo de la	tion for nevery	y augus.
			( 1 ) 2/1 (le 5 1/2)
(8gd).	Judge-Advocate, if any. Ger took of Convent	Duly awarded. ing Order as to esterbly and disposal of re	(SP 45, 50.) scord after trial)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (ALSHS), N 120(1), MML p 7400.3

PART III. DECISION OF CONFIRMING OFFR ON FINDING(S) AND SENTENCE. User duties and powers see AA 54, 57, RP 37(D) fo 0.46(A), 51-54, 120, MANL pp. 7:59-761, RR Can 567-377. Acquitable requires no confirmation and contest be resined. AA 54(3), RP 120(5). If and confirmation and contest be tred open. AA 137, MANL p. 64. Minute of confirmation or non-confirmation may be ultered before personal potent. RP 53. MANL p. 65. Quantiting after promaligation in R. 65. MANL p. 65. Quantiting after promaligation in R. 65. MANL p. 65. Quantiting after promaligation in Research and powers of reviewing offer must sign here personally. AA 172 (n.5.) My decision on the finding(s) and sentence set forth in Part I is

Compositioning Differen

PART IV. PROMULGATED AND EXTRACTS TAKEN. (89 53, 53 Can 154, 577.) Date. Accused.

6.79138 - the Francis Croy 20 peus 44

Impardea Cast

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

rig G Francoeur	Comd 2 CBRG	dated 15 Jul
ACC	USED.	3 3
two or more charged jointly see RP 16, rank or A/append. If any, see AA 182, 18.	. 71. 109. As to reasons for showing 3, fns, KR Can 308, 328, 330.)	(a) permanent a confirmed
. (b) Appent, A/R or A/Appm		Surnam
ED	(27)	TOPE CONTROL TO THE C
G BRANCH CHILL	on (date(s))	16 JUN 44
ORM A-OPENING PR		BRAIGNMENT

an percediers when a verifician in this form of the properties of preceding both number names, we see that an uniform will be made and piene of number having reference to appropriate or preceding both number name of the see and of A2. The President initials and lays before the Court the Convening Order and Charge Sheet(s) attached thereta(s).

The Court is satisfied that it is proposity convened and constituted(s), accused is (see amenable to maintary law, and each charge discloses an offence (s).

(1. As to use of Summery of Evolutics see RP 17 fe to 2. AA 49. 50, RP 105-107. 2. RP 11-12. 23. 24.)

A.3. The Court is opened. The accused is least brought before the Court. At 1520 hours trial commences.

A4. The Presecutor produces a Medical Certificate that accused is (are) fit to undergo trial by court-martial (\*) of the Promounter entering the Court that accused elected to be trust by court marked meteod of being doubt was

	. 6.	KR Can 557.	2. 64	46(3),	PF 60 fn 1.	For Offect see KR Con :	563(c). Doies	e. If not applicable.		
19	Ann Dres	aident to as	cured :	Do.	gram abject	<del>10</del>		- an interprotee-		
								showthand writer	7 Ans	

Convened by O

Number. (a 0-79135 PROCEEDINGS 27 Jun 1 Milla REVIEWING OF field in the Fd REC 'Al. The Court is closed CPRINTE

(As to

(1. PP 72. Delete, if none amplimed.) At. The Convening Order and names of the President and Members of the Court are read to the accused?)

President to accused: Do you object to be tried by me as President or by any of the Members of the Court #

(f. 88 110. L M so objection, senting complex retires. 89 6508). M objection, see procedure AS 51, 88 23, 77, 18, MAR p 342.)

A7. The President, Members, Jos. M and Office under instr. H any, are severn.(1) The following are the ranks, marness and units of the office comprasing the Court, etc.:

M G CLENKETT Major 1 A delse 18 Ch and 12 CBF Bh Member Judge-Advocate

RA Goodenpugh Erm held 11 CAR 13. Prosecution I E. Martin The Black white 11 CM 1820

Questions by President: Is the Prosecutor a lawyer ! And Ho Is the Defending Offr a lawyer ! And Holland

(1) RP 25, 27, 100, 111. Let of after under instruction to returned adjustantly with presenting for information of Case (1813).

(2) If Print a larger and Col (1811) one, accessed in excision to an adjournment when HP 89 (2) and for 2 were not followed, but D1 g 25.

28. The normalist C 19125 PG Evry H. holives acresignment makening (not) the plane.

(f) if a special size is made for separate trial as one or more charges (89 ki)(), 100, or as is the paradiction of the Coast

(F) 34, 2505, 117, or in her of tool (89 ki), or as is accused; mental forces in size trial (AA 180, 89 55), or
by one of several occused charged jumity to be made separately (89 (A, 74), such pins, the actionizes rade on adjoint or experience. If one, and finding are recurried per Noise. For forms of rectard one references in the first last cost. Insert in AB each

All. The accused is (and arrangement becomes such as a charges in the charge short.) The accussed does (do)

not object to any charge.) There is no assentiment to be made to the Charge Sheet.) The President records the
please in Part I of the Schedule.

(i). AP 20, 1/2. See para 1 of leases p. 2. When nown than one Charge Direct see RF 62; when several occursed to be tried sequences of a RF 20, 1/2. See 10. The otherwise, delete and make appropriate record pay 1920-1. If otherwise, delete and make appropriate record pay 1920-1.

A10. The Court seminated med. occursions the Easter on Proceedings after Arrangement at top of p. 2. The pro-

osedings are continued on Record Form . 13.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

## 2 INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.
 (RP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc. offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).

2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective circumstances stated

- I. If pleas to all charges are GUILTY, use Record Form B below.
- 11. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
- III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
  - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form (
  - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Ned Guilly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p 744 Instrs (2).
- 3. As to responsibility of President to accused see RP 50, 60(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 91, 92; succaring and withdrawool of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83.85; calling or re-calling of witnesses by Court, etc., see RP 75-79, 88, 116; use of Summary of Evidence at Trial see RP 17(E) fn 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

## RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with RP 36(B) by explaining to the accessed the nature and meaning of the charge(s)(1), and that on his plea of Guilty there will be no regular trial but merely a consideration of the senence to be awarded after he has been given an opportunity to make a statement in reference to the charge(s), call witnesses as to character and make an address in mitigation of punishment.(\*) call witnesses as to character and make an

2. MML p 54 para 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(i) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of foulty(t), or which show provocation or extenuation in respect of which in year interest the witnesses for the Prosecution should be examined(t), we shall advise you to change your plea to Not Genity. In making a statement you will not be sworn or subject to cross-examination: and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire (\*)

resident to accused:	Do you wish to	make a statement ? Ans	1/0/
(1. A# 37(6). 2.	NP 37(D) fn 6.	2. RP 35(8) fn 5 pero 3, MML p 54 pero 47.	4. See pars E3 of Record Form E.

Phy Court considers the accused's statement (\*) The Court decides (not) to advise accused to change his chargetal. The accused is ture) so informed, and so that

Part I of the Schodule is amended accordingly

B4. On the charges to which the plasted of Guilty is (a.e.) not changed the President records findingles of Guilty in Part I of the Schedule.(1)
(I. 89 15(8), 8 on pinch) is (ore) changed, are Record from C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. A., initialled and rend aloud by the President (1)

(i. If there is an Summary, or if it is inndepants, comply with PF 1763). If there is any evidence incommissed with any piece
standing as Guilts, Cast will drive occurse to independ and if there is any evidence incommissed with any piece
pieces D1 to D6 inclusive of factor form D on p 3. RF 37(D).

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

## RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

Cl. As to the charges on which crossed pleaded NOT GUILTY the trial is continued by using parise D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(1)
(1. 86 206 (D))

C2. The charges on which accused pleaded GUILT is read to him (them) again, and the trial is continued by using paras B1 to B3 of Bosord Form B above.(1)

(1. Lings E5 sets pert sets of the Summers of Evidence are read as relate to the charges dust with under C2. If any pine is charged to Not Sulfa, total thereon proceeds by camplying with pures D1 to D8 inclinates a heard form D on p 3 and making an appropriate received thereof as a superstant states.)

Cli. The accord having been found Guilty on one or more of the charges, the proceedings to concluded by using Record Form E on p 5.

## PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

En Bern Look Streta of Bernet. 3
RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGE
D President to accused: Do you wish to apply for an adjournment on the ground that any of the rule relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or
the ground that you have not had sufficient opportunity to prepare your defence ! Ans
D2. The Prosecutor makes (an) (no) opening address.(1) (1. RF 19(8) 40(A) (8), 90, 92(C) (D). Record oddress per Notes, subject to RF 95(C).)
D3. The evidence by the Prosecution is taken.(*)
(I. RF 39(C), I/4. Con 555. Record evidence per Notes: As to Prosecutor giving evidence issuelf see RF 39(D) (E).)  D4. The Prosecution is Consed.(*) The Defending Offr submits that the evidence for the Prosecution does n
establish a prima facie case agreement the accused on the
is dissallowed on the charge(s), and allowed on the charge(s) and allowed on the charge(s) and that, accordingly, the trial will proceed on the fermer, but the accused is (are) found Not Guilty the latter charge(s).(*)
11 Delate remainder of this turns if sub-ission not made. 7. Armimments on sub-mission, onswer and reply are recorded.
per Notes. 3. RF 40 fn 1. See MAML p 72 Dept 12-14 and p 81 para 42. 4. Defete part has used. If accused acquitted on all charges use second afternative in para DE). NB : If true proceeds, accused meant be onlined and latitude in making has defence, and the Court should not stop his defence solely an ground of irrelevance. (RF 60(C), 114, 115)
D5. President to accused: You will now proceed with your defence. (*) You may, if you wish, give evider yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination. You may, however, make a statement without being swon, and you will not be subject to cross-examination. But a statement which could have been made as eath will not dry with the Court the same weight as every testimory. You may call witnesses in your defence and as to character, we that you give evidence or make a statement or neither.
President to accused: Do you wish to give evidence yourseld a witness, make a statement, or do neither
Ans
Ans: Are they witzeness as to character only ( Are (1. AF 115. 2. AF 40(A), see 80(D). 2. AF 40 fs 10. 4. AF 40 fs 2.
D8. Consequent on the answers recorded in para D5 the appropriate providing for the defence is followed (I SF 114, 115, 116. For procedure see Notes on book of Convening Order, CF AN Excitates for occused as to his character should, of the intersect, be given before the finding. See FF 4628 to 1. 6640, Not. Excitate operatory in para E1 of Record Form E. Record per Planes addresses, statement, evidence and any summing up by the a under NF 42, IGMs).
D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Par of the Schedule.(1) The Court is re-opened.  (1. 89 4), 1/7(8). See Notes in Part i of Schedule.  2. 89 44(8).)
DR. The President announces the finding(s), if any, of Not Guilty, and states to the access that the finding
of tibe Court on the.  charge(s), being subject to confirmation, will be preguligated later.  Ger, The President announces that the accused is found Not Guilty on all charges and is to be referred for their used that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed. (1)  (1) As Set, 16, 89 45, 120.8). 2. As Set, 89 45, 117. The absenceive accomments a not opticable when there are pass of design automoting and secure with under known form 8 or C.
D9. The accused having been found Guilty on one or more of the charges, the precedings are concluded by as Resord Form E below.
RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.
E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character
<ol> <li>If evidence has already been given by account or his witnesses as to his absorpciser, divince this pain. NF 27(C) fo 4. 46 fo 1. Account and witnesses are swarm. Evidence recorded per Notes.)</li> </ol>
F2 The Presentor produces Statementis) as to Character and Particulars of Service(*), and certified to copy (unries) of Conduct Sheet(x)(*), purporting to refer to the secused, which he submins to the Defending Offic examination, and then to the Court for admission in evidence. The Court is satisfied that these documents is to the accessed, because (i) they purport to be signed in the manner required by AA 1653(*) (g) (h), and (ii) they purport to refer to (a) solder(s) having the same number, rank, name and corps as the accessed. Admitted in evidence a marked Ex.  The Court is satisfied that these documents in the manner and corps as the accessed. Admitted in evidence a marked Ex.
(i. MFE 255 or AFE 296. Z. MFM 6. 1. 69 46. FA Can 156. If above documents not produced, see AF 40 fm 1 30ns (.)
E3. President to accused: Do you wish to address the Court on the Statemential and Conduct Shoret(s), and missing of conference (C). Ann. 1889 (by dekending of the Market Court of the Cou
militigration of possistances 1(1) Acres 4460 (67 Cleffor Cleffor Cleffor in the strengt Cleffol or his witnesses to person as such supplies see as previously sound which would effect the content of possistances. AP 200, 62 (1) (2) (2)
EA. The President states that the Court is closed to consider the sentence, and that the sentence to be aware

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS

E3. The Court emisiders the sentence (\*) The President records the sentence in Part I of the Schedule, which

proceedings in open court are accordingly terminated  $\langle 1 \rangle$  (i. As Sa(8, BF (20(A))

The accused C-79175, Pte. FRANCIS EVOY, Lorne Scots, attached to 52 Coy., 11 CBR Bh., a soldier of the Canadian Army Overseas, placed on Active Serivce, is charged with:

CHARGE: WHEN ON ACTIVE SERVICE - ABSENTING HIMSELF WITHOUT LEAVE

O O Prouses

in that he

In the Field at 2270 hrs on 70 April 44 did absent himself without leave from 11 ORB Sn. until apprehended by the Camadian Provost Corps at London on 2110 hrs al May 44. (Total Absence, 70 days, 22 hrs, 40 mins.)

In the Field 9 June 1944

(0. H. Logie, A/Lt.-Col.)

Commanding Officer, 11 CBR Bb.

C.A.(0).

TO BE TRIED BY FIELD GENERAL COURT MARTIAL

(G Francoeur) Brig

2 Cdn Base Rft Gp

In the Field 15 Jun 44



## FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comd or not, a FGCM may an application to him be convened by any offr of Cdn Army Overseaus, or any other force if authorized in law, in immediate comd of troops on active service, subject to RP 105(C) and restrictions imbased by appropriate author, AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application see Molt. Chap V paras 20 and 23, RP 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 11(C), 109. As to separate charges sheets see RP 106. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appint, Arank or Ajappint, If any, see AA 182, 183, fnt, KR Can 308, 328, 330.)

#### ACCUSED.

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname. Unit. Lorne Scots, EVOY Frances C-79135 11 CBR Bn

#### CONVENING ORDER.

Whereas complaint has been made to me, the undersigned, that the personner named above as the accused, being subject to military law, has maked committed the offences of forth in the Charge Sheetiel attached and on (date).
 JUN 44. endorsed by me, (or by an offence of maked) the maje. "To be tried by Field General Court-Martial".

2. And whereas I am of opinion that it is not practicable that such offence(\*\*) should be tried by an ordinary General Court-Martial; (and that it is not practicable to dolary the final for suffering to a superior qualified offs.)

(Delete part in brackets when not required for compliance with AP 105(C).)

I hereby convene a Field General Court-Martial to try the said personies, and to consist of the Offra appointed or detailed hereunder.

(a) three Office to form the County ) a Vet Offic as President, for the reasons I have L-nen-m (AA 49. AF 106(E), 107(A). Delete the part or part, if not applicable.)

Advocate thereat the Olif mentioned here (RF 1061E) Delete, if none appointed.)

#### PRESIDENT

W-1	M G CLENNETT	West NSR,	11 CBR Bm
Major (Assk.)	(Must be named. RF 106.)		{Links}
	MEMBERS.		
Capt	to be detailed by OC 12 CBR Bm		12 CHR Bm
Lieut (Auck.)	to be detailed by OC 11 CBR Bn (Named or detailed AP (OC.) WAITING MEMBER.		11 CBR Bs (Unit.)
Capt	to be detailed by OC 12 CBR Bm		12 CBR Bm
(Rank.)	(Named or detailed, if any. AF 106.)		(Unit.)
	JUDOB ADVOCATION		
(Suck.)	(Must be named, if any. RF (Sh.)		(Lines.)
On Active Service in t			
ENGLAND	Gonas	poem	
(Country.)	(G Francoeur)		(Rank.)
Date 15 JUN 44	Commanding 2 CDN 1	BASE RFT GP	
1765		Convenies Office	e Control of the Control

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

Convening Officer.

4/30 A TABLE TO BELLE AFAI

(See overland for with and notes for use on trial.)

•	MEDICAL OPPICERS CERTIFICATE (XR(Co)) (CMHQ)	n) Para 557)
Ic	ortify that I have this day eximined & Ano.	
(Rank)	()(1/K)	pinten he is
1	argo trial by Aurt-Martial.	Mast on
totion = 16	Wedge Ore	CBRBN .

Station feels Date. 16 this

Plea in mitigation In the cape of 8 te Evoy The accused joined the Coundran army on the They april 1942 and in side of two months was overfead. He joined the forme Scots and with this unit had was guite hopy. However these was but one worm on his mud, and that was his leave situation. He had had but 7 days leave sind his assistal in this country and faels mistreated in this regent Friends he had made in the unit the forme Scots, had left for Italy. His fredica ment at time of absenting housed was not given consideration by cox officers of N.CO'S.

His record shows him to be of good character and excellent soldier material. In the ofinion of the defence it is essent cal that the court consider the events leadmanagement shown in the case, of man Eddies do not break good recordsun less their treatment is such that their Ileu as medord is shown but tinife. The occuped tells me that he is easy to get into action and if the Court shows leviency and growts his request, be will conduct thinself as he did fries to the offence and I might faint out that it is closed it so. Respectfully Submitted. Defending Officer.

Officer under instruction It. W. S. Harper. E. S.R.

## CHARGE

No.11 C.B.R.B.

Army Form B 2 (See King's Regulations)

Company

Pto.

Regiment Battery Squadron Troop or

CHARGE against No. C/79135 Name Evoy, F.

Place London

Rank Date of Offence 31 May 44

OFFENCE W.O.A.S. A.W.L.

STINSON, D.A.P.M.

No.6 (Area) Provost Coy.

do

Names of Witnesses :-

L/Cpl.Peddie, F.C.

Cdn. Provost Corps. L/Cpl. Newbauer, H.C. Signature of O.C. Battery, Squadron, Troop or Company)

Awardedi

By whom! Awarded

Statement of EVIDENCE in the case of C/79135 Pte.Evoy,F.
No.11 C.B.R.B.

Sir:-

At London on the 31 May 44 at about 2110 hrs.I was on duty on Vauxhall Bridge Road in company with L/Cpl.Newbauer when I saw the s/m soldier.

I approached him and requested to see his leave pass. He could not produce a pass. He was A.W.L.

I placed him under arrest and he was conveyed to No.6 Provo.Detention Office, where he was handed over to the N.C.O.i/c cells to be detained.

London 31 May 44 B/25893 F.C. Peddie L/Opl.

Sir:- I have read over and corroborate the above statement.

London 31 May 44 /2547 Newbauer, H.C.

REMARKS

CERTIFICATE IN ACCORDANCE WITH P.C. 2797 of 10 APR.42 I certify that No. 179135 . Renk Pte . . Name . Evoy, F. . . .

Unit. 11 C.B.R.B. . . . . was arrested at London . . . (place) et. 2110 . . (hour) on. 31 May 44 . (dete) and that at the time of his arrest he was wearing (military uniform) crisivilianx ricxxxx Signature of Provest-Marshal, Assistant Provest-Marshall, or of officer or the Commanding Officer of the portion of His Majest Forces or the officer, warrent-officer, or non-commissioned of in charge of the detachment of the Canadian Provost Corps, Com-Army into whose custody the above named person was taken on arrow (Strike out part inapplicable),

Valen

Stinson) Cept. C.M.H.Q. London 31 May 44

Summary of Evidence IN THE CASE OF

0-79175, Pte. FRANCIS EVOY, Lorne Scots, attached to 52 Coy., 11 CRR Bn., a soldier of the Canadian Army Overseas.

CHARGE:

4. ...

WHILE ON ACTIVE SERVICE - ABSENTING HIMSELF MITHOUT LEAVE Army Act, Sec 15(1).

THE COMMANDING OFFICER HAS DIRECTED THAT THE EVIDENCE BE TAKEN ON OATH.

PIRRT WITHESS: A-22709, Cpl. Henderson, George Clayton, Alg. Reg't., attached to 57 Coy., 11 CBR Bn., C.A.(0)., having been duly sworn states:

"00 70 April 44, I was plt. Ord. Opl., and called the roll at 2270 hrs approximately on 70 April 44 iden Ptc. Tyoy, F. was absent, although I called his name several times. I F. was absent, although I called his name several times. I checked the lines but could not find him after a search. I placed his name on Tattoo Absentee Report and turned it into

THE ACQUEED DECLINES TO GROSS-EXAMINE THE WITNESS.

Exhibit Any

WITHESS:

B-47561, CDl. McGaig, Donald Stewart, Tor Scots, attached to 52 Coy., 11 CBR Bn., C.A.(0)., having been duly eworn states:

"On 70 April 44, I was Acting COS of 52 Coy., 11 CBR Bn., and Pte. Evoy, F., was reported absent to me by the Plt. Ord. Cpl. at Tattoo Roll Gall at approximately 2270 hrs. 70 April 44. He was shown absent from 2270 hrs. 70 April 44 on Absente Report. I have hot seen Pte. Evoy, F., since that time." time."

THE ACCUSED DECLINES TO CROSS-EXAMINE THE WITNESS.

MATERI WITHESS:

B-2589t, L/Opl. Peddie, F. C., No. 6 (Area) Cdn. prov. Corps.

A written statement signed by this witness is attached to this Summary of Evidence and listed as Exhibit "A".

I CERCIFY that owing to the exigencies of the service and the loss of time involved the attendance of this witness could not in my opinion have been readily procured at this time. \*

THE ACCUSED DOES NOT AT THIS TIME DEMAND THE PRESENCE OF THIS WITNESS, THE STATEMENT HAVING BEEN READ OVER TO HIM.

OURTH

L-2647, L/Col. Merchauer, H. C., Mo. 6 (Area) Cân. Prov. Corps.
A written statement signed by this witness is attached
to this Summary of Evidence and listed as Exhibit #A\*.
I CERTIFY that owing to the exigencies of the service
and the loss of time involved the attendance of this witness

could not in my opinion have been readily procured at this time.

THE ACCUSED DOES NOT AT THIS TIME DEMAND THE PRESENCE OF THIS VITNESS, THE STATEMENT HAVING SVEN READ OVER TO HIM.

FIFTH . WITNESS:

Capt. R. J. Stinson, D.A.P.M., C.M.H.Q., C.A.(0).

A written statement signed by this witness is attached to this Summary of Evidence and listed as Exhibit "gs.

I CERTIFY that owing to the exigencies of the service and the loss of time involved the attendance of this witness and the loss of the service have needed. could not in my opinion have been readily procured at this time.

THE ACCUSED DOES NOT AT THIS TIME DEMAND THE PRESENCE OF THIS WITNESS, THE STATEMENT HAVING BEEN READ OVER TO HIM.

QUESTION TO THE ACCUBED:

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

ANSWER OF THE ACCUSED: Milo, Sir. =

(Fregois Evoy, Ptc.) 52 doy., ll GRR En., G.A.(0).

I GERTIFY THAT RULES OF PROCEDURE 4(0) (4) (e) (f) & (g) have been complied with.

This Summary of Evidence of two pages has been taken down by me in ling-hand in the presence and hearing of this Accused in the Field at 11 CER Bn., this 9th day of June, 1944.

9 June 1944

(R. L. Goodenough, Lieut.)
Essex Scottish, 52 Coy., 21 CPR Bn.
Officer detailed to take Summary.

	Characte	Laurence and the same	Segmenture OC (Sempleny, etc.)	ov reads	Sqn. Battery, Corps, of date drumpany Perrod not reckoning towards of date drump in treadout from extra line frank.	10 05		m Ann	ACENTY ON ON Deat of least of least of the order	
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(014)										

M.V. B. 1858 22M - 5-41 (1672-10) 11.9 (1772-20-60)

# STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

	Rank	Na	me	Regiment (or unit)
Number		PR 4 12 0 7 1	TUNY To	one Scots, 11 CPR B
	Pte.			
	ng is a fair and true summ			Refrice and General and Squadrony Buttery
Conduct sheets	xxbexts of the accused,	exclusive of convict	tions by a Court-M	artial or a Civil Court,
Mic plottichency grounds	under Section 47 of the	Army Act and a	of cases in which to	rial has been dispensed
of summary awards with.	under Section 41 in 200			
		Sit	ice enlistment or ap	pointment
Yor		times		times
For		times	N T T	times
For	NIL	times	NIL	times
For		times		
Law himmorutum	en sexus; malianten seelisi	NEXIGNA COMPA		
		X		
There are no e	ntries in the conduct shee	ts of the accused.	nokenness must be	stated separately.
NoveIf the	charge is for drunkenness	s, the entries for or	HILACHING MAN	
o. The accion	ed has not been previous	y entitieted		
		105		
Tennish di alian i amandan da alian da		ediggs with grad a	ndex x AxAx XXXX RFE	entrack and any kenymer
3. The accur	sed is not under sentence	at the present time		
		ox.		
THE WHOMEN	NAKAMENTANA SERIESA KA	xixo; water and inch	MRMA	<b>HR-20</b> E-589E
(Mayr.or			of annual abases	or for MIL days in
7 1	and the second s	ent awaiting trust of XX XXXX military custody.	making a total of	16 days in custody.
civil custody, and		nt in hospital.		
of which NI				
Last 5. The pres	sent age of the accused a	coording to his xxx	printerxxxx station paper is	20 yrs, 4 mos.
Aud 6. The date	e of his commission specif	ied in his <b>maxim</b>	mender m paper	7 April 1942
7. The seri	vice which the accused is	allowed to reckon	towards discharge is	2 years, 2 mos.
Lul & West	consciou estárical de session	XX 1955	er by properties	executing his printerest
Do Ton and	med is in processors of a	w.octified to an a	siere decoration.	EX LY LY ROWN MY THURS EXIST
TANKER KURKURKUR	existed wit. State any.	nicipes decoration	SELECTION OF	SM and Clasp.
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Mustbestrante of OCOCOE. OURISE du sheerenken! DESCRIPTION AND AND years

Norm.—If any matter in any of the above paragraphs cannot be stated from the Regimental books, the paragraph must be struck through.

#### SCHEDULE

JAJESTONOESE

Of consecutions have a constrained prioring a constraint and const Automotical expectation total has been disponent with of necessarily associated. Margin ADCHORUS KIN

Norg.—A verbatim extract from the regimental books stating these convictions and dispersiations with trial must be inserted.

Description of Court by which tried	Date and Place of Trial	Gluege spin which restricted	Nectance of the Court	Passitines Essettind
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1				
	1			
	日至日	and		
	7	truly .		
			1	
			1	\
				1

I hereby certify that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody.

16th

with) is read, marked proceedings.

Twfactle Coft.

(F. M. Parise, Capt & Adjt.)

54.33 - Ht. Evoy . 9.

SCHEDULE.

PART I. PLEA(\$), FINDING(\$) AND SENTENCE.

Accused: C79135 Pre Francis EVOY Klake Unversity of Consda

Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See nate below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
Ist AA. Sec. 46	builty.	builty.	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for lesser offences see AA 56, RP 44; findings on olternative charges see MANL p 483 fo 4 page 2, RP 64; special findings see RP 44 and MANL p 752, and in loss of Ait see RP 44 in 6.3

At-present prefer merteness for

(i). Insert sentence being served, or delete, if not applicable. See RF 66(A). Information should be found on MF 8355 or AF 8296.)

Sentence Awarded by the Court :

To undergo detention for pris months.

(8gd) And Brody right

Date awarded.

Adostajo

ack of Esewering Order as to assembly and disposal of record after trial.)

PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), RF 120(F), MML 9 760.)

\_\_\_(Sgd)

...Commanding

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

district and powers see AA 54. 57. RF 37(D) fo 6.46(A), 51-56. 120, MAIL pp 759-761. KR Can 567-577. Acquitable requires an altimotion and cannot be revised. AA 54(B). Sending lock finding or science for revision by Court. AA 54(B), RF 120(G). If solid finding or science for revision by Court. AA 54(B), RF 120(G). If solid finding or science for revision of non-confirmation may be oftened before employees. RF 33, Mail p 63. Qualiting ofter promalgation. KR Cos 332. District and powers of reviewing offer: AA 57, AR 51A, 54. The Confirming Offs must sign here personally. AA 172 (n l.)

decision on the finding(s) and sentence set forth in Part I is

I confirm the finding and sentence.

MAN ENTIRE DESCRIPTION DE LA CONTRACTION DE LA C

30 Jan 41

Delecte of that week.)

hu Migen

Confirming Officer

PART IV. PROMULGATED AND EXTRACTS TAKEN. (RF 53, KR. Con 576, 577.)

Accused.

Date.

Signature of Offr.

079136 Pte Francis EVOY

5 Feb 46

(R.C. Lees) Capt

Khaki University of Canada

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

ACCUSED.

(As to the trio)	of two or	more charges	l jointly see	e RP LA	. 71. 1	09.	As to	reasons f	or showing (	(a) permanent or confirme	đ
rank, and (b) append	. A/rank or	Alappmt, if a	DV. See AA	182.14	i for	KREG	m 3/36	228 22	51	And the second second second second	а

Number. (a) Print R. (b) Appint, A/PER'A/Appint. Full Christian Names. Surname. Unit.

C79175 PEONED CSG. Francis EVOY Whatis thing proceedings REVIEWED CSG. Francis EVOY Whatis thing proceed the proceedings of the control of the process of the control of the c

13 Tel 46 PROCEEDINGS OF TRIAL.

PROCEEDINGS OF TRIAL.

PROCEEDINGS OF TRIAL.

On (date(0)) 25 Par 4

## RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

Al. The President, Members, waiting Member, JA, H any, and Office under instr, if any, assemble, and the Court is closed.

IPRINTED MATTER, NOT IN ITABLES FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE AND INITIALIED BY FRES ON LA. The Schedule referred to throughout is on p.4. Citations do NOT include all referrant from RDs. For quidance on procedure whose o various in this form carea, see form for GCA in MAN, pp. 744 to 175 a begin record at such various will be made and given a number having reference to appropriate or preceding pure, number herein. See back of Conversing Other, CFAD, for control and least so they be record adversaries, inclines, ext., which means are hereafter called "Notes". As to general provisions for conducting the trial see AA.53, RP.56, 63-70, 72, 74, 94, 103, 117, 135.

A2. The President initials and lays before the Court the Convening Order and Charge Sheet & attached thereto. Pt. The Court is satisfied that it is properly convened and constituted (\*), accused is (are) amenable to military law, and each charge discloses an offence (\*).

(1. As to size of Summery of Evidence see RP 17 fn &. 2. AA 49, 50, RF 105-107. 3. RF 11-13, 23, 24.)

A3. The Court is opened. The accused is (acc) brought before the Court. At 1330 hours trial commences.

A4. The Prosecutor produces a Medical Certificate that accused is (are: fit to undergo trial by court-martial (\*))
The Prosecutor informs the Court that accused to be tried by court-martial instead of helicy dealt state.

The Prosecutor produces a Medical Certificate that accused is better fit to undergo trial by court-martial instead of helicy dealt state.

(I. KR Can 557; 2. AA 46(8), RP 60 fn I. For effect see KR Can 563(c). Delete, if not applicable.

A5 Provident to account the year object to as shorthand writer 1. And the shorthand writer 1. And the shorthand writer 1. And

(I. RF 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused, Pipersident to accused. Do you object to be tried by me as President or by any of the Members of the Court 3.

Lo.

(). RF 110. 2. If no objection, writing member retires. RF 68(8). If objection, one procedure AA 51, RF 25, 71, 18, MANL p 7423

A7. The President, Members, JA, a cop, and Office under tester, if any, are sworn.(1) The following are the

D. H. C. ROSE RICC 3 Can Report Depart Cast. F. A. Hurrell Chut At Bu (org ) COM HP A J. A Savoce CAC Lapt. & Bu (Ting) (MHD) major Judge-Advocate mode/ CIC Office of WIAE CMH Capt Klinke Ut Carada willen CAL Cast Lelven

Questions by President : Is the Prosecutor a lawyer ! And LO Is the Defending Offr a lawyer ! And LO

(I. M. 26, 27, 109, 11). List of office under instruction will be recovered separately with proceedings for information of Caser Offic.)

(2. If Free a low-year and Ord Offic real, accounted in excellent as an elijournment when 69 89 (8) and fo 1 were not followed. See (1) p. 3.3.

45. The accessed before arrangement when 27 \$9 (2) and fo 2 were not followed. See DI \$ 2.3

Als. The accessed before arrangement maker(s) (no) A plan

1. If a special plan is made for separate trial in once or more charges (RP \$105), 108), or as so the paradiction of the Count RP 36, 31(3), 11(3), or in boar of fortial (RP 36), so or to account's minital fitness to stand trial (AA 120, AP 57), or his me of second document charged points or local requirements (RP 1, 1), such pine, the ordernoses made in appoint, the special count of the control of the minimal making the plant. For forms of record are references in fin to AR 1004, and form account making the plant.

All. The accused is (are) arraigned (unparately) on all charges in the charge sheet.(1) The accused does the not object to any charge.(2) There is no amendment to be made to the Charge Sheet.(2) The President records the pleas in Part I of the Schedule.

(1. RP 31, STZ. See para 1 of instro p 2. Withen more than one Charge Sheet see RP 42; when several occused to be cried supersately see RP 719C3, and see separative copies of CF APO to record proceedings.

2. RP 32, RP 32. If otherwise, delete and make appropriate record per Hotes;

All. For Court is closed and complete the forms of forcedure when Arraignment at top of p. 2. The pro-APS condings are continued on Record Form. \$

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

## INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

- The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.
   (RP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc., of ence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).
- 2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective
  - If pleas to all charges are GUILTY, use Record Form B below.
  - 11. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
  - III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
    - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C
    - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instre as may be appropriate to result of its decision. See MML p 744 Instre (2)
- 3. As to responsibility of President to accused see RP 59, 60(C); powers and daties of JA see RP 103; duty of Presecutor see RP 60(A) (B); duty and privileges of accused and Defending Offrese RP 60(C), 87(C), 91, 92; swearing and withinsoid of witnesses from Caurt see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83-85; calling or re-calling of witnesses by Court, etc., see RP 75-70, 86, 116; use of Summary of Evidence at Trial see RP 17(E) In 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

# RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

- B1. The Provident or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charged)(1), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charged), call witnesses as to character and make an address in mitigation of punishment.(2)

  (1. RF 15 fs 2. 2. MML 5 54 pers 47.)
- B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused. The Court will now receive any statement you desire to make in reference to the charge (M.f). If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guitty-f), or which show provocation or extensation in respect of which in your interest the witnesses for the Prosecution should be examined(\*), we shall advise you to change your plea to Not Guitty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given a necessfully later to prove your statements by sworn testimony, if you so desire (\*).

will be given an opportunity later to prove your statement by sworn togimony, if you so desire. (\*)

President to accused: Do you wish to make a statement 1 Ans. 40, 440. (1. RF 37(B). Z. RF 37(D) fn b. 1. RF 35(B) fn 5 pera 3, MAML p 54 pera 47. 4. See para E3 of Record Form E. 5. Statement, if any, recording per Hutes.)

B3. The Good considers the compare statement by The Ports decides to If to advise account to change his Miles released of Gunity to Not Guilly on change (a). The account to large the inflictment, and he (they)

sharper(a) the (their) plomie) one sharper(a). Fact I of the echodole is altered accordingly.

(I. Court may be closed to consider the statement. Delete whole or part not used.)

- B4. On the charge(t) to which the plea(t) of Guilty is (new) not changed the President records finding(t) of Guilty in Part I of the Scheckule (\*)
  (1. AF 25(b). If any pico(s) is (are) changed, use Recard Form C or D as appropriate.)
  - B5. The Summary of Evidence is marked Ex. A. initiallied and read aloud by the President.(1) (1. If there is not evidence inconsistent with any pice standing or Guilty, Carlot will drive accurate to changes such piece and. If thought is Not Guilty, try such changes(i) by use of pores Di to Di inclusive of Record form D on p.1. RF 2r(D<sub>1</sub>.)
  - B6. The accused having been found Gullty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3

## RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY

- Cl. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 3 before proceeding with C 2.(\*)

  (i. # 200) (C)
- (2) The charges on which aroused pleaded GUILT's has used to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above (2).

  (1) Under B5 such parts saily of the lummary of Evidence one result as resints but charges should not under C2. If any piec is charged to been classes, small charges are the paras D1 to D8 incharges in Accord Form D on p 2 and making an appropriate record thereof on a separate sheet.)
- The accused having been found Guilty on one or more of the charges, the prospedings are concluded by using Record Form E on p 3.

# PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

ween Loose Shrets of Birrord.

# RECORD FORM D—PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

- President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence? Ans.

  (1. If yes, see RF 39(A) for procedure. Statement or evidence. If any, is recorded per Notes.)

  - D2. The Prosecutor makes (an) (no) opening address.(1)
    (1. RF 39(B), 60(h), B), 90, 92(C) (D). Record address per Notes, subject to RF 95(C).)
  - D3. The evidence for the Prosecution is taken.(1)
    (1. RF 39(C), 114, KR Con 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)
- D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not charge(s).(2) The Court is disallowed on the charge(s), and allowed on the charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on

charge(s), actic tens.

(1. Delete remainder of this pare, if submission not made.

(2. Delete semainder of this pare, if submission not made.

(3. Delete semainder of this pare, if submission not made.

(4. Delete port not used. If accused acquitted per Notes.

(5. R + 40 fe i. 1. See MML p. 72 phips 12-14 and p. 81 peros 42.

(6. Delete port not used. If accused acquitted on all charges, use second alternative in para D8.)

(6. R - 18 trial proceeds, accused must be allowed prest latitude in making his defence, and the Court should not stop his defence salely on ground of irrelevance.

(6. R - 60(C), 114, 175.)

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination. (\*)
You may, however, make a statement without being squared you will not be subject to cross-examination. (\*)
But a statement which could have been made on oath will not be with the Court the same weight as sworn testimony. (\*)
You may call witnesses in your defence and as to character, which you give syldence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither? . Do you intend to call witnesses on your behalf ! (I. AF 115. 2. SF 40(A), see 80(D). I. SF 40 fn 10. 4. SF 40 fn 2. 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(\*)
(1. 8F 1/4, 1/5, 1/4. For protedure see Notes on bock of Convening Order, CF A85. Kvidence for occused as to his
character should, if in his science, be given before the familing. See 8F A61.6) for 1. 86(C). Note the further opportunity in pere E1
of Record Form E. Record per Notes addresses, statement, evidence and my summing up by the JA under 8F 42, 1(3)(6))

D7. The Court is closed to consider the finding(s) (1) The finding(s) of the Court is (are) recorded in Part I

of the Schedule (\*) The Court is re-opened.

() 89 43.117(A). See Notes in Part I of Schedule. 2. 89 48(A). D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s)

of the Court on the sharpe(s), being subject to confirmation, will be primilizated later [9]

Or, The President announces that the scensed is found Not Coulty on all charges and is to be rebased forthwish, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed [1]

(1. As 54(3) (b), 8f 45, 120(4). 2. As 54(3), 8f 45, 117. The starmative assumment is not applicable when there are pleas of Sovice outstanding and dealt with under Facurd form 2 as C.)

D0. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

- E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character \( \frac{1}{2} \). in talk one witness
  - If evidence has circuity been given by occased or has winesies us to his character, delete this pane. RP III(C) fo 4, 46 fo 1.
     Accused and winesses are sween. Evidence recorded per Notes.)
- E2. The Prosecutor produces Statementity as to Character and Particulars of Service(1), and certified true copy (series of Conduct Sheeta)(?), purporting to refer to the accused, which he submits to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by A.A. 165(i) (g) (h), and (ii) they purport to refer to (a) soldier(s) having the same number, rank, name and corps as the accused. Admitted in evidence and

B and Ex. Correctively (8) and 35 or APS 298. 2 MARK 6. 2 AP 66, KR Car SSR. If show documents not produced, see AP 66 fe. marked Ex B

E3. President to accused. Do you wish to address the Court on the Statement(s) and Conduct Sheet & and so 4 100 mitigation of possistances 1(5). And the second per halo. Court short period because or his winesses to prove on such anothing here or previously stated which would offer the amount of purchasele. 89 20(9) (5.7)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be atmounced, but will be promulgated later, and the proceedings in open court are accordingly terminated.(\*) proceedings in open

AA 54(6), RF (2004) (4) The President records the sentence in Part I of the Schedule, which

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

#### CHARGE SHEET

The accused, 079135 Pre Francis Evoy, Khaki University of Cenada, a soldier of the Canadian Army Overseas, is charged with:

WHEN ON ACTIVE SERVICE, COMMITTING A

ed tant mi

In the Field, on 2 dem 46, stole £62.0.6. in cash, and cheques amounting to £17.0.0.. the property of "B" Officers' Mess, Kneki University of Cenada.

(P.S. Gooper Mc-Col

TO BE TRIED BY FIELD GENERAL COURT MARTIAL

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YEMA YOU Pirst Charge

Cand Comp Content asset quarters.

ACAMAD TO TTIERNVINU INAHA

MUA DI O

## FIELD GENERAL COURT-MARTIAL



(Whether the accused to be tried is under his comd or not, a FGCM may on application as him be convened by any offr of Cdn Army Overseas, or of any other force if authorized in law, in immediate comd of troops on active service, subject as RP 105(C) and restrictions imposed by appropriate author. AA 49, 30, RP 104-107, 114. As to the ducte and privileges of the Convening Offr in dealing with the applications see MML Chap V perus 20 and 22, RP 27(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 107. As to separate charge sheets see RP 62, and at to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, Arank or Alappent, if any, see AA 182, 183, (ns. RR Can 308, 328, 330.)

#### ACCUSED.

Number. (a) Prmnt B. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname. Unit.

C.79135

Pte

Francis

EVOY Khaki University of Canada

MW

# CONVENING ORDER.

- 1. Whereas complaint has been made to me, the undersigned, that the person(f) named above as the accused, being subject to military law, has (heve) committed the offence(f) set forth in the Charge Sheet(f) attached and on (date) 21 Jan 46 endorsed by me, (on by an off-only staff for one). "To be tried by Field General Court Martial".
- And whereas I am of opinion that it is not practicable that such offence(g) should be tried by an ordinary General Court-Martial; (and that it is not practicable to delay the trial for reference to a superior qualities) offic.)
   (Delete port in brackets when not required for compliance with RP 105(C).)
- I hereby convene a Field General Court-Martial to try the said person(f), and to consist of the Offrs appointed or detailed hereunder.
- 4. Lear mable in appoint (a) three Office to form the Courty (b) a fit Office discussions, for the reasons I have attacked desecto
  - (AA 49, RF 106(B), 107(A). Delete the whole or part. If not applicable.)
  - I also appoint as Judge-Advocate thereat the Offr mentioned hereunder. (RF /Ot(E). Delete, f none appoints.)

#### PRESIDENT.

Major	D.H.C.	ROSE	HC CC	3 Cin Repat Depot
(Rank.)		(Must be named. RP 106.)		(Uest.)
		MEMBERS.		
Capt.	F.A.	BURRELL	C Int C	AG Br(Org) CMBQ
A/Capt	A.J.A.	SAVOIR	CIC	G Br (Trg) CMER
(Fank.)		(Named or decoiled. RF 106.)		(Linit.)
		WAITING MEMBER.		
Lieut.	E.O.	LINES	CIC	Khaki University
(Rosk.)		(Named or detailed, if any. RF II	N-)	of Camera.
		JUDGE-ADVOCATE		
No fee	L.J.	BEEDY O	CIC	0/10
Major MANAGE	1.48.	THERE	20,630	Office of The
(Auck.)		(Must be named, if any. RP (O	4	Garage Chilling
On Assire Service	e in the Fd	01.		
. BIGLUD		W.11.17.16		Lt.Col.
(Country	NA THE REAL PROPERTY.	Signed persupply,	M 105 (n 2)	(Rank.)
		(R.J. Williams) Lt.	201.	
Dat 21 Jan 4	6	Commanding Cana	diam Military B	endquarters.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38A //FA SE (IN SWI OF APA S

(See averteef for acths and notes for use on triol.)

Maria All Acsa

## MEDICAL CERTIFICATE

Too

I certify that I have this day examined C. 79135 Pte Evoy, F.

and in my opinion he is fit to undergo trial by Field General Court-Martial.

London England 26 January 1946 thuble, Capt.

(J.D.Rublee) Capt R.C.A.M.C. M.I.R., C.M.H.Q.

FOR DEFENCE ATPS FIRST WITHESS AS TO CHARACTER! heart & D. Johnston, Allabe Unwerety of Carada, duly swom, states. I am Sery Treas of officers mess at Illiabie V. I have Brown arrived since about mudble of Dec 45 when he came to work at the ness as right watelman, in addition to cleaning whate flace. He always did his works in a satisfactory manner. He duty officer on the night of 1-2 gars 46 should have collected the money in the law at approx 2315 his and have looked it in the safe in the It is fossible reends office. This he failed to do; stot wholver flowed the money in electroner may have believed he had looked the drower, whomas fait le did not do so. Herlocks on ele draves comot be re-looked without using the buys of which where is only one for each looks. Cart weishown who was the acits offul on de right of 1-2 Jan 46 had posission of these keys on dist night. ho hos - Egan RP83(6) complied with The waters withdraws En 3 The Def off submits a matter plea in intigation which be read, to the Court of the TIT of more, hay 23 the more, and stepped and returned to the attended on the books are all of the account.

On behalf of Pte Evoy, I wish to enter a strong plea for mitigation of punishment. Pte Evoy has freely admitted his guilt, but before judgment is passed upon him there are several extenuating facts and circumstances to which I wish to draw the Court's attention. Pto Evoy of his own volition, admitted the theft and led the SIS investigators to the money, which was recovered intact. Had he continued to deny any knowledge of the act, it would have made the recovery of the money extremely unlikely and any proof of theft virtually impossible. Would Evoy have implicated himself thus unless he had regretted him I intend to show from the evidence, firstly, that Pte Evoy comitted the theft on the spur of the moment and without pre-meditation. Secondly, that he was placed under circumstance of extreme temptation by the failure of superior Officers to carry out fully their own duties. Evoy did not enter the bar of the Officers' Mess with the intention of stealing any money risced therein. He went there to carry out his normal duties, which consisted of cleaning up the room and looking after the fires. How aculd he know beforehand, that the cupboard was surposed to contain such a large sum of money as 279.0.6, when the permal Mess practice was to have the bar money taken out of the Mess and only a small amount of change left in it over might. I quote from Capt Mershoran's statement: Q. Was Pte Evoy in the Mees when you put the money in the cupbonrd. A. No. Had Evoy's action been pre-meditated, would be have pointed out the open supboard door and shown the money itself to a comparative stranger such as Bates? Furthermore, Fte Bates has stated on eath, that he did not see Evoy take any money from the supboard but did see him put the money beak into the supboard. Now with regard to the locking of the cupboard and the deposit of the money therein, Capt Hershoren has stated on oath that be locked the cupboard before leaving the Mess on the night of 1 Jan de. Cpl Carrie states that he found the deers of the cupboard locked the next morning. If these statements are shockately correct, then the only way the money could have been obtained was by tampering with the tupboard itself, or by sicking a lock and then relocking it. On the oth hand, what does the direct physical swidence show?

Lt Johnson has shown that he could find no sign of the cupboard having been broken into upon examining it immediately after the loss was detected. Nor, could the trained SIS men, by his own statement, find any likely clues as to how access to the money was obtained. You have heard Lt Johnson's evidence today concerning the cupboard and its locks and have seen that these padlocks cannot be relocked without the key. And, the only keys were under Cart Hersboran's pillow during the alght in question. How then, could the cupboard have been left locked in the evening, opened or entered into, during the night, and then found properly locked and intact in the morning, with only the envelore of money it was supposed to contain, rone?

Furthermore, both Ftes Evoy and Bates have sworn that one ager of the cupboard was unlocked during the night. Also Evoy has sworn he could not relook the curboard after placing the money in it because the addock was locked to the staple. From this evidence, Gentlemen, there must be the gravest doubt that the supboard was actually locked or even the money placed in it. Instead of being securely locked up, it would appear that the money was left, where it might easily be stumbled upon.

Whose was the responsibility for the mafe custody of the money on the night it disappeared? It certainly was not Pte Evoy's. On the other hand, had the night Duty Officer for that date carried out his prescribed duties, that money would not have been in the Mess after 2350 hours but looked in a safe place. When the Duty Officer failed to call for the money, the responsibility for it fell upon the parson last in charge of it. On this perticular night, that person was an Officer, Capt Hershorsn. Yet this Officer, the had been employed for over three months as Unit Account Officer, leaves a very large sum of money in a place he minist he did not consider as safe. He makes no effort to find a mafer place for it, nor does he even exercise emough judgment to take the money to his own room - a safer place by far. In addition, there is the gravest doubt that the money was a locked up in this unsefe cupboard a manually rejected.

On the other hand, we have Fte Evoy, an ordinary soldier who calisted in Arril 42 when he was just 19, and who saw action on the continent in the autumn 1 1956 with the Highland Light Infantry of Canada. He is released from detention in December 1946 on remission of sentence for good conduct and is soon afterwards but to work in an officers' Mess. Before he has even had a chance to a remainilitate himself, through the carelessness of the superior, whose position obligates him to have known better. How stumbles across a large sum of money left lying about unguarded. Here is extreme temptation thrown right into his jeth, a temptation which rimally proves too great for him and on the apur of the soment he yields to it.

For that he is to be blamed, son his subsequent actions and plea show that he realizes the error of his ways. But can the clame rest on his elone? Why was a soldier but recently released from detention allowed to work in a place such as an Officers' Mess where there are health goods of value left on the promises? And, suct not the blame, be shared by the responsible party whose duty it was to ensure the anse keeping of the money and whose failure to completely earry out this duty resulted in great temptation being thrown right in Evoy's peth?

Centlemen, had the money been picked up by the Duty Officer on the might of 1 Jan 46 or failing that, had the money been properly placed in asfe keeping, this case would not be before you now. Juillanups, such fits Bake who was but properly us framewich folice of the trust, does not offer out but p..... 3

of advice to Evoy at the time the money is foreign, but leaves the Mero. Enduring the money is in an included appoint."

In view of the evidence and the circumstances, we wish to throw ourselves on the mercy and leniency of the Court.

25 January 1946 Rhilver Capt. Defending officer 1813

Er A six Summary of Evidence in the case of 079135 Pte Evoy F., Khaki University of Canada The Commanding Officer directs that the evidence be taken on oath. Capt J. Hershoram, Khaki University of Camada having Pirst Witness for been duly sworn states:-Prosecution I am Capt Hershoran and am employed as accounts officer. At approx 1100 hrs 1 Jan 46 I was asked by Maj John member of B officers mess committee to relieve Cpl Currie at the bar. I did so at the lunch hour and again about 1900 hours. At that time I asked Cpl Currie what should be done with the money at closing time. His answer was that the duty officer would pick it up at 2320 hrs that evening. I also asked him what I should do with the money in case the duty officer didn't show up. His answer was to leave the money looked up in the bar cupbeard. At the time I took over there was approx £65 in the cash box incl 3 checks totalling £17. Opl Currie's last words to me were to make sure that the bar was properly locked and he showed me how the hasps and locks worked. I remained on duty at the bar all evening until 2300 hrs when I closed the bar. I counted the cash and after deducting the change fund of four pounds I put the belance in a menilla envelope ready for the duty officer. The amount was £79-0-6 incl the three cheques for £17. I called the orderly sergeant and asked him if he had seen the duty officer or knew of his whereabouts. His reply was no. mess lounge at that time was completely deserted. At 2345 hrs I realized that the duty officer was not coming. I put the envelope with the money in it on top of the cash box in the bar cupboard. I then looked the bar supboard. I shecked with the night man Pte Evoy F. to ensure that he would be on duty all night. On leaving the meas I met Lieut J.B. Brown former adjutant and told him about the momey not being picked up. Before leaving with him I went back to the bar to see that it was properly locked up. I then went to my quarters and went to sleep with the keys under my pillow. I was awaked at approx 0810 hrs the following morning by Cpl Currie who took the keys to the bar. It was after 1000 hrs when Cpl Currie came back and asked me where the money was. I told him that I had left the envelope with the money in it on top of the cash box locked in the bar supboard. I then went over to the mess but could find no trace of the money and informed the adjutant of its disappearance. Was Pte Evoy in the mess when you put the money in the supboard? 1. Do you consider the supboard was a safe place to 4. leave the money? No, but I did not have any place that I considered A. any safer. What type of lock was on the cupboard? A spring look. h. Cross examination by the accused. Did you shock the momey which was supposed to have been on the cash box when you returned the second time?

No, as it was locked up, but I did look around and I did not notice the envelope containing the A. money.

J. Hershoren, Capt

Second Witness for Prosecution

L101107 Pte Bates G.W. attached Provost Sec Khaki University Of Canada having been duly sworn states:-

RAK

I am Pte Bates. At approx 1230 I visited 'B' officers mess where I knew Pte Evoy was on duty. I met him in the kitchen and we had something to eat. Then Pte Evoy asked me if I would give him a hand to clean the lounge. While I was sweeping out the lounge Pte Evoy was behind the bar. And later Pte Evoy called me ever to help him put away the glasses that he had been washing. After a minute or two he mentioned that the door of the left hand supposed under the bar was open. While I was putting away the glasses he showed me some money in a brown envelope. I put away the rest of the glasses and he put the money in the cupboard and then we left the lounge.

- Q. Why did you go to B officers mess at 1250?
- A. I wanted to get something to est.
- Did you know Pte Evoy was on duty?
- Yes.
- Were you in the habit of going to the officers mess for lunch?
- A. No.
- Q. How much money do you think was in the envelope?
- A. Around Fifty pounds.

Cross examination by accused.

- Q. Did you see me take the money from the cupboard?
- A. No I didn't see him take it.

gar Bales C.W. Butes, Pte

MA

Third Witness for Prosecution B52427 Cpl Currie C.W. Khaki University of Canada having been duly sworn states:-

I am Cpl Currie C.W. and I am employed as a steward in 'B' officers mess. On the night of Jan 1 I was relieved at the bar in the 'B' officers mess by Capt Hershoran. At that time I turned the bar complete with money and obeques over to him.

Next morning at 0810 hrs I went to Capt Hershoran's quarters and obtained the keys of the bar from him. I returned to the bar and took stock of the liquor.

- Q. Did you check the money when you returned to the bar with the keys on 2 Jan ?
- A. No, I did not look in the supboard where the money is kept because it should have been picked up the night before. I shecked the cash box and found the required four pounds.
- Q. Who was on duty in the mess the night of Jan 1/2 ?
- A. Pte Evoy.

Mr Johnston the mess secretary came in and between the two of us we completed the stock taking and he took the stock sheets to the accountants office. When he came back from there, that is when I found out the money hadn't been picked up by the orderly officer and turned in. Then I went over to Capt Hershoran's quarters and asked him what he had done with the money and he told me he had left it on the top of the cash box in a brown envelope. So I went back to the mess and Mr Johnston and I looked through the bar and couldn't find it. So I reported back to Capt Hershoran.

Cross examination by accused.

- Q. Did you open both doors when you took the cash box out of the supboard?
- A. I unlocked both doors and opened one when I took the cash box out.

#### Re-examination by court

- Q. Did you visit Pte Evoy after you realized that the money was missing?
- A. Yez.
- Q. What conversation took place between you and Pte Evoy at that time?
- A. I asked Ftw Evoy if he had seen a brown envelope on the bar or behind the bar or on the floor which contained money.
- Q. Was there any doubt in your mind as to where the envelope was left by Capt Hershoran?
- A. No there was no doubt but I was confused at the time and wary worried about the money.
- Q. Were you the first to check the bar in the morning?
- A. Yes.
- Q. Were the doors of the supposed looked?
- A. Yes, the doors were looked.

. La Currie . Opt

Fourth Witness for Prosecution

. . .

Lieut E.D. Johnston Khaki University of Canada having been duly sworn states:-

I am Lieut Johnston employed as sec-treas of 'B' officers mess Khaki University of Canada. At approx 9 o'clock on morning of 2 Jan 1946 I had finished taking inventory of the stock in the officers mess. I took the inventory sheets to the accounts office and learned the money hadn't been turned in to the accounts office. Capt Hershoran had worked in the bar the night before so I sent Cpl Curris to Capt Hershoran to get the money as I thought he would have it. Cpl Curris returned saying Capt Hershoran had left the money in a brown envelope on the cash box locked in the bar. We searched the bar but could not find the money. I reported the money missing to the adjutant.

- Q. Did you check the supposed under the bar after you learned that the money was missing?
- A. Yes, and I could see no signs of the support having been broken into.

The accused declines to cross examine this witness.

Ed Johnston freut

Fifth Witness for Prosecution S/Sgt Frederick Brown, Special Investigation Section Cdn Military Headquarters having been duly sworn states:

I am S/Sgt Brown.

At about 1500 hrs on 2 Jan 1946 in consequence of a telephone message received from Maj John I wisited Khaki University in company with Sgt Miller also of the S.I.S. Maj John described how a quantity of cash and S cheques were missed from the bar in the officers lounge at the University. Sgt Miller and I then went to this bar examined the looks and made a search for fingerprints and other likely clues but without good result. We then interviewed Capt Hershoran who stated emphatically that he had left the money locked in the supboard in the bar the previous evening. We then interviewed Cpl Currie who is normally in charge of the bar and he was equally emphatic that the money was not there when he opened the cupboard in the morning. We then interviewed Pto Evoy who, according to the records had been on night duty engaged cleaning the lounge. At this stage Pte Evoy denied all knowledge of the offence. However he did say that a Pto Bates of the R.P. staff had visited the lounge the previous evening and assisted in the cleaning up. Pte Bates was then seen and his story did not entirely bear out the story told by Evoy. This made it practical to again interview Pto Evoy. As he was not available on the evening of 2 Jan he was seen on morning of 5 Jan but again completely denied any knowledge of the theft.

Pto Bates was again interviewed on the 3 Jan and completely broke down and told us that Evoy had told him that he, Evoy, had stolen the money. Bates was then cautioned and a statement was obtained from him which is produced as Exhibit A. I then saw Evoy and handed him a copy of this statement which he read over. He then decided it was best to clear up the matter, I cautioned him that

he was not obliged to say anything unless he wished to do so and whatever he did say would be taken down in writing and may be used in evidence. He then made a statement, the original of which I produce as Exhibit B which I took down under caution. Evoy then went with Sgt Miller and I and in the ditch at the rear of the University he produced the stolen money and cheques, Exhibit C, from beneath a stone. The money was intact. He was then placed in the guard room under unit custody at approx 1900 hrs 3 Jan 1946.

F. Brown 5/5g/

The accused declines to cross examine the witness.

The accused was cautioned as follows:

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

After the above caution the accused elected to give evidence as follows:

The accused C79135 Pte Evoy F. Khaki University of Canada having been duly sworn states:-

On the night of 1/2 Jan 1946 I was on duty in B Officers Mess Enaki University of Can as night steward. I took over my duties from Gpl Currie at approx 1900 hrs. During the evening I carried out my normal duties and at approx 0030 hrs Pte Bates who had just returned from Watford came down to drop in to visit me and have a bite to eat. After we finished lunch, at my request Eates assisted me in cleaning up the lounge, while washing glasses in the bar I called Pte Bates down to assist me in stacking the glasses. I lifted a towel from the bar to dry some glasses and as I pulled it off the counter I noticed that the cupboard next to the entrance of the bar was not locked. I drew this fact to Pte Bates attention because it was rather unusual that it should be left unlocked.

After I had finished drying the glasses I reached down to the shelf on the right of the cupboard to pick up a reg to wipe the bar. As I picked up the rag I noticed a brown envelope lying on the shelf. I picked this snvelope up med on examining it found it contained a good sum of money. I drew this to Pte Bates attention and pointed out to him that it was a rather foolish place to leave such a large sum. I placed the envelope with the money in the cupboard but I was unable to lock it because the lock was already sedured on the staple. Pte Bates and I then withdrew from the room for a cup of tea in the kitchen. At approx 0220 hrs Pte Bates left to go to his quarters and I remained in the kitchen to clean up the dirty dishes.

First Witness for Defence At approx 0500 hrs I returned to the lounge and after reading the newspaper for about half an hour I went over to the bar and picked up the envelope with the money init. I left the mess immediately with the money and I concealed it in the ditch opposite the transport lines and I then returned to the kitchen and whited to be relieved by the day stewards. Then they arrived I went to my hut to go to bed.

At approx 0930 hrs I was awakened by Cpl Currie and asked if I had seen a brown envelope around the bar. I denied having seen it. Cpl Currie then told me that the envelope containing the bar money was missing. I asked Cpl Currie where the money had been left and he replied that from what he could make out Capt Hershoran was not sure where he had left the money. Later on in the day, I am not sure what time, I was called down to 'B' officers mess where I was questioned by two S.I.S. men. I denied having any knowledge of the missing money.

The next morning at approx 1130 hrs I was placed under arrest and escorted to the guard room where I was questioned again by the S.I.S. but I did not admit my guilt to them. The same afternoon at approx 1750 hrs I was escorted to an office in the main building where I was questioned again by the S.I.S. I told them that I had taken the money and that I would take them down to the ditch and give it to them. After I had returned the money to them I was returned to the guard room.

F. boof.

The accused does not call any witnesses for the defence.

I certify that the foregoing Summary of Swidence consisting of six pages was taken down by me in the presence of the accused and that Rules of Procedure 4(C), (D), (E) and (F) have been complied with.

> Monthsford, Capt R.C. Eutherford, Capt KHAKI UNIVERSITY OF CANADA

Leavesden, Hertz 7 Jan 1946

Cc A

Statement of L-101107, Pte. Bates, S.W. H.Q. Coy. Khaki College, - CMHQ. Who Saith:-

I have been cautioned that I am not obliged to say anything unless I wish to do so and whatever I do say will be taken down and may be given in evidence.

Dr. Bales

I came to Khaki College from No. 1 CORU about two we eks ago a nd have been employed on the RP Staff at the College for the past four or five days

and have been employed on the RP Staff at the College for the past four or five days.

Whilst I was at 1 CORU I chummed up with Pte. Evoy and we came to the College together. I have been out with him three or four times since we came to the college.

On Tuesday Night the 1st Jan. 46, Evoy and I were at a picture show at Watf ord with two girls. He left early to go on duy in the Officers Mess and I returned to the College shortly a fter midnight. When I got back I went over to the Officers Mess and saw Evoy in the kitchen.

I gottalking to him in the kitchen and we had a cup of coffee and then went into the Officers Lounge. Whilst we were in the Lounge Evoy went be hind the bar to clean up. Whilst he was behind the bar he said something about 'the y've forgotten to lock the cupboard'. I looked ever the bar and saw that the cupboard door was ajar. I then continued to clean up the Lounge. I don't know we hether Evoy unlocked the supboard himself or whether it had bee n inadvertently left unlocked.

Later at about 0200 hrs. 2 Jan. 46, just before we had got finished cleaning up I saw that Evoy had a green metal box on the floor behind the bar and he showed me a large enve lope which contained a quantity of money in notes. He said something about it being a lot of money as it was all the last nights take. I agreed that there was quite a bit of mency there but said no more about it. He put the money back in the cupboard and we then went to the kitchen, I don't believe that he locked the cupboard. I had something to eat in the kitchen with Evoy and then I went to bed.

After supper last night 2 Jan. 46. I was interviewed by members of the S.I.S. and then saw Evoy at 'The Dirty Duck Pub' at the corner outside the main gate and he bought me a drink. He asked me what I had been as ked by the Investigators and I told him that I had been asked a few little questions - but nothing about the missing money. We were drinking for awhile at the bar a nd the talk centred on the missing money and as a climax he said that the tempt

had been asked a few little questions - but nothing about the missing money. We were drinking for awhile at the bar a nd the talk centred on the missing money and as a climax he said that the temptation was to great and that he had taken the money. I asked him where it was and he said 'Wouldn't you like to know' I said that I did not want to know exactly where it was and he said 'It's not very far away'. I can honestly say that I have had no share of the proceeds of this theft and I am positive that I saw Evoy take the green box out of the bar in the Officers Wess and that I saw the cupboard door

open.

The state of the s

This staement has been read over to me and is true. gw Bales

Statement taken down and read over by S/Sgt. F.C. Brown and signature witnessed by Sgt. N.L.Willer SIS-UMFQ at Khaki College on 3 Jan. 46.

Witness

(D76466 Sgt. Miller, N.L.) SIS Cdn rovest Corps - CMMQ

Ex B NB

Statement of C-79135, Pte. Evoy, F. Khaki University - CMHQ Who Saith:-

I have been cautioned that I am not obliged to say anothing unless I wish to do so and whatever I do say will be taken down in writing and may be given in evidence.

I was on duty in the Officers Mess at the above Unit on the night of 1 - 2 Jan. 46. After the bar closed I started cleaning up the Officers Lounge and at that time the only person in the room was the Capt. who had looked after the Bar that night who I believe was awaiting the Orderly Officer. He left between OlOO and Ol3O hrs. I then started to clean up behind the bar, and Pte. Bates was then out in the kitchen.

eut in the kitchen.

Pte. Bates came into the Lounge and helped me to clear up.

I then saw a long brown envelope placed at the right end of the bar.

This envelope was unsealed and I locked into it and saw a large number of bank notes. I just locked at it and put it back. I later s howed the money to Bates but again put it back where I found it.

I continued cleaning up in the bar and when I lifted up the towel which had been placed over the cupboard doors I saw that the left hand cupboard had not been properly locked. The lock was locked over the staple but the hasp was over the lock. This is the cupboard with the small lock. I locked into the cupboard but did not tough anything nor did I take anything out.

the staple but the hasp was over the lock. This is the cupboard with the small lock. I looked into the supboard but did not tough anything nor did I take anything out.

After I had my work all finished at about 0330 hrs. I sat down by the stove and began to think about the money that had been left so easy to get at. I am about \$250.00 in the hole and am only drawing 10/- a Nekk and I am afraid that by 0530 hrs. the temptation was so great that I had to take the money. Between 0530 and 0500 hrs. I went back to the bar and picked up the money and later put it back again. I then thought about taking £2 or £3, but dismissed that idea as I kne w it would be just as bad as taking the whole lot. I was in such a position that I finally took the envelops complete and went straight out and hid it just outside the Camp on the roadway underneathe a stone and wrapped in my handkerchief.

straight out and hid it just outside the Camp on the roadway underneat a stone and wrapped in my handkerchief.

I realized shortly afterwards that I had done a foolish thing and have been contriving ever since to find some manner by which I could get it back without being involved, unfortunately I never had an opportunity of getting it back without it being obvious that it was me that stole it.

I am very sorry for what I have done and do realize that I was a fool. Now that I have made a clean breast of everything I feel better and can only hope that I will be dealt with as leniently as possible.

This statement has been read over to me and is true.

(Signed) T ( way

Statement taken down, read over and signature witnessed by S/Sgt, P.C. Brown, SIS-CHHQ. at Khaki College on 3 Jan. 46.

# dertified list of currency and chaques recovered by S.I.S.

																				ated
48	-4	27 H 4945	9 E 9307	69 E 6387	31 H 6027	5 H 19877	06 E 508	31 H 100	72 D 289	1 H 226	81 H 27	30	C 48 H 576506	63 B	H 21317	-	D 04 H 187962	B 69 E 818870	D 06 E 198777	One sixpenny piece do
76141	031479	61615	65481	95422	38495	52487	0.2	284	98	881	351	957	92254	346	5.62	5494Y	851	59675	603116	2
B H	OH	2	H	H	100	E2	8	E 5	102	E I	HB	H	100	12	10	68	8 8	E 4	H	10 H
12	22	16	20	52	81	20	88	95	19.	38	1.8	02	96	02	61	25	14	Ot S	77	0
2	Q	Q	Q	0	0	D	2	D		0					O					221
- 100	761289	400516	545589	407505	764323	7609	485155			602772		0674	667927	2473	0749		637432	200	6926	800699
100	H	50	H	ш	H	E	H					50	100	50				E	a	111
54	48	93	64	83	87	65	90		91			46	1.8	7.9	822	63	88	20	7.9	61
0	0	-	0	0	H	100	0	223	0	0	×	H	bd	-	0	to	W	- 84	0	50.

Chaque No. C 22854 dated 1 Jan 46 The Canadian Bank of Commerce Fayable to Cash £7-0-0. Signed by B.D. Jenner

Obeque Mo. C 150978 dated 1 Jan 46 Bark of Montreal Payable to O.Mess Khaki Univ of Canada £5-0-0. Signed by M.I. Campbell

Cheque No. C 256953 dated 1 Jan 46 Benk of Nontreal Feynble to "By Morgan B. John. Feynble to "B" Officers Mess Enak! University £5-0-0. Signed by Morgan B. John.

The above are the serial numbers of Sank of England El-O-O Notes, emounting to E62+0-O and particulars of three cheques drawn on various Sanks amounting in total to E17-0-O also one sixpermy piece.

Total money involved £79-0-6.

I horeby certify that the above information is correct and represents the money recovered by me on 3 Jan 46.

White Ser Mices N. Sis

enviorate the atome.

SIS. CHHO



# STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number C=7918	35	Rank Pte		Name Evoy F.		t (or unit)
1. 73	ne following is a fo	air and true se	ummary of the e	ntries in the Fie	eld Service at	d General
Conduct sh	eeta		A mechanism of a			
			Asserted Act	The state of the s	ourt-Martial or a C	
of summar; with.	y awards under S	ection 47 of t	he Army Act	and of cases in w	chich trial has been	dispensed
	Within last 12 m			Since enlistmen	t or appointment	
For	AA 10(4)	Nil	times	AA 10(4)	two	times
For	AA 15(1)	Nil	times	AA 15(1)	ten	times
For	AA 40	Nil	times	AA 40		times
For			times			times
	er of instances of	gallantry or d	listinguished con	duct Nil		
			or,			
There	are no entries in	the conduct si	heets of the accu	sed. n/a		
					est be stated separa	tely.
2. 12	to assumed has no	-inen-inerior	miy convinted			
			Alle			
	Air Francis			- Andread - Andread	t, of summary awa	
	of the Army As	d and dispos	usations with tri	al under A.A. 73	are set out in the	e Schedule
	ne accused is not	under sentenc	e at the present			
			-			
There	amond at the pre	and there is a	ander envisore i		guning-on-the	
invest						
4. T	he accused has be	on in confinen	nent awaiting tri	al on the present c	harges, for N11	days in
civil custo	dy, and 23	days in	military custos	dy, making a total	of 22 days	n custody.
of which	Bil	days were sp	sent in hospital.			
5. T	he present ago of	the accused a	secording to his	attentation paper is	22 years	
6. T	he date of his our little	<del>maission</del> speci existino	fied in his power attent	of regular is ation paper	17 Apr 42	
7. T	he service which t	the accrossed in	allowed to recks	n towards discharg	ge is 1 year 5	months 14 da
8. T	be periaed is soli	tied to revices.	84me servi	e for the purpose o	d determining his pe	ension, etc.
				military	on, or <b>EFTERS</b> rewa	urd (or is in
роменелоп	of or entitled to)	. State any	military	ion or resurd.	***	

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

11. (In the case of an officer	c.) The accused holds in the Royal Canadian Permanent	Air Force the rank of Force unit
dated	, and in his regiment	(or corps), the rank of
dated		
19 The accused has served a	as a non-commissioned officer continuously, with	hout reduction, to the
present date:	a a non-communicationed univers continuously, with	
resent date:		
resent date:	years.	
In the rank of	years. years.	

Air Force
Of convictions by a court-martial or civil court, of summary awards under Section 47 of the Army Act, and of cases in which trial has been dispensed with of accused, Number 0-79135. Rank Pte Unit Pto Unit Regiment Francia Evoy

Norm.—A verbatim extract from the regimental books stating these convictions and dispensations with trial must be inserted.

Departplies of Court by which tried	Dute and Place of Trial	Charge spon which one vierted	funtation of tipe Coart	Paradizzest Restricted
PGCM	Field 16 Jun 44	AA 16(1)	90 Days Detention	30 Days
FGCM	31 Mar 45	AA 15(1)	2 years hard labor	112 days
S. HOWAY	Brentford Middx	Sec 2 Laroeny Act 1916	Pine £2-10-0	
	2 <b>5</b> th Jen 1946		Certified Co	Capt & A

I hereby certify that the foregoing schedule of somvictions and dispensations with trial is a true extract from the regimental books in my costody.

The above statement (with the schedule of survictions and of cases in which trial has been dispensed with) is read, marked signed by the president, and annexed to the proceedings.

84-116.

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

Acoused: C79135 Pte Francis EVOY X-4 List (13Bm) HLI of C att 1 Cdn

Charge.	Plea.	Finding.	Placifilmary Centre
(Insert " alternative " where applicable.)	(See Instrs p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
1st AA 15(1)	Guilty	Guilty	
2nd			
3rd			
4th			
5th			
6th			

(Note: As to findings for leaser offences see AA 56, RP 44; Findings on a special findings see RP 44 and AMML p 753, and in loss of kit see RP 44 fin 6.7 native charges see MML p 483 for 4 para 2, RP 44 ;

At present under sentence for (I. Intert sentence being served, or delete, if not applicable. See RF 46(A). Information should be found on ANF 8355 or AF 8296.)

in confinement awaiting present trial—a total of 41 days, of which 111 days were spent in hospital (1) (I. See RP 46(A) In 2. Information should be found on MF 8355 or AF 8296 admitted in evidence under E2.)

Sentence Awarded by the Court: To be imprisoned with hard labour for a period of two years,

(8gd)		31 Mar 45	gan " Cepres B	S Cox # Setos
Judge-Advocate,		Date awarded.	President	(RF 45, 50.)
	(See back of Convening	Order as to assembly and disposal	of record after trial.)	

PART II. MINUTE WHERE CONFIRMATION RESERVED. (ALSHS), RF (2017), MAIL p 740.)

Date	(Sgri)	Commanding	

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

(for duties and powers see AA 54, 57, RP 37(D) fo 6.44(A), 51-56, 120, MAML, pp 759-761, KR Can 561-577. Acquistate require me candinactive and cannot be newlated: AA 54(3), Sending back finding or sentence for revision by Court: AA 54(3), RP 125(G). If and coordinate, occused may be tried again. AA 513, MAML p 64. Minimize of conditionation or non-confirmation may be obsered before promulgation: RP 53, MAML p 65. Questing data promulgation: KR Com 573. Duties and powers of reviewing affers: AA 37, SP 33A, 34. The Confirming Offic must sup here personally. AA 172 for 1.3

My decision on the finding(s) and sentence set forth in Part I is

at that the present by not no on burracks until further orders (1) (I. AA 57A. Delete of not used:)

(Sgd) Date 2 AFB 45

Confirming Officer.

PART IV PROMULGATED AND EXTRACTS TAKEN. (# 51.08 Con 254, 577.)

Account Date. Signature of Offir.

C79135 Pto EVCY F 18 Apr 45

" J Medhurst " Lt-Col Comdg, 1 Cdn Disciplinary Centre

CR #84 1 - Last

ALL DELETIONS AND ALTERATIONS WILL BE INITIALLED.

FIELD GENERAL COURT-MARTIAL THE PROPERTY OF TH

Convened by Order of Lt-Col J Runcie MC A/Comd 2 CBRG

dated 30 Mar 45

5-4-116

Unit.

HLI of Chatt Disciplin

#### ACCUSED

(As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A)rank or A)appmt, if any, see AA 182, 183, fns, KR Can 308, 328, 330.)

Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. 0-79135 Francis X-4 List

PROCEEDINGS OF TRIAL Held in the Fd in (country). D J. ASLOTUM.

CERTIFIED TRUE COPY

on (date(/)) 31 Mar 45

#### RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. 29/700

Al. The President, Members, waiting Member, JA, if any, and Office under instead any, assemble, and the

PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALIED EV PRES DO EA. The Schools referred to throughout is on p.A. Critish on NOT useld OR APPLICABLE, AND INTERACED on Proceedings when a variation in this form arises, see form file SCAM in MAM, pp 74: to 199. A used record of such variation in this form arises, see form file SCAM in MAM, pp 74: to 199. A used record of such variations and gives a number having reference to oppropriate or preceding pure number harries. See book of Gosvening Order, 2495, for boths and matter as have been considered and procedures to the conduction of the conduction of

A2. The President initials and lays before the Court the Convening Order and Charge Sheet of attached thereto. (1) The Court is satisfied that it is properly convened and constituted (1), accused is (are) amenable to military law, and

(I. As to use of Summory of Evidence see RP IT fn 6. 2. AA 49, 50, RP 105-107. 3. RP 11-12, 23, 24.)

A3. The Court is opened. The accused is [are] brought before the Court. At 1415 hours trial commences. GEC

A4. The Prosecutor produces a Medical Certificate that accused is term fit to undergo trial by court-martial.(1)
The Prosecutor Informs the Court that accused elected to be tried by court-martial instead of being dealt with GBC summarily by the CO (8)

(7. KR Can 557. 2. AA 46(B), RF 60 fo 1. For effect see KR Can 563(c). Delete, if not applied

A5. Regulant to assemble the you object to	as interpreter i Acc	
he leterpreter is exern (*) 150 you object to	Manufaced writer 1 Ass.	GBC

A6. The Convening Order and names of the President and Members of the Court are read to the accused.(1)
President to accused: Do you object to be tried by me as President or by any of the Members of the Court f

(). AP 110. 2. If no objection, woising member retires. RP 68(8). If objection, see procedure AA 51, AP 25, 71, 18, MAML p 742.)

A7. The President, Members, 14, 16 any, and Office nodes instr. 16 any, are sworm.(2). The following are the GOC ranks, names and units of the office comprising the Court, etc.:

President G B H Cex CAC att 1 Con Disciplinary Centre Member Major A E Lefroy Seaforth Highrs att 1 Gdn Disciplin-Captain. I D Pollock Can Pus att 1 cdn Dis Centre Judge-Advocate Prosecutor Captain J H Labrie R de Mais att 1 Cdn Dis Centre

Defending Offr Captain G B Cartmel B de Mais att 1 Cdn Dis Centre

Questions by President: Is the Proscenter a lawyer ! Ann. No. Is the Defending Offr a lawyer ! Ann. No. (9)

 RP 26, IZ, 109, 511. List of offer under visit will be interved reparable with proceedings for information of Come Offe).
 If free a lowyer and Def Offer our, occupied is untitled to an adjournment when RP 89 (8) and for Z wore our followed: See DI p 13. As. The sommed 279135 Pte Francis EVOY before arraignment make(s) (no) / plea 22%

(1. If a special blook is made for separate trial on one or more charges (AF ALE), 100%, or as to the suradictive of the Court.

(AF 2A, 1514), (13), or in her of trial (AF 24), or as to account's mental floress to stand trial (AA 12), AF (27), or as the existence of several accounted charged pixely to be creat separately (AF 14, 71), such plan, the addresses made is support or appliest, the existence, if any, and finding are resourced per houses. For forms of record sex references in the to Rub cland. Insert in AB stark and name of the account making the plan.)

A9. The accused is that arraigned (expectately) on all charges in the charge sheet. (\*) The accused does (do) UBC object to any charge (\*). There is no amendment to be made to the Charge Stoct. (\*). The President records the

(1. 89 3), 112. See part 1 of instrip 2. When now than one than one Charge Sheet are 89 62; when several occurred to be cross-impairing and 87 (150), and are separate capies of CF ARI to record proceedings. 2. 89 32, 89 32. If otherwise, desire and tracks appropriate record per Notes.)

A10. The Court is almost end, occasiders the Instes on Procedure after Arraignment at top of p 2. The proceedings are continued on Bassed Form

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

2 CBBO VOL 5 F 144

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.
 (RP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc. offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).

2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective

- I. If pleas to all charges are GUILTY, use Record Form B below.
- II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
- III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
  - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C
  - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RF 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilty thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instra as may be appropriate to result of its decision. See MML p 744 Instes (2).

3. As to responsibility of President to accused see RP (0, 60(C); powers and duties of JA see RP 103; duty of Proxecutor see RP 60(A) (B); duty and privileges of accused and Defending Offe see RP 60(C), 87(C), 91, 92; swearing and withdrawest of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83, 85; calling or re-alling of witnesses by Court, etc., see RP 75, 79, 86, 110; was of Summary of Evidence at Trial set RP 17(E) fm 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

#### RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President colds, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge(f)(1), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(f), call witnesses as to character and make an address in mitigation of punishment.(2) (1. RP 35 fn 3. 2. MML p 54 para 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(1) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the pica of Guilty(2), or which show provocation or extenuation in respect of which in your interest the witnesses for the Prosecution should be examined(2), we shall advise you to change your pica to Not Guilty. In the witnesses for the Prosecution should be examined!"), we shall advise you to change your pice to Stot Critisy. In making a statement you will not be sworn or subject to cross-examination; an anything you say will not be need in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(\*)

President to accused: Do you wish to make a statement ! Ans

(\*)

(\*\*)

President to accused: Do you wish to make a statement ! Ans

(\*\*)

(\*\*)

Statement \*f ony, recorded per Notes.

\*\*)

B3. You Court considers the accused a statement (1) The Court decides (not) to adr) please) of Chilty to Not Guilty on (these) please) on chargester Part I of the Schedule is amended accommissely Court may be cosed to complete the interment. Delete whole or port not used

B4. On the charges to which the pleases of Guilty is saves not changed the President records findings of S.B.C. ity in Part I of the Schedule.(1) (1. AF 35(E). If any pleo(s) in (are) changed, use Record Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. A, initialled and read about by the President.(3)

(1) If there is no Sentery, or if it is indequate, comply with \$F 2025. If there is not evidence occurational with any plan standing as Guilty, Cart will drive no occured to change such piece and, if changed to Not Guilty, by such charges; by use of purest D1 to D6 inclusive of Secure Form D on p 3. No 21(D).

B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

#### RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND 680 NOT GUILTY.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Record Form D on p 5 before proceeding with C 2.(?)

C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using parase B1 to B5 of Boosed Form B above.(1)

(i) Under 85 sect parts are of the Seammers of Endence are read to relate to the charges dealt with under C1. If are pine is charged in fits Collect, tool themse bronceds by complying with pure Di to D8 inclusive in Record form D on p 3 and making an appropriate reside thereof as a separate should.)

(ii). The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Berord Form E opp 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Loose Specia of Morord.

#### RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

DI. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence? Ans.....
(1. If "res", see RP 19(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address (1)
(1. RP 39(B), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).)

D3. The evidence for the Prosecution is taken.(1)
(1. AP 39(C), 1/4, KR Can 535. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not establish a prima facie case against the accused on the charge(s).( $^{3}$ ) The Court is closed, and considers the submission.( $^{3}$ ) The Court is re-opened, and the President announces that the submission ... charge(s), and allowed on the is disallowed on the ... arge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on

the latter charge ini.(4)

(i) Delete remainder of this para, if submission not made.

2. Asydiments on submission, uniwer and reply are recorded per Notes.

3. RP 40 for i. See MML p.72 paras 12-14 and p.81 para-42.

4. Delete part not used. If accused acquitted on all charges use second alternative in para-081.

NB: If trial process, accused must be allowed great latitude in making his defence, and the Court should not stop his defence solery an ground of irrelevance.

(RP 60(C), 114, 113)

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence You may, however, make a statement without being sworn, and you will not be subject to cross-examination.

But a statement which could have been made on one will not carry with the Court the same weight as sworn testimony. You may call witnesses in your defence and of to character, whether you give evidence or make a statement or do

President to accesed: Do you wish to give evidence yourself as a witness, make a statement, or do neither ! ...... Do you intend to call witnesses on your behalf ! (I. RF 115. 2. RF 40(6), sec 80(D). 2. RF 40 (o id. 4. RF 40 for 2, 9)

6. Consequent on the knowers recorded in para D5 the appropriate procedure for the defence is followed. (\*) if. 8F 114, 115, 126. For procedure see Notes on both of Convening Order, EF 8P5. Evidence for accused as to his cheracter should, if in \$6 interest, be given before the finding. See \$R\$ 4663, \$61, \$66(C). Note that the opportunity in para \$1 of Securit Stam E. Scard See Notes addresses, stamment, evidence and any summing up by the 15 under \$8 42, 103(e).)

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule.(1) The Court is re-opened.

(1. 89-42, 117(8) See Norm in Part I of Schedule. 2. 89-44(8).)

Ds. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s)

of the Court on the

Charge(s), being subject to confirmation, will be promulgated later. (?).

Or, The President announces that the accessed is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed (?)

(1. As \$4.0, 16.5 # \$5. (254).

On As \$4.0, 3. # \$5. 11. This overscore consumment is not applicable when there

are piece of Guilty suitanding and dealt with under Nacard Form 8 or C.)

D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using

#### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

El. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(4) If evidence has almosty been given by accused or his witnesses as to his character, delete this para. NP 37(C) fn 4, 45 fn 1,
Accused and witnesses are swam. Evidence recorded per Notes.

E2. The Prosecutor produces Statements as to Character and Particulars of Service(\*), and certified true copy (security of Conduct Sheet (17), purporting to refer to the accused, which he submit to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 160(1) (g) (h), and (ii) they purport to refer to (a) soldier(s) having the same number, rank, name and corps as the scensed. Admitted in evidence and

MP 131 or AP 296. 2 M/M 6. 2 M 44, KR Con 138. If above documents not produced, see 60 46 ft 1

El. President to accused. Do you wish to address the Court on the Statements) and Conduct Sheets, and in Conduct militigation of princhesons 1(1) And year or one hope to over of find more one of all as all his all his of the or all his of the second of th

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the ort are accordingly terminated.(1) proceedings in open court are as (f. AA 54(6), 89 (20(A))

E.S. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which is distent study signed by him are the dated and signed by him are the dated and signed by him are the dated and sentence only, compound of the presidence or purishments and does in As 4.4 and in present, to be invested by Court of the presidence of purishments are purishments and the sentence of the presidence of the presidence of the presidence of the presidence of presidence of presidence of the presidence of the sentence of the presidence of the sentence o

PRESIDENT OR IA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Date 31 Mar 45

1 Cdn Disciplinary Centre

#### FIELD GENERAL COURT-MARTIAL

CFA95 (In Bes of AFA3) 40/FAS/1697 (2862)

(Whether the occused to be tried is under his comd or not, a FGCM may on application to him be convened by any offir of Cdn Army Oversean or of any other force if authorized in low, in immediate cand of troops on active service, subject to RP 103(C) and restrictions imposed by appropriate outly, AA 49, 50, RP 104-107, 114. As to the duties and privileges of the Convening Offir in dealing with the application see MML. Chap V peros 20 and 23, RP 87(6).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 11(C), 107 — As to separate trial on charges in the same charge sheets see RP 108. As to two or more occured charged jointly see RP 16, 107.

As to reasons for showing (a) permanent or confirmed rank, and (b) appart, A/rank or A/appant, if any, see AA 182, 183, fns. KR Can 306, 328, 330.)

#### ACCUSED.

(a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Surname.

EVOY X-4 List (13Bh)

(Rank.)

#### CONVENING ORDER.

- Martial"
- And whereas I am of opinion that it is not practicable that such offence(f) should be tried by an ordinary General Court-Martial; (and that it is not practicable to delay the trial for reference to a superior quadritied offr.) (Delete part in brackets when not required for compliance with 80 105(C).)

I hereby convene a Field General Court-Martial to try the said personial and to consist of the Offrs appointed or detailed hereunder

4. I am unable to appoint (a) three Office to form the Court, (b) a Fd Office President, for the regions I have (AA 49, HP 106(8), 107(A). Delete the whole or part, if not applicable.)

I slan appoint as Judge-Adventate thereat the Offs (MPRIIOned) hereunder.
(RF 106(E). Delete, if more appointed.)

PRESIDENT

CAC att 1 Cdn Disciplinary centre (Rosk.) (Must be normed. RP 106.) (Unit.)

MEMBERS.

Seaforth Highrs att 1 Cdn Disciplinary Centre

Capt Can Fus att 1 Cdn Disciplinary Centre (Rank.)

WAITING MEMBER.

(Runk.) (Named or despiled, if any. RF 106.)

SUDGE ADVOCATE

(Must be named, if any. AP 106.)

On Active Service in the Fd.

" J Buncle " Lt-col (Country.) (Signed personally: AF 105 (n 2) ( J Runcie )

Date 30 Mar 45 A/ Communding 2 Cdn Base Bft Op

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See overleaf for autho and notes for use un trial.)

#### CHARGE SHEET

The accused, C79135 Pte Francis EVOY, X4 List (13 Bn) HLI of Canada, attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas, is charged with: -

FIRST CHARGE - WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE Army Act in that he

In the Field, absented himself without leave from 0930 hrs 14 Dec 44 until apprehended at 1130 hrs 17 Feb 45

( A 0 Hood ) Lt col Commanding 1 Cdn Disc Centre

In the Field 28 Mar 45

To be tried by Field General Court Martisl

" J Runcie "

A/Comd 2 Cdn Base Rft Gp

In the Field 30 Mar 45

#### Ples in Mitigation in the case of C/9135 Pte EVOY F

The accused is 20 years old and unmarried. He joined up in Canada in the NPAM before the war, and was discharged as under age on the outbreak of war. He joined up again at the time the OTC was opened at Brockville, served on the staff there for about I year and was again discharged as underage. He joined a third time in April 1942 and came oversess 2 Apr 43

He went to France 18 Aug 44 and served with the HLI continuously until upon being wounded the third time early in October he was evacuated to hospital. He did not go absent from his unit but while at CBRO. The accused's father served with distinction in the last war and the accused cannot return and face his father unless he can get back into action and redeem himself.

In view of the accused's extreme youth and the fact that he has been in action quite some time and has been wounded three times in all although the first two did not take him out of action, I ask that the court see fit to award a minimum sentence and give him an opportunity of again serving before having to return home and face his father.

" G B Cartnel " Capt RCA 31 Mar 45 Defending Officer Summary of Evidence in the cases of C79135 Pte F EVOY, X-4 List 13 Bn HLI of C, attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas.

Charge - Absence without leave

By direction of the CO the evidence is taken on oath.

The following documents are read over to the accused, marked as Exhibits and are attached to the proceedings.

Exhibit "A" - Certified true copy of Extract from Pt II Crder Ro 2 dated 6 Jan 45

Exhibit "B" - Certified true copy of Extract from Pt II Order No 25 dated 5 Mar 45

- Do you wish to make any statement or to give evidence on cath? You are not obliged to say anything or give evidence unless you wish to do so but " tower you say or any evidence you give will be taken down in writing or may be given in evidence.

I certify that the foregoing Summary of Evidence consisting of one page was taken down by me in the presence of the accused and that RP 4 (C)(D)(E)(P) and (G) have been complied with.

" Maurice Rousseau " Capt

Exhibit A "ME ROUSSEAU " CAPT

TO: Officer Commanding

00/00/34/X-HLI OF C/1(A5C) 24 MAR.,, 19.45 1 Cdn Disciplinary Centre

EXTRACTS FIRST UNITS. X-4 List (13 Bm) HLI of C Part II Order Pr. ... 2 ... ... sated . 6 Jan 45 .

X4 List (13 Bn)

AWL from 0930 hrs 14 Dec 44 C79135 Pte EVCY F

ABSENT WITHOUT LEAVE

" J R Fenelon " Capt .....

Originating clerks initials ..... policer in goarge

Exhibit "B" "M Rousseau " Capt 00 0 /34/X-HLI OF C/1(A5C) 24 MAR .....10 A5 ...

To, Officer Commanding 1 Cdn Disciplinary Centre Cdn Army Overseas

EXTRACTS FTOR UNIT ... X4 List (13 Bn) HLI of C ....... 

STRENGTH INCREASE TOS X-4 List (13Bn) on app from des wef 1130 hrs 17 Feb 45

" J E Fenelon, " Capt .....

leer IC Mecords, aca

N/A

#### LIST OF EXHIBITS

Certified true copy of Extract from Pt II Order No 2 dated 6 Jan 45

11 6 11

Certified true copy of Extract from Pt II Order No 25 dated 5 Mar 45

ngn

I, C79135 Fte EYOY F acknowledge having received one copy of the Summary of Svidence and one copy of the Charge Sheet free of charge on 28 Mar 45.

" Pte Evoy F " C79135 Pte EVOY F

# Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

Number.	Rank.		Name.	Regiment (or as th	e case may bo).
079135 _	Pte	EVOY	7	HLI of C	
NOTEThe Field Conduct Sheet is to be produced to Court with	1. Th	e following is used, exclusive	a fair and true of convictions	summary of the entries in the	Field Conduct Sheet art :
interested in the control of the proceedings. The numbers beering usual classification of the proceedings. The numbers beering usual classification of the control of the c	Date of fit Date of la 2. Pr in the Sc	For 15 For 10 For For set entry in Fire evicus convicts bedule overless	(1) AWL (4)	eet 29 Sep 43 set 18 Nov 44 used by a court martial or a c	5 times times times times times times
*Bitthe out it not applicable.	beginning 4. Ti days in	on the ne accused has givil custody	been awaiting and for	trial on the present charges for  41 days in m  rest, 41 days	N/A N/A ditary custody, (A.
Direct the politicary descriptions (F +00) Sold by account.	which 5. To 6. To 7. To 8. To 9. Of	D/A ne present age the date of his the service whi the accused is fride accused in the set In the set In the set In the set	days were sy of the accused attended up for cis the accused as possession of a warrant efficient date betantive rank ar substantive rank of the accused as possession of the accused as a substantive rank ar substantive rank of the accused as a substantive rank of the acc	sent in hospital.  1 is 20 years old  1 is 20 years old  1 is allowed to recken is 2 CVSE & Clasp  er or N.C.O.). The accord has	ocrosed continuously Date of Promition III III rapha cumnel be state

# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Poscripton in Court by which tried.  Field 31 Eay 45	Description of Court by Which tried. Charges upon which convicted.  Court by Which tried. Of Trial.  Field AWL 30 days 90 days detn. total forf 136 days pay	SCH	EDUL	E OF CONVICTIONS D.	of the Court	Punishment rematted or sentence suspended.
FOCM Field ANL 30 days 20 days deth total forf 136 days pay	FOCH Field ANL 30 days 20 days deth total forf 136 days pay	Court by	Whises 1	Charges upon which convicted.	Sentence of the Court.	
		encu F1	Eay	AWL 30 days	90 days dath total forf 136 days pay	

THEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the best of my knowledge and belief.

" R F Stage " Capt
Admin Offr
1 Cdn Disciplinary Centre Signed this 31 st day of March 45

N. C79135 NameEVOY F	Sqn, Battery.	Corps CIC	Date of enlatment	Date of 17-4-52 OC Badges   Badges   sellatment   Signature OC Company, etc.	Proficiency Pay	Charact	40/PAS/156 (3486)
	No and date: of last drunk?	freedom from extra time		translaborate a warried	Date of award or	by whim awarded	Remarks
		OPPENCE	NAMES OF ASTRONOOM				
Place offence hank these				A Det 43			
A 10(4) Total forf of	forf of 21 day	s pay concurrent wi	w = skods ut				
A 15(1) Total forr A	ays pay - 24 W	May 44 May 44 & forf 31 days 98	y Phat 149(1)	(a) 15 days pr	A BROT TO	(1)(0)(1)(	30 0
FIGUR AA 13(1) AN India forf 130 days pay. Absent from 110 hrs 18 Nov 44 (6 days 3) hrs 15 mins)  (1)(1) Total forf 31 hrs 31 May 44 until trial 115 hrs 18 Nov 44 (6 days 3) hrs 15 mins)  (1)(2) Total forf 51 pay for AN 1700 2800 hrs 11 Nov 44 to 1115 hrs 18 Nov 44 (6 days 3) hrs 15 mins)	forf 136 days	pay. Absent from They 44 until tr from 2200 hrs 11 Ho	V 44 to 1115	brs 18 Nov 44	(6 days 3	3 hrs 15 m	p 43
Duplicate Crested from	able. 24 Mar	A Record Capt Off 1/0 Becords Off 1/0 Becords Off A Gp	40 V TG				

Place	Date of offence	Hank	Cases of drunken- ness	OPPENCE	Names of Witnesses	Punashment awarded	Date of award or of order disper- mog with trial	By whom awarded	Remarks
Piace	THE STATE OF THE S		ticus		ne passennerou				
				CERTIFIED TRUE COPY OF MFM 6 IN 1	MY PUSSESSION				
				N. Danes					

#### SCHEDULE.

Commanding  PART II. DECISION OF CONFIRMING OFF ON FINDING(5) AND SENTENCE  Use of the state of power of power of the state of the stat	Charge.	Plea.	Finding.						
at APA 15 (1).  Gall Ty., Gan 1 Ty.  What I has findings he hier affectors are AA 50, NF 44. Indings on alternative charges are AMA, p. 43 fr. 4 pairs 2, NF 44. Indings on alternative charges are AMA, p. 43 fr. 4 pairs 2, NF 44. Indings on alternative charges are AMA, p. 43 fr. 4 pairs 2, NF 44. Indings on alternative charges are AMA, p. 43 fr. 4 pairs 2, NF 44. Indings on alternative charges are AMA, p. 43 fr. 4 pairs 2, NF 44. Indings on alternative charges are AMA, p. 43 fr. 4 pairs 2, NF 44. Indings on alternative charges are AMA, p. 43 fr. 4 pairs 2, NF 44. Indings on alternative charges are AMA, p. 43 fr. 4 pairs 2, NF 44. Indings on alternative charges are AMA, p. 43 fr. 4 pairs 2, NF 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on alternative charges are AMA, p. 43 fr. 44. Indings on AMA, p. 43 fr. 44. Indings of the AMA, p. 44 fr. 44. Indings o									
The state of the s		(See Instrs p 2.)	(See nate below.)	(Space for use as required for further charges, accused charged joint) special findings, etc.)					
the thing of the state of the s	st AA 15 (1)	Garty.	Gust Tyn						
th  Other: As a fording to inter officines see As 35, 17 44, finding an distinctive charges are MMI, p 421 fo 4 pain 2, 42 44 5 special findings are 69 46 and 1006, p 733, one are loss of sides of 46 fo 6.)  Leptomorph studies continues being series, or decise, of our applicable, less 17 44 (6, information about the found on 80 233 or 48 2244.)  Interior a months awaiting present trial—a total of Af. days, of which A's. days were spent in biospital.  (I. See 19 440) fo 2. Information about the found on 80 233 or 48 2290 admitted in evidence under 61.)  Interior Awarded by the Court.  Lo be Amarging of the Arthough the Arthough Cafe or a formation of the found on 80 233 or 48 2290 admitted in evidence under 61.)  Judgo-Adviceste, if any.  Date awarded.  Surgh, Alford of the Second of Convening Order as to exceeding of disposed of second offer read.  PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 546), 89 1209, MMI g 750.)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  The dates and powers are AM M. S., 89 200, to a 444, 13 to 12 t	nd F								
th  (1) the second formula is the formula of the set of	rd			and the same of th					
Obste: As to finding the leaver offences are AA 56, 87 44, Redings on distinctive charges are MML p 431 fs 4 pare 2, 87 44 5 special findings are 87 44 and 30ML p 733, and in leas of kit are 87 44 fs 6)  In parametric sentence being served, or defence of not expelicable, see 87 44(6) findings are 88 435 or 87 8296.)  Interior in continement awaiting present trains—a total of 4/4, days, of which MML days were spent in brospital.  (I. See 87 44(6) for 2 information about the found an ME 233 or M 276 admitted in evidence under \$2.)  Interior Awarded by the Court:  **Jo be An prior one of a set M. hard Labour for a prior one of the total of 4/4 (Sign) **Journal of Prior a perior of 4/4 (Sign) **Journal of Prior and Prior of 4/4 (Sign) **Journal of Prior of American States and Ame	th								
Otota: As to findings for lister of feaces are AS 56, NP 44, findings on districtive charges are MML p 43) for 4 para 2, NP 44; appearant unifor continuous form.  It presents unifor continuous form.  It presents uniformed the graved, or detects, if not applicable. See NP 44(A), information should be found on ME 235 or M 2294.)  It is in continuous the law graved, or detects, if not applicable. See NP 44(A), information should be found on ME 235 or M 2294.)  It is in continuous the sound present trial—a total of 4f. days, of which MM. days were spent in bospital (I. See NP 44(A) for 1. Information should be found on ME 235 or M 2294 admitted in evidence under E1.)  In the found of the found of the found on ME 235 or M 2294 admitted in evidence under E1.)  In the found of the found of the found on ME 235 or M 2294 admitted in evidence under E1.)  Judgo-Advocate, if any.  Get back of Convening Order as to exembly and disposed of recover offers trial.  PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(A), AF 120(A), MML p 750.)  Attach and the found of the found of the found on the found of the found on the found on the found on the found of the found on the found on the found of the found of the found on the found on the found of the found on the found of the found of the found of the found on the fooding to a more of the reviews by 6, Cont. AM 54(A), AF 120(C), R promote the found of th	th								
Legislating on (dos)  (1. Insert summa being street, or detects, if not applicable, so NF 4(A) Inferrection should be found at MF 235 or MF 2262)  into in continement swelling presents trial—a total of 4/1 days, of which M/2 days were spent in hospital.  (1. See NF 46(A) 6/2 Inferrection should be found at MF 235 or MF 2276 admitted in evidence under (L)  and the same print one of with hard labour for a period of the found of MF 235 or MF 2276 admitted in evidence under (L)  Judgo-Advocate, if any.  Judgo-Advocate, if any.  Date awarded.  (See tack of Convening Order as to essently and deposed of record after trial)  PART II. MINUTE WHERE CONFIRMATION RESERVED. (AA 54(5), NF 120f), MML 9 760.)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  (Segd)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  (Segd)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  (Segd)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  (Segd)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  (Segd)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  (Segd)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  (Segd)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  (Segd)  Commanding  PART III. DECISION OF CONFIRMING OFFR ON FINDING(5) AND SENTENCE.  (Segd)  (	th								
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(1. hear sessions being served, or deletes, if not applicable, See IF 44(4), Information should be found on ME 235 or AF 2746.)  Into in confinement awaiting prevent trial—a total of Af . days of which Af . days were spent in broughtal (I. See BF 46(5) for 2. Information should be found on ME 235 or AF 276 admitted in evidence under EL)  Internoe Awarded by the Court:  Lo be Arm fried one of Arth hard laborar for a period of two years of the print one of Arth hard laborar for a period of two years of the print one of the print of th	special findings see FI	* 44 mg MAL p 7.53.	and in less of kit see	RF 44 (n.6.)					
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	Date  PART IV.	2 AFR 45	Oness	(Sgd) (G S M Goetling) Brig 1 soding 2 CDM BASE RFT GP Confirming Officer.  XTRACTS TAKEN. (AP SI, FR Can 174, 577.)					
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	Date  PART IV.  Accused.  5 5 FTE Every 1	PROMULG	October ATED AND E  Date:  18 Capa 45	(Sgd) (G S % Doetling) Brig 1  anding 2 CD% BASE RFT GP Confirming Officer.  XTRACTS TAKEN. (P. SL. AR. Con. St. ST.)  Signature of Offi.					

RECORDED AT CMHQ IN AB 160 5 G - 1/ 6 (15MAN e1845 Order of Lt-Col J Rungie, MC Acound 2 CBRG ACCUSED. As to the trial of two or more charged jointly see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed, and (b) oppms, Arank or Ajoppms, if any, see AA 182, 183, fns, KR Can 308, 328, 330.) Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Cnif. 0-79135 OCEEDINGS REVIEWED EVOY X-4 List (12 Bm) Francis priodraphi mag mi Disciplinary Centre REVIEWING OFFICER, JAG BANGE EDINGS OF TRIAL Held in the Fd in [country] BELGIUM on (date(s)) 3/ RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. 29150 A1. The President, Members, waiting Member, JA, if any, and Offre under instr, if any, assemble, and the 62-Court is closed (PRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED OF INTELLED MAY LEE, MOT IN TIALISE FOR GOTDANICE. WILL BE DELETED, IF NOT USED DR APPLICABLE, AND INITIALIED BY PEES DE 1A. The Schedule referred to throughout is on p.4. Citatione do NOT include oil relevant fins Not. For guidance on procedure when a varieties on this form crises, see from for GCM to MANC to P.4. to 159. A brief record of such varieties will be made and given a number horsing reference to appropriate or preceding pure number horsin. See back of Convening Order. CF APS, for worth and nature on how to record addresses, evidence, six, which source some provisions for conducting the trial see AA 53, RP Se. 63-70, 73, 74, 94, 102, 119, 32. A2. The President initials and lays before the Court the Convening Order and Charge Sheet(e) attached thereto. (2)

The Court is satisfied that it is properly convened and constituted(2), accused is (are) amenable to military law, and (I. As to use of Summary of Evidence see RF 17 fs 6. 2. AA 49, 50, RF 105-101. 3. RP 11-13, 23, 24.) A3. The Court is opened. The accused is (see brought before the Court. At 1415, hours trial commences, Segre A4. The Prosecutor produces a Medical Certificate that accused is less) fit to undergo trial by court-martial (\*)

The Prosecutor informs the Court that accused elected to be tried by court-martial instead of being dealt with Sasc. summarily by the CO.(2) (I. KR Can 557. 2. AA 46(8), RF 60 fo I. For effect see KR Can 563(c). Delete, if not applicable.) A5. President to accused: Do you object to \_\_\_\_\_\_ as interpreter | Asc The Interpreter is sween (1). Do you object to... as shorthand writer ! Ans The shorthand writer is swown ( (I. RF 72. Delete, if some employed.) A6. The Convening Order and mames of the President and Members of the Court are read to the accussed P President to accused: Do you object to be tried by me as President or by any of the Members of the Court ! Ans NO (1) (I. ## 110. 2. If no objection, waiting member retires. ## 68(E). If subjection, see procedure AA 51, RP 25, 71, 18, MAME to TAX2) A7. The President Members, 5A, if any, and Office under inste, if any, are eworn.(1) The following are the Corp. ranks, names and units of the offrs comprising the Court, etc. Major G B H GOX CAC att 1 Cdn Disciplinary Centre major 18. 8 Lefory - Seefath Higher all Ican Brecante Member Captain A. D. Follows - consus at 10 de Die antie Judge-Advorate J. H. Sabore - Rde Has att 10th distate Cantain Prosecutor G. B. Cartarel , RCA , At 10h Districte Defending Offr Questions by President: Is the Prosecutor a lawyer ! Ans No. Is the Defending Offr a lawyer ! Ans No. 15

(J. RP 26, 27, 109, 11). List of office under lasts will be recurred reparately with proceedings for information of Carr Offic).

(Z. If Price a lawyer and Def Offic new, accused is excised to an objectment when NP 69 (B) and fo 2 were not followed. See Dif p. 2): As. The account C-79135 Fig Francis EVOY before arraignment make(s) (no) let piece for

(AF ) if it special from is made for important trial on sen or note charges (RF 42(E), 108), or so to the jorisdiction of the Coort by the 35(A), 13(A), 13(

A9. The accused is two arranged (assumable) on all charges in the charge sheet. (\*) The accused does (\*\*\*) not object to any charge. (\*) There is no amendment to be made to the Charge Sheet. (\*) The President records the pleas in Part I of the Schedule.

(1) 87 21, 1/12. See part 1 of feating 9.2. When more than one Charge Seast see 67 42; when several occupied to be tried modes appropriate record and september copies of CF 856 to record proceedings. 2, 67 52, 87 23, 1f schemiles, delete and mode appropriate record and Nutses;

A10. The Court is shoot considers the lastes on Procedure after Arraignment at top of p 2. The procoolings are continued in Record Form. &

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS. 144 2 CBRC Ud. 5 P. THE

#### . . INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.
 (RP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc., offence. (RP 44(B).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).

- 2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective circumstances stated
  - I. If pleas to all charges are GUILTY, use Record Form B below.
  - 11. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
  - 111. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
    - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C
    - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all such alternative charges as if he had pleaded Not Guilly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p 744 Instrs (2).
- As to responsibility of President to accused see RP 50, 60(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 91, 92; swearing and withdrawal of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83, 85; calling or re-calling of witnesses by Court, etc., see RP 75-79, 86, 116; use of Summary of Evidence at Trial see RP 17(E) fn 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

#### RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

- B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature and meaning of the charge (F), and that on his plea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the sharpets. ses as to character and make an address in mitigation of punishment.(\*)
  (1. RF 35 fs 3. 2. AAML p 54 perc 47.)
- B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge (\*\*) (\*) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the pica of Guilty(\*), or which show provocation or extenuation in respect of which in your interest the \*\*wnesses for the Prosecution should be examined(\*), we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used in exidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your plea and you will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(\*)

No. President to accused: Do you wish to make a statement ! Ame. 2. Af \$7(D) fo 6. 2. RF 15(B) fo 5 porc 3, Miles, p. 54 pare 47. 4. See para E3 of Record Form E.

- B3. The Court considers the accused's statement (1). The Court decides (not) to advise accused to change his
- B4. On the chargest to which the plea(s) of Guilty is (ass) not changed the President records finding(s) of Guilty in Part 1 of the Scheduln.(\*)
  (1. 89 25(8). If any plea(s) is (ann) changed, use Record Form C or D an appropriate.)
  - B5. The Summary of Evidence is marked Ex. A., initialled and read aloud by the President. (1) If there is no Summery, or if it is inodequate, comply with \$8 37(8). If there is not evidence inconsistent with now place standing as Gally. Caust will obvie accord to though such place and, if changed to Not Gally, by such charge(s) by use of gares D1 to D6 inclusive of Record Form D on p 2. AF II(D).)
- B6. The accessed having been found Guilty on one or more of the charges, the proceedings are concluded by meing Record Form E on p 3.

#### RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY

- Cl. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using purus DI to DS inclusive of Record Form D on p 3 before proceeding with C 2 (1)
- (\*2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B above (\*).

  (\*\*) Under E5 acc ports only of the Sommory of Endougram are read as reliefs to the charges shot with under C2. If any plea is charged to feet Guille, und thereon proceeds by camplying with pores D1 so D8 includes in Recard Form D on p.2 and making an appropriate record thereof on a separage them.)
- Cl. The account having been found Guilty on one or more of this charges, the proceedings are concluded by using Record Form E on p L

#### PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Loose Shorts of Borost.

#### RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

	Do you wish to apply for an adjournment on the ground that any of the rafes
resating to procedure before trial	have not been complied with, and that you have been prejudiced thereby, or on
the ground that you have not be (1. If "yes", see RP 39(A)	d sufficient opportunity to prepare your defence ! Ans

- D2. The Prosecutor makes (an) (no) opening address.(1)
  (1. RP 39(8), 60(A) (8), 90. 92(C) (D). Record address per Notes, subject to RP 95(C).)
- D3. The evidence for the Prosecution is taken.(1) (1. RP 39(C): 114, KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)
- D4. The Prosecution is closed.(3) The Defending Offr submits that the evidence for the Prosecution does not ... charge(s), and allowed on the is disallowed on the

charge(s), and that, accordingly, the trial will proceed on the former, but the according found Not Guillay on the latter charge(s).(4)

(I) Delete remainder of this para, if subminishin not made. 2. Arguments on sibminishin, answer and reply are recorded per Notes. 3. RP 40 fo 1. See MML p. 72 pures 12:14 and p.81 para 42. 4. Delete part not used. If accused acquitted on all charges use stand alternative in para DB.

NB. If vise process, accused must be allowed great latitude in making his stefance, and the Court should not stop his defence solely on ground of irrelevance. (RP 60(C), 3:14, 13:5)

D5. President to accosed: You will now proceed with your defence.(1) You may, if you wish, give evidence resumelf on each as to the facts or your character or both, in which case you will be subject to cross-examination. (2)
You may, however, make a statement without being sword, and you will not be subject to cross-examination. (3)
But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony. (4) You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do nember f Are they witnesses as to character only 1 Ans.
(1. RP 111. 2. RP 40(A), see SO(D). 2. RP 40 fs 10. 4. RP 40 fs 2. 9.)

D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(\*)

(1. BF 114, 115, 116. For principlines see Notes on box of Convening Order, CF A95. Evidence for occused as to bis character should, if a his interst, be given before the finding. See RF 46(R) for 1. 86(C). Note the further apparaturity to pure £3 of Record Fare. Execut purchases additionary, attended to the control from E. Record purchases additionary, attended to the control from E. Record purchases additionary, attended to the control from E. Record purchases additionary, attended to the control from E. Record purchases.

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Fart I of the Schedule (\*) The Court is re-operand.

(1. 8F 43, 117(N See Notes in Fort ) of Schedule.

2. 8F 44(A))

D8. The President announces the finding(s), if any, of Not Guilty, and states to the arcused that the finding(s) charge(s), being subject to confirmation, will be promulgated latter (1

Or. The Provident announces that this accussed is found Not Guilty on all charges and is to be released forthwith, and that the proceedings are accordingly terminated. Part I of the Schedule is dated and signed. (\*)

\*\*A Sch. 16, N 45, 1004. 2. As Ash, N 45, 1004. 2. The distribution of contractions of contraction and contraction an

D9. The accused having been found Guillty on one or more of the charges, the proceedings are concluded by using Beored Form E below.

#### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

- E1. President to accused . Do you wish to give evidence pourself or to call any witnesses as to your character 2(1) 110 If exidence has already been given by accused or his witnesses us to his character, delete that pairs. 89 37(C) fo 4, 46 fo 1.
   Accused and witnesses or swith. Evidence recorded per Notes.
- E2. The Prosecutor produces Statementile as to Character and Particulars of Service(1), and certified true

copy (septime) of Conduct Sheets (\*); purporting to refer to the accussed, which he submits to the Defending Offs for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accussed, because (i) they purport to be signed in the manner required by AA 163(I) (g) (h), and (ii) they purport to refer to (a) soldieric having the same number, rank, name and corps as the secused. Admitted in evidence and marked Ex. B. and Ex. C. respectively (\*)
(1. MF2 253 or MF2 294. Z. mF30 g. 1. NF 40, ER Can 152. W above documents not produced, see RF 46 fs ?

ES. President to accused: Do you wish to address the Court on the Statementies and Conduct Sheeties, and in 52 middignations of presidences (1). Ann. 18th, are posting of our of financial act. It are excluded (1). At 15(0, 44(0), 2. Address of our recorded for home. Calors about permit occupied to be witnesses to prove on each anything been in previously stated which would affect the annual of guindment. If \$2(0) to 2)

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the et are accordingly terminated (1)

E5. The Court considers the sentence [9] The President research the sentence in Part I of the Schedule, which

450. The Court considers the secondaries () The Fresdock resects the sections in Fart I of the Schedule is dated and signed by him and the 3-6-oil equals.)
(1) When severy school refer is prevently use RF 71 (5). One sentence only, comprised of the purishment or positionness and down in AA 41, 44 and its prevently use RF 71 (5), One sentence only, comprised on which school quality. RF 40, As a sentence of the A4, 128, 122, 184 4-50, 6, 118, 1781,18, Cop. KR, 128, 361-506, One remains NO 89, 1222, AAAN, p. 80, 737-739. As a sentence on uniqued for cost offence by the low of England are AA 41(5), AB(6, p. 120, 1222, AAAN, p. 80, 737-739. As a sentence on uniqued for cost offence by the low of England are AA 41(5), AB(6, p. 120, 1222, AAAN, p. 80, 737-739. As a sentence on uniqued for cost offence on the cost of the

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Exhibit F.

MFB 246

#### MEDICAL OFFICERS CERTIFICATE

(KR(Oan) Para 55)

,	centify	that I have	a thin day	ovemir	na 6 19	1/85
At.	de.	y F				10.1
(Rank) t to und		al by Cour				

Station | 1 Cdn Disciplinary Centre

Date 31 7000 45

don't

# FIELD GENERAL COURT-MARTIAL

CFA95 (In Hes of AFAS) 40/PAS/1697 (2868)

(Whether the accused to be tried is under his comd or not, a FGCM may on application to him be convened by any offir of Cdn Army Overseas, or any other force if authorized in law, in immediate come of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized any other force if authorized in law, in immediate come of troops on active service, subject to RP 105(C) and restrictions imposed by appropriate authorized any office authorized in law, in immediate come 2. AA 49, 50, KP 104-107, 114. As to the duties and privileges of the Convening Offir for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets are RP 61(B). There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate trial on charges in the same charge sheet see RP 10B. As to two or more accused charged jointly see RP 10, 109.

As to reasons for showing (a) personnent or confirmed rank, and (b) appint, A)rank or A)appint, if any, see AA 182, 183, fns, KR Con 308, 328, 330.)

#### ACCUSED.

Number. (a) Print R. (b) Appint, A/R or A/Appint.

Full Christian Names.

Unit Surname.

C-79135

Pte

Francis

X-4 List (13 Bn) EVOY HLI of C att 1 Cdn

Disciplinary Centre

## CONVENING ORDER.

Whereas complaint has been made to me, the undersigned, that the person(s) named above as the accused, being subject to military law, has thereof estimated the offence(s) set forth in the Charge Sheet(s) attached and on (date).
 To be tried by Field General Court-Martial".

And whereas I am of opinion that it is not practicable that such offence (s) should be tried by an ordinary G Court-Martial; (and that it is not practicable to delay the treat for reference to a superior qualified offic) (Delete port in brackets when not required for compliance with RF 105(C).)

 I hereby convene a Field General Court-Martial to try the said person(f), and to consist of the Offrs approximation. or detailed hereunder.

appoint (a) three Offre to form the Court, (b) a Fd Offr as Precident, for the re 4. I am un (AA 49, RP 106(8), 107(A). Delete the whole or part, if not applicable.)

I also appoint as Judge Advocate thereat the Offe mentioned here (RF 106(f). Delete if none appointed)

PRESIDENT

Major

G B H COX

GAC att 1 Gdn pisciplinary Centre

(Must be named. RF 106.) MEMBERS.

mjor

A E LEPROY

Senforth Highrs att 1 Gdm Dissiplimary Contra

J D POLLOCK

Can Fus att 1 Cdm Dissiplinary

RF (C6.) WAITING MEMBER

med or described, if any. RP (06.)

JUDGE-ADVOCATE

La-dol

On Active Service in the Fd

MUTCLER

30 Mar 45 Date

CLARK # 105 (n 2)

mete) Que Hase Eft Gp

ng Officer

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See sweries) for eaths and names for use on triel.)

# CHARGE SHEET

- water

The accused, C-79135 Pte F rancis EVOY, X4 List (13 Bn) HLI of Canada, attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas, is

FIRST CHARGE Sec 15 (1) Army Act

of the same

WHEN ON ACTIVE SERVICE ABSENTING HIMSELF WITHOUT LEAVE

in that he

In the Field, absented himself without leave from 0930 - hrs 14 Dec 44 until apprehended at 1130 hrs 17 Feb 45 -

(Total Absence 34 days 2 hrs)

In the Field 0 | Mar 45

Commanding 1 Cdn Disc Centre

To be tried by Field General Court-Martial

In the Field 20 Mar 45

(or & N. Gostling) 2 Con Base Rft Gp Plea in mitigation in the eval of C 79135 Bte EVOY F.

The occurred is 20 years old and unmarried. The come joined up in Conada in the NPAM before the were and was discharged as under age on the authorst of war. He joined up again at the time the OTC was opened at Brochville, smed on the staff there for about 1 year and was again discharged as under age.

The joined a third time in april 1942 and come orwards.

2 april 3

the went to Fromor 18 day 44 and arried with them HAI continuously writed upon being arounded the third time early in actober he was executed to hospital the did not go about from his write but while at CBRG. The account in father arrest with distinction in the lost war and the account commot return and four this father writer he can get book into action and redden hereity.

In new of the account of extreme youth and the feet that he has been in action quite arms time and has been wounded three times in all although the first two did not take him out of action, I ask that the court are fit to award a minimum writness and give him on apportunity of again serving before having to return home and free his father greated Capt RCA simmore Defending Office

Summary of Evidence in the case of & 79135 Pte F EWOY, x-4 List 13 Bn HLI of C, attached to 1 Cdn Disciplinary Centre, a soldier of the Canadian Army Overseas.

Charge- Absence without leave

By direction of the 00 the evidence is taken on oath.

The following documents are read over to the accused, marked as Exhibits and are attached to the proceedings.

Exhibit "A" - Certified true copy of Extract from Pt 11 Order No 2 dated to Jen 45

Exhibit "B" - Certified true copy of Extract from Pt 11 Order No 25 dated 5 Mar 45.

- Q. Do you wish to make any statement or to give evidence on oath? You are not obliged to say anything or give evidence unless you wish to do so but whatever you say or any evidence you give will be taken down in writing or may be given in evidence.
- A. I have nothing to say.

The accused does not call any witness.

I certify that the foregoing Summary of Evidence consisting of one page was taken down by me in the presence of the accused and that RP + (0)(D)(E)(F) and (G) have been complied with.

(Marrice Rousseau) Capt

Officer detailed to take Summary of Evidence

Dated in the Field Nar 45

Exhibit "A" PART II ORDER EXTRACT FORM M. Rouseum lagel

Officer Commanding 1 CON DISCIPLINARY CENTRE Cdn Avmy Overseas

99/20% 34/X-HLI OF C/I(A50) 24 Mar 19 45

EXTRACTS FROM

UNIT 24 11st (13 Bm) HULL OF

Part II Order No.

from 0930 hrs 14 DEC 44.

Certified to be a trop extregimental books or oustody.

dated 6 Jan 43

Cdn, Sec. 2 Ech. HQ 21 A

attached. Please acknowledge receipt on attached duplicate The following documents are required. Please forward same

Originating Clerk's Initials

Officer in Charge Canadian Section, GHQ, 2nd Echelon

# PART II ORDER EXTRACT FORM M. Kourseen Capot

TO: Officer Commanding
1 CDN DISCIPLINARY CENTRE
Cdn Army Overseas

99/207 34/X+HAI OF C/1(45C)

1045

EXTRACTS FROM: UNIT. X4

UNIT X4 list (13 Bm) ELI OF C

PRESSIPE THORAGE

705 X4 list (13 Bn) on app from des wef 1130 hrs 17 Peb 45.

Part II Order No.

79135 Pte SVOY 3

Certified to be a true extract from the regimental books and documents in many custody.

24 Mar

dated

Officer IC Records

The following documents are

attached. Please acknowledge receipt on attached duplicate.

Originating Clerk's Initials

DAM

required. Please forward same.

Officer in Charge Canadian Section, GHQ, 2nd Echelon

Exhibit 'B' TA ARMY FORM B.296 (WAR).

Date of Promotions

## Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

Number.	Rank.	Name.	Regiment (or as the case may be).				
79135 _	Pue	EVOY F	HLI or C'				
NOTE.—The Field nature with a statement but is not be accused to the pro-	1. The following is a fair and true summary of the entries in the Field Conduct Sheet of the accused, exclasive of convictions by a court martial or a civil court :—  For 15(1) AWL 1 5 times.						
nd with the number of		For _10(4)		2	times		
ing given to the smoot point offence in each try. If the charge is for unknowness of absonor		For			times		
drunkraness or absence,		For			times		
the case may be, should stated separately. Any ognized special acts of lances or distinguished	Date of first	t entry in Field Conduct Sheet	29 Sep 43				
Hantry or distinguished adject recorded on the old Conduct Sheet should a be inserted hera.	Date of last	entry in Field Conduct Shoet	15 807 44				
(ribe out if mak	in the Sche *3. The	vious convictions of the accused be adule overleaf.  accused at the present time is und	ler sentence for RIL		set out		
		n the B/A					
	days in ci	accused has been awaiting trial or will custody; and for A	days in milita	ry custod	y, i.e.,		
	which 5. The	days were spent in present age of the accused is attestation date of his calling up he builties	nospital.				
	7. The	service which the accused is allow	red to reckon is				
tate the oditary ecosythous (II sees)	8. The	accused is in possession of; GVI	BM & CLASE				
eld by sourced.		to a second to a second officer or N	CO \ The account has set	ved contin			

In the substantive rank of \_\_\_\_////// In the war substantive rank of / / / / /INSTRUCTION -If any matter in any of the above paragraphs cannot be stated from the regimental books the paragraph must be struck through

without reduction, to the present date-

# SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Description of Court by which tried.	Dats and Place of Trial.	Charges upon which convicted	Sentence of the Court.	Punishment remitted or sentence suspended.
FOUN	Field Banges	AVL 30 days	90 days deth total fort 130 days pay	

THEREBY CERTIFY that the foregoing particulars, which have been extracted of the regimental banks in my custody, are correct to the best

of my knowledge and belief.

Signed this 3 of day of March 45

Despete to some the way to have by the sound contact beautiful to so of the sound o 44 184 82 pod apop of pot sost (1) el 44 ch 1.0 31 - majo your jummous how shop is to hot, regist (A)01 x (1)51 are apoly to the fort the total (2) of AA AMBRITTO S. JO SOUTH policy oppine Store bobtawa unumisistori Company Conduct Sheet og outen distan-Dobrawa modw (1) \*\* TACHOLOGE TO DIRECT TO MAKE ( sand drunk ) Date of last onky in and sitts most mobsest otab base off Period not reckoning towards capa "Austrances ON MOUS amon cribb Jon ( Kundano;) 40 OO amproprie Corps C/C 17 4 4 1 Badgoo (HEFE) DELINEDATOR Brogowarch Day POLATOR OL

Hemarks Death of award of of order dispen-sing with Irial Punishment awarded Names of Witnesson Certified true copy of MFM 6 in my possession Hank Cases of drunkens-ness Date of offence Place

12.00

N/A

#### LIST OF EXHIBITS

Certified true copy of Extract from Pt 11 Order so 4 dated 5 Jan 45

r

Gertified true copy of Extract from Pt ii Order No 25 dated 5 Mar 45

\*8\*

" 4"

1, C-79135 Pue EVOY F acknowledge having received one copy of the Summary of evidence and one copy of the Charge chest free of charge on & Kar 45.

26 C 27. 7. 0-79135 P 6 EVOX P

BB-43 (case #4)

PTE EWART E.W.

See B-322 for 1st case

See E-175 for 2nd case

See F-81 for 3rd case

Form for Assembly and Proceedings of Field General Court Martial on Active Service.

PROCEEDINGS.

On Active Service, this

of 19 45

Whereas it appears to me, the undersigned, an officer in Command of 19 Proceedings of Rest to Military
Law, have committed the offences in the said schedule mentioned.

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court

Onut where one where the amendation of the said schedule mentioned.

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court

Thereby convene a Field General Court Martial to try the

- \* i ora unable to appoint -

\*(1. Three Officers to form-the-Court.)

\*(2. - A. Field Officer as President.)

said persons, and to consist of the Officers hereunder named.

\*(3. Three Officers having more than one year's service.)

for the following reasons, namely:--]

President.

Rank. Name. Regiment.

Sant. Colonel D.L. Bernen Colo. Manter.

Members.

Rank. Name. Regiment.

A Major Ston 3 C.1. R. D.

\* Must be signed personnally by the Others saturdly to constrain at the time, and at the time, and all attentions of the Composition of the Loudt be included.

\*Signed "9, Medley Sauher Colonel Commanding "9" Broup, Con. Bft, Units. Convening Officer.

D. T. Gadman Lt. Col.

I certify that the above Court assembled on the 19th

day of March, 1945, and duly tried the persons named in Certificate of President as to the Schedule, and that the plea, finding, and sentence in the case processings.

• Question to be asked of accused, if he pleads not guilty (R. of P. 39 (A)):—
Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?

Amount the recorded on separate short if necrosspyle.

(Signah V. Escley Sasher Golovel (Signah D.L. Medinar Lt-Scl.

Commonding "D" GO., O'R.U"

Conversing Officer (s)

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

(b) Unless unavoidable, not more than three names are to be entered on one form, and in serious cases one only.

(c) Recommendation to mercy, if any, to be inserted in this column.

(a) It is not necessary that the Confirming Officer should sign his name in this column. Imitials are sufficient. (c) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be installed by him. of each such person were as stated in the third and fourth columns of that Schedule. I also certify that :--1. The members of the Court A" 2. The witnesses -

\*(3. The interpreter) \*(4. The officers under instruction) were duly sworn.

* See footnote (b) on page 1952 M.M.L. 1929.		ems of -5-3-4-1 570-014	919-have-seen	C. Certificate is case of deat
Signo	d-this	day-of	49 .	santences.
-R'				
		President of the	SOUTH SEASONS	

I have dealt with the findings and sentences in the manner D. stated in the last column of the Schedule, and, subject to what continuous I have there stated, I hereby confirm the above findings and

\* To be ominned

\* Omit if not applicable.

\*(4-direct chief chie soldier-named in the energin to not committed to prior until for ther orders )

*	1000							
				* o.				mel
					Confirm	ing Office	r	

day of Na." sq ...

Promulgated and extracts taken in the ca	se of		Pto.			
(Dated) 39 March 1965	(Signed)					
Promulgated and extracts taken in the ca						
(Dated)	(Signed)					
Promolgated and extracts taken in the ca	ise of					
	(Signed)					
(a) When several cases are promulgated meed only	in one u	mit on the	se same	day the	Officer	

" g R. Calker" Col (J.R. Galkin) Selonel Commander

Co. Heetley Basher) Colonel Commander TO Cocup, Can. Ret. Unite.

## OOPY.

I certify that I have this day exemined No. G32390. Pto. Ewert, J.W. Carleton & York Regiment, 7 Cap Inf Swint Test.

and in my opinion, he is fit epawasta to undergo trial by

" D. L. Redmon" HGCol

The accused 0 52390 Pte. Wwart J.W.

Unit CAY B. 7 CIBU

(a) makes a statement in mitigation of comfensest, (b) makes wither without or managed and complete and compl

(c) emile-withnesses-in-minigation-of-punishment.

OR

RECORD of the Declaration of a Court of Inquiry assembled at 1 C.I.R.U. Algonquin Jamp. on the 26th day of Jan. 1945 for the purpose of investigating and recording the absence.

without leave, from his duty, and deficiency, if any, in the Arma, Ammun tion, Equipments, Instruments, Recimental necessaries or Ciching of No. 8-32590 Pro. Ewart 8.8. (CTR) I CURN

#### bridgagara PT CN

the Court declare, that G-38390 Ptc. Leart G.W. (GYR) I CDIRU illevally absented himself without leave from 2550 hrs. at algorous Game on 10th day of Dec. 42 and is still so alsent and that on the 20th Dec. 42 he was deficient and is still deficient and restriction articles:

			2- 1-6
Micuses P.P.			9-1-10
Transfer C.D.			1-13-5
		17- 6	
		0-0-2	0- 0-11
			0-0-91
		0-1-1	0- 1-11
		G- 2-7g	
		0- 5-29	6- 6-10
		0+ 3-4	0+ 2+6
Shorts 7.2.		0- 4-2	0- 0-12
Yests 2.2.		0- 3-0	D= 2+4,
flear, face stence		0-8-6	0- 6-6
Resp. centainer			0- 4-102
		0 - 6 - 6	0- 4-20位
		5- 0-3	0-1-6
		0-1-7	0- 1-2
Cintment f	1 14-4	-A- 0.12-3	0-0-2
Games A.G.			

Names of President and Members; President Capt. J.A.S. Pare Member Ideut. 3.5. Weatherhead Member Ideut. L.F. Thornton.

Pignature of Commanding Officer Col. A.S. Permson.

Cartified true copy. "H. T. Hopinson, D.

Signature of Officer having oustony of original record.

11 11 11

I CERTIFY that the man whose personal description is given below surrendered himself to T. TALLOR, Sermount 16.

at Leicester at (hour) 9.5 p.m. on the

COPY

8th day of March 1945 as being No. 9.82390

Hank and Hame. Pri vate Ewart, ".E.J. . .

a deserter (or absentee without leave) from Aldershot

x after the word "to" to be inserted the name and rank of the

9th March 1963. Date of 41 mature.

CONT P	xpense Voucher Re—: Ref: K.R. & O. (Can) 5:	39
Reg. No.	Our Care Name Sagnt J Unit Owing expenses were incurred in apprehending and returning the M	7. CIRU
Date	Particulars	,
	Escorts return fare from LONDON	Amount
2 Mar 43	To Laineachan	

Total £ I certify that the above statement of Expenses is Correct, and that the amounts are fair and just.

To

(Sig. illecible)

Escorts & Prisoners expenses for Bed. Meals, Bus fares

Officer Issuing Railway Warrant and Expense monies No. 6 Provost Company, Canadian Provost Corps, London.

Prisoners single fare to LONDON From

Prisoners fare from

COPY

Plea for Mitigation of Sentence, of to. 0 22390 Pto. Ewart J.W. Carleton & York Regt. No. 7 C.I.R.U.

Apparently most of the accused's periods of absence without leave originated while he was under the influence of lives.

He has had one continual period of absence after another and I beg the Court to make a recommendation that he be ment either to a kil. Hespital or institution where an attempt can be made to ours him of the "liquor heb't".

I am sure the assumed would welcome such a cure, if it can

Carnest W. Grouse, Capt.

In the case of No G 39390 Private James, Walton, BWART, of the Carleton & York Regiment, on the strength of 7 Canadian Infantry Reinforcement Unit, a soldier of the Canadian Army (Overseas).

By direction of the Commanding Officer, this Summary of Evidence was taken under oath.

PIRST WITHESE FOR THE PROSECUTION Lieut. L.E. Donkin, Cape Breton Highlanders, on etrength of ? Ganadian Infantry Reinforcement Unit having been duly sworn states:-

"I am Lieut. L.B. Donkin, Caps Breton Bighlands, on atremath of 7 camplian infantry Beinforcement Buit. I hereby produce the following Exhibits. Exhibit #A" A. B. 115 which relates to the accused whom I now recognise. Exhibit #B" Sertificate A.F.G. 1617 purporting to be singed by the Folice Officer in charge of the Folice Static at Leicester, Leicestershire, relating to the accused whom I now recognize. Exhibit #C" G.M.B. 18001 58 certificate of cost of ap rehension.

the account declines to gross examine this witness,

L.E. Donkin, Lieut,

The accused having been duly cautioned in accordance with dules of Propagues 4(V), reserves his defence.

I certify that the foregoins Summary of Evisonce consisting of one page was taken down by me in the presence and hearing of the accused at leighte Barracks, maket, Hants, on the loth day if Barch 1943, and that Hules of Procedure 4(C), (N), (F), and (F) have been duly complied with.

L.S. Denkin, Lious.

fi. N. Demittel

(set) D.Li Badman, Lt-col.

In the Field 15th day of March 1943.

***************************************	ndust She	et /	13	lo. and date f last drunk	Period not reckoning freedom from extra	g towards) fine	enlistmen Sheet No.	Signature (	).C. )	felency Pay)	(A.P.B. 122) 175M-7-41 (1515-26) H-12 1772-29-1652
Place	Drate of sillower.	Rank	Cassie of drunksit- tense		OFFENCE		Nicone of Witnesses	Punishment awarded	Date of exact or		7
Field	2. 12 m 7 m	40 Ptg		A.A. 18(1) A.	W.L. 0800 hrs	16			of order dispen-	By whom awarded	Remarks
				Jul 40 50 155				120 days de-	18,-9-49		So days
											ERL 149(1)
		11,,26			mard Mounting		elementario compag				ERI 149(1)
				GBOO hom land.		44.1.			12-3-41		
				0830 hrs. Sala	41 ha government	Santan				Lt-Sql.	Rorfelts 5
	3722					No. of the last					
				a.a. Chial la Salla a derau		barran	us Opl.				
				1. ft. 15(1) A.	L.L. Links bear	100			10-4-41		
				60 1800 her.	1.2-4-4.1		- Only				

Piace	Date of offence	Itank	Cnava of drunken- teen	OFFENCE	Names of Witnesses	Pasieliment awarded	Date of award or of order dispen- sing with trial	Ity when swarded	Hemarks	
Field 2	0+5+4 2+10+		•	A.A.15(1) A 9200 hrs. 5-5-41 to olls res 5-5-11; A from the hrs 5-5-41 till surrenderin himself 0550 hrs 26-5-41 A.A.49 compact to the residire.	Aut. Putle	rlacomete commuted to a nonthe detect la dra V.F.	12-5-41 8 27-16-41		Anleass Reminsire AD days	11-10-
	1-11- 1212-		4	to 225 hrs 2-11-41  to 225 hrs 2-11-41  to 225 hrs 2-11-41  at 1 area in of of barr.  at 1. at 25 days at 11-41 to 2645		168 hours detaution	5-11-41 10-1-42	Gol. Gol. Mathewson		
	15-1-		A	nenessaries. A.A.28 Mess in stres escaping. A.S.L. 0760 hrs. 10-1-42 mail approximate by Civil colles at. 1740 hrs 00-1-42		l year imprise pent committed L year datents SSC I CED, Div.	m* 10 P to 19	sb 42 Fock	nelement 10 Oct 48 Nemicals 110 Days	

Figur having successful of middel documents.

No.  Date of last of Company Cor	Name utry in	. }		Eqn., Battery, Corps or Company o. and date lost drank Period not reckoning towards freedom from extra fine	Date of enlistment Sheet No.	G.C. Badges Signature O. Company, e	c.\	ce or 175M 2 120 leiency Pay 175M 2 4 120 20 20 20 20 20 20 20 20 20 20 20 20 2
-	Date of		Caers of drunken	OFFENCE	Names of Witnesses	Punchment awarded	Dute of sword or of order dispen- sing with trial	By whom awarded Biomarie
Pace Pield .	7-10-	42 Pt	Boom	A.415(1) A.V.L. 2200 hrs 17 Cat	Set.	14 dys G.S.	19-10-4	2 Esjor Berringer
		anous o		42 to 0700 hrs 18 Oct 48			water a 2X	
Field		12 Rin		to locohra 6-11-421 9 days 18	1/0/1	detention	AMERICAN	
				108.50.				
			de contra			ing ous tody o	Light.	() Gocuments
								910)

# STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank		Name	Regime	nt (or unit)
			ANT B.W.		York Seatet
1. The follow	ring is a fair and true	e summary of the	entries in the	Service a	nd General
	ring to a rain saint sain		Re	gimental and Squadre	
Conduct sheets or Company Cond	uct sheets of the acc			Court-Martial or a C	ivil Court.
of summary award	s under Section 47 o	Air Force A		which trial has been	dispensed
	last 12 months		Since enlistm	ent or appointment	
an to the state of the same of the same of	· commente proper a	times			times
		P times			times
For As As		Hill times			times
For As As		MIL times			times
Number of lus	tances of gollentry o	r. distinguished or	mduet 767 g 1		
		or,			
There are no e	entries in the conduct	sheets of the ac-	rused.		
NoveIf the	charge is for drunke	nness, the entries	for drunkenness :	must be stated separa	tely.
2. The accuse	ed has not been prev	lously convicted			
		or.			
A	ir Force Act		A.F.A.	ort, of summary awa 73 73 are set out in the	
annexed to this sta	Leinent.				
3. The accus	ed is not under sente	nce at the presen	t time.		
		or.			
The uncused a	t-the prosent time-is	o under austrice	In 194	negioning on the	AJB
12 day of					
4. The accuse		ement awaiting to Air-Force-	rial on the present	charges, for	days in
civil custody, and	39 days		ody, making a tota	al of 11 days i	n custody.
of which	days were	spent in hospital.			
			AZ-S	ATA-	
5. The preses	at age of the accused	according to his		58	
	ATA"	-918	attestation paper		
6. The date of	of his commission spe attestation	scified in his recut	EXPLORE PARTIES		
7. The servio	e which the accused	is allowed to reck	on towards discha	ngela liyansı.	111 dya.
	ed is entitled to recks 10160 to defin			of determining his pe n respect of ]	
9. The access	ed as in possession of	for entitled to n	o air force decorat	lion, or air force rewa	rd feetings over
	titled-to) - State as		3000001913	military	7774
		military			
TO STEEL SO	and tox spread of	ingert - The serve	od dalam bura	marie a warman adino	a base based
Alt dropes				Total Property of the Property	TART DON'T
the regimental rand	r of				

	dated	, and in his	unit regiment (or corps	), the rank of
	dated			
12. The accused ha	s served as a non-com	missioned officer continu		of promotion.
to the seal of		years.		
In the rank of		vears		
In the rank of		years.		
In the rank of Note — If any matt paragraph most be struc-	er in any of the above p k through,	aragraphs cannot be state	d from the Regime	ntal books, the
		SCHEDULE		
Act, and of cases in whi	ch trial has been disper	court, of summary awards sed with of accused. Num of Cartin cental books stating these	ber 0.82290 R	ank CP West Vest Regiment
Description of Court by which break	Date and Place of Trial	Charge spon which sometical	Sentence of the Court	Patishment Remitted
D.C.W*	Aldershot, 10 Sept 40	A.A.See.18(1) ANI 0800 hrs 18 Jul 40 80 1030 hrs 10 Aug 40	180 days detention	
	18 Jun 41	AS Sec.16(1): ASI 2200 hrs 5-0-41 to 0115 6-8-42 and 000 6-6-41 until surresdering a 26-1-41 - 1 ye	b 0520 hrs	
	10 Jan 42	t) A.A. Sec. 18 AVD 0700 A Dec to 0540 hrs 30 (tf) As She 24 lesing by negl equipment and nocessaries	dl   detent  -ce   dl  2)  set  ecimental	
		Then In arrest escaping. (11)An Sec.15() (2) Jan 42 until	one year di	ted to tention
	The second secon	the wind in the little of conventions and disp	to Calculate of Automobility of	Haling Property
		THE RESERVED AND ADDRESS OF THE PARTY OF THE	ALCOHOLOGICO WILL LILL	AND THE REAL PROPERTY.
I hereby certify t from the regimental b	sooks in my custody.			

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked "A.F.S. Denor," Libert. egued by the president, and annexed to the proceedings.

for Records Officer 7 OTRU.

54-11/ Pt Ewart, J. S.

77

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## SCHEDULE.

24.44 44 . .

Charge.	Plea.	Finding.	
sert " alternative " where applicable.)	(See Instrs p.2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
Sec 40 AA	701117	YUILTY	
Sec 40 AA	4UILIY	TUTLIY	
Sec 41 AA	40 Miy	FULLTY	
Sec 41 AA	Y CILTY	401674	
Sec 40 AA	+81244	401217	
			NAM = 403 G 4 box 3 80 44 -
(Note   Ax to fin special findings see R	idings for lester offeno LP 44 and MML p 753.	es see AA 56, RP 44 ; and in loss of Alt see	findings on alternative charges see MML p 483 fn 4 para 2, RP 44 ; RP 44 (n 6.)
ment under senten	have a mount or delay.	e. If not abblicable	Cae RP 46(A). Information should be found on MF 8.355 or AF 8.296.)
(f. Jusert sentence	Andrew response to	rial as testal of	26 days of which NI L-days were spent in hospital (1)
e in confinement as	for 2 information the	uld be found on MF B	2-6 days, of which NI 1 -riays were spent in hospital (4)
The state of the s	and the second s		
ence Awaring by a	4011	1 1.	ion for a period of
mer	Je m	unu	uni / Til
, -			1017-7-11 (AU)   1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
4.12/1. m	1181m	enth	A -
gheir	(18) m	enth	A 41 1 171
ghein	(15) m	enth	A 41 1 171
q Meur	cate, if any,	11 Oct )	145- Marketty  Avarded President (N 45.50)
4 Meur 1) Judge-Adves	cate, if any,	11 Oct )	145- Menhoutely
Jodge-Advox	cate, if any,	11 Oct )	145- Marketty  Avarded President (N 45.50)
Judge-Advos	cate, if any. (See back of Cor	11 Oct ) Date order on to a	145- Marketty  Avarded President (N 45.50)
Judge-Advos	cate, if any. (See back of Cor	11 Oct ) Date order on to a	145 - Manual West (W 45. 50.)  Assembly and dispessed of record after science)
Judge-Advos	cate, if any. (See back of Cor	11 Oct ) Date order on to a	145 - Manual West (W 45. 50.)  Assembly and dispessed of record after science)
Judge-Advos	cate, if any. (See back of Cor	11 Oct ) Date order on to a	145 - Manual West (W 45. 50.)  Assembly and dispessed of record after science)
Judge-Advos PART II.	cate, if any. (See back of Cor	11 Oct ) Date order on to a	145 - Manual West (W 45. 50.)  Assembly and dispessed of record after science)
Judge-Advos	cate, if any. (See back of Cor MINUTE WHE	Date Opening Order on to a	Awarded Prosidest. (W 45.50)  MATION RESERVED. (AA 54(5), RP (2017), MAN. 9 760.)  Commanding
PART II.	Ger book of Cor MINUTE WHE	1/ O.T.) Date uping Order as to a RE CONFIRMIN	A Section Reserved. (AA SA(5), RF (2017), MONL 5 760.)  Commanding  OFFR ON FINDING(S) AND SENTENCE.
Judge-Advox PART II.	Ger book of Cor MINUTE WHE	1/ O.T.) Date uping Order as to a RE CONFIRMIN	A Section Reserved. (AA SA(5), RF (2017), MONL 5 760.)  Commanding  OFFR ON FINDING(S) AND SENTENCE.
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PART III.  (For duties and perconformation and as of conformation and perconformation	(Sgts).  DECISION OF certs bee As 14, 53/97 count to entering office and may be triving out 33, AMI p 65. Quantity (Min Conference Office and Conference Office	Date  JOCK  Date  Opining Order as to a  RE CONFIRMIN  17(D) for 8.40(A). 5  4(J), Sending boar  4(A) 137 MARS p  shing ofter paramage  at tags been persons	A Second Second of record offer trial.)  SATION RESERVED. (AA Se(5), RP (2017), MAIL 9 760.)  Commanding  IG OFFR ON FINDING(S) AND SENTENCE.  1.56. 120, MAIL pp 759-761, RX Com Sel-517. Acquitation require no femiliary and confirmation or non-confirmation may be altered before the financial of confirmation or non-confirmation may be altered before that in Gard Tab. Ductes and powers of reviewing diffs: AA 57. iii. AA (72). At 176. 1.)
PART II.	(Sgts).  DECISION OF certs bee As 14, 53/97 count to entering office and may be triving out 33, AMI p 65. Quantity (Min Conference Office and Conference Office	Date  JOCK  Date  Opining Order as to a  RE CONFIRMIN  17(D) for 8.40(A). 5  4(J), Sending boar  4(A) 137 MARS p  shing ofter paramage  at tags been persons	A Second Second of record offer trial.)  SATION RESERVED. (AA Se(5), RP (2017), MAIL 9 760.)  Commanding  IG OFFR ON FINDING(S) AND SENTENCE.  1.56. 120, MAIL pp 759-761, RX Com Sel-517. Acquitation require no femiliary and confirmation or non-confirmation may be altered before the financial of confirmation or non-confirmation may be altered before that in Gard Tab. Ductes and powers of reviewing diffs: AA 57. iii. AA (72). At 176. 1.)
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PART III.  (For duties and post confirmation and as not confirmed, accurate yourselessed in the STA RF STA SF STA	(Sgrd)  DECISION OF sers see M 34. 53-33 seed may be tried again 33, Mar 9 45. Seed again of the Confirmacy Officers of Standard	Date pering Order as to a RE CONFIRMING Section 19 (19) for a 444A, 5	Provident. (N 45, 50.)  AATION RESERVED. (AA 54(5), RF (2017), MANL 9 760.)  Commanding  IG OFFR ON FINDING(S) AND SENTENCE.  1.56. 120. MM. pp 739-761, KR Can 567-577. Acquitatis require no finding as sentence for revision by Caurt: AA 54(2), NT 120(G). If 4. Minute of confirmation on special sentence for the confirmation may be altered before time. KR Can 517. Ducies and powers of reviewing affer: AA 37, sip AA 171 fo. (1)  im Part I in:
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PART III. I	(Sgrd)  DECISION OF sers see M 34. 53-33 seed may be tried again 33, Mar 9 45. Seed again of the Confirmacy Officers of Standard	Date pering Order as to a RE CONFIRMING Section 19 (19) for a 444A, 5	Commanding  GOFFR ON FINDING(S) AND SENTENCE.  1-56. 120. MM. pp 739-761, MR can Sel-537. Acquitates require no funding of sections for revision by Court: AA AA(A), AF 120(G), WA 4. Manual of carlimation or non-confirmation may be observed before the Cost ST. Duces and powers of revision all for Mr. in Part I is:
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Promulented and extracts token 5042 18 Oct 45. in Report Depot ALL DELETIONS AND ALTERATIONS VILL BE INITIALLED.

Signature of Office

PART IV. PROMULGATED AND EXTRACTS TAKEN. (8F 53, KR Can 576, 577.)

Date. 20 Oct 45

Pte James Gordon Exart

Accused. A-738

RECORDED AT CMHO IN AB 180 54-111

# FIELD GENERAL COURT-MARTIAL CFANG (In Head of APAA) 4/388

Conversed by Order of S. L. S. B. OFR. A/Comd A Op CAU dated 4 Oct 45 ACCUSED.

(As to the trial of two or more charged jaimity see RP 16, 71, 109. As to reasons for showing (a) permanent or confirmed areas, and (b) appens. Amonk or Ajaphint, if are. see AA 182, 183, fin, KR Can 308, 328, 330.)

(a) Prinst R. (b) App.int, A/R or A/Appint. Full Christian Names. Surname. Unit.

PROCEEDINGS REVIEWED 1 nov 45 A Bridge may PROCEEDINGS OF TRIAL

Held in the Fo in Chinas AND BRANCH C on (date(1) 11 OCT 45

### RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT.

At The President, Members, waiting Member, JA; if any, and Offee under mate, if any, assemble, and the Court is closed.

CPRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES OR JA. The Schedule referred to throughout is on p.4. Citations do NOT include all relevant from ROs. The guidance as procedure when a septature in this facts draws, see form for GCM in MMU pp 741 to 759. A brief record of such excitation will be made and gives a member having reference to appropriate or preceding pure number having robust of Conventing Grider, CF 495, for active and matrix on how to record addresses, which matrix or hetrofiter called "Notes". As to general processions for conducting the trial see AS 3.5. AP 56. 6.3-70, 73, 74-94, 10.3, 119, 122.

A2. The President initials and lays before the Court the Convening Order and Charge Sheet (c) attached thereto. (1) The Court is satisfied that it is properly convened and constituted(\*), accessed is (\*\*\*) amenable to military law, and charge discloses an offence.(\*)

(1. As to use of Summary of Evidence see RF 17 fn 6. 2. AA 49, 50, RF 105-107. 3. RF (1-13, 23, 24.)

A3. The Court is opened. The accused is (ase) brought before the court. As //.

A4. The Prosecutor produces a Medical Certificate that accused is (ase) fit to undergo trial by court-martial.(!)

A4. The Prosecutor produces a Medical Certificate that accused is (ase) fit to undergo trial by court-martial instead of being death with

(1. KR Can 557. 2. AA 46(8), RP 60 fn 1. For effect see KR Can 563(c). Delete, if not applicable.

A5. President to accused: Do you object to an interpreter I Ans

The Interpreter is sworn (1) Do you object to CTL/175g 7 Secretized Mas shorthand writer ! Ans. NO. The shorthand writer is sworn.

(1. AP 72. Delete, if none employed.)

A6. The Convening Order and names of the President and Members of the Court are read to the accused (1) President to accused: Do you object to be tried by me as President or by any of the Members of the Court !

Ans NO, 5/180 (1. RP 110. 2 If no objection, woising member retires. RP 68(8). If objection, see procedure AA SI, RP 25, 71, 18, MAML p 742)

A7. The President, Members, JA, if any, and Office under instr. if any, are sworn.(1) The following are the ranks, names and units of the offrs comprising the Court, etc.

LT-COL D. L. REDMAN HQ CRU President MAJOR DC BARKER Member 5 REPAT CAPTAIN DD SARVIS 5 RE PAT Member

Prosecutor

MAJOR G. W. HEWITT 8 REPAT LIEUT WE HAGAN 8 REPAT Defending Offr

Questions by President : Is the Prosecutor a lawyer ! Ans INO. Is the Defending Offr a lawyer ! Ans AND (9) (1. AP 26, 27, 107, 11). List of offin under instr will be returned separately with proceedings for information of Camir (Aff).)
(2. If Priss a lawyer and Def Offi not, occupied in entitled to an adjournment when AP BP (b) and for 2 were not followed, lies bit # 8.) As. The accused ..... before arraignment make(s) (no) (a) plea

(Mr. a special plus is made for separate trial on one or more charges (Mr. 62(E), 100f), or at to the jurisdiction of the Cases (Mr. 35(A), 17(A), or in to but of trial (Mr. 36(A), or at to account? measure? Theses to stood trial (Mr. 10(A, Mr. 57)), one to be seen of the control of the control of the control of the addresses made in support or operate, the evidence. If one, and finding are movided per Nutses. For forms of record see influences in first to full class. The forms of record see influences in first to full class.

A9. The accused is [see: arraigned (superately) on all charges in the charge sheet.(\*) The accused does (de) not object to any charge.(\*) There is no amendment to be made to the Charge Sheet.(\*) The President records the pleas in Part I of the Schedule.

RP 23, 112. See pare 1 of Instrs p. 2. When more than one Charge Sheet see EP 62; when several accused to be cried expensive see EP 110(C, and use expansive capinos of CF A93 to record proceedings.
 EP 32, RF 33, RF 36. If otherwise, delete seed make appropriate record per Notes.)

A10. The Court is closed and) considers the Irates on Procedure after Arraignment at top of p 2. The proceedings are continued on Record Form O was & B

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.
 (RP 37(A).) As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawan for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, for any reason without authy from Convening off. If Convening Offr concurs, Court may accept plea of Guilty to Guilty during trial. (RP 38.) As to refusing etc, offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As to refusing etc, offence.

2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective

- 1. If pleas to all charges are GUILTY, use Record Form B below.
- II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
- 111. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
  - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C
  - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) to try the accused on all suich alternative charges as if he had pleaded Not Guilly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instrs as may be appropriate to result of its decision. See MML p 744 Instrs (2).
- proceed unaer foregoing mains as any or SPP.

  3. As to responsibility of President to accused see RP 59, 60(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offrese RP 60(C), 87(C), 91, 92; ascerving and withdrawal of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses eee RP 8-8.8; calling or re-calling of witnesses by Court, etc., see RP 75-79, 86, 116; use of Summary of Evidence at Trial see RP 17(E) fn 6; and responsibility of JA or Pris to record proceedings see RP 94, 96.

# RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with BP 35(B) by explaining to the accused the nature and meaning of the charge(s)(1), and that on his piea of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(s), call witnesses as to character and make an address in mitigation of punishment.(1)

(i. 89 35 fn 3. 2. MML p 54 pare 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge(s).(i) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the plea of Guilty(i), or which show provocation or extenuation in respect of which in your interest that the effect of the Prosecution should be examined(i), we shall advise you to change your plea to Not Guilty. In making a statement you will not be sworn or subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement in evidence against you after you change your plea. If, however, it appears to the Court that your statement of the court of the court of the pleasand your pleas and you will not be advised to change your pleas and you will not be advised to change your pleas and you will not be consequently before the pleasand your statement by sworn betimeny, if you so desire. (\*) will be given an opportunity later to prove your statement by sworn testimony, if you so desire.(\*)

President to accused: Do you wish to make a statement ! Ans NO - 5 / 12 NP 37(8). 2. NP 37(C) fn 6. 1. NP 35(B) fn 5 para 3, MML p 54 para 47. 4. See para E3 of Record Form E. comment, if any, recorded per Notes.)

B3. The Court considers the occurred's statement (1). The Court decides (not) to advice secured to charge his

charge(a). The accused is (are) so informed, and he (they) / (their) plea(s) of Guilty to Not Guilty on.....

Change(a) his (their) plea(s) on the interest. Delets whole or port not used)

B4. On the charge(s) to which the plea(s) of Guilty b (are) not changed the President records finding(s) of Guilty in Part I of the Schedule.(\*)

(1. If 15(5). If any pico(s) is (are) changed, use Recard Form C or D as appropriate.)

B5. The Summary of Evidence is marked Ex. A., imitialled and read aloud by the President. (1)

(1. If there is no Summory, or if it is instepose, camply with RF 37(8). If there is no pridence inconsistent with any piece
standing at Guilty. Court will advise occured to change such piece und. If changed to Not Guilty, try such change(s) by use of
pures Di to Di inclusive of Ascard Form D on p 3. RF 27(D).)

B6. The accused having been found Gully on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

## RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

C1. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using paras D1 to D8 inclusive of Escord Form D on p 3 before proceeding with C 2.(2) (i. St  $B(\theta_1; \mathbb{R})$ .)

C2. The charges on which accused pleaded GUILTY are read to him (shees) again, and the trial is socitized by using paras Bi to B5 of Record Form B above."

Links B5 sec parts only sit to increase a second a relate to the charges desit with under C2. If one pine is charged to hat Gaine, true thereon present by unspining with pures Di to O8 inclusion is facerd form D on p 2 and making an appropriate record thereof on a separate sheet.)

C3. The accured having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Lause Stocks of Record.

3,4,05 m

## RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

D1. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been compiled with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence? Ans. (1)

(1) If "yes", see \$P M(A) for procedure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address.(1) NOTE-AT (
(1. Nr 19(8), 60(4) (8), 90, 92(C) (D). Record address per Notes, subject to Nr 95(C).)

D3. The evidence for the Prosecution is taken.(1) NITE ATT
(1. RF 39(C), 114, KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not charge(s).(\*) The Court ...charge(s), and allowed on the ...

rarge(s), and that accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on

D5. President to accused; You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on oath as to the facts or your character or both, in which case you will be subject to cross-examination. (\*)
You may, however, make a statement without being sworn, and you will not be subject to cross-examination. (\*)
But a statement which could have been made on oath will not carry with the Court the same weight as sworn testing of the court of the same weight as sworn testing of the court of the same weight as sworn testing of the court of the same weight as sworn testing of the court of the same weight as sworn testing of the court of the cour You may call witnesses in your defence and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence yourself as a witness, make a statement, or do neither ! Ans RONEITHEA Do you intend to call witnesses on your behalf! Ans 16 M. Are they witnesses as to character only ? Ans N. O. O. I.M. (I. AP 115. 2. AP 40(A), see 80(D). 2. AP 40 (a 10. 4. AP 40 (as 2.9.)

D6. Consequent on the answers recorded in para D6 the appropriate procedure for the defence is followed.(1)
(1. RF 114. 115. 116. for procedure see Notes on book of Convening Order. CF AF5. Evidence for occused on the his characters thould, if in his interest, be given before the finding. See RF 46(A) for 1. 86(C). Note the further opportunity in para EII // OF Record form E. Record per Notes addresses, statement, evidence and any summining up by the JA under RF 42. 103(c).)

ATT

D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Court & (are) recorded in Part I of the Schedule.(\*) The Court is re-openied.

(I. RF 42, 117(A). See Notes in Part I of Schedule. 2. RF 44(A).)

D8. The President announces the finding(s), if any, of Not Guilty, and states to the accused that the finding(s) of the Court on the 3 to Cant # Ch. charge(s), being subject to confirmation, will be promulgated later (\*)
On The Freedent announces that the accused is found Not Guilty on all charges and is to be released Southwith,

/ axid that the proceedings are accordingly tearminated. Part I of the Schoolste is dated and signed (?)

[1. As 34(3) (8), 87-45, [20(4)]. 2. As 34(3), 87-45, [17. This otherwise announcement is not applicable when there are pleas of Guilts actioning and decit with under Recard form 8 or C.)

D9. The accused having been found Gushy on one or more of the charges, the proceedings are concluded by using part Form Kleiber, \$ 220 225 Record Form Elelas & above

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(\*) NO-214

(). If evidence has already been given by accused or his witnesses as to his character, delete this pare. AF SI(C) in 4, 46 fin 1.

Accused and witnesses are swarn. Evidence reconded per Notes.)

E2. The Prosecutor produces Statementh) as to Character and Particulars of Service(1), and certified true copy (assum) of Conduct Sheet(a)(2), purporting to refer to the accused, which he submits to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because (i) they purport to be signed in the manner required by AA 163(J (g) (h), and (ii) they purport to refer to (a) soldier(a) having the same number, rank, name and corps as the accused. Admitted in evidence and

tourked Ex () and Ex ( respectively (\*) (). M/2 35 or M/2 256. 2 melan a. 2 AP 40, KR Can 552. If above documents not produced, see AP 46 to 1

pers (3) E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in 

E4. The President states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promolgated later, and the proceedings in open court are accordingly terminated. (\*)

[1. A4546], 87 (2545.)

(3) The President records the sentence in Part I of the Schedule, which E5. The Court considers the a

E.S. The Court cotrasers for more statements of the process of the process of the purchasent or positionents (i. When service outside tried compounts) as 87 i (D). One centence unity, comprised of the purchasent or positionents (ii. When service) outside tried compounts in the countried to these all charges in cell charges wheat on which access found guilty, and down in AA 41, 44 and its provision, in the countries of the countries of the law of the countries of

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

NO 8 CANADIAN REPATRIATION DEPOT CANADIAN ARMY ENGLAND

in the case of

A-738 Private James Gordon EWART, of No 8 Canadian Repatriation Depot, a soldier of the Canadian Army Oversons; is charged with:-

FIRST CHARGE Sec 40 Army Act CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

At approximately 1330 hrs 14 Sep 45 at the YMCA in Farnborough did use obscene language including the words "fuck" and "whoring" in front of the female help employed in the canteen.

SECOND CHARGE Sec. 40 Army Act CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

at approximately 1355 hrs 14 Sep 45 at Lyncheford Road, Farnborough, Hants, did use obseene language in public referring to W-13399 Pte Buchapan, M (GWAC) as "a goddam fucking GWAC".

THIRD CHARGE Sec 41 Army Act COMMITTING A GIVIL OFFENCE, THAT IS TO SAY -- COMMON ASSAULT

in that he

at approximately 1355 hrs at Lyncheford Road, Farnborough, Hants assaulted M-13599 Pte Buchanan, M (CMAG).

POURTH CHARGE Sec 41 Army Act

CHARGE

ec 40

COMMITTING A CIVIL OFFENCE, THAT IS TO SAY -- ASSAULT CONTRARY TO SEC 47 OF THE OFFENCES AGAINST THE PERSONS ACT 1861.

in that he

at approximately 1400 hrs 14 Sep 45 on Queen's Avenue Farnborough, Hants, assaulten W-20144 Pte Staff, E D (CWAC) thereby causing her actual bodily harm,

CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE

in that he

at approximately 1355 hrs 14 Sep 45 at Lympherord Road, Parnborough, Hants, did use obscene language in public referring to W-20144 Pte Staff, E D (CWAC) as a goodam fucking CWAC".

(A DIA Market Lt-Colonel

(A D'A Marke Lt-Colonel Officer Commanding "A" Wing 8 Gdn Repat Dep

Blenneim Barracks Farnborough, Hants 2 Oct 45 any

...../0492

TO BE TRIED BY FIELD GENERAL COURT MARTIAL.

Ser on a set ma

In the Field (K S Biora) COL, T/Comd A GP CRU CA(0)

## FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his comid or not, a FGCM may on application to him be convened by any affr of Cdn Army Overseas, so of any other force if authorized in law, in immediate comid of stoops on active service, subject to RF 105(C) and restrictions imposed by appropriate suchs, and 49, 50, RP 104-107, 114. As to the duries and privileges of the Convening Offr in dealing with the application see MML Chap Y paras 20 and 23, RF 87(B).

There should be a separate Convening Order for each person to be tried separately by the same Court. RF 71(C), 109. As to separate triol on charges in the same charge sheets see RF 108. As to two or more accused charge (pionity see RF 16, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appmt, A/rank or A/appmt, If any, see AA 182, 183, fns, KR Can 308, 328, 330.)

	ACCU	JSED.	
Number. (a) Prmnt R	(b) Appmt, A/R or A/Appmt.	Full Christian Names. Surnar	ne. Unit.
A 738 Pto		James Gordon EWART	8 Cdn Repat Dep
Whereas comp being subject to militar	conveni	ndersigned, that the person(s) names offence(s) set forth in the Charge Si fr of my staff for ma), "To be tried	i above as the accused, heetic attached and on by Field General Court-
(data) A Lot Lap Martial".	am of opinion that it is not practice	ble that such offence(s) should be tried the trial for reference to a superior equired for compliance with RF 105(C).)	t by an ordinary General
3. I hereby conve	ene a Field General Court-Martial t	o try the said person (0), and to consist the Court, (b) x Fd Offr as Prasiden	st of the Offrs appointed
attached branto:	(AA 49, RF 104(B), 107(A). Deletes as Judges-Acts notate therest the Of (RF 104(E). Deletes as Judges-Acts notate therest the Office (RF 104(E). Deletes as Judges-Acts notate there are a second of the Acts of t	te the whole or part, if not applicable.)	
		SIDENT.	
	D. E. Redman, ED		Eq CRU
(Rank.)		iomed. RF (Q6.)	(Unit.)
	ME	MBERS.	
	Hajor D C Burker		5 can Repar De
	Capt D D Sarvis		5 Can Lepst D
(Aunk.)		detailed. RP (C6.)	(UWL)
	Z-WAITID	NG MEMBER	
	(Noned or det	uled, if any RF 106-)	(Unit.)
(Rank.)		CADVOCATE.	

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

## 105 for 2.)

CEU Convening Officer

4/38A TO A POLE APART

On Active Service in the Fd

(Country.) 4 Oct 45

Commanding

8 CANADIAN REPATRIATION DEPOT

## PEDICAL OFFICER'S CERTIFICATE

I cortify that NoA. 738 ... Name . P.t. Ewart . J. G. of 18. Che. Affet .......depot, is fit/ungit to undergo trial by Court-Martial, this day 11 Oct 45.

MA" Wing, 8 Con Repat Depot

TRIAL OF

A-738 PTE EWART J G 8 CDN REPAT DEFOT

ON THE THIRD, FOURTH AND FIFTH CHARGES

## THE PROSECUTOR TO THE COURT

It will be necessary in this case to have Pte Staff state to the Court under oath the words uttered by the accused in her presence. I'd like to avoid the necessity of having this witness utter those words in this Court and I suggest that when the relevant questions are asked her that the Court allow her to write the words on a piece of paper which can then be shown to the Defending Officer, and the said words so written can be incorporated into the records as though she had uttered them instead of writing them.

## DEFENDING OFFICER TO THE COURT

I agree to that procedure as I don't see how it can in any way prejudice the accused.

## THE PRESIDENT TO THE PROSECUTOR

The Court agrees that that matter will be dealt with in that manner.

## OPENING ADDRESS BY THE PROSECUTING OFFICER

The accused has plead guilty to two charges. The accused was coming out of the YMCA Hostel in Farnborough on 14 Sep 45 at about 1400 hours. He was with another Canadian soldier and they appeared to have been drinking. They stopped two CWAC they appeared to have been drinking. They stopped two CWAC girls and the accused was a little rough with one of the girls girls and the accused was a little rough with one of the girls and pushed her around and she, in self-defence, struck him. Ouring that period, an English Sgt saw this disturbance and came over and the accused struck the Sgt in the mouth and the two over and the accused struck the Sgt in the mouth and the two over and the accused struck the spt in the same wicingirls got away. Later, the same two soldiers in the same wicingirls got away. Later, the same two soldiers in the same wicingirls got away. Later, the same two soldiers in the same wicingirls got away. Later, the same two soldiers in the same vicingirls got away. Later, the same two soldiers in the same vicingirls got away. Later, the same two soldiers in the same vicingirls got away. Later, the same two soldiers in the same vicingirls got and the charge sheet, he struck her; she eventually broke loose and went for help. While she was getting help, she was still insulted by the obscene words used by the accused. Bubsequently, insulted by the obscene words used by the accused. Bubsequently, insulted by the obscene words used by the accused. Bubsequently, insulted by the obscene words used by the accused. Bubsequently, insulted by the obscene words used by the accused. Bubsequently, insulted by the obscene words used by the accused. Bubsequently, insulted by the obscene words used by the accused. Bubsequently, insulted by the obscene words used by the accused. Bubsequently, insulted by the obscene words and the scrued for the witnesses positively identification of the witness

## PROSECUTION

## FIRST WITNESS

6458200 SOT GOODBY CJ, sworn, states?

A. Where were you at approx 1400 hours on 14 Sep 45?

A. Home. My duties were: I had been sent there to try and identify an escaped prisoner from a military prison. My attention was led by a woman, Sir, unknown, Sir, to an incident which was taken

place near the North Camp Hotel.

- Did the accused have snything with this incident (pointing to the accused)?
- Yes. A.

. . . .

- Was he accompanied by another Canadian soldier?
- Yes.
- I proceeded to that particular point and I saw the accused whom I recognize in this court attacking a woman who was in civilian clothes; there were two women concerned. I saw this man the accused strike one of the women, Sir. What happened?
- Did he strike her with his fist? Yes, he struck her with his fist.
- Did he appear to be under the influence of alcohol?
- Yes, Sir.
- Did he use any language? Yes, he used vile language, foul language; he was shouting You fucking bastard" and " you English bastard".
- "id you attend an identification parade?
- Yes, Sir. A.
- What happened at the identification parade?
- At the identification parade there were twelve formed up in the hut. I was asked to go along the line and pick out any man whom I could see there who took part in the indent on 14 Sep 45. Without any hesitation whatsoever, I pick this man out, Sir.

## CROSS-EXAMINED

- You say the accused was striking a CWAC, how did you know? I didn't know that it was a CWAC at the time as she was dressed in civilian clothes.
- Where did he strike her? He was striking her with his fist; I don't know if he struck her in the face or not.
- Do you know now who she is?
- Yes, Pte Buchanan and she was with Pte Mackenzie. A.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83 (B)

## SECOND WITNESS

W-13399 PTE BUCHAHAN M. CWAC, sworn, states:-

- Do you recall what you were doing around 1330 and 1400 hours on 14 Sep 45?
- Shopping, Sir.
- Did you during that time see the accused?
- A.
- Was he with another Canadian soldier at that time?
- Yes, Sir.

Describe to the Court what the accused did?

He grabbed me by the shoulder; he started to push me around and said he wanted to ask me a question. I said that I didn't A. have time as I knew he was drunk. I tried to go on.

Did you do anything in self-defence?

Yes, I slapped his face.

What occurred after that?

He took his jacket off and I got clear of him and went across the street.

Why did he take his jacket off?

Because when I slapped him he was really going to fight me.

What happened next?

- That's all I saw.
- Do you remember clearly where he struck you?

He didn't strike me.

Did he appear to be under the influence?

Yes, Sir.

. . .

Can you describe the circumstances under which you later

identified him? At an identification parade at "C" Wing, 8 Repat. The accused was amongst other men and I had no trouble identifying him.

You say that he began to push/around, is that correct?

Is it not possible that he fell against you?

IN THE OPINION OF THE COURT IT IS UNDECESSARY TO COMPLY WITH RF 83 (B).

W-1053 PTE Mackenzie I., C.W.A.C., sworn, states:-

Do you recall what you were doing between 1330 hours and 1400 hours on 14 Sep 45?

I was shopping, Sir. A.

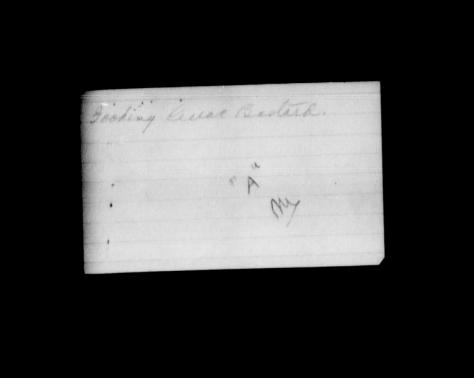
Did you see the accused around at that time?

Was he accompanied by another Canadian soldier?

Yes, Sir. A.

Tell the Court what happened?

- We were in Permborough at the corner by Boot's Drug Store, Sir, and he came around the corner from the direction of the TMCA; then the accused asked Pte Buchanan if he could ask her a question; seeing that he was drunk she went around the other side of him; he grabbed her by the shoulder and he started to swear at her. Pte Buchanen slapped him.
- Before Pte Buchanan slapped him what was the accused deine? He was shaking her and swearing. He started to take off his cost. Then an English Sgt came along and tried to stop him, I imagine, from striking her. We left then and went assess the street.



- Did the accused appear to be under the influence of almhol?
- Yes, Sir, A.
- Were you later at an identification parade? Yes, Sir, and I couldn't identify the accused, Sir.

## NO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 83 (B)

## UNSTIONS BY THE COURT TO THE THIRD WITHESS

How were you dressed? In civilian clothes, Sir, with my army rain-coat and slacks; Pte Buchanan was dressed in the same way.

W-20144 PTE STAFF, ED, CWAC, sworm, states:-

What are your duties with the CWAC?

I work in the Orderly Room as a clerk.

Do you recall any particular incident that happened around 1400 and 1430 hours on 14 Sep 45?

Yes.

In the course of your duties at that time did you see the

accused and another Canadian soldier? Yes, I was on my way to the ALMS office to have somepapers signed.

Did the accused call you anthing?

(The witness wrote the words down on a piece of paper which was shown to the Prosecutor, to the Defending Officer, to the accused and to the Court. The slip of paper was then handed to the court stenographer) The note read " foothing CWAC bestard," The note is attached to this sheetand

- Did he do anything else? Yes, Sir, he grabbed me by the arm and hit me in the face. He kicked me on the ankle. I tried to struggle there the best I could. I got away.
- Did he appear to be under the influence of alcohol? Yes, Sir. Then I struggled away from him and went down by the post office where I saw a Canadian S/Sgt there. I asked him to help me. He said he was new here and he didn't help me.
- Did you receive any injury?
  I was hit on the chest and on the arm which was bruised.

Any injury to any part of your face? Just my eye; the other fellow stuck his finger in my eye, He was with the accused.

## CROSS-EXAMINED

- Where exactly on Queens avenue did this happen?
- By the Clock Tower.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH MP 63 (B)

141/2

## FIFTH WITNESS

W-100343 SGT SCOTT FI, CWAC, sworn states:-

- Q. What are your duties with the CWAC?
- A. Orderly Room Sergeant.
- O. Do you recall anything unusual happening on 14 Sep 45?
  Yes, it was my afternoon off and I was sitting in my room
  by the window and I saw Pte Staff alone by the corner of
  the O Rm; she was crying; she asked me to come over and
  see her.
- Could you tell the Court in what condition you found her?

  A. She was all bruised on her axx leg and her arm was all red and looked as though it had been pinched. Her left eye was red and blood-shot.
- Q. Did Pte Staff tell you what happened to her?
  A. Yes.

## NO CROSS-EXAMINATION\_

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 63 (8).

### SIXTH WITHESS

B-94843 S/Sgt Brown, WH, SIS, Cdn Provost Corps, sworn, states:-

- Q. What are your duties with the Provost Corps?
- A. I am employed as investigator in theSIS.
- . Have you ever seen Pte Ewart, the accused?
- A. Yes, I have,
- Q. Do you recall any circumstance in which the accused was in-
- Yes, I did. On receipt of a telephone call at our office at about 1415 hours from the CWAC O RM, HQ CRU, I was instructed to investigate a girl alleged to have been beaten up on Queens Avenue by two Canadian soldiers. I immediately proceeded to the CWAC O Rm where I saw Pte Staff. She appeared highly excited; her right cheek was marked and to me appeared to be gethering contusions and she complained of her eye being scratched by a finger nmil. She showed me her right arm and it had finger marks. Her bruises were almost blue at that time. She also showed me her lower limbs which had marks about the shins and ankles. She couldn't live a description of the soldiers concerned at that time. We received a further complaint up the street and I proceeded to Farmborough Police Station where I commeted Set Goodby and Set Emcliffe. I also saw Pte Buchanan and Pte Mackenzie. After briefly listening to their story, Set Hadcliffe handed to me an address book found at the scene of the disturbance with Ptes Puchanan and Mackenzie. (The witness says) This is the book which was handed to me.

## (ADDRESS BOOK MARKED EXHIBIT 1 BY THE COURT)

I then returned to our own office and instructed all personnel under my command to patrol the area, to visit pubs and if possible to apprehend two soldiers as described to us. I, myself, made a study of that address book and as a remail of it and with the cooperation of the duty officer at Beserds, it and with the cooperation of the duty officer at Beserds. Acton, I seggregated a Pte Ewart as being at "C" wies, a mepat.

I visited "C" Wing, 8 Repat at about 2200 hours on 14 Sep 45 and I found that a Fte Ewart had proceeded on leave to an address in Brighton which appears in that address book. Then I i mediately detailed a patrol to Brighton to the said address, where the police went and as a result the accused gave himself up at 1700 hours on 15 Sep 45. He was escorted to the SIS office at HL CRU where he admitted to me the identify of the address book saying it was his book and wanted to know how I got in possession of it. He was then held in custody until 17 Sep 45 when I arranged and conducted an identification parade at which time there were nineteen men on parade dressed similarly to pte Ewart, fourteen of whom wearing the same shoulder flashes and formation patches. The parade was held in the presence of It Hagan at which time five witnesses examined the parade. Pte Ewart was identified by all of the witnesses with the exception of Pte Mackenzie. Sgt Goodby examined the parade first; then Sgt Radoliffe, Pte Buchanan, Fte Mackenzie, and Pte Staff, Pte Ewart was then handed over to the NGO in charge of the detention barracks at "C" Wing, 8 Repat, and the Adjutant verbally informed of the circumstances surrounding the case.

## MO\_OROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UTWECESSARY TO COMPLY WITH RP 63 (B)

## SEVENTH WITNESS

Capt JA McNeill, RCAMC, HR CRU, sworn, states:-

- Q. Whereabouts are you Medical Officer?
- A. HO CRU.
- Q. Do you recall examining for bodily injuries a Pte Staff, a CWAC?
- A. What time was this you examined Pte Staff?

  A. It was in the afternoon of 14 Sep, late in the afternoon at 1550 hours and 1600 hours. And I said at that time and as I examined her, my opinion was at the time following her episode I felt that her condition was mainly shock which is a condition or physical state which will be manifested anywhere from just plain nervousness to unconsciousness. This young woman showed evidence of nervousness; she looked pale; her hands were trembling. She could not express herself properly.
- Q. Were there any bruises?
  A. On the right arm, all minor, of minor nature. Nothing else that I remember.
- Have you examined Pte Staff since that time?
   Yes.
- Is she suffering from anything as a result of this injury?
   If you are referring to an examination of that sort, I can express only an opinion on that; you may go further in your questioning.
- Q. On your later examination was Pte Staff suffering from anything?

  A. Well, when I examined her on the second occasion, and she had
  a lump on her right breast. I will express an opinion and in
  addition my opinion. William Boyle, one of the great pathologists and he expressed in his text-book on General Fathology, and
  in expressing that he also was agreeing with another well-known
  pathologist, Ewing, that at no time has there ever been definitely proved in medical analysis that a single blow will resin tumor or cancer and be the cause of anything that would

of any  $\operatorname{sev}^{\operatorname{er}}$ e nature, foreboding nature. I expressed my opinion at the time that it was a cist.

Is it possible for a cist to be caused by a blow? A. Yes, it is possible.

## MO CROSS-EXAMINATION

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH RP 63 (B).

THE PROSECUTOR THEN SAID THAT THE OTHER WITNESSES MENTIONED IN THE SUMMARY WOULD HAVE GIVEN EVIDENCE WITH RESPECT TO THE FIRST TWO CHARGES ON WHICH THE ACCUSED HAS PLEADED GUILTY.

## FIRST WITNESS

B-63409 PTE I FREEMAN, 8 REPAT, sworn, states:-

- Were you with Pte Ewart all afternoon maximummisms on 14 Sep 45? Yes, Sir. A.
- Were you at an identification parade?
- Yes, Sir, I was not identified at the parade by all; I was by one English Provost Sergeant and by one CWAC; her name is I think, Pte Buchanan, the small one.
- You didn't leave Pte Ewart at any time in the afternoon?
- No. Sir.

### NO\_CROSS-EXAMINATION

## QUESTIONS BY THE COURT

- Had you been drinking that afternoon?
- Yes, Sir.
- How much?
- Quite a bit. A.
- Did you think the accused was drunk or sober?
- Fairly drunk, Sir.

IN THE OPINION OF THE COURT IT IS NOT NECESSARY TO COMPLY WITH RP 83 (B)

## DEFENCE IS CLOSED

STATEMENT BY THE DEFENDING OFFICER ON THE FINDINGS

As was shown from the evidence given by Pte Buchanan, CWAC, Pte Ewart did not actually strike her. My contention is that when Pte Ewart grabbed her by the arm, he did it only to get her attention. As for pushing her around, a man who is unsteady on his feet could very easily fall against Pte Buchanan so that she would believe he did assault her. With reference to the last charge he was charged with saying shat and actually he didn't say that. W

## STATEMENT BY THE PROSECUTION OFFICER ON THEFINDINGS

As you have heard from all the witnesses' evidence, their evidence is almost identical; the circumstances are the same although they involve three different occasions and three different parties. I am sure that the Court is sure beyond all reasonable doubt that the accused committed all these charges. In one case he has pleaded guilty of swearing at two CWACs, Ptes Buchanan and Mackenzie. Three incidents happened practically in the same area at the same time; he was positively identified by Pte Staff as the chap who beat her up. He has the same language in all the three occasions; he has picked on the same people; he was accompanied by somebody else; he was positively identified at the identification parade by the injured people.



Statement in Weligation

Ple twart throughout the whole of the oftenoor was quite drund. When a person is drund, they especially who leve served in the field where normally you are in the company of men and language is no core, ely are very tilely to revent to this state that has become natural to them is use of had language, thather than vary intent to before offend.

8 CANADIAN REPATRIATION DEPOT

#### SUMMARY OF EVIDENCE

in the case of

A-738 Pte Ewart J.G. 8 Canadian Repatriation Depot (Transient) a soldier of the Canadian Army Overseas taken at 8 Cdn Repat Depot 25 Sep 45.

The Commanding Officer directs this evidence be taken on oath.

FIRST WITNESS: 6458200 Sg

6458200 Sgt Goodby C.J. having been duly sworn states:

"Approximately at 1355 hrs on the 14th Sep 45, I was placed on duty at Lynchford Road sir, I was standing on Lynchford Road facing the Soldiers Home when a woman unknown drew my attention to some trouble on the Lynchford Rd opposite the North Camp Hotel, on proceeding to the scene I noticed that the accused had caught hold of a woman, and being in plain clothes I did not know who she was, and he was stiking her with his fist, a second woman, sir was attempting to protect the first named, and I actually saw her slap the accused on the face. I immediately attempted to restrain the accused, sir, but tried to reason with a still struggled with this man, sir, and blew my whistle to mouth, I still struggled with this man, sir, and blew my whistle to attract the attention of the civil police or my friend who was at duty a little way up the road - the other soldier who was with this man, at did try also to take his pal away but he still insisted and he wanted to fight me and in the course of my duty I am not allewed to do such a thing, sir, and with the assistance of Sgt Raideliffe we allowed the man to be taken away by his friend, sir.

The reason we let him go away, sir, was to awoid further trouble Canadian forces, also knowing we could identify the accused later-all the time the struggling was going on sir, this man was uttering insulting and obsene language that is say calling towards the British public "a lot of English Bastards" this man was taken away by his friend and proceeded down Queens ave. I reported the matter straight-away to the civil police and accompanied the police constable into camp road where we picked up the two women concerned and took statements I recognise the accused Pte Ewart as the man which was the came of all the trouble."

## Questions by the accused:

Ql.Sergeant when you stopped me from talking to the girl you said there you seen me hit her? I don't remember hitting her but I remember her slapping my face you said I was using profune language?

Al.Correct.

Q2. Was I actually hitting the girl?

A2. You were actually hitting the girl when I arrived on the scene.

Q3. Was my friend trying to get me away?

AS. Your friend war attempting to get you away from it.

(C.W. Goodby) Set

SECOND WITNESS

W-15599 Pte Suchanan M. C.W.A.C. having been duly sworn states:

"No were headed down Lynchford Rd, and as we got to the corner of Camp Rd that is to say Pte Mackensie and I, we met the two Canadian soldiers and you could see that they were drunk that is to say that they were mobiling pretty badly and so we went on to the read to savid them then Pte Ewart grabbed me and said he wanted to sak me numerbling and I said I was in a hurry and did not have time to listen and we proceeded on our way them Pte Ewart stopped me and began pushing me around and trying to hit me he was using very observe language thatis

to say (called me a Godam fucking CMAC) (This was written in short on paper by Pte Buchanan as she declined to say it werbally. APP "A") then I hit him after that he took off his jacket right then we walked access the street the other chap followed us who was with Pte Ewart and grabbed me by the collar, the PLDG fellow, and was going to beat me up so I dared him to but he did not so that all ended it and he went back to Pte Ewart the next time I waw them they were walking down towards the CMAC Barracks.

- Q1. Did I actually hit your
- Al. No.
- Q2. Did you see two English Sergeants stop and argue with me?
- A2. Yes.
- Q3. Was I fighting with them?
- A3. I could not say if he was fighting or not.

N-15599 (Buchanan ) Pte

Witness Withdraws

### THIRD WITNESS

W-1053 Pte Mackengie 1. C.W.A.C. having been duly sworn states:

"Pte Buchanan and I went up town shopping and when we got to the front of Boot's Drug Store two Canadian Soldiers came around the corner and one of them stopped Pte Buchanan and he said he wanted to ask her something and I noticed they were a little bit on the high side that is say they weren't walking exactly straight and Pte Buchanan said she did not have time to talk to them and she tried to pass to the left of one of them and he grabbed her and then he started using obsense language that is to say (Here Pte Mackensie wrote down what the accused called her (Exhibit B)) Then I was Pte Buchanan slap him them he removed his coat and was going to start to fight then we tried to separate them then some English sergeant came along them we walked away then the other chap followed us- first he apologised for what had happened and then he told him to go back then the other one not Pte Ewart grabbed Pte Buchanan by the collar and he threatened to hit her too for slapping his boy friend then I pushed him away and told him to go back so he said I'll listen to you and then he went sway."

Q1. Did I hit your girl friend?

Al. Wo you didn't.

"I recognize Pte Bwart as the one who was annoying Pte Suchanan.

W 1063 (MacKenzie I.)Pto

Witness withdraws

## POURTH WITNESS

L 106336 Pte Stutt J, having been duly gworn states:

Pte Sargent and myself walked into the YMCA at approx 1400 hrs in the afternoon and we saw two Canadian soldiers sitting down with the women in the Y.W.C.A. in Farmborough and we were there just a few minutes when they became rather rowdy and I asked the girl if they ware a nuisance and she said she was scared of them so we walked over to ask the soldiers if they would be more quiet and immediately this chap the accused who is here now jumped up and started using foul language that is to say "No funking Canadian 2nd Div Was going to be that to me"

so I tried to explain to him that I didn't want to do anything to him but we would like them to be more quiet he then started to attempt to fight. I took the other soldier outside and just then the proprietor of the Y.M.C.A. came along and we tried to talk the two of them into leaving quaetly after a lot more swearing and cursing on there part."

Q1. Did I not apoligise to the superintendent? W tut

Al. Yes.

L 106336(Stutt J.)Pte

The Witness Withdraws

FIFTH WITNESS

B 148463 Pte Sargent G.E. having been duly sworn states:

"At approx 1400 hrs when Pte Stutt and I went into the Y.M.C.A. to have a game of chess we noticed two fellows sitting in the corner and some Y.M.C.A. girls who work in there were sitting there with them when we came in the women got up to see what we wanted then these two fellows started getting rowdy and swearing saying "whoring" this and "fuck" that so Stutt started talking to the lady behind the counter and I heard him say something like "do you want the boys to leave" so then he looked at me and we went over to sort of talk to them, but we didn't have a chance to say anything right away they jumped up and demanded a fight and Stutt just reached around and took the tallest of the two and took him outside. I held the other one in there that is to say Pte Ewart who is here now and moon after Stutt came back in with the other fellow. I then tried to get Pte Ewart to leave and the Y.M.C.A. supervisor came in too and then they finally wont away, and we got outside Pte Ewart said he was sorry and he did not want cause any trouble and then he asked them how much he owed them and the Y.M.C.A. supervisor told them it was alright and they started up the path."

The accused declines to cross-examine the witness.

FE Jargent Pto (Sargent G.B.) B 148485

The witness withdraws.

SINTH WITNESS

P.C.3 H.A.G. Blackwell of the Hampshire Joint police force having been duly sworm states:

"At 1400 hrs on the 14 Sep 45 I was on duty at Parnborough Police Stn and I received a report by telephone to the effect that there were some Canadian Soldiers fighting near Books Shop on Lynchford Rossi. once visited the scene and on my arrival was not by two sergeants of the M.P.S.C. who stated that they had dispersed the soldiers and had sent them on thier way along Queens Ave. I inquired as to the cause of the disturbance and was informed that one of the Canadian soldiers had grabbed the two women in civilians and the two sergeants then intervened and this developed in a fight between the two soldiers and the Camadian soldier I found the two young women who proved to be nembers of the C.M.A.C. one of them Pte Buchanan complained of bruised arms and presented a somewhat dishevelled appearance the other girl Pte MacKengie mid not complain of bruises but appeared rather nervous I took statements from both the girls and from the two MCOs and them commenced inquites with the DAFW.

The accused declines to cross examine the street R. s.

I certify in my opinion, the attendance of 5378505 Sgt Ratcliffe F is, owing to the fact-that he is now discharged from the army and not readily procurable and a written statement of his evidence, signed by him, has been read to the accused and has been attached here to as Exhibit "C".

(G.H. Robinson) Lieut

Officer detailed to take summary

SEVENTH WITNESS

EXHIBIT "C" Herewith a certified true copy of statement of 5578605 Sgt Rateliffe F.

"Sir, at about 1.55 hrs on the 14 Sep 45 I was on duty in Lyachford Ed, Farnborough, Hants when suddenly I heard a Whistle blown, on going in that direction, I found Sgt Goodby restraining we Canadian soldiers from attacking two girls, I immediately went to his assistance and during the struggle Sgt Goodby was struck in the mouth by one of them and the language these two soldiers were using was simply terrible, after a while they were taken away by some other Canadians."

Statement made to the civil police Sir,

No. 5378606 Sgt Rateliffs F. No. 1. M.P.S.C.

Certified True Copy Leo M. Holuson (G.H. Robinson)Lieut

Officer Detailed to take summary

"I do not require the attendance of 5378605 Sgt Ratcliffe F. for the purpose of cross-examination.

Signature of accused

(J.G. Ewart) Pte A-738

EIGHTH WITNESS

W-100343 Sgt Scott P.I. CMAC having been duly sworn states:

"I was in my room between 1400 and 1430 hrs sitting by the window and I saw Pte Staff C.W.A.C. at the corner of the orderly room, she was crying and she asked me to come over. I went over and I asked her what had happened she said she had been beaten up by two Canadian soldiers she had a bruise on her leg and her arm was all red and it as if it had been pinched. Her one eye red and was blood shot. I asked her if she could give me a description of the boys she said that they were wearing red patches and dark flashes then I went and called Miss Gilmore and she came out and was speaking to Staff and then sine went and called the provests."

Q1. Did you say they wore red patches and dark flashes?

Al. Yes.

(F.I. Scott)Sgt W-100545

The witness withdraws.

NINTH WITNESS

W-4222 Pte Perkins J.E. CMAC having been duly sworn states:

"I was in my room in Grant Square at approx 1450 hrs and I heard someone coming along the street using rough language in fact it was very rough one chap was quite mad and he was bound and determined he was going back down town and find these two CHAL's regardless of what happened to him and the taller of these two chaps was doing his level best to talk him out of it. He told him he would only get into more trouble but that was the least of his worries as he was pretty tight by that time I knew by the way he was talking and by the way he walked, and his knees were a little on the wobbly side that he was tight, they didn't stand very long outside the window and then they went off down the street.

I don't recognize the accused in front of me now."

The witness declines to cross examine the witness.

W 4222(Perkins J.E.) Pte C.W.A.C.

The witness withdraws.

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"d" TISIHXE

G.H. Robinson)Lieut

Officer detailed to take Summery Juold (meanldod . H. D)

HQ CRU M. I.A.

gy deg LZ

MIR REPORT

TRUTH WITHESS

WROLAA Pte Staff E.D. CMAC HQ CRU

· Apoq pers two soldiers on the street and received blows about the same cwo by C. N.A.C. Completing that she was attached by two

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I do not require the attendance of Capt J.A. McHishian to not to stopup the transmission.

. Desucas lo emisagità

8.4 Ewat. (3.6, 800.5) pto

RLEVENTH WITNESS:

B-94843 S/Sgt Brown, W.H. S.I.S. Cdn Provost Corps, having been duly sworn, states:-

"As a result of inquiry carried out by personel of the B.I.S. HQ CRUI arranged and conducted an identification parade held at 1017 hrs 17 Sep 45, at which time the accused and 16 ORs were on parade, all similarly dressed. Five witnesses examined the parade in the following order:-

Sgt Goodby
Sgt Ratcliffe
Pte Buchanan CWAC
Pte Mackenzie CWAC
Pte Staff CWAC

All of the witnesses with the exeption of Pte Mackenzie positivly identified the accused man in front of me now without hesitation. At 1420 hrs on the 14 Sep 45 pursuant to instruction received from the asst. APM HQ CRU, I commenced inquiries regarding the alleged assult on three Canadian CWAC personel stationed at HQ CRU in company with Sgt Taylor, W.K.\*\* I immediatly proceeded to the CWAC billet Grant Square Farnborough where I saw Pte Staff alleged to have been assulted in the half hour previous on Queens A/e by two Canadian soldiers wearing 1st Div Formation Patches. Pte Staff appeared to be in near hysterics, her right cheek showed gathering contusion and she complained of her left eye having been scratched by one of the soldiers finger nail, she exhibited to me her right arm which bore contused finger marks on the upper flexor muscles. She also showed me marks on her legs, about the shins and ankles where she complained of having been kicked, she further stated that she had also received punches in the breasts and abdomen. Due to Pte Staffs exited condition she was not able to give any detailed description of her attackers. As a result of investigation carried out by members of the S.I.S. during the adurse of which Sgt Goodby hended to me an address book which I now present as exhibit "E". This book was found by Sgt Goodby at the scene of the alleged assult on Ptes Buchanan and Mackenzie. Subsequently it was identified by Pte Ewart the accused, as his property."

The accused declines to cross-examine the

(W.H. Brown) S/Sgt B-94843 Cdn Pro Corps

The Witness withdraws.

M

B-10036 Sgt Wylie, E.G., having been duly sworn, states:-

At the morning of 17 Sep 45 I collected a group of Pte soldiers made us as follows; 14 RCEME, 1 Seaforth, 3 RCASC who wore red patches, 1 RCCS, a brown patch in the educational but by order of the adjutant. The accused who is in front of me now, was allowed to take his own position in the line up and he wore a red patch. Five witnesses passed the line up, five black berets were drawn by me from the QM stores and were given soldiers in the line up. I can't definitly state that the witnesses with the exception of one British Sergeant pointed out Ewart.

The accused declines to cross-examine the witness.

Ewar Luly 2: (E.G. Wylie) 88t B-10036

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M

THIRTEENTH WITNESS:

W-20144 Pte Staff, E.D. having been duly sworn, states:-

About 1400 hrs on the 14 Sep 45, I left the CWAC Orderly room to go to ADMS to have some papers signed, all of a sudden I was approached by two soldiers who called me a "fucking CWAC bastard". The shortest one grabbed me by the arm and of which I still have lots of bruises, and he hit me around the face as well, and the big fellow stuck his hand in my face and his finger went in my eye. The shock hurt me more than anything else, by the way they approached me, and when I struggled clean of them I ran down by the Post Office, and they passed me agein. I stood by a Staff Sergeant and I asked him where the provosts where, and he said he didnit know as he was new there, and when they passed me they called me a "skinny bastard" and the last I saw them they were by Duke of Connaughts Road. The short fellow said he was comming back after the "fucking CWAC" and the other fellow was trying to take him away. I went back to the barracks and reported to Sgt Scott, CWAC. Her and another girl went looking for them, I had to go to the MC and I threw up everything I ate that day. I recognize the accused as the man who attacked me. On the 17th of Sep I had to attend an identification parade and I picked the accused out.

The accused declines to ask any question.

Pa. &D Steff (E.D. Staff) Pto W-20144

uner

The accused A-738 Pte Ewart, J.G. was cautioned as follows:-

. .

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

### 0000000000

After the above caution the accused elected to give evidence on oath as follows.

The accused A-738 Pte Ewart, J.G. having been duly sworn, states:-

On the 14 Sep 45, after I and my chum left the other two CWAC's we went down the Duke of Connaughts Road, and we came to the 'C' Wing parade square, Then we went to bed and slept all afternoon till about 1730 hrs, I went to Brighton and Freeman went to London. The next morning when I heard the provosts were looking for me in Brighton, I turned myself into the Provost Stn in Brighton to find out what they were looking for me for, then the Provost took me back to 8 Gdn Repat Depot Guard Room.

(J.G. Ewart) Pte 4-738

## 0000000000

The accused does not call any witness for the defence.

I certify that the foregoing Summary of Evidence consisting of 38 pages, was taken down by me in the presence of the accused, and that Rules of Procedure 4 (c), (d), (e), and (f) have been complied with.

(G.H. Robinson) Lieut (R.Regt,C.) 8 Can Repat Depot

Farnborough

1 October 45.

m

# Statement as to Character and Particulars of Service of Accuse

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No. (INSTRUCTION A verbains Description of the control of the cont							MENERY CERTIFY :

	Name In stentry in Conduct Shee		No. no	Sqn, Battery, or Corps R C O C or Corpsany and date Period not reckoning towards freedom from extra line	enlistment   Sheet No.	Signature OC Company, etc	Profisien		(AFB 122) )/PAS/136 (7808) cauter
Piace	Date of offencer	Hank	Came of drunkens	OFFRNUR	Musica of Witnesses	Pupishment awarded	Date of sweed or of spote dispen- ably with trial	By whom awarded	Remarks
			Old she	set destroyed on completion of 6 month	s service 20 D	ec 41			Forf 4 days
Field	15-7-	Tpr	1 3		Opl Anderson Opl Pearce	14 days detm	23-7-42	Lt-Col P G Griffin	pay FR&I 14
Field	20-3- 43	Tpr	1	AA 40 conduct to the prejudice	L/Sgt Campbell	3 days pay	27-3-43	Lt- Col RH Back	Forf 3 day pay FRAI 1 (2)
Field	14-4-	Tpr	le pi	A 40- conduct to the prejudice eft his tour of dutybefore being roperly relieved causing disorganizati ithin sqn	Cpl Davies E Cpl Hayes H on	28 days F P	22-4-43	Lt-Col R H Back	Forf 2 day pay FRAI 149 (1)a

Place	Date of pfferee	Bank	Cases of drunken-	- OFFENCE	Nancas of Witnesses	Publishment awarded	Date of award of of order disper- sing with trial	By Whom swarded.	Benaria .
				(2) AA 15(1), AWL from 2000 hrs 14-4-4; to 0100 hrs 16-4-43 Total 1 day 5 hrs Close arrest 6 days 10 hrs 15 mins	<b>,</b>				6 days pay FR&Il49(1)(c) (11) 26 days PayFR&I 149 1b Total 36 dy Py
Field	16 Sep 43	Pte		AA Sec 15(1) AML from 2200 hrs 16 Sep 43 to 18 Sep 43 0740 hrs. Total 9 hrs 40 mins	CSM Ratcliffe	Admonashed	17 84p 43	Major S E Lewis	FORF 1 dy pay FR&I 149 1 a
Field	19 Dec 43	Pte		AA Sec 15 (1) ANL from 1800 hrs 19 Dec 1920 hrs 19 Dec 45 AA 9 (2) Disobeyed a lawful command by a superior officer in that he failed to report for guest duty when ordered to do so. Absent 1 hr 20 mins		S 21 day F P	22 Dec 43	Lt-Col GG Peake	FORF 21 dys FRAI 149 (2)

· N	o. A-738 Date of last			No	Sqn, Hattery, cor Company cor Company cor Company cor Company cor Company cor Company cor Corps cor Corps cor Corps cor Corps cor Corps cor Corps corp	Date of enlistment Sheet No.	GC Badges Signature OC Company, etc	Service o Proficien	cy Pay	3/17 MFM 6 (AFB 122) PAS/136 (7808) oter
	Plane	Date of offence	Rank	Cases of drunkens near	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispen- sing with trial	By whom awarded	Remarks
	Field	27 Mar 44	Pte		AA Sec 40 Dangerous driving and causing damage to WD weh in amount of \$6-14-0	Cpl Reidy D Pte Pittet G	Placed under stoppages of #6-14-0	5 Apr 44	Capt C M Barrett	
	Field	16 Se 44	Pte	1	AA Sec 15 (1) AWL from 1500 hrs 5 Jan to 2200 hrs 6 Jan 45 Absent 31 hrs	S/Sgt Westgate	28 days F P with forf of pay	9 Jan 45	Lt-Gol A E	
				2	AA Sec 10 (44) Breaking out of barracks at 1030 hrs 7 Jan 45 after having been placed under open arrest					3 days pay FR&I 149 (1) (a)
				3	AA Sec 15 (1) AML from 1030 hrs 7 Jan 45 to 1645 hrs 7 Jan 45 Time Absent 6 hrs 15 mins					Total Forf 31 days pay

Place	Date of officire	Bank	Cases of drenken- ness	OPPENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispos- alog with total	By whose awarsted	Bemarks
field .	16 Sep 44	Pte		AA Sec 9 (2) disobeying a lawful comma given by his superior officer in that he at 0845 hrs 16 Sep 44 when ordered by the Regt'l NCO B/Sgt Westgate, F R to go on piquet id not do so.	S/Sgt Westgate F	7 days F P with forf of pa		4 Lt-Col AE McBell-Irvin	Forf 7 days g pay FRM.I 149 (2)
Field	12 May 45	Pte		AA Sec 9 (2) Discbeying a lawful commin that he when ordered to go on duty in the kitchen by Regt'l NCO did not to	and K-45118 S/Sgt Westgate F R	21 days F P	5 Jun 45	Lt-Col J W Brice	Forf 21 dys FR&I 149 \$2)
					CERTIFIED TRUE	SK A GRAD Ad St "A"	YT) Lieut Wing		
						o our ne	spac Depot		

322 B. Att. Evert & D.

Army Form A.3.

## denie o w Friend o Form for Assembly and Proceedings of Field General Court Martial on Active Service.

## PROCEEDINGS.

On Active Service, this

, 19 41.

JUNE

Whereas it appears to me, the undersigned, an officer in Command of CANADIAN BASE UNITS, CDN ARMY.

, on active service, that the persons named in the annexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned-

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers hereunder named.

## 

- \*(2 ACKNOCKOKKOKOKOKOKOKKA
- XXXXXXXXX

President.

Rank

Name.

Major

No. 1, Cdn Eng Hldg Unit.

Members.

Regiment.

Regiment

Capt.

1. L. Saunders. No. 1 Cdn Gen Hldg Unit.

A.J. Flood.

Lieutenant

J.A. Bedard.

NO. 1 R.C.A.S.C. Hldg Unit.

W. H. Sorimes.

No. 1 Cdn Sigs Hldg Unit.

Lieutenant

\*Signed & J. Kyn. Brigadier.

Commandin Cdn Base Units, Cdn Army. Convening Officer.

Number, Rank (a), Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (d)
G-32390.  E. EWART, J.W.  . 2, Cdn Inf dg Unit.	First Charge.  A.A. Sec 15 (1) as per charge shee  Second Charge.  A.A. Sec 15 (1) as per charge shee	quetter	Ingrison to both one year.	Country of the service of the servic

Question to be asked of accused, if he pleads not guilty (R. of P. 39, (A)):—
 Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial layer not been compleed with, and that you have been prejudiced thereby, or on the ground that you have not had sofficient opportunity for preparing your delence?

 Answer (to be recorded on structure that if accusably):

Bregadier.

Communday Cdn Base Units, Cdn Army.

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

(b) Unless unavoidable, not more than three names are to be entered on one form, and in serious

cases one only. (e) Recommendation to mercy, if any, to be inserted in this column.

(4) It is not necessary that the Conferming Officer should sign his name in this column. Initials are sufficient. (c) Must be signed by the same Officer who signs on the first page, and all afterations in the first two columns of the Schedule to be initialled by him.

I certify that the above Court assembled on the /2 freetil day of the Schedule, and that the plea, finding, and sentence in the case proceedings of each such person were as stated in the third and fourth columns of that Schedule. I also certify that :- The members of the Court z. The witnesses \* Omit if not applicable. \*(3. The interpreter) Stenographs \*(4. The officers under instruction) President of the Court Martial · See tootnote - I certify that the terms of \*A.C.I. 570 of 1918 have been C. MM L 1919 complied with. - day of Signed this President of the Cours Martial -I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what Confirmation I have there stated, I hereby confirm the above findings and " I direct that the soldier named in the margin be not come of mitted to prison until further orders ; day of June 19 4

Promulgated and extracts taken in the case of G32390 Pt Ewest TW., Clt Byork Rout (2CINU) (a) (Dated) 20 day of Jane 1941 (Signed) No. 2 Cds tol. Holding Promulgated and extracts taken in the case of (Signed) (Dated) Promulgated and extracts taken in the case of (Signed) (Dated) (a) When several cases are promulgated in one unit on the same day the Officer need only sign once.

10256 N. pt(15-90) and in tipe N.S. C. in

Promulgated 400 145 d/20-6-41

### CHARGE SHEET

The accused, 632390 Private James Walton Ewart, Carleton & York Regiment Reinforcement, No. 2 Canadian Infantry Holding Unit, a soldier of the Canadian Army (Overseas) is charged with:

First charge. Sec 15-1 Army Act

When on active service, absenting himself without leave,

in that he

at Laurentide Camp, Witley, Surrey, on May 5th 1941, at about 2200 hours, absented himself without leave until surrendering himself at about 0115 hrs, May 6th 1941, at Laurentide Camp.

Second Charge

Army Act

When on active service, absenting himself without leave.

in that he

At Laurentide Camp, Witley, Surrey, on May 6th 1941 at about 0600 hrs, absented himself without leave until surrendering himself at about 0530 hours May 26th 1941 at Laurentide Camp.

> Ponlary (F.E. BELANGER) Major Commanding No. 2 Cdn. Inf. Holding Unit.

Laurentide Camp Witley, Surrey 27 May 1941

To be tried by Field General Court Martial.

(LF. Page) Brigadier. Commanding Cdn Hase Unite.

Bordon, Hants.
This Stay June 41.

K.R. (CAN) PARA 552

I certify that I have this morning examined

No. G-32390 Pte. Ewart, J. W.

of C. & Y.Reg.Coy.

and in my opinion he

fit to undergo Trial by Court Martial.

Laurentide Camp, Witley, Surrey. Station..... 12 June 1941.

Willow to the sin

G-32390 Pte. Ewart, J.W. (No.2 Cdn. Inf Hldg Unit, tried by Field General Court Martial at Witley, 12 June 41

The order convening the Court, the charge sheet and the summary of avidence are laid before the Court.

Prosecutor: Lieut. J.H. Chicoine Defending Officer: Lieut. J.L. McKenna

At looo hours the Trial commences.

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

Q1 - Do you object to be tried by me as president or by any of the other officers whose names you have heard read? Al - No, sir.

The President and members are duly sworn.

Officers under instruction are duly sworn.

Q2 - Do you object to E-41507 Spr. R.D. Archibald, R.C.E., acting as Court Stenographer? A2 - No, sir,

The Court Stenographer is sworn.

The charge sheet is signed by the President and annexed to the proceedings.

Q3 - Are you guilty or not guilty of the charges against you which you have just heard read?

43 - Guilty. on hoth Charges

The summary of evidence was then read to the Court and the accused.

The prosecutor was asked if he had any evidence to produce as to statement of character and particulars of accused.

The prosecutor, Lieut. J.H. Chicoine was then sworm and states: "I wish to produce Army Form B296 pertaining to the accused now before this Court - 0-32390 Pt. Ewart, J.W., Carleton and York Assiment. This document shows that within the last 12 months this man has been absent without leave 11 times and has committed three other crimes. He was tried by P.G.C.M. at Bordon on the 18th Sept. 1940- an offence under Sec. 15(1) of the Army Act and was awarded 120 days detention, 29 days being remitted. I also wish to put before this Gourt, Form M.P.M.S, the conduct sheet of the accused which is a true copy of the regimental entries on the original.

Defence wishes to examine the documents. - no questions asked.

Q4 - Any witnesses for the defence? A4 - No. sir.

The case for the defence is closed.

The Court then a ddressed the accused. Mb - Pte Ewart, what was the date of your enlistment? A5 - 10 Sept. 1939

GE - At what date did you land in this country? A6 - 21 June 40.

The defence asks to make a statement in mitigation of punishment, "The accused was sentenced by Court-Martial last September and when he finished serving his sentence he returned to this unit and for about 3 months his conduct was that of the ordinary soldier. He did his work and he played. He had a short A.W. H.

about the x 1st January and after receiving a weekend pass xin Pebruary in the middle of the month he was delayed in returning and was late from that but he did return on the day on which he was supposed to. About the 1st March, as you will notice on his M.F.M.6, he had a series of short A.W.Ls. I think there are five. At that time the accused received bad news which upset him. When this series ended he served his time but this started him off on the wrong foot. In this present case, the first charge in minor, absent just 20 days, returning by himself. This case might have been dealt with by the C.O. He has been in close arrest for 17 days and I would ask that this should be considered when the accused is sentenced."

The Court is closed for consideration of the finding and the sentence.

The Court find that the accused, No.3-38390 Fte. Bwart, J.W., No.2 Cdn. Inf Bldg Under Court will charges, want the hard Danker Door Name (Name).

#### Sentence

The Court sentence the accused 3-32390 Fte. Ewart, J.W. (No.2 Cdn. Inf Hldg Unit, to be impresented without hard labour for one year.

Major, M.C.B.

President,

## SUMMARY OF EVIDENCE

in the case of

632390 Private James Walton Ewart, Carleton & York Regiment Reinforcement, No. 2 Canadian Infantry Holding Unit, a soldier of the Canadian Army

Evidence taken on oath by order of the Commanding Officer.

First Witness G43001 Sgt. W.F. Butler, Carleton & York Regiment Company Prosecution being duly sworn, states:

"On May 5th 1941 I was Orderly Sergeant of the Carleton & York Regiment. I checked Platoon roll call at tattoo roll call at about 2200 hours. I found Pte. Ewart missing. On May 6th at reveille at about 0600 hours, I again called the roll. Pte. Ewart was still missing."

Accused declines to cross-examine this witness.

Second Witness G20025 Cpl. E.A. Thomas, Carleton & York Regiment Company, Prosecution being duly sworn, states:

"On May 5th and 6th 1941 I was Corporal in charge of No. 5 Hut "E" Block. On May 5th Pte. Ewart was absent at tattoo roll call. At about Ol15 hours May 6th 1941, I was awakened and Private Ewart reported to me."

War Thomas

Accused declines to cross-examine this witness.

Third Witness Prosecution

Alvilo Logi. Haney, D.W., Carleton & York Regiment Company being duly sworn, states:
On May 26th 1941, I was Company Orderly Corporal. At about 0530 hours, while making my rounds Cpl Thomas reported to me that there were two men who had just got back. I went to them and asked their names. They told me they were to them and asked their names. I placed them under arrest.

L/Cpl. Of Horas

Accused declines to cross-examine this witness.

Compliance with R.F. 4 (c) (d) (e) certified.

tainmen

Officer detailed by 0.C. 2 0.I.B.W. to ake Summary of Evidence.

Laurentide Camp Witley, Surrey 27 May 1941

## LIST OF EXHIBITS

in the case of

G32390 Private James Walter Ewart, Carleton & York Regiment Reinforcement No. 2 Canadian Infantry Holding Unit, a soldier of the Canadian Army (Overseas)

NIL

Laurentide Camp Witley, Surrey 27 May 1941

## STATEMENT BY ACCUSED

I, G32390 Private James Walter Ewart, Carleton & York Regiment Reinforcement, No. 2 Canadian Infantry Holding Unit, a soldier of the Canadian Army (Overseas)

DESIRE

to have an officer represent me at my trial by Court Martial.

I request the services of Lines, L. M. Kenna....

if they are available.

J. W. Eurart Pro

Laurentide Camp Witley, Surrey 27 May 1941

					particular de la constantina del constantina de la constantina del constantina de la	Names of Withauser	Pyriobierani serintad	Date of award of of order dispen- sing with trial	By whom searched	Kamarks
•	Place	Date of affects	Ases	Cases of drucker says	2000 by 8-4-41 until	Cpl Carpente	r 7 days C.B.	10-4-41	C.E.Anders	on Capt days pay
	tley E	4-41	Pte		AWL from 1000 hr 8-4-41 until 1635 hrs 9-4-41 AA 15-1 Absent from Guard Mounting nece AWL from 1630 1-3-41 to 0700 2-				Lt.Col.F.	
Witley,	Eng. 1	-3-41	Pte		AWL ITOM 66 40 43 to 2020 3-	2-41	28 days Detent	Forfeit	s 5 days r	ay, Stoppage
				AND VILLEY	AWL from 0830 3-3-41 to 2230 AWL from 0630 5-3-41 to 0100 7- Breaking out of barracks while AA 15-1 AWL from 1000 hr 8-4-41	2 4 7	rrest 9-5-41 7 days	d.B. 12-	-41 Capt /	derson
Witley	Eng.	8-4-	41 P	te	(1) AA 10(4) Breaking out of ba	Pal Carpent	er e 21 days det	18-A-41	Lt.Col.F.S	Mathewson days pay
MT	tley	11-4-	41		While a delaway from 1830 hr	Cpl Christi Cpl Thomas	8 21 days de s			
					11-4-41 to 1800 hr 17-4-41	Certif	Lower t	Sopy	15	
							Forum S	A una	Jan K.	

o, 032390 Name	EWAR'	r J.W	SqnBattery. IID II Corps I.T.C. or Company Period not reckoning towards	Date of enlistment Sheet No.	Constite O.	Profi	ice or Sylliciancy Pay LT Character	PAIR
Date of last entry in Company Conduct Shee		No of	and date   Period not read	Names of Witnesses	Punishment swarded	Date of award or of order dispun- sing with trial	By whom sear ded	Remarks
Place Date of offeren	2.000		A.W.L. from 0800 hr 1-7-40 to 0800 hr 4-7-40 hr 1530 hr.L. from 0800 16-7-40 to 1530 h.A. 15-1	Sgt. Proude	G.A. Awarded C.B. Porfeits 120 days Det (Aldershot)	3 days I	D.C.M.	Major W.J.MacC Forfeits 35 days pay F.R.&.I. 149-1-a Porfeits 29 days pay. F.R.&.I 149-1-b
Witley Eng 3	1		AWL from 2359/30-12-40 to 1200/4 A.A. 15-1 AWL from 0630/17-2-41 to 1500 17-2-41 (Overstayed pass)A& 15-1	L/C Carpen	eau	7 Jan 2.B. 19-2	41 Major F	Forfeits 5 dy property porfeits 1 days pay

Charges upon which convicted, or in respect of which Trial or Authority disposing of the charge.  Order of the Dispersing Authority.			T					
Eate and piece of Ival. or summary award, or or o	Arter days and area to the							
in dicional A total, or of Officer the distiputed								

Salish Spring

## Statement as to Character and Particulars of Service of Accused.

\$ 32340 Pt James Walton toward of the barleton & york Righ Ring #20 3 Na

1. The following is a fair and true summary of the entries in the street. The Regimental and Squadron, Battery or Company Conduct sheets† of the corr or Company Conduct sheets† of the corr or Company accused, exclusive of convictions by a court martial or a civil court, of to be published in the control of the control o

olicies loveries should cheeve oith the natur- linesies to the should plot being given.		*Within last 12 months.	*Since Enlistment.			
most steller- ic such restry, any measurable price of guillan- sisting outled	For a.w.L.		times		tim	
one	For other cromes	3	times		tim	
mean soul to eparately soil	For		times		tim	

Number of instances of gallantry or distinguished conduct-

01

There are no entries in the Conduct shorts of the accused.

The accused has not how previously convicted.

ur.

Previous convictions? of the accused by a court martial or a civil court, summary awards under Section 47 of the Army Act, and dispensations with trial under Section 73 of the Army Act, are set out in the Schedule annexed to this statement.

305 ADMARGNA DEGREE DESCRIPTION DESCRIPTION DE LA LISTA DE -0000

5. The accused is no	t under semerice	at the p	time,	
		or,		
The accused at the r				
begin	nning on the		day of	
4. The accused has	been in confiner	ment, aw	aiting trial o	on the present charges
	days in Civil Cus			
ind > 18	days in Military	Custody.	(terre	arrest)
Total > 18				
Of which	days we	ere spent	in hospital.	
5. The present age	of the accused a		to his record	1 of service is 33
6. The date of his #	ttestation specif	ied in his	record of se attestation ;	naper is 7-70-39
7. The service whi	ch the accused i	is allowe	d to reckon	towards discharge or
transfer to the reserve is				
<ol> <li>The accused is envears' service.</li> </ol>	titled to deferred	pay or g	ratuity in re	spect of
9. The accused is of determining his pension		on	years' s	ervice for the purpose
10. The accused is	in possession of	, or enti	tled to, no	military decoration or
military reward [or is in po				
11. (If the accused ) warrant officer last held th			he accused	before he was smade a
12. (In the case of an	officer.) The ac	cused ho		
, di				his regiment (or cosp.
or department) the rank of			dated	
		a non-o	ommissioned	officer continuously
without reduction, to the	present date,			
				Date of Promotion
In the rank of				
In the rank of			years,	
In the rank of			years.	
Asstruction -If any mails	er is any of the above the paragraph	paragraphi must be d	cannos be sente rock through.)	i from the regionostical books
				of our in subjects tris

has been dispensed with) is read, marked

president, and annexed to the proceedings.

Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 17 of the Army Act, and of Cases in which Trial has been dispensed with.

Which Trial has been dispensed with.

Of the A articles, a gloss Rayl Research to Cases A section of the A articles, a gloss Rayl Research to Cases A section to the Assert Assert Research to Cases A section to the Assert Research Research to Cases Assert Assert Research to Cases A

signed by the

arteton or york Payt Percenter consent #205114 Army Number, Rank and Name 4 32 3 9 0 Pt.

	3	
Punishment remitted	and the contract of	
	2+ do	
Sentence of the Court or Authority disposing of the charge, or Order of the Dispensing Authority.	so day detertion 24 days deauth	
Sentence of Authority dispo	at when the	
which Trial		
Charges upon which correlated or in respect of which Trial was dispensed with.	decomp 4.0	
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Denotypies of Cost by which time, it or sistent states of Observe improving of the charter of dispossing with Trial. Order dispo-	Sparty Same Par	

QQ-10 PTE EWING G.

Correspondence to be grinned here

Army Form A.3.

## Form for Assembly and Proceedings of Field General Court Martial on Active Service.

## PROCEEDINGS.

On Active Service, this

of , 19 FORTY-THREE

Whereas it appears to me, the undersigned, an officer in Command of CANADIAN REINFORCEMENT UNITS, CANADIAN

, on active service, that the persons named in the annexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned.

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court Martial; \* and that it is not practicable to delay the trial for A reference to a superior qualified officer.]

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers appointed or detailed

\* (1 am unable to appoint %

\*(1) Three Officers to form the Court.)

\*(2) A Field Officer as President.)

for the following reasons, namely :-- ]

Rank

Rank

4 LIEUR

President.

Name.

Monters

Name.

Regiment

Regiment

### SCHEDULE

Number, Rank (a), Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (#)
122109 Pto Swing G. Edn Detention Barracks.	FIRST CHARGE Sec 15(1) A.A.	Lenlin Edinto	Sulf with transfer a print (60) days	
		yord,	the rain of	ay untit de
	me Charge Sheet Attached.			

Deposition to be asked of accused, if he pleads not guilty (R. of F. 39 (A)).

Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before true have not been complied with, and that you have been projudiced thereby, or on the ground that you have not had sufficient apportunity for propering your defence?

Assume to be recorded on reparate that of recessory:

Signal Commanding Concerning Option (s)

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

(b) Unless smaroidable, not more than three names are to be entered on one form, and in serious cases one only.

(c) Recommendation to mercy, if any, to be inserted in this column.

(4) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.

(e) Must be signed by the same Officer who signs on the first page, and all alterations in the first two-solumns of the Schedule to be initialled by him.

I certify that the above Court assembled on the day of semble of Prosident as the Schedule, and that the plea, finding, and sentence in the case proceedings of each such person were as stated in the third and fourth columns of that Schedule.

* - 1	Name Colored	articles 1	Acres 6	
3. 16.1	so cer	THY	CHARL:	

1. The members of the Court

-2. The witnesses

\*(3. The Interpreter) -

\*(4. The officers under instruction)

were duly sworn

Signed this 16th day of Application 1943

President of the Court Maria.

e footnote — I certify that the terms of \*A.C.I. 570 of 1918 have been L. 1979 — complied with.

Signed this - day of 19 -

President of the Court Martial.

I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what confirmated I have there stated. I hereby confirm the above findings and

\*(I direct that the coldier named in the margin be not com-

Signed this 172

to Sewant 1945.

December of	and	extracts to	eken in th	he case	d 422199 8th	Eming, 6	200
A Experience of the last of th		O pen s	Carle .		- 2000	2206/	- West

(a) (Dated) 20 SEP 1943 (Signed (23 authorst) #1 connections

Promulgated and extracts taken in the case of

(Dated) (Signed)

need only sign once.

Promulgated and extracts taken in the case of

(a) When several cases are promulgated in one unit on the same day the Officer

(Signed)

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### CHARGE SHEET

The accused, Reg. No. L22109 Pte Ewing, G., Cdn Detention Barracks, Cdn Provost Corps, a soldier of the Cdn Army Overseas, is charged with:

FIRST CHARGE SEC. 15(1) A.A.

1 400

ABSENCE WITHOUT LEAVE

in that he

At Headley Down, Hants, did absent himself from the Cdn Detention Barracks from COC1 hrs 1 Aug. 43 until apprehended by the Cdn Provost Corps at Manchester at 0230 hrs on the 4 Sep 43. Total absence 34 days 2 hrs and 29 min. thereby incurring costs of apprehension in the amount of £1.12.1.

13 Sep 43.

Lieut. (C.J.Allendort) A/Commandant, Canadian Detention Barrads.

To be tried by Field General Court-Martial,

In the Field

(A.C. Stewart) Brigadier,

Cather S. Cett your, Major

\*01/04/1421/09.4/0\* N & W & Bat THE ACT Medical Officer Orderly N.C.O. .faitram-Junco ko fairs of off min rebismob bna This als cortify that I have this examined the editive COIZET D.Butwa M/0 reductive tinh toll temestry a tollocite tellocite (this of small dainers) WARLING. strongio testissic scremali failini juna notable sph HYRE VED RYMER BEAREIG MORNING SICK REPORT Tedmedges AddI 1913 Squadron Compeny Compeny ambarrad notinated nathanab Unit or Battalion

THE COMEDING OF A FIELD GENERAL COURT-MARTIAL HELD AT All planetes, Frambringh hack 1943 ON THE 16th DAY OF replants On Het. Ales. .... The order convening the Jourt and charge sheet are laid perfore the Court, who satisfies themselves as provided by Rs.P. 22 and 23. more the both the train .... out the b. C.B. 4 .... J. F. J. Wich ... ... Box HELRY ..... St. W.C. Surpton 2 12. Hantly (18184. Detending afficer of the Mished . unit ... C. C. M. H .... The charge sheet is esgened by the President and the secured is arreigned.

The accused pleads guilty to the charge(s) and R.P. 35(s) off is complied with;

The cocused does not desire to make a statement in reference to the chargestor, R.P. 37(R).

The Prosecutor produces MPS 355 AFD 276 and MPM 6.

The Court complies with R.F. 36(R). (a) Wakes a statement in mixigation of punishment. To address a discount of his Defending Officer, CHERRY OF STATEMENT IN CUITOSATION, CHARACTER EVIDENCE and ADDRESS 11 ACCUSED 49 118 08/2011 - 471114 attack hute Utin N. Vetapuis.

Maire

16-9-47 Slea of Metigation gentlemen, & present to you certain facts which I hope will shear for them approximately Three and a half years in the Coln. I revers loops. I have never been afficially desixtened huma that time and generally wheating I bel I have discharged ony responsibilities as a soldier and as a fenior n/o/o for Two and a Half you. I now ask the lenence of the fourt in dealing with the Charge am our Deposing office of Michaum Liest.

Puce one

dertificate of arrest \* 8 Certified true copy of Court of Inquiry

The accused heving been duly centioned as follows:

I Produce the following documents:

· mao

By direction of the Commandent, the Summary of Evidence is taken on SUMMARY OF EVIDENCE IN THE CASE OF HEOTI. NO. LS2109 FTE EWING. GEORGE, CANADIAN HOVGET COMPS ON STREWOTH OF CIN. DEFENTION BAHACKS.

the deliteras ough

Consider Detection Berracks. (manjud . %. Z)

Tranc.

Headley Down, Hents,

I certify that the foregoing Burmany of evidence consisting of one page was taken down by me in the presence of the accused and that hules of Procedure 4(c), (d), (e), (f), and (g) have been complised with.

OLLIGGE CERTUR BRUMELL .

rient.

(E. F. Putnam)

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Record of the Declaration of a Court of Inquiry assembled at Cdn.
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#### DECLARATION

The Court declare that No. L22109 Pte Ewing, G., C.Fro. C., on strength Cdn. Det. Eks., Cdn. Army Overseas illegally absented himself without leave from Canadian Det. Eks. at 0001 hrs on the 1st day of august 1943 and that on the 25 August 1943 he has not returned to this unit or been reported as apprehended and is still so absent, and that unit or been reported as apprehended and is still so absent, and that he was deficient and that he is still deficient of the following articles:

he was delicient and	Value
Anklets, Web, Frs   1   1   1   1   1   1   1   1   1	\$ 58 4.64 4.86 6.2 3.61 .56 1.61 .68 .08 .22 .03 .23 .18 .13 .32 .32 .03 .32 .32 .03 .32 .32 .03 .32 .32 .03 .32 .32 .03 .32 .32 .03 .03 .03 .03 .03 .03 .03 .03 .03 .03
Total	: \$19.37

\$19.37 Total:

SIGNED AT Cdn. Det. Bks. this 26 day of Aug. 1943 LIEUT, C.J. ALLINDORF

PRESIDENT

H.W. COWLING; LIEUT.

MEMBER

LIMUT E F PUTHAM

MEMBER

Signature of Commanding Officer C.J. Allendorf, Lieut., A/Corresendant, Canadian Detention Barracks,

I certify that the above is a true extract of the court of Inquiry held for the a/m and as recorded in MILBA 68 being record of declaration of Court of inquiry

allines! Lieut. (C.F. Allendorf) & Commendant, Canadian Detention Barracks.

CERTIFICATE IN ACCORDANCE WITH F.C. 2797 of 10 Apr 42.

T CERTIFY that No.L/22109, Rank Pte. Name Eming G. . . . .

Unit No.1 Can Det Bks. Can PromoCarrested at Manchester . . (Place) at . 0250. . (hour) on & cent 43. . (date) and that at the time of his arrest he was wearing (MINIMATER) or (Civilian Clothes). Signature of Provost-Marshall, Assistant Provost-Marshall or other officer or the Commanding Officer of the parties of His Majesty's Forces or the officer, warrant-officer, or non-coordissioned officer in charge of the detachment of the Canadian Provist Corps, Canadian

army into whose custody the above named person was taken on arrest.

(Strike out part inapplicable).

7 Sept. 43.

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#### CANADIAN DETERMION BARRACKE.

10 Sep. 43

I, the undersigned, do not wish any legal counsel provided in my behalf for my court Mertial

G Lucies Fre. (Ewing, G.) 122109 Fre.

#### TIEL OF WITHEBEE FOR PROBECUTION

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## STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

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Note:—A verbatim rial must be inserted.	extract from the regim	nental books stating these	convictions and di	spensations wi
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with) is read, marked signed to the president, and annexed to the proceedings.

PTE EXELBY RM.

A-56335 Pte Exclby, Robert Morley, No 1 Sub-Depot, 1 CBOD. 00.110

Army Form A.3.

# de respondente la la Printingo la la Form for Assembly and Proceedings of Field General Court Martial on Active Service.

## PROCEEDINGS.

On Active Service, this

FORTY-THREE , 19

Whereas it appears to me, the undersigned, an officer in

CANADIAN REIMFORCEMENT UNITS, CANADIAN Command of , on active service, that the persons named in the annexed Schedule, being subject to Military Law, have committed the offences in the said Schedule mentioned.

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court Martial; \* (and that it is not practicable to delay the trial for reference to a superior qualified officer.)

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers appointed or detailed hereunder.

\* (fram omable to appoint x-

\*(1xx Three Officers to form the Court.)

\*(2: A Field Officer as President.)

for the following reasons, namely :- }

Rank.

A LIBUT.

President

Name.

A.S. PETTAPIECE

Members

Name.

Regiment.

HQ CRU,

Regiment.

#### SCHEDULE

Number, Rank (a), Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (d)
4-56335 Pte EXELBY, tobert Morley, to 1 Sub-Depot, C.B.O.D.	Sec 40 A.A.	Sentin	to Suite for a personal for a personal and	7
	See Charge Shee Attached	t		

\*Question to be asked of accused, if he pirade not guisty (R. of P. 29 (A)) —

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

Answer (to be recorded of infrasts these of measurery)—

\*\*The contract of the processor of t

(Signal for the Laborator) Hal-Good . Signal letter I the trafficion Might Commanding Odn Ret Whats.

Commanding Open (s)

President

- (s) Appointment acting rank or acting appointment, if any, to be stated in trackets after the substantive rank.
- (b) Unless mnavoidable, not more than three names are to be entered on one form, and in serious cases one only.
  - (c) Recommendation to mercy, if any, to be inserted in this column.
- (d) It is not necessary that the Confirming Officer should sign his name in this columns. Initials are sufficient.
- (s) Must be signed by the same Officer who signs on the first page, and all alterations in the first two solumns of the Schedule to be initialled by him.

I certify that the above Court assembled on the day of Leptuster 1943, and duly tried the persons named in Certificate of President as to the Schedule, and that the plea, finding, and sentence in the case proceedings of each such person were as stated in the third and fourth columns of that Schedule. I also certify that :-1. The members of the Court 2. The witnesses \*Omit if not applicable. \*(3. The Interpreter) --\*(4. The officers under instruction) a knowled typicie, Main President of the Court Markal. I certify that the terms of \*A.C.I. 570 of 1918 have been \*See Soctnote
(b) on page 762
M M.L. 1929. -complied with. Signed this 34/4 President of the Court Martial. I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what Common I have there stated, I hereby confirm the above findings and \*(I direct that the soldier named in the margin be not mitted to prison or detention burrack until further orders.) Signed this Columbs Confirming Officer. A. H. ROBERTS, Philipping Promulgated and extracts taken in the case of 2-56335 Pte. Exelby, R.M. a.P. Dorion) Lieut., (a) (Dated) DO 164 d/8-9-43 Promulgated and extracts taken in the case of Adjt. No. 1 Sub-Depot, (NT Stores), 1 CBOD. (Signed)

SMAN, WILDOWSKI WHAT THAT ARE MADE CHAM

Promulgated and extracts taken in the case of

(a) When several cases are promulgated in one unit on the same day the Officer

need only sign once.

#### CHARGE SHEET

The accused, No. A-56335, Pte. Exelby, R.M., No. 1 Sub-Depot (M.T. Stores Coy.), 1 canadian Base Ordnance Depot, a soldier of the Canadian Army Overseas, is charged with:--

First Charge Sec. 40 Army Act While on active Service conduct to the prejudice of good order and military discipline

#### in that he

at Hordon, Hants, on the 20th Aug 43, was improperly in possession of Public Property, namely:--

Sets Tool Ignition in metal box Gauge Feeler 3 Screw Drivers @ .45g each Screw Driver, Small, Steel Rules, Steel, 6" Rules, Steel, Flexible, 6" Fliers, Diagonal, Cutters	\$ 7.14 1.00 1.35 .20 .85 .85 2.70
12 Files @ 30g each	3.60
Cleaner, File	.15
Vices, Hand	1.90
Wrench, Adjustable, 5"	,25
Screw Driver, London Pattern, 2" blade	.10
Stone, 011, 8g"	1.00
Tools, Screw Cutting BA, Sets #2 Mk.1	10.75
Carborundum Paste	.35
Covers, Petrol Tank-	.50
Handles, File	.15
Chest, Steel, Empty 11 x 5 x 4	1.00
Padlock and Key	.75
Goggles, D.R., 2 pairs @ \$1.88 each	3.76
Cases, Map Carrying, 2 @ \$1.75 each	3.50
Satchela, Signal	1,00

Total Value

842.85 (£9.11.6)

property of the Canadian Government.

4 Stul

(P. Steele), Lt.-Col., O.C., No. 1 Sub-Depot, 1 Cdn. Base Ordnance Depot, Royal Canadian Ordnance Corps.

To be tried by Field General Court-Martial,

fulolub Come, can Brt Units.

In the Field.

athur Rettypis Myse

Medical Officers' Certificate K.R. (Can) para. 557.

I certify that I have this morning examined No. 14 56331 R.M. and in my opinion he is fit to PG EXELBY.

undergo trial by Court Martial.

Bordon Hants Date\_SEP 3 1943

/DRN.

PROCEEDINGS OF A FIELD GENERAL COURT MARTIAL, HELD AT The Marting of Records and American North 1943 The accused \$56.335; He. Gally R.M. . Unit .. 180.0. .... The order convening the Court and charge sheet are laid before the Court, who satisfied themselves as provided by Rs.P. 22 and 23. The accused is brought before the Court.

The Medical Cortificate is laid before the Court.

The order convening the Court is read by the President, and the accused having been asked, stated that he had no objection to the president or any member of the Court. The Court is duly sworn. The following constitute the Court:-President My A. M. Let Jan. .... Unit. H. D. A. M. M. Mombors and of Marchy ..... Unit, 1608. Com . H. A. Agreed ...... Unit. 1. C. A. J. The officers under instruction are duly sworn: -A. J. J. Musti. ...... Unit . 1. C. B. C. D. .... Prosecutor. At. J. P. Lloign ... Unit. 10.00. Defending officer At. W. J. Berkly .. Unit . J.C.B.A. P. ...... The charge sheet is signed by the President and the The accused pleads guilty to the charge(s) and R.P. 35(B) The accused does not desire to make a statement in reference to the charge(s), R.P. 37(B). The Summary of Evidence is read.
The Prosecutor produces MFB 355, AFB 296 and MFM 6. The Court complies with R.P. 46(B). Pursuant to R.P. 37 THE ACCUSED: -(a) Makes a statement in mitigation of punishment. (b) Calls witnesses as to character.
(c) Calls witnesses in mitigation of punishment.
(d) Addresses the Court by his Defending Officer.

Overseas R.O. 3262 complied with. The Court is closed to consider the sentence.

SUMMARY OF STATEMENT IN MITIGATION, CHARACTER EVIDENCE and ADDRESS OF ACCUSED OR HIS DEFENDING OFFICER

The accused plads "Not faily " of the chape R.P. 09/A/ is complied with.
The Remember personels to call witnesses.

Lat Vitres Capt. B. a. Shirkman, of Mo 1 Let - Clypot, 10800 for Promition haing been duly owner, at als , -I am O. C. of took & testimist store. I recognis to secured. On 20 light 3 of to exciting ation afairsting, Quest with the accused to his queter for a hit unquestion. At the importion Hand the followy let of they; ( Chit is) Feallet all the activity as when in the let. I then actual his to be plant waln mint. The job of the General does not cannot his sking all this They is his presenting to might be in alongs of and too of the they. The lot are purtly to property of the Cha Lat. The others are idential with the is the took ratur although they can be perhand in a whop. But all the took are similar to anywhich we have in the tool sature. Mo word of the account being clean their stress is extent, andown his Part I Pay both sho It they we ever would to him.

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## EXHIBIT A

#### List of Articles Pound in Possession of A-56335 Pte. Exelby, R.M.

Sets Tool Ignition in metal box Gauge Peeler 3 Sorew Drivers & .45% each Sorew Driver, Small, Steel Rules, Steel, 6" Rules, Steel, Flexible, 6" Pliers Diagonal Cutters 12 Files & .30% each Cleaner, File Vices, Hand Wrench Adjustable 5" Sorew Driver, Lordon Pattern, 2" blade Stone, 011 88" Tools, Sorew Cutting HA, Sets #2 Mk. I Carborundum Paste Covers, Fetrol Tank Handles, File Chest Steel Empty 11 x 5 x 4 Padlock & Key Goggles D.R. 2 prs. & \$1.88 each	\$ 7.14 1.00 1.35 .20 .86 .85 2.70 3.60 .16 1.90 .25 .10 1.00 10.75 .35 .50 .15 .50 .75 .36
Padlock & Key	

Received from the Court the about selibit.

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Thea of mystation and statement of character A 56335 Fte Efelly R.N. Ros worked for me as driver muchanie and I have always found how a welling and obredent soldier. ...... Since the thely joined our unit has have given me no cause for trouble and how here a first class arldres I have always found date Litelby reliable, welling and trustworthy His conduct and habits in our unit have always been of a high standard. W. A Buckly Lunt) no, Sub Defot

3 Seft 1943.

Adm 5-4-4/Exelby

No. 1 Sub-Depot (M.T. Stores Coy) 1 Canadian Base Ordnance Depot Royal Canadian Ordnance Corps

30 Aug 43.

H.Q. C.R.U.

#### Attn: D.J.A. Office

## Application for F.G.C.M. A.56335 Pte Exelby, R.M.

Reference your letter 429/Applns/1 d/25 Aug 43.

Returned herewith the m/n application; the summary of evidence having been re-taken. A copy of the summary of evidence taken on 23rd Aug 43 is also enclosed.

(F. Steele) Lt.-col.
0.C. No. 1 Sub-Depot
1 Can Base Ordnance Depot

JPD/RH DRLS/POST

Encl.

2nd Witness for the Prosecution

C-34510, Pte. Cooke, R.E., on strength of No. 1 Sub-Depot, (M.T. Stores Company), 1 Cdn. Base Ordnance Depot, Royal Canadian Ordnance Corps, a soldier of the Canadian Army Overseas, having been duly sworn states as follows:-

On Friday 20th August 43, Pte. Exelby came in with the kits and he (Pte. Exelby) was asking if we would buy them. He didn't say where he got them or anything. We all in the hut looked at them to see if there was any marking or anything on them to show that they were "army". We didn't see any signs at all. He also said that many of them were being given away and as if they were no good to anybody and were being destroyed. So, after hearing him say that, we didn't think there was any harm at all, and I gave him a box of chocolates, (a 1-1b, box), and was going to give him three shillings on Pay Day, for the kit.

The accused declines to cross-examine this witness,

3rd Witness for the Prosecution A-64145, Ptc. Sullivan, J.M. on strength of No.1 Sub-Depot, (M.T. Stores Company), 1 Canadian Base Ordnance Depot, R.C.O.C., a soldier of the Canadian Army Overseas, having been duly sworn states as follows:

On Friday 20 Aug. 43 Pte. Exelby had these boxes and offered me one for sale, and said that they were going to be taken to R.S.D. and destroyed. I said I would take one and pay him ten shillings on Pay Day. I examined the box. I didn't know it was government property. I thought it over after dinner and thought it was rather foolish and was going to return it.

The accused declines to cross-examine this witness.

The accused, No. A-56335, Pte. Exelby, R.M., on strength of No. 1 Sub-Depot, (M.T. Stores Coy.), 1 Canadian Base Ordnance Depot, R.C.O.C., a soldier of the Canadian Army Overseas, having been duly cautioned in accordance with Rules of Procedure 4(E) declined to make any statement.

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

I further certify that the foregoing Summary of Ewidence consisting of two pages was taken down in my presence and in the presence and hearing of the accused this twenty-third day of August 1943 at Bordon, Hants.

(D.L. Nichote) Capt.

Note: Sheet No. 3 contains Schedule referred to in swing First Witness, (Exp. 8.7 17)

Summary of Evidence in the case of No. A-56335 Pte. Exelby, R.M., on strength of No.1 Sub-Depot, 1 Canadian Base Ordnance Depot, a soldier of the Canadian Army Overseas.

By direction of the Officer Commanding, the Summary of Evidence is taken on Oath.

for the Prosecution Captain Bernard Augustus Diekman, Unit Security Officer, No. 1 Sub-Depot, 1 Cdn. Base Ordnance Depot, an Officer of the Canadian Army Overseas, having been duly sworn states as follows:-

As a result of information received from the Regimental Police on Saturday, 21 Aug. 43, I caused A-56335, Pte. Exelby, R.M., whom I now recognize, to be paraded to me and I questioned him on the disappearance of a number of cases, map, I asked the accused whether he had had any of cases in question on his truck, and whether he had disposed of any. Pte. Exelby said "I took them from R.S.D. I gave one to a soldier in No. 1 C.B.O.W. behind the Paint Shop." Questioned as to the identity of the soldier, Pte. Exelby said that he did not know what his name was. I asked Pte. Exelby how he did not know what his name was. I asked Pte. Exelby how many he had taken, and he admitted to having taken four. He said that he had one case in his kit bag and had disposed of one to a Pte. Cooke and one to a Pte. Sullivan. two more, Asked what consideration he was being given he replied that the men whom he had given the cases to were going to give him something at the end of the month. Ptc. Exelby added that a number of the other men who were working at the Siding were helping themselves to the same articles. He also said that helping themselves to the same articles. He also said that he was not expecting any consideration from the unknown soldier at 1 C.B.O.W. who had received one of the cases. After questioning the accused I ordered an inspection to be made of the effects of Pte, Exelby, which was carried out in my presence. During the inspection a number of articles were found which I now produce, and which I have listed on a schedule, which I now hand to the Court. The second case, map, carrying, was found under the matbress of the accused, and on questioning then admitted to having taken five. Asked where he had obtained the various articles, he replied \*From R.S.D. \*. obtained the various articles, he replied 'From B.S.P.'. The accused, however, insisted that one pair of goggles shown in the Schedule handed to the Court, and contained in a cardboard box, was the first issue of goggles made to him from the Q.M. Stores. However, a total of three pairs of goggles was found on the accused, whereas in his M.B.M. Part III he is charged with only one pair of goggles.

In the effects of the accused was also found a box of chocolates, which the accused admitted having received from Pte. Cooke in consideration for the case, map, carrying.

I ordered the accused to be held in close arrest.

The accused declines to cross-examine this witness.

P. Adles man

Summary of Evidence in the case of No. A.56335 Fte. Exelby, R.M., on strength of No.1 Sub-Depot (M.T. Stores Coy) 1 C.B.O.D., a soldier of the Canadian Army Overseas.

Charges:(1) Improper possession of Public Property.

The Officer Commanding directs that the Summary of Evidence be taken under oath.

let Witness for the Prosecution Capt. Bernard Augustus Diekmen, Unit Security officer and officer in charge of Tools and Technical Stores, No. 1 Sub Depot (M.T.Stores Coy), 1 Cdn. Base Ordnamce Depot, Royal Canadian Ordnamce Corps, having been duly sworn states:-

As a result of information received I proceeded to Hut
No. 20 Lower Oakhanger Camp, I Sub-Depot, I C.B.O.D. on or
about 19th August 43 accompanied by A.56335 Ptc. Exclby, R.M.
who I now recognized for the purpose of inspecting his belongings. During the inspection I found in his possession a
quantity of military toos and equipment not on charge to Ptc.
Exclby in N.B.M. I Part XII. In my capacity as officer in
charge of tools and technical stores I have listed and price
the articles which I found in Ptc. Exclby's possession. I
identify the articles and hand the Court the priced list
which I established. (Exhibit \*A\*)

(B. A. Diekman) Capt., No.1 Sub-Depot, 1 CBOD, ACCC.

The accused declines to cross-examine this witness.

2nd Witness for the Prosecution C.34510, Pte. Cooke, R.E., No.1 Sub-Depot (M.T. Stores Coy), 1 Cdn. Bese Ordnence Depot, Royal Canadian Ordnance Corps, having been duly sworn states:-

On Friday 20th August 43, Ptc. Exelby ease in with the kits and he (Ptc. Exelby) was asking if we would buy them. He didn't say where he got them or anything. We all in the hust looked at them to see if there was any marking or anything on them to show that they were 'army'. We didn't see any sigms at all. He also said that many of them were being given away and as if they were mo good to saybody and were being destroyed. So after hearing him say that, we didn't think there was any harm at all, and I gave him a box of charcelates, (a 1-1b. box), and was going to give him three shillings on Pay Day, for the kit.

(C.34510, Pte. Cooke, R.E.)

Bo.1 Bub-Depot, 1 CBOD, RGGC
The accused declines to cross exemine this witness.

d Witness or the rosecution A.64145, Pte. Bullivan, J.M., No.1 Sub-Depot (M.T. Stores Coy), 1 Cdn. Base Ordnance Depot, Royal Canadian Ordnance Corps, having been duly sworn states:-

On Friday 20th August 43, Pte. Exclby had these boxes and offered me one for sale, and said that they were going to be taken to R.S.D. and destroyed. I said I would take one and pay him ten shillings on Pay Day. I examined the box. I didn't know it was government property. I thought it over after dinner and thought it was rather foolish and was going to return it.

(A.64145, Fte. Sullivan, J.M.)

No.1 Sub-Depot, 1 CBOD, RCOC.

The accused declines to cross-examine this witness.

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

I further certify that the foregoing Summary of Evidence consisting of two pages was taken down in my presence and in the presence and hearing of the accused this thirtieth day of August, 1943 at Bordon, Hants.

(J.P. Dorion) Lieut. & Adit. No.1 Sub-Depot, 1 0.8.0.D., Acoc.

Note: Sheet No. 3 contains Schedule referred to in evidence of First Witness (Exhibit "A").

## EXHIBIT 'A"

### List of Articles Found in Possession of A-88335 Fte. Exelby, R.M.

Sets Tool Ignition in metal box	\$ 7.14
Gauge Peeler	1.35
3 Screw Drivers # .45% each	.20
Screw Driver, Small, Steel	.86
Rules, Steel, 6"	.85
Rules, Steel, Plexible, 6"	2.70
Pliers Diagonal Cutters	3.60
12 Files @ .30g such	.15
Cleaner, Pile	1.90
Vices, Hand	.25
Wrench Adjustable 5"	.10
Screw Driver, London Pattern, 2" blade	1.00
Stone, Gil Bg" Tools, Screw Gutting BA, Sets #2 MK. I	10.75
Carborundum Faste	.35
Govera, Petrol Tank	.50
Handles, File	.15
Chest Steel Empty 11 x 5 x 4	1.00
Padlock & Key	.75
Coggles D.R. 2 pre. # \$1.88 each	3.76
Cases, Map Carrying 2 @ \$1.75 each	5.50
Satchel Signal	1.00
Dayana negime	942.8569.11.6
	EAK . CO - ZA . LL . C
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#### LIST OF WITNESSES

- Capt. B.A. Diekman, 1. No.1 Sub-Depot(M.T.Stores Coy), 1 Canadian Base Ordnance Depot.
- A.64145 Pte. Sullivan, 2. No.1 Sub-Depot(M.T.Stores Coy), 1 Canadian Base Ordnance Depot.
- C.34510 Pte. Cooke, 3. No.1 Sub-Depot(M.T.Stores Coy), 1 Canadian Base Ordnance Depot.
- K.67352 Opl. Stoddard, J.O., 4. No.1 Sub-Depot(M.T.Stores Coy), 1 Canadian Base Ordnance Depot.

Que Kin un l'en Lt. -001., (Wm. McKinlay) Officer Commanding, No.1 Sub-Depot, 1 C.B.O.D., RCCC.

## FORM OF APPLICATION FOR A COURT-MARTIAL

No.1 Sub-Depot (M.T.Stores Coy), 1 Cdn.Base Ord.Depot Regiment

		- papo cheliment
Station Bordon, Hants.	Date 24 August	19 43
Application for a Field Court-Ma	rtial	
Sin,		
I have the honour to submit one	charge	against
No. A.56335 Pte. Exelby, Robert		
of the Sub-Depot under my command, and	request you will obtain the sane	tion of Commande
C.R.U. that a Field	Court-Martial may be asse	embled for his trial
Bordon, Hants.		
The case was investigated by (&1)Ltcol.	Wm. McKinley	
(11) Capt. B.A. Diekman (111)	Capt. D.L. Nichols	
A Court of Inquiry was held on (b) N/A		
	(Station).	
President		Ranks,
Members		names
		and
		corps.
2 Summary of Evidence, original (f) and OI 3. Original Exhibits (g). 4. List of witnesses for the prosecution and defen 5. List of Exhibits (h). 6. PANCHAM (g)	regimental and company, etc., desires to have an officer assigner Your obedient servant,	conduct shorts for i by the Convening
MEDICAL OFFICE		
I certify that No A. 56335 Pte. Exel	by, Robert Morley	Regiment,
is fit to undergo trial by Court-Marcial.	Melling	Capt.,
*laners "Al" or "unds." (N	R.H.Balinson) R.C.A.M o.1 Bub-Depot, 1 C.BK	.C. & M.O.,

## CHARGE SHEET

The accused, No. A-56335, Pte. Exelby, R.M., No. 1 Sub-Depot (M.T. Stores Coy.), 1 Canadian Base Ordnance Depot, a soldier of the Canadian Army Overseas, 1s charged with:-

First Charge Army Act

While on Active Service conduct to the prejudice or good order and military discipline

#### in that he

at Bordon, Hants, on the 20th Aug 43, was im-properly in possession of Public Property, namely:--

at Bordon, Hants, properly in possession of Public Freps.	
properly in possess	8 7.14
Sets Tool Ignition in metal box	1.00
eats Tool Ignition and	1.35
Gauge Feeler	.20
Gauge Peeler 5 Screw Drivers 8 ,45; each 5 Screw Drivers 8 ,85; each	.85
5 Screw Drivers Small, Steel Screw Driver, Small, Steel	.85
Screw Drivel, 6" Rules, Steel, 6" Rules, Steel, Plexible, 6"	2.70
Rules, Steel, Flexible, 6" Rules, Steel, Flexible, 6"	3.60
Rules, Disconal, Cutters	.15
Rules, Steel, Flagonal, Cutters Pliers, Diagonal, Cutters	
	7.90
Cleaner, Firm	*52
Vices, Hand	.10
wrench, Adjustable, 5" Wrench, Adjustable, 5" Berew Driver, London Pattern, 2" blade Serew Driver, London Pattern, 2" blade	1,00
Serew Driver, Lordon	10,75
Stone, Oil, 88" Stone, Osrew Outting BA, Sets #2 MK.1 Tools, Screw Outting BA, Sets #2 MK.1	.35
monia, Screw Gutting	.50
Carborundum Paste	.15
Covers, Petrol Tank-	1.00
Handles, File	.75
	3.76
Chest, and Key	3.50
	2.00
Chest, Stock and Key Pacific St. 88 each Goggles, D.R., 2 pairs & \$1.88 each Goggles, Map Carrying, 2 & \$1.75 each Cases, Map Carrying, 2 & \$1.75 each	1.00
Satchels, Signal	842,85

Total Value

842.85(£9.11.6)

property of the Canadian poverment. 4. Hecle

(P. Steele), Lt.-Col., O.C., No. 1 Sub-Depot, 1 Cdn. Rase Ordnance Depot, Royal Canadian Ordnance Corps.

Page (1)

Wi meec the bost tron

Summary of Evidence in the case of No. A.56335 Pte. Exelby, R.M., on strength of No.1 Sub-Depot (M.T. Stores Coy) 1 C.B.O.D., a soldier of the Canadian Army Overseas.

Charges:(1) Improper possession of Public Property.

The Officer Commanding directs that the Summary of Evidence be taken under oath.

1st Witness for the Capt. Bernard Augustus Diekman, Unit Security officer and officer in charge of Tools and Technical Stores, No. 1 Sub Depot (M.T.Stores Coy), 1 Cdn. Base Ordnance Depot, Royal Canadian Ordnance Corps, having been duly sworn states:

As a result of information received I proceeded to Hut No. 20 Lower Cakhanger Camp, 1 Sub-Depot, 1 C.B.C.D. on or about 19th August 43 accompanied by A.56335 Fte. Exelby, R.M. who I now recognized for the purpose of inspecting his belongings. During the inspection I found in his possession a quantity of military toos and equipment not on charge to Fte. Exelby in M.B.M. 1 Part III. In my capacity as officer in charge of tools and technical stores I have listed and priced the articles which I found in Pte. Exelby's possession. I identify the articles and head the Court the priced list which I established. (Exhibit \*A\*)

man Diekman ) CBOD, BOOC. Sub-Depot, No.1

The accused declines to cross-examine this witness.

2nd Witness for the Prosecution

C.34510, Pte. Cocke, R.E., No.1 Sub-Depot (M.T. Stores Coy), 1 Cdn. Base Ordnance Depot, Royal Ganadian Ordnance Corps, having been duly sworn states:-

On Friday 20th August 43, Ptc. Exelby came is with the kits and he (Ptc. Exelby) was asking if we would buy them. He didn't say where he got them or anything. We all in the hat didn't say where he got them or anything. We all in the hut looked at them to see if there was any marking or anything on them to show that they were "army". We didn't see any signs at all. He also said that many of them were being given away and as if they were no good to anybody and were being destroyed. So after hearing him say that, we didn't think there was any harm at all, and I gave him a box of chocolates, (a 1-1b. box), and was going to give him three shillings on Pay Day, for the R. E. Conte kit.

(C.34510, Pte. Cooke, R.E.) The accused declines to cross examine this 1 OBOD, R

rd Witness or the rosecution A.64145, Pte. Sullivan, J.M., No.1 Sub-Depot (M.T. Stores Coy), 1 Cdn. Base Ordnance Depot, Royal Canadian Ordnance Corps, having been duly sworn states:-

On Friday 20th August 43, Pte. Exelby had these boxes and offered me one for sale, and said that they were going to be taken to R.S.D. and destroyed. I said I would take one and pay him ten shillings on Pay Day. I examined the box. I didn't know it was government property. I thought it over after dinner and thought it was rather foolish and was going to return it.

(A.64145, Pte. Sullivan, J.M.)

No.1 Sub-Depot, 1 CBOD, RCOC.

The accused declines to cross-examine this witness.

I certify that Rules of Procedure 4 (C) (2) (E) and (F) have been complied with.

I further certify that the foregoing Summary of Evidence consisting of two pages was taken down in my presence and in the presence and hearing of the accused this thirtieth day of August, 1943 at Bordon, Hants.

Alulan (J.P. Dorion) Lieut. & Adjt. Rooc.

Note: Sheet No. 3 contains Schedule referred to in evidence of First Witness (Exhibit "A").

## EXHIBIT

# List of Articles Found in Possession of A-56335 Pte. Exelby, R.M.

Request by the Accused for an Officer to Represent him at Trial.

I, A.56335 Pte. Exelby, R.M., desire to have Lieut. W.A.

Buckley, of No.1 Sub-Depot, 1 Cdn. Base Ordnance Depot, repre-

sent me at my trial by Court Martial. Rmally

(A.56335 Pte. Exelby, R.M.,

No.1 Bub-Depot(M.T.Stores Coy), 1 Canadian Base Ordnance Depot.

Date of last of Company Com	entry in	1	No	or Company or and date	Sheet No.	24/3/41 G.C. Badges 2 Signature O.C. Company, etc.	(Sgå)	Character	(A.F. B.122) (A./S136 (2966)
Place	Date of offence	Bank	Cases of drunken-	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispen- ging with trial	By whom awarded	Remarks
Old shee	t des	troye	d 24	Sep 41.					J.P.D.
Rield 16/				1)Sec.40 AA Conduct etc., im- A properly in possession of a class knife and a third suit of battle	ID.	28 days det.	19/3/42	Major C.H. Hillier	J.P.D.
				dress. 2)Sec.ll AA Neglect to obey Part I Orders.	DET. WILL DUY				
Field 7/	7/42	Pte		Bec. 41 AA Driving vehicle without proper work ticket.	Cpl.Morrow L/Cpl.McKee	7 days forf. pay FR&I.149(	17/7/42	Capt.G.M. Hunter	J.P.D.

						Names of Witnesses	Punishment awarded	Date of award of of order dispen- sing with trial	By whom awarded	ttemarks
Place		Date of offices	Hank	Chang of drunkers- poss	OFFENCE		14 days Forf.	8/8/42	Capt. G.M.	J.P.D.
eld	31/	7/42	Pte.		Sec.11 AA Neglect to obey stand- ing orders (driving WD vehicle ing orders (driving WD vehicle	Documentary	рау		Hunter.	
CLA					at an excessive rate or spour					
		a /1.0	D+o.		W leat to obey stand-	Documentary	See previous charge			J.P.D.
1eld	1/8	0/42	Pte.		Sec. 11 AA Regied to wing will vehicle ing orders (driving will vehicle at an excessive rate of speed).			( ()	. W. I A W	Forf.28 J.P.D.
					and as(h) AA Stealing digarettes	Pte.Allan	28 days F.P.	10/10/4	Hunter.	days pay FR&I.149(1b)
ield	26,	19/42	Pte.		from another soldier.	Pte.Fleice				
					W start to obey Unit	Documentary	10 days forf	. 11/1/43	Maj. Hill	ier J.P.D.
'ield	6,	/1/43	Pte		Sec.11 AA Neglect to obey Unit Standing Orders (improperly		рау			
					dressed).					

Piace	Conduct She	Hank	Cases of drunken	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispen- sing with trial	By whom awarded	Benacks
Field 1	13/1/43	Pte.		Sec.15(1)AA, AWL from 1915 hrs, to 2130 hrs, 13/1/43 from guard room whilst a member of the guard.	o L/Cpl.C.W. m Morden.	14 days forf. of pay.	15/1/43	Maj.C.H. Hillier.	J.P.D.
Field	2/2/43	Pte.	-	Sec.40 AA Neglected to clean his rifle.	Lt.Hogan.	7 days C.B.	3/2/43	Maj.R.J. Bruce.	J.P.D.
							natural de la constitución de la		

# STATEMENT AS TO CHARACTER AND PARTICULARS OF SERVICE OF ACCUSED

Number	Rank	Name	Regiment (or unit)
A.56335	Pte.	Exelby, Robert Morley	No. 1 Sub-Depot, (MT Stores Coy),
1. The following i	a a fair and two wi	mmary of the entries in the	1 Cdn.Base Ord.Depo
Conduct shee	a is tair and true so		TAXEXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
	heets of the accused	l, exclusive of convictions by a Court	t-Martial or a Civil Court,
of stmmary awards und with.	ler Section 47 of th	e Army Act and of cases in whice	h trial has been dispensed
Within last		Since enlistment or	
For Sec. 15(4) AA		1 times Sac. 10 AA	1. timeg
For Sec. 11 AA		1 timex Bac:11 AA	1 time
For Sec.15(1)AA		1 timex Bec. 15(4)AA	† RAMP
For		times Sec. 11 AA	I AAMP
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		XK	
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ZENERHENNERMEN	ese accresia accordo se existencia acc	KREET REMEMBER STORE DOMESTIC STREET	Madaminenthian Ast
XXXXXXXXXXXXX	SCHOOL SERVICES AND SERVICES	bronzoniotack o e C	
		MIK HON	
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And a	_		A
4. The account ha	s byen in confinemen	nt awaiting trial on the present charge	C XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
CHECKER MANUSCRIPTOR I	days in mann	nilitary custody, making a total of	dayKn rustody,
COURT		CERNORIES ASF	
5. The second con			
w. the present age	t or the accused acc	ording to his record of service is 2	years 11 months 1 de
A. The date of his	ASF		
No. 1 Yes Aldres Sec. 1925.	attestation	THE PROPERTY OF STREET	2 Mar 1941
AND CONCERNATE NA	the net chosecouses; made note	named to the second of the sale	ms+
MX.TEX EXCESS 100	ening manager.	CELECON SERVICE SERVIC	TO SHARRARANAKA
X/XXX KREEKS	REPRESENTATION OF SERVICE	constitution analysis access best tran	tudedning mann i tor is in
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In administration and a state and		The state of the s		
IN MPROBARITARY	***	ragraphs cannot be stat	oil from the Regimu	ental books, th
NOTE.—If any matter is ragraph must be struck th	s any of the above parough.	ragrapus cannot oc seas	and thom one resigner	
	80	HEDULE		
	or markly by all for	ourt, of summary aware		of the Army
of convictions by a con- et, and of cases in which t				
Nove - A vertation ex	tract from the regime	ntal books stating these	convictions and dis	
ial must be inserted.				
				Parishmen
Description of Coatt	Date and Place of Tital	Charge upon whiteli convicted	Septeme of the Coast	Remitted

I hereby certify that the foregoing schedule of convictions and dispensations with trust is a true extract from the regimental pools in my custody.

Signed this \*\*Twenty-Fourth\*\* day of \*\*Agust\*\*, 1943.

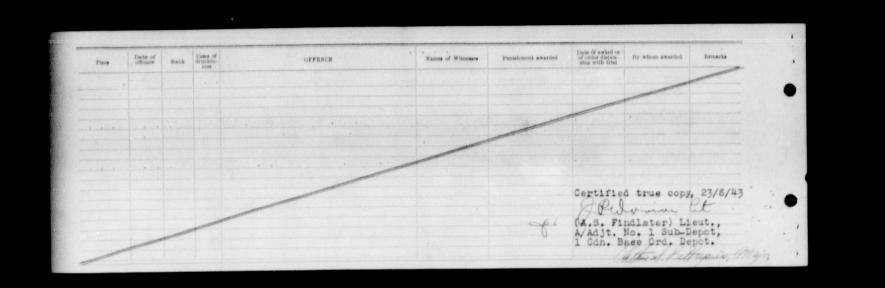
with) is read, marked parcoordings.

The above statement (with the schedule of convictions and of cases in which trial has been dispensed in its read, marked significant to the condings 

(A.S. Pindister) Lieut. & A/Adlt., for wm. McKinley Lt-col. & O. G., No.1 Bub-Depot, 1 C.B.O.D., NGGC.

Allaway. (M. Pindister) Allaway. (M. Pindister)

Date of l	35Name Ex	1	N	or Company on and date last drunk  Period not reckoning towards freedom from extra fine	Date of enlistment Sheet No.		(Bgd)	crion)Lieut	P & /8136 (2966)
Place	lists of offercos	Bank	Cases of drunken-	OFFENCE	Names of Witnesses	Punishment awarded	Date of award or of order dispen- sing with trial	By whom awarded	Hemarke
field	13/1/43	Pte.		Sec.15(1)AA, AWL from 1915 hrs, to 2130 hrs, 13/1/43 from guard room whilst a member of the guard.	L/Cpl.C.W. Morden.	14 days fprf. of pay.	15/1/43	Maj.C.H. Hillier.	J.P.D.
Field	2/2/43	Pte.	-	Sec.40 AA Neglected to clean his rifle.	Lt.Hogan.	7 days C.B.	3/2/43	Maj.R.J. Bruce.	J.P.D.
						THE RESERVE OF THE PARTY OF THE			



XXX- 62

PTE EXNER, D.J

### SCHEDULE. PART I. PLEA(S), FINDING(S) AND SENTENCE.

(Insert "alternative" where (See Instrs p 2.) (See note below.) (Space for use as required for further charges, accused charged jointly, applicable.)

Finding.

Accused: B-113787 Pte EXNER, D.J. - 1 COMERU

Plea.

Int AA Sec 18(4) Tully Fully

Charge.

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	and a superior of the superior		
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(Note : As to ) special findings are	Tindings for inster offence RF 44 and MML p 753.	es see AA 50, RF 44 ; and in loss of kit see ;	findings on distinctive charges see MANL $\mathfrak p$ 483 fg.4 para 2. RP 44 :
ment under serita	gue for		tieginning on (dute)*  a RP 46(A). Information should be found on MF 8355 or AF 8296.)
is anythmorough a	esculting present tr	isl-a total of	days, of which down days were spent in hospital
(1. See RP 46)	A) fo 2. Information show	ild be found on MF B3	55 or AF 8296 admitted in evidence under EZ.)
ence Awarded by	the Court:		1
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mui	(901 AU	No	
and a	0-1-1-	1	1 MA A Samuel
)		190	1244 BKV V VVV
Judge-Adv	ocate, if any.	Date a	warded. President. (88 43. 30.)
PART II.	MINUTE WHE	RE CONFIRMA	ATION RESERVED. (AA S4(5), AF (20(F), MML p. THE.)
PART III			
	(Spd)		Commanding
	(Sgd)		Commanding
PART III.	DECISION OF	CONFIRMING	OFFR ON FINDING(S) AND SENTENCE.
PART III.	DECISION OF		OFFR ON FINDING(S) AND SENTENCE.
PART III.	DECISION OF		OFFR ON FINDING(S) AND SENTENCE.
PART III.	DECISION OF		OFFR ON FINDING(S) AND SENTENCE.
PART III.  (For duties and police firmed, and on and confirmed, and proposalgation: 180 574, 84 534, 54.	DECISION OF	37(D) fn 6.46(A), 51- 4(B), Sending back f AA 157, MML p 64 hing after promulgations as sign here personally	G OFFR ON FINDING(S) AND SENTENCE.  56. 120. MML to 759-761. KR Can 567-577. Accustrally requires on adding or sentence for resisting by Cauric. As 54(2), RF 12000. If Minuted of conformation in non-sentimentation may be oftened before or KR Can 571. Delices and powers of reviewing offrs. Ak 57. Ak 772 (n. ).
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PART III.  (For duties and police firmed, and on and confirmed, and proposalgation: 180 574, 84 534, 54.	DECISION OF mency see Al 54, 57, 89 amount be revised: Al 5 used may be tried again 9 52, MAN, p 65. Quee The Carlieming Offe mu	37(D) fn 6.46(A), 51- 4(B), Sending back f AA 157, MML p 64 hing after promulgations as sign here personally	G OFFR ON FINDING(S) AND SENTENCE.  56. 120. MML to 759-761. KR Can 567-577. Accustrally requires on adding or sentence for resisting by Cauric. As 54(2), RF 12000. If Minuted of conformation in non-sentimentation may be oftened before or KR Can 571. Delices and powers of reviewing offrs. Ak 57. Ak 772 (n. ).
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FIELD GENERAL COURT-MARTIAL CPANS AT A 160 X X X - 62.

Order o'Brig JC Stewart, CBE, DSO Comed "C" Gp, CRU dated 18 Sep 44 ACCUSED.

(As to the trial of two or more charged jointly see 89 16, 71, 109. As to reasons for showing (a) permanent or confirmed rank, and (b) appent, Airank or Ajappent, if any, see AA 182, 183, fns, KR Can 308, 328, 330.) Number. (a) Prmnt R. (b) Appmt, A/R or A/Appmt. Full Christian Names. Unit. Surname. EXNER. 1 COMERU B-113787 Dennis John CEEDINGS REVIEWED PROCEEDINGS OF TRIAL RECORD FORM A-OPENING PROCEEDINGS AND ARRAIGNMENT. Al. The President, Members, waiting Member, JA, if any, and Office under Instr. if any, assemble, and the IPRINTED MATTER, NOT IN ITALICS FOR GUIDANCE, WILL BE DELETED, IF NOT USED OR APPLICABLE, AND INITIALLED BY PRES OR I.A. The Schedule referred to throughout on p.4. Continues as Not include all relevant from ROs. Far guidance on procedure when a variation in this form arises, see firm for GCM in MAN, pp. 741 to 759. A brief record of such variation will be made and given a number having reference to appropriate or preceding pure number having. As to general propriations for conducting the trial see AA 52, RP 56, n.h.Plc. 73, 74, 94, 101, 119, 1312.) A2. The President initials and lays before the Court the Convening Order and Charge Sheet () attached thereto (5). The Court is satisfied that it is properly convened and constituted (5), accused is (are) amenable to military law, and each charge discloses an offence (5). (1. As to use of Summory of Evidence see RP 17 ftr 8. 2. AA 49, S0, RP 105-107. 3. RP 11-13, 23, 24.) A3. The Court is opened. The accused is farm brought before the Court. At /000 hours trial commences. A4. The Prosecutor produces a Medical Certafacte that accused is (are) fit to undergo trial by court-martial [2].

The Prosecutor informs the Court that accused absence to be trial by court-martial instead of being deals with f summerity by the Court (1. KR Can 557. 2. AA 46(8), RP 60 fn ). For effect see KR Can 563(c). Delete, if not applicable. A the President to account to you object therein a fit I what a shorthand writer ! Ans NO (I. BF 72. Delete, if none employed.) A6. The Convening Order and names of the Freedent and Members of the Court are read to the accused. Precident to accused: Do you object to be tried by me as President or by any of the Members of the Court # Ann NO will 2. If no objection, writing member retires. Nº 60(8). If objection, see procedure AA 51, Nº 25, 71, 18, MAML p 7423 A7. The President, Members, JA, if any, and Office under instr. if any, are sworn.(1) The following are the ranks, names and units of the offer comprising the Court, etc. IA-col D.L. REDEAM President. 1 QARU Member It I. BRADORATO-GHANGAGER & OARD Member / Judge Advocate H.H. MIDVED 1 COMPART Prosecrator Defending Offs Questions by President: Is the Prosecutor a lawyer ! Ans. NO. Is the Defending Offr a lawyer ! Ans. NO. ?) RP 26, 27, 109, 111. List of offer under instr will be returned separately with proceedings for information of Coner Offer j.
 If Proc. a Surper and Def Offer not. account is entitied to an objectment when EP BY (E) and In 2 were not followed. See DI p 23. before arraignment make(s) (no) (st ples As. The account (i) If a agencial plan in mode for separate trial as one or more charges (RP 42(C), 10E), or as to the paradiction of the Court (RP 3x, 35(A<sub>2</sub> 112), or as the of trial (RP 3E), or as to occure(F) mental formers to stand trial (Ax 1X AF 3F), or by the of mental actions (Ax 1X AC APP), are by the of mental actions (Ax 1X AC APP) and by the of mental actions (Ax AC APP) and are accorded to the control occurs of the control occurs of the defining are metal-tack per Asses. For faces of record one enforced in the RP class. Secret in AB residual. All. The accused is term arraigned (expensions on all charges in the charge sheet. (\*) The accused does described to any charge (\*) There is no amendment to be made to the Charge Sheet. (\*) The President records the not object to any charge.(2) The pleas in Part I of the Schoolule.

88 31, 112. See para 1 of leaters p. 2. When more than one Charge Sheet see RF 62; when several account is be tried septembers on RF 71(C), and use september of CF 80s to record proceedings.
 87 32, RF 33. If edinewise, doless and make appropriate record per Notes.

Alt). The Gourt is closed and) considers the Instra on Procedure after Arraignment at top of p 2. The proceedings are continued to Record Form . D

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

### INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT.

The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative.
 (RP 37(A).) As to withdrawol of alternative charges by Prosecutor see RP 35(C). No other charge can be withdrawn for any reason without authy from Convening Offr. If Convening Offr concurs, Court may accept plea of Guilty to lesser, etc, offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As to refusing to plead or not pleading intelligibly see RP 35(A). As to plea when sentence may be death see RP 35(D).

2. The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective

1. If pleas to all charges are GUILTY, use Record Form B below.

11. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.

III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,

(a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below. (RP 37(A).)

(b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and In 2 as to discretion of Court, (i) to try the occused on all such alternative charges as if he had pleaded Ned Guilly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (ii), Court will proceed under foregoing instea as may be appropriate to result of its decision. See MML p 744 Instes (2).

3. As to responsibility of Prevident to accused see RP 59, 60(C); powers and duties of JA see RP 103; duty of Prosecutor see RP 60(A) (B); duty and privileges of accused and Defending Offr see RP 60(C), 87(C), 01, 92; escenting and withdrawal of witnesses from Court see RP 81, 82; questioning of accused see RP 80, 87(C), 92(B), and of witnesses see RP 83.85; calling or re-calling of witnesses by Court, etc., see RP 75-79, 86, 116; use of Summary of Evidence at Trial see RP 17(E) fn 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

## RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

B1. The President or JA, if any, complies with RP 35(B) by explaining to the accused the nature axid meaning of the charge(s)(i), and that on his pies of Guilty there will be no regular trial but merely a consideration of the certence to be awarded after he has been given an opportunity to make a statement in reference to take charge(s), call witnesses as to character and make an address in mitigation of punishment.(2)
(1. NP 35 fe 3. 2. AAML p 54 pars 47.)

B2. President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused: The Court will now receive any statement you desire to make in retereduce to the charge(s).(!) If it appears from your statement that there are circumstances which indicate that you do not understand the effect of the pleas of Guilty(\*), or which show provocation or extensiation in respect of which im pour interest the witnesses for the Presecution should be examined(\*), we shall advise you to change your plea to Not Guilty. In making a statement you will not be swem or subject to cross-examination; and anything you say will not be used in evidence against you after you change your plea. If, however, it appears to the Court that your statement affects only the amount of punishment to which you are liable, you will not be advised to change your pleas and you will not be advised to change your pleas and you will be given an opportunity later to prove your statement by eworn testimony, if you so dealer (\*)

President to accused: Do you wish to make a statement ! Ans (I. RF 37(B). 2. RF 37(D) fe 6. 3. RF 35(B) fe 5 porc 3, MML p 54 pare 47. 4. See pare E3 of Record Form E.

S. Statement, if any, recorded per Notes.)

B3. The Court considers the accused's statement (\*) The Court decides (not) to advise accused to change his-..... charge(s). The accused is (are) so informest, used the (they)

(their) pirate) of Guilty to Not Guilty on changer(s) his (their) pleader on:

(l. Court may be closed to consider the sciences. Delete whole or part not used.)

B4. On the charge(s) to which the plea(s) of Guilty (are) not changed the President records finding(s) of Guilty in Part I of the Schedule (1)

B5. The Summary of Evidence is marked Ex. A., imitialled and read aloud by the President. (\*)

(1. If there is no Summary, or if it is inadequate, comply with RP 37(8). If there is no switches inconsistent with any piece stunding as Guilty. Court will odress occased in charge such piece and, if changed to Not Guilty, by such charge(s) he saw of pures D to D8 inclusives of Recard From D on \$ 1. No 37(D).)

B6. The accused having been found Guity on one or more of the charges, the proceedings are concluded by using Record Form E on p 3.

### RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

Cl. As to the charges on which accused pleaded NOT GUILTY the trial is continued by using pages DI to IS inclusive of Record Form D on p 3 before proceeding with C 2.(\*)

C2. The charges on which accused pleaded GUILPE are read to him (them) again, and the trial is continued by using paras B1 to B5 of Record Form B should be used to be the former of the

(3). The accused haveing been found fullty on one or more of the charges, the proceedings are consciouded by using Record Form E og # 1

PRESIDENT OR JA WILL INITIAL ALL DELETIONS AND ALTERATIONS.

Pin here Loose fibrets of Record.

## RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

DI. President to accused: Do you wish to apply for an adjournment on the ground that thy of the rules relating to procedure before trial have not been complied with, and that you have been prejudied thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ! Ans. (I. If "yes", see RP 20(8) for procedure. Statement or evidence, if any, is recorded per Notes.)

D2. The Prosecutor makes (an) (no) opening address (\*) (1. RF 37(b), 60(8) (b), 90, 92(c) (D). Record address per Notes, subject to 8F 95(C).)

The evidence for the Prosecution is taken.(1)
(1). RF 39(C), 114, RR Con 555. Record evidence per Notes. As to Prosecutor giving Addence himself see RP 39(D) (E).)

D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not ....charge(s).(9) The Court charge(s), and showed on the

charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on

the latter charge(s), and time, including the latter charge(s), and time, an experimental time, an experimental time, and the latter charge(s), the latter

D5. President to accused: You will now proceed with your defence.(1) You may, if you wish, give evidence yourself on eath as to the facts or your character or both, in which case you will be subject to cross-examination. (\*)

You may, however, make a statement without being sworn, and you will not be subject to cross-examination. (\*)

But a statement which could have been made or oath will not carry with the Court the same weight as sworn testimony. (\*)

You may call witnesses in your defence and ac to character, whether you give evidence or make a statement or do could be a sta

President to accused: Do you with to give evidence yourself as a witness, make a statement, or do neither ! . Do you intend to call witnesses on your behalf ! (1. RP 115. 2. RP 40(A), see 80(D). 2. RP 40 fe 10. 4. RP 40 fm 2. 9.) D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed. (\*)

(1. RF 114, 115, 116. For procedure see Notes on back of Convening Quiter, CF A95. Evidence for accused as its bis
character should, if a Ms interest, be given before the finding. See RF 46(A, for 1. B6(C). Note the further opportunity in para E1
all Record form E. Record per Notes addresses, statement, evidence and any summaing up by the JA under RF 42, 103(e).)

D7. The Court's closed to consider the finding(s).(1) The finding(s) of the Court is (are) recorded in Part I of the Schedule.(1) The Court is re-opened.

(1. AF A. 177,8). See Notes in Fart 1 of Schedule.

2. SF 44(Fi.)

D8. The resident announces the finding(s), if any, of Not Guitty, and states to the accused that the finding(s) 

Dis. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

### RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

RECORD FORM E-PROCEEDINGS ON	
E1. President to account : Do yet wish to give evidence yourself or to call any witnesses as to your character 100 NOT Ans  (I serious to describe been given by account to be witnesses as to his character, below this part. By D(C) in 4, 46 in 1.  AT  Recognized witnesses are sween. Evidence recorded per Notes.	E
Accounted minesses are aware. Evidence recorded per Notes.)  The accounted minesses are aware. Evidence recorded per Notes.)  The accounted minesses are aware. Evidence recorded per Notes.)	

E2. The Prosecutor produces Statements; as to Character and Particulars of Service(1), and certified true copy (seeper) of Conduct Sheetlett), purporting to refer to the accused, which he subsuits to the Defending Off for examination, and then to the Court for admission in evidence. The Court is satisfied that those documents refer to the accused, because (i) they purport to be signed in the manner required by AA 153(3) (g) (h), and (ii) they purport to refer to (a) solderest baving the same number, rank, name and comps as the accused. Admitted in evidence and marked Ex 2 and Ex 1 respectively. (2)

[In MB 255 or MB 294. 2 MSM 5. 1 RF 44, KR Can 558. If shows documents out produced, one RF 46 (n. 1)

[In MB 255 or MB 294. 2 MSM 5. 1 RF 44, KR Can 558. If shows documents out produced, one RF 46 (n. 1)

E4. The President eater that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to confirmation, will not be announced, but will be promulgated later, and the ort are accordingly terminated.(1) proceedings in open court are so (). As \$4(6), RF (2004).)

E5. The Court considers the sentence.(1) The President records the sentence in Part I of the Schedule, which

255. The Court considers the sentence.(\*) The President records the sentence in Part I of the Schedulin is distent and signord by him send the date is entertied.

In distent and signord by him send to previous as #7.11 (5). One sentence only, comprised of the purchament or purchament in the sentence of the sentence of the purchament of the last point. In the sentence of the sentence of the last point. In the sentence of the sentence of the last point. In the sentence of the last point as the last point as the last point of the last point. In the sentence of the last point. In the sentence of the last point point point. In the sentence of the last point point point. In the sentence of the last point point. In the sentence of the sentence of the last point point. In the sentence of th

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#### CHARGE SHEET

The accused, No. B-113787 Private Dennis John EXNER, Royal Canadian Ordnance Corps, on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Canadian Army Overseas, is charged with:

FIRST CHARGE SECTION 18 (4) ARMY ACT

"WHILE ON ACTIVE SERVICE, STEALING PROPERTY OF A PERSON SUBJECT TO MILITARY LAW"

in that he

At No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, Bordon, Hants, at approximately 1115 hours on 11 September 1944, stole (600) six hundred cigarettes, the property of No. D-21433 Private Standish, J., Royal Canadian Ordnance Corps, on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a person subject to military law.

SECOND CHARGE SECTION AC ARMY ACT

"WHILE ON ACTIVE SERVICE, CONDUCT TO THE PREJUDICE OF GOOD ORDER AND MILITARY DISCIPLINE"

in that he

At No. 1 Canadian Ordnance and Mechanical Engineers Beinforcement Unit, Bordon, Hants, on 11 September 1944 was improperly in possession of a Service Book, Part I, the property of No. D-21433 Frivate Standish, J., Royal Canadian Ordnance Corps, on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit.

Bordon, Hants, 14 Sep 44.

(H. Hamer) Lt.-Colonel, A/Commanding Officer, No. 1 Cdn Ord & Mech Engr Eft Unit.

To be tried by Field General Court Martial,

Commender Group, Can Rft Units. Brigadier,

Bordon, Hants, 18 Sep 44.

### FIELD GENERAL COURT-MARTIAL

CFA95 (In Hen of AFAS) 40/P&S/1697 (2008)

(Whether the accused to be tried is under his comd or not, a FGCM may an application to him be convened by any offs of Cdn Army Overseas, or of any other force if authorized in law, in immediate comd of troops on active service, subject to RF 105(C) and restrictions imposed by appropriate authy, A 49, 50, RF 104-107, 114. As to the duties and privileges of the Convening Offs in dealing with the application see MML Chap V paras 20 and 23, RF 87(B).

Thus, should be a service for a convening Offs in dealing with the application see MML Chap V paras 20 and 23, RF 87(B).

RP 87(8).

There should be a separate Convening Order for each person to be tried separately by the same Court. RP 71(C), 109. As to separate charge sheets see RP 62, and as to separate trial on charges in the same charge sheet see RP 108. As to two or more accused charged jointly see RP 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appint, A/ronk or A/appint, if any, see AA 182, 183, fins, KR Can 308, 328, 330.)

#### ACCUSED.

Number. (a) Prmnt R. (b) Appint, A/R or A/Appint. Full Christian Names. Surname. Unit

1 COMERU Dennis John EXNER Pte B-113787

#### CONVENING ORDER.

And whereas I am of opinion that it is not practicable that such offence(s) should be tried by an ordin 

3. I hereby convene a Field General Court-Martial to try the said person(20, and to consist of the Offrs appointed or detailed hereunder.

I RECORDED BY SERBER AND RECORDED BY ALLES AND ALLES AND ARREST ARREST AND ARREST AND ARREST ARREST AND ARREST ARR (AA 49, RF 106(B), 107(A). Delete the whole or part, if not applicable.)

D.L. REDMAN, V.D. Lt-Col (Must be named. RP 106.) (Rank.) MEMBERS. 1 CARU J.H. Mitchell Captain 1 CARU B. Beaugrand-Champagne Lieutenant (Unit.) (Named or detailed. RP 106.) (Rank.) WAITING MEMBER. (Cinic) (Named ar detailed, if any. RF 106.) JUDGE-ADVOCATE. (Most be named, if any. AF 104.)

On Active Service in the Fd.

ENGLAND (Country.) 18 Sep 44

good personally. AP (05 fm 2.) "C" Group, Gdn Rft Units.

Brigadier (Appl.)

Convening Officer.

CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

(See averied for acths and notes for use on trial.)



# MEDICAL OFFICER'S CERTIFICATE KR(Can) para 557

I certify that I have this morning examined No. B-113787 Private Dennis John EXNER of No. 1 C.C.M.E.R.U. and in my opinion he is \_\_\_\_\_\_ to undergo trial by Court Martial.

(cross out one N/A and initial)

Station:

Date:

No; 1 C.O.M.E.R.U. Medical Officer R.C.A.M.G. B.115787

Fte

D. ..

1 COMERU

On Sep 11 I rose around noon as I'm a welder on the night shift, Sir. There were cig slips laying on Fte Standish's bed and for some unknown reason I can't account for I took the slips along with his service book which was also lying on his bed. I went to the Fost Office cashing in the cig slips and signing a receipt car for same. After leaving the F.O. I realized what I'd done and went right back to our own camp louisburg South and immediately took sters to return the cigs. - was unable to centect Fte Standish until after supper as he was working at the shop at the time, so I get in touch with Fte Anderson telling him that I had go myself into a jam and explained what I'd done and also that I intended to see the Sjt-Maj and tell him the story and asked Fte Anderson if he would set hold of Standish for me and also return the cigs for me. We brought atandish down to the S.M's quarters and I told Standish or that I had done and that the gigs were requarters and I told Standish of what I had done and that the clas were returned intact. Standish then left and I waited for the S.M. who came along shortly after. I explained to the Sit-Majexactly what I had done and told him also that I edmitted the same story to Pte Standish and had returned the cigs. That is all, Sir, and after that the S.M. escorted me to the Guard Room. I might say here that the 28 days dtn there in my orime sheet was in May 43 at Camp Barriefield for striking a NRMA Corporal who made certain remarks which I didn't think I should take so I just struck him.

IN THE OPINION OF THE COURT IT IS UNDECESSARY TO COUPLY WITH RP 85(B).

B.21453 Pte STANDISH, J., 1 COMERU, having been duly sworn, states:

Is the accused a pel of yours? Yes, he is, Sir, and still is a friend of mine, I call him

That state were the sign in when returned to you?

Not onened, Sir.

What do the fellows in your but think of the accused? They've a very good opinion of hin, Sir, he is more or

less the life of the hut.

If you had a sum of money would you leave it with Standish? Yes, I would, Sir.

IN THE OPINION OF THE COURT IT IS UNNECESSARY TO COMPLY WITH HE AS(B).

D.182817 A/OSN (WO II) WAIKER, F., 1 COMMENU, having been duly sworn, states:

The accused has been in my Coy about 10 weeks, Sir, and in that time his conduct has been very good. Fte Standish came to the following morning after this incident, to see if he could get Pte first off in any way and the charge quashed, but I told him it was too late. (Y)

NO CROSS-MIANTEATION

IN THE OPINION OF THE COURT IT IS UNKECESSARY TO COMPLY WITH RP 63(8).

#### "PLEA OF MITIGATION"

#### B-113878 PRIVATE EXNER, L.D.

The accused admits that in a moment of weakness he secured digarettes belonging to his room mate but immediately on realising his foolishness returned them to their rightful owner. Unfortunately in the a rmy the distinct barrier between honesty and dishonesty has been broken down and many things are done in the army with the knowledge of higher ups, which in civilian life would be frowned on, in fact called down right dishonest. Many times as another rank have I heard officers of fairly high rank make the statement that it is not a crime to break an army statement that it is not a crime to break an army rule or regulation, it is only in getting caught. I mention this because scrounging, which according to the dictionary means "to appropriate" is a common army practice which is followed by most of us, and yet the majority of us are honest and would not think of stealing or even condoning it by others.

The accused is a man of good character having had no previous convictions in civil or military life. He is married and has a little girl one year old. To brand him a thief and criminal for the rest of his days due to one foolish act done on impulse and not premediated, would be injustice not only to him but to him wife and little child. his wife and little child.

The witnesses for the prosecution, CSM Welker, Ptc. Anderson and Ptc. Standish have given evidence as to the character of the accused, and to the high regard held for him by his room mates. The accused was in private business with a partner, both of whom gave up their business in order to join H.M. Forces for Over-Seas service. His record to date has been good and I therefore make a strong plea that his one lapse from responsibility should not be allowed to ruin his future, and brand him for the rest of his days as a thisf and a criminal. At present he is a citizen Canada can be proud of - let him remain one.

Milleton of defend.

Officer defende to defend.

From 12. Earner.

#### SUMMARY OF EVIDENCE

Summary of Evidence in the case of No. B-113787 Private Dennis John EXNER, R.C.O.C. on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Canadian Army Overseas.

By direction of the Commanding Officer the Summary of Evidence is taken on cath.

for the PROSECUTION

No. M-16238 Corporal Conney A.O. (R.C.E.M.E.) on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, having been duly sworn states:-

I am N.C.O. in charge of the Unit Post Office at Martinique Barracks, No. 1 C.C.M.E.R.U. At approximately 1115 hours 11 September 194 4 whilst on duty, Private E.W. Robinson also on duty in the post office, approached me and asked me if he should give two parcels, each containing 300 eigerettes to a soldier who claimed he was Private Standish J. as Private Robinson did not recognize him as such. I did not recognize the soldier as Private Standish, but as the regulations state that parcels will be released on signature when the proper service book is produced, I granted authority for the release of the cigarettes. When the soldier, whom I now recognize as the accused, left the post office with the cigarettes, examined with Private Robinson, the percel receipt card of Private Standish, on which signatures are obtained for receipt of all parcels. I noticed that the signatures made by the accused were not identical to those made for previous receipts. Private Robinson reported to me that he had ascertained from Corporal Whyte F.G. who was present at the time; that the soldier who obtained the cigarettes was not Private Standish. I then reported the matter to Administration Wing Orderly Room and to the Regimental Police. At approximately 1315 hours 11 September 1944, Private E.W. Robinson and I went to No. 2 Company Orderly Room and company CSM Walker. We told him the circumstances and asked to see Private J. Standish. When Private Standish arrived, he was asked if he had recently received any digarettes. Private Standish said, "No, I haven't received any for two or three weeks". He was then asked for his service book. He said he had it in his jacket pocket in his hut. I produced the parcel receipt card and asked him if those were his signatures. He said, "No, these two are not my signatures" (pointing to the last two on the card). CSM Walker, Private Robinson, Corporal Whyte and myself went with Private Standish to his hut. He then produced his service book which I recognized as the one used when the cigarettes were issued. When the hut orderly was questioned whether anyone had been in the but during the morning he said the man in the bed bearing Private KKNER'S name had been in during the morning. His description corresponded with that of the man who secured the cigarettes. produce the Parcel Signature Card (marked exhibit 'A') which are kept in the Unit Post Office for the purpose of obtaining receipts for parcels belonging to No. D-21433 Private Standish J.

The accused declines to cross examine this witness.

Cal Corney a.o.

W

Second Witness for the PROSECUTION

No. C-94446 Private Robinson E.W. (R.C.O.C.) on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Canadian Army Overseas, having been duly sworn states:-

I am employed at the Unit Post Office, Martinique Barracks, No. 1 C.O.M.E.R.U. At approximately 1115 hours 11 September 1944 a soldier, whom I now recognize as the accused, produced a service book in the name of, D-21433 Private Standish J. demanding a parcel of 300 cigarettes. At the time there were two parcels awaiting Private Standish. I did not recognize the accused as Private Standish, whom I knew previously but thought it possible that there were two soldiers within the unit bearing the same name. I checked the Parcel Receipt Cards, but only found one under the name of J. Standish. I told Corporal Gooney, N.C.O. i/c Unit Post Office of the circumstances, who after checking the Service Book Part I, released the percels and obtained signatures from the accused on Private J. Standish's Parcel Receipt Card. Corporal Whyte F.G. who was present in the post office said, "The man was not Private Standish", or words to that effect. At approximately 1315 hours 11 September 1944, I went with Corporal Cooney to No. 2 Company Office and saw GSM Walker. He was asked if there were a Private Standish J. D-21455 in his company. We told CSM Walker the circumstances regarding the cigarettes. He then had Private Standish paraded to us. Private Standish was asked whether he had drawn any cigarettes that day, and was also asked for his service book. He said that he had not drawn any cigarettes and that his service book was in his tunic in his hut. Corporal Cooney produced Private Standish's Parcel Receipt Card and asked him if the last two signatures were his. He replied that they were not. Corporal Cooney, Corporal Whyte and myself went with Private Standish to his hut, where he produced his service book, which I recognized as the one produced at the post office by the accused.

The accused declines to cross examine this witness.

Bolisa & W PH

Third Witness for the PROSECUTION No. C-98438 Corporal Whyte F.G. (R.C.C.C.) on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Canadian Army Overseas, having been duly sworn states:-

I was present in the Unit Post Office, Martinique Barracks, No. 1 C.O.M.E.R.U. at approximately 1115 hours 11 September 1944. A soldier employed in the Post Office, whom I now know as Private Robinson W.E. asked me if I knew the soldier who had just left the Post Office. I said that I did know him as 'Gurly' but did not know his surname. Private Robinson then asked me if the mans name was Standish. I told him I did not think so.

The accused declines to cross examine this witness.

Ly Myte Gol

Fourth Witness for the PROSECUTION No. D-122617 A/GSM Walker F. (R.C.C.C.) on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Canadian Army Overseas, having been duly sworn states:-

at South Louisburg Barracks. At approximately 1315 hours at South Louisburg Barracks. At approximately 1315 hours all September 1944, Corporal Cooney and Private Robinson of the Unit Post Office and a member of the Regimental Police approached me and asked if there was a No. D-21433 Private Standish J. on my company strength. I ascertained that there was. When told of the circumstances regarding the cigarettes, I had Private Standish paraded to me. Private Standish was asked if he had his Service Book Part I. Frivate Standish was then asked if he had secured any percels of cigarettes from the unit post office that day. Private Standish stated that he had not. The Percel Receipt Card for Private Standish was then shown to him. He stated that the two signatures in question on the card were not his. About 1715 hours Private anderson (R.C.C.C) on the strength of No. 1 Company, approached me on the square and told me that Private EXNER D.J. whom I now recognize as the accused, wished to see me, at my quarters. I saw Private EXNER, who said that he had got himself into a lot of trouble by obtaining some cigarettes from the post office belonging to Private Standish illegally. I asked him where the cigarettes were. He said, "I put them back on Private Standish's bed and have seen Standish about this".

I placed the accused under close arrest and escorted him to the guard room.

The accused declines to cross examine this witness.

Libler CSM

MY

Fifth Witness for the PROSECUTION

No. H-21092 Private Anderson R.R. (R.WO.C) on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Canadian Army Overseas, having been duly sworn states:-

I was in my hut about 1700 hours 11 September 1944, when Private EXNER, whom I now recognize as the accused, called me outside and told me that he was in trouble regarding cigarettes, and wanted me to see the Sgt-Major. He gave me the cigarettes, asking me to put them on Private Standish's bed, and to have Standish see him by the Sergeants Quarters. I got Private Standish to go with me to see Private EXNER. Private EXNER then told Standish what he had done and asked him, "What should I do now" 7 or words to that effect.

I went to the square and seen C.W. Walker telling him that Private EXNER wished to see him. When I seem the Sgt/Major with Private EXNER, who was alone, I returned to my hut.

The accused declines to cross examine this witness.

R. R. G. Agreen

for the PROSECUTION

No. D-21433 Private Standish J. (R.C.O.C.) on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Canadian Army Overseas, having been duly sworn states:-

about 1315 hours 11 September 1944, I was paraded to CSM Walker, who asked me if I had my paybook and how long ago I had received any cigarettes. I told him that my paybook was in my tunic pocket in my hut, and that it was roughly three weeks since I last received any cigarettes. I went to my hut and secured my paybook Part I, and showed it to the Sgt-Major. Accompanied by CSM Walker, Private Robinson and a Corporal from the post office and Corporal Whyte F.G. I returned to my hut, and while there Corporal whyte said that he thought that it was the owner of a kit bag in the nut, which had since been identified as Private EXNEE, that signed for the cigarettes.

At approximately 1715 hours, Private Anderson R.R. seen me at the kitchen and told me that he had put some cigarettes on my bed, which had been given to him by Private EXNER and that Private EXNER wanted to see me. I went with Private Anderson to the Sergeants quarters where I saw Private EXNER He told me that he had returned the cigarettes and had decided to see CAM Welker. I returned to my hut and found the cigarettes, the parcels intact. I placed them in my kit bag and let the matter rest.

kit bag and let the matter rest.

The accused declines to cross examine this witness.

Ste J. Handrik

The accused was cautioned as follows:- "Do you wish to make any statement, or to give evidence on oath ?"

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

The accused declines to make a statement and reserves his defence.

. Devering ......

I certify that the foregoing Summary of Evidence, consisting of (5) five pages was taken down, by me in the presence and hearing of the accused and that Rules of Procedure 4 (c),(d), (e) and (f) have been complied with.

Bordon Hants, 14 September 1944. (N.W. Nedwed) Lieutenant Officer Detailed to take Summary of Evidence

EXA

In the case of No. B-113787 Private Dennis John EXNER, Royal Canadian Ordnance Corps, on the strength of No. 1 Canadian Ordnance and Mechanical Engineers Reinforcement Unit, a soldier of the Canadian Army Overseas.

I hereby request that the Convening Officer appoint an Officer to represent me at my forthcoming Court Martial.

Bordon Hents, September 1944 Denn & Come

I hereby acknowledge that I have received a true copy of the Summary of Evidence taken at South Louisburg, preliminary to my Sourt Martial and I further acknowledge receipt of a copy of the Charge Sheet under which I am being brought to Court Martial.

Bordon Hants, 14 September 1944

#### SUMMARY OF EVIDENCE IN THE CASE

### B-113787 Private Dennis John EXNER

#### R.C.O.C.

### NO. I CANADIAN ORINANCE & MECHANICAL ENGINEER REINFORCEMENT UNIT

#### LIST OF VITNESSES

FOR THE PROSECUTION

Cooney, A. O. No. 1 C.O.M.E.R.U.

Robinson, E. W. No. 1 C.O.M.E.R.U. Pte.

€D-122617 A/CSM Walker, F.

FOR THE DEFENCE

NIL

LIST OF EXHIBITS (A) Fercel Seceipt Card.

(H. Hamer) Lt. -Colonel

A/Commanding Officer, Ho. 1 Cdn Ord & Mech Engr Rft Unit

KAMERTA" STANDISH J. 300-1000 TOB. 10/4/44 F+5.1144 300 =1

### Statement as to Character and Particulars of Service of Accused.

(For Use at Trials by Field General Courts-Martial only).

Number.	Rank.	45 46000	***************************************		
B-113787	Pte	Dennis John EXNER	No.1	. C.O.M.E.R.	U.
NOTE The Fleid ontuct Sheet is to be reduced in Gourt weith his statement but is soot	1. T	The following is a fair and true summary coused, exclusive of convictions by a cou	y of the entrie	s in the Field Condu civil court :—	ict Sheet
his statement but is not a horizontal to the pro- sedings. The numbers with stated about dozens		For A.A. Sec 40		5	times
out with the number of		For A.A. Sec 15(1)		3	times
not Short, promains now obly given to the proper stous oftence in each play. If the charge to for		For			times
thout leave, the entrees of stronger		For			times
s the case mak be, elected a stated separately. Asky completed secretal acts of	Date of	first entry in Field Conduct Sheet	25 Ap	r11 1943	
alliantay or distinguished couldn't received on Tre- outs Confort Stoot etumadi to be inserted bear.		last entry in Field Conduct Sheet	26 Ap	ril 1944	
		Previous convictions of the accused by a schedule overleaf.	a court martis	il or a civil court ar	e set ou
Strike og! H. seet appliestie.		His named groups great time is under	sentence for	W.	
		The acedsed has been awaiting trial on t	the present che	arged tor NI	Lu
	days in	ivil custody; and for 8	0	in military custo days in close ar	
	which	NI he days were spent in he The present age of the accused is III	ospital.	6	
		The date of his attestation	By	3 June 194	2
	7.	The service which the accused is allowed	01	3 Jaim 43	2
State the ordinary descriptions (if war)		The accused is in possession of: C.V.	.S.M.		
pol ly somet.	9.	If the account in a morrow officer of of	A) The are	med has seroed cont	وتسدينها
	methoral	and not transport of the first the same of the first transport to the first transport transport to the first transport transport transport to the first transport	N/A	Date of P	romotion
	-0	In the substantive rank of			
F	+ 10	In the war substantive rank of	N/A		
L	WZ	In the acting rank of	N/A		
	17	INSTRUCTION — If any matter in a from the regimental	ing of the ubor books the fore	or paragraphic cannot ograph must be struct	be state

## SCHEDULE OF CONVICTIONS BY A COURT-MARTIAL OR CIVIL COURT.

Description of Court by which tried.	Date and Place of Trial.	Charges upon which convicted.	Sentence of the Court	Punishment resulted or sentence suspended,
N/A	N/A	N/A	N/A	N/A Th

I HEREBY CERTIFY that the foregoing particulars, which have been extracted from the regimental books in my custody, are correct to the beat

my a September 1944 De

of my knowledge and belief.

Signed this 19

 Nd	Date of last en	try in		No.	Eqn. Battery, or Company and date at drunk	CorpsR.C.O.		Date of enlistment Sheet Noone	June GC Badges 4 Signature OC Company, etc.		y Pay   \$1.50 <sup>3</sup>	
	Place	Date of officere	Bank	Cases of drinken- ness		OFFENCE		Names of Witnesses	Punishment awanted	Date of award or of respect distrem- sive with trial	By whom awarded	d Eemseke
A21 CC Barrie	octc efield	5-5	Pte		(Prejudice to Mil. Disc.)	good order and			28 days Detn.	25-5-43		Forfeits 28 days pay. Sec.40 Army
		'							Copy M.F.M.			Act. Grante 4 days remi
						f	or (	A.E. Duncans	Lieut. Aest. con) Colonel 21 C.O.C.T.C			ence,
		1943 31 Dec			AWL from 1200 0600 hrs. 3 J	hre. 31 Dec 43 an 44 (2 Dys 18	to Hrs)		7 Days C.B.	3 Jan Au	IRVINE	C.Forfeits 3 Days Pay FR&I JCI

Place	Date of officer	Bank	Cases of drunken-	OFFENCE	Names of Witnesses		Date of award or		
Barriefield	1944	Pte	,	Teglect to the anglest-		Punishment awarded	of ceder dispen- sing with trial	By whom awarded	Remarks
Ont.	30 Jar		1	reglect to the prejudice,etc., reglect of night fireman duties recessitating a replacement.	Cpl.Rogers J.R.	5 days C.B.	1 Feb 1944	J.C.Irvine	Forfeits 1 days pay FR&I JCI
BARRIEFIEL	D CAMP	FEE							7.002
***							G,F, 8	tollook.	RHV Lt.
Barriefield Ont	1944 16 Apr		A	N.V.L. from 2200 hrs.16 Apr. 44	Cpl.Hutchine	on 5 days C.B.	No.3	District D	Sminist, Officer
Barriefield	1944 26 Ap	Pte			Bgt. Schultz A.	21 days detn	9 Key 44		JABR Forfeits 13
				Castain and Adjutant Officer having custody of Origin				2	E FWN

52-118 com Eyre C. H.	Heyatile DN Ply	AGSA

69 M PLEYRE C.H.

Army Form A.3.

Form for Assembly and Proceedings of Field General Court Martial on Active Service.

# PROCEEDINGS.

On Active Service, this August

, 1942 .

Whereas it appears to me, the undersigned, an officer in

Command of R.C.A.S.C. 1 Canadian Corps

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court 

I hereby convene a Field Genera' Court Martial to try the said persons, and to consist of the Officers hereunder named.

MINKAPPAN SKRUDNESKENKE

\*(I. Three Officers to form the Court.)

A Field Officer as President.)

Three Officers having more than one year's

for the following reasons, namely :-- ]

President.

Name

Rank Major

Regiment 63 Cdn Gen Tpt Coy

H.G. Sheppard

Regiment.

Captain

1 Cdn C.T. Amn Coy 42 Cdn Gen Tpt Coy

Lieutenant

#### SCHEDULE.

Number, Rank (a), Name and Unit of Accused (b)	Offence charged	*Plea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (d)
B.60663	1st Charge	Tuilty	Fielts	
Private	Sec, 15(1) A.A.			1 confirm the
Eyre, C.H.	2nd Charge	molt	Smilty	I confirm the
Corps Tps Sup	Sec.15(1) A.A.			Went tommen
	3rd Charge			the sentence
	Sec. 15(1) A.A.			detention.
				0.
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			P19 4	
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			ATT	
			12 eld	

Question to be asked of accused, if he pixeds not goolity (R. of P. yg (A)):—
"Do you wish to apply for an adjournment on the ground that any of the rules relating to procedurabeline trial have not been complete with, and that you have been prejudiced chereby, or on the glound that you have not but sufficient opportunity for preparing your defence?"

(F.B. Shields), Colonel

Community R.C.A.S.C. 1 Odn. Corps. Consuming Officer (e)

(a) Appointment acting cash or acting appointment, if any, to be stated in brackets after the abstantive rank.

(b) Unless unavoidable, not more than three names are to be entered on one form, and in serious cases one only.

(6) It is not necessary that the Confirming Officer should sign his name in this column. Initials are aufficient (6) Must be signed by the some Officer who signs on the first page, and all alterations in the first two columns at the Schedule to be unitialled by hom.

I certify that the above Court assembled on the day of the Schedule, and that the plea, finding, and sentence in the case proceedings. of each such person were as stated in the third and fourth columns of that Schedule. I. The members of the Court 2. The witnesses \*is- The interpreter) applicable \*(4 The officers under instruction) were duly sworn. President of the Court Martial. I certify that the terms of \*A.C.I. 570 of 1918 have been (b) on page yes complied with. day of I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what Continuous I have there stated, I hereby confirm the above findings and \*/I direct that the soldier named in the margin be Promulgated and extracts taken in the case of Commanding Cdn. C.T. Sup. Coy. Promulgated and extracts taken in the case of Promulgated and extracts taken in the case of

(Signed)

(a) When several cases are promulgated in one unit on the same day the Officer

need only sign once.

STREET WILL ADDRESS AND THE P. Mr. St. Sec. Sec.

# CHARGE SHEET The accused, B.60663 Pte. EYRE, Charles Henry, 1st Can Corps Troops Supply Coy (33 Coy) RCASC, a soldier of the Can Army Overseas, is charged with, when on active service:-WHEN ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE First Charge A.A.Sec. 15 (1) in that he absented himself without leave from his unit from 0800 hrs. 11 May 42 until apprehended by C.M.P. at Oxford at 1230 hrs. 24 Jul 42, Absent: - 75 days, 4 hrs., 30 mins, WHEN ON ACTIVE SERVICE, ABBENTING HIMSELF WITHOUT LEAVE Second Charge A. A. Sec. 15 (1) in that he when in arrest at Oxford absented himself at 0635 when in arrest at Oxion Assented his at 1330 hrs. 16 hrs. 27 Jul 42 until apprehended at 1330 hrs. 16 Aug 42, thereby incurring cost in his apprehension in the sum of 11 shillings and two-pence. Absent: 23 days, 7 hrs. Third Charge WHEN ON ACTIVE SERVICE, ABSENTING HIMSELF A.A. Sec. 15 (1) WITHOUT LEAVE in that he absented himself from his Unit when in arrest from 0400 hrs. 22 Aug 42 until he surrendered at 1830 hrs. 22 Aug 42. Absent:- 14 hrs. 30 mins. un mous (G.E. Simmons) Major Comd. C.T. SUP COY Field To be tried by Field General Court Martial, 26 Aug 42 (P.R. Shields), Colonel, D.D.S.T. 1 Cdn. Corps. Field. 27 Aug 42

THIS IS TO GERTIFY THAT I HAVE EXAMINED THE UNDER MENTIONED O.H. AND FIND HIM FIT TO UNDERGO TRIAL

8.80863 Pte. syre, C.H.



Ter Daniell tup ... Medical Officer

Summary of Findence ce. Corp. Froops Supply Cay (53 Cay) R.C. Q.S. C. By direction of the Common officer, the rummany of evidence is tolen on oath. First witness BPL775 Cpc. Parfitt, A, I can Chatho Sup Con prosecution being may aware states as follows: I am order room clark at the of I can ope The Tup lay. A produce herewith - Certified true copy of declaration " Court of beging Exhibit "B" evilipiet in accordance with 197 - certificate furrest. Ethilit 'c' - cost of apprehension Whilein's - control apprehension. These so seement upply to the a could whom of now meagings because beelines to cross of a mine s white Seand interes Sgt. Teake, T., Corps & promentor Williamy Police, Oxford. durtify that owing to chequier of the service, including expense + loss of time involved, the attendance of this witness common the moving procure of The a second Boxs not demand his present for crowa ropy of his and the make the tacker of the opt

Third witness proceeding

Jope. archer, g., 159 4.0. Pro.

Cay. C. 11. P. Deford.

the service, including expenses of loss of time involved, the attendance of this initial contract of the attendance of this initial contract of the according procured. The account does not be accorded to the cross of the according to the contract of the cross of the contract of the cross of the contract of the contra

provention Can. Cps. Tps, Sup Coy, R. C. a. S. C.

Hoo his want to 1808 how wany 12.

We had two prisoners to grand, one

of whom was The Egre, whom I

want recognize at 0400 hrs

22 hug 41 of discovered that the

prisoner had enabled the matter

to the orderly regrand.

8 M. Burnisky

K 29158 Tope Hacken, R.H. -Tifthe welness 1st Ro. Cps. 7/0. Sup. By., R. P. D. S. C. proceetio. being duly sworn, skler :--The acoused, Pte Equ, whom I now recognize, surrendered to me in Gondon 18 20 har 22 day 42. I placed the account in open werest and brought him bock to the unit. accused Racling to cross afo of H. MacLean. accused loving been stely wound in accordance with R. P. V(e) decline to make a state and as bring endered Certified that of t. K (c) (d) (e) + 19 were complied with in the taking of the seen Wheeler of 26 ang 47. africe a tailed to too Janisener.

in a ce andones arred Statement of a with R. P. 12(B). I wish to have an officer as ug ned By the convening offices to represent me at my trial. If formitte of moned where Caps. W. A. Haffermon, 1st Ca. Co. Co. 1ps. dup. Pag. gue . 2 610663 860663, Pt Egu. O. H intern oper for top any R.C. S. S. E.

M. K. 38 B. Complied with. This charge. - Suich These true comp builty because amos is Charge abut enque by he (morden) Treated on me man day amoun. account has not where to promone of come have as more guinered Defending affect of Capt. With the flower Sup. Cong. From the of the of the war & account in hough They he seems. Lount whater tud as per. B. R. 106. James are list lope the count. - Conserved or our , charge where or Com F aver notes as per H. F. H. S. 28 Garg 42. ALLE OX 1 Ch. Op. 54 . Sup. Cay (33 Ca) R.C.C. S.C J & 60663 JE 6yu, C. H. Trombings of it it is a col

Trent, S. K. Tonday, aly. 1 con co 7/20. Sup. Con submitted 11.5-11.6 a H.F.B. 296 under oath. The Equ. deate to give endence under oath. Swom: I joined out, R. I ank, Sept 39. I for speed to V. R. C. Transferred to R. C. G. S. C. 124, Marrielin and 1940. Tutin for seven days' leave. Vidn't set it so diest ment, another felow a regard, went to stefficed autoreholy Theyed with relations There 18 days Rest of the time just houselling. Horenson for the absences. The other man was older than myself. The except in Oxford was his do The next 18 days we were in from the unit we come back becomes, me heart opt so Cumikey of the quard was in houble.

- 3 -

Court closes to consider sintence:

28 aug 42.

Hashy - I major

No. B. 60663		re C.		or Company f	Long Service	Tank . Date of } 10	,	Sheet No		
Company Conduct	Date of offence	Rank	Cases of Divaria-	Offence	and G.C. Pay I	Punishment Awarded		By whom awarded	Semarks	
Oshawa	1/11/3	9 Pte		Sec. 15(1) A.W.L. from 2200 hrs 7/11/39 to 0750 hrs 8/11	L/Cpl Feeri L/C Ryan MMS Baart J	s 3 days CB.	8/11/39	A.L. Tos land Medor	Forf. 1 pay.	days
Oshawa	16/5/	40 Pte		Sec.15(1) A. W.L.from 0830 hr 10/5/40 to 2330 hrs 23/5/40 7 days 13 hrs	B L/C Romger L/C Clarks	Awarded 14 day	25/5/40	Z.Farson Lt./col	Forf. 8	dayı
Oshawa	29/6/	WO Pte		3ec 15(1) A.V.L. from 2200 hrs 29 /6/40 to 2000 hrs 30/6/40 Absent 22 hrs 1 min.		7 days C.B.	1/7/40	A.L.Toaland	pay.	days
Espanola	19/7/	40 Pt		1202.13 Ard 1 379953 ng barrack	epinslans,	168 brs Detention	0945 lys 26/7/40	A.LTOSLAND		

Wt. thus (no. 1000,0) Place	Date of		Cases of Dryok		Offence		Sames of Witnesses	Punishment Aw	arded.	Date of award or of spiles disposition with spins	By whom awarded	Remarks	•
Camp Bordon	23/84	) Pte		40 to 0325	om 0100 hrs 23/ hrs 23/8/40.2	/8/ I	Ocumentary Set McNeill	7 days C.B		1630 hrs 23/8/40	G.F.R. Fitzsimon		
mp Bordon ont.	23/87	Pte		26 min A.W.L. fro to 2330 hr 18 days 30	m 2200 hrs 23/8 s 10/9/40 Absen mins	1/400 it 8	gt McNeill	12/9/40 14 days C. with pack	В.		A.L. Tosland Major	19 days pa; under P&A Res.	
1												28 days pay Sec 46/2/6	under

28 days 30 mins

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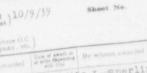
Montreal Que. 15/12/RFN AWL from 0900 hrs 15/12/40 CERTIFIED TRUE COLY to 0900 hrs 5/1/41 CERTIFIED TRUE COLY AMUNICATE COLY

# SUPPLEMENTARY

AMENIAS BY Link

			SUPPLEME	ENTARY		Date of 10//
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•	NaB. 60663 Name EX	re C.H.	date 1 G.C. 1	and G.C.	-	sment Awarded
	Date of last entry in Company Conduct Sheet)		(1) Williams		of Williams Pinner	ays F.P.
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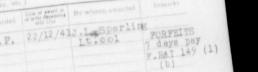


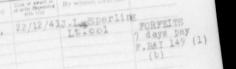


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F.P.	22/12/41J.L.S Lt. 0	01 7	CORFEITS days pay	
		7	.RAI 149	(7)
			(b)	





EYER C.H. Gin C.T. BUP COY (33 Coy) BCAS

## Statement as to Character and Particulars of Service of Accused. Regiment (or as the case may be).

Number.

Rank.

в, 60663	Pte,		G, H,				
Anat shortst of the	owing is a fair and true su e accused, exclusive of cou and of cases in which tria	relations by a court		ental and vil court,	aquadren, ba of summary a		ny cam- stion 47
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Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused.

No. 8, 50663 Rank Pts Name Kyrs C.R. of C. T. SUP COX Regiment (or as the case may be).

(INSTRUCTION - A scriptim estrail from the rig in sold books, stating these consults as and deep marties with trial, must be instruct.)

Description of sense by a tech triad, or states of older dispenses of the charge or dispenses with trial	Thate and place of real, or summary mand sinder A.A. 47, or of order disputating with tree!	Changes upon which consected, or in respect of which trial was disponent with	Sections of the court or authority disposing of the charge. or ends, of the disposing authority.	Punishment recutted
		NIL.		

I HEREBY CERTIFY that the torogonic schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody. Signed Unis 27 day of August, 1942

COUNTER NUMBER 5 68178

HOUR
OPERATOR'S INITIALS
SELIEVING OPERATOR

PAR-79 YTE EYRE R

\*

1/				
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Contened by Ord	and Brig G S	W Gostling	Comd "A"	P CRU 20 Jun 44
		ACC	JSED.	dated
(As to the	ne trial of two or more char	ged jointly see RP 16, 7	1, 109. As to reasons for a	thowing (a) permonent or confirmed
Number. (a) I	rant R. (b) Appmt,	A/R or A/Amount	fns, KR Can 308, 328, 330.)	
C12262 P	te	aryar ar aryappana	Full Christian Nat	nes. Surname. Unit. FYRE Remort 6 CIRU CI
PROCEEDINGS RE	shell wa		S OF TRIAL	
BEXIEWING OFFIC		PROCEEDING	OF TRIAL.	
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RECOF	RD FORM A-O	PENING PRO	CEEDINGS AND	ARRAIGNMENT.
				ler instr. if any, assemble, and the
		to terroughput it on p a.		OR APPLICABLE AND INITIALIED all relevant from hith. For guidance . A brief resent of such variation rean. See host of Convening Order, after called "Notes", As to general
The Court is satisf		convened and com		Charge Sheet(i) attached thereto.(1)
(1. As to	ase of Summary of Eridenc	r sen BP 17 fn 60 2.	AA 49, 50, RP 105-107.	3. RP 11-13, 23, 24.)
A3. The Com	rt is opened. The acc	meed is (week brough	it before the Court.	At 12/0 hours trial commences,
The Propositor on summarily by the d	3042)	79	A accused is (fire) fit to the tried by court in es KR Can 563(c). Delete.	o undergo trial by court-martial (*) artial instead of being dealt with
	to accused a Do y	on object to		
The Interpretor is a	(worn 0) Do you obi	set to		horthand writer t. Ans
A6. The Com-		on of the Decide	and Members of the	Court are read to the accessed (*) my of the Members of the Court #
Aus NO g				
(), RF 110.	2. If no objection, waits	ng, member retires. AP	$\delta\delta(b)$ . If objection, see pro-	ocedure AA 51, AF 25, 71, 18, MML p 742.)
A7. The President ranks, names and u	ident, Members, #A/4 nits of the offrs compr	Actions and Pathern		sworn.(1) The following are the
President	MAJOR	P H	LAMBERT	6 CIRU
Member	Capt	D	sabare	60190
Member	Lt	I.d.	Stenney	LURY
iting Member	Capt	5.11	Caithness	(cies
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Defending Offr	10		ration	41/42
Questions by Presid	ont - Is the December			
(f. AP 28, 27, 1 (2- If Pess a law A8. The access	rer and Def Off and arms and C12262 Pto 1	DEE, Robert	ed imporately with proceeds ourtained when EF BP (B) a * herform (	ing Office lawyer t. Acta. M. (19) ings for influencies of Cow. Offic.) ind fo 2 were out fillmed. Ing. Dt. p. 2.3 istralignment make(i) god. (a.) pleas
(I. If a sp. (KP 34, 25(A), by one of several endance. If any and special endance of stee	ectial piece is made for uspore (172), or in her of tool accusaed charged jumity to a and finding on incurded a maximum angling the piec.)	the trial on one or more (RP 36), or on to or or trial aeparcular (RP 14 to the trial aeparcular (RP 14 to the trial aeparcular) (RP 14 fortes of	charges (NP 42(E), 1000), or a sumed's mental filteness to 71), such pleat the addresse record see references in fina	19-30 the paradiction of the Court Milled trial (AFT), NF ST), or strong in support or operate, the to Balf clark. Insert in AB name
A9. The accuss not object to any ch pleatin Part I of th	od is (A) arraigned a urge (*) There is no a o Scheedule	mental the sale and	wer to use charge She	shreet.(1) The assumed does has the
Ministri) see 33	THC), and use separate on	2. When more than as ties of CF ABS to record	e Charge Shret see RP 62 ; Josciellings 2. RP 32.	when several account to be trial

## INSTRUCTIONS ON PROCEDURE AFTER ARRAIGNMENT

- 1. The accused may not plead or be found Guilty on more than one of two or more charges laid in the alternative (RP 37(A)). As to withdrawal of alternative charges by Prosecutor see RP 35(C). No other charge cur be withdrawan for any reason without authy from Convexing Offe, If Convening Offe concurs, Court may accept plea of Guilty to lesser, for any reason without authy from Convexing Offe, If Convening Offe concurs, Court may accept plea of Guilty to lesser, for any reason without authy from Convexing Offe, If Convening Offe Court and accept plea of Guilty during trial. (RP 38.) As so refusing etc. offence. (RP 44(H).) Accused may change a plea of Not Guilty to Guilty during trial. (RP 38.) As so refusing etc. offence.
- The proceedings on each charge sheet (RP 62) after arraignment will be conducted as follows in the respective circumstances stated :
  - 1. If pleas to all charges are GUILTY, use Record Form B below.
  - II. If pleas to all charges are NOT GUILTY, use Record Form D on p 3.
  - III. If pleas to some charges are GUILTY and to other charges are NOT GUILTY and,
    - (a) Such mixed pleas occur when there are no alternative charges in the Charge Sheet, use Record Form C below. (RP 37(A).)
    - (b) Such mixed pleas occur in a set of two or more charges laid in the alternative, see RP 37 (A) and fn 2 as to discretion of Court, (i) b by the occused on all such alternative charges as if he had pleasted Not Guilly thereto, or, (ii) to record the pleas as the findings of Court. After deciding between (i) and (iii). Court will proceed under foregoing insits as may be appropriate to result of its decision. See MM L p 744 Instra (2).
  - 3. As to responsibility of Freezident to occured are RP 50, 60(C); powers and duties of JA see RP 103; duty of Prosecutor as RP 90(A) (B); histy and privileges of secured and Defending Offer see RP 90(C), 87(C), 91, 92; succuring and arithmetical functional see RP 80, 87(C), 92(B), and of scilingses and arithmetical functions by Court, etc., see RP 75.79, 86, 110; see of Summary of Evidence at Trial see RP 17(E) In 6; and responsibility of JA or Pres to record proceedings see RP 94, 96.

# RECORD FORM B-PROCEEDINGS ON PLEAS OF GUILTY TO ALL CHARGES.

- B1. The Bresident or Job. If any, complies with BP 35(B) by explaining to the accused the nature are meaning of the charge(\$\vec{\psi}\$), and that on his piec of Guilty there will be no regular trial but merely a consideration of the sentence to be awarded after he has been given an opportunity to make a statement in reference to the charge(\$\vec{\psi}\$) call witnesses as to character and make an address in mitigation of punishment. (\*)

  (1. RF 15 fc 3. 2. MML p 34 per 47.)
- B21 President to accused: The Court will now receive any statement you desire to make in reference to the B2. President to accused: The Court will now receive any statement you desire to make in reference to the charge A(!). If it appears from your statement that there are circumstances which infinite that your do not understand the effect of the plea of Guilty(\*), or which show provocation or extensuation in respect of which is your interest than the effect of the plea of Guilty(\*), or which show provocation or extensuation in respect of which is your interest the witnesse for the Prosecution should be examined(\*), we shall advise you to change your plea to Non Guilty. In the witnesse for the Prosecution should be examined(\*), we shall advise you for the appears to the Court that your statement in evidence against you after you change your plea. If, however, it appears to the down that your glees and you affects only the smoont of purnishuscent to which you are liable, you will not be advised to change your plea and you affects only the smoont of purnishuscent to which you are liable, you will not be advised to change your plea and you affects only the smoont of purnishuscent to which you are liable, you will not be advised to change your plea and you affects only the smoont of purnishuscent to which you are liable, you will not be advised to change your plea and you
  - President to accused: Dec your wish to make a statement † Ans. ACC.

    (1. 89 27cb), 2. 89 37(D) fo 5. 3. 89 25(B) fo 5 perc 3, MML p 54 perc 47. 4. See perc E3 of Pacced Form E.

    5. Sutement, flows, recorded per Fears.)
- month(). The Court decides (not) to advise accused to change his B2. The Court considers the accused's state \_change(s) his (thoir) plans(s) are changed in different. Delete while or pure not used.)
- On the charge(r) to which the please of Guilty is (and not changed the President records finding(s) of Guilty in Part I of the Schedule (\*)

  Guilty in Part I of the Schedule (\*)

  H ary plea(s) is (see) charged, we keem! form C or D as appropriate)
  - B5. The Summary of Evidence is marked Exf<sup>2/2</sup>, imitalled and read aloud by the President (\*)

    (i) if there is no Summary, or if it is independed comply with SP IV(E). If there is not evidence incommittees with may pine studied in Gally. Cases will independ on occased to change such pine and, if changed to Not Gally, by such charged: its use of pure OI to D8 includes of Rectand form D on p 3. SP IV(D).
  - B6. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E on  $\nu$  3.

## RECORD FORM C-PROCEEDINGS ON MIXED PLEAS OF GUILTY AND NOT GUILTY.

- sed plended NOT GULLTY the trial is continued by using paras Dt to D8 Cl. As to the charges can which accused pleaded NOT GUIL naive of Record Form D can p 3 before proceeding with C 2.(1) (1. 89 27(8) (Cs.)
- C2. The charges on which accused pleaded GUILTY are read to him (them) again, and the trial is continued by using paras B1 to B5 of Baccord Form E above. ()

  () Under 55 and such social soly of the Seminary of Ecologics are med at Sessions to the charges dealt with under C2. If one piec is charged to hid Guille, to hid pleasant present is completing with pures \$2 and on the charge of the charge are appropriate record thermol on a separate steric.)
- sed having been found Guilty on one or more of the charges, the proceedings are con-3. The account I

#### CHARGE SHEET

The accused, No C-12262, Private Robert EYRE, of the Camedian Infantry Corps, on the strength of NO 6 Canadian Infantry Reinforcement Unit, a soldier of the Canadian Army Overseas, is charged with:

FIRST CHARGE SECTION 15 (1) ARMY ACT WHILST ON ACTIVE SERVICE, ABSENTING HIMSELF WITHOUT LEAVE,

in that he,

in the Field, did absent himself without leave from 2230 hours on the 13th day of May, 1944, until 2230 hours on the 2nd day of June, 1944. (Total absence: 20 days)

> (W.E. MIRGAN), Col Commender

6 Odn Inf Rft Unit

In the Field 17 Jun 44

To be tried by Field General Court Martial.

"A" Gp Cdn Rft Units

20 Jun 44

M.

# FIELD GENERAL COURT-MARTIAL

(Whether the accused to be tried is under his camed or not, a FGCM may on application to him be convened by any offr of Cdn Army Overseat, or AA 49, 50, RF 104-107, 114. As to the duties and privileges of the Convening Offr in dealing with the application is membered by appropriate author.

There should be a separate Convening Order for each person to be tried separately by the same Court. RF 71(C), 107. As to separate charge sheets are RF 61, and as to separate trial on charges in the same charge sheet see RF 108. As to two or more accused charged jointly see RF 16, 109.

As to reasons for showing (a) permanent or confirmed rank, and (b) appint. Airank or Ajappint, if any, see AA 162, 183, fis, KR Can 306, 328, 330.)

### ACCUSED.

Number. (a) Prmnt R. (b) Appint, A/R or A/Appint. Full Christian Names. Surname. Robert EYRE 6 CIRU CIC

## CONVENING ORDER.

- Whereas complaint has been made to me, the undersigned, that the person

  named above as the accused, date | date |
- And whereas I am of opinion that it is not practicable that such offence 

   — should be tried by an ordinary General (Delete pert in brackets when not required for compliance with he is 105(C).)
- I hereby convene a Field General Court-Martial to try the said personor, and to consist of the Offra appointed
- TEXT I MECHENIST TO APPAIN TO APPAIN TO THE COLOR TO THE COLOR TO THE OBS AN IDENTICAL FOR the bendered I have

(AA 49, RF 105(B), 10T(A). Delete the whole or part, if not applicable.)

One, I also appoint as dudiped discounte therees the Offe mentioned becomes:

(AP 106(E) Delste, if non-oppointed.)

## PRESIDENT

PH (Must be named. RP 106.) MEMBERS. to be detailed by OC 6 CIRU WAITING MEMBER. to be detailed by CC 6 CIRU (Nomed or detailed, if any. AF 106.) ZATEREZ DEOKATE On Active Service in the Fd RF 105 fo 2) 20 Jun 44 Gostling) (Sans.)

Commanding "A" Gp Cdn Bit Units CAC CONVENING OFFR WILL INITIAL ALL DELETIONS AND ALTERATIONS

4/38ACPAGE OF PERSON AND (See oraries) for soons and notes for use an origin

Medical Officers: Vertificate K. R. (Can) para 557/20062 I dertify that I have this morning examined so: Ple Eyren

of 6 C I R.U. mand in my opinion he is rit

triel by Court Mertial.

Date June 72-1944

Station

Keep in touch with the folks at home" M22 June 4. CANADIAN FORCES Heryne R. CIARGO . C. I.RUC.19 her reads Charge Sheet " dec Quad "Suity" Pres! De you wish to wrake statement con acc. yer on Def 8: no set ( answered for acc) She Dayon wish in make My 8, the of magition by experience of soldwers alleady than 21/2 years in the field there fore it is safe to forcelude that at 19 years of age the solder saw fit to four the army or to fight for he country When the Supp. Br. where weemstitute as M. J. Br. a flest member Within stronges was returned

to it I well that gons came. Plo Cyrie, Ever some that time he has done nothing but Luced to get mid safe for his unit Twice he had completely trepared bemand for the field land both times he havrebured The aux. That he was off the the late a middle them the after having been so

## In the case of No C-12262, Private Robert SYRE, of the Canadian Infantry Corps, on the strength of No 6 Canadian Infantry Reinforcement Unit, a soldier of the By direction of the Commending Officer, this Summary of Evidence is taken on Ocht. Canadian Army Overseas. girst Witness C-20836, Pte STEWART W.O., Cdn Inf Corps, on the strength of No 6 CIMI., having At 2230 hrs 13 May 44, I was in charge of but 44 No 1 Camp, 6 CIMU. I call'the been duly sworn, states as follows: At 2250 hrs 13 May 44, I was in charge or hit 44 No 1 Camp, 6 Cimi. I call the roll and the accused, whom I now recognise, did not answered his name and was not present in the but. I placed his mans on the absences report. for the Prosecution The accused declines to cross-exemine this witness

Second witness Lt B.P. MIE, Can inf Corps, on the strength of So 6 CIRU., having been duly for the

I hereby produce a certified true copy of Daily Orders Part II (6 CIRI) No 133 i nereby produce a certified true copy of welly druers Part II to GIRT BE 180 4/5 Jun 44 purporting to be signed by the Adjutant of 8 GIRT, Cept L.G.A. Berette. This document relating to the accused Pte Eyre R is attached to the Bum-Prosecution mary of Evidence and marked Exhibit "A".

The accused is then contioned as follows: "Do you wish to make a statement of to give svi ence on Oath? You are not obliged to say anything or to give any evidence whiless you wish to do so, but whatever you may say or any evidence you may give will be taken down in writing and may be used in evidence".

The accused declines to make a statement and reserves his defence,

I certify that the Foregoing Summery of Evidence, commissions of one page, was taken down he me in presence end hearing of the accused and that rules of procedure 4 (C), (D), (F) and (G) have been duly complied at th. A moren with officer detailed to take the Summary of Evidence.

In the Field 18 Fun 44

THIS ORDER 6 CAMADIAN INFAMTRY REINFORCEMENT UNIT LAST ORDER NO 133 DAILY ORDERS PART II NO 132 5 Jun 44 COLONEL W. M. MCRG'N. O. R. E. , M. C. , OFFICER COMM'NTING 4 Jun 44

SECTION "B" OTHER RANKS

17. ABSENT WITHOUT LEAVE

17-B A.W.L. from 2230 hrs 13 mey 44. Ret et 2230 hrs 2 jun 44.

C-12262 Eyre R.

Signed: R. Leverdure (R. Leverdure) A/Copt for Adjutent 6 odn Inf Rft Unit

Certified true copy al boutto

(LIG. A. BARRIER) Copt

(C H of O(MG)

Adjutant

6 cds Inf Ret Unit

or Continuty  Period not reckonling towards  of Continuty  Precion from extra fine  turns  OPFENCE  OP	The state of the s	Saladay of order	S dys c. 3.	THE RESERVE OF THE RE	(12 hrs. 51 mi) (2 mo) (12 hrs. 51 mi) (2 mo) (2 mo	A.Je(J)A. A.Je(J	1	Plaid 7 thr 48 Pto  Plaid 8 B Day 48 Pto  Plaid 8 B Day 48 Pto	plots and
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Piner	Date of offence	Bank	Cases of drunken-	OPPENCE	Names of Witnesses	Punishment awarded	Date of award or of order disper- sing with trial	By whom awarded	Remarks	
Teld 86	dec	E Pto		14.18(1)A%L fr 3359 hrs 24 dec 18 1111	Mat. McMillon				Ford 1 day	
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# Statement as to Character and Particulars of Service of Accused.

Number,	Rank	S ding					
18268	Drivete	nobert TYPE	Canadian Infantry Some.				
		true summary of the entries in t	the regimental and squadron by	attery or company con-			
1. The folio	owing is a fair and	true summary of the entries in	ial or a civil court of summary	swards under section 47			
ct sheets? of the	accused, exclusiv	e of convictions by a court mart	and or a civil court, to summing				
the Army Act,	and of cases in wh	ich trial has been dispensed with					
ya Ah o tinal by feld asserse commo		* Within last 12	months	*Since Enlistment			
may be complied from the model core		- Within that 18					
mentioned should be	For	A. J. All. (1) AND	7 times	10times.			
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Market separately and	( sp) Hines	re are no entries in the conduct o	danila ari dan memoria P				
Rated.							
3. The acr	cased is not under	sentence of the present time, a	- The accord at the present or	no so market sentence in			
		(Magazina on the	day (#)				
		and the second s	e present charges for A	il no			
4. The nor	cased has been in o	confinement, awaiting trial on the		19			
in civil custody.	xed 19	days in military ou	stody, making a rotal of				
	vil	days were spent in hospital.					
of which		( Par	Gen.				
5. The pr	esent age of the a	consed according to his attestation	on paper				
	ON.	an an	Coult				
6 The da	ite of the attestati	specified in bis attestation pa	aper is 10 Apr 41				
7 The se	express which the ac-	cosed is allowed to reckon toward	ds discharge or transfer to the re	ornia A ora 1955 d			
		to deterred pay or granterly in re	spect of S. yang 300 dye	Jack Vid. D.			
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PLANNE SELLIN	45/146 120/69 5/61	a.5.E.W.Lot. Gp.488					

Schedule of Convictions by a Court Martial or Civil Court, of summary awards under Section 47 of the Army Act and of cases in which trial has been dispensed with of accused, of Gas and Gas a Regiment (or as the case may be) No S-12262 Rank Selvets Name Source work HNSTRUCTION - A verbation extract from the regimental books, stating these convictions and dispensations with trial, must be inserted.) Sentence of the court Description of court by which | Date and place of trial, or or authority disposing of the charge, Charges upon which convicted, or in respect of which tried or status of summary award under owner disposing of A.A. 47, or of order disposing order of the dispensing authority trul was dispensed with the charge or day pensing with trial I HEREBY CERTIFY that the foregoing schedule of convictions and dispensations with trial is a true extract from the regimental books in my custody. Signed this 22 day of June 44 officer bester custom of metatural documents.

22 Jun 1944 Officers under instructions xilit. a. Cyr First: mal Huel

1. I acknowledge that I have been served with a copy of the Summery of Wyldoneo teken prior to my triel by Court-Mertiel. I further acknowledge that I have been served with a true copy of the charge (a) upon which I am being brought to triel by C". 2. I dosire the services of an officer to represent me at my tried by CM. I request the services of: It Watson, Can Int Coms, No 6 CIRU. if he is eveilable.

In the Field 17thday of June 1944. 1130 hrs

0-12262 Pte Myre R CE, No 6 Can Inf Rft Unit.

LIST OF MXHIBITS In the case of No C-12962, Private Robert MyRE, of the Canadian Infantry Corps, on the strength of No 5 Canadian Infantry Reinforcement Unit, a soldier of the cenedis n Army overseas.

Exhibit "A": Copy of Daily Part II orders (6 CIRU)

In the Field 17 Jun 44

my gunty

In the case of No C-12262, Private Robert EYRE, of the Canadian Infantry Comps, on the strength of No 6 Canadian Infantry Reinforcement Unit, a soldier of the Canadian Army Overseas.

Prosecution

C-20836, Pte Stewart W.G., Cdn Inf Corps, on the strength of No 6 CIRU.

Lt B.P. Elie, dan Inf Comps, on the strength of No S CIRU.

Defence

Nil

In the Field 17 Jun 44

## RECORD FORM D-PROCEEDINGS ON PLEAS OF NOT GUILTY TO ALL CHARGES.

- DI. President to accused: Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity to prepare your defence ? Ans.

  (1. H "res", see RP 39(A) for procedure. Statement or evidence, if any, is recorded per Notes.)
  - The Prospection makes (an) (no) opening address.(1) (1) Re 39(b), 60(A) (B), 90, 92(C) (D). Record address per Notes, subject to RP 95(C).)
  - The evidence for the Prosecution is taken.(1) Da. 79(C), 114, KR Can 555. Record evidence per Notes. As to Prosecutor giving evidence himself see RP 39(D) (E).)
- D4. The Prosecution is closed.(1) The Defending Offr submits that the evidence for the Prosecution does not establish a prima facie base against the accused on the energe (s). The Court is closed, and considers the aubmission (s). The Court is re-opened, and the President announces that the submission .charge(s).(\*) The Court ...eharge(s), and allowed on the is disallowed on the. charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Guilty on
- charge(s), and that, accordingly, the trial will proceed on the former, but the accused is (are) found Not Gui the latter charge(s). (\*)

  (1. Delete remainder of this pers, if submission not made.

  2. Arguments an submission, answer and reply are recorded per Notes.

  3. 89 40 fo 1. See MML p. 72 pares 12-14 and p. 81 pare 42.

  4. Delete part not used. If accused acquitted as all chargest use second alternative in play G8.)

  No. If trial proceeds, occured must be diamed great latitude in making his defence, and the Court should not stop his defence solely an ground of irrelevance. (RP 60(C), 114, 115.)
- D5. President to accused: You will now preceed with your defence (1) You may, if you wish, give evidence yourself on oath as to the facts or your character by both, in which case you will be subject to cross-examination. (?)
  You may, however, make a statement without by by sworn, and you will not be subject to cross-examination. (?)
  But a statement which could have been made on oath will not carry with the Court the same weight as sworn testimony. (\*)
  You may call witnesses in your defense and as to character, whether you give evidence or make a statement or do

President to accused: Do you wish to give evidence you'relf as a witness, make a statement, or do neither ! ...... Do you kntend to call witnesses on your behalf ! Are they witnesses as to character only 1 Ans.
(1. RP 175. 2. RP 40(A), see BO(D). 2. RP 40 fo 10. 4. RP 40 fee 2. 9.)

- D6. Consequent on the answers recorded in para D5 the appropriate procedure for the defence is followed.(\*)

  (1. RF 114, 115, 116. For procedure see Notes on bock of Covering Order, CK, AFS. Evidence for accused as an box cherocater should, if in his lotteral, be given before the finding. See RF 46(A) fs 1, 86(C). Note the further opportunity is pour E1 of Record Form E. Record
- D7. The Court is closed to consider the finding(s).(1) The finding(s) of the Caurt is (are) recorded in Part I of the Schedule.(2) The Court is re-opened.
  (1 RP 43, 117(8) See Notes in Fart 1 of Schedule. 2. RP 44(8).)
- D8. The President amounces the finding(s), if any, of Not Guilty, and states to the acquised that the finding(s)
- D9. The accused having been found Guilty on one or more of the charges, the proceedings are concluded by using Record Form E below.

## RECORD FORM E-PROCEEDINGS ON CONVICTION BEFORE SENTENCE.

- E1. President to accused: Do you wish to give evidence yourself or to call any witnesses as to your character 1(\*) NU
- esidence has already been given by accused up his witnesses as to his character, delete this para. AP 37(C) fn 4, 40 fn 1 witnesses are swin. Endence recording for Notes.)
- E2. The Prosecutor produces Statement(s) as to Character and Particulars of Service(1), and certified true copy (copies) of Conduct Shoeths(\*), purporting to refer to the accused, which is submits to the Defending Offr for examination, and then to the Court for admission in evidence. The Court is satisfied that these documents refer to the accused, because if they purport to be signed in the manner required by AA 163(1) (g) (h), and (ii) they purport to refer to (a) soldiering liaving the same number, rank, name and corps as the accused. Admitted an evidence and
- marked Ex IM2 and Ex IMACL respectively (\*) (1. MFE 201 or MFE 204 or MFE 204 . 2. MFM 6. 2. RP 66, KR Con 558. H above documents not produced, see SF 66 50 1
- E3. President to accused: Do you wish to address the Court on the Statement(s) and Conduct Sheet(s), and in milligation of purisolment 1(1). And ICS.

  (I. RP 331C), 46(D).

  2. Advisor, if any, recorded per Notes. Court should permit account or his witnesses to prove an earth anything lock or previously stated which would affect the process of purishment. RP 33(9) (b) (1)
- E4. The Fresident states that the Court is closed to consider the sentence, and that the sentence to be awarded by the Court, being subject to conformation, will not be announced, but will be promulgated later, and the proceedings in open court are accordingly terminated. (1) AA 54(6), AF (30(A))
- E.S. This Court considers the applicates (1). The President records the sentence in Part I of the Solvedule, which is dated until signed by him and the M.A. of Shy (2).

  (1). When several occased tried appearanty see NP 71 (D). One sentence only, conditioned of the punishment is parameterized to the several distinguist of the punishment in parameters and A4 (4), 44 and in present is to be assured in case all thergus in all there is the several former golder, NP A8 A to sentences in A4 (4), 28, 22, 24 (4-5), 97, 118, 118, 82 (6), 20, 20, 20, 343-346, Orenon 80, 309, 2322, MAM, p. 65, 753-319. As a sentence suggest for cool effective to the law of Logical and A4 (4), MAR, g. 782. When accusing a discontinuous and A4 (4), MAR, g. 782. As a constant from containing Office one KR Can 347. As to exceeding only secure after trial see matrix on back of Consuming Orders.)

## SCHEDULE.

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

Charge.	Plea.	Finding.	
(Insert " alternative " where applicable.)	(See Instra p 2.)	(See note below.)	(Space for use as required for further charges, accused charged jointly, special findings, etc.)
. AA Bec 15(1)	Excelly	July	
nd bn	-		
rd			
th			
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and the same		COLUMN AA SA AP 44	(indings on alternative charges see MML p 483 fn 4 pane 2. RP 44 ; RF 44 fn 6.)
The semilar and the seminar of the s	peing served, ar deie valting present t fo 2. Information sh	risl-a total of	ee RP 46(A). Information should be found on MP 8255 or AF 8276.)  / P. days, of which III. days were specif in hospital.( 355 or AF 8276 admitted in evidence under EZ.)  Livery T. A. C.
Judge Advoc	is any. (See back of Co	evening Order as to o	ent 4 (8gd) It sambet hay provident (89 43, 50) by annotes on supposed of record ofter visits)  ATION RESERVED. (AS 545), 85 1205, MON. 5 760.)
Judg-Afron	(See back of Co	evening Order as to o	country and disposal of record after trial.)
Judge Advoc	(See back of Co	ERE CONFIRM	ATION RESERVED. (AA 54(5), RF 120(F), MANU. p 760.)  Communiting
PART II.  PART III.  Where duties and pose cardinostice and control co	(Sgd)  DECISION O  era see At 54 57. Ri mont be revised. At most be revised. At MAR p 65. Gu	F CONFIRMIN F CONFIRMIN F JUDI In 6.484/h; Sounding beek a: An 137, MML pt Authority bearing beek at the second poet for the Authority of the second poet for	ATION RESERVED. (AA 54(5), RF 125(F), MARIL 9 760.)
PART III.  The dates and post confirmed story and confirmed story and confirmed story from the STA, #5	(Sgd)  DECISION O  SET SEE AS SET SET SEE SET SEE AS SET SEE SET SET	F CONFIRMIN  F CONFIRMIN  F JULY 16 4-64(4), 5 5-64(3), 5-66(4), 5-66(4), 5-66(4)  Southing offers becoming back  in As 137, MML of the southing offers becoming to be the southing offers becoming the southing the s	Commanding  G OFFR ON FINDING(S) AND SENTENCE.  See 120, MMR 50 755-761, KR Can 507-577, Accounted margin on fooding or sentence for received by Court: As 54(3), MP 120(5). MP 120(6). MP
PART III.  Date  PART III.  One delies and post confirmation and con met confirmed, decon promogenors. Programs on the Confirmation of the Confirm	(Sgrd)  DECISION O  ers see AS SA ST. As cooled from the revised - AS  ST. As for all st. St. As for all see Conference Office of the Conference O	F CONFIRMIN  F CONFIRMIN  F JULY 16 4-64(4), 5 5-64(3), 5-66(4), 5-66(4), 5-66(4)  Southing offers becoming back  in As 137, MML of the southing offers becoming to be the southing offers becoming the southing the s	Commanding  G OFFR ON FINDING(S) AND SENTENCE.  -Se. 120. MMK 50 755-761. KR Can 507-572. Accounts maybe an feeling or sustained for revision by Court: AA 54(3). AP 120(G). AP

9. L Ple Egend 9 -

Army Form A.3.

## Form for Assembly and Proceedings of Field General Court Martial on Active Service.

## PROCEEDINGS.

On Active Service, this

August

Whereas it appears to me, the undersigned, an officer in Command of CANADIAN BASE UNITS, CDN ARMY

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court NEWSONS ENGLISHED STANKING STA

I bereby convene a Field General Court Martial to try the said persons, and to consist of the Officers hereunder named.

\* Gmit id net applicable

## \* A CHECKEN WHICH WAS CHECKED

\*(1 ORKEO CHREEK KREAKER (YDEK KKEREN)

\*(3. TREE MOCK OF THE STREET S s2000004

KONDON CONTROLLANDO VICENDO CONTROL

Regiment

Captain

Lieutement

Lieutement

R.S. Hallett

No.1 Cdn Arty Hldg Unit

O.A. Dodson No.2 Cdn Arty Hldg Unit P.W. Chipsewick No.2 Cdn Arty Hldg Unit

H.S. Daykin

Signed And Llam Erigadier

Commanding Con Bose Units, Con Army. Convening Officer.

\* Question to be asked of accussed, if he pleads not guilty (R. of P. 39 (A)):—
Do you wish to apply for an adjournment on the ground that any of the raise relating to prioridize before true have not been completed with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your deletics?

Answer to be recorded on reparate short if necessary):—

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive stack.

(b) Unless unavordable, not more than three names, are to be entered on one form, and in serious

(a) Recommendation to mercy, if any, to be inserted in this column.

(4) It is not mecessary that the Confirming Other should sign his name in this column. Initials are sufficient (c) Must be signed by the same Officer who signs on the first page, and all alterations in the first two volumes of the Schedule to be initialled by fam.

I certify that the above Court assembled on the 6th day of August, 1941 and duly tried the persons named in Geruficate of the Schedule, and that the plea, finding, and sentence in the case proceedings.

B.

	of each such person of that Schedule.	n were as	stated in the th	ird and fourt	h columns	
* Omit if not pplicable		The men The witz The max	nbers of the Connesses opening Gour ers under instru	t Stenogra	pher	
	Signed this	6th	RA	August Hallett	my:	
* See footbule 3) on page 70x 6.56 L. 15009.	Legatify that complied with:	the term	of AAGA of	90 01 1918	have been	COM
			Permiton	e of the Court	Martin	

I have dealt with the findings and sentences in the manner stated in the last column of the Schedule, and, subject to what contempos I have there stated, I hereby confirm the above findings and

\*il direct that the soldier named in the margin be not com-

1041 Confirming Officer.

Brigadier

A. 3784 - Pre EXEARS JH Promolgated and extracts taken in the case of 13 As 6. 41 Promulgated and extracts taken in the case of

(Dated)			(Signod)	
Promulgated	and extracts tal	ken in the cas	e of	

(a) When several cases are promulgated in one unit on the same day the Officer need only sign once.

## SHEET CHARGE

The accused, A.3784 - Pte. EZEARD, Joseph, Hugh, Royal Canadian Regiment, attached to the Canadian Training School, a soldier of the Canadian Army (Overseas) is charged with, when on active service.

Absenting himself without leave

in that he

at Bordon, Hants., on the 20 June, 1941, at 1200 hrs., absented himself from his unit, failing to report back from Privilege Leave, such Privilege Leave casing at that time and on that date and remained so absent until that time and on the pedice, N.C., Police and L/Cpl. apprehended by Cpl. Pedice in the Dundse Road, Perth, apprehended by Cpl. Pedice in the Dundse Road, there wilson, J.W., C.M. Police in the Scotland, at about 1145 hours on 25 July 1941, the Scotland, at about 1145 hours on 25 July 1941, at 1200 hrs. Scotland, at about 1145 hours on 25 July 1941, the expenses for transportation and escorts the amount of three pound nineteen shilling and eight to the amount of three pound nineteen shilling and eight pence (£3.19.8).

Losing by neglect certain items of Losing by neglect certain items of his equipment, clothing, regimental necessaries to the total value of five pound, seven shilling and three pence (f5.7.3.)

in that he

on the 29 July, 1941 was unable to produce the following articles valued as shown:

on the 29 July, 1941 was articles valued as show	ni"	Price		Tota	
SLCIA-	quantity		۵	£ 5	d
Article			6	1 2	6
Battle Dress, Trousers Boots, ankle, prs. Braces, prs. Brasses, button Brushes, boot polishing cleth Caps, comforter Comb, hair Gloves, woollen Enife, clasp and lanyard Knife, table Sooks, prs. Erushes, cotton, Eyn Shorts, prawers, cellular, short	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 2 1 2 1 2 1 1 2 2 1 1 2 2	6 6 2 1 2 5 8 2 11 10 10 10 11 6 11 1 2 2 2 2 8 8 2 11 10 10 11 1 2 2 2 2 8 8 8 2 11 10 10 11 10 10		2123821121121212121212121212121212121212

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Frees, bayonet Tins, mess Bayonet, scabbard Sheets, ground Capes, A/G

12000 2002

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22022 -

12000

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10

Lt. Gol., L.S.H., (RC), anadian Training School. Commendant,

To be tried by Field General Court Martial

APP Court Martial

(F.R. Fhelen)Brigadier

Commending Cdn Base Units.

Bordon, Hente This 5th day of Aug 41.

A-3764, Pte. Ezeard, J.H., Canadian Training School, tried by Field General Court-Martial at Bordon, Hante., on the 6th day of August, 1941.

The order convening the Court, the charge-sheet, summary of evidence and medical certificate are laid before the Court.

Prosecutor - Cept. E.C. Peckham Defending Officer - Lieut. J. Payener

At 1000 hours the Trial commences.

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

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

A1 - No, olr.

The President and members are duly sworn.

- Do you object to M-15577 S/Sgt. Stanley Fidler, The Edmonton Regiment, H.Q., C.B.U., acting as Court Stenographer?
- No, eir.

The Court Stenographer is duly sworn.

The charge-sheet is signed by the President and annexed to the proceedings.

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

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

- Guilty, sir. - Are you guilty or not guilty of the second charge against you, which you have heard read?

A4 - Guilty, sir.

R.P. 35(B) is complied with by the Court.

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

- No, sir. - Do you wish to give evidence yourself or to call any witnesses as to

charactery - Mo, Fir.

Capt. E.C. Peckham, Canadian Training School, is duly eworn.

- Have you any evidence to produce as to the character and porticulars of service of the accused?

- Yes, sir, A.F.B. 296 and M.P.M. 6. - Is the accused the person nexed in the statement which you have heard read?

Yes, sir.

- Have you compared the contents of the above statement with the regimen-tal books?

- Yes, sir.

- Are they true extracts from the regimental books, and is the statement of entries in the conduct sheets a fair and true summery of those entries?

Alo - Yes, sir.

The accused declines to cross-examine,

- Do you wish to aldress the Court?
- (Derending Officer) His character, as far as I know, has been beyond reproach until this recent escapade. To the best of my knowledge his manduct has been quite good and I would ask that this fact he donsidered by the Court.

The Court is closed for the consideration of the sentence.

Par

## MEDICAL OFFICER'S CERTIFICATE.

I certify that No. A.3784 - Pte. Ezeard, J. H., Canadian Training School, is fit to undergo trial by Court-Martial. & animal ang 6/4,

Signatury of Medical OMPIPAR

Bordon, Hants. 6 Aug. 1941.

cost.

STOCKRY OF EVIDENCE

In the Case of No. A.3784 - Pte. Ezeard, J. H. taken before Lieut. W.A. Murray, Canadian Taken under oath by order of taken before Lieut. W.A. Murray, Canadian Training School, Taken under oath by order of the Commanding Officer.

lat Witness

D. 76764 A/Sgt. Bunault, A. having been sworn states;

Sir:.

School. I am the Sergeant of the Officers, Mess, Canadian Training Leave. No June 13th Ptc. Exerrd, J.H., proceeded on his Training fact to Major Buell to report back at twelve mundred hourself. The Mess president. This was duly published

(Hunault, A.) A/SEt.

The accused declines to question the Witness

E.17085 C.G.H.S. Stowart, R.L. having been sworn states:

The day after the absence of A.3764 Pte. Exercision in the other officers, Mess and checked his kit in the reported and they amounted to the officers of a compile a list of thee recommence of the analysis of the recommendation of the compile a list of the recommence of deficiencies ordered to check a the 25th July after the copies of this second list of the sum of this second list of the sum of this second list of deficiencies.

The accused declines to question the Fitness. Exhibit "A"

PODUMENTARY EVIDENCE - As listed below was read by socused

avidence by C.Q.M.S. Stewart, H.L.

is, C.M. Army Form B.252. Charge with evidence of Opl. Peden, J. C.M.P. Perth, Scotland and corroboration by L.C.D. Peden, J. Colice. exth. Scotland. Also signature of 1.0. Opristie,

Christie, Receipt for Pto, Ezeard, J. H. stating he was sober by

Pto. Covering letter re APB 252 for A.5698 Pto. George, E. and

Expense account for escort and journey from Forth to

1 00

## SUMMARY OF EVIDENCE

In the Case of No. A.3784 - Pte. Ezeard, J.H. taken before Lieut. W.A.Murray, Canadian Training School. Taken under oath by order of the Commanding Officer.

#### 1st Witness

# D.76764 A/Sgt. Munault, A. having been sworn states:-

I am the Sergeant of the Officers' Mess, Canadian Training School. On June 13th Pte. Ezeard, J.H. proceeded on his privilege leave. He was supposed to report back at twelve hundred hours June 20th; He failed to report back at such time, I reported the fact to Hajor Buell, the Hess President. This was duly published in Daily Orders Part II of this Unit.

del amount

The accused declines to question the Witness

### End Witness

# E.17025 C.Q.M.S. Stewart, R.L. Daving been sworn states;-

The day after the absence of A.3784 Pte. Ezeard, J.H. was reported I went to the Officers' Mess and checked his kit in the room where he lived. Later I was ordered to compile a list of these deficiencies ne lives, later I was ordered to complie a list of these dericlencies and they amounted to the sum of £85/8/5. On the 29th July after the, Exeards return I was ordered to check again and complied this fresh list of deficiencies (Exhibit A) amounting to the sum of £5/7/3. Here are certified true copies of this second list of deficiencies.

ACSE/Bluvart

The accused declines to question the Witness.

DOGUMENTARY EVIDENCE - as listed below was read by accused

Certified copy of deficiencies of kit mentioned in Exhibit "A"

evidence by C.Q.M.S. Stewart, R.L. Army Form B. 252. Charge with evidence of Cpl. Feden, & Exhibit "B"

Craig, C.M.F., Perth, Scotland and corroboration by L/Cpl. Wilson, James, G. C.M.P., Perth, Scotland, Also signature of F.C. Capistie, Parth City Folice.

Receipt for Fte. Escard, J. H. stating he was sober by Exhibit "C" P.C. Obristie.

Covering letter re APE 282 for A.5698 Ptc. George, B. and A.3784 Ptc. Exempd, J.H. from D.A.F.H. Bouth Highland Area.

Expense account for excort and journey from Perto to Exhibit "E" 1840 Bordon amounting to £3/19/8.

The accused after being cautioned in accordance with R.P. 4 (E) declines to make a statement.

Taken down by me at Havannah Barracks, Bordon, Hants., this thirtieth day of July, 1941 in the presence of the accused. Rule of Procedure 4 complied with.

(W.A.Murray) Lieut., Canadian Training School.

PSE

IN THE CASE OF STATEMENT OF EVIDENCE No. 43784 PTE EZGARO, J. H. CANADIAN TRAINING ScHool, BORDOM. HANTS. "at PERTH, on 23th July, 1941, at about 11.45 hrs. I was on duty in the Dunoce Road where I sow the afor roldier con ashing him to produce his paro , he informed me that he said not have one and that he was absent. I apprehended him and conducted him to the en Police BILLETS where I obtained his factionlaws, later taking from to the Civil Police STATION where I handed him over to the OFFICEA 1/2 to be detained . gering lede ge PERTH 24/1/41 Bed of have read over and constrovate the above statement Agames www. V le m 4204 be 44/7/15

Exhibit Army Form B 252 CHARGE ther King's Regulationer SAMOOL Regiment Battery Squadron . Troop or Company CHARGE against No. A 3784 Name EZEMAD, J.H. Place Beanon Date of Offence OFFENCE Whilst on asteris Service Clasest from 200 In Vientel apprehended by the MILITARY Police; in the DUNDEE ROAD, PERTH, at about 11 45 km. 23 m July, 1941. It days 20 his 45 mins CPL J. CRAIG PEDEN C.M. Police Signature of O.C. Brittery Squadron Trop or Company Stuar Hofutors
Pumishment Lemanded & 6.0. 29/1/41 C.17. Parax Awarded TO A.P.M. HIGHLAND AREA. T.O.

## CANADIAN TRAINING SCHOOL

Bordon Camp, 1 Aug. 41.

List of witnesses in the case of No. A 3784, Pte. Ezeard, Joseph, Hugh, R.C.R.

No. D 76764 A/Sgt. Hunault, A. R.M.R./C.T.S. No. E 17025 C.Q.M.S. Stewart, R.L., R.C.O.C./C.T.S.

The two witnesses above are available at Bordon Camp.

Corporal Peden, J.C., C.M.P. -- Perth, Scotland (evidence documentary)

L/Cpl. Wilson, J.W., C.M.P. -- Perth, Scotland (evidence documentary)

P.C. Christie, Perth City Police, (evidence documentary)

The three witnesses immediately above are not at present available at Bordon Camp.

RSH

## SLISIXN AO ASIT

Oralg, C.M.P., Perth, Scotland and corroboration by L/Opi, Wilach, James, W. C.M.P., Perth, Scotland, Also algnature of P.C. Christle, Tenth City Police. .d.R .draweds . 8.H. 9. 0 td eanabtve at benefitnem that to meleonetolieb to Egos beilitaed Exhibit "A"

Ed Tedes sam ed Salfada .H.L , braesE .ers Tol igitoeR Exhibit # C"

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HOLL

STATEMENT MADE BY A.3784 - Pte. EZMARD, Joseph, Hugh, The Royal Canadian Regiment, Attached Canadian Training School, Canadian Army (Overseas).

"I know that as a soldier, I am responsible for all arms, equipment and clothing on my charge, and should be able to produce the same at any time."

"I have tried to fulfil my duties as a soldier to the best of my ability, until recently, I received some rather disturbing news about my demestic affairs at home in Canada. As a result of such news I became indiscreet and took liberty with my privilege leave by over-staying such leave."

"I did not try to evade apprehension by the military polive in any way whatsoever."

"Regarding the loss of my kit, I suppose it is my misfortune to locae it that way, I had been sharing a room with two other men the local state of the part of the building who are employed in the officers' Mess. This part of the building is out of bounds to other ranks and used entirely by the kitchen staff of the Mess. This being the case, I believed my kit being reasonably safe, as it was the practice of the other members of the kitchen staff to Isave thitheir kits behind when proceeding on leave."

Just Hugh Egyand sto. pte.

Havannah Berracks, Bordon, Hants., & Aug. 1941.

. PST.

ExhibitD Subject: - A.F.B. 252 Ref D. A. P. M. 58/41

Officer Commanding. Canadian Training School, Bordon. Hants.

> Herewith A.F.B. 252 in respect of No's. A. 5698 Pte. George.B. A. 3784 Pte. Ezeard.J.H.

of your unit.

Forwarded for your information and action.

Queen's Hotel, Perth. 25.7.41

D. A. P. M. South Highland Area.

Reachot: Taker Over: Fahily t C No. 7. 37874 ..... Rank. 175.... BIL CANACIAN TRAINING SIGHER S. BOOR D. C.F. ... H. ANT. S .... Taken over above at about, ... 183.5 . has on the . 22" . of . JUAY ... 194 To TOB...... 308ER .... 2 Aush

#### CHARGE

CANADIAN TRAINING SCHOOL

Army Form B 252

Battery Squadron Troop or

CHARGE against No. A. 3784

EZEARD, J. H.

Place BORDON Date of Offence 20/6/41

Rank Pte.

OFFENCE W.O.A.S .. Absent from 1200 hrs, 20 June 41 until apprehended by the Military Police in the Dundee Road, Perth, at about

1145 hrs. 23rd July 1941

Total Absent - 32 days 23 hrs, 46 mins.

Cpl. J.Cruig Feden G.W.Police L/Cpl. J.W.Wilson G.W.Police P.C. Christie, Perth City Police

Signature of O.C. Battery, Squadron, Troop or Company

Awarded:

By whom?

Signed C.A.Stewart, Capt. D.A. Bidistant shland

Statement of

in the case of EVIDENCE

No. A.3784 Pte. Ezeard, J.H. Canadian Training School Borden, Hants.

31r:

At Ferth on the 23 July 1941, at about 1145 hrs I was on duty in the Dundee Road, where I saw the a/m soldier. On asking him to produce his pass, he informed me that he did not have one and that he was absent.

I apprehended him and conducted him to the C.M.Police, Billets where I obtained his particulars, later taking him to the Civil Police Station where I handed him over to the Officer 1/c to be detained.

> Signed J.Craig Feder ..... C.M.Police

Perth 24/4/41

#### REMARKS

t have read over and corroborate the above atatement. Signed James W Wilson L/Cpl

C.M. Pelice Perth. 94/7/43

to an a sommer or to the some some some some some some some som	apes,	mins, mess Bayonet, sombbard Sheets, ground	oughes	St. Married W.	cotton G	nes, hair	re, table	sp and lanyard		* oloth	D	s, button	ankle pr	++100	Article Quantity	Deficiencies of kit A.3784
THE TOTAL MAN SERVICE OF THE SERVICE								00	00	0	00	00	001	_,_	*6	Pte.
			22 0	20	10 10	, P ?	01-	0 80	-	- H	70 F	, 50 C	) P	000	p S q	Ezeard, J
ב מסמים מטרומים מטרומים מסמים ביים ביים ביים ביים ביים ביים ביים ב	i ca	001		**								10 H				

Gertified deficiencies of kit from kit inspection held July 29th.

Moul Stewart OSMS

Fishert A

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CANADIAN PROVOST CORPS

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26 JUL 1941

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: ON. JBOH V-SYB4

988(. nab). O &. A. X : TaA

## Record of the Declaration of a Court of Inquiry on the Illegal Absence of a Soldier.

RECORD of the Declaration of a Court of Inquiry assembled at Bordon, Hants, 19 41 , for the purpose of investigating on the 18th day of July and recording the absence, without leave, from his duty, and deficiency, if any, in the Arms, Ammunition, Equipments, Instruments, Regimental Necessaries, or Clothing of No. A.3784, Pte. Ezeard, J.H. (R.C.R.) B.31325, Spr. Ferrin, C. (R.C.E.)

DECLARATION.

The court having heard and received the evidence declare that Pte. Ezeard, J.H. the R.C.R., illegally absented himself from Havannah Ptc. Ezeard, J.H. the H.D.R., illegally absented himself from Havanna Eks, Bordon, Bordon, Hants., at 1200 hrs on the 20th June 41; that he is still so absent, and that on the 21st day of June 1941 that he was and still is defficient kit to the value of £25-8-5, also that B.3132E, Spr. Ferris, C. of the R.C.E. illegally absented himself from Havannah Eks., Bersen, Hants., at 1200 hrs on the 22nd day of June, 1941; that he is still so absent and that on the 23rd day of June 1941, that he was and still is defficient kit to the extent of £20-12-7 extent of £20-12-7

Names of President and Members

Signature of Commanding Office CERTIFIED TRUE CON LOCAL . . Gen. Trng. School. (RC)

wort Munay Signature of Officer having custody of the Original Record.

(W.A.Murray) Lieut.

## CAMADIAN TRAINING SCHOOL PART II ORDERS / 60 d/16 June AL. Page. 4.

## 6. ATTACHMENTS cont'd.

```
B-83876 Cadet (3/Sgt.) CRRISTIE, J.J.
D-91367 Cadet (Sgt.) BORNIE, J.J.
C-11542 Cadet (Sgt.) CHRE, J.L.
```

No. 1 Go	nerel 50	lding Unit	
15476832	Canot	COMS) CHARLENGLE, N. 15.	13,00,00,0
		CHAS) JARDINE, 1.8.	(1110 mills 0 .)
		Set.) WRIGHT, J.T.	(H, U, n, M, U, )
		SEt. 1 COVERD WATE	(R,C,L,M,C,)

```
No. 1 Engrs. Holding Unit
E-5c13 Crdet (1/Cpl.) RESD, T.P.
C-23741 Cedet (Set.) CH. HESDNILLU, M.E.
```

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(d) The following Officers are attached to this Unit for a/P white attending CHI Gourse P 744, Der. 4. (2 Tech. Ming)D.E.M. School. W. of. 16 June 41.

Major J.E. LANG
Major T.P. E.SZARB
Major T.P. E.SZARB
Major T.P. MAST
Major F.P. MAST
Major A.L. MCHIMINS
Capt. J.B. FEFALL
Capt. J.B. FEFALL
Capt. J.B. FEFALL
Capt. J.B. DCNALD
Capt. H. P.LESS
Capt. H. P.LESS
Capt. J. B. DCNALD
Capt. J. B. MINGER
Capt. J. M. MINGER
CAPT. J.
```

[0] K-15005 Codet (Bdr) HAVESHAW, R.C.G. (M.C.A.) Admitted to Royal Victoria Hospital, Bunts, w.e.f. 11 June 41.

(b) 1-2254 6/Sgt, CAMPBELL , T.H. (G.S.M./3 CHS.) Admitted to Al Neurological Rosp, W.e.f. 15 June Q.

e) B-36555 Cadet IPER WOODCOXE, F.J.L. (B.F.1.1./1 CINU.)

TE.C. Peckhani Capt., Fee E. F. A. A. A. A. C. Garanting Respect.

POH.

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CANADIAN TRAINING SCHOOL PART II ORDERS 60 d/16 June 41. Page 3.
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6. ACTUALISMENTS cont'd.

(a)

No. 1 Can. Army Service Corps Hold. Un't.
F-27807 Cols Martin, B.s. (R.C.A.S.C.)
U-1596 Cpl. DANTELS, J. (R.C.A.S.C.)

No. 1 Can. Bigs. Hold. Unit.
E-8834 A/Cpl. BarROWAN, S.E. (R.C.A.S.C.)
E-8835 Cpl. YOLIOK, H. (Beth H. of C.)

Ro. 1 Can. Gen. Hold. Unit.
E-9377 Sgt. CONERY, F.R. (R.C.A.M.C.)
B-74173 L/Cpl. Ham, S.F. (R.C.A.M.C.)
(b) The following Officers cease to the tital Unit for a/p on completion of CBE2 Course 744, Ser. 2, (22 Tech. Wing)
D.S. School, w.s.f. 12 Yang Sl.
Enjor R. M. BarROWAN (R.C.A.M.C.)

Major R. BELANGER (R.C.R.)
Major R. BELANGER (R.C.R.)
Major G. C. CLARKE (R.C.R.)
Major A.E. YORTEY (W.S.R.)
Major A.E. YORTEY (W.S.R.)
Major A.E. YORTEY (W.S.R.)
Major A.E. YORTEY (R.M. R.M. R.G.)
Major B.E. XING (A.M. R.G.)
Major A.D. WATERSON (A.M. A.M. R.G.)
Major A.D. WATERSON (A.M. R.G.)
Major B.E. XING (A.M. R.G.
```

(c) The following coase to be attached to this Unit for a/p from Units shown on proceeding to 201 R.a.s.C., 0.0.7.U, w.s.f. 14 June 41, (Auth: War Office letter 100/Conde/8480 (A.G.I. E.) d/9 May 41. CMMQ letters 2/007U/4(Mm) d/12 and 19 May 41.)

```
Ro. 1 army Service Corps Eolding Unit.
T-7817 Caset (A/RDM) ROWTON, 3.5.
A-9457 Caset (S/Sgt.) G.RTER, M.C. (R.C.A.S.C.)
B-85809 Caset (Sgt.) COOPES, M.J. (R.C.A.S.C.)
C-1714 Caset (CSM) JAMES, A.T. (R.C.A.S.C.)
B-82051 Caset (Sgt.) Management, D.A. (R.C.A.S.C.)
B-82051 Caset (Sgt.) FITCHETT, LA. (R.C.A.S.C.)
A-9145 Caset (Sgt.) FITCHETT, LA. (R.C.A.S.C.)
L-7607 Caset (L/Cpl.) GIVERLOO, S.A. (R.C.A.S.C.)
L-7618 Caset (Sgt.) BATES, R.E. (R.C.A.S.C.)
L-7618 Caset (Sgt.) SMITTLEY, V.M. (R.C.A.S.C.)
B-21161 Caset (Sgt.) SMITTLEY, V.M. (R.C.A.S.C.)
B-21161 Caset (Sgt.) INRES, A.M. (R.C.A.S.C.)
B-23782 Caset (A/Sgt.) INRES, A.M. (R.C.A.S.C.)
Cooptid. Page
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## CANADIAN TRAINING SCHOOL PART II ORDERS # 60 d/16 June 41, Page: 2.

- 3. LEAVE cont'd.

  (e) A-3784 Pte. EZEARD, J.H. (R.C.R.)

  Granted PRIVILEGE LEAVE from 1200 hrs. 13 June 41. to 1200 hrs.

  20 June 41. with free warrant.
  - f) B-51325 Spr. PERRIN, C. (R.C.E./1 Engrs. E.U.)
    Granted PRIVILEGE LEAVE from 1200 hrs. 13 June 41. to 1200 hrs.
    22 June 41. with free warrant.
  - g) E-4784 Ptc. WAGAR, R.L. (H.& P.E.) Granted PRIVILEGE LEAVE from 1200 hrs. 16 June 41, to 1200 hrs. 23 June 41, with free warrant.
  - (h) B-37275 Ptc. OLIVER, R.D. (R.H.L.I./1 CIHU) Granted PRIVILEGE LEAVE from 0800 hrs 16 June 41, to 0800 hrs. 23 June 41, with free warrant.
- 4. CHANGE-OF-ADDRESS/HEXT-OF-KIN
  (A) G-17191 Ptc. BENT, L.T.
  (C.a Y./2 CIRU.)

  Next-of-Kin: Mrs. Edna Bent (Wife)

  Former Address: 96 St. James St., (City) St. John, W.B., Canada.

  Present Address: 224 Charliotte St., (City) St. John, N.B., Canada.
- 5. PROMOTIONS
  (a) P-40325 Pte. O'BRIAN, I.A. (W.N.S.R.)
  Appointed L/Gorporal with pay w.o.f. 13 June 41.

#### IR Section (Students)

6. ATTACHMENTS
(a) The following cease to be attached to this Unit from Units shown, for a/p on completion of CMRQ Course #743, Ber.1,(#2 Wing) Anti-Gas Echool, w.w.f. 14 June 41.
No. 1 Cdn. Art. Hold. Unit D-106900 L/Edr. CLBESON, A.S. (R.C.A.)
C-897 L/Edr. MULHALL, J.T. (R.C.A.)
A-28383 L/Edr. HENALLICK, A.J. (R.C.A.)
U-1720 L/Edr. CARR, L.A. (R.C.A.)
C-911 L/Edr. McCORMICK, W.R. (R.C.A.) Mo. 2 Cdm, Art. Hold. Unit. D-11686 L/Sgt. OSSIMOTON, E.F. G-43002 L/Bdr. LeBLANC, L.J. F-82138 L/Bdr. BENNETT, H.B. G-15081 Bdr. BOOKER, L.K. D-10030 L/Bdr. TRICKEY, W.A. (R.C.A.) (R.C.A.) (R.C.A.) (R.C.A.) No. 1 Cdn. Inf. Hold. Unit B-38287 Sgt. MODEN, J.C. B-67834 L/Cpl. WRIGHT, H.Z. C-40514 L/Cpl. GRAHAM, E.J. A-22677 Cpl. WOLD, C.C. (R. Regt. of C.) (H.& P.E.) (Essex Edots,) Me. 3 Can. Inf. Hold, Unit "D11113 Egt. FORMER, G.C. E-52305 Cpl. HORRS, W. E-52536 Cpl. FREYTY, O.W.D. (Calg. Highrs.) (S.H. of G.) (S.H. of C.) No. 1 Can. M.O. Held. Unit. B-79871 L/Cpl. M. GGHALL. O.E. L-2202 L/Cpl. GOODWELLOW, G.M. (Tor. Scots.) (Sask. L.I.) (R.M.R.) D-77276 L/Cpl. BASS, J.H. No. 1 Cdn. Engrs. Hold. Unit H-25059 Cpi. HURTER, W.J. c-5730 Cpi. SYMONDS, J. F-91032 L/Cpl. EIREY, J.M.

Contid, Page 3.

This Order No. 60

## 'A' Section (School Staff)

AFTACHMENTS

 (a) The following personnel are attached to this Unit for a/p from Units shown w.e.f. 16 June 41.

Ro.1 Cân, Inf. Eold. Unit C-5479 Pte. VANCE, N.A. (R.& P.E.) R-4191 Pto. MISS, A. (R.C.R.) R-38157 Pto. BAYCROFF, R.E. (B.E.L.I.) R-72998 Pta. ELLIS, V.T. R-66645 Pte. FORSHA, N. (R. Regt. of C.)

(b) D-98662 Spr. BOULAY, A. (R.C.E.)
C-2463 Spr. BLAIS, J. (R.C.E.)
Attached to this Unit for a/p from all Engrs. Hold Unit w.e.f.,
15 June 41.

(a) Lieut, H.G. MUMBO, (P.P.C.L.I.) Attached to this Unit for a/p from #3 C.I.H.U. w.e.f. 14 June 41.

(d) 992791 Car. KITCHING, W.T. (R.A.) Gensed to be attached to this Unit for a/p w.e.f. 13 June 41.

(a) The u/m Batman coase to be attached to this Unit (/2 Wing) for a/p on roturn to their respective Units w.e.f. 14 June 41.

a.5157 Ptc. FLIMP, T.H. (R.C.M.)
D.76501 Ptc. HRODEUR, R.B. (B.Sask, R.)
B.6254 Chr. CROMB, W. (lith Fd. R.C.A.)
L.6102 Chr. McARTHUR, M.M. (2nd Cân, A/Tk, Regt, R.C.A.)

(b) A-3858A/Sgt. GUILER, H.A. (R.C.R.) Discharged from Odn. Madredl Centre w.e.f. 14 June 41,

(cl L-7258 Pts. MDERNSON, K.A. (R.C.ALS.C.) Discharged from 15 Gen. Hosp. w.e.f. 13 June 41.

5. LEAVE (a) Hel3063 Cpl. MORFEITH, W.L. (P.P.681.1./3 CIBU)
Oranted PRIVILEGE LEAVE from 1200hrs. 16 June 41, to 1200 hrs.
25 June 41, with free warrant.

(b) B-73975 S.Q.M.S. DAVIS; J.M. (48th H. of C.) Granted PRIVILEDE LEAVE from 1200 hrs. 16 June 41, to 1200 hrs. 30 June 41, with free wairant.

(c) S-17280 Pts. DeROMARTTE, E.R. (P.P.C.L.I.)
Granted PRIVILEON LEAVE from 0900 hrs. 16 June 41, to 0800 hrs.
25 June 41, with free serrant.

(d) B-10064 Bdr. WIRLSN, T. (d.C.A.)
Granted TRIVILLED LEAVE from 1200 hrs. 13 June 41, to 1200 hrs.
20 June 41, with free worrent.

25 July 41.

#### 'A' Section (Officers)

## 1. School Staff

- 1. STRENOTH INCREASE
  (a) Capt. G.W. RILEY, (R.C.A.S.C.)
  T.O.S. this Unit on reposting from 1 Div. Petrol Coy., R.C.A.S.C.
  w.e.f. 15 Oct. 40. (Auth: CMHQ letter Can/O2E/U/50 d/22 July 41.
  - (b) AMENDMENT Para, 2 (a), D.O. #1 d/26 Dec. 40. Insofar as it relates to "Capt. G. RILEY (R.C.A.S.C.)" is hereby cancelled.
- 2. LEAVE (Calg. (Tank) Regt.)
  Lieut. W.A. MURRAY (V.R.C.)
  Granted PRIVILEGE LEAVE from Rev. 21 July 41. to Rev. 28 July 41.
  with free warrant. Address: H.M.S. Wasp (R.N.)

#### 2. Under Instruction

#### ---NIL---

#### 'B' Section (Other Ranks)

#### 1. School Staff

- PREMOTH DECREASE

  (a) A-3784 Pte. EZEARD, J.H. (R.C.R.)

  Declared by Court of Inquiry A.W.L. from 1200 hrs. 20 June 41. is

  S.O.S. asa deserter w.e.f. 18 July 41. Found his kit deficient to
  the extent of £25-8-5. (F.R.&I 158 (2). Forfeits 28 days pay F.R.& I.

  149 (1) (a), (R.O. 262)
  - 4. ATTACHMENTS

    (a) C-5398 Spr. PERRY, O.

    (A.C.E./1 Engrs. H.U.)

    Attached to this Unit for a/p from #1 Engrs. Hold. Unit. w.e.f.

    19 July 41. (Auth: CSU/6-O-Tran-1 Inf.)
    - (R.C.E./1 Engrs. H.U.)
      Attached to this Unit for a/p from #1 Engrs. Hold. Unit w.e.f.
      25 July 41.
    - (c) B-31325 Spr. PERRIN, C. (R.C.E./1 Engrs. H.U.)
      Declared by Court of Inquiry A.W.L. from 1200 hrs. 22 June 41.
      ceases to be attached to this Unit for a/p from #1 Engrs. Hold. Unit
      having been declared a deserter w.e.f. 18 July 41. Found deficient
      in his kit to the extent of 220-12-7 (F.R.& I. 158 (2). Forfeits
      26 days F.R.& I. 149 (1) (a), (R.O. 262)
  - a) G-42563 L/Opl. WALLS, G.P. (R.C.A.S.C.) Granted PRIVILEGE LEAVE from O800 hrs. 24 July 41, to 0800 hrs. 2 Aug. 41, with free warrant.

#### 2. Under Instruction

- 6. ATTACHMENTS

  (a) The following Other Ranks are attached to this Unit for a/p from units shown while attending CMHQ Course #812 (#3 Wpns. Ding) Snipers' Course w.c.f. 25 July 41.

  (C-4713 Sgt. NUTLEY, C.F.R. (H.& P.E/1 CIHU.)

  (D-61177 Sgt. MEILLEUR, R.N. (F.M.R./2 CIHU.)

  (B-73192 Ftc. RADCLIFF, J.A. (48th H.of C.)

  (K-52047 Cpl. TUFTS, E.S. (Seef. Highrs./3 CIHU.)
  - 7. STRENOTH RETURN as of Fri. 25 July 41., attached as an appendix.

I hereby admit receipt of a true copy of the Summary of Evidence in the charge against me, taken before Lieut W.A.Murray on the 29 July 1941

Dated at Berden Camp,

Hants., 1 Aug. 1941.

J. H. Ezeard) Pto.

RATA

Havannah Barracks Berden, Hants., 1 Aug. 1941

I, A.3784, Pte. Ezeard, J.H. Reyal Canadian Regiment, attached to the Canadian Training School, do not wish to have an officer assigned by the convening efficer to represent me at my trial by Court-Martial.

J. H. Kound P.

Stability of convictions and dispensations with trial is a true extract from the regimental books in my custody.	the charge of year, Telah	r calculation of the control of the		
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Statement as to Character and Particulars of Service of Accused.

A.3784 Pte. EZEARD, J. R. of the Royal Canadian Regiment, Attached to the Canadian Training School

1. The following is a fair and true summary of the entries in the contact history of the entries in the contact history and the entries of the contact history are considered to be provided to be provided to be provided to be summary awards under Section 47 of the Army Act, and of cases in which is another to be contacted to the provided to the provided to the contact to the cases of the provided.

	*Within las 12 months		at.
For Absence without	t leave l	times 2	time
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Number of instances of gallantry or distinguished conduct,

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2. The accused has not been previously convicted,

property and the second of the contract of the contract of the second of the contract of the c

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3. The accused is not under sentence at the present time, The accused at the present time is under sentence for beginning on the 4. The accused has been in confinement, awaiting trial on the present charges days in Civil Custody. days in Military Custody 14 Total 14. days. days were spent in hospital. Of which #0 5. The present age of the accused according to his attestation paper 6. The date of his commission specified in his attestation paper is 4th Seren 1940 7. The service which the accused is allowed to mekan tracerds the wrone or transfer to the reserve is 8. The accused is entitled to deferred pay or gratuity in respect of years' service. 9. The accused is entitled to recken. years, service for the purpose of determining his pension &c. 10. The accused is in possession of, or entitled to, no military decoration or rollitary reward for is in possession of or entitled to 11. (If the accused is a wattatal affact). The accused before he was readwarrant officer last held the regimental rank of 12. (In the case of an officer.) The accused holds in the array the rank of , and in his regiment des corresor department) the rank of 13. The accused has served as a non-commissioned office contractaly sthout reduction, to the present date. YEATA-In the rank of VERIE ... In the rank of in the rank of (Protuction - If any matter in any of the above paragraphs cannot be stated from the regemental books

the paragraph must be struck through;

The above statement (with the schedule of convictions and of cases in which trial has been dispensed with) is read, marked.

president, and annexed to the proceedings.

	Punishment remitted.						
Commenced the Court	or Authority disposing of the charge, or Crary of the Dispersing Authority.						
The second secon	Charges upon which convicted, or in respect of which Irial						
	Date and place of Trial, or nonmary award, or of Ceder dispensing with Trial.						
	Description of Loud by which prior of Loud of Louds of Office description of Colors description of Colors	No. of the last of					

Piace	Date of offence	Rank	Cases of described	DITTINCE	Names of Witnesses	Puntstanens exerded	Dank of meand or of triber dispen- sing with trial	By whom swarded	Remarks
			-	Previous sheet destroyed 4/9/40	R.R.	Meredith Lt.			
Bordon	4/11/	40 Pt		AWL from 0830 hrs 4/11/40 until 1600 hrs 4/11/40. A.A.Sec.15 (1)		Admonished	5/11/40		Perf.1
	1							REPORTED AND	

Ote Ageard g. H. (See also 9 P)

O. H. M. S.

Form for Assembly and Proceedings of Field General Court Martial on Active Service.

## PROCEEDINGS.

On Active Service, this thirty-first August

Whereas it appears to me, the undersigned, an officer in Command of "F" Group, Canadian Reinforcement Units, Canadian Army Overseas , on active service, that the persons named in the annexed Schedule, being subject to Military

And whereas I am of opinion that it is not practicable that such offences should be tried by an ordinary General Court

I hereby convene a Field General Court Martial to try the said persons, and to consist of the Officers hereunder named.

\* Omit if not applicable.

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MINNIKAN ETKERN EN MARRITANIGHE. 

\* EXXIDENTIFICATION NAMES AND ASSOCIATION OF THE PARTY OF

THE NAME OF STREET STREET

President.

Name.

Regiment

MAJOR

Rank

F.J.GILHOUR, R.C.A., H.Q., C.B.U.

Regiment.

CAPTAIN

H. H. DARLING,

1,0.B.O.W.

LIEUTENANT

WATTYNG! RERBER

1.C.O.R.U.

LIEUTENANT

Skank

G.C.CHOWN,

1,C.O.R.U. Brigadier,

ARCHAMBAULT) Communing 'F' Group, Cdn. Reinf. Units, Convening Officer.

#### SCHEDULE.

Number, Rank (a), Name and Unit of Accused (b)	Offence charged	*Piea	Finding, and if Convicted, Sentence (c)	How dealt with by Confirming Officer (4)
3784, PTE. EZEARD, Oseph Hugh. (R.C.R.) C.T.S.	FIRST CHARGE, Bec. 40 Army Act.	gully gully	not guilty.	
	(See charge sheet attached)			

Question to be asked of accessed, if he pleads not guilty (R. of P. 39 (A) ):—
 Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure helore trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient apportunity for preparing your detence?

Signed (S.F. ARCHANDAULT)

Brigadier, (Signed

Commanding \*F\* Group, C.B.W.

Hicknow Mayer

(a) Appointment acting rank or acting appointment, if any, to be stated in brackets after the substantive rank.

(b) Unless unavoidable not more than three names are to be entered on one form, and in serious cases one only.

(c) Recommendation to mercy, if any, to be inserted in this column.

(d) It is not necessary that the Confirming Officer should sign his name in this column. Initials are sufficient.
(e) Must be signed by the same Officer who signs on the first page, and all alterations in the first two columns of the Schedule to be initialled by him.

I certify that the above Court assembled on the day of Sentaber 1442 and duly tried the persons named in Ceruficate of the Schedule, and that the plea, finding, and sentence in the case proceedings of each such person were as stated in the third and fourth columns of that Schedule. I also certify that :--1. The members of the Court The witnesses \* Omit if not applicable. \*(3-The interpreter) \*(4. The officers under instruction) were duly sworn. I certify that the terms of \*A.C.I. 570 of 1918 have been (3) on page 762 complied with. Signed this day of President of the Court Martial. I he at talk with the findings and sentences in the manner stated in he last column of the Schedule, and, subject to what continuous I have there stated, I hereby confirm the above findings and \*(I direct that the soldier named in the margin be not committed to prison until further orders.) day of 19 Signed this Confirming Officer. (Signed).

Promulgated and extracts taken in the case of

(Dated) (Signed)

Promulgated and extracts taken in the case of

(Dated) (Signed)

Promulgated and extracts taken in the case of

(Dated) (Signed)

(Dated) (Signed)

(a) When several cases are promulgated in one unit on the same day the Officer need only sign once.

11236 W. #112-#2 HER THE P. S. G. SEL

SHEET CHARGE The accused, No. A.3784 - Pte. EZEARD, Joseph Hugh, Royal Canadian Regiment, posted to the Canadian Training School, a soldier of the Canadian Army Overseas is charged with, when on active service Conduct to the prejudice of good order Army Act and military discipline Sec. 40. in that he at approximately 0900 hours on 16 August 1942, improperly and without proper authority drove W. D. vehicle No. C.M. 4202142 between Frith End, Hampshire, and Farnham, Surrey, and became involved in an accident occasioning damage to said vehicle causing loss or damage to the Canadian Government to the extent of fifty pounds (£50-0-0). Havannah Barracks, Commandant, Bordon, Hants. Canadian Training School. 29 August, 1942. To be tried by Field General Court Martial, faut and Brigadier, (J.P. ARCHAMBAULT) Commanding "F" Group, Canadian Reinforcement Units, Convening Officer. Bordon, Hants, 31 Aug 42.

"A" . Hilmour pages 2 Sep. 42.

MEDICAL OFFICER'S CERTIFIC CTE

I hereby certify that I have today examined No. A.3784, Phe. Ezesrd, J.H. and found him medically fit to undergo

(Geo. S. Long) Capt., A.f. ....

In the field on the 2 nd day of Sept 1942 Thismorn Myir Pres of # a. 3184 Pte Joseph Hugh Geard The order convening the Court, charge & Summery of widewie + Milbert Certificate are laid The bourt satisfy themselves as provided by Rs P. 22 + 23 as modified by RP. 106 The accured is brought before the Court Prosecutor Capt. P. E. Dowler Calg R(1) of C.T. 1. Defeading Officed: Lo R. Schwob R. M. R. (M. 4) 41. C. T. S at 14 25 his the way commences The order convening the Court is read, segmed by frenders + attached to the proceedings. R.P. 25 is complied with the accuract having no objection to the composition of the court the President & members and member under instruction are duly sworm the following constitute the Court President Major 1. J. German R.C.A. Members Capt H. V. H. Larling 1. CBO.W 1. C.BO.W Lr. J. M. Gufford The accused is duly arraiged + pleads R. P. 39(a) is complied with. The

Mumour Major Pres. The accused is arraigned at 12440 hours and pleads not quilty.

R. P. 39 (A) is complied with Mosculing. The prosecution does not desire to to call witherson the Provention. all. ZI.C.OR. U duy swow states: - On sunday the 16 " day of angust 42 about 0900 hours an automobile actident accurred in the highway to day toward Farnbrough Parken. I has Know the District at about 0850 his was driving a station, wagon I at Borden Corporal Punnell was week me & works was also pecked up. also a 3rd 6 da soldier whom I do not know. When the can slipped they were two in it that is the accounted who was driving and prote forgues siting with the account in the drivers sent he proceeded farton toward Talulan at about 35 a down grade an English Bot. the Station wayon driven by accured + the army Lory were on the left had sid of the wood proceeding in the same direction.

The imour Majorpes The accused when short 40 yes behing the bury son dea his how 10 witness and then steering the turner out cal'd, to the right have since of the road Whatever. The orghish long without making any signal regnot brode a leading Horas Che water and the way to side. I heard for annersation between the occured of the solding week him i de pur whom I later le arris were book to tale of catch that is to the fact that a catch the fact that a fact the fact that the fact the fact that the fact that the fact that the fact that the Farnham & calch the trans Cros examination: The visibility a head at the place where the of acader happener, wor good the tood coming in from the right tory to which the rest aday want if Before passing the logist Long the accused was sounding his had clearly several ting! he ned been to de aver about 20 Minutes before the account picked as up I might Theme been a letter late them the left to a ride. The driver was on the right 0850 Lours. I was in the middle se of the

was Williams for 7. Culmour Magnes. 1'w seenton cati. the accused is show aldershot Command area map ordnance survey of your Britan; one will to one unte and gives the location of the place where the acade of happened as map ref. about Gross examined. The hip authorized from Borden & Ber Cly was a legitimal thip. The accused left Borden gate it 0'840 hours. Up the behet had 0900 hous on it yust didn't thinked the hain coming into Bently at 0900 hours I must have pur 960 his on the work licket. When I went to the going out the gate on slay of his the Jehool & it was 0840 hours. A. yes I believe to has implies with a Nop the school clock her known But Witness for pycles to C.T.S. duly swom states. ON sun. 16 fang of the of 1875 his I want went wit che mouser, to the Aghere of an accident where we for a our sty Wayor CM . 4202142

I History Mappes. contd. I was in hospital foundays as a result of the decident of I don't know what dange was do R. P. 83 (6) con plied but Prosenting R.C.A.S.C. poster L. (T. S. d. luly soon states: Jam in charge of ptiol divers at the Can. Stanny thool. witness identifies a work belief some by him to the accused in orked I delades the accuracy to placed in the wagen to Ber they from Borden to take another solder Private forgues to Bentley slatin. at 0944 a 1060 hours I had be was notified there had been an occade a. When I gave the accused insto 6 20 % Beally I well her verbally of go & Bentley Station of to Bently Status and East docker a the transport officer + I proceeded to the seeing of the adjident which was at yearching of the Rowledge wood with the Bordai- Jumbon lood be found CTS Status Wagows 4202 142 had been in an accide CM with an my Bedfre Long The light lity Linder & hood of the Status Wagen were tour + bent. The la de aty was both + the generaln duninged. The fam hos broke of the windsheld was cracked and the stelling wheel bent.

7 Cumour Magnes. had Williams for T'in seculor contil. The accused is shown aldershot of your Brilan; one well to one mile and gives the location of the place where the acade of happened as map ref. about 253 6 52. 61000 examined. The hip auchorged from Borden to Bestly was a legitimal thip. The accused left Border gate of 0840 hours. Yes the behet had 0900 look at my watch & thenking about the ham coming into Bently at 0400 hours I must have put 960 his on the work licket. When I want to the John pu by just as accused wing of his the school & it was 0840 hours. a. Nos the school clock here known the way A. Les I believe it has implies wit. Presenting bapt & M. Lochead . N. L. J. C. popular to C.T.S. Chely swom states. ON sun. 16 of ang at 0915 his I was called in the phone of as a want wan wit che mouser to the Achone of an accident where we found our sty Wagow CM . 4202142

7. Gilmour Mayon. which had been involved in an acade, with an inglish 30 cur Bedford Jony The accident was and map ref. 1252632 on the aldershot climan a street of the world leading of to Rowledge he son bay and Tuenhan will its nose at heave in the comer of the Long was parked worming close to it: I referred the photo call of about 0913 hours but I am not sure of the exact line. The place of the acce is not a the word from Borden & I sently you time of the look for Portly before your Est. 6 this part when the accident occurred, 6 loss examinating: a. as transport officer what ween would you take if any of your dewers on his den inteative proceeded behand the semits withoused by his work beket provided he had a as If a driver were proceeding to a particular place + through no fact of his own was delained to that he could not wach that foir, in time to make han connecting I would think he would be justified to proceeding to some other nearly States where the han could be caught provided it was within leargrable declare, our driving is mostly individual tups of over

The prosection is done R. P. 83 (6) an plead work defendet. The lit was find (15 thouse to reliable dum quite the show of the way the second of the second it would be nousing pus. cottis. In ruch a con whom if or own in

R.P. 40 complied with 12 Withers for accurred with A 3 784 Pts.

Deferce. Egrand of H. duly sword

States. When I stopped at Borden

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10 to nine + 5 mins to nine + 5 Kney I could not in the the train at Ber thy status in time ; 5 ophers. 5 6 5 /2 mles the train was due entre at 2 mgs to I a two number after . Hot is There was a discussion between Pt. body proceed to faint a the a deferring in the mile of could be spaythey and when I came Borden Farther Rose of wolling an org. Long whe d, of me - When when afor is 40 to 30 yes bely a the long I started blowing my hom to out t pars to took a thoughten to the light in which he game wo hard signal which resulted in me bother his long a the right had been to the former to the first the fair time I have to the first the fair time I have to the fair time of tim

7 Cilmon mappes 13: 0 ... Submission by Defente. according a sever enclose of 16. Harmer I seemed the station wagon was at Bordon fine Half at agare 0850 or 0.855 hor. Train got to beitly at approx organis. Some it was not be at people with It ten commetes later. Goad to Bertly menower or with more Ourse o than road & numbar. Good to thenlaw only about I'm miles father Cant torness sataled that soonided then was a lightmake reason for proceeding beyond the duthorized limits in the count had been committed or words to that effect be futher stated in answer to the quation was the accused reliable The secreted could have no purpose other than getting his passenger onto the Train, for proceeding & hernhands he or his return to cany, was to proceed on proof to lostemanth. , The sound has stated on outh steel he was not researable for the accident and no evidence has been builted & from anything & the contrary The coursed had been told to take The passenger Jaeque of to the lasin. He or later Germonison states, 0840 his to by the school clock which is frequetly slow therefore the accuracy insufficient time to go to hearthy.

7 Gilmour paya Pear . 14. Sutmission by prosecution The evidence as presented to the asurt clearly whows that the accused was not covered by the was warned by the dis: morrison that Bently was the a the two to which he was to proceed and no The only evidine that I down ath to submit showing the amount of damage done in the webself made by bapt Burnett signed a talement made by bapt Burnett Ofe #63 LAD and is heworth pursula I Chawle east 1 of Chil not seedled-noauthorly to accept in the written start of Copy

TRANSPORT WORK TICKET. No. M. 23 Army Form G 3518 Station Magon W.D. No. H2021H2 Dall 16 1948 Make of Vehicle Ford Class Section M.T. Driver's Name pto Excest. Hour of Parade 0 800 Unit & .7.5. Signature of person TIME TAKEN FULL Details of load and service For whom journey is performed. From (5) Bordon Bently Denet of money 900 Direct chomos (14) Deduct Remains on completion Mileage

## SUMMARY OF EVIDENCE

IN THE case of A.3784 - Pte. Ezeard, Joseph Hugh, Royal Canadian Regiment, posted to the Canadian Training School, a soldier of the Canadian Army Overseas, taken before Capt. E. C. Peckham at Havennah Barracks, Bordon, Hants.

28th and 29th August, 1942.

Summary of Evidence taken on Oath by Order of the Commandant.

K.14042 - Pte. Farmer, J., R.C.O.C./1 C.O.R.U., having been dury sworn

" on 16 Aug. 42, about 0850 hrs. I was waiting on the Fire Hall corner at Bordon with two other chaps when Pte. Ezeard came along in a station wagon a picked us up. Going down the road I heard Pte. a station wagon a picked us up. Heart Pte. Ezeard and a chap in front in a discussion and Pte. Ezeard stated it Ezeard and a chap in front in a discussion and Pte. was too late to get the train at Bentley but we would be able to make the train at Farnham. We proceeded slong the road and at an inter-section were involved in an accident."

Question by accused: "Did you hear me ask the other chap if we should go on to Bentley or continue to Farnham as it was too late for the train at Bentley?"

Answer: "Yes there was a discussion on that question."

The accused declines to question the witness further.

1. 7 grmer

4 1 m 3

L.7258 - Cpl. Morrison, K. A., R.C.A.S.C. posted to the C.T.S., having

" On 16 August, 1942, at about 0840 hours I issued a work ticket to Pte. Ezewird to proceed to Bentley. I instructed him to go to Bentley beating only, saying: "This is for Bentley Station and Bentley Station only, saying: "This is for Bentley Station and Bentley Station only," or words to that effect. About 0950 hours as a result of tion only. " or words to that effect. About 0950 hours as a result of a report received I proceeded to the junction of the Bordon-Farnham a report received I proceeded to the junction of the Bordon-Farnham and Rowledge roads, with Capt. Lochead. There I saw C.T.B. Station and Rowledge roads, with Capt. Lochead. There is saw C.T.B. Station of an accident."

Question by accused: " Did I reply when you said to Bentley Station

Answer: "I said to Bentley Station only and get back as soon as possible and you said, 'If not sooner,'" only?"

A work ticket (Army Form G3518) was produced and identified by Gpl. Morrison as the ticket issued for the journey to Bentley and was marked "Exhibit A."

An "Aldershot Command" sheet was produced and Opl. Morrison identified point 252632 as the location of the accident.

Accused declines to question the witness further.

### 3rd Witness.

Capt. J. M. Lochead, H. L. I. of C., posted to the C.T.S., having been duly sworn, states:

" I am Transport Officer of the Canadian Training School. On 16 Aug. 42, as a result of a report received I proceeded to the junction of the Farnham-Bordon and Rowledge Roads. There I found C.T.S. Station Wagon C.M.4202142, which had been involved in an accident with an English lorry. Pte. Ezeard was not at the accident at that time as he had been taken to C.M.C. The point of the accident is about three miles beyond the shortest direct route to Bentley."

An "Aldershot Command" sheet was produced and Capt. Lochead identified point 252632 as the location of the accident.

Accused declines to question the witness.

13. M. Lochead) Capt

#### 4th Witness.

Capt. A. R. Burnett, Officer Commanding #63 L.A.D., R.C.O.C.

A written statement of this witness's evidence purporting to be signed by him has been read to the accused and is included in this summary of evidence. Having regard to the exigencies of the service the attendance of this witness cannot in my opinion be readily procured.

(E. C. Peckham) Capt.

The accused does not demand the attendance of this witness for cross examination.

The accused, having been cautioned as follows: "Do you wish to make any statement or to give evidence on Oath? You are not obliged to say anything or give evidence, unless you wish to do so; but whatever you say or any evidence you give will be taken down in writing and may be given in evidence." declines to make a statement.

I certify that the foregoing summary of evidence consisting of two pages and the attached statement of Capt. Burnett, with the exception of that statement, was taken down by me in the presence and hearing of the accused, and that Rules of Procedure 4 (C), (D), (E), (F) and (G) have been complied with.

6. (Perkham) Capt.

Bordon, Hants, 29 August, 1942. Statement of: Capt. A.R. Burnett, Officer Commanding, #63 L.A.D., R.C.C.C.

I inspected on 18/8/42 Vehicle No. CM-4202142, Ford, Station Wagon and found the following damages:-

1. Frame Bent,

2. Windshild Broken.

3. Radiator Grill Broken.

4. Radiator Smashed, 5. Fan Assembly Broken 6. Left Fender torn,

7. Hood bent. 8. Battery N/S

9. Steering Wheel bent.

also I found the front has been pushed in and Engine pushed back on frame with the front support smashed.

To the best of my ability I estimate the cost of the repairs will be £50/0/0

al. R. Burnett Cast

COUNTER	NUMBER_	56	82	
HOUR		81	20	
OPERATOR	RIS INT	TIALS	<u>Ca</u>	E.
RELIEVI	G OPER	ATOR		

## Affidabit

PROVINCE OF ONTARIO 3, COUNTY OF CARLETON of # Corl

RLETON of the City of Ottawa, in the County of Carleton, an employee of the Department of National Defence, make oath and say:

- THAT I am presently employed as a camera operator making microphotographic copies of Departmental documents for the purpose of providing a permanent record of same.
- THAT on the date indicated therein I did make microphotographic copies of files listed in Appendix "A" hereto and of all documents contained thereon.
- THAT the said microphotographic copies may be identified from the indexing data and the job and reel numbers contained in Appendix "A".

SWORN	before me at	the
	Ottawa, in	
	ot Carleton,	
da		
A.D. 19		

A WOTARY FUBLIC

CAMERA CHERATOR

19 52

## APPENDIX "A" TO THE AFFIDAVIT

## CAMERA OPERATOR'S REPORT

			108 NO. 1/2 NEEL NO. 10-7
			воож но 3-5
PRODUCTION DATA			A2+19+26 INCENDED DATA
	SATE	HOUR	score with ETANTT Late,
STARTED			
FINISHED			
TOTAL NO OF HOURS		-1	ENDS WITH ECHAND J.D.
POTAL NO OF IMAGES		- 510	ENDS MITH

# END

FIRST -

SIDE

